

CONGRESSIONAL RECORD:

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63

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CONGRESSIONAL RECORD,

FORTY-SIXTH CONGRESS, SECOND SESSION.

I will not pursue the argument of the Supreme Court any further in that immediate connection, because I think that part of the subject is sufficiently elucidated. Without reading the connecting part of the opinion, which would make it very much more clear, I will content myself with reading from page 224 of 15 Curtis, as follows:

Whenever the United States shall have fully executed these trusts, the municipal sovereignty of the new States will be complete, throughout their respective borders, and they and the original States will be upon an equal footing, in all respects whatever. We therefore think the United States hold the public lands within the new States by force of the deeds of cession, and the statutes connected with them, and not by any municipal sovereignty which it may be supposed they possess, or have reserved by compact with the new States, for that particular purpose. The provision of the Constitution above referred to, shows that no such power can be exercised by the United States within a State. Such a power is not only repugnant to the Constitution, but it is inconsistent with the spirit and intention of the deeds of cession. The argument, so much relied on by the counsel for the plaintiffs, that the agreement of the people inhabiting the new States, "that they forever disclaim all right and title to the waste or unappropriated lands lying within the said Territory; and that the same shall be and remain at the sole and entire disposition of the United States," cannot operate as a contract between the parties, but is binding as a law.

It cannot operate as a contract between the parties. It has none of the elements of a contract about it. It is called a compact, which needs no consideration for its support as a contract. It is a mere agreement between two governments, depending upon the good faith of the one or the other for its execution, according as each may have the power to execute it, and as either is under an obligation to execute it.

Full power is given to Congress "to make all needful rules and regulations respecting the territory or other property of the United States." This authorized the passage of all laws necessary to secure the rights of the United States to the public lands, and to provide for their sale, and to protect them from taxation.

Mr. JONES, of Florida. Will the Senator yield to me for a moment?

Mr. MORGAN. Certainly.

Mr. JONES, of Florida. I would call the Senator's attention to the language employed in the act of Congress admitting the States of Florida and Iowa into the Union.

Mr. MORGAN. I have noticed that.

Mr. JONES, of Florida. The act of March 3, 1845, provides—

That in consideration of the concessions made by the State of Florida in respect to the public lands, there be granted to the said State eight entire sections of land for the purpose of fixing their seat of government.

The act also included 5 per cent. of the net proceeds of the sale of lands within the State which should be sold by Congress, after deducting all expenses incident to the same, provided it should be appropriated to public schools. I make no claim that it is a contract enforceable as contracts usually are; but I say that that stipulation is just as binding upon this Government as a moral person as any contract that could be entered into between two individuals would be binding upon them.

Mr. MORGAN. I will ask the Senator from Florida if the words "in consideration of" were stricken out of that act, it would not be just as imperative and its force just as great as it is with the words in?

Mr. JONES, of Florida. Perhaps so.

Mr. MORGAN. Then they do not amount to anything. Those words have no bearing on the question.

Mr. JONES, of Florida. Oh, yes; they show that Congress did not wish to leave anything to implication. They were put there for the purpose of showing that in consideration of the abandonment of the right to tax and the other things stipulated here these concessions were to be made. They did not want to leave it in doubt at all. The words would have been implied if they were omitted; but, in order to relieve the case of ambiguity and to leave no cause for implication, the words were put in specifically.

Mr. MORGAN. They have left that just as it was left in the case of any other State, except the expression of the consideration, which the Senator from Florida says is not necessary to the validity of the law or the binding force of the contract. So that throws no new light on the construction of the statute; that does not prove whether the lands were to be actually sold, all of them, or whether the Government had its discretionary power remaining to donate some of them to the citizens of Florida for the building of railways and canals, or for asylums or colleges or public schools, or matters of that kind.

I notice the words in the agreement between Iowa and Florida on the one part and the United States Government on the other, in the act of their admission, being an act for the admission of both States jointly, and I cannot see that the words "in consideration of the release of the power of taxation," or whatever it might have been intended to release, had the slightest effect on the construction of the law, and certainly they had no effect on its validity or its efficacy as a binding compact with the United States.

Now I proceed to read further from this opinion of the Supreme Court:

And all constitutional laws are binding on the people, in the new States and the old ones, whether they consent to be bound by them or not. Every constitutional act of Congress is passed by the will of the people of the United States, expressed through their representatives, on the subject-matter of the enactment, and when so passed, it becomes the supreme law of the land, and operates by its own force on the subject-matter, in whatever State or Territory it may happen to be. The proposition, therefore, that such a law cannot operate upon the subject-matter of its enactment without the express consent of the people of the new State where it

may happen to be, contains its own refutation, and requires no further examination. The proposition submitted to the people of the Alabama Territory, for their acceptance or rejection, by the act of Congress authorizing them to form a constitution and State government for themselves, so far as they related to the public lands within that Territory, amounted to nothing more nor less than rules and regulations respecting the sales and disposition of the public lands. The supposed compact relied on by the counsel for the plaintiffs conferred no authority, therefore, on Congress to pass the act granting to the plaintiffs the land in controversy.

Now, we have the full definition by the Supreme Court of the United States of what this compact means so far as it relates to the public lands. They say these compacts are no more and no less than mere rules and regulations enacted by Congress for the disposal of the public lands. That the Government of the United States has morally and equitably satisfied the demands of the people of any State whatever when it has justly disposed of the lands to its people. And when, as in the case of Alabama, the "rules and regulations" which are provided in the original compact have been altered by Congress for the greater facility of immigration and settlement in the State, I do not understand that we have got a right to go into its Treasury and to get out of it money enough to compensate us for all the suppositions advantages which might possibly arise in our imagination, or under our estimation of our rights, to compensate us for possible losses. I do not understand that we have got any solid legal ground of right to stand upon, but that Congress has the right to alter these rules and regulations, being controlled in the exercise of that power by what is right and equitable and moral and just between all the people of this country.

Now, we see the nature of the powers of Congress over this subject as defined by the Supreme Court of the United States, and I think that this elucidation of the subject by this opinion, in which all the judges concurred except one, Judge Catron, of Tennessee—and he did not dissent on this proposition—this elucidation of the law clears up a great many of the difficulties which gentlemen have suggested in the course of the debate on this bill, and we are left now to the consideration of the power of Congress with reference to the disposal of the public lands as a power to be exercised under that clause which gives to us the authority to provide rules and regulations for the disposal of the public lands, and the compact that was entered into with Alabama, it seems, was nothing more nor less than a series of rules and regulations agreed upon at the time by the Government of the United States and since that time very essentially modified in Alabama at the request of the Legislature.

I will therefore leave the subject with this statement of my opinion on the general merits of this bill.

If the Senate should refuse the motion of the Senator from Vermont, and the bill should still remain for the consideration of the Senate, I shall be induced, perhaps, to make some little criticism on the provisions of the bill, which I think in themselves are not just either to the Government or to the people, and certainly may be the means of very great abuse and very great partiality by a Secretary of the Treasury. I cannot understand why the Secretary of the Treasury should have the power to be given him under this bill to pay money to one State and issue 3.65 obligations to another State, as he clearly has the power under this bill to do if it be passed as amended by the committee. I will read that part of the bill:

Provided, That the Secretary of the Treasury may, at his option, pay the said amounts allowed, or any part thereof, out of any moneys in the Treasury not otherwise appropriated.

And if it is optional, of course he can pay the amount or any part thereof to any State in 3.65 bonds. I do not think, when we are making a provision by which four or five millions of money are to be paid out of the Treasury, that we should leave it entirely to the option of the Secretary of the Treasury whether he will pay some States in bonds or money, and give the States no option as to what they may prefer. However, that is a matter which will come up more properly in the further consideration of this measure, if the motion of the Senator from Vermont to indefinitely postpone, which I hope he will modify as I have indicated, shall not prevail.

I have but one word to add, Mr. President, on this subject and that is that a trust which is created in the original deed of cession by the State of Georgia, the trust created between it and the United States Government, is a trust that contemplated the admission of two States, one originally, and afterward by the amendment of the act of Congress two, out of that Territory lying west of the boundaries of Georgia, and east of the Mississippi River. That was a beautiful, fertile country. None, perhaps, surpassed it on this great continent. It was one of the most inviting countries for immigration that could possibly be found. Slaveholders were going in there in large numbers and occupying the richest lands of the country. As a matter of course the small proprietors in the eastern Southern States were not willing to sell their homes and go West, and the young men who were rising up in society were not willing to take their wives and household goods and march into the wilderness and settle up that country unless they had some encouragement from the Congress of the United States. Among the very first acts of legislation, among the very first resolutions adopted in my State by its Legislature were acts that were intended to invite the people to come from the older States and occupy their lands, but particularly they desired the yeomanry of the country, the hard-working American citizens, white men, to come there and occupy the lands. And so from the time the State was first introduced into the Union down to the commencement of the war, the constant clamor and appeal on the part of the people of the State of

Alabama was to Congress that they would reduce the price of the public lands. Congress co-operated with them in granting this desire, and in the carrying out of this joint purpose of Congress and of my State, population was invited there; it increased with great rapidity, and now to-day we have as contented, as happy, as industrious and honest a population as can be found in the world, and I hope and pray that it may be triplicated in the course of the next twenty-five years.

Mr. JONES, of Florida. Will the Senator from Alabama allow me to ask him whether there was anything in the deed of cession from the State of Georgia to the Government of the United States which was inconsistent with that provision in the constitution of Alabama which agreed to the compact: whether, in other words, when the State came to be admitted into the Union as a State, the people of that Territory did not have the right to enter into the compact, so called, with the United States that was made, or was that in the opinion of the Senator inconsistent with the agreement entered into between the Government of the Union and the government of the State of Georgia which ceded the land which now comprises the territory of that State.

Mr. MORGAN. The people of the State of Alabama did not put it in their constitution; they passed an ordinance.

Mr. JONES, of Florida. It is the same thing—an organic law.

Mr. MORGAN. I will say it is an organic law, having as much force as if it was in the constitution. I do not understand that that ordinance was unconstitutional as violating the act of cession, provided it is consistent with the proposition that the Congress of the United States retained the absolute right of disposition of the public domain, because the land ceased to be land and became money when the trust attached. That is the reason of it; but if the trust goes back of that proposition, and instead of attaching to the money when realized attaches to the land, and thereby becomes an incumbrance upon the power of Congress absolutely to dispose of it, then I should say it was unconstitutional.

As I understand the argument of the Senator from Florida and other Senators, they would impute to that ordinance of the State of Alabama and the act of Congress in which the two governments concurred an unconstitutional character. They would make it unconstitutional if they undertook to infuse into that ordinance the idea which I understand prevails here, to some extent, that by the making of that ordinance Congress gave up its power to dispose of the public lands otherwise than by sale, or in giving it up assumed as a debt to the States 5 per cent. upon their value. I have not heard as yet much discussion about this branch of this curious trust spoken of, this most important and essential feature of it, namely, at what price did Congress agree that these lands should be sold, and when did Congress give up its right to reduce the price? Upon what hypothesis do you fix a dollar and a quarter an acre as the amount of money which shall be the basis of computation of the 5 per cent.? Is that a part of the contract? Is that understood to be one of its terms?

Mr. JONES, of Florida. I will say very frankly to the Senator that from my stand-point I do not think it is.

Mr. MORGAN. Very good. Then what is? What is the price of it? What is the extent of the trust created? What is the value of it? What is the measure of it? Suppose we had it before a court for adjudication now and you wanted the trustee to account for the execution of the trust or for his failure to execute it, what would be the measure of the damages to the *cestui que trust*? None is stated in the compact at all, no price fixed upon the land. Congress can sell it for a quarter of a dollar an acre or one cent an acre if it pleases, and the compact is complied with, so that there is a sale.

Mr. JONES, of Florida. The minimum price of land at the present day throughout the United States is \$1.25 per acre. I should be glad to see it less. I should like to see the re-enactment of the graduation law under which a class of land after being in the market a term of years could be purchased at twelve and one-half cents per acre. I say to the Senator most frankly that I should be very glad to see that law re-enacted; but the Government itself has established this minimum price and we thought that was a proper view to take as to the valuation of the land.

Mr. MORGAN. But that has not been always the minimum price; some of the lands were down to twelve and a half cents an acre at one time, reduced at the demand of the States, one of the petitioners being my State. Land warrants were allowed to be located upon those lands. How are they to be appraised? At one dollar and a quarter? You admit the power of the Government to reduce the selling price of the lands down to one cent or a fraction of a cent if it pleases. The truth is, Mr. President, that this trust that is claimed here is not a trust in the proper legal signification of the word. It is not a trust that can be enforced, in my humble judgment, against the United States Government, if we were to open every court in this country, whether of law or equity, to the access of the States or to individuals who may suppose they are concerned or interested in this matter. There is no price put on the lands; it is discretionary. The truth is, it is not a trust at all that attaches for one moment of time until the Government in the exercise of its plenary power to sell these lands has sold them and converted them into money.

Mr. LOGAN obtained the floor.

Mr. MORRILL. I understand the Senator from Illinois does not

care to go on to-night. I therefore move that the Senate proceed to the consideration of executive business.

Mr. FARLEY. Before that motion is put I wish to submit the following amendment, to be added at the end of the second section of the bill, and I ask that it be printed:

And provided further, That the State of California is hereby placed upon the same footing as regards the 5 per cent. of the net proceeds of the sales of all public lands in the said State with the States named herein, and shall be entitled to all benefits and payments to which they or either of them are entitled under this and all previous acts of Congress.

The proposed amendment was ordered to be printed.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The question is on the motion of the Senator from Vermont, [Mr. MORRILL.]

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty minutes spent in executive session the doors were reopened, and (at five o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 19, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. BLAND. Mr. Speaker—

Mr. HAYES. I call for the regular order.

Mr. BLOUNT. That is right. Let us get on with the report of the Committee on Rules.

The SPEAKER. The regular order is the morning hour, which will begin at twenty minutes past twelve o'clock.

Mr. BLAND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. The Committee on Coinage, Weights, and Measures are authorized to report at any time. I have a report which I desire to submit from that committee.

The SPEAKER. The gentleman is in order to report from the Committee on Coinage, Weights, and Measures, which is authorized to report at any time.

MINT AT SAINT LOUIS.

Mr. BLAND, from the Committee on Coinage, Weights, and Measures, reported back, with amendments, the bill (H. R. No. 2946) to establish a mint at the city of Saint Louis; which bill and amendments, together with the accompanying report, was ordered to be printed, and recommitted to the Committee on Coinage, Weights, and Measures, not to be brought back on a motion to reconsider.

ORDER OF BUSINESS.

Mr. HAYES. I now insist upon the regular order.

The SPEAKER. The regular order is the morning hour.

Mr. BLACKBURN. I move to dispense with the morning hour.

The SPEAKER. That requires a two-thirds vote under the rule. The question was taken; and upon a division there were—ayes 88, noes 25.

Before the result of this vote was announced,

Mr. LEWIS said: I make the point of order that no quorum has voted.

Tellers were ordered; and Mr. LEWIS and Mr. BLACKBURN were appointed.

The House divided; and the tellers reported—ayes 98, noes 54.

So (two-thirds not voting in favor thereof) the motion of Mr. BLACKBURN to dispense with the morning hour was not agreed to.

ADMISSIONS TO THE FLOOR.

The SPEAKER. The Chair asks the privilege of the floor for Hon. J. W. Laird, late a member of the Ohio Legislature; for Judge O'Ferrall, of Virginia; and for B. H. Hill, jr., of Georgia. These requests are made at the instance respectively of the gentleman from Ohio, [Mr. NEAL,] the gentleman from Virginia, [Mr. HARRIS,] and the gentleman from Georgia, [Mr. SPEER.]

There being no objection, the several requests were granted.

REMOVAL OF CAUSES FROM STATE COURTS.

The SPEAKER. The morning hour begins at twenty-seven minutes after twelve o'clock; and the House resumes the consideration of the bill (H. R. No. 4219) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875. The gentleman from Alabama, [Mr. HERBERT,] who occupied the floor at the expiration of the morning hour yesterday, is entitled to the floor.

Mr. HERBERT. Mr. Speaker, this subject has been so thoroughly and ably discussed that I cannot but feel embarrassed in attempting further to debate it; yet, sir, the measure is one of great importance and the subject is not yet exhausted. This bill is a step in the direction of a return to the wise system of jurisprudence established by the act of 1789. We ought to go further and strike out some recent provisions relating to the removal of criminal causes, but the committee

have deemed it wise not to encumber the bill with too many changes of existing law. We believe the country demands now all we have incorporated in the bill and we are seeking practical results. My argument will be addressed only to those two features of the bill assailed by the gentleman from Massachusetts, [Mr. ROBINSON.]

The gentleman who has just taken his seat [Mr. HURD] spoke of the condition of the docket of the Supreme Court of the United States, the crowded condition of that docket being such as to render it almost impossible for the judges there to dispatch the business. In 1875 an act was passed by this Congress entitled "An act for facilitating the disposition of causes in the Supreme Court of the United States and for other purposes." That act was reported in this House by that distinguished jurist, Judge Poland, of Vermont. He stated at the time that it was the unanimous report of the Committee on the Judiciary and that he supposed no one could object to the bill. The only reply was made by a gentleman from Massachusetts, General Butler, who said he agreed to that; so that bill was passed through this House, as it was subsequently passed through the Senate, without any discussion at all. Nobody doubted its propriety, no one doubted its wisdom; and yet, Mr. Speaker, the principal provision of that bill was one which raised the amount necessary to enable a party to appeal to the Supreme Court of the United States from \$2,000, where it had been since the passage of the act of 1789, to \$5,000; and there was no gentleman on this floor to rise then and say in his place that that act did injustice to the poor man, to the man who, in the language of the gentleman from Massachusetts, [Mr. ROBINSON,] had been able by dint of labor and saving to scrape together as much as a thousand dollars. That act denied to such a man as that the right of appeal.

This right of appeal from the decision of one man or one court to another court is a most valuable right; a right that experience in courts of justice is daily making to be considered more and more valuable in the estimate of every lawyer. There is not a State in this Union that does not provide for the right of appeal from one court to another by constitutional provision. And yet the legislation of this Congress in 1875 and for years past has been such as to multiply by removing into the United States courts the cases in which citizens of the United States are denied the right of appeal.

Mr. Speaker, the House is perhaps becoming anxious to know how much longer this bill is to be discussed. It is taking up the morning and preventing the reports of committees. I therefore think it is proper for me to say that the gentleman having charge of the bill intends, as I learn, to close the discussion in one more hour after the expiration of the present morning hour.

When I was interrupted yesterday by the expiration of the morning hour, I was calling attention to the fact that the result of the legislation of Congress on the subject of the jurisdiction of the courts of the United States for the last ten years has tended very largely to increase the number of cases in which the right of appeal was taken away from the citizen. I stated that this right of appeal was secured in all State courts in some form or other, even for amounts the most inconsiderable, not only by law but by constitutional provision; and it seems to me that this concurrent testimony of the law-makers of all the different States of this Union, all pointing in the same direction, is strong and conclusive evidence to show the value placed by the people of all sections of the Union upon this great right.

If we would know the will of the people we represent I know of no better mode of arriving at that will than by an inspection of the laws they themselves have passed for their own government. If in looking over these laws we find everywhere written—in every organic act, in every system of statutes—the sentiment, "it is against our sense of natural justice, it is not according to due course of law to deprive any man of his property by the judgment of a *nisi prius* court, he shall have the right of appeal," then, sir, I think we have conclusively and authoritatively arrived at what the will of the people is, what estimate they put on the value of this right and that we ought to respect that will and guard sacredly that right. This bill closes up by \$1,500 the gap between \$500 and \$5,000, which now covers the cases in which the right of appeal is at present denied in our system. In other words this bill says to the poor man of whom the gentleman from Massachusetts spoke, the man who has only \$1,000, "you shall not be forced to litigate for that and have it taken away from you by what may be the whim, the caprice, the prejudice, or the error of any one man."

And yet gentlemen on the other side, and especially the gentleman from Illinois, [Mr. BARBER,] were eloquent in denouncing this bill as erecting the courts of the United States into courts for the rich and not for the poor. Are the poor people in the gentleman's district especially anxious for the privilege of getting into a court from which there is no appeal? If there be in his district any widow of a poor man who spent his daily savings to secure a life policy of a thousand dollars in some foreign insurance company, and if such widow is now prosecuting a suit upon that policy against the insurance company, will she concur with the gentleman that this bill ought to be defeated because it takes from that insurance company the right to remove her cause from the home court into the court of the United States, the right to require her to travel a greater distance, to employ lawyers whom perhaps she is unacquainted with, and to incur additional expenses for attendance of witnesses and there try her case without the right of appeal? If this bill is defeated and she be forced to the

alternative of doing all this or of compromising with the insurance company upon its own terms will she concur with her Representative in saying this bill is discriminating against the poor?

But, Mr. Speaker, I will pass now to the second point, and the only point I desire further to consider in connection with this bill. I shall endeavor so far as I may to answer the argument of the gentleman from Massachusetts [Mr. ROBINSON] in relation first to the constitutionality, and second to the propriety of that feature of the bill which in effect declares that an incorporated company doing business in any State shall not in suits between itself and citizens of that State be deemed by the United States courts in that State a foreigner, an alien. That is in substance and effect the provision of this bill; and in order to defend that provision it is totally unnecessary to attack any decision that the Supreme Court, or any other court of the United States, has ever made. Those courts in fact have never decided that a corporation is a citizen of a State. When we examine the decisions, when we go to the foundation upon which all these decisions rest, we find it well stated by Chief-Justice Taney in a case in *1 Black*, *The Ohio and Mississippi Railroad Company vs. Wheeler*, where he says the courts have decided that where a corporation has its origin in a State and does business in that State the courts will simply presume that the stockholders and members of that corporation are citizens of that State, and that this intendment is so conclusive that the court will not hear any allegation or proof against it. That is the extent and the only extent to which any decision of any court of the United States has ever gone on this question. In other words, it is simply a fiction indulged by the court for the convenient administration of justice.

Will any gentleman say that if the Constitution of the United States, in so far as it speaks of the jurisdiction of inferior courts of the United States, were self-executing, as it is not, Congress would not even then have the right to say to the courts, "You shall not indulge any presumption; you shall not establish any rule of evidence; you shall admit proof; you shall hear what the facts are, and if all the members of any corporation are indeed citizens of one State, while the other party is a citizen of another, then, and in that event only, you will have the right to entertain jurisdiction?" I think that even the gentleman from Massachusetts would admit this much—that Congress would have the right to declare a rule of evidence, or rather to say that the Supreme Court shall make to itself no such rule of evidence as that upon which it seems to have gone heretofore. In the legislation of every State we find provisions prescribing the rules of evidence according to which the courts shall be governed. A familiar instance of this is in regard to tax sales. In many cases the courts have decided that the tax deed—the deed of the collector—shall be no evidence whatever that any of the prerequisites of the statute necessary to confiscate a man's property by tax sales have been complied with; yet, where the Legislature has prescribed that such deed shall be *prima facie* evidence that these prerequisites have been complied with, the courts have sustained such legislation.

It is, beyond all doubt, in the power of every Legislature to declare rules of evidence; what they shall be and what they shall not be; and if the gentleman admits that this Congress would have the right so to declare in relation to corporations, namely, that the court should find the facts and base its jurisdiction upon the citizenship of the members of the corporation, then he admits that it is not the charter of incorporation and the fact of doing business in a State that would be looked to. These would not constitute the jurisdictional facts. Citizenship of its members would be the jurisdictional fact. Everything would depend upon this and nothing would depend upon the charter. It would have no effect whatever—would not even be looked at. In other words, if he admits this he admits the power of Congress over these corporations, the power to strike them down at the door of its courts when they would come in, and say, "You shall not come here by virtue of your corporate power; your charter gives you no authority; it gives the court no jurisdiction whatever; your members may, if they have the required citizenship, but that ideal entity, the corporation, is not a citizen."

Mr. Speaker, suppose that in Massachusetts some law had been passed that every citizen of the State had the right to devote as much of his property as he saw proper to the carrying on of any particular business; that Mr. ROBINSON, still retaining citizenship in Massachusetts, had gone into the State of Colorado and engaged there as an individual in the business of mining; would the United States court there in a suit between him and a citizen on a contract made there hear his plea that he was responsible, not personally, not individually, not as a citizen, but only so far responsible as the amount of money he saw proper to risk in that particular business? Would it refuse at his request to render a judgment against him personally and only render a judgment to be collected out of that portion of his property which he had invested in the business of mining? I need not answer the question. The court would undoubtedly answer, "You cannot claim the privileges here of a citizen and at the same time avoid the responsibilities; yet this is exactly what corporations do. In nearly every State the members of a corporation are not personally responsible for any judgment against it. The property only of the corporation is responsible. By going into a corporation the corporations disrobe themselves of the powers and the rights of individuals, at the same time they evade the responsibility of citizens. Has not Congress the power to say to any persons coming into the courts

of the Union, "Come here as citizens in your own individual rights and then we will entertain your suit, but if you seek to evade the responsibility which belongs to a citizen by going into a corporation, we will not give you any standing in court?" I say this Congress would have that right by virtue of that general power which all Legislatures have to make discrimination.

"Why," says the gentleman, "shall we discriminate?" Sir, that is what every Legislature does continually. Cooley on Constitutional Law, page 390, speaking of discrimination, says:

These discriminations are made constantly, and the fact that laws are of local or special operation only is not supposed to render them obnoxious in principle. The Legislature may also deem it desirable to prescribe peculiar rules for the several occupations and to establish distinctions in the rights, obligations, duties, and capacities of citizens.

Now, if the Legislature sees proper to establish a distinction between an individual citizen and a citizen coming into the United States court in his corporate capacity, has it not the right, if the reasons for it seem good? Cooley says further:

If the laws be otherwise unobjectionable, all that can be required in these cases is that they be general in their application to the class or locality to which they apply, and they are then public in character, and of their propriety and policy the Legislature must judge.

There are some discriminations we cannot make.

But a statute would not be constitutional which should proscribe a class or a party for opinion's sake.

Now, the gentleman has asked me a question which I will endeavor to answer; and in order that the House may have that question fairly before it, as he put it to me privately, I ask him to state the question from his place.

Mr. ROBINSON. I have listened and have not interrupted any gentleman replying to my argument; but, of course, I accept the invitation the gentleman has given me at this time. He asks me to state to the House the question which I put to him in private conversation yesterday; and, as preliminary to that, I ask him and the House to consider that the replies which have been made as I conceive to the argument I had the honor to submit have been addressed upon the theme of subject-matter and not upon citizenship. The great number of cases which the distinguished chairman of the Judiciary Committee cited yesterday, for instance, those applying to assigned promissory notes, were questions appertaining to subject-matter, and that Congress may well legislate upon. But in no instance has Congress undertaken to say that when it discriminates as to subject-matters that may come before the courts it may also go further and discriminate as to the classes of citizens who shall come into the courts for adjudication on the same subject-matter. I think that distinction is plain, and if the gentlemen who are discussing in opposition to my position will keep that before them they will in my mind make their arguments clearer to the House and of more service in this discussion.

Now, in the direction of that suggestion, I said to the gentleman yesterday in a conversation, "What I want you to do is this: if you say that Congress has the right to discriminate against a class of citizens, I beg you to tell the House whether this Congress may say that the citizens of Montgomery, Alabama, where you reside, shall not go into the Federal courts for adjudication of their rights. If you can discriminate as to a class of citizens, classifying them because of their occupation, then why not because of their locality?"

The gentleman says that Judge Cooley recognizes in his book on Constitutional Limitations—and he will pardon me if I state his point now in order that he may answer the whole ground—that we may make these discriminations, but the same author also says they must not be open to the objection they are discriminations against a class or a party or for opinions, and it is but the next step to say "and for occupations." And all the gentleman's argument against corporations which he makes this morning is this: He says that the court shall be bound by a rule of evidence hereafter; that they shall take evidence to ascertain whether the citizens who call themselves members of a corporation in any State are citizens of that State; but the gentleman leaves a great gap in his argument, because he concedes when citizens of any State, for instance, come together to make a corporation then they ought to have a right to go into the Federal court because of their residence in one State. But this bill excludes all such corporations as well from the Federal courts. I have put my question, and have done more.

Mr. HERBERT. The gentleman seems to have studied that portion of Cooley which he has quoted very closely, because he quoted almost the exact language used by that author.

Mr. ROBINSON. I quoted it as you read it.

Mr. HERBERT. The gentleman, however, mistakes one word in the quotation he makes, and he mistakes the meaning of the passage. It reads:

But a statute would not be constitutional which would proscribe a class or party for opinion's sake.

He read that as if it were a statute "will not be constitutional which shall proscribe a class." But it means which shall proscribe any one, any class, or any party "for opinion's sake," and the gentleman has by mistake inserted the word *or* as if the passage read as he puts it, "shall not make discriminations against a class, or a party, or for opinion's sake," whereas Cooley puts it forbidding discrimination against a class or a party *for* opinion's sake. He does not say discriminations cannot be made against a class, for he has elsewhere said

such discriminations can be made against classes. Here he says, and says only of discriminations against classes, that such discriminations shall not be made against a class "for opinion's sake," or against a party "for opinion's sake." His words are elsewhere that all that is required is that these discriminations shall be "general in their application to the class * * * to which they apply." Why, this is so fundamental, so elementary that the learned author did not deem it necessary to cite authorities for the proposition.

Elsewhere he says:

Laws public in their objects may * * * embrace many subjects or one, and they may extend to all citizens or be confined to particular classes, as minors, or married women, bankers, or traders, and the like.

It will not do, Mr. Speaker, for any gentleman to assert on this floor that Congress has not the power to discriminate between classes if there be any good reason for it. Every Legislature does it. I think in the gentleman's own State—the State of Massachusetts—the right to vote is confined to persons who can read and write. Is not that a discrimination against a class—the class who cannot read or write? I am not quoting this for the purpose of raising any prejudice, but simply as an illustration. It is a distinction drawn by the Legislature of Massachusetts in the exercise of a right which exists under their law as it now stands.

Mr. ROBESON. The right to vote is a political, not a natural right.

Mr. HERBERT. And the right to sue is a political right in a certain sense, because it is always in the control of the people of the State. In a case reported in 14 Peters, *Snydam vs. Broadnax*, Judge Wayne, in delivering the opinion of the court, uses substantially this language:

Every sovereign State unembarrassed by constitutional limitation could absolutely refuse its citizens the right to sue in its courts, and thus destroy contracts.

Thus clearly extending the power of a State not only so as to reach subject-matter, but parties in all cases. But, sir, the distinction made by the gentleman from New Jersey does not in any manner destroy the force of my illustration. Judge Cooley, in the chapter I am quoting from, makes no distinction between political rights and other rights. He is discussing the broad power of legislation—legislation whether on political or non-political questions. Under the principles he lays down it is competent in legislation on political or non-political questions to make discriminations for sufficient reasons. But the law in Massachusetts would not permit discriminations to be made for opinion's sake. I take it that a law even there which should provide that greenbackers or democrats should not vote would be void. No, Mr. Speaker, I think the illustration is a fair one and that no gentleman who admits the power of a State to proscribe a class and prevent it from voting can fairly deny to Congress the power, for reasons seeming good to it—the power, if it chose to exercise it—of saying to citizens "We will admit you into our courts, but we will not admit that ideal being, a corporation, as a party to any suit whatever in our courts."

But, sir, the bill does not go that far. It only forbids corporations a standing in our courts where they are doing business in the States where the other parties to the same suit have their citizenship. If I show we have the broad power to exclude them altogether we have certainly the power to exclude them in the case mentioned in the bill, and thus, sir, I close up the gap the gentleman finds in my argument. But, sir, the gentleman in restating his whole position in the midst of my speech, which he did with great ingenuity, assumes again the fallacy upon which his whole argument rests. He says we who reply to him argue upon the theme of subject-matter and not of citizenship, and he further says that in no instance has Congress while discriminating as to subject-matter ever undertaken to discriminate as to the classes of citizens who should be allowed to come into court to litigate as to the same subject-matter. Now, sir, if the gentleman means by this to assume that corporations constitute a class of citizens, I think I have already shown this is a mistake. I have said, and I repeat, the courts have never decided a corporation was a citizen. On the contrary, it is expressly decided in *Paul vs. Virginia* (8 Wallace) and elsewhere that a corporation is not a citizen. To hold that it was would lead to this absurdity: The fourteenth amendment declares that all persons born in the United States are citizens, and we should then read the Declaration of Independence as amended by the fourteenth amendment thus: that "all persons, including corporations, born in the United States are citizens entitled to life, liberty, and the pursuit of happiness;" and further, that no State should make any distinction against corporations on account of their "race, color, or previous condition."

Sir, I venture to assert that no court ever will decide any such absurd proposition as that a corporation is or can be a citizen. If not, then the question the gentleman puts is whether Congress can discriminate against the class of citizens who have rights in corporations. I reply that I do not claim any right, any power to discriminate against them as citizens. If this bill passes all the citizens interested in the particular class of corporations excluded will still have the same rights as all other citizens, the right to go into court whenever they sue individually; the discrimination is not against them as citizens—they, as such, are in no manner affected except as to one particular subject-matter, when that subject-matter relates to their claim to send their corporations into court, they themselves staying out, then they are indirectly affected because their corporations are excluded. So, sir, ingenious as the gentleman's distinction

is, and admitting for the purposes of argument its soundness, it still does not prevent the discrimination he inveighs against. The simple and conclusive reply is that as citizens the persons who are members of such corporations are not discriminated against. All their other rights remain untouched by the bill, but as to one particular right they claim that is taken away from them as from all others who may hereafter choose to put themselves in that condition. There can be no possible distinction between this and the cases quoted by the distinguished gentleman from Kentucky of an assignee not being allowed to sue where his assignor had not such right. Such assignees may as well be called a class as corporations. Assignors as citizens are not excluded, but the courts would not enforce their rights as assignees.

The particular class of corporations here affected are not excluded as citizens, but if this bill passes they will simply no longer have a right to do business in a State and then claim that as to that State they are foreigners.

Sir, on what ground did the Supreme Court put these cases in which it said that an assignee of a promissory note could not maintain a suit unless the original payee might have brought it?

Mr. TUCKER. Is that the payee of mercantile paper or of common-law paper?

Mr. HERBERT. All paper according to the act of 1789, except foreign bills of exchange. A plain promissory note under the act of 1789 made by a citizen of a State to another citizen of the same State could not be transferred so as to give jurisdiction to the United States court in favor of the citizen of another State.

Mr. TUCKER. Did that apply to the indorsee of negotiable paper?

Mr. HERBERT. Not if it was a foreign bill of exchange. It applied to everything else except a foreign bill of exchange. The gentleman's question was probably intended to suggest this idea, and I thank him for it. The plaintiff might show himself to be an indorsee of negotiable paper—an inland bill of exchange—and yet, even though holding thus the legal title, Congress did not permit the United States courts to enforce his right. Did any court ever decide that Congress had not this power? Yet, sir, to buy such paper—inland bills of exchange—was a right every citizen had, a right protected by the common law; a right as much favored as the right to become a member of a corporation. Can it be that Congress would have the power to refuse the aid of the courts of the Union to a citizen to enforce such a right and still not have power to refuse also to enforce the rights he acquired by becoming a stockholder? I can see no difference, and I insist there is none, and that the true rule is that without making any discrimination against a citizen we have the power to prescribe that rights acquired under certain circumstances, or, if the gentleman prefers it that way, particular classes of rights, the courts of the United States are to have no jurisdiction over. We are to judge, and, to use the terminology of the gentleman from Massachusetts, it is our discretion. Without denying to any citizen his equal right in our courts, we are to say what subject-matter—in other words, what contract rights—will give a citizen standing in the courts. The legislative power is to judge of the expediency of the law. When we deem it expedient, all that is required, in the language of Cooley, is that the law be general in its application to the class.

This is an answer also to the gentleman's statement that the doctrine we refer to would empower Congress to exclude, if it desired, only the citizens of a certain town. The right claimed and asserted in the analogous case of assignees includes no such power. I put it on the gentleman's own ground, the power of Congress over the subject-matter—the power to say what contract rights it will permit or authorize to be enforced in the courts of the United States. Certainly, sir, we have the power to say to the citizen, "While we will enforce your rights when you come into our courts in your own person, in your own individual right, subject to our process, yet when you go into a corporation, shuffling off your responsibility as an individual, and seek to send that entity into our courts, we will refuse it admittance." Yet we do not go that far, and there is no intent to do it. We simply desire to put corporations doing business in any State on the same level, so far as the United States courts are concerned, with the citizens of that State.

Mr. Speaker, I have never had any doubt of this power. It seemed to me beyond all doubt on the broad ground taken by the honorable chairman of the committee, the power so repeatedly affirmed by the Supreme Court—the power of Congress to grant or withhold from the inferior courts of the United States any portion of the jurisdiction it was authorized by the Constitution to bestow. It seems to me equally clear upon the ground I have put it, and I should not have argued the question but for the unqualified respect I entertain for the opinions of the honorable gentleman from Massachusetts.

And now, sir, let us look for a moment at the reasons why we should pass this bill, and this provision of it particularly to which I am addressing myself. Is there any reason founded in justice why the railroad in my State running one hundred and thirty miles through it, now called the Western Railroad of Alabama, but formerly called the Montgomery and West Point Railroad, should have the right now which it did not have before it changed its name to take any citizen who may have a contest with it anywhere along its line into the United States courts at Montgomery, where they will have no right of appeal unless the amount is over \$5,000?

That road is being operated by the same employes with but few changes who operated it before the change of name. It carries pas-

sengers in the same cars. It makes its contracts with the very same citizens and through the same agents. But now it has that powersolely because it is owned by two Georgia corporations, acting together as partners, without any act of incorporation whatever from the State of Alabama. It has the right—a right which cannot be justified on any ground whatever, unless upon that attempted to be assumed here, that the owners of these corporations cannot get justice in the State courts. There is nothing in the condition of our State governments, of our State courts, or of the people of the States, that would warrant so unjust an imputation—an imputation that goes to the extent of challenging our very capacity for self-government. Everywhere our State courts are open to all; everywhere those courts are presided over by men learned in the law. And above all and beyond these *nisi prius* courts in every State is a court of errors and appeals. And if in that higher court justice is not done, that is to say, if any right, if any privilege, any immunity granted by any law or by the Constitution of the United States, is denied, then an appeal lies to the Supreme Court of the United States.

On the other hand, what advantages do the courts of the Union possess over the State courts in the administration of justice? Take the circuit court judges of the United States, Judge Woods, for instance, who presides in the fifth circuit, and goes from Georgia into Florida, Alabama, Louisiana, and Texas. He must preside in all these States and administer in each State a separate system of laws, a system of laws in which he is not specially trained. He is a man of great ability, of great industry, and a thoroughly honest judge. But I submit to this Congress whether even such a judge as that, giving his opinions upon cases as they arise, taking them partly from the lawyers and partly from such reports as are handed to him upon the bench—his docket crowded, and it being impossible for him to clear it in any one court he attends—I ask this Congress if the decisions of that judge, under these circumstances, are better than the decisions of a judge of the State circuit or *nisi prius* courts presided over by men trained in the laws of that particular State.

And remember, too, that from these *nisi prius* judges there lies an appeal for any error of law whatever to the highest courts of the States, which courts, after due deliberation and careful consultation of all the authorities, decide upon the law.

Take, if you please, Judge Bradley, of the Supreme Court; and no one has a higher respect for his abilities as a judge and as a lawyer than I have. He will go this spring down south into Georgia to preside there. He has been called there heretofore, perhaps as much as two or three weeks altogether. That is all the time he has been able to spend there in the study of the laws of that State, which, according to the practice, he has to administer when he gets there. His decisions will necessarily be made by consulting in a hurried manner the reports of the supreme court of Georgia. Now, will any gentleman say that those opinions, thus made by even this learned judge of the Supreme Court of the United States, will be more reliable, entitled to greater weight on questions of Georgia law than the opinions of the judges of that State court who have made those decisions? Remember, too, all the time that whenever any Federal question is decided adversely to the claimant in any of these courts of last resort in the State an appeal lies to the Supreme Court of the United States.

Sir, what I have said in relation to the injustice and wrong of allowing railroad companies who contract by agents who are citizens of the State, who deal directly with the citizen, who touch the people of the State at all points, to have an advantage over citizens of that State in the choice of forums applies with almost equal force to insurance companies and other corporations so far as they are affected by this bill.

How, for instance, will a New York insurance company do business in the State of Indiana? It will select as its agent a resident of that State—a man known for his capacity, for his influence, for his acquaintance with the people of the State. Through that agent it will make its contracts. Now, if that agent is capable because of his residence, his acquaintances, and his capacity of making contracts for that insurance company, is there any injustice in saying that he is also capable of attending to lawsuits for them? He knows the lawyers and the jurors, and the presumption is a fair one that he will exercise in attending to lawsuits that same knowledge, capacity, and influence which gave him the position as agent of the company. Now, if a company deals directly in this way through its resident agent, a citizen of the State, with the people of the State under the home laws, it ought to be compelled to seek justice in suits with those citizens in the home courts. It ought not to be allowed to treat them as aliens and as enemies. It ought to be compelled to cultivate the good-will of the people among whom it lives and moves and has its being, its business entity. Corporations, like individuals, may, by a course of fair-dealing with the citizens with whom they are brought in contact, popularize themselves; and, on the other hand, they may by a system of oppression and wrong bring down upon themselves the just and honest indignation of the people whom they oppress.

The gentleman from Massachusetts seems to think that there is much prejudice in some States of this Union against corporations, simply because they are foreign. I deny it. I deny that in any State, anywhere in this Union, there is prejudice against a corporation simply because of the fact that it is a foreign corporation—unless, indeed, by the unjust, the unconscionable, the oppressive use of this

unrighteous advantage of removal given to it by the laws of the United States, it has outraged the people among whom it does its business. The only proof of any enmity the gentleman has quoted here consists of statutes passed by the States of Wisconsin and Indiana; and I think his proof signally fails. These statutes do not in any manner show hostility to foreign corporations as such. Why, the gentleman himself says that Indiana still invites foreign capital to come into her midst, in the form of corporations; that Wisconsin still does the same; but he quotes statutes which intend on their face only to prevent these corporations from exercising that right of removal to the United States courts and dragging a citizen away from his home courts. Those statutes prove, abundantly prove, a widespread and deep-seated hostility on the part of the people of those States, not to the foreign corporation, but simply to this right of removal—this superiority over the citizens of a State that corporations claim, even though they are actually resident in the State—as much resident there as anywhere else. And when I speak of corporations being thus resident, I do not speak loosely. It was decided in England, under a statute of Henry VIII, taxing inhabitants owning lands, that a corporation was resident for the purposes of that act in whatever riding or shire it actually was in possession of lands, and that decision is quoted as good law by Lord Coke. That ought to be the law to-day. Corporations can only manifest themselves through their officers, their agents. A natural person cannot occupy two places at once. A corporation can. It has many officers, many agents, all of whom are parts and parcels of it. They can and do reside and act for and manifest the existence of the corporation in widely separate places, in different States at the same time, and many of these corporations permanently exist at the same time in different States. It is nothing but a fiction to say that a corporation can have but one home, a fiction the courts fell into by following a false analogy, a monstrous fiction, ruinous sometimes to the administration of justice. You may go into some of our Western States and Territories to-day and find there immense corporations at work, changing water-courses, felling forests, digging ore, their managing agents contracting daily with the citizens of those States and Territories, all the business apparently transacted there, yet if you want to find the home of one of these corporations you must go to the State of New York because there it had its origin and because in the city of New York in some corner of an office or some nook in a garret sits some gentleman called a president corresponding with the manager in the West. Is it the language of fact or of fiction to say the home of that corporation is in New York?

Take the Credit Mobilier of America. It was originally the Pennsylvania Fiscal Agency, a corporation under a charter from Pennsylvania. By an amendment it became the Credit Mobilier of America. It never I believe did a stroke of work in Pennsylvania, but it spanned half a continent with its mighty railroad west from the Mississippi. It beslimed with corruption the very corridors of this Capitol. Is it anything but fiction to say its home was all the time in Pennsylvania?

Take a case in my own practice. I brought suit by attachment some years since against the Pensacola Lumber Company in Escambia County, Alabama. This corporation was doing the business of milling just over the Florida line. It owned land in Alabama, and contracted with my clients there for logs. When they had invested their all and it owed them large sums and refused to pay, I attached the lands of the company. In a few weeks I was notified that the Pensacola Lumber Company, doing its business of milling in Florida, had gone into bankruptcy in New York, and that thus the attachments were dissolved. I believed the bankruptcy was fraudulent, but my clients were broken and had no money to make a contest in New York. This is one of the practical results of that monstrous, unnatural fiction. One purpose of this bill is to deprive corporations of the benefits of this unnatural fiction—to put them on a level so far as we may with those with whom they transact their business.

Let us do this, Mr. Speaker, and I have no fear that the forebodings of the gentleman from Massachusetts will be realized. He fears that corporations from the North and East will be compelled to withdraw from the South and West. Sir, this, I trust, will not follow. We need capital. We invite it by our laws to come. We will deal justly by those who bring it in our midst. Self-interest, as well as a sense of what is right and just, will prompt us to this course. Money is keener-sighted than politicians, and the men who manage these institutions will soon awake to the fact, to which the legislation of the past ten years has tended to blind them, that fair-minded and fair-dealing persons can rely on each other in all parts of this Union.

The SPEAKER *pro tempore*, (Mr. HARRIS, of Virginia.) The Chair has been informed that the gentleman from Alabama [Mr. HERBERT] proposes to yield ten minutes to the gentleman from Missouri, [Mr. WADDILL.] The Chair therefore notifies the gentleman that he has now only ten minutes remaining.

Mr. TUCKER. I move that the gentleman from Alabama be allowed to proceed by unanimous consent till he closes his remarks.

Mr. ROBESON. I hope this request will be agreed to. The gentleman is about to conclude.

Mr. HERBERT. I will not occupy more than five minutes, after which I desire to yield ten minutes to the gentleman from Missouri.

Mr. SPARKS. Let it be understood that this will not extend the morning hour.

The SPEAKER *pro tempore*. The morning hour will expire at half past one o'clock.

There being no objection, the motion of Mr. TUCKER was agreed to.

Mr. HERBERT. I am very much obliged to the House for its courtesy.

In conclusion I desire to call attention, which I do with great pleasure, to a remark made by the gentleman from Massachusetts, [Mr. ROBINSON.] He said in the course of his speech:

Is there any demand that we shall have no United States courts that shall adjudicate upon the rights of citizens of the different States? I think not.

Again, the gentleman says, speaking of these courts:

We want them. We are here to-day with a Union more strongly cemented than ever before—destined to be perpetual.

The gentleman in this part of his speech has given manly utterance to what has come under his observation and must be a familiar truth to every gentleman on this floor—that there is no desire in any quarter to banish the courts of the United States or to deprive them of any portion of their legitimate power. For the South I can speak. The gulf of fire and blood that fifteen years ago separated us from the North is closed forever. The Union is, indeed, in the language of the gentleman from Massachusetts, cemented more firmly than ever. During the earlier years of our history there was talk, now in one quarter and now in another, of disunion. The right of separation was claimed as a reserved right. It was looked to as a possible future contingency. We have begun now an era in which all men know that the Union is indissoluble. Secession is dead—renounced in the constitutions of the Southern States, cast out of the minds of their people. There is no longer any slavery to divide us; and nothing can separate us. This Government is to be ours always—ours in the West and in the East, ours in the North and in the South. Its courts are our courts; its President is our President; its Congress is our Congress; and the glory and strength and justice of these institutions dedicated to freedom are to be the heritage of our children. Every motive of self-interest, every instinct of patriotism, every sentiment of love for our posterity, prompts us so to legislate as to preserve and perpetuate them to the remotest posterity. This bill, I believe, is in that direction.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. WADDILL] is now entitled to the ten minutes which remain of the time of the gentleman from Alabama, [Mr. HERBERT.]

Mr. WADDILL. Mr. Speaker, in the short time allotted to me I could not, if I desired, enter into a full discussion of the provisions of this bill. I shall therefore hastily touch upon some of its provisions, involving statutes with the operation of which I am more familiar. I do not propose, sir, any unjust or causeless war upon United States courts as such. The judicial system of the United States has its origin in the Constitution and is essential to our system of government. The objections of thoughtful men are not to the system of a Federal judiciary, but more to the acts of courts in the construction of statutes, and still more to the statutes themselves.

Nor do I propose to indulge in a senseless tirade against corporations. Corporations are creatures of the law, chartered by the people, and in the great majority of cases by the people of the States themselves, and not by the Federal Government. And when operated under proper limitations and checks, they are a great blessing to the people and the country, developing as they do the material resources of the nation, and carrying forward great and gigantic enterprises of internal improvements which no individual could do or would risk his fortune in undertaking. It is when organized without proper restrictions and checks that corporations, which ought to be unmixed blessings, become a curse to the people—when, led on by avarice and greed, they become soulless monsters of oppression to the citizens, overriding in their strength individual rights and converting themselves into selfish and sordid engines of evil and wrong.

Now, sir, I favor this bill because its provisions will relieve the people of many sections of the country of a grievous cause of complaint; because it provides that the rights of the citizen shall be tried by a jury of his peers and of the vicinage; because in the majority of cases it will remit causes to domestic home courts for trial; because it will put a stop to the harassment and burdensome expense of sending honest suitors for trial of their causes hundreds of miles distance from their homes to a strange court, whose modes of procedure, whose methods of trial and practice are alike unknown to him, and where, unknown to all around him, probity, honor, reputation, character, all go for naught.

Mr. Speaker, we hear a great outcry and complaint about United States courts in these days. Numerous bills are now pending in this House to modify and mollify their jurisdiction. Is all this complaint without cause? Are there no reasons for it? Is it a mere passing humor of the people? Sir, there is justice in this outcry. There is reason for this protest. It may at times be unreasonable in its manner, and unmethodical in its assaults, but it has its full justification in the harassments and burdens arising out of the act of 1875 now sought to be partially remedied.

Let us look at its working for a moment. In the district which I have the honor to represent here the United States court division in which one-half of the district is situated is at the nearest point by the usual lines of travel two hundred and seventy-five miles distant from the city where the court is held, and thousands of citizens of my district live from three hundred to three hundred and fifty miles

from the place of holding the court. Now, sir, let us illustrate the workings of this law. Mr. Jones, in my district, executes his note to Mr. Smith for \$525. The note is, as nearly all notes are now drawn, negotiable. The consideration for which Jones executed the note fails, or for some other cause, constituting a good and meritorious defense, Jones refuses to pay. Smith, through some legal friend, transfers or assigns the note by indorsement for value to a citizen of Illinois, being just across the Mississippi River on the Illinois side, and this citizen of Illinois at once brings suit against Jones in the United States court, three hundred miles from where the contract occurred and the witnesses and original parties to it reside, and so Jones is forced to go to work, employ a lawyer to go three hundred miles away to defend his case, to take his witnesses or testimony that distance, and to appear among strangers in a strange court, and as I said before, with strange modes of procedure, and a strange jury to try his cause; or else he is forced to make an unjust and unwilling compromise of his rights. Now, sir, is this a wholesome law to permit such injustice; to cause a citizen so much trouble and annoyance, and to force upon him such ruinous burdens? Is it strange that Jones should complain of such a law, and, in his ignorance, feel a prejudice against the United States court itself? Is not all this known to his neighbors, and do not they share in his feelings of indignation and injury? Most assuredly.

Now, let us take a hasty glance at the workings of the present law with reference to corporations. It has been again and again decided by the Supreme Court of the United States that a corporation is a citizen of the State under whose authority it receives its charter. Here is a corporation, a life insurance company, chartered by the State authority of Massachusetts or Illinois or South Carolina, I care not which. It comes into the State of Missouri, establishes its branch office in the city of St. Louis, does business continuously all over the State by virtue and authority of the laws of Missouri, and is protected in its rights by those laws. Its agent out in my district insures the life of one of our citizens for \$1,000, and shortly after having his life insured for the benefit of his wife and little children the citizen dies. The widow and children are left nothing but the life insurance. The company refuses to pay the insurance money, the widow sues in the circuit court of the county where she lives, where the contract of insurance was entered into, where the premium for it was paid by her husband, and where the company regularly transacts business through its agent. The insurance company as defendant comes into court and states that it is a citizen of another State, the State granting its charter, and ask its cause to be removed to the United States circuit court for that district, and it must be done, and is done. The widow and orphans of this citizen are thus forced to go to trial of their rights, involving all the husband and father left them, three hundred miles away from their home and friends, to get their witnesses and testimony before this strange court, and employ lawyers to go there and fight and contest with this powerful aggregation of capital—this soulless entity of the law—and when the suit is terminated, allowing that the poor plaintiff gains it, the larger part of the little sum is gone for expenses in conducting its prosecution. Or, if she cannot carry on the suit, as is frequently the case—and I may say most frequently—she is compelled to compromise away her rights, and receive such pittance of what was justly hers as this favored corporation may see proper to bestow upon her.

Mr. Speaker, it is said extreme cases test rules. I have put these cases as illustrative of the working of the law of 1875, which is sought to be amended and modified by this bill. And they are not extreme cases as a matter of fact, but of actual occurrence in my part of the country, and I doubt not in numerous other localities. These are mere examples of hundreds of cases which have happened in Missouri and all over the Union. The United States courts are too remote to be the arbiters of the rights of the citizen as a rule. Especially is this so in the South and West, where the suitor often is compelled to travel three and four hundred miles, with his witnesses and counsel, to try his cause. And much of this harassment and expense—in fact, by far the most of it—arises from suits between individuals and corporations doing business in the State where the individual resides, and under and by virtue of the laws of that State, too.

This bill makes no assault upon corporations as such, but only seeks to place the individual citizen on an equal footing with the corporate or artificial citizen in the courts. Where is the wrong to corporations, of which the gentleman from Massachusetts [Mr. ROBINSON] so eloquently complains? Is it wrong to say that a corporation doing business in a State, protected by its laws and permitted to go with its goods or business right to the doors of the people of the State, shall only have the same privileges with reference to a forum for trial that the citizens of the State have? Is it an outrage to say that a powerful corporation shall not have the right, while transacting its business under the laws of a State, to drag citizens of that State hundreds of miles from their homes, at great expense and attended with vexatious and often disastrous delays, to a strange court, with its strange procedure, to hear and try their causes which their home courts are perfectly competent to do? Sir, I fail to see the injustice of forbidding to corporations doing business in a State the right of removal to Federal courts when it is not granted to the citizens of a State. The objection to the present bill is that it does not go far enough. Certainly if there is to be any favor shown in the dispensation of justice it should go to the weaker party, the individual citi-

zen, and not as is the case now under the law of 1875, to the stronger, the wealthy and powerful corporations.

Mr. Speaker, the passage of this bill will go largely in the direction of softening the feelings of the people toward corporations. It is notorious that in most parts of the Union to-day there is, not to use a stronger term, a decidedly unfriendly feeling on the part of the citizens against corporations. In my opinion, sir, one great cause of this ill feeling is the privilege granted to corporations by the present law. Under this law they have been enabled to harass and oppress individuals. And in too many instances they have used the power given them by the law relentlessly. They have pursued only their own interests, regardless of the interest of individuals. They have overridden private rights in pursuit of corporate gains. They have in many instances damaged and despoiled the citizen and refused all redress; and when the poor citizen has sought it in the courts, they have so harassed him with delays, expense, and removal of his cause to remote and strange courts, that many, ay, thousands of citizens of this country, to-day look upon corporations with undisguised hostility.

Mr. Speaker, it is the part of statesmanship to remedy this evil, to allay this hostility, to bring into healthy co-operation all the means of bestowing happiness and prosperity upon the people, and of developing the material wealth of the nation.

No thinking man will deny the necessity for corporations in the development of the vast resources of our country, in devising means for the transportation of our immense products, and in carrying forward vast and varied enterprises for the interest and convenience of the people, enterprises which single individual effort and wealth cannot accomplish, but which require the aggregation of men, money, and brains in the form and by the method of bodies-corporate for their successful issue. But, sir, while all this is admitted, it is also true that one of the most sacred duties of the law-making power of this Government is the absolute and perfect protection of the individual citizen in his property and person. No power, however strong; no interest, however important to the Government, must be permitted to trench upon the rights of the citizen.

Sir, the present bill is a step in the direction of the cure of the evils of which I have spoken. It restrains corporations when they most need restraint, and in doing so relieves the citizen. Let corporations be granted and protected in the enjoyment of all just rights in the courts, but give them no rights or privileges not given the individual. Let them be shorn of all power to oppress and harass the people. Remit them to their remedy and their defense in the forum erected where they transact their business, and they will soon conform their acts and policy to the situation, so as to have friends among the people in whose midst they prosecute their labors, and the ill-will and hostility of the people will cease with the departure of its cause. And thus will have been taken a great stride toward the reconciliation of the diverse interests of our country and the unification of all interests for its sublime development.

[Here the hammer fell.]

REVISION OF THE RULES.

Mr. BLACKBURN. I move that the House now resolve itself into Committee of the Whole for the further consideration of the report of the Committee on Rules.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. The pending question is on the substitute proposed by the gentleman from Iowa [Mr. PRICE] for the amendment of the gentleman from Alabama, [Mr. LOWE], which the Clerk will read.

The Clerk read as follows:

At the end of paragraph 3 insert the following: "which retrenchment shall not be by inference, but shall in express words specify on its face the amount of money to be saved by the amendment."

The amendment to the amendment was disagreed to.

Mr. WARNER. If in order I desire at this time to offer the following as an amendment to the pending amendment.

Mr. PAGE. I should like to have the original amendment read to which this is offered.

The amendment of Mr. LOWE was read, as follows:

Provided, however, That no provision or amendment of a partisan character shall be in order.

Mr. WARNER. Now read my amendment to that amendment.

The Clerk read as follows:

Strike out all after the word "order" and insert, "except it shall be in order to reduce the expenditure of money authorized or required by such existing law and covered by the bill and to change the law only to the extent necessary to make it conform to such reduction."

The CHAIRMAN. That will be in order if offered as a substitute for the motion to strike out and insert the words proposed by the gentleman from Alabama.

Mr. WARNER. I offer it as a substitute for the amendment of the gentleman from Alabama.

Mr. STEPHENS. Mr. Chairman, I ask permission of the committee to be heard on this subject for ten minutes.

The CHAIRMAN. Debate on the pending clause and all amendments thereto was limited by order of the House to twenty minutes, and that twenty minutes have expired.

Mr. ROBESON. I move the gentleman be allowed to speak by unanimous consent.

The CHAIRMAN. If there be no objection the Chair will interpose none.

Mr. BLACKBURN. I am certainly the last man who would offer any objection to the gentleman from Georgia being heard on this or any other subject which he chose to speak on, but is it in the power of the committee to change the order of the House? I am trying to get a vote on these rules under an order of the Committee on Rules. The House has limited debate to twenty minutes, and that time has expired. I do not understand it is competent for the Committee of the Whole, even by unanimous consent, to rescind that order of the House.

The CHAIRMAN. Of course the committee cannot rescind or change in any respect the order of the House.

Mr. STEPHENS. Except by unanimous consent.

The CHAIRMAN. The only way the committee could do it would be not to raise a question of order against the gentleman from Georgia.

Mr. LOWE. If no objection is raised to the gentleman from Georgia—

The CHAIRMAN. But the gentleman from Kentucky has raised the question of order.

Mr. LOWE. Does the gentleman from Kentucky raise the point of order against the gentleman from Georgia?

Mr. BLACKBURN. The gentleman from Kentucky means just this: If further debate is to be had on this rule it cannot be limited to any one gentleman. We will have to rescind the order of the House limiting debate altogether or else we must execute that order.

The CHAIRMAN. The question, then, is on the adoption of the amendment to the amendment proposed by the gentleman from Ohio.

Mr. SPEER. I move the committee rise for the purpose of extending debate, so the gentleman from Georgia may be heard. This House has never failed to do itself an injustice when it refused to hear the gentleman from Georgia.

Mr. BLACKBURN. I do not understand, Mr. Chairman, it is proper, and I deny the propriety of thrusting anything of a personal character into the matter just now pending here. The disclaimer I made was sufficiently broad to protect the objection from any such criticism. I shall oppose any extension of the time for debate on this rule.

Mr. SPEER. I insist on my motion.

The CHAIRMAN. Perhaps the Chair will be pardoned for suggesting to the gentleman from Georgia under the circumstances, even if the committee should rise the time could be extended in the House only by unanimous consent as there was a motion to reconsider, and that motion was laid upon the table.

Mr. BLACKBURN. I shall object.

The CHAIRMAN. Does the gentleman still insist?

Mr. SPEER. As the gentleman from Kentucky notifies me he will object, of course I shall not insist.

The CHAIRMAN. The question, then, is on the amendment to the amendment of the gentleman from Ohio, [Mr. WARNER.]

Mr. HOOKER. I ask for the reading of the amendment to the amendment.

Mr. CONGER. I wish to make a motion. If the majority of the House desire it, I move the committee rise for the purpose of then moving that the House go into the Committee of the Whole on the state of the Union generally.

Mr. HOOKER. Let the amendment be read.

The CHAIRMAN. The amendment to the amendment will be read. Mr. WARNER's amendment to the amendment was again read.

Mr. PAGE. I make the point of order on that amendment.

Mr. HOOKER. So do I. I have not heard it hitherto. I make the point that the committee has voted substantially on that already.

The CHAIRMAN. The Chair will consider the point of order made and pending, but the first question is on the motion of the gentleman from Michigan that the committee rise, announcing it as his purpose when the committee gets into the House to move that the House resolve itself into the Committee of the Whole on the state of the Union generally.

Mr. CONGER. For the purpose of hearing the remarks proposed to be made by the gentleman from Georgia, [Mr. STEPHENS.]

The question being taken on Mr. CONGER's motion, there were—ayes 92, noes 87.

Mr. BLACKBURN. I call for tellers.

Mr. ROBESON. I rise to a parliamentary question. I want to know, for my own information and the information of the House, whether, if the motion prevails in the House to go into Committee of the Whole on the state of the Union generally, that will simply operate so as to allow the gentleman from Georgia [Mr. STEPHENS] to speak, and no longer than that detain the action of the House in again going into Committee of the Whole to consider the revision of the rules?

The CHAIRMAN. That is not a parliamentary question, or one which can be properly addressed to the Chair.

Mr. BLACKBURN. To save time, I rise to a parliamentary inquiry. Suppose this motion should prevail, would it not require unanimous consent to resolve the House into Committee of the Whole on the state of the Union generally?

The CHAIRMAN. The Chair thinks not.

Mr. BLACKBURN. Very well; I call for tellers.

Mr. CONGER. I had hoped the gentleman who had charge of the rules of the House would have been able to give us that information himself.

Mr. BLACKBURN. The gentleman who has charge of the report on the rules will give the gentleman from Michigan that information at the proper time, and a good deal more, if he will only listen patiently.

Mr. CHALMERS. I rise to a parliamentary inquiry. I desire to know if the House resolve itself into Committee of the Whole on the state of the Union, whether those gentlemen who are down on the list to speak will not be first recognized.

The CHAIRMAN. That will be a question for the Committee of the Whole on the state of the Union, if the House should resolve itself into that committee.

Mr. CHALMERS. I believe that my name stands first on the list.

Mr. ROBESON. I hope we will go into the Committee of the Whole on the state of the Union notwithstanding that. [Laughter.]

Mr. WEAVER. I desire to say I am on the list and will willingly resign in favor of the gentleman from Georgia.

Mr. HOOKER. I believe tellers have been demanded. I hope we will be allowed to have them.

Tellers were ordered; and Mr. BLACKBURN and Mr. CONGER were appointed.

The committee again divided; and the tellers reported—ayes 101, noes 99.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. CONGER. I move that the House resolve itself into Committee of the Whole on the state of the Union generally. My object is to allow the gentleman from Georgia to address the committee.

Mr. DAVIS, of North Carolina. I rise to a question of order. In submitting a motion that the House resolve itself into Committee of the Whole on the state of the Union a gentleman has not the right to state the object he has in making the motion.

Mr. CONGER. That has been done many times in the House when gentlemen have moved that the House resolve itself into Committee of the Whole.

The SPEAKER. The statement of the object is not in order. The Chair will submit the motion. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union generally.

Mr. BLACKBURN. Is it in order by way of amendment to move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the report of the Committee on Rules?

The SPEAKER. The same object can be arrived at by voting down the motion of the gentleman from Michigan.

Mr. BLACKBURN. Have I not the right to offer the motion I have indicated as a substitute for the motion of the gentleman from Michigan?

The SPEAKER. The Chair was bound to recognize the gentleman from Michigan; and the Chair thinks the motion made by that gentleman is not amendable. The remedy is to vote it down.

Mr. BLACKBURN. Then I call for the yeas and nays on the motion of the gentleman from Michigan.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 115, not voting 60; as follows:

YEAS—117.

Aldrich, N. W.	Felton,	Martin, Joseph J.	Russell, W. A.
Aldrich, William	Field,	Mason,	Sapp,
Anderson,	Fort,	McClold,	Shallenberger,
Bailey,	Frye,	McKinley,	Smith, A. Herr
Baker,	Garfield,	Miles,	Speer,
Ballou,	Gillette,	Miller,	Starin,
Barber,	Godshalk,	Mills,	Stone,
Belford,	Hall,	Mitchell,	Thomas,
Bingham,	Hammond, John	Monroe,	Thompson, W. G.
Bowman,	Harner,	Morton,	Tillman,
Brewer,	Harris, Benj. W.	Murch,	Townsend, Amos
Briggs,	Haskell,	Neal,	Tyler,
Brigham,	Hawk,	Newberry,	Updegraff, J. T.
Browne,	Hawley,	Norcross,	Updegraff, Thomas
Burrows,	Hayes,	O'Neill,	Valentine,
Butterworth,	Hazleton,	Orth,	Van Aernam,
Calkins,	Heilman,	Osmer,	Van Voorhis,
Cannon,	Henderson,	Overton,	Voorhis,
Carpenter,	Horr,	Pacheco,	Ward,
Caswell,	Hubbell,	Page,	Warner,
Clafin,	James,	Persons,	Washington,
Conger,	Jones,	Pierce,	Weaver,
Cowgill,	Keifer,	Pound,	White,
Crapo,	Kelley,	Prescott,	Williams, C. G.
Daggett,	Killinger,	Price,	Willits,
Davis, George R.	Lapham,	Reed,	Wood, Walter A.
Deerle,	Lindsey,	Rice,	Young, Thomas L.
Dunnell,	Loring,	Robeson,	
Errett,	Lowe,	Robinson,	
Farr,	Marsh,	Russell, Daniel L.	

NAYS—115.

Acklen,	Cox,	Johnston,	Sawyer,
Aiken,	Cravens,	Keena,	Scales,
Armfield,	Culberson,	Kimmel,	Shelley,
Attherton,	Davidson,	King,	Simonton,
Atkins,	Davis, Joseph J.	Kitchin,	Singleton, J. W.
Bachman,	Davis, Lowndes H.	Klotz,	Singleton, O. R.
Beale,	Dibrell,	Knott,	Slemmons,
Beltzhoover,	Dickey,	Ladd,	Smith, Hezekiah B.
Berry,	Dunn,	Le Fevre,	Smith, William E.
Bicknell,	Ellis,	Lewis,	Sparks,
Blackburn,	Evins,	Manning,	Springer,
Blount,	Finley,	Martin, Benj. F.	Steele,
Bouck,	Forney,	McKenzie,	Stevenson,
Bragg,	Frost,	McMahon,	Talbott,
Bright,	Geddes,	McMillin,	Taylor,
Buckner,	Goode,	Morrison,	Thompson, P. B.
Cabell,	Gunter,	Morse,	Townshend, R. W.
Caldwell,	Hammond, N. J.	Myers,	Tucker,
Carlisle,	Harris, John T.	New,	Turner, Oscar
Chalmers,	Hatch,	Nicholls,	Upson,
Clardy,	Herbert,	O'Connor,	Vance,
Clark, John B.	Herdon,	O'Reilly,	Waddill,
Clymer,	Hill,	Philips,	Wellborn,
Cobb,	Hooker,	Phister,	Wells,
Coffroth,	Hesteler,	Reagan,	Williams, Thomas
Colerick,	House,	Richardson, J. S.	Willis,
Converse,	Hull,	Robertson,	Wilson,
Cook,	Huntton,	Rothwell,	Wood, Fernando.
Covert,	Hutchins,	Ryon, John W.	

NOT VOTING—60.

Barlow,	Einstein,	Joyce,	Ross,
Bayne,	Elam,	Ketcham,	Ryan, Thomas
Blake,	Ewing,	Lounsbury,	Samford,
Bland,	Ferdon,	Martin, Edward L.	Sherwin,
Bliss,	Fisher,	McCook,	Stephens,
Boyd,	Ford,	McGowan,	Turner, Thomas
Camp,	Forsythe,	McLane,	Urner,
Chittenden,	Gibson,	Money,	Wait,
Clark, Alvah A.	Henkle,	Muldrow,	Whiteaker,
Crowley,	Henry,	Muller,	Whitthorne,
Davis, Horace	Hiscock,	O'Brien,	Wilber,
De La Matyr,	Houk,	Phelps,	Wise,
Deuster,	Humphrey,	Poehler,	Wright,
Dick,	Hurd,	Richardson, D. P.	Yocum,
Dwight,	Jorgensen,	Richmond,	Young, Casey.

So the motion of Mr. CONGER was agreed to.

During the call of the roll the following announcements were made: Mr. MANNING. My colleague, Mr. MONEY, is paired with Mr. JOYCE, of Vermont; and my colleague, Mr. MULBROW, is paired with Mr. DWIGHT, of New York.

Mr. ROBERTSON. My colleague, Mr. ELAM, is paired with Mr. DICK, of Pennsylvania.

Mr. BUCKNER. I should vote "no" on this motion, if I were not paired with Mr. CHITTENDEN, of New York.

Mr. WISE. I would vote "no," if I were not paired with Mr. HOUK, of Tennessee.

Mr. WILLIS. My colleague, Mr. THOMAS TURNER, is paired with Mr. MCGOWAN, of Michigan.

Mr. CABELL. I desire to announce that Mr. ROSS, of New Jersey, is paired with Mr. FISHER, of Pennsylvania.

Mr. LOUNSBURY. I am paired with my colleague, Mr. McCook; if he were present, I should vote "no."

Mr. TOWNSHEND, of Illinois. I desire to announce that Mr. EWING, of Ohio, is paired with Mr. RYAN, of Kansas.

Mr. ROBINSON. Mr. MULLER is paired with Mr. WAIT, of Connecticut.

Mr. HISCOCK. On this question I am paired with my colleague, Mr. BLISS.

Mr. CROWLEY. I am paired with Mr. O'BRIEN, of New York.

Mr. EINSTEIN. I am paired with Mr. CLARK, of New Jersey.

Mr. BLAKE. I am paired with my colleague, Mr. ROSS.

Mr. MCGOWAN. I am paired on all political questions with Mr. THOMAS TURNER, of Kentucky. This question having taken a political turn, I decline to vote.

Mr. BAYNE. I am paired with Mr. MARTIN, of Delaware. If not paired, I should vote "ay."

Mr. DAVIS, of California. I am paired on all political questions with Mr. HENKLE, of Maryland.

Mr. BOYD. I am paired with Mr. HENRY, of Maryland; if he were present, I should vote "ay."

Mr. TALBOTT. My colleague, Mr. McLANE, is paired with my colleague, Mr. URNER; and my colleague, Mr. HENRY, is paired with Mr. BOYD, of Illinois.

Mr. KLOTZ. I desire to vote.

Mr. CONGER. I wish the Chair would ask the gentleman if he was within the bar before the last name on the roll was called.

Mr. KLOTZ. I was in the Hall during the call of the roll.

The SPEAKER. The gentleman states that he was within the Hall, but outside of the railing.

Mr. CONGER. I suppose the rule would be the proper guide.

The SPEAKER. That is the rule and the practice.

The name of Mr. KLOTZ was then called, and he voted in the negative.

Mr. PHELPS. I ask leave to vote; I was not in during the roll-call.

Mr. CONGER. I object.

Mr. POEHLER. I ask leave to vote.

Mr. CONGER. I object.

Mr. WHITEAKER. I ask leave to vote.

The SPEAKER. Is there objection?

Mr. CONGER. There is objection.

The result of the vote was then announced as above stated.

Mr. BLACKBURN. I move to reconsider the vote by which the motion of the gentleman from Michigan [Mr. CONGER] was agreed to.

Mr. CONGER. And I move to lay that motion on the table.

Mr. BLACKBURN. And on that motion I call for the yeas and nays.

Mr. CONGER. How did the gentleman vote?

Mr. SPEER. I rise to a point of order.

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBURN] has not the right to make the motion to reconsider, if it is questioned.

Mr. BLACKBURN. My right to make that motion was not questioned; and it was covered by the motion of the gentleman from Michigan to lay the motion to reconsider on the table, and on that motion I have demanded the yeas and nays, and the Speaker has recognized that demand.

The SPEAKER. The Chair certainly recognized the gentleman, but the Chair will never take advantage—

Mr. GARFIELD. I rose to make the point of order.

The SPEAKER. Does the gentleman from Ohio [Mr. GARFIELD] say that he rose for that purpose?

Mr. GARFIELD. I rose for that purpose, and intended to make the point the first moment I could get the attention of the Chair.

The SPEAKER. The Chair recognizes the fact that the gentleman rose.

Mr. CONGER. I desire to say that I did not dream a gentleman having charge of the rules would undertake to make a motion he had no right to make.

Mr. BLACKBURN. There are many things in this world that the gentleman has never dreamed of, but which he ought to know. I made a motion to reconsider. Nobody questioned my right to do it. The gentleman from Michigan recognized my right in moving to lay the motion on the table. On his motion I demanded the yeas and nays. [Cries of "Regular Order."]

The SPEAKER. The regular order is for members to keep order.

Mr. FINLEY. I rise to a parliamentary inquiry. I desire to ask the Chair whether it would be in order for me to change my vote with the view to move to reconsider.

The SPEAKER. The gentleman from Ohio [Mr. FINLEY] asks leave to change his vote. Is there objection?

Several members objected.

The SPEAKER. The Chair did recognize the gentleman from Kentucky, no one objecting, and submitted his motion; the demand for the yeas and nays was also submitted. But the Chair accepts the statement of the gentleman from Ohio [Mr. GARFIELD] that he rose to object to the gentleman from Kentucky making the motion to reconsider.

Several MEMBERS. But he did not do it.

The SPEAKER. Whether he did it or not, the Chair takes the gentleman's word.

Mr. PAGE. I was on my feet myself to object.

The SPEAKER. On the vote just taken the ayes have it; and the House determines to go into Committee of the Whole on the state of the Union generally. The gentleman from Illinois [Mr. SPRINGER] will take the Chair.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

Mr. CONGER and Mr. BLACKBURN addressed the Chair.

Mr. CONGER. I claim the right to the floor because it was on my motion that the House went into Committee of the Whole.

The CHAIRMAN. The Chair desires to make a statement.

Mr. GARFIELD. The Chair has the floor.

The CHAIRMAN. The Chair requests gentlemen to take their seats and be in order.

Mr. CONGER. I rise to a point of order.

The CHAIRMAN. The Chair desires to announce that the House is now in Committee of the Whole on the state of the Union for general debate. The Chair recognizes the gentleman from Michigan [Mr. CONGER] who made the motion to go into Committee of the Whole.

REVISION OF RULES.

Mr. CONGER. Mr. Chairman, I made this motion in the interest of free speech. [Laughter and applause.] I desired, as others on this side of the Chamber did, the opportunity to hear the views of a distinguished gentleman of this House from Georgia [Mr. STEPHENS] whose legislative experience, whose familiarity with the rules of this House, dates back to a time when the fierce democracy of the other side believed in free speech, in free discussion, in fairness, the old, hard-fisted Jacksonian democracy of whom we have before us still a living representative, thank God. [Applause.]

Sir, if in the progress of events in this country it happens that that democratic party once so honored, once so respected, once so esteemed, once embracing so large a portion of all the people of the United States of all sections and all regions, has slipped its moorings—if it has been wandering for years upon unknown seas of adventure—if it has forgotten the principles of Jefferson and Madison and Monroe and Jackson, what a glorious thing it is for the country that there

still lives and breathes in our midst, with memory unimpaired, with all his intellectual vigor intact, an old representative of the democracy of those days, then a whig, [laughter and applause,] then acting with the whig party, true to the Constitution, but upholding the Jeffersonian ideas of democracy, [laughter and applause,] and to-day acknowledged by all true democrats as a representative of the old-time democracy, honored by them as such, elected by them as such, having brought into the fold the ark of the covenant of whiggery, and placed it in democratic hands. [Laughter and applause.] How fortunate for all of us—and I address myself to my young compatriots of the democratic party—how fortunate for the old representatives of the whig party, how fortunate for the old representatives of the Jeffersonian and Jacksonian democracy, that the ark of the covenant is still held by the gentleman from Georgia, and that he can tell us what the democracy was in the earlier days, what it was when the whig party became the depository of its principles, how he has borne that ark along down through all these scenes of revolution and rebellion, all these driftings of parties, and is ready to present it here to-day.

Sir, is it not wonderful that modern democrats refuse to hear this venerable statesman? I know his sentiments; I know his views; I have read them in his published books. Why should the democracy refuse to listen to him? Yet we have the unwonted spectacle to-day of a refusal to hear, even upon the subject of rules, the gentleman from Georgia! Sir, my friends around me at present, the only living representatives in this House of free speech and fair play, joined by gentlemen from Georgia and by a few others from that side of the House, have at last brought us to a position where my friend may speak.

Mr. STEPHENS. Mr. Chairman—

Mr. CONGER. Where the gag is removed from him. And now, sir, with pleasure exceeding that which I have words to express, [laughter,] yielding to the earnest willingness of my friends on this side of the House, yielding to the earnest willingness of the young democracy, even from Kentucky, on that side of the House [laughter] to hear again the old words of democracy from the old and eloquent expounder of their doctrines, I yield as much of my hour as the gentleman from Georgia may desire to occupy. [Laughter and applause on the republican side of the House.] I will give the gentleman all of the hour he may wish, and then I will resume the floor. [Laughter.] If there be any time left I would like to have it. I should like to reply a moment or two after he gets through.

Mr. STEPHENS. I will yield the floor before the expiration of the hour.

Mr. CONGER. I would like to have a moment or two to reply to what the gentleman may say.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I am certainly under obligation to the gentleman from Michigan, and to the House, for the privilege of addressing them on this occasion. It was not my purpose in committee before, nor is it my purpose now to speak of the history of parties, democratic or whig, of their principles or my connection with their organizations. I will take occasion, however, to say that my party attachment from the time I entered public life and as long as I shall continue on earth, is as strong and earnest to party, in its right sense, perhaps, as any other who ever lived; I mean to party founded on principle, not to party organization merely. Organizations are ephemeral; principles are incorruptible and live forever. I was reared in the Jeffersonian school of democracy, in which I have lived and moved and had my being, and in it I shall die. Organizations in all things human tend to corruption, and as much so in political party organizations as others.

Now, sir, I did wish to say a few things on Rule XXI and the amendment offered by the gentleman from Ohio, [Mr. WARNER,] without taking into view, however, the question of party organization on this or the other side of the House. It was upon the great principle which I think involved in the amendment. I take this occasion, as my time is not so much limited as it would have been, to say I have taken a deep and profound interest in this codification of the rules. I think I may assume that I have labored as hard in season and out of season to put the system reported to this House in its present shape as any member of that committee. I had not in the discussion of the report consumed but five minutes of the time of the House. The Committee of the Whole had discussed it fully for months—every other member of the Committee on the Revision of the Rules had been heard repeatedly; and, therefore, I did trust I might be permitted ten minutes to give my views on this very important amendment. It is indeed important in my view. The general system reported does certainly embody great improvements. It has simplified, it has codified, it has rendered intelligible the rules of our Government in legislation, and if adopted by the House will accomplish great good. I think I may assume this.

Sir, I said in the five minutes I had before that in the committee on the revision of the rules the first thing done was the adoption of a resolution that we should not report any rule, or any change in existing rules when there was not perfect unanimity in the committee. I mean, that we should not touch any one of the existing rules which did not receive the sanction of every member of the committee; that is, we should touch nothing except by unanimous consent

of the committee. This was on my motion. On Rule XXI, as reported, there was diversity of opinion. The committee therefore left it just as we found it.

Now, Mr. Chairman, suppose the House should do the same: of the opposite side of the House I would ask: Are they worsted? Because if you defeat all these rules, we stand, so far as Rule XXI is concerned, just as we are—with the rules of the House as they now are.

I was opposed to that Rule XXI as reported, individually. The right was reserved to us all to oppose its adoption as it stands. Every member of the committee, by mutual agreement, could move any amendment he pleased, or speak or vote against any part of the report which was not carried by unanimity. I was opposed to this rule as it stands in our present system. And why? I do not believe, according to democratic doctrine, Jeffersonian, Madisonian, Jacksonian, and Jeffersonian republicanism also, that it was ever intended that appropriation bills should be encumbered by any other legislation than appropriations. [Applause on the republican side.] Never, sir! If there has been any progress in this country in legislation, it has been in precluding from appropriation bills the incorporation of matters upon them as riders. The gentleman from Ohio, [Mr. HURD,] if I understood him correctly, the other day said that it was the democratic doctrine to seek redress of grievances by withholding appropriations, standing upon British precedents.

If that be his position—and I so understood it—I repudiate it *toto celo*. [Applause on the republican side.] Never was there any such doctrine announced in any authorized democratic creed I ever heard of. It has its origin in a monarchical government where there is no written constitution. This doctrine came from England. Withholding appropriations there has been, and is to-day, a legitimate mode of seeking redress of grievances, because that is a monarchy. Powers are not divided there as here. We live under a government founded upon a written constitution; we live in a free representative republic. Here sovereignty does not reside in a crown. There (in England) all sovereign powers are considered as inherent in the Crown; and the Commons, the representatives of the people, for centuries in granting supplies, which is their right, have held the power in their hands to withhold them until their grievances have been redressed. In this way the petition of right, if you please, *habeas corpus*, or any other of the great and essential rights of British subjects were secured, from Magna Charta down, and of which American citizens may well be proud to-day.

But, sir, we live under a different form of government. Ours is a written constitution. We present to the world a system of government unknown in the annals of history. Our sovereign powers are all held in trust—none are inherent in those who exercise them; they are divided into three departments, the legislative, executive, and judicial, each separate, co-ordinate, and coequal departments, each one within its own sphere exercising that class of sovereign powers delegated to it. Under our Constitution the powers delegated to Congress (the legislative department) are specified and enumerated. The powers delegated to the President—the Executive—are specified and enumerated. The powers delegated to the judiciary are specially enumerated—all limited and all equally sovereign within their respective spheres under that fundamental law, the Constitution of the United States. Redress of grievances is not provided for in our Constitution by withholding the necessary supplies to carry on the machinery of government as established. The redress of grievances in this country, the repeal of obnoxious laws or other wrongs, is through the peaceful instrumentalities of the organic law, first by an appeal to the legislative body to take off any oppressive burden. The next is to the judiciary—to the courts. And the last to the ballot-box, to the masses of the people at the polls.

Under our written organic law there are no inherent or hereditary rights in the Executive, in members of the Senate or the House, or any other officer of the Government. With us two years is the limit of our service in the House. It is six years in the Senate and four years for the Executive. But, mark you, in the Constitution of the United States the Executive has the same power—rightful power, constitutional power—to veto a bill that we have to pass it. It is his constitutional right to do so if he sees fit.

Now, then, if the House or if Congress should set up a new doctrine of so loading an appropriation bill with a repeal of laws which we do not like—many of them I do not like—but if we do that with a view to seek redress by waging a war upon the veto or the constitutional exercise of it by the Executive, I ask the House and this country, not if it be democracy or republicanism, but is it not anti-constitutional? I state that the President has as much right to veto as we have to pass. Then, as to this veto power, it has from the beginning been, as I understand it, a democratic doctrine to sustain, uphold, and maintain it. The only war waged against it was by those old whigs to whom the gentleman from Michigan alluded. I did belong to that organization under the lead of the gifted Clay—*clarum et venerabile nomen*. His is one of the few immortal names that were not born to die. But exercising that independence of thought and action which I do to-day, I disagreed with him and his organization at that time on that point or article in his creed. But where stood the entire democratic party organization of that period, if I should be disposed to say anything about party politics on this occasion? They stood solid, North and South, in maintaining the Constitution as it was. When and where has the democratic party—the true Jeffersonian

democracy, to which then and now I belong—ever changed their position on this subject? In this creed I was born and reared, and in it I will die. Whoever may make departures from it can do so, but I never shall. I shall still cling to the ark of the covenant of our fathers and the time-honored creed of Jeffersonian democracy and old Jeffersonian republicanism.

But, Mr. Chairman, it was not my purpose to refer to that old political history. I want to speak of our rules. I want these rules which we have passed, and which we are now considering, not to be made or shaped with any view to the advantage or disadvantage of one party or another. In forming the fundamental law, constitutional or other organic law, all wise and true men should look to that system which will work best for the maintenance of right and justice in the great future. It is immaterial which party is in power. I am, as I have said, against all political riders, so called, upon appropriation bills and such riders as are intended to coerce executive action. In this I think I am maintaining nothing but what the advanced thought of the age in political science the world over has already arrived at. I say here that in my sixteen years of experience in Congress, before the late separation or war, more corruption and the most mischievous of all legislation which ever occurred during that time, so far as I am aware, came from riders, or amendments to appropriation bills—amendments that could not be passed on their own merits. So greatly was this recognized as the fact that when those members of the old Congress met in Montgomery to make a new constitution, as the gentleman from Michigan referred to it the other day, one of the great wants, as we thought, and I acting my part in it thought, was in that fundamental law to put "the sting of disability in the temptation," to use the language of my able and most distinguished colleague on that occasion, [Mr. Toombs,] in the very constitution of the republic.

The first constitution made for one year—the provisional constitution—had a provision which was referred to by the gentleman from Michigan, the other day, in these words, which I will ask the Clerk to read.

The Clerk read as follows:

The President may veto any appropriation or appropriations, and approve any other appropriation or appropriations in the same bill.—Article 1, section 5, paragraph 1.

Mr. STEPHENS. That was what was done in the provisional constitution, which remedied the great evil to a considerable extent. I ask the Clerk to read what were the provisions in the permanent constitution.

The Clerk read as follows.

ARTICLE I.

SEC. 9, par. 9. Congress shall appropriate no money from the treasury except by a vote of two-thirds of both houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of departments and submitted to congress by the president; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the government, which it is hereby made the duty of congress to establish.

SEC. 10. All bills appropriating money shall specify in Federal currency the exact amount of each appropriation and the purposes for which it is made; and congress shall grant no extra compensation to any public contractor, officer, agent, or servant after such contract shall have been made or such service rendered.

Paragraph 20. Every law, or every resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

Mr. STEPHENS. These extracts need no explanation. But, Mr. Chairman, what I wish understood is that what I have asserted here to-day is no new-born idea with me with a view to advance the interest of one party or another on this floor or in the country, but to advance and secure the interests and prosperity of the people everywhere.

The principles embodied in these extracts were the matured thought of years before; they were wisely incorporated in the Confederate States constitution, and I would be glad to see them to-day incorporated not only in the rules of this House but as an amendment in our present Federal Constitution. They are conservative in their character; they watch and guard the Treasury and protect the rights of the people, and especially the money of the people.

Gentlemen on this side of the House speak of being desirous of economy. Economy! Yes; that is the cry—economy! I am for economy, and I say the best way in the world to have true, real, lasting, good economy is to shut down the door and put bonds upon your appropriation committees. [Applause.] That is the best way to have economy. Let these bills be confined to the requirements of existing laws.

I stated that I was but maintaining the advanced thought of civilization in the science of government. Why, sir, a number of the States of this Union—how many I really do not know—have taken the lead in this matter. I am but following in their footsteps. I am told by the gentleman from Tennessee [Mr. WHITTHORNE] that that State has incorporated a similar provision in its constitution. I send to the desk and the Clerk will please read what is the provision of the constitution of Georgia.

The Clerk read as follows:

The general appropriation bill shall embrace nothing except appropriations fixed by previous law, the ordinary expenses of the executive, legislative, and judicial departments of the government, payment of the public debt and interest thereon, and for the support of public institutions and the educational interests of the State. All other appropriations shall be made by separate bills, each embracing but one subject.—Georgia Constitution, 1879, article 3, section 7, paragraph 9.

Mr. STEPHENS. I am for the same rule here that I aided by my advice and counsel in getting established in the new constitution in Georgia. I would, if I could, myself have incorporated in the rules of this House the identical idea that is in the constitution of my native State.

We have been asked what becomes of the Committee on Appropriations? Why, sir, that committee will have its hands full enough to bring forward appropriations according to the estimates under existing laws—labor enough if they will do it well. The labor of that committee is immense when restricted to its legitimate duties. Let them bring forward their bills precisely in the way stated in the Georgia constitution, and who will be harmed by it? Does the proposed amendment prevent that committee from reporting any bill of reform or retrenchment it may see fit? Not at all. The amendment leaves them as untrammelled in reducing expenses as they will be without it. Is their power not unlimited in that respect even with the amendment? If retrenchment is the object, I am for it. If reform is the object, I am for it. Does the power laid down in the Georgia constitution or what I propose prohibit them from going on in that direction if they choose? It does not.

Suppose in this twenty-first rule reported by the committee it should be moved to strike out everything after the word "progress," I would vote for that rather than let it stand as it is. But I prefer the amendment of the gentleman from Ohio, [Mr. WARNER.] I am willing to compromise on that. But I would be willing to vote for striking out the whole of that last sentence. Suppose you do that, will it prevent the Committee on Appropriations from introducing a bill to reduce expenditures in anything under existing laws? No. Will it prevent them from bringing forward any bill of reform? No. Will it prevent any other committee of this House or any member from bringing in a bill to change or repeal an obnoxious law? It will not. If they see fit to reform the Army or to reform any of the other departments of the Government, or to reduce salaries generally, is not the door just as wide as it is now? I think so.

My opinion, therefore, is as I stated at the beginning, that in the appropriation bills there should be no rider. I will state to the committee frankly that one reason why I feel so much interest in this question is found in the intimation of the gentleman from Ohio, [Mr. HURD,] to whom I have alluded, that gentlemen want the rule to stand as it is, that a majority of the House may use it to tack riders on appropriation bills, which appropriation bills must pass or ought to pass, such as the Constitution requires us to pass, and thereby to force the redress of grievances, or the repeal of obnoxious laws, and thus to compel the executive sanction or stop the wheels of government. That is the intimation, as I understand it. Well, sir, my opinion on that subject was very clearly given, not to the world, but to that gentleman and the democratic caucus, when that scheme was tried at the last session. I was opposed to it then; I am opposed to it now, and shall forever be opposed to any such tacking legislation. [Applause.] Hence I think it best that there should be no door for such tacking in the reformation of our rules. There should be no loophole left for allowing any such legislation to be ruled in order.

I again thank the House for this indulgence to me. Had I been permitted to speak when I wished I would not have occupied ten minutes. I yield the floor back to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. I feel unwilling to detain the House from the consideration of the rules, which is a matter of pressing importance; and having now accomplished the object in behalf of free speech and fair play which I desired, if there be no others who wish to discuss this matter I move that the committee rise.

The question being taken on the motion that the committee rise, there were—ayes 104, noes 8.

So (further count not being called for) the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the state of the Union generally and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. BLACKBURN. Unless it be the pleasure of the House to waste more time, I will now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding with the further consideration of the report of the Committee on Rules.

Mr. TOWNSHEND, of Illinois. Before that motion is put I desire to move that the House take a recess from half past four until half past seven o'clock p. m., for the purpose of further considering the report of the Committee on Rules. If we are to have any legislation this session we should conclude the consideration of that report.

The SPEAKER. Does the gentleman from Kentucky [Mr. BLACKBURN] yield for that motion?

Mr. BLACKBURN. I am willing that there shall be a vote upon it.

Mr. CONGER. I take exception to the remarks of the gentleman from Kentucky—

A MEMBER. It is too late.

The SPEAKER. There has been intervening business.

Mr. CONGER. It is in regard to the present business. The gentleman said that in order to waste no more time—

Mr. BLACKBURN. The gentleman said no such thing.

The SPEAKER. There has been intervening business.

The question was taken on the motion of Mr. TOWNSEND, of Illinois; and it was not agreed to.

The question was then taken upon the motion of Mr. BLACKBURN; and it was agreed to.

REVISION OF THE RULES.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of proceeding with the consideration of the report of the Committee on Rules. The pending question is upon the amendment offered by the gentleman from Ohio, [Mr. WARNER,] upon which the gentleman from Mississippi [Mr. HOOKER] makes the point of order that the amendment is not in order. The amendment of the gentleman from Ohio [Mr. WARNER] will be read.

The Clerk read the amendment, as follows:

Strike out all after the word "order," in the last sentence of the third clause of Rule XXI, and insert the following:

Except that it shall be in order to reduce the expenditure of money authorized or required by such existing law and covered by the bill, and to change the law only to the extent necessary to make it conform to such reduction.

So that the clause, if amended, would read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except that it shall be in order to reduce the expenditure of money authorized or required by such existing law and covered by the bill, and to change the law only to the extent necessary to make it conform to such reduction.

Mr. HOOKER. I make the point of order that substantially the same amendment has already been offered by the gentleman from Ohio [Mr. WARNER] and voted down by the committee. It is true that the pending amendment proposes to strike out something more of the twenty-first rule than did the original amendment; but in substance and reality it proposes to bring the Committee of the Whole to a vote again upon substantially the very same subject-matter that it has already voted down. I therefore hold that the amendment is not in order.

Mr. WARNER. The amendment offered by me some days since, and voted upon in Committee of the Whole, was not the same as this amendment. I think no amendment has heretofore been submitted proposing specifically to limit the change of law so as to make it conform to the reduction of expenditure proposed. I think, therefore, my amendment is clearly in order, as it has not previously been submitted to the committee.

The CHAIRMAN. The Chair has carefully compared the two amendments. While it is evident to the Chair that they are intended to accomplish the same purpose, there is so much difference in their phraseology that the Chair does not feel disposed to take the responsibility of deciding that they are the same thing. The Clerk will read the amendment which was offered by the gentleman from Ohio [Mr. WARNER] the other day and rejected by a vote of the Committee of the Whole.

The Clerk read as follows:

Strike out of the third clause all after the word "order," in the last sentence, and insert the following:

Except that it shall be in order to reduce the amounts of money provided for by existing law and covered by the bill, and to that extent only to change the law.

The CHAIRMAN. As the Chair has already observed, the object of the two amendments is undoubtedly the same, but they are couched in very different language, and may be very different things. For instance, in one amendment the words "amounts of money" are used; whereas in the other the words "expenditure of money authorized or required by such existing law" are used. And the concluding portions of the two amendments are in quite different language. The Chair therefore overrules the point of order, and will submit the amendment to the Committee of the Whole.

Mr. SPRINGER. The Chair rules the amendment to be in order?

The CHAIRMAN. The Chair having doubts upon the subject has deemed it best to submit the question to the Committee of the Whole. The question was then taken by a *viva voce* vote, and before the result was announced

Mr. WARNER called for tellers.

Tellers were ordered; and Mr. WARNER and Mr. BLACKBURN were appointed.

The committee divided; and the tellers reported that there were—ayes 117, noes 109.

So the amendment submitted by Mr. WARNER was agreed to.

Mr. BLACKBURN. I give notice that I will call for the yeas and nays in the House.

Mr. MILLS. I move to amend the third clause of Rule XXI as amended, by adding thereto the following:

But any amendment reducing customs and internal-revenue taxes shall be in order on any appropriation bill.

Mr. CONGER. I make the point of order that that is not germane to the subject-matter of the pending clause.

Mr. MILLS. There is no rule that amendments shall be germane. We are now making rules not in accordance with any previous rules of the House, but whatever rules we may please to make, under the Constitution.

The CHAIRMAN. The subject under consideration by the Committee of the Whole is the proposed revision of the rules of the House. Of course it must be in order to move any amendment which proposes to change any existing rule or to establish a new rule.

Mr. CONGER. My point of order is that the proposed amendment is not germane to the pending clause.

The CHAIRMAN. The Chair has had occasion heretofore to decide that it was not the duty of the presiding officer of this committee to say where a particular provision should be inserted in the report of the Committee on Rules; that is within the province of the Committee of the Whole. The Chair therefore would not rule an amendment out of order because it was not germane to a particular clause under consideration, for the Committee of the Whole might deem it proper to put the amendment in that place rather than where the Chair might think it ought to be put.

Mr. CONGER. But if the Chair please, we have followed this revision by paragraphs as if they were sections of a bill; and we cannot go back to a former paragraph.

The CHAIRMAN. The gentleman from Texas does not propose to return to any former paragraph. He proposes to add this to the clause or paragraph now under consideration. The Chair thinks the amendment is in order.

The question being taken, the amendment was not agreed to; there being—ayes 24, noes 86.

Mr. MILLS. I move to amend by adding the following:

And any amendment shall be in order that provides for the retirement of the circulation of national banks, or that prohibits the renewal of their charters.

The question being put on the amendment, there were ayes 61.

Before the negative side was counted,

Mr. FINLEY called for tellers.

Tellers were ordered; and Mr. MILLS and Mr. CONGER were appointed.

Mr. CONGER. I am in favor of the adoption of the amendment in the Committee of the Whole, that we may have a vote in the House by yeas and nays.

Mr. MILLS. I will agree to that.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] will please act as a teller, instead of the gentleman from Michigan, [Mr. CONGER.]

The committee divided; and the tellers reported—ayes 59, noes 99. So the amendment was not agreed to.

Mr. MILLS. I move to amend by adding the following:

And any amendment shall be in order that provides for the coinage of silver upon the same terms as gold.

Mr. CONGER. Is that an addition to the clause or an amendment of an amendment?

The CHAIRMAN. The gentleman from Texas has proposed it, the Chair understands, as an addition to the clause which has been amended by vote of the committee.

Mr. CONGER. So that it does not affect the amendment already adopted.

The CHAIRMAN. Not at all.

The question being put, there were ayes 55.

Before the negative side was counted,

Mr. MILLS called for tellers.

Tellers were not ordered.

The negative vote being taken, there were noes 81.

Mr. COOK. No quorum has voted.

Mr. MILLS. I hope the committee may give unanimous consent that a vote by yeas and nays be taken on this proposition in the House. [Cries of "Oh, no!"]

The CHAIRMAN. Does the gentleman from Georgia [Mr. COOK] insist on the point that no quorum has voted?

Mr. COOK. I withdraw it.

Mr. FINLEY. I renew it.

Tellers were ordered; and Mr. MILLS and Mr. GARFIELD were appointed.

The committee divided; and the tellers reported—ayes 34, noes 114. So the amendment was not agreed to.

Mr. PAGE. The gentleman from New Jersey [Mr. ROBESON] indicated an amendment; when will that be in order?

The CHAIRMAN. The amendment of the gentleman from New Jersey would have been in order at the time he sent it to the desk, if other amendments had not been pending; but since that time the committee has adopted the amendment proposed by the gentleman from Ohio [Mr. WARNER] which strikes out the very words that the gentleman from New Jersey proposed to strike out, and inserts other words in lieu of them. The Chair is therefore of opinion that the amendment of the gentleman from New Jersey, in the form indicated by him the other day, would not now be in order.

Mr. ROBESON. I move, then, to strike out all after the word "changing," and to insert "the effect of existing law be in order."

The CHAIRMAN. This amendment differs from the other, and is in order.

Mr. BLACKBURN. Let it be reduced to writing.

Mr. SPRINGER. Would not this amendment strike out the amendment adopted on motion of the gentleman from Ohio, [Mr. WARNER?]

The CHAIRMAN. The Chair so understands; but the gentleman from New Jersey proposes to strike out that amendment and something along with it, which makes it in order.

Mr. ROBESON. I offer this amendment, Mr. Chairman, in order to present the square issue whether we shall have any "riders."

Mr. RANDALL, (the Speaker.) The square issue is not whether we shall have any "riders" but whether we shall have any economy.

Mr. PAGE. I ask that the clause as already amended by the adoption of the amendment of the gentleman from Ohio be read.

The CHAIRMAN. The Clerk, before reading the amendment of the gentleman from New Jersey, will report the clause as it now stands amended by the Committee of the Whole.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except that it shall be in order to reduce the expenditure of money authorized or required by such existing law and covered by the bill, and to change the law only to the extent necessary to make it conform to such reduction.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROBESON] proposes to amend so that the clause will stand as the Clerk will read.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing the effect of existing law be in order.

Mr. WARNER. I wish to make a parliamentary inquiry. If the amendment proposed by the gentleman from New Jersey be adopted, will it strike out the amendment already offered by myself and adopted by the Committee of the Whole?

The CHAIRMAN. It does.

Mr. ROBESON. And that is what it is intended to do.

Mr. WARNER. I only wanted to know.

Mr. SPRINGER. Does this take the place of the amendment of the gentleman from Ohio?

The CHAIRMAN. The proposition is now to strike out that part of the clause which was adopted on the motion of the gentleman from Ohio, and along with it other matter which was reported by the Committee on Rules.

Mr. ATKINS. Have it read again.

The CHAIRMAN. It has been twice reported. Is there objection? There was no objection, and the amendment was again read.

Mr. BLOUNT demanded tellers.

Tellers were ordered; and Mr. ROBESON and Mr. WARNER were appointed.

The committee divided; and the tellers reported—ayes 115, noes 43.

So Mr. ROBESON's amendment was adopted.

Mr. BLACKBURN. I give notice I shall demand the yeas and nays on this in the House.

Mr. MORRISON. I offer what I send to the Clerk's desk as a substitute for the clause as amended.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditure.

Mr. BLACKBURN demanded tellers.

Tellers were ordered; and Mr. MORRISON and Mr. GARFIELD were appointed.

The committee divided; and the tellers reported—ayes 123, noes 95. So the amendment was adopted.

Mr. GARFIELD. I offer the following as an addition:

But no proposition or amendment shall be in order except as to amounts of money.

I want to restrict all the changes provided for to money.

Mr. MCMAHON. I make the point of order on that. The committee has already agreed to this clause in the shape it is. This is inconsistent with it.

Mr. GARFIELD. This is an addition.

Mr. MCMAHON. But it is inconsistent with the clause as the committee has adopted it.

The CHAIRMAN. Whether it is or not is a question for the committee to determine. The committee can always add a proviso.

Mr. GARFIELD demanded tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. BLACKBURN were appointed.

The committee divided; and the tellers reported—ayes 109, noes 122.

So the amendment was rejected.

Mr. WHITE. I move to strike out all after the word "progress" in the original clause reported by the committee. Then the amendment of the House has inserted and added to the original report of the committee certain written matter. I propose to strike out some of the lines of the original proposition together with what has been lately inserted. That is in order.

Mr. BLACKBURN. Is that in order? I make the point it is not.

The CHAIRMAN. The Chair thinks he understands the proposition of the gentleman from Pennsylvania. It is to strike out a part of what has just been inserted by a vote of the committee. The gentleman says that is in order because he proposes to strike out with that some part of the original report of the Committee on Rules.

Mr. WHITE. That is right.

The CHAIRMAN. It is not in order, for that brings it within the rules.

Mr. WHITE. I apprehend the point of order is not well taken. It is competent to strike out part of the original proposition together with what has been just inserted by the House. That is not like an independent proposition of striking out what has been inserted.

The CHAIRMAN. The gentleman will remember the gentleman from Illinois in his amendment incorporated the whole of the first part of the report made by the Committee on Rules, and the committee by its vote just taken have agreed expressly not only to the new matter which the gentleman from Illinois proposes but to the original matter which the Committee on Rules reported.

Mr. WHITE. I understand that.

The CHAIRMAN. Now the gentleman proposes to strike out a part of the very matter that the committee has agreed to.

Mr. STEPHENS. I wish to say a few words upon the point of order. As I understand it, the text of the report of the Committee on Rules has been amended by the Committee of the Whole.

The CHAIRMAN. The Chair will state to the gentleman from Georgia that the whole of clause No. 3, as reported by the Committee on Rules, has been stricken out on the motion of the gentleman from Illinois, and a new clause inserted as a substitute.

Mr. STEPHENS. The whole of it?

The CHAIRMAN. The whole of it. That was the amendment proposed by the gentleman from Illinois which was agreed to by the committee.

Mr. LOWE. I propose to amend the clause.

Mr. STEPHENS. I trust that the point of order may be decided now.

The CHAIRMAN. The Chair has already decided that point.

Mr. HOOKER. I submit that the point of order is no longer debatable.

The CHAIRMAN. As the Chair understands, the gentleman from Alabama now rises to propose an amendment.

Mr. WHITE. I understand that the gentleman from Georgia desires to debate the point of order.

Mr. HOOKER. I understood that the point of order had already been decided by the Chair.

Mr. STEPHENS. I ask for the reading of the amendment proposed by the gentleman from Illinois.

Mr. BLACKBURN. That has been passed.

Mr. STEPHENS. I wish to have it read.

The CHAIRMAN. The gentleman from Georgia asks that the amendment already voted upon be read. Is there objection?

Mr. BLACKBURN. I object.

The CHAIRMAN. The gentleman from Kentucky objects.

Mr. BLACKBURN. I rise to a parliamentary inquiry. What is before the committee?

The CHAIRMAN. Nothing, unless the gentleman from Alabama offers an amendment. The Chair understood the gentleman to rise for the purpose of offering an amendment. Does the gentleman desire to offer an amendment?

Mr. LOWE. I do. I ask it to be read.

The Clerk read as follows:

Provided, however, That no provision or amendment of a partisan character shall be in order.

The House divided; and there were—ayes 61, noes 102.

Mr. LOWE demanded tellers.

Tellers were ordered; and Mr. LOWE and Mr. BLACKBURN were appointed.

The House again divided; and the tellers reported—ayes 70, noes 114.

So the amendment was disagreed to.

The Clerk read as follows:

4. No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

5. All bills for improvement of rivers and harbors and for the establishment or change of post-routes shall be delivered to the Clerk, as in the case of petitions and memorials, for reference to appropriate committees.

Mr. SPRINGER. I desire to offer an amendment to this clause 5.

The Clerk read as follows:

Amend clause 5 by inserting after the word "all," in the first line, the following words: "private bills and:" making it read, "all private bills and bills for the improvement of rivers and harbors, and for the establishment or change of post-routes," &c.

Mr. SPRINGER. I desire to say a word upon that amendment. It simply provides that all private bills shall be put into the petition-box the same as bills for the establishment of post-routes and petitions or memorials. They will then go to their appropriate committees, the same as petitions go, and when reported to the House by the committee it will be in order to print them, but not otherwise. Up to this time we have had introduced into this Congress near five thousand bills, the great majority of them being of a

private nature, and we have been compelled not only to print them at great expense but to wait here until the Journal of each day has been read. Now, this proposition is for the purpose of economizing time and money by requiring that all these private bills shall go in the first instance to the committee as petitions are now referred, and if reported by a committee they can then be printed, and not otherwise.

Mr. MILLS. Let me say to the gentleman from Illinois that I have had some experience in that direction myself. I can refer him to an instance where I had a private bill which was sent to a committee and lost, and I was unable to obtain any information whatever in reference to it. What is to be done in such a case as that?

Mr. SPRINGER. Introduce another bill. It would take the gentleman but a very short time to write another or get it ready for presentation.

Mr. MILLS. All of these bills ought to be printed; it costs but little and is a matter of safety as well as convenience.

Mr. SPRINGER. The great bulk of these bills are merely for pensions and private claims of various kinds, and the expense of printing them ought to be avoided when there is no necessity for it.

Mr. CONGER. Mr. Chairman, upon this point I desire to say a few words. Among all these bills which come in under the name of private bills—

Mr. DUNNELL. Will the gentleman yield until the amendment can be again read?

The proposed amendment was again read.

Mr. CONGER. Mr. Chairman, there are bills which would be called private bills, and would be ruled to be such, embracing frequently very large amounts. I think it would be the desire of every one that bills introduced here to which the attention of the House is called should be printed, so that we can have opportunity to know their contents and examine them, and be prepared with our views to act intelligently upon them before the committee report. They ought to be printed, and there is no reason why they should be sent to the committee without printing any more than a great number of unimportant public bills. I hope the amendment will not be adopted.

Of course bills as to harbor and river improvements can be sent without printing, because they go to a committee which prepares a general bill. So with bills in reference to postal routes. They may be sent to the box, because they have to be incorporated in a general bill. But private bills must all be considered separately. They do not go into one general bill.

Mr. SPRINGER. I have no objection to the printing of private bills if anybody wants them printed.

Mr. DUNNELL. I ask the gentleman from Illinois [Mr. SPRINGER] whether his amendment proposes a continuation of the present rule that private bills shall not be printed?

Mr. SPRINGER. The present rule, which provides that private bills shall not be printed when they have been printed by a previous Congress, will remain in force, if a part of this revision and adopted. It was thought unnecessary to have these bills printed which are introduced session after session, and can be found in the document-room.

Mr. DUNNELL. But under the practical operation of the new rule bills that are private without any exception are not printed, whether they have been previously printed or not.

Mr. SPRINGER. It may be provided at a subsequent point in the revision that such private bills as have not heretofore been printed shall be printed.

Mr. DUNNELL. I think all bills, private and public, should be printed, and then we will have but one place to go to to find all the bills and know what they are. Now we have to go to the document-room for public bills and to the file-room for private bills, which is exceedingly inconvenient.

The amendment was not agreed to.

Mr. CHALMERS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to clause 5 of Rule XXI the following:

For the consideration, preparation, and report of the river and harbor bill the Committee on Commerce shall consist of thirty-eight members, one of whom shall be selected from each State, and that the Speaker shall at once add to the present committee one member from each State not now represented thereon.

Mr. CHALMERS. Mr. Chairman, it seems from the action of the House that the river and harbor bill must necessarily be completed in the committee-room. I desire to say that this amendment is offered after consultation with the chairman of the Committee on Commerce, and while I do not say he is in favor of it he certainly did not indicate any opposition. Upon the contrary, he agreed with me that every State in this Union should have a representative upon the Committee on Commerce in the preparation of the river and harbor bill. It is not intended by this amendment to add to the committee so as to prevent it from being sufficiently small to work well. The amendment simply applies to the river and harbor bill and not to general questions of commerce.

The CHAIRMAN. There is too much confusion. The gentleman from Mississippi will please suspend until order is restored.

Mr. CHALMERS. As I said before, inasmuch as the practice of the House now is well established that the river and harbor bill as perfected in the committee-room becomes the law of the land, it is essential that every State in the Union should have some voice in the preparation of that bill while it is passing through the committee. As it is now, some of the most important States, as the State of Mississippi and the State of Tennessee, both of which are deeply interested in rivers and harbors and their improvement, have no representative on the Committee on Commerce; California has no representative on the Committee on Commerce. I maintain that every State should at least have a representative on that committee in the preparation of that bill, that equal and exact justice should be done to all parts of the country.

I hope gentlemen will think well before they oppose this amendment. It is not brought here in any factious spirit. It is true I made as much of a fight as I could for the Mississippi Levee Committee; but that committee, as we all know, was killed by the action of this Committee of the Whole. The determination to permit the river and harbor bill to be prepared in the committee-room of the Committee on Commerce and then to be passed in this House is the clear declaration on the part of a majority of this House that that is the proper and best way to prepare such a bill.

South Carolina, I believe, has no representative on this committee. There are but fifteen members on it and there are thirty-eight States. If it was intended to extend the membership of the committee to thirty-eight for all the considerations of commerce it might become too unwieldy. The gentleman from Georgia suggested a moment ago it might be necessary in that case to build an extra room to put them in. That is not a good objection since the proposition applies simply to a single bill. It does not interfere with the ordinary legislation considered by the Committee on Commerce. We are all deeply interested in this subject and I hope gentlemen will reflect well before they reject the proposition I have submitted.

The question being taken on agreeing to Mr. CHALMERS's amendment, there were—ayes 36, noes 70.
So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. The gentleman from Kentucky [Mr. OSCAR TURNER] desires to offer an amendment.

Mr. HAYES. I move that the committee rise.

The question being taken on the motion that the committee rise, there were—ayes 83, noes 104.

So the motion was not agreed to.

Mr. OSCAR TURNER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend Rule XXI by adding as a sixth clause the following:

Upon all bills or resolutions appropriating money or creating a charge or debt upon the people the yeas and nays shall be taken on the final passage of such bills in the House, and entered on the Journal.

Mr. CONGER. Have we not passed to the next rule?

The CHAIRMAN. The committee has passed from the fifth clause of Rule XXI; but the gentleman from Kentucky [Mr. OSCAR TURNER] proposes to add a sixth clause to that rule.

Mr. PHISTER. As my colleague [Mr. OSCAR TURNER] may desire to submit some observations to the committee upon his amendment, I will move that the committee now rise. [Cries of "No!" "No!"]

Mr. BLACKBURN. Let him take his five minutes now; he can only have five minutes.

Mr. PHISTER. I will not press the motion.

Mr. OSCAR TURNER. Mr. Chairman, as I argued this question at the time I gave notice that I would offer this amendment, I do not feel inclined again to trespass upon the time of the committee; but as there may be some members present who were not then, I shall briefly refer to the points that strike my mind, showing conclusively that this amendment, or one embodying the same principle to some extent at least, ought to be adopted. Bills making appropriation of public money have for many years been passed by this House without the call of the yeas and nays. Indeed, the journals show that they are rarely called unless there is some political rider upon the bills or extraneous legislation in them. The result of this is that frequently, in the hurry of legislation and the noise and confusion, although the attention of members is invited by the Speaker to these bills, very few vote upon their passage. It is a fact well known to every member of this House that many bills appropriating millions of the public money pass here by the votes of perhaps four or five members; it may be the votes only of those constituting the committee from which the bills come.

These are facts that no gentleman will deny. Now, sir, this is all wrong. No appropriation of money ought to pass unless the attention of members is drawn directly to the passage of the bill, and no such bill ought to pass without it is voted for by a majority of all the members elected. Now, how are you to effect this result? I know of no way except to require the yeas and nays upon all bills appropriating public money. It is no new idea. Look, Mr. Chairman, at the array of States in this Union that have adopted this provision in their constitutions. I referred in my remarks before to seven States; since then I find that the provision is incorporated in the constitutions of the following States, twenty-two in number:

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| 1. New York. | 7. Alabama. | 13. Indiana. | 19. North Carolina. |
| 2. Pennsylvania. | 8. Arkansas. | 14. Kansas. | 20. Ohio. |
| 3. Virginia. | 9. California. | 15. Missouri. | 21. Oregon. |
| 4. Maryland. | 10. Colorado. | 16. Nebraska. | 22. Tennessee. |
| 5. Minnesota. | 11. Florida. | 17. Nevada. | |
| 6. Wisconsin. | 12. Illinois. | 18. New Jersey. | |

Kentucky requires yeas and nays on all bills appropriating over \$100. Many of the old States had tried for over half a century to do without this safeguard of the peoples' money, but it would not do; they were forced to amend their constitutions and incorporate this provision in them. I will refer to the great States of New York and Pennsylvania, which adopted this provision in 1873, and Kentucky and Virginia in 1850 and 1851. Now, sir, if it is right in the State constitutions why is it not right here? Are the taxes less burdensome on the people when imposed by Congress than by the States? Sir, there is greater reason for it here, for where the Legislatures of the States vote away hundreds of dollars we vote away millions, all coming out of the pockets of the toiling millions of the country.

I have heard but one member urge a reason against this amendment, and that was that it would take too much time. Are the people to be told by us that we have not time to call the yeas and nays upon bills appropriating their money? We are paid by the year and let us take the time. Why, sir, the yeas and nays are called hundreds of times every session upon unimportant questions, frequently even upon the question of daily adjournment. Yet we are told upon these important bills we have not the time. Mr. Chairman, this may be good logic here, but I apprehend gentlemen will find it bad logic on the stump before their constituents. But, sir, the truth is it would not take an unreasonable amount of time. There is too much special legislation here. It is bad enough in the State Legislatures, but it is worse here. Let us pass general laws providing remedies for claimants, and let them resort to the Departments and bureaus and courts, and bring their cases within those laws. If they cannot, then let their claims fall, as they ought to, and not come here to get their claims through where we have not the time to investigate the proof, and where they frequently pass as a sort of favoritism.

Mr. Chairman, this is all wrong, in my judgment. Why, sir, there are now over two thousand private bills for pensions before this Congress already; and God knows how many more will be offered, for they come in by hundreds every bill day; yet we have a pension bureau and laws designating who are entitled to pensions, and under what circumstances. If the general laws granting pensions are insufficient, let us change them and enlarge the grounds for pensions, but not sit here as a great pension bureau instead of attending to general legislation for the public good. If these views were carried out we would not have so many bills appropriating money. I have made these remarks in no partisan spirit, and, sir, I appeal to gentlemen to support the amendment or offer a better one. Let the people know who it is that votes away the money. No man will shrink from it when it is a just appropriation, and if it is not the people have the right to know who voted for it. Mr. Chairman, if this amendment is adopted it will save millions of dollars. It has done it in the States and it will do it here. I hope the amendment will prevail. I am not afraid to put myself on the record on such bills. Special legislation and private bills are a curse in the State Legislatures and they are a curse here.

[Here the hammer fell.]

The question was taken upon the amendment of Mr. OSCAR TURNER; and upon a division there were—ayes 103, noes 19.

No further count being called for, the amendment was agreed to.

Mr. HAWLEY. I give notice that I will call for a vote by yeas and nays upon this amendment in the House.

Mr. BLACKBURN. You have that right.

The Clerk read the following of Rule XXII:

Rule XXII. Of petitions and memorials—

Mr. BLACKBURN. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the proposed revision of the rules reported from the Committee on Rules, and had come to no resolution thereon.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. WISE, for five days, on account of important business; and To Mr. HOUK, until Wednesday next, on account of sickness and important business.

ORDER OF BUSINESS.

Mr. WHITE. I move that the House now adjourn.

Mr. KELLEY. I ask my colleague [Mr. WHITE] to yield to me for a moment.

Mr. WHITE. I am willing to do so.

Many MEMBERS. Regular order.

The SPEAKER. The regular order is the motion of the gentleman from Pennsylvania [Mr. WHITE] that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of Mrs. L. T. R. Akin, C. L. Stewart, and others, citizens of Titusville, Pennsylvania, and of Mary Byrnes, Elinor Story Potts, and others, citizens of Philadelphia, Penn-

sylvania, for an amendment to the Constitution of the United States securing woman suffrage—to the Committee on the Judiciary.

By Mr. ATHERTON: The petition of Joseph Baughman and 32 others, ex-soldiers and citizens of Ohio, for the passage of the Weaver soldier bill, and to put the soldiers of the country on an equality with the holders of Government bonds in respect to their pay—to the Committee on Military Affairs.

By Mr. BAKER: The petition of O. P. Stoner and 190 others, citizens of Kosciusko County, Indiana, for legislation to protect innocent purchasers of articles infringing patent-rights—to the Committee on Patents.

By Mr. BAYNE: Resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, opposing the construction of the proposed bridge over the straits of Detroit as a serious injury to the commerce of the lakes—to the Committee on Commerce.

Also, resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, asking that the Committee on Commerce be instructed to examine the plans for improving the Ohio River proposed by General Haupt, and to report thereon—to the same committee.

By Mr. BLISS: The petition of Mary E. Pocock, for a pension—to the Committee on Invalid Pensions.

By Mr. BOYD: The petition of W. T. Dowdall and other publishers, of Peoria, Illinois, for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of Clark W. Van Pelt and others, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. BREWER: The petition of A. W. Burt, John Fitzpatrick, and 40 others, citizens of Pontiac, Michigan, for increasing the pensions of totally disabled Union soldiers of the late rebellion—to the Committee on Invalid Pensions.

Also, the petition of Frank Conn, Andrew Robb, and 260 others, citizens of Clinton County, Michigan, for legislation to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of Frank Conn, Andrew Robb, and 263 others, citizens of Clinton County, Michigan, for legislation to protect the people against railroad and other transportation monopolies—to the Committee on Commerce.

By Mr. CALDWELL: The petition of John G. Lervis, George H. Sturgeon, and others, citizens of Warren County, Kentucky, for legislation regulating charges for carrying freight and passengers on railways—to the same committee.

By Mr. JOSEPH G. CANNON: The petition of D. Wallace and others, of Hoopston, Illinois, that certain articles used in the manufacture of paper be placed on the free list—to the Committee of Ways and Means.

Also, the petition of Samuel Clark and others, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of Samuel Clark and others, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. CALKINS: The petition of Peter Scouden, for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. CLYMER: The petitions of Isaac Hinkley, president Philadelphia, Wilmington and Baltimore Railroad Company, and of A. J. Cassett, vice-president Northern Central, Baltimore and Potomac, and Alexandria and Fredericksburgh Railroad Companies, against a reduction of the duty on steel rails from \$28 to \$10 a ton, as proposed in House bill No. 3234—to the Committee of Ways and Means.

By Mr. CONVERSE: The petition of M. D. Waters and 33 other soldiers, citizens of Franklin County, Ohio, for legislation to equalize the payments made to soldiers—to the Committee on Military Affairs.

By Mr. COWGILL: The petition of Millborn Day and 56 others, citizens of Huntington County, Indiana, for a ship-canal connecting Lake Erie with the navigable waters of the Wabash River—to the Committee on Railways and Canals.

By Mr. CRAPO: The petition of Simeon Atwood and 34 others, of Wellfleet, Massachusetts, for the improvement of Scituate Harbor—to the Committee on Commerce.

By Mr. LOWNDES H. DAVIS: The petition of Missouri soldiers in the late war, for the difference between the value of greenbacks and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. GEORGE R. DAVIS: Resolutions of the Union Veteran Club of Chicago, Illinois, against the passage of the bill providing for sixty pension districts—to the Committee on Invalid Pensions.

Also, resolutions of the Chicago Board of Trade, asking that suitable lights be provided at the Lake Michigan entrance and the Sturgeon Bay entrance to the canal connecting Lake Michigan with the waters of Green Bay—to the Committee on Appropriations.

By Mr. ERRETT: Resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, against the erection of a bridge over Detroit River; also, favoring an examination of Haupt's plan for improving the navigation of the Ohio River—to the Committee on Commerce.

By Mr. FINLEY: The petition of George W. Kemp and 25 soldiers, of Marseilles, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. HAWK: The petition of W. O. Wilson and 44 other soldiers, of Ogle County, Illinois, for the equalization of pay while in the service of the United States, and that such equalization be effected by

payment in a full legal-tender greenback, not to be funded into bonds of any rate or class—to the Committee on Military Affairs.

By Mr. HAZELTON: The petitions of William T. Henry and 50 others, and of William Jeffrey and 214 others, of Mineral Point; of Henry Eastman and 50 others, of Wingville; of Charley Baxter and 75 others, of Linden; of Thomas Vickers and 70 others, of New Digings; of C. Hutchinson and 54 others, of Beetown; of Joseph Bennett and 97 others, of Dodgeville, Wisconsin; of John Howell and 230 others, of Council Hill, Illinois; of Robert Raisbeck and 66 others, of Jenkinsville; of Jefferson Crawford and 61 others, of Hazel Green; of William Bainbridge and 109 others, of Mifflin; of Charles Ohlking and 55 others, of Highland; of Joseph Allen and 41 others, of Martinsville; of George E. Weatherly and 122 others, of Shullsburg; of Thomas Bainbridge and 100 others, of Benton, Wisconsin, against any reduction in the tariff on metallic zinc, &c.—to the Committee of Ways and Means.

By Mr. HILL: The petitions of Thomas C. Kinmont and other citizens, of Defiance County; of P. Raredon and others, of Van Wert County, and of James Nicholas and others, citizens of Allen County, Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petitions of Thomas C. Kinmont and other citizens of the United States, and of P. Raredon and other citizens, soldiers of Van Wert County, Ohio, against the passage of the sixty-surgeon bill—to the Committee on Invalid Pensions.

By Mr. HOOKER: The petition of citizens of McComb City, Mississippi, of similar import—to the same committee.

Also, the petition of citizens of McComb City, Mississippi, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. HERR: The petition of Asa W. Aldrich and others, of Petoskey, Michigan, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. HUNTON: The petition of M. W. Shekell, that the Washington Monument be constructed according to the plan of Clark Mills—to the Committee for the District of Columbia.

Also, the petition of citizens of West Washington and Georgetown, of similar import—to the same committee.

By Mr. JOHNSTON: The petition of Robert F. Williams & Co., of Richmond, Virginia, to be refunded customs duties illegally paid—to the Committee of Ways and Means.

By Mr. LINDSEY: Papers relating to the claim of Edward Hubbard for pay for carrying United States mails—to the Committee of Claims.

By Mr. MAGINNIS: The petition of Mrs. E. F. Bond and others, for legislation against polygamy—to the Committee on the Territories.

Also, the petition of citizens of Montana, against withdrawing from pre-emption and homestead entry lands lying west of the one hundredth meridian—to the Committee on Public Lands.

Also, the petition of Eli Davis and others, for compensation for services performed in the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Legislature of Montana, favoring the establishment of a military post at Henry's Lake, Montana—to the Committee on Military Affairs.

By Mr. McKENZIE: A paper relating to the pension claim of A. J. Baldwin—to the Committee on Invalid Pensions.

By Mr. MCKINLEY: The petitions of J. W. Taggart and 50 others, and of Frank Howenstein and 30 others, citizens of Wayne County, Ohio, and of B. W. Gilbert and 60 others, of Portage County, Ohio, for legislation to protect innocent purchasers and users of patented articles—to the Committee on Patents.

Also, the petitions of W. C. Cook and 90 others, ex-soldiers of the Federal Army, citizens of Wayne County, Ohio, for a law to pay the soldiers who served in the late war the difference between gold and the greenbacks in which they were paid—to the Committee on Military Affairs.

Also, the petition of J. W. Taggart and 50 others, of Frank Howenstein and 36 others, citizens of Wayne County, Ohio, and of E. M. Frost and 40 others, and B. W. Gilbert and 75 others, citizens of Portage County, Ohio, for legislation to prevent unjust discriminations and fluctuations in freights—to the Committee on Commerce.

By Mr. MILES: The petition of citizens of Connecticut, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of citizens of Connecticut, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. MONROE: The petition of G. H. Mains, publisher of the Wakeman Independent Press, for the reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of S. S. Parker and 88 others, citizens of Ohio, for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

Also, the petitions of H. S. Beardsley and 46 others, soldiers, and of General G. W. Shurtliff and 43 others, citizens of Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. MYERS: The petition of William C. Phares and 11 others, of similar import—to the same committee.

Also, the petition of Samuel Harden and 75 other ex-soldiers, for the passage of a bill equalizing bounties—to the Committee on Military Affairs.

Also, the petition of William Mitchell, for the removal of the duty on printing paper—to the Committee of Ways and Means.

Also, the petition of Dr. D. P. Nuzum and 36 others, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. NEAL: The petition of J. W. Whetstone and 9 other soldiers, citizens of Ross County, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of John N. Peacock and 9 other soldiers, citizens of Ross County, Ohio, for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

By Mr. NEW: The petition of citizens of Indiana, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

Also, the petition of citizens of Indiana, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of Geo. R. Griffin, for the reduction of the duty on printing paper—to the Committee of Ways and Means.

By Mr. ORTH: A paper relating to the petition of Hiram Russell for relief—to the Committee on Military Affairs.

By Mr. OVERTON: The petition of G. W. Connell and 53 other soldiers, of Wyoming County, Pennsylvania, for the passage of the equalization bounty bill—to the same committee.

Also, the petition of G. W. Connell and 54 other soldiers, of Wyoming County, Pennsylvania, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. PHELPS: The petition of Gilbert W. Greene and 100 others, of New Haven, Connecticut, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. PHISTER: The petition of John B. Auxier and 63 others, citizens of Johnson County, Kentucky, soldiers in the late war, for the equalization of bounties—to the same committee.

Also, the petition of John F. Stewart and 63 others, citizens of Johnson County, Kentucky, soldiers in the late war, against the passage of Senate bill No. 496, providing for the examination and adjudication of pension claims—to the Committee on Invalid Pensions.

By Mr. PIERCE: The petition of L. V. Davilliers, that his name be placed on the rolls of the Navy as professor of mathematics, from the date of his resignation—to the Committee on Naval Affairs.

By Mr. POEHLER: The petition of Henry G. Rising and 33 others, ex-soldiers, citizens of Lincoln County, Minnesota, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. SAPP: The petition of citizens of Iowa, that arrears of pension be granted Samuel Purcell—to the Committee on Invalid Pensions.

By Mr. SAWYER: The petition of 76 citizens and soldiers of Holt County, Missouri, for the equalization of the pay of soldiers—to the Committee on Military Affairs.

By Mr. SHALLENBERGER: Resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, calling attention to the plans of General Herman Haupt, for the improvement of the Ohio River, and asking that the Committee on Commerce examine and report upon the same—to the Committee on Commerce.

Also, resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, against bridging the straits of Detroit—to the same committee.

By Mr. STEVENSON: The petition of S. A. Murdock, of Mason County, Illinois, for the reduction of the duty on printing paper, and to place on the free list such articles as are used in the manufacture of paper—to the Committee of Ways and Means.

By Mr. TALBOTT: Papers relating to the claim of John Boyle for pay as acting Secretary of the Navy during the years 1831-'38—to the Committee of Claims.

By Mr. AMOSTOWNSEND: The petition of the Republican Printing Company of Berea, Ohio, for the reduction of the duty on materials for making paper—to the Committee of Ways and Means.

Also, memorial of citizens of Cleveland, Ohio, asking for the enactment of laws for the suppression of the use of deleterious compounds in the adulteration of food, particularly coffee—to the Committee on Manufactures.

By Mr. WILLITS: The petition of 45 citizens, honorably discharged soldiers, of Lenawee County, Michigan, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of 45 citizens, honorably discharged soldiers, of Lenawee County, Michigan, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petitions of the Adrian Press, of W. T. B. Schermerhorn, of the Hudson Gazette, and of Applegate & Lee, of the Adrian Times and Expositor, Lenawee County, Michigan, to have sundry materials used in the manufacture of paper put on the free list and for the reduction of the duty on paper—to the Committee of Ways and Means.

Also, the petition of Lucius Ranney and 34 others, citizens of Hillsdale County, Michigan, for relief for innocent purchasers and users of patented articles—to the Committee on Patents.

Also, the petition of Lucius Ranney and 34 others, citizens of Hillsdale County, for legislation for relief against transportation monopolies—to the Committee on Commerce.

By Mr. FERNANDO WOOD: The petition of the Hollister's Telegraph, California, for the abolition of the tariff on printing-type—to the Committee of Ways and Means.

Also, the petition of Charles A. Dana and Isaac W. England, for the abolition of the duty on articles entering into the manufacture of paper, and for the reduction of the duty on printing-paper—to the same committee.

By Mr. WRIGHT: The petition of P. H. Dean and 90 others, citizens of Worcester, Massachusetts, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

IN SENATE.

FRIDAY, February 20, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT. The Chair lays before the Senate a memorial of the General Assembly of the State of Iowa, relating to the Des Moines River lands; which will be referred to the Committee on the Judiciary.

Mr. ALLISON. I ask that the memorial be read at length, it being from a State Legislature.

The memorial was read, as follows:

Whereas by an act of Congress of August 8, 1846, a grant of land was made to the then Territory of Iowa, to aid in the improvement of the navigation of the Des Moines River, from its mouth to the Racoon Fork; and

Whereas on the 9th day of June, 1854, the State of Iowa contracted with a corporation known as the Des Moines Navigation and Railroad Company to complete the work then begun by the State as provided by said grant, and to be done for the lands granted thereby, without liability of the State; and

Whereas the State, in 1858, for the purpose of a settlement with said corporation, made a deed to the said company of what title the State then had to certain lands therein described north of the Racoon Fork; and

Whereas by a decision of the Supreme Court of the United States at the December term, 1859, between the Dubuque and Sioux City Railroad Company and Edwin C. Litchfield, it was decided that said grant did not extend above the Racoon Fork, and that the certificates issued by the Land Department to the State for said lands were void, and that the said company had no title whatever to the lands claimed by them above said Racoon Fork; and

Whereas by the joint resolution of Congress of March 2, 1861, all the remaining interest in said lands above said Racoon Fork so erroneously certified was released to the *bona fide* holders of the patents of the State, and by the act of Congress of July 12, 1862, said grant of 1846 was extended so as to include the odd-numbered sections lying within five miles of said river between the Racoon Fork and the north line of the State of Iowa; and

Whereas numerous settlers entered upon the said lands lying north of the Racoon Fork at various times, some of them as early as 1854, believing them to be Government lands open to settlement under the pre-emption and homestead laws of the United States, and have made valuable improvements thereon with a view to ultimate perfection of their title, many of whom have long held possession from the United States under said laws; and

Whereas the Secretary of the Interior, Hon. O. H. Browning, on the 9th day of May, 1868, in an opinion carefully reviewing the acts of 1846, 1861, and 1862, and what is known as the Harvey settlement of 1866 under them; also, the contradictory opinions of the various officials upon the original grant of 1846 and the decisions of the Supreme Court of the United States, and particularly that known as the Wolcott case, decided that the said lands heretofore improperly certified, north of the Racoon Fork, were open to pre-emption and settlement under the laws of the United States; and

Whereas in pursuance of such opinion and decisions, and encouraged thereto by such authority and the advice of eminent counsel, several hundreds of said settlers proceeded to file their declarations, and undertook in good faith to perfect their titles to the lands selected and improved by them, as mentioned, and many of said settlers had prior to that time so filed their declarations and applied to pre-empt said land and make homestead entries thereon; and

Whereas grievous litigation is now pending in the various courts of the State and of the United States relating to the title to said lands, improvements thereon, &c.; and

Whereas, on account of the very great hardship that has been brought about by the conflicting decisions aforesaid, great disturbance and trouble has already arisen and is likely to arise unless some satisfactory and just action be taken by the State and General Government relating to this subject; and

Whereas the settlers aforesaid are wholly without remedy under the effect of said rulings of the various Departments and officers of the General Government and courts, and they only desire that the United States should take proper action to protect them, and it has become a matter of vital importance to all the settlers on these lands, whether holding under the United States laws as pre-emptors, or under the company, as well as to all other people residing along the Des Moines Valley from the Racoon Fork to the north line of 92 on the east side, and the north line of 88 on the west side of the river, to which point said lands were certified, that these long-continued and vexing controversies connected with the legislation referred to be fully and finally settled; and

Whereas the settlers upon said lands believe that no action has ever been taken relating to these lands in which the United States and the interest of the United States have been fairly and properly represented in court and only desire that this may be done: Therefore,

Be it resolved by the house of representatives of the State of Iowa, (the senate concurring.) That our Senators in Congress be instructed, and our Representatives requested, to favor the immediate passage of a bill which shall in some manner provide for the Attorney-General of the United States to immediately commence proceedings or cause such proceedings to be instituted by suit, either in law or in equity, or both, as may be necessary, and appear in the name of the United States so as to remove all clouds from the title to said lands, in which suits any person or persons in possession of, or claiming title to, any tract or tracts of land under the United States involved in such suits may, at his or their expense, unite with the United States in the prosecution of such suits to the end that the title, or titles, of any person, or persons, claiming said lands, may be forever settled.

Approved February 16, 1880.

Mr. ALLISON. I present a memorial of the Legislature of Iowa, relating to another subject, which I ask to have read at length and referred to the Committee on Finance.

The memorial was read, and referred to the Committee on Finance, as follows:

Memorial and joint resolution in reference to remitting and abating the internal-revenue legacy tax.

Whereas the General Government in the year 1864 passed a law requiring the payment of a 1 per cent. revenue tax on all legacies thereafter due; and

Whereas that, during the time that said law was in force, a great many estates have been settled up by administrators, guardians, and others, who were liable for said tax without any knowledge of the existence of such a law; and

Whereas the said tax that is now claimed to be due is from parties scattered over the entire country, north, south, east, and west, many of whom are dead, or if living unable to pay the same; and

Whereas the expense attending the collection of this tax, scattered as it is in small amounts over the country, will leave no margin to the Government, but, if any, it will be so small as to be no compensation for the annoyance, trouble, and expense it gives the people; and

Whereas there is now pending in Congress a bill, the purpose of which is to re-tire said tax, together with all penalties due or to become due: Therefore,

Be it resolved by the General Assembly of the State of Iowa. That our Senators and Representatives in Congress be requested to use their influence to secure the passage of said bill, at as early a time as possible, to the end that the people may be saved from unnecessary trouble and expense in litigations that would arise, and that a copy of this resolution be forwarded to each of our Representatives.

Approved February 14, 1880.

Mr. BALDWIN presented a memorial of the Chicago Board of Trade, in favor of prompt and adequate appropriations for the completion of the Saint Mary's Ship-Canal, the improvement of the Saint Mary's River, and the deepening of the channel at the Lime Kiln Crossing on the Detroit River; which was referred to the Committee on Commerce.

Mr. CAMERON, of Pennsylvania, presented a petition of E. G. Owen and others, citizens of Bradford County, Pennsylvania, praying such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

He also presented the petition of John E. Passmore and 21 others, citizens of Bradford County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

Mr. PADDOCK. I present the petition of H. M. Ross and 1,500 others, citizens of the State of Nebraska, asking that some action should be had in reference to a subject of most vital concern to a large number of settlers in that State. Indeed I myself consider it a subject of such great importance that I desire to read the petition in full, in order to call the attention of the committee to which it will be referred particularly to the subject in question:

Your petitioners, citizens of Nebraska, respectfully show that some eighteen thousand acres of land, the same having been homesteaded, pre-empted, or purchased between the time the Saint Joseph and Denver City Railroad Company filed their plat in the office of the Secretary of the Interior and the time the local office received notice thereof, along the line of the Saint Joseph and Denver City Railroad, are in litigation on account of the conflict between the grant of lands to such railroad company, and the occupation of the same under the homestead, pre-emption, and other laws; and on account of the decision of Mr. Justice Miller, in the case of Sherman H. Knevals against Judson R. Hyde, in the circuit court of the United States in the district of Nebraska: Holding that the occupants of the land had no right thereto and their patents therefor from the Government should be set aside, even though the railroad company has forfeited the land or obtained other land in its stead; that the effect of this litigation, unless remedied by an act of Congress, will be to deprive hundreds of *bona fide* homesteaders, pre-emptors, and purchasers for cash, who have patents to their land, of all they possess, their improvements and investments, the fruits of their labor for years, and their homes.

Therefore we respectfully ask our representatives in Congress to procure the passage of an act for the relief of all persons who settled upon lands within the limits of the Saint Joseph and Denver City Railroad grant of land, and acquired patents therefor from the Government, and that such patents be declared to be valid and vest the title in such persons, their heirs and assigns, and that said railroad company, its representatives and assigns, be required to select other lands in place of those so patented, or in lieu thereof be paid the value thereof.

I will state that under the ruling of the Interior Department in respect to these grants to railroad companies the filing of the plat in the office of the Secretary of the Interior is the virtual withdrawal of the lands. In many cases, and particularly in this case, during the interval of time that elapsed between the filing of the plat in the Interior Department and the giving of notice through the local land offices, which was not given for many months, to those who were seeking to purchase or to locate upon the public lands, very many claims were made upon which patents were issued and afterward were canceled, and great suffering therefrom was endured by a large number of citizens, not only in our State but in Kansas. I do not think it was the intention of Congress to cause these lands to be so withdrawn at the Interior Department and yet leave the local land offices without notice thereof, and permit homestead and other locations to be made by consent of the offices, the agents of the Government, and then years afterward, when upon these lands the settlers had expended all they had in improvements thereupon, take their farms from them. Recently I introduced a bill upon this subject which was referred to the Committee on the Judiciary, and I move that the petition take the same reference.

The motion was agreed to.

Mr. BAILEY presented a petition of the officers and members of the Tobacco Board of Trade of Nashville, Tennessee, relative to the sale of tobacco in foreign countries, praying, inasmuch as the markets of the United States are open to the citizens of all other countries for the importation of tobacco, that such legislation be had as will require them to open their markets and do away with monopolies relative to tobacco produced in the United States; which was referred to the Committee on Commerce.

Mr. WINDOM presented the petition of George D. Wilcox and others, citizens of Renville County, Minnesota, praying such an amendment of the patent laws as will protect parties from the threats of patentees or owners of patented articles, or from the speculations of impostors, and to make the manufacturer or vendor of all such articles alone responsible for the infringement; which was referred to the Committee on Patents.

He also presented the petition of S. Burch and others, citizens of Renville County, Minnesota, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

Mr. ALLISON presented a resolution of the Board of Trade of Burlington, Iowa, relating to the improvement of the Mississippi River in connection with the act of Congress passed March 3, 1875, "for the further security of navigation on the Mississippi River," which authorizes the Secretary of War to inquire into the expediency of causing sheer-booms to be placed on the upper end of all or any bridge piers on that river; which was referred to the Committee on Commerce.

Mr. COCKRELL. I present a petition of James B. Shores and 34 others, citizens of Howard County, Missouri, favoring the passage of a law for the regulation of interstate commerce. They complain, as the producing classes of the country, that corporate monopolies "exercise and abuse their power by discriminating unjustly between individuals and localities, building up or destroying at will, and, to use the words of a United States Senate committee, 'recognize no responsibility' but to their stockholders, and no principle of action but personal and corporate aggrandizement." They recommend the passage of the Reagan interstate-commerce bill or some similar measure. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. KELLOGG presented the petition of Jack Lecomte, of Natchitoches, Louisiana, praying the passage of a law allowing him compensation for beef-cattle furnished the United States Army in the year 1864; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom the subject was referred, reported a bill (S. No. 1349) for enlarging the City Hall for the accommodation of the courts and records of the District of Columbia; which was read twice by its title.

Mr. BALDWIN, from the Committee on Commerce, to whom was referred the bill (S. No. 1316) making an appropriation for the erection of a light-house and fog-bell on Whale Rock, at the entrance of Narragansett Bay, reported it without amendment.

RESUMPTION AND FUNDING.

Mr. FERRY. The Committee on Printing yesterday reported back adversely a resolution to print 5,000 extra copies of Executive Document No. 7, Forty-sixth Congress, being a letter from the Secretary of the Treasury, transmitting letters and documents pertaining to resumption and funding, and the resolution was indefinitely postponed. I ask that that order be reconsidered and the resolution placed on the Calendar.

The VICE-PRESIDENT. It will be so ordered, no objection being made.

BILLS INTRODUCED.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1347) for the relief of E. Parlman; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1348) for the relief of James D. Wood; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1350) for the relief of C. N. Felton, late assistant treasurer of the United States at San Francisco, California; which was read twice by its title, and referred to the Committee on Claims.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 83) for the restoration of the books of the Beaufort Library, of South Carolina; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Library.

WILLIAM ENGLISH.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar under the standing order of the day, commencing at the point reached yesterday.

The first bill on the Calendar was the bill (S. No. 332) authorizing the appointment of William English to a second lieutenantancy in the Army.

Mr. BURNSIDE. This gentleman has already been appointed to the Army, and been confirmed by the Senate, I do not know exactly according to what law. It seems that the action of the Senate on this bill is unnecessary in the case. I therefore move that the bill be indefinitely postponed.

The motion was agreed to.

FORT LEAVENWORTH RESERVATION.

The next bill on the Calendar was the bill (S. No. 159) to provide for the sale of certain portions of the Fort Leavenworth military reservation.

Mr. EDMUNDS. I think that might go over. It is to sell land to a railroad company.

The VICE-PRESIDENT. The bill goes over.

JOHN CUTLER.

The next bill on the Calendar was the bill (S. No. 942) releasing the title of the United States to a certain parcel of land to the assigns of John Cutler; which had been reported from the Committee on Public Lands with an amendment, in line 8, to strike out "assignees" and insert "assigns;" so as to make the bill read:

Be it enacted, &c., That the title of the United States to that parcel of land, containing thirty-eight and thirty-one hundredths acres, lying near Visalia, in the county of Tulare, State of California, which was conveyed to the United States by John Cutler, on the 2d of October, 1865, is hereby released to the assigns of said John Cutler.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. EDMUNDS. Let us hear the report.

The VICE-PRESIDENT. There is no report.

Mr. BOOTH. This bill passed the Senate at the last Congress without a division. I will state the circumstances under which this relief is asked.

In 1865 a company of troops was ordered to the vicinity of Visalia for some purpose that I do not now remember. The citizens of that place subscribed \$300, and bought about forty acres of land for an encampment. Mr. Cutler was the owner of the land, and he executed an instrument which he supposed conveyed to the United States a right to the free use of this land for military purposes. The troops were there less than ten days, and made no improvements; they were simply encamped there, and after they left, three years afterward, Mr. Cutler, supposing he had a right, sold the land and reimbursed the men who had subscribed to buy it for the use of the United States. The instrument that he executed to the United States has been construed to be a deed, so that the purchaser under him takes no title. There are only forty acres, and there are no improvements on it. I hope that the bill will be passed. I have an abstract of the title before me. The land has passed into other hands since Mr. Cutler sold it.

Mr. EDMUNDS. Did this gentleman, Mr. Cutler, sell by a warranty deed or a quitclaim?

Mr. BOOTH. I think by a quitclaim. The abstract does not show.

Mr. EDMUNDS. If it was by a warranty, a release to Cutler would be a little safer for the United States and would inure to the benefit of the assignees; but if it was by quitclaim, then it would not.

Mr. BOOTH. I have no objection to any amendment the Senator may suggest.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Public Lands.

The amendment was agreed to.

Mr. EDMUNDS. I think it would be safer for all the parties, and for the United States in particular, to say "to said John Cutler and his assigns," so that it would be left as a matter between them to be settled.

Mr. BOOTH. I accept that amendment.

The VICE-PRESIDENT. The Chair hears no objection, and the amendment proposed by the Senator from Vermont will be considered as agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill releasing the title of the United States in a certain parcel of land to John Cutler and his assigns."

SURETIES OF HENRY L. NORVELL.

The next bill on the Calendar was the bill (S. No. 1004) for the relief of the sureties of Henry L. Norvell; which was considered as in Committee of the Whole.

Mr. EDMUNDS. Let us hear the report read.

The Chief Clerk read the following report, submitted by Mr. WALLACE January 13, 1880:

The Committee on Finance, to whom was referred the petition of Lamsford B. Yondell and others, sureties on the bond of Henry L. Norvell, late collector of internal revenue for the second district of Tennessee, praying to be relieved from liabilities as such sureties, respectfully report:

That Henry L. Norvell was appointed collector for the old second district of Tennessee on March 26, 1864, and gave bond in \$100,000, with Woods, Elliston, Claiborne, and Castleman as sureties. This district included some thirty counties of Middle Tennessee. Norvell filled this office until June 30, 1866, when the district was subdivided and Norvell appointed collector of the fifth district. He gave a new bond for that position and held the office until the expiration of his term, and has settled with the Government for all moneys due it for the said last term.

On June 1, 1876, the Government brought suit upon the bond given for the old second district, and claimed a balance of \$95,442.32. Norvell, the collector, died in 1874, Elliston in 1870, Woods in 1875, and Claiborne in 1876. The executors of the sureties and of Norvell were sued. All of the parties are insolvent save the estate of Elliston, whose heirs are the petitioners.

When the old second district was subdivided, Norvell was required to certify to the new collectors the balances uncollected. This was done, but he was not cred-

ited with these amounts save as portions thereof were collected. The whole balance now claimed from the sureties of Norvell is \$42,593.79. The Commissioner of Internal Revenue advises your committee that it is believed that the larger portion of this balance represents uncollected taxes which probably could have been abated as uncollectible if proper evidence had been presented to the office at the time, but that it is now impossible to perfect such evidence as will enable the sureties of Collector Norvell to obtain credit according to law and regulations of the Department.

It appears that during the proper time for the collection of these taxes it was impossible for the collector to reach the locality, owing to the occupation of the largest part of the district by the forces of the enemy, and that these taxes never were in fact collected or received by the collector, Norvell.

Under these circumstances, and in view of the great lapse of time from the date of the bond to the bringing of the suit by the Government, your committee report that the prayer of the petitioner should be granted, and report to the Senate herewith a bill for that purpose.

Mr. BAILEY. I move to amend the bill in line 8 by striking out "1861" and inserting "1864," so as to read, "upon a bond executed in the year 1864." There is evidently a mistake as to the date.

Mr. EDMUNDS. Is that the same bond referred to in the report?

Mr. BAILEY. That is the bond referred to. Mr. Norvell was appointed in 1864.

Mr. EDMUNDS. It is a misdescription?

Mr. BAILEY. A misdescription.

The VICE-PRESIDENT. The amendment suggested by the Senator from Tennessee will be made.

Mr. EDMUNDS. I want to say about this report and this bill that I fear there is a good deal of danger in the bill as a precedent. It may be right in this particular case; but to discharge sureties, on the ground that there has been a considerable lapse of time, from the payment of their obligations, if applied to all the districts of the United States I think would be a great mistake. But I have found out by experience that it is not a very prosperous occupation to resist reports of this character upon general principles, and so merely expressing my opposition to the principle embodied in this case, in a large part of it, if it will do any good, I leave it.

Mr. BAILEY. I wish to say that the circumstances in this case are a little peculiar. The only solvent name now remaining upon the bond is the estate of William R. Elliston. Mr. Elliston died in 1870, more than six years before an action was brought upon the bond, and after his estate had been distributed among his heirs. The other parties upon the bond were solvent. It is stated in the memorial that the aggregate wealth of the sureties upon the bond in the year 1866, when the liability was incurred, if any at all, exceeded \$1,000,000, whereas all of them have become insolvent save alone the estate of William R. Elliston, and all the sureties are dead save two.

There is another fact which is not referred to in the report. Mr. Norvell was the collector for that district in Tennessee during its occupation by military forces upon either side; he was collector at the time of the battle of Nashville; and it was utterly impossible for him to collect the taxes due to the Internal Revenue Department in the manner prescribed by law. He executed a new bond in 1866. He settled all his liabilities under that bond; but the Government still waited, and no demand was made of him or his sureties until after he was dead, after all the sureties but two were dead, and when it is utterly impossible to show whether there is in law or in equity any responsibility upon the part of the sureties.

This is an extraordinary case. Since I have been in the Senate two or three similar cases have been before the Senate for its consideration, and in every such case the sureties have been relieved. I remember one case from Indiana a year ago; another I believe that came from the State of Missouri or from Kansas—one of the Western States. The Committee on Finance, to which this bill was referred, I understand, reported unanimously in its favor, and there is a recommendation also from the Internal Revenue Commissioner that the sureties in this case shall have the relief they ask.

Mr. EDMUNDS. The report of the committee does not quite state that the Commissioner of Internal Revenue or the Secretary of the Treasury recommends the passage of this bill. It states that the Commissioner of Internal Revenue thinks that the larger portion of this balance might have been abated on account, I suppose, of the circumstances named by the Senator from Tennessee, and so far as they relate to the state of military disturbance that existed there, they are certainly entitled to very great weight. If the matter were to rest upon that ground alone, I do not know but that I should be in favor of the bill; but to put it upon the ground that time has elapsed and that some of the sureties are insolvent is equivalent to saying to everybody who goes surety on official bonds that it is no part of his business to see to it that his principal performs the duty that the bond requires him to perform, and that if the Government does not keep constant watch, through the agents that it is obliged to employ, and sue before any change of circumstances occurs, then the equitable liability upon the bond is gone and we are bound to release it. I do not believe in that doctrine. I believe it would be ruinous to the Treasury to adopt any such doctrine.

The United States has to carry on its business by agents whose duties are prescribed by law. The gentlemen who agree to be bondsmen for collectors of internal revenue and other public officers know what the law is, and they know that it is their duty to see to it that their principal pays up the balances that are against him; and it is no *laches* on the part of the United States, or the part of the people and its Government, if some clerk in the Treasury whose business it is to report these balances to the district attorney or the Solicitor of the

Treasury, or whoever it may be, does not do it. The bondsmen know that they are not discharged for any such reason; and as the law now stands it is a stimulus to sureties to see to it that their engagements are kept, and it helps the Government and does not hurt them because they are not bound to be sureties and need not be unless they choose.

But as I say, Mr. President, I have found by experience that it is useless to stand upon any such ground apparently. In part of it certainly I agree with the Senator from Tennessee, and if the case stood upon that ground I think he would be right, that this state of war there made such a condition of things exist that very likely this gentleman did all he could. That is a very strong ground, I think.

Mr. BAILEY. Do not misunderstand me. I do not mean that a state of war existed during the entire period; I did not wish to be so understood, but during a part of the period. Norvell has been dead for many years. His sureties are all dead save two who are insolvent, and their estates have been divided, and in some instances they have been spent. It appears that the whole burden of this obligation would fall upon two or three persons. I will ask leave to read simply the closing paragraph in the letter of Mr. Raum, the Commissioner of Internal Revenue:

There have been some peculiar circumstances connected with this case, differing from any case that has ever come before this office, and I would therefore recommend the prayer of the petitioners to your favorable consideration.

Mr. EDMUNDS. That is stronger than the report. It may be a later letter.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SETTLERS ON KANSAS INDIAN LANDS.

The next bill on the Calendar was the bill (S. No. 619) for the relief of certain settlers on the Kansas trust and diminished-reserve lands in the State of Kansas.

Mr. PADDOCK. As neither of the Kansas Senators is in the Chamber, I ask that the bill be passed over.

The VICE-PRESIDENT. The bill will go over.

JURISDICTION OF SUPREME COURT.

The next bill on the Calendar was the bill (S. No. 216) to extend the jurisdiction of the Supreme Court of the United States.

The VICE-PRESIDENT. This bill is reported from the Committee on the Judiciary adversely. The Senator reporting it [Mr. CARPENTER] is not present.

Mr. KIRKWOOD. It had better go over.

The VICE-PRESIDENT. The bill will be passed over.

J. P. ZIMMERMAN AND H. P. SNOW.

The next bill on the Calendar was the bill (H. R. No. 2003) for the relief of J. P. Zimmerman and H. P. Snow, of Clinton County, Kentucky; which was considered in Committee of the Whole. It provides for the payment of \$98 to J. P. Zimmerman and H. P. Snow, citizens of Clinton County, Kentucky, being the amount of a forfeited mail-route bond paid by them.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURPLUS REVENUE DEPOSITS.

The next bill on the Calendar was the bill (S. No. 877) to relieve the Treasurer of the United States from the amount now charged to him and deposited with the several States.

Mr. KIRKWOOD. That bill had better go over, I think.

The VICE-PRESIDENT. The bill will be passed over.

UNITED STATES NOTES AS A LEGAL TENDER.

The next business on the Calendar was the joint resolution (S. R. No. 49) in relation to United States Treasury notes.

Mr. PENDLETON. Let that go over.

The VICE-PRESIDENT. The resolution will be passed over.

DUTIABLE MAIL MATTER.

The next bill on the Calendar was the bill (S. No. 843) providing for the delivery of dutiable articles in the mails and for indemnity for lost registered articles; which was considered as in Committee of the Whole. It declares that the provisions of section 17 of the act of March 3, 1879, "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," authorizing the delivery of dutiable books to addresses in the United States under such regulations for the collection of customs duties as may be agreed upon by the Secretary of the Treasury and the Postmaster-General, shall be applicable to and embrace all articles of dutiable matter received by mail from foreign countries. It also provides that the Postmaster-General may accept and carry into execution the provisions of article 6 of the universal postal union convention concluded at Paris June 1, 1878, respecting the payment of an indemnity of fifty francs in case of the loss of a registered article exchanged by mail with countries of the universal postal union.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments, which were, in section 1, line 11, after the word "all," to insert the word "mailable," and in line 13, after the word "countries," to insert "and admissible by the convention for the formation of a universal postal union, ratified by the President

of the United States on the 13th of August, 1878;" so as to make the last clause of the first section read:

Shall be applicable to and embrace all available articles of dutiable matter received by mail from foreign countries and admissible by the convention for the formation of a universal postal union, ratified by the President of the United States on the 13th of August, 1878.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEPUTY COLLECTOR AT LAKE CHARLES.

The next bill on the Calendar was the bill (H. R. No. 2785) authorizing the Secretary of the Treasury to appoint a deputy collector at Lake Charles, Louisiana; which was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTEROCEANIC CANAL.

The next business on the Calendar was the joint resolution (S. R. No. 66) in relation to an interoceanic canal.

Mr. PLATT. I move the reference of that resolution to the Committee on Foreign Relations.

Mr. FERRY. I call the attention of the Senator from Connecticut to the fact that the Senator from Georgia [Mr. GORDON] who takes an interest in this question is not present. I see the Senator from Georgia is now present, and I call his attention to the motion just made.

Mr. PLATT. I thought at the time I introduced this resolution that it was a resolution which was properly referable to the Committee on Foreign Relations; but inasmuch as the question of raising a select committee was then pending, before the Senate and I thought it would be disposed of in a day or two, I asked that the resolution lie on the table. This resolution relates particularly to the action which foreign powers may be requested to take upon this matter; and inasmuch as there seems to be no present prospect of settling the question of raising a select committee, I think it may be as well referred to the Committee on Foreign Relations. If a select committee shall be appointed, the Committee on Foreign Relations can report it back and have it referred to the special committee.

Mr. GORDON. May I hear the resolution read? If it is very long I shall not ask it.

Mr. PLATT. It is short.

The Chief Clerk read the joint resolution, as follows:

Joint resolution in relation to an interoceanic canal.

Whereas an improved and cheaper maritime communication between the Atlantic and Pacific seaboard of the United States, by means of a ship-canal through some portion of the Central American isthmus, has become important to the commercial interests of this country; and

Whereas Congress deems it to be necessary and expedient that the national and public interests in such a communication should be secured rather than merely private and speculative ends: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be requested, if he shall deem it expedient, to communicate to the governments of the principal maritime nations of Europe the desire of this Government to secure such public interests, and to invite the co-operation of such governments in the selection of a route of isthmus ship transit which shall be found to subserve most largely the general interests of all the maritime nations; and also to communicate to such governments the desire of this Government to come to a mutual understanding with reference to the neutrality of such an interoceanic transit when it shall have been opened by the enterprise and capital of their respective citizens.

Mr. GORDON. Mr. President, I do not rise to antagonize the motion but more to suggest to the Senator that inasmuch as the question has not been decided as to whether the Senate will organize a select committee on this subject, it would be better probably to let it lie until that question is decided. It certainly will be decided in the next few days.

Mr. PLATT. Of course an objection takes it over under the rule, but I have waited a very long time for the matter of a select committee to be decided, and while we may think it is going to be decided quickly, it may not be. I should very much prefer that the resolution be referred at the present time to the Committee on Foreign Relations.

The VICE-PRESIDENT. Does the Chair understand the Senator from Georgia to object?

Mr. GORDON. I do.

The VICE-PRESIDENT. The resolution goes over.

The next bill on the Calendar was the bill (S. No. 1060) to incorporate the Interoceanic Transit Company, and for other purposes.

Mr. COCKRELL. Let that be passed over. My colleague who introduced it is not in.

The VICE-PRESIDENT. The bill will be passed over.

WAGON-ROAD TO SIOUX RESERVATION.

The next bill on the Calendar was the bill (S. No. 754) to authorize the relocation and improvement of the military wagon-road from Sidney, Nebraska, via Forts Robinson and Sheridan, to the Sioux Indian reservation.

The VICE-PRESIDENT. The bill is reported adversely.

Mr. PADDOCK. I ask that it be passed over. Another bill involving the same purpose is before the Senate.

The VICE-PRESIDENT. The next bill will be reported.

JAMES A. BARR.

The next bill on the Calendar was the bill (S. No. 50) for the relief of James A. Barr.

Mr. PLATT. In the absence of the Senator who reported the bill, without an explanation I shall object. If there is any member of the Military Committee who can make an explanation I shall be willing to listen to it.

The VICE-PRESIDENT. The bill is objected to.

Mr. PLATT. I do not object if there is any member of the Military Committee present who can explain the bill.

Mr. CAMERON, of Wisconsin. Perhaps the report had better be read.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. PLUMB on the 21st of January:

The Committee on Military Affairs, to whom was referred the bill (S. No. 50) for the relief of James A. Barr, have had the same under consideration, and respectfully report:

That the facts and equities of the case presented by the claimant for relief cannot be in doubt. He entered the service as a private in Company H, Twenty-sixth Regiment Ohio Volunteer Infantry, and served faithfully with that regiment until near the close of the war, or until the winter of 1864-'65. He was appointed a second lieutenant of said company and regiment, April 15, 1863, and on the 22d of the same month entered upon the duties of that position. He was mustered with the company and paid on the company rolls. Owing to the interruption of communication his commission from the governor of Ohio never reached him. He was subsequently promoted to be first lieutenant and regimental quartermaster, and was mustered to date from December 1, 1862. He could not then be regularly mustered into the rank of second lieutenant to cover the period during which he actually served in that capacity, because, as has already been stated, his commission had been lost. On a final settlement of his accounts with the Treasury Department he was charged with the amount so paid to him as second lieutenant by virtue of his service, but without a commission. The committee believe that he was entitled to his pay, that the failure to muster properly was through no fault of his, and that he ought to be paid the sum withheld from him on account of this item charged against him. A bill substantially the same as the one under consideration passed the Senate in the last Congress, and received, as we are informed, the approval of the Military Committee of the House, which committee, however, had no opportunity to report it.

The committee, therefore, recommend the passage of the bill without amendment.

Mr. PLATT. The objection is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM W. ROSS.

The next bill on the Calendar was the bill (S. No. 707) for the relief of William W. Ross; which was considered as in Committee of the Whole. It provides for the payment to William W. Ross, of Sparta, Oregon, of \$56.63, being the amount of funds in his possession as postmaster belonging to the Post-Office Department, and destroyed by fire July 30, 1874, without his fault.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADVANCEMENT OF NAVY AND MARINE OFFICERS.

The next bill on the Calendar was the bill (S. No. 593) to repeal the provision authorizing the advancement of an officer of the Navy thirty numbers in rank for extraordinary heroism; which was considered as in Committee of the Whole.

Mr. ANTHONY. I wish to make an amendment for which I am indebted to the suggestion of the chairman of the Committee on Naval Affairs; after the word "six," in line 3, insert "and 1605," and in the fourth line the word "are" instead of "is;" so as to read: "That sections 1506 and 1605 of the Revised Statutes be, and the same are hereby, repealed."

The amendment was agreed to.

Mr. COCKRELL. Let an explanation be made.

Mr. HARRIS. Let those sections of the Revised Statutes be read.

Mr. ANTHONY. This is a bill to repeal the provisions which authorize the advancement of officers of the Navy and the Marine Corps thirty numbers for extraordinary heroism, an act that was passed during the war, but the time has passed for any such advancement now.

Mr. HARRIS. It proposes to repeal certain sections of the Revised Statutes, and I suppose we had better have those sections read so that we may know what we are repealing.

Mr. ANTHONY. Certainly.

The VICE-PRESIDENT. The sections will be read.

The Chief Clerk read as follows:

SEC. 1506. Any officer of the Navy may, by and with the advice and consent of the Senate, be advanced, not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism.

SEC. 1605. Any officer of the Marine Corps may, by and with the advice and consent of the Senate, be advanced not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism.

The bill was reported to the Senate as amended, and the amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ANTHONY. The title should be amended so as to read: "A bill to repeal the provisions authorizing the advancement of an officer of the Navy or Marine Corps thirty numbers in rank for extraordinary heroism."

The VICE-PRESIDENT. The title will be so amended.

JOHN DOLAN.

The next bill on the Calendar was the bill (S. No. 556) to authorize the President to appoint Sergeant John Dolan, of the Fifth Cavalry, United States Army, a second lieutenant, and place him upon the retired list.

Mr. COCKRELL. In connection with that bill I desire a telegram to be read that I send to the desk, which will show that that bill is an act of supererogation.

The Chief Clerk read as follows:

WASHINGTON, February 11, 1880.

[From the War Department to Senator COCKRELL, United States Senate.]

First Sergeant John Dolan, Company F, Fifth Cavalry, was killed September 29, 1879, in action with hostile Indians at Milk River, Colorado.

E. D. TOWNSEND,
Adjutant-General.

Mr. ANTHONY. The Senate is so fond of putting back officers of the Army and Navy who have been dismissed, that I do not know that the Senator ought to interpose an objection on account of the man having been killed.

The VICE-PRESIDENT. The bill will be indefinitely postponed, if there be no objection.

PATRICK SULLIVAN.

The next bill on the Calendar was the bill (S. No. 426) for the relief of Patrick Sullivan.

Mr. COCKRELL. That bill was called up by the Senator from Pennsylvania [Mr. CAMERON] some time since, and postponed at my suggestion. I suggest to him, in view of the evidence which has been obtained by him, that the bill had probably better be recommitted to the Committee on Military Affairs.

Mr. CAMERON, of Pennsylvania. I do not object to that.

The VICE-PRESIDENT. The bill will be recommitted to the Committee on Military Affairs.

JACOB B. KING.

The next bill on the Calendar was the bill (S. No. 388) for the relief of Jacob B. King; which was considered as in Committee of the Whole. It is a direction to the Secretary of the Treasury to pay to Jacob B. King, of Illinois, the pay and allowance of a first lieutenant of infantry, from June 30, 1864, to January 31, 1865, less the pay of a sergeant of infantry.

Mr. WITHERS. Let us hear the report read which justifies this.

The Chief Clerk read the following report, submitted by Mr. LOGAN on the 21st January:

The bill for the relief of Jacob B. King, late first lieutenant Company C, Eighty-first Regiment Illinois Volunteers, granting him pay and allowances of that rank from June 30, 1864, to January 31, 1865, less the pay of a sergeant of infantry already received, is based upon the following facts:

He was promoted to the office of first lieutenant of Company C, Eighty-first Illinois Infantry Volunteers, and was commissioned as such June 30, 1864; was not mustered until January 31, 1865, at Eastport, Mississippi, owing to the troops being constantly on the march after Price in Missouri and Arkansas, rendering it impossible for him to appear before a mustering officer. Failure to be mustered not being caused by neglect on his part, he is legally and fairly entitled to the relief sought, having discharged his duty as first lieutenant during the time intervening between June 30, 1864, and January 31, 1865, and his company having the requisite organization to authorize his muster-in. The committee recommend that the bill do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. CUNNINGHAM.

The next bill on the Calendar was the bill (S. No. 286) for the relief of John S. Cunningham; which was considered as in Committee of the Whole. It is a direction to the proper accounting officers of the Treasury to place to the credit of John Scott Cunningham \$1,284.19, being the amount embezzled by his late clerk while at the San Francisco Navy pay office.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. ANTHONY January 21:

The Committee on Naval Affairs, to whom was referred the bill (S. No. 286) for the relief of John S. Cunningham, a pay director in the Navy, having considered the same, make the following report:

The memorialist is a pay director in the Navy. He has been many years in the service, and has disbursed many millions of dollars, and his accounts, as appears by the certificates of the accounting officers of the Treasury, have been kept with remarkable clearness and accuracy, and have been rendered with unvarying promptness, having been always settled promptly to a cent.

He was stationed at the Navy pay office, San Francisco, California, where he made it a rule not to permit any money to be drawn from the Treasury for the use of his office, but paid every bill, however small in amount, by check on the sub-treasury. He had invented a system of recording a history of bills and payments in a book, which is highly commended by the Fourth Auditor as a security against fraud. He was accustomed to draw his checks payable to order, but the assistant treasurer at San Francisco refused payment of them, and required him to make them payable to bearer. In accordance with this requirement he drew three checks, one for \$720, to pay a bill of the California Cracker Company; one for \$361.72, to pay a bill of Whittier, Fuller & Co.; and one for \$202.47, to pay a bill of James E. Jordan; in all, \$1,284.19, which were intrusted to Franklin Philp, his clerk, a sworn officer, approved by the Navy Department, and who embezzled them and applied the proceeds to his own use. Immediately on discovering the embezzlement Captain Cunningham deposited of his own funds the amount of the checks in the United States Treasury, and obtained therefor transfer drafts on San Francisco, which he at once forwarded to the parties for whom the embezzled checks were intended. The clerk absconded, and is wholly irresponsible.

Whatever are the objections to indemnifying disbursing officers for losses inflicted upon them by their subordinates, they can hardly apply when the loss is occasioned by a compulsory mode of drawing the checks against which the officer

protested, and when, if he had been permitted to draw them in the mode which he attempted for the greater security of the Government, the loss would not have occurred. It appears that the loss was caused by no fault or neglect of the memorialist, but by the requirement of the Treasury officers that the check should be made payable to bearer.

The committee recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER PHILLIPS.

The next bill on the Calendar was the bill (S. No. 389) for the relief of Peter Phillips; which was considered as in Committee of the Whole. It provides for the payment to Peter Phillips, of Illinois, of the pay and allowance of a first lieutenant of cavalry from October 14, 1863, to March 9, 1864, less the pay of a sergeant of cavalry, which was received by him for that time.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE V. HEBB.

The next bill on the Calendar was the bill (S. No. 180) for the relief of George V. Hebb; which was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury to audit the claim of George V. Hebb, late captain and assistant quartermaster in Mexico, for any balance of pay that may be found due him as an officer, and to pay the amount due in full settlement of the same, not to exceed the sum of \$136.50.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARK WALKER.

The next bill on the Calendar was the bill (S. No. 2) for the relief of Mark Walker; which was considered as in Committee of the Whole. It proposes to suspend the provisions of law regulating appointments in the Army so far as they affect Mark Walker, late first lieutenant Nineteenth United States Infantry, and to authorize the President, if he so desire, in the exercise of his own discretion and judgment, to nominate and, by and with the advice and consent of the Senate, appoint Mark Walker to the same grade and rank of first lieutenant held by him on May 13, 1878; and he is thereupon to be placed upon the retired list of the Army, provided the same shall be recommended by the retiring board.

The Committee on Military Affairs reported the bill with an amendment to add the following proviso:

Provided, That the acceptance of the provisions of this act shall be a waiver of all rights, present and prospective, under the pension laws of the United States.

The amendment was agreed to.

Mr. ALLISON. I ask that the report be read.

The Chief Clerk read the following report, submitted by Mr. PLUMB January 21:

The Committee on Military Affairs, to whom was referred the bill (S. No. 2) for the relief of Mark Walker, have had the same under consideration, and make the following report:

That the records of the War Department show that Walker entered the military service as a corporal of Company G, Fifteenth Indiana Volunteers, June 14, 1861, was subsequently appointed sergeant, promoted to second lieutenant, January 1, 1863, and to first lieutenant March 1, 1863. He was so severely wounded at the battle of Stone River, December 31, 1862, as to compel his absence from his regiment until March 1, 1863. He rendered faithful service until June 25, 1864, when he was honorably mustered out. He re-entered the service as a captain in the Two hundred and fourteenth Pennsylvania Volunteers, March 30, 1865, and served in the Shenandoah Valley and in this city until January 22, 1866, when mustered out. He was brevetted major of volunteers March 13, 1865, "for gallant and meritorious services during the war." He was subsequently appointed second and first lieutenant of the Nineteenth Infantry, Regular Army, his appointment to both grades dating February 23, 1866, and was brevetted captain March 2, 1867. He continued in the service until April 29, 1878, when he was dismissed, pursuant to the findings of a general court-martial, "for drunkenness on duty, in violation of the thirty-eighth article of war," to take effect May 13, 1878.

The specification of the charge on which Lieutenant Walker was tried is—

"In that First Lieutenant Mark Walker, Nineteenth Infantry, being on duty in command of his company at undress parade at retreat, at Fort Lyon, Colorado, on or about December 24, 1877, was found drunk."

To the charge and specification Lieutenant Walker pleaded guilty.

The occurrence on which the charge was based happened on Christmas eve, an occasion on which the tendency to conviviality in social intercourse, and notably in Army intercourse on the frontier, though not excusable, is certainly far too general. The "duty" upon which the accused was found in an intoxicated condition, while falling within the prohibition of the article of war, was evidently not of that character which involves the highest degree of responsibility on the part of the officer. The record shows that Lieutenant Walker, during his service of sixteen years, had never before been accused of any misconduct.

It is abundantly shown, as well by the records of the War Department, setting forth frequent absences on sick leave, as by the concurrent testimony of brother officers and the certificates of Army surgeons, that, at the time of the commission of the offense, Lieutenant Walker was, and for several years had been, suffering from a complication of diseases, which for long periods had rendered him wholly unfit for active service.

While the charge upon which he was dismissed was pending, he applied to be ordered before a retiring board with a view to retirement for disability, but the application was suspended to await the result of the trial. In support of this application the post surgeon at Fort Lyon certified that he had served at the same post with Walker from December, 1874, to May, 1875, and again, at Fort Lyon, from July, 1877, to the date of the certificate, December 26, 1877; that Walker had frequently been under medical treatment; that he was suffering from valvular disease of the heart, and subject to frequent attacks of acute rheumatism, and that he was wholly unfit for active service. The surgeon further certified that, in his opinion, Walker would never be fit for such service, and that the diseases mentioned were contracted in the service. Prior to the commission of said offense, namely, on November 8, 1877, the colonel of his regiment had recommended that he "be ordered before a retiring board for examination, with a view to his being retired from the service."

In submitting the case to the Secretary of War for the action of the President, the Judge-Advocate-General of the Army commented upon the record as follows: "In view of the conviviality so frequent at the season when the accused committed the offense for which he has been brought to trial, and of the informal character of the duty upon which he was engaged, his misconduct, it is submitted, was much more venial than under ordinary circumstances it would be right or expedient to hold it. The case appears to be one in which considerable clemency may well be exercised; the more clearly so when the accused's ill health, apparently the result of wounds and severe service, and his honorable record, are taken into consideration."

General Pennypacker, the president of the court-martial, writes to the Adjutant-General of the Army, under date of March 9, 1879, recommending that Walker be restored and placed on the retired list. He says:

"I considered, at the time of his trial, that his was a very hard case; that he was undoubtedly afflicted very much from exposure incident to the service. Yet, as he pleaded guilty, there was nothing for the court to do but the action taken by them. The circumstances surrounding the case, the time at which the admitted offense was committed, the physical condition of the accused, all tend to induce me to make this recommendation as an act of justice to Mr. Walker."

The passage of a bill identical with the one now under consideration was recommended by the Secretary of War during the last Congress, and it was reported favorably by this committee, with certain amendments, which we have again adopted, and with such amendments recommend its passage.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KANSAS MILITARY EXPENSES.

The next bill on the Calendar was the bill (S. No. 80) to authorize the Secretary of the Treasury to ascertain and report to Congress the amount of money expended and indebtedness assumed by the State of Kansas in repelling invasions and suppressing Indian hostilities.

Mr. ROLLINS. Neither of the Senators from Kansas is present. Let that bill go over.

The VICE-PRESIDENT. The bill will be passed over.

JOHN W. CHICKERING.

The next bill on the Calendar was the bill (S. No. 131) for the relief of John W. Chickering; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 11, after the word "purpose," to insert—

Provided, He shall be appointed only when a vacancy happens in that grade: And provided—

The amendment was agreed to.

Mr. COCKRELL. Let the bill be now read as it is amended.

The Chief Clerk read the bill as amended, as follows:

That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint John W. Chickering, late first lieutenant Sixth United States Cavalry, a first lieutenant of cavalry in the Army of the United States, with the same rank and date of commission held by him prior to the 27th day of January, 1875; and the law of promotion in the line is hereby suspended in this case for this purpose: *Provided, He shall be appointed only when a vacancy happens in that grade: And provided, That nothing shall be paid to him for the interval of time between the 27th day of January, 1875, and the date of appointment under this act.*

Mr. WITHERS. I ask for the reading of the report or an explanation of the facts.

The VICE-PRESIDENT. The report is quite lengthy. The Senator from Illinois [Mr. LOGAN] reported the bill.

Mr. LOGAN. I have reported so many of these bills that while I remember the case I cannot remember specifically the reasons for the recommendation; hence the report will have to be read.

Mr. MAXEY. The Senator will remember that the committee came to the conclusion that the charge against this officer was a mistake. Mr. LOGAN. The reason is set out in full in the report.

Mr. BURNSIDE. I object to the consideration of the bill.

The VICE-PRESIDENT. The bill will be passed over.

DUNBAR B. RANSOM.

The next bill on the Calendar was the bill (S. No. 390) to authorize the President to restore Dunbar B. Ransom to his rank in the Army.

Mr. BURNSIDE. I object to the consideration of that.

The VICE-PRESIDENT. The bill will be passed over.

FORT LARNED MILITARY RESERVATION.

The next bill on the Calendar was the bill (S. No. 193) to provide for the disposition of the Fort Larned military reservation.

Mr. ALLISON. Let that be passed over.

The VICE-PRESIDENT. The bill will be passed over.

FORT HARKER MILITARY RESERVATION.

The next bill on the Calendar was the bill (S. No. 194) to provide for the disposal of the Fort Harker military reservation.

Mr. WITHERS. Let that go over.

The VICE-PRESIDENT. The bill will be passed over.

NAVAL HISTORY OF THE WAR.

The next bill on the Calendar was the bill (S. No. 888) to authorize the compilation and printing of the naval history of the war; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, after the word "order," in line 17, to strike out:

And for the said publication the sum of ——— dollars is hereby appropriated, which shall be available from and after the passage of this act, and where extra

services are performed after office hours, and in addition to other regular duties, by the clerks employed upon this work, they shall be paid such reasonable extra compensation therefor as the Secretary of the Navy may determine.

And insert:

And for the purpose of such publication, the Secretary of the Navy is hereby authorized to employ three additional clerks, one at a salary of \$1,200, and two at a salary of \$1,000 each per annum; and the sum of \$1,500, or as much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay the same for the current fiscal year.

The amendment was agreed to.

Mr. ALLISON. I desire to ask the Senator from Rhode Island, who reported the bill, why he confines the selection to a line officer of the Navy.

Mr. ANTHONY. I have no objection to that limitation being stricken out. Say "an officer of the Navy," so as to give the Secretary the whole corps to select from.

Mr. ALLISON. Let him have the whole range of the Navy.

Mr. ANTHONY. I think that is an improvement.

Mr. ALLISON. I move to strike out the words "a line," before the word "officer," in line 4, and insert "an;" so as to read:

That the Secretary of the Navy be authorized to detail an officer of the Navy to compile, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LE VERT & MASTEN.

The next bill on the Calendar was the bill (S. No. 1088) for the relief of Claude H. Masten, surviving partner of the firm of Le Vert & Masten, of Mobile, Alabama, and the children of Octavia Le Vert, deceased; which was considered as in Committee of the Whole. It provides for the payment of \$1,200 to Claude H. Masten, as surviving partner of Le Vert & Masten, one-half for the use and benefit of the surviving child or children of Octavia Le Vert, deceased, the other half for the use and benefit of Masten; this sum to be received in full payment and satisfaction for the rent of the Le Vert hospital by the United States authorities.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

SUITS BY AND AGAINST CORPORATIONS.

The next bill on the Calendar was the bill (S. No. 1089) to amend section 640 of the Revised Statutes of the United States, relating to the removal of suits by corporations, and to make further provision relating to suits by and against corporations.

Mr. JOHNSTON. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will be passed over.

SOLOMON MORRIS.

The next bill on the Calendar was the bill (S. No. 1100) for the relief of Solomon Morris; which was considered as in Committee of the Whole. It provides for the payment to Solomon Morris of Company A, Thirty-eighth Illinois Infantry Volunteers, of the pay and allowances of a second lieutenant of infantry from the 30th of July, 1863, to the 7th of February, 1865, deducting the pay he received as sergeant of infantry.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. LOGAN January 21:

That the bill for the relief of Solomon Morris, late sergeant Company A, Thirty-eighth Illinois Volunteers, for pay and allowances as second lieutenant of said company and regiment, is based upon the facts as follows:

Your committee have carefully considered the evidence and find that the claims of said Solomon Morris, for pay and allowances from July 30, 1863, less the pay of a sergeant already received to the date of his muster-out, March, 1865, is based upon equitable grounds, he having performed the duties of second lieutenant to the date of his capture at the battle of Chickamauga, September 20, 1863. He was not permitted to go to a mustering officer on account of the Army being under orders. The failure to be mustered was not caused by any neglect or omission on his part. He is fairly and legally entitled to the relief sought by the bill, and the committee therefore recommend its passage.

Mr. ALLISON. I do not object to the passage of this bill, but I would suggest to the Military Committee the propriety of passing some general bill applying to all officers in the situation this officer is. This I think is the third bill this morning we have passed relieving lieutenants and other officers because of a failure to muster. I know that there are quite a number of officers similarly situated in my own State, and some years ago I endeavored to secure relief for one or two of them, but not being on the Military Committee I did not hear of the cases afterward. But I think justice to these officers, from whatever State they may come, requires that a general bill be passed making provision for them on sufficient proof being furnished to the military authorities.

Mr. MAXEY. The Committee on Military Affairs would be very much gratified to pass such a bill, because it would relieve the committee from a great deal of labor; but the fact is that every case from its very nature stands on its own bottom. We reject a great many of these claims; and I believe more advantage would be taken of the Government under a general bill than there can be where each case is carefully examined by the committee.

Mr. ALLISON. The merits of each case of course depend upon the fact whether the failure to muster was on account of some act on the

part of the Government or on account of some act of the officer himself. It seems to me that discretion could be lodged very well with the Secretary of War where he is satisfied that a failure to muster was caused not by the act of the officer but by some casualty or some circumstances not the fault of the officer, to allow the error to be corrected.

Mr. MAXEY. As the regulations now stand, and I believe the law, an officer cannot be paid except from the date of his muster, and yet it happens just as in the case we have just passed that the officer who had been promoted was in the field and could not be spared from the field to be mustered, not by reason of any negligence of his but because he was doing his duty. In a case like that, I think it is equity to override the regulations and say the man shall get his pay. But in any case whatever if the officer failed of muster by his own laches, by his own negligence, or if from any cause he does not show a paramount equity in his favor, we reject the claim. I have no objection to a general law, but I do not think it would be as safe as a careful examination of each case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE CALENDAR.

The VICE-PRESIDENT. The extended morning hour has expired, and the Senate proceeds to the consideration of its unfinished business.

Mr. VOORHEES. I ask unanimous consent that the morning hour be extended half an hour longer for the consideration of the Calendar.

The VICE-PRESIDENT. The Senator from Indiana asks the Senate to consider the Calendar until two o'clock. The Chair hears no objection. The Secretary will proceed with the call of the Calendar.

MONROE DONOHO.

The next bill on the Calendar was the bill (S. No. 996) for the relief of Monroe Donoho; which was considered as in Committee of the Whole. It provides for the payment to Monroe Donoho, late register of the United States land office at Tuscaloosa, Alabama, of \$169.45.

Mr. CONKLING. Let us hear the report in that case. The Chief Clerk read the following report, submitted by Mr. GROOME January 22:

The Committee on Claims, to whom was referred the bill (S. No. 996) for the relief of Monroe Donoho, and certain papers relating thereto, have considered the same, and report:

That a like bill was referred to the Committee on Claims in the last Senate, who made the following report thereon:

"The claimant was register of the United States land office at Tuscaloosa, in the State of Alabama, until the 28th February, 1861, and it appears from an account stated by J. A. Williamson, Commissioner of Public Lands, on the 3d day of May, 1877, that the Government was indebted to the claimant on account of salary and commissions in the sum of \$169.45, which amount the Commissioner recommends be paid to him.

"The committee report the bill back with the recommendation that it pass."

This committee, after a careful re-examination of the case, adopt that report as their own.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES H. NICHOLLS.

The next bill on the Calendar was the bill (S. No. 523) for the relief of Charles H. Nicholls, late superintendent of the Government Hospital for the Insane.

Mr. CONKLING. From what committee does the bill come?

Mr. COCKRELL. Let that bill be passed over.

Mr. VOORHEES. I ask that it be not passed over, and nobody here, I think, will object to it when I make a statement.

Dr. Nicholls's salary was fixed by law in 1855 at \$2,500 a year as superintendent of the Government Hospital for the Insane. Years afterward—the exact date I have forgotten—his salary was fixed at \$4,000. He drew pay according to that act. After a while the work of revision was going on, and we have one of the beauties of the revised code in this instance. The revised code adopted at the first session of the Forty-third Congress, in 1873-74, went back to the first act, and in revising the laws revived the repealed law of 1855, ignoring the act which gave him \$4,000, and placed him upon the salary of \$2,500 a year. It was not the intention at all, but it was one of the blunders for which the revised code under my hand is very remarkable. Dr. Nicholls, in entire ignorance of the blunder that had been made in this revision, made out his accounts as before, and the officers of the Treasury, likewise in ignorance of it, proceeded to pay him according to the last act, \$4,000 a year for two years. As soon as they found out this blunder of the revisers, of course they ceased to pay the salary at that rate, and went back to the rate of \$2,500 a year. This bill is for the purpose of settling his accounts without charging him with the excess which he drew during this interval. It was prepared at the Treasury Department upon my request in order to settle his accounts upon a basis of justice. It provides that the proper accounting officers of the Treasury be, and they hereby are, authorized and directed to pass to the credit of Charles H. Nicholls, late superintendent of the Government Hospital for the Insane, the sum of \$3,037.09, that being the amount disallowed in his accounts, and being the difference in salary between \$2,500 and \$4,000 per annum from June 22, 1874, to June 30, 1876; said disallowance having been made to conform to the requirements of the Revised Statutes, section 4839, adopted June 22, 1874; and the salary of the

said superintendent is hereby fixed at \$4,000 per annum, as originally provided in act of March 2, 1867.

The whole thing is of very easy comprehension, and it is no fault of the Committee on the Revision of the Laws.

In answer to the inquiry of the Senator from New York, I will state that this bill was introduced by me at the extra session of Congress, and it was referred to the Committee on Finance, of which I am a member. When it came up for consideration before that committee at the present session, it was thought by some members of the committee that it was not germane to the business of the Finance Committee, but that it was germane to the business of the Committee on the Revision of the Laws. It was thereupon transferred in the proper way to the Committee on the Revision of the Laws, of which the Senator from Pennsylvania, [Mr. WALLACE,] who is not now in his seat, is chairman, and the Senator from Illinois [Mr. DAVIS] and the Senator from New York to my right [Mr. KERNAN] are members, and others whom I do not now recall. It is here upon a unanimous report of this committee. It is one of those pieces of injustice which have been inflicted upon a citizen without any intention, perhaps, by anybody; but it is a case which appeals for immediate relief, and this bill ought to be passed so that his accounts may be settled according to the law under which he drew his pay.

That is all there is of the case. It comes here with the unanimous report of the Committee on the Revision of the Laws, and it would not have devolved on me to have made this explanation if the chairman of that committee had been here, or indeed if I had observed that the Senator from New York [Mr. KERNAN] was present; but I think he will bear witness that I have faithfully stated the purport of this bill.

Mr. CONKLING. Mr. President, no one could be more unsuspecting or unconscious than I was when I inquired of the Secretary from which committee this bill came, as I have inquired in the case of several other bills, that I was about to draw out so eloquent, so instructive, and so copious a statement from the Senator from Indiana or from any other Senator, to all of which I have listened with great pleasure. I inquired merely as I have done in the case of some other committees, from which this bill came, not knowing. However, I am very glad to hear the Senator.

Mr. VOORHEES. I thought the inquiry was very proper, and I tried in good faith and candor to give an answer.

Mr. CONKLING. I am making my acknowledgments to the Senator, although I did not at the moment think of inquiring about the merits of the bill but simply whether it came from a committee, and if so which committee,—an inquiry I often make in respect to bills. I beg to assure the Senator from Indiana that I had no ill-will toward this bill in respect of which he seems to feel an interest.

However, after hearing his statement, I venture to ask this question: how does it happen that this particular claimant—not challenging now the merits of this claim—has any higher right to consideration than all the other persons who by the repeal of the act of 1873 were in the same position as this claimant? If I am not mistaken about the statute to which the Senator referred, it was a statute which had created some comment because it gave back pay, and its repeal affected a good many persons alike. I see that the Senator shakes his head mildly, from which I infer that I am mistaken. If I am, I wish that he will set me right for I have an impression that there are a good many persons whose equity must be exactly like that of this claimant.

Mr. VOORHEES. There is no question of back pay in this matter. It is simply this: when the Government Hospital for the Insane was organized the salary of the superintendent was fixed at a certain amount. Time passed on. It enlarged its proportions; the cares and duties became infinitely greater; and it was thought in the wisdom of Congress, I think in 1867, that \$4,000 a year was needed to pay a capable, efficient man at the head of that institution. It did not retract at all. It simply increased his salary to the amount which was thought to be just and proper. He drew his salary according to this last act, not thinking of any change, nor did Congress think of making any change. Finally, when the laws were revised, the revisers of our statutes overlooked the act that increased his salary and adopted in the revision the act which gave him \$2,500. In the mean time he had drawn the amount spoken of in this bill under the law of the land. He had received the money under a law which had passed both branches of Congress and been signed by the President of the United States.

Mr. CONKLING. Does the Senator understand that the act increasing this salary referred to this single individual?

Mr. VOORHEES. Yes, sir; it did.

Mr. CONKLING. Has the Senator the act under his hand? My recollection is different, and I find the recollection of other Senators supports mine.

Mr. VOORHEES. I think my recollection is right on this subject, and I venture without fear of contradiction to state that the salary of the superintendent of the insane asylum was increased. Whether other increases took place at the same time or not, I do not know. Perhaps there were other officers whose salaries were increased at that time.

Mr. CONKLING. Very well. Now, the Senator will see upon that hypothesis that my criticism is a just one. If there were several officers whose salaries were affected in the same way by the same act,

whatever is true of one as to merit is true of another; and therefore I inquired of the Senator, assuming that to be so, why it was, particularly this bill coming from the Committee on the Revision of the Laws which ought to proceed upon the idea of correction of an error in the revision, that that committee selected from the flock one single individual and reported him?

Mr. VOORHEES. I will answer the Senator. Whenever the Senator from New York or anybody else calls my mind to any other act of injustice like this I shall be ready to correct it. The case of Dr. Nicholls has no higher merit than any other case of a similar character. Any other case of a similar character ought to be corrected, and I stand ready to do it. I answer further the question which the Senator from New York propounds. He asks me how the Committee on the Revision of the Laws came to select this case from others. I did not know of others; I knew of this. My attention was strongly called to the case of Dr. Nicholls, and knowing that wrong and injustice had been done him I introduced this bill myself. It was referred to the Committee on Finance, as I have already stated. Thinking it was not germane there, the Committee on Finance had it referred to the Committee on the Revision of the Laws. An able committee does not exist in this body, and they have brought it here. They did not select it out of any lot. They perhaps know of no other such case. I do not. If they do, or if I do, I will go as far as the Senator from New York to remedy the injustice.

I am indebted to the courtesy of the Senator from Texas [Mr. MAXEY] for a citation of the very act which the Senator from New York inquired about, for which I am very much obliged to the Senator from Texas. At the second session of the Thirty-ninth Congress, in 1867, I find the following provision in an appropriation act:

GOVERNMENT HOSPITAL FOR THE INSANE.

For the support, clothing, and medical treatment of the insane of the Army and Navy and of the revenue cutter service, and of the indigent insane of the District of Columbia, at the Government Hospital for the Insane in said District, including \$500 for books, stationery, and incidental expenses, \$90,500; and the salary of the superintendent of the said hospital is hereby fixed at \$4,000 per annum.

There is the act, and it standing there he proceeded in the discharge of his duty to receive that sum. A few years afterward it was cut down by the revision; the revision cut it down unintentionally I have no doubt. The revisers took the original act fixing \$2,500 and put it in the revision, and Congress adopted the revision as an entirety, as we have often heretofore discussed.

Mr. CONKLING. I ask the Senator from Indiana to let me say now that I think the statute he reads is a complete answer to the question I put to him. My recollection was that in place of this being an item of itself in an appropriation bill, which was omitted in the subsequent revision, it was an act embracing not only this individual but others, and in that event I should insist more strenuously than I have done so far, that if an error of revision is to be corrected, that error should be corrected for what it is worth and for whomever it applies to. But now the Senator reads a section of the statute which shows that the provision I had in mind is not the provision upon which this bill rests, and therefore my objection is not a good one and the section he reads answers it completely.

Mr. VOORHEES. I believe I have given as full an explanation to the Senate as I wish.

Mr. COCKRELL. My attention was called to this bill when it was first placed upon the Calendar. I have been making some inquiries in regard to it. I made my objection when it was first brought up. Had there been a printed report accompanying this bill, stating the facts as they have been stated by the Senator from Indiana, it might have saved a great deal of trouble. It is a very dangerous way for bills of this character and importance, and amounting, as this may, to a precedent, to be brought into the Senate without any report. The very able Committee on the Revision of the Laws could have given us their reasons in writing and in print for the consideration of this case; and so that I could have more time to look into it myself, I entered my objection as I did at the beginning.

The PRESIDING OFFICER. (Mr. HERFORD in the chair.) The bill will be passed over. The next case will be reported.

Mr. VOORHEES. A single objection does not take this over when it is under consideration.

Several SENATORS. Oh, yes.

Mr. VOORHEES. The bill is under consideration, and I ask a vote on it.

The PRESIDING OFFICER. One objection takes the bill over during the morning hour.

Mr. VOORHEES. By unanimous consent we proceeded to consider the Calendar until two o'clock.

Mr. COCKRELL. I made my objection in the beginning. The Senator asked me to listen to an explanation, but my objection still stands.

Mr. WITHERS. An objection can be interposed at any time.

Mr. VOORHEES. I did not so understand the Senator from Missouri; but as a matter of course I am not going to controvert his statement. I now move to lay aside the pending orders and proceed to the consideration of this bill.

Mr. EDMUNDS. I call for the regular order.

Mr. CONKLING. I venture to say that both these Senators on reflection will withdraw what they have done. The Senator from Indiana himself obtained unanimous consent to proceed with the

Calendar under the Anthony rule for half an hour. Now I suggest to the Senator from Vermont that he ought not to demand the regular order and that the Senator from Indiana ought not to make a motion in derogation of the unanimous consent.

Mr. VOORHEES. Will the Senator from New York read me the Anthony rule? It has escaped my recollection now.

Mr. CONKLING. It provides in substance that we proceed with unobjected cases, and a single objection carries a case over.

Mr. VOORHEES. Then the Senator from New York is correct on that point.

The PRESIDING OFFICER. The Chair has so ruled.

LIBRARY OF CONGRESS.

The next bill on the Calendar was the bill (S. No. 1117) to provide additional accommodations for the Library of Congress.

Mr. CONKLING. From which committee does that come?

The PRESIDING OFFICER. From the Committee on the Library.

Mr. MORRILL. I move to strike out all after the enacting clause, and insert as a substitute for the bill:

That a joint select committee, consisting of three Senators and three Members of the House of Representatives, together with three persons to be appointed by the President of the United States, shall be, and hereby is, authorized and directed to carefully examine the question of a site for the Library of Congress, and report to Congress, as soon as practicable, what location would be most appropriate for the Library and afford the highest advantages for its future growth and permanent accommodations.

Mr. MORRILL. Mr. President I do not think there will be quite time to consider this question in the five minutes remaining. I am very clear that the original proposition presented here will only result in a delay of the building of the Library for another year. I am quite sure that there will not be time, and with the consent of the Senator from Indiana, as there are but five minutes left in which we can consider this bill, I object to its present consideration.

The PRESIDING OFFICER. The bill will be passed over. The next bill will be read.

JOSEPH R. SHANNON.

The next bill on the Calendar was the bill (S. No. 33) to ascertain the amount of the claim of Joseph R. Shannon, of Louisiana.

Mr. CONKLING. Let us hear the report in that case.

The PRESIDING OFFICER. The amendment of the committee will first be read.

The amendment reported by the Committee on Claims was to strike out all after the enacting clause of the bill and in lieu thereof to insert the following:

That the Secretary of the Treasury is hereby authorized and directed to pay Joseph R. Shannon, formerly of the State of Louisiana, for the steamboat A. W. Quarrier, impressed into the service of the United States in the year 1862, and destroyed in such service, the sum of \$45,000, out of any money in the Treasury not otherwise appropriated.

The Chief Clerk proceeded to read the report submitted by Mr. TELLER, from the Committee on Claims, January 26, 1880, but was interrupted by

Mr. ALLISON. There are but two minutes left of the time specified, and I object to the consideration of the bill. The report seems to be a very long one.

FITZ-JOHN PORTER.

Mr. RANDOLPH. I ask for the following order:

Ordered, That Senate bill No. 1139, for the relief of Fitz-John Porter, be made the special order of the Senate, to follow immediately upon the completion of the pending unfinished business.

Mr. ALLISON. But not to the exclusion of appropriation bills. With that modification, I have no objection.

Mr. DAVIS, of West Virginia. It is hardly in place to make that order in the absence of the chairman of the Committee on the Judiciary, who gave notice that he would ask, immediately on the completion of the pending bill, to follow it up by the Geneva award bill. It would hardly be fair to make another special order. I ask the Senator from New Jersey to let his motion remain on the table until the Senator from Ohio comes in.

Mr. RANDOLPH. When the Chairman of the Judiciary Committee gave the notice to which the Senator from West Virginia alludes, I stated to the Senate that I would insist on this order, and I also stated that it was the understanding of the Senate that immediately upon the completion of the pending business the order which I have so frequently asked for and several times obtained would prevail. That has been I believe the understanding of the Senate; at least up to this moment there has been no objection save the one that was made by the Senator from Ohio. The special order in the case I have referred to was made ten or twelve days ago. This is a mere repetition of it, and for the purpose of having it distinctly understood, and not merely generally understood that the order which I ask for shall follow that which is now before the Senate. I think I am right about that.

Mr. DAVIS, of West Virginia. There is no question about the statement of the Senator from New Jersey, and the only request I made was to let the matter lie on the table until the chairman of the Committee on the Judiciary comes in.

Mr. RANDOLPH. If it can be taken up to-day and acted on, I have no objection.

Mr. DAVIS, of West Virginia. Certainly.

Mr. ALLISON. I call for the regular order.

The PRESIDING OFFICER. The morning hour having expired, the unfinished business of yesterday is now in order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the joint resolution (S. R. No. 80) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of Ireland.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled joint resolutions; and they were thereupon signed by the Vice-President:

A joint resolution (H. R. No. 157) for the relief of M. M. Herr and to pay three messengers of the Senate;

A joint resolution (H. R. No. 200) for printing the eulogies delivered in the Senate and House of Representatives upon Hon. Rush Clark, deceased; and

A joint resolution (H. R. No. 203) making appropriations for the Reform School of the District of Columbia.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 18th instant approved and signed the act (S. No. 325) for the relief of Henry Page; and on this day the act (S. No. 185) for the relief of Gibbes & Company, of Charleston, South Carolina.

MILITARY WARRANT LAND LOCATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, the pending question being on the motion of Mr. EDMUNDS to postpone the bill indefinitely.

Mr. LOGAN. Mr. President, I desire to detain the Senate a short time on this question. I must premise by saying that the arguments made use of before the Senate by some of the Senators who have opposed the bill have struck me as very peculiar. The Senator from Alabama, [Mr. PRYOR] the other day addressed the Senate; I listened to his argument attentively; and my understanding was about this: that his State had neglected so long to call attention to this claim that it struck him unfavorably. I also listened to the argument of the other Senator from Alabama, [Mr. MORGAN,] yesterday, in which he took the position that his State would not receive more if this bill passed than she would be taxed for its payment. The inference I drew from his argument was that this was a sufficient reason why the bill should not be voted for. I think I do not misstate the positions of the Senators from Alabama. Now for one moment I desire to call the attention of the Senate to this curious argument.

If we as Senators representing the different States are not to inquire into the legality and justice of a claim presented by another State than our own unless the passage of the bill shall in some way materially benefit the State we represent, I think in such case we will have traveled far from that which ought to guide us in forming our judgments in reference to passing laws. Upon the same principle every bill appropriating money for the harbors of New York, Boston, or Charleston, or for any other harbor in this country, the constituents of other Senators not being benefited by the bill, those Senators may say "our State will receive no benefit from this appropriation, but we shall be taxed so much in order to provide this fund, and therefore we cannot afford to vote for it." I must say that this would be a very incorrect position to assume, and one that I cannot consent to for one moment. In legislation there should be no question in our minds as to whether our own States are directly interested or not in the passage of a bill that is pending. We should consider only whether the bill is a just and a proper one to be passed, no matter whether it affects one State or all the States. At least I have tried, so far as my short legislative career has gone, to govern myself by that principle.

What is the question involved in this bill, Mr. President? It is not what has been stated in some parts of the argument of the Senator from Vermont, [Mr. EDMUNDS,] as I understand it. Arguments are sometimes calculated to confuse and obscure the real question, and in many instances obstruct the main pathway to the true merits of a bill. I will not say that this has been intentionally done in this instance, but that has been the effect in some degree.

Now, sir, I assert this proposition to be true, that the trust which was to be executed by the Government of the United States in relation to the expenditure of 2 per cent. of the 5 per cent. of the proceeds of the sales of public lands payable to the different States has nothing whatever to do with the question in this bill. The trust referred to by the Senator from Vermont and by one of the Senators from Alabama yesterday was in regard to internal improvements that were undertaken by the Government of the United States. For the completion of those improvements 2 per cent. of this 5 per cent. fund was to be expended.

Without discussing that question in this connection, I here assert, that by the action of Congress, by the decisions of the departments of the Government, by an absolute abandonment of that trust on the part of the Government of the United States, it was turned over to

the different States, and ceased further to exist so far as the Government of the United States was concerned.

Then this proposition is entirely independent of that. What is this proposition? It is whether or not the contract entered into between the Government and the States mentioned in this bill, whereby they were to receive 5 per cent. of the proceeds of the sales of the public lands, embraced entries of lands other than for money. In other words, whether or not land warrants, which were given by the Government of the United States as part payment to its soldiers as compensation for their services, should be treated by the Government as an obligation of indebtedness, and whether lands exchanged by the Government in payment of these obligations should be subject to the charge of the 5 per cent. the same as if disposed of for money; whether or not there was a consideration between the soldier and the Government—a consideration between the State and the Government? These are the questions presented by this bill.

In order that we may understand these questions fully I will call the attention of the Senate to the different laws that have been passed giving lands or bounties, as they are commonly called, or land warrants, or scrip, to persons who served the Government of the United States. The theory upon which the Government acted at the time in the enactment of these laws was that this was part payment for the services performed in behalf of the Government by the soldiers. The very first enactment on this subject shows this to be true, and will be found in the Journal of the American Congress of 1776. September 16 Congress provided for the raising of eighty-eight battalions to serve for the war. The resolution of Congress was as follows:

Resolved, That in addition to a money bounty of \$20 to each non-commissioned officer and private soldier, Congress make provision for granting lands in the following proportions: To the officers and soldiers who shall engage in the service, and continue therein to the close of the war, or until discharged by Congress, and to the representatives of such officers and soldiers as shall be slain by the enemy, such lands to be provided by the United States; and whatever expense shall be necessary to procure such lands, the said expense shall be paid and borne by the United States in the same proportion as the other expenses of the war, namely: to a colonel, five hundred acres; to a lieutenant-colonel, four hundred and fifty acres; to a major, four hundred acres; to a captain, three hundred acres; to a lieutenant, two hundred acres; to an ensign, one hundred and fifty acres; to each non-commissioned officer and soldier, one hundred acres.

By this act the land was a part of the pay promised to the soldier for services that he should perform in behalf of the Government. The \$20 cash bounty and the land, which has been called a bounty in this discussion, were each a part of the agreement between the Government and the soldier at the time. The Commonwealth of Virginia, impressed with the importance of augmenting the Army at once, almost immediately after the passage of the above act by Congress, passed an act providing for raising her part of the troops demanded by Congress:

October, 1776.—An act for raising six additional battalions of infantry on the Continental establishment.

Whereas it has been thought necessary by the American Congress that the armies of the United States should be augmented to eighty-eight battalions, to be enlisted to serve during the continuance of the present war, unless sooner discharged, and that fifteen of said battalions should be furnished by this Commonwealth, and that the said Congress, by their resolutions, have to give to every non-commissioned officer and private soldier a present bounty of twenty dollars * * * and to provide the following portion of land to be given at the close of the war, or whenever so discharged, to the officers and soldiers who shall engage in said service, or to their representatives, if slain by the enemy: To every non-commissioned officer or soldier, 100 acres; to every ensign, 150 acres; to every lieutenant, 200 acres; to every captain, 300 acres; to every major, 400 acres; to every lieutenant-colonel, 450 acres; to every colonel, 500 acres:

Be it therefore enacted by the General Assembly of the Commonwealth of Virginia, That it shall and may be lawful for the governor, with the advice of his privy council, and he and they are hereby required, to take such measures as to them shall seem most expedient for engaging the said battalions * * * and for that purpose to give recruiting powers to the officers commanding the same, or to send special commissioners, if that measure shall appear more effectual, or to adopt any other way or means most likely to procure their speedy enlistment, &c.—*Henning's Statutes of the Commonwealth of Virginia*, volume 9, page 179.

We find also following this, *Henning's Statutes at Large*, volume 9, page 558:

October, 1778.—An act for the speedy recruiting of the Virginia regiments or Continental establishment.

Whereas the different modes heretofore adopted for the making up of the deficiencies in the quota of Continental troops to be furnished by this State have been found inadequate to the purpose, and it is indispensably necessary that the regiments of infantry be speedily recruited to render the operations of the ensuing campaign more decisive and honorable to the American arms,

Be it enacted, That twenty-two hundred and sixteen men, rank and file, be forthwith raised within this Commonwealth, and that each person who shall enlist to serve eighteen months, to commence from the day of their several rendezvous, shall be entitled to \$300, and that each person who will enlist for three years or during the war shall be entitled to \$400, together with the Continental bounty of lands, &c.

In 1779 (*Henning's Statutes*, volume 10, page 24) we find the land grant was extended to the marines, also to the soldiers under Colonel George Rogers Clarke; also to chaplains and surgeons, and their mates, in the Army.

We find also in October, 1779, an act extending the same privileges. This act declares the quantity of land which it was intended the officers and soldiers should have at the end of the war, namely: Colonel, 5,000 acres; lieutenant-colonel, 4,500 acres; major, 4,000 acres; captain, 3,000 acres; every subaltern, 2,000 acres; every non-commissioned officer, 400 acres; every soldier or sailor, 200 acres.

It will be seen by the foregoing act of the first Congress of the United States that the policy was early adopted of offering induce-

ments to enlistments in the Army in time of, or in anticipation of, war, by appropriating public lands in part payment of those who enlisted and faithfully served in the military service, in addition to the money bounty and monthly compensation paid.

Afterward, in the war of 1812-'15 with Great Britain, we find that before the declaration of that war Congress provided as a part of the compensation to those who enlisted or re-enlisted in the military service of the United States that they should receive, upon certificate of faithful service, one hundred and sixty acres of the public domain.

December 24, 1811.—An act for completing the existing military establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the military establishment, as now authorized by law, be immediately completed.

SEC. 2. *And be it further enacted,* That there be allowed and paid to each effective, able-bodied man, recruited or re-enlisted for that service for the term of five years, unless sooner discharged, the sum of \$16; but the payment of one-half of said bounty shall be deferred until he shall be mustered and have joined the corps in which he is to serve; and whenever any non-commissioned officer or soldier shall be discharged from the service, who shall have obtained from the commanding officer of his company, battalion or regiment a certificate that he had faithfully performed his duty while in service, he shall moreover be allowed and paid in addition to the aforesaid bounty three months' pay and one hundred and sixty acres of land; and the heirs and representatives of those non-commissioned officers or soldiers who may be killed in action, or die in the service of the United States, shall likewise be paid and allowed the said additional bounty of three months' pay and one hundred and sixty acres of land, to be designated, surveyed, and laid off at the public expense, in such manner and upon such terms and conditions as may be provided by law.—*United States Statutes at Large*, volume 2, page 669.

This statute, it will be seen, gave this bounty upon the condition of the service of the soldier, when he received a certificate at the time of his discharge that he had served honorably and faithfully in the service of the Government. When we come to read this act in connection with the acts preceding it by the then Congress at the time of the Revolution, we find that the principle ran through all of them that the lands were a part of the consideration to the soldier for his services in behalf of the Government of the United States.

The following enactments by Congress, which in every instance relate to future enlistments, entitled the enlisted men to lands for services in that war:

January 11, 1812.—An act to raise additional military force.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be immediately raised ten regiments of infantry, two of artillery, and one regiment of light dragoons, to be enlisted for the term of five years, unless sooner discharged.

SEC. 12. *And be it further enacted,* That there shall be allowed and paid to each effective, able-bodied man recruited as aforesaid to serve for the term of five years, a bounty of \$16, but the payment of \$8 of the said bounty shall be deferred until he shall be mustered and have joined some military corps of the United States for service; and whenever any non-commissioned officer or soldier shall be discharged from service, who shall have obtained from the commanding officer of his company, battalion, or regiment a certificate that he had faithfully performed his duty whilst in service, he shall, moreover, be allowed and paid in addition to the said bounty three months' pay and one hundred and sixty acres of land, and the heirs and representatives of those non-commissioned officers or soldiers who may be killed in action or die in the service of the United States, shall likewise be paid and allowed the said additional bounty of three months' pay and one hundred and sixty acres of land, to be designated, surveyed, and laid off at the public expense in such a manner and upon such terms and conditions as may be provided by law.

[Volume 2, page 676.]

February 6, 1812.—An act authorizing the President of the United States to accept and organize certain volunteer military corps.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby, authorized to accept of any company or companies of volunteers, either of artillery, cavalry, or infantry, who may associate and offer themselves for the service, not exceeding fifty thousand men, who shall be clothed, and in case of cavalry, furnished with horses at their own expense, and armed and equipped at the expense of the United States after they shall be called into service, and whose commissioned officers shall be appointed in the manner prescribed by law in the several States and Territories to which such company shall respectively belong: *Provided,* That where any company, battalion, regiment, brigade, or division shall continue to be commanded by the officers holding commissions in the same at the time of such tender; and any vacancy thereafter occurring shall be filled in the mode pointed out by law in the State or Territory wherein the said company, battalion, regiment, brigade, or division shall have been originally raised.

SEC. 6. *And be it further enacted,* That the heirs and representatives of any non-commissioned officer or soldier who may be killed in action or die in actual service of the United States, shall be entitled to receive one hundred and sixty acres of land, to be designated, surveyed, and laid off at the public expense in such manner and upon such terms and conditions as may be provided by law.

[Volume 2, page 788.]

December 12, 1812.—An act increasing the pay of non-commissioned officers, musicians, privates, and others of the Army, and for other purposes.

SEC. 3. *And be it further enacted,* That every non-commissioned officer, musician, and private who shall, on the promulgation of this act, be recruited into the regular Army of the United States, may, at his option, to be made at the time of enlistment, engage to serve during the present war with Great Britain, instead of the term of five years; and shall, in case he make such option, be entitled to the same bounty in money and land and to all other allowances, and be subject to the same rules and regulations, as if he had enlisted for the term of five years.

[Volume 3, page 96.]

January 27, 1814.—An act making further provision for filling the ranks of the regular Army, encouraging enlistments for longer periods of men whose terms of service are about to expire.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to complete the present military establishment to the full number authorized by Congress and the law with the

greatest possible dispatch, there shall be paid to each effective, able-bodied man who shall, after the 1st day of February next, be enlisted into the Army of the United States, to serve for the term of five years or during the war, at his election, in lieu of the bounty in money and of three months' pay at the expiration of the service now allowed by law, the sum of \$124, \$50 of which to be paid at the time the recruit is enlisted, \$50 when he shall be mustered and have joined some military corps for service, and \$24 when he shall be discharged from service; and the wife and children, and, if he leave no wife or children, the parents, of such non-commissioned officers and soldiers enlisted as hereinbefore stated, who may be killed in action or die in the service of the United States, shall be allowed and paid the sum of \$24; and after the 1st day of February next, so much of the fourth section of the act entitled "An act for the more perfect organization of the Army of the United States," passed the 20th day of January 1813, as allows to each able-bodied man enlisted into the service of the United States in the manner therein stated, an advance of \$24 on account of his pay, shall be and the same is hereby repealed.

SEC. 3. *And be it further enacted,* That every non-commissioned officer, musician, and private who has been recruited in the regular Army of the United States under the authority of the act of the 8th of April, 1812, entitled "An act to raise an additional military force," passed January 11, 1812, may be re-enlisted for the term of five years or during the war; and that every non-commissioned officer, musician, and private recruited under the authority of the act of the 29th of January, 1812, entitled "An act in addition to an act entitled 'An act to raise an additional military force, and for other purposes,'" may be re-enlisted for five years or during the war.

[Page 97.]

SEC. 4. *And be it further enacted,* That the non-commissioned officers, musicians, and privates re-enlisted under the authority of the preceding section shall be entitled to the bounty allowed by this act to recruits for five years or during the war.

[Volume 3, chapter 9.]

January 24, 1814.—An act authorizing the President of the United States to cause certain regiments therein mentioned to be enlisted for five years or during the war.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and empowered to cause to be enlisted for the term of five years or during the war the fourteen regiments of infantry which are now by law authorized to be enlisted for the term of one year, or such number of them, or of the troops composing the same, as in his opinion will best promote the public service.

SEC. 2. *And be it further enacted,* That each man enlisted under the authority of this act shall be allowed the same bounty in money and land as is now allowed by law to men enlisted for five years or during the war, and that the officers, non-commissioned officers, musicians, and privates shall receive the same pay, clothing, subsistence, and forage, be entitled to the same benefits, be subject to the same rules and regulations, and be placed in every respect on the same footing as the other regular troops of the United States.

[Volume 3, chapter 11.]

February 10, 1814.—An act to raise three regiments of riflemen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be immediately raised such number of regiments of riflemen, not exceeding as in the opinion of the President will best promote the military service, to serve for five years or during the war, unless sooner discharged.

SEC. 4. *And be it further enacted,* That each man recruited under the authority of this act be allowed the same bounty in money and land as is allowed by law to men enlisted for five years or during the war, and that the officers, non-commissioned officers, musicians, and privates shall receive the same pay, clothing, subsistence, and forage, and be entitled to the same provisions for wounds and disabilities, the same benefits and allowances, and be placed in every respect on the same footing as the other regular troops of the United States.

[Volume 3, chapter 10.]

December 10, 1814.—An act making further provisions for filling the ranks of the Army of the United States.

SEC. 4. *And be it further enacted,* That in lieu of the bounty of one hundred and sixty acres of land now allowed by law, there shall be allowed to each non-commissioned officer and soldier hereafter enlisted, when discharged from service, who shall have obtained from the commanding officer of company, battalion, or regiment, a certificate that he had faithfully performed his duty while in service, three hundred and twenty acres of land, to be surveyed, laid off, and granted under the same regulation, and in every respect in a manner prescribed by law, and the widow and children, and if there be no widow and children, the parents of every non-commissioned officer and soldier enlisted according to law, who may be killed or die in the service of the United States shall be paid, but the same shall not pass to collateral relations, any law heretofore passed to the contrary notwithstanding.

It will also be observed that Congress, during the war with Mexico, in providing for raising a military force for that purpose, induced enlistments by offering lands, as shown by the following acts:

[Volume 9, page 124.]

February 11, 1847.—An act to raise for a limited time an additional military force, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in addition to the present military establishment of the United States, there shall be raised and organized under direction of the President for and during the war with Mexico, one regiment of dragoons and nine regiments of infantry, each to be composed of the same number and rank of commissioned and non-commissioned officers, buglers, musicians, and privates, &c., as are provided for a regiment of dragoons and infantry, respectively, under existing laws, and allowances according to their respective grades, and be subject to the same regulations, and to the rules and articles of war.

SEC. 2. *And be it further enacted,* That during the continuance of the war with Mexico the term of enlistment for the men to be recruited for the regiments authorized by this act shall be during the war, unless sooner discharged.

February 11, 1847.—SEC. 9. *And be it further enacted,* That each non-commissioned officer, private, or musician enlisted or to be enlisted in the regular Army, or regularly mustered in any volunteer company for a period of not less than twelve months, who have served or may serve during the present war with Mexico, and who shall receive an honorable discharge, or who shall have been killed, or died of wounds received or sickness incurred in the course of such service, or who shall have been discharged before the expiration of his term of service in consequence of wounds received or sickness incurred in the course of such service, shall be entitled to receive a certificate or warrant from the War Department for the quantity of one hundred and sixty acres, and which may be located by the warrantee or his heirs-at-law at any land office of the United States, in one body, and in conformity to the

legal subdivision of the public lands in such district then subject to private entry; and upon the return of such certificate or warrant, with evidence of the location thereof having been legally made to the General Land Office, a patent shall be issued therefor.

Provided further, That every such non-commissioned officer, musician, or private who may be entitled under the provisions of this act to receive a certificate or warrant for one hundred and sixty acres of land, shall be allowed the option to receive such certificate or warranty or a Treasury scrip for \$100; and such scrip, whenever it is preferred, shall be issued by the Secretary of the Treasury to such person or persons as would be authorized to receive such certificate or warrants for lands; said scrip to bear an interest of 6 per cent. per annum, payable semi-annually, redeemable at the pleasure of the Government; and that each private, non-commissioned officer, and musician who shall have been received into the service of the United States since the commencement of the war with Mexico for less than twelve months, and shall have served for such term or until honorably discharged, shall be entitled to receive a warrant for forty acres of land, which may be subject to private entry, or \$25 in scrip if preferred.

[Volume 9, page 183.]

March 3, 1847.—An act to amend an act entitled "An act to raise, for a limited time, an additional military force, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That under the provisions of the ninth section of the act approved February 11, 1847, entitled "An act to raise, for a limited time, an additional military force, and for other purposes," it shall be the duty of the Secretary of the Treasury to issue Treasury scrip as therein provided, on the certificate of the Secretary of War, showing the claimant entitled thereto, and not otherwise, and that the stock thus issued shall bear interest from the day of presenting to the Treasury Department such certificate of the Secretary of War in due form, and the interest thereon shall be paid on the 1st days of January and July in each year, and shall be transferable on the books of the Treasury Department kept in the Register's Office. Such certificate shall be signed by the Register of the Treasury under the direction of the Secretary, who shall cause the seal of the Department to be affixed thereto; and no other signature shall be required to said stock.

[Volume 9, page 520.]

September 28, 1850.—An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the surviving, or widow or minor children of deceased commissioned or non-commissioned officers, musicians, or privates, whether of regulars, volunteers, rangers, or militia, who performed military service in the regiment, company, or detachment in the service of the United States in the war with Great Britain declared by the United States on the 18th of June, 1812, or in any of the Indian wars since 1790, and each of the commissioned officers who was engaged in the military service of the United States in the late war with Mexico, shall be entitled to land as follows: Those who engaged twelve months or during the war, and actually served nine months, shall receive one hundred and sixty acres, and those who engaged to serve six months and actually served four months, shall receive eighty acres, and those who engaged to serve for any, or indefinite period, and actually served one month, shall receive forty acres.

From all these acts, it will be seen that in the great wars in which the United States have been engaged lands were offered to induce enlistments in the military service of the Government. And Congress, in all its provisions in this respect, makes no distinction between the money and land compensation to be paid the soldier for his services in the Army.

The legal effect of all these acts of Congress, and the enlistment of the soldiery of the country under them in our several wars, is, that as soon as the soldier enlisted under and pursuant to the provisions of any of these statutes, a contract sprung into existence, whereby the enlisted soldier, by reason of his enlistment, contracted and agreed with the United States to render military service in the Army of the Government, in whatever capacity he might be assigned, according to the laws and rules governing the Army, for a given time; and in consideration of that service the United States, by her statute under which the enlistment took place, contracted and agreed to pay such enlisted soldier the bounty in money prescribed by that act—a stated monthly wage—and at the end of his term of service, upon the certificate of the proper officer that he had faithfully performed his duty as such soldier, to secure to him, of the public domain, one hundred and sixty acres of land, or whatever quantity agreed upon under the law.

You will find the laws passed in reference to this question with one exception preceded the enlistment of the soldier. They were passed at the time the compensation was fixed, when it was provided that he should receive any money, and became a part of the payment for his services rendered to the Government, and was not considered in any single instance as a gift, or, as we might term it, a bounty. It was based upon a consideration passing from the soldier to the Government as a part of his pay. He received it for services and not as a gift.

The first question, as I stated, is, was there a consideration between the soldier and the Government for the bounty land warrant or scrip, as it is termed, that was issued by the Government to the soldier for his services? I take it that there was a consideration and a good and valid one. It is immaterial whether it was in scrip, whether it was a land warrant, a Government bond, a United States note, or gold or silver. When I say it was a payment to the soldier, I mean that it was an obligation from the Government to the soldier, to him of value, and that obligation might be discharged by the Government in a certain way. It could be discharged by the Government when the Government permitted that soldier or his assignee to lay the warrant upon a certain number of acres of land belonging to the Government. He then obtained his deed or certificate of purchase, and it was as much a payment by the Government of an indebtedness when it gave a deed for the location of this warrant or scrip as it was if he had purchased the land with the money of the Government. There is no distinction between the two cases; it was the same to the Government.

Suppose, according to our land laws, lands could only be purchased from the Government by the payment of money, and that Congress to-day should pass a law authorizing the Government to receive the 4 per cent. bonds of the Government in lieu of money for the land subject to entry at the land offices, I ask any one to tell me if such a bond would not be a payment to the Government for that land? Would that land not be sold by the Government? It would not be sold for cash, we would say, but it would be sold by the Government for the purpose of releasing it from an indebtedness it owed to the individual holding the bond. If that be true, the man who held a land warrant of the Government, it being an obligation of the Government that could only be discharged by the Government allowing him to take so much land in lieu of that warrant, it was a discharge of an obligation upon the part of the Government, and was as much a sale of the land as if the land had been sold for cash.

But some of our friends say, in fact it was said by one of the Senators from Alabama that if this bill should be passed the Government would become responsible for all of the lands that have been given to railroads and canals, that have been given for schools, &c. So far as I am concerned my mind leads me in a very different direction. There is a broad distinction between a grant and an exchange for an obligation based on a good consideration, such as this was, passing between the individual and the Government. So far as the question regarding the lands given to railroads is concerned, it was well answered by the Senator from Iowa [Mr. KIRKWOOD] when he informed Senators that all the lands granted to railroads were granted in alternate sections, and that upon the sections reserved by the Government the price was doubled to \$2.50 an acre, which left the Government in the possession of the same amount of money from the sale of the alternate sections of land as if they had not granted any land whatever to railroad corporations. Hence the 5 per cent. is being paid to-day to the different States on lands embraced in every railroad grant the same precisely as if the Government had not granted the land at all.

The question then arises, shall the Government pay this 5 per cent. on the lands entered with warrants to the different States with whom they entered into a contract or compact at the time of their admission into the Union that they were to receive 5 per cent. of the proceeds of the sales of the public lands? Was there a consideration for that between the States and the Government? Before I undertake to give my views in reference to that question, I will say that the Congress of the United States has construed that law, and I call the attention of the Senator from Alabama [Mr. MORGAN] to the fact that Congress has construed this law in reference to his own State. At the time that this trust was abandoned by the Government that it was attempting to execute in reference to all of these States, of using 2 per cent. of this 5 per cent. for public improvement, Congress passed a law to make a settlement with some of these States in reference to this whole question. The act for the admission of the States of Alabama and Mississippi contains similar provisions to the act for the admission of the State of Illinois—that is, that 5 per cent. of the net proceeds of the sales of the public lands shall be used for certain purposes. Two per cent. was to be used in reference to the Northwestern Territory in building a certain road. In regard to Alabama and Mississippi it was to be used in a different way; but up to that time the trust had not been executed by the Government, and it was concluded on the part of the Government that it should be abandoned. Mississippi and Alabama then asked for a settlement between the Government and these States. Following that Missouri did the same thing. Upon what basis was this settlement made?

In the case of Alabama, Congress recognized the doctrine we contend for now, by an act entitled "An act to settle certain accounts between the United States and the State of Alabama," approved March 2, 1855. By that law it was enacted—

That the Commissioner of the General Land Office be, and he is hereby, required to state an account between the United States and the State of Alabama, for the purpose of ascertaining what sum or sums of money are due to said State, heretofore unsettled, under the sixth section of the act of March 2, 1819, for the admission of Alabama into the Union, and that he be required to include in said account the several reservations under the various treaties with the Chickasaw, Choctaw, and Creek Indians within the limits of Alabama, and allow and pay to said State 5 per cent. thereon, as in case of other sales.

When the Government abandoned the trust, as I said, that it had undertaken to execute for the State of Alabama in reference to the expenditure of the 2 per cent. fund, and when the settlement was made, it settled with Alabama upon what condition? Upon the condition that all the Indian reservations within the State of Alabama that had been withheld from public sale by the Government? On the consideration, sir, that the Government of the United States had given these Indian tribes certain lands in Alabama in lieu of lands that the Indians possessed prior to that time.

Mr. MORGAN. I believe that at the time of the passage of the law to which the Senator refers there were military land warrants outstanding which were then permitted by law to be located upon public lands, and land warrants had been located. Will the Senator from Illinois explain to me, if he can, why in the making of this settlement Alabama contented herself simply with including the reservations in favor of the Indians and said nothing about the military land warrants?

Mr. LOGAN. The Senator, being a representative of Alabama, is

certainly much more competent to explain why Alabama rested satisfied than I am.

Mr. MORGAN. I can only give an opinion, if the Senator will allow me. Up to that time Alabama never thought of making such a claim.

Mr. LOGAN. That may possibly be, but at the time this law was passed, upon the same principle, if Alabama never thought of making this claim for lands taken by the Government in the payment of its own debts on the sales on which the Government had contracted with Alabama to pay 5 per cent., how did Alabama come to think of the Indian reservations. I should like to know the distinction between the Government reserving lands to pay Indians, and taking lands to pay land warrants.

Mr. MORGAN. I do not know that there is any distinction, but Alabama evidently was contending at that time for an amendment to this law, a construction of it, and she did not see that it was just or in accordance with her relations to the Union at that time that she should press her amendment any further than covering Indian reservations, and she made no claim on account of the military land warrants.

Mr. LOGAN. I am only discussing this question from what the law says, and from what, upon a fair and honest construction of this law, any one would understand that it means. If the Senator from Alabama, who is so fearful that his State will pay more in taxation if this bill passes than it will receive from the appropriation, will explain to me why Senators and Representatives of Alabama would ask for the payment of 5 per cent. upon the Indian reservations, and then say that upon the same principle land upon which warrants have been laid should not be paid for, I should like to hear it. I should like to have some gentleman versed in the law explain to me the distinction between the Government paying on Indian lands reserved in Alabama and Mississippi and paying on soldiers' lands given for land warrants, in view of a consideration passing between the soldier and the Government, the same as between the Indians and the Government.

Alabama received, I believe, about \$120,000 as 5 per cent. on these Indian reservations at that time. The lands then were estimated at \$1.25 per acre, that being the minimum price of the public lands of this country. Alabama having received that, now criticises other States because they say that the lands were taken to pay soldiers, and therefore we should not receive it. The distinction is this, that the Government owed the Indian and paid him in lands, and Alabama took the 5 per cent. of the land that the Government owed the Indians, but the soldiers to whom the Government owed land they are not willing to take the 5 per cent. on. Is the Indian better than the soldier, or the lands different?

Mr. MORGAN. If the Senator from Illinois undertakes to attribute to me any expression of that sort from anything I said I desire to say—

Mr. LOGAN. Not at all; I say no such thing. I am making my own argument. I am speaking of the logic of it.

Mr. MORGAN. If the Senator from Illinois expects to make capital by putting me in a position of antagonism to the soldiers he has mistaken—

Mr. LOGAN. Not at all. I mean no such thing. The Senator knows that I am incapable of doing a thing of that kind; at least he ought to know it, for I have never attempted that anywhere. I did not say the Senator said so, but I say there is no principle upon which Alabama can receive 5 per cent. on Indian reservations given by Congress to the Indians in lieu of other Indian lands and refuse to receive 5 per cent. upon the lands given to the soldiers, unless there is a difference between the Indian and the soldier in reference to this question, which there certainly is not as far as the question is concerned. That is what I said or intended to say. There is no distinction so far as the principle is concerned. The question is whether the Government, when it received a consideration for this land, made such a sale as will authorize them to pay to a State 5 per cent. as they agreed in the compact they made with the State when it became one of the sisterhood of States.

Now, let us go a little further with this law. My friend from Vermont [Mr. EDMUNDS] dwelt long the other day on the words "sales of public lands" and "net proceeds of the sales of public lands." Right here, in this very last line of the law, the matter is explained, and a construction is given to the word "sales" as applicable to these lands. What is it? Speaking of these treaties with and reservations for the Chickasaw, Choctaw, and Creek Indians within the limits of Alabama, the act of March 2, 1855, which I have just read, says:

And allow and pay to said State 5 per cent. thereon, as in case of other sales.

"Other sales." I ask the Senator to tell me what the Congress of the United States meant when it said "as in case of other sales." Did it not consider that a sale? Why did it use the words "other sales?" When Congress was giving the 5 per cent. on these Indian reservations, if it did not consider them sales by the Government to the Indians, why did it not say that 5 per cent. shall be counted on the Indian reservations the same as on sales of lands? But it said these reservations shall be counted "the same as other sales," showing conclusively that the Government then understood that this was a sale made by the Government to the Indians, and therefore the

Government became responsible to the State of Alabama for the 5 per cent. the same as on lands sold for other purposes.

Let us go a little further and see what Congress intended. Two years later Congress reaffirmed this doctrine by an act entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States." What other States? It had settled with Alabama. What other States were there then? The very States that are now mentioned in this bill, excepting those that have become a part of the Union since that law passed. Illinois, Ohio, Indiana, and a number of States had the same compact with the Government of the United States in reference to the 5 per cent. on the sales of public lands. Alabama having had a law passed and receiving her 5 per cent., Congress passed a law for Mississippi and in the very title they say to settle certain accounts with the State of Mississippi and other States. What other States? Other States having the same contract with the Government. None other could have been intended. What is that act? It is "An act to settle certain accounts between the United States and the State of Mississippi and other States," approved March 3, 1857. The act provides:

That the Commissioner of the General Land Office be, and he is hereby, required to state an account between the United States and the State of Mississippi, for the purpose of ascertaining what sum or sums of money are due to said State, heretofore unsettled, on account of public lands in said State—

Showing that it included all the public lands in their construction at that time—

and upon the same principles of allowance and settlement as prescribed in the act to settle certain accounts between the United States and the State of Alabama, approved the 2d of March, 1855, and that he be required to include in said account the several reservations under the various treaties with the Chickasaw and Choctaw Indians within the limits of Mississippi, and allow and pay to said State 5 per cent. thereon, as in case of other sales, estimating the lands at the value of \$1.25 per acre.

Another section was added to the act. What is that? It reads:

That the said Commissioner shall also state an account between the United States and each of the other States upon the same principles, and shall allow and pay to each State such amount as shall thus be found due, estimating all lands and permanent reservations at \$1.25 per acre.

It seems to me quite manifest that the thing sought to be accomplished by the bill under consideration was fully intended by Congress in the passage of the second section of the act last referred to. There can be no question but the section referred to States other than Mississippi, which under their respective acts of admission were entitled to 5 per cent. of the net proceeds of the sales of all the lands within their borders. Then, mark the language of the second section. It commands the Commissioner of the General Land Office to state an account, &c., and to allow and pay, &c., "estimating all lands and permanent reservations at \$1.25 per acre."

The precedent established by authority of the acts of 1855 and 1857, relating to the States of Alabama and Mississippi, would justify the allowance of 5 per cent. on all lands embraced within any of these newly admitted States not granted as I have before stated. Then how much more forcibly must it strike our reason, that the lands absorbed in those States by the location of military land warrants (which is but an outstanding obligation of the United States for services rendered the Government) would entitle the State within which the lands thus absorbed are situate to the 5 per cent. provided for in the act of its admission?

I wish to ask the Senator from Alabama, who has criticised this bill, a question. He says that Alabama did not dream that land warrants were included perhaps. Let us see whether that was the intention of this law. In the second section reference is made to other States having the same contract with the Government. The Commissioner shall state an account and settle with the other States upon the same principles. What principles? Upon the same principles that the Government authorized him to settle with Alabama. What were those principles? Congress explained it in this second section:

And shall allow and pay to each State such amount as shall thus be found due, estimating all lands and permanent reservations at \$1.25 per acre.

"All lands." What lands? Lands entered with money? Not at all, but "all lands." "All lands?" What lands? All lands having been disposed of by the Government upon the same principles that these lands were disposed of, that is for a consideration passing between the Government and the party obtaining the land. That was the principle. Hence, inasmuch as consideration passed between the Indians and the Government, all lands in those States were to be included and were included that had been disposed of upon that principle—that is, not for cash, but where the consideration passed between the Government and the party. No construction has ever been given to this statute in any different way by the best lawyers of this land. That is the construction given to this law by Judge Curtis. He held that the Government had abandoned its trust in reference to this 5 per cent., and that the Government must settle upon the principles found in the Alabama and Mississippi cases. The present Secretary of State gave an opinion that the principle involved in the Alabama and Mississippi cases applied to all the other States. So have judges that were on the supreme bench held, and many others of the best lawyers in this country.

Of course at the time that those questions were raised the matter of land-warrant entries was not in the case. The question then was as to the 2 per cent. fund, as to whether the Government had aban-

doned its trust and turned it over to the States, and the States were, therefore, entitled to receive the 2 per cent. That was the question, and in deciding that question they affirm the principle as laid down in the statutes in reference to Alabama and Mississippi, and insist that the Commissioner of the General Land Office should settle with the other States upon the same principle that he settled with these States.

What was the consideration between the Government of the United States and the States upon which we base this claim? There must have been some consideration. It was not a gift. What was it? I will take Illinois merely for the purpose of illustrating, because the same principle applies to all the States mentioned in this bill.

The convention of the people of the Territory of Illinois, that framed the constitution and established the government of that State, on the 26th day of August, 1818, accepted, confirmed, and ratified the propositions contained in the act of Congress for her admission into the Union in the following language:

Therefore, this convention, on behalf of and by authority of the people of the State, do accept of the foregoing propositions, and do further ordain and declare that every and each tract of land sold by the United States, from and after the 1st day of January, 1819, shall remain exempt from any tax laid by order or under any authority of the State, whether for State, county, or township, or any purpose whatever, for the term of five years, from and after the day of sale. And that the bounty lands granted, or hereafter to be granted, for military service during the late war, shall, while they continue to be held by the patentees, or their heirs, remain exempt, as aforesaid, from all taxes for the term of three years, from and after the dates of the patents, respectively; and that all the lands belonging to the citizens of the United States residing without the said State shall never be taxed higher than lands belonging to persons residing therein. And this convention do further ordain and declare, that the foregoing ordinance shall not be revoked without the consent of the United States.

There was the consideration, and one, too, of the highest character. Illinois as well as all these other States agreed with the Government of the United States that they would exempt from taxation the public lands within their States. What lands? All lands of the Government, after they had been purchased or located with a land warrant, for five years or for three years. They denied themselves a large amount of revenue that they would have received for the benefit of their State. That amount of revenue doubtless would have equaled the amount to be realized from the 5 per cent. In the five years it doubtless would have amounted to more than 5 per cent. on the sales of the public lands. We withheld taxation and agreed that no lands of a non-resident in the State should ever be taxed at a higher rate than the lands of a resident were taxed. That was our part of the contract. We have faithfully performed our part of the contract. No tax has ever been levied until the time expired, according to the compact and agreement between the Government and the State. We have kept it faithfully on our part. Why, then, shall the Government not keep it on its part? A contract between the Government and a State is just as binding or it ought to be just as binding as a contract between individuals. If a contract is made between individuals in the Senate to-day, and is complied with on the part of one, certainly the obligation is binding on the other that he shall comply and carry out his part of it.

Mr. SAULSBURY. Will the Senator from Illinois allow me to ask him whether his State has not already received 5 per cent. on all the lands sold in the State?

Mr. LOGAN. No, sir; it has not.

Mr. SAULSBURY. I understand that the payment of 5 per cent. has been made upon the proceeds of all the lands sold in all these States.

Mr. LOGAN. I say that it has not; the Senator is mistaken.

Mr. SAULSBURY. There is nothing in this bill providing for taking money out of the public Treasury by reason of the public lands which have been converted into money. I understand that on all the lands which have been converted into money by the Government 5 per cent. has been paid to all the States embraced in this bill. If that is not true, then I am laboring under a misapprehension.

Mr. LOGAN. That is not true. It might be true in the view of the Senator with his construction of the law, but in my mind it is not true. Inasmuch as the Senator asks if we have not received 5 per cent. on all the lands sold, I say no. It is a long story to go back over it, but I will say to the Senator that the States of Ohio, Indiana, Illinois, and Missouri have not received up to this day a certain portion of the 2 per cent. of the 5 per cent. fund.

Mr. ALLISON. On cash sales?

Mr. LOGAN. On cash sales.

Mr. SAULSBURY. The Senator is speaking of the claim for 5 per cent.

Mr. LOGAN. I am; but the Senator asked me if the States have not received the 5 per cent. on all the lands sold for cash. I say no. There has been a bill before Congress for over twelve years, pressed by three States, to have the money paid to them that the Government pretended to expend, being 2 per cent. of the 5 per cent. fund. That bill has passed the House, I do not know how many times, and at one time it lacked two votes of passing the Senate. When the Senator asks me the broad question I answer as the facts are. I presume the Senator meant to ask whether we were not asking 5 per cent. on lands that had not been sold for cash.

Mr. SAULSBURY. No, I mean just what I said.

Mr. LOGAN. Then I answer the Senator as I have answered him, that we have not. The Senator, I presume, insists that lands taken

up by land warrants are not sales. I say they are. On those lands we have received nothing whatever, not even 2 per cent.; nor 3 per cent., nor any other per cent.

Mr. SAULSBURY. That I understand to be the exact question raised by the bill.

Mr. LOGAN. That is the exact question, and that is the reason why I have answered the Senator as I have. While the Senator was out of his seat of course I could not inform him or give him any light whatever. I was trying to show that by the act of Congress providing for a settlement with the States of Alabama and Mississippi the very construction that I now claim was given to this settlement of 5 per cent. with those States; that there the authority was given to pay 5 per cent. on lands which had not been sold for cash but which had been taken in exchange for other lands. They were not cash sales but sales. I might use the term "exchange." They were exchanged for other lands, and yet Congress passed a law allowing 5 per cent. upon those lands. On the same principle we ask to-day that Congress shall allow Illinois and the other States associated with her the 5 per cent. upon lands that have been taken by land warrants given by the Government of the United States in order that it might be released from an obligation that it was under to the persons who held these warrants. If I give a note to the Senator from Delaware for a thousand dollars and when that note becomes due he is under obligation to do a certain thing for some other party, and I release him from that obligation and perform his obligation, although I do not pay the cash, I cannot understand that this is not a full satisfaction of that obligation, just as complete as if I paid a thousand dollars in cash. It is done at his instance. Does not the Senator so understand it?

Mr. SAULSBURY. I need not give the Senator my views on that question.

Mr. LOGAN. I only put that case to see whether it meets the Senator's view or not. If I can release an obligation to the Senator for money in any other way that satisfies him, it is a release of the obligation; and he would not be acting in good faith, at least it seems so to me, if he would come to me again and say, "You have got to repay that obligation because you did not pay it in cash." I do not think it would be very sound, it certainly would not be very just, and I do not think that the Senator would indulge in a construction of that kind.

When the Legislature of Illinois and all of these other States refrained from taxing for five years the lands that were sold and disposed of by the Government, and withheld that revenue from their own coffers, and allowed the Government of the United States to receive its benefits from the land, I say then that that obligation was just as binding between the Government and these States as if the States had paid millions upon millions of dollars to the Government of the United States for this right to receive 5 per cent. of the lands.

Mr. EDMUNDS. May I ask my honorable friend a question?

Mr. LOGAN. Certainly.

Mr. EDMUNDS. To his very able argument I have listened with great pleasure; and I wish to put a question to him. As applied to the State of Illinois (of course there are so many States in the bill that we have to take one at a time) on the very point the Senator is now speaking of, the United States agreed on account of this 5 per cent., as it is said, of the net proceeds, two-fifths to be disbursed by Congress, and three-fifths to be paid over to the State for learning, a part of it to be devoted for a university, first, that the lands sold should not be taxed "for the term of five years from and after the day of sale;" but, second, "that the bounty lands granted, or hereafter to be granted, for military services shall, while they continue to be held by the patentees, or their heirs, remain exempt * * * for the term of three years." Under those two clauses together, I should like to ask my honorable friend, who I know, if anybody, can explain it, how he maintains that bounty lands and sold lands are the same thing? The Senator's argument is, and that is the theory of this bill, that lands granted for bounties fall within the description in the compact of lands sold, the net proceeds of which were to be devoted, while in the same act, as it appears to me—I may be wrong—Congress regarded them as quite different things, and fixed one rule of taxation for one, and another rule of taxation for the other.

Mr. LOGAN. The Senator is very adroit, but if he will give me his attention for a moment while I answer his question I will try to do it as well as I can. Does it make any difference, so far as the time is concerned, whether the term is three years or five years as to the consideration between the Government and the State?

Mr. EDMUNDS. I am not on the point of consideration; I am on the point of description. The question is whether the bounty lands fall within the description, according to the meaning of this contract, of lands sold.

Mr. LOGAN. I will answer that, but I want to answer the question that is covered under it. The Senator is too good a lawyer not to know that the distinction between five years and three years, as to the consideration between the State and the Government, cuts no figure whatever. Whether the term is six months or ten years makes no difference. The question is whether the State withheld taxation that she was entitled to, and for that reason the Government agreed to certain propositions. That is the consideration, and it is not as to the time.

Now, I will answer the other question as to the difference between sold lands, as the Senator calls it, and lands taken by land warrants. Of

course the land was the same; it could not affect the land. What did it affect. Could it affect the Government? If so, how? The effect upon the Government was the same thing precisely, and that was what the Government was aiming at, that her lands could not be taxed, that she might dispose of them and might afford greater inducements for parties to go and take these lands. Certainly the consideration was the same? That is the question the gentleman wants answered.

Mr. EDMUNDS. Oh no; that is not the question.

Mr. LOGAN. Then, if that is not it, the question is, Was the payment the same? Is that it?

Mr. EDMUNDS. No; that is not it.

Mr. LOGAN. Then, what is it?

Mr. EDMUNDS. The question is, is the description the same?

Mr. LOGAN. The description of what?

Mr. EDMUNDS. The description of the net proceeds of lands sold.

Mr. LOGAN. Very well.

Mr. EDMUNDS. My question is this: How is it possible to maintain that Congress supposed that bounty lands were lands included within the description of the 5 per cent., which says the net proceeds of lands sold shall be paid out in such and such ways?

Mr. LOGAN. I will explain that if I can.

Mr. EDMUNDS. When it provided, if the Senator will allow me to state the question—

Mr. LOGAN. Certainly.

Mr. EDMUNDS. When it provided that in the one case of lands sold one disposition should be made in respect of the States giving up taxation and in respect of bounty lands another disposition should be made.

Mr. LOGAN. Now, the Senator comes down to a nice point that can be answered, it seems to me, and it is in reference to the description or character of disposition by the Government; that is, that the lands are described one class as lands sold and the other as lands located with bounty land warrants. It is the description, then, that is applied to the purchase.

Of course at first the Government used the word "sales" because that was for the purpose of disposing of the lands, but as the Government was under obligation to pay a debt that it owed, and it could discharge that debt in land, having more land than it had money, it took it upon itself to discharge its debt in lands, and perhaps that because they expected that most of these land warrants would be in the hands of persons purchasing them, getting them at probably a smaller price than they would for the money, and because the land set apart as military land was selected out of the best lands. It was in regard to the selection of the military tract in my State they reduced the time of taxation in this particular. If that was not the reason I do not understand why; but so far as the distinction is concerned between the Government (and the Government is the one) I want the Senator to answer me if the Government owes him a million of dollars and discharges that debt with bounty land warrants, is the Government going to say that the land was sold and paid for in a different way from what it agreed, and therefore under no obligation to pay 5 per cent. and keep the compact? Is that the theory? Is that the honesty of this Government? Is that the manner in which this Government intends to keep its obligations? Is this Government to be made a quibbler here in reference to small amounts when dealing with great States from whom they have received the money for years that helped to support the Government?

Mr. EDMUNDS. Does the Senator want an answer now, or at some other time?

Mr. LOGAN. I would just as lief have it now as at any other time if the Senator wants to give it now.

Mr. EDMUNDS. I will give it now. I agree with the Senator in his illustration that if the Government of the United States owes a debt and pays it, it has no right to say it has not paid it. That is plain enough; but the Government being the proprietor of lands over which the Territory that asks to be admitted as a State has no authority whatever, it has a right to make the compact with the State on coming in according to the terms that are agreeable to both of them and that they both agree to. If the Government says, therefore, in so many words, to the State when it comes in, "All the money that I get from the sales of these lands I will divide with you, but I reserve my dominion of proprietorship, and as a Government having citizens that I owe debts to and wish to confer benefits upon, I reserve my sovereign right not to sell these lands at all; my sovereign right is not to be given up, but whatever money I do get in the course of the policy that I pursue about my citizens I will divide with you"—I say in that case, if the Government does not choose to sell an acre of land, it is a perfectly fair bargain, and neither has a right to complain.

Mr. LOGAN. The Senator says that is a fair bargain. Allow me to illustrate and see if it is. We will say that there were three States all having the same contract with the Government in regard to the lands that the Government owns within their borders. The contract is that when these lands are disposed of the Government will pay 5 per cent. to the States in consideration that the States will not tax the lands for five years after they are taken by the purchaser. The object of that of course we understand to be to induce settlement on these lands. When the Government has made that compact with three States, all upon the same basis precisely, suppose the Govern-

ment has issued land warrants enough to take up all the lands in one of the States. A law is then passed that these land warrants shall not be located in two of the States, but shall be located in one particular State, say Illinois—Illinois, Michigan, and Indiana being the three States named. Hence by the land warrants they take every foot of land in Illinois, and they leave the land to be bought for cash in the other two States, and pay to the other two States the 5 per cent. on the sales, while the one State does not get a cent for the purpose of advancing its schools, &c. Would that be fair?

Mr. EDMUNDS. No, sir.

Mr. LOGAN. I ask the question.

Mr. EDMUNDS. It would not be fair, and then there would be a ground to appeal to Congress and say, "you, in the exercise of the sovereign dominion that you reserved, have thought it necessary to so shape your legislation, not for the purpose of grinding us but for the benefit of your soldiers, that the situation is entirely changed from what we supposed it was going to be. Now we appeal to your sense of equity and generosity, to make this thing right." The answer to that would be, if such an appeal were made in a given case, "I am willing to be equitable, I am willing to be generous," says the Government; "now, let us see what we have done for you; if we have not more than made it up in a great many ways we will make it up now." But the Senators from Iowa, whose State has the largest share in this, say, "we do not stand upon the general principles of what the Government ought to do as a matter of generosity and fair-dealing, but we stand upon the construction of the bargain that we made, and we are willing to fall by that or stand upon it." Then my answer would be, the bargain reserved this sovereign dominion and if you only stand upon the bargain you have nothing to say. If you appeal to our sense of generosity and fair-dealing, as between man and man, then we will take everything into consideration.

Mr. LOGAN. Now I will see whether the Senator should put it on the ground of generosity. He may put it upon any ground he may choose.

Mr. EDMUNDS. I am taking the construction of the Senators from Iowa.

Mr. LOGAN. I understand, it is not mine. My construction is as I have said and tried to maintain, however feebly I have done so—

Mr. EDMUNDS. You have done so ably.

Mr. LOGAN. My construction is, that the Government having made an agreement with the State that it should have 5 per cent. for its withholding taxation, and that that 5 per cent. should be used for the promotion of education and for internal improvements within the States, when the Government disposes of the land in discharge of its obligations and then denies the 5 per cent. to the State, it violates its agreement and does not act in good faith. As in the illustration I put, if three States, under the same contracts or compacts with the Government, make the same agreement that 5 per cent. shall be given to the States for these purposes, and if the Congress should pass a law that two of the States shall receive the 5 per cent. but that the other State shall be set apart to have its lands located with land warrants and shall not be paid the 5 per cent., it is a dishonest and unfair course on the part of the Government. It is taking the advantage of one State for the benefit of the others. The illustration fits here. In the very time when these lands were open in my State to be located with land scrip or warrants Congress did pass a law exempting the lands of some of the States from these land warrants, and put them on other States, which is just the very case that I have given. In Iowa, Illinois, and Missouri these land warrants were laid when other States by law were exempted from having their lands located or selected as soldiers' lands. Therefore, I say that if the Government claims that these lands were not sold within the meaning of this compact, it has acted not only in bad faith, but it was a trick on the part of the Government to have the lands of our State taken and pay nothing for it, and pay the 5 per cent. to the other States where they shoved the location out of their border on to us. That is the case presented here. The State of Michigan to-day receives her 5 per cent. on every acre of land. The law exempted her land from being taken in this way selected in payment to soldiers by the Government for services, and our State had to stand it. Was this within the meaning of the contract, and evidence of fair-dealing on the part of the Government?

In reference to this question I wish to ask the Senator from Vermont (because every one admits that he is not only an accomplished Senator but an astute lawyer) suppose I make a bargain with him to-day to pay him \$10,000 in gold coin. My obligation is in writing; it is my agreement. Suppose when that obligation matures, he says, "LOGAN, I do not want the gold, I prefer the bonds of the Government of the United States." I obtain the bonds and pay them to him. Is not that a satisfaction of that obligation as much as if I had paid the gold? Will the Senator not say so?

Mr. EDMUNDS. Certainly I would say so.

Mr. LOGAN. Very well; suppose that in the obligation it was recited, "that if this obligation shall be faithfully complied with on the precise day as specified, then the interest on this obligation shall be reduced 2 per cent.;" and the party that is to receive the money prefers and agrees to the bond in place of the gold and I carry it out, will he not be as much under obligation to reduce the interest 2 per cent. as if I had paid the gold?

Mr. EDMUNDS. Very likely.

Mr. LOGAN. If that be true, then tell me how it is when the Gov-

ernment of the United States agrees with my State that for every acre of land sold or disposed of within the borders of that State, if we abstain from taxation for five years and for three years respectively, it will give us 5 per cent. in consideration of that act, the Government can afterward come in and say: "We owe a debt to the soldiers who have performed service for the country; we will pay that debt with land instead of money, having more land than we have money." The soldier is willing to take the land. He does take it. It discharges the obligation of the Government. When the obligation of the Government is discharged, it says to the State of Illinois: "Well, I did not receive for the land that which was first intended, and therefore I will not pay you the 5 per cent."

Mr. EDMUNDS. My honorable friend from Illinois misses the point in stating his case, as it appears to me. We differ about that, but it seems so to me. Now, as I read this compact of the United States and the State of Illinois, both agreed that the United States had sovereign dominion over these lands.

Mr. LOGAN. There is no dispute about that.

Mr. EDMUNDS. It said to the State of Illinois that was to come in, not bound to do anything for it, in the way of public lands, "in order to help education in your State and help the internal improvements, all the money that we get from the sales of land we will divide; we will appropriate 5 per cent. to help you, 3 per cent. of it shall be appropriated to your education, which you can dispose of as you like for those purposes, but we hand it over to you in trust, and 2 per cent. we will spend to help you in another way; but you must know at the same time"—which is my reading of these statutes—"that our political dominion"—of course, I do not mean party politics in the general sense, but our political dominion—"over this land for any purpose we think the public good requires us to dispose of them remains." If, therefore, it becomes desirable to give away a part of these lands to a railroad, to grant a part of them for a consideration for the building of a railroad for the carrying of the mails free, &c., or to pay soldiers, if you call it pay, or to give bounties to soldiers who have served and are already out of service, (a mere act of generosity, bear in mind,) it is part of the agreement that we may do that, and we must be governed, you being a part of the Government also, we must all be governed by the general principles of what seems to be fair about the disposition of these lands. We agree simply that all the money that we get under our system of public lands we will divide in such a way. If that was the bargain, then it is not inequitable to have the bargain carried out, because both parties understood what might be done.

Mr. LOGAN. What becomes, however, of the revenue of the State? If we have withheld the taxation and depleted our revenues so that we cannot carry on our educational purposes, and the Government still gets her benefits, does the fact that the Government has sovereign control of the lands entitle the Government to enforce our part of the contract and answer us, when we ask that it be enforced, with sovereignty over the public domain? According to the Senator's theory, because the bargain said money, nothing but money will do. Now, in answer to that, let me put a case according to the Senator's theory. He asks me here, as a Senator from Illinois, to agree that Illinois shall be treated differently from what other States have been having the same compact with the Government. If an Indian reservation—which is exactly following the line of his argument—is carved out of the public lands in my State and given to a tribe of Indians in lieu of lands that they hold in New York, for illustration, the consideration is the exchange of the land in Illinois for the land in New York, and according to the Senator's theory we should not be entitled to the 5 per cent. on that.

Mr. EDMUNDS. Certainly not.

Mr. LOGAN. The Senator knows very well that the Government of the United States has paid Alabama, Mississippi, Missouri, and Indiana on that very principle.

Mr. McMILLAN. And Wisconsin.

Mr. LOGAN. And Wisconsin. On the very principle that I state in this case those States have received the 5 per cent.

Mr. EDMUNDS. Not on the "very principle."

Mr. LOGAN. Yes, sir, I say on the very principle under the laws of Congress, for under the law Alabama, and Mississippi, and Indiana, and Wisconsin, and Kansas I think latterly, have settled with the Government, and the Indian reservations taken out of their lands have been settled for at \$1.25 an acre by the Government of the United States and the 5 per cent. paid.

Mr. EDMUNDS. Very well; but the Senator says it is on the principle that is involved in this bill.

Mr. LOGAN. It is precisely the principle involved in this bill.

Mr. EDMUNDS. That I entirely deny; and if it were involved in such a principle then I should say that Congress had done a great act of injustice to all the States together in doing anything of the kind; but I thought the principle on which that thing proceeded was a principle of generosity.

Mr. LOGAN. No, sir.

Mr. EDMUNDS. A principle of generosity, a generous sense of what it should do; and, therefore, if it had conferred on other States benefits in a larger degree of the same general nature that the other States who had got these other benefits that the particular States had not, would have no right to complain. The Senator can cite a great many bad precedents undoubtedly.

Mr. LOGAN. I like to have precedents applied to my constituents as well as to others. Now, sir, when Congress steps in and settles with Alabama, pays her \$120,000, as 5 per cent. on her Indian reservations that were not sold for cash, but were taken in exchange for other lands; pays Mississippi, pays Wisconsin, Missouri, Indiana, Kansas, and Nebraska, and because Illinois, forsooth, has no Indian reservations, but her lands have been taken with military land warrants, you say the same principle shall not apply because these lands were not sold. They were sold just as much as the Indian reservations were sold. The Indian reservations were carved out of the lands of the State, and taken in exchange for other lands belonging to the Indians. So, too, were the lands taken in these different States and given in exchange for land warrants, or for the satisfaction of the obligation of the Government to the soldier, the land warrant being the certificate of the performance of his services to the Government, a certificate to him that he was entitled to so much for his labor or his soldierly conduct in behalf of his country; and because the land warrants are given in exchange for the services of the soldier, the States are not entitled to be paid by the Government the 5 per cent., but the Indian land is to be paid for. I should like to know the distinction in principle.

The Senator from Vermont bases his whole argument upon the proposition that these lands were to be sold for cash, and the 5 per cent. applies only to the net proceeds of sales that are made for cash. And yet he is met in that argument with the thousands and hundreds of thousands of dollars paid to nearly all the States, except Iowa and Illinois and one or two of the other States, for lands taken precisely on the same principle, and he says because a bad precedent was established in one case it should not be followed in another. It is not a bad precedent; it is an honest and just precedent. The Government agreed with the States that we should have this per cent. on these lands for certain purposes. Why did the Government do it. Sir, it is not necessary to describe the condition of our country at the time these compacts were made. The great Northwest then was the plain upon which the tramp of the Indian was heard; it was the plain of danger; it was far out—a dangerous country. The Government of the United States, to induce people to go and settle its lands, agreed with the States that it would do certain things. It agreed with them that the lands belonging to the Government within their jurisdiction should have 5 per cent. assessed upon their sales—that is, upon the benefit the Government derived from them—for educational purposes and for other purposes, and the States should withhold taxation. Why? Because people would more readily settle on lands that were exempt from taxation for five years after purchase than they would on any other lands, and this was a part of what entered into the agreement. After this agreement has been complied with strictly on the part of the States in every instance, for every one has kept its agreement strictly, the Government now comes up and says, "I am not bound by the compact; I will not keep it."

Mr. President, we have no complaint to make of bad treatment from our Government, but we do say that the Government of the United States has dealt differently with every State in this Union from what it has with the Western States. There never has been a claim made by a Southern State or by an Eastern State that stood upon the same basis of justice that this does which has not passed Congress. Not one. When two States came from the South first and asked that these Indian reservations be paid for at 5 per cent., rating them at \$1.25 per acre, Congress passed it. So in reference to Missouri. Three acts passed in reference to these three States, and the other States have been paid on that basis, because that construction had been given to the compact by the act of Congress of 1857 in reference to the State of Mississippi.

Now, sir, it does seem to me that it does not come well from the Senators from the States which receive nothing as they say by this bill, States which have their own lands, States which received the money that was obtained by the sale of their own lands, to come now when the Government has in a great measure been supported by the sale of the lands in our States and deny us this pittance. Take the great State of Texas, large enough for four States. Every acre of land within her borders belongs to the State. She receives all the money that comes from the sale of her lands; and so with nearly all the old States, while millions and millions of dollars have been paid into the coffers of the Government from the sales of public lands in other States. Senators will answer me and say they were the lands of the Government. I admit it, but the Government made this compact in reference to them with these States, has sold the lands and in fact has been measurably supported in its expenses prior to the war by the sale of public lands. Take my own State to-day. A Senator talks about the taxation of the other States. I must say that I was a little surprised at the Senator from Vermont appealing to the Senators from other States here saying their States would be taxed to pay this money. Why, sir, the State of Illinois this day pays \$16,000,000 per annum to the General Government in internal taxes. How much do we receive by this bill? Probably three or four hundred thousand dollars; and other States which do not pay the thousandth part as much as Illinois does will stand up here and complain that the Government will keep its compact with Illinois amounting to three or four hundred thousand dollars; you then talk about taxation, the very States that ask for this compact of the Government to be kept

are the States in this Union to-day that pay taxes more heavily than any other States in the Union with one or two exceptions. To-day, sir, the State which I represent pays more money into the coffers of this Government from internal taxation than any other State in this Union.

Mr. EDMUNDS. Does the Senator mean that that contribution is a taxation upon the people of his State?

Mr. LOGAN. Not at all directly.

Mr. EDMUNDS. What does he mean? I suppose he as a statesman must readily understand—I know he does—that the taxation derived from internal revenue, in the main is a tax on consumption; and if we secure from internal revenue in the State of Illinois a million dollars a year for whisky the people of Vermont drink the whisky and have to pay the tax.

Mr. LOGAN. It was not necessary for the Senator to say that, because the people of Vermont cannot drink all the whisky made in Illinois.

Mr. EDMUNDS. We do a good deal of it. [Laughter.]

Mr. LOGAN. I agree they are very good consumers, [laughter,] but at the same time they cannot consume it all by any means.

Mr. EDMUNDS. Somebody does.

Mr. LOGAN. But that is immaterial. I do not use this as an argument in favor of the bill—nearly all taxes are paid by the consumers finally—but I use it to meet not an argument but a fallacious assumption that was thrown into this debate in order to induce men in the Senate to vote against this proposition for fear their States would have to pay a part of this money. It is no argument in favor of the bill, but at the same time if it is no argument in favor of it, it is no argument against it; and when statesmen in this Chamber appeal to Senators that their States are going to be taxed, and when honorable Senators stand in the Senate Chamber and compute the amount their States are going to get, and say that the tax will amount to nearly as much as they get, and that the interest on these certificates will only amount to so much in so long a time, and therefore they cannot support it, I have no argument to answer any such suggestion as that.

I do not claim great statesmanship, but, sir, I do hope that I shall never grow to be a statesman who will use the argument before the American Congress that my State would pay five cents perhaps, and therefore cannot vote for a bill unless it shall get ten cents back.

No, Mr. President, this contract between the Government of the United States and these States was entered into in good faith, on the part of the people at that time desiring the growth of this country, desiring that it should be peopled, that it should grow into great States. These inducements were held out to get people to organize State governments. They did it, and at the door of this National Government for years back these States have asked that justice be done in reference to this particular thing; and it has been denied, because, forsooth, they say it will tax the people of this country! So does money appropriated for the purpose of dredging out a harbor which might be convenient to the constituency of some Senators and not of others. So does an appropriation for the great harbor of New York tax the people of this country. So does an appropriation for our lakes and our rivers tax the people of this country. But because, perhaps, one of the great arteries of this nation does not wend its way through some of the States, is that any reason why a general fund should not be taken for the purpose of opening up the highway? Is that the argument that is to be used in this Chamber? If so, then the doctrine of the rights of States has gone so far that no one can vote for any appropriation unless it applies peculiarly to his own State.

Sir, we, it seems to me, as an American people should look above and beyond this. This great country should be one country, one grand whole, where each and every man should be willing that his mite if necessary should be contributed for the general welfare, and that which is agreed to be honest and just between the Government and States, between individuals and individuals, should be kept sacred and considered binding. Good faith should be carried out on the part of all, and then there will be no reason for complaint. Each and every compact with a State should be kept in the most implicit good faith; everything pertaining to the welfare of the people should be faithfully fulfilled, and our arguments, in my judgment, should be in that direction which would benefit the whole—not that "my State will not be benefited if this thing is done for the East or for the South, but the whole country will receive the benefit." So, too, in carrying out agreements and contracts, if they are honest and just we should all say, "let them be carried out;" whether they benefit my State directly or not is immaterial; if the faith of the Government is pledged let the faith of the Government be kept.

Mr. HARRIS. Mr. President, I move that the Senate do now proceed to the consideration of executive business.

Mr. ALLISON. I ask the Senator from Tennessee to give way one moment.

Mr. HARRIS. Very well.

Mr. ALLISON. We are not making much progress with this bill, but I want to have it understood that this bill shall proceed in the regular way until disposed of, notwithstanding the notice given by the Senator from Ohio the other day in reference to the Geneva award bill. I only want that understood, so that if we may go into executive session at this hour, it shall not interfere with the progress of this bill.

Mr. BECK. Let us vote now.

Mr. ALLISON. I am ready to vote on it.

Mr. HARRIS. My motion is that the Senate proceed to the consideration of executive business. Of course that does not interfere with the pendency of the present bill.

Mr. RANDOLPH. Mr. President—

Mr. HARRIS. I withdraw the motion for a moment for the Senator from New Jersey.

Mr. RANDOLPH. In the early part of the session to-day I introduced an order, and I ask that that order be taken up and acted on by the Senate.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) Is there objection?

Mr. EDMUNDS. What is the proposition?

The PRESIDING OFFICER. It will be read for information.

The Chief Clerk read the following order proposed by Mr. RANDOLPH:

Ordered, That Senate bill No. 1139, for the relief of Fitz-John Porter, be made the special order of the Senate, to follow immediately upon the completion of the pending unfinished business.

Mr. RANDOLPH. I will say in reference to that, that this order puts in explicit form that which has been understood day after day for many days in the Senate.

Mr. EDMUNDS. I am always, except in some very extreme emergency, opposed to any special orders whatever; but I have not the slightest objection to the thing taking place that the Senator desires unless it should happen that a deficiency bill should come over from the House to be acted on for the payment of marshals who it appears are never to be paid at all and who have been carrying on the judicial branch of the Government at their own expense now for eight months.

Mr. RANDOLPH. I am very glad we have such officers. I will say, Mr. President, that it was understood this morning that the appropriation bills should of course take precedence; and I understand under the rules of the Senate they do at any rate.

The PRESIDING OFFICER. Is there objection to taking up the order of the Senator from New Jersey?

Mr. EDMUNDS. My observation has led me to think that special orders are not good things. At the same time I wish to say to the Senator from New Jersey that so far as I am concerned I shall vote with him to take up the matter that he refers to immediately that this bill is disposed of, unless some extreme emergency that I cannot foresee arises or an appropriation bill shall be on foot, in which case I should object. I hope, therefore, the Senator will not press this as a special order which I do not believe in, but will have a general understanding (which I am quite willing to agree to) that except in the event named, the matter that he refers to shall come up next.

Mr. RANDOLPH. I shall have no objection of course if that understanding can be continued; but as I have repeatedly said within the last eight or ten days, ever since the special order was first had, I am anxious to secure action on the bill I have more particularly in charge. Now, at the close of the week I want it understood, so that there shall be no misapprehension or misunderstanding between myself and the Senator from Ohio who has been absent all day, and who gave notice the other day that on Tuesday next he would move to take up the Geneva award bill. I then said to him that I would have to oppose it. It was left in that condition, a condition of uncertainty. It was because I wanted to have something understood thoroughly on all sides that I introduced the order which is now the subject of discussion.

Mr. EDMUNDS. I beg leave to suggest to my friend from New Jersey that he ask the Chair to inquire whether there shall be a general understanding that, except as against an appropriation bill, the Fitz-John Porter matter shall come up immediately on this bill being disposed of.

Mr. CONKLING. Before the Chair puts that question, in order that I may know how to answer it, I should like to inquire what is the particular reason for considering the Fitz-John Porter case, so called, a little sooner or a little later? Of course it ought to be considered; but what is the particular reason for a special time?

Mr. RANDOLPH. Answering the Senator from New York, there are many reasons that operate upon me personally; but the public reasons perhaps can be briefly stated. This case has been before the Senate eleven months. It therefore has some right because of its priority over other cases that have been considered. I need not add that the case has been under consideration in other ways for a very long number of years. I do not care now to go into other reasons nor to touch the merits of the case.

Mr. CONKLING. Mr. President, some time ago inquiry was made in the Senate very early one morning, during I think the first four or five minutes of the daily session when I happened not to be in my seat, why the Geneva award bill, so called, had not been proceeded with. A member of the Senate, with no doubt the most innocent if not the best intentions in the world, made a statement which conveyed to a good many people the idea that in some way or other I was responsible, more or less, for what was deemed in some quarters a belated consideration of the Geneva award bill. I had never then, and I have never since, delayed the consideration of the Geneva award, either in any committee, or in the Senate, or in any other place one moment. Subsequently a report was made touching the Geneva award and the distinguished Senator from Illinois now before me [Mr. DAVIS] delivered to the Senate a very able and instructive

speech, as I thought, in regard to it. Having been so far considered, it was laid down in order that the Senate might proceed to deal with the urgent obligations of the so-called compact upon which the other Senator from Illinois [Mr. LOGAN] so ably addressed the Senate to-day. That is the last we heard of the Geneva award bill. This bill relating to Mr. Porter has never been taken up.

Mr. DAVIS, of Illinois. Will the Senator yield to me a moment?

Mr. CONKLING. Yes, sir.

Mr. DAVIS, of Illinois. I understood the Senator from New Jersey gave way to this 5 per cent. bill, which was temporarily laid aside to allow me to be heard on the Geneva award bill; and immediately afterward this bill was again taken up.

Mr. CONKLING. The honorable Senator from Illinois very justly corrects my form of statement. He says the Geneva award bill was taken up after this so-called 5 per cent. bill had been moved, which latter bill was laid aside to enable the honorable Senator himself to address the Senate. That is true. It is also true, however, that the Senator from Ohio, the chairman of the Committee on the Judiciary, having the Geneva award bill in charge, gave then in advance notice that he should move to press the Geneva award bill. He has repeated that notice since to be operative immediately when this great measure of justice to certain neglected States, in which my friend from Illinois takes so much interest, should be disposed of. Now comes the Senator from New Jersey and proposes to follow this with a bill, which has never been taken up at all, and as to which I say frankly I did not know and do not know now after hearing him that there is any special exigency of haste. I do not see how its consideration one week sooner or one week later affects any matters to which our attention has been called. The Senator from New Jersey proposes that that shall supersede the Geneva award bill and everything else excepting an appropriation bill, and that unanimous consent shall be given to that.

I regret that I have found an objection as to the honorable Senator from Ohio like that which he found in respect of me during about two minutes at the opening of the session one morning—he is not in his seat, I observe, and the last thing in the world I want to intimate is that the Geneva award bill is suffering on his account or that any delay is likely to occur. But in his absence I venture to say that I do not see why, against that bill which has been pending in some form before one or both Houses of Congress for now several years, consent should be given that any other business should be taken up; and I cannot doubt that if the honorable Senator from Ohio were here, vigilant as I know he is touching the Geneva award at all times, he would with great vigor put in a claim for precedence for that bill.

The honorable Senator from New Jersey says that he mentioned this morning that he would do this; be it so. I think I have detained the Senate to enable the Senator from Ohio to come in, as long as it befits me to do; and as I do not see him approaching his seat, I am afraid I shall have to allow the Senator from New Jersey to prevail, if he can, with the Senate.

Mr. RANDOLPH. The Senator from New York will allow me to say that I sought no advantage of the absence of the Senator from Ohio. I have sent for him and have endeavored to find him, and I had no desire to press the motion until his arrival, but I was compelled to take some action because of the motion of the Senator from Tennessee that we proceed to the consideration of executive business, after which, the doors being closed, I could not very well press the motion.

Mr. EDMUNDS. We can settle it afterward just as well.

Mr. BAYARD. Was the motion of the honorable Senator from New Jersey acceded to by the Senate?

The PRESIDING OFFICER. It was not.

Mr. BAYARD. May I ask what is its position before the Senate?

The PRESIDING OFFICER. It has not been taken up.

Mr. BAYARD. The honorable Senator desires that it should be understood, or an order be made by the Senator to secure the fact, that after the pending order is decided, the question of the 5 per cent. claim of certain States, the bill for the relief of Fitz-John Porter shall become the special order of the Senate. Has that been objected to?

Mr. DAVIS, of Illinois. I certainly shall object to it until the Senator from Ohio has an opportunity to be heard. I think the Geneva award bill should be disposed of first.

The PRESIDING OFFICER. Unanimous consent is not given to the proposition of the Senator from New Jersey.

Mr. HARRIS. I renew my motion that the Senate proceed to the consideration of executive business.

Mr. EATON. I would suggest to my friend from New Jersey that this matter can be attended to after the executive session is ordered, and the doors can be considered open for the purpose.

The PRESIDING OFFICER. The question is on the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. CAMERON, of Pennsylvania. While the doors are being closed I move that when the Senate adjourn to-day it be to meet on Tuesday next.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that when the Senate adjourn to-day it be to meet on Tuesday next.

Mr. COCKRELL. I hope not.

Mr. HARRIS. I suggest to the Senator from Pennsylvania to modify his motion by providing that we meet on Monday next, instead of Tuesday.

Mr. CAMERON, of Pennsylvania. Sunday is the 22d of February.

Mr. HARRIS. So I understand.

Mr. CAMERON, of Pennsylvania. And Sunday cannot very well be celebrated as the people would like to celebrate the anniversary of the birth of Washington.

Mr. HARRIS. I move to amend the motion of the Senator from Pennsylvania, if it is amendable, by striking out "Tuesday" and inserting "Monday," so that when the Senate adjourns to-day it be to meet on Monday next instead of Tuesday.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that when the Senate adjourn to-day it be to meet on Tuesday of next week. The Senator from Tennessee moves to amend the motion by striking out "Tuesday" and inserting in lieu thereof "Monday." The question is on the amendment.

The amendment was agreed to; there being on a division—ayes 25, noes 15.

The PRESIDING OFFICER. The question now is on the motion as amended, that when the Senate adjourn to-day it be to meet on Monday next.

Mr. CAMERON, of Pennsylvania. I withdraw the motion.

Mr. EDMUNDS. It cannot be withdrawn; it has been amended.

Mr. BECK. Why not sit to-morrow?

The PRESIDING OFFICER. The question is on the motion as amended, that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session, the doors were reopened.

RELIEF OF COLORED EMIGRANTS.

Mr. MORRILL. I have the unanimous consent of the members of the Committee on Finance who are present to report back without amendment the bill (H. R. No. 3288) for the relief of colored emigrants, which was referred to that committee, and I ask the Senate to consider it at this time.

The bill was read, as follows:

Be it enacted, &c., That all clothing and other articles, being charitable contributions or the avails of charitable contributions, imported in good faith for the relief or aid of colored persons who may have emigrated from their homes to other States, and not for sale, and all such articles imported and now in bond, shall be admitted free of duty under such regulations as the Secretary of the Treasury may prescribe: *Provided,* That such articles shall be delivered only to State or municipal corporations, or to some society or institution established for charitable purposes: *And provided further,* That the importers or consignees of such articles shall give such security as the Secretary of the Treasury may prescribe for the payment of lawful duties on such articles, should any of them be sold or used contrary to the provisions and intent of this act. This act shall take effect from its passage, and remain in force until February 1, 1881.

Passed the House of Representatives February 10, 1880.

Attest:

GEORGE M. ADAMS, Clerk.

The PRESIDING OFFICER. Is there objection to taking up the bill?

Mr. PENDLETON. I object to it.

Mr. VOORHEES. I object.

Mr. THURMAN. May I inquire how the bill just read comes up? I hope that bill will not be passed just now.

Mr. VOORHEES. It cannot be passed now.

Mr. THURMAN. If the people who live abroad interfere with the migration of persons from one State to another in the United States, or, as this bill has it, the migration of colored people from one State to another, I should like to have that matter very fairly and fully considered before the American people. There was migration to my State when every man carried his life in his hands, because he did not know but what an Indian would seek to take his scalp.

Mr. WITHERS. Let me suggest that objection has been made and the bill has gone over.

Mr. VOORHEES. Under objection it will go on the Calendar as any other bill.

Mr. THURMAN. Then let it be objected to.

Mr. VOORHEES. It has been objected to.

Mr. CONKLING. I wish to say one word in reply to the Senator from Ohio as he has not been in the Senate Chamber during the whole day. This bill was reported to-day by the Committee on Finance by the honorable Senator from Vermont, [Mr. MORRILL,] and on motion the doors were opened to proceed, if the Senate would, to consider it. That motion having been made, a Senator, if I mistake not the Senator from Ohio nearest me [Mr. PENDLETON] objected; and he objected I suppose on the ground that having been reported to-day the bill can be considered to-day only by unanimous consent. It is in the power of that Senator or any another, of course, to interpose effectually that objection.

But now as I have the opportunity for a moment to do so, I beg to state how this bill came to be reported to-day. It was upon my application made to the Senator from Vermont. He was kind enough to bring it to the notice specially of the Committee on Finance, and he stated in making the report that it was by the unanimous assent

of all the members of the committee present if I understood him aright. Am I right in that?

Mr. MORRILL. Yes, sir.

Mr. CONKLING. Mr. President, my application in this behalf was made because I have at this moment in my hand a telegraphic dispatch from a charitable and prominent citizen of the city of New York stating that thirty packages of clothing for Kansas refugees, given by friends in England and brought here free, have been received. He then refers to this bill which has passed the House, and asks whether it cannot be expedited on its passage here.

That is the bill and that is the occasion of which the honorable Senator from Ohio the senior Senator [Mr. THURMAN] has felt moved to make the observations which have fallen from him. I trust he will take no offense and ascribe no unkindness to me if in reply I say thus much. Charitable persons in England, moved by a sense of pity for the starving and the poor have sent at their own cost to us a quantity of clothing to cover and shelter them. The Senator from Ohio objects to even considering a proposition to allow this charity to reach its destination; and he does that in the same Chamber in which by unanimous consent we have very recently adopted a joint resolution to send across the sea to the starving people of Ireland contributions given by the charity of our own people. So that here stand the two facts and the two spectacles in contrast with each other, that charitable people in Great Britain moved by charity send to a class of our people who are suffering clothing and raiment, and send this charity, to men born here, citizens of the United States, and to women and children born here, and the Senator refuses to allow the Senate to even consider the question whether we will permit the reception and application of this clothing. Our citizens, in the midst of considerable need of our own, send food and send raiment to the suffering people of other lands, and I think no member of any body, no official, has been found in England to object to receiving and applying what we have sent there.

It seems to me, Mr. President, very hard that this should be so. I almost think if the honorable Senator from Ohio would reflect upon it he would scarcely feel moved to refuse to consider whether he will allow to perish and go for naught these contributions lying on the wharf in the city of New York or whether he will allow them to be sent on, not at his expense, not at the expense of the Government, but at the cost of the charitable people who chose to forward them, for the use of those people for whom they were designed.

Mr. BRUCE rose.

Mr. EDMUNDS. What is the pending question, Mr. President?

The PRESIDING OFFICER. There is no question.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. By unanimous consent the Senator from New York was permitted to make the remarks which he has made. The Senator from Mississippi now addresses the Chair.

Mr. BRUCE. It is not my purpose to discuss this question. I have studiously avoided giving expression to any views on this floor touching the movement of colored people from the South, and I have hoped no occasion would arise for me to engage in that discussion. I shall not do so now.

It seems to me that the only question involved now is whether or not we will relieve suffering humanity; whether we will allow these people who are in Kansas—whether they have left their homes for cause or without cause, wisely or unwisely, is a matter of no importance, so far as this question is concerned—to die by hundreds, rather than permit a charity which the English people have sent here to pass through the custom-house free of duty. That is all. Money is being collected in this country by thousands of dollars to be sent across the seas to relieve the suffering people of Ireland. It is right—

Mr. FERRY. Hundreds of thousands.

Mr. BRUCE. Yes, hundreds of thousands. I am glad to say I have been one of the persons who have contributed. Nobody up to this moment I believe has objected to this money being sent; and, if I mistake not, two or three days ago, a joint resolution was introduced, and on the next day reported and passed without a dissenting vote, authorizing the Secretary of the Navy to fit up a ship and use that ship in carrying provisions and clothing to those suffering people.

Now, I do not believe that the Senator from Indiana [Mr. VOORHEES] desires to be understood as opposing a movement simply to relieve these suffering people. It is not now a question of how they came there or why they went there; it is not a question whether they ought to have gone there or not; but they are there and they are in distress, and it seems to me that the honorable Senator from Indiana, [Mr. VOORHEES,] whom I know well and favorably, does not intend to antagonize this bill because he may not believe, as many of us may not believe, that these people should have originally gone to that State.

In the name of the hundreds of colored people now starving in Kansas I appeal to the Senate to pass the pending measure, that they may receive the immediate benefits of this charity.

Mr. KERNAN. Mr. President, I concurred, as one of the Committee on Finance, in reporting this bill favorably and uniting in the request that it be acted on and passed now. I think—

Mr. EDMUNDS. Before the Senator goes on, as there is no question before the Senate, I want to repeat what my colleague said; that is, to ask unanimous consent that this bill be now considered.

Mr. KERNAN. That is what I was going to ask after saying a

word or two. I hope there will be no objection, but that we shall consider and pass it now.

Mr. PENDLETON. Mr. President, I interposed an objection to the present consideration of the bill. I did it for the reason stated by the Senator from Vermont who is farthest from me, [Mr. MORRILL,] that the Committee on Finance had unanimously agreed to it at their session this morning; and from the time—

Mr. MORRILL. The Senator is mistaken. I did not say their session this morning.

Mr. PENDLETON. I certainly do not desire to misunderstand the Senator or to misrepresent him. I so understood him.

Mr. MORRILL. No; my statement was that I had the consent on the floor of the members of the committee.

Mr. EDMUNDS. Now I want to know before this debate goes any further—

Mr. PENDLETON. I believe I have the floor.

Mr. EDMUNDS. I want to know whether the bill is up or not?

Mr. KERNAN. I have not yielded the floor.

Mr. PENDLETON. I object to the bill.

Mr. EDMUNDS. I rise to a question of order then.

Mr. PENDLETON. If I am not to be allowed to give my reason for objecting, I object now.

The PRESIDING OFFICER. Objection is made, and the bill will go on the Calendar.

Mr. EDMUNDS. Then let there be no further debate.

Mr. KERNAN. I simply wanted to say—

Mr. EDMUNDS. Let us have the regular order if we cannot have the bill up.

Mr. KERNAN. I hope we shall not tax charity that comes into our country to relieve any portion of our people who are suffering.

Mr. EDMUNDS. Regular order.

Mr. KERNAN. Mr. President, I move that all prior orders of business be laid aside temporarily, and that we proceed to act on this bill now. I make that motion.

Mr. PENDLETON. Mr. President, I withdraw the objection.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. KERNAN. Then I simply want to say in a very few words—

Mr. CONKLING. Is the bill before the Senate now?

The PRESIDING OFFICER. The Chair will ask if there is any objection to the consideration of the bill.

Mr. VOORHEES. I say yes; I object.

The PRESIDING OFFICER. The bill goes on the Calendar.

Mr. VOORHEES. I do not mean by my objection to antagonize the bill on its passage; but—

Mr. EDMUNDS. No more debate. I must call the Senate to order.

Mr. VOORHEES. The gentleman will have the full benefit of my objection.

Mr. EDMUNDS. I call the Senator to order now. The bill is not before the Senate.

The PRESIDING OFFICER. The bill goes on the Calendar.

Mr. WITHERS. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and forty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 20, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ADMISSION TO THE FLOOR.

The SPEAKER. The Chair, on behalf of the gentleman from Tennessee, [Mr. DIBRELL,] asks that W. A. Cheatham, of Nashville, Tennessee, be allowed the privilege of the floor to-day.

There being no objection, the request was granted.

LIGHT-HOUSE ON GOOSE HILL FLATS, JAMES RIVER, VIRGINIA.

Mr. JOHNSTON, by unanimous consent, introduced a bill (H. R. No. 4597) to provide for the erection of a light-house on Goose Hill Flats, James River, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

VICKSBURG AND MERIDIAN RAILROAD.

Mr. CHALMERS, by unanimous consent, introduced a bill (H. R. No. 4598) to relieve the Vicksburg and Meridian Railroad Company from the payment of certain internal-revenue taxes erroneously assessed; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

TEXAS PACIFIC RAILROAD.

Mr. ELLIS, by unanimous consent, reported from the Committee on Pacific Railroads a bill (H. R. No. 4599) to amend and re-enact section 22 of an act approved March 3, 1871, entitled "An act to incorporate the Texas Pacific Railroad Company, to aid the construction of its road, and for other purposes;" which was read a first and second time, ordered to be printed, and recommitted, not to be brought back on a motion to reconsider.

REMISSION OF LEGACY TAX.

Mr. McCOID, from the Committee on Manufactures, reported back with an amendment the bill (H. R. No. 2975) to repeal section 17 of the act of June 14, 1870, and chapter 10, title 35, of the Revised Statutes of 1878, and to remit taxes and penalties thereunder; which, with the accompanying report, was referred to the Committee on the Revision of the Laws, and ordered to be printed.

Mr. McCOID also, by unanimous consent, presented a joint resolution of the Legislature of Iowa in reference to remitting and abating the internal-revenue legacy tax; which was referred to the Committee on the Revision of the Laws, and ordered to be printed in the RECORD. It is as follows:

Whereas the General Government in the year 1864 passed a law requiring the payment of a 1 per cent. revenue tax on all legacies thereafter due; and

Whereas that during the time that said law was in force a great many estates have been settled up by administrators, guardians, and others, who were liable for said tax without any knowledge of the existence of such a law; and

Whereas the said tax that is now claimed to be due is from parties scattered over the entire country, north, south, east, and west, many of whom are dead, or, if living, unable to pay the same; and

Whereas the expense attending the collection of this tax, scattered as it is in small amounts over the country, will leave no margin to the Government, but if any it will be so small as to be no compensation for the annoyance, trouble, and expense it gives the people; and

Whereas there is now pending in Congress a bill, the purpose of which is to retire said tax, together with all penalties due or to become due: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be requested to use their influence to secure the passage of said bill at as early a time as possible, to the end that the people may be saved from unnecessary trouble and expense in litigations that would arise, and that a copy of this resolution be forwarded to each of our Representatives.

Approved February 14, 1880.

ENGRAVED SIGNATURES ON BANK NOTES.

Mr. PRICE, by unanimous consent, introduced a bill (H. R. No. 4600) to prohibit engraved signatures upon national-bank notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DISCRIMINATIONS AND OVERCHARGES BY RAILROAD COMPANIES.

Mr. PRICE also, by unanimous consent, presented a memorial of the Legislature of the State of Iowa, asking for the passage of a law to control railroad corporations so as to prevent unjust discrimination and excessive charges; which was referred to the Committee on Commerce.

DES MOINES RIVER LANDS.

Mr. PRICE also, by unanimous consent, presented a memorial of the Legislature of the State of Iowa, relating to the Des Moines River lands; which was referred to the Committee on the Judiciary.

REPEAL OF LEGACY TAX.

Mr. PRICE also, by unanimous consent, presented a memorial and joint resolution of the Legislature of the State of Iowa, in favor of the repeal of the legacy tax; which were referred to the Committee on the Judiciary.

SAMUEL HENDERSON.

Mr. BENNETT, by unanimous consent, introduced a bill (H. R. No. 4601) granting a pension to Samuel Henderson, of Springfield, Dakota Territory; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HOMESTEAD SETTLERS.

Mr. WASHBURN, by unanimous consent, introduced a bill (H. R. No. 4602) to equalize the rights of homestead settlers upon public lands within railroad limits; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

AGNES W. HILLS.

Mr. BROWNE, by unanimous consent, reported back, from the Committee on Military Affairs, the bill (H. R. No. 1821) for the relief of Agnes W. Hills; when the committee was discharged from the further consideration of the same, and the bill was referred to the Committee on War Claims, not to come back on a motion to reconsider.

J. K. SMITH.

Mr. MARTIN, of North Carolina, by unanimous consent, introduced a bill (H. R. No. 4603) for the relief of J. K. Smith, of North Carolina; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

SAINT JOSEPH AND DENVER CITY RAILROAD.

Mr. HUNTON, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Interior be respectfully requested to furnish for the use of the House the amount of subsidy in land granted the Saint Joseph and Denver City Railroad, together with all information as to what disposition has been made and is now being made of said land grant, and why said road has not been completed to a junction with the Union Pacific Railroad at Kearney, Nebraska, according to the survey of said road now on file in the Interior Department.

PAPER AND PAPER MATERIALS.

Mr. STEVENSON, by unanimous consent, introduced a bill (H. R. No. 4604) to place certain articles imported and used in the manufacture of paper, and unsized printing-paper used exclusively for newspapers, pamphlets, and magazines, on the free list; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CHARLES B. MEYER.

On motion of Mr. CARLISLE, by unanimous consent, the Committee of Ways and Means was discharged from the further consideration of the memorial of Charles B. Meyer, asking for relief for loss of distillery illegally seized; and the same was referred to the Committee of Claims, not to be brought back by a motion to reconsider.

CLERK FOR INTEROCEANIC CANAL COMMITTEE.

Mr. MORSE. Mr. Speaker, the Committee of Accounts have instructed me to report back a substitute for the resolution referred to them providing for clerk, stenographer, &c., for the Select Committee on the Interoceanic Canal.

The SPEAKER. The substitute will be read.

The Clerk read as follows:

Resolved, That the select committee on the subject of the interoceanic canal, and other proposed communication between the Atlantic and Pacific Oceans, be, and are hereby, authorized to employ a clerk, who shall be paid out of the contingent fund of the House at the same rate per diem allowed to the clerks of the other committees of the House, and during the sessions of Congress only.

Mr. COX. I ask to amend the substitute in one particular.

The SPEAKER. Does the gentleman yield for that purpose?

Mr. MORSE. I do not know what it is.

Mr. COX. If the gentleman will hear me, I think he will not object to the amendment I propose to offer.

Mr. SAMFORD. Is it open to objection?

The SPEAKER. The gentleman reserves his right.

Mr. COX. I move to amend by adding also a messenger for the Foreign Affairs Committee, who shall act as clerk, and I will give my reasons to my friend. The Committee on Foreign Affairs have had their property stolen for the last three weeks out of their room. All the little personal property in the room has been stolen. An attempt was made the other night to break open the desk of one of our members where the Acklen testimony was placed. We have now no protection there. We have no messenger at the door while we are in session. Three committees have been meeting in that room, and we are utterly without any guard. I sent this matter before the Committee of Accounts, but they have not acted on it, and I ask now the House will protect the property which belongs to the Government.

The SPEAKER. That will be done by the watchman.

Mr. COX. I move that amendment.

The SPEAKER. Does the gentleman yield for that purpose?

Mr. MORSE. I do not; but demand the previous question?

Mr. ATKINS. I ask to have the resolution again read.

The resolution was again read.

Mr. ATKINS. Is it a report from the Committee of Accounts?

The SPEAKER. It is. The Committee of Accounts report that as a substitute for the original proposition which embraced "stenographer" as well as "clerk."

Mr. ATKINS. Is it subject to the point of order?

Mr. COX. If the previous question is voted down, cannot I move the amendment?

The SPEAKER. It will be in order then to move the amendment, but the gentleman from Massachusetts declines to yield.

Mr. COX. Then I hope the previous question will be voted down. It is absolutely necessary the Committee on Foreign Affairs should have what I ask.

The House divided; and there were—ayes 21, noes 22.

Mr. SPARKS. No quorum has voted.

The SPEAKER. The Chair suggests to the gentleman to offer his proposition separately.

Mr. COX. I did offer a resolution and sent it to the Committee of Accounts, but I can get no report from that committee. If this matter had been attended to two weeks before when I offered it, we would have saved \$50 in property.

Mr. MORSE. I assure the gentleman that he shall have a report on his case, but I cannot yield to his amendment to the report of the Committee of Accounts.

No quorum having voted, the Speaker appointed Mr. MORSE and Mr. COX as tellers.

The House again divided; and the tellers reported—ayes 29, noes 58.

Mr. COX. I ask the gentleman to accept my amendment.

The SPEAKER. The gentleman has no power to accept it. The House must vote on it.

Mr. FERNANDO WOOD. Is it in order to demand the regular order?

Mr. COX. It is too late to make that point.

The SPEAKER. No quorum has voted.

Mr. SPARKS. I made it in the beginning.

The SPEAKER. There is no quorum.

Mr. COX. Did anybody make the point?

Mr. SPARKS. I did.

The SPEAKER. Two gentlemen made it.

Mr. MORSE. I will withdraw the report for the present.

The SPEAKER. The report is withdrawn.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. VAN AERNAM, for one week.

ADMISSION TO THE FLOOR.

Mr. ALDRICH, of Illinois. I ask unanimous consent that Charles

Fargo, a prominent business man of Chicago, be admitted to the privileges of the floor during the day.

There was no objection, and it was ordered accordingly.

Mr. SIMONTON. I ask unanimous consent that Hon. Samuel P. Rose, of Colorado, be admitted to the privileges of the floor to-day and to-morrow.

There was no objection, and it was ordered accordingly.

MEXICAN VETERAN ASSOCIATION.

The SPEAKER, by unanimous consent, laid before the House the following communication:

NORFOLK AND PORTSMOUTH MEXICAN VETERAN ASSOCIATION.
(Organized 1873.)

NORFOLK, VIRGINIA, February 12, 1880.

HONORABLE SIR: In accordance with resolution, I am directed by the Mexican Veteran Association of this city to respectfully extend an invitation to yourself, and through you to the honorable body over which you preside, to be present in this city on the 23d instant at the ceremonies to be held in honor of Washington's birthday, the anniversary of the battle of Buena Vista, and the occasion of the national convention of the survivors of the Mexican war.

Respectfully and truly yours,

JAMES F. MILLIGAN,

President Norfolk and Portsmouth Veteran Association.

Hon. SAMUEL J. RANDALL,
Speaker House of Representatives.

SAINT ANN'S INFANT ASYLUM.

The SPEAKER also, by unanimous consent, laid before the House a letter from the commissioners of the District of Columbia, recommending an appropriation of \$5,000 for Saint Ann's Infant Asylum; which was referred to the Committee on Appropriations.

RINGGOLD BARRACKS, TEXAS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the purchase of Ringgold Barracks, in Texas; which was referred to the Committee on Appropriations.

G. T. A. NIXON.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting petition of Private G. T. A. Nixon, Company H, Fifth Cavalry, to be retired; which was referred to the Committee on Military Affairs.

ROBERT S. WYLD.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, relative to the application of Robert S. Wyld for the reissue of certain bonds belonging to him, alleged to have been stolen or destroyed; which was referred to the Committee of Ways and Means.

INDIAN DEPREDAATION CLAIMS.

The SPEAKER also, by unanimous consent, laid before the House letters from the Secretary of the Interior, transmitting papers in the Indian depredation claims of Charles N. Emery, James A. J. and Joseph H. McVay, and others; which was referred to the Committee on Indian Affairs.

PLEURO-PNEUMONIA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, relative to pleuro-pneumonia in neat cattle; which was referred to the Committee on Agriculture.

DES MOINES RIVER LANDS.

The SPEAKER also, by unanimous consent, laid before the House a memorial of the General Assembly of the State of Iowa, relative to the Des Moines River lands; which was referred to the Committee on Private Land Claims.

GEORGE WILLIAMS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in reply to resolutions of the House of January 14 and 20, 1880, transmitting papers in the case of George Williams; which was referred to the Committee of Claims.

ASSAY COMMISSION.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting the annual report of the assay commission; which was referred to the Committee on Coinage, Weights, and Measures.

Mr. DAVIS, of California. I ask that this communication be printed.

There was no objection, and it was ordered accordingly.

WIDOW OF THE LATE A. M. LAY.

Mr. PHILIPS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be instructed to include in the sundry civil appropriation bill the sum of \$6,000, for the benefit of the widow of Hon. A. M. Lay, deceased, late a member of the Forty-sixth Congress.

ENROLLED JOINT RESOLUTIONS.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 157) for the relief of M. M. Herr, and to pay three messengers of the Senate;

Joint resolution (H. R. No. 200) for printing the eulogies delivered in the Senate and House of Representatives upon Hon. Rush Clark, deceased; and

Joint resolution (H. R. No. 203) making appropriations for the Reform School of the District of Columbia.

OBSERVANCE OF INDIAN TREATY STIPULATIONS.

Mr. KELLEY. Mr. Speaker, I present a memorial, signed by some 13,000 citizens of Pennsylvania, asking that in our dealings with the Indians treaty stipulations shall be respected; and I ask that the memorial, without the names of the signers, and also the explanatory note accompanying it, be printed in the RECORD. I do not ask that the names of the signers of the memorial be printed, but simply the body of the petition and the accompanying paper.

There was no objection, and it was ordered accordingly.

The petition is as follows:

To the President of the United States
and to the Senate and House of Representatives:

We the undersigned men and women of the United States, resident in or near Philadelphia, Pennsylvania, do most respectfully but most earnestly request the President and the Houses of Congress to take all needful steps to prevent the encroachments of white settlers upon the Indian Territory, and to guard the Indians in the enjoyment of all the rights which have been guaranteed to them on the faith of the nation.

To the Senate and House of Representatives:

The accompanying memorial had its origin in a strong feeling of loyalty to treaties. It commenced with individuals, and spread to towns, cities, and States. On it are names of thinkers and molders, who feel it a right and a duty to express their sentiments when a public interest demands it.

We do not wish to clog the wheels of Government. We suggest no policy to it. We only wish to express our sense of the moral obligation of a treaty, whether the treaty be between the strong and the strong or between the strong and the weak, or for our advantage or disadvantage.

It is said that the Duke of Burgundy, a pupil of Fenelon, in a cabinet council, after hearing the reasons of state offered in abundance for violating a treaty which it was thought would be of great advantage to France, placed his hand upon the instrument and said, with emphasis, "Gentlemen, there is a treaty."

We would express that when a treaty is changed or modified the free consent of both parties is necessary. We pray that no consideration of interest, no pressure, no combination of difficulties which may arise shall influence our Government to depart from this law of treaties.

We are especially urgent in this case because we are strong and the Indians are weak. Our greater knowledge and power and our relations to the Indians give impenitence to our obligations.

We cannot afford to seem unjust. The eyes of the world are upon us. The eyes of Him who "executed righteousness and judgment for all that are oppressed" are upon us. We live also under the law of the harvest; as we sow, so also shall we reap. If we sow justice we shall reap justice; if we sow injustice we shall reap injustice.

Therefore, as citizens of this Republic, who have as individuals obligations to the Republic, we take this method—the only one known to us—of expressing our deep conviction of the moral obligations of a treaty.

MARY L. BONEY,

Senior Principal Chestnut street Seminary,

Philadelphia, Pennsylvania,

MARINÉ J. CHASE,

Mrs. GEORGE DANA BOARDMAN,

Philadelphia,

Mrs. H. L. WAYLAND, Philadelphia,

} Committee.

COUNTING THE ELECTORAL VOTE.

Mr. LORING. Mr. Speaker, I present the following petition, and ask that the body of it be printed in the RECORD. It is a short memorial.

The SPEAKER. The title of the memorial will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Petition of the Massachusetts Woman Suffrage Association, for such legislation as will secure a peaceful adjustment of presidential controversies.

The SPEAKER. Is there objection to the printing of the petition in the RECORD? The Chair hears none.

Mr. STEELE. I object.

The SPEAKER. It is not a question of female suffrage, but an appeal to the House to enact a law in reference to counting the electoral vote.

Mr. STEELE. I believe I will insist upon my objection anyhow.

Mr. LORING. Then I ask that it be referred to the Committee on the Judiciary.

The petition was referred to the Committee on the Judiciary.

DANIEL A. GIBBEY.

Mr. GILLETTE, by unanimous consent, from the Committee on Revolutionary Pensions, reported back the bill (H. R. No. 1494) granting a pension to Daniel A. Gibbey, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee of Claims, not to come back on a motion to reconsider.

The motion was agreed to.

EDWARD P. VOLLUM.

On motion of Mr. CLARDY, by unanimous consent, the bill (S. No. 296) for the relief of Edward P. Vollum was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs, not to come back on a motion to reconsider.

ORDER OF BUSINESS.

Mr. FARR. I call for the regular order.

Mr. BLACKBURN. I move to suspend the rules and dispense with

the morning hour, so that we may proceed with the consideration of the report of the Committee on Rules.

Mr. CONGER. Is the motion to suspend the rules in order?

The SPEAKER. The motion to dispense with the morning hour is in order, but it requires a two-thirds vote.

Mr. CONGER. This is private bill day.

The SPEAKER. That is in the nature of an argument why this should not be done. The rule says that the morning hour for the call of committees for reports shall not be dispensed with except by a two-thirds vote, and it may be dispensed with to-day by that vote.

Mr. BRIGHT. Mr. Speaker—

The SPEAKER. Debate is not in order.

Mr. BRIGHT. I have only risen to make a parliamentary inquiry as to the effect of the motion, whether it extends further than to dispense with the morning hour?

The SPEAKER. It can do no more than dispense with the morning hour.

Mr. BLACKBURN. That is the only motion that is submitted.

Mr. CONGER. But the effect of it would be—

The SPEAKER. The effect of the motion, if adopted, would be to dispense with the morning hour; and the Chair supposes the gentleman from Kentucky, when the proper time arrived for a motion to go into Committee of the Whole on the Private Calendar, would raise the question of consideration.

Mr. McMAHON. And that would only require a majority vote?

The SPEAKER. Yes.

The question being taken on the motion to dispense with the morning hour, there were—ayes 90, noes 65.

Mr. BLACKBURN. I ask for tellers.

Tellers were ordered; and Mr. CONGER and Mr. BLACKBURN were appointed.

Mr. GARFIELD. What is the object of the motion?

The SPEAKER. The object is that the House may go into Committee of the Whole to consider the rules.

Mr. GARFIELD. Let us do that.

The House again divided; and the tellers reported—ayes 97, noes 55. So (two-thirds not voting in the affirmative) the morning hour was not dispensed with.

MORNING HOUR.

The SPEAKER. The morning hour begins at twenty-two minutes to one o'clock, and, this being Friday, reports from committees of a private nature are in order. The call rests with the Committee on Military Affairs.

MARTIN L. BUNDY.

Mr. BROWNE, from the Committee on Military Affairs, reported back, with an amendment, the bill (H. R. No. 3273) for the relief of Martin L. Bundy; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARK WALKER.

Mr. LE FEVRE, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 249) for the relief of Mark Walker; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. WHITTHORNE, from the Committee on Naval Affairs, reported back, with adverse recommendations, the following petition and bill; and the same were laid upon the table, and the accompanying reports ordered to be printed:

The petition of Andrew Jones, praying for the allowance of a claim in his favor against the Government; and

The bill (H. R. No. 985) for the relief of Joseph Sawyer.

Mr. WHITTHORNE moved to reconsider the votes by which the above petition and bill were laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JACOB DUNDORÉ.

Mr. WHITTHORNE also, from the Committee on Naval Affairs, reported back the bill (H. R. No. 3747) for the relief of Jacob Dundore for the loss of the barge T. C. Zulick while in the service of the United States under charter-party, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Commerce, not to be brought back on a motion to reconsider.

The motion was agreed to.

R. G. COMBS AND OTHERS.

Mr. WHITTHORNE also, from the Committee on Naval Affairs, reported back the bill (H. R. No. 3698) for the relief of R. G. Combs and others; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Commerce, not to be brought back on a motion to reconsider.

MRS. FANNY S. CONWAY.

Mr. WHITTHORNE also, from the Committee on Naval Affairs, reported back the bill (H. R. No. 1553) for the relief of Mrs. Fanny S. Conway, of Louisville, Kentucky; which was referred to the Committee

of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ELIZABETH P. PAGE.

Mr. GOODE, from the Committee on Naval Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 1902) for the relief of Mrs. Elizabeth P. Page; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. BREWER. I desire to have the views of the minority printed with the report of the majority.

There was no objection, and it was so ordered.

JOHN S. CUNNINGHAM.

Mr. DAVIDSON, from the Committee on Naval Affairs, reported a bill (H. R. No. 4605) for the relief of John S. Cunningham; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF LANGLEY B. CULLEY.

Mr. TALBOTT, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. No. 3826) for the relief of the heirs of the late Langley B. Culley; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DRS. THOMAS OWENS AND WILLIAM MARTIN.

Mr. TALBOTT also, from the same committee, reported as a substitute for House bill No. 2871 a bill (H. R. No. 4606) authorizing the President to appoint Drs. Thomas Owens and William Martin assistant surgeons in the United States Navy, not in the line of promotion; which was read a first and second time.

Mr. TALBOTT. I desire that this bill may be considered at the present time, and will ask that the report of the Committee be read.

The report was read, as follows:

The Committee on Naval Affairs, to whom was referred House bill No. 2871, authorizing the President to appoint Drs. Thomas Owens and William Martin assistant surgeons in the United States Navy, not in the line of promotion, have had the same under consideration and submit the following report, namely:

Your committee find from the papers and records furnished from the Navy Department that the said Dr. Thomas Owens entered the Navy as acting assistant surgeon A. D. 1864, and was assigned to duty on board of the iron-clad ram Atlanta stationed at Dutch Gap Canal, James River; and further find that he contracted on said station malarial habit, which, instead of developing into either of the types of that disease, manifested itself into a periodical neuralgia, influenced in assuming this form (neuralgia) by the character of the ship.

Your committee also find that said condition of the said Dr. Owens continued up to about the month of March, A. D. 1879, without his being totally incapacitated for duty, when he was seized with a paroxysm of fever and ague contracted while on duty at the navy-yard in Washington, District of Columbia, which aggravated and produced constant suffering; that under the act of Congress approved February 15, 1879, abolishing the volunteer navy, he was found "physically disqualified by disease occurring in the line of duty by the medical examining board created thereby and by the retiring board as unfit then for active service from disease occurring in the line of duty," but was mustered out of the service on or about the 30th of June, 1879; that three days prior to being mustered out the naval medical examining board reported to the honorable Secretary of the Navy that the said Owens should be placed on the active list as assistant surgeon not in the line of promotion; said examining board also reported that said Dr. Owens was suffering from sickness which was contracted while on duty in the service, and made said report because in their judgment they believed he would be able for duty at some future time.

Your committee further report that said Dr. Owens was attended professionally by Medical Inspector Philip S. Wales, United States Navy, who reported that said Dr. Owens was suffering with malarial disease, and recommended a change of climate.

Your committee further report that under the act of February 15, 1879, to abolish the volunteer navy, the Secretary of the Navy has the authority to place the said Dr. Owens upon the retired list but not the authority to appoint him to the service upon the active list, not in the line of promotion, as recommended by the board of medical examiners, and further report that the recommendation of the board of examiners is approved by the Secretary of the Navy, who recommends favorable action by Congress.

Your committee beg leave to call the attention of the House to the exhibits returned herewith, namely, the report of medical examining board and the letter of the honorable Secretary of the Navy, dated January 27, 1880.

Your committee also refer the House in the case of Dr. William Martin to the exhibits returned herewith, namely, the letter of the honorable Secretary of the Navy and the report of the medical examining board, which they respectfully submit as their report in his case.

Your committee recommends the adoption of this report and the passage of the accompanying bill.

Mr. TALBOTT. I will ask that the letter from the Secretary of the Navy be read.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, January 27, 1880.

SIR: In reply to your letter of the 26th instant, requesting my opinion in the cases of Drs. Owens and Martin, to accompany the papers called for in your communication of the 14th instant, I have the honor to refer to Department's letter transmitted to you yesterday, and to add thereto that I approve the recommendation of the examining board, "that Dr. Thomas Owens and Dr. William Martin be attached to the Medical Corps of the Navy as additional assistant surgeons not in the line of promotion," and express the opinion that favorable action by Congress to that end would be a proper recognition of their services in the Navy.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Hon. J. F. C. TALBOTT,
House of Representatives.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. TALBOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH HUMPHRIES.

Mr. BREWER, from the Committee on Naval Affairs, reported adversely upon the bill (H. R. No. 1479) for the relief of Joseph Humphries; which was laid on the table, and the accompanying report ordered to be printed.

SHIP-CARPENTERS.

Mr. BREWER, from the same committee, also reported adversely upon the bill (H. R. No. 2527) to authorize assimilated rank to warrant officers of the United States Navy known as ship-carpenters; which was laid on the table and the accompanying report ordered to be printed.

Mr. BREWER. I move that the vote of the House in the last case reported by me be reconsidered; and that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ABSALOM KIRBY.

Mr. HARMER, from the same committee, reported a bill (H. R. No. 4607) for the relief of Passed Assistant Engineer Absalom Kirby; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

RELIEF FOR THE SUFFERING POOR OF IRELAND.

Mr. WHITTHORNE. I have been instructed by the Committee on Naval Affairs to report back, with a favorable recommendation, the bill (H. R. No. 4298) authorizing the Secretary of the Navy to designate a vessel of the United States to carry, free of charge, contributions for the relief of the suffering people of Ireland. It is a public bill, but I ask consent to report it at this time.

There was no objection, and the report was received.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. WHITTHORNE. I understand that there is on the Speaker's table a joint resolution from the Senate for a similar purpose. I have consulted with the members of the Committee on Naval Affairs this morning, and they authorize me to ask that the Senate joint resolution be taken up and considered in place of the House bill.

The SPEAKER. The gentleman from Tennessee having reported by unanimous consent a public bill from the Committee on Naval Affairs, authorizing the Secretary of the Navy to designate a vessel of the United States to carry free of charge contributions for the relief of the suffering poor of Ireland, now asks consent that the Senate joint resolution No. 80, authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of Ireland, be taken from the Speaker's table and considered in place of the House bill.

There was no objection, and the joint resolution was taken from the Speaker's table and read a first and second time.

The question was upon ordering the joint resolution to be read a third time.

The joint resolution was read, as follows:

That the Secretary of the Navy be, and he is hereby, authorized to employ any ship or vessel belonging to the Navy of the United States best adapted for such service, for the purpose of transporting to the famishing poor of Ireland such contributions as may be made for their relief, or to charter and employ, under the authority of the United States, a suitable American ship or vessel for the same purpose. Any sum of money which may be necessary to carry out the object of this resolution is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. WHITTHORNE. I have no doubt this joint resolution will find a ready response in the heart of every gentleman on this floor.

The joint resolution was ordered to a third reading, read the third time, and passed.

Mr. WHITTHORNE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill (H. R. No. 4298) authorizing the Secretary of the Navy to designate a vessel of the United States to carry free of charge contributions for the relief of the suffering poor of Ireland was then laid upon the table.

LOUIS P. DI CESNOLA.

Mr. COX, from the Committee on Foreign Affairs, reported back with amendments the bill (H. R. No. 1359) for the relief of Louis P. Di Cesnola, late consul at Cyprus.

The bill was read.

Mr. COX. I ask that this bill be put on its passage now.

Mr. DUNNELL. I make the point of order that the bill makes an appropriation, and must receive its first consideration in Committee of the Whole.

Mr. COX. I move, then, that the bill be referred to the Committee of the Whole on the Private Calendar.

The motion was agreed to.

JOHN C. LANDREAU.

Mr. HILL. The Committee on Foreign Affairs, to whom was referred the petition of John C. Landreau, a naturalized citizen of the

United States, for the aid of the Government of the United States in the furtherance of his claim against the government of Peru, have directed me to submit a report, accompanied by a joint resolution, which I hope may be put on its passage now. It does not involve the expenditure of a single dollar, but simply grants in behalf of a citizen of the United States the good offices of the President and Secretary of State in the settlement of a claim against a foreign government. I hope there will be no objection to the passage of this joint resolution.

The joint resolution (H. R. No. 219) in relation to the claim of John C. Landreau against the government of Peru was read a first and second time. It provides that the petition of John C. Landreau, the report made thereon by the Committee on Foreign Affairs, and the accompanying papers be transmitted to the executive department, with the request that the President take such steps as in his opinion may be proper and in accordance with international law to secure to John C. Landreau a final settlement and adjustment of his claim against the government of Peru; and that if in his opinion it is proper to do so, the President invite the government of France to co-operate with the United States in his behalf.

The joint resolution was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. HILL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENERAL FRANCIS A. WALKER.

Mr. COX. The Committee on Foreign Affairs have directed me to report back favorably, for present consideration, the joint resolution (H. R. No. 208) authorizing General Francis A. Walker, Superintendent of the Census, to accept decorations from the governments of Sweden and Spain. I will say that General Walker, while engaged in this service for which the governments of Spain and Sweden have tendered him this recognition, was holding the office of Superintendent of the Census and, though receiving no salary, cannot technically, under our Constitution, accept this honor without the consent of Congress.

Mr. GARFIELD. I presume there will be no objection to this resolution.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That General Francis A. Walker, Superintendent of the Census of the United States, be, and is hereby, authorized to accept a decoration of knight commander of the Swedish order of Wasa, tendered him by the government of Sweden, and also that of commander of the Spanish order of Isabella, from the government of Spain, as a recognition of his services as chief of the bureau of awards at the centennial exhibition at Philadelphia.

The joint resolution was ordered to be engrossed and read the third time, there being ayes 93, noes not counted.

The joint resolution having been read the third time, the question recurred on its passage.

The question being taken, there were ayes 95, noes not counted.

So the joint resolution was passed.

Mr. COX moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIEUTENANT B. H. BUCKINGHAM.

Mr. COX, from the Committee on Foreign Affairs, reported back, with a favorable recommendation, the joint resolution (H. R. No. 110) authorizing Lieutenant B. H. Buckingham, United States Navy, to accept a decoration conferred by the president of the French Republic for service in connection with the universal exposition of 1878, at Paris.

The joint resolution was read. It provides that Lieutenant Benjamin H. Buckingham, of the United States Navy, be authorized to accept the decoration of the cross of the national order of the Legion of Honor, conferred upon him by the President of the French Republic, in appreciation of services rendered by him at the universal exposition of 1878, at Paris.

Mr. COX. As some gentlemen on this side of the House have seen proper to oppose this class of innocent legislation, I desire to say one word upon the subject. The Constitution of the United States provides that—

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

At the time this provision was adopted there was in this country a jealousy in regard to foreign distinctions, titles of nobility, &c. But the reason for this clause has long since passed away. Judge Story, in referring to this subject in his Commentaries, says:

The other clause, as to the acceptance of any emoluments, title, or office from foreign governments, is founded in a just jealousy of foreign influence of every sort. Whether in a practical sense it can produce much effect has been thought doubtful. A patriot will not be likely to be seduced from his duties to his country by the acceptance of any title or present from a foreign power. An intriguing or corrupt agent will not be restrained from guilty machinations in the service of a foreign state by such constitutional restrictions.

The Constitution in that respect is almost a dead letter. There is no reason why these young men, or these old men, if you please, who

are servants of the Republic and have distinguished themselves by courtesy or by utility abroad and at home toward foreign powers, should not have these ordinary decorations for the honor of our country.

I send to be read a letter from the minister of foreign affairs at Paris to Lieutenant Buckingham tendering him this decoration. I hope there will be no more of that perfunctory voting on this side of the House. [Laughter.]

Mr. CONGER. I hope the gentleman will not repeat that any part of the Constitution is a dead letter.

Mr. COX. I did not hear what the gentleman from Michigan said.

Mr. CONGER. I hope the gentleman will not repeat in this presence that any part of the Constitution of the United States is a dead letter.

Mr. COX. A dead letter sometimes in some parts of the House.

Mr. GARFIELD. Speak for yourself.

The Clerk read as follows:

PARIS, the 21st October, 1878.

SIR: I have the honor to announce to you that the Marshal President of the republic, wishing to recognize by a particular mark of his esteem and well wishes the part that you have taken in the labors that have assured the success of the universal exhibition of 1878, has just, upon my recommendation, and upon the nomination of my colleague, the minister of agriculture and commerce, conferred upon you the cross of chevalier of the national order of the Legion of Honor. I make haste to transmit to you the insignia, which are destined for you, and I will have care to have sent to you shortly the diploma of the order.

Accept, sir, the assurances of my highest consideration.

WADDINGTON,
Minister of Foreign Affairs.

B. H. BUCKINGHAM,
Lieutenant of the Navy,
Attaché to the Commission.

Mr. COX. Inquiry has been made whether it is usual to pass these bills. They have never been rejected by Congress—never, but always have been passed. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the joint resolution.

The House divided; and there were—ayes 90, noes 10.

So (no further vote being demanded) the joint resolution was passed.

Mr. COX moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AUTHORIZING LIEUTENANT METCALFE TO ACCEPT DECORATION.

Mr. COX. I have one more bill of the same character, which ends the chapter. I am instructed by the Committee on Foreign Affairs to report back joint resolution (H. R. No. 112) authorizing First Lieutenant Henry Metcalfe, of the Ordnance Department, United States Army, to accept a decoration from the Sultan of Turkey, with the recommendation that it do pass.

The joint resolution, which was read, authorizes First Lieutenant Henry Metcalfe, of the Ordnance Department of the United States Army, to accept a decoration of the Order of the Osmanie, which has been tendered him by the Sultan of Turkey as an evidence of his appreciation of the efforts of that officer in conducting the inspection of arms and ammunition manufactured for the imperial Ottoman government in the cities of Providence, Rhode Island, and Bridgeport and New Haven, Connecticut.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY W. JONES.

Mr. RYON, of Pennsylvania, from the Committee on Revolutionary Pensions, reported back favorably a bill (H. R. No. 2572) granting a pension to Mary W. Jones; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH M. BIRDSALL.

Mr. DIBRELL, from the same committee, reported back favorably a bill (H. R. No. 3732) granting a pension to Sarah M. Birdsall; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMENDMENT TO LAWS OF 1875.

On motion of Mr. WHITEAKER, the Committee on Revolutionary Pensions was discharged from the further consideration of a bill (H. R. No. 3696) to amend chapter 275 of the laws of 1875, and the same was referred to the Committee of Claims, not to come back on a motion to reconsider.

LEGAL REPRESENTATIVES OF FRANCIS WARE.

On motion of Mr. WHITEAKER, the Committee on Revolutionary Pensions was discharged from the further consideration of the petition of the legal representatives of Francis Ware, praying for the payment of a final certificate, and the same was referred to the Committee of Claims.

WAR OF 1812.

Mr. WHITEAKER also, from the same committee, reported back favorably a bill (H. R. No. 1867) to amend section 3 of the act of March 9, 1878, relating to pensions for services in the war of 1812; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOLDIERS WHO SERVED FOURTEEN DAYS IN WAR OF 1812.

Mr. WHITEAKER. I am also instructed by the same committee to report back joint resolution (H. R. No. 40) to construe the act of March 9, 1878, to include soldiers who served fourteen days in the war of 1812, although a portion of the time occurred after the proclamation of the treaty of peace with Great Britain, with amendments, and to ask for its passage at this time.

The joint resolution and amendments were read.

Mr. WHITE. Is this a private bill?

Mr. WHITEAKER. No, it is a general bill.

Mr. WHITE. I am opposed to its being considered to-day if it is not a private bill.

Mr. DIBRELL. I hope the gentleman will not oppose it.

Mr. WHITE. I should like to know how many people it affects.

Mr. WHITEAKER. Very well, then; let it go to the Calendar.

The SPEAKER. Does the gentleman from Pennsylvania object to the reporting of the joint resolution?

Mr. WHITE. I do not; let it go to the public Calendar.

The joint resolution and amendments were referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

BETSEY ELWELL.

Mr. FARR, from the Committee on Revolutionary Pensions, reported a bill (H. R. No. 4608) granting a pension to Betsey Elwell, formerly Betsey Butler, widow of Jeremiah Elwell, a private in the Twenty-first Regiment United States Infantry, war of 1812; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOPHIA A. MELSON.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported back favorably a bill (H. R. No. 4255) granting a pension to Sophia A. Melson; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB GELWICKS.

Mr. COFFROTH also, from the same committee, reported back favorably a bill (H. R. No. 205) granting a pension to Jacob Gelwicks; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES POLK KEGERREIS.

Mr. COFFROTH also, from the same committee, reported back favorably a bill (H. R. No. 203) increasing the pension of James Polk Kegerreis; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JANE STOUT.

Mr. COFFROTH also, from the same committee, reported back favorably a bill (H. R. No. 4257) granting a pension to Jane Stout; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. CASTERWELLER.

Mr. COFFROTH also, from the same committee, reported back favorably a bill (H. R. No. 1467) granting a pension to Mary A. Casterweller, widow of John Casterweller, a soldier of the late war; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WIDOW AND CHILDREN OF MICHAEL MEENAN.

Mr. COFFROTH also, from the same committee, reported back favorably a bill (H. R. No. 2331) granting a pension to the widow and minor children of Michael Meenan, deceased; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JESSE T. MYERS.

Mr. COFFROTH also, from the same committee, reported back favorably a bill (H. R. No. 2869) granting a pension to Jesse T. Myers; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEWIS BLUNDIN.

Mr. COFFROTH also, from the same committee, reported back favorably a bill (H. R. No. 2550) granting a pension to Lewis Blundin; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD H. MITCHELL.

Mr. COFFROTH also, from the same committee, reported back favorably a bill (H. R. No. 2549) granting a pension to Edward H. Mitchell; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES B. FURMAN.

Mr. COFFROTH also, from the same committee, reported back favorably a bill (H. R. No. 1452) for the relief of James B. Furman, of Austinville, Bradford County, Pennsylvania; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN A. INNES.

Mr. COFFROTH also, from the same committee, reported back favorably a bill (H. R. No. 1885) for the relief of John A. Innes; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES R. GORDON.

Mr. COFFROTH also, from the same committee, reported back favorably a bill (H. R. No. 1453) for the relief of James R. Gordon; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALBERT O. MILLER.

Mr. COFFROTH also, from the same committee, reported back favorably a bill (H. R. No. 1455) for the relief of Albert O. Miller; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHINEAS GANO.

Mr. COFFROTH also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1259) granting a pension to Phineas Gano; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET R. COLONAY.

Mr. COFFROTH also, from the same committee, reported a bill (H. R. No. 4609) granting arrears of pension to Margaret R. Colonay; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH CARTWRIGHT.

Mr. UPDEGRAFF, of Ohio, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 3123) to authorize the Secretary of the Interior to place upon the pension-roll the name of Joseph Cartwright; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PENSION BILLS.

Mr. DAVIS, of Illinois, from the same committee, reported back with favorable recommendations bills of the following titles; and the same were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

- A bill (H. R. No. 802) granting a pension to Wyatt Botts;
- A bill (H. R. No. 2773) granting a pension to James P. Hunter;
- A bill (H. R. No. 2439) granting a pension to Henry Mills;
- A bill (H. R. No. 799) granting a pension to Richard P. Taylor;
- A bill (H. R. No. 900) granting a pension to John H. Ferrell, late a pilot on the United States steamer Moose, in the Mississippi squadron;
- A bill (H. R. No. 853) granting a pension to Caroline Stief;
- A bill (H. R. No. 2764) granting a pension to William G. Thompson;

A bill (H. R. No. 59) for the relief of John Murphy, of Chicopee, Massachusetts; and

A bill (H. R. No. 2075) granting a pension to Amanda J. McFadden.

Mr. MASON, from the same committee, reported back with favorable recommendations bills of the following titles; and the same were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

- A bill (H. R. No. 3309) for the relief of John T. Neale;
- A bill (H. R. No. 3568) granting arrearages of pension to Andrew J. Morrison;
- A bill (H. R. No. 192) granting a pension to Hulda L. Barnard, of Albion, New York;
- A bill (H. R. No. 2835) to increase the pension of George H. Blackburn;

A bill (H. R. No. 172) for the relief of Phæbe Meech;

A bill (H. R. No. 180) granting increase of pension to Edward C. Quincy; and

A bill (H. R. No. 4217) granting a pension to John Taylor.

Mr. MASON also, from the same committee, reported bills of the following titles; which were severally read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

- A bill (H. R. No. 4610) granting a pension to Mary Leggett;
- A bill (H. R. No. 4616) granting a pension to Ann M. Paulding, widow of Hiram Paulding, late senior rear-admiral of the United States Navy;
- A bill (H. R. No. 4611) granting a pension to Benton C. Barnes;
- A bill (H. R. No. 4612) for the relief of Mary P. Abeel, widow of Captain James S. Abeel, late ordnance storekeeper in the United States Army; and
- A bill (H. R. No. 4613) granting a pension to George Hugunin.

Mr. CALDWELL, from the same committee, reported, as a substitute for House bill No. 1209, a bill (H. R. No. 4614) granting a pension to Joseph Bowers, Company A, Seventy-ninth Regiment United States Colored Troops; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. CALDWELL also, from the same committee, reported, as a substitute for House bill No. 1193, a bill (H. R. No. 4615) granting a pension to Dennis Smith, private in Sixth Kansas Cavalry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HOSTETTLER, from the same committee, reported back with favorable recommendations bills of the following titles; and the same were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

- A bill (H. R. No. 1006) granting a pension to Wellington V. Heusted;
- A bill (H. R. No. 990) granting a pension to Enno J. Pruin;
- A bill (H. R. No. 1007) granting a pension to John Bartow;
- A bill (H. R. No. 3059) granting an increase of pension to Joseph H. Bodine;
- A bill (H. R. No. 3629) granting a pension to James C. Gibson;
- A bill (H. R. No. 3056) to increase the pension of General D. C. Thomas;
- A bill (H. R. No. 2965) granting a pension to Justus Beebe;
- A bill (H. R. No. 2303) granting a pension to Abram F. Farrar;
- A bill (H. R. No. 1003) to increase the pension of Joseph W. Seeley;
- A bill (H. R. No. 3400) granting a pension to Daniel B. Hatfield;

and

A bill (H. R. No. 1949) for the relief of John H. Scott.

Mr. HOSTETTLER also, from the same committee, reported bills of the following titles; which were severally read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 4617) granting a pension to Emmett Langston; and

A bill (H. R. No. 4618) granting a pension to Samuel W. Overman.

Mr. TAYLOR, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 3862) for the relief of Mary A. Lord; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. TAYLOR also, from the same committee, reported, as a substitute for House bill No. 2568, a bill (H. R. No. 4619) granting a pension to William J. Lee; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. TAYLOR also, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

- A bill (H. R. No. 4620) granting a pension to Mary Gossett; and
- A bill (H. R. No. 4621) granting a pension to Hannah E. Oliver.

ORDER OF BUSINESS.

Mr. BLACKBURN and Mr. BRIGHT. Has the morning hour expired?

The SPEAKER. It has; and this being Friday, the Chair will recognize the gentleman from Tennessee, [Mr. BRIGHT.]

Mr. BRIGHT. I move that the House now resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

Mr. BLACKBURN. I wish to move, as an amendment to that motion, that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the report of the Committee on Rules.

The SPEAKER. This being Friday, the Chair will first submit the motion of the gentleman from Tennessee [Mr. BRIGHT] that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

Mr. BLACKBURN. I desire to give notice that should that motion be voted down I will move to go into Committee of the Whole on the revision of the rules.

The question was taken upon the motion of Mr. BRIGHT; and upon a division there were—ayes 33, noes 78.

Mr. BRIGHT. No quorum has voted, and I will call for tellers. Tellers were ordered; and Mr. BRIGHT and Mr. BLACKBURN were appointed.

The House again divided; and the tellers reported that there were—ayes 57, noes 92.

Before the result of this vote was announced, Mr. WHITE said: I think we had better have the yeas and nays on that motion.

Mr. BURROWS. There is no need of that.

Mr. WHITE. Very well; I will withdraw the call.

So the motion of Mr. BRIGHT was not agreed to.

ADMISSIONS TO THE FLOOR.

The SPEAKER. The Chair asks, on behalf of Mr. BUTTERWORTH, of Ohio, that Messrs. O'Hagan, Marriott, and Wilkins, of the Ohio sen-

ate, be admitted to the floor of the House during to-day and to-morrow.

Mr. FINLEY. And I ask the same privilege for Hon. W. W. Armstrong, ex-secretary of state of Ohio.

There being no objection, the above requests were granted.

W. J. TAPP & CO.

Mr. PHELPS, by unanimous consent, introduced a bill (H. R. No. 4623) for the relief of W. J. Tapp & Co.; which was read a first and second time, and referred to the Committee of Ways and Means.

SALE OF CERTAIN PROPERTY IN NEW YORK.

Mr. GIBSON. I am instructed by the Committee of Ways and Means to request of the House that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 2268) to authorize the sale of certain property in the city of New York, and that the same be recommitted to the Committee of Ways and Means.

There was no objection, and the Committee of the Whole was accordingly discharged from the further consideration of the bill, and the same was referred to the Committee of Ways and Means, not to be brought back on a motion to reconsider.

TRANSPORTATION OF IMPORTED MERCHANDISE.

Mr. ALDRICH, of Illinois, by unanimous consent, introduced a bill (H. R. No. 4623) to amend the statutes in relation to the immediate transportation of imported merchandise; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

BATTLE-FIELD OF GETTYSBURGH.

Mr. BINGHAM, by unanimous consent, introduced a bill (H. R. No. 4624) to provide for marking the positions of the regiments and batteries on the battle-field of Gettysburgh; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REGULATION OF STEAM-VESSELS.

Mr. THOMAS, by unanimous consent, introduced a bill (H. R. No. 4625) to amend section 4414 of chapter 1, Title LII, "Regulations of steam-vessels," Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

STEAM-TUG WANDERER.

Mr. THOMAS also, by unanimous consent, introduced a bill (H. R. No. 4626) to change the name of the steam-tug Wanderer, of Clinton, Iowa, to that of A. B. Safford, of Mound City, Illinois; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MISSOURI ANDERSON.

Mr. THOMAS also, by unanimous consent, introduced a bill (H. R. No. 4627) granting a pension to Missouri Anderson, of Massac Creek, Illinois; which was read a first and second time, and referred to the Committee on Invalid Pensions.

F. D. DISMUKE AND T. W. THURMAN.

Mr. HAMMOND, of Georgia, by unanimous consent, introduced a bill (H. R. No. 4628) for the relief of Frederick D. Dismuke and Thomas W. Thurman, of Georgia; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

THOMAS J. WHARTON.

Mr. SAMFORD, by unanimous consent, from the Committee of Claims, reported back with a favorable recommendation the bill (H. R. No. 1349) for the relief of Thomas J. Wharton, of Jackson, Mississippi; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. M. MICOW AND OTHERS.

Mr. SAMFORD also, from the same committee, by unanimous consent, reported back favorably the bill (H. R. No. 2969) for the relief of J. M. Micow and others; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS FAIN.

Mr. SAMFORD also, from the same committee, reported a bill (H. R. No. 4629) for the relief of Thomas Fain; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. WHITE. I desire to make a report from the Committee on Military Affairs.

The SPEAKER. The Chair is advised that two members of the Committee on Military Affairs, who were absent this morning when their committee was called, desire unanimous consent to make reports from that committee.

Mr. BLACKBURN. I must insist upon my motion to go into Committee of the Whole for the further consideration of the report of the Committee on Rules.

Mr. WHITE. Does it not take a two-thirds vote on private bill day?

The SPEAKER. The motion to go into Committee of the Whole on the Private Calendar has been voted down by the House.

The motion of Mr. BLACKBURN was agreed to.

REVISION OF THE RULES.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of further considering the report of the Committee on Rules. At the time the committee rose yesterday the Clerk had begun the reading of Rule XXII, but had not concluded it. The Clerk will now read.

The Clerk read as follows:

RULE XXII.

OF PETITIONS AND MEMORIALS.

1. Members having petitions or memorials to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal together with the names of the members presenting them, and the Clerk shall furnish a transcript thereof to the official reporters of debates for publication in the RECORD.

Mr. DUNNELL. I wish to ask the gentleman from Kentucky [Mr. BLACKBURN] if this rule does away with the present custom of presenting memorials by placing them in the box at the Clerk's desk?

Mr. BLACKBURN. It does not.

Mr. DUNNELL. The phraseology is different from that of the old rule.

Mr. BLACKBURN. In the opinion of the Committee on Rules it does not change the present practice at all.

The Clerk read as follows:

2. Any petition or memorial excluded under this rule shall be returned to the member from whom it was received; and petitions which have been inappropriately referred may, by direction of the committee having possession of the same, be properly referred in the manner originally presented.

Mr. DUNNELL. I have not prepared any amendment to offer to this clause, but during the general debate on this revision I called the attention of the committee to the clause; and the gentleman from Kentucky may remember the criticisms that were then made upon it. It is a departure from the present custom. Now, when a committee has had placed in its possession a bill which in its judgment ought to go to some other committee, the custom is for the committee to report it back to the House, and let the House refer it to that other committee. This, I think, is a very much better rule than that here proposed.

Mr. BLACKBURN. Under the existing rule when a committee has been charged with the consideration of a petition or memorial which in its judgment should be referred to some other committee, there is no way for it to relieve itself of the custody of that paper, except by bringing it back to the House and letting the House make a change of reference. This proposed rule gives to each committee of the House the power of changing the reference of a petition or memorial referred to it, when in the judgment of such committee it has been inappropriately referred.

The only advantage that we claim will result from the adoption of this rule is in the time that will be saved. The gentleman from Minnesota himself, in his long experience in this House, has often known it to be the fact that members of committees were struggling here for days and days to get an opportunity to have a paper re-referred when it had been inappropriately sent to the committee. Thus action by the House is delayed and the time of the House taken up; and I know but very few, if any, instances in which such request has ever been refused. The Committee on Rules in proposing this clause of the twenty-second rule have taken it for granted that each standing or regular committee of the House is able to determine whether a petition or memorial sent to it belongs to it properly or not; and when such a paper has been improperly referred it was the opinion of the Committee on Rules that the committee having the custody of the paper should have the right to make a proper reference of it without coming here and occupying the time and attention of the House.

Mr. HAWLEY. Would not the gentleman have this change of reference appear on the Journal and in the RECORD?

Mr. BLACKBURN. It may be proper that the Journal should show the change of reference.

Mr. DUNNELL. But how will the officers of the House get knowledge of that fact?

Mr. BLACKBURN. The rule does not provide, nor is it possible it shall provide, a method that would bring to the knowledge of the journal clerk officially the change of reference, unless we adhere to the old rule and require that the document shall be brought back to the House.

Mr. HAWLEY. Could there not be added to this rule a clause providing that the committee in such case cause entry to be made on the Journal?

Mr. BLACKBURN. There is no objection to that; but it would simply impose upon the committee proposing the change of reference the duty of notifying the journal clerk.

Mr. HAWLEY. There ought to be some provision of that kind; otherwise we would be put entirely off the track in hunting for a bill.

Mr. BLACKBURN. I have no objection to such an amendment.

Mr. HAYES. Let it be provided that the change of reference shall be entered on the Journal.

Mr. REAGAN. It will be seen that the last part of this clause provides that the paper is to be "properly referred in the manner originally presented." In other words, the committee to whom it may have been improperly referred will refer it to another committee through the petition-box, and thus the new reference will be noted on the Journal.

Mr. HARRIS, of Virginia. Gentlemen will find on examining the pending clause that it has no reference to bills, but refers only to petitions and memorials to be placed in the box.

Mr. RANDALL, (the Speaker.) Is there any proposition pending? The CHAIRMAN. The Chair understands not.

Mr. DUNNELL. I move to amend the clause by striking out all after the word "referred," in the third line, and adding the following:

Shall be reported back to the House for such further reference as the House shall determine.

Mr. BLACKBURN. That is the rule we have now.

Mr. DUNNELL. This, I confess, is substantially a continuance of the present rule.

Mr. BLACKBURN. Let me call the gentleman's attention to the fact that the clause now under consideration does not treat of bills at all. It speaks only of petitions and memorials which go through the petition-box.

Mr. REAGAN. And when such petitions or memorials have been improperly referred, it authorizes them to come back through the petition-box for proper reference.

Mr. BLACKBURN. This clause simply provides that petitions or memorials improperly referred shall come back for re-reference by the same channel through which they originally came into the House.

Mr. DUNNELL. In view of the explanation which has been made, I withdraw my amendment.

Mr. HAYES. I move to amend the clause by adding the words "and a record of the same shall be made upon the Journal."

Mr. BLACKBURN. This amendment is not necessary. If these papers come back in the same manner in which they were originally presented, as this clause provides they must—that is, through the petition-box—the journal clerk is bound to take note of them.

Mr. HAYES. If that be so, it is all I want. But when I have presented a memorial I want to know where it goes; I want to be able to trace it up.

Mr. BLACKBURN. If the gentleman will look at it I am satisfied he will be content with the rule.

Mr. WEAVER. I move as a substitute for the amendment proposed by the gentleman from Illinois the following.

The CHAIRMAN. Did not the gentleman from Illinois withdraw his amendment?

Mr. HAYES. If it be true, as stated by the gentleman from Kentucky having charge of the rules, I withdraw my amendment.

Mr. WEAVER. Then I offer it as a separate proposition.

The Clerk read as follows:

At the end of the second clause add as follows:

Unless the member presenting said petition or memorial shall object, in which case said petition or memorial shall not be referred to another committee except by order of the House.

The amendment was rejected.

Mr. FINLEY. I desire to call the attention of the gentleman from Kentucky and of the gentlemen of the House to the fact that this clause should be amended in some way so as to provide for the printing of private bills. We all have had experience of the inconvenience of the present rule in that regard. If the gentleman will consent to the amendment to clause 5 of section 21—

Mr. RANDALL, (the Speaker.) I object.

Mr. FINLEY. Then I move the following as an amendment to clause 3 of section 22.

Mr. BLACKBURN. I reserve the point of order on that amendment.

Mr. FINLEY. I move to add the following:

All bills of a private nature shall be referred to appropriate committees, and ordered to be printed.

Mr. BLACKBURN. I make the point of order that is not germane, and therefore not in order.

The CHAIRMAN. The Chair thinks he cannot dictate to the committee in what part of the report such provision shall be inserted.

Mr. BLACKBURN. This relates to nothing but the petitions or memorials.

The CHAIRMAN. That is true.

Mr. BLACKBURN. Bills are treated of elsewhere, and that part of the report we have already passed.

Mr. FINLEY. I am not at all tenacious about this matter.

Mr. BLACKBURN. Very well, then; let us have a vote on the amendment.

Mr. FINLEY's amendment was rejected.

The Clerk read as follows:

RULE XXIII.

OF COMMITTEES OF THE WHOLE HOUSE.

1. In all cases in forming a Committee of the Whole House the Speaker shall leave his chair after appointing a chairman to preside.
2. Whenever a Committee of the Whole House finds itself without a quorum the chairman shall cause the roll to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal.

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. DAVIS, of North Carolina. I move to amend the third clause of Rule XXIII by adding the following.

The Clerk read as follows:

And this clause of Rule XXIII shall not be suspended when the amount involved exceeds \$10,000, unless by unanimous consent.

Mr. DAVIS, of North Carolina. The effect of that rule is to require every bill involving an expense of \$10,000 or more to be considered in the Committee of the Whole on the state of the Union before it can pass. I think the amendment is in the interest of economy and of judicious and discreet legislation, and I do hope it will pass.

Mr. COX. I move to strike out "\$10,000;" for if it is good for \$10,000 it will be good for any amount.

The CHAIRMAN. Does the gentleman strike out the words "when the amount involved exceeds \$10,000?"

Mr. COX. Yes, sir; those are the words I move to strike out.

The CHAIRMAN. So it will then read: "And this clause shall not be suspended except by unanimous consent."

Mr. MILLS. Would that defeat the river and harbor bill on a two-third suspension?

Mr. DUNNELL. It seems to me the adoption of this rule would very frequently stop legislation—render it impossible for the House to transact the business which might be before it. We might be on the very last day of a session passing an appropriation bill and might wish to suspend the rules to pass the bill, which, in the history of the House, very frequently is necessary, and yet we are here putting ourselves in the power of one objector, who can prevent the passage of any appropriation bill. The two-third rule is guard and protection enough to a House of Representatives responsible to the people under the Constitution. It seems to me we are tying ourselves down by a rule which we shall be compelled to disregard. Are we not to be trusted in the transaction of public business? A two-third vote ought to be sufficient protection. Here we are asked to adopt a rule so one man may defeat the passage of a bill. I think this is a dangerous rule to adopt.

Mr. DAVIS, of North Carolina. Mr. Speaker, we have now under an amendment that was adopted yesterday a rule which requires the yeas and nays to be taken on all measures. That rule, I suppose, like all other rules, can be suspended. I think there are many cases where it would be proper to suspend the rules where the amount involved is small, as for instance in pension and other small claims coming from the Committee on Invalid Pensions or other committees. But for one I desire that every bill requiring the appropriation of a greater amount of money than \$10,000 shall be considered in the Committee of the Whole where amendments may be proposed, and where they may be considered.

We all know the manner in which the river and harbor bill—and I speak not in any sense in hostility to the committee from which these bills have been heretofore in the habit of coming—but we all know that under a suspension of the rules these bills have been passed without an opportunity for considering or amending them in any form. They have been passed as they come from the committee, and I submit there can be no danger when any appropriation of money is considered in Committee of the Whole. But there is danger even of two-thirds of this House agreeing to pass through under a gag-law bills like the river and harbor bill, which cover many items.

Mr. DUNNELL rose.

The CHAIRMAN. The Chair desires to state that he has not held the gentleman in this instance to the strict rule, but he gives notice that hereafter he will do so. The gentleman from North Carolina addressed the committee and took his seat, and by a strict construction of the rules he would not have been permitted to address the committee again. The Chair, however, allowed him to do so and will now grant the gentleman from Minnesota the same privilege.

Mr. DUNNELL. I wish to say, in reply to the gentleman who has just addressed the committee, that I do not suppose the House will adopt the rule that was made yesterday on the motion of the gentleman from Kentucky. While the gentleman very well stated his side of the case, I do not believe the House will adopt the rule that the gentleman introduced.

Now, for one, I hope that we will get through with this new code, and that the House will adopt it in some form as an improvement upon the old system. I desire to vote for it, and I will vote for it as it stands rather than see it defeated. But with reference to that portion of the report of the Committee on Rules which has not yet been passed, I sincerely hope that it will not be loaded down with amendments like we adopted on yesterday, to which I have referred, and like this which the gentleman here proposes.

Mr. SAMFORD. I desire to offer the following as an amendment.

The Clerk read as follows:

Provided, That a bill may be passed under a suspension of the rules by a two-thirds vote taken by yeas and nays without going to the Committee of the Whole.

The CHAIRMAN. The gentleman from North Carolina proposed an amendment, and the gentleman from New York [Mr. Cox] pro-

posed an amendment to that amendment, and until that is disposed of no other amendment can be in order.

Mr. SAMFORD. I understand that the gentleman from North Carolina accepts the amendment which I have offered.

Mr. DAVIS, of North Carolina. I do accept the amendment.

The CHAIRMAN. The amendment of the gentleman from Alabama is in order.

Mr. SAMFORD. The object of that amendment is not to prevent the necessary restrictions which should be thrown around the disbursement of money. Many cases will arise such as have been suggested by the gentleman from Minnesota where we will not have time to put these bills into the Committee of the Whole for consideration, but this amendment will require sufficient consideration so that members of the House may be able to consider these bills before they are voted on, as it will require a two-thirds vote by yeas and nays to suspend this rule. At the same time it will not destroy that salutary restriction which should be thrown around every money bill.

The CHAIRMAN. The Chair understood the gentleman from North Carolina to say that he accepted the amendment of the gentleman from New York. Was that correct?

Mr. DAVIS, of North Carolina. It was.

The CHAIRMAN. And now the gentleman accepts the amendment proposed by the gentleman from Alabama also, which takes the gentleman's original amendment away from the committee, and the question, therefore, now is upon the adoption of the amendment proposed by the gentleman from New York.

Mr. COX. I would like to hear the amendment of the gentleman from Alabama read again.

The amendment was again read.

Mr. HAWLEY. Now let us have the whole amendment.

The CHAIRMAN. That is the whole of it.

Mr. COX. I have not accepted the amendment myself.

Mr. SAMFORD. The gentleman from North Carolina accepted the amendment of the gentleman from New York.

The CHAIRMAN. The Chair will state the question. The gentleman from North Carolina proposed an amendment, and the gentleman from New York also proposed an amendment, which was accepted by the gentleman from North Carolina, as the Chair understands. Then the gentleman from Alabama offered an amendment, which the gentleman from North Carolina also accepted, so that the only proposition now before the committee is the amendment proposed by the gentleman from Alabama, which has been read.

Mr. COX. I propose now to address myself to the amendment suggested by my friend from Alabama. That proviso seems to be based on the idea that a two-thirds vote can suspend the rules at any time, while our rules only fix certain times when it may be done, as, for instance, on Monday and the last six days of the session.

Mr. SAMFORD. I am in favor of all restrictions being thrown around our legislation which it is possible to have. But cases may arise when it is absolutely necessary that there should be legislative action, and if you have the rules so that you cannot suspend them at all you will occasionally be in a bad fix.

Mr. COX. I will not detain the committee, as I know the anxiety of my friend from Kentucky [Mr. BLACKBURN] to get on with the rules. I am in favor of having every money bill that comes here discussed in Committee of the Whole. I am opposed to any bill of a money character going through without debate and without amendment. We only truly represent the people when we stand upon that principle.

Mr. CLYMER. My objection to the proposition of the gentleman from Alabama is that while now we can only move to suspend the rules on Monday, his amendment would make such a motion in order on any day. The effect of it would be to give us an eternal Monday.

Mr. REAGAN. The rule as reported by the committee, it seems to me, covers all that is necessary; and I do not see the necessity of the House putting itself in a strait-jacket so that it cannot do anything. We have all the necessary safeguards in the rules reported by the committee; and if gentlemen want the revision of the rules to be adopted they had better not fix them so as to compel the rejection of the whole codification. This should be considered when it is proposed to provide restrictions additional to those reported by the committee.

The question being put on Mr. SAMFORD's amendment, it was not agreed to.

The Clerk resumed the reading of Rule XXIII and read as follows:

4. In Committee of the Whole House on the state of the Union the bills on the Calendar shall be taken up in their order; but when objection is made to the consideration of a bill a majority of the House shall decide without debate whether it shall be disposed of or laid aside for the present.

5. When general debate is closed by order of the House any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

Mr. PAGE. Clause 5 limits the debate on any amendment that may be offered in Committee of the Whole to an appropriation bill or any other bill to two speeches of five minutes each after general debate has been closed. It seems to me that is bringing the thing down to a very narrow limit.

The CHAIRMAN. That is the rule now.

Mr. PAGE. Then the rule is not enforced now.

Mr. HAYES. You can move formal amendments.

The CHAIRMAN. It is the identical rule which now exists.

The Clerk resumed the reading and read as follows:

6. The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph or, at its election, upon the pending amendments only; but this shall not preclude further amendment, to be decided without debate.

7. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection. Whenever a bill is reported from a Committee of the Whole with a recommendation to strike out the enacting words, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House. But before the question of concurrence is submitted, it is in order to entertain a motion to refer the bill to any committee, with or without instructions, and when the same is again reported to the House it shall be referred to the Committee of the Whole without debate.

8. The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.

RULE XXIV.

ORDER OF BUSINESS.

1. Each Monday morning, during a session of Congress, all the States and Territories shall be called in their alphabetical order for bills, joint resolutions, and memorials of State and territorial Legislatures, and House resolutions, for reference; and, on this call only, resolutions of inquiry directed to the heads of the Executive Departments shall be in order, to be submitted and referred to the appropriate committees, which shall report thereon to the House within one week.

Mr. MILLS. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 6 of the first paragraph of Rule XXIV strike out all after the word "submitted" and insert as follows:

And said resolution shall lie upon the table; and the mover or proposer of such resolution shall be permitted to call up the same after the reading of the Journal during any time after the expiration of one week and have the same submitted to a vote of the House without debate.

Mr. MILLS. I have submitted this amendment to my friend from Maine, [Mr. FRYE], and he approves of it. I will explain it briefly to the Committee of the Whole, and when I have done so I am sure there will be no objection to it.

Under the existing rule a resolution calling for information is required to be referred to a committee, and that committee is authorized and required to report within a week and then the House can act upon it. The Committee on Rules in this revision also authorizes the committee to whom a resolution of inquiry is required to report within a week; but the report when it is made goes on the Calendar. You have then to wait until that point of the Calendar is reached, and it may be three or four months before you can get the information. This amendment simply requires that a resolution calling for information shall lie upon the table, after being submitted and read, for one week, that everybody may have time to think of it, and that after one week the proposer can call it up and submit it without debate to a vote of the House.

The amendment was agreed to.

Mr. DUNNELL. I wish to ask the gentleman from Kentucky [Mr. BLACKBURN] one question. As I understand, by this first clause of the twenty-fourth rule what is known as the morning hour on Monday is dispensed with, and all the States and Territories shall be called for the introduction of bills, joint resolutions, &c.

Mr. BLACKBURN. Yes, and in their alphabetical order.

Mr. RANDALL, (the Speaker.) So that on Monday every Member representing a State and every Delegate from a Territory who has bills, &c., to present for reference shall have that opportunity.

Mr. DUNNELL. That is right.

Mr. GILLETTE. I offer as an amendment, to come in after the first paragraph, what I send to the desk.

The Clerk read as follows:

Each member of this House shall be entitled to introduce one bill upon one general subject during each Congress and to report the same upon his own authority for reference to its proper Calendar, and shall be recognized for that purpose by the Speaker during the call of States for bills on Mondays. These bills shall be known as individual bills, and shall be so designated upon their face, and shall be printed and placed upon their proper Calendar the same as if reported by some committee of this House.

Mr. GILLETTE. Mr. Chairman, each member of this House represents about one hundred and fifty thousand American citizens. When we come here charged by the votes of our constituents with some special duties, the introduction of some measures or policy dear to them, we come as *absolute equals*, as we were designed to be by the founders of this Government. But we are hardly seated in our places before three-quarters of us are sent to the rear, or, perhaps, I should say, pigeon-holed in committees, whose duties, if they have any, are utterly foreign to our mission here, and we find ourselves ciphers, or the next thing to it, in this congressional machine, and find it impossible to get a solitary measure before this House for consideration unless by the grace of a handful of our brother members who were sent to the front by the same *ipse dixit* that sent us to the rear. Without a solitary vote of this House, before we knew it, in the twinkling of an eye, a Chinese wall of distinction was built up between the ins and the outs—between a half dozen committees and the rest of the members. In short, the purest despotism in the world was organized over our heads, and it was done by these rules, which we are asked to perpetuate, which we have tried to republicanize a little by dividing up the responsibilities between more committees, but have almost

entirely failed. Now, I ask for one crumb of justice to each district in the United States; I ask that each member shall know when he comes that during his two years of congressional duties he may be able to bring to the consideration of this House *one measure* in deference to the desires of his constituents, in deference to his pledges to the people.

I claim that under my amendment these individual bills would be as well or better considered than if in the hands of a committee, because the reputation of each member presenting them would be at stake, and these bills would embody the wishes of each congressional district. My measure would simply open one door for the direct representation of every section of the country upon this floor. It is not a partisan measure, but a national one in the interest of democratic government. Every man in my presence knows that I speak only the truth when I say that under these rules even a majority is helpless in this House. For example, last session we voted by a handsome majority in favor of an income-tax bill, but it failed to pass because not reported by a committee, and although a majority of us desire to pass such a bill, we have not a committee in this House that will report it and let us vote upon it. More than one hundred members were sent here pledged to vote for the retirement of all national-bank notes and the issue in lieu thereof of United States money; pledged to restore to the nation the greatest prerogative of sovereignty, the control of the circulating medium. The only committee that could report a bill for this object are as dumb as an oyster, and will remain so, notwithstanding they have had a perfect shower-bath of bills referred to them by the House for this purpose. I mention this to show how this House is hampered and tied and gagged by these autocratic rules, and to appeal to every representative of freemen on this floor to demand this one measure of equality for the people of his district that this House may be in some sense a House of Representatives of the people. I know the great committees that control us will object, but I appeal to the men all over this House, the three-quarters that are frozen out and sent to the rear, to stand by my demand that each shall have one chance in two years before this body. The people all over this country are groaning under rings and monopolies. Centralization in railroads gives them railroad kings to extort crushing tribute from them; centralization of capital, with corrupt class legislation, gives them over two thousand national-bank presidents, who organize with such power as to control the machinery of this Government and defy its authority, while they lay heavier burdens upon the people than they can bear.

These and other abuses could not stand an hour outside but for the more dangerous centralization in this House; for it is utterly impossible to get a single measure of substantial relief before this body under these rules. There are rings everywhere, but the head-center of all rings is right here, created by these rules, and every bill introduced for the overthrow of centralization and rings outside has to run the gauntlet of the centralization and rings in this House, and if we are not men enough to take the control and give this House a republican government where one Representative stands upon the same footing as another, and each member has a right to bring at least one measure before this body, then we can never hope to reach the monopolies outside that are crushing the people and menacing their liberties. Physicians heal thyself!

In England during the latter part of the last and early in this century, when the right of franchise was extremely limited, all the elective offices were purchased of the voters in open market by the most unblushing bribery. As soon as the right of suffrage was greatly extended it became impossible to bribe the voters, and purity of elections ensued. So it is in this House. If equal rights can be extended to all the members it will at once become impossible for corporations and capitalists to control legislation.

I have heard of slaves so degraded that they would advocate slavery as preferable to freedom, but it is the greatest wonder of the world that honored Representatives of proud, free American citizens will stand up in this House and vote away their rights and the rights of their constituents, imposing upon themselves fetters and disabilities of every kind by these rules, drafted in the interest of the cunning few—drafted by members who now enjoy the best offices in this House, by leading republicans and democrats who have pooled their issues in order that they may continue to hold the key to legislation that belongs by every principle of justice equally to us all. They leave no stone unturned in their efforts to persuade all the members to vote for these rules. Whenever it is necessary the party tiger is brought out on either side in order to fill the minds of members with party prejudice and in the heat of passion induce them to vote their rights away.

I protest against a system of government for this House which cuts off from this body the pulsations of the American people, which practically counts out the rural districts and gives the control of the nation into the hands of eastern cities and corporations. I warn all who hear my voice that if these rules as reported are to be the law of this body, the greatest danger to our liberties lies right here, in a centralized government, not a representative one—a government practically out of reach of the masses of the people.

Mr. GARFIELD. The gentleman ought to extend the time of each Congress five years in order to carry out such a rule.

The question being taken on Mr. GILLETTE's amendment, there were—ayes 53, noes 74.

Mr. LOWE. A quorum has not voted.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Kentucky, Mr. BLACKBURN, and the gentleman from Iowa, Mr. GILLETTE.

The committee again divided; and the tellers reported—ayes 50, noes 93.

So (further count not being insisted on) the amendment was not agreed to.

Mr. GILLETTE. I offer now the amendment which I send to the desk, to come in as a separate clause after the first clause of Rule XXIV.

The Clerk read as follows:

Each member of this House shall be entitled to introduce one bill upon one general subject during each Congress, to be known as an *individual bill*, and to be so marked upon its face, which shall be referred to its proper committee for consideration and report. These bills shall be reported to the House within four weeks of the date of reference, with the committee report thereto attached, and shall go upon the proper Calendar with the report of the committee, whether that report is favorable or adverse, and in case they are not reported by the committee within the specified time, they are to be placed upon the Calendar as if reported for the action of this House.

Mr. GILLETTE. I think I have left out everything which in the amendment just voted upon might have been looked upon as objectionable by any member of this House. These bills, under the arrangement I now propose, would go to the appropriate committees, and there would be one month for the committee to discuss and report them. The amendment simply opens the door so that each district of the United States can get before this House any measure on which its Representative particularly desires action, at least once during the existence of a Congress.

The question was taken upon the amendment of Mr. GILLETTE; and upon a division there were—ayes 25, noes 87.

No further count being called for, the amendment was not agreed to.

The Clerk read as follows:

2. On all days other than Monday, as soon as the Journal is read and approved, there shall be a morning hour for reports from committees, which shall be appropriately referred and printed; and the Speaker shall call upon each standing committee in regular order, and then upon the select committees; and if the whole of the hour is not consumed by this call, then it shall be in order to proceed to the consideration of other business, but if he shall not complete the call within the hour, he shall resume it in the succeeding morning hour where he left off.

Mr. WILLIAMS, of Wisconsin. I move to amend the clause just read by inserting, after the words "shall be appropriately referred and printed," the words "and a copy thereof mailed to each Member and Delegate;" so that the clause, if amended, will read as follows:

On all days other than Monday, as soon as the Journal is read and approved, there shall be a morning hour for reports from committees, which shall be appropriately referred and printed, and a copy thereof mailed to each Member and Delegate, &c.

Mr. BLACKBURN. Let me say to the gentleman from Wisconsin that I have no authority from the Committee on Rules to accept his proposed amendment; but for myself I have no objection to it.

Mr. GARFIELD. I think it is a good thing.

Mr. BLACKBURN. So do I.

Mr. RANDALL, (the Speaker.) If the amendment shall be adopted, then no member would ever have the right to say that he was not informed, because if he did not obtain the information under this proposed amendment it would be his own fault.

A MEMBER. It might use up all the copies that were printed.

Mr. GARFIELD. There are 1,500 copies printed, and the effect of this amendment would be merely to provide each member with a copy in his own room. I think it is right.

Mr. ROBINSON. The amendment proposed does not impose this duty on any person in particular. It merely says "shall be mailed," but does not say by whom.

Mr. WILLIAMS, of Wisconsin. It merely refers to bills which are reported from committees.

Mr. ROBINSON. I agree that it should be done, but who is to do it?

Mr. BLACKBURN. It can be done by the Clerk.

Mr. WILLIAMS, of Wisconsin. Let them be mailed as the RECORDS are mailed.

Mr. BLACKBURN. I would suggest the insertion of the words "by the Clerk."

Mr. WILLIAMS, of Wisconsin. I have no objection to that.

Mr. KEIFER. It may be imposing too much duty on the Clerk.

Mr. GARFIELD. Insert the words "by the Public Printer."

Mr. WILLIAMS, of Wisconsin. I will accept that suggestion.

Mr. KEIFER. If those words are not inserted that would be the result.

The question was then taken upon the amendment as modified, and it was adopted.

Mr. DUNNELL. I have heard some discussion in regard to the construction that would be put upon this sentence of this pending clause: "there shall be a morning hour for reports from committees, which shall be appropriately referred and printed." The question that arises in my mind is whether it would be competent for the member of a committee reporting a bill to ask that it be put on its passage; or whether this is intended to be an iron arbitrary rule, sending each report so made to its proper calendar.

Mr. BLACKBURN. The Committee on Rules have in this proposed revision sought to do away with the practice of consuming the morn-

ing hour in the consideration of bills that may be reported, and to provide for sending each bill when reported to its place upon the proper calendar. This clause of the twenty-fourth rule was framed with that view. It is the purpose, and the purpose will be accomplished if this revision is adopted by the House, to put a stop to the consumption of the morning hour by the consideration and discussion of any report made from a committee in that hour.

Mr. DUNNELL. The question was whether, in case I should make a report from a committee, I would be in order to ask for the consideration and passage of the bill so reported.

Mr. CLYMER. You would be in order to ask it, but it would require unanimous consent.

Mr. BLACKBURN. My construction of the clause is this: unanimous consent could be granted for that purpose by the House, for the House can do anything by unanimous consent; but it could not be done otherwise.

The Clerk read the following:

3. The morning hour for the call of committees shall not be dispensed with except by a vote of two-thirds of those present and voting thereon.

Mr. WILLIAMS, of Wisconsin. I move to amend the clause just read by adding thereto what I send to the Clerk's desk.

The Clerk read as follows:

Add to clause 3, Rule XXIV, the following:

Nor shall it be in order at any time for the Speaker to ask that business be transacted by unanimous consent, except to dispense with the reading of papers, grant leave of absence, and present executive communications or other papers or make such communications as are proper for the Speaker to do; but where unanimous consent would otherwise be required to transact business the question, upon motion, shall be decided by the House without debate, which motion shall be subject to a call for the regular order of business by ten or more members, and shall not prevail unless sustained by a two-thirds vote of the members present and voting.

Mr. RANDALL, (the Speaker.) Will the gentleman explain the effect of his amendment?

Mr. WILLIAMS, of Wisconsin. On another occasion I spoke somewhat at length upon this proposed amendment. I desire now only to state its effect as I understand it. It is this: that no business shall be done here by unanimous consent, but where unanimous consent would otherwise be required, it shall be determined by a two-thirds vote, and that motion be subject to a call for the regular order by ten or more members.

Why should any one desiring unanimous consent object to this? If unanimous consent can be obtained, of course a two-thirds vote can be, for the greater includes the less. So that the only possible objection there can be is that it would take a little more time to obtain consent in this way, and that is just what I think very desirable and important. On the other hand if the members demand the regular order, or if, for instance, the members of a committee desire to go on with the regular business before the House, being ten or more, they can call for the regular order; and the motion for the purpose now requiring unanimous consent cannot be submitted to the House at all.

In other words, the object is to take from one man the power to block the wheels of legislation in this House, and invest it in ten or more. How many times within the last two weeks have we seen the business of the House clogged and jeopardized by a single objection? When we wanted to reach the fishery bill the other day, it was said that against objection it would take two hours to do it under the rules as they now stand, though if the proposition had been put to a vote of the House, nine-tenths of all the members would have voted to take that bill up. Yet they were powerless under a single omnipotent objection. I desire to cast no reflection on the gentleman objecting, first because I have no idea who he was, and second because he was exercising his undoubted right under the rules of the House, of which nobody had any right to complain. This amendment will put it in the power of ten men, instead of one, to say when the regular order of business shall be delayed, and put the matter under the control of the vote of two-thirds of the members, instead of a unanimous vote.

Look at the condition of business here. On every Monday morning, even at this stage of the session, one hundred and fifty, one hundred and sixty, or one hundred and seventy-five new bills pour in like a cataract. Then from ten to twenty-five more are brought in by unanimous consent on every morning of the week. This badgering for unanimous consent must be a burden upon the Speaker. He is importuned by members for preference. And yet such proceeding rests wholly upon the temper and caprice of a single member. We crowd down in front of the Clerk's desk with bills or resolutions or propositions of which the House knows nothing, each seeks recognition. The Speaker does the very best he can, discriminating between members, I think, fairly. All at once some member whose breakfast possibly distresses him, demands "the regular order." A few members have succeeded in getting recognized, and the rest go away disgusted, not ruled down by the Speaker or the House, but put down by a single member. Could anything better confirm Hatsel's doctrine that "it is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or capriciousness of the members." Yet what more completely breaks up uniformity and promotes confusion than the scenes I have alluded to.

Memorials are presented with the request that they be printed in the RECORD, by unanimous consent. My friend, the gentleman from

California, [Mr. PAGE,] I believe, succeeded the other morning in having a memorial published in that way, and I was glad he did. I admired his pluck and push to get recognized; but immediately afterward some gentleman on the other side asked a similar favor; some member shouted "regular order!" as though he had awakened from a nightmare; and that memorial went the way of all the unfortunates to the petition-box.

Now, why should not this power of objection be taken out of the hands of one man and placed in the hands of ten or more? And what objection can there be, when the request for unanimous consent or its equivalent is asked, that we stop a moment, let the question be stated by the Speaker, let the House get full possession of it and understand just what is going on, then, when objection is asked for, let ten or more object if they desire, and, if not, let the question be put and decided by a two-thirds vote of the members? Who can object to this unless he does not want time, but wants these matters to go through under whip and spur before members can really know whether they wish to object or not? The effect of the amendment would be to put the House fully in possession of matters proposed, give it a moment to reflect, and enable it to act intelligently. At least that is what I desire by the proposed amendment, and if its effect should be to prevent the too frequent granting of unanimous consent I do not think it would be any the worse for that.

[Here the hammer fell.]

The question being taken on the amendment of Mr. WILLIAMS, of Wisconsin, it was not agreed to, there being—ayes 49, noes 68.

The Clerk read as follows:

4. After the hour shall have been devoted to reports from committees, the consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed, and at the same time each day thereafter, other than Monday, until disposed of; and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order.

Mr. FRYE. I am instructed by the Committee on Rules to propose certain amendments to this clause, which are rendered necessary by the adoption of an amendment which I offered at the request of the committee a few days since. I move to amend by inserting after the word "committees," in the first line, the words "it shall be in order to proceed to;" by striking out in the third line the words "shall be resumed;" by inserting in the fourth line, after the word "and," the words "it shall be in order to proceed to;" and in the fifth line, by striking out the words "shall be resumed."

Mr. GARFIELD. These are all formal amendments, necessary merely in order to make this clause conform to the previous action of the Committee of the Whole.

Mr. FRYE. With these amendments the clause will read as follows:

After the hour shall have been devoted to reports from committees it shall be in order to proceed to the consideration of the unfinished business in which the House may be engaged at an adjournment; and at the same time each day thereafter, other than Monday, until disposed of; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in order.

Mr. RANDALL, (the Speaker.) I wish to direct the attention of the gentleman from Maine [Mr. FRYE] to the necessity of another amendment in this clause. One of the amendments which the Committee on Rules recommend for adoption is to provide in the twenty-eighth rule that motions for a suspension of the rules shall be in order only on the first and the third Monday of every month, so that the other Mondays of the month shall be devoted to the business of the House in the same manner as on any other day of the week. I suggest, therefore, whether in this clause the words "other than Monday" should not read "other than the first and the third Monday."

Mr. FRYE. I suggest to the gentleman from Pennsylvania, the Speaker of the House, whether it is not proper to make first the amendments required by the action of the Committee of the Whole already taken; and then no doubt unanimous consent will be given that if the twenty-eighth rule should be amended in the manner indicated, we may return to this clause and amend it so as to conform to that action.

Mr. WEAVER. We do not want to do anything now that will bind the House to adopt the amendment which the gentleman from Pennsylvania, the Speaker of the House, has indicated.

Mr. RANDALL, (the Speaker.) Of course not. All we want is opportunity to make the rules consistent in all their parts.

The CHAIRMAN. The Chair understands that the request is simply that, if certain amendments be adopted to Rule XXVIII, the Committee of the Whole shall have the privilege of returning to the pending clause for the purpose of making it conform.

Mr. FRYE. That is it.

The CHAIRMAN. The Chair understood the gentleman from Maine to move to amend so as to provide, "it shall be in order to proceed to the consideration," &c. Does the gentleman mean that, or does he mean to make the language read, "it shall be in order to entertain a motion that the House do now proceed to the consideration," which is the language used in the next clause of the same rule with regard to business on the Speaker's table?

Mr. FRYE. I understand the meaning to be the same. The language I have suggested is that used in clause 2 and in two or three other places.

Mr. WARNER. I suggest to the gentleman from Maine whether or not in the third line of this clause the language should not be

"may have been engaged" instead of "may be engaged." It refers to a previous stage of proceeding.

Mr. HAWLEY. "May have been engaged" is better.

Mr. FRYE. I have no objection to including that modification in my amendment.

The amendment of Mr. FRYE, as modified, was adopted.

Mr. FRYE. Was unanimous consent given that, if the twenty-eighth rule should be amended, we might return to this clause and amend it so as to harmonize with Rule XXVIII?

The CHAIRMAN. The Chair understood such consent to be given; but if any gentleman desires to object he can do so now. [A pause.] The Chair hears no objection.

The Clerk read as follows:

5. Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, which, prevailing, the Speaker shall dispose of in the following order:

First. Messages from the President and other executive communications.

Second. Messages from the Senate and amendments proposed by the Senate to bills of the House.

Third. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees or put on their passage; and the motions so to refer shall have precedence of all other motions touching their disposition.

Fourth. Engrossed bills and bills from the Senate on their third reading.

Mr. HAWLEY. That is not elegant. "Unfinished business having been disposed of, it shall be in order," &c., then "to dispose of the business upon the Speaker's table." Say "the House shall now proceed to the business upon the Speaker's table."

Mr. BLACKBURN. I do not hear the gentleman from Connecticut.

Mr. HAWLEY. I am suggesting a verbal correction in the second line of this clause, so it shall read, "the House shall now proceed to the business upon the Speaker's table," instead of saying, "to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table." The word "dispose" is used three times where it is unnecessary.

Mr. FRYE. That is all right.

Mr. BLACKBURN. Very well; let the amendment be made.

The amendment was agreed to.

The Clerk read as follows:

6. Business on the Speaker's table having been disposed of, it shall then be in order to entertain motions in the following order, namely:

First. That the House resolve itself into the Committee of the Whole House on the state of the Union to consider, first, bills raising revenue and general appropriation bills, and then other business on its Calendar.

Second. To proceed to the consideration of business on the House Calendar.

Third. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days.

Mr. WHITE. I move to amend the third division of this sixth clause, as follows:

Friday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House.

That is identically the old rule known as Rule 128. That is specific and well understood by repeated interpretations in this House. The difference between that and the proposition reported by the committee is, that the proposition reported by the committee makes it in order every Friday after the reading of the Journal for the Speaker to entertain a motion to go into the Committee of the Whole for the consideration of the Private Calendar. There it stops. The practice hitherto and as now understood under the old rule is to give private business preference all the time.

Mr. BLACKBURN. Will the gentleman allow me to ask him a question?

Mr. WHITE. Certainly.

Mr. BLACKBURN. If the gentleman will look on the same page to Rule XXVI, I will ask him whether that does not meet his objection. That rule provides that Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a majority of the House.

Mr. WHITE. I see that if this proposition is adopted it will do away with the necessity for Rule XXVI.

Mr. BLACKBURN. I call the gentleman's attention, if he will allow me, to the fact that this is the third division of the sixth clause of the twenty-fourth rule which he is now proposing to amend. We are not determining the right of that character of business on Friday, but simply describing here the order of business. The committee thought it was of sufficient importance to give one separate, independent rule to the priority of private business on Friday.

Mr. WHITE. The gentleman will observe that the verbiage of this clause of the rule will be the rule of proceedings for the House, and it is somewhat in conflict with the provisions of Rule 128. Why the necessity of changing a rule which is so well understood and which has been so thoroughly administered here?

Mr. BLACKBURN. We mean to do the same thing the gentleman proposes.

Mr. WHITE. I withdraw my amendment.

Mr. CALDWELL. After the word "and," in the fourth line of clause 3, insert the following:

If this motion prevail, on each alternate Friday pension bills on the said Calendar shall have precedence in consideration.

I simply desire to say that amendment is offered by direction of the Committee on Invalid Pensions. It is a well-known fact to the mem-

bers of this House that fully one-half, if not more, of the private bills which go on the Calendar are pension bills either for increase of pension or in the nature of an appeal from the Pension Bureau. If it is the purpose of this House to give to those bills a fair opportunity to be passed, then, it occurs to the committee, it is but right to give to them the precedence at least two Fridays in the month. That is the view of the committee on the subject and that is the reason we have offered the amendment.

Mr. WHITE. How will it read then?

The CHAIRMAN. The Clerk will report the clause as it will read if amended.

The Clerk read as follows:

Third. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and if this motion prevail, on each alternate Friday pension bills on said Calendar shall have precedence in consideration. If this motion fail, then public business shall be in order as on other days.

Mr. WHITE. I was going to make this remark: I am opposed to the amendment offered by the gentleman from Kentucky. I understand the motive which prompts him to offer this amendment. He states that it comes from the Committee on Invalid Pensions. All right, and then the pension claims of soldiers appeal to our every sense of gratitude and magnanimity. But I will remind that gentleman and the House that pension bills are not the only ones that come here and which go on the Calendar in which we are called upon to relieve soldiers. The experience of every gentleman who has been here for two years is that there are quite as many bills relating to back pay and mustering out or for removing some disability of soldiers as there are for pensions, and I submit that if we give this Pension Committee the privilege here asked for, it should be extended to all these other classes of claims to which I refer.

Mr. CALDWELL. I would suggest to the gentleman that he prepare an amendment to include what he desires. I have no objection to it.

Mr. WHITE. Then I will offer to amend by inserting the words "or for the relief of soldiers."

Mr. WARNER. Mr. Chairman, I think that any amendment of this kind must be entirely unavailing for the accomplishment of the object which the gentleman has in view in proposing it. If this House should do no other business from now until the end of the session—indeed, Mr. Chairman, if we should sit here from now until the first Monday of December next, and devote three hours a day every day to the consideration of the pension bills now pending before the two Houses of Congress and give ten minutes to each case we could not get through the list. Even if we gave but five minutes' consideration to each one of these cases, and if we sat here for four months and did no other business, we would be unable to get through with the pension claims alone.

Now, I suggest, therefore, to the gentleman who represents the Committee on Invalid Pensions in offering this amendment, that some other means should be adopted for disposing of these cases than by the method which he proposes. It is due to this House, and it is due to those who are entitled to pensions and who should long ago have had their pension dues, that some better mode of disposing of these claims should be adopted than that offered here.

Mr. STEVENSON. I would like to ask the gentleman from Ohio what other plan than the one suggested by the amendment offered by the gentleman from Kentucky he would propose?

Mr. WARNER. I will answer the gentleman.

Mr. STEVENSON. I would like to have the gentleman suggest a plan or present a motion by which these bills can be disposed of in the speedy manner he wishes.

Mr. WARNER. Then I will suggest one, because I think the plan proposed here in this amendment is entirely inadequate. I think there should be a commission constituted to which all of these appeals from the decision of the Commissioner of Pensions should be referred, and only such cases brought before Congress as are not covered by the general law, but at the same time are clearly equitable.

The idea, Mr. Chairman, that this House, composed of two hundred and ninety-three members, paid \$5,000 a year each, to sit here as a court of appeals to consider cases brought from the Pension Bureau, making of this House a mere appendage to that bureau, is in my opinion simply ridiculous.

Why, if we should give fair consideration to pension cases, give the time that it would seem ought to be given to them, we could not get through this session with the cases that are now on the Calendar from Pennsylvania alone. We might perhaps then reach Indiana next session and some other State three or four years hence; or we might take in a few from each of the States and leave the rest out, as we inevitably must under this system. Moreover, Mr. Chairman, at best, while we proceed in this way we do but poor justice. Rather I think we do much injustice. A claim is presented, for instance, for an increase of pension for a certain disability and it is granted, but there may be and probably are, one, two, or five hundred like cases. But only the one who has pressed his claim to a consideration here or who has been fortunate enough to get it on the Calendar gets the increase while his comrades, equally worthy, are left without it. Such cases should be classified and if deemed right to give an increase of pension, all of a class should have the same benefits, all should be treated alike.

I think, therefore, this amendment ought not to be adopted, but that a commission of some kind should be established to which an appeal can be taken, and by which all such cases as are now brought here may be considered and be judicially determined, and at the same time those who are not entitled to pensions and all fraudulent claims be kept out. That would not only be in the interest of economy, but in the interest of all meritorious soldiers who are claimants for pensions.

Mr. COFFROTH. I would like to ask the gentleman how many cases there are from Pennsylvania now on the Calendar?

Mr. WARNER. If you were to devote but a very short time to the consideration of each one and call the roll on its passage, as proposed in the new rules, there is no knowing when you could get through with them. Suppose a half hour's consideration to be given to each case, including roll-call, where would we be?

Mr. COFFROTH. The gentleman thinks that all the cases reported by the chairman of that committee came from the State of Pennsylvania; but he is mistaken.

Mr. WARNER. I said no such thing; the gentleman has entirely misunderstood me. I do say this House cannot get through, with the consideration they ought to have, the cases that are on the Calendar from a single State, and that is reason enough why the system should be changed.

Mr. COFFROTH. From his own State one of his colleagues put in one hundred and eight petitions at one time; and gentlemen from Ohio ought not to complain about any other State.

Mr. WARNER. I am making no complaint about that State, but say that we cannot reach them all in five years the way we are doing.

Mr. STEVENSON. Mr. Chairman, I rise to support the amendment offered by the gentleman from Kentucky, [Mr. CALDWELL.] This amendment was proposed under instructions from the Committee on Invalid Pensions, and, I trust, will receive the sanction of the House. It is well known, sir, that a large number of meritorious bills granting pensions are now upon the Private Calendar. These bills are continued from week to week for the sole reason that under the present rules, and with the various interests of a great country pressing upon us, we have no time to consider them. The House has shown no disposition to reject any of these bills when reported by the committee, but they remain upon the Calendar undetermined for the sole reason, as I have said, that there is no time to pass them.

Now, sir, let us pass this important amendment to the rules. Let a time be set apart exclusively for the consideration of bills of this character. However important other legislation may be, there is none which imposes upon us an obligation more sacred than this. No obligation can rest upon this Government so nearly affecting its honor as that which it owes to its soldiers. The first duty of the Government is to its defenders.

As is well known, Mr. Chairman, many applications of a meritorious character have been rejected by the Commissioner of Pensions because of a failure of the applicant to comply with the strict regulations of the Department in the matter of proof. In many instances such compliance was impossible, and the applicant for a pension, maimed and crippled though he be, is turned away empty. The vexatious delays in our Pension Department have become a reproach to our country. Turned away from the Pension Department upon a technicality, the only hope of the applicant is in an appeal, not to the mercy, but to the justice of Congress. This can only be meted out by special acts.

But, sir, what avails the diligent labors of the Committee on Invalid Pensions if the bills they have considered and reported upon favorably are to find a grave upon the Private Calendar of this House.

Mr. WARNER. Will the gentleman allow me to interrupt him? I yielded to him.

Mr. STEVENSON. I yield to the gentleman.

Mr. WARNER. Will the gentleman inform us how these claims are considered by the Committee on Pensions? What I said respecting the consideration that could be given all these claims by the House applies also to the consideration that can be given to them by the committee. The committee itself cannot give ten minutes to a case and get half through the list this session.

Mr. STEVENSON. In reply to my friend from Ohio, I will say that I assume and the House assumes when a bill is reported with a favorable recommendation by a committee, that such bill has received the attentive consideration of that committee. The business of this House could be done upon no other hypothesis.

The question before us is a practical one. I concede the difficulty, even under the most liberal rules of considering all of the pension bills which may come before us. But the duty imposed upon us is imperative—is one from which we cannot escape.

The gentleman from Ohio insists that it is impossible for this House to pass judgment upon all of the pension bills upon its Calendar. If so, then, sir, let a commission be established by Congress as a final arbiter between the soldier and his Government, to which all applications of this character can be carried—a tribunal unfettered by the merciless technicalities of the Pension Department, but one whose aim, and only aim, shall be justice.

[Here the hammer fell.]

Mr. REAGAN rose.

The CHAIRMAN. Debate on the amendment is exhausted. The gentleman from Pennsylvania [Mr. WHITE] has moved to amend the amendment of the gentleman from Kentucky, [Mr. CALDWELL.]

Mr. CALDWELL. I accept the amendment of the gentleman from Pennsylvania.

Mr. REAGAN. I move to strike out the last word. It seems to me it is a strange procedure to assume that the Congress of the United States shall undertake to give special preferences to any particular class of meritorious claims pending before it. Are we to assume that the particular class of claims referred to have higher merits than those of the various other claims that come before Congress? The whole arguments that have been made tend to show that if Congress is to act upon these claims promptly and satisfactorily it can do nothing else, and they tend to the conclusion which many have reached long ago, that for the settlement of this question there ought to be a special tribunal organized that should consider claims whether for increase of pension or in the form of appeals from the Commissioner of Pensions. If speedy justice is to be done to the claimants and if justice is to be done also to the Government, that is the mode, it seems to me, gentlemen should pursue who desire to obtain it, instead of converting Congress into a commission for the determination of one class of claims upon its equity and comity in preference to others. It seems to me such a rule as is now proposed would be anomalous, unjust in its character, and improper, and I trust it will not be adopted.

Mr. FINLEY. I desire to occupy the attention of the committee for just one moment. I am in favor of the amendment of the gentleman from Kentucky, [Mr. CALDWELL.] I believe that precedence should be given to this class of bills. We have but one day in the week on which appeals of this class can be considered; and on Friday a fortnight ago, when the House was in Committee of the Whole on the Private Calendar, we observed that a few gentlemen making objections delayed or entirely prevented the passage or consideration of every bill that was read.

Mr. WARNER. They could not be considered on that day.

Mr. FINLEY. They could have been considered but for the objections of a few gentlemen made to their consideration.

Mr. WARNER. It was objection day.

Mr. FINLEY. I know it was objection day, and those bills would have been passed but for the objection of those gentlemen, for which they assigned no reason except that the bills were in the nature of appeals from the decisions of the Commissioner of Pensions.

I see no good reason why if a soldier believes he has not had full justice done him by the Commissioner of Pensions, after having his petition or case considered by the proper committee of this House, and a favorable report made upon it—I see no good reason why this House shall not consider it, and why this class of cases should not be given precedence over other classes.

Mr. REAGAN. I withdraw the formal amendment.

Mr. RANDALL, (the Speaker.) I renew it. I have every sympathy with the object in view as proposed by the Committee on Invalid Pensions; but I am not clear in my own judgment whether it is not better to leave pension cases to the magnanimity of the House. And I want to say here, to the honor and credit of every Congress in which I have served, there never has been any objection to giving special meetings for the consideration of pension bills.

Mr. CALDWELL. Was there not an objection to that the other day?

Mr. RANDALL, (the Speaker.) There was a single objection the other day; but immediately the Committee on Invalid Pensions came into this House and asked and got the opportunity to offer a motion to suspend the rules so as to give them a special sitting; and I do not believe there would have been ten votes in this House against the proposition to give to the Committee on Invalid Pensions an opportunity of presenting their bills and having them passed at a special session of the House.

Mr. COFFROTH. Was not a motion made to defeat that?

Mr. RANDALL, (the Speaker.) No, sir; I do not think that was the motive which caused the objection. On the contrary, I think a very different motive was at the bottom of the motion to adjourn, although I am not permitted to judge of men's motives.

Mr. COFFROTH. Did the motion to adjourn not defeat it?

Mr. RANDALL, (the Speaker.) It did not, because on Monday next it will be again reached. I repeat I would rather trust to the magnanimity of the House to pass pension bills. I have seen as many as twenty pension bills passed in the House—coming with favorable recommendation from the Committee of the Whole—passed in two minutes, and have known as many as one hundred and fifty pension bills to pass in a single evening session. It is better to trust to the generosity of the House than tie down its action by technical rules in doing justice to maimed soldiers of the Union Army.

Mr. ROBINSON. I would like to make a suggestion.

Mr. RANDALL, (the Speaker.) Certainly.

Mr. ROBINSON. I would suggest to the gentleman that if we shall proceed under the rule as amended yesterday, and call the yeas and nays on everything requiring an expenditure of money, we will not be able to pass many private bills.

Mr. RANDALL, (the Speaker.) When the House shall come to consider that proposition, if it shall incorporate it into the rules, the gentleman's criticism would be a just one. But it has not been adopted by the House.

Mr. ROBINSON. It has been adopted by the Committee of the Whole.

Mr. RANDALL, (the Speaker.) And even then we could except

pension cases. But I really think it would be a great deal better for us to hold special sessions for the consideration of pension bills than to rely upon any particular day in the month, or perhaps two days in a month, for the consideration of such bills. I think, therefore, that in the interest of speedy action on pension bills, in the interest of maimed soldiers, it would be better not to change the rule.

Mr. WARNER. Will the gentleman allow me to ask him a question?

Mr. RANDALL, (the Speaker.) Certainly.

Mr. WARNER. If pension bills are to be passed in the manner in which the gentleman has stated they have been, a hundred in a few minutes—

Mr. RANDALL, (the Speaker.) No, sir; I said twenty in two minutes, and one hundred and fifty in one evening session.

Mr. WARNER. Even at that rate, would it not be better simply to say that we will add at once one thousand, or two thousand, or ten thousand names to the pension-roll, and let the committee, or some member of it, fill up the list?

Mr. RANDALL, (the Speaker.) I would do so, if the recipients are entitled to pensions and the Committee on Pensions so stated in their report. I would pass them as quickly as I could.

Mr. WARNER. So would I; but I would not have two hundred and ninety-three members of this House turned into a court of appeals for that purpose. That is not the way these cases should be passed upon.

Mr. WEAVER. Why not pass my soldiers' bill, and so settle the whole matter?

Mr. McMAHON. I desire to add my testimony to that of the Speaker of this House in regard to the favorable disposition of every House of which I have been a member toward our soldiers. I think I am correct in the statement that when the last House adjourned there were not fifty pension cases upon the Calendar undisposed of. The House had, by unanimous consent, set apart so many evening sessions for the consideration of pension bills that they were all disposed of, as I may say, with lightning speed, as my friend has intimated.

I want to say to my colleague [Mr. WARNER] that if he will consider the manner in which pension cases are passed upon by the Department, I cannot see why he should give to the decision of that Department any peculiar presumption which may not be overcome by the report of our committee. We all know that it is not the Commissioner of Pensions who passes upon these claims. He refers them to this clerk and to that clerk, to this division and to that division, and they are investigated by persons who, many of them, are not qualified at all to weigh testimony; by men who have become accustomed, as it were, to cut down the expenses of the Government, and who are always upon the side of the Government. If there is to be any presumption at all given to the conclusion of any tribunal I would rather take the conclusion of our Pension Committee as a final result.

I would also say to my colleague that when it comes to the question of money, to the question of giving the soldier his pension, back pay, or bounty, I for one have always been willing to accept the report of the committee, if upon the face of the report the case appears to be a meritorious one. I have always been willing to accept that report as a final adjustment of the case, and always will be, until some other course is adopted; for instance, until there is established in this District a tribunal of three or five judges to consider these claims. And after all, who will they be? They will be but men. And in this House we have a committee of eleven or fifteen members to consider such cases.

Of course, we understand that these pension claims are referred to individual members; but they report to the whole committee which passes upon their reports. It may be that there is a little looseness in regard to this matter; but I would rather see looseness on the side of the soldier than against him. It has been the policy of this Government, ever since its foundation, to pension every man engaged in any of our great wars, after the lapse of a certain period of years from the close of that war.

Mr. BLACKBURN. It has not been done in regard to the soldiers of the Mexican war.

Mr. McMAHON. Such a bill as that has passed this House, and if it were not for the political questions which our friends on the other side are so much in the habit of bringing into the consideration of this subject, that bill would have become a law long ago.

Mr. RANDALL, (the Speaker.) I withdraw my formal amendment.

Mr. CALDWELL. I move to strike out the last word, for the purpose of saying that there is no doubt on the part of myself or any member in regard to the generosity of this House in reference to these pension bills. But there has been a disposition growing up, since the passage of the arrears of pensions bill, not only here, but on the part of distinguished leaders of both political parties elsewhere, to defeat as far as possible every bill introduced into this House that proposes to grant arrearages of pensions. The Speaker of this House, I understand, objects to the amendment I have offered.

Mr. RANDALL, (the Speaker.) Not to the object of it.

Mr. CALDWELL. I understand that; but he objects to my amendment for the reason, as he says, that we can have special night sessions set apart for the consideration of pension bills. The adoption of this amendment will not prevent that, but it will give us at least a fair opportunity to dispose of these bills.

There has been some criticism of the chairman of the Committee on

Pensions [Mr. COFFROTH] in reference to the number of bills which he himself has reported. I will say in justice to him, and he deserves it, that he spent his time here in this city when the other members of the committee were at home with their families, investigating the pension cases which had been referred to him by the committee. I do not know whether those cases were from his district or not; it was his duty to consider them. So far as I am concerned I am willing to report to this House every meritorious case referred to me, whether it come from Kentucky, Maine, or Kansas. I believe, as the gentleman from Ohio [Mr. McMAHON] has said, that it is right and proper to pass these bills, and if we err let us do so on the side of mercy.

Mr. BAKER. If in order I desire to move an amendment of substance, not one merely formal. I move to strike out the words "every other Friday," and to insert the words "every Friday." I had occasion the other day to say something on this question. I desire to say now that, in my judgment, the opposition to the adoption of the amendment proposed by the gentleman from Kentucky [Mr. CALDWELL] arises from a disposition to give preference to other private claims over the claims of soldiers to pensions.

It is a well-known fact—and I appeal to every member of this committee to bear testimony to that fact—that the great consumption of time in the consideration of private business which has been complained of arises upon claims of a questionable character, which provoke long and oftentimes acrimonious discussion, oftentimes debate of a bitter political character. The result of having the business on the Private Calendar so arranged that these questionable claims may be brought up for discussion in preference to other claims will undoubtedly result in delaying pension bills, so that even if they shall finally pass the House they will go to the Senate so late in the session that they will sleep there the sleep of death. I believe it is the duty of this House to so arrange its rules that speedily and without delay every pension bill that is reported from the Committee on Invalid Pensions may be disposed of.

If such pension bills are given precedence, my experience in this House for the last five years justifies me in the declaration that no considerable time will be consumed in their discussion and determination. Each Friday we can, within half an hour, dispose of all the pension bills which may have been reported in the course of the week, and then we will be ready to go on, if we desire, with these old, stale, and ancient claims on the Private Calendar, which have brought so much shame and reproach upon preceding Congresses.

I submit that if we shall so amend the rules that on each Friday, upon the first call of the Calendar, all the pension bills reported during the week previous can be considered and disposed of, it would not take more than half an hour to dispose of them all, and the rest of the time can be devoted to other matters.

Mr. BLACKBURN. Believing that we have had about enough discussion on this clause, I will now move that the committee rise with the view of obtaining from the House an order limiting debate upon this clause.

Mr. GARFIELD. Let us have a vote upon it now.

Mr. BLACKBURN. If we can get unanimous consent to vote upon the amendment without further debate, I will not press my motion. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The Chair will entertain the motion that the committee rise; but before putting the question upon it will call the attention of the gentleman from Indiana [Mr. BAKER] to the form of the amendment which he has offered. The gentleman moves to strike out the words "every other Friday" and to insert the words "every Friday." There are no such words in the amendment pending. The words in the amendment proposed by the gentleman from Kentucky [Mr. CALDWELL] are "on each alternate Friday."

Mr. BAKER. Then I move to strike out the words "each alternate" and to insert the word "every."

The CHAIRMAN. If the word "alternate" be stricken out, the amendment will then read "each Friday."

Mr. BAKER. I will make that motion.

Mr. GARFIELD. Why not strike out "Fri—," so that it will read "each day?"

Mr. HAYES. Is a substitute for the amendment now in order?

The CHAIRMAN. Nothing is now in order, except the vote upon the motion made by the gentleman from Kentucky that the committee now rise.

The motion of Mr. BLACKBURN was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the proposed revision of the rules reported from the Committee on Rules, and had come to no resolution thereon.

Mr. BLACKBURN. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the report of the Committee on Rules, and pending that motion I move that all debate upon the pending clause of Rule XXIV and all amendments thereto be limited to five minutes.

Mr. GARFIELD. Say one minute.

Mr. BURROWS. That of course relates only to pending amendments.

Mr. BLACKBURN. My motion relates to all amendments, pending and that may be offered.

Mr. BURROWS. Is it in order to limit debate on amendments not yet offered?

Mr. TOWNSHEND, of Illinois. Will the motion of the gentleman from Kentucky, [Mr. BLACKBURN,] if adopted, cut off debate upon any new clause that may be offered?

The SPEAKER. It would not. In the absence of objection, the House might agree to tie itself up by cutting off debate on all amendments to be offered; but that would have to be done by unanimous consent.

Mr. BLACKBURN. I mean all amendments to the pending clause. Mr. BURROWS. On all pending amendments.

Mr. BLACKBURN. I am making my own motion.

Mr. BURROWS. Yes; and I am making my objection to it.

Mr. BLACKBURN. That you may do by your vote.

The SPEAKER. The rule only allows the cutting off of debate on pending amendments if there is objection.

Mr. BLACKBURN. Is that the practice of the Chair?

The SPEAKER. The Chair has ruled on that point.

Mr. BLACKBURN. Has that been the ruling of the Chair?

The SPEAKER. It has. The Chair has made that ruling since this report from the Committee on Rules has been pending.

Mr. BLACKBURN. Very well; then I modify my motion so as to limit debate upon the paragraph and pending amendments to one minute.

The motion was agreed to.

Mr. BLACKBURN moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BLACKBURN. I move that the House resolve itself into Committee of the Whole to resume the consideration of the revision of the rules.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. CARLISLE in the chair,) and resumed the consideration of the report of the Committee on Rules.

The CHAIRMAN. By order of the House all debate on this paragraph and pending amendments is limited to one minute.

Mr. WHITE. I have modified my amendment in such a form as I think will still be acceptable to the gentleman from Kentucky. I ask that it be read.

The Clerk read as follows:

If this motion prevail on each alternate Friday pension bills or private bills for the relief of persons who are or have been soldiers, for causes growing out of their military service, on said Calendar, shall have precedence in consideration.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. CALDWELL] accept this amendment as modified?

Mr. CALDWELL. I do.

Mr. BAKER. With the permission of the Committee of the Whole, I withdraw my amendment.

Mr. WARNER. Mr. Chairman, in the minute I have I wish to call attention to the fact that the pensions already granted if capitalized would amount to a debt of a thousand million of dollars, and is destined even under the law as it now stands to reach a sum much larger, at least for a time, requiring about \$40,000,000 annually; and if it be intended, as has been intimated, to open wide the doors and let in every one who has served at all in the Army, then let us be honest and say so at once. We must be prepared, however, if we do that to see from seventy-five to a hundred millions of dollars taken annually from the Treasury to meet it, and taxes increased accordingly. Such a pension-roll as that step would lead to would, if capitalized, amount to more than the present national debt. On the other hand, if these cases are to be examined and relief limited to actual disability under the law, then I insist that our method of proceeding is a sham and a farce. It is utterly impracticable as all know to go over in this House and pass decently on even three hundred cases this session out of three thousand, and all others must be put off to another session, while to the Calendar is all the time being added ten cases to one that is disposed of.

Now, the Committee on Invalid Pensions can bring into the House and have passed a measure by which all this difficulty may be remedied, so that the soldier who has wounds and scars or other actual disability to show for it can get his pension dues without waiting till he is ready to die, and at the same time claims that are without merit, mere pretenses or wholly fraudulent, can be kept out. This is what as business men we ought to do.

[Here the hammer fell.]

Mr. HAYES. Is it in order to offer a substitute for the amendment of the gentleman from Kentucky?

The CHAIRMAN. It is.

Mr. HAYES. I offer the following:

After the word "and," in the third clause of the rule, insert "bills relating to pensioners and for the relief of soldiers and their representatives shall be considered in preference to any other."

This includes the cases of soldiers' widows and orphans who are not covered by the other proposition.

Mr. MAGINNIS. That would rule out bills reported from the Committee on Military Affairs to correct a soldier's record or anything of that kind.

Mr. WHITE. As I understand the amendment of the gentleman from Illinois, [Mr. HAYES,] it is confined to men now in the service. Mr. HAYES. Oh, no.

The question being taken on the amendment of Mr. HAYES, it was not agreed to.

The question being taken on the amendment of Mr. CALDWELL as modified by the acceptance of the amendment of Mr. WHITE, there were—ayes 64, noes 74.

Mr. WHITE called for tellers.

Tellers were ordered; and Mr. CALDWELL and Mr. BLACKBURN were appointed.

The committee divided; and the tellers reported—ayes 76, noes 78.

So the amendment was not agreed to.

Mr. OSCAR TURNER. I move the following amendment.

The Clerk read as follows:

Add to Rule XXIV the following:

When a public bill, resolution, or proposition shall have been referred to a standing or select committee of the House and no report has been made thereon for thirty days, it shall be in order for the member who introduced said bill, resolution, or proposition, on any Monday, after the call of the States and Territories for bills and joint resolutions, to offer a resolution or move to place said bill, resolution, or proposition on the proper calendar, which resolution shall then be considered, and, if decided in the affirmative, the bill, resolution, or proposition shall be placed on the Calendar, and the committee discharged from further consideration of the same.

Mr. OSCAR TURNER. Mr. Chairman, I offer that amendment, in accordance with the notice I gave several weeks ago, as a remedy for an evil which I think exists, and which perhaps has escaped the observation of the Committee on Rules.

It is the undoubted right of every member upon this floor to offer a bill to redress any public grievance or for the public good when he comes here as a Representative. When he offers such a bill, under the rules it is referred to a committee. I take the incontrovertible position that when it is referred to a committee it is the duty of that committee to report the bill in some way, either to report it back favorably or unfavorably. But, instead of that being done, there are many instances which have occurred, and which are complained of, where bills have been referred to committees, and because the committees seemed to be opposed to them, they have refused to make any report on them whatever—either for or against them. In this way the bills are smothered. This is all wrong. It is one of the highest privileges of a member upon this floor to have a vote of this House upon any measure he presents for the public good. Well, how is he to get it if the committee refuses to report the bill at all? How can you force a committee under these rules to do it? If any gentleman will point out a remedy now existing I will withdraw my amendment.

But I have talked with old parliamentarians, with men as thoroughly versed in parliamentary rules, perhaps, as any gentleman upon this floor. They all agree upon one point, that if a bill is referred to a committee which is opposed to it and that committee does not see proper to report the bill back to the House, they can hold it up, and the only remedy is for a member to offer a resolution of this House instructing that committee to report back the bill. Now, at first blush, that would seem to be a proper remedy. But it amounts to nothing at all, because a member can never offer such a resolution or make such a motion except upon a Monday, after all the States and Territories have been called through for the introduction of bills and joint resolutions, before the expiration of the hour, and when during the remainder of that hour a second call is made for individual resolutions. I have been assured by members who have been upon this floor for the last twelve or fifteen years, that they never knew an instance of such a call to occur except once, and then when a motion was made it was lost by the interposition of a motion to adjourn, because it had no place on the Calendar and no place provided for it under the rules of this House.

Under the provision of the amendment I have offered, if a committee has had a public bill for thirty days and refuses to make any report on it, not a private, but a public bill, then the member may enter a motion on Monday, after the call of States and Territories has been completed, to put that bill on the Calendar, and that motion is then to be considered by the House, and, if they approve of it, it goes upon the Calendar; if not, that is the end of it. It seems to me it is a just and equitable provision. It is the only remedy I can conceive of.

Mr. Chairman, this amendment not only protects the rights of individual members on this floor, but it protects the rights of the majority, and prevents the will of the majority from being stifled and smothered by a committee. How can this House exercise its legislative functions except by a bill or joint resolution offered by some member? It is immediately referred to a committee, and the House cannot act upon that bill and give its sanction to it, no matter if there is a large majority in favor of it, until it is reported back by the committee either favorably or unfavorably; and if the committee is opposed to the bill and will not report it, they not only defeat the right of the member offering the bill or resolution, but they stifle and smother the voice of a majority of the representatives of the people. I assert, sir, that under the rules of this House as reported and as they are to-day in force a committee can exercise an unconstitutional power by withholding a bill which has been referred to them and which a majority is in favor of, and by this means prevent the will of a majority from being carried into a law for the public good. This

is clearly contrary to the spirit of our Constitution, and yet it has been done and can be repeated. No such power ought to be in the hands of a committee; it is dangerous to the liberty of a free people. There ought to be some remedy provided such as I propose in this amendment. The will of a majority should control in this House, and it ought not to be in the power of any committee to stifle it, as it is under the present rules and those under consideration. The Constitution does not require two-thirds to pass a bill; a majority has the right under the Constitution, and the rules ought not to obstruct the will of a majority, or put it in the power of a committee to do it. Sir, I believe in the doctrine of "equal rights to all, exclusive privileges to none." I hope the House will adopt the amendment.

[Here the hammer fell.]

Mr. TOWNSHEND, of Illinois. I offer this as an amendment to the amendment now pending.

The Clerk read as follows:

Strike out the words "after call of States and Territories for bills and joint resolutions," and insert "immediately after the expiration of the morning hour."

Mr. TOWNSHEND, of Illinois. Mr. Chairman, it will be observed the amendment offered by the gentleman from Kentucky [Mr. OSCAR TURNER] is applicable only to public bills and joint resolutions, and not to bills of a private nature. The number of public bills is not so very large as many may imagine. Most of those introduced here are private bills. Therefore I do not believe this rule will be impracticable.

I have been here long enough, sir, to have learned the necessity for some such provision as this. I have known very important measures of a public nature brought in at an early day during the last Congress, which have been ignored by the committees to which they were referred, while they have instead devoted their time to the consideration of private bills. I know of some bills of a public nature which have been introduced into this Congress at the extra session and referred to important committees of this House, having proper jurisdiction of them, and which have never yet seen daylight so far as any report to this House is concerned, while the same committees nearly every time they have been called for reports have reported private bills, showing that considerable labor and care had been bestowed by the committees upon them.

Now, sir, I am one of those who believe that legislation should be of such character as will promote the greatest good to the greatest number, and that private bills should give way to public necessity. This amendment, in my judgment, would be in furtherance of that principle.

I can particularize many instances but will content myself with reference to only one or two. Before the holidays I introduced into this House a resolution directing the Committee on the Judiciary to report an amendment to the Constitution fixing a limit of six years for the presentation of claims against the Government of the United States. When we remember the fact that there are bills now pending in this Congress which have been introduced into every Congress since 1819—and although some of them have time and again been reported upon adversely they have been renewed in each recurring Congress and pressed again for action with a hope that they may slip through a new and negligent Congress—we can all see that if an amendment to the Constitution like that I suggested should be adopted, fixing a limit to the time for the presentation of these claims, it would settle forever the fate of many unjust and rotten claims and thereby save hundreds of millions of dollars in the future to the tax-payers of this country.

The old schemes to plunder the Treasury and the chronic claims will never die, for when death ends their prosecution by original claimants they are followed up by heirs, or by assignees, or claim-agent sharks, who have obtained control of them for insignificant sums. There is but one way to protect the people from such fraudulent or stale claims, and that is by the method I have suggested.

In another instance I introduced a resolution early in January instructing the Committee on Foreign Affairs to report upon the expediency of abolishing our useless diplomatic service. If a bill was reported from the committee for that purpose and passed by this House, we might in this Congress save over \$300,000, being one-third the cost of our consular and diplomatic service, and rid ourselves of envoys extraordinary and ministers resident and their expensive appendages.

The intelligent public has long been convinced of the utter uselessness of our ornamental diplomatic corps. The cable and the present extraordinary rapid mail transportation facilities have enabled the metropolitan press to advise the Government and the public of every movement of foreign governments much more fully and much more speedily than any of our foreign missions. Indeed, it has been conceded by some of the highest officials in the Executive Departments that we can with safety dispense with this service. This would not embarrass the transaction of business between our Government and people with foreign countries, for that will be as effectively conducted by our consular service.

I refer to these two cases merely as illustrations. Neither of these resolutions has ever been reported from these committees. Now, what I want to accomplish is to give committees a fair opportunity to consider bills and resolutions referred to them. If they deem them unwise, let them report to the House, in order that the author may have an opportunity of getting the sense of the House upon them. If they are wise and advantageous to the country, they should not be

buried in the committees. When committees fail to give proper attention to such important measures, either from disinclination or because overcrowded with work, this amendment will enable others, who are either more industrious or have more leisure, to secure action upon them.

[Here the hammer fell.]

Mr. OSCAR TURNER. I accept the amendment.

Mr. BLACKBURN. This is a very important amendment offered by my colleague, and I think it best that the House should see it in print to see what is its scope and the bearing it may have. I do not want any hasty action taken in any matter relating to this revision of the rules. If this amendment is adopted I think it will be found in the first place it is not as carefully worded as my colleague would like to have it. If it is adopted I think it will work an absolute revolution probably away beyond the scope he or any member of this House would propose to give it.

For that reason, Mr. Chairman, I will move now that the committee rise in order that this amendment may be pending when we shall meet to-morrow or when we next meet for the consideration of this revision of the rules.

The CHAIRMAN. The Chair will state before the committee rises that the gentleman from Kentucky has indicated his acceptance of the amendment of the gentleman from Illinois, as a modification of his.

Mr. OSCAR TURNER. I have accepted it.

The CHAIRMAN. It is now moved by the gentleman from Kentucky that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the report of the Committee on Rules, and had come to no resolution thereon.

ADJOURNMENT TILL MONDAY.

Mr. DUNNELL. I move that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. STEVENSON demanded tellers.

Tellers were ordered; and Mr. STEVENSON and Mr. DUNNELL were appointed.

The House divided; and the tellers reported—ayes 109, noes 42.

Mr. BLACKBURN. I call for the yeas and nays.

The House divided; and there were—ayes 31, noes 135.

Mr. DUNNELL. Monday is Washington's birthday and I suggest that instead of adjourning over to-morrow we have a session on that day, and then adjourn over until Tuesday.

The SPEAKER. The Chair will state that he has no option in the matter but must announce the result.

Mr. LOWE. I move that the House do now adjourn.

The SPEAKER. On the motion of the gentleman from Minnesota that when the House adjourns it adjourn to Monday next the yeas were 109, noes 42. On the demand for the yeas and nays, there were—ayes 31, which was one-fifth of the vote as counted on the previous division; but further count was demanded, when the yeas were 31, and the noes were 135, which is not a sufficient number to order the yeas and nays. So the yeas and nays are not ordered, and the motion to adjourn over is agreed to.

Mr. DUNNELL moved to reconsider the vote by which the House adjourned over until Monday next; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TALBOTT, till Monday next, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed, without amendment, House bills of the following titles:

An act (H. R. No. 2003) for the relief of J. P. Zimmerman and H. P. Snow, of Clinton County, Kentucky; and

An act (H. R. No. 2785) authorizing the Secretary of the Treasury to appoint a deputy collector at Lake Charles, Louisiana.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 2) for the relief of Mark Walker;

An act (S. No. 50) for the relief of James A. Barr;

An act (S. No. 180) for the relief of George V. Hebb;

An act (S. No. 286) for the relief of John S. Cunningham;

An act (S. No. 388) for the relief of Jacob B. King;

An act (S. No. 389) for the relief of Peter Phillips;

An act (S. No. 593) to repeal the provisions authorizing the advancement of an officer of the Navy or Marine Corps thirty numbers in rank for extraordinary heroism;

An act (S. No. 707) for the relief of William W. Ross;

An act (S. No. 843) providing for the delivery of dutiable articles in the mails and for indemnity for lost registered articles;

An act (S. No. 888) to authorize the compilation and printing of the Naval History of the War;

An act (S. No. 942) releasing the title of the United States in a certain parcel of land to John Cutler and his assigns;

An act (S. No. 996) for the relief of Monroe Donoho;
 An act (S. No. 1004) for the relief of the sureties of Henry L. Norvell;
 An act (S. No. 1088) for the relief of Claude H. Masten, surviving partner of the firm of Le Vert & Masten, of Mobile, Alabama, and the children of Octavia Le Vert, deceased; and
 An act (S. No. 1100) for the relief of Solomon Morris.

ADMISSION TO THE FLOOR.

On motion of Mr. ATHERTON, by unanimous consent, the privileges of the floor were extended to Hon. John F. Follett, ex-speaker of the house of representatives of the Legislature of Ohio, for three days.

WITHDRAWAL OF PAPERS.

On motion of Mr. McKINLEY, by unanimous consent, the papers in the case of Richard H. Foutz were withdrawn from the files of the House and referred to the Committee on Military Affairs.

On motion of Mr. DIBRELL, by unanimous consent, it was ordered that the papers in the case of Asa Faulkner, now on file with the Committee of Ways and Means, be withdrawn and referred to the Committee of Claims, there being no adverse report thereon.

Mr. CONGER. In the first case, as I understand, it was not stated whether there was an adverse report.

The SPEAKER. It was not a request to withdraw papers from the files, but to refer papers to a committee from the files of the House.

JUDICIAL DISTRICTS IN LOUISIANA.

Mr. KING, by unanimous consent, introduced a bill (H. R. No. 4630) to divide the State of Louisiana into two judicial districts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

The question being put on the motion to adjourn, it was agreed to; and accordingly (at four o'clock and twenty minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. NELSON W. ALDRICH: The petition of Henry B. Pratt and 50 others, soldiers, for the passage of a bill for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of Henry B. Pratt and 50 others, soldiers of Rhode Island, against the passage of Senate bill No. 496, providing for the examination and adjudication of pension claims—to the Committee on Invalid Pensions.

Also, the petition of George W. Hall and 42 others, merchants of Providence, Rhode Island, for the passage of a bill abolishing compulsory pilotage—to the Committee on Commerce.

By Mr. ATKINS: A communication from J. M. Crow, relative to the removal of snags from the Tennessee River—to the same committee.

By Mr. BAKER: The petition of H. W. Reber and 136 others, citizens of Kosciusko County, Indiana, for the passage of the Reagan interstate-commerce bill—to the same committee.

Also, the petition of W. J. Mummack and 142 others, citizens of Kosciusko County, Indiana, for the amendment of the patent laws so as to protect innocent purchasers from suits for infringement—to the Committee on Patents.

Also, the petition of James W. Miller, publisher of the Steuben Republican, that certain materials used in the manufacture of paper be admitted free of duty, and for the reduction of the duty on paper—to the Committee of Ways and Means.

By Mr. BALLOU: The petition of John H. Campbell, publisher of the Pawtuxet Valley Gleaner, of similar import—to the same committee.

By Mr. BARBER: The petition of C. A. Partridge and others, of Lake County, Illinois, of similar import—to the same committee.

By Mr. BLAND: The petition of citizens of Osage County, Missouri, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. BLISS: The petition of Silas P. Knight, for the extension of patent No. 20353, for improvements in manufacturing electrotype plates—to the Committee on Patents.

By Mr. BREWER: The petition of G. E. Morgan, A. E. Green, and 80 others, citizens of Farmington, Michigan, for legislation limiting the power of railroad and other transportation monopolies—to the Committee on Commerce.

Also, the petition of W. H. H. Smith, of Fenton, Michigan, for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of J. B. Wolcott, G. E. Morgan, and 80 others, citizens of Michigan, for legislation to protect innocent users and purchasers of patented articles—to the Committee on Patents.

By Mr. BRIGGS: Three petitions from 75 honorably discharged soldiers of the United States in the late war of the rebellion, against the passage of Senate bill No. 496, providing for the examination and adjudication of pension claims—to the Committee on Invalid Pensions.

Also, the petition of 77 soldiers of the volunteer forces of the United States, and of Daniel Walbridge and 13 other discharged soldiers of Nashua, New Hampshire, for the passage of a law for the equalization of bounties—to the Committee on Military Affairs.

By Mr. CALKINS: The petitions of French & Connor, and of the La Porte Printing Company, for the reduction of the duty on white paper—to the Committee of Ways and Means.

Also, the petition of Hon. W. G. George and others, against the reduction of the duty on paper, and for the modification of the duties upon the chemicals used in its manufacture—to the same committee.

Also, the petition of Henry W. Wise and 17 other ex-Union soldiers, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. CARPENTER: The petition of citizens, soldiers in the late war, of Osceola County, Iowa, of similar import—to the same committee.

Also, the petition of soldiers of Crawford County, Iowa, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. CHALMERS: The petition of the Vicksburgh and Meridian Railroad Company, for relief from the payment of certain internal-revenue tax—to the Committee of Claims.

By Mr. COLERICK: The petition of C. Orff & Co. and other business men of Fort Wayne, Indiana, for the passage of a bankrupt law—to the Committee on the Judiciary.

Also, the petition of Nelson & Morss, publishers of Fort Wayne Weekly and Daily Sentinel, for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. CONGER: The petition of J. H. Wade, president Cincinnati, Wabash and Michigan Railroad Company, against a reduction of the duty on steel rails from \$28 to \$10 as proposed in House bill No. 2234—to the same committee.

By Mr. COWGILL: The petitions of the editors and publishers of the several newspapers published in Logansport, Indiana; and of the editors and publishers of the Peru Republican and Miami County Sentinel, of Peru, Indiana, that the materials and chemicals used in the manufacture of paper be placed on the free list, and for the reduction of the duty on printing-paper—to the same committee.

Also, the petition of William Shadinger and 113 other soldiers of the late war, citizens of Cass County, Indiana, for the passage of a law equalizing bounties—to the Committee on Military Affairs.

Also, the petition of 114 soldiers of the war for the suppression of the rebellion, citizens of Cass County, Indiana, against the passage of Senate bill No. 496, providing for the examination and adjudication of pension claims—to the Committee on Invalid Pensions.

By Mr. CRAPO: The petition of Herbert F. Washburn and 38 others, of New Bedford, Massachusetts, of similar import—to the same committee.

By Mr. DAVIDSON: Memorial of citizens of Levy, Jefferson, and Monroe Counties, Florida, asking for an appropriation for the improvement of the entrance to Cumberland Sound—to the Committee on Commerce.

By Mr. HORACE DAVIS: Resolutions of the California Legislature, for an appropriation for dredging Humboldt Bay—to the same committee.

By Mr. GEORGE R. DAVIS: The petition of F. H. Kales and 39 others, citizens of Chicago, Illinois, that those citizens of the United States who suffered loss by the so-called confederate cruisers be given an immediate opportunity to present their claims before some proper tribunal—to the Committee on the Judiciary.

Also, the petition of the Union Veteran Club of Chicago, Illinois, consisting of nearly one thousand honorably discharged soldiers, against the passage of the bill known as the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. DEUSTER: The petition of Henry Fiegler and 36 others, citizens of Washington County, Wisconsin, for the amendment of the patent laws so as to make the vendor or manufacturer of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of George W. Jones and 35 others, citizens of Washington County, Wisconsin, for legislation to relieve the people from the oppressions imposed by transportation monopolies—to the Committee on Commerce.

Also, the petition of David Richey and 219 other soldiers, of Milwaukee, Wisconsin, for the passage of the law equalizing bounties—to the Committee on Military Affairs.

By Mr. ELAM: The petition of Mrs. Clara Flowers, that a certain claim for property taken by the United States Army during the late war be referred to the Court of Claims for adjudication—to the Committee of Claims.

By Mr. FERDON: The petition of soldiers of the late war, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. FINLEY: The petition of publishers of Sandusky, Ohio, for the reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of the publisher of the Union Register, Mount Gilead, Ohio, of similar import—to the same committee.

By Mr. FORSYTHE: The petition of B. F. Ward, publisher of the Casey Banner, of similar import—to the same committee.

By Mr. FORT: The petition of George Burt, jr., editor of the Henry Republican, of similar import—to the same committee.

By Mr. GARFIELD: The petition of J. H. Wade, president Valley Railway Company, against a reduction of the duty on steel rails from \$28 to \$19 a ton—to the same committee.

By Mr. GEDDES: The petition of G. N. Harn and others, that materials used in the manufacture of paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. HARMER: Memorial of citizens of the United States, asking such legislation as will insure an impartial observance and enforcement of the law constituting eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States—to the Committee on Education and Labor.

By Mr. HATCH: The petition of 23 honorably discharged soldiers of the United States Army, citizens of Shelby County, Missouri, against the passage of Senate bill No. 496, providing for the examination and adjudication of pension claims—to the Committee on Invalid Pensions.

Also, two petitions of 98 soldiers of the United States in the late war, that they may be paid the difference between the value of gold and greenbacks at the time they were paid as such soldiers; and also the names of 67 citizens of Putnam County and 67 citizens of Macon County, Missouri, who indorse and approve the petitioners' request—to the Committee on Military Affairs.

By Mr. HELLMAN: The petition of the directors and officers of the German Protestant Orphan Asylum of Washington, District of Columbia, for an appropriation of \$10,000, to be expended in the erection of buildings for said institution—to the Committee for the District of Columbia.

By Mr. HENDERSON: The petition of Mercer & Smith, publishers Bureau County Tribune, and of Bailey & Bascom, publishers of the Bureau County Republican, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. HILL: The petitions of James J. Black and others, and of Daniel Harpster and others, citizens of Allen County, Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of A. H. Osborn and 400 others, citizens of Allen and Putnam Counties, Ohio, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of A. H. Osborn and 400 others, citizens of Allen and Putnam Counties, Ohio, for the amendment of patent laws—to the Committee on Patents.

By Mr. HULL: Eight petitions of citizens of Nassau, Bradford, Madison, and Alachua Counties, Florida, for an appropriation for improving the entrance to Cumberland Sound—to the Committee on Commerce.

By Mr. HUNTON: The petition of Margaret L. Paschell, to close an alley in square 504, in Washington, District of Columbia—to the Committee for the District of Columbia.

By Mr. KEIFER: The petition of George L. Payne and 59 other soldiers of the late war, of Clark County, Ohio, for the passage of a bill equalizing bounties—to the Committee on Military Affairs.

By Mr. KETCHAM: The petitions of W. H. Hopkins and of Bolton & Sherwood, of Dutchess County, and Smith & Rogers, of Putnam County, New York, for the repeal of the law requiring stamps on perfumery, &c.—to the Committee of Ways and Means.

Also, the petition of citizens of Dutchess County, New York, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of citizens of Dutchess County, New York, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. KNOTT: The petition of citizens of Nelson County, Kentucky, for an amendment of the patent laws—to the Committee on Patents.

Also, the petitions of citizens of Nelson and of Spencer Counties, Kentucky, for legislation regulating railroad transportation—to the Committee on Commerce.

By Mr. LAPHAM: The petition of citizens of New York, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of citizens of New York, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. MARSH: The petition of Porter & Bigelow, publishers of the Record, Alledo, Illinois, and of J. B. & H. N. Patterson, for the reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. MCCOID: Memorial of the Board of Trade of Burlington, Iowa, asking for the improvement of the Mississippi River—to the Committee on Commerce.

By Mr. MCGOWAN: The petition of A. C. Culver, editor of the Quincy Times, and C. W. Bennett, editor of the Literary Reporter, of Quincy, Michigan, that materials used in the manufacture of paper be placed on the free list, and for the reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of Carleton & Van Antwerp, publishers of the daily and weekly Patriot, of Jackson, Michigan, of similar import—to the same committee.

By Mr. MCMAHON: The petition of L. A. Weaver and others, for

the protection of innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of L. A. Weaver and others, for the passage of Reagan's interstate-commerce bill—to the Committee on Commerce.

Also, the petition of William Page and other soldiers, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. MILES: The petition of Gould & Stiles, publishers of the Farmer, Bridgeport, Connecticut, for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. MONROE: The petitions of Messrs. Wickham & Gibbs, proprietors of Norwalk Reflector, of J. D. Lawler, publisher of the Record, North Amherst, Ohio, and of F. S. Reedy, publisher of the Constitution, and S. E. Wurst, publisher of the Poultry Nation, Elyria, Ohio, of similar import—to the same committee.

By Mr. MURCH: The petition of the firm of Cobb, Wright & Norton, and 45 other ship-owners and ship-masters, citizens of Rockland, Maine, for the abolition of compulsory pilotage—to the Committee on Commerce.

By Mr. MYERS: The petition of W. R. Brownlee, William M. Kinard, George Winter, and William M. Croon, publishers, of Anderson, Indiana, for the removal of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. NEWBERRY: The petition of ten savings-banks in Chicago and elsewhere in Illinois, for the passage of the bill (H. R. No. 3436) in reference to the taxation of savings-banks—to the same committee.

By Mr. O'CONNOR: The petition of William M. Thomas, of Charleston, South Carolina, for compensation for a cotton-mill taken and sold by the Government—to the Committee of Claims.

By Mr. ORTH: The petition of Owen Johnson, for the removal of the charge of desertion—to the Committee on Military Affairs.

Also, the petition of E. B. Martindale and others, of Indiana, that certain articles used in the manufacture of paper be placed on the free list, and for a reduction of the duty on paper—to the Committee of Ways and Means.

Also, the petition of citizens of La Fayette, Indiana, for an equalization of bounties—to the Committee on Military Affairs.

By Mr. PHELPS: The petitions of Robert R. Russell and others, and of O. J. Ramsey and 25 others, soldiers of New Haven, Connecticut, for the passage of the Weaver soldier bill—to the same committee.

By Mr. PHILIPS: The petition of ex-soldiers in the seventh congressional district of Missouri, for the passage of the equalization bounty bill—to the same committee.

By Mr. PHISTER: The petition of James Delong and others, citizens of Kentucky, for pay for services rendered the United States during the late war—to the Committee on War Claims.

Also, the petition of John P. Riffe and 85 others, Union soldiers and citizens of Johnson, Lawrence, and Carter Counties, Kentucky, that soldiers in the late war be paid the difference between greenbacks and gold—to the Committee on Military Affairs.

Also, the petition of F. M. Castle and 89 others, Union soldiers and citizens of Johnson, Lawrence, and Carter Counties, Kentucky, for the equalization of bounties—to the same committee.

By Mr. PRICE: The petition of citizens of Jones County, Iowa, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of citizens of Iowa, for relief from railroad corporations—to the Committee on Commerce.

Also, the petition of citizens of Jones County, Iowa, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of citizens of Jackson County, Iowa, for an amendment of the patent laws—to the Committee on Patents.

By Mr. SAPP: The petition of citizens of Iowa, of similar import—to the same committee.

Also, the petition of citizens of Iowa, for legislation regulating interstate commerce—to the Committee on Commerce.

By Mr. SAWYER: The petition of soldiers, citizens of Cass County, Missouri, for the passage of a law equalizing bounties—to the Committee on Military Affairs.

Also, the petition of J. Dunn and 30 others, soldiers and citizens, of Cass County, Missouri, against the passage of Senate bill No. 496, as unjust to pensioners of the late war—to the Committee on Invalid Pensions.

By Mr. STEVENSON: The petitions of John W. Hoffman, of Pekin; of J. H. Reed, of Delevan; and of L. L. Burr, of Bloomington, Illinois, that materials used in the manufacture of printing-paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. STONE: The petition of A. V. Phister, editor of the Hubbardston Advertiser, of similar import—to the same committee.

Also, the petition of Marcus Buell and 28 others, citizens of Kent County, Michigan, for legislation to relieve the people from the oppressions of transportation monopolies—to the Committee on Commerce.

Also, the petition of Marcus Buell and 25 others, citizens of Kent County, Michigan, for the amendment of the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. THOMAS: The petition of Messrs. Beem & Richards, editors and publishers of the Duquoin Tribune, that materials used in

the manufacture of paper be placed on the free list, and for the reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. TUCKER: The petition of citizens of Virginia, for a pension or other relief for Ellen Cogan—to the Committee on Invalid Pensions.

By Mr. J. T. UPDEGRAFF: The petition of William Weaver and others, citizens of Columbiana County, Ohio, against railroad monopolies—to the Committee on Commerce.

By Mr. THOMAS UPDEGRAFF: The petition of 75 ex-soldiers, citizens of the third congressional district of Iowa, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of 72 citizens of Fayette County, Iowa, of whom 21 are ex-soldiers, for the passage of the Weaver soldier bill—to the same committee.

Also, the petition of 75 ex-soldiers, citizens of the third congressional district of Iowa, against the passage of the bill known as the sixty-surgeon pension bill, being Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: The petition of soldiers of New York, against the passage of Senate bill No. 496—to the same committee.

Also, the petition of citizens of Chili, New York, against the oppression of railroad corporations—to the Committee on Commerce.

Also, the petition of citizens of Chili, New York, for the amendment of the patent laws—to the Committee on Patents.

By Mr. VOORHIS: The petition of citizens of New Jersey, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of citizens of New Jersey, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. WAIT: The petitions of Nathaniel Hancox and others, and of Peleg Hancox and others, citizens of Connecticut, for a change in the pilot laws—to the Committee on Commerce.

Also, the petition of George W. Fanning, to be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. WASHBURN: The petition of John Doherty and others, citizens of Grant County, Minnesota, that the patent laws be amended—to the Committee on Patents.

Also, the petition of John Doherty and others, citizens of Grant County, Minnesota, for legislation restricting railroad exactions and discriminations—to the Committee on Commerce.

By Mr. WEAVER: The petition of Atherton Clark, of Bureau Junction, and 24 others, and of William Brennan, of Lake, Illinois, and others; of Henry McFarlan, of Newton, and 21 others, and of C. F. Steele, of Jefferson County, Iowa, and 59 others; of Nicholas Gaus and 789 others, of Saint Louis, Missouri; of Philo B. Whitty and 78 others, of Van Ettenville, New York; of Robert Sawyer, of Alum Rock, and 19 others; of J. T. Conlin, of Monongahela City, and 21 others; of J. R. Overdorf, of Brush Valley, and 18 others; of John Stumpf, of Gilpin, and 20 others; of Henry Aul, of Georgeville, and 30 others; of Samuel Marker, of Monongahela City, and 20 others; of J. B. Elder, of Plumville, and 19 others; of G. W. Brink, of Decker's Point, and 192 others; of Samuel Jones, of Clarion County, Pennsylvania, and 169 others; and of E. W. Palmer, of Dane County, Wisconsin, and 42 others, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. WRIGHT: The petition of Roderick Munroe and 70 others, citizens of Fitchburgh, Massachusetts, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

IN SENATE.

MONDAY, February 23, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

Mr. BAYARD. Mr. President, yesterday, being Sunday, was the 22d day of February and the birthday of George Washington. To-day being the first secular day thereafter, I move that the Senate do now adjourn in respect to his memory.

Mr. EDMUNDS. I second the motion, Mr. President.

Mr. McDONALD. Mr. President—

The VICE-PRESIDENT. The question is on the motion of the Senator from Delaware, which is not debatable.

Mr. McDONALD. I know that it is not a debatable motion; and I simply desire to give notice that to-morrow I shall ask for a final vote on Senate bill No. 19, which is now the unfinished business.

Mr. BAILEY. I ask the Senator from Delaware to give way for a moment to allow me to submit an amendment.

Mr. BAYARD. Very well.

Mr. BAILEY. I wish to submit an amendment intended to be proposed by me to the bill (H. R. No. 3288) for the relief of colored emigrants; and I move that it be printed.

The motion was agreed to.

The VICE-PRESIDENT. The question is on the motion of the Senator from Delaware that the Senate do now adjourn.

The motion was agreed to; and (at twelve o'clock and twelve minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 23, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Friday was read and approved.

ADMISSIONS TO THE FLOOR.

The SPEAKER. The Chair is requested by the gentleman from Massachusetts, Mr. MORSE, to ask the privilege of the floor for Hon. F. O. Prince, mayor of Boston, and a committee of both branches of the city council of Boston during their stay in the city. The Chair is also requested by the gentleman from North Carolina, Mr. DAVIS, to ask the same privilege for Mr. Jordan, of that State.

The being no objection, the requests were granted.

Mr. FROST. I make the same request on behalf of Mr. Naylor and Mr. Russell, members of the Missouri Legislature.

Mr. ALDRICH, of Rhode Island. I make the same request for N. Van Slyck, city solicitor of Providence, Rhode Island, and a member of the democratic national committee.

Mr. RICHMOND. I make the same request on behalf of Hon. John T. Lovell, State senator of Virginia and chairman of the democratic State committee.

Mr. WILSON. I make the same request on behalf of Colonel Alexander Campbell, of West Virginia, a member of the democratic national committee.

Mr. STEPHENS. I ask the same privilege for George D. Barnes, of Georgia.

There being no objection, the several requests were granted.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FROST, for two weeks, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at twenty-five minutes past twelve o'clock. This being Monday, the first business in order during the morning hour is the call of States and Territories for the introduction on leave of bills and joint resolutions for reference to their appropriate committees. During this call memorials and resolutions of State and territorial Legislatures are in order, and also resolutions calling for executive information, for reference to appropriate committees.

Mr. MCGINNIS. I rise to a question of order. I wish to inquire of the Chair whether the call will begin where it left off last Monday.

The SPEAKER. It will. Under the practice, for there is no rule on the subject, the call will commence where it left off last Monday with the State of Colorado. The equity of the practice is that each State shall have an equal number of calls. It is in analogy with the rule as to resuming business when the same class of business is reached.

THOMPSON, HORN & CO.

Mr. BELFORD introduced a bill (H. R. No. 4631) for the relief of Thompson, Horn & Co., of Trinidad, Colorado; which was read a first and second time, and referred to the Committee on Indian Affairs.

HEIRS OF JOHN S. FILLMORE.

Mr. BELFORD also introduced a bill (H. R. No. 4632) for the relief of the heirs of John S. Fillmore, late of Denver, Colorado; which was read a first and second time, and referred to the Committee on Commerce.

ACCOUNTS OF ARMY AND NAVY OFFICERS.

Mr. BELFORD also introduced a bill (H. R. No. 4633) to re-enact and continue in force the act of June 23, 1870, entitled "An act to authorize the settlement of the accounts of officers of the Army and Navy;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PATENTS FOR PRIVATE LAND CLAIMS.

Mr. BELFORD (by request) also introduced a bill (H. R. No. 4634) to amend section 2447 of the Revised Statutes of the United States, in relation to the issue of patents for private land claims confirmed by act of Congress; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

FRED. PHILLIPS.

Mr. AINSLIE introduced a bill (H. R. No. 4635) for the relief of Fred. Phillips, of Idaho Territory; which was read a first and second time, and referred to the Committee on Indian Affairs.

UTAH AND NORTHERN RAILWAY COMPANY.

Mr. AINSLIE also introduced a bill (H. R. No. 4636) in relation to the Utah and Northern Railway Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

WYOMING, MONTANA AND PACIFIC RAILROAD COMPANY.

Mr. AINSLIE also introduced a bill (H. R. No. 4637) creating the Wyoming, Montana and Pacific Railroad Company, a corporation organized under the laws of the Territory of Wyoming, and for other purposes; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

CHARLES H. FRANK.

Mr. FARR introduced a bill (H. R. No. 4638) granting an increase of pension to Charles H. Frank; which was read a first and second time, and referred to the Committee on Invalid Pensions.

STREETS AND ALLEYS IN WASHINGTON AND GEORGETOWN.

Mr. COX introduced a bill (H. R. No. 4639) to legalize the changes in certain streets and alleys in Washington and Georgetown; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

PETER E. PALEN.

Mr. FERDON introduced a bill (H. R. No. 4640) for the relief of Peter E. Palen, second lieutenant Company C, One hundred and forty-third New York Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

BANKRUPT LAW.

Mr. VAN VOORHIS introduced a bill (H. R. No. 4641) to repeal an act entitled "An act to repeal the bankrupt law," approved June 7, 1878; which was read a first and second time.

Mr. COX. I would like to hear that bill read at length.

The bill was read in full, and referred to the Committee on the Judiciary, and ordered to be printed.

SALE OF INTOXICATING LIQUORS TO INDIANS.

Mr. PIERCE introduced a bill (H. R. No. 4642) to amend section 2139 of the Revised Statutes of the United States, relating to the sale or giving of intoxicating liquors to Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HAMPDEN MOORE AND OTHERS.

Mr. BRIGHAM introduced a bill (H. R. No. 4643) for the relief of Hampden Moore and others, heirs of Eli Moore, deceased; which was read a first and second time, and referred to the Committee of Claims.

PUBLIC BUILDING IN NEW YORK CITY.

Mr. BRIGHAM also introduced a bill (H. R. No. 4644) to amend an act entitled "An act for the construction of a public building for use by the United States Government in the city of New York," approved June 15, 1878; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SOPHIA PARKER.

Mr. BLAKE introduced a bill (H. R. No. 4645) granting a pension to Sophia Parker; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HEIRS OF CORNELIUS BOYLE.

Mr. HARMER introduced a bill (H. R. No. 4646) for the relief of the heirs of Cornelius Boyle; which was read a first and second time, and referred to the Committee for the District of Columbia.

CULTIVATION OF CINCHONA.

Mr. KELLEY introduced a bill (H. R. No. 4647) to provide for the introduction and cultivation of the cinchona plant in the United States; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

CAPTAIN NATHANIEL R. HARRIS.

Mr. BINGHAM introduced a bill (H. R. No. 4648) for the relief of Captain Nathaniel R. Harris; which was read a first and second time, and referred to the Committee on Military Affairs.

G. W. TOWN POST, NO. 46, GRAND ARMY OF THE REPUBLIC.

Mr. BINGHAM also introduced a bill (H. R. No. 4649) donating condemned cannon and cannon-balls, or field-pieces, to G. W. Town Post, No. 46, Grand Army of the Republic, for their meeting-room; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JACOB LUSKEY.

Mr. BINGHAM also introduced a bill (H. R. No. 4650) granting an increase of pension to Jacob Luskey; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PHILIP J. LANGER.

Mr. BINGHAM also introduced a bill (H. R. No. 4651) to place on the retired list of the Navy Philip J. Langer; which was read a first and second time, and referred to the Committee on Invalid Pensions.

COURT OF PENSIONS.

Mr. COFFROTH introduced a bill (H. R. No. 4652) to organize a court of pensions; which was read a first and second time.

Mr. COFFROTH. I ask that the bill be read at length.

The bill was read in full, and referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

JOHN SHARPE.

Mr. COFFROTH also introduced a bill (H. R. No. 4653) for the relief of John Sharpe, of Pennsylvania; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN KEEFFE.

Mr. COFFROTH also introduced a bill (H. R. No. 4654) granting arrears of pension to John Keeffe; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZABETH WOLF.

Mr. COFFROTH also introduced a bill (H. R. No. 4655) granting a pension to Elizabeth Wolf; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WELLINGTON SHAFFER.

Mr. COFFROTH also introduced a bill (H. R. No. 4656) granting a pension to Wellington Shaffer; which was read a first and second time, and referred to the Committee on Invalid Pensions.

EMPLOYÉS IN RAILWAY MAIL SERVICE.

Mr. RYON, of Pennsylvania, introduced a bill (H. R. No. 4657) to designate, classify, and fix the salaries of persons in the railway mail service; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

HARBOR OF ANNAPOLIS, MARYLAND.

Mr. KIMMEL presented a joint resolution of the Legislature of the State of Maryland, relative to the removal of the obstructions to the harbor of Annapolis, Maryland; which was referred to the Committee on Commerce.

ALEXANDER WHITE.

Mr. CABELL introduced a bill (H. R. No. 4658) to relieve Alexander White, late a private of Company B, Tenth Michigan Cavalry Volunteers, of the charge of desertion; which was read a first and second time, and referred to the Committee on Military Affairs.

VIRGINIA A. WYATT.

Mr. GOODE introduced a bill (H. R. No. 4659) for the relief of Virginia A. Wyatt; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

JAMES L. CARDWELL.

Mr. SCALES introduced a bill (H. R. No. 4660) for the relief of James L. Cardwell; which was read a first and second time, and referred to the Committee of Ways and Means.

INDEX OF PATENT OFFICE LIBRARY.

Mr. VANCE introduced a bill (H. R. No. 4661) to enable the Commissioner of Patents to prepare an index to the technical books in the Patent Office library; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

INTERNAL REVENUE.

Mr. VANCE also introduced a bill (H. R. No. 4662) to amend the internal-revenue laws, and to prevent abuses in the administration of justice in the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAINT MICHAEL'S CHIMES, CHARLESTON, SOUTH CAROLINA.

Mr. O'CONNOR introduced a bill (H. R. No. 4663) to admit free of duty one of the bells of Saint Michael's chimes, Charleston, South Carolina, which has been sent to England to be recast; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. STEPHENS (by request) introduced a bill (H. R. No. 4664) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

GEORGIA INTERNAL IMPROVEMENTS.

Mr. COOK introduced a bill (H. R. No. 4665) to provide for the removal of obstructions from, and the improvement of, the navigation of the Altamaha River, in the State of Georgia, and to make appropriation therefor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. COOK also introduced a bill (H. R. No. 4666) to provide for the removal of obstructions from, and the improvement of, the Oconee River, in the State of Georgia, and to make appropriation therefor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. COOK also introduced a bill (H. R. No. 4667) to provide for the removal of obstructions from, and the improvement of, the navigation of the Ocmulgee River, in the State of Georgia, and to make appropriation therefor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PAPER ON THE FREE LIST.

Mr. MULBROW introduced a bill (H. R. No. 4668) to place paper suitable for books and newspapers on the free list; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MARY O'CONNOR.

Mr. ELLIS introduced a bill (H. R. No. 4669) for the relief of Mary O'Connor, of Beaufort, South Carolina; which was read a first and second time, and referred to the Committee of Claims.

MOUTH OF RED RIVER.

Mr. ELLIS also presented a joint resolution of the Legislature of Louisiana, in regard to the mouth of the Red River; which was referred to the Committee on Commerce.

JAMES M. WILBUR.

Mr. ELLIS also introduced a bill (H. R. No. 4670) for the relief of James M. Wilbur; which was read a first and second time, and referred to the Committee of Claims.

RED RIVER.

Mr. GIBSON introduced a bill (H. R. No. 4671) to provide for deepening the mouth of Red River, and appropriating \$200,000 for this purpose; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POST-ROUTE BETWEEN UNITED STATES AND CENTRAL AMERICA, ETC.

Mr. GIBSON also introduced a bill (H. R. No. 4672) to authorize and direct the Postmaster-General to establish a post-route and mail facilities between the United States and Central America and the Bay Islands; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HISTORY OF LOUISIANA TERRITORY, ETC.

Mr. GIBSON also introduced a bill (H. R. No. 4673) to authorize the Secretary of State to appoint agents to procure copies of all papers in possession of the Governments of Great Britain, of France, and Spain relating to the history of Louisiana Territory and East and West Floridas; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MOUTH OF RED RIVER.

Mr. GIBSON also submitted joint resolution of the General Assembly of the State of Louisiana, in relation to the improvement of the mouth of Red River; which was referred to the Committee on Commerce.

IMPROVEMENT OF RED RIVER.

Mr. KING introduced a bill (H. R. No. 4674) to deepen and improve the mouth of Red River, Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DIPLOMATIC AND CONSULAR OFFICERS.

Mr. KING also introduced a bill (H. R. No. 4675) to provide for the payment of diplomatic and consular officers while in the United States under orders from the State Department; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

GRAIN BLOCKADE.

Mr. HILL introduced a joint resolution (H. R. No. 220) inquiring into the evils of the present grain blockade in this country; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MILLARD D. TYLER.

Mr. FINLEY introduced a bill (H. R. No. 4676) for the relief of Millard D. Tyler, late of Company D, Eighty-first Regiment Ohio Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

HELEN S. MEADER.

Mr. FINLEY (by request) also introduced a bill (H. R. No. 4677) for the relief of Helen S. Meader, widow of John B. Meader, deceased; which was read a first and second time, and referred to the Committee of Claims.

CAROLINE HILGEMANN.

Mr. LE FEVRE introduced a bill (H. R. No. 4678) granting a pension to Mrs. Caroline Hilgemann; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PROMOTION IN THE ARMY.

Mr. LE FEVRE also introduced a bill (H. R. No. 4679) to adjust and equalize promotion in the Army to length of service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONTAGIOUS DISEASES.

Mr. LE FEVRE also introduced a bill (H. R. No. 4680) for the suppression of infectious and contagious diseases of domestic animals; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

PENSION COMMISSION.

Mr. WARNER introduced a bill (H. R. No. 4681) to establish a pension commission; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES HENDRIX.

Mr. McMAHON introduced a bill (H. R. No. 4682) granting a pension to Charles Hendrix, Company H, Second Michigan Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLES RITTER.

Mr. McMAHON also introduced a bill (H. R. No. 4683) granting a pension to Charles Ritter; which was read a first and second time, and referred to the Committee on Invalid Pensions.

POSTAL FINES.

Mr. ATHERTON submitted the following resolution; which was referred to the Committee on the Post-Office and Post-Roads:

Resolved, That the Postmaster-General be requested to furnish to this House a list of the names of all persons employed in the postal service who have been fined during the time he has held the office of Postmaster-General, the amount of fine imposed upon each person and collected or retained out of the salary payable to such employé, and the disposition made by the Post-Office Department of such fines.

MRS. JANE BLACKMER.

Mr. DICKEY introduced a bill (H. R. No. 4684) granting arrears of pension to Mrs. Jane Blackmer, of Clinton County, Ohio; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

JOHN V. ADAMS.

Mr. DICKEY also introduced a bill (H. R. No. 4685) granting a pension to John V. Adams, of Highland County, Ohio; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

HARRIET GREEN.

Mr. DICKEY also introduced a bill (H. R. No. 4686) granting a pension to Harriet Green, of Brown County, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NANCY WEST.

Mr. DICKEY also introduced a bill (H. R. No. 4687) granting a pension to Nancy West, of Adams County, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DIANAH VAN PEARSE.

Mr. LE FEVRE introduced a bill (H. R. No. 4688) granting a pension to Dianah Van Pearse, widow of Captain John Pearse; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

MARY E. MELINE.

Mr. LE FEVRE also introduced a bill (H. R. No. 4689) granting a pension to Mary E. Meline, widow of Major James F. Meline; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

EDWARD A. ELLSWORTH.

Mr. BUTTERWORTH introduced a bill (H. R. No. 4690) for the relief of Edward A. Ellsworth, of Cincinnati, Ohio; which was read a first and second time, and referred to the Committee on Military Affairs.

J. M. DARLING.

Mr. KEIFER introduced a bill (H. R. No. 4691) for the relief of J. M. Darling, postmaster at Boke's Creek, Union County, Ohio; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

JONATHAN L. GUTHRIDGE.

Mr. KEIFER also introduced a bill (H. R. No. 4692) for the relief of Jonathan L. Guthridge, postmaster at Mingo, Champaign County, Ohio; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

GEORGE W. COX.

Mr. KEIFER also introduced a bill (H. R. No. 4693) granting a pension to George W. Cox, late a private Company A, First Regiment United States Army; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ABOLITION OF TAX ON TOBACCO.

Mr. BLACKBURN introduced a bill (H. R. No. 4694) to abolish the tax upon tobacco; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

REDUCTION OF TAX ON DISTILLED SPIRITS.

Mr. BLACKBURN also introduced a bill (H. R. No. 4695) to reduce the tax on distilled spirits to fifty cents on each proof gallon; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

GRANVILLE GARNETT.

Mr. BLACKBURN also introduced a bill (H. R. No. 4696) for the relief of Granville Garnett, of Owen County, Kentucky; which was read a first and second time, and referred to the Committee of Claims.

PUBLIC BUILDING AT OWENSBORO, KENTUCKY.

Mr. McKENZIE introduced a bill (H. R. No. 4697) to provide for the purchase of suitable grounds in the city of Owensboro, in the State of Kentucky, and the erection thereon of a public building for post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JAMES T. STEELE.

Mr. CARLISLE introduced a bill (H. R. No. 4698) to increase the pension of James T. Steele, of Covington, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN B. DAVIS.

Mr. WILLIS introduced a bill (H. R. No. 4699) for the relief of John B. Davis; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

AMENDMENT OF REVISED STATUTES.

Mr. THOMAS TURNER introduced a bill (H. R. No. 4700) to amend section 4662 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EASTERN BAND OF CHEROKEE INDIANS.

Mr. DIBRELL introduced a bill (H. R. No. 4701) to protect that part of the Eastern band of Cherokee Indians living in the States of Tennessee and Georgia; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES PARKS.

Mr. DIBRELL also introduced a bill (H. R. No. 4702) for the relief of James Parks, postmaster at Ducktown, Tennessee; which was read a first and second time, and referred to the Committee of Claims.

PROTECTION OF CAPITOL AGAINST FIRE.

Mr. DIBRELL (by request) also introduced a joint resolution (H. R. No. 221) authorizing the architect of the Capitol to purchase such number of fire-extinguishing machines as may in his judgment be necessary to protect the Capitol building from danger by fire; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

STEPHEN GUPTON.

Mr. BICKNELL introduced a bill (H. R. No. 4703) granting a pension to Stephen Gupton; which was read a first and second time, and referred to the Committee on Invalid Pensions.

W. C. HULL.

Mr. BICKNELL also introduced a bill (H. R. No. 4704) for the relief of W. C. Hull, late captain Sixty-seventh Regiment Indiana Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

PUBLIC BUILDING AT NEW ALBANY, INDIANA.

Mr. BICKNELL also introduced a bill (H. R. No. 4705) to provide a building for the use of the United States courts, the post-office, and internal-revenue officers at New Albany, Indiana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GEORGE OTIS.

Mr. COLERICK introduced a bill (H. R. No. 4706) to restore the name of George Otis, of Etna, Whitley County, Indiana, to the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LEGACY AND SUCCESSION TAXES.

Mr. FROST introduced a bill (H. R. No. 4707) to release legacy and succession taxes, and for other purposes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

THERESA SUMMERS.

Mr. PHILIPS introduced a bill (H. R. No. 4708) for the relief of Theresa Summers, widow and administratrix of Benjamin Summers, deceased; which was read a first and second time, and referred to the Committee on War Claims.

THOMAS MAHAN.

Mr. PHILIPS also introduced a bill (H. R. No. 4709) to place on the pension-roll of Mexican soldiers the name of Thomas Mahan, of Cole County, Missouri; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SECTION 2260, REVISED STATUTES.

Mr. GUNTER introduced a bill (H. R. No. 4710) to amend section 2262 of the Revised Statutes, in relation to proof required in pre-emption cases; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SECTION 4047 REVISED STATUTES.

Mr. DUNN introduced a bill (H. R. No. 4711) to amend section 4047 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CACHE RIVER, ARKANSAS.

Mr. DUNN also introduced a bill (H. R. No. 4712) to authorize the Secretary of War to cause a survey of the Cache River, in the State of Arkansas, and for the improvement of the same; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PAMELIA SMITH.

Mr. WILLITS introduced a bill (H. R. No. 4713) granting a pension to Pamela Smith, of Monroe, Michigan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JURISDICTION OF LIGHT-HOUSE BOARD.

Mr. HULL introduced a bill (H. R. No. 4714) amending an act approved June 23, 1874, extending the jurisdiction of the Light-House Board; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GULBRAND HALVORSEN.

Mr. DEERING introduced a bill (H. R. No. 4715) for the relief of the heirs of Gulbrand Halvorsen, of Forest City, Iowa; which was read a first and second time, and referred to the Committee of Claims.

OSAGE NATIONAL BANK.

Mr. DEERING also introduced a bill (H. R. No. 4716) to authorize the Comptroller of the Currency to issue \$9,000 in new notes to the Osage National Bank, at Osage, Iowa, to replace a like amount which have never been signed; which was read a first time by its title.

Mr. WHITTHORNE. Let the bill be read at length.

The bill was read the second time in full, and was referred to the Committee on Banking and Currency, and ordered to be printed.

JOHN HANCOCK.

Mr. BOUCK introduced a bill (H. R. No. 4717) for the relief of John Hancock; which was read a first and second time, and referred to the Committee on Military Affairs.

HARBOR AT STURGEON BAY, WISCONSIN.

Mr. BOUCK also presented a memorial of the Legislature of the State of Wisconsin, for an appropriation to build a breakwater and harbor at the entrance to the harbor of refuge, Sturgeon Bay, Wisconsin; which was referred to the Committee on Commerce.

DR. EMIL BESSELS.

Mr. DEUSTER introduced a bill (H. R. No. 4718) for the relief of Dr. Emil Bessels; which was read a first and second time, and referred to the Committee of Claims.

OTTO D. GABRIELSON.

Mr. DEUSTER also introduced a bill (H. R. No. 4719) granting a pension to Otto D. Gabrielson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FRANCO-AMERICAN COMMERCIAL TREATY.

Mr. PAGE presented a concurrent resolution of the Legislature of California, instructing their Senators and requesting their Representatives to use all honorable means to defeat the proposed Franco-American commercial treaty, and to inform Congress that the people of California, of all political parties, are adverse to any treaty or law which shall endanger their home industries, especially that of viticulture; which was referred to the Committee of Ways and Means.

HUMBOLDT BAY, CALIFORNIA.

Mr. PAGE also presented a concurrent resolution of the Legislature of California, instructing their Senators and requesting their Representatives in Congress to procure an appropriation of \$30,000 for dredging and improving Humboldt Bay for purposes of navigation; which was referred to the Committee on Commerce.

EMMA JOHNSON.

Mr. DUNNELL introduced a bill (H. R. No. 4720) granting a pension to Emma Johnson, widow of John Johnson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN HURLBURT.

Mr. DUNNELL also introduced a bill (H. R. No. 4721) granting a pension to John Hurlburt; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

SEA-GOING STEAM-VESSELS.

Mr. DUNNELL also introduced a bill (H. R. No. 4722) to provide for the better security of life on sea-going steam-vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PACIFIC SUBMARINE AND EARTHQUAKE-PROOF WALL COMPANY.

Mr. DAVIS, of California, introduced a bill (H. R. No. 4723) to liquidate the indebtedness due the Pacific Submarine and Earthquake-proof Wall Company; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

C. N. FELTON.

Mr. DAVIS, of California, also introduced a bill (H. R. No. 4724) for the relief of C. N. Felton, late assistant treasurer of the United States at San Francisco, California; which was read a first and second time, and referred to the Committee of Claims.

CHANGE OF DUTIES.

Mr. DAVIS, of California, also introduced a bill (H. R. No. 4725) to amend existing duties; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

TAXING RAILROAD LANDS.

Mr. ANDERSON introduced a bill (H. R. No. 4726) to provide for the taxation of certain lands granted by Congress to aid in the construction of certain railway and telegraph lines; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

HENRY C. WILLIAMS.

Mr. ANDERSON also introduced a bill (H. R. No. 4727) granting a pension to Henry C. Williams; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HIRAM C. HENDERSON.

Mr. ANDERSON also introduced a bill (H. R. No. 4728) granting a pension to Hiram C. Henderson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

R. S. MORGAN.

Mr. KENNA introduced a bill (H. R. No. 4729) for the relief of R. S. Morgan; which was read a first and second time, and referred to the Committee of Claims.

CHINESE INDEMNITY FUND.

Mr. WILSON introduced a joint resolution (H. R. No. 222) for the disposition of the fund under the control of the Secretary of State known as the "Chinese indemnity fund;" which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

NEBRASKA INDIAN WAR CLAIMS.

Mr. VALENTINE introduced a bill (H. R. No. 4730) to reimburse the State of Nebraska for money appropriated by said State to pay for arming and equipping a company of territorial militia for service on the western borders, in protecting the settlers from hostile Indians, in the years 1861 and 1862; which was read a first and second time, and referred to the Committee on the Territories.

JOHN R. BROWNE.

Mr. VALENTINE also introduced a bill (H. R. No. 4731) for the relief of John R. Browne, late postmaster at Beaver City, Nebraska; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

HENRY GREBE.

Mr. VALENTINE also introduced a bill (H. R. No. 4732) for the relief of Henry Grebe, of Omaha, Nebraska; which was read a first and second time, and referred to the Committee on the Judiciary.

JOHN D. HALE.

Mr. VALENTINE also introduced a bill (H. R. No. 4733) for the relief of John D. Hale; which was read a first and second time, and referred to the Committee on Indian Affairs.

WESLEY MONTGOMERY.

Mr. VALENTINE also introduced a bill (H. R. No. 4734) for the relief of Wesley Montgomery, of Cass County, Nebraska; which was read a first and second time, and referred to the Committee on Public Lands.

ENROLLED JOINT RESOLUTION AND BILLS.

Mr. THOMPSON, of Iowa, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (S. R. No. 80) authorizing the Secretary of the Navy to transport contributions for the support of the suffering poor of Ireland;

An act (H. R. No. 2003) for the relief of J. P. Zimmerman and H. P. Snow, of Clinton County, Kentucky; and

An act (H. R. No. 2785) authorizing the Secretary of the Treasury to appoint a deputy collector at Lake Charles, Louisiana.

ADMISSION TO THE FLOOR.

Mr. HUNTON. I ask unanimous consent that the members of the national democratic executive committee, now in session in this city, be admitted to the privilege of the floor of the House during their stay here.

There being no objection, the request was granted.

DEATH OF HON. A. M. LAY.

Mr. PHILIPS. I call for the regular order.

The SPEAKER. The hour of half past one o'clock having arrived, the Clerk will read the resolution of the House fixing the order of proceeding for that hour to-day.

The Clerk read as follows:

Resolved, That the special order for Monday, February 23, at half past one o'clock, shall be the presentation of suitable resolutions on the death of Hon. A. M. LAY, late member of the Forty-sixth Congress, and the expression by the members of the esteem in which his memory is held.

Mr. PHILIPS. Mr. Speaker, even if no memorial occasion were present with its swelling tide of reflections, I would have been reminded on my return to this House, after a brief absence, that death had been busy here. I miss some well-remembered faces that on a yesterday all but were flushed with health and beaming with the pride of intellect. They have gone

The way to dusty death.

Broad as is that way, how it has been thronged in these latter years with Presidents, Senators, and Representatives.

As I come to-day to offer this tribute of respect upon the new-made grave of my lamented predecessor, a troop of recollections, sad and pleasing, pass in review before me. The innocence of childhood, the buoyancy of youth, the panting ambition of manhood, the charm and rapture of true love that made a heaven of his domestic life, the conflicts, defeats, and triumphs of the forum and the hustings, all pass before my view, and I see how well he lived and how untimely he died.

ALFRED MORRISON LAY was born May the 20th, A. D. 1836, in Lewis County, Missouri, and died in this city on the 8th day of December, A. D. 1879. He came of a parentage that belonged to the rugged, bold class of pioneers who, with no fortune but a stout heart and without patrimony or heraldry, crossed to the western bank of the Mississippi and drove back the savage and subdued the wilderness to make way for that splendid civilization which to-day points out Missouri among the constellation of States as the fifth in the American Union.

In 1842 he removed with his parents to Benton County, Missouri, and there drank the inspiration of his political tenets from the great Senator whose name this county bears. He graduated from Bethany College, Virginia, in 1856.

Selecting the law for his profession, he was admitted to the bar in 1857, and located at Jefferson City, the capital of the State. With such assiduity did he apply himself to his profession and such attainments had he made that in 1860 he was appointed United States district attorney for the western district of Missouri.

It was in the performance of the duties of this office that I first met him professionally and learned something of his rare qualities as a lawyer. This office he resigned in 1861. Yielding to what he and others in Missouri then believed to be a duty of obedience to the call of the governor of the State, he enlisted in the State Guards; and in the gathering storm of war then settling over the border line separating the slaveholding from the non-slaveholding States he was soon swept into the ranks of the confederate army. With his characteristic patience and fidelity he is represented to have served his cause as private and officer with admirable courage.

The war ending, he returned to his home, broken in fortune and under the ban of political proscription. He had, however, that proud legacy left, his personal honor and pride, and through the clouds of misfortune there shone the light of the glad smile of her who waited his coming, to bid him look now toward the high summit of glory in the ascending path of his profession. Accepting with philosophic resignation the fate of war, he bent his energies anew to the study and practice of the law and soon found his way to the front at a bar eminent for its talent. He may not have possessed the charm of popular oratory or that vehemence of temper that leads into mere declamation, but his logic was clear and forceful and his analysis was often complete. He knew the law and he knew men. These made him formidable before the judge on the bench and the jury in the box. Possessed of that innate kindness of heart and keen sense of the right which impart to human nature its fascination and nobility, he seldom gave offense, and drew to him troops of friends. His rank as a lawyer and personal popularity designated him as one most fit to aid his State in the reconstruction of its organic law. Accordingly he was elected a member of the constitutional convention of 1875, and the present constitution of the State, whatever be its merits, is in part the product of his labor and thought.

But not these, Mr. Speaker, were the goal of his ambition. He plumed his feathers and fixed his eye for another perch. His aim was to sit as a popular Representative in this hall. This he never disguised. It was the temple upon whose turret his eye was fastened from childhood. To him it was not the vain delusion that haunts the steps of vagrant youth. It was not a dizzy path, to be trodden only by the favorites of fortune. Nor was it that ambition called "the last infirmity of noble minds," nor the consciousness of any extraordinary destiny in store for the child of genius. But it was the salient point of attainment to a resolute, healthy mind, of a man self-poised and impelled by an honorable purpose.

How he fought and yielded not until he won his object is the highest evidence of his indomitable nature, and the best incentive his life has left on record to every American youth in whose breast burn the fires of laudable ambition.

Three successive canvasses he made for this office. Defeat, that would have crushed with disappointment or stung to sullen despair the pride of ordinary men, only roused the lion in him and set him furious for a renewal of the combat.

It was in the pursuit of the honors of a seat in this Hall that his health received its death-shock. The friction and tension of the struggle were too great for a delicate, nervous organism like his.

It was my fortune to be with him at his appointment in October, 1878, when he was first stricken with paralysis. That morning he was unusually buoyant in spirit. In the midst of his address, glowing with the fervor of his cause, a paralytic stroke, like electricity, shot through his frame, benumbing his left side and completely prostrating him. Impressed as he was with the belief that his hour had come, his self-possession was marked and his courage was splendid. But that which then shone out like quickening fire in his character, and sheds a halo of glory around the man and makes his memory

most fragrant to me, was the abounding love he exhibited for wife and children.

The complications of varied business affairs, the honors and glories of the world, had little place then in his mind. The glamour of all these faded into nothingness in the one yearning, burning desire that lighted his soul like "the lambent purity of the stars," for the presence of her who had loved, trusted, and cheered him in poverty as in riches, in shadow as in sunshine. Only if he could but fold her and the precious fruit of their wedded life to his bosom once more, he was ready to descend, as calm and intrepid as the grand marshal of Saxony, to his untimely grave. What a bright and beautiful page this is in the history of this man! It is as to all that might be writ or wrought on this national theater as the diamond to the ruby.

From this first attack Mr. LAY rallied but never recovered. Anxious to justify public expectation and to serve his party in its critical conjuncture, he came here and took his seat, only to realize in part the dream and desire of his life; for here he died in the shadow of the Capitol and in the arms of his wife.

You, his fellow-members, were not permitted to test the quality of his mind, nor to feel the mesmerism of his social nature. Nor was the country allowed to know what he might have done for it.

I know he would have done his duty faithfully and well. Eminently practical and conservative he had no visionary notions or a single atom of fanaticism in his political creed. He would have proven equally exempt from that rash spirit of empiricism which would tear to pieces the existing frame of society in quest of mere abstractions, and that coward spirit which would temporize with a palpable evil in government until it spread like a cancer over the body-politic, rather than put the knife to its root.

Conspicuous among his cluster of virtues were his candor and frankness. He was a close friend and an open enemy. As odor to the flower and azure to the sky, was truth to him. As gentle as a woman in repose, he was as stalwart as a grenadier in action. Nothing he sought for or won had the canker of lust or the breath of poison upon it. Faults and imperfections he had, for he was human. But he so lived and died as to little need the seal of the sepulcher to exclude "from its slumbering tenant the breath of envy" or reproach. He sleeps his last sleep at the seat of government of his native State, in sight of his consecrated home. As the dew of heaven, morning and evening, keeps redolent the flower, so the fond recollection of the multitudes who knew him, and the matin prayer and vesper hymn of the widowed heart, will not let his good name fade away.

Death has its conquest and the grave its gloom, but there is a victory over both.

All human bodies yield to Death's decree.
The soul survives to all eternity.

Mr. Speaker, I offer the resolutions which I send to the desk.
The Clerk read as follows:

Resolved, That this House has heard with profound regret of the death of Hon. ALFRED M. LAY, late a member of this House from the State of Missouri.

Resolved, That as a testimonial of respect to his memory the officers and members of this body will wear the usual badge of mourning for the space of thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk of this House to the family of the deceased.

Resolved, That the Clerk be directed to communicate a copy of these proceedings to the Senate, and that, as a further mark of respect to the memory of the deceased, the House do now adjourn.

Mr. KNOTT. One of the most pleasing characteristics of humanity is the universal disposition among men to honor their dead, to perpetuate the memory of their virtues while kindly covering their frailties with the beauteous mantle of charity. It is one of the remnants of a celestial nature left to a fallen race, and belongs to all classes and conditions of mankind. It is voiced alike in the funeral chant of the untutored savage and the wailing requiem that swells with its flood of mournful melodies the obsequies of the great. It is seen in the rude stone that marks the last resting-place of the toil-worn peasant and in the marble pomp that hides the moldering dust of departed grandeur.

In obedience to this generous impulse, as honorable to our nature as it is natural to the human heart, we have again paused in the midst of our labors here to testify our appreciation of the virtues illustrated in the life and character of one whom the "silent reaper" has taken from among us, and I ask the melancholy privilege of seconding the resolutions offered by the distinguished gentleman who has been chosen to succeed him upon the new theater of usefulness and honor he barely entered when summoned to a sphere beyond the dark waters of death.

There is no one on this floor, indeed, upon whom that mournful duty could be more appropriately devolved. My acquaintance with Mr. LAY commenced more than twenty years ago, and was rendered by the peculiar circumstances surrounding us more than ordinarily intimate and pleasant. He had but recently been graduated from Bethany College, Virginia, and prepared for the bar by a course of study in the office and under the tutelage of the then attorney-general for Missouri, and was just entering the arena of active manhood, with every promise of the successful professional career he subsequently achieved. He was shortly afterward appointed to the office of United States district attorney for the western district of Missouri, which he filled with marked ability and distinction for one so young until 1861, when he resigned.

Soon after I had the pleasure of forming his acquaintance he led to the marriage altar the object and idol of his youthful love, one of the most beautiful and accomplished daughters of his native Commonwealth, a lady whose charms of person and brilliancy of intellect were equaled only by her own amiability of disposition and nobility of soul, and who, as a wife, proved herself the choicest blessing God ever vouchsafed to man. In hope she was ever his bright incentive, in the hour of triumph she was his joy, in prosperity his pride, in adversity his solace, in pain and anguish his support, in all his constant companion, his guardian angel, his heaven-sent friend. "The beauteous vine which had twined itself so tenderly about the stalwart young oak, its ornament in the bright sunshine of joy, still clung with its loving tendrils to the shattered fragments when the stately tree was riven by the tempests of misfortune." When first I met them hand in hand, with their young hearts elate with joy and hope, they were radiant with the approving smiles of angels looking down upon them. When I saw them last, the still loving wife was bending in anguish over the cold, pale form of the husband to whom she had devoted her love and her life.

Intimately associated with Mr. LAY as I was, I enjoyed the amplest opportunities for becoming acquainted with the more prominent of his intellectual qualities as well as with the principles upon which his character was formed. His mind was at once acute and comprehensive, inclining more to solidity and usefulness than to mere brilliancy and ornament. His methods of thought were careful and painstaking, and his conclusions accurate and reliable. Never ostentatious or self-suggestive in asserting his opinions, his convictions were unusually strong, and never abandoned unless his judgment was clearly convinced of their incorrectness. He was consequently a man of singular decision of character, acting in everything from a conscientious sense of duty. His prompt, faithful, self-sacrificing obedience to this great motor of his nature was perhaps the most distinguished trait in a character remarkable among his acquaintances from his earliest manhood. What a deliberate conviction of duty dictated to be done he attempted at every hazard or at any sacrifice of personal convenience or comfort.

His heroic fidelity to his sense of duty was most strikingly illustrated by his course on the breaking out of the late unfortunate war between the States. He acted in that fearful emergency from no rash impulse, he was influenced by none of the allurements of military glory or political aggrandizement, but proceeded to consider calmly, coolly, and dispassionately what duty demanded at his hands, and his conclusion once attained, he closed his eyes to every other earthly consideration, to every thought of personal ease, to every aspiration of professional ambition, to the embraces of his young and beauteous wife, to the angelic smiles of his first-born babe, and all the endearments that clustered about his own happy hearth-stone, and, with his life in his hand, with sorrow, privation, toil, imprisonment, and death before him, entered the ranks of the confederate army as a private soldier, where the same courageous devotion to duty raised him to the rank of major.

I know something of the struggle that conclusion cost him, but from the moment it was reached I never saw him again until I met him at the opening of the extra session of the present Congress, where, impelled by the same supreme motive which had controlled him through life, he had dragged his shattered and emaciated form to the post of duty. What he might have achieved under the influence of such a sublime devotion to his convictions in the new arena to which he had been chosen had he not been cut down upon the threshold can now be only a theme for pleasing speculation.

As a citizen Mr. LAY was an ornament to the community in which he lived—intelligent, public-spirited, generous, honorable, and dignified. As a soldier he was courageous and faithful. As a lawyer he was learned, able, careful, and unswerving in his fidelity to his clients. As a friend he was candid, sincere, and disinterested. As a husband and father he was gentle, tender, and affectionate; and in all the relations of life he was modest, courteous, and truthful—

*Cui Pudor et Justitiæ soror,
Incorrupta Fides, undaque veritas
Quando ullum inveniet parem?*

Mr. CLARK, of Missouri. Mr. Speaker, it is painful when we come to pay the last sad tribute of respect to any departed associate and friend, but how much more poignant and bitter is the sorrow when we join in the memorial services of one struck down in the very beginning of a career so full of honorable promise of usefulness to his country and of just renown to himself. In no instance is this more true than in that of our lamented friend whose death we here to-day commemorate. I knew him from his boyhood when, studious and patient, he prepared himself for admission to the bar, buoyed up with the hope that eminence some day would crown his efforts in the legal profession. When he came to practice he was faithful, painstaking, exact in the preparation of his cases for trial. And when, at the early age of twenty-four, as the reward of systematic and energetic application, President Buchanan appointed him United States district attorney for the western district of Missouri, it was deemed by his professional brethren as deserved. He discharged the duties of this position with justness, fidelity, and applause until 1861, when he resigned it. Then civil war had begun. In the execution of a duty conscientious and deliberate he took sides and with all the energy and enthusiasm of

his nature went to work to organize the State Guards of Missouri for the purpose of co-operating with the forces of the Confederate States.

In this reference it is not my purpose to discuss whether Mr. LAY was right or wrong in taking the part of the South. As a fact he and his companions joined their fortunes with that side, submitting the result to the dread arbitrament of the sword, and although defeat came with all its humiliation, it was nevertheless accepted in good faith, and no man was more earnest than he in consigning to forgetfulness and deep oblivion the heart-burnings and gloomy episodes of the past. My motive is not to recall the horrors of this bloody and unfortunate page of our national history, but I cannot forget that amid these stormy scenes I first grew intimate with Mr. LAY, and learned to love him for the generous, manly, noble traits which were so characteristic of him. We stood together on many hard-fought fields of battle. We bivouacked under the same tree, often slept under the same blanket, shared the same scanty meal, endured the same hardships, were lifted up with the same hope, depressed by like disaster; we were indeed companions in arms, and when upon the same stricken field we surrendered our swords, we started together for our old homes, five hundred miles away, without money, threadbare, and sick at heart. He was tried in the furnace of war only to prove the fineness and purity of the metal of which he was made; and thus I knew him. His heart was tender as a girl's, and none wept more sincerely over the wounded and suffering foe than he did. If he were here to speak for himself it would be in honest applause of the endurance and courage of the Union soldiers. His aspect to the captive was as gentle as it was fierce and defiant to the enemy. He was the type of citizen, soldier, man which has added new wealth of honor to our national character.

When Mr. LAY at the close of the war resumed the practice of the law at his old home, he was surrounded with clients. He was trusted and admired as much by Union soldiers as by his old comrades.

His duty was a religion to him. What he believed to be right, that he did with all his force. His election to this House was considered doubtful. He put forth all his energies, mental and physical. Success came, but overwork had prostrated Mr. LAY upon a bed of sickness. From this attack he never entirely recovered. He was never able to enter upon the active discharge of the duties of his position of Representative upon this floor from the State of Missouri. If he had been spared he would have been, if not brilliant and pre-eminent, at least faithful, honest, able. His mild demeanor and unquestioned sincerity would have won all hearts.

What he would have been in the full fruition of his developed powers we can only conjecture. Opportunity is everything for those who are tutored to high purposes and stimulated by an honest ambition to achieve success. To the unremitting toil of such men triumph comes as a matter of course. Mr. LAY cherished in his youth the fond expectation of one day sitting in the national Legislature as the representative of his people; it strengthened with his increasing years, and when the honor so long sought came to him it turned like Dead Sea apples to ashes upon his lips. The world's greatest men were of the material which made up his character, and what might not his courage, lofty aim, unbroken patience and noble resolve have accomplished? His was no vainglorious nature, swaying to the hopes and fears of demagogues, but he forgot self and gave himself up to the accomplishment of what he really believed was the highest good of his country.

He was true in all the relations of life. His sweetness and amiability were beautifully illustrated in the tender solicitude he always manifested for his wife and children. His affection for them sprang from a deep and manly heart. The last faint trembling accents ere his spirit took its flight were a prayer for their protection.

Mr. Speaker, thousands of hearts in his district which beat with pride at the mention of his name grew sad and desolate when his death was announced; and when on a cold December morning his remains were consigned to the grave the crowd of people who stood by poured from full hearts the rich tribute of their sorrow for a man whom they had so truly loved.

Mr. DAVIS, of Missouri. Mr. Speaker, in summing up the record of any public career it is of all things most gratifying to be able to say that it was an earnest and unselfish career; that its progress was marked by a single desire to elevate and bless the generation in which its lot was cast. And scarcely less gratifying is it to remember that amid the many and strong temptations to attain popularity and preferment which surround such a life they had never been purchased at the cost of dishonor; that the glittering allurements of popular favor or public distinction were impotent to swerve it from the clear line of right and duty. That these were the distinctive and distinguishing characteristics of him whose loss we mourn all hearts will attest. I claim not for him a soaring genius, formed to blaze with meteoric splendor through the intellectual firmament of his age; but I am satisfied to believe him the author of many a noble deed whose luster shall stream through eternity. It is not my desire to rest his claims to our consideration on the greatness of his talents, for I remember that the best and most enduring work of this world is its heart-work; and I risk nothing when I assert that it is to modest talent, well directed, rather than to brilliant genius, that mankind is indebted for its substantial benefits. It is the great middle class of patient, faithful plodders, (men who in their sphere, however lowly or obscure,

do their work noiselessly and conscientiously,) whose hands reap for us the golden harvest of human blessings. It is such as these that give character to an age and infuse vitality into the influences that mold the epochs of history.

In this category of noble workmen I prefer to class our departed friend. To many he was known as a man of generous impulses, warm-hearted and steadfast in friendship. To all he was known as a man faithful to his trusts, vigilant in the discharge of every duty, ambitious only for the triumph of the right, never seeking or desiring a victory that could not be won with honor and retained with dignity.

As a member of the vast rank and file of enlightened American citizens he knew the needs and sympathized with the heart-beats of the masses. Ever keenly alive to their highest interests he saw intuitively and resisted with all the power of his large heart and clear brain any attempt to imperil the freedom or impair the rights of his countrymen. And the force of his sterling manhood rose up instinctively but unostentatiously and stood like a wall between their interests and every baleful influence that threatened to assail them. And in all this broad land which freemen tread liberty, truth, and justice found no more steadfast and uncompromising champion.

Generous, humane, and gentle by nature, he was intolerant only of that which no true man should tolerate. Conscientious, pure in heart, of spotless integrity, and firmly grounded in Christian faith, his life was a triumphant vindication of human nature when directed by intelligence, wisdom, and virtue.

When some men die—when most men die, we are constrained to offset the evil they did by the good we know of them; we hasten, in a Christian spirit, to forget that which it is painful or ungenerous to remember; but we have no need to invoke the shadows of oblivion to fall on any of the paths his footsteps trod.

He has gone from among us. We desire to honor his memory. Can we better accomplish this desire than by striving to imitate his high example, to the end that the world shall not be a loser by his departure? A noble determination to emulate his character is the best conceivable method of perpetuating the memory of him we so reverently cherish.

The resolutions submitted by Mr. PHILLIPS, of Missouri, were unanimously adopted; and in obedience to the concluding resolution, the House (at two o'clock and fifteen minutes p. m.) adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BALLOU: The petitions of L. B. Pease, publisher, of Woonsocket, Rhode Island, for the abolition of the duty on printing-type; of L. B. Pease, and of John H. Campbell, publisher, of Warwick, Rhode Island, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. BARBER: The petitions of R. Michaelis, editor Chicago Freie Presse, and other publishers; of the Illinois Staats-Zeitung Company, Tribune Company, Chicago Times, Evening Journal, Evening Telegraph, and other publishers; of C. H. Howard & Co., publishers of Advance, Chicago, Illinois; and of W. G. Alden, publisher of Enterprise, Palatine, Illinois, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. BELFORD: Memorial of citizens of Colorado, in reference to the disposition of public lands—to the Committee on Public Lands.

Also, three petitions of citizens of Colorado, for the abolition of the duty on printing-type—to the Committee of Ways and Means.

By Mr. BERRY: The petitions of E. C. Hart, of Willows, and Frank M. Swasey, of Redding, California, publishers, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. BLACKBURN: The petitions of citizens of Bourbon County, and of citizens of Lexington, Kentucky, of similar import—to the same committee.

By Mr. BLAKE: The petition of Joseph C. Wallace and others, citizens of New Jersey, for a commission to investigate contagious diseases of domestic animals—to the Committee on Agriculture.

By Mr. BOUCK: The petition of Henry Bougers, for pay for damages sustained on account of overflows caused by improvements by the United States of Fox River—to the Committee of Claims.

Also, the petition of John Hancock, for pay for a horse lost in the United States service—to the Committee on Military Affairs.

Also, a communication from the Chamber of Commerce of Milwaukee, Wisconsin, relative to interstate commerce—to the Committee on Commerce.

By Mr. BOYD: The petition of William H. Little and other soldiers of Stark County, Illinois, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petitions of William H. Little and other soldiers, of Stark County; of Thomas Kendall and 68 other soldiers, of Fulton County, and of W. Morris and 29 other soldiers, of Fulton County, Illinois, against the passage of the sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. BREWER: The petition of E. D. Tripp and 31 others, ex-soldiers of Saint John's, Michigan, against the passage of Senate bill No. 496, revising the pension laws—to the same committee.

Also, the petition of N. L. Webb and 101 others, citizens of Clinton County, and of S. S. Dewey and 25 others, citizens of Ingham County, Michigan, for a law to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petitions of N. J. Stewart and 111 others, citizens of Clinton County, and of R. S. Collier and 12 others, citizens of Ingham County, Michigan, for legislation to protect the public against railroad and transportation monopolies—to the Committee on Commerce.

Also, the petition of Carrier & Carrier, publishers of the Ovid (Michigan) Register, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. BRIGGS: The petition of John B. Clarke, of the Manchester (New Hampshire) Mirror, of similar import—to the same committee.

Also, the petition of James F. Watson and other citizens of Amherst, New Hampshire, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

Also, the petition of James F. Watson and other citizens of Hillsborough County, New Hampshire, for an amendment to the patent laws—to the Committee on Patents.

By Mr. BROWNE: The petition of James M. Kissel and 2 others, publishers, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. BURROWS: The petitions of the publishers of Three Rivers, and of Decatur, Michigan, of similar import—to the same committee.

Also, the petition of John Robertson, of Schoolcraft, Michigan, for the abolition of the duty on type—to the same committee.

Also, the petitions of 55 citizens of Kalamazoo County; of 61 citizens of Saint Joseph County; of 70 citizens of Constantine, Saint Joseph County; of 23 citizens of Van Buren County; of 12 citizens of Saint Joseph County, Michigan, for the enactment of such laws as will prevent fluctuations in freights and unjust discrimination in transportation charges—to the Committee on Commerce.

Also, the petitions of 75 citizens, of 12 citizens, and of 65 citizens of Saint Joseph County; of 19 citizens of Berrien County; of 25 citizens of Van Buren County, and of 62 citizens of Michigan, for an amendment to the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. CALKINS: The petitions of the publishers of Notre Dame, of South Bend, and Crown Point, Indiana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, six petitions of citizens of Indiana, for a ship-canal connecting Lakes Erie and Michigan, via Kankakee River—to the Committee on Commerce.

Also, the petition of citizens of Lake County, Indiana, for an amendment to the patent laws—to the Committee on Patents.

Also, the petition of numerous ex-soldiers of the Union, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. CAMP: The petitions of publishers of Auburn, Ovid, and Weedsport, New York, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of O. C. Cooper, of Ovid, New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of citizens of New York, for legislation regulating freight and passenger charges by railroads—to the Committee on Commerce.

Also, two petitions of citizens of New York, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of citizens of New York, for the amendment of the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. GEORGE Q. CANNON: The petition of the publishers of the Ogden Junction and Logan Leader, Utah Territory, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. CARLISLE: Sixteen petitions of 526 citizens of the sixth congressional district of Kentucky, for a law to prevent unjust discriminations in freight charges—to the Committee on Commerce.

Also, papers relating to the claim of James T. Steele for an increase of pension—to the Committee on Invalid Pensions.

Also, nine petitions of 260 citizens of the sixth congressional district of Kentucky, for an amendment of the patent laws—to the Committee on Patents.

Also, the petition of Hannah C. Grandin, administratrix of J. H. Piatt, for relief on account of money expended for the Government in the war of 1812—to the Committee of Claims.

By Mr. CARPENTER: The petitions of citizens, attorneys, of Greene County, and of citizens, attorneys, of Ida County, Iowa, that said counties be attached to the central division in the readjustment of the State for judicial purposes—to the Committee on the Judiciary.

Also, the petition of Der Democrat Printing Association, of Carroll City, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. CHALMERS: The petition of the Mississippi Valley Cot-

ton Planters' Association, for the improvement of the Mississippi River—to the Committee on Commerce.

Also, the petition of the Mississippi Cotton Planters' Association, to be made the distributing agents for seeds, plants, and publications intended for that section—to the Committee on Agriculture.

By Mr. COBB: The petition of Thompson Wallace and 40 others, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. CONGER: The petition of Alexander Trotter, of the Pioneer; H. G. Chapin, of the Advertiser; Alex. Montague, of the Citizen, Tuscola, Michigan, and other citizens of Michigan, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. COVERT: The petition of Adolphe A. Olivie and others, of Suffolk County, New York, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. COX: The petition of soldiers and sailors of the late war, of similar import—to the same committee.

Also, the petition of Sharp's Publishing Company, of New York City, for the abolition of the duty on printing type and paper—to the Committee of Ways and Means.

By Mr. CULBERSON: Papers relating to the claim of Wilson A. Green to be relieved from accounting for money, belonging to the United States, destroyed by fire—to the Committee of Claims.

By Mr. DEUSTER: The petition of William H. Wolf and 240 others, citizens of Milwaukee, Wisconsin, that a pension be granted Otto D. Gabrielson—to the Committee on Invalid Pensions.

Also, memorial of the common council of the city of Milwaukee, Wisconsin, asking for the construction of a harbor of refuge at Milwaukee—to the Committee on Commerce.

Also, the petition of John M. Read, J. E. Darbellay, and 17 others, citizens of Kewaunee, Wisconsin, for the improvement of Kewaunee River—to the same committee.

Also, the petitions of Willard & Bray, of W. W. Coleman, P. V. Deuster & Co., G. Brumder, B. H. Garterbook, M. Biron, and Isaac S. Moses, publishers, of Milwaukee, Wisconsin, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. DICKEY: The petitions of R. R. Sprung, publisher of the Highland Chief, Highland County; of J. R. Marshall, editor Hillsborough Gazette; of Winthrop Frazier, publisher of the New Richmond Independent; of C. A. Browning, publisher of the Clinton Republican; of D. O. Cowan, publisher of the Sun, Clermont County, and of E. T. Kirker & Co., publishers of the Independent, Manchester, Ohio, of similar import—to the same committee.

Also, the petition of Mrs. Oliver Perry Dunham, for the restoration of her name to the pension-roll—to the Committee on Invalid Pensions.

Also, the petition of James Anderson and 37 others, of Adams County, Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. DUNN: A bill for the improvement of the navigation of the L'Anguille River, in the State of Arkansas, from its mouth to the town of Marianna—to the Committee on Commerce.

Also, a bill for the improvement of Little Red River, in the State of Arkansas—to the same committee.

By Mr. DUNNELL: The petitions of G. A. Seavey and 80 others, of Charles Long and 7 others, and of E. S. Dunn and 90 others, citizens of Minnesota, for the amendment of the patent laws—to the Committee on Patents.

Also, the petitions of Henry Young and 40 others, and of A. H. Harvey and 40 others, citizens of Minnesota, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of Robert Taylor and others, for the increase of the pension of Thomas Graham—to the Committee on Revolutionary Pensions.

Also, the petition of O. G. Wall, of Minnesota, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. FARR: The petition of John D. Bridge, publisher of the Colebrook (New Hampshire) Weekly News, of similar import—to the same committee.

By Mr. FINLEY: Five petitions of citizens of Hardin, Wyandot, and Morrow Counties, Ohio, for legislation against transportation monopolies—to the Committee on Commerce.

Also, five petitions of citizens of Hardin, Wyandot, and Morrow Counties, Ohio, for legislation protecting users of patents—to the Committee on Patents.

By Mr. FISHER: The petition of soldiers of Fulton County, Pennsylvania, to make the pay of soldiers during the war of coin value—to the Committee on Military Affairs.

By Mr. GARFIELD: The petitions of William Atkins and 62 others, citizens of Thompson, and of Hiram Rice and 71 others, citizens of Ashtabula, Ohio, for the enactment of laws protecting innocent infringers of patents—to the Committee on Patents.

Also, memorial of the members of the religious society of Friends, of Salem, Ohio, for the enactment of a local option law in regard to the sale of liquors—to the Committee on the Alcoholic Liquor Traffic.

Also, the petitions of F. M. Leonard and 100 others, citizens of Thompson; of Hiram Rice and 14 others, citizens of Ashtabula, and of C. R. Stone and 65 others, citizens of Ashtabula, Ohio, for the

enactment of laws protecting the public against railroad monopolies—to the Committee on Commerce.

Also, the petitions of E. W. Clarke, of the Painesville Advertiser, and of J. F. Schofield, of the Painesville Telegraph, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. GEDDES: The petition of Estill & Newton, publishers of the Holmes County Farmer, and others, of Holmes County, Ohio, of similar import—to the same committee.

By Mr. GOODE: The petition of Jane Milligan, for pay for services rendered by her father, Bernard O'Neill, as bearer of dispatches from the State Department at Washington, District of Columbia, to Paris, France, in 1842—to the Committee on Foreign Affairs.

By Mr. HALL: The petition of Charles F. Felker and 18 others, citizens of New Hampshire, for legislation regulating interstate commerce—to the Committee on Commerce.

By Mr. HASKELL: A paper relating to the pension claim of French Williams—to the Committee on Invalid Pensions.

By Mr. HAWK: The petitions of S. Greenleaf & Son, Savanna Times, Savanna; of Charles Bent, Whiteside Sentinel, Morrison; of T. O. Johnson, Ogle County Reporter, Oregon; of J. W. Clinton, Ogle County Press, Palo; of P. Hurless, Christian Radical and Olive Branch, Palo; and of Maria Witt, Volksfreund, Galena, Illinois, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. HAYES: The petitions of J. W. Fornof, publisher of Free Press, Streator, and of Perry Simmonds, publisher of Plaindealer, Marseilles, Illinois, of similar import—to the same committee.

By Mr. HENDERSON: The petitions of Henry W. Young, publisher of the Journal, Galva; of E. W. Faxon & Co., publishers of the Journal, Amboy; and of R. R. Adams, publisher of the News, Amboy; and of C. Winter, publisher of the Neue Volks Zeitung, Rock Island, Illinois, of similar import—to the same committee.

By Mr. HILL: The petitions of Lewis & Griffin, of Fulton County; of A. P. J. Snyder and others, citizens of Mercer County, and of S. Gilles and others, citizens of Bryan County, Ohio, of similar import—to the same committee.

By Mr. HOSTETLER: The petition of J. H. Beadie, editor and proprietor of the Tribune, of Rockville, Indiana, of similar import—to the same committee.

Also, the petition of citizens of Mitchell, Lawrence County, Indiana, for the amendment of the patent laws so as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Mitchell, Indiana, for the passage of the bill regulating interstate commerce—to the Committee on Commerce.

By Mr. HOUSE: Papers relating to the claim of James M. Hinton for pay for board of certain colored men employed on fortifications during the late war—to the Committee on War Claims.

By Mr. HUBBELL: The petition of J. M. Wilkinson and 42 others, for the passage of an act appropriating sixteen sections per mile of United States land to aid in the construction of a railway from Sault Ste. Marie to a point on the Marquette and Mackinaw Railroad—to the Committee on Public Lands.

Also, resolutions of the common council of the city of Detroit, Michigan, asking that arrearages of pensions be granted to pensioners of the Mexican war—to the Committee on Invalid Pensions.

Also, a communication from the Michigan board of corrections and charities, relative to the importation of foreign paupers—to the Committee on Foreign Affairs.

Also, the petitions of Robert McLelland and 31 others, citizens of Grand Traverse County; of Lewis Reinoldt and 50 others, citizens of Newaygo County, and of Abram Terwilliger and 55 others, citizens of Newaygo County, Michigan, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

Also, the petitions of Robert McLelland and 31 others, citizens of Grand Traverse County; of Lewis Reinoldt and 51 others and of Abram Terwilliger and 56 others, citizens of Newaygo County, Michigan, for an amendment to the patent laws so as to protect innocent users of patented articles—to the Committee on Patents.

Also, the petitions of W. S. Stevens, publisher Hesperian, Hesperia; of Darr & Sawyer, publishers of the Mason County Record, Ludington, and of A. P. Swineford, publisher of the Mining Journal, Marquette, Michigan, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. HUMPHREY: The petitions of G. O. Jones, editor Augusta Eagle; of J. A. and Ella Wells, editors Tomah Journal, and of W. H. Huntington, editor Pepin County Courier, Wisconsin, of similar import—to the same committee.

Also, resolutions of the Legislature of Wisconsin, relating to a soldiers' reunion in that State, and asking that tents, &c., be loaned by the Quartermaster's Department for use at said reunion—to the Committee on Military Affairs.

Also, memorial of the Legislature of Wisconsin, asking for the construction of a light-house at the mouth of Sturgeon Bay—to the Committee on Commerce.

Also, resolutions of the Chamber of Commerce of Milwaukee, Wisconsin, against the passage of a bill for the construction of a bridge over Detroit River—to the same committee.

Also, memorial of the Chamber of Commerce of Milwaukee, Wisconsin, asking for the regulation of interstate commerce—to the same committee.

Also, the petition of J. B. Meehan and others, of El Paso, Pierce County, Wisconsin, for legislation relative to interstate commerce—to the same committee.

Also, the petition of Charles P. Odell and others, of Buffalo County, Wisconsin, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the memorial of the Legislature of Wisconsin, to complete the breakwater in the harbor of refuge in Sturgeon Bay, Wisconsin—to the Committee on Commerce.

By Mr. KEIFER: The petitions of Ira Belville and 30 others, citizens of Union County, and of George Antrim and 410 others, citizens of Logan County, Ohio, for legislation making the manufacturer or vendor of patented articles alone responsible for infringements—to the Committee on Patents.

Also, the petitions of M. S. Thompson and 310 others, citizens of Union County, and of Joel Eaton and 500 others, citizens of Logan County, Ohio, for legislation to prevent fluctuations in freights, and unjust discrimination in transportation charges—to the Committee on Commerce.

Also, the petition of Smith & Ferguson, of the Richwood (Ohio) Gazette, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. KENNA: The petition of the Charleston (West Virginia) bar and others, for an increase of salary of the judge of the United States district court for West Virginia—to the Committee on the Judiciary.

Also, the petition of citizens of West Virginia, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. KETCHAM: The petitions of R. H. Storrs and F. E. and W. W. Rice, of Hudson; of A. T. Williams, of New Hamburg; of J. W. and G. A. Lockwood, of Philmont; of J. S. Bowman, of Pine Plains; of P. B. Van Wyck, of Valatie, and of John L. Shroder, of Wappinger's Falls, New York, for the repeal of the stamp-tax on perfumery, cosmetics, and medicines—to the Committee of Ways and Means.

Also, the petition of William Bryan, publisher, of Hudson, New York, for the abolition of the duty on printing-type—to the same committee.

Also, the petition of William Bryan, publisher, of Hudson, New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. LADD: The petitions of M. F. Harding, publisher, of Dexter, and of W. H. Waldron & Co., publishers, of Lewiston, Maine, for the abolition of the duty on type—to the same committee.

By Mr. LAPHAM: The petitions of publishers of Phelps, Geneva, Dansville, and Springwater, New York, of similar import—to the same committee.

Also, eleven petitions of druggists and others of New York, for the repeal of the proprietary-stamp tax on medicines and perfumery—to the same committee.

Also, the petition of J. W. Neighbors and 71 others, of New York, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of citizens of New York, for the amendment of the pension laws—to the Committee on Invalid Pensions.

Also, the petition of Charles Parshall, for a pension—to the same committee.

Also, the petition of James M. Wescott and over 200 others, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petitions of publishers of Phelps and Dundee, New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. MAGINNIS: Four petitions of citizens of Montana against the proposed change in the land laws as to lands west of the one hundredth meridian—to the Committee on Public Lands.

By Mr. BENJAMIN F. MARTIN: The petition of Jacob W. Heavner, for pay as an officer in the military service of the United States—to the Committee of Claims.

Also, the petition of J. V. Williams and 15 others, for a change in the revenue laws relating to the manufacture of brandy—to the Committee of Ways and Means.

Also, the petition of C. H. Vandever and others, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. MCCOID: The petition of Sloan & Rawley, of similar import—to the same committee.

Also, the petition of druggists of Burlington, Iowa, for the repeal of the stamp-tax law—to the same committee.

By Mr. MCGOWAN: The petitions of S. H. Egabroad, editor Reporter, Coldwater, and of F. M. Potter, editor of The Hawk. Ver-

montville, Michigan, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. McKINLEY: The petition of Richard H. Fouts, late regimental quartermaster Thirty-second Regiment Ohio Volunteers and assistant commissary of subsistence, to be relieved from accounting for certain stores—to the Committee on Military Affairs.

Also, the petition of A. G. Beer and 60 others, late soldiers of the Union army, of Ashland County, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petitions of Charles B. Webb, publisher Journal, and of Warren Peirce, publisher Commercial Printer, Garrettsville; of James V. McElheine, publisher Journal, Doylestown; of Darwin Weaver, printer, Minerva, and of J. C. Stubbs & Brother, publishers Times, Ashland, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. McMAHON: The petition of Lawrence Kernan, Thomas Carroll, and William H. Reynolds, inmates of the National Home for Disabled Volunteer Soldiers, for the immediate passage of the joint resolution appointing General McClellan, General Palmer, General Donohue, and Major Fulton managers of the National Home—to the Committee on Military Affairs.

By Mr. MILLS: Two petitions of citizens of McLennan and Falls Counties, Texas, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of citizens of Montgomery County, Texas, for legislation against discriminations in freight charges—to the Committee on Commerce.

By Mr. MONROE: A paper relating to the pension claim of Clark Eldred, a soldier of the war of 1812—to the Committee on Revolutionary Pensions.

Also, the petitions of John A. Clarke, publisher of the Enterprise, Wadsworth; of J. W. Houghton, publisher of the Enterprise, Wellington, and of Werner & Nelson, publishers Germania, Tribune, and Sunday Gazette, Akron, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. MULLER: The petition of Mary P. Horner, for a pension—to the Committee on Invalid Pensions.

By Mr. NEAL: The petition of A. Barleon, publisher of the Vinton Record, McArthur, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. NEW: The petitions of E. E. Rettig, Seymour Democrat; of W. J. Baird, publishers Vevay Reveille; of J. M. Williams & Co., publishers La Fayette Sunday Times, and of Irvin Armstrong, Vevay Democrat, Indiana, of similar import—to the same committee.

By Mr. NORCROSS: The petition of H. M. Converse, of Easthampton, Massachusetts, of similar import—to the same committee.

Also, the petitions of H. M. Converse, editor Easthampton Enterprise, and of Henry S. Gere, of Northampton, Massachusetts, for the abolition of the duty on type—to the same committee.

Also, the petition of William H. Boynton, for bounty—to the Committee on Military Affairs.

Also, the petition of William P. Kimball and others, citizens of Hampshire County, Massachusetts, for a law regulating transportation on railroads—to the Committee on Commerce.

By Mr. O'CONNOR: A communication from Frederick J. Smith, civil engineer, Charleston, South Carolina, relative to the opening of a ship-canal across Charleston Neck, connecting the waters of the Ashley and Cooper Rivers, which empty into Charleston Harbor, accompanied with draught of bill—to the Committee on Railways and Canals.

By Mr. ORTH: The petition of W. T. McNeil, of Oxford, Indiana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. PIERCE: The petition of Clayton L. Hill, for the reduction of the duty on printing-type—to the same committee.

By Mr. PHELPS: The petitions of Henry B. Platt and other soldiers, of New Haven, and of Joseph A. Gardner and 30 other soldiers, of Colchester, Connecticut, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. POEHLER: The petitions of R. W. Davis and 11 others, ex-soldiers, citizens of Renville County, and of Lord N. Rowe and 21 other ex-soldiers, citizens of Redwood County, Minnesota, of similar import—to the same committee.

By Mr. POUND: The petitions of J. H. and Ed. T. Wheelock, of Medford; of J. N. Brundage, Paul Fontain, J. E. Ingraham, and H. B. Philleo, of Grand Rapids; and of Hoffman & Cunningham, of Chippewa Falls, Wisconsin, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. PRESCOTT: The petitions of the Clinton Courier, of the Utica Mirror, and of the Camden Journal, New York, for the repeal of the duty on printing-type—to the same committee.

By Mr. PRICE: The petitions of T. E. Booth, of Anamasa; of publishers of Davenport, and of W. O. Evans, of Bellevue, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. REED: The petitions of H. W. Richardson, Daily Advertiser, Portland, and of the Portland Publishing Company, proprietors of the Portland Press and Maine State Press, of similar import—to the same committee.

By Mr. THOMAS RYAN: The petition of 810 citizens of Kansas, for the right of way for a railroad through the Indian Territory, and for the passage of House bill No. 3032—to the Committee on Railways and Canals.

Also, the petition of citizens of Kansas, for an appropriation for the improvement of Arkansas River—to the Committee on Commerce.

Also, the petitions of citizens of Greenwood, Woodson, and Shawnee Counties, Kansas, for legislation to prevent fluctuations in freights and unjust discriminations of transportation companies—to the same committee.

Also, the petitions of citizens of Greenwood and Shawnee Counties, Kansas, for such amendment of the patent laws as will protect the innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of citizens of Sedgwick County, Kansas, that a pension be granted H. H. Henderson—to the Committee on Invalid Pensions.

Also, the petition of honorably discharged soldiers of Lyon County, Kansas, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, four petitions of honorably discharged soldiers of the late war, of Kansas, for the equalization of bounties—to the same committee.

By Mr. SAWYER: Papers relating to the Indian depredation claim of Timothy McCormick—to the Committee on Indian Affairs.

By Mr. JAMES W. SINGLETON: The petition of the Lumbermen's Association, of Quincy, Illinois, relating to the improvement of the Mississippi River—to the Committee on Commerce.

Also, the petition of Hiram Smith and others, of Pike County, Illinois, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. SPARKS: The petition of soldiers of Nakomis and Irving, Montgomery County, Illinois, for the passage of the Weaver soldier bill—to the same committee.

By Mr. STEPHENS: The petition of W. H. Barrett and other druggists, of Augusta, Georgia, for the repeal of the stamp-tax on certain drugs—to the Committee of Ways and Means.

By Mr. STEVENSON: The petition of Dr. C. Wakefield, of Illinois, of similar import—to the same committee.

By Mr. STONE: The petitions of L. Mulder, of Holland; of C. P. Nearpass, of Whitehall, publishers; of the publishers of the Lakeshore Commercial, and of A. B. Turner, and other publishers, of Grand Rapids, Michigan, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petitions of George W. Loomis and 73 other citizens, of William Delon and 61 other citizens, of Andrew J. Provin and 26 other citizens, of C. C. Hinman and 62 others, citizens of Kent County; of Henry Shultes and 58 others, citizens of Allegan County; of F. A. Bail and 21 others, citizens of Muskegan County; of Niram Eldredge and 29 other citizens, of D. O. Cheney and 57 other citizens, of James McClaren and 28 other citizens, of G. V. Snyder and 48 others, citizens of Ionia County, Michigan, for the enactment of laws to protect the people from the oppressions of transportation monopolies—to the Committee on Commerce.

Also, the petitions of William Bonner and 22 others, citizens of Muskegan County; of Robert B. Bonner and 70 others, citizens of Kent and Muskegan Counties; of G. V. Snyder and 42 others, citizens of Ionia County; of Robert Carlyle and 32 others, of Kent County; of C. C. Hinman and 61 others, citizens of Kent County; of R. G. Smith and 54 others, citizens of Allegan County; of Solomon Whitney and 56 others, citizens of Kent County; of Joseph McClaren and 30 others, citizens of Ionia County; of Niram Eldredge and 31 others, citizens of Ionia County, Michigan, for an amendment to the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. WILLIAM G. THOMPSON: The petition of A. L. Babb and 30 others, ex-soldiers, for the equalization of pay—to the Committee on Military Affairs.

Also, the petition of J. G. Sehorn and others, editors and publishers, of Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. AMOS TOWNSEND: The petition of S. Brainard's Sons and others, publishers, of Cleveland, Ohio, of similar import—to the same committee.

By Mr. J. T. UPDEGRAFF: The petition of George McClelland, editor Barnesville (Ohio) Enterprise, of similar import—to the same committee.

By Mr. VALENTINE: Two petitions of honorably discharged soldiers residing in Nebraska, against the passage of Senate bill No. 496, known as the sixty-surgeon bill—to the Committee on Invalid Pensions.

By Mr. WARNER: The petition of J. W. Fellows and 26 others, of Athens County, Ohio, of similar import—to the same committee.

Also, the petition of Susan Phenuster, for a pension—to the same committee.

Also, the petition of J. W. Fellows and 30 others, citizens of Athens

County, Ohio, late Union soldiers, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of John Henderson and others, for legislation to protect innocent users of patents—to the Committee on Patents.

Also, the petitions of John Henderson and 45 others, citizens of Athens County, and of Thomas Williams and 28 others, of Morgan County, Ohio, for the regulation of interstate commerce—to the Committee on Commerce.

By Mr. WILLIS: The petition of H. C. Murrell & Co. and other merchants, of Louisville, Kentucky, for legislation to prevent the interstate traffic in adulterated food—to the Committee on Agriculture.

Also, the petition of Thomas H. Merritt and 64 other soldiers, of Louisville, Kentucky, for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

Also, the petition of Virgil M. Jones and 64 other soldiers, of Louisville, Kentucky, against the passage of Bentley's sixty-surgeon pension bill—to the Committee on Invalid Pensions.

Also, the petition of C. L. Eason and 20 other soldiers, of Jefferson County, Kentucky, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of John P. Morton, general publisher and publisher of the American Practitioner and Medical News, Louisville, Kentucky; of W. L. Halsey and other editors and owners of newspapers, of Louisville, Kentucky; of L. H. Bell, editor and publisher of the Catholic Advocate, and of J. Denkspeil and J. H. Gardner, editors and publishers of the Argus, Louisville, Kentucky, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. WILLIS: The petitions of D. A. Stephens, of the Methodist Protestant Magazine, of Adrian, Michigan, and of John N. Bailey, of the Argus, of Ann Arbor, Michigan, of similar import—to the same committee.

Also, the petitions of William H. Osborne and 44 others, citizens of Lenawee County; of L. D. Bradley and 22 others, citizens of Hillsdale County, and of A. B. Slocum and 42 others, citizens of Hillsdale County, Michigan, for legislation for relief against transportation monopolies—to the Committee on Commerce.

Also, the petitions of W. H. Osborne and 44 others, citizens of Lenawee County; of L. D. Bradley and 22 others, citizens of Hillsdale County, and of A. B. Slocum and 42 others, citizens of Hillsdale County, Michigan, for legislation for the relief of innocent users and purchasers of patented articles—to the Committee on Patents.

By Mr. WILSON: The petition of Michael Reilly and others, merchants of Wheeling, West Virginia, for the enactment of a penal statute to punish the use of poisonous substances in coloring coffee—to the Committee on Manufactures.

By Mr. FERNANDO WOOD: The petition of B. Rhodes, publisher of Rhodes's Journal of Banking, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. WALTER A. WOOD: The petitions of publishers of Salem, Hoosick Falls, and Cambridge, New York, of similar import—to the same committee.

Also, the petition of H. D. Morris, of the Salem (New York) Press, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

IN SENATE.

TUESDAY, February 24, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers inclosing a copy of a report from Major William E. Merrill, Corps of Engineers, upon a survey and examination of the Allegheny River from French Creek to Olean, made in compliance with the river and harbor act of March 3, 1879; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the Senate of the 19th instant, a copy of Executive Document No. 47, Forty-sixth Congress, second session, being a report submitted by him, under date of January 14 ultimo, in compliance with the law referred to in the resolution of the Senate; which was ordered to lie on the table.

LANDS IN INDIAN TERRITORY.

Mr. VEST. I present a petition of James Charley, David Geboe, Me-tah-con-sa-quah, and others, chiefs, headmen, and heads of families of the confederated Peoria and Miami tribes of Indians of the Quapaw agency, Indian Territory, praying that such legislation may be had by Congress as will abolish the tenure in common by which their lands are now held, and giving them title to said lands in severalty.

Mr. President, I have been requested by a delegation of the united

Peoria and Miami tribes of Indians, now in this city, to present this petition and ask for it the attention of the Senate. These tribes own fifty thousand and three hundred and one acres of land lying immediately south of Cherokee County, Kansas, and they ask that the tenure in common by which they now hold these lands may be changed to a tenure in severalty, and they be permitted to sell the surplus of land allotted to each member of the tribes over and above a homestead of one hundred and sixty acres for such price as the owners may be able to obtain.

Mr. President, there has been so much misrepresentation in regard to the Indian Territory and the proposed legislation with reference to it that I shall not attempt at this time to even make allusion to the many misstatements upon this subject by ignorant or interested parties. This petition is but one proof out of many that at an early date the condition of that Territory must receive the consideration of Congress. It has been repeatedly stated by the public press that the Indians themselves were satisfied with the present status of the Territory, and that the only agitation came from outside lobbies in the interest of railroads and land-jobbers. But two days ago I noticed in the Chicago Inter-Ocean the statement that Jay Gould had a large lobby in this city to secure the passage of a bill establishing a United States court in the Indian Territory.

This statement is absolutely false, without the slightest foundation. There has been no lobby, not even a single lobbyist here in the interest of that bill. The only lobby present in Washington for the purpose of influencing legislation in regard to the Indian Territory, within my knowledge, has been the so-called delegation from the Indian Territory, who at each recurring session of Congress punctually attend, and patriotically receive therefor some twenty-five or thirty thousand dollars of the money paid to the Indian nations by the Government. It has been the custom to declare that the Indian tribes desired no interference with their land tenure, and I present to-day this memorial signed by all the chiefs, headmen, and heads of families of the Peorias and Miamis, to show what reliance can be placed upon these statements. I am informed that five other tribes at the Quapaw agency propose sending delegations to Washington for a similar purpose, and I am glad to believe, that notwithstanding the systematic attempts of designing men to deceive and mislead them, the Indians are rapidly realizing the truth that forty-one millions of acres of the best land upon this continent cannot remain a blank upon the map of civilization, a Botany Bay, and, for all practical purposes, a desert. They are realizing the fact that they must provide homes for their wives and little ones, and that is the object of the memorial.

Mr. President, it seems to me the man is a lunatic who does not see that the Indian Territory cannot remain in its present condition. At the extra session the President issued his proclamation against an invasion of that territory by persons unauthorized to settle there; and but a few days since he was impelled by a sense of duty to repeat it. The Army is to-day required to enforce these proclamations, and each recurring spring the force must be increased. Sir, I advocate and defend no lawless invasion, no disregard of treaty stipulations, but I simply declare what I believe when I say that this can have but one termination. The history of the acquisition of all our territory from Plymouth Rock to the Rio Grande teaches the lesson that with men, as with other animals, the great rule prevails of the "survival of the fittest," and under this rule fate decrees that the white races must possess the continent.

Mr. President, I shall indulge in no sentimentality, but I declare myself a friend of the Indian and anxious for his welfare. Believing that he must yield to the inevitable, and that the Indian country must be opened to civilization, I am anxious to enact such laws as will honestly and equitably, without violating any treaty, remove this constant irritation from the borders of Missouri and at the same time do complete justice to the Indian tribes. I believe that the Committee on Territories have perfected a bill which will effect this purpose.

In the mean time I move that the petition be referred to the Committee on Territories.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. VEST presented the memorial of the Board of Trade of the city of Saint Joseph, Missouri, asking for an appropriation to construct a dredge-boat invented by F. M. Mahan, of Missouri; which was referred to the Committee on the Improvement of the Mississippi River and its Tributaries.

He also presented the memorial of Chauncey Ives, chief engineer of the Missouri Central Railroad Company, representing one hundred and fifty miles of railroad, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton, as proposed in House bill No. 3234; which was referred to the Committee on Finance.

He also presented petitions from more than five thousand citizens of Missouri, Kansas, Arkansas, and Texas, praying for such legislation by Congress as may be necessary to open the Indian Territory to settlement upon terms just to the Indian tribes and honorable to the Government; which was referred to the Committee on Territories.

Mr. FERRY presented the memorial of Ferdinand F. Waite and 23 others, discharged Union soldiers of the State of Michigan, remon-

strating against the passage of Senate bill No. 496, otherwise known as the sixty-surgeons bill; which was referred to the Committee on Pensions.

Mr. ROLLINS presented the petition of Amos Paul, agent of the Swanscot Machine Company, and others, citizens of Newmarket, Rockingham County, New Hampshire, and the petition of George E. Fifield and others, citizens of Newmarket, Rockingham County, New Hampshire, praying for an appropriation for the improvement of the Exeter River in that State; which were referred to the Committee on Commerce.

He also presented the petition of John M. Hill and others, citizens of New Hampshire; the petition of W. P. Fiske and others, citizens of New Hampshire; the petition of John H. George and others, citizens of New Hampshire; the petition of Hubert F. Norris and others, citizens of New Hampshire; the petition of Mason W. Tappan and others, citizens of New Hampshire, and the petition of E. D. Rand and others, citizens of New Hampshire, praying for the removal of the United States circuit and district courts from Exeter to Concord, in that State; which were referred to the Committee on the Judiciary.

Mr. KERNAN presented the petition of J. M. Bennett and others, citizens of New York, soldiers and sailors, and widows of soldiers and sailors of the late war, praying for the equalization of bounties, and that the same be granted at the rate of \$100 per year for the time served, less the Government bounty already paid; which was referred to the Committee on Military Affairs.

He also presented the petition of H. P. Witherstine & Co., publishers of the Herkimer Democrat, Herkimer, New York, praying for the passage of a bill placing wood and straw pulp, soda-ash, and other chemicals used in the manufacture of paper on the free list, and to reduce the duty on printing-paper used for books, &c.; which was referred to the Committee on Finance.

Mr. PLATT presented the petition of William F. Graham, publisher of the Meriden (Connecticut) Daily and Weekly Republican, praying for a reduction of the duty on printing-paper; which was referred to the Committee on Finance.

He also presented the petition of Joseph C. Wiley and 50 others, citizens of Litchfield County, Connecticut, who were soldiers and sailors in the late war, praying for the passage of a bill for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. BALDWIN presented the petition of Roe Stephens, publisher of the Amphion newspaper, of Detroit, Michigan, praying for a reduction of the duty on printing-paper, &c.; which was referred to the Committee on Finance.

Mr. BUTLER presented the petition of James A. Edwards, W. K. Edwards, and 108 others, citizens residing in the valley of the Savannah River, praying for an appropriation to improve the navigation of that river; which was referred to the Committee on Commerce.

He also presented the petition of William M. Thomas, of Charleston, South Carolina, praying for compensation for losses alleged to have been sustained by him by the sale of his factory by the United States Government under the provisions of the cotton-tax law; which was referred to the Committee on Claims.

He also presented a letter from Hon. George S. Bryan, judge of the United States district court for the district of South Carolina, addressed to the Committee on Public Buildings and Grounds, urging the importance and necessity of a United States court-house in the city of Greenville, South Carolina; which was referred to the Committee on Public Buildings and Grounds.

Mr. JONAS. I present a joint resolution of the Legislature of the State of Louisiana in favor of an appropriation for the opening and dredging of the channel of the mouth of the Red River. I ask that it be read.

The resolution was read, and referred to the Committee on Commerce, as follows:

Joint resolution requesting our Senators and Representatives in Congress to secure the passage by the Congress of the United States of a bill appropriating a sufficient sum of money for the opening and dredging of the channel of the mouth of Red River.

Whereas the mouth of the Red River is, at certain times, in such condition that it needs dredging to secure a deeper channel;

Whereas it is of the utmost necessity to secure a channel of a certain depth for the commercial interest of the State of Louisiana;

SECTION 1. *Be it resolved by the General Assembly of the State of Louisiana*, That our Senators and Representatives in Congress be respectfully requested to use their best efforts toward securing the passage, at an early day, of an appropriation by the National Government sufficient to open said channel.

SEC. 2. *Be it further resolved, etc.*, That a copy of this resolution be forwarded by the governor of the State of Louisiana, under the seal of the State, to our Senators and Representatives in Congress.

R. M. OGDEN,
Speaker of the House of Representatives.
S. D. MCENERY,
Lieutenant-Governor and President of the Senate.

Approved February 14, 1880.

LOUIS A. WILTZ,
Governor of the State of Louisiana.

A true copy.
[SEAL.]

WILL A. STRONG, Secretary of State.

Mr. SLATER presented a petition of Simpson Brothers and others, citizens of the customs district of Southern Oregon, praying that the same may be created an inspection district, and also praying for the

appointment of an inspector of hulls and boilers to reside at Coos Bay; which was referred to the Committee on Commerce.

Mr. PLUMB presented the memorial of J. C. Rummel and others, citizens of Kansas and soldiers of the late war, and the memorial of Perry N. Tuttle and others, citizens of Kansas and soldiers of the late war, remonstrating against the passage of Senate bill No. 496, commonly known as the sixty-surgeons bill; which were referred to the Committee on Pensions.

He also presented the petition of Amos Chapman, resident at Camp Supply, Indian Territory, praying that a pension may be granted him for distinguished service performed during the late war; which was referred to the Committee on Pensions.

Mr. VOORHEES presented the petition of James R. Bennett and others, citizens of Indiana and soldiers in the late war, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of Lewis Cooper and others, citizens of Patoka, Gibson County, Indiana, and soldiers in the late war, praying that they may be paid the difference between the value of greenbacks and gold at the time they were paid during the war; which was referred to the Committee on Finance.

Mr. GROOME presented the petition of W. W. Davis and 153 others, citizens of Cecil County, Maryland, praying for an appropriation to deepen the channel of the Northeast River, in Cecil County, in that State; which was referred to the Committee on Commerce.

Mr. GROOME. I present joint resolutions of the General Assembly of Maryland, in favor of the removal of obstructions in the harbor at Annapolis, in that State. I ask that they be read.

The joint resolutions were read, and referred to the Committee on Commerce, as follows:

Joint resolutions of the General Assembly of Maryland relative to the removal of the obstructions to the harbor of Annapolis.

Whereas the Government of the United States of America has expended large sums of money in erecting buildings and enlarging the grounds of the United States Naval Academy at Annapolis and in purchasing ground and erecting buildings for experimental purposes connected with the Navy at Fort Madison; and

Whereas it is desirable that the bars which cause an obstruction to United States and other vessels of large draught in entering the harbor of Annapolis should be removed, or cut away, so as to admit said vessels with more facility and without danger of grounding on said bars, and also for the purpose of commerce; and

Whereas a reasonable expenditure of money for the purpose above mentioned would be, in the judgment of this General Assembly, both wisdom and economy: Therefore,

Be it resolved by the General Assembly of Maryland, That our Senators and Representatives in Congress be, and they are hereby, requested and urged to use all proper means in their power to induce Congress to make an appropriation to deepen the entrance to the harbor of Annapolis by cutting away said bars.

Resolved, That his excellency the governor be requested to transmit to each of our Senators and Representatives in Congress a copy of the foregoing preamble and resolutions, that they may be laid before the Senate and House of Representatives of the United States.

HERMAN STUMP, Jr.,
President of the Senate.
HIRAM MCCULLOUGH,
Speaker of the House of Delegates.

Mr. ALLISON. I present a memorial of the General Assembly of the State of Iowa, relating to what is known as the Des Moines River grant. The Vice-President presented a similar memorial, which was read at length a few days since. I move that the memorial be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. ALLISON. I also present a joint resolution of the General Assembly of the State of Iowa, in relation to interstate commerce, which I ask be read.

The joint resolution was read, and referred to the Committee on Commerce, as follows:

Joint resolution in relation to interstate commerce.

Resolved by the General Assembly of Iowa, That our Senators and Representatives in Congress be, and they are hereby, requested to use all their influence to secure the enactment by Congress of a law that will inaugurate a system of controlling railroad corporations so as to prevent abuses in management, unjust discrimination, and excessive charges for transportation on all interstate lines of railroads.

2. *Resolved*, That the secretary of state be instructed to furnish a copy of this resolution to each of our Senators and Representatives in Congress.

Approved February 16, 1880.

Mr. GORDON. I present the petition of Generals Winfield S. Hancock, H. G. Wright, H. W. Slocum, and a large number of other officers, praying that certain data regarding the battle of Gettysburgh be collected and published. Accompanying this petition are a large number of similar petitions from various officers of the Union Army, as well as those of the late confederate army, on the same subject. I move that these petitions be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. GORDON presented additional papers to accompany the bill (S. No. 1134) to repay to the State of Georgia \$27,175.50, money advanced by said State for the defense of her frontier against the Indians and not heretofore repaid; which were referred to the Committee on Claims.

Mr. WALLACE. I present a resolution of the Board of Trade of Philadelphia, in favor of the passage of an electoral law. As the resolution is brief, I ask that it may be read and referred to the select committee having that subject in charge.

The resolution was read, and referred to the Select Committee to

take into consideration the state of the law respecting the ascertaining and declaration of the result of the Elections of President and Vice-President of the United States, as follows:

PHILADELPHIA, February 18, 1880.

At a meeting of the Philadelphia Board of Trade held on 16th instant, the following resolution was submitted, and, upon motion, was unanimously approved by the board, namely:

Resolved, That the business interests of the country imperatively demand the immediate consideration and action of Congress in passing an electoral law providing for a prompt settlement of any disputed election of a President of the United States.

It was further resolved that copies of the above resolution be transmitted to Congress.

All which is respectfully submitted.

JOHN WELSH, *President*.
GEO. L. BUZBY, *Secretary*.

Mr. CAMERON, of Pennsylvania, presented a petition of J. F. Boyer and 98 others, citizens of Middletown, Dauphin County, Pennsylvania, praying the passage of a bill to equalize the pay of the soldiers and sailors who served in the late war; which was referred to the Committee on Military Affairs.

He also presented a petition of John L. Good and 39 others, citizens of Middletown, Dauphin County, Pennsylvania, praying the passage of what is known as the equalization bounty bill; which was referred to the Committee on Military Affairs.

He also presented the memorial of James I. Bennett, president of the Pittsburgh and Lake Erie Railroad Company, representing seventy-one miles of railroad, and the memorial of Thomas B. Kennedy, president of the Cumberland Valley Railroad Company, and George B. Wiestling, superintendent of the Mont Alto Railroad, representing one hundred and forty-three miles of railroad, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton, as proposed in House bill No. 3234; which were referred to the Committee on Finance.

Mr. LOGAN presented the memorial of T. B. Blackstone, president of the Chicago and Alton Railroad Company, representing six hundred and seventy-eight miles of railroad; the memorial of F. W. Kinderkoper, president of the Chicago and Eastern Illinois Railroad Company, representing one hundred and fifty-two miles of railroad, and the memorial of J. B. Brown, president of the Chicago and Western Indiana Railroad Company, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton, as proposed in House bill No. 3234; which were referred to the Committee on Finance.

He also presented the petition of John Cox, of Montgomery County, Ohio, late sergeant of Company H, Twentieth Regiment Illinois Volunteers, praying to be placed on the invalid pension roll; which was referred to the Committee on Pensions.

He also presented the petition of Charles M. Cadwallader and others, citizens of McDonough County, Illinois, praying for the passage of a special act granting a pension to the minor children of Second Lieutenant James Depoy, late of Company A, Fifty-fourth Ohio Infantry; which was referred to the Committee on Pensions.

He also presented the petition of John T. Cummins and others, citizens of Rose Hill, Jasper County, Illinois, and soldiers in the late war, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of James H. Williams and others, citizens of Illinois and soldiers in the late war, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of Robert Duncan and others, citizens of Illinois and soldiers in the late war, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. LOGAN. I also present resolutions in the nature of a memorial from the Board of Trade of the city of Chicago, in favor of an appropriation for the completion of the improvements of Saint Mary's River. I ask that the resolutions be printed in the RECORD without being read, and referred to the Committee on Commerce.

The resolutions were referred to the Committee on Commerce; and are as follows:

Whereas it is represented to this board that the depth of water in the Saint Mary's River is quite insufficient to float the larger class of vessels now engaged in the trade with Lake Superior, thereby causing great delay and unnecessary expense in conducting the rapidly increasing commerce of this portion of the great lakes; and

Whereas the necessities of trade demand the early completion of the improvements now in progress in the Saint Mary's Ship-Canal, which, with the proper deepening of the river, will enable the largest class of lake vessels to engage in the Lake Superior trade; and

Whereas the deepening of the channel at the Lime Kiln Crossing in the Detroit River, as contemplated by the Engineer Department of the Government, is of great and pressing importance to the vast commerce of the lakes passing that point: Therefore,

Be it resolved, That in view of the great importance of these works the Congress of the United States is earnestly requested to make prompt and adequate appropriations for their early completion.

Resolved, That the president of this board be requested to appoint a committee to proceed to Washington and press upon the appropriate committees of Congress the urgent necessity for such action at the present session in respect to the above improvements as will insure their early completion.

In accordance with the authority conferred by the last of the above resolutions, the president of the board appointed as the committee contemplated the following gentlemen, namely: Jesse Spalding, O. W. Potter, W. M. Egan, R. D. Armour.

A copy from the records of the board.

CHARLES RANDOLPH, *Secretary*.

CHICAGO, February 2, 1880.

Mr. LOGAN presented the petition of Solomon M. King and others, citizens of the State of Illinois, and soldiers who served in the Union Army in the late war, praying for the passage of a bill for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of L. H. Brock and others, citizens of Illinois, and soldiers who served in the Union Army in the late war, praying Congress not to pass the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the petition of L. B. Dougherty and others, citizens and ex-soldiers of Mercer County, Illinois, praying the passage of the bill known as the Weaver bill, paying the soldiers the difference between gold and greenbacks at the time of their receiving their pay during the war; which was referred to the Committee on Finance.

Mr. BLAIR presented a memorial of the New York National Guard Association, remonstrating against the passage of what is known as the national militia bill; which was referred to the Committee on Military Affairs.

He also presented the memorial of Hon. Albert R. Hatch, General Gilman Marston, and others, attorneys and counselors of the courts of the United States in the district of New Hampshire, remonstrating against the removal of the place of holding the United States courts from Exeter to Concord, New Hampshire; which was referred to the Committee on the Judiciary.

Mr. MCPHERSON presented the petition of Boyer & Kaufman, publishers of the Hudson County Journal, at Hoboken, New Jersey, praying for the abolition of the tariff duties upon printing type and paper; which was referred to the Committee on Finance.

Mr. COCKRELL presented a petition of citizens of McDonald County, Missouri, praying for the passage of a law regulating interstate commerce; which was referred to the Committee on Commerce.

Mr. COCKRELL. I also desire to present the petition of some five thousand citizens of Missouri, residing in forty-seven different counties, urging the importance of cane-growing in the United States for the manufacture of sugar and sirup, asking such legislation as will furnish protection and encouragement to the same, and most earnestly and persistently urging Congress not to enact any law granting a renewal or extension of patents now in use upon any article or machinery for the manufacture of sugar or sirup. They say such an extension or renewal would give control to a few to enrich themselves at the sacrifice of an important industry of the country. I call the special attention of the Committee on Patents to this respectable petition, and trust that they will act in accordance with its request. I move its reference to the Committee on Patents.

The motion was agreed to.

Mr. COCKRELL. There have been submitted to me by Mr. C. M. Carter, an attorney of this city, certain papers, evidence in the matter of the bill (S. No. 714) for the relief of W. H. Barnhart. I desire to present them to the Senate that they may be referred properly to the Committee on Claims, and be before that committee by proper authority.

THE VICE-PRESIDENT. The papers will be so referred.

Mr. FARLEY presented a concurrent resolution of the Legislature of California, remonstrating against the proposed Franco-American commercial treaty for the reduction of American tariffs upon all French products, such as silk, woolen, iron, and glass manufactures, and wines and brandies; which was referred to the Committee on Finance.

He also presented a concurrent resolution of the Legislature of California, in favor of an appropriation by Congress of \$30,000 for dredging and otherwise improving Humboldt Bay; which was referred to the Committee on Appropriations.

Mr. COKE presented a petition of citizens of McLennan and Falls Counties, Texas, praying such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

He also presented a petition of citizens of McLennan and Falls Counties, Texas, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

Mr. TELLER presented additional papers in reference to the claim of H. A. W. Tabor, late postmaster at Leadville, Colorado; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a letter from the Acting Commissioner of the General Land Office, and also one from himself, relative to the right of J. H. Pinkerton to file for and enter public lands under the pre-emption laws; which were referred to the Committee on Public Lands.

Mr. DAVIS, of Illinois, presented the petition of F. B. Mills, of Lincoln, Illinois, publisher of the Lincoln Herald, and the petition of Aug. Geringer and 5 others, publishers of German newspapers, of Chicago, Illinois, praying for the passage of a law placing wood and straw pulp, soda-ash, and other chemicals used in the manufacture of paper, on the free list, and to reduce the duty on printing-paper used for books, &c.; which were referred to the Committee on Finance.

Mr. DAVIS, of Illinois. A couple of weeks ago, in submitting some remarks on the Geneva award bill, I took occasion to say that I was not aware of any citizens in the State of Illinois being interested in

the subject; but I have received a petition which convinces me otherwise. I beg leave to present the petition of Francis H. Kales and 39 others, citizens of Chicago, Illinois, praying Congress to pass some legislation which will give to all rightful claimants to the Alabama fund an opportunity to present their claims to some properly constituted tribunal. Inasmuch as the bill is pending I move that the petition lie upon the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1031) for the relief of Edward T. Benton, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 916) to authorize the United States to secure a title to certain military and timber reservations, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. No. 81) to make the 23d day of February, 1880, a legal holiday in the District of Columbia, reported adversely thereon; and the joint resolution was postponed indefinitely.

He also, from the select committee to investigate and report the best means of preventing the introduction and spread of epidemic diseases, to whom was referred the bill (S. No. 1182) to increase the efficiency of the National Board of Health, reported it with amendments.

Mr. PRYOR, from the Committee on Claims, to whom was referred the bill (S. No. 170) for the relief of Tolley and Eaton, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. EATON. The Committee on Foreign Relations, to whom was referred the joint resolution (S. R. No. 29) providing for a treaty of reciprocity and commerce with the Republic of France, ask to be discharged from its further consideration, believing that the matter ought properly to be in the hands of another department of the Government. We therefore recommend its indefinite postponement.

The joint resolution was postponed indefinitely.

Mr. ROLLINS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1125) to provide for building a market-house on square 446 in the city of Washington, District of Columbia, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred the bill (S. No. 853) to pay members of certain military organizations therein named, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1087) for the relief of John F. Clancey, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 933) for the relief of Edward S. Farrow, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 710) for the relief of Henry P. Seymour, William A. Frazer, Alvan N. Sabin, and the heirs of Percy S. Leggett, late supernumerary second lieutenants of the Fifth Michigan Cavalry, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of M. W. Saxton, late first lieutenant Twenty-fourth United States Infantry, praying for his restoration to his rank in the Army, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, reported an amendment intended to be proposed to the bill (S. No. 965) for the relief of D. T. Kirby; which was ordered to be printed.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 1008) for the relief of William A. Winder, to submit an adverse report thereon, and to recommend the indefinite postponement of the bill.

The VICE-PRESIDENT. The report will be printed, and the bill will be postponed indefinitely, if there be no objection.

Mr. BLAIR. I ask that the bill be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BLAIR subsequently said: There was a mistake in regard to the consideration of Senate bill No. 1008 by the Committee on Military Affairs, the committee not hearing me as was designed. I ask that the bill be recommitted to the Committee on Military Affairs for further consideration.

Mr. LOGAN. So far as I am concerned, I have no objection to its recommittal in order that the Senator may be heard, if there is no objection on the part of other members of the committee.

The VICE-PRESIDENT. The Chair hears no objection, and the bill will be recommitted.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (S. No. 597) for the relief of Rev. Erastus Lathrop, of the State of Illinois, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BALDWIN, from the Committee on Commerce, to whom was referred the bill (S. No. 698) for the relief of Richard Hawley & Sons, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. FERRY, from the Committee on Finance, to whom was referred the bill (H. R. No. 2649) to authorize the Comptroller of the Currency to issue \$500 in new notes to the National Bank at Pontiac, Illinois, to replace a like amount which have never been signed, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. PLUMB, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1305) abolishing the military reservations of Fort Abercrombie, Fort Seward, and Fort Ransom, all in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale, the same as other public lands, reported it without amendment and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3783) to remove the charge of desertion from the military record of Jerry Foley, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. BOOTH, from the Committee on Public Lands, to whom was referred the bill (S. No. 191) to reduce the price of public lands within railroad limits, reported it with an amendment.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (H. R. No. 2796) for the relief of George Eyster, reported it without amendment.

COMMITTEE ON EXCISE REVENUE.

Mr. BAYARD. I am instructed by the Committee on Finance to report the following concurrent resolution:

Resolved by the Senate, (the House of Representatives concurring.) That a joint committee, consisting of two members of the Finance Committee of the Senate and the Ways and Means Committee of the House of Representatives, be appointed by the respective presiding officers, to take into consideration the alleged losses of revenue arising from the evasion of the stamp-tax on cigars and other articles subject to excise duties, what remedy can be provided by law, and with power to recommend such measures as they may deem proper by bill or otherwise.

The VICE-PRESIDENT. Is there objection to the consideration of this resolution?

Mr. EDMUNDS. Yes, sir; it must go over. I am opposed to joint committees. I have no objection to the subject being considered by the Finance Committee or any committee of the Senate.

The VICE-PRESIDENT. Objection being made, the resolution goes over.

POLITICAL CONTRIBUTIONS.

Mr. BUTLER. I am instructed by the Committee on Civil Service and Retrenchment, who were directed by resolution of the Senate of the 29th of May, 1879, to inquire into the alleged violations of sections 1754 and 1755 of the Revised Statutes, in relation to the appointment of wounded soldiers and sailors to civil offices, and also into alleged violations of civil-service reform in the State of Rhode Island, to submit a report, accompanied by a bill. And I desire to give notice that the minority of the committee propose to present their views. I ask that leave for them. I move that the report be printed.

The bill (S. No. 1366) to prohibit officers and employes of, and claimants against, or corporations created or aided by, the United States, or contractors under the United States, from contributing money for political purposes, was read twice by its title, and the report was ordered to be printed.

Mr. TELLER. The minority of the committee retain the right to submit their views.

Mr. BUTLER. I have given notice to that effect.

Mr. TELLER. I did not so understand.

The VICE-PRESIDENT. The views of the minority will be received and printed when presented.

BILLS INTRODUCED.

Mr. DAWES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1351) granting a pension to Henry Thresher; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1352) for the relief of George G. Snyder; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. CAMERON, of Pennsylvania, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1353) for the relief of N. & G. Taylor Company; which was read twice by its title, and referred to the Committee on Finance.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1354) for the relief of Cyrus K. Lord; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1355) for the relief of First Lieutenant Will-

iam H. Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1356) to provide for the construction of a railroad and telegraph line from the town of Fort Smith, on the line of the Indian Territory and the line of the State of Arkansas, to Arkansas City, on the line of said Indian Territory and the line of the State of Kansas, so as to secure to the General Government better postal facilities and a shorter line of travel for the general public; which was read twice by its title, and referred to the Committee on Railroads.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1357) for the relief of persons whose claims were not presented in time to the court of commissioners of Alabama claims; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1359) to authorize and enable the Eastern band of the Cherokee Indians to institute and prosecute a suit in the Court of Claims against the Cherokee Nation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1360) granting a pension to Aaron Hatcher; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1361) granting an increase of pension to Elisha F. Rogers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1362) creating the customs district of Southern Oregon an inspection district, and providing for the appointment of an inspector of hulls and an inspector of boilers for the same; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1363) granting a pension to Eli Coopridee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GROOME (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1364) for the relief of Edwin Mauck, of Crisfield, Maryland; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1365) for the relief of Thomas P. Wollaston; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

Mr. BUTLER (by request) asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 84) to furnish a bronze statue of General Daniel Morgan to the Cowpens centennial committee of Spartanburgh, South Carolina; which was read twice by its title, and referred to the Committee on Military Affairs.

CONSTANTINO BRUMIDI.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1355) to pay certain moneys to the heirs of Constantino Brumidi, deceased; which was read the first time by its title.

Mr. VOORHEES. I ask that the bill be read at length for the information of the Senate.

The bill was read the second time at length, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to pay to the heirs of Constantino Brumidi, deceased, the sum of \$500, that being the amount reserved from the last voucher paid him for painting in fresco the picture on the canopy of the Dome of the Capitol; and also to pay to said heirs the sum of \$200, to defray the funeral expenses of said deceased; said payments to be made out of the moneys appropriated by an act approved March 3, 1879, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," said appropriation being in the language following: "To pay C. Brumidi for retouching and blending the picture in fresco on the canopy of the Dome of the Capitol and for constructing a scaffolding under said picture, \$700."

Mr. VOORHEES. Mr. President, the reason for the introduction of this bill grows out of the following facts: the Government made a contract with Mr. Brumidi for the painting, in fresco, on the canopy of the Dome of the Capitol. The scaffolding necessary to enable the artist to do his work was furnished by the Government. When the painting was finished and the scaffolding removed the Secretary of the Interior withheld the sum of \$500 of the contract-price as a guarantee for any retouching which the work might need after it dried out and became thoroughly seasoned to the air. This amount was held back, to be paid to Mr. Brumidi for such future attention on his part as the painting might be found to require. He was at all times in readiness to comply with the wishes of the Government on this subject. No scaffolding, however, was ever replaced on which to work in the canopy of the Dome, nor was he ever called on by the officials having this matter in charge to give his painting there any further attention. After waiting several years, Mr. Brumidi addressed a letter on the subject to the Senator from Massachusetts, [Mr. DAWES,] as chairman of the Committee on Public Buildings and Grounds, asking to be allowed to retouch his work, if necessary, and to draw the balance due him on his contract. This letter was referred by the Senator

from Massachusetts to the Architect of the Capitol, who returned the following answer. I will ask the Secretary to read it.

The Chief Clerk read as follows:

ARCHITECT'S OFFICE, UNITED STATES CAPITOL,
Washington, D. C., February 12, 1879.

SIR: I have the honor to return herewith the letter of C. Brumidi, relative to his claim for \$500, retained from his last payment for painting in fresco the picture on the canopy of the dome.

The statement of Mr. Brumidi in relation to the retention of the \$500 is correct. As it is desirable to have the picture finished, I respectfully recommend that an appropriation of \$700 be made to pay the balance due him on the picture when finished and for the expense of constructing the necessary scaffolding for the purpose of such completion.

Very respectfully,

EDWARD CLARK,
Architect United States Capitol.

Hon. H. L. DAWES,

Chairman Committee on Public Buildings and Grounds, United States Senate.

Mr. VOORHEES. Of course the \$500 withheld by the Secretary of the Interior, as above stated, had been covered into the Treasury under the general law as an unexpended balance, and was no longer available. Hence the necessity for a new appropriation. In response to the recommendation of Mr. Clark the Committee on Appropriations, and subsequently both branches of Congress, made the following provision in the sundry civil act for the fiscal year ending June 30, 1880:

To pay C. Brumidi for retouching and blending the picture in fresco on the canopy of the Dome of the Capitol and for constructing a scaffolding under said picture, \$700.

The money thus appropriated has been available nearly a year, yet no steps were taken by the proper authorities to enable Mr. Brumidi to ascend again into the canopy of the Dome of this Capitol, and none now ever will be. In the exact and legal fulfillment of a contract it is our duty to pay this sum of \$500 to his heirs. On this point I conceive there can be no difference of opinion. I have ventured, however, in the bill just introduced to ask Congress to apply the remaining \$200 of the appropriation of March 3, 1879, to the payment of the funeral expenses of the great artist who has just passed away. May I not be pardoned some brief mention of the wonderful genius, so long, so gently, and so beautifully associated with this Capitol? He died poor, without money enough to bury his worn-out body, but how rich the inheritance he has left to the present and succeeding ages! During more than a quarter of a century he hovered along these walls from the basement to the Dome, leaving creations of imperishable beauty wherever his touch has been. Wherever he paused by a panel, or was seen suspended to a ceiling, there soon appeared the brilliant conceptions of his fertile and cultivated mind. We can form no correct idea of the extent, the variety, and the perfection of his taste and skill as an artist without sometimes forgetting our pressing cares, and looking in detail over his field of labor.

Almost every committee-room announces to the eye by historical or allegorical paintings in fresco the duties to which it is dedicated. Who ever passed through the room of the Committee on Military Affairs without feeling that the very genius of heroism had left there its immortal inspirations? Who would mistake in after ages the use to which the room for the Committee on Naval Affairs had been devoted? The painter has told the whole story in a silent but in an undying language. Who would not know that he approached the room of the Committee on Patents when glancing up he beholds Robert Fulton over the door, with his little steamboat in the distance plying in a small stream as it once did in Rock Creek between this city and Georgetown? As you seek the Committee on Indian Affairs you find Columbus, Las Casas, and the hapless Indian, recalling the whole history of the Indian race. Looking down from the ceiling of the Library Committee room are paintings denoting belles-lettres, painting and history, science and architecture. And so I might continue through the whole range of public affairs, showing that to the unrivaled skill of the painter Mr. Brumidi added the resources of the historian and a full knowledge of the workings of our Government. The poetry of the artist, if I may so express it, had also its field of display. To one who recalls the great forests of the West before they were swept away, the birds and the specimens of American animals with which he has adorned a portion of this Capitol must be a source of unceasing enjoyment. The birds especially are all there, from the humming-bird at an open flower to the bald eagle with his fiery eye and angry feathers. I have been told that the aged artist loved these birds as a father loves his children and that he often lingered in their midst as if a strong tie bound him to them. Doubtless he heard, or seemed to hear, their woodland voices. He loved the beautiful objects and forms of this beautiful world and—

To him who in the love of Nature holds
Communion with her visible forms, she speaks
A various language; for his gayer hours
She has a voice of gladness, and a smile
And eloquence of beauty; and she glides
Into his darker musings with a mild
And healing sympathy, that steals away
Their sharpness ere he is aware.

Mr. Brumidi was engaged at the time of his death on what he regarded as the greatest work of his life. He was unfolding with the magic of genius in the Dome of the Capitol the scroll of American history, from the landing of Columbus to the present day. He earnestly desired to live long enough to complete this vast conception.

But he has left an empty chair, and his great design unfinished, as others have done and will continue to do in other places. At no distant day some memorial will be erected in some appropriate place in this Capitol to his memory. He who beautifies the pathway of life, who creates images of loveliness for the human eye to rest upon, is a benefactor of the human race. He will be crowned by the gratitude of his own and of succeeding generations. In the older countries of Europe, where the profession of art has a higher rank than here, Brumidi would have had a public funeral, and his remains would have been deposited in ground set apart for persons of distinction. In England he would have had a place and a tablet in Westminster Abbey. It matters little, however, whether we or those who come after us do anything to perpetuate his memory. The walls of this Capitol will hold his fame fresh and ever increasing as long as they themselves shall stand.

The painter and the sculptor live in their works and achieve an immortality which belongs to no other class. When you and I, Mr. President, and all who hear me, have passed away and been forgotten; when these active times in which we now strive with each other are looked back to as a remote period of antiquity, and viewed through the mist and haze of perhaps a thousand years; when this Capitol, like the capitol of Rome, may have gone to decay and been covered by the mold and dust of far-reaching centuries, the antiquarian will be found revealing to a wondering world the frescoed beauties of these walls, and with them the name of Constantino Brumidi.

I move that the bill be printed and laid on the table, giving notice that I will call it up to-morrow for the action of the Senate.

Mr. MORRILL. Mr. President, I desire to express my hearty approval of the measure proposed by the Senator from Indiana. It is only justice—and that coldly measured—that we should now pay all we ever promised to one who can make no further demands upon us, but whose works will live to remind us of his twenty-five years of most valuable service in a branch of art where he stood on this continent confessedly foremost, whether among foreign or native artists. Covering as he has done so much space with his fresco paintings—so difficult and so durable—it is wonderful that so great a part should be fairly excellent and so little that competent critics esteem otherwise. If he has not attempted the ambitious rôle of the old masters on the walls and ceilings of churches, it may be at least said that his hand has rarely touched anything which it has not decorated. Even after that accident by which his life hung many minutes fearfully imperiled under the Dome of the Capitol, his latest work there, unfinished though it be, shows that his hand had not lost its cunning, and his acquaintance with American history and skill in its portrayal has, perhaps, never been more happily displayed.

Those who have, without any special intimacy, barely seen this poor and quiet old man as he slowly passed and repassed to his daily tasks, or who have but for a moment listened to his speech in broken English, and never heard his glib tongue when he met those with whom he could converse in his native language, will hardly comprehend his merits as a severe student in the art to which he had devoted his whole life, or his sensitiveness to the harmony and proper blending of colors; still less will they be inclined to credit the rapid and correct drawing of which he was undoubtedly a master; but the evidences of his rare genius and of swift work are too conspicuous to be denied. We have only to look around to behold them all.

Brumidi was a diligent reader of Dante, of Gibbon, of Bancroft, and many other works from which he derived historical and classical aid, and his great desire was that he might live to complete his last great work. So long had he devoted his heart and strength to this Capitol that his love and reverence for it was not surpassed by even that of Michael Angelo for St. Peter's.

He leaves a daughter in Italy dependent upon a regular remittance from her father, and he leaves an adopted son beginning to be taught in the line of his father's vocation, but not so far advanced as to give any support.

I hope it will be the pleasure of the Senate unanimously to pass the bill whenever it comes up for action.

The VICE-PRESIDENT. The bill will lie upon the table and be printed.

BATTLE OF GETTYSBURGH.

Mr. GORDON. In connection with the papers that I presented this morning I offer the following resolution:

Resolved, That the letter of the Secretary of War of March 12 and the resolutions of the Society of the Army of the Potomac of December 3, 1878, regarding the preservation of the data concerning the battle of Gettysburg, and all the papers relating thereto, be taken from the files and referred to the Committee on Military Affairs; also, that the memorials upon that subject be referred to the same committee.

The resolution was considered by unanimous consent, and agreed to.

LIKENESS OF THE LATE JOSEPH HENRY.

Mr. GARLAND submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be instructed to inquire into the expediency and propriety of securing an accurate likeness of Professor Joseph Henry, late Secretary of the Smithsonian Institution, for the purpose of placing the same in the institution.

REPORT OF ENTOMOLOGICAL COMMISSION.

Mr. LOGAN submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed, with necessary illustrations, at the Government Printing Office, 6,000 extra

copies of Bulletin No. 5 of the United States Entomological Commission, on the subject of the chinch-bug; 3,000 copies for the use of the House, 2,000 for the use of the Senate, and 1,000 copies for the use of the Department of the Interior.

AMENDMENT TO A BILL.

Mr. CAMERON, of Wisconsin. On the 2d of April a bill (S. No. 327) for the improvement of the Harlem River was introduced by me at the request of parties interested. The same parties now desire to offer an amendment to the bill. I present the amendment, and move that the bill with the amendment be printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. THEODORE F. KING, one of its clerks, announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4606) authorizing the President of the United States to nominate Drs. Thomas Owens and William Martin assistant surgeons in the United States Navy;

A joint resolution (H. R. No. 110) authorizing Lieutenant B. H. Buckingham, of the United States Navy, to accept a decoration conferred upon him by the President of the French Republic;

A joint resolution (H. R. No. 112) authorizing First Lieutenant Henry Metcalfe, of the Ordnance Department, United States Army, to accept a decoration from the Sultan of Turkey;

A joint resolution (H. R. No. 208) authorizing General Francis A. Walker, Superintendent of the Census, to accept decorations from the governments of Sweden and Spain; and

A joint resolution (H. R. No. 219) in relation to the claim of John C. Landreau against the government of Peru.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 2003) for the relief of J. P. Zimmerman and H. P. Snow, of Clinton County, Kentucky;

A bill (H. R. No. 2785) authorizing the Secretary of the Treasury to appoint a deputy collector at Lake Charles, Louisiana; and

A joint resolution (S. R. No. 80) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of Ireland.

DEATH OF REPRESENTATIVE LAY.

The message also communicated to the Senate the intelligence of the death of Hon. A. M. LAY, late a member of the House from the State of Missouri, and transmitted the resolutions of the House thereon.

THE CALENDAR.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar.

The first bill on the Calendar was the bill (S. No. 527) to provide that all persons sentenced to imprisonment by the United States courts shall be confined in the prisons of the States wherein they were tried and convicted.

The VICE-PRESIDENT. This bill was reported adversely from the Committee on the Judiciary, and it will be passed over.

NATIONAL CAPITOL INSURANCE COMPANY.

The next bill on the Calendar was the bill (S. No. 360) repealing the charter of the National Capitol Insurance Company.

Mr. COCKRELL. I should like to hear some explanation of that bill.

Mr. PLATT. Let the report be read.

Mr. HARRIS. If it is desired that an explanation shall be fully and satisfactorily made, I prefer that the bill go over in the absence of the Senator from Kansas [Mr. INGALLS] who reported it.

The VICE-PRESIDENT. The bill will be passed over.

ABSALOM KIRBY.

The next business on the Calendar was the joint resolution (S. R. No. 68) for the relief of Passed Assistant Engineer Absalom Kirby, of the Navy.

Mr. COCKRELL. Let that go over.

The VICE-PRESIDENT. The joint resolution will be passed over.

INSPECTOR OF PLUMBING.

The next bill on the Calendar was the bill (H. R. No. 1894) authorizing the employment of an inspector of plumbing in and for the District of Columbia, and for other purposes.

Mr. ROLLINS. I think that bill had better go over. The Senator from Kansas [Mr. INGALLS] is not here.

Mr. EDMUNDS. There are several other reasons why it should go over.

The VICE-PRESIDENT. The bill will be passed over.

OMAHA INDIAN RESERVATION.

The next bill on the Calendar was the bill (S. No. 1136) to provide for the sale of a portion of the reservation of the Omaha tribe of Indians.

Mr. EDMUNDS. Let that go over, Mr. President.

Mr. SAUNDERS. I hope no Senator will object to this bill. It is reported unanimously by the Committee on Indian Affairs, and it is just in the form of a bill that passed several years ago, but failed to

be carried out at the time for some reason, as the committee understand, and now there is no objection to this on the part of the Indians or the whites, but there is anxiety on the part of both that it may be passed. There is no objection anywhere, and I hope it may be allowed to go through.

Mr. EDMUNDS. I think it will require more time than we can give it under the Anthony rule.

The VICE-PRESIDENT. The bill will be passed over.

FITZ-JOHN PORTER.

The next bill on the Calendar was the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army.

Mr. TELLER. That had better go over.

The VICE-PRESIDENT. The bill will be passed over.

ALBERT V. CONWAY.

The next bill on the Calendar was the bill (H. R. No. 768) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee, for certain registered United States bonds redeemed or assigned by the Government upon forged assignments.

Mr. EDMUNDS. Let us hear the report, Mr. President, if there is one.

The VICE-PRESIDENT. There is no report.

Mr. ALLISON. There is a House report. The facts are very brief in this case. Mary A. Boyd was a joint trustee, as I remember the facts, and in some way secured possession of these bonds and by means of a forged assignment they were paid to wrong parties.

Mr. COCKRELL. She was one of two trustees?

Mr. ALLISON. She was one of two trustees. These bonds were written to certain minor heirs. The heirs can get no relief at the Treasury. The matter was considered by the Committee on Finance, and they unanimously authorized me to report the bill.

Mr. COCKRELL. Will the Senator from Iowa answer the question whether this trustee was not as rightfully in possession of these bonds as any one could be? Was it not simply a breach of trust on the part of the trustee, and must the Government be made responsible for a breach of trust on the part of this trustee? Must not the injured parties seek their recourse against the trustee?

Mr. ALLISON. The matter has passed somewhat from my mind, but I think all the papers were returned with the bill. There is a report from the House committee connected with the bill. It may be that Mary A. Boyd was not strictly a trustee.

Mr. COCKRELL. That would make a very material difference. If she was trustee, and had possession of the bonds, she had that possession legally, and there was only a breach of trust on her part, for which the Government is not responsible.

Mr. ALLISON. She in some way secured possession of the bonds, and by means of a forged assignment they were paid. The proper trustee appointed by the court now applies for the bonds for the benefit of those rightfully entitled to them. But the facts are not fresh in my memory; and at the suggestion of some Senators I will let the case go over for the present. I am willing that the case shall be passed over until the papers come in.

The VICE-PRESIDENT. The case will be passed without prejudice, and the next case reported.

REMISSION OF DUTY.

The next bill on the Calendar was the bill (H. R. No. 3058) authorizing the remission or refunding of duty on an altar from Rome, Italy, for the Saint John's cathedral of Indianapolis, Indiana; which was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HORTENSIA H. COOK.

The next bill on the Calendar was the bill (S. No. 66) for the relief of Hortensia H. Cook.

Mr. EDMUNDS. Let us hear the report read, in that case.

The Chief Clerk read the following report, submitted by Mr. PRYOR on the 29th of January:

The Committee on Claims, to whom was referred the bill (S. No. 66) for the relief of Hortensia H. Cook, administratrix of Henry Cook, deceased, having had under consideration the same, and accompanying documents, report:

That from the letters, two in number, from Green B. Raum, Commissioner of Internal Revenue, Treasury Department, bearing date January 2, 1878, and January 2, 1879, furnishing information upon inquiries touching this claim, from the records of the United States direct-tax commissioner for Virginia, on file in Office of Internal Revenue, Treasury Department—

1. That a certain lot of ground on King street, in the city and county of Alexandria, Virginia, (more particularly described in documents herewith filed,) said to belong to A. C. Briggs, and charged to him on the land books of the State aforesaid for the year 1860, was sold for the non-payment of direct taxes, on the 1st of February, 1864, to Henry Cook, for the sum of \$400, the amount of tax, penalty, interest, and cost of sale being \$7.05.

2. That the records of the office of United States direct tax commissioner for Virginia aforesaid, on file as aforesaid, do not show that the money has ever been paid back.

3. That Hortensia H. Cook, represented as the widow of the purchaser at tax sale, applied to Green B. Raum, Commissioner as aforesaid, for the return of the purchase-money aforesaid, under the provisions of the acts of Congress of the 9th of May and 8th of June, 1872.

4. That the Commissioner, Green B. Raum, aforesaid, refused the application to pay back said purchase-money so paid by Cook as aforesaid, upon the grounds that the acts of 1872, above mentioned, only provide for the refunding or paying back of the purchase-money when the purchaser has been evicted by a judgment of a

United States court; and also rejected said application, and refused to refund said purchase-money, upon the further ground that it appeared that Cook had received a deed of conveyance of said lot from said Briggs.

5. That in this case it does not appear that Cook was ejected or evicted from said lot of ground by a judgment of a court or otherwise.

6. That after the direct-tax sale the said Cook did receive from the said Briggs a conveyance of title to said lot.

7. That the deed of conveyance from Briggs, the alleged owner, to Cook, the purchaser at the tax sale, recites a consideration of \$800, and excepts from the operation of the covenants as to warranty of title the forfeiture and sale of the lot conveyed for the non-payment of the United States direct tax.

8. That in the case of the claim and act of Congress for the relief of Anthony Lawson, surviving partner of the firm of Lawson & Brewis, of Alexandria—July 19, 1876—the commissioner of the internal revenue for the direct tax in Virginia adopted a rule not to receive the tax due on property so advertised unless tendered by the owner in person; that the Supreme Court, in the case of Lacy vs. Irwin, (18 Wallace,) held that this rule was unauthorized, and rendered a sale under it void.

The committee, after considering the facts thus obtained from the accompanying documents, which are here referred to and made a part hereof, (papers are on file in Secretary's office to which reference is made) have reached the conclusion that the sale, under the rules of the commissioners in Virginia, was void, and that in that event Cook had the right to voluntarily do that which a court of competent jurisdiction would have decreed or adjudged he could or might do by way of perfecting his title to said lot sold at said tax sale; and that therefore he did not prejudice his right to have the purchase-money paid back by purchasing the lot from Briggs and receiving a deed of conveyance therefor from him. But it is probable that Henry Cook, having obtained and received the deed of and for said lot, could not successfully maintain a suit where he would be both the plaintiff and defendant, and such would be the case if he, under the acts of 1872, should be required to secure a judgment of eviction, as insisted upon by the Commissioner, Green B. Raum, before the purchase-money could be refunded to him under the acts of 1872; and equally so as to his administratrix. These difficulties should not, in the estimation of this committee, prejudice the claimant. That it is the sense of this committee that justice requires that the claimant should be refunded the amount claimed in the bill, and the committee therefore report back the bill and recommend its passage.

Mr. EDMUNDS. This is one of a large class of applications that have been before Congress for a long time.

Mr. PRYOR. I ask the Senator from Vermont, if he has any opposition to the bill, to let it pass over until the Senator from Virginia, [Mr. WITHERS,] who has manifested an interest in the welfare of the bill, can have an opportunity to hear what may be said. I ask that it be passed over without prejudice.

Mr. EDMUNDS. I do not know that I shall be willing to pass it without prejudice unless it is to happen that I shall be in the Senate Chamber when without prejudice it shall suddenly come up some time.

Mr. PRYOR. I will suggest to the Senator from Virginia, if the Senator from Vermont is not in his seat that he give him an opportunity to be present.

Mr. EDMUNDS. With that understanding I have no objection, but I wish to say just here that I am opposed to the passage of the bill. I think Congress deliberately laid down the most liberal rule in the general law that it has provided, which could be adopted in such a case, because we all know that upon principles of law and administration we are under no obligation to purchasers at tax sales. They buy whatever they can get, and usually buy as a speculation to take their chances. I think that one committee of this body has, at this present session, on not a tax sale, but a confiscation sale, held to that rule and refused to give relief. Therefore, I am opposed to this species of legislation. This is only one of a pretty large class.

In the next place I do not think the committee has found that the circumstances of this case fall within any explicit decision of the Supreme Court of the United States. I know the decision to which reference has been made in the report; but I should want a very careful examination of the facts to be sure that every fact brought the case within that decision. So I am opposed to the whole bill as it stands, upon the principle of the thing; but certainly in the absence of the Senator from Virginia I should not wish to have it taken up for consideration now. Therefore I assent to its going over.

The VICE-PRESIDENT. The bill will stand first on the next call of the Calendar. The morning hour has expired. Before calling up the unfinished business, the Chair will submit some bills from the House of Representatives for the purpose of reference.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4606) authorizing the President of the United States to nominate Drs. Thomas Owens and William Martin assistant surgeons in the United States Navy was read twice by its title, and referred to the Committee on Naval Affairs.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Foreign Relations:

A joint resolution (H. R. No. 208) authorizing General Francis A. Walker, Superintendent of the Census, to accept decorations from the governments of Sweden and Spain;

A joint resolution (H. R. No. 110) authorizing Lieutenant B. H. Buckingham, of the United States Navy, to accept a decoration conferred upon him by the President of the French Republic;

A joint resolution (H. R. No. 112) authorizing First Lieutenant Henry Metcalfe, of the Ordnance Department, United States Army, to accept a decoration from the Sultan of Turkey; and

A joint resolution (H. R. No. 219) in relation to the claim of John C. Landreau against the government of Peru.

DEATH OF REPRESENTATIVE LAY.

Mr. COCKRELL. I ask now that the resolutions of the House of Representatives in regard to the death of Hon. ALFRED M. LAY be

taken from the Secretary's desk and presented to the Senate for suitable action.

The VICE-PRESIDENT laid before the Senate the following resolutions from the House of Representatives; which were read:

IN THE HOUSE OF REPRESENTATIVES, February 23, 1880.

Resolved, That this House has heard with profound regret of the death of Hon. ALFRED M. LAY, late a member of this House from the State of Missouri.

Resolved, That as a testimonial of respect to his memory the officers and members of this body will wear the usual badge of mourning for the space of thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk of this House to the family of the deceased.

Resolved, That the Clerk be directed to communicate a copy of these proceedings to the Senate, and that, as a further mark of respect to the memory of the deceased, the House do now adjourn.

Attest:

GEO. M. ADAMS, *Clerk*,
By GREEN ADAMS, *Chief Clerk*.

Mr. COCKRELL. Mr. President, I offer a resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Senate has received with profound sorrow the announcement of the death of Hon. ALFRED MORRISON LAY, late a member of the House of Representatives from the State of Missouri.

Mr. COCKRELL. Mr. President, ALFRED MORRISON LAY was born May 20, 1836, in Lewis County, Missouri, and in 1842 removed with his parents to Benton County. He received his early education in private schools, and then entered Bethany College, Virginia, from which he graduated in 1856. He then entered upon the study of law in Jefferson City, Missouri, and was there admitted to the bar in 1857. He was soon afterward appointed by President Buchanan United States attorney for the western district of Missouri.

He resigned this office in 1861, and soon thereafter enlisted as a private soldier in the division of General John B. Clark, a part of the military organization in Missouri known as the Missouri State Guard, and rose to the rank of major. He was subsequently captured by the Federal forces and held as a prisoner of war until some time in 1862, when he was duly exchanged and entered the confederate army, in which he served to the close of the war.

He then returned to his home in Jefferson City, and formed a partnership in the practice of law with Hon. J. Ed. Belch, the speaker of the last house of representatives of Missouri. In 1875 he was elected in his senatorial district a member of the constitutional convention convened in that year. On July 25, 1878, he received the nomination for Congress in the seventh district from the democratic congressional convention convened at Boonville, and immediately began an active canvass.

On October 19, while speaking at Otterville he was suddenly stricken with paralysis, and for weeks remained in a very critical condition. He was elected by a decided majority a member of the Forty-sixth Congress and, though very feeble, attended the opening of the first or called session of the Forty-sixth Congress in March, 1879, but was soon compelled to return home. He was again punctually at the post of duty at the beginning of the present session in December last, with seemingly a fair hope of recovery.

On Sunday, December 7, in company with his devoted Christian wife, he attended church in this city, and about nine o'clock in the evening expressed himself to friends as very hopeful and of feeling unusually well. Soon after retiring he was again stricken with the fatal disease which terminated his earthly existence about ten o'clock on the morning of December 8. His remains were escorted by committees of the House and Senate to his home in Jefferson City, and there interred in the cemetery, attended by relatives, neighbors, and friends, deeply mourning his death and condoling with his bereft wife and children.

An honored Representative of the good people of the seventh congressional district of Missouri in the Congress of the United States, at his post of duty and honor, has been taken by death from us, his colleagues and associates. In expressing our regard for the deceased and paying a fitting tribute to his memory, according to our custom, I shall not indulge in mere fulsome declamation and unmerited praise. I personally knew Major LAY from 1862 to his death, and was often thrown in business and social relations with him. We were personal friends. I knew him in all the relations of life. As has been said of another, so I can truthfully say of him:

So his life has flow'd
From its mysterious urn a sacred stream,
In whose calm depth the beautiful and pure
Alone are mirror'd; which, though shapes of ill
May hover round its surface, glides in light,
And takes no shadow from them.

Mr. LAY was the true gentleman. He was courteous in his bearing, gentle and kind in his disposition, conscientious in his convictions, and firm in his principles. As a friend he was candid, sincere, generous, and warm-hearted. As an opponent he was just, fair, and honorable. He never sought his own promotion by defaming those opposed to him, personally or politically. In 1874 he was a candidate for the nomination for Congress and was defeated. In 1876 he was again a candidate and defeated. In 1878 he was successful, after a heated contest. In all these contests he enjoyed the regard and friendship of his competitors, and never lost the confidence of his constituents. He relied for success upon his own character and merits. In the profession of law he was regarded an able lawyer, an effective advocate, and a safe counselor. As a father he was

gentle and affectionate. As a husband he was tender, devoted, and faithful. In the discharge of all duties he was diligent, laborious, and conscientious. As a citizen and an officer, a servant of the people, he was faithful, honest, incorruptible. In the convention which gave the present constitution to Missouri he was a useful and an honored member. On account of his physical condition and short term of service in Congress, no opportunity was afforded for the development of that career of usefulness to his country and honor to himself so confidently anticipated by his friends and constituents.

Prior to his paralysis Mr. LAY had a robust physical constitution capable of great endurance and labor.

When he received the nomination for Congress in 1878 his election was assured; he was in his forty-third year, in the prime and vigor of manhood, and enjoyed the respect and confidence of the people of his district and State. His life was full of promise. While delivering a speech to his constituents—suddenly, without a moment's warning, he was stricken down by that fatal disease which terminated in his death. Truly

Death rides on every passing breeze,
He lurks in every flower.

We have divine authority for saying, "No man dieth to himself." Equally true is it, Mr. President, that "none of us liveth to himself." The life of our departed friend and colleague was one of the many millions cast upon the bosom of Time on earth as the pebble is cast upon the bosom of the ocean, which has caused waves of influence to rise and spread which will continue until they strike the farthest shores of eternity.

He has left to his widow, children, and countrymen a priceless legacy—a spotless character.

Mr. KIRKWOOD. Mr. President, I was not personally acquainted with the deceased Representative from Missouri, but having been a member of the committee appointed to escort his remains to his late residence in that State, and to attend his funeral there, I have thought it not inappropriate to take some part in the proceedings now being had here in honor of his memory.

The Senator from Missouri who has just spoken has spoken fully of Mr. LAY's record as a public man and of his standing as a citizen. My purpose is to speak very briefly, and from very limited means of knowledge, of what I learned of him from his neighbors and friends during my short stay among them while attending his funeral. There is, perhaps, no better means of judging of a man's real worth than by hearing what may be said of him after his death by those among whom he lived and moved in the daily and familiar intercourse of every-day life. Judging Mr. LAY in this way, and by this test, he was a good and true man. During my short stay in Jefferson City his name was necessarily on the lips of all who knew him, and from all who spoke of him in my hearing I heard only high praise of his character while living and deep regret for his loss. So far as I heard, all classes of his fellow-townsmen, the high and the lowly, the rich and the poor, the good and those not so good, spoke well of him as an honest, truthful, and brave man; as a kindly, genial, and generous man; as a good and helpful neighbor, and as a true and trusty friend.

Mr. VEST. Mr. President, to simply state that I knew ALFRED M. LAY well, would be gross injustice to the intimate friendship which existed between us for more than the quarter of a century. I knew him so thoroughly and loved him so much, for no shadow ever came between us, that in paying this tribute to his memory I shall avoid all mere decoration of words, and in the plain phrase of simple truth speak of him who

Loved and lived the truth so well.

ALFRED MORRISON LAY was born in Lewis County, Missouri, on the 20th day of May, 1836. In 1856 he graduated at Bethany College, Virginia, and commenced the study of law in the office of General James B. Gardenhin, then attorney-general of Missouri. Upon his admission to practice in 1857 he became General Gardenhin's partner, and in less than two years was appointed United States attorney for the western district of Missouri. This position he held until August, 1861, when a sense of duty, distinct and emphatic, caused him to resign and enter the Missouri State Guard, where he served with the rank of major. In the winter of 1861-'62 he was taken prisoner, but was exchanged in the fall of 1862, and remained in the confederate service until the close of the war, being paroled at Vicksburgh in 1865.

Returning to Jefferson City, he resumed the practice of his profession, and in 1874 became a candidate for Congress in a contest certainly the most remarkable in the political history of Missouri, if not in that of the Union. For more than a week the nominating convention balloted between three candidates, Mr. LAY, Hon. T. T. Crittenden, and Hon. JOHN F. PHILIPS, and for six hundred and ninety-one ballots Mr. LAY received the largest number of votes. Believing it his duty in the interest of his party and district to terminate the struggle, fast degenerating into a bitter personal contest, Mr. LAY then withdrew, and Colonel PHILIPS was nominated and elected.

In 1875 Mr. LAY was chosen, without opposition, a member of the constitutional convention of Missouri and assisted in framing the State constitution now in force.

In 1876 he was again a candidate for Congress; but Colonel Crit-

tenden received the nomination. And in 1878 the long and protracted struggle in the district terminated by the nomination of Mr. LAY over Colonel Crittenden.

Mr. President, in all political and even personal history I do not know a sadder page than that upon which is written the termination of the ensuing canvass and of a life's ambition. As the deceased had often told me, it was the dream of his boyhood to represent his native State in the National Congress. At last, after years of struggle, the hour came when his hand reached to the prize, and even in that moment he was stricken down.

At one of his last appointments, and while addressing an audience, Mr. LAY was attacked by paralysis and fell almost insensible. Conveyed to his home, he partially recovered, but was an inactive spectator of the remainder of the canvass, which terminated in his election by a large majority.

Actuated by an earnest sense of duty and against medical advice, he attended the commencement of the extra session, but after a few days returned to the Hot Springs of Arkansas, to which he had repaired some weeks before. His health improving, he determined to attend this session, and we traveled together from Saint Louis. On that journey he talked to me often and earnestly of his condition and of his full preparation for any change. Although anxious for recovery, he well knew the insidious foe whose grasp had been relaxed but not released, and he awaited the result, as he had every event of life, fearlessly and calmly. On the 7th day of December, 1879, it came. After retiring at the National Hotel, in this city, he was again attacked by paralysis, and died at half past ten o'clock the next day.

No life is perfect, but each has its aggregate of good or evil; and, aside from empty panegyric, this at last must be the question as each of us drifts out upon the shoreless ocean: "Was his life for good or evil; were its duties performed?"

Mr. President, standing in this high presence, I, who knew the dead intimately in peace and war, in sunshine and shadow, as citizen, soldier, husband, father, and friend, bear testimony before all the world that everywhere and at all times he was modest, firm, intelligent, earnest, and true.

As a lawyer Mr. LAY was singularly faithful, his skill and judgment unquestionable. Consistent and conscientious, as a citizen and in his private relations he was without reproach. Other lives may have been more eventful, but never one of which it could be more truthfully said, "It was devoted to duty."

Of my friend I have spoken as I knew him, and it only remains for me now, in the name of the State of Missouri, to place this offering on his grave.

I move the adoption of the resolution offered by my colleague.

The resolution was agreed to unanimously.

Mr. VEST. As a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was agreed to, and (at one o'clock and fifty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 24, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ADMISSIONS TO THE FLOOR.

Mr. O'NEILL. I ask unanimous consent that the privilege of the floor be granted to a delegation consisting of members of the city councils of Philadelphia, of the Commercial Maritime and Trade Boards of Philadelphia, the representatives of the press, and many distinguished citizens from every business pursuit.

There being no objection, the request was granted.

Mr. PHISTER. I make a similar request on behalf of Professor Joseph D. Pickett, superintendent of public instruction of Kentucky.

There being no objection, the request was granted.

Mr. ALDRICH, of Illinois. I ask that the same privilege be extended to a committee from the city of Chicago who have visited Washington for the purpose of securing the selection of Chicago for the meeting of the democratic national convention.

There being no objection, the request was granted.

The SPEAKER. The Chair asks the privilege of admission to the floor for Hon. S. S. Warner, at the request of the gentleman from Ohio, [Mr. MONROE;] for Hon. J. H. Willard, member of the Indiana Legislature, at the request of the gentleman from Indiana, [Mr. HOSTETTER;] for Judge Joseph H. Sherrard, of Virginia, at the request of the gentleman from Virginia, [Mr. HUNTON;] and for Thomas H. Denny and John F. Saulsbury, of Delaware, at the request of the gentleman from Delaware, [Mr. MARTIN.]

Mr. BREWER. Had we not better suspend the rule?

The SPEAKER. That can be done by unanimous consent. Does the gentleman object to these requests?

Mr. BREWER. I do not make any objection.

There being no objection, the requests were granted.

Mr. HUTCHINS. I make a similar request in behalf of Hon. John

E. Devlin, formerly a member of the Legislature of the State of New York, who is now in this city.

There being no objection, the request was granted.

LEAVE TO PRINT.

Mr. CHALMERS, by unanimous consent, obtained leave to have printed in the RECORD remarks on the education of colored youth. [See Appendix.]

PERSONAL EXPLANATION.

Mr. COX took the chair as Speaker *pro tempore*.

Mr. REAGAN. Mr. Speaker, I ask that the paper I send to the Clerk's desk be read.

The Clerk read as follows:

WASHINGTON, February 11.

Congressman REAGAN, chairman of the House Committee on Commerce, has involved himself in trouble with his bill to regulate interstate commerce. Yesterday the committee, eight to seven, decided not to report the bill to the House. REAGAN was greatly incensed at the action of the committee, and in his anger he insinuated that improper influences had been used to defeat his bill. The gentleman who had opposed his measure rebuked him in unmeasured terms for his insinuation and he withdrew the remarks. Subsequently he begged to be allowed to report his bill to the House, and in order to obtain a vote on this motion Congressman BLISS, who had opposed the bill, obligingly entered a motion to reconsider. The question will be settled at the meeting of the committee on Friday. Last evening, when interviewed by a reporter, Mr. REAGAN expressed himself very boldly about the matter. When asked what caused the defeat of the bill, he said: "Interest; the railroads vigorously opposed it. The committee was originally stocked to defeat it."

"If it again falls in the committee what will you do?"

"I don't propose to reveal my line of action, but I will find a man to bring the bill before the House, which is, I am convinced, strongly in favor of it."

This morning Speaker RANDALL demanded of Mr. REAGAN a retraction of his assertion that the committee had been prepared originally to defeat the bill. Mr. REAGAN said that the reporter had misunderstood him, and that he had not intended to insinuate anything against the Speaker. He promised to have his language corrected in the newspaper to-morrow. If this is done, no notice will be taken of the interview in the House. The members of the committee, however, are deliberating whether or not to pass a resolution censuring Mr. REAGAN for his language. An apology from Mr. REAGAN will probably end the matter. Should he be censured by his committee, he would undoubtedly resign his chairmanship.

Mr. REAGAN. This statement seems to have been made in the New York Sun newspaper of the 11th of this month. But I did not see it or know of its existence till I saw it in the Houston (Texas) Telegram newspaper on last Saturday. It is so gross a perversion of the truth in relation to matters connected with my duties here, and was so manifestly designed to bring odium on me and my conduct as a Representative, that, unpleasant as the duty is, I feel constrained to correct it on this floor, and in the presence of those who are represented as actors in the matter.

Of the false statements it contains I only propose to call attention to three:

First, it is not true that the gentlemen of the committee who had opposed my bill rebuked me in unmeasured terms, or that they rebuked me at all.

Second, it is not true that Mr. Speaker RANDALL demanded of me a retraction of any assertion that I had made, or that I promised to have my language corrected in the newspapers. Mr. RANDALL did call my attention to what purported to be an interview in the Post newspaper of that morning, and stated that it was calculated to do him injustice. On reading it, I told him the statement as made was not mine and that I was not responsible for it; that I had refused to be interviewed, but had some conversation with the reporter, and that he had only reported a part of what I had said, and I would request the Post to correct its statement, not mine. And this correction was made.

Third, I am informed by the members of the committee that it is not true that they deliberated whether they should censure me for my language or for any other cause.

I have intentionally avoided any reference to anything which occurred in the committee beyond negating the false statements referred to. On inquiry I am informed that similar dispatches were sent to other cities and papers. I suppose, without knowing the fact, that the object of this false and slanderous statement being sent to the country was that it should follow the action of the committee in refusing to report my bill, with an effort to bring odium on me as one of the means of defeating a great measure with which my name has been somewhat connected, which is designed to benefit the whole American people.

I have only to add that I do not expect to escape false and infamous attacks on both my conduct and character while engaged in a struggle in the interest of the people against the combined influence of the great corporations of the country and their billions of capital; but I shall continue the contest faithfully to the end.

Mr. RANDALL, (the Speaker.) Mr. Speaker, on the morning of the publication to which the gentleman from Texas [Mr. REAGAN] has alluded, my attention was called to the article in question. I naturally was indignant; and as soon as I could see and confer with the gentleman from Texas I did so, calling his attention to the statement, which he said was not his own, adding that he would see that the proper correction was made. That correction was made. There my connection with the matter ended. There was neither menace nor necessity for menace on my part. I never should have alluded to the matter on the floor of this House if the gentleman from Texas had not introduced it; for it is not my habit to bring into the House what occurs outside.

As I said to the gentleman from Texas at the time, the statement was a serious and wicked one, for which, I want to say here in the presence of the House, there is not a scintilla of foundation in truth from beginning to end. So far from being swayed in the least degree in the appointment of the committee by such considerations as those suggested, I never thought when this committee was appointed of what legislation was likely to come before it. The committee was appointed with reference to all the great interests of the country. In conclusion, I repeat that any such statement as that which has been read is wickedly and outrageously untrue in so far as it undertakes to attribute to me any undue motives in the appointment of that committee or any other.

Mr. REAGAN. Mr. Speaker, I will only add that it seems to me there was no occasion for the Speaker of the House to characterize the language used in that purported interview with reference to anything I have said, because in my language to him, and to the very man who made the statement, the Speaker of this House was exonerated.

Mr. RANDALL, (the Speaker.) My remarks as to the wickedness and wrong of the charges were confined to the article as printed.

Mr. WAIT. Mr. Speaker, I only wish to say, in justification of the chairman of the committee, that there was not, to my recollection, any movement on the part of any member of the committee looking to the passing of a vote censuring the action of the chairman. I cannot be mistaken with regard to this, for I have a very distinct recollection of the discussion that sprung up in the committee on the occasion referred to by the gentleman from Texas and the Speaker of the House; and so far as regards the statement in the public prints, that the chairman of the committee intimated that the Speaker had "packed" the committee so as to secure the defeat of any particular measure, I understood the chairman to deny most emphatically that he for one moment meant to convey any such intimation in the language which he then used. The members of the committee repudiated the idea that the Speaker had packed the committee, and, so far as they severally expressed their opinions, declared in terms that there was not any foundation for such belief. Had the committee been improperly or unfairly constituted by the Speaker, it would inevitably have been suspected by some member or members, but they one and all declared at this time that they had not the faintest belief that any such course was pursued by the Speaker. I say this in justice to that gentleman, should any one infer that there was any cause for such belief from the tendency of the present discussion.

The members of the committee of course differed in their views as to the expediency of passing this particular bill, then pending before them. The chairman had his views, and a majority of us entertained views differing from him; but there was not any such action pursued by the chairman or by the committee as is claimed in the article which the gentleman from Texas has had read to the House. The article, according to my best recollection, is not correct in the important particulars to which I have referred.

Mr. McLANE. If the gentleman from Connecticut had covered the question I should not have trespassed upon the House. Permit me to say, Mr. Speaker, that he has only made reference to one, and a very immaterial branch of the question. The committee in their deliberation had occasion to deal with this question, and the chairman, in using language substantially the same as that to which he has referred, certainly did disclaim any intention to reflect either on the Speaker or upon any member of that committee. That disclaimer was accepted, because it relieved every member of that committee, as well as the Speaker, from any reproach. It left the honorable chairman of that committee his entire responsibility for the sense in which he used those terms. He was able to use those terms without feeling he reflected either upon the Speaker or upon any colleague, although he might have a colleague who could not perceive how he could use such language without reflecting both upon the Speaker and his colleagues. But when his attention was called to the fact that the Speaker as well as his colleagues so construed his language his disclaimer was as satisfactory to his colleagues as it was to the Speaker, so far as the personality thereof was in question.

Mr. REAGAN. The gentleman from Maryland makes a statement which does not give a fair impression of what occurred. He does not state as fully as he might have stated, if he remembered what occurred, that I said the committee was so constituted as to defeat the reporting of that bill. How any member of the committee came to conclude he was reflected upon by such a statement, those who did feel so can determine for themselves. I was not aware any member of the committee was responsible for his own appointment or the appointment of any one else.

The statement which I made was that my impression was that the Speaker had been induced by influences outside of his knowledge to appoint a committee which would defeat this measure. The main reason I had for saying so was that it was a known fact this bill had received a majority of thirty-five in the last House of Representatives, and the impression was clear it was much stronger in the present than in the last House of Representatives, and that its passage was demanded by a very general expression from all parts of the country. It also caused me anxiety when I felt a measure which had received the support of the last House and was so strongly supported in the present House should not be allowed to be reported; and I may have been betrayed by my feelings into using pretty strong language, for

I do not claim any saintly qualities. I did feel earnestly, as I have felt earnestly on this question, especially in view of the fact that the reporting of the bill to this House was so long delayed against what seemed to me the manifest will of the country and of the House.

What I desire to say in reply to what the gentleman from Maryland has said, is this: he ought, in making his statement, to have said that when it was suggested by a member of the committee my language might be offensive to the Speaker, I then made the statement I now make, that no man was authorized to assume any such thing, because the Speaker always professed to be a friend of this measure; and I could only suppose if the committee was constituted on wrong principles he may have been induced to so constitute the committee by influences unknown to himself.

Mr. McLANE. Mr. Speaker, not only was it far from my intention not to state fully all of the facts necessary to a fair understanding of this issue, but I did state all the material facts which were in the case. But inasmuch as the honorable gentleman from Texas has chosen to make this quasi appeal to the sense of the House, I feel we are here related to each other precisely as we were in the Committee on Commerce, and that as every member of the Committee on Commerce had an opportunity to have his opinion as to the remarks of the gentleman from Texas, so now by his action must every member of this House have his judgment.

And I submit, Mr. Speaker, that when an honorable gentleman of this House undertakes to say that a committee, of which he is a member, has been so constituted or so "stocked" by the Speaker as to defeat or not report any particular measure—

Mr. REAGAN. The gentleman ought not to say "by the Speaker," as if that were my language, for I never did utter any such language.

Mr. McLANE. Well, Mr. Speaker, the identical words "by the Speaker" may or may not have been used. I will cheerfully accept the disclaimer of the gentleman from Texas, and suppose that they were not used; but not being used, what is the sense of it when an honorable gentleman says that a committee has been constituted or stocked to defeat a particular bill? Who constitutes the committee? Who stocks the committee but the Speaker? What a play upon terms it is to say the particular words "by the Speaker" were not used!

Now, I submit, Mr. Speaker, no matter what was the feeling, (and I have no doubt at all it has been correctly stated by the gentleman from Texas,) he being somewhat excited, somewhat disturbed, somewhat despondent—I desire to use the term most agreeable to him—being somewhat moved by the unexpected defeat of this bill in the committee, he made an observation that the committee had been constituted or stocked—that was the word used—to defeat that bill. Mr. Speaker, it was not necessary in the language of that reporter to denounce the chairman or to take him to task or to arraign him, but it was perfectly in the line of intercourse which gentlemen ought always to maintain, not only in committee but elsewhere, to call his attention to the fact that such an expression was a reflection upon the honor of the Speaker who had constituted the committees, and being a reflection upon the Speaker, it was necessarily a reflection upon the individual members constituting the committee. No gentleman on the committee even supposed that improper motives were attributed to him or his action, but no proper intercourse can be maintained among gentlemen on a committee or in this House when the feeling of any gentleman prompts him, if he has been voted down in the language of the reporter, or who thinks himself in a minority, to indulge in any insinuation that a majority or a minority has been improperly influenced. It is not necessary.

Mr. REAGAN. No such word was used by me, nor did I make any such insinuation in the committee or anywhere else.

Mr. McLANE. So be it, Mr. Speaker, and yet if the language was susceptible to such a construction, and I submit that it was, as now stated by the honorable gentleman it was the manifest duty of the colleagues of the honorable gentleman to call his attention to it—not to be offended, not to take to themselves any improper insinuation, but simply to inform him that the language was not agreeable, that the language would not be accepted among gentlemen, and that it was to be supposed that whether in committee or in this House we were all under an obligation, to maintain that intercourse with each other as gentlemen, not only not to use language which could be misunderstood but to take particular pains not to use language which could be misunderstood.

Now, there is no occasion for me to pursue this subject further, were it not that, being entered upon, I think it ought to be exhausted, and I treat this House precisely as I treated the committee. Not only was such language as that which the honorable gentleman from Texas admitted that he used, not only was that in my judgment indefensible and improper, no matter whether it was incorrect or not, but it is not language which gentlemen on the floor of this House, or in any committee of this House ought to use in their deliberations with each other.

But I desire to call the attention of the House as well as the attention of the gentleman from Texas to the further fact, which I consider a very material fact, in view of the allegation that has been made, whether it was intended to be made offensively or not, to wit: that the Committee on Commerce when they deliberated on this bill were perfectly willing that the honorable chairman of the committee should report it to this House. No objection was taken.

Mr. DAVIS, of North Carolina. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*, (Mr. Cox.) The gentleman will state it.

Mr. DAVIS, of North Carolina. I desire to know whether in this connection it is proper to go into the discussion of that measure?

The SPEAKER *pro tempore*. The Chair would state in reply to the gentleman that he thinks it improper to go into the discussion of any bill on a question of privilege, but there is scarcely any limit to a debate of this kind according to the usages of the House.

Mr. McLANE. The question before the House is a personal explanation.

The SPEAKER *pro tempore*. This is proceeding by unanimous consent.

Mr. DAVIS, of North Carolina. I do not desire it shall proceed by unanimous consent. I am perfectly willing that any explanation affecting any member of this House shall be made in full; but I do insist that there shall be no discussion now of the merits of the measure out of which this explanation springs.

Mr. McLANE. There will not be any.

The SPEAKER *pro tempore*. The gentleman from Maryland will proceed in order.

Mr. McLANE. Mr. Speaker, I desire to add to what I have said a word in reference to the statement which the honorable gentleman from Texas [Mr. REAGAN] has submitted to the House to-day, that he made the remark he did that he considered the Committee on Commerce had been constituted adversely to the bill without in that remark intending any offense to the Speaker or any offense to his colleagues.

Now, sir, I desire to recall the gentleman's attention and the attention of the House to this fact: That when that committee entered upon its deliberations upon that bill and heard all that the chairman had to say upon the subject, and all that anybody opposed to the bill had to say on the subject, they were perfectly willing to have the bill reported to the House. There was no opposition to the reporting of the bill. There was no opposition to the chairman reporting it in his own time and place, every member of the committee reserving to himself the right to urge whatever objection he might have to make to the bill. By a unanimous vote it was agreed the bill should be so reported. By a unanimous vote of the committee it was agreed that the bill should come before the House, each gentleman reserving any opposition he might have to it or his right to move any amendment he might have to make.

But I desire to call the honorable chairman's attention to a fact which is most material as showing the original views entertained by the committee on that bill. After it was thus ordered to be reported it was recalled at the request of members of the committee who desired to give parties in interest a hearing. These parties in interest occupied three weeks in the discussion of the bill, representing every part of the country; and at the end of the discussion, instead of the committee being willing to report the bill to this House, there were views entertained by members of the committee that were presented in amendments to the bill; and in the course of that discussion a final vote was reached which substituted a bill introduced by the gentleman from Illinois [Mr. HENDERSON] for the original bill. I consider this fact very material to the honorable chairman as well as to the gentlemen of this House, showing that the committee acted with entire liberality and kept their minds open to whatever might be urged on the subject.

Mr. HOUSE. Will the gentleman yield to me for a question?

Mr. McLANE. Yes, sir.

Mr. HOUSE. Does the gentleman say at first the entire committee was in favor of reporting the bill unanimously?

Mr. McLANE. The committee were not committed to support it, but to report it, reserving to themselves any opposition they might make to it in this House.

Mr. HOUSE. How long ago was that?

Mr. McLANE. Two months ago nearly.

Mr. O'NEILL. The committee did not agree to report the bill in such a way as to bind the action of members of the committee, but to report it allowing each member to vote on it as he saw fit.

Mr. McLANE. In conclusion, I wish to say to this House that no matter what was the spirit in which those remarks were made, I do not think such remarks proper. I do not think gentlemen can maintain agreeable relations while deliberating together in this House or on a committee if they indulge in any such feelings; and I desire further to say that I do not think the facts of the case justify any feeling at all. I do not think there was anything to justify any feeling which could induce the least complaint on the part of the chairman; so that, so far as I am concerned as his colleague, I think the remarks themselves were not proper, and I think they were made altogether without justification.

Mr. REAGAN. I am very sorry, Mr. Speaker, that the statement of facts which I made, which no one has controverted or will controvert, was not satisfactory to my friend from Maryland. He reminds me, sir, of an incident that I have heard of, where a gentleman borrowed some money from another and gave his note for it. After the note was overdue the creditor asked payment and the debtor told him, "I always intended to pay that note if you did not make me

mad; but I was almost sure from the start you would make me mad." I am satisfied I can say nothing which can satisfy the gentleman from Maryland.

The history which that gentleman has given of this matter, I appeal to his candor, is not a fair one. I appealed to the committee to act on that subject during the extra session of Congress, and urged action on it repeatedly. Action was declined, because it was not proposed to take up general legislation during that session. I urged action afterward, and, as gentlemen have stated, the committee kindly consented that I should report the bill, reserving to each member the right to amend or oppose the bill. Between the time I was authorized to report the bill and the making of the report, I received letters, as probably other members did, from presidents of the leading railroads of the United States, stating they had large interests that would in some degree be affected by the bill, and they ought to be heard.

I agreed with the balance of the committee that it was right to hear the representatives of these great interests, and we rescinded the resolution authorizing me to report the bill, I consenting with the other members of the committee so to do. We heard these gentlemen daily for two or three weeks. They were the ablest representatives of these great roads from all parts of the country. Upon that I was willing, and I suggested the desire a month or five weeks ago, that the committee should allow me, to make an adverse report of that bill in order to get the bill before the House. I was not permitted to make an adverse report. The bill was detained there in committee, and it is now in my hands, after nearly three months of this session have passed, with the privilege of asking the consideration of the three bills to be reported back. Whether the committee has been fairly willing to allow the House to consider that bill I submit to the judgment of the House upon these facts.

Mr. KENNA. I do not desire to detain the House, but as this matter seems to have excited some interest here, as it has commanded some attention on the part of the public prints, and as there seems to be some conflict of opinion among gentlemen who have addressed the House to-day about it, I will say a word or two.

What is known to the country as the Reagan interstate-commerce bill was referred this session, upon being introduced by that gentleman, to the Committee on Commerce. Upon the first consideration of that bill by the committee, the chairman of the committee was unanimously authorized, as I recollect, to report the bill to the House for consideration, each member of the committee, however, reserving to himself the right to vote for or against the bill in the House as investigation and examination might suggest to be proper.

After the bill had been so authorized to be reported a request was made that certain gentlemen interested in opposition to the bill should be heard before the committee. The authorization to report the bill was therefore by general consent withdrawn, and an opportunity for that hearing was given. The hearing was long and elaborate. At the conclusion of that hearing, and upon the final vote upon the question of reporting the bill to the House as it stood, those voting in the negative proved to be in the majority. Afterward a motion to reconsider the whole proceeding was adopted, and the subsequent action of the committee resulted in the adoption of a substitute, with the right reserved to the chairman of the committee to offer his own original bill in the House as a substitute for the one directed to be reported.

Now I want to call the attention of the House in this matter to two things. In the first place, I do not see how it could be claimed at any time either that the gentleman from Texas intended to assert, or that there could be any reason for such an assertion, that the Committee on Commerce was packed in the interest of either one side or the other of that bill. I make that statement having in view the fact that the committee took the action which it did take upon the subject, for a committee selected with a view to defeat and smother the bill would hardly have agreed so promptly to report it; nor would such a committee have reported a substitute, for that would have the effect of bringing the whole matter before the House.

The other fact to which I desire to call attention is this, and it is a matter, with all due deference to all concerned, with regard to which I hardly think the proceedings here this morning do justice to the chairman of that committee. When the final vote was taken in that committee upon the question of reporting the substitute to the House, some expression did fall from the lips of the chairman of the committee about the constitution of the committee; there was some difference of opinion in the committee growing out of that expression.

I state but the truth when I say here that there were members of that committee who attached a construction to the language used by the chairman which made it in no wise offensive. There were others, however, who very promptly stated what their construction of the language was; and immediately upon that statement the chairman of the committee, in the committee, at the time, as he has since done in the public press of the country, disavowed any such intention, or that there was any propriety in such construction of his language.

Now, I submit whether it is fair to the chairman of that committee, or to any member of the committee, or to any member of this House, to enter upon a long and weary discussion here, to go forth to the country, upon the construction of language uttered by a man who, at the very time it was suggested to him that it was subject to that construction, then and there repudiated it.

So far as the charge is concerned that there was a movement on foot to censure the chairman of the committee or any other member of that committee, there is nothing in it. I will add that the relations of the different members of that committee, so far as I know, the relations of every one to every other, have been of a most cordial kind; and I am unaware at this time that anything has occurred to disturb those relations. I concur in the statement of the gentleman from Connecticut, and I have nothing more to say.

POST-OFFICE BUILDING AT BALTIMORE.

Mr. KIMMEL. I ask unanimous consent to report at this time, from the Committee on Public Buildings and Grounds, for present consideration, a bill providing for the purchase of a site for a post-office building in the city of Baltimore. I am instructed by the committee to report that bill and ask for its present consideration.

Mr. PAGE. I must object, for the reason that there are many other similar bills in a like situation, and we all desire to have them passed. It is not that I object to this particular bill.

Mr. KIMMEL. I ask unanimous consent to make a statement. This bill differs from the other bills in the committee—

Mr. BREWER. I call for the regular order.

Mr. PAGE. At the request of the gentleman from Maryland I withdraw my objection.

Mr. KIMMEL. I ask that the House proceed to the consideration of the bill.

The SPEAKER. Does the gentleman from Michigan [Mr. BREWER] withdraw the call for the regular order?

Mr. BREWER. No, sir.

The SPEAKER. The regular order being called for, the bill is not before the House.

ELECTION CONTEST—CURTIN VS. YOCUM.

Mr. SPRINGER, from the Committee of Elections, submitted a report on the contested-election case of Andrew G. Curtin vs. SETH H. YOCUM, from the twentieth congressional district of Pennsylvania. The resolution accompanying the report was read, as follows:

Resolved, That the election held in the twentieth congressional district of Pennsylvania in November, 1878, for a member of this House, be, and the same is hereby, declared null and void, and the seat now occupied by SETH H. YOCUM declared vacant until filled by the people of said district in conformity with law.

Mr. SPRINGER. The gentleman from Indiana [Mr. CALKINS] and the gentleman from Massachusetts [Mr. FIELD] desire, on behalf of the minority of the committee, to submit their views in writing.

Mr. CALKINS. I submit the views of a minority, consisting of three members of the committee. I ask that the resolution accompanying this statement be read.

The Clerk read as follows:

Resolved, That SETH H. YOCUM is entitled to retain his seat in the Forty-sixth Congress as a member from the twentieth congressional district of Pennsylvania, and that Andrew G. Curtin is not entitled thereto.

Mr. FIELD. I present the views of certain members of the Committee of Elections, which are designed to accompany the minority views already submitted by the gentleman from Indiana, [Mr. CALKINS.]

The SPEAKER. Does the statement submitted by the gentleman from Massachusetts [Mr. FIELD] embrace any resolution?

Mr. FIELD. There is no resolution accompanying this statement.

Mr. CALKINS. I understand that the gentlemen signing the paper presented by the gentleman from Massachusetts [Mr. FIELD] concur in the conclusion embraced in the resolution accompanying the minority report already submitted by myself.

The SPEAKER. The Chair is not advised on that point. The paper will speak for itself.

Mr. FIELD. The paper will show that we do concur in the conclusion presented by the minority views submitted by the gentleman from Indiana, [Mr. CALKINS.]

Mr. KEIFER. The two minority reports agree in recommending the adoption of the resolution already read as a part of the views submitted by the gentleman from Indiana.

Mr. SPRINGER. I ask that the report of the committee, together with the views of the minority, be printed and laid on the table.

There being no objection, it was ordered accordingly.

Mr. SPRINGER. I give notice that I shall call up this case for discussion on Tuesday next after the morning hour, to be continued from day to day until disposed of.

Mr. FERNANDO WOOD. I hope the gentleman will not make this subject a special order for that day, as the Committee of Ways and Means desire to occupy the floor at that time.

Mr. SPRINGER. I do not propose to make this case a special order. I have simply given notice that I shall call it up at that time, in accordance with the determination of the committee. If the House should not desire to consider it of course it will not do so.

Mr. FERNANDO WOOD. I shall certainly oppose bringing the case up at that time.

The SPEAKER. The question is one for the House to settle. The gentleman from Illinois [Mr. SPRINGER] has simply given the notice usual in contested-election cases.

CRIMES RELATING TO COINS.

Mr. VANCE, from the Committee on Coinage, Weights, and Measures, reported, as a substitute for House bill No. 4308, a bill (H. R. No. 4735) to punish certain crimes relating to the coins of the United

States, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted.

MAIL TRANSPORTATION ON STAR ROUTES.

Mr. BLOUNT, from the Committee on Appropriations, reported a bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880; which was read a first and second time.

The bill was read at length, as follows:

Be it enacted, &c., That out of any moneys in the Treasury not otherwise appropriated, so much thereof be, and the same is hereby, appropriated as may be required to meet the expenses of inland mail transportation on star routes for the remainder of the current fiscal year at or within existing contract prices: *Provided*, That upon any route where there has been an increase of the original contract price during the last or the current fiscal year exceeding \$5,000 the compensation on such routes shall be reduced to the terms of the original contract on and after the 1st day of March next, but nothing herein contained shall be construed to forbid the payment to contractors of the one month's pay as is usual in case of reduction or termination of contracts.

Sec. 2. That the further sum of \$100,000 be, and the same is hereby, appropriated as aforesaid, to enable the Postmaster-General to place new service as authorized by law, and the further sum of \$100,000 to increase the service on existing routes, including those on which a reduction has been provided for by the preceding section: *Provided*, That no increase shall exceed the rate of \$5,000 a year upon any one route.

The SPEAKER. Does the gentleman from Georgia [Mr. BLOUNT] desire to consider this bill in the House or in Committee of the Whole?

Mr. BLOUNT. I am directed by the Committee on Appropriations to report the bill, and to move that it be printed and recommitted. I give notice that I shall take the first opportunity to-morrow to bring the bill before the House for consideration.

Mr. CONGER. Why not to-day?

Mr. BLOUNT. The bill has not been printed.

The motion of Mr. BLOUNT that the bill be printed and recommitted was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of a bill (H. R. No. 3058) authorizing the remission or refunding of duty on an altar from Rome, Italy, for Saint John's cathedral, of Indianapolis, Indiana.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United States, by Mr. PRUDEN, one of his secretaries.

REMOVAL OF CAUSES FROM STATE COURTS.

The SPEAKER. The regular order being demanded, the morning hour begins at twelve minutes past one o'clock, and the House resumes the consideration of the bill reported from the Committee on the Judiciary, being the bill (H. R. No. 4219) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875. The gentleman from New York [Mr. LAPHAM] is entitled to the floor.

Mr. LAPHAM. Mr. Speaker, the discussion upon the bill under consideration has been so extended and exhaustive of the questions involved, that I should shrink from further taxing the attention and perhaps the patience of the House but for the great importance of the measure. At the hazard of repeating much which has been more forcibly urged by those who have preceded me, I desire to dwell briefly upon the more important changes in the law which will be wrought out by the passage of this bill.

The constitutional provisions which must form the basis of all legislation on the subject are found in articles 1 and 3 of that instrument. Article 3, section 1, provides that—

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

In the eighth section of article 1 the legislative power is granted to Congress "to constitute tribunals inferior to the Supreme Court." It will be seen that but one Supreme Court is established by the Constitution. All other or inferior courts must be created by the action of Congress under and in pursuance of the power thus conferred. The control of the Congress over such inferior courts is complete and unlimited, except the boundaries within which the power shall be exercised are fixed and defined by another section of the Constitution to which I shall presently refer.

To "constitute, ordain, and establish" inferior courts are terms denoting the exercise of the most plenary power in relation to such tribunals.

In the preamble to the instrument it is declared that the people of the United States "do ordain and establish this Constitution." These words are used to describe the exercise of an act of sovereignty, and the use of the same words in the grant to the Congress implies a kindred exercise of power over the subject of inferior courts. Nothing was done in regard to them in the Constitution except to delegate the power to be thereafter exercised and only to be exercised by Congress within the boundaries fixed as I have before suggested.

The three words "constitute, ordain, and establish" were employed to emphasize the grant of power, and either would have been ample to confer it. They are practically synonymous, but the word "ordain" is, perhaps, the most expressive of the three. It is said that "Providence ordains."

The unrivaled genius of Shakespeare has thus expressed it:

Our ancestor was that Malmuthus, which
Ordain'd our laws;

Who was the first of Britain, which did put
His brows within a golden crown, and call'd
Himself a king.

Congress, under this grant of power, could have created as many inferior tribunals as it deemed necessary, and have invested each with so much of jurisdiction as it deemed wise and expedient. The jurisdiction of the circuit might have been confined to criminal cases or cases in admiralty; the district courts to common law actions, or *vice versa*.

Having thus delegated to the Congress the whole control of the powers and jurisdiction of all inferior courts, the Constitution, in section 2 of article 3, provides:

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact; with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

The original jurisdiction of the Supreme Court is here defined, but the whole appellate jurisdiction is given to Congress. Those cases, and only those, which fall within the classes prescribed by law, as to the nature of the questions, the character of the parties, and the amount involved can be removed to the Supreme Court for the exercise of its appellate powers.

By the terms of the judiciary act of 1789, an act emanating from the framers of the Constitution, limitations and restrictions were made both as respects the character of the parties and the amount involved in controversies. The constitutionality of such limitations and restrictions has always been upheld by the Supreme Court. It was provided that the circuit courts should only have jurisdiction of cases in which the demand exceeded \$500, exclusive of costs; also, that they should not have jurisdiction of actions upon promissory notes or other choses in action in the name of an assignee unless the assignor could have maintained the action, save in the cases of foreign bills of exchange. The jurisdiction by the terms of the act was made concurrent with that of the State courts, but the act provided that in all actions commenced in a State court when the nature of the action was such as to be within the jurisdiction of the circuit court the defendant might, in the mode therein provided, remove the cause into such court.

Under this act it has been repeatedly held, both by the State and Federal courts, that although the Constitution has defined the limits of the judicial power it has not prescribed how much of it shall be exercised by the circuit courts. (*Turner vs. Bank of North America*, 4 Dall., 10; *Kendall vs. United States*, 12 Pet., 616; *Carey vs. Curliss*, 3 How., 245.)

In the case of *Clark against the City of Janesville*, reported in 4 American Law Register, 593, Judge Miller says:

It is well understood by those experienced in the jurisprudence of the United States that Congress has conferred upon the Federal courts but a portion of the jurisdiction contemplated by the Constitution.

The limit to the jurisdiction by confining it to cases involving the sum of \$500, exclusive of costs, has remained the law to the present time.

By the act of 1875 the restriction imposed upon assignees of negotiable promissory notes was swept away and the distinction between such actions and actions upon other choses in action and foreign bills of exchange was abolished.

The bill under consideration restores the law of 1789 in this respect. The evils resulting from the change have been found so great, by colorable transfers for the purpose of conferring jurisdiction and otherwise, that there seems to be a demand for the restoration of the law as first enacted. It has become very apparent that the framers of the Constitution were wise in making the exception, although it had the effect to confine *bona fide* holders of negotiable paper to the State tribunals for the collection of their demands.

The act of 1875 made another important change by giving to the plaintiff as well as the defendant the power to remove the cause from the State to the United States courts. Under this law a party after having chosen his own forum was given the right to remove his cause against the wishes of the defendant. There was and is no necessity for this. The plaintiff could of course discontinue his cause in the State court, if he desired to do so, and commence a new action in any other court having jurisdiction. To the defendant, however, having no control over the selection, the right to remove the cause was of great value.

The bill in question restores the law of 1789 and gives to the defendant or defendants only the right of removal, except that on the

ground of local prejudice and in order to obtain a fair trial either party may exercise the right.

The amount necessary to give jurisdiction or to authorize the removal from a State to the circuit is by the proposed bill fixed at the sum of \$2,000, exclusive of interest and costs.

Mr. Speaker, there has been much said in the course of this discussion in opposition to the change thus proposed. My colleague on the committee [Mr. ROBINSON] and the gentleman from Illinois [Mr. BARBER] have manifested a very earnest disapproval and insist that the amount originally named shall be retained. The sum of \$500 was a larger proportionate sum in 1789 than the sum of \$2,000 would be at the present day. Why was it fixed at \$500? It would be difficult by reasoning to say upon principle that a claim of \$499 should be excluded and one of \$501 included in the jurisdiction of the Federal courts. So in the seventh article of the amendments, which provides that the right of trial by jury shall be preserved in actions at common law where the value in controversy shall exceed \$20, it is difficult to perceive why trial by jury should be denied to a claimant whose demand is \$19.90 and preserved to one whose demand is \$20.10. It is a significant fact in our history that the judiciary act fixing \$500 as the lowest limit of jurisdiction in the circuit courts of the United States was enacted on the 24th day of September, 1789, and on the next day, September 25, 1789, the same Congress proposed the amendment I have quoted preserving the right of trial by jury in all controversies exceeding \$20.

The same Congress had just provided that unless a claim exceeded \$500 it could not be prosecuted in or removed for trial to the circuit court it had "ordained and established." The right of trial by jury was thus preserved for other courts and for State tribunals upon demands exceeding \$20 and not exceeding \$500. It is conceded that the limit to be fixed rests in the discretion of Congress. Analogous limitations are found in the legislation of most if not all the States between the supreme and inferior courts of such States. It is not solely or mainly for the privilege or benefit of capitalists as plaintiffs that this is done. A defendant has an interest as well. It is quite important to him whether he shall be compelled to go with his witnesses hundreds of miles to try his cause instead of having it tried in his own vicinage or county.

More than this, it was the design of the framers of our system to make the Federal courts not the general courts for litigants but exceptional courts, and to clothe them with a dignity by the very nature and amount of the controversies over which they should have jurisdiction. For this reason they withheld from them a large portion of the jurisdiction which it is conceded might have been conferred upon them under the Constitution. The increase of the amount of controversies from \$500 to \$2,000, is in the spirit which prompted the first limitation, and will not, in my opinion, exclude as large a proportion of the litigation of the country as was shut out by the act of 1789. I deem the change a wise one, and consider this feature of the proposed bill the most important and desirable one contained in it.

The only remaining portion to which I shall refer is the closing paragraph of the third section, in these words:

That the circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens of the same State. Nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business, be removed to any circuit court of the United States, except in like cases in which such removal is authorized by the foregoing provision in suits between citizens of the same State.

At the time of the passage of the first judiciary act there was no necessity for any such restriction as is contained in this portion of the section. The rapid multiplication of corporations under State authority, coupled with the fact that such corporations have been allowed by the comity of other States to transact business therein, creates the supposed necessity and propriety of this enactment.

Mr. Speaker, the subject is one by no means free from difficulty. If the legislation can be so limited as to apply only to the classes of cases intended by it, I have arrived at the conclusion it is free from any constitutional objection.

It does not apply to the cases of corporations created by or under the laws of the United States, nor do I think the language is broad enough to include foreign corporations. The design is this: that if a corporation created or organized under the law of Massachusetts shall send its agents into the State of California, and by the comity of that State be permitted to transact business there, in controversies between it and citizens of California growing out of such transactions it shall be treated as a citizen of that State and excluded from the Federal courts. Can Congress impose this restriction? We have no national legislation on the subject. The Supreme Court of the United States has decided that a corporation created by and transacting business in a State is to be deemed an inhabitant of that State, capable of being treated as a citizen for all purposes of suing and being sued. (Brightly's Digest of Laws, page 9, and cases cited in note d.) By the Revised Statutes the word "person" may extend and be applied to corporations. (Sections 1 and 5013.) Similar provisions are doubtless contained in the statutes of every State in the Union. I know it is the law of New York. It has been held that citizenship, when spoken of in the Constitution in reference to the

jurisdiction of the Federal courts, means nothing more than residence. (*Gassies vs. Ballou*, 6 Peters, 761; *Shelton vs. Tiffin*, 6 Howard, 163.)

Now, granting a corporation is to be deemed a citizen of the State in which it is created and transacts its business, what is the status of such a corporation in a State other than that of its creation, where by the comity of that other State it is permitted to transact business? If it is uncertain and as yet undefined, can Congress determine it for the purpose of limiting or conferring jurisdiction upon the courts? It is true that a corporation can only act by agents; it is equally true that while its business is confined to the State of its creation and is only transacted with citizens of the same State, whether it shall be deemed a citizen or person or resident of that State, it cannot sue or be sued in the Federal courts, except in cases where actions may be brought between citizens of the same State. If a corporation of Massachusetts then goes (so far as it is capable of going) to California and by virtue of the legislation of California engages in its business there, why may it not be treated for the purposes of jurisdiction as if it were a corporation of the State under whose laws and by whose comity it is acting? Residence, as I have shown, is the meaning of the term used in the Constitution. If an inhabitant of Massachusetts should remove to California and engage in business there, no one would question his inability to prosecute causes in the Federal courts against the residents of the same State. But the citizen may go by the fiat of another provision of the Constitution, (article 4, section 2.) Not so with a State corporation. It has no extra-territorial rights. It can go only where legislation permits it to come; and in the case I have supposed is adopted by the State of California and transacting business there—a very slight shade of difference between its status and that of having been created by its laws and doing business there.

The First Congress solemnly enacted a law under which if a citizen or corporation of California should make and deliver a negotiable promissory note to another citizen or corporation of the same State, and such note in the due course of business should be transferred to a resident of Massachusetts, who in good faith should become the owner of the same, he as such owner could have no standing in the Federal courts. This legislation has been pronounced constitutional. Why? Because Congress has the power under the Constitution to make the exclusion. No State constitution would permit it. Because the principles of the common law are reserved to the States. Congress could not constitutionally enact that such holder should not sue in a State court, but must sue in the Federal court.

Mr. Speaker, we propose in this bill to return to this exclusion of actions upon commercial paper, except foreign bills of exchange, and I am sure if that can be done for reasons of public policy the prohibition as to corporations transacting business out of the States of their creation can also be maintained as a constitutional exercise of the powers of Congress. It rests entirely with Congress to say whether the circuit court shall have jurisdiction in any action by or against a corporation created by State law, and if that power exists the clause of the bill I am now considering is not obnoxious to any constitutional objection.

One word further, Mr. Speaker, and I have done. The gentleman from Massachusetts, my colleague on the committee, [Mr. ROBINSON,] has referred to the struggle on the part of Wisconsin to place corporations of other States and foreign corporations on a par in this respect with domestic corporations in that State, and to the fact that an agreement made by the Home Insurance Company of New York not to remove causes to the Federal courts was repugnant to the Constitution and laws of the United States, and therefore void. The case reported in 20 Wallace was decided by a divided court, and is an instructive one for reference. In the case of *Paul vs. Virginius*, 8 Wall, 168, Justice Field is quoted as saying:

Having no absolute right of recognition in other States, but depending for such recognition and the enforcement of its contracts upon their assent, it follows, as a matter of course, that such assent may be granted upon such terms and conditions as those States may think proper to impose. They may exclude the foreign corporation entirely, they may restrict its business to particular localities, or they may exact such security for the performance of its contracts with their citizens as in their judgment will best promote the public interest.

The Chief Justice in his dissenting opinion, in which he was supported by Judge Davis, says:

I cannot concur in the judgment which has just been announced. A State has the right to exclude foreign insurance companies from the transaction of business within its jurisdiction. Such is the settled law in this court. The right to impose conditions upon admission follows as a necessary consequence from the right to exclude altogether. The State of Wisconsin has made it a condition of admission that the company shall submit to be sued in the courts she has provided for the settlement of the rights of her own citizens. That is no more than saying that the foreign company must, for the purposes of all litigation growing out of the business transacted there, renounce its foreign citizenship and become *pro tanto* a citizen of that State. There is no hardship in this, for it imposes no greater burden than rests upon home companies and home insurers.

Mr. Speaker, this case illustrates the necessity for the proposed legislation. It will remove all conflict between the different corporations transacting business in a State and result in harmony of interest and practice and will take away all inducement to impose the conditions thus far attempted.

The decision referred to affords a cogent reason for the last provision of the pending bill. It will take away the law of the United States which made the arrangement obnoxious to its provisions. I think it will be hailed as a measure ending conflict, as in the interests of har-

mony, as beneficial to State corporations going into other States by placing them on an equality with domestic corporations of such States.

I yield seven minutes of my time to the gentleman from New Jersey. Mr. ROBESON. Mr. Speaker, I cannot enter into any discussion of this case even for the short time which is allotted me without expressing my gratification at the ability and temper which have been illustrated in its progress.

I shall not discuss the bill generally, but shall only make one or two suggestions with regard to that clause of the bill which limits the rights of corporations and those who deal with corporations in the United States courts. By a provision of the Constitution of the United States the judicial power of the United States extends to controversies between citizens of different States. I admit for the purpose of this discussion that Congress has the power to distribute this jurisdiction among inferior courts, and that it has the power, if not the right, to withhold a portion of that jurisdiction. But the question returns, Upon what principle shall they withhold it? The clause of the Constitution which refers to the jurisdiction of Congress uses the term "between citizens of different States," meaning by these general terms between suable persons residing in different States. It is proper to understand the effect of this provision of the bill on this power.

The provision to which I refer is in substance this:

The circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or equity, between any State corporation and the citizen of any State in which such corporation is authorized to do business.

And the further provision is in effect that no suit in State courts between such parties shall be removed to United States courts.

My first remark is that this proposition is far more general in its nature, I think, than was intended by the gentleman who reported it. It applies to all cases of every kind arising between citizens of any State where foreign corporations do any business. If a New York corporation does me a civil injury in the State of New Jersey, I must sue them in the State courts of the State of New York unless I can catch them in New Jersey. I, as a citizen not a corporation, am deprived of my right of taking them into the circuit court in the district in which their property is located. I am deprived, not by my own act but by the act of my State, of my constitutional right of going into the United States court, a right which may remain to citizens of other States. Let us understand the principle upon which this right depends. Corporations are held to be citizens under this clause of the Constitution which extends the judicial power to citizens of different States, not because they are corporations but because they represent the natural citizens who are behind them and whose interests, organized and combined in these corporate bodies, are to be affected; whose property rights as natural citizens are at stake. The Supreme Court has held that that clause—and I think I quote the language of the court exactly—relates to "all citizens in all their rights," and therefore it held that corporations being a mere organized fiction behind which stood natural persons, they were entitled to the benefit of that clause of the Constitution.

THE SPEAKER. The gentleman's time has expired.

Mr. ROBESON. I will, then, only pause to call attention to the fact that this provision not only affects the rights of corporations to sue, but it affects the rights of all citizens in States where corporations do business to sue corporations and to carry them, if they choose, into the courts of the United States—a right given them by the Constitution. This at least takes away from certain natural citizens, for causes not within their control, certain rights which remain to other citizens of the same nature and quality. Whatever may be said about corporations, this point does not come within their scope.

There are several other suggestions I should like to make, but must take some other occasion.

Mr. LAPHAM. I now yield what is left of my time to the gentleman from Wisconsin.

Mr. WILLIAMS, of Wisconsin, addressed the House. [He remarks will be found in the Appendix.]

Mr. BLACKBURN. Mr. Speaker, I desire to ask whether the morning hour has expired?

THE SPEAKER. It has.

Mr. BLACKBURN. Then I move that the House resolve itself into the Committee of the Whole on the state of the Union, to proceed with the consideration of the report of the Committee on Rules, and, pending that, I move that all debate on the pending amendment be limited to five minutes.

Mr. KIMMEL. I ask the gentleman from Kentucky [Mr. BLACKBURN] to yield to me for five minutes.

Mr. BLACKBURN. I would have to yield to twenty more if I did.

APPROPRIATION FOR UNITED STATES MARSHALS.

THE SPEAKER. The Chair presents to the House a communication from the President of the United States, which the Clerk will read.

The Clerk read as follows:

To the House of Representatives:

I transmit herewith a communication from the Attorney-General with reference to the requisite appropriation for the current fiscal year for the compensation of the marshals of the United States, including their reimbursement for necessary expenditures in the discharge of their official duties.

R. B. HAYES.

EXECUTIVE MANSION, February 24, 1880.

The SPEAKER. The communication will be referred to the Committee on Appropriations.

Mr. WHITE. And printed.

Mr. CONGER. Let the accompanying paper be read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
Washington, February 20, 1880.

SIR: I desire respectfully to call your attention to the subject of the appropriation for the current fiscal year for the fees and expenditures of the marshals of the United States in the performance of the duties of their offices.

The last Congress, and the present Congress at its first session, adjourned without making any appropriation for these officers. In my annual report I have fully stated to the Senate and House of Representatives the condition in which they were left by this failure. Since the 1st of July last they have carried on their offices without any appropriation, and have not only been without compensation for themselves and their deputies, but have advanced the sums necessary to be expended in order that the process of the United States might not fail, having fulfilled substantially all their official duties. I am informed from many of them that they have now reached the limit of their capacity thus to conduct their offices, and a failure by them in the administration of their offices is necessarily a failure to execute the laws of the United States, which in such case would occur by reason of the want of suitable appropriations. I need not enumerate the vast number of cases in which such failure would be attended with grave results, disastrous in some cases to individuals and in others to the public justice of the United States. Nearly eight months of the current fiscal year have now elapsed. I feel that these officers are entitled to great credit for the exertions they have heretofore made. I have no doubt they will continue to do their best; but, in view of the heavy pressure upon them, I trust that Congress will, as soon as possible, show them that the confidence they have felt that the appropriation would be made for their legitimate fees and expenditures has not been misplaced.

As the head of the Department of Justice, I have felt it my duty to inform you of the condition in which these officers now find themselves, and the consequent effects to be anticipated in the administration of public justice, in order that you may, should you deem it proper, communicate with Congress upon the subject, and urge upon that body, with as much earnestness as it may properly be done, a prompt disposition of this matter.

Very respectfully, your obedient servant,

CHAS. DEVENS,
Attorney-General.

To the PRESIDENT.

The message of the President was referred to the Committee on Appropriations, and ordered to be printed.

REVISION OF RULES.

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBURN] moves that the House resolve itself into Committee of the Whole on the state of the Union; and pending that motion he moves that all debate on the pending amendment be closed in five minutes.

Mr. BLACKBURN. The pending amendment is that offered by the gentleman from Kentucky, [Mr. OSCAR TURNER.]

Mr. CONGER. The motion, as I understand it, does not cut off further amendment.

The SPEAKER. It cuts off neither amendment nor debate on such other amendments as may be offered.

The motion to limit debate was agreed to.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The motion that the House resolve itself into Committee of the Whole on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. The Committee of the Whole resumes consideration of the report of the Committee on Rules, and by order of the House all debate on the pending amendment is limited to five minutes. The pending question is upon the amendment proposed by the gentleman from Kentucky, [Mr. OSCAR TURNER,] as modified at the suggestion of the gentleman from Illinois, [Mr. TOWNSEND.]

Mr. OSCAR TURNER's amendment, as modified, was as follows:

Add to Rule XXIV the following:

When a public bill, resolution, or proposition shall have been referred to a standing or select committee of the House and no report has been made thereon for thirty days, it shall be in order for the member who introduced said bill, resolution, or proposition, on any Monday, immediately after the expiration of the morning hour, to offer a resolution or move to place said bill, resolution, or proposition on the proper calendar, which resolution shall then be considered, and, if decided in the affirmative, the bill, resolution, or proposition shall be placed on the Calendar, and the committee discharged from further consideration of the same.

Mr. OSCAR TURNER. I offer a modification of the amendment which I offered on Friday last.

The Clerk read as follows:

Add to Rule XXIV the following:

When a public bill, resolution, or proposition shall have been referred to a standing or select committee of the House and no report has been made thereon for thirty days, it shall be in order for the member who introduced said bill, resolution, or proposition, on any Monday, immediately after the expiration of the morning hour, to offer a resolution or move to discharge the committee from the further consideration of the same, which resolution or motion shall then be considered, and, if decided in the affirmative, the committee shall be discharged, and the bill, resolution, or proposition shall be placed on a proper calendar, unless a majority of the House shall determine then to consider the same.

Mr. OSCAR TURNER. Mr. Chairman, as I have before presented my views to the committee on this amendment, I shall not trespass further than to simply say that there can be no abuse of the privilege given a member under this amendment, because it is to the interest of every member that he shall have the benefit of the report of a committee in his favor on any bill, resolution, or proposition referred to a committee, and no member will ever exercise the right given him under this amendment if the committee is engaged in investigating the matter. It will never be resorted to except when a committee

refuses to report the bill back to the House, either favorably or unfavorably. In that event the remedy afforded by this amendment not only guards the personal right of the member who offers a bill or proposition, but, sir, it guards the rights of the majority of this House, for it secures to them the right to pass a bill or resolution if a majority are in favor of it, or to put it upon the Calendar. If this amendment is not adopted the power is left in the hands of a committee to stifle and defeat the will of a majority by refusing to report back to this House a bill, resolution, or proposition that has been referred to it.

If this amendment is defeated you give up the power of this House to legislate or pass a bill that a majority is in favor of, simply because a committee will not report back the bill, either favorably or unfavorably, that this House is in favor of which has been referred to it; thus recognizing in a committee a power dangerous to the liberties and rights of the people by leaving it in the power of a few members on a committee to stifle and defeat the will of a majority of this House, for under these rules there is no remedy provided to force a committee to report back a bill which has been referred to them.

Mr. Chairman, I offered this amendment because I knew it was important, and would, if adopted, enable us to legislate for the interest of the people.

I yield the remainder of my time to the gentleman from Indiana, [Mr. MYERS.]

Mr. MYERS. The power of the committees of this House has reached a point startling to all lovers of democratic government, and smacks strongly of the star-chamber and secret doings of the privy council. Measures of "great pith and moment" are even, when backed by a strong support of the people's representatives on this floor, consigned to premature graves without examination or the slightest regard to the wishes of their authors; and the whole power of this House under the existing rules and those that are proposed by the committee are unequal to the task of rescuing from the fatal pigeon-hole bills of the utmost importance to our constituents. We have heard much of the abuses of the veto power by the Executive, and yet we find members of this body who are most turbulent in their frothy assaults the most clamorous for conferring powers upon a single committee which far exceed those of the veto power. The Executive can do no more than return a bill with his objections to the House in which it originated; but your autocratic committee may refuse to notice them at all, and say to this House, "you shall not even consider these bills; we do not think it proper to trust you with such matters, and we know more about the welfare of the country than all of you put together." I need scarcely remind gentlemen on this floor that at the late extra session a bill known as the "Warner silver bill" passed this House by a large majority, nor call to mind the humiliation to which they were subjected by the refusal of the chairman of a single committee of the Senate to even report the bill. And yet that very Senator was more violent in his denunciation of Mr. Hayes for his use of the veto power than perhaps any member upon the floor of either House; a terrible thing is this one man power in the hands of the Executive of the United States, but a charming constitutional democratic affair when in possession of the chairman of a committee, especially if he happen to be chairman of the Committee on Appropriations.

But, sir, I am far from charging that the chairman of this most potent committee is more arrogant and self-sufficient than others, for they all seem to be tarred with the same paddle and to think the rest of us who are sent here to represent our constituents are a mere set of supernumeraries to hoist or let down the curtain when they so direct.

I had the honor at an early day of this session to present for the consideration of this House a bill to substitute national Treasury notes for national bank notes, as a measure in which my constituents and the whole people of my State feel the deepest interest, and upon which I am anxious to have the views of members from other sections of the Union. But in calling on the high dignitary, the chairman of the great Committee on Banking and Currency, I was coolly informed that he did not intend to report it at all, though he confessed that he had never examined the bill, and then quoted other distinguished members of the committee in connection with himself as being opposed to any legislation upon national banks more than the bill that was so ignominiously set down on a few days ago in this House; and for no other reason, as I verily believe, than that the previous question was demanded and a free, full, and fair discussion refused by the gentleman who had the bill in charge. Sir, if we are to have no other agency in framing the laws of our country than to record the acts of the chairman of a committee, why not let us supernumeraries go home and save the expense of remaining in Washington and the shame of so servile a position in the Capitol of the American nation.

Sir, the people of my State are jealous of the one-man power, and I fear it will be difficult to convince them that its exercise in the hands of the chairman of a Senate committee, though he be a distinguished Senator from the State of Delaware, or the chairman of the Committee on Appropriations or of Banking and Currency in this House, possibly not less famous than the Senator, will be less liable to abuse or more democratic in principle than if exercised by a republican Executive.

The haughty disdain with which members of this House who seek a hearing before some of these committees are treated by the arro-

gant assumption of those who chance to fill the important position of chairman should remind us of the stern necessity imposed by self-respect to clip their wings and teach them that we have not yet abdicated the rights conferred upon us by an enlightened constituency, nor do we intend to transfer to their hands the sole power of framing our legislation.

I shall heartily support the amendment offered by the honorable member from Kentucky, [Mr. OSCAR TURNER.]

I say this, sir, in sorrow rather than anger, for I cheerfully confess the great improvements made in the general code of rules reported by the distinguished committee who have had charge of the matter.

Mr. BLACKBURN. I desire to say simply that I have no authority to speak for the Committee on Rules upon the subject of the amendment offered by my colleague, [Mr. OSCAR TURNER.] The scope of the amendment is very broad; its effect will be very noticeable. After a careful consideration of it from our adjournment on Friday last until now, speaking for myself and disclaiming any authority to speak for the Committee on Rules or any other member of it, I will say that I believe the amendment is in the right direction and should be adopted by the House.

Mr. UPDEGRAFF, of Ohio. I move to strike out the last word. I desire but a few moments to call the attention of the members of the Committee of the Whole to a matter which has been under consideration within the last few days. There was a statement made on Friday last which it seems to me does great injustice to the Committee on Invalid Pensions, great injustice to this Congress, and still greater injustice to unpensioned soldiers of this country. I for one am not willing that that statement shall go out unchallenged to the people of the country. My colleague from Ohio [Mr. WARNER] in the discussion at that time said:

If this House should do no other business from now until the end of the session—indeed, Mr. Chairman, if we should sit here from now until the first Monday of December next, and devote three hours a day every day to the consideration of the pension bills now pending before the two Houses of Congress and give ten minutes to each case we could not get through the list.

Well, he seemed to warm up a little with his own eloquence and got stronger before he went on much further, for he said:

Why, if we should give fair consideration—

Now, I do not know what he considers "fair consideration." What he said was:

If we give fair consideration to pension cases, give the time that it would seem ought to be given to them, we could not get through this session with the cases that are now on the Calendar from Pennsylvania alone.

Mr. WHITE. Who said that?

Mr. UPDEGRAFF, of Ohio. My colleague, [Mr. WARNER.] Now, there is one of two things pretty certain, either my colleague has been more successful with his pensioners—

Mr. TOWNSHEND, of Illinois. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. My point of order is that the gentleman is not debating the amendment under consideration.

The CHAIRMAN. Of course it is impossible for the Chair to say in advance the relation that the remarks of the gentleman may have to the pending amendment.

Mr. UPDEGRAFF, of Ohio. I am coming to that in a few minutes.

The CHAIRMAN. It is a very difficult matter always for a presiding officer to rule in advance that what a gentleman is saying or may say has no reference to the pending proposition.

Mr. TOWNSHEND, of Illinois. It is a very easy matter for the Chair to rule in this case.

Mr. UPDEGRAFF, of Ohio. The gentleman from Illinois [Mr. TOWNSHEND] seems to have the floor a good deal of the time in order and out of order.

The CHAIRMAN. The gentleman from Ohio [Mr. UPDEGRAFF] will proceed in order.

Mr. UPDEGRAFF, of Ohio. I will endeavor to do so. There is one thing pretty certain, that my worthy colleague from Ohio, [Mr. WARNER], having been successful himself in his own pension case, either considers these matters are not worthy of attention or else he has got into some very wild flat inflation arithmetic, what might be called metaphorical arithmetic. He says "we could not get through this session with the cases that are now on the Calendar from Pennsylvania alone."

Sir, I hold in my hand the Private Calendar of this House. On that Calendar there are only thirty-two pension cases from Pennsylvania. There are on it fifty-two pension cases reported by the chairman of the Committee on Invalid Pensions, [Mr. COFFROTH], only thirty-two of which are from Pennsylvania. Now, sir, if this House has not time to consider thirty-two pension cases, after having wasted weeks and months on moonshine inflation financial doctrines, it is about time that we should commence holding longer sessions than three hours a day. A day's work for a Government employé is at least eight hours.

In my judgment Congress has no duty that is now so binding, so imperative upon it, and so important to the people of the country as the consideration of these pension claims. Besides, the gentleman has figured it down very fine. He says that there have been introduced into this House, or into Congress, between three thousand five hundred and four thousand bills granting pensions. Are all these bills to come up for consideration? In a great number of these cases

there will be found three bills in the House and one in the Senate, sometimes two in the Senate and one in the House, for the identically same pension. Therefore it does not make that many different cases. Again, a large portion of the cases before the Pension Committee are cases which year after year, and by committee after committee, have been reported adversely upon, and they need not and will not claim the attention of this House. So that a few hundred are really all the cases that need claim the time of Congress.

But I will not consent that the disabled and still unpensioned soldiers of the Union Army shall be told that there is no chance for their claims to be heard, and, if just, allowed; shall be told, if these claims by reason of some technical defect in the evidence are rejected by the Pension Office, that this Congress is too august a body or too busy discussing theoretical finance—on which it has wasted weeks—to hear the claims for simple justice of the men without whose sacrifices we would to-day have no Congress, no Government, and no Treasury.

Within the last year the Pension Office has granted ten thousand pensions, eight thousand have been increased, and fifteen thousand "arrears." Congress, since 1862, has granted, by special acts, relief to fourteen hundred sufferers, and now it would require but a few weeks to settle every case worthy of attention. It has no work which is so much its duty; a soldier's claim is not a mere money title. It is not only justice, but appeals alike to the nation's honor and its pride.

Eighty-six years ago day after to-morrow this Government, under Washington, inaugurated the plan of sending pension claims to a committee of this House organized for that purpose, and has followed it ever since. Forty-nine years ago a Committee on Invalid Pensions, as now organized, was regularly charged with its present duties.

My colleague says he has a better plan. If it be such I will gladly accept it. But while this is the only mode known to our Government let us go faithfully forward in it to do what little we may of justice to the men and the families of the men by whose valor and sacrifices the nation marched to victory and peace.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. UPDEGRAFF, of Ohio. Well, there was a word or two more, but I will write out the rest as others do. [Laughter.]

Mr. WARNER. I wish to reply only to the arithmetic of my colleague from Ohio, [Mr. UPDEGRAFF.] I assumed that the report that the number of pension bills pending before this House and the Senate was between three and four thousand was correct. If there are three thousand, and ten minutes be given to each bill, it would take, as I figure it, thirty thousand minutes to consider these bills alone. That would be five hundred hours, and supposing three hours a day be given to them, it would take one hundred and sixty-six days, and giving twenty days to a month, which is as many days as the House is in session on the average, it would take something over eight months. My arithmetic, therefore, was right.

Mr. UPDEGRAFF, of Ohio. How many days in a month do you say there are?

Mr. WARNER. I am calculating on the basis of twenty days in a month as the average number the House is in session.

Mr. UPDEGRAFF, of Ohio. You said "every day."

Mr. WARNER. Twenty legislative days in a month. It would take then about eight months to go over or pass three thousand pension bills, giving ten minutes only to each case. And there will be twice three thousand bills here before this Congress terminates, if it is understood that the time of the House is to be taken up in this way.

Mr. WRIGHT. What arithmetic is the gentleman referring to?

Mr. WARNER. I suggest to my friend from Pennsylvania that when he gets home he quietly take up his paper and pencil and figure this out for himself. I suggest that my colleague do the same.

Mr. UPDEGRAFF, of Ohio. I have done it.

Mr. WARNER. Mr. Chairman, I have no desire to make reply to anything further; but I still insist—

Mr. FRYE. The gentleman will allow me to call his attention to an inaccuracy in his statement of the time it will take to pass pension bills. The Committee of the Whole the other day, on motion of the gentleman from Kentucky, [Mr. OSCAR TURNER], inserted in these rules a provision that not a dollar shall be appropriated by this House without a call of the yeas and nays; so that under this rule, as amended, it is going to take an hour to read the report and call the yeas and nays on every pension bill presented here. I simply call attention to this because it seems to me the amendment must be voted out when we get into the House.

Mr. WARNER. The rule, as I understand, does not apply to private bills, but only to public bills.

Mr. FRYE. I do not so understand it. I think it applies to all.

Mr. OSCAR TURNER. This amendment has no application to pension bills.

Mr. WARNER. I am informed that the provision referred to applies only to public bills, not to private bills.

I still insist that the rule proposed here the other day would be entirely inadequate as a means to correct the evils complained of. This House is not the place to consider pension claims. A commission ought to be established and I hope will be to decide such cases under the law; and if my colleague will permit me—and I mean no personal offense—I will say further that all this talk about rushing pension bills through here is in my judgment mere demagogism—not action

dictated by wisdom or sound policy, or even good common sense. The object too manifestly is to catch votes and not to promote the real interests of honest pension claimants.

Mr. UPDEGRAFF, of Ohio. If anybody understands the demagogic business, I think it is my colleague. [Laughter.]

Mr. WARNER. I did not hear the remark of the gentleman.

[Here the hammer fell.]

Mr. UPDEGRAFF, of Ohio. I withdraw the *pro forma* amendment.

Mr. GARFIELD. I move to amend by striking out the last word.

Mr. FRYE. If the gentleman will yield to me one moment I wish to say that I find, on examining the amendment adopted on motion of the gentleman from Kentucky, [Mr. OSCAR TURNER,] that I am strictly correct; that on every bill appropriating money or making any charge upon the people the yeas and nays must be called.

Mr. GARFIELD. I rose to say a word in regard to the pending amendment, which I hope gentlemen will look at carefully before they vote. I do not wish to delay action at all, but the amendment if adopted will throw the entire business of this House, as I think, into the utmost confusion. According to this proposition any bill, after having been in committee thirty days, may, by a majority vote of the House, be brought back here for action.

Now, there are scores of bills that cannot possibly be taken up, properly considered, and carried through a committee in thirty days. No one of the appropriation bills, except the smallest, can be run through committee with any kind of thoroughness in thirty days. Take the bill on commerce, which the Committee on Commerce has been engaged upon for two months and more; it is not ready. Take the bill relating to rivers and harbors; that we understand takes the whole winter to get it ready. Take a bill covering all the subjects of a tariff; no Ways and Means Committee, though it be the most industrious that ever sat here, can bring in a general tariff bill in less than three or four months. Yet here is a rule that would tumble any bill, however great, however voluminous, however complicated, back into the House, out of the hands of the committee, and put it upon its passage or send it to the Calendar instantly, whenever a majority can be obtained to support such a course. Under such a rule we should have heart-burnings between committees, plots against committees, plots between committees in all sorts of ways. I trust that gentlemen who desire to have the good order of this House preserved, to have legislation proceed with the conservative surroundings and protections we have always had, will vote against this proposed rule.

Mr. BLACKBURN. May I ask the gentleman a question?

Mr. GARFIELD. Certainly.

Mr. BLACKBURN. I ask the gentleman from Ohio, in the light of his long service and elaborate experience, to tell me why a majority of this House should not have the right to send to a Calendar or consider, if it please, any bill that has been introduced into the House in accordance with the rules and has remained in the committee-room for thirty days?

Mr. GARFIELD. Simply because, as I have shown, there are scores of great bills that cannot be perfected in thirty days by any committee, however industrious.

Mr. BLACKBURN. Then make it sixty days.

Mr. GILLETTE. I desire to ask the gentleman from Ohio if in his judgment this House is not worthy to be trusted to decide by a majority vote what business they will consider?

Mr. GARFIELD. I think the old conservative rule requiring two-thirds to suspend the rules so as to discharge a committee—to turn the committee with its back to the wall and tell them "you are unworthy"—is a good rule to follow; and we do not want to run in tariff legislation in this way just now—which is the purpose.

Mr. BLACKBURN. Mr. Chairman, I think that this discussion warrants the utterance I made here on Friday last, when I said the amendment was so important and far-reaching in its consequences that it should be read in print and carefully considered by every member before being voted upon.

The gentleman from Ohio [Mr. GARFIELD] has not enlarged upon the effect of this amendment if it should be adopted. It will work almost a revolution in the business of this House. I am perfectly content to agree that thirty days be struck out and that we insert "sixty days during a long session of Congress, and thirty days during a short session." But I do insist (and I appeal to the experience of every member on this floor to bear out the assertion) that in too many cases the sending of a bill to a committee of this House, which committee chances to be adverse to the purposes of the measure, is equivalent to consigning it to the "tomb of the Capulets." No matter what the majority of this House may want to do in such a case, it has no opportunity under the present rules to do anything. It seems to be the very essence of conservatism (if indeed this be a popular government under which the majority should have a chance to rule) to afford that majority the opportunity which this rule proposes. After a reasonable time has elapsed (whether thirty or sixty days) and a committee of this House has refused to report back for determination a measure sent to it for examination, it seems to me to be but fair and right to give, not to any one member of the House but to a majority of the House, the right to call up the bill and send it to the Calendar, or, if that majority please, to pass upon it at the instant. I do not think any danger should be apprehended from the amendment now pending.

Mr. WEAVER. The gentleman from Kentucky [Mr. BLACKBURN] has voiced almost verbatim what I desire to say. I will submit this however. It occurs to my mind that the criticism of the gentleman from Ohio [Mr. GARFIELD] on the amendment is a criticism upon the House itself. If this House, Mr. Chairman, can be trusted on the final passage of a bill where a majority vote will pass it, certainly the judgment of the House ought to be trusted upon a question of this character. This is a popular government, or it is nothing. I hope we have not reached that stage in our history where it can be called anything else. And why it is that a bill of great public necessity and importance which has been consigned to a committee cannot be brought by a vote of a majority of this House back to the House to be considered I cannot comprehend. A two-thirds vote rarely can be obtained, and yet it might be perfectly true that a majority of the members of the House might desire to pass the measure, might desire it should become a law, but they are powerless under the two-thirds rule to pass it. It is a species of legislative legerdemain that ought to be discountenanced in this House, and I hope on the final vote on the amendment of the gentleman from Kentucky it will prevail. It would be a great stride in the direction of reform, in the direction of true and genuine popular government.

Mr. GARFIELD. Will the gentleman from Iowa tell me whether he thinks a two-thirds rule is ever wise? Should we have everything by a majority?

Mr. WEAVER. Hardly ever. [Laughter.]

Mr. GARFIELD. Then you do not believe in having anything but by a majority all the time?

Mr. WEAVER. I will answer, in my judgment—though it may be very crude, for I certainly claim no legislative experience, certainly none as compared with that of the gentleman from Ohio—but in my judgment a majority vote ought to determine everything in this House except the expulsion of a member.

Mr. TOWNSHEND, of Illinois, rose.

The CHAIRMAN. No further debate is in order on this amendment.

Mr. OSCAR TURNER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OSCAR TURNER. Have I the right to accept the suggestion of the gentleman from Kentucky?

The CHAIRMAN. The gentleman who offered the amendment, at any time before it is voted on by the committee, may modify it to any extent he pleases.

Mr. OSCAR TURNER. Then I accept the modification of the gentleman having charge of the report, of sixty days during the long and thirty days during the short session.

Mr. TOWNSHEND, of Illinois. Does the Chair decide that debate is not in order?

The CHAIRMAN. It is not until after this amendment has been disposed of.

Mr. TOWNSHEND, of Illinois. There is but one amendment pending, and I move to strike out the last word.

The CHAIRMAN. That amendment is now pending, made by the gentleman from Ohio.

Mr. GARFIELD. I withdraw it.

Mr. PAGE. I object to its being withdrawn.

The amendment to the amendment was not concurred in.

Mr. TOWNSHEND, of Illinois. I move to strike out the last two words for the purpose of correcting an impression which may follow from the remarks of the gentleman from Ohio.

This amendment is simply for the purpose of enabling the House by a majority vote to determine whether a bill shall be placed on the public Calendar or not. If the bill is not of that nature which would strike the majority of the House favorably, it would not be placed upon the public Calendar. Every bill introduced of a public nature and sent to a committee and retained there for thirty days does not necessarily go on the Calendar, but only those bills which, after lying for thirty days in committee, shall receive the approval of a majority of the House.

A word or two more and I am done. I am in favor of this amendment partly for the reason it gives opportunity here to those who by their industry and by their energy have framed bills of great benefit to the public to obtain some action by the House upon them. There are industrious men here who unfortunately are placed upon committees which really have no jurisdiction, and yet who have prepared carefully drawn bills which they desire the House to pass upon, but which are sent to one of the three or four of the important committees of the House which do monopolize the entire legislation, and there they are buried and never heard of again. My purpose is to give a fair hearing not to frivolous, not to unimportant bills but to important measures which shall receive the approval of a majority of this House. It is for that reason I advocated the amendment when it was last under consideration.

The House will remember that the only effect of the amendment is that public bills and public resolutions, not pension bills or private bills of any character, shall have an opportunity of coming before this House and the question being determined as to whether they shall go upon the Calendar or not. That is all there is in this amendment.

[Here the hammer fell.]

Mr. WRIGHT. I rise to oppose the amendment. I object to it, Mr. Chairman, and I will repeat again for the benefit of the House

what I have had occasion to say before, but may not have been distinctly heard, that I begin to suspect in this amendment there is "a cat in the meal-tub," and that a concealed effort is made on the question of a protective tariff. I do not want to put myself in the position of attacking protective measures in detail, as has been the custom of this House to do of late. In the last Congress there was a bill passed taking the duty off of quinine, and the duty was taken off on the ground that it would benefit the poor. I am told that the price of quinine is much larger now than when we removed that duty, and an inferior article thrown upon the market. Now, in the present session a very plausible measure was brought forward by my friend from Missouri, [Mr. HATCH,] making salt free—good enough if it did not interfere with other matters of greater moment.

There is another attack in detail upon the great protective principle in several matters which are not now developed. It is also suggested that the tariff on steel rails will be removed as the next objective point; and now, if we adopt the amendment as proposed by my friend from Kentucky, we put it in the power of the House to bring out of the committee any bill in detail that may be desired. And yet I think the protective principle is in better keeping now, in the hands of the proper committee, than it would be if the plan suggested here were adopted. Heaven knows where we might land if the plan suggested by my friend were adopted.

There are certain features of his amendment that are worthy of our sanction, that are all-proper and commendable. Reform is demanded. In the last Congress I was some ten months watching an opportunity to get before the House a supplement to the land bill I proposed. I reported that bill to the House at the commencement of this session of Congress. Three months have already expired and there is no way that I can pursue, no device that I can adopt, no strategy I can resort to, to get it before the House. I defy any member to obtain a hearing on any bill he may offer, public or private. Under this system of rules there is a worse tyranny than our people protested against in the days before the American Revolution. They fought for liberty then, and there are some of us here who might fight for liberty under these rules until we die, while the whole power of the House is locked up in the hands of the committee, or of two or three committees. They hold us in dead-lock. We are powerless in their hands. And should this be the rule of American legislation? Such it is.

While it is not my desire to force measures placed in the hands of committees out of them, and thus endanger great and important questions which affect our revenue laws, still it may be possible that we may, by permitting other great measures to be pigeon-holed, do a greater injury. In my judgment, a protective tariff is of vast moment to the prosperity of our whole country. I would rather see the tariff go to the bottom of the sea than adopt such measures as would destroy and kill other great measures which affect the entire body-politic. While I am an open and avowed protective-tariff man, I will not permit the pursuit of this idol to absorb other matters of secondary importance. It is the bane of our legislation that important measures which demand the attention of Congress should be placed in the hands of a committee every man of which might be its bitter and unrelenting enemy.

I believe that two hundred and ninety-three men are quite as capable of judging of a measure of public policy as thirteen or fifteen men. I believe further that any Representative on this floor who proposes a measure of legislation has the right to demand a test vote upon it. Let him answer to his constituents for the responsibility of the measure. The gag-law rule should have no existence in the American Congress. The amendment perplexes me. I am half inclined to support it, and yet there are reasons why I should not—a fair idea, however, as to the double text of the warp and woof of your legislation. Have we reached that time in our legislative history, Mr. Chairman, when a great measure of public policy may be locked up in committee, and when we dare not call the matter back to the House for the fear some other measure of equal interest to the country may be the subject of attack in detail and thus destroyed? A strange state of affairs, truly!

Mr. TOWNSHEND, of Illinois. I withdraw the amendment.

Mr. COX. I renew the amendment. I renew it for the purpose of saying this, that if no other man in this House interposes a protest to the speech just made by the gentleman from Pennsylvania, I should feel under obligation myself to make it.

Mr. WRIGHT. What is that? Say that again. [Laughter.]

Mr. COX. The gentleman from Pennsylvania talks to us about liberty, and yet he would break down the liberty of buying and selling all around our star wherever we please. He would crush out the liberty of trade and would have our farmers, who are the potential elements of the prosperity of this country, taxed to death by these infamous tariffs which put hundreds of millions into the pockets of Pennsylvania and a few men at the expense of the whole country. Ay, he would put not twenty-five millions into the Treasury, but a thousand millions into the pockets of a few favored classes. The gentleman thinks the farmer people do not study this. I know this goes beyond mere party. I remember in a contest on the tariff in 1872, when General Schenck led that side of the House, we did make an advance and reform to the amount of \$40,000,000 with the aid of Senators LOGAN and ALLISON, republicans, who had the grace and pluck to fight for their western constituency.

I believe, sir, in making any modification of this rule which will take from the Committee of Ways and Means their control over tariffs.

I want tariffs sent to that committee sent back to this House for the action of a majority. When the gentleman from Ohio [Mr. GARFIELD] sat down I was near him and I heard him say this rule was intended for reform of the tariff. I did not know that was the object of my friend from Kentucky, but the moment I found that was the object I said I would vote for it because I am in favor of free land and free trade.

For what avail
The plow or sail,
Or land or life,
If freedom fail?

Freedom to go around the world as we please with our magnificent surplus productions; freedom to buy where we please in the cheapest market, and to barter and exchange as we please. And I hail with satisfaction this effort on the part of Kentucky, which has only a little tariff on hemp, I believe, of 12 per cent.; and I hope there will be at least hemp enough to hang protection when that question is brought into this House.

What I desire now by amendment of the rules is that you may bring in your salt, that you may bring in your quinine if you please, that you may bring in your steel rails for the safety of human life, for the transportation of your produce cheaply to the seaboard, and for the extension of your agricultural productions; so that we may indeed have that privilege and freedom of trade which have belonged to the American people ever since they put forth their declaration of independence from the protection of Great Britain.

Mr. WRIGHT. I desire to make an inquiry of the gentleman from New York.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HAWLEY. I rise to oppose the amendment offered by the gentleman from New York [Mr. COX] and to oppose the proposed addition to the rule.

Mr. Chairman, as I listen to the gentleman from New York I am almost persuaded that it would be well to abolish the tariff entirely. As I listen to others I am satisfied that the tax on whisky ought to be taken off. As I listen to others I am satisfied that the tax on tobacco might well be removed. And I come, then, in general, to the conclusion that the most economical and just way to administer this Government is to abolish the tariff and taxes and to pay the expenses from the Treasury.

But I did not rise to discuss the tariff question. I am opposed to the pending amendment. It gives the majority of the House a right after thirty days to call back from a committee any bill whatever and place it on the Calendar.

A MEMBER. Sixty days.

Mr. HAWLEY. Some one says sixty days. I do not care which it is. It is obvious under that rule, if it should be adopted, it would be entirely in order after thirty days or after sixty days to bring back every single bill which had been referred, at least every public bill, and there cannot be less than two thousand public bills now pending. And these motions are to be privileged motions. There would then be on the first Monday occurring after the expiration of thirty days two thousand privileged motions to discharge committees, each of which motions would be debatable under the rule. It would take us some time, doubtless, to call the roll two thousand times, and we should have a respectable Calendar with two thousand public bills upon it. And then with the other rule, which requires that every bill appropriating any money whatever should have the yeas and nays called upon it, I believe we should rather divide ourselves into three hundred Congresses and endeavor thereby to get through the business.

I regard the rule as mischievous and utterly impracticable. But if it is to pass I desire an opportunity to move a slight amendment. It is not in order now I believe because there is an amendment to an amendment pending, but I will seek an opportunity to offer it.

The CHAIRMAN. The amendment to the amendment is a merely formal one. Does the gentleman from New York [Mr. COX] withdraw the formal amendment?

Mr. HAWLEY. I ask the attention of the gentleman from New York. Will he permit me to offer a substantial amendment by withdrawing the formal amendment which is now pending?

Mr. COX. I withdraw the formal amendment.

Mr. HAWLEY. I offer the following amendment to the amendment: Insert after the word "shall" and before the words "be discharged" the words "within ten days."

So that after a majority of the House shall have ordered the measure to be returned in order to place it on the Calendar the committee having it in charge may have time to perfect it. I would have the committee not return it in an entirely crude state but would give it some days to put it in shape. If the amendment is to pass, I think what I now offer will be an improvement.

Mr. BLACKBURN. That is right.

Mr. TOWNSHEND, of Illinois. Let the amendment be now reported as it will read if amended.

The Clerk read as follows:

Add to Rule XXIV the following:

When a public bill, resolution, or proposition shall have been referred to a stand-

ing or select committee of the House and no report has been made thereon for sixty days during a long session and for thirty days during a short session of Congress, it shall be in order for the member who introduced said bill, resolution, or proposition, on any Monday immediately after the expiration of the morning hour, to offer a resolution or move to discharge the committee from the further consideration of the same, which resolution or motion shall then be considered, and if decided in the affirmative, the committee shall within ten days be discharged and the bill, resolution, or proposition shall be placed on a proper calendar, unless a majority of the House shall determine then to consider the same.

Mr. HARRIS, of Virginia. I desire to suggest that the amendment of the gentleman from Kentucky [Mr. OSCAR TURNER] contemplates that the identical bill should come back before the House as it went to the committee. Now the amendment of my friend from Connecticut [Mr. HAWLEY] anticipates that when it gets before the standing committee that committee may amend the measure or make a substitute for it.

That would not reach what is contemplated by the amendment of the gentleman from Kentucky. His proposition is to bring back the identical bill which was referred to the committee. The object of the ten days' time is to allow the committee an opportunity to amend the bill before reporting it, which would be inconsistent with the object of the amendment proposed by the gentleman from Kentucky.

Mr. FINLEY. I would like to ask the gentleman from Connecticut [Mr. HAWLEY] whether his amendment enlarges the power now given under the proposed Rule XXVIII; whether what is claimed for his amendment cannot be obtained under Rule XXVIII, providing for suspensions of the rules on Monday?

Mr. HAWLEY. I do not see anything about this matter in Rule XXVIII. I will correct what I think is a misapprehension of my friend from Virginia, [Mr. HARRIS.] I think the object of those who favor this proposed new rule is not so much to get back the original bill literally as to get a report upon it, for whatever the committee may report the introducer of the bill will have a right to move as a substitute for the bill reported that which he originally introduced. If the object is to get back a bill as originally introduced, then why refer it at all?

Mr. FRYE. As the gentleman from Connecticut [Mr. HAWLEY] seems to be the one perfecting this absurd proposition, I want to suggest one other point that needs perfecting. There is no provision here for an extra session. In these modern days extra sessions are quite frequent; and will not the gentleman from Connecticut provide for the extra sessions?

Mr. HAWLEY. "The gentleman from Connecticut" has already suggested a remedy; that is, that we divide ourselves into three hundred different Congresses and sit perpetually.

The question was taken upon the amendment of Mr. HAWLEY to the amendment, and it was not agreed to.

The question was then taken upon the amendment moved by Mr. OSCAR TURNER; and upon a division there were—ayes 78, noes 92.

Before the result of the vote was announced, Mr. TOWNSEND, of Illinois, called for tellers.

Tellers were ordered; there being 42 in the affirmative, (more than one-fifth of a quorum;) and Mr. OSCAR TURNER and Mr. FRYE were appointed.

The committee again divided; and the tellers reported that there were—ayes 80, noes 108.

So the amendment was not agreed to.

Mr. WHITE. I move to amend Rule XXIV by adding as a new clause what I send to the Clerk's desk.

The Clerk read as follows:

On the first and fourth Fridays of each month, the Calendar of private bills shall be called over, (the chairman of the Committee of the Whole House commencing the call where he left off the previous Friday,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of. When a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall again be objected to by at least five members.

Mr. WHITE. Members of the Committee of the Whole, who have listened to the reading of this proposed amendment, have discovered that it is the present existing rule of the House, known as Rule 129. By this amendment I propose to renew what we know as "objection day" upon the Fridays indicated therein. I think it is quite proper that the sense of the House shall be tested upon the propriety of retaining the original rule for the consideration of bills upon the Private Calendar.

If the proposed rules now under consideration shall be adopted by the House, all the old rules will be abrogated; and then on every recurring Friday the House will be rushed into the immediate consideration of bills on the Private Calendar, about which members may never have previously heard.

When the existing rule upon that subject was adopted, as far back as 1839, if I recall rightly the history of legislation, the aggregate number of bills introduced during a Congress was not over two hundred, and they were generally of a public character, or relating to something of general interest. We know now that our files are swollen from two hundred bills in 1839 to some six thousand or seven thousand for a term of Congress in each House. Now, if I have read rightly the record, the number of bills already pending in this House, having been introduced by its several members, is about five thousand, three-fourths of which relate entirely to private matters.

The criticism that is made against the existing rule for objection

day is that it puts it in the power of one member to exercise his whim and his caprice against any particular bill by objecting to its consideration. Now, I have too high a regard for the discretion and for the fairness of individual members of this House to charge any one with being influenced by a purpose of that kind. On the contrary, an objection properly made to the immediate consideration of a private bill which proposes to appropriate a large amount of money from the Treasury gives the member and the committee and the country an opportunity to ascertain its actual merits; and if it has merits it will pass, and if it has not it will fail as it should fail.

In answer to this it is said that each of these bills before it gets on the Calendar has received the consideration of a committee of this House. Yet we very often see bills which have received the consideration of committees, and have been placed upon the Calendar upon insufficient evidence, and a judicious objection made to their consideration on objection day has enabled members to discover subsequently that a bill of an entirely fraudulent character has been imposed upon the House. I favor the old rule.

[Here the hammer fell.]

Mr. BLACKBURN. I sincerely trust that the amendment of the gentleman from Pennsylvania [Mr. WHITE] will not be adopted. It simply means to re-establish the present rule as it now exists, providing for what is known as "objection day." The Committee on Rules intended, and so stated in their report, to do away with objection day. I defy the gentleman from Pennsylvania [Mr. WHITE] or anybody else to assign one single reason in support of its continuance or maintenance.

What reason is there for continuing a practice which allows any bill on the Private Calendar to be passed over because of a single objection, when if by chance or luck it comes up on the next Friday it is not amenable to that objection at all? Under the proposed amendment one Friday is objection day and the next Friday is consideration day; and just by mere chance, as a bill happens to be reached on that Calendar on objection day, the interposition of a single arbitrary objection suffices to prevent its passage for the time.

Mr. WHITE. Will the gentleman allow me?

Mr. BLACKBURN. I hope the gentleman will not make another speech.

Mr. WHITE. Not at all. Has not the gentleman known bad bills killed by objections?

Mr. BLACKBURN. No, sir.

Mr. WHITE. Well, I have.

Mr. BLACKBURN. I know that these bills never go to the Private Calendar unless they have been reported favorably by standing committees of the House. I take it for granted that until one of the standing committees of the House has carefully considered a bill and recommended its passage it cannot get to the Calendar. When it goes there, a *prima facie* case at least is made out that the bill is entitled to consideration, if not to passage. I would rather have the judgment of one of the standing committees of this House as to the merit or equity of a matter specially committed to it than to have the single unsupported opinion of any member on this floor. Besides, sir, two-thirds of the standing committees of this House report these bills which go to the Private Calendar. I say that if you intend to reinstate "objection day" you should make it apply to every Friday, and not leave it to chance or fortune whether a bill shall be reached upon an objection Friday when the objection of a single member will prevent its consideration, though if the bill had been fortunate enough to have been reached on the Friday before or the Friday after, that objection would have been powerless. The rule as it stands to-day stands without a reason to support it. There is nothing to be urged in its behalf. The Committee on Rules have proposed to strike it down, and to put every bill on the Private Calendar upon an equal footing with every other bill. That is the whole object of the amended rule as embraced in this revision.

The question being taken on the amendment of Mr. WHITE, it was not agreed to, there being—ayes 8, noes not counted.

Mr. STEVENSON. As an amendment to Rule XXIV I submit the following, which I will state is the same proposition as that offered by the gentleman from Kentucky, [Mr. OSCAR TURNER,] except that I have inserted the words "pertaining to revenue."

The Clerk read as follows:

Add to Rule XXIV the following:

When a public bill, resolution, or proposition pertaining to revenue shall have been referred to a standing or select committee of the House and no report has been made thereon for thirty days, it shall be in order for the member who introduced said bill, resolution, or proposition, on any Monday, after the call of the States and Territories for bills and joint resolutions, to offer a resolution or move to place said bill, resolution, or proposition on the proper calendar, which resolution shall then be considered; and, if decided in the affirmative, the bill, resolution, or proposition shall be placed on the Calendar, and the committee discharged from further consideration of the same.

Mr. HAYES. Is not this the same as the proposition of the gentleman from Kentucky which the Committee of the Whole has already voted down?

The CHAIRMAN. The proposition of the gentleman from Kentucky related to all bills of a public nature. This amendment, as the Chair understands, is confined to bills pertaining to revenue.

Mr. STEVENSON. I have no concealments, Mr. Chairman, as to my motive in offering this amendment. I desire that this House, when a majority of its members so desire, may at any time be brought to a

vote upon the tariff. Many bills have been introduced and are now pending before the Committee of Ways and Means, looking to radical reforms in the present tariff. But, sir, as we know by sad experience, these bills are doomed to "that sleep that knows no waking." Notwithstanding the burdens imposed upon the people by the iniquitous and unjust tariff legislation upon our statute-books, we find our hands tied by the rules of this House when we attempt reformation. Bills looking to a removal of these restrictions upon trade, looking to a removal of some of the burdens imposed upon the producing classes by unwise legislation, are doomed to the oblivion of the committee-room.

True, sir, a majority of this House may desire to remove the tariff from salt; may desire to place on the free list printing-paper and the chemicals used in its manufacture; may desire, as I do, that all laws of a purely protective character, laws which protect eastern manufacturers at the expense of western producers, shall be repealed. But, sir, what are the facts? As every gentleman knows, these bills are not reported. Day after day, year after year passes, and the people are still doomed to bear the burdens imposed upon them, not in the interest of the Government, but for the benefit solely of a few manufacturers. I repeat, sir, I have no desire to deprive the Government of all necessary revenue. But "where protection begins revenue ceases." Every line upon our statute-book placed there in the interest of protection is at the expense of the producing and other great industries of this country.

Mr. Chairman, at the last session of Congress, by suspension of the rules, we were enabled to pass the bill of the gentleman from Kentucky [Mr. MCKENZIE] placing quinine upon the free list. The country has realized already some of the benefits resulting from that legislation. To accomplish that reform it was necessary to suspend the rules of which we so justly complain. At the present session the gentleman from Missouri [Mr. HATCH] moved the suspension of the rules and the passage of a bill removing the duty upon salt. That bill failed to pass, two-thirds failing to vote for it, notwithstanding its passage was favored by a majority of this House.

Mr. Chairman, under the present rules, if the Committee of Ways and Means are hostile to tariff reform, the majority finds itself powerless. The amendment I have proposed places it within the power of the majority of the House, under wise restrictions, to inaugurate legislation without awaiting the slow or hostile action of a committee. To this end I have offered the pending amendment. As I have said, I have no desire to conceal my purpose. Let this amendment be adopted, and there is hope for those who desire reform in our tariff legislation. I appeal, then, to every gentleman upon this floor who opposes legislation designed to benefit the few at the expense of the many, to stand by the pending amendment.

I have no hesitation, Mr. Chairman, in saying that I greatly prefer the amendment proposed by the gentleman from Kentucky [Mr. OSCAR TURNER] to the one now pending. His amendment was of broader scope. I regret, and I think the majority of this House will hereafter regret, having rejected it. Under that amendment to our rules it would have been within the power of the majority, without reference to the action of committees, to inaugurate wise and salutary legislation. Under that, measures pertaining to reform in tariff and finance could be brought before this House for action. A vote could be secured in this House upon bills looking to financial reform, bills which some of us deem of importance, but which, because of the non-action of the Committee on Banking and Currency, have not been, possibly never may be, reported. There is no way to bring them before the House for action except in the manner suggested in the amendment. If a majority of the members of this House are hostile to them, well and good; but at least, sir, let us have a vote upon them.

One word more, Mr. Chairman. Under the rule proposed, it would have been possible for the majority of this House to have passed the bill equalizing the bounties of soldiers, without reference to the action which may be taken by the committee before whom that bill is now pending. In short, Mr. Chairman, that rule would have given this House at all times the control of its legislation. I trust, sir, that the amendment I have proposed, looking as it does to reform in some of the departments of legislation, may receive the sanction of this House.

[Here the hammer fell.]

Mr. DUNNELL. Mr. Chairman, it seems to me the adoption of the amendment proposed by the gentleman from Illinois [Mr. STEVENSON] would work, as has been already suggested, a very great revolution in our methods of doing business. We have committees appointed for a very worthy purpose—for the careful investigation of questions of legislation. A given question may grow out of thirty or forty bills which have been introduced and referred to a committee. Take this very question of a tariff. Forty, fifty, or sixty bills may have been referred to the committee. With those bills as a basis the committee propose a harmonious and systematic revision of the tariff; with those bills the committee can make such a revision. But if this rule be adopted, then right in the midst of the investigation, when, perhaps, the committee have only half completed the work of revision, any one of these bills may be taken out of the hands of the committee, brought into the House, and put upon its passage. It seems to me that the adoption of a rule of this kind would cripple very many of the committees of the House. They would be uncertain how long a bill was to remain in their hands.

It is said here that this is a democratic government, and it is true. Mr. LOWE. No; this is an oligarchy of committees.

Mr. DUNNELL. But here in the House of Representatives we are called upon to legislate under some rules. If a majority may at any time step in and cut short in this way the deliberations of a committee we shall have wrought a great revolution.

Mr. STEVENSON. The amendment proposes to allow a committee ten days in which to perfect a bill after the resolution directing it to be reported has been adopted.

Mr. DUNNELL. Mr. Chairman, that very concession on the part of the gentleman is an argument against the adoption of the amendment. Take, for instance, some questions which have been before the Committee of Ways and Means. Take the reduction of the tariff on steel rails. That question came before us while we were investigating the tariff upon sugar. We were unable to complete the investigation in ten days whether there should be a reduction of tariff on steel rails. One question follows another; one is linked with another; and it is impossible to get through every question in the short space of ten days.

[Here the hammer fell.]

Mr. BAYNE. I move to strike out the last word.

Mr. Chairman, the effort of the amendment of the gentleman from Illinois is perfectly apparent. It is to take up our present tariff system, item by item, and to strike that system down. That is the purpose of it. The amendment proposed by the gentleman from Kentucky [Mr. OSCAR TURNER] had merit in it, because there doubtless are bills presented in this House entitled to consideration. There are bills withheld by committees which should come before the House for consideration, and were it not for the fact that the tariff system of the country is confronted by a party which largely favors its reduction or perhaps its extinction, I would have voted for the gentleman's amendment, because I am in favor of the freest and fairest consideration of all measures which may be proposed in this body.

But while I favor that, it must be borne in mind there exist in this country two parties. One party has constantly gone forward in the work of building up and the other of them is distinguished but for one great characteristic, and that is for tearing down. The republican party has built up the institutions of this country. The democratic party is making efforts in every direction to tear those institutions down. It wants to restrict the authority of the United States in every direction. It is desirous of doing it in the tariff system. It is desirous of doing it in reference to courts, and every effort is directed toward the grand achievement of taking away power from the Federal Government and vesting it in the States. This is one of the measures to facilitate and promote that scheme.

It is particularly pernicious when applied to the system to which the gentleman from Illinois particularly applies it, for if there be one thing which should be considered deliberately and fully by the Committee of Ways and Means it is the tariff system.

Look what we did by passing under a suspension of the rules what is called the quinine bill. We permitted quinine in its manufactured state to come in free, and yet we imposed upon many of the articles entering into the composition of quinine a duty, thus discriminating in a double sense against the people of this country and the men engaged in the production of that article. I say, sir, that any rule which will permit the party whose object is not to build up facilities for promoting such legislation on this floor is dangerous, and should not receive the support of this House.

[Here the hammer fell.]

Mr. SIMONTON. I desire to say only a word, Mr. Chairman, and will detain the committee but a moment. It appears to me the gentlemen by raising the cry that this amendment is intended to attack the tariff are about to prevent that modification of our rules which it seems to me just and fair legislation demands. When committees are formed they are the servants of the House by which it accomplishes legislation. That is their legitimate purpose; that is what they are for; and it never was intended they should turn around and be the masters of the House. They are the arms by which it works, by which it effects its purposes, and this is intended only to so curtail the power of committees, so that when they act in direct violation of the will and the wish of the majority of the House they shall be compelled to attend to that legislation which the House wants to effect. It is only under such circumstances this legislation should apply. It never was intended to grant power to obstruct the legislative will of the House.

[Here the hammer fell.]

Mr. BAYNE, by unanimous consent, withdrew the *pro forma* amendment.

Mr. WEAVER. I offer the following amendment:

After the word revenue insert "or finance," so it will read:

"When a public bill, resolution, or proposition appertaining to revenue or finance shall be referred to a standing or select committee," &c.

Mr. Chairman, it is a well-known fact that a majority of the members of this House were elected upon their professed devotion to the doctrine that the Government should issue the currency, and that it should not be issued by or through the banking corporations of the country. And yet it is also true that as the committees of this House are at present constituted it is absolutely impracticable, ay, it is impossible, to get a bill before this House substituting Treasury notes for national-bank currency.

I desire, sir, to offer this amendment in the spirit of fairness, and to test the sincerity of the professed soft-money men of this House. I offer it with all sincerity, and I wish to put gentlemen if not upon the record at least upon their vote on this proposition, to see if there is any substance in their profession of devotion to this doctrine, or whether it be for the mere purpose of hoodwinking the people at home that they may betray them in this House. I ask my democratic friends on my left and I ask my republican soft-money friends on my right to unite with the party of the center in this amendment now pending.

Mr. STEVENSON. I am in favor of the proposition of the gentleman from Iowa; but I think it better to have a vote on his amendment and a separate vote on the amendment I have offered.

The CHAIRMAN. The first question is on the amendment of the gentleman from Iowa to the amendment of the gentleman from Illinois.

The House divided; and there were—ayes 42, noes 55.

Mr. KENNA demanded tellers.

Tellers were ordered; and Mr. WEAVER and Mr. HUMPHREY were appointed.

The House again divided; and the tellers reported—ayes 77, noes 71. So the amendment to the amendment was agreed to.

The question next recurred on the amendment of Mr. STEVENSON as amended.

Mr. STEVENSON. I call for tellers.

Tellers were ordered; and Mr. STEVENSON and Mr. FRYE were appointed.

The House divided; and the tellers reported—ayes 75, noes 101.

So the amendment was rejected.

The Clerk read as follows:

MISCELLANEOUS RULES.

RULE XXV.

PRIORITY OF BUSINESS.

All questions relating to the priority of business shall be decided by a majority without debate.

RULE XXVI.

PRIVATE BUSINESS.

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a majority of the House.

Mr. BAYNE. I offer the following amendment:

The Clerk read as follows:

Insert after the word "business," in the second line of Rule XXVI, the following:

And pension bills and bills for the relief of soldiers and sailors shall have precedence until the Private Calendar shall have been cleared of them.

So that if adopted the rule will read:

"Friday in every week shall be set apart for the consideration of private business, and pension bills and bills for the relief of soldiers and sailors shall have precedence until the Private Calendar shall have been cleared of them, unless otherwise determined by a majority of the House."

Mr. BAYNE. I shall not detain the committee but a moment, as I have but a word to say in reference to this amendment. It will enable the House to take up and to dispose of pension bills and bills for the relief of soldiers without unnecessary delay. It is well known to every member of this House that it often occurs that private bills have to yield precedence to some political questions which take up the whole of the day's session, and as a necessary consequence no action can be had upon the private bills, while at the same time it is due to the members on this side of the House as well as to gentlemen upon the other side to say that there is no hesitancy whatever in acting with all reasonable dispatch upon cases where the rights of the soldiers are involved. All parties agree in their efforts for the passage of bills relating to the pensions of soldiers or for their relief, but other matters get into the House and prevent the consideration of pension bills for days and days at a time—bills which ought to be allowed to go forward to the Calendar for prompt consideration.

It will not prevent the suggestion of my colleague, the Speaker of the House, that a particular night might be set apart for the consideration of these pension bills, but this amendment, if adopted, will simply facilitate the consideration of these bills, and give the House an opportunity to get rid of them and then pass to the consideration of other matters. Without taking up any more time, I will simply say I hope the amendment will be approved by the House.

Mr. RANDALL, (the Speaker.) I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. RANDALL, (the Speaker.) Is not this substantially the amendment which was voted down before?

The CHAIRMAN. This includes sailors as well as soldiers, which is the only difference the Chair perceives.

Mr. RANDALL, (the Speaker.) I will only say in this connection that I think claimants for pensions are better off now in the House than if this amendment was adopted, because on Fridays the motion to adjourn is constantly made, preventing the transaction of any business, and often, in many cases, it might be difficult to secure a quorum. I believe that pension bills can be passed through this House at any time, and that it is better for the pensioners to leave the rule as it is now.

Mr. BLACKBURN. I wish to ask the gentleman from Pennsylvania a question before he takes his seat.

Mr. RANDALL, (the Speaker.) Certainly.

Mr. BLACKBURN. I want to ask the gentleman whether a propo-

sition is not now pending, which comes up on next Monday first on the list for recognition to suspend the rules, to set apart two evenings for the consideration of pension bills?

Mr. RANDALL, (the Speaker.) It is not on any list, but it is pending.

Mr. BAYNE. I would like to ask my colleague from Pennsylvania a question. Will the adoption of this amendment preclude such action as is proposed to be taken here—that is to set apart certain evenings for the consideration of pension bills?

Mr. RANDALL, (the Speaker.) If you take all the pension bills from the Private Calendar and give them two or three or four nights, if necessary, there is no occasion for this rule at all. And if I know the temper of this House we will give every night that is necessary in every session to dispose of all the pension bills before the House.

Mr. WARNER. I oppose this amendment for the reason that I think all this pension business should be taken out of the House and referred to a commission; and the chairman of the Pension Committee, as I understand, introduced a bill yesterday looking to this end, which I think will have the early consideration of the House. This House is not the place to consider such bills.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania, [Mr. BAYNE.]

Mr. WILSON. I ask that the amendment be again read.

The amendment was again read.

Mr. BROWNE. I move to strike out the last line.

When this amendment was proposed by the gentleman from Pennsylvania [Mr. BAYNE] I intended to give it my support. But upon the assurance of gentlemen on both sides of the House that pending pension claims shall have at least a night or two during the session, I think perhaps the amendment should not be urged. I notice, however, that when the proposition was made the other day for an evening session to consider pension bills gentlemen objected, and by calling for the yeas and nays on a motion to adjourn prevented even a vote of the House on the question. If that policy is to be pursued, then, as one feeling some interest and some sympathy with the soldiers of this country, I am disposed to vote for any rule that will give them an opportunity of being heard.

I ought to say a word to my friend from Ohio, [Mr. WARNER.] It strikes me that it is too late in the day to raise the question of consideration of private pension bills in the Congress of the United States. This Congress has been acting upon those bills constantly for fifteen years. The question has never arisen as to the impropriety of such action until it has been raised during the present session of this Congress.

These are not properly appeals from the Commissioner of Pensions. There are many cases in which the Commissioner of Pensions could not allow the claims under existing law that so strongly address themselves to the sympathy of the representatives of the people that we are willing to pass them by means of private bills. Hundreds of such cases occur, and many of them are on the Calendar of this House to-day, cases in which the Commissioner of Pensions could not, under existing law, give a pension, and yet, by reason of the peculiar circumstances of the case, it is eminently proper that this House should act upon them.

Gentlemen say it is expensive. Why, we pass two or three hundred claims of this kind, perhaps, during a Congress, and the sum appropriated or taken from the Treasury by those bills is insignificant in comparison with the \$29,000,000 that are paid upon the general pension-roll in cases passed by the Department of the Interior.

More than that; the ordinary regular pension list is constantly being diminished by the death of the soldiers, and this diminution will increase from day to day and from month to month; and the cases that we substitute by the action of the Pension Committee and of this House will not increase the aggregate of the money we take out of the Treasury for the payment of these claims. But I am for giving to those who may be entitled to them the pittance they may receive under this action of the House even if it should increase the expenses of the Government.

[Here the hammer fell.]

Mr. WEAVER. Will the gentleman from Indiana allow me to ask him a question?

Mr. BROWNE. Certainly, if the Chair will indulge me so far.

Mr. WEAVER. Did the gentleman from Indiana not vote against the amendment of the gentleman from Kentucky, [Mr. OSCAR TURNER?]

Mr. BROWNE. I did.

Mr. WEAVER. Under that amendment would it not have been possible to have brought in after thirty days the bill offered by me for the relief of the soldiers, known as the soldier bill? The gentleman's professed devotion to the interests of the soldier seems to come in too late after his voting against that amendment.

Mr. BROWNE. Does the gentleman refer to the bill introduced by himself as the peculiar bill of the soldier?

Mr. WEAVER. I do.

Mr. BROWNE. Then I want to say to the gentleman, for I may not have the opportunity of putting myself on the record by my vote, that I should vote against that bill most cheerfully and I ask to be so recorded now.

Mr. WEAVER. I will ask the gentleman further, is his name not on a petition to this House wound around a corn-stalk, on which there

are 828 names—General BROWNE's being one of them—in favor of the passage of that bill?

Mr. BROWNE. It is quite likely, sir.

Mr. WEAVER. It is altogether true.

Mr. BROWNE. That only proves that which the gentleman may live long enough to learn, namely, that we have more sense now than we had yesterday.

Mr. WEAVER. It proves this, that the gentleman can profess one thing at home and be another thing here in Congress.

Mr. BROWNE. The gentleman is mistaken. I do not fear the record. The gentleman will find he is mistaken.

The question being taken on Mr. BAYNE's amendment, it was not agreed to.

Mr. DUNNELL. I offer the amendment which I send to the desk. The Clerk read as follows:

Strike out the words "majority of the House" and insert the words "two-thirds of the members present and voting," so that, if amended, the rule will read: "Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a two-thirds vote of the members present and voting."

Mr. DUNNELL. Under these proposed rules the business of all the other days of the week but Friday cannot be dispensed with except by a two-thirds vote. I simply desire to put Friday, which we dedicate and set apart for private business, on the same footing and protected in the same way that the business of other days of the week is protected. I trust the Committee of the Whole will not object to this amendment. We devote but one day in the week to the consideration of private business, and it seems to me that that day should be protected by a two-thirds vote.

Mr. SPRINGER. If the gentleman will yield me the remainder of his time—

Mr. DUNNELL. I will do so.

Mr. SPRINGER. I hope this amendment will be adopted. The vast amount of private business now pending in this House is entitled to have one day in the week set apart for its consideration. At present the delay in the consideration and passage of private measures by this House is such that it amounts to an almost absolute denial of justice to all persons interested in such measures. It is well known to every member here that we have now on the Calendar of this House something like three thousand or four thousand bills of various kinds for relief to private parties.

Mr. TOWNSHEND, of Illinois. Not on the Calendar.

Mr. SPRINGER. I mean pending before committees of the House and on the Calendar. The parties interested in these bills have no place to go to but to this House for relief. I regret that. I have introduced, and there is now pending before the Committee on the Judiciary, a constitutional amendment prohibiting this House from passing any private bill on any subject, so that if that shall become the law of the land it will force us to provide by general law for the disposition of all such cases. In my judgment that is the proper course. But while there is no general law on the subject, parties cannot obtain redress except by coming to this House. In my judgment this House is the worst tribunal in the world for the settlement of private claims, and it is injustice to the claimants as well as to the Government to force these claims to be brought here. But under the embarrassing circumstances surrounding them I think private claimants should have one day in seven for the consideration of their business.

Mr. BLACKBURN. So do I, unless the majority of the House shall determine otherwise. I hope the amendment will not be adopted.

The question was taken upon the amendment of Mr. DUNNELL; and upon a division there were—ayes 68, noes 56.

Mr. BLACKBURN. I will not ask for tellers, but I give notice that I will in the House call for the yeas and nays on this amendment.

No further count being called for, the amendment of Mr. DUNNELL was agreed to.

Mr. WHITTHORNE. I desire to offer as an independent rule, to come in after Rule XXVI, that which I send to the Clerk's desk.

The Clerk read as follows:

Thursday in every week shall be set apart for the consideration of business on the House Calendar, unless otherwise determined by a majority of the House.

Mr. WHITTHORNE. I offer this as an independent rule just now, as the Speaker of the House is present, more for the purpose of obtaining his construction of the rules as they are here reported.

For instance, what opportunity for the consideration of business on the House Calendar will there be under the operation of these proposed rules? In other words, if the House is from day to day to go into Committee of the Whole for the consideration of appropriation bills and revenue bills, what opportunity will there be given for the consideration of bills administrative or reformatory in their character on the House Calendar?

In my opinion it will be found that unless the opportunity is given, as proposed by the independent rule which I have submitted, there never will be, under the administration of these rules, an opportunity of reaching business upon the House Calendar, so called. I propose by this independent rule simply to put the public business of the country on the same level with the private business under the rule which has just been passed.

Mr. RANDALL, (the Speaker.) I do not propose to give a construction to any rule until it is enacted into a rule. I suppose, however,

that the manner of reaching business on the House Calendar will be within the power of the majority of the House.

Under these proposed rules, after the motion to proceed to business on the Speaker's table shall have been disposed of, the first motion in order will be a motion that the House resolve itself into Committee of the Whole House on the state of the Union to consider, first, bills raising revenue and general appropriation bills, and then other business on the Calendar; that is, other bills appropriating money. After that has been disposed of, or if a majority of the House shall vote down the motion to proceed to the consideration of that character of business, it will then be in order to proceed to the consideration of business on the House Calendar. It will be noticed that under the proposed rules the power of the majority of the House is always paramount as to what business shall be considered, except in a few cases where a two-thirds vote is required.

Mr. WHITTHORNE. Begging pardon of the committee, it is just to that point that I wish to call attention. Under these proposed rules measures which take money from the Treasury are to be first in order and to have precedence in consideration. Private bills appropriating money are to have a special day, Friday, set apart for their consideration.

Now, I desire that one day shall be set apart for the consideration of business on the House Calendar, and that that business shall be placed in such a position that if, for instance, it is desired to reform the bank laws of the country, or the judiciary laws of the country, or if we want to enter upon any reformatory or amendatory legislation whatever, we shall not be confronted with the ruling of the Speaker, properly made under these rules, that the consideration of bills appropriating money is first in order. Upon one day at least out of the legislative days of the week let those of us who are interested in the consideration of public administrative questions have the right to move to proceed to the consideration of the Calendar on which they are placed rather than to proceed to the consideration of other business. In other words, my object is to put the public business of the country on precisely the same footing as you have put private business.

Mr. BLACKBURN. Is that what the gentleman proposes by this amendment, when Rule XXIV already provides the order of business, and puts it within the power of a majority of the House at any time to go to the House Calendar, but, anterior to that, if a majority shall so determine, to go into Committee of the Whole House on the state of the Union to consider, first, bills raising revenue, then bills appropriating money? Having gotten through with these, a majority of the House goes to the House Calendar. Now, if the amendment of the gentleman from Tennessee be adopted, it will give to the House Calendar equal rights with bills raising revenue and general appropriation bills on every day of the week, besides an exclusive privilege on Thursdays. One class of public business, the most important of all public business—bills for the raising of revenue and the disbursement of public money—will be refused equal rights, or any rights at all, on Thursdays.

The CHAIRMAN. The Chair will remind gentlemen that debate is exhausted.

Mr. RANDALL, (the Speaker.) It is best that we should understand this matter.

The CHAIRMAN. If the point is not made the Chair will indulge gentlemen.

Mr. RANDALL, (the Speaker.) I would like to refer the gentleman from Tennessee to Rule XIII, which creates the calendars. The first clause specifies exactly what shall go to the Committee of the Whole House on the state of the Union: First, bills raising revenues; second, general appropriation bills; third, bills of a public character directly or indirectly appropriating money or property. Now, the reason these bills are included in this clause is because under another rule bills raising revenue or appropriating money must receive their first consideration in Committee of the Whole on the state of the Union.

The second clause of Rule XIII provides a "House Calendar." What bills go to that? "All bills of a public character not raising revenue nor directly or indirectly appropriating money or property." These bills need not go to the Committee of the Whole at all for consideration; they are not subject to a point of order and can be considered in the House.

These rules are not subject to the criticism made by the gentleman from Tennessee, that we have given undue advantage to private bills over public. Whenever the motion to go into the Committee of the Whole on the state of the Union is made a majority of the House, if they wish to reach the House Calendar, have only to say, "No, we will not go into Committee of the Whole on the state of the Union to consider bills raising revenue or appropriating money; we want to get to the House Calendar to consider general public business." The motion to go into Committee of the Whole on the state of the Union being negatived, the next motion is to consider the House Calendar, which is thus readily reached. It will be seen, therefore, that the thirteenth rule and the twenty-fourth rule are in exact harmony, one creating the Calendars, the other specifying the order of motions with reference to business on the Calendars.

Mr. WHITTHORNE. If I can have the attention of the House for a moment I propose to follow the order of proceeding under these rules. Upon Tuesday, Wednesday, Thursday, and Saturday we follow a regular order of business, which cannot be suspended except by a

two-thirds vote. The first thing in order is business on the Speaker's table. The next thing (mark it) is the motion—

That the House resolve itself into the Committee of the Whole House on the state of the Union to consider, first, bills raising revenue and general appropriation bills, and then other business on its Calendar; second, to proceed to the consideration of business on the House Calendar.

Now I submit that under this language the Speaker will hold that the motion to go into Committee of the Whole on the state of the Union is first in order, and until that is disposed of the motion to proceed to business on the House Calendar cannot be entertained. Now I propose that there shall be one day of the six on which this order will be reversed; that on Thursday it shall be first in order to move to go to the House Calendar for the consideration of general measures of reformatory legislation.

Mr. RANDALL, (the Speaker.) Mr. Chairman, the gentleman says that on Thursdays he wants to reverse the order of these motions. Now, I wish to say that under the first clause of the rule there is but a single motion—to go into the Committee of the Whole House on the state of the Union. When in Committee of the Whole House the Chairman is to recognize, first, any member moving to consider a revenue bill; next, any member desiring to consider a general appropriation bill; thereafter, any member proposing to consider in their order the various bills that may be on the Calendar appropriating money. The House, if it wishes to reach the House Calendar directly on Tuesday, Wednesday, Thursday, or Saturday, has but to vote down the proposition to go into Committee of the Whole House on the state of the Union; and the very next motion is to proceed to the consideration of business on the House Calendar.

Mr. WHITTHORNE's amendment was rejected.

The Clerk read as follows:

RULE XXVII.

UNFINISHED BUSINESS OF THE SESSION.

After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports, which originated in the House, and at the close of the next preceding session which remained undetermined, shall be in order for action, and all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress in the same manner as if no adjournment had taken place.

Mr. BLACKBURN. Mr. Chairman, before moving the committee rise, I wish to ask unanimous consent for the Committee on Rules to return to Rules XXIII and XXIV in order to offer thereto certain amendments which were agreed to by the committee and which would have been offered when those rules were under consideration but for the fact the clerk of that committee was necessarily absent during that day. They are not material, but they are valuable in the judgment of the committee, and I ask unanimous consent for the committee that it may return to those two rules to submit such amendments as have been unanimously agreed to.

A MEMBER. And no other amendment.

Mr. BLACKBURN. Yes, sir, and no other than those agreed to by the Committee on Rules. I will state for the information of the committee, neither one of those amendments has yet been offered or considered by the House.

The CHAIRMAN. The Chair will suggest if the amendments are now ready it will be better to let them be read.

Mr. BLACKBURN. I will ask the five amendments be printed in the RECORD to-morrow morning.

Mr. CLYMER. I reserve the point of order.

The CHAIRMAN. Does the gentleman reserve the point of order on the right of the committee to go back?

Mr. CLYMER. I do. I am perfectly willing they should be printed, but I desire to see or hear them before I consent to their being offered.

Mr. BLACKBURN. I withdraw the request, and, in my own right and under instructions of the Committee on Rules, will offer them in the House.

Mr. CLYMER. The gentleman will understand I do not wish to antagonize the Committee on Rules.

Mr. BLACKBURN. Then I cannot understand the action of the gentleman at all. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the proposed revision of the rules reported from the Committee on Rules, and had come to no resolution thereon.

REPEAL OF DUTY ON MEDICINAL BARK.

Mr. MORRISON, by unanimous consent, introduced a bill (H. R. No. 4737) to repeal the discriminating duty on medicinal bark; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 3058) authorizing the remission or refunding of duty on an altar from Rome, Italy, for the Saint John's cathedral, of Indianapolis, Indiana; when the Speaker signed the same.

BOSTON HARBOR DEFENSE.

Mr. MORSE, by unanimous consent, presented a memorial of the mayor and city council of Boston, in relation to the harbor defense

for that city; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. GARFIELD, by unanimous consent, was granted leave of absence for three days.

MILITARY POSTS ON NORTHERN LAKES.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, relative to military posts on the northern lakes; which was referred to the Committee on Military Affairs, and, on motion of Mr. CONGER, ordered to be printed.

And then, on motion of Mr. MARTIN, of Delaware, (at four o'clock and thirty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. AIKEN: The petition of the publishers of the Lexington, (South Carolina) Dispatch, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. ANDERSON: The petitions of Henry C. Fuller and others, and of ex-soldiers of Pottawatomie County, Kansas, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of citizens of Osborne County; of citizens of Smith County, and of Elias Mobley and others, ex-soldiers, citizens of Smith County, Kansas, of similar import—to the same committee.

By Mr. ATHERTON: The petitions of Charles Starkey and 83 others, and of Joseph Welsh and 45 others, citizens of Muskingum County, Ohio, for legislation to protect innocent purchasers of patented articles from suits for infringement—to the Committee on Patents.

Also, the petitions of John P. McElvin and 83 others, and of Oscar Welsh and 44 others, citizens of Muskingum County, Ohio, for legislation to prevent fluctuations in freights and unjust discriminations of railroads and other monopolies in transportation charges—to the Committee on Commerce.

Also, the petitions of John Kirkpatrick, publisher of the Jeffersonian, Cambridge; of Taylor & Taylor, publishers of the Guernsey Times, Cambridge; and of E. R. Sullivan, M. W. Pyle, and G. A. McFarland, of the Daily and Weekly Times, of Zanesville, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. BEALE: The petition of the administrator of Dr. Benjamin Chapin, for seven years' half pay for services in the revolutionary army—to the Committee on Revolutionary Pensions.

By Mr. BAKER: The petition of Reuben Williams, of the Northern Indian, and F. J. Zimmerman, of the National Union, Warsaw, Indiana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petitions of Virgil Barber and 40 others, and of Henry Woolf and 65 others, citizens of Kosciusko County, Indiana, for legislation to protect innocent purchasers of patented articles from prosecution for royalty and damages—to the Committee on Patents.

Also, the petitions of T. W. Shaup and 40 others, and of Amos Harmon and 62 others, citizens of Kosciusko County, Indiana, for the passage of a law to regulate interstate commerce—to the Committee on Commerce.

By Mr. BERRY: The petitions of A. B. Nye, publisher of the Tribune, Dixon; F. F. Camduff, publisher of the Recorder, Wheatland; E. B. Gambee, publisher of the Democratic Dispatch, Ukiah City; H. C. Patrick, publisher of the Weekly Courier, Santa Cruz; A. W. Furgerson, publisher of the New Era, Benicia, and James H. Wilkins, publisher of the Marion County Tocsin, San Raphael, California, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of W. A. Winder and others, Mexican war veterans, for the passage of the bill granting pensions to soldiers of the Mexican war—to the Committee on Invalid Pensions.

By Mr. BLISS: The petition of William E. Chapman, to change the name of the propeller Robert L. Darragh—to the Committee on Commerce.

By Mr. BRAGG: Five petitions of publishers in Wisconsin, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. BREWER: The petition of O. A. Baker, Allen S. Shattuck, and 111 other ex-soldiers of Michigan, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of B. F. Dunlap and 14 others, citizens of Hazleton, Michigan, for the defeat of the so-called sixty-surgeon bill, being Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of the Friends residing in the State of Maryland and of the Maryland State Temperance Alliance, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

Also, the petition of the Maryland branch of the Universal Peace

Union, for the permanent establishment of the commission on international arbitration—to the Committee on the Judiciary.

By Mr. BRIGGS: The petition of C. A. Fletcher and others, citizens of Nashua, New Hampshire, for a law to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of citizens of Nashua, New Hampshire, for legislation to protect the people against railroad and transportation monopolies—to the Committee on Commerce.

Also, the petitions of George B. Wheeler, publisher of the Merrimack Journal, Franklin Falls, and of W. W. Hemenway, publisher of the Milford Enterprise, Milford, New Hampshire, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of George B. Wheeler, publisher of the Merrimack County Journal, of Franklin Falls, New Hampshire, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. CARPENTER: The petition of citizens of Scranton, Iowa, for the passage of a law paying the soldiers of the late war of the rebellion the difference between gold and the greenbacks in which they were paid—to the Committee on Military Affairs.

By Mr. CLAFLIN: Papers relating to the petition of Peter McIntyre for the closing of Rock street, Georgetown—to the Committee for the District of Columbia.

By Mr. CONVERSE: The petition of Elias Shook and 33 others, citizens of Franklin County, Ohio, for legislation to regulate interstate commerce—to the Committee on Commerce.

Also, the petition of Joseph Shook and 33 others, citizens of Franklin County, Ohio, for the amendment of the patent laws—to the Committee on Patents.

By Mr. COVERT: The petition of G. W. Damon and 36 others, for an appropriation for the improvement of the waterway from Jamaica Bay to Cornell's Landing, Jamaica, New York—to the Committee on Commerce.

Also, the petition of W. R. Barling, of Flushing, New York, for the abolition of the duty on printing-type—to the Committee of Ways and Means.

By Mr. COX: The petition of the publishers of the Irish-American, of New York, of similar import—to the same committee.

By Mr. CRAVENS: The petition of John W. Chasteen and others, soldiers of Arkansas, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. HORACE DAVIS: Papers relating to the bill (H. R. No. 4162) authorizing the Secretary of the Treasury to issue an American register to the bark Annie Johnson—to the Committee on Commerce.

Also, memorial of the State Grange of California, for a special bureau of agriculture for the Pacific coast—to the Committee on Agriculture.

By Mr. DEERING: The petitions of J. P. Reed, of Shell Rock; of editors and publishers at New Hampton; of Joseph F. Grawz, Nashua, and of publishers at Lawler, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of honorably discharged soldiers of the Union Army, of Hardin County, Iowa, against the passage of Senate bill No. 496—to the Committee on Military Affairs.

By Mr. DUNNELL: The petitions of J. S. Whiton and 2 others, of Saint Charles; and of Woodard & Foss, of Wells, and of J. M. Miles, of Dodge Centre, Minnesota, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petitions of John P. Ilsley, president of the Saint Paul and Duluth Railroad; and of John I. Blair, president or main stockholder of eleven railroads in the States of New Jersey, Iowa, Nebraska, Missouri, Dakota, and Illinois, against a reduction of the duty on steel rails from \$28 to \$10 a ton—to the same committee.

By Mr. FRYE: The petitions of the publishers of the Oxford Democrat, and Phillips Phonograph, Maine, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. GARFIELD: The petitions of J. A. Howells & Co. and Norton & Lee, publishers, of Ohio, of similar import—to the same committee.

Also, the petition of S. Chamberlain, president of the Cleveland, Tuscarawas Valley and Wheeling Railroad Company, against a reduction of the duty on steel rails from \$28 to \$10 a ton—to the same committee.

By Mr. GEDDES: The petitions of Aaron Leedy, T. L. Garber, and others, of Richland and Knox Counties, and of Simon Poland, Peter Wrentz, and others, of Richland County, Ohio, for the amendment of the patent laws so as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of Aaron Leedy, T. L. Garber, and others, of Richland and Knox Counties, and of W. Rininger, John Hanawalt, and others, of Richland County, for legislation to relieve the people from the oppressions of transportation monopolies—to the Committee on Commerce.

By Mr. BENJAMIN W. HARRIS: The petitions of Eliot Hunt, publisher of the Courier, Attleborough, and of Elizabeth Green and G. W. Prescott, of Quincy, Massachusetts, that materials used in making

paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petitions of A. E. Fessenden, publisher of the Advance, Brockton, and of Elliot Hunt, publisher of the Chronicle, Attleborough, for the abolition of the duty on type—to the same committee.

By Mr. HASKELL: The petitions of the editor of the Headlight, Thayer; of the editor of the Advance, Chetopah; of the editor of the Miami Republican, Paola, and of the editor of the Plaindealer, Garrett, Kansas, of similar import—to the same committee.

Also, the petition of publishers of Chetopah, Kansas, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. HISCOCK: Resolutions of the executive committee of the National Guard Association of New York, opposing the passage of the national militia bill—to the Committee on the Militia.

By Mr. HURD: The petitions of E. T. Williams and others, of Fulton County, and of Levi R. Shaw and others, of Hancock County, Ohio, for the amendment of the patent laws—to the Committee on Patents.

Also, the petitions of E. T. Williams and others, of Fulton County, and of F. B. Rose and others, of Hancock County, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

Also, the petition of W. H. Schuler and others, of Hancock County, Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of William Luke and others, of Toledo, Ohio, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, the petition of Isaac M. Keeler and others, of Fremont, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petitions of Joseph W. Coy and others, of Wood County, and of Henry J. Kranst and others, of Lindsay, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of Whitaker, Haynes & Co., of Toledo, Ohio, for a reduction of duty on zinc—to the Committee of Ways and Means.

By Mr. HUTCHINS: The petition of Charles E. Travis, publisher of the Mount Kisco Weekly, Westchester County, New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. JOHNSTON: The petition of publishers of Richmond, Virginia, of similar import—to the same committee.

By Mr. KEIFER: The petition of D. E. Shallaberger and 35 others, citizens of Clark County, Ohio, for legislation making the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of F. W. Coblentz and 35 others, citizens of Clark County, Ohio, for legislation to prevent fluctuations in freights and unjust discriminations in freight charges—to the Committee on Commerce.

By Mr. KELLEY: The petitions of Thomas B. Kennedy, president Cumberland Valley Railroad, and George B. Weistling, superintendent Mount Alto Railroad, and of James I. Bennett, president Pittsburgh and Lake Erie Railroad, against a reduction of the duty on steel rails from \$28 to \$10 a ton—to the Committee of Ways and Means.

By Mr. MAGINNIS: Two petitions of citizens of Montana, against the proposed changes in public land laws—to the Committee on Public Lands.

By Mr. MARSH: The petition of citizens of Illinois, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petitions of E. H. Thomas, publisher News, Dallas City, and of H. M. Rowley, publisher Clipper, Biggsville, Illinois, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. MCCOID: The petition of citizens of Iowa, for the amendment of the patent laws—to the Committee on Patents.

By Mr. MITCHELL: The petitions of 32 soldiers of Westfield and vicinity, and of 17 Union soldiers of Wellsborough and vicinity, Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. MULLER: The petition of Benjamin A. Disbrow, guardian heirs of Charles Fox, for an appropriation to pay a judgment recovered against the United States—to the Committee on the Judiciary.

By Mr. MURCH: The petition of E. C. Merriam and others, citizens of Vinalhaven, Maine, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of J. H. Blood & Co., publishers Greenback Labor Chronicle, Auburn, Maine, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. MYERS: The petition of E. H. Staley, publisher Frankfort (Indiana) Crescent, of similar import—to the same committee.

By Mr. O'CONNOR: The petition of the publishers of Washington (District of Columbia) Law Reporter, of similar import, and for the abolition of duty on type—to the same committee.

Also, the petition of the vestry of Saint Michael's church, Charles-

ton, South Carolina, for the admission free of duty of one of the bells composing Saint Michael's chimes, which has been sent to England to be recast—to the same committee.

By Mr. OSMER: The petition of T. J. Widdefield and 46 others, soldiers of the late war, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. PHELPS: The petitions of Michael Kennedy and 32 other soldiers of New Haven; and of D. M. Latham and 25 other soldiers of New Haven, Wallingford, and Meriden, Connecticut, of similar import—to the same committee.

By Mr. POEHLER: The petition of David Steel and 49 others, citizens of Nicollet County, Minnesota, for the passage of a law to regulate interstate commerce—to the Committee on Commerce.

Also, the petition of W. R. Johnson and 51 others, citizens of Nicollet County, Minnesota, for a law to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petitions of Charles L. Davis, publisher of the Argus, Red Springs; of B. B. Herbert, publisher of the Advance, Red Springs, and of W. C. Bredenhagen, publisher of the Free Press, Carver, Minnesota, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. PRESCOTT: The petitions of publishers of Y Drych, Utica, and of publishers of the Sunday Tribune, Olive Branch, Earnest Worker, and Eclectic Magazine, Utica, New York, of similar import—to the same committee.

By Mr. PRICE: The petition of the Grand Division of Sons of Temperance of the District of Columbia, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. REED: Papers relating to the extension of the reservation at Fort Preble, Maine—to the Committee on Military Affairs.

By Mr. DAVID P. RICHARDSON: Two petitions of citizens of New York, for the equalization of bounties—to the same committee.

Also, the petition of citizens of New York, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. ROBINSON: The petitions of S. E. Nichols and of C. N. Reynolds, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petitions of S. E. Nichols and of C. N. Reynolds, for the abolition of the duty on type—to the same committee.

By Mr. WILLIAM A. RUSSELL: The petition of George A. Cottling and 204 others, legal voters of Hudson, Massachusetts, for the regulation of transportation by railroads—to the Committee on Commerce.

Also, the petition of J. S. Hallett and others, for the repeal of the compulsory pilotage law—to the same committee.

By Mr. SHERWIN: The petition of S. S. Brill and 14 other soldiers and 16 citizens of Norris City, Illinois, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petitions of publishers of the Aurora Beacon, Pecatonica News, Richmond Gazette, Creston Times, Malta Mail, Rockford Register, De Kalb News, and De Kalb Chronicle, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. STARIN: The petition of Henry Ross, of Gloversville, New York, of similar import—to the same committee.

Also, the petitions of W. T. Cook, of Conajoharie; of Jorville Lingenefer, of Amsterdam; of Henry Ross, of Gloversville; and of A. T. Pease, of Saratoga Springs, for the abolition of the duty on type—to the same committee.

By Mr. STONE: The petition of C. P. Nearpass, publisher of the Whitehall (Michigan) Forum, of similar import—to the same committee.

By Mr. WILLIAM G. THOMPSON: The petition of Brant & Co., editors of Iowa City Journal, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of H. S. Sutliff and 76 other ex-soldiers, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of Adam Petrey, for a pension—to the Committee on Invalid Pensions.

By Mr. TYLER: The petition of W. H. Joquith and 34 other Vermont soldiers, for the equalization of bounties—to the Committee on Military Affairs.

Also, papers relating to the claim of David H. Hildebrand for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. J. T. UPDEGRAFF: The petition of O. A. Dowdell, Lindley Hogue, and 50 others, citizens of Belmont County, Ohio, against railroad monopolies—to the Committee on Commerce.

By Mr. THOMAS UPDEGRAFF: The petition of Rudolph A. T. Meyer and others, citizens of Iowa, for a law punishing the manufacture and sale of adulterated articles of food—to the Committee on Manufactures.

By Mr. UPSON: Memorial of the Mexican War Veteran Association of San Antonio, Texas, for the passage of such a bill as will enable all the participants in the war against Mexico in the years 1846, 1847,

and 1848 to receive equal rights, privileges, and immunities—to the Committee on Invalid Pensions.

By Mr. VALENTINE: The petitions of the publishers of the Columbus Era, of the Nonpareil, Kearney, of the Saunders County Reporter, Ashland, and of the Den Dauske Pioneer, Omaha, Nebraska, for the abolition of the duty on printing-type—to the Committee of Ways and Means.

By Mr. VANCE: Papers relating to the claim of J. C. Camp to be released from certain liabilities as bondsman for a distiller—to the same committee.

By Mr. WARNER: The petition of J. A. Tullis, of Nelsonville, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. WELLS: The petition of druggists of Saint Louis, for the repeal of the stamp tax on medicines—to the same committee.

By Mr. WHITTHORNE: Papers relating to the pension claim of Ellen M. Boggs—to the Committee on Invalid Pensions.

By Mr. WILLITS: The petition of M. D. Hamilton & Son, publishers of the Monroe (Michigan) Commercial, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. FERNANDO WOOD: The petition of druggists of Charleston, South Carolina, for the repeal of the stamp-tax on perfumery—to the same committee.

Also, the petitions of F. S. Lathrop, receiver of the Central Railroad of New Jersey, and of Thomas R. Sharp, president Long Island Railroad Company, against a reduction of the duty on steel rails from \$28 to \$10 a ton—to the same committee.

Also, the petition of George Munro, publisher, of New York City, for the abolition of the duty on printing-type—to the same committee.

By Mr. WRIGHT: The petition of C. F. Lorber and 39 others, citizens of Washington County, Pennsylvania, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

IN SENATE.

WEDNESDAY, February 25, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Patents relative to a deficiency in the appropriation for illustrations for the Patent Office Official Gazette for the fiscal year ending June 30, 1880; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter from the Attorney-General, communicating, in compliance with a resolution of the Senate of the 19th instant, a list of persons who have held appointments under the Department of Justice during the year 1879, together with the amount of compensation paid them in accordance with the law authorizing such appointments; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter of the Chief of Engineers, covering letters and reports from Major W. P. Craighill, Corps of Engineers, of examinations and surveys made in compliance with the provisions of the river and harbor act of March 3, 1879, of Nanticoke River, Delaware and Maryland; of Broad Creek, Northeast River, Tuckahoe Creek, and Cabin Creek, Maryland, and of Chincoteague Inlet, Virginia; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting, in answer to a resolution of the Senate of the 16th instant, a copy of a report from Major F. Harwood, Corps of Engineers, in regard to the harbor at Grand Haven, Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of the National Temperance Society, officially signed, praying for the appointment of a commission of inquiry relative to the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. ROLLINS presented the petition of Judge Isaac W. Smith and others, citizens of New Hampshire; the petition of A. P. Carpenter and E. Woods, attorneys at law, of Bath, New Hampshire, and the petition of J. P. Hutchison and others, citizens of Gilford, New Hampshire, praying for the removal of the United States circuit and district courts from Exeter to Concord in that State; which were referred to the Committee on the Judiciary.

Mr. FERRY presented the petition of Fred. S. Goodrich and others, citizens of Alpena, Michigan, praying for a commission of inquiry con-

cerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. HOAR presented the petition of Isaac W. Ambler, of Boston, Massachusetts, praying to be allowed a pension for services rendered the Government in the late war; which was referred to the Committee on Pensions.

Mr. MORRILL presented a petition of the Grand Lodge of Good Templars of Montana, officially signed, representing six hundred members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. EATON. I present the petition of four publishing companies of New Haven, Connecticut, the leading papers there, the Journal and Courier, the Palladium, the Register, and the New Haven Union, praying for the passage of a bill placing paper and all material used in its manufacture on the free list, and for the abolition of the tariff duties on printing-type. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. KERNAN presented a petition of the Grand Division of Sons of Temperance of Western New York, officially signed, representing nineteen hundred members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. THURMAN. I present a memorial signed by S. Chamberlain, president of the Cleveland, Tuscarawas Valley and Wheeling Railroad Company, representing one hundred and fifty-seven miles of railroad; a similar memorial of J. H. Wade, president of the Valley Railway Company, representing fifty-nine miles of railroad; and a similar memorial of J. H. Wade, president of the Cincinnati, Wabash and Michigan Railroad Company, representing one hundred and fifteen miles of railroad, remonstrating against a reduction of the duty on steel rails. I move their reference to the Committee on Finance.

The motion was agreed to.

Mr. THURMAN presented the petition of the Woman's Christian Temperance Union of the State of Ohio, signed by the president and secretary, representing four thousand members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. WITHERS presented the petition of James K. Hazen and others, publishers, of Richmond, Virginia, praying for the passage of a bill placing pulp, soda-ash, and other chemicals used in the manufacture of paper on the free list, and reducing the duty on printing-paper used for books, &c.; which was referred to the Committee on Finance.

He also presented a joint resolution of the General Assembly of Virginia in favor of a bill devoting the proceeds of the sales of public lands to educational purposes; which was referred to the Committee on Education and Labor.

Mr. HILL, of Georgia, presented the petition of the members of the North Georgia Conference of the African Methodist Episcopal Church in the United States, praying that Wilberforce University, located in Greene County, near Xenia, Ohio, may be allowed an equal portion of the unclaimed volunteer soldiers' bounty; which was referred to the Committee on Education and Labor.

He also presented the petition of W. H. Harrison and James M. Harrison, of Montezuma, Georgia, and the petition of J. C. C. Blackburn and others, publishers at Madison, Morgan County, Georgia, praying for the passage of a bill placing the materials used in the manufacture of paper on the free list; which were referred to the Committee on Finance.

Mr. PRYOR presented the petition of Wiley H. Brown, of Alabama, praying the refunding by Congress to him as heir of John Morgan Brown, deceased, of interest on a judgment rendered against said John Morgan Brown; which was referred to the Committee on Claims.

Mr. BECK presented the petition of the Grand Lodge of Good Templars of the State of Kentucky, officially signed, representing 16,500 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. CALL presented the petition of Fogarty & Johnson and others, ship-owners and shipping merchants of Key West, Florida, praying for the passage of a law abolishing compulsory pilotage; which was referred to the Committee on Commerce.

Mr. WINDOM. I present the memorial of Joseph E. Smith and others, citizens of Lone Tree Lake, Minnesota, remonstrating against the passage of Senate bill No. 496, for the reason that if that bill becomes a law it will operate oppressively and unjustly upon their suffering comrades as a class, and upon the widows and dependent relatives of such as have died by reason of diseases contracted in the service of the country. They state several other reasons why they protest against the bill. I move the reference of the memorial to the Committee on Pensions.

The motion was agreed to.

Mr. WINDOM presented the memorial of John P. Ilsley, president of the Saint Paul and Duluth Railroad Company, representing one hundred and seventy-four miles of railroad, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton, as proposed in House bill No. 3234; which was referred to the Committee on Finance.

Mr. WINDOM. I also present the memorial of John I. Blair, president or main stockholder in railroads in New Jersey, Iowa, Nebraska,

Missouri, Dakota, and Illinois, representing 1,759 miles of railroad, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton. The railroads represented by Mr. Blair are the Blairs-town Railroad, the Warren Railroad, the Sussex Railroad, the Cedar Rapids and Missouri River Railroad, the Sioux City and Pacific Railroad, the Iowa Falls and Sioux City Railroad, the Maple River Railroad, the Sac City Railroad, the Chicago, Iowa and Nebraska Railroad, the Des Moines and Minnesota Railroad, the Fremont, Elkhorn and Missouri Railroad, the Saint Louis, Hannibal and Keokuk Railroad, the Sioux City, Dakota and Pembina Railroad, the Chicago and Pacific Railroad, and others. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. PLUMB presented the petition of W. W. Caldwell and others, citizens of Lyon and Chase Counties, Kansas, praying for the passage of such laws as will prevent fluctuations in freights and unjust discriminations in transportation charges; which was referred to the Committee on Commerce.

Mr. SLATER presented the memorial of the Chamber of Commerce of Astoria, Oregon, praying for an appropriation of \$250,000 for the protection of Fort Stevens and the improvement of the mouth of the Columbia River; which was referred to the Committee on Commerce.

Mr. CAMERON, of Pennsylvania, presented the petition of J. H. Stanley and 139 others, citizens of Middletown, Dauphin County, Pennsylvania, formerly soldiers who served in the Union Army during the late rebellion, praying the passage of what is known as the Weaver bill; which was referred to the Committee on Finance.

Mr. FARLEY. Yesterday I presented a memorial from the California Legislature, in reference to a proposed treaty between France and this Government, and had it referred to the Committee on Commerce. I ask that it be withdrawn from that committee and referred to the Committee on Foreign Relations.

Mr. EATON. I wish to say to my friend from California that the Committee on Foreign Relations has been discharged from the consideration of that matter, believing that it belongs to another department of the Government.

Mr. FARLEY. Very well; I withdraw the motion.

REPORTS OF COMMITTEES.

Mr. HEREFORD, from the Committee on Claims, to whom was referred the bill (S. No. 894) for the relief of certain employes of the United States courts for the District of Columbia, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. No. 500) for the relief of William L. Adams, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. COCKRELL. The Committee on Claims, to whom was referred the bill (S. No. 270) for the relief of Jeremiah C. Conklin, have duly considered the same and have instructed me to report it adversely, recommending that the bill be indefinitely postponed and that the claim of the claimant be not allowed.

Mr. KIRKWOOD. I should be glad to have that bill placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

BILLS INTRODUCED.

Mr. SAULSBURY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1367) to authorize the commissioners of the District of Columbia to dispose of the ground in square 446, in the city of Washington, belonging to said District, for market and school purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1368) granting a pension to William H. Bacon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1369) to permit Louis Eggenweiler, late a subject of the King of Wurtemberg, to sue in the Court of Claims against the United States of America; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1370) granting a pension to Washington M. Ives; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1371) to authorize the Mississippi River Logging Company to construct and operate sheer-booms at or near Straight Slough; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HILL, of Colorado, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1372) for the relief of Philip G. Hopkins; which was read twice by its title, and referred to the Committee on Claims.

Mr. COKE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1373) for the relief of William Schuchardt, United States commercial agent at Piedras Negras, Mexico; which

was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1374) making an appropriation for the protection of Fort Stephens, and for the improvement of the mouth of the Columbia River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1375) for the relief of Captain A. C. Girard, assistant surgeon, and Major David H. Brotherton, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1376) for the relief of Ella Long; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1377) granting a pension to Margaret Lee; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. LOGAN submitted an amendment intended to be proposed by him to the bill (S. No. 1153) to amend the statutes in relation to immediate transportation of dutiable goods; which was referred to the Committee on Finance, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WITHERS, it was

Ordered, That the heirs of L. C. P. Cowper be allowed to withdraw his papers from the files of the Senate, by leaving copies of the same, there being an adverse report in the case.

On motion of Mr. WALLACE, it was

Ordered, That the petition and papers of Townsend Glover, on the files of the Senate, be referred to the Committee on Agriculture.

On motion of Mr. FARLEY, it was

Ordered, That the petition in the case of Julius Martin be taken from the files of the Senate and referred to the Committee on Claims.

NAVY PAYMASTERS.

Mr. WALLACE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy is directed to inform the Senate how many paymasters are now upon the rolls of the Navy, and how many of such the laws authorize, and how and under what circumstances Paymaster Edward Belows became dropped from the roll of such, with the record and proceedings affecting him, and how and under what circumstances he has been restored to the list of paymasters.

PORTRAIT OF CHIEF-JUSTICE MARSHALL.

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be instructed to inquire into the expediency and propriety of procuring for the Supreme Court of the United States an accurate portrait of the late Chief-Justice Marshall.

CONSTANTINO BRUMIDI.

Mr. VOORHEES. I move that the bill (S. No. 1358) to pay certain moneys to the heirs of Constantino Brumidi, which I introduced yesterday, be referred to the Committee on Public Buildings and Grounds. The motion was agreed to.

APPOINTMENTS IN THE ARMY.

Mr. WHYTE. I ask unanimous consent to take up the bill (S. No. 1191) for the relief of James Monroe Heiskell, of Baltimore City, Maryland, merely to relieve him of his political disabilities. It will take but a moment.

The VICE-PRESIDENT. It requires unanimous consent to consider the bill at this time.

Mr. WITHERS. I call for the regular order, which is the Calendar.

The VICE-PRESIDENT. Objection is made and the Secretary will proceed with the call of the Calendar.

Mr. WITHERS. I withdraw the objection, being informed of the character of the bill.

The VICE-PRESIDENT. The bill will be reported, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That James Monroe Heiskell, of Baltimore City, Maryland, be, and he is hereby, relieved from the operation of section 1218 of the Revised Statutes of the United States, being in chapter 1, title 14 of said Revised Statutes.

Mr. EDMUNDS. Let us hear the section of the Revised Statutes read from the operation of which it is proposed to relieve this person. The Chief Clerk read as follows:

SEC. 1218. No person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. EDMUNDS. I should like to inquire, just for information, why it is that we do not take up in lieu of this special bill the bill reported by the Senator from Indiana [Mr. McDONALD] on the 8th of December last, to repeal that section of the Revised Statutes? The

Judiciary Committee has considered that subject and by a majority, of which I was not one, has reported to the Senate a recommendation to repeal section 1218 of the Revised Statutes entirely, so as to readmit into the Army of the United States every person who is now obnoxious to the prohibition of that section by reason of having been engaged in making war upon the United States. Why it is that this special case is reported and pushed, after a general bill has been reported, I am not able to understand. Perhaps somebody can explain it.

Mr. McMILLAN. I should like to have the Senator from Vermont state the effect of the bill now called to the attention of the Senate, if he is familiar with it.

Mr. EDMUNDS. The simple effect of it is that whereas by law now no person who was in the military service of the so-called confederacy can be appointed into the military service of the United States, the particular bill that is before us provides for the admission of James Monroe Heiskell, now I believe one of the officers of this body, notwithstanding that section. The law is to be let up as to him. How he stands upon different grounds, and why the general bill is not disposed of instead of these special ones, was what I rose to inquire.

Mr. BAYARD. Mr. President, I was instructed by the Committee on the Judiciary to report this bill, because we thought that, independent of the policy of entire repeal of section 1218 of the Revised Statutes, the case now presented was one of individual exigency. The individual in question, at the age of sixteen, went into Virginia, and was under age when the war ended. He had taken no oath of allegiance, and held no office, but, nevertheless, would be ineligible, by reason of military service in the South, to be nominated for any position in the Army of the United States under existing law. He has petitioned for the removal of this disability, and the committee thought proper under the circumstances to recommend to the Senate the passage of the bill removing that disability.

I cannot see why an individual case, so entirely unobjectionable, on the contrary so far as I can see advisable in every way, should not be favorably acted on by the Senate. It is not a denial of the principle, it is simply an affirmation of the principle in the instance in question.

I can only say for my own part that I do desire to speed the day when the men, the young men all over this country, and their relatives and friends, may be enabled to testify their devotion to the Government by serving in every branch of its service. We have them in the Legislature; we have them in the executive branch; we have them in the Navy and I say it is in all respects to be desired that they may be allowed as soon as possible to be enlisted in the Army and follow the flag of their country. It is for that reason that I think we should take every opportunity to encourage the youth of the country, in every section and of every shade of political opinion, by every act of Congress, whether general or special, to help make this what we all should wish it to be, a government strong in the hearts of the people.

Mr. KIRKWOOD. Will the Senator allow me to ask him a question? I understood him to say that this person went to the State of Virginia. From where?

Mr. BAYARD. I think from Maryland.

Mr. EDMUNDS. A loyal State.

Mr. BAYARD. He went at the age of sixteen, and was under age when the war ended. I hope there will be no objection to the passage of a special act to relieve him of the disability.

Mr. EDMUNDS. We are not able apparently to get any very clear statement of the special and separate ground on which this individual suspension of the statute is to rest, still preserving its principle, so far as I can understand the Senator from Delaware, except that in this special instance, instead of doing as General Lee did in Virginia, after great pain, as I am told, go with his State, and as many others felt it to be their duty, conscientiously I have no doubt, to go with their State, the particular object of the grace and favor of this bill felt it to be his duty to go against his State and away from it to fight the cause which his State was engaged in supporting.

I am not criticising the conscientiousness of the particular conviction of the young man. They say he was only sixteen. What figure does that bear? He was old enough apparently to have a will of his own, and to be able to render service to the enemies of the United States and to the enemies of his own State, by leaving his own State and the loyal side of the line (if it is proper to use the word "loyal," it has now got so unfashionable) and to go on the other side of the line and fight his own flag and the flag of his own State, borne gallantly, Mr. President, by many a regiment from that State itself.

This is the special case that the Senator from Delaware says is to affirm the principle of the law as it stands, or recognize it, and on account of special equities to suspend it for the time being. I am not able to see how that strengthens the case of this young gentleman at all.

If there is anything in what the Senator from Delaware says of hastening the day when nothing that existed on the statute-books and in the course of history during the four years from 1861 to 1865 shall remain, it does not appear to me that this is the best possible occasion and the best possible way to hasten that day. I understand perfectly well, we all do, that that day has been apparently hastening for some time, for I think it may be safely affirmed that there is

no single statute that has been passed either to support the war for the preservation of the Union or to protect the liberties and the rights of the people preserved by the Union as a part of this nation, that has not been assailed within the last two or three years, and of which it cannot be truthfully said there has not been presented and pressed a measure to repeal and set aside. Every safeguard of liberty and equal rights (not hostile to the States in rebellion but having the same force and scope in every State of the Union—only the liberty and equal rights that Magna Charta defended in England) has been assailed, and it is proposed to wipe it from the statute-book. That is true; the day has been apparently hastening when every bulwark of liberty under law and secured by law in every State, so far as the Constitution of the United States would permit it to be secured, is to be swept away. Nobody can question that. Even the security of judicial rights under plain provisions of the ancient Constitution (if we are dissatisfied with the new amendments, as a good many of us are) it is proposed to wipe out, and to leave to what is called State sovereignty the lives, and the fortunes, and the safety of citizens of the United States who are endeavoring to execute the authority of the United States in those States, entirely to the State courts, and to declare that the supremacy of the State, not under the Constitution of the United States, but against the Constitution of the United States shall go so far as that her courts, and hers alone, shall have jurisdiction in matters of national concern and in cases arising under the national Constitution.

But I need not waste your time, Mr. President, in particularizing or giving a historic detail of these measures, one by one, specific and general, comprehensive and universal, in their scope, that have been inaugurated and that are intended to be put through to sweep off every security that the Constitution has before and now given to national rights of citizens of the United States. So far the day has apparently been hastening. Whether it is a day that will hasten peace and good order and fraternity, which we all so much love, is open to great question. I do not think it is; for I would give no law to any State that was lately in rebellion that I would not give to my own. I would have no discrimination in respect of rights in States. I will not ask any other State to live under a law that the people of my State cannot live under and do not like; but the people of the State of Vermont have been so misguided that they have thought the Constitution of the United States and the rights that existed under it might be protected by national authority. Other people have thought differently and have pressed measures to overcome that. Perhaps they will succeed; perhaps they will not. This is one of them; and the special reason why we do not pass bravely, or fail to pass bravely, the repeal of this section is that this young man left his loyal State and engaged in making warfare upon it; that is all.

When the proper time comes I wish to ask the yeas and nays on the third reading of this bill.

Mr. WHYTE. Mr. President, my object in rising is not to enter into any general discussion with regard to the principle which lies beneath all the legislation to which the Senator from Vermont has referred. The reason why this bill was put in its present form as a separate bill was to avoid unnecessary discussion in regard to this peculiar case, because it is a case in which I supposed nobody would have any objection to relieving this young man from the disability under which he labors. He is the great-grandson of James Monroe, formerly President of the United States, and representing in his day, in his administration, that "era of good feeling" which I supposed prevailed in this body at the present time. His father was for many years the Surgeon-General of the United States Army and rendered most distinguished service in that capacity. The youth was born of a Virginia mother and resided in Virginia and when the war broke out Virginia was his home. He was but temporarily in the State of Maryland, and returned, as General Johnston returned, who now honors a seat in the House of Representatives, to the home of his nativity, and although but sixteen years of age, with that military ardor which had belonged to his father and which he inherited, he felt that his duty was to the State that gave him birth. At sixteen he entered the army. He was not twenty-one when the war closed. He has been since then a resident of my State, and I have watched him since he has been within its borders. He has been faithful to every duty which the Constitution or the law required of him. He has been eminently a good citizen, of the highest character, and having learned that there was an opportunity of his getting some small appointment in the Pay Department of the Army he applied to me to aid him, when I discovered this impediment to his appointment to such a place and therefore offered this bill, and I supposed that there would be no objection to relieving this young man of the disability imposed upon him by an act passed long ago when it was proper to have passed such an act.

Mr. LOGAN. May I ask the Senator what the appointment is in the Army that this young man seeks?

Mr. WHYTE. Paymaster. He is applying for an appointment as paymaster in the Pay Department, and is recommended by some of the best republicans in the United States.

Mr. President, there is nothing extraordinary about this—

Mr. LOGAN. Is there a vacancy in the corps of paymasters?

Mr. WHYTE. I do not know. Before I undertook to see whether there was a vacancy, or to see whether I could aid him, I undertook to see if it was possible to clear away the impediments which stood

in the way. If they cannot be cleared away, there is an end of the case, and I do not wish to worry his friends or attempt to induce them to get such an appointment for him.

Mr. TELLER. If this bill passes, will he be appointed?

Mr. WHYTE. I do not know. He has to apply.

Mr. TELLER. Has he not applied?

Mr. WHYTE. Not yet; he has made no application yet.

Mr. TELLER. I did not know but that he had a guarantee that if this bill passed he would be appointed.

Mr. WHYTE. I do not know what the republican administration guarantees in advance. I am not sufficiently familiar to know.

Mr. TELLER. Nor I either.

Mr. WHYTE. I am not aware of any guarantee, nor am I aware of the requirements of the service. All I desire to say is that he wishes to seek an appointment under either this or some other administration. Perhaps he will have the pleasure of applying to a democratic administration next year. I hope he will. At all events we desire to clear away from him these impediments which lie in his way.

The reason why this bill was brought in in this form as a separate bill for him was because all of these disabilities have been removed by separate bills; because at the very last session I do not think there was one dissenting voice here when we relieved Dr. Powell of his disabilities—a gentleman from my State who had been in the confederate army—and allowed him to be appointed a surgeon. His disabilities were removed, and upon the recommendation of the highest medical officer of the Army he was appointed a surgeon in the Army, and is now in Texas discharging his duty with fidelity to the Government. So in regard to other political disabilities, we have removed them by special acts. Whenever there has been a general act proposed some gentlemen have risen, and, like Banquo's ghost, have marched the ghost of Jefferson Davis before the assembled legislators; and behind Jefferson Davis other men who would not be shot at have gone down whenever a bill for general amnesty is proposed. And if this bill relieved all of those gentlemen who were soldiers in the southern army from the impediment to appointment which this section produces we should have these patriotic speeches; and especially when conventions are assembling in our own States and about to present us for President of the United States we should be sure to make a patriotic speech on this subject. I trust, Mr. President, that this young man may not be put in the category of all those who were in the southern army, but that he may stand upon his own merits, and that this bill may pass.

Mr. GARLAND. Mr. President, for the reasons which have been so well assigned by the Senator from Maryland, I gave my hearty support to this bill before the Judiciary Committee, and I am still in favor of it. But at the same time that I did so I propounded the question there that the Senator from Vermont has propounded to the Senate to-day: Why hesitate and go on doing this act of amnesty by piecemeal? I quite concur with the Senator from Vermont that it is time to repeal section 1218 and get rid of it. I think he is strictly and eminently correct in his position on that.

I propose, now, Mr. President, that we get rid of section 1218, so that Mr. Heiskell, who is a meritorious young man, may have the benefit of it, with all the others that may be under disability, or that may come under the infliction of this statute.

It is true, as the Senator from Maryland has said, that we have granted these amnesties by piecemeal; we have granted them to individuals from time to time; and he has mentioned, in particular cases, the distinguished services to the Confederate States rendered by gentlemen who now occupy responsible places in the service of the United States. This is a remnant of the statutes born and generated out of the war; and as such gentlemen hold positions all through the service of the United States I cannot see for the life of me any use in this statute any longer; and therefore, as the Senator from Kentucky who now sits to my right [Mr. BECK] has persistently and consistently, ever since he has been in the Senate, introduced and pressed a bill for this general purpose, I ask leave to offer it as an amendment to this bill in the nature of a substitute. I move to strike out all after the enacting clause and insert what I send to the Chair.

The VICE-PRESIDENT. The Senator from Arkansas proposes an amendment by way of substitution, which will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That section 1218 of the Revised Statutes of the United States, being in chapter 1, title 14, of said Revised Statutes, which provides that "no person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States," be, and the same is hereby, repealed.

Mr. EDMUNDS. Mr. President, I am very glad that the Senator from Arkansas, who is always logical and always brave, has made that motion. I had risen to make it myself in order to put this question upon its true grounds, because there is not any possible distinction in this case except one that in my judgment is highly adverse to this particular claimant for favor, and that is, that he went from a loyal State into one that had gone off on the notion of State sovereignty. He had a right to think so, of course, if he wanted to; but that is the distinction and the only one that exists; so that I hope this amendment of the Senator from Arkansas will be agreed to, and

when it is agreed to then I shall ask for the yeas and nays on the third reading of the bill.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Arkansas, [Mr. GARLAND.]

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. EDMUNDS. I ask for the yeas and nays on the third reading of the bill.

The yeas and nays were ordered.

The VICE-PRESIDENT. The question is shall the bill be engrossed for a third reading, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. EATON, (when his name was called.) On all political questions I am paired with the Senator from New York, [Mr. CONKLING.] If he were present, I should with great pleasure vote "yea."

Mr. HARRIS, (when his name was called.) Upon all political questions I am paired with the Senator from New Hampshire, [Mr. ROLLINS.] I do not know whether this is a political question or not; and as the Senator's colleague is not present I will ask the Senator from Vermont [Mr. EDMUNDS] if I shall or shall not vote.

Mr. EDMUNDS. I cannot say whether the Senator shall or shall not vote, by any means.

Mr. HARRIS. The question, then, I will propound is, Is this a political question?

Mr. EDMUNDS. I think it decidedly is, and one of the chief ones of the time.

Mr. HARRIS. Then I decline to vote. I would vote "yea" if at liberty so to do.

Mr. WITHERS, (when his name was called.) I am paired on all political questions with the Senator from Kansas, [Mr. INGALLS.] As this seems to be taking that complexion I decline to vote. Otherwise I should vote "yea."

The roll-call was concluded.

Mr. PLUMB, (after having voted in the negative.) I voted, but in forgetfulness of the fact that I was paired with the Senator from Virginia [Mr. JOHNSTON] on all political questions. I therefore withdraw my vote.

Mr. LAMAR. I am requested to state that my colleague [Mr. BRUCE] is detained at home by sickness.

The result was announced—yeas 36, nays 23; as follows:

YEAS—36.

Bailey,	Gordon,	McDonald,	Slater,
Bayard,	Groome,	McPherson,	Thurman,
Beck,	Hampton,	Maxey,	Vance,
Butler,	Hereford,	Morgan,	Vest,
Call,	Hill of Georgia,	Pendleton,	Voorhees,
Cockrell,	Jonas,	Pryor,	Walker,
Coke,	Jones of Florida,	Randolph,	Wallace,
Davis of W. Va.,	Kernan,	Ransom,	Whyte,
Garland,	Lamar,	Saulsbury,	Williams.

NAYS—23.

Allison,	Cameron of Wis.,	Hill of Colorado,	Paddock,
Anthony,	Carpenter,	Hoar,	Platt,
Baldwin,	Dawes,	Kirkwood,	Saunders,
Booth,	Edmunds,	Logan,	Teller,
Burnside,	Ferry,	McMillan,	Windom.
Cameron of Pa.,	Hamlin,	Morrill,	

ABSENT—17.

Blaine,	Eaton,	Johnston,	Sharon,
Blair,	Farley,	Jones of Nevada,	Withers.
Bruce,	Grover,	Kellogg,	
Conkling,	Harris,	Plumb,	
Davis of Illinois,	Ingalls,	Rollins,	

The bill was ordered to be engrossed for a third reading; and it was read the third time.

The VICE-PRESIDENT. The question is, "Shall the bill pass?"

Mr. EDMUNDS. We have now, Mr. President, this question presented upon perfectly fair ground, no exceptional or special legislation to provide for the favorites of particular men, but the broad principle. The only provision of law that this bill is intended to repeal is, and indeed that is the whole of it, that—

No person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States.

Mr. President, by the law as it now stands, independent of this section, young men, boys, whose friends desire or who desire themselves that they shall enter the Military Academy at West Point or the Naval Academy at Annapolis, must be, I think, not over sixteen years of age; the chairman of the Military Committee can tell me if I am right.

Mr. MAXEY. Seventeen and twenty-two are the limits at the Military Academy.

Mr. EDMUNDS. To enter?

Mr. MAXEY. Young men can enter at not less than seventeen nor over twenty-two.

Mr. EDMUNDS. Between seventeen and twenty-two. Take it at twenty-two then—that is older than I expected—but not less than seventeen. Any child born in 1863 would now be seventeen. Therefore nobody born since that time is excluded, because as he grows up

he will arrive at that age. Any person born ten years before 1863 would have been born in 1853, eight years before the rebellion began, and twelve years before it closed; so that at the end of the rebellion there would be no living male person who could have consciously participated in the rebellion in any responsible sense or have been in its military service unless it took in boys under twelve years of age, who is now obnoxious to the statute. So Senators will see that the sole purpose and effect of this repeal is to restore to the Army of the United States, among others, the very men who deserted it to make war against the flag that they had been educated and sworn to support. That is what it comes to; and that is all I wish to say.

Mr. THURMAN. Mr. President, with great deference to my friend, I say it comes to no such thing, and that it is a mere ghost that is flitting before his eyes when he sees any such thing. I have supposed that the people of this country have a right to the service of every able-bodied man in time of war, and that if we should get into a war again—and no country can say it will always be at peace—we should have a right to the service of the men who were lately in the confederate service; and I supposed that so long a time had elapsed and there was such a sufficient evidence of the fact besides the lapse of time to quiet the fears of anybody who is not harassed by a nervousness that never harasses me about the loyalty of the people of the South.

How can any of these men get positions in the Army of the United States? Only by nomination by the President and confirmation by the Senate. Who of them are likely to get positions? Certainly not the old men, certainly not the men who are verging on three score years and ten. Who are likely to be needed in case we should get into a war again? Not those old men; not the men alluded to by the Senator from Vermont; men who he says left our own Army and went into the confederate service. They are not at all likely to be called into the service of the United States should we again become a belligerent. No, Mr. President, but there is a large body of young men, men of military experience, men of military talent, who are as ready to fight now for the Star Spangled Banner as any man between here and Canada, and we are asked to exclude them or reject their services in order simply to put a brand upon them for which there is no political or other necessity whatever.

I am not afraid of the southern people on this question—not the least bit of it, sir. The northern people want, the best of them, a majority of them want to bury the hatreds of the war; they want peace, they want fraternity once more. That is what they want, and they do not want to reject the services of any competent and now loyal man by inquiring whether or not he did at some time or other bear a musket in the confederate service.

Mr. BECK. Mr. President, reference has been made by the Senator from Arkansas to the fact that the bill which is now before the Senate is a substitute for an original bill which had been introduced by myself and urged upon all proper occasions, and sometimes, perhaps, I may add, when it was not quite proper. I desire to say one word as to my motive for so doing. I will first read the section itself:

SEC. 1218. No person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States.

It so happened that a year or two ago a young man living in Southern Kentucky sought to apply for a place in the Army of the United States, but he had been a page in the Tennessee Legislature during the war, when he was too young to be either loyal or disloyal. That was a civil office under one of the States then in rebellion. His father was so poor that he could not educate him without making the boy work for a living, and as there was little else doing but public matters at that time he accepted the position of a page in the Legislature of Tennessee, and was therefore disqualified by law from applying even for a place in the Army of the United States; that seemed to me to be obviously wrong when I saw the vice-president of the confederacy sitting in the other end of the Capitol, when the men who occupied the highest positions during that war are here and at the other end of the Capitol, and when the sons of those gentlemen, not being compelled to accept any service either under the confederate government or under any State in rebellion, can all enter the United States Army because their fathers were able to educate them themselves, and only the poorer boys, who were obliged to work for a living and had to do whatever was required or could be obtained either under the Confederate States or under the States, were excluded—as all the higher, richer, great, and important persons were allowed to fill places of the highest honor and profit in this Government, it seemed to me the Congress of the United States was not acting justly to itself or to the people to exclude by law even the right to apply for a place in the Army from the younger, poorer men who were obliged to work at whatever they could get to do during the years of war. Hence, I thought it was a proper thing to repeal this statute and I had hoped it would be done unanimously. No law should remain for a moment on the statute-books under which such a condition of things is possible.

Mr. LOGAN. Mr. President, I should have no objection myself to the application of the principle that the Senator from Kentucky speaks of to persons like the one that he mentions from his State; but this law to-day is no greater hardship on a person who served in the confederate service than it is on one who served in the Union

Army, for if the Senator will examine the law in reference to appointments in the Army he will find that all those persons are now over the age that would allow them to be appointed in the Army. So this in itself does not act as an inhibition solely upon those parties.

Mr. JONES, of Florida. Then it is useless.

Mr. LOGAN. The repeal of it is useless, certainly, because the repeal of this law you do not authorize their appointment in the service unless you appoint them as brigadier-generals or major-generals, because up to that point men rise by promotion in the Army; and appointment in the Army now cannot be made except of persons who are not over a certain age. This statute was passed, as I understand it, for the reason that the people of this country, certainly not differing from the people of other countries in that particular, concluded that persons who served in the confederate army against the Government were not as likely to be as faithful to the Government as those who were on the other side of the question.

Mr. THURMAN. May I ask my friend a question?

Mr. LOGAN. Certainly.

Mr. THURMAN. If my friend from Illinois were President of the United States, as he may at some future time be, and we were in war, would he not call into the service southern men? As a brave soldier would he be afraid to go into battle commanding those men?

Mr. LOGAN. No, I would not be afraid to go into battle commanding any men that had volunteered on my side, while they were under my command, nor would any man who had command of soldiers.

But the point I am getting at is this: This law was passed for the purpose of making a distinction in the Army between those who preferred the Union side and those who preferred the confederate side or who were in rebellion against the Government. I think it was a proper distinction. Whether that distinction in time of war shall be wiped out or not is another consideration. We are not in war.

The repeal of this law does not strike me as being very well in this respect: We find that recently the Congress of the United States has authorized the President to appoint certain persons in the Army, that they might be placed on the retired list, who resigned at the beginning of this war in order to keep themselves out of the war. Being out of the Army for fifteen years the Congress of the United States has passed a law authorizing their appointment in the Army that they may be placed on the retired list, two of them, I believe, with the rank of colonel.

Mr. THURMAN. What cases are those?

Mr. LOGAN. I do not remember the names. One of them was a man from Oregon and the other from Maryland. Probably some of the Senators on the Military Committee may remember the names.

Mr. BURNSIDE. F. O. Wyse and Colonel Haller.

Mr. THURMAN. When were the bills passed, I should like to know?

Mr. BURNSIDE. They were passed during the last Congress.

Mr. SLATER. Allow me to say to the Senator that Colonel Haller did not resign.

Mr. LOGAN. This other colonel resigned. There is no doubt but that one resigned.

Mr. SLATER. I think he was peremptorily dismissed without a trial.

Mr. LOGAN. Very well; one of them resigned. I state the fact that one of them resigned his office. I was chairman of the Military Committee for several years, and during my term in the Senate an application was made time and again to authorize the appointment of this man from Maryland to the Army that he might be placed on the retired list. While I was in the Senate it was not passed, I will not say why; but during the last Congress the bill was passed through the Senate and the other House, and he was placed on the retired list of the Army with the rank of colonel, after having resigned his commission at the commencement of the war.

I see in this repeal the very same thing re-enacted here in Congress, that men who were in the Army prior to the war may be restored, if they are to be considered on an equality (which I do not say anything about) with these other men, and certainly they ought to be on an equality with men who resigned to keep themselves out of the way of bullets. It may be said there is no reason why Congress should not authorize the President to place them in the Army that they may go on the retired list, because they are to-day above the age at which they can be appointed in the Army. There is no good ground at all for the repeal of this law, except for the placing of these men in the Army again that they may be retired, as has been done in some instances.

No, sir; if the Congress of the United States shall attempt to put back into the Army all the men, or part of them, who were dismissed on account of unfaithfulness to their country, or men who had been in the Army and resigned and went on the other side because of their want of good faith to their country, then I say we are doing a wrong not only to the Army but to the country which supports the Army. There can be no reason for this, unless it is that these men may be placed in the Army again that they may be retired and supported by the Government, because there is no other way, they being beyond the age in which they can get into the Army, except by act of Congress.

Then, sir, I say further, not out of any bitterness or feeling, that I do claim, and I claim it in this Senate Chamber in the presence of

Senators whom I have a high respect for who were on the other side in the contest, that there should be a distinction made in our Army in time of peace between those who fought for the Union and those who fought to destroy it. I have always maintained it, and ever shall maintain it, not because I have any feelings of animosity against these men; no such thing. They may have been misguided; that is not the question. They were found in a certain position against the Government. Being found there, they are not entitled again to wear the uniform of this country and draw its sword in preference to the men who have always been faithful to it. In time of war, the Senator from Ohio says, would you not not allow these men to fight? "Sufficient unto the day is the evil thereof." When war comes, we will consider the question; but in time of peace I say, without giving any opinion as to the future, I would not place men in the Army who fought for the destruction of this Government by the side of men who struggled for its existence. I would not do it, and I never will do it.

Mr. THURMAN. Mr. President, I cannot help saying a word more on this bill, though I did not intend to say a word about it originally. I cannot let the remarks of the Senator from Illinois pass without a word. The Senator would not remove this brand from these men in time of peace; but when war comes, should it come with any foreign power or a dozen foreign powers, then the Senator will be willing to say to these men, "Here, we branded you during all these many years of peace and all the while when you were perfectly loyal, and now in the hour of need, of the country we appeal to your patriotism to come out and fight for us."

Mr. LOGAN. The Senator will allow me to remark that I did not say that.

Mr. THURMAN. No, but that is exactly what it comes to.

Mr. LOGAN. No, sir, I beg the Senator's pardon, I said no such thing. I said it would be time to consider that question when war came, and if the Senator now wants to call me out on that question I will answer him honestly. Peace or war, had I the appointing power, I would give commissions to those men who never failed when their country called.

Mr. THURMAN. That sounds very well indeed, and we know now what the programme of the Senator is, that in time of war he would not commission one single man, however loyal, however eminent, however distinguished his military talent, if that man twenty or thirty years before had been on the confederate side. I am perfectly willing that the Senator may take that ground and stand on it.

Mr. LOGAN. I did not say that, either.

Mr. THURMAN. And, Mr. President, there was another thing that struck me as a little curious. The Senator said that the object of this bill must be to put a parcel of officers who were once in the Army of the United States and went into the confederate service upon the retired list of the Army of the United States. How, indeed, the Senator could get such an idea as that in his head passes my comprehension. Certainly it is not supported by the few instances he gave, that of Colonel Haller and that of some Maryland colonel. In respect to Colonel Haller we are told by the Senator from Oregon that he did not resign. In regard to the Maryland man, I know nothing about him; I never heard his name before; but if he did resign in order to escape exposing his person to bullets, as the Senator from Illinois said if I understood him correctly, how comes it that a republican Senate, as this Senate was a year ago, voted to put that man back into the Army of the United States on the retired list?

Mr. LOGAN. That is an astonishing thing to me.

Mr. THURMAN. It is very surprising. I cannot understand it at all.

Mr. SLATER. Allow me to state that Colonel Haller is on the active list with the rank of major.

Mr. THURMAN. I leave that matter with the explanation of the Senator from Oregon; but this other thing it strikes me as marvelous indeed. The explanation I make of it, without knowing anything of it, is that the Military Committee of the Senate, then overwhelmingly republican, the majority in the Senate then overwhelmingly republican, did not find the facts to be as the Senator from Illinois supposes. They did not find the fact that this man had been guilty of any such cowardice or any such disloyalty, or that committee would never have reported the bill to restore him to the Army and the Senate would never have passed such a bill.

Mr. LOGAN. I did not say the committee found the facts to be so. I only stated what I knew of the case when I was on that committee as chairman. I stated my own conclusion, and I came to that conclusion from the evidence. Others perhaps would come to a different conclusion. That was my conclusion, and it was so understood by the committee certainly as long as I was on it. I only stated that. I do not know what might have been in the man's mind when he resigned.

Mr. THURMAN. I cannot pretend to say who are the best judges of the facts, the Senator from Illinois or those who succeeded him on the Military Committee; nor can I pretend to say whether the evidence was the same before both committees; but here stands the fact upon the statement of the Senator from Illinois, if that statement be correct, that a republican committee of this body reported in favor of restoring a man to the Army of the United States, who was not only a traitor at heart but was a greater traitor because he was a coward—to put both a traitor and coward back into the Army of the United States. A republican committee of this body reported a

bill for that purpose; a republican majority in this body passed it into a law! I do not believe it, Mr. President. I believe that the facts were really different, for there is not a Senator on this floor who would do such a thing as that.

Mr. TELLER. I object to any further consideration of the bill.

Mr. WHYTE. One objection will not carry it over.

The VICE-PRESIDENT. The objection comes too late.

Mr. TELLER. I think not under the rule.

The VICE-PRESIDENT. The bill is not being considered under the Anthony rule.

Mr. EDMUNDS. The bill is before the Senate.

Mr. TELLER. I understood it was not taken up by the Senate.

The VICE-PRESIDENT. It was taken up by unanimous consent, and has been discussed upon its merits down to this time, and must be disposed of by some motion.

Mr. EDMUNDS. Mr. President, in the first place I wish to say to the Senator from Ohio and to everybody else who is willing to listen to me, that I think he is greatly mistaken every time—and it is not very infrequent in such discussions as this—when he uses the word "hatred" as apparently imputed to gentlemen who differ with him in opinion.

Mr. THURMAN. Upon my word, if I used that word to-day I do not know it. I certainly did not impute it to any Senator on that side.

Mr. EDMUNDS. I know the Senator did not mean personal hatred, but the idea that is continually paraded here when those of us who do not agree with gentlemen on the other side oppose or support a particular measure is that it grows out of a sentiment of animosity to many of our colleagues and their friends who, as we think, contrary to the Constitution and in violation of their duty to it, went into a rebellion. Now, I want to state, as I have stated I presume a hundred times, that any man North or South who imputes to any republican anywhere that ever I heard of any such sentiment of hatred or animosity, makes a great mistake. It is not true. We are only, when we oppose these measures, doing what we consider to be necessary for the security and good order of the whole Union, and it is not through any animosity or hatred or, as we can see it, any prejudice to these gentlemen. We have labored under the impression—undoubtedly the Senator from Ohio can convince us it is a wrong impression—that in every controversy there must be a right side and a wrong side, and the delusion that we are under is, evidently, that we were on the right side of that controversy, which prevailed, and that the consequences that flow from being on the right side are those which the Senator from Ohio desires that those who turned out to be on the wrong side shall reap, and not those who were on the right side.

The VICE-PRESIDENT. The morning hour has expired.

Mr. WHYTE. I move to postpone the consideration of the question which comes up after the morning hour.

The VICE-PRESIDENT. The Senator from Maryland moves that the pending order, being the unfinished business, be postponed for the further consideration of this bill.

Mr. EDMUNDS. What do you mean by "postpone?" There are only two motions, Mr. President, that I know of, one is to postpone indefinitely (to which I have not the slightest possible objection) the 5 per cent. bill; and the other is to postpone until to-morrow. If the Senator from Maryland wishes to postpone the 5 per cent. business until to-morrow, that is one thing; if he wishes to postpone it indefinitely I am very much in favor of the proposition.

Mr. McDONALD. That is the pending motion already, to indefinitely postpone. I am certainly unwilling that it shall be postponed until to-morrow. I shall not insist on calling for the regular order at this time, to the prejudice of the present bill, if it can be disposed of in a short time; but if it is to lead to extended debate, I shall object.

The VICE-PRESIDENT. The Senator from Maryland moves that the unfinished business be postponed.

Mr. HOAR. Is that debatable?

The VICE-PRESIDENT. It is a debatable motion.

Mr. WHYTE. I desire to amend the proposition, to postpone for one hour.

Mr. EDMUNDS. That is not in order, of course.

The VICE-PRESIDENT. The motion is not in order.

Mr. HOAR. Mr. President, I desire to point out to the Senate that there are pending some extremely important matters before the Senate. There is the 5 per cent. question, involving very large interests and claims. Following that is the disposition of the Geneva award, which has been crowded out in several Congresses, so that it has received no disposition whatever, and which involves the compensation from money in the Treasury of loyal ship-owners whose property was destroyed by confederate cruisers. Now, the proposition is to displace, at the risk of defeating, a measure for the compensation of these loyal owners who suffered by the war for the sake of this not very practical question, so far as immediate action is concerned, of restoring men who served in the southern army and navy to places on the roll of the Army and Navy of the United States.

I trust that this measure will not be laid aside, and that this matter which is up now will not be allowed to take precedence of all the public and private business before the Senate.

The VICE-PRESIDENT. Is the Senate ready for the question on the motion of the Senator from Maryland?

Mr. HOAR. I call for the yeas and nays.

Mr. EDMUNDS. Will the President please state the question?

The VICE-PRESIDENT. It is that the pending order, being the unfinished business of the Senate, be postponed for the further consideration of the bill which has been under discussion this morning.

Mr. TELLER. It seems to me that the course pursued by the majority this morning is rather unusual. They come here with a bill very innocent in its general character and appearance, and we have the statement that there are equities in the case that require our immediate attention. Then we get a motion to substitute for that bill a measure which every person must know will bring up more or less debate, when the time given them would not have been given to this bill if it had been called in the ordinary way. We are then met with a motion to postpone all other orders, the consideration of weighty matters, matters of grave importance to the country, for that which they themselves admit has no particular importance at all, for unless it is true that this young man is waiting to be appointed, or has some expectation of being appointed, it seems to me of no possible consequence whatever whether we pass upon this bill to-day or six months from now. Unless there is somebody waiting, who has been in the confederate army, to be put in the United States Army, (and we are told that there are no vacancies,) there can be no importance in immediate action. It is a mere matter of preference on our part whether it shall be done now or some other time, and matters like the Alabama claims and the 5 per cent. bill must be postponed for the consideration of this question, a question which if it had been presented in the ordinary way we all know would not have received a moment's consideration, but would have been objected to. It ought not to have been brought up in the morning hour.

Mr. CARPENTER. What do I understand to be the pending question, Mr. President?

The VICE-PRESIDENT. The question is on the motion of the Senator from Maryland that the pending order, which is the unfinished business of the Senate, be postponed, stating his object to be to continue the consideration of the bill which has been under consideration this morning.

Mr. CARPENTER. That motion is undoubtedly in order; but I understood the Chair to state the motion to be to postpone this bill and proceed to the consideration of the bill formerly under consideration.

The VICE-PRESIDENT. The Chair announced that that was the purpose.

Mr. CARPENTER. Not the motion, but the motive.

The VICE-PRESIDENT. It will require a separate motion to get up the other bill, of course.

Mr. BURNSIDE. Mr. President, I beg to make a statement to correct a wrong impression which may have been created by the remarks of the Senator from Ohio [Mr. THURMAN] and the Senator from Illinois, [Mr. LOGAN.] The Senator from Ohio stated that the Committee on Military Affairs of the last Congress was a republican committee. He knows as well as I know that the committee was composed of five republicans and four democrats, and that many of its meetings were ruled by the minority party. For instance, a quorum consists of five Senators, and might have been made by three democrats and two republicans, or four democrats and one republican. What were the exact conditions of that committee on the mornings that Colonel Wyse's and Colonel Haller's cases were recommended favorably I am not going to speak, because it is not proper for me to speak of what occurred in committee, and much less proper would it be for me to criticize the action of that committee.

The Senator from Illinois has chosen to say something of what the committee did when he was a member of it, and when he was in the Senate, and has said that during the time he was out the committee did a certain thing which he thought was very wrong. As to the propriety of this course I will leave it to the Senator himself and to the Senate.

Mr. LOGAN. If the Senator will allow me, I think I can state exactly what I did say.

Mr. BURNSIDE. The substance of it was that.

Mr. LOGAN. No, I said that the Senate and the House, the Congress of the United States, had passed the bill referred to within the last two years or during the last Congress. I made no reflection upon the committee whatever. I only stated that my knowledge of the case grew out of the fact that it was presented to the committee several times while I was chairman. I said nothing about what the committee did when I was chairman, or what they did when somebody else was chairman; I only stated that I knew the facts because it was presented there several times when I was the chairman.

Mr. BURNSIDE. Mr. President, I have said what I have to say on that subject. Now I will say with reference to these two men, Colonel Haller was dismissed, I believe, peremptorily by the Secretary of War without any trial. If I remember aright, he was dropped from the rolls for disloyal talk at a convivial meeting one night in camp. The Military Committee, for reasons best known to its members, upon an argument presented—which I am not going to speak of here, because it would not be proper for me to do so—decided to allow the President to act as he thought proper in that case. Inasmuch as this man had been dismissed without even the formality of a court-martial, it was thought to be fair to allow his case to be opened. I must say, without reference to my own vote, that I was in command

of the Army of the Potomac at the time the occurrence took place, and I did not believe Colonel Haller was a disloyal man. I do not believe to-day he was disloyal. He fought gallantly in every battle he was engaged in; but for some reason the Secretary of War took that action and I am not going to criticise it. He has gone to a higher court than we can create here, and to a better judge. I am willing to let that matter stand just where it is. Colonel Haller was placed before a board of officers, created by authority of Congress, and that board of officers made a certain recommendation to the President of the United States, and he has taken action by nominating Colonel Haller as colonel in the Army, and the Senate has confirmed that action.

Now, in reference to Colonel Wyse, he resigned from the Army because he was ordered on a duty which he could not perform, and which it is well known he could not, and he resigned. I do not mean to say how I voted in his case. The Secretary of War held his resignation for more than a year, I believe, or certainly a year, and the whole thing had passed out of consideration. Colonel Wyse thought that he was as much an officer of the Army as I was at the time; and suddenly after this long space of time had passed, his resignation was abruptly accepted. He did struggle for reinstatement, and his wife struggled to aid him, as in duty bound. The Military Committee considered the case. It thought in its best judgment that it would be well to allow the President, if he thought proper, after investigating the case, to reinstate Colonel Wyse and place him on the retired list.

That was the action of the Military Committee on these two cases. I do not mean to say that it was right; I am surely not disposed to say it was wrong. I mean to say that it is not legitimate and fair criticism to criticise the action of the committee.

Mr. WHYTE. Mr. President, at the instance of my friend, the Senator from Indiana, who is so anxious for the consideration of the bill which he has in charge at this moment, I withdraw my proposition.

The VICE-PRESIDENT. The motion is withdrawn, and the Senate proceeds to the consideration of its unfinished business, being Senate bill No. 19.

PUBLIC LAND COMMISSION.

The following message from the President of the United States was laid before the Senate:

To the Senate and House of Representatives:

I have the honor to transmit herewith a preliminary report and a draught of a bill submitted by the public land commission, authorized by the act of Congress approved March 3, 1879. The subject of the report and of the bill accompanying it is of such importance that I respectfully commend it to the prompt and earnest consideration of Congress.

EXECUTIVE MANSION, February 25, 1880.

R. B. HAYES.

Mr. EDMUNDS. I move that the message and documents, when printed, be referred to the Committee on Public Lands.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate a letter of the Secretary of the Interior, transmitting a copy of a letter from Major J. W. Powell, a member of the public land commission, appointed under the sundry civil appropriation act of March 3 last, in which he suggests certain amendments to the preliminary report of the commission submitted by the Secretary of the Interior, thereby qualifying his approval thereof.

Mr. PADDOCK. I move that the same disposition be made of this communication as of the message.

The motion was agreed to.

MILITARY WARRANT LAND LOCATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, the pending question being on the motion of Mr. EDMUNDS to postpone the bill indefinitely.

Mr. EDMUNDS. Mr. President, I suppose it is quite impossible after the tremendous excitement of the morning hour to have anybody pay attention to this 5 per cent. bill, which is only to take, to begin with, about six or seven millions out of the Treasury. That, it must be admitted, is too small an object for ordinary daily consideration.

Mr. PRYOR. I ask the Senator from Vermont to give way to me for a few minutes.

Mr. EDMUNDS. I yield to the Senator from Alabama with pleasure.

Mr. PRYOR. Mr. President, I did not on Friday last avail myself of the opportunity to engage in a running debate, which would have been consequent should I have answered the indirect question asked me by the honorable Senator from Illinois, [Mr. LOGAN,] for the reason that that mode and manner of debate most generally, and certainly with me, leads to a departure in argument, and such as impairs the force of the presentation of the question under consideration. But though I remained silent on that occasion, I listened the best I could to the enthusiastic effort of that honorable Senator; and in reply to his remarks as to the position I then assumed in regard to the bill, that it was not to the interest of Alabama to share in the fruits of the bill should it become a law, because in that event Alabama would have to pay into the Treasury of the United States by

taxation on all of its people more than this bill would bestow on the corporations of that State, with which the people were in no wise interested as share or stock holders, the honorable Senator insisting in substance, if I did not misunderstand or mistake him, that if the principles of the bill were correct it made no difference whether it was to the interest or against the interest of Alabama, the bill should pass, and that it was not and would not be an answer to the merits of the bill for the Senators from Alabama to assert the proposition that it was against the interest of their State for the bill to pass—I will say, Mr. President, in answer to these remarks of the honorable Senator, that even conceding this bill to be based upon correct principles, which we deny, it might not be prudent, politic, or safe at all times to assert or insist upon its enforcement. I admit we should never act except upon and from clear, well-defined convictions of right and correct principles, especially when we have the time, means, and opportunities to inform ourselves of the right, or know the right; for to inconsiderately enforce the right is fraught not infrequently with ill results and followed by ill consequences. While it is true that one should not oppose a measure correct in principle and for the benefit of others simply because it is against his interest, it is equally true, as in this case, if the measure is wrong in principle, or at best of doubtful right and pregnant with evil consequences, and likely will prove disastrous to the Government of the United States, and injurious correspondingly to the people of Alabama, then in such case it would not only be right and wise, but a double reason why the Senators from Alabama should oppose the bill.

Since this body adjourned on Friday last I have fallen upon an official document of an old-time man and confessed statesman, and one who lived and grew up with the Constitution and country, and understood well and fresh the meaning of the Constitution, the objects, interests, and purposes of the States and the General Government in its formation—a man who and whose views and sentiments were well and favorably known, no doubt, to the honorable Senator from Illinois, and which he, when he is refreshed, will recollect, and will, I trust, recognize to-day as correct doctrine.

I always did and do now, Mr. President, entertain the highest respect for and retain the fondest recollection of those old political sages, statesmen—not politicians—and have always been influenced by and hope to be ever under the influence of their purity, wisdom, and patriotism. And, inasmuch as the man referred to is one known to us all, and one whose wisdom and foresight was, has been, and it is to be hoped will remain a *light-house* to Senators seeking the harbor of governmental safety, and into which harbor they would like to enter and rest secure; and one who has patiently and carefully examined and considered a subject quite germane to the one we are now considering, and a subject, to my mind, the examination of which clearly elucidates all the questions involved in this bill and debates thereon, especially the views advanced by the Senators from Alabama, that it was against the interest of Alabama and all other States in like situation, if not all others in or out of the bill if it should become a law—and to this end I ask that the Secretary read an *old-time message* of that great *old-time President, statesman, and soldier* of these United States, Andrew Jackson. And while it is of some length, it is none the less interesting and fit, as it disposes, in my opinion, of all the questions involved in this discussion material to a correct determination of the merits of this bill, although made up on a matter differing somewhat but involving the same principles. I ask that the Secretary read the extract marked from the message of General Jackson.

The Chief Clerk read as follows:

1. That one of the fundamental principles, on which the Confederation of the United States was originally based, was, that the waste lands of the West, within their limits, should be the common property of the United States.

2. That those lands were ceded to the United States by the States which claimed them, and the cessions were accepted, on the express condition that they should be disposed of for the common benefit of the States, according to their respective proportions in the general charge and expenditure, and for no other purpose whatsoever.

3. That, in the execution of these solemn compacts, the Congress of the United States did, under the Confederation, proceed to sell these lands, and put the avails into the common Treasury; and, under the new Constitution, did repeatedly pledge them for the payment of the public debt of the United States, by which pledge each State was expected to profit in proportion to the general charge to be made upon it for that object.

These are the first principles of this whole subject, which I think cannot be contested by any one who examines the proceedings of the revolutionary Congress, the sessions of the several States, and the acts of Congress, under the new Constitution. Keeping them deeply impressed upon the mind, let us proceed to examine how far the objects of the cessions have been completed, and see whether those compacts are not still obligatory upon the United States.

The debt, for which these lands were pledged by Congress, may be considered as paid, and they are consequently released from that lien. But that pledge formed no part of the compacts with the States, or of the conditions upon which the cessions were made. It was a contract between new parties—between the United States and their creditors. Upon payment of the debt, the compacts remain in full force, and the obligation of the United States to dispose of the lands for the common benefit is neither destroyed nor impaired. As they cannot now be executed in that mode, the only legitimate question which can arise is, in what other way are these lands to be hereafter disposed of for the common benefit of the several States, "according to their respective and usual proportion in the general charge and expenditure?" The cessions of Virginia, North Carolina, and Georgia, in express terms, and all the rest impliedly, not only provide thus specifically the proportion, according to which each State shall profit by the proceeds of the land sales, but they proceed to declare that they shall be "*faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.*" This is the fundamental law of the land, at this moment, growing out of compacts which are older than the Constitution, and formed the corner-stone on which the Union itself was erected.

In the practice of the Government the proceeds of the public lands have not been set apart as a *separate fund* for the payment of the public debt, but have been,

and are now, paid into the Treasury, where they constitute a part of the aggregate of revenue, upon which the Government draws, as well for its current expenditures as for payment of the public debt. In this manner they have heretofore, and do now, lessen the general charge upon the people of the several States, in the exact proportions stipulated in the compacts.

These general charges have been composed, not only of the public debt and the usual expenditures attending the civil and military administrations of the Government, but of the amounts paid to the States with which these compacts were formed; the amounts paid the Indians for their right of possession; the amounts paid for the purchase of Louisiana and Florida; and the amounts paid surveyors, registers, receivers, clerks, &c., employed in preparing for market and selling the western domain. From the origin of the land system down to the 30th of September, 1832, the amount expended for all these purposes has been about \$49,701,280, and the amount received from the sales, deducting payments on account of roads, &c., about \$38,386,624. The revenue arising from the public lands, therefore, has not been sufficient to meet the general charges on the Treasury, which have grown out of them, by about \$11,314,656. Yet in having been applied to lessen those charges the conditions of the compacts have been thus far fulfilled, and each State has profited according to its usual proportion in the general charge and expenditure. The annual proceeds of land sales have increased and the charges have diminished, so that, at a reduced price, those lands would now defray all current charges growing out of them, and save the Treasury from further advances on their account. Their original intent and object, therefore, would be accomplished as fully as it has hitherto been by reducing the price, and hereafter, as heretofore, bringing the proceeds into the Treasury. Indeed as this is the only mode in which the objects of the original compact can be attained it may be considered, for all practical purposes, that it is one of their requirements.

The bill before me begins with an entire subversion of every one of the compacts by which the United States became possessed of their western domain, and treats the subject as if they never had existence, and as if the United States were the original and unconditional owners of all the public lands. The first section directs:

"That from and after the 31st day of December, 1832, there shall be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, over and above what each of the said States is entitled to by the terms of the compacts entered into between them respectively, upon their admission into the Union and the United States, the sum of 12½ per cent. upon the net amount of the sales of the public lands, which, subsequent to the day aforesaid, shall be made within the several limits of the said States, which said sum of 12½ per cent. shall be applied to some object or objects of internal improvements or education within the said States, under the direction of their several Legislatures."

This 12½ per cent. is to be taken out of the net proceeds of the land sales before any apportionment is made; and the same seven States which are first to receive this proportion are also to receive their due proportion of the residue, according to the ratio of general distribution.

Now, waiving all considerations of equity or policy in regard to this provision, what more need be said to demonstrate its objectionable character than that it is in direct and undisguised violation of the pledge given by Congress to the States before a single cession was made; and that it abrogates the condition upon which some of the States came into the Union; and that it sets at naught the terms of cession spread upon the face of every grant under which the title to that portion of the public land is held by the Federal Government?

In the apportionment of the remaining seven-eighths of the proceeds, this bill, in a manner equally undisguised, violates the conditions upon which the United States acquired title to the ceded lands. Abandoning altogether the ratio of distribution according to the general charge and expenditure provided by the compacts, it adopts that of the Federal representative population. Virginia and other States which ceded their lands upon the express condition that they should receive a benefit from their sales in proportion to their part of the general charge, are by the bill allowed only a portion of seven-eighths of their proceeds, and that not in the proportion of general charge and expenditure, but in the ratio of their Federal representative population.

The Constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that nothing in it "shall be so construed as to prejudice any claims of the United States, or of any particular State," it virtually provides that these compacts, and the rights they secure, shall remain untouched by the legislative power, which shall only make all "needful rules and regulations" for carrying them into effect. All beyond this would seem to be an assumption of undelimited power.

These ancient compacts are invaluable monuments of an age of virtue, patriotism, and disinterestedness. They exhibit the price that great States, which had won liberty, were willing to pay for that Union, without which, they plainly saw, it could not be preserved. It was not for territory or State power that our revolutionary fathers took up arms—it was for individual liberty and the right of self-government. The expulsion from the continent of British armies and British powers was to them a barren conquest, if, through the collisions of the redeemed States, the individual rights for which they fought should become the prey of petty military tyrannies established at home. To avert such consequences and throw around liberty the shield of union, States whose relative strength at the time gave them a preponderating power magnanimously sacrificed domains which would have made them the rivals of empires, only stipulating that they should be disposed of for the common benefit of themselves and the other confederated States. This enlightened policy produced union, and has secured liberty. It has made our waste lands to swarm with a busy people, and added many powerful States to our confederation. As well for the fruits which these noble works of our ancestors have produced as for the devotedness in which they originated, we should hesitate before we demolish them.

But there are other principles asserted in the bill which would have impelled me to withhold my signature, had I not seen in it a violation of the compacts by which the United States acquired title to a large portion of the public lands. It reasserts the principle contained in the bill authorizing a subscription to the stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, from which I was compelled to withhold my consent, for reasons contained in my message of the 27th May, 1830, to the House of Representatives. The leading principle then asserted was that Congress possesses no constitutional power to appropriate any part of the moneys of the United States for objects of a local character within the States. That principle, I cannot be mistaken in supposing, has received the unequivocal sanction of the American people, and all subsequent reflection has but satisfied me more thoroughly that the interests of our people and the purity of our Government, if not its existence, depend on its observance. The public lands are the common property of the United States, and the moneys arising from their sales are a part of the public revenue. This bill proposes to raise from, and appropriate a portion of, this public revenue to certain States, providing expressly that it shall "be applied to objects of internal improvement or education within those States," and then proceeds to appropriate the balance to all the States, with the declaration that it shall be applied "to such purposes as the Legislatures of the said respective States shall deem proper." The former appropriation is expressly for internal improvements or education, without qualification as to the kind of improvements, and, therefore, in express violation of the principle maintained in my objections to the turnpike-road bill above referred to. The latter appropriation is more broad, and gives the money to be applied to any local purpose whatsoever. It will not be denied that, under the provisions of the bill, a portion of the money might have been ap-

plied to making the very road to which the bill of 1830 had reference, and must, of course, come within the scope of the same principle. If the money of the United States cannot be applied to local purposes through its own agents, as little can it be permitted to be thus expended through the agency of the State governments.

It has been supposed that, with all the reductions in our revenue which could be speedily effected by Congress without injury to the substantial interests of the country, there might be, for some years to come, a surplus of moneys in the Treasury, and that there was, in principle, no objection to returning them to the people by whom they were paid. As the literal accomplishment of such an object is obviously impracticable, it was thought admissible, as the nearest approximation to it, to hand them over to the State governments, the more immediate representatives of the people, to be by them applied to the benefit of those to whom they properly belonged. The principle and the object was to return to the people an unavoidable surplus of revenue which might have been paid by them, under a system which could not at once be abandoned; but even this resource, which at one time seemed to be almost the only alternative to save the General Government from grasping unlimited power over internal improvements, was suggested with doubts of its constitutionality.

But this bill assumes a new principle. Its object is not to return to the people an unavoidable surplus of revenue paid in by them, but to create a surplus for distribution among the States. It seizes the entire proceeds of one source of revenue, and sets them apart as a surplus, making it necessary to raise the money for supporting the Government and meeting the general charges from other sources. It even throws the entire land system upon the customs for its support and makes the public lands a perpetual charge upon the Treasury. It does not return to the people moneys accidentally or unavoidably paid by them to the Government by which they are not wanted; but compels the people to pay moneys into the Treasury for the mere purpose of creating a surplus for distribution to their State governments. If this principle be once admitted, it is not difficult to perceive to what consequences it may lead. Already this bill, by throwing the land system on the revenues from imports for support, virtually distributes among the States a part of those revenues. The proportion may be increased from time to time without any departure from the principle now asserted until the State governments shall derive all the funds necessary for their support from the Treasury of the United States; or, if a sufficient supply should be obtained by some States and not by others, the deficient States might complain, and, to put an end to all further difficulty, Congress, without assuming any new principle, need go but one step further and put the salaries of all the State governors, judges, and other officers, with a sufficient sum for other expenses, in their general appropriation bill.

It appears to me that a more direct road to consolidation cannot be devised. Money is power, and in that government which pays all the public officers of the States will all political power be substantially concentrated. The State governments, if governments they might be called, would lose all their independence and dignity. The economy which now distinguishes them would be converted into a profusion, limited only by the extent of the supply. Being the dependents of the General Government, and looking to its Treasury as the source of all their emoluments, the State officers, under whatever names they might pass, and by whatever forms their duties might be prescribed, would, in effect, be the mere stipendiaries and instruments of the central power.

I am quite sure that the intelligent people of our several States will be satisfied, on a little reflection, that it is neither wise nor safe to release the members of their local Legislatures from the responsibility of levying the taxes necessary to support their State governments, and vest it in Congress over most of whose members they have no control. They will not think it expedient that Congress shall be the tax-gatherer and paymaster of all their State governments, thus amalgamating all their officers into one mass of common interest and common feeling. It is too obvious that such a course would subvert our well-balanced system of government, and ultimately deprive us of the blessings now derived from our happy union.

However willing I might be that any unavoidable surplus in the Treasury should be returned to the people through their State governments, I cannot assent to the principle that a surplus may be created for the purpose of distribution. Viewing this bill as, in effect, assuming the right not only to create a surplus for that purpose, but to divide the contents of the Treasury among the States without limitation, from whatever source they may be derived, and asserting the power to raise and appropriate money for the support of every State government and institution, as well as for making every local improvement, however trivial, I cannot give it my assent.

It is difficult to perceive what advantages would accrue to the old States or the new from the system of distribution which this bill proposes, if it were otherwise unobjectionable. It requires no argument to prove that if \$3,000,000 a year or any other sum shall be taken out of the Treasury by this bill for distribution, it must be replaced by the same sum collected from the people through some other means. The old States will receive annually a sum of money from the Treasury, but they will pay in a larger sum, together with the expenses of collection and distribution. It is only their proportion of seven-eighths of the proceeds of land sales which they are to receive, but they must pay their due proportion of the whole. Disguise it as we may, the bill proposes to them a dead loss in the ratio of eight to seven, in addition to expenses and other incidental losses. This assertion is not the less true because it may not at first be palpable. Their receipts will be in large sums, but their payments in small ones. The governments of the States will receive seven dollars, for which the people of the States will pay eight. The large sums received will be palpable to the senses; the small sums paid it requires thought to identify. But a little consideration will satisfy the people that the effect is the same as if seven hundred dollars were given them from the public Treasury, for which they were at the same time required to pay in taxes, direct or indirect, eight hundred.

I deceive myself greatly if the new States would find their interests promoted by such a system as this bill proposes. Their true policy consists in the rapid settling and improvement of the waste lands within their limits. As a means of hastening these events, they have long been looking to a reduction in the price of public lands upon the final payment of the national debt. The effect of the proposed system would be to prevent that reduction. It is true the bill reserves to Congress the power to reduce the price, but the effect of its details, as now arranged, would probably be forever to prevent its exercise.

With the just men who inhabit the new States, it is a sufficient reason to reject this system, that it is in violation of the fundamental laws of the Republic and its Constitution. But if it were a mere question of interest or expediency, they would still reject it. They would not sell their bright prospect of increasing wealth and growing power at such a price. They would not place a sum of money to be paid into their treasuries in competition with the settlement of their waste lands and the increase of their population. They would not consider a small or a large annual sum to be paid to their governments and immediately expended, as an equivalent for that enduring wealth which is composed of flocks and herds and cultivated farms. No temptation will allure them from that object of abiding interest, the settlement of their waste lands and the increase of a hardy race of free citizens, their glory in peace and their defense in war.

On the whole, I adhere to the opinion expressed by me in my annual message of 1832, that it is our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands, their survey, and sale. Although these expenses have not been met by the proceeds of sales heretofore, it is quite certain they will be hereafter, even after a considerable reduction in the price. By meeting in the Treasury so much of the general charge as arises from that source, they will hereafter, as they have been heretofore, be disposed of for the common

benefit of the United States, according to the compacts of cession. I do not doubt that it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated; and that after they have been offered for a certain number of years, the refuse remaining unsold shall be abandoned to the States, and the machinery of our land system entirely withdrawn. It cannot be supposed the compacts intended that the United States should retain forever a title to lands within the States, which are of no value; and no doubt is entertained that the general interest would be best promoted by surrendering such lands to the States.

This plan for disposing of the public lands impairs no principle, violates no compact, and deranges no system. Already has the price of those lands been reduced from \$2 per acre to \$1.25; and upon the will of Congress it depends whether there shall be a further reduction. While the burdens of the East are diminishing by the reduction of the duties upon imports, it seems but equal justice that the chief burden of the West should be lightened in an equal degree at least. It would be just to the old States and the new, conciliate every interest, disarm the subject of all its dangers, and add another guarantee to the perpetuity of our happy Union.

Mr. PRYOR. I will say in conclusion, Mr. President, that men may and do change, but correct principles never—and under like and similar circumstances equally well applies. I therefore leave the honorable Senator from Illinois the enviable opportunity of answering the argument and reasons of that great statesman and patriot Andrew Jackson for vetoing the bill containing the same principles in substance embraced in this bill.

Mr. LOGAN. Mr. President, I listened with a great deal of pleasure to the Senator from Alabama, [Mr. PRYOR,] but I must confess that I was somewhat surprised at the reading of this lengthy message if the design was by the Senator to make application of it to the principle contained in this bill. I cannot understand for the life of me what the message of Andrew Jackson in reference to the distribution of the proceeds of the public lands, or in reference to the application of a portion of them to the building of a road in one of the States, has to do with this proposition. If the Senator will inform me, I shall be very much obliged to him.

Mr. PRYOR. I would say to the Senator that I think the doctrine of the message applies to the provisions embraced in this bill. I may be unfortunate in my comprehension, but in my view all the doctrines involved in this bill, together with the results that flow from it, in essence and in spirit, are treated and disposed of in that message. It may be my misfortune to appreciate differently from others the proper application of the message to the bill in hand, but it is my misfortune to so regard it.

Mr. LOGAN. I will detain the Senate but a few moments, and merely to reply to what the Senator from Alabama has said. The very question now in discussion before the Senate is as to the construction of the terms "sale of the public lands," and "net proceeds of sales of the public lands." I use the term "lands disposed of by the Government" as being a proper understanding of the compact between the States and the Government in reference to the disposition of the public lands. Andrew Jackson in the message just read, used the term precisely as I do. He said that the lands were to be disposed of for the benefit of all the States, they having been ceded by the original States to the Government on that condition, and speaking of the compacts between the General Government and the different new States, he expressly said that in good faith those compacts should be kept between the Government and the States. That is all that we have contended for. If the message of Andrew Jackson on a very different proposition proves anything in the world, it proves precisely what we claim for our States, that what was agreed by the Government with these States should be kept in good faith, in disposing of the lands as President Jackson said, and the Government in disposing of them for the benefit of all, should not dispose of them merely in payment of a debt, and then not apply to itself that part of the proceeds which they had contracted with the States should be applied for the benefit of the States. There is no principle in the message in conflict with anything that has been said here in reference to the rights of the States under the contract. In fact, on the other hand, it supports the position taken by Senators in favor of the Government maintaining and keeping the contract that it made with the several States.

Mr. SAULSBURY. Mr. President, I understand the pending motion to be to postpone indefinitely the bill under consideration, the object of which is to benefit the States of Illinois, Ohio, Indiana, and others named in the bill. I am in favor of the motion and I hope the bill will be indefinitely postponed. I have listened to the discussion of this question with interest and with some anxiety to do what in my judgment is right and proper to be done in this case, and after some reflection upon it I am utterly unable to see any reasons whatever that should induce us to pass the bill. The bill demands of Congress to give to the several States named, some eighteen in number, 5 per cent. upon the value of lands which have been located in these States by the soldiers who had land warrants and military scrip in their possession. It is not claimed in the bill that 5 per cent. upon the lands which have been converted into money has not been paid, but that the Government having disposed by grants to soldiers of the country of certain amounts of land, these States in which lands have been located are entitled to 5 per cent., at the valuation of \$1.25 per acre, upon all the lands which have been disposed of by land warrants and military scrip.

A fair construction of the enabling acts under which this claim is made, to my mind, does not entitle these States to one cent of the value of the land thus disposed of. The terms used have a meaning which is understood by every person acquainted with the import of

the terms "sales" and "net proceeds of sales." What do these terms imply? They imply that the land must have been sold, and that there must have been proceeds received at the Treasury upon such sales of the lands. Therefore to my mind it is apparent that what was contemplated by Congress at the time the enabling acts of the several States were enacted was to pay to the States a certain percentage of the money received from the sales of the public lands, and the language employed does not imply an obligation on the part of the Government to give anything to the States by reason of the lands which had been or should be located upon bounty land warrants. That is the proper legal interpretation, as I understand, of the phraseology of the laws under which this claim is made.

Apart from the interpretation of the meaning of these statutes, by the terms used, it must be presumed that Congress intended only to donate to these States 5 per cent. of the proceeds of land actually sold, because there had been a policy previously adopted by the Government of giving to the soldiers of the country certain lands in consideration for their past services, if you please, for I am not going to quibble upon the subject as to whether it was a debt owed to the soldier or not. Such had been the policy of the Government, and it must be presumed that when Congress in these enabling acts agreed to pay to the several States named in the bill 5 per cent. upon the proceeds of the sales of the public lands, they made that grant in view of the policy which was known to exist on the part of the Government that a portion of these lands might be located upon bounty land warrants. It would be a forced construction of the language and would do violence, as I think, to what was known to be the policy of the Government now to attempt to put a construction upon these acts that would embrace the lands which have thus been located upon military land warrants.

That to my mind seems clear, at least sufficiently so to control my vote upon the motion to indefinitely postpone the bill. To take any other view of the matter, knowing that the policy of the Government had been already in existence for years at the time when these enabling acts were passed, would be to presuppose that Congress with a full knowledge of what had been the policy of the Government attempted to deprive itself of the full control of the public lands which they had already agreed by that policy should go to the soldiers of the country for their services.

In my opinion there is no legal right to this 5 per cent. I have heard in this argument no equitable claim and no equitable right set up. There is no legal or equitable right, if the terms of the statutes do not give the States a right to the money which they demand under this bill. According to the construction put upon it by the gentlemen who advocate this bill it is a matter of compact, a matter of contract. They say to us it is nominated in the bond, and we are derelict in our duty, unfaithful to the pledge which the Government has made, if we withhold this 5 per cent. If it is a matter of contract, and the terms of the contract do not give it to them, there is no equitable consideration by which those States became entitled to the 5 per cent. I think the only claim that can be made is a claim upon the terms of the contract itself.

To see, however, whether there were any equitable considerations to be taken into account, we ought to look on both sides of this question. What is the proposition? To take out of the public Treasury moneys which have been placed there by the taxes drawn from the people of the whole country, not only from the people of the States named in the bill, but from the people of the States that are not included in its provisions. The proposition is now made to take from the public Treasury 5 per cent. upon the valuation of all the lands that have been located upon land warrants and by military scrip, and give it to certain particular States named in the bill. To my mind it is a demand upon the further gratuity of Government rather than a claim based upon any equitable consideration.

There has been much done for these States. They have received already 5 per cent. upon all the proceeds of the sales of the public lands within their limits which have been made for cash, as I understand. At least there is no claim in the bill that there is any deficiency due to any of the States arising from that source. They have therefore received a very considerable amount of money out of the public Treasury, a bounty which the older States of the Union never received. It was, perhaps, a wise policy on the part of the Government, for the purpose of encouraging emigration to those States, for the purpose of encouraging persons to go there and settle, that some gratuity—as I hold it was a gratuity—on the part of the Government should be given to those States, in order that they might be rapidly built up and become thrifty members of the American Union. I am not now complaining that an unwise policy was adopted toward them, and yet I think there is very much in the suggestion made by the Senator from Alabama [Mr. MORGAN] the other day, who said that if these lands were to be regarded as a trust it was a trust for the whole people of this Government, and the question might arise whether the act which gave to these several States 5 per cent. was a constitutional act or not, whether there was at least a faithful execution of the trust that had been reposed in the General Government by the States of this Union, all of whom were interested in these public lands.

But without raising any question as to the propriety or the legality of the act, I say we ought to take into consideration what has already been done by those States when we come to consider any equitable

claim which they have to 5 per cent. upon the valuation, as made in this bill, of the public lands that have been located upon bounty land warrants. Why should those States who have already been the recipients of the favor of the Government, who have had large contributions from the public Treasury, by which they have built up their railroad systems in part, by which they have established their public-school systems in part, by which they have built their highways, now come and set up a further demand upon the generosity of the Government? Why should they say that they have a further equitable claim, and demand that the Government should open the Treasury of the United States and pour out the money placed there by taxation upon the people of the whole country for the especial benefit of these particular States?

These gentlemen have doubtless educated themselves into the idea that these States are entitled to this money from the General Government, but if they will look at the matter dispassionately and calmly, and compare what has already been done for their States with what was done by the General Government for the older States, they will see at once that they have no equitable claim upon the bounty of the Government to any greater extent. The original States of this Union, who fought the battles of the revolution, who established our Government, have not been pensioners upon the public Treasury. There has been nothing done, so far as I know, for the State in which I reside by the Federal Government, in order to develop the resources of the State, to build up its railroads, or to aid any internal improvements within the State, and so I believe it is the case with most if not all the original States of the Union.

Mr. LOGAN. The Government did not own any land in the Senator's State.

Mr. SAULSBURY. It is true the Government did not own any land within the limits of that State, but the Government owned the Treasury, and while she has been paying out of the public Treasury money to the new States there has been no appropriation for any purpose toward building up railroads and public schools in that State, while the States named in the bill have each received half a million acres of public domain for educational purposes alone. What appropriation of money has been made for the older States for educational purposes, except, I believe, the college land scrip given a few years ago, which was distributed equally upon the basis of population to all the States of the Union? In that the new States shared as well as the older States.

Mr. LOGAN. What lands were subject to this land scrip that was for the benefit of the older States?

Mr. SAULSBURY. It was taken out of the public domain of the country, belonging to the whole country.

Mr. LOGAN. The Senator says that the older States received the benefit of a land scrip for educational purposes. Upon what lands was this scrip laid? Was it laid upon the lands of the older States, or upon the land of the new States?

Mr. SAULSBURY. It was laid upon the public domain, belonging to the whole country. The college land scrip of the State of Illinois and the land scrip of the State of Delaware were alike located upon the public domain of the country, belonging to all the States, not belonging to the State of Illinois, not belonging to the State of Delaware, but the public domain, belonging to the whole country. Every State of the Union got its *pro rata* share of the public domain by that donation of land scrip by Congress. I am not asking whether that was a wise act or an improper act, but Congress saw fit to issue and distribute that college land scrip, and every State of the Union received its just proportion of it. There is no complaint, I believe, upon that point, but complaint is made now and the claim is set up that because some of that land, as well as the land located upon military warrants, I suppose, was located within the limits of these States, Congress must pay 5 per cent. upon the valuation of that land to be estimated at \$1.25 per acre.

I would not do injustice to these States. If they had a legal claim to this money I would cheerfully vote for the bill; I would keep the plighted faith of the Government. But at the time when these enabling acts were passed it could not have been in the contemplation of Congress that, out of the public lands which might fall to the soldiers by virtue of the land warrants, the military scrip which they already held, or which hereafter might be awarded to them for their services to the whole country, not to any particular States, these States should become the recipient of 5 per cent. upon the valuation of such lands.

There is, as I before remarked, a legal import in the terms "sales" and "net proceeds of sales" used in the enabling act. The statutes of the country abound in these phrases. The Government had already enacted laws treating of the sales of public lands. When you come to interpret the language of Congress in the enabling acts, it is but right and fair that you should see what Congress meant by the same terms in other statutes which they enacted in which the same terms are used. When you turn to the laws of the Government relating to the sales of public lands it is not difficult to understand what Congress meant. I find in the Revised Statutes, I think, what is sufficient to justify me in concluding that Congress could not have contemplated anything but the conversion of the public lands into money when they used the terms "sales" and the "net proceeds of sales" in these enabling acts. If you turn to the laws relating to the sales of public lands you will find that the public lands of the country were

to be offered at public or private sale. After detailing the manner in which the public sale of lands should be made, and how the private sale of lands should be effected, they used this very significant expression:

SEC. 2336. Credit shall not be allowed for the purchase-money on the sale of any of the public lands, but every purchaser of land sold at public sale shall, on the day of purchase, make complete payment therefor.

Then the law goes on to specify how the money should be paid upon private sales of land. The very terms which are used import that there must be a money consideration paid at the very time to effect the sale of the public lands. When Congress passed these enabling acts it contemplated only that out of the money arising from these sales, or conversion into money, of the public lands, these States should receive 5 per cent., and never contemplated that lands that were to be donated to the soldiers of the country under the policy of the Government and located upon land warrants should be included in the term "sales," for the meaning of "sales" had been substantially defined in the statutes applicable to the public lands.

Mr. President, I had not intended to utter a word upon this question. I looked at it somewhat for the purpose of guiding my own vote in reference to the matter, and I have come to the conclusion upon an examination of the subject, so far as I have been able to give it an examination, that there is nothing upon which the claim now set up in this way can be properly predicated, and that the demand now made by the States is wholly without warrant of authority in anything contained in the enabling acts by which those States came into the Union, or by any legislation of Congress whatsoever.

Mr. LOGAN. I desire merely to state a single proposition to see if I may meet the argument of my friend, the Senator from Delaware. In his remarks he has stated that there was no equity in this bill and could not be any. He has insisted that the lands belonged to the nation or the Government as a common property. About that we have no dispute. He has also asserted that these lands being common property it would be unfair for the States named in the bill now to receive 5 per cent. when the older States received nothing, and not only that, but that all the States had received what was called school scrip, or college scrip, which was applied to all the States, the old and the new.

Now, I desire to state the case. The State of Delaware owned her own lands. That State received whatever moneys were received from the sale of those lands. Hence the Government had nothing to pay a percentage on, for the Government did not own the lands. That State received its part of the college scrip. The college scrip was located on the land in my State, we will say, why? Because the Government had no land in the Senator's State; the land there belonged to his own State, but it had land in the State in which I reside. That much, then, of the land was taken. We do not ask anything in reference to the college scrip, because that was a donation to the States generally to which we all consented very gladly, but lands were set apart in my State for the purposes that the Senator has mentioned, for military purposes, taking the land away from the people of the State out of which they were to get 5 per cent. for educational and other purposes. Should the Government carve out large sections of land for the purpose of paying that which it was an obligation of the Government to pay and deprive us of the 5 per cent. that it agreed in the act of admission to pay on the land sold and disposed of by it? I ask the Senator if the Government had taken all the lands for this purpose, and it had the same right to take all as to take a part of the lands in my State, and if my State had withheld taxation for five years as it did, having no revenues for the purpose of running the machinery of the State and for providing educational facilities, would he consider that transaction an honest and fair one, just and equitable on the part of the Government toward my State, when the lands in his State were owned by his own State?

Mr. SAULSBURY. It is not worth while to answer that supposition. It is not worth while to meet a case which the Senator puts which has never existed, and which possibly could not have existed. What I mean to say is that by the terms of these enabling acts the faith of the Government was never pledged to Illinois or to any other State except to pay 5 per cent. upon the proceeds of the land which was converted into money and covered into the public Treasury. The Government never did agree, and, I may be allowed to say, that it never did contemplate the payment of 5 per cent. on lands which the Government disposed of in any other manner than by sale and conversion into money. The Government never contemplated or agreed to pay to the State of Illinois or to any other State anything in consideration of the lands disposed of otherwise. By the terms of the enabling acts themselves, the only promise of the Government was that when she converted lands into money either by public or private sale, out of the net proceeds of that sale, out of money received from the conversion of the lands into money, she would, not as an obligation, but as a gratuity, to enable the State to build up her railroads and build up her highways, pay 5 per cent.

Mr. LOGAN. If the Senator will allow me right there, I beg his pardon; I hope he will not use the word "gratuity" as applicable to the payment of the 5 per cent. when the contract with the State was that if the State should withhold its taxation for five years then it should be entitled to 5 per cent. That was not a gratuity.

Mr. SAULSBURY. It was placed as a condition upon the admission of the State into the Union that in view of the gratuity it should

withhold taxation. I hold that it was not a compact between the States. It was a condition which was attached to the enabling acts that in view of the gratuity which the Government had made to those States they were not to tax the public lands, and without that condition perhaps they would not have come into the Union at that time. That gratuity was certainly at any rate a full equivalent for all the rights which the Government required that the States should abandon. It gave them 5 per cent. upon that money. If the Senator does not like the term "gratuity" I will say that the Government gave them 5 per cent. upon that ground, and there is no cause of complaint, because they had a full equivalent for the surrender of the right to tax the public domain which was located upon these land warrants within the limits of the State for the limit of time named in the enabling acts.

When this bill was first introduced I had some doubts as to whether it was seriously contemplated that Congress should give much consideration to the bill, but when I heard the earnest, energetic speech of the Senator from Indiana, [Mr. McDONALD,] usually calm, always cautious and deliberate, I became satisfied that the gentlemen representing the Western States embraced in the bill had educated themselves up to the idea that there was merit in the bill, and that there was wrong on the part of the Government in not granting their request. I do not believe that these gentlemen would press this claim without having a firm conviction resting upon their minds that it is a just claim, to which the Government ought to respond. But, looking at the bill calmly and dispassionately, without any interest from my own State, I have come to the conclusion that we can be educated to almost any idea, because I cannot believe that a calm, deliberate consideration of this subject in all its bearings can warrant the conclusion to which these gentlemen have come. It is a matter of education, talked about in their States, thought about among themselves, but that it is wholly unsupported by anything in the laws enacted by Congress I am fully convinced in my own mind.

Mr. LOGAN. Will the Senator allow me to call attention to one point? He says that this was a gratuity from the Government to the State for withholding taxation for five years. I believe I understood the Senator correctly.

Mr. SAULSBURY. The Senator understood me to say that it was a gratuity on the part of the Government.

Mr. LOGAN. Very well.

Mr. SAULSBURY. Let me define my position. I said that this was a gratuity on the part of the Government, and that Congress in view of the gratuity which they had voluntarily made to the States placed as a condition upon the enabling acts what is now considered as an equivalent and as a consideration by the Senator from Illinois for the grant made by Congress to the State. We only differ perhaps in terms. I regard the one as a gratuity and the other as a condition in view of that gratuity which was attached to the enabling acts, and not in the nature of a compact or agreement or stipulation in the full nature of a compact or stipulation between the Government and the State.

Mr. LOGAN. I think I understand the Senator fully. If the Government then pays the State a gratuity of 5 per cent.—using the Senator's own language—on the sales of public lands, that is on lands sold for money, (which the Senator argues is all there is in the case,) in consideration that the State withholds taxation for five years on the lands sold for money, will the Senator tell me what the Government's gratuity is to the State for the land that it withholds its taxation from, in the case which we present now, where 5 per cent. is not paid, according to his argument?

Mr. SAULSBURY. That is very easily answered.

Mr. LOGAN. I should like to hear the answer.

Mr. SAULSBURY. The donation of the Government to the State of Illinois was a full equivalent for the surrender of the right of the State of Illinois to tax all the public domain within its limits. It will amount by calculation, if the Senator will make it, to more than an equivalent in dollars and cents.

Mr. LOGAN. I beg the Senator's pardon; if he puts it on that ground he is certainly in error, for the 5 per cent. paid to the States on the lands absolutely sold for money would not amount to the taxation for five years. The Senator may make the calculation for himself.

Mr. SAULSBURY. I do not know upon what basis the public domain is estimated in Illinois—I think I derived the impression from the speech of the Senator from Vermont, [Mr. EDMUNDS,] I do not know anything about the accuracy of the calculation—but I understand that there has been more than \$4,000,000 paid to the several States already.

Mr. LOGAN. It makes no difference how much has been paid, it is very easy to count what 5 per cent. on the sales would amount to. Taking the five years, our tax on the land would be more than 1 per cent. a year.

Mr. SAULSBURY. But remember the valuation of the public domain is placed at \$1.25 an acre.

Mr. LOGAN. That makes no difference.

Mr. SAULSBURY. The taxation could not, by any possibility, amount to more than 5 per cent. on the sales.

Mr. LOGAN. It will amount to more in five years than the withholding of the taxation from lands not sold for cash, but disposed of in the way that they have been, about which we complain. Then

there is nothing for withholding that taxation to be paid by the Government at all. Now, I should like to know where remuneration for that is to come from?

Mr. SAULSBURY. The Senator is much more familiar with the modes of taxation in the State of Illinois, and perhaps in most of the States, than I am.

Mr. LOGAN. I state as a fact that it will amount to more than 5 per cent. on the sales.

Mr. SAULSBURY. Of course, I have not entered into the calculation, but I read in the speech of the Senator from Vermont that the amount already distributed among these new States amounted to over \$4,000,000.

Mr. LOGAN. Oh, that may be.

Mr. SAULSBURY. It may be more than that or less than that. I have not verified the correctness of that statement or made a calculation of my own, nor do I make the statement from any information that I have received from the Land Office; but I apprehend that the tax at the low valuation that must necessarily be placed on these public lands would not have amounted to a sum so great even in five years. However, the Senator from Illinois, who perhaps has made the calculation, may be correct in his statement. At any rate, it was not contemplated, I am sure, by Congress or by the States of the Union who came in under these enabling acts, that they were surrendering any more than an equivalent for what the Government should obtain upon the cash sales of the lands of the public domain upon which the States were to receive the 5 per cent.

Mr. CALL. Mr. President, before the vote is taken to postpone the bill indefinitely I wish to state the reasons which will govern my own vote. I shall vote against the indefinite postponement of the bill, and I shall vote for it upon its passage if it can be amended in conformity with my own views of right. I shall not, however, vote for the bill because of the reasons upon which it seems to be predicated, nor the arguments that have been urged in support of it. I do not believe that there is or ever was any power in the States to tax the public domain of the United States within their limits. I do not believe that the lands donated for bounties, either as a reward for or a recognition of the military services of the citizens of the United States, can be construed into a sale. Upon what ground does this proposed power of a State to tax the public lands of the United States within her limits rest? Only upon the proposition that a State has an unlimited power of taxation over persons and property within her limits. But there is no foundation for the proposition. The power of a State to tax the persons and property within her limits is restrained and controlled by her relation to the National Government and to the other States. Surely it will not be contended by any of the gentlemen who have advocated the passage of the bill upon this ground that it is contemplated in the power of taxation given to a State to tax the public property of the State, and why? Because it is already public property; and it would be an idle act, and not subserve the purposes of the power of taxation, to tax one description of the public property to the end that the State herself might pay the tax. There must be a continuous support of the government obtained by taxes upon the productive industry and property of the country. The power of the State, therefore, to impose taxes must be construed in reference to the productive industries and property of the State, and to the end of sustaining the government and the purposes of government.

What relation does this public domain sustain, and what relation did it always sustain, to the State, particularly to the new States? What were these States for whom it is claimed now that a consideration passed from them in the surrender of this power of taxation, and what would be the practical effect and operation of the power to tax the public domain within their limits? The proposition is that the States could tax the public lands of the United States, to the end that the United States might tax the people of the State to replace the tax so paid into the national Treasury. Let us suppose that at the time this power was claimed to have been released as a consideration for this donation, or the promise to pay 5 per cent. of the sales, that the States had imposed a tax upon the immense domain of the United States within their limits, upon whom would the tax have rested? Upon the people of the State imposing it, and it would have been collected by the United States out of the people of the several States, including the States imposing the tax. It is therefore a proposition that the power of a State to tax and derive revenues for the support of her government is to be exercised by taking money out of the Treasury of the United States, and using the powers of the National Government to reimpose it in part upon the people of the State exercising this power. Such an effect was never and could never be within the purview of the powers of taxation reserved to the States when under the Federal Constitution the new States were created with their separate and reserved rights and powers, but subject to the powers, duties, and obligations of the National Government.

I say then that this power of imposing taxes upon the public lands or property of the National Government is denied by the relation which the States bear under the Constitution to the Government and which they bear to one another. It is further denied by its impracticability, because it would be an exaction upon the people of the State imposing it greater than they could bear. Let us suppose that these infant communities had been taxed by the government of the

State, and the tax paid by the United States out of the tax collected from the people of all the States, how would that tax have been paid by these feeble communities who needed the power of the Federal Government to protect them against the Indians, and every new State with her people, occupants, and settlers upon the public domain has needed this protection? It would have bankrupted them and they would have been unable to pay the tax.

It appears to me that this power and this right of taxation is denied by the relation to the State of the subject of taxation, the public lands, by the origin of the title, and by the uses and trusts upon which it was held. What was this public domain of the United States which it is claimed that the States had the right to tax? It was acquired for the use of the people of the States. It was held in trust for what? That it might be used to build up new political communities and organize them into States under the powers of the Constitution of the United States, and for the great purposes of protection of life and liberty and property and the advancement of civilization which that great charter provides. These new States were built and fostered upon this public soil, this public domain. The proposition of the argument conveys the idea of a right to tax that which was the very necessity of their existence, to tax all the States for holding and appropriating the public lands for their creation into new political communities, to tax the public lands held for occupation and settlement by their citizens, and which were acquired and held by the National Government for this single purpose.

Again, if such a power had existed where is the consideration and to whose benefit does it inure? The Government sells the public lands to actual occupants and settlers. The right to tax them is claimed, and the release of that right is the alleged consideration for the contract or compact. To whom does this consideration inure? It has been said in the argument on this bill that the 5 per cent. of the proceeds of sales granted by the Government of the United States to the new States on their admission to the Union never contributed anything to the treasury of the States. It has been urged that the appropriation of the public domain by acts of sale and location of bounty warrants within the different States had only a beneficial effect to facilitate national commerce and national exchange. Sir, if we can analyze and weigh the advantages which have resulted from subduing the wild lands of the public domain and bringing them into occupation and settlement, the result of the sale of the public lands and the location of bounty warrants within the State, great as has been the advantage to the people of the United States in promoting the unity of trade and commerce, which the Constitution of the United States was designed to effect and secure, and which it did in fact secure,—if you could analyze and weigh them, it would be found that to an incalculably greater extent the people of the respective States within which these appropriations have been made have been advantaged by this policy.

Shall we be told that the State of Iowa, of Illinois, of Indiana, or the States beyond the great river which have been built up, whose very life has come from this appropriation of the public domain, have no advantage in their own boundless wealth of annual production which has come from the occupation and cultivation and from the acts of sale of the public lands of the United States? Where can the idea of a consideration be drawn from this use of the public domain when we view these communities built upon this public property of the whole United States, the dominion of the soil being transferred to them, which had theretofore been held in trust for these noble and beneficent uses? Can we allow the right to tax this public property, which is the very source of their existence, the continued appropriation and use of which was necessary for that great development of the people of these new communities and of their industries and arts and inventions and knowledge which have made them the wonder of the world, for the rapidity of their growth and the extent of their power?

I cannot perceive that in this idea there is any foundation either for a power in the State to tax the public lands the property of the United States, or any consideration inuring to the benefit of the Government of the United States in the shape of a release of that power of taxation. Neither can I see that there is any equity to be found in the idea that the appropriation of the 5 per cent. of the public lands made under the several enabling acts for purposes of trade, commerce, and internal improvement constituted a consideration for any further or future acts of appropriation by the Government. It is equally true, whether it be stated of organic and constitutional law or of mere statutory law, that the law contemplates and can never intend any vain or impossible exercise of power. I say, therefore, that neither in the Federal Constitution nor the State constitution could it ever have been intended that there was to be a power of taxation over the public property, whether of public lands or public property derived from other sources.

It is further contended in the argument in support of this bill that the donation of lands or the disposal of them for bounties comes within the term "sale," as used in the act. It is held that the fact that some service or some meritorious act moved the exercise of this power by the Government of the United States to apply the lands to the benefit of the soldiers constituted a contract and made the act a sale; but there is no foundation for that proposition in reason. It does not follow that because there is some motive of merit or of value in the recipient, the donee of a gift, that this converts the donation

into a sale. Because the Government of the United States recognized the fact of military service and, either before or subsequent to the act of service, gave or promised to give bounties of land to the soldiers rendering this service, that does not constitute an act of sale. It does not follow because the Government of the United States establishes a policy of liberal beneficence as a reward and encouragement for heroism and bravery and self-sacrifice among her people that therefore such acts of appropriation become a sale of the public lands.

I affirm that the proposition is not a true one either in reason or law that a bounty, a gift, becomes a purchase or a sale because there is some ingredient of value that enters into it on the part of the donee, because there is some consideration moving it. I say further that the argument places the relation of the citizen as a soldier to his Government, the obligations which exist between the great source of authority in the State and the people of the State, upon a very low and mercenary ground when it undertakes to affirm that it is like a contract between individuals, considerations of value having passed on one side and having been received on the other as a payment for patriotic services. Public faith may be pledged, as it has been always pledged in the history of our country, to a liberal policy toward the citizen who has served in war and fought her battles; but it can never be said that a man actuated by patriotic motives in giving his life, his blood, his everything to his country does it for the poor reward of a few dollars a month and the promises of bounty land. Such ideas in my judgment have no true relation to the subject-matter. It does not follow because the public faith is pledged to the soldier to protect him, to pay him a stipulated sum, and take care of him in case of death or disability, or to appropriate public lands for his use, that there is nothing but a mere contract. I cannot perceive the propriety of the assertion that the Government, the parent of these new States, in owning a proprietary interest in the land which was appropriated to create them, was only a non-resident proprietor. I understand that this was a trust held for the great and beneficent purpose of creating new political communities, living organisms, who might contribute to the wealth, the industries, the invention, the knowledge, and the arts of the age that which is the only wealth that can be transmitted from one generation to another; and in holding this trust they had a higher and nobler and more beneficent relation to the people of these new States, to the occupants and settlers upon these lands, than that of a mere non-resident individual proprietor.

Hence, if the support of this bill is to be predicated upon the idea that there was a compact or a contract between the National Government and the new States that 5 per cent. or any other per cent. of the public domain should be appropriated to their use in consideration of their release of the right of taxation; if it is contended that every act of disposal of the public lands within the sovereign power and discretion of the Government was a sale, that every bounty, as it is termed in the law, was not a bounty nor a donation, but a payment for services performed, the bill could not receive my approval; but I find something more than that, in my opinion, which perhaps differs from that of other Senators, in the bill under consideration. I find a precedent established in the past legislation in this country, and that precedent is of an established policy which rests upon a far higher ground than a mere moneyed or valuable consideration passing from one individual to another. It rests upon far higher and more tenable grounds than the mere release of a right of taxation on the part of a State of the public lands, peopled by her own citizens, and the industries and arts then growing up in her own limits. It rests upon the precedent established of a generous policy and benefaction on the part of the older States toward the new, on the part of the stronger toward the weaker. It is a precedent which rests upon the same policy and the same foundation as that which directed the Government in the appropriation of these portions of the great public domain toward the creation of new States and new political communities.

I do not see how we can distinguish between a policy, as I have said, for the appropriation of the public domain to the building up of these new political communities and a policy, which might now be continued by a proper amendment of this bill, of a liberal appropriation of parts of this public domain and its proceeds to the necessities of the weaker and yet undeveloped States of the Union.

The original acts provided that 2 per cent. of this 5 per cent. should be applied in some cases to the construction of railroads and canals and in other cases for the education of the people of the new States. Some of these new political communities, with the assent of Congress and the National Government, provided for the application of these portions of the great public domain to the great purposes of development within the State. I claim that the policy which gave origin to these appropriations of the public lands, and which was established by them, was not susceptible of a specific and particular limit to the amount appropriated by them. Five per cent. of the sale was the amount specified in the original act, but the policy established was one for the development of these great works of improvement and for the education of the people of the State. Such undoubtedly was the policy of the earlier history of the country.

I agree entirely that the term "sales" cannot include bounties nor homestead lands, but I insist that the policy of the Government was not confined to mere technical sales. This is to be found in the fact that by express direction of Congress the Indian reservations were

included within the public lands upon which the 5 per cent. was to be accounted for to the States. In further vindication of this general policy we see these various acts of appropriation of the public domain to educational purposes and for purposes of internal improvement. The results, Mr. President, of this policy were of course reciprocally beneficial both to the State and to all the States, to their industries and commerce, to the public defense in time of war, and to all the purposes for which government is instituted, and which in our Constitution were made objects for the exercise of public powers. The results have been wonderful. Look at Iowa, Ohio, Indiana, and Illinois, at the great States of Missouri, Kansas, and Nebraska—communities rich in their industrial resources and richer still in the inestimable character of their people in their knowledge, invention, science, and arts, all having grown up within a few years past under this policy.

The question which is presented to my mind is whether the precedent established in the appropriation of these public lands to these purposes is not a wise and a just one, and whether it should not be continued. If to do what this bill proposes it be demanded that taxes should be imposed on the people of the United States and the money taken out of the Treasury of the United States to be applied to these purposes, I should oppose it. I do not believe that there is any power in the Government of the United States, as I am now advised, to tax the whole people of the United States to pay the new States for becoming States and occupying the public lands; but if this bill can be amended so that the 5 per cent. can be estimated upon the bounty lands and upon the homesteads in the States where the lands were withheld from entry and sale, and the money be applied upon the principles and for the purpose of the enabling acts upon some fair basis of distribution, I shall regard it as a beneficent one, and I see no reason why such an amendment should not be made.

I shall ask that there should be some equal and just distribution of this money. I repudiate for myself the idea that the State of Iowa has a right to \$881,000, the State of Illinois to \$535,000, the State of Wisconsin to \$490,000, the State of Minnesota to \$374,000, the State of Kansas to \$270,000, the State of Michigan to \$270,000, the State of Arkansas to \$141,000, the State of Nebraska to \$121,000, the State of Ohio to \$113,000, and the State of Florida to only \$29,117. Why? Because these States had the public domain so applied that they have been subject to the great hardship, as it has been claimed, of having bounty land warrants located on their fertile lands, and having them subduced, reclaimed to industry, and made the source of that vast and wonderful production which is now bringing vast amounts of gold and treasure from Europe to America. That great hardship has been imposed upon them of making them great and wonderful and powerful political and industrial communities. I can see no consideration in that for this unequal distribution of this money.

The policy which was being pursued when this 5 per cent. law was adopted was a policy of beneficence from the older to the newer, from the stronger to the weaker States. If that policy can now be adopted, and this is the only policy we can wisely stand upon, because there is no other test or standard of any public measure but the beneficence of its results and the question whether it is within the constitutional power of the Government; no other standard can be found by which we can reasonably judge of any proposition other than that of the real or the actual beneficence of its results—I say then, Mr. President, that if that policy could prevail—and that is the only part of the precedent which comes down to us—if this policy of beneficence and consideration for the weaker and the desire to build them up into great and organized political communities, to infuse the arts into them, and to make them rich in the imperishable monuments of a superior civilization and a greater progress—if that be the policy to be adopted, then I am in favor of it.

But what is the condition of the question as it now stands? Under this bill Iowa is to have nearly a million dollars; my own State only \$29,000.

We have a vast multitude of people who by the events of the last few years, by a providence which neither you nor I originated or could control, have been thrown upon the unaided resources of disorganized and impoverished communities for education and for preparation for the great duties of citizenship. No mere trifling with parties can meet this great question; but it is one which must address itself to the conscience of every fair, just, and impartial man. These people are thrown upon the unaided resources of the Southern States; a tax is imposed and submitted to, far greater than the productive industries and resources of the country are able with any degree of fairness to bear, a tax which is a constant impediment to the progress of the people in the accumulation of independence or of wealth. Every motive of philanthropy, every motive which can appeal to the conscience and the judgment of men should induce us to consider this point, for all of us have borne our part in bringing to pass this great responsibility, some unwittingly and others perhaps with a keener and more correct apprehension of the results, but all of us have borne our part and upon all of us rests this responsibility.

Mr. President, if this bill can be so amended, as in my judgment it should be, and as it can be, standing upon the principle and policy which gave this 5 per cent. provision to the country, the policy of beneficence, the policy of encouragement of industry—if these amendments can prevail, and this sum can be distributed so that Iowa will not have \$881,000, because she has grown to be rich and powerful

and great and has the power and the means to go on in this endless race of prosperity and growth, and my own State \$29,000; if an equitable rule of distribution can be made, a rule that will give to the weaker and the stronger that which is adequate to their respective necessities, I shall most cheerfully vote for the bill; but I shall do it only upon the ground of the beneficence of its results, and not upon the ground that there is a compact binding upon the Government, a compact to which its faith is pledged, for the payment of 5 per cent. of all appropriations of public lands for bounties or for military purposes to the soldiers of the Republic, a compact on the part of the Government to regard the lands so disposed of as lands sold, for which a technical moneyed consideration has passed.

Mr. PLUMB. Mr. President, I do not desire to detain the Senate long on this subject which has been already so fully discussed, but I wish to say for myself, and for the committee of which I was the organ in making this report, that the report itself is not based on the idea that the States who are the beneficiaries of this bill were to be in any sort the recipients of any generosity on the part of the Government of the United States in its passage. We believed that the General Government was legally, fairly, and justly bound for the payment of the money which this bill called for, and in arriving at that conclusion we depended upon what we considered a fair construction of the several acts of admission themselves which bear a certain resemblance to each other, and which are perhaps as fairly expressed in the terms of the act admitting Kansas into the Union as in any other act I could recite. All of them are substantially similar to the act for the admission of Kansas, which provides:

That 5 per cent. of the net proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, as the Legislature shall direct: *Provided*, The foregoing propositions herein offered are on the condition that said State of Kansas shall never interfere with the primary disposal of the lands of the United States, or with any regulations which Congress may find necessary for securing the title in said soil to bona fide purchasers thereof, and that no tax shall be imposed on lands belonging to the United States, and that in no case shall non-resident proprietors be taxed higher than residents.

Sixth. And that said State shall never tax the lands or property of the United States in that State.

That proposition was accepted by the State of Kansas as a similar proposition was accepted by all these States and made irrevocable under the terms and according to the conditions of the several acts of Congress. It became, therefore, a contract between these States and the Government of the United States, the extent and effect of which is now to be determined by the Senate.

As to the question of consideration which has been mentioned, we conceive that to have been settled by the action of the General Government for over seventy years in accounting with the several States for 5 per cent. of the cash sales. If there was an actual and valid consideration for the agreement on the part of the States as to any portion of that agreement on the part of the several States, then it certainly was equally good as to all portions of the agreement. The States agreed that in consideration of certain promises on the part of the General Government they would not tax the public lands within their respective limits. The General Government on its part agreed that if the States would remit the right to tax its lands it would give to the States 5 per cent. of the proceeds of the sales of the public lands within the respective States, and upon the theory of the committee that promise went with and accompanied every single acre of the public lands existing within the States at the date of the several acts of admission. If it did not apply to all of them, then certainly it applied to none. The promise on the part of the General Government was just as broad, covered precisely the same ground, attached to precisely the same land that the exemption from taxation which the State obligated itself to attached to, and upon that theory this bill has been framed.

We believe, therefore, that the General Government has had an ample consideration, as it has acknowledged during the past seventy years in dealing with these States, for the promise which it made, and we believe that it is not only obligated to the States to pay as it has heretofore paid the 5 per cent. on the cash sales, but is obligated to pay that amount at least further on the entries made by land warrants.

There is back of all this another question which I will briefly allude to, and that is in regard to the entries made for homestead purposes. As a member of the committee, I believed the General Government was fairly bound to the several States to account for a fair percentage, on what basis it was not necessary to determine, of the value of lands disposed of by the General Government for other purposes than for the payment of its soldiers. That was a very large question. It was one of those questions which will undoubtedly become more and more prominent with the lapse of time, and one which the committee discussing this measure in all its phases thought it best to settle once and for all; and if that question along with the other question shall remain open for consideration, the time will undoubtedly come when these States will come forward and assert their right to this entire compensation, which they have certainly some strong ground to claim.

For the purpose, then, of settling this vexed question which is becoming one of more and more importance, to which the States are attaching more and more consideration all the time, which they were

beginning systematically and by organization to press on the consideration of Congress, the committee thought it best to adopt a fair and just settlement of the matter, which should be fair to the General Government without seriously impairing the rights of the several States, or at all events giving to them enough to satisfy their reasonable demands on the General Government. For that purpose the committee adopted the proviso to the last section of the bill to the effect that the settlement, if accepted by the several States as to the 5 per cent. on the entries of land warrants, shall be held to be an estoppel upon them forever from setting up any claim on account of lands disposed of for railroad purposes, or for homestead purposes, or for any work of internal improvement within the limits of the several States. This was believed to be fair; it was not trifling with an important question, as has been stated here. It was relinquishing something that the States believed they had a legal and equitable right to, but which, for the purpose of settling a controversy of long standing, they deemed it wise to remit.

Now, Mr. President, if this should stand alone upon the equitable consideration, the claim of the States would be equally strong as if it stood upon the legal ground upon which it has been placed. The use of these land warrants enabled the United States to discharge a debt which the Government owed to its soldiers. In the debate which ensued upon the passage of the bill under the provision of which most of the land warrants were issued, it was distinctly stated that the warrant was a payment to the soldier for services to be rendered, and a payment equivalent in amount to \$200 in cash; that it was giving him \$200 at the close of his service instead of paying it to him in monthly payments, which would be an inducement for him to enlist. It was considered just as valid an inducement, of equal value to him, as if the General Government had said to him: "We will give you \$200 in money or we will give you a bond of the Government to the amount of \$200;" it was so expressed. It was further emphasized by what ensued on the passage of that bill. It was distinctly understood to be a payment of an obligation of the Government, recognized as being of a certain money value. It was to be paid out of the public lands.

What resulted? From my knowledge of what occurred in my own State, which I have no doubt was practically what occurred elsewhere, the result was, that when the pre-emption settler came to enter his lands he encountered at the land office a man with a land warrant. The settler was required to pay a dollar and a quarter an acre for his land, and in addition to that to pay the costs of entry, or in lieu of the dollar and a quarter an acre to furnish a land warrant for one hundred and sixty acres. He met there the money-lender, the land-shark, as he is called in our section of the country, with a land warrant, enticing him to buy that land warrant by saying to him, "I will submit to a discount of five or ten dollars," as the case may have been, "and more than that I will take your note secured by a mortgage on the land, and you can pay this in such a way that you do not need to distress yourself to raise this money." The consequence was that in a large majority of cases the settler bought a land warrant of the man who came there thus equipped, and used it for entering his land in place of using money, the payment of which but for these land warrants would have entitled the States to this money to be paid out of the proceeds of the sales then and there made.

Of course, when the Land Office came to enter up its accounts of sales it had no money with which to pay the States on account of the entries by land warrants. It has been the practice of the Government ever since these acts of admission have been passed in the adjustment of the accounts with the several States to take the money for the 5 per cent. out of the sales of the land itself; but of course when it came to the adjustment of the accounts as to land entered by land warrants, there was no money there to pay, just as there would be none if the Government, instead of agreeing to give the soldier a land warrant, had agreed to give a two-hundred-dollar bond. The Interior Department of course would have no money as the representative of that bond out of which to pay the 5 per cent. Consequently the means of paying the 5 per cent. to the several States did not exist and could not exist in the absence of a direct appropriation on the part of Congress for that purpose; and it is that which we are here practically seeking to do, not to make a new law, not to make a new contract, but simply to provide for the proper execution of the existing contract. The General Government, by reason of this renewed obligation, constantly renewed and constantly made, came between the settler and the General Land Office with this form of its obligations and took these obligations in place of the money, and thereby deprived the State of that just revenue which it had a right to expect from the terms and conditions of the act of admission.

But it is said that this cannot be regarded as a sale, because under the technical definition of a sale that only is a sale which is settled for or the transaction of which is closed with money. But if you look to the general definition of sale which is applied by the law-writers you will find that it is to the effect that "sale" is correlative with "purchase," and purchase is defined by Blackstone as being any means of acquisition of property other than by descent or distribution. And if you apply the technical meaning of the word "sale," which has been applied here to the actual receipt of money for an object, I venture to say that there has been no sale of the public lands of the United States down to the present time. Greenbacks are not money, according to the theory of the financial school of

which the Senator from Vermont is so able an exponent. There is no money, according to that school, except simply and only gold and silver. Prior to the passage of the sub-treasury act, over forty years ago, it had been the practice of the Government, as it is now, to receive bank bills in payment of public lands. They were not money according to the technical definition of the term.

So the transaction was only a barter after all. According to that the obligation of the Government to respond to the several States by the payment of 5 per cent. on these transactions was just as illegal, and just as unjustifiable, and just as unwarranted as it would be to pay 5 per cent. on the transaction which resulted in the Government receiving a land warrant for its land.

Certainly no such technical definition as that can be allowed to interpose to prevent a complete adjustment of the relations between the parties to this compact which was enacted by the several acts of admission. The State had, according to the concession of the General Government, a right to tax these lands. It is too late to inquire whether the right existed or not, because for seventy years or longer the General Government has by its action recognized the right as existing, and has been careful to stipulate the very first thing on the part of the new States as a condition of their coming into the Union that they should not exercise this right; and it was said to them, "on condition that you do not exercise that, together with other rights which you might exercise which would embarrass us in the disposition of the public soil of the United States, we will pay to you a certain percentage"—upon what? Upon this particular public property, upon these particular public lands, on which you remit this right of yours which we have recognized from the beginning—"we will pay you a certain proportion of that which we shall receive for the disposition of these lands." If the right was not thus broad, then the exemption was not so broad.

There were other things that the States stipulated. Some of them stipulated that they would not tax the land of non-residents higher than the land of residents. All stipulated that they would not interfere with the primary disposition of the soil. These stipulations were not for the benefit of the occupants of the new States; they were for the benefit of the residents of the old States. The men who represented here the old States foresaw the great field for the capital and the enterprise and the energy and the skill of the citizens of the States which they represented, and they said, "Here, we are going to admit you into the Union; we are going to bring you in on equal terms with all the other States; but we want to preserve a field for the speculative enterprise, for the genius, and for the capital of our own people, and we will attach certain conditions to your coming in whereby we shall be made perfectly sure that those of our people who go out into these new States shall have a right to the same treatment and shall receive the same treatment at the hands of the law in regard to the public lands"—which was the most obvious form of speculation then in view—"that the people of your own States receive." That was a reservation for their own benefit.

But the Senator from Vermont says that this cannot be a sale for the reason, rather sentimentally expressed—and I have no doubt he felt it—that it is transmuting the blood of the soldier into money. Mr. President, is there any way whereby the blood of the soldier was transmuted into anything else but money? Was there any service that he was required for at the hands of the Government except by money? It is the same process precisely by which he received from the hands of the paymaster his thirteen or sixteen dollars a month, as the case might be, for the services he rendered, except that at the end of the time, in place of receiving \$200 in cash bounty, he received a land warrant which was to him worth, and which was considered to be worth, and which the Government had stamped as being worth, \$200, and to be received in lieu of money because the Government was not then in a condition to pay money.

But this matter is treated as one of those things which are to be divided all around, and allusion has been made here to-day to the fact that this is not a "fair divide." I can imagine how persons who have had in mind that fair divide which occurred, I believe, in 1836, whereby all the money in the United States Treasury was divided around among the several States according to population, may possibly object to this, and if I were disposed to be captious and to stand upon this as a matter that would benefit my State and be here insisting on that which was of most benefit, I should say, "Let us make a fair shake all around; cut up the money that is proposed to be got out of the Treasury into aliquot parts and let each one take his own proportion and go his own way."

According to the only division of the public money of the United States which we have ever had, the recipients of which are abundantly represented here, and according to the indications that they do not mean to pay the money back, we ought to have this divided in the same way; but this proposition does not stand upon any such principle as the principle of a division. It stands upon the principle of an obligation on the part of the General Government to these several States, and while I think I could demonstrate, if I were so inclined, that the State which I have the honor in part to represent here will not receive from the Treasury of the United States under this bill largely more than it will pay in order to make good the tax which will have to be levied for the purpose of meeting this obligation, it is not a question, it has not been a question with me or with others similarly situated, the Senator from Indiana [Mr. McDONALD] and

Senators from other States whose proportion is small, whether we were getting more and paying less, or paying more and getting less. It has been simply a question of what was the fair construction of the several acts of admission, and what the Government ought to pay under them to these several States in the discharge of an obligation too long postponed.

There can be no question about a waiver; it cannot be said that these States have for too long a time slept on their rights. This has been one of those things which, so far as the States west of the Mississippi are concerned, has been a source of constant consideration. It has been matter of public notoriety that the Legislatures and governors have been constantly calling the attention of the public and of the General Government to the existence of this right, and they have insisted upon it "in season and out of season" that the Government should respond to this obligation. It has been only recently, it is true—within the last few years, as I understand—that the States, moved by a common purpose, have been able to agree, or have agreed, on the terms of a general bill which should recommend that which is fair to all. In the beginning of this discussion, when the matter first came to public attention, there was a variety of claims. The States of Ohio and Indiana, for instance, had claims on account of lands entered under peculiar laws. The States of Kansas and Nebraska, and other States west of the Mississippi River which had been settled up under the homestead law, were desirous of having the Government recognize their claims to compensation on account of those entries. In those States, also, there had been grants, and, as we believe, improvident grants, for agricultural colleges and for railroads, and we believed, and still believe, that the General Government ought to pay in fairness a percentage on those entries as well. But for the purpose of effecting a final adjustment, for the purpose of establishing a common accord upon that which to a certain extent is a common interest, for the purpose of having a final settlement with the General Government, this bill was agreed upon as a basis, perfect or imperfect as it may be, but expressing that general idea of the obligation on the part of the General Government to these States which we believe it ought promptly to respond to.

A great deal has been said about the benevolence of the General Government to these States and about the grants for railroads. My own State has many railroads built by land grants. They carry a large and constantly increasing tonnage, representing a very considerable fraction of the commerce of the United States, but of that only 15 per cent. is domestic tonnage; the rest of it is tonnage which relates to the commerce and the business and the populations and the interest of other States as well. The railroads have been built as great national highways, have been built by the capital of the Eastern States. They have ministered to the profits of capitalists in the Eastern States; they are owned there completely and solely, not one single share of the stock of one of them being held within the borders of my State. All the lands, all the bonds, all the stock, or at any rate nine-tenths, I was going to say, of all the profit has resulted to those fortunate people who by reason of the accumulations of generations have been able to build these railroads, as our people were not.

I am not saying anything about the just relations between capitalists and the people who locally have the benefit of these railroads. I say that the granting of lands to railroads, as in regard to many other of the features that have attached to the admission of States into the Union, has been for the purpose and with the design and with the effect of opening up our great western regions to the capital which has been accumulated on the seaboard, and which has sought that as an outlet for an investment rather than go abroad. The commerce of these Western States which has thus been built up has built up the great cities on the seaboard. They are built up by that which makes internal commerce and trade. Our great product of wheat and corn and oats and pork and beef, which is giving to-day the American people the supremacy in the world as the greatest producing nation, we have done our share in producing.

We look upon the proposition to improve the harbors along this coast of yours as something that we have an interest in. Because these works of internal improvement, these rivers and harbors, are not within our own limits; because we are not favored in that way, because we have a system of railroads that takes us a thousand-fold more than the States which have these water-ways to carry their commerce, we do not stop to say that we will not vote these appropriations. Ninety-nine per cent. of all the appropriations for objects of that kind are made for the States lying east of the Mississippi River; and we look on that as something which we are properly and legitimately taxed for, because it ministers to the prosperity of the whole country. The mouths of these rivers and these harbors, we know, are all ours; they belong to the whole country. They are months for the discharge of the great and increasing commerce of the West. We vote freely and fully for these objects whenever we are called upon so to do. When we come up here, and say to the General Government, "You took us into the Union on certain conditions; you exacted of us certain things which you said we never should do," we do not want to be met by the statement that we have been dealt with generously, and that while the compacts have not been lived up to, we got, perhaps, something else which was of just as much account to us. I say we have responded to the obligations we incurred; we have met fairly every obligation the General Gov-

ernment brought us under; we have paid our share of the taxes; we have done our part in this great work of development. We have done that in common with the other States of the Union. We have furnished them a refuge for their teeming population; their reservoirs have overflowed into our country, and it has been as much for their benefit as for ours. Now we say, simply live up to the letter, to the fair construction, to the spirit of the several acts of admission. We ask nothing more.

Mr. EDMUNDS. Mr. President—

Mr. HARRIS. Will the Senator from Vermont yield to me in order that I may make a motion that the Senate proceed to the consideration of executive business?

Mr. EDMUNDS. Yes, sir; I will yield for that purpose.

Mr. HARRIS. I make that motion.

The PRESIDING OFFICER. (Mr. ANTHONY in the chair.) The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

Mr. RANDOLPH. Before that motion is put, I wish to say that this is the second or third time when, and I think on previous occasions upon the motion of the Senator from Tennessee, this bill has been postponed in order that we might go into executive session. It was understood and I thought agreed upon on all sides that to-day would see the conclusion of this bill.

Mr. HARRIS. I shall be very happy to see its conclusion at the earliest hour possible; but at this late hour of the day I do not think it probable that the Senator from Vermont will be likely to conclude what he desires to say upon the various questions involved. Hence I do not think it probable we shall reach a conclusion on this bill to-day. I have entered my motion, and I shall still insist on it that the Senate proceed to the consideration of executive business.

Mr. McDONALD. I hope that motion will not prevail.

Mr. EDMUNDS. It is not a very debatable motion, or I should like to say something myself.

Mr. McDONALD. I am aware it is not debatable; but I gave notice several days ago that I should insist upon a vote on this bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee.

The question being put, a division was called for; and the ayes were 10.

Mr. HARRIS. I give it up.

The PRESIDING OFFICER. A further count is not insisted upon.

Mr. MORRILL. Is there a quorum?

The PRESIDING OFFICER. The noes were not counted.

Mr. EDMUNDS. Mr. President, I shall be very sorry, as there are only ten millions just now to be paid out of the Treasury, to go on in the absence of a quorum, and, therefore, to find out whether there is a quorum here, I move that the Senate do now adjourn, and on that I ask for a division merely for the purpose of seeing whether we can proceed with business.

The question being put, there were on a division—ayes 6, noes 30; no quorum voting.

Mr. ALLISON called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 11, nays 45; as follows:

YEAS—11.			
Anthony,	Call,	Morrill,	Saulsbury,
Booth,	Coke,	Platt,	Slater.
Burnside,	Farley,	Pryor,	
NAYS—45.			
Allison,	Garland,	Lamar,	Teller,
Bailey,	Gordon,	Logan,	Thurman,
Bayard,	Groome,	McDonald,	Vest,
Beck,	Hampton,	McMillan,	Voorhees,
Blair,	Harris,	McPherson,	Walker,
Cameron of Pa.,	Hereford,	Maxey,	Wallace,
Cockrell,	Hill of Colorado,	Morgan,	Whyte,
Davis of Illinois,	Hill of Georgia,	Paddock,	Williams,
Davis of W. Va.,	Hoar,	Pendleton,	Windom.
Dawes,	Jonas,	Plumb,	
Eaton,	Kernan,	Randolph,	
Ferry,	Kirkwood,	Ransom,	
ABSENT—20.			
Baldwin,	Carpenter,	Ingalls,	Rollins,
Blaine,	Conkling,	Johnston,	Saunders,
Bruce,	Edmunds,	Jones of Florida,	Sharon,
Butler,	Grover,	Jones of Nevada,	Vance,
Cameron of Wis.,	Hamlin,	Kellogg,	Withers.

So the Senate refused to adjourn.

Mr. EDMUNDS. Mr. President, I am glad to know that a quorum is present. The tax-payers will be glad to know it as well as I. I am glad also to observe the candor of the Senator from Kansas [Mr. PLUMB] who states, if I correctly understand him, that there has been considerable difficulty among the States who are in this pot, in adjusting what kind of a bill would be agreeable to them all, and that they have at last managed to come to a common understanding to unite their forces for this just raid, as he considers it, upon the Treasury. Old-fashioned people would call that log-rolling, but of course now it is patriotism. So much for that.

The tax provision, which has been the great burden of the arguments that have been addressed to us, by which the incoming States were to renounce their right to taxation for five years on the land sold, disappears from the compacts, as they are called, with these States as early as the year 1836, so far as regards sales. When Mis-

souri came in in 1820 the limitation was made on sold lands for five years and on bounty lands for three years, which was as plain a declaration as language can make that bounty lands were not lands sold that had net proceeds. By the compact with Missouri it was agreed that she would not tax for five years the lands that were sold, the net proceeds of which she was to have the benefit in one way or another of 5 per cent. upon, but as to the military bounty lands she was authorized to tax them after three years.

After that there came the State of Arkansas, the provision in which was that bounty lands should not be taxed for three years but that the State might tax the lands sold instantly without any limitation at all. That was in the year 1836, forty-four years ago. Then came the State of Michigan in the same year, in respect of which there was the same provision authorizing the State to tax the lands sold instantly, but she agreeing that she would not tax the military bounty lands for three years. I am speaking by the book, so that there is no mistake about it.

Then came the State of Florida in 1845, the next State admitted, in respect of which there was no limitation either as to the lands sold or as to the bounty lands. The reservation of exemption from taxation for three years as to the bounty lands was given up by the United States as to that particular State. Then came the State of Iowa admitted at the same time with Florida, where there was no limitation upon the right of the State to tax the sold lands, but it was agreed by the State of Iowa, as it was not agreed by the State of Florida, that the bounty lands should be free from taxation for three years, while there was no limitation as to the lands sold.

Then came in 1846 the next State, Wisconsin, where there was no limitation as to the taxation either of lands sold or of bounty lands. Then came the State of Oregon in respect of which there was no limitation of taxation either upon lands sold or upon bounty lands. Then came the State of Minnesota in 1857 where there was no limitation of taxation either upon lands sold or upon bounty lands. Then came the State of Kansas, that much abused and suffering community that has been overridden by eastern capital, and has been gridironed with railroads built, as the Senator says, by eastern capital and as I must suppose to the great burden and detriment of its people, in respect of which there was no limitation in regard to the right of taxation of any lands the moment the title of the Government was parted with.

Then in 1864 came the State of Nebraska—she was admitted afterward, but that was the date of the enabling act—in respect of which there was no limitation of taxation as to either sold lands or bounty lands. Then came Nevada in 1864 in respect to which there was no limit. Next came Colorado, the last of the admitted States, in respect of which also in 1875 there was no limitation.

Here then are eleven of the eighteen States named in this bill, in respect of which the United States never asked and the States never agreed to renounce the taxation of lands sold for a single day; and yet the argument has been entirely based—I think I am safe in saying entirely based—upon the grounds that this was the consideration as they call it, which would not prove anything if it were true. But putting it upon that ground, the consideration, as it is called, upon which this money is now demanded in respect of eleven of these eighteen States never existed at all; and when you turn to the other part of the consideration, now mentioned by the Senator from Kansas, of the States giving up their right to tax the lands of the United States, their right to interfere with the primary disposal of the soil (which was another of the qualifications of their admission,) their right to impede the free navigation of the Mississippi River and its affluents (which was another of its qualifications,) the honorable Senator from Kansas says these surrenders of right made a consideration which entitles these States now to tax the people of the United States to pay into their treasuries these moneys, amounting as I say upon the bill as it stands, when you get it all together and as it will turn out, to hard upon \$10,000,000. To say nothing about scrip, the 5 per cent. on the mere bounty lands alone since 1847 down to last year amounts to almost \$5,000,000; and this bill contains scrip as well as it contains bounty lands—

Mr. McDONALD rose.

Mr. EDMUNDS. The Senator will pardon me. If I am going on to-night, I must go on myself. He will excuse me if I decline to be interrupted.

The PRESIDING OFFICER. The Senator from Vermont declines to be interrupted.

Mr. McDONALD. Not even to correct a statement?

Mr. EDMUNDS. Not even to correct a statement. The Senator can correct me afterward. The little time that I can trespass upon the patience of the Senate at this hour of the evening, must be my time and not that of anybody else. Nobody knows better than my honorable friend from Indiana how glad I should be to be corrected by anything he could say; but as I know how impatient the Senate is, and in view of the fact that there is barely a quorum here now, it would be an injustice to everybody else to prolong the few things I have to say by the colloquy that would inevitably occur.

Mr. McDONALD. My correction would not have taken half this time.

Mr. EDMUNDS. Perhaps not, but the Senator is so astute that my answer to the correction might have required two hours. There is where the difficulty comes in.

Now, Mr. President, I repeat that in respect of this consideration, as it is called, touching the primary disposition of the soil, the abnegation of the pretense of taxation of the lands of the United States, and the free navigation of the Mississippi River and its affluents, that sort of argument on the part of the Senator from Kansas and those who have gone before him fills me with amazement. Is there any Senator who will stand up here at this moment or when I am through—because he cannot stand up at this moment, for I must finish what I have to say—and assert that he believes that at any time, without these compacts, any State, after it was admitted, could interfere with the free navigation of the Mississippi River? I do not think there is. Is there any Senator who will stand up and say that any State after she was admitted could proceed to tax the lands of the United States lying within her borders that the United States owned when she came in, in its sovereign character as a nation? I am sure there is not. Is there any Senator who will stand up and say that any State could interfere, in the very language of the Senator from Kansas and of the acts—because he is an accurate man and quoted them rightly—with the primary disposition of the soil, and undertake to dictate the terms upon which the United States should dispose of its public domain? There is not, I am safe in saying.

Why then were these clauses introduced into these acts of admission, the Senator will say? Not as a consideration of a contract or a compact between these States coming in and the General Government, but in order to renounce any pretext that might arise in the hurry or the passion or the excitement of some particular State, to interfere with the rights of the General Government. That was all.

It was the renunciation of an absolutely untenable pretension, if there was any such pretension ever, as the Supreme Court of the United States as to taxation and as to some of these other questions about the soil has over and over again decided. But it did not need a decision. Is there anybody who will stand up and say that the provision that the States shall not tax the lands of non-residents at a greater rate than it taxed the lands of its own resident citizens, was a renunciation by any State of a right that it would otherwise have had? Not if there is any value left in that clause of the original Constitution which said that the privileges and immunities of citizens of the several States should be equal in all the States, under which it was never within the competence of a State to treat a citizen of another State in respect of the enjoyment of his property in any different way from what it would treat a citizen of its own State.

So we may dismiss, Mr. President, all that theory of these incoming States giving up rights that they otherwise would have possessed in the respects that I have mentioned, as the merest shadow of a shade. It was the giving up of a dream, and not the giving up of a reality or anything that anybody ever supposed was a reality at all. It was a wholesome security that the Government of the Union took against interminable lawsuits and injuries that might happen in certain states of affairs against citizens of other States and against the people of the United States and its Government generally. There was therefore no consideration about that.

So then, as it was rightly stated when this debate began by the Senator from Indiana, who would not maintain any of the doctrines that I have now referred to, the consideration part of this business, on which the report of this committee is based, was the consideration that the States would not tax lands that they otherwise would have had a right to tax, which had been sold by the United States, within five years after their sale. As to that there are only seven of these States that had any such consideration in their contract at all; and yet it has been found convenient, as the Senator from Kansas says, to put the whole eighteen in in order to agree upon a common basis, I believe his language was, which as I must suppose would enable them as they thought to put this bill through. There does not seem to be any other logical deduction from the statement of the honorable Senator from Kansas so candidly and properly made.

Now, Mr. President, let us come back to the bounty land business for a while. When the State of Ohio was admitted into the Union in the year 1802 the laws of the United States already provided for bounty lands; they already provided for the sales of public lands; two entirely different and distinct systems of disposal of the public lands. Each one of these States engaged in its compact that it would never interfere with the right of the United States to dispose of the soil as the United States pleased. That was a part of the compact. I beg Senators from these States to remember that while the United States engaged to pay for their benefit or in some way tending to their benefit, 5 per cent. of the net proceeds of the sales, these States engaged in order that there might never be any future embarrassment as to the complete sovereign right of the United States to do what it liked with these lands, sales or not, that they would in no way interfere with the complete sovereign right of the United States to deal with the lands as it pleased. That was an express and literal part of the contract, and yet that is a part of the contract which these Senators complain of. They say that the United States in accordance with this compact in making the primary disposition of this soil, the property of all the people, has chosen to make it in a way that is not agreeable to these States, although the States themselves agreed that they would never in any way interfere with this thing, and in that of course is included every means of opposition to it or of claim upon it. In other words the sovereignty of the United States was left absolutely free to dispose of the soil as it liked, and only engaged

that out of the net proceeds, it would apply a certain per cent. in a certain way. And nobody has yet contended that "net proceeds" did not mean money in that sense; it is said these bounty land warrants are the equivalent; but everybody agrees I believe so far that the "net proceeds" on which a percentage was to be paid over to the State must be some kind of money, either silver or gold or bank bills, which the Senator objects to; but I will not waste your time about that. What becomes of that part of the compact?

Here then, Mr. President, was a public engagement by the States themselves, every one of them, that while it was agreed they were to have the benefit of 5 per cent. of the net proceeds of sales, that should not interfere, nor should anything else in their admission interfere, with the right of the United States to have supreme control over the disposition of these lands, to do anything it liked with them; and why should it not? At the very time when the first State came in, Ohio, in which any of these lands lay—Kentucky and Vermont came in before, but there were no public lands that belonged to the United States in those States—when the State of Ohio came in, there were two distinct systems of the disposition of public lands in operation. One was by sale, the net proceeds of which came into the common Treasury, and came into the common Treasury under an express trust of the noble State of Virginia, that gave an empire to the United States to help it out of its financial difficulties, that the income of that property should be for the benefit of all and all equally. At that time I say there were two distinct systems, one was of sales that produced money to the Treasury; the other was of bounty land warrants that not only the State of Virginia, but the Continental Congress and the Congress of the United States, after the new Constitution was formed, had by laws passed by Congress provided for in the way of bounty lands to soldiers. In that state of things the State of Ohio and the United States made this compact.

Senators say that they do not ask for generosity, because they have had enough of it; they have been smothered with generosity already, as they put it; they only ask for law. Now, then, when this first contract was made, which all the others merely followed, between the United States and the State of Ohio, look at the existing condition of things. There was the public land law providing for sales, and there was the military bounty land law providing for giving bounty land warrant and locations by soldiers, both on the statute-books; so that the State of Ohio and the United States knew them and understood them both alike.

What did they agree to? They agreed first that 5 per cent. of the net proceeds of the sales of the public lands of the United States sold by Congress should be applied to building roads, &c., either in the State of Ohio or leading to it. Can anybody say, will anybody say that at that time and with these acts of Congress providing for bounty lands and sales separately, the "net proceeds of the sales of public lands" was intended to include the bounty lands which had already been granted or might thereafter be granted for the benefit of soldiers? It would be a contradiction in terms. There was no surprise upon the State of Ohio. The systems already existed, and she chose to agree that whatever fund was raised in cash 5 per cent. of it should be applied to certain uses. She did not choose to insist that a tax of 5 per cent. on all the people of the United States should be raised on the value of the lands given to soldiers to pay for building roads in her State; and whatever the reason of it? and that applies to all of them; I take her to begin with because she was the first State. What was the reason of this provision? It was necessary and beneficial to the inhabitants of the new States that roads and canals and public improvements, and if you take the later ones, schools in one or two instances, should be instituted. Roads and canals could not be constructed and public schools could not be erected without money. How was money to be got? The new settler, who, with his ax on his shoulder, went into the forest of Ohio and cut down an acre of the great timber on that magnificent plain and river country had not any money. He had his strength and his tools and his courage; but when it came to hard cash that was to pay for building roads and canals, to open up communication between him and his family and friends that he had left behind, he had not the means. What was to be done? You could do one of two things. You could say to the State of Ohio, "Now you may tax these lands from the very moment they are sold to this settler who goes over there with his ax and get out of him the money necessary to pay for the building of these roads, because the money has got to be raised," or else "we will take 5 per cent. of the proceeds of all the lands that are sold in your State, and when we have got the money for them we will build a road with it, and we will let the hardy pioneer go free from taxation on his little settlement of one hundred and sixty acres for five years until he can earn money by cutting down the forest and raising his crops and selling his products to build his own roads;" and that was it.

Therefore, anybody can see that the idea, if it had been advanced then, that the bounty lands were to pay a part of these things was absolutely absurd; and the idea that the bounty lands were to be free from taxation, upon this theory, was equally absurd for the reason that only the man who paid all the money he had to buy his land was to be considered as having paid his tax; the soldier who had not paid up his money to buy his land but had got it already, if he had any money could contribute his portion. And that was the very theory on which you came down to make the distinction in later States of five years' exemption to the land purchaser and only three years to

the soldier. It was not to make a discrimination against the soldier, but it was to make a discrimination in favor of raising money to carry on the works of necessary internal improvement for the benefit of all, and to say that the man who had not paid money to buy his land and who, therefore, had not contributed anything to this fund to build the roads should not be exempt so long as the man who had. That is all there is to it. It was a perfectly simple state of the case and perfectly understood.

What happened next—which illustrates this whole thing and ought to make an end of it so far as the law goes? As the law stood when Ohio came in, there were certain expenses of surveys of the public lands which by law had not been charged to sales before; and therefore when the State of Ohio came in, her 5 per cent.—I speak of it as hers although it was not to be payable to her in that particular case but always to be paid out by Congress though now it is to be paid into the treasury of Ohio which is quite a different thing but I call it hers for the purpose of this argument—as the thing then stood her 5 per cent. would be computed on a much larger sum than it was after a change of the law by Congress. Congress, after Ohio came in, proceeded to make laws charging the expense of surveys of the lands of the United States lying within the State of Ohio, and other States as well, on the proceeds of the sales. Ohio being always alive to her interests at once brought the attention of the Government of the United States to it and said just as the Senators from Iowa and Kansas and all the others, except I am proud to say, Alabama and Florida, "Why, here, you are trenching upon our rights; you are charging over expenses against this 5 per cent. fund that did not exist when we came in and therefore you are violating the contract." As between private persons it would have been a violation of the contract; but what did the United States say and what did Ohio acquiesce in from that day to this, a period of fifty-six years lacking about a dozen days? The case was referred to the Attorney-General of the United States, William Wirt, a man whose character and fame and law learning I need not stop at this late hour to say anything about. He said in the opinion I have before me, volume 1 of the Opinions of the Attorneys-General, page 641, this:

The question is whether, after the passage of the act of the 26th March, 1804, the surveying expenses are to be deducted from the amount of sales, and the 3 per cent. to be paid to Ohio is to be calculated on what will remain after such deduction, or whether the 3 per cent. is to be calculated on the amount of sales without such deduction?

The Secretary of the Treasury has adopted the former opinion—

That is that the expenses were to be taken out—

The report of the committee of Ohio adopts the latter—

Which I suppose to be a committee of the Legislature of the State of Ohio—

The report vindicates this latter opinion on the ground that the act of the 3d March, 1803, is a compact between the United States and the State of Ohio; that this compact was founded on the state of things existing at the time; that, according to the state of things existing at that time, the expenses of surveying constituted no charge upon the funds on which the 3 per cent. was to be calculated; that neither of the parties to the compact can change the terms of it without the consent of the other party; that the act of the 26th March, 1804, exempting the purchasers from the payments of the expenses of surveying—

Which they were not exempted from when Ohio came in—

was the act of the United States, one of the parties to the compact only, which can have no effect on the other party; and, consequently, that the State of Ohio has the right to insist that the 3 per cent. shall be calculated now as it was calculated at the date of the compact, to wit, on the amount of sales, without deducting the expenses of surveying.

That the act of the 3d March, 1803, was a compact, or the affirmation of a compact, between the United States and the State of Ohio, seems to be unquestionable; and the argument is conclusive, if the other proposition on which it rests be true—that this compact was founded on the existing state of things, and contemplated that this state of things should remain immutable. But if, on the other hand, it was within the contemplation of the contracting parties at the time, that the power to regulate the terms of sale should remain in Congress, then the parties will be considered as contracting with reference to the exercise of this continuing power, and its exercise can work no breach of the contract.

On the supposition that the existing state of things was to remain immutable, so far as this compact was concerned, then Congress had no power to introduce any change into the existing regulations for the sale of the public lands in Ohio.

If, for example, the organization of the offices engaged in those sales should have been found so wholly insufficient as to put a total stop to those sales, Congress could not introduce another system somewhat more expensive, without a violation of the compact with Ohio.

So, again, at the time of the compact the minimum price of the public lands was \$2 per acre. If it should have been found that the individual owners of land in that State had it in their power to offer terms so much more attractive to purchasers as to put an entire stop to the sale of the public lands, Congress could not reduce the terms without a violation of the compact with Ohio. But this thing has been done, and it is not understood that Ohio has complained.

As of course she did not, although in respect of the very subject of sales alone, saying nothing now about anything else, when Ohio came in the minimum price of the land was \$2 an acre, and Congress within a very few years reduced the minimum price to a dollar and a half, or whatever the first reduction was, and Ohio did not profess, as William Wirt says, to complain of that, although it was within the very letter of the contract; and why? He proceeds to tell you why.

And if Congress had the power to reduce the price, and thus to diminish the proceeds of sales by nearly one-half, I cannot see what reason any other modification for which the public good called should be charged as a breach of the compact and made a ground of complaint.

The great object in view was the sale of the public lands. The interests of the United States and Ohio coincided in the advancement of this object. Ohio was interested not only in the 3 per cent., but in the general fund to be raised by these sales. As a member of the Union, she had a voice in devising the means of pro-

moting the sales. The supposition that the system of land sales which was in force at the time of the compact was to remain inflexible, and to yield to no change in the condition of the country and to no light which future experience might throw upon the subject, does not appear to me to be rational. It would have been at war with the interests of both the parties to the compact, and, therefore, cannot be believed to have been within their contemplation. It seems to me that it must have been expected on both sides that this power of altering the terms of sale should remain in Congress, and that in exercising it they should be governed by the fluctuating circumstances of the country and guided by the lights of experience. On this principle Congress has acted: relieving the purchasers from time to time of previous burdens which might have impeded the sales, altering the terms of payment, and, finally, reducing the *minimum* price from \$2 to \$1.25. And in all these alterations Ohio has had a voice. It was in the course of this process of holding out stronger inducements to purchasers, and thereby accelerating the sales, that the act of 1864 was passed, which relieved the purchasers from the expenses of surveying.

Then he proceeds in the same strain, coming to the conclusion that the suggestion of the committee of the Legislature of the State of Ohio, that because Congress had taken the expense of the survey of the public lands that were bought, off from the purchasers and put it on the fund, there was a breach of the contract, was entirely unfounded. Why? Because he says it must have been in the nature of things the mutual understanding of both sides that the sovereign dominion remained with Congress, of which the State of Ohio formed a part by her representatives in this Chamber and the other, to regulate the disposition even of sales, which were within the very letter as well as spirit of the compact, entirely as the sense of Congress respecting the public good should require; and that having done so, although she reduced the price of the lands after the compact by one-half, although she charged upon the net proceeds expenses that before were charged upon the purchaser, these acts were entirely in accordance with the contract and not a breach of it, because her sovereign dominion over the disposition of these lands by sale was intended by the parties to be left entirely intact.

If that be true as to the right of Congress, these States participating in the government of the country, and for the public good to sell the lands for one-half the price that they bore at the time these respective States were admitted, or to charge them with double the expense they were charged with before; if these acts were no breach of the contract, how can it be a breach of the contract, or a departure from it, either in letter or spirit, for Congress to proceed and continue to do as she was doing at the time the first State came in, to make a separate disposition of part of these lands as a reward for the faithful services of her soldiers? Nobody can answer that in any way but one; no human ingenuity can answer it in any way but one. The State of Ohio for more than fifty years has acquiesced in that construction of the statute as applied to sales and has acquiesced in that construction of the statute as applied to bounty lands, as has every other State in this Union until within a very recent period.

The State of Iowa, feeling that it was a good thing to have every matter determined in the time of it, soon after she came in authorized her governor in 1858 to call the attention of the Government of the United States to this subject of bounty lands and to suggest that the United States ought to pay her 5 per cent. for the use of her schools upon the dollar-and-a-quarter valuation of the lands entered with military bounty land warrants; and accordingly on the 7th of September, 1858, nearly three years before the war began which my friend on my left [Mr. KIRKWOOD] supposed was the reason they did not push it here, the governor of the State addressed this letter to the Secretary of the Interior:

EXECUTIVE CHAMBER, IOWA, September 7, 1858.

Hon. JACOB THOMPSON, Secretary, &c.:

Sir: The last General Assembly of this State instructed me by resolution to institute a suit in the Court of Claims for the recovery or allowance of the 5 per cent. due the State (as it is claimed) on the sale of the public lands by military land warrants, if Congress or your Department still refused to recognize the claim.

Here I will interrupt the reading of the letter to state that the Court of Claims was organized in the year 1855, twenty-five years ago, and that by the law organizing that court every one of these States had and still has a perfect right to sue the United States for the breach of any contract that it contends exists and try its case upon its merits, and that is what the governor of the State of Iowa alludes to in this letter to the Secretary of the Interior:

While at Washington in May last I had the honor of presenting for your consideration, both in person, verbally, and in writing, some of the grounds upon which I then and still think the State is entitled to this fund. In looking over again your very brief reply to my statement I observe that you use the phrase "military bounty land warrants," and that in your opinion the claim of the State is not shown to rest upon any statute of the United States which would authorize your Department to allow the 5 per cent. upon lands located by such warrants. It occurred to me that possibly in the midst of your multifarious duties you may have overlooked the distinction which in my haste I no doubt imperfectly made between the *bounty* land warrants that issued under the act of 1850 to those serving in the Indian wars and the war of 1812, and the military land warrants founded upon the act of Congress approved February 11, 1847, in which one hundred and sixty acres of land were offered in advance as an inducement to enlist in the Mexican war, and afterward these warrants were issued in fulfillment of the contract of enlistment. The former were bounties, the latter based on a consideration, and therefore it follows that lands located with this class of warrants constitutes a sale in law.

That is the argument of the governor. You will observe, Mr. President, and so will the gentlemen who do me the honor to listen to me, that the governor of the State of Iowa after this careful consideration of the subject abandons all claim for any percentage upon military bounty land warrants that he considers to be a bounty; that is to say, any military land warrant that was issued under an act of Congress for the past services of the soldiers, and bases himself upon

the act of February 11, 1847, which provided, as every Senator I suppose knows, certainly the Senator from Iowa does, for raising ten additional regiments, and provided that anybody who enlisted in those regiments and served in the war with Mexico should have one hundred and sixty acres of land. All the "bounty" business is here abandoned.

Mr. THURMAN. Will the Senator allow me one moment?

Mr. EDMUNDS. Certainly, although I did not allow my friend from Indiana. I never can resist Ohio. I give it up.

Mr. THURMAN. I only want to say that the governor of Iowa lost nothing by that, for there were no revolutionary bounty land warrants and no warrants of the war of 1812 ever located in Iowa.

Mr. EDMUNDS. I do not know whether that is true or not.

Mr. THURMAN. That distinction which he made did not affect Iowa; she did not lose by it.

Mr. EDMUNDS. Very likely; but I am sure I would not impute it to the governor of Iowa that he put in a distinction because he did not lose a dollar by it, because we all know that the greatest pride and glory of the State of Iowa always is to pay into the Treasury and not to take out of it. So then I think it is rather hard on Iowa to get the governor of Iowa out on the ground that he was waiving that ground, because he would not lose anything by doing so.

Mr. ALLISON. My friend will allow me to make a suggestion. If he will read a few sentences further he will discover that the governor of Iowa did not abandon the claim.

Mr. EDMUNDS. I am going to read a few sentences further; I have a good deal to read yet.

Mr. ALLISON. I mean of that particular letter.

Mr. EDMUNDS. I believe I have read correctly as far as I have gone, and I suppose I am entitled to make my comments. If not the Senator from Iowa can call me to order.

Mr. ALLISON. I beg pardon of the Senator. I understood him to say that the governor of Iowa here abandoned the claim.

Mr. EDMUNDS. The Senator understood me to say exactly what I have read, that he says "In looking over again your very brief reply to my statement I observe that you use the phrase, military bounty land warrants;" and I say "bounty" with an emphasis because the governor of Iowa does; and I should be very sorry to do anything that the governor of Iowa never did.

And that in your opinion the claim of the State is not shown to rest upon any statute of the United States which would authorize your Department to allow the 5 per cent. upon lands located by such warrants. It occurred to me that possibly in the midst of your multifarious duties—

That is a very handsome phrase!—

you may have overlooked the distinction—

Is there anybody in Iowa but the governor who understands the distinction? And is he to be taken and held up to public scorn here because he says there is a distinction? I hope not—

You may have overlooked the distinction which in my haste I no doubt imperfectly made between the *bounty* land warrants that issued under the act of 1850 to those serving in the Indian wars and the war of 1812, and the military land warrants founded upon the act of Congress approved February 11, 1847, in which one hundred and sixty acres of land were offered in advance as an inducement to enlist in the Mexican war.

I hope I have not misrepresented the governor of Iowa so far. It may be that in the codicil to his will he takes this all back, but there is no mistaking what he means so far. Whether or not the fact is as the Senator from Ohio suggests, that does not interfere with the argument of the governor of Iowa; it only puts it upon the narrow and I hope untenable ground that the governor of Iowa gave up apparently that view for the simple reason that there was not anything to be made out of it in point of cash. I trust he gave it up on great solid reasons. Now, then:

This distinction, to my mind, was so clear that I confess I submitted the matter to your decision, with a confident expectation that you would recognize the claim, and I hope you will pardon me for inquiring whether in disallowing the claim you regarded these two classes of land warrants in the same light, both as being *bounty* land warrants. I would be gratified to have your views somewhat at length upon this subject, for I may have some misconception of this matter, and the grounds of your opinion might determine me—

Mark—

might determine me not to pursue the claim any further. I need not say that I have confidence both in your judgment and in your impartiality, for you have the reputation of being a sound lawyer, and I know your own State is interested in the same question.

That he says is a strong ground for supposing the Secretary is perfectly impartial, as I know my friend from Iowa is, whose State is only going to get a million or so out of this particular pot—

I know your own State is interested in the same question. You will perceive that it is a question of great importance to this State, and therefore there is some apology for pressing a careful consideration of the same, and the act of the 11th February, 1847, providing for the enlistment of volunteers in the Mexican war, and the argument I had the honor of submitting to you in the month of May last.

Very respectfully, your obedient servant,

RALPH P. LOWE.

I fail to see where the qualification comes in that my eager friend spoke about of his taking back anything on the distinction. I will hand the letter over to him and let him point it out.

Mr. ALLISON. I am much obliged to my friend, but I only wanted to call his attention to the fact that the governor of Iowa, a little further on in this letter, said that he thought the claim was so clear with reference to bounties issued under the act of 1847 that there

could be no doubt about it. Of course there was doubt about the warrants issued under the act of 1850, which was all he said.

Mr. EDMUNDS. The governor of Iowa does not say there was a reasonable doubt about the warrants issued under the act of 1850. He says there is a clear distinction between them.

Mr. ALLISON. Undoubtedly; and the first are so clear that there ought to be no objection to them.

Mr. EDMUNDS. And that the second is so clear that he does not make any claim; but he does not say that the first act, the act of 1847 is so clear that there ought not to be any doubt about it. He says it is so clear that he asks the Secretary again to consider it and not to forget that his own State, Mr. Thompson's State, has an interest in the pool. Well, Mr. Thompson, whatever faults he had afterward, did not forget I presume that his own State had an interest in it.

Mr. KIRKWOOD. Does the Senator—

Mr. EDMUNDS. The Senator will pardon me a moment. I am going on at a great disadvantage. Will he be kind enough to wait until I finish on this point, because I declined to yield to my friend from Indiana, and it would not be quite fair to yield to anybody else. The Secretary of the Interior did reconsider the subject and being as the governor of Iowa said from a State that had an interest in the question, and being therefore perfectly impartial he proceeds to reply on the 20th of September, 1858, to the governor of Iowa in which he says that he has received this letter of the 7th and having now read the law, &c., he proceeds:

I have the honor to state that, in my opinion, the act of 1847 to which you refer is a bounty land act, and that no distinction can properly be made between locations made under it and those made under other bounty land laws. The location of warrants issued under the act of 1847 is not considered as constituting a sale of the public lands as contemplated by the act admitting Iowa into the Union. That act appropriates 5 per cent. of the net proceeds of sales of all public lands for making public roads and canals within the State. There being no net proceeds accruing from locations by military land warrants, the allowance of 5 per cent on such locations cannot be regarded as having been appropriated or provided for by law.

J. THOMPSON,
Secretary.

Governor R. P. LOWE, Iowa.

The State of Iowa, then, in the year 1858 authorized its governor, instructed him, as the governor says, to bring a suit in the Court of Claims against the United States to recover this money, a suit that the State of Iowa had a perfect right to bring and has at this moment. The only reason why she would fail, if she failed at all, would be the fact that the law was not on her side. The governor of the State of Iowa says, "Now, before I take any step I would like to have you look it over again. I know that you are a great lawyer; I know that you are regarded by everybody as an upright and impartial man; I know that you have no bias against this claim because your own State if I am right has a similar one. Now look at it again, because if you will," says the governor of Iowa, "I may be controlled in the step that I shall take next." What is that? Whether to follow the authority of the State to bring suit in the Court of Claims or to abandon it. He got his reply from the Secretary of the Interior, and what did the governor of Iowa do next? Did he bring any suit in the Court of Claims? Not much. I have had the records of the Court of Claims searched to find any trace of a suit instituted by or on behalf of the State of Iowa by its governor or anybody else, for this demand, but there is no such case there. There has been a period, to be sure, of only twenty-two years in which to do it, and perhaps they have not employed counsel enough to get the papers ready. No, Mr. President, to leave off badinage, the governor of Iowa himself, I have no doubt an impartial and upright man, biased of course in favor of his own State, its agent in bringing this matter to the consideration of a perfectly impartial tribunal, not another party, as it is between man and man, but just as this matter is now brought before us Senators as a high tribunal of the Government standing impartially between these States and all the others and all the people, induced the Secretary of the Interior to again consider and decide it, and the governor of the State of Iowa and the State of Iowa acquiesced in that decision as sound and took no step to enforce the alleged claim.

I know my honorable friend [Mr. KIRKWOOD] himself one of the most capable and honorable and efficient governors of that State, in a time of great peril and distress too, says that an excuse for that, a rebuttal of the presumption of acquiescence, is to be found in the fact that the rebellion came on, and that the State of Iowa, as he so eloquently and elegantly put it, was engaged in raising troops and forwarding them to the front, and she could not stop to make any little demand on the Government of the United States for the adjustment of questions of this kind—a most beautiful sentiment, Mr. President. But on looking into the resolutions of the State of Iowa running through the years of the war, and on looking at the acts of Congress for the benefit of—no, I will not say benefit, I will say for operations in the State of Iowa, the land grants, and so forth—I find that the State of Iowa, while she was foremost in the battle, was also not behind in urging her interests before Congress, and that whenever she thought she wanted or could get extensions of land grants, new grants, giving up the Des Moines lands above the Raccoon Forks, and ever so many things that I will not waste time in talking about, because correctly they have nothing to do with this subject—I only refer to them because my honorable friend made a point about them—Iowa, brilliant and ready and zealous as she was in battle, was not sleepy

in the halls of Congress in taking care of all her business interests. That the record will bear out.

Mr. KIRKWOOD. Doubtless. I should like to say a word in regard to that—

Mr. EDMUNDS. I hope the Senator will be kind enough to wait until I am through. I am not feeling well and the Senate has obliged me to go on. We have plenty of time between now and ten o'clock. There is not the slightest hurry.

Mr. KIRKWOOD. I supposed the understanding was that the Senator was to close the debate on this matter.

Mr. EDMUNDS. I have no such understanding. The Senator from Iowa has the full right to speak as long as he likes after I am through. My only reason for declining to yield to my friend from Indiana [Mr. McDONALD] was not, as he knows, out of any sort of resentment or any other improper feeling, but from the fact that the Senate thought we ought to go on and finish this business, and I wanted to condense what I had to say into the smallest possible limit, not feeling very well myself, and that is the reason I must ask my friend from Iowa [Mr. KIRKWOOD] to excuse me for not permitting him to interrupt the little else I have to say.

Now let us look a little further about this business. I have endeavored to show you (and I think I have beyond the possibility of a cavil) that at the time when the State of Ohio came into this Union,—the first one to make these compacts, which, in respect of the 5 per cent. of net proceeds, are exactly alike with every State; not as to what is to become of it, but in respect to 5 per cent. being reserved out of sales of the public lands, it is the same in every one of the acts,—there then existed not only sales of public lands where it was agreed 5 per cent. should be taken out, but provisions for disposing of public lands by bounties that were not put into the compact act at all, that stood at that time upon an entirely different footing. And the State of Ohio, while she was looking sharply to her interests under the sales and promptly calling the attention of the Government to a change in the charges on the fund arising from the sales, never thought of saying there was any ground of complaint about the bounty lands, although the system then existed and it has only been enlarged since, and at the time when the attention of the Government was called to the subject by the State of Ohio, the law officer of the Government informed the State of Ohio that this whole compact stood upon this broad principle, that the primary disposition of these lands was left just where it was in the first place, within the sovereign discretion of the Congress of the United States, of whom the State of Ohio with all the other States formed a component and inseparable part, and that it was no part of the intention of the contracting parties that the power of Congress to dispose of these lands in any way, according to its discretion, should be in the least degree affected by this compact about the 5 per cent., but only that whatever sum of money did arise from the sales of these lands and came into the Treasury should, after paying all the necessary expenses out of it, be devoted to certain public objects. That was all.

If that be true, as it is true upon the history and the record before us, what becomes of this claim as a mere point of law, that you are to construe the words "net proceeds of the sales of the public lands" as covering the disposition by Congress of other lands, as bounties to soldiers, whether they are bounties of gratitude, or whether they are bounties of consideration, because, as it has been argued by both Senators from Florida and by the Senator from Kansas, the principle upon which you would extend this grant covers the homesteads, it covers the agricultural college lands, it covers the railroad grants, it covers the swamp lands, it covers the canal grants, it covers every single grant that has been made by Congress, except possibly the New Madrid certificates that were given for relocation where an earthquake destroyed the land of some settlers in the valley of the Mississippi, and Congress as an act of generosity and charity gave these people, whose lands had been swallowed up by an earthquake, a chance to locate somewhere else? Possibly that might come out, but that is all.

Is it really possible that the Senators from these States which are, as Governor Lowe says, interested in this thing, can persuade themselves, (because I know they are just as honest as I am, I beg them not to suppose that I am criticising their good faith,) that, in point of legal construction, they are entitled to this money upon bounty lands?

That is not all, but of course that would be a matter of detail, but it illustrates the looseness of this bill. Every one of the acts admitting these States provides in explicit terms that the net proceeds of the sales that the State is to have any benefit from, either greater or less, are to be the proceeds of sales after a certain date, excepting, I believe, Nebraska, which says, "past and future sales;" but we leave Nebraska out for the time being. What does this bill provide? It provides that you are to count in the bounty lands and the military scrip as well, (which has not been much adverted to,) for all past time, without any reference to the date of the contract or the limitation provided in the act of admission. What does that mean? Of course, nobody would contend, I suppose, that that is right, except somebody whose mind has got into such a state of extraordinary delusion as to the meaning of the law as to the rest, that he thinks it is not worth while to mince matters, and if the compact with the State of Iowa is only for the net proceeds of the sales of public lands after the 1st of January, 1847, therefore, she is to have the net proceeds of the sales of public lands before the 1st of January, 1847.

The logic, to be sure, would not be very different, although the application of it would be somewhat serious to the people of the United States.

Then, Mr. President, when we go along, we find these acts of admission as it respects taxation presently dropped entirely the restriction as to the taxation of lands sold, but continued for some years to still say that military bounty lands should not be taxed. How can you construe that in any sort of harmony with the provision of this bill? If military bounty lands are a part of the lands sold, then they would have always fallen within the five years' limitation; there would have been no necessity for speaking of them as a separate and different thing to which a different rule was to be applied. The men who made the law saw that they stood upon an entirely different ground, not merely by description, but upon a different policy; that this 5 per cent. was to stand in lieu of the money that would be paid by the tax-payer to build the roads and to keep up the schools, and therefore the man who came in and settled with a military warrant ought to bear the same burden that his neighbor who had paid for his lands in cash had already borne, and therefore he should not be exempted so long as the other man. As I said before, it was not a discrimination made against the soldier, but it was a discrimination made in point of common sense in respect of raising money to carry on the operations of these young communities where some money must be raised in some way. Those who had paid the full price of their lands in cash were free for five years, because the 5 per cent. was then taking the place of their taxes. Those who had not been free for a less time, giving them an opportunity to build up.

Some of the gentlemen have said that these various States have received no corresponding benefits, that there is a real equity in this claim as well as some color of foundation in point of law. Let us see where the equity is. If a Senator or anybody else is indebted to another Senator or anybody else and is about to die and makes his will and gives to his creditor a certain sum of money or other valuable thing, the law says (not because it is technical, but because it is just and proceeds upon the principles of common sense) that by that process of giving the debt is satisfied; it is redeemed, as one phrase is. Why? Because the giving party is expected to have taken into consideration, when he is making this bounty to his legatee, the state of their business relations before. As I say, it is not a technical construction; it is put upon broad principles of common sense,—the supposed intention of the testator.

Now, here was this slumbering claim, if it may be called a claim at all, beginning with the State of Ohio more than seventy-five years ago, and coming down one by one through these States. During all this time, down to the year 1858, when Iowa brought this claim, so far as she was concerned, under the act of 1847, to the attention of the Government of the United States, nobody had ever suspected that such a claim existed. Ohio had presented her suggestions about charges upon this fund; she had had them answered adversely to her and she had acquiesced. During all this time of the sleeping of these claims, these various States, one by one, in greater or less degree, had been appealing to Congress, (and I use the word "appealing" in its fullest sense,) through their Senators and Representatives for grants of lands which they thought, rightly or wrongly, would be a benefit to their States, and Congress granted them, granted them in immense quantities. I am not complaining of it; I do not know but that I should have voted for every one.

Mr. BURNSIDE, (at five o'clock and ten minutes p. m.) Will the Senator from Vermont give way for a motion to adjourn?

Mr. EDMUNDS. No, sir, I think not. The Senate has refused to adjourn. I am sorry to stand in the way of the will of the Senator; I am sorry to disoblige anybody; but the Senate thought that it ought to go on.

Mr. BURNSIDE. I think the Senate has changed its mind.

Mr. EDMUNDS. No, the Senate never changes its mind!

Mr. BURNSIDE. I have known it to do so.

Mr. EDMUNDS. Congress has granted lands in some of the cases on the special application of the State of Iowa, for instance, whose resolutions I hold in my hand, stating not merely that the general benefit of the people of the United States would be advanced by giving her further grants of land, but that the people of particular sections of her own State had not got as much benefit out of the previous grants as they ought to have gotten, and therefore instructing her Senators and Representatives to go for more. There is the book. [Exhibiting.] The United States, not thinking of what was likely to happen in this year of our Lord, proceeded to respond in a cheerful spirit, and here I have a small colored map, an official one, [exhibiting,] which represents the proportion of the area of the States of Iowa and of Minnesota—they lie both together there—that is covered by land grants to those States and to corporations of them. The white part here [indicating] is lands that have not been granted by the United States, and these colored parts [indicating] cover the area that has been granted. It would take a microscope to find any spot on this map in the State of Iowa that is not covered by a land grant of Congress to that State or to a corporation in it. If the theory of this bill is true, every inch, roundly speaking, of land in that State according to this map, is to be computed at a dollar and a quarter an acre, and we are to pay 5 per cent. on that. I ought not to say "we." It is not a personal matter with me. The people of Vermont are poor and frugal and their share of the taxes is very small. I am almost as

impartial about this as the Senator from Illinois [Mr. DAVIS] was about another question the other day.

We are to turn around, therefore, just as the Senator from Kansas argues (and his argument is logically correct) and as the printed report here states and say that the principle on which you are to compute bounty lands applies to all grants, and it applies in a very strong way too to all the railroad grants, because in almost every one of them there is a consideration that the mails of the United States are to be carried for a fixed price and that public munitions of war are to be carried free—a valuable money consideration. When Iowa was appealing for this to Congress for the benefit of her citizens, as the resolutions of her Legislature stated, she did not remember to tell us that she had a claim laying back that would call upon us to pay upon all the lands we had given to her in that way 5 per cent. into her treasury by and by; and I do not think it fair, putting it on the ground of generosity, on the ground of fair dealing. I think between man and man, if it had occurred between my honorable friend, the ex-governor, and myself, and I had been the proprietor of all these lands, as the people of the United States were, and he had come to me and said, "I want some grants for railroads in my State; the people in a particular corner have not got the benefit that the other fellows have by building these roads; I want you to give me more"—I think he would have told me then and there, "But you must bear in mind, my friend, that after you have given me these lands, I still have a claim upon you for 5 per cent. of their value at a dollar and a quarter an acre, because they are in legal effect sold under the original compact of admission; you have parted with them for a consideration, because I engage when I take them that I will carry the mails at a fixed price, and that I will carry the munitions of war and the troops for nothing at all."

Mr. President, it appears to me this does not appeal to anybody's sense of generosity. If it stands upon the law, then the State of Iowa is entitled to the benefit of the law unquestionably, although it would have been rather more frank in her representatives when they were getting these grants to have stated publicly, so that everybody would have understood it, "We take these grants, but you must not forget that under the original compact of admission we are to still have 5 per cent. out of the Treasury upon them just the same as if they had been sold for cash."

I beg my friend from Iowa to believe that I am not speaking of Iowa in any personal sense. I am only speaking of it to illustrate the theory that applies to all these States. I am not complaining of the conduct of her representatives in urging this matter upon our consideration now; it is perhaps their duty. I am appealing to their judgment when all sides of the question are presented, whether as the representatives of the whole people, as they are under the Constitution, and not of Iowa alone, they can say that the law warrants this, or that any principle of justice requires us to do it.

The Senator from Indiana stated the other day that it was true Indiana had got sundry benefits of canal grants, &c., during this time, as she had, but that she had spent a great deal more on these public objects than she had ever got. What if she had? Let us see how that was. The State of Indiana I believe had a grant of four or five million acres for the Wabash and Erie Canal.

Mr. McDONALD. No, sir; the entire grant to the State of Indiana was a little over two million acres altogether.

Mr. EDMUNDS. We will call it two million acres then. I am getting such a western way of speaking that I am rather exuberant in my statement possibly. It was a little over two million acres of public land, then, in the garden of the West. I suppose there is no State like the State of Indiana for the beauty and the fertility of its soil, and, I will add, for the absence of swamps, because I see that only a million or two more of acres have been given to her as swamp lands, and therefore I conclude that it is a very salubrious and not a swampy district, while in Iowa, which is the swampiest country in the world ever heard of, there are only a million and a half acres, I think, of swamp lands, though I think I heard somebody say the other day that there was not a tract of a hundred acres of Iowa in any one place not amenable to the plow to-day; but that is neither here nor there except as it comes to the question of 5 per cent. on the swamp lands, which we shall consider by and by.

The State of Indiana took these two million acres or over, which is a very convenient way of putting it, of public lands that was to build the Wabash and Erie Canal. The United States gave it for the special purpose, and with a provision, if I am not mistaken, which made that canal a public free highway for the benefit of all the people of the United States. What did the State of Indiana do? I am told, and that is the way her laws read, for I have looked at them, that the State of Indiana proceeded to issue bonds to build that canal, and when the bonds became due, not feeling it altogether convenient to pay them, she issued a new bond for half, (I believe it was scaled down one-half) and turned over the canal to pay the new bond. Was not that about the short of it?

Mr. McDONALD. Yes, sir.

Mr. EDMUNDS. That was about the short of it. The consequence has been that the canal has been built, which is not a free canal to all the citizens of the United States just now—

Mr. THURMAN. There is no canal at all.

Mr. EDMUNDS. Which is just the same, as the children say, as no canal at all.

Mr. THURMAN. I mean the Indiana part of it. We still keep it up in Ohio.

Mr. EDMUNDS. Oh, yes, there would not be any means for office-holders to come to Washington if you did not. [Laughter.] That is the great grief that the State of Indiana has suffered from, this public generosity, which my honorable friend from Indiana was so happy about the other day. I do not speak of this as complaining of the State of Indiana; I only speak of it as the story went, I believe in Jerusalem Delivered (if I am wrong my friend from Ohio will correct me,) when the bold Rinaldo got lost one day in the woods, as they say out West, and his friends to get him back went and held up to him a mirror simply, and said nothing, so that he could see himself as others saw him, and that led him to go back and join the army that he had abandoned before. Now I am only trying to hold up to the eyes of my friend from Indiana a mirror so that he can see exactly the attitude that his State stands in about this business, and about what sort of a ground it is upon which she claims that there is anything due from the United States in respect of making her even or anybody else in this country in regard to these lands.

If we come to the State of Illinois, that is so well represented on this floor, I notice that there have been land grants to that State.

Mr. DAVIS, of Illinois. Never but one.

Mr. EDMUNDS. Never but one, and for the good reason, as they say in the West, that that scooped the board. I suppose that phrase is familiar to my honorable friend. The Illinois Central Railroad took what land there was in the State of Illinois that had not already been located by private purchasers; and I am told (undoubtedly the Senator from Illinois can state how it is) that a very handsome part of the revenues of that State, that are relieving its people from the taxation that the rest of the States have to bear to carry on their governments, is derived from the profits of the sales of the lands of the United States that were devoted to that enterprise.

Mr. DAVIS, of Illinois. The State was wise enough for that.

Mr. EDMUNDS. Yes, the State was wise enough to provide for carrying on a large part of its operations in perpetuity out of the lands that the State of Virginia gave to the United States for the common benefit of all its people, and for no other purpose whatever.

Mr. DAVIS, of Illinois. The franchise was worth something.

Mr. EDMUNDS. Yes the franchise to have public lands is worth a good deal. That accounts for this bill.

Mr. DAVIS, of Illinois. The franchise to build the road.

Mr. EDMUNDS. Oh, yes; franchises are valuable things. Next to privileges they are the most valuable thing in the world.

That, Mr. President, and I might go over the whole of it State by State, is the way this thing stands. It stands just here; and I do not want to weary the Senate now; day after to-morrow I may think of something else to say. When this thing began, I repeat, because gentlemen now say they stand upon the law, there was to the knowledge of the State of Ohio, the first of these States, a distinct system of bounty lands separate from the system of the sales of lands; and they made the contract, by which they confined themselves to the net proceeds of the sales, knowing at that time that the lands were being disposed of in another way and for other objects that did not produce net proceeds; and knowing that the sovereign dominion of the United States over all the lands, as William Wirt stated when the question was raised a few years afterward, was never intended to be given up in any sense or for any purpose, and that it was within the lawful competence of the United States never to sell another acre; the State would have no right to complain, because all the States were the trustees of these lands for all the people, and their disposition of them for the common good so long as they did not bring money into the Treasury to be spent for these public purposes was a lawful and just disposition within their competency. But now in view of other great wars, with great generosity, the United States has extended the system of bounty to its soldiers and has extended its grants of homesteads, and swamp lands and railway grants for all these purposes, the temptation is so great that it would be very convenient to these States to relieve their people from taxation for ten years to come by taxing all the people of the United States to raise money by bonds or otherwise to put into their treasuries. I am not for it.

Mr. KIRKWOOD. Mr. President, I had not proposed to take any further part in this discussion, and I am very much disposed now to apologize to the Senate for doing so; but some things have escaped from the Senator from Vermont that I cannot feel justified in allowing to pass unnoticed. He has alluded to this bill and the action of the Senators from the States named in the bill, in two lights.

First, in his opening remarks the Senator spoke of the application now made as being in the nature of asking an alms, a gratuity. I do not give his words but his idea. I replied to that some days ago. We ask no alms of Vermont or any other State. We ask no gratuity. We ask what we believe to be justice and law; not that justice or law that sticks in the bark, but that broad justice which operates between one square man and another square man.

The Senator has also spoken of this in another light, as a kind of grab, and he spoke of the States that had shares in the pool. Does he wish to be understood that his opposition to this bill is because Vermont has no share in the grant, no part in the pool? If he does not mean that, what does he mean, I should be glad to know, by speaking in the way he has done in regard to this matter?

I have no reply to make to that statement other than this: if the

votes of the Senator from Vermont are controlled solely by the question whether or not his State has a share in any money to be appropriated by Congress, and he will vote against a measure if she has not, I have formed a very mistaken judgment heretofore of the Senator from Vermont. I hope Senators of the United States are governed by higher considerations than those in their action here, and I shall continue to hope so, and shall look upon these offensive allusions by that Senator as something that occurred in the heat of debate, that were thrown in perhaps as a kind of make-weight to defeat a measure that he thinks ought to be defeated.

I will now submit a few brief remarks upon the merits of the bill. The Senator has again dwelt upon the lapse of time. He has said that Iowa has been derelict; that forty years perhaps have elapsed since some of the States should have made their claim. It struck me when the Senator was arguing that way that he might be putting in a caveat against a possible contingency in the future in regard to some of the older States. How long ago was it that some thirty-eight or forty millions of dollars of surplus revenue were distributed among the older States? It was about 1838, was it not?

Mr. CAMERON, of Wisconsin. In 1836.

Mr. KIRKWOOD. It struck me that possibly the Senator from Vermont was fearing that there might be a movement made here to recall that money. It is to be paid back when called for by the General Government. Perhaps he was placing himself upon ground where he could say that by a failure within a reasonable time on the part of the General Government to make the call the Government lost the right to have the money returned. I do not know whether that is what the Senator meant or not; but if the State of Iowa, having laid by for two years before the war, and then during the war, has lost her right to make this claim, if she has a good one, it strikes me that possibly the Government of the United States may be in danger of having the statute of limitations by reason of lapse of time pleaded against her if now she should seek to reclaim the thirty-eight or forty million dollars distributed among the older States, and to which the Senator from Vermont has not once alluded during this entire discussion.

The Senator insists upon it as a naked legal proposition that the case of none of these States has any leg to stand upon. He says that before the time when Iowa was admitted into the Union, for instance, the Government had issued bounty land warrants and had sold her lands for money, and that because she had sold her lands for money and had also issued bounty land warrants, therefore Iowa ought to have known that the Government intended in the future to dispose of her lands in the same way, and if the Government did so dispose of them in the same way we should have no claim upon the sections she disposed of for bounty land warrants. Let me suppose a case. I will suppose, for the sake of the argument, that I have ten thousand acres of unsold land; I wish I had. I will suppose that I have had much more than that, part of which I have sold and part of which I have given away, but I have ten thousand acres remaining. By an agreement with the Senator from Vermont I make a compact with him (Attorney-General Wirt called this a compact, I believe) that I will pay him a certain percentage upon the proceeds of the sale of the ten thousand acres that I have left. The Senator's argument is that because before I made that bargain with him I had been giving away land, I can continue to do so, although I have made a bargain with him that for what I sell of that land I will pay him a certain percentage upon the sale. It seems to me the Senator would complain of that. It seems to me that he would say to me, "You have a perfect right to sell that land, you have a right to fix the price of it, and you have the right to give it away if you please; yet you have given me an interest in that land by the agreement you have made with me, and whether you sell it for money at one price or another price, or whether you give it away to serve your own purposes in another way, my interest in it cannot be defeated without my consent."

Mr. HOAR. Will the Senator from Iowa allow me to ask him a question?

Mr. KIRKWOOD. Certainly.

Mr. HOAR. Suppose a farmer had made a compact with a child in regard to the sale of the vegetables on the farm to give him a certain share of the vegetables sold from the farm, and the farmer would claim that all the vegetables had been sold to support the family, would he be obliged to give his son a share of the proceeds?

Mr. KIRKWOOD. No; but if the farmer, after providing for his family and selling a portion of the vegetables, should give away, to suit his own purposes, another portion which was neither used in the family nor sold, I think the son would have a right to ask compensation.

Mr. HOAR. Although he gave it to that very son?

Mr. KIRKWOOD. I am not arguing that part of the question now; I will come to it. That brings me directly to a matter that has made a figure in this discussion—the subject of equality—although the Senator from Vermont himself expressly said it had nothing to do with it whatever.

Mr. EDMUNDS. I said it had not anything to do with the construction of the statute.

Mr. KIRKWOOD. Exactly so.

Mr. EDMUNDS. But the subject of equality had been pressed in debate by the Senator from Indiana who said it was not a fair thing

that these States had been deprived of the whole of the benefits that they expected to receive. The answer was, "You have received a thousand times the benefit that you expected to get, even if we take your construction of the law, if we had kept these lands."

Mr. KIRKWOOD. The Senator from Vermont dealt with me a little curtly while he was speaking. I do not propose to deal so with him, although his mode of dealing with me would perhaps lead me to do so.

Mr. EDMUNDS. I beg my friend's pardon for interrupting him; I will take my turn afterward.

Mr. KIRKWOOD. Let us look at that point. The Senator says that Iowa, for instance, received lands for various purposes, for railroad purposes. She did. I said the other day that we had no claim to that money? Why? Because the remainder of the lands not granted had been sold for the full price that all the lands would have brought if the grant had not been made. The reserved lands were doubled in price immediately upon the grant being made, and on the proceeds of the sales of the reserved lands we received the 5 per cent. to which we were entitled. Again, when grants were made to us for particular purposes, for educational and other purpose, Iowa received the 5 per cent. We never had any interest in these lands beyond the one-twentieth of them, 5 per cent., and when the Government gave to us the whole twenty-twentieths, it seemed to me we had received all we were entitled to, and therefore we are not fairly entitled to it again.

Mr. LOGAN. Will the Senator from Iowa allow me to make a suggestion right there in reference to the illustration made by the Senator from Massachusetts, [Mr. HOAR?] I ask whether the Government of the United States can require the States to comply with their agreement under the contract or law authorizing them to come into the Union and at the same time decline to carry out its contract with reference to these lands?

Mr. KIRKWOOD. It is always one of the attributes of sovereignty that it can decline to do what it ought to do, and there is no way of compelling it to do other than by appealing to its sense of justice or to its sense of fear. We do not propose to appeal to its sense of fear, but we do propose to appeal to its sense of justice.

Now, let us go back a little while to the railroad grants. The Senator from Vermont has said a good deal about the generosity of the General Government to the State of Iowa, for instance in making the railroad land grants. Let me illustrate my idea about those grants. In an early day in Iowa, not very long ago—twenty or twenty-five years ago—we had what we have not now, not, at least, to the extent we had then, persons engaged in speculating in lands. One mode of speculation was for a person to buy up a section of land near what he hoped would be the place where the county seat of a county would be located. He would get a beautiful little map made of it, and upon that map he would lay out a handsome square in the center of the proposed town for a court-house if the county seat should be located there, or for a park, and he would lay off in different parts of the town two, three, four, six, or eight lots for school-house lots. Then he would mark off upon the plat a lot for each Christian denomination excepting Ingersoll's, I believe; and he would also grant a lot for a jail, perhaps one for a blacksmith's shop, and one for a shoemaker's shop, to be given away. What was his purpose? His purpose was to bring settlers first and then purchasers for his lots; and successful experiments of that kind have been made and towns have been built up in that way, and the man who entered into the speculation made a successful investment. If the Senator from Vermont were here, as he is not, I would ask him when he heard a man who had made an enterprise of this kind boasting afterward of how successful it had been, whether or not he would agree with the man that he had made a successful enterprise. He would say doubtless that he had and would commend his judgment and sound sense in being liberal, as he was, in laying off these lots in the town for public purposes. If, after commending him for his enterprise, the man should come to him and claim a great deal of credit for his generosity, "See how public spirited I was in donating a lot here for a park or a court-house; see how public spirited I was in donating a lot for a school-house in each corner of the town, in donating a lot for each church, and in donating a lot for a jail, for a blacksmith's shop and for a shoemaker's shop," I do not think the Senator from Vermont would agree that the man had been very generous. He was consulting his own interest in doing what he did and nothing else than that, and he served his own interests precisely in doing it.

So in the case of the relations of these lands to the State of Iowa—I speak of that State only—the Government has not lost a cent by it. She got for the lands she reserved dollar for dollar, every dollar she would have had if she had not offered any of them as donations for railroads, and she got the proceeds into her Treasury much sooner than she would have done if she had not given land in that way. By giving it States have been built up that we all have reason to be proud of. Now, when dollar for dollar of the money was gotten into the Treasury for the land, when it was got there sooner than it would have been if the grant had not been made, when the enterprise has turned out entirely successful in this case as in the other in the building up of that which is to a large extent the strength and wealth of this nation, it seems to me rather ill grace to talk about a matter of generosity. Nominally the State of Iowa got these lands. She did not get an acre of them until a corporation had been made all ready

to receive the lands when granted. If I am not sadly mistaken it was not through the solicitation of the State of Iowa, but through the operations of the men composing these corporations that the grants were made to the State, and they passed through the hands of the State into the hands of the corporation, and the corporators do not live in Iowa. The people of the State of Iowa have given of their money over \$10,000,000 as a gift. I do not say that it was not done through the application of Iowa; Iowa sought to have it done; but the moving power that had it done did not come from Iowa, or else I am sadly mistaken.

Mr. LOGAN. From Vermont?

Mr. KIRKWOOD. I do not know where it came from, nor do I care. The lands passed through the State of Iowa to this corporation, and with them passed millions of our moneys donated by ourselves to support the corporation. The ordinary mode of building a railroad in Iowa when I went there was to require the localities through which it went to grade, bridge, and to tie the road. That was the rule. Either in bonds, or in subscriptions of stock, or by taxation, we had to raise enough money to grade and bridge and tie the road; and when that had been done the franchise, the grading, bridging, tying, railroad lands and all were mortgaged to somebody who furnished the money to put the rails and the rolling stock on; and after that came the freezing out process by which everything but the lien vanished. Therefore I do not deem that in making these railroad grants to the Northwestern States the United States was merely generous to them; it was engaged in what I believe to be the best-paying enterprise this Government has entered upon. It has paid this nation better than any other land enterprise at least that it has undertaken since we have had a government. Will the Senator from Vermont be kind enough to pass me that map?

Mr. EDMUNDS. With pleasure. [The map was handed.]

Mr. KIRKWOOD. I should be glad to know—I cannot know, I only guess—as to the impression left in the minds of Senators by the remark of the Senator from Vermont with reference to the amount of lands covered by the land grants to the State of Iowa. He exhibited a map here, from which I understood him to say that the State of Iowa, except a very narrow margin upon its southern border and a very narrow margin upon its northern border, amounting perhaps to one-twentieth of the whole, was covered by land grants. That would convey to the mind of a person not familiar with the facts the idea that lands all over the State of Iowa within those limits went for these purposes. What was the fact about it? The land warrants that were used so extensively in Iowa to locate lands were authorized in 1847 and issued immediately afterward. The land grant was made in 1856. The warrants had been in circulation from 1847 down to 1856. I remember perfectly well in 1853, when I first went to the State of Iowa, there was a land office in the town where I lived, and cues, I believe they called them—such as are formed about the ballot-box, or where the 4 per cent. certificates were sold last year—were formed. Men stood all night on the stairs leading to the land office, to be there first in the morning, their pockets crowded with these warrants, and when daylight came those who had not pluck enough to stand there during the night in order to get in first, formed a line one after another, as is sometimes done at the post-office at Leadville and other places out there, in strings of fifteen, twenty, forty, or fifty men, each taking his turn to get into the land office and get his piece of land. That was the case at Iowa City, at Des Moines, at Council Bluffs, at Fairfield, at Osage, at Fort Dodge, at Sioux City, and perhaps elsewhere in our State for years. For years the lands were entered up by means of these warrants, until, at the time when the railroad grants were made, although they extended upon paper from the Mississippi River to the Missouri River, they extended over a great deal of country in which there was no land to be had to give, because it all belonged to private individuals.

Mr. EDMUNDS. Then you got the indemnity land.

Mr. KIRKWOOD. Of course we have got the indemnity for that, and we do not ask it over again; but I was endeavoring to show to the Senate how wrongly a right-minded man, like the Senator from Vermont is, can impress upon the Senate for the fact that which is not the fact when he does not understand the matter which he is talking about. I think in 1857 the land office in Iowa City went out of existence because there were no more lands to enter there, either east or west or north or south of it. In the western part of the State of Iowa these land grants did cover a considerable quantity of land, but in the eastern portion very little, and in the central portion of it but a small proportion of the lands. As the Senator from Vermont said, this has nothing to do with the question before the Senate; it is only dragged in here as a make-weight; it is brought in to prejudice the case and not to elucidate it.

I do not know, Mr. President, that I care to say anything more on this subject. I should not have said a word to-day, had it not been that I thought the Senator from Vermont in speaking of this matter had spoken in terms that required something to be said, and for that reason only I have said what I have said.

Mr. EDMUNDS. Mr. President, I am sorry to detain the Senate for a single moment, but my honorable friend from Iowa, whom I so much respect, has evidently misunderstood me as seeming, as he thinks, to evince some hostility to the State of Iowa or to any other State. That is an entire mistake. But when these States ask to be measured in the scale they must not object if the proper weights are

put in on the other side, because that is fair play as it appears to me; and all that I said in respect of the grants to these States was in answer to the argument of the Senator from Indiana and others. Even as to the Senator's colleague, when I asked him if he stood on the law alone, I could not bring him down to that point. He relied entirely on the general issue. Now, on the general issue according to the illustration of the Senator from Massachusetts [Mr. HOAR] that was so happy, a father with his children, as all the people are the children of the United States, made a bargain to give the net proceeds of the sales of the vegetables to one son or to any son who should marry; and there were other sons and daughters who did not marry or other sons and daughters who went to the war or who were poor and miserable or for any reason needed something as the father thought, or as the family council thought—which would be the better way of stating it, which is the French law—the family council, which is composed of all the States, thought they should have something. Then the net-proceeds boy comes in and says, "Here, you have given a part of these vegetables to my starving brother, you have given a part of these vegetables to the children of another brother who was killed in the war, and there are not as many net proceeds as I thought there were going to be; now pay them over to me." What sort of a case would that be? That is all as to that.

Now, as to the land grants; the argument was that these States had not been on the whole justly treated, that they had not got on the whole what might have been expected from the Government of the United States out of their acts of admission, that is, 5 per cent. of the net proceeds of sales, because the sales had been so much less than it was expected they would be. Then the answer is, why are they less? As to Iowa, it is because in reponse to resolutions of your own Legislature, and on bills introduced by your own Senators and Representatives forming a part of this national family council, you have taken the lands for objects that you think, while they are good for all of us, are specially good for you, and you know you turn around and say, "Give us the 5 per cent. besides." I say you have been on the whole fairly and generously dealt with.

Mr. President, that argument will not wash, as anybody can see, and that is all I meant. And far be it from me to impute to the people of Iowa anything dishonorable or disreputable. I know enough of them, although I was never in the State, not to suggest anything of that kind. Now, let us see how the matter stands as to Iowa for a single moment; I will not go into the law of the matter any more.

I find that the State of Iowa has had 3,449,728 acres of swamp lands, although, as was said to me the other day by an eminent citizen of Iowa, and I believe it, there is not one-fiftieth part of that three and a half million acres that was in any just sense swamp lands at all, but they are aggregated in that way, turned over to this State as a free gift, as I look at it; and yet on the compact as it stood, as it is construed by the Senators from Iowa those lands ought to have been sold and there ought to have been 5 per cent. of the net proceeds paid over to the State, and the report of this committee states in print that the swamp lands fall within the same principle. I should think not. If the theory was that all the lands should be sold and net proceeds obtained from them, why did you not sell them? The answer is we have given them to the very State, a hundred times over what the 5 per cent. would be.

Now, let us go along from the swamp lands till we come to concessions. The State of Iowa has had by grant 3,941,273 acres of land granted to that State and to corporations in it, but chiefly to the State in aid of corporations that she might herself select,—about four million acres of lands, and lands that the United States parted with, as the Senator argues, for a consideration. A consideration means money, and therefore if it means money there should be 5 per cent. upon it. And yet the State has got the lands. It is just as was stated in one of these resolutions here in the very year that we have been speaking about. I happen to have it:

Memorial to Congress for a grant of land in aid of the construction of the McGregor, St. Peters and Missouri River Railroad.

To the Senate and House of Representatives of the United States:

Your memorialists, the General Assembly of the State of Iowa, respectfully represent to your honorable body that energetic efforts are being made by the above-named company for the construction of a road commencing at McGregor, in said State, at a point opposite the terminus of the Milwaukee and Mississippi Railroad, (which is now completed across the State of Wisconsin,) and running thence west to the Missouri River; that the route is eminently adapted to the advantageous construction of a work of this character; that it is one of the great natural lines of projected railroads commencing between the East and West; that under the donation of lands made by Congress to said State the northern portion received no benefit therefrom, and your memorialists—

That is the sovereign power of the State of Iowa, its Legislature—believing that the construction of said road would greatly facilitate the settlement, and add largely to the wealth of the northern portion of said State, ask that a donation of land lying within the State may be made to aid in its construction.

Resolved, That our Senators in Congress be instructed and our Representatives be requested to use their influence to procure from the General Government a donation of every alternate section, equal to three miles in width, on each side of said road, to be given to said company on such terms as in the opinion of the Legislature of this State may be just and reasonable.

That is merely a sample of the constant applications by the Legislatures of these States; and I only take that not as invidious against Iowa—by no means—but, as Iowa is among the most cultivated and intelligent of the people of the Northwest, as illustrating the true grounds upon which these lands have been taken out from the common fund that Virginia gave them to, for the benefit, as they put it

themselves, primarily of the people of their own States, and secondarily, as it always is, for the benefit of all, because no State can prosper upon any ground of equal personal rights and the administration of justice that does not add in a degree to the prosperity of the whole. That is where the mischief is, Mr. President. Nobody can contend, I repeat, and I hope for the last time, that on the principles of law, if a suit had been brought in the Court of Claims as it could have been for twenty-five years last past, there would have been a ghost of a chance of a recovery of a single dollar, because the law as it stands does not warrant it; and that is why the governor of Iowa, instructed by his Legislature to bring suit in the Court of Claims, after hearing the grounds on which the Secretary of the Interior resisted the claim, abstained from bringing the suit. There is no ground, therefore, in point of law; or if there be, the law is ample and adequate to it.

Then the only ground is the general one that the junior Senator from Iowa—junior in point of years, I have forgotten which is the junior in point of service—put it upon, that the State has not got as much money as it would have got if we had made no further provisions for bounty lands or railroad land grants or agricultural colleges after the State came in, and had sold all our domain there although the land in that State was devoted on the solemn memorial of its Legislature to objects that she desired it might be devoted to.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The question is on the indefinite postponement of the bill, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired on this subject with the Senator from Maryland, [Mr. WHYTE.] If he were present, he would vote "yea" and I should vote "nay" on this motion.

Mr. HILL, of Colorado, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. HEREFORD.] If he were here, I should vote "nay."

Mr. McMILLAN, (when his name was called.) The Senator from Tennessee, [Mr. HARRIS,] being unwell, has left the Chamber, and I am paired with him on this question. If he were present, he would vote "yea" and I should vote "nay" on this motion.

Mr. PENDLETON, (when his name was called.) I have paired with the Senator from Tennessee, [Mr. BAILEY.] If he were here, I should vote "nay" and he would vote "yea."

Mr. SAUNDERS, (when his name was called.) While I was temporarily absent a while ago, I understand that my colleague paired me with the Senator from Connecticut, [Mr. PLATT.] I respect that pair, and shall not vote.

Mr. RANSOM, (when the name of Mr. VANCE was called.) My colleague [Mr. VANCE] is paired on this question with the Senator from Oregon, [Mr. GROVER.] My colleague, if here, would vote "yea" and the Senator from Oregon would vote "nay."

Mr. WITHERS, (when his name was called.) I am paired on this question with the Senator from Kansas, [Mr. INGALLS.] The Senator from Kansas, if present, would vote "nay" and I should vote "yea."

I will also announce that my colleague [Mr. JOHNSTON] is paired with the Senator from South Carolina, [Mr. BUTLER.] My colleague would vote "yea" and the Senator from South Carolina would vote "nay."

The roll-call was concluded.

Mr. PLUMB. I desire to announce the pair of the Senator from Maryland [Mr. GROOME] with the Senator from Mississippi, [Mr. BRUCE.]

The result was announced—yeas 25, nays 21; as follows:

YEAS—25.

Anthony,	Coke,	Hill of Georgia,	Pryor,
Bayard,	Davis of W. Va.,	Hoar,	Randolph,
Beck,	Dawes,	Kernan,	Ransom,
Blair,	Eaton,	McPherson,	Rollins,
Booth,	Edmunds,	Maxey,	Saulsbury,
Burnside,	Farley,	Morgan,	Wallace,
Cameron of Pa.,	Hampton,	Plumb,	Williams.

NAYS—21.

Allison,	Ferry,	McDonald,	Voorhees,
Baldwin,	Jonas,	Paddock,	Walker,
Call,	Jones of Florida,	Sharon,	Windom.
Cameron of Wis.,	Kirkwood,	Teller,	
Cockrell,	Lamar,	Thurman,	
Davis of Illinois,	Logan,	Vest,	

ABSENT—27.

Bayley,	Gordon,	Ingalls,	Platt,
Blaine,	Groome,	Johnston,	Saunders,
Bruce,	Grover,	Jones of Nevada,	Slater,
Butler,	Hamlin,	Kellogg,	Vance,
Carpenter,	Harris,	McMillan,	Whyte,
Conkling,	Hereford,	Morrill,	Withers.
Garland,	Hill of Colorado,	Pendleton,	

So the motion to indefinitely postpone the bill was agreed to.

Mr. PLUMB. I give notice of a motion to reconsider.

Mr. RANDOLPH. Mr. President—

Mr. EDMUNDS. I hope the Senator from New Jersey will wait a moment. The Senator from Kansas [Mr. PLUMB] gives notice of a motion to reconsider. I move to reconsider this vote now. I want to make an end of this business.

The PRESIDING OFFICER. The Senator from Vermont moves

to reconsider the vote by which this bill was indefinitely postponed. Is the Senate ready for the question?

Several SENATORS. Not to night.

Mr. TELLER. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate adjourn.

Mr. RANDOLPH. One moment. I gave way to the Senator from Vermont. I did not give up the floor. I gave way to the Senator from Vermont to make a statement, and pending that statement the Senator from Colorado makes a motion to adjourn. Before the motion for adjournment is put, I want simply to give notice that upon the completion of this bill as by previous understanding, that is after the morning hour of the next business day has expired, I shall bring up the case of General Porter.

Mr. EDMUNDS. We can finish this in a minute.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate do now adjourn.

Mr. EDMUNDS. I hope the Senate will not adjourn until we finish this matter.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate do now adjourn.

Mr. EATON called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired, as before stated, with the Senator from Maryland, [Mr. WHYTE,] or I should vote "yea" on this motion.

Mr. McMILLAN, (when his name was called.) I am paired on all questions affecting this bill with the Senator from Tennessee, [Mr. HARRIS.] I suppose this question is indirectly involved in it.

Mr. WITHERS, (when his name was called.) I am paired, as I announced previously, with the Senator from Kansas, [Mr. INGALLS.] The roll-call was concluded.

Mr. PADDOCK. My colleague [Mr. SAUNDERS] is paired with the Senator from Connecticut, [Mr. PLATT.]

The result was announced—yeas 22, nays 25; as follows:

YEAS—22.

Allison,	Jones of Florida,	Pendleton,	Vest,
Cameron of Wis.,	Kirkwood,	Plumb,	Voorhees,
Cockrell,	Lamar,	Ransom,	Walker,
Coke,	Logan,	Sharon,	Windom.
Davis of Illinois,	McDonald,	Teller,	
Jonas,	Paddock,	Thurman,	

NAYS—25.

Bayard,	Dawes,	Hoar,	Rollins,
Beck,	Eaton,	Kernan,	Saulsbury,
Blair,	Edmunds,	McPherson,	Wallace,
Booth,	Farley,	Maxey,	Williams.
Burnside,	Ferry,	Morgan,	
Cameron of Pa.,	Hampton,	Pryor,	
Davis of W. Va.,	Hill of Georgia,	Randolph,	

ABSENT—29.

Anthony,	Conkling,	Hill of Colorado,	Saunders,
Bailey,	Garland,	Ingalls,	Slater,
Baldwin,	Gordon,	Johnston,	Vance,
Blaine,	Groome,	Jones of Nevada,	Whyte,
Bruce,	Grover,	Kellogg,	Withers.
Butler,	Hamlin,	McMillan,	
Call,	Harris,	Morrill,	
Carpenter,	Hereford,	Platt,	

So the Senate refused to adjourn.

Mr. TELLER. Mr. President, I do not propose, at this late hour of the day, to discuss this bill. I simply desire to call the attention of the Senate to the manner in which it has been discussed by its opponents.

Since I have been in the Senate, which of course is but a short time, I have seen no bill presented to the Senate and have heard no discussion upon any public measure that seemed to me to be so offensive in manner as the discussion of this bill. Offensive I think I may say without violating any rules of decorum or debate, because in every speech that has been made, as I recollect—or nearly every speech, (there may be some honorable exceptions)—Senators who were supposed to favor this bill, if they have not been directly charged with favoring it because of the pecuniary interest of their States, have been at least subjected to that implication. Notably has that been the case in the speech of the Senator from Vermont, and notably has it been so in every speech of any considerable length that has been made on this subject. It struck me, as one somewhat unacquainted with debate in this Chamber, as an extremely remarkable thing that Senators here who come to vote upon a question that all admit involves a construction of doubtful statutes, cannot vote upon it as they would upon any other bill without having their motives impugned.

It is said that it takes from the Treasury of the United States a large amount of money, \$4,000,000 says one Senator; another Senator on the opposite side, holding that the bill ought not to pass, says \$10,000,000. Mr. President is that any reason why the bill should not pass if it is an honest bill? If the States that are named in this bill are entitled to the money by virtue of the statutes under which they were admitted, is it any reason why we should vote against the bill that it covers a large amount of money or a small amount of money? Is justice to be measured out in the United States Senate by the amount, by the consideration? I say the discussion of it is offensive when it imputes to Senators motives of this kind. It is offensive, in

my judgment, when it is put upon the ground that it ought not to pass because the amount is large. It is offensive in other views.

It so happens that the great majority of the States mentioned in this bill are States that are termed Western States, and we have heard allusions this afternoon in debate here calculated to speak with disrespect of the western section. I need not refer to them. We have heard one Senator say he had fallen into the western way of expressing things, as if it was an untruthful way the western people had.

Now, Mr. President, I come to vote for this bill. I voted against its postponement; I intended to vote for its passage, though the State of Colorado, that I in part represent on this floor, is interested with the State of Vermont in defeating this bill, when our pecuniary interests are against this bill and not for it, when no man can figure under a fair construction of the bill that the State of Colorado would get under the bill more than \$700 or \$800, a contemptible sum to the Senators from that State individually, contemptible to the people of that State who deal in somewhat larger numbers and with larger amounts.

I must say that I was a little restive under this repeated declaration of Senators that we were instigated and moved to vote on this bill by pecuniary interests, and I did think it was fair and right that I should have an opportunity at some time in the course of the debate at least to say that the Senators from Colorado were voting upon principle, and not upon pecuniary considerations.

I thought that we had discussed this bill fairly up to this point. I believe there were some other considerations that might have been presented, which if the time would allow I would present; but I do not propose to do it. It is evidently the opinion of the Senate that this bill ought not to pass. I am prepared to bow to the will of the Senate, and I am not one who will say that the Senators who voted against this bill are disposed to vote against it because they want to save money that rightfully belongs to us. I will admit, and I will never be heard to say otherwise, that they believe that honestly it does not belong to these States, and that they have voted honestly, as I claim that I have voted.

Mr. EDMUNDS. Mr. President, I will not take a minute. I want to disabuse the mind of my friend from Colorado, who knows that I respect him very much, in regard to anything I have said, and I think I can speak for all other Senators who have opposed this bill, of any imputation upon the motives of a single Senator. There has been nothing intentionally offensive, and I am sure nothing has been said that anybody except somebody who supposed that his motives might be suspected would regard as offensive.

I have read from the letter of the governor of Iowa, that called to the attention of a Secretary of the Interior the fact that his State was interested the same as Iowa was, as a thing that was not to be forgotten in considering the question, not to be forgotten in the sense of implying impartiality; that is all; and I have tried to say, and I repeat that I have no doubt every Senator who votes for this bill votes for it on grounds that are entirely beyond any gain that his State is supposed to make by it. That is all I wish to say, sir.

Mr. McDONALD. I move that the Senate do now adjourn.

Mr. EDMUNDS. I hope not.

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate adjourn.

The question being put, a division was called for.

Mr. EATON. We may as well have the yeas and nays.

The yeas and nays were not ordered.

A division being had, there were—22 yeas and 19 noes.

Mr. EATON and Mr. EDMUNDS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) The Senator from Rhode Island, [Mr. BURNSIDE,] desiring to be absent for a little while, I am paired with him, and so I refrain from voting on this question unless it is necessary to make a quorum.

Mr. McMILLAN, (when his name was called.) I am paired on this question with the Senator from Tennessee, [Mr. HARRIS.]

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. LAMAR,] with the right reserved to vote if it is necessary to make a quorum.

Mr. WINDOM, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.] If he were present, I should vote "yea."

Mr. WITHERS, (when his name was called.) I am paired with the Senator from Kansas, [Mr. INGALLS.] If I were not paired, I should vote "nay."

The roll-call was concluded.

Mr. WILLIAMS. I desire to state that the Senator from Arkansas [Mr. GARLAND] is paired on this question with the Senator from Maryland, [Mr. WHYTE.]

Mr. PADDOCK. My colleague [Mr. SAUNDERS] is paired with the Senator from Connecticut, [Mr. PLATT.] My colleague, if here, would vote "yea."

The result was announced—yeas 19, nays 21; as follows:

YEAS—19.

Baldwin,	Jones of Florida,	Plumb,	Vest,
Cameron of Wis.,	Kirkwood,	Ransom,	Voorhees,
Cockrell,	Logan,	Sharon,	Walker,
Davis of Illinois,	McDonald,	Teller,	Wallace.
Jonas,	Paddock,	Thurman,	

NAYS—21.

Beck,
Blair,
Booth,
Cameron of Pa.,
Davis of W. Va.,
Dawes,

Eaton,
Edmunds,
Farley,
Ferry,
Hampton,
Hill of Georgia,

Hoar,
Kernan,
McPherson,
Maxey,
Morgan,
Pryor,

Randolph,
Rollins,
Williams.

ABSENT—33.

Allison,
Anthony,
Bailey,
Bayard,
Blaine,
Bruce,
Burnside,
Butler,
Call,

Carpenter,
Coke,
Conkling,
Garland,
Gordon,
Groome,
Grover,
Hamlin,
Harris,

Hereford,
Hill of Colorado,
Ingalls,
Johnston,
Jones of Nevada,
Kellogg,
Lamar,
McMillan,
Morrill,

Pendleton,
Platt,
Saulsbury,
Saunders,
Slaters,
Vance,
Whyte,
Windom,
Withers.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont to reconsider the vote by which the bill was indefinitely postponed.

Mr. LOGAN. Mr. President, I went to the Clerk's desk a moment ago and examined the vote on the question of indefinite postponement, and I must say that there is a condition of things represented by that vote in the Senate to-night which has never appeared on the Calendar of the Senate before. It was argued the other day by two Senators, highly honorable gentlemen from the State of Alabama, that their State would not receive by the passage of this bill more than would be paid by it in taxation. The honorable Senator from Vermont but a few days ago indicated the same thing to the Senate. Strange to say, it has been followed out strictly by the votes as announced here in the Senate to-night.

Mr. EDMUNDS. The Senator is mistaken as to anything I have said about it.

Mr. LOGAN. I am not mistaken, sir. The Senator from Vermont appealed to men in the Senate Chamber that their States would be taxed to pay a part of this appropriation.

Mr. EDMUNDS. So will all the States. I did not speak of any particular State. Every State is taxed.

Mr. LOGAN. I say that the appeal which was made here in reference to this question is of a different character from what is usual in the Senate of the United States.

Mr. EDMUNDS. So far as the Senator refers to me, I should be glad to have him read any part of my remarks that he bases that statement upon; and they have not been doctored, the Senator may be sure.

Mr. LOGAN. No, sir; not at all. I do not say they have been. The Senator will not deny that he stated in his argument that the States would be taxed for the payment of this appropriation.

Mr. EDMUNDS. Of course I say that all States must be taxed to pay it. There is no doubt of that.

Mr. LOGAN. I say here to-night that that was an unfair argument before the Senate of the United States. It was appealing to the constituencies of certain Senators to arouse their prejudices against their being taxed for that which would be just to the other States, and not a vote has been recorded for this bill or against its indefinite postponement except by Senators from the States that are to receive benefits with one or two exceptions, showing that gentlemen from States not receiving benefits under this bill voted because they believed their constituency would be taxed for the purpose of paying this appropriation.

The whole argument that has been made here on the floor of the Senate has been for the purpose of prejudicing the minds of Senators against the claim of these States, appealing to them, as I have said, by the Senator from Vermont and the Senators from Alabama, from the fact that they were not to get a part of the grab, as the Senator from Vermont denounced it on one or two occasions.

Mr. EDMUNDS. Not any. You cannot find that word on any occasion.

Mr. MORGAN. I stated to the Senate that as a matter of fact under this bill Alabama would receive less than the amount she would have to pay. I referred to that to show that I was not interested, but was an impartial judge in the premises. I endeavored to put myself in that attitude before the Senate.

Mr. LOGAN. I did not say that the Senator took any other position; but he did take exactly the position that his State would not receive more than she would pay out, and therefore he would consider the question as to whether he would support this bill or not. I said that that character of argument went upon the precise basis that if a Senator's State did not receive a part of the benefit, he should vote against a bill. Sir, I announce here to-night that a proposition of that kind is not in accordance with justice, is not in accordance with fair dealing, is not in accordance with the equality of the States, but is in accordance with a desire to represent a State alone, disconnected from all the other States belonging to this great nationality. It is on the ground that only a man's own constituency shall be represented according to the amount they shall receive or the amount they shall pay out and not in accordance with the justice or the right which belongs to States or individuals. I said that the other day; I repeat it now; and to my friend from Vermont I assert here without the fear of contradiction that no claim has ever come before Congress based upon anything like the justice upon which this claim has

been based, belonging to a New England State, which has not received the approbation of every Senator from that part of this great Union.

Mr. EDMUNDS. If the Senator can refer to any claim on the part of a New England State—and the only one that I know of was the Maine performance about interest—that I voted for, either he or I must be very much mistaken.

Mr. LOGAN. Very well, I assert to-night that whenever a Southern State or a New England State has asked the Senate or the Congress of the United States to keep the faith of this country, it has always been awarded and has always been voted. In the Senate Chamber but a few years ago, interest amounting to \$600,000 was paid to the State of Maine for expenditures in the revolutionary war—

Mr. McDONALD. The northeastern boundary.

Mr. LOGAN. Very well, the northeastern boundary. I beg pardon, and I thank the gentleman for the correction.

Mr. THURMAN. I beg to correct my friend yet; that was for Massachusetts' computation of interest on the war debt of 1812.

Mr. LOGAN. I so understood it and I will state it as I understand it. Massachusetts had computed her interest on the war debt of 1812 at a certain amount, and had transferred it to a railroad company belonging to the State of Maine; and under the lead of Senator Sumner, of Massachusetts, that claim was voted by the Senate and by the House of Representatives. That is the way I understand the case.

Mr. DAWES. Will the Senator allow me a moment?

Mr. LOGAN. Certainly I will.

Mr. DAWES. I think the Senator from Indiana with greater accuracy than anybody else can state how much it amounted to, because it was paid to Indiana people.

Mr. LOGAN. Will the Senator from Massachusetts, inasmuch as he desires to state the proposition—he certainly ought to know it for he was a Representative from that State at the time—please state the facts to the Senate.

Mr. DAWES. What facts?

Mr. LOGAN. In reference to this claim.

Mr. DAWES. I state the fact that Massachusetts had a claim, which belonged in part to the State of Massachusetts and in part to the State of Maine; that the State of Massachusetts gave away her interest in it to Maine, and Maine gave it to some contractors in Indiana who said they would run the risk of getting it through Congress and build a railroad with it.

Mr. LOGAN. What was the claim, I will ask the Senator?

Mr. McDONALD. I ask the Senator what contractors he refers to?

Mr. LOGAN. I asked the Senator from Massachusetts what was the claim. Was it not for interest on the war debt of 1812?

Mr. DAWES. I think it was, but I am not very certain.

Mr. LOGAN. Very well.

Mr. DAWES. I will state that I think the Senator is correct. I did not take very great interest in it.

Mr. LOGAN. I did not state that the Senator did. I only wanted to get at the facts.

Mr. DAWES. The matter was taken charge of by some enterprising western men.

Mr. LOGAN. No matter who the men were. The point is that Massachusetts charged interest on her war debt of 1812, and she transferred it to certain contractors and they got the money. No State since the organization of this Government ever made such a claim before, and yet Congress voted it. So I say, too, in reference to the State of Alabama—

Mr. DAWES. Does the Senator say that no State ever made such a claim?

Mr. LOGAN. No State that I ever heard of.

Mr. DAWES. The Senator very well qualifies his statement in that manner. Nobody of course can correct him if he has never heard of it.

Mr. LOGAN. Will the Senator mention some other State that had such a claim?

Mr. DAWES. The State of Maryland.

Mr. LOGAN. What did the State of Maryland do?

Mr. DAWES. Precisely what the State of Massachusetts following did. This was in the name of the State of Massachusetts, but Massachusetts had no more interest in it than anybody else.

Mr. LOGAN. We are not talking about the interest, but about the fact.

Mr. DAWES. The fact that after the State of Maryland and several other States procured an act of Congress fixing a mode of casting the interest on their debt, it occurred to that part of Massachusetts formerly which is now the State of Maine, that they ought to have theirs calculated in the same way, and they came to the State of Massachusetts and Massachusetts told them they might have what they could get out of it, and they transferred it to some contractors in the West, and they, having more enterprise in and about Washington than there ever was in the State of Massachusetts, got that through Congress which Massachusetts had never been able to get through.

Mr. LOGAN. They got it through Congress. The Senator says the State of Maryland made the precedent. I fail to see that the State of Maryland has not voted with the State of Massachusetts against the claim of Illinois to-day. The State of Maryland then computed the interest on her war debt and got it through Congress. The State of Massachusetts followed, and the Senator who then occupied the

seat which the gentleman now occupies championed the bill from Massachusetts. I remember it well, and it passed Congress. The States seldom have asked for interest on war claims. But, forsooth, when the Northwest comes and asks you to give us that which you agreed to do when we became a part of this Government, you say "We do not get any part of the grab." Oh, statesmanship stands high to-day! The statesmanship of Webster and Clay and the great men who preceded us always taught the doctrine in the Senate Chamber that justice was the great principle running through all laws and all compacts and all agreements, and that the Government should keep its faith with the States as well as with the citizens. But we have fallen upon degenerate times. We have fallen upon such times that the Senators from Massachusetts will take interest on a war debt for their State and deny the execution of a contract between the Government and my State because my State gets a small pittance and their State gets no division of it!

Sir, that is the principle that guides and moves this Senate in this particular question to-day. Disguise it as you will, it is the fact patent before the country that every State save one that gets no part of this appropriation votes against the bill upon the principle enunciated by the Senator from Vermont that the States are to be taxed to pay an honest contract and an honest debt. And the same principle enunciated and followed by the Senators from Alabama, on which one Senator calculates that \$70,000 will be received, and perhaps not any less than that will be paid out in taxes.

Sir, let me say to that Senator, rich as he is in the great storehouse of legal lore which he has accumulated in his life-time, that he himself upon this floor enunciates the doctrine "unless I get ten cents I do not vote five."

Sir, if there is anything on the top of this earth that is small, that is pitiable, that is to be looked upon as less than other things, it is the idea that a man claiming to be a statesman will refuse justice to one State because his own State does not get a part. Alabama, after receiving \$120,000 on the same principle that the State of Illinois asks this pittance to-day, after she has received it, receipted for it, and put it in her pocket, comes forward and says, "I cannot vote for Illinois." Why? "Because I have got all that I claimed, and do not get a divide of what you claim."

Mr. MORGAN. Does the Senator from Illinois intend to say that I or my colleague made such a statement as that on this floor?

Mr. LOGAN. I say that your colleague summed up in his speech the amount his State would receive in interest on these certificates, and stated that it was less than his State would have to pay.

Mr. MORGAN. My colleague made that statement?

Mr. LOGAN. That is what he stated.

Mr. MORGAN. And I made a similar statement for the purpose of showing that we were entirely disinterested on this question, and therefore could afford without partiality to apply to the question our own conviction of the law of the land. We have a right to our conviction.

Mr. LOGAN. Of course I admit that.

Mr. MORGAN. The Senator from Illinois cannot suppose that we propose to exculpate him entirely for the manner in which he charges on other States when he is to pocket a large amount of money by this bill.

Mr. LOGAN. I am, myself?

Mr. MORGAN. No, I mean your State.

Mr. LOGAN. Oh! When I said that the Senator from Alabama made a statement that his State would not receive the amount it would pay out, I stated a fact as the RECORD shows. I am entitled to come to the conclusion that the Senator voted against this bill because his State did not receive more than his State would pay out.

Mr. MORGAN. I have this to say to the Senator: if he is entitled to come to that conclusion it is because he feels that the converse argument applies to himself.

Mr. LOGAN. Very well; that may be the opinion of the Senator from Alabama. The Senator from Alabama who has just taken his seat—if I quote him incorrectly I hope he will correct me—said in his argument that his State was not interested because it would not receive more than it would pay out, and therefore he was led to examine this question in a certain light. Did he not say that?

Mr. MORGAN. I said I examined it with entire impartiality.

Mr. LOGAN. Did the Senator not say that because his State did not receive more than it would pay out he considered himself in the examination of this question in a different light from other Senators? Did he not say that?

Mr. MORGAN. My remarks are on record.

Mr. LOGAN. Very well, sir. I assert that he said that in substance, and I replied to it in the same manner, not with any feeling; because I insisted that the principle by which these gentlemen were governed was not the true theory which ought to govern Senators in reference to questions that come before this Senate. I applied the same rule to the Senator from Vermont when I said to that Senator, and I say it now, that with all his legal lore, with all his astuteness, with all his ability, with all his greatness, he yet fell far below the mark of a statesman when he appealed to Senators in this Chamber to vote against this bill because their States would be taxed.

Mr. EDMUNDS. I have not made any such appeal.

Mr. LOGAN. I say the Senator did make it.

Mr. EDMUNDS. I say I did not.

Mr. LOGAN. I beg the Senator's pardon. In the Senator's speech he said, appealing to these men, that their States would be taxed to pay the amount appropriated for the benefit of these States. Did not the Senator say that?

Mr. EDMUNDS. No, sir.

Mr. LOGAN. What did the Senator say?

Mr. EDMUNDS. I have just been looking over what I said the other day.

Mr. LOGAN. Very well; I am ready to be corrected.

Mr. EDMUNDS. This is the first time I have read over my remarks. I have said only, as far as I can see here—and this is the thing that the Senator is observing about—that the common treasury of all the people had got to be taxed to pay this money, and we ought to be careful to see that it was justly due before we parted with the public money, of which we were only the trustees.

And while I am up I will say that the Senator from Iowa stated that I had called this a grab. I have looked through what I said the other day, and I am unable so far to find any such term or phrase.

Mr. McDONALD. I think that expression was used in reference to the acts passed for the relief of Alabama and Mississippi.

Mr. EDMUNDS. I cannot find it even as to the case of Alabama and Mississippi.

Mr. McDONALD. The expression was used, I think, by the Senator.

Mr. EDMUNDS. If anybody will say that I used it, I shall be glad to have him turn to it. I have no recollection of using such a phrase. Of course nobody in an extemporaneous debate can remember afterward unless he reads the speeches (which I never do) exactly what he has said; but I have hunted through the report before me and I can find nothing of the kind applied to anybody, and I have said nothing on the subject of taxing States except the common proposition that I am quite willing to repeat, that it is our business to be careful how we pay money out of the Treasury of all the people to any one.

Mr. LOGAN. I agree to that. It is our business to be careful how we pay money out of the Treasury of the people to anybody; but, sir, when Vermont, a great State, as I agree it is so far as its production of men is concerned, appeals to the State of West Virginia, for instance, that compliments the nation by its ability, and to other States that vote against this appropriation, I say when Vermont appeals to these States that they shall be careful how they pay out the public treasure, what is meant? The meaning is "You are to understand that your constituents are to be taxed in order to comply with the contract made by the Government with some of the sister States."

Mr. EDMUNDS. The Senator, again unintentionally, I think, misrepresents me. I have not appealed to the Senators from West Virginia, or Alabama, or Georgia, or any other State. I have appealed to my honorable friend from Illinois, whom I respect and believe in, just as much as I have to any other Senator in everything that I have said.

Mr. LOGAN. I am not questioning the motives of the Senator at all.

Mr. McDONALD. Will the Senator from Illinois give way to allow me to move an adjournment?

Mr. LOGAN. It makes no difference to me.

Mr. McDONALD. I think we might as well adjourn and come back to-morrow morning in good humor. I move that the Senate do now adjourn.

Mr. DAWES. I do not want to interrupt the speech of the Senator from Illinois; but—

Mr. LOGAN. I am not making a speech. I am only stating a few facts.

Mr. DAWES. I should like to set him right at some time on a matter that he has referred to.

Mr. LOGAN. I am ready to hear the Senator from Massachusetts right now.

Mr. DAWES. The Senator has—

Mr. McDONALD. I thought the Senator from Illinois gave way to my motion.

The PRESIDING OFFICER. Did the Senator from Illinois yield to the Senator from Indiana?

Mr. LOGAN. I yield to any one.

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate do now adjourn.

The question being put, there were on a division—ayes 18, noes 18; no quorum voting.

Mr. EDMUNDS. And the motion is lost.

The PRESIDING OFFICER. The motion is lost.

Mr. EDMUNDS. I move that the absent Senators be sent for.

The PRESIDING OFFICER. The Senator from Vermont moves that the absent Senators be sent for.

The motion was agreed to.

Mr. LOGAN. Had you not better let me go on with my speech?

Mr. McDONALD. We do not know who are absent, Mr. President.

Mr. EDMUNDS. We know that we are not absent. I move that the roll be called. If there is not a quorum, that is probably the proper motion.

The PRESIDING OFFICER. The Chair will direct the roll to be called. It does not require a motion.

The Secretary called the roll, and forty-five Senators answered to their names.

The PRESIDING OFFICER. The call shows forty-five Senators present, a quorum.

Mr. McDONALD. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The question is already on the motion to adjourn.

Mr. EDMUNDS. The motion to adjourn was lost on an equal division.

The PRESIDING OFFICER. The Senator from Indiana has repeated his motion that the Senate adjourn, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) Early in the evening I paired with the Senator from Rhode Island, [Mr. BURNSIDE,] and in view of the fact that this seems to be in the nature of a division on the line of this bill, I shall refrain from voting on the present motion.

Mr. WINDOM, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.] If he were present, he would vote "nay."

The roll-call was concluded.

Mr. SAULSBURY. I desire to say that I am paired with the Senator from Mississippi, [Mr. LAMAR.]

Mr. PADDOCK. My colleague [Mr. SAUNDERS] is paired with the Senator from Connecticut, [Mr. PLATT.]

Mr. BUTLER. I am paired on this question with the Senator from Virginia, [Mr. JOHNSTON,] and therefore do not vote.

Mr. VEST. The Senator from Arkansas [Mr. GARLAND] is paired with the Senator from Maryland, [Mr. WHYTE.]

Mr. COCKRELL. The Senator from Pennsylvania [Mr. WALLACE] is paired with the Senator from Arkansas, [Mr. WALKER.] The Senator from Tennessee [Mr. HARRIS] is paired with the Senator from Minnesota, [Mr. McMILLAN.]

Mr. PADDOCK. The senior Senator from Maine [Mr. HAMLIN] is paired on all these votes with the Senator from Louisiana, [Mr. KELLOGG.]

The result was announced—yeas 18, nays 19; as follows:

YEAS—18.

Call,	Jonas,	Paddock,	Thurman,
Cameron of Wis.,	Jones of Florida,	Plumb,	Vest,
Cockrell,	Kirkwood,	Ransom,	Voorhees.
Davis of Illinois,	Logan,	Sharon,	
Gordon,	McDonald,	Teller,	

NAYS—19.

Beck,	Eaton,	Hill of Georgia,	Morgan,
Blair,	Edmunds,	Hoar,	Pryor,
Booth,	Farley,	Kernan,	Rollins,
Davis of W. Va.,	Ferry,	McPherson,	Williams.
Dawes,	Hampton,	Maxey,	

ABSENT—39.

Allison,	Carpenter,	Ingalls,	Saulsbury,
Anthony,	Coke,	Johnston,	Saunders,
Bailey,	Conkling,	Jones of Nevada,	Slaters,
Baldwin,	Garland,	Kellogg,	Vance,
Bayard,	Groome,	Lamar,	Walker,
Blaine,	Grover,	McMillan,	Wallace,
Bruce,	Hamlin,	Morrill,	Whyte,
Burnside,	Harris,	Pendleton,	Windom,
Butler,	Hereford,	Platt,	Withers.
Cameron of Pa.,	Hill of Colorado,	Randolph,	

The PRESIDING OFFICER. The Senate declines to adjourn; but there is not a quorum voting. The Secretary will call the absentees.

Mr. ALLISON. Before that call begins, I want to say in justice to the Senator from Maine [Mr. HAMLIN] that I agreed to announce his pair when the vote should be taken; but it entirely slipped my memory. He is paired with the Senator from Louisiana, [Mr. KELLOGG.] I wish the fact to appear upon the record that I omitted to state what I ought to have stated.

Mr. LOGAN. I do not ask any courtesy from the Senate more than I am entitled to nor more than any other Senator is entitled to. I only wish to say that I am not through with my remarks. I would prefer to continue them in the day-time, but if the Senate desire to stay here to-night and listen to me, I think I can entertain them for about six hours, and then my friend from Vermont [Mr. EDMUNDS] perhaps for the rest of the night. If the Senate wish to accommodate themselves and adjourn, it is all right; if not, I shall send for my books and pamphlets and continue my argument, if the Senate desire to hear me.

Mr. EATON. If my friend will permit me to say a word, I will say that I think he had better send for his books and pamphlets and continue his argument, for I believe we ought to settle this matter to-night. I shall be very glad to hear my friend.

Mr. EDMUNDS. Let the absentees be called.

Mr. LOGAN. Mr. President—

The PRESIDING OFFICER. The Senator can only speak by unanimous consent.

Mr. LOGAN. I know that I am out of order, but I desire to make one remark in response to the Senator from Connecticut, if the Senate will permit me.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. LOGAN. I do not desire to keep my friend from Connecticut

up so late, because of all his party he is my choice for President, and I want to have him preserved in a proper way, so that he may administer the affairs of that office if he gets into it.

Mr. EATON. That is another evidence that the Senate should hear my friend from Illinois to-night. [Laughter.]

The PRESIDING OFFICER. The Secretary will call the absentees.

The Secretary called the absentees, and eleven Senators answered to their names.

Mr. EDMUNDS. The absentees having been called, so that we know who are absent, I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

Mr. THURMAN. Mr. President—

Mr. EDMUNDS. It is not a debatable question.

Mr. THURMAN. I think the first thing in order is to report whether we have a quorum.

Mr. EDMUNDS. No, sir.

The PRESIDING OFFICER. The result of the roll-call was announced, and the Secretary then called the absentees, as directed.

Mr. EDMUNDS. A motion to adjourn was made pending a motion to send for absentees, and the motion to adjourn was rejected. The absentees have been already called, and my motion now is that the absentees be sent for.

Mr. THURMAN. But Senators have responded to the call of absentees. Are we not entitled to know whether we have a quorum?

Mr. EDMUNDS. That does not make any difference.

Mr. THURMAN. Yes, it does.

The PRESIDING OFFICER. The vote revealed the want of a quorum.

Mr. THURMAN. But the call of absentees may show that there is a quorum present.

Mr. EDMUNDS. If it does, we can send for the absentees just the same; it makes no difference.

Mr. THURMAN. It makes a world of difference, for if a quorum is present then any motion can be made in respect of this bill; anything can be done.

Mr. HOAR. Will the Senator from Ohio allow me to suggest that the calling of the absentees involves the duty to report the result of that call, whatever effect it may have?

Mr. THURMAN. Certainly it does.

The PRESIDING OFFICER. The Chair stated that there were twenty-eight Senators absent.

Mr. THURMAN. Is there a quorum present upon the call of the absentees?

Mr. RANSOM. Certainly there is.

The PRESIDING OFFICER. There is no quorum voting.

Mr. TELLER. There must be a quorum present if there are but twenty-eight absent Senators.

Mr. McDONALD. On the call of the yeas and nays and the call of the absentees together, is there a quorum?

The PRESIDING OFFICER. The call of the yeas and nays revealed the lack of a quorum.

Mr. McDONALD. On the call of the absentees how many Senators responded?

The PRESIDING OFFICER. There were twenty-eight Senators absent.

Mr. McDONALD. How many responded, being present in the Chamber?

The PRESIDING OFFICER. The vote was 18 in the affirmative and 19 in the negative, no quorum voting. On the call of the absentees there were twenty-eight Senators absent, according to the call.

Mr. DAVIS, of West Virginia. Then there is a quorum present, because that is less than half the whole number.

The PRESIDING OFFICER. That would appear.

Mr. PADDOCK. I move that further proceedings upon the call be dispensed with.

Mr. THURMAN. No; the motion to adjourn is the pending question. I ask that the yeas and nays be called now on the motion to adjourn. The yeas and nays were ordered and no quorum voted, and upon the call of the absentees a quorum appears. Now I insist upon it that the matter before the Senate is to call the yeas and nays on the motion to adjourn.

Mr. EDMUNDS. The Senator is greatly mistaken. It is not important whether a quorum is present or not on a question of adjourning, and the motion to adjourn was lost. Then there was a call of the absentees, and that having been made, I moved that the absentees be sent for.

The PRESIDING OFFICER. The Chair stated the result of the vote, that the motion to adjourn was lost, but the vote revealed the want of a quorum, and the absentees were called by direction of the Chair.

Mr. THURMAN. I move now that we adjourn.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate adjourn, which is in order.

The question being put, there were on a division—ayes 20, noes 20.

Mr. EATON. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) On this question I am paired with the Senator from Virginia, [Mr. JOHNSTON,] and therefore withhold my vote.

Mr. HILL, of Colorado, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. HEREFORD.]

Mr. McMILLAN, (when his name was called.) On this question I am paired with the Senator from Tennessee, [Mr. HARRIS.] If he were here, I should vote "yea" and he would vote "nay."

Mr. RANDOLPH, (when his name was called.) I vote "nay." I also wish to announce the pair of the Senator from Arkansas [Mr. GARLAND] with the Senator from Maryland, [Mr. WHYTE.] The Senator from Arkansas would vote "yea."

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. LAMAR.]

Mr. RANSOM, (when the name of Mr. VANCE was called.) As I have already stated, the Senator from Oregon [Mr. GROVER] and my colleague [Mr. VANCE] are paired on this question.

Mr. WINDOM, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.]

The call of the roll was concluded.

Mr. PADDOCK. I desire to state that my colleague [Mr. SAUNDERS] is paired with the Senator from Connecticut, [Mr. PLATT.]

Mr. JONAS. The Senator from North Carolina [Mr. VANCE] is paired with the Senator from Oregon, [Mr. GROVER.] The Senator from Oregon [Mr. SLATER] is paired with the Senator from Vermont, [Mr. MORRILL.]

Mr. COCKRELL. The Senator from Pennsylvania [Mr. WALLACE] is paired with the Senator from Arkansas, [Mr. WALKER.]

Mr. DAVIS, of West Virginia. My colleague [Mr. HEREFORD] is paired with the Senator from Colorado, [Mr. HILL.]

The result was announced—yeas 18, nays 19; as follows:

YEAS—18.

Baldwin,	Gordon,	Paddock,	Thurman,
Call,	Jonas,	Plumb,	Vest,
Cameron of Wis.,	Jones of Florida,	Ransom,	Voorhees.
Cockrell,	Logan,	Sharon,	
Davis of Illinois,	McDonald,	Teller,	

NAYS—19.

Beck,	Eaton,	Hill of Georgia,	Pryor,
Blair,	Edmunds,	Hoar,	Randolph,
Booth,	Farley,	Kernan,	Rollins,
Davis of W. Va.,	Ferry,	Maxey,	Williams.
Dawes,	Hampton,	Morgan,	

ABSENT—39.

Allison,	Coke,	Johnston,	Saulsbury,
Anthony,	Conkling,	Jones of Nevada,	Saunders,
Bailey,	Garland,	Kellogg,	Slater,
Bayard,	Groome,	Kirkwood,	Vance,
Blaine,	Grover,	Lamar,	Walker,
Bruce,	Hamlin,	McMillan,	Wallace,
Burnside,	Harris,	McPherson,	Whyte,
Butler,	Hereford,	Morrill,	Windom,
Cameron of Pa.,	Hill of Colorado,	Pendleton,	Withers.
Carpenter,	Ingalls,	Platt,	

The PRESIDING OFFICER. The Senate declines to adjourn, but as there is not a quorum voting the Secretary will call the roll of absentees.

Mr. EDMUNDS. That has already been done, and the pending motion is to send for the absentees. We cannot filibuster forever by having the roll called right over again every time and then a motion of that kind. The want of a quorum was disclosed before, and a motion was made to send for the absentees. The roll of absentees was called. Then the Senator from Ohio moved again to adjourn.

The PRESIDING OFFICER. The Chair will remind the Senator from Vermont that the call of the absentees disclosed a quorum present. The Senator from Ohio renewed the motion to adjourn, and on that a vote has been taken which disclosed the want of a quorum, and now it becomes the duty of the Chair to direct the absentees to be called.

Mr. EDMUNDS. No, the Chair will not find anything of that kind, when there is a pending motion to send for absentees, if the Chair can recur to the rule.

The PRESIDING OFFICER. The Secretary will call the roll of absentees.

The Secretary called the absentees, and eleven Senators answered to their names.

The PRESIDING OFFICER. Twenty-eight Senators are absent.

Mr. EDMUNDS. I make no motion now; my motion is pending to send for absentees. It was pending when the Senator from Ohio moved to adjourn before.

Mr. TELLER. If only twenty-eight Senators are absent there is a quorum present.

Mr. EDMUNDS. It does not make any difference whether there is a quorum present or not.

Mr. McDONALD. I move that the Senate adjourn.

Mr. EDMUNDS. I make the point of order that that motion is not in order, as no business has transpired since the last motion to adjourn.

The PRESIDING OFFICER. The roll has been called. Any debate is business, and the roll-call is business. The question is on the motion of the Senator from Indiana, that the Senate adjourn.

Mr. EDMUNDS. Does the Chair overrule the point of order?

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. EDMUNDS. I want to have it stated distinctly, so that it will go on the Journal.

The PRESIDING OFFICER. The Senator from Vermont will state his point of order, if he desires.

Mr. EDMUNDS. I have stated it, and the Chair has overruled it.

The PRESIDING OFFICER. The Chair has overruled it. The question is on the motion of the Senator from Indiana, that the Senate adjourn.

The question being put, there were on a division—ayes 18, noes 19.

Mr. McDONALD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I ask unanimous consent, because I have no right to debate this motion, to make a statement.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. EDMUNDS. When I rose at five o'clock, or whatever time it was, to submit a few remarks, it was suggested that we adjourn. The friends of the bill refused to adjourn and I went on. Now the friends of the bill desire to adjourn. It is quite evident to me, judging from the previous history of the Senate, that it would be a good many hours before a quorum could be got here to do business, because many of the gentlemen who answer on the call of the absentees are paired, so that they do not do anything else than answer. Therefore it appears to me that it is probably entirely useless to endeavor to go on further with this business to-night. It will be the unfinished business for tomorrow morning, and for one I will give in to the will of the majority, that would not adjourn but wanted to go on when I obtained the floor, and that wishes to adjourn now. I shall interpose no further opposition to an adjournment; it seems to be useless.

The PRESIDING OFFICER. The Secretary will call the roll on the motion of the Senator from Indiana that the Senate adjourn.

Mr. EDMUNDS. If there be no objection let the call be dispensed with.

Mr. THURMAN. I ask unanimous consent that the call be dispensed with.

Mr. TELLER. No; let the yeas and nays be called.

The PRESIDING OFFICER. The Secretary will proceed with the call.

The Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) On this subject I am paired with the Senator from Virginia, [Mr. JOHNSTON,] and therefore I shall not vote. I should vote "yea," and he would vote "nay," perhaps, but for the pair.

Mr. McMILLAN, (when his name was called.) I am paired on this question with the Senator from Tennessee, [Mr. HARRIS.]

Mr. PENDLETON, (when his name was called.) On this question I am paired with the Senator from Tennessee, [Mr. BAILEY.]

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. LAMAR.]

Mr. WINDOM, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.]

The roll-call was concluded.

Mr. COCKRELL. I desire to announce that the Senator from Pennsylvania [Mr. WALLACE] is paired with the Senator from Arkansas, [Mr. WALKER.]

The result was announced—yeas 21, nays 13, as follows:

YEAS—21.

Call,	Hampton,	Paddock,	Thurman,
Cameron of Wis.,	Jonas,	Plumb,	Vest,
Cockrell,	Jones of Florida,	Ransom,	Voorhees.
Davis of Illinois,	Kirkwood,	Rollins,	
Ferry,	Logan,	Sharon,	
Gordon,	McDonald,	Teller,	

NAYS—13.

Beck,	Eaton,	McPherson,	Williams.
Blair,	Hill of Georgia,	Maxey,	
Booth,	Hoar,	Pryor,	
Davis of W. Va.,	Kernan,	Randolph,	

ABSENT—42.

Allison,	Coke,	Hill of Colorado,	Saulsbury,
Anthony,	Conkling,	Ingalls,	Saunders,
Bailey,	Dawes,	Johnston,	Slater,
Baldwin,	Edmunds,	Jones of Nevada,	Vance,
Bayard,	Farley,	Kellogg,	Walker,
Blaine,	Garland,	Lamar,	Wallace,
Bruce,	Groome,	McMillan,	Whyte,
Burnside,	Grover,	Morgan,	Windom,
Butler,	Hamlin,	Morrill,	Withers.
Cameron of Pa.,	Harris,	Pendleton,	
Carpenter,	Hereford,	Platt,	

So the motion was agreed to; and (at seven o'clock and thirty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 25, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ADULTERATION OF ARTICLES OF FOOD AND DRINK.

Mr. BEALE, by unanimous consent, from the Committee on Manufactures, reported, as a substitute for House bill No. 2014, a bill (H.

R. No. 4738) to provide for the welfare of the people in preventing the adulteration of articles of food and drink; which was read a first and second time, and, with the accompanying report, ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. BICKNELL, by unanimous consent, from the Committee on the state of the laws respecting ascertainment and declaration of result of election of President and Vice-President, reported, as a substitute for House joint resolution No. 75, a joint resolution (H. R. No. 223) amending the Constitution as to election of President and Vice-President; which, with the accompanying report, was ordered to be printed and recommitted, not to come back on a motion to reconsider.

FRANCO-AMERICAN TREATY.

Mr. BERRY, by unanimous consent, presented the following joint resolution from the Legislature of California; which was referred to the Committee of Ways and Means, and ordered to be printed in the RECORD:

Senate concurrent resolution No. 10.

Passed the senate February 4, A. D. 1880.

M. D. BORUCK,
Secretary of the Senate.

Passed the assembly February 4, A. D. 1880.

C. E. GUNN,
Clerk of the Assembly.

This resolution was received by the governor this 11th day of February, A. D. 1880.

ALBERT HART,
Private Secretary of the Governor.

CHAPTER —.

Senate concurrent resolution No. 10, relative to Franco-American treaty.

Whereas the project of a proposed Franco-American commercial treaty agreed to by a private association which assembled in Paris in August, 1878, has been advocated publicly throughout the United States by an agent employed for that purpose by certain interested parties, citizens of France, whose avowed object is the general reduction of American tariffs upon all French products, especially such as silk, woolen, iron, and glass manufactures, wines and brandies, which products now encounter in the markets of this country a serious competition, owing to the successful establishment of American industries; and whereas the proposed treaty is intended to seriously affect and retard the most important of the growing industries of California, namely, the production of wine and brandy and the manufacture of silk and woolen goods, besides many others, which are now in their infancy, but which are depended upon by our people for present and future employment, for themselves and those who shall seek this State for new homes, and while such a treaty would, perhaps for a generation, retard and injure, and in some cases destroy, our leading industries, the ultimate result would be to reduce our working classes by injurious competition with the cheap and underpaid labor of foreign countries to conditions of life which would prevent their social advancement and material progress, except as permitted by the gradual progress which may take place in other countries, whose excess of population would enable them to dictate, through commercial rivalry, the wages of our people and the prices of their products, so long as our own Government should fail to protect our own people against degrading competition with cheap foreign labor; and whereas the negotiation of the proposed treaty with France would involve this country in dangerous precedents and international difficulties, and being for a term of years, would deprive our Government of the power to regulate tariffs for revenue or protection, as necessity may require; and whereas the present tariffs on wines and brandies and other French products are moderate and justly regulated for the purpose of obtaining revenue from foreign articles of luxury, so that the necessities of life may be taxed as lightly as possible, and any material reduction of the same would compel the Government to obtain revenue by increasing the taxes upon such necessities:

Resolved by the senate of California, the assembly concurring. That our Representatives in Congress be requested, and our Senators instructed, to use all honorable means to defeat the negotiation of the proposed treaty, and to make known to the Congress of the United States that the people of this State, of all parties, are adverse to any treaty or law which shall endanger our home industries, and that they appeal to the Federal Government to consider the great importance of fostering industry, and to remember especially the great sacrifices and patriotic efforts of our vinticulturists, who have successfully established, after encountering almost insurmountable obstacles in the form of public prejudice and foreign opposition, an industry which our people confidently believe will in the future support millions of citizens, and rival both in extent of commerce and in public estimation, even the vinticulture of France, and will become a source of great wealth to the entire nation.

Resolved further. That the governor be requested to transmit forthwith a copy of these resolutions to each of our Representatives and Senators.

JNO. MANSFIELD,
President of the Senate.
J. F. COWDERY,
Speaker of the Assembly.

STATE OF CALIFORNIA, DEPARTMENT OF STATE.

I, D. M. BURNS, secretary of state of the State of California, do hereby certify that I have compared the annexed copy of Senate concurrent resolution No. 10 with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole thereof.

Witness my hand and the great seal of State, at office in Sacramento, California, the 12th day of February, A. D. 1880.

[SEAL.]

D. M. BURNS,
Secretary of State,
By THOS. H. REYNOLDS,
Deputy.

CADETS, MILITARY ACADEMY, WEST POINT.

Mr. COVERT. I ask unanimous consent to submit the following resolution.

The Clerk read as follows:

Resolved. That the Secretary of War be, and he hereby is, requested to transmit to this House a statement as to whether any of the cadets at the United States Military Academy at West Point who were recommended for dismissal from said academy by the academic board or other officers of said academy during the past or present year have been reinstated in said academy, or whether what is technically called "turn-backs" have been granted them or any of them; and if such reinstatement or other favorable action has been taken in any of such cases,

whether such action was in accordance with a recommendation of said academic board, or otherwise; and if such reinstatement or other favorable action was not made in pursuance of the recommendation of said academic board, what reasons, if any, existed for such action.

Mr. DUNNELL. I object. I am willing that it should go to the Military Committee.

Mr. COVERT. That is my wish, that it should be referred to the Committee on Military Affairs.

There was no objection, and the resolution was referred to the Committee on Military Affairs.

IMPROVEMENT OF WISCONSIN RIVER.

Mr. CASWELL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Secretary of War be requested to furnish the House with a copy of a report recently submitted to him by a board of engineers in reference to the improvement of the Wisconsin River.

SLAVERY IN CHINA.

Mr. DAVIS, of California, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the President be requested to transmit to the House of Representatives, if not deemed by him incompatible with the public interests, copies of such dispatches as have recently been received by the Secretary of State from the consul-general at Shanghai upon the subject of slavery in China, and those portions of the penal code of China which forbid expatriation.

LIGHT-SHIP ON FIVE-FATHOM BANK.

Mr. O'NEILL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Secretary of the Treasury be requested to furnish the House information from the Light-House Board and its views as to establishing a light-ship on Five-Fathom Bank, about ten miles north-northeast from the present light-ship, and an estimate of the cost.

ANNA A. PROBERT.

Mr. MONROE, by unanimous consent, introduced a bill (H. R. No. 4739) granting a pension to Anna A. Probert, widow of George C. Probert, late first lieutenant Third Ohio Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HEIRS OF JOHN G. CAMP.

Mr. MONROE also, by unanimous consent, introduced a bill (H. R. No. 4740) for the relief of the heirs of John G. Camp, deceased, late of Sandusky, Ohio; which was read a first and second time, and referred to the Committee on the Judiciary.

HOT SPRINGS RESERVATION.

Mr. DUNN. I ask unanimous consent to present for adoption at this time a resolution to investigate matters pertaining to the Hot Springs reservation in the State of Arkansas.

The Clerk read as follows:

Resolved. That the Committee on Public Lands, or any sub-committee appointed by the chairman thereof, be, and hereby is, instructed and directed to inquire into the manner in which the receiver appointed by the court under the provisions of section 5 of an act approved June 11, 1870, in relation to the Hot Springs reservation, in the State of Arkansas, performed the duties of said receivership, the amount and kind of property he took possession of in the name of the Government, what disposition was made thereof, what sum or sums of money he received for the rent or other use of said property, and generally to inquire fully into his conduct in that behalf, and also to investigate the manner in which the Hot Springs commission, appointed under the provisions of the acts of March 3, 1877, and December 16, 1878, in relation to the Hot Springs reservation in the State of Arkansas, have performed their duties; and to investigate fully all matters of alleged maladministration of said acts by said commissioners, or either of them, or by any officer or employee of said commission, either in the matter of making or rescinding orders of condemnation or making awards of the right of purchase under improper influences or speculating in contested claims or issuing certificates for condemned houses that have not been injured, removed, or taken by the Government; and to inquire into and ascertain what portion of the certificates issued by said commission for condemned buildings and property is just and right and what portion thereof is unjust, and into the receipts and expenditures of money on any and all accounts, and the amount of compensation received by said commissioners and each of their officers and employees, and into the settlement and condition of the account of any disbursing agent or officer said commission may have had; and generally to inquire fully into all of said matters and whether in any case wrong or injustice has been done to the Government or to individuals, and into the present condition, amount, kind, and value of property now held by the Government on the said Hot Springs reservation, and report by bill or otherwise such recommendations as they may deem wise and proper in the premises. And that said committee or any sub-committee thereof appointed as aforesaid shall have power to send for persons and papers, call and examine witnesses, administer oaths, sit during the sessions of the House, may have a clerk, stenographer, and messenger, and may proceed to said Hot Springs to prosecute said investigation, if deemed advisable by said committee, during the session of Congress; and the expenses of said investigation shall be paid out of the contingent fund of the House upon the certificate of the chairman of said investigating committee.

Mr. CONGER. I object.

Mr. DUNN. This resolution is directed to be presented by the unanimous order of the Committee on Public Lands.

Mr. CONGER. I object to it if it comes from all of the committee.

ADMISSION TO THE FLOOR.

The SPEAKER. The Chair desires to ask, in behalf of the Texas delegation, admission to the floor for Hon. John D. Templeton, secretary of state of Texas, during the day; and also, in behalf of Mr. CAMP, of New York, the same privilege for Hon. W. A. Coucher and W. Tiffany, of New York.

There was no objection, and the requests were granted.

ORDER OF BUSINESS.

Mr. FERNANDO WOOD. I demand the regular order.

Mr. BLOUNT. I hope the gentleman from New York will yield to

me for a few moments, in order to call up an appropriation bill for the star service, which was introduced yesterday from the Committee on Appropriations.

The SPEAKER. The gentleman from New York demands the regular order, and the regular order is the morning hour, which can only be dispensed with by the House itself, if the demand is insisted upon.

Mr. BLOUNT. I move to dispense with the morning hour.

Mr. TOWNSHEND, of Illinois. I insist upon the demand for the regular order.

The SPEAKER. The Chair understands the gentleman from Georgia makes a motion to dispense with the morning hour.

Mr. TOWNSHEND, of Illinois. That requires a vote of two-thirds.

The SPEAKER. The Chair will insist upon a vote of two-thirds. The Chair understands the gentleman from Georgia to move to dispense with the morning hour.

Mr. BLOUNT. That is what I propose to do.

The SPEAKER. The gentleman from Georgia proposes to reach the appropriation bill for the star service.

Mr. UPSON. I hope that will not be done.

The SPEAKER. A question as to priority of business is not debatable.

Mr. BLOUNT. I ask unanimous consent to state to the House the object I have in view.

The SPEAKER. The gentleman from Georgia asks consent that he may be permitted to make a statement to explain why he asks that the morning hour shall be dispensed with.

Mr. CULBERSON. I object.

The SPEAKER. The Chair has already stated that the gentleman's object is to reach the appropriation bill in reference to the star service.

The question being taken on the motion to dispense with the morning hour there were—ayes 111, noes 38.

So (two-thirds having voted in favor thereof) the morning hour was dispensed with.

Mr. BLOUNT. Under instructions from the Committee on Appropriations, I ask leave to report back from that committee the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on the star routes for the fiscal year ending June 30, 1880.

The SPEAKER. The Chair hears no objection.

Mr. PAGE. To what?

The SPEAKER. To the gentleman from Georgia reporting the bill from the Committee on Appropriations.

Mr. PAGE. I do not object to that, but I make the point of order that the bill should have its first consideration in Committee of the Whole.

The SPEAKER. The Chair sustains the point of order, and the bill is referred to the Committee of the Whole on the state of the Union.

Mr. BLOUNT. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering this bill.

Mr. BLACKBURN. I reserve all points of order on the bill.

The SPEAKER. That is the gentleman's right. The gentleman from Georgia moves that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. UPSON. Can anything be said on that motion?

The SPEAKER. It is not debatable.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SCALES in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union.

Mr. BLOUNT. I move that all bills on the Calendar be passed over informally until the bill which has just been referred to the Committee of the Whole be reached.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all prior bills be passed over, and that the bill he indicates be taken up. The Chair hears no objection.

Mr. BLOUNT. I would like to understand exactly the status of this bill. The Chair announced that the House was in Committee of the Whole on the state of the Union. My motion that the House resolve itself into Committee of the Whole was for the purpose of considering this bill.

Mr. RANDALL, (the Speaker.) That was stated for the information of the House. The motion itself was in the usual form, to go into the Committee of the Whole on the state of the Union. Then the House being in Committee of the Whole, the Chair very properly submitted the question to the committee that prior bills be laid aside in order to reach this bill. That was agreed to by unanimous consent. The gentleman has now reached his bill.

MAIL TRANSPORTATION ON STAR ROUTES.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880.

Be it enacted, &c., That out of any moneys in the Treasury not otherwise appropriated, so much thereof be, and the same hereby is, appropriated as may be required to meet the expenses of inland mail transportation on star routes for the remainder of the current fiscal year at or within existing contract prices: *Provided*, That upon any route where there has been an increase of the original contract

price during the last or the current fiscal year exceeding \$5,000, the compensation on such route shall be reduced to the terms of the original contract on and after the 1st day of March next; but nothing herein contained shall be construed to forbid the payment to contractors of the one month's pay, as is usual in case of reduction or termination of contract.

Mr. BLACKBURN. I rise to make a point of order. I will ask the Clerk to read Rule 77. And then, in order to give the gentleman from Georgia [Mr. BLOUNT] an opportunity to amend his bill, I will make the point of order that the section which has been read is not in accord with the requirements of the latter part of Rule 77.

Mr. CONGER. Let the reading of the bill be finished. The first reading has not been dispensed with.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SEC. 2. That the further sum of \$100,000 be, and the same is hereby, appropriated, as aforesaid, to enable the Postmaster-General to place new service as authorized by law, and the further sum of \$100,000 to increase the service on existing routes, including those on which a reduction has been provided for by the preceding section: *Provided*, That no increase shall exceed the rate of \$5,000 a year upon any one route.

Mr. BLACKBURN. I now ask the Clerk to read Rule 77.

The Clerk read as follows:

77. It shall also be the duty of the Committee on Appropriations, within thirty days after their appointment, at every session of Congress, commencing on the first Monday of December, to report the general appropriation bills—September 14, 1837—for legislative, executive, and judicial expenses; for sundry civil expenses; for consular and diplomatic expenses; for the Army; for the Navy; for the expenses of the Indian Department; for the payment of invalid and other pensions; for the support of the Military Academy; for fortifications; for the service of the Post-Office Department, and for mail transportation by ocean steamers; or, in failure thereof, the reasons of such failure. And said committee shall have leave to report said bills (for reference only) at any time.—March 2, 1865. In all cases where appropriations cannot be made specific in amount, the maximum to be expended shall be stated, and each appropriation bill, when reported from the committee, shall, in the concluding clause, state the sum total of all the items contained in said bill.—March 15, 1867.

Mr. BLACKBURN. In order to afford the gentleman from Georgia [Mr. BLOUNT] an opportunity now to make his bill conform to the latter clause of Rule 77, I make the point of order, first, that the maximum sum to be appropriated under this intended appropriation bill is not stated at all, nor is any sum stated; and as to the second section of the bill, I make the point that it is obnoxious to the latter clause of Rule 77 because the sum total to be appropriated by the bill is not stated in its concluding clause.

Mr. CONGER. Rule 77 applies to general appropriation bills. It does not apply to a bill making a specific appropriation. The whole rule applies only to the general appropriation bills and their subject-matters are mentioned in the rule. The last clause of the rule, on which the gentleman from Kentucky makes his point of order, does not apply to the specific appropriations which may be reported by the Committee on Appropriations or to any deficiency bills. It never has been held to do so. If the Speaker were present I think he would bear me out in that statement. I submit, further, that this bill was introduced by unanimous consent and is being considered by unanimous consent.

The CHAIRMAN. All points of order were reserved on the bill.

Mr. CONGER. All points of order were reserved; but my point is that the point of order does not touch a deficiency bill or anything but the general appropriation bills; and it has always been so held in this House.

Mr. BLOUNT. I think that the gentleman from Michigan [Mr. CONGER] has fully met the point of order raised by the gentleman from Kentucky, [Mr. BLACKBURN.] It will be observed that the rule to which the gentleman refers provides for the regular appropriation bills. For instance, the Post-Office appropriation bill is made up of a great many items, for the compensation of postmasters, for the compensation of clerks in post-offices, for mail-route messengers, for route agents, for postal-car clerks, &c. The various items of appropriations contained in that bill are placed under several heads, such as the First, Second, and Third Assistant Postmasters-General, the many items constituting one whole. So with reference to all the other general appropriation bills.

When Rule 77 refers to items it means items of a different nature. What is the bill now before the committee? In the sense in which the word "items" is used in the rule there is but one item in the pending bill. It relates to the single item of star service, to the deficiency in the appropriations for that service. In that sense, therefore, the bill is only a single item. While this particular deficiency bill may have been divided into two paragraphs, the purpose of the bill is but one, to supply a deficiency in the appropriation for the star service. Therefore I say that the point of order does not apply to this bill.

Again, we have in this instance all the certainty that the rule was intended to require. There are in this country in the neighborhood of ten thousand star routes for which contracts have been made. The first paragraph of this bill does not leave the House in any uncertainty as to what the Committee on Appropriations asks it to do. It provides that the service on these star routes, every single one of them, as the Government is bound by its contracts throughout the land, shall be the measure of this appropriation. Therefore there can be no uncertainty as to what is intended by the bill.

In a question of this sort the rule never was intended to require, and this House will not ask, that we should sit down and make the

calculations necessary to indicate the specific amounts to be appropriated for all these ten thousand star routes. It might perhaps be possible to do that, but we are not expected to do more than to carry out the purpose of this rule if it operates upon this bill; that is to make certain what is intended to be done by this bill. This bill is just as certain in that respect as if it contained all the particular details. Therefore, I think the objection taken by the gentleman from Kentucky [Mr. BLACKBURN] on his first point of order is not well founded.

The gentleman also says that the sum total of all the items contained in the bill should be stated at the close of the bill. It is true there are two paragraphs of this bill, but they are practically but one item when it is understood. It must be remembered that in reference to general appropriation bills the word "items" relates to several matters of different kinds; that is, the pay of postmasters, the pay of route agents, the pay of inland transportation, &c.

Mr. BLACKBURN. It seems to me to be too plain a proposition to require that any time of the House shall be occupied in its discussion. The gentleman from Michigan [Mr. CONGER] is certainly at fault, and the gentleman from Georgia [Mr. BLOUNT] seems to have fallen into the same error in saying that the clause of the seventy-seventh rule upon which I based my point of order applies to general appropriation bills only.

If gentlemen will take the trouble to look at the rule they will find that the House adopted it in March, 1865; but the clause of the rule under which I make the two points of order against this bill which I have indicated was adopted more than two years after that time, in 1867, by another Congress. Therefore, as a matter of date and of authority, the latter clause of the rule is the work of a different body of men from the body which adopted the preceding clause. To all intents and purposes, that clause of Rule 77 under which I make these points of order is an independent rule, created by a different Congress from the one which created the preceding clause, which refers to general appropriation bills.

I would like to know what authority the gentleman from Michigan [Mr. CONGER] or the gentleman from Georgia [Mr. BLOUNT] can find for the construction which they have endeavored to place upon this rule. The clause under which I make these points of order declares not that "general appropriation bills," not that "any of the general appropriation bills," not that "any appropriation bill," but that "in all cases" where the Committee on Appropriations report a bill to this House looking to the appropriation of money—"in all cases where appropriations cannot be made specific in amount, the maximum to be expended shall be stated," &c. Now, my point of order is that no maximum is stated in this bill. There are no figures in the bill at all, except in the second section of the bill, relating to certain disbursements which are not involved at all in the first section of the bill.

Again, the rule goes on to provide "and each appropriation bill"—does that mean "each general appropriation bill?" If the Congress that made this rule knew what it was doing and wanted to confine this rule only to general appropriation bills, why did it not so state? But the rule says, "and each appropriation bill"—that means general or special—"when reported from the committee, shall, in the concluding clause, state the sum total of all the items contained in said bill."

Now I am perfectly content to submit the points of order I have made to the decision of the Chair simply upon this re-reading of the last clause of the rule, and I shall be content with that decision whatever it may be.

Mr. BLOUNT. In reply to what the gentleman from Kentucky [Mr. BLACKBURN] has stated, I wish to say this: he makes the point that this rule does not relate to general appropriation bills, but to all appropriation bills. By an examination of this rule it will be found that it stands as one rule, Rule 77, adopted by the House as a single rule, to be construed as but one rule, no matter at what dates the different clauses of the rule may have been adopted. It stands here as Rule 77, to be construed as one rule by the presiding officer, whosoever he may be at any given time.

The rule relates to the duty of the Committee on Appropriations in reference to appropriation bills; and, as I hold, those appropriation bills are general appropriation bills. If the gentleman is correct in his statement that this rule is intended to apply to all appropriation bills, whether the general appropriation bills reported by the Committee on Appropriations or any other, that it applies to any appropriation bill—

Mr. BLACKBURN. Oh, no; the gentleman certainly does not want to misconstrue my language.

Mr. BLOUNT. Certainly I do not.

The CHAIRMAN. Does the gentleman from Georgia [Mr. BLOUNT] yield to the gentleman from Kentucky, [Mr. BLACKBURN?]

Mr. BLACKBURN. The gentleman will of course yield for a correction.

Mr. BLOUNT. Always.

Mr. BLACKBURN. I say that, according to the plain language of Rule 77, the latter clause applies to every appropriation bill, general or special, large or small, specific or indefinite, that is reported by the Committee on Appropriations.

Mr. BLOUNT. Now, Mr. Chairman, I undertake to say that the position of the gentleman from Kentucky is not correct, and cannot reasonably be deduced from this rule. The gentleman now proposes,

in construing the rule, to disconnect the latter clause from the clause referring to general appropriation bills; to treat the latter clause by itself and make it cover every single appropriation that may come from the Committee on Appropriations, whether embraced in a general appropriation bill or not. Now, I submit that it is unreasonable to suppose it to have been the intention of the House that every other committee of the House should be allowed the right to appropriate in a general way without stating any amount, without summing up the items, and that the Committee on Appropriations could never have the same right. And yet this is the conclusion to which the gentleman's argument would lead. According to his proposition every committee in this House except the Committee on Appropriations may do that thing. It seems to me reasonable to assume that no such construction was ever intended; that the language of the rule was designed to apply simply to these general appropriation bills; that when bills of this character come in, embracing twenty, fifty, a hundred or more items, covering in some instances eighty or one hundred pages, there should be in the concluding clause a statement of the aggregate amount appropriated.

Mr. CANNON, of Illinois. Mr. Chairman, I do not desire to add much to what has been said by the gentleman from Georgia, except to call further attention to the fact that Rule 77 in its very commencement refers to general appropriation bills; and because general appropriation bills are not again specified in the latter part of the rule, it does not follow that the entire scope of the rule does not relate to general appropriation bills. It is this class of bills that the rule treats of.

In Rule 76 the jurisdiction of the Committee on Appropriations is defined. It is declared among other things that all executive communications touching appropriations shall be referred to that committee. The truth is that this committee has jurisdiction to report not only the eleven or twelve general appropriation bills, but private bills; and it does report them week by week.

I will also recall to the recollection of the Chair the fact that bills making appropriations, as this bill does, without specifying the amount, have frequently been reported from the Committee on Appropriations.

Again, during the first session of this Congress I was directed to report from the Committee on Appropriations a deficiency bill to pay letter-carriers; and the Speaker of the House informed me that I had no right to report it as a privileged bill, because it was not one of the general appropriation bills. Yet it was a deficiency bill; not a general deficiency, but a deficiency bill for one single item.

This bill itself, when reported this morning from the Committee on Appropriations, was reported by unanimous consent, not under Rule 119, which gives certain privileges to general appropriation bills.

I do not wish to consume any more time upon the point of order, and with a single additional remark I will sit down. Even if there were anything in this point of order, it is now raised prematurely and out of time. This bill by unanimous consent has been reported to the House; on a point of order it has been sent to the Committee of the Whole, where we are now considering it. The time for general debate is now running, and the gentleman from Georgia [Mr. BLOUNT] was upon the floor for this purpose when the point of order was made. The time to make this point of order, if it can ever be properly made, will be when the bill is being read by sections for amendment, which is not being done at this time.

Mr. BLACKBURN. Has not the bill been read through?

Mr. CANNON, of Illinois. The bill has been read through, as all bills have to be read in Committee of the Whole when first taken up, unless the first reading is dispensed with by unanimous consent. But the reading by sections or paragraphs for amendment is yet to be had, after general debate shall have closed.

Mr. BLACKBURN. Does not the gentleman from Illinois know the rules of this House well enough to know that whenever debate has been had it is too late to make a point of order?

Mr. CANNON, of Illinois. The point of order is made, and the Chair through courtesy, not under any rule of this House, listens to remarks upon the point of order.

Mr. BLOUNT. The gentleman from Kentucky can make his point when we get to the paragraph to which it applies.

Mr. CANNON, of Illinois. Certainly he can make it when we get to that paragraph; but it is not now made in apt time, even if there is anything in it.

Mr. BLACKBURN. We are at the paragraph now; and if I should withhold this point of order until the gentleman from Georgia had uttered one word in the way of debate on the merits of the bill, then, under one of the plainest rules which the House has for its government, it would be too late for me to make the point of order.

Mr. CANNON, of Illinois. The gentleman cannot be correct in that position, or else I have no recollection of the practice of this House, because the invariable practice in Committee of the Whole is first to read the bill in full, unless that reading is dispensed with. Then comes the general debate, and then, under the rule, the bill is read for amendment and five-minute discussion. We have not reached that period.

Now, sir, what would be the judgment of the Chair at this time? In the event the Chair decides in favor of this point of order, and that the bill is not under consideration for amendment, why, sir, points of order run along with the bill until it is considered for amendment when read by sections.

Mr. BLOUNT. In relation to what the gentleman has said—
Mr. CONGER. Let me call attention to the time when this rule was amended. I ask the Chair to turn to the seventy-seventh rule. Any gentleman who has the rules before him can do it. I will not read the rule, Mr. Chairman, but I desire to run along in Rule 77 to the last clause on which this point of order is made. March 15, 1867, Mr. BLAINE, from the Committee on Rules, offered the following amendment to the rules:

Amend Rule 77 by inserting after the word "failure," in the twelfth line, as follows:

"In all cases where appropriations," &c.—

being the last clause.

When this rule was adopted there was inserted, after the words "on failure thereof," "the reasons of such failure," so it would read "in all appropriation bills" mentioned by name, closing with "and for mail transportation by ocean steamers; or, in failure thereof, the reasons of such failure. In all cases where appropriations cannot be made specific in amount, the maximum to be expended shall be stated." Now there is not even those intervening words, "and said committee shall have leave to report said bills for reference at any time." The amendment as I find it in the RECORD reads as I have stated:

Amend Rule 77 by inserting after the word "failure," in the twelfth line, the following:

"In all cases where appropriations cannot be made specific in amount," &c.

With that continuation, without that intervening paragraph which has been inserted since, there can be no question which relates to appropriations under Rule 77. Rule 77 relates entirely to general appropriation bills. The rule itself, in the line immediately preceding where this was originally placed, mentions the list of the general appropriation bills. There is inserted the clause "and said committee shall have leave to report said bills at any time;" that is, the general appropriation bills. Under the amendment the appropriations referred to all relate to these general appropriation bills.

The question has been raised before this, and the Chair may probably remember that Rule 77 has been construed always to refer to general appropriation bills, those named in the rule, and not the pensions, not the claims, not the deficiencies, not to any appropriation.

If the Chair pleases to consider, this bill could not be reported at any time as a general appropriation bill may be at any time. The consent of the House had to be asked. Unanimous consent in this case had to be obtained. It is apparent, I think, to any one this is not one of the general appropriation bills. It has not so been treated this morning. If it were a general appropriation bill no consent was necessary. It would have been a question of privilege to report it. Consent was asked and it was granted for its consideration. Unanimous consent was given to pass over all other bills on the Calendar to take it up.

I do not wish to detain the committee longer, but my point is that the amendment to this Rule 77 on which the point of order is raised by the gentleman from Kentucky was inserted when it originally became a part of this rule. It was inserted after the word "failure" and thus made a part connected absolutely with the general appropriation bills, not severed from that rule even by that clause which allows these to be reported at any time.

My point then is, Mr. Chairman, this rule applies only to general appropriation bills; that it never is and never can be construed to apply to anything else. Rule 77, as a whole, applies to general appropriation bills because there are no other bills which may be reported for reference at any time. This is not such a general appropriation bill as is provided for in Rule 77. If it had been, the committee could have reported it at any time without asking for consent. In fact, this morning they had to ask unanimous consent of the House and obtained it because it was not a general appropriation bill. To my mind, it is a bill which can be amended if the point should be ruled against it. If that rule shall be considered to apply to other bills than general appropriation bills, I take it that it would be utterly impracticable.

I might say that it is not a point of order at any rate, but when we come to consider that question the motion can be made to amend it. You could not throw out the bill because that rule in regard to appropriation bills has not been complied with. It is still subject to amendment.

Mr. CASWELL. Mr. Chairman, we have a precedent for this bill. I concede that if the amount could be ascertained that it would be very proper to do so, and the rule in question is drafted for that purpose. At the first session of the Forty-fifth Congress, when both Houses were unable to agree on the amount that should be appropriated for the continuation of the service under the Government, we adopted a joint resolution from time to time authorizing the several Departments to continue the service of the Government under existing contracts, or in accordance with the same rate provided in the appropriation bills ending June 30 of that year. Suppose this rule had been drawn upon us in those cases, and the point of order made, we would have met the objection with the fact that it would be utterly impossible to ascertain the amount of the appropriation necessary. And this bill now under consideration is simply to authorize the Postmaster-General to continue the service under existing contracts, the exact amount not being accessible, nor can we ascertain it.

The conditions are precisely the same as those to which I have referred, and evidently the rule is not intended to apply to cases of

that kind. It has reference to the twelve appropriation bills only, and has no reference whatever or application to those unascertained amounts which may arise in cases of deficiency, and therefore I think the rule has no reference whatever to the bill now pending.

The CHAIRMAN. While the Chair believes this is not a general appropriation bill under a strict construction of the rules, yet as it is an important point, and one comparatively new, the Chair prefers to submit it to the judgment of the committee.

Mr. BLACKBURN. What is the decision of the Chair?

The CHAIRMAN. The decision is that while the Chair believes that this is not a general appropriation bill under the rules, yet as it is an important point he would prefer to have the decision of the committee upon it.

Mr. BLACKBURN. The Chair then declines to rule upon the point of order?

The CHAIRMAN. The Chair submits simply his opinion, and refers the point of order to the judgment of the committee.

The question was submitted, "Is the point of order well taken?"

The point of order was overruled by the committee.

Mr. BLOUNT. Mr. Chairman, shortly after the opening of the present session of Congress a communication was sent to this House asking for an appropriation of \$2,000,000 for that portion of the annual transportation of the mails which is designated ordinarily as the star-route service. During the preceding and present fiscal year every dollar of money had been appropriated by Congress which the Department had asked for. For the fiscal year 1879 a million dollars of the increase on that branch of the service alone was voted, equivalent to a total increase for any consecutive four years which has preceded it since the war. For the present fiscal year in view of that appropriation the Committee on Appropriations deemed it advisable not to recommend the full amount asked for the fiscal year.

The House of Representatives and Congress saw fit to differ with it and voted every dollar that the Department asked for. In this condition of things the Committee on Appropriations but felt it their duty before voting away blindly \$2,000,000 to ask the House to give them time and means to ascertain the reasons which required this appropriation to be made. The resolution for this purpose, therefore, was proposed and agreed to by this House. I regret that the situation of the gentleman from Kentucky [Mr. BLACKBURN] who was chairman of the sub-committee charged with this investigation is now and has been continually in charge of the report of the Committee on Rules, which has engrossed his time and prevented the committee from making a full report upon that resolution—

Mr. BLACKBURN. What is the statement of the gentleman? I deny that I prevented a report upon the resolution.

Mr. BLOUNT. Mr. Chairman, I think the gentleman from Kentucky totally misapprehends me.

Mr. BLACKBURN. I understood the gentleman to say he regretted that I had prevented a full report on the resolution.

Mr. BLOUNT. Not at all. I was simply saying that the gentleman from Kentucky, by reason of his connection with the conduct of the report of the Committee on Rules in this House, had been prevented—

Mr. BLACKBURN. Oh, no. The gentleman has no authority for making any such statement. I had no engagement of any sort which would have prevented me from doing every atom of work the committee was willing to do in making any investigation which the House should see fit to order.

Mr. BLOUNT. This is a matter the House does not care about.

Mr. BLACKBURN. Then do not bring it up.

Mr. BLOUNT. I thought what I stated was correct. It is not a matter of very great importance. But I will state this: that matter has not been concluded, and we have not reached full information upon which to make a final report to this House, but there are some things which we may report.

The amount of money appropriated during the current fiscal year was \$5,900,000; the rate of cost of the service for this year without any increase hereafter as to trips or as to additional routes would be \$7,594,000.95. Section 3679 of the Revised Statutes declares that—

No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

From the statement just read, of the Second Assistant Postmaster-General, it is therefore apparent that they have expended beyond the appropriation we made for the service an amount which at the rate of cost December 30, 1879, would bring about a large deficit, being the difference between the sum appropriated and the sum just stated. Therefore it was not a simple question of magnifying the service in futuro that we had to encounter in considering the request for two millions of additional money.

The Second Assistant Postmaster-General, when interrogated, answered frankly as to the obligations of the Government at that date. When asked as to section 3679 he answered that he did not propose to violate the provisions of that statute. And I ask the attention of the members of this House to the answer or the explanation the gentleman saw fit to make in defense of his conduct in that direction.

The law authorizes contracts to be made, after advertisement, with the lowest bidders for a term not exceeding four years. There is no authority in any statute authorizing in terms the Postmaster-General to annul contracts. It is the usage to insert in the regulations which

accompany proposals for bids and which are regarded as a part of them, a power on the part of the Post-Office Department, whenever it shall think that the public service requires it, to annul any contract by giving one month's extra pay. In the examination upon this matter the Second Assistant Postmaster-General announced decidedly, without equivocation, that if there was no more money appropriated the amount of money which had been appropriated for this fiscal year, after payment of the one month's extra pay, would be entirely exhausted by the 10th day of March, and that it was competent for him to do that thing. He announced, in response to a question of the gentleman from Pennsylvania, [Mr. CLYMER,] that he could, if he saw fit, spend in one month every dollar which was appropriated for the star service, and then, by stopping every mail in this country, bring the expenditure inside of the appropriation. He announced further that he went on to spend this money, knowing that when he made the appeal to Congress—

Mr. BLACKBURN. I dislike to interrupt the gentleman from Georgia, but I must rise to a point of order.

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. BLOUNT. Certainly I do.

Mr. BLACKBURN. I want to suggest to the gentleman from Georgia—for I do not wish to make the point of order—that under the rules he has no right to use in an argument before the House testimony that may have been taken or partially taken before a committee in advance of any report thereon made to the House.

Mr. COOK. Which nobody has seen outside of the committee, so far as I know.

Mr. BLOUNT. I will say this in reply to the gentleman from Kentucky—

Mr. BLACKBURN. Let me explain. I do not think this is a proper time or a proper place for this argument, nor that the proper time or proper place will have come for the argument that the gentleman is now making until the committee of this House charged with that investigation shall have made its report.

Mr. BLOUNT. Mr. Chairman, I have simply this to say in reply: that that committee has made a partial report to this House, which is now being considered; and it is necessary for me to make such reference to the testimony upon which this report is founded as will justify the action of the committee. I insist, therefore, that I am in order.

Mr. BLACKBURN. Then I make the point of order, and I ask the Chair to rule on it.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. BLACKBURN. My point of order is that it is not in order for any gentleman to use or to refer to any testimony that may have been taken under the order of this House by one of its committees before the report shall have been made thereon by said committee, and while the investigation is still in progress.

Mr. CANNON, of Illinois. I desire to be heard on that point of order.

This deficiency bill was referred to the Committee on Appropriations. Afterward the gentleman from Kentucky, from the Committee on Appropriations, introduced a resolution raising an investigation by that committee touching this deficiency and the cause therefor. That investigation has made some progress. Some evidence has been taken, and the sub-committee has made one report to the full committee touching the deficiency, and reported the very bill that is now being considered by this Committee of the Whole. In that evidence are certain tables and estimates furnished by the Post-Office Department which the whole Committee on Appropriations used in maturing this bill, and which they must necessarily use in giving the Committee of the Whole information touching the same. I think it is perfectly legitimate and proper that the committee having made a primary report it should be referred to, so far as regards any information the Committee on Appropriations may have that will enlighten the Committee of the Whole touching the deficiency bill now pending and being considered by this committee.

The CHAIRMAN. The Chair, of course, is not to be presumed to have any knowledge of what has occurred in the Committee on Appropriations, but he sustains the point of order.

Mr. HAWLEY. May I ask an explanation of the condition in which that decision of the Chair leaves this question? I ask for information. A communication from the Post-Office Department was presented here asking an appropriation of \$2,000,000 in addition to the annual appropriation of \$5,900,000, to supply a deficiency in the appropriation for star routes. That communication was referred to the Committee on Appropriations for consideration and report. That committee sent for the Second Assistant Postmaster-General, who is in special charge of this matter of the star routes—

Mr. BLACKBURN. There is no objection to that information being used.

Mr. HAWLEY. I am not through yet.

The committee sends for the Second Assistant Postmaster-General, who comes to the committee bringing a large number of tabular statements and written communications, which are in print and may be had by members if they desire; perhaps, technically, they are not here. Those statements have been laid before us, and, of course, we had no other source of information in the world. We bring in a report here based upon that information. Now, under the point of order made by a member of the Committee on Appropriations, we are not allowed to refer to one figure in those tabular statements, to one

word in those written communications made to us by the Post-Office Department. I submit that under the decision of the Chair we had better let this matter lie over for two or three days, and until a large edition of those statements and communications and all the testimony can be printed, so that the Committee on Appropriations may be able to state to this House upon what authority it has reported the bill now under consideration.

Mr. BLACKBURN. The gentleman from Connecticut [Mr. HAWLEY] need not have put himself to so much trouble to misstate the point of order that I made or the effect of it.

The CHAIRMAN. The point of order has been decided.

Mr. BLACKBURN. I understand that, but the gentleman from Connecticut was allowed to discuss it after it was decided.

I simply desire to say that so far as the communications relative to this star-route deficiency made by the Post-Office Department to this House are concerned I do not understand that any one has attempted to make any objection to their being used. I certainly never did. I simply objected to what seemed to me to be an improper use of testimony now being taken before a committee of this House, upon which no report has ever been made, which testimony itself is not completed, for the witness himself whose testimony was being quoted, as both the gentlemen know, is yet to come back upon the stand and complete his testimony. And further, not one atom of that testimony is in possession of this House, or ever was in possession of it, or can be until a report is made by the committee.

When that report is made the star service and its management by the Post-Office Department will have full attention, and no fuller attention at the hands of any man in the House than mine.

Mr. HAWLEY. And by that time this bill will be useless and the country will be involved in \$1,700,000 of expense beyond the possibility of prevention.

Mr. BLACKBURN. I think so, too, unless the gentleman from Connecticut [Mr. HAWLEY] will allow the bill to pass.

Mr. BLOUNT. Do I understand that under the ruling of the Chair no information which the Committee on Appropriations may have obtained in their investigation, and which information is the basis of this bill which has been reported by them to the House, can be referred to by the committee reporting the bill?

The CHAIRMAN. The Chair understands that there is no right to refer to what has taken place in committee, and so far as the remarks of the gentleman relate to what has transpired in committee the Chair rules they are not in order.

Mr. HASKELL. I desire to state on this point of order, if the gentleman from Georgia [Mr. BLOUNT] will allow me—

Mr. HUTCHINS. Is debate in order on the point of order, after the Chair has decided it?

The CHAIRMAN. Debate is not in order, the point of order having been decided.

Mr. HUTCHINS. Then I make the point of order that the gentleman from Kansas is not in order.

The CHAIRMAN. The point of order is well taken.

Mr. HASKELL. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Kansas rise?

Mr. HASKELL. I rise primarily to make an inquiry—

The CHAIRMAN. The gentleman will state it.

Mr. HASKELL. And a statement in reference to the point of order under discussion. I have in my possession a portion of the printed testimony taken—

Mr. HUTCHINS. I call the gentleman to order.

The CHAIRMAN. The gentleman from Kansas [Mr. HASKELL] is not in order, and will please take his seat.

Mr. HASKELL. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HASKELL. My point of order is that there is a point of order pending before this committee.

The CHAIRMAN. That point of order has been decided and sustained.

Mr. HASKELL. There is no point of order, then, before the committee?

The CHAIRMAN. There is none.

Mr. HASKELL. Then I beg the pardon of the Chair for troubling him with any proposed remarks on a point of order that does not exist.

Mr. BLOUNT. I desire again to ask what limit there is upon my referring to information which has induced the Committee on Appropriations to report this bill? The report was made after an examination of officials of the Government connected with this star service, which examination was made by virtue of an order of this House directing us to seek such information for the purpose of making a report, which report we have made in the form of the bill now pending before this committee. I understand the Chair to state that any official communication in relation to the matter of this bill may be referred to. Do I understand the Chair to confine me to communications in writing or to verbal communications?

The CHAIRMAN. Any communications which may have been referred to the committee by the House the gentleman is at liberty to speak of.

Mr. BLOUNT. Then, Mr. Chairman, there have been no communications referred to the committee by the House; and under the ruling of the Chair, if adhered to, we can refer to nothing which occurred in committee.

The CHAIRMAN. The Chair can only decide on a question as it arises. The gentleman will proceed.

Mr. BLOUNT. Then, sir, I will not refer to the testimony; but I will allude to what is known to every member of this House through official communications and through the press of the country. It is known officially to this House that there is needed for the purpose of continuing the service contracted for to the end of the fiscal year, in connection with the increases which have been made, the sum of \$2,000,000. It is known officially to this House that so much of the appropriation already made has been expended that within the last few hours, if we may rely upon the statements of the press, the Postmaster-General has issued an order to every contractor in this land that on every star-service route the service shall be reduced to one trip per week; that this order is issued by reason of the lack of funds to continue the service at the present rates of increase. It is known to us that at this time in many of the States there are now seven trips a week, five trips a week, three trips a week, in connection with this star service, and that by reason of the contracts which have been made and which have exhausted the funds we are brought to the attitude of having the service on all these routes cut down to one trip per week.

We appropriated money enough to continue this service on all the routes of the country except 107 to the end of this fiscal year, by the addition of the small sum of \$500,000. A sum of money was voted which would have enabled the Department to give better service than we had had for many previous years. The expenditure of this vast sum of money within the first half of the fiscal year, before any intimation was given to Congress upon that subject, was communicated to this House under what circumstances? When the House could not by any possibility consider the question as to what should be the service for the fiscal year; when a preceding House had determined what should be that service; when the laws of the land rightly construed held the Department down to that service. This communication was brought to us when the House was under duress as to the matter of appropriating money; when we could not consider the question as representatives of the people, having the original right to determine how much money should be expended in this manner. I say that this was done deliberately. The Postmaster-General and the Second Assistant Postmaster-General must be presumed to have intended in matters of this sort what they did.

What, then, is the condition of this House? What has the Department deliberately done? It has gone on and expended this money in such a manner that if existing contracts are carried out in good faith the whole of the moneys appropriated will be exhausted by the 10th of April, leaving this service without any money at all—absolutely destroying the service. Mr. Chairman, I ask whether, in the history of this country, there ever was such audacity on the part of any departmental officer in time of peace and in the absence of any public exigency? The Postmaster-General and the Second Assistant Postmaster-General have deliberately gone on and made contracts in violation of law to the extent of \$1,700,000, and have then come to this House and pretended to submit the question whether the service should be continued for the remainder of the year; but they have deliberately submitted that proposition when we cannot refuse it without destroying the mail service of the country. I ask whether the representatives of the people of this country—whether the two hundred and ninety-three members of this House, with whom resides the power of originating appropriation bills—are to be toyed with, contemned, and despised in this manner?

Sir, I do not hold that there are no exigencies in which an officer may not exceed an appropriation. We all remember that at the time of the troubles with Spain the Secretary of the Navy enlisted fifteen hundred additional men for the Navy. When Congress met that action was submitted, and was justified on the ground of threatened war with Spain. But in this case there was not the slightest exigency. And we are mocked with the miserable, foolish sophistry that the officer responsible in this case can save himself from the operation of the statute by destroying the mail service of the country; and we are expected to accept such a statement. Destroy the mail service of the country! Annul every contract in the land! Say to the contractors on ten thousand routes "You relied on our faith; we entered into contract with you; all that you could reasonably expect was that when the public interests of the country might require it the Government should annul this service; but now with a ruthless hand, with utter disregard of the interests of the public service, we propose to annul those contracts, to bankrupt you, in order that we may clear our guilty skirts by saying we have not spent more money than was appropriated."

Why, sir, such a proposition deserves the indignation of the House. Such an officer does not deserve the confidence of any administration; and if this is the manner in which the public funds are to be used, I trust that this House, without reference to party, with true regard to the laws of the land, with true regard to their honest administration, will resort to remedies which shall make an example that will drive such miserable sophists from place hereafter.

Mr. Chairman, this was the attitude in which we found this subject when we came to take it up. How has this money been spent? Why, sir, during the fiscal year from July 1, 1878, to June 30, 1879, and during the half year from July 1, 1879, to December 31, 1879, \$2,178,970 was expended for multiplying trips on routes, and in expediting the service.

Specific reasons have been urged upon different gentlemen at different times in regard to the service. Sometimes gentlemen from the South have been told that the service there has been largely increased; and this was offered as an inducement for a large increase of appropriation.

Out of these \$2,000,000 how much of it has gone there? Five hundred and four thousand dollars have gone to Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Missouri, Tennessee, and Kentucky. Two hundred and ninety-four thousand dollars of that \$500,000 went into the State of Texas. One hundred and sixty-five thousand dollars of that \$294,000 which went to Texas is for a route from Fort Worth to Fort Yuma, some fifteen hundred miles long, with thirty-two post offices and \$38,000 of receipts. So when they have gone into the State of Texas with \$294,000, \$165,000 of that amount went into the pockets of a single contractor who, at that time, was carrying a daily mail between those two points, the mail starting each day from each of the terminal points and going to the other. In addition they put on this \$165,000 in that country without population covering sixteen hundred miles of space—placing this service in the hands of a single contractor—when the populous portions of Texas did not get one-half of the increase which went to Texas.

Mr. MILLS. Will the gentleman allow me to interrupt him?

Mr. BLOUNT. Yes, sir.

Mr. MILLS. The gentleman should not forget that during Mr. Buchanan's administration—

Mr. BLOUNT. I do not yield for a speech, although I will yield for a question.

Mr. MILLS. I thought you were misleading the House and that you would yield to a statement that during Mr. Buchanan's administration \$600,000 was paid for that route.

Mr. BLOUNT. I have nothing to do with what has been paid. There has been a good deal of bad management in reference to the mail service of the past. I do not wish to mislead the House but to inform it in reference to facts necessary for a correct judgment. I know that by reason of law this route was advertised and bid for for the sum of \$134,000, but I submit to this House whether that is not abundant service for any State in this Union, much less this comparatively sparsely populated portion of Texas.

You can take ten of these routes, as follows: One in the Indian Territory, one in Dakota, one in Texas, one in Montana, one in Wyoming, one in New Mexico, three in Arizona, one in Oregon, two in California, twelve routes, let originally, under operation of law, to the lowest bidder at the rate of \$240,296.25. The Department has increased that service by its own orders to \$1,184,286.29. Here in three States and nine Territories is an increase of \$943,990.04 on twelve routes, which disposes of at least more than one-half of this sum. In these routes, too, sir, I ask you to observe there are not, as might be supposed, single trips a week. In the Indian Territory there is originally one trip a week; most of the others are three times a week at the original contract price without increase.

The committee found, Mr. Chairman, on examination of official data and the records of the Post-Office Department, they might safely submit to the House the following propositions which are contained in this bill. First, that the routes as they are now served throughout this country should be continued except where the increase exceeded the sum by \$5,000. On examination of the records of the Department, it has been ascertained that the operation of this exception touches only one hundred and seven routes in the United States out of about ten thousand.

Mr. DUNNELL. Can the gentleman state where those routes are located, in what States and Territories?

The CHAIRMAN. Does the gentleman yield to the gentleman from Minnesota?

Mr. BLOUNT. I will be glad, Mr. Chairman, to answer the gentleman's question if I can find the paper which I have here.

Mr. DUNNELL. I ask the gentleman the question, if it is convenient to him to answer.

Mr. BLOUNT. I will send to the Clerk's desk, to be read in answer to the question of the gentleman from Minnesota, the information which he asks.

The Clerk read as follows:

Number of star routes increased over \$5,000 in each State and Territory in 1879 and since July 1, 1879.

Montana.....	7
Wyoming.....	3
Colorado.....	15
New Mexico.....	7
Arizona.....	11
Utah.....	4
Idaho.....	3
Oregon.....	8
Nevada.....	11
California.....	14
Louisiana.....	3
Texas.....	9
Indian Territory.....	4
Kansas.....	1
Nebraska.....	1
Dakota.....	6

Total increases..... 107

Mr. BLOUNT. Mr. Chairman, it will be seen, as I have previously stated, that the first clause of this bill touches none except those one hundred and seven routes which have been referred to. The Postmaster-General in his annual report to this House states by reason of the present law in relation to the multiplication and increase of service that the Government is greatly injured. He claims that he has not power to protect the Government against bad contracts in relation to the increase of trips or the expedition of service, and he asks legislation.

The Committee on the Post-Office and Post-Roads have reported a bill to the House through its chairman [Mr. MONEY] in which they take this identical sum of \$5,000 as the arbitrary line from which he may proceed to correct this abuse. This bill simply restores the original price on that service, and puts it back on that class of routes and gives the opportunity to the Government to correct, by advertising or such methods as Congress may see fit to provide, the abuses into which it has fallen in relation to these long trips and where there has been an undue increase of service. As to the amount of money which is necessary to keep the trips under \$5,000 in operation, the committee vary in their estimates of from five to seven hundred thousand dollars, but in order that there may be no trouble in the mind of any gentleman in this House as to whether money enough was provided for this service, it was distinctly stated that such sum of money as is necessary to keep up the service to or within the present contract rates is hereby appropriated. So that every gentleman may be assured that that branch of the service is not touched. And as to the service above that the Government has been suffering from abuses under the operation of the present law. It strikes them down and allows full play to the bill reported from the Committee on the Post-Office and Post-Roads in correcting these abuses and putting the Government upon a fair obligation with contractors.

The last portion of the first section provides that nothing herein contained shall be construed to forbid the payment to contractors of one month's pay, as is usual in case of reduction or termination of contract. The committee found that in the contracts which they proposed to annul and abate in part as to the amount, there was a stipulation on the part of the officer in charge of the postal service of this country, the contracting party on the part of the Government with these several contractors, that in the event they should annul the contract or abate trips there should be allowed to them one month's pay.

The committee, although favoring this bill, deemed that they were serving the Government no less in maintaining their obligation as to this month's extra pay to contractors than they were in saving the Government from the disadvantages arising from the present legislation which they secured from annulling those contracts. And I take it no gentleman can find fault in that regard.

After providing in the first section that there should be enough money to continue all the service of the routes where the increase of cost was under \$5,000, they felt that there was a necessity in many parts of the country for an additional trip here and there. A large portion of the fiscal year was gone. They deemed it, therefore, fit to appropriate the sum of \$100,000, which might be applied to all routes where the increased cost was not \$5,000 for the purpose of increasing the service thereon.

Mr. MAGINNIS. That has no relation to the length of the routes?

Mr. BLOUNT. No, sir.

Mr. MAGINNIS. It would be the same on routes which were ten or ten hundred miles in length.

Mr. BLOUNT. Yes. They considered that amount of \$100,000 for that portion of the fiscal year as equivalent to \$300,000 for the purpose of putting service on routes where no service existed at all. In both of these items as to the \$100,000, judged by the service and the amount of money used in this way, we felt that we had amply provided for it. And hence we concluded to report this measure to the House.

Mr. VALENTINE. May I ask the gentleman a question before he takes his seat?

Mr. BLOUNT. If the gentleman will confine himself to a question, but I can yield for no other purpose.

Mr. VALENTINE. I see this bill provides that upon routes where there has been an increase of the original contract price during the last or the current fiscal year exceeding \$5,000 the compensation shall be reduced to the terms of the original contract.

Mr. BLOUNT. Yes, sir.

Mr. VALENTINE. I desire to know if you can state how many routes, during the time specified here, have been increased or expedited?

Mr. BLOUNT. I have already stated that there are one hundred and seven of them, out of a total of about ten thousand.

Mr. VALENTINE. That does not answer my question at all.

Mr. BLOUNT. Mr. Chairman, I thought I stated and I think the gentleman will comprehend me, that on one hundred and seven routes there was an increase of the service by multiplication of trips and by expedition of schedule.

Mr. VALENTINE. In excess of \$5,000?

Mr. BLOUNT. Yes.

Mr. VALENTINE. How many were there not in excess of that? That is what I want to know.

Mr. BLOUNT. There are about ten thousand routes in all. Per-

haps I do not apprehend the gentleman. I understand him now to ask how many routes there are under the \$5,000?

Mr. VALENTINE. Which have been increased or expedited?

Mr. BLOUNT. I am not able to give the gentleman the exact number. But the sum of money is about \$300,000, or between three and four hundred thousand dollars, from the best information we have. And when the committee see that this is distributed all over the land they will at once apprehend the enormity which has been perpetrated in relation to the service in a few States and Territories of this Union cannot occur with them.

Mr. ROBINSON. Will the gentleman yield to me for a moment?

Mr. BLOUNT. I yield for a question.

Mr. ROBINSON. I ask the question for my own information, because there has been so much confusion that we have not heard the gentleman distinctly. My question is why the sum of \$5,000 is put there; why this variation from the contract price does not apply to all these cases instead of being limited to a margin of \$5,000.

Mr. BLOUNT. Mr. Chairman, it is well known that the abuse under the law authorizing an increase of service by reason of multiplication of trips and expedition of service is to be found in its highest operation in the longest lines. For instance the cost on one route, known as the Vinita and Las Vegas, was increased from \$13,000 to \$150,000. I could cite many other cases showing that that is where the importunities come in and that is where the Government suffers. There are a great many routes in which increase of trips or expedition of service is needed. In the smaller routes we apprehended that here was no special importunity, and in relation to those there was no special suffering to the Government by virtue of the operation of these laws; that it was not necessary, therefore, to touch every single route in the country, but that we should fix upon some arbitrary sum, to wit, \$5,000, which we felt would relieve the Government from the misfortunes of this law. And so we did select the limit stated. And, singular to say, the Committee on the Post-Office and Post-Roads, who have had this very matter under consideration, the damage sustained by the Government by reason of the increase of the service by multiplication of trips and expedition of service, have taken the sum of \$5,000 and left the balance to the Department, thinking it perfectly harmless.

Mr. RYAN, of Kansas. Do you accompany the existing service on the Worth and Yuma line?

Mr. BLOUNT. Our bill was not intended to strike down the service anywhere. It was intended to save the Government from the abuse which came not from letting out contracts under the operation of law by competitive bidding, but which arose after that in increases by order of the Department, where nobody else had any opportunity to be heard unless the contractors themselves.

Mr. RYAN, of Kansas. But you do cut it down on some of the long lines and on some of them you do not?

Mr. BLOUNT. We cut it down on the line from Fort Worth to Yuma \$165,000 and leave it at the original contract price of \$135,000. That is the figure at which it was bid for in competitive bidding and we have let it remain. We have let it remain as the Government has contracted by virtue of competitive bidding. Now after remaining so the mail starts every day from each of the terminal points to the other.

Mr. RYAN, of Kansas. Was that during this fiscal year?

Mr. BLOUNT. That was increased during the last fiscal year.

Mr. MAGINNIS. Will the gentleman allow me to ask him a question?

Mr. BLOUNT. I will, although my time is limited.

Mr. MAGINNIS. Why would it not be more just and equitable, if you want to make such a sweeping reduction as that, to make it on every route where the cost has increased over 20 per cent. per mile? The gentleman must see that on a route fifteen hundred miles in length an increase of \$5,000 might be very small; while on a route fifteen or twenty or thirty miles in length there might be a much greater proportional increase and yet it would not be touched by his bill. Would it not be better to put the increase at so much per mile? Or would that lose the gentleman so many votes east of the Mississippi River that he could not carry his bill?

Mr. BLOUNT. The gentleman has got in his speech. I want to say in reply to the gentleman—

Mr. BELFORD. Will the gentleman allow me to put another question at that point?

Mr. BLOUNT. I can only answer one question at a time. I will hear the gentleman from Colorado afterward. The gentleman from Montana asks, would it not have been more just to have stricken down all these routes *pro rata*? I answer him that he might have added another question: Would it not have been more just to have gone to every State in this Union and said how much each one of them should have or how many trips each one of them should have each week?

Mr. MAGINNIS. It is simply a question of increase.

Mr. BLOUNT. Oh, no! The gentleman refers just to that part of the question that suits him; but I am not discussing this from the stand-point of what is just to Representatives here requiring this as a fund to be divided out among all of us. I am discussing it simply from the stand-point of what is the interest of the service where the abuses have occurred and how we are to reach them.

The gentleman from Montana asks another question, whether or not

the object in reporting the bill in this way was to let it go before the House in such a shape that votes would not be lost for our measure? I submit, sir, that if by reason of the accidental condition of the service the abuses touch the gentleman's Territory, or any other Territory of this Union, or any sparsely populated State, it is no argument to suggest that you lose votes if you do not allow the like abuses elsewhere. The truth is that there is no danger elsewhere; elsewhere there are large populations, large industries, great intercourse, so much so as to justify the voting away the money of the people. For one I am willing that the gentleman should have, and he will have, after this reduction shall have been made in his own Territory, as will be the case with most of the other Territories, a service then left more than equal in the number of trips per week to the service in my own State.

Mr. MAGINNIS. Take the star service and railroad service combined in your State—

Mr. BLOUNT. I hope the gentleman will not interrupt me. I am referring to the star service. If the people of the gentleman's Territory have not the means to build railroads out there, if the population of that Territory has gone in advance of civilization and surrounded itself with circumstances of that character, I do not see that we of other sections should be compelled to give them more service than we have ourselves. A moment ago the gentleman did not say anything about railroads, but submitted a question in regard to the justice of this bill in its relation to the star service in his Territory as compared with that of other sections of the United States. I repeat that after we shall have done what this bill proposes, those very Territories and those States will have more trips per week than nine-tenths of the States of the South like that from which I come.

Mr. BELFORD. Let me ask the gentleman a question.

Mr. BLOUNT. Very well; a question.

Mr. BELFORD. I understand that if this bill shall become a law the effect of it will be that the town of Leadville will have only one service per week—a town of forty thousand people. Will not that be the effect of this bill?

Mr. BLOUNT. I will not endeavor to answer the gentleman in the two minutes of time which I understand is left me. I believe that a great deal of my time has been taken up in answering questions which gentlemen have propounded.

There is a question involved in this bill larger than the mere amount of money. There has been an audacity exhibited on the part of one of the Departments of this Government that no potentate in Europe where there is any pretense of rights on the part of the people would have shown toward the legislative branch of the government. The Queen of England would not have dared to have gone to her Commons as we have been approached by this Department of our Government.

If we are to judge by the newspapers of the country, the Second Assistant Postmaster-General has declared that there might be complaint, that committees might criticize, that the press might carp at his action, but his money he would have; that we were in such an attitude, but there by his own action, that we could not free ourselves of the necessity of giving him this money. Therefore, with such an administration, it becomes us to insert the very restrictions inserted in this bill, in order that we may by further legislation tie the hands of this Department and prevent the wrongs which have been committed in connection with the administration of this or any other branch of the postal service. I trust, therefore, that the House will see fit to pass this bill in its present shape.

[Here the hammer fell.]

Mr. BLACKBURN. I shall not detain the committee long, for I doubt not that every member has made up his mind how he will vote on the question here presented. I am not of the majority of the Committee on Appropriations recommending the passage of this bill. My objection to the bill is not on account of its main features or of either of its two main features.

In the first place, the object of the bill is to supply a deficiency in the postal star service, with which the country is now brought sharply face to face. I need not dwell upon the fact that the Post-Office Department made its recommendations to Congress for appropriations for this service for the current fiscal year, and predicated those estimates upon more miles of service than it now has to-day and more routes by seven hundred than it has yet put service upon.

The estimate of the Department for that service was \$5,900,000 for all the star service for the fiscal year ending June 30, 1880. Every dollar of that estimate was given. That estimate was not pruned nor touched to the extent of a single dollar.

That appropriation is now about exhausted, and we are told and know that upon the 10th day of the next month there will not be one dollar left to carry on this great postal service of the country unless this or some other deficiency bill shall be passed in the mean time. The star service of this country means all the mail service which the country has, except its railroad and its steamboat service.

It is estimated that it will take \$1,720,000 to carry on the star service at its present rate; that it will take that amount in addition to the \$5,900,000 already voted and already spent, and in many instances already squandered. In addition to that sum \$300,000 more is asked in order that there may be a still further increase of the service, an expedition of schedules in the matter of delivery.

The main features of this bill are two: the first, to provide such

sums of money as may be absolutely necessary to meet the deficiency and to prevent the stoppage of the mails throughout every State and Territory in the Union. With that purpose I fully concur. It matters not whether it shall be found hereafter that there have existed abuses in this Department and that money has been injudiciously and extravagantly expended; that is not the present issue. I take it that no one wants to deprive the country of its mail service upon its ten thousand star routes.

The second main object of this bill is to put a limitation upon what the committee believes to have been an abuse of discretion upon the part of the Post-Office Department. In that too I am thoroughly in sympathy, and I will heartily support it. But I do not believe this bill is carefully enough drawn to accomplish that second purpose, and there is my first and main objection to the bill.

I believe there should be a sum total stated in the bill as the maximum sum to be expended, as the rule of the House requires should be done. I believe the bill should provide that so much money as may be found necessary for the purposes indicated in the bill, in no event to exceed a given sum, shall be hereby appropriated.

Now, sir, there is my main objection to the bill.

Mr. HASKELL. Will the gentleman allow me to ask him a question?

Mr. BLACKBURN. If the gentleman will excuse me, I suggest to him that I am not here advocating the passage of this bill, and I do not expect to retain the floor five minutes. Those gentlemen of the Committee on Appropriations who are in charge of the bill and are supporting it will probably feel that they are entitled to be heard in its discussion in detail.

Those are the only two main points in the bill, and with the purpose in both instances I thoroughly agree. I do not think the bill is carefully enough drawn in its first section to secure that limitation upon the exercise of the discretion of this Department which I believe to be necessary, and which I know every member of the Committee on Appropriations believes to be necessary. In passing I will call the attention of the gentleman from Georgia (for I shall make no effort to antagonize his bill after I have finished my short statement) to the fact that in the twelfth line of the first section the word "next" should be struck out and "1880" inserted; otherwise this bill, not becoming a law until next Tuesday or later, would not be limited to the beginning of the coming month at all, but, contrary to the purpose of the whole committee, would have an operation twelve months in advance.

Again, sir, I would call attention to the concluding portion of that section:

But nothing herein contained shall be construed to forbid the payment to contractors of the one month's pay as is usual in case of reduction or termination of contract.

This seems to me to be inferential. I do not see that the bill makes any appropriation for the pay of this one month's extra service where contracts are to be canceled or reductions made. These are the only criticisms I have to pass upon the bill.

Now, Mr. Chairman, I cannot for my life see the necessity or the good judgment of prolonged discussion on this measure. The question is simply whether the star service of the Post-Office Department shall be continued. I do not understand that the question as to the propriety or impropriety of the manner in which that service has been conducted up to this time is properly before the committee or the House for determination now. This House, by a resolution passed without objection, has instructed the Committee on Appropriations to inquire into the causes of this enormous deficiency in this branch of the service, and to report the facts thereon. That committee is to-day prosecuting the investigation. The examination has not been finished, not as my friend from Georgia said because the chairman of the sub-committee of investigation has been too much occupied with work upon the rules to report, but simply because it has been impossible to get from the Treasury Department a detailed statement of the business of the Sixth Auditor's office in connection with this branch of the postal service. As a further reason I may mention that it would have been impossible for that committee, if it had been charged with nothing else than this inquiry, to have closed its testimony and finished its work by this time.

I therefore protest—and I make this statement as an explanation of my conduct toward the gentleman from Georgia who has charge of this bill—that in making the point of order on him and preventing his discussion of the testimony that had been taken before the committee of investigation, I did not do so because I was unwilling for the House and the country to know that testimony. I did it because I was determined to protect that committee as far as possible in its work of inquiry and to reserve its testimony and its proofs until the committee shall have completed its labor and brought the product of the inquiry to the House in a formal report for consideration and action. Until that time comes I do not deem it wise to indulge in a discussion of such a wide range as it appeared to me the gentleman was about to open.

Mr. BLOUNT. Is it not true that the investigation made by the committee was open, that anybody who wanted to was allowed to come into the room, and anybody who wanted to was allowed to look at the testimony?

Mr. BLACKBURN. Of course, sir.

Mr. BLOUNT. Then how was the testimony protected?

Mr. BLACKBURN. I do not want to protect the testimony. I do not want to cover with the cloak of secrecy anything that that committee of investigation may do. I was not seeking to protect the Department nor to protect that testimony. I was seeking to protect that committee of investigation; for I want, and I sincerely trust we shall get, a fair opportunity to come before this House not upon any *ex parte* statement, not upon any incomplete testimony, but with all the facts on record, and then and not till then hold this Department to a rigid accountability for its conduct in the disbursement of public money. I know as well as the gentleman knows exactly what we are to meet when that report comes into this House. I think I see, without the aid of a prophetic eye, the legions that are to be arrayed against us. I do not mean to prejudice any case; but I do mean to say that when that report shall be brought before this House no man shall go further than I pledge myself to go to vindicate the heads of that Department if they have been honest, or to punish them even by prosecution to impeachment if they have been dishonest.

I know precisely what we have to encounter when we attack anything affecting the interests of the postal service and reaching to a criticism of the heads of that Department. I see before me here to-day the heads of that Department on the floor of this House—plying their vocation, I take it, to influence the votes of members. I saw them here yesterday, when the public prints of the country had given out that effort was to be made by another committee of this House to relieve the committee of investigation from any further duty and take its work out of its hands.

Mr. MONEY. Will the gentleman allow me to say a word?

Mr. BLACKBURN. Yes, sir.

Mr. MONEY. Where does the gentleman get this information from? Does he get this information from the public prints?

Mr. BLACKBURN. What information?

Mr. MONEY. That another committee intended to take upon itself the duty of relieving the Committee on Appropriations of the further consideration of this business.

Mr. BLACKBURN. Did I get it from the prints of the country? I did.

Mr. MONEY. I desire to say on the part of that committee—

Mr. BLACKBURN. I can satisfy the gentleman from Mississippi by saying that immediately on my appearance in the House on Monday I received assurance from him, so far as he was concerned, neither he nor his committee had any such purpose.

Mr. MONEY. There has been no intimation from that committee which will justify any such statement in the prints as the gentleman refers to.

Mr. BLACKBURN. My statement has entirely relieved you and your committee. I desire simply to prevent whatever contest there is for this, that the investigation shall not be thrust on the committee before its report has been produced or its labors concluded. But I do not see how it is connected with this bill.

I think the purpose of this House is taken not to let the star service of this country be stricken down by one fell blow, as the Post-Office Department to-day proposes to do it. I do not want it done myself. I do want this: I want one main feature of this bill, to which I have alluded, preserved and continued; and it is that feature which puts back to the original contract terms every star postal route of the country on which extra compensation has been allowed during the current fiscal year of more than \$5,000. I want that done, and I trust sincerely it will be done.

One word on that point and I am done. When, on the 1st day of July last, the Post-Office Department made an estimate for the service of these different routes they, according to law, advertised for service on those routes, and they accepted bids to do such service as that Department, on the 1st of July, said would be needed for this fiscal year. All this bill proposes to do is to say, for the remainder of the fiscal year, those largely increased routes shall be put back to the terms and conditions of the original contract in each case which represents the service the Post-Office Department itself said was needed on the 1st of July; that, and no more. And when you do that you have cut short, at the rate of more than one million of money, these excesses.

I wish also to put a limit to what the Post-Office Department terms "its discretion," under the exercise of which it lets a contract at \$6,330 a year, and immediately, without advertisement, without further bidding, without opening to anybody to come in and bid, by arbitrary order, the Second Assistant Postmaster-General allows \$136,000 a year as extra compensation. That is but a sample. I might go on and multiply them by the score. I wish to see that questionable discretion limited by absolute legislation, and that this bill proposes to do. The only question for me on that point is whether it is sufficiently explicit and severe.

I yield the remaining portion of my time to the gentleman from Illinois. [Mr. CANNON.]

Mr. CANNON, of Illinois. How much time has the gentleman left?

Mr. BLACKBURN. I have occupied eighteen minutes, and the gentleman has the remainder of the hour.

Mr. CANNON, of Illinois. I do not know, Mr. Chairman, that I have any desire to make a political speech, or to abuse anybody, whether it be the democratic members of Congress or their democratic constituency, so far as they have asked for the service which has brought about this deficiency in the Post-Office Department. As

the gentleman from Kentucky has well said, this matter is under investigation, and "sufficient unto the day is the evil thereof." When that time comes and the committee shall make its report, if I do not get sick and die, I shall be here myself, and we will have a good time all around. [Laughter.] So much for that part of the gentleman's speech as well as that part of the speech of the gentleman from Georgia [Mr. BLOUNT] which was outside of the facts touching this deficiency.

I am going to talk about the deficiency which this bill proposes to make appropriation to supply, giving such information as I may have touching it.

The Postmaster-General by his estimate for this fiscal year asked Congress to appropriate \$5,900,000 to pay for the inland mail transportation known as the star service, that is the service other than by railway and steamboat. Congress has always been liberal in its appropriations for this branch of the service, and in a spirit of liberality gave all that was asked. The fiscal year commenced on the 1st day of last July and the Department then commenced to spend the money. After Congress commenced this session the Postmaster-General sent a communication to the House of Representatives, which was referred to the Committee on Appropriations, asking for an appropriation of \$2,000,000 in addition to the \$5,900,000 already given for this year, \$1,720,000 of which is to be used in paying for existing service, as he tells us, and \$280,000 for new service to be commenced hereafter.

This communication caused surprise not only in Congress but in the country, for no one supposed when Congress adjourned in June last that there would be any necessity for such a request. The committee, upon inquiry, found service had been placed upon thirteen hundred new routes during this year, established at the last session of Congress, at a cost of \$434,000. This was a legitimate expenditure of money provided Congress had made the necessary appropriation therefor, and if this was all, there would be but little difficulty, I apprehend, in making the necessary appropriation to cover it. It was found, however, that the principal expenditure which caused the deficiency arises from an increase of service and its cost upon certain routes the contract term for which has not and will not expire for some years to come. These routes are one hundred and seven in number, and the original contract price per annum, made respectively on the 1st day of July, 1878, and the 1st day of July, 1879, for service thereon, was \$1,041,437; while the present pay thereon, for increase of trips and expedition, by order of the Department made last year and this year, is over \$2,178,000 per annum; making the total pay thereon per annum \$3,219,437.

The increase upon each one of these routes ranges from over \$5,000 to \$165,000 per annum. So the committee concluded that if this extraordinary increase could be safely dispensed with that a much less appropriation than is asked for would be sufficient; and to ascertain what amount would be necessary to appropriate upon that basis the following inquiry was made of the Second Assistant Postmaster-General, and answer returned:

Suppose, on all routes where the cost of service amounts to \$5,000 from an increase of the trips, or \$5,000 from reducing the schedule, the number of trips and schedules were changed to what the same were before the increase, what amount of deficiency will be required to keep the star service to what it now is for the remainder of this fiscal year? The answer to that is as follows:

Star service:	
Route on which either additional trip or expedition costs \$5,000 or over, July 1, 1878, to June 30, 1879	\$1,368,199
From July 1, 1879	810,771
	<hr/> \$2,178,970
Cost of above, July 1, 1879, to January 31, 1880, seven months ..	1,271,066
One month's extra pay	181,581
	<hr/> 1,452,647
Rate of cost per annum, December 31, 1879	7,594,095
Deduct \$5,000 increases	2,178,970
	<hr/> 5,415,125
Rate of cost per annum exclusive of \$5,000 increases	
Cost at above rate, July 1, 1879, to January 31, 1880	\$3,158,822
Add cost of \$5,000 increases for same period	1,452,647
	<hr/> 4,611,469
Amount required for service without \$5,000 increases, February 1 to June 30, 1880	1,805,041
	<hr/> 6,416,510
Deduct appropriation	5,900,000
	<hr/> 516,510
Balance required to keep service in operation to June 30, 1880, after discontinuance of all \$5,000 increases	

His answer supposed the increases should be cut off on the 1st of February last, but as the bill provides that they shall be cut off the 1st of March next, the amount will have to be increased by one month's pay extra, which is \$181,581, so that if this bill passes, by the estimate of the Second Assistant Postmaster-General, every mile of star service can be paid for at its present efficiency for the balance of this fiscal year on 10,418 routes in the United States, and at the original contract price on these one hundred and seven routes for \$698,091 additional appropriation; and if this bill passes it will carry the \$698,091, and for new service \$100,000, and for increase of service \$100,000; total, \$898,091. While if we do not pass this bill and cut off this increased service on these one hundred and seven routes, by the estimate of the Postmaster-General we should appropriate for the

service the deficiency of \$1,720,000, to pay for existing service, and for new service yet to be placed \$280,000, total; \$2,000,000.

These are the two propositions; that of the committee is \$1,100,000 the cheapest. The one hundred and seven routes which the committee propose to cut down \$2,200,000 per annum to the original contract price as it was on a part of them on the 1st day of July, 1878, and on a part the 1st day of July, 1879, are situated as follows: In Montana, 7; Wyoming, 3; Colorado, 16; New Mexico, 7; Arizona, 11; Utah, 4; Idaho, 3; Oregon, 8; Nevada, 11; California, 14; Louisiana, 3; Texas, 8; Indian Territory, 4; Kansas, 1; Nebraska, 1; Dakota, 6.

I call attention to the fact that there is not one of these routes east of the Mississippi River, and only one in Kansas and one in Nebraska, and I further call attention to the fact that the service upon this one hundred and seven routes eats up over one-half of the whole appropriation for the star service, costs more than the service upon all the balance of the routes in the United States, 10,418 in number.

Now, I am willing to concede that the Post-Office Department is growing constantly and I want to be not only just but liberal to that Department and all branches of the service connected therewith, but the Department believed six and eighteen months ago, when the contracts were made on these routes, that one millions dollars' worth of service was enough. Now, does anybody believe that the increase of business and development of the country authorize the multiplying of the cost threefold, swelling the cost from \$1,000,000 to \$3,200,000, equal to one-third of the cost of mail transportation on all the eighty thousand miles of railroads in the United States and one-half of all the cost of the star service in the United States?

Mr. HAZELTON. Has the service been increased on those routes?

Mr. CANNON, of Illinois. Oh, yes. And I will give the gentleman a specimen of how they have been increased.

Mr. HAZELTON. Was the increase necessary?

Mr. CANNON, of Illinois. I am not discussing that. It was not necessary eighteen months ago.

Mr. HAZELTON. The question is whether it is necessary now.

Mr. CANNON, of Illinois. That was sufficient then when the service was contracted for and let. And I will ask whether there has been such an increase in business as to make one million dollars' worth of service swell to \$3,200,000.

Mr. HASKELL. If the gentleman will permit me, let me ask a question.

Mr. CANNON, of Illinois. I yield to the gentleman.

Mr. HASKELL. My question is whether the gentleman has not been long enough on the Postal Committee and has not become familiar enough with the star service of the United States to know that many and many a time a route is let and service ordered upon it once a week when every man knows that as soon as the route is surveyed, the line located, the business ascertained, that service must be brought up to six times a week and an expedited schedule? And in view of that well-known fact, I ask is the statement of the gentleman from Illinois a fair statement of this bill?

Mr. CANNON, of Illinois. I know precisely what the gentleman from Kansas has reference to, and I reply to his question by asking another. While I admit the strength and force of what he says as to a route now and then, I ask did he ever know, or did anybody else ever know, that it was necessary to increase one hundred and seven routes in six and twelve months from \$1,000,000 compensation in round numbers to \$3,200,000? The necessity for increase upon the route in the case put by the gentleman is exceptional, while the increases in fact as made by the Department have become the rule.

Mr. HASKELL. I will answer the gentleman—

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. CANNON, of Illinois. I do not yield.

Mr. HASKELL. I thought the gentleman asked me a question, and I desired to answer it.

Mr. HAZELTON. Oh, let him answer the question.

Mr. CANNON, of Illinois. If the gentleman from Wisconsin [Mr. HAZELTON] is making the speech he may let him. A number of gentlemen around me who do not aim to be unkind throw in remarks which are an annoyance, creating confusion, and I prefer not to be interrupted.

Mr. CONGER. Perhaps you will get over that by and by.

Mr. CANNON, of Illinois. When I am as old as my venerable friend from Michigan, perhaps I may.

The CHAIRMAN. The gentleman from Illinois will proceed. He declines to be interrupted.

Mr. WRIGHT. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WRIGHT. When a member addressing this House asks another member a question has not that member a right to answer it?

Mr. CANNON, of Illinois. I will set the soul of the gentleman from Pennsylvania [Mr. WRIGHT] at rest by asking the gentleman from Kansas how much time does he want to answer that question?

Mr. HASKELL. I do not desire any gentleman in this House to give up his time to me. I will take care of my own interests. I do not desire to interrupt the gentleman from Illinois. I presume discussion will be permitted in this committee and I will reserve what I have to say until I shall have an opportunity to make remarks on this subject in my own time.

Mr. CANNON, of Illinois. The committee proposes to cut off this increased and expedited service so as to give the original service as

it was on the 1st day of July last as to a part of the routes and as it was on the 1st day of July, 1878, on the other parts. Do that and you save over a million of dollars. If you do not do that walk up like men and vote the \$1,700,000. There it is. You can take your choice. The committee's bill means \$700,000 for existing service and \$200,000 for an increase of service; and the other proposition, if you do not adopt the committee's bill and chop off these increases on one hundred and seven routes, means \$1,700,000. Now while we are talking about these routes let me give you the facts, not as to the one hundred and seven routes, but let me give you the facts as to twelve routes.

Mr. PAGE. Will the gentleman from Illinois yield to me for one question?

Mr. CANNON, of Illinois. Certainly.

Mr. PAGE. The gentleman from Illinois is on the committee, I believe, which is investigating this matter; and if it be not a betrayal of the secrets of that committee, I would ask if there is any evidence before his committee—

Mr. CLYMER. I object.

Mr. CANNON, of Illinois. Let him ask the question.

Mr. CLYMER. The gentleman is not entitled to ask what occurred in committee.

Mr. PAGE. I have not concluded my question. Let me finish it. Is there any evidence before the Appropriations Committee that this service on the one hundred and seven routes is unnecessary?

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. CLYMER] make the point of order?

Mr. CLYMER. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PAGE. Then I will ask the gentleman from Illinois if he is in possession as a member of this House of any facts that show it to be unnecessary to continue the appropriations for the one hundred and seven routes as they are now served?

Mr. CANNON, of Illinois. I will say to the gentleman my own opinion about it, if he wants that—

Mr. PAGE. I want to know what facts the gentleman has.

Mr. CANNON, of Illinois. The gentleman has asked me a question on which the point of order has been made and sustained, and he knows my mouth is closed.

Mr. PAGE. I have changed the question, and have asked the gentleman to make the statement as a member of the House, not as a member of the committee.

Mr. CANNON, of Illinois. I will give him my opinion about it.

Mr. PAGE. I am not asking for any information obtained by the investigation.

Mr. CANNON, of Illinois. The gentleman seeks, I will not say to pettifog, but to get me to give information when he knows my mouth is sealed by the point of order.

Mr. PAGE. Not at all. I do not ask you for any information obtained by the committee in its investigations.

Mr. CANNON, of Illinois. Very well. My opinion I have already given. It is that this increase of 300 per cent. on these one hundred and seven routes, making these routes eat up one-half of the total appropriations for all the star service in the United States on 10,500 routes, is too large an increase.

Mr. CONGER. Is the increased service on all these routes unnecessary?

The CHAIRMAN. Does the gentleman yield?

Mr. CANNON, of Illinois. I do not at this point.

Mr. CONGER. I do not wish to interrupt the gentleman, but we are desirous of obtaining information. If the subject will not bear examination, then let it go.

Mr. CANNON, of Illinois. I will ask the Chair a question. Will I be entitled to recognition in my own right after the expiration of this hour?

The CHAIRMAN. The Chair understands the gentleman from Illinois [Mr. CANNON] to be speaking in the time of the gentleman from Kentucky, [Mr. BLACKBURN,] and after that time shall have expired another gentleman will be recognized.

Mr. CANNON, of Illinois. Another gentleman? I thought I was down for recognition in my own right.

The CHAIRMAN. The Chair understood the gentleman to accept the remainder of the time of the gentleman from Kentucky.

Mr. BLOUNT. I hope the gentleman will be allowed to go on in his own right. It was understood that way in the committee.

The CHAIRMAN. If there is no objection.

Mr. CANNON, of Illinois. My only object in asking the question is that I have been interrupted so frequently, and I desire to give gentlemen all the information I can. If I may be allowed to get through with my statement I will then answer gentlemen if I have the time.

Mr. PAGE. Do I understand from the gentleman of the Committee on Appropriations having charge of this bill [Mr. BLOUNT] that no time will be allowed to those who are opposed to the bill and in favor of making the necessary appropriations to speak on this subject before the five-minute debate shall have commenced?

Mr. BLOUNT. The Committee on Appropriations are anxious to have a fair discussion of this bill; and I will not myself move that the committee rise for the purpose of closing general debate until the bill has been fairly discussed on both sides.

Mr. PAGE. That is satisfactory.

Mr. CANNON, of Illinois. I hold in my hand an official statement made by the Second Assistant Postmaster-General in regard to twelve mail routes of the one hundred and seven routes before mentioned

upon which the service is now being performed, which shows the original contract price therefor, where situate, and the increase of pay from additional trips and increased speed, as follows:

State or Territory.	Number of route.	Termini.	Length as let.	Present length.	Number of trips as let per week.	Present number of trips per week.	Original pay.	Increase.	Present pay.	Number of offices in 1877-78.	Number of offices in 1878-79.	Number of offices at present.	Pay last term.
			Miles.	Miles.									
Indian Ter.	39024	Vinita, Las Vegas	638	810	1	7	\$6,330 00	\$144,262 03	\$150,592 03	.....	21	27	New service.
Dakota	35051	Bismarck, Fort Keogh	303	310	1	6	2,350 00	67,650 00	70,000 00	.....	3	4	Do.
Texas	31454	Fort Worth, Yuma	1,560	1,426	7	7	134,000 00	165,000 00	299,000 00	33	35	36	Pro rata for like service, \$321,000.
Montana	36107	Bozeman, Fort Keogh	326	361	3	7	16,500 00	68,766 81	85,266 81	8	16	16	Three times a week, \$29,400.46.
Wyoming	37110	Rock Creek, Ft. Custer	331	331	3	7	10,507 25	78,260 87	88,768 12	4	8	9	New service.
New Mexico	39109	Las Vegas, Las Cruces	442½	424	3	7	14,900 00	76,311 68	91,211 68	17	19	19	Three times a week, \$27,151.81.
Arizona	40101	Prescott, Santa Fé	460	460	3	7	13,313 00	122,662 00	135,975 00	11	14	14	Three times a week, \$42,033.
Do.	40103	Prescott, Mohave City	190	190	2	7	7,440 00	59,519 99	66,959 99	7	8	9	Once a week, \$4,600.
Do.	40116	Phoenix, Prescott	140	140	1	7	680 00	31,960 32	32,640 32	4	7	7	New service.
Oregon	41155	The Dalles, Baker City	275	275	2	7	8,288 00	64,232 00	72,580 00	17	14	15	Twice a week, \$9,725.
California	46120	Soledad, Newhall	304	332	7	7	29,000 00	26,424 33	55,424 33	20	22	23	Seven times a week, \$45,990.29.
Do.	46247	Redding, Alturas	179	179	2	6	5,988 00	29,940 00	35,928 00	14	13	13	Three times a week, \$11,486.71.
Total							248,326 00	934,990 03	1,183,316 19				

THOS. J. BRADY,
Second Assistant Postmaster-General.

From which it appears that the original contract price on these twelve routes was \$248,326, and last year and this, to 1st of January, the cost of same was increased by order of the Post-Office Department \$934,990, making the present total cost therefor per annum \$1,183,161, an increase in round numbers of \$1,000,000. I do not believe the exercise of discretion by the Second Assistant Postmaster-General authorizing such an enormous increase as here made was wise.

As gentlemen seem to be anxious for information I will give one route as a specimen. Take the route from Fort Worth to Yuma. The original contract price, at the time the contract went into force on the 1st day of July, 1878, was \$134,000. That was for seven trips per week, and it took seventeen days to make a trip; that is, the schedule time for the trip was seventeen days, and the contract was for daily service. An order was made by the Department reducing that schedule time to thirteen days instead of seventeen days; that is, making the service four days quicker. The increase of cost for that expediting of the service was \$165,000, making \$300,000 for what before cost \$134,000.

Now, I think that the law needs amending, and let me say in justice to the Post-Office Department, for I am not here to do it an injustice, that those in charge of that Department themselves believe the law needs amending, and they have so said in a report to this House asking authority in such cases to terminate the contract and readvertise the service.

And what is true upon this one route is true to a greater or less extent on every one of the one hundred and seven routes. For instance, here is another route, the Vinita and Las Vegas route, through the Indian Territory, which has been increased from \$6,000 per annum to \$150,000 per annum. But enough of that.

Mr. Chairman, the question has been asked, why decrease the service and the cost thereof on these one hundred and seven routes to what it was when the contract was made therefor, six and eighteen months ago, and permit the increase of service to remain untouched on all the other routes in the United States? In reply I have to say that from an examination of the official tables it appears that the increase on these one hundred and seven routes was extraordinary, and, in my opinion, not wise, while on the other routes the increase was in small amounts, such as was probably legitimately called for by the development of the country and the demands of the service, the increase being in small amounts on many of the ten thousand other routes, in the main from twenty-five to three hundred dollars per annum, and very rarely as great as two thousand or three thousand dollars per annum; in fact, the total increase on all of these ten thousand routes this fiscal year was only \$300,000.

Mr. BINGHAM. Will the gentleman allow me to make one inquiry, in order that his argument may be understood?

Mr. CANNON, of Illinois. Certainly.

Mr. BINGHAM. The gentleman has specified one hundred and seven routes where he says there has been an unnecessary increase.

Mr. CANNON, of Illinois. Yes, sir.

Mr. BINGHAM. The gentleman has also specified the additional cost for increase of service and expedition. Will the gentleman give us the number of miles of those one hundred and seven routes?

Mr. CANNON, of Illinois. I do not know whether the amount is footed or not; I will see.

Mr. BINGHAM. They are one hundred and seven of the largest routes in the service.

Mr. CANNON, of Illinois. That is true in general, but not true without exception.

Mr. BINGHAM. Can the gentleman give me any idea of the number of miles embraced in these one hundred and seven routes?

Mr. CANNON, of Illinois. I will give the gentleman an answer

that shall be approximately correct. While I cannot be precisely accurate, I see by glancing at the table that these one hundred and seven routes amount in the aggregate to about twenty-two thousand miles in length.

Mr. BINGHAM. The star service aggregates two hundred and fifteen thousand miles; so that these one hundred and seven routes embrace about one-tenth of the entire star service.

Mr. CANNON, of Illinois. And cost one-half of the entire appropriation for that service.

Mr. BINGHAM. That I know nothing about.

Mr. CANNON, of Illinois. In other words, these one hundred and seven routes, one-tenth in length of this service, cost as much as the other ten thousand routes in the United States, nine-tenths in length of the whole service.

Now, Mr. Chairman, I am not an enemy of the star service in the West. I want that section to have all that it is entitled to legitimately. I believe in fostering the interests of the West, in developing the country; I have always believed in it, and have always advocated it. For that reason in this bill, while we suggest a reduction of this service to what it was at the commencement of last year in cost, we also give power to increase the service as it may be necessary on all routes in the United States, provided the increase does not exceed \$5,000 on any one route. I think that provision is about right. I think it probable that in Colorado there are a few routes upon which increases might be proper, and in regard to which the Department ought to have discretion to make proper increases. So perhaps in many other places. In this bill we allow the Department to make an increase in any case, not to exceed \$5,000.

Mr. BELFORD. As the gentleman has referred to Colorado will he allow me a single remark?

Mr. CANNON, of Illinois. Yes, sir.

Mr. BELFORD. I say that under the operation of this bill the people of Colorado will have but one service a week between Pueblo and Rosita, between Fair Play and Helena, and between Helena and Leadville. You propose to take off the daily mail to Leadville, a city of forty thousand population, and under the operation of this bill to give us a weekly mail.

Mr. CANNON, of Illinois. What is the contract price?

Mr. BELFORD. I think that originally it was \$900 when the town had only about twenty-five hundred people. There has been very little increase of the pay for that service since that time, although the population has increased from twenty-five hundred to forty thousand.

Mr. CANNON, of Illinois. When was the original contract made?

Mr. BELFORD. I understand the original contract was made in 1878. I have a statement here obtained from the Post-Office Department this morning, showing that under the operations of this bill the service will be reduced to one trip a week on the routes I have named.

Mr. CANNON, of Illinois. I have said that this bill, if passed, may here and there work hardship in regard to this or that route. But after it is passed, Congress will still be in session; and if there are individual cases of hardship, Congress will have the remedy in its hands. It is necessary in passing a bill of this kind that we should establish some general rule, if we are to make any saving at all. The argument as to the hardships on one or two routes should not avail to drag through this whole increase.

Mr. HUMPHREY. It is not as to one route but as to the whole country that this bill fails to provide a sufficiency of mail service. The Assistant Postmaster-General reduced the service on the 1st of July on several routes within my knowledge.

Mr. CANNON, of Illinois. Where?

Mr. HUMPHREY. In the State of Wisconsin.

Mr. CANNON, of Illinois. On whose request?

Mr. HUMPHREY. You have me there. [Laughter.] I do not know on whose request.

Mr. CANNON, of Illinois. Mr. Chairman, ever since I have had a seat in this House I have been surprised whenever this star-service question has come up to see gentlemen from Illinois and Wisconsin, from all over the South and West, rise here and cry out that the star service is going to be interfered with. Now, let me state what is the fact. The gentleman says that the daily service was taken off his little route in Wisconsin on the 1st of July.

Mr. HUMPHREY. Not only one route, but a dozen of them.

Mr. CANNON, of Illinois. A dozen routes where the service did not cost much—short routes; and the service was taken off for the reason, we are told, that there was not money sufficient.

Mr. HUMPHREY. I say it was taken off under the appropriations for the present fiscal year.

These people in Illinois, Wisconsin, and all over the country, have the right to be sensitive on this question, because the only direct benefit they get from the legislation of Congress is what they receive from the star service.

Mr. CANNON, of Illinois. Now, if I can have order and if the gentleman from Wisconsin [Mr. HUMPHREY] can restrain himself for a few minutes, I will answer him. Does not the gentleman know that since the service was taken off his dozen routes in Wisconsin—short routes that did not cost much—there has been a service costing over \$2,000,000 expedited and increased on one hundred and seven routes west of the Mississippi River?

Mr. HUMPHREY. Yes, I know that; but the bill before us will not allow any increase of service east of the Mississippi. The appropriations in this bill will not allow the Postmaster-General to put back the service as it was before the 1st of July.

Mr. CANNON, of Illinois. I decline to yield further to the gentleman from Wisconsin. I want to give this committee this information: that at the close of the last Congress we passed a post-route bill with two thousand new post-routes upon it; service has been put upon thirteen hundred of those two thousand new routes out of the appropriation for this year at a cost of \$430,000; we have provided in this bill an appropriation of \$100,000, which at the same rate for the thirteen hundred routes will place the service for the remainder of this fiscal year on the remaining seven hundred routes. I think that takes care of the gentleman's little routes. O, but, says he, I want the service expedited on my little routes up in Wisconsin. I want an increased number of trips!

Mr. HUMPHREY. I have not said that. I want the service up there increased to what it was five years ago.

Mr. CANNON, of Illinois. This \$100,000 for the balance of this year will put it there.

Mr. HUMPHREY. But they say it will not.

Mr. CANNON, of Illinois. There is \$100,000 for new service and there is \$100,000 for increased service. That is enough for the remaining four months as shown by the expenditures of the Department.

Let me show the gentleman one other thing. Take the Postmaster-General's reports; run through them for years past and what do you find? You find in States east of the Mississippi River that the decrease in the cost of the star service is frequently more than the increase. You will find it was so last year. A portion of that is eaten up by this enormous increase west of the Mississippi River. Gentlemen east of the Mississippi River are pressed to vote for the star service to get service on their little routes while the maw of these contractors upon these one hundred and seven routes is ever open to

swallow one-third, ay, one-half of the total appropriation made for the purpose of carrying the mails.

Mr. BLOUNT. I ask my friend from Illinois to allow me to make a statement.

Mr. CANNON, of Illinois. I will yield for that purpose.

Mr. BLOUNT. The gentleman from Illinois a moment ago was interrupted by the gentleman from Wisconsin [Mr. HUMPHREY] by the statement that they had not the star service in Wisconsin they had four or five years ago. I have before me the report of the Postmaster-General, which shows that in 1877 it was 2.6 and at this time it is 2.78 trips a week, one in 1877 and the other in 1880, showing that the Department is at variance with the gentleman from Wisconsin in his statement that there was an increase instead of a decrease, and that, therefore, the gentleman is mistaken.

Mr. HUMPHREY. I am not mistaken.

Mr. CANNON, of Illinois. Then the gentleman knows more than the officials.

Mr. HUMPHREY. I do not know what the officials say, but I know the service in my State, which had been daily and had been so for years, was cut down on the 1st of June last to tri-weekly service.

Mr. CANNON, of Illinois. One word in conclusion on this branch of the subject. I say considering the cost of the service and the reports of the Department \$200,000, which we appropriate in terms, will give the gentleman from Wisconsin and every other gentleman the service they ought to have during the remainder of the fiscal year. If the gentleman from Wisconsin or any other gentleman, with the hope of getting service on their little routes, want to vote money at the rate of \$3,200,000 a year into the pockets of the contractors on these one hundred and seven routes, well and good. That is their lookout.

Mr. HUMPHREY. I wish they had no little routes in Wisconsin. [Laughter.]

Mr. CLYMER. Then, what are you talking about?

Mr. CANNON, of Illinois. I will not antagonize my friend from Wisconsin, because with that wise shake of his head when a gentleman declines to yield to him he gets it anyhow. [Laughter.]

Mr. HUMPHREY. Now I have a right to rise to a personal explanation. [Laughter.] I never did shake my head wisely. [Renewed laughter.]

Mr. CANNON, of Illinois. I take the gentleman at his word and will go on with the discussion of the bill.

Mr. HUMPHREY. I wish I could take the gentleman at his word.

Mr. CANNON, of Illinois. I have performed the duty, so far as this bill is concerned, which was laid upon me as one member of the committee from which it was reported. The facts I have given are taken from the official reports of officers of the Post-Office Department. I thought it my duty as respectfully as I knew how to give them to the committee. Now, if some other gentleman can say, in his capacity as a Representative, he can frame a better bill, a wiser, and juster one, and will do it, and the majority of this committee will concur with him, then I have no objection. So far as I am concerned I have wrestled with this question and with the facts in it as best I could, and have concurred in the reporting of this bill, believing it to be the wisest one we could mature. Without any defense of the Post-Office Department, without any attack upon it, I have called the attention of this committee to this deficiency, what it is they estimate, what it is we propose to appropriate. I have given you all the facts, and am content and shall be satisfied with whatever policy the committee may choose to adopt. I will print the table showing the one hundred and seven routes spoken of, with the original contract price and cost of increase, as follows:

Statement of cost of increase of star service on routes where increase exceeded \$5,000, for fiscal year 1879.

State or Territory.	Termini of route.	Miles.	Cost July 1, 1878.	Cost of additional trips.	Cost of expedition.	Total increase.
Montana.	Bozeman and Fort Keogh	361	\$16,500 00	\$3,542 00	\$16,500 00	\$20,042 00
Do.	Helena and Missoula	140	6,425 00	2,677 00	9,637 00	12,314 00
Do.	Watson and Deer Lodge	116	4,921 00	2,084 00	7,586 00	9,670 00
Do.	Silver Bow and New Chicago	85	2,500 00	6,667 00	2,500 00	9,167 00
Do.	Helena and Butte City	70		7,500 00		7,500 00
Do.	Fort Benton and Belknap	100		6,000 00		6,000 00
Wyoming.	Cheyenne and Horse Head	214		14,380 00		14,380 00
Do.	Rock Creek and Fort Custer	331		10,507 00		10,507 00
Colorado.	Rawlins and White River	165	1,700 00	3,400 00	8,606 00	12,006 00
Do.	Monument and River Bend	59	1,200 00	300 00	7,000 00	7,300 00
Do.	Fair Play and Cleora	60	1,788 00	2,323 00	6,086 00	8,469 00
Do.	Helena and Oro City	45	1,477 00	1,969 00	4,308 00	6,277 00
Do.	Canon City and Del Norte	151	5,500 00	7,333 00	18,351 00	25,684 00
Do.	Fort Garland and Santa Fé	146	940 00	4,397 00	9,500 00	13,897 00
Do.	Garland and Ouray	296	16,036 00	10,663 00	15,995 00	26,658 00
Do.	Saguache and Barnum	74	3,426 00		15,437 00	15,437 00
Do.	Antelope Springs and Silverton	60	2,840 00	4,741 00	5,680 00	10,421 00
Do.	Silverton and Parrot City	79	1,488 00	4,474 00	10,549 00	15,023 00
Do.	Cleora and Oro City	70		12,250 00		12,250 00
Do.	Ouray and Salina	347		12,190 00		12,190 00
Do.	Leadville and Carbonateville	20		5,460 00		5,460 00
New Mexico.	Santa Fé and Mesilla	316	26,200 00		40,841 00	40,841 00
Do.	Santa Fé and Fort Stanton	197	1,748 00	3,496 00	7,866 00	11,362 00
Do.	Las Vegas and Las Cruces	424	14,900 00	54,435 00	21,876 00	76,311 00
Do.	Fort Stanton and Fort Davis	400		10,509 00	21,000 00	31,500 00
Do.	Fort Wingate and Manzano	177		13,983 00		13,983 00
Arizona.	Prescott and Santa Fé	529	18,500 00	77,700 00	39,775 00	117,475 00
Do.	Prescott and Mohave City	191	7,400 00	3,720 00	17,537 00	21,257 00

Statement of cost of increase of star service, &c.—Continued.

State or Territory.	Termini of route.	Miles.	Cost July 1, 1878.	Cost of additional trips.	Cost of expedition.	Total increase.
Arizona.....	Ehrenberg and Mineral Park.....	206	\$4,992 00	\$13,658 00		\$13,658 00
Do.....	Wickenburg and Florence.....	120	4,999 00	5,684 00	\$21,384 00	27,068 00
Do.....	Phoenix and Prescott.....	140	680 00	19,870 00	11,990 00	31,860 00
Do.....	Tucson and Tombstone.....	80		6,571 00		6,571 00
Utah.....	York and Pioche.....	320	49,000 00	8,166 00		8,166 00
Do.....	Richfield and Kanab.....	150	2,390 00	4,780 00	7,170 00	11,950 00
Idaho.....	Boise City and Quartzburg.....	50		8,000 00		8,000 00
Do.....	Mountain House and Atlanta.....	80	4,788 00	6,384 00		63,84 00
Oregon.....	Roseburg and Empire City.....	72	5,800 00		7,975 00	7,975 00
Do.....	Barron and Lake View.....	180	7,440 00	7,688 00		7,688 00
Do.....	The Dalles and Lake View.....	297	3,088 00	6,134 00	11,077 00	17,211 00
Do.....	The Dalles and Baker City.....	275	8,288 00	45,284 00	18,648 00	63,933 00
Do.....	Canon City and Camp McDermitt.....	243	2,888 00	18,612 00		18,612 00
Do.....	Union and Prairie Creek.....	170	2,200 00	5,500 00		5,500 00
Nevada.....	Reno and Susanville.....	92	4,330 00		7,422 00	7,422 00
Do.....	Carson City and Aurora.....	120	7,340 00		10,539 00	10,539 00
Do.....	Battle Mountain and Austin.....	95	7,300 00		7,300 00	7,300 00
Do.....	Eureka and Pioche.....	210	15,300 00	10,845 00	13,150 00	23,935 00
Do.....	Elko and Mountain City.....	146	7,840 00	3,724 00	4,800 00	8,524 00
Do.....	Wells and Hamilton.....	225		5,900 00		5,900 00
Do.....	Eureka and Belmont.....	121	8,000 00	6,200 00		6,200 00
Do.....	Elko and Tuscarora.....	58		7,500 00		7,500 00
California.....	Soledad and Newhall.....	304	29,000 00	4,173 00	21,750 00	25,923 00
Do.....	Caliente and Independence.....	215	12,485 00	12,485 00	11,314 00	23,799 00
Do.....	Oroville and Susanville.....	125	2,270 00	2,289 00	2,666 00	5,955 00
Do.....	Susanville and Lake View.....	155	6,975 00		6,975 00	6,975 00
Do.....	Redding and Roseburg.....	279	54,985 00	34,015 00		34,015 00
Do.....	Redding and Alturas.....	179	5,988 00	8,982 00	17,964 00	26,946 00
Do.....	Yreka and Shasta.....	122	4,000 00	5,333 00	13,253 00	18,586 00
Do.....	Willow Ranch and Reno.....	215	3,425 00	6,850 00	10,275 00	17,125 00
Do.....	Sonora and Bodie.....	119		6,000 00		6,000 00
Louisiana.....	New Iberia and Orange, (Texas).....	151	5,200 00	17,242 10	12,042 10	29,284 20
Texas.....	Collins and Laredo.....	120	1,890 00	1,890 00	3,780 00	5,670 00
Do.....	Corpus Christi and Brownsville.....	160	8,987 00	8,987 00		8,987 00
Do.....	San Antonio and Corpus Christi.....	148	2,733 00	5,466 00		5,466 00
Do.....	San Antonio and Laredo.....	183	2,765 00	7,582 50	2,052 50	9,635 00
Do.....	San Antonio and Eagle Pass.....	182½	8,440 00	3,657 33	13,504 00	17,161 33
Do.....	Austin and Fort Concho.....	249	16,897 00	3,006 02	8,696 92	11,703 00
Do.....	Fort Worth and Yuma, (Arizona).....	1,426	134,000 00		165,000 00	165,000 00
Indian Territory.....	Caldwell and Fort Sill.....	189½	15,200 00		19,000 00	19,000 00
Do.....	Camp Supply and Fort Elliot.....	94	820 00	7,790 00	3,690 00	11,480 00
Do.....	Vinita and Las Vegas.....	810	6,330 00	17,879 56	40,429 88	58,309 44
Kansas.....	Hutchinson and Medicine Lodge.....	84	947 00	947 00	6,060 80	7,007 80
Nebraska.....	Sidney and Deadwood.....	284	9,975 00		19,550 00	19,550 00
Dakota.....	Fargo and Pembina.....	156½	17,000 00		8,500 00	8,500 00
Do.....	Bismarck and Deadwood.....	240	19,000 00		14,285 00	14,285 00
Do.....	Bismarck and Fort Keogh.....	303	2,350 00	4,700 00	27,950 00	32,650 00
Total.....		15,166½	653,611 00	636,525 51	836,819 26	1,465,388 77

Routes on which star service was increased over \$5,000 since July 1, 1879.

Louisiana.....	Shreveport and Red River Landing.....	261	\$11,700 00	\$11,700 00	\$28,561 00	\$40,261 00
Do.....	Monroe and Shreveport.....	122½	9,280 00		12,987 00	12,987 00
Texas.....	San Antonio and Corpus Christi.....	148	9,199 00		20,204 00	20,204 00
Do.....	Frio Town and Eagle Pass.....	90	630 00	1,260 00	3,990 00	5,250 00
Indian Territory.....	Vinita and Las Vegas.....	810	64,529 44	86,053 59		86,053 59
Dakota.....	Vermillion and Sioux Falls.....	70	817 80	1,635 60	3,680 10	5,315 70
Do.....	Bismarck and Fort Keogh.....	310	35,000 00	35,000 00		35,000 00
Do.....	Springfield and Rapid City.....	368	10,376 54		8,556 10	8,556 10
Montana.....	Bozeman and Fort Keogh.....	361	36,542 00	48,723 00		48,723 00
Wyoming.....	Rock Creek and Fort Custer.....	331	10,507 00	14,009 00	64,251 00	78,260 00
Colorado.....	Pueblo and Rosita.....	49	388 90	2,328 00	5,432 00	7,760 00
Do.....	Silverton and Parrott City.....	79	1,703 00	4,259 00	10,549 00	14,808 00
New Mexico.....	Fort Stanton and Fort Davis.....	400	3,500 00	7,000 00	21,000 00	28,000 00
Do.....	Fort Bascom and Trinidad.....	185	1,760 00	3,520 00	10,560 00	14,080 00
Arizona.....	Prescott and Santa Fe.....	460	18,500 00	7,700 00	39,775 00	47,475 00
Do.....	Prescott and Mohave City.....	190	28,691 00	38,263 00		38,263 00
Do.....	Mineral Park and Pioche.....	232	22,300 00	29,733 00		29,733 00
Do.....	Florence and McMillan.....	107	2,902 00	3,869 00	10,798 00	14,667 00
Utah.....	Toquerville and Pahreah.....	122	3,504 00	3,090 00	12,718 00	15,808 00
Do.....	Fillmore and Frisco.....	72		5,400 00		5,400 00
Idaho.....	Eagle Rock and Salmon City.....	125	9,500 00	12,667 00		12,667 00
Oregon.....	Eugene City and Mitchell.....	195	2,324 00	4,649 00	14,486 00	19,135 00
Do.....	The Dalles and Baker City.....	275	31,080 00	41,440 00		41,440 00
Nevada.....	Aurora and Independence.....	138	5,999 00	7,999 00		7,999 00
Nevada.....	Wells and Hamilton.....	225	10,700 00	15,000 00		15,000 00
Do.....	Eureka and Belmont.....	121	8,000 00	6,200 00		6,200 00
California.....	Julian and Colton.....	120	1,188 00	2,376 00	5,346 00	7,722 00
Do.....	Susanville and Lake View.....	155	13,950 00	13,950 00		13,950 00
Do.....	Willow Ranch and Reno.....	215	20,558 00	27,400 00		27,400 00
Do.....	Sonora and Bodie.....	123		5,450 00		5,450 00
Arizona.....	Wickenburg and Prescott.....	100	1,717 00	858 50	5,472 00	6,390 50
California.....	Cloverdale and Eureka.....	200	11,000 00	1,833 33	30,581 33	32,414 66
Total.....		6,739½	387,846 68	443,366 02	308,946 53	752,312 55

Mr. MONEY. I hope the gentleman from Illinois will be allowed to conclude his remarks.

Mr. CANNON, of Illinois. I have concluded. I only wanted the privilege of yielding a portion of my time to other gentlemen, but I have no special desire in reference to the matter.

The CHAIRMAN. The gentleman's time has expired.

Mr. HASKELL. Mr. Chairman, I am not prepared to say that the Post-Office Department officers have in all matters that come before them for their action been wise or unwise in the administration of affairs; but I am prepared to state as my deliberate opinion that this bill now pending before the committee that seeks to remedy an alleged

abuse of authority on the part of that Department ought never to be enacted into a law. If we were to admit every allegation made by the members of this committee concerning the Post-Office Department—every one of them—I should still object to the passage of such a measure as this as in any way providing a proper or a certain cure for evils complained of. What does this bill propose to do? It goes on to appropriate all the money that may be needed for the star service of the United States under present contracts. It provides for every route, without any limitation or reservation, except in its practical application to one hundred and seven of the great star routes west of the Mississippi River. How is this?

Why, one gentleman has said that west of the Mississippi the people have received one-half of all of the expenditures of the Government for the support of the star service. I presume that to be true. Why should it not be? It is west of the Mississippi River where the great trade and travel of that section of our country winds its way over wagon-roads where this great mail service on horses is carried. There is the place where the great stage-routes are located; that is where the star service is most needed and where it principally exists. There is no such need of it east of the Mississippi River as there. Of course the heavy expenditures are there.

Another member of this committee says that there is something evidently rotten in this management of the star service as it exists at this time because it costs more to maintain it there than it does east of the Mississippi. Why, sir, what is there remarkable about that? Does the honorable gentleman from Illinois believe that in the fifteen hundred miles lying through the Territory of Arizona, or across the barren waste of the Staked Plain, or reaching out over the summit of the Rocky Mountains, and through its rough and tortuous defiles, where the mails are to be carried daily on snow-shoes through the winter, perhaps to be carried over stretches of one hundred miles without water, across barren wastes, that that service can be performed at the same price that a buggy can be procured to carry the mails across the fertile plains of his own beautiful State of Illinois? And yet this is the argument that has been made here; this is the argument that we are to meet and that is used for the passage of this bill—because the western routes consume so much of the people's money. And we are met with the charge that there is abuse in the service on these routes; that frauds have been perpetrated and practiced continually, and that great wrong has been done to the people of the whole country in consequence. There is not one of them that has brought forward a single argument, not a word of evidence in support of the charge of fraud or abuse.

Take any one of these routes that have been mentioned here, take for instance the Las Vegas and Vinita route, which has been alluded to half a dozen times here. That route was ordered by the Congress of the United States to be established; the Post-Office Department knew nothing about it. It stretches over seven hundred miles of barren—no, not barren, but wild—territory, filled with military posts of the United States, with Indian agencies and scattered ranches of frontiersmen. They let that route by contract, but of course the contractor knew that if he secured it he secured the monopoly of it for four consecutive years, with all the increasing business that would naturally come to the route from the establishment of mail service upon it, and that he could afford to take it at a very low rate.

Men settle upon all mail routes in the West as soon as they are established, and consequently there was much competition for this route, and it was bid off finally at some \$6,000. It would have cost \$25,000 to put the regular service on that route as often as required and in the manner by the contract. By all the figures that any route ought to have cost, this contractor would have been compelled to pay \$25,000 for maintaining service on that route for four consecutive years. But he knew, as every one of the contractors knew, that when a mail-route was put through that country, when these Indian posts were held together by the mail-carrier's trip once a week, when the isolated ranches of the hardy frontiersmen of New Mexico and Texas were once bound together by this mail-carrier route, villages would spring up all along the line; he knew that new post-offices would be located; he knew the service on the route would be largely increased. He had the right to take it into consideration. They all take it into consideration, and they all would be liable to a charge of idiocy if they did not take note of these facts. And just what was supposed to be true was found to be so when the route was opened. The contractor knew there was to be largely increased service in a short time. He could not help knowing it. He would simply have been an idiot not to have known it. Everybody knew it. When he comes to locate his route he sends to some civilized community and buys ferry-boats, builds bridges, shortens the line of the old military trails in one instance as much as a hundred and fifty miles; explores and surveys new routes; locates station-houses, digs wells, prepares his stock, and gathers together all material that he knows he will be called upon in less than four years, under his contract, to have in order to maintain his service, and the increase of the service that is sure to come.

Right in the midst of this comes this bill. After it has been increased, after members of Congress by the score have been down to that Department and begged to have it increased, after the General of the Army has asked to have it increased so that military posts may be connected together, so that news of Indian outrages may be transmitted, so that settlers may have correspondence with each other—after these men have petitioned Congress, after the Board of Trade in Saint Louis have petitioned Congress, and the Merchants' Exchange and the Cotton Exchange and representatives and delegates all through that section of the country have sent in petitions with hundreds and thousands of names, then the Post-Office Department under law—under law, mind you—makes the increase found to be necessary, and orders on the service. What does this bill do? It puts them back without recourse to the original provisions of the original contract. The price paid, for instance, for the purchase of ferry-boats and the building of bridges is more than that original contract, and that is true of the Fort Yuma route; it is true of these twelve great

routes; it is true, to a great extent, of the whole one hundred and seven. They have expended more for surveying some of their routes than the whole original contract would have cost. Why? Because while you could dilly-dally on any kind of route with a schedule time of two weeks, for instance, if the time be shortened up to one week you require to have a direct line. Instead of fording a stream in the prairie under a long schedule, you have to build a bridge under a short one. Instead of swimming a horse across a stream with a small mail-sack, you have to buy a ferry-boat for an increased mail and a more rapid transit of it. Instead of "heading" a stream on the prairie on long schedule time, you must cross it by some means on short schedule time.

This bill comes in and cuts off the whole increase of service and takes from these men every cent they have expended to build up their route and remands them back to the old original horseback, pack-saddle method of carrying the United States mails.

Again, have you provided under this bill a remedy to reach the routes which have been enormously increased, and wrongfully? Not at all. Have you put your finger on a fraud and said "We will eliminate that?" No. Have you picked out a large route and said "This costs too much, we will cut it down one-half?" No. Have you examined into the service of any one of these routes and made it *pro rata* to cost so much per mile? No. But you have cut down the great colossal frame-work of the whole star service west of the Mississippi River and have carried to those great through lines the stagnation of eternal death.

Do you understand, gentlemen of the committee, that these great through routes, that you thus strike at are the feeders of the little routes that run there? Have you increased the service on the little route that branches out from this long one? You put it at six times a week or at three times a week. You expedite it possibly. It is a little route. Its costs very little. But after you have done that all through the State or Territory, after you have increased all the diverging routes, you go to work and drive the great trunk line that supplies them all back to this once a week service.

Take your Fort Yuma and Worth route. On that you have expedited the service. Under the operation of this bill you still leave the daily mail along the Fort Yuma and Worth line. You do not take that away. But on the Las Vegas and Vinita route, equally as important, with as many post-offices, with as much to hope for the future, you remand that back to the old pack-saddle once-a-week service.

Then it was charged here by the members of the committee that the original contract was so small and the increase so great that that increase must be a fraud. The original contract is no criterion at all. The gentleman from Illinois [Mr. CANNON] understands that. He understands that to secure a line, a stage route, a post-route running into a mining country like that of Leadville, or of Tucson, Arizona—in all those localities—a contractor would agree to take service once a week for nothing if he could get it; because he knows, as happened once already in Colorado, that before the time of his contract is out a city or a mining camp will grow up and thousands of men will have to be supplied with the mail and he will get compensation.

Talk of the original contract for a route as being the guide for all subsequent action! I know of one firm, Sanderson & Co., in my State that took a contract to carry Uncle Sam's mail for four years for one cent a year simply to shut out competition and to let the advantages from the future growth and development of the country come to them.

Mr. CANNON, of Illinois. Will the gentleman yield to me?

Mr. HASKELL. Yes, I will yield.

Mr. CANNON, of Illinois. The gentleman refers to a case where the contractors took the service on a particular route for four years, at one cent a year. He says that it was worth much more to do the work, but in order to drive away competition by others and to get the carrying trade on the route they took it for that low price. Now, I want to ask the gentleman where the equity or the right comes in for them to come forward now, in regard to a route upon which they are bound by their contract to perform service, and ask the Government to increase the pay by \$100,000 or \$150,000 or \$175,000 a year?

Mr. HASKELL. They do not ask any such thing. Look at this report and at the very route to which we have had our attention called here so much, the Las Vegas and Vinita route. You say that Brady or the Post-Office Department has committed a fraud on the people of the United States. Now look at the list of names begging for that service.

Mr. CLYMER. Did they name the price to be paid?

Mr. HASKELL. No.

Mr. CLYMER. Of course they did not.

Mr. HASKELL. If you are not satisfied with the price, why not fix the compensation for that route for service seven times a week at so much?

Mr. CANNON, of Illinois. The gentleman does not mean to misrepresent me. I have talked about the deficiency; have charged fraud against no man in anything I have said. I have spoken of the facts, and have no charges to make.

Mr. HASKELL. I understand that. That service was put there on the petition of men like myself. I signed the petition for the increase, and I stand here ready to fight for that increase and to maintain the increased service on that line because it ought to be there. Talk about the increased cost of that service through the Indian Territory! The service is two hundred miles from the nearest line of

railway on the south and one hundred miles from the nearest line of railway on the north. It runs right through the Indian Territory and is the precursor of the great railroad that is soon to follow it. Is this stage-route and post-route service to be crippled and destroyed by this bill?

Talk about the cost of continuing that service there! Why, sir, thirteen men have died on that line, murdered by the outlaws who have infested it. Government property has been saved by the carrying of the mail through there. Bands of organized desperadoes have been driven from the line of that road. The old mail of the United States once every day stops at the little post-offices and stations along the line of the route, communicating with all the military posts, and connecting the people of those border settlements with their friends in the East. From Fort Elliot in Texas the mail is carried to Saint Louis twenty-four hours ahead of any railroad connection that can otherwise be had. The mail is the advance guard of civilization, and is valuable in a thousand ways other than for the simple transmission of letters. This bill contemplates putting that service back to the original contract price, and practically destroying it completely. If these twelve routes which have been dwelt upon so much to-day have been put at too high a price—

Mr. COX. Will the gentleman allow me a question?

Mr. HASKELL. Certainly.

Mr. COX. The gentleman is discussing this matter with so much candor that I would like to ask him a question for my own satisfaction and for the satisfaction of other gentlemen here. How is it that these contracts, involving an excess of appropriations, are made in defiance of section 3679, I think, of the Revised Statutes? What is the remedy when the Department exceeds the appropriations and acts in defiance of the law?

Mr. HASKELL. Now, I will give you the answer.

Mr. COX. I want a good answer.

Mr. HASKELL. You shall have it. I am glad you have brought up that question. When the 30th day of June next, comes, if any officer of the Post-Office Department has violated the law, then punish him.

Mr. COX. There is no penalty in this section; I wish there was.

Mr. HASKELL. Hold on. Up to the 30th day of June next, the mouths of every one of you are stopped. You say that by stopping the service all over the United States the Department is going to ruin the whole star service. But recollect that you have lodged in the hands of that officer a discretionary power to increase or decrease that service. It is a power lodged there by act of Congress, and you cannot impeach him for exercising it. He may be a fool; he may be an idiot.

Mr. COX. He may be a knave.

Mr. HASKELL. He may be a knave, and use that power unwisely. But you have given him that discretionary power, and until the 30th day of June, 1890, the mouths of every man in this House are stopped against crying about a violation of the law.

Mr. COX. But if he exceeds the appropriation before the time is up, is not that a sort of species of duress upon Congress?

Mr. HASKELL. I think not, for he has not exceeded the appropriation yet.

Mr. COX. I would like to hear why, for I am interested.

Mr. HASKELL. I will tell you why there is no duress upon Congress. Members of Congress secure the passage of post-route bills, and service is to be put on those post-routes at the discretion of the Department. Members of Congress flood the Department with their petitions, and as individuals they promise the officer in charge of this service that Congress will be lenient.

Mr. COX. That is too thin.

Mr. HASKELL. They promise that Congress will take care of the service; that Congress will see that no detriment arises from the exercise of this discretionary power.

Mr. BLOUNT. Where is the evidence of that?

Mr. HASKELL. And if members of Congress have dealt honorably with their official, there is not even the tinge of unwisdom about his acts; there is no crime in any of them; there is no fraud in any of them, and no unwisdom. It is not even unwise, for he has a right to counsel the Congress of the United States as to the service over which he has discretionary power.

Mr. COX. Will my eloquent friend from Kansas give us the evidence showing that Congressmen have used this extra-official influence?

Mr. HASKELL. I will.

Mr. COX. And let the gentleman say whether that influence ought to be potential with the Department or not.

Mr. HASKELL. I will read from the evidence before me.

Mr. HAWLEY. That is barred by the decision of the Chairman. [Laughter.]

Mr. HASKELL. The decision of the Chairman does not bar anything that I may wish to read; for I am not a member of the committee having charge of this subject. I am here in possession of a document. I do not say where it came from, but I propose to use it.

Mr. COX. I do not want the gentleman to hide anything; let him bring out all the facts.

Mr. HASKELL. Here is a list containing the names of nearly every Army officer and pretty nearly every private of all the posts on the line of one of these routes. Then follow the names of the postmasters, the ranchmen, the business men—

Mr. COX. Come down to the Congressmen.

Mr. HASKELL. Oh, I will not read the names of the Congressmen.

I will say, however, that my name is there. [Cries of "Let us have it!" "Read them all!"]

Mr. COX. Out with it.

Mr. HASKELL. My name is attached for one. Here are also the names of the Chamber of Commerce of the city of Saint Louis.

Mr. CANNON, of Illinois. I rise to a point of order. If the gentleman is authorized to use at all this document which has somehow come into his hands, (to the use of which I have no objection,) I submit that under the rules of this House, or if not under the rules of the House, at least in fairness, the whole document should come before the Committee of the Whole, with everybody's name and what everybody said.

Mr. HASKELL. Now on that point of order, which I trust will not be taken out of my time, I want to say a word. This document has neither heading nor conclusion. You do not know, and I do not know, that it emanated from any committee. It came into my hands from no committee. I am a member of no committee having charge of the affairs of the Post-Office Department. I choose to incorporate into my speech such passages from this document as I think proper. The book is mine. I will put into my speech whatever portion of it I please, and no more. [Laughter.] We will settle that question right here; for the Chair I know agrees with me. [Laughter.]

Mr. CANNON, of Illinois. Then the gentleman proposes to garble the document that he has in his hand; does he?

Mr. HASKELL. No; the gentleman does not propose to garble it.

Mr. HAWLEY. I rise to a point of order. I submit that the gentleman has no right to read from that evidence taken before the committee. I make this point because I wish to read from it myself. [Laughter.] The gentleman from Kentucky [Mr. BLACKBURN] made this objection at an early stage in this debate; and this evidence was barred out. Now the gentleman from Kansas wants to read from it; so do I. I raise the point of order that the gentleman under the decision of the Chair cannot refer to that evidence.

The CHAIRMAN. The Chair overrules the point of order. [Laughter.]

Mr. HAWLEY. Good!

Mr. HASKELL. I wanted merely to say that this discretionary power is lodged with the Post-Office Department to put the star service where it pleases, when it pleases, and how it pleases, to a very great extent. When, therefore, there comes to the Post-Office Department such a swarm of Congressmen and Senators as I know came in behalf of this route—when there come petitions from the Board of Trade of Saint Louis, the Cotton Exchange, the Merchants' Exchange, from all the officers of the Army on the frontier, from every member of Congress and every territorial Delegate of the surrounding country, is it not fair to assume that the Post-Office Department has a tolerably good backing for its use of this discretionary power? Where can the officials of the Post-Office Department go for advice and counsel in the use of discretionary power if not to such men as are represented on the petitions for this increase of service?

Mr. COX. Now, will my gallant friend answer a question?

Mr. HASKELL. Yes, sir.

Mr. COX. What right has the Post-Office Department, by the influence or the instrumentality of Congressmen or others, to exceed the appropriations made by law.

Mr. HASKELL. The Department has not exceeded the appropriations. To-day there is no deficiency in the Post-Office Department under the law.

Mr. COX. There is a stoppage of the whole business after March.

Mr. HASKELL. There is not a stoppage of the whole business after March.

Mr. HUMPHREY. There has always been a deficiency there.

Mr. COX. Both a moral and a pecuniary deficiency.

Mr. HASKELL. I desire to say to the gentleman from Wisconsin, [Mr. HUMPHREY,] who never "shakes his head wisely," that he has no business to shake it unwisely at me.

Mr. HUMPHREY. If I may interrupt the gentleman from Kansas, I wish to say what I meant was that ever since I have been in Congress there has been a deficiency in the Post-Office Department. Congress has not been willing to give enough for the star service or other branches of the mail service. It is said here that the remedy is with Congress. Now, if I wanted a remedy for anything Congress is the last place I would ever come to.

Mr. HASKELL. I do not yield to the gentleman from Wisconsin or anybody else except for a question. I undertake to say that at the close of the fiscal year, if the operations of the Post-Office Department should correspond with some three months of the preceding year, there would be a deficiency; but there is no deficiency now. I come back to the proposition I submitted a few moments ago, that you have by statute lodged this discretionary power with this officer, and that even if he has exercised that discretion unwisely it does not become any member on this floor to charge him with thievery, robbery, fraud, and violation of the law until such violation has actually taken place.

I understand very well why this bill has been brought here in its present shape. It avoids the unpleasant responsibility of preparing a bill just as it ought to be prepared. By a few general sweeping provisions a million of money can be saved without the necessity of searching out the facts connected with each one of these routes that are to be sacrificed. That is one of the reasons why the bill comes in in its present shape.

If the only object of the committee is to report a bill to this House which will save a million of dollars out of expected, public, needed appropriations the coming year, there is another way to reach it without harming anybody especially. Suppose you take away from these routes which have been expedited, for instance, where the service has been simply made quicker than before—suppose you take that away, and you will save about \$300,000, very nearly as much as is sought to be saved under the present bill, and you will save this daily service on these great lines. Here is my friend from Colorado, representing a district covering the whole State of Colorado, with Leadville, which under the operation of this law receives the United States mail but once a week. Take off the expedited service, the quickened service, and leave the number of trips as they are under the present postal regulations, and my friend from Colorado gets his mail seven times a week, once a day. The expedition of the service is chiefly valuable to the passengers on the stage-route. Why will not the committee adopt that plan as a compromise in this matter and save seven hundred or eight hundred thousand dollars, and leave the service of that great western country, with its States and Territories, practically unimpaired?

Another reason why the bill has been brought in was because it will be impossible for a few individual members of Congress to be criticised by their immediate constituents by the passage of such a bill, simply because there is nobody here to represent those Territories who can vote. A gentleman has said on the floor, or intimated, he did not see what interest the gentleman from Kansas had in the Indian and other Territories; that I only had one route in my State which was affected. I wish to say to the gentleman from Illinois those Territories in the United States do not belong to the democratic party, or to the republican party, or to any State; but they do belong to the people of the whole United States of America, and this House ought to deal with them, which in the future are to be the empires of the great American Republic, with more than leniency, ought to deal with them in kindness and with great care. Every reasonable facility ought to be afforded for their growth, development, and social improvement.

They say this increase of service all through is largely in the West. Of course it is. There is where the population goes. There is where the increase, the growth, and development of this nation are, there in the golden West; there the increase of the star service must be expected and must be provided for.

You eastern men, with your railway lines by almost every farm, have no use for star service. You are not affected; your mail comes to you every day. My friend from Connecticut has not a post-route in his State twenty-five miles long. Here are two great routes, one eighteen hundred miles long, and another eight hundred miles long, branching from which, like ribs from the vertebrae, are these little minor auxiliary routes, which, under the operation of this bill, are to be destroyed by having the main stem stricken down, destroyed, or seriously crippled.

Now, sir, I have nothing further to say on this subject except to repeat there are other considerations which should influence this House than the mere cost of carrying the mail upon these star routes. There are other considerations which should induce us to maintain these great trunk lines than the carrying of an occasional letter. They are the great forerunners of civilization. Along the lines of those great Western mail-routes cluster the future villages and cities of a great and prosperous people. These mail-carriers, hardy pioneers of civilization, survey shorter routes, provide ferry-boats, build bridges, open roads. These routes are used by our troops, and by the supply trains for the use of the Army, and for the use of the Indians, as well as for the use of the white men. It will not be ten years from to-day before a half dozen of these routes you are striking down under the operation of this bill will cease to have star service upon them, and the locomotive and the railroad service will take its place.

It is a short-sighted policy, then, by the operation of this bill to materially cripple this whole system. It ought to be increased. Instead of \$2,000,000 needed to maintain this service without detriment, \$1,000,000 under the amendment I suggest will be sufficient to carry out the present contracts so that nearly all the people along the line of the routes will not be seriously affected. I submit a table showing the cost of some of these routes in 1850 to 1864.

Western mail routes, from 1850 to 1864.

Contract period.	Route.	Distance, miles.	Trips.	Running time.	Pay per annum.	Rate per mile on a basis of once-a-week service.	Cost of a daily service on foregoing basis.	Cost with running time reduced to 4 and 5 miles per hour, and pay increased 100 per cent. for the expedition.	Cost per mile as expedited.	Cost per mile for once-a-week service.
1850 to 1854	Independence, Missouri, to Salt Lake, Utah.	1,100	1 trip per month	30 days, 1½ miles per hour.	\$19,500	\$77 00	\$585,000	\$1,170,000	\$1,078 00	\$154 00
1854 to 1858	do	1,100	do	25 days, 1½ miles per hour.	36,000	142 00	1,080,000	2,160,000	1,988 00	284 00
1858 to 1860	do	1,000	1 trip per week	do	190,000	173 00	1,330,000	2,660,000	2,422 00	346 00
1850 to 1854	Independence to Santa Fé, New Mexico.	885	1 trip per month	29 days, 1½ miles per hour.	18,000	88 00	540,000	1,080,000	1,232 00	176 00
1854 to 1858	do	800	2 trips per month	25 days, 1½ miles per hour.	33,000	89 00	450,000	960,000	1,246 00	178 00
1854 to 1858	Salt Lake to Placerville, California.	798	do	do	30,000	81 00	450,000	900,000	1,134 00	162 00
1858 to 1860	do	798	do	do	80,000	217 00	1,200,000	2,400,000	3,038 00	434 00
1854 to 1858	Santa Fé to San Antonio, Texas.	1,050	do	25 days, 1½ miles per hour.	33,500	69 00	502,500	1,005,000	966 00	138 00
1857 to 1858	San Antonio to San Diego, California.	1,600	do	30 days, 2½ miles per hour.	149,800	203 00	2,247,000	4,494,000	2,842 00	406 00
1858 to 1861	San Antonio to Los Angeles, California.	1,750	Twice a week on 700 miles, and once a week on residue.	30 days, 2½ miles per hour.	300,000	127 66	1,563,835	3,127,670	1,787 24	255 32
1858 to 1861	Saint Louis to San Francisco, via Texas.	2,883	2 trips per week	25 days, 4½ miles per hour.	600,000	104 00	2,100,000	.....	728 00	.....
1861 to 1864	Omaha to Sacramento.	1,777	6 trips a week for 8 months, and 3 trips a week for 4 months.	20 days for letters, 3½ miles per hour; 30 days for papers, 2½ miles per hour.	1,000,000	115 00	1,431,530	.....	805 00	.....

TABLE A.

Number of route.	Route.	Miles.	Pay per mile per annum.	Total amount per annum.
31454	Fort Worth to Fort Yuma	1,426	\$29 25	\$399,000
32024	Vinita to Las Vegas	810	26 55	150,592
35051	Bismarck to Fort Keogh	310	37 63	70,000
36107	Bozeman to Fort Keogh	361	33 34	85,266
37110	Rock Creek to Etchetah	331	38 31	88,768
39109	Las Vegas to Las Cruces	424	30 73	91,211
40101	Prescott to Santa Fé	529½	36 71	135,975
40103	Prescott to Mohave	191	50 08	66,960
40116	Phoenix to Prescott	105	44 40	39,640
44155	The Dalles to Baker City	275	37 67	72,520
46120	Soledad to Newhall	332	23 85	55,424
46267	Willow Ranch to Reno	212	32 31	47,950
		12)420 83		
		35 07		

Mr. HASKELL. I yield to the gentleman from New York for a few minutes.

Mr. COX. Mr. Chairman, I think the letters and petitions which my friend referred to put the service back where it was at the last session. I have an impression the Department purposely—I will not say purposely, but very nearly so—asked for bids below the price at which it was being carried under preceding contracts, in order to have some one, some party, some ring solicit increase under the discretionary power given to the Post-Office Department.

If the amount of service carried under the last advertisements was increased, why did not that Department ask to continue the service on the basis then existing on the Prescott and Santa Fé route, which was let July 1, 1879—for how much does the House suppose? For \$13,000, and was raised about the middle of August following to \$136,000! Is that disputed?

Something ought to be done before we pass any bill on this subject for a thorough investigation of this matter. So far as New York State is concerned we pay our own service. We make a surplus, but there is from two or three to five millions paid in above the cost of service levied on the people generally.

Mr. MAGINNIS. Because the country is behind you.

Mr. COX. New York pays one-third of it.

Mr. HASKELL. I will reserve fifteen minutes of my time.

The CHAIRMAN. If the gentleman yields the floor he yields it altogether, and the Chair will recognize another gentleman.

Mr. HAWLEY. Does the Chair recognize me?

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut.

Mr. CLYMER. If there be no objection I will move the committee rise.

Mr. HAWLEY. I will go on now or yield. [Cries of "Go on!"]

Mr. CLYMER. Does the gentleman from Connecticut prefer to go on?

Mr. HAWLEY. Mr. Chairman, I think this is important business, and I might as well say what I have to say just now. I do not intend to occupy an hour.

The Committee on Appropriations yielded the floor to the gentleman from Kansas [Mr. HASKELL] that the debate might be more varied. I think it was wisely done because he has thrown light on this question. I have listened with great pleasure to him. I hope our friends of the West will not suppose that because some of us live a little way east of the Mississippi we have never been in the West and know nothing about the interests of that country. I hope they will not think we have not with them a common right and pleasure in the magnificent progress of that region, and the utmost willingness to vote for anything for their good up to the extreme of liberality. The picture the gentleman from Kansas has drawn of the growth and settlement of the country gave me a thrill of pleasure as keen, I am sure, as any man on this floor could have felt.

Now, sir, last year the Congress of the United States appropriated \$5,900,000 for inland mail transportation upon star routes. It was every dollar the Post-Office Department estimated that it wanted. It was given ungrudgingly, with the utmost generosity and freedom, rather justice, I should say—do not call it generosity. The law says the Department shall not exceed that amount, shall not exceed the amount of the appropriation. It is a wise law put upon the statute-book long ago, approved by everybody, indispensable to good government, I may say indispensable to honest government. Without a provision of that sort lived up to, no man can tell what is the bill to be brought in against the Government. Though it has no penalty of the penitentiary attached to it, it has at least the penalty of impeachment. Whether it has that or any other, it is the order of the Department's officer's superior officer. It is the order which I say a good servant of the Government, a gentleman, is bound to obey; bound to obey or give good reason to the contrary.

Are there no emergencies on which he could afford to give an apology for transgressing? Plenty of them. I will make one for the Post-Office Department on this matter. After the appropriation of \$5,900,000 was made last winter the Forty-sixth Congress came here in extra session and established two thousand new mail routes; as those things are always done, anybody asking for one can have it. The bill is made up in a lump. The Speaker asks the chairman of the Post-Office Committee, "Is there nothing on this bill but mail routes?" The member having the bill in charge replies, "There is not." Nobody objects, and the bill is declared passed by unanimous consent. Does it follow that there is to be service established on each one of these routes? It is done as a matter of course. You might as well pass that bill presented by the Post-Office Committee which makes every highway in the country a post-route. It is a nominal matter. There are probably some of those two thousand on which service is required.

If the Department had been able to come in here and say that after we had the post-route bill there was a great pressure for some service in newly settled regions, (largely in the new, some in the old,) and though it feared it would get beyond the \$5,900,000, it had added considerable service which seemed to be required; and it threw itself upon the generosity of Congress, an appropriation would have been granted cheerfully. If it had said that, I do not think there would be five minutes' discussion here. The offense would have been pardoned, though it still would have been an offense. On the contrary what has the Department done? After getting the \$5,900,000 in March,

1879, was a word said here during the extra session as to the rapidly growing necessities of the service? We were here fifteen weeks and there was no application made for an increase. We sat here up to the very last of June, up to the beginning of this current fiscal year, when these movements toward a deficiency were growing in the Department. Five months went on and you come here again, December 1, and you were met by the report of the Postmaster-General dated November 8, which did not say one word about the most important information the Department had in its possession, namely, that it was exceeding the appropriations for one branch of the service at the rate of nearly two millions a year.

There is not a reference to it there that I can find. He speaks of a deficiency of \$150,000 for the last year, the year ending June 30, 1879. There is not a word about it that I can find in the statement of the Second Assistant Postmaster-General. But on the 8th of December, a month after the regular official annual report is dated, a short message comes in here from the Postmaster-General, with a brief statement from the Second Assistant, asking for \$2,000,000 for deficiencies. Why, there is not the courtesy of an explanation. The communication is hardly an inch and a half long, the message asking for a deficiency of two millions. There is a real deficiency of \$1,720,000, but he wants the round sum of two millions because there may be something else he may want to do before the time is out, and he may as well take all he can get; therefore he makes it two millions on the whole. That did strike the Appropriations Committee a little aback. It did everybody. It was referred to that committee. We have examined it as well as we can, and have brought in a measure that gives some relief. If it be not in the best form, put it in the best form. If the idea of the gentleman from Kansas that we can strike off the expedited service and get off with something like a million to cover the deficiency be correct, very well. We shall have discharged our duty when we have called your attention to this shameless and defiant infraction of the statutes of the United States. I have said it deliberately. That is what it is; a deficiency amounting to 34 per cent. addition to the appropriation, which was all he asked, and which he was commanded to live within; a deficiency created in the face of clear and imperative statutes forbidding the servants of the Government to exceed the appropriations, or to make contracts for future payments in excess thereof.

Now, what is the excuse? A little excuse is found in the extra routes established last summer, though the Department might have said to anybody: "There was no money given for this; we cannot establish service thereon." And an excuse is sought, as the gentleman from Kansas says, in the incessant importunities of members of Congress. That is deliberately set down as an excuse. Indeed, the Department goes further and says that it granted service as fast as the members of Congress asked for it, supposing they knew what was wanted. The Department deliberately says that. Now, I believe that is unjustified by the facts. I made my little application with the rest. I was refused. I was told the money had run out. It does not seem to have made any difference to the Department whether the money had run out or not. The Department was always equal to the occasion. But I said nothing. I said not one word. That was the end of the law for me.

Is there any member of Congress here who has gone to the Department and told the Second Assistant Postmaster-General to spend a million and a half or two millions more than was appropriated and he would see him through? I do not believe it. I can imagine an extraordinary emergency in which a Congressman might say, "You might do this, and I believe Congress will stand by it anyhow because of the great necessity." But that he has been urged, and has the right to make an excuse that he has been urged, by Congressmen to violate the law to this extent I do not believe. How does this thing come about? I say this increase has not arisen legitimately by reason of this marvelous, this glorious growth in the country of which we have been told.

I will illustrate this point briefly. My case will be rather a supposititious one, but in substance it has its counterpart in a dozen actual cases. We will suppose a route of five hundred miles let for \$5,000, the service being once a week and the trip made in seven days. A slow business! That bid and first contract are understood to mean nothing. Sometimes a man takes such a contract because he discounts the future growth of the region and means to make money out of it at a later day. He will underbid in any event, and he thinks he knows what he can make afterward. Then the service is increased to twice a week, and the compensation to \$10,000. Then a petition comes in from the ranchmen and the lieutenant of the post and a postmaster, and it is increased to three times a week and \$15,000. Then there is another petition, and the service is increased to seven times a week. Seven times five are thirty-five, and the amount gets up to \$35,000. There must be terminal stations, superintendents, a good deal of material, and a good deal of money spent whether the service be once a week or seven times, and seven trips do not cost seven times as much as one trip. But what is the next step? It is to expedite the service, as it is called. There is a demand that the mail must be carried through in five days instead of seven. That takes some more drivers and more mules and horses; we cannot tell just how many; the man in the business must be permitted to judge.

And now whose estimate do they take? That of the contractor. One of them that I have seen is about four lines long. The con-

tractor says that he thinks it will take double the number of men and three times the number of mules. How do you suppose they make that additional compensation? If it takes twenty-five men and seventy-five mules to perform the slow service, they add the number of men and the number of mules together, making it one hundred. And if the contractor estimates that it will take one hundred men and three hundred mules to perform the expedited service, they add men and mules together and say as one hundred in the slow service is to four hundred in the faster service so is \$35,000 to \$140,000, and straightway they order that the contractor who began six months before with \$5,000 a year shall now have \$140,000. That is the history of innumerable cases.

A MEMBER. For how many years?

Mr. HAWLEY. For too many; always, for aught I know.

Mr. CLYMER. And no competition is allowed.

Mr. HAWLEY. They say that the law requires it. No, it does not. It may be said that the law permits it, but it does not direct it. The law says that the compensation for expedited service shall not exceed *pro rata* of the additional stock and men required, (shall not exceed \$140,000 in the illustration I have given you,) not that it shall always equal it. In some cases—I know of one case of a large and expensive route—the additional compensation was somewhat within the figures. But with all the investigation which I have made I cannot ascertain that the officers of the Department ever take pains to bring it below that *pro rata*. They give the contractor the full benefit of the *pro rata* increase, although he has his line established and a large part of his investment must be made whether he drive slowly or fast.

Now, I say that we have a right to object to this conduct of the Department and to bring it to the attention of Congress. It has been claimed by the Department that they have absolutely the right to do as they have. The officials say that the statutes give them the right to put service on these various routes as shall be deemed best for the public interest, entirely according to their discretion.

But I ask is there not a permanent statute forbidding them to exceed appropriations? Certainly there is. But they say they have not exceeded their appropriation. That has been said by the Department this year simply because it has not yet spent the whole \$5,900,000 appropriated for this fiscal year. But it has spent so much of it that at the present rate it will be all gone on the 10th day of April. The Department says, however, that if it is really to come to that, if Congress is not going to give them any more money, it will jump in at the last moment and cut down the expenditures so much that they will be enabled to keep within the appropriation. Now could an officer taking that course and managing to keep within his appropriation by destroying his service for the last quarter of a year escape an impeachment on such a plea? I throw not.

Now, suppose an officer sees his appropriation running out and he says: "I will compel Congress to give me more money." Recollect that he has all the while said that he knew he would get more money, and did not care anything about what the Appropriations Committee or anybody else said. He says: "I will compel Congress to give me this money." And then he issues a grand sweeping order, saying that on every single star route in the United States the service shall be cut down to once a week. Could the man escape by that course? I throw not.

I say that an order of that description, coming in the face of this current necessity and pending the consideration by Congress of the question, is an insult to a deliberative body, because the officer knows that he does not mean to do any such thing; he knows that he will not do it. But he knows that the danger of it will bring a thumb-screw to bear on every member of Congress.

He has no right to take this course. I am not hunting for a criminal offense. I do not charge corruption or stealing or anything of that sort. I am pleading for a reasonable, honorable obedience to the law. It is the sworn duty of the officer to keep within the statute. He has the custody of the appropriation, and the common sense of the law is that his fair current rate of expenditure shall be such as will bring him within the appropriation at the end of the year.

It was said by a high officer of the Department, I think it was the Second Assistant Postmaster-General, that so far as the law is concerned he has the right to expend the entire annual appropriation in thirty days. No man can agree to that. Every one knows that the fair meaning of the law is that he shall make the expenditure of the appropriations extend over the entire twelve months. It may be that the expenditures will be less in the beginning of the year. Congress expected that; it estimated for growth, and gave an increased appropriation on the ground that the last month of the twelve would require a larger *pro rata* expenditure than the first month. We understand all that perfectly well.

When we were here in the extra session until about the last of June, nothing was said to us about a lack of appropriations; but the Department came to us December 8 and asked for two millions, and shortly after New Year's the Second Assistant said that during the first six months of the fiscal year he had spent \$3,800,000 of the whole sum appropriated for this service. He has violated the spirit of the law, and I think the letter of the law also. Having spent \$3,800,000, they have left only \$2,100,000 with which to carry on the service for the remainder of the year, which service at its present rate will involve the expenditure of \$3,800,000. By the contracts which they

have ventured to make the Department is bound for \$3,800,000 for the remainder of this year.

Now, the difference between \$2,100,000, the amount they have left, and \$3,800,000, the amount for which they are bound, is the deficiency of \$1,700,000 which has been created, because that officer has spent in six months \$3,800,000, when he had only \$5,900,000 to spend in twelve months.

They say that is not a deficiency, because they can "catch up" if Congress does not give them any more money. They say it is not a deficiency, because they have not spent the whole amount of money appropriated. I say it is a deficiency.

There is much more to be said concerning the interesting and curious character of this service. I have devoted myself thus far chiefly to one set of considerations, those pertaining to the manner in which the Department has conducted the service.

We must next consider our present duty and necessity. This being the condition of the service, what are we going to do about it? It will not do for us to say we will make no additional appropriation. We are under duress. I acknowledge it. I am not a free man in voting upon this question. When we made the regular appropriation for this service, we believed it to be sufficient. We are to-day compelled to think differently. We are under duress arising from a series of contracts covering a large amount of new and expedited service; contracts made by our lawful agent. Unless we make an additional appropriation the Department must go on with additional violations of law, or it must stop this branch of the service absolutely. The appropriation as it stands will be exhausted on the 10th of April next. If the contractors are permitted to go on under the existing contracts up to the 1st of July, we shall be bound to pay them. But the Department proposes to give notice of the cessation of those contracts; and in these cases it is bound to give an additional month's compensation. As the money is likely to be exhausted by the 10th of April, this notice must be given on or before the 10th of March. So, that unless an appropriation be made by Congress the Post-Office Department will violate the law if it should spend one dollar upon the star service after the 10th of March.

Mr. ROBINSON. Do the contracts provide for this extra month's pay?

Mr. HAWLEY. Each contractor, as I understand, has the right to one month's extra pay, not under any express provision of law but under one of the regulations of the Department. The law gives the Department the right to make certain regulations. I believe the provision for this compensation is incorporated in so many words in the contracts.

A MEMBER. It is.

Mr. HAWLEY. If not, it is fairly included in the spirit of the contracts. It is right that contractors should have compensation for a sudden, unforeseen termination of a contract when they are not at fault. Thus there will not be a dollar which the Department will have the right to expend after the 10th of March.

In this bill we have proposed such appropriations as seem to us necessary. We have put restrictions upon certain parts of the service where the increase appears to have been extravagant. For example, there are four routes on which the increase within a year or a little more has been \$510,000. The total receipts on those routes in one year closing last September were \$64,000. The total expenditures upon the routes was over \$700,000. I do not say that these mail-routes must always pay for themselves, not at all. The gentleman from Kansas [Mr. HASKELL] is right upon this matter. There are many routes where the service cannot pay for itself for many years. But when a contract has been made for service on a particular route once a week or twice a week, when it has been made tolerably easy for the contractor to get through at the rate of four miles an hour for a reasonable compensation, and when upon a route of five hundred miles there may not be five hundred men, in such a case as this, when the inevitable petition comes up from Congressmen and postmasters, and boards of trade and military officers, that the service be expedited, (the contractor being supposed to know nothing about this petition and not to have been concerned in getting it up and circulating it,) when such a petition comes here to the Department, why should not Mr. Brady say, "I am disposed to oblige you; I would like to give you all the service you desire; but seeing that this is a new route, not yet a year old, on which I am spending \$30,000, although there are not, perhaps, five hundred people to be accommodated, you must excuse me from expediting this service to six miles, and making it cost \$100,000, because if I should do so, my funds would run out; and there are thousands of little routes through the country, of ten, twenty, or fifty miles, that I am anxious to accommodate. Can you not wait a very few months till Congress convenes? Then I will endeavor to get an additional appropriation, so as to expedite the service on your route or make it more frequent." This is an imaginary case, but it indicates what should be the conduct of the Department under such circumstances. In this respect we have a right to call for better administration.

I will cheerfully vote all the money that is needed for mail service in these new portions of the country. I rejoice in their growth. My own part of the country has little interest in the star service. In my district we are all settled compactly and the mail service is mostly done by railroads, with only a few stage-routes. In my State the receipts from the postal service more than pays its expenses by \$115,000,

but nobody there is jealous of appropriations for the mail service in more sparsely settled sections of the country. I never heard the slightest complaint in this respect. There is not and there ought not to be any local or sectional jealousy over this matter. I simply speak in the interest of fair, manly, obedient administration of the laws. Now, I am willing to give \$600,000, \$700,000, \$800,000, \$900,000, \$1,000,000 if need be. I know we will get along with very much less than that \$2,000,000 demanded, and not wrong anybody. Draw the line where you please. You have heard the case; you will hear more of it; your servants have not obeyed your orders. You must mend the mischief without hurting the people, and then deal with the servants as you please.

Mr. BLACKBURN. I ask the gentleman to accept an amendment I have prepared to the third section of his bill.

Mr. BLOUNT. I hope the gentleman will not make the request now. I have not opportunity to examine it.

Mr. BLACKBURN. I do not ask to have it offered now, but only that it be read to the House for information.

Mr. BLOUNT. I will hear it read. I thought the gentleman wanted to offer it at this time.

Mr. CONGER. I rise to a point of order, that the bill has not been read by section for amendment, and amendment is not now in order until that has been done.

Mr. BLOUNT. The gentleman from Kentucky only wants his amendment read for information.

Mr. CONGER. To that I do not object.

Mr. BAKER. I should like to have a substitute read for information. I know it is not in order to offer it at this time.

Mr. WHITE. I hope there will be no objection to the offering of these propositions. We all want information on this subject.

The CHAIRMAN. Is there objection to the propositions being read?

Mr. CONGER. I do not object to their being read, but I do object to their being considered as pending.

Mr. BLACKBURN. Read my amendment.

The Clerk read as follows:

SEC. 3. The total appropriations under this bill shall not exceed \$800,000.

Mr. BAKER. Now read my substitute for the first section.

The Clerk read as follows:

That the sum of \$500,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to meet the expenses of inland mail transportation on star routes for the remainder of the current fiscal year at or within existing contract prices: *Provided*, That upon any route where there has been an increase of the original contract price during the last or the current fiscal year for expediting the delivery of mails on any such route, the compensation on such route shall be reduced to the terms of the original contract on and after the 1st day of March next; but nothing herein contained shall be construed to require the reduction of the number of trips per week over any such route below the present number.

Mr. BLOUNT. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SCALES reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 4736) to provide for a deficiency in the appropriations in the transportation of the mails on star routes for the fiscal year ending June 30, 1880, and had come to no resolution thereon.

PUBLIC LAND COMMISSION.

The SPEAKER, by unanimous consent, laid before the House the following message, received from the President of the United States:

To the Senate and House of Representatives:

I have the honor to transmit herewith the preliminary report and the draught of a bill submitted by the public land commission authorized by the act of Congress approved March 3, 1879. The object of the report and of the bill accompanying it is of such importance that I respectfully commend it to the prompt and earnest consideration of Congress.

R. B. HAYES.

EXECUTIVE MANSION, February 25, 1880.

Mr. CONVERSE. I move that the message and accompanying documents be printed and referred to the Committee on Public Lands.

Mr. BELFORD. I should like to have that part of the message in reference to mineral lands referred to the Committee on Mines and Mining.

Mr. STEVENSON. I rose for that purpose, to move that that portion of the message relating to mineral lands be referred to the Committee on Mines and Mining.

Mr. CONVERSE. I cannot accept that amendment.

The SPEAKER. But the amendment having been moved the House will have to vote on it.

Mr. CONVERSE. The reason is this: This is one bill, and the gentleman and myself can divide it better after we have seen it in print. If that should be necessary after we have examined it, it can be done. I ask now that it be printed and referred to the Committee on Public Lands.

Mr. STEVENSON. A portion of this bill and report refers exclusively to mines and mining.

Mr. WARNER. Some thirty sections of it.

Mr. STEVENSON. There will be no trouble between the gentleman and myself. It seems to me that part which refers to mines and mining should be sent to the Committee on Mines and Mining.

The SPEAKER. If there be no objection the message and documents will be ordered to be printed, as both gentlemen seem to agree to that proposition.

The message and accompanying documents were ordered to be printed.

The SPEAKER. The question now is on the reference of the message and accompanying documents.

Mr. STEVENSON. Without detaining the House, I wish to say I have made this motion under instructions of the Committee on Mines and Mining for the reason I have stated, that a portion of the bill refers to subjects properly under consideration by that committee. The bill is divided into sections, so there can be no question as to what portion shall be referred to the Committee on Public Lands and what portion to the Committee on Mines and Mining.

The SPEAKER. The Chair does not see how this question can be divided.

Mr. STEVENSON. As to the subject-matter?

The SPEAKER. The Chair would suggest that after it has been printed it can be referred to the two committees, but the original paper cannot be divided.

Mr. STEVENSON. It can be referred to the respective committees.

The SPEAKER. It might be divided as we divide the President's message, but that question generally goes to the Committee of the Whole on the state of the Union, and the subject-matter divided in that way. The Chair would suggest that it would be as well to allow this to remain for the present until printed, and the gentleman from Ohio and himself can afterward agree as to the disposition to be made of it.

Mr. WARNER. Include that in the order.

Mr. MCKENZIE. I move the House do now adjourn.

PUBLIC LAND COMMISSION.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting copy of a letter from Major J. W. Powell, a member of the public land commission.

The SPEAKER. This seems to be a communication relating to the same subject as that referred to in the President's communication and the same order will be made if there be no objection.

Mr. WARNER. What is that order?

The SPEAKER. That the communication be printed and take the same course as the one just disposed of.

There was no objection, and it was ordered accordingly.

INLAND MAIL TRANSPORTATION.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Postmaster-General, relative to the appropriation for inland mail transportation for the current fiscal year; which was referred to the Committee on Appropriations.

WASHINGTON AND GEORGETOWN RAILROAD.

The SPEAKER also, by unanimous consent, laid before the House a report of the receipts and expenditures of the Washington and Georgetown Railroad Company for the year 1879; which was referred to the Committee for the District of Columbia.

ILLUSTRATIONS FOR PATENT OFFICE GAZETTE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, relative to a deficiency in the appropriation for illustrations for the Patent Office Official Gazette; which was referred to the Committee on Appropriations.

SPECIAL IMPROVEMENTS IN DISTRICT OF COLUMBIA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Treasurer of the United States, in regard to the enforcement of the laws relating to assessments for special improvements in the District of Columbia; which was referred to the Committee for the District of Columbia.

LOCATION OF REGIMENTS AT GETTYSBURGH.

The SPEAKER also, by unanimous consent, laid before the House resolutions of the department encampment for Pennsylvania, relative to the proposition to mark the location of each regiment at the battle of Gettysburgh; which was referred to the Committee on Military Affairs.

REPRINTING A BILL.

The SPEAKER. The Chair in behalf of the gentleman from Ohio [Mr. LE FEVRE] asks unanimous consent that House bill No. 4680 may be reprinted for the use of the Committee on Agriculture.

There was no objection, and it was ordered accordingly.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SIMONTON, for ten days from Friday next, on account of important business; and

To Mr. CHALMERS, indefinitely, on account of important business.

NATIONAL BOARD OF HEALTH.

Mr. MCGOWAN, by unanimous consent, introduced a joint resolution (H. R. No. 224) to print 5,000 copies of the report of the National Board of Health; which was read a first and second time, and referred to the

Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

YELLOW-FEVER COMMISSION.

Mr. McGOWAN also, by unanimous consent, introduced a joint resolution (H. R. No. 225) to print 10,000 copies of the report of the yellow-fever commission; which was read a first and second time, and referred to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

Mr. WHITE. I move that the House do now adjourn.

INTEROCEANIC SHIP-CANAL.

Mr. KING. I ask unanimous consent that the testimony taken and to be taken by the Select Committee on the Interoceanic Ship-Canal be printed for the use of the committee.

There was no objection, and it was ordered accordingly.

AMENDMENT OF THE REVISED STATUTES.

Mr. REAGAN, (by request,) by unanimous consent, introduced a bill (H. R. No. 4741) amending section 4237 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

Mr. DUNNELL, by unanimous consent, introduced a bill (H. R. No. 4742) to authorize the city of Winona to construct, operate, and maintain a wagon-bridge across the Mississippi River at Winona; which was read a first and second time, and referred to the Committee on Commerce.

MARY SHAW.

Mr. HENDERSON, by unanimous consent, introduced a bill (H. R. No. 4743) granting a pension to Mary Shaw; which was read a first and second time, and referred to the Committee on Invalid Pensions.

REPRINTING A BILL.

The SPEAKER. The gentleman from Iowa [Mr. WEAVER] asks that by unanimous consent the bill H. R. No. 2480 be ordered to be reprinted.

There was no objection, and it was so ordered.

LEWIS MATTERN.

Mr. SMITH, of Pennsylvania, by unanimous consent, introduced a bill (H. R. No. 4744) for the relief of Lewis Mattern, late a private in Company C, First Missouri Regiment Light Artillery; which was read a first and second time, and referred to the Committee on Military Affairs.

KLAMATH INDIAN RESERVATION.

Mr. CONVERSE, by unanimous consent, from the Committee on Public Lands, reported back the bill (H. R. No. 3454) for the restoration of the Klamath River Indian reservation, in the State of California, to the public domain, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. WHITE] insist on his motion to adjourn?

Mr. WHITE. I withdraw the motion.

SETTLEMENT OF PENSION APPLICATIONS.

On motion of Mr. COFFROTH, by unanimous consent, the bill (H. R. No. 3258) authorizing the Secretary of the Interior and the Secretary of War to employ additional clerks for the balance of this fiscal year to expedite the settlement of pension applications, and for other purposes, with amendments by the Senate, was taken from the Speaker's table and referred to the Committee on Invalid Pensions, not to come back on a motion to reconsider.

PUBLIC BUILDINGS AT LOS ANGELES.

Mr. PACHECO, by unanimous consent, introduced a bill (H. R. No. 4745) to provide for the erection of a post-office building at Los Angeles, California, and appropriating \$75,000 therefor; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NORTH CAROLINA RAILROAD COMPANY.

Mr. SCALES, by unanimous consent, introduced a bill (H. R. No. 4746) to refund to the North Carolina Railroad Company certain moneys illegally assessed against and unlawfully collected from it by the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

LIENS ON REAL ESTATE.

Mr. THOMAS, by unanimous consent, introduced a bill (H. R. No. 4747) regulating liens on real estate created by judgments rendered by the United States circuit and district courts in the several States and Territories; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

Mr. SPARKS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. NELSON W. ALDRICH: The petition of the Providence Press Company and A. Crawford Greene & Son, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of the Providence Press Company and A. Crawford Greene & Son for the abolition or the reduction of the tariff duty on printing-type—to the same committee.

By Mr. BALLOU: The petition of the Woman's Christian Temperance Union of the State of Nebraska, officially signed, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. BERRY: The petition of the Valejo Publishing Company, California, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. BLISS: The petition of Henry J. Eggleston, of similar import—to the same committee.

Also, the petition of Henry J. Eggleston, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. BOUCK: The petitions of W. S. Munroe, of Wautoma, and of C. J. Barnes, of Ahnapee, Wisconsin, of similar import—to the same committee.

By Mr. BOYD: The petitions of C. W. Leffingwell, O. L. Campbell, and N. J. Crump, publishers, of Knoxville, and of George H. Yarnell, publisher, of Lewistown, Illinois, of similar import—to the same committee.

By Mr. BRAGG: The petition of printers of Wisconsin, of similar import—to the same committee.

Also, the petition of citizens of Wisconsin, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. BREWER: The petitions of C. D. Bartlett and 56 others, citizens of Flushing; of Charles P. Lyon and 34 others, citizens of Genesee County; of C. Goodnoe and 95 others, citizens of Ingham and Clinton Counties, Michigan, for a law to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petitions of Ezra Smith and 58 other citizens, and of Charles P. Lyon and 34 others, citizens of Genesee County; of C. Goodnoe and 95 others, citizens of Clinton and Ingham Counties, Michigan, for legislation to protect the people against railroad and other transportation monopolies—to the Committee on Commerce.

Also, the petition of A. R. Blakely and 56 others, citizens of Alpena, Michigan, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

Also, the petition of E. J. Kelley, publisher of the Pontiac (Michigan) Bill-Poster, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of Corbit & Estis and H. S. Hilton, publishers, of Saint John's, Michigan, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. BUTTERWORTH: The petition of Proctor & Gamble, Gould, Pearce & Co., of Cincinnati, Ohio, and 125 others, manufacturers of that and other cities, for the removal of the duty on chrome iron ore and bichromate of potash—to the same committee.

By Mr. JOSEPH G. CANNON: The petition of A. A. Loutzenhiser and 101 others, of Danville, Illinois, for legislation to regulate interstate commerce—to the Committee on Commerce.

Also, the petition of W. M. Bandy and 401 others, citizens of Danville, Illinois, for the amendment of the patent laws so as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of Captain Ed. Lafferty, C. B. Fenton, Colonel J. C. Black, and 225 others, soldiers of Danville, Illinois, for pay of difference between the value of gold and greenbacks at the time they were paid for their services—to the Committee on Military Affairs.

By Mr. CARLISLE: Papers relating to the claim of W. C. Watts, assignee of William Watts, deceased, for repayment of internal-revenue taxes improperly collected by United States revenue officials—to the Committee of Claims.

By Mr. COLERICK: The petition of Indiana Staats-Zeitung Company, of Fort Wayne, Indiana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By HORACE DAVIS: Resolutions of the Legislature of California, relative to duty on steam-plows—to the same committee.

By Mr. JOSEPH J. DAVIS: The petition of George C. Jordan, of Raleigh, North Carolina, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. DEERING: The petitions of F. J. Bush, of Clear Lake, and of Slocum & Wilber, of Charles City, Iowa, of similar import—to the same committee.

Also, memorial and joint resolutions of the General Assembly of Iowa, in reference to remitting and abating the internal-revenue legacy tax—to the same committee.

By Mr. DIBRELL: The petition of Martin Hartman, for pay for

services as a spy and guide to the United States Army—to the Committee on War Claims.

By Mr. DICKEY: The petition of M. B. Smith and 16 others, of Brown County, Ohio, for the passage of an interstate-commerce bill—to the Committee on Commerce.

Also, the petition of H. H. Wells and 18 others, of Brown County, Ohio, for a revision of the patent laws—to the Committee on Patents.

By Mr. ELLIS: Papers relating to the claim of the heirs of General David E. Twiggs, for proceeds of the property sequestered in New Orleans by order of General Butler—to the Committee on War Claims.

By Mr. FARR: The petition of the Sentinel Printing Company, Keene, New Hampshire, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. FISHER: The petition of soldiers of Franklin County, Pennsylvania, that their pay be made equal to gold—to the Committee on Military Affairs.

By Mr. FRYE: The petition of the Grand Division of the Sons of Temperance of Maryland, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

Also, the petition of the publishers of the Oxford (Maine) Democrat, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. GEDDES: The petitions of J. V. Lawler, editor of the Carrollton (Ohio) Chronicle; and of C. H. Mathews, editor of the Ohio Democrat, and 8 other editors and proprietors of other papers in Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. HALL: The petition of Charles H. Parker, of New Hampshire, of similar import—to the same committee.

Also, the petitions of Libbey & Co., C. H. Parker, and J. D. Stewart, citizens of New Hampshire, for the abolition of the duty on printing-type—to the same committee.

Also, the petition of E. H. Wheeler and 54 others, citizens of New Hampshire, for the passage of a bill giving increase of pensions to the soldiers and sailors of the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. BENJAMIN W. HARRIS: Report of the Secretary of War in relation to improvements in Taunton River, Massachusetts—to the Committee on Commerce.

By Mr. HAYES: The petition of W. W. Bean and C. & H. L. Taylor, of Streator, Illinois, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. HAZELTON: The petition of S. N. Pierce, of Wauzeka, Wisconsin, and 13 others, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of Richard Rowe and 80 others, citizens of Iowa County, Wisconsin, for an amendment to the patent laws—to the Committee on Patents.

Also, the petition of Archibald Sears and 75 others, citizens of Crawford County, Wisconsin, for the passage of the so-called Weaver bill—to the Committee on Military Affairs.

Also, the petition of Richard Rowe and 100 others, citizens of Iowa County, Wisconsin, for legislation regulating interstate commerce—to the Committee on Commerce.

By Mr. HILL: The petition of S. B. McKelvey and 200 others, citizens of Williams County, Ohio, for legislation regulating freights on railroads and curtailing the power of monopolies—to the same committee.

Also, the petition of L. M. Ludwig and 300 others, of Henry and Putnam Counties, Ohio, of similar import—to the same committee.

Also, the petition of W. D. Sprott and others, citizens of Williams County, Ohio, for a change in the patent laws—to the Committee on Patents.

By Mr. HOUK: The petition of Federal soldiers of East Tennessee, for the passage of the bill to equalize bounties—to the Committee on Military Affairs.

By Mr. HUBBELL: The petition of Sprague & Spencer, publishers of the Eagle, Traverse City, and A. H. Johnson, publisher Leelenaw Tribune, Sutton's Bay, Michigan, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. HUMPHREY: The petitions of Ira C. Edwards and P. J. Byrne, publishers of the Independent, Baldwin; of Cline and Baldwin, publishers of the True Republican, Hudson; and of Joseph Leicht, editor of the Republicaner, Fountain City, Wisconsin, and others, of similar import—to the same committee.

Also, the petition of W. B. McPherson and others, of Wisconsin, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. HUTCHINS: The petitions of Edward B. Long and of J. G. P. Holden, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. JOHNSTON: The petitions of J. J. Lafferty and of William P. Gretter, of Richmond, Virginia, of similar import—to the same committee.

By Mr. KENNA: The petition of ex-United States soldiers of West Virginia, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. KETCHAM: The petitions of Van Scriver & Deacon, of the Millerton Telegram, and of M. P. Williams, editor of the Daily Register and Weekly Gazette, Hudson, New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petitions of S. B. Shaw, editor Dover Press, Dover Plains; of M. P. Williams, editor Register and Gazette, Hudson; of Scriver & Deacon, of the Telegram, Millerton; and of C. W. Davis, editor of the Rough Notes, Kinderhook, New York, for the abolition of the duty on type—to the same committee.

By Mr. LAPHAM: The petition of J. M. Westcott, publisher Dundee (New York) Record, of similar import—to the same committee.

Also, the petition of Thomas McBride, to have reinstated a certain canceled homestead patent—to the Committee on Private Land Claims.

By Mr. LINDSEY: The petitions of E. C. Allen, of Augusta, Maine, and of George E. Richardson, of Maine, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of George E. Richardson, for the abolition of the duty on type—to the same committee.

By Mr. MCGOWAN: The petitions of George Van Aken, John Vanderhoof, and 95 others; of Ambrose Baldwin, George Husker, and 55 others, citizens of Branch County, Michigan, for certain amendments to the patent laws—to the Committee on Patents.

Also, the petitions of George Van Aken, John Vanderhoof, and 93 others, and of Ambrose Baldwin, George Husker, and 53 others, citizens of Branch County, Michigan, for legislation to prevent fluctuations in freights and unjust discriminations in transportation charges—to the Committee on Commerce.

By Mr. MCKENZIE: The petition of Zero F. Young, editor of the Madisonville (Kentucky) Times, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. McLANE: The petition of E. Whitman, of the Maryland Farmer, of similar import—to the same committee.

Also, the petition of E. Whitman, of the Maryland Farmer, for the abolition of the duty on type—to the same committee.

Also, the petition of wholesale grocers of Maryland, for a law to prevent the adulteration of food—to the Committee on Manufactures.

By Mr. MCMAHON: The petitions of B. K. Brant, publisher Butler County Democrat, Hamilton, and of L. G. Gould and W. F. Albright, publishers, Eaton, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. MILLER: The petition of John O'Donnell, of New York, of similar import—to the same committee.

Also, the petitions of J. O'Donnell, of Lowville, and H. A. Phillips, of Lowville, New York, and of Brockway & Sons, of Watertown, New York, for the abolition of the duty on type—to the same committee.

By Mr. MILLS: The petition of citizens of Navarro County, Texas, for the amendment of the patent laws so as to protect innocent purchasers and users of patented articles—to the Committee on Patents.

By Mr. MITCHELL: The petition of soldiers and others, of Tioga County, Pennsylvania, and vicinity, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. MONROE: The petition of C. H. Curtiss, B. F. Watros, and 72 others, soldiers of New London, Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. MULBROW: The petition of Daniel Herman, for pay for property destroyed by Union troops during the war—to the Committee on War Claims.

By Mr. NEAL: The petition of W. T. Buckle and 36 others, citizens of Gallia County, Ohio, for legislation against exorbitant charges for transportation by railroads—to the Committee on Commerce.

Also, the petition of Alexander Gilbert and 40 others, citizens of Gallia County, Ohio, for legislation to protect innocent infringers of patents—to the Committee on Patents.

Also, the petition of F. Fromm, publisher, of Chillicothe, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. NEWBERRY: The petition of L. H. Trowbridge, proprietor of the Michigan Christian Herald, of similar import—to the same committee.

Also, the petitions of Hiram Pratt, proprietor of Wayne County Tidings, and of J. H. Steers, proprietor of Wayne County Review, for the abolition of the duty on type—to the same committee.

By Mr. O'CONNOR: The petition of F. Melchers & Son, proprietor of the Deutsche Zeitung, Charleston, South Carolina, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. PHELPS: The petition of Joseph E. Selden, of East Haddam, Connecticut, of similar import—to the same committee.

Also, the petition of Joseph E. Selden, of East Haddam, Connecticut, for the abolition of the duty on type—to the same committee.

By Mr. PHISTER: The petitions of W. J. Kehoe and T. C. H. Vance, of Nicholas County, and of Z. Meek, of Boyd County, Kentucky, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. PRICE: The petition of the Grand Lodge of Good Templars of Nevada, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

Also, the petitions of George W. McElrany, of West Liberty, and of C. H. Wickersham, of West Branch, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. ROBINSON: The petition of George C. Church and others, for the abolition of the duty on chrome iron ore and bichromate of potash—to the same committee.

Also, the petition of Charles B. Fisk, for the abolition of the duty on type—to the same committee.

By Mr. ROSS: Three petitions of citizens of New Jersey, of similar import—to the same committee.

Also, the petition of citizens of New Jersey, for an appropriation for the improvement of South River—to the Committee on Commerce.

By Mr. WILLIAM E. SMITH: The petition of J. T. Tucker and others, citizens of Georgia, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. SPARKS: The petition of H. F. White, of Nakomis, Illinois, of similar import—to the same committee.

By Mr. SPRINGER: The petition of the publisher of the Virginia (Illinois) Gazette, of similar import—to the same committee.

By Mr. STEVENSON: Five petitions of citizens of Illinois, for the repeal of the stamp tax on perfumery and medicines—to the same committee.

By Mr. STONE: The petitions of David G. Alston and 20 others and of B. Brittain and 41 others, citizens of Ottawa County, Michigan, for laws to relieve the people from the oppressions of transportation monopolies—to the Committee on Commerce.

Also, the petitions of B. Brittain and 38 others and of David G. Alston and 17 others, citizens of Ottawa County, Michigan, for the amendment of the patent laws so as to protect innocent users of patented articles—to the Committee on Patents.

By Mr. P. B. THOMPSON, JR.: The petition of citizens of Lincoln County, Kentucky, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petition of citizens of Waynesborough, Lincoln County, Kentucky, in relation to an interstate-commerce bill—to the Committee on Commerce.

By Mr. AMOS TOWNSEND: The petition of H. Kaufman & Co., and of 20 others, publishers of Cleveland, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. TYLER: The petition of W. H. Jaquith and 28 others, Vermont soldiers, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. J. T. UPDEGRAFF: The petition of William Starbuck and others, citizens of Belmont County, Ohio, for an amendment to the patent laws to protect innocent users of patented articles—to the Committee on Patents.

By Mr. VANCE: A paper relating to a post-route from Charleston to Forney's Creek, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. WARD: The petition of officers, employés, and workmen of Phoenix Iron Company, Phoenixville, Pennsylvania, against the further introduction of the French metric system in any of the departments of the Government—to the Committee on Coinage, Weights, and Measures.

By Mr. WARNER: Papers relating to the pension claim of John Q. White—to the Committee on Invalid Pensions.

By Mr. WELLS: The petition of citizens of Saint Louis, Missouri, for the passage of a bankrupt law—to the Committee on Ways and Means.

By Mr. FERNANDO WOOD: The petitions of the New York Daily Bulletin Association; of publishers and printers of San Francisco, California; of Charles F. Rosser, publisher, and of Edwin A. Gibbs, publisher of Hall's Journal of Health, of New York City, for the abolition of the duty on type—to the same committee.

By Mr. WRIGHT: The petition of G. C. Angle and 16 others, soldiers and citizens of New Jersey, for the passage of a law allowing them the difference between gold and currency in their pay—to the Committee on Military Affairs.

Also, the petition of C. P. Saunders and 35 others, soldiers from Sullivan and Lycoming Counties, Pennsylvania, of similar import—to the same committee.

Also, the petition of T. J. Hoffman and 171 others, of Clinton and adjacent towns, in Hunterdon County, New Jersey, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead law—to the Committee on Public Lands.

By Mr. THOMAS L. YOUNG: Two petitions from publishers of Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

IN SENATE.

THURSDAY, February 26, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. MORRILL. I desire to correct the Journal merely by saying that I was paired on the votes in relation to the 5 per cent. bill last evening after five o'clock. Having an engagement, to comply with which I was obliged to leave the Senate Chamber, I was paired with the Senator from Oregon, [Mr. SLATER,] who would have voted against the postponement of the bill, while I should have voted for it.

PETITIONS AND MEMORIALS.

Mr. WITHERS. I hold in my hands the petitions of several citizens of Virginia, of Thomas W. McCance, surviving partner of Dunlop, Moncure & Co.; George S. Palmer, William H. Palmer, executor of William Palmer, deceased, John E. Robinson, E. M. Garnett, assignee of Joel B. Watkins; Ann E. Grant, administratrix of James H. Grant, deceased, Garrett F. Watson, surviving partner of Ludlain & Watson, C. Thomas, and Isaac Davenport, jr., surviving partner of Edmunds & Davenport, praying compensation for rent of warehouses, &c. I would state that these are duplicates of petitions which were presented to the Senate at the extra session, but which from some casualty have been misplaced or mislaid. I ask that these duplicates be received and referred to the Committee on Claims.

The VICE-PRESIDENT. The petitions will be received and so referred.

Mr. DAVIS, of West Virginia, presented the petition of M. Reilly and others, citizens of Wheeling, West Virginia, praying the passage of a law to prohibit the use of deleterious compounds in the adulteration of food; which was referred to the Committee on Finance.

Mr. ROLLINS presented the petition of C. C. Rogers and others, citizens of Tilton and Northfield, New Hampshire, praying that the terms of the United States circuit and district courts now held at Exeter, in that State, be removed from thence to the city of Concord, in the same State; which was referred to the Committee on the Judiciary.

He also presented the petition of W. B. Morrill and others, citizens of Rockingham County, New Hampshire, praying for an appropriation of \$35,000 for the improvement of the Exeter River; which was referred to the Committee on Commerce.

Mr. FARLEY presented a concurrent resolution of the Legislature of California, in favor of the exemption of steam-plows from import duty for the term of five years; which was referred to the Committee on Finance.

Mr. BLAIR presented the petition of C. Y. Durand and other citizens of the third congressional district of Michigan, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. HILL, of Georgia, presented the petition of George C. Church and others, merchants, manufacturers, and consumers, praying that the prohibitory duties now levied upon chrome iron ore and bichromate of potash may be removed therefrom; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 1343) to authorize the Postmaster-General to make settlement with postmasters for loss of money-order funds, postage-stamps, stamped envelopes, postal cards, and registered letters lost or stolen without fault of postmasters, their employés or deputies, reported it with amendments.

Mr. MAXEY. The bill (S. No. 1345) making provision for erecting a public building at Greenville, South Carolina, was referred to the Committee on Post-Offices and Post-Roads.

It provides for the erection of a building for a post-office and other purposes, but in my judgment it properly belongs to the Committee on Public Buildings and Grounds. I ask that the Committee on Post-Offices and Post-Roads be discharged from its further consideration, and that the bill be referred to the Committee on Public Buildings and Grounds.

The report was agreed to.

Mr. BAYARD. A resolution of the Legislature of California, remonstrating against a proposed treaty with France, was sent inadvertently to the Committee on Finance. As a bill upon the subject is now before the Senate, I report back the resolution, and ask that it lie on the table.

The report was agreed to.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (S. No. 313) for the relief of Major Jacob E. Burbank, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

POLITICAL CONTRIBUTIONS.

Mr. ROLLINS submitted the views of the minority of the Committee on Civil Service and Retrenchment as to the investigation directed by resolution of the Senate of the 29th of May, 1879, into the alleged violations of sections 1754 and 1755 of the Revised Statutes, in relation to the appointment of wounded soldiers and sailors to civil offices, and also into alleged violations of civil-service reform in the State of Rhode Island; which were ordered to be printed.

BILLS INTRODUCED.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1378) for the relief of John W. Eckles; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BLAIR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1379) for the relief of David Heustis; which was read twice by its title, and, with the papers on file in the case, referred to the Committee on Naval Affairs.

AFFAIRS IN ALASKA.

Mr. BLAIR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to report to the Senate any information in the possession of the Navy Department in relation to the present condition of affairs in Alaska.

THE CALENDAR.

The VICE-PRESIDENT. This day, after the morning hour, was set aside for the delivery of eulogies upon the late Senator from Alabama.

Mr. DAVIS, of West Virginia. I presume we can go on with the Calendar until the Senators from Alabama appear.

The VICE-PRESIDENT. Such was not the understanding. The understanding was that immediately upon the conclusion of the morning-hour business the eulogies should be delivered. The Senator from Alabama will soon be here.

Mr. DAVIS, of West Virginia. I will consult the Senator from Alabama [Mr. MORGAN] who is just coming into the Chamber. [A pause.] After consulting the Senator from Alabama he consents to let us go on with the Calendar until one o'clock, and will then call up the resolutions.

The VICE-PRESIDENT. The Secretary will call the Calendar under the standing order of the day.

ALBERT V. CONWAY.

The first bill on the Calendar was the bill (H. R. No. 768) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee, for certain registered United States bonds redeemed or assigned by the Government upon forged assignments.

Mr. EDMUNDS. Let us hear the report.

Mr. ALLISON. I ask that the bill be passed over without losing its place. The bill was up before.

Mr. EDMUNDS. Yes, that is a subject requiring some examination.

The VICE-PRESIDENT. The bill will go over.

HORTENSIA H. COOK.

The bill (S. No. 66) for the relief of Hortensia H. Cook was announced as next in order.

Mr. EDMUNDS. When that bill was reached the other day it was passed over. I think it ought to go over now because it involves very important general principles.

The VICE-PRESIDENT. It was passed over without prejudice.

Mr. WITHERS. It was passed over without prejudice by the courtesy of the Senator from Vermont in consequence of my absence from the Senate.

Mr. EDMUNDS. Certainly, and I withdraw my objection for the moment in order that the Senator from Virginia may be heard, if he desires.

Mr. WITHERS. The report accompanying the bill sets forth the facts of the case as clearly and succinctly as I am able to state them. This is a bill for the relief of Mrs. Cook, a widow lady, of Alexandria, to enable her to procure from the Treasury of the United States the amount paid into the Treasury for the purchase of some property sold under the direct-tax laws. The property was sold for \$400, the amount of tax and costs being a little upward of \$7.

The reason why it is necessary that Congress should act upon the bill is that the decision of the Supreme Court of the United States, which declared invalid certain sales and required that the amount due should be repaid to the purchaser when the purchaser was ejected by a decree of a court, could not be complied with in this case, because the purchaser of the property at the tax sale subsequently purchased the property from the owner, and being himself, therefore, the owner he could not bring a suit to eject himself. But for that difficulty there would have been no trouble whatever in getting the money from the Treasury, as the Commissioner of Internal Revenue states that the money was paid in and has never been refunded. These are simply the facts in the case.

The only other point is in reference to the suggestion made by the Senator from Vermont the other day. I notice that he intimated that these purchases were frequently made for speculative purposes. That was not the case in the present instance. This property which was sold adjoins the residence of Mr. Cook. It was proposed to put up a drinking establishment upon it, and in order to protect himself he repurchased the property again from the owner. The property has cost him \$1,200. It would not sell now for half the amount. It is assessed upon the books of Alexandria as being worth \$500. Therefore, no speculative element entered into this purchase; and as the purchase money was paid into the Treasury, and as the subsequent decision of the Supreme Court of the United States has declared that it comes within a class of cases in which restitution ought to be made, and as in consequence of the subsequent purchase of the land

from the owner of the property it is impossible that Mrs. Cook can bring suit to eject herself from the property, she comes to Congress for relief.

Mr. EDMUNDS. This particular instance is a very small one in itself; but of course it stands upon a principle that should be applied to all cases like it.

So far as the money paid on the purchase in excess of the tax and cost is concerned, if I am correctly informed, the law already makes ample provision for the excess that the United States has obtained being repaid to the party entitled to it.

Mr. WITHERS. That is everything that is asked.

Mr. EDMUNDS. I understand that to be the law now. If that be so, then there is no occasion for this special bill. If the amount of the tax and the costs was, say altogether not exceeding \$100—I only put that for illustration—and the price that the United States got for the land was \$400, then it is plain, of course, that the \$300 does not belong to the United States, it has no claim to it but it holds it for the party who is entitled, and that is the owner of the lands for whose tax the property was sold, and as I understand it—I may be mistaken—there is no difficulty in point of law in obtaining that money.

This matter of suing in a United States court, or having a judgment of a United States court adverse to the title under the tax purchase, applies to the refunding to the purchaser of the money, that he has paid as a purchaser, and not to paying the overplus of the tax and the costs to the owner of the land.

Mr. WITHERS. If the Senator will permit me, he is mistaken. The bill does not ask for the overplus of the money to be paid to the subsequent purchaser; it simply asks to refund to this party the surplus after paying the tax and costs of the procedure.

Mr. EDMUNDS. That is, to refund to the purchaser the money that he paid on the purchase?

Mr. WITHERS. Certainly.

Mr. EDMUNDS. That I say is contrary to all sound principles of law or administration.

Mr. WITHERS. I have evidently failed to make myself understood, or I do not understand the Senator. I just now understood him to announce the axiom that where the property was sold and the money turned into the Treasury of the United States, the owner of the property had the right to reclaim from the Treasury of the United States the amount of money thus paid in, less the taxes and costs.

Mr. EDMUNDS. Undoubtedly. He ought to have it.

Mr. WITHERS. That is precisely what this bill proposes now to do.

Mr. EDMUNDS. But the Senator says that he is reclaiming it in his character of purchaser as having paid the money. I am speaking of the case of the owner of the land who for one reason or another, either poverty, or absence, or whatever it may be, does not pay his tax and his land is sold and it brings more than the tax and the costs amount to. The money that comes into the hands of the United States on such a sale belongs to the United States so far as the tax and the costs go, and it belongs to the owner of the land so far as the balance goes.

Mr. WITHERS. That is it.

Mr. EDMUNDS. And the owner of the land, as the law now is, has a perfect right, as I understand it, to go and get his money in his character as the owner of the land, there being a balance of money received on the sale that does not belong to the United States but belongs to him.

Mr. WITHERS. If the Senator will pardon me, he will find that the difficulty is suggested by the Commissioner of Internal Revenue, who states that the present law will not enable him to pay this money to the owner for the reason that the purchaser has not been evicted by a judgment of a United States court.

Mr. EDMUNDS. But that has nothing to do with the case, as the Senator states it, at all. In a case where there has not been any suit and where the sale is perfectly valid, so that there is no question about it, and the purchaser takes his land, he has paid his money and he has no right to reclaim it as a purchaser. The owner of the land is the owner of the money that the land brought, after paying the tax and the costs. There cannot be any doubt about that. It appears to me that it would be a strange state of the law of the United States if it required a special act of Congress to give the owner of the land the balance after he had paid all there was charged upon it. If the state of the law is so, then this bill ought to pass; if the state of the law is not so, it ought not to pass, as being entirely unnecessary.

Mr. WITHERS. The object of the bill is to do exactly what the Senator says the law contemplates.

Mr. EDMUNDS. If the Senator will bear with me to pass the bill over again without prejudice, I should like to look at that law and see how it is, because if the case is such as the Senator from Virginia states, that it is the original owner of the land who wants to get the balance of the money after paying the costs and the tax, if the law now does not provide for his getting it, then of course this bill ought to pass. If the law does now provide for his getting it, then of course the bill ought not to pass. I do not wish to prejudice this small claimant by having the bill go into the sea at the foot of the Calendar, and therefore I ask unanimous consent that it may go over again without prejudice.

Mr. WITHERS. Very well.

Mr. COCKRELL. Will the Senator from Vermont hear me just one moment?

Mr. EDMUNDS. Certainly.

Mr. COCKRELL. The Senator misunderstands the case entirely. The applicant here was the purchaser of the land at the direct-tax sale.

Mr. EDMUNDS. Then I misunderstood the case from the statement of the Senator from Virginia.

Mr. COCKRELL. I knew the Senator misunderstood it. Mr. Cook was the purchaser. He applied to have the purchase money refunded to him, but not having been evicted he could not, under the act of May 9, 1872, get it. Had he been evicted there would have been no controversy; the Commissioner would have paid it to him. The Supreme Court has decided in a similar case that the title was null and void. He, before suffering a technical eviction, bought the land from the original owner, and now the original owner has nothing to do with it. It is the purchaser at the tax sale whose title absolutely failed, and who, rather than be evicted, bought the title from the original owner.

Mr. MAXEY. Subrogating him to the rights of the owner.

Mr. EDMUNDS. I must beg leave to be excused if I deny, with great respect, that the Supreme Court had decided this case. It has decided one case which the Senator has in his mind, and that I have in mine, but it does not by any means follow that it would decide this case as it decided that unless the facts are exactly the same, because the Supreme Court went, I will say with great respect, as it had a right to do, to the extreme verge of the law in the case that it did decide.

Whether the facts in this case, when we get at them, are precisely like those in the case that the Supreme Court decided, remains to be discovered, because this report does not show what they are, where this original owner of the land was, whether anybody tendered the money, or whether he and his agents had any notice of the general rule that the tax commissioners had adopted, (improperly, as the court say,) that they would not receive tenders from anybody except from the owner or his lawfully authorized agent; that they would not receive a tender from a friend or stranger; that would not answer the call of the statute. The Supreme Court held that that was a wrong rule, and in the particular case before them, they decided that the owner was not bound, under the circumstances of that case, by the sale, and that that sale was void. But if a case were to come before the Supreme Court now, where it appeared that this wrong rule of the tax commissioners was one which did not affect the action of the owner of the land or any of his agents or friends, that they knew nothing about it, or knowing about it, did not care anything about it, and did not choose to tender the tax for other reasons, then, in my belief, the Supreme Court would hold that in this case the sale was lawful, if there is no other defect; perhaps there are other defects.

Mr. PRYOR. Will the Senator from Vermont let me interrupt him a moment? By examining the papers the Senator will find the statement of facts in regard to the bill to be that in 1864 the land was sold under the law governing direct taxes, which is familiar to the Senator from Vermont no doubt.

Mr. EDMUNDS. I think it is.

Mr. PRYOR. The land was sold. The Commissioner of Internal Revenue made and published an order requiring certain specific things to be done according to his idea and construction of the act of 1872, which construction and the announcement of the order based upon that construction the Supreme Court in the case in 18 Wallace, to which the Senator has referred, passed upon, declaring that a sale made under that order was absolutely void. After the order and before the decision this person purchased and obtained a deed from the original owner for his interest in the land, from the man whose land it was who owed the tax for which the land was sold. That original owner conveyed the land to the purchaser, the purchaser giving \$800 in order to perfect the title, which he failed to get under the sale made by the Government tax commissioners. Therefore the petitioner now holds not only the certificate upon the settlement made by the Government based upon the law, but he also holds an absolute deed for the very land from the original owner, having paid \$800 for it. The object of the bill is to refund to the purchaser under that false sale or illegal sale, as it may be regarded, the amount of money less the amount of tax due on the land.

Mr. EDMUNDS. I think I understand the proposition which is so ably stated by my honorable friend from Alabama, but I am not able to agree with him in respect of what he understands to be the state of the case, that the decision of the Supreme Court of the United States covers this case; because, I repeat, if it should appear in this case that the order or rule of the commissioners (I never heard before that it was published as a proclamation,) was one that did not affect the action of the owner of the land at that time, or any of his agents or friends, then in my judgment, standing up to the decision that the Supreme Court has made, it would not be a case within it. I have had occasion in some previous years to examine this subject with some care, growing out of the place where our soldiers are buried across the river, that is held under a tax sale. The same point has been made against the validity of that sale, and an attempt has been made to bring it within the decision of the Supreme Court and to hold that the United States are not now lawfully the owners, as they

bid in the ground at that tax sale, of the graves of our soldiers over here. Therefore I intend to be a little careful myself about establishing any precedent that impugns a tax title under the circumstances that I have stated, and in every case, so far as my vote goes, it will be necessary to show, before I shall vote for a bill that gives to the purchaser or to the owner any relief, (except what the law now entitles him to receive and that is as to the owner to get the balance of the money received from the sale after paying the tax and costs,) that it comes within that decision strictly upon facts that are developed upon proof, before we are to take any action at all.

Mr. PRYOR. I hope the Senator from Virginia will grant the request of the Senator from Vermont, and let the bill lie over.

Mr. WITHERS. I have already indicated my willingness for the bill to go over, in order to give the Senator from Vermont an opportunity to investigate the case.

Mr. EDMUNDS. I am not appealing to the Senator from Virginia, because I wish to aid him in the passage of this bill if it appears to be right and to stand upon the principles that he speaks of, in merely paying over to the original owner of the land the balance of the money derived from the sale after the tax and the costs are paid. That is the duty of the Government, and I think the law provides for it now. If the original owner of the land that was sold has not got this balance he ought to have it. If he sold the land afterward to the present claimant, that did not give the present claimant the right to the money that was due to the original owner of the land. The sale of the land to him would not transfer, as it appears to me, as a first impression, to the purchaser of the land the right of the original owner, if he has not already realized it, to get the balance of the money that is in the Treasury after his tax and the costs are paid.

Therefore there is no need of any confusion upon that subject, if I correctly understand the law; but I do not say that I am sure I do, although it would be amazing if the law were otherwise. If I do not correctly understand the law to be now that the owner of the land at the time of its sale may get, if he has not already, the balance that was due to him, after his tax and the cost were paid, of the money derived from the sale, then I shall be very glad to vote for a bill which does give it to him. But the fact that he afterward sold the land does not, as it appears to me, give to the purchaser any right to claim this money. If we were to give to the purchaser this money the original owner would have a just right, unless he assented to it, to come to the United States and say, "Give it to me; you have been giving away my money." That would seem to me to be very plain.

I did not ask that the bill go over, Mr. President, as a matter of grace from the Senator from Virginia—I have a right to object to it—but if the Senator from Virginia is right in supposing that the object of the bill is merely to restore to the original owner of the land the money that belonged to him, the balance derived from the sale after paying the tax and the costs, or to anybody to whom he has assigned the money by an assignment that binds him, I shall be very glad to help him to pass it.

Mr. McMILLAN. When this case was before the Committee on Claims there were some members of that committee who did not concur in the report. I did not, and I think the Senator from Wisconsin [Mr. CAMERON] did not, and upon the ground stated by the Senator from Vermont, that the character of the tax sale had not been adjudicated; that, if it had been, the conveyance of the land by the owner to the purchaser at the tax sale did not operate to transfer the balance in the Treasury which had been paid by the purchaser at the tax sale as the purchase-money of the land. The conveyance of the interest which the owner of the land had in it to the purchaser at the tax sale did not operate, as I look at it without any particular examination of the matter, to convey the cash in the Treasury, or assign the owner's right to the cash in the Treasury to the purchaser at the tax sale.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. McMILLAN. Yes, sir.

Mr. JONES, of Florida. Would not the right of the purchaser at the tax sale, if he had any right to this money, have been as good without having obtained the title from the original owner as with it?

Mr. McMILLAN. I think it would.

Mr. JONES, of Florida. So that the transfer of title by the original owner to the purchaser at the tax sale does not affect the matter?

Mr. McMILLAN. No, sir.

Mr. JONES, of Florida. The purchaser at the tax sale predicates his claim upon the fact that his purchase from the Government gave him no title?

Mr. McMILLAN. Yes, sir.

Mr. JONES, of Florida. Did the committee conceive that it gave him a title?

Mr. McMILLAN. I did not.

Mr. KERNAN. Let me make an inquiry, merely for information. I understand that Mr. Cook bought this property of his neighbor at a tax sale and paid the money into the Treasury. Since then Mr. Cook has bought from his neighbor the property and taken a deed for it, and he is now in possession, having the title to it.

Mr. McMILLAN. That I understand to be the case.

Mr. BAILEY. I should like to ask a question of the Senator from Minnesota. I understand the Senator to express the belief that the tax sale was void.

Mr. McMILLAN. No; I say that the character of that sale was not adjudicated at all; and we cannot determine the fact that the sale was void or otherwise.

Mr. BAILEY. I understand the report of the committee to be that the tax sale itself was a nullity and conveyed no title to the purchaser.

Mr. McMILLAN. I merely rose to state, as a member of the committee, that I did not assent to the report made. I differ from it, and the grounds upon which I differ I have already stated. The Senator from Wisconsin I think concurred with me in the position that I took.

Mr. BAILEY. Assuming that the sale was void, I would ask whether in the opinion of the Senator the surplus or excess of money paid by the purchaser over the amount of tax belonged to the Government or belonged to the purchaser who was the owner of the land?

Mr. McMILLAN. Well, that is a question that does not arise here until the character of this sale is determined.

Mr. BAILEY. I understand the report of the majority of the committee to determine that the sale was a nullity.

Mr. McMILLAN. I do not understand that there was any adjudication of the sale in this case.

Mr. PRYOR. I will say to the Senator from Tennessee what the history of this case is. The Congress of the United States in 1861 passed a direct-tax law applicable to all the States of the Union. Under a system of distribution specified in the act, Congress laid a tax of \$20,000,000 annually. On the 7th of June, 1862, they passed an act either amendatory of or in addition to the act levying the tax, by which provisions were made to enable the Federal Government to collect the tax. It could not execute the direct-tax law in the insurgent States, and this superinduced the act of the 7th of June, 1862. In order to execute the act of 1862 commissioners were provided for. Three commissioners were appointed to execute the direct-tax law in such States as should be recovered or reclaimed from the rebellion, or such parts of such States as might be recovered or reclaimed. In this portion of Virginia the Federal forces seem to have obtained at the time of this sale permanent occupation, so much so that they established a commissioner at that point, Alexandria.

In 1862 there was a direct tax levied on the lands of one Briggs. The amount of the tax was \$7.05, including all the costs. To recover that debt the commissioner ordered a sale, and the property was sold under his order. Mr. Cook purchased it at that sale, bidding therefor the sum of \$400.

Mr. HOAR. Will the Senator from Alabama allow me to ask him a question?

Mr. PRYOR. As soon as I get through with my statement.

Mr. HOAR. Very well.

Mr. PRYOR. For we cannot vote intelligently unless we understand the proposition we are required to vote upon.

It appears and is judicially ascertained that the commissioner who was stationed at Alexandria for the purpose of executing this direct-tax law published an order that the parties should pay the taxes in person, and that no tender and no payment by any one other than the principal and real owner would be received. That order was published. The Supreme Court, in the case of *Lacy vs. Irwin*, in 18 Wallace, decided a case in which it was judicially ascertained that that was the order. This sale was made under the same circumstances; no tender was made of the \$7.05, and the Supreme Court in the case in 18 Wallace determined the question here involved, holding that that order was void, and that all sales made under that order were void sales.

Mr. Cook purchased under that state of affairs in Alexandria at this void sale, on which he paid \$400; and afterward, ascertaining that the sale was void for the reason I have stated, he waited upon Briggs and purchased from Briggs the very same property which had been sold at the tax sale, paying him the sum of \$800, obtaining from Briggs an absolute deed in fee-simple with warranty guarding against everything except the sale made by the tax commissioner. To perfect his title Cook was induced to make the purchase from Briggs. The tax sale under which he had purchased being a nullity, being absolutely void, he was necessitated, in order to obtain a title or perfect his title, to purchase the property from Briggs and give him \$800 therefor. That is the state of the case as shown by the evidence.

I have before me the decision in 18 Wallace which judicially determines the point. I have also before me an act of Congress which is a precedent for this bill in the nineteenth volume of the Statutes at Large, precisely such a case as this. There Congress determined the question that the Government having the purchaser's money over and above his tax, in this case \$400 less the \$7.05, tax on the land and costs, held it in trust for the real owner, the party who paid it. I differ with the honorable Senator from Vermont; I think the principle of this case and of the case before the Supreme Court in 18 Wallace is precisely the same. The case in 18 Wallace was based upon a practice that obtained under the same order that the supreme court decided to be a nullity and that sales under it were void.

In the nineteenth volume of the Statutes at Large is the act to which I have alluded. A party in just such a case as this applied to Congress and Congress in 1876 refunded to him, he having purchased at a void tax sale the amount of money paid. The point the Senator from Vermont makes as regards making a precedent is disposed of by that case. There the original owner had not been applied to; he had

given no deed to the tax-sale purchaser; but the Senate of the United States passed a law in 1876 refunding to the party who had purchased at a void sale the amount of his money over and above the tax and costs, and paid it back upon this fundamental and broad principle that it was money which *ex æquo et bono* belonged to the party and not to the Government of the United States.

Mr. EDMUNDS. If the Senator from Alabama will be kind enough to give me a reference to the act of 1876 that he refers to, I shall be obliged to him.

Mr. PRYOR. I will. It is volume 19 Statutes at Large, page 470. An act for the relief of Anthony Lawson, surviving partner of the firm of Lawson and Brewis, of Alexandria, Virginia.

Here is the act:

That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money not otherwise appropriated by law, to pay to Anthony Lawson, the surviving partner of Lawson and Brewis, or to his assignee or personal representative, without interest, the amount of the proceeds of sale for direct taxes due the United States, as aforesaid, of the lot of land on Commerce and West streets, in the city of Alexandria, and State of Virginia, sold to L. E. Chittenden, and evidenced by direct tax-sale certificate numbered 57, dated February 1, 1865; also, of a lot in the same city, on Washington street, numbered 39, sold to Peter G. Henderson, and evidenced by a like certificate, numbered 58, and of same date with the previous one; also, of a lot in the same city, on Royal street, numbered 45, sold to Henry F. Davis, and evidenced by a like certificate, numbered 59, and of same date with the previous one; also, of a lot in the same city, on Cameron street, on which are erected two houses, numbered 67 and 69, sold to Henry F. Davis, and evidenced by a like certificate, numbered 60, and of same date with the previous one; also, of a lot in the same city, on Commerce street, extending back to Payne street, sold to C. W. Campbell, and evidenced by a like certificate, numbered 62, and of same date with the previous one; less, in each case, all the taxes, costs, and legal charges accrued by reason of the sale thereof, as aforesaid.

In this case the Government can protect itself, if you see proper to do so, by an amendment adding the proviso which was in that instance tacked on by the Senate. The very objection which the honorable Senator makes can be met, and met in this way:

Provided, however, That upon the payment of the several sums hereby authorized and directed to be paid as aforesaid, the said Anthony Lawson, his assignee, or personal representatives, shall execute and deliver to any person or persons claiming title under the said sale for the non-payment of direct taxes under the laws aforesaid, a valid deed of quitclaim or release of all title, right, claim, or demand, by reason of the previous ownership of said property by the said firm of Lawson & Brewis, and shall produce the evidence thereof and file the same with the Secretary of the Treasury, unless the same shall be rendered unnecessary by the title being vested in the said Lawson & Brewis, or either of them, by deed or otherwise, from those so claiming under the said tax sale.

The very thing which was required by the act of 1876, in order to entitle the claimant to the relief prayed for in his petition, the very thing which it was legislatively provided he should do, this party has already affirmatively done by obtaining a conveyance from the original owner.

To this act the volume appends this note:

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

Mr. EDMUNDS. That would not make much of a precedent; but whether it is a precedent or not would depend on the exact facts. Perhaps in that case Congress was entirely satisfied that the sale was clearly illegal, and for some reason of a special equity, chose to pay back the money to the purchaser, which I think, by the way, is a false principle, but I am not on that just now. All I wish to do now (because this matter will have to go over for further consideration) is to call the attention of the Senate to the fact that under the original direct-tax act, provision was made to pay over to the owner of the land sold the balance of the money derived from the sale after paying the tax and costs. I read from vol. 12, p. 307, section 42:

And all moneys that may remain of the proceeds of such sale, after satisfying the said warrant of distress, and paying the reasonable costs and charges of sale, shall be returned to the proprietor of the lands or real estate sold as aforesaid.

So that in this case the original owner of the land was entitled to receive the moment the accounts were made up the balance of this money after paying the tax and the costs of the sale. It is important to inquire in the first place whether he has received it, because if he received it, any irregularity in the sale would be waived and there would be an end of it; if he has not received it, whether the sale is valid or invalid, he is entitled under this statute to the money *prima facie* so far as the Department is concerned. If the sale was of a character that was absolutely illegal—and that must in every case depend upon the special facts of that case, and not the special facts of any other—then he would not be dispossessed of his property, he would have it just as he had it before, and would of course, if he took that ground, not be entitled to the balance of the proceeds of sale, because he had not lost anything.

Mr. BAILEY. Who would be entitled to it in that case?

Mr. EDMUNDS. The United States would be entitled to it on the principles that I believe exist in every State of this Union about tax sales and that must exist, because the Government is not a guarantor of title on a tax sale at all.

Mr. BAILEY. I am not speaking of the sum paid for the tax; but who would be entitled to the excess?

Mr. EDMUNDS. That is exactly what I am speaking about.

Mr. BAILEY. I would ask the Senator, can the Government pocket that money and use it?

Mr. EDMUNDS. That is exactly what I am trying to say is as I

believe, although I do not know anything about it, the law of Tennessee, as I know it is the law of Vermont and as I believe of every State in this Union; and that is that a tax sale is the sale of whatever the purchaser gets by it, good or bad, and that he buys the chance, if you call it a chance, he buys the property at his own risk, and if he chooses to pay the United States on a sale of that kind \$500 and it turns out that he gets nothing by it, he is merely like a man speculating in cotton or anything else, on the rise or fall, like a great many people who buy lawsuits in this country, I am sorry to say—he has made his venture, he has gone to sea, and his ship has come back without any profits. That is all.

Mr. BAILEY. I suppose then the doctrine on which the Government acts is this: the Government is to make money, and will make it honestly if it can, but if not honestly, at all events and by all means it will make money! In other words, it will take this man's money and put it into the Treasury!

Mr. EDMUNDS. That is not the doctrine at all, Mr. President. If the purchaser who comes to bid at a tax sale in the State of Tennessee chooses to bid, in order to get his chance of holding that property against the owner, one dollar more than the amount of the tax and the costs, he has not got any right to complain if his chance turns out to be a poor one. It is exactly what he engaged to buy. He got all that he did buy, and that was a title the risk of which he took upon himself, if I am right in the proposition that it is a universal principal of law that there is no guarantee on a tax sale, that it is a mere quitclaim so to speak.

The VICE-PRESIDENT. The hour of one o'clock has arrived.

Mr. EDMUNDS. Let this bill go over for examination.

The VICE-PRESIDENT. It goes over, and by special assignment the remainder of the session will be devoted to the delivery of eulogies in memory of the late Senator from Alabama.

DEATH OF SENATOR HOUSTON.

Mr. MORGAN. According to notice heretofore given, Mr. President, I now ask the Senate to dispense with the regular order and to devote a part of this day's session to the consideration of resolutions commemorative of our late associate in this body, GEORGE SMITH HOUSTON, a Senator from Alabama, who died on the 31st day of December, 1879. I ask for the reading of the resolutions which I send to the desk.

The VICE-PRESIDENT. The resolutions will be read.

The Chief Clerk read as follows:

Resolved, That the Senate has heard with regret of the death of Hon. GEORGE S. HOUSTON, a Senator from the State of Alabama, and extends to the family of the deceased Senator and to the people of Alabama sincere condolence in their bereavement.

Resolved, That the long public service of GEORGE S. HOUSTON has been marked by fidelity to his convictions of duty, by industry and patience in his labors for the public welfare, by distinguished ability in the legislative councils of the United States, and by devoted and wise service to Alabama as governor of that State.

Resolved, That the Secretary of the Senate transmit to the family of the deceased and to the governor of Alabama a copy of these resolutions, with the action of the Senate thereon.

Mr. MORGAN. Mr. President, it is the custom of the Houses of Congress to bring back the memory of those who die while they are in this branch of the public service by resolutions and remarks that reflect the opinions of the survivors as to their personal and official character, and to bestow a last mark of respect upon the deceased.

For other reasons also it is well that we sometimes pause to consider what we are and whither we are traveling. It is not dangerous to the country, nor is it a needless consumption of time that those who are intrusted with the great powers of government are sometimes compelled, through the invasion of these legislative Chambers by the inevitable hand of death, to cease their labors and controversies for a time, and to consider how brief a period is allotted to their usefulness; to consider how it is that only for a moment they can be permitted to enjoy the fruits and honors of their exertions, and how the strongest men stagger under their burdens as they grow with advancing years and become heavier toward the close of even a long life-time. It is upon occasions like this when a man of seventy years has died, all of whose manhood was devoted to honorable public service in high stations, that we appreciate the fact that those labors are of little advantage to the toilers compared with that which inures to posterity. It is on these occasions that we realize that our public acts as law-makers will be impartially scrutinized after we are dead, and after our personal influence in their vindication has ceased; and that nothing in them can bring honor to our memories unless it is just and patriotic.

GEORGE SMITH HOUSTON was born in Williamson County, Tennessee, of an honorable parentage; not wealthy or distinguished, but highly respected for the sort of integrity and strength and purity of character and modesty in asserting their claims to high distinctions that constituted marked virtues among the agricultural classes in the earlier years of this country.

Many great and good men, who have sprung from that class of society, have attained to the highest honors within the gift of the American people. That influence which was exerted over these great men in their childhood has constantly widened and deepened with the current of their lives, and, in its maturity, has afforded to States and to the Union and the people the safest and most virtuous element in American statesmanship.

Senator HOUSTON had attained the age of seventy years, when his course was ended on the last day of the year of our Lord 1879.

The year closed sadly to the people of Alabama when with it a life was closed that had been dutifully spent in their service—a life that they had so recently crowned with the highest honors they could bestow upon him—and when it ended a companionship that was full of comfort and benefit to them.

With the closing year he went quietly away; and, like the passing of the old year into the new, without any interval of time, his life, that ended here, was at once renewed in another sphere. He passed straightway "from death unto life." The evening and the morning came together without an intervening night, and in their union he found himself ushered into the morning of eternity, as we believe, "a just man made perfect."

He came to Alabama when he was a child, and that beautiful land was home to him during all his remaining days. He received an elementary education at an academy in Lauderdale County, and entered a law office as a student. His elementary law course was completed at Harrodsburgh, Kentucky, and he was admitted to the bar in 1831. In 1832 he was elected to represent Lauderdale County in the General Assembly of Alabama. He was laborious and persistent in his legal studies, and diligent and faithful in his professional engagements, so that he was soon appointed, and afterward elected, to the responsible office of circuit solicitor.

From that position he was elected to Congress in 1841. He thus became generally known to the people of the State, that election under the general-ticket system, having been determined by the voters of the entire State. Afterward he was elected to represent a district in the House of Representatives in 1843 and in 1845 and in 1847. In 1849 he declined election and resumed the practice of law. In 1851 he was again elected to Congress and continued to hold his seat by reelection, and for four terms without opposition. In January, 1861, he retired with his colleagues from the House of Representatives, in obedience to the will of the people of Alabama as expressed in their ordinance of secession from the American Union.

The severance of his relations with the American Congress was to him a most painful duty. He had done all in his power to avert the causes that made this step one of imperative duty on his part, but he bowed with reverence to what he believed was the sovereign will of the people of Alabama, and united his fortunes with them "for better or for worse."

In his own opinion, freely expressed, the preservation of the Union of the States was justly to be preferred to any hope of escape by its destruction from the sacrifices which he could then foresee as the result of its perpetuity. He was then a large slaveholder, but he did not permit his conduct to be influenced by what was the almost universal belief that a continuance of the Union would soon result in the destruction of the entire value of that description of property. His opinions as to wise policy were not as strong as his affections toward his people, and he yielded his judgment to his sense of duty to his State.

During the period of the war he devoted much of his time and means to the alleviation of its hardships upon the sufferers in the armies and at home. His sons entered the confederate army and bore themselves with gallantry in many of its fierce conflicts.

In 1865 he was elected to the Senate of the United States by the Legislature of Alabama, but he was not admitted to his seat because his was a State of the American Union that was denied representation in the American Senate.

Again resuming the practice of law he worked earnestly to restore his impaired fortunes and was active in the assistance of the people in the re-establishment of law and order and the building up of their devastated country. His counsels were wise and prudent, and his example of patient assiduity was greatly encouraging to those who desired to bring social order out of confusion and strife. In this he had the moral support of the masses of the people who stood faithfully by him and never doubted his fidelity.

I need not recite the history of that period to recall the events that rendered such services so invaluable to the people of Alabama. They are known and read of all men. I could not now recite them without incurring the suspicion that I am willing to suggest topics that are still matters of political debate, involving crimination and recrimination, at a time when the proprieties of the occasion would preclude a reply. I would do a wrong to the well-known sentiments of Senator HOUSTON by following such a course. One of his highest qualities was a manly and generous indulgence to those who honestly differed with him in opinion.

I would fail, however, to render a just tribute to the dead, and would ignore the control which principle had over his conduct, if I did not say that his guiding light in the dark period of our worst distractions and sufferings in Alabama, which he followed with implicit faith, and asked the people to trust with confidence, was the same that had shone upon his pathway during the whole of his long public life.

He believed in the honesty of the people, and felt always confident of their power to relieve the country of the gravest evils by a faithful observance of the principles of constitutional government that have so long distinguished the democratic party. And when the people of Alabama again called him into their service in 1874 as the governor of the State, he came as a democrat. Regulating his administration by a rigid observance of those principles of government that he had so long cherished, he, and those who were his supporters,

have speedily restored the State of Alabama to a condition that is hailed with gratitude by the people of the State, of every class, and that should excite emotions of pride in the breast of every American.

At the expiration of his first term as governor, the people were ready to honor him still further by electing him a second time to the Senate of the United States, but they had again chosen him as governor of the State, and they would not consent to relieve him of that service until he had completed fully the wise course of policy inaugurated during his first term. The people joyfully realized the fact that their future prosperity had been established on an enduring foundation, and that they were much indebted to the wisdom and fidelity of Governor HOUSTON for their deliverance from the worst evils. And when this good and great work had been completed they sent him to the Senate of the United States, where they fondly hoped to enjoy the advantages of his great abilities for yet many years. But death, not entirely unexpected to any man of his age, but not less grievous on that account, has cut him off.

The bitterness of this disappointment is severely felt by all classes of the people of Alabama. He was known in almost every household of the State, and his loss is lamented at every fireside almost, from the stately mansions of the rich down to the humblest cabins of the poor.

This imperfect recital of the more prominent facts that make up the history of a life of three score and ten years, is enough to show that it was full of honorable usefulness. None of the sixty years, from his childhood to the end of his life, was spent in frivolity or dissipation. His time was all occupied with useful preparation and earnest work. His was a life of purpose, whose aim was the performance of duty, and whose coveted reward was honorable success. This he achieved, and his success was sweetened by the answer of a good conscience and made joyful by the approbation of his countrymen.

His mental endowments were of a high order. In its action his mind was vigorous and powerful rather than beautiful and splendid. He was not a genius, if there are such people. He was sufficiently inventive always to find or to discern the safest methods of avoiding evils, and the quickest and least expensive means of escape from them. His mind was active, vigilant, and intense, and was so balanced in judgment, and so guarded against the influence of passionate impulses that he almost infallibly came to correct conclusions. He could safely trust his own convictions and he did trust them, when others who reasoned elaborately were still left in doubt. This faculty was far less the result of close mental discipline than of that excellent organism and balance of mind whose results are so well known and so greatly prized under the homely classification of "good common sense."

It was this easy and regular and correct method of his mental powers in dealing with the problems that were always requiring solution that enabled him to devote so large a part of his time to executive labors rather than to the study of the opinions of other men. He was rich in the wisdom that was born of his own thoughts, reflections, and experiences, and was not ambitious merely to be considered learned in the erudition which is treasured in books. His moral sense was acute and strong. It was the ruling power in his whole life. In every relation to society and in every act of his public or private life he was guided, controlled, and compelled by an unswerving fidelity to his moral convictions.

It is not enough to say of him that he was honest, for in his judgment of men he rated honesty as an indispensable element in every decent character. He ascended to that higher plane of character which all men love to affect but all cannot rightfully claim. He was a just man. He also recognized with pleasure other adornments of the character of a just man, such as ardent and honorable friendship, benevolence, philanthropy, and a spirit of self-sacrifice for the good of others, in reference to the possession of which he had a good reputation. But he could not tolerate a friendship that was tainted with dishonor; he would never have gratified a feeling of benevolence by taking another man's money to bestow it in charities upon his friends, however worthy they might be. He despised the sort of sentimentalism that is ready to decorate itself with the insignia of broken covenants and of rights destroyed in order to illustrate its zeal for religion, or the rights of man, or any cause however good in itself. He abhorred the hypocrisy which drapes itself in the garments of a pretentious philanthropy, and while they drip with the blood of innocent people, shed in wars really waged for power or spoils, proclaims with insolent cant the grand benison—"On earth peace, and good will toward men." He would make no sacrifices in a cause that he did not believe was just, but would spend and be spent in a cause he believed was worthy of his devotion. He was not "generous to a fault," as the apothegm is phrased; he was first just and then generous, according to his reasonable ability. He did not give alms to be seen of men, but he gave them. He did not pray at the street corners, but he prayed fervently.

It is not appropriate perhaps to enter in the sacred circle of his home, and gather there the evidences of the honest nobility of his nature, from the incidents of his interior life; but I may say with propriety, as I do with confidence, that there went forth from his home life a current of principle which was pure in its fountain, and infused into his public life a tone and character that inspired his countrymen with absolute confidence in his integrity as a statesman

and public servant. I own to a conception of the character of a true American statesman that is nearly summed up in the public life of GEORGE S. HOUSTON. I do not mean to say of him that he would have been a great leader in times of turbulence or war; or that he excelled in the powers of debate in the halls of legislation; but he had great sagacity and forecast in the avoidance of calamitous evils. And a firm conviction as to the power of the people to sustain their government when the Constitution is permitted to have its just influence; and in their determination, sooner or later, to assert its supremacy in government, was the sheet-anchor of his political faith. He believed in the capacity of the people to achieve every possible success in their aggregate, and in their individual efforts to become prosperous and happy, if they are left as far as practicable to their right of local self-government. He believed in a government that governs as little as is consistent with the general welfare, and that is sensitive to the least infraction of the rights and liberties of the citizen. He believed in the responsibility of the legislative and executive departments to the people for all their public acts, and of the judges for the purity of their judgments. These convictions, supported by an honest reverence for the Constitution, and controlled by a spirit of self-denying restraint on the part of the legislator in reference to the assumption of doubtful powers, comprise a safe creed of American statesmanship. Senator HOUSTON regulated his entire political course in conformity to these principles and rules of conduct. He was among the foremost and most consistent of that class of statesmen of his time who kept a constant watch upon their own conduct and carefully confined the measures they advocated within the boundaries of a strict construction of the powers of Congress.

As chairman of the House Committee of Ways and Means, in which distinguished place he served during several Congresses, he always carefully guarded the people against the imposition of unjust and unnecessary burdens of taxation and kept a close and vigilant watch over public expenditures. This is not always a pleasing task when the hungry expectants of public bounty are sneering in the lobbies and through the press at the parsimony of Congress or when a majority is created by questionable combinations to force the passage of measures that require extraordinary expenditures of the public money. No man was ever more faithful and few could have been more courageous or useful than my late colleague in withstanding all opposition while he defended the rights of the people against licentious measures. As chairman of the House Committee on the Judiciary he evinced a high order of capacity for solving the many delicate and involved questions that are always requiring patient and careful study and exhaustive research by that committee.

In his course in Congress, he was earnestly supported by his constituency. This support was the cheerful tribute of the people to an honest representative and to a faithful, dutiful, and able statesman.

It cannot be said that one part of his congressional course was more distinguished than another, or that he on occasions flamed up with extraordinary exhibitions of power in debate.

It is not needful to the real merit of his reputation as a statesman that this should be said. His history is a constant exhibition of great powers honestly exerted and of the highest duties carefully and faithfully performed.

The sturdy forest oak is not more majestic when its arms are tossed wildly about in its battlings with the storms than it is when the gentlest breezes play through its leafy arbors, as it shelters the earth from the rays of the sun. HOUSTON's life had no startling episodes. It was all devoted to duty, and in its steadfast observance he was able to render a better service to his country than many have done who have employed their great abilities in fomenting the agitations of partisan politics.

I must not do the people of Alabama the injustice to omit an expression of their especial bereavement in the loss of my late colleague as a Senator on this floor, and also of their peculiar gratitude for his services as governor of that State. He was here for so short a period that he had only begun to render that service from which Alabama expected so much of honor and advantage. He was an old man when he came to the Senate, but he had been preserved in such uncommon mental vigor that the people laid upon him with confidence a task that would not have been a light burden in the meridian of his life. We all remember with what cheerfulness he entered upon his duties here, and how zealously he labored to perform them.

The Senate lost an able counselor and a faithful laborer from its body and the country lost a wise legislator and a devoted son when HOUSTON died. Alabama lost a counselor and guide from whose service the people had derived the most important benefits. In 1874, when GEORGE S. HOUSTON was first elected governor of Alabama, the people of that State were in sad need of his services. On that occasion the hour and the man met. A State with near a million inhabitants, possessed of immense resources of wealth only in the infancy of development, at the moment when its leading industry was paralyzed by a radical change in its labor system, lost the control of rightful and intelligent government. Those who were strangers to the people and to the laws governed the State.

The results that speedily followed were an increase of its bonded debt from less than \$6,000,000 to more than thirty millions within a period of five years, and the depreciation of the taxable value of property of fully 50 per cent., not estimating what had been lost in slave property. It was impossible that the people could pay inter-

est on so large a sum. The holders of the securities were hopeless of the ability of the State to meet any of its engagements. The people were discouraged, emigration rapidly swept off the population, and all industries were conducted with reference only to the supply of immediate necessities. But I will not enter into further details. It is enough to say that no Christian country had ever been worse governed, and no people had ever more entirely lost confidence in the future of a State. The people were so shut out from the hope of good government, and their condition was so obviously bad, that while they were too weak to change their rulers, and did not attempt to resent the wrongs under which they suffered, the Government of the United States, feeling that American citizens so situated must be in a state bordering on revolt, anticipated such a condition of affairs and sent its armies there to prevent it.

In this way organized injustice and tyranny were supported by organized armies. To restore a State so distracted by malign influences to order and tranquillity, and to give a people so cast down a hope of return to a better condition, was the great work that lay before Governor HOUSTON. It required a statesman to do this work, and a true and courageous patriot to undertake it. HOUSTON was fully competent to the great duty, and nobly did he perform it. His election as governor opened the way to a happy deliverance of the people. He was surrounded by the ablest legislators in the State, who acted in harmony with him in all the great measures that looked to the relief of the people. He was supported by an able, honest, and enlightened judiciary, and the people gathered about him and gave him their confidence without reserve. A new constitution was ordained by the people. Its provisions will be referred to while republican forms of government survive as a pure, simple, and most excellent body of organic law. The public debt was then arranged to the satisfaction of our creditors, through a commission of which Governor HOUSTON was chairman and Tristram B. Bethea and Levi W. Lawler were members. The people of Alabama gratefully appreciate their useful and arduous labors, which have removed a barrier to their progress that threatened to destroy every industry.

Almost with the day of HOUSTON's first inauguration as governor the glow of returning prosperity began to manifest itself in every part of the State. Confidence took the place of distrust, and the people, with a new hope and increased energies, went to work to rebuild a ruined State.

Governor HOUSTON did not live to see the full realization of this good work he had so carefully inaugurated. Had he lived another seventy years he would not have witnessed its full benefit to his country. Every industry in Alabama is now in a prosperous condition, and her credit is above par for gold. Her people are peaceful and happy and the laws are obeyed with cheerfulness by all classes of society.

The methods of government so happily exemplified in the renewed life of this great State, and so successfully employed by Governor HOUSTON, were the result of the faithful application of principles which for more than twenty years were his guide as a representative in the Federal Congress. It was the earnest hope of his declining years to enjoy the realized assurance that the people will never lose their rights or liberties, and that the country will never again be agitated with sectional strifes. He was full of confidence that if they will hold their rulers to accountability for their public acts and will follow such leaders as deny to themselves the right to usurp powers not granted to them, and who are not ready to appropriate to themselves powers that are doubtful, the people will remain forever free.

I claim that men such as GEORGE S. HOUSTON are true American statesmen. The people estimate their value as being above that of those men of genius whose active and aggressive spirits constantly tempt them into fields of experimental adventure that are filled with dangers to their liberties. A love of glory, a selfish love of power for the advancement of personal aims, is not compatible with a just and safe administration of the enormous powers that are intrusted to our Federal rulers. This is uniformly the judgment of the people when it is not swayed by some great national excitement.

In the history of our Government, when the people have had a fair opportunity for deliberate reflection, they have chosen their Presidents from that class of statesmen who obey the popular will when constitutionally expressed, who revere the Constitution of the United States, and who are forbearing in the exercise of powers not clearly conferred upon them. Though GEORGE S. HOUSTON may not have been great enough to rule a free people at the expense of their liberties, he was great in his fortitude, ability, and zeal in their defense. In the roll of Senators from Alabama who preceded him to the tomb there are worthy and illustrious names. None of them could have been great as the enemies of constitutional liberty, but they were all great as its defenders.

I doubt if any State has given to the public service within a like period twelve statesmen in the Senate who have done more to advance our country in its vigorous growth or who have contributed more of wisdom toward shaping its policy, or more of fidelity to the guardianship of the constitutional rights of the States and the people.

We reverently acknowledge the right of GEORGE S. HOUSTON, which is claimed for his memory by the people of Alabama, to have his name inscribed in a place of honor on the roll of her most distinguished sons. The name of GEORGE S. HOUSTON will ever be most worthily associated in our history as a State, and will be recalled by

the people of Alabama with emotions of pride and gratitude along with the names of William R. King, John W. Walker, John McKinley, Israel Pickens, Gabriel Moore, Clement C. Clay, Arthur P. Bagby, Benjamin Fitzpatrick, Dixon H. Lewis, Jeremiah Clemens, and George Goldthwaite, who were his predecessors in the Senate.

With just pride I place his example before young men of the country, and with confidence I ask them to follow it. Nothing is required to be said of him to increase the love of the people of Alabama toward him, or to make his memory more endeared to them. They will never forget that GEORGE S. HOUSTON and his compatriots saved their beautiful State from degradation and ruin. His life was simple, earnest, and just; his devotion to his country was perfect; he left no duty intentionally neglected or carelessly performed; his record is free from the tarnish of the least reproach; his aspirations were for the good of his countrymen; his ambition was honorable, his success was eminent, and his fame will be excellent and enduring.

Mr. HAMLIN. Mr. President, I rise to second the resolutions which have been introduced by the Senator from Alabama, and thus to add my approval of the expression which they contain of the eminent life and services of the late Senator to which they refer. I formed that opinion by an acquaintance running through more than a third of a century, and an acquaintance which, from the peculiar condition of things, was at one time close and intimate. We were members of the same political organization, and there was that condition of things existing in that organization which brought us in close personal intimacy.

I thus knew the late Senator well; and in all that long acquaintance it is a pleasure to remember that there was no period of time when that intimacy was disturbed. And it is from that long acquaintance and from an accurate knowledge of the public life and services of the man, that I state most cheerfully and cordially that there is not one word in the resolutions submitted by the Senator from Alabama which does not meet the approval of my judgment and my heart.

At a later period the deceased Senator and myself disagreed in political matters. We were as wide apart, as far asunder as the poles; but of that disagreement it would be unbecoming and would be in want of all good taste for me to speak, and I trust I am incapable of marring propriety of this occasion by attempting to do so. But in manly honesty I may say that I accord to the late Senator, as I do to all others, the right of judgment, opinion, and action, and honesty of purpose to the precise degree that I claim it for myself. We disagreed, but in that disagreement there was no disturbance of our social relations.

What the Senator, his late colleague, has said in relation to the general character of the man has been most truthfully expressed, and has, indeed, deprived me of the few words that I would have uttered, as they would be little else than repetition. But one point in the life and character of our departed friend, upon which the Senator has not dwelt and which I think was a leading characteristic, was the sincerity of his purpose and of the convictions upon which he acted. It was that which made him eminent; it was that which gave him success.

As the world defines the term, he was not an orator; but he was more; he was a man of convictions, and upon convictions produced results. The man who stands before the world beaming all over with the honest convictions of his heart is more than a match for oratory and logic combined; he reaches the heart, and the heart carries the head captive. Such a man was GEORGE S. HOUSTON.

He won his victories by his honesty and the sincerity of his purposes, and he made men come to him because they believed him honest, not only because he was one of nature's noblemen but because they felt the impress of that sincerity of conviction in his heart which flowed from his tongue.

What is oratory is a thing which it would be very hard to define. That which produces results is of vastly more importance than that which the world may call oratory, and GEORGE S. HOUSTON, by his industry and by the sterling good sense which he possessed, has left the impress of his mind upon the statutes of the country and his memory will live in its history.

We to-day, sir, are paying a tribute to the memory of that man which is only commensurate with the eminent life and services which he devoted to the country in the councils of the nation. True, the Senator from Alabama has told us that State has contributed to the councils of the nation her just proportion of eminent and distinguished men. She has contributed to this body a Bagby—and I am speaking now, sir, of those only with whom I was personally acquainted—a Bagby, who stood here among the foremost as a wise, an able, and a safe counselor in the administration of the Government and in the framing and shaping of its laws, and was transferred to the diplomatic service of the Government. She contributed a King, whose presence graced this body, and who, by his experience and his ability, aided vastly in so directing the affairs of the Government that they should redound to the glory and promote the best interests of all. He remained in the Senate until he became its father, was thence promoted to the chair, Mr. President, which you so ably fill, and, as I believe I may say, so acceptably to the whole body. He took and subscribed the oath of office, but never entered upon the discharge of its duties, having been called from earth within a few

weeks by an inscrutable Providence. She contributed a Lewis, whose wisdom was sought as an oracle by those beyond the limits of his own State, and was often followed. She contributed, not to this body but to the other, one of the most eloquent men whom I have ever met, (and in this I am quite sure the only Senator in this body who with me will personally remember him will concur,) Yancey, with his impassioned eloquence, who challenged and commanded the attention in thoughts that breathed and words that burned, if he did not convince the judgment.

These are some of the distinguished men of Alabama whom I have personally known; and to this galaxy of stars I say that the name of GEORGE S. HOUSTON should be added—differing in character, but in no sense less important. The State of Alabama should cherish his memory and place his name among the foremost men of the State, and we Senators to-day should imitate his example of sincerity of purpose, of honesty of conviction, of untiring zeal, and an industry that never faltered in seeing that all the affairs of the Government were rightfully and economically administered.

Alabama should cherish with affection and remember GEORGE S. HOUSTON so long as she shall remember any of her distinguished sons, and while we may imitate all that was good and noble and generous in the deceased Senator, if he like all of us shall have committed his errors, let them slumber in the grave with himself and be forgotten, and let us apply that old maxim, so old that I almost dislike to quote it, had it not been sanctioned by time and hallowed by the best of men—*De mortuis nil nisi bonum*.

Mr. DAVIS, of Illinois. Mr. President, most of us, when we cross the threshold of this Chamber to present our commissions, have passed the meridian line of life and reached that period when the shadows of declining years lengthen fast. We are few in number, and the contact of daily association draws us near together, for whatever may be the asperities of party strife, it is to the honor of all sides that when debate stops personal intercourse is not disturbed.

Hence it is that a vacant chair in this small body, draped in mourning, touches us all as a family bereavement. We look around and miss the familiar face and the friendly voice, and by a beautiful instinct of man's better nature we recall the virtues, the generous qualities, the earnest devotion, and the fidelity to duty, of the Senator who has gone, as all must hope, to eternal reward.

It was not my privilege to know personally the late GEORGE S. HOUSTON, whose loss we deplore and whose memory is so justly cherished, until we met here less than a year ago. The honorable ambition of his long and eminent career in the public service had been to close it in this Chamber. He was permitted to attain the object of his pride, and to wear becomingly the distinction he had won for a few short months, and then in the order of God's wise providence he was summoned away.

Should we not all, and especially those of us who are on the descending grade of life, pause to consider how brief at best are the joys of ambition, and how much nobler and more enduring are the prizes in other spheres of human action, consecrated to duty as we are instructed to follow it. Ambition achieved, how few after all reach up to the public expectation! In all history before and since the Christian era how many names stand out as distinctively great? Dull chronology records our presence here and elsewhere, and the waves of oblivion roll over us, as they have rolled over untold millions in past generations.

According to his biographer, Mr. HOUSTON had nearly attained to the age allotted by the Psalmist as man's limit of existence.

He entered public life at the dawn of manhood, and he only parted from it when he bade us farewell for the last time. As a young man he was a member of the Legislature, and for eighteen years he filled a seat in the House of Representatives with recognized credit, attested by his appointment at the head of the foremost committees. Subsequently other honors were tendered to him by the people whose affection and whose confidence he enjoyed without interruption.

His last service before coming to the Senate was to repair, as governor of the State, the ravages which civil war and misrule had inflicted. In his sojourn here we saw him, as those who knew him best had seen him, all through a career covering first and last almost half a century.

He was proud to be Senator, but the distinction never lifted him up with any false notion, or changed in the least degree that simplicity and integrity of character which seemed to stand out and to invite trust and respect. His mind was not of a brilliant order, nor was his speech eloquent, in the sense of oratory. He belonged to that class of men whose practical wisdom and whose solid sense govern the councils of nations, and who rule cabinets in which they do not appear.

Forty years ago, when the professional reformer was unknown in politics, and when the abuses that gave him an excuse to live were not common, Mr. HOUSTON was a sincere and an earnest advocate of economy, as a principle to be rigidly asserted and enforced in the administration of public affairs. He sought to maintain a pure and a plain government after the manner of the fathers. He despised shams, and he opposed official pomp and parade. Devoted to this idea, he was consistent in its support, careful to be right, and conscientiously firm, when a conclusion was reached. His public character might perhaps be best described as that of an upright, sound, and faithful legislator,

whose example in all times is worthy of the best emulation and whose life is a valuable instruction.

An unspotted private fame harmonized with these qualities of the public man, so that as citizen, as Representative, and as Senator, he was tried and found to be worthy.

As we pass from these scenes, and look forward to the not distant day when the sad duty which is now discharged for our departed brother must be performed for others, may we all be as unsullied in our great office as he was, and as deserving of even so poor a tribute as I have offered to his memory.

Mr. THURMAN. Mr. President, my acquaintance with our deceased brother began when I took my seat in the House of Representatives in the Twenty-ninth Congress. He had then been for four years a member of that House, and had become a man of mark and influence. He was regarded by all who knew him as a man of excellent understanding, sterling integrity, great industry, and most amiable manners. He was a member of what was then considered the great committee of the House—the Committee of Ways and Means—which then discharged the duties that are now performed by that committee and by the Committee on Appropriations; and I happen to know that its distinguished and very able chairman, General McKay, of North Carolina, regarded him as one of its most industrious and useful members.

Mr. President, it is unnecessary for me to follow Mr. HOUSTON in his subsequent distinguished career. It has been portrayed in the remarks of those who have preceded me far better than I could portray it. A man who enjoyed the confidence of his constituents in so high a degree that he was nine times elected a Representative in Congress, and in five instances without opposition; was twice elected a member of this body, was chosen governor of his State by a decided majority at a time of great difficulty, and when the counsels and services of her best and wisest men were needed, could not have been a man of mere ordinary ability or standing. No, sir; he must have possessed, he did possess, qualities that eminently fitted him for public service under a republican form of government, to which he was so much attached, and which caused his death to be deplored by all the people of his State, and not by them alone, but by all who have heard of his virtues and regret to see a good and great man fall.

Mr. SAULSBURY. Mr. President, with the late Senator HOUSTON I had no acquaintance until he became a member of this body. From what I had heard and known of his public life I had previously formed a high estimate of his character, an estimate which was fully justified by all I saw of him during his brief service in the Senate. Association with him upon two of the standing committees of the Senate afforded me the opportunity of observing the elements of his character, which for a period of more than forty years secured for him the uninterrupted confidence of the people of his State.

Senator HOUSTON entered public life at an early age and was almost continuously thereafter connected with public affairs. He filled the highest and most responsible positions in the State in which he lived, among others was twice elected to the gubernatorial office, and for nearly twenty years represented the congressional district in which he resided in the other House of Congress. Of the manner in which he discharged the duties of the various positions he held I need not here speak. His election to the Senate after more than forty years spent in public life is proof of his fidelity to every trust as well as the recognition of his services and worth by those he had served so long and so well. Few men have been able to maintain for so great a period their hold on popular favor. Neither integrity of character nor the faithful discharge of public duty is at all times able to protect against the shafts of envy or the intrigues of ambitious rivalry. The retention by the late Senator of the unabated confidence of the people among whom he lived and in whose service he had spent his life is at once the proof of his merit and his highest eulogy.

A brief acquaintance with Mr. HOUSTON was sufficient to understand the traits of his character which gave him a controlling influence with the people of his State. He was a man of remarkably sound judgment, which gave to his opinions great weight and assisted in the formation of public sentiment on all questions affecting the interests of the State. Endowed by nature with strong intellectual power and dependent in early life for success upon himself, he was cautious in the expression of opinions upon public questions until he had investigated the subject to which they related. His conclusions, formed by reflection and examination, were usually found to be correct, and not only controlled his own action but influenced largely the views and action of others. He was a man of marked decision of character, and impressed others with his honesty by a steadfast adherence to his convictions. He was not, however, intolerant or censorious toward others, but conceded to all the same independence of thought and action which he exercised himself. His firmness in the maintenance of his own views was not the result of too high an estimate of self or too mean an opinion of others, and evinced neither bigotry nor the want of a proper respect for those with whom he differed. Frankness and candor marked throughout his life his intercourse with the people of his State. Concealment was no part of his nature. He was honest with himself and candid with others. He sought no disguises and resorted to no subterfuges, but avowed with manly courage the views he entertained and the purposes he sought

to accomplish. Nothing detracts more from character than duplicity, and nothing commands more universal respect than frankness and honesty. Senator HOUSTON was never misunderstood by friends or opponents, and commanded the admiration of both by the candor exhibited as well in public as in private life. He stood revealed in his true character before the people of his State, and was trusted for his integrity and loved for his honesty. He was faithful to every trust, discharging the obligations imposed by the positions in which he was placed, not only willingly but cheerfully, shunning neither the labors or responsibilities which they entailed.

As chairman of the Committee of Ways and Means in the House of Representatives his assiduity and industry were proverbial. I have heard it said that he familiarized himself with the details of every bill brought forward by the committee and was prepared at all times to furnish required information upon the measures under his charge and to give a satisfactory explanation of the reasons controlling the committee in their presentation. He came into the Senate at an advanced period of life, with energies doubtless somewhat relaxed by the weight of years and the labors of a long public service; yet he was punctual in his attendance in the Senate and attentive to the business under consideration. He was likewise prompt in the discharge of the duties assigned him by the committees of the body of which he was a member, and his opinions both in the Senate and in committee commanded the respectful attention of his associates. During his last illness, I am informed, his thoughts frequently turned to his duties here. In a letter which I received from him after the commencement of the present session he expressed the hope that he should be with us in a few days and ready to perform any duty assigned him by one of the committees to which he referred. He was social and genial in his nature, free alike from austerity and undue familiarity. Mr. HOUSTON was warmly attached to his friends, and in his intercourse with them sought to contribute to their happiness as much as secure his own. There was nothing selfish in his attachments. He regarded his friends too highly to estimate their value by services to himself, and some of his most cherished friendships were based alone upon common sympathies and congeniality of temper and disposition. Toward those with whom he differed he was generous and charitable; no traces of malevolence mars the record of his life, which was singularly free from those asperities which too often embitter the lives of public men.

The close of a life well spent, like the setting sun, reflects back an influence on the world behind. For long years to come the people of Alabama will cherish with just pride the memory of one they delighted to honor and whose services contributed so largely to the prosperity of the State. I shall not obtrude upon the domestic circle to speak of him as a husband and father. Others who know him better will speak of him in that character. In his home centered his greatest interest, and to his wife and children were given his tenderest thoughts and warmest affections. No words of sympathy can mitigate their grief or repair the loss they have sustained. To them he has left an unsullied memory, a noble example, and an honored name, and to the people of his State the results of a life devoted to their service.

Senators, the death of one so lately in our midst admonishes us of our own mortality and the approach of that inevitable hour that awaits us all. May we so "number our days" that we shall each be ready for the summons when it comes.

Mr. PENDLETON. Mr. President, I cannot speak, as others have spoken, of this dead Senator, as one who knew him in the daily walks of his long public life, or in the sacred circle of his family and home. But I knew him well, I esteemed him greatly, I loved him much; and I cannot refrain from adding my leaflet to the rich garlands which appreciation and good-will are to-day placing on his grave.

No marble marks his couch of lowly sleep,
But living statues there are seen to weep.
Affection's semblance bends not o'er his tomb;
Affection's self deplores his sudden doom.

When I entered Congress, young in years, still younger in experience, I found him an old and honored member, enjoying the honors and wielding the powers of our party organization. We sat in the old Chamber sanctified by so many memories, which has since been made our Walhalla—the temple of our immortals. My seat was near him, and our association there gave rise to a friendship which was as fresh and warm when we met at the extra session last spring as when we parted in sadness in 1861. In that long interval I had seen him but twice—once, for a moment, when he came to Washington on an errand of mercy, and once again when as governor his practical good sense was rescuing Alabama from the accumulated evils of reconstruction. He was serious, earnest, industrious, patient, painstaking, honest, in the consideration of public questions. After investigation he was clear, decided, firm, undoubting in his conclusions. He was unswerving in carrying those conclusions into execution.

A strong sense of duty was the foundation and the mainspring of his investigation and his action. He never wavered between duty and inclination. He never gave to party or to self what was meant for country and mankind.

If his intellectual powers did not reach the highest realms where genius sits enthroned, their steadfastness, their steady impulsion toward the truth, the moral qualities which lay beneath their activities, gave to their exercise the widest range of practical usefulness.

He had knowledge which comes from close study and keen observation. He had judgment which accurately collates all knowledge and discerns the end from the beginning. He had wisdom which, seeing both, chooses the better way. He was courteous and gentle and kind. Even in his short career on this floor, his simple, gentle manners showed to us all—

That best portion of a good man's life,
His little, nameless, unremembered acts
Of kindness and of love.

For he had mastered that Divine charity which teaches—

Never to blend our pleasure, or our pride,
With sorrow of the meanest thing that feels.

He was modesty itself, and shrunk from self-assertion as if it were almost a crime.

I dare not enter the sacred circle of a loving family, or disturb with stranger's accents the silent sorrow of a stricken fireside. There his kind and genial and cheery nature evoked a pious gladness like that which the gay carol and the joyous flight of the morning lark express as its hymn of praise:

Type of the wise who soar but do not roam,
True to the kindred points of Heaven and home.

Mr. President, in the presence of this death, coming to one so full of honors and of years, the friend of us all, the loved associate of some, we must pause.

'Tis greatly wise to talk with our past hours,
And ask them what report they bore to heaven.

This is the converse which needs no speech. It is the communion which we must have with our own hearts, and be still. It is the introspection which Plato coveted:

Thou gazest on the stars,
My soul!
Oh, gladly would I be
Yon starry skies with thousand eyes,
That I might gaze on thee!

It is the introspection which, if we are faithful, will in the end compel our awakened spirits to hear and to heed the admonition:

Mourn not the perishing of each fair toy;
Ye were ordained to do, not to enjoy!
To suffer, which is nobler than to dare.
A sacred burden is the life ye bear;
Look on it, lift it, bear it solemnly.
Stand up and walk beneath it steadfastly:
Fail not for sorrow, falter not for sin,
But onward, upward, till the goal ye win.

Mr. PRYOR. Mr. President, this occasion adds further gloom and deepens the grief which I have heretofore felt and which is necessarily further intensified by my surroundings. Occupying, as I do, the seat of my departed friend and companion, Hon. GEORGE S. HOUSTON, whom by mysterious and unaccountable events in God's providence I have the honor to immediately succeed, while this is true, it is nevertheless proper and, as I am advised, within the usage of this body, that I, too, in conjunction with other Senators, should express regret on account of his loss to this Chamber, and as a citizen contribute a tear to that stream of sorrow that flows through the heart of the people of his State, who are sorely bereaved by the death of their trusted adviser, leader, and representative. Therefore, in addition to the just and touching remarks of other Senators, I ask to submit some facts from which I deduce the conclusion which I shall hereafter announce, that makes up the supremacy of the deceased as a citizen and statesman. I was intimately acquainted and closely connected with Senator HOUSTON for forty years. Living in the same town, county, and State, a portion of this time I was a member of his family, ate at the same table, and slept under the same roof; we were practicing lawyers at the same bar, and partners for many years in the practice, members of the same political party, and in each and every relationship upon the most cordial and confidential terms, with frequent interchange of views and opinions, and in which he disclosed his political sentiments, opinions, desires, hopes and fears. And, now, Mr. President and Senators, with these means and from those opportunities I am prepared to affirm and claim for the deceased that he was a man free from deformity of mind, body, and heart. He was a man impressive and imposing in his personal appearance. His mind was vigorous, analytical, quick of perception, searching, sufficiently inquisitive, detective and discriminative. A mind that came to conclusions slowly but certainly, not because of its dullness but because of its caution, its prudence, its sense of prosperity, its sense of rectitude, and when reached never found unjust, prejudiced, biased or partial, and rarely incorrect, standing and withstanding the severest tests. Added to this was a judgment sound, well defined, and trustworthy, and which when once formed was firm and immovable. He was a man of foresight and judgment profound. He was a safe counselor, sagacious, well-trained, and admirably versed in the principles of wise statesmanship and public policy; an instructive, judicious, and adhesive friend, unselfish, never withholding his views, but promptly and fully disclosing the same to his associates. His industry in search of truth was rarely equalled. He could not be unduly persuaded and was beyond seduction to do a wrong. With those capabilities, combined with honesty, fidelity, unswerving principles, and a high sense of honor, he ascended in unbroken triumph through all grades of life from the humblest walks to the exalted station of a Senator in its truest sense.

As a debater, he was sagacious, ponderous, and convincing; a man emphatically of argumentation. He had no superior and few equals when dealing with questions of fact; his powers of separation and condensation of facts and their application were wonderful. On questions of law, discriminating, clear, and forcible, with great capacity to present singleness of point. In debate his manner was courteous, becoming, earnest, attractive, and respectful, especially toward his adversary, with a marked toleration in respect to those differing with him in views or sentiments. There dwelt within that house of clay, not only a capacious mind, but also a heart open and frank, and one that knew no guile, no hate—one that ever vibrated to the touch of honor, sympathy, and justice. If upon any occasion he was informed or he felt that he had or may have unintentionally wronged his fellow, he was quick to offer or make amends; while on the other hand he was patient, forbearing, and forgiving if his fellow wronged him. Yet while this was true of him, if occasion demanded, he was resolute and manly in the maintenance of his rights and self-respect. As a representative he was faithful in the discharge of his duties. He applied the rule equally good in morals as in law, that the trustee, agent, or public servant should take and bestow the same care, do and cause to be done, to those whom he represented, as a prudent and discreet man did or should do with his own; and by this rule he squared all of his representative acts. And there can be no time or place in his long and useful representative life to be found, that he did not apply and enforce this rule of conduct. He fully recognized the important fact that this country and Government, under the Constitution, belonged to the people, and that this right should be respected and guarded, and that the will of his people should be done, and not his. So feeling, believing, and acting through life, he retained untarnished the warm affection of his people, not because and by the arts of demagoguery or by appeals to the prejudices and the baser passions of humanity, but by his masterly argumentation, the firmness and consistency of his convictions, and the devotion to the good of his country. Hence they honored him in life, and bless him and his memory and with us mourn his loss.

While he was ever watchful of the welfare of his State and the good of his people, he was nevertheless national in his views and feelings, greatly desiring the good of the whole country, but having grave doubts and serious forebodings as to its future which greatly annoyed him, for it was his great desire that the Government in essence should be transmitted as it had been received by him from his progenitors. And I can truthfully assert that if a love of country and civil liberty, with guarantees of life, liberty, and property, constitute the patriot, then Senator HOUSTON lived and died a patriot; that, if views and sentiments based upon the highest order of ability and thorough cultivation, that embraced the whole country and people, with the full recognition of equal rights, and without favor, distinction, or prejudice, makes the statesman, then Senator HOUSTON lived and died a statesman.

In his family he was courtly and tender as a husband, as a father affectionate and commanding; in bearing toward his fellow-citizens kind, affable, polite and respectful, approximating cordiality. For there was no station or place of preferment to which he had attained in which he failed to remember that he, too, was born of a woman, of few days, and alike subject to trouble and death.

In conclusion, Mr. President, borrowing an idea and somewhat of phraseology: There was a man that lived and died in the State of Alabama, and that man was upright, and one that feared God, and eschewed evil, and that man was the dead Senator, Hon. GEORGE S. HOUSTON, who died full of days, full of usefulness, and full of honors; whose life I shall try to emulate, and whose views I shall be pleased to see accomplished.

Mr. President, I ask for the adoption of the resolutions offered by my colleague.

The resolutions were agreed to unanimously.

Mr. PRYOR. As a further mark of respect to the memory of Mr. HOUSTON, I move that the Senate do now adjourn.

The motion was agreed to; and (at two o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 26, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

NEW YORK CLEARING-HOUSE.

Mr. WARNER. I rise to a privileged question. On the 14th of January last the House adopted a resolution calling on the Secretary of the Treasury for information touching the connection of the United States Treasury with the New York clearing-house. I wish to inquire whether any response to that resolution has been received?

The SPEAKER. There has been, the Chair has been informed, no responses made to that resolution.

Mr. WARNER. I have to ask further what course is usually taken in such a case?

The SPEAKER. The remedy is with the House, not with the Chair. Mr. WARNER. I give notice, then, that on an early day I will call the resolution up again.

The SPEAKER. The gentleman cannot call the resolution up again. It has probably gone to the Department. The gentleman might introduce a new resolution directing the attention of the Secretary of the Treasury to the former one. The failure to respond to it may be an oversight.

MONROE DOCTRINE.

Mr. WARNER, by unanimous consent, introduced a joint resolution (H. R. No. 226) reaffirming the Monroe doctrine; which was read a first and second time.

Mr. WARNER. I ask that the joint resolution be referred to the Committee on Foreign Affairs, and also that it be printed in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the joint resolution be printed in the RECORD. The Chair hears no objection.

Mr. HASKELL. Is the resolution offered for reference?

The SPEAKER. It is.

Mr. FRYE. May I ask to what committee it is proposed to refer this joint resolution?

The SPEAKER. To the Committee on Foreign Affairs.

Mr. FRYE. That subject is under consideration by the select committee on an interoceanic ship-canal.

The SPEAKER. The subject of the interoceanic canal has been referred to a select committee; but the subject of this joint resolution, aside from its connection with the canal question, properly goes to the Committee on Foreign Affairs.

Mr. HASKELL. As an abstract proposition that is true, and under ordinary circumstances this joint resolution would properly be referred to the Committee on Foreign Affairs. Under an order of this House, however, all matters which may arise in connection with the subject of an interoceanic ship-canal have been referred to a select committee on that subject, and that committee has entered upon an elaborate investigation of the question.

Mr. WARNER. I have no objection to its reference to that committee.

The SPEAKER. Then the joint resolution will be printed, referred to the Select Committee on the Interoceanic Ship-Canal, and also printed in the RECORD.

The joint resolution is as follows:

A joint resolution reaffirming the Monroe doctrine.

Whereas in his seventh annual message to Congress President Monroe asserted that "We owe it to candor and to the amicable relations existing between the United States and those [European] powers, to declare that we shall consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety;" and

Whereas the doctrine then announced has been accepted by the American people and has become a cardinal principle in our national policy; and

Whereas it is now proposed to construct, under guarantees to be given by foreign governments, a canal across the Isthmus of Darien: Therefore,

Be it resolved, &c., That the doctrine announced to the world more than half a century ago by President Monroe, and known as the Monroe doctrine, be, and the same is hereby, reasserted. And in accord therewith, in behalf of the people of the United States, we affirm that the control of any interoceanic canal across the Isthmus of Darien, while open to use by all nations equally, must, in the interest of ourselves and the world, be kept under the special protection of the United States.

Resolved, That the United States, sensible of the importance to the trade of the world of opening a water passage-way between the two oceans, will cordially promote, by such means as may be deemed proper and judicious, such an undertaking.

INTERSTATE COMMERCE.

Mr. REAGAN. I am instructed by the Committee on Commerce to ask permission at this time to report to the House three bills; one which has been adopted by the Committee on Commerce, one introduced by myself and referred to that committee, and one prepared by another member of the committee. The two bills prepared by individual members are to be offered as a substitute for the bill adopted by the Committee on Commerce. I ask that the three bills be printed, and that a day be set for their consideration.

There being no objection, the following bills were received, read a first and second time, and ordered to be printed:

A bill (H. R. No. 4748) to establish a board of commissioners of interstate commerce, and for other purposes;

A substitute entitled "A bill to regulate interstate commerce, and to prohibit unjust discriminations by common carriers;" prepared by Mr. REAGAN; and

A substitute with the title "A bill to amend an act entitled 'An act to facilitate commercial, postal, and military communications among the several States,' approved June 15, 1866, and for other purposes;" prepared by Mr. McLANE.

Mr. REAGAN. I am directed by the Committee on Commerce to ask unanimous consent that a day be set for the consideration of these bills, not to interfere with appropriation bills and other privileged bills. I will indicate the second Wednesday in March, after the morning hour, and from day to day until disposed of.

Mr. O'NEILL. I would like to inquire of the chairman of the Committee on Commerce [Mr. REAGAN] if the gentleman from Illinois [Mr. HENDERSON] is satisfied with that early day. I think it is very early.

Mr. REAGAN. I have indicated that day because there are other

matters which are likely to come up before that time, and these bills will not be reached until those other matters are disposed of.

Mr. O'NEILL. Then I would suggest to the gentleman to fix a day two weeks from that time, for this is a very important subject, upon which members desire to prepare themselves before the House is called upon to consider it.

Mr. REAGAN. I have had in view what the gentleman suggests, but there are appropriation bills and other bills which have been fixed as special orders.

Mr. HOSTETLER. I must object; there are now several special orders.

Mr. REAGAN. It will not interfere with them.

Mr. HOSTETLER. If this is to interfere with the existing special orders—

The SPEAKER. It will be made a special order to come up in its chronological order.

Mr. O'NEILL. I will suggest the fourth Wednesday in March.

Mr. REAGAN. I will accept the suggestion.

The SPEAKER. The proposition of the gentleman from Texas [Mr. REAGAN] is that these bills be made a special order for the fourth Wednesday in March after the morning hour, not to interfere with appropriation bills—

Mr. FERNANDO WOOD. The funding bill has been made a special order.

The SPEAKER. It will not interfere with that; the funding bill is a prior special order.

Mr. FERNANDO WOOD. I think the Chair has sometimes ruled that a subsequent special order, if a continuing order, would take precedence of other orders.

The SPEAKER. The Chair has always ruled that special orders come up in their chronological order. Of course the question of consideration can always be raised against a special order, and that question is within the power of the majority of the House.

Mr. FERNANDO WOOD. I must object unless the funding bill is excepted.

Mr. WHITTHORNE. Will the adoption of the new rules do away with the existing orders of the House?

The SPEAKER. That is a question which the House must determine, after the new rules are adopted, should they be adopted.

Mr. KENNA. Will the Chair state in reference to the special orders which have been fixed for different days?

The SPEAKER. The Chair thinks that the special orders will come up in the order of the dates for which they are fixed by the House; that is but equitable and right. Should the House not desire to consider a special order when the date fixed for it is reached, the remedy is with the majority. Any member can raise the question of consideration, and the majority can then determine whether the House will proceed to consider that special order or not.

Mr. FERNANDO WOOD. I desire to inquire of the Chair whether a special order, such as the gentleman from Texas now desires to have made, would come up notwithstanding a previous continuing order which would probably be continued until that particular time? In other words, would a prior continuing order take precedence of the special order now proposed to be made?

The SPEAKER. As the Chair understands they would both be continuing orders.

Mr. FERNANDO WOOD. Then, sir, I shall object.

Mr. REAGAN. If the gentleman from New York will listen to me a moment he will see that there can be no difficulty about this matter. As I understand, a bill which has already been made a special order to continue from day to day would certainly, without further action of the House, have precedence of a bill now set for a subsequent day by a subsequent order.

Mr. FERNANDO WOOD. If I understand that the gentleman from Texas will not press his bill provided the funding bill is in order on that day, then I withdraw my objection.

Mr. REAGAN. Certainly.

The SPEAKER. The Chair is advised that all the special orders have the provision that they shall continue from day to day until disposed of, and they would come up in the order of the date of their assignment. When a special order is reached it is within the province of the House to make such disposition of the measure as it may please. The Chair hears no further objection to the proposition of the gentleman from Texas.

Mr. HENDERSON. In connection with this subject I wish to say that I think there ought to be a larger number of these bills printed than usual.

The SPEAKER. If there be no objection, it will be ordered that twice the usual number be printed. The Chair hears no objection.

Mr. HOSTETLER. Before the arrangement suggested by the gentleman from Texas is made I desire to understand what it is.

The SPEAKER. The Chair has just stated that special orders which have the characteristic of continuing from day to day will come up in the order in which the assignments for consideration are made. The Chair supposes the gentleman from Indiana [Mr. HOSTETLER] desires to inquire as to the effect of this order with reference to a bill in which he is interested—a very proper and natural inquiry for him to make. The Chair, therefore, states that so far as he is advised the bill in which the gentleman from Indiana is interested is the first special order, and will naturally have the first place.

There being no further objection the order requested by the gentleman from Texas will be made.

Mr. REAGAN. I omitted to ask that this bill be considered in the House as in Committee of the Whole. It appropriates no money.

The SPEAKER. Then it is not subject to a point of order?

Mr. REAGAN. No, sir.

The SPEAKER. The gentleman from Texas further asks unanimously consent that the bill reported from his committee, with the two substitutes to be offered by members of the committee, shall be considered in the House as in Committee of the Whole. The Chair hears no objection, and the order is made accordingly.

MARKET AND SCHOOL IN DISTRICT OF COLUMBIA.

Mr. HOUSE, by unanimous consent, (and by request,) introduced a bill (H. R. No. 4749) to authorize the commissioners of the District of Columbia to dispose of the ground in square 446, in the city of Washington, belonging to said District, for market and school purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ICE HARBORS, CHESTER AND MARCUS HOOK, PENNSYLVANIA.

Mr. WARD, by unanimous consent, introduced a bill (H. R. No. 4750) making an appropriation for enlarging the ice harbor at Marcus Hook, on the Delaware River, in the State of Pennsylvania; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. WARD also, by unanimous consent, submitted the following resolution; which was referred to the Committee on Commerce:

Resolved by the House of Representatives of the Congress of the United States, That the Secretary of War be, and he is hereby, requested, if in his opinion not incompatible with the public service, to transmit to this House the report last received from the United States Corps of Engineers relative to ice harbors at Chester and Marcus Hook, on the river Delaware, in the State of Pennsylvania.

INVESTIGATION OF PENSION BUREAU.

Mr. GEDDES. The select committee appointed to investigate matters connected with the Pension Bureau have directed me to ask from the House authority to have printed for their use evidence taken by them and documents laid before them in connection with the investigation whenever the committee may deem such printing necessary.

There being no objection, the order requested by Mr. GEDDES was made.

PORTSMOUTH, OHIO, A PORT OF DELIVERY.

Mr. TOWNSEND, of Ohio. The Committee on Commerce have unanimously instructed me to report with an amendment the bill (H. R. No. 559) to constitute the city of Portsmouth, in the State of Ohio, a port of delivery. A bill similar to this was passed in the Forty-fifth Congress, but was not reached in the Senate. I ask unanimous consent to report this bill for present consideration.

Mr. BLOUNT. Will the bill be debated?

Mr. TOWNSEND, of Ohio. No, sir.

There being no objection, the House proceeded to the consideration of the bill; which was read, as follows:

Be it enacted, etc., That the city of Portsmouth, in the State of Ohio, shall be, and is hereby, constituted a port of delivery within the collection district of New Orleans, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and all the privileges and facilities afforded by the act of Congress of the 2d of March, A. D. 1831, entitled "An act allowing the duties on foreign merchandise imported into Pittsburgh, Wheeling, Cincinnati, Louisville, Saint Louis, Nashville, and Natchez to be secured and paid at those places," shall be extended to said port. A surveyor of customs shall be appointed to reside at said port and perform the duties prescribed by law, who shall receive such compensation now provided, or which may hereafter be provided, by law for surveyors of the same grade.

The amendment was read as follows:

At the end of the bill insert the following:

Provided, That the salary of the collector shall not exceed the net fees collected according to law at said port.

Mr. TOWNSEND, of Ohio. I demand the previous question on the passage of the bill and the amendment.

Mr. DUNNELL. Has the Secretary of the Treasury recommended the establishment of this port?

Mr. TOWNSEND, of Ohio. He has.

Mr. DUNNELL. I should like to have that letter read.

Mr. TOWNSEND, of Illinois. Were points of order reserved?

The SPEAKER. Unanimous consent was asked for its consideration.

Mr. TOWNSEND, of Illinois. Then it is still subject to points of order.

The SPEAKER. Of course; a gentleman could not know what the subject-matter was in reference to which unanimous consent was asked until the bill and amendment had been read. Does the gentleman make the point of order?

Mr. TOWNSEND, of Illinois. I make the point of order on the bill that it should have its first consideration in the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair sustains the point of order.

Mr. TOWNSEND, of Ohio. I withdraw the report.

SALE OF PROPERTY IN NEW YORK.

Mr. GIBSON. I ask by unanimous consent to report from the Committee of Ways and Means a substitute for House bill No. 2263, to authorize the sale of certain property in the city of New York.

The bill, which was read, authorizes and directs the Secretary of

the Treasury and the Postmaster-General to sell, on such terms as they may deem best, at public auction, on or before the 1st of June, 1880, in the city of New York, the land and premises formerly occupied as the site of the post-office in the city of New York, lying on Nassau street, between Cedar and Liberty streets, in the city of New York; provided, however, that they shall not sell the same for a less sum than \$300,000, and that out of the proceeds of said sale they shall reimburse to the Chamber of Commerce in the city of New York the sum of \$50,000, which its members, and others at their solicitation, contributed toward the purchase for the purpose of retaining the post-office in Nassau street.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TOWNSHEND, of Illinois. Mr. Speaker, I cannot consistently permit this bill to pass without objection, having objected to the one reported by the gentleman from Ohio, [Mr. TOWNSEND.] If I do not object to this I certainly must withdraw my objection to the other bill.

The SPEAKER. The Chair has nothing to do with that.

Mr. TOWNSHEND, of Illinois. As no one seems to care about these matters I will only object to this in case it is not withdrawn and the bill of the gentleman from Ohio [Mr. TOWNSEND] first permitted to pass.

Mr. GIBSON. This has been considered for the last two years by the Committee of Ways and Means.

Mr. TOWNSHEND, of Illinois. I have only said that I could not, without being invidious, withhold the point of order on this bill, having made it to the one previously offered by the gentleman from Ohio, [Mr. TOWNSEND.]

ORDER OF BUSINESS.

Mr. DIBRELL. I demand the regular order of business.

The SPEAKER. The regular order of business is the morning hour.

Mr. BLOUNT. I ask the gentleman to withdraw his demand for the regular order of business.

Mr. DIBRELL. I withdraw it at the gentleman's request.

Mr. CABELL. I demand the regular order of business, and insist on it.

The SPEAKER. The regular order of business is the morning hour.

Mr. BLOUNT. I move to dispense with the morning hour for the purpose of going into the Committee of the Whole to consider the star-route deficiency bill.

The SPEAKER. The motion to dispense with the morning hour requires a two-thirds vote.

The House divided; and there were—ayes 123, noes 8.

So (two-thirds having voted in the affirmative) the morning hour was dispensed with.

STAR-ROUTE DEFICIENCY BILL.

Mr. BLOUNT. I move the House resolve itself into the Committee of the Whole on the state of the Union, and, pending that, I move all general debate be limited to two hours. [Cries of "No!"] Then I will say one hour, as some gentlemen seem to complain two hours is too much and that one hour is sufficient.

Mr. PAGE. Let me appeal to the gentleman not to cut off debate to one hour. There have been three or four speeches already by the committee and only one in opposition to the bill.

Mr. BLOUNT. In order that gentlemen may not complain, I will say two hours.

Mr. MILLS. Is that all to be given to the side of the Committee on Appropriations?

Mr. BLOUNT. No, sir.

Mr. MILLS. You had it all yesterday.

The question recurred on the motion to close general debate in committee in two hours.

The House divided; and there were—ayes 79, noes 64.

Mr. VALENTINE. No quorum has voted.

The SPEAKER. The Chair orders tellers, and appoints Mr. VALENTINE and Mr. BLOUNT.

The House again divided; and the tellers reported—ayes 95, noes 68. So the motion was agreed to.

Mr. BLOUNT moved to reconsider the vote by which general debate in committee was limited to two hours; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXCHANGE OF POSITIONS ON COMMITTEES.

The SPEAKER. At the request of Mr. RUSSELL, of North Carolina, and Mr. COWGILL, the latter is transferred from the Committee on Public Expenditures to the Committee on War Claims, and the former from the Committee on War Claims to the Committee on Public Expenditures.

INTERNAL REVENUE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting the draught of a bill to amend section 20 of the act approved March 1, 1879, entitled "An act to amend the laws relating to internal revenue, and for other purposes," which was referred to the Committee of Ways and Means.

MAIL SERVICE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Postmaster-General, transmitting a list of all offers

received for carrying the mails; report of all land or water mails established or ordered during the year ending June 30, 1879; a report of all allowances made to contractors during the fiscal year ending June 30, 1879, and a report of curtailment in the mail service and pay of contractors during the fiscal year ending June 30, 1879; which was referred to the Committee on Expenditures in the Post-Office Department.

MAIL TRANSPORTATION ON STAR ROUTES.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. SCALES in the chair, and proceeded to the consideration of the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880.

Mr. PAGE. Mr. Chairman—

Mr. SPRINGER. Before the gentleman proceeds I desire to know how the time allowed for this debate is to be divided?

Mr. PAGE. I am to have one hour.

Mr. SPRINGER. In opposition to the bill? I would like to ask the gentleman whether it is his purpose to oppose the bill for the reason that the amount appropriated is too little, or whether he opposes it entirely?

Mr. PAGE. I will give the gentleman all necessary information as I proceed.

Mr. SPRINGER. I only ask this for the reason that there are some gentlemen who are opposed to the bill generally and I want them to have an opportunity to be heard as well as those who oppose it simply because it does not supply the whole deficiency.

The CHAIRMAN. It would seem that a fair way would be to divide this time equally.

Mr. SPRINGER. Yes, because there are gentlemen opposing the bill because it does not appropriate enough to meet the whole wants of the Department, and some oppose it because they do not want to supply any of the deficiency existing at all.

The CHAIRMAN. The Chair will state that this is a matter that must be determined among the members of the committee themselves. The Chair has no control over the matter.

Mr. PAGE. Mr. Chairman, during my seven years of service in this House I have seldom troubled the House with any remarks upon any subject. I have generally preferred to listen to others than to speak myself; but the provisions of this bill, in my judgment, are so dangerous to the interests of the people of that portion of the country which I in part represent that I feel impelled as a matter of duty to myself as well as to my constituents and to the people of the western country to raise my voice in opposition to the bill proposed by the Committee on Appropriations.

This bill seeks to strike down one hundred and seven—I believe that is the number—of the principal star mail-routes in the West. It embraces, I believe, seven States and eight Territories. It embraces the States of Texas, California, Oregon, Nevada, Louisiana, Colorado, Nebraska, and Kansas, and the eight Territories of the United States. The bill, in my judgment, is subject to the point of order from the fact that it is new legislation, but I do not propose to make that point of order at the present time, though I shall do so when the bill is read and being considered by sections.

This bill, as I have already stated, strikes down absolutely one hundred and seven of the principal star routes through the Territories and a portion of the States, principally in the West. These one hundred and seven routes proposed to be stricken down by this bill include the great trunk routes of the postal service in those parts of the United States. While it provides that these great routes shall be stricken down and the service curtailed on them, it makes no provision for a similar reduction in reference to the short or side lines which supply and are supplied by these great trunk lines. For instance, it provides that on all of the long routes the service shall be reduced to once a week, for that was the original contract, while on the side routes, which, as I have stated, are supplied from these long routes, no reduction is made. They are to remain as they are, with service on them six times a week, and as a natural result they will have no mail to carry but that once a week. I listened attentively yesterday for some reason to be given by members of the Committee on Appropriations why this should be done, and I failed to hear one single reason why the whole service of the country should thus be disturbed. When Congress met in December last, the Post-Office Department notified us that there would be a deficiency of \$1,700,000 in the star service, and asked Congress for an appropriation of \$2,000,000 to meet this deficiency to enable this service to be continued in its present condition, as well as to provide for the necessary increase asked for up to the end of the fiscal year.

Mr. BLOUNT. Will the gentleman allow me to interrupt him a moment?

Mr. PAGE. Not to be taken out of my time.

Mr. BLOUNT. I hope not. I ask unanimous consent, as this is my bill, that it shall not come out of the time of the gentleman from California.

Mr. PAGE. I cannot yield but a moment.

Mr. BLOUNT. The gentleman misunderstands me. It is only in fairness to him I propose it.

The CHAIRMAN. The House having limited the time of general debate, the committee has no control over it even by unanimous consent.

Mr. PAGE. The gentleman from Kentucky offered a resolution to investigate the administration of the Post-Office Department, so far as it related to the star service of the country; and the committee have had an opportunity to investigate for the last three months. Yet the gentleman from Georgia, [Mr. BLOUNT,] the gentleman from Illinois, [Mr. CANNON,] and the gentleman from Connecticut [Mr. HAWLEY] made no statement on the floor of this House on yesterday during the discussion of this bill that led any member of this House to believe that there had been any fraud committed in the putting on of this extra service. If they thought there had been they should have so stated. For three months they have had an opportunity to bring in a report to this House and to point to any particular route on which the schedule has been expedited or the service increased through fraud.

Mr. CANNON, of Illinois. Will the gentleman yield?

Mr. PAGE. Yes, sir.

Mr. CANNON, of Illinois. I did not claim yesterday—and I expressly so stated in reply to the gentleman from Kansas—that there had been fraud. I charge fraud against no one. The gentleman therefore need not reach his point by implication.

Mr. PAGE. That is just what I stated. The gentleman has only repeated what I said. He did not charge fraud against any one. Consequently the gentleman admits that this service has been increased and the schedule time expedited in a legitimate manner under existing law. Is that what I understand the gentleman to say?

Mr. CANNON, of Illinois. Does the gentleman yield?

Mr. PAGE. No sir; I have not time, for I have only an hour. But the gentleman from Illinois did appeal to the members of this House on yesterday, saying, this only affects one route in Kansas. He turned to the Kansas delegation and said, "It only affects one route in your State." He turned to the Texas delegation and said, "It only affects three routes in your State." He turned to the Louisiana delegation and said, "It only affects one or two routes in your State." And he appealed to the gentleman from Nebraska not to oppose this bill as it only affected one route in his State. And the States of Colorado, California, Oregon, Nevada, and the eight Territories of the United States are left alone to suffer, or to fight it out on the floor of this House as best they can.

That is an appeal, Mr. Chairman, which it seems to me comes with a bad grace from a member of the Appropriations Committee of this House. The Territories of the United States have the same rights to be considered on this floor by the members of that committee, and the great States of the West have the same rights before this House, as the constituency of the gentleman from Illinois. We are not legislating for California or Colorado or the other Pacific States and Territories; we are legislating for the American people, and endeavoring to give them a mail service such as is required, such as they have been having for the past twelve or eighteen months. This bill proposes to strike it down.

The gentleman from Illinois [Mr. CANNON] says that this is an expensive service. Why, Mr. Chairman, this star service costs one-half per mile to-day than it did fifteen or twenty years ago. In 1860 the star service in this country west of the Mississippi River cost \$107 per mile, with a schedule of two and one-half miles to the hour. The star service of to-day, with a schedule expedited, ranging from four and one-half to six miles per hour, costs only \$54 per mile.

Mr. HUMPHREY. Will the gentleman yield to me to permit me to say a word?

Mr. PAGE. My time is limited and I must decline to be interrupted. Our friends in the East, more fortunate than ourselves, live in States that are a perfect network of railroads, where the mails pass and repass their doors two to four times a day, and they have three to five mails delivered a day. The railroad service of the country, composed of 1,171 routes and extending over a distance of 101,240 miles, costs the Government of the United States \$17,178,100. The star service, composed of 9,225 routes, extending over 215,480 miles of service, costs the Government of the United States, if these two millions be added, \$7,900,000. And yet the gentleman from Georgia [Mr. BLOUNT] says he is opposed to the star service because it is extravagant. And he is opposed to the principle, and denounced it yesterday as vicious, of increasing the mail service of the country after the contracts had been made; and he wants to reduce all of them in our country down to their original condition.

Feeling a little curious, I called at the Post-Office Department to learn what was the condition of the star-route service in the different States; and I happened by accident—I believe it was accident—to stumble upon the sixth Georgia district; and I find that during the present contract term the service has been increased in the sixth Georgia district on nineteen different routes. I have a list of them here in my hand, and none of those routes will be affected by the bill as reported by the gentleman from Georgia on yesterday. Nineteen different routes have been increased there under the present contract system.

Mr. BLOUNT. But they are not up to your State by a great deal, even with the star service stricken down.

Mr. PAGE. I do not believe there are two routes upon which the service has been increased in my district, and my district will not be affected by this bill if it goes into operation. But let me say to the gentleman, if it be wrong to ask for increased service for the people of the West, if it be wrong for them to come before the Post-

Office Department and ask that the mail service of the country be increased, how much more wrong is it for the gentleman from Georgia to have the service increased upon nineteen routes in one congressional district, and then to come in here and ask to have fourteen routes stricken down in the great State of California, sixteen in Colorado, and the balance of the one hundred and seven in other parts of the West?

Mr. BLOUNT. What do they cost?

Mr. PAGE. Will you deprive the people of this country of mail facilities because they will cost something?

Mr. BLOUNT. What do the nineteen routes cost that you refer to?

Mr. PAGE. I do not know. I will say to the gentleman from Georgia [Mr. BLOUNT] that the routes which he proposes by the provisions of this bill to strike down require four and six horse stage coaches to carry the mails, while upon the routes in the sixth congressional district of the State of Georgia, where the service has been increased—well, I ask the Clerk to read some extracts which I have marked in the Atlanta Constitution, and in that paper will be found some illustrations also showing the manner in which the mails have been carried in the district of my friend, on the routes which have had increased service.

Mr. BLOUNT. What is the date of that paper?

Mr. PAGE. January 25, 1880.

The Clerk read as follows:

The glory of the Government is the Monticello mail combination. I say combination, for it is composed of three parts, each dependent on the other and all necessary. First, there is Bosphorus, the mule, who has been in the business for years and knows the route better than any living man. Bosphorus is a curiosity; he is estimated to be thirty odd years of age, and his skin when he trots looks like a blanket spread over a man having a fit. But Bos, has genius. It is said that frequently last year when the carrier, who had then grown somewhat old and thick-headed, would fix his eye on Orion or Mars and pull the old mule around toward where he thought Monticello lay, slackened the reins, Bos, relying only on memory, would return to the proper road and jog along quietly home. Latterly it has been necessary to shove him out of Monticello, to land him safe in Macon, or vice versa.

The second and next important part of the combination is the conveyance, an antique two-wheel sulky that wobbles along with the mail-bag slung upon the axle. The sulky has a heartless and discouraged appearance and carcens frightfully. A friend of the carrier lately made a calculation to show that for every mile it traveled straight ahead the occupant traveled two sideways, and now they have framed a petition to increase his pay on the ground that his route has been trebled in length.

The third portion of the combination is the driver. It is a matter of surprise to some that the Government did not issue the commission to the mule, furnish him with a calendar and a list of legal holidays, and do away with the driver. I have been reliably informed, however, that a driver is absolutely indispensable. In the first place, the mule needs company. Just think of making a beast travel eighty miles a week with nobody to commune with—nobody to share his hopes and fears! Even a great and powerful Government would not thus impose upon a helpless beast. And then the mule needs a driver, and he needs assistance. There are hills along the route where the driver has to alight, shoulder the United States mail, and sulky cushion, and, having scraped the mud from the wheels, shove Bosphorus, sulky and all, over the crest. His assistance is also necessary on the down grade, for Bosphorus has but one way of going down hill; it is always a race for life, when that sulky begins to crowd him, and were not the driver aboard to throw out his block of wood and rope attached as a sort of drag anchor, the United States mail would run off with Bosphorus a dozen times a day. I trust, therefore, that the driver will not be dispensed with. There is such a thing as running even political economy in the ground.

[The reading of the above was frequently interrupted by laughter.]

Mr. PAGE. Of course, Mr. Chairman, I did not send that up to be read in order to cast any reflection on my friend from Georgia, for I have a very high regard for him personally.

Mr. BLOUNT. I do not take the slightest offense; no apology is needed.

Mr. PAGE. Of the nineteen routes on which mail service has been increased in the sixth district of Georgia six routes run into Monticello. The receipts of the post-office at Monticello amount to \$240 a year. I have here a map of Monticello, showing the routes upon which increased service has been put in the sixth congressional district of Georgia.

Now, I have no complaint to make of that. I want my friend from Georgia to have this increased service on these nineteen routes. But I want him to allow the people of the great West, the pioneers, the men who traveled thousands of miles across the continent to build up an empire, to have their mail facilities without molestation from the Committee on Appropriations of this House. [Applause.] If there has been any wrong committed, if any of this service has been expedited or increased not in accordance with law—

Mr. BLOUNT. Does the gentleman mean to say that the mail service has been increased on the nineteen routes in Georgia to which he refers?

Mr. PAGE. I do.

Mr. BLOUNT. Within the last two years?

Mr. PAGE. Yes.

Mr. BLOUNT. The service has not been increased on nineteen routes there on my recommendation.

Mr. PAGE. Now, I ask this House to stand by the people of the West and not break down this great service for a mere saving of a hundred or two hundred thousand dollars a year, for I am informed that that is all it will save. I ask the members of this House not to ruin the mail service on these one hundred and seven great routes when it will not cost \$200,000 more to make the appropriation to carry on the service as now perfected than it will to pay the extra month's compensation for which the Government will receive nothing.

Mr. CANNON, of Illinois. Will the gentleman yield for a question?
Mr. PAGE. I will.

Mr. CANNON, of Illinois. I ask the gentleman where he gets that information?

Mr. PAGE. I got it from the Post-Office Department.

Mr. CANNON, of Illinois. From the Second Assistant Postmaster-General?

Mr. PAGE. I got it from the Post-Office Department this morning, from the Second Assistant Postmaster-General. Here are his figures in his own handwriting.

Mr. CANNON, of Illinois. Well, I have here his statement under oath showing that it will cost over a million.

Mr. PAGE. Let me read, and then there will not be so much discrepancy as the gentleman seems to think. On the one hundred and seven routes, which are the routes affected by this five-thousand-dollar limitation, the increased service amounts to \$2,178,970. The contract price on those routes originally was \$958,184; showing an increase of \$1,219,786. One-fourth of that, for three months' service, is \$302,446. Take one-third of that, which will be the amount of one month's extra pay, and it will be \$101,648. Take that one month's extra pay from the cost of the service for one quarter of the year and it will leave \$200,798. Now from that amount deduct the \$100,000 which is provided for in this bill for increased service, and there will be left \$100,798; which will represent the net saving under this bill.

Mr. CANNON, of Illinois. Now then—

Mr. PAGE. I do not desire to be interrupted. The gentlemen on that side had three hours yesterday to discuss this bill and I cannot yield further.

Mr. CANNON, of Illinois. All right; the gentleman makes a misstatement and then will not yield for a correction.

Mr. PAGE. I do not make any misstatements.

Mr. CANNON, of Illinois. I have here the statement of the Second Assistant Postmaster-General.

Mr. PAGE. And I have read you from the figures which were made this morning by the Second Assistant Postmaster-General, Mr. Brady.

Mr. CANNON, of Illinois. Does the Second Assistant Postmaster-General say—

The CHAIRMAN. Does the gentleman from California yield?

Mr. PAGE. I do not. The gentleman means one thing and I mean another; either he does not understand me, or else he does not understand the provisions of his own bill.

Now, it was asserted yesterday by the gentleman from Connecticut [Mr. HAWLEY] that this is an expensive and extravagant service, and therefore ought to be cut down; and the Post-Office Department came in for a goodly share of his condemnation. Why, Mr. Chairman, I find by the books of the Post-Office Department that the Government supports an extra mail from New York to New Haven—the city I believe where the gentleman resides—at an expense of \$25,000 for extra compensation in order that the people of New Haven may have the New York daily papers promptly every morning. Yet the gentleman from Connecticut is indignant when a bill is proposed which extends or perpetuates the service in the great West. He said yesterday (and I am sorry I do not see him now in his seat) that the Postmaster-General should have notified Congress at the extra session that there was to be a deficiency, or that there was a deficiency. Why, sir, does he not know—

Mr. WAIT. The gentleman will allow me to correct a statement he just made. My colleague [Mr. HAWLEY] does not reside in New Haven, but in Hartford.

Mr. HUMPHREY. Well, he lives in Connecticut at any rate.

Mr. PAGE. Mr. Chairman, the gentleman from Connecticut said yesterday that it was the duty of the Postmaster-General to have informed this House at the extra session that there was about to be a deficiency. He said that Congress was in session fifteen weeks, but no information came from that Department. Does he not know that the extra session of Congress adjourned on the 1st day of July, the very day on which the fiscal year began, and of course the Department could not then have anticipated this deficiency?

Mr. BLOUNT. The annual expense of the service as it then stood was \$500,000 more than the amount appropriated for the next year.

Mr. PAGE. The gentleman from Connecticut said that the Postmaster-General ought to be impeached because he had violated the law.

Mr. HAWLEY. I did not say that.

Mr. PAGE. The gentleman said almost the same thing.

Mr. HAWLEY. A very different thing.

Mr. PAGE. I do not pretend to give the gentleman's exact language, because I have not seen the RECORD this morning. But the gentleman certainly said that this expenditure is in clear violation of law. What law? I will yield to the gentleman that he may tell me what sections of the Revised Statutes have been violated in this matter. I read from section 3679 of those statutes:

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

It is thus provided by law that no officer of this Government, no head of a Department, shall expend in any fiscal year a sum not already provided for by law. The Postmaster-General has not expended in excess of the appropriations made by law. He told you

last December that he would not exceed the appropriations. He laid the matter before you and you have had three months in which to remedy the evil—to change the law if you desired to do so. But you have done nothing. You have investigated but never reported. Yet you say that there has been a violation of law. He has notified you that the reason there must be a reduction of this service is in order that there may be no violation of law—that no money shall be expended in excess of the appropriation. But the gentleman asks why the Postmaster-General did not notify this House. I call the gentleman's attention to a portion of the report submitted by the Postmaster-General when Congress convened last December. In referring to the star service, he says:

The operation of the present laws regulating the increase of compensation for increased speed and increased frequency of service upon star routes results in great loss to the Government. These laws (sections 3960 and 3961 of the Revised Statutes) have been in force for many years, and are the source of nearly all the deficiencies in the appropriations for star service which have ever been created. They are as follows:

"SEC. 3960. Compensation for additional service in carrying the mail shall not be in excess of the exact proportion which the original compensation bears to the original service; and when any such additional service is ordered, the sum to be allowed therefor shall be expressed in the order, and entered upon the books of the Department; and no compensation shall be paid for any additional regular service rendered before the issuing of such order.

"SEC. 3961. No extra allowance shall be made for any increase of expedition in carrying the mail unless thereby the employment of additional stock and carriers is made necessary, and in such case the additional compensation shall bear no greater proportion to the additional stock and carriers necessarily employed than the compensation in the original contract bears to the stock and carriers necessarily employed in its execution."

It frequently happens, especially in the mining regions of the West, that, at the time of advertising, service is not required upon new routes more frequently than once or twice a week; but after the contracts have been made and service begun, population increases along the line, and an increase of speed and more frequent service become necessary. Under such circumstances it is clear that the rate that was reasonable for service once or twice a week, through a sparsely settled region, becomes exorbitant when multiplied by three or six to cover daily service. I would therefore recommend that section 3960 be so amended as to permit the Postmaster-General to advertise for new proposals for the increased service, the contract to be awarded to the lowest responsible bidder, as usual. Section 3961 should be so amended that when the cost of increased speed would amount to more than 50 per cent. of the cost of the original service the Postmaster-General should readvertise for service at the increased speed.

Thus it will be seen that the Postmaster-General three months ago submitted his report calling attention to this very defect in the law of which the gentleman complains. Has any bill been presented or advocated by any member of the Committee on Appropriations or by any gentleman on this floor to change the existing law so as to take this matter away from the discretion of the Postmaster-General? Not at all. He is the only proper officer to exercise this discretion, and gentlemen of the committee know it full well. When this House attempts to legislate as to the particular routes on which certain service shall be performed it goes beyond what I conceive to be the duty of legislators. It undertakes to take away a necessary and proper discretion from the administrative department of this Government, from officers who are supposed to have all the facts before them and who can decide whether service is required upon those routes or not.

I say to gentlemen of the Appropriations Committee that they cannot find a single route on which the service has been expedited or increased except upon the advice of Senators and members of Congress; and if there has been fraud committed they are accessory before the fact. I repeat—for I want to enforce the fact on the House—that there is not a mail-route which this bill proposes to strike down on which the service was not increased or expedited upon the recommendation in person or by letter of honorable Senators and members of Congress.

And I myself have frequently recommended it, and I intend to do it again. To-day I have at least fifty letters awaiting the action of this House, asking for increase of mail facilities throughout different portions of the country, particularly California and in the district represented by my honorable colleague [Mr. BERRY] across the way.

Mr. Chairman, the people of California and Nevada during the war kept up at their own expense almost exclusively a service known as the pony express, which ran from some point on the Missouri River to Placerville and Sacramento in California. The price they paid for every letter of a half ounce weight was \$5, and when the news of an important battle was carried to California it was carried by means of the pony express at an expense to these people whom we now propose to deprive of all mail service. Fourteen routes in my own State are to be ruthlessly cut down, and people who were patriotic enough to contribute of their means to support the pony express for months and years which carried the news from the Potomac to far distant California and Nevada, are to be punished as it were by withholding from them the mail facilities which they have heretofore enjoyed. Yet I say this committee thinks the people do not appreciate mail service in the West, although there must be extra trains at the expense of \$25,000 to bring the morning papers to my friend from Connecticut, who wants to impeach the Post-Office Department bodily for having obeyed the laws.

Mr. HAWLEY. Has the gentleman any objection to my making a correction?

Mr. PAGE. Certainly not.

Mr. HAWLEY. Only a moment. In the first place, I never knew how much was given that railroad for any of these contracts; never had anything to do with them at all, in any way or shape, for getting

the New York Herald any earlier than they used to. And it is against my interest, because I publish a morning paper there. [Laughter.]

Mr. PAGE. They evidently did not want to read the gentleman's paper, and did want to read the New York papers. [Laughter.]

Mr. CONGER. The object of the increased mail facility was that the gentleman's paper might get to New York earlier. [Laughter.]

Mr. PAGE. I do remember that my distinguished friend from Illinois [Mr. CANNON] and my other distinguished friend from Connecticut [Mr. HAWLEY] were very loud at the extra session in declaiming against riders on appropriation bills. They said it was an outrage. And they staid here for three months to prevent on appropriation bills legislation which cut down and deprived the people in this country of that protection given to them by the election laws. They said it was an outrage; but when an attempt is made to cut off one hundred and seven mail-routes, and deprive men of seven States and eight Territories of mails they are entitled to under the laws, it is not an outrage, and my friend from Illinois and my friend from Connecticut say it must be done.

They say it is all right, and must be done on this bill. I say that any man who stood on the floor of this House on this side, and contended for a principle that protects an American citizen in the right to vote, that was intended to perpetuate a republican form of government; I say any man that stood by that principle cannot now refuse to stand by the people in the West when they say the striking down of their mail facilities is more injurious to them than depriving them of a few extra marshals at the election. And, sir, there is no more reason why you should do one than the other. Any republican on the floor of this House who votes with those gentlemen will stultify himself before his constituents and the people of the country. The right of the people to get their letters and papers once, or twice, or three times a week, as they have been getting them, is as precious to them and the principle involved is as sacred as the appointing of marshals at elections.

If I had been present at the extra session of this Congress I would have been with this side of the House, as I believe they were right; and they will be right now in standing by me to prevent obnoxious legislation being placed on this appropriation bill. For is not this legislation? The voices of the gentlemen from Illinois and Connecticut have been heard in this Hall not later than a week ago declaiming loudly against riders upon appropriation bills. They said it was wrong, and any party would be doing wrong which perpetuated a rule allowing legislation upon appropriation bills. But I find the republicans on that committee, some of them, coming in here advocating the very principle which one week ago they denounced. It is here provided that the Postmaster-General shall not expedite or increase service on a single postal route where the contract price might exceed \$5,000. It is an important change in existing law, fraught with more mischief to the people of the western country than any other legislation which can possibly be proposed during this session of Congress. If you were sincere when you protested against the principle contained in the present rules which permits legislation upon appropriation bills; if you were sincere when you protested for three months against the attempt of the majority of the House to deprive the country of that protection given to them by the laws; if you were, I say, sincere, then you will now cast your votes against the pending measure. I believe I can safely appeal to the members of this House, both on the democratic and republican sides, to defeat this bill.

I can say, however, if this thing has to be done let it be done by the party of the majority in this House. But I do not believe they can do it. I do not believe the majority party in this House wants to assume the responsibility of cutting off one hundred and seven mail routes in this country and depriving the people of the increased facilities which for the past twelve or eighteen months, as the case may be, they have enjoyed. I do not believe that side of the House will do it, and I think that I may consistently appeal to members on both sides of the House to stand by California and Oregon, and to stand by the Territories who have no vote here.

Why, it was stated yesterday as an argument by some of the gentlemen that some of these States had but little interest in this question, and they were asked not to vote against this bill because "you have only one route; let California and the Territories fight it out." Mr. Chairman, that is not legislation. That is not statesmanship. That is not what the American people want. They want all the people of all the States to enjoy equal benefits to be conferred by the Government. They do not want the mail facilities of the country curtailed. We do not want them curtailed. If any change is made, the feeling of the country and the interests of the people and the demands of business require its extension rather than its curtailment.

Let me say in conclusion that if any member of this committee will point out a single route which has been corruptly increased or expedited I will vote with him or with any member of that committee to cut off that service thus obtained, and vote as well to censure any person holding a public position in this country who has willfully violated the laws of the land. I now yield five minutes of my time to my colleague [Mr. BERRY] if he desires to use it.

Mr. BERRY. Mr. Chairman, I have nothing particular to offer upon this pending measure. I wish simply to point out that so far as California is concerned, and especially the third congressional

district, which I have the honor to represent, that if this bill passes, the mail facilities are virtually destroyed in that district. But, sir, I am in this condition, if there is no bill passed the mail facilities are also ruined. That is to say, they are ruined if the order that has been issued by the Post-Office Department is to go into effect. If that order is executed, nine-tenths of my people are without mail facilities except once a week.

Sir, the great line that connects the States of California and Oregon—the California and Oregon line terminating at Redding and the Oregon and California line which terminates at Roseburg in Oregon—upon this great route which connects the two States we now have a daily mail, and I am informed that not less than two thousand pounds of mail matter per day pass over that line, which service will be reduced to one trip a week if this order of the Department shall be carried into execution. Is this House ready to sever the connection between these two great States of the Pacific? Are we to be left on that coast without knowing what the other States and people are doing? And in addition to this let me say that I find out of the fourteen routes in California which will be affected by the passage of this bill or, further, by the failure of any appropriations being made if the order of the Post-Office Department should go into effect, that eight out of these fourteen routes are in my own congressional district; and when you take these eight lines, the important lines in my district, and reduce them from a daily to a weekly service, that people will feel they are virtually severed from the Government, because in those rural districts the people naturally feel it is to the postal arm of the Government they are most indebted. It is the arm of the Government that they appreciate most and upon which they are most dependent, and should that be stricken down, that service upon which they now rely, those people will feel that the Congress of the United States has done them and their affairs an irreparable injury.

Now, there has been much complaint made against the Post-Office Department. I am not prepared to accuse that Department of any wrong in this connection. I want to say further, before closing, that I have no accusation to make against the Post-Office Department. It may have been guilty of abuses in putting on improper service in some localities, or in paying exorbitant prices for service, but increasing the service from a weekly to a daily mail in my district was a necessity, and should have been done. As to the price paid by the Department, as has been stated here, it may have been exorbitant, but of that I am not prepared to judge. But do not deprive the people of the mail facilities which the Post-Office Department has already given them because this Department may have given to some favored contractor a large amount of money for a small quantity of work. Let the appropriation be made to supply all the needed facilities, and then investigate, and if the Department has been guilty of any wrong I am ready and the people of my district will sanction the most extreme measures being inflicted upon the violator of the law. All I ask is that you do not deprive the people of the facilities which they now enjoy.

[Here the hammer fell.]

Mr. PAGE. I now yield to the gentleman from Illinois, [Mr. HAWK.]

Mr. HAWK. Mr. Chairman, believing as I do that the provisions of this bill do not represent the sentiment of the people of this country upon this important question, I desire to offer a few thoughts briefly as I can that have presented themselves to my mind upon this subject. And in order that we may be made acquainted with the provisions of the law upon which the action of the Department is based, I quote the following sections of the Revised Statutes:

SEC. 3971. The Postmaster-General may enter into contracts for extending the line of posts to supply mails to post-offices not on any established route, and, as a compensation for carrying the mail under such contracts, may allow not exceeding two-thirds of the salary paid to the postmaster at such special offices.

SEC. 3965. The Postmaster-General shall provide for carrying the mail on all post-roads established by law, as often as he, having due regard to productiveness and other circumstances, may think proper.

It will be seen, Mr. Chairman, that these sections of the statute give the Postmaster-General the most untrammelled discretion in not only establishing service on routes where there have been no mails, but he shall provide for carrying the mails on all post-roads established by law as often as he may think advisable, having due regard to productiveness, &c.

These are certainly unlimited powers in their special directions, and it was evidently intended by the framers of the law to give this power into the hands of the Postmaster-General, in order that the rapid development of portions of the country might be met and supplied with this needed requirement, not to say absolute demand, of advancing civilization.

This discretionary power has been used, and that, too, under the pressure of various interests calling loudly upon the Department for recognition and consideration. It is useless now to consider this peculiar condition in which we find this important Department of our Government in any other than a business sense.

I have listened with great interest to the progress of this debate, and find no reason for supposing there has been any fraud practiced by the Department in wielding this great power. No gentleman in the progress of this discussion has had the temerity to charge bad faith upon the Department; and in the absence of such charge it appears there is one of three questions which we are called upon to decide.

First. Has this power been exercised improperly and without due regard to economy, having in view the interests of the body of the people as well as that of economic administration of the Department?

Second. Can the service be reduced upon these star routes, so called, without detriment to the people whose fortune it may be to be supplied by these lines?

Third. If such reduction can be made, how and where shall it be done?

It appears that the Department, acting upon the best information obtainable, and upon the urgent pressure of various parties in interest, including many Senators and Representatives in Congress, has been, is now, of the opinion that on these routes it has been absolutely necessary to exercise this power to what appears at first view to be an unwarranted extent.

It is submitted, however, that when population has increased to the extent it has in many cases in our Western Territories that the requirements are such as to make it exceedingly difficult to avoid this extraordinary addition to the service. It is almost utterly impossible to ignore the crying needs of new communities in this respect. Our business transactions have been conducted with such rapidity during the years since our great war that the people feel they are justly entitled to have all the appliances necessary to the rapid, unchecked transaction of their various business interests. To this clamor the Department has yielded at various points all over the country, and the aggregation of the exercise of this discretionary power has resulted in a startling present and prospective deficiency of \$1,700,000 in round numbers. The question is, shall this remarkable increase of expenditures be checked; if so, how shall it be done?

The bill under consideration attempts to correct this so-called abuse by loading down a small portion of the routes numerically, or rather circumscribing their scope by fixing an arbitrary amount, beyond which if any given route shall be found to have been increased, the same shall be peremptorily decreased to the terms of the original contract. This is an arbitrary action, extremely restrictive, and it is not difficult to understand that great injustice may be done the service, and great suffering to the business interests along said lines be the result.

I have failed to hear a proper reason given for this sweeping arbitrary action. Much valuable information has been given to the House and country by gentlemen who have preceded me; but no good and sufficient reason has as yet been presented by any of the distinguished gentlemen for the enactment of this bill into law. My judgment would be, Mr. Chairman, that some restrictive measure should be adopted from year to year upon this point, as well for the benefit of the people as for the protection of the Department from the persistent importunities of those specially interested.

Our star-route system is so useful in its various functions that we cannot afford to cripple it. Its uses in the protection and development of our frontier and as a precursor of civilization in our new western empire are such that no true statesman can afford to stand as its destroyer, or even as one thrusting obstructions in the way of its legitimate and proper advancement.

I feel that, while I am willing to prorate the reduction upon these routes and throw about the system any bulwark for its careful protection against the rapacity of contractors who systematically calculate upon plundering, the provisions of this bill are entirely too restrictive and unjust in their discriminations against these main trunk lines of our star-route system—one hundred and seven in number, I believe—sought to be restricted.

Seeing as I do the grand possibilities in the near future in store for our postal system, I desire by my voice and vote to guard, protect, defend it to the last against rapacity and importunity; but far be it from me to trammel, smother, or strike it down from its proud position.

Mr. PAGE. I yield five minutes to the gentleman from Colorado, [Mr. BELFORD.]

Mr. BELFORD. We listened yesterday for four hours to the members of the Appropriations Committee in their advocacy of the passage of this bill. This bill affects every Territory and State in the West, and yet this morning the gentleman from Georgia, [Mr. BLOUNT,] who has the bill in charge, made a motion that the debate be limited to two hours, thus depriving the Delegates from the Territories and the Representatives from the Western States of the opportunity of exposing the injurious effects that will be entailed upon their section by the passing of this act; and of those two hours the representatives of the Territories of Washington, Idaho, Montana, and Wyoming, and the States of California, Colorado, Nevada, and Oregon are allowed to enjoy one. We are sent here to represent the interests of our people; and yet this Committee on Appropriations, which has constituted itself into the very tyrant of this House, has issued its edict declaring that we shall be deprived of the opportunity of presenting our grievances and of acquainting this House with the facts which justify our opposition to this bill.

During the last year, in the State of Colorado fifty additional post-offices were created. They were called into existence by the necessities of the people. Towns were multiplying, mining-camps were starting up in the north and in the south and in the middle portion of my State, making an increase in post-offices and post-routes necessary. And as an illustration of the remarkable growth of the postal

service, I desire now to call the attention of the House to the receipts of this Government from the post-office in the city of Denver during the last three years. In 1877 the receipts at the post-office in Denver amounted to \$62,000; in 1878, to \$70,000; in 1879 they amounted to over \$150,000. The receipts from the money-order division in 1877 amounted to \$530,000; in 1878, to \$751,000; in 1879, to \$1,459,000. The receipts from the city of Denver are equal to those from the State of West Virginia. They exceed the receipts from the State of Florida by \$50,000. They are equal to one-half the receipts from the entire State of Georgia.

What is true of the city of Denver is equally true of the city of Leadville. The post-office in the city of Leadville was established in the month of July, 1877. It was located on a tri-weekly route. It yielded to this Government the last year \$43,000. The receipts from the two cities of Denver and Leadville are greater than the receipts from the State represented by the gentleman who reported this bill. And yet, under the operation of this infamous bill, it is proposed to reduce the service at Leadville from a daily to a weekly mail. I ask the gentlemen of this House, are they willing to inflict such an injury upon that young and growing city of the West?

[Here the hammer fell.]

Mr. KEIFER. I hope the gentleman will be allowed five minutes more.

Mr. BELFORD. I thought I had ten minutes altogether.

Mr. PAGE. I feel it my duty, as the gentleman represents a State very much affected by this bill, to yield to him the balance of my time with the exception of two minutes. I yield the gentleman five minutes more.

Mr. BELFORD. Now, Mr. Chairman, I do not know whether the Post-Office Department has been extravagant in the expenditure of this money or not. But I do know that the people of the Western States and Territories are just as much entitled to receive their mail promptly as are the people of the Eastern States. They are the men who went there and enlarged the trail of the pioneer into the pathway of western empire. They are an intelligent, enterprising class of people, and their business interest as largely depends upon the receipt of their mails as does the business interest of any community in the eastern part of our country.

I desire to call the attention of this House to the fact that during the past nine years we have been steadily increasing the miles of annual transportation in the West; and every route to be affected by this bill is a route located in western States or Territories. In Colorado this bill affects fifteen different routes. Does the House intend to declare to the miners of the West at Silver Cliff, at Rosita, at Rico, at Leadville, "we will deprive you of your mail facilities simply because they call for an expenditure of a large amount of money?" Who ever before in this country asserted that the mail service should be a self-supporting service? No man has ever announced that proposition before. Every member of this House knows that from 1866 down to 1879 the expenditures of the Post-Office Department largely exceeded its receipts; and yet no man at any time or any place has affirmed that the mail facilities of the people for that reason should be diminished.

In 1870 the miles of annual transportation by the star routes amounted to 43,350,641, and cost \$5,049,598. In 1879 we had increased the miles of annual transportation to 69,248,339, and the amount of money paid for it from \$5,049,000 to \$6,411,000. In 1870 the cost of mail transportation averaged eleven cents per mile; in 1879 it averaged but nine cents per mile. In nine years we increased the miles of annual transportation twenty-four millions and increased the amount of the cost \$1,452,000.

I represent, Mr. Chairman, on this floor a State that has never received one dollar of appropriation of any kind from the General Government, with the exception of \$5,000 for a military road. And I ask the members of this House, not to grant us an appropriation, not to take money out of the public Treasury to improve rivers or to dredge harbors, but I do ask you to vote us enough of money to keep unimpaired and in its full efficiency the mail service of the State of Colorado.

I have been informed by one of the best railroad men in this country that during the next twelve months the population of Colorado will be increased over one hundred thousand. I know that new towns will start up and that they will need this service.

[Here the hammer fell.]

Mr. PAGE. The two minutes which I have remaining I yield to the gentleman from Pennsylvania, [Mr. WRIGHT.]

Mr. WRIGHT. In the short time allowed me I desire to say to the House a few words. I do not think we should regard this as a question of dollars and cents. We have in the western portion of the country a vast region which is becoming populated, and I maintain that it is the duty of Congress to furnish the people of that region the usual mail facilities. As I have already said, it is not simply a question of dollars and cents.

I have not heard here the charge made that there have been any illegal practices on the part of the Post-Office Department. The only subject of complaint in this debate, so far as I have heard, is that in order to accommodate the people of the great western region of our country there must necessarily be expended a large sum of money. Now, I am willing to vote any amount of money necessary to supply those people with usual mail facilities.

We in the eastern part of the United States, in all the principal cities, are supplied with the mails four or five times a day. We have been informed in the debates here that in the great portion of the western country the people are supplied with only a weekly mail, and in some few instances only with a daily mail. If in the Middle States our mail service was cut down to that point we would regard it as an outrage upon our civil and political rights.

I have therefore come to the conclusion that the people of the West ought to have the money they want in order to give them their necessary mail facilities. I stand here as a member of the House of Representatives to vote all the money that is necessary for the transportation of the mails through the western country. There should be no objection made to that. The Post-Office Department has never been self-sustaining; it has always been a tax upon the people.

[Here the hammer fell.]

Mr. CLYMER. I had designed, Mr. Chairman, to occupy the hour which under the rules would have been accorded to me as a member of the Committee on Appropriations; but the time for debate having been shortened by the action of the House, I cannot do so without depriving other gentlemen deeply interested in and well acquainted with this subject of an opportunity to express their views upon it. Therefore I will take the floor at this time and yield fifteen minutes to the gentleman from Indiana, [Mr. BAKER.]

Mr. MAGINNIS. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MAGINNIS. According to the usual practice of the House, ought not the time to be consumed in this debate to be divided equally between the members of the Committee on Appropriations and the other members of the House who are opposed to this bill? On yesterday three members of the Committee on Appropriations occupied an hour each.

The CHAIRMAN. That is no point of order.

Mr. MAGINNIS. I do not desire to interfere with the gentleman from Pennsylvania, [Mr. CLYMER.]

The CHAIRMAN. The gentleman from Indiana [Mr. BAKER] is entitled to the floor for fifteen minutes.

Mr. BAKER. Under instructions from the Committee on Appropriations I now send to the Clerk's desk to be read a substitute for the entire bill reported on yesterday.

The Clerk read as follows:

That the sum of \$970,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to meet the expenses of inland mail transportation on star routes for the remainder of the current fiscal year, at or within the contract prices as they existed on February 1, 1880: *Provided*, That upon any route where there has been an increase of the original contract price during the last or the current fiscal year for expediting the delivery of mails on any such route at the rate of more than \$2,500 per annum, the compensation for expediting service on such routes shall be reduced to the terms of the original contract on and after the 1st day of March, 1880; and nothing herein contained shall be construed to require the reduction of the number of trips per week over any such route below the present number. During the remainder of the current fiscal year no further expediting of service on any postal star route shall be made.

Sec. 2. That the further sum of \$100,000 be, and the same is hereby, appropriated as aforesaid to enable the Postmaster-General to place new service as authorized by law.

Mr. BAKER. During the brief time allowed me for the discussion of this subject I shall try to confine my remarks exclusively to the business aspects of the question. Whenever there shall be a question presented to the House touching the impeachment of any person connected with the administration of the Post-Office Department I shall then deem it sufficient time to indulge in bitter criminations against that Department. I shall consider now simply the facts as they are patent to the country, without expressing any opinion in reference to the responsibility of any person connected with the Post-Office Department for the condition of things that now exists.

It is apparent, by the reports which have been presented to the House and to the country, that in order to carry on the service of transporting the mails on star routes for the residue of the fiscal year, at the present rate of compensation, it will require \$1,700,000 additional appropriation. To meet this acknowledged condition of things there are several methods in which the House can pass upon this question.

The first is, to accede to the demand made by the Department, and which is insisted on by certain members of this House, that this Committee of the Whole shall pass, without scrutiny and without expressing any opinion upon its necessity, a deficiency appropriation bill for the full amount required to continue the service on its present basis.

Another method of meeting this condition of affairs would be by passing a moderate appropriation of say \$500,000, and allowing the service to run as it is now until an investigation should be had, in order to determine exactly what new legislation should be enacted in order to hold the Department within the limits of the appropriation made from year to year.

Another method would be by passing the appropriation bill recommended to us yesterday; a bill which the committee knows I did not approve, for the reason that if it was true as charged here (a matter about which I propose to express no opinion) that there has been extravagance at least in the administration of this service, that bill proposed to allow all extravagance where the expedition did not exceed in cost the annual sum of \$5,000 to remain just as it was, while where the

expedition had occasioned an annual outlay of \$10,000, \$15,000, \$20,000, and in one instance as high as \$165,000, it proposed to cut the increase down to the arbitrary sum of \$5,000. That bill seemed to me illogical and indefensible on any theory on which I could view it, and consequently I felt constrained to favor another proposition which while it would reduce the amount of deficiency asked for would at the same time, it seemed to me, enable us to apply some reasonable rule to this whole question.

The increase which has been made is of two classes. One is for additional service—that is, additional trips. The other is for expediting the service. The statute provides that where an additional number of trips are allowed by order of the Department the contractor shall receive for the increased number of trips an additional compensation precisely proportioned to the amount he received for the trips originally contracted for. That leaves but little chance for fraud. If the contractor has received \$1,000 for weekly trips, and the service is increased to daily trips, he gets \$7,000. It is a mere matter of arithmetic. But where the increase is for expediting the service the rate of increased compensation is entirely arbitrary. Let me illustrate. On the route from Fort Yuma to Fort Worth, a distance of fourteen hundred and twenty-six miles, the original bid of the contractor was \$134,000. He was required to make daily trips. Each trip, beginning daily, was to be carried through in seventeen days. The service was expedited. The trips being still daily, the contractor was required to run each trip through in thirteen days. Thus he is allowed \$165,000 additional compensation for carrying the mail the same number of trips, but making each trip thirteen days instead of seventeen. In other words, the schedule is increased from three and a half miles an hour to four and a half miles an hour. It is stated that for the original contract he would require ninety-two carriers and three hundred and seventy-eight animals; for the increased service he would require one hundred and eighty carriers and nine hundred and eighty-six animals. That is to say, he claims to be allowed, and he is allowed, for one team of four horses at stations six and one-half miles apart; and those teams are only required to make a trip six and a half miles one way and six and a half miles back, occupying during the twenty-four hours only about two hours and forty minutes. Now, there is no man within the hearing of my voice who will claim that that is not wrong. It ought not to be allowed.

The bill now pending as a substitute gives to every State and every Territory and every post-office the same number of mail deliveries that it has now. If your mails have been increased from a weekly to a daily delivery, that will be continued. In addition to this, upon routes where \$2,500 or less has been allowed for expedition, that expedited service will be retained. I take it that the interests of the people of this country are involved in the question of the number of mails that they have. The question whether a mail shall be carried from Fort Worth to Fort Yuma a few hours earlier or a few hours later, is not very important; but it may be important, it is important, whether it is carried once a week or seven times a week. We do not propose to interfere with the number of deliveries that you now have; we allow you to have the delivery of mails just as often as you have it under the present condition of things. It is true that a little longer time may be required in the delivery of the mail, amounting, if the route is long, to a day or two, perhaps; if the route is short, to a few hours. But this I submit is no great inconvenience, no great injury.

Mr. CALKINS. I wish to ask my colleague a question as to the effect of the amendment of the committee.

Mr. BAKER. I hope my colleague will be very brief, for my time is short.

Mr. CALKINS. I will be very brief. I want my colleague to explain to the Committee of the Whole the effect of this provision of the amendment which is offered on behalf of the committee:

Provided, That upon any route where there has been an increase of the original contract price during the last or the current fiscal year for expediting the delivery of mails on any such route at a rate of more than \$2,500 per annum, the compensation for expedited service on such routes shall be reduced to the terms of the original contract on and after the 1st day of March, 1880.

Now, under this provision, will the service on routes where there has been an increase for expedited service not exceeding \$2,500 remain as it is, and where the increase has been beyond \$2,500, will the service be cut off? Is that the effect of the amendment?

Mr. BAKER. The effect of that proposition, as I understand, will be this: wherever the increase for expedition has been \$2,500 or less the service will not be affected by it.

Mr. CALKINS. That is what I understand. Now let me ask the gentleman a question. Why is it wrong to stand by the schedule where the increase amounts to more than \$2,500, and right to stand by it where it does not exceed that sum?

Mr. BAKER. I will tell the gentleman why. Where the amount is \$2,500 or less there is very little room for extravagance or fraud. I desire to show why we have put the limit at \$2,500. Take the route from Vinita to Las Vegas—from the Indian Territory to New Mexico. The original contract gave one service per week at the rate of \$6,330. It was increased to seven trips weekly, which would make the cost \$44,310. But the rate of speed has been increased about a mile an hour upon this route, some eight hundred miles long, giving a delivery over the whole route perhaps twenty-four hours earlier, and in this way the expense has been increased by the enormous sum of \$106,000.

I hold twelve routes in my hand, upon which there has been for additional service, additional trips, an increase of \$178,000. What for? Additional expedition.

Mr. CALKINS. I do not understand my colleague—

Mr. BAKER. I cannot yield. The reason is where the increase is \$2,500 a year there will be no inducement to form large combinations for frauds and raids upon the Treasury, but when it amounts to hundreds of thousands of dollars the combinations are too strong to be resisted, and that is where there is fraud, if any.

Mr. CALKINS rose.

Mr. BAKER. The gentleman will excuse me. I will say so far as I am personally concerned I should prefer if this cut off all increased expedition. I think if we give these people in the Territories and new States a daily mail, if we give them the rates of speed for its delivery they had six and twelve months ago, the country is doing remarkably well, especially until this question can be investigated and thoroughly understood.

I am laboring under such a severe cold and indisposition that I do not feel disposed to trespass upon the time of the committee, and therefore will yield the floor.

Mr. CLYMER. I yield fifteen minutes to the gentleman from New York.

Mr. HISCOCK. Mr. Chairman, I shall yield to no man on this floor in my desire to advocate any bill and all measures which will give mail facilities to the Western States and to the Pacific States. And I shall not in what I have to say here attack the Post-Office Department; certainly not attack it upon any evidence presented to me or charge that it has been guilty of fraud. But I desire to say to the gentleman from California, and to all gentlemen who have taken the ground that the Post-Office Department has not violated law, that they have misconceived the spirit of the statute; they not only misconceive the spirit of the statute, but the letter of the statute also.

Take the two sections of the Revised Statutes under which all this increase of contracts has been made, and for a moment I ask the attention of the committee to them:

SEC. 3679. No Department of the Government shall expend, in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, nor involve the Government in any contract.

Does the gentleman from California tell me that when the Post-Office Department exceeds the appropriation, signs a contract far in excess of the appropriation, simply reserving the power to itself to be relieved of that contract by forfeiture of a penalty, that it does not involve the Government in excess of appropriations made by Congress? Will any lawyer on this floor tell me when a contract has been entered into which may exceed the appropriation and go beyond the amount of the appropriation a million or a hundred thousand dollars, that because there is reserved in the contract the power of the Government to forfeit on the contract on the payment of a penalty provided Congress does not make further appropriation, that that Department has not involved the Government in a contract against the spirit and letter of the provision of law I have quoted? This is the square legal proposition which is presented on that section of the statute.

Mr. PAGE. Will the gentleman yield to me for a question?

Mr. HISCOCK. Certainly.

Mr. PAGE. The gentleman from New York admits that the Post-Office Department has declared to the House that they do not intend to exceed the money appropriated by Congress.

Mr. HISCOCK. I understand—

Mr. PAGE. But wait a moment. Does he not understand that the amount will be cut down under the declaration of the Post-Office Department, to come within the appropriation made by Congress?

Mr. HISCOCK. I understand precisely this, that since July 1st last, up to the present time, on one branch of the service, the Department has made contracts which create a deficiency of \$325,000. They have made contracts with the Treasury empty, and the Government can only be relieved by paying a penalty to be absolved from those contracts. I say again to the gentleman from California, the Department when it made those contracts involved the Government beyond the appropriation.

But let me go one step further on this proposition:

SEC. 3732. No contract or purchase on behalf of the United States Government shall be made unless the same is authorized by law or under an appropriation adequate to its fulfillment.

Here, then, these contracts are made in excess of the appropriation, confessedly in excess of the appropriation. No law warrants them, and yet gentlemen say the Post-Office Department has not violated the spirit or the letter of these two provisions. I maintain both the letter and spirit of these two provisions of the statute have been violated.

Then, sir, the question presented to this committee is this: whether a Department of this Government, sending here to the House its estimates for the appropriations, having those appropriations voted to the fullest extent, can go on in defiance of law, after the full amount appropriated has been expended, and create a deficiency by unlawful contracts, and then come and demand that while they have violated the law, while they have gone contrary to the provisions of the statute upon the request of individuals, upon the request of members of Congress, who perchance did not get the appropriation they asked

voted, Congress shall ratify these unauthorized contracts by deficiency appropriations.

One word further, Mr. Chairman, in reference to this subject, and I shall yield the balance of my time. Gentlemen have stood here for a long time—and they claim that they have not had time enough, however—and have assailed the Appropriations Committee, and they have assailed every one upon this floor that has criticised—I say criticised—the Department or has said one single word against ratifying unlawful contracts by voting to this Department of the Government all that it asked. Has the gentleman from California [Mr. PAGE] or my friend from Kansas [Mr. HASKELL] one single word to say in defense of this "expedited service" that has created the deficiency?

The Committee on Appropriations brought in a bill here which I did not agree to, a bill which I was not in favor of. I was not in favor of cutting off the number of trips which had been given to the western people; but there have been statements made here of trips reduced in time from seventeen to thirteen days at an exorbitant price. Between July 1 and December 31 last this branch of the service has been increased \$325,000, creating a deficiency of that amount, and has any gentleman attempted to defend it or to give an excuse which would justify the payment of this sum of money for simply quickening or shortening the time a few hours in which the mails should be carried? As has been said by my colleague from Indiana upon the committee, we have put into this bill a limit of \$2,500 upon increase in expedited service. It has been asked why this policy of limitation? It is not now the time or the proper occasion for the Committee on Appropriations or any gentleman to talk about these contracts in which this vast amount of expenditure has been had, or to make charges against any public officer or introduce any evidence which tends to reflect upon their honesty. But does it need any argument to show that where the amount to be gained was \$100,000, nay, where the amount to be gained was only \$5,000, and where the reduction of the time in which the service was to be done was only at the rate of one mile an hour, in these contracts fraud might have crept in, and it was well that the Appropriations Committee should draw the line somewhere; and in reference to these small or short routes where the amount was not an inducement to fraud, that they should have the benefit of this exemption which we have incorporated in the amendment?

Mr. CLYMER addressed the committee. [His remarks will appear in the Appendix.]

The CHAIRMAN. The time allowed for general debate has expired. The Clerk will now read the bill by sections for amendment. The Clerk read as follows:

Be it enacted, &c., That out of any moneys in the Treasury not otherwise appropriated so much thereof be, and the same hereby is, appropriated as may be required to meet the expenses of inland mail transportation on star routes for the remainder of the current fiscal year at or within existing contract prices: Provided, That upon any route where there has been an increase of the original contract price during the last or the current fiscal year exceeding \$5,000 the compensation on such route shall be reduced to the terms of the original contract on and after the 1st day of March next; but nothing herein contained shall be construed to forbid the payment to contractors of the one month's pay, as is usual in case of reduction or termination of contract.

Mr. ROTHWELL. I move to amend by striking out the last word. Mr. BAKER. Is there not an amendment pending by way of a substitute?

The CHAIRMAN. The Chair does not understand that any amendment has been formally offered. The amendment already read was merely read for information.

Mr. PAGE. At any rate it would be in order to perfect the text before voting upon a substitute.

The CHAIRMAN. The Chair so understands.

Mr. ROTHWELL. Mr. Chairman, I assume that this bill in its present state or some bill of similar character will pass, and I trust whatever is done will be done speedily. I do not support this measure as a matter of choice, but as a matter of necessity. The time for argument on this point has passed and the time for action has come. The Post-Office Department has issued an order which on the 1st of March—only a few days hence—will strike down the star service of this country. Under that order every hamlet, every village, every county town within the United States that is not situated on a railroad will be denied its present facilities of communication with the business world. That order, sir, affects seriously the district which I have the honor to represent. In that district there are one hundred and forty-nine post-offices, fifty-five of those are upon railroads; ninety-four are connected with the star service. Of these ninety-four, fourteen receive daily mails; thirty-four, tri-weekly mails; twenty-seven, semi-weekly mails, and nineteen, weekly mails. Yet, on the 1st of March next, the people now receiving the benefit of this star service, with their habits of business and correspondence established through a series of years, are to have their mail facilities reduced to a service of once a week. Yet toward the building of railroads those people have contributed within the last few years \$2,000,000; now, because they are not upon a railroad—even while they are within hearing of the sound of the whistle and in sight of the smoke of the passing engine, they are for a week at a time to be deprived of all knowledge of what is transpiring throughout the country. Sir, this is an unjust discrimination—not justified by the circumstances of the country. The position in which we find ourselves is unexpected and extreme. It is not sufficiently explained. No warning

was given to us of the immense deficit until the 8th of December last. We could not apprehend it from anything that was then occurring in the country, or that had occurred previously. It comes to us with the simple explanation of the increase of mail facilities in the West.

[Here the hammer fell.]

Mr. CONGER. I rise to oppose the amendment of the gentleman from Missouri, [Mr. ROTHWELL.] I oppose striking out any word of this bill, [laughter,] and I want to say why. That brings me directly to the subject under consideration. The gentleman from Pennsylvania [Mr. CLYMER] has injected into his speech to-day as strong a political and theatrical effort explaining his condemnation of what is being investigated by his committee as he introduced here on another occasion, except that to-day he did not mount the rostrum by going to the Clerk's desk. The tears, the tremulous tones, the attack, all correspond. The scenery is all here; but it was not all used. I will not dwell upon that in the five minutes allowed me. I simply remark that the gentleman and his friends, before making this attack upon republicans, (for I have nothing to do with the question of the administration of the Post-Office Department,) first obtained a limitation of the time for debate to two hours; next they allowed all that might be said on this side of the House to be said; and then, as the curtain was about to drop, the gentleman came in here with his tirade against republican principles and republican policy, shutting out the possibility of reply in the way of general debate and compelling us to answer under the five-minute rule the great logical argument of the gentleman and his violent partisan diatribe.

But I am not going to confine myself to that. The gentleman informs this House (and it is of this I wish to speak) that yesterday or the day before his committee brought in a bill with a unanimous recommendation as a right bill.

Mr. CLYMER. The gentleman is certainly mistaken. I hope he does not intend to do me injustice.

Mr. CONGER. Somebody said the bill was reported with the unanimous recommendation of the committee.

Mr. CLYMER. It was not I.

Mr. CONGER. Now, to-day the gentleman comes in and says that notwithstanding such was the unanimous recommendation of his committee, they have to-day brought in another bill with a unanimous recommendation; and the gentleman tells us (it may have been truth escaping by an effort or by a slip of the tongue) that the bill which the committee unanimously reported a day or two ago was substantially wrong, and that they have amended it. What shall we do with a committee who tell us one day that their bill is all right, or substantially right, and the next day come in and declare unanimously that the bill was substantially wrong. Did that committee get any intimation from members of this House that their recommendation was unwise and unsafe? Of course they did. They have learned from hearing what members of the House said about their bill, not only that it was substantially wrong, but that it could not be passed. So to-day they have come in here and reported a bill which the gentleman says is substantially right, and they ask that this bill be passed.

Sir, I had desired that there might be an opportunity for gentlemen to express their views upon this general subject without being confined to the short, spasmodic efforts of five-minute speeches. I have not time even to open this subject so as to enable the eloquent gentleman from Pennsylvania (who is now asking the Chair to recognize him) to reply to me in his five minutes; but if I can gain the floor after he shall have attempted his defense of what he has said, I will do so, and may yield five minutes more to him.

[Here the hammer fell.]

Mr. ROTHWELL. I withdraw the *pro forma* amendment.

Mr. BLACKBURN. I renew it, and yield my time to the gentleman from Missouri, [Mr. ROTHWELL.]

Mr. ROTHWELL. Mr. Chairman, much has been said in this discussion about the great West and the rights of the great West. Twenty-five years ago, when I was a boy, having been reared in the heart of the State of Missouri, they told me that was the great West. And now it seems the great West is in New Mexico and Arizona and Colorado, and that the State of Missouri is no longer in the great West; and although paying more than \$1,000,000 into the national Treasury for the postal service, she is on the 1st day of March next to be stricken down and all her social fabric cut off from connection with the Congress of the United States, from their established business, and all for the sake of young America in New Mexico, Arizona, Colorado, and Nevada.

God knows I would not harm one hair in their heads, but I would put a spelling-book in every hand. I would give them a daily mail, and I would give them all the facilities, if possible, which they desire. But do not shear a State which has been so long in the Union as Missouri; do not deprive it of the ordinary privileges which have hitherto been guaranteed to our forefathers and their children there for the purpose of nursing into premature manhood the younger States and Territories.

Why, sir, we used to wait. I remember a time when if we received a weekly mail we thought we were blessed. The time eventually came when we fell heir to the privileges of the older States of Illinois, and Indiana, and Ohio, and the East, as civilization marched westward, and we in our turn had our semi-weekly, tri-weekly, and

daily mails. Now, under the operation of the new civilization which comes from the West we are to be stricken down for the sake of increased facilities to these young States and Territories, who have not like us borne the heat and burden of the day.

Mr. Chairman, it is not facilities as to daily mail that I object to, for in the statement which lies before me, and which is submitted by the Post-Office Department, it is shown they have a mail six or seven days in the week. They could have had it and can have it at much less cost. It is not the service to which I object, but the great, unusual, and, as I believe, the unnecessary and exorbitant expense. We are informed by the Department that on the present basis of the star mail service there will occur in this fiscal year the enormous deficiency of \$1,700,000. Yet in the same communication which conveys to the Congress this astounding intelligence we are informed that in the years from 1876 to 1879 there was a surplus of \$3,965,468.27 of appropriations made for the benefit of the postal service covered back into the Treasury, and we know as matter of fact for the purposes of the star mail service for the present fiscal year Congress appropriated the sum of \$5,900,000 based upon the estimate of the Department, and being all that it required. Now that same Department asks an additional appropriation in the same year of \$1,700,000, and this before the expiration of one-half of the year.

Sir, so great a deficiency, so sudden and unexpected, should have some very apparent cause. It is attributed by the Department to the "rapid growth, population, and business in the Territories and the new States, and the restoration and improvement of the service in the Southern States." No details are given. We are not informed in this connection what specific restoratives and improvements of the service in the Southern States have been made, nor at what places nor to what extent the rapid growth of population and business in the Territories and the new States has taken place, as to create such a sudden demand for increase of mail service and justify the Department in asking at our hands this additional appropriation of \$1,700,000. No Southern State is mentioned nor is the name of any Territory or new State given; no particular instance is brought to the attention of Congress.

The whole subject is left in vague generalities and we are now asked to make this great appropriation blindly, relying merely upon the demand of the Department or to find out as best we can the causes which influence it.

Now, sir, when we consider the service in the Southern States we find nothing there to account for the deficiency claimed. There has been in that quarter of the country no such sudden, unusual, and extensive increase in the service. In fact, we discover they have not received their proportionate share of the service as compared with some other States. I have not now time to enter into particulars. Such are the representations of members of those States upon this floor and such the records of the Post-Office Department show the fact to be.

When we turn to the Territories and the new States in vain the eye searches for any adequate cause for the condition in which the Department now finds itself. I admit, sir, there has been growth of population and business in the Territories of the West and the new States, but on examination it will be found generally to have followed the lines of railroads and is distributed along them or in their immediate neighborhood. I admit there are some exceptions, but not nearly so numerous as is implied in the vague language of the Department. But, sir, from statistics furnished by the Post-Office Department itself we are enabled to know that more than half of the deficit claimed is occasioned by the new methods of service upon only twelve routes in the Indian Territory, Dakota, Texas, Montana, Wyoming, New Mexico, Arizona, Oregon, and California, and not by the service itself.

At the time the contract was let for carrying the mail upon these twelve routes they in the aggregate extended over fifty-one hundred and forty-eight miles. The trips per week for all the routes were thirty-five. The aggregate contract price of service upon all the routes, \$249,269.25, or at the rate of \$7,122 per trip. Since the letting of the contract upon these routes under competition, the number of miles has been increased ninety, making the whole number of miles of these twelve routes fifty-two hundred and thirty-eight. Ten of these routes have been given each seven mails per week and two have been given six mails per week. Thus the number of trips per week have been increased from thirty-five to eighty-two, an increase of forty-seven trips per week. The pay to the contractors, without competition and without bidding, has been increased \$934,990.03, thus increasing the outlay from the original payment of \$249,269.25 to \$1,184,259.28, making the cost per trip at the present time \$14,442 against \$7,122 per trip at the original letting. Thus we have an increase of the cost per trip of \$7,320, or more than double; and yet it stands to reason the cost per trip should have been less, since the stations and general superintendence of the smaller service would generally answer for the larger.

Sir, the Department has not informed Congress why this rule, so reasonable and well-established in all private affairs, should not equally apply to the star mail service. And, sir, allow me to say that the Department in its failure to give this explanation has laid itself open to surmise and criticism. I do not charge, Mr. Speaker, that the Department has acted from improper motives. I leave that for others to say now, and the future to unfold, but I do say, sir, that it

is unfortunate that a Department of this Government should stand in this attitude before Congress and the country. And I trust, sir, for the sake of all, some reasonable and satisfactory explanation shall hereafter be made. I simply state the facts. But, sir, when we look into the working of these twelve routes in detail, the general result is not mended but made worse. Take, for example, the route from Soledad to Newhall, in the State of California. The original contract provides for seven trips per week, at a total cost of \$29,000. Without increasing the number of trips the cost has been increased to \$55,424.33, an increase on this one route of \$26,424.33. How is it explained? Simply on the theory that the speed has been increased. Here, then, we have \$29,000 for carrying the mails by contract and \$26,424.33 for going.

Mr. Chairman, it is not the carrying of the mails daily nor the original cost of their carriage to which I object, but it is this gratuity of \$26,424.33 to which I object, for it is little else than a gratuity. Take again, the route from Fort Worth to Yuma, in the State of Texas. The original contract was for carrying the mails on this route daily over fifteen hundred and sixty miles at a cost of \$134,000. The route has been shortened one hundred and thirty-four miles, or to fourteen hundred and twenty-six miles, at present. The number of trips has not been increased, the service is still a daily service; but, sir, the cost has been increased from \$134,000 to \$299,000, an increase of \$165,000, with the distance shortened—more than double the original contract price. For what? For speed. How much speed? Considering the shortening of the route, three days, Mr. Chairman, in Western parlance, the game is not worth the powder. This great increase of outlay cannot be justified on any supposition, to say the least of it, consistent with that prudence and economy that obtains in private business affairs; and I am considering this, sir, as simply a business matter. The people of this country cannot afford to pay the money for the whistle which the Government has been blowing on this Yuma route.

Take another and last instance. The route from Phoenix to Prescott, one hundred and forty miles in length, in the Territory of Arizona. The original contract price was for a service of one trip per week at a cost of \$680. The service has been increased to seven trips per week. Certainly, sir, the pay should not have been increased more than seven times, or to \$4,760. But, sir, the pay has been increased to \$32,640.32, an increase of \$27,880. Thus the pay, instead of being increased seven times, the most that could be claimed by anybody, has been increased more than forty times. Mr. Chairman, I forbear comment. I confess my inability to solve this mathematical mystery. Allow me to say, notwithstanding, I believe what my youthful confidence has treasured up, that figures will not lie. I allow nothing to destroy my well-founded convictions of the truth of the eternal principles of addition, subtraction, and division. But, sir, the sword the Government uses to cut so handily this Gordian knot is speed. It is not the carrying of the mails that costs so much, but the speed. Sir, had we not better go a little slower and have more money. Times are hard, money is scarce, property and wages low. Are the people in condition to afford this ornamental speed, and if they can afford the speed ought it to cost them more than the service itself?

Sir, I was raised in the West, where it is permissive to go a little fast. I may admit I was raised a little fast myself. [Laughter.] We are considered a little fast, if you please; out West we call it progressive. But, sir, this mail business seems only a little too fast. It is far ahead of our idea of economical service. As I have stated before, I intimate nothing against any man or any Department. I reserve my judgment until the committee having the matter in charge shall bring before this House the testimony and I shall sit as a jurymen. But I protest against this enormous increase. I say it looks strange to me. It is a very large sum to me. It may be the novelty of the situation. I was never called to look into these great matters before; but in the West, and in Missouri, where we are carrying the mails for 25 per cent. less than has been done for years and until the circulation was withdrawn and business reduced to the basis of hard money, this great and increased outlay on these and other routes, of which I have given a specimen, could not be justified, and from my knowledge of the facts I cannot give it my approval.

Mr. Chairman, allow me in conclusion to say that I would not act meanly or niggardly in this matter toward the new States or Territories, nor indeed to any part of this country; I would do justice to all. I would put every town, hamlet, village, and neighborhood in communication with every other in this broad land and with the great centers of business and intelligence. I would not take away from them the stage-coach and the welcome sound of the horn and the mail-rider on horseback. With us there should be no restriction upon news. The permanence and glory of our institutions rest upon the wedded beauty of virtue and intelligence. Our national genius is nurtured in the common school and tutored by the press. These institutions are at once the source of our power and the support of our integrity. One prepares us for the duties of American citizens, while the other by its counsels directs, and by its fearless, free criticisms restrains within the path of public rectitude. Sir, I would have the mails carried regularly to the remotest parts of the country, to every State and every Territory, but I would have them at the same time carried economically. I do not insist upon reduction of service, but reduction of useless and extravagant expense in the conduct of the

service. I shall at all times, I trust, cheerfully vote for needed supplies; but never, when I know it, one dollar more.

I hope, sir, that this bill will pass and a check be put upon what I conceive to be the abuse of a great discretion. This, sir, is all.

Mr. PAGE. I rise for the purpose of offering an amendment to the first section of this bill.

Mr. BLOUNT. Before that is done, I wish to move an amendment.

Mr. PAGE. My object is to protect—

The CHAIRMAN. Does the gentleman from Kentucky withdraw his *pro forma* amendment.

Mr. BLACKBURN. I withdraw my amendment.

Mr. BLOUNT. I wish to move an amendment.

Mr. PAGE. I am on the floor, and have been recognized by the Chair.

The CHAIRMAN. The gentleman from California has the floor.

Mr. PAGE. I move to strike out all after the first proviso in the first section. I ask the Clerk to read the words which I move to strike out.

The Clerk read as follows:

Provided, That upon any route where there has been an increase of the original contract price during the last or the current fiscal year exceeding \$5,000, the compensation on such route shall be reduced to the terms of the original contract on and after the 1st day of March next; but nothing herein contained shall be construed to forbid the payment to contractors of the one month's pay, as is usual in case of reduction or termination of contract.

Mr. PAGE. Now read the first section as it will stand with what I have proposed stricken out.

The Clerk read as follows:

Be it enacted, &c., That out of any moneys in the Treasury not otherwise appropriated, so much thereof be, and the same hereby is, appropriated as may be required to meet the expenses of inland mail transportation on star routes for the remainder of the current fiscal year at or within existing contract prices.

Mr. BLOUNT. Mr. Chairman, I submit I was entitled to be recognized, representing, as I do, the Committee on Appropriations in charge of this bill. I yielded simply to allow one or two gentlemen to be heard in five-minute speeches. I wish now to be recognized, the formal amendment having been withdrawn; and it seems to me only just that as the organ of the committee I should be recognized.

The CHAIRMAN. The Chair recognized the gentleman from California.

Mr. BLOUNT. I did not yield nor intend to yield for such amendment.

The CHAIRMAN. The Chair so understood the gentleman.

Mr. BLOUNT. The Chair misunderstood me.

Mr. PAGE. I only desire to say a word. I have offered the amendment to strike out all after the proviso in the first section of the bill, which would then provide money enough out of the Treasury of the United States to maintain the star-route service as it exists to-day up to the 30th day of June of this year, to finish out the fiscal year, and retain the mail service as it exists to-day. If my amendment is adopted, that closes the whole thing and the mail service is to go on as it is now.

I will now yield to the gentleman from Georgia.

Mr. BLOUNT. Do I understand the amendment of the gentleman is pending?

The CHAIRMAN. It is.

Mr. BLOUNT. Then I offer as a substitute the following.

The CHAIRMAN. Does the gentleman offer it as a substitute for the original bill?

Mr. BLOUNT. No sir; as a substitute for the first section of the bill.

The Clerk read as follows:

That the sum of \$970,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to meet the expenses of inland mail transportation on star routes for the remainder of the current fiscal year at or within the contract prices as they existed on February 1, 1890: *Provided*, That upon any route where there has been an increase of the original contract price during the last or the current fiscal year for expediting the delivery of mails on any such route at the rate of more than \$2,500 per annum the compensation for expediting service on such routes shall be reduced to the terms of the original contract on and after the 1st day of March, 1890. And nothing herein contained shall be construed to require the reduction of the number of trips per week over such route below the present number. During the remainder of the current fiscal year no further expediting of service on any postal star route shall be made.

Mr. BLOUNT. Mr. Chairman, the purpose of this proposition is this: There are two sections which are reported in the bill from the committee and this is intended as a substitute for the first section as reported by the committee. When this bill was reported by me originally as the committee's bill it was supposed at first that it was almost unanimous and that the differences were not very great in regard to it. After another meeting on the subject we ascertained upon discussion that it was the disposition of the committee to make some changes in view of the debate which had taken place in the House and the reasons assigned. We have done this. We have made these changes.

The first section of the bill did not designate any specific amount. The committee did insert in that a sum which, from the figures given by the Department, would be enough to continue the service to the end of the current fiscal year except on all of those routes where there has been an increase for expedition of the service over \$2,500 per annum. They struck out the section which provided for \$100,000

in the original bill, which provided that \$100,000 should be used for increasing the service, and struck off expedition from now until the end of the present fiscal year. So that as to the great portion of the service there are two changes; first fixing the amount to be appropriated for the service definitely instead of leaving it to be ascertained hereafter by estimates. But the bill recognizes that service, and if there should be error in the calculation they recognize that as a deficiency; and if it should be ascertained hereafter, which we do not anticipate, that there is any amount lacking and that there is likely to be a deficiency, when the general deficiency bill comes in we shall be able to insert it. But we do not anticipate there will be any deficiency; for myself I do not apprehend it, or that there will be any difficulty in that direction. The original proposition was simply to put that out of the discussion. The committee, on further examination of the details and after further consultation, finding the great abuse lay in expediting the service, abandoned the idea of reducing the number of trips, as suggested by my friend who represents the district in which Leadville is, and upon his proposition and that of others adopted the proposition that when the increase for expediting the service during the current fiscal year exceeded \$2,500 per annum it should be cut down to the original terms of the contract after March 1.

[Here the hammer fell.]

Mr. HASKELL. Mr. Chairman, I have only a word of inquiry to make in a parliamentary way before I say anything upon any of the pending amendments. I want to inquire if the amendment offered by the gentleman from California [Mr. PAGE] is the amendment pending to the first section of the bill?

The CHAIRMAN. That is the first amendment.

Mr. HASKELL. And if the second pending amendment to the bill and the only one under the rules is the amendment of the gentleman from Georgia?

The CHAIRMAN. That is offered as a substitute for the first section of the bill.

Mr. HASKELL. That is a substitute for the first section. Now, upon the pending amendment which makes a thrust at the expedited service I desire to submit a few facts, without argument, which will be of interest to the House if they will give me their attention for a short time.

I want to read from a mail contract in 1858 and 1860, in the good old democratic days which my friend from Pennsylvania has so outlined for our admiration. Take the route from Independence, Missouri, to Salt Lake City, in Utah, which was originally let at \$173 a mile and was expedited under that democratic administration so that it cost \$346 a mile; from Independence to Santa Fé, California, which was originally let at \$88 a mile and was expedited to cost \$176 a mile under that good old democratic administration.

Mr. BLOUNT. May I ask the gentleman a question? Does he think the expedition of service to which he alludes under Mr. Buchanan's administration was right?

Mr. HASKELL. I am not discussing that point now. I am not entering into a criticism as to the correctness of these increases. I am only referring to this in response to criticisms which have been made upon the republican administration of the postal service of this country. On another route, which was originally let at \$89, it was expedited to \$178; another route, let at \$217, was expedited to cost \$413. On ten or twelve routes to which I will now refer I will show that there has been a vast increase under that administration, and I will give the amount per mile for each of the twelve: \$29, \$26, \$37, \$33, \$38, \$30, \$36, \$50, \$44, \$37, \$23, \$32. That is the pay per mile on these great (?) enormously (?) swollen routes under republican administration. That is the other side of the case. In 1858 and 1860 \$400 a mile against our \$23 now.

Let me take route No. 32024, from Vinita to Las Vegas. The distance by the new road is one hundred and fifty miles, a saving of seventy-five miles as compared with the old road. On the mail-route from Fort Worth to Fort Yuma, No. 31454, a distance is saved of ten miles in fifty.

Then the rapid settlements and improvements along the lines of the routes, increasing the service every month, should be considered. Take another of the twelve routes cut down, the great Santa Fé and Prescott route on which there are carried a thousand pounds of mails daily, a distance of two hundred and fifty miles, to a point where in 1874 there was not a house of a white man, and where to-day there are twenty thousand people to be supplied with the mail facilities that have been afforded them by the Department. I could multiply these instances and will have a statement of them published as part of my remarks.

I submit it would be only fair for this House to vote down all substitutes, grant the money needed to run the Government through the small fraction of the year left, and then bring in your bill to prevent what may be alleged here to be abuses in the mail service. For myself, I have no personal interest either one way or another; but I would like to have the expression of this House pure and simple upon the amendment now pending offered by the gentleman from Georgia. I hope that may be voted down, and that the amendment of the gentleman from California will prevail. If we cannot get that, if the House is determined to refuse this service, why then we will stand here representing the West, demanding nothing, but begging for the miserable pittance of a living on our prairies with the best service you will grant us.

The following is the statement referred to by Mr. HASKELL, published as a part of his remarks:

No bill will probably be passed without restrictions as to expedition and increase of service, but such restrictions should be placed on the future and not on the past, which would be virtually a violation of good faith on the part of the Government in its implied contracts, which were for four years, unless the contracts should be previously annulled by the substitution of railroad service or some other customary and usual cause.

There seems to have been no intention to ascertain the effect of the passage of such a bill upon the contractors with the Government for the performance of this mail service—the men who are most vitally interested and to many of whom its passage and such an unprecedented and direct violation of the implied faith of the Government would prove utter ruin.

The saving of distances by the building of direct roads, bridges, and ferries by the contractors to perform the service upon expedited time, and sustaining the same in their own interests, in many cases effects a saving to the Government in the cost of the transportation of its Indian and military supplies equal to twice or three times the amount paid for the expedited service over the sections of lines shortened.

In this connection, upon a section of the route No. 32024, from Vinita to Las Vegas, between Fort Reno and Fort Elliot, a distance by the old military road of about two hundred and twenty-five miles, the distance by the new road is about one hundred and fifty, thus saving seventy-five miles.

On the mail route from Fort Worth to Fort Yuma, No. 31454, a distance was saved of ten miles in fifty on one section.

The rapid settlements and improvements in countries along the lines of mail routes through these Territories should be considered also.

On the Santa Fé and Prescott route, No. 40101, between the military posts of Camp Verdi and Fort Wingate, a distance of two hundred and fifty miles, in July, 1874, there was not a house or the home of a white man. Settlements commenced immediately on the establishment of mail service, and at present there is not twenty miles of the distance in which there are not colonies or ranches.

The improvement and sustaining of good roads by these mail contractors benefit and save more to the settlers directly than to the Government in the transportation of its supplies. This holds good to a greater or less extent on all the service of the Territories and border States.

On the route No. 40109, from Florence, Arizona, to Globe district, the territorial Legislature have appropriated \$10,000 toward building a road to shorten the distance, to facilitate the transportation of the mails and mining business.

On route 45103, which carries mails weighing on an average over one thousand pounds, daily, from Carson City, Nevada, to Aurora and Bodie, California, a mining camp, which in three years has increased from two (miners) to fifteen thousand people, a route about one hundred miles in length, the tax upon the contractor toward building one bridge to make the fast time as expedited by the Post-Office Department was \$1,100, and for improvement of the road \$300 more within this last year, and the tax to the contractor for keeping the same in repair is \$200 per month.

In the State of Nevada the average cost of grain fed to the horses transporting the mails is from three and one-half to four cents per pound, and of hay from \$35 to \$40 per ton.

Mr. COX. I move to strike out the last word.

My friend from Kansas [Mr. HASKELL] has spoken with great eloquence on behalf of the magnificent territory of that State. I suppose some gentlemen may be of the opinion that New York has no interest in this western and southern business. But I would remind members that we pay for our own service, and when there is a surplus expenditure to be paid for we pay at least one-tenth of it. It therefore becomes a member of Congress truly representative of the great State of New York, or a congeries of States like New England, to investigate this business. New York has never been, as I said the other day, niggard toward the great West, nor to the South. The great Western Territories of this country will be filled up from the East. I believe in going toward the land of sunset. [Laughter.] It is the land of felicity. But I would not discriminate against our Southern States in this regard.

How does it look when you come to the miles and trips per week and the cost of this service during the fiscal year ending June 30, 1879? Take the Southern States, beginning with the imperial State of West Virginia, with its Kanawhas and its magnificent products, going on through Kentucky, and so on. They get only 96,513 miles and thirty-two trips per week, and the cost is \$1,979,860. Take now the Western Territories and the four States in addition to Colorado, Oregon, California, and Nevada. What do they get? Three hundred and sixty-one trips per week, and the cost of the service is \$2,494,000. All the South is subrogated and humiliated in order to maintain these great long star routes, running away through the Indian Territory, Washington, Idaho, Dakota, Montana, Wyoming, Utah, New Mexico, and Arizona. And what for, I should like to know? Why a few buckboards can carry the mail from place to place over these extensive areas and along those great distances.

The gentleman from Kansas [Mr. HASKELL] has drawn a glowing picture of the western mail contractor carrying the mails in a four-horse stage-coach. He has told us how he had to build station-houses, buy ferry-boats, and have an army of drivers, stablemen, and station-keepers. But my friend forgets to tell us that whenever a mail contractor employs a stage-coach and four horses it is to accommodate the passengers who travel on his route. Now, will he tell us how many four-horse stage-coaches are employed on the route from Vinita, Indian Territory, to Las Vegas, New Mexico? From one end of this route to the other, save the few military posts along it, I venture to say there are not one thousand white or red men who receive a letter once in six months. The mail is carried in buckboards drawn by one or two ponies or mules. To stock the entire route with buckboards, mules, and other outfit does not cost, at an extravagant estimate, \$30,000.

Here are the figures in detail: two horses or ponies in that country can draw a light buckboard twenty miles a day with effect ease. Two horses draw the heavy street-cars on the Washington and Georgetown railroad nineteen miles a day. There are sudden stops and starts in this last service, which tell quicker on horse-flesh than any other

kind of work. Then, if the horses and buckboard on this Vinita and Las Vegas route travel twenty miles a day, which is light work, you will only have to have as many way-stations as twenty will divide into seven hundred and twenty-five miles—the length of the route—or thirty-six times. Allow three ponies to a station and we have one hundred and eight. Admit that they cost about \$75 apiece—a very extravagant figure—and we have \$8,100. Twenty buckboards at \$100 each would be \$2,000. For stations and other outfit allow \$40,000 more, and we have a total cost of \$50,100 for the cost of plant. Now for this money invested the contractor gets \$150,592.03 a year, or \$602,368.12 in four years, the length of the contract term. Is not this an outrageous interest on the investment? Of course there are wages for employes and food for stock; but everybody knows that in that country during a great part of the year the stock grazes, and labor is cheap. Drivers get from \$20 to \$25 per month. There cannot be more than twenty of them which would make a pay-roll of \$400 per month, or \$3,600 per year. As many more men care for the horses and stations and their labor ought not to exceed \$7,200 per year. Then on a plant of \$50,000 and an annual expenditure for labor of \$7,200 and \$15,000 for keeping of stock, a total of \$22,500 a year for expenses, the contractor gets \$150,592.03 a year! But I am reliably informed that a great part of the service costs the contractor a great deal less than my estimate allows, because he sublets it for greatly less figures.

Now take another route as an illustration—Las Vegas to Las Cruces, New Mexico, which costs now \$91,211.68. The mail is carried, I am informed, by people who have been in that country, by Mexican greasers on horseback. At any rate the contractor gets a man to perform the service for him for \$43,000 a year, and pockets the balance of \$48,211.68 a year, which in four years will amount to \$192,846.72. The pay has been raised on this route from \$14,900 a year, the contract price, to \$31,211.68 per annum.

Take still another route—Bismarck to Tongue River, Dakota. It was let at an annual cost of \$2,350. It has been raised to \$70,000 a year. Now Captain Clayton, an intelligent and reliable ex-Army officer, who has been on the survey of the Northern Pacific Railroad all last summer, right along the route from Bismarck to Tongue River, is my authority for stating that the mail over it is carried on horseback, and that one man and one horse does fifty miles a day.

I do not believe, Mr. Chairman, in having this Post-Office Department legislate for Congress. I want a penalty attached to the law, that whenever officers of the Government violate the law by incurring obligations and making contracts beyond its letter and spirit they shall be penitentiary. That is what ought to be done with those people that undertake to assume the functions of the American people as exercised through their duly appointed representatives.

I am in favor of any mode of restricting this inordinate expenditure. I am in favor of the fullest and most complete examination. I am in favor of the investigation begun by the gentleman from Kentucky being carried to the end; so that if we find there has been fraud and rascality, if all the little schemes and devices have been resorted to which were hinted at yesterday by the distinguished gentleman from Illinois [Mr. CANNON] and the distinguished gentleman from Connecticut, [Mr. HAWLEY,] we shall rip it up from the center clear out to its periphery, so that the interests of our people may be subserved by our investigations.

Mr. HAYES. I have but one word to offer in regard to the measure which is before us, and I want to say at the outset that I appear here as a representative of the people of the great West, and so long as I have a voice to raise and a vote to give that voice shall be raised and that vote given in favor of the interests of that people.

I rose, sir, to say that I am opposed not only to the bill which has been brought in here by the Committee on Appropriations, but I am opposed to the substitute which has been offered to that bill by that committee, and I am in favor of the amendment which has been offered by the gentleman from California. The only reason which has been urged here for striking down the star service of the great West is simply its cost. It is simply because the Post-Office Department comes before this House and asks for an increased appropriation of \$2,000,000 that gentlemen get up here and say they are in favor not only of rejecting that demand but of striking down the star routes through the great northwestern Territories and States. Why, Mr. Chairman, if it is necessary to keep up the service on these star routes, I am here not only to vote \$2,000,000, but if necessary I will vote \$5,000,000 to give the people of those States and Territories the mail facilities that they require, and which justice demands they should have. This Government is for the people, and it ought to be run to secure the greatest good to the greatest number. When the great West, with its immense growth in population and wealth, comes forward and asks for money to give its people proper mail facilities I am in favor of granting the request, even though by so doing we increase the appropriation already made for the Post-Office Department by the sum of \$2,000,000.

I have nothing particular to complain of, Mr. Chairman, as far as my district is concerned. I presume there are not twenty-five miles of postal routes therein that have not service on them such as the people demand. I appear here not particularly to speak for my own people, but to speak for the people of the far West that have not these facilities that my people have. And I am sorry to hear gentlemen like the gentleman from New York and the gentleman from Pennsylvania, who have their daily mail or perhaps a mail two or three times

a day, come up here and advocate a theory that would strike down and take from the hardy pioneers of the West the mail facilities which they now have.

We hear another point argued on this floor. It was stated by the gentleman from Pennsylvania, [Mr. CLYMER,] who has talked here about the violation of the law on the part of certain Government officials. Sir, that is not the question in issue at all. When this Committee on Appropriations which is investigating the Post-Office Department shall come in here with a report which will establish the fact which they have assumed, that there have been violations of law, that there has been any swindling of the people by any official of the Post-Office Department, then I will be as ready as any gentleman on this floor to vote for punishing that official; but until that time shall come I hold that it is not good taste, that it is not according to the rules of justice that any member of this House should lug that matter in here.

The Appropriations Committee come in here with their bill, and the gentleman from Pennsylvania [Mr. CLYMER] as a member of that committee gets up here and asks if any one Department of this Government or any one man representing that Department shall be allowed to coerce the House of Representatives into voting a supply of money. There has been no attempt at coercion on the part of any Government official or Department; but if there had been, I ask, sir, if it is not just as proper for that official or Department to attempt to coerce this House as it is for the Committee on Appropriations to attempt such coercion? That committee one day brings in a bill here, and the very next day it comes in and declares that the bill which they first reported does not amount to anything and that they have agreed to another bill which they recommend shall be passed. And it is this committee, which is not of the same mind two days in succession, that comes in here, and, while expressing the greatest surprise that any official or Department of the Government should attempt to coerce this House, attempts the coercive policy itself.

[Here the hammer fell.]

Mr. COX. I will withdraw my formal amendment.

Mr. UPSON. I move to amend the pending substitute for the first section of the bill by striking out "\$970,000" and inserting in its place "\$1,300,000."

Mr. Chairman, there is not time in the five minutes to which I am limited to discuss this bill as its importance would justify.

The bill now under consideration affects the material interests of eight great States and Territories of this Union. So far as it affects the district which I have the honor to represent upon this floor, if passed, it will strike down seven important mail-routes in that district. And there is an attempt under whip and spur to force the passage of this bill through the House, when, I undertake to say, with all due respect to the Committee on Appropriations, that the members of this House do not understand or comprehend its purport, its operation, and its effect.

The Committee on Appropriations themselves are at sea on this subject. Yesterday they reported a bill which would have saved to the Government only \$100,000. They have slept upon that matter, and evidently discovered last night that, from what they imagine to be the temper of this House, it would stand more than they there proposed. Therefore they propose by this substitute, which they have reported to-day, to take from this important service of the country more than \$900,000.

Why is that? Have they given any reason for it; have they given any fair, sound, good reason for the bill which they have reported to-day? No, sir. Their mouths have been opened wide, their mouths have been frothing, I might say bloody and on fire, with broad, open, general denunciation of the Postmaster-General and his subordinates. But, sir, have they pointed out a single fraud, have they referred to a single fact in support of the broad general denunciation which they have made here? The Committee on Appropriations have had this matter under investigation for nearly two months. Nearly three months ago the attention of Congress was called to this deficiency. From the very beginning of this session it was understood that there would be a deficiency, and the Committee on Appropriations have had the subject under investigation since that time. I ask you and I challenge them to show where in all the remarks which have been made by the members of that committee they have pointed to a single fraud or have given a single substantial reason why this bill they have reported should be passed and this service should be stricken down.

I undertake to say, so far as this service within my own district is concerned, that it is necessary, reasonable, and proper. The people of that district desire it, they want it, they demand it.

[Here the hammer fell.]

Mr. BENNETT. Mr. Chairman, I cannot let the opportunity pass without making a few remarks on the bill now under consideration, as the mail service in my Territory will be disastrously affected by its provisions if it should become a law. Seven routes in Dakota, among the most important we have, will be cut down, and some of them rendered comparatively worthless. Prominently among these I am advised will fall the route from Sidney to Deadwood and the route from Bismarck to Deadwood, the former, carrying all the mail from the Union Pacific Railroad destined for the Black Hills, being restored from the fast schedule of fifty hours to the long schedule of eighty hours, and the latter, carrying all the mails from Bismarck, on the

Northern Pacific Railroad, that pass over that line for the Hills, must be returned to once a week on a long schedule. It seems utterly impossible for gentlemen living in certain parts of this country to form any adequate conception of the great Northwest or to comprehend its growth and unparalleled development. They measure its wants and necessities by their own surroundings, in which they have seen no change since the day they were born. They cannot understand that away out on the plains, almost under the shadow of the Rocky Mountains, in that strange and interesting country known as the Black Hills, which less than four years ago was a solitude, there is to-day a population of over thirty thousand people, with prosperous, busy, thriving towns; eight newspapers, five of which are daily; school-houses and churches; national banks, large commercial houses; the richest mines in the world; the largest mills and finest machinery for the reduction of ore and the production of precious metals that can be found on the continent.

And they may not know that that mining region alone has contributed to the wealth of this country in bullion during the last year from three to five millions of dollars, which is a low estimate. It will readily be understood by every one, except he who is willfully blind, that the interests of such a community must be closely identified with the people and capital of eastern cities, and that their business relations require the very best possible mail facilities. And yet to those honest, hardy, daring pioneers who have opened up for you that mine of marvelous wealth, and who are daily adding so much to our sources of national prosperity, you begrudge the poor privilege of two daily mails leading in, as they do, from two of the most important railroad thoroughfares in the Northwest. These stage companies, as was so well stated on yesterday by the gentleman from Kansas, [Mr. HASKELL,] are the forerunners of emigration and civilization. These two lines leading into the Hills one running over two hundred and fifty miles and the other two hundred and ninety through country with little or no settlement, have bridged streams, improved roads, and constructed ferries over rivers, and by stopping at no expense by way of coaches and equipments have made the long and tedious journey not only tolerable but pleasant.

On the route from Bismarck to Tongue River, a distance of three hundred and fifty miles, I am reliably informed it cost the mail contractor the sum of \$35,000 to prepare a road, build bridges, provide ferries, construct stations with stabling, &c., in order to make travel and the transportation of mails possible.

And now after an immense outlay of money on the strength of their contracts, which they have always faithfully executed, they are to be told that they have no rights under those contracts which this great Government is bound to respect, nor the people depending on them for their mails any interest in that service worthy the consideration of this House. And why? The friends of this measure talk wisely and with an assumed indignation that is perfectly wonderful against the alleged dereliction of officials, but their reasons for this great wrong to the people of the West are lame and impotent, and will fall far short of being accepted as satisfactory by the country. Out of one hundred and seven star lines on which the service has been increased or expedited, four or five only are found in which anything could be discovered to arouse the suspicion of even a committee in search of matter to justify an investigation.

And I call attention to this fact, that so far in this debate not one fact or figure has been produced to justify the conclusion so hastily and gladly jumped at by certain gentlemen, that the increase or expedition of service on these four or five routes was unwise, unjustifiable, and not in the interest of the public service. Must we be judged by the income returned? How much income did the Government realize from the service on the routes from Saint Louis to San Francisco via Texas, and from Omaha to Sacramento, from 1858 to 1861, when they cost the Government, one running twice a week and the other six times a week for eight months and three trips a week for four months, \$1,600,000 per annum? Had these two routes been increased to daily they would have cost over \$3,500,000. It was not for revenue that these routes were established and service put on at such great cost, but for the accommodation of the people, to open up the country, to make a highway for settlement and civilization. But now hands are held up in holy horror when *twelve* routes are found, on many of which there is daily service, costing the Government \$2,000,000. From 1850 to 1861 numerous routes cost per mile, for once a week service, slow schedule time, from fifty to over two hundred dollars per mile, while the highest cost per mile of any of the one hundred and seven routes affected by this bill does not exceed \$42, and the average cost per mile on these one hundred and seven routes will not exceed \$32 per mile, the average cost of the entire star service being \$9.24 per mile less than it has been since 1858. The fact is that under the present management of the Post-Office Department the country has cheaper star mail service, and more efficient, than it has had for the last twenty-one years.

But to return. These four or five routes in which gentlemen claim to find something that is crooked and irregular, but which they have failed to make apparent to this House, are made the pretext for striking down and crippling to an alarming degree the star service of the country—no, not of the entire country, but of the West and Northwest. Is there anything wrong in the increase or expedition of service on any of the lines in Dakota? No; but it has been hinted to me that they might get along with a weekly mail in Deadwood. Any-

thing wrong in the service in Colorado? No. In Kansas? No. In Wyoming or Montana? No. In any of the other one hundred and one routes? No; but they must all suffer because, forsooth, a daily mail has been put on some route where, in the judgment of the Committee on Appropriations, it was not required or service has been expedited or increased where it should not have been done and at too great a cost. We who are on the outside and to whom the avenues of information are closed, as expressed by the gentleman from Illinois, [Mr. CANNON,] may possibly in our ignorance be objects of pity. While we may not be able to argue from man to man and from mule to man with the logic of some, we at least have seen a stage line over twenty-five miles in length and know something of the cost and expense of operating such lines in the far West and their importance to the people where railroads have not yet penetrated.

As was stated on yesterday by a member, [Mr. HASKELL,] admitting everything that has been said by the friends of this bill as to the abuse of discretionary power lodged in the Postmaster-General, broad charges of willful violations of the law in the case of a few routes and in creating a deficiency, still can this wholesale onslaught on the remaining service be justified? Why not strike intelligently at ascertained abuses, and not wildly and madly, without justice or discretion, at the entire system? The gentleman from Connecticut [Mr. HAWLEY] made some strange assertions in the course of his remarks, and among others that we were acting under duress. This House is overawed by the Postmaster-General, threatened, menaced, and all that. But this overshadowing power has been impotent to accomplish all things, and with the fiery declamation of the gentleman still ringing in our ears we cannot say, in the language of the poet—

O eloquence, thou wast undone,
Wast from thy native country driven,
When tyranny eclipsed the sun
And blotted out the stars of heaven!

In what does this alleged duress consist? In the order issued by the Postmaster-General that on the 1st day of March all star service should be cut down to once a week in order to prevent a deficiency in the appropriation. And this after notice of the anticipated deficiency in the present service had been in the hands of the Appropriations Committee since the 6th day of last December.

That order would affect the service all over the country alike. But what will be the effect of this bill? In all the older States, such as Connecticut, and where they have complete systems of railroads, the star service is unimportant and has long been established. Perhaps they have required no increase or expedition of service during the last or the current fiscal year; or, if any has been made it has been on short lines, where the additional expense would not exceed \$5,000. So they are not touched by this bill, and saved from the effects of the menacing order, while the blow of hot indignation leveled against alleged abuses must fall on the West, the far West, where the star service is everything to the people and to the prosperity and development of the country. Is this the kind of disinterested justice that members from the older portions of this Union propose to deal out to the Territories and young States lying west of the Mississippi River? If it is I will give gentlemen fair warning that they had better be diligent in the use of their power while they possess it, for the day is near at hand when that power will slip from their grasp and be transferred to the great, growing, liberal West and Northwest.

The gentleman from Connecticut [Mr. HAWLEY] made use of the following language:

If the idea of the gentleman from Kansas that we can strike off the expedited service and get off with something like a million to cover the deficiency be correct, very well. We shall have discharged our duty when we—

Meaning the Committee on Appropriations—

have called your attention to this shameless and defiant infraction of the statutes of the United States. I have said it deliberately.

I fancied I felt the Dome on the Capitol tremble. Brave words. Are they as just as grave? No, they are not. They do great injustice to the Postmaster-General, virtually charging him with an impeachable offense, and were unwarranted and uncalled for. It is alleged that the Postmaster-General defiantly and shamelessly violated the law in exceeding the appropriations, and yet in the same breath denounces him in unmeasured terms for presuming to cut down the service in order to avoid a deficiency.

I presume if this order had been confined in its operations to the country west of the Mississippi it would have had none of the elements of menace or duress in it. As well stated by the gentleman from Kansas, [Mr. HASKELL,] there is no deficiency, and will not, cannot be until the end of the fiscal year. This House has been apprised of the fact that if the present service is continued it will result in a deficiency, and asked respectfully to take action thereon. And after waiting two months and a half, during which time the Committee on Appropriations has been as silent as the grave, the Postmaster-General issued the order that has given such offense. If Congress would not provide against a deficiency then he was determined to do it himself. Gentlemen know, or ought to know, that it is utterly impossible for Congress to anticipate one year in advance all the needs and wants of the postal service of this vast domain. And to say that no deficiency must be incurred, that the appropriations must not in any event be exceeded, is simply to cripple the service and say that such exigencies as arose in the rapid settlement and development of the Black Hills and other portions of Dakota, and

the springing up of a city like Leadville, like magic, must await the tardy action of Congress before they can be supplied with mail facilities.

Such narrow, contracted, and impracticable views have never before been advanced with reference to this Department in this country to my knowledge. And it is an admitted fact that for years past—and for aught I know it may reach clear back to the organization of the Post-Office Department—the expenditures of this Department have exceeded the appropriations; and I have never yet heard of a Postmaster-General being threatened with impeachment on account of it. After all that has been said about extravagant, non-paying lines, the fact remains true that the expenditures of the Department over the receipts for 1879 were less than they have been since 1866, when the service was partially restored to the Southern States. Now, wherefore all this tempest in a tea-pot? If abuses have crept into the service let them be corrected, and in that work I have no doubt the Postmaster-General and his subordinates will be found willing collaborators.

I wish to call attention to one other fact. When the service was placed on the routes from Sidney and Bismarck to the Hills, the population was comparatively small and the mail matter not large. But the wonderful growth of that country rendered more expeditious mails and better service an absolute necessity. To-day, as I am informed, these two routes carry daily from one to two thousand pounds of mail matter each. If the service on the one is returned to a slow schedule, and the other to a weekly service on long schedule, it will be next to impossible for them to carry the mails. The Bismarck route would have for each trip from one thousand to fifteen hundred pounds of mail that has accumulated at that point for one week awaiting transportation. It would be a virtual destruction of that route, and throw double work on the other routes.

Much has been said on the point that the contractor would be allowed one month's compensation. This in many cases would be next to no compensation for the losses incurred. But while I urge that justice should be done to the men who in good faith have entered into contracts with the Government, and on their strength have expended large amounts of money, I more earnestly plead for the rights of my people to necessary mail facilities and that they shall not be made to suffer by reason of any abuses in other parts of the country. In my judgment, there has been no increase nor expedition of service in Dakota that have not been demanded and made necessary by the growth and development of the country, and they should not be disturbed.

Mr. HUMPHREY. I move to amend by striking out of the first section all after the word "provided."

The CHAIRMAN. The Chair understands that to be the amendment of the gentleman from California, [Mr. PAGE.]

Mr. HUMPHREY. Then I will move to strike out the last word of the amendment of the gentleman from California.

Sir, it seems that at every returning session of Congress, when the question is brought forward of making appropriations for the Post-Office Department, the star service is to receive all the hard blows to be visited upon any division of that service. Gentlemen seem to forget that for one hundred thousand miles of railway service and for the free-delivery system in one hundred and one cities the Government is obliged to appropriate the sum of \$17,500,000. Yet if the House should adopt the amendment of the gentleman from California, [Mr. PAGE,] and give the star service the amount which it requires, the cost for the entire year for that star service would be only \$7,500,000, a little more than one-third of the amount which is given to-day for the railway mail service and the free-delivery system in one hundred and one cities.

We should recollect that the star service is a service which is more effectual in building up our western empire than any other system that has ever been developed. It is a service which has been called into existence by the wants of that mighty empire. Although that service to-day may result in a loss to the Government, in the course of ten years the returns from it will dwarf into insignificance all the benefits which will result from any of the other great enterprises which have been put in operation.

And there is another thing. If we wish to strike at the root of the evil, let us not forget that one or two years ago we fixed the compensation of the general superintendent of the railway mail service at \$3,500, and the compensation of his division assistants, some of them operating in four States, at \$2,500 a year each. Yet it is a fact that in Baltimore, New York, Boston, and every city of that size in the United States, the postmasters of those cities are allowed to fix the compensation of their employés. And in some cases the compensation of employés who occupy a third grade lower than the superintendent of the railway mail service, and a second grade lower than his division assistants, are paid \$4,000 a year, while those who are their superiors in position receive only from \$2,500 to \$3,500 a year.

If evils are to be corrected, let us get at the root of the matter; let us legislate in such a way that justice shall be done to all parties; let blows fall where they should fall. When we are legislating upon a question of this sort let us see that we do no injustice to sparsely settled portions of the country; for about all the benefit they get from the legislation of Congress is in the daily mail which comes to their doors. They feel this benefit practically. They say, "Congress has given us this; and it is practically all that we do get." Those

parts of the country a few years hence, when brought nearer to the older settled portions by railroads and by the advance of civilization, will in turn give to those who are settled on the utmost limits the same advantages which they themselves now enjoy at the hands of Congress. No appropriation that you can make for the great West will be commensurate with the return which the great West brings to the East. No power that you can exert here will bring about that fruition which the great West has given to the country.

[Here the hammer fell.]

Mr. BLOUNT. I move that the committee rise for the purpose of closing debate on this section and the pending amendments. [Cries of "Vote!" "Vote!"]

Mr. ATKINS. I suggest that we take a vote. I think the Committee of the Whole are ready to vote.

Mr. BLOUNT. If the committee are ready to vote, I withdraw my motion.

The CHAIRMAN. The question is on the amendment of the gentleman from California, [Mr. PAGE.]

Mr. CALKINS. I rise to make an inquiry. Does the gentleman from Georgia, [Mr. BLOUNT,] move that the committee rise to limit debate? Is that motion pending?

The CHAIRMAN. The gentleman withdrew that motion upon the understanding that the Committee of the Whole desired to proceed to a vote.

Mr. CALKINS. I do not understand that we want to vote now. If the gentleman withdraws that motion, I desire to claim the attention of the committee.

Mr. BLOUNT. If there is to be an effort to continue debate, I may just as well move now that the committee rise so that the House may make an order in regard to closing debate.

The CHAIRMAN. The gentleman from Georgia insists on his motion that the committee rise.

The motion was agreed to; there being—ayes 121, noes 70.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SCALES reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880, and had come to no resolution thereon.

Mr. BLOUNT. I move that when the Committee of the Whole shall resume the consideration of House bill No. 4736 all debate on the first section and pending amendments thereto be limited to five minutes.

Several MEMBERS. Say one minute.

Mr. BLOUNT. Very well.

The question being put on the motion of Mr. BLOUNT, as modified, to close debate on the first section and pending amendments in one minute, it was agreed to; there being—ayes 105, noes 81.

Mr. BLOUNT moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BLOUNT. I move that the House again resolve itself into the Committee of the Whole on the state of the Union, to resume the consideration of House bill No. 4736.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. SCALES in the chair,) and resumed the consideration of the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880.

The CHAIRMAN. The pending question is upon the amendment of the gentleman from California [Mr. PAGE] to strike out in the first section the proviso which will be read.

The Clerk read as follows:

Provided, That upon any route where there has been an increase of the original contract price during the last or the current fiscal year exceeding \$5,000, the compensation on such route shall be reduced to the terms of the original contract on and after the 1st day of March next; but nothing herein contained shall be construed to forbid the payment to contractors of the one month's pay, as is usual in case of reduction or termination of contract.

The question being taken on agreeing to the amendment, there were—ayes 88, noes 102.

Mr. PAGE called for tellers.

Tellers were ordered; and Mr. PAGE and Mr. BLOUNT were appointed.

The committee divided; and the tellers reported—ayes 80, noes 119. So the amendment was not agreed to.

The question recurred on the amendment of Mr. UPSON to amend the substitute of Mr. BLOUNT by striking out "\$970,000" and inserting "\$1,300,000;" which was not agreed to.

The question then recurred on the following substitute offered by Mr. BLOUNT for the first section:

That the sum of \$970,000, or so much thereof as may be necessary, be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to meet the expenses of inland mail transportation on star routes for the remainder of the current fiscal year, at or within contract prices as they existed on February 1, 1880: *Provided*, That upon any route where there has been an increase of the original contract price during the last or the current fiscal year for expediting the delivery of mails on any such route at a rate of more than \$2,500 per annum the compensation for expedited service on such route shall be reduced to the terms of the original contract on and after the 1st day of March, 1880. And nothing herein contained shall be construed to require the reduction of the num-

ber of trips per week over any such route below the present number. During the remainder of the current fiscal year no further expediting of service on any postal star route shall be made.

Mr. TOWNSHEND, of Illinois. I desire to inquire of the gentleman from Georgia whether the substitute offered by him is submitted by unanimous consent of the Committee on Appropriations?

Mr. BLOUNT. It is.

The question being taken on the substitute offered by Mr. BLOUNT, it was agreed to; there being—ayes 153, noes not counted.

The Clerk resumed and concluded the reading of the bill, as follows:

SEC. 2. That the further sum of \$100,000 be, and the same is hereby, appropriated, as aforesaid, to enable the Postmaster-General to place new service as authorized by law, and the further sum of \$100,000 to increase the service on existing routes, including those on which a reduction has been provided for by the preceding section: *Provided*, That no increase shall exceed the rate of \$5,000 a year upon any one route.

Mr. BLOUNT. I move to amend the section just read by striking out all after the words "authorized by law," in the fourth line. I ask the Clerk to read the section as it will stand if this amendment be adopted.

The Clerk read as follows:

That the further sum of \$100,000 be, and the same is hereby, appropriated, as aforesaid, to enable the Postmaster-General to place new service as authorized by law.

Mr. PAGE. I want the Committee of the Whole to understand that the amendment now offered strikes out \$100,000 of appropriation for the star service.

Mr. HAWLEY. And we raised it \$269,000 in the first section.

Mr. PAGE. I want the committee to understand the amendment strikes out \$100,000 appropriation for the increase of the star service on routes which may be deemed proper by the Post-Office Department in the future.

Mr. BLOUNT. Oh, no!

Mr. PAGE. Yes, it does. I should like to have the Clerk read the lines to be stricken out.

The Clerk read as follows:

And the further sum of \$100,000 to increase the service on existing routes, including those on which a reduction has been provided for by the preceding section: *Provided*, That no increase shall exceed the rate of \$5,000 a year upon any one route.

Mr. PAGE. Now, Mr. Chairman, as I said before, that amendment of the gentleman from Georgia proposes to strike out the \$100,000 placed in the hands of the Postmaster-General for increase of star service for any route necessary in the future. I hope this committee will not do this. I am pretty well satisfied that the solid South when recruited from this side of the House is invincible. I want to call attention to this provision.

Mr. ATKINS. The only gentlemen on this side who voted with the gentleman from California were from the solid South. Not a single northern member from this side of the House voted with the gentleman.

Mr. BLOUNT. Mr. Chairman, this proposition allows to the Postmaster-General the right to put new service where there is no service at all now. The object is to allow service to be put on. The number of trips is not fixed. The other section was stricken out for the purpose of preventing what the committee regard, what I take it the House regarded, as the most mischievous portion of the service under the present operation of the law in regard to postal contracts, to wit, the expedited service. It is that this \$100,000 may be used except for that purpose. The committee understand a large portion of the year has already gone by, two-thirds of it; that a large amount of service has been already put on, and that this is a provision for the fractional portion of the year, and this amount is deemed sufficient.

Mr. BELFORD. I wish to ask the gentleman a question, with his permission.

Mr. BLOUNT. Certainly.

Mr. BELFORD. I understand the gentleman from Georgia proposes to strike out a part of the bill which he recommended yesterday to this House favorably. If it were right yesterday to continue that proposition in the bill, how does it become wrong to-day? If it had the approbation of the committee, then why is it that it now is rejected?

Mr. BLOUNT. I take a great deal of pleasure in answering the gentleman. The committee yesterday were unanimous on the bill as they presented it. It was urged there should be a further meeting, and, after conference as to the condition of the service, the committee finally concluded to put it in the shape in which it now is. It is impossible for me to do more than to state this generally, for within the time allotted to debate I cannot give the figures from which the deductions of that committee were made.

[Here the hammer fell.]

Mr. CANNON, of Illinois. A word only as to this amendment.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. CANNON, of Illinois. I move to strike out the last word.

Mr. Chairman, the service is provided for by increase of \$270,000 to the first section. Expedited service is cut off; therefore \$100,000 is not necessary for expedited service. A hundred thousand dollars for the balance of this year is amply sufficient for new service.

One word as to a remark which fell from the gentleman from California, [Mr. PAGE.] This is a matter of dollars and cents—for Con-

gress to determine whether or not this service as it is now run is a wise one. My own opinion is that the expenditure on some of those territorial routes to the full extent it is being made is not wise.

As a Representative having a voice in making the laws for the United States, I express that preference boldly and freely and fearlessly by my word and by my vote. I have no quarrel with any gentleman upon either side of the House who believes to the contrary. In politics I am a republican; yet I stand, in all questions of expenditure of money out of the Treasury of the United States, upon my character and my freedom as a Representative. And, sir, no crack of the party whip in the hands of the gentleman from California, talking about riders on appropriation bills or reinforcement from the "solid South," will affect me in the least. I take notice that this side of the House was reinforced from the solid South as well as that side was reinforced by some from this side.

I want to say, sir, politics has nothing to do with this question. If it is to be made a political test whether these \$2,000,000 are to be poured into the lap of half a dozen contractors on these numerous paid routes, then I am not a politician.

Gentlemen have talked of the great West and its development. I thank God the West has developed; I am of it and proud of it, but I have yet to learn that half a dozen contractors on this enormously increased service represent the great West.

I believe the action of the committee has been wise. It is not as radical as I would have had it, it is not as radical as I advocated, but it is as radical as this committee thought was wise and just, and perhaps it is radical enough. Now I have always attempted to bow with good feeling and good temper to the action of the committee and of the House, from necessity first and from a sense of propriety next.

[Here the hammer fell.]

Mr. DUNNELL. Mr. Chairman, I have not participated in the debate on this bill at all. I have had my eye on one section or one clause of the second section of the bill which I hope will remain in this section, for in that clause I find relief to a large number of routes in the district which I represent. If this amendment be stricken out, or this item of \$100,000 be stricken out, there is no provision then in the amended bill to increase the service on any route which has been cut down during the present year. For instance, at the beginning of this current fiscal year there was upon many routes a service of three times a week. Since the 1st of July in my district on a great many routes that service has been cut down from three times a week to once a week.

Now, from various districts there come to me a complaint and request that there shall be an increase. There are many routes in my district which have heretofore had mail three times a week which now have it but once a week, and if this \$100,000 be stricken out of the bill there is no provision at all to return to the service as it was at the beginning of the present year. The first section of the bill makes no provision for it whatever. It provides for another class of routes and for another kind of service altogether, and has no reference whatever to this class to which I allude.

Now, I trust that this amendment will not be adopted, because it strikes out these shorter routes which have been reduced during the year, because of this very kind of legislation or administration of the law, against which so much has been said and against which the gentleman from Pennsylvania is complaining.

Mr. CLYMER. Under the first section of the bill provision is made that the compensation on the routes shall be reduced to the terms of the original contract on and after the 1st of March next.

Mr. DUNNELL. Now, I care nothing about that point. But suppose that there is service on a route three times a week, and under the administration of the law from the 1st of February last this service is cut down to once a week. Now, where is any provision in the bill to bring it back to three times a week? That is the point that I am making.

Mr. McMAHON. Mr. Chairman, I only wish to explain to the House a matter which the gentleman from Minnesota does not seem to understand. In the bill reported from the committee yesterday, it is proposed to cut down all contracts where there had been both increased and expedited service. The committee, however, thought that on some of the routes where increased service had been put a wrong might be done. In order to right that wrong a discretion was given to the Postmaster-General in the second clause giving him \$100,000 for the increase of service. But now under the present bill we do not interfere with the post-routes so far as the number of trips is concerned, but only with the expedited service. We give all that is necessary for the number of trips which was authorized on the 1st of February, 1880. We cut down only on expedition. Therefore there is no necessity for the \$100,000.

I say to the gentlemen on the other side I am really surprised when we on this side of the House manifest such a liberal disposition—and when I say the other side I mean the majority on the other side—that when we manifest the liberal disposition we do to give \$1,070,000 of deficiency which was unauthorized by law, I think we ought to be met in a proper spirit by the gentlemen on that side, and there should be a unanimous vote for the proposition.

Mr. DUNNELL. I can say to the gentleman from Ohio that he does not understand it.

Mr. CALKINS. I move to strike out the last word. Now, Mr.

Chairman, whether the bill presented yesterday to the House by the Committee on Appropriations or the substitute which has been offered by my colleague [Mr. BAKER] be adopted, I wish only to say that in my judgment neither would have gotten twenty-five votes in this House, if I understand them properly, except for the fact that they contain provisions stripping a great many gentlemen representing country districts of any interest in either of them. If you strike out this minute the provision in the bill, that where the expense does not exceed \$2,500 for expediting the service, you cannot pass the bill, nor do I believe it will get twenty-five votes in the House.

Now, what I am opposed to is the principle contained in the bill. What is it? You had an explanation of it yesterday by the gentleman from Illinois, [Mr. CANNON,] and by all the gentlemen who spoke upon the subject. Why, said they, we only strike poor little Colorado, with one vote in this House. We only strike Kansas, with three, and the eight Territories that have no voice at all upon this floor, and Texas and California. The rest of you are hushed down. It does not hurt you, but the Committee on Appropriations propose to leave the House with the scalps of eight Territories and three or four Western States dangling at their belt.

When I asked my colleague, the gentleman from Indiana, if the principle upon which this bill was founded was not wrong, and, if not, why not let it apply to everybody, he failed to answer me. They have all failed to answer that question to this moment. It makes no difference if all the money had been squandered which we appropriated last year for the carrying of the mails; it makes no difference to us in acting upon this deficiency bill even if it were stolen. The question is: Are we to have mail facilities? Are the mails to be carried to our people? That is the question. The other question we will deal with when we come to it.

I was surprised to hear some gentlemen say that the men in the Territories might put up with one mail a week, while you gentlemen who have seats here upon this floor have your mail brought to the Capitol and delivered to your seats at an expense of thousands of dollars annually, and this notwithstanding the city post-office is within a stone's throw of your Capitol. How can you under such circumstances go home to your constituents and justify yourselves for this action of the House? I stand for the weak, and it will be the proudest day of my life if, when I retire from this Hall, the people who knew and heard me here shall be able to say that whenever it was undertaken to exercise power against the weak my humble voice was for them as against the strong. [Applause.]

I want to say another word; but the gentleman from California [Mr. PAGE] desires to speak, and I yield the balance of my time to him.

[Here the hammer fell.]

Mr. PAGE. I ask, then, to be recognized in my own right. I desire to say one word in reply to the gentleman from Illinois, [Mr. CANNON.] I was not aware that anything I had stated here to-day was of a nature to "rile up" my amiable friend, Mr. CANNON. I certainly intended to say nothing that should reflect on his action in the committee or elsewhere. I did indulge in a little pleasantry about the solid South, and it was a mere pleasantry, as you all know, for there is not a gentleman on the other side of the House who does not know that I have been as liberal in my political views and my action on this floor as any gentleman here.

I wish to say that in my action here to-day I have been governed by a direct purpose to benefit my people. As regards almost every route on which the service was expedited or increased and which is affected by this bill, the Legislature of my own State, at its session before the present one, had memorialized by concurrent resolution this body for the securing of this mail service. And when the gentleman refers to three or four mail contractors, let me tell him, Mr. Chairman, that mail contractors never consult men who have no influence simply from the fact they are not on committees that hold the purse-strings of the country. Mail contractors when they want anything from this House go to the party or to the men who hold the purse-strings, and not to humble individuals like myself or my colleagues whom I see around me who have no influence and no power to be heard unless in so far as they can beg a few moments from the Appropriations Committee when it makes a report.

Mr. DUNNELL. I desire to offer an amendment, and ask the gentleman from Indiana [Mr. CALKINS] to withdraw the *pro forma* amendment.

Mr. CALKINS. With the consent of the committee I will withdraw the *pro forma* amendment.

Mr. THOMAS TURNER. I object.

The question being taken on the amendment, it was not agreed to.

Mr. DUNNELL. I offer the amendment which I send to the desk. The Clerk read as follows:

In section 2, line 4, after the word "law," insert the words: Or increase the service upon existing routes other than those reduced by the first section of this bill.

So that it will read:

SEC. 2. That the further sum of \$100,000 be, and the same is hereby, appropriated, as aforesaid, to enable the Postmaster-General to place new service as authorized by law, or increase the service upon existing routes other than those reduced by the first section of this bill.

Mr. DUNNELL. It will be seen that this amendment which I offer does not increase the amount proposed by the gentleman from Georgia. If it be adopted, the section will say that that \$100,000 may be applied,

first, to put on new service, or, as provided by my amendment, to increase the service which has already been reduced. I do not think the gentleman from Georgia can object to that. It does not increase the amount.

The question being taken on Mr. DUNNELL's amendment, it was agreed to.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Georgia [Mr. BLOUNT] to the second section.

The question being put, the amendment was adopted.

Mr. BLOUNT. I move that the committee rise and report the bill as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SCALES reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4736) to provide for the deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880, and had directed him to report back the same to the House with amendments.

Mr. BLOUNT. I now move the previous question upon the bill and amendments.

Mr. WHITE. I move that the House now adjourn.

Mr. CLYMER. Oh, no; this bill must be passed by the 1st of March.

Mr. WHITE. I withdraw the motion.

The previous question was then seconded and the main question ordered.

Mr. BLOUNT moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The first amendment reported from the Committee of the Whole will now be read.

The Clerk read the first amendment, which was to amend section 1 of the bill so as to read as follows:

That the sum of \$970,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to meet the expenses of inland mail transportation on star routes for the remainder of the current fiscal year, at or within contract prices as they existed on February 1, 1880: *Provided*, That upon any route where there has been an increase of the original contract price during the last or current fiscal year for expediting the delivery of mails on any such routes at the rate of more than \$2,500 per annum the compensation for expedited service on such routes shall be reduced to the terms of the original contract on and after the 1st day of March, 1880. And nothing herein contained shall be construed to require the reduction of the number of trips per week over any such route below the present number. During the remainder of the current fiscal year no further expediting of service on any postal star route shall be made.

The question was taken upon the amendment, and it was agreed to.

The next amendment reported from the Committee of the Whole was to amend section 2 of the bill so as to read as follows:

That the further sum of \$100,000 be, and the same is hereby, appropriated, as aforesaid, to enable the Postmaster-General to place new service as authorized by law, or to increase the service upon existing routes other than those reduced by the first section of this bill.

The question was taken upon the amendment, and it was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. UPSON. On that question I call for the yeas and nays.

The yeas and nays were not ordered, there being but three in the affirmative.

The bill was then passed.

Mr. BLOUNT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REDUCTION OF DUTIES.

Mr. MORRISON, by unanimous consent, introduced a bill (H. R. No. 4751) to reduce duties in excess of 50 per cent. *ad valorem* on all articles embraced in Schedules A, B, C, E, K, L, and M of section 2504, Revised Statutes, and not subject to internal-revenue tax; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

Mr. WHITE. I move that the House now adjourn.

PUBLIC BUILDING AT FORTRESS MONROE.

Pending the motion to adjourn,

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting estimates for repairing the building at Fortress Monroe, Virginia.

Mr. GOODE. I move that that communication be referred to the Committee on Appropriations and printed.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. WHITE. I will withdraw my motion to adjourn for the purpose of allowing—

The SPEAKER. If the gentleman withdraws his motion the Chair will recognize members to present propositions.

Mr. WHITE. I will withdraw the motion only for that purpose.

The SPEAKER. The motion cannot be withdrawn conditionally. The motion of Mr. WHITE was then agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. AIKEN: The petition of the publishers of the Newberry (South Carolina) Herald, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. WILLIAM ALDRICH: The petitions of Tonsley & Dennison, publishers of The Eye, at Englewood, Illinois, for the abolition of the tariff duty on printing-type—to the same committee.

Also, the petition of John C. Bundy, publisher of the Religio-Philosophical Journal at Chicago, of similar import—to the same committee.

Also, the petition of William Haskell, publisher of the Daily Telegraph, at Chicago, of similar import—to the same committee.

Also, the petition of Jameson & Morse, publishers of the American Antiquarian and Oriental and Biblical Journal, at Chicago, of similar import—to the same committee.

Also, the petition of Joseph Medill, editor of the Chicago Tribune, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. ATHERTON: The petition of Swigart & Sons, of the Jackson Sentinel and Jackson Demokrat, of Maquoketa, Iowa, for the abolition of the duty on type—to the same committee.

Also, the petitions of P. F. Selby and 111 other citizens, of L. H. Randolph and 46 others, citizens of Perry County, Ohio, for legislation against the exactions and discriminations of railroad and other monopolies in respect to passenger and freight rates—to the Committee on Commerce.

By Mr. BACHMAN: The petition of Cornell & Fehr, publishers of the Easton Daily and Weekly Argus and Northampton Correspondent; of H. S. Clauser, publisher of the Moravian, Bethlehem, Pennsylvania, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. BALLOU: The petition of T. W. Bicknell, publisher of the Journal of Education, Boston, Massachusetts, of similar import—to the same committee.

By Mr. BARBER: The petition of C. Dickinson, of Barrington, Illinois, for the repeal of the stamp-tax on medicines—to the same committee.

Also, the petition of Maria D. Langeloth, publisher of Eulenspiegel; of M. J. Cahill, publisher of Pilot; of Enander & Bohman, publishers of Hunlandet, and of Julius Silversmith, publisher of Occident, Chicago, Illinois, for the abolition of the duty on type—to the same committee.

By Mr. BICKNELL: The petitions of the Ledger-Standard Company and of Otto Palmer, publisher of the Deutsche Zeitung, New Albany; of Isaac T. Brown, publisher of the Republican, Columbus, Indiana, and of Thomas W. Bicknell, publisher of the National Journal of Education, Boston, Massachusetts, of similar import—to the same committee.

Also, the petition of the Ledger-Standard Company, of New Albany, Indiana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of Benjamin Burgess & Sons and 35 others, importers and refiners of sugar in Boston, Massachusetts, against granting discretionary power to grade or classify sugar to the Secretary of the Treasury or any other person—to the same committee.

By Mr. BOUCK: Resolutions of the Wisconsin Board of Charities and Reform, relating to pauper immigration—to the Committee on Education and Labor.

By Mr. BOYD: The petitions of James M. Gordon and 29 other citizens; of N. Dunlap and 65 other citizens; of John S. Fleming and 59 other citizens, and of George Wakefield and 13 other citizens, of Peoria County, Illinois, for amendment to the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petitions of N. Dunlap and 67 other citizens; of G. Brassfield and 69 other citizens; of George Wakefield and 13 other citizens, and of James M. Gordon and 29 other citizens, of Peoria County, Illinois, for legislation to prevent fluctuations in freight charges—to the Committee on Commerce.

Also, the petition of E. H. Phelps, publisher of the Toulon (Illinois) Herald, for the abolition of tariff duty on type—to the Committee of Ways and Means.

Also, the petition of Edwin Butler, publisher of the Stark County (Illinois) News, of similar import—to the same committee.

Also, the petition of Barnes & Baldwin, publishers of the Evening Journal, Peoria, Illinois, of similar import—to the same committee.

By Mr. BRENTS: The petition of W. H. Dodge, of Washington Territory, in relation to certain land grants—to the Committee on Public Lands.

By Mr. BREWER: The petition of H. P. Covert, E. G. Robbins, and 45 others, citizens of Waterford, Michigan, for a law to prohibit railroad and other transportation monopolies—to the Committee on Commerce.

Also, the petition of H. P. Covert and 46 others, citizens of Waterford, Michigan, for a law to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petitions of D. P. Whitmore, of Mason, and Fred. Slocum, of Holly, Michigan, publishers, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. BRIGGS: The petition of Kimball Webster and 15 others, citizens of Hillsborough County, New Hampshire, for legislation to protect innocent users of patented articles—to the Committee on Patents.

Also, the petition of Kimball Webster and 15 others, citizens of Hillsborough County, New Hampshire, for legislation to alleviate the oppressions of transportation monopolies—to the Committee on Commerce.

By Mr. BRIGHAM: The petition of Joseph A. Dear, of the Evening Journal, Jersey City, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. CALDWELL: The petition of John B. Gains and J. C. Dickey, editors Simpson County (Kentucky) Enterprise and Franklin (Kentucky) Local, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. CARPENTER: The petitions of J. D. Ainsworth, publisher Monona County (Iowa) Gazette; of Means & Downing, publishers Boone (Iowa) Republican; of A. M. Adams, publisher of the Independent, and other publishers of Dakota City; and of Fred. H. Taft, publisher of the Humboldt (Iowa) Kosmos, of similar import—to the same committee.

By Mr. CASWELL: The petition of Daniel Jones and 33 others, citizens of Watertown, Wisconsin, to include Rock River in the reservoir plan in improving the navigation of the Mississippi River—to the Committee on Commerce.

By Mr. CHALMERS: The petition of F. C. Morehead, T. W. Campbell, and Rogers, Groome & Co., publishers, of Vicksburg, Mississippi, that material used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. JOHN B. CLARK, Jr.: The petition of Yearman & Bowen Eastin & Sawtell, of Glasgow, Missouri, of similar import—to the same committee.

By Mr. COLERICK: The petition of Henry Peigh and 78 others, citizens of Huntington County, Indiana, for legislation protecting innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of Thomas A. Eakin and 75 others, citizens of Huntington County, Indiana, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. COVERT: The petition of Charles Kernitz, of Long Island City, New York, for the repeal of the duty on type—to the Committee of Ways and Means.

By Mr. COWGILL: The petition of W. H. Campbell and 12 other soldiers of Walton, Indiana, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. CRAPO: The petitions of the Mercury Publishing Company of New Bedford; of George Robertson, publisher of the New Bedford Signal; of the Daily Herald Publishing Company, Fall River, and of Charles F. Swift & Son, of the Wamouth Register, Massachusetts, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of Albert Hall and 81 others, ship-owners and shipping merchants, for the abolition of compulsory pilotage—to the Committee on Commerce.

Also, the petition of Robert K. Remington, of Fall River, and others, for the removal of the duties on chrome iron ore and bichromate of potash—to the Committee of Ways and Means.

By Mr. CRAVENS: The petition of Michael Mayers, for rehearing of his claim for medicine furnished the United States during the late war—to the Committee on War Claims.

By Mr. JOSEPH J. DAVIS: The petition of Edwards, Broughton & Co., publishers of the Raleigh (North Carolina) Biblical Recorder, and of W. S. Black and F. L. Reid, editors of the Raleigh (North Carolina) Advocate, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. HORACE DAVIS: Papers relating to House bill No. 4162, authorizing the Secretary of the Treasury to issue an American register to the bark Annie Johnson—to the Committee on Commerce.

By Mr. DEERING: The petitions of W. C. Hayward, publisher at Garner; of W. R. Mead, publisher at Crescow; of F. A. Gates, publisher at Belmond; of T. M. Atherton and G. W. Bennett, publishers at Osage; of H. B. Nies, publisher at Marble Rock, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petitions of H. B. Nies, publisher at Marble Rock, and of publishers of Butler County, Iowa, for the abolition of the tariff on type—to the same committee.

By Mr. DEUSTER: The petition of John R. Bohan, A. Heidkamp, E. B. Bolens, and other publishers, of Port Washington, Wisconsin, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. DICKEY: The petition of John H. Hennen and 31 others,

of Clinton County, Ohio, for a revision of the patent laws—to the Committee on Patents.

Also, the petition of John H. Hennen and 31 others, of Clinton County, Ohio, for the passage of an interstate-commerce bill—to the Committee on Commerce.

By Mr. DUNNELL: The petitions of J. S. Bishop, of C. H. Slocum, of B. E. Darbey and others, of M. Haloooren and others, publishers, of Minnesota, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of William P. Pickle and 10 others, citizens of Minnesota, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of William P. Pickle and 10 others, citizens of Minnesota, for a law to regulate interstate commerce—to the Committee on Commerce.

Also, the petition of L. Bixby, of Owatonna, Minnesota, for the abolition of the tariff on type—to the Committee of Ways and Means.

By Mr. ERRETT: The petition of the publishers of the Grocers' Advocate, Pittsburgh, Pennsylvania, of similar import—to the same committee.

By Mr. FRYE: The petition of the publishers of the New Religion, of Norway, Maine, of similar import—to the same committee.

By Mr. GOODE: The petition of T. O. Wise and other publishers of Norfolk, Virginia, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. N. J. HAMMOND: The petitions of J. C. McMichael and other owners and publishers of newspapers in the fifth congressional district of Georgia, for the abolition of the duty on type, and that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. HASKELL: The petitions of the publishers of the Times, Baxter Springs; of the Monitor, Fort Scott; of the Republican, Ottawa; of the Border Sentinel, Cherokee; and of the Western Spirit, Paola, Kansas, for the abolition of the duty on type—to the same committee.

By Mr. HAWK: The petitions of H. C. Gunn, of Warren Sentinel; Charles Bent, of Whiteside Sentinel; of L. G. Burrows, of Forrester Herald; of J. W. Potter, of Freeport Daily Bulletin; of J. W. Clinton, of Ogle County Press; of Samuel D. Wilson, of Oregon Courier; of Eshelman, Harrison & Ely, of Brethren at Work; of F. A. W. Shriner, of Oread, Illinois, of similar import—to the same committee.

By Mr. HAWLEY: The petition of James McLaughlin, of Stafford Springs, and of David B. Mosely and others, of Hartford, Connecticut, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of William Kerr, for the removal of the charge of desertion against him—to the Committee on Military Affairs.

Also, the petition of Maria Stanton, president, and Caroline B. Buell, secretary, of the Woman's Christian Temperance Union, of Connecticut, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. HAYES: The petitions of Robert Mann and John Woods, publishers of the Republican, Joliet; and of A. J. Lukens, publisher of the Record, Seneca, Illinois, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of citizens of La Salle County, Illinois, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of citizens of La Salle County, Illinois, for legislation regulating interstate commerce—to the Committee on Commerce.

By Mr. HAZELTON: The petition of E. A. Charlton and other editors of Wisconsin, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of James Watt and 56 others, citizens of Richland County, Wisconsin, for legislation regulating interstate commerce—to the Committee on Commerce.

Also, the petition of John Noudorf and 60 others, citizens of Iowa and Grant Counties, Wisconsin, for an increase of the tariff on zinc—to the Committee of Ways and Means.

By Mr. HENDERSON: The petitions of J. B. Danforth, publisher of the Rock Island Argus; of N. J. Ludi, publisher Orion Times; of Messrs. Mercer & Smith, publishers of the Bureau County Tribune; of Chelsey & Brothers, publishers of the Kewanee Courier; of C. Bassett, publisher of the Kewanee Independent, and of C. Winter, publisher of the Neue Volks Zeitung, Rock Island, Illinois, for the abolition of the duty on type—to the same committee.

Also, the petition of Chelsey & Brother, publishers of the Kewanee Courier, and of C. Bassett, publisher of the Kewanee Independent, Kewanee, Illinois, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. HILL: The petition of Mrs. R. J. Lockhart, of similar import—to the same committee.

By Mr. HOUSE: The petition of Neblett & Titus, publishers of the

Clarksville (Tennessee) Chronicle, of similar import—to the same committee.

By Mr. HUMPHREY: The petitions of Cooper & Sons, publishers of the Banner, and other publishers of Black River Falls, Wisconsin, and of M. W. Parker & Co., of Neillville, Wisconsin; of Morse & Moody, of the River Falls Journal, and of R. H. Gill, publisher Wisconsin Leader, Merrillon, Wisconsin, of similar import—to the same committee.

Also, the petition of the State board of charities and reform of Wisconsin, relating to pauper immigration—to the Committee on Foreign Affairs.

By Mr. JAMES: The petition of James, Remington & Palmer, publishers, of Ogdensburg, New York, for the abolition of the duty on type—to the same committee.

By Mr. KEIFER: The petition of W. C. Mote and 20 others, citizens of Miami County, Ohio, for legislation regulating freights on railroads, and curtailing the power of monopolies—to the Committee on Commerce.

Also, the petition of W. C. Mote and others, citizens of Miami County, Ohio, for legislation to protect innocent infringers of patents—to the Committee on Patents.

By Mr. KETCHAM: The petition of S. Mapes, druggist, of Fishkill Landing, New York, for the repeal of the stamp-tax on perfumery and medicines—to the Committee of Ways and Means.

By Mr. E. L. MARTIN: The petition of C. P. Johnson and others, publishers, of Wilmington, Delaware, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. MASON: The petition of Fred. M. Taylor, publisher of the Cazenovia (New York) Republican, of similar import—to the same committee.

By Mr. MCGOWAN: The petition of C. V. R. Pond, publisher of the Quincy (Michigan) Herald, for the abolition of the duty on type—to the same committee.

By Mr. MCKINLEY: The petition of 89 soldiers of Kent, Portage County, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of 195 soldiers of Kent, Portage County, Ohio, for the passage of a law for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of 130 soldiers of Ravenna, Portage County, and other counties of Ohio, for the passage of a law giving them the difference between gold and the greenbacks in which they were paid for their services—to the same committee.

By Mr. MONROE: The petition of B. A. Bonewell and 65 other soldiers of Ohio, for the passage of the Weaver soldier bill—to the same committee.

By Mr. MORRISON: The petition of Wilber F. Story, of the Chicago Times, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petitions of F. W. Hendkoper, president Chicago and Eastern Illinois Railroad Company, and of J. B. Braun, president Chicago and Western Indiana Railroad Company, against a reduction of the duty on steel rails from \$28 to \$10 a ton—to the same committee.

By Mr. MYERS: The petition of Frederick S. Williams, publisher La Fayette (Indiana) Sunday Times, and of Lew. A. Wallace, publisher Marion (Indiana) Democrat, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. NEW: The petition of the publisher of the Lawrenceburgh (Indiana) Press, of similar import—to the same committee.

Also, the petition of the publisher of the Greensburgh (Indiana) Standard, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. NICHOLLS: The petitions of citizens of Georgia, for the establishment of post-routes from Screven to Waynesville; from Bailey's Mills to Owen's Ferry; from Swainsborough to Perry's Mills, and from Statenville to Valdosta, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. O'NEILL: Resolutions of the Philadelphia Board of Trade, for the passage of an electoral law for the prompt settlement of disputed elections of Presidents of the United States—to the Committee on the Judiciary.

By Mr. ORTH: The petition of citizens of Tippecanoe County, Indiana, for the passage of the bill regulating interstate commerce—to the Committee on Commerce.

Also, the petition of citizens of Tippecanoe County, Indiana, for the amendment of the patent laws so as to make vendors and manufacturers of patented articles alone liable for infringement—to the Committee on Patents.

Also, the petitions of the editors and proprietors of the La Fayette Journal, Colfax Chronicle, Indiana Statesman, Williamsport Republican, and Thorntown Argus, in Indiana, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. OSMER: The petitions of R. B. Brown, publisher of the Erie Gazette; of the publisher of the Reporter and Farmer, Warren; of A. P. Whitaker, publisher, Franklin; and of James P. Willard, editor Despatch, Erie, Pennsylvania, of similar import—to the same committee.

By Mr. PHELPS: The petition of the Union Printing Company,

New Haven, Connecticut, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. PHILIPS: Papers relating to the claim of Joseph Gribble for pay for property taken for the use of the United States Army during the late war—to the Committee on War Claims.

By Mr. PHISTER: The petition of T. D. Marcum, of Catlettsburgh, Kentucky, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of T. L. Moore and 76 others, soldiers and citizens, of Lawrence County, Kentucky, for the passage of the bill for the equalization of bounties—to the Committee on Military Affairs.

By Mr. POUND: The petition of N. H. Hess and 38 others, ex-soldiers, of Wisconsin, of similar import—to the same committee.

Also, the petition of N. H. Hess and 36 others, ex-soldiers, of Wisconsin, against the passage of Senate bill No. 496—to the same committee.

By Mr. PRICE: Joint resolutions of the General Assembly of Iowa, for a law regulating and restricting railroads in their charges—to the Committee on Commerce.

Also, the petition of H. L. Barter, of Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of citizens of Le Claire, Iowa, for the abolition of the duty on type—to the same committee.

By Mr. REAGAN: The petition of 32 citizens of Pulaski County, Indiana, to amend the patent laws so as to make the manufacturer or vendor of patented articles alone liable for infringement—to the Committee on Patents.

Also, the petitions of 32 citizens, of 33 citizens, and of 81 citizens of Pulaski County, Indiana, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. ROSS: The petition of ship-owners, shipping merchants, and others, for the passage of bill to abolish compulsory pilotage—to the same committee.

Also, the petition of citizens of New Jersey, for the improvement of South River—to the same committee.

Also, the petition of citizens of New Jersey, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. SAPP: The petition of J. W. Kendall, publisher Essex (Iowa) Index, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petitions of the publishers of the Avoca Delta, Corning Union, Glenwood Opinion, and Mills County Journal, Iowa, for the abolition of the duty on type—to the same committee.

By Mr. SHALLENBERGER: The petition of A. H. Ecker, publisher of the Washington (Pennsylvania) Democrat, of similar import—to the same committee.

By Mr. SIMONTON: The petition of Wade & Brooks, of Milan, Tennessee, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. JAMES W. SINGLETON: The petition of Edward O. Barry and 150 others, citizens of Jersey County, Illinois, for a law granting one hundred and sixty acres of land, or its equivalent in money, to all officers and soldiers who served in the Union Army and were honorably discharged—to the Committee on Military Affairs.

Also, the petition of Cadogan & Gardener and other publishers, of Quincy, Illinois, and of Cobb & Watson, publishers, of Barry, Illinois, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of T. M. Rogers, of Quincy, Illinois, for the abolition of the duty on type—to the same committee.

By Mr. SPARKS: The petition of G. B. Litchfield, of Litchfield, Illinois, of similar import—to the same committee.

Also, the petition of Edward Freeman and others, publishers, of Kimmundy, Illinois, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. SPRINGER: The petitions of H. Schlange, publisher of the Staats Wochenblatt, Springfield; of Theodore Wilkins, publisher of the Wochenblatt, Beardstown; of T. D. Price & Co., publishers of the Courier, Jacksonville, Illinois, for the abolition of the duty on type—to the same committee.

Also, the petition of G. W. James and 123 others, of Meredosia, Illinois, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. STEELE: The petition of W. J. Bolin and other newspaper publishers in North Carolina, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. STEVENSON: Four petitions of druggists of Illinois; of W. W. Marmon and 15 other druggists, of Bloomington, and of M. M. McLean, of Illinois, for the repeal of the stamp-tax on perfumery and medicines—to the same committee.

Also, the petitions of John W. Hoffman, editor of the Pekin Free Press; of George L. Hutchen, of the Bloomington Eye, and of M. F.

Leland, publisher of the Bloomington Daily Leader, Illinois, for the abolition of the duty on type—to the same committee.

By Mr. STONE: The petitions of the publishers of the Sparta Sentinel, and Holland Grondwet, Michigan, of similar import—to the same committee.

Also, the petition of the publisher of the Sparta (Michigan) Sentinel, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. TAYLOR: Papers relating to the claim of William Darrell for pay for services as a recruiting officer during the late war—to the Committee on Military Affairs.

Also, papers relating to the claim of Rufus J. Goins for additional pay for services rendered as an officer in the United States Army during the late war—to the same committee.

Also, papers relating to the petition of William Phillips, that the name of Stephen Phillips be placed on the rolls of Company K, Ninth Tennessee Cavalry—to the same committee.

Also, papers relating to the pension claims of Margaret A. Cox, Rebecca Franklin, James Hines, Melvina Ingle, A. B. Keele, guardian of Maggie A. and Daniel Nobles, Jesse Lambart, Mrs. N. J. Robertson, Mary Rogers, Nancy M. Staples, Joseph Tally, Minerva B. Thornhill, and Susannah Wood—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of Richard Hale—to the Committee on Revolutionary Pensions.

By Mr. WILLIAM G. THOMPSON: The petition of J. H. Duffus, publisher of the Malcom (Iowa) Gazette, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. R. W. TOWNSHEND: The petition of ex-soldiers of Saline County, Illinois, against the passage of Senate bill No. 496—to the Committee on Revolutionary Pensions.

Also, the petition of citizens of Gallatin County, Illinois, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. TUCKER: The petition of John S. Barbour, president Washington City, Virginia Midland and Great Southern Railroad Company, against a reduction of the duty on steel rails from \$28 to \$10 a ton—to the Committee of Ways and Means.

By Mr. OSCAR TURNER: The petitions of J. R. Cochran and others, citizens of Calloway County; of J. B. Lane and others, citizens of Ballard County; of S. W. Philips and others, citizens of Fulton County; and of Henry C. Cobb and others, citizens of Lyon County, Kentucky, for relief from railroad extortions and monopolies—to the Committee on Commerce.

Also, the petition of J. R. Smith & Co. and others, citizens of Paducah, Kentucky, for legislation to prevent the traffic in adulterated food—to the Committee on Manufactures.

By Mr. THOMAS UPDEGRAFF: Resolutions of the Legislature of Iowa favoring congressional control of interstate commerce on railway lines—to the Committee on Commerce.

Also, the petition of 11 (being all) publishing houses in Dubuque, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. WARNER: The petition of H. R. West and C. H. Goodrich, publishers, of Monroe County, Ohio, of similar import—to the same committee.

By Mr. WASHBURN: The petition of Annie Cutter and O. F. Peet, publishers, of Minnesota, of similar import—to the same committee.

By Mr. WEAVER: The petitions of L. Sherwin and 183 others, of Northumberland County; of W. B. McCohen and 12 others, of Juniata County; of Allen Brooks and 68 others, of Boker's Landing, Pennsylvania; of Leander Desart and 31 others, of C. H. Stone and 14 others, of Hastings, Michigan; of John Hancock and 22 others, of Oshkosh, Wisconsin; of Joel Winder and 49 others, of Ohio; of Andrew Davis and 73 others, of Washington County, Ohio; of L. J. Lesage and 25 others, of Lesage's, West Virginia; of Michael Beione and 32 others, of Passaic, New Jersey; of H. S. Sutliff and 71 others, of Johnson County, Iowa; of Hollis Tibbetts and 11 others, of East Palermo, Maine; of W. E. Walker and 31 others, of Ann Arbor, Michigan; of W. L. Pierce and 43 others, of Oshkosh, Wisconsin; of D. E. Landis and 23 others, of Oakley, Illinois; of Walter Fish and 18 others, of Millerton, New York, and of Patrick Flynn and 84 others, of Rockford, Illinois, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, resolution of the General Assembly of the State of Iowa, in relation to interstate commerce—to the Committee on Commerce.

Also, resolution of the General Assembly of the State of Iowa, relating to the Des Moines River lands—to the Committee on Public Lands.

Also, resolution of the General Assembly of the State of Iowa, in relation to remitting and abating the internal-revenue legacy tax—to the Committee of Ways and Means.

Also, the petitions of O. F. Ostrander and 20 others, and John H. Fawcett and 20 others, of Olmsted County, Minnesota, for the passage of laws to protect producers against the oppression of transportation monopolies—to the Committee on Commerce.

Also, the petitions of O. F. Ostrander and 18 others, of Olmsted County; of John H. Fawcett and 26 others, of Marion County, Minnesota, for the amendment of the patent laws—to the Committee on Patents.

IN SENATE.

FRIDAY, February 27, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, inclosing a letter from Powell Clayton, of Arkansas, and an accompanying affidavit, in relation to the affidavit of J. J. Sumpter transmitted to Congress with the report of the Hot Springs commission; which was referred to the Committee on Public Lands.

He also laid before the Senate a letter of the Secretary of War, transmitting the proceedings of a board of survey, from which it appears that certain men of Company K, Sixth Infantry, were sufferers by the destruction or damage of articles of their clothing in their efforts to extinguish a fire at Fort Stevenson, Dakota Territory, and recommending that authority be granted to issue clothing in lieu of that damaged; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a message from the President of the United States, transmitting, in answer to the resolution of the Senate of the 27th ultimo, a report from the Secretary of State relating to the claim of Max Bromberger against the Government of Mexico; which was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 3058) authorizing the remission of duty on an altar from Rome, Italy, for the Saint John's cathedral, of Indianapolis, Indiana; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. JOHNSTON presented the memorial of William Painter, president of the Peninsula Railroad, of Virginia, and president of the Worcester and Somerset Railroad, representing 80 miles of railroad, remonstrating against a reduction of the duty on steel rails from \$25 to \$10 a ton; which was referred to the Committee on Finance.

Mr. CAMERON, of Wisconsin, presented a joint resolution of the Legislature of Wisconsin, instructing the Senators and requesting the Representatives from that State to support the bill in relation to immediate transportation of dutiable goods; which was referred to the Committee on Finance.

Mr. CAMERON, of Wisconsin. I also present a joint resolution of the Legislature of Wisconsin in relation to financial legislation by Congress, in which it is recited, "that in the opinion of this Legislature Congress might seriously endanger the existing condition of trade and commerce by legislation on financial questions, and that therefore such legislation should be avoided." I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. FERRY presented the petition of Charles K. Radcliffe, editor and publisher of the Lake County Star, Baldwin, Michigan, praying for the passage of a bill placing wood and straw pulp, soda-ash, and other chemicals used in the manufacture of paper on the free list, and to reduce the duty on printing-paper used for books, &c.; which was referred to the Committee on Finance.

Mr. BALDWIN presented the petition of the publishers of the Michigan Christian Advocate, of Detroit, Michigan, praying for the reduction of the tariff duty upon printing-type; which was referred to the Committee on Finance.

Mr. LOGAN presented the petition of Henry Bonn and others, manufacturers of cigars, of the first district of Illinois, praying for a reduction of the tax on cigars to \$4 per thousand; which was referred to the Committee on Finance.

He also presented the memorial of Myers & Co., wholesale druggists of Cleveland, Ohio, representing the Western Wholesale Druggists' Association and the wholesale druggists of New York City, in favor of the repeal of the law taxing perfumery, cosmetics, and medicinal preparations; which was referred to the Committee on Finance.

Mr. PENDLETON presented the petition of 24 heads of families of the Indian band of Pottawatomies, praying the passage of a bill for the early settlement of their claims by the Government; which was referred to the Committee on Indian Affairs.

He also presented the petition of Mrs. Virginia Grove, of Pensacola, Florida, praying the passage of a bill granting relief to Missonri Hiner, daughter of David Hiner, deceased, late a naval pensioner; which was referred to the Committee on Pensions.

Mr. WITHERS presented the petition of William H. Pront, publisher of the Gazette, at Gordonsville, Virginia, and Rhodes & Davis, editors of the Virginia Missionary, praying for the passage of a bill placing wood and straw pulp, soda-ash, and other chemicals used in

the manufacture of paper, on the free list, and reducing the duty on printing-paper used for books, &c.; which was referred to the Committee on Finance.

Mr. JONAS. I present the memorial of the Greenville and New Orleans Packet Company and others, and ask that it be read.

The memorial was read, and referred to the Committee on Commerce, as follows:

The memorial of the Greenville and New Orleans Packet Company, Thomas P. Leathers, and others.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, owners of steamboats plying upon the Mississippi River and its tributaries, respectfully present this their memorial to Congress:

Your memorialists show that they have for years past suffered large pecuniary losses, and that their interests have suffered materially by reason of the desertion of crews and parts of crews of steamboats; that the evil has culminated during the past winter, causing great injury and damage to all concerned in river navigation, or in any manner dependent thereon.

That crews ship for the round trip to certain designated points and back to the port of departure; that the peculiarities of the trade require the steamboats to make numerous stoppages at intervals of a few miles, thus increasing the facilities for desertion. That the principal business of the steamboats is the conveying of the agricultural products from the country districts to the large centers of trade. That as a general thing the outward cargoes are light, and the labor entailed upon the crews light; the labor and toil commencing on the homeward voyage, when large quantities of cotton, cotton-seed, and sugar and rice are taken on board, at various points along the banks of the rivers. That as a general thing the crews work faithfully upon the outward voyage, but on the homeward voyage, when the weather increases in severity, the hands desert rather than incur the toil and fatigue. That as the banks of the southern and western rivers are but thinly populated, it is impossible to replace deserters, and of the utmost importance to steamboats to preserve intact the crews with which they started. That these desertions in many cases leave the steamboat helpless until assistance is sent from the cities and in all cases retard them, preventing them from fulfilling their contracts, and often seriously interfering with the prompt delivery of the United States mails. That passengers are delayed and their business seriously interfered with. That the delays caused by these desertions often work serious damage and cause severe losses to the planters, whose chances of getting fair prices for their products are often dependent upon the promptness with which these products are placed upon the market; and that thus the hopes and sacrifices of a year are sacrificed to the wanton caprices of a few heedless steamboat hands.

Your memorialists further show that as the only means of communication between most of the points on the rivers is by the medium of steamboats, the interests, comforts, and welfare of a very large portion of the population of the West and South are to a great extent dependent upon the regularity and efficiency of the steamboats.

That these desertions have become so frequent that scarcely a steamboat returns to port without having to record two or three instances of desertion, and that the interests of commerce, the safety of those whose property is invested in such enterprises, as well as the real and well-considered interests of the steamboat hands themselves imperatively demand that this evil be checked. That the expenses of steamboats are very heavy, and any delay causes severe losses, and oftentimes consumes the entire profits of the voyage.

Your memorialists show that the only penalty imposed by the maritime law or the acts of Congress upon such offenders is a forfeiture of all wages; that this penalty is not sufficient to deter deserters, as a voyage seldom extends over a week's time, occupying as a general thing three or four days, and the wages due amount to but a few dollars. That even this paltry penalty can seldom be imposed, as the steamboat hands do not recognize this right, and almost always libel the boat if not paid wages up to time of desertion. That the expenses of bonding, taking testimony, lawyers' fees, &c., are always so much larger than the claim that steamboats are in self-defense forced to pay, and are thus practically unprotected and at the mercy of refractory hands.

That owing to the laborious duties performed by steamboat hands, they are in the busy season paid wages in proportion, getting at the rate of from \$60 to \$70 per month. That they are only too willing to pay their hands for all services rendered; and that all that memorialists ask of Congress is to pass laws which will compel steamboat hands to a strict compliance with terms of the shipping contract and serve during the whole trip. That the only way to accomplish this end is to enact a law punishing desertion by imprisoning and thus afford to steamboats and other vessels on the inland waters the same protection so liberally extended to sea-going vessels.

Wherefore your memorialists pray that section 4596 of the Revised Statutes of the United States be amended and its provisions made to extend to the inland navigable waters, and all waters subject to the admiralty and maritime jurisdiction of the United States.

Mr. HOAR presented the petition of Emma B. Butterfield, of Nashua, New Hampshire, mother of James A. B. Butterfield, late of Company A, Second Regiment Illinois Cavalry, praying that she may be allowed a pension; which was referred to the Committee on Pensions.

Mr. WILLIAMS presented the petition of J. M. Bigger and others, members of the senate and house of representatives of Kentucky, praying for the passage of a bill to increase the efficiency of the marine hospital service; which was referred to the Committee on Commerce.

He also presented the petition of J. C. Riley and others, citizens of Boone County, Kentucky, praying such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

Mr. EDMUNDS. I present the petition of E. S. B. Tracy, and a large number of other citizens of Chittenden County, Vermont, complaining of the transportation monopolies that now control interstate commerce, and praying that Congress will make use of all its constitutional powers to redress the evils attendant upon that system. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. EDMUNDS. I present also the petition of sundry citizens of the same county in Vermont, praying Congress to pass some legislation that will protect the innocent purchasers of patents from the harassing lawsuits to which they are now exposed growing out of the present patent laws, as they conceive. I move the reference of the petition to the Committee on Patents.

The motion was agreed to.

Mr. PLUMB presented additional papers to accompany the bill (S. No. 1325) for the relief of J. C. Irwin; which were referred to the Committee on Claims.

Mr. PADDOCK presented the memorial of E. S. Gillett and others, citizens of Nebraska and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the petition of James McCreedy and others, citizens of Nebraska and soldiers in the late war, praying for the passage of what is known as the Weaver bill, to pay the soldiers in the late war the difference between the value of greenbacks and gold at the time they were paid; which was referred to the Committee on Finance.

Mr. VOORHEES presented the petition of Alexander Montgomery, lieutenant-colonel United States Army, of Georgetown, District of Columbia, praying for compensation due him as major and quartermaster from July 25, 1863, to June 13, 1864, inclusive; which was referred to the Committee on Military Affairs.

Mr. GORDON presented the petition of Dan Meyers, of the firm of Benton, Meyers & Co., wholesale druggists of Cleveland, Ohio, and others, druggists of New York City, praying the repeal of the law imposing a tax on perfumery, cosmetics, and medicinal preparations; which was referred to the Committee on Finance.

ADDITIONAL COPIES OF DOCUMENTS.

Mr. ANTHONY. The Committee on Printing, to which was referred the joint resolution (H. R. No. 179) authorizing the Public Printer to print additional copies of bills and other public documents, have instructed me to report it with amendments, and to ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendments reported by the Committee on Printing were, in line 5, after the word "documents," to insert "hereafter;" in line 6, after the word "distributed," to strike out "heretofore," and after "added," in line 8, to insert "on giving the notice required by section 3809, title 45, of the Revised Statutes;" so as to make the joint resolution read:

That the Public Printer be, and he is hereby, directed to furnish to all applicants copies of bills and reports and other public documents hereafter printed by order of Congress, and distributed from the document-rooms of the Senate and House, on said applicants paying the cost of such printing with 10 per cent. added, on giving the notice required by section 3809, title 45, of the Revised Statutes.

The amendments were agreed to.

Mr. COCKRELL. I should like to have an explanation of the joint resolution from the Senator reporting it.

Mr. ANTHONY. The joint resolution explains itself. It authorizes the Public Printer to sell at cost, with 10 per cent. added, any copies of bills, reports, or other documents ordered by the authority of Congress, subject to the provision of section 3809 of the Revised Statutes, which requires that the person desiring such documents shall notify the Printer in advance, and pay him the estimated cost, and 10 per cent. added.

Mr. COCKRELL. Notice must be given to the Printer in advance?

Mr. ANTHONY. Yes, sir.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

CONSTANTINO BRUMIDI.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 1358) for the payment of certain moneys to the heirs of Constantino Brumidi, deceased, to report it with an amendment in the nature of a substitute. I am also directed to ask the immediate consideration of the bill. I presume there will be no objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported from the Committee on Public Buildings and Grounds was, to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That the Secretary of the Interior be, and he is hereby, directed to pay to Elena Brumidi, of Rome, Italy, and Lawrence S. Brumidi, of Washington, District of Columbia, children of Constantino Brumidi, deceased, the sum of \$500, one-half to each, being the amount reserved from the last voucher paid him for painting in fresco the picture on the canopy of the Dome of the Capitol; and also to pay the sum of \$200 to defray the funeral expenses of said deceased; said payments to be made out of the moneys appropriated by an act approved March 3, 1879, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," said appropriation being in the language following: "To pay C. Brumidi, for retouching and blending the picture in fresco on the canopy of the Dome of the Capitol, and for constructing a scaffolding under said picture, \$700."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

RELIEF OF COLORED EMIGRANTS.

Mr. VOORHEES. I ask the unanimous consent of the Senate to take up the bill (H. R. No. 3258) for the relief of colored emigrants,

which was reported by the Finance Committee a few days ago and which went to the Calendar by virtue of an objection by myself and perhaps other Senators. My objection at that time was not based upon the merits of the bill but upon certain circumstances surrounding its introduction of which I need not speak. I apprehend there will be no objection whatever to the passage of the bill, and I ask the Senate to consider it.

Mr. MORRILL. I hope that will be done.

The VICE-PRESIDENT. The Chair will recognize the Senator from Indiana for that purpose as soon as the morning business shall have been concluded. Reports of committees are now in order.

REPORTS OF COMMITTEES.

Mr. WALKER. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes, to report it with an amendment in the nature of a substitute, and recommend that the substitute be passed. I also submit a report to accompany the bill, and move that it be printed.

The motion was agreed to.

Mr. WALKER. Inasmuch as the time is short within which legislation must be had upon this subject, I wish to give notice that on Wednesday next I shall seek to call up this bill for consideration by the Senate.

The VICE-PRESIDENT. At what hour on Wednesday?

Mr. WALKER. Immediately after the morning hour.

Mr. VEST, from the Committee on Public Buildings and Grounds, who were directed by a resolution of the Senate to examine into the rights of the Senate in regard to the allotment of the rooms in the Capitol lately occupied by the Court of Claims, submitted a report thereon; which was ordered to lie on the table and be printed.

Mr. VEST. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 1327) granting permission for the erection of certain statuary upon the buttresses in front of the sub-treasury building in the city of New York, to report it with an amendment; and I ask that the bill be read and considered at this time. It is a mere formal matter, and I am satisfied that there will be no objection to it.

The Chief Clerk read the bill.

Mr. EDMUNDS. The bill ought to provide, if it is to pass, for the thing being done in some way under the superintendence of the proper officers of the United States, so as not to injure the building, and to make these monuments secure in their place against falling upon the heads of the people. These gentlemen ought not to be allowed to take possession even of the outside of the building under their own absolute control, as this bill leaves them. Therefore I think, as there are pension claims on the Calendar, the bill had better go over that that point may be looked into.

The VICE-PRESIDENT. Objection being made to the present consideration of the bill, it will be placed on the Calendar.

Mr. JONES, of Florida, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 464) for the erection of a public building at Montgomery, Alabama, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. PLUMB, from the Committee on Military Affairs, to whom was referred the bill (S. No. 489) for the relief of James P. Worrell, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. EATON, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill (S. No. 1380) to provide for the payment of salaries of diplomatic and consular officers while in the United States under orders from the State Department; which was read twice by its title.

Mr. GROOME, from the Committee on Pensions, to whom was referred the bill (S. No. 1071) granting a pension to George Wylie, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Martin J. Deponai, late a private in Company E, Eightieth New York Volunteers, praying to be allowed an increase of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. VOORHEES, from the Committee on the Library, reported the following resolution; which was referred to the Committee on Printing:

Resolved, That the annual report of the Librarian of Congress be printed, and that the usual number of 500 extra copies, with paper covers, be printed for distribution by the Librarian.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 25th instant approved and signed the joint resolution (S. R. No. 80) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of Ireland.

HOUSE BILL REFERRED.

The bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the

fiscal year ending June 30, 1880, was referred to the Committee on Appropriations.

BILLS INTRODUCED.

Mr. GORDON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1381) to amend the act giving approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1382) to establish certain post-routes in the State of Kansas; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PENDLETON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1383) to authorize the Secretary of the Interior to adjust the accounts of certain bands of Pottawatomie Indians in the States of Michigan and Indiana, and pay any arrears of annuities due to them under treaties of the United States; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 85) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company; which was read twice by its title, and referred to the Committee on Railroads.

AMENDMENTS TO BILLS.

Mr. MAXEY, Mr. TELLER, Mr. SAUNDERS, and Mr. GARLAND submitted amendments intended to be proposed by them, respectively, to the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880; which were referred to the Committee on Appropriations, and ordered to be printed.

BILL RECOMMENDED.

Mr. CAMERON, of Pennsylvania. Some time since I reported a bill (S. No. 557) to authorize the payment of prize-money to the captors of the steamboat New Era No. 5 and cargo from the Committee on Naval Affairs adversely, and it was postponed indefinitely. I should like to have the indefinite postponement reconsidered and the bill recommitted.

The VICE-PRESIDENT. Is there objection to reconsidering the vote by which the bill was postponed indefinitely? The Chair hears none; and the bill will be recommitted to the Committee on Naval Affairs.

DEATH OF SENATOR HOUSTON.

On motion of Mr. MORGAN, it was

Ordered, That the Secretary of the Senate is directed to communicate to the House of Representatives the resolutions of the Senate in reference to Hon. GEORGE S. HOUSTON, deceased, adopted on the 26th of February, instant.

WASTE OF WATER.

Mr. ROLLINS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be, and they hereby are, directed to inform the Senate whether within the last year any investigations have been made in reference to the waste of water, and if so, when and for what time such examinations were made, in what sewers and sections of the city the same were made, and transmit to the Senate copies of any reports made upon this subject, with a statement of the action taken by them in reference thereto, and generally what action has been taken, and what means have been or are used to prevent undue waste of water in the District.

CANCELLATION OF POSTAGE-STAMPS.

Mr. KIRKWOOD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be directed to communicate to the Senate such information as may be in his possession touching a suit recently determined against the postmaster at the city of New York for damages for the alleged unauthorized use of a patented instrument for canceling postage-stamps, and particularly the number of such instruments bought and used in the post-office at New York City for each year and in the aggregate during the time for which damages were claimed in said suit, the prices at which manufacturers are willing to furnish such instruments free of royalty to the inventor, and the amount of the judgment recovered in said suit against the postmaster at New York.

MEXICAN AWARD.

Mr. MORGAN submitted the following resolution:

Resolved, That the President, if not inconsistent with the public service, be requested to inform the Senate what action, if any, has been taken by him under authority of section 5 of the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico concluded on the 4th day of July, 1868, and of the grounds of such action, and what further action, if any, the honor of the United States may in his opinion require to be taken in the premises.

Mr. EDMUNDS. The resolution ought to be modified so as to read "that the President, if in his opinion not incompatible with the public interests." That is the usual form.

Mr. MORGAN. Let the Secretary so modify the resolution.

The resolution was considered and agreed to.

RELIEF OF COLORED EMIGRANTS.

Mr. VOORHEES I renew the request that I made a little while ago to have the House bill No. 3288 considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3288) for the relief of colored emigrants. It admits free of duty all clothing and other arti-

cles, being charitable contributions or the avails of charitable contributions, imported in good faith for the relief or aid of colored persons who may have emigrated from their homes to other States, and not for sale, and all such articles imported and now in bond; such articles are to be delivered only to State or municipal corporations, or to some society or institution established for charitable purposes, and the importers or consignees are to give such security as the Secretary of the Treasury may prescribe for the payment of lawful duties on such articles, should any of them be sold, or used contrary to the provisions and intent of the act, which is to remain in force until February 1, 1881.

Mr. BAILEY. I offered an amendment to the bill the other day, which I ask to have reported.

The CHIEF CLERK. It is proposed to add at the end of the bill:

And the Secretary of the Treasury is directed to pay the cost of transporting such clothing and other articles, from the port where received to their point of destination, out of any moneys in the Treasury not otherwise appropriated.

And in line 18 to strike out "February 1, 1881," and insert "1st day of June 1880."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Tennessee, [Mr. BAILEY.]

Mr. MORRILL. I hope the Senator from Tennessee will not persist in offering an amendment to this bill. It would be a virtual destruction of the bill—that is to say, it would compel its return to the House of Representatives. The offer of the payment of the cost of transportation is something entirely needless. The steamers brought these goods to our shores for nothing, and we have many railroad companies that will gladly carry them for nothing. There is therefore no need of offering an amendment providing that the United States shall pay for the transportation.

The limitation of the time, so as to make the law cease to operate on the 1st of June, 1880, instead of the 1st of February, 1881, it seems to me is uncalled for. I have no idea that there will be a continuous stream of charity flowing from a few Quakers in England to our shores.

I hope that the Senator from Tennessee will not persist in the amendment; and if he should persist in it, I hope the Senate will vote it down.

Mr. BAILEY. My reason for offering an amendment limiting the operations of the bill to the 1st of June, 1880, is founded in my knowledge of the character of the persons for whose benefit these gifts are intended. The impression will go out, and by designing men it will be spoken to them and taught to them, that other governments and other people are interfering in their behalf and making gifts to them as an encouragement to their migrating and yielding to the delusive stories that have been told and that are being told to them everywhere in the communities from which the emigrants go forth. Moreover, it will be said that the Government of the United States is encouraging this emigration, and many a poor ignorant man among them will be induced to move to Kansas or to some other western State solely for the purpose of receiving the bounty which he will be told is in store for him when he reaches his place of destination. Therefore I suggest that an amendment should be made limiting the time during which the law shall be operative.

I care little for that matter; but the other point of the amendment I regard as substantial and important. These goods may have been brought to our shores free of charge. The Senator from Vermont says that they will be transported from the port of entry where received to the point of destination free of charge by many railroad companies who will gladly make this concession to them. I do not know that we have the obligation or the bond of any railroad company to do any such thing; but if it is worth while that the Government of the United States should relinquish its duties upon these goods as a charity to these people, certainly it is equally proper for it to pay the cost of transporting the goods. I cannot see how we can divide the obligation of the Government to relinquish the impost duties from its obligation also to transport these goods to the point of destination. Therefore, I shall insist upon the amendment. I shall insist upon it, because I think if we intend to make this gift to these poor people we ought to make it a complete and a perfect gift, and make it of some substantial value to them.

It is objected that the amendment will force the necessity of sending the bill back to the other branch of Congress. Certainly when it reaches the House of Representatives it will receive the prompt attention which it received when first introduced, and the same prompt attention which it has received in the Senate.

Mr. MORRILL. The Senator is mistaken in supposing that a bill of this kind, if returned to the House, can receive the same prompt attention there that it can receive in the Senate. This bill was passed by the House nearly a fortnight ago. It is a House bill. The articles embraced by its provisions are, as I suppose, second-hand clothing and a lot of woolen blankets, cheap fabrics, but fabrics that will only be useful if sent at once, as the winter is rapidly passing away.

I hope, therefore, there will not be any disposition on the part of the Senate to delay the bill by an amendment of any sort, as it would be delayed if it should be sent back to the House, but that we shall allow these gifts to be sent at once to the place where they may be made useful.

Mr. BAILEY. At the suggestion of Senators about me, and upon the assurance given by the Senator from Vermont, I withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDUCATIONAL FUND.

Mr. BAILEY. I move that the bill (S. No. 133) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education, be made the special order for Monday week at the expiration of the morning hour.

Mr. RANDOLPH. I should like to ask whether, if that bill should be made the special order for that time, it would supersede any business or special order then pending?

The VICE-PRESIDENT. The fact of the bill being made a special order would not of itself override the unfinished business. A special order is always at the discretion of a majority of the Senate.

Mr. ANTHONY. Did I understand that the Senator from Tennessee moved that the bill be made the special order immediately after the reading of the Journal on that day?

Mr. BAILEY. No, sir; after the morning hour.

Mr. ANTHONY. After half past one?

Mr. BAILEY. Yes, sir.

The VICE-PRESIDENT. The bill will be reported by its title.

The Chief Clerk read the title of the bill.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee, that the bill be made the special order for the 8th day of March next, at half past one o'clock.

Mr. EDMUNDS. I am opposed to special orders. By that time there ought to be appropriation bills here, and I do not want anything to interfere with the right of the Senator from New Jersey [Mr. RANDOLPH] to take up the matter from the Committee on Military Affairs that he has so often pressed upon the attention of the Senate, nor to interfere with the right of the Senator from Ohio [Mr. THURMAN] to call up the bill about the Geneva award, both of which are now passed over by the circumstance of the pending question in regard to the 5 per cent. business being still undisposed of. I think the Senate will make a mistake if it makes a special order of anything except in some very extreme emergency.

Mr. MORRILL. I hope the Senate will make a special order of this bill, for I know of no subject of greater national importance. I do not desire to discuss the merits of the question at this time, but it seems to me that we can have no question before us that interests all parts of our country more than the bill which the Senator from Tennessee has moved be made a special order.

Mr. BURNSIDE. I concur with the Senator from Vermont [Mr. MORRILL] in what he has said in reference to this bill. There is no more important bill before the Senate at this time than this very bill. I hope it will be made a special order, as requested by the Senator from Tennessee.

Mr. MAXEY. The bill which the Senator from Tennessee asks to be made a special order for the 8th of March has received unusual consideration from the Committee on Education and Labor. It has been before Congress at previous sessions but has been pushed out of the way. As the Senator from Vermont [Mr. MORRILL] says, I believe this bill is one of great national importance, and it deserves to be set down as a special order. I make this statement as a member of the Committee on Education and Labor.

Mr. BAILEY. I hope the objection made by the Senator from Vermont [Mr. EDMUNDS] will not meet the approbation of the Senate. No more important question, none that more deeply interests the American people, will be brought before Congress at this session. It is a matter of vast interest to every section of the country. It is a bill to which the people everywhere, so far as my knowledge of the country extends, are looking with a great deal of interest. I think, in deference to the interest that is felt in this matter by the public, it is due that the Senate should make the bill a special order, and take it up on the day mentioned for consideration.

Mr. HOAR. I hope the request of the Senator from Tennessee will be granted by the Senate. A similar bill passed the House of Representatives at a previous Congress after very full discussion. It has been fully considered by the committee of the Senate, and they desire that it should be passed here. It is a bill of great public interest.

Mr. EDMUNDS. When I made the objection in the interest of getting on with the business of the Senate, I did not know what the nature of the bill was. I admit its importance; but I do not think that important bills get any headway or any advantage by being made special orders, and they stand in the way of getting on in the most economical mode as to time with the whole business of the Senate. But if Senators think anything is to be gained by making the bill a special order I shall certainly withdraw my objection and we can try it in this particular case.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee that the bill be made a special order for Monday the 8th of March, at half past one o'clock.

The question being put, it was declared that the motion was agreed to.

Mr. EDMUNDS. Two-thirds voting in the affirmative?

The VICE-PRESIDENT. All the votes were in the affirmative.

Mr. EDMUNDS. Let the proper entry be made.

HORTENSIA H. COOK.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar.

The bill (S. No. 66) for the relief of Hortensia H. Cook was announced as the first in order on the Calendar.

Mr. EDMUNDS. I thought I objected to that yesterday and it went over; but if I did not object then, I will do so now. I have looked into the case referred to by the Senator from Alabama [Mr. PRYOR] yesterday as being a precedent for this bill, and as far as I can understand it from a hasty perusal this morning, it is not a precedent at all, but possibly on further investigation I shall find that it is, as I have been obliged to examine it in great haste. In order that the matter may be looked into and that we may be sure of the ground we are standing on, I think the bill had better go over as a matter for discussion.

The VICE-PRESIDENT. The bill will be passed over.

JOSEPH N. LEWIS.

The next bill on the Calendar was the bill (S. No. 299) for the relief of Joseph N. Lewis; which was considered as in Committee of the Whole. It provides for the payment to Joseph N. Lewis of \$411.22, in full of all claim by him for charges and expenses in connection with the seizure and care of the American bark *Amelia*, at Port au Prince, Hayti, in the year 1855, while he was commercial agent of the United States at that port.

Mr. JONES, of Florida. If there is a report in that case, I wish to hear it.

The Chief Clerk read the following report, submitted by Mr. MILLAN on the 29th of January:

The Committee on Claims, to whom was referred the bill S. No. 239, with the petition and other papers accompanying the same, have had the same under consideration, and respectfully submit the following report:

This claim has already been acted on by this committee at the first session of the Forty-fourth Congress, (Report No. 523,) and at the second session of the Forty-fifth Congress, (Report No. 269.) The matter was fully considered, and a favorable report made on each occasion. Having carefully examined the case, we concur in the former action of the committee.

The reports heretofore made, which are substantially alike, set forth the facts upon which the claim is based and the grounds for allowing the same. We therefore adopt the report (No. 269) made at the second session of the Forty-fifth Congress by Mr. HARRIS, from the committee, as follows:

"The petitioner, Joseph N. Lewis, now a resident of Missouri, was, in 1855, commercial agent of the United States at Port au Prince, Hayti. On the 23d of September of that year, as such commercial agent, he caused the seizure at that port of the American bark *Amelia*, for violation of the neutrality laws of the United States, by reason of her contraband cargo of guns and ammunition. The fact of the seizure was communicated by the petitioner to the State Department, by a dispatch of the 25th of September, 1855. Pursuant to the suggestion of the State Department, the United States steamship *Saratoga* was sent to Port au Prince to bring the *Amelia* to New York.

"The petition, which is verified, states that on the passage to the port of New York, as the petitioner is informed, the said vessel was forced by stress of weather and damage into the port of Saint Thomas, where both the vessel and cargo were condemned and sold by the United States, and the proceeds of the sale were paid into the Treasury of the United States. In the seizure and subsequent care of the vessel at Port au Prince, the petitioner expended, of his own money, the sum of \$411.22 in gold, as for account of the United States.

"After the departure of the vessel from Port au Prince, the petitioner forwarded to the State Department a statement of the expenses, with vouchers inclosed by him, and notified the Department of his having drawn a draft for \$411.22 on that account. The draft was referred to the Treasury Department, and that Department informed the holder that there was no appropriation for its payment.

"The petitioner has, from time to time, appealed to the Department of State and the Treasury Department to refund to him the amount so advanced on account of the Government, and has invariably been answered that there was no appropriation out of which this demand could be paid; and finally, despairing of payment from the Department, in 1874 he appealed to Congress.

"The Committee on Claims of the Forty-fourth Congress submitted the petition to the State Department, and requested any information upon the subject in the possession of the Department. The Secretary of State, after a general statement of the facts, which do not conflict with the petition, adds 'that Mr. Lewis does not appear to have been expressly authorized to make the seizure, nor was that act approved by this Department, or the account for the expenses incurred, as is customary before it could be paid.'

"The seizure was communicated to the State Department at the time it was made, and vouchers for the expenses incurred by petitioner were furnished, and a draft made for the amount, the only reason for the non-payment of which, given by the Treasury Department, was that no appropriation for such payment was made. The Government accepted the seizure with a knowledge of all the facts, and sold the vessel and received the proceeds of such sale, which were covered into the Treasury.

"We are of opinion that petitioner's claim should be allowed, and therefore report the said bill favorably and recommend its passage."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMANDA M. COOK.

The next bill on the Calendar was the bill (H. R. No. 1076) for the relief of Amanda M. Cook. It proposes to direct the Secretary of the Interior to deduct from any annuities due or to become due to the Cheyenne or Arapahoe Indians \$2,000, and to pay the same to Amanda M. Cook, formerly Amanda A. Fletcher, whose mother was killed and herself captured by the Cheyenne and Arapahoe Indians, in the Territory of Wyoming, in August, 1865, while en route from the State of Illinois to California.

Mr. COCKRELL. Is there any report with that bill?

Mr. ALLISON. There is a House report adopted by the Senate Committee on Indian Affairs. The facts are that while Amanda M. Cook was en route from Henry County, Illinois, to California with her sister, mother, and father in 1865, the whole family were attacked in Wyoming Territory by a band of Cheyenne and Arapahoe Indians.

Property to the amount of several thousand dollars was taken. Her mother and father were both killed, and the daughters were taken captives, and kept by these Indians for over two years. Now it is proposed to pay her out of the funds of these Indians \$2,000 as some remuneration for this capture and detention.

Mr. COCKRELL. I desire to ask the Senator from Iowa whether there is a regular fund belonging to these Indians out of which this money can be paid; so that when paid it will not increase the taxation of the people?

Mr. ALLISON. I have here a statement in reference to the funds of these Indians. They have a fund of \$20,000 a year under a treaty made with them, out of which this can be paid.

Mr. COCKRELL. Twenty thousand dollars a year! Has Congress the power under stipulations of that treaty to make this appropriation? Does not the treaty require that all claims shall be presented to the tribe and passed upon by the tribe before Congress can order the amount to be paid out of the annuities?

Mr. ALLISON. I think not. I do not think there is any requirement of that kind in a case such as this is. We have done this in one or more instances before, so that I think there is no difficulty in the way.

Mr. KERNAN. Allow me to inquire, if we can do this, why may we not take charge of all claims made by people alleging that a certain Indian tribe has taken their property, stolen their horses, or done other injuries? Do the Indians get any hearing on a bill of this kind? It may have been some other tribe of Indians that committed the wrong.

Mr. ALLISON. There is no question about the facts of the case. Of course this matter addresses itself to the judgment and discretion of the Senate, whether or not a young girl of sixteen years of age who was kept two years by these wild Indians, subjected to menial service and other things, shall have a small portion of their annuity by way of remuneration to her. That is all there is in it. There are two or three precedents.

Mr. COCKRELL. I do not think that anybody would object if the bill only went that far. I believe that not only should their annuities be taken, but that they themselves should be taken and punished as white people are punished for committing crimes, and not be permitted to go scot-free.

But another question back of this is, whether the Government, the people of the United States, shall become responsible for the wrongful, criminal, tortious acts of these Indians. I have a case before the Committee on Claims, probably arising at this same place, in which a party claims some \$4,000 or \$5,000 for cattle which were taken by these Indians. I referred it to the Secretary of the Interior, and a letter was received last night—I have not had time to consider it fully—from glancing over which casually I learn that there was no fund out of which the Department could pay the claim, and that they had reported it to Congress. The Indians admitted that they took the cattle and had a good time in killing them and eating what they wanted, after they had driven the soldiers into the fort. That man has suffered; but are all the other people of this country to be made responsible for this wrongful action of the Indians? I hold that they should not be made responsible; but if the Indians have a fund independent of what may be raised by taxation to pay general appropriations, then I am perfectly willing that the last dollar of that fund shall be taken to indemnify parties for their wrongful acts, and that is the only question here.

Mr. ALLISON. I hold in my hand a letter from the Acting Commissioner of Indian Affairs, dated December 10, 1877, in which he says—

Mr. KERNAN. In what year was it that this wrong was done?
Mr. ALLISON. In 1865. The letter of the Commissioner is as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, December 10, 1877.

SIR: I acknowledge the receipt, by your reference of the 17th instant, of a letter from Hon. HIRAM PRICE, House of Representatives, which is herewith returned, asking to be informed if any annuities are due, or to become due, the Cheyenne and Arapahoe Indians.

In reply, I have the honor to state that the following amounts are due said Indians under their treaty of October 28, 1867, (Statutes 15, p. 596,) as follows:

Balance unexpended for fiscal year 1873, annuity in money, (tenth of thirty installments).....	\$9,323 20
Due under treaty.....	
Annuity in money, (twenty installments).....	400,000 00
Annuity in clothing, (twenty installments, estimated).....	290,000 00
Total unappropriated.....	690,000 00

Very respectfully, your obedient servant,

A. BELL,
Acting Commissioner.

To the honorable THE SECRETARY OF THE INTERIOR.

There are still \$22,000 due these Indians under the treaty of 1867.
Mr. COCKRELL. That treaty has not been abrogated since?

Mr. ALLISON. That treaty has not been abrogated.

Mr. KERNAN. I think I must ask the Senator from Iowa to allow the bill to go over without prejudice. This strikes me to be a pretty dangerous thing to do; and I want to look into it. The Indians have no representative here. I want to look into it a little.

Mr. ALLISON. I have no objection to its standing over. I know it is a hard thing for this poor family that these savages should have

attacked a man and his family, murdered himself and his wife, taken his two children captives and kept them for two or three years. Of course if Senators desire time to see whether such conduct as this ought not to be punished in some way, I am perfectly willing.

Mr. KERNAN. I certainly desire time; but I want to say a word now.

We have stipulated to pay to a tribe of Indians certain moneys; and if we open the door to hearing claims fourteen and fifteen years old and fix an amount to pay them that shall be taken out of the Indians' money to pay somebody whom they have wronged, we may get into an awkward position some day and do a good deal of wrong. I want to look into it.

Mr. ALLISON. I agree with the Senator from New York that we ought to look into it very carefully. There are depredations committed every year on white settlers on the borders, and these claims for losses amount to many millions of dollars, and I know of no recent instance where such damages have been paid; but we have in two or three instances, where young girls have been captured and held in captivity for two or three years, allowed a certain sum of money out of the Indian annuities to be paid to them, and I think it is a fair thing to do.

Mr. KERNAN. It may be, but I desire to look into it.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

Mr. ALLISON. I will hand all the papers in the case to the Senator from New York.

Mr. KERNAN. I asked that it go over without prejudice.

Mr. EDMUNDS. That means that it is to be taken up the first thing to-morrow.

JOHN D. M'GILL.

The next bill on the Calendar was the bill (H. R. No. 2804) for the relief of the administrator of John D. McGill; which was considered as in Committee of the Whole.

It appropriates \$102 to pay the administrator of John D. McGill for advertising the sale of the property known as the Philadelphia navy-yard in the Georgetown Courier in November, 1875.

Mr. COCKRELL. Is there any report on that claim? If so, I wish to hear it read.

The Chief Clerk read the following report, made by Mr. HARMER, from the Committee on Naval Affairs of the House of Representatives, December 12, 1879:

By act of Congress approved March 3, 1875, a commission was created to make sale and conveyance of the property known as the Philadelphia navy-yard. Authority was given to advertise the sale, and of the newspapers selected for that purpose the Georgetown Courier was included. The expenses of the commission were to be paid out of the money received from the sale of the property, which included the advertising. All the bills were received and paid except for advertising in the Georgetown Courier, which was not presented for payment until after all the funds in the hands of the commissioner had been expended, and the amount due Mr. McGill remains unpaid.

The Secretary of the Navy says the claim is just, the charges reasonable, and recommends the payment of the amount due.

Your committee recommend that the bill do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOUTHERN MAIL CONTRACTORS.

The next business on the Calendar was the joint resolution (S. R. No. 28) to apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain mail contractors; which was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Post-Offices and Post-Roads, with an amendment, in line 8, after the word "as," to strike out the words "the certificate;" so as to read "such sum or sums as the Post-Office Department may find to be due said contractors," &c.

The amendment was agreed to.

Mr. KIRKWOOD. I am not sure that I understand this matter. Is it a matter that has attracted the attention of Congress for several years past, in regard to the payment of moneys to mail contractors before the civil war broke out?

Mr. KERNAN. When did this claim originate? In what year did this claim originate?

Mr. KIRKWOOD. I am not able to say. I think the joint resolution had better go over until we have time to look into it.

The VICE-PRESIDENT. The joint resolution is objected to, and will be passed over.

FORTIFICATION APPROPRIATION BILL.

The next bill on the Calendar was the bill (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes.

Mr. ALLISON. That is one of the regular appropriation bills, and will probably take some little time for its consideration.

The VICE-PRESIDENT. The bill will be passed over.

TREASURY PRINTING BUREAU.

The next bill on the Calendar was the bill (S. No. 1157) authorizing the Secretary of the Treasury to purchase additional lots of ground adjoining the new building for the Bureau of Engraving and Printing.

Mr. COCKRELL. I would ask the Senator reporting the bill to give some explanation of the necessity for it. It is only a very short time since we purchased property there, and it was believed to be sufficient at the time.

Mr. ANTHONY. Is there a report accompanying the bill?

Mr. COCKRELL. There seems to be no printed report.

The VICE-PRESIDENT. Shall the bill go over?

Mr. COCKRELL. Unless there is a printed report, or some one will explain it, I object to it.

The VICE-PRESIDENT. The bill will be passed over.

LOUISA M. MANSFIELD.

The next bill on the Calendar was the bill (S. No. 143) for the relief of Louisa M. Mansfield.

The VICE-PRESIDENT. This bill being reported adversely will be passed over.

ARCHIBALD AND JOHN NELSON.

The next bill on the Calendar was the bill (S. No. 208) granting a pension to Archibald Nelson and John Nelson, minor children of John Nelson; which was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place upon the pension-roll the names of Archibald Nelson and John Nelson, minor children of John Nelson, late private in Company H, Seventeenth Infantry, United States Army, their pension to be in lieu of the pension granted by act of Congress approved June 8, A. D. 1872, to Margaret Nelson, widow of John Nelson, and forfeited by her remarriage.

Mr. COCKRELL. Is there a report with that bill?

The VICE-PRESIDENT. There is.

Mr. COCKRELL. Let it be read.

The Chief Clerk read the following report, submitted by Mr. GROOME on the 2d instant:

The Committee on Pensions, to whom was referred the bill (S. No. 208) granting a pension to Archibald Nelson and John Nelson, minor children of John Nelson, after careful examination, report:

That the elder John Nelson was a private in Company H, Seventeenth United States Infantry, and was discharged from the service by reason of the loss of his right arm, caused by a gunshot wound received at Manassas on August 30, 1862. He was placed upon the pension-roll, and continued to draw his pension until his death on October 14, 1872. He left a widow, Margaret, and two children—Archibald, who will attain the age of sixteen on October 18, 1883, and John, who will attain that age on March 18, 1885. Application was promptly made for a pension for his widow and children, which was rejected because it was not proved that the soldier died of disease contracted in the service in the line of duty. The only evidence as to the cause of the death is the affidavit of the widow, who swears that on or about October 7, 1871, her husband returned from his work complaining of feeling badly and suffering great pain in the stump of his arm and in the back; that this pain lasted for several days, but was not considered serious until October 14, 1871, when she became alarmed, and dispatched a messenger for a physician, but before he arrived her husband died. The fact that the messenger was sent, and that the physician did not arrive before the soldier's death, is corroborated by the messenger, who adds the further fact that after the soldier's death he saw the physician on his way to visit the soldier, and informed him of the soldier's death, and that the physician, not deeming it necessary to go further, returned home.

After the rejection by the Pension Bureau of the claim of the widow and children, application was made for relief to Congress, which passed an act, approved June 8, 1872, authorizing and directing the Secretary of the Interior "to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Nelson, widow of John Nelson," &c. This pension the widow forfeited by her remarriage on July 14, 1874, and on June 27, 1875, she died. The Commissioner of Pensions, upon being applied to on behalf of the children, decided that the special act, under the provisions of which the widow was pensioned, does not extend the right to the pension to the children, on the death or remarriage of the widow.

We recommend the passage of the bill.

Mr. COCKRELL. I would suggest an amendment to be added to the end of the bill, to wit, "and to continue until they respectively attain the age of sixteen years."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN W. P. CARTER.

The next bill on the Calendar was the bill (S. No. 382) granting a pension to Ellen W. P. Carter; which was considered as in Committee of the Whole.

The Chief Clerk read the following report, submitted by Mr. GROOME on the 2d instant:

The Committee on Pensions, to whom was referred the bill (S. No. 382) granting a pension to Ellen W. P. Carter, have carefully considered the same, and report: That the letter of the Commissioner of Pensions, herein quoted at length, fully and correctly explains the case:

"DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
"Washington, D. C., April 5, 1879.

"Sir: I have the honor to acknowledge receipt, by your reference, of the inclosed letter of Ellen W. P. Carter, dated the 25th ultimo, relative to her claim, No. 188521, as widow of A. Carter, and, in reply, to inform you that it was rejected September 2, 1870, on the ground that the claimant's husband was not in the United States service. The claim appears meritorious, as will be seen from the following statement, but there is no authority under the general pension laws for its allowance. It appears that the claimant's husband was a member of the Seventh Tennessee Infantry, which was organized by Colonel Cliff, inside the rebel lines, with the intention of making its way through said lines to join the Federal Army, then in Kentucky. While en route for their destination the rendezvous was found by a rebel scout, who reported the fact, and they were attacked by superior forces and a great number killed, among them Mr. Carter. There are no official records of the organization on file in either the War Department or the office of the adjutant-

general of Tennessee, because those who escaped were attached to other organizations; but the above statement is made from the parol testimony among the files of the claim.

"Very respectfully,

"J. A. BENTLEY.

"Commissioner.

"Hon. ISHAM G. HARRIS,
"United States Senate."

Your committee feel justified, upon the state of facts set out in that letter, in reporting back the bill with a recommendation that it pass.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES O'CONNOR.

The next bill on the Calendar was the bill (S. No. 551) granting a pension to James O'Connor; which was considered as in Committee of the Whole.

The Chief Clerk read the following report, submitted by Mr. PLATT on the 2d instant:

The Committee on Pensions, to whom was referred the bill (S. No. 551) granting a pension to James O'Connor, having considered the same, respectfully report:

That said James O'Connor was first lieutenant of Company F, Twenty-seventh Missouri Volunteers, and while in command of his company, on or about March 1, 1865, his right leg was crushed between two Army wagons, at Cheraw, South Carolina. The injury did not at once disable him, but in marching and wading streams his leg became inflamed so that he could not march, and he was on that account relieved from the command of his company and appointed acting quartermaster of the regiment, in which capacity he served until he was discharged, on the 18th of July, 1865. He did not receive medical treatment while in service, and no record evidence exists of his disability at the time of discharge. His injury is fully established, however, by the affidavits of the colonel and major of his regiment and captain of his company. The certificate of the examining surgeon shows that at present he is three-fourths disabled in consequence of the condition of his leg at the point where he received the injury, and that his disability is permanent. He does not establish by medical evidence a continuous disability from the time of the injury to the present time, and his application for a pension filed March 2, 1876, was rejected March 28, 1878, by the Commissioner, for want of record evidence, and on account of the absence of medical evidence showing the alleged disability existed in the service or at the date of discharge.

The physician who attended him soon after his discharge is dead. His neighbors testify to the existence of the disability at the time of discharge. His present family physician testifies to the present condition of his leg. In view of all the evidence presented, including the certificate of the examining surgeon, the committee conclude that his present disability is the result of the injury received by the claimant in the service and in the line of duty. They therefore recommend the passage of the bill.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

CITY OF MACON.

The VICE-PRESIDENT. The morning hour has expired, and the unfinished business is before the Senate.

Mr. GORDON. I wish to enter a motion to reconsider the vote indefinitely postponing the bill (S. No. 111) for the relief of the city of Macon, Georgia.

The VICE-PRESIDENT. When was the bill reported?

Mr. COCKRELL. The report was made about a week ago.

Mr. GORDON. The bill was indefinitely postponed some days ago.

The VICE-PRESIDENT. Then it requires unanimous consent, the time having expired within which under the rule the motion to reconsider could be entered. Is there objection?

Mr. EDMUNDS. I think we ought to know more about it before we go back.

Mr. McMILLAN. It is a bill for the relief of the city of Macon, Georgia, by refunding to that city a tax collected by the General Government upon certain scrip issued by the city of Macon and used as money.

Mr. GORDON. I simply want to get the bill on the Calendar.

Mr. McMILLAN. I am merely stating what it is.

Mr. HILL, of Georgia. I hope there will be no objection to the motion to reconsider, because the Senator from Georgia happened not to be in the Hall at the time the postponement was moved.

The VICE-PRESIDENT. The record shows that the bill was indefinitely postponed on the 17th of this month, on motion of the Senator from Minnesota, [Mr. McMILLAN.] Is there objection to entertaining the motion to reconsider?

Mr. HOAR. I think I ought to object. I have no objection to having the matter reconsidered and disposed of by the Senate on the merits; then, if the Senate favor the bill after argument, I have no objection to that. What I desire to prevent is the entry of a motion to reconsider which will wipe out the effect of the judgment of the committee of the Senate so that the claim may come up hereafter at another session. A great many claims are presented, reported adversely by the Committee on Claims or some other committee, the adverse report accepted by the Senate, or else it is very manifest that it will be accepted by the Senate, and then some person opposing the conclusion to which the committee have come gets the matter put on the Calendar or reconsidered, and then in another Congress the bill comes up again without being affected in the least by the previous determination. The result of that is that the labors of the committee and of the Senate are altogether wasted.

I shall have no objection whenever the Senators from Georgia ask unanimous consent to take up, consider, and dispose of this bill; I will give my consent for one, but I will not consent to have a motion to reconsider entered and pending.

Mr. GORDON. That answers the purpose, my only object being to have the bill fairly considered by the Senate.

Mr. HOAR. I do not object to that.

Mr. McMILLAN. Having had charge of this case and reported upon it, I desire to state that that is the very condition of this case. During the last Congress it was before the committee; it was reported adversely and was placed upon the Calendar at the instance of one of the Senators from Georgia. The Congress closed and the bill was again introduced at this session and referred to the committee and a similar report made. The very circumstances alluded to by the Senator from Massachusetts do exist in this case, and I think myself that if it is reconsidered it should be disposed of.

Mr. HILL, of Georgia. That is all we ask. We only want a fair consideration of the bill before the Senate on its merits.

MILITARY LAND WARRANT LOCATIONS.

The VICE-PRESIDENT. The unfinished business is the motion of the Senator from Vermont [Mr. EDMUNDS] to reconsider the vote by which what is known as the 5 per cent. bill, the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, was postponed indefinitely. Is the Senate ready for the question?

Mr. McDONALD. I think the Senator from Illinois [Mr. LOGAN] had the floor on that motion when it was last considered.

The VICE-PRESIDENT. The Chair was not present at the time.

Mr. McDONALD. I ask the Senator from Illinois to give way to enable me to make a motion.

Mr. LOGAN. I will do so.

Mr. McDONALD. I move that the pending motion and all other questions connected with this bill be postponed until the first Monday in April.

Mr. EDMUNDS. I do not think that is in order, Mr. President. Here is a motion to postpone indefinitely which has precedence of all other motions but one. That motion is agreed to. Then a motion to reconsider that vote agreeing to it is made. There is only one motion I think that can now be made, and that is to lay this motion upon the table, because otherwise you would be rolling over the motions continually.

The VICE-PRESIDENT. The Chair does not agree with the Senator from Vermont. He holds in order a motion to postpone the consideration of this motion to reconsider—

Mr. McDONALD. That is my motion.

The VICE-PRESIDENT. The Chair does not agree that the other part of the motion of the Senator from Indiana is in order; but the motion to postpone the consideration of the motion to reconsider until the first Monday in April, the Chair thinks is in order.

Mr. McDONALD. That is my motion.

Mr. EDMUNDS. Then I understand the Chair to decide that a motion to reconsider, being made, is open to all the motions that the rules provide for, to postpone, &c.

The VICE-PRESIDENT. The Chair will rule on each motion as it arises.

Mr. EDMUNDS. It must fall within that principle.

The VICE-PRESIDENT. The Chair thinks it competent for the Senate to decide whether they will consider this motion now or postpone it.

Mr. EDMUNDS. But I did not know but that the Chair would be willing to hear me a moment.

The VICE-PRESIDENT. Certainly.

Mr. EDMUNDS. If a motion to postpone to a day certain, this motion to reconsider is in order, it is in order because the Senate rules provide for it, which say that when a question is under debate no motion shall be received but so and so, and so and so. One is to postpone indefinitely, and another is to postpone to a day certain. Now, I think the parliamentary law is that a motion to reconsider is a motion which stands in exactly the same position that the vote to which it applied stood, and no other; and so in this case it stands exactly in the place of the motion to postpone indefinitely. It is an incident merely to that motion; and, therefore, a motion to postpone to a day certain this motion to postpone indefinitely, certainly nobody would claim fell within the authority of the rule. But if you treat the motion to reconsider as an independent motion entirely separated from the original motion to postpone indefinitely, it is liable to all the motions that the rule provide as to an independent question, one of which is to refer to a committee. Did anybody ever hear of a motion to send a motion to reconsider to a committee? Never.

The VICE-PRESIDENT. The Chair regards this as a simple question of consideration, whether the Senate will now consider the motion to reconsider or not, and also that it is a question within the meaning of the forty-third rule.

When a question is pending no motion shall be received, but—

And among the enumerated motions is:

To postpone to a day certain.

This certainly is "a question."

Mr. EDMUNDS. So was the motion to postpone indefinitely "a question," and therefore under the principle apparently adopted by the Chair a motion to postpone to a day certain the consideration of the motion to postpone indefinitely would be in order, which I think would be a somewhat new proposition in any parliamentary body. However, I do not appeal from the ruling of the Chair.

Mr. McDONALD. My reason for submitting this motion is that I

desire that this question, which I regard as one of very great importance, certainly as affecting the interests of a good many people and quite a number of States, shall have further consideration; and as having charge of the bill from the committee of which I am chairman I do not feel that I ought to press its consideration upon the Senate at this time inasmuch as there are other measures of very great importance that have been already kept back by the long discussion and protracted consideration of this bill.

The request that this matter shall be postponed until the day I have named, is, I think, under all the circumstances, a very reasonable one. At the request of the principal opponent of this bill, the Senator from Vermont, [Mr. EDMUNDS,] I allowed it to be deferred before it was taken up for consideration some two or three weeks, to enable him to make his preparation, and in the order in which things came before the Senate in this discussion he was enabled to close the debate before the vote was taken upon his motion to indefinitely postpone.

There have been statements made in reference to the effect of this bill that may have had their effect in prejudicing the minds of some of the Senators in regard to the amount that might be involved. I have not had time since these statements have been made to get an accurate statement of what could by any possibility be embraced in this bill if it should become a law, but by that time I expect to do so, and hope to be able to present such additional reasons as have induced me to give this bill my support. I have not yet been able to do so.

Mr. EDMUNDS. The Senator from Indiana—a very unusual circumstance with him—is greatly mistaken in saying that the Senator from Vermont was enabled to close the debate. The Senator from Vermont was not enabled to close it; he did not close it; he interfered with nobody, and he did not close it in fact. The honorable Senator from Iowa, [Mr. KIRKWOOD,] whom I count as among the gentlemen entitled to the highest degree of consideration in this body, spoke after I did, in support of this bill, if I am not in error in respect to my memory.

Mr. McDONALD. And I think was replied to by the Senator from Vermont.

Mr. EDMUNDS. It was replied to by me in a remark or two, but not because that ended the debate, for it was open to everybody, as all such things are. There is no ground, therefore, for saying that anybody has been cut off by being unable to reply to the observations that I made.

In the next place, my friend from Indiana is considerably mistaken as to this matter having been postponed two or three weeks for my accommodation in order that I might investigate it before I was called upon to vote on it. It was laid over for a few days once or twice, but it was kept always after it came up at the head of the Calendar where it stands now. Therefore there is no ground upon that basis for a postponement now. But inasmuch as we are to have postponements proposed, and inasmuch as the Chair decides that this is "a question" open to motions, I move to postpone the consideration of this motion to reconsider indefinitely.

The VICE-PRESIDENT. That is in order.

Mr. KIRKWOOD. Mr. President, I do not know why there should be such evident feeling upon the part of some Senators in regard to a fair consideration of this bill. As the Senator from Indiana has stated, it was postponed once, and again, and perhaps again, for how many days I do not know, at the instance of the Senator from Vermont, to give him time to look into it. It so happened that I was unable myself, and have been during the pendency of this bill, to look into the laws commented on by the Senator from Vermont and others in regard to it. My committee work, particularly the work of a special committee to which I belong, prevented me from doing so. In the remarks I submitted once or twice in regard to it I had to speak wholly from general recollection. I had not time, and have not had time to examine the laws referred to by the Senator from Vermont in his arguments upon this bill.

I am sure I can say with confidence to the Senator from Vermont that if a bill affecting his State as largely as this bill affects the State from which I come were pending here, and he were to say to me what I say to him, that other duties have prevented me from giving to the matter the consideration which would enable me to present the opinions I entertain fully and clearly to the Senate upon it, I would not resist deferring the matter until he could have the opportunity of doing that thing. That is precisely the position I occupy. From the time this bill has been here until the present time, I have been so occupied otherwise that I have not had time to examine the various statutes cited by the Senator which in his judgment show that this bill ought not to pass.

How the Senate or the country can be prejudiced by permitting this bill to go over until further examination can be had, I do not know. The Senator from Vermont may be able to say. It is true, as stated by him, that after what I had supposed to be the regular order of proceeding with bills of this kind had been reversed, after the bill, instead of being considered as is usually the case upon its merits, had been brought before the Senate upon a motion to postpone indefinitely, and after the Senator from Vermont had concluded his closing argument upon it, I felt impelled by the remarks made by him touching the bill itself, and touching the State from which I come, to make some reply. I thought I should have been derelict in my duty to the State

from which I come if I had not done so; but I did not then or at any other time, because I was not prepared then or at any other time to do so, refer to the various statutes and decisions and other matters cited by him. I have not had time to examine them. I have not had time to express my opinions upon them; and it does strike me as exceedingly strange and as more than strange that an attempt should be made to force the final determination of this matter at this time and in this way.

Mr. GARLAND. Mr. President—

The VICE-PRESIDENT. The Senator from Texas.

Mr. GARLAND. No, sir; but the next thing to it, [pointing to the adjoining seat occupied by Mr. MAXEY.]

The VICE-PRESIDENT. The Senator from Arkansas.

Mr. GARLAND. Mr. President, I did not take part in the debate on the 5 per cent. bill when really I considered at times that it was my duty to do so. The State of Arkansas is interested in the bill to the extent of \$185,000. When I had the honor to be governor of that State I sent a special agent to the proper Department of this Government in order to have that outstanding business settled. It was not settled, and no very satisfactory response was given for not settling it. I have repeatedly investigated the matter so far as the State of Arkansas is concerned, and I am satisfied that her claim is a just one. I shall not undertake now to give my reasons for that opinion. But the debate here, which was a prolonged one and an able one, developed some circumstances that showed me that there was considerable difference with respect to the claims of the various States among the eighteen States named in the bill, and to that extent there was something new in this proceeding as it seemed to me. My mind at this time, after all this debate, is not satisfied as to the status of the bill before the Senate. I abstained from taking part in the debate because, after the able and somewhat fierce attack made upon the bill by the Senator from Vermont, I sought to see if I could look at the matter in a judicial way, and I exercised the best powers I had in that direction.

After the debate, I am still satisfied that the bill is a proper one and ought to pass; but there are some features about it marking a distinction between the different States that I should like to look further into. Indeed, in the able argument of the Senator from Alabama who sits nearest to me, [Mr. MORGAN,] in opposing the bill, I understood from him that he preferred that the matter should be delayed in order that he might be informed by his State as to the views of her people in reference to this matter.

In view of this fact, I say to the Senator from Vermont and others who occupy his stand, that I do not think they should insist upon a final disposition of the subject now, as I understand will be the effect of his present motion if it prevails. So far as I am a friend of the measure, I do not desire a solitary moment's delay, but I do in good faith ask that this matter be postponed for a few days that it may be looked into, and the distinction that has occurred to my mind in reference to some of these States examined more closely and more thoroughly.

There is nothing unfair in proffering the proposition submitted by the chairman of the committee that reported the bill and who has charge of it. If the public interests or if the interests any Senator has in charge on this floor were to suffer by this course I should not, for one, ask it. I ask in good faith that it may lie over for a few weeks that the subject may be examined more thoroughly.

Mr. MORGAN. Mr. President, I desired, as I stated the other day, that this bill might go over until next December so that I might have the advantage of the instructions of the Legislature of Alabama, if they have any instructions to give me in this matter. My request was predicated upon the fact that various memorials from time to time have been sent by Alabama to the Congress of the United States touching upon the general subject of the 5 per cent. from the sales of the public lands. The precise question presented in this bill has not heretofore been discussed before the Legislature of that State, so far as I am aware. I would cheerfully vote for a postponement until December, but it would be no advantage to me personally to have the bill postponed until April or May; I should accomplish nothing by that; and if the motion to postpone is put at April or May I shall be compelled to adhere to my objections to the bill, and consider them as being sufficient to require me to vote against such a motion. If, however, it can be amended by a postponement until December, I shall vote for it.

Mr. EDMUNDS. Mr. President, my friend from Iowa [Mr. KIRKWOOD] has taken me to task again on the ground that this is rather hard upon him who has not had time to examine the subject. I should have felt more the force of his appeal if I had not observed that during the session of the 25th of February when late in the afternoon I rose to submit a few observations, not new ones, but merely to repeat the references to statutes and history that had been made before, and it was proposed by some Senator, I think the Senator from Tennessee, [Mr. HARRIS,] that the Senate should adjourn, the friends of the bill apparently, judging from the yea-and-nay list that is under my eye, were determined that the Senate should not adjourn; they were entirely ready, the subject having been exhausted, to proceed to a vote, and I find the name of my friend from Iowa recorded as voting against the motion to let the matter go over even for one day until the next morning. Now, when the judgment of the Senate has been taken, after hearing him, against his views, he thinks he ought to

have further time to consider the subject. If he had said on that occasion that the matter ought to go over because he had not examined it enough for himself, there would have been great force in it, undoubtedly; but having been entirely willing and determined that the case should be decided then, it is somewhat extraordinary as it strikes me that it should be said now that there has not been time for investigation.

In the next place, Mr. President, this case was determined on its merits. My friend from Iowa says that he was opposed to the motion to postpone indefinitely because he wanted the case determined on its merits.

Mr. KIRKWOOD. I was speaking of the manner of its consideration.

Mr. EDMUNDS. Now my friend says "the manner of its consideration." The manner of its consideration was precisely by the motion that under the rules is provided for making a final disposition of a question adversely and upon its broadest merits. The motion to postpone indefinitely is a motion which involves all the merits of a question, and under it all its merits are always discussed, as they were in this case. So it is quite unsound, I submit with great respect to my friend from Iowa, to say that either the substance or manner of the motion prevented the Senate from considering this question upon its merits. It is exactly what the motion was intended to do, and what it always has done, and what it has done in this case, and what it will do in all future cases. It is not an unusual motion. It is the motion almost always proposed in regular procedure, in a case where anybody is willing to move it, having examined the case sufficiently to be willing to put it upon that ground, as I had. I say then the question has been discussed upon its merits and it has been decided, and the gentlemen who now think that they have not had time to examine the question were the very gentlemen who insisted that it should be decided the other night and that it should not go over even for a single day. That is all I wish to say.

Mr. McDONALD. I will say in response to the suggestion of the Senator from Alabama [Mr. MORGAN] that I have no objection to the postponement he asks. If the bill should be postponed to the day I have suggested, I should not insist on its consideration then if other measures not yet considered should require consideration. But I do not wish the hard and somewhat unusual motion to indefinitely postpone a subject of so much importance as this to prevail. I am very free to say that I do not wish it to prevail, and I do not think it went to a vote the other day under favorable circumstances, because I am satisfied that more than one Senator voted for the indefinite postponement because he had not yet considered the measure so far as to make up his mind definitely on the question, and preferred to make that disposition of it then rather than take the hazard of voting for a measure that he had not thoroughly considered.

Furthermore, I was not incorrect in saying that the opponents of this bill had, under the circumstances occurring at the time, been permitted to close this debate, for I find, on referring to the RECORD, that the few remarks that our able and distinguished friend from Vermont makes reference to occupy an entire column of the RECORD. That is what he calls "a few remarks in conclusion." His remarks in replying to the Senator from Iowa occupy as much space as the Senator from Iowa took in what the Senator from Vermont calls the closing speech in favor of the bill.

I know, furthermore, that I was not mistaken in saying that there was delay in bringing this bill forward longer than the memory of the Senator from Vermont now recalls, at his request when it was first brought to the attention of the Senate. And I further think that injustice was done to the bill by the statements which were made in his concluding remarks, in which in various forms it was charged by the Senator from Vermont that here was a bill that was to take \$10,000,000 out of the Treasury now, and how much more he could not tell, and that it ought to have a closer scrutiny and a clearer investigation than it was possible to give it at that time. When that suggestion was made by that Senator, I asked the privilege of making such correction as the data in my possession then enabled me to make, but I was met by him with an absolute refusal to be interrupted on the question at all.

Now, Mr. President, I suppose the motion to indefinitely postpone the motion to reconsider may be amended by moving to postpone until the second Monday of next December. If so, I move to so amend it.

The VICE-PRESIDENT. That motion is not in order.

Mr. HOAR. What motion is not in order?

The VICE-PRESIDENT. To amend the motion to indefinitely postpone.

Mr. McDONALD. Then I hope that motion will be voted down; and if it be voted down I shall make the motion I have just indicated.

Mr. JONES, of Florida. I wish to say, after the very interesting debate we have listened to on the motion to indefinitely postpone this bill, that I for one have not supported this bill because of any interest that my State had in it. I think it has been stated here that some twenty-nine or thirty thousand dollars would go to Florida under this bill, and the States have been arraigned here in the order of their interest under it to show how they would be affected by the measure. Mr. President, I gave this matter some little thought, and I consid-

ered, as I still do, that there is an equity due to the States interested in this measure, not my own especially, because the insignificant sum that would go to her under this bill could not for one moment induce me to give it my support.

I wish to say also that in voting against the motion to indefinitely postpone, I did not feel that I was absolutely committed to the bill in its present form. I think there are many important particulars in which it could be properly amended. Great stress having been laid by the Senator from Vermont upon the fact that the money proposed to be taken out of the Treasury under this bill would be diverted from the trust originally contemplated by the Government when it entered into the agreement with the States, I wish to say here for one as a friend of this measure that I am willing when it comes up again that the bill shall be so amended as to divert the fund in any public channel that Congress may propose, and I am especially in favor of its going into the channel of public education and that every dollar proposed to be appropriated under this bill shall go to increase the school funds of the respective States.

Mr. TELLER. Mr. President, I had prepared an amendment embodying the very thought suggested by the Senator from Florida, and I had proposed to offer that amendment if the bill had been in such a situation that it could be amended; but, of course, in the present condition we are compelled to take the bill as it is presented. I called the attention of the Senate in a few words that I said upon this bill, to the fact that the State I in part represent had no pecuniary interest in it. If we should get 5 per cent. on all the lands entered by land warrants since the Territory was organized in 1861, we should have a little less than \$12,000; but the enabling act of Colorado specially provides that this 5 per cent. shall only be paid on the lands entered subsequent to our admission. The enabling act of Colorado, somewhat unlike the others, also provides expressly that the homestead entries shall be excluded from the computation. There might be a claim made on our part at least, that inasmuch as the Government had only provided for the exemption of homestead entries, there was an implied grant that we should have the 5 per cent. upon all other entries.

I am not going into a general discussion of the bill. I said the other night that I thought the bill had been unfairly discussed; I thought it had been discussed in a way that placed all the supporters of the bill in the position of having supported it from pecuniary considerations. I said that was an unusual thing in the Senate, and I thought I was not mistaken when I so stated. I have since looked over the RECORD, and I find that more than one Senator treated this subject as if the advocates of the bill were moved and instigated by the pecuniary results their own States were to derive; I say more than one, yes, more than three, more than that number even. I find by reference to the RECORD that one distinguished Senator characterized this as I never had heard any subject presented to the Senate since I have been a member, over three years, characterized. I find in the RECORD that one Senator spoke as follows of this bill:

Mr. President, I rise to support this motion. Ostensibly on the face of the bill there are eighteen States whose treasuries are to be replenished out of the Treasury of the United States by this—shall I call it performance? And I had hoped therefore I should have the attention of the thirty-six Senators who presumptively, I suppose, by the originators of this bill are expected to lean favorably in that direction; and yet the thirty-six are wanting, Mr. President.

I suppose that if I should charge that this proceeding had been called "a performance" it could be correctly said and honestly said by that Senator, "I never called it a performance." I can take other speeches made here and other parts of this same argument and show that there is through it, and running through it, that same vein. It was not called "a performance;" but the inquiry was pointedly made, emphatically made, "Shall I call it a performance?"

I find that on another occasion the amount of money to be paid was by the same Senator called a "pot." I do not know what that means up in Vermont or in the New England States, but I do know what it means in our country, and I suppose it means the same everywhere. It means money put in to be gambled for.

I find in another place that it was spoken of as "a raid upon the Treasury," and I understand that a raid upon the Treasury is the procuring of money from the Treasury by dishonest means and by dishonest purposes.

I think we were justified on this side, myself as well as other Senators, in feeling that the debate had not proceeded with that usual high courtesy and fairness that characterize this Senate in the discussion of matters of this kind. I thought, therefore, that I was entitled to say what I did say upon this floor, without having it said in reply that nobody would think he was voting from pecuniary motives unless he had first suspected that his own motives were to be impugned. That, I suppose, was a careful, courteous declaration, that unless a man had a guilty conscience he would not suspect anybody of meaning any such thing.

Mr. President, I have not any particular feeling about this matter. I have felt that it was a subject upon which lawyers and Senators might differ. I have thought the bill involved the construction and interpretation of statutes that everybody understands different minds will differently construe, and with the same honest intention and the same desire to promote the public good, arrive at entirely different conclusions. I had arrived at my conclusion in the face of the fact that the State which I in part represent would be a pecuniary suf-

ferer; for while Colorado is the youngest of the States, I can point to several States, much older in years and much more pretentious in this Chamber and everywhere else, that pay very much less to the public revenue than the State of Colorado; and the seven or eight hundred dollars that we were to have, or the \$12,000 that we were to have if the construction was put upon this bill that one Senator said might be put upon it, which was disclaimed by the advocates of the bill, by the promoters of the performance, as it is called—if the whole \$12,000 should be paid, yet if there is the amount of money in the bill that is claimed, \$10,000,000 or \$8,000,000, Colorado would be the loser pecuniarily if the bill should pass.

Mr. President, I have not come here to legislate for Colorado. I have come here to look after the interests of Colorado as well as I can, but I shall never while I have the honor of representing that State on this floor fail to recognize my obligation to look to the interests of every part of this great country, including Colorado as well as New England and the Southern and the Middle States. If the bill passes, at least the representatives of Colorado may be exonerated from any desire to get money into the treasury of that State, whether it is characterized as "a pot," or characterized as "a performance," or in any other manner.

Mr. President, I might have been moved the other evening when this question was up to say what I did say from a little feeling of unfair treatment in the general discussion, and a little feeling that a motion made to reconsider the bill by one who was the principal champion against it and pressed then to an immediate vote, was not quite fair. I will admit that there is the parliamentary right to so insist; but I will contend also that, when you do so insist, you virtually deprive the other party, the party who may desire to reconsider, of any opportunity to present their case. It is, I suppose, parliamentary for a member of the minority to change his vote and vote for a bill that he is against, and then move its reconsideration. I believe there is nothing that transcends any rule of the Senate or any parliamentary rule in doing that; and a notice given of a motion to reconsider an adverse vote is always for the purpose of enabling the friends of the bill to rally their associates in its support, if they are not here, to wait until an opportunity can be presented to get them in, or to present other and different arguments in support of the bill from those submitted on its first attempted passage. I thought that I had never seen this proceeding resorted to in the Senate before. If it ever was done since I have been in the Senate, it did not attract my attention, and I am confident it never could have been done in the three years I have been here. I felt that it was an attempt to smother this measure, and not allow a fair public investigation of it, as the friends of the bill had a right to demand.

Mr. KIRKWOOD. Mr. President, I am not sure that the Chair and the Senator from Indiana understand each other properly. As I understood, the Senator from Indiana inquired whether or not he could amend his motion to postpone until the 1st of April—

The VICE-PRESIDENT. The pending motion is that of the Senator from Vermont to postpone indefinitely. The Senator from Indiana, as the Chair understood, proposed to amend that by postponing to a day certain.

Mr. KIRKWOOD. Yes, the 1st of April.

The VICE-PRESIDENT. Which the Chair ruled not to be in order. Mr. DAVIS, of Illinois. The Senator from Indiana first moved a postponement to April.

Mr. KIRKWOOD. I thought the Chair had ruled that the motion to postpone—

The VICE-PRESIDENT. The Senator from Indiana first moved to postpone to a day certain.

Mr. KIRKWOOD. Yes.

The VICE-PRESIDENT. Afterward the Senator from Vermont moved to postpone indefinitely. That motion has precedence under the forty-third rule of the Senate.

Mr. KIRKWOOD. To postpone indefinitely the motion to reconsider?

The VICE-PRESIDENT. Yes.

Mr. KIRKWOOD. Well, Mr. President, I do not know anything about the rules, and I never expect to, and I never expect to take advantage of them or attempt to take advantage of them to defeat a bill. That is all I wish to say about the question of rules.

Now, the Senator from Vermont assigns as a reason why he is pertinacious in pressing this matter that on the 25th of February, a few days ago, the Senate refused, as he says by the action of those who favored this bill, to adjourn, and compelled him to speak after the usual hour of adjournment. The Senator from Vermont certainly did not look at the names of those who voted against an adjournment at that time. Those who voted in favor of adjournment numbered only eleven; those who voted against adjournment numbered forty-five, more than twice the entire number that voted against the indefinite postponement of this bill; so that if the Senator from Vermont has any right to complain of discourtesy or aught else in that vote, the burden of it lies not with the men who supported this bill, but with those who voted with him for its indefinite postponement.

Mr. EDMUNDS. I did not complain then, nor have I complained since, of discourtesy; my argument was directed to another point.

Mr. KIRKWOOD. Another word about this matter, Mr. President. I have said that I do not understand the rules and do not expect to understand them during the time I may remain here, but I have stated,

and I still think, that it is not the usual mode of dealing with an important bill to meet it when it is first called up with a motion to postpone it indefinitely, especially if it be a bill involving many particulars which may need amendment. As I understand, under the motion to postpone indefinitely no amendment can be suggested. It is the consideration of the bill precisely as it comes from the committee. Scarcely any bill comes to this body or any other deliberative body involving large interests that may not well be considered carefully with a view to whether it is amendable or not; whether it should be amended or not. Twice, at least, during this discussion propositions have been made to amend this bill and ruled out of order and the amendments laid upon the table to be offered when the motion to postpone indefinitely should have been finally acted upon. There has been no chance, there has been no opportunity to amend this bill since it came here. The Senator from Vermont has stood with his motion between this bill and any proposition to amend it. He stands there to-day. Is that the usual mode in which bills brought before this body are considered? Is that fair play?

Mr. EATON. I should like to ask my friend from Iowa at what stage in the debate was it that the Senator from Vermont moved the indefinite postponement?

Mr. KIRKWOOD. When the bill was first called up.

Mr. EATON. The first day?

Mr. KIRKWOOD. Yes, sir; when it was first called up. The first proceeding had upon it when it was called up was the motion of the Senator from Vermont to postpone it indefinitely, utterly precluding and cutting off all attempt to amend it.

In a bill affecting as many different States and as many different interests as this, as shown by the argument of the Senator from Vermont himself—he has shown that these different States stand in different relations to the subject-matter of this bill—it must be apparent that the bill requires in many particulars amendments perhaps to make it fully acceptable even to those who have voted against this postponement; and yet the Senator has stood, and stands to-day, utterly preventing any modification of the bill, any amendment of the bill even to meet his own views. Not a single suggestion made by him against this bill can be met by an amendment framed to meet his views in regard to it in the position in which the case now stands. He has suggested certain difficulties in regard to the State of Ohio, certain in regard to the State of Indiana, certain in regard to other States, and yet no amendment can be made in regard to those States in any one particular to make the bill conform to his views in regard to any State. Is that the ordinary mode of proceeding in this deliberative body? Is it fair play? Is it that fairness which should be shown by Senators here toward each other and toward the States they represent? I do not believe it, and with that I leave the matter.

Mr. HOAR. Mr. President, I should like to be informed by the honorable Senator from Iowa of two things. One is, why it is, if it be true as I understand him now to say, that these claims depend upon different principles, different states of fact, and different considerations, that they are all united in one bill, instead of having, as is usual in cases of claims against the Treasury depending upon different considerations, different states of fact, presented separately, each on its own merits?

The other inquiry I wish to put is why, if it be true, as the honorable Senator from Colorado says, that this is a question of law about which fair minds may honestly differ, is it not sent to the Court of Claims, and through them to the Supreme Court to determine these grave legal matters?

Mr. TELLER. I should like to ask the Senator from Massachusetts if we do not settle a great many questions of law in this body without their going to the Court of Claims?

Mr. HOAR. We do, undoubtedly.

Mr. TELLER. Every day?

Mr. HOAR. Undoubtedly.

Mr. TELLER. Why should we not settle this, as well as any other question of law?

Mr. HOAR. It seems to me that a question of law which involves, I will not say which affects, so many interests that Senators represent—I will not impute to any Senator that his vote is affected, although I have heard some not very polite imputations in regard to the votes of Senators who have given silent votes on this question—

Mr. TELLER. Not from me.

Mr. HOAR. No, I have not. It seems to me that this is a case which manifestly ought to go to the Court of Claims and the Supreme Court. If the legal interpretation of these statutes be as is claimed on one side, there is no claim; if the legal interpretation be as is claimed on the other side, there is a sound claim; and I think some contrivance for sending that question of law to the Supreme Court ought to be adopted.

Mr. EDMUNDS. These States can sue there now.

Mr. HOAR. But these claims were outlawed in many instances before the Court of Claims was created.

Mr. ALLISON. If that be true, may I interrupt the Senator to ask—

Mr. HOAR. I am not arguing this matter, and I wish to add one word. I introduced early in the session a bill with a general scheme for sending every claim pressed by a State against the Government to the Court of Claims, reserving in the bill a power of consideration

by Congress having the facts ascertained by judicial machinery and a report of the questions of law which arose.

Mr. ALLISON. May I ask the Senator what has become of that bill?

Mr. HOAR. It has not been reached in committee.

Mr. ALLISON. Then why not postpone the consideration of this question until we see whether or not the bill proposed by the Senator from Massachusetts will cover the case?

Mr. HOAR. My friend from Iowa will excuse me—

Mr. ALLISON. I do not want to excuse the Senator; I only ask that question.

Mr. HOAR. I rose not to suggest difficulties in the way of the friends of this bill or on the other side. I rose to put an honest, simple, straightforward question, why it would not in the estimate of the friends of this measure be a fair and just disposition of it to send it to the Court of Claims? That is my question.

Mr. ALLISON. It is a very fair question—

Mr. HOAR. I was putting it to the Senator's colleague, [Mr. KIRKWOOD,] but I would as lief hear the answer of my friend from Iowa, [Mr. ALLISON.] I addressed the inquiry to his colleague, because his colleague was on the floor; that was all.

Mr. KIRKWOOD. I was not aware that there had been but one question addressed to me, and that was why the claims of all these States were embraced in the same bill. I will state very frankly why I suppose it was done. Although I thought I knew the condition in which the State of Iowa stood, I did not know the condition in which the other States stood, and I supposed they all stood on the same broad ground precisely. This discussion has developed that it is not so.

Mr. HOAR. Now the Senator will pardon me for making my point clear, and I should like to have his answer to it. If it be true, as he now says, that the claim of Iowa rests on one ground and the claim of Colorado, the claim of Illinois, and the claim of Ohio on another, how is it possible that it can be proper to have a bill which in substance says that Iowa shall be paid on condition that Ohio, Illinois, and Colorado are also paid, and so of the others? Of course it is liable to the great objection, which nobody would impute to the honorable Senator as a motive, that it brings together the advocates of different claims and enlists their interests and prejudices all in favor of each other.

Mr. KIRKWOOD. And that is just as good reason why I suppose this thing should be postponed and not acted upon by rejecting every claim in the way in which I have indicated the attempt has been made to dispose of them. The discussion here has shown what I did not know, I am frank to say—not having looked into the matter in regard to other States, knowing only how my own stood—the discussion here has shown that the claims of the States, the interests of the States, if you please so to call them, stand upon somewhat different grounds.

Mr. HOAR. Then, they ought not to be put together.

Mr. KIRKWOOD. That may be, or may not be. The bill may be so amended as to embrace them all, and yet give each one its own interest; or it may be that a final investigation of the matter will show that they should stand separately. What the friends of the bill ask is that time and opportunity be given for that purpose. We have had, I repeat, no chance whatever to change this bill as it came from the committee by dotting an *i* or crossing a *t*; no time to amend it; no time to shape it to meet the views of the Senators as those views might be formed by the discussion here. We have been compelled by the action of the Senator from Vermont to take it just as it came; to consider it without any opportunity to amend it, and to endeavor to send it out of this Chamber with the brand of the Chamber upon it, and without any chance to make it suit the suggestion made by himself.

Why it should not go to the Court of Claims, I am not prepared to say further than this: It does seem to me that when various States of this Union come before the Congress of the United States and say that in previous dealings between them and the United States they have not received justice, it is hardly consistent with the dignity either of the United States or of the States that claim it, to turn them over to a court. Those States have the right to make their claims, and the right to believe that the Congress of the United States will deal with the claims that they say they make in good faith with equal good faith, and that the appeal made to their sense of justice and to naught else, to their sense of right and to naught else, to their sense of what is due from the central Government to the States, would require them to deal with the question themselves and not turn it over to a court to be dealt with.

Mr. THURMAN. Mr. President, if this bill is one that the remarks of the Senator from Massachusetts import that it is; if it is a bill embracing distinct claims, each of which necessarily stands on its own merits, and which are grouped together simply to obtain a support that neither of them would obtain if presented alone—

Mr. HOAR. Mr. President—

Mr. THURMAN. Allow me to finish my sentence. In a word, if it is a mere log-rolling bill, then it ought not to pass. I do not understand—

Mr. HOAR. Will the Senator from Ohio allow me, because he has misstated my position?

Mr. THURMAN. Let me finish my sentence.

Mr. HOAR. The Senator has misstated my position.

Mr. THURMAN. I think not. The Senator from Massachusetts—

did not charge that it was any such bill; he was careful not to make the charge; and yet the effect of what he said was undoubtedly to create a suspicion that, although such may not have been the design of the promoters of the bill, yet in point of fact the bill was so framed that that would be the result. Now I will hear the Senator.

Mr. HOAR. I beg the Senator's pardon. He misunderstands what I said altogether. The Senator from Iowa, I think before the Senator from Ohio came into the Chamber—the senior Senator from Iowa in age, the one who sits near me, [Mr. KIRKWOOD]—stated that the course of the discussion had developed to him, what he did not know in the beginning, that the claims of other States stood on very different grounds, different facts, different laws from the claim of Iowa; that that was something which had been developed to his mind in the course of the debate; and he complained that that having been developed, he had not had an opportunity to amend the bill. I thereupon rose and addressed him a question, which was this: if that were true, then was it not clear that the measures ought to be brought forward in separate bills? I made no intimation of my own or suggestion of my own, but it was an inquiry of the Senator from Iowa, based upon what he had said in regard to the bill before the Senator from Ohio came into the Chamber.

Mr. THURMAN. Mr. President, if I had heard what was said by the Senator from Iowa, which has now been stated by the Senator from Massachusetts, I should have understood his remarks. At the same time I did distinctly understand the Senator from Massachusetts to disclaim imputing improper motives in any one. That I admit. And yet if the facts be as stated, if these are wholly distinct and separate subjects, then this bill would look very much like a log-rolling bill, whatever may have been the motives of those who introduced it and promoted its passage. A log-rolling bill I have never been able willingly to give my consent to.

I wish to say, however, that in my judgment—and I ask the Senator's attention and the attention of the Senate to the few words I have to say—this is not a bill made up of wholly distinct and independent matters; it is not, as has been said even by some of its friends, a mere question of law, a mere question whether the Government will keep its contract with the several States who are interested in this subject. If it is a mere question of contract between each of these States and the Government, then I see no sufficient answer to the objection made by the Senator from Vermont that the State has had a right to go into the Court of Claims and have the matter settled there, if the Senator from Vermont is right in saying that this is a subject-matter which can go into the Court of Claims and thence to the Supreme Court of the United States. If he is right in saying that it is simply a question of contract between Ohio, Indiana, Illinois, or Iowa and the General Government, and that it may be thus judicially determined, I hold that there is no sufficient answer to that objection to the bill. But I do not so understand this claim or these claims. I do not understand that these claims rest upon technical contract, upon strict rigid law. I understand them to rest upon a much broader equity than that; and if they do not, then I do not understand them at all.

Now, Mr. President, I may say for my own State, although that created some remark the other day from the Senator from Illinois [Mr. LOGAN] who favored this bill, when the same remark was made by my friend from Alabama, [Mr. MORGAN], that this is not a bill in the interest of Ohio. If this bill should pass in its present shape, for every dollar it will give to Ohio it will take more than two dollars and a half out of her treasury, nearly three dollars out of her treasury. I think that is a proper thing to be stated in order that her Senators, however they may vote, may have at least the credit and the acknowledgment that they have not been swayed by the particular interest of their State. And even if the amendment I laid upon the table and gave notice I meant to offer were adopted, still the amount that Ohio would receive under the bill thus amended would be less than she would have to pay out of the pockets of her people in discharge of the debt created by the bill. So that neither my honorable colleague nor myself can possibly be said to be swayed in any vote we may give upon this subject by considerations peculiar to our own State. Certainly it cannot be said that Ohio is here preferring a claim manifestly unjust upon the General Government in order to put money into her own treasury.

And while I am on this subject allow me to say, Mr. President, that of all the new States Ohio has received least from the bounty of the Federal Government. There is not a State that has been admitted into this Union in which there was public domain that has not received far more than the State of Ohio. Although Ohio was the first of the Northwestern States to penetrate that then wilderness, to reclaim it, and to add immensely to the strength and the power and revenues of the Union; although she has discharged her duties according to her best understanding of them from that day to this, she has never been a solicitor of Government favor, and has received less of it than any of the new States of the Union. I do not say that any of them has received too much. I am one of those who believe that the settlement of the western country was a great boon to the people of the Eastern States, and that never did a government bestow such favor upon a people as the Government of the United States has bestowed on the people of the old thirteen States when it gave them homes for their children in the West which brought them fortune, prosperity, and fame.

Sir, it will not do to speak of the Western States as having been beggars upon the bounty of the United States; it will not do to speak of the land grants which have been made to the Western States or for the education of their children, or the support of their ministry, as was the case in Ohio—it will not do to say that those were favors granted by one section of the Union to another section of the Union and money taken out of the pockets of one part of the people in order to be put into the pockets of the other. No, Senators from the old thirteen, it was your children and children's children who obtained these homes in the West. It was you more than anybody else that was benefited by the grants the Government made, and of all the people you ought to be the most thankful.

Now, Mr. President, as I understand this bill, it rests upon a simple proposition. In the enabling act of Ohio the Government promised that Ohio should receive 5 per cent. of the net proceeds of the sales of the public lands. This bill comes upon the ground that not a narrow legal but a broad and equitable interpretation of that contract, such as a great Government ought to give to it, includes lands that were promised by the Government as rewards for military service. That, as I understand it, is the broad equity of this bill which makes the bill a unit, makes it harmonious, makes it rest upon one general principle, not by any means a log-rolling one, but a bill that one can support on its own merits irrespective of the State that may be its beneficiary.

Mr. President, I have had very great doubts about this bill. I said very frankly the other day that I did not believe, at least I never had believed until I read the report of the Committee on Public Lands in this case, that the State of Ohio could claim 5 per cent. on the valuation of the area of the United States military district and of the Virginia military district in that State. I must say that I am not satisfied yet that she could make such a claim, certainly not in a court governed by the strict principles of law; but I do say—and it was that which induced me to lay my amendment upon the table—that if the broad principle of this bill is to prevail, if Illinois is to have 5 per cent. on the military reservation in her State, and if Missouri is to have 5 per cent. on the military reservation in her State, and if the other States are to have 5 per cent. on lands located with military warrants of the Mexican war and the Black Hawk war, and the like, then that principle includes the State of Ohio and justifies the amendment I submitted.

Entertaining these views of this bill, I cannot concur in the idea, if any one has suggested that idea, that this is a log-rolling bill grouping together different claims neither of which could pass the Senate standing on its own merits but which grouped together and thus getting the support of divers men of divers minds might go through this body. I do not understand it so. I understand it to rest on the broad principle which I have stated, and on that alone, that the military bounty lands granted by the Government for military services, and as I think whether granted before or after the enlistment of the soldier, ought to stand in the contemplation of these enabling acts on the same ground with land sold for money, and that makes the bill a unit resting on one single broad and general principle which if right may sustain the bill, and if wrong the bill must fail.

Mr. EDMUNDS. Mr. President, as the debate this morning in a considerable degree has seemed to turn on my behavior rather than on the bill itself, I think that in justice I ought to be heard a minute or two. If my behavior could be indefinitely postponed, I have no doubt a motion to that effect would get a unanimous vote; but as there is nothing in the rules for that, the Senate will have to take it as it is.

I stated the other day, when some Senators seemed to feel that something by implication out of what I had said might be derived imputing bias to them, that they were entirely mistaken, that I had the same respect for their motives that I should hope they would have for mine. I see it so stated by me all through the debate the report of which is before me. And what I referred to as a combination of these States, I got from the Senator from Kansas himself [Mr. PLUMB] who reported this bill as the deliberate judgment of the committee in a deliberate report; and here on the floor, after stating that it had been a matter of public notoriety that the Legislatures and governors of the States had been calling attention to this business, that Senator said:

It has been only recently, it is true—within the last few years, as I understand—that the States, moved by a common purpose, have been able to agree, or have agreed, on the terms of a general bill which should recommend that which is fair to all. In the beginning of this discussion, when the matter first came to public attention, there was a variety of claims. The States of Ohio and Indiana, for instance, had claims on account of lands entered under peculiar laws. The States of Kansas and Nebraska, and other States west of the Mississippi River which had been settled up under the homestead law, were desirous of having the Government recognize their claims to compensation on account of those entries. In those States, also, there had been grants, and, as we believe, improvident grants, for agricultural colleges and for railroads, and we believed, and still believe, that the General Government ought to pay in fairness a percentage on those entries as well. But for the purpose of effecting a final adjustment, for the purpose of establishing a common accord upon that which to a certain extent is a common interest, for the purpose of having a final settlement with the General Government, this bill was agreed upon as a basis, perfect or imperfect as it may be, but expressing that general idea of the obligation on the part of the General Government to these States which we believe it ought promptly to respond to.

So that as far as I referred the other night to this matter, of what the Senator from Ohio suggests in a certain aspect as a log-rolling bill, as I did without intending to impute motives to anybody, I was

only commenting on what the Senator reporting the bill himself stated, with the candor that belongs to him, that it apparently was a matter of consultation among these several claimants, whose respective claims, as he regarded them, standing upon law and not upon any sense of general legislative equity or generosity, stood upon different grounds, as obviously they do; but nevertheless, standing upon different grounds, he said it was agreed between them, if I correctly understand the remarks which I have just read, that they would make this general bill that should put them all in together.

Mr. President, if they stand upon different grounds,—and so far as the law goes evidently they do, (nobody can dispute that now)—of course, as the Senator from Ohio says, it is a very improper measure to unite them all in one bill. If they are distinct and independent claims standing upon the particular equity, in the legislative sense of that term, that each State has a right to present owing to the peculiar circumstances of its condition, then is it not equally improper to put them in one bill? I am unable to see the distinction.

The only ground upon which they can properly be in one bill, if there were ever so just a claim on the part of one or more of these States, would be that all involved one single principle to be applied in one single way, and that there was no difference in the grounds or reasons applying to the different States, and that the redress in the legislative sense, (leaving the law now,) to which they would be entitled would be identical. If their cases are different, the redress cannot very well be identical, I take it. The remedy follows the right and is to be applied according to the right; and if the right of these States, in the sense of legislative equity or generosity or whatever the Senator from Ohio pleases to call it, is different, as it must be, if there be any right at all, owing to the different extent of these locations in the various States, then there is no ground for a union (because I must be very careful not to use any term that means much just now, I shall be on trial again,) then there is no ground for a union—I hope there is no impropriety in that word; it is a good, patriotic word,—a union of these claims in one bill. And thus the Senator from Ohio has struck the mark, as he usually does, when he says that if this thing does stand on different ground and is not a broad and general equity that is to give so much to each one of these States each having exactly the same interest and having exactly the same wrong to be redressed and to the same extent, then some proper term might be found perhaps somewhere in the dictionary to properly condemn the practice of the Senate in allowing a bill to go on to a discussion at all which made a union of this character of several and separate claims.

But, Mr. President, this bill is pressed on so many different grounds that it is a little difficult to know exactly where to meet it. The two Senators from Iowa, I think the Senator from Kansas, who reported the bill, [Mr. PLUMB,] and my friend from Colorado, [Mr. TELLER,] and I do not know but everybody who has supported the bill hitherto, have said that they were not asking legislative equity from Congress or generosity, or appealing to general considerations—

Mr. TELLER. The Senator will let me interrupt him a moment. I did not say that at all. I simply said that there were involved in the presentation of this case the construction and interpretation of statutes. That is what I intended to say; that is what I meant.

Mr. EDMUNDS. Let us see what my friend did say, if I can find it.

Mr. TELLER. You will find it there, and you will find that that is what I said.

Mr. EDMUNDS. I cannot find it just now.

Mr. TELLER. The Senator refers to what I said to-day, I suppose—not the other day.

Mr. EDMUNDS. As the Senator now states it, I will take it, for he states it as he did before, and no doubt he states it as he intends. When we come to the ground on which we respectively stood, that is of very slight importance; it is really of no importance whatever on the bill, but it is of some importance in respect of the consideration that each Senator owes to all the others. That is a view to which I wish to express my adhesion in the frankest manner that I can and to disavow, as I thought I had before, any intention to wound the sensibilities of any single Senator.

Now I want to consider for a minute what has been said on this occasion. The Senator from Colorado himself said, if I correctly understood him, that the claim of his State stood on a different ground from that of the others for a reason that he pointed out. If that be so, it ought not be in the same bill. The Senator from Iowa complains that gentlemen have had no opportunity to move to amend the bill. Why, Mr. President, this bill came in reported from a committee with a long, full written report and argument in support of it, that did not suggest that there were any amendments which could be made to the bill except what might be implied from their statement that the homestead lands and I think some others would fall within the principle of the bill, but the committee thought it fit to rule them out and make a compromise,—that was the substance of it,—and estop (as the language of the bill is) the States hereafter from making any claim on that account if they should get this. Nobody that rose to address the Senate upon the bill suggested that he had any amendment to offer, except one or two Senators suggested that they had amendments to offer which would enlarge the scope of the bill and not diminish it. The Senator from Florida had one. I think there was still another suggested at the desk for the purpose of embracing

more lands in the scope of the bill, and not for the purpose of trimming it down, to putting each case on its own grounds that the Senator from Iowa now speaks of. The Senator from Iowa was here all the time; he was watching and promoting this bill just as he does every other bill that he believes to be just and attending to his duties; and it did not occur to him in all the long debate that we had about it, which explored every branch of the affair in a greater or less degree, that there was any amendment that he wanted to propose.

Mr. KIRKWOOD. Will the Senator allow me?

Mr. EDMUNDS. Certainly.

Mr. KIRKWOOD. Would any amendment have been in order if offered?

Mr. EDMUNDS. No, Mr. President, it would not have been in order; but it would have been in order for the honorable Senator from Iowa to have got up and stated, as the Senator from Florida [Mr. JONES] did, that if the bill should come to the point of being taken up in detail he had an amendment to offer; and it was entirely competent, therefore, for the Senator from Iowa, if there was anything that had occurred to his mind in the way of an amendment that he wished for, to say so as a reason why the bill should not be indefinitely postponed; but it did not occur to him. It does not appear that there was any amendment that he wanted to the bill. He apparently wanted to vote for it as it stood. Nothing in his remarks, nothing in anything that he has proposed would lead anybody to a different conclusion. There is, therefore I think, not a good ground of justice in the suggestion of the Senator from Iowa, that the friends of the bill have been cut off from proposing amendments by the motion that I had the honor to submit, because the Senator is too familiar with the course of parliamentary proceeding not to know that any Senator who wishes to perfect the bill has only to give notice of his intention and to point out how he thinks the bill can be made acceptable to the majority of the Senate, or to him, at any time in the course of the debate, and that would be a reason, if a good suggestion were made, why it should not be indefinitely postponed.

The Senator has referred to amendments to be made to meet my views. I hoped that I had been able to make the Senate understand, and not to be misunderstood by my honorable friend, that there was no amendment that could be made to this bill, in respect of recognizing any one of these claims, which would meet my views after the investigation, such as it was, that I had been able to make of it.

Mr. KIRKWOOD. Allow me. If I said "to meet the Senator's views," I certainly did not state my meaning.

Mr. EDMUNDS. I think that was the language.

Mr. KIRKWOOD. Then I was unfortunate in the use of words. I should have said "to meet the Senator's objections."

Mr. EDMUNDS. That is quite another thing. That disposes of that part of the affair.

But I do not want to detain the Senate in going over this matter again. There can be no denial of the fact that everything that the friends of this bill could urge in its favor has been said, that two days ago they were unwilling to have the matter go over for a single day but were desirous of bringing it to a final disposition then.

Now one word more and I have done, and I hope forever with this subject. Some Senator has said—I do not know but the Senator from Iowa—that it was a very unusual thing for a Senator who had opposed a measure and who had voted with the majority in disposing of it, to move to reconsider. I think the Senator is mistaken about that. I did not make the motion to reconsider until the promoter of the bill, the Senator who had reported it and who had been urging its passage, and who was in the minority as he found, had given notice that he would enter a motion to reconsider, having voted against his convictions on the record in order to have the opportunity to do that thing. In that state of the case, as well as in any other for that matter, clearly any Senator had a right, not only under the rules but upon any principle of courtesy, to make the motion himself and have the matter disposed of. The idea of a reconsideration is not that the minority shall ask the reconsideration and shall hang the matter up to see if they cannot muster forces enough, as the expression of somebody was, to try it again; but the theory of a reconsideration is that some member in the majority, who is really in the majority and not merely in form on the record, discovers that there is some matter of doubt or misunderstanding or new information that he has obtained which leads him to desire to consider the measure again with a view to seeing whether he has not made a mistake. That is the theory of the rule as to the motion to reconsider.

That is all I wish to say.

Mr. PLUMB. Mr. President, as the Senator from Vermont did not seem to understand very fully what I said on the occasion of the few remarks I made on this bill, I have a right to presume, I think, that somebody else misunderstood it; and therefore I will endeavor to explain what the idea was that I thought I had fairly expressed at the time about the adjustment of the differences between the States in reference to what they believed their rights were at the hands of the General Government, which preceded and accompanied the report of this bill. That did not take the shape of any formal conference or caucus or anything of that sort, but it was a talk in the committee in reference to the various classes of claims which the States were pressing on the attention of the committee, and which to some extent they desired to have embodied in this bill.

I said, somewhat briefly, that the nature of these claims was vari-

ous; that is, that there were certain classes of them. As the Senator from Colorado has said, Colorado is estopped by the act of her admission to claim a percentage on the homestead entries. The people of Colorado might therefore very fairly have said, "As we are not to get this, Kansas should not have it." The people of Ohio, where they did not have any homestead entries within the limits of that State on which they could make any charge against the General Government, might fairly say that they preferred not to commit themselves to a claim of greater magnitude on behalf of the State of Kansas. There were a great many classes of claims against the General Government growing out of the several acts of admission. Through them all, however, there was one particular class which was common to all of them substantially, and that was this claim for 5 per cent. on entries made with military land warrants.

In the case of the State of Ohio the precise extent of that was to some extent qualified by the fact that that fund was to be divided in a certain way. The committee thought on the whole that the Government had waived the right to divide the fund in that manner, that it had substantially recognized the right of the State to have it all, and that having waited all these many years without expending that money, now it ought to go to the State at all events, saying nothing about the legislative recognition of the principle embodied in the bill made at different times.

All these claims resting upon the theories of the several States would have amounted to many millions of dollars, fifteen or twenty perhaps. We knew that in accordance with the ordinary course of things the time would come when these claims would not only be presented in all that magnitude, if something was not now done, when they would have greater chance of passing perhaps than they have now; and for the purpose of having a final settlement of all these matters it was agreed that that class of claims which was common to all the States should be taken up and presented as they were embodied substantially in this bill, and the rest of them should be cut off so that hereafter they should never be brought to the attention of Congress; that is, the States would never put themselves in the attitude of claiming anything from Congress on account of the entries not embraced in this bill.

I do not think there was anything unfair in that, and I was a little surprised to hear a suggestion or a hint that there had been any log-rolling. I certainly am not aware that any Senator on this floor who is interested in the passage of this bill ever mentioned the subject directly or indirectly to any other Senator with the view of influencing his vote. I certainly did not, and nothing was further from the intention of the committee or from that of the promoters of the bill originally than that there should be any kind of log-rolling or a resort to any practice whatever to put this bill on any other than its proper footing as a just and, as we believe, a legal claim against the Government; not perhaps legal in the sense that it could be enforced in a court of law, but standing on the ground of a valid consideration which the Government ought to be as prompt to respond to as an individual under similar circumstances.

Much has been said about what these States have had, and about the unconscionable nature of this claim for the reason that they have been beneficiaries of the public-land system of the United States; and it has been spoken of as a grab, or as this fund being one that was going into a common pot to be divided, and all that sort of thing. I called attention the other day to the fact that this was not a divide in the sense in which the public funds have heretofore been divided by men in control of the United States Government. I have observed to-day that that same principle of "a fair divide" obtains and is to be pressed on the Senate in other matters. The Senator from Tennessee, [Mr. BAILEY,] from his seat to-day, asked the Senate to make a special order of a bill, which is to do what? To take 5 per cent. of the proceeds of the public lands for any purpose? By no means. With a modesty which characterizes him as an individual and the State he represents, he proposes to take the entire proceeds, all of them; and after he had made his motion, "the grave and reverend" Senator from Vermont, the senior Senator who voted so strongly against this bill, rose in his place and said that that bill was one of the utmost importance, and one that ought to be made a special order, and of course there would be no objection to it!

So it seems that the States which claim that they are entitled, legally, justly, fairly, honorably, to 5 per cent. of the proceeds of the sales of the public lands, are not to have it because it would interfere with the scheme to take all of them. The secret probably, to some extent, of the opposition manifested to this bill is that there is behind it a chance, or a scheme, or a design to appropriate the entire public lands of the United States, all of the proceeds hereafter to be derived, for purposes which are to some extent personal, so to speak, to the several States of the Union, not for a common purpose, not for a purpose simply that is common to all the people of the United States, because that purpose is no more common to the people of the United States than the purpose for which the grant to be derived from the passage of this bill, if it should pass, is to be devoted.

Mr. BAILEY. Will the Senator state for what purpose the money is to be appropriated by that bill?

Mr. PLUMB. I understand that it is to be appropriated for purposes of education.

Mr. BAILEY. Among the people of all the States, all the children of the States.

Mr. PLUMB. That question after all is no more a question of general importance, practically speaking, in that view of it than that which is presented in the bill now under consideration, because it so happens that a majority of the States interested in this bill have sacredly devoted the fund to be derived from the proceeds of the sale of these lands, either by State constitution or by legislative enactment, to the cause of education in the several States. That is a purpose which is general, because it is a purpose that inhered in the original grant by Virginia to the General Government of these lands so far as they cover the States in the Northwestern Territory. The State of Virginia in the act of cession specially enjoined upon the General Government that education should be promoted. In pursuance of that stipulation, ever since 1841 the General Government has given two sections out of every township of public lands for educational purposes, and why? Because it was to promote that general object which inhered in and was a part of the cession of the Northwestern Territory and because that was a common purpose so far as the people of the United States are concerned. You may make a larger or a smaller territorial distribution, but the question of the purpose is just the same.

We ask, as I said, only 5 per cent., but we are to be postponed in order that not only 95 per cent. but 100 per cent. of the public lands, the whole remainder, may be taken away. The Senator from Vermont says that it has been complained of that he made this motion. I do not complain of it. I saw from the beginning that the Senator from Vermont had set his heart upon defeating this bill; and knowing his resources, knowing his determination, knowing his skill in debate, in parliamentary practice, and in everything of that kind, I expected that if there was a motion which more than any other motion would emphasize that determination, which would carry out the idea with which he started, he would make it. To that extent of course he was entirely justified. He was justified upon all grounds. I certainly did not hear the motion made with any kind of surprise whatever, and I do not complain of it. It is simply a question as to whether now the Senate will adopt the motion thus made and thereby dispose of the whole matter so far as it is presented in its present form.

Mr. ALLISON. Mr. President, I desire to say only a word upon this question.

The Senator from Indiana this morning moved to postpone the bill until the first Monday in April, stating as a reason for such postponement that he wished to argue further the questions involved in the bill, and that he desired more time to furnish specific information to the Senate. I think the request made by the Senator from Indiana was reasonable, because I do know that when he comes to furnish that information to the Senate it will show that so far from this bill involving, in any construction of it, \$10,000,000, it cannot involve half that sum. Yet the other day we were told that the eventualities of the bill would involve \$10,000,000. So in regard to other questions that are involved here, a little light upon them will undoubtedly show that many of the reasons which governed gentlemen in voting against the bill may in the end induce them in some form to support it.

When I submitted a few remarks the other day upon the bill, I stated distinctly that I expected to vote for amendments to it, as I did expect and do expect to vote for amendments to it if the bill is to pass—not in the way of enlarging it, (possibly I may also vote for some amendments to enlarge it,) but in the way of restricting its provisions, because I think there ought to be further restrictive provisions, and I so stated. Immediately upon the motion being made to which I refer, the Senator from Vermont moved to indefinitely postpone the whole question, so that there shall be here and now, without further discussion, without further opportunity of debate, without further consideration, an absolutely clinching vote upon the bill, in order that it may be killed at the present time.

The Senator from Tennessee [Mr. BAILEY] proposed this morning, and secured the unanimous consent of the Senate, that on the 8th day of March we shall take up the question of the distribution of all the public lands in the United States, amounting to many millions of acres, for the promotion of education. I have not examined in detail the provisions of that bill; but I want to say here and now to him, that if he presents a fair bill looking to the devotion of the public lands to the illiterate people of this country, I shall give it my hearty and cordial support. When that bill comes here in March and shall have been debated, as it will be debated, it may very materially modify the views of gentlemen in regard to the claim of certain States of the Union for 5 per cent. upon the proceeds of the public lands. Yet we are to be cut off here without any discussion, without any opportunity for discussion, in view of the new lights that have been bestowed this morning upon the question.

The Senator from Massachusetts [Mr. HOAR] rose in his place and asked my colleague a question. I thought he was asking the question of me, and therefore took the liberty of replying to him; but I was informed that he was seeking information from my colleague and not from me. He asked why we should not refer this question to the Court of Claims inasmuch as there are divisions here in reference to the construction of these statutes. True, the Senator from Ohio [Mr. THURMAN] says that that is not all that is involved; but that suggestion of the Senator from Massachusetts is worthy of considering. I have faith in the Court of Claims, and of course in the Supreme Court, who would have jurisdiction of this question as an

appellate court; and it is worthy of consideration whether we should not submit this whole question, under limitations and restrictions, to the Court of Claims.

Mr. EDMUNDS. I do not wish to be heard again upon this matter and if the Senator will allow me to ask him a question, let me ask him, does he understand that disposing of this bill finally would prevent the introduction of a bill to send any question that the State of Iowa or any other State has, to the Court of Claims, if any bill be necessary, as it is not?

Mr. ALLISON. The Senator from Vermont knows perfectly well that I know as well as he knows that if the bill is killed this day, as he proposes to kill it, I can reintroduce this identical bill to-morrow and force it upon the consideration of a committee, as of course any Senator can introduce a bill submitting the whole question to the Court of Claims.

Mr. EDMUNDS. If my honorable friend will pardon me, I do not say I know anything, but I think I know that under the rules of the Senate, that have been tried out and decided in the time of Thomas H. Benton, who was supposed to know something of what he was about, nothing of the kind that the Senator speaks of, in regard to reintroducing this bill, can be done.

Mr. DAVIS, of West Virginia. At this session of Congress?

Mr. EDMUNDS. At this session of Congress.

Mr. ALLISON. I do not understand the rules as the Senator from Vermont understands them. Of course I could not introduce the exact bill proposed here, but the substance of this bill could be forced upon the attention of the Senate year after year; and I want to give notice to the Senator from Vermont that if we are to be cut off in this way by the votes of a majority of the Senate on a motion now to indefinitely postpone, he will sit here, I hope many years, to hear a rediscussion of this question, as he would be bound to do.

Mr. EDMUNDS. Undoubtedly.

Mr. ALLISON. What I ask the Senator from Vermont to submit to I believe is only a fair request. It is a request that if the Senator from Vermont himself were to make would be accorded almost by unanimous consent in this body.

Mr. EDMUNDS. Not a bit of it.

Mr. ALLISON. Coming as it does from certainly a fair representation of gentlemen representing States of this Union believing that they have interests here that ought to be subserved, I think it is nothing more than a fair proposition that we should ask that the vote shall be so taken as that the bill can be, on the second Monday of December next, again considered in this body in the light of facts that may then exist.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. The Senator says if I were to make such a request he believes it would be unanimously consented. I wish to inquire of him, if I had asked the postponement now proposed at five o'clock in the afternoon of the day when the vote to indefinitely postpone the bill was taken, would he have voted himself to have the bill postponed until the second Monday in December, or for one week?

Mr. ALLISON. It is impossible for me to say now what I should have done on that evening. I can only say that on that evening, pressed as I was to have the vote taken on the Senator's motion to indefinitely postpone, I did vote against an adjournment at that hour. I did not feel that I was voting in a discourteous way to the Senator from Vermont, because for three successive days at the close of the morning hour he had the floor and yielded it to other gentlemen, who discussed and debated this question until three or four o'clock in the afternoon.

Mr. EDMUNDS. The Senator is mistaken about that; I did not have the floor. The Senator is entirely mistaken. I do not complain of any discourtesy in the Senate refusing to postpone the matter even for one day. It had a perfect right to do so, and it was no discourtesy to me. The friends of the bill thought they wanted it decided and they got it decided.

Mr. ALLISON. We desired a vote on the question of indefinite postponement. As the Senator says, that vote was taken and it proved to be an adverse vote to the friends of the measure. I am not complaining of that. I do not complain of anything in connection with this bill. I do not complain of the opposition made by the Senator from Vermont to the bill; it has been able, it has been thorough, it has been exhaustive; but opportunity ought to be given for a specific reply to the argument that he made at five o'clock in the afternoon day before yesterday, when he said that \$10,000,000 would be taken out of the Treasury if the bill were to pass, when by any calculation, so far as I have been able to judge, it would be impossible to take \$4,000,000 out of the Treasury under it. Yet upon that argument being made a vote was immediately taken.

Now, all I ask is that we shall postpone this question until the second Monday in December next, in the short session, and then reconsider the question. If we are then voted down, if a majority, as there appears now to be a majority, should be still opposed to the bill, then of course the question will be decided adversely by the Senate.

Mr. McDONALD. Mr. President, I have but a very few words to say. I have already suggested one reason why I desire to have the bill still retained before the Senate, that it may hereafter consider it, which is, that I do not think there has been a fair discussion of the question in this body.

I now wish to call the attention of the Senate to a statement that has been made with reference to the amount of money which it has been claimed from time to time is involved in the bill. The Senate certainly understands that the bill simply embraces lands taken with military scrip and with land warrants, and nothing else. Inasmuch as lands entered by scrip, as it is termed, have heretofore been accounted to the States as cash entries, the scrip provision in the bill is simply surplusage, and has nothing to operate upon.

Mr. EDMUNDS. The Senator is mistaken about that, I think, with great deference to him. I wish him to have the closing speech, and so he will pardon my interrupting him now. I will say that the bill is retrospective as well as prospective, from the dates of admission of the States. Consequently all the military scrip that was located or paid in before the admission of the States is embraced in the bill, although the States since have got their pay on the military scrip.

Mr. McDONALD. I do not understand the bill to be retrospective in the sense that the Senator has stated; but if there was any question on that point it had been my purpose to move at the proper time an amendment by which all ambiguity upon the subject would be removed, limiting it to such entries as had been made since the several States had been admitted into the Union under their respective enabling acts.

In the first assault that the Senator from Vermont made upon the bill he spoke of the quantity involved, and undoubtedly he supposed that the amount would have some impression on the mind of some one who might be called upon to vote in regard to this matter. I read now from the RECORD of the 12th of February the statements then made by the Senator from Vermont upon that question, to be found on page 9 of the RECORD of that date:

Next we come to the bounty lands which of course are not granted to the States, and I only put them in so that this statement of sums may all go together. Under the acts of 1847, 1850, 1852, and 1855, down to the 30th of June, 1873, the issues and locations of bounty land warrants had been: land warrants for 69,986,070 acres of land had been issued, and there had been located 55,357,090 acres of land. This near sixty-one million acres at a dollar and a quarter an acre would make about \$75,000,000, and 5 per cent. of that, as anybody can see, is in round numbers about \$4,000,000.

Mr. McDONALD. I can give the Senator the exact figures of the land-warrant entries according to a statement furnished by the Commissioner of the General Land Office.

Mr. EDMUNDS. If the Senator will pardon me, I have the exact statement myself, furnished by the Commissioner of the General Land Office.

Mr. McDONALD. Perhaps this is more correct information.

Mr. EDMUNDS. The Senator can put it in his speech. I take the Commissioner's printed report for 1873.

Mr. McDONALD. This statement covers that year.

Mr. EDMUNDS. If they differ, I do not know which we shall follow. I am quoting the printed report for 1873, found in the document I have named, at the page I have stated, and that number of acres, at \$1.25 an acre would produce, at 5 per cent., which is the operation of this bill, to be exact about it, the sum of \$3,811,629.30.

So that when the Senator came to quote the correct amount from the figures that he had before him he dropped down from the \$4,000,000, stated in round numbers, to \$3,811,629.30. When the Senator came, in the conclusion of this discussion, to the final consideration of the bill, as he will find by recurring to his remarks in the RECORD of February 26, he very much enlarged this sum. The beginning of the Senator's remarks then upon the subject are as follows:

I shall be very sorry, as there are only ten millions just now to be paid out of the Treasury, to go on in the absence of a quorum, and, therefore, to find out whether there is a quorum here, I move that the Senate do now adjourn, and on that I ask for a division, &c.

The Senate did not adjourn, and the Senator proceeded with his remarks. When he came to a discussion of this branch of the subject again, here are his statements, to be found on the next page:

The honorable Senator from Kansas says these surrenders of right made a consideration which entitles these States now to tax the people of the United States to pay into their treasuries these moneys, amounting as I say upon the bill as it stands, when you get it all together and as it will turn out, to hard upon \$10,000,000. To say nothing about scrip, the 5 per cent. on the mere bounty lands alone since 1847 down to last year amounts to almost \$5,000,000; and this bill contains scrip as well as it contains bounty lands—

Mr. McDONALD rose.

Mr. EDMUNDS. The Senator will pardon me. If I am going on to-night, I must go on myself. He will excuse me if I decline to be interrupted.

The PRESIDING OFFICER. The Senator from Vermont declines to be interrupted.

Mr. McDONALD. Not even to correct a statement?

Mr. EDMUNDS. Not even to correct a statement. The Senator can correct me afterward.

The Senator from Vermont in this last attack of his upon the bill raises the amount upon bounty-land entries over his own exact statement in the beginning when his attention was called to it by me, almost \$2,000,000.

Mr. EDMUNDS. That is, from \$3,811,000.

Mr. McDONALD. To \$5,000,000.

Mr. EDMUNDS. To "hard upon \$5,000,000," as a matter of my opinion.

Mr. McDONALD. No, sir.

Mr. EDMUNDS. If you get this bill through, I think it will turn out that I am right.

Mr. McDONALD. As to the land-warrant entries which the Senator from Vermont read from the report, the entire amount of land warrants issued would not have made this sum up to \$4,000,000, that he said it was hard upon in the beginning, so that there was simply a rise of a full million for which there was nothing whatever to base the statement upon.

Mr. EDMUNDS. The Senator forgets to read what I stated and

what he probably has forgotten, that if he will look into the land report he will see that there is one State at least which was admitted since 1847, the State of Oregon I think it is, and that it may turn out, and probably will, that a considerable amount of these locations can be found there. Therefore I expressed my opinion that it would come hard to \$5,000,000, I expressed it sincerely, and I repeat it now.

Mr. McDONALD. Oh, but the Senator showed in the first statement that the whole number of land warrants issued was only about sixty million acres.

Mr. EDMUNDS. Yes, but I stated at the same time that in the report from which I read the State of Oregon did not appear at all, and I believe it would appear that there were bounty lands located there.

Mr. McDONALD. But the Senator was not going to the fountain-head; he was giving us the statement of the number of land warrants issued and the quantity of acres thus covered by them.

Mr. President, I trust that the motion to indefinitely postpone will be voted down, and that we shall at least retain the bill in the control of the Senate until it can be further considered and examined.

The PRESIDING OFFICER. (Mr. FERRY in the chair.) The question is on the motion of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. EDMUNDS. If no friend of the bill wishes to make any further remark, I will, pending this question, move to lay the motion to reconsider on the table. I do not do it for the purpose of cutting off any debate, if anybody wants to speak. If anybody wishes to say anything more, I will withdraw the motion.

Mr. McDONALD. That is all right. Let us take the vote on that.

The PRESIDING OFFICER. The question is on the motion to lay the motion to reconsider on the table.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. EATON, (when his name was called.) On this question I am paired with the Senator from Ohio, [Mr. THURMAN.] If he were present, I should vote "yea."

Mr. FERRY, (when his name was called.) On this motion I am paired with the Senator from New York, [Mr. CONKLING.] Were he present he would vote "yea," and I should vote "nay."

Mr. GARLAND, (when his name was called.) I am paired on this question with the Senator from Maryland, [Mr. WHYTE.] If he were present I presume that he would vote "yea," and I should vote "nay."

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from Tennessee [Mr. HARRIS] upon the bill. That Senator is absent, and I do not know what position he would take upon the question now pending before the Senate. If his colleague [Mr. BAILEY] will advise me in regard to the matter, I shall be governed by his suggestions, if he knows the wishes of his colleague.

Mr. BAILEY. I do not feel authorized to advise the Senator as to how he should vote. My colleague, as I am, is opposed to the passage of the bill. Although I am opposed to the passage of the bill, I am very willing to vote for the motion made by the Senator from Indiana to postpone its consideration until the second Monday in December, and hence I have voted against the motion to lay the motion to reconsider on the table. I am utterly unable to advise the Senator from Minnesota. He must decide the question for himself.

Mr. McMILLAN. In view of the uncertainty that exists I shall withhold my vote. If the Senator from Tennessee were here I should vote "nay."

Mr. WITHERS, (when his name was called.) I am paired on this bill with the Senator from Kansas, [Mr. INGALLS.] I do not know how he would vote on the pending motion.

The roll-call was concluded.

Mr. FARLEY. On this bill I paired with the Senator from Nevada [Mr. SHARON] the other evening. As he is absent, having gone to New York, I shall continue the pair. If he were present, he would vote "nay" and I should vote "yea" on this motion.

Mr. SLATER. I desire to announce the pair of my colleague [Mr. GROVER] with the Senator from North Carolina, [Mr. VANCE.] My colleague would vote "nay" if he were present.

Mr. BURNSIDE. The Senator from Colorado [Mr. HILL] who sits next to me is paired with the Senator from West Virginia, [Mr. HEREFORD.] If the Senator from Colorado were here, he would vote "nay."

Mr. DAVIS, of West Virginia. My colleague [Mr. HEREFORD] is paired with the Senator from Colorado, [Mr. HILL.] Were my colleague present, he would vote "yea."

Mr. TELLER. My colleague [Mr. HILL] is paired with the Senator from West Virginia, [Mr. HEREFORD.] If my colleague were present, he would vote "nay."

The result was announced—yeas 19, nays 33; as follows:

YEAS—19.			
Anthony,	Davis of W. Va.,	Hill of Georgia,	Morrill,
Bayard,	Dawes,	Hoar,	Platt,
Beck,	Edmunds,	Kernan,	Rollins,
Booth,	Groome,	McPherson,	Saulsbury.
Burnside,	Hamlin,	Maxey,	
NAYS—33.			
Allison,	Butler,	Coke,	Jonas,
Bayley,	Call,	Davis of Illinois,	Jones of Florida,
Baldwin,	Cameron of Wis.,	Gordon,	Kellogg,
Blair,	Cockrell,	Hampton,	Kirkwood,

Lamar,	Pendleton,	Slater,	Williams,
Logan,	Plumb,	Teller,	Windom.
McDonald,	Pryor,	Vest,	
Morgan,	Ransom,	Voorhees,	
Paddock,	Saunders,	Walker,	

ABSENT—24.

Blaine,	Farley,	Hill of Colorado,	Sharon,
Bruce,	Ferry,	Ingalls,	Thurman,
Cameron of Pa.,	Garland,	Johnston,	Vance,
Carpenter,	Grover,	Jones of Nevada,	Wallace,
Conkling,	Harris,	McMillan,	Whyte,
Eaton,	Hereford,	Randolph,	Withers.

So the motion to lay on the table was rejected.

Mr. McDONALD. I now move that the further consideration of the whole subject be postponed until the second Monday in December next.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana.

Mr. EDMUNDS. How does the question come to be on that motion when I have a motion pending to postpone indefinitely?

The PRESIDING OFFICER. The Chair understood the Senator to withdraw that motion.

Mr. EDMUNDS. The Senator did not withdraw it, and the Senator did not say that he withdrew it.

The PRESIDING OFFICER. In that case, as the motion of the Senator from Vermont has priority, the question is on the motion to indefinitely postpone.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FARLEY, (when his name was called.) On this question I am paired with the Senator from Nevada, [Mr. SHARON.]

Mr. FERRY, (when his name was called.) On this question I am paired with the Senator from New York, [Mr. CONKLING.] If he were present, he would vote "yea" and I should vote "nay."

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Maryland, [Mr. WHYTE.] If he were present, he would vote "yea" and I should vote "nay."

Mr. McMILLAN, (when his name was called.) On this question I am paired with the Senator from Tennessee, [Mr. HARRIS.] If he were here, he would vote "yea" and I should vote "nay."

Mr. WITHERS, (when his name was called.) I am paired with the Senator from Kansas, [Mr. INGALLS.] If he were present, I should vote "yea."

The result was announced—yeas 20, nays 32; as follows:

YEAS—20.

Anthony,	Davis of W. Va.,	Hill of Georgia,	Morrill,
Bayard,	Dawes,	Hoar,	Platt,
Beck,	Edmunds,	Kernan,	Rollins,
Booth,	Groome,	McPherson,	Saulsbury,
Burnside,	Hamlin,	Maxey,	Wallace.

NAYS—32.

Allison,	Davis of Illinois,	Logan,	Saunders,
Baldwin,	Gordon,	McDonald,	Slater,
Blair,	Hampton,	Morgan,	Teller,
Butler,	Jonas,	Paddock,	Vest,
Call,	Jones of Florida,	Pendleton,	Voorhees,
Cameron of Wis.,	Kellogg,	Plumb,	Walker,
Cockrell,	Kirkwood,	Pryor,	Williams,
Coke,	Lamar,	Ransom,	Windom.

ABSENT—24.

Bayley,	Eaton,	Hereford,	Randolph,
Blaine,	Farley,	Hill of Colorado,	Sharon,
Bruce,	Ferry,	Ingalls,	Thurman,
Cameron of Pa.,	Garland,	Johnston,	Vance,
Carpenter,	Grover,	Jones of Nevada,	Whyte,
Conkling,	Harris,	McMillan,	Withers.

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Indiana, [Mr. McDONALD,] that the Senate postpone the further consideration of the motion to reconsider the indefinite postponement of the bill until the second Monday in December next.

The motion was agreed to.

MUSCLE SHOALS APPROPRIATION.

Mr. GORDON. I present a letter from the Secretary of War, with accompanying papers, and ask that they be printed. They relate to a subject of considerable importance. The Secretary of War himself requests that his letter, with the accompanying papers, be printed for the information of the Senate and of the public.

Mr. DAVIS, of Illinois. What is the subject to which they relate?

Mr. GORDON. They are in reference to the use by the Secretary of War of a portion of the sum appropriated under the river and harbor act to the Muscle Shoals, for the purpose of paying a contractor who had a claim against the Government. It was a diversion of a portion of the appropriation from the purpose for which it was intended to the payment of the heirs of a former contractor. The question having been raised by the Committee on Commerce, in justice to the Secretary of War and also in justice to the committee itself, and with the consent of the committee, I ask that these papers be printed.

The PRESIDING OFFICER. Is there objection?

Mr. ALLISON. I desire to know, before I give my consent, what papers accompany the letter of the Secretary of War?

Mr. GORDON. They embrace the correspondence between the committee and the Secretary of War, to begin with, and then the estimates by the engineers of the amount due this contractor, and the opinions of the legal officer of the War Department as to the right of the Secretary to take from the appropriation the sum and pay it to the contractor.

Mr. McMILLAN. The opinion of the law officer of the War Department sustains the payment by the Secretary of War out of the appropriation made to satisfy the claim of Williams.

The PRESIDING OFFICER. The Chair understands the Senator from Georgia to ask simply that the papers be printed, not that they be referred.

Mr. GORDON. I only ask that they be printed.

The PRESIDING OFFICER. If there be no objection, the order to print will be made.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WITHERS, it was

Ordered, That Mary E. Parker, administratrix of L. C. P. Cowper, be permitted to withdraw from the Senate files the papers in the claim of L. C. P. Cowper.

On motion of Mr. LAMAR, it was

Ordered, That the papers in the case of Adeline Shirley be taken from the files of the Senate, and referred to the Committee on Claims.

ADJOURNMENT TO MONDAY.

On motion of Mr. BURNSIDE, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

FITZ-JOHN PORTER.

Mr. RANDOLPH. Under the understanding had regarding the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army, I now call up that bill and ask that it be read.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Jersey that the Senate proceed to the consideration of the bill indicated by him.

The motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole.

Mr. EDMUNDS. Let it be read.

Mr. LOGAN. I am satisfied that the Senator from New Jersey would not desire to proceed at this late hour, and I therefore move that the Senate proceed to the consideration of executive business.

Mr. RANDOLPH. I should like to have the bill read.

Mr. LOGAN. Very well; I withdraw my motion.

Mr. RANDOLPH. I simply ask to have the bill read, and then I will give way for a motion to proceed to the consideration of executive business, as suggested by the Senator from Illinois.

Mr. HOAR. I desire to address the Senate upon the Geneva award question. I think I shall not occupy more than thirty minutes, certainly not over forty. I understand from the honorable Senator from New Jersey that it would be convenient to him when this bill is taken up next week to lay it aside informally long enough for that purpose. I merely wish to make the statement now.

Mr. RANDOLPH. I understand that under the rules of the Senate this bill will be the unfinished business of the Senate on Monday after the morning hour.

The PRESIDING OFFICER. The Senator is correct.

Mr. RANDOLPH. I will state now that if the Senator from Massachusetts wishes, immediately upon the completion of the morning hour on Monday, to occupy such time as he may desire without detriment to the pending bill, I have no objection. I shall follow him immediately, of course, upon the bill that is now before the Senate and which will be the unfinished business for Monday.

The PRESIDING OFFICER. Is there objection to the understanding that the Senator from Massachusetts shall address the Senate on Monday?

Mr. HOAR. I do not suppose it requires any assent of the Senate; I merely gave the notice.

The PRESIDING OFFICER. The Chair has asked if there is objection, and the Chair hears none.

Mr. BAYARD. That understanding being had between the Senator from Massachusetts and the Senator from New Jersey, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened; and (at five o'clock and four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 27, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

LOUISVILLE AND PORTLAND CANAL.

Mr. CABELL, by unanimous consent, from the Committee on Railways and Canals, submitted a report in writing upon the bill (H. R. No. 4507) to abolish all tolls charged by the Louisville and Portland

Canal; which report was ordered to be printed and recommitted to the Committee on Railways and Canals, not to be brought back by a motion to reconsider.

INTERSTATE COMMERCE.

Mr. SAPP presented a joint resolution of the Legislature of the State of Iowa in relation to interstate commerce; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD.

The resolution is as follows:

Joint resolution in relation to interstate commerce.

Resolved by the General Assembly of Iowa, That our Senators and Representatives in Congress be, and they are hereby, requested to use all their influence to secure the enactment by Congress of a law that will inaugurate a system of controlling railroad corporations so as to prevent abuses in management, unjust discriminations, and excessive charges for transportation on all interstate lines of railroads.

2. Resolved, That the secretary of state be instructed to furnish a copy of this resolution to each of our Senators and Representatives in Congress.

LORE ALFORD,
Speaker of the House.
FRANK T. CAMPBELL,
President of the Senate.

Approved February 16, 1880.

JNO. H. GEAR.

I hereby certify that the foregoing is a true copy of the original joint resolution. Witness my hand and the great seal of the State this 23d day of February, A. D. 1880.

JAS. HULL,
Secretary of State of Iowa.

DES MOINES RIVER LANDS.

Mr. DEERING, by unanimous consent, presented a concurrent resolution of the Legislature of the State of Iowa relating to the Des Moines River lands; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD. It is as follows:

Memorial of the General Assembly of the State of Iowa relating to the Des Moines River lands.

Whereas by an act of Congress of August 8, 1846, a grant of land was made to the then Territory of Iowa to aid in the improvement of the navigation of the Des Moines River from its mouth to the Racoon Fork; and

Whereas on the 9th day of June, 1854, the State of Iowa contracted with a corporation known as the Des Moines Navigation and Railroad Company to complete the work then begun by the State as provided by said grant, and to be done for the lands granted thereby without liability of the State; and

Whereas the State, in 1858, for the purpose of a settlement with said corporation, made a deed to the said company of what title the State then had to certain lands therein described north of the Racoon Fork; and

Whereas by a decision of the Supreme Court of the United States at the December term, 1859, between the Dubuque and Sioux City Railroad Company and Edwin C. Litchfield, it was decided that said grant did not extend above the Racoon Fork and that the certificates issued by the Land Department to the State for said lands were void and that the said company had no title whatever to the lands claimed by them above said Racoon Fork; and

Whereas by the joint resolution of Congress of March 2, 1861, all the remaining interest in said lands above said Racoon Fork so erroneously certified was released to the bona fide holders of the patents of the State, and by the act of Congress of July 12, 1862, said grant of 1846 was extended so as to include the odd-numbered sections lying within five miles of said river, between the Racoon Fork and the north line of the State of Iowa; and

Whereas numerous settlers entered upon the said lands lying north of the Racoon Fork at various times, some of them as early as 1854, believing them to be Government lands open to settlement under the pre-emption and homestead laws of the United States, and have made valuable improvements thereon with a view to ultimate perfection of their title, many of whom have long held possession from the United States under said laws; and

Whereas the Secretary of the Interior, Hon. O. H. Browning, on the 9th day of May, 1868, in an opinion carefully reviewing the acts of 1846, 1861, and 1862, and what is known as the Harvey settlement of 1866 under them, also the contradictory opinions of the various officials upon the original grant of 1846 and the decisions of the Supreme Court of the United States, and particularly that known as the Wolcott case, decided that the said lands heretofore improperly certified north of the Racoon Fork were open to pre-emption and settlement under the laws of the United States; and

Whereas, in pursuance of such opinion and decisions and encouraged thereto by such authority and the advice of eminent counsel, several hundreds of said settlers proceeded to file their declarations and undertook in good faith to perfect their titles to the lands selected and improved by them as mentioned, and many of said settlers had prior to that time so filed their declarations, and applied to pre-empt said land and make homestead entries thereon; and

Whereas grievous litigation is now pending in the various courts of the State and of the United States relating to the title to said lands, improvements thereon, &c.; and

Whereas, on account of the very great hardship that has been brought about by the conflicting decisions aforesaid, great disturbance and trouble has already arisen and is likely to arise unless some satisfactory and just action be taken by the State and General Government relating to this subject; and

Whereas the settlers aforesaid are wholly without remedy under the effect of said rulings of the various Departments and officers of the General Government and courts and they only desire that the United States should take proper action to protect them, and it has become a matter of vital importance to all the settlers on these lands, whether holding under the United States laws as pre-emptors or under the company, as well as to all other people residing along the Des Moines Valley from the Racoon Fork to the north line of ninety-two on the east side, and the north line of eighty-eight on the west side of the river, to which point said lands were certified, that these long-continued and vexing controversies connected with the legislation referred to be fully and finally settled; and

Whereas the settlers upon said lands believe that no action has ever been taken relating to these lands in which the United States and the interest of the United States have been fairly and properly represented in court, and only desire that this may be done: Therefore,

Be it resolved by the house of representatives of the State of Iowa, (the senate concurring,) That our Senators in Congress be instructed and our Representatives requested to favor the immediate passage of a bill which shall in some manner provide for the Attorney-General of the United States to immediately commence proceedings or cause such proceedings to be instituted by suit, either in law or in equity, or both, as may be necessary, and appear in the name of the United States so as to remove all clouds from the title to said lands, in which suits any person or persons in possession of or claiming title to any tract or tracts of land under the

United States involved in such suits may, at his or their expense, unite with the United States in the prosecution of such suits, to the end that the title or titles of any person or persons claiming said lands may be forever settled.

LORE ALFORD,
Speaker of the House.
FRANK T. CAMPBELL,
President of the Senate.

Approved February 16, 1880.

JNO. H. GEAR.

I hereby certify that the foregoing is a true copy of the original resolution. Witness my hand and the great seal of the State this 24th day of February, A. D. 1880.

[SEAL.]

JAS. HULL,
Secretary of State of Iowa.

ADMISSION TO THE FLOOR.

The SPEAKER. The gentleman from Tennessee [Mr. WHITTHORNE] asks consent that Judge Twigg, of Georgia, be admitted to the floor during his stay in the city. The gentleman from California [Mr. PAGE] asks the same privilege during to-day for Mr. David Perkins, of California.

There being no objection, the requests were granted.

LEMUEL ADAMS.

Mr. PRESCOTT, by unanimous consent, introduced a bill (H. R. No. 4752) granting a pension to Lemuel Adams, private of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

BYRON ROSECRANS.

Mr. BREWER, by unanimous consent, introduced a bill (H. R. No. 4753) to correct the military record of Byron Rosecrans, late of Company H, Twenty-ninth Michigan Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

HOT SPRINGS RESERVATION, ARKANSAS.

Mr. DUNN. I am directed by the Committee on Public Lands to offer for consideration and adoption at this time a resolution proposing an investigation of matters pertaining to the Hot Springs reservation, in the State of Arkansas.

The SPEAKER. This resolution was offered the other day and objected to; but as the Chair understands the objection is now withdrawn. The resolution will be read.

The Clerk read as follows:

Resolved, That the Committee on Public Lands, or any sub-committee appointed by the chairman thereof, be, and hereby is, instructed and directed to inquire into the manner in which the receiver appointed by the court under the provisions of section 5 of an act approved June 11, 1870, in relation to the Hot Springs reservation, in the State of Arkansas, performed the duties of said receivership, the amount and kind of property he took possession of in the name of the Government, what disposition was made thereof, what sum or sums of money he received for the rent or other use of said property, and generally to inquire fully into his conduct in that behalf, and also to investigate the manner in which the Hot Springs commission, appointed under the provisions of the acts of March 3, 1877, and December 16, 1878, in relation to the Hot Springs reservation in the State of Arkansas, have performed their duties; and to investigate fully all matters of alleged maladministration of said acts by said commissioners, or either of them, or by any officer or employee of said commission, either in the matter of making or rescinding orders of condemnation or making awards of the right of purchase under improper influences or speculating in contested claims or issuing certificates for condemned houses that have not been injured, removed, or taken by the Government; and to inquire into and ascertain what portion of the certificates issued by said commission for condemned buildings and property is just and right and what portion thereof is unjust, and into the receipts and expenditures of money on any and all accounts, and the amount of compensation received by said commissioners and each of their officers and employees, and into the settlement and condition of the account of any disbursing agent or officer said commission may have had; and generally to inquire fully into all of said matters and whether in any case wrong or injustice has been done to the Government or to individuals, and into the present condition, amount, kind, and value of property now held by the Government on the said Hot Springs reservation, and report by bill or otherwise such recommendations as they may deem wise and proper in the premises. And that said committee or any sub-committee thereof appointed as aforesaid shall have power to send for persons and papers, call and examine witnesses, administer oaths, sit during the sessions of the House, may have a clerk, stenographer, and messenger, and may proceed to said Hot Springs to prosecute said investigation, if deemed advisable by said committee, during the session of Congress; and the expenses of said investigation shall be paid out of the contingent fund of the House upon the certificate of the chairman of said investigating committee.

Mr. BROWNE. Is this resolution in order at the present time?

The SPEAKER. The resolution was presented the other day and objection was made by the gentleman from Michigan, [Mr. CONGER,] the Chair thinks. The Chair has recognized the gentleman from Arkansas [Mr. DUNN] to present the resolution to-day on the ground that the gentleman who objected to it before does not any longer object. The resolution is not before the House except by unanimous consent.

Mr. BROWNE. I ask that it be referred to the Committee on Public Lands. If not so referred, I shall object.

The SPEAKER. The resolution comes from the Committee on Public Lands, being reported by unanimous consent of the committee, as the Chair understands.

Mr. DUNN. The Committee on Public Lands have directed me to report this resolution; and if I can get permission I will make a statement which will satisfy the House.

Mr. CONGER. I object to the resolution because we have had a commission whose action was supposed to be satisfactory, and, if so, whose decision should have been final. The House has determined that the Government shall not receive the money it might have received under the proceedings of that commission. Here is a propo-

sition for additional expense for an investigation to go over the same ground again, without calling those commissioners before the committee. I object to this until the members of the commission already appointed have been heard.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] and the gentleman from Indiana [Mr. BROWNE] both object.

OFFICIAL CONDUCT OF DISTRICT COMMISSIONERS.

Mr. ALDRICH, of Rhode Island. I am instructed, by unanimous vote of the Committee for the District of Columbia, to ask the adoption of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives of the United States, That the Committee for the District of Columbia are hereby directed to investigate the charges against the commissioners for the District made in a communication from the Treasurer of the United States, submitted to the House by the Secretary of the Treasury February 25, 1880; and for this purpose said committee are authorized to send for persons and papers and to administer oaths.

Mr. COX. I hope this resolution will be adopted.

There being no objection, the resolution was considered and adopted.

REPORT ON SHEEP HUSBANDRY.

Mr. WILSON, from the Committee on Printing, reported back, with an amendment, the joint resolution (H. R. No. 68) to authorize the printing of 10,000 copies of the Report on Sheep Husbandry.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That 10,000 copies of the report of the Department of Agriculture on "Sheep Husbandry" be, and the same is hereby, ordered to be printed for distribution by the members of the House of Representatives among their constituents.

The amendment reported by the committee was read, as follows:

In line 3 strike out "10" and insert "13;" and in line 5, after the word "printed," insert "3,000 copies for the Senate, 10,000 copies thereof;" so as to make the resolution read as follows:

"That 13,000 copies of the report of the Department of Agriculture on 'Sheep Husbandry' be, and the same is hereby, ordered to be printed; 3,000 copies for the Senate, 10,000 copies thereof for distribution by the members of the House of Representatives among their constituents."

The amendment was agreed to.

The joint resolution, as amended, was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

EQUALIZATION OF BOUNTIES.

Mr. THOMPSON, of Iowa, by unanimous consent, presented resolutions of the Dubuque Reserve Corps, in favor of equalization of bounties; which were referred to the Committee on Military Affairs.

AMENDMENT OF TARIFF LAWS.

Mr. DUNNELL. I rise to make a privileged report from the Committee of Ways and Means, upon which it is very important action should be had at once. A report which accompanies the bill will explain the circumstances of the case. The bill which I propose to report is the bill H. R. No. 3462 to amend section 3020 of the Revised Statutes.

The SPEAKER. This is a public bill.

The bill, which was read, provides that section 3020 of the Revised Statutes be so amended as to read as follows:

SEC. 3020. Where fire-arms, scales, balances, shovels, spades, axes, hatchets, hammers, plows, cultivators, mowing-machines, and reapers, manufactured with stock or handles made of wood grown in the United States, are exported for benefit of drawback under the preceding section, such articles shall be entitled to such drawback in all cases where the imported material exceeds one-half of the value of the material used. And where cans, manufactured in whole or in part of imported material, filled with products grown or produced in the United States, are exported for benefit of such drawback, the same shall, in all cases, be entitled to the drawback provided for in the preceding section where the imported material used in the manufacture of such cans shall equal 70 per cent. of the value of all the material used in the manufacture thereof.

Mr. DUNNELL. There is a short report accompanying this bill, which I ask to be read.

The SPEAKER. Is there objection to the reception of the bill?

Mr. TOWNSHEND, of Illinois. Where does this come from?

Mr. DUNNELL. From the Committee of Ways and Means.

Mr. TOWNSHEND, of Illinois. Is it a unanimous report?

Mr. DUNNELL. It is. It is a bill which was introduced by the gentleman from Oregon, [Mr. WHITEAKER,] and its passage is a matter of necessity at this season of the year. It affects the salmon fisheries of the Columbia River, and I hope there will be no objection to its passage. The report is short and I ask that it be read.

Mr. SMITH, of Pennsylvania. Let it be read, reserving, however, all points of order.

The report was read, as follows:

This bill is urged for passage by parties upon the Pacific coast who are engaged in preserving fish, meats, and fruits for exportation in tin cans. These parties have heretofore, and till the 15th of August, 1879, been allowed by the Treasury Department a drawback upon the tin plates used in the manufacture of tin cans equal to the duty paid less 10 per cent. upon a certificate of exportation, under section 3019 of the Revised Statutes.

On the 15th of August, 1879, the Treasury Department refused further to allow a drawback upon the tin cans exported in all cases where native lead was used in the preparation of the solder of the cans, the section of the Revised Statutes, namely, 3019, allowing a drawback only in cases where the exported article is manufactured from articles wholly of foreign growth or production.

It is estimated that one and a half million pounds of lead is used in the preparation of the solder of the cans manufactured upon the Pacific coast and filled with fish, meats, and fruits for exportation to foreign countries.

Native lead in large quantities is produced from the mines in Nevada and finds a market in the city of San Francisco. This lead can be purchased at a cost of

from three and one-half to four cents per pound, while the foreign lead costs from six to seven cents per pound.

These parties, by purchasing foreign lead and using the same in the preparation of the solder for the cans, under now existing laws would be entitled to and would receive from the Government the amount of duties paid upon the articles exported, but to compel them to do so would require them to pay to foreign merchants in round numbers about \$30,000 more for their product than what the native product can be purchased for. The revenue of the Government will not be affected, but one of the leading industries of the Pacific States stimulated and promoted.

One of the leading industries of the State of Oregon is the salmon fisheries of the Columbia River. It is estimated that ten and one-half million dollars of the product of these fisheries was preserved in tin cans during the past year and exported to England and Australia.

These parties ask that tin cans may be taken from the operations of section 3019 and placed in section 3020, which allows a drawback to be paid upon certain specified articles, and that they be thus allowed a drawback upon the tin plates used in the manufacture of tin cans, without reference to the lead used in the preparation of the solder.

The question is, shall these parties be compelled to purchase foreign lead at a bonus of about \$30,000 to foreign producers; or shall they be permitted to use the native product?

In addition to the foregoing facts, which relate entirely to the Pacific States and Territories, the bill will favorably affect a much larger interest in the Atlantic States. In the manufacture of tin cans for the export of petroleum, the number of five-gallon cans manufactured in the city of New York in 1879 has been estimated to have been not less than ten millions, 90 per cent. of which were used for exporting oil.

To compel the use of foreign material for soldering of metal cans intended for export in order to secure the drawback under section 3019 is to discriminate against our own products and industries and gain nothing by such discrimination in the way of increased revenue.

The immediate passage of this bill is made necessary from the fact that the season of the year is now at hand when those engaged in the salmon fisheries of the Pacific coast lay in their supplies of material for the manufacture of their cans, and it is important that they may be able to purchase native solder instead of the foreign product.

Mr. DUNNELL. Just one single sentence in addition.

The SPEAKER. Is there objection?

Mr. DUNNELL. I trust there will be no objection.

Mr. SMITH, of Pennsylvania. Does this come with the recommendation of the Secretary of the Treasury?

Mr. DUNNELL. It does.

Mr. SMITH, of Pennsylvania. Is it the unanimous report of the Committee of Ways and Means?

Mr. DUNNELL. It is. As the law now is, there is a drawback on domestic products of 90 per cent. when shipped abroad, exported in tin cans. As the law now is, it is necessary that the American producer shall go abroad and get the lead out of which his solder is made in the manufacture of these tin cans. We have lead here at home, and we simply provide in this bill that lead may be used, our own domestic lead, in the production of solder, so the shippers abroad may not get the drawback. It will be seen at once nothing at all is lost to the Treasury by the passage of this bill; but, on the contrary, that we save at home \$30,000 or \$40,000 a year which we are now compelled to send abroad in the purchase of foreign lead, when we might as well use our own lead and get the drawback.

The bill was ordered to be engrossed and read a third time; and, being engrossed, was accordingly read the third time, and passed.

Mr. WHITEAKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADMISSION TO THE FLOOR.

On motion of Mr. McMILLIN, by unanimous consent, Dr. Hoyt, a member of the national educational convention, was admitted to the privileges of the floor.

MORNING HOUR.

Mr. BRIGHT. I demand the regular order.

The SPEAKER. The regular order of business being demanded, the morning hour begins at twenty-five minutes to one o'clock, and this being Friday, committees will be called for reports of a private nature, beginning with the Committee on Invalid Pensions.

PENSION BILLS.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported back, with favorable recommendations, the following bills; which were severally referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 2851) for the relief of Ensley Simmonds;

A bill (H. R. No. 3815) granting an increase of pension to Colonel J. R. Porter; and

A bill (H. R. No. 4414) granting a pension to Mrs. Electa L. Baldwin.

Mr. HOSTETLER, from the same committee, reported back, with favorable recommendations, the following bills; which were severally referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 2635) for the relief of Mrs. Almira Farnsworth;

A bill (H. R. No. 3876) granting a pension to William L. Farrow;

A bill (H. R. No. 3879) granting a pension to Jacob Young;

A bill (H. R. No. 2498) granting an increase of pension to Merritt Lewis; and

A bill (H. R. No. 3871) granting a pension to Captain Michael McGray.

Mr. HOSTETLER also, from the same committee, reported bills of

the following titles; which were severally read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 4754) granting an increase of pension to Birney Hoyt;

A bill (H. R. No. 4755) granting an increase of pension to Margaret Mills;

A bill (H. R. No. 4756) granting a pension to John G. Coney; and

A bill (H. R. No. 4757) granting a pension to Nelson F. Wood.

ALEXANDER HICKS.

On motion of Mr. TAYLOR, the Committee on Invalid Pensions was discharged from the further consideration of a bill (H. R. No. 4087) for the relief of Alexander Hicks; and the same was referred to the Committee on Military Affairs.

PENSION BILLS.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported back bills of the following titles with favorable recommendations; which, with the accompanying reports, were ordered to be printed, and referred to the Committee of the Whole on the Private Calendar:

A bill (H. R. No. 671) granting a pension to Catharine Vaughan;

A bill (H. R. No. 4086) to restore the name of Joseph A. Febuary to the pension-roll;

A bill (H. R. No. 704) granting a pension to Ellen W. P. Carter; and

A bill (H. R. No. 2107) granting a pension to John W. Churchwell.

Mr. TAYLOR also, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 4758) granting a pension to Mary Mitchell;

A bill (H. R. No. 4759) granting an increase of pension to Richardson K. Baird;

A bill (H. R. No. 4760) granting a pension to Martha Jane Douglass; and

A bill (H. R. No. 4761) granting a pension to George Foster.

Mr. HAZELTON, from the same committee, reported back, with favorable recommendations, bills of the following titles; which, with the accompanying reports, were severally ordered to be printed, and referred to the Committee of the Whole on the Private Calendar:

A bill (H. R. No. 3235) granting a pension to Adaline P. Loy;

A bill (H. R. No. 3911) granting a pension to Christopher Hopper;

A bill (H. R. No. 2371) granting a pension to Samuel Hays;

A bill (H. R. No. 3683) granting a pension to Helena Fechtels;

A bill (H. R. No. 2367) granting a pension to Susan Taylor;

A bill (H. R. No. 1130) granting a pension to Esther E. Lieurance; and

A bill (H. R. No. 3689) granting a pension to Sarah J. Bremmer.

Mr. HAZELTON also, from the same committee, reported a bill (H. R. No. 4762) granting a pension to Theodore C. Hawkins; which was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

Mr. CALDWELL, from the same committee, reported back, with favorable recommendations, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 3195) for the relief of Francis M. Green;

A bill (H. R. No. 3207) for the relief of Hiram C. Henderson;

A bill (H. R. No. 3370) granting a pension to Mary E. Jeffrays;

A bill (H. R. No. 2232) increasing the amount of pension of John M. Daniel;

A bill (H. R. No. 662) for the relief of Nimrod McIntosh; and

A bill (H. R. No. 4409) granting a pension to S. F. F. Mercer, late surgeon Forty-ninth Veteran Volunteer Infantry.

Mr. CALDWELL also, from the same committee, reported a bill (H. R. No. 4763) granting a pension to William M. Coffey, guardian of the minor children of Benjamin McGuire; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. CALDWELL also, from the same committee, reported, as a substitute for House bill No. 644, a bill (H. R. No. 4764) granting a pension to James B. McKinney, a private in Company C, Eighth Regiment Kentucky Infantry Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. UPDEGRAFF, of Ohio, from the same committee, reported back, with favorable recommendations, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 4335) granting a pension to Mary Ullery;

A bill (H. R. No. 4001) granting a pension to David D. Edwards;

A bill (H. R. No. 4319) granting a pension to George L. Riker; and

A bill (H. R. No. 4398) granting a pension to John M. Scott.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported a bill (H. R. No. 4765) granting a pension to Harvey D. Baker; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAN ANTONIO AND MEXICAN BORDER RAILROAD.

Mr. SHELLEY. I am instructed by the Committee on Railways and Canals to report back, with a favorable recommendation, the bill (H. R. No. 2967) to authorize the Secretary of War to contract with the San Antonio and Mexican Border Railroad Company for the immediate construction of a railroad from San Antonio to a point on the Rio Grande at or near the town of Laredo, for the purpose of establishing a postal and military highway from the United States military headquarters at San Antonio, Texas, to the Mexican border.

Mr. ACKLEN. Is that a private bill?

The SPEAKER. It is a public bill, and is not in order under this call.

HEIRS OF ALBERT FULLER.

Mr. VANCE, from the Committee on Patents, reported a bill (H. R. No. 4766) for the relief of the heirs of Albert Fuller; which was read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read, as follows:

Be it enacted, etc. That the legal representatives of Albert Fuller, deceased, late of Brooklyn, in the State of New York, have leave to make application to the Commissioner of Patents for the extension of letters-patent No. 13677, granted to said Fuller October 16, 1855, for an improvement in faucets for hot and cold water; and the Commissioner of Patents is hereby authorized to hear and determine said application in accordance with the rules and regulations heretofore existing in the Patent Office in relation to the extension of patents, and to extend the same for the term of seven years from and after the date of such extension, provided he shall be satisfied that said extension will be just and proper, and not injurious to the public interests; and said patent when so extended shall have the same force and effect in law as if originally granted for the full term for which it shall be so extended: *Provided*, That no person shall be held liable for the infringement of said letters-patent, if extended, in consequence of having used said invention since the expiration of said patent and prior to the date of the extension, nor shall any party be held liable for using faucets which may be in use at the time of the extension of said patent, as authorized by this act.

Mr. ROBINSON. Is there a report from the committee accompanying the bill?

Mr. VANCE. There is a report.

The report was read, as follows:

The Committee on Patents, to whom was referred the petition of Albert Fuller, respectfully submit the following report:

That by the papers and evidence submitted it is shown that said Fuller was the original inventor of a very valuable improvement in faucets for hot and cold water, for which a patent was granted to him October 16, 1855.

That at that time, and for many years thereafter, there was but very limited opportunity to introduce or use said invention, for the reason that there were only three or four cities which had any water-works; and further, from the nature of the invention, considerable time was required to demonstrate its utility, as durability was one of its chief characteristics, and which time and use could alone determine.

It is further shown that as soon as its value began to be demonstrated and admitted, and when he had reason to hope that he would realize from his invention, he was met by the combined opposition of the plumbers, who persistently opposed its introduction, and refused to deal with those who offered to sell it, solely on the ground that its introduction would lessen their profits, and deprive them of the frequent jobs for repairing or replacing the inferior articles then in use.

The testimony shows that, notwithstanding these obstacles, he persisted in his efforts to introduce the invention, going from city to city as fast as water-works were introduced in various parts of the country, devoting his entire time and energies to the work, and expending not only what little means he had, but all that he could borrow from his friends, and being at times reduced to such a state of destitution that for weeks at a time he was compelled to occupy an empty room and sleep on the floor. His entire time from the time he obtained his patent until his death was devoted to the effort of introducing and realizing from his invention, and yet, as shown by the testimony, he never realized therefrom as much as he could have earned at ordinary wages as a mechanic during the same time.

It further appears that at the time of filing his petition in 1876 he was seventy years old, and in very reduced circumstances. He has since died, leaving a widow sixty-nine years of age, who with a widowed daughter with three children were wholly dependent upon him for support, and who are left in a state of destitution. To add to their difficulties the daughter has since become insane, and is now an inmate of an insane asylum.

It further appears that if the patent can be extended his widow can realize from it a sum sufficient to enable her and the orphan children to live in comparative comfort, and prevent their being thrown upon the community as objects of charity.

The invention from its very nature cannot affect the public at large, as it can be used by a small portion only of the community; and it can never be used to create a monopoly, as it must always compete with the large number of similar articles of different style and make, which are free to all.

The value of the invention, as well as the perseverance and integrity of the inventor, are fully established by the affidavits of disinterested parties, and there is no opposition to his application.

The committee therefore recommend the passage of the accompanying bill, which does not extend the patent, but merely gives his widow the right to have a hearing before the Commissioner of Patents, and where any person is at liberty to oppose the extension.

Mr. BROWNE. I would like to inquire if this bill is general in its terms, or whether it is intended simply to meet by its terms this particular case?

Mr. VANCE. It meets this particular case.

Mr. BROWNE. And none other?

Mr. VANCE. No other.

Mr. STEELE. If I heard the reading of the report correctly it would seem that this patentee or his assignees or somebody else obtained a patent in 1855. Did I hear correctly?

Mr. VANCE. That is correct.

Mr. STEELE. Then if I understood the report correctly, and my colleague assures me that I did, this man has had an opportunity for about twenty-five years to test the value of his invention. Now in my opinion it is an unsafe course on the part of Congress to extend

these patents for such an indefinite period. What is to be the end of it? My constituents are not interested in this matter at all, for they have no water-works in my country. But I am opposed to all such things on principle.

Mr. AIKEN. I desire to call the attention of the House to the fact that this is not a unanimous report from the Committee on Patents. The gentleman from North Carolina [Mr. STEELE] has very truly said that this patentee has had the control of this invention for a longer time than is now allowed by law. The existing law gives to a patentee the control of his invention for seventeen years without any right to an extension. This patentee secured his letters-patent as long ago as 1855, twenty-five years ago.

The only argument that I have been able to discover in the report presented by the chairman of the Committee on Patents [Mr. VANCE] is that this invention was in anticipation of the wants of the country, and therefore the patentee did not receive a reasonable remuneration for his invention. Now, that very thing is the only thing that ever makes an invention creditable. If an invention was made and patented only when the people wanted it and demanded it, no man would be deserving of credit as an inventor. But the inventor must anticipate the wants of the people, and then the Government gives him the control of his invention for seventeen years.

In the present case this inventor was in advance of the wants of the people; he anticipated them more than a quarter of a century, because he contends he has not yet received adequate compensation for his invention. This is not the unanimous report of the committee, and I think the House should consider well before it passes this bill.

Mr. ROBINSON. I understand the subject of this invention is in relation to hot and cold water faucets. Am I right?

Mr. VANCE. That is correct.

Mr. ROBINSON. The report would seem to indicate that the invention applied only to faucets used in the construction of large water-works, for street purposes. Is that so?

Mr. VANCE. I think it is used only in cities.

Mr. ROBINSON. If it applies to all hot and cold water connections it is a very broad subject, one that has been considered by inventors for the past twenty-five years. The records of the Patent Office are full of improvements made by the designers of this country in relation to this matter.

As has been well said, this patentee had this invention secured to him as long ago as 1855. Now, I would like to know, for the information of the House, whether he held that patent during that time as his own property, or whether he assigned it to other parties.

Mr. VANCE. He did not assign it, but endeavored from time to time to get it introduced into use. It was many years before he got it introduced, as there were other faucets competing. It was introduced into only some three or four cities up to a little while before his death. As this report says, he traveled from city to city endeavoring to get his invention introduced, but he realized only a small amount for it.

Mr. ROBINSON. It seems to me we should proceed very cautiously in this matter of extending patents. Although I believe thoroughly in the patent system, and would dislike very much to see anything done that would break it down or impair its efficacy, yet at the same time when a patentee has had all the advantage which our patent law gives him, has had no other difficulty to contend with except that the trade will not buy his invention, that parties will not use it, and he has been brought into direct competition with other inventors, and so has failed to introduce his invention or to realize a profit from it, it seems to me there should be some hesitation, some careful consideration of the case before we agree to extend the time for his patent.

Of course there is underlying this bill and the report an appeal to our sympathy for the dependent family of this inventor. That is another matter, one of course which the hearts of members of this House will decide upon. But it seems to me that if the patentee himself were here applying for this extension of his patent, the House would be likely to vote against it, for the report in my judgment does not disclose any real ground why the claim presented on his behalf should be granted. The question really is, whether the House will give the penniless widow and children a benefit which, under the law, they are not entitled to.

Mr. VANCE. It is known that the Committee on Patents have been very careful about reporting bills looking to an extension of patents. My colleague on the committee [Mr. AIKEN] is correct in saying that the report is not unanimous in this case, although there is no minority report.

Without wishing to disclose any of the secrets of the committee, which I think would be improper, it may be said that some of my colleagues on that committee do not favor any extension of a patent. The present law provides that a patent shall have a life of seventeen years. Formerly the law provided a term of fourteen years with the right to an extension. This man brought an invention into use for the improvement of faucets for cold and hot water.

Mr. ATKINS. Will the gentleman allow me to ask him a question?

Mr. VANCE. Certainly.

Mr. ATKINS. Did not the law which was passed in 1861, extending the time of a patent from fourteen to seventeen years, provide that there should be no extension of a patent under that law?

Mr. VANCE. The law to which the gentleman refers provides

that there shall be no extension of a patent by the Commissioner of Patents; but there is nothing prohibiting any person from petitioning the Congress of the United States for redress of grievances.

Mr. ATKINS. Oh, no; Congress can do anything I suppose.

Mr. VANCE. It is in evidence, Mr. Speaker, that this invention has been very valuable to the cities where it has been introduced. For many years it was out of the power of the inventor to get his invention introduced; only three or four cities adopted it. In the mean time he encountered, as the report shows, the opposition of the plumbers of the country, because the invention interfered, as they believed, with their business. The inventor went from city to city, as the testimony shows—so poor that many times he was obliged to sleep on the floor, not having the means to procure for himself comfortable quarters. Up to the time of his death he only received from his invention what would have been ordinary mechanic's wages. Having introduced this very valuable invention, he died at the age of seventy, leaving a widow sixty-nine years of age, who has a widowed daughter with three children to support. Since the death of the inventor the daughter has become insane and is now an inmate of an asylum. The widow now comes forward and petitions the Congress of the United States to authorize her to go before the Commissioner of Patents and apply for an extension. This bill does not propose directly to extend the patent. It simply authorizes the Commissioner of Patents to do so after he shall have taken sworn testimony; after he shall have advertised for three months, I believe, so that all the world may have notice to come in and oppose the extension.

We think this a case that appeals to the Congress of the United States in behalf of this widow and these fatherless children. It is in testimony that the invention is only used by the authorities in the cities as I understand, and does not affect the masses of the people. It cannot be a monopoly, because it comes in competition with other faucets, many of which are already in use.

Mr. ROBINSON. Is not this invention applied to ordinary small faucets, such as are found connected with the wash-bowls, or the ordinary water apparatus in dwellings?

Mr. VANCE. I think it is in use in houses in the cities.

Mr. ROBINSON. May it not apply to all dwelling-houses throughout the whole country, where water apparatus or water-pipes are in use?

Mr. VANCE. I suppose it would.

Mr. ROBINSON. Then it is not the fact that the invention applies alone to the large water-mains in cities?

Mr. VANCE. I will state that it has only been used in that way. As I was saying, it cannot be a monopoly because it will probably never affect the general public. This could not be a monopoly while it comes in competition with many inventions of a similar character. What is a monopoly? A monopoly, as I understand, is where a man is allowed by law the exclusive control of a certain class or character of goods. For instance, if the law authorized one man alone to sell woolen goods, and all the rest of mankind were denied the right to sell such goods, that would be a monopoly. But this is not a monopoly. The bill simply extends to this poor widow the right to go before the Commissioner of Patents and ask to be heard. I ask gentlemen whether they will deny her the right to make this application—the right to go before the Commissioner of Patents, who will determine whether this patent should be extended or not.

In my judgment this is a case that commands itself to the sympathy as well as the sound judgment of this House. Here was a man who struggled in poverty to bring a useful invention into use; who died without realizing anything from it beyond ordinary mechanic's wages. I fear, sir, that this is the history of too many inventions. Men spend their lives without adequate compensation in perfecting inventions which are inestimable blessings to the country.

I am sorry to see that there is in the minds of some gentlemen here what I fear is a prejudice toward patents and the patent system. I say that we cannot to-day measure the advantage that has resulted to this great country from the patent system. Volumes could be filled in showing how industry has been redoubled throughout the length and breadth of the land by the influence of the patent system. Here is a man who, after devoting his life to perfecting his patent, died, leaving his widow in poverty. I ask the representatives of the American people to look at this case from a broad, a proper standpoint.

Here, sir, is the cry of the poor: "For the needy shall not be forgotten; the expectation of the poor shall not perish forever." It is for the representatives of the people to do as they please in this matter, but, Mr. Speaker, if this bill cannot pass then it is useless for the Committee on Patents to bring forward any bill looking in the direction of extension of patents where the patentee has not been remunerated for his invention.

I yield now to my colleague on the committee, the gentleman from Pennsylvania, [Mr. WARD.]

Mr. BRAGG. Let me inquire of the gentleman from North Carolina whether this patentee owns the patent, or whether it has been sold to some other person who is using the heirs of this patentee and their poverty for the purpose of securing the whole benefit of the extension to themselves.

Mr. VANCE. It has not been assigned.

Mr. WARD. Mr. Speaker, I fully concur in the sentiments expressed by the gentleman from Massachusetts, [Mr. ROBINSON,] and

I indorse the view he has taken, that every application for the extension of a patent should be considered carefully, examined critically, and not reported to this House until the Committee on Patents has been fully satisfied it is a case which warrants the granting of an extension. And, sir, so far as the Committee on Patents is concerned, that has been the sentiment which has actuated it in the course it has taken during this Congress in reference to all these cases of extension. Of the numerous applications laid before that Committee, from time to time, for extension of patents, the number is infinitesimal which gets through and comes here before the House with a favorable report. It is not until they are submitted to the careful scrutiny of an investigation, and until the case is found to be one surrounded by such peculiar circumstances as to induce it to believe it is exceptional and entitled to the favorable consideration of the House, that the committee agrees to bring it here for favorable action.

I wish to say, with all respect to this House, that as I understand the sentiments of members upon this floor the danger is not that unfair and unjust patents will get through and unjust extensions be granted, but the danger is that the patentee will be treated unjustly, will be met here with prejudice; that when he presents a case which fairly entitles him to consideration, when, as in the case now presented by the chairman of the Committee on Patents, a man has devoted his life, given his brain, his life-blood, to inventing and perfecting and introducing an invention which cheapens a necessary article to the public, which has made great improvement in the particular line toward which his efforts were directed—that after he has done all that and exhausted his energy and comes here, not himself but those who have succeeded him—when they come here in poverty, not the inventor, but those he has left behind him after his death, asking for some consideration and some compensation for all that he has done to the country—the danger, I say, is that when they come here they will be refused that hearing and justice to which they are fairly entitled.

All I ask in this bill, or in any other bill which may find entrance into this House by report from the Committee on Patents, is that the proposition shall not be received in the first instance with prejudice, but that when the report is made the report shall receive the respect and consideration to which it is entitled, and shall be examined by the House fairly and deliberately and action shall be taken on the case as on any other matter coming from any other committee.

Mr. VANCE. I yield now to the gentleman from New York, [Mr. COX.]

Mr. COX. Mr. Speaker, I do not like to oppose a bill which has the sort of merit suggested by my friend from North Carolina, being in favor of a poor woman and a widow, but this House must have learned by this time it had better turn back to general legislation and estop so much special legislation. I was glad when my friend from Pennsylvania [Mr. COFFROTH] brought in a bill for the establishment of a commission to examine, on natural equity and justice, the various pension cases reported against in the Pension Bureau.

But in reference to this extension of patents I wish to say to this House, Mr. Speaker, that when the law was passed in February, 1861, no one intended or expected thereafter there should be any more extensions of any kind. We extended the patents generally at that time from seven to fourteen years. I happened at that time to be on the committee of conference. In looking up the record I find the following, which I ask the Clerk to read.

The Clerk read as follows:

PATENT LAWS.

Mr. Douglas, from the second committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts," submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 10) in addition to "An act to promote the progress of the useful arts," having met, and after a full and free conference thereon, agreed to report, and do report, as follows:

To strike out all after the word "that," in the sixteenth section, and insert the following: "All patents hereafter granted shall remain in force for the term of seventeen years from the date of issue; and all extension of such patents is hereby prohibited."

S. A. DOUGLAS,
G. N. FITCH,
Managers on the part of the Senate.
S. S. COX,
AUGUSTUS FRANK,
THOMAS J. BARR,
Managers on the part of the House.

Mr. COX. That was twenty years ago, and on the extension of patents the general understanding, the judgment of both branches, was that no more extension should be had. Where will be the end of special legislation unless we call a halt somewhere? Now is the best time to make a general rule to cut down all this special legislation. If we cannot do justice, then let my friend bring in a general bill enlarging the time for the benefit of inventors.

I agree with the gentleman that inventions should be protected. The Constitution gives the right of property in one's thought, in one's invention, in the eighth section, to promote the progress of science and the useful arts by securing for a limited time to authors and inventors the exclusive right to their respective writings and discoveries.

After a time, after a limited time, the people were to have the benefit of these inventions. Congress is the arbiter of that subject, and ought to arbitrate by general legislation only.

Mr. WARD. Will my friend allow me to ask him a question? The section of the Constitution to which he refers, and which he has just read, provides that Congress shall by a law secure to the inventor, for a limited period, the right to his invention. Now, suppose the inventor is deprived of that exclusive right, and thereby deprived of the fruits or the benefit which were designed to be secured to him by the Constitution; suppose that the returns, or what should be returns, from that invention are entirely swept away by infringements upon it or by costly litigation to protect it from infringements, and at the end of the term which the Constitution prescribes for his protection he comes in here and makes the statement to this body that the law that he had depended upon as his protection did not avail him, has he not a right to ask relief of this body, which alone can grant it?

Mr. COX. In response to the gentleman, I believe that it is competent for Congress by this special legislation to secure year after year for a thousand years, if you please, the inventor in some right which he has. But I am arguing for a general law, otherwise our business would be so choked up that we might as well adjourn at once for all the good that we are likely to do here.

Mr. VANCE. I yield to my colleague from Maryland on the committee for five minutes.

Mr. TALBOTT. Mr. Speaker, in reply to the gentleman from New York who has just addressed the House, the Committee on Patents, I am sure, although I am not authorized to say so, would be very glad to have a general law covering all these cases passed. But, sir, the business of the Committee on Patents—

Mr. TOWNSHEND, of Illinois. I for one should be opposed to any extension.

Mr. TALBOTT. Well, let every gentleman speak for himself. But the business of the Committee on Patents is to inquire as to whether or not the extension of patents shall be granted in special cases. It is the business of the committee to make the inquiry. They go into all the special cases, into all the details, and upon that investigation make their report to the House, after having been authorized by Congress to make the inquiry whether in their judgment extension should be granted in particular cases. The rule for their guidance is as follows: If the Committee on Patents say that, in their judgment, the invention is in itself valuable to the whole people, and the inventor has not received adequate remuneration; then a favorable report is made. In this particular case, looking at it from that stand-point, the petitioner is entitled to aid from Congress to protect him in the enjoyment of his right. This is a case where the investigation took place by the Committee on Patents, and a majority of the committee say that it is a fair case and that the Commissioner of Patents should pass upon it. The matter is referred to him, and a majority of the committee ask the House to indorse that action and let the Commissioner grant the extension. It is an invention that is valuable to the public. All of the facts show that the inventor has not received adequate remuneration for it. That is all I propose to say. I think it is a just case, and I hope it will receive favorable action here.

Mr. VANCE. I now yield to the gentleman from Ohio [Mr. KEIFER] for two minutes, after which I will call the previous question upon the bill.

Mr. KEIFER. The gentleman certainly does not expect to pass this bill to-day.

Mr. VANCE. I hope we will be able to get a vote upon it to-day.

Mr. KEIFER. This is a question which I think should have more careful consideration, and I hope the gentleman will allow it to go over to another day.

Mr. VANCE. I am willing to yield to the gentleman from Ohio for two minutes.

Mr. KEIFER. I hope, then, the gentleman will give me the remainder of the morning hour, which is only for a few minutes, and then allow this bill to go over to next week.

Mr. VANCE. I will yield to the gentleman from Ohio for three minutes.

Mr. KEIFER. Mr. Speaker, I could not be expected to state my objections in detail to a bill of this kind in three minutes. I want to say I understand this is a patent that it is proposed not to extend, but it is proposed by extraordinary legislation to allow the representatives of the original patentee to come in and get another patent. I have been told that this patent was once extended; that it was originally a seven-year patent, and was subsequently extended for seven years more, making fourteen years in all, and that it is now twenty-five years old, that is to say, it has been twenty-five years since it was first issued. It is a patent upon an article in common use, an article almost as common as tin cups, and this bill proposes to extend this patent on faucets for drawing hot and cold water, an arrangement that is in common use. Now it is proposed to extend this for a period of seventeen years more, making a total of thirty-one years. It is a bad principle at least to extend a patent in this country. It ought not to be done except in the most extraordinary cases. I know that people who have had these rights, patentees, have often failed to realize their expectations, and after that they come here with a case that appeals to our sympathy, but we must remember, Mr. Speaker, that other people are affected by this subject as seriously and are as much interested in the matter as the party who applies for relief. We are not sitting here for the purpose of healing all the misfortunes of people or of relieving the

wants growing out of a bad management of their own affairs. If I had time I would be glad to give my views on this subject in full, but in the few moments allotted to me it is utterly impracticable for me to do so. I will therefore content myself with the hope that the matter will be allowed to go over until we can have more time to examine it.

Mr. VANCE. I yield the floor to the gentleman from New York, [Mr. COVERT,] and will let the bill go over till the morning hour of Friday next.

The SPEAKER. There are four minutes of the morning hour remaining.

Mr. COVERT. With the understanding that I can claim the floor on next Friday, I suggest that the bill be now allowed to go over till then.

Mr. TOWNSHEND, of Illinois. Let it be understood by unanimous consent that the morning hour has expired.

Mr. ATKINS. I object to any arrangement by unanimous consent.

Mr. VANCE. I yield the remainder of the morning hour to the gentleman from South Carolina, [Mr. AIKEN.]

Mr. AIKEN. I desire simply to call the attention of the House to the course these bills take. I am satisfied by what has fallen from members not on the committee that they do not understand properly the condition of this matter. This bill is presented to the Committee on Patents with a petition requesting that the party interested may go before the Commissioner of Patents for an extension of seven years. He has had fourteen years, according to law, and an extension already of seven years more. The impression has been attempted to be created here that if this permission be granted it does not necessarily follow that the party will secure an extension from the Commissioner, because the Commissioner while hearing the application will also give a hearing to others who oppose the extension. It has been asserted by another member of the committee who voted favorably on this bill that the right is demanded that the Commissioner may extend the patent; and *prima facie* if we adopt this the patentee will simply go to the Commissioner of Patents and secure an extension.

This is of no value to the patentee proper, but to the legatees of the patentee. The chairman of the committee has appealed most pathetically to the sympathies of this House to help the poor. I say, bring in a bill to appropriate aid for the poor and I will vote for it. But why should we abuse the provisions of the patent laws to help the poor when there is nothing in the Constitution to authorize it? My experience during three and a half years on the Committee on Patents teaches me there never has been and probably never will be an appeal to Congress for an extension of a patent without its being accompanied with an exhibition of extreme poverty. And yet some of these very patentees live in brown-stone houses.

ORDER OF BUSINESS.

Mr. BRIGHT. Has the morning hour expired?

The SPEAKER. It has.

Mr. BRIGHT. I move that the House resolve itself into the Committee of the Whole on the Private Calendar.

Mr. BLACKBURN. I give notice that if the motion of the gentleman from Tennessee be not agreed to I shall move that the House resolve itself into Committee of the Whole on the state of the Union to resume consideration of the report of the Committee on Rules.

Mr. FERNANDO WOOD. And if the motion of the gentleman from Kentucky [Mr. BLACKBURN] should not prevail I will ask for a session of the House to-morrow. I hope we may avoid that by concluding the report on the rules to-day.

Mr. BRIGHT. Although this is not a subject of debate I would like to be permitted to say a word.

The SPEAKER. The Chair will hear the gentleman from Tennessee, as the other two gentlemen have spoken.

Mr. BRIGHT. In reply to the gentleman from New York I will say that I suppose to-morrow will be open for the consideration of any business. And I will say further that last Friday was devoted to the consideration of the rules.

Mr. FERNANDO WOOD. I desire that we shall dispose of the rules at the earliest possible moment; and if we cannot do it to-day let us do it to-morrow.

Mr. HAYES. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAYES. Is this objection day, or consideration day in Committee of the Whole on the Private Calendar?

The SPEAKER. It is objection day.

Mr. HAYES. Then I think we had better take up the rules.

The question being taken on Mr. BRIGHT's motion that the House resolve itself into Committee of the Whole on the Private Calendar, there were—ayes 39, noes 100.

So (further count not being called for) the motion was not agreed to. Mr. BLACKBURN. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering further the report of the Committee on Rules.

Mr. FERNANDO WOOD. Pending that I move that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. PRICE. I hope that motion will not prevail. The plea is constantly set up that we are pressed for time, and yet we are in the habit of adjourning over Saturday and losing a legislative day every week when we might as well be going on with our work.

Mr. COX. Is debate in order?

The SPEAKER. It is not.

Mr. FERNANDO WOOD. I withdraw my motion until it be seen what is the result of the motion of the gentleman from Kentucky.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. McCoid, for two weeks.

WITHDRAWAL OF PAPERS.

Mr. RICE asked unanimous consent for the withdrawal from the files of the House of papers in the case of John Pratt, there being no adverse report thereon; which request was referred to the Committee on Invalid Pensions.

HOT SPRINGS COMMISSION.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting copy of letter and affidavit of Hon. Powell Clayton in relation to Hot Springs (Arkansas) commission; which was referred to the Committee on Public Lands.

REVISION OF RULES.

The motion of Mr. BLACKBURN was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the report of the Committee on Rules. The Clerk will read.

The Clerk read as follows:

RULE XXVIII.

CHANGE OR SUSPENSION OF RULES.

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on every Monday after the call of States and Territories shall have been completed, and during the last six days of a session.

Mr. RANDALL, (the Speaker.) The Committee on Rules have agreed upon certain amendments to be proposed to this rule. Those amendments were placed in the charge of the gentleman from Maine, [Mr. FRYE,] but I do not see him in his seat at this time.

Mr. BLACKBURN. I will ask that the amendments referred to by the gentleman from Pennsylvania [Mr. RANDALL] be allowed to be offered hereafter.

Mr. HARRIS, of Virginia. I have an amendment to offer to this rule.

The CHAIRMAN. The Chair will first entertain the amendments recommended by the Committee on Rules.

Mr. RANDALL, (the Speaker.) I see that the gentleman from Maine [Mr. FRYE] is now in his seat.

Mr. FRYE. I am instructed by the Committee on Rules to propose the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out the words "every Monday" and insert in lieu thereof the words "the first and third Mondays in each month," and after the word "completed," insert the words "preference being given on the first Monday to individuals and on the third Monday to committees;" so that it will read:

"No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays in each month, after the call of the States and Territories shall have been concluded, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session."

Mr. FRYE. It will at once be seen what this amendment will effect if adopted. It will leave all the Mondays but two in each month for useful business and legislation. Under the present rule motions for suspension of the rules can be made on every Monday. Now, few gentlemen in this House have failed to see what the effect of such a rule as that has been. After the States and Territories have been called on Monday for the introduction of bills for reference, motions to suspend the rules have been in order. And since I have been in Congress the result has been that two-thirds of the time on each Monday has been utterly and entirely wasted.

In the first place, it is understood that any gentleman under the present rule may bring before the House any resolution he may see fit, and compel us to vote upon it. Political resolutions are in order, and to prevent their being offered to the House every now and then we adjourn immediately after the call of States has been completed, and the remainder of that Monday is wasted.

During this session of Congress the gentleman from Iowa [Mr. WEAVER] has been endeavoring to get a resolution before this House. Four or five times the House has adjourned on him, and finally the Speaker, exercising a right which he has the authority to exercise, and performing a duty which I think he ought to have performed, has given the floor for motions to suspend the rules to committees who have unanimously made such a request rather than to individuals. In that way three or four committees have been able to get propositions before the House for consideration. But all the rest of the Monday after the morning hour has been wasted. That will be the history of Mondays during this whole session of Congress unless a change is made in the rule.

It seems to me that we have been sent here for some useful purpose, to do some good, not to be compelled to go upon the record on

foolish propositions, on propositions the majority of which are mere humbug propositions—simply, thin attempts at demagoguery. That is true of two-thirds of the individual resolutions which have been offered on Monday.

The Committee on Rules propose to give to individuals one Monday in every month, and to committees one Monday in every month for motions to suspend the rules. In that way the gentleman from Iowa [Mr. WEAVER] will at any rate have one Monday in a month when his resolution would be in order, and the committees would have another Monday. The Committee on Rules have recommended this amendment in the interest of legislation.

Mr. HARRIS, of Virginia. I will ask the Clerk to read an amendment which I have prepared, and which I think will accomplish the very purpose referred to by the gentleman from Maine, [Mr. FRYE.] His argument goes to show that the House ought not to be compelled to entertain propositions that do not look to actual legislation. We have all witnessed the scenes to which he has referred. The House of Representatives, almost like a parcel of school-boys, meet and adjourn again and again, because some gentleman entitled to the floor proposes to offer a resolution expressing a mere opinion, a mere catch resolution, proposing no legislation if it shall pass. To avoid that the House has presented the spectacle to the country of adjourning in order to prevent members from being called upon to vote on a proposition which when voted upon would amount to nothing, and if adopted would be only an expression of opinion and can result in no practical legislation.

I have prepared an amendment which will cut off on every Monday these resolutions looking alone to mere expressions of opinion, and not leading to any useful legislation for the country.

Mr. STEVENSON. I would like to ask the gentleman whether it is not proper for the House of Representatives to express an opinion upon questions of public interest, even if no legislation is contemplated?

Mr. HARRIS, of Virginia. I think the House of Representatives has no business to express opinions which neither influence any one nor instruct any one. We have a right to call for information from those who can give it; my amendment would not cut off such resolutions. And we have a right to adopt practical resolutions which look to practical results in legislation. But that Congress should erect itself into a body to express opinions, not in the form of law, is, I think, conducive to no public good and certainly no private interest. For this reason I propose the amendment which I have sent to the desk.

The Clerk read as follows:

But the Speaker shall not entertain a motion to suspend the rules on Monday to consider a resolution or proposition merely expressing the opinion of the House upon the question proposed.

Mr. HARRIS, of Virginia. I shall offer this amendment at the proper time.

The CHAIRMAN. It would not be in order now. The question is on the adoption of the amendment proposed by the gentleman from Maine [Mr. FRYE] by instruction of the Committee on Rules.

Mr. RANDALL, (the Speaker.) The Committee on Rules are unanimous in favor of the amendment of the gentleman from Maine.

The amendment of Mr. FRYE was agreed to.

Mr. HARRIS, of Virginia. I now offer the amendment which has already been read.

Mr. FRYE. If the gentleman will withhold his amendment for a moment—

Mr. HARRIS, of Virginia. I will do so.

Mr. FRYE. I have two amendments which I am instructed to offer by the Committee on Rules, and which, if adopted, may do away with the necessity for the amendment of the gentleman from Virginia. I move to insert the following as clause 2 of Rule XXVIII:

All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers, if demanded, as in the case of the previous question.

A rule similar to this was adopted in the Forty-third Congress, I believe. Why it was given up I do not know. I remember that it worked well during that Congress.

The CHAIRMAN. The Chair will take the liberty of suggesting that these new rules, if adopted, will not require the previous question to be seconded by a majority.

Mr. RANDALL, (the Speaker.) Let the concluding words of the amendment, "as in the case of the previous question," be struck out.

Mr. FRYE. I modify the amendment in that way.

Mr. McMAHON. Mr. Chairman, I concur in a great deal that has been said about "buncombe" resolutions offered on Monday; but I think this House had better be a little careful before it deprives itself of an important power. I do not speak now particularly of the present Congress or the committees of the present Congress. I acknowledge that in this Congress and in the last Congress the committees have been liberal, and have in many cases reported bills adversely in order to get them before the House, even when the committee did not concur in the opinion of the proposer of the bill.

Mr. RANDALL, (the Speaker.) The gentleman will allow me to suggest that an adverse report does not prevent a bill from coming before the House.

Mr. McMAHON. The Speaker does not understand my proposition. Take the case as it was in the Forty-fourth Congress. If any

one thing was plain in the course of the Forty-fourth Congress, it was that committees "sat down" upon public measures and private measures—gave the House no opportunity to vote even when two-thirds might be in favor of a particular measure.

Now, I for one despise the mere political part of the proceedings of Monday; but as a Representative I would like to see this House preserve to itself, untrammelled by too many votes, (and this proposition brings in another vote,) the right to instruct a committee as the sense of the House to report at an early day some bill which is pending before the committee. We ought not to create any restriction in this respect.

Mr. RANDALL, (the Speaker.) If a majority cannot be obtained to second a proposition for suspension of the rules, of course a two-third vote for suspension cannot be obtained.

Mr. McMAHON. But the point is this: when you have a count by tellers, motions to adjourn &c., you waste the only day in a whole month upon which individuals can have an opportunity to present these propositions. I want gentlemen to consider whether we ought not to preserve to ourselves the right to have one day in a month on which we can take the sense of the House—not merely for purposes of political effect but for the purpose of expressing the opinion of the House upon a question of legislation, or for the purpose of instructing a committee to report a bill which the committee may be disposed to smother.

Mr. RANDALL, (the Speaker.) Mr. Chairman, the excuse heretofore given by committees for the omission to report has been a just one—that they have not had the opportunity. The committees, in other words, have been but rarely called during the morning hour because it has been consumed in debate, as we have seen has been the case recently. Now, the Committee on Rules in this revision have proposed an alteration in this respect. They have recommended that the morning hour be confined to the presentation of reports from committees. Under the operation of this rule, in my judgment, no committee of this House will fail to have an opportunity to report the measures submitted to its judgment. This is an immense advantage.

As to this suspension of the rules on Monday, if a majority vote cannot be obtained to second the motion, of course two-thirds will not vote for the suspension. Hence in the judgment of the Committee on Rules it appeared proper that a proposition on which a two-third vote is required should first be seconded by a majority vote on a count by tellers before the question on suspension, requiring a two-third vote, should be taken.

Mr. DAVIS, of North Carolina. I rise to a parliamentary inquiry. The gentleman from Maine, [Mr. FRYE,] from the Committee on Rules, has offered an amendment which has been adopted. Now, suppose any member should desire to offer an amendment to come in at the end of that amendment, will he be precluded by the course pursued in yielding to members of the Committee on Rules to submit amendments?

The CHAIRMAN. The Chair would not, unless instructed by the committee, exclude gentlemen from offering amendments to this, because the practice has been always to take the question first on amendments offered by the committee.

Mr. RANDALL, (the Speaker.) The committee does not desire to restrict any amendment in any way.

Mr. GILLETTE. I would like to inquire whether this privilege of moving suspensions of the rules on Monday does not also include the privilege of moving suspension of the rules for the introduction of individual bills as well as for the introduction of resolutions?

Mr. RANDALL, (the Speaker.) Anything, of course.

Mr. GILLETTE. So I understand it. I would like to inquire whether this is not the only door open, if it is open, to an individual who is in the minority in this House and wishes to bring some measure before this body for action—whether this is not the only opportunity he can have to do it, unless some committee is willing to report his measure to the House?

The CHAIRMAN. That is not a question addressed to the Chair.

Mr. GILLETTE. Will the Chair let me address the question to our honorable Speaker?

Mr. RANDALL, (the Speaker.) It is a plain case. The committee were unanimous in giving the opportunity on one of these Mondays to individuals to present measures for suspension, motions for suspension to pass a bill, or to consider it, or to adopt a resolution or opinion, or anything else, if they can get the proper vote in the House to do it. The object, really, of the committee is to give always two Mondays to general legislation, and in the months where there are five Mondays we, of course, gain another Monday.

Mr. GILLETTE. This last proposed amendment simply takes one more step, puts one more impediment in the way of an individual who has not the opportunity of reaching the House through committees—prevents his getting any measure before the House, whether resolution or bill. And I protest, in the interest of districts which are in the minority, whose Representatives have no opportunity through committees to reach this House—I protest, I say, against any measure which in the least impairs this one day in the month and prevents an individual member from getting his business brought forward.

Mr. RANDALL, (the Speaker.) Under the practice of having individuals recognized individuals might not get one day in the month,

but the committee have opened the door so they shall have one Monday in the month.

Mr. BRAGG. I move to strike out the last word. I have not endeavored to enlighten this House on the subject of these rules during the last two months, but I have listened to the discussion of the rules with some interest; and now that we have come to the consideration of this rule I see, from my little experience, a great evil from the legislation which has grown up under it. I have seen that evil admitted on this floor this morning, and admitted by the Committee on Rules. But instead of giving it heroic treatment, they are endeavoring to compromise with it and still let the root of the evil live.

One gentleman has objected to the rule authorizing suspension of the rules because it propounds to this House suddenly political conundrums, having no effect except to embarrass the members of the House who are to vote on them. Another gentleman, representing the Committee of Claims, has protested the suspension of the rules because it permitted demagoguery to come in.

Now, sir, I protest against this rule and the suspension of the rules under it, not only as applicable to Monday but as applicable, and more particularly so, to the last six days of the session. My objection is in the interest of good, sound, conservative legislation. In my judgment, no matter ought ever to be presented to the consideration of this House for its vote, unless it be such a matter as has been first considered, digested, canvassed, and weighed by a committee of this House. I have seen, and I think every member of this body has seen, that if you will in the last six days of a session allow two-thirds of a quorum to pass bills which have never been considered in any committee at all, it requires but a very little consultation among those who are remaining to secure the passage of a series of bills which are more damaging as legislative matters than any other legislation which takes place during the entire session. And, therefore, sir, I propose to offer an amendment to this bill which shall dispose of the question of demagoguery which the gentleman from Maine spoke of, and the conundrums the gentleman from Virginia spoke of, by simply letting the rule stand as it is and adding at the end thereof "and then only," meaning the House shall suspend the rules or the Speaker shall entertain a motion to suspend the rules on the Monday and on the last six days of the session "and then only for the consideration of a bill or resolution favorably reported by a committee of the House;" or, to give the case suggested by the gentleman from Ohio, when a committee that is hostile to a bill seeks to suppress it and will not give the House an opportunity to vote on it, to instruct a committee of the House. So, with my amendment adopted, there is left a power in the House to instruct by a suspension of the rules a committee of the House on any Monday, and a prohibition on any Monday, or on the last six days of the session, to foist legislation upon the statute-books that is not respectable enough to receive the favorable consideration of the committee.

Mr. BLACKBURN. The history of this rule, Mr. Chairman, shows that a reduction has been made in the number of days on which a suspension of the rules can be had. It was originally fixed at ten days instead of six days that motions were in order to suspend the rules. That rule was adopted in 1820. It stood so until 1874. In 1874 the time was reduced from ten days to six days preceding the close of the session of Congress. The Committee on Rules, so far as that limit of time is concerned, have left it just as they found it in the original rule, the shortest period known in the history of Congress.

Now, the amendment submitted by the member from Maine on the Committee on Rules, and agreed to by this Committee of the Whole, limits the right to suspend the rules on Monday to one-half when compared with what it was under that existing arrangement, for it is only upon two Mondays in the month that this motion can be submitted. Upon one of these only can it be made by a member individually, and upon the other Monday in each month it can only be moved by authority and direction of a committee. I think, sir, the Committee on Rules and the amendment offered by the gentleman from Maine, which has been agreed to, have certainly gone a good long way toward restricting the power of which the gentleman complains.

Mr. HAWLEY. Did the gentleman from Wisconsin offer an amendment?

The CHAIRMAN. Not yet.

The question was taken upon Mr. FRYE's amendment; and it was agreed to.

Mr. FRYE. Mr. Chairman, I now offer the following amendment to clause 3.

The Clerk read as follows:

When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of and one-half to debate in opposition to such proposition.

Mr. FRYE. That explains itself. It is simply to give members generally a chance to explain the reasons for their action, and place themselves upon the record.

Mr. BLACKBURN. It only carries, as I understand it, debate to thirty minutes, to be divided equally between the sides.

Mr. FRYE. That is all.

The amendment was agreed to.

Mr. HARRIS, of Virginia. I move to insert the following as a separate clause.

Mr. FINLEY. I hope the gentleman from Virginia will wait a moment, as I desire to offer an amendment to the first clause.

Mr. HARRIS, of Virginia. I am willing to hear it read.

Mr. BRAGG. I desire to ask a parliamentary question. The amendment which I propose to offer was to come in at the end of the rule. I understand now the proposition is to add a distinct and separate clause to the rule, as stated in the report of the Committee on Rules.

The CHAIRMAN. The Chair did not understand the gentleman from Wisconsin to send his amendment for immediate action, but with a view to having it inserted at the end of the rule, which would seem to be the most appropriate place for it, as it states the purpose for which the rules might be suspended.

Mr. BRAGG. The form of the amendment, as I have drawn it, is to add it at the end of the rule.

The CHAIRMAN. Then, this is a separate clause which is offered here; and it is proper that the amendment of the gentleman from Wisconsin should come in after action is taken upon this or any other matter which may be added to the rule, since his proposed amendment is a limitation upon the purpose for which the rule can be suspended.

Mr. HAWLEY. Are we going back to the first clause of the rule?

The CHAIRMAN. The Chair has announced that having entertained the amendments offered by the Committee on Rules, he will give other gentlemen the privilege of offering amendments to this rule.

Mr. HAWLEY. I understand that the committee has perfected the rule and made three clauses. Now, do we go back and begin at the first clause?

The CHAIRMAN. The Chair will entertain amendments to the first clause.

Mr. FINLEY. I offer the following as an amendment.

Mr. HARRIS, of Virginia. I only yield to allow the proposed amendment to be read.

The Clerk read as follows:

After the word "Monday" insert "or on the first and third Tuesdays if no session is held on Monday."

Mr. FINLEY. That is pertinent to the first clause of the bill.

Mr. HARRIS, of Virginia. I ask the Clerk now to read my amendment.

The Clerk read as follows:

But the Speaker shall not entertain a motion to suspend the rules on Monday to consider a resolution or proposition merely expressing the opinion of the House on the question proposed.

Mr. HARRIS, of Virginia. My amendment is offered as an addition to the rule offered by the gentleman from Maine, [Mr. FRYE.] It is very narrow. It does not interfere with legislation. It does not interfere with a joint resolution in the nature of a bill. It does not interfere with a resolution of instruction to a committee. It does not interfere with a resolution of inquiry addressed to any of the Departments. It does not interfere with practical legislation or with the expression of opinion of the House on any practical question before the House or before either body. But it simply prevents the Speaker from entertaining a motion to suspend the rules to express an opinion upon a mere abstract question; the vote upon which, if unanimous, amounts to nothing but an expression of opinion. It interferes with no call for information. It interferes with no demand for a committee to report; for that is practical legislation. A resolution instructing a committee to report would not be covered by that amendment.

As the matter now stands, while the committee have tried to restrict this thing that we witness every Monday to only two Mondays in the month, you will find practically that has not been done. There is a provision in the amendment just adopted that a majority shall second the motion. Now, what will be the effect if gentlemen do not want to vote on the question? Suppose my friend from Iowa [Mr. WEAVER] should offer his resolution and demand tellers under this new rule. If the motion were seconded, then at once some gentleman would move that the House adjourn, to get rid of voting on the question. We would have the same scenes over again that we have witnessed here from time immemorial.

Therefore I think my amendment should be adopted, in the interest of economy of time, and in the interest of legislation, and to put a stop to this constant system of introducing resolutions, whether for buncombe or for personal motives or for what not; resolutions at least that do not amount to business of a practical character for the interests of the country.

Mr. BRAGG. I offer as a substitute for the amendment of the gentleman from Virginia what I send to the desk.

Mr. LOWE. I have risen to oppose the amendment of the gentleman from Virginia.

The CHAIRMAN. The Chair will give the gentleman from Alabama an opportunity to be heard in due course. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amend Rule XXVIII by adding the following:

But the Speaker shall entertain no motion to suspend the rules except for the consideration of a bill or resolution favorably reported by a committee of the House, or to instruct a committee of the House.

Mr. HAWLEY. I do not see that the amendment offered by the gentleman from Wisconsin necessarily conflicts with that offered by

the gentleman from Virginia. I think it should rather be offered as a separate clause. I do not see the necessity of substituting it for the amendment offered by the gentleman from Virginia. They are quite independent of each other.

I rose, however, to say, Mr. Chairman, that I had drawn a separate clause, which I propose to offer as an addition to the rule, covering very much the same ground as that covered by the amendment offered by the gentleman from Wisconsin, or perhaps a little more. I propose to offer a clause like this:

No motion to suspend the rules and pass a bill shall be entertained unless the bill shall have been referred to a committee, reported therefrom, printed, and distributed to the members at least one legislative day before the motion for suspension is made.

Now, I care less about so much of that as calls for a reference to a committee and a report therefrom as I do about that part which calls for a printed copy of the bill. That part of it I should strenuously urge.

I comprehend the feelings of the gentleman from Iowa, [Mr. WEAVER,] who, in a minority on some topics, is anxious to be heard. But I would suggest to the gentleman from Iowa that he can be heard practically by offering amendments to bills as they are in progress through the House. If he has ideas that he thinks of importance to the country it is hardly worth while to spend an hour calling the roll upon them unless he can get a majority of the House to embody his views in practical legislation. But if he desires simply to test the sense of the House he can do so equally well by offering an amendment to some bill which may be under discussion in the House.

I sympathize with the honest purpose of a small minority to get an expression of their views, but I do very much object to bringing in a bill here in manuscript on Monday and rushing it through. I do not know whether I shall refer to a particular case or not. But let us suppose that a bill has been before a committee in one Congress and could get no report in its favor; that it has been brought before another committee in a second Congress and could not get any report in its favor, and then in a third Congress it has been brought before a committee which no one would ever suspect had charge of such a measure, and then it was brought before the House in manuscript and carried through under a suspension of the rules. That is what I object to.

Mr. McLANE. Will the gentleman permit me to ask him how, in the case he supposes, the gentleman from Iowa [Mr. WEAVER] could get his views submitted to the House by an amendment?

Mr. HAWLEY. What I said upon that point was merely a side remark. The purpose I have in view is that no bill, unless it has been referred to a committee and reported therefrom, and unless it has been put in print and distributed, shall be allowed to take up time on Monday. And, by the way, that clause is in the new constitution of Pennsylvania, which is supposed to be a model document. That constitution provides that no bill shall be passed under a suspension of the rules, or in any other way, unless it be referred to a committee and reported therefrom.

If the gentleman from Wisconsin [Mr. BRAGG] is content to have added the idea of printing and distributing bills, he and myself might wait and submit the proposition as a separate clause. I will not submit it now, but will defer it for the present.

Mr. LOWE. I am opposed to the amendment of the gentleman from Virginia [Mr. HARRIS] because I think that in itself and of itself it reflects upon this House. He seems to think that certain members of the House have two platforms concealed about their persons, and that they are unwilling that any bill of discovery or search warrant in the nature of a resolution on Monday should go through their political consciences and show the people that they talk one way at home and act another way here. Now, sir, in the consideration of these proposed rules we have been drifting day by day farther and farther from individual responsibility to the people. The House is no longer democratic; it is an oligarchy of rules, dominated by the Speaker, and such a thing as individual responsibility is unknown here. The committees are responsible, the majority of the members of the House is responsible; but the individual is lost in the action which results from the organization of the House.

What are you afraid of? Is it the banks, or the railroads, or the protectionists? Do you dread the syndicate or the corporations? Shades of Jefferson and Jackson! Where is the honesty and courage which once characterized your party? It has gone, and we have nothing but trickery and treachery.

Now, I am like every man who is in a minority, I exalt personal liberty and oppose the powers that be. I do it in sheer self-defense. I do not want to be ignored or suppressed. I represent here a constituency as honest and as intelligent as any other constituency. And I want an opportunity under the rules to test the sense of this House upon questions that are before the country. I have no sentiment or opinion here which I seek to conceal or hide away from the people at home. And I have no sympathy or feeling in common with the demagoguery and cowardice which hopes to escape responsibility by evasion and silence.

Heretofore we have had the right, each member, to bring his views before the House and the country, but lately, under the practice of the Speaker, we have been denied that right. And we now understand that under the rules of the House, to be deliberately adopted for that express purpose, individuals are to be suppressed or ignored

and nobody is to be heard here upon any politico-economical question during this session pending the presidential election. That is the whole of it, and we want the country to so understand it.

Mr. HARRIS, of Virginia. One word in reply to my friend from Alabama. [Mr. LOWE.] I assure him and the committee that I had not the slightest reference to persons or to parties. My amendment was wholly in the interest of economy of time and practical legislation.

Mr. WEAVER. Will the gentleman allow me to ask him a question?

Mr. HARRIS, of Virginia. Certainly.

Mr. WEAVER. I understand the gentleman to say that he has not the slightest reference to either persons or parties. Now, I ask him if he did not mention my name in his remarks?

Mr. HARRIS, of Virginia. I mentioned the gentleman's name for the reason that it had been before referred to to illustrate the proposition that the House had adjourned in order to avoid voting on a certain question. Now, I am willing to vote on that question—

Mr. WEAVER. Does the gentleman think that more time would be lost by voting on the resolution than would to adjourn?

Mr. HARRIS, of Virginia. If the gentleman will introduce a bill for action, instead of a mere clap-trap or buncombe resolution, he will not find me unwilling to vote on it.

Mr. WEAVER. The clap-trap and buncombe come in on the stump in the gentleman's district, and in other districts where members express one thing and then in this House act another.

Mr. HARRIS, of Virginia. If such a resolution as the gentleman refers to should pass it would amount to nothing more than a resolution adopted by a town meeting in his district. I am opposed to taking up the time of this House in discussing and voting on a resolution which, if adopted, will amount to nothing. If the gentleman wants to have a law passed on the currency question, let him bring in a bill that can be voted upon, and which, if passed, will have the effect of law. It is to avoid voting on this sort of stuff which is brought before the House that members adjourn, and to prevent the necessity for that I have offered my amendment.

Mr. WEAVER. I move to strike out the last word. It is well understood by the gentleman from Virginia [Mr. HARRIS] and by this entire House, and it is becoming well understood by the country, that it is not a bill that he wants or that this House wants, for there are several bills pending before committees of this House, introduced by myself and others, which do bring up that very question. But the committees are so managed that those bills are smothered and cannot be brought to the light of day. The gentleman well understands this, and so does the whole country.

And then when I seek or any other member of this House seeks to introduce a resolution in order to present the very principle which is contained in these bills, and in which the country takes the deepest interest, such a resolution is called clap-trap. Sir, the clap-trap is used before the people on the stump to make them believe that a particular member is in favor of one thing, and then when he comes into this House he is found to be in favor of tabooing that very principle by indirection through the machinery of a committee of this House. I am astonished to hear such gentlemen claiming to represent the democracy of this country, when it is well known that ninety-nine out of every hundred of the democratic party west of the Alleghany Mountains are in favor of the principles contained in the resolutions which have so frightened this House for five weeks, and which I now send to the Clerk's desk to have read as a portion of my remarks. [Laughter and applause.] I want the country to understand that these gentlemen, when these resolutions are sought to be brought before this House, call them clap-trap and humbug; but they are the soundest doctrine imaginable at home on the stump.

The Clerk read as follows:

Resolved, That it is the sense of this House that all currency, whether metallic or paper, necessary for the use and convenience of the people, should be issued and its volume controlled by the Government, and not by or through the bank corporations of the country; and when so issued should be a full legal tender in payment of all debts, public and private.

Second. *Resolved*, That in the judgment of this House, that portion of the interest-bearing debt of the United States which shall become redeemable in the year 1881, or prior thereto, being in amount about \$792,000,000, should not be refunded beyond the power of the Government to call in said obligations and pay them at any time, but should be paid as rapidly as possible, and according to contract. To enable the Government to meet these obligations the mints of the United States should be operated to their full capacity in the coinage of standard silver dollars, and such other coinage as the business interests of the country may require.

Mr. WEAVER. Now I can well understand why it is that the leaders of the democratic party, being in the East for hard money and in the West for soft money, do not wish to be put on record upon resolutions of this kind on the eve of a presidential election. I understand that very well. But these resolutions are now before the country, and I shall be found standing here inserting the thorn in the flesh every Monday from now until the adjournment of Congress, unless sooner gratified, seeking recognition. I am determined that gentlemen in this House shall be put upon the record on those resolutions and their public professions tested.

Mr. HARRIS, of Virginia. Will the gentleman tell us whether he voted for the amendment of the gentleman from Texas [Mr. MILLS] providing that all propositions touching coinage and currency might be put on appropriation bills as "riders."

Mr. WEAVER. I will answer that question. I stand here as an

humble representative of the greenback party, opposed to putting any "riders" on appropriation bills, whether State-rights "riders" or greenback "riders." [Applause.] I want every bill to come up on its merits. The gentleman and his political associates had better recede from their idea of putting political "riders" on appropriation bills, or there will not be enough of the democratic party left after the next election to form a corporal's guard. [Laughter and applause.] It is neither true democracy nor wise legislation.

Mr. RANDALL, (the Speaker.) Now I suggest that we go on with the rules.

DEATH OF HON. GEORGE S. HOUSTON.

The committee rose informally; when a message from the Senate, by Mr. SYMPSON, one of its clerks, communicated to the House resolutions of the Senate on the announcement of the death of Hon. GEORGE S. HOUSTON, late a Senator from the State of Alabama.

Mr. SHELLEY. I give notice that on Wednesday next, at one o'clock, I propose to call up these resolutions for consideration.

REVISION OF THE RULES.

The Committee of the Whole resumed its session.

The pending question was upon the amendment of Mr. BRAGG to amend Rule XXVIII, by adding the following:

But the Speaker shall entertain no motion to suspend the rules except for the consideration of a bill or resolution favorably reported by a committee of the House, or to instruct a committee of the House.

The amendment was not agreed to.

The question recurred on the amendment of Mr. HARRIS, of Virginia, to add to the pending rule the following:

But the Speaker shall not entertain a motion to suspend the rules on Monday to consider a resolution or proposition merely expressing the opinion of the House upon the question proposed.

The amendment was not agreed to, there being ayes 14, noes not counted.

The CHAIRMAN. The gentleman from Ohio [Mr. FINLEY] sent to the desk some time ago an amendment, which is now in order, and will be read.

The Clerk read as follows:

After the word "Monday" insert "or on the first and third Tuesdays, if no session is held on Monday."

Mr. FINLEY. I ask that the Clerk read the rule as it will stand if this amendment be adopted.

The Clerk read as follows:

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month, preference being given on the first Monday to individuals, and on the third Monday to committees; or on the first and third Tuesdays, if no session be held on Monday, after the call of the States and Territories shall have been concluded, and during the last six days of the session.

Mr. FINLEY. I desire to say only a word upon this amendment. Under the rule as now amended the Speaker is not at liberty to recognize motions to suspend the rules except on two Mondays in each month. Now, it occurs to me that when there is no session of the House on Monday we should not by that fact be deprived of the benefits of the rule.

The question being taken on the amendment of Mr. FINLEY, it was not agreed to; there being—ayes 16, noes 54.

Mr. SCALES. I move to amend by inserting the following at the end of the first clause:

But the Speaker shall not at any time, except during the last six days of a session, entertain a motion to suspend the rules and pass a bill making appropriations for the improvement of rivers and harbors, or any general appropriation bill.

I do not think it necessary, Mr. Chairman, to discuss this amendment. I believe it explains itself; and I hope it will commend itself to the House.

Mr. DAVIS, of North Carolina. I move to amend the amendment of my colleague [Mr. SCALES] by adding thereto the following:

And no bill appropriating money to the amount of \$5,000 or more shall pass under a suspension of the rules, except upon the call of the yeas and nays upon the passage of such bill.

Mr. Chairman, it was objected the other day that if an amendment which was offered by me at that time proposed substantially what is now sought to be obtained should pass, the House might not on some occasion have time to get through with its business. I desire to say, sir, that any measure that ought to pass this House ought to be considered, and if we have not time to consider it fairly, then we ought not to be allowed time to pass it. I think one of the greatest evils which has attended our legislation has resulted from the passage of bills involving millions of money, passed through this House under a suspension of the rules, when there was no time to consider, no time to amend, and when the yeas and nays were not allowed to be called. The gentleman from Alabama will have an opportunity, if this amendment passes, of having it known to the country who it is who votes "ay" and who it is who votes "nay" on any bill involving the appropriation of money to the amount of \$5,000 or more.

It is not objectionable on the score of economy of time, inasmuch as small bills involving the appropriation for pensions and the like, less than \$5,000, may still pass under a suspension of the rules; but wherever the amount exceeds \$5,000 cannot, if this amendment is adopted, and in my judgment ought not pass.

Mr. HAWLEY. I suggest to the gentleman that perhaps his object is already attained if he will reflect the Constitution of the United States beyond and above our rules secures to one-fifth of the members present the right to have the yeas and nays called on any question. If this House cannot be trusted with that it cannot be trusted at all. If a bill goes through here without men enough to call the yeas and nays the supposition is it is a matter of great general necessity and propriety. One-fifth can always have the yeas and nays called.

The amendment to the amendment of Mr. DAVIS, of North Carolina, was rejected.

The question recurred on Mr. SCALES'S amendment.

The committee divided; and there were—ayes 18, noes 52.

So the amendment was rejected.

Mr. TUCKER. I move the following amendment, to come in after clause 3 of the proposition of the gentleman from Maine.

The Clerk read as follows:

And the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

Mr. TUCKER. The object of the amendment is to follow to its logical result the proposition of the gentleman from Maine that where a motion is made to suspend the rules in order to pass any proposition there shall be debate allowed of fifteen minutes to each side for explanation.

So when the previous question is called on any proposition before the House upon which there has been no previous debate, the same amount of time for explanation of a measure should be allowed.

Mr. WARNER. I suggest that the time of each member should not be limited.

Mr. TUCKER. I believe the same rule adopted in reference to the suspension of the rules should be adopted on my amendment.

The CHAIRMAN. The time is divided between the opponents and advocates of the measure.

Mr. RANDALL, (the Speaker.) If I understand the object of the gentleman it is to reach a case of this sort: where the previous question has been demanded on a proposition and no debate has been had upon it, then there shall be, on the demand of any member, fifteen minutes allowed for and fifteen minutes against.

Mr. HASKELL. I only wish to say a word. I do not wish to antagonize the amendment if it is a wise one; but I suggest that we pass many and many a bill by unanimous consent where nobody cares to have any debate. We put through a dozen or fifteen in an afternoon, and if on every one of these little simple measures like pension bills or bills for increase of pension we allow anybody in the House to get up and exhaust fifteen minutes of time for and fifteen minutes of time against, I say there will be members in this House who will be willing to do it. The proposition which the gentleman contemplates is perfectly harmless might be so in case of half a dozen bills, and yet it would be exceedingly cumbersome when applied to twenty in a single afternoon.

Mr. TUCKER. I will say to my friend from Kansas that nobody need indulge in debate if he does not want to. This provides only there shall be the right on the part of the opponents of a measure to fifteen minutes of explanation, and to its advocates of fifteen minutes of reply.

Mr. HASKELL. The gentleman cannot submit a bill for passage in this House, however simple it may be, that there will not be enough of men in the House who will wish to say a word upon it. If it be a resolution like that of my friend from Iowa, [Mr. WEAVER,] of course there will be debate. There will be enough members here who will be sure to take advantage of the opportunity to debate. So under this amendment gentlemen will find that every single bill offered will take thirty minutes of time to pass it.

Mr. TUCKER. That is the reason I think the amendment should be adopted. I believe in free debate, and I do not believe in a practice which has prevailed in this House ever since I have been here and under which I have suffered with other gentlemen. I do not believe in forcing a vote on a measure without the liberty to every man, if he wants to say a word in opposition or advocacy of it, to be heard.

The amendment was agreed to.

Mr. HAWLEY. I move the following as an additional clause.

The Clerk read as follows:

4. No motion to suspend the rules and pass a bill shall be entertained unless the bill shall have been referred to a committee, reported therefrom, printed, and distributed to the members at least one legislative day before the motion for suspension is made.

Mr. HAWLEY. Individually, I am in favor of the whole of it, but I am less strenuous as to that part which requires a reference to and report from a committee, though I would not strike it out. But as to the other, I am earnestly in favor of it. I think it wrong and dangerous to permit manuscript bills to come in here without any notice whatever, and to go through under a suspension of the rules without having the bill before us for examination. This amendment requires the shortest possible time—a single day's notice.

Mr. VALENTINE. I would like to ask the gentleman from Connecticut a question. If that amendment had been in force yesterday, how would it have affected the substitute which passed here?

Mr. HAWLEY. I will answer the gentleman; I would just as lief answer it as not. We should have had to wait another day. That would not have killed anybody. But we did not pass that bill under

a suspension of the rules; it was simply a substitute for a pending bill.

Mr. FRYE. I would like to have that amendment read again.

The amendment was again read.

Mr. VALENTINE. I move to strike out the words "reported therefrom."

Mr. FRYE. The gentleman means to apply that to the last six days of the session as well as to Monday.

Mr. HAWLEY. It makes no exception.

The question recurred on Mr. VALENTINE'S amendment to the amendment.

The committee divided; and there were—ayes 17, noes 7.

So the amendment to the amendment was agreed to.

Mr. SAPP. I suggest an amendment to the amendment by inserting the word "public" to bill, so that it will not apply to private bills, which cannot be printed until reported from the committee.

The committee divided; and there were—ayes 26, noes 21.

So the amendment to the amendment was agreed to.

The question then recurred on the amendment of Mr. HAWLEY as amended.

The committee divided; and there were—ayes 46, noes 20.

So the amendment, as amended, was agreed to.

Mr. HOUSE. I offer the following as an independent rule, to come in after the rule which has just been adopted.

The Clerk read as follows:

When a bill, resolution, or proposition of a public character has been referred to a standing or select committee of the House, and the committee shall fail for fifty days to make any report to the House thereon, it shall be in order on any Monday immediately after the expiration of the morning hour to move to discharge a committee from the further consideration of the same, which motion shall then be considered; and if decided in the affirmative, the bill, resolution, or proposition shall be placed on the proper calendar unless the majority of the House shall determine then to consider the same.

Mr. HOUSE. The proposition embodied in the rule I have just proposed is similar to the one offered a few days ago by the gentleman from Kentucky, [Mr. OSCAR TURNER.] I think, Mr. Chairman, under the present rules of the House the committees of this House have a power that they should not have in a representative government. A committee of this House, under the rules as they stand, can defeat the consideration of any measure, although a majority of the House and a majority of the American people may be in favor of that measure. They can defeat it by refusing to report upon it. Why, we heard but the other day from the chairman of the Committee on Commerce that a measure before that committee of great importance to the entire country, a measure which I believe would receive a large majority of the votes of this House—we were informed, I say, by him that he was denied the privilege in that committee of making even an adverse report upon it to the House.

Now, sir, I wish to know if the representatives of the people here intend to perpetuate a rule which prevents them from acting upon the wishes of a majority of the House. Ought any committee of this House to have that power? Ought any committee to be able to deprive the entire members of this House of their right to act upon any proposition? Suppose the people of this country want a measure passed and a majority of their Representatives here are willing to vote upon it: now under such circumstances should a committee of this House have the right or the power to withhold from them that privilege?

I think not, Mr. Chairman. I do not believe that any gentleman here is prepared to surrender his right as a Representative in that way. We all know that measures of vast importance are frequently intrusted to these committees, and that week after week and month after month goes on and no report comes from them, perhaps none during the entire Congress.

Now, I propose that every measure shall be given a fair opportunity before this House, so that the members can express their views upon it at least by their votes. There can be no inconvenience or evil resulting from the adoption of this rule. When a motion is made to discharge a committee from the further consideration of a measure on which they have failed for fifty days to report, if the House votes down the motion, well and good. This only gives them that privilege. But if a majority of the House want to consider the measure, notwithstanding the failure of the committee to report it, they ought to have the power, and no man who represents the people here ought to put himself down as opposed to such a proposition.

Sir, it ought to pass, and I hope it will pass.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Tennessee, [Mr. HOUSE.]

Mr. WRIGHT. I move to amend the amendment by striking out "fifty days" and inserting "thirty days."

The CHAIRMAN. That would not be in order, the committee having already rejected a proposition embracing the thirty days.

Mr. WRIGHT. I move to strike out "fifty" and insert "forty." I offer the amendment upon this principle, that that is time enough for the consideration of any subject that may be brought before any committee of this House. During my long service in the Congress of the United States I have seen, in my judgment, more wrong arising from sending measures to a committee and smothering them there than from any other thing connected with legislation. I know at the present Congress, when measures have been sent to a committee, the threat has been made that those measures would never again come out of the committee.

I think, sir, that a majority of the members of this House ought to have the control of any subject of legislation which is brought before the House. They ought not to refer a measure to an inferior number than the members who compose the House and give that inferior number the power to conceal the measure. It is sent to a committee for the purpose of being considered; and why is it necessary that there should be more than thirty days for the consideration by a committee of any subject that may be sent to it?

I hope, therefore, the amendment I have offered will be adopted. If the Committee of the Whole will not agree to that I will vote then for the proposition offered by my friend from Tennessee. I am willing to take a fixed time. I will take forty days. I will take fifty days. If we cannot fix upon fifty I will take sixty days. But let us fix upon a time when a matter sent to a committee shall come out of that committee. Let it not be a place to bury matters. A measure is sent to a committee to be investigated and examined, not suppressed. It surely ought not to be the object and purpose of a committee of any legislative body to regard itself as an instrument for suppressing measures of legislation instead of acting upon them.

Mr. RANDALL, (the Speaker.) A general provision of this sort, if made, would be impracticable of execution. If the gentleman from Tennessee wants to get any particular description of legislation out from a committee let him include in this proposition revenue measures, for example, or finance measures. But let us not make a general provision that when a committee has had possession for thirty or fifty days of a bill it shall come out of that committee. Take, for instance, the Judiciary Committee. This proposition if adopted might bring every bill out of that committee. I know exactly what the gentleman wants to reach. He wants to reach revenue measures relating to the tariff, and finance measures relating to the currency of the country; and if he would confine his proposition to those two subjects then it would be less objectionable than making it a general scoop to include every description of legislation. I agree, however, in the general principle the gentleman suggests, that measures of legislation should have a hearing in the House.

Mr. TOWNSHEND, of Illinois. I do not want to open the way to throw this House into confusion, or to do anything that would result in any unwise legislation. My one object is to procure a consideration by the House of wise and meritorious measures.

The bill referred to by the gentleman from Tennessee, [Mr. HOUSE,] the bill in regard to interstate commerce, is one, in my judgment, of more merit than any which has been submitted to the Forty-sixth Congress. And I believe to-day, if it could be submitted to the popular vote in this country, it would receive a larger majority than any measure which has been brought into this Congress. I am satisfied further, Mr. Chairman, that notwithstanding a majority of the Committee on Commerce has obstructed the will and has seriously injured the interest of the vast majority of the people of this country—I am well satisfied a large majority of the members of this House are in favor of a measure of that nature.

What has been the result? Because that committee has a majority hostile to that measure we are deprived of the opportunity and the people are deprived of the privilege of being heard upon it. What I want to do is to get some sort of rule adopted by which we can put aside the majority of that committee and allow the majority of this House to have something to do with regard to the legislation of the country. That is my object.

Now one word further. We do not propose here to send to the public Calendar all measures that have been introduced and referred to committees. We propose to give ample time to the committees to consider the measures coming before them. But if the committees will not consider those measures after fair and full opportunity we then want the opportunity for a majority of the members of this House to consider them. Gentlemen who oppose this amendment argue, it seems to me, that a majority of a committee are wiser than a majority of this House. I have more faith in the judgment of the majority of this House than I have in the judgment of a majority of any committee composed by it. And for that reason I simply desire to have the way opened by which we can obtain the opinion of this House upon important measures. We do not propose to bring these bills back without having the will of the House expressed. The amendment, as I understand, contemplates that after the expiration of fifty days the question shall be submitted to the House as to whether the bill shall go upon the public Calendar or not. And I would rather trust—I say in conclusion, as I see the hammer in the Chairman's hand about to fall—I would rather trust the collective wisdom of the majority of this House than I would the collective wisdom of any committee of this House.

[Here the hammer fell.]

Mr. HASKELL. I do not oppose the object stated by the friends of this measure at all. It ought to be in the power of this House to take from an unwilling committee a valuable bill. There is no doubt about that. It ought to be in the power of this House to take from a committee a bill that a few men upon that committee may desire to throttle, but which the great majority of this House may desire to pass.

But the amendment which has been proposed will reach infinitely further than the very wise and discreet purpose of the supporters of that amendment. Suppose that you give twenty days' or forty days' time for a committee to consider a bill. A committee cannot perfect

any important bill that comes before this House in twenty days. Many of the bills will not be perfected by committees in forty days.

And what then will be the result? Suppose that a bill has been introduced into the House and sent to a committee. Toward the end of a session, not long before the final adjournment, when an uneasy and feverish minority happen to be in this House, perhaps a bare quorum of members present, that minority of the House will insist upon taking that bill out of the hands of the committee, although the committee may be willing to report it as soon as it can prepare it properly for reporting. Yet under this proposed rule that bill may be taken from the committee and dragged before the House in a half-baked condition. I take it that the disadvantages which would arise under the practical operation of such a rule will more than offset any advantage which gentlemen seek to gain by it.

Again, this proposed rule will open the door to a flood of subsidiary questions. Every uneasy man in this House, who feels that his bill is not being considered by a committee, every man who fancies that he has a grievance against a committee, will come before the House and make a motion to discharge that committee. Some of the members of the committee will oppose it and some will favor it. Toward the close of the session you will in that way occupy half of the time of the House upon these propositions to discharge committees.

The tendency of a majority of the amendments offered here this afternoon is to multiply subsidiary propositions, to multiply opportunities for debate, to multiply opportunities for speeches, without any real practical gain of time for the consideration of business. That I think will be the effect of this amendment.

Mr. YOUNG, of Tennessee. Mr. Chairman, in my judgment this is the most important amendment offered to the report of the Committee on Rules during the entire time that report has been under discussion, and I do not think it should be lightly or hurriedly disposed of. It is designed to remedy an evil of long existence, and which, it seems, can be reached in no other way. The proposed amendment may, like all other rules of a general character, be open to some objection, and I am willing to concede that it is. The strongest objection which has or, I think, can be offered has just been presented by the gentleman from Kansas, [Mr. HASKELL;] but even this can, I think, be easily answered.

Admit it to be true, as he claims, that bills frequently go before committees which cannot be examined and reported upon advisedly within thirty, or even sixty, days; yet, if the committee having any such bill in charge were to state to the House that they had not had sufficient time to report upon it, there can be no question that more would be cheerfully granted; and if any such bill should be placed upon the Calendar under the operation of the proposed amendment, and the committee from which it was taken should signify a desire for further time in which to consider and make a report upon it, a motion to recommit would scarcely fail to take it from the Calendar and send it back to the committee. So there need be no apprehension that any very objectionable bill could be passed into a law over the opposition of a committee that had had it in charge. Only such measures as would commend themselves to the judgment of the House and the popular approval of the country would be at all likely to pass under such circumstances.

To my mind, there are reasons why this amendment should be adopted which very far outweigh any and all objections which have or can be urged against it. Some of them have been very strongly and forcibly presented by my colleague, [Mr. HOUSE.] He has just given us a most suggestive illustration of the evil it is intended to remove, in the statement he has just made, and which was previously known to the House, that on a very recent occasion the distinguished chairman of the Committee on Commerce declared himself unable to report either favorably or adversely the most important measure that has, in my judgment, been offered to the House during the present session; a measure that would undoubtedly pass by a most decided majority, and for the enactment of which the whole country has been clamoring for years. If a measure thus approved by the members of this House and thus demanded by every expression of the popular will which has reached us, can be defeated by a majority of a single committee, and that, too, over the constant and vigorous efforts of an able and fearless chairman to have it acted upon, it can easily be seen what may be the fate of other measures equally meritorious. Everybody here knows that an overwhelming majority of the people of this country desire the passage of the bill to which I refer, and yet in contempt and defiance of the clearly expressed popular will it has been defeated thus far by the action of a single committee and the House deprived of all opportunity to vote or even to be heard in its advocacy.

This is not the only instance in which a like action has been had and the will of the people and that of a majority of their Representatives on this floor been disregarded and set at defiance. The bill to remove the duty upon quinine slumbered in a committee for months, though there was a constant demand for its passage, and it would most likely have been there yet had not the gentleman from Kentucky [Mr. MCKENZIE] had the address to get it before the House and secure its passage by a two-thirds vote, under a suspension of the rules.

During my service in Congress I have seen more than a score of bills urgently demanded, as I thought, by the public interest strangled in committees without giving the House an opportunity to act upon them, so that practically the whole legislation of the country has

been placed in the hands of a very few members of this body, and the remainder of them had almost as well have been at home as to be here without the power of acting upon measures which they deemed important to the public interest. Every member of this House who has been here any length of time has learned something of the agencies and appliances which have been and can be brought to bear for the purpose of influencing public legislation. If these agencies and influences are ever of an improper character they can much more easily be brought to bear upon a few than a large number of members. The lobbyist can reach a committee with less difficulty than they can the entire House. So to avoid vicious legislation that may by any possibility be secured by improper agencies, it would be safer to vest the legislative power of the country in as great a number of hands as possible, in order to increase and magnify the obstacles which these agencies would have to encounter.

The tendency of our legislation is growing more and more toward centralism and the concentration of power in the hands of the few to the exclusion of the many, and that feature is as objectionable in the rules governing this House as it is elsewhere. Legislation in a government like ours should represent the popular will, and anything which defeats that object is subversive of the highest legislative aim and duty. I warn gentlemen from two of the great sections of this country, the South and the West, that they are sacrificing the highest interest of their constituents if they defeat this amendment, for they are placing themselves completely in the power of those whose interests are antagonistic to theirs, and the time will soon come when they will be compelled for self-protection to demand the adoption of some such rule as this. A bill was introduced only yesterday by the gentleman from Illinois [Mr. MORRISON] to remodel in some measure our tariff schedule, and I desire to inform him that under existing rules and the present organization of this House he will be hoary with age before that bill ever leaves the committee to which it was referred. I think, sir, that the most pernicious legislation of past years has found its way upon the statute-books by the faulty construction of our system of rules as they have heretofore existed, while measures of the highest importance and greatest public interest have been defeated by the same machinery, and I feel confident that the people will soon compel us to change it.

The question being taken on the amendment of Mr. WRIGHT to amend the amendment of Mr. HOUSE by striking out "fifty" and inserting "forty," it was not agreed to.

Mr. WARNER. Mr. Chairman, I move to strike out the last word. [Cries of "Vote!" "Vote!"] If I did not believe that an important principle was involved in this amendment I should not detain the committee a single moment. The whole question is, shall this House retain control over the business brought before it, or turn it over to its several committees with plenary power to determine what shall be done with it?

When we refer to the several committees matters that are introduced here, I do not understand that it is for final disposition; it certainly ought not to be. Measures are sent by the House to the committees for consideration, investigation, and report. Committees are to weigh, digest, and formulate, but ought not to have power to finally determine anything—certainly not to say a measure shall not have consideration in the House because a majority of the committee may be against it, while a majority in the House may be for it. I do not want to surrender to committees that power. I do not want to put it out of the power of the House to take up an important measure because a committee has decided not to report it back. That act of a committee ought not to preclude after-consideration in the House, provided a majority of the House, after a sufficient time has been given to the committee for action, decide to bring up the subject for review and final determination in the House. The action of a committee ought not to bar this House from the consideration of any question which a majority desire to consider. An important principle seems to me to be involved here. In making rules for the House, I do not see how we can consistently vote to give to committees the power to decide finally measures which the whole House only ought to decide. I hope, therefore, the amendment of the gentleman from Tennessee will be adopted. [Cries of "Vote!" "Vote!"]

Mr. HENDERSON. Mr. Chairman, I have no objection to the amendment offered by the gentleman from Tennessee, [Mr. HOUSE.] I want, however, to reply to a remark which the gentleman made in advocating his amendment, and which, in my judgment, is calculated to do great injustice to the Committee on Commerce. It was stated by him as a reason why such a rule as this ought to be adopted, that the Committee on Commerce—perhaps he did not name the committee, but that was undoubtedly his meaning—had the other day refused to allow the chairman of that committee to make an adverse report to the House.

Mr. HOUSE. I understood the chairman of the Committee on Commerce to so state on the floor.

Mr. HENDERSON. I do not object to his statement. I desire to say that if it is stated here or elsewhere that the majority of the Committee on Commerce have acted in any improper manner in regard to the bill referred to, or any other, I deny the imputation. I voted myself with the chairman of the committee to report his bill to the House; but when the majority of the committee voted against reporting it the question before the committee was not disposed of and the committee was certainly not prepared to make any report at that

time, and no report whatever should have been made at that time upon the subject. In the first place there were several bills upon the same subject before the committee, and when the vote was taken upon one bill and the result was unfavorable it did not dispose of the other bills before the committee. It was but just and right that the committee should take action upon the several bills before any report should be made to the House.

I do not think the chairman of the Committee on Commerce has ever intended to charge any wrong upon the majority of the committee who voted against him at that time. If so, I regret it; for certainly the action of the committee was in no manner improper, and was such that it can be defended here on the floor of this House or elsewhere.

[Here the hammer fell.]

Mr. FERNANDO WOOD rose.

The CHAIRMAN. Debate is exhausted.

Mr. WARNER. I withdraw my *pro forma* amendment.

Mr. FERNANDO WOOD. I renew the amendment of the gentleman from Ohio. Mr. Chairman, if I understand the purport and object of this amendment, it proposes to enable a majority of this House to discharge any committee from the further consideration of any bill after that bill has been before the committee for fifty days, and to bring the measure before the House for reference to the appropriate calendar, or for immediate passage. I have no doubt, Mr. Chairman, that the mover of this amendment and the gentlemen who favor it are actuated by a sincere desire to facilitate legislation, but I very much apprehend that if the amendment be adopted and the attempt be made to put it into practical execution, gentlemen will discover, when too late, that they have made a very serious mistake.

The chief defect in the proposition lies in its failure to make any distinction as to the character of measures referred to the various committees. There are committees of this House that may be in constant session for five or six days in a week; and to such a committee may be referred a measure so important that it would be utterly impossible to do justice to it and present it to the House in proper and intelligible form within the time limited. Take, for instance, the Committee of Ways and Means, which has been in almost constant session from the 1st of December last, but has been unable to consider one-third of the bills referred to it by the House.

Mr. TOWNSHEND, of Illinois. Will the gentleman yield for a question?

Mr. FERNANDO WOOD. Certainly.

Mr. TOWNSHEND, of Illinois. In view of the statement of the gentleman, might it not be well to relieve the Committee of Ways and Means by dividing among several committees the work which now falls upon the Committee of Ways and Means alone?

Mr. FERNANDO WOOD. I am coming to that. The gentleman makes a very pertinent inquiry. The House refers to the Committee of Ways and Means measures which should go to other committees. One-third of the bills before us are private claims, so that every member of the committee is charged with considering, investigating, and reporting upon private claims, many of them involving important principles, which require a great deal of study and care for their proper disposition.

When these bills are before us we have either to ask the House to discharge us from further consideration of them or to report upon them at once. We have the funding bill, we have the tariff question, we have very many important measures involving great detail, and we have patiently and laboriously to the best of our ability given all our time and all our energies to the consideration and elucidation of those questions. Now for the House to step in and in the midst of our consideration—and the same may be said of the Committee on the Judiciary or the Committee on Appropriations or the Committee on Commerce or any one of the other leading committees of the House—for the House, I say, to step in in the midst of our deliberation on those bills, when members have given the greatest care and attention for the purpose of understanding them, to take them from them and bring them before the House without discussion, without deliberation, without that proper investigation which all subjects ought to require, to take them, bring them before the House and act on them or send them to the "tomb of the Capulets" where they never can be heard of, is certainly not what this House intends to do. Under these circumstances, therefore, I hope the House will pause before it takes any such step as we propose by the adoption of the amendment moved by the gentleman from Tennessee.

Mr. McMAHON. Mr. Chairman, the country and the House cannot regret this discussion. All the time we spend on this point is well spent, for I concur in the motive which suggested the amendment of the gentleman from Tennessee, although I do not agree in the amendment itself. I hope this House will be impressed with the idea that to conceal or suppress a public measure simply and purely because a committee is not favorable to it will be regarded by every member of this House and every member of any future House as a crime against the House and the country itself.

But while we may bring the House to that judgment, the question occurs whether we are in a condition to adopt the rule the gentleman suggests, and I think if looked at from a practical stand-point it cannot be done. Why? The fundamental objection to all our legislation is this: The Congress of the United States continues in session for two years, and one is a long session and the other a short session.

The result of that is necessarily in every Congress we begin legislation, but, like Sisyphus of old, when we have almost rolled the stone to the top of the hill the session comes to an end and it goes over to the next session, and, like Sisyphus, we have to begin the work again of rolling the stone up the hill, and so on. Until we can have a term of Congress for three years, to extend over three years, the Senate going out in six years and the House in three, having three long sessions, if it be desirable the Congress of the United States shall legislate, we can then legislate, but never can legislate before.

What have we to do? We have to apply the doctrine which holds in natural history, the doctrine of the survival of the fittest, and the fittest must come to the front and it cannot be helped. Who is to determine? Who had better determine? We are always supposed to be honest and upright men, to have no jobs—it is not a violent supposition although it may fail in particular cases—and that when these things go into committee they are considered, taken up, those of the greatest public importance first, and those of the least left to be taken up afterward. What is the result? Take the Judiciary Committee, of which I was a member in the last House. I can give you one public measure which cannot be considered by that committee in less than six months' time. There is before that committee now the question of the Geneva award, and I say they cannot in less than six months give it the consideration it ought to have. I do not say that is the most important bill before that committee, but suppose it was the most important. If that committee was considering that for fifty days, what is the result? When brought before the House it does not go to the head of the Calendar. The fifty days having expired, it comes into the House. In the mean time, unimportant measures, more for individual interest than for their constituents at large, have been brought into the House and put on the Calendar, and all that business precedes it and has first to be disposed of.

Mr. YOUNG, of Tennessee. I want to ask my friend from Ohio whether he does not believe if the Committee on the Judiciary, for instance, were to come into the House after a bill had been considered, brought before the House and put on the Calendar, and ask to have that bill recommitted, this House would not in every instance grant the request of that committee. If the bill were of any importance could it pass the House over the opposition of the committee which had been considering it?

Mr. McMAHON. How is the Judiciary Committee to get the floor to move that a certain bill on the Calendar shall be recommitted?

Mr. TOWNSHEND, of Illinois. The Committee on the Judiciary has the privilege to report at any time.

Mr. McMAHON. Not at all; I beg your pardon. Oh, no; you must consider in regard to these rules which have been changed in the House of Representatives, have been adopted because this is a great and cumbersome body. You must adopt that rule which enables you to put before the country that which the committees of the House think most important; and yet I do not want my friend from Tennessee to understand for one moment I consider a committee of this House should have the power, at any time, simply because it does not favor a bill to suppress it. I think that is a crime against the House of Representatives. I am in favor of fair and due consideration, but I do not wish to see bills come before the House unless they have been considered by a committee and favorably reported.

Mr. HOUSE. In the eighth line of the amendment after the word "considered" I move to insert "without debate;" and I wish simply to say a word in addition to what I have already said on this subject. I have heard no objection urged against this measure by any gentleman who has spoken upon the question. I have heard nothing excepting what I may term the fancies of gentlemen.

In reply to the gentleman from Ohio and the objection which he has made to it, when he says that the Geneva award bill would occupy the committee more than fifty days for its consideration, I would simply say that is a question which no gentleman would be likely to make the motion to take from the committee—the motion that is required to be made by the amendment which I have suggested. And if any gentleman was to make the motion to discharge the committee from the consideration of such a measure as that, how many votes would he get here?

A MEMBER. Not a majority.

Mr. HOUSE. He could not get anybody.

Mr. ATKINS. Will my colleague allow me to ask him a question?

Mr. HOUSE. Certainly.

Mr. ATKINS. I wish to ask my colleague if he does not think the object which he has in view would be defeated by not applying his amendment exclusively to bills of a public character? It would be necessary to get rid of a great many unimportant bills which might be upon the Calendar before the important bills could be reached, and if my colleague would confine his rule to the great important questions that he refers to, for instance revenue matters, finance matters, and internal improvement matters, then perhaps he could effect the reform which he seeks, but by applying it to all public matters indiscriminately I think he defeats his object.

Mr. BLACKBURN. Now, unlike the gentleman from Ohio who has just addressed the committee, I do deprecate this discussion. I think I am in sympathy with a fair majority of this House when I enter a protest against consuming this whole day in passing over less than six lines of this report. I think the majority of this House is in full sympathy and accord with me when I enter a protest against con-

suming two months in the consideration of this report of the Committee on Rules.

Mr. ATKINS. I desire to say to the gentleman that this is the first minute of time that I have occupied during this discussion.

Mr. BLACKBURN. I do not apply my criticism to the gentleman from Tennessee at all; but I merely desire to say that unless we can have unanimous consent for immediate action upon the pending rule I shall move that the committee rise for the purpose of limiting debate to one minute.

The question recurred upon the amendment of Mr. HOUSE.

The House divided; and there were—ayes 61, noes 75.

Mr. HOUSE demanded tellers.

Tellers were ordered; and Mr. HOUSE and Mr. BROWNE were appointed.

The House again divided; and the tellers reported—ayes 65, noes 94. So the amendment was rejected.

The Clerk proceeded to read Rule XXIX.

Mr. THOMAS TURNER. Mr. Chairman, I desire to offer the following amendment, which is in substance the same as that which was offered by the gentleman from Tennessee which has just been disagreed to, with the exception that it refers exclusively to measures affecting commerce, revenue, finances, and internal improvements.

The CHAIRMAN. The committee has already passed from the consideration of the rule to which the gentleman now refers.

Mr. THOMAS TURNER. I attempted to get the floor for the purpose of offering this amendment, but the Clerk commenced to read the next rule. I tried to get the eye of the Chair for the purpose of offering this amendment.

The CHAIRMAN. Of course, if the gentleman states that he rose for that purpose the Chair will now recognize him. The Clerk will read the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

When a bill or proposition of a public nature affecting commerce, revenue, finance, or internal improvements has been referred to a standing committee of the House, and such committee shall fail for fifty days to make any report to the House thereon, it shall be in order on any Monday immediately after the expiration of the morning hour, to move to discharge the committee from the further consideration of the same; which motion shall then be considered without debate, and, if decided in the affirmative, the bill or resolution shall be placed on the proper calendar, unless a majority of the House shall then determine to consider the same.

The amendment was not agreed to.

The Clerk read as follows:

RULE XXIX.

CONFERENCE REPORTS.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition.

Mr. WILLIAMS, of Wisconsin. I offer the following as an amendment to the rule which has just been read.

The Clerk read as follows:

And such reports, instead of referring by number to the amendments or propositions agreed to in conference, shall be so written out as to inform the House from the reading of the report what effect such amendments or propositions will have upon the measures to which they relate.

So that, if adopted, the rule will read as follows:

"The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition; and such reports, instead of referring by number to the amendments or propositions agreed to in conference, shall be so written out as to inform the House from the reading of the report what effect such amendments or propositions will have upon the measures to which they relate."

Mr. BLACKBURN. Let me suggest to the gentleman from Wisconsin, speaking for myself, and I doubt not the Committee on Rules, that there is no objection to the proposed amendment except in this: it must of necessity be effected by incorporation into the joint rules of the two Houses. This House has no power by any action which it may propose to bind the conferees on the part of the Senate; so that, to accomplish the purpose which the gentleman's amendment seeks to reach, there must be a provision made in the joint rules between the two Houses that will bind the conferees of both. Of course the same conference report made to this House must be made to the Senate, and we cannot bind the Senate through its conferees to anything unless we do it by a general rule. I am in favor of the gentleman's proposition.

Mr. RANDALL, (the Speaker.) There is force in what the gentleman from Kentucky [Mr. BLACKBURN] states, that this ought to be provided for by a joint rule. But joint rules are not likely to be agreed upon. For myself I maintain, and always have maintained, they are still in force until the same power which made the joint rules should vacate them. But the Senate chooses not to subscribe to that view. This proposition in itself has great merit. There ought to be no conference report brought into this House for its consideration unless the House by the reading of it is thoroughly informed as to its effect upon the bill proposed to be passed. I myself would prefer to have the proposition go into these rules, even although it only went there with the force of a recommendation to our conferees on the part of the House, so that this provision shall be in the future binding, at least in a suggestive way, upon our conferees.

Mr. WILLIAMS, of Wisconsin. I am obliged to the honorable Speaker for making the very suggestion which I had risen a moment ago to make, namely, that this is a preliminary step, in which I have no doubt the House will be followed in its action by the Senate.

Mr. BLACKBURN. Will the gentleman from Wisconsin allow me to suggest an amendment which has been suggested to me by the remarks of the gentleman from Pennsylvania? A conference report must be a report to the two Houses, and must be identical in word and line and syllable. But if the gentleman by his amendment will simply require that the members of the conference on the part of the House shall append that statement to their conference report, I will support it.

Mr. WILLIAMS, of Wisconsin. I very gladly accept the suggestion of the gentleman from Kentucky.

The CHAIRMAN. What is the modification of the amendment suggested by the gentleman from Kentucky?

Mr. BLACKBURN. It is that the amendment be altered so as simply to require the House members of a committee of conference to append to their conference report a statement of the points covered by the numbers of the amendments which the conference report embraces.

Mr. CANNON, of Illinois. I hope it will not be said, "append to their report," but that the statement will be included in the report to the House. Then the House conferees, in obedience to the House rule, would not consent to a report until the information the rule requires is embodied in the regular conference report, the duplicates respectively for the House and for the Senate being the same.

Mr. BLACKBURN. We cannot coerce the Senate by a rule of this House.

Mr. CANNON, of Illinois. I am speaking of what would be the practical working of such a rule.

Mr. BLACKBURN. A conference report means the report of the conference committee of the two Houses. The reports to the two Houses must be duplicates, the one of the other. There cannot be a syllable in the conference report made to this House that is not embraced in the report made to the Senate. We cannot compel the Senate to do what is here suggested; but I pledge myself I will use my best endeavor as a member of the Committee on Rules and of the Joint Committee on Rules to have this incorporated into a joint rule to govern the two Houses. While assenting to the idea of the gentleman from Wisconsin, I am in favor of so modifying his amendment as to require the House members of the committee of conference to furnish with each conference report an explanation, by a statement in detail of the points in controversy covered by such report.

Mr. KEIFER. I think it well we should understand this question. I am not entirely satisfied with the suggestion of the gentleman from Kentucky. I would be afraid that the House members of the committee of conference would undertake to report something in addition to the conference report, understanding they were required to do this by the new rule. That would be a very great anomaly.

The terms of the amendment offered by the gentleman from Wisconsin, as I understood by the reading, do not require the committee of conference to report *verbatim* the amendments to which their report refers, but requires them merely to state the substance, the effect, of what is proposed to be done by and through the conference report. Now, it is suggested by the gentleman from Kentucky that by adopting such a rule we would appear to be compelling or coercing the conferees on the part of the Senate. To a certain extent that is true. But I would like to inquire how it happens this very vicious system has grown up at the conference meetings between the two Houses; how the system has grown up of drawing conference reports in the way in which we have been in the habit of having them presented in the past.

I remember that we have had some of the most important things done here in the last two years by conference reports. The whole matter of post-office legislation was put into a report here on one occasion and passed in the Forty-fifth Congress, leaving out a great many things that had been passed upon and adopted in this House in committee. And that was passed through the House without half a dozen members outside of the committee of conference knowing what was in the report at all. There were merely certain numbers referred to.

Now I want to state, as there seems to be a great deal of unanimity about this, there can be no danger of adopting an amendment which would at least operate as a suggestion to the Senate. And they have no more right to say to us, "We shall have our conference reports drawn up merely by members as to the matters to be amended," than we have to insist that the substance of the report shall be stated.

Mr. HAYES. In view of what the gentleman from Kentucky [Mr. BLACKBURN] has said, that the two reports to the two Houses must be identical, I would ask the gentleman from Ohio, would this rule, if adopted, have any binding force on the joint committee of conference?

Mr. KEIFER. I understand the reports must be identical, and that is the reason why I do not want to modify this rule so as to require the House members of the committee to state something in addition to the report.

Mr. HAYES. The House members of the committee of conference could not live up to this rule in case it should be adopted.

Mr. BLACKBURN. Will the gentleman allow me to ask him a question?

Mr. KEIFER. Certainly.

Mr. BLACKBURN. I will say to the gentleman that I do not see anything inexplicable or difficult of comprehension in the suggestion

I have made. Does not the gentleman know as well as he may know anything, that there is under general parliamentary law no power given to a committee of conference to inject anything into a conference report that is not already in dispute between the two Houses?

Mr. KEIFER. Let me answer the question by asking the gentleman if he does not know that in a conference report made to a former Congress a whole body of legislation, amounting to a long bill, amounting to pages of print, as it appeared afterward, in reference to postal matters, was introduced into a conference report, because there was a little dispute about some post-office matter? Does not the gentleman know that the whole matter of postage on different classes of mail matter was reorganized in a conference report, although up to that time we had not heard anything of it?

Mr. BLACKBURN. I do not know to what the gentleman refers, unless it be the Brazilian mail feature; if so, that was lost.

Mr. KEIFER. Yes, that was lost; it was adopted in the Senate and lost in the conference; but that is not what I refer to.

Mr. BLACKBURN. I have only this to say; the gentleman from Wisconsin [Mr. WILLIAMS] and myself understand each other. I am in favor of requiring the House members of every conference committee to accompany every conference report with an explanatory statement, showing exactly what points are covered by that report. I am in favor of putting that in the rules of the House, if the gentleman will consent to so modify his amendment.

Mr. WILLIAMS, of Wisconsin. Allow me to make a single suggestion. My amendment goes simply to the matter of form rather than to that of substance. It requires that the conference committee shall use apt and proper words instead of numbers in their report. Now, can there be any doubt in the world that if we adopt a rule requiring the members of our committee of conference to adopt a certain form of report, the members of the conference committee on the part of the Senate will accept it? I am willing to accept any amendment which the gentleman may propose, if it will accomplish the purpose I have in view.

Mr. RANDALL, (the Speaker.) Then accept his modification.

Mr. WILLIAMS, of Wisconsin. I will accept it.

Mr. ATKINS. Allow me one question?

Mr. WILLIAMS, of Wisconsin. Certainly.

Mr. ATKINS. Does the gentleman design by his amendment that this statement or explanation of the various items in the conference report shall constitute a part of the report itself, or that it shall be a statement to simply accompany the report?

Mr. WILLIAMS, of Wisconsin. Simply a statement, independent of the report.

Mr. ATKINS. If it is to be a simple statement to accompany the conference report, I have no objection to it.

Mr. BLACKBURN. That is all.

Mr. DUNNELL. I ask that the amendment be read.

Mr. FRYE. Has the amendment been modified?

Mr. WILLIAMS, of Wisconsin. My design is to accept the modification suggested by the gentleman from Kentucky, [Mr. BLACKBURN,] if he will put it in form.

Mr. BLACKBURN. I will do so in one moment.

Mr. BRIGGS. A single word. It seems to me that this proposition, which commends itself to nearly every member of this House, was in a proper shape when submitted by the gentleman from Wisconsin, [Mr. WILLIAMS.] Let us see what will be the practical operation of it. A conference committee is appointed; that committee agrees upon matters of substance, and they also must agree upon matters of form. If the members of the House on that committee insist upon having the substance of their report fully explained in the report before they will assent to it, then you will have accomplished all that the gentleman desires. And that, I think, is reached by his original amendment.

Mr. BLACKBURN. I will furnish my modification to the Clerk in one moment. [After a pause.] I now send up to the Clerk the modification which I suggest.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from Wisconsin [Mr. WILLIAMS] and the modification proposed by the gentleman from Kentucky, [Mr. BLACKBURN.]

The Clerk read the amendment of Mr. WILLIAMS, of Wisconsin, which was to add to Rule XXIX the following:

And such reports, instead of referring by number to the amendments or propositions agreed to in conference, shall be so written out as to inform the House from the reading of the report what effect such amendments or propositions will have upon the measures to which they relate.

The amendment of Mr. BLACKBURN was to substitute for the amendment of Mr. WILLIAMS, of Wisconsin, the following:

And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

Mr. WILLIAMS, of Wisconsin. I will accept that in lieu of my amendment.

The question was taken upon the amendment as modified, and it was agreed to.

Mr. HOUSE. I offer as a separate rule that which I send up to the Clerk's desk. I do not want to debate it, and will simply state that it is identical with the proposition which I offered a few moments ago, except that I have modified it so as to relate alone to bills for raising revenue and reducing taxation.

The Clerk read as follows:

When a bill, resolution, or proposition relating to the raising of revenue or the reduction of taxation shall be referred to a standing or select committee of the House, and the committee shall fail for fifty days to make any report thereon, it shall be in order on any Monday, immediately after the expiration of the morning hour, to move to discharge the committee from the further consideration of the same, which motion shall then be considered without debate, and if decided in the affirmative the bill, resolution, or proposition shall be placed on the appropriate calendar, unless a majority of the House shall determine then to consider the same.

The question being taken on the amendment of Mr. HOUSE, it was not agreed to; there being—ayes 51, noes 65.

The Clerk read as follows:

RULE XXX.
SECRET SESSION.

Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House.

RULE XXXI.
READING OF PAPERS.

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Mr. BOWMAN. I move to amend by inserting at the end of the rule last read the following:

Reports which have been printed shall not be read unless such reading shall be called for by vote of the House.

[Cries of "Vote!" "Vote!"]

I do not know whether the committee object to this amendment. I am sure I shall be pardoned if by taking a few minutes now I can save days or hours hereafter. It is within my limited observation that if there is any one thing which more than another (not even excepting "filibustering") uselessly consumes the time of this House, it is the reading of reports. We frequently see presented here the spectacle of a clerk going on for half an hour, three-quarters of an hour, or longer, reading voluminous reports while members are immersed in their newspapers or correspondence. No one ever dreams of listening to the reading of a report. A member, if he wants to be informed upon a subject, prefers to take in the substance of the report through his eyes rather than his ears; and he sends a page for the document.

In some of the State Legislatures we never think of having a report read; such a thing is unknown. The reading is utterly useless, or, if necessary in any case, my amendment proposes that it shall be subject to the control of a vote of the House.

Under our present practice when a proposition is made to dispense with the reading of a report a member jumps up and says, "I call for the reading of the report;" then all business must stop and nothing be done until the reading is concluded, not because the House wants to hear the reading, but because one single member demands it and no one cares to bring the question to a vote.

Mr. Chairman, we have been in session three months, and when a member of this House is asked, "What have you done?" he is obliged to pause and cannot give any answer. He cannot tell what business has been accomplished. It does seem to me—and I appeal to the Committee on Rules whether it is not true—that the reading of reports consumes uselessly more time in this House than any other thing.

Mr. RANDALL, (the Speaker.) I disagree with the gentleman from Massachusetts [Mr. BOWMAN] in his view that the reading of reports is of no particular use to the House. It seems to me the best possible way of getting information. While in many cases the great body of the House may not listen to reports, it is within my experience that there are always some members who do listen carefully, and thus are enabled in many instances to decide whether a bill should be passed or not.

Mr. BOWMAN. Let me ask why it is not safe to leave the House to say by vote whether it wants to hear reports or not?

Mr. RANDALL, (the Speaker.) Because every member who is called upon to vote on a measure recommended by a committee ought to have the privilege of knowing the reasons which influenced the committee in reaching the result they recommend.

Mr. BLACKBURN. The Committee on Rules have sought to reserve the right of every member in his individual capacity to demand the reading of any paper upon which he is called upon to give a vote. Apart from this the rules leave the question of the reading of papers to be determined by a vote of the House without debate. Whenever objection is made to the reading of a paper other than one on which a vote is to be taken, the House can determine by a vote of the majority and without debate whether the paper shall be read. I think that the amendment of the gentleman from Massachusetts would be, to say the least, mere surplusage.

The amendment of Mr. BOWMAN was not agreed to.

The Clerk read as follows:

RULE XXXII.
DRAWING OF SEATS.

1. The Clerk shall, at the commencement of each Congress, place in a box the name of each Member and Delegate of the House of Representatives, written upon a separate slip of paper, and, at an hour to be fixed by the House, shall proceed in its presence to draw from said box, one at a time, the said slips of paper, and as each is drawn shall announce the name of the Member or Delegate thereon, who shall thereupon choose his seat for the present Congress.

Mr. BLACKBURN. By the direction of the Committee on Rules I move to amend by striking out before the last word of this paragraph the words "the present" and inserting in lieu thereof the word "that;" so as to read: "for that Congress."

The amendment was agreed to.

Mr. REAGAN. I move to amend by inserting after the word "box," in line 2, clause 1 of Rule XXXII, the following:

Sufficiently large to admit of mixing the names; and after the names shall have been thoroughly mixed, the names of the members shall be put into the box separately, in alphabetical order, and.

I will explain the object of this amendment. If the box used for this purpose is small, as it generally is, and if the names be put in by States, I do not see how they can ever be mixed so as to comply with the spirit of the rule. My amendment proposes that the names be put in alphabetically instead of by States.

Mr. ATKINS. Does the gentleman propose that names beginning with A, B, and C, shall be in the bottom of the box?

Mr. REAGAN. It has been suggested to me to modify my amendment by inserting after the word "members" the word "delegates." I make that modification.

Mr. STEELE. I move to substitute for the first clause of the thirty-second rule what I send to the desk.

The CHAIRMAN. The proposition of the gentleman will be read for information; but the vote must first be taken on the proposed amendment to the text.

The Clerk read as follows:

Strike out clause 1 of Rule XXXII, and insert:

At the commencement of each Congress the Clerk shall place in a box prepared for that purpose a number of small balls of marble or other material equal to the number of Members and Delegates, which balls shall be separately numbered and thoroughly intermingled, and at such hour as shall be fixed by the House for the purpose the Clerk shall, by the hands of a page, draw said balls one by one from the box, and announce the number as it is drawn, upon which announcement the Member or Delegate whose name on the numbered alphabetical list shall conform to the number of the ball shall advance and choose his seat for the term for which he is elected.

Mr. STEELE. Mr. Chairman, I have hitherto forbore engaging in the discussion of the rules to be adopted for the government of the House. My main reason for that perhaps, outside of my modesty, was that it was a subject totally incomprehensible to me, and I have never had any great ambition to figure in the CONGRESSIONAL RECORD upon matters I did not understand. [Laughter.] I do not say anybody else has not done the same. Now, it will be recollected by every member of this House that at the opening of the Forty-sixth Congress, when the names of members were called out to enable them to choose their seats, in one instance the names of five members from the same State were called consecutively, showing conclusively there could not have been a proper intermingling of the slips of paper placed in the box. Indeed, it is thoroughly impracticable to do it. And the only means by which a fair drawing of seats can take place is, according to my opinion, by the operation I have suggested. It is quite as simple, and secures absolute fairness in the selection of seats.

Mr. REAGAN. By consent of the House I will withdraw my amendment.

The CHAIRMAN. The question then recurs on the amendment of the gentleman from North Carolina as a substitute for the first clause of the rule as reported.

The amendment was adopted.

Mr. BLACKBURN. I give notice that in the House I shall demand the yeas and nays on that amendment moved by the gentleman from North Carolina, [Mr. STEELE.]

The Clerk read as follows:

2. Before said drawing shall commence, each seat shall be vacated and so remain until selected under this rule, and any seat having been selected shall be deemed forfeited if left unoccupied before the call of the roll is finished, and whenever the seats of Members and Delegates shall have been drawn, no proposition for a second drawing shall be in order during the same Congress.

Mr. BLACKBURN. I am instructed by the committee to move a verbal amendment:

In the last line strike out the words "the same" and insert "that;" so it will read: "during that Congress."

The amendment was adopted.

Mr. VALENTINE. There seems a considerable portion of the latter part of the clause just read, since the adoption of the substitute of the gentleman from North Carolina, is wholly unnecessary. I allude to that part about seats becoming vacant where the party leaves them.

Mr. FRYE. Oh, no!

The Clerk read as follows:

RULE XXXIII.
HALL OF THE HOUSE.

The Hall of the House shall be used only for the legislative business of the House, and for the caucus meetings of its members, except upon occasions where the House by resolution agree to take part in any ceremonies to be observed therein; and the Speaker shall not entertain a motion for the suspension of this rule.

Mr. CASWELL. I move to insert after the word "therein," in the fourth line, the following:

And the corridors and lobbies of the Capitol, so far as the House has control of the same, shall not be occupied by lunch-tables or parties offering for sale articles of merchandise other than newspapers and other printed matter usually kept for sale at news-stands.

[Cries of "Vote!"]

Mr. CASWELL. Very well, let there be a vote.
The committee divided; and there were—ayes 55, noes 60.
Mr. CASWELL demanded tellers.

Tellers were ordered; and Mr. MCGOWAN and Mr. BLACKBURN were appointed.

Mr. STEELE. Mr. Chairman, in this obscure corner of the Hall we do not hear anything that takes place at the Clerk's table, and I ask that the amendment be again read.

The CHAIRMAN. The Chair has made every effort to keep order in the Hall, but without effect.

The amendment was again read.

The committee again divided; and the tellers reported—ayes 37, noes 86.

So the amendment was rejected.

The Clerk read as follows:

RULE XXXIV.
OF ADMISSION TO THE FLOOR.

The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, namely: The President of the United States and his private secretary, judges of the Supreme Court, members of Congress and members-elect, the Secretary and Sergeant-at-Arms of the Senate, heads of Departments, foreign ministers, governors of States, the Architect of the Capitol, such persons as have, by name, received the thanks of Congress, ex-members of Congress who are not interested in any claim pending before Congress, and clerks of committees, when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule.

Mr. BLACKBURN. I am not directed by the committee, but I offer the following amendment, which I think will meet the approval of the House.

The Clerk read as follows:

Strike out in line 3 the following words, "of the United States and his private secretary," and insert in lieu thereof "and Vice-President of the United States and their private secretaries."

Mr. BLACKBURN. That admits to the floor of the House the Vice-President of the United States and his private secretary, which is simply a return for the courtesy extended to the private secretary of the presiding officer of this House.

Mr. BREWER. I move a substitute for that.

Mr. BLACKBURN. I hope my amendment will not be encumbered, but will be voted on by itself. There are a number to come in, I see.

Mr. BREWER. I move my substitute.

The CHAIRMAN. The substitute will be read, but will not be voted on until the text has been perfected.

The Clerk read as follows:

Insert after the word "Secretary," in line 3, the words "ex-Presidents and Vice-Presidents, Cabinet officers, Senators." Also insert after the word "Congress," in line 7, these words, "also ex-Vice-Presidents, ex-Senators."

Mr. BLACKBURN. I wish to call the gentleman's attention to the fact, of which he does not seem to be aware, that there is not an ex-member of this House to-day who is allowed to go upon the floor of the Senate Chamber. I have already taken occasion to call the attention of the gentlemen of the Committee on Rules to that fact as a want of reciprocity on the part of the Senate.

Mr. BREWER. I will strike out the word "ex-Senators."

Mr. BLACKBURN. I think it would be premature and hasty.

Mr. FRYE. Senators are covered by members of Congress, for Senators are members of Congress.

Mr. BLACKBURN. The Vice-President is not a member of Congress.

The CHAIRMAN. The first question is on the amendment of the gentleman from Kentucky.

Mr. WRIGHT. I want to say to the gentleman from Kentucky that an ex-President of the United States is excluded from the floor. While the President is in office he may come upon the floor, but after his term of office expires he is excluded by this rule.

Mr. BREWER. I offered my amendment as a substitute for the amendment of the gentleman from Kentucky, and not as a substitute for the whole section.

Now, I desire to make a suggestion. The proposition of the gentleman from Kentucky is entirely correct. There is no doubt about that. But it seems to me we should not only allow the Vice-President and President but ex-Presidents as well the privileges of the floor. The rule proposed by the committee does not allow that, or does not even allow Cabinet officers or Senators, except under the construction suggested by the gentleman from Maine. If that construction is correct, and it is understood that the term "ex-members of Congress" also includes ex-Senators, I do not wish to change that portion of it. But I think we ought to make it more explicit by including Cabinet officers and Senators.

Mr. HUTCHINS. I would like to ask the gentleman from Kentucky a question. Does the proposed amendment exclude members of the press from the room in rear of the Speaker's seat?

Mr. BLACKBURN. No, sir; that is not contemplated in the rule.

The CHAIRMAN. Does the gentleman from Michigan desire to retain the word "Senators?"

Mr. BREWER. No; I am willing to strike that word out.

Mr. FRYE. Cabinet officers are necessarily heads of Departments. The question recurred on the amendment of Mr. BREWER.

The committee divided; and there were—ayes 23, noes 73.

So the amendment was not agreed to.

The question next recurred on the amendment of Mr. BLACKBURN. The amendment was agreed to.

Mr. TALBOTT. I propose to strike out all after the word "consideration" in the ninth line, and insert the amendment which I send to the Clerk's desk.

The Clerk read as follows:

And such persons as may be admitted by a resolution of the House upon the request of a member.

The amendment was not agreed to.

Mr. DUNNELL. I offer the following amendment.

The Clerk read as follows:

Add to the rule the following:

Or to present from the Chair the request of any member for a suspension of the rules.

Mr. DUNNELL. That is not now covered fully. The rule as it stands says "it shall not be in order for the Speaker to entertain a request for the suspension of this rule." Now, that rule is avoided at the present time by having the request presented by the Speaker from the chair, and I want the rule to absolutely shut off the possibility of anybody getting upon the floor, excepting those admitted in express terms.

Mr. RANDALL, (the Speaker.) Say the Speaker shall not entertain a question by unanimous consent.

Mr. DUNNELL. That is covered by the amendment.

Mr. RANDALL, (the Speaker.) Let it be read.

The proposed amendment was again read by the Clerk.

Mr. RANDALL, (the Speaker.) Strike out "suspension of the rule" and insert "unanimous consent."

Mr. DUNNELL. I accept the amendment.

The question recurred upon the amendment of Mr. DUNNELL.

The committee divided; and there were—ayes 84, noes 21.

So the amendment was agreed to.

Mr. GEDDES. I present the following amendment to Rule XXXIV to be inserted in the sixth line after the word "Capitol."

The Clerk read as follows:

The Librarian of Congress and his assistants in charge of the law library.

Mr. RANDALL, (the Speaker.) I ask for a division of that question so that we can vote between the Librarian and his assistants.

The question was taken upon the first branch of the question, namely, "the Librarian of Congress."

The amendment was agreed to.

The question recurred on the second branch of the amendment, namely, "and his assistants in charge of the law library."

The amendment was agreed to.

Mr. BAKER. I offer an amendment to come in after the word "Departments," in line 5. It is simply for this purpose: The Commissioner of Indian Affairs, the Commissioner of Patents, the Commissioner of Pensions or any other bureau are absolutely needed here on the floor on the passage of appropriation bills.

Mr. RANDALL, (the Speaker.) I want to say but a word on this question. I think the Committee on Rules have gone far enough in this matter of admissions to the floor.

Mr. MCGOWAN. I rise to a point of order. No motion is before the committee.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Indiana.

The Clerk read as follows:

In line 5, after the word Departments, insert the words "and of bureaus."

Mr. RANDALL, (the Speaker.) I hope that will not prevail. I think we have gone far enough. We have witnessed in our past experience the efforts of bureau officers to come in here and control Congress. I hope the amendment will not be adopted.

Mr. FRYE. I ask the attention of the chairman of the committee. It has been suggested to me that the Chief Clerk and the disbursing clerk of the House ought to be admitted. I leave the matter to the chairman of the committee.

Mr. BLACKBURN. Personally, I have no objection to such an amendment, but I have no authority to accept it.

Mr. FRYE. I will offer that amendment after the pending one is disposed of.

The question being taken on Mr. BAKER's amendment, it was not agreed to.

Mr. FRYE. I now offer the following amendment:

After the words "law library" insert "Chief Clerk and disbursing clerk of the House."

The question being taken on the amendment, there were—ayes 26, noes 62.

So (further count not being called for) the amendment was not agreed to.

Mr. WARNER. I offer the following amendment:

After the word "claim," in line 8, insert "or directly in any bill."

So that it will read:

Ex-members of Congress who are not interested in any claim or directly in any bill pending before Congress.

Mr. BLACKBURN. That is all right.

The amendment was agreed to.

Mr. ROBINSON. I offer the following amendment.

After the word "elect," in the fourth line, insert the following:

Contestants in election cases during the pendency of their cases in the House.

Mr. BLACKBURN. That is right.
The amendment was agreed to.
The Clerk resumed the reading of the report and read as follows:

RULE XXXV.

OF ADMISSION TO THE GALLERIES.

The Speaker shall set aside a portion of the west gallery for the use of the President of the United States, the members of his Cabinet, justices of the Supreme Court, foreign ministers and suites, and the members of their respective families, and shall also set aside a portion of the same gallery for the accommodation of persons to be admitted on the card of members. The southerly half of the east gallery shall be assigned exclusively for the use of the families of members of Congress, in which the Speaker shall control one bench, and on request of a member the Speaker shall issue a card of admission to his family, which shall include their visitors, and no other person shall be admitted to this section.

Mr. OSCAR TURNER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to Rule XXXV the following:

And on the request of any member the Speaker may issue a card of admission to the family of said member to the new room adjoining the Hall of the House of Representatives and in the rear of the Speaker's seat.

Mr. OSCAR TURNER. I desire to say that when the families of members come here and take their seats in the galleries they frequently find the atmosphere very oppressive; and it would cause no inconvenience to allow their admission to this large and magnificent hall behind the Speaker's seat. I have offered the amendment at the request of the wives of many members; and I can see no impropriety in their having the privilege of going into the large room adjoining the Hall.

Mr. COX. I hope that will be adopted.

The question being put on Mr. OSCAR TURNER's amendment, there were—ayes 48, noes 78.

So (further count not being called for) the amendment was not agreed to.

Mr. CONGER. I ask that that part of the rule which relates to the giving of cards for the admission of the families of members be again read.

The Clerk read as follows:

And on request of a member the Speaker shall issue a card of admission to his family, which shall include their visitors, and no other person shall be admitted to this section.

Mr. CONGER. Is it intended that for each day such a card shall be required?

Mr. BLACKBURN. It is not.

Mr. CONGER. It would be a very great inconvenience if we had to go every day and get such a card.

Mr. McMAHON. Get a season ticket.

Mr. RANDALL, (the Speaker.) It will last for a Congress.

Mr. DUNNELL. I offer the following amendment:

Strike out in line 2 the words "or rooms leading thereto."

Mr. BLACKBURN. I make the point of order that we have passed that rule.

Mr. DUNNELL. I think not.

Mr. BLACKBURN. The gentleman's amendment is to Rule XXXIV, and we have been considering Rule XXXV.

Mr. DUNNELL. I withdraw the amendment. [Laughter.]

The Clerk resumed the reading of the report, and read as follows:

RULE XXXVI.

OFFICIAL AND OTHER REPORTERS.

1. The appointment and removal, for cause, of the official reporters of the House, including stenographers of committees, and the manner of the execution of their duties, shall be vested in the Speaker.

2. Stenographers and reporters, other than the official reporters of the House, wishing to take down the debates and proceedings, may be admitted by the Speaker to the reporters' gallery over the Speaker's chair, under such regulations as he may, from time to time, prescribe; and he may assign two seats on the floor to Associated Press reporters, and regulate the occupation of the same.

Mr. HUTCHINS. I ask the chairman of the committee what is the necessity of the word "down," in second clause of Rule XXXVI. Would it not be sufficient to say "wishing to take the debates and proceedings." Why must they be taken "down?"

Mr. RANDALL, (the Speaker.) I do not suppose any member is to be "taken down." [Laughter.]

The Clerk resumed the reading of the report and read as follows:

RULE XXXVII.

PAY OF WITNESSES.

The rule for paying witnesses summoned to appear before the House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of \$3; for each mile he shall travel in coming to or going from the place of examination, the sum of five cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial.

Mr. DUNNELL. I offer the following amendment:

In the third line of Rule XXXVII strike out "three" and insert "two," so that it will read:

"For each day a witness shall attend, the sum of \$2."

This House after long debate and deliberate discussion declared that witnesses before the United States courts should be paid \$2 a day. In view of that fact, witnesses ought not to be paid \$3 a day here.

Mr. BLACKBURN. That is right.

The amendment was agreed to.

The Clerk read the following:

RULE XXXVIII.

PAPERS.

The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence or testimony taken by such committee, under the order of the House, during the said Congress.

Mr. FRYE. I desire the attention of the gentleman in charge of this report. I am informed that there are quite a number of committees whose clerks leave before the Congress ends, and that there are special committees whose clerks are discharged long before the close of Congress. In regard to them this rule would really be impracticable, and I suggest that it be amended so as to read as follows:

The Clerk of the House shall, within three days after the final adjournment of a Congress, take into his keeping all bills, joint resolutions, petitions, and other papers referred to committees, together with all testimony taken by committees under the order of the House.

It seems to me that that is better than the rule which has been reported from the committee.

Mr. BLACKBURN. I am myself cognizant of the difficulty suggested by the gentleman from Maine, [Mr. FRYE,] and I think some provision should be made to remedy it.

Mr. RANDALL, (the Speaker.) Would it not be better to add that as an independent clause?

Mr. FRYE. I prefer it as a substitute for Rule XXXVIII.

Mr. HAWLEY. Then you should add to it that the Clerk of the House shall be charged with the duty of collecting such papers.

Mr. McMAHON. What would you do with those clerks who are annual clerks?

Mr. CLAFLIN. If the gentleman would add his amendment to the proposed rule I think he would accomplish his object.

Mr. FRYE. If gentlemen prefer it I have no objection to making it clause 2 of this rule.

Mr. RANDALL, (the Speaker.) I think it had better be added as an independent clause, rather than to interfere with the rule as reported.

Mr. FRYE. I will move it, then, as an additional clause.

The amendment of Mr. FRYE was agreed to.

The Clerk read the following:

RULE XXXIX.

WITHDRAWAL OF PAPERS.

No memorial or other paper presented to the House shall be withdrawn from its files without its leave, and if so withdrawn therefrom certified copies thereof shall be left in the office of the Clerk; but when an act may pass for the settlement of a claim the Clerk is authorized to transmit to the officer charged with the settlement thereof the papers on file in his office relating to such claim, or may loan temporarily to the officer or bureau of the Executive Departments any papers on file in his office relating to any matter pending before such officer or bureau, taking proper receipt therefor.

Mr. HAWLEY. I desire to call the attention of the gentleman from Kentucky [Mr. BLACKBURN] to the first part of the rule which has just been read. It reads:

No memorial or other paper presented to the House shall be withdrawn from its files without its leave, and if so withdrawn therefrom—

That is, withdrawn without its leave.

Mr. BLACKBURN. Strike out the word "so" before "withdrawn."

Mr. HAWLEY. Very well; that will do.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the report of the Committee on Rules, as follows:

RULE XL.

BALLOT.

In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election, and where there shall not be such a majority on the first ballot, the ballots shall be repeated until a majority be obtained; and in all ballots blanks shall be rejected and not taken into the count in enumeration of votes or reported by the tellers.

RULE XLI.

MESSAGES.

Messages received from the Senate and the President of the United States, giving notice of bills passed or approved, shall be entered in the Journal and published in the RECORD of that day's proceedings.

RULE XLII.

EXECUTIVE COMMUNICATIONS.

Estimates of appropriations, and all other communications from the Executive Departments, intended for the consideration of any committees of the House, shall be addressed to the Speaker and by him submitted to the House for reference.

RULE XLIII.

No person shall be an officer of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the Government, or be interested in such claim otherwise than as an original claimant; and it shall be the duty of the Committee of Accounts to inquire into and report to the House any violation of this rule.

RULE XLIV.

JEFFERSON'S MANUAL.

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and joint rules of the Senate and House of Representatives.

RULE XLV.

These rules shall be the rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered.

Mr. REAGAN. I move to amend Rule XLV by adding that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That the adoption of these rules shall not be construed to interfere with special orders of this House heretofore made on pending bills.

Mr. COX. I would like to have that explained.

Mr. RANDALL, (the Speaker.) That ought to be the action of the House; it is hardly a matter to be incorporated in the rules.

Mr. BLACKBURN. I suggest to the gentleman from Texas [Mr. REAGAN] that these rules are yet to be adopted by the House. When we go out of the Committee of the Whole and come into the House, that will be the time for the gentleman to move the proviso he now offers.

Mr. REAGAN. I would then labor under this difficulty: as soon as this is reported from the Committee of the Whole the previous question will be ordered upon it.

Mr. BLACKBURN. I will give the gentleman an opportunity to offer his amendment if it is deemed necessary.

Mr. RANDALL, (the Speaker.) It should be a resolution of the House, not a provision of a rule.

Mr. REAGAN. Very well, then; I will withdraw the amendment.

Mr. BLACKBURN. I move to amend Rule XLV by adding to it the following:

Provided, That Rule 85 (of the present rules) shall continue in force during the present Congress.

The new rules discontinue absolutely one of the committees of this House. Of course it is not proposed or intended to strike down that committee during the present Congress, but to leave it as appointed in full force and effect.

Mr. KEIFER. That had better be done by a resolution of the House.

Mr. BLACKBURN. I would as soon do it in that way as to have it incorporated in these rules; and I will therefore ask the Clerk to hold it, and I will not offer it at present.

Mr. GILLETTE. I offer as a substitute for Rule XLV that which I send to the Clerk's desk.

The Clerk read as follows:

These rules shall be the rules of the House of Representatives of the present Congress, and of succeeding Congresses only when adopted by them. And no Speaker shall be authorized to construct the committees of any future Congress without direct authority by vote of the House of Representatives.

Mr. GILLETTE. Mr. Chairman, we have some of us used our best efforts to amend these rules so as to protect the country at large from discriminations against individual members, from actual usurpation by a few of the powers and privileges of this whole House. Thus far those efforts have failed. While most of the rules presented are well enough and do not militate against the rights of individual members, a few are so bad, so antagonistic to every principle of justice and freedom that language too severe cannot be used in their condemnation. The most dangerous are those by which this House farms out to one member the right to appoint all the committees of this body, and then accords to those committees power to suppress any and all the bills referred to them.

Only yesterday it was charged that one member of the Committee on Commerce accused the Speaker of having packed the committee to kill a certain bill. I mention this only to show how naturally suspicions attach to the Speaker whenever measures considered important are suppressed by a committee, and not to reflect upon our Speaker.

During the consideration of these rules there have been ten amendments introduced to enable a majority of this House to demand a bill not reported by a committee after abundant time had passed for its consideration, but the leading members of both old parties have joined hands to protect the committees in any efforts to stifle the bills referred to them although desired by this House for their action.

These rules make an autocracy of this government, inasmuch as they give to the Speaker, who controls the floor of this House, the practical control of his appointees, the various committees, and makes it impossible to get a solitary measure before the House unless by the favor of these committees. It makes no difference how worthy the Speaker may be. There is no man in the nation or in any nation to whom such powers over legislation should be granted. The United States Senate, a less republican body than this is supposed to be, is unwilling to trust even the Vice-President of the nation with such powers, but appoints its own committees and makes them directly accountable to the Senate.

The rules first adopted by this House were explicit, and prepared with the utmost care to protect the rights of the members, and provided that "committees consisting of more than three members shall be balloted for by the House." The important committees consisted of more than three members; for example, the one on elections had seven members.

As great an abomination as I believe these rules to be, as thoroughly anti-republican and anti-democratic as they are, practically subverting the representative feature of this Government, we might endure the injustice for this Congress, if compelled to, in the hope that our successors would indignantly throw off the yoke, but we are even asked to stretch this pall over them. We are asked, not only to yield our own rights, but also those of succeeding Congresses.

What right has one Congress to impose its laws upon a succeeding Congress? No more, in my judgment, than it has to impose them

upon the English Parliament. It may be asked, then, what harm in passing a rule which can carry with it no authority. Every harm; for this implied authority will in the future, as in the past, be seized as a pretext on the part of the Speaker to appoint all his committees the moment he is elected, if indeed it is not done before he is elected, and these appointments used as a legal tender with which to purchase his election.

This Congress has never by vote authorized directly or indirectly the Speaker to appoint a single standing committee. We have never even indorsed the appointments that have been made, and yet we have been divided out under authority of some preceding Congress. We have never even adopted one of the hundred and sixty-six rules that have been used like bits and bridles upon us from the hour we first met. If we must submit during this Congress let us do it with the hope that our successors may be more jealous of their rights and give to this House a republican government.

I believe these rules practically surrender the legislation of this country into the hands of one man, and give him more power than a dozen Presidents.

When Kossuth fled to this country for protection from Austrian despotism, he was welcomed to the Capitol by the greatest statesmen of the time. In reply to Daniel Webster and others, while comparing the Old World with the New, he said:

The Old is awful with unrestricted power; yours is glorious with having restricted it. At the view of the Old, nations tremble; at the view of yours, humanity hopes.

I repeat, the inevitable effect of these rules is to give the Speaker of this House almost unrestricted power. He may and will fill the few committees that control legislation with men who reflect his own views and wishes, and govern their action with undisputed sway, almost totally subverting the object of the annual gathering here of the so-called Representatives of the people.

When this Republic goes down, if go down it must, it will not be through the "man on horseback" or any President, but through the man on the wool-sack in this House, under these despotic rules, who can prevent the slightest interference from individual members; who can, if he will, make and unmake laws like an emperor, hold back or give the sinews of war and the salaries of peace.

The amendment of Mr. GILLETTE was not agreed to.

Mr. REAGAN. I move to amend by striking out, in Rule XLV, all after the words "House of Representatives;" so as to make the rule read:

These rules shall be the rules for the House of Representatives.

By the Constitution it is provided that—

Each House may determine the rules of its proceeding.

Contrary to this provision, we propose by the pending rule to declare that we are making rules for the government not only of the present but of future Houses of Representatives. This we can only do by laws enacted in conformity with the Constitution. The Constitution expressly reserves to each House the right to make its own rules; and if it be said that there must be some rules under which a new House shall organize, I answer that parliamentary law and parliamentary practice furnish such rules. I simply desire this House not to adopt a rule in violation of the Constitution; not to attempt to do that which it has not the power to do. [Cries of "Vote!" "Vote!"]

I do not wish to detain the committee, but only to call attention to the fact that by Rule XLV as it stands we are undertaking to do what we have no authority under the Constitution to do. Let us not undertake to deny the right of each succeeding House to adopt such rules as it may deem fit; let us not make ourselves ridiculous by proposing to bind in this way any future House of Representatives.

The question being taken on the amendment of Mr. REAGAN, it was not agreed to, there being—ayes 39, noes 63.

Mr. BLACKBURN. At the time Rule V was under consideration the committee on rules reserved the right to go back to it.

The CHAIRMAN. The Chair will state that the Committee on Rules also reserved the right, at the suggestion of the gentleman from Ohio, [Mr. GARFIELD,] not now present, to return to the third clause of Rule IV for the purpose of disposing of the matter of the execution of the bond of the Sergeant-at-Arms.

Mr. BLACKBURN. I ask that the Committee of the Whole may return to Rules XXIII and XXIV, so that I may offer some amendments which the Committee on Rules had unanimously agreed to, but which when these rules were under consideration were in the hands of the clerk of the committee, who was absent on that day.

Mr. FRYE. We can dispose of Rule IV in a moment, because in the absence of the gentleman from Ohio [Mr. GARFIELD] I feel at liberty to say that we came to the conclusion that if anything was to be done in relation to the Sergeant-at-Arms it must be done by law, not as a rule of the House.

The CHAIRMAN. But the gentleman from Indiana [Mr. NEW] has also an amendment pending to the third clause of Rule IV. His amendment was passed over with the other.

Mr. RANDALL, (the Speaker.) With reference to the amendment of the gentleman from Indiana, I will say that the committee took it into consideration and thought the features he proposed were very valuable and ought to be enacted into a law, as well as the suggestions of the gentleman from Ohio.

Mr. FRYE. But not into a rule.

Mr. NEW. I have no disposition to occupy the time of the committee by anything in addition to what I have heretofore said in support of my amendment. I will remark, however, that the gentleman from Ohio [Mr. GARFIELD] said to me a few days since that it was believed by the Committee on Rules to be best to have a statute upon this subject, but that it might be well, and probably would be best, to adopt the amendment which I had offered, inasmuch as it was uncertain when there would be such legislation. I am willing, in the mean time, that the clause which I have offered to amend should remain as it is.

Mr. RANDALL, (the Speaker.) If the gentleman will introduce and have referred to the Committee on Rules a bill embracing his views, I have no doubt it will be promptly acted upon.

Mr. NEW. As it seems to be the sense of the committee that the amendment had better be withdrawn, I withdraw it.

Mr. RANDALL, (the Speaker.) The committee think that any provision on this subject had better be in the shape of a law.

The CHAIRMAN. The amendment of the gentleman from Indiana [Mr. NEW] being withdrawn, the Committee of the Whole will now return to Rule XXIII.

Mr. BLACKBURN. I am directed by the Committee on Rules to move to amend by adding to clause 1 of Rule XXIII the following:

Who shall, in case of disturbance or disorderly conduct in the galleries or lobby, have power to cause the same to be cleared.

This relates to the power of the chairman of the Committee of the Whole. It is Rule 9 of the existing body of rules, and was accidentally omitted.

Mr. RANDALL, (the Speaker.) The amendment simply gives to the chairman of the Committee of the Whole the same power in this respect that the Speaker has in the House.

The amendment was agreed to.

Mr. BLACKBURN. I am directed by the Committee on Rules to move to amend by adding the following to the second clause of Rule XXIII, which relates to occasions when the Committee of the Whole finding itself without a quorum reports that fact to the House:

But if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

That is the present rule exactly.

The amendment was adopted.

Mr. BLACKBURN. I now offer from the Committee on Rules a substitute for clause 4 of the twenty-third rule.

The Clerk read as follows:

In Committees of the Whole House, business on their calendars shall be taken up in regular order, excepting bills for raising revenue and general appropriation bills, which shall have precedence; and when objection is made to the consideration of any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide without debate whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House.

Mr. BLACKBURN. We simply provide the machinery looked to in the fourth clause.

Mr. CONGER. Would that require in passing every bill each time when the bill was reached that the committee should rise?

Mr. BLACKBURN. Yes, sir; and that was insisted upon.

Mr. RANDALL, (the Speaker.) On your side.

Mr. CONGER. I know no sides in this matter.

Mr. RANDALL, (the Speaker.) I mean it was insisted on by the minority.

Mr. BLACKBURN. It is the present clause of the rule, and explains more elaborately, but conforms to the general order of business in that it gives priority to revenue bills and general appropriation bills.

Mr. REAGAN. Is it understood that the rule which permits the privilege to the Committee on Commerce on bills relating to rivers and harbors is unaffected by this amendment?

Mr. BLACKBURN. It is not affected in the slightest, as the river and harbor bill is not a general appropriation bill.

Mr. REAGAN. I move it shall embrace, then, the river and harbor appropriation bill, too.

Mr. COX. I should like to hear it read again if there be no objection.

The amendment was again read.

Mr. REAGAN. I move, after the word "appropriation," to insert the words "and bills for the improvement of rivers and harbors."

The amendment to the amendment was agreed to.

Mr. COX. I give notice that I shall demand the yeas and nays on that amendment when we get into the House.

The amendment, as amended, was then adopted.

Mr. BLACKBURN. I move, in the seventh clause of the twenty-third rule, to strike out the words "recommendation to strike out the enacting words" and insert in lieu thereof the following: "an adverse recommendation."

That simply means not to report a bill back from the Committee of the Whole by striking out the enacting words, but simply to report it back with adverse recommendation, which is broader and covers all adverse action in committee.

The amendment was adopted.

Mr. RANDALL, (the Speaker.) I am directed by the Committee on Rules to move an amendment, which is not a substantial change, but merely makes the language more harmonious. It is in the nature of a substitute for the first clause of Rule XXIV.

The Clerk read as follows:

Each Monday morning during a session of Congress, after the Journal of the proceedings of the last day's sitting has been read and approved, the Speaker shall call all the States and Territories in alphabetical order for bills and resolutions for reference, on which call joint and concurrent resolutions and memorials of State Legislatures may be presented and appropriately referred; and on this call only resolutions of inquiry directed to the heads of the Executive Departments shall be in order for reference to appropriate committees, which resolutions shall be reported to the House within one week thereafter.

Mr. BLACKBURN. And territorial Legislatures should be added.

Mr. RANDALL, (the Speaker.) I will modify my substitute by inserting those words so as to read, "memorials of State and territorial Legislatures."

The CHAIRMAN. The clause as it now stands has been very materially amended in the Committee of the Whole, and, as the Chair understands, the amendment moved by the gentleman from Pennsylvania is a substitute for the clause as it now stands.

Mr. RANDALL, (the Speaker.) I move it as a substitute for the entire first clause as it has been amended.

The CHAIRMAN. The Clerk will read the clause as it now stands, having been amended in the Committee of the Whole.

The Clerk read as follows:

Each Monday morning during a session of Congress all the States and Territories shall be called in their alphabetical order for bills and joint resolutions and memorials of State and territorial Legislatures and House resolutions for reference; and on this call only resolutions of inquiry directed to the heads of the Executive Departments shall be in order to be submitted; and said resolutions shall lie upon the table, and the mover or proposer of such resolution shall be permitted to call up the same after the reading of the Journal, at any time after the expiration of one week, and have the same submitted to a vote of the House without debate.

Mr. RANDALL's substitute, as modified, was adopted.

Mr. RANDALL, (the Speaker.) I am directed by the Committee on Rules to move, in the fourth clause of the twenty-fourth rule, where the word "Monday" is used to insert "the first and third Monday," so as to make it conform to the action of the committee recently taken.

The amendment was agreed to.

Mr. RANDALL, (the Speaker.) I am also directed, in clause 6 of the same rule, to strike out in the first paragraph after the word "Union" the words "to consider, first, bills raising revenue and general appropriation bills, and then other business on its calendar."

Mr. CONGER. What is the object of that?

Mr. RANDALL, (the Speaker.) In order that it may conform to the previous action of the committee. It is provided for in Rule XI, and is unnecessary here.

The amendment was agreed to.

Mr. BLACKBURN. I move now that the committee rise and report the rules as amended to the House.

Mr. CONGER. Before that motion is put, I desire to ask that either the Committee on Rules or the chairman of it shall cause a copy of the rules to be printed as they have been adopted by the Committee of the Whole in order that we may see what action has been taken upon them.

Mr. BLACKBURN. It is my purpose when we get into the House to ask that the rules as adopted by the Committee of the Whole shall be printed with all the amendments in italics and each one numbered. I will say further that up to this time the clerk of the committee has kept up with all of the amendments, so that there will be no delay in preparing this copy for the printer. I now move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the report of the Committee on Rules, and had directed him to report the same back to the House, with sundry amendments thereto.

Mr. BLACKBURN. Mr. Speaker, I now give notice to the House that I shall ask to call up in the House for action, on Tuesday next, immediately after the morning hour, the revision of the rules as reported from the Committee of the Whole.

Mr. ATKINS. Why not to-morrow?

The SPEAKER. The Chair will say to the gentleman from Tennessee that the Committee on Rules would like to see the rules in print.

ADJOURNMENT OVER.

Mr. COX. I move that when the House adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

Mr. COX moved to reconsider the vote by which the House agreed to adjourn over; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EULOGIES ON SENATOR HOUSTON.

Mr. SHELLEY. Mr. Speaker, as some gentlemen may desire to prepare remarks upon the occasion, I desire to give notice that I shall call up for consideration the resolutions in regard to the death of Senator HOUSTON at one o'clock on Wednesday next.

PRINTING THE REVISED RULES.

The SPEAKER. The Chair understood the gentleman from Kentucky to request an order of the House that the report of the Committee of the Whole on the state of the Union in reference to the revised rules be printed, and the Chair, if there be no objection, will

consider that as the order of the House, and also that this report be printed in the manner suggested by him, that is, the amendments in italics and numbered.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BAYNE, for one day, on account of important business.

And then, on motion of Mr. WAIT, (at five o'clock and forty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. AIKEN: The petitions of the editors of Our Monthly, Clinton; the Herald, Laurensville; and of the Southern Presbyterian, Columbia, South Carolina, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. WILLIAM ALDRICH: The petitions of H. L. Goodall & Co., of the Drovers' Journal, and The Sun, Chicago; of E. H. Talbot, of the Railway Age Publishing Company, Chicago; and of Willard A. Smith, publisher of the Railway Review; of Smith & Cowles, publishers of the American Engineer; and the Railway Purchasing Agent, Chicago, Illinois, of similar import—to the same committee.

By Mr. BAKER: The petition of William Elder and 130 others, citizens of Kosciusko County, Indiana, and of O. Dudleson and 112 others, citizens of Marshall County, Indiana, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of Barret Adamson and 125 others, citizens of Marshall County, Indiana, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petitions of O. J. Powell, editor of the Herald, of Garrett; and of Hon. Reuben Williams, editor of the Northern Indian, of Warsaw, Indiana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. BARBER: The petitions of Paul Geleff, publisher of Der Beobachter, Chicago; of Olson & Co., publishers of Fäderneslandet, Chicago; and of C. M. Slaiger, publisher of the Rath Jugend Freund, Chicago, for the abolition of the duty on type—to the same committee.

By Mr. BAYNE: The petition of the members of the Fayette Farmers' Club, of Allegheny County, Pennsylvania, indorsing the recommendations made by the Utica Farmers' Club in relation to cattle diseases, &c.—to the Committee on Agriculture.

By Mr. BELTZHOVER: The petitions of R. H. Thomas, of Mechanicsburgh; of Seitz & Gray, of Glen Rock; of W. B. Beitzel, of Dillsburgh; and of John B. Morrow, of Newville, Pennsylvania, publishers, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. BENNETT: Memorial of the city council of Yankton, Dakota Territory, for the passage of the bill legalizing the election held in that city at which bonds were voted in aid of the construction of a railroad—to the Committee on the Judiciary.

Also, the petition of Carter Brothers, of Canton, Dakota, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petitions of Carter Brothers, Canton; of Chambers & Wait, Fargo; of George W. Hopp, Brookings, Dakota Territory, for the abolition of the duty on type—to the same committee.

By Mr. BERRY: Three petitions of publishers of California, of similar import—to the same committee.

By Mr. BLACKBURN: The petition of employes of the post-office of the House of Representatives, to be placed on the annual roll of House employes—to the Committee on Appropriations.

Also, two petitions of citizens of Henry County, Kentucky, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. BLAND: The petition of the publishers of the Rustic Leader, Anti-Monopolist, and Journal, newspapers, of Lebanon, Missouri, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. BLISS: The petition of Matthew Cooper, of the Weekly Sentinel, of East New York, New York, for the abolition of the duty on type—to the same committee.

By Mr. BREWER: The petition of B. Rosecrans, for the correction of his military record—to the Committee on Military Affairs.

Also, the petition of William Russell and 18 others, ex-soldiers of Genesee County, Michigan, for the equalization of bounties—to the same committee.

Also, the petition of William Russell and 21 others, citizens of Genesee County, Michigan, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of C. H. Rockwood and 41 others, citizens of Genesee County, Michigan, that the patent laws be so amended as to make

the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of C. H. Rockwood and 41 others, citizens of Genesee County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of D. C. Ashman, publisher, of Flushing, Michigan, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petitions of Bowman & Ellinwood, publishers of the Brighton Citizen, and of Otis Fuller, of Mason, Michigan, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. BRIGGS: The petition of William H. Stinson and 19 others, of Merrimack County, New Hampshire, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of William H. Stinson and others, citizens of Merrimack County, New Hampshire, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. BURROWS: Four petitions of publishers, of Michigan, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. JOSEPH G. CANNON: The petition of A. J. Williams and 75 others, citizens of Illinois, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. CARPENTER: The petition of the Dubuque Veteran Corps, signed by G. G. Moser, their commander, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petitions of Clarkson Bros., publishers, Des Moines; of J. A. Smith, publisher of the Spirit Lake Beacon; of H. O. Beatty, publisher of the Scranton Journal, Michigan, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. COBB: The petitions of J. A. Hays, publisher of the Union, Sullivan; of Henry A. Peel, publisher of the Plymouth Democrat; of Murray Briggs, publisher of the Sullivan County Democrat; of W. W. Bailey & Co., publishers of the Vincennes News, Indiana, for the abolition of the duty on type—to the same committee.

Also, the petition of 247 citizens of Vincennes, Indiana, for the passage of the bill (H. R. No. 3742) providing for the disposition of certain lands belonging to the United States, introduced by Mr. COBB—to the Committee on Public Lands.

By Mr. COFFROTH: The petition of A. H. Coffroth, jr., editor of the Somerset Democrat, and of L. A. Smith, esq., editor of the Commercial, Meyersdale, Pennsylvania, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. COOK: The petition of J. R. Respass, of Georgia, of similar import—to the same committee.

By Mr. COX: Three petitions of publishers of New York, of similar import—to the same committee.

By Mr. CRAVENS: The petition of W. M. Peeler and others, of Pope County, Arkansas, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. DAVIDSON: The petition of C. E. Dyke, publisher, of Florida, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. DEERING: The petitions of the editors and publishers at Garner; and of J. O. Stewart, editor and publisher, of Clarksville, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petitions of W. C. Hayward, editor and publisher at Garner; of T. S. Dodge, editor and publisher at Parkersburgh, and of J. C. Johnson, publisher at New Hampton, Iowa, for the abolition of the duty on type—to the same committee.

By Mr. DEUSTER: The petition of Greene & Button, Drake Brothers, and 36 others, druggists, of Milwaukee, Wisconsin, for the removal or modification of the stamp-tax on perfumery and cosmetics—to the same committee.

By Mr. DIBRELL: The petition of W. S. Tipton, of the Cleveland (Tennessee) Herald, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. DUNNELL: The petitions of the Minneapolis Tribune Company and of Day & Bullard, of Minnesota, of similar import—to the same committee.

Also, the petition of J. Bableter, of Minnesota, for the abolition of the duty on type—to the same committee.

Also, the petition of John A. Pingsee and 50 others, citizens of Minnesota, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. ERRETT: The petition of the Y Wasg Printing Company, of Pittsburgh, Pennsylvania, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. FELTON: The petition of citizens of Georgia, for a post-route from Rome to Cedartown, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. FERDON: The petition of citizens of New York, for the equalization of bounties—to the Committee on Military Affairs.

Also, six petitions of citizens of New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of Randolph Lexow, publisher, of New York, for the abolition of the duty on type—to the same committee.

By Mr. FINLEY: The petition of George T. Rietine and other publishers, of Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of citizens of Marion County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Marion County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. FORD: The petition of P. V. Wise and other citizens, soldiers in the late war, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of P. V. Wise and other citizens, soldiers in the late war, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of Joshua Dean and other citizens, of De Kalb County, Missouri, sailors and soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the same committee.

By Mr. FORSYTHE: The petitions of W. S. Rose, publisher of the Sun, Kansas, and of T. B. Shoeff & Brother, publishers of the Edgar County Gazette, Illinois, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. JOHN HAMMOND: The petition of publishers of newspapers in Clinton County, New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. HAWK: Resolutions of the officers of the Woman's Baptist Home Mission Society, of Chicago, Illinois, asking that Congress secure the fulfillment of the treaty obligations and prevent a violation of justice and of humanity in the treatment of the Indians of the Indian Territory—to the Committee on Indian Affairs.

Also, the petitions of S. E. Chamberlin, of Albany; of G. W. Allen, of Lyndon; of John S. Green, of Morrison, and of H. S. Peterbaugh, Lanark, Illinois, druggists, for the repeal of the proprietary-stamp-tax law, so far as it applies to druggists, perfumers, and manufacturers of proprietary medicines—to the Committee of Ways and Means.

By Mr. HAYES: The petition of J. W. Bean, of Illinois, of similar import—to the same committee.

Also, the petition of H. H. Parkinson, publisher of the Braidwood (Illinois) Republican; of C. & H. L. Taylor, publishers of the Monitor, Streator, Illinois, for the abolition of the duty on type—to the same committee.

By Mr. HENDERSON: The petition of Ezra G. Cass, publisher of the Lee County Times, Paw Paw, Illinois, of similar import—to the same committee.

By Mr. HERR: The petition of citizens of Michigan, for the erection of a light-house at Little Traverse, Michigan—to the Committee on Commerce.

By Mr. HUBBELL: The petition of S. A. Gardner and 30 others, of Grand Traverse County, and of J. W. Dickerman and 51 others, of Leelenaw County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of S. A. Gardner and 30 others, citizens of Grand Traverse County, and of J. W. Dickerman and 56 others, citizens of Leelenaw County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. HUNTON: The petition of H. P. Richard and others, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. JONES: The petition of citizens of Lee County, Texas, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. KELLEY: The petition of J. D. Ware, of Philadelphia, Pennsylvania, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petitions of William Painter, president Peninsula Railroad, of Virginia; of the president Worcester and Somerset Railroad, and of John Scott, president Allegheny Valley Railroad Company, against a reduction of the duty on steel rails from \$28 to \$10 a ton—to the same committee.

By Mr. KIMMEL: The petition of George V. Hebb, for pay for services rendered in the Doorkeeper's department, House of Representatives, in the Forty-sixth Congress—to the Committee of Accounts.

By Mr. LADD: The petition of citizens of Bangor, Maine, for the repeal of compulsory pilotage laws in effect in New York Harbor—to the Committee on Commerce.

Also, the petition of Theodore Cary, Aroostook Times, Maine, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. LORING: The petition of E. S. Mosely and others, of Newburyport, Massachusetts, for the distribution of the Geneva award—to the Committee on the Judiciary.

Also, the petition of citizens of Gloucester and Rockport, Massachusetts, for the establishment of a life-saving station on that coast—to the Committee on Commerce.

By Mr. MAGINNIS: The petition of citizens of Helena, Montana Territory, and vicinity, against the proposed changes in the public-land laws—to the Committee on Public Lands.

Also, three petitions of citizens of Montana, of similar import—to the same committee.

By Mr. BENJAMIN F. MARTIN: The petition of George Purcell and of William M. O. Dawson, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. JOSEPH J. MARTIN: The petition of William H. Hensell and 50 others, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of the publishers of the North Carolina State Press, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. MCCOID: The petitions of the publisher of the Washington (Iowa) Gazette and of 6 other publishers of Iowa, for the abolition of the duty on type—to the same committee.

Also, the petition of Alex. Story, editor Washington (Iowa) Gazette, and of publishers of four other papers in Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, memorial of the Legislature of Iowa, in relation to Des Moines River lands—to the Committee on Public Lands.

Also, memorial of the Legislature of Iowa, for the passage of an interstate-commerce bill—to the Committee on Commerce.

By Mr. MCGOWAN: The petition of George M. Dewey, publisher Hastings Republican Banner; of A. C. Culver, publisher Quincy Times; of Carleton & Van Antwerp, publishers of Jackson Patriot; of K. Kittridge, publisher Eaton Rapids Journal; and of F. M. Potter, publisher of The Hawk, Vermontville, Michigan, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. MCKENZIE: The petitions of Zeno F. Young, editor of the Madisonville (Kentucky) Times, and of Benjamin Harrison, editor of the Henderson (Kentucky) News, of similar import—to the same committee.

By Mr. McLANE: The petition of E. J. Drinkhouse, of similar import—to the same committee.

Also, the petition of Lewis Elmer & Sons, against the repeal of the law allowing vinegar-makers to vaporize spirits—to the same committee.

By Mr. MITCHELL: The petition of 46 citizens and 36 soldiers of Little Marsh and vicinity, Pennsylvania, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, the petition of A. J. Hughes, editor of the Northern Reporter, Port Alleghany, Pennsylvania, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. MORRISON: The petition of Fred Dilg, publisher of the Anzeiger, Mascoutah, Illinois, and of the Belleville (Illinois) Printing Company, of similar import—to the same committee.

By Mr. MORSE: Memorials of merchants, manufacturers, and consumers, for the removal of the duties on chrome iron ore and bichromate of potash—to the same committee.

By Mr. MURCH: The petition of Joseph Nash and 17 other ship-owners and masters, of Addison, Maine, against compulsory pilotage as exercised in entering and departing from the port of New York—to the Committee on Commerce.

Also, the petition of Vase & Porter, publishers of the Gazette, and of other publishers of Rockland, Maine, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petitions of Mrs. Z. G. Wallace and others, citizens of Indiana; of Emma D. Hardy and others, citizens of Indiana; of Lucy A. Snowe and others, citizens of Maine; of Mary S. Ward and others,

citizens of Indiana; and of Mrs. A. R. Pool and others, citizens of Indiana, for an amendment to the Constitution of the United States securing woman suffrage—to the Committee on the Judiciary.

Also, the petition of Lucy A. Snowe, of Rockland, Maine, for the removal of her political disabilities—to the same committee.

By Mr. MYERS: The petition of N. G. Smith, editor Democrat, Louisville; of Ray and McCorkle, editors Democrat and Volunteer, Shelbyville; of William Mitchell, editor Hancock Democrat, Greenfield; and of E. H. Stacey, editor Crescent, Frankfort, Indiana, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. NEAL: The petition of Theodore Brookmyre and 12 other soldiers, citizens of Ohio, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. NEW: The petition of citizens of Indiana, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Indiana, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. NICHOLS: Memorial of the directors of the Savannah, Florida and Western Railroad Company, for the reduction of the duty on steel rails to a specific rate, not to exceed \$10 a ton—to the Committee of Ways and Means.

By Mr. NORCROSS: The petitions of Messrs. Wade, Warner & Co., of Northampton, Massachusetts, and of P. C. Chatel, of Holyoke, Massachusetts, for the abolition of the duty on type—to the same committee.

Also, the petition of Henry S. Gere and others, publishers, of Northampton, Massachusetts, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. ORTH: The petitions of Mock & Corkins, of Fowler, and of W. T. McNeil, of Oxford, Indiana, for the abolition of the duty on type—to the same committee.

By Mr. OSMER: The petitions of McLane & Moore, publishers of the Times, Union City, and of W. A. Moore, publisher of the Chronicle, Wattsburg, Pennsylvania, of similar import—to the same committee.

By Mr. OVERTON: The petition of Van Gelder & Son, publishers of the Advertiser, Le Raysville, Pennsylvania, of similar import—to the same committee.

By Mr. PHISTER: The petition of John S. Orr, of Bracken County, Kentucky, of similar import—to the same committee.

By Mr. POEHLER: Memorial of the Chamber of Commerce of Saint Paul, Minnesota, asking for an appropriation for the improvement of the Red River of the North—to the Committee on Commerce.

By Mr. PRESCOTT: The petition of Lemuel Adams, a soldier of the war of 1812, for a pension—to the Committee on Revolutionary Pensions.

Also, the petition of the Rome Sentinel and Roman Citizen, New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. PRICE: The petition of the Dubuque Veteran Corps, for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

Also, the petition of citizens of Davenport and of Muscatine, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. RICE: The petition of the Warren (Massachusetts) Herald, for the abolition of the duty on type—to the same committee.

By Mr. DAVID P. RICHARDSON: The petition of citizens of New York, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, two petitions of publishers of New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. JOHN S. RICHARDSON: The petition of citizens of Marion County, South Carolina, of similar import—to the same committee.

Also, the petition of L. P. Miller, relating to the improvement of the Waccamaw and Pee Dee Rivers and of Georgetown Harbor, South Carolina—to the Committee on Commerce.

By Mr. THOMAS RYAN: The petitions of W. H. Morgan, of Osage City, and of Ewing Roberts, Hudson, Kansas, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petitions of John E. Rasstall, Burlingame; of W. C. Reed, Kinsley; of Allison & Crapster, Winfield; of W. E. Timmons, Cottonwood Falls; and of Fletcher Meredith, Hutchinson, Kansas, for the abolition of the duty on type—to the same committee.

Also, the petition of citizens of Kansas, for an organized government for the Indian Territory—to the Committee on Indian Affairs.

By Mr. SAPP: The petition of Damascus Presco and others, citizens of Iowa, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. SAWYER: The petition of 400 citizens, Union soldiers and confederate soldiers, of the Eighth Missouri congressional district, of similar import—to the same committee.

By Mr. SHALLENBERGER: The petition of prominent men of New Brighton, Pennsylvania, in favor of an increase of pension for John Kennedy—to the Committee on Invalid Pensions.

Also, the petition of Felix Boyle, jr., and other soldiers and citizens, of Washington County, Pennsylvania, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. A. HERR SMITH: The petition of B. H. Warner, publisher of the Real Estate Review, Washington, District of Columbia, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. WILLIAM E. SMITH: The petition of Warren & Evans, of the Albany (Georgia) News, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petitions of Steinman & Hensel, publishers of the Intelligencer, Lancaster; of the Inquirer Printing and Publishing Company, Lancaster; of Seibert & Schneider, publishers of Die Laterne, Lancaster; of J. R. Missemer, publisher of the Star and News, of Mount Joy, Pennsylvania, of similar import—to the same committee.

Also, the petition of importers and refiners of Boston, against changing the tariff on sugar—to the same committee.

By Mr. SPARKS: The petitions of E. Freemont, of Kinmundy; of L. V. Taft, of Salem; of S. P. Tufts, of Centralia; of A. H. Reed, of Flora, Illinois, for the abolition of the duty on type—to the same committee.

By Mr. SPRINGER: The petitions of Fred. Gehering, publisher of the Illinois Freie Presse; of the State Register Company, of Springfield, Illinois; of Jacob Swallow, editor of the Pana Palladium, Pana, and of M. G. Wadsworth, editor of the Citizen, Auburn, Illinois, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, two petitions of citizens of Menard County, Illinois, for the passage of the Weaver bill—to the Committee on Military Affairs.

Also, the petition of numerous citizens of Illinois, for the passage of a law regulating transportation—to the Committee on Commerce.

By Mr. STEELE: The petition of J. H. McAden and other druggists of the sixth congressional district of North Carolina, for the repeal of the stamp law on perfumery, &c.—to the Committee of Ways and Means.

By Mr. STEPHENS: The petition of Rev. W. J. White, and petition with resolutions adopted by a meeting of the depositors in the Freedman's Bank in Augusta, Georgia, in relation to the funds of said institution, and asking relief—to the same committee.

By Mr. STEVENSON: The petition of F. H. Hill, of Heyworth, Illinois, for the repeal of the stamp-tax on perfumery and medicines—to the same committee.

Also, the petitions of Edmonds Brothers, publishers of the Daily Leader, Lincoln; of Joseph B. Irwin, editor of the Pekin Times; of Thomas Handsaker, editor of the Washington Herald; of George L. Shoals, publisher of the Atlanta Argus, Illinois, for the abolition of the duty on type—to the same committee.

By Mr. STONE: The petition of the publishers of the Saranac (Michigan) Local, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. WILLIAM G. THOMPSON: The petitions of Cheshire Brothers, of the Republican, Montezuma; of Snyder & Sherman, of the Independent, Grinnell; of F. N. Ives, of the Reporter, Dysart; of Byron Webster, of the Statesman, Marshalltown; of W. S. Davis, of the Sun, Lisbon, Iowa, for the abolition of the duty on type—to the same committee.

Also, the petitions of Cheshire Brothers, of the Republican, Montezuma; of S. H. Bauman, of the Hawkeye, Mount Vernon, and of Byron Webster, of the Statesman, Marshalltown, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. THOMAS TURNER: The petition of citizens of Estill County, Kentucky, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. J. T. UPDEGRAFF: The petition of Overton Stanley and 217 other citizens of Columbiana, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country; and that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. THOMAS UPDEGRAFF: The petition of the Legislature of Iowa, relative to Des Moines River lands—to the Committee on Public Lands.

Also, the petition of 110 citizens of Winneshiek County, Iowa, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of 110 citizens of Winneshiek County, Iowa, that Congress enact such laws as will alleviate the oppressions imposed

upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of Charles Reinecke, publisher of the Nord (Iowa) Herald, and of Peter Karbug, publisher of the Nord (Iowa) Post, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. VANCE: The petitions of J. C. Gidney & Co., W. C. Carmichael, and of C. W. Dervault, of North Carolina, for the repeal of the stamp-tax on perfumery, &c.—to the same committee.

Also, the petition of citizens of North Carolina, for a post-route from Webster to Cannon's Mills, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. WARNER: The petition of George J. Chappelle and 68 others, of Morgan County, Ohio, late soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. WEAVER: The petitions of Frank W. Eichelberger and other members of the Bloomfield (Iowa) bar, and of T. B. Perry and other members of the Albia (Iowa) bar, against the passage of the Sapp circuit court bill—to the Committee on the Judiciary.

By Mr. WELLS: Memorial of J. T. Latour, president, and J. McDonnell, secretary, Trades and Labor Assembly, Saint Louis, Missouri, and 1,474 others, for the enforcement of the eight-hour law—to the Committee on Education and Labor.

Also, three petitions of publishers of Missouri, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of John Shields & Co., relating to the revenue laws—to the same committee.

By Mr. WHITTHORNE: The petition of L. P. McCord and J. B. Smith, of Pulaski, Tennessee, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. WILLITS: The petitions of James McCrilles, jr., and 30 others, and of W. F. Mason and 50 others, citizens of Lenawee County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of James McCrilles, jr., and 30 others, and of W. F. Mason and 50 others, citizens of Lenawee County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petitions of J. C. Stacy, publisher Tecumseh Herald, and of A. E. Allen, proprietor of the State Line Observer, Morenci, Michigan, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. WILSON: The petition of James A. Plymire, W. E. Bryson, and 115 others, late soldiers of the Union Army, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, the petitions of R. F. Fleming and others, of M. Marshall and others, and of W. T. Wiant and others, for the improvement of Little Kanawha River—to the Committee on Commerce.

Also, the petition of W. A. Rader and others, of Wirt County, West Virginia, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the same committee.

Also, the petitions of Louis Coleman, of Wheeling, and of Stevenson & Scofield and others, of Parkersburg, West Virginia, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. WISE: The petitions of 31 soldiers, of 50 soldiers, and of 65 soldiers and citizens, of Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, two petitions of publishers of Pennsylvania, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of 600 citizens of Pennsylvania, for the improvement of the Youghiogheny River—to the Committee on Commerce.

Also, the petition of 80 soldiers and citizens of Pennsylvania, and of numerous other soldiers, for the passage of the Weaver equalization bill—to the Committee on Military Affairs.

By Mr. WALTER A. WOOD: The petitions of the Troy (New York) Whig Publishing Company, and of the publishers of the Cambridge (New York) Post, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of the publisher of the Whitehall (New York) Times, for the abolition of the duty on type—to the same committee.

By Mr. FERNANDO WOOD: Papers relating to the pension claim of Joseph McHenry—to the Committee on Invalid Pensions.

By Mr. WRIGHT: The petition of Andrew Oulton and 121 others, of Port Ewen, New York, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

Also, the petition of citizens of Luzerne County, Pennsylvania, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, the petition of soldiers of Pennsylvania, for the equalization of bounties—to the same committee.

By Mr. THOMAS L. YOUNG: The petition of Benjamin Burgess & Sons and other merchants, of Boston, against the reduction of the tariff on sugar—to the Committee of Ways and Means.

Also, the petition of Queen City Council, No. 2, Mechanical Engineers of North America, for the passage of the bill (H. R. No. 4327) to create a department of manufactures, mechanics, and mines—to the Committee on the Judiciary.

Also, the petition of John Fehrenbatch, D. W. Belding, Samuel H. Drew, and 55 others, citizens of Hamilton County, Ohio, of similar import—to the same committee.

Also, the petitions of Henry Kleuke and 37 others, citizens of Hamilton County, Ohio, and of M. Sliver and 43 others, citizens of Hamilton County, Ohio, of similar import—to the same committee.

By Mr. CASEY YOUNG: The petition of certain citizens of Harde-man County, Tennessee, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

IN SENATE.

MONDAY, March 1, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers and a report of Colonel J. H. Simpson, Corps of Engineers, upon the improvement of Alton Harbor, Illinois, made under the provisions of the river and harbor act of March 3, 1879; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers and an accompanying report of Major C. R. Suter, Corps of Engineers, of an examination and survey made of Gasconade River from its mouth to Vienna, in Maries County, Missouri, made in compliance with the requirements of the river and harbor act of March 3, 1879; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter of the Chief of Engineers covering a copy of a report from S. T. Abert, United States civil engineer, of an examination and survey of Dan River from Clarksville to Danville, Virginia, being a continuation of the survey of the same river between Danbury, North Carolina, and Danville, Virginia, made in compliance with the provisions of the river and harbor act of June 13, 1878; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a communication from the Quartermaster-General of the Army, showing the urgent necessity for repair of the old public buildings at Fortress Monroe, Virginia; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with the eleventh section of the act of Congress approved August 26, 1862, a statement of the civil employes of his Department during the year ending June 30, 1879, together with the time each employe was actually employed and the sums paid to each; which was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 3462) to amend section 3020 of the Revised Statutes; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Marion Butcher and others, citizens of Mill Grove and other towns in Missouri, praying for the passage of an equalization bounty bill; which was referred to the Committee on Military Affairs.

Mr. CONKLING. I present the memorial of John W. Griffith, a citizen of the State of New York, who has prepared a bill to accompany the memorial, the object of which bill is to revive the shipping interest of America. I move that the memorial, and the bill as a part of it, be referred to the Committee on Commerce.

The motion was agreed to.

Mr. CONKLING. I present also a memorial signed by a number of citizens of the State of New York, who were soldiers for the Union in the late war, protesting against the passage of Senate bill No. 496.

That is a bill, establishing, as I understand it, a large number of pension districts. I move the reference of the memorial to the Committee on Pensions.

The motion was agreed to.

Mr. CONKLING presented the petition of William Stockwell, of Manchester, Iowa, praying that he be placed on the pension-roll as a soldier of the war of 1812; which was referred to the Committee on Pensions.

He also presented a petition signed by a large number of merchants, manufacturers, and other leading business men of Auburn, New York, praying for the passage of a law establishing a uniform system of bankruptcy for all the States and Territories; which was referred to the Committee on the Judiciary.

He also presented the petition of Davis, Bardeen & Co., of Syracuse, New York, publishers, praying for the passage of a bill placing wood and straw pulp, soda ash, and other chemicals used in the manufacture of paper, on the free list, and reducing the duty on printing-paper used for books, &c., at least to 5 per cent. *ad valorem*; which was referred to the Committee on Finance.

Mr. CONKLING. I present a memorial signed by F. N. Drake, president of the Tioga Railroad Company, and George I. Magee, president of the Corning, Cowanesque and Antrim Railway Company and of the Syracuse, Geneva and Corning Railway Company, and director of the Buffalo, New York and Philadelphia Railway Company and of the McKean and Buffalo Railway Company, representing three hundred and nineteen miles of railroad, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton, as proposed in House bill No. 3234. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. CONKLING. I also present a similar memorial signed by S. S. Jewett, president of the Buffalo, New York and Philadelphia Railway Company, representing one hundred and twenty-one miles of railroad, remonstrating to the same effect. I move the reference of the memorial to the Committee on Finance.

The motion was agreed to.

Mr. CONKLING. I have the concurrent resolutions of the Legislature of the State of New York giving instructions to the Senators of the State. I suppose it to be proper to present such resolutions to go on the files of the Senate, although not, as I understand it, for reference to a committee, as they call for no action of a committee.

The VICE-PRESIDENT. The resolutions will be reported.

The resolutions were read, as follows:

STATE OF NEW YORK. IN SENATE.
Albany, January 16, 1880.

Whereas the city of New York is the most important seaboard center, not only of this State but of the United States, and the proper protection of the commercial and industrial interests of the city is by necessity connected with the prosperity of the country at large; and

Whereas the harbor defenses and fortifications of the city of New York against attacks from marine forces are manifestly inadequate to afford security to the city, should such attacks be made upon it, and the erection and maintenance of proper and suitable defenses to the city is a matter of national importance and properly belongs to the Federal Congress: Therefore,

Resolved, (if the Assembly concur.) That our Senators and Representatives in Congress be requested to use their influence to secure an early appropriation sufficient for the speedy erection and proper maintenance of the fortifications and defenses necessary for the protection of the city of New York against hostile attacks.

Resolved, (if the Assembly concur.) That a copy of the foregoing resolution be forwarded to the Senators and Representatives in Congress from this State.

By order.

JOHN W. VROOMAN, Clerk.

IN ASSEMBLY. February 18, 1880.

Concurred in.
By order.

EDW. M. JOHNSON, Clerk.

Mr. CONKLING. As the resolutions speak to the delegation from New York alone, I move that they go to the files of the Senate; I suppose it is not appropriate to refer them to a committee.

The VICE-PRESIDENT. The order to place the resolutions on the files will be made.

Mr. RANDOLPH presented the memorial of F. S. Lathrop, receiver of the Central Railroad Company of New Jersey, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton; which was referred to the Committee on Finance.

He also presented the petition of Solo Phillipowski, of Hudson County, New Jersey, praying for the passage of a law which will prevent his being mustered into the Russian army on a contemplated visit to his parents; which was referred to the Committee on Foreign Relations.

Mr. WITHERS. I present the petitions of A. S. Lee, John Enders, P. J. Haskins, administrator, &c., Charles D. Yale & Co., John Stewart, Samuel M. Bailey, John Enders, executor of William Greanor, Eugene Carrington, administrator, &c., D. T. Madigan, surviving partner, &c., citizens of Richmond, Virginia, praying for compensation for the rent of buildings while occupied by the United States Army during the late war. These are duplicates of petitions presented on the 27th of March last, which have been accidentally misplaced. I ask their acceptance, and move that they be referred to the Committee on Claims.

The motion was agreed to.

Mr. KERNAN presented the petition of J. B. A. Brouillet, praying for an appropriation by Congress to reimburse the Christian Brothers

of the Saint Michael's College and Sisters of Charity of Santa Fé, New Mexico, for the expenses of a school for Pueblo Indian children at that place; which was referred to the Committee on Indian Affairs.

Mr. KERNAN. I present a copy of concurrent resolutions of the Legislature of New York, instructing her Senators to favor an appropriation by Congress for the erection and maintenance of the fortifications and defenses of New York City. They have been read; and I ask that they go on the files of the Senate.

The VICE-PRESIDENT. That order will be made.

Mr. BAILEY. I present the memorial of the governor, justices of the supreme court, and other officials of the State of Tennessee, in which they represent that what are known as the Regie contracts and monopolies in leaf-tobacco are injurious to all dealers in leaf-tobacco in the several markets of the United States, and ruinous to the producer, and praying relief therefrom. I move the reference of this memorial to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BAYARD. I present a memorial of E. T. Warner, vice-president of the Wilmington and New York Steamship Company, George W. Bush & Son, of the Philadelphia freight line, and many others, who are the owners of more than six miles of river front on the Christiana River, protesting against any appropriation to build an ice-harbor at the mouth of the Christiana River, Wilmington, Delaware. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. THURMAN presented the memorial of E. B. Thomas, general manager of the Cleveland, Columbus, Cincinnati and Indianapolis Railroad Company, representing four hundred and seventy-two miles of railroad, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton; which was referred to the Committee on Finance.

Mr. WALLACE presented the petition of citizens of Concord, Butler County, Pennsylvania, praying for the passage of the bill reported by the Committee on Agriculture establishing a department of agriculture; which was referred to the Committee on Agriculture.

He also presented a petition of citizens of Butler County, Pennsylvania, and a petition of citizens of Armstrong County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which were referred to the Committee on Commerce.

He also presented a petition of citizens of Butler County, Pennsylvania, and a petition of citizens of Armstrong County, Pennsylvania, praying such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which were referred to the Committee on Patents.

Mr. DAVIS, of Illinois, presented the petition of J. N. Conger and 71 others, citizens of Oneida, Illinois, praying for the passage of a law to protect the public health from the injurious effects of food manufactured from refuse or diseased fats; which was referred to the Committee on Finance.

He also presented the petition of R. A. Huse and others, citizens of Maine and soldiers in the late war, praying for the passage of a law to pay them the difference between the value of greenbacks and gold at the time of their payment during the war; which was referred to the Committee on Finance.

Mr. TELLER presented the petition of W. G. Smith, of Jefferson County, Colorado, praying that certain articles used in the printing of papers may be put on the free list; which was referred to the Committee on Finance.

Mr. HOAR. I present the petition of F. J. Kinney and some 70 or 80 others, among the most respected citizens of Worcester, Massachusetts, praying for the passage of House bill No. 269, known as the Wright supplement to the homestead bill. I move its reference to the Committee on Public Lands.

The motion was agreed to.

Mr. HOAR presented additional evidence to accompany the petition of Anna Butterfield, praying for a pension; which was referred to the Committee on Pensions.

Mr. DAWES presented the petition of N. S. Cutler and others, citizens of Massachusetts, praying that the Government may regard its treaty obligations with the Utah Indians, and especially see to it that they are confirmed in the title to their lands in severalty; which was referred to the Committee on Indian Affairs.

Mr. CARPENTER presented the petition of H. E. Huxley and others, citizens of Wisconsin, and the petition of Henry Clark and others, citizens of Winnebago County, Wisconsin, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which were referred to the Committee on Commerce.

He also presented the petition of H. E. Huxley and others, citizens of Wisconsin, praying such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

He also presented the petition of George Melrose and others, citizens of Wisconsin, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

He also presented the memorial of Albert Keep, president of the Chicago and Northwestern Railroad Company, representing twenty-one hundred and fifty-eight miles of railroad, remonstrating against

a reduction of the duty on steel rails from \$28 to \$10 a ton; which was referred to the Committee on Finance.

He also presented the petition of Sarah R. Bleecker, widow of the late John F. B. Bleecker, paymaster in the United States Navy, praying to be relieved from a judgment against her late husband standing on the books of the Treasury Department; which was referred to the Committee on Naval Affairs.

WITHDRAWAL OF A PAPER.

Mr. JOHNSTON. Mr. President, some days since I presented a paper purporting to be the petition of Mrs. R. H. Nicholas and Mrs. Jeannie N. Bromhall, residents of Abingdon, Washington County, Virginia, asking to be relieved from political disabilities and to have the right to vote, any State laws to the contrary notwithstanding. I had the paper referred to the Committee on the Judiciary. After that was done I got a letter from Mr. Nicholas, written on behalf of Mrs. Nicholas, in which he says:

Mrs. Nicholas does not consider that she is laboring under any political disabilities, has no desire to exercise the privilege of voting, nor has she, to her knowledge, signed any petition for that object.

Upon receiving this letter I sent for the paper and found that it was not signed, and I then ascertained that somebody had practiced an imposition both upon me and upon Mrs. Nicholas. Under the circumstances I ask that the paper be withdrawn.

The VICE-PRESIDENT. The Chair hears no objection, and the paper will be withdrawn.

REPORTS OF COMMITTEES.

Mr. DAVIS, of West Virginia, from the Committee on Appropriations, to whom was referred a resolution of the Legislature of California in favor of an appropriation for the improvement of Humboldt Bay, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

He also, from the Committee on Appropriations, to whom was referred a letter from the Secretary of War transmitting additional information relative to the construction of quarters for officers at Fort Omaha, Nebraska, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 2328) to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes, reported it with amendments.

Mr. ALLISON. The Committee on Appropriations instruct me to report favorably the bill (H. R. No. 4432) making additional appropriations for the support of certain Indian tribes for the year ending June 30, 1880. I desire to say that this bill ought to be considered at a very early day and I shall take occasion to call it up to-morrow morning.

Mr. FARLEY, from the Committee on Pensions, to whom was referred the bill (S. No. 251) granting a pension to Margaret Mills, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Daniel Houlihan, praying for arrears of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 183) granting a pension to Hugh Gallagher, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Reese Lamme, praying to be allowed a pension on account of a son killed in battle, who was his support, submitted a report thereon, accompanied by a bill (S. No. 1384) granting a pension to Reese Lamme.

The bill was read twice by its title, and the report was ordered to be printed.

JOSEPH L. LEWIS.

Mr. BAYARD. A bill (H. R. No. 2046) to authorize a compromise of the claims of the United States under the will of Joseph L. Lewis was reported adversely by the Committee on the Judiciary and postponed indefinitely. I am now instructed by the Committee on the Judiciary to ask for the recommitment of the bill.

The VICE-PRESIDENT. The Chair hears no objection, and the vote by which the bill was indefinitely postponed will be regarded as reconsidered and the bill recommitted to the Committee on the Judiciary.

CONSIDERATION OF APPROPRIATION BILLS.

Mr. MORGAN. I am directed by the Committee on Rules, to whom was referred a resolution submitted by the Senator from New Hampshire [Mr. ROLLINS] April 1, 1879, relating to the consideration of appropriation bills, to report it adversely.

The resolution was read, as follows:

Resolved, That the Committee on Rules be, and they hereby are, directed to inquire into the expediency of an amendment to the rules of the Senate which shall provide that the several committees shall receive the estimates and report the annual appropriation bills as hereinafter named:

First. The Committee on Appropriations: Bills for the legislative, executive, and judicial expenses, for all deficiencies, and for sundry civil expenses.

Second. The Committee on Military Affairs: The bills for the support of the Army, the Military Academy, and for fortifications.

Third. The Committee on Naval Affairs: The bills for the support of the Navy and the Naval Academy.

Fourth. The Committee on Foreign Relations: The bills for diplomatic and consular expenses, and for carrying out the treaties of the United States with foreign countries.

Fifth. The Committee on Indian Affairs: The bills for the expenses of the Indian Department.

Sixth. The Committee on Post-Offices and Post-Roads: The bills for the expenses of the Post-Office Department, and mail transportation by land or sea.

Seventh. The Committee on Commerce: The bills for the improvement of harbors and rivers, and construction and repair of light-houses.

Eighth. The Committee on the District of Columbia: The bills for the expenses and support of the District of Columbia.

Ninth. The Committee on Pensions: The bills for the payment of pensions.

Tenth. The Committee on Public Buildings and Grounds: Bills for such public buildings and grounds as the needs of the Government may require.

Eleventh. The Committee on Agriculture: The bill for the expenses of the Department of Agriculture.

Mr. MORGAN. The Committee on Rules ask to be discharged from the further consideration of the resolution.

The VICE-PRESIDENT. Will the Senate concur in the recommendation of the Committee on Rules? [Putting the question.] The ayes have it, and the recommendation of the committee is agreed to.

BILLS INTRODUCED.

Mr. COKE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1385) to amend an "Act to provide for taking the tenth and subsequent censuses," approved March 3, 1879; which was read twice by its title, and referred to the Select Committee to make provision for taking the Tenth Census.

Mr. WITHERS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1386) to incorporate the Potomac Union Railway Company, of Washington, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GORDON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1387) amending section 4237 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1388) to provide for deepening the mouth and removing obstructions to the navigation of Red River, and appropriating \$200,000 for said purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1389) to provide for the relief of aged and faithful employees of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1390) to provide for the distribution of the regular edition of the public documents; which was read twice by its title, and referred to the Committee on Printing.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1391) authorizing the appointment of justices of the peace and constables in the Territory of Alaska, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1392) to authorize national savings-banks; which was read twice by its title, and referred to the Committee on Finance.

Mr. CAMERON, of Wisconsin, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1393) to provide for greater economy in the public expenditure for gas; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 86) regarding the printing and distribution of CONGRESSIONAL RECORDS to certain libraries; which was read twice by its title, and referred to the Committee on Printing.

Mr. EDMUNDS subsequently said: I ask unanimous consent, as I was not able to get in at the proper time, to introduce a bill. I interrupt the regular order because I think this bill, which provides for an increase of the police force of the District of Columbia, is absolutely necessary, and the public exigency requires prompt action upon it. I beg leave to introduce the bill and ask to have it read twice and referred to the Committee on the District of Columbia; and addressing the chairman of that committee I beg to express the hope that his committee will consider it as speedily as possible.

By unanimous consent, leave was granted to introduce a bill (S. No. 1394) to increase the police force of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

STAR-ROUTE POSTAL CONTRACTS.

Mr. BECK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate, as soon as possible, the amount paid out of the appropriations made for the star postal service for the fiscal year ending June 30, 1880, from the 1st day of July, 1879, to March 1, 1880. He is directed to make such report by quarters for the first half of the current fiscal year, and by months for the months of January and February, 1880, stating the amount paid on each route at each period,

and to report what amount will be required to pay in full for all of said star postal service at the rates and under the contracts now existing for the remainder of the current fiscal year, stating the amount required for each route separately.

J. J. KEY AND W. G. M. DAVIS.

Mr. McDONALD. I desire the consent of the Senate for the immediate consideration of the bill (S. No. 87) for the relief of John J. Key and W. G. M. Davis. It is a small bill, reported from the Judiciary Committee, and with the unanimous report of the committee in favor of the substitute.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury is hereby authorized and directed to pay to John J. Key the sum of \$10,000, and to W. G. M. Davis the sum of \$10,000, for their services, respectively, as attorneys at law, employed by the United States Attorney-General to aid in the case of John Young, assignee of Alexander Collier, against the United States, out of any money in the Treasury not otherwise appropriated, which said sum shall be the balance in full of the compensation of the said John J. Key and W. G. M. Davis, respectively, for their services in said cause under said employment, and that said amount shall be charged to the fund now in the Treasury of the United States known as proceeds of captured and abandoned property, under the act of Congress entitled "An act to provide for the collection of abandoned property, and for the prosecution of frauds in insurrectionary districts within the United States," approved March 12, 1863. (Statutes at Large, volume 12, page 820.)

Mr. COCKRELL. I should like to ask the Senator from Indiana who made the report a question. The report does not specify whether the large claim against the Government here referred to, amounting to nearly a million dollars, is for captured and abandoned property?

Mr. McDONALD. Yes, sir; it is for property seized by the United States authorities as captured and abandoned property.

Mr. EDMUNDS. There is one mere verbal amendment that I should like to suggest. Where the bill says that the money shall be charged to the captured and abandoned property fund, I should like to have it read "paid out of and charged to," so as to avoid all technical question hereafter whether the fund has been diminished by this amount.

Mr. McDONALD. I accept the amendment.

Mr. EDMUNDS. Let it be read.

The CHIEF CLERK. In line 13 of the committee's amendment, after the word "be," it is proposed to insert "paid out of and," so as to read:

And that said amount shall be paid out of and charged to the fund now in the Treasury of the United States known as proceeds of captured and abandoned property, &c.

Mr. EDMUNDS. I presume there is no objection to that.

The VICE-PRESIDENT. That amendment will be made if there be no objection. The question is on agreeing to the amendment of the committee as amended.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TREASURY PRINTING BUREAU.

Mr. MORRILL. The chairman of the Committee on Public Buildings and Grounds was not present at the time of closing the last consideration of bills on the Calendar, and one bill was passed over because there was no one here to explain it. I therefore ask the Senate now to take up Senate bill No. 1157.

Mr. ANTHONY. I shall not object to this request, for the peculiar reason stated by the Senator from Vermont, but I give notice that I shall object after this to the consideration of anything but the bills on the Calendar in their order during the few minutes that are devoted to the Calendar each day.

The VICE-PRESIDENT. The Chair does not understand the Senator from Rhode Island to object to this bill?

Mr. ANTHONY. I do not object to it, because it was reached on the Calendar and was passed over by inadvertence.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1157) authorizing the Secretary of the Treasury to purchase additional lots of ground adjoining the new building for the Bureau of Engraving and Printing.

Mr. MORRILL. I desire to explain the bill so far as may be necessary.

Under the rule adopted by the Committee on Public Buildings and Grounds we do not report any bills for the erection of buildings for public uses unless they are to be independent of and apart from any other building, so as not to be exposed to fire from anything that is contiguous.

In addition to that point, I will say that this building covers nearly all the ground that we purchased for its site. It is a building that has been put up for the smallest sum of money, considering the quality of the building and its size, of any building, perhaps, ever erected by the Government. It is absolutely necessary to have a little more ground in the rear of it, in order that it may not be exposed to fire, and also for the purpose of erecting a high fence to protect it against ordinary burglars. The price is limited to the same which was paid for the land that we have already acquired. If it cannot be obtained for that, the bill does not provide for giving anything more.

Mr. DAVIS, of West Virginia. I understand that this ground is to be purchased for the new building of the Bureau of Engraving and Printing?

Mr. MORRILL. Yes.

Mr. DAVIS, of West Virginia. Only a few years ago we bought the lot, I believe, on which that building is being erected. The Senator from Vermont was chairman at that time of the Committee on Public Buildings and Grounds, I believe, and I ask him to state why it was that at that time we did not buy a sufficient amount of land, and whether the rule we have that a public building must be on a square to itself was not in force then?

Mr. MORRILL. It was supposed at that time that the lot was large enough, but upon putting up the building it is found to be too limited.

Mr. DAVIS, of West Virginia. The question I asked the Senator is whether the entire square was bought originally.

Mr. MORRILL. Not the whole square, but an area sufficient, as was supposed at the time, for the building that was to be erected; but when the building has been put up it is found to occupy so much of the space that the rear will be exposed to the lots owned by private citizens.

Mr. DAVIS, of West Virginia. Now I will ask the Senator whether when this new purchase is made we shall own the entire square?

Mr. MORRILL. If we purchase what is proposed in the bill we shall own enough, so as to leave all the open space that we may require.

Mr. DAVIS, of West Virginia. I approve of the idea of public buildings being so constructed as not to be endangered by fire; and I supposed in this case that we had bought the square. It is something unusual to erect a public building unless there is an entire square bought as its site; but it appears that in this case we did not do so.

I wish to say only a word further. In future I hope the rule which the Senator has stated will be carried out, and especially in Washington. If that rule is required to be observed all over the country, in towns of much less importance than this and in buildings of much less importance, it certainly ought to be required here. To me it is strange that at the time the purchase was made the entire square was not bought, for this certainly is a large building. I think it is going to be a very creditable building, and I understand it is put up very cheaply, and probably will fall within the appropriation, which is something very unusual.

While I do not object to the passage of the present bill, I think it was quite an oversight that originally the whole square was not bought.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE CALENDAR.

The VICE-PRESIDENT. The Secretary will call the Calendar, commencing at the point reached when it was last under consideration.

The bill (S. No. 528) to abolish the office of water register of the District of Columbia, and to transfer the charge and control of the water supply to the Chief of Engineers in charge of the Washington Aqueduct, was announced as being first in order upon the Calendar.

Mr. DAVIS, of West Virginia. That bill was adversely reported, and I think that is understood to be always an objection.

The VICE-PRESIDENT. The bill is adversely reported. The Committee on the District of Columbia object to it. It will be passed over.

NARCISSE GIBSON.

The next bill on the Calendar was the bill (S. No. 855) for the relief of Narcissa Gibson, widow of the late Captain Alexander Gibson, United States Navy; which was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAJOR THORNBURGH'S WIDOW.

The next bill on the Calendar was the bill (S. No. 1046) granting an increase of pension to the widow of Major Thomas T. Thornburgh, late of the United States Army.

The VICE-PRESIDENT. The bill will be passed over, being reported adversely.

Mr. SAUNDERS. I understand that no action is taken upon the bill.

The VICE-PRESIDENT. It is merely passed over.

Mr. SAUNDERS. If there is no objection I wish to offer an amendment to it, which I think will carry the bill through in a moment's time. There is nothing more deserving before the Senate now.

Mr. WITHERS. I would suggest to the Senator that the best mode of procedure would be to offer the amendment and ask to have the bill recommitted, with the amendment, to the Committee on Pensions.

Mr. SAUNDERS. I was only going to move an amendment to strike out "\$100" and insert "\$50" as the rate of the pension. If there be no objection to that, I will make that offer.

Mr. WITHERS. I would suggest that it had better be sent to the committee.

Mr. SAUNDERS. Very well. I move, then, that that bill be taken from the Calendar and referred to the Committee on Pensions.

The VICE-PRESIDENT. The Senator from Nebraska asks that Senate bill No. 1046 be recommitted to the Committee on Pensions. Is there objection? The Chair hears none, and it is so ordered.

R. GORTHY AND C. GREEN.

The next bill on the Calendar was the bill (S. No. 38) for the relief of Robert Gorthy and Calvin Green; which was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments, which were, in line 4, after the word "conveyance," to strike out "without terms," and at the end of the bill to insert:

Provided, The said Gorthy and Calvin Green pay all the costs of the proceedings in court on the bond of Benjamin Ballard, on which they were sureties.

So as to make the bill read:

That the Solicitor of the Treasury be authorized and directed to convey, by proper deeds of conveyance, to Robert Gorthy, of Victor, Clinton County, in the State of Michigan, all the interest of the United States in and to the northwest quarter of the northwest quarter and the east half of the northwest quarter of section 17, in township 6 north, of range 1 west, Michigan; and to Calvin Green, of the same place, all the interest of the United States in and to the southwest quarter of the northwest quarter of section 17, and the northeast quarter of the southeast quarter of section 18, in township 6 north, of range 1 west, Michigan: *Provided*, The said Gorthy and Calvin Green pay all the costs of the proceedings in court on the bond of Benjamin Ballard, on which they were sureties.

The amendments were agreed to.

Mr. TELLER. I should like to have the purpose of the bill stated.

Mr. GARLAND. A gentleman by the name of Ballard was arrested by process issuing from the district court for Michigan for obstructing process. He gave a bond to appear at the succeeding term of the court to answer any indictment that might be preferred against him for that offense. Gorthy and Green were his sureties. The term of the court came on and the court was held. After that term a suit was brought on the bond against the sureties, and they, supposing that Ballard had defaulted and had not answered the indictment, did not appear to the suit, and a judgment was rendered against them by default. An execution was issued upon that judgment and levied upon the lands mentioned in the bill. The lands were sold and the United States purchased them in.

Mr. TELLER. Whose land was it, the sureties'?

Mr. GARLAND. The land of the sureties.

Mr. TELLER. All right.

Mr. GARLAND. The suit on the bond was the ordinary suit for a forfeiture of recognizance in failing to answer an indictment. It transpired after a while that Gorthy and Green looking into the matter found that, in point of fact, no indictment had ever been presented; none ever came from the grand jury against their principal, Mr. Ballard. They went into the court and moved to set aside this judgment and cancel the proceedings. The judge held that, the term at which the judgment was rendered having elapsed, he could not interpose to set aside the judgment; but he expressed his opinion that in equity it ought to be done; that they were entitled to relief. They appealed to the proper Department for relief, and the Department remitted them to Congress, the Department holding that under the law it had no power to remit this judgment and return them the land. The clerk of the court has diligently searched the records and he can find no indictment and no trace of any indictment, so that in point of fact their principal was not in default. The Government has not been injured at all. These lands were bought in by the Government, and now the parties ask the Government to return them the lands upon their paying all the costs that have accrued in these proceedings. That is the whole case.

With the papers there are letters from the Secretary of the Treasury, as well as the Solicitor of the Treasury, stating these facts and recommending that the bill be passed, the United States paying no costs and incurring no expense in the matter.

Mr. TELLER. I do not see but what the bill ought to be passed; but I do not see why these parties should pay costs if the Government had no claim against them at all.

Mr. GARLAND. That is a very correct suggestion, and I am pretty much of that opinion myself; but on looking into the precedents I find that the Government is not in the habit in any case of paying any costs or expenses. These gentlemen were in default in the first instance in not appearing to see whether or not an indictment had been found against their principal.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEDERICK BLANK.

The next bill on the Calendar was the bill (S. No. 338) granting a pension to Dederick Blanck; which was considered as in Committee of the Whole.

The Committee on Pensions proposed to amend the bill by striking out "and pay him a pension at the rate of — dollars per month from and after the passage of this act" and in lieu thereof to insert: "subject to the provisions and limitations of the pension laws;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Dederick Blanck, of Company B, Thirty-seventh Regiment Iowa Cavalry Volunteers, subject to the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT HEALTH ORDINANCES.

The next business on the Calendar was the joint resolution (H. R. No. 189) legalizing the health ordinances and regulations for the District of Columbia; which was reported from the Committee on the District of Columbia with amendments.

The Chief Clerk proceeded to read the amendments proposed by the committee, but before concluding was interrupted by

Mr. TELLER. I think that had better go over.

The VICE-PRESIDENT. The joint resolution will be passed over.

MILTON L. SPARR.

The next bill on the Calendar was the bill (S. No. 1193) granting a pension to Milton L. Sparr; which was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Milton L. Sparr, as second lieutenant of Company K, Nineteenth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER CLAESGENS.

The next bill on the Calendar was the bill (S. No. 1197) granting a pension to Peter Claesgens; which was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Peter Claesgens, late captain of Company F, of the One hundred and forty-sixth Regiment New York Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SETTLEMENT OF PRIVATE LAND CLAIMS.

The next bill on the Calendar was the bill (S. No. 818) to provide for ascertaining and settling private land claims in certain States and Territories.

Mr. ALLISON. That is a long bill, but I do not know that there is any objection to it. I shall not object.

The Chief Clerk commenced to read the bill—

Mr. TELLER. Let that go over. It will lead to some discussion, and it is a long bill.

The VICE-PRESIDENT. The bill will be passed over.

THE GENEVA AWARD.

The next bill on the Calendar was the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award.

Mr. TELLER. I suppose that goes over.

The VICE-PRESIDENT. The bill will be passed over.

REDMOND TULLY.

The next bill on the Calendar was the bill (S. No. 592) for the relief of Redmond Tully.

Mr. ALLISON. I object to that bill.

The VICE-PRESIDENT. The bill will be passed over.

MAJOR P. P. G. HALL.

The next bill on the Calendar was the bill (S. No. 175) for the relief of Major P. P. G. Hall; which was considered as in Committee of the Whole. It provides for the payment to Major Peter P. G. Hall, a paymaster of the Army, of \$3,141.39, being the amount paid by him into the Treasury of the United States on the 15th of January, 1872, in liquidation of a deficiency in his accounts as paymaster, caused by the criminal acts of his clerk, James Thomas, in 1868-'69, and of which the clerk was duly convicted.

Mr. JONES, of Florida. Is there a report with that bill?

The VICE-PRESIDENT. There is. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BURN-SIDE February 3, 1880:

The Committee on Military Affairs, to whom was referred the bill (S. No. 175) for the relief of Major P. P. G. Hall, have had the same under consideration, and submit the following report:

This is a bill directing the refundment to Major P. P. G. Hall, a paymaster in the Army, the sum of \$3,141.39, being the amount paid by him into the Treasury, January 15, 1872, in liquidation of a deficiency in his accounts as paymaster, caused by the criminal acts of a clerk named James Thomas, occurring in 1869, and of which said Thomas was duly convicted.

The bill referred to has twice been acted upon favorably by the Committee on Military Affairs, and the last report made in the case is again adopted by the committee. It was as follows:

"This matter was thoroughly investigated by the committee of the second session of the Forty-fourth Congress, and a favorable report, accompanied by a bill for relief, made to the Senate. (See Report No. 604, second session, Forty-fourth Congress, January 23, 1877.) The bill was not reached before final adjournment of the Forty-fourth Congress, and now comes up by identical bill. Inasmuch as the facts and record are the same as those submitted to the consideration of the committee heretofore, your committee adopt the report of the previous committee, as herein-after set forth, and recommend the passage of the bill.

"[Forty-fourth Congress, second session, Senate report No. 604.]

"Mr. SPENCER submitted the following report, to accompany bill S. No. 1175:

"The Committee on Military Affairs, to whom was referred the petition of Major Peter P. G. Hall, praying to have refunded certain money he was obliged to pay in consequence of the embezzlement of a clerk, have had the same under consideration, and submit the following report:

"The record shows that the petitioner, a paymaster in the Army of the United

States, was stationed in the years 1868 and 1869 at Vicksburgh and Jackson, in the State of Mississippi, where, in addition to his duties of payments to the officers and soldiers of the Army stationed in the various parts of the military district, and which required him to travel over parts of the States of Mississippi, Louisiana, Tennessee, and Alabama to perform the same, he was also charged with the arduous and responsible payment of what is known as "reconstruction vouchers," the funds of which were separate from those furnished for the payment of the Army.

"The additional duty imposed upon the petitioner a vast amount of labor, in the performance of which, in addition to his regular clerk, he was allowed by the proper authorities other clerks, and also enlisted men, from time to time, as occasion required, to the number of fifteen or twenty, for the purpose of assisting in the work of preparing for payment the said reconstruction accounts. Among the number of clerks so employed to meet the exigencies of this extra service was one James Thomas.

"The said James Thomas, while thus employed as a clerk, and engaged in the preparation of the vouchers on which said reconstruction accounts were paid, at various times between March 1, 1868, and February 1, 1869, without petitioner's knowledge, fraudulently and feloniously altered a large number of reconstruction vouchers which had been approved and ordered paid by the proper military authorities, so as to largely increase the amount of money due on the same, and raised and altered checks signed by the petitioner for their payment, by means of which felonious practices he obtained the money on said vouchers and checks, and embezzled of the money of the United States the sum of \$3,409.62 before he was detected thereof.

"During this period the petitioner was engaged in the discharge of his regular duties of paymaster, which necessarily called him frequently away from his headquarters into various parts of the military district where troops were stationed, and he therefore had no knowledge of the frauds committed by said Thomas until they were discovered by the accounting officers of the Treasury. Upon the discovery of these facts, the said Thomas was, at the request of the petitioner, immediately arrested, by order of General A. C. Gillem, commanding the military district, and on the 19th of October, 1869, he was arraigned before a general court-martial convened at Jackson, Mississippi, by order of General Ames, the department commander, charged with the following crimes:

"First. Making claims against the Government of the United States, knowing the same to be fictitious and fraudulent, in violation of the act of Congress of March 2, 1863.

"Second. Making and using false vouchers, knowing the same to contain false and fraudulent statements and entries, for the purpose of obtaining the approval of false claims, in violation of the same act.

"Third. Knowingly and willfully appropriating to his own use money belonging to the United States, in violation of the same act.

"Fourth. Conduct to the prejudice of good order and discipline.

"On the 28th of January, 1870, after a full investigation by the court-martial convened for that purpose, the said Thomas was declared guilty upon all the charges, and sentenced to forfeit to the United States all pay then due or that may become due, to pay a fine of \$3,299.01, and to be confined at hard labor for the period of five years; which proceedings were approved by General Ames, and the said Thomas was incarcerated in the penitentiary at Jackson, Mississippi.

"In consequence of this embezzlement, there was found to be due, upon settlement of petitioner's accounts by the proper officers of the Government, a deficiency of \$3,141.39, which amount was made a charge against him. Thereupon the petitioner was suspended from duty and pay until he should pay over and reimburse to the Government the amount of said deficit, a refusal to comply with the same rendering him liable to be court-martialed and dismissed the service as a defaulter. Accordingly, the petitioner did pay over to the United States the said sum of \$3,141.39, the amount of the moneys so embezzled by the said Thomas.

"After the said payment and liquidation by said petitioner of the amount so charged against him, he filed, on the 29th of October, 1873, his petition for relief in the Court of Claims, under the act of May 9, 1866, by which said court is invested with jurisdiction to grant relief in cases of this character; and whenever said court shall have ascertained the facts of any such loss to have been without fault or neglect on the part of the officer suffering a loss of the public funds, it is provided by said act that a decree shall be made, setting forth the amount thereof, upon which the proper accounting officers of the Treasury shall allow to such officer the amount so decreed as a credit in the settlement of his accounts.

"On demurrer to the said petition, the Court of Claims held 'that petitioner could not recover, for the reason that his liability for the defalcation had been discharged by the payment of the money. The court held that an officer entitled to the relief contemplated by the act must not only have been, but must still be, held responsible to the Government for that which is lost. If the responsibility has been discharged, he is no longer entitled to relief. His account has by his own act been settled and closed, and there is, therefore, no unsettled account upon which a credit decreed by this court could be allowed.'

"Therefore the petitioner was denied the relief he sought because he had, under the orders of his superiors, previously paid over the deficit charged against him. The record shows that the petitioner had no time to present his case to the Court of Claims previously to the payment of the deficit. Although petitioner made application for delay for the purpose of endeavoring to obtain relief, the record shows such delay was peremptorily refused, and by Special Order No. 139 of the War Department, dated August 4, 1870, which was issued immediately upon settlement of his account by the Second Auditor of the Treasury, the petitioner was ordered to repair without delay for duty in the Department of Texas. It also appears in the record that, by letter of the Adjutant-General of date August 16, 1870, petitioner's request for delay was denied, and the order to proceed at once to Texas was reiterated.

"A letter from the then Paymaster-General is in the record, from which it appears that officer, in suspending petitioner and threatening him with court-martial unless he paid over the deficit, disclaims all intention of barring petitioner from his legal remedy in the Court of Claims. But, it is proper to remark, the effect of the Paymaster-General's acts was so to debar petitioner and therefore to force him to seek congressional relief. Had the exigencies of the public service and the consideration of his superior officers so permitted, there can be no reasonable doubt he would have been relieved by the Court of Claims under the broad and equitable provisions of the act of May 9, 1866, had he not, in obedience to orders, previously paid the amount of the deficit so charged against him.

"The Hon. E. B. French, Second Auditor of the Treasury, and the officer charged with the settlement of paymasters' accounts, certifies 'that, with the exception of the reconstruction accounts, wherein fraud was alleged to have been committed by a clerk, the petitioner's accounts have been rendered in an acceptable and satisfactory manner, and his payments appear to have been made with care and ability.'

"Thus far the case presents unquestionable merit, and the remaining point for consideration is whether the prisoner had exercised proper care and caution and such reasonable prudence as is required of a disbursing officer. The Secretary of War, being addressed on this subject, submits the following report:

"WAR DEPARTMENT,

"Washington City, January 22, 1877.

"Sir: Returning your letter of the 19th instant, requesting information in the matter of defalcation of Major P. P. G. Hall, paymaster United States Army, through his clerk, James Thomas, I have the honor to invite your attention to the

report of the Paymaster-General, dated the 20th instant, (indorsed on your letter,) and accompanying papers.

"Very respectfully, your obedient servant,

"J. D. CAMERON,
Secretary of War.

"Hon. GEORGE E. SPENCER,

"Of Committee on Military Affairs, United States Senate.

"UNITED STATES SENATE CHAMBER,
Washington, January 19, 1877.

"Sir: Referring to the petition of Major P. P. G. Hall, paymaster United States Army, praying to be reimbursed on account of certain defalcations occurring through the criminality of a clerk named James Thomas, while said petitioner was charged with the duties of paying vouchers under the reconstruction act, which petition is now pending before the Senate Committee on Military Affairs, I have the honor to request such information as may be within the province of the War Department to afford, touching the question whether Major Hall exercised, under the attendant circumstances, such care and due diligence as a disbursing officer as would be reasonably and justly required by the precedents and practice of the Department. As the committee desire to determine this case on Tuesday next, please direct an early reply.

"Very respectfully,

"GEO. E. SPENCER,

"Of Senate Committee on Military Affairs, Acting Chairman.

"Hon. J. D. CAMERON,
Secretary of War.

"[Indorsement.]

"Respectfully referred to the Paymaster-General for report.

"By order of the Secretary of War.

"H. T. CROSBY,
Chief Clerk.

"JANUARY 19, 1877.

"[Second indorsement.]

"Respectfully returned to the honorable Secretary of War.

"As these transactions occurred several years before I arrived here, I have to make a statement derived from a variety of sources, mostly from the records of this office. These embezzlements by James Thomas, clerk to Major P. P. G. Hall, occurred when he was stationed at Vicksburgh, Mississippi, from September, 1868, to February 1, 1869, from funds on "reconstruction account," deposited with the assistant treasurer at New Orleans. The vouchers were paid by check on that depository, printed as payable to "bearer." It was customary to pay them (after the approval of each voucher by Brigadier-General Ord, commanding the fourth military district) by checks to the order of the claimant. Thus the word *bearer* on the check was erased, and the word *order* substituted. It appears that Thomas would write the word *order* on the check by a black lead pencil when presented to Major Hall, who has the misfortune to be near-sighted, which facilitated the crime of the offender. With a rubber he would erase the pencil marks, and thus, as the check would become payable to bearer he was able to appropriate the money to his own use. As no complaint of non-payment ever reached this office, Thomas must have first passed to Major Hall a correct voucher, duly countersigned by General Ord, and obtained a correct check to the order of the claimant, which was sent to him. Afterward he would alter and raise the amount of the voucher, and present a new check for the increased amount, as he performed the duty of preparing the voucher and the check necessary to pay it.

"When these vouchers were critically examined in this office, these alterations became apparent and were disallowed.

"A careful overhauling in this office, and afterward in the office of the Second Auditor, led to a disallowance in this manner amounting to \$3,141.39. This amount was made good by Major Hall, being deposited with the United States depository at San Antonio, Texas.

"I do not doubt that Major Hall, as stated in his report on the subject, of the 19th instant, addressed to this office, was in the habit of comparing carefully the total amount of the voucher with the amount of the check before signing the latter—his near-sightedness, as in case of the check, rendering less obvious to him than to most disbursing officers the changes and alterations of the vouchers. He had severe work imposed upon him at Vicksburgh, being required to make these reconstruction disbursements in addition to his ordinary duty of paying the troops. His disbursements on the latter account, during the five months from September, 1868, to January, 1869, were \$185,623.97; on account of reconstruction, \$79,445.60.

"The vouchers (true amount) were often small, varying from \$10 up to \$63, and a few over \$100.

"The general reputation of Major Hall for industry, fidelity, and accuracy of his accounts has been very good; and he appears to have made these disbursements at a time when extraordinary labor was imposed upon him.

"I inclose herewith Major Hall's letter of 19th instant, and copy of General Order No. 4, of February 5, 1870, from headquarters, military district, by which it will be seen that James Thomas was tried by a general court-martial, found guilty, and sentenced to five years' imprisonment for the offense, and to pay a fine of \$3,299.01.

"I also inclose a statement of Major T. F. Barr, judge-advocate of said court-martial, whose duty it was to thoroughly investigate the case, and who expresses an opinion favorable to the present claim of Major Hall.

"BENJ. ALVORD,

"Paymaster-General, United States Army.

"PAYMASTER-GENERAL'S OFFICE,

"January 20, 1877.

"WASHINGTON, D. C., January 17, 1877.

"Sir: I am a petitioner to Congress for reimbursement in the matter of the embezzlement of Thomas, my clerk. As you prosecuted this case on behalf of the United States Government, and are conversant with it, will you be so kind as to favor me with your views, based on your knowledge of the case, regarding the manner in which my business was transacted, and if there was the necessary care and diligence exercised on my part.

"Very respectfully, your obedient servant,

"P. P. G. HALL,

"Paymaster, United States Army.

"Col. THOMAS F. BARR,

"Judge-Advocate, United States Army.

"[Indorsement.]

"WASHINGTON, January 17, 1877.

"Respectfully returned through the Secretary of War.

"In the spring of 1869 I was ordered by the Secretary of War to proceed to Jackson, Mississippi, in response to a telegram received from General Ames, asking for a judge-advocate to prosecute a case of embezzlement.

"Upon arriving at Jackson, I found that a Mr. Thomas, clerk to Major P. P. G. Hall, paymaster, was in the guard-house in Vicksburgh, charged with embezzlement of public funds, and that a writ of *habeas corpus* had issued from the United States district court (Judge Hill) for his release.

"I made an investigation of the case, and satisfied myself of the man's guilt,

and then made a return to the writ, and argued the case successfully, the petitioner being remanded to military custody. He was subsequently tried by military court for embezzlement of public funds and sent to the penitentiary for a term of years.

"I could not at the time conceive that Major Hall would be held responsible for the money embezzled by Thomas. With the arduous duties imposed on him in the administration of the reconstruction laws, in addition to his regular official labors, the administration of his office appeared to me commendable in every way. That he should have been held peculiarly responsible for the criminal act of a subordinate has ever appeared to me a great injustice."

—THOMAS F. BARR,
"Judge-Advocate, United States Army."

"From these reports it appears that the petitioner exercised such reasonable prudence and diligence as could be fairly required under the circumstances, and that the defalcation of Thomas was not owing to any want of care or diligence on the part of the petitioner."

"Your committee also believe that where public funds have been lost by disbursing officers by robbery, accident, or the default of subordinates, without any fault or want of care on their part, it has been customary not to hold such officers liable for the sums thus lost, or, in cases where the money has been paid into the Treasury, as in the case of this memorialist, authorizing the Secretary of the Treasury to refund the same. Believing that this case comes within the principle established by the precedents referred to, your committee report herewith an act for the relief of the memorialist."

Mr. JONES, of Florida. I desire to have some explanation from the Senator who reported this bill. The clerk alluded to here, as I understand, raised a Government voucher; in other words, he forged a voucher which this paymaster recognized and paid. Now I wish to know whether this clerk was the appointee of this paymaster, his own selected agent.

Mr. BURNSIDE. He was.

Mr. EDMUNDS. The paymasters' clerks always are.

Mr. JONES, of Florida. There is a class of cases where subordinates are put under disbursing officers, and when defalcations occur it is inequitable to hold the principal liable because higher authority here puts the subordinates under him. I know cases of deputy collectors and clerks of customs who are put into position without the collectors having anything to say about it, and in such cases I think it is very hard to hold the principal officer liable for a defalcation committed by a subordinate. But, as I understand, this clerk was the selected agent of the paymaster, and he committed the forgery which was afterward recognized by the paymaster himself, for which he seeks remuneration from the Government.

Mr. EDMUNDS. I should like to hear the act of 1866 read, which, it is said, the Court of Claims was not able to execute, on account of the money having been paid into the Treasury by this officer. If the Senator in charge of the bill will have the act of 1866 read, I shall be obliged to him.

Mr. BURNSIDE. I will state that this report is one which was adopted by the Military Committee at the last Congress, and was simply readopted as a portion of the present report. I believe it was once acted on by the Senate. I think this bill once passed the Senate, but was not reached in the other House. It was acted upon favorably by the Military Committee again at this session.

The Chief Clerk read the act referred to from the Revised Statutes, as follows:

SEC. 1062. Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the proper accounting officers of the Treasury shall allow to such officer the amount so decreed, as a credit in the settlement of his accounts.

Mr. EDMUNDS. I should doubt whether this case would come within that act at all. I should hardly think that the provision was intended to let off a paymaster from the default of his own clerk, usually his own son, or somebody that he has employed, but I should think that it related to quite a different state of things. That I should say referred to some loss of money, as where a military chest being carried along was lost off a train; but when it comes to the mere fact that he is short in his accounts himself or that his own clerk has not taken proper care, or any care, or all care in respect to the vouchers that he has got, I should doubt very much whether that would apply.

I am a little afraid we are making a precedent, if we pass this bill, to set a premium upon the employment of paymasters' clerks by declaring that every paymaster whose clerk turns out to be a defaulter and you cannot say that the paymaster has been guilty of gross negligence—because that is what it comes to—shall be relieved. The excuse for this officer that is stated is true, I have no doubt, that he is near-sighted. It would hardly do to say that every near-sighted officer of the United States shall not be obliged to take the same means to examine vouchers that are changed by a lead-pencil so that they can be put into a condition that will suit the defrauding clerk afterward, which anybody else would be bound to take. That would be a pretty dangerous principle to adopt.

The VICE-PRESIDENT. The morning hour has expired. The Chair will take the occasion to present a message from the President of the United States just now received.

EAST FLORIDA CLAIMS.

The message was read, as follows:

To the Senate and House of Representatives:

I deem it proper to invite the attention of Congress to the subject of the unsettled claims of Spanish inhabitants of East Florida during the years of 1812 and 1813, generally known as the "East Florida claims," the settlement of which is

provided for by a stipulation found in article 9 of the treaty of February, 1819, between the United States and Spain.

The provision of the treaty in question, which relates to the subject, is the following: "The United States will cause satisfaction to be made for the injuries, if any, which by process of law shall be established to have been suffered by the Spanish officers and individual Spanish inhabitants by the late operations of the American Army in Florida."

The act of Congress of the 3d of March, 1823, (Statutes at Large, vol. 3, p. 768,) to carry into effect the ninth article of the treaty in question, provided for the examination and judicial ascertainment of the claims by the judges of the superior courts established at Saint Augustine and Pensacola, and also made provision for the payment by the Secretary of the Treasury of such claims as might be reported to him by the said judges, upon his being satisfied that such claims were just and equitable, and a subsequent act, approved the 26th of June, 1834, (Statutes at Large, vol. 6, p. 569,) gave further directions for the payment, and also provided for the hearing and determination by the judge of the superior court of Saint Augustine, of such claims as had not then been already heard and determined. Under these acts of Congress I understand that all claims presented to the judges in Florida were passed upon and the result of the proceedings thus had reported to the Secretary of the Treasury. It also appears that in the computation of damages the judges adopted a rule of 5 per cent. per annum on the ascertained actual loss from the date of that loss to the time of the rendition of their finding, and that the Secretary of the Treasury, in 1836, when the first reports were presented to him, not deeming this portion of the claims covered by the 5 per cent. rule just and equitable, within the meaning of the treaty and the acts of Congress, refused to pay it, but did continue to pay the ascertained amounts of actual loss. The demand for payment of this rejected item has been pressed at various times and in various ways, up to the present time, but Mr. Woodbury's successors in the Treasury Department have not felt at liberty to review that ruling. Under these circumstances I have thought it proper to lay the subject before Congress for its consideration and such action as may be deemed necessary. The history of the proceedings already had in regard to the matter is of record in the Treasury Department and will be furnished by the Secretary of the Treasury should Congress desire it.

R. B. HAYES.

WASHINGTON, March 1, 1880.

The message was referred to the Committee on Foreign Relations, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. No. 3462) to amend section 3020 of the Revised Statutes was read twice by its title, and referred to the Committee on Finance.

THE GENEVA AWARD.

The VICE-PRESIDENT. The unfinished business is the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States Volunteers and colonel of the Army, pending the consideration of which the Chair recognizes the Senator from Massachusetts, [Mr. HOAR,] pursuant to notice given by him and the understanding had on Friday last.

Mr. RANDOLPH. My understanding is, according to the agreement had on Friday last, that the Senator from Massachusetts will occupy the next thirty or forty minutes, or such time as he may desire, to make remarks concerning the Geneva-award bill, and I yield to him for that purpose.

The VICE-PRESIDENT. The bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award, will be considered as before the Senate.

Mr. HOAR. Mr. President, we have in the Treasury some ten millions of dollars received from Great Britain in payment of the award made at Geneva. There are several schemes before the Senate for its disposition. One class of persons claim that it is theirs. They say that it was held to be due to them from Great Britain by a court to whom the United States submitted the question; that it was asked for by the United States in their behalf, paid over by Great Britain for them, and received for them by the United States as the result of such judgment and payment. They say that it was not only their due originally from Great Britain, not only held by the court to be their due, not only paid over by Great Britain as their due, but the Government of the United States so conducted itself when it claimed and accepted it as to be bound in honor and conscience not to deny their title or interpose any obstacle to their possession; least of all, not to claim for itself any right or discretion in the matter. On the other hand, it is claimed that the money was received by the United States as an indemnification for an injury which another nation had inflicted upon its interest and dignity, and that it has the right to retain it for itself or distribute it as an act of grace and bounty among such of its citizens as in its high discretion it shall deem proper objects of special consideration by reason of their special suffering from the national injury of which this fund was to some extent the compensation.

I wish, very briefly, to state my views on these three questions. Was the money in fact received and held in trust for the insurance companies? Did the transactions at Geneva estop the United States from denying such a trust? Upon whom, if we may exercise a sound and sovereign discretion, ought the money to be bestowed?

I approached the consideration of this question with a strong leaning in favor of the insurance companies. Their argument is a very simple one. On well-known principles of law, an underwriter who has paid for property destroyed by the cause against which he insures is entitled to be substituted to all other rights or remedies which the owner may have to reimbursement for his loss. He owns what may be saved from the property. He succeeds to every rightful demand against wrong-doers, whether individuals or nations. These underwriters insured against capture. The vessels were captured. The money in the hands of the United States is the result of the prosecu-

tion of a rightful claim by an appropriate remedy against a wrongdoer who caused the loss. The underwriter, therefore, has the same right to it that the owner would in case he had not been insured.

If this argument be sound in all its parts the claim of the insurance companies is established.

I feel bound to say further, Mr. President, that the inclination in their favor has been strengthened in my mind by much that has been said by their antagonists. If there is anything which would induce a man with legal or judicial instincts to set his teeth, it is the character of some of the arguments with which these claimants have been assailed for the past seven years. It is said that they are rich; that they have made money by the misfortunes of their countrymen; that they are trying to get "up to their armpits" in the national Treasury; that they have employed able and famous counsel.

These companies seek no gratuity. I have never heard that one of them asks this money as a bounty. They claim it as a right. If it is theirs, it is theirs; if not, they disappear from the list of claimants. They defend their right to it by a simple, open, straightforward argument, an argument powerful enough to convince the understanding, the unbiased understanding, of some of the first lawyers of the Senate. Certainly their occupation is an honorable one. That nation must have a low rank among civilized states which should discourage the business of marine insurance in time of war. They are to be dealt with as any good citizen would be dealt with who should claim title to a piece of land in the possession of the United States. The facts they allege are to be inquired into. The questions of law which arise on these facts are to be discussed and decided. A function more purely judicial in its nature never devolves on the Congress than that which the insurance companies invoke. If they are right there is no room in the case for discretion.

On the other hand, we ought equally to repel the suggestion from the underwriters that the United States will be dishonored by any decision to which Congress on full consideration may come. The United States are just. Congress is just. The Senate is just. If we refuse to give effect to this alleged trust, it will be because in our judgment no trust is established by the case. It would be as proper for a complainant, seeking to enforce a trust in a court of equity, to urge that the court would dishonor itself if it decide against him as to say that we cannot come to a particular result in dealing with this difficult and complicated case without "doing violence to our self-respect and forfeiting our good name among the nations," and that "no man having a just perception of right would hesitate in condemning so flagrant a breach of good faith and common honesty."

The claim by the United States against Great Britain was a claim for damages which resulted from the omission by Great Britain of a public duty of government imposed on her by international law. Nations at war cannot enter the territory of nations who are neutral to protect themselves against the hostile acts of their adversaries committed on the neutral territory. It follows that the neutral itself is bound to such protection so far as reasonable precaution can effect it. Neutral nations have therefore no right to permit their territories to be used as a base of warlike operations; they have no right to permit ships of war to be fitted out in their ports; they have no right to permit armies to be recruited in their territory for hostile operations by land. If they had, it would follow that the belligerent must protect himself against such acts, and must have the right in so doing to convert the neutral's dominions into the theater of war if necessary. But what the neutral is bound to is not absolute prevention, but *due diligence*.

The liability, therefore, of Great Britain, which was the cause of action at Geneva, was an omission of a public duty, a duty of Government. No act injurious to any public or private person was imputed to her. She only failed to act.

In the next place, what was it that occurred which would not have occurred but for such failure? The destruction of certain vessels by an act of war.

Now, sir, nothing is better settled than that for neither of these two things, for the neglect of a public duty or for the act of war which that neglect made possible, would any private citizen have, either by municipal or international law, any right or remedy whatever against anybody. He could have none under such circumstances against his own Government, none against a foreign government, none against a fellow-citizen, none against a foreigner. The omission of public duties—I do not speak of exceptional cases created by express statute—furnishes no ground of individual claim. If this neglect had been that of our own officers, if the Alabama had escaped from New York or from a ship-yard on the Delaware, no citizen could have maintained a claim against a negligent district attorney or marshal, or been heard to demand redress of the Government. Still less was it ever heard that such demand could be urged against another State.

Still further: the act by which these vessels were destroyed was an act of lawful war, out of which no claim can arise for a private injury. When a soldier or sailor in the service of a State with which any country is at war injures any person or property by acts of war, no civil or criminal responsibility attaches to him. This is equally true of a rebellion when the rebellious combination is treated as a belligerent and is encountered in war. The Government of the United States made war upon the confederates, and in a thousand ways recognized the fact that the rebels were making war upon them. From the condition of belligerency results the legality of every act

of public hostile force, as between the citizen and the person committing it. The liability of the latter is for treason. When the rebellion is put down those who gave aid and comfort to it may be punished for the treason if the Government see fit. But their acts of war, as between them and private citizens, were as lawful as the due and orderly levy of an execution by a sheriff.

If, therefore, Great Britain had had a court into which she permitted all persons, whether aliens or citizens, to come as suitors to prosecute demands against her, and these ship-owners had asked indemnity for these losses there, she would have given them two perfect and conclusive answers: "You have no claim, because no claim by any law, international or municipal, can arise to an individual against any nation or any citizen for a mere omission of a public duty. You have no claim, because your loss was by an act of lawful war, which, as between you and the person who inflicted it, was rightful."

Let us take these considerations with us in examining the propositions on which the claim of the underwriters rests. Most of them, as stated by the learned and able Senator from Illinois, have my full assent. But he has failed to make the important distinctions which I think ought to be made, and which, when made, render the principles he so clearly and correctly states inapplicable.

The Senator from Illinois states in various forms, sometimes in his own language, sometimes in language borrowed from eminent jurists, that the payment of the loss transfers to the underwriters all claim for indemnity, whether the remedy for that claim be by process in law or equity, by application to the justice of the nation of which the loser is a citizen, or by compelling amends from foreign nations. He cites and adopts the language of Mr. Justice Field, in *Erwin vs. The United States*, 7 Otto, 392:

Demands against the Government, if based upon considerations which would be valid between individuals, are property, although there be no court to investigate and pass upon their validity, and their recognition and payment may depend upon the caprice and favor of the Legislature.

This sentence states the doctrine and states the limitation: "Demands against the Government, if based upon considerations which would be valid between individuals."

Every case cited by the Senator from Illinois is a case of direct trespass for which a private person would be held liable in a like case on the ordinary doctrine of respondent superior.

Randall vs. Cochran, 1 Ves., 98, was for an indemnity secured by reprisals against the Spaniards for unjust captures.

Comegys vs. Vasse, 1 Peters, 193, was the case of indemnity secured by treaty for like captures.

Erwin vs. United States, 7 Otto, 392, held that a claim against the Government for the proceeds in the Treasury of the United States of cotton captured and sold passed to an assignee in bankruptcy.

Phelps vs. McDonald, 9 Otto, 298, was to a like effect. That was a claim by a British subject resident here for damage for the unlawful burning of his cotton by our troops.

The Senator from Illinois concludes his citation of authorities by very accurately stating the doctrine:

It thus appears to be settled by the highest judicial authority in this country that the claim of a party for goods taken by this or a foreign government, though it can only be made available by legislative enactment or negotiation in his behalf, is a right and interest attached to and growing out of the goods.

The claim presented by the United States at Geneva is commonly and quite conveniently spoken of as a claim for the acts of certain confederate cruisers. But this is not an accurate statement. The claim is for the omission on the part of the British government to take certain precautions which were required of them as neutrals by international obligation. That this is a practical and not a fanciful distinction is seen when we reflect that the British liability to us had already arisen before the capture of a single vessel. When a rebel cruiser left a British port, having been fitted out in violation of the obligation of public law, Great Britain having failed to exercise due preventive diligence, her international liability was complete. The extent of the injury done to our commerce by such cruiser concerns only the measure of damages.

At this moment—

Said Mr. Adams in his famous note to Earl Russell, of September 5 1863—

when one of the iron-clad vessels is on the point of departure from the kingdom on its hostile errand against the United States, I am honored with the reply of your lordship to my notes of the 11th, 16th, and 25th of July, and of the 14th of August. I trust I need not express how profound is my regret at the conclusion to which Her Majesty's government have arrived. It would be superfluous in me to point out to your lordship that this is war.

Let me repeat. The claim against Great Britain grew out of no act upon her part whatever. Her government omitted to take the proper precaution to prevent the fitting out and arming in her ports of ships which were employed by the confederacy for hostile purposes. This was a continuing neglect, and in the absence of such precautions the cruisers issued from her ports and destroyed the vessels these companies had insured. Now, is it not clear that for such an omission of a public duty no claim would ever have arisen as between individuals?

Suppose the loss had been of goods of an American in a warehouse in Liverpool, insured against fire. If an officer of the British government had by its orders set fire to the goods, compensation, whether enforced by the owner by suit or recovered on application to the British government with or without the intervention of our arms, would belong to the underwriter who had paid the loss. Suppose a like

destruction of goods so insured by fire set in the Saint Albans raid. In one case the British government does the act and is directly responsible. In the other, the act is done by belligerents and the British government, owing no duty to foreign citizens, is under direct obligation only to our Government; and is no more responsible to an individual than it would be to a man robbed in the streets of London if it had failed to furnish adequate police force. In the one case the sovereign is injured by the wrong done to his subject; in the other the subject is injured by the omission of the duty to the sovereign.

Any person who will read the case of the United States, the argument of her counsel, and the opinions of the arbitrators, it seems to me, will be satisfied that it was the obligation to the United States alone that was enforced. The claim is put in all these discussions on both sides as a claim for failure by Great Britain in "due diligence." Mr. Adams cites lexicographers to show that the word "due" means "that which is owed," "due from one to another" "owed to some other party" "which that party may claim as its right." Opinion, pages 142, 143. "When a neutral government is bound," he says, "to use due diligence in regard to certain things, it incurs an obligation to some external party." He proceeds further to speak of it as "the diligence due by her as a neutral to the United States as a belligerent." (Page 145.)

The original argument of the United States presents the claim as follows:

The United States maintain, as matter of fact, that the British government was guilty of want of due diligence in permitting, or not preventing the equipment, construction, &c., of confederate men-of-war in the ports of Great Britain; that such acts of commission or omission on the part of the British government constituted violation of the international obligation of Great Britain toward the United States, and that thus and therefore Great Britain became responsible to the United States for injuries done to them. (Page 17.)

Again, Mr. Evarts, in his colloquy with Lord Chief-Justice Cockburn, page 450, distinctly repudiates the suggestion that the American claim is based on or confined to the acts of any cruiser as the foundation of the demand:

We are not calling into judgment the authorities of this or that place. We are calling into judgment the British nation. It is a question of due diligence or not of the nation in all its conduct in providing, or not providing, for the situation, and in preparing, or not preparing, its officials to act upon suitable knowledge.

Later in his argument, page 454, Mr. Evarts deals with the British claim that the fitting out of a cruiser which goes out unarmed, although an offense against municipal law, is not a violation of neutrality. He says:

There is no act that the law of nations prohibits within the neutral territory that is not a hostile act. The law of nations prohibits it, the law of nations punishes it, the law of nations exacts indemnity for it only because it is a hostile act.

Indeed, Mr. Evarts begins his discussion of the question of due diligence, page 443, by stating the position of Great Britain in substance to be—

That this was a matter not of international duty, not of international obligation, and not to be judged of in the court of nations as a duty due by one nation, Great Britain, to another nation, the United States.

And by affirming that that question is expressly concluded by the three rules of the treaty:

The interesting question is, whether the nation is supplied with adequate legislation, if that is to furnish the only means for the exercise of international duty. If it is not so supplied, that is a fault as between the two nations; if it is so supplied, and the powers are not properly exercised, that is equally a fault as between the two nations. The course of the American argument is to show that, either on the one or the other of the horns of this dilemma, the actual conduct of the British Government must be impaled.

Undoubtedly, direct relations may arise between American citizens and foreign nations. We may hold their bonds. We may contract with them. Like other bodies corporate engaged in various business concerns, they may, through their servants, commit torts or cause injuries by their negligence. In such cases direct obligations may doubtless be created for which direct remedies may, at the discretion of the foreign state, be afforded. Such obligations may in many cases be assigned, and may in appropriate cases become legally or equitably vested in an insurer. The government of the nation to which the citizen belongs has no concern with such a case, unless a refusal to do justice justifies its interposition according to the law of nations, as the guardian of its subjects. Such claims do not arise under the law of nations, but arise under contracts or under municipal law, or from those general principles of justice and right which underlie all the transactions of mankind with each other. But these claims grow out of international law, a code which regulates the duties of nations to each other, under which no individual has either rights, duties, or responsibilities. They are claims not growing out of contract, not for property destroyed or injured by a foreign nation or its servants, not for injuries traceable to any single act, but for the failure to perform an international duty extending over an indefinite period of time, the duty of exercising due diligence to prevent certain illegal and hostile acts by a belligerent on the territory of the neutral.

The distinction which I have stated is recognized in our legislation. Revised Statutes, section 5335, re-enacting the statute of 30th January, 1799, provides:

Every citizen of the United States, whether actually resident or abiding within the same, or in any foreign country, who, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measure or conduct of any foreign government, or of any officer or agent thereof, in relation to any disputes or con-

troversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of, or resident within, the United States, and not duly authorized, who counsels, advises, or assists in any such correspondence, with such intent, shall be punished by a fine of not more than \$5,000, and by imprisonment during a term not less than six months, nor more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government, or any of its agents or subjects.

Now, suppose we were at war with France and a fleet of transports were to land a French army at Quebec, which should be there organized and equipped, and should thence march across Canada and invade New York, England taking no steps to interfere, would every citizen whose farm should be ravaged have his separate claim, and be entitled to make his separate terms with Great Britain? Could he, without incurring the penalties of the statute, undertake to thwart or interfere with the policy of his Government in obtaining redress? Would indemnity to such citizen by Great Britain deprive the United States of her just and lawful cause of war, to be taken advantage of at her discretion?

I fully concede that an individual whose property is destroyed by the lawless act of a foreign government, or its agents, may have in many cases a claim for compensation. His remedy for that claim may be imperfect. He may obtain compensation by individual application to the justice of the foreign state as in many instances of foreign citizens whose property was taken or destroyed by our armies in the late war; he may obtain compensation through negotiations conducted by his own government; he may obtain redress through reprisal. In all these cases, an underwriter who has paid the loss is substituted to his right. The same principle applies to the case of the citizen whose property is destroyed by the lawless act of his own government, or its officers. But in no case is there a remedy to a citizen against foreign governments, against his own government, or against public officers, for a mere neglect of a duty of government. In no case does a capture or destruction by act of war create a claim on the part of the owner for compensation.

The insurance companies then cannot be subrogated to the claims of private owners, for the simple reason that no private owner ever had a claim against anybody to which they can be subrogated. The ship-owners suffered by war. Through Great Britain's neglect the war was carried on in a mode and place which otherwise might have been beyond the power of the belligerent. But the war and the negligence were alike offenses against the United States, and against them alone.

Did anything happen at Geneva which bound the United States in equity or in honor to hold this fund as trustee for one party or excused them from listening to the prayer of any other party? It is said that the United States acted as attorney or trustee for several classes of claimants and recovered damages awarded by the court for one class, while the same decree rejected the claim for the other classes, and that the latter are estopped and concluded by the adjudication from further demand. The Senator from Illinois puts it in this way:

We did insist upon the justice and validity of the insurance claims; and, having received the money awarded in satisfaction of them, how can we, without doing violence to our self-respect and forfeiting our good name among the nations, refuse to appropriate it to the specific uses for which we claimed and received it? Can A, as the representative and trustee of B, receive from C moneys on the claim of B and then withhold them from the latter on the ground that the claim was unjust, although C makes no reclamation for them? The Government in all its relations is bound scrupulously to adhere to those rules of fair dealing which should control the transactions of men. * * * It is true that property was destroyed on the high seas by other confederate cruisers, and that an enhanced premium for insurance was exacted by reason of the peculiar hazards to which American commerce was exposed. It has been urged that the fund should be distributed to the parties who by either of these ways incurred loss or sustained damage. The obvious answer is that their right to the indemnity was submitted to the tribunal of our own selection, and its decision adverse to them is final and conclusive.

This position as one to be taken by the United States seems absolutely ludicrous when we recall the history of the proceedings at Geneva. It is well known that the concluding chapter of the original case of the United States, setting forth the so-called indirect claims, threw all England into a frenzy. Her press, with great unanimity, threatened not to proceed under the treaty if these claims were payable. When the tribunal assembled at Geneva, on the 15th of June, Great Britain asked an adjournment for several months. Mr. Davis, the American agent, reports that Lord Tenterden, the British agent, had previously met him "in a spirit of unreserve," and left on his mind the conviction that the judicial solution of the difficulty which the tribunal afterward adopted would be accepted by the British government.

I had already—

Mr. Davis continues—

discussed with General Cushing the probability of adjusting these differences by the action of the tribunal. Before the tribunal convened again steps were taken for removing the difficulty through the action of that body. In the proceedings which followed we acted as a unit on our side. Happily they resulted in a solution by the tribunal which proved to be acceptable to both governments. The arbitrators announced their opinion that the claims known as the indirect claims did not constitute, on principles of international law applicable to such cases, good and sufficient foundation for an award of compensation or a computation of damages between nations.

The agent thereupon, by direction of our Government, announced to the tribunal that—

The above-mentioned claims will not be further insisted upon, and may be excluded from consideration in the award.

The Secretary of State, in giving this instruction, observed:

This is the attainment of an end which our Government had in view in the putting forth of those claims. We had no desire for a pecuniary reward, but desired an expression by the tribunal as to the liability of a neutral for claims of this character.

It is now sought to set up the judgment so obtained as a conclusive answer to the prayers of the claimants so excluded when addressed to their government.

An agent, a trustee, desiring to diminish the award to his *cestui que trust* on account of the advantage to be gained to himself in future in some other matter! Why, that is at once a failure of duty which destroys all value in the judgment. It becomes for every purpose of settling the rights of the beneficiary a judgment into which fraud has entered. Just test the proposition of the Senator from Illinois in the light shed upon the transaction by this one sentence. The agent, the advocate, the trustee, declares: "I did not mean or desire in presenting this demand to the court that it should prevail. I had an advantage of my own to gain by its rejection. I had a private understanding with the tribunal that it should be rejected." Now he proposes that the agent, or to use his own phrase, "the representative and trustee," should turn upon his client and *cestui que trust*, hold up the decree as a shield, and inform him that as between them his claim is barred by the judgment so obtained. I wonder how long an advocate serving his clients by such methods would retain his office in any court over which the Senator should be called to preside?

The United States were placed in no such degrading attitude. On the contrary, from the beginning to the end our Government did everything in its power that there should be no doubt in any mind of its absolute right to dispose of the fund which might be recovered according to its own sense of justice.

Mr. Cushing congratulated himself and his associates that they had "subordinated all personal considerations to the single object of winning a great cause." How ludicrous, how disgraceful such a boast in the mouths of counsel who had represented the trustee of persons who suffered loss by the exculpated cruisers or the payment of war premiums.

Certainly, Mr. President, our Government did everything in its power to prevent this relation of trustee from arising. It distinctly refused when demanding and receiving the money to accept it on behalf of any private claimant. Mr. Fish, the Secretary of State, gave the following instructions to the counsel:

The President desires to have the subject discussed as one between two governments. In the discussion of this question and in the treatment of the entire case you will be careful not to commit the Government as to the disposition of what may be awarded. The Government wishes to hold itself free to decide upon the rights and claims of insurers upon the termination of the case. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government without commitment as to the mode of distribution.

These instructions were obeyed to the letter. The counsel conveyed the demand of their Government to the tribunal in these words:

These claims are preferred by the United States as a nation against Great Britain as a nation, and are to be so computed and paid, whether awarded as a sum in gross, under the seventh article of the treaty, or awarded for assessment of amounts under the twelfth article.

In giving and in obeying these instructions the representatives of the United States were observing the distinction made in the treaty of Washington itself. The first article of that treaty recites that—

Whereas differences have arisen between the Government of the United States and the government of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generally known as the "Alabama claims:"

Now, in order to remove and adjust all such claims on the part of the United States, and to provide for the speedy settlement of such claims, the high contracting parties agree, &c.

Article 12 provides:

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, not being claims growing out of the acts of the vessels referred to in article 1 of this treaty * * * shall be referred, &c.

This difference is carefully heeded throughout the whole treaty. The arbitrators who met at Geneva, on neutral territory, were "to decide all questions that shall be laid before them on the part of the United States and Her Britannic Majesty, respectively." They deposited the archives of the tribunal among the archives of the council of state of the canton of Geneva.

The commissioners, under article 12, on the other hand, were to meet at Washington, were to hear counsel as to every separate claim, and to make a separate award in writing as to each claim.

The opinion of Sir Alexander Cockburn, the British arbitrator, can be inferred from his judgment in the case of *Rustomjee vs. The Queen*. 1 Q. B. D., 487, in which he says:

The notion that the Queen of this country in receiving a sum of money in order to do justice to some of her subjects to whom injustice would otherwise be done, becomes the agent of those subjects seems to me really too wild a notion to require a single word of observation beyond that of emphatically condemning it. In like manner to say that the sovereign becomes the trustee for subjects in whose behalf money has been received by the Crown appears to me equally untenable.

It is said that England will have cause of complaint if we reject the theory that the United States are trustees. How can this be said in the face of the declaration of her prime minister made when de-

fending the treaty just after its ratification? Mr. Gladstone said to the House of Commons:

It appears to be implied that the government submitted the claims of certain persons not subjects of Her Majesty to arbitration. This is altogether a mistake. No claims of individuals have been submitted to arbitration in relation to the Alabama. What was submitted to arbitration was entirely a question between the two governments.

The highly respectable and learned court organized under the statute of 1874 repeatedly held that that statute repudiated altogether the doctrine that the United States holds this money in trust for the persons whose claims were presented at Geneva. Thus in *Bateman vs. The United States* Judge Porter says:

It has been more than once remarked in opinions heretofore delivered that the United States declined to receive the money due by Great Britain encumbered by any obligation to pay it to any class of claimants, but reserved the right to dispose of every part of it according to its own sovereign pleasure. When Congress entered upon the legislation necessary for a distribution of the money that body was untrammelled by any agreement, express or implied, in regard to the kind and mode of distribution. * * * It is true that claims of this nature are not to be found in the schedules presented at Geneva, but this is of little importance. Congress did not direct us to determine what claims were presented at Geneva. If this had been the object of the act much trouble might have been saved to the claimants and to the court. We have allowed many claims never preferred at Geneva. We have excluded some and reduced the amount of many more which were there presented. Congress required us to decide upon the amount and validity of the claims presented in this court and to see to it that these were decided according to the principles of law and the merits of the cases themselves.

See also *Rhind vs. The United States*; *Secretary of the Navy vs. The United States*.

Why, Mr. President, the bill proposed by the Judiciary Committee, the statute of 1874, every measure put forward in behalf of the insurance companies, practically abandon the doctrine of trust and of ownership. The court created in 1874, which this bill seeks to revive, provides for a new hearing of the claims upon new proofs. It does not limit the remedy to the claims presented at Geneva or to the amount there estimated for those claims. If the theory now urged be sound, by what right can we demand new proof from any owner or underwriter of a claim which was there presented? By what right, if you are trustee, can you exclude foreign corporations? By what right can you let in war premiums at all? The statute of New York, the State where the largest of these insurance companies are domiciled—a statute said by the Senator from Ohio to have been procured at their request—abandons the doctrine of ownership and of trust and seeks to bestow this money in accordance with their understanding of what is equitable.

Chapter 614 of the New York statutes of 1873 is this:

If any marine insurance company, organized under the laws of this State, having paid a loss, shall receive a sum derived from the Geneva award by way of reimbursement for that loss, it shall be lawful for such company to divide the net amount so received, after deducting the expenses and liabilities relating thereto, among the persons or parties who paid premiums and suffered by the payment of the original loss, or were prevented from receiving so much as they would otherwise have received by occasion of that loss, instead of dividing the same among the more recent scripholders or dealers with such company; such division to be in the form of an extra dividend or extra dividends upon the plan contemplated by the charter of such company, subject to all just claims for debts and liabilities, and payable to the same persons, or their representatives, and in like manner as the money from which the loss was originally paid would have been payable if the loss had not been borne by the company; and the action of the board of directors or trustees in ascertaining the amount and making such extra dividend or dividends shall have the like force and effect as their action in making and declaring dividends under the charter.

If these claims be property, to which the insurance companies have succeeded by subrogation, the purchasers of their stock in the market since the losses were paid have acquired an interest in them, as in all the other assets of the company. Some of these corporations are said to be bankrupt. These claims, on their theory, belong to their creditors. With what pretense of justice, to say nothing of constitutional authority, can the Legislature of New York vindicate this statute, if there be any vested rights whatever in this fund?

It is true that the United States presented the fact and the extent of individual losses to the tribunal at Geneva, and had called the attention of Great Britain to them year after year in diplomatic intercourse. It is also true that while other elements of damage were rejected, these were considered and allowed. There are many cases where matters may be considered as measuring or enhancing damages which do not of themselves constitute the foundation of a suit. In an action of trespass for breaking and entering his dwelling-house, a son or brother might recover larger damages because the trespasser by boisterous conduct and noise had increased the illness of a sick mother or sister; and that might in a similar case be the only thing for which substantial damages would be assessed. Yet the damages recovered would be wholly the property of the plaintiff, to which the suffering member of his household would have no claim whatever.

The doctrine of the insurance companies comes finally to this, that when a nation receives of another indemnity for hostile acts, it is bound to pay over the proceeds to citizens injured by the war if their injuries were considered or computed in estimating the amount to be paid. By this logic Germany must pay over to its citizens injured the amount of their losses by the war from the indemnity received from France. It can make no difference whether the losses were precisely estimated, measured, or were considered and provided for in some general way. If the fact that the citizen suffered in his property was considered in the indemnity the argument is applicable.

If I am right in my conviction that the United States holds this fund untrammelled by any trust, then we have a right in dealing with

it to exercise a sound discretion. We have a right to act upon our own belief, not fettered by any technical or artificial logic. We will look to see what was practically the fault of England, and who were practically the losers by that fault.

Why is it that the losers by marine dangers occasioned by the fault of England stand differently from any other class of American citizens who suffered by the war? It is because from the beginning the rights of these citizens were left unprotected and unredressed, by design and of purpose, for the general public benefit. We had cause of war against England long before the Shenandoah left Melbourne. We did not make it and did not threaten it because we needed our armies to put down the rebellion and our navies to maintain the blockade, and we could not have two wars on our hands at once. We bought peace with England for the time being at the expense of these men. Some of their claims which our Government deemed just were extinguished by the treaty before we reached the tribunal. Some of them were thrown over before the tribunal to save the treaty. We bought and paid for with their loss immense national advantages. Their wrong has been used by the United States to buy its future peace and its perpetual neutral immunity.

I think, therefore, that we should indemnify the owners of all property lost at sea by any cruisers which ever were in a British port after the Queen's proclamation conceding belligerency at sea. They suffered a loss arising from a belligerency which that proclamation in fact created. I think, also, we should indemnify the owners of property for war premiums paid for its insurance. These persons carried on business as carriers or merchants at great disadvantage in competition with foreigners, who ran no risk of capture. The premiums could not therefore be added to the freight or the price of the goods, and the insurance only partially and imperfectly removed this disadvantage. I do not think that underwriters who conducted their business at a profit have any claim to the bounty of the Government. This is not because they are corporations; not because they are rich and prosperous; not because in other transactions they have made up their losses in these. It is because, if I am right in my view that the foundation of this whole claim is the omission by Great Britain of a duty continuing over a long space of time, the profits and the losses of the underwriters are attributable to precisely the same thing. Every loss for which the underwriter paid was due to the criminal neglect of England. Every profit by an insurance at 25 per cent. on a ship which escaped, on which the insurance would have been 5 only but for the war risk, was due to precisely the same thing. The insurer in that case made 20 per cent. by the same neglect of England. It is not the rebel cruiser, but the criminal negligence of Great Britain, extending over years of time, to have suitable laws, to give suitable instructions to her officers, to keep herself informed of what was going on in all her ports over the globe, to which loss and gain are alike to be imputed.

We have, then, in our Treasury a sum of money received by America as the result of claims presented against Great Britain not in the mode in which governments present their citizens' claims, but in the mode in which governments present their own; adjudged by the tribunal which awarded it as due to the nation and not to individuals; understood by the party who paid it as paid to the nation and not to individuals; accepted when we received it with the stipulation that it was to be held subject to our discretion, without obligation to any person whatever; received as compensation for injuries which by international law and by express treaty are declared to be national injuries, and which, either by international or municipal law, could not be ground of claim to an individual against any nation, corporation, or citizen whatever.

Upon whom shall we bestow it? Let it be paid over, not to those who have made vast gains by the circumstances from which it came, but to the actual losers whom the Government by design left unprotected, and with whose losses it bought for itself vast and incalculable advantages, alike in the darkest period of the war and in the remotest future in peace.

The VICE-PRESIDENT. The Chair now recognizes the Senator from New Jersey, [Mr. RANDOLPH.]

Mr. GARLAND. Mr. President, I desire to take the floor on this question when it comes again before the Senate.

The VICE-PRESIDENT. The Senator from Arkansas will be recognized.

FITZ-JOHN PORTER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army.

Mr. RANDOLPH. Mr. President, I should like to have the amendment offered by me some time ago reported.

The VICE-PRESIDENT. The amendment will be read.

The Chief Clerk read the amendment proposed by Mr. RANDOLPH, which was to substitute for the original bill the following:

Whereas a board of Army officers was convened by order of the President, by special orders numbered 78, dated "Headquarters of the Army, Washington, April 12, 1878," to examine, in connection with the record of the trial by court-martial of Major-General Porter, such new evidence relating to the merits of said case as was then on file in the War Department, together with such other evidence as might be presented to said board, and to report, with the reasons for their conclusion, what action, if any, in their opinion, justice required should be taken on said application by the President, and said board reported that they had made a very thorough examination of all the evidence presented, and bearing in any

manner upon the merits of the case, in addition to that which was before the court-martial; and also reported with entire unanimity, and without doubt in their own minds, with the reasons for their conclusions, that, in their opinion, justice required such action as might be necessary to restore Major-General Fitz-John Porter to the positions of which that sentence deprived him, such restoration to take effect from the date of his dismissal from the service; and

Whereas the President did heretofore transmit the proceedings and conclusions of the board to Congress with a message declaring that, as he was without power in the absence of legislation to act upon the recommendation of the report further than by submitting the same to Congress, the said proceedings and conclusions were transmitted for the information of Congress, and for such action as in their wisdom should seem expedient and just: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter a colonel of infantry in the Army of the United States, his commission to bear date January 1, 1863, with the pay and emoluments of that rank from that date until he shall be retired according to law or as hereinafter provided.

SEC. 2. That at any time after the granting of such commission it shall be lawful for the President to place said Fitz-John Porter upon the retired list of the Army, with the pay of a retired colonel of infantry.

Mr. RANDOLPH. Mr. President, during seventeen years the case of General Fitz-John Porter has been within executive consideration, has received the attention of Congress, and has ever been of interest to the general public. In this respect it has been almost without parallel. The records of military history recite numberless cases of courts-martial where brave men and good soldiers failing in duty have met with merited punishment, whose names have passed from discussion and remembrance. That General Porter's case should have survived amid the countless number of apparently analogous cases is in itself remarkable; but that it has held its conspicuous place in public discussion notwithstanding the stirring events of contemporaneous years is most suggestive. There has been no year of all, cruel in its length to General Porter, nor seasons within those years, opening with hope and closing with disappointment, that has not known some urgent discussion of his case. It has ever been conspicuous in its character—to some because of their understanding of its cruel injustice to a loyal citizen and brave soldier, and to others, perhaps the multitude of unthinking men, an increasing perplexity.

The causes that have conspired to keep General Porter's cause in public view are variously reckoned. He had been a brave soldier and an eminently successful one up to the time of his dismissal from the public service. His military record had been most noticeable.

Educated at West Point, he had entered upon active service within a year of the completion of his studies. Assigned to duty in the Mexican war, he had participated in the battles of Cerro Gordo, Contreras, and Molino del Rey; had taken part in the sieges of Vera Cruz and Chapultepec, and participated in the capture of the City of Mexico. For his services in these battles he was twice breveted. He was also wounded in the memorable struggle that resulted in the downfall of the Mexican capital. At the close of the war General Porter was assigned to duty at West Point, and the records of that institution show with what fidelity and intelligence he performed his duties.

When the Utah campaign was organized, in 1857, General Scott named, and General Albert Sidney Johnston, with the instinct of a soldier, accepted, Porter as his chief-of-staff, and, with other brave officers and men of the command, he encountered the perils, hardships, and sufferings of that arduous campaign.

At the instance of General Scott, Major Porter was selected, in the early part of 1860, as the proper officer to proceed to Charleston and examine the defenses of that city. This duty he faithfully performed, and it was largely due to his recommendation that General Robert Anderson was placed in command and preparations were made which rendered possible the subsequent gallant defense of Fort Sumter.

Again selected by General Scott for difficult and delicate duty, he brought from Texas the only troops saved from that department and applied them to the security of Key West and Tortugas.

When active hostilities began in 1861, Porter was assigned to the duty of opening communication, which was then closed in every direction, between Harrisburgh and Washington. During this interval of interruption, however, important dispatches sent from Saint Louis, addressed to the War Department, or to the General-in-Chief at Washington, were necessarily detained at Harrisburgh. These were taken into possession by General Porter, who, recognizing their consequence and knowing the impossibility of having them forwarded, quickly assumed the responsibility of using the names of Secretary Cameron and General Scott, ordered the Federal officers at Saint Louis to muster into the United States service the Missouri quota of volunteers, and through them protected the Federal property. These orders were promptly obeyed by Captain Lyon, then in charge at Saint Louis, and the testimony of such men as General Frank Blair, and others of equal authority, is to the effect that this assumption of responsibility and promptness of action did more to save Missouri to the Union cause than all other acts of that period.

It is needless to say that, although General Porter acted in this emergency without orders, he was sustained by the authorities at Washington, and highly complimented by them for his nerve and patriotism.

The Fifth Army Corps, whose name and history will be known and gratefully remembered as long as that of any portion of the Army of the United States, was formed during the year 1862 with the understanding that General Porter should be placed at its head. It contained a large portion of the regular force of the United States Army, to which thoroughly disciplined element were added volunteer troops

speedily trained to become the peers of their comrades of the regular service, and thus was created the famous organization whose services, beginning with the first eventful battles of the war, appropriately ended with the closing scene at Appomattox.

The Fifth Army Corps occupied a position of especial honor in the conduct of the Peninsula campaign, fighting the battles of New Bridge, Hanover Court-House, Mechanicsville, Gaines's Mill, and Malvern—and it was Fitz-John Porter who commanded that corps in all these battles. It is needless to speak of them as being among the most sanguinary of the war. At Gaines's Mill, alone, so fierce and stubborn was the struggle for mastery, that of the twenty-seven thousand brave men who entered that conflict under Porter's immediate command, nearly ten thousand of them lay dead or wounded at the battle's close.

It was the Fifth Army Corps, posted by General Porter in person, that took possession of Malvern Hill and held it through hours that, by friend and foe, have been deemed among the most terrible in the history of the war. A series of attacks, such as had not been witnessed in any preceding battles, left Porter where the enemy found him—in possession of Malvern. When night fell upon that day of carnage the slope of Malvern Hill ran with the blood of battle. I have heard scores of soldiers, Federal and confederate, say that from summit to base the hillside was covered with dead and dying. Certain it is, sir, that it was Fitz-John Porter's corps made that last and most terrible battle of the campaign of the Peninsula. No wonder that his commanding general asked that the highest position then vacant should be given to him! No wonder that he should have said that if still higher positions were known to the public service he would recommend General Porter for all that the Government could give him!

The Fifth Army Corps had among its commanders, under Porter, men whose names are familiar to every American. McCall, Reynolds, Meade, Buchanan, Morell, Warren, Sykes, Butterfield, were the officers who held command of its divisions and brigades.

It is quite probable that this narration of the personal services of General Porter, antecedent to the time when he stood charged with a foul crime against his comrades and his country, is but the repetition of a story well remembered by intelligent men. I have, as briefly as possible, glanced at his record and that of his command. It will not be forgotten that the men who fought at Malvern, and the officer who commanded them, were the same men and the same officer against whom, a few weeks later, was charged "shameful disobedience," "retreating from the presence of the enemy," "being within sound of a raging battle, and believing that comrades were being driven and defeated, shamefully left them to their fate."

Mr. President, if these charges against General Porter had been founded in fact, I do not believe any discipline would have restrained them from flying to their comrades' assistance without orders, or against orders. I have always regarded the charges as reflecting with almost equal severity upon the brave officers and men who were for the time subordinate to Porter, constituting the Fifth Army Corps. The history of that corps, subsequent to the second battle of Manassas, as well as its splendid antecedent career, gives imperishable evidence of its character and composition.

When, sir, a person stands charged with crime, antecedent history may usually be counted upon to indicate the probabilities of guilt. Undoubtedly men of military distinction have fallen, sacrificing the fame of years and the wealth of public confidence in an hour of temptation. But when this has occasionally happened, as in the conspicuous instance of Benedict Arnold, the public judgment, the judgment of all men of integrity, has been in full accord with that of the tribunal that condemned the culprit. No honest voice was ever raised in Arnold's defense—no patriotic pen has given expression to a word in his behalf. Treason was his crime, as it was the crime charged against Porter; the one fled with conscience, his never-ending tormentor; the other confronted his accusers with conscience, his never-failing support, with justice assuring him of the unerring result.

When General Porter's conviction was announced, careful readers of the proceedings in his trial stood confounded at the unexpected result. Immediately the press of the country, irrespective of political bias, was divided in opinion as to the judgment of the court-martial. Leading statesmen and lawyers, conspicuous for their loyalty and learning, disputed the verdict. Hundreds of officers who had served with and under General Porter as promptly refused to accept its decision. Most of these men had been educated in strict military schools; were jealous to the last degree of the honor of their profession; had attested their faithfulness and loyalty upon hard-fought fields, and bore upon their persons scars of honorable wounds in patriotic service. I have seen volumes of letters from brave and highly-honored soldiers, assuring General Porter of their continued respect for him and faith in his integrity and patriotism.

The army corps which he commanded—the gallant Fifth—through its officers and organizations, during and after the war, over and over again testified their unyielding faith in their first leader, and to their labors and unshaken confidence is largely due a public interest that could not, and would not, ignore the demands of men to whom the country owed so largely.

The public disappointment, not to say dissatisfaction, with the finding of the court-martial in General Porter's case manifested itself in many ways. To some of these I have alluded.

It will not be forgotten that General Porter promptly applied to President Lincoln for the re-opening of his case, and was sustained in his appeals by some of the most prominent men in the country, among whom were Edward Everett, R. C. Winthrop, Amos Lawrence, Gardner Howland Shaw, Henry Wilson, La Fayette S. Foster, Horace Greeley, Governor Curtin, and Ex-Presidents Fillmore and Pierce. Some of these appeals were made to President Lincoln soon after the sentence was announced, and it is upon record that just prior to his death he avowed his determination to reopen the case.

President Lincoln recognized that the conviction had been had at a time of great public excitement, in the midst of repeated disaster to the Union cause, under circumstances calculated to influence the judgment of the best and strongest mind; and admitted the propriety and justice of giving to Porter, with additional and vital evidence at hand, to be weighed in the calmer and cooler days which the conclusion of the war was about to bring, the rehearing he asked for. I know, personally, that President Lincoln intended to grant the rehearing.

General Porter's repeated appeals to the several Executives that have administered the Government since his dismissal from the Army have been sustained by some of the most distinguished jurists in the land. They were to one conclusion, sustaining and re-enforcing Porter's appeal, and agreeing that great injustice and wrong had been done him. There will be found among the documents published by order of the Senate in this case the favorable opinions of Daniel Lord, Charles O'Connor, and Judge Shipman, of New York; of Judge Benjamin R. Curtis, Sidney Bartlett, and Judge Abbott, of Boston, and of Montgomery Blair, himself a member of Mr. Lincoln's Cabinet at the time of the trial and conviction.

Mr. President, I have referred to the antecedents of General Porter prior to his conviction of the great offense of which he stood charged. I could speak of his honorable ancestry, with the fame of which it is to be fairly presumed he would be loath to trifle. I have spoken of his record at the Military Academy, whence he graduated; of his early and distinguished services in the Mexican war; of the hardships he encountered and endured in the memorable Utah campaign; of his prompt, faithful, and intelligent action in all the earlier days of the war; of his assumption of a responsibility, touching the saving of Missouri, which few men of less patriotic instincts and force of character would have encountered; of his gallant record as the commander of the Fifth Army Corps, and of the high state of discipline to which he brought that corps; of his personal courage upon many a field; of his skill, sagacity, and endurance, as displayed in the great battles in which he participated; and I have also spoken of the amazement and perplexity that fell upon the public mind when he was charged with foul crime, tried, and condemned. I have spoken, too, of his ceaseless appeals, seconded by the press, by brave soldiers, by distinguished and loyal jurists, and by eminent gentlemen in every department of the public service, and I have rather suggested than stated that the combination of all these elements and causes had something to do, very much to do, indeed, with the prominence with which this cause has ever been kept before the public mind.

But, Mr. President, there has existed during all these years another cause greater than all others combined, which alone would have sufficed to have kept this case an open one.

General Porter had been charged with the most infamous crime known under the laws of enlightened governments. Stripped of all surplusage the charge that he stood confronted with was that of treason. Reckoned by degrees no grade of treason could have been more despicable in form or malignant in character than that on which he was arraigned.

Part of an imperiled army, intrusted with one of its highest commands, composed of soldiers noted for discipline and courage, and accustomed to danger and death, charged by every honorable consideration with the soldierly use of this force, Porter, in the day of his trial, stood charged with and at the conclusion of his trial was found guilty of treason in the face of the enemy—"retreating from the sound of battle;" "failing to succor those of whom he was a part;" "knowing that defeat had overtaken his comrades in arms, yet raising no hand to succor them"—coldly, cruelly, deliberately sacrificing not only honor, duty, and patriotism, not only the lives of thousands (as was alleged) of his comrades, but placing in imminent jeopardy, perhaps in fatal peril, the cause of his country.

Mr. President, there is not upon record against any man who has held office under this Government a charge of a more damning character than that which Porter had to meet on the day of his trial. He met it with the testimony, in his favor, of every principal officer whose testimony was available in his command. He was confronted by witnesses of whom I shall not now speak. To his own amazement, and to that of thousands of loyal men who knew the evidence in his case, he was convicted of the monstrous crime with which he had been charged.

And then what? Adjudged of this foul crime against his country and dishonor to himself, he was sentenced. And, sir, what was the sentence? That he should die the death of a traitor? That he should be shot to death by the guns of his own soldiers,—men of the corps whose honor and reputation he had betrayed; that by their hands he should be pierced with all the bullets that could be fired into a traitor's miserable body? No! No such sentence: although if the charges had been true in part such a death—or any death that

could have been measured out by ingenious cruelty—would have been too small punishment for his offense, this was not the judgment and sentence of the court. The judgment was that, being convicted of treason, he should simply be dismissed from the Army of the United States.

And so, Mr. President, it came to pass when the people of the country read that Fitz-John Porter, charged, tried, and condemned of treason, was sentenced only to dismissal from the Army of the United States, a question arose in the public mind, infinitely more significant, all-pervading, and persistent than anything that the ingenuity of General Porter or his friends could have invented, asking, "Was ever finding so grave with punishment so totally inadequate?"

From the day the charges were first published, but one opinion possessed plain, honest-minded people, and it was that justice demanded Porter's acquittal, or his death.

Thus, sir, to the court-martial's conclusion, more than to all other causes combined, this case has been left at least an unsettled one.

Mr. President, I have before alluded to General Porter's appeals to the Executive. The number and frequency of them are well known to the Senate. It is a noticeable fact they were never refused by administrations past, but they were never granted. It would have been difficult indeed to have given satisfactory public reasons for refusing him. His appeals were not to have his sentence reversed and annulled; not that he should be reinstated in the Army by executive order; not to blot out at the instigation of personal or political influence, by the executive mandate, the record of his alleged offense. No! through all these appeals, some of them as touching as it is possible for pen to write, there is but one cry, simply "to be heard!" simply "to be heard!" Such was this brave man's confidence in the strength and justice of his cause, and such his confident reliance in the unbiased judgment of his countrymen, that he asked no other favor, made no other supplication than to be heard. That single cry, bravely answered at last, has rung through all these years.

In his petition to President Grant, appealing to him as a soldier, he says in substance, "I should be glad to rest the vindication of my name as a soldier and citizen with your examination and judgment of the case." In his communication to General Sherman he says, substantially, "I should be content if my hearing could be had before a board composed of officers like yourself." At all times, and under all circumstances, refusing to be the object of executive clemency, as I have occasion to know, his one cry, ever repeated, was, "to be heard!"

It seems strange that a request so simple and reasonable as this, coming from a person sprung from patriotic blood, and having himself achieved by eminent service so much of fame in his high profession, should have remained so many years without favorable answer.

It is not profitable, perhaps, and I am sure I have no disposition, to enter upon a discussion of the probable reasons delaying General Porter's vindication until a recent period. I think I can understand better now than I might have done in times past why men thought the public service required that such controversy should be delayed, for final decision by the Government, until the advent of calmer days.

Whatever the delaying influences—however considered in the light of his present vindication—the fact is that until a year ago no tribunal was appointed to hear him. The present Executive, after careful consideration, deemed it his duty to appoint a board of officers "to re-examine the case, with a view of suggesting to him what action, if any, public justice demanded" in Porter's behalf. The order reads as follows. But before I read it let me ask the attention of the Senate for a moment to the appeal upon which the executive order was granted. This was Porter's appeal:

To the President:

I most respectfully, but urgently, renew my oft-repeated appeal to have you review my case. I ask it as a matter of long-delayed justice to myself. I renew it upon the ground that public justice cannot be satisfied so long as my appeal remains undecided. My sentence is a continuing sentence, and made to follow my daily life. For this reason, if for no other, my case is ever within the reach of executive as well as legislative interference.

If I do not make it plain I have been wronged, I alone am the sufferer. If I do not make it plain that great injustice has been done me, then I am sure that you, and all others who love right and truth and justice, will be glad that the opportunity for my vindication has not been denied.

It is the old cry "to be heard," expressing anew his complete conviction, not only of the justice of his cause, but of his ability to make manifest that fact. His appeal must have impressed the executive mind, as it certainly did that of the general public. The President's order, which includes the appeal, is as follows:

In order that the President may be fully informed of the facts of the case of Fitz-John Porter, late major-general of volunteers, and be enabled to act advisedly upon his application for relief in said case, a board is hereby convened, by order of the President, to examine, in connection with the record of the trial by court-martial of Major General Porter, such new evidence relating to the merits of said case as is now on file in the War Department, together with such other evidence as may be presented to said board; and to report, with the reasons for their conclusions, what action, if any, in their opinion, justice requires should be taken, on said application by the President.

The board detailed by the President consisted of Major-General J. M. Schofield, Brigadier-General A. H. Terry, and Colonel G. W. Getty.

There was but one voice concerning their special fitness for the duty assigned them. In all the Army, with its large number of faithful, intelligent, and distinguished men, I do not know where three

officers of superior integrity, intelligence, and professional honor could have been selected. General Schofield, whose name became distinguished during the period of our civil war, and as military governor of Virginia thereafter, also held the position of Secretary of War, and is now intrusted with the command at West Point and superintendence of those who are to become the chief officers in the Army, was first upon this board, and presided over it. General Terry, well known before he joined the Army, in the profession of the law; carrying with him into his new profession, as was conspicuously shown during the proceedings in this court, his legal knowledge and training, as well as his accomplishments as a soldier, was the second member of the board. General Getty, brave, intelligent, and sensitive concerning the honor of the profession of which he is a conspicuous member, now commanding at Fortress Monroe, and in charge of the military school at that point, was the third member.

Thus, it will be observed, two of the three members of the board of inquiry in General Porter's case were selected from positions of especial trust, and were taken from duties of the most delicate character connected with the profession of arms. They were chiefs of departments, so to speak, wherein the youth of the country were being instructed in all that pertains to military life, military duty, and military honor. Least of all could men like these, holding positions of high and peculiar trust, afford to make any mistake in a case of such magnitude. Nor was the position of General Terry scarcely less delicate and responsible. He entered the Army from civil life, and because of his qualifications, conspicuously shown on many occasions, he has been retained in it; had been rapidly promoted; had been placed in high position over others, some of whom had graduated at Government military institutions. He had adopted the profession of arms later in life than most of those who are now his compeers. In forming a judgment, in a military case of the delicacy and importance of General Porter's, General Terry was unquestionably sensible of this fact, that if he made any mistake calculated in the slightest degree to lower the standard of honor or of duty in the profession which he had adopted, peculiar censure would be visited upon him for his error.

It has always seemed to me that the constitution of the board was a singularly fortunate one regarding the public service and its honor.

These were his judges! Men of high position in the profession from which Porter had been dismissed in disgrace; to which he sought to return; in which, should he return improperly or without complete and absolute vindication, he would be a cause of reproach both to the profession and to those whose action should assist him to re-enter it.

These were his judges! Not unprejudiced men, as has transpired, who had formed no opinion in the case, but men who had, with more or less of care in the excitement of war and in the pressure of passing events since the war, occasionally referred to the case, and, concurring in the public judgment or what was supposed to be the public judgment, had felt that somehow or in some way Porter must have been guilty of a great offense, else he would not have been condemned.

These were his judges! Men before whom he came asking not only that they should affirm his asseverations of innocence, but that in the vindication which he sought through them he might be restored to his former rank and position, this being the undoubted logic of a favorable issue.

I think it will be conceded, sir, that few men have ever had to encounter more difficulties in obtaining justice than General Porter in the course of his long, patient, and painful quest.

The report of the board of officers has been submitted to the Senate in various ways and at frequent times. Of those who made it I have already spoken. They knew the weight and value of every word within it; that their decision would encounter somewhat of prejudice, perhaps much of criticism, and that tendency of unreflecting minds, which, craving new matters of interest, prefers to leave the seal of decision upon matters deemed adjudicated.

Mr. President, the volumes before us, connected with this case, indicate to some extent their public importance. They are four in number, containing seventeen hundred pages and over thirty maps. Under the order of the Senate they include every pertinent paper on file in the War Department, and all papers and documents placed in the hands of the Military Committee. They also include the proceedings of the board convened at West Point, who, having had the matter under consideration from June, 1878, until March, 1879, a period of eight months, submitted their report to the President.

The reports of the majority and minority of the committees are also before us. That of the latter asserts in substance—

1. That the proceedings of the original court-martial were not founded in error;
2. That the findings of a court-martial, when approved by authority, are not open to review, and are as conclusive as decisions of the Supreme Court;
3. That the President had no authority in law to organize a commission to examine Porter's case by taking *ex parte* testimony; and
4. That when a person is out of the Army Congress shall not pay him for services unperformed.

Mr. President, my first answer is that it is now established—

That a grossly inaccurate map of the field of operation, wholly incorrect and delusive as to the position of the troops upon that field, was used and relied upon by the court-martial;

That erroneous and false statements of facts were made by the witnesses against Porter;

That conflicting testimony before the court-martial relating to plans of operations, interpretations of orders, and degrees of responsibility, are now rendered indisputably plain by new and unimpeachable testimony. And notably:

That concerning the time of the delivery of an order "4.30," August 29, upon which the most serious charge against General Porter was sustained by the court-martial, it is now proved, by "unquestionable testimony," that the principal witness against Porter deliberately perjured himself, and a supporting witness confessed to false statements. An attempt to sustain these witnesses, made before the recent board, resulting in failure, compelled the board to dismiss the testimony "as entitled to no weight whatever."

The court-martial condemning Porter was led to believe that less than one-half of the confederate forces were on the field of battle on the 29th of August—the day of Porter's alleged misconduct; that Pope's entire army, exclusive of Porter's corps, was engaged in a severe and doubtful contest; that a flank attack by Porter, on Jackson's force, would have insured his defeat and capture; that Porter was in a position two miles in advance of the place he actually occupied; that McDowell ordered Porter to attack the force in front of him; and that Porter disobeyed that order and allowed a large body of the enemy to pass him unmolested, going to Jackson's assistance, retreating himself to Manassas Junction.

The errors of the court-martial, touching these vital matters, are now made plain. It is undeniably established that Lee's army, comprising all of Jackson's force and all of Longstreet's, save one small division, was on the field on the 29th, and ready for battle, hours before the scattered forces of Pope were prepared; that Porter's corps alone, of the left wing of Pope's army, was in position and ready; that the remainder of the Union army were scattered over a territory not less than nine miles in length, in corps, divisions, and brigades and in no sort of military connection or correspondence; that the chief of one corps (McDowell) was absent and lost in the woods all the night before the battle, and as General Pope testifies in his joint order of the 29th, could not be found till a late hour that morning; that McDowell's division and brigade commanders, some of whom had been assigned to the vital duty of keeping Lee from passing the gap, at Thoroughfare, and reinforcing Jackson, had not only retreated and left the way completely open for Jackson's retreat or Lee's advance, but had failed to have the benefit of the personal presence of General McDowell, or of his orders, during the eventful night of the 28th and the early morning of the 29th of August—he being, as I have remarked, lost in the woods the night before; and from this misfortune, having no other command than that he was able to exercise over himself and the single orderly accompanying him.

In condemning General Porter, the court-martial unquestionably accepted as true the testimony of General Pope and the opinions of General McDowell and other witnesses, relative to the presence and position of Longstreet's forces. That testimony and those opinions are all to one purpose—to prove that Longstreet's force was far away from the field of battle of the 29th of August, and totally beyond supporting distance of Jackson, then confronting the right wing of Pope's army. This belief General Pope expresses in one of his dispatches, when he says: "The indications are that the whole force of the enemy is moving at a pace that will bring him here by to-morrow night (30th) or next day."

When General Pope was writing this dispatch on the morning of the 29th, the enemy of which he wrote even then was gathering on the field in front of him.

It is true that Porter insisted before the court-martial his knowledge of these facts, now conceded, and contended that Longstreet's army had joined Jackson early on the day of the 29th; that this superior force, and not Jackson's, confronted him, and, lying between him and Jackson's rear and flank, awaited all too anxiously, in their selected position, Porter's hoped-for attack.

Against this assertion of Porter's, General Pope testified that Longstreet's army was not in front of Porter, and that no such obstacle, therefore, prevented him from obeying his (Pope's) order to attack Jackson's "rear and flank."

It seems at this day almost incredible that knowledge of the presence in his front of an army of twenty-five thousand men should have been unknown to the commanding-general opposing them, who not only disregarded it in the use and disposition of his own forces, but actually ignored the fact on Porter's court-martial, and for years afterward.

But Porter knew of the enemy in his front, for he had captured some of its scouts, and had already been informed, through a dispatch from General Buford to McDowell, of the near approach of Longstreet's forces. He also knew that the order under which he was acting was given by his chief, miles away from the scene of action, in total ignorance of the facts of the situation; that it was addressed equally to General McDowell and himself, and if that officer, then the superior, and on the field with him, commanding, through their joint forces, twenty-seven thousand men, did not deem it his duty to make the attack, but did deem it his duty to march away to another portion of the field, taking with him nearly three-fourths of the joint force, and leaving Porter in an isolated position with only about nine or ten thousand men, it was manifestly Porter's business not to precipitate

a general action unsupported as he was. And to this confession McDowell, after seventeen years, was brought when a witness before the recent board.

It has been adjudged by a competent tribunal that if Porter had taken other action than that which he did it would have been not only "a great blunder but a great crime." It is also the judgment of the same tribunal that "Porter's obedient, subordinate, faithful, and judicious conduct on the 29th of August, 1862, saved the Union Army from disaster."

Surely, Mr. President, I need not enlarge these statements to disprove the assertion that the judgment of the court-martial was not founded in error. Examination has shown its proceedings to be crowded with errors.

As to the second statement of the minority that "the findings of a court-martial, when approved by competent authority, are not open to review, and that they are as final and conclusive as decisions of the Supreme Court of the United States," it is possible, sir, that cheerful acquiescence will be given by the American people in the claim of the minority touching the infallibility of courts-martial; but I am not to be counted upon as among the number acquiescing. They are fully looked upon, and I think properly, as tribunals peculiarly liable to error; and, if so, their findings should be especially open to review.

Why are such courts constituted? To meet the exigencies of war; to set in judgment on those in the military service; to execute speedy justice.

By whom are the members of courts-martial selected? By a single person—the President, general-in-chief, or a subordinate commander; possibly, by one interested to condemn.

Who constitute the members of a court-martial? Impartial men, selected from a large number? No. They must be the peers in rank, at least, when practicable, of the accused; sometimes of under rank, yet just in the atmosphere of promotion, so to speak; frequently men whose judgments have been warped by the jealousies peculiar to the military service; often composed of officers whose own conduct may have been incidentally under review, as was the fact with members of Porter's court-martial; occasionally—not often, I trust—of officers who have had, for the time, to put off the judicial ermine, take the stand of a witness, and thereafter resume judicial functions, as was the case in Porter's trial.

And finally, sir, upon this head, what is the life of this court to whose decision we are to bow in reverent obedience? It is born of the breath of one human being, and dies, after its judgments, at the edict of another.

Chief-Justice Marshall, whose opinion may be respected, although he never sat on a court-martial, says:

What makes us trust our judges? Their independence in office and manner of appointment.

I submit, sir, if this test be applied to courts-martial, we are not called upon to give them our implicit confidence.

Mr. President, I am not a lawyer and not obliged, therefore, by a jealous regard for the honor of that profession, to defend the Supreme Court for what seems to me to be a most uncomplimentary comparison. The judges of that high court are selected with great care by the President of the United States; their fitness, learning, and character pass under critical review by the Senate of the United States before confirmation; and their independence of action is secured by life tenures of office. Is it possible that any proper and respectful comparison can be made between these tribunals?

The third objection of the minority, is that one which pertains to the power of the President to re-examine a case of this description. I do not know that it is important, in considering the merits or demerits of General Porter's case, to inquire especially concerning technical questions of authority under which the reviewing board of officers, exercised their powers. I have no doubt in my own mind as to the right of the Executive to call for the opinion of competent officers in a case of the seriousness of the one under consideration.

Touching this identical question, Mr. Daniel Lord, of New York—as able and loyal as any member of that bar—wrote years ago:

Major-General Porter, Washington City:

DEAR SIR: As your sentence is still being executed it is as much within the reach of the President as any case of pardon from after discovered proof of innocence, and if the President can pardon, and the lesser includes the greater, he may refer it to a board of officers to find out the facts, and the truth, and the justice, on whose report he may act. This must necessarily be so, or a pardon from after proof never could be granted except from mere executive instructed clemency.

Your friend and servant,

DANIEL LORD.

Congress has frequently requested or authorized the President to convene such boards of re-examination; and, notably, within a very recent period, in the case of Surgeon-General Hammond, this body, by a vote of 55 to 1, authorized the President to convene a board of review, and to accept the decision as conclusive, for his action, if he deemed it "right and proper so to do." It is not important, perhaps, but I may state in this connection that the officers who were originally appointed to re-examine the case of Surgeon-General Hammond were the same who examined the case of General Porter. Finding the double duty beyond their ability to perform, they were relieved of the case of Hammond and considered that of Porter.

Whatever opinion may be held by members of this body touching the constitution of the Schofield board, the fact remains that the

President carefully considered the propriety of re-examining Porter's case before he ordered the board; that it was constituted; that its members were men of the highest position, intelligence, and integrity; that their deliberations were long, full, patient, and exhaustive; that they heard every witness summoned before them by either the petitioner or by the Government; and that every witness save one, summoned on either side, promptly appeared and fully answered. That one witness was General Pope—Porter's first accuser!

Another objection of the minority of the committee is to the effect that no compensation should be given to a person dismissed from the Army.

My reply to this objection is that Government should not seek to take advantage of its own wrong.

Since I have been a member of the Senate I have had occasion to act upon or to take notice of cases acted upon by Congress not dissimilar in character to that urged for General Porter's relief. Among them are these: Major George A. Armes, Surgeon-General W. A. Hammond, Captain Thomas B. Hunt, and Lieutenant E. R. Clark.

Concerning opposition to one of these cases the distinguished Senator from Maine [Mr. BLAINE] said:

If you once establish it that no matter what finding of a court-martial may happen to get approved there is no possible appeal here, I say God help some officers of the Army in future years.—*Congressional Record* of April 18, 1878, page 2633.

If we are willing to say a thing was unjust, do not let us stop at half measures.—*Ibid.*

It is a wholesome and good thing to hold the power of review in Congress, to exercise it of course always with discretion; but in meritorious cases to exercise it with absolute power.—*Ibid.*, page 2637.

The minority contend that the board of which Generals Schofield, Terry, and Getty were members exceeded its authority in recommending to the President the restoration of General Porter. Yet the President, the Commander-in-Chief of the Army and, therefore, the superior officer of these generals, directed them to report "what justice required" in General Porter's case.

Surely, sir, we are not to inculcate disobedience by telling these high officers that they should have disregarded the great object of their convention. These officers were not to be the judges of the legality of the order; the Commander-in-Chief had decided it was lawful.

The board of review, it is contended, was merely an "association of gentlemen—very able and honest and intelligent gentlemen, no one denies—having no element of judicial function under law." Such an association has no power, it is asserted, to examine into the proceedings and findings of a court-martial, to swear witnesses, or to hear or determine any question of law or fact. The effect of such a commission is to set up an appellate court superior to a court lawfully constituted.

I shall not dwell, sir, upon other objections and observations of the minority of the committee concerning the board of review composed of the loyal and distinguished soldiers of whom I have spoken. I think it was scarcely necessary, however, to their view to intimate that the Schofield board "sought to prepare the conscience of Congress for raids upon the Treasury in favor of dismissed officers;" or that the whole appearance in the case indicates that it was made up by those desiring "confusion and misconception." I make no defense of the gentlemen comprising that board; they need none from me.

Mr. President, the proposed amendment to the bill, as offered by me, overcomes the main objections in law suggested by the minority of the committee. I could, therefore, have omitted all reference to them. This course, however, would have been capable of misconception, and I have preferred to express my dissent from most of the minority's conclusions.

I may add that my great desire has been to have General Porter's case considered upon its merits, and I am willing, therefore, to lay aside personal preferences as to the mode of accomplishing his restoration to the Army, if at last this just result may be honorably had.

The temptation, sir, to quote largely from the board's report is almost irresistible. To me it is a clear, unimpassioned recital of the facts, of the conclusions, and of the reasons therefor. It tells us they have made a thorough examination of all the evidence bearing upon the subject. It tells us that under instructions from the board, the recorder sought with great diligence for evidence, especially that having an adverse bearing upon General Porter; that they have had the benefit of testimony, not available at the original trial, of officers and soldiers of both armies, present upon the field of battle; of much documentary evidence; and, particularly, the benefit of accurate maps of the battle-field, made from recent surveys by a distinguished officer, who was a participant in the battle—without which maps no correct understanding of the testimony could be had.

The report of the board shows conclusively that the maps used in the original trial were extremely inaccurate; that the troops located thereon were erroneously placed; and that errors of statement were made to convey still more erroneous impressions, because of the grossly faulty and misleading map used by the court-martial.

A single illustration will suffice to show with what fatal force an error connected with the original map was made to tell against General Porter. It was charged that Porter was in a position somewhat to the right and rear of Jackson's force on the 29th of August, when he received the order to attack, yet no force of the enemy was designated upon the court-martial map as being in existence, save that of Jackson. It is now conceded that Porter's position was nearly two miles away from that fixed for him on the original map; that the position

assigned him on that map was occupied, as I have before shown by Longstreet's force; and that Porter was not, and could not have been, to the right and rear of the force he was commanded to attack, but was in front of another army whose existence, on the map at least, was not recognized by the court-martial.

General Porter's conduct during the whole of the transactions involved was subjected by the board to the highest degree of responsibility recognized by military principles. The conflicting testimony relative to plans of operation and interpretations of orders, motives of action, and degrees of responsibility, were carefully weighed, and the report states that in every possible view of the subject, examined in the light of the facts, established by undisputed testimony, but one conclusion respecting the guilt or innocence of Porter can be had.

The charges against Porter were six in number. Of these not more than two or three were pressed with serious purpose. He was condemned for not obeying an order given to him on the 27th of August, 1862, to march at one o'clock of the morning of the 28th from Warrenton Junction to Bristow Station, delaying two or three hours in the attempt to march. The reviewing board declare that the testimony clearly shows that General Porter reached Bristow Station "as soon as it was practicable;" that the night upon which he was ordered to march was excessively dark; that army trains, numbering two or three thousand wagons, largely possessed the intervening road which was newly made in many places, crossed by small streams, and otherwise rendered impracticable for a night march by a large body of men. Upon this head the conclusion of the board is that General Porter "exercised only the very ordinary discretion of a corps commander, which it was his plain duty to exercise, in delaying the march until three o'clock;" and that "nothing was gained, or could have been gained, by the attempt to move before the dawn of day;" that "it would have been wiser to delay the attempt to move until four o'clock."

It was charged against General Porter that he did not obey a joint order addressed to General McDowell and himself on the morning of the 29th August, 1862, to move against Gainesville; but it is now shown that Porter moved as far as he could go; that he was overtaken by McDowell, who, as senior in rank, took the command, informing Porter that he was already too far advanced. McDowell, leaving, took with him about seventeen thousand men, the larger portion of their joint force, leaving Porter with eight or ten thousand to hold Longstreet, then in his front, in check, and to keep himself in readiness under the terms of General Pope's order to fall back behind Bull Run that night. The evidence sustaining this conclusion of the board is that of such officers as Generals Morell, Sykes, Griffin, Butterfield, Warren, Patrick, and others; sustained as to the presence of Longstreet by the evidence of Generals Longstreet, Robertson, and Charles Marshall, of the confederate army.

Perhaps the most conclusive evidence that Porter performed all that was possible for him to do, under the order cited, is found in the fact that General McDowell, when in command of both Porter's corps and his own, acting under the same order—that is, the joint order already referred to—decided not to attempt to execute it, but marched away from the field, then occupied by Porter and himself, on the advance to Gainesville, and going to the rear and right of Porter's remaining force, was practically performing no service in attacking the enemy, holding him in check, or remaining in supporting distance of Porter, who urged the retention of one of McDowell's divisions to support him in an attack.

The third charge against General Porter before the court-martial was that, being on the field of battle on the 29th August, and within sound of the guns and in the presence of the enemy, and knowing that a severe action of great consequence was being fought, and that the aid of his corps was needed, he failed to bring it on the field; that he shamefully fell back and retreated from the advance of the enemy without attempting to give them battle, and without knowing the force from which he retreated.

Mr. President, we shall show, if it become necessary in this debate, that Porter not only did know of the force from which he did not retreat, but that knowledge was largely had from General McDowell, who swore on Porter's trial that he had no knowledge of the force that made up the enemy, yet it was on record that hour in the War Department in his own report a month earlier that he had.

Mr. CONKLING. Had what?

Mr. RANDOLPH. I say that General McDowell swore on Porter's trial that he had no knowledge of the force in front of him, that is as to whether it was Longstreet's or Jackson's or either. That is his testimony before the court-martial that convicted Porter; and yet there is on file in the War Department, or ought to be—God only knows what there is there—a report from General McDowell himself, dated a month earlier, showing that he actually knew of these forces which on the court-martial he swore he knew nothing about.

I have only cited this single instance of what I shall term the incorrectness or the failure of memory upon the part of some of the important witnesses against General Porter. I want to add that I have very much more in corroboration of that which I have stated.

Mr. CONKLING. Would it be disagreeable to the Senator from New Jersey to be interrupted for a moment?

Mr. RANDOLPH. I would prefer to go on with my remarks.

Mr. CONKLING. I simply want the Senator to restate, if he will, a thing which is differently understood. I am sure the Senator will

not object to such an interruption. I simply want to inquire whether he means that the report he refers to was made a month before the delivery of the testimony, or a month before some other event.

Mr. RANDOLPH. A month before the delivery of McDowell's testimony before the court-martial.

Mr. CONKLING. So I understood the Senator, but some other Senators understood him otherwise.

Mr. RANDOLPH. Yes, sir; I state the fact. That report of McDowell is dated in November, 1862, and the trial took place in December, 1862, according to my recollection.

It is now shown, by Federal and confederate testimony of the highest character, that from the time McDowell left Porter, on the morning of the 29th, until that evening, there was no infantry engagement except skirmishing and some short and sharp contests between small portions of the opposing armies. That a heavy artillery combat was going on during the afternoon, at a point remote from Porter's command, is the nearest approach to a "severe action" that can be demonstrated.

It is, therefore, shown that no "severe action," such as was contemplated under the charge, took place at the time named, and that the aid of Porter's corps was not "greatly needed;" but, to the contrary, it was performing a service, in the judgment of the reviewing officers, equal to that of any other portion of Pope's command; holding in check the superior forces of Longstreet, who, upon Porter's removal or defeat, would have fallen upon the exposed left flank of Pope's army.

Porter's conduct on that day is declared to have been "obedient, subordinate, faithful, and judicious, saving the Union Army from disaster."

The fourth charge against General Porter is substantially the same as the third—that believing the troops of General Pope were sustaining defeat, Porter failed to go to their relief, retreated and fell back with his corps, leaving Pope's army to the disaster of a presumed defeat.

Mr. President, the Fifth Army Corps that Porter commanded made no retreat. That is the evidence, and that fact will and can be substantiated. As to the force of Sturgis or of Piatt, whatever may be its designation, a force of eight or nine hundred men not then permanently connected with the Fifth Army Corps, but temporarily under General Porter, that was sent some distance on the road toward Manassas—as to that force the board of review say that in placing them there to occupy a defensive position Porter made the "ordinary soldierly disposition of his force," and which the Senate will also observe was required of him by the terms of the joint order to McDowell and Porter of that morning, which stated: "It may be necessary to fall back behind Bull Run to-night. I presume it will be so." Also, "one thing must be had in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning."

The evidence under this charge shows conclusively that Porter made no retreat whatever; that he held the ground whereon McDowell had left him; that he covered the deployment of McDowell's troops under the expectation and agreement that they should go into line and fill the perilous gap between the right of Porter and the left of Reynolds—a task never accomplished. It is shown that the preparations for retreat were "only the ordinary soldierly dispositions it was his duty to make under the circumstances then existing;" that he made frequent reports to his superior officers, stating what he had done, and what he had been unable to do; who and what the enemy in his front was, and what his impressions were from the sounds of action toward his right; how he had failed to obtain any replies either from Pope or McDowell, to whom his reports had been frequent during the day, and early enough to insure the receipt, from either of them, of orders or information if they had any to send. In these communications Porter stated that, should he receive no contrary orders, and only in that event, would he be compelled to retire for food and water, as Pope had suggested in his morning dispatch.

All these dispatches indicate a purpose to retire only when assured that the main army was doing so, and then to cover the retreat of that army as far as possible. It is a singular fact, Mr. President, that every dispatch that could be distorted to General Porter's prejudice was easily found by the prosecution, and quickly presented by certain witnesses. Other, and to Porter, vital dispatches, many in number, the receipt of which is acknowledged by Porter's superior officers, have, with an exception or two, never been produced, though they have been urgently demanded.

One dispatch, held by McDowell for seventeen years, and produced before the recent board, would alone have relieved General Porter of the most serious charge against him, that of receiving and disobeying the "4.30" order. Who shall measure the wrong this single omission occasioned?

I venture to assert before this body that if that dispatch had been produced before the court-martial which convicted Porter of the most serious charge against him, that of disobeying the 4.30 order of August 29, 1862, it would not have been possible for the court-martial to have convicted him, because that dispatch which McDowell now brings in after these seventeen years is dated at six o'clock, and throughout all of it there is the most substantial evidence that Porter could not have been in receipt of the 4.30 order at the time of the writing of the six o'clock dispatch, and so the board of review declare saying, that the terms of this dispatch from Porter to McDowell "ut-

terly forbid the supposition that at that time Porter had received the 4.30 order." But I am not done with the 4.30 order or its time of delivery.

The fifth charge upon which General Porter was condemned was that he disobeyed what is known as the 4.30 order of the afternoon of the 29th August, to attack the enemy on his flank and rear. And the sixth and last charge against General Porter is substantially the same as the fifth, with the additional assertion that he not only disobeyed the order in not attacking the enemy's flank and rear, but that he retreated from the enemy—failed to give aid to the troops already fighting superior numbers, who were relying on Porter's attack to secure a decisive victory and capture the enemy's army; and finally, that the failure to obey this order resulted in the escape of Jackson's army and contributed to the disasters of the succeeding day.

As I have already stated, sir, this charge is deemed to be the most serious one brought against General Porter, and the reviewing board evidently so considered it.

It is not worth while to delay by repeating the testimony under this head or the conclusions of the Schofield board regarding it. A single fact, now placed beyond controversy, fixes forever the injustice of the finding under this charge. It is this: the order was dated at "4.30 p. m." of the 29th of August. It was given to General Pope's aid ten or fifteen minutes thereafter. It was carried by him to General Porter by what is now established as a most circuitous route, and it has been shown that he lost his way in endeavoring to reach Porter, and instead of delivering the vital order about five o'clock in the afternoon, as he once testified he had done, that he did not deliver the order until sundown of that day. The testimony upon this point cannot be read by any unprejudiced person without being convinced of the perjury of the witness and of the injustice done General Porter.

I speak of this regretfully because the witness has recently died. I only say that the witness who swore before the court-martial that he delivered this order at five o'clock or thereabout in the afternoon is shown not to have done so. Two officers of the United States Army now in the service were before the board of review, and one of them at least testified clearly that the witness stated to him after the war was over that he had not delivered the vital order until "near dark." These, sir, are not mere assertions of mine. The evidence touching all these points will be found in the volumes before us.

It is not necessary to inquire what Porter's duty would have been had he received the 4.30 order at five o'clock.

It is a well-established military maxim that a corps commander is not justifiable in making an apparently hopeless attack in obedience to an order from a superior who is not on the spot and who is evidently in error in respect to the essential conditions upon which the order is based. I leave to military men, and to better judgments than mine, to decide what Porter's duty would have been had the order been promptly received. The reviewing board are very clear that its receipt, even at the time Captain Pope testified he delivered it, would not and should not have made any difference in the result. They assert that Porter's duty would have held him where he was; that his disposition of troops had all the desired and all possible beneficial effect; that it was keeping Longstreet's superior force from going to the aid of Jackson, against whom Pope was using the remainder of his army. But all speculation upon this head is now unnecessary, for the simple reason that the "4.30 order" not having been delivered within the time when it was possible for Porter to have executed it, the whole charge falls to the ground.

Mr. President, regarding this case I shall not, at this time at least, much longer detain the Senate. The conclusion of the reviewing board, that "not one among all the gallant officers on that bloody field was less deserving of condemnation than General Porter," sums up and completes a report that will be considered among the most able, impartial, and carefully prepared documents connected with the history of military operations.

I shall be pardoned, sir, for saying to the Senate that to me this has been a case of peculiar personal interest.

Although I had no acquaintance with General Porter when he was charged, tried, and condemned, I formed my opinions at that time through a careful reading of the proceedings. During most of the years that have intervened since his condemnation I have been his immediate neighbor and personal friend. Thus I have seen his daily life. Necessarily an observer of his acts, participant in conversations, with free and unrestricted recourse to his very large correspondence, I say to the Senate that under no temptations, cruel and many as they have been, have I ever heard an expression from him, read a line from or to him, that would not have borne the criticism of the most patriotic man in the land. Through years I have been the daily witness of his patient endurance, and though he has borne himself, as only brave men can, with outward show of composure, I have often felt that it would have been infinitely more merciful had that brave and suffering soldier been shot to death on the day of his condemnation. Better this quick, though cruel fate, than have lived to encounter the desertion of timid friends, the taunts of cowards, the opprobrium of time-servers, and the dilatory justice of his Government.

But justice, though slow, has proved sure; the vindication of General Porter, in the full light of all the facts, has been rendered by a board of United States officers and gentlemen skilled in the art of war, and competent to pass judgment. It remains for us to complete the reparation so long withheld.

Mr. LOGAN. Mr. President—

Mr. ALLISON. If the Senator from Illinois does not desire to proceed now, I move that the Senate proceed to the consideration of executive business.

Mr. LOGAN. I will give way in a moment. I desire to say a word first. I wish to proceed with my argument in the morning, but that impressions may not go out contrary to what I deem just, I desire to say to my friend from New Jersey now that the assertion made in reference to General McDowell's report and testimony disagreeing, I think he will find he is in error in. I am very sure he will.

Mr. RANDOLPH. If I find I am in error prompt and early reparation will be made. I do not wish to do any injustice to General McDowell.

Mr. LOGAN. Of course not.

Mr. RANDOLPH. But I have had placed in my hand a report of such a date, and I certainly have seen General McDowell's testimony of a later date. It may be, but I hardly think it is possible, that I am wrong.

Mr. LOGAN. The discussion here will develop the fact. I merely wish to put in a counter-statement at once, that the Senate may see afterward who is correct. I am satisfied the Senator from New Jersey is mistaken, for I have examined the matter very carefully. I do not wish to discuss it now, but I have examined very carefully and I find no such contradiction.

One other thing I desire to say in behalf of a man who is dead now—Douglas Pope—that the Senator will search in vain to find anywhere in the evidence, either before the court-martial or the reviewing board, where Douglas Pope ever admitted any such thing as he states.

Mr. RANDOLPH. As what?

Mr. LOGAN. That he ever admitted that he had made a misstatement on the trial before the court-martial. I have read the evidence very recently, and those who know me will know that I generally remember evidence well. Douglas Pope swears before this board that he never made any such admission. Not only that, but the orderly who traveled with him swears positively to the time and the road and the whole thing, both witnesses stating it exactly as he did before the court-martial.

Mr. RANDOLPH. Is it not true, let me ask the Senator, that two officers, Captain Moale and one other whose name I have forgotten, officers in the United States Army to-day, testified that Pope did make just that admission?

Mr. LOGAN. It is true that two officers stated before this board that in casual mess conversations they understood Mr. Pope to say that he had met some one on the road that had misguided him and delayed him. They make that statement, but Mr. Pope comes forward and emphatically denies it, and so does the orderly who was with him. That is exactly the evidence.

Mr. RANDOLPH. Mr. President, I have made my statement with care.

Mr. LOGAN. Yes.

Mr. RANDOLPH. And although I am liable to error unquestionably, as my friend from Illinois is, I have no doubt in the course of this debate it will be developed by the evidence I am correct.

Mr. LOGAN. I merely wished to put it right now. Of course I do not mean to insinuate that the Senator has made any misrepresentation; he will not so understand me; but he and I understand the evidence differently. That is all I wish to say, so that the Senate may not gather the impression that the evidence proves what the Senator has stated in these particulars. That is the only reason why I wish to interpose now. Having said what I have said at this time, I give way to the Senator from Iowa.

Mr. RANDOLPH. I want to say, if the Senator from Iowa will allow me—

Mr. ALLISON. Certainly.

Mr. RANDOLPH. I want to state, because I think it is just and right to say it, that I did not assert and did not intend to assert that Captain Douglas Pope ever admitted to the board of review that he had not delivered that order until six or seven o'clock, but it is in evidence by the testimony of two United States officers that to them he did make substantially that admission.

Mr. LOGAN. The evidence will show how that is.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Several SENATORS. Let us adjourn.

Mr. PENDLETON. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, March 1, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Friday was read and approved.

ADMISSIONS TO THE FLOOR.

On motion of Mr. KEIFER, by unanimous consent, the privileges of the floor were extended for the day to Hon. Thomas J. Pringle and Hon. D. A. Hollingsworth, members of the Ohio senate.

On motion of Mr. McLANE, by unanimous consent, the privileges of

the floor were granted to Hon. J. H. Cooper, of the Maryland senate, for to-day.

On motion of Mr. BLAND, by unanimous consent, the privileges of the floor were granted for one day to General E. Y. Mitchell, adjutant-general of the State of Missouri.

On motion of Mr. ATHERTON, by unanimous consent, the privileges of the floor were granted for this day to Hon. William Bell, jr., late secretary of the State of Ohio, and ex-member of Ohio house of representatives.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at thirteen minutes past twelve o'clock. This being Monday, the first business in order during the morning hour is the call of States and Territories, commencing with the State of Maine, for the introduction on leave of bills and joint resolutions for reference to their appropriate committees not to be brought back on a motion to reconsider. Under this call joint resolutions and memorials and resolutions of State and territorial Legislatures are in order, and also resolutions calling for executive information, for reference to appropriate committees.

Mr. BENNETT. I ask by unanimous consent that the call of States and Territories be continued until the whole list of States and Territories be completed.

There was no objection, and it was ordered accordingly.

SALLY HALL.

Mr. HALL introduced a bill (H. R. No. 4767) granting a pension to Sally Hall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHANGE OF NAME OF VESSELS.

Mr. RUSSELL, of Massachusetts, introduced a bill (H. R. No. 4768) to authorize the Secretary of the Treasury to change the name of vessels under certain circumstances; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GRANVILLE T. PIERCE.

Mr. PHELPS introduced a bill (H. R. No. 4769) for the relief of Granville T. Pierce, of Southbury, Connecticut; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PORTS OF NEW HAVEN AND MIDDLETOWN, CONNECTICUT.

Mr. PHELPS also introduced a bill (H. R. No. 4770) to extend the provisions of sections 2990 and 2997 of the Revised Statutes of the United States, with respect to the transportation and entry of merchandise in bond to the ports of New Haven and Middletown, in the State of Connecticut; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

DEFENSES IN NEW YORK HARBOR.

Mr. LAPHAM. I present a joint resolution of the Legislature of the State of New York relative to increasing the defenses in the harbor at New York City, for reference to the Committee on Appropriations. I also ask unanimous consent that the joint resolution be printed in the RECORD.

The SPEAKER. The Chair cannot entertain a request for unanimous consent during the morning hour of Monday. The gentleman will be recognized hereafter to make that request.

Mr. COX. I ask for the reading of the joint resolution.

The SPEAKER. That would not take it into the RECORD; but the gentleman is entitled to have it read.

Mr. TOWNSHEND, of Illinois. Let it be read.

The joint resolution was read, and referred to the Committee on Appropriations.

LUCIUS D. ALDEN.

Mr. VAN VOORHIS introduced a bill (H. R. No. 4771) for the relief of Lucius D. Alden; which was read a first and second time, and referred to the Committee of Claims.

UNITED STATES REGULATION FIRE-ARMS COMPANY.

Mr. MULLER (by request) introduced a bill (H. R. No. 4772) for the relief of the United States Regulation Fire-arms Company; which was read a first time by its title.

Mr. TOWNSHEND, of Illinois. Let the bill be read in full.

The bill was read the second time in full, and was referred to the Committee on the Judiciary, and ordered to be printed.

PUBLICATION OF COMMERCIAL REPORTS.

Mr. COX submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State is hereby requested to inform this House what measures, if any, may in his opinion be advantageously taken for the more frequent publication and wider circulation of commercial reports received by the Department of State from the diplomatic and consular officers of the United States, and also to communicate to the House any information which may be in his possession as to the methods of publishing such reports in other countries.

GOVERNMENT LANDS IN SOUTH CAROLINA.

Mr. COX also introduced a bill (H. R. No. 4773) for the relief of the Army and Navy purchasers of Government lands in South Carolina and of cash purchasers of Government lots in the abandoned city of Port Royal, or Saint Helena Island; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DUTY ON CARPETINGS.

Mr. CHITTENDEN (by request) introduced a bill (H. R. No. 4774) to fix a maximum rate of duties on carpetings; which was read a first time by its title.

Mr. WHITTHORNE. Let the bill be read in full.

The bill was read the second time in full, referred to the Committee of Ways and Means, and ordered to be printed.

ANN M. PAULDING.

Mr. HUTCHINS introduced a bill (H. R. No. 4775) granting a pension to Ann M. Paulding, widow of Hiram Paulding, late senior rear-admiral United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD M'DONALD REYNOLDS.

Mr. BLISS introduced a bill (H. R. No. 4776) for the restoration of Edward McDonald Reynolds to the rank of captain in the Marine Corps of the United States; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MATTIE S. WHITNEY.

Mr. MCCOOK (by request) introduced a bill (H. R. No. 4777) for the relief of Mattie S. Whitney; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DOROTHEA BOTHNER.

Mr. MCCOOK (for Mr. MORTON, absent by leave of the House) also introduced a bill (H. R. No. 4775) to grant a pension to Dorothea Bothner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING IN YORK, PENNSYLVANIA.

Mr. BELTZHOVER introduced a bill (H. R. No. 4779) to provide for the purchase of a suitable site and the erection of a public building in the city of York, Pennsylvania; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MRS. ANNIE A. HAYS.

Mr. BAYNE introduced a bill (H. R. No. 4780) granting arrears of pension to Mrs. Annie A. Hays, widow of Brigadier-General Alexander Hays, late of the United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AGNES CORNMESSER.

Mr. COFFROTH introduced a bill (H. R. No. 4781) granting a pension to Agnes Cornmesser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH FLENNER.

Mr. COFFROTH also introduced a bill (H. R. No. 4782) granting a pension to Elizabeth Flenner, widow of Philip Flenner, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

HENRY F. SHEEDER.

Mr. COFFROTH also introduced a bill (H. R. No. 4783) granting a pension to Henry F. Sheeder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB D. TETWILER.

Mr. COFFROTH also introduced a bill (H. R. No. 4784) granting a pension to Jacob D. Tetwiler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARBOR OF ANNAPOLIS.

Mr. HENKLE. I present joint resolutions of the General Assembly of Maryland, relative to the removal of obstructions to the harbor of Annapolis. I ask that the joint resolutions be read.

The joint resolutions were read, and referred to the Committee on Commerce.

DEEPENING OF CHANNELS OF ELK AND EAST RIVERS, MARYLAND.

Mr. TALBOTT submitted the following resolution; which was read, and referred to the Committee on Commerce:

Resolved, That the Secretary of War is hereby requested to report to the House an estimate of the amount of money necessary to complete the deepening of the channels of Elk and East Rivers, in Cecil County, in the State of Maryland.

THOMAS B. PRICE.

Mr. URNER introduced a bill (H. R. No. 4785) for the relief of Thomas B. Price; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

STYSHEN ESTES.

Mr. URNER also introduced a bill (H. R. No. 4786) for the relief of Styshen Estes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DOCKAGE IN UNITED STATES NAVY-YARDS.

Mr. GOODE introduced a bill (H. R. No. 4787) to provide for excepting from the provisions of section 3617 of the Revised Statutes of the United States the proceeds from dockage of private vessels at

the several United States navy-yards; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CULTIVATION OF THE TEA PLANT.

Mr. AIKEN introduced a bill (H. R. No. 4788) to encourage the cultivation of the tea-plant; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

A. W. BALLEW.

Mr. FELTON introduced a bill (H. R. No. 4789) for the relief of A. W. Ballew, of Georgia; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

HENRY H. ALLEN.

Mr. SINGLETON, of Mississippi, introduced a bill (H. R. No. 4790) for the relief of Henry H. Allen; which was read a first and second time, referred to the Committee on Invalid Pensions and ordered to be printed.

RAILROAD LAND GRANTS IN INDIAN TERRITORY.

Mr. MULBROW introduced a bill (H. R. No. 4791) to repeal all acts granting lands in the Indian Territory to railroads conditioned upon the extinguishment of the Indian title; which was read a first and second time.

Mr. WHITTHORNE. I ask that that bill be read.

The bill was read at length, and referred to the Committee on the Pacific Railroad, and ordered to be printed.

TEXAS PACIFIC RAILROAD.

Mr. ELLIS (by request) introduced a bill (H. R. No. 4792) to extend the time for the completion of the Texas Pacific Railway; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

DREDGING THE MOUTH OF RED RIVER.

Mr. ACKLEN presented a joint resolution of the General Assembly of the State of Louisiana, asking an appropriation for dredging the mouth of Red River, Louisiana; which was referred to the Committee on Commerce.

Mr. KING presented a joint resolution of the Legislature of the State of Louisiana, relative to dredging the channel of the mouth of Red River; which was referred to the Committee on Commerce.

W. H. H. GORHAM.

Mr. MONROE introduced a bill (H. R. No. 4793) to restore to the pension-roll the name of W. H. H. Gorham, late sergeant Company G, Sixty-seventh Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN P. HOWENSTINE.

Mr. FINLEY introduced a bill (H. R. No. 4794) for the relief of John P. Howenstine; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM CARR.

Mr. FINLEY also introduced a bill (H. R. No. 4795) for the relief of William Carr; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY U. BARTLETT.

Mr. GARFIELD introduced a bill (H. R. No. 4796) to grant a pension to Mary U. Bartlett; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILSON PONTIUS.

Mr. UPDEGRAFF, of Ohio, introduced a bill (H. R. No. 4797) granting a pension to Wilson Pontius; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANTHONY HALPIN.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4798) granting a pension to Anthony Halpin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. DOLLY BLAZER.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4799) granting a pension to Mrs. Dolly Blazer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK RICKEY.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4800) granting a pension to Frank Rickey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY HAYES.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4801) granting a pension to Henry Hayes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNAL-REVENUE STOREKEEPERS AND GAUGERS.

Mr. YOUNG, of Ohio, introduced a bill (H. R. No. 4802) to allow internal-revenue storekeepers and gaugers the same leave of absence

now allowed to all other employes of the Executive Departments; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

YACHTS.

Mr. TOWNSEND, of Ohio, introduced a bill (H. R. No. 4803) to amend section 4214 of the Revised Statutes, relating to yachts; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES HEATH.

Mr. HURD introduced a bill (H. R. No. 4804) for the relief of Charles Heath, alias James Smith, late first sergeant Company E, Sixty-first New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC LANDS.

Mr. CONVERSE introduced a bill (H. R. No. 4805) to provide for the survey and disposal of the public lands of the United States; which was read a first and second time.

Mr. CONVERSE. I desire to state that this is the bill prepared by the public land commission. I move that the twelfth chapter of the bill, relating to mines and mining, be referred to the committee on that subject, and the residue of the bill to the Committee on Public Lands.

The motion was agreed to, and the bill was ordered to be printed.

PATENTS.

Mr. CONVERSE also introduced a bill (H. R. No. 4806) to amend the statutes in relation to patents, to encourage the arts and sciences; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

TARIFF ON PRINTING-TYPE.

Mr. OSCAR TURNER introduced a bill (H. R. No. 4807) abolishing all tariff duty on printing-type imported into the United States of America; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

RELIEF OF TOBACCO-RAISERS.

Mr. OSCAR TURNER also introduced a bill (H. R. No. 4808) to enable all persons raising tobacco to sell their tobacco without license or the payment of any tax; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

TARIFF ON TRACE-CHAINS.

Mr. OSCAR TURNER also introduced a bill (H. R. No. 4809) abolishing all tariff duties on trace-chains imported into the United States of America; which was read a first and second time, (the first reading being in full upon demand of Mr. ATKINS,) referred to the Committee of Ways and Means, and ordered to be printed.

TARIFF ON AGRICULTURAL IMPLEMENTS.

Mr. OSCAR TURNER also introduced a bill (H. R. No. 4810) abolishing all tariff duties upon agricultural implements imported into the United States of America; which was read a first and second time, (the first reading being in full,) referred to the Committee of Ways and Means, and ordered to be printed.

SUBSIDIARY COINS.

Mr. CARLISLE introduced a bill (H. R. No. 4811) to repeal the first and second sections of an act entitled "An act to provide for the exchange of subsidiary coins for lawful money of the United States under certain circumstances, and to make such coins a legal tender in all sums not exceeding \$10, and for other purposes," approved June 9, 1879; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

INTERNAL REVENUE.

Mr. CARLISLE also introduced a bill (H. R. No. 4812) to amend the laws in relation to internal revenue; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

THOMAS A. CURRAN.

Mr. PHISTER introduced a bill (H. R. No. 4813) for the benefit of Thomas A. Curran, of Mason County, Kentucky; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS A. DAVIS.

Mr. PHISTER also introduced a bill (H. R. No. 4814) for the benefit of Thomas A. Davis, of Maysville, Kentucky; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. MARIA C. WORTHINGTON.

Mr. PHISTER also introduced a bill (H. R. No. 4815) granting a pension to Mrs. Maria C. Worthington, of Mason County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMMERCE AMONG THE STATES.

Mr. WILLIS introduced a bill (H. R. No. 4816) to regulate commerce among the States; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

JOSEPH HAXTHAUSEN.

Mr. WILLIS also introduced a bill (H. R. No. 4817) for the relief of Joseph Haxthausen, of Louisville, Kentucky; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

FELIX ROBERTS.

Mr. WILLIS also introduced a bill (H. R. No. 4818) for the relief of Felix Roberts, of Louisville, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President, by Mr. PRUDEN, one of his secretaries.

The message further announced that he had approved and signed bills of the following titles:

An act (H. R. No. 2003) for the relief of J. P. Zimmerman and H. P. Snow, of Clinton County, Kentucky;

An act (H. R. No. 2785) authorizing the Secretary of the Treasury to appoint a deputy collector at Lake Charles, Louisiana;

Joint resolution (H. R. No. 157) for the relief of M. M. Herr, and to pay three messengers of the Senate;

Joint resolution (H. R. No. 200) for printing the eulogies delivered in the Senate and House of Representatives upon Hon. Rush Clark, deceased;

Joint resolution (H. R. No. 203) making appropriations for the Reform School of the District of Columbia; and

An act (H. R. No. 3058) authorizing the remission or refunding of duty on an altar from Rome, Italy, for the Saint John's cathedral, of Indianapolis, Indiana.

ASA FAULKNER AND OTHERS.

Mr. DIBRELL introduced a bill (H. R. No. 4819) for the relief of Asa Faulkner and others, of Tennessee; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JAMES H. WALKER.

Mr. HOUK introduced a bill (H. R. No. 4820) for the relief of James H. Walker, of Blount County, Tennessee; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REDUCTION OF DUTY ON PRINTING PAPER.

Mr. ATKINS introduced a bill (H. R. No. 4821) to put wood and straw pulp, soda-ash, and other chemicals used in the manufacture of paper, on the free list, and to reduce the duty on printing-paper used for books, pamphlets, and magazines to 5 per cent. *ad valorem*; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JOHN SPROUL.

Mr. TAYLOR introduced a bill (H. R. No. 4822) for the relief of John Sproul; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

WILLIAM F. M. HYDER.

Mr. TAYLOR also introduced a bill (H. R. No. 4823) to restore the name of William F. M. Hyder to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. WALKER.

Mr. TAYLOR also introduced a bill (H. R. No. 4824) granting a pension to John B. Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES M. GOURLEY.

Mr. TAYLOR also introduced a bill (H. R. No. 4825) to remove the charge of desertion against Charles M. Gourley from the records of the Adjutant-General's Office; which was read a first and second time, referred to the committee on Military Affairs, and ordered to be printed.

COLONEL S. K. N. PATTON.

Mr. TAYLOR also introduced a bill (H. R. No. 4826) for the relief of Colonel S. K. N. Patton, late colonel of the Eighth Tennessee Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HANNAH GARRISON.

Mr. TAYLOR also introduced a bill (H. R. No. 4827) granting a pension to Hannah Garrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

URIAH L. SQUIBB.

Mr. TAYLOR also introduced a bill (H. R. No. 4828) granting a pension to Uriah L. Squibb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OWEN M. BROWN.

Mr. TAYLOR also introduced a bill (H. R. No. 4829) granting a pension to Owen M. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. R. ROBINSON.

Mr. TAYLOR also introduced a bill (H. R. No. 4830) for the relief of R. R. Robinson; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MRS. NANCY MILLER.

Mr. TAYLOR also introduced a bill (H. R. No. 4831) granting a pension to Mrs. Nancy Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WATCHMEN AND MESSENGERS IN INTERIOR DEPARTMENT.

Mr. MYERS submitted the following resolution; which was referred to the Committee on Expenditures in the Interior Department:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish this House with a list of the names of all the persons appointed as watchmen and messengers in his Department since he has taken charge of the same, and persons serving now in his Department as such, their names, color, age, when appointed, their legal residences, and whether they have served in and were honorably discharged from the United States Army or Navy, as provided by section 1754 of the Revised Statutes; and, if so, how long they served and in what regiment or company.

HEIRS OF ROBERT PHILLIPS.

Mr. HEILMAN introduced a bill (H. R. No. 4832) for the relief of the heirs and assigns of Robert Phillips, of Gibson County, Indiana; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

H. B. CRAWFORD.

Mr. CALKINS introduced a bill (H. R. No. 4833) for the relief of H. B. Crawford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIS G. GRAHAM.

Mr. CALKINS also introduced a bill (H. R. No. 4834) for the relief of Willis G. Graham, of Logansport, Indiana; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE BUCHMAN.

Mr. HENDERSON introduced a bill (H. R. No. 4835) to place the name of George Buchman on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND WARRANTS TO OFFICERS, SOLDIERS, AND SAILORS.

Mr. SINGLETON, of Illinois, introduced a bill (H. R. No. 4836) granting a land warrant to all officers, soldiers, and sailors who served in the late war of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPEAL OF DUTY ON PRINTING MATERIAL.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 4837) to repeal the duty on printing-type, type-metal, and the duty on printing-paper, and to place said articles on the free list; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JOHN H. CORN.

Mr. TOWNSHEND, of Illinois, also introduced a bill (H. R. No. 4838) granting a pension to John H. Corn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLICATION OF STATISTICS.

Mr. MORRISON introduced a joint resolution (H. R. No. 227) declaring that it shall not be lawful for the Secretary of the Treasury to withhold or cause to be withheld from immediate publication statistics relating to the importation or shipment of grain, provisions, or other merchandise imported into or shipped from the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

INTERNAL REVENUE.

Mr. ALDRICH, of Illinois, introduced a bill (H. R. No. 4839) to amend the laws relating to internal revenue; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JOHN N. TREADWAY.

Mr. SPRINGER introduced a bill (H. R. No. 4840) granting a pension to John N. Treadway; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

GEORGE F. SEWARD AND O. B. BRADFORD.

Mr. SPRINGER submitted the following resolution; which was referred to the Committee on Expenditures in the State Department:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the House of Representatives a statement of the salary account, emoluments, and expenses of George F. Seward, from the date of his appointment as minister to China to the close of the last quarter, and also a statement of the same matters as to O. B. Bradford, vice-consul-general and consular clerk, during the same time, together with all correspondence relating to the same.

MONUMENT TO GENERAL GEORGE A. CUSTER AND OTHERS.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 4841) for the erection of a monument in the city of Washington to the memory of

General George A. Custer and the officers and men of the Seventh United States Cavalry who were killed in the battle of the Little Bighorn; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

R. W. BARKLEY.

Mr. ROTHWELL introduced a bill (H. R. No. 4842) to reinstate R. W. Barkley as cadet midshipman in United States Naval Academy at Annapolis; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HARBOR AT SAINT GENEVIEVE, MISSOURI.

Mr. CLARDY introduced a bill (H. R. No. 4843) providing for the survey, by the Engineer Corps of the United States Army, of the Mississippi River at Saint Genevieve, Missouri, with a view to the improvement of the harbor at that place; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ROSSETTA HART AND OTHERS.

Mr. FORD introduced a bill (H. R. No. 4844) entitled "An act to amend an act entitled 'An act for the relief of Rossetta Hart, (late Rossetta Seoville,) Charles C. Benoist, Emily Benoist, and Logan Fanfan, half-breed Indians;'" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN THOMPSON.

Mr. FORD also introduced a bill (H. R. No. 4845) granting a pension to John Thompson, late Thirty-fifth Missouri Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC HALPEN.

Mr. DUNN introduced a bill (H. R. No. 4846) for the relief of Isaac Halpen, postmaster at Clarendon, in the State of Arkansas; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

LOCAL INSPECTORS OF STEAM-VESSELS.

Mr. HUBBELL introduced a bill (H. R. No. 4847) to increase the salaries of the local inspectors of steam-vessels in the district of Superior; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CALVIN H. FRENCH.

Mr. HUBBELL also introduced a bill (H. R. No. 4848) granting a pension to Calvin H. French, of Norwich, Missaukee County, Michigan; which was read a first and second time, referred, with accompanying papers, to the Committee on Invalid Pensions, and the bill ordered to be printed.

CAPTAIN J. H. GILLIS.

Mr. WILLITS introduced a joint resolution (H. R. No. 228) tendering the thanks of Congress to Captain J. H. Gillis; which was read a first and second time, and referred to the Committee on Naval Affairs.

PALATKA MILITARY RESERVATION, FLORIDA.

Mr. HULL introduced a bill (H. R. No. 4849) to confirm certain entries and warrant locations in the former Palatka military reservation in Florida; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

PROSECUTION OF GOVERNMENT CLAIMS.

Mr. CULBERSON introduced a bill (H. R. No. 4850) to prescribe the time in which claims in favor of or against the Government shall be prosecuted; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DES MOINES RIVER LANDS.

Mr. SAPP. I present a memorial of the General Assembly of the State of Iowa, relating to the Des Moines River lands, and ask that it be read.

The memorial was read, and referred to the Committee on Public Lands.

THOMAS U. ROTHROCK.

Mr. UPDEGRAFF, of Iowa, introduced a bill (H. R. No. 4851) granting a pension to Thomas U. Rothrock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. CARPENTER presented a joint resolution of the General Assembly of the State of Iowa, in relation to interstate commerce; which was referred to the Committee on Commerce.

REMISSION OF LEGACY TAX.

Mr. CARPENTER also presented a joint resolution of the General Assembly of the State of Iowa, in relation to remitting and abating the internal-revenue legacy tax; which was referred to the Committee of Ways and Means.

ELIZABETH DAVIS.

Mr. THOMPSON, of Iowa, introduced a bill (H. R. No. 4852) granting a pension to Elizabeth Davis, widow of Hannibal B. Davis, late Captain Company K, Fourth Regiment Missouri Militia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. DEUSTER. I present a joint resolution of the Legislature of the State of Wisconsin, requesting Congress to support a certain bill in relation to immediate transportation of dutiable goods, and ask that it be read.

The joint resolution was read, and referred to the Committee of Ways and Means.

FINANCIAL LEGISLATION IN CONGRESS.

Mr. DEUSTER presented a joint resolution of the Legislature of Wisconsin, in relation to financial legislation in Congress; which was referred to the Committee on Banking and Currency.

ISAIAH ALTENBURG.

Mr. POUND introduced a bill (H. R. No. 4853) granting a pension to Isaiah Altenburg, of Stevens Point, Wisconsin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARBOR OF REFUGE, STURGEON BAY.

Mr. POUND also presented a memorial of the Legislature of the State of Wisconsin, for an appropriation to complete a breakwater and harbor at the entrance to the harbor of refuge in Sturgeon Bay, in the State of Wisconsin; which was referred to the Committee on Commerce.

STEAM-PLOW MACHINERY.

Mr. PAGE introduced a bill (H. R. No. 4854) to admit free of duty steam-plow machinery adapted to the cultivation of the soil; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

Mr. PAGE also presented a concurrent resolution of the California Legislature, asking exemption of steam-plows from import duty for five years; which was referred to the Committee of Ways and Means.

T. GUINEAU AND B. S. HOYT.

Mr. BERRY (by request) introduced a bill (H. R. No. 4855) to refund to Thomas Guineau and Bradley S. Hoyt, of California, certain moneys on account of land purchased by them respectively from the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

DUTY ON GRAIN-SACKS, ETC.

Mr. BERRY also introduced a bill (H. R. No. 4856) repealing the duty on grain-sacks and bagging used for grain, cotton, and wool, and all burlaps and gunny-cloth; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

IMPROVEMENT OF HUMBOLDT BAY.

Mr. BERRY also presented a joint resolution of the Legislature of the State of California, asking for an appropriation for improvement of Humboldt Bay, in said State; which was referred to the Committee on Commerce.

IRON-CLAD MONADNOCK.

Mr. BERRY also presented a joint resolution of the Legislature of the State of California, asking for an appropriation to complete the iron-clad ship Monadnock; which was referred to the Committee on Naval Affairs.

CAMP INDEPENDENCE, CALIFORNIA.

Mr. PACHECO introduced a bill (H. R. No. 4857) to donate Camp Independence for school purposes to the counties of Inyo and Mono, California; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TIMBER ON MEMOMONEE RESERVATION.

Mr. POEHLER introduced a bill (H. R. No. 4858) to provide for the sale of certain timber on Menomonee Indian reservation, in Wisconsin, and to pay certain claims against said tribe out of the proceeds thereof; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PRE-EMPTORS IN KANSAS.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 4859) for the relief of certain pre-emptors in the State of Kansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ELIZABETH S. SEELEY.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 4860) for the relief of Elizabeth S. Seeley, widow of Sherman Seeley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS M'GILL.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 4861) granting to Thomas McGill, of Rose, Woodson County, Kansas, a pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOUSTON L. TAYLOR.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 4862) for the relief of Houston L. Taylor, late register of land office; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JACK SMITH.

Mr. HASKELL introduced a bill (H. R. No. 4863) granting a pension to Jack Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ICE-BREAKERS IN OHIO RIVER.

Mr. WILSON introduced a bill (H. R. No. 4864) for the construction of two ice-breakers in the Ohio River, near Parkersburgh, in West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HENRY HARPER.

Mr. WILSON also introduced a bill (H. R. No. 4865) granting a pension to Henry Harper, late private Company A, Tenth Regiment West Virginia Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARTHA P. STRIBLING.

Mr. MARTIN, of West Virginia, introduced a bill (H. R. No. 4866) granting a pension to Mrs. Martha P. Stribling, widow of Rear-Admiral Cornelius K. Stribling, deceased, of Martinsburgh, West Virginia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STORER COLLEGE, HARPER'S FERRY.

Mr. MARTIN, of West Virginia, also introduced a bill (H. R. No. 4867) granting about ten acres of land to Storer College, at Harper's Ferry, West Virginia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC LANDS.

Mr. BELFORD introduced a bill (H. R. No. 4868) in relation to the use of the public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

CHARLES AUTOBIAS.

Mr. BELFORD also presented a joint resolution of the Legislature of the State of Colorado, asking Congress to award a pension to Charles Autobias for services rendered the Government; which was referred to the Committee on Invalid Pensions.

UTAH LEGISLATURE.

Mr. CANNON, of Utah, presented a memorial of the council and house of representatives of Utah Territory, asking for similar relief to be extended to the Legislative Assembly of Utah Territory that was extended to the Legislatures of the Territories of Idaho, Montana, Arizona, and Dakota; which was referred to the Committee on Appropriations.

SETTLERS ON RESTORED RAILROAD LANDS.

Mr. BRENTS introduced a bill (H. R. No. 4869) for the relief of certain settlers on restored railroad lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

MILITARY WAGON-ROAD IN WASHINGTON TERRITORY.

Mr. BRENTS also introduced a bill (H. R. No. 4870) for the construction of a military wagon-road between Fort Walla Walla and Fort Chelan via Ainsworth, in Washington Territory; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

VANCOUVER BARRACKS, WASHINGTON TERRITORY.

Mr. BRENTS also introduced a bill (H. R. No. 4871) for the construction and repair of officers' quarters at Vancouver Barracks, in Washington Territory; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MILITARY TELEGRAPH, WASHINGTON TERRITORY.

Mr. BRENTS also introduced a bill (H. R. No. 4872) for the construction of a military telegraph from Columbus, by way of Golden-dale, Fort Simcoe, Yakima City, and Ellensburg, to Fort Chelan, in Washington Territory; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WYOMING, MONTANA AND PACIFIC RAILROAD COMPANY.

Mr. MAGINNIS introduced a bill (H. R. No. 4873) creating the Wyoming, Montana and Pacific Railroad Company, a corporation organized under the laws of the Territory of Wyoming, and for other purposes; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

UTAH AND NORTHERN RAILWAY COMPANY.

Mr. MAGINNIS also introduced a bill (H. R. No. 4874) in relation to the Utah and Northern Railway Company; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

CONSIDERATION OF PRIVATE BILLS.

Mr. DOWNEY introduced a bill (H. R. No. 4875) for the enforcement of public and private justice and the relief of Congress from the consideration of private bills; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now recognize gentlemen who were not in their seats when their States were called.

REFUND OF COTTON TAX.

Mr. LOWE introduced a bill (H. R. No. 4876) to return the cotton tax collected under acts of Congress which have since been declared illegal and void; which was read a first and second time.

Mr. LOWE. I move the reference of this bill to the Committee on the Judiciary.

Mr. CONGER. This bill should be referred to the Committee of Ways and Means.

Mr. LOWE. I prefer that it should be referred to the Committee on the Judiciary. It involves a judicial question.

Mr. CONGER. I move to amend the motion of the gentleman from Alabama [Mr. Lowe] so as to refer the bill to the Committee of Ways and Means. It is simply a question of revenue.

The question being taken on the amendment of Mr. CONGER, there were—ayes 47, noes 32; no quorum voting.

Tellers were ordered; and Mr. LOWE and Mr. CONGER were appointed.

The House divided; and the tellers reported—ayes 82, noes 84.

Mr. CONGER. I think it so important where these cotton claims which propose to take away revenue should go that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 92, not voting 62; as follows:

YEAS—138.

Aldrich, N. W.	Davis, George R.	Ketcham,	Shallenberger,
Aldrich, William	Davis, Horace	Killinger,	Sherwin,
Anderson,	Davis, Lowndes H.	Lapham,	Singleton, J. W.
Bailey,	Deering,	Lindsey,	Singleton, O. R.
Baker,	Deuster,	Loring,	Smith, A. Herr
Ballou,	Dunnell,	Lounsbury,	Sparks,
Barber,	Dwight,	Marsh,	Springer,
Bayne,	Errett,	Martin, Joseph J.	Stevenson,
Belford,	Farr,	Mason,	Stone,
Berry,	Ferdon,	McCook,	Thomas,
Blake,	Field,	McGowan,	Thompson, W. G.
Bland,	Fisher,	McKinley,	Townsend, Amos
Bliss,	Forsythe,	McMahon,	Townshend, R. W.
Bonck,	Frye,	Miller,	Tyler,
Bowman,	Garfield,	Mitchell,	Updegraff, J. T.
Boyd,	Gillette,	Monroe,	Updegraff, Thomas
Brewer,	Hammond, John	Morrison,	Urner,
Briggs,	Harris, Benj. W.	Morse,	Van Aernam,
Browne,	Haskell,	Myers,	Van Voorhis,
Burrows,	Hawk,	Neal,	Waddill,
Calkins,	Hawley,	Newberry,	Wait,
Camp,	Hayes,	Norcross,	Ward,
Cannon,	Hazelton,	Orth,	Warner,
Carlisle,	Heilman,	Osmier,	Washburn,
Carpenter,	Henderson,	Overton,	Weaver,
Caswell,	Hiscock,	Pacheco,	Wells,
Clafin,	Horr,	Phelps,	White,
Clymer,	Houk,	Pound,	Williams, C. G.
Conger,	Hubbell,	Price,	Willits,
Covert,	Humphrey,	Rice,	Wood, Fernando
Cowgill,	James,	Robinson,	Wood, Walter A.
Cox,	Joyce,	Russell, Wm. A.	Yocum,
Crapo,	Keifer,	Ryan, Thomas	Young, Thomas L.
Crowley,	Kelley,	Sapp,	
Daggett,	Kenna,	Scales,	

NAYS—92.

Aiken,	Dunn,	King,	Rothwell,
Armfield,	Ellis,	Kitchin,	Samford,
Atherton,	Evins,	Klotz,	Sawyer,
Atkins,	Finley,	Knot,	Shelley,
Beale,	Forney,	Le Fevre,	Slemons,
Bicknell,	Geddes,	Lewis,	Smith, William E.
Blackburn,	Gibson,	Lowe,	Speer,
Bright,	Goode,	Manning,	Steele,
Cabell,	Gunter,	Martin, Benj. F.	Talbot,
Caldwell,	Hammond, N. J.	McKenzie,	Thompson, P. B.
Clardy,	Hatch,	McLane,	Tillman,
Clark, John B.	Henkle,	McMillin,	Tucker,
Cobb,	Herbert,	Mills,	Turner, Oscar
Coffroth,	Herndon,	Muldrow,	Turner, Thomas
Colerick,	Hill,	New,	Upson,
Converse,	Hooker,	Nicholls,	Vance,
Cook,	Hostetler,	O'Connor,	Wellborn,
Cravens,	House,	Persons,	Whiteaker,
Culberson,	Hull,	Phister,	Williams, Thomas
Davidson,	Huntton,	Pochler,	Willis,
Davis, Joseph J.	Hurd,	Reagan,	Wilson,
Dibrell,	Hutchins,	Richardson, J. S.	Wise,
Dickey,	Jones,	Richmond,	Wright.

NOT VOTING—62.

Acklen,	Elam,	McCoid,	Robeson,
Bachman,	Ewing,	Miles,	Ross,
Barlow,	Felton,	Money,	Russell, Daniel L.
Betzhoover,	Ford,	Morton,	Ryon, John W.
Bingham,	Fort,	Muller,	Simonton,
Blount,	Frost,	Murch,	Smith, Hezekiah B.
Bragg,	Godshalk,	O'Brien,	Starin,
Brigham,	Hall,	O'Neill,	Stephens,
Buckner,	Harner,	O'Reilly,	Taylor,
Butterworth,	Harris, John T.	Page,	Valentine,
Chalmers,	Henry,	Philips,	Voorhis,
Chittenden,	Johnston,	Pierce,	Whitthorne,
Clark, Alvah A.	Jorgensen,	Prescott,	Wilber,
De La Matyr,	Kimmel,	Reed,	Young, Casey.
Dick,	Ladd,	Richardson, D. P.	
Einstein,	Martin, Edward L.	Robertson,	

So the amendment of Mr. CONGER to the motion of Mr. LOWE was agreed to.

During the roll-call the following announcements were made:

Mr. MANNING. My colleague, Mr. MONEY, is detained from the House to-day by illness.

Mr. O'REILLY. I am paired with the gentleman from Illinois, [Mr. FORT.]

Mr. DIBRELL. My colleague, Mr. SIMONTON, is paired with the gentleman from Iowa, [Mr. McCOID.]

Mr. ACKLEN. I am paired with the gentleman from Pennsylvania, Mr. O'NEILL. If he were present, I should vote "no."

Mr. WHITTHORNE. I am paired with the gentleman from California, Mr. PAGE. If present, he would vote "ay" and I should vote "no."

Mr. STONE. The gentleman from New York, Mr. STARIN, is paired with the gentleman from Mississippi, Mr. MONEY.

Mr. FISHER. My colleague, Mr. HARMER, is paired with the gentleman from New Jersey, Mr. SMITH.

Mr. CLARK, of Missouri. My colleague, Mr. PHILIPS, is detained from the House by sickness.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, who is absent by leave of the House, is paired, as I understand, with the gentleman from New York, Mr. VAN VOORHIS.

Mr. TAYLOR. I am paired with the gentleman from New Jersey, Mr. BRIGHAM.

The result of the vote was announced as above stated.

The motion of Mr. LOWE as amended on motion of Mr. CONGER was agreed to; and the bill was referred to the Committee of Ways and Means, and ordered to be printed.

BRANDY MADE OF APPLES, PEACHES, ETC.

Mr. LOWE introduced a bill (H. R. No. 4877) to abolish all taxes on brandy made of apples, peaches, or other fruits; which was read a first and second time.

Mr. LOWE. I move the reference of this bill to the Committee on the Revision of the Laws.

Mr. CONGER. All questions in regard to the revision of the tariff should go to the Committee of Ways and Means.

The SPEAKER. The Chair would rule that this bill should properly go to the Committee of Ways and Means; but the reference is within the control of the House.

Mr. LOWE. This is not a question of tariff.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That all taxes now imposed upon brandy made of apples, peaches, pears, grapes, or other fruits, from and after the 1st day of May, 1880, be, and the same are hereby, abolished.

SEC. 2. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

The SPEAKER. Under the rules of the House this bill would go to the Committee of Ways and Means. The House, however, if it desires to make a different reference, has power to do so.

Mr. LOWE. Mr. Speaker, I would prefer that the bill should be referred to the Committee on the Revision of the Laws; but as the sense of the House has been tested on another bill, and it appears to be adverse to such reference, I do not oppose sending the bill to the Committee of Ways and Means.

The bill was referred to the Committee of Ways and Means, and ordered to be printed.

TOBACCO IN THE HANDS OF THE PRODUCER.

Mr. LOWE also introduced a bill (H. R. No. 4878) to repeal the tax on tobacco in the hands of the producer, and for other purposes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

REDUCTION OF TAX ON DISTILLED SPIRITS.

Mr. LOWE also introduced a bill (H. R. No. 4879) to reduce tax on distilled spirits to twenty cents per gallon; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MARIA GOODRICH.

Mr. HISCOCK introduced a bill (H. R. No. 4880) granting a pension to Maria Goodrich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNIE M. DAUGHERTY.

Mr. KILLINGER introduced a bill (H. R. No. 4881) granting a pension to Annie M. Daugherty, widow of John M. Daugherty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCES GRAFTON PRESCOTT.

Mr. FIELD introduced a bill (H. R. No. 4882) granting a pension to Frances Grafton Prescott, a daughter of George W. Prescott, a brigade major in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

MRS. MAGGIE GORDON.

Mr. ERRETT introduced a bill (H. R. No. 4883) for the relief of Mrs. Maggie Gordon; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MASTER-AT-ARMS, UNITED STATES NAVY.

Mr. URNER (by request) introduced a bill (H. R. No. 4884) in rela-

tion to master-at-arms, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN C. LINDSEY.

Mr. MCKINLEY introduced a bill (H. R. No. 4885) granting a pension to John C. Lindsey, of Atwater, Portage County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

O. F. ADAMS.

Mr. MARTIN, of North Carolina, introduced a bill (H. R. No. 4886) for the relief of O. F. Adams, of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROSALIE LOUIS.

Mr. KETCHAM introduced a bill (H. R. No. 4887) granting a pension to Rosalie Louis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILO M. ADAMS.

Mr. OSMER introduced a bill (H. R. No. 4888) granting an honorable discharge to Milo M. Adams, of Company D, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REORGANIZATION OF THE MILITIA.

Mr. HUTCHINS introduced a bill (H. R. No. 4889) to reorganize and discipline the militia of the United States; which was read a first and second time, referred to the Committee on the Militia, and ordered to be printed.

DIKES, WING-DAMS, AND JETTIES.

Mr. KING submitted the following resolution:

Resolved, That the Secretary of War be, and is hereby, requested to furnish to this House, if not incompatible with the public interest, such information as may be in the possession of the War Department as will show the number of dikes, wing-dams, and jetties constructed by and under the authority of this Government since the formation thereof, where, when, and for what purposes respectively the same have been constructed, and what the cost thereof respectively has been.

Mr. CONGER. What is proposed to be done with that resolution? Mr. KING. It only seeks for information. I ask that it be put upon its passage.

The SPEAKER. That cannot be done during this call, but the committee to which the resolution will be referred under the rule must report the resolution back within six days.

Mr. KING. Then let the resolution be referred to the Committee on Commerce.

Mr. CONGER. Answer to this resolution will involve a great amount of labor.

The resolution was referred to the Committee on Commerce.

GEORGE E. ELY.

Mr. PHELPS introduced a bill (H. R. No. 4890) for the relief of George E. Ely, of Darby, in the State of Connecticut; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COTTON THREAD, ETC.

Mr. O'REILLY introduced a bill (H. R. No. 4891) to amend United States Revised Statutes, title 33, section 2504, paragraph 7, No. 927; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

WILLIAM H. WALKER.

Mr. McMILLIN introduced a bill (H. R. No. 4892) granting a pension to William H. Walker, of Fentress County, Tennessee, late of Company C, First Regiment Kentucky Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REMOVAL OF DUTY ON PRINTING-PAPER.

Mr. McMILLIN also introduced a bill (H. R. No. 4893) to place paper used in the printing of newspapers and books on the free list, and for other purposes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

THOMAS D. HINE AND HOMER SMITH.

Mr. ACKLEN introduced a bill (H. R. No. 4894) for the relief of Thomas D. Hine and Homer Smith, of Franklin, Louisiana; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LIEUTENANT-COLONEL JOHN G. PARR.

Mr. WHITE introduced a bill (H. R. No. 4895) granting an increase of pension to Lieutenant-Colonel John G. Parr, of the One hundred and thirty-ninth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KATE H. BLAKELY.

Mr. KNOTT introduced a bill (H. R. No. 4896) for the relief of Kate H. Blakely, of Hardin County, Kentucky; which was read a first and second time, referred, with the accompanying papers, to the Committee of Claims, and the bill ordered to be printed.

NEW YORK HARBOR.

Mr. VAN AERNAM presented a joint resolution of the Legislature of the State of New York, relative to appropriations for the defense of the harbor of New York; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

DUTY ON PRINTING-PAPER.

Mr. DICKEY introduced a bill (H. R. No. 4897) to place printing-paper suitable for books, magazines, pamphlets, and newspapers on the free list; which was read a first and second time.

Mr. DICKEY. I ask that that be referred to the Committee on Depression of Labor.

The SPEAKER. The Chair will cause the title of the bill to be again read. It would seem proper that this should go to the Committee of Ways and Means.

The title of the bill was again read.

The SPEAKER. Does the gentleman from Ohio insist upon his motion?

Mr. DICKEY. I do; I move its reference to the Committee on the Depression of Labor.

Mr. GARFIELD. I move its reference to the Committee of Ways and Means.

The House divided; and there were—ayes 97, noes 36.

Mr. DICKEY demanded tellers.

Tellers were ordered; and Mr. DICKEY and Mr. GARFIELD were appointed.

The House again divided; and the tellers reported—ayes 106, noes 41.

So the bill was referred to the Committee of Ways and Means, and ordered to be printed.

ALBERT BRUSE.

Mr. ROTHWELL introduced a bill (H. R. No. 4898) for the relief of Albert Bruse, of Mercer County, Missouri; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MEXICAN COMMISSION AWARDS.

Mr. HERNDON introduced a bill (H. R. No. 4899) to amend the act approved June 18, 1878, relative to the awards of the Mexican commission; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ALEXANDER & CO.

Mr. BRIGHT introduced a bill (H. R. No. 4900) for the relief of Alexander & Co. for the loss of whisky by the negligence of officers of the Government; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

LIGHT-HOUSE AT MOUTH OF PEARL RIVER.

Mr. HOOKER introduced a bill (H. R. No. 4901) to provide for the erection of a light-house at the mouth of Pearl River, in the State of Mississippi, where the same debouches into the Mississippi Sound; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BARBARA CHENOWITH.

Mr. TALBOTT introduced a bill (H. R. No. 4902) for the relief of Barbara Chenowith; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

Mr. GARFIELD. I would like to ask the gentleman who introduces that bill to explain briefly its character, as bills for mere relief ought not to go to the Committee of Ways and Means.

Mr. TALBOTT. I will state to the gentleman that the petitioner in this case had some United States bonds, which were destroyed, and this is to authorize their reissue.

Mr. GARFIELD. That reference, then, is of course appropriate.

UNFINISHED BUSINESS.

The SPEAKER. The unfinished business of this morning is the resolution coming over from a former Monday morning, which the Clerk will now read.

The Clerk read as follows:

Resolved, That Wednesday evening, February 18, and Wednesday evening, February 25, 1880, be set apart to be devoted exclusively to receiving reports from the Committee on Invalid Pensions, and for consideration and action on pension bills in their order pending in the Committee of the Whole on the Private Calendar; no other business to be transacted.

Mr. COFFROTH. I desire to change the dates in that resolution.

Mr. WEAVER rose.

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. WEAVER. Mr. Speaker, I rise for the purpose of making a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEAVER. If I understand, the Chair states that the business now in order is the unfinished business of a previous Monday morning, and that this business takes precedence of a motion to suspend the rules?

The SPEAKER. This resolution is under a motion to suspend the rules; and no motion to suspend the rules can be made while another motion to suspend the rules is pending.

Mr. WEAVER. Do I understand the Speaker, then, to rule that this is pending?

The SPEAKER. It was pending on the last Monday morning, or the preceding Monday; and the Chair thinks it is in order now as the unfinished business.

Mr. WEAVER. I make the point of order that it has lost its place in not having been called up on last Monday.

The SPEAKER. The Chair overrules the point of order.

Mr. STEVENSON. I suggest to the gentleman from Pennsylvania that he amend his resolution so as to assign the evenings of the first and second Wednesdays of March for evening sessions.

Mr. COFFROTH. I will change the resolution as to dates.

Mr. WEAVER. I ask for a ruling upon the point I made.

The SPEAKER. The Chair has overruled the point.

A MEMBER. What was the point?

The SPEAKER. The point made by the gentleman from Iowa was that the resolution of the gentleman from Pennsylvania [Mr. COFFROTH] had lost its place. The rule provides that upon a motion to suspend the rules one motion to adjourn may be entertained. It is because a motion to adjourn was made and prevailed that the resolution comes over as unfinished business. In addition to that, the rules do not allow more than one motion to suspend the rules to be pending at the same time. The Chair rules in both directions against the gentleman from Iowa, [Mr. WEAVER.]

Mr. WEAVER. I always understood that the motion to adjourn dispensed with the motion to suspend the rules, if successful.

The SPEAKER. The gentleman from Iowa probably has not read Rules 56 and 161.

Mr. WEAVER. I make the further point that the 18th and 25th of February are gone, and that the resolution falls by its own terms.

The SPEAKER. The Clerk will read Rule 56.

The Clerk read as follows:

56. The consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed as soon as the Journal of the next day is read, and at the same time each day thereafter until disposed of; and if, from any cause, other business shall intervene, it shall be resumed as soon as such other business is disposed of. And the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.—March 18, 1860.

The SPEAKER. The Chair will also cause Rule 161 to be read.

The Clerk read as follows:

161. Pending a motion to suspend the rules, the Speaker may entertain one motion that the House do now adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension.—February 25, 1868.

The SPEAKER. Those are the rules which governed the Chair in his ruling on the point of order made by the gentleman from Iowa.

Mr. WEAVER. Do I understand that the gentleman from Pennsylvania [Mr. COFFROTH] has moved an amendment to the pending resolution?

The SPEAKER. The gentleman proposes to modify his resolution as regards the dates. And the Chair is perfectly willing to state to the gentleman from Iowa that after this proposition is out of the way, having received notice from eight or more of the committees of this House that they desire to be recognized for motions to suspend the rules, he will be bound by the practice and his own decisions and the decisions of former Speakers to recognize committees in preference to individuals. He makes this statement for the information of the gentleman from Iowa if that is the point the gentleman desires to reach.

Mr. WEAVER. Will the Chair indulge me in one further remark?

The SPEAKER. Certainly, the Chair will hear as far as the gentleman wishes.

Mr. WEAVER. I ask the Chair if an appeal will lie from the decision of the Chair recognizing gentlemen who represent committees in preference to individuals for motions to suspend the rules?

The SPEAKER. The Chair will recognize always an appeal if any gentleman desires to appeal from the decision of the Chair while he is executing the rules. Does the gentleman from Iowa appeal?

Mr. GARFIELD. I think the Chair misunderstands the gentleman from Iowa. I do not think he asked about an appeal from the ruling just had.

Mr. WEAVER. Not at all. I asked the question of the Chair with reference to the remark of the Chair made out of its order, about recognitions hereafter for motions to suspend the rules. My question was whether, when that point was reached, and the Chair holds to his decision to recognize a gentleman representing a committee, whether I can appeal from that recognition of the Chair?

The SPEAKER. The Chair thinks not. The recognition is in the Chair; but the Chair is perfectly willing to give to the House his reasons for that recognition.

Mr. WEAVER. Then I understand the Chair to rule that in the construction of a rule, he has made a rule that the House is powerless to correct on appeal.

The SPEAKER. The Chair has made no rule whatever. The House has made its own rule and the Chair is administering it.

Mr. WEAVER. I wish to suggest that the Chair stated in language which I caused to be read by the Clerk on Monday before last that he had made a rule which he proposed should govern him in all time to come. I wish to suggest also that there is no written rule that a committee shall be recognized in preference to an individual. If there is, I would like to have it read.

The SPEAKER. The Chair will cause to be read the report to which the gentleman refers.

Mr. GARFIELD. The gentleman wants the unwritten rule to be read.

Mr. WEAVER. Yes; the unwritten rule.

The SPEAKER. The Chair will cause the report to be read. The Chair has already caused it to be read, and the House accepted the ruling of the Chair without a division. The Chair thinks, however, it would be well to have it read again.

Mr. SPRINGER. I desire to make a parliamentary inquiry. I believe there is a list on the Speaker's table of names of members who are to be recognized in the order in which their names occur on that list?

The SPEAKER. There is no such list. The Chair, in view of the action of the House, stated distinctly during this session he would not recognize any such list, since the House had overruled such a list both in Committee of the Whole and in the House.

Mr. WEAVER. I think the golden rule should apply in this case.

Mr. SPRINGER. How can you apply that to the greenback theory?

The SPEAKER. The Chair does not think the golden rule of silence prevails.

Mr. LOWE. Did not the Speaker recognize the gentleman from Pennsylvania [Mr. KELLEY] to introduce a resolution at this session of Congress to suspend the rules without being authorized by a committee?

The SPEAKER. He did by unanimous consent. But when the point is raised the Chair has to go by the rule.

Mr. KELLEY. That recognition occurred before the announcement of the rule to which the Chair has referred.

The SPEAKER. There are a number of gentlemen contending for the floor and under those circumstances the Chair rules that those representing committees shall have the preference. That is all.

Mr. TOWNSHEND, of Illinois. I would like to ask a parliamentary question of the Chair, if it is in order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. Are there not other gentlemen who have asked the Chair to recognize them to submit motions to suspend the rules prior to the application of the gentleman from Iowa, [Mr. WEAVER?]

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] himself asked the Chair at the last session.

Mr. TOWNSHEND, of Illinois. And at the beginning of this session.

The SPEAKER. That is so.

Mr. TOWNSHEND, of Illinois. And the request has not yet been granted.

The SPEAKER. It has not been. There are many other members who have asked the recognition of the Chair in the same way as the gentleman from Iowa.

Mr. TOWNSHEND, of Illinois. And prior to that gentleman.

Mr. SPRINGER. I have frequently asked the Chair to recognize me to move a suspension of the rules; and if the Chair has nobody now in his mind whom he would like to recognize for that purpose, I would like to be recognized now.

Mr. WEAVER. I beg pardon of the gentleman from Illinois, [Mr. SPRINGER;] the Chair has another member in his eye now. [Laughter.]

Mr. SPRINGER. I would like to move a suspension of the rules and have a vote of the House on a third-term resolution, which I think is one of great interest to the people.

The SPEAKER. The gentleman had better wait until the new rule is adopted, which gives individual members the right to move a suspension of the rules.

Mr. BREWER. Perhaps he had better wait until after the action of the national democratic convention at Cincinnati.

Mr. LOWE. Under the new rule members will not have more than one quarter of the privileges they now have.

The SPEAKER. The rule to which the gentleman refers was changed by a unanimous vote of the Committee on Rules so as to accommodate individual members.

Mr. LOWE. By the written rules of the House now every Monday an individual member has the same right which the chairman of a committee has to move a suspension of the rules. But by the new rule we will have just one-quarter of the privileges we now have in that regard.

The SPEAKER. That is a question for the House to consider.

Mr. McLANE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. McLANE. My point of order is that the pending question before the House is the report from the Committee on Invalid Pensions, made by the gentleman from Pennsylvania, [Mr. COFFROTH.] That is the question now pending.

The SPEAKER. The Chair, at the instance of the gentleman from Iowa, [Mr. WEAVER,] will cause the rule to be read.

Mr. McLANE. My point of order is that the inquiry of the gentleman from Iowa [Mr. WEAVER] is not in order at this time, the pending question being upon the report from the Committee on Invalid Pensions.

The SPEAKER. The gentleman from Iowa rose to a parliamentary inquiry, and the Chair recognized him.

Mr. McLANE. The gentleman rose to a parliamentary inquiry.

and through the indulgence of the Chair that parliamentary inquiry is superseding the pending question. Now I make the point of order that the pending question cannot be superseded by the parliamentary inquiry of the gentleman from Iowa.

Mr. GARFIELD. It is superseded now by the point of order raised by the gentleman from Maryland, [Mr. McLANE.]

Mr. McLANE. Not at all.

Mr. GARFIELD. It is doubly superseded now.

Mr. McLANE. My point of order is that the gentleman from Iowa [Mr. WEAVER] is not in order, pending the question before the House, and I call for the regular order.

The SPEAKER. The Chair does not want the impression made that he is doing otherwise than enforcing the rules.

Mr. McLANE. I am well aware of the indulgence of the Chair to the gentleman from Iowa; and for that reason I call for the regular order, which is the pending question upon the report from the Committee on Invalid Pensions.

Mr. WEAVER. I think the remarks of the Chair are very proper. A gross misrepresentation is going all over the country through the figures of a cartoon by Nast, which represents the Speaker with his back toward me. That is not the fact.

Mr. GARFIELD. Which figure represents you?

Mr. WEAVER. The large figure with the long ears, of course, represents me. [Laughter.] You know that the ass in the Bible saw the angel before Balaam, his rider, saw him.

The SPEAKER. The gentleman will confine himself to his point of order.

Mr. WEAVER. I am doing so.

The SPEAKER. Not to the cartoon.

Mr. WEAVER. In reply to the remarks of the Chair, I say that an impression is going out to the country which is grossly unjust to the presiding officer of this House, in that it represents him in this cartoon with his back toward me while I am seeking to be recognized. The Speaker has never at any time more than shut his eyes. [Laughter.]

The SPEAKER. The Chair is discharging his duty, and is un-mindful of any criticism of such a character.

Mr. WILSON. Is it in order now to ask unanimous action on a joint resolution?

The SPEAKER. It is not. Does the gentleman from Iowa [Mr. WEAVER] appeal from the decision of the Chair?

Mr. WEAVER. I do not understand that the Chair has made any decision from which I can appeal under the rules. I ask unanimous consent of the House to have read and voted on the resolutions which I send to the Clerk's desk.

The SPEAKER. The Chair will ask for unanimous consent.

Mr. GARFIELD. Let the resolutions be read, and then we can tell if we want to vote upon them.

Mr. McLANE. I object to the resolution without its being read, and demand the regular order.

The SPEAKER. The demand for the regular order is in the nature of an objection.

Mr. CONGER. But the Chair has already decided that the gentleman might ask unanimous consent.

The SPEAKER. And the Chair submitted the request for unanimous consent to the House, and the gentleman from Maryland [Mr. McLANE] objected.

Mr. GARFIELD. Then I would request the Chair to ask unanimous consent of the gentleman from Maryland.

The SPEAKER. The gentleman from Maryland is merely exercising a right which he has, and which is often exercised by other members of the House.

Mr. WEAVER. I think Maryland will get out of the way.

Mr. McLANE. I insist upon the regular order.

The SPEAKER. The gentleman demands the regular order, and the Chair rules that the unfinished business coming over from Monday before last is the motion of the gentleman from Pennsylvania [Mr. COFFROTH] in reference to evening sessions for pension business. The resolution will be read.

EVENING SESSIONS FOR PENSION BILLS.

Mr. COFFROTH. I desire to modify the resolution, and ask the Clerk to read it as I desire to modify it.

The SPEAKER. The resolution will be read.

Mr. COFFROTH. I desire to modify my resolution so as to fix Wednesday evening, March 3, and Wednesday evening, March 10, for the proposed sessions of the House.

The SPEAKER. The gentleman from Pennsylvania modifies his resolution as indicated, and upon the resolution as modified moves to suspend the rules so as to adopt it.

Mr. CONGER. I submit that the gentleman cannot now move a suspension of the rules, if this is unfinished business.

The SPEAKER. The motion before the House is the motion to suspend the rules, which comes over from a former Monday.

Mr. CONGER. The modification of the motion makes it a new proceeding.

The SPEAKER. The Chair recollects very distinctly that when the silver bill was before the House he decided that under the rules a proposition could be modified before a decision by the House. The Clerk will read the rule on the subject.

The Clerk read as follows:

Motions may be modified before the previous question is seconded, and before a decision or amendment; but not after the previous question is seconded.

The SPEAKER. Now, this modification is made before a decision. In the case of the "Bland silver bill," as the Chair recollects, he decided that under this provision of the rules the gentleman from Missouri [Mr. BLAND] could modify his proposition, in which opinion the House concurred.

Mr. CONGER. I do not remember the question as having arisen where the House was acting upon a matter coming over as unfinished business.

The SPEAKER. The Chair thinks it common sense to hold under the rule just read that a member moving a suspension of the rules may, before a decision upon that motion, modify his proposition.

Mr. CONGER. Of course I do not care for the point as regards this particular proposition, to which I suppose no one objects.

The SPEAKER. The gentleman making this motion would have had the right to modify it last Monday, and that right is not now divested.

Mr. GARFIELD. I hope the Speaker will not make his ruling so broad as to imply that a proposition may be modified by substituting another proposition altogether different.

The SPEAKER. The Chair would not so rule. Of course the modification must be germane.

Mr. GARFIELD. I can see the danger of a ruling not qualified in the manner the Chair now indicates.

The SPEAKER. The resolution, as modified, will be read.

The Clerk read as follows:

Resolved, That Wednesday evening at 7.30 p. m., March 3, and Wednesday evening at 7.30 p. m., March 10, 1880, be set apart to be devoted exclusively to receiving reports from the Committee on Invalid Pensions and to consideration and action on pension bills in their order pending in the Committee of the Whole on the Private Calendar; no other business to be transacted.

The motion to suspend the rules and adopt the resolution was agreed to; two-thirds voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed, without amendment, bills of the following titles:

An act (H. R. No. 2804) for the relief of the administrator of John D. McGill; and

An act (H. R. No. 3288) for the relief of colored emigrants.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a joint resolution (H. R. No. 179) authorizing the Public Printer to print additional copies of bills and public documents.

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

An act (S. No. 38) for the relief of Robert Gorthy and Calvin Green;

An act (S. No. 87) for the relief of John J. Key and W. G. M. Davis;

An act (S. No. 208) granting a pension to Archibald Nelson and John Nelson, minor children of John Nelson;

An act (S. No. 299) for the relief of Joseph N. Lewis;

An act (S. No. 338) granting a pension to Dederick Blanck;

An act (S. No. 382) granting a pension to Ellen W. P. Carter;

An act (S. No. 551) granting a pension to James O'Connor;

An act (S. No. 855) for the relief of Narcissa Gibson, widow of the late Captain Alexander Gibson, United States Navy;

An act (S. No. 1157) authorizing the Secretary of the Treasury to purchase additional lots of ground adjoining the new building for the Bureau of Engraving and Printing;

An act (S. No. 1193) granting a pension to Milton L. Sparr;

An act (S. No. 1197) granting a pension to Peter Claesgens; and

An act (S. No. 1358) for the payment of certain moneys to the heirs of Constantino Brumidi, deceased.

NEW POST-OFFICE BUILDING, BALTIMORE, MARYLAND.

Mr. KIMMEL. The Committee on Public Buildings and Grounds, who have agreed to a unanimous report in the matter of the Baltimore post-office, have instructed me to move a suspension of the rules for the consideration of the bill which I now present—a bill to provide for the purchase of a site for a post-office and other Government buildings in the city of Baltimore, Maryland.

The bill (H. R. No. 4903) was read, as follows:

Be it enacted, *etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase at private sale in the city of Baltimore, Maryland, the site selected by him in the square designated by him in his letter of December 6, 1879, bounded by Monument Square, Fayette, Lexington, and North streets, for a post-office and other Government buildings; and for this purpose there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$550,000: *Provided*, That no money hereby appropriated shall be used or applied for the purpose mentioned until a valid title to the land for the said site shall be vested in the United States; nor until the State of Maryland shall duly release and relinquish to the United States all jurisdiction over the said land or piece of ground; also all right to tax or in any way assess said land or the property of the United States that may be thereon, during the time that the United States shall be or remain the owner thereof.

Mr. HOOKER. I rise to a parliamentary inquiry. I wish to know how this specific bill presented by the gentleman from Maryland obtains any precedence by right over any other bill which has been passed upon by the committee.

The SPEAKER. That is for the committee to determine.

Mr. HOOKER. Very well. I ask the question of the committee. The question being taken on the motion to suspend the rules and consider the bill it was agreed to, there being—ayes 152, noes 10.

The SPEAKER. The report will be read.

The report of the committee was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the letter of the Secretary of the Treasury of December 6, 1879, and accompanying documents relative to the purchase of a site in the city of Baltimore, Maryland, for a post-office and other public buildings, report that June 20, 1878, Congress enacted as follows:

"And the Secretary of the Treasury, the Supervising Architect of the Treasury Department, and the engineer officer in charge of the fifth light-house district, are hereby authorized and directed to examine into and report to Congress at its next session upon the necessity of a building for a post-office in Baltimore, Maryland, the price for which a site for the same can be obtained, and the cost of such a building thereon as the needs of said city may require."

February 1, 1879, the commission appointed under the above act reported as follows:

"[H. R. Mis. Doc. No. 18—Forty-fifth Congress, third session.]

"Report to the Speaker of the House of Representatives from the Acting Supervising Architect of the Treasury Department and the engineer of the fifth light-house district, relative to the necessity for the purchase of a site and the erection of a building for the post-office in the city of Baltimore, Maryland.

"WASHINGTON, D. C., February 1, 1879.

"SIR: In accordance with a provision in the act making appropriations for the sundry civil expenses, &c., approved June 20, 1878, authorizing and directing the Secretary of the Treasury, the Supervising Architect of the Treasury Department, and the engineer officer in charge of the fifth light-house district, to examine into and report to Congress at its next session the necessity for a building for the post-office in Baltimore, Maryland, the price for which a site for the same can be obtained, and the cost of such a building thereon as the needs of said city may require, we have the honor to submit the following report:

"The rapid increase of population in the city of Baltimore since 1850 (see table annexed, marked A) more especially during the present decade, affords conclusive evidence that the number of people who will receive and send their mails through the city post-office will at an early date be far in excess of the number that can be properly served with the present ill-adapted accommodations. The truth of this statement is believed to be beyond dispute. The question presented, therefore, is whether the public and the increasing post-office business (see table marked B) can be properly accommodated in the building now occupied for this purpose. The post-office is now located in the custom-house building. By an examination of the table annexed, marked C, it will be seen that every room in that building is now occupied. The rapid increase of the customs business in the city, as shown by tables annexed, marked, respectively, D, E, F, G, and H, arising from the extensive harbor improvements made by general and municipal governments, together with extended railroad facilities afforded to the granaries of the great West, will necessitate an early removal of many of the subordinate officers to afford the necessary room for transacting the business of the custom-house and sub-treasury proper. These facts being established, the question arises as to whether it is better to rent such a building as can be obtained to meet the demands for increased post-office accommodations or to construct a building, and to have thereby a choice of location and a building adapted in all respects to the public business to be transacted therein. It is our opinion, after a personal examination, that other and more extended accommodations for the post-office department in Baltimore are an absolute necessity, and that it would be advantageous to the United States to construct a building rather than rent premises for this purpose.

"We would therefore recommend that the United States purchase a lot of sufficient size and erect thereon a post-office building of such size and plan as would best serve the public business of that office. It has been suggested that if a building should be constructed of sufficient size to accommodate the post-office business, with a proper regard to the continually increasing business of that office, and architectural effect in design and construction, that there would be much available space therein that would not be required for the post-office department. In reply to this suggestion it may be said that such additional room can be advantageously used by other Government officers now occupying rented premises in the city, (see table annexed, marked I), and also by such officials other than customs officers who are now accommodated in the custom-house building.

"A number of sites were inspected personally, and after much careful examination we believe that the square bounded by Baltimore, North Fayette, and Holiday streets, marked in blue in the accompanying map, containing one hundred and fifty-one feet by two hundred and eight feet, combines more advantages as to plan of building, access by street railroads, and centrality of location as to the business connected with the post-office, than any other site. We have also to say that, upon consultation with the following-named gentlemen after our personal examination, and after reaching the above conclusion, namely, Hon. F. C. Latrobe, mayor, Decatur Miller, president of the board of trade, James Carey Coates, president of the Merchant's Exchange, J. J. Middleton, president of the Corn Exchange, Walter B. McAtee, ex-president of the Corn Exchange, Colonel George W. F. Vernon, United States naval officer, and others, we ascertained that they heartily concurred in our views as to the advantages of this site. The estimated value of this property in 1875, as per report of William A. Potter, at that time Supervising Architect of the Treasury, was \$329,000. We recommend that the property be acquired by condemnation.

"In our judgment, with the present low price of material and the great scarcity of employment for deserving laborers, a building of suitable size, durability, and architectural effect, affording the accommodation so much needed, together with the site, can be provided for less than \$1,000,000.

"Very respectfully,

"JOHN FRASER,

"Acting Supervising Architect, Treasury Department.

"O. E. BABCOCK,

"Brevet Brigadier-General, United States Army,
"Engineer Fifth Light-House District.

"Hon. SAMUEL J. RANDALL,

"Speaker House of Representatives, Washington, District of Columbia."

[Indorsement.]

"TREASURY DEPARTMENT,

"February 4, 1879.

"While concurring in the view stated by the Acting Supervising Architect and the engineer of the fifth light-house district as to the expediency of constructing the building proposed by them, and the suitability of the site, I respectfully suggest that, in view of the number of important public buildings now in process of erection, it is not advisable to make provision for this building at the present session, nor until the chief buildings now being constructed are completed.

"JOHN SHERMAN,

"Secretary."

And that, June 18, 1879, Congress passed the following act:

"Chap. 26.—An act to authorize the Secretary of the Treasury to negotiate for the purchase at private sale, or, if necessary, procure by condemnation, a site for a post-office in the city of Baltimore, State of Maryland.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to negotiate and contract for the conditional purchase, at private sale, or, if necessary, procure by condemnation, in pursuance of the statutes of the State of Maryland now in force, or any statute of said State which may hereafter be passed by its Legislature for that purpose, a suitable piece of ground or site in the city of Baltimore, in the State of Maryland, for the erection of a building to be used for a post-office, court-house, and other public offices, the cost of the same not to exceed the sum of \$500,000; and the sum of \$4,000 is hereby appropriated, or so much as may be necessary therefor, out of any money in the Treasury not otherwise appropriated, for the cost and expenses of condemnation of said ground or site, if proceedings of condemnation are, in the judgment of the Secretary of the Treasury, required to procure the same: *Provided*, That no money except the sum hereinbefore appropriated for expenses of condemnation be expended for purchase of said site until the purchase and contract for the same shall have been approved by Congress nor until a valid title of such ground or site is vested in the United States, and the State of Maryland shall have released and relinquished jurisdiction over the same, and exempted from taxation such site and such buildings as may hereafter be erected thereon, so long as the same are the property of the United States."

"Approved June 18, 1879."

And that December 6, 1879, the Secretary of the Treasury transmitted to the Speaker of the House of Representatives the following letter:

"TREASURY DEPARTMENT,"

"Washington, D. C., December 6, 1879.

"SIR: I have the honor to submit the following report, accompanied by copies of correspondence and other papers, showing the action taken by this Department with reference to the purchase of property in the city of Baltimore, Maryland, as a site for a post-office and court-house, as provided by act of June 18, 1879, by which the Secretary of the Treasury was authorized and directed to negotiate and contract for the conditional purchase by private sale or by condemnation of property in the city of Baltimore for this purpose:

"In pursuance of this authority I made a personal examination of the several pieces of property suggested as suitable sites, and after careful consideration provisionally selected the square bounded by Monument Square, Fayette, Lexington, and North Streets, with the conditions that the price of the property should not exceed \$500,000, and that no building except the Government building should be erected or remain upon this square, as set forth in my letter of June 25, 1879, for F. P. Stevens, chairman city council committee of Baltimore.

"A circular letter inviting proposals of sale from the several owners of this property was issued under date of June 28, 1879, and attached to this letter was a form of stipulation under which all parties making proposals were to submit them in accordance with the provisions and subject to the conditions of the act above referred to. In response to this letter there were received four proposals from the following parties:

J. Howard McHenry	\$152,500
John C. White	25,000
Robert Remert	273,500
August and E. Hoen	50,000

Total 500,000

"The several lots covered by these proposals are shown on the sketch inclosed herewith, and together form the property selected. These proposals were accepted, subject to the conditions of the act, and to the further condition that the city of Baltimore should set apart and dedicate as a permanent public park that portion of the square lying between the United States court-house building and Lexington street, as stated in my letter of June 25, 1879, to F. P. Stevens, hereinbefore referred to. Copies of letters of acceptance of the several parties and of a letter addressed to the chairman of the city council committee of Baltimore are inclosed herewith.

"By letter of July 11, 1879, copies of the several proposals were transmitted to the honorable Attorney-General, with the request that he cause an examination of the title of said property to be made and advise the Treasury Department whether conveyances from the parties signing the proposals would vest a valid title to said property in the United States. A communication was received from the Department of Justice, under date of November 6, 1879, inclosing a letter from the United States attorney at Baltimore, requesting authority to incur an expenditure to procure documentary evidence and copies of papers to accompany the abstract of title. In reply, Department's letter of November 8, 1879, advised the honorable Attorney-General that under the terms of the act no expenditures could be made except for costs and expense of condemnation, in case proceedings in condemnation were necessary, and requested to be advised as to whether the opinion on validity of title could not be rendered upon examination and without incurring the expense of obtaining the documentary evidence referred to, to which letter no reply has been received.

"I have the honor to recommend that the requisite authority be given and an appropriation be made to complete the purchase of this property, provided a valid title thereto can be secured. I have also the honor to submit herewith, for the information of Congress and for such action thereon as may be deemed advisable, a letter addressed to this Department, under date of the 2d instant, by the chairman of the city council committee of Baltimore, with inclosure, from which it appears that the city council desires an increase of the sum named in the act (\$500,000) by the amount of \$103,000, which amount is to compensate the city for the property lying between the United States court-house and the post-office building and Lexington street, which it was proposed to set apart as a permanent public park.

"Very respectfully,

"JOHN SHERMAN, Secretary.

"Hon. SAMUEL J. RANDALL,

"Speaker House of Representatives, Washington, D. C."

From the above letter it will appear that subsequent to the act of June 18, 1879, the Secretary reconsidered the selection of the site previously selected by the commission appointed under the act of June 20, 1878, and selected an adjacent square, being that whereon stands the present United States court-house. The total value of this square, exclusive of that portion now owned and occupied by the United States as a court-house, is estimated at \$603,000.

It will further appear from the letter of the Secretary that he required as a condition to the purchase "that the city of Baltimore should dedicate and set apart as a permanent public park" that portion of the square not included in the contemplated purchase and in the court-house property. As a substitute for this proposition the city of Baltimore, enabled by an act of the Legislature of Maryland, (a copy of which act is hereunto appended,) has by an ordinance (a copy of which is also hereunto appended) provided for the extinguishment of the ground-rent by the city, and the donation to the United States in fee-simple of so much of said square as cannot be purchased by the United States for the sum of \$550,000, the latter amount being \$50,000 in excess of the cost estimated in the act of June 18, 1879.

This proposition of the city of Baltimore your committee recommend the acceptance of, and to that end present the following bill:

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase at private sale, in the city of Baltimore, Maryland, the site selected by him in the square designated by him in his letter of December 6, 1879, bounded by Monument Square, Fayette, Lexington, and North streets, for a post-office and other Government buildings, and for this purpose there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$550,000: *Provided,* That no money hereby appropriated shall be used or applied for the purpose mentioned until a valid title to the land for the said site shall be vested in the United States, nor until the State of Maryland shall duly release and relinquish to the United States all jurisdiction over the said land or piece of ground, also all right to tax or in any way assess said land or the property of the United States that may be thereon, during the time that the United States shall be or remain the owner thereof.

MARYLAND, *set:*

At a session of the General Assembly of Maryland, begun and held at the city of Annapolis on the 7th day of January, A. D. 1880, His Excellency William T. Hamilton, governor, among others, the following law was enacted, to wit:

"Chapter 2.—An act to give the consent of the State to the purchase of certain lots of ground in the city of Baltimore by the United States of America, for the purpose of erecting a building for a post-office, court-house, and other public offices, and to cede to the United States of America jurisdiction over the same, and authorizing the mayor and city council of Baltimore to grant and convey certain lots of ground belonging to them to the United States of America.

"SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the consent of the State of Maryland is hereby given to the purchase by the United States of America of any lots or parcels of ground, in the city of Baltimore, for the purpose of erecting a building for a post-office, court-house, and other public offices of the United States of America.

"SEC. 2. *And be it enacted,* That jurisdiction over the said lots or parcels of ground, after the same shall have been lawfully conveyed to the said United States of America, be, and it is hereby, ceded, released, and relinquished to the United States of America over the said lot or parcels of ground, so far as that all civil and such criminal process as may issue under the authority of this State against any person or persons charged with crimes and misdemeanors committed without said lots or parcels of ground may be executed therein in the same way and manner as though this cession had never been made and granted, and that the land over which the jurisdiction is granted by this act, together with all buildings and personal property which is or may be hereafter within the bounds thereof, belonging to the United States, shall be exempted, exonerated, and discharged from all State or municipal taxes so long as the said lot or parcels of ground shall remain the property of the United States of America for the purposes aforesaid.

"SEC. 3. *And be it enacted,* That the mayor and city council of Baltimore be, and they are hereby, authorized to grant and convey to the United States of America any lots or parcels of ground owned by it, and forming part of any square of ground, which square, or any part of which, the United States of America may purchase for the erection of a building for a post-office, court-house, or other public offices, and the same shall be subject to all the provisions of the preceding section of this act.

"SEC. 4. *And be it enacted,* That this act shall take effect from the date of its passage.

HERMAN STUMP, JR.,
President of the Senate.
HIRAM McCULLOUGH,
Speaker of the House of Delegates.

WILLIAM T. HAMILTON,
Governor.

Approved 23d January, 1880.

{ GREAT SEAL OF }
{ MARYLAND. }

In testimony whereof I have hereunto set my hand as clerk, and affixed the seal of the court of appeals of Maryland this 23d day of January, A. D. 1880.

[SEAL]

SPENCER C. JONES,
Clerk Court of Appeals of Maryland.

MARYLAND, *set:*

I, James L. Bartol, chief judge of the court of appeals of Maryland, do hereby certify that Spencer C. Jones is clerk of the said court of appeals, and that the foregoing attestation of him is in due form, and by the proper officer.

Given under my hand this 23d day of January, 1880.

JAS. L. BARTOL.

MARYLAND, *set:*

I, Spencer C. Jones, clerk of the court of appeals of Maryland, do certify that Hon. James L. Bartol, who has signed the foregoing certificate, is, and at the time of so doing was, chief judge of the court of appeals of Maryland, and that full faith and credit are due to his acts as such.

In testimony whereof I have hereunto set my hand as clerk, and affixed the seal of the said court of appeals, this 23d day of January, A. D. 1880.

[SEAL]

SPENCER C. JONES,
Clerk Court of Appeals of Maryland.

STATE OF MARYLAND, EXECUTIVE DEPARTMENT.

I, William T. Hamilton, governor of the State of Maryland, do hereby certify that Spencer C. Jones is clerk of the court of appeals of Maryland and, as such, keeper of the acts and resolutions of the General Assembly of the State, and that full faith and credit are due and ought to be given to his acts as such.

In testimony whereof I have hereto set my hand and affixed the great seal of the State of Maryland, on this 23d day of January, in the year of our Lord one thousand eight hundred and eighty.

[SEAL]

WILLIAM T. HAMILTON.

By the governor:

JAS. T. BRISCOE,
Secretary of State.

"ORDINANCE.

"An ordinance authorizing the mayor to purchase and to convey to the United States of America two lots of ground on North street, leased by the city of Baltimore, and adjoining the site selected by the Secretary of the Treasury of the United States for a new post-office, court-house, and other public offices for the United States Government.

"Whereas the Secretary of the Treasury of the United States has selected as a site for a new post-office, court-house, and other public offices of the United States in the city of Baltimore certain lots of ground situate on Monument Square, Fayette, and Lexington streets; and

"Whereas the sub-committee of the House of Representatives of the United States have determined to report an appropriation of \$550,000 for the purchase of said site, together with certain lots of ground adjoining thereto, situate on North street, provided the city of Baltimore would donate the two lots of ground belonging to it situate on the west side of North street, immediately adjacent to the site aforesaid: Therefore,

"SECTION 1. *Be it enacted and ordained by the mayor and city council of Baltimore,*

That the mayor be, and he is hereby, authorized and directed to purchase the two ground-rents, one of \$150 and the other of \$250 per annum, upon the two lots of ground now leased by the city, on the west side of North street, adjoining the lots of ground selected by the Secretary of the Treasury of the United States for the purposes of a post-office, court-house, and other public offices for the United States, upon which lots are situated the buildings occupied by the water department and No. 4 engine-house, belonging to the city, and reserving the right to the city to remove all the materials upon said two lots of ground, and to convey the same in fee-simple to the United States of America for the use of the United States for the purpose aforesaid.

"SEC. 2. *And be it further enacted and ordained,* That the sum of \$10,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the purposes aforesaid, to be taken out of the levy of 1880, the said sum to be paid to the mayor by the city register upon the warrant of the comptroller of the city.

"Approved January 29, 1880.

"FERDINAND C. LATROBE,
Mayor.
"A. H. GREENFIELD,
President of Second Branch.
"JOHN STEWART,
President of First Branch.

"This is to certify that the foregoing is a true copy of ordinance No. 1 of the mayor and city council of Baltimore, approved January 29, 1880, the original of which is now on file in this office.

"Given under my hand and the corporate seal of the mayor and city council of Baltimore this 29th day of January, 1880.

[SEAL.]

"JOHN A. ROBB,
Register of the City."

During the reading of the report the following colloquy took place: Mr. COFFROTH. I ask that the reading be dispensed with.

The SPEAKER. Any member has the right to request the reading of the report.

Mr. KEIFER. Can it not be dispensed with?

The SPEAKER. Only by unanimous consent.

Mr. WARNER. I insist on the report being read. I want to hear what it is.

Mr. KEIFER. I think we have heard enough of the report, and I therefore move to dispense with its further reading.

Mr. WARNER. Then I shall move the House adjourn; for if we are to vote on a question of this kind without explanation and without discussion I think we ought to adjourn.

Mr. KEIFER. I did not understand the gentleman was paying attention to the reading of the report.

The SPEAKER. The rules were suspended to bring the bill before the House for consideration, and it is now open to discussion and amendment.

Mr. WARNER. Then I withdraw the demand for the reading of the bill if it is now before the House for consideration.

Mr. KIMMEL. I propose to demand the previous question, but will now answer any question which gentlemen may ask.

Mr. WARNER. I wish to make some inquiries in reference to this bill. Five hundred and fifty thousand dollars seems to me to be a large sum to pay for a place to put a post-office. I think I see in that two or three millions of dollars for this post-office before we get through with it. Perhaps, as has been suggested to me, there may be five millions. I think we are spending too much money on this class of buildings.

Now, I wish to ask the gentleman from Maryland, who has charge of this bill from the Committee on Public Buildings and Grounds, whether by going a little distance from this particular locality a site suitable for a post-office could not be purchased at a considerably less sum?

Mr. KIMMEL. Not within such a distance of the center of the city of Baltimore, where the business is all transacted, could a site be bought for less money than this. I will say, for the information of the gentleman, a site better fitted than this was abandoned because it could not be bought for that money, and that site was only two-thirds the size of this one.

Mr. WARNER. What examination has been made by the committee having this bill in charge?

Mr. KIMMEL. It has been examined again and again by the committee, and the Secretary of the Treasury was directed by the law of 18th of June to make that selection. He made the selection and reported it in his letter to this House, and now appropriation is asked to carry out his recommendation.

Mr. WARNER. I will ask the gentleman further to explain how it comes that \$50,000 more is required than was voted at one time for this very site?

Mr. KIMMEL. I will explain that with a great deal of pleasure. When the bill was first passed it was understood the Secretary of the Treasury favored the Baltimore street site. It was found that site could not be bought for less than \$600,000. The Secretary of the Treasury then looked for another site. He found one much more beautiful, but not so convenient, and that \$500,000 would buy a part of that square; but he considered so valuable a building as the one for a post-office in Baltimore should not have other buildings in near proximity thereto. For the purpose, then, of not having any such building near this post-office, he proposed to the city of Baltimore it should purchase the adjoining piece of ground and make it a public park. That would have brought two jurisdictions over one piece of property, one block, which was not thought advisable. The city of Baltimore then proposed the United States Government should appropriate \$50,000 more and the city would deed its property, valued at about \$50,000, to the General Government, thus giving it the possession of the whole property, that deeding of this property to the

United States costing the city of Baltimore \$50,000 more to move to additional buildings.

Mr. WARNER. I do not wish to antagonize this bill, but I should like to see the whole matter in print before I am called upon to vote on it.

Mr. KIMMEL. The gentleman spoke about the cost of the site; I have the papers here to show that similar sites heretofore have cost the Government a very much larger amount of money: In New York, \$1,500,000; in Philadelphia, \$1,200,000; in Saint Louis, \$700,000; Cincinnati, \$500,000, and so on.

Mr. WARNER. I am not presuming this is not the best thing that can be done, but it seems to me a very large sum to pay for a site for this building.

Mr. WILSON. It is the best site and the cheapest.

Mr. KIMMEL. It is a large sum of money for a site, but it is a good thing to have this building in the right place. I now demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KIMMEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PACIFIC RAILROAD SINKING FUND.

Mr. McLANE. I am directed by the Committee on the Pacific Railroad to move to suspend the rules for the purpose of bringing before this House for consideration a bill (H. R. No. 3790) to alter and amend the sinking-fund act approved May 7, 1878, with an amendment.

The bill was read, as follows:

Be it enacted, etc., That section 3 of the act of Congress entitled "An act to alter and amend the act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act," approved May 7, 1878, be amended to read as follows:

That there shall be established in the Treasury of the United States a sinking fund, which shall be invested by the Secretary of the Treasury in bonds of the United States or in the first-mortgage bonds of said companies respectively, as the Secretary may prefer, and the semi-annual income thereof shall be in like manner from time to time invested, and the same shall accumulate and be disposed of as hereinafter mentioned. All the bonds belonging to said fund shall, as fast as they shall be obtained, be so stamped as to show that they belong to said fund, and that they are not good in the hands of other holders than the Secretary of the Treasury until they shall have been indorsed by him and publicly disposed of pursuant to this act.

SEC. 2. That section 4 of the aforesaid act be altered and amended to read as follows:

That there shall be carried to the credit of the said fund, from time to time as settlements are made by the accounting officers of the Treasury, the one-half of the compensation for services hereinbefore named, rendered for the Government by said Central Pacific Railroad Company, not applied in liquidation of interest; and, in addition thereto, the said company shall, on the 1st day of April and October in each year, pay into the Treasury, to the credit of said sinking fund, the sum of \$600,000, or so much thereof as shall be necessary to make the 5 per cent. of the net earnings of its said road payable to the United States under said act of 1862, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to 35 per cent. of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the half year ending on the last day of December and June, respectively, next preceding.

That there shall be carried to the credit of the said fund, from time to time as settlements are made by the accounting officers of the Treasury, the one-half of the compensation for services hereinbefore named, rendered for the Government by said Union Pacific Railroad Company, not applied in liquidation of interest; and, in addition thereto, the said company shall, on the 1st day of April and October in each year, pay into the Treasury, to the credit of said sinking fund, the sum of \$425,000, or so much thereof as shall be necessary to make the 5 per cent. of the net earnings of its said road payable to the United States under said act of 1862, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to 35 per cent. of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the half year ending on the last day of December and June, respectively, next preceding.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized to transfer to the sinking fund established by the act of which this act is amendatory, out of any moneys in the Treasury of the United States due to either of said railroad companies respectively for services, and not lawfully retainable on account of interest on bonds issued to said companies paid by the United States or on account of 5 per cent. of net earnings, such sum as may be required in satisfaction of the requirements of said act; and all laws inconsistent with the provisions of this section so far as relates to said companies are hereby repealed.

To which the following is an amendment:

SEC. 4. That this act, and the act of which this is amendatory, shall be applicable to any and all persons and corporations into whose business either or both of said Union or Central Pacific Railroads may lawfully come by purchase, consolidation, or otherwise, as well as to the original companies.

Mr. McLANE. I ask permission to make an explanation to the House.

The SPEAKER. That can only be done by unanimous consent.

Mr. TOWNSHEND, of Illinois. What is the motion?

The SPEAKER. The motion here is to suspend the rules and consider this bill.

Mr. COX. I would like to ask the gentleman from Maryland a question.

The SPEAKER. Debate is not in order.

Mr. COX. I would like by unanimous consent to ask him a ques-

tion. I would like to know if the purpose of this bill is simply to carry out the provisions of the funding act?

Mr. McLANE. That is all; there is nothing more in it. The object is simply to carry out the details of what is known as the funding bill.

The SPEAKER. The motion is to suspend the rules and consider this bill.

Mr. WARNER. This is a matter of great importance, and I think it ought to be printed.

Mr. HOUSE. I would like to ask the gentleman from Maryland a question, by unanimous consent.

Mr. PAGE. Mr. Speaker, I wish to inquire if the object is to suspend the rules and consider this bill, or to suspend the rules and pass the bill?

The SPEAKER. The motion is to consider the bill.

Mr. PAGE. To-day?

The SPEAKER. Yes, to-day.

Mr. McLANE. If the House will permit me, out of deference to the unanimous vote of the committee sending the bill here, to make a short explanation, I should have, I think, the unanimous vote of the House.

Mr. TOWNSHEND, of Illinois. Has the motion been adopted to consider the bill?

The SPEAKER. It has not yet.

Mr. HOUSE. I wish the gentleman from Maryland would permit me to ask him a question. What is the object in passing this bill under a suspension of the rules? Why not permit it to go to the Calendar, where an opportunity might be had for its consideration?

Mr. McLANE. I will explain to the gentleman as I proceed.

Mr. HAWLEY. Has not the gentleman from Maryland a letter from the Secretary of the Treasury in relation to this matter? I would suggest that he have that letter read.

Mr. McLANE. I will do so presently.

Mr. TOWNSHEND, of Illinois. I object to debate until the question is decided as to whether this subject is to be considered now or not.

The SPEAKER. Is there objection to the present consideration of the bill. The Chair hears none.

Mr. McLANE. Do I understand that there is objection made to my explaining this bill.

Mr. TOWNSHEND, of Illinois. I will withdraw the objection.

Mr. McLANE. The House will remember that by the provisions of the funding act the moneys due to the sinking fund were required by law to be invested in 5 per cent. United States bonds.

Now, as that loan reaches its termination the Secretary of the Treasury has refrained from investing in it. He now asks authority to invest in any United States bonds, and a further authority to invest in the first-mortgage bonds, and he sets forth that the Government of the United States is equally interested with the roads in the sinking fund, and that the first-mortgage bonds being prior to the interest of the United States it is in the interest of the United States as well as of the roads to avail itself of that better investment. The first-mortgage bonds at the current market rates will yield nearly 5 per cent., whereas the 5 and 4 per cent. bonds yield much less, and therefore it is entirely in the interest of the United States as well as of the railways that the Secretary of the Treasury should have the power to invest—

Mr. HUBBELL. Will the gentleman yield to me for a question?

Mr. McLANE. Let me finish my sentence first.

Mr. HUBBELL. Will the gentleman tell us what the first-mortgage bonds are now worth in the market?

Mr. McLANE. I will as we get along, if you will only wait.

The Secretary of the Treasury therefore recommends he have power conferred by law to invest in the first-mortgage bonds as well as in United States bonds, the existing law confining him to investment in 5 per cent. bonds, which, as the House well knows, expire in 1881-'82. It is, therefore, absolutely necessary that legal authority should be given to the Secretary of the Treasury to invest in some other security. The only point at issue in that bill is as to what the security shall be invested in. The bill provides it shall be in United States bonds or the first-mortgage bonds of the roads, at the discretion of the Secretary of the Treasury.

Mr. COX. Has the Secretary of the Treasury written a letter on the subject?

Mr. McLANE. You shall have that too.

Mr. COX. All right.

Mr. McLANE. The second section of the bill provides the money belonging to the sinking fund, instead of lying all the year in the Treasury without interest, shall be invested as it accrues. The law now requires that it shall be invested on the 1st day of April every year, and we lose a year's interest on a portion of it, and we lose some interest on all of it. The second section of this bill provides it shall go at once to the sinking fund as soon as it reaches the Treasury.

The third section of the bill provides accounts shall be made up by the 1st of April instead of the 1st of February, the 1st of February having been found too early a date.

The accounts not coming in, being made up to January, they do not reach the Government in time to have them settled and audited on the 1st of February, therefore we give two additional months, and in lieu of the 1st of February the 1st of April is provided, the

1st of February having been the day fixed in the Thurman act. The third section releases the moneys now locked up in the Treasury by the act of 1873, awaiting the termination of these railroad suits; these suits being now terminated, these moneys are allowed to go to the sinking fund. The fourth section of the act provides that this Thurman act (which now applies to the Central Pacific and the Union Pacific) shall apply to either or both of these roads in case they should ever be consolidated. That is all there is in the bill.

I now ask the Clerk to read the letter of the Secretary of the Treasury on the question of investments.

Mr. ATKINS. Is this a unanimous report of the committee?

Mr. McLANE. It is.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 21, 1879.

SIR: The third section of the act of Congress approved May 7, 1878, entitled "An act to alter and amend the act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act," provides "that there shall be established in the Treasury of the United States a sinking fund, which shall be invested by the Secretary of the Treasury in bonds of the United States; and the semi-annual income thereof shall be in like manner from time to time invested, and the same shall accumulate and be disposed of as hereinafter mentioned. And in making such investments the Secretary shall prefer the 5 per cent. bonds of the United States, unless, for good reasons appearing to him, and which he shall report to Congress, he shall at any time deem it advisable to invest in other bonds of the United States."

The only investment yet made under the provisions of this act has been made in the 5 per cent. bonds of 1881, as follows: On account of sinking fund, Union Pacific Railroad Company, principal, \$59,500, and premium, \$3,049.37; and on account of sinking fund, Central Pacific Railway Company, principal, \$36,700, and premium, \$1,880.88.

It is very probable that this loan will be called in and funded into 4 per cent. bonds within one year after it is due. If, therefore, this loan is redeemed by May 1, 1882, this investment would only realize to the fund 3.32 per cent. per annum.

The advantage to the fund of investments in 4 per cent. bonds at par is apparent unless the market price of the 4½ per cent. bonds falls below 105.03, the 5 per cent. bonds below 103.02, and currency sixes below 126.44. I have therefore to inform Congress, in accordance with the requirements of the statute, that investments will hereafter be made in the 4 or 4½ per cent. bonds or the currency sixes, as may be most advantageous to the fund, having regard to the length of time the investment is to continue.

As the interests of the United States and the railroad companies in this fund are reciprocal, I would recommend that the law be so modified as to authorize the Secretary of the Treasury, at his discretion, to invest such amounts as may be from time to time payable to this fund in the first-mortgage bonds of the respective roads, as authorized by the tenth section of the act of July 2, 1864. (13 Statutes, 358.)

This will give the roads a better rate of interest on the fund without detriment to the United States.

The United States, as a deferred creditor, is interested to the extent of the preferred bonds.

The ninth section of the act of May 7, 1878, provides that all sums required to be paid into the sinking fund under this act or under the acts hereinbefore referred to be made a lien upon all the property and franchises of the roads, "subject to any lawfully prior and paramount mortgage, lien, or claim thereon." As these bonds are a prior lien on this fund, better investment for the fund itself cannot be obtained, so long as they can be purchased below the market rate of the currency sixes.

Very respectfully,

JOHN SHERMAN, Secretary.

Hon. SAMUEL J. RANDALL,
Speaker House of Representatives.

Mr. REAGAN. I desire to ask if it be agreeable to the gentleman in charge of the bill to strike out the provision that authorizes the investment of this sinking fund in the bonds of the railroad company? It seems to me there is danger in that.

Mr. McLANE. I do not feel authorized to make that change.

The SPEAKER. If the House agrees to consider the bill that will be a matter to submit before the previous question is voted on.

Mr. REAGAN. If the gentleman from Maryland will allow me and I can have consent I would like to say one word. The indebtedness of these companies is about sixty-five millions of debt to the United States and the bonded indebtedness; and one of the popular views taken of the subject is that those companies when the time comes when they must pay the United States indebtedness could easily afford to let the roads go into liquidation, buy them up and satisfy the whole indebtedness. And if so, the very bonds used for investment by the Government must be sacrificed.

Mr. MARSH. I desire to ask the gentleman from Maryland a question or two.

Mr. McLANE. I will hear the gentleman.

Mr. MARSH. What is now the price of the first-mortgage bonds of the road?

Mr. McLANE. That is stated in what has just been read from the desk, I believe.

Mr. TOWNSHEND, of Illinois. It is about one hundred and twenty.

Mr. MARSH. I desire to ask another question. Does this bill include the Northern Pacific bonds and authorize investment in the first-mortgage bonds of the Northern Pacific?

Mr. McLANE. If the House had paid attention to the explanation I gave, gentlemen would have understood this act is simply an act to regulate the details of the Thurman act. It has no relation to any road except the Central Pacific and the Union Pacific.

Mr. MARSH. I ask one other question. Why is authority sought to be given to the Treasury Department to invest these moneys in securities other than the securities of the Government itself?

Mr. McLANE. The reason given by the Secretary of the Treasury has just been read from the Clerk's desk. That reason is that the first-mortgage bond of the railroad yields a better interest than the bond of the United States at 4 or 4½ or 5 per cent. And it is entirely in the interest of the United States as it is in the interest of the railroad that the best possible security and the best possible interest should be obtained for that sinking fund. Therefore, in the original law it was deemed wise to confine it to the United States bonds and to the United States 5 per cent. bonds! Now the Secretary explains that that 5 per cent. bond will soon be out of existence, and therefore he will be obliged to invest in some lower rate of United States bonds. In that connection he explains that the first-mortgage bond of the railroad is a better investment than the 4 per cent. United States bond. Then he proceeds to answer the question which has been just put to me by the gentleman from Texas, [Mr. REAGAN.] He explains that the first-mortgage debt of the railroad is a debt which is a prior lien to that of the United States upon those roads. He makes that explanation and gives that as the reason for this proposed legislation, and the House will observe that it is the holder of the first-mortgage bond who would buy in the road if, as suggested by the gentleman from Texas, it should be sold under a foreclosure. It would be well for the United States if the entire first-mortgage debt was in the sinking fund.

Mr. REAGAN. I think I have been misunderstood by the gentleman from Maryland. The point I made was that it had been insisted all along that taking the \$65,000,000 of debt to the United States and the bonded indebtedness when the time came to pay the debt to the United States, the company, in view of the indebtedness to the United States and to the bondholders, could go into liquidation, buy the road, and discharge the whole indebtedness, and, if so, would discharge the debt represented by the very bonds proposed to be taken for the sinking fund.

Mr. McLANE. I understood the gentleman correctly, and if he will give me his attention I have a reply for him.

Mr. WILLIS. I rise to a question of order. I wish to inquire if debate is in order?

The SPEAKER. By unanimous consent it was allowed.

Mr. WILLIS. I understand that unanimous consent has been exhausted some time ago. I understood it was limited to the gentleman from Maryland, [Mr. McLANE.]

The SPEAKER. The gentleman from Maryland would have under the rules of the House one hour, unanimous consent having been given to him for an explanation.

Mr. FINLEY. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FINLEY. Is not the pending question the motion to suspend the rules and consider the bill?

The SPEAKER. It is.

Mr. FINLEY. Then is it in order to debate the bill when that is the pending question?

The SPEAKER. Unanimous consent was given to the gentleman from Maryland to explain the bill.

Mr. FINLEY. Then I object to anybody else being heard except the gentleman from Maryland.

Mr. TOWNSHEND, of Illinois. I ask the gentleman from Maryland to agree to let the bill be placed on the public Calendar, that members may have an opportunity of examining it.

Mr. McLANE. I do not think the gentleman from Illinois will ask me to defer action on the bill when I tell him the Secretary of the Treasury has been in correspondence with the committee since the first week in December, representing to the committee that he has now in the Treasury not bearing interest a large accumulation due to the sinking fund, and that it is in the interest of the United States as well as in the interest of the railroad that he seeks authority to make the investment. But in so far as the power to extend the investment is concerned, the railroads have this same interest in it that the Secretary of the Treasury has. And the Committee on Pacific Railroads have been furnished with the same authority from the railroads as they have been from the Treasury to represent that it is their interest, as it is the interest of the Government, to have this fund invested. But representing the Government I did not think it necessary to say whether the railroads approved of the bill or not. But if it is a matter of interest to anybody I wish to state that the railroads recognize their interest as involved in the prompt investment of moneys due to the sinking fund precisely as the Government recognizes its interest in having the moneys due to the sinking fund promptly invested. And there is in truth no question at issue but the one as to how that money shall be invested, whether it shall be confined to United States bonds as it was in the original Thurman act, or whether it shall be extended to the first-mortgage bonds of these railroads.

Mr. TOWNSHEND, of Illinois. It may be that the Secretary of the Treasury thinks that this will be to the advantage of the Government; but there are many members here who fear that this bill will result in disadvantage to the Government. If in order, I will move that this bill be placed on the public Calendar.

Mr. SPARKS. Allow me to ask the gentleman a question.

Mr. McLANE. Certainly.

Mr. SPARKS. Under the present law the Secretary of the Treasury is now authorized to invest this sinking fund in 5 per cent. bonds,

that are to-day selling at perhaps 1.03½. He now asks for authority (and this bill proposes to grant it) to invest in currency sixes in 4 per cents. and in 4½ per cent. bonds. The currency sixes are selling now for say 120, and the 4½ per cents for perhaps 109, and the 4 per cents at say 107. It will therefore be seen that if you extend the authority to invest in other bonds than 5 per cents the Government must pay more money for those bonds on its investment. In addition to that the Secretary asks authority to invest in the first-mortgage railroad bonds which are now selling (as it is stated) at 120. I cannot see any advantage to be gained to the Government in extending this authority to purchase these other securities. You may get a better interest on these other bonds, but, as it will readily be seen, you must pay a great deal more money for the bonds; hence I think it would be well to leave the matter where it is.

Mr. McLANE. If the gentleman from Illinois [Mr. SPARKS] will give attention now to my reply to his inquiry I think he will be satisfied. The Secretary of the Treasury explains perfectly in his letter—which, though it has been read to the House, nobody seems to have heard—that at the present market prices United States bonds are not as good an investment for the sinking fund as the first-mortgage bonds of the roads will be. As the market price of these latter rise they may cease to be a good investment, and they will not in that event be purchased for the sinking fund. And by tables that are as well understood as the tables of logarithms, we know exactly what each of those bonds is in value to the sinking fund when we have the market price, the rate of interest, and the period of time the bond has to run.

Mr. SPARKS. If the gentleman will allow me a moment. By the passage of this bill would you not increase the market value of the particular bonds that you authorize the Secretary of the Treasury to purchase for the sinking fund?

Mr. McLANE. Doubtless that would be so.

Mr. SPARKS. Would it not have the effect to fluctuate the market value of those bonds?

Mr. McLANE. Doubtless the bond purchased would enhance in value even with the United States bonds.

Mr. SPARKS. As this is so, and it opens the doors to speculation, would it not be better to leave the law as it now stands, and thereby keep the doors closed to any chance for fluctuation or speculation?

Mr. McLANE. Why, sir, the gentleman from Illinois [Mr. SPARKS] certainly did not hear the letter of the Secretary of the Treasury read, and did not hear my explanation, because both stated that the 5 per cent. bonds expiring in 1881, the Government would actually suffer a loss when it came to change that investment, and that a new investment was absolutely necessary after 1881, and that any new bond would be enhanced in value by such investment thereof in the sinking fund.

Mr. TOWNSHEND, of Illinois. I would ask the gentleman why it is, if the Committee of Ways and Means has been over two months considering this bill, he is not willing that the House may have a few days to consider it?

Mr. McLANE. We have not been as many hours considering it.

Mr. TOWNSHEND, of Illinois. You said that the Secretary of the Treasury sent in this proposition in December last.

Mr. McLANE. The gentleman knows the difficulty of making any report from the committees of this House. The Committee on the Pacific Railroad gave but one day's deliberation to this question. The letters of the Secretary of the Treasury were referred, and there was a unanimous agreement to include these first-mortgage bonds of the main roads in the sinking fund. Whether the power should be still more extended was also discussed. There was a question as to whether the bonds of all the branch roads which had prior liens to the claims of the United States should be made part of the investment, but that was not deemed expedient. What is here proposed was thought sufficient and best for the very reason given by the gentleman from Illinois, [Mr. SPARKS,] that the Secretary might, in exercising his discretion, invest in the bonds of this branch road or of that branch road as he would find them more profitable to purchase in the market, and that in this widening unnecessarily his discretion speculation might be unduly excited in these bonds and the interest of the United States and the roads thereby injuriously affected.

It was thought by others, like the gentleman from Texas, [Mr. REAGAN,] that it was more desirable to confine him to the United States bonds proper. But upon investigation we were satisfied that an investment in the first-mortgage bonds of the Union Pacific and of the Central Pacific Railroads was in the interest of the United States. Now, I want to make a word more of explanation in reply to the inquiry why it is to the interest of the United States to invest in these railroad first-mortgage bonds.

Mr. HUTCHINS. Will the gentleman allow me to ask him one question?

Mr. McLANE. Certainly. The only embarrassment I feel is in consuming the time of the House.

Mr. HUTCHINS. If the time should come when the road must be sold to pay the bonds becoming due, and it should not be sold for enough to pay the bonds, would not the Government, by making this investment, be paying the first-mortgage bondholder with the money of the Government?

Mr. McLANE. Certainly not; this is not the Government's money more than it is the road's money. The gentleman from New York [Mr.

HUTCHINS] knows very well how this sinking fund is to be created.

Mr. HUTCHINS. Is not the Government obliged to pay the debt which it does not owe? The Government does not owe these first-mortgage bonds.

Mr. McLANE. This sinking-fund's money is the money of the railroad. I am surprised at the gentleman's inquiry. The sinking fund is the money of the railroad.

Mr. HUTCHINS. To be invested at 5 per cent.?

Mr. McLANE. In one way and another.

Mr. HUTCHINS. And it is made 25 per cent.

Mr. McLANE. That is an artifice of the law which brings up their investments to 25 per cent. of receipts.

Mr. FISHER. If I may be allowed to ask a question, the object of this bill is—

Mr. WILLIS. Allow me one question.

Mr. McLANE. There is a gentleman on my right here who has a question.

Mr. FISHER. My question is, whether the object of this bill is to authorize the Secretary of the Treasury to invest this money in the first-mortgage bonds, where the Government is already holding the second-mortgage bonds?

Mr. McLANE. That is so.

Mr. TOWNSHEND, of Illinois. The Government does not now invest this money in any railroad bonds.

Mr. FISHER. But I understand that the Government holds the second-mortgage bonds.

Mr. McLANE. That is the explanation which I desired to make to the gentleman from Texas, [Mr. REAGAN,] that inasmuch as these first-mortgage bonds are prior liens to the liens of the Government, the Government would have to pay these first-mortgage bonds before it could take the road.

I recognize perfectly what the gentleman from Texas refers to; and I am happy to say to him that the Committee on Pacific Railroads propose to empower the Attorney-General of the United States and the Secretary of the Treasury, in case of any such foreclosure, to cover the Government interest. But as I have already explained, if the Government owned the entire amount of first-mortgage bonds no such contingency could occur. If we would take this sinking-fund money and invest it from year to year in first-mortgage bonds, then it would not be within the power of the railroad companies to foreclose; it would be for the Government of the United States to foreclose.

Mr. REAGAN. I will ask the gentleman from Maryland whether he will consent—

Mr. WILBER. I would like to make one suggestion.

Mr. McLANE. I have said several times that my only embarrassment arises from my unwillingness to occupy the time of the House. Of course I am ready to answer any inquiry with very great pleasure.

Mr. WILBER. It is very evident that we do not fully understand this matter. I think it would be well to put it over and fix a time for its consideration, (though it be only one or two days hence,) so that we may vote upon the question intelligently.

Mr. CLAFLIN. I think this is a very important matter. No one has had time to examine it thoroughly except the committee. For the purpose of putting it over for one week, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at three o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of the publisher of the New Castle (Indiana) Courier, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. AINSLIE: The petition of Daniel Bacon, publisher Republican, Boisé City, Idaho Territory, and five other printers, of similar import—to the same committee.

By Mr. WILLIAM ALDRICH: The petition of the Northwestern Vinegar Works and 13 other firms engaged in the manufacture of vinegar at Chicago, for an amendment to the internal-revenue law pertaining to the manufacture of vinegar—to the same committee.

By Mr. ANDERSON: The petition of D. K. Anthony, proprietor Daily and Weekly Times, Leavenworth, Kansas, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. ARMPFIELD: The petition of publishers at Winston and Salem, North Carolina, of similar import—to the same committee.

By Mr. ATKINS: The petitions of publishers of Jackson, Tennessee, and of R. A. Musgrove, publisher News, Lexington, Henderson County, Tennessee, of similar import—to the same committee.

By Mr. BAKER: The petition of the publisher of the Banner, Bristol, Indiana, of similar import—to the same committee.

By Mr. BARBER: The petitions of the publishers of the American, Chicago; of the Svoznost, Chicago; and of the Cook County Record, Des Plaines, Illinois, for the abolition of the duty on type—to the same committee.

Also, the petition of Hale Bliss, of Palatine, Illinois, for the repeal of the stamp tax on medicinal preparations—to the same committee.

By Mr. BEALE: The petition of citizens of Prince William County, Virginia, for an appropriation for the improvement of Neaboco Creek, Virginia—to the Committee on Commerce.

By Mr. BELTZHOVER: The petition of the publisher of the Highway of Holiness, Shippensburg, Pennsylvania, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. BERRY: Two petitions of publishers of California, of similar import—to the same committee.

Also, resolution of California Legislature, asking that steam-plows be exempt from duty for five years—to the same committee.

Also, memorial of H. P. De Tracy, O. Hyde, and 522 others, of the third congressional district of California, for the enforcement of the national eight-hour law—to the Committee on Education and Labor.

By Mr. BICKNELL: The petition of Wood W. Stephens, of the Salem (Indiana) Democrat, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. BLACKBURN: The petition of certain citizens of Owen County, Kentucky, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. BLAND: The petition of Peck, Saunders & Burns, publishers of the White River Herald, Forsythe; of Wingo & Doss, publishers of the Dent County Democrat, Salem; of Matt Sims, publisher of the Republican, Ozark; of W. J. Powell, publisher of the New Era, Rolla; of Stratton Brothers, publishers of the Observer, Washington, Missouri, for the abolition of the duty on type—to the same committee.

By Mr. BLISS: Memorial of the Legislature of New York, for an appropriation for the improvement of the defenses of the harbor of the city of New York—to the Committee on Commerce.

Also, the petition of Henry E. Roehr, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. BOYD: The petitions of Samuel P. Whiting, publisher of the Journal, Altona, and of George Yarnell, publisher of the News, Lewistown, Illinois, of similar import—to the same committee.

Also, papers relating to the pension claim of O. L. Shippee—to the Committee on Invalid Pensions.

By Mr. BRENTS: A bill for the improvement of the Upper Columbia and Snake Rivers, in Washington Territory—to the Committee on Commerce.

Also, a bill for the improvement of the Cowlitz River, in Washington Territory—to the same committee.

Also, a letter of the Secretary of War, relative to the improvement of the Cowlitz River, in Washington Territory—to the same committee.

By Mr. BREWER: The petition of Hon. George P. Sanford, publisher of the Journal, Lansing, Michigan, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petitions of A. B. Clark, W. G. Morrice, and 18 others, citizens of Shiawassee County; of Ezra Brown, S. M. Howard, and 40 others, citizens of Clinton County, and of Daniel Fuller, George D. Cowdin, and 25 others, citizens of Oakland County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petitions of H. E. Howard, A. B. Clark, and 16 others, citizens of Shiawassee County; of W. F. Jenison, Thomas T. Case, and 40 others, citizens of Clinton County, and of H. J. Pelton, G. D. Cowdin, and 25 others, citizens of Oakland County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. BRIGGS: The petition of Levi Curtis and 29 others, citizens of Hillsborough County, New Hampshire, of similar import—to the same committee.

Also, the petition of Levi Curtis and 29 others, citizens of Hillsborough County, New Hampshire, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. BRIGHT: The petition of W. J. Slatter, publisher Winchester (Tennessee) Home Journal, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. BROWNE: The petition of the publishers of the Indiana Farmer and Spiceland Reporter, Indiana, of similar import—to the same committee.

By Mr. BURROWS: The petitions of citizens of Saint Joseph County, and of citizens of Cass County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petitions of citizens of Saint Joseph County, and of citizens of Cass County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the publishers of the Herald, Oskaloosa, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of the publishers of the Herald, Oskaloosa, Iowa, for the abolition of the duty on type—to the same committee.

By Mr. CALDWELL: The petitions of Jo. W. Rogers, J. L. Younglove, and 7 others, druggists in the State of Kentucky, for a repeal of the proprietary-stamp-tax law—to the same committee.

Also, the petition of F. H. Bristow, editor and proprietor of the Register, Elkton, Kentucky, for the abolition of the duty on type—to the same committee.

By Mr. CALKINS: Papers relating to the bill for the relief of W. G. West—to the Committee on Military Affairs.

Also, the petitions of the publisher of the Ave Maria, Notre Dame; of the publisher of the Herald-Chronicle, La Porte; of the publisher of the Free Press, Crown Point; of the publisher of the Starke County Enterprise, Knox; of the publisher of the Herald, South Bend; and of the publisher of the Journal, Winamac, Indiana, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. CARLISLE: The petitions of the Newspaper Printing and Publishing Company, Newport, and of A. J. Morey, publisher of the News, Cynthiana, Kentucky, of similar import—to the same committee.

Also, the petition of citizens of Boone County, Kentucky, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Boone County, Kentucky, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. CARPENTER: The petitions of Johnson & Goldie, publishers of the Iowa Free Press, Cherokee; of George Sanborn, publisher of the Pocahontas Times, Fonda; of E. O. Plumbe, publisher of the Sioux County Independent, Rock Valley; of F. T. Piper, publisher of the Mail, Sheldon; of Pike & Perkins, publishers of the Palo Alto Pilot, Emmetsburgh; of Henry O. Beatly, publisher of the Journal, Scranton; of J. C. Buchanan, publisher of the Sentinel, Lemars; of R. H. Rodearnes, publisher of the Watchman, Nevada; of C. T. Steever, publisher of the Advertiser, Alto; of Al. M. Adams, publisher of the Dakota Independent, Dakota; and of A. & E. Train, publishers of the Times, Fort Dodge, Iowa, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petitions of E. O. Plumbe, publisher of the Sioux County Independent, Rock Valley; of C. W. Harmon, publisher of the Sioux County Herald, Orange City; of F. T. Piper, publisher of the Mail, Sheldon; and of McComack & Satterlee, publishers of the News, Sheldon, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. CASWELL: The petitions of John W. Blake, publisher of the Reedsburgh Free Press, and of William Raltzmann, publisher of the Sauk County Herald, Reedsburgh, Wisconsin, for the abolition of the duty on type—to the same committee.

By Mr. COBB: The petition of Knight & Luane, publishers of the Pike County Democrat, Petersburg, Indiana, of similar import—to the same committee.

By Mr. COFFROTH: The petition of T. H. Nicewanger, D. P. Stewart, and 67 other Pennsylvania soldiers, for the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of Jacob Meyers, Alexander Boggs, and 67 other Pennsylvania soldiers, for an equalization of bounties—to the Committee on Military Affairs.

Also, the petitions of H. A. McPike, editor of the Cambria Freeman, and of F. Lloyd, editor of the Cambria Herald, Ebensburg, Pennsylvania, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of John B. Watson, a Union man, formerly of Missouri, for pay for property destroyed by confederate soldiers because he would not enlist in the confederate army—to the Committee on War Claims.

By Mr. COLERICK: The petitions of Brown & Adams, publishers of the Columbia City (Indiana) Post, and of Reed & Lowry, publishers of the Auburn (Indiana) Courier, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. CONGER: The petitions of Frank S. Abbott, publisher of the Richmond (Michigan) Review; of F. S. Galbraith, publisher of the North Branch (Michigan) Gazette; of Alex. Trotter, publisher of the Tuscola County (Michigan) Pioneer, of similar import—to the same committee.

Also, the petition of W. K. Morvin, publisher of the Sentinel, Utica, Michigan, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. COX: Two petitions of publishers of New York City, for the abolition of the duty on type—to the same committee.

By Mr. DEERING: The petitions of George W. Bennett and other publishers, at Osage; of T. M. Atherton & Son, Osage; of publishers of the Plaindealer, Cresco, Howard County; of J. P. Reed, publisher News, Shell Rock; of F. A. Gates, publisher Belmont Herald, Belmont, Iowa, of similar import—to the same committee.

Also, the petitions of Edwards & Carleton, publishers of the Courier, New Hampton, and of Jesse Wassen and C. A. Bishop, publishers

at La Porte City, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. DIBRELL: The petition of Wallace & Reams, publishers of the New Era, and of A. M. Burney & Co., publishers of the Southern Standard, McMinnville, Tennessee, of similar import—to the same committee.

Also, papers relating to the claim of Lucinda E. Humphreys, for pay for articles furnished the United States hospital at Knoxville, Tennessee, during the late war—to the Committee on War Claims.

By Mr. DUNN: Five petitions of publishers in Arkansas, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. DUNNELL: The petitions of publisher of the Dollar Weekly, Wykoff; of the publisher of the Vidette, Spring Valley; of the publisher of the Standard, Albert Lea; of the publisher of the Daily Dispatch, Saint Paul, Minnesota, of similar import—to the same committee.

Also, the petition of W. W. Williams, of Minnesota, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. DWIGHT: Petitions of A. G. Ball, publisher of Havana Journal, Havana; and of L. M. Gand and 4 other publishers at Watkins, Schuyler County, New York, for the abolition of the duty on type—to the same committee.

Also, the petition of M. D. Branday & Son, publishers of the Reporter, Whitney's Point, New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. ERRETT: The petition of merchants and importers of Pittsburgh, Pennsylvania, in favor of a bill to amend the laws relating to the importation of goods for inland ports—to the same committee.

By Mr. FINLEY: The petitions of Goodbread & Son; of M. H. McLaine, M. L. Hackedorn & Brother, of Galion; of C. Fulton & Son, of Bucyrus; and of T. Plants, of Crestline, Ohio, druggists, for the repeal of law taxing medicinal preparations, perfumeries, and cosmetics—to the same committee.

By Mr. FORSYTHE: Two petitions of citizens of Illinois, for the repeal of the stamp-tax on medicines—to the same committee.

Also, the petitions of Cyrus A. Cook, publisher of the Advance, Chrisman, Edgar County; of J. M. Sheets, publisher of the Republican, Paris, and of A. M. Anderson, publisher of the Enterprise, Stewardson, Illinois, for the abolition of the duty on type—to the same committee.

Also, the petition of C. A. Starr and others, citizens of Winnebago County, Illinois, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of C. A. Starr and others, citizens of Winnebago County, Illinois, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. FRYE: Papers relating to the pension claim of Stephen P. Benton—to the Committee on Revolutionary Pensions.

By Mr. GARFIELD: The petitions of citizens of Ashtabula and Trumbull Counties; of 93 citizens of Geauga County; and of 55 citizens of Newton Falls, Trumbull County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of William H. Olayne and 32 others, soldiers of Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of J. Medill, of Chicago, Illinois, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of E. B. Thomas, general manager Cleveland, Columbus, Cincinnati and Indianapolis Railroad, against a reduction of the duty on steel rails from \$28 to \$10 a ton—to the same committee.

Also, the petitions of citizens of Trumbull and Ashtabula Counties, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. GILLETTE: The petition of C. B. Lake, editor of the People's Advocate, Indianola, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. GOODE: The petition of Mary E., Susan F., and Rosa C. Parker, and Jane D. Duvall, of Virginia, for compensation for the library of the late L. C. P. Cowper, destroyed by the military forces of the United States, at Smithfield, Virginia, April, 1863—to the Committee on War Claims.

By Mr. N. J. HAMMOND: The petition of J. N. Harris and others, druggists, of the fifth congressional district of Georgia, for the repeal of the stamp-tax on medicines, &c.—to the Committee of Ways and Means.

Also, the petition of Q. C. Grice and others, for a post-route from Hampton, Henry County, to the residence of Q. C. Grice, Fayette County, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. HASKELL: The petitions of the publishers of the Mound City (Kansas) Clarion, and of the editors of the South Kansas Tribune, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. HATCH: The petition of 33 soldiers of United States Army, now citizens of Putnam County, Missouri, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. HAWK: The petitions of A. H. Martin and 10 other druggists and firms of Morrison, Fulton, Rochelle, Galena, Savanna, Scales, Mount Sterling, Nora, and Forrester, Illinois, for the repeal of the proprietary-stamp tax, so far as it applies to druggists, perfumers, and manufacturers of proprietary medicines—to the Committee of Ways and Means.

Also, the petitions of J. B. Brown, publisher of the Gazette, Galena; of Rev. P. Hurlless, publisher of the Christian Radical, Polo; of Carl Strack, of the Beobachter and Sterling Observer, Sterling; of Earnest Seitz, of the Herald, Freeport; of S. W. Tallman, Davis Review, Davis; and of Maria Witt, Volksfreund, Galena, Illinois, for the abolition of the duty on type—to the same committee.

Also, the petition of J. M. Caldwell, publisher of the Printer, and S. W. Tallman, publisher of the Review, Davis, and of K. T. Stabeck, publisher of the Budget, Freeport, Illinois, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. HAYES: The petitions of Trauscan & Co., of Ransom, Illinois, and of other druggists of Illinois, for the repeal of the law taxing medicinal preparations, perfumery, and cosmetics—to the same committee.

By Mr. HAZELTON: The petition of J. K. Graves and 39 others, citizens of Dubuque, Iowa, for an increase of the tariff on zinc—to the same committee.

By Mr. HELLMAN: The petition of citizens of Evansville, Indiana, for the passage of the bill (H. R. No. 870) relating to the immediate transportation of dutiable goods—to the same committee.

By Mr. HENDERSON: The petitions of P. O. Sprout, publisher of the Sentinel, Ashton; of Henri W. Young, publisher of the Journal, Galva; and of J. H. Cook, publisher of the Putnam County Record, at Hennepin, Illinois, for the abolition of the duty on type—to the same committee.

Also, the petition of Elijah Booth and 11 others, soldiers of the late war, citizens of Moline, Illinois, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. HENRY: The petition of Caleb Dickerson and 31 others, citizens and soldiers of Worcester, Maryland, for the equalization of bounties—to the same committee.

Also, the petition of 92 citizens of Queen Anne County, Maryland, for a post-route from Price's Station to Ruthsburg, Maryland—to the Committee on the Post-Office and Post-Roads.

Also, the petitions of W. W. Busted & Bro., publishers of the Centreville (Maryland) Observer, and of Thomas K. Robson, editor Easton (Maryland) Star, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petitions of W. W. Busted & Bro., of Centreville; of Thomas H. Chambers, publisher of the Maryland Courier; of Thomas K. Robson, publisher Easton (Maryland) Star; and of Plummer & Asilton, Kent News, and Sullivan & Woodall, of Charlestown, Maryland, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of 31 citizens of Worcester County, Maryland, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of J. B. Leth and 52 others, citizens of Talbot County, Maryland, for an appropriation for the survey of Dividing Creek, in said county—to the Committee on Commerce.

Also, the petition of Rebur Foster, Robert Travers, and 18 others, representatives of steamships and steamboat lines, for the erection of a light-house and fog-bell on Bloody Point Bar, in Chesapeake Bay—to the same committee.

By Mr. HERNDON: The petitions of John T. Rapier & Co., publishers of the Register, Mobile, Alabama, and of Melancthon Smith, publisher of the News, Mobile, Alabama, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. HILL: The petition of Samuel C. Duff and others, citizens of Van Wert County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of H. W. Dickman and 300 others, of Allen and Van Wert Counties, Ohio, for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

By Mr. HISCOCK: Papers relating to the pension claim of Maria Goodrich—to the Committee on Invalid Pensions.

By Mr. HOSTETLER: The petitions of J. T. Biggs, editor Mitchell (Indiana) Times, and of B. S. Blackledge, publisher Era, Montezuma,

Indiana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper, and for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. HOUSE: The petition of Jacob Bloomstein, for pay for damages sustained by action of the United States officials during the late war—to the Committee on War Claims.

Also, memorial of citizens of Nashville, Tennessee, in reference to *régle* contracts—to the Committee on Foreign Affairs.

By Mr. HUBBELL: The petitions of S. W. Fowler, publisher Times and Standard, Manistee; of C. K. Radcliffe, publisher Lake County Star, Baldwin; of Fuller & Edwards, publishers Tribune, Newaygo, and of W. S. Stevens, publisher Hesperian, Hesperia, Michigan, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of M. Emery and 97 others, citizens of Michigan, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, the petitions of A. F. Choate and 40 others, citizens of Wexford and Benzie Counties, Michigan, and of H. A. Danville and 26 others, citizens of Manistee County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of A. F. Choate and 40 others, citizens of Wexford and Benzie Counties, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of Alfred Mead, publisher, Ontonagon (Michigan) Miner, and of Fuller & Edwards, publishers Newaygo (Michigan) Tribune, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. HUNTON: Memorial of ministers and others, officers of church property in the District of Columbia, that the parsonages and rectories of said churches be released from all taxes heretofore assessed against the same, and for other relief—to the Committee for the District of Columbia.

By Mr. HURD: A bill to improve Maumee River, Ohio—to the Committee on Commerce.

Also, a bill to improve Sandusky River, Ohio—to the same committee.

By Mr. JOYCE: The petition of the Journal Printing Company, of Middlebury, Vermont, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of citizens of Vermont, for a commission to investigate contagious diseases of cattle—to the Committee on Agriculture.

Also, the petition of citizens of Vermont, that a pension be granted to Mary A. Carr—to the Committee on Invalid Pensions.

Also, two petitions of citizens of Vermont against the passage of Senate bill No. 496—to the same committee.

Also, the petition of Mary C. Sellech, for a pension—to the same committee.

Also, the petition of Eben Fisher and others, citizens of Wallingford, Shrewsbury, and vicinity, Vermont, that a pension be granted Jonah Dawson—to the same committee.

Also, the petition of citizens of Dorset, Vermont, that a pension be granted Elizabeth Gray, widow of a soldier of the war of 1812—to the Committee on Revolutionary Pensions.

By Mr. KEIFER: The petition of William H. Deam and 30 others, citizens of Miami County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringements—to the Committee on Patents.

Also, the petition of John W. Widney and 24 others, citizens of Miami County, Ohio, that Congress enact such laws as will alleviate the oppression imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. KILLINGER: The petitions of citizens and soldiers of Middletown, Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of citizens and late Union soldiers of Lykens and Gratz, Pennsylvania, for a law to equalize the pay of soldiers—to the same committee.

By Mr. KING: The petitions of publishers of Rayville and Floyd, Louisiana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper, and for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. LADD: The petition of citizens of Kennebec County, Maine, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Kennebec County, Maine, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. LINDSEY: The petition of Robert Montgomery and others, of Boothbay and Wiscasset, Maine, for the establishment of a life-saving station at Damariscot, Maine—to the same committee.

By Mr. LOUNSBERY: The petition of G. W. Bellenger, of Cobleskill (New York) Index, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. LOWE: The petitions of Shockleford & Gilbert, editors Tusculum (Alabama) Democrat; of James Armstrong, editor of the Scottsborough (Alabama) Citizen, and of S. F. Norton, editor of the Chicago (Illinois) Sentinel, for the abolition of the duty on type—to the same committee.

By Mr. BENJAMIN F. MARTIN: The petition of publishers of Buckhannon, West Virginia, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. MCKENZIE: The petitions of R. M. Wilson, publisher of the Union (Kentucky) Local, and of Hunter Wood, publisher of the Kentucky New Era, for the abolition of the duty on type—to the same committee.

Also, the petition of citizens of Hopkins County, Kentucky, that a pension be granted Robert Farmer—to the Committee on Invalid Pensions.

Also, the petition of citizens of Daviess County, Kentucky, that a Federal judicial district be created for Western Kentucky, a Federal court established, and that two or more terms thereof be held in the city of Owensborough, Kentucky, each year—to the Committee on the Judiciary.

By Mr. MCGOWAN: The petitions of H. S. Darrow, J. G. Parkhurst, and 350 others, and of Marion Ferguson, Charles June, and 28 others, citizens of Branch County; of G. B. Rhea, James Hay, jr., and 88 others, citizens of Jackson County; and of R. E. Eldred, A. H. Randall, and 58 others, citizens of Calhoun County, Michigan, that Congress enact such laws as will alleviate the oppression imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of the same parties, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of D. T. Sutton, publisher Homer (Michigan) Index; of Dennis & Holmes, publishers of the Hastings (Michigan) Home Journal; and of C. E. Barns and G. W. Buckley, publishers of the Battle Creek (Michigan) Tribune, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. MITCHELL: The petition of Michael Dauler and 3 others, soldiers of the United States Army engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, the petition of The Sun Publication Association, of Williamsport; of D. W. Butterworth, publisher of the Potter County Journal; and of Havens & Connevery, publishers of the Gazette, Wellsborough, Pennsylvania, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, papers relating to the claim of Pardon Warsley, for \$7,811.37, money taken as a bribe to testify falsely under promise of being restored to the witness, and afterward covered into the Treasury when it should have gone to the claimant—to the Committee of Claims.

By Mr. MORRISON: The petitions of Chaucey Ives, chief engineer Missouri Central Railroad; of W. R. McKeen, president Terre Haute and Indianapolis Railroad Company; of George N. Black, general manager Springfield and Northwestern Railroad Company; and of Joseph W. Branch, president Illinois and Saint Louis Railroad Company, against a reduction of the duty on steel rails from \$28 to \$10 a ton—to the Committee of Ways and Means.

By Mr. MULLER: The petition of William Raich, of New York, for the abolition of the duty on type—to the same committee.

By Mr. MURCH: The petition of Daniel Hustus, for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. MYERS: The petitions of Spencer & Davie, of the Muncie (Indiana) Democrat, and of Charles Stont, of the Fairmount (Indiana) News, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. NEAL: The petition of J. W. Dumble, publisher of the Meigs County Republican, and of L. O. Smith, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. O'BRIEN: Memorial of the Legislature of New York, for an appropriation for the protection of the harbor of the city of New York against hostile attacks—to the Committee on Commerce.

By Mr. O'REILLY: The petition of H. B. Clafin & Co., Peter Lambert & Co., H. H. Higgins and others, of New York and vicinity, for the reduction of the tariff on fine grades of cotton yarns—to the Committee of Ways and Means.

By Mr. ORTH: The petition of John Cornell, late postmaster at Transitville, Indiana, to be relieved from accounting for United States property of which he was robbed—to the Committee on the Post-Office and Post-Roads.

Also, the petition of John Gregory, of Warren County, Indiana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. OVERTON: The petition of H. P. Woodward, publisher of the Hawley (Pennsylvania) Times, for the abolition of the duty on type—to the same committee.

Also, the petition of J. L. Swetland and 13 others, citizens of Wyoming County, Pennsylvania, that the Department of Agriculture be made equal in rank to the other Departments of the Government—to the Committee on Agriculture.

By Mr. PAGE: The petitions of G. W. Barter, publisher of the Brooklyn Vidette; of William E. Dargie, publisher of the Oakland Tribune; of publishers of the Calaveras Advertiser; of Yarnell & Captill, publishers of the Los Angeles Mirror and Reserve, and of McPherson & Waldron, of the Santa Cruz Sentinel, California, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. PHISTER: The petition of Thomas A. Davis, of Maysville, Kentucky, for three months' pay as adjutant of the Twentieth Pennsylvania Cavalry—to the Committee on Military Affairs.

Also, the petition of W. J. Kehoe, of Nicholas County, and of Z. Meek, of Boyd County, Kentucky, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. POEHLER: Resolutions of the Veteran Association of Ramsey County, Minnesota, for the passage of the bill (H. R. No. 1740) relating to soldiers' and sailors' homesteads—to the Committee on Public Lands.

Also, papers relating to the bill (H. R. No. 1978) for the relief of the heirs of Scott Campbell—to the Committee on Indian Affairs.

By Mr. POUND: The petitions of Walter Speed & Co., of Barron, and of T. K. Dunn and Lem Reeves, of Waukegan, Wisconsin, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of Franklin Stowell and 12 others, ex-soldiers of Wisconsin, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of Franklin Stowell and 12 others, ex-soldiers of Wisconsin, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. PRICE: The petition of W. O. Evans, publisher of the Bellevue (Iowa) Leader, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of druggists of various States of the United States, relating to the stamp-tax on medicines—to the same committee.

By Mr. REAGAN: Resolutions of a mass meeting of citizens of Austin, Texas, asking that Congress adopt prompt means for the relief of the people of Ireland from impending famine—to the Committee on Foreign Affairs.

By Mr. J. S. RICHARDSON: The petition of citizens of Marion County, South Carolina, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. ROTHWELL: The petitions of Kelly & Freeman, of the Moberly (Missouri) Monitor, and of L. W. Brannon, of the Princeton (Missouri) Telegraph; of Lucien Cover, of the Sullivan Standard, Milan; of March & Desha, publishers of the Chillicothe (Missouri) Tribune, and of J. T. Day & Co., of the North Missourian, Gallatin, Missouri, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of F. A. Dinsmore and E. S. Dunn, of Trenton, Missouri, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of Albert Bruse, to be relieved from accounting for funds of the United States stolen from him while postmaster—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS RYAN: Papers relating to the pension claim of Henry C. Williams—to the Committee on Invalid Pensions.

Also, the petition of J. E. Clardy and others, of Wamego, Kansas, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of Leonard Farmer and others, relating to certain homestead entries—to the Committee on Public Lands.

Also, the petition of H. L. Taylor, relating to a land claim—to the same committee.

By Mr. SAPP: The petition of the publisher of the Democrat, Hamburg, Iowa, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. SHALLENBERGER: The petition of Mrs. Hanna A. Durant, publisher of the Clayville (Pennsylvania) Sentinel, of similar import—to the same committee.

Also, the petition of citizens of Altoona, Pennsylvania, against the proposed erection of a public building in that city—to the Committee on Public Buildings and Grounds.

By Mr. SLEMONS: The petition of W. B. White, of Prescott, Arkansas, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of John D. Adams, for an appropriation to pay for mail service in 1858—to the Committee on Appropriations.

By Mr. WILLIAM E. SMITH: The petition of G. B. E. Russell and others, citizens of Georgia, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of N. A. Allen and others, citizens of Georgia, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper, and for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. SPARKS: The petition of J. T. McCullom, of Louisville, Illinois, of similar import—to the same committee.

By Mr. SPRINGER: The petition of John N. Treadaway, for a pension—to the Committee on Invalid Pensions.

By Mr. STEVENSON: Resolutions of the Board of Trade of Chicago, Illinois, for the amendment of the statutes in relation to the immediate transportation of dutiable goods—to the Committee of Ways and Means.

Also, resolutions of the Board of Trade of Chicago, Illinois, favoring the maintenance of the National Board of Health—to the same committee.

Also, seven petitions of druggists of Illinois, for the repeal of the stamp-tax on medicines, &c.—to the same committee.

By Mr. STARIN: The petition of G. W. Marlette, of Schenectady, New York, for the abolition of the duty on type—to the same committee.

Also, the petitions of R. D. Palmater, of Waterford, and of G. W. Martelle, of New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. TAYLOR: The petition of citizens of Tennessee, of similar import—to the same committee.

Also, the petition of Mrs. Catharine S. Mix, for pay for services rendered the Indian Bureau by her late husband—to the Committee on Indian Affairs.

By Mr. WILLIAM G. THOMPSON: The petition of 159 ex-Union soldiers of Madison County, Iowa, against the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petitions of R. Shatto, editor of the Western (Iowa) Light, and of N. C. Wieting, publisher Toledo (Iowa) Times, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of N. C. Wieting, editor Toledo (Iowa) Times, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. AMOS TOWNSEND: The petition of Morgan, Root & Co. and 100 other business firms, for the passage of the bill (H. R. No. 870) for immediate transportation of dutiable goods—to the same committee.

By Mr. THOMAS TURNER: The petition of William Marrida, for a pension—to the Committee on Invalid Pensions.

Also, the petition of James Culton, for pay for services rendered the United States during the late war by his late son—to the Committee on Military Affairs.

By Mr. OSCAR TURNER: The petitions of J. H. Shields, of Hickman County; of Benjamin Briggs and others, of Kentucky; of E. S. and M. F. Beaumont, of Graves County, Kentucky, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petitions of E. S. and M. F. Beaumont and other citizens of Kentucky, and of Rev. W. White and other citizens of Hickman County, Kentucky, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. THOMAS UPDEGRAFF: The petitions of William Toman, publisher of the Buchanan County Bulletin, and E. W. Goen, of the Independence Conservative, Independence, Iowa; of the publishers of the Register, Journal, and Herald, of Elkader, Iowa; and of W. N. Burdick, publisher of the Postville Review, Iowa, of similar import—to the same committee.

Also, the petitions of J. W. Hinchon, publisher of the Waukon Democrat; of J. B. Swinburne, publisher of the Delhi Monitor; of A. F. Hofer & Sons, publishers of the McGregor News; of Isaac W. Baldwin, publisher of the Pioneer; of the Dubuque Telegraph Company, publishers of the Telegraph, Dubuque, Iowa, for the abolition of the duty on type—to the same committee.

By Mr. VAN AERNAM: The petition of 89 importers and merchants of Buffalo, New York, for legislation to facilitate the immediate transportation of dutiable goods—to the same committee.

Also, the petitions of S. A. Brown and of C. E. Sheldon, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petitions of Jesse Goldthwait, for an increase of pensions to those who lost an arm or leg in the United States military or naval service—to the Committee on Invalid Pensions.

Also, the petition of 12 ex-Union soldiers, of Red House and Randolph, New York, against the passage of Senate bill No. 496—to the same committee.

Also, the petition of 38 ex-Union soldiers and sailors, of Machias, New York, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they

were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, the petitions of C. E. Sheldon, of F. A. Hall, of S. A. Brown, and of R. H. Shankland & Son, of New York, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of 84 citizens of Chautauqua County, New York, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of 36 citizens of Chautauqua County, New York, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. VAN VOORHIS: Sixteen petitions of citizens of Monroe and Orleans Counties, New York, for a repeal of the law requiring stamps on perfumery, cosmetics, and proprietary medicines—to the Committee of Ways and Means.

Also, the petition of 67 of the leading merchants and manufacturers of Rochester, New York, for the passage of a bankrupt law—to the Committee on the Judiciary.

Also, the petition of 31 soldiers of the Union Army, of Rochester, New York, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, the petitions of four publishing houses in the thirtieth congressional district of New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petitions of four publishing houses of the thirtieth congressional district of New York, for the abolition of the duty on type—to the same committee.

By Mr. VOORHIS: The petition of Lorillard & Co., of Jersey City, to be refunded taxes improperly collected from them—to the same committee.

By Mr. WADDILL: The petitions of T. S. Powell, publisher of the Barton County Advocate, Lamar; of Charles T. McFarland, publisher Bates County Times, Butler; of S. D. Carpenter, publisher Patriot, Carthage; of Stratton & Co., publishers Journal, Stockton; of Elzey & Cox, publishers News, Pineville; of Thomas L. Harrison, publisher of The Journal, Neosho; of H. J. Centrice, publisher Miner and Mechanic, Neosho; of R. C. Viles, publisher Times, Galena; of Charles M. Bryson, publisher Southwest Missourian, Marionville; of Herald Printing Company, publishers Herald, Joplin, Missouri, for the abolition of the duty on type—to the same committee.

Also, the petition of Stratton & Co., publishers Stockton Journal, Cedar County, Missouri, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. WAIT: The petitions of Greenslitt & Hamilton, and J. Q. A. Stone, publisher of Sentinel and Transcript, Danielsonville, Connecticut, of similar import—to the same committee.

Also, the petition of L. W. Carroll & Son, W. G. Eley, Lee & Osgood, J. L. Greene, and others, for the removal of the duty on chrome iron ore and bichromate of potash—to the same committee.

By Mr. WARNER: The petition of Charles Moser & Co., of Cincinnati, Ohio, and others, of similar import—to the same committee.

By Mr. WASHBURN: The petitions of D. M. Michand, publisher of La Canadien, Saint Paul; of R. C. Dunn, publisher of Union, Princeton; and of A. M. Morrison, publisher of Canby News, Canby, Minnesota, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of Charles Lane and others, citizens of Otter Tail and Todd Counties, Minnesota, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of Charles Lane and others, citizens of Wadena, Otter Tail, and Todd Counties, Minnesota, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. WELLS: The petition of publishers of San Francisco, California, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petitions of J. H. R. Cumdiff, publisher of Saint Louis Times, Saint Louis, and of the Anzieger Association, Anzieger des Westens, Saint Louis, Missouri, of similar import—to the same committee.

By Mr. WHITEAKER: The petition of the Portland Board of Trade, for the passage of a bill to abolish the system of compulsory pilotage—to the Committee on Commerce.

Also, the petition of the Portland Board of Trade, for the passage of an act to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws—to the Committee of Ways and Means.

By Mr. THOMAS WILLIAMS: The petitions of John G. Fowler, publisher of the Tallapoosa Gazette, Dadeville; of White & Lowry, publishers of the Tallapoosa Democrat, Dadeville; of D. W. McIver, publisher of the Tuskegee News, Tuskegee, Alabama, for the abolition of the duty on type—to the same committee.

By Mr. WILLIS: The petitions of Conrad C. Stulcker, publisher of the Deutsche Geflügelzeitung; of W. H. Munnell, editor and publisher of the Democrat; of L. H. Bell, publisher of the Central Catholic Advocate; of W. Krippenstapel, publisher of the Volksblatt; of the Louisville Anzeiger Co., publishers of the Anzeiger; of W. H. Miles, publisher of the Christian Index; of W. Krippenstapel, publisher of the Omnibus; of Converse & Co., publishers of the Christian Observer, Louisville, Kentucky, of similar import—to the same committee.

By Mr. WILLIS: Papers relating to the claim of James Olmstead for additional pay as an officer in the Union Army during the late war—to the Committee on Military Affairs.

Also, papers relating to the claim of Charles H. Johnson for pay as first lieutenant in the Army during the late war—to the same committee.

By Mr. WILSON: The petition of R. P. Underwood and others, citizens of West Virginia, that a pension be granted Henry Harper—to the Committee on Invalid Pensions.

By Mr. WRIGHT: The petition of John Jay Joyce, Joseph M. McCaul, A. Moser, William S. Molloy, and 115 others, citizens of New York, for the passage of the Wright supplement bill to the homestead act—to the Committee on Public Lands.

By Mr. FERNANDO WOOD: The petition of Frank L. Merritt and others, for the repeal of the stamp-tax on perfumery, medicines, &c.—to the Committee of Ways and Means.

Also, the petition of A. M. Wilson and others, of similar import—to the same committee.

Also, the petition of the Tribune Printing and Publishing Company, and of the Salt Lake Tribune, Utah Territory, for the abolition of the duty on type—to the same committee.

Also, the petitions of T. N. Drake, president of the Tioga Railroad Company; of George I. Magee, president of the Corning, Cowanesque and Antioch Railroad Company, and of the Syracuse, Geneva and Corning Railroad Company, and director of the Buffalo, New York and Philadelphia Railroad Company and of the McKean and Buffalo Railroad Company; and of S. S. Jewett, president of the Buffalo (New York) and Philadelphia Railroad Company, against the reduction of the duty on steel rails—to the same committee.

By Mr. WALTER A. WOOD: The petition of George C. Church, George E. Russell, and others, for the abolition of the duty on chrome iron and bichromate of potash—to the same committee.

Also, the petition of the Western Wholesale Druggists' Association, for the repeal of the stamp-tax on perfumery, cosmetics, &c.—to the same committee.

Also, the petition of August Hillebrandt, publisher of the Freie Deutsche Presse, Troy, New York, for the abolition of the duty on type—to the same committee.

Also, resolution of the Legislature of the State of New York, for an appropriation for the erection and maintenance of the fortification and defenses for the protection of the city of New York—to the Committee on Commerce.

By Mr. THOMAS L. YOUNG: The petitions of Adam Smith, Theodore Meyer, and 38 other citizens; of George Bauer, George Shearing, and 36 other citizens; of August Zeigler, P. Smith, and 38 other citizens, of Hamilton County, Ohio, for the passage of House bill No. 4327, to create a department of manufactures, machines, and mines—to the Committee on the Judiciary.

IN SENATE.

TUESDAY, March 2, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. JOHNSTON presented the memorial of William Milnes, jr., president of the Shenandoah Valley Railroad Company, representing one hundred and fifty-two miles of railroad, forty-two miles in operation and the remainder being built, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton; which was referred to the Committee on Finance.

Mr. KERNAN presented the memorial of John F. Moulton, president of the Buffalo and Southwestern Railway Company, representing sixty-nine miles of railroad, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton; which was referred to the Committee on Finance.

Mr. WALLACE presented a petition of citizens of Centre County, Pennsylvania, and the petition of citizens of Wyoming County, Pennsylvania, praying for an amendment to the patent laws; which were referred to the Committee on Patents.

He also presented a petition of citizens of Centre County, Pennsylvania, and a petition of citizens of Wyoming County, Pennsylvania, praying for the establishment of a department of agriculture; which were referred to the Committee on Agriculture.

He also presented a petition of citizens of Wyoming County, Pennsylvania, and a petition of citizens of Centre County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights

and unjust discriminations in charges for transportation; which were referred to the Committee on Commerce.

Mr. BLAIR presented the memorial of the National Guard Association of the State of New York, remonstrating against the passage of the proposed bill to reorganize and discipline the militia of the United States; which was referred to the Committee on Military Affairs.

Mr. WHYTE presented additional papers to accompany the bill (S. No. 1126) for the relief of Lewis Jones; which were referred to the Committee on Claims.

He also presented a resolution of the General Assembly of Maryland, relative to the removal of the obstructions to the harbor of Annapolis, Maryland; which was referred to the Committee on Commerce.

Mr. MORGAN presented a letter of the Secretary of War, accompanied by a communication from the Chief of Engineers, United States Army, in relation to the necessity for an early appropriation for continuing the works of improvement of the Tennessee River at Muscle Shoals Canal; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (S. No. 129) authorizing the restoration of the name of Thomas H. Carpenter, late captain Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 93) to authorize the restoration of Charles N. Warner to his former relative rank and position in the Army, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 664) for the relief of Lieutenant-Colonel Schuyler Hamilton, late United States Army, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 821) fixing the compensation of enlisted men in the Signal Service, United States Army, submitted an adverse report thereon; which was ordered to be printed.

The VICE-PRESIDENT. The bill will be indefinitely postponed if there be no objection.

Mr. CAMERON, of Wisconsin. The bill was introduced by me, and if the Senator who makes the report has no objection I should like to have it placed on the Calendar.

Mr. BURNSIDE. I have no objection.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the petition of Perry E. Brochus, administrator of the estate of Augustin Maurin, deceased, praying the passage of a law authorizing payment of the amount of a draft for \$500, drawn by Colonel John B. Grayson, acting commissary of subsistence United States Army, at Santa Fe, New Mexico, May 4, 1861, for supplies furnished United States troops, and which draft is alleged to have been lost, submitted a report thereon, accompanied by a bill (S. No. 1395) for the relief of the estate of Augustin Maurin.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. WITHERS. I am instructed by the Committee on Pensions, to whom was referred the bill (S. No. 742) for the relief of Mary A. Lord, to report it adversely. The Senator from Tennessee [Mr. HARRIS] may desire the bill to be placed on the Calendar.

Mr. HARRIS. I ask that the bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (S. No. 910) to amend section 3020 of the Revised Statutes, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1314) for the relief of Chester A. Arthur, collector of the port of New York, reported it without amendment.

Mr. BECK, from the Committee on Finance, to whom was referred the bill (H. R. No. 710) to refund to Jackson Grubb, or his legal representative, internal tax wrongfully collected, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1015) for the relief of Silas F. Field, one of the sureties on the bond of John G. Halliburton, deceased, late marshal of the United States in and for the eastern district of Arkansas, reported adversely thereon.

Mr. GARLAND. I ask, if the Senator from Kentucky has no objection, that the bill be placed upon the Calendar.

Mr. BECK. I have no objection at all.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom

was referred the bill (S. No. 41) to extend the jurisdiction of justices of the peace in the District of Columbia, and to regulate proceedings before them, reported it with amendments.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (S. No. 1352) for the relief of George G. Snyder, reported it with an amendment.

Mr. MORRILL, from the Committee on Finance, to whom was referred the petition of Thomas Hastie, of Chicago, Illinois, praying for a reissue of \$20,000 of 5-20 United States bonds destroyed by fire in October, 1871, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1036) for the relief of Edmund T. Ryan, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. ALLISON, from the Committee on Finance, to whom was referred the bill (H. R. No. 2270) to pay for expert services relating to the metric system rendered the Forty-fifth Congress, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. EATON. The Committee on Foreign Relations have directed me to report a bill authorizing certain persons to accept decorations from certain foreign powers, and to ask to be discharged from the further consideration of sundry bills and joint resolutions relating to the subject-matter of the bill, the bill being a substitute for all the bills and joint resolutions which I send to the Chair.

The bill (S. No. 1396) authorizing certain persons therein named to accept of certain decorations and presents therein named from foreign governments was read twice by its title.

The Committee on Foreign Relations were discharged from the further consideration of the following bills and joint resolutions:

A bill (S. No. 284) authorizing William J. Wilson, assistant surgeon United States Army, to receive from the Khedive of Egypt a decoration for gallantry in battle in the action near Gura, Abyssinia, March 7, 1876;

A bill (H. R. No. 1403) authorizing Captain Joseph Irish, of the United States Revenue Marine Service, to accept a grand cross of naval merit of the second class from the Spanish Government;

A joint resolution (H. R. No. 7) authorizing Lieutenant Francis V. Greene, United States Army, to accept certain decorations conferred upon him by the Emperor of Russia;

A joint resolution (S. R. No. 11) authorizing Commodore J. W. A. Nicholson, United States Navy, to accept the grand cross of naval merit from the King of Spain;

A joint resolution (H. R. No. 112) authorizing First Lieutenant Henry Metcalfe, of the Ordnance Department, United States Army, to accept a decoration from the Sultan of Turkey;

A joint resolution (S. R. No. 41) authorizing Rear-Admiral John J. Almy, United States Navy, to accept a decoration from the King of the Hawaiian Islands;

A joint resolution (H. R. No. 74) authorizing Lieutenant Z. L. Tanner, of the United States Navy, late commanding Pacific mail steamer City of Peking, to accept a pair of flower-vases and a lacquered box from the Japanese government;

A joint resolution (H. R. No. 208) authorizing General Francis A. Walker, Superintendent of the Census, to accept decorations from the governments of Sweden and Spain; and

A joint resolution (H. R. No. 110) authorizing Lieutenant Benjamin H. Buckingham, of the United States Navy, to accept a decoration conferred upon him by the President of the French Republic.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 2359) for the relief of William D. Oyler, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 239) for the relief of Alderson T. Keene, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 282) for the relief of Alstorpeus Werninger, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 100) for the relief of A. S. Bloom, late a major in the Seventh Kentucky Volunteer Cavalry, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 629) for the relief of A. H. von Leutwitz, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HAMPTON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 478) to replace the name of Lawrence A. Williams, late major Sixth Cavalry, United States Army, upon the rolls of the Army, to report it back. I will state that we have learned that the gentleman is dead. I therefore move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3347) to authorize the Secretary of War to furnish four pieces of condemned ordnance for the soldiers' monument at Marietta, Ohio, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. ANTHONY, from the Committee on Printing, to which was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the annual report of the Librarian of Congress be printed, and that the usual number of five hundred extra copies, with paper covers, be printed for distribution by the Librarian.

PONCA INDIAN INVESTIGATION.

Mr. MORGAN, from the select committee to examine into the circumstances connected with the removal of the Northern Cheyennes from the Sioux reservation to the Indian Territory, submitted the following order; which was considered by unanimous consent, and agreed to:

Ordered, That the select committee to examine into the removal of the Northern Cheyenne Indians is authorized to print for the use of the committee and the Senate the testimony as taken in the progress of the investigation of the removal of the Ponca Indians.

BILLS INTRODUCED.

Mr. MCPHERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1397) to incorporate the Spanish-American Commercial Company; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COKE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1398) to provide for the better security of life on sea-going steam-vessels; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BAILEY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1399) to refund the national debt; which was read twice by its title, and referred to the Committee on Finance.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1400) for the relief of William Bowen; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1401) to amend the statutes relating to letters-patent for inventions, and for other purposes; which was read twice by its title, and referred to the Committee on Patents.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1402) to amend section 4439 of the Revised Statutes of the United States, second edition, 1878, so that masters of steam-vessels shall be required to pay a fee of \$10 for a license once in five years; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GROOME (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1403) granting an increase of pension to Samuel H. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1404) to provide for issuing patents for public lands claimed under the pre-emption and homestead laws in cases where the claimants have become insane; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. KELLOGG asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1406) for the relief of Mrs. Mary Jane Veazie; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 87) authorizing the printing of the report of the yellow-fever commission; which was read twice by its title, and referred to the Committee on Printing.

SCHOOL OF FORESTRY.

Mr. McMILLAN. I present a memorial of the Chamber of Commerce of Saint Paul, Minnesota, in favor of a donation of public lands to the State of Minnesota as an endowment of a school of forestry, and I also ask leave to introduce a bill to carry out the suggestion of the memorial.

By unanimous consent, leave was granted to introduce a bill (S. No. 1405) to aid in the endowment of a school of forestry at Saint Paul, Minnesota; which was read twice by its title, and, with the accompanying memorial, referred to the Committee on Public Lands.

Mr. McMILLAN. I ask that the memorial be printed in the RECORD.

The VICE-PRESIDENT. The Chair hears no objection to the request.

The memorial is as follows:

To the Senate and House of Representatives of the

United States in Congress assembled:

Your memorialists, the Chamber of Commerce of the city of Saint Paul, respectfully represent that it appears from the annual reports of the Secretary of the Interior and the Commissioner of the General Land Office, for several successive years last past, that the valuable timber lands of the United States have been rapidly disposed of without the Government receiving adequate compensation therefor; that these lands, especially on the headwaters of the Mississippi River, have been so lavishly denuded of their timber as to make a scarcity of pine timber imminent, and to injure the capacity of said river for navigation.

Your memorialists are informed and believe that the United States still possess several million acres of timber land in the northern part of Minnesota, including waste lands that are only fit for bearing timber, and they deem it important to the public interest that improved methods be speedily adopted for the administration of these lands with a view to the production, preservation, and prudent consumption of timber thereon.

Your memorialists have ascertained that in several European States, whose governments have for centuries cared for the re-growth and preservation of forests, there have been established and maintained at public expense schools for theoret-

ical and practical instruction in forestry, which have proved eminently useful. There are in Europe thirty-seven schools of forestry, of which twenty-two are separate, and fifteen are connected with agricultural or polytechnic institutions.

Although the United States are by nature more richly endowed with forests than almost any other country, there has never been established in this country, so far as your memorialists are informed, any institution specially designed to promote the science and practice of forestry. It has, however, come to be the opinion of the most enlightened people of this country that some measures should be promptly adopted looking to a more economical management of timber lands, and your memorialists believe that one measure toward this important object might well be the endowment by Congress of a school of forestry. They therefore recommend that provision be made for such an institution, to be located where it can be the most generally useful. On account, however, of the extensive timber-land property of the United States in the limits of the State of Minnesota, and of the great area of land on the sources of the Mississippi which is only adapted to timber growing, it would seem that Minnesota would be the most suitable State in which to locate a school of forestry. Your memorialists are of the opinion that such a school should furnish instruction in the theory and practice of forestry substantially after the plan of the best-administered schools of the kind in Europe, so far as climate and soil will admit; that the theoretical instruction should take place mainly at the principal seat of the school, where also should be grounds for experimental forestry; and that branch stations under charge of the school should be maintained in the pine-timber regions for practical forestry; also, stations on prairie lands for experimental tree culture suited to such lands.

Believing that such an institution, liberally endowed and properly conducted, would at present, as well as in the future, prove of great practical benefit to the important timber resources of the Northwest and the various mechanical and industrial pursuits depending thereon, also that it would help to create and diffuse correct sentiments in respect to the enforcement of law in regard to timber lands of the Government, your memorialists respectfully ask that Congress will donate three hundred sections of public land to the State of Minnesota as an endowment of a school of forestry, and that said school be located at the city of Saint Paul, the capital of said State.

Your memorialists would refer to an accompanying form of a bill as containing some of the conditions they would like to see adopted for the inviolability of the proposed endowment.

HENRY H. SIBLEY,

President Chamber of Commerce, Saint Paul, Minnesota.

SAINT PAUL, February 16, 1880.

RIGHT OF PETITION.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire and report whether any American citizens have been arrested or imprisoned for the exercise of their constitutional right to petition this body concerning a matter of grave public interest, namely, the title to a seat in this body of a Senator from the State of which they are citizens; with power to send for persons and papers and administer oaths.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 4903) to provide for the purchase of a site for a post-office and other Government buildings in the city of Baltimore, Maryland; in which it requested the concurrence of the Senate.

MAJOR P. P. G. HALL.

The VICE-PRESIDENT. The Secretary will call the Calendar, commencing at the point reached at the last call.

The bill (S. No. 175) for the relief of Major P. P. G. Hall was announced as being first in order upon the Calendar.

Mr. BURNSIDE. By instructions of the Committee on Military Affairs I made the report in this case, but I am satisfied that I did not give sufficient attention to the law touching the matter. Therefore I move that the bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

PUBLIC LANDS IN KANSAS.

The next bill on the Calendar was the bill (H. R. No. 3968) for the relief of certain actual settlers on the Kansas trust and diminished-reserve lands, in the State of Kansas; which was read.

Mr. EDMUNDS. Is there a report?

Mr. PLUMB. There is a report which accompanies a bill of the same general tenor, Senate bill No. 619.

The VICE-PRESIDENT. The report referred to will be read.

The Chief Clerk read the following report, submitted by Mr. PLUMB January 13, 1880:

The Committee on Public Lands, to whom was referred the bill (S. No. 619) "for the relief of certain actual settlers on the Kansas trust and diminished-reserve lands, in the State of Kansas," respectfully report:

That the original draught of this bill was sent to the chairman of the Senate Committee on Public Lands by the Secretary of the Interior, under date of May 19, 1879, and his letter of transmission, together with a report of the Commissioner of Indian Affairs on the same subject and of like date, and the draught in question were referred to this committee. The necessity of the proposed legislation is clearly set forth in said letter and report, to which reference is here made. The simple object is to protect a small proportion of actual settlers on the Kansas trust and diminished-reserve lands in rights which have been expressly recognized by act of Congress, but which they have been prevented from perfecting by circumstances entirely beyond their control. Many of these settlers have made partial payments upon their lands, as well as valuable improvements, and have only been prevented from perfecting their titles by incongruous legislation. The bill simply allows these settlers to complete their titles under the new appraisement authorized by the act of 1876, and the committee agree with the Secretary and the Commissioner that "ordinary good faith" requires that they should have this right. The committee therefore recommend the passage of the bill.

"DEPARTMENT OF THE INTERIOR.

"Washington, May 19, 1879.

"SIR: I have the honor to submit for the consideration of Congress, with a recommendation for immediate action thereon, a draught of a bill for the relief of certain actual settlers upon the Kansas trust and diminished-reserve Indian lands in Kansas, who, by reason of failure to secure the assent of the Indians to the reappraisement provided for in the act of July 5, 1876, (Stats. 19, page 74,) have been unable to bring themselves within the provisions of section 1 of said act, and have thus been deprived of its manifestly intended benefits.

"The names and improvements of these settlers are all described in the documents referred to in the act, and have been both by that and the previous statute of June 23, 1874, (Stats. 18, page 272,) expressly recognized by Congress. Many of them have actually made large payments under the original act, and ordinary good faith now requires that they be permitted to complete their titles under the new appraisalment secured by the legislation of 1876. Those who have made partial payments under section 2 of the act of 1874 are equally entitled to the same relief.

"The bill submitted has the approval of the Commissioner of Indian Affairs, as will appear by his report of this date, a copy of which I herewith inclose. Should the matter fail to receive attention at the present session great hardship will result, as the residue of the lands now thrown open to general settlement will at once be subject to disposal, orders to that effect having already been issued by this Department, while these settlers already in possession of large interests and improvements will be compelled to await future and uncertain legislation to secure them in the homes heretofore attempted to be confirmed to them by law, but which, under fortuitous circumstances, they have been unable to acquire.

"Very respectfully,

"C. SCHURZ, Secretary.

"Hon. J. E. McDONALD,
"Chairman Committee on Public Lands, United States Senate."

"DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
"Washington, May 19, 1879.

"Sir: Referring to Department letter of the 14th instant, returning approved the original lists of Kansas trust and diminished-reserve lands in Kansas, as reappraised by Messrs. Thomas S. Huffaker, H. W. Jones, and M. H. Newlin, commissioners, under the act of July 5, 1876, (19 Stats., 74,) and advising this office that the duplicate lists submitted for transmission to the Commissioner of the General Land Office have also been approved, and that he had been directed to offer for sale to actual settlers under section 2 of said act all the lands embraced in said lists, with the exception of those falling under the provisions of section 1 of the act, and those upon which entry has heretofore been allowed under section 2 of the act of June 23, 1874, (18 Stats., 272,) I have the honor to submit herewith, as directed in said letter, a draught of a bill for the relief of such actual settlers as by the changing policy imposed by the acts have been deprived of their intended benefits, and to make the following report thereon:

"All those persons mentioned in the first section of the act of July 5, 1876, are now outside of any relief, as those settlers who entered under the act of 1874 are under a repealed statute, and those who have not yet entered cannot comply with the act of 1876, by paying the first installment before January 1, 1877.

"Those persons who entered under section 2 of the act of 1874 prior to the act of 1876 are also not within the provisions of any existing statute. The penalties of the act of 1874 cannot be enforced, as that act is repealed by the act of 1876. They are not subject to the act of 1876, as they did not make entry under its provisions.

"Section 1 of the proposed bill grants relief to those persons mentioned in section 1 of the act of 1876, by permitting them to complete the payment for the lands to which they are entitled, under the act of 1876, at the newly-appraised value, allowing credit for all sums heretofore paid as principal and interest, which shall constitute one installment, and the balance to be paid in three equal annual installments, the first to be paid January 1, 1880, and the deferred installments to draw interest at the rate of 6 per cent. per annum.

"Section 2 of this bill extends the provisions of section 1 to persons who have made entries under section 2 of the act of June 23, 1874, and section 3 extends the provisions of section 2 of the act of 1876, relating to default and forfeiture, to all entries and requirements of the provisions of this bill.

"I inclose duplicate copies of said bill and of this report, and have the honor to recommend that the matter be laid before Congress with a recommendation for early and favorable action thereon.

"Very respectfully, your obedient servant,

"E. J. BROOKS,
"Acting Commissioner.

"The honorable SECRETARY OF THE INTERIOR."

Mr. EDMUNDS. I should like to ask the honorable Senator from Kansas whether this House bill as it now stands before us is identical with the draught submitted by the Secretary of the Interior at the last session, as stated in his letter?

Mr. PLUMB. Precisely the same as to every letter and word of it, except as to the fourth section.

Mr. EDMUNDS. What is that?

Mr. PLUMB. The fourth section simply extends to settlers on the Kansas Indian reservation the privilege which has heretofore been extended to all settlers on the public lands, and that is, the right to acquire what is called an adjoining homestead by reason of settlement on the original homestead. For instance, a man who has eighty acres of land on which he is living can improve eighty acres of land adjoining without moving his actual residence upon the new eighty acres, the residents upon the old eighty acres answering for all purposes for residence upon the new. The fourth section extends that provision of the public land laws; and that is the only difference between the bill as reported by the Committee on Public Lands and the recommendation of the Secretary of the Interior.

Mr. EDMUNDS. Then the fourth section is one that the Secretary of the Interior did not recommend?

Mr. PLUMB. He did not recommend it. That was inserted by the House Committee on Public Lands.

Mr. EDMUNDS. The effect of it is to give a man who may have taken up one homestead, for instance, and improved it, or who owns a farm that he has bought, the right to locate as homestead land an addition to his farm.

Mr. PLUMB. Precisely, as the law now is in reference to other public lands.

Mr. EDMUNDS. Will the Senator be kind enough to show us the law as to other public lands?

Mr. PLUMB. I can do so very soon. [A pause.]

Mr. EDMUNDS. I suggest to the Senator to let the bill go over without prejudice, and we can take it up to-morrow morning.

Mr. PLUMB. Of course I do not wish to detain the Senate this morning, nor do I desire to make any arrangement which will produce any considerable delay in this matter, because these people are living on this land actually as trespassers although in fact they are there by the action of the Government, their right being recognized by the Government, and it is a matter of considerable importance to

them that there should be no delay. I have no objection to the bill going over to take its place for consideration to-morrow morning at the call of the Calendar.

Mr. EDMUNDS. Let it go over without prejudice until we look into the fourth section.

The VICE-PRESIDENT. The bill will go over without prejudice.

Mr. PLUMB. To be called at the call of the Calendar to-morrow morning?

The VICE-PRESIDENT. To be first in order on the call of the Calendar to-morrow morning.

JAMES BURKE.

The next bill on the Calendar was the bill (S. No. 952) for the relief of James Burke; which was considered as in Committee of the Whole. It appropriates \$180.40 to enable the Secretary of War to reimburse to James Burke, superintendent of the national cemetery at Salisbury, North Carolina, the amount of a judgment, costs, and disbursements, which judgment was obtained against him in the circuit court of Pulaski County, Kentucky, at the suit of William H. Logan, for an alleged trespass, committed while in discharge of his duty as superintendent, which he defended, but was by the court condemned in damages and costs for \$180.40.

Mr. EDMUNDS. Is there a report?

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. MAXEY February 3, 1880:

The Committee on Military Affairs, to whom was submitted the bill (S. No. 952) for the relief of James Burke, respectfully submit the following report:

This case was before this committee (see Senate bill No. 1771) during the Forty-fifth Congress, third session, and report thereon (No. 724) was submitted by Mr. BUTLER on behalf of the committee, from which the following is adopted:

"The case is stated by the letter from the Secretary of War, with accompanying documents, as follows:

"A.

"WAR DEPARTMENT.

"Washington City, December 18, 1878.

"The Secretary of War has the honor to transmit to the United States Senate a communication from the Quartermaster-General, dated December 11, 1878, transmitting a request from Superintendent James Burke for reimbursement of costs of suit entered against him by W. H. Logan for alleged trespass, together with copies of papers relating to the subject.

"The letter of the Quartermaster-General states the facts of the case, and concludes as follows:

"I think that a wrong has been done Burke under the color of law, and that his claim is just; but I know of no appropriation under control of the War Department which could properly be drawn upon to indemnify him. I suggest, therefore, that the papers in the case be referred to Congress, with a recommendation for favorable consideration."

"Concurring in the views of the Quartermaster-General, the case is respectfully submitted to Congress, with recommendation that an act be passed to reimburse Superintendent Burke for the costs of the suit and attorney's fees, amounting, as appears from accompanying sworn statement, to \$180.40.

"Respectfully submitted.

"GEO. W. MCCRARY,

"Secretary of War.

"The PRESIDENT of the United States Senate."

"B.

"LOGAN'S CROSS-ROADS, KENTUCKY,

"October 12, 1875.

"Sir: Respectfully referring to letter of September 20 (O. N. C. 2363 '75) in regard to the difficulty between Mr. Logan and Mr. Burke, I have the honor to submit the following report:

"The colored laborer was sent by Mr. Burke to whitewash the picket fence on the north side of the cemetery, along by the outside of which was a growth of blackberry and other bushes. In order to do this the laborer cut down alongside of the fence a path about four feet wide, most of which was on Mr. Logan's land. The act was, I believe, done for no other purpose except to make it possible to whitewash the fence on the outside. The value of the blackberry briars is nothing; in fact, it is really an advantage to Mr. Logan's land to have them cleared off, and is so considered by every one in the neighborhood.

"The suit was brought on account of a personal enmity of Mr. Logan against the superintendent. In incidental conversation with the former, he the same as admitted to me such to be the fact. The quarrel has been of long standing, and the law has had to settle two cases already, both of which were decided in the favor of the superintendent, showing that the latter was considered to be the injured party in both cases.

"In this matter advantage was taken at once of the trespass to bring suit.

"Mr. Logan has the general reputation of being continually in litigation and quarrel with neighbors. I have endeavored to find out about the whole trouble during this time, by conversation with both parties concerned, and with others knowing of the facts, and I am satisfied that the fault rests almost entirely on Mr. Logan in the matters and troubles. His effort is to embarrass the superintendent and make his stay in the vicinity unpleasant. The superintendent has a good reputation and good credit both here and at Somerset, and I believe is attentive to his official duties. At his request I made an offer to Mr. Logan to leave the amount of damage done to the arbitration of two disinterested persons, but the offer was refused, the reason being given by Mr. Logan that the question of boundary on the cemetery front is also involved. He claims that he owns a strip of land along the front of the cemetery and between the cemetery boundary and the Columbia and Somerset road, on which there has been continual trespass by the superintendent. The deed to the United States, however, states as explicitly as is possible that each of the front corner-stones and the front boundary-line between them is on the line of the road referred to, so that there then can be no space between the road and the cemetery property.

"The suit was not called up this session, but was set for the next circuit court in April of next year.

"Very respectfully, your obedient servant,

"C. M. CLARK,

"O. E. Q. M. Department.

"Captain A. F. ROCKWELL,

"Assistant Quartermaster U. S. A.,

"In charge of National Cemeteries, Washington, D. C.

"(Through Lieutenant George M. Love, acting assistant quartermaster Sixteenth Infantry, U. S. A.)"

"WAR DEPARTMENT,
"Washington City, October 26, 1875.

"SIR: I have the honor to transmit certain papers relative to a suit for trespass brought against the superintendent of the national cemetery at Logan's Cross-Roads, Pulaski County, Kentucky, and to request that you will direct suitable counsel to be employed to defend the superintendent in the same, as well as the interests of the United States.

"I am, sir, very respectfully, your obedient servant,

"To the honorable the ATTORNEY-GENERAL."

"WM. W. BELKNAP,
"Secretary of War."

"DEPARTMENT OF JUSTICE,
"Washington, October 29, 1875.

"SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant, together with a copy of a report from Captain A. F. Rockwell, assistant quartermaster United States Army, in charge of national cemeteries, and a letter of Major-General Rufus Ingalls, acting quartermaster-general, referring that report to you, and requesting that the subject of the report be submitted to me, and asking that the necessary measures be taken to defend the suit brought against the superintendent of the national cemetery at Logan's Cross-Roads, Pulaski County, Kentucky; which request is referred to me by you. The suit is one of trespass against the defendant for entering upon lands of the plaintiff, and the damages are laid at \$60.

"From the statement of the case, I do not see how the title of the United States to the cemetery grounds can be brought in question, and the cost to the United States of defending the action would be much greater than the damage claimed. I do not think, therefore, that it is expedient to instruct the United States attorney to appear for the defense.

"The inclosures are herewith returned.

"Very respectfully, your obedient servant,

"Hon. W. W. BELKNAP,
"Secretary of War."

"EDWARDS PIERREPONT,
"Attorney-General."

"WAR DEPARTMENT,
"Washington City, D. C., December 2, 1875.

"SIR: I have the honor to acknowledge the receipt of your letter of October 29, 1875, transmitting certain papers relative to a request of this Department for counsel to defend the superintendent of the national cemetery in the suit for trespass instituted against him in the discharge of his official duties.

"The amount of damages claimed, it seems to me, is immaterial. This Department assumes the action of the superintendent and desires to protect him in the impending suit, and I have therefore again to request that you direct suitable counsel to be employed to defend him in the case.

"The title to the cemetery grounds is not involved in the suit, although it seems from the report of the civil engineer (herewith) that the question of boundary may arise.

"I am, sir, very respectfully, your obedient servant,

"The honorable the ATTORNEY-GENERAL."

"WM. W. BELKNAP,
"Secretary of War."

"WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
"Washington, D. C., April 26, 1877.

"SIR: I have the honor to inclose herewith a communication of Superintendent James Burke, of Logan's Cross-Roads National Cemetery, requesting information as to the action taken in the matter of a certain suit against him for trespass, now pending.

"This case was first submitted to the Department of Justice October 26, 1875.

"The Attorney-General, in a letter dated October 29, 1875, expressed the opinion that it would not be expedient for the United States to defend the suit, as the cost of defense would exceed the damages claimed.

"The War Department objected to this view of the case, and renewed its request for the Department of Justice to defend the suit. (See letter of Secretary Belknap of December 2, 1875.) On August 10, 1876, the attention of the Department of Justice was invited to the matter, and information was requested as to what action had been taken in the premises.

"In reply, the Attorney-General stated that no action had been taken, and requested a copy of the plaintiff's declaration.

"This was furnished September 22, 1876, and nothing further has been heard from the Department of Justice on the subject.

"It would seem to be due to the superintendent, no less than to the War Department, that some action should be taken in the premises, and that forthwith.

"I inclose an extract from a report of Colonel N. H. Davis, inspector-general, on the Logan's Cross-Roads National Cemetery. I concur with Colonel Davis in regard to the propriety of the United States defending the suit.

"The alleged trespass occurred while the superintendent was attending to his official duties. The cost of defense may, perhaps, be more than the damages claimed; but the superintendent, out of his small compensation, can afford to pay neither, nor does it seem right that he should be compelled to.

"Very respectfully, your obedient servant,

"M. C. MEIGS,
"Quartermaster-General, Brevet Major-General, United States Army."
"The honorable the SECRETARY OF WAR."

"NEW YORK CITY, October 23, 1876.

"SIR: I have the honor to submit herewith my report of an inspection of the Logan's Cross-Roads National Cemetery, Kentucky, second class, inspected October 7, 1876.

"An unfriendly feeling exists between Mr. W. H. Logan and Burke, the superintendent. The former owns the land adjoining the cemetery, and seems disposed to dictate and annoy from an overbearing spirit, and in mean and petty ways. Burke seems very independent and ill-disposed to conciliate.

"For having the briars and brush cut away so as to allow the Government fence to be painted and whitewashed, Logan has sued him for \$60 trespass and \$60 damages. The act produced no damage but rather a benefit to Logan's land. The trespass is such only in law, or technically, but not really. The case was postponed at the term of the circuit court of Pulaski County last spring to the fall term, at which term, recently, it was not reached. Burke asks that counsel be employed by the United States to defend him in the suit, and has made application through or to Captain A. F. Rockwell, assistant quartermaster, at Washington, on duty connected with the national cemeteries, for counsel. No reply received.

"I think he justly deserves protection in this matter, and the aid of counsel to be furnished by the United States.

"Very respectfully,

"N. H. DAVIS,
"Inspector-General, United States Army."

"The INSPECTOR-GENERAL,
"Headquarters Army of the United States, Washington, D. C."

"(Through headquarters Division of the Atlantic.)"

"DEPARTMENT OF JUSTICE,
"Washington, May 5, 1877.

"SIR: I have received your letter of the 3d instant, referring to former letters from the War Department to the Department of Justice, relative to a suit brought by W. H. Logan against James Burke, superintendent of Logan's Cross-Roads National Cemetery, for trespass and damages, and transmitting a letter of the 26th ultimo, from the Quartermaster-General, with two inclosures, touching the matter. You request that the Department of Justice will take measures for the defense of Superintendent Burke. Upon examining the report of the Inspector-General, N. H. Davis, I am of opinion that the United States should not assume the responsibility of the act of Superintendent Burke, and should not defend the case for him. According to that report Burke was on bad terms with Logan, and was very 'independent and ill-disposed to conciliate.' Under the influence of this feeling, he entered upon Logan's ground and cut the briars and brush away so that the Government fence might be painted. For this act he is now sued in trespass by Logan. Whether the act did or did not produce any damage to Logan's land, it was a clear violation of his right of property, for which Logan is entitled to recover at least nominal damages. There was no justification for this trespass on the part of Burke. No question is involved having any reference to the title of the United States to its lands. While it is stated that 'alleged trespass occurred while the superintendent was attending to his official duties,' in the letter of the Quartermaster-General, the facts show that he had no official duty which entitled him to enter upon the land of a private citizen and to disturb the shrubbery there growing, whether wild or otherwise. It is not for a person thus intruding to say that he has benefited the land of the owner. The owner is entitled to the possession and enjoyment of his property without such disturbance.

"Very respectfully, your obedient servant,

"CHAS. DEVENS,
"Attorney-General."

"Hon. GEORGE W. MCCRARY,
"Secretary of War."

The case was tried in the circuit court of Pulaski County, Kentucky, at its September term, 1877, and the transcript shows the following to have been the verdict of the jury: "We of the jury find for the plaintiff one cent in damages," which verdict, it appears, according to the laws of Kentucky, carried the costs:

The transcript shows plaintiff's costs.....	\$114 85
And the defendant's costs.....	40 55
Total costs.....	155 40

Much the larger portion of this cost bill is made up of witness fees, the witness fees of plaintiff amounting to \$85, and of defendant to \$33. The said Burke makes affidavit that he paid \$25 as attorney's fees. This the committee consider reasonable.

As the case was tried in plaintiff's own county, and as the verdict is for purely nominal damages, the committee have no doubt that the trespass was purely technical. The removal of briars, a bush of which Pulaski County has doubtless enough and to spare, is estimated by a jury of the vicinage acquainted with briars at one cent, and the one-cent estimate was clearly because, upon proof of trespass, the law demanded some damages.

The suit was manifestly a "spite suit."

The officer was doing his duty faithfully, protecting the home of the dead, and hence should be relieved from the payment of costs for doing his duty.

Whereupon the committee report back Senate bill 952 without amendment and recommend its passage. In making this recommendation, the committee have considered the character of the business in which Mr. Burke was engaged, the necessity for the removal of the briars in the protection of the fence, the absurdity of the claim for damages, the verdict of the jury, and all the surrounding circumstances, and do not design this as a precedent, unless a special and exceptional case like it were presented.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF CHARLES B. SMITH.

The next bill on the Calendar was the bill (S. No. 287) for the relief of the heirs of Charles B. Smith, deceased; which was considered as in Committee of the Whole. It authorizes the proper accounting officers of the Treasury, in the settlement of the accounts of Charles B. Smith, deceased, late first lieutenant of the Fifth Iowa Cavalry Volunteers, to receive and allow, where the proper vouchers cannot be procured, a statement verified, or such other satisfactory evidence, of all expenditures or issues made by him for the Government, as will be sufficient to close his subsistence and quartermaster accounts upon the books of the Treasury.

Mr. EDMUNDS. Let us have the report.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. MAXEY February 3, 1880:

The Committee on Military Affairs, to whom was referred the bill (S. No. 287) for the relief of the heirs of Charles B. Smith, deceased, respectfully submit the following report:

House bill No. 1163, Forty-fifth Congress, second session, having the same object in view, and in all respects similar to the bill now reported, passed the House May 31, 1878, and on reaching the Senate was referred to the Committee on Military Affairs, June 3, 1878, and was reported back favorably from that committee, without amendment, with recommendation that the bill pass. Said report was made by Mr. BURXSIDE on behalf of the committee, and the committee adopt said report as applicable to this bill, changing the word "act," first line, into the word "bill," as follows:

"This bill authorizes the accounting officers of the Treasury to receive and allow, where the proper vouchers cannot be procured, verified statements or other satisfactory evidence which will serve to account for disbursements made by Charles B. Smith, deceased, late first lieutenant Fifth Iowa Cavalry, while acting as commissary and quartermaster.

"The following is the report of the House Committee on Military Affairs:

"[House Report No. 262, Forty-fifth Congress, second session.]

"Mr. Strait, from the Committee on Military Affairs, submitted the following report, to accompany bill H. R. No. 1163:

"The Military Committee, to whom was referred the bill (H. R. No. 1163) for the relief of the heirs of Charles B. Smith, deceased, have had the same under consideration, and report it back to the House with the recommendation that it do pass.

"It appears from the affidavits and other documents filed in this case that the deceased, Charles B. Smith, was a first lieutenant and regimental quartermaster of the Fifth Regiment Iowa Cavalry Volunteers, and that at the close of the war he was honorably mustered out of the service of the United States; that subsequently, namely, in 1871, the deceased came to Washington, District of Columbia, from his

home in Iowa, for the purpose of making answers to the statement of differences arising on the settlement of his accounts, both in property and money, while acting as regimental and brigade quartermaster in the field. It further appears from evidence on file in this case that shortly after his arrival in this city he was taken ill and died; that upon the arrival in Washington of his widow, she was unable to find any of his retained papers connected with his duties in the field; that they were either lost or stolen previous to her arrival; and the evidence shows that she has made due and diligent search for the same since the decease of her husband, without effect.

"The evidence of W. W. Lowe, late colonel Fifth Iowa Cavalry, with whom the deceased served as regimental and brigade quartermaster, and others, shows that the deceased enjoyed an enviable name for integrity, and that the said colonel is satisfied the deceased turned over all moneys and property for which he was accountable.

"Under these circumstances, with evidence that the officer had faithfully served his country in time of need, that his character for integrity is unimpeached, and the great hardships that would follow by compelling and distressing his widow and heirs to sacrifice their property to meet an unsettled account of an officer, who, if living, could make answer to these statements of differences, your committee believe that justice would be promoted by the passage of this bill.

"And your committee call attention to the wording of this bill, which provides that the accounting officers of the Treasury are to allow a statement verified, or such other satisfactory evidence, where the proper vouchers cannot be procured, in the settlement of the accounts of the deceased, thus protecting the Government to the full extent that is possible under the circumstances."

"From the evidence accompanying the record, your committee concur in the conclusions of the House committee, especially since the terms of the act are in accordance with precedents heretofore established by the Senate Committee on Military Affairs. The sudden death of Lieutenant Smith, while in Washington for the purpose of settling his accounts, would seem to entitle his heirs to the relief contemplated by the act."

A careful examination by the committee of the papers accompanying the bill satisfies the committee that its former report was correct.

Wherefore, the committee report back Senate bill 287 without amendments, and recommend that it do pass.

Mr. EDMUNDS. I should like to ask the Senator from Texas what is the amount of the difference between the sum accounted for by the vouchers of this officer and the sum with which he is charged; in other words, how much does the bill involve?

Mr. MAXEY. The exact amount—

Mr. EDMUNDS. I do not care about the exact amount; but about how much is it in round numbers?

Mr. MAXEY. It is shown in the papers, which I examined very carefully, to be somewhere between \$400 and \$500. The amount which was handled by this officer, Lieutenant Smith, was several thousand dollars; and the amount, as I recollect it—if the Senator desires, I will have the case go over until to-morrow in order that I can give the exact figures—

Mr. EDMUNDS. No, that is near enough.

Mr. MAXEY. Perhaps the Senator from Iowa knows better.

Mr. EDMUNDS. I understand it is a very small sum.

Mr. MAXEY. The whole case is simply this: Lieutenant Smith, who was acting as commissary and quartermaster, was sent for to settle up his accounts. He came on here. There seemed to be no trouble; no charge of fraud or anything of that kind, but he came here and was taken sick, bringing his papers with him, and he died suddenly while here. His wife was telegraphed for, came on, and was unable to find these vouchers. For that reason she cannot furnish the vouchers. That is all of the case.

Mr. EDMUNDS. That would seem to imply that it is proved that he had vouchers when he came here; and ordinarily his vouchers would be submitted, I suppose, with his accounts, which the Treasury did not allow. However, as it is a very small sum apparently, it is not of so much consequence, but I should like to understand from the Senator the meaning of the word "such" in the eighth line of the bill, and whether it would not be wise in his opinion to strike out the word "such" so as to read "or other satisfactory evidence." "Such other" would seem to imply that a mere statement—

Mr. MAXEY. I see the point of the Senator, and I have no objection to striking out the word "such," as far as I am concerned personally.

The VICE-PRESIDENT. The Chair hears no objection to that suggestion, and the amendment will be made.

Mr. EDMUNDS. Now, I think the words "or other satisfactory evidence" carry the implication that this "verified statement" is to be satisfactory to the accounting officers. Is that the view of the committee?

Mr. MAXEY. The committee was laboring under the impression that the loss of the original or best evidence being satisfactorily accounted for, under the law, there being no degrees in secondary evidence, whatever would be satisfactory secondary evidence would be such as the widow would have a right to present; and we do not propose to cover too wide a field as to what shall be secondary evidence satisfactory to supply the place of original evidence, the absence of which is satisfactorily accounted for in the opinion of the committee.

Mr. EDMUNDS. Then if I correctly understand the Senator, his construction of the bill as it now stands is that this "verified statement" is to be one that satisfies the accounting officers.

Mr. MAXEY. It would be the best evidence of which the case is susceptible, first establishing the fact that the vouchers existed. That would be the condition-precedent before you could submit any secondary evidence.

Mr. EDMUNDS. There is no doubt about that, and my only wish was to understand from the committee whether this "verified statement" must be one that should satisfy the accounting officers.

Mr. MAXEY. Yes, sir.

Mr. EDMUNDS. That being so I have no objection.

Mr. MAXEY. If I were a chancellor and the absence of primary evidence was accounted for by its destruction, whatever was the best secondary evidence possible that could be produced would be to me satisfactory.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT RIPLEY RESERVATION.

The next bill on the Calendar was the bill (H. R. No. 1153) to restore to the public domain a part of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes.

Mr. EDMUNDS. I think that might as well go over.

The VICE-PRESIDENT. The bill will be passed over.

Mr. McMILLAN. If the Senator objects—

Mr. EDMUNDS. If the Senator from Minnesota wishes to explain the bill I will withdraw the objection for the time being.

The VICE-PRESIDENT. Objection being withdrawn, the bill will be read.

The bill was read.

Mr. EDMUNDS. Let us hear the report, Mr. President.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. COCKRELL February 3, 1880:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 1153) entitled "An act to restore to the public domain a part of the military reservation known as Fort Ripley reservation, in the State of Minnesota, and for other purposes," have carefully considered the same, and submit the following report:

This bill passed the House of Representatives December 16, 1879, and was sent to the Senate and referred to your committee. Your committee addressed a letter to the Secretary of War, inclosing a copy of said bill, and asking for full information touching said military reservation, the necessity of retaining any portion of it for military purposes, and the views of the Department upon the propriety of passing the said bill, and received from the Secretary of War the following letter and inclosures, marked, respectively, Nos. 1, 2, 3, 4, 5, and 6, to wit:

"No. 1.

"WAR DEPARTMENT,

"Washington City, January 6, 1880.

"SIR: Referring to your letter of the 22d ultimo, inclosing House bill No. 1153, 'to restore to the public domain a part of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes;' and requesting full information in regard to said reservation, and my views as to the propriety of the passage of the bill, I have the honor to inclose a report of the Adjutant-General, dated the 3d instant, and accompanying papers, which, it is believed, will furnish the information desired by you.

"I concur with my predecessor in the opinion that the bill should become a law with an amendment, striking out the words underscored from line 6 to 14 of the first section of said bill, commencing with the words 'the following-described tracts,' and ending with the words 'of range 29 and.' If this amendment is made the bill will then authorize the transfer of the entire reservation, which is now no longer needed for military purposes, to the Department of the Interior, except the strip of land heretofore granted by Congress for right of way to a railroad company.

"Very respectfully, your obedient servant,

"ALEX. RAMSEY,

"Secretary of War.

"Hon. F. M. COCKRELL,

"Of Committee on Military Affairs, United States Senate."

"No. 2.

"HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,

"Washington, January 3, 1880.

"SIR: I have the honor to return herewith communication dated December 22, 1879, from Hon. F. M. COCKRELL, of the Senate Military Committee, covering H. R. 1153, 'An act to restore to the public domain a part of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes,' and requesting full history and information concerning the same, &c., referred to this office for report, and to state as follows:

"On the 13th of April, 1849, a military post was established on the west bank of the Mississippi River, in Minnesota, and designated as 'Fort Galnes.' The name was changed to Fort Ripley November 4, 1850.

"Under date of September 15, 1849, two reservations were declared by the President (General Taylor), one on the east and the other on the west shore of the Mississippi. The latter, which included the site of the post, contained about one square mile, the main body of the reservation lying east of the river, and containing nearly ninety square miles.

"No plat of the original reservation is on file in this office, but one may be filed in the office of the Quartermaster-General.

"An act of Congress (copy inclosed) approved February 22, 1873, authorized and directed the Secretary of War to sell at public auction the whole or so much of the reservation at Fort Ripley as might no longer be required for military purposes.

"It was first designed to retain the reservation on the west bank of the river, on which the post was built, and, in view of certain discrepancies in the boundaries thereof, it was relocated by the President's order of August 2, 1875, with boundaries as announced in General Orders No. 55, of 1875, from headquarters Department of Dakota, copy herewith. The Secretary of War decided that the land included in the old reserve and excluded from the new, as well as the entire reserve on the east bank of the Mississippi, would be held by the War Department until disposed of in accordance with the act of February 22, 1873.

"Pursuant to the provisions of said act (section 2) a board of officers was directed to convene by orders of December 19, 1876, from this office, on the 4th of January, 1877, or as soon thereafter as practicable, and by orders of January 5, 1877, the meeting of the board was postponed to April 1, 1877, or at such time as the president of the board might find it practicable.

"In 1857 the Secretary of War (John B. Floyd) appointed two agents to dispose of the lands embraced within the reservation, namely: Major Seth Eastman, United States Army, and Mr. A. C. Jones.

"Part of the land was parceled out and sold to settlers, who paid for the same and were given certificates to that effect by these agents.

"Secretary Floyd annulled the sale and declined to receive the money from Jones, who retained it subject to his order. Suit was brought against Jones in 1874 for the recovery of \$1,799.22, the amount received by him for the sale of the reserve, and judgment obtained October 18, 1876, in favor of the Government for the amount

sued for, with interest from December 19, 1873. (Vide copy of letter October 21, 1876, from the Solicitor of the Treasury, herewith.)

"All papers on file in this office relating to the reservation and the sale in 1877 were transmitted to Lieutenant J. A. Manley, Twentieth Infantry, recorder of the board, in letter of December 20, 1876.

"A fire occurred at the post January 14, 1877, by which officers' quarters, laundresses' quarters, and storehouse, with stores and property, were destroyed, and the War Department then decided to have the post discontinued, the garrison withdrawn, and the entire reservation, including the site of the post, appraised for sale by the board of officers appointed under the act of February 28, 1873, and instructions were issued from this office accordingly February 3, 1877, by letter of that date to General Terry, president of the board and department commander.

"The garrison was withdrawn in July, 1877, and the post has not since been occupied by troops—the remaining buildings being in charge of a watchman employed by the Quartermaster's Department.

"The action of the Department relating to right of way, &c., to the Western Railroad Company of Minnesota, is embraced in War Department letter of October 18, 1877, to George L. Becker, esq., president of the company, which cites the opinion of the Judge-Advocate-General and various acts of Congress upon the subject. (Copy of letter inclosed.)

"October 22, 1879, General Terry called attention to the present condition of affairs at Fort Ripley reservation, and reported the reasons why no definite action had been taken by the board—the members being scattered and on other duty, &c. He also reported that a large number of families had squatted on the eastern portion of the reserve in defiance of law, and he, therefore, requested instructions in the premises, the matter having become one of great magnitude.

"The Secretary of War decided, as Congress would meet in so short a time, to defer the question of removal of the squatters and further action under act of February 28, 1873, until action could be had by that body in regard to restoring the reservation to the public domain, as contemplated in the act now under consideration, and the commanding general Military Division of the Missouri has been advised accordingly.

"On the 18th ultimo, the General of the Army called the Secretary's attention to the fact that the act (H. R. 1153) as it passed the House did not include the portion of the reservation on the west side of the river on which the fort was located, while the entire reservation is useless for military purposes and is no longer required.

"The detailed information requested by Hon. Mr. COCKRELL, if deemed essential, in view of the foregoing, could only be obtained by reference to the department commander, and it is presumed that it would, at this season of the year, take considerable time to collect the same.

"I have the honor to be, sir, very respectfully, your obedient servant,
"E. D. TOWNSEND,
"Adjutant-General.

"To the Hon. SECRETARY OF WAR."

"No. 3.

"An act to provide for the disposition of that portion of the military reservation at Fort Ripley, Minnesota, which lies east of the Mississippi River.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to sell at public auction the whole or so much of the military reservation at Fort Ripley, in the State of Minnesota, as may no longer be required for military purposes.

"SEC. 2. It shall be the duty of the Secretary of War to appoint a board of three Army officers, which board shall appraise each piece or parcel of land, with the buildings thereon, before the same is offered for sale, and no sale shall be made at a price less than two-thirds of the appraised value.

"SEC. 3. And it shall be the duty of the Secretary of War to cause notice of said sale to be published in one of the principal newspapers in the city of Washington, in two of the principal newspapers in the State of Minnesota, and in one paper, if any there be, in the county where said lands to be sold are situated, or any county adjoining thereto, for the space of sixty days prior to sale.

"Approved February 28, 1873."

"No. 4.

"HEADQUARTERS DEPARTMENT OF DAKOTA,
"Saint Paul, Minnesota, September 6, 1875.

"[General Orders No. 55.]

"I. It is announced for the information of all concerned that the United States military reservation of Fort Ripley, Minnesota, has been relocated by executive order, dated August 2, 1875, to embrace the following tract of land on the west bank of the Mississippi River, namely:

"The south half of the southwest quarter and the south half of the southeast quarter of section 6, township 131 north, range 29 west, and section 7 of the same township and range, excepting the south half of the southwest quarter and the south half of the southeast quarter thereof; the lines to extend to and follow the middle of the river.

"II. The land included in the old reservation and excluded in the new, and the entire reserve on the east bank of the Mississippi River, will be held by the War Department until disposed of in accordance with the act of Congress approved February 28, 1873.

"By command of Brigadier-General Terry.

"O. D. GREENE,
"Assistant Adjutant-General."

"No. 5.

"DEPARTMENT OF JUSTICE,
"OFFICE OF THE SOLICITOR OF THE TREASURY,
"Washington, D. C., October 21, 1876.

"SIR: I have the honor to inform you that in the case of the United States vs. Alexander C. Jones, brought September 11, 1874, for the recovery of \$1,799.22, received by him as agent of the War Department, for the sale of the Fort Ripley military reservation, judgment has been obtained on the 18th instant in favor of the Government for the amount sued for, with interest from December 19, 1873.

"All the papers in the case are herewith returned, with the exception of the original affidavit of Jones and his original letter to the War Department acknowledging his indebtedness, which papers are filed in said cause in the office of the clerk of the court.

"I am, sir, very respectfully,

"Hon. J. D. CAMERON,
"Secretary of War."

"GEO. F. TALBOT,
"Solicitor of the Treasury."

"No. 6.

"WAR DEPARTMENT,
"Washington City, October 18, 1877.

"SIR: I have respectfully to acknowledge the receipt of your letter dated August 22d last, inclosing the certificate of the governor of Minnesota, that the Western

Railroad Company of Minnesota has become the lawful successor to the rights, franchises, and privileges of the Saint Paul and Pacific Railroad Company, and asking, on behalf of the Western Railroad Company, that the right of way over the Fort Ripley military reservation may be granted, and beg to inform you that the matter having been referred to the Judge-Advocate-General for report as to whether the Secretary of War is empowered to grant the right of way through this reservation, that officer reports upon the subject as follows:

"The legislation to aid in the construction of certain railroads in Minnesota is found in the acts of March 3, 1857, chapter 99; joint resolution of July 25, 1862, No. 56; act of May 5, 1864, chapter 79; March 3, 1865, chapter 105; March 3, 1871, chapter 144; March 3, 1873, chapter 331; and June 22, 1874, chapter 424. The first act contained a grant of land, from which was reserved land that had previously been set aside by law or competent authority for public purposes, and it was provided that the grant should not operate upon such land, except to authorize the President to grant right of way over the same. The unsold land granted was to revert to the United States unless the road was completed in ten years. This time was enlarged in several of the subsequent acts, and certain lands were given in lieu of others withdrawn, in view of a change of route authorized.

"The time for a completion of the road within designated, as finally extended, has, however, now expired, and the grant of land apparently ceased to have effect. The incidental authority of the President to grant a right of way would, therefore, seem to have also ceased to be operative.

"Moreover, on February 28, 1873, was passed an act authorizing and directing the Secretary of War to sell at public auction so much of the military reservation of Fort Ripley, within the State of Minnesota, as might be required for public purposes.

"The time for the completion of the within-named railroad having expired, it would seem that this act, which, perhaps, may be deemed to have been suspended by the above-mentioned act of March, 1873, and June, 1874, was now fully operative, and that its execution was called for.

"Further, the within papers do not indicate the portion of the reservation over which a right of way is sought, so there is presented no material for an opinion as to whether it would be for the public interests to authorize the same.

"Upon the whole, I should be of opinion in the present aspect of the case that the Executive could not safely proceed to grant the right of way asked for, without the authority of additional legislation.

"The views of the Judge-Advocate-General are concurred in.

"Very respectfully, your obedient servant,
"GEO. W. MCCRARY,
"Secretary of War."

"GEORGE L. BECKER, Esq.,
"President of the Western Railroad Company of Minnesota,
"Saint Paul, Minnesota."

Your committee having given due consideration to the foregoing documents and recommendations of the Secretary of War, and desiring still further information, addressed another letter to the Secretary of War, and received from him the following letter, exhibits, and plat, to wit:

"WAR DEPARTMENT,
"Washington City, January 19, 1880.

"SIR: In reply to your letter of the 10th instant, requesting further information in connection with House bill No. 1153, restoring a portion of the Fort Ripley military reservation to the public domain, I have the honor to inclose herewith a report from the Adjutant-General, to whom the same was referred, which contains so much of the information desired by you as the Department is able to furnish.

"Very respectfully, your obedient servant,
"ALEX. RAMSEY,
"Secretary of War."

"Hon. F. M. COCKRELL,
"Committee on Military Affairs, United States Senate."

"ADJUTANT-GENERAL'S OFFICE,
"Washington, January 16, 1880.

"SIR: I have the honor to return herewith communication of the 10th instant from Hon. F. M. COCKRELL, of the Senate Military Committee, requesting further information relative to the Fort Ripley military reservation, in Minnesota, in connection with H. R. No. 1153, Forty-sixth Congress, second session, referred to this office for report, and to state as follows:

"Relative to the reservation on the west bank of the river, for site of the post, the buildings thereon, &c., the inclosed sketch shows the boundaries of the tract as reserved by the President's order of September 15, 1849, and also as relocated by the President's order of August 2, 1875, and announced in General Orders No. 55, headquarters Department of Dakota, September 6, 1875, copy heretofore furnished the committee. The accompanying plan of Fort Ripley, from Outline Descriptions of Military Posts in the Division of the Missouri, published in 1876, shows the number and location of the buildings at that time, while the inclosed extract from same work contains information as to their character and condition. To these is added a sketch showing the buildings burned in January, 1877, which led to the withdrawal of the garrison in July of the same year.

"As to the best manner of disposing of this tract and the improvements thereon, it is remarked that it has generally been considered that the interests of the Government are best subserved by allowing the buildings to be disposed of with the land, subject to such regulations as Congress may provide for ascertaining the value of the improvements and the subdivisions on which they stand.

"With regard to the inquiries of Senator COCKRELL, relating to the post and reservation generally, this office has not the data at hand to enable it to report specifically.

"A map of the entire reservation, copied from the 'Outline Descriptions' before referred to, and an extract from said work, showing the location of Fort Ripley, the character of the surrounding country, &c., are inclosed, as containing some of the desired information; and in this connection attention is also invited to accompanying extract from 'Statistics of Minnesota for 1878,' embodying the statistics of Crow Wing and Morrison Counties, the post of Fort Ripley being located in the latter, while the reservation east of the Mississippi River embraces portions of both counties.

"I have the honor to be, sir, very respectfully, your obedient servant,
"E. D. TOWNSEND,
"Adjutant-General."

"Hon. SECRETARY OF WAR."

"FORT RIPLEY, MINNESOTA.

"Established in 1848 as Fort Gaines; name changed to Fort Ripley November 4, 1850. Latitude 46° 9' 43"; longitude 94° 21' 39". On the right bank of the Mississippi River, one hundred and twenty-five miles above Saint Paul. Post-office and telegraph station at the post. Sauk Rapids, on the Saint Paul and Pacific Railroad, forty-six miles distant. Crow Wing, the nearest town, seven miles distant. The Mississippi River here is navigable only for small steamers from Little Falls, seventeen miles below, to Pokegama Falls, one hundred and seventy-five miles above. Brainerd, on the Northern Pacific Railroad and Mississippi River, is seventeen miles distant. On completion of Brainerd Branch of Saint Paul and Pacific Railroad, which runs through the reservation on opposite side of the river, a station with telegraph office will be placed within half a mile of the post.

"Buildings.—Quarters for two companies; officers' quarters, eight sets; hospital, guard-house, store-house, stables, &c. All the buildings are constructed of white pine, and are in fair condition.

"Description of country, &c.—The surrounding country is generally undulating, and capable of yielding fine crops of wheat, corn, oats, and most of the staple vegetables; the soil is a sandy alluvium. There is a garden at the post in which potatoes are raised. The grass is very nutritious, and is harvested for use at the post. Timber in abundance, oak, bass-wood, maple, &c. Streams rise in spring, but not to any damaging extent; they are crossed by good bridges; climate dry and generally very cool; the winters are severe, and for about five months, commencing with November, the ground is constantly covered with snow. Locality healthy.

"[Extracts from Statistics of Minnesota for 1878, being the tenth annual report of the commissioner of statistics.]

"STATISTICS OF COUNTIES, TOWNS, AND VILLAGES.

"Crow Wing County.—Brainerd, county seat.

"Organized townships, 1.
 "Land surface, 335,345.95 acres.
 "Taxable land, 19,922 acres.
 "Cultivated land, 226 acres.
 "Bushels wheat produced in 1877, 591.
 "Assessed valuation of real and personal property, \$209,325.
 "Farms in county, 7.
 "Bonded indebtedness, \$15,000.
 "Railway lines, 2; miles, 50.
 "Number school districts, 2; number school-houses, 1; number scholars enrolled, 194.
 "Births during 1877, 33; deaths during 1877, 11.
 "Villages, &c., 1.
 "Saw-mills, 1.
 "Newspapers published: Brainerd Tribune; men employed, 3; language, English; circulation, 500.
 "Business and professions, wholesale and retail: bookseller, stationer, 1; boots and shoes, 1; clothing, 1; drugs, 1; dry goods, 1; flour and feed, 1; grain, 1; groceries, 4; millinery, 1; not enumerated business, 8; general stores, 2.
 "Trades and manufactures: clothing, 1; not enumerated, 1.
 "Post-offices: Brainerd and Fort Ripley."

"Morrison County.—Little Falls, county seat.

"Organized townships, 9.
 "Land surface, 698,577.43 acres.
 "Taxable land, 217,396 acres.
 "Cultivated land, 12,355 acres.
 "Increase of cultivated land during the year, 2,743 acres.
 "Bushels wheat produced in 1877, 101,835.
 "Assessed valuation of real and personal property, \$845,099.
 "Farms in county, 469.
 "Railway lines, 1; miles, 23.
 "Number school districts, 23; number school-houses, 17; number scholars enrolled, 771.
 "Births during 1877, 173; deaths during 1877, 27.
 "Villages, 1.
 "Flour and grist mills, 4; run of stone, 9; men employed, 40.
 "Saw-mills, 5; lumber manufactured, 3,000,000 feet; men employed, 60.
 "Newspapers published, 2: Little Falls Transcript and Morrison County Banner; men employed, 4; language, English; circulation, 700.
 "Trades, wholesale and retail, and professions: Drugs, 1; flour and feed, 1; not enumerated, 9; general stores, 12; professions, 10.
 "Trades and manufactures: Boot and shoe makers, 3; carriages and wagons, 1; flour-mills, 5; hat-bleachers, 1; newspapers, 1; saw-mills, 8; tin and sheet-iron, 1; blacksmiths, 4.
 "Post-offices: Belle Prairie, Buckman, Culdrum, Elm Dale, Green Prairie, Le-doux, Little Falls, Little Texas, Motley, North Prairie, Pike Rapids, Rich Prairie, Royaltan, Swan River, Two Rivers.
 "Townships reported: Swan River, Belle Prairie, Culdrum, Belleone.
 "Religious denominations: Congregationalists, Catholics, and Union; membership, 317; value of structures, \$6,000.
 "Private educational institutions: Catholic school; teachers employed, 2; scholars attending, 40; value of structure, \$3,000.
 "Villages: Belle Prairie and Belleone.
 "General merchandise stores, 1; value stock, \$1,500; persons employed, 1.
 "Hotels, 1.
 "Blacksmith shops, 5; men employed, 6.
 "Population, 1,730, comprising French, Germans, Irish, Poles, English, Canadians, and Americans.
 "Streams: Mississippi and Platte Rivers.
 "Lakes: Beauty.

"(Pages 140-141 and 160-161.)"

From a careful consideration your committee find there is no longer any necessity of retaining any portion of said reservation for military purposes, and therefore approve the recommendation of the Secretary of War for the disposal of the whole of said reservation. Your committee find that the Government buildings and improvements are not of any great value, a large portion of them having been burned in 1877, yet your committee do not believe it would be fair or just to the Government, or to the particular persons who might be the fortunate ones in securing the particular tracts of land whereon are such buildings and improvements to sell such lands at the same price of the other lands. Your committee therefore recommend the striking out of said bill the word "of," in line 5, and all the words after the word "except," in line 6, beginning with the words "the following described tracts," to and including the word "and" at the end of line 14, and the words "that part of" in line 1, section 2, and inserting in line 6, section 2, after the word "act," the words "except as hereinafter provided," and inserting at the end of line 17, section 2, the words following to wit: "And provided further, That the Secretary of the Interior shall, prior to offering any quarter section, half quarter section, or quarter quarter section whereon are situated any public buildings or improvements erected or made by the Government, cause the said tracts, with the improvements thereon, to be appraised by three disinterested persons, and upon his approval of such appraisement shall dispose of said tracts at not less than the appraised value;" and amend the title of the act by striking out the words "a part of." By these amendments the whole of said reservation, except the right of way to the railroad, will be transferred to the Department of the Interior for disposition, and those particular tracts whereon are situated any public buildings and improvements will be appraised, together with the buildings and improvements thereon, and, upon the approval of the Secretary of the Interior of such appraisement, will be disposed of at not less than the appraised value.

With these amendments, your committee recommend the passage of the bill.

The Chief Clerk proceeded to read the amendments proposed by the Committee on Military Affairs.

Mr. EDMUNDS. This bill involves, I beg Senators to see, quite an important principle of extensive application. Here was a Govern-

ment reservation, and, as the War Department states, sundry squatters, in defiance of law, forced themselves upon it and took possession of such parts of it as they thought would be convenient for their private uses, and occupy them still.

In 1873 Congress passed an act to sell the reservation at public auction, in lots I believe, to the highest bidder, there having been a railroad built through it, so that the lands thus having been reserved would be quite different from the ordinary public lands subject to pre-emption and homestead entry.

Now the effect of this bill is to give good titles to these squatters on the payment of the ordinary minimum price of a dollar and a quarter an acre for the land, and those of them that get the public buildings are to pay the appraised price or a part of the appraised price of the public buildings. But I will leave that part of it aside; I am now speaking merely of the general effect of the bill.

It appears to me that this is putting a kind of congressional premium on illegal intruders on Government reservations and I do not see at first impression—I am merely making these remarks to get at the views of the committee—why on this principle all the squatters on the Hot Springs reservation in Arkansas, for instance, who turned out to have no title, squatters too who settled thinking that they had title as in this case the squatters did not, should not be entitled to enter their lands at a dollar and a quarter an acre and take them, instead of being obliged as Congress and the courts acting under the authority of Congress and the commission have required, to take them at a valuation of what they are really worth.

Therefore, Mr. President, it appears to me that this bill, involving so much of principle and of the proper policy of legislation, ought not to stand in the calendar of short causes, but it ought to go over. If we say in this instance that we ratify the act of any squatter who knowing that here was a public reservation for military purposes chose to illegally and in defiance of law, as the War Department says, intrude upon it, and not only ratify his act of illegal violence but allow him to take the land by paying the minimum price, it is really holding out a very injurious temptation in all other such cases for sharp and active people to get advantage of their neighbors and to injure public interests by squatting upon lands that have become much more valuable than the ordinary dollar-and-a-quarter acre lands, and then trust to Congress on this bill as a precedent to confirm it all and let them have the land at a dollar and a quarter an acre. I think it involves so much as a matter of the principle as to the proper policy of the Government that I hope it will go over.

THE VICE-PRESIDENT. The bill is objected to, and goes over.

Mr. McMILLAN. If the Senator from Vermont will allow me—

Mr. EDMUNDS. Certainly; I withdraw the objection for the Senator.

Mr. McMILLAN. I think if the Senator was familiar with the facts in this case he would not perhaps feel called upon to insist upon this objection.

I merely wish now to state that the settlers upon this land went upon it long before there was any particular value given to it by the railroad that is now upon it. The land itself is of a very poor quality. It is on the Upper Mississippi, one hundred and fifty miles, perhaps, above Saint Paul; I think about that; I will not state the distance positively. The settlers found the country there unoccupied. This reservation has not had any attention paid to it by the Government for a long time; it has been virtually abandoned; and the settlers in going upon this land had really no advantage whatever of any value attached to the premises by reason of the military reservation. The land itself is of a poor quality, and would not sell for a sum perhaps more than the ordinary minimum price of public land.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. McMILLAN. Yes, sir.

Mr. EDMUNDS. I should like him then to state why the act of 1873, which already exists and provides for the sale of this property at auction, is not carried into effect and let the settlers bid.

Mr. McMILLAN. The Senator has heard from the report the reason why that provision has never been carried out.

Mr. EDMUNDS. I wish the Senator would state it.

Mr. McMILLAN. The commission appointed have all been engaged in other duties, and have not been able to give any attention to it.

Mr. EDMUNDS. Why does not the War Department appoint another commission so that the United States can get, be it more or less, what these lands are really worth?

THE VICE-PRESIDENT. The morning hour has expired, and the Senate proceeds to the consideration of its unfinished business.

FITZ-JOHN PORTER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army, the pending question being on the amendment proposed by Mr. RANDOLPH.

Mr. LOGAN addressed the Senate in opposition to the bill. [His remarks will be found in the Appendix.] Having spoken for some time,

Mr. McPHERSON. I would ask the Senator from Illinois if he is anxious to go on with his speech to-day, or will he yield for an executive session?

Mr. LOGAN. I am very glad to yield to the pleasure of the Senate in reference to what I shall do about this matter. I am willing to go on now, though of course I should be glad to have a rest, for I will

say this—I do not say it for the purpose of alarming Senators here; I do not know that I can interest them; but if they will listen to me before I get through with the authorities of the different courts I will put this case beyond all question. It may take me two hours more or longer, I do not know, but I do not intend to stop until I get through. I will give way now.

Mr. McPHERSON. Then, with the consent of the Senator from Illinois, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

BALTIMORE POST-OFFICE.

Mr. WHYTE. Before the doors are actually closed I ask the Chair to lay before the Senate a bill from the House of Representatives which is on the table.

The VICE-PRESIDENT laid before the Senate the bill (H. R. No. 4903) to provide for the purchase of a site for a post-office and other Government buildings in the city of Baltimore, Maryland; and it was read twice.

Mr. WHYTE. I ask the unanimous consent of the Senate to consider the bill now without a reference. Unless the bill be passed at once, the limitation of time within which the owners of the ground will sell it will expire, and it may be impossible to obtain the desired site. I have the unanimous consent of the Committee on Public Buildings and Grounds to say that they approve of the bill and hope it will be passed. It is merely carrying out an act of the last session of Congress and adding an appropriation of \$50,000.

Mr. MORRILL. I believe that is right and hope the bill will be allowed to pass.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After one hour and forty-eight minutes spent in executive session the doors were reopened, and (at five o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 2, 1880.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

The Journal of yesterday was read and approved.

PETER CLAESGENS.

On motion of Mr. PRESCOTT, by unanimous consent, the bill (S. No. 1197) granting a pension to Peter Claesgens was taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions, not to come back on a motion to reconsider.

CORRECTION OF THE JOURNAL.

Mr. BOYD. I desire to make a correction of the Journal. Upon the vote yesterday on the motion of the gentleman from Michigan [Mr. CONGER] to refer the bill for the refunding of the cotton tax to the Committee of Ways and Means, I am recorded as not voting. I was present, and voted "ay."

The SPEAKER. The necessary correction will be made.

CLERK TO COMMITTEE ON INTEROCEANIC CANAL.

Mr. MORSE, from the Committee of Accounts, reported the following resolution; which was read, considered, and adopted:

Resolved, That the select committee on the subject of the interoceanic canal and other proposed communications between the Atlantic and Pacific Oceans be, and are hereby, authorized to employ a clerk, who shall be paid out of the contingent fund of the House at the same rate *per diem* allowed to the clerks of other committees of the House and during the sessions of Congress only.

Mr. KING moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROBERT GORTHY AND CALVIN GREEN.

On motion of Mr. BREWER, by unanimous consent, the bill (S. No. 38) for the relief of Robert Gorthy and Calvin Green, was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary, not to come back on a motion to reconsider.

PUBLICATION OF COMMERCIAL REPORTS.

Mr. COX, by unanimous consent, reported back from the Committee on Foreign Affairs, without amendment, the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of State is hereby requested to inform this House what measures, if any, may in his opinion be advantageously taken for the more frequent publication and wider circulation of commercial reports received by the Department of State from the diplomatic and consular officers of the United States, and also to communicate to the House any information which may be in his possession as to the methods of publishing such reports in other countries.

Mr. COX moved to reconsider the vote by which the resolution was

adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVISION OF THE RULES.

Mr. MORSE. I have another report from the Committee of Accounts.

Mr. BLACKBURN. I move that the morning hour for to-day be dispensed with, the object being to proceed with the consideration of the report of the Committee of the Whole House on the subject of the revision of the rules.

Mr. MORSE. I hope the gentleman will withhold that motion for a moment.

Mr. BLACKBURN. If I yield to one gentleman I must yield to twenty others.

The motion of Mr. BLACKBURN was agreed to, two-thirds voting in favor thereof.

Mr. BLACKBURN. I now move that the report made by the Committee of the Whole on the state of the Union upon the subject of the proposed revision of the rules be taken up for consideration.

Mr. CONGER. I move to amend so as to provide that each rule and each paragraph be read and acted upon separately.

The SPEAKER. It is the gentleman's right to have a vote on every amendment.

Mr. CONGER. But I desire that each rule shall be acted on separately.

The SPEAKER. Does the gentleman from Kentucky [Mr. BLACKBURN] agree to that?

Mr. BLACKBURN. I do not. On the contrary, unless it be desired that the report of the Committee of the Whole upon the revision be read, I shall ask to dispense with the reading of the report, except the amendments which have been agreed on in Committee of the Whole and such amendments as the Committee on Rules propose now to offer.

Mr. CONGER. Does not the gentleman propose to have these rules open to amendment by others than the Committee on Rules?

Mr. BLACKBURN. Most certainly not. I am going to ask the previous question at once as soon as we have submitted our amendments.

Mr. CONGER. I give notice now that unless there is an opportunity to offer one or two amendments which we on this side propose to submit, I shall endeavor (and I hope to succeed) to prevent the ordering of the previous question by any parliamentary means in our power.

Mr. WEAVER. And we will assist you.

Mr. CONGER. I demand, therefore, an opportunity to offer amendments to such of the rules as we desire to amend, outside of the Committee on Rules.

Mr. BLACKBURN. That is the gentleman's right, provided he has strength enough to vote down the demand for the previous question.

Mr. CONGER. We have strength enough to prevent action of the House at all, and I give that notice so the gentleman may understand we shall insist upon our right to offer amendments outside of the Committee on Rules.

Mr. BLACKBURN. I knew the gentleman would do that. I did not need any notice from him.

Mr. CONGER. I cannot see, in the interest of progress and good order, why the gentleman should not permit the amendments which we desire to be offered. [Cries of "Regular order!"]

Mr. YOUNG, of Tennessee. I desire to offer a suggestion.

Mr. BLACKBURN. I will hear the gentleman from Tennessee.

Mr. YOUNG, of Tennessee. I desire to have a yea-and-nay vote on an amendment.

The SPEAKER. That is the gentleman's right on any amendment reported from the Committee of the Whole House.

Mr. YOUNG, of Tennessee. But I desire to have a vote on an amendment which was not adopted in the committee.

The SPEAKER. If not adopted and reported from the Committee of the Whole on the state of the Union it is not before the House at all.

Mr. YOUNG, of Tennessee. I wish to ask the gentleman in charge of these rules a question.

Mr. CONGER. I desire to ask the gentleman from Kentucky to except from the operation of the previous question Rule XXI.

Mr. BLACKBURN. If the House will allow me, I will tell them exactly what has been agreed upon. The demand I propose to submit for the previous question upon the report from the Committee of the Whole on the state of the Union was the result of the unanimous action of the Committee on Rules this morning. As to Rule XXI it was amended by way of substitute in the Committee of the Whole House and it is the right of every member of this House to demand a yea-and-nay vote on that amendment to-day in this House. That is the right of the gentleman from Michigan on my right, or of any other gentleman in the House.

Mr. CONGER. The gentleman need not waste words in telling me my rights on that; I understand what they are.

Mr. BLACKBURN. I know the gentleman from Michigan scarcely ever fails to exercise all his, and occasionally grabs for somebody else's, rights. [Laughter.] But in this case Rule XXI is subject to the call of the yeas and nays, that is, on the amendment in the nature of a substitute adopted by the Committee of the Whole on the state of the Union.

The unanimous action of the Committee on Rules is the warrant I hold for the motion I indicate to the House I am going to submit, which is to apply the previous question to this report. Two months' debate have already been had on it. Every opportunity has been offered to every member of this House during those two months in the Committee of the Whole House to amend every rule and every clause and every paragraph of every rule. Now we have reached the conclusion of the labors of the Committee of the Whole House, and in accordance with instructions given me unanimously by the Committee on Rules I intend to ask this House to apply the previous question to all the amendments reported from the Committee of the Whole House on the state of the Union.

Mr. HOUSE. Now, I know, Mr. Speaker, the gentleman from Kentucky will yield to me for one moment.

Mr. BLACKBURN. Certainly.

Mr. HOUSE. The amendment of Rule XXI, or any other amendment which has been put on the rules, can have a yeas-and-nays vote in the House. I desire to ask the gentleman whether he will allow me to offer an amendment which was not adopted in committee, so we may have the yeas and nays upon it. I think there is a general disposition to call the previous question—there is on my part I know; I do not wish to go over all this ground again, but I do consider this as of vital importance, and I want gentlemen to go on the record upon it. I ask to have the amendment I suggest read for information.

Mr. BLACKBURN. Certainly.

Mr. HOUSE. I will send it to the Clerk's desk. I do not wish to debate it, but simply to have a yeas-and-nays vote upon it—to have the privilege of offering it as an amendment during the consideration of the rules and a vote upon it by yeas and nays.

The Clerk read as follows:

When a bill, resolution, or proposition relating to the raising of revenue or the reduction of taxes shall be referred to a standing or select committee of the House and the committee shall fail for fifty days to make any report to the House thereon, it shall be in order on any Monday, immediately after the expiration of the morning hour, to move to discharge the committee from the further consideration of the same; which motion shall then be considered without debate, and, if decided in the affirmative, the bill or resolution shall be placed on the appropriate calendar, unless a majority of the House shall then determine to consider the same.

Mr. HOUSE. Now, I ask the gentleman from Kentucky whether he will allow me to offer that, so we may have the yeas and nays upon it. I understand, sir, that the Committee of Ways and Means determined this morning to touch no legislation of that sort. I want to see whether the representatives of the people are ready and willing to surrender their interests in their hands. [Applause.]

Mr. BLACKBURN. I wish, Mr. Speaker, to answer the question submitted to me by the gentleman from Tennessee.

The SPEAKER. The gentleman from Kentucky is upon the floor.

Mr. BLACKBURN. I will now answer the question propounded to me by the gentleman from Michigan.

I will say to the gentleman from Tennessee that he remembers very well in Committee of the Whole by voice and by vote I supported the very identical amendment for which he now asks to reserve the right to offer, even without debate, in the House. I am as cordial in its favor as any man here, but I have no right to agree to any understanding of that kind. The Committee on Rules unanimously instructed me to apply the previous question if the House would so consent, and I must insist on that. Were it a matter personal to me I would gladly yield for that amendment and for that of the gentleman from Michigan or that of any other gentleman on the floor, provided it was coupled with the proposition which the gentleman from Tennessee makes, to vote on the amendment without debate. But I have no authority, no power, to do so. I simply stand here as the spokesman of the Committee on Rules, and ask the previous question by the unanimous order of that committee.

Mr. CONGER. I do not ask to debate the proposed amendment, but we upon this side of the House desire to have an opportunity to vote upon the question of riders upon appropriation bills by striking out in Rule XXI, in the third paragraph, all after the word "order." I say that without debate we want our record on that subject; and it is no more than fair to this side of the House and to the country that we should have an opportunity to do that. And, Mr. Chairman, we intend to have that right and that opportunity if we stand silent here for weeks. We have spent three months in extra session discussing that question of riders upon appropriation bills, and that much time has been wasted unless we now have an opportunity to make our record on the principle proposed to be embodied in that rule. I have already said that we do not wish debate; we only ask a vote on the proposition to strike out all after the word "order" from that Rule XXI, all of that portion of it which relates to riders upon appropriation bills. And if I understand the temper of this side of the House we intend to have a vote if by any parliamentary process we can obtain it.

Mr. BLACKBURN. All I can say is, the only way for the gentleman to reach that—

Mr. CONGER. In order that I may be understood let me read to the House that portion of paragraph 3 upon which I wish the opportunity of making a record. It is to strike out after the word "order," in the third paragraph of this Rule XXI, the following words:

Except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

The remainder of that is an amendment which can be voted upon. I want a vote upon striking out that proposition, and if the Committee on Rules do not desire unanimously to grant the right to vote upon that proposition, I have misunderstood the sentiment of some of its members.

Mr. BLACKBURN. Then the gentleman from Michigan has misunderstood one of his colleagues.

Mr. CONGER. I would like some gentleman of the Committee on Rules on this side of the House to state if they have agreed that there shall be no yeas-and-nays vote on this proposition to strike out.

Mr. BLACKBURN. Nobody has so said. On the contrary, I repeat the statement I made, which is this: that no member of the Committee on Rules objected to a yeas-and-nays vote on anything; but that the Committee on Rules unanimously agreed in its session this morning to instruct me to ask the previous question and apply it to this report and to the amendments to be submitted by the Committee on Rules as well as to those reported from the Committee of the Whole House, and that action of the committee leaves me no margin for discretion. The gentleman has already had the opportunity over and over again to exercise his right to vote in the Committee of the Whole upon this very identical subject.

Mr. CONGER. But without a record.

Mr. BLACKBURN. Without a record, I grant, and there also stands the gentleman from Tennessee, who desires a record upon another very important amendment.

A MEMBER. Then let him have an opportunity of making a record.

Mr. BLACKBURN. Now there is but one way for the gentleman from Tennessee to reach his purpose, with which I sympathize, and for the gentleman from Michigan to reach his purpose, with which I do not sympathize, namely, to vote down the previous question and open up the discussion without limit in the House, and let us take two months more, probably as we have had already the last two taken up in the discussion of this report.

Mr. CONGER. I have already stated to the gentleman from Kentucky that I do not desire debate upon this proposed amendment.

Mr. BLACKBURN. I know very well the gentleman does not ask debate, but if this is done who will undertake to say that no man in this House will not ask to be heard? Who will undertake to assert on this floor every man will not have his pocket full of amendments to every rule in this series on every one of which some one will not ask to be heard.

Mr. CONGER. Will the gentleman permit me to ask some member of the Committee on Rules on this side of the House if they did assent that there should be no yeas-and-nays vote on the proposition to strike out of that Rule XXI the clause providing for political riders on appropriation bills? I should like to know that.

Mr. FRYE rose.

Mr. TOWNSHEND, of Illinois. I rise to a question of order. It is that this debate is not in order.

The SPEAKER *pro tempore*, (Mr. COX.) The gentleman from Kentucky [Mr. BLACKBURN] has the floor.

Mr. TOWNSHEND, of Illinois. The gentleman from Kentucky has moved the previous question, as I understand.

Mr. BLACKBURN. I have not asked it as yet. I yield to the gentleman from Maine, [Mr. FRYE.]

Mr. FRYE. An inquiry has been made of me as a member of the Committee on Rules; and I say for myself that I did consent to the demand for the previous question, and so did every member of that committee. I say further that I am in favor of sustaining the demand for the previous question. I do not know for whom the gentleman from Michigan [Mr. CONGER] speaks when he speaks for this side. I only speak for myself. And I say to the gentlemen on this side that we have had our opportunity. To be sure we are not on record by a yeas-and-nays vote; but the whole country knows that the democratic side of the House sustains the proposition for riders and that the republican side of the House sustains the proposition against riders. You cannot make it any plainer or any clearer if you spend two months more. I except on the democratic side some three or four gentlemen every one of whom is on record by a speech or an amendment.

Now, sir, as a republican, as a friend to the tariff if you please, as an opponent to the cutting down of the internal-revenue taxes on tobacco and on whisky any further, I am in favor of the previous question being ordered, and am not in favor of opening up before this House all these great questions under this matter of the mere rules. And I say to the republican side of this House before you vote down the demand for the previous question, look carefully to see what doors you will open, what debates you will spring upon this House, what votes you will be compelled to take part in.

Mr. HOUSE. I understand the gentleman from Maine then to be in favor of a committee of this House smothering the voice of a majority of its members.

Mr. WEAVER. And also afraid to trust the members of this House.

Mr. FRYE. Smothering the voice of a majority of this House! Why, sir, the gentleman from Tennessee [Mr. HOUSE] by himself and others offered that amendment six different times and in different forms in Committee of the Whole and had a vote upon it every single time by tellers; and the amendments were voted down by a large majority notwithstanding that a member of the Committee on Rules was in favor of the proposition and speaking for it.

Mr. HOUSE. I want a record on it.

Mr. FRYE. Well, now, I simply point the gentlemen on my own side of the House to this exhibition of what may be likely to come before the House provided you vote down the previous question or filibuster against it. You have the gentleman from Iowa [Mr. WEAVER] leading his forces in certain directions and for certain purposes; you have the gentleman desiring to take off the duty on tobacco and whisky leading his forces. I ask you if it is safe to open the discussion anew, to open the rules anew to amendment and have two more solid months consumed of the time of this House and of this country in that way.

Mr. WEAVER and Mr. CONGER rose.

The SPEAKER *pro tempore*. The gentleman from Kentucky has the floor.

Mr. CONGER. I ask the gentleman to yield to me.

Mr. BLACKBURN. How much time?

Mr. CONGER. Five minutes.

Mr. BLACKBURN. Very well.

Mr. CONGER. Although the gentleman from Maine [Mr. FRYE] agrees with the committee in the demand for the previous question, and although he attempts to administer a rebuke to me and other members on this side of the House who desire a record on the political-rider question, which has agitated this country more than all other questions within the last year, I still thank him for his argument in so far as it may influence, if it be possible to make an argument which shall influence that side of the House, to vote down the previous question. The gentleman has made it stronger than I could do.

But, sir, I do say for myself—and I do not pretend to represent anybody else—I do say for myself that I will resist the passage of these rules without an opportunity of casting a yea-and-nay vote, and making a record upon all that transpired in the extra session, and now in this session, and in this committee, as far as I may be able if I stand alone in it. What is the argument of the gentleman? Does he surrender all that we worked for during these long months? Does he ignore all that shook the republican party throughout the Northern States to its very heart, and which influenced the republicans of the North more than any other series of questions or subjects in the last fall elections? Does he ignore all that? I do not; and I will strongly express the hope that there are other gentlemen whose constituents will not permit them to oppose the opportunity of having a yea-and-nay vote on the rule which permits vicious, dangerous, revolutionary, unpatriotic riders to be fastened upon appropriation bills.

Mr. WARNER. Was it not that side of the House which, when the test came, voted down the amendment? [Cries of "Order!" "Order!"] That side of the House voted it down. [Cries of "Order!"]

Mr. CONGER. This is not the first time that the gentleman from Ohio [Mr. WARNER] has endeavored to draw into his all-consuming mint the time of other gentlemen here, or to drown with his mellifluous voice the hoarse utterances of an humble member from Michigan.

Mr. WARNER. I am sorry indeed if I have drowned the voice of the gentleman from Michigan [Mr. CONGER] which is so seldom heard here. [Laughter.]

Mr. CONGER. If the craze of the last session is returning, if it is coming again upon the gentleman from Ohio, in God's name I will stop. There are no worse things in this House than that, except political riders. [Laughter.]

Mr. BLACKBURN. I think we have had enough—

Mr. HOUSE. I ask the gentleman to yield to me for a moment.

Mr. BLACKBURN. Very well.

Mr. HOUSE. I wish the gentleman to understand that what I desire is a vote on my proposition without one word of debate. There shall be no debate upon it, so far as I am concerned and so far as I can control it, and I think I can pledge that there will be no debate on it. It is a proposition that is understood by all.

Mr. BLACKBURN. I know that.

Mr. GARFIELD. Will the gentleman yield to me for a few minutes?

Mr. BLACKBURN. Certainly.

Mr. GARFIELD. I think it is a valuable trait in any man's judgment of affairs to be able to know when he is beaten, to know when to fight, and when to see and acknowledge that with all the forces in his hands he is defeated.

On this side of the House we have made a very persistent and very earnest, and, I think, an exceedingly fair exhibition of our desire to prevent by positive enactment in the rules the presence of political riders on appropriation bills. We had re-enforcements from some of the noblest and best elements on the other side of the House, [laughter,] and for a time it appeared probable that we were going to succeed. But what happened? All the power of party discipline was brought to bear upon our allies, and they were told that the point of party honor would not permit the rule in question to be changed, even if they should resolve privately that in fact and in practice there should be no political riders upon appropriation bills during this session. And as I understand it, though I have no authority for making the assertion, but I express it as my belief that this was the true which brought about our formal defeat; that it was probably agreed that there should be no attempt this session to put political riders on appropriation bills if they would only let the rule remain unchanged, so that they might have the appearance of victory to cover the reality of defeat.

Now, that is my understanding of the situation. We have won a

moral victory against political riders, and I am not afraid that political riders will again disfigure the appropriation bills during this session.

Mr. PAGE. They will next session.

Mr. GARFIELD. Even if the attempt were made this session, it would be voted down by a part of their own forces. Now, the question in my mind is this: shall we fight any longer for a mere point of honor, on which the other side has the power to beat us with a record or without a record? The device of my friend from Ohio [Mr. WARNER] was a contrivance which could be revolved around like the little fifteen-block puzzle, only to be brought again to the same insoluble position. That was simply a part of the general tactics. The gentleman succeeded in expressing his opinions in a qualified way against political riders, and then his block was revolved around until at last he voted against the whole modification of the rule. Now, my friend from the Marietta district can never take any glory to himself for his share of the final outcome.

Viewing these things, therefore, as I do, we are brought face to face with this problem; shall we now reopen the whole fight on the rules, only to come out of the end of another indefinitely long struggle at possibly the same place? While we are doing that, trying to adjust our blocks in the puzzle, the other party will be adjusting their blocks, the tariff blocks, the center party blocks, all their wooden blocks, or iron blocks, or brass blocks, or paper blocks, all revolving around in the puzzle to come out at the end in a general tangle upon the whole board. Shall we do that?

I am unwilling to start off now in filibustering to bring about our object some way or other, to get some one on the record, when, in my judgment, the record is as well made up in the history of the country as it could be with five hundred yea-and-nay votes. Every member of the democratic party in this House, except those who spoke and are therefore on the record with us, has voted at every turn and at every place against any amelioration of the rule in reference to riders. Their record is as well made up as though they had painted it on the sky every morning in black letters.

Now, therefore, never believing in shooting that which is dead already, never believing in continuing a fight merely for the sake of fight, believing that we have won the moral victory already and the reality of victory also, and that both parties have been sufficiently put on the record before the country, and desiring to get what good there is in these rules, I concur in the recommendation of the Committee on Rules, and believe that we ought not to open this question any further, but should come to an immediate vote on the pending amendments.

Mr. BLACKBURN. Now, Mr. Speaker, I think the exhibition we have had here this morning demonstrates as clearly as anything could do the absolute necessity of applying the previous question, if we ever expect to put an end to debate otherwise interminable and come to final action on these rules. I do not feel it incumbent upon me to follow the gentleman from Ohio [Mr. GARFIELD] into that portion of the field into which he has gone, prefacing what he had to say by a declaration of irresponsibility. It would hardly be proper or fair for me to strike at the gentleman from Ohio or his statements, when he has already advised the House and the country that he is not responsible for those statements, does not know them to be true, and has no authority for making them. Still going on with his qualifications, he adds that in his opinion some sort of a secret bargain in the nature of a truce was struck by which no political legislation was during this session to be put upon appropriation bills. I am not responsible for the gentleman's conclusions or opinions or suspicions. I simply desire to say that I have no information, and I never heard even a suspicion thrown out, that any such truce has ever been effected or any such agreement ever made, proposed, or dreamed of. Nor do I believe that there was ever such a proposition made by one member of this House to any other member; nor do we stand committed in any wise upon that question.

The gentleman is a member of the Committee on Rules, and, by way of justice to all the members of that committee, I may state, what the gentleman already knows, that this morning the substitute known as the Morrison substitute, adopted in Committee of the Whole House for the third clause of the twenty-first rule, was brought up in the Committee on Rules. I violate none of the secrets of the committee (because the right was there reserved to state the facts on the floor to-day) in saying now that when that substitute was brought up in the Committee on Rules this morning a majority of the committee declared against it, and a minority, consisting of the Speaker of the House and myself, voted for it. There is the record. The right was reserved to make it a public record, and I make it public now. The gentleman from Maine, [Mr. FRYE,] the gentleman from Ohio, [Mr. GARFIELD,] and the gentleman from Georgia [Mr. STEPHENS] all voted this morning in the Committee on Rules against the substitute adopted by the Committee of the Whole on motion of the gentleman from Illinois, [Mr. MORRISON.] Those gentlemen declared their preference for the original rule as it now stands.

Mr. FRYE. Will the gentleman from Kentucky allow me a remark right here?

Mr. BLACKBURN. Certainly.

Mr. FRYE. The three members of the committee indicated by the gentleman preferred the rule as it stands because they believed that the Morrison amendment only extended it and offered an invitation

and a temptation to every committee in this House to conceive of and propose riders for appropriation bills.

Mr. BLACKBURN. Of course, Mr. Speaker, those gentlemen had reasons satisfactory to themselves; and the gentleman from Maine doubtless states their reasons correctly. I simply stated the fact.

It is not possible for us to reopen this question without throwing the door wide open to a multitude of amendments and to illimitable debate. I can therefore only do as I have been instructed by the Committee on Rules to do—ask that the reading of the report from the Committee of the Whole House (which means the whole proposed revision of the rules) be dispensed with, unless there be objection; and if there be objection I ask now that the Clerk begin to read that report.

Mr. WARNER. I ask the gentleman to allow me two minutes to reply to the personal allusions of my colleague, [Mr. GARFIELD.] [Cries of "No!" "No!"]

Mr. BLACKBURN. Mr. Speaker, I protest that I would be glad to yield to the gentleman from Ohio, [Mr. WARNER,] and he knows it; but there are a dozen gentlemen sitting around me who would make similar requests.

Mr. WARNER. They have not been made the object of attack by any gentleman on the other side of the House.

Mr. BLACKBURN. I yield two minutes to the gentleman from Ohio, with the distinct understanding that I do not yield the floor for any further debate.

Mr. WARNER. Then, Mr. Speaker, I wish to say in reply to my colleague that the "moral victory" he boasts of is nothing more than a tactical blunder into which he himself led or helped to lead his party. Respecting the amendment which I offered, my colleague, as the RECORD will show, said in Committee of the Whole that if I would change two words in it he would accept it and that the other side would accept it. Those words were changed in accordance with that suggestion, and my colleague did then vote for it, and I believe in good faith, but the next day he came upon the floor and voted against it.

Mr. GARFIELD. No, sir; I did not vote against it; I voted for it.

Mr. WARNER. Well, if he did not vote against it he did not vote for it, although he was in the House when the vote was called. Finally, when the amendment was offered in a different form, expressing exactly what I believed to be the position of the democratic party on that question, preventing "riders" upon appropriation bills that would cut off appropriations for legitimate objects, but at the same time allowing amendments that should reduce expenditures or withhold appropriations altogether from specific objects—in which position I understood many gentlemen on the other side of the House concurred—when that amendment came up, that side of the House having by its vote once adopted it, defeated it. They dug their own pit and fell into it, and my colleague has not succeeded this morning in extricating them from it.

[Here the hammer fell.]

Mr. GARFIELD. Of course if it embodied the opinion of the democratic party we would vote against it.

ENROLLED BILLS.

Mr. UPSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 2804) for the relief of the administrator of John D. McGill; and

A bill (H. R. No. 3288) for the relief of colored emigrants.

REVISION OF THE RULES.

Mr. PAGE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAGE. If the demand for the previous question be voted down will the amendment offered by my friend from Michigan be in order to the third clause of the twenty-first rule?

The SPEAKER *pro tempore*. Undoubtedly.

Mr. CARLISLE. And I ask whether in that case all other amendments which gentlemen may seek to propose will not also be in order?

The SPEAKER *pro tempore*. All will be in order.

Mr. BLACKBURN. And I wish to ask another question, and it is this: Will not all other amendments which any member may see proper to offer be in order, and will not debate be unlimited on every one of them?

The SPEAKER *pro tempore*. Every member will be entitled to an hour if he gets the floor. [Laughter.]

Mr. ROBESON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ROBESON. Will it not be competent for the gentleman having charge of these rules to reserve the right on a single amendment, that amendment being merely one expressive of the opinion of this side of the House on the question of political riders—

Mr. BLACKBURN. Let me ask the gentleman from New Jersey—

Mr. ROBESON. Would it not be competent for him to reserve that amendment?

Mr. RANDALL, (the Speaker.) That requires unanimous consent.

Mr. ROBESON. And to say that he will insist on it, that is, on

the demand for the previous question, reserving only that one amendment?

Mr. RANDALL, (the Speaker.) That amendment was rejected by the committee, and is not before the House.

Mr. ROBESON. I ask the Chair whether it is not competent for the gentleman from Kentucky to reserve the right to put in that one amendment?

Mr. BLACKBURN. The gentleman seems fonder of asking questions than having them answered. I say to the gentleman from New Jersey that it is not competent, for it requires unanimous consent.

Mr. ROBESON. I ask the Chair—

The SPEAKER *pro tempore*. The Chair would state that the rules of the House limit the operation of the previous question. The Chair does not propose to answer any more inquiries on that subject.

Mr. ROBESON. I ask whether the gentleman refuses to do that?

Mr. RANDALL, (the Speaker.) He cannot do it.

Mr. BLACKBURN. It is not in the power of any man to do it.

I now ask that the Clerk shall report by their numbers, *seriatim*, the amendments proposed by the Committee of the Whole House on the state of the Union, and the amendments submitted by the Committee on Rules, upon all of which I will demand the previous question.

Mr. ROBESON. I rise to a parliamentary inquiry. Is it not competent for the gentleman to demand the previous question on all the rules except Rule XXI?

Mr. BLACKBURN. I answer the same question in the same words again, and hope the gentleman from New Jersey will understand it, that it is not within my power, nor is it within his, nor is it in the power of every man on this floor save one, if that one objects.

Mr. TOWNSHEND, of Illinois. It requires unanimous consent.

Mr. BLACKBURN. Yes, it requires unanimous consent. Now, we understand what the operation of the previous question would be.

Mr. ROBESON. Do I understand the gentleman to say—[Cries of "Order!"] Pardon me, one word. Do I understand the gentleman to say he can demand the previous question on all the rules except Rule XXI?

Mr. BLACKBURN. Of course the gentleman does not understand me to say so, but he does understand me to say that as long as there is a single objection made on this floor the purpose he seeks to reach and the vote he wants to get cannot be had.

Mr. CONGER. That cannot be so.

Mr. BLACKBURN. Then I leave that point unsettled and will not have further debate. I now ask the previous question on every amendment reported from the Committee of the Whole on the state of the Union and every amendment offered by the Committee on Rules, a list of which the Clerk holds in his hands, and we are to understand that if this demand for the previous question be voted down, then the Committee on Rules have lost control of the revision of the rules, and it passes to the hands of the other side.

Mr. CONGER. As it ought to.

The SPEAKER *pro tempore*. The Chair will state the question. The gentleman from Kentucky demands the previous question on the amendments reported by the Committee of the Whole on the state of the Union and the amendments moved by the Committee on Rules, and then calls for the previous question.

Mr. CONGER. The amendments proposed by the committee must be read before the previous question can be asked. I demand that.

The SPEAKER *pro tempore*. The gentleman from Michigan is right.

Mr. CONGER. I understand some new rules have been offered, and we ought to hear them.

The SPEAKER *pro tempore*. The amendments will be reported.

Mr. BLACKBURN. Does the Chair rule the amendments must be read before the previous question is seconded?

The SPEAKER *pro tempore*. The amendments offered by the Committee on Rules cannot be pending unless they are read.

Mr. BLACKBURN. I have demanded the previous question on all the amendments.

The Clerk proceeded to read the amendments reported from the Committee of the Whole on the state of the Union.

Mr. CONGER. Mr. Speaker, I do not ask for the reading of all the amendments reported from the Committee of the Whole on the state of the Union, but only for the reading of those proposed to be offered in the House by the Committee on Rules.

Mr. BLACKBURN. The Speaker has already decided that the amendments must all be read.

The SPEAKER *pro tempore*. The Chair has made no such decision, but only that the amendments offered by the Committee on Rules to the report of the Committee of the Whole House on the state of the Union are not before the House until read at the Clerk's desk.

Mr. BLACKBURN. Very well; let us have all the amendments read, as that seems to be the object of the gentleman from Michigan.

Mr. CONGER. No; if they are read it is at the gentleman's request.

The Clerk proceeded to read the amendments *in extenso*. When the Clerk reached the amendments from the Committee on Rules,

Mr. CONGER rose and said: I make the point of order, Mr. Speaker, that the Committee on Rules have not the right to move amendments. They have no business to propose to this House any amendment to the rules whatever. They have not the bill, and have no right to make any change in it.

Mr. BLACKBURN. I propose to ask the Chair, in ruling on the

point of order made by the gentleman from Michigan, whether it is not competent for me to propose, under the instructions of the Committee on Rules, while in charge of this measure, in the nature of a bill, before applying the previous question, to offer any amendment the committee may want to make to these rules?

Mr. CONGER. The point I make is this: The Committee on Rules have not the bill before them. The House has the bill in its own possession, and has not referred it back to the Committee on Rules for any purpose whatever. The House has the amendments presented by the Committee of the Whole, and the gentleman has no right now to propose amendments in the House.

Mr. BLACKBURN. Mr. Speaker, the amendments which the Clerk is about to read come from the Committee on Rules. As long as that committee has in charge this measure, and until it sees fit to ask and the House sees fit to apply the previous question, I take it to be a plain proposition it is competent for them to offer any amendments they please.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. CONGER. I ask the Chair whether the Committee of the Whole House, the largest committee, having acted upon this bill and having reported it to the House, and the bill not having been sent to any other committee whatever, by what right this Committee on the Rules more than any other now has the right to offer amendments?

Mr. BLACKBURN. By the right of the custody of the bill and by the custody of the floor.

The SPEAKER *pro tempore*. The Chair overrules the point of order made by the gentleman from Michigan. The chairman of the Committee of the Whole House would not have the right to take the charge of the bill or any pending amendment. The Chair recognizes the right of the majority of the Committee on Rules to report this bill and offer amendments before the previous question is called.

Mr. HAWLEY. Is the motion for the previous question pending?

Mr. BLACKBURN. Yes; but it has not been seconded.

The Clerk proceeded with the reading till he reached the third clause of Rule XXI.

Mr. CONGER. Mr. Speaker, the Clerk has read the first clause of paragraph 3 of this rule as if it was proposed to be stricken out. I do not understand that to be the action of the Committee of the Whole.

Mr. RANDALL, (the Speaker.) The gentleman will find that first part of this paragraph printed in italics below.

Mr. CONGER. Is it proposed to strike out the first part?

Mr. CARLISLE. The amendment proposed by the gentleman from Illinois [Mr. MORRISON] to the third clause of Rule XXI as a substitute for that clause contains the entire clause, although the first part of the amendment was identical with the rule as reported by the Committee on Rules.

Mr. CONGER. The mistake is that there are two copies of the rules printed, one of which repeats this first clause in italics and one omits it. I happen to have one of the copies which has omitted it altogether. Now, I desire to have read the amendments to this rule reported by the committee exactly as they are.

Mr. RANDALL, (the Speaker.) The Committee on Rules make no amendments to the report of the Committee of the Whole on the state of the Union.

Mr. BLACKBURN. I will state to the gentleman from Michigan that the Committee on Rules offer no amendment whatever to the third clause of the twenty-first rule as agreed upon in the Committee of the Whole. I have already stated this morning that the committee divided, two of its members being in favor of the amendment of the gentleman from Illinois, while three of them opposed it, and it is reported here precisely as it came from the Committee of the Whole House.

Mr. CONGER. Why did not the majority of the Committee on Rules report to the House an amendment if they were opposed to this amendment of the gentleman from Illinois?

Mr. RANDALL, (the Speaker.) They did not want to amend it.

Mr. BLACKBURN. The gentleman from Michigan is now inquiring of a thing which it would be more appropriate for a member of the majority of the committee to answer. The gentleman from Pennsylvania and myself constituted the minority in favor of the amendment of the gentleman from Illinois which has been read here.

Mr. STEPHENS. I want to say one word in reply to the gentleman from Michigan. As a member of the Committee on Rules I understood the report was to be that the majority of the Committee on Rules was against concurring in the amendment made by the Committee of the Whole. We were opposed to that, preferring to let the rule stand just as it was originally reported by the Committee on Rules. As one I agree with the gentleman from Michigan. I am opposed to all political riders and would vote with him to strike out the latter part of the clause of Rule XXI as reported by the Committee on Rules. But can we who thus think be benefited by rejecting the report of the committee? Suppose we vote them down, will not the House be in the same condition in which it is now? Shall we lose all the good of this revision, which I think is a great deal, simply because we cannot get all we want on the twenty-first rule? I say no.

Suppose we vote down the previous question, and vote down all the work of the committee; are we any better off? Shall we gain anything? No. Hence, while I am opposed to riders, yet as I see no

opportunity or probability whatever of getting any change in that respect, I am for taking the rules just as the Committee on Rules left them in order to secure all the other good there may be in the revision.

Mr. CONGER. I have not yet got an answer to the question I asked, or the parliamentary inquiry, why, if a majority of the Committee on Rules were opposed to riders, they did not propose an amendment here.

Mr. BLACKBURN. Is that a parliamentary inquiry?

The SPEAKER *pro tempore*. The Chair can only take notice of the amendments proposed here by the committee. The question of the gentleman from Michigan is not a parliamentary inquiry.

Mr. CONGER. When we are acting upon amendments proposed by that committee, I think it is a parliamentary inquiry why the committee do not propose an amendment against riders on appropriation bills if the majority of the committee be opposed to such riders.

Mr. BLACKBURN. I do not think that is a parliamentary inquiry and I reckon it is a question which the Chair is not able to answer.

The SPEAKER *pro tempore*. The Chair cannot answer the question. The Clerk read amendment No. 39 reported by the Committee of the Whole, as follows:

39. Upon all bills or resolutions appropriating money or creating a charge or debt upon the people, the yeas and nays shall be taken on the final passage of such bills, in the House, and entered on the Journal.

And an amendment thereto proposed by the Committee on Rules:

Strike out after the word "all" the words "bills" or resolutions appropriating money or creating a charge or debt upon the people, and insert "general appropriation and revenue bills and bills for the improvement of rivers and harbors."

Mr. GARFIELD. I ask that by unanimous consent the word "final" be stricken out. There is no other passage of the bill than its final passage. The use of the word is mere surplusage. The passage of the bill is its passage.

The SPEAKER *pro tempore*. The Chair hears no objection to that correction being made. The word "final" will be stricken out.

The Clerk read the amendments reported by the Committee of the Whole, numbered 40 to 55.

Mr. GARFIELD. There is a misprint in Rule XXVII which I ask unanimous consent to have corrected. The words "which remained undetermined" should be inserted after the word "and," in the middle of the third line. They have been transposed by the printer. I ask the Clerk to make the correction, so that it will read:

After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports, which originated in the House and which remained undetermined at the close of the next preceding session, shall be in order for action, &c.

There being no objection, the correction was made.

Mr. BLACKBURN. Would it not be as well at the same time to strike out the word "next" and insert the word "last?"

Mr. GARFIELD. I think so.

There being no objection, the amendment was made.

The Clerk read the amendments reported by the Committee of the Whole, numbered 59 to 63. No. 63 was read, as follows:

Strike out clause 1 of Rule XXXII and insert as a substitute therefor the following:

"63. At the commencement of each Congress the Clerk shall place in a box prepared for that purpose a number of small balls of marble or other material equal to the number of Members and Delegates, which balls shall be separately numbered and thoroughly intermingled, and at such hour as shall be fixed by the House for that purpose, by the hands of a page, draw said balls one by one from the box and announce the number as it is drawn, upon which announcement the Member or Delegate whose name on the numbered alphabetical list shall correspond with the number on the ball shall advance and choose his seat for the term for which he is elected."

To which the Committee on Rules proposed the following amendment:

After the word "Congress," in the first line of the amendment, insert the words "immediately after the Members and Delegates are sworn in." And after the word "on," in the latter part of the amendment, strike out the word "the" and insert the word "a."

Mr. BLACKBURN. The latter amendment to the amendment is necessary, because there has been no provision made for the alphabetical list up to this time.

Mr. CONGER. I suggest as a further amendment to strike out the word "separately" and insert the word "consecutively."

The SPEAKER *pro tempore*. If there be no objection, that amendment will be made.

There was no objection.

The Clerk read the amendments reported by the Committee of the Whole numbered 64 to 69.

The sixty-ninth amendment was to add to Rule XXXIV, relating to admissions to the floor, the following:

Or to present from the chair the request of any member for unanimous consent.

So that it would read:

And it shall not be in order for the Speaker to entertain a request for the suspension of this rule, or to present from the chair the request of any member for unanimous consent.

Which the Committee on Rules proposed to amend by striking out the words "or to" and inserting the word "nor."

Amendment numbered 70 was read, as follows:

In Rule XXXVII strike out "three" and insert "two," so that it will read:

"For each day a witness shall attend, the sum of \$2, &c."

Mr. WHITE. Would the committee accept an amendment to pro-

vide that witnesses shall be paid for each day they are in actual attendance.

The SPEAKER *pro tempore*. The House can do that by unanimous consent. The amendment suggested by the gentleman from Pennsylvania [Mr. WHITE] will be read.

The Clerk read as follows:

Strike out of Rule XXXVII all after the words "as follows" and insert:
For each day a witness shall be in actual attendance in obedience to a regular subpoena the sum of \$2, and five cents for each mile he shall travel in coming to or going from the place of examination; but nothing shall be paid for traveling when the witness has been summoned at the place of trial, and *per diem* compensation only for the time such witness shall be in actual attendance at the place of hearing.

Mr. BLACKBURN. That can be done only by unanimous consent. I have no objection to it myself.

Mr. WHITE. Then I ask unanimous consent.

The SPEAKER *pro tempore*. Is there objection to the amendment suggested by the gentleman from Pennsylvania, [Mr. WHITE]?

Mr. KEIFER. Does it prevent witnesses from receiving *per diem* compensation while coming to and going from the place of examination?

Mr. WHITE. It does not alter the rule in that respect; it only prevents the payment of witnesses who never appear.

Mr. KEIFER. I ask that the amendment be read again.

The amendment was again read.

Mr. KEIFER. If the gentleman from Pennsylvania [Mr. WHITE] will modify his amendment in one or two particulars, I would be very glad to see it adopted. The word "summoned" should not be in the amendment; a witness is always subpoenaed. And it should appear in the amendment that the witness shall receive a *per diem* compensation for the time he occupies in going to and returning from the place of examination.

Mr. WHITE. That is all right. This amendment does not interfere with the rule as it is at present. "For each day the witness shall attend;" that has received a construction which allows the witness to be paid from the time he starts to go to the place of examination.

Mr. KEIFER. This proposed rule goes further and indicates a limit.

Mr. BROWNE. To save all trouble I object to the amendment.

Mr. WHITE. All right.

The SPEAKER *pro tempore*. The amendment being objected to it is not before the House.

The seventy-first amendment was to add to Rule XXXVIII the following:

2. The Clerk of the House shall, within three days after the final adjournment of a Congress, take into his keeping all bills, joint resolutions, and other papers referred to committees, together with all evidence or testimony taken by committees under the order of the House.

The Committee on Rules recommended the following as a substitute for the entire rule:

The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence or testimony taken by such committee, under the order of the House, during the said Congress and not reported to the House; and in the event of the failure or neglect of any clerk of a committee to comply with this rule, the Clerk of the House shall, within three days thereafter, take into his keeping all such papers and testimony.

The Committee on Rules also recommended an amendment to Rule XXXIX; in the clause "and if so withdrawn therefrom" strike out the word "so."

The SPEAKER *pro tempore*. All the amendments reported from the Committee of the Whole or recommended by the Committee on Rules have been read by the Clerk.

Mr. WARNER. I suggest that there are two or three places where there needs to be a change in the number of the noun or the verb, and a few places where the punctuation should be changed. I ask unanimous consent that before these rules shall be printed the Committee on Rules may make such corrections as they may deem necessary, not to change in the least the meaning or the sense of any rule.

It is said that the Emperor Sigismund, when corrected in the use of a Latin pronoun, replied that he was emperor and above grammar; nevertheless his declaration did not make his use of the word correct or change the Latin grammar. If the majority of this House should vote that we were above grammar it would hardly change the use of the language. I think the rules are cast in excellent English, clear and terse, but I would like to have these little corrections made.

The SPEAKER *pro tempore*. The gentleman from Ohio proposes that the Committee on Rules shall be empowered to make verbal corrections.

Mr. RANDALL, (the Speaker.) That is a dangerous power, which I think should not be given.

The SPEAKER *pro tempore*. Objection is made.

Mr. GARFIELD. I ask unanimous consent that the gentleman from Wisconsin [Mr. DEUSTER] be permitted to make a personal statement. I understand that he considers that I have done him injustice in a remark which I made this morning. For my sake, that I may be set right if I have wronged him, I ask that he be allowed to make a statement.

Mr. BLACKBURN. I have no objection.

Mr. DEUSTER. I was out of my seat for a moment this morning, and I understand that while I was absent the distinguished gentleman from Ohio [Mr. GARFIELD] stated that all the members on the democratic side of the House who were opposed to riders on appropriation bills either spoke or offered an amendment during the discussion of the rules. I desire to say that I was opposed to riders and voted for all amendments to strike out that clause of the rule; but I neither offered any amendment nor spoke on the subject. And I will further say that I am proud of that vote.

Mr. DUNNELL. How was the matter left just now in giving power to the Committee on Rules to make verbal amendments?

Mr. RANDALL, (the Speaker.) That was objected to.

Mr. DUNNELL. I am very glad of it.

Mr. WARNER. Then I ask unanimous consent to have some verbal changes made.

The SPEAKER *pro tempore*. The gentleman will state them.

Mr. WARNER. In Rule VIII, the fourteenth amendment reads "provided pairs shall be announced but once during the same legislative day." The word "that" should be inserted after the word "provided." In the third clause of Rule X is this language: "unless the committee, by a majority of their number, elect a chairman." The word "their" should be changed to "its." The word "its" is properly used in other places when standing for the noun committee.

Mr. BLACKBURN. That is all right.

Mr. WARNER. In clause 45 of Rule XI it reads: "all proposed legislation or order touching printing," &c. That should be "orders." It is evidently a misprint.

Mr. BLACKBURN. That is evidently a misprint.

Mr. WARNER. In the second clause of Rule XV is this language: "including the Speaker, if there is any." It should read, "if there be any," because the subjunctive is used. And there are two or three other places where the word "be" should be substituted for the word "is." I think the Committee on Rules should be allowed to make such changes as those I have indicated.

The SPEAKER *pro tempore*. If there be no objection the corrections suggested by the gentleman from Ohio [Mr. WARNER] will be made.

There was no objection.

Mr. CONGER. I ask the gentleman from Kentucky to admit an amendment in paragraph 7 of Rule XI, to insert after the word "commerce," where it first occurs, the words "life-saving service and light-houses;" so as to read "commerce, life-saving service, and light-houses." These subjects now go to that committee as an adjunct of commerce; but I think the language should be made specific.

Mr. FRYE. That is right.

Mr. BLACKBURN. Oh, no. I must object unless the gentleman adds "other than appropriations."

Mr. CONGER. I assent to that modification.

Mr. BLACKBURN. Then I have no objection.

Mr. CONGER. I modify my amendment so as to insert after the word "commerce" these words: "life-saving service and light-houses other than appropriations for life-saving service and light-houses."

Mr. BLACKBURN. That is right.

There being no objection, the amendment was agreed to.

Mr. DUNNELL. I wish to inquire whether near the close of Rule XXXIV, on page 17, the word "or" has been struck out and "nor" substituted?

Mr. BLACKBURN. The words "or to" were struck out and the word "nor" substituted, so that the clause now reads:

It shall not be in order for the Speaker to entertain a request for the suspension of this rule, nor present from the chair the request of any member for unanimous consent.

Mr. FRYE. That is right.

Mr. BLACKBURN. The striking out of the two words makes it, I think, unobjectionable.

Mr. DUNNELL. I question the propriety of the change. I do not think the sentence is made any clearer by it.

Mr. RANDALL. There are two propositions. The first is that the Speaker shall not entertain a motion to suspend the rules for this purpose; the second is that he shall not even allow a request to be made for unanimous consent.

Mr. FRYE. I rather guess that we were wrong in dropping out the word "to;" I think it would be best to retain it. It is my fault that "to" was taken out; and on looking at the matter again, I think that word should be retained.

Mr. DUNNELL. The word "or" is proper, instead of "nor."

Mr. ROBINSON. I think it makes no difference whether "to" is inserted or not, because if omitted it will certainly be understood. But it seems to me right to insert "or" instead of "nor," because the sentence begins with a negative. You say it shall not be in order to do a certain thing, namely, to entertain a motion. Then by inserting "nor" in the latter part of the sentence you have a double negative, which is equivalent to an affirmative.

Mr. FRYE. I guess the gentleman from Massachusetts [Mr. ROBINSON] is right. I back clear down. [Laughter.]

Mr. ROBINSON. I think "or" is clearly right.

Mr. BLACKBURN. Very well; let the language stand as printed in the report.

Mr. HAWLEY. Will the gentleman from Kentucky allow me to call his attention to another verbal correction?

Mr. BLACKBURN. Certainly.

Mr. HAWLEY. Clause 5 of Rule XXIV, on page 14, reads now in this form:

Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, which, prevailing, the Speaker shall dispose of in the following order:

The words "the motion" should be inserted before "prevailing."

Mr. BLACKBURN. I think that is right.

Mr. HAWLEY. It will then read:

Which, the motion prevailing, the Speaker shall dispose of in the following order.

The SPEAKER *pro tempore*. The Chair hears no objection to this verbal amendment.

Mr. BLACKBURN. I now demand the previous question on all the amendments.

Mr. RANDALL, (the Speaker.) And on the report.

Mr. BLACKBURN. On all the amendments and on the report of the Committee of the Whole House.

The SPEAKER *pro tempore*. The gentleman from Kentucky demands the previous question on all the amendments and on the report.

The previous question was seconded.

Mr. GARFIELD. It is understood that a separate vote, whenever called for, may be had on any amendment?

Mr. BLACKBURN. Certainly.

The main question was ordered.

Mr. RANDALL (the Speaker) moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. In order to save time I suggest that any gentleman who desires a separate vote on any amendment indicate that amendment now, and that all the rest of the amendments be adopted in bulk.

Mr. BLACKBURN. If the gentleman from Ohio will permit, I suggest what will be a still further saving of time. I have prepared a list of amendments on which I am sure no gentleman wants a vote—immaterial amendments, embracing about half or more than half of all the amendments. Upon those we may vote without delay or separate vote or division. When that is done we will have left all of the amendments upon which any gentleman may want a separate vote and I think we can take a separate vote even to the extent of yeas and nays.

The SPEAKER *pro tempore*. The gentleman from Kentucky proposes certain amendments by number on which he thinks no separate vote will be demanded. The Chair would like to understand whether it is the wish of the gentleman from Kentucky to take the vote on these amendments which he has named in gross.

Mr. BLACKBURN. Yes, sir; I propose to take the vote on the amendments, the numbers of which will be read by the Clerk, in gross, and then the remaining amendments can be taken up and voted on separately.

The SPEAKER *pro tempore*. The Clerk will now read the amendments by number upon which it is proposed to take a vote in gross.

The Clerk read as follows:

Amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 40, 41, 42, 43, 44—

Mr. ROBESON rose.

Mr. BLACKBURN. Let any be stricken off from this list to which any gentleman shall object.

Mr. ROBESON. I desire to have a vote on amendment numbered 3.

Mr. BLACKBURN. Very well; let that be stricken off the list.

Mr. ROBESON. It is the amendment which gives the Clerk the power of proceeding by force of these rules in another Congress—

Mr. RANDALL, (the Speaker.) That is the law now.

Mr. ROBESON. I know of no such law.

The SPEAKER *pro tempore*. It will be stricken off the list and a separate vote will be had on Rule III. The Clerk will proceed with the reading of the numbers of the amendments which are to be voted on in gross.

The Clerk concluded the reading, as follows:

45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58, 59, 61, 62, 64, 65, 66, 67, 68, and 70.

Mr. OSCAR TURNER. I desire to inquire of the gentleman whether amendment 39 was embraced in that list?

Mr. RANDALL, (the Speaker.) It was not embraced, and there is an amendment pending to it. It is one of those which were amended by the Committee of the Whole House.

The SPEAKER *pro tempore*. And of course it is not included in this list.

Mr. RANDALL, (the Speaker.) Of course not, as a separate vote must be had upon it.

Mr. BLACKBURN. The amendments named I ask now shall be considered in gross.

The SPEAKER *pro tempore*. The Chair hears no objections.

The amendments were adopted.

Mr. BLACKBURN moved to reconsider the vote by which the amendments were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The Clerk will now proceed to read the amendments, in their order, on which separate votes have been asked. He will read, in the first place, the amendment to Rule III.

The Clerk read as follows:

Strike out these words:

(3) [1. The Clerk shall, pending the election of a Speaker or Speaker *pro tempore*, preserve order and decorum, and decide all questions of order, subject to appeal by any member.]

And in lieu thereof insert the following:

1. The Clerk shall, at the commencement of the first session of each Congress, call the members to order, proceed to call the roll of members by States in alphabetical order, and, pending the election of a Speaker, or of a Speaker *pro tempore*, preserve order and decorum, and decide all questions of order, subject to appeal by any member.

Mr. ROBESON. My objection to that amendment—

The SPEAKER *pro tempore*. Debate is not in order.

Mr. ROBESON. I should like to see what law regulates that.

Mr. RANDALL, (the Speaker.) It is nothing but the enforcement of the law.

Mr. ROBESON. I beg pardon, there is no law—

Mr. TOWNSHEND, of Illinois. I demand the regular order.

Mr. ROBESON. There is no law authorizing the Clerk of this House to preside over the next House of Representatives.

Mr. BURROWS. If there is any such law, we do not need this rule.

Mr. BLACKBURN. If we are going to debate it, let us have the hour rule.

Mr. CONGER. The amendment in what is proposed to be stricken out should be first voted on. There is an amendment in italics.

The SPEAKER *pro tempore*. What amendment is there in italics in the words proposed to be stricken out?

Mr. CONGER. Why, the words *pro tempore*.

Mr. WARNER. That is not an amendment. It is a Latin term which is usually put in italics.

The SPEAKER *pro tempore*. The motion is on striking out the words which have been read by the Clerk, and in lieu thereof inserting the words which have also been read by the Clerk.

Mr. CONGER. Let us have a division on that.

The House divided; and there were—ayes 129, noes 106.

Mr. CONGER. I demand the yeas and nays.

Mr. ROBESON. Is a parliamentary question in order pending that vote?

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. ROBESON. I desire to ask what effect this rule, if carried, would have when the next Congress comes together, if any gentleman chose—

The SPEAKER *pro tempore*. That is not a parliamentary question.

Mr. ROBESON. I wish to ask what would be the effect if any gentleman chose to rise and propose a member of the next House should preside over it, whether it would be out of order under these rules?

Mr. RANDALL, (the Speaker.) Let us answer that.

Mr. ROBESON. I ask the Speaker—

Mr. CARLISLE. This is the law now.

Mr. RANDALL, (the Speaker.) Have the law read.

Mr. ROBESON. Very well; let the law be read.

The SPEAKER *pro tempore*. The point is in the nature of argument and debate.

Mr. ROBESON. I ask whether the effect sought to be produced by the rule would be to bind the next House by these rules?

Mr. BLACKBURN. I make the point of order this debate is out of order.

The SPEAKER *pro tempore*. We have nothing to do with the effect of the law.

Mr. BLACKBURN. I rise to a point of order. The gentleman from New Jersey has no right to rise to submit any question but a parliamentary question, and this is not a parliamentary question.

Mr. ROBESON. It is not a parliamentary question to ask what the effect of a rule will be?

The SPEAKER *pro tempore*. The Chair has decided that he cannot undertake to state the effect of this rule on a future Congress.

Mr. CONGER. Can anybody else?

The SPEAKER *pro tempore*. No one can tell.

Mr. ROBESON. If there is a law covering this case— [Cries of "Vote!" "Vote!"]

Mr. RANDALL, (the Speaker.) Yes, there is a law; and it was made by your own side.

Mr. ROBESON. I do not care by what side; there is no such law.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 144, nays 101, not voting 47; as follows:

YEAS—144.

Acklen,	Carlisle,	Denster,	Harris, John T.
Aiken,	Clardy,	Dibrell,	Hatch,
Armfield,	Clark, John B.	Dickey,	Henry,
Atherton,	Clymer,	Dunn,	Herbert,
Atkins,	Cobb,	Ellis,	Herndon,
Bachman,	Coffroth,	Evins,	Hill,
Beltzhoover,	Colerick,	Ewing,	Hooker,
Berry,	Converse,	Felton,	Hostetler,
Bicknell,	Cook,	Field,	House,
Blackburn,	Covert,	Finley,	Hubbell,
Bland,	Cox,	Forney,	Hull,
Bliss,	Cravens,	Frye,	Hurd,
Bouck,	Culberson,	Geddes,	Hutchins,
Bright,	Davidson,	Goode,	Johnston,
Cabell,	Davis, Joseph J.	Gunter,	Jones,
Caldwell,	Davis, Lowndes H.	Hammond, N. J.	Joyce,

Kenna,	McMillin,	Robinson,	Townshend, R. W.
Kimmel,	Mills,	Ross,	Tucker,
King,	Morrison,	Rothwell,	Turner, Oscar
Kitchin,	Morse,	Ryon, John W.	Turner, Thomas
Klotz,	Muldrow,	Samford,	Upson,
Knott,	Muller,	Sawyer,	Urner,
Ladd,	Myers,	Scales,	Vance,
Lapham,	New,	Shelley,	Waddill,
Le Fevre,	Nicholls,	Singleton, O. R.	Warner,
Lewis,	O'Connor,	Slemmons,	Washburn,
Lounsbury,	O'Reilly,	Smith, Hezekiah B.	Wellborn,
Lowe,	Persons,	Smith, William E.	Wells,
Manning,	Phelps,	Sparks,	Whitthorne,
Martin, Benj. F.	Phillips,	Speer,	Williams, Thomas
Martin, Edward L.	Phister,	Steele,	Willis,
Martin, Joseph J.	Poehler,	Stephens,	Wilson,
Mason,	Reagan,	Stevenson,	Wise,
McKenzie,	Richardson, J. S.	Talbott,	Wood, Fernando
McLane,	Richmond,	Thompson, P. B.	Wright,
McMahon,	Robertson,	Tillman,	Young, Casey.

NAYS—101.

Aldrich, N. W.	Davis, Horace	Humphrey,	Robeson,
Aldrich, William	Deering,	Keifer,	Russell, Daniel L.
Anderson,	Dunnell,	Kelley,	Russell, W. A.
Bailey,	Dwight,	Killingier,	Ryan, Thomas
Baker,	Errett,	Loring,	Sapp,
Ballou,	Farr,	Marsh,	Shallenberger,
Barber,	Ferdon,	McCook,	Sherwin,
Bayne,	Fisher,	McGowan,	Smith, A. Herr
Bingham,	Ford,	McKinley,	Stone,
Blake,	Forsythe,	Miller,	Thomas,
Bowman,	Gillette,	Mitchell,	Thompson, W. G.
Boyd,	Godshalk,	Monroe,	Townsend, Amos
Brewer,	Hall,	Morton,	Tyler,
Briggs,	Hammond, John	Neal,	Updegraff, J. T.
Browne,	Harmer,	Newberry,	Updegraff, Thomas
Burrows,	Harris, Benj. W.	Norcross,	Valentine,
Calkins,	Haskell,	O'Neill,	Van Aernam,
Camp,	Hawk,	Orth,	Voorhis,
Cannon,	Hawley,	Osmer,	Ward,
Carpenter,	Hayes,	Overton,	Williams, C. G.
Caswell,	Hazelton,	Pacheco,	Willits,
Conger,	Heilman,	Page,	Yocum,
Cowgill,	Henderson,	Pound,	Young, Thomas L.
Crapo,	Hiscock,	Prescott,	
Daggett,	Horr,	Price,	
Davis, George R.	Houk,	Rice,	

NOT VOTING—47.

Barlow,	Crowley,	Jorgensen,	Singleton, J. W.
Beale,	De La Matyr,	Ketcham,	Springer,
Belford,	Dick,	Lindsey,	Starin,
Blount,	Einstein,	McCoid,	Taylor,
Bragg,	Elam,	Miles,	Van Voorhis,
Brigham,	Fort,	Money,	Wait,
Buckner,	Frost,	Murch,	Weaver,
Butterworth,	Garfield,	O'Brien,	White,
Chalmers,	Gibson,	Pierce,	Whiteaker,
Chittenden,	Henkle,	Reed,	Wilber,
Cladin,	Hunton,	Richardson, D. P.	Wood, Walter A.
Clark, Alvah A.	James,	Simonton,	

So the amendment was agreed to.

During the roll-call the following announcements were made:

Mr. BLOUNT. On this question I am paired with Mr. REED, of Maine.

Mr. TAYLOR. I am paired with Mr. BRIGHAM, of New Jersey.

Mr. SINGLETON. Of Illinois. I am paired with Mr. MILES, of Connecticut. If he were present, I should vote "ay."

Mr. DIBRELL. My colleague, Mr. SIMONTON, is paired with Mr. McCoid, of Iowa. If Mr. SIMONTON were present, he would vote "ay."

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN.

Mr. KING. My colleague, Mr. ELAM, who is absent, sick, is paired with Mr. DICK, of Pennsylvania; and Mr. GIBSON, who is also absent from the House on account of illness, is paired with Mr. WAIT, of Connecticut.

Mr. VAN AERNAM. I am paired with Mr. CHALMERS.

Mr. CHITTENDEN. I am paired with Mr. BUCKNER.

Mr. STONE. Mr. MONEY is absent by reason of illness. He is paired with Mr. STARIN.

Mr. EINSTEIN. I am paired with Mr. CLARK, of New Jersey.

Mr. HARMER. Mr. FORT, of Illinois, is paired with Mr. O'BRIEN, of New York.

Mr. CALKINS. Mr. BELFORD is paired with Mr. SPRINGER.

On motion of Mr. BURROWS, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Clerk read as follows:

After the word "Commerce," where it first occurs in clause 7, of Rule XI, it is proposed to insert "And the Committee on Commerce shall have the same privileges in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills;" so that, if amended, the clause will read as follows:

"7. To Commerce: Life-Saving Service and light-houses other than appropriations for Life-Saving Service and light-houses to the Committee on Commerce. And the Committee on Commerce shall have the same privileges in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills."

The amendment was agreed to.

Mr. REAGAN moved to reconsider the vote by which the amend-

ment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Clerk read as follows:

After the word "agriculture," in clause 8, it is proposed to insert "and forestry," and also to add to the clause the words "who shall receive the estimates and report the appropriation for the Agricultural Department;" so that, if amended, it will read as follows:

"8. To agriculture and forestry: to the Committee on Agriculture, who shall receive the estimates and report the appropriations for the Agricultural Department."

Mr. BLACKBURN. In the Committee of the Whole House there were two amendments to that clause of this rule. The first amendment consisted of the insertion of the words "and forestry," and the second amendment consisted of the additional clause, which reads, "and shall receive the estimates and report appropriations for the Agricultural Department." Upon that second amendment the Committee on Rules have instructed me to report to the House, which they have done, in their amendment, a disagreement, and upon that second amendment we want to vote. There is no objection to the first amendment.

The SPEAKER *pro tempore*. The first amendment has already been adopted. The only question now before the House is on the second amendment read.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed bills of the following titles; in which concurrence was requested:

A bill (S. No. 257) for the relief of the heirs of Charles B. Smith, deceased; and

A bill (S. No. 952) for the relief of James Burke.

REVISION OF THE RULES.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment reported by the Committee of the Whole, numbered 20, which the Clerk will again read.

The amendment was again read.

The question being put, there were—ayes 63, noes 99.

Mr. AIKEN and Mr. HATCH called for the yeas and nays.

The yeas and nays were ordered, 44 members voting therefor—more than one-fifth of the last vote.

Mr. AIKEN. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. AIKEN. I desire to know if the remark made by the Speaker of the House in Committee of the Whole when upon the floor of the House can be taken as coming *ex cathedra*.

The SPEAKER *pro tempore*. The Chair cannot recognize that as a parliamentary inquiry.

Mr. AIKEN. Has the Speaker of the House, in Committee of the Whole, while he is upon the floor, the right to make assertions which cannot be substantiated by the record?

Mr. RANDALL, (the Speaker.) Perhaps the Chair will permit the Speaker to answer that question. He affirms all that he said in Committee of the Whole, and proposes to establish it by the record.

Mr. AIKEN. Then I ask unanimous consent of the House to reply to two or three remarks the Speaker made while he was upon the floor in Committee of the Whole.

Mr. HAZELTON. Consent is given. [Cries of "Regular order!"]

Mr. AIKEN. Why? Are you afraid of the grangers? [Laughter.]

I simply desire a minute. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The gentleman from South Carolina is out of order.

Mr. AIKEN. I ask unanimous consent to be heard.

The SPEAKER *pro tempore*. The gentleman from South Carolina propounded a parliamentary inquiry to the Chair. It was answered. He now asks unanimous consent of the House to answer something that was said in Committee of the Whole.

Mr. CONGER. As a question of privilege, I understand.

The SPEAKER *pro tempore*. The Chair will submit the question to the House. The gentleman from South Carolina asks unanimous consent to answer something said in Committee of the Whole. Is there objection?

Mr. CARLISLE. I want to know if the gentleman from South Carolina proposes to discuss the amendment now before the House. If he does, I shall object unless the same privilege is allowed to other gentlemen.

Mr. BLOUNT. I object absolutely.

Mr. AIKEN. I do not propose to discuss the amendment, but wish to be put right on the record.

The SPEAKER *pro tempore*. Objection is made.

Mr. AIKEN. I see no one rising to object.

Mr. BLOUNT, (rising.) I object.

Mr. AIKEN. Why cannot you give me an opportunity? [Cries of "Regular order!"] I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The yeas and nays have been ordered on the pending amendment, and the Clerk will proceed to call the roll.

Mr. RANDALL, (the Speaker.) I ask the gentleman from Georgia [Mr. BLOUNT] to withdraw his objection. I am quite ready to hear what the gentleman from South Carolina has to say, and to answer him if I can.

Mr. BLACKBURN. If this means to open up a debate—
Mr. HAZELTON. It does.

Mr. BLACKBURN. If this means to open up a debate, as the question is not debatable, I must object myself.

Mr. BLOUNT. I have not withdrawn my objection, and do not intend to.

The SPEAKER *pro tempore*. Objection is made. The Clerk will call the roll.

The question was taken; and there were—yeas 133, nays 102, not voting 57; as follows:

YEAS—133.

Aiken,	Deering,	Kitchin,	Shallenberger,
Aldrich, William	Dunn,	Ladd,	Siemons,
Anderson,	Ellis,	Le Fevre,	Smith, Hezekiah B.
Barber,	Evins,	Loring,	Speer,
Bayne,	Ewing,	Lowe,	Steele,
Beale,	Farr,	Manning,	Stevenson,
Beltzhoover,	Felton,	Marsh,	Talbott,
Bingham,	Finley,	Martin, Benj. F.	Thomas,
Blake,	Fisher,	McGowan,	Thompson, P. B.
Bland,	Ford,	McKenzie,	Tillman,
Bliss,	Forsythe,	Mills,	Turner, Thomas
Bowman,	Geddes,	Morrison,	Updegraff, J. T.
Boyd,	Gillette,	Muldrow,	Updegraff, Thomas
Briggs,	Godshalk,	Murch,	Upson,
Browne,	Hall,	Myers,	Urner,
Burrows,	Harmer,	Neal,	Valentine,
Cabell,	Harris, Benj. W.	Newberry,	Van Aernam,
Caldwell,	Harris, John T.	Norcross,	Vance,
Calkins,	Hatch,	O'Connor,	Voorhis,
Carpenter,	Hawk,	O'Reilly,	Waddill,
Caswell,	Hayes,	Orth,	Ward,
Claffin,	Hazelton,	Osmer,	Weaver,
Clardy,	Heilman,	Overton,	Wellborn,
Clark, John B.	Henkle,	Page,	White,
Coffroth,	Hooker,	Persons,	Williams, Thomas
Colerick,	Hostettler,	Phelps,	Willits,
Conger,	Houk,	Philips,	Wilson,
Cook,	Hull,	Phister,	Wise,
Cowgill,	Humphrey,	Richardson, J. S.	Yocum,
Cravens,	Johnston,	Richmond,	Young, Casey
Culberson,	Jones,	Rothwell,	Young, Thomas L.
Davidson,	Keifer,	Russell, Daniel L.	
Davis, Joseph J.	Kenna,	Samford,	
Davis, Lowndes H.	King,	Sawyer,	

NAYS—102.

Acklen,	Deuster,	Kelley,	Reagan,
Aldrich, N. W.	Dibrell,	Ketcham,	Rice,
Armfield,	Dunnell,	Killingier,	Robinson,
Atherton,	Dwight,	Kimmel,	Ross,
Atkins,	Errett,	Klotz,	Ryan, Thomas
Bachman,	Ferdon,	Knott,	Ryan, John W.
Bailey,	Field,	Lapham,	Scales,
Baker,	Forney,	Lewis,	Shelley,
Ballou,	Frye,	Lounsbury,	Sherwin,
Bicknell,	Garfield,	Martin, Edward L.	Singleton, O. R.
Blackburn,	Goode,	Martin, Joseph J.	Smith, A. Herr
Blount,	Gunter,	Mason,	Smith, William E.
Brewer,	Hammond, John	McLane,	Sparks,
Bright,	Hammond, N. J.	McMahon,	Stephens,
Camp,	Haskell,	McMillin,	Stone,
Cannon,	Hawley,	Mitchell,	Townshend, R. W.
Carlisle,	Henderson,	Monroe,	Tucker,
Clymer,	Henry,	Morse,	Turner, Oscar
Cobb,	Herbert,	Morton,	Tyler,
Converse,	Herndon,	Muller,	Warner,
Covert,	Hiscock,	New,	Washington,
Cox,	Horr,	Nicholls,	Wells,
Crapo,	House,	O'Neill,	Whitthorne,
Daggett,	Hubbell,	Pacheco,	Wood, Fernando.
Davis, George R.	Hutchins,	Prescott,	
Davis, Horace	Joyce,	Price,	

NOT VOTING—57.

Barlow,	Einstein,	Miller,	Staris,
Belford,	Elam,	Money,	Taylor,
Berry,	Fort,	O'Brien,	Thompson, Wm. G.
Bonck,	Frost,	Pierce,	Townsend, Amos
Bragg,	Gibson,	Poehler,	Van Voorhis,
Brigham,	Hill,	Pound,	Wait,
Buckner,	Huntton,	Reed,	Whiteaker,
Butterworth,	Hurd,	Richardson, D. P.	Wilber,
Chalmers,	James,	Robertson,	Williams, C. G.
Chittenden,	Jorgensen,	Robeson,	Willis,
Clark, Alvah A.	Lindsey,	Russell, W. A.	Wood, Walter A.
Crowley,	McCoid,	Sapp,	Wright,
De La Matyr,	McCook,	Simonton,	
Dick,	McKinley,	Singleton, J. W.	
Dickey,	Miles,	Springer,	

So the amendment was agreed to.

During the call of the roll the following announcements were made:
Mr. HUNTON. On this and all other questions coming up to-day I am paired with Mr. WHITE, of Pennsylvania.

Mr. TAYLOR. I am paired with Mr. BRIGHAM, of New Jersey.

Mr. DIBRELL. My colleague, Mr. SIMONTON, is paired with Mr. McCoid, of Iowa.

Mr. CALKINS. I desire to announce that Mr. BELFORD, of Colorado, is paired with Mr. SPRINGER, of Illinois. I do not know how either would vote if present.

Mr. EINSTEIN. I am paired with Mr. CLARK, of New Jersey.

Mr. DAVIS, of North Carolina. I am paired with Mr. THOMPSON, of Iowa. Being advised by his friends that if present he would vote in the affirmative, I vote in the affirmative.

Mr. PRICE. My colleague, Mr. SAPP, is paired with Mr. BERRY, of California.

Mr. BOUCK. I am paired with Mr. MCKINLEY, of Ohio.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is absent by leave of the House, and is paired with Mr. VAN VOORHIS, of New York.

The result of the vote was then announced as above stated.

Mr. AIKEN and Mr. HATCH moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WHITE. I ask leave to have my vote recorded upon the question just voted on.

There was no objection.

Mr. WHITE. I vote in the affirmative.

The next amendment reported from the Committee of the Whole upon which a separate vote had been demanded was amendment No. 21, in clause 19 of Rule XI: to strike out the words "other than" and to insert in lieu thereof the word "including;" so that the clause would read as follows:

19. To the public buildings and occupied or improved grounds of the United States, including appropriations therefor: to the Committee on Public Buildings and Grounds.

Mr. BLACKBURN. In order to save time I will call now for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 101, nays 136, not voting 55; as follows:

YEAS—101.

Aiken,	Ellis,	Kelley,	Samford,
Aldrich, N. W.	Errett,	Kenna,	Sawyer,
Aldrich, William	Evins,	King,	Shallenberger,
Anderson,	Farr,	Kitchin,	Singleton, J. W.
Atherton,	Field,	Loring,	Siemons,
Barber,	Finley,	Lowe,	Thomas,
Bayne,	Fisher,	Manning,	Tillman,
Bingham,	Ford,	McKenzie,	Townsend, Amos
Blake,	Forsythe,	Mills,	Turner, Oscar
Bliss,	Gillette,	Morrison,	Updegraff, J. T.
Bowman,	Godshalk,	Muller,	Upson,
Boyd,	Hall,	Murch,	Urner,
Briggs,	Harmer,	Neal,	Valentine,
Browne,	Harris, Benj. W.	Newberry,	Van Aernam,
Burrows,	Hatch,	Norcross,	Vance,
Calkins,	Hawk,	O'Connor,	Voorhis,
Carpenter,	Heilman,	O'Reilly,	Washburn,
Claffin,	Henkle,	Orth,	Weaver,
Coffroth,	Hooker,	Page,	Wellborn,
Conger,	Houk,	Phelps,	White,
Converse,	Hull,	Phister,	Wilson,
Cook,	Humphrey,	Reagan,	Yocum,
Culberson,	Hurd,	Rice,	Young, Casey.
Davidson,	Johnston,	Richardson, J. S.	
Deering,	Jones,	Robertson,	
Dunn,	Keifer,	Russell, Daniel L.	

NAYS—136.

Acklen,	Dibrell,	Ladd,	Ross,
Armfield,	Dickey,	Lapham,	Rothwell,
Atkins,	Dunnell,	Le Fevre,	Russell, W. A.
Bailey,	Dwight,	Lewis,	Ryan, Thomas
Baker,	Ewing,	Lindsey,	Ryan, John W.
Ballou,	Felton,	Lounsbury,	Scales,
Beale,	Ferdon,	Marsh,	Shelley,
Beltzhoover,	Forney,	Martin, Benj. F.	Sherwin,
Bicknell,	Frye,	Martin, Joseph J.	Singleton, O. R.
Blackburn,	Garfield,	Mason,	Smith, A. Herr
Bland,	Geddes,	McCook,	Smith, Hezekiah B.
Blount,	Goode,	McGowan,	Smith, William E.
Brewer,	Gunter,	McLane,	Sparks,
Bright,	Hammond, N. J.	McMahon,	Speer,
Caldwell,	Harris, John T.	McMillin,	Steele,
Camp,	Hawley,	Monroe,	Stephens,
Cannon,	Hayes,	Morse,	Stevenson,
Carlisle,	Hazelton,	Morton,	Talbott,
Caswell,	Henderson,	Muldrow,	Thompson, P. B.
Clardy,	Henry,	Myers,	Townshend, R. W.
Clark, John B.	Herbert,	New,	Tucker,
Clymer,	Herndon,	Nicholls,	Turner, Thomas
Cobb,	Hill,	O'Neill,	Tyler,
Colerick,	Hiscock,	Osmer,	Updegraff, Thomas
Covert,	Horr,	Overton,	Waddill,
Cowgill,	Hostettler,	Pacheco,	Ward,
Cox,	House,	Persons,	Warner,
Crapo,	Hubbell,	Phelps,	Whitthorne,
Cravens,	Huntton,	Poehler,	Williams, C. G.
Crowley,	Hutchins,	Prescott,	Williams, Thomas
Davis, George R.	Joyce,	Price,	Willis,
Davis, Horace	Killingier,	Richmond,	Willits,
Davis, Lowndes H.	Klotz,	Robeson,	Wise,
Deuster,	Knott,	Robinson,	Wood, Fernando.

NOT VOTING—55.

Bachman,	Davis, Joseph J.	Martin, Edward L.	Springer,
Barlow,	De La Matyr,	McCoid,	Starin,
Belford,	Dick,	McKinley,	Stone,
Berry,	Einstein,	Miles,	Taylor,
Bonck,	Elam,	Miller,	Thompson, W. G.
Bragg,	Fort,	Mitchell,	Van Voorhis,
Brigham,	Frost,	Money,	Wait,
Buckner,	Gibson,	O'Brien,	Wells,
Butterworth,	Hammond, John	Pierce,	Whiteaker,
Cabell,	Haskell,	Pound,	Wilber,
Chalmers,	James,	Reed,	Wood, Walter A.
Chittenden,	Jorgensen,	Richardson, D. P.	Wright,
Clark, Alvah A.	Ketcham,	Sapp,	Young, Thomas L.
Daggett,	Kimmel,	Simonton,	

So the amendment was not agreed to.

During the call of the roll the following announcements were made: Mr. DAVIS, of North Carolina. I am paired with Mr. THOMPSON, of Iowa.

Mr. BOUCK. I am paired with Mr. MCKINLEY, of Ohio.

Mr. WAIT. I am paired with Mr. GIBSON, of Louisiana.

Mr. VAN VOORHIS. I am paired with Mr. CHALMERS, of Mississippi.

Mr. EINSTEIN. I am paired with Mr. CLARK, of New Jersey.

Mr. SAPP. I am paired with Mr. BERRY, of California. If he were here I should vote "ay."

Mr. CALKINS. I desire to announce that Mr. BELFORD, of Colorado, is paired with Mr. SPRINGER, of Illinois. I do not know how either would vote if present.

Mr. STEPHENS. I was not present during the call of the roll. I ask permission to vote.

There was no objection.

Mr. STEPHENS voted in the negative.

Mr. BAYNE. I ask leave to vote.

There was no objection.

Mr. BAYNE voted in the affirmative.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment upon which a separate vote had been demanded was read, as follows:

Strike out clause 1 of Rule XXI, as follows:

Bills and joint resolutions introduced for reference and those reported by committees without such introduction, shall be read a first time by their titles and printed, the second time in full, the third time by their titles, unless the reading in full shall be demanded by a member.

And insert the following:

Every bill and joint resolution shall receive three readings before its passage, which shall be as follows, namely: the first reading by its title on its introduction for reference, or, being an original bill, on its report from a committee for commitment, or by unanimous consent for present action; the second reading in full, and the third reading by its title, unless the reading in full shall be demanded by a member.

Mr. CONGER. I observe that the clause which this amendment proposes to strike out provided that bills should be "read a first time by their titles and printed." In the proposed substitute there is no requirement that bills shall be printed. I ask whether this omission is intentional or accidental?

Mr. BLACKBURN. The Committee on Rules had no purpose to dispense with the printing of bills at all, but if the gentleman will look at a subsequent portion of the revision, under the heading "order of business," he will find a requirement that all bills shall be printed.

Mr. CONGER. What rule does the gentleman refer to?

Mr. BLACKBURN. Rule XXIV.

Mr. HAWLEY. The second paragraph of the rule.

Mr. CONGER. That paragraph refers only to printing reports of committees.

Mr. BLACKBURN. The gentleman is right.

Mr. FRYE. I think the provision for printing has been left out by mistake.

Mr. BLACKBURN. The Committee on Rules had no intention to dispense with the printing of bills. The only question is whether an amendment to cover this omission will best come in here or in the italicized clause of Rule XXIV on page 14.

Mr. CONGER. If the provision for printing has been omitted by mistake let it be inserted.

Mr. BLACKBURN. There will be no objection, I think.

Mr. CONGER. I think the words "and printed" should be inserted in the pending amendment after the words "by unanimous consent for present action," which close up the clause in reference to the introduction of bills.

Mr. RANDALL, (the Speaker.) When bills are introduced by unanimous consent for action they are generally in manuscript; the insertion would not be appropriate at that point.

Mr. CONGER. Then let the words "and printing" be inserted after these words: "the first reading by title on its introduction for reference."

Mr. RANDALL, (the Speaker) and Mr. BLACKBURN. That is right.

The SPEAKER *pro tempore*. The Chair would call attention to the fact that the Committee on Rules has reported a substitute for the amendment just read.

Mr. BLACKBURN. Yes, sir; I had failed to remember that. I ask the Clerk to read the substitute.

The Clerk read as follows:

Strike out clause 1 of Rule XXI, and the substitute therefor adopted in Committee of the Whole, and insert the following:

Every bill and joint resolution shall receive three readings before its passage, which shall be as follows: the first and second readings by title on introduction for reference, or being original bills on report from committees for commitment, except when the second reading in full shall be demanded by a member: *Provided*, That original bills on being reported by unanimous consent for present consideration shall be read the first time in full; the second and third time by title, unless the third reading in full shall be demanded by a member.

Mr. BLACKBURN. Now let me suggest to the gentleman from Michigan to turn to the italicized clause of Rule XXIV, on page 14. If when we reach that clause the gentleman will move to insert before

the word "reference," in the fourth line, the words "printing and," so as to make it read "bills and joint resolutions for printing and reference," I think that will answer the purpose better than to amend the pending substitute which treats only of the reading of bills. The clause of Rule XXIV refers to their regular disposition.

Mr. CONGER. I have no objection to the gentleman's suggestion. Mr. WARNER. It occurs to me that the phrase "or being original bills" does not agree grammatically with the beginning of the sentence where the language is "every bill and joint resolution."

The substitute proposed by the Committee on Rules for the amendment of the Committee of the Whole was adopted.

The amendment of the Committee of the Whole, as amended by the adoption of the substitute, was agreed to.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment on which a separate vote had been demanded was read, as follows:

In Rule XXI strike out clause 3, as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures."

And insert the following:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. GARFIELD. Let us have the yeas and nays on this amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 119, nays 113, not voting 60; as follows:

YEAS—119.

Acklen,	Dickey,	Lounsbury,	Scales,
Alken,	Dunn,	Martin, Benj. F.	Shelley,
Armfield,	Ellis,	Martin, Edward L.	Singleton, Otho R.
Atherton,	Evins,	McKenzie,	Slemons,
Atkins,	Finley,	McLane,	Smith, Ezekiah B.
Bachman,	Forney,	McMahon,	Smith, William E.
Beltzhoover,	Geddes,	McMillin,	Sparks,
Bicknell,	Gunter,	Mills,	Steele,
Blackburn,	Hammond, N. J.	Morrison,	Stevenson,
Bland,	Harris, John T.	Muldrow,	Talbot,
Bliss,	Hatch,	Muller,	Thompson, P. B.
Bright,	Henkle,	Myers,	Tillman,
Cabell,	Henry,	New,	Townshend, R. W.
Caldwell,	Herbert,	Nicholls,	Tucker,
Carlisle,	Herdson,	O'Connor,	Turner, Oscar
Clardy,	Hill,	O'Reilly,	Turner, Thomas
Clark, John B.	Hostetler,	Persons,	Upson,
Clymer,	House,	Phelps,	Vance,
Cobb,	Hull,	Phillips,	Waddill,
Coffroth,	Hurd,	Phister,	Wellborn,
Colerick,	Hutchins,	Poehler,	Wells,
Converse,	Johnston,	Reagan,	Whitthorne,
Cook,	Kenna,	Richardson, J. S.	Williams, Thomas
Covert,	King,	Richmond,	Willis,
Cox,	Kitchin,	Robertson,	Wilson,
Cravens,	Klotz,	Ross,	Wise,
Culbertson,	Knott,	Rothwell,	Wood, Fernando
Davidson,	Ladd,	Ryon, John W.	Wright,
Davis, Lowndes H.	Le Fevre,	Samford,	Young, Casey.
Dibrell,	Lewis,	Sawyer,	

NAYS—113.

Aldrich, N. W.	Dwight,	Keifer,	Robeson,
Aldrich, William	Errett,	Kelley,	Robinson,
Anderson,	Farr,	Ketcham,	Russell, W. A.
Bailey,	Felton,	Killingier,	Shallenberger,
Baker,	Ferdon,	Lapham,	Sherwin,
Ballou,	Field,	Lindsey,	Smith, A. Herr
Barber,	Fisher,	Lowe,	Speer,
Bayne,	Ford,	Martin, Joseph J.	Stephens,
Bingham,	Forsythe,	Mason,	Stone,
Blake,	Frye,	McCook,	Thomas,
Bowman,	Garfield,	McGowan,	Tyler,
Boyd,	Gillette,	Miller,	Updegraff, J. T.
Brewer,	Godshalk,	Mitchell,	Updegraff, Thomas
Briggs,	Hall,	Monroe,	Urner,
Burrows,	Hammond, John	Morse,	Valentine,
Calkins,	Harris, Benj. W.	Morton,	Van Aernam,
Camp,	Haskell,	Murch,	Voorhis,
Cannon,	Hawk,	Newberry,	Ward,
Carpenter,	Hawley,	Norcross,	Warner,
Caswell,	Hayes,	O'Neill,	Washburn,
Clafin,	Hazelton,	Orth,	Weaver,
Conger,	Heilman,	Osmer,	White,
Cowgill,	Henderson,	Overton,	Williams, C. G.
Crapo,	Hiscock,	Pacheco,	Willits,
Davis, George R.	Hott,	Page,	Yocum,
Davis, Horace	Houk,	Pound,	Young, Thomas L.
Deering,	Humphrey,	Prescott,	
Deuster,	Jones,	Price,	
Dunnell,	Joyce,	Rice,	

NOT VOTING—60.

Barlow,	Daggett,	James,	Russell, Daniel L.
Beale,	Davis, Joseph J.	Jorgensen,	Ryan, Thomas
Belford,	De La Matyr,	Kimmel,	Sapp,
Berry,	Dick,	Loring,	Simonton,
Blount,	Einstein,	Manning,	Singleton, Jas. W.
Bouck,	Elam,	Marsh,	Springer,
Bragg,	Ewing,	McCoid,	Starin,
Brigham,	Fort,	McKinley,	Taylor,
Browne,	Frost,	Miles,	Thompson, Wm. G.
Buckner,	Gibson,	Money,	Townsend, Amos
Butterworth,	Goode,	Neal,	Van Voorhis,
Chalmers,	Harmer,	O'Brien,	Wait,
Chittenden,	Hooker,	Pierce,	Whiteaker,
Clark, Alvah A.	Hubbell,	Reed,	Wilber,
Crowley,	Huntton,	Richardson, D. P.	Wood, Walter A.

So the amendment was concurred in.

During the roll-call the following announcements were made:

Mr. BLOUNT. I am paired with Mr. REED, of Maine.

Mr. HUNTON. I am paired with Mr. BROWNE, of Indiana. If he were here, I should vote "ay."

Mr. HOOKER. On this question I am paired with Mr. LORING, of Massachusetts. If he were present, I should vote "ay."

Mr. SINGLETON, of Illinois. I am paired with Mr. MILES, of Connecticut, on this amendment and on all political questions.

Mr. DAVIS, of North Carolina. I am paired with Mr. THOMPSON, of Iowa. If he were here, I should vote "ay."

Mr. TAYLOR. I am paired with Mr. BRIGHAM, of New Jersey, on all questions.

Mr. KING. My colleague, Mr. GIBSON, who is absent by reason of illness, is paired with Mr. WAIT, of Connecticut. If present, Mr. GIBSON would vote in the affirmative and Mr. WAIT in the negative.

Mr. DIBRELL. Mr. SIMONTON is paired with Mr. MCCOID, of Iowa.

Mr. STONE. Mr. MONEY is paired with Mr. STARIN.

Mr. EINSTEIN. I am paired with Mr. CLARK, of New Jersey.

Mr. CALKINS. Mr. BELFORD is paired with Mr. SPRINGER, of Illinois.

Mr. SAPP. I am paired with Mr. BERRY, of California. If he were present, I should vote in the negative.

Mr. HARMER. I am paired with Mr. GOODE, of Virginia.

Mr. DUNNELL. Mr. RYAN, of Kansas, is paired with Mr. MANNING, of Mississippi.

Mr. CHITTENDEN. I am paired with Mr. BUCKNER.

Mr. BOUCK. I am paired with Mr. MCKINLEY, of Ohio. If he were here, I should vote "ay."

And then, on motion of Mr. HUNTON, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment on which a separate vote was asked was read, as follows:

Thirty-ninth amendment. Insert as an additional clause to Rule XXI the following:

6. Upon all bills or resolutions appropriating money or creating a charge or debt upon the people the yeas and nays shall be taken on the final passage of such bills in the House, and entered on the Journal.

The substitute proposed by the Committee on Rules was then read, as follows:

Upon all general appropriation and revenue bills and bills for the improvement of rivers and harbors the yeas and nays shall be taken on the passage of such bills in the House and entered upon the Journal.

Mr. OSCAR TURNER. I rise to a parliamentary inquiry. Is it in order to move a substitute for that amendment, as follows:

That upon all bills or resolutions appropriating over \$10,000 the yeas and nays shall be taken on the final passage.

Will it be in order to offer that as an amendment?

The SPEAKER *pro tempore*. Not at this stage of the proceedings.

Mr. OSCAR TURNER. The point I make is this: as an amendment has been submitted by the Committee on Rules, would it not be in order for us to amend that or to adopt a substitute for it?

Mr. RANDALL, (the Speaker.) The previous question is pending.

Mr. OSCAR TURNER. I ask the unanimous consent of the House to offer it.

Mr. PAGE. I object.

The SPEAKER *pro tempore*. The question is on the adoption of the following substitute proposed by the Committee on Rules.

Mr. CONGER. I make the point that the amendment of the Committee on Rules was not read to the House.

The SPEAKER *pro tempore*. The Chair overrules that point of order.

Mr. CONGER. That is a question of fact.

The House divided; and the substitute proposed by the Committee on Rules was agreed to.

The question recurred on the adoption of the amendment of the Committee of the Whole on the state of the Union as it was amended.

Mr. BLACKBURN. What became of the request of my colleague from Kentucky?

The SPEAKER *pro tempore*. There was objection to the introduction of his substitute.

Mr. WHITE. But how did this amendment come in?

Mr. BLACKBURN. It was reported by the Committee on Rules and it has been adopted by this House.

The amendment of the Committee of the Whole on the state of the Union, as amended, was adopted.

Mr. BLACKBURN moved to reconsider the vote by which the amendment, as amended, was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment on which a separate vote was asked was read, as follows:

Fifty-fourth amendment. Strike out the words "to consider, first, bills raising revenue and general appropriation bills and then other business on the Calendar;" so the rule will read:

"First. That the House resolve itself into the Committee of the Whole House on the state of the Union."

Mr. RANDALL, (the Speaker.) The Committee on Rules have recommended that the words stricken out in the Committee of the Whole House on the state of the Union shall be retained. The way to reach that recommendation will be by a negative vote; that is to vote down the amendment agreed to in committee.

Mr. CALKINS. I do not understand the amendment of the Committee of the Whole House as it was read from the Clerk's desk.

Mr. FRYE. The clause of this rule as amended in the Committee of the Whole House on the state of the Union would make no sense at all, and the recommendation of the Committee on Rules is simply in favor of the retention of the words proposed to be stricken out.

Mr. BLACKBURN. That is the recommendation of the Committee on Rules, and a negative vote on concurrence in the amendment of the Committee of the Whole House on the state of the Union will comply with the recommendation of the Committee on Rules.

The amendment was disagreed to.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was disagreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment on which a separate vote was asked was read, as follows:

Sixtieth amendment. Rule XXVIII, insert the following:

4. No motion to suspend the rules and pass a public bill shall be entertained unless the bill shall have been referred to a committee, printed, and distributed to the members at least one legislative day before the motion for suspension is made.

Mr. BLACKBURN. The Committee on Rules recommend non-concurrence in that amendment.

The amendment was disagreed to.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER. Before we proceed further I desire to call the attention of the Speaker of the House to the last part of Rule XXVI—"unless otherwise determined by a two-thirds vote of the members present and voting." I ask whether the construction would be that that would do away with any question of a quorum not being present?

Mr. RANDALL, (the Speaker.) Any member can raise the question of a quorum just as at present.

Mr. BLACKBURN. That is not in the amendment of the Committee on Rules, but is an amendment moved by the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. CONGER. As it stands this would seem to indicate that a less number than a quorum, two-thirds voting in favor of the proposition, could accomplish the result.

Mr. BLACKBURN. It is in the power of any member to raise the question whether a quorum has voted or not.

Mr. CONGER. It seems to me it depends entirely on the construction which may be given to this rule by the Speaker.

Mr. RANDALL, (the Speaker.) Of course the question being raised there is no House if there is no quorum. The question of a quorum is settled by the Constitution of the United States, and the gentleman need be under no misapprehension in regard to the construction of this rule.

The SPEAKER *pro tempore*. There is no question before the House. The Clerk will read the next amendment on which a separate vote has been asked.

The Clerk read as follows:

Sixty-third amendment. In Rule XXXII insert the following:

At the commencement of each Congress, the Clerk shall place in a box, prepared for that purpose, a number of small balls of marble or other material equal to the number of Members and Delegates, which balls shall be separately numbered and thoroughly intermingled, and at such hour as shall be fixed by the House for that purpose, by the hands of a page, draw said balls one by one from the box and announce the number as it is drawn, upon which announcement the Member or Delegate whose name on the numbered alphabetical list shall correspond with the number on the ball, shall advance and choose his seat for the term for which he is elected.

Mr. BLACKBURN. The Committee on Rules have offered an amendment to that.

The Clerk read as follows:

After the word "Congress," in line 1, insert the following: "immediately after the Members and Delegates are sworn in."

Also strike out "separately" and insert in lieu thereof "consecutively;" also strike out the word "the," before "numbered," and insert "a."

The amendments to the amendment were agreed to, and the amend-

ment of the Committee of the Whole House as amended was concurred in.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Clerk read amendment No. 71, to add to Rule XXXVIII as a second clause the following:

2. The Clerk of the House shall, within three days after the final adjournment of a Congress, take into his keeping all bills, joint resolutions, and other papers referred to committees, together with all evidence or testimony taken by committees under the order of the House.

For which the Committee on Rules proposed the following substitute:

2. The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence taken by such committee under the order of the House during the said Congress, and not reported to the House; and in the event of the failure or neglect of any clerk of a committee to comply with this rule, the Clerk of the House shall, within three days thereafter, take into his keeping all such papers and testimony.

The amendment of the Committee on Rules was agreed to.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The Clerk will now report the amendment proposed by the Committee on Rules to Rule IV, clause 1.

The Clerk read as follows:

Strike out the words "in person" after the word "attend;" so that it will read: "1. It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings, to maintain order under the direction of the Speaker, and, pending the election of a Speaker or Speaker *pro tempore*, under the direction of the Clerk; execute the commands of the House and all processes issued by authority thereof, directed to him by the Speaker; keep the accounts for the pay and mileage of Members and Delegates and pay them as provided by law."

The amendment was agreed to.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The Clerk read the amendment proposed by the Committee on Rules to clause 7, Rule XIV, as follows:

Strike out the word "is," before the word "charged," and insert "and Doorkeeper are;" so that the clause will read: "And the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause."

Mr. RANDALL, (the Speaker.) That relates to smoking on the floor.

Mr. BLACKBURN. And the amendment charges the Doorkeeper as well as the Sergeant-at-Arms with the enforcement of the rule.

Mr. RANDALL, (the Speaker.) We want everybody we can called into the service to prevent smoking in the seats.

The amendment was agreed to.

The Clerk read the following amendment proposed by the Committee on Rules to clause 9 of Rule XI:

After the word "nations" insert the words "other than appropriations;" so that it will read:

"9. To the relations of the United States with foreign nations, other than appropriations: to the Committee on Foreign Affairs."

Mr. BLACKBURN. The leaving out of those words was simply a mistake. They are incorporated in all the other provisions.

The amendment was agreed to.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The Clerk read the following amendment proposed by the Committee on Rules to clause 14 of Rule XI:

After the word "tribes" insert "other than appropriations;" so that it will read:

"To the relations of the United States with the Indians and the Indian tribes, other than appropriations: to the Committee on Indian Affairs."

Mr. BLACKBURN. The same explanation applies to this as to the former amendment.

The amendment was agreed to.

Mr. HOUSE. I now ask, as I understand we are through with all the amendments, unanimous consent to offer the amendment which I had read at the Clerk's desk for information this morning.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Tennessee?

Mr. FRYE and others objected.

Mr. GARFIELD. I desire to make a suggestion as to the time when the new rules shall come into operation.

Mr. RANDALL, (the Speaker.) Let that be done after the final vote.

Mr. GARFIELD. I think it should be made before the final vote. We cannot have these rules adopted so as to take effect to-morrow morning. The old *regime* and the new cannot jump together at the instant; and I have written a resolution on which I think it would

be better to take action now than later. I will read it for the information of the House:

Resolved, That the foregoing rules shall be a substitute for all existing rules, and take effect at noon on Monday next, at which time the Speaker shall present to the House the calendars herein provided for, which shall contain all the measures now pending before the House or the Committee of the Whole in their proper order according to these rules: *Provided*, That in carrying these rules into effect the Speaker shall not be required to increase or diminish the numbers of any standing committees during the present Congress.

Mr. RANDALL, (the Speaker.) Or to vacate any of the committees.

The SPEAKER *pro tempore*. There are still some amendments pending on which action has not been taken.

Mr. GARFIELD. I have called attention to this resolution which I desire to offer, as there is danger we will break up as soon as the final vote is taken.

Mr. RANDALL, (the Speaker.) I would suggest also that it be provided as to existing special orders that they shall be continued.

Mr. GARFIELD. I do not think that is necessary. The Speaker will submit a calendar, subject to the correction of the House, and the existing special orders would be on that calendar.

Mr. RANDALL, (the Speaker.) The Chair would, no doubt, hold they would be continued. At the same time, the House might as well relieve the Chair of making that decision.

Mr. GARFIELD. The Chair has already stated what he would do, and it is evidently right. But when he presents the Calendar on Monday next, it would be open to anybody to object if he found occasion to do so.

Mr. BLACKBURN. I should like the gentleman from Ohio to accept the suggestion, not only to provide against disturbing the existing committees under the present rules, but also to give protection for all special orders as they now stand.

Mr. ROBINSON. I desire to make an inquiry of the Chair. What is the pending question?

The SPEAKER *pro tempore*. The amendments are not yet completed on which the previous question is operating.

The Clerk read an amendment proposed to clause 5 of Rule XXIV, as follows:

After the word "which" insert the words "the motion;" so that it will read: "Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to the business on the Speaker's table, which, the motion prevailing, the Speaker shall dispose of in the following order," &c.

Mr. BLACKBURN. That is right.

The amendment was agreed to.

The Clerk read an amendment proposed to Rule XXVII, which was to transpose certain words so that the rule would read as follows:

After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports which originated in the House, and remained undetermined at the close of the last preceding session, shall be in order for action, and all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress in the same manner as if no adjournment had taken place.

Mr. BLACKBURN. That is right.

The amendment was agreed to.

The Clerk read an amendment proposed to Rule XXXVII, to strike out the word "summoned" and to insert the word "subpoenaed."

The amendment was agreed to.

The Clerk read an amendment proposed to Rule XXXIX, to strike out the word "so" before the words "withdrawn therefrom;" so that the rule would read as follows:

No memorial or other paper presented to the House shall be withdrawn from its files without its leave, and if withdrawn therefrom, certified copies thereof shall be left in the office of the Clerk, &c.

The amendment was agreed to.

Mr. BLACKBURN. I move to reconsider the various votes just taken upon amendments, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. YOUNG, of Tennessee. I ask unanimous consent for leave to print in the RECORD as a portion of the debates some remarks upon these rules.

There was no objection, and leave was granted accordingly. [See Appendix.]

Mr. ROBINSON. I desire to make a suggestion in regard to clause 8 of Rule XI, in relation to the Committee on Agriculture. The House having authorized the Committee on Agriculture to report the appropriations necessary for that Department, it seems to me that we should go further and give that committee leave to report at any time.

Mr. GARFIELD. Oh, no.

Mr. ROBINSON. I mean to report at any time upon the subject of appropriations. I care nothing about the matter myself. I voted against the amendment giving the committee that authority. But as we have gone so far as to give that committee the right to report an appropriation bill, I think we should also give the committee the right to report such appropriation bill at any time.

Mr. FRYE. No.

Mr. ROBINSON. I only make the suggestion.

Mr. BURROWS. I have a suggestion to make in relation to the

order in which these rules are stated. The first rule relates to the "duties of the Speaker;" the second rule relates to the "election of officers." Then the third, fourth, fifth, sixth, and seventh rules relate to the duties of particular officers of the House. Would it not be better to reverse the order of the first and second rules, and let the second rule in relation to the "election of officers" be the first rule, and then let the rules in relation to the duties of officers follow that?

Mr. RANDALL, (the Speaker.) The committee considered that question.

Mr. BURROWS. I will not press it.

Mr. FRYE. I desire to make an inquiry. The Committee on Rules, as I understood, determined to demand a yea-and-nay vote on clause 7 of Rule XI, in relation to the right of the Committee on Commerce to report appropriation bills for the improvement of rivers and harbors.

Mr. CARLISLE. That was adopted.

Mr. HAWLEY. And without a yea-and-nay vote.

Mr. GARFIELD. I have prepared the resolution which I indicated, and I think if the House will hear it read there will be no objection to it.

Mr. RANDALL, (the Speaker.) Let it come in after the rules have been adopted.

The SPEAKER *pro tempore*. The question is now upon adopting the rules as amended.

Mr. CONGER. I move that clause 3 of Rule XXI be stricken out.

Mr. BLACKBURN. That is not in order; the previous question is still operating.

Mr. CONGER. The previous question is not operating upon the adoption of the report.

Mr. BLACKBURN. The previous question is not yet exhausted; it was called upon the report and all amendments thereto.

The SPEAKER *pro tempore*. The Chair must sustain the point of order.

Mr. CONGER. Let the record of the action of the House in that regard be read.

Mr. BLACKBURN. I take it that the previous question is not exhausted until the question is taken on the adoption of the report.

Mr. CLARKE, of Missouri. I call for the regular order.

The SPEAKER *pro tempore*. Is there objection to the amendment proposed by the gentleman from Michigan?

Mr. RANDALL, (the Speaker.) There is.

Mr. CONGER. I do not ask consent to offer that amendment. I ask that the record be read in order to show whether the previous question applies to the adoption of the whole report.

The SPEAKER *pro tempore*. That is the opinion of the Chair.

Mr. CONGER. Let that portion of the Journal be read.

The SPEAKER *pro tempore*. The Journal is not yet made up.

Mr. CONGER. Then let the minutes of the journal clerk be read.

Mr. BLACKBURN. The Speaker has decided the point of order. Does the gentleman appeal?

Mr. CONGER. I would like to hear the record read.

Mr. CLYMER. Let the Journal be read.

The SPEAKER *pro tempore*. The clerk will read the minutes of his Journal.

The journal clerk [Mr. Smith] read as follows:

Mr. BLACKBURN moved that the morning hour be dispensed with; which motion was agreed to, two-thirds voting in favor thereof.

Mr. BLACKBURN further moved that the House proceed to the consideration of the report of the Committee on Rules, submitting revised rules, reported from the Committee of the Whole House on the state of the Union, with amendments, on Friday last, and pending when the House then adjourned; which said motion was agreed to.

Mr. BLACKBURN demanded the previous question on the adoption of the report of the Committee on Rules as amended by the Committee of the Whole House on the state of the Union, together with amendments submitted by the Committee on Rules thereto.

The previous question was seconded and the main question ordered.

Mr. BLACKBURN moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

Mr. BLACKBURN. That settles it.

The SPEAKER *pro tempore*. That would seem to end the matter.

Mr. CONGER. It was not so stated at the time as to be understood. I say that most positively and distinctly.

Mr. BLACKBURN. What was not understood?

Mr. CONGER. The motion of the gentleman was not stated so as to be understood by me and others on this side.

Mr. BLACKBURN. It was not my fault, for it was stated by me in as distinct tones as I could employ.

Mr. CONGER. The gentleman stated that he demanded the previous question on the amendments.

Mr. BLACKBURN. I stated three times over that I demanded the previous question on the report as well as on the amendments.

Mr. CLYMER. And I heard the gentleman when he did it.

Mr. RANDALL, (the Speaker.) The Record will show that I made the suggestion to the gentleman from Kentucky to include the report in his demand of the previous question; and he did it.

Mr. CONGER. I demand the yeas and nays on the adoption of these rules. I do this because it gives us the only opportunity we can have to vote against this principle of political riders.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 88, not voting 82; as follows:

YEAS—122.

Acklen,	Ellis,	Lounsbury,	Scales,
Aiken,	Evins,	Lowe,	Singleton, O. R.
Armfield,	Ewing,	Martin, Benj. F.	Slemmons,
Atkins,	Felton,	Martin, Edward L.	Smith, Hezekiah B.
Bachman,	Field,	Mason,	Smith, William E.
Bicknell,	Finley,	McKenzie,	Steele,
Blackburn,	Forney,	McLane,	Stephens,
Bland,	Frye,	McMahon,	Stevenson,
Blount,	Geddes,	McMillin,	Talbot,
Bowman,	Gunter,	Mills,	Thompson, P. B.
Bright,	Hammond, N. J.	Morse,	Tillman,
Cabell,	Harris, John T.	Muldrow,	Townsend, R. W.
Caldwell,	Hatch,	Muller,	Tucker,
Carlisle,	Henkle,	Myers,	Turner, Oscar
Clardy,	Henry,	New,	Turner, Thomas
Clark, John B.	Herbert,	Nicholls,	Upton,
Clymer,	Herdson,	O'Connor,	Vance,
Cobb,	Hill,	Persons,	Waddill,
Coffroth,	Hostetler,	Phelps,	Warner,
Colerick,	House,	Philips,	Wellborn,
Converse,	Hull,	Phister,	Wells,
Cook,	Hurd,	Poehler,	Whitthorne,
Covert,	Hutchins,	Reagan,	Williams, Thomas
Cox,	Kenna,	Richmond,	Willis,
Cravens,	King,	Robertson,	Wilson,
Davidson,	Kitchin,	Robinson,	Wise,
Davis, Lowndes H.	Klotz,	Ross,	Wood, Fernando
Deuster,	Knott,	Rothwell,	Wright,
Dibrell,	Ladd,	Ryon, John W.	Young, Casey.
Dickey,	Le Fevre,	Samford,	
Dunn,	Lindsey,	Sawyer,	

NAYS—88.

Aldrich, William	Davis, Horace,	Humphrey,	Robeson,
Anderson,	Deering,	Joyce,	Russell, William A.
Bailey,	Dunnell,	Keifer,	Shallenberger,
Baker,	Dwight,	Killingier,	Sherwin,
Ballou,	Errett,	Lapham,	Smith, A. Herr
Barber,	Farr,	Marsh,	Sparks,
Bayne,	Fisher,	McCook,	Thomas,
Bingham,	Ford,	McGowan,	Townsend, Amos
Blake,	Forsythe,	Miller,	Tyler,
Brewer,	Garfield,	Monroe,	Updegraff, J. T.
Briggs,	Godshalk,	Morrison,	Updegraff, Thomas
Burrows,	Harris, Benj. W.	Murch,	Urner,
Butterworth,	Haskell,	Neal,	Valentine,
Calkins,	Hawk,	Norcross,	Van Aernam,
Cannon,	Hawley,	O'Neill,	Voorhis,
Carpenter,	Hayes,	Osmer,	Ward,
Clafin,	Hazelton,	Overton,	Washington,
Conger,	Heilman,	Pacheco,	Weaver,
Cowgill,	Henderson,	Page,	Wilber,
Crapo,	Horr,	Pound,	Williams, C. G.
Culberson,	Houk,	Prescott,	Willits,
Davis, George R.	Hubbell,	Rice,	Yocum.

NOT VOTING—82.

Aldrich, N. W.	Davis, Joseph J.	Kelley,	Richardson, J. S.
Atherton,	De La Matyr,	Ketcham,	Russell, Daniel L.
Barlow,	Dick,	Kimmel,	Ryan, Thomas
Beale,	Binstein,	Lewis,	Sapp,
Belford,	Elam,	Loring,	Shelley,
Beltzhoover,	Ferdon,	Manning,	Simonton,
Berry,	Fort,	Martin, Joseph J.	Singleton, Jas. W.
Bliss,	Frost,	McCoid,	Speer,
Bonck,	Gibson,	McKinley,	Springer,
Boyd,	Gillette,	Miles,	Starin,
Bragg,	Goode,	Mitchell,	Stone,
Brigham,	Hall,	Money,	Taylor,
Brown,	Hammond, John	Morton,	Thompson, Wm. G.
Buckner,	Harmer,	Newberry,	Van Voorhis,
Camp,	Hiscock,	O'Brien,	Wait,
Caswell,	Hooker,	O'Reilly,	White,
Chalmers,	Hunton,	Orth,	Whiteaker,
Chittenden,	James,	Pierce,	Wood, Walter A.
Clark, Alvah A.	Johnston,	Price,	Young, Thomas L.
Crowley,	Jones,	Reed,	
Daggett,	Jorgensen,	Richardson, D. P.	

So the report of the Committee on Rules, as amended, was adopted.

During the roll-call the following announcements were made:

Mr. GODSHALK. My colleague, Mr. HARMER, is paired with the gentleman from Virginia, Mr. GOODE.

Mr. CHITTENDEN. I am paired with the gentleman from Missouri, Mr. BUCKNER.

Mr. HOOKER. On this question I am paired with the gentleman from Massachusetts, Mr. LORING.

Mr. SHELLEY. I am paired with the gentleman from Michigan, Mr. STONE. If he were present, I should vote in the affirmative.

Mr. DAVIS, of North Carolina. I am paired with the gentleman from Iowa, Mr. THOMPSON. If he were here, I should vote "ay."

Mr. DIBRELL. My colleague, Mr. SIMONTON, is paired with the gentleman from Iowa, Mr. MCCOID, and my colleague, Mr. TAYLOR, with the gentleman from New Jersey, Mr. BRIGHAM.

Mr. KING. My colleague, Mr. ELAM, who is absent by reason of illness, is paired with the gentleman from Pennsylvania, Mr. DICK. My colleague, Mr. GIBSON, who is absent on account of indisposition, and who is paired with the gentleman from Connecticut, Mr. WATT, would, if present, vote "ay." The gentleman from Connecticut would vote "no."

Mr. TILLMAN. The gentleman from Virginia, Mr. JOHNSTON, is paired with the gentleman from Indiana, Mr. ORTH.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS,

who is paired with the gentleman from New York, Mr. VAN VOORHIS, would, if present, vote "ay."

Mr. CABELL. My colleague, Mr. HUNTON, is paired with the gentleman from Indiana, Mr. BROWNE. My colleague, if present, would vote "ay."

Mr. ALDRICH, of Rhode Island. I am paired with the gentleman from Alabama, Mr. LEWIS.

Mr. HASKELL. My colleague, Mr. RYAN, who is paired with the gentleman from Mississippi, Mr. MANNING, would, if present, vote "no."

Mr. BOUCK. I am paired with the gentleman from Ohio, Mr. McKINLEY. If he were present, I should vote "no."

Mr. WHITE. I am paired with my colleague, Mr. BELTZHOVER. If he were present, I should vote "no;" I presume he would vote "ay."

Mr. SAPP. I am paired with the gentleman from California, Mr. BERRY. If at liberty to vote, I should vote "no."

Mr. CALKINS. The gentleman from Colorado, Mr. BELFORD, is paired with the gentleman from Illinois, Mr. SPRINGER.

Mr. BAILEY. My colleague, Mr. EINSTEIN, is paired with the gentleman from New Jersey, Mr. CLARK.

The result of the vote was announced as above stated.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BLACKBURN submitted the following resolution; which was read, considered, and adopted:

Resolved, That 5,000 copies of the rules of the House, properly indexed, be printed under the direction of the journal clerk, for the use of the House.

Mr. BLACKBURN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the foregoing rules, just adopted as a substitute for all existing rules of the House, shall take effect and be in force from and after the hour of noon on Monday next, on which day, after the reading of the Journal, the Speaker shall present to the House the calendars provided for in these rules, on which shall be entered in proper order all the measures now pending before the House or the Committee of the Whole: *Provided*, That in carrying these rules into effect no standing committee shall be abolished, nor the number of the same decreased, during the present Congress; nor shall any existing special order be set aside.

Mr. DUNNELL. This resolution will not prevent the Speaker from making additional appointments during this session upon committees whose numbers are increased?

Mr. GARFIELD. No, sir; where the new rules provide for an increase that can be carried out. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. GARFIELD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BRAGG, for two weeks, on account of important business; and

To Mr. DAVIS, of North Carolina, for eight days.

Mr. MARTIN, of Delaware. I move that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. AIKEN: The petition of the publisher of the Lexington (South Carolina) Dispatch, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. WILLIAM ALDRICH: The petition of the Illinois Staats Zeitung Company; of H. J. Bohn & Co., publishers of the Hotel World, Chicago, and of G. P. Engerhard, editor of the Chicago Grocer and Mercantile Review, and the Druggist, Chicago, Illinois, of similar import—to the same committee.

By Mr. NELSON W. ALDRICH: The petition of Owen Brothers and others, of Providence, Rhode Island, for the removal of the duty from chrome iron-ore and bichromate of potash—to the same committee.

By Mr. ANDERSON: The petition of Charles E. Birdsall and others, ex-soldiers of Kansas, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petitions of Beatty & Batchelder, publishers of the Herald, Clyde; of Stephen De Young, publisher of the Free Press, Cawker City; of Charles Hoyt, publisher of the Sentinel, Minneapolis; of Maberly & Callett, publishers of the Times, Ellsworth; of David B. Loudon, publisher of the Herald, Delphos; and of William Goddard, publisher of the Independent, Minneapolis, Kansas, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. ATKINS: The petitions of C. E. Duncan & Co., and W. H. Beville, druggists, and of the Western Wholesale Druggists' Association,

for the repeal of the stamp-tax on medicines, &c.—to the same committee.

Also, the petition of W. L. Oury, publisher of the Transcript, Savannah, Tennessee, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. BALLOU: The petition of merchants and manufacturers of the United States, that chrome iron ore and bichromate of potash may be allowed to enter free of duty—to the same committee.

By Mr. BERRY: The petition of William Ayres, publisher of the Democratic Standard, Eureka, Humboldt County, California, for the abolition of the duty on type—to the same committee.

By Mr. BOUCK: The petition of citizens of Wisconsin, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. BUTTERWORTH: The petition of C. E. Potts, John Keshan, and 125 others, druggists and apothecaries of Cincinnati, Ohio, that Congress so modify the internal-revenue law relating to the stamp-tax on perfumery, medicines, cosmetics, &c., as that only such articles as are manufactured or sold under protection of trade-marks shall be subject to said tax—to the Committee of Ways and Means.

Also, the petition of Charles Nelson and 200 others, of Hamilton County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. CALKINS: The petition of French & Conner, publishers of the Gazette, Kentland, Indiana, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. CARPENTER: The petition of J. A. Smith, publisher of the Beacon, Spirit Lake, Iowa, of similar import—to the same committee.

Also, the petition of S. S. Parker and 51 others, ex-soldiers of Osceola County, Iowa, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. CONVERSE: The petition of S. R. Helsel and 59 others, citizens of Franklin County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of John G. Edwards and 60 others, citizens of Franklin County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. COWGILL: The petition of Thomas J. Cartwright and 40 others, soldiers of the late war, of Penville, Indiana, for an equalization of bounties—to the Committee on Military Affairs.

By Mr. CRAVENS: The petition of F. M. Moore, publisher of the Logan County Enterprise, Booneville, Arkansas, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. HORACE DAVIS: The petition of Theodore Coleman, publisher of the Journal, Santa Clara, California, of similar import—to the same committee.

By Mr. DUNNELL: The petition of Benjamin E. Darby, publisher of the People's Press, Owatonna, Minnesota, of similar import—to the same committee.

By Mr. DWIGHT: The petition of Charles M. Dickinson, editor of the Republican, Binghamton, New York, of similar import—to the same committee.

By Mr. FARR: The petition of V. V. Twitchell, publisher of the Mountaineer, Gorham, New Hampshire, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. FISHER: The petition of soldiers of Perry County, Pennsylvania, for the passage of a bill for the equalization of bounties—to the Committee on Military Affairs.

By Mr. FRYE: The petition of John H. Stacy, of Hunnewell's Point, and others, of Bath, Maine, for the establishment of a life-saving station at Hunnewell's Point, Maine—to the Committee on Commerce.

Also, the petition of C. J. Barker and others, of Lewiston, Maine, for the removal of duties from chrome iron ore and bichromate of potash—to the Committee of Ways and Means.

By Mr. GARFIELD: The petition of Serman, Rate & Co., and James Reed & Son, publishers of Ashtabula, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. HASKELL: The petition of citizens of Johnson County, Kansas, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. HENRY: The petition of Merrill & Quinn, publishers of the Record and Gazette, Pocomoke City, Maryland, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. HOUK: The petition of ex-Federal soldiers of East Tennessee, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.

By Mr. HUMPHREY: Resolutions of the Legislature of Wisconsin, relative to the immediate transportation of dutiable goods—to the Committee of Ways and Means.

Also, resolution of the Legislature of Wisconsin, in relation to financial legislation in Congress—to the Committee on Banking and Currency.

By Mr. HURD: The petition of the town council of Perrysburgh, Ohio, for the improvement of Maumee River—to the Committee on Commerce.

Also, the petition of John Yeager and others, of Wood County, Ohio, of similar import—to the same committee.

Also, the petition of William Martin and others, of Wood County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the same committee.

Also, the petitions of the Toledo Blade Printing Company and others, of Toledo, and of Evers & Rudolph and others, of Bowling Green, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of William Martin and others, of Wood County, and of R. E. Betts and others, of Sandusky County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. JAMES: The petition of H. G. Reynolds, publisher of the Herald, Gouverneur, New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petitions of H. G. Reynolds, publisher of the Herald, Gouverneur, New York, and of B. H. Parker, publisher of the News, Norwood, New York, for the abolition of the duty on type—to the same committee.

By Mr. JOHNSTON: The petition of Daniel Ruggles, asking that his petition for an appropriation to be expended in developing his system of producing rain-fall be referred to the Committee on Agriculture for some immediate action—to the Committee on Agriculture.

By Mr. KLOTZ: The petition of Crosby S. Noyes, Evening Star; A. M. Clapp, National Republican; Ringwalt, Hock & Miller, Critic; T. B. Kalbfus, Sunday Herald; S. A. Safford, Sunday Capital, and W. C. Scribner, Sunday Gazette, Washington, District of Columbia, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. MAGINNIS: The petition of citizens of Montana Territory, in relation to certain amendments of the public land laws—to the Committee on Public Lands.

Also, memorial of the Helena (Montana Territory) Board of Trade, relating to the improvement of the Missouri River above the falls—to the Committee on Commerce.

By Mr. EDWARD L. MARTIN: The petition of Scott & Townsend, publishers of the Milford (Delaware) Chronicle, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. MCGOWAN: The petition of John A. Robertson, John Russell, and 110 others, citizens of Barry County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. McLANE: The petition of Alexander Montgomery, for arrears of pay as an officer in the United States Army—to the Committee on Military Affairs.

By Mr. MCMAHON: The petition of numerous inmates of the Soldiers' Home, Dayton, Ohio, for the reappointment of General B. F. Butler as manager thereof—to the Committee on Military Affairs.

Also, the petition of citizens of Dayton, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of citizens of Greene County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Greene County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. MONROE: The petition of D. D. Benedict and others, retail druggists of Norwalk, Ohio, for the repeal of the tax on medicinal preparations, &c.—to the Committee of Ways and Means.

By Mr. MURCH: The petition of A. M. Keller and 16 others, citizens of Maine, owners and masters of vessels, for the repeal of the compulsory pilotage laws as enforced on entering and leaving New York Harbor by way of Hell Gate—to the Committee on Commerce.

By Mr. OVERTON: The petition of William E. Stephenson and 470 others, Union soldiers of Bradford County, Pennsylvania, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. PHELPS: The petition of Carrington & Co., the Register Publishing Company, the Union Printing Company, and the Palladium Company, of New Haven, Connecticut, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. POEHLER: The petitions of Henry Hinds, publisher Argus, Shakopee; of J. Gutzweiller, publisher of the Wright County Eagle, Delano; and of William Murphy, publisher of the Recorder, Appleton, Minnesota, for the abolition of the duty on type—to the same committee.

Also, the petitions of W. C. Bredenhagen, publisher of the Free Press, Carver, and of Wesley Moran, publisher of the Post, Bird Island, Minnesota, of similar import—to the same committee.

Also, the petitions of S. P. Jennison, publisher of the Goodhue County Republican, Red Wing; of Henry Hinds, publisher of the Argus, Shakopee; of E. P. Hunting and Frank E. Gibson, publishers of the News, Le Sueur, and of J. Gutzweiller, publisher of the Wright County Eagle, Delano, Minnesota, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. PRESCOTT: Memorial of the New York Central Farmers' Club, relating to the establishment of a department of agriculture—to the Committee on Agriculture.

Also, a paper relating to the pension claim of Peter Claesgens—to the Committee on Invalid Pensions.

By Mr. ROTHWELL: The petition of James E. Cadle and 16 others, citizens of Livingston County, Missouri, that a pension be granted Dennis Wolfkill—to the same committee.

By Mr. THOMAS RYAN: The petitions of T. E. Leftwick, of the Optic, Larned; of T. B. Murdock, of the Times, El Dorado; of R. B. Fry, of the News, Spearville; of Rutherford & Eagleson, of the Herald, Topeka; of Mead & Presbrey, of the Republican, McPherson; of David Goerz, of the Fur Haimath, Halstead, Kansas, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petitions of Mead & Presbrey, of the Republican, McPherson; of David Goerz, of the Fur Haimath, Halstead; of T. B. Murdock, of the Times, El Dorado; and of Fletcher Meredith and other publishers of Hutchinson, Kansas, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petitions of citizens of Coffey, Chase, and McPherson Counties, Kansas, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petitions of citizens of Shawnee and McPherson Counties, Kansas, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of soldiers of Kansas, against the passage of the sixty-surgeon bill—to the Committee on Invalid Pensions.

By Mr. STEVENSON: The petition of G. W. Clotfelter, of Bath, Illinois, for the repeal of the stamp-tax on medicine, &c.—to the Committee of Ways and Means.

By Mr. STARIN: The petitions of Ernst Knauer, publisher of the Deutscher Anzeiger, of Schenectady, and of L. F. Allen, publisher of the Canajoharie Radii, Canajoharie, New York, for the abolition of the duty on type—to the same committee.

Also, the petition of L. F. Allen & Co., of Canajoharie, New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. STONE: The petition of E. D. Jennings and 59 other citizens of Ionia County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of E. D. Jennings and 59 others, citizens of Ionia County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. THOMAS: The petition of Wyatt L. Starrett and 15 others, ex-Union soldiers, who were prisoners in Andersonville prison, that all soldiers of the late war who were confined in rebel prisons be granted pensions—to the Committee on Invalid Pensions.

Also, the petitions of John W. Greer, editor of the Murphysborough (Illinois) Independent, and of A. J. Nisbet, editor of the Southern (Illinois) Advocate, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petitions of Curlee & Brother, publishers of the Perry County Press, Illinois; of B. F. Bowen, publisher of the Democrat, Chanute, Kansas; of H. F. Potter, publisher of the Argus, Journal, and Cairo Daily Argus, Cairo and Mound City, Illinois, for the abolition of the duty on type—to the same committee.

By Mr. P. B. THOMPSON, JR.: The petition of Mary Cahill, for a pension—to the Committee on Invalid Pensions.

By Mr. RICHARD W. TOWNSEND: The petition of ex-soldiers, of Brayfield, Illinois, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.

By Mr. VALENTINE: The petitions of the publishers of the Hamilton County News, Aurora; of the Tribune, Fremont; of the Pokrok Zapadn, Omaha; of the Herald, Nelson; of the Sherman County Times, Loup City; of the Pioneer Republican, Pawnee; of the Republican, West Point; of the Nebraska Staats Zeitung, Nebraska

City; of the Nebraska Press, Nebraska City; of the High School Journal, Omaha; of the Republican, Omaha; of the Post, Omaha; of the Nebraska Farmer, Lincoln; of the Sentinel, Seward; of the Guard, Bloomington; of the Blue Valley Blade, Seward; of the Journal, Norfolk; of the Pen and Plow, Oakdale; of the Eagle, Dakota; of the Herald, Omaha; of the Courier, Beatrice; of the Nebraska Democrat, Grand Island; of the Advocate, Yekamah; of the Herald, Juniata, and of the Argus, Red Cloud, Nebraska, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petitions of the publishers of the Review, Edgar; of the Platte Valley Independent, Grand Island; of the Independent, Wahoo; of the Guard, Bloomington; of the Herald, Omaha; of the Herald, Fremont; of the Danish Times, Omaha, and of the Courier, Beatrice, Nebraska, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of the publisher of the Independent, Wahoo, Nebraska, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper, and for the abolition of the duty on type—to the same committee.

Also, the petition of H. L. Moffitt and 30 others, of Seward, Nebraska, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of Robert Ruby and 30 others, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. VAN AERNAM: The petition of Almira H. Thompson, for a pension—to the Committee on Invalid Pensions.

By Mr. VANCE: The petition of J. P. Babington, of Shelby, North Carolina, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. WARD: Letter from the Secretary of War, relating to the survey of Delaware River at Chester and Marcus Hook, Pennsylvania—to the Committee on Commerce.

Also, the petition of soldiers of Chester County, Pennsylvania, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, the petition of the Philadelphia Commercial Exchange, for an appropriation for the improvement of Delaware River—to the Committee on Commerce.

By Mr. WASHBURN: The petition of Walter O. Brower, publisher of the Argus, Long Prairie, and of Barker & Wilson, publishers of the Press, Cambridge, Minnesota, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of Walter C. Brower, publisher of the Argus, Long Prairie, Minnesota, for the abolition of the duty on type—to the same committee.

By Mr. WRIGHT: The petition of E. C. Westlake and 56 others, citizens of Cherry Tree, Pennsylvania, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

By Mr. THOMAS L. YOUNG: The petitions of George Nieshe, C. Schmitt, and 36 others; of M. Sheridan, J. L. Case, and 38 others; of Charles Rupp, George Morgan, and 33 others, citizens of Hamilton County, Ohio, for the passage of bill (H. R. No. 4327) to create a department of manufactures, mechanics, and mines—to the Committee on the Judiciary.

IN SENATE.

WEDNESDAY, March 3, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 16th ultimo, a list of the names of all officers of the Army retired since the passage of the act of June 18, 1878, with their ages, date of retirement, &c.; which, on motion of Mr. ROLLINS, was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. GROONE presented a memorial of the Kent County Agricultural Association, of Maryland, in favor of certain proposed legislation by Congress concerning agriculture; which was referred to the Committee on Agriculture.

Mr. WITHERS presented a copy of the petition of George D. Harwood, of Richmond, Virginia, praying for the passage of a law direct-

ing the proper accounting officers of the Treasury to pay him \$1,295 for rent and occupation of a house and lot belonging to him during the late war; which was referred to the Committee on Claims.

Mr. SAUNDERS presented the memorial of the Cherokee delegation, remonstrating against the passage by Congress of any act allowing certain citizens of the State of North Carolina, of Cherokee descent, commonly called North Carolina Cherokees, any interest in the lands and funds of the Cherokee Nation; which was referred to the Committee on Indian Affairs.

Mr. ROLLINS presented the petition of E. E. Parker and others, members of the bar at Nashua, New Hampshire, praying that the terms of the United States circuit and district courts, now held at Exeter, be removed to the city of Concord, in that State; which was referred to the Committee on the Judiciary.

Mr. KIRKWOOD presented the petition of William Miller and 22 ex-soldiers, of Winthrop, Iowa, and the petition of the Dubuque Veteran Corps, of Dubuque, Iowa, praying for the passage of the equalization bounty bill; which were referred to the Committee on Military Affairs.

Mr. WINDOM presented the petition of J. Walker and others, citizens of Winona, Minnesota, praying that such an amendment of the patent laws be made as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

He also presented the petition of H. H. Haydon and others, citizens of Winona, Minnesota, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

He also presented the petition of Byron F. Titcomb and others, of Plainview, Minnesota, ex-soldiers, praying for the passage of a bill which shall place the pay of soldiers upon the same basis as the pay of bondholders; which was referred to the Committee on Finance.

Mr. COKE presented a petition of the mayor, aldermen, and other citizens of Houston, Texas, praying Congress to make an appropriation for the improvement of the navigation of Buffalo Bayou; which was referred to the Committee on Commerce.

Mr. WALLACE presented the memorial of John Scott, president of the Allegheny Valley Railroad Company, representing two hundred and fifty-nine miles of railroad, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton; which was referred to the Committee on Finance.

He also presented the petition of James Oliver Fries and others, of Cedarville, Pennsylvania, soldiers in the late war, praying to be paid the difference between the value of gold and greenbacks at the time they were paid for their services as soldiers; which was referred to the Committee on Finance.

He also presented the petition of citizens of Cameron County, Pennsylvania, praying for the establishment of a department of agriculture; which was referred to the Committee on Agriculture.

He also presented the petition of citizens of Cameron County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

Mr. BAYARD. I present the petition of William P. Bancroft, of Wilmington, Delaware, and a large number of other individuals and associations, merchants, manufacturers, and consumers in the States of Massachusetts, New York, Ohio, New Jersey, Rhode Island, and New Hampshire, praying that the prohibitory duties now levied upon chrome iron ore and bichromate of potash may be removed therefrom, in order that the large industrial pursuits of our country may be encouraged, and enabled to better compete with England and Germany for the trade offered by Brazil, South and Central America, Cuba, &c., and to cheapen to our own people, as well, the cost of nearly all wearing apparel, and many articles of household necessity. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. BUTLER presented the petition of Beverly Kennon, a citizen of the United States, praying for an appropriation by Congress to construct a counterpoise battery for the protection of cannon for coast defense and the field, also on board iron-plated vessels for river and harbor defense; which was referred to the Committee on Naval Affairs.

Mr. CARPENTER presented a joint resolution of the Legislature of the State of Wisconsin, in favor of the passage of a bill to amend the statutes in relation to the immediate transportation of dutiable goods; which was referred to the Committee on Finance.

Mr. McMILLAN presented additional papers in relation to the claim of George F. Brott, assignee of Brott, Davis and Sohns, for certain cotton taken from the schooner Sea Lion by the United States authorities during the late war; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. No. 967) to extend the jurisdiction of the northern district of Texas, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. THURMAN, from the Committee on the Judiciary, to whom were referred the following bills, reported them without amendment:

A bill (H. R. No. 2799) to remove the political disabilities of Abner Smead, of Oregon;

A bill (H. R. No. 2801) to remove the political disabilities of Walter R. Butt, of California;

A bill (H. R. No. 2800) to remove the political disabilities of John M. Brooke, of Virginia; and

A bill (H. R. No. 2569) to remove the political disabilities of William Sharp, of Virginia.

Mr. THURMAN. A paper was referred by the Senate to the Judiciary Committee which upon examination we find to be a petition of the Woman's Anti-Polygamy Society of Utah Territory, praying that GEORGE Q. CANNON, a Delegate in the House of Representatives from that Territory, be expelled from that body. On looking at the petition we find that it is a petition to the House of Representatives, and that it had no business here, and that it was undoubtedly through an oversight presented in the Senate. I am instructed by the Judiciary Committee to ask to be discharged from its further consideration.

The VICE-PRESIDENT. That order will be made.

Mr. CARPENTER, from the Committee on the Judiciary, to whom were referred the following bills, reported adversely thereon, and they were postponed indefinitely:

A bill (H. R. No. 358) to provide for the appointment of an additional clerk in the western judicial district of North Carolina;

A bill (S. No. 1121) in relation to jury trials in certain cases; and

A bill (S. No. 945) to transfer certain claims from the Executive Departments to the Court of Claims for adjudication.

Mr. FERRY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 953) for the relief of Kimberly Brothers, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1379) for the relief of David Heustis, asked to be discharged from its further consideration, and that it be referred to the Committee on Patents; which was agreed to.

Mr. HOAR, from the Committee on Claims, to whom was referred the petition of Anson Dart, praying payment of a balance claimed to be due him for services rendered the United States Government as Indian superintendent on the Pacific coast, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 89) for the relief of John Adams, William B. Clift, David Dunseath, William Killinger, J. F. Scott, administrator of the estate of Obediah Scott, deceased, Davis C. Peak, Charles Linderman, James Linnane, Patrick Carey, John McMahon, and James Gorman, administrator of the estate of Patrick Gorman, deceased, reported it with amendments and submitted a report thereon; which was ordered to be printed.

Mr. DAVIS, of Illinois, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1260) to facilitate the transaction of business in the Supreme Court of the United States, reported adversely thereon, and the bill was postponed indefinitely.

Mr. FARLEY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1130) for the relief of David Wingate, of Rochester, New Hampshire, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. COKE, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 1359) to authorize and enable the Eastern band of the Cherokee Indians to institute and prosecute a suit in the Court of Claims against the Cherokee Nation, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. McPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1263) to regulate appointments and promotions in the Marine Corps, reported it with an amendment.

Mr. WALLACE, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880, reported it with amendments.

JOHN R. McLEAN.

Mr. McDONALD. I move that the Committee on the Judiciary be discharged from the further consideration of the memorial of John R. McLean, relating to the taking of illegal fees in the United States clerk's office in the circuit court for the southern district of Ohio, and praying for the appointment of a committee. I make the motion with the consent of the Committee on the Judiciary.

The motion was agreed to.

On motion of Mr. McDONALD, it was

Ordered, That leave be given to withdraw from the files of the Senate the memorial of John R. McLean.

BILLS INTRODUCED.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1407) for the relief of Lacon R. Tillman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. THURMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1408) to further amend the act entitled "An act to reorganize the courts of the District of Columbia, and for other purposes," approved March 3, 1863, and to repeal section 861 of

chapter 24 of the Revised Statutes of the District of Columbia, and re-enact the same as amended; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1409) for the relief of James H. Woodard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALLACE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1410) to aid in increasing commercial relations with the Argentine Republic; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1411) granting a pension to James Morgan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WILLIAMS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1412) regulating the compensation of paymasters' clerks in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1413) to provide for the erection of a public building in the city of Hannibal, in the State of Missouri; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FARLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1414) authorizing claimants to the Rancho de Napa, in Napa County, California, to prove up their title; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VANCE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1415) for the relief of Rollin J. Reeves and Henry R. Lemly; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1416) relating to writs of execution in the District of Columbia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1417) for the relief of Mrs. Bettie Taylor Dandridge and Miss Sarah Knox Wood, daughter and granddaughter of Zachary Taylor, late President of the United States; which was read twice by its title, and referred to the Committee on Appropriations.

INDIAN TERRITORY.

Mr. CARPENTER submitted the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire as to whether or not under existing treaties Congress has a right to make the Indian Territory a separate judicial district and to organize a court or courts therein; and, if so, what jurisdiction ought to be conferred upon said courts, and report by bill or otherwise.

Mr. GARLAND. I wish to state to the Senator from Wisconsin that that subject, in all its branches, is already before the Committee on Territories of this body, and it is not worth while, I think, to refer the subject to another committee.

Mr. CARPENTER. This resolution refers to a mere question of law, and I think the Judiciary Committee should consider it.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. GARLAND. I shall object, Mr. President.

The VICE-PRESIDENT. The Senator from Arkansas objects, and the resolution goes over under the rule.

MARINE HOSPITAL AT MEMPHIS.

Mr. HARRIS. I ask the unanimous consent of the Senate that it now proceed to the consideration of the bill (H. R. No. 2353) to provide for the construction of a marine hospital in the city of Memphis, Tennessee.

I desire to say, if the Senate will indulge me, that owing to the want of suitable hospital accommodation there very great suffering was occasioned during the epidemics of 1878 and 1879, and perhaps deaths resulted from want of sufficient hospital accommodations there.

The construction of a pavilion marine hospital at Memphis is recommended by the Secretary of the Treasury, by the Supervising Surgeon of the Marine Hospital Service, by the National Board of Health, by the president of the board of health of the city of Memphis, and by the Committee on Commerce. I hope the Senate will give consent to take up the bill, for I do not think it will require five minutes to dispose of it. The Senator from West Virginia [Mr. HEREFORD] reported the bill from the Committee on Commerce and can state the facts in the case.

The Chief Clerk read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HAMLIN. I want to say that there is a little history in relation to these hospitals. We established them at various points over this country, in many places where it was found there was really no occasion for them. I do not myself believe that there are seamen enough to require the establishment of a marine hospital at Memphis, and I believe it would increase the expenses of the Government tenfold to maintain a hospital there above and beyond what it would cost to have the sick cared for in private quarters. I do not

know about the particular facts of this case; I should like to listen to them; but I do know that we have traveled over this road once or twice, and have found that we had made very grave mistakes in relation to these hospitals. It is a very good thing to have them. We have sold them in several States. This is a matter that has not been brought to my attention recently, and I do not recall the points to mind, but I am right in the fact. Will my friend from Tennessee tell me how many seamen are registered at Memphis?

Mr. HARRIS. The Senator from West Virginia [Mr. HEREFORD] has papers in his hands which will enable him to answer accurately the question of the Senator from Maine. But I desire to say in answer to the Senator from Maine that the Surgeon-General of the Marine Hospital Service, after a careful examination of the question, recommends the construction of a pavilion hospital at Memphis for the accommodation of the seamen there; the Secretary of the Treasury recommends it; the National Board of Health recommends it; the board of health of the city of Memphis recommends it; and the experience of the last two years of the epidemics there has satisfied all persons cognizant of the facts that it is a matter of the highest importance to the class to be accommodated by the proposed building that we should have a pavilion marine hospital at Memphis.

Mr. HAMLIN. Let us call things by their right names. If it is a proper thing, in view of the locality and the health of our people, to establish a hospital at Memphis for general purposes owing to the calamity which has rested upon that place on several occasions, let it be so presented; but let it not be done under the guise—

Mr. HARRIS. Will the Senator allow me to interrupt him?

Mr. HAMLIN. Certainly.

Mr. HARRIS. The marines at Memphis have been accommodated up to this time by the city hospital, adequate for ordinary purposes, but inadequate for the ordinary purposes of the city and to accommodate the seamen and marines who are there. It is for the accommodation of that particular class, and that class alone, that the proposed hospital is desired.

Mr. HAMLIN. I would be very much obliged to the Senator from Tennessee, or to the Senator from West Virginia, if either of them will inform this body what is the number of marines at that port.

The VICE-PRESIDENT. Does the Senator from Maine assent to the present consideration of the bill?

Mr. HAMLIN. I think the bill had better go over; I want to look into it. I have had too much experience in this very branch to consent to the present consideration of the bill.

The VICE-PRESIDENT. Objection is made, and the bill goes over.

TITLES AT HOT SPRINGS.

Mr. WALKER. I gave notice on Friday last that at the expiration of the morning hour to-day I should call up the bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes, reported from the Committee on Public Lands with amendments.

The VICE-PRESIDENT. The bill will be reported and objections asked.

Mr. WALKER. I ask that the report of the Committee on Public Lands be read.

Mr. VICE-PRESIDENT. The bill will first be reported.

Mr. McMILLAN. Will this matter lead to discussion?

The VICE-PRESIDENT. The Chair will first have the bill read, and then inquire whether there is objection to its present consideration.

The Chief Clerk proceeded to read the bill, and was interrupted by Mr. McMILLAN. From the appearance of the bill which is now being read it seems to me that it will consume almost the entire time appropriated for the Calendar to read the bill. It is very certain that it will lead to discussion, I think, because this subject has always led to discussion when brought before the Senate. I ask the Senator from Arkansas whether he will not consent to proceed to the Calendar under the regular order and leave this bill to come up when there shall be more time to devote to it in the Senate. I dislike to object to its present consideration.

Mr. WALKER. I hope the Senator from Minnesota will withdraw his objection to the present consideration of the bill. Last Friday I gave notice that to-day, at the expiration of the morning hour, I should call up the bill for consideration; but as the Senator from Illinois has the floor to proceed with the discussion of the unfinished business, at that time I had hoped the Senate would consider the bill now. It is important that it should be promptly considered, inasmuch as the time for legislation upon this subject expires on the 14th day of March. There is, therefore, little time to consider the matter, and I hope the Senator will withdraw his objection.

Mr. McMILLAN. I am satisfied that the bill cannot be disposed of this morning. The Senator from Illinois has the floor to discuss the bill pending now as unfinished business, and there are but three-quarters of an hour remaining between this moment and the time that the Senator from Illinois will take the floor. I do not apprehend there is any probability that this matter can be disposed of this morning. If the Senator from Arkansas desires to take the floor himself upon the bill, if there is any desire of that kind, I, of course, shall interpose no objection to that; but if the bill is called up merely for its disposition, I feel sure it cannot be disposed of in that time, and I suggest to the Senator whether its consideration would not interfere with the disposition of all the bills on the Calendar in their regular order. That is the only suggestion I make.

Mr. WALKER. As the objection of the Senator carries the bill over, I shall ask that it be considered to-morrow at the expiration of the morning hour.

Mr. McMILLAN. I do not interpose an objection. If the Senator desires to have the bill read, and if it leads to no discussion on being read, I shall not object to it.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

Mr. CONKLING. Did not the Senator from Minnesota object to the bill?

Mr. McMILLAN. I withdrew my objection.

The VICE-PRESIDENT. The Senator from Minnesota withdrew his objection.

Mr. CONKLING. I wish to say about the bill, that as it came from the House it covered some seven or eight pages. I observe by looking at the printed bill that the committee report to strike out pretty much the whole of it and substitute practically a new bill. I will assist with my vote the Senator from Arkansas to take up this bill, not in the morning hour but as he proposed, after the morning hour, on any day when he may make the motion, that we may have an understanding of it. I did not hear any notice given that the bill was to be taken up to-day. The notice, it seems, was that it was to be taken up after the morning hour. It is proposed now in the morning hour to take up this voluminous and important bill and to consider it. I beg the Senator not to drive me or anybody else to make an objection, but to let it stand until after the morning hour, as he proposed, to-morrow morning or on some day when it can be considered.

That the Senators from Arkansas need not suppose that delay is unnecessary on this subject, I will say to them that I have received from residents of Arkansas, one or two of whom were formerly residents of New York, who are property holders and largely interested in this matter, letters and statements, intelligent and instructive, as I think, which I should like to have here to be considered in connection with the bill, which was reported only last Friday, and without the slightest apprehension on my part that it was to come up to-day, and particularly during the somewhat hasty and formal proceedings of the morning hour. Therefore if the Senators will allow the bill to stand until to-morrow, or any day, after the morning hour, I shall be very glad to assist them, with the little assistance that I can give, to get up the bill; but I hope they will not press a bill of this sort during the morning hour and under such circumstances.

Mr. GARLAND. I am very glad the Senator from New York is interested in this matter, and I wish all other Senators would become equally so. It has been a matter of very great labor, of exacting labor, upon the Senators from Arkansas, as well as upon the Representatives in the lower House.

By a resolution of suspension of all further proceedings in this matter, which was passed early in January, after the holiday recess, the time for legislation will be closed on the 14th of this month. That leaves only twelve days, counting to-day, for legislation to be had. Whatever action the Senate takes upon the matter has got to go back to the House.

Mr. CONKLING. I could not hear the Senator. What is it that establishes a twelve-days limit?

Mr. GARLAND. I will repeat. By a resolution passed very early after the recess, in January, all further proceedings in the Interior Department and the Land Office to perfect the title to this land were suspended for a period of sixty days. That period of sixty days expires on the 14th of this month, which leaves, counting to-day, twelve days only in which legislation is to be had; and whatever measure passes the Senate will have to go to the House for the action of that body, it may be.

Mr. CONKLING. Will the Senator hear a suggestion at that point?

Mr. GARLAND. I will, with great pleasure.

Mr. CONKLING. It is this—and I appeal to many examples, some of them I think within the memory of the Senator—neither the Secretary of the Interior nor any other executive officer would, upon being informed, by a committee even, that the two Houses were considering a purpose to change legislation giving direction to him, proceed so promptly as to trip that legislation. Therefore, I do not think the Senator will have the slightest difficulty, upon addressing a note to the Secretary of the Interior, in seeing that nothing is done so very hastily as it would be if immediately upon the expiration of the sixty days he should proceed to act. But, again, if the Senator will allow me, it would be a very easy thing to pass a resolution, if he deems that necessary, extending for a small number of days in addition, this interval of time.

Mr. GARLAND. That may all be very true, but I was simply stating matters of fact that exist in reference to this transaction; and as the sixty days were considered ample time in which to perfect this legislation, it was the desire of the Senators from Arkansas that it should be accomplished, if possible, within the time. My colleague made the report last Friday, and gave notice that he would call it up to-day for action.

This is not legislation concerning alone the Senators from Arkansas. It is a matter in which the public are interested, and we are not selfish at all; we are glad to have other Senators take an interest in it. We wish now, while the subject is before the Senate, to make this impression on Senators: that we want such legislation passed as will make a finality as far as there can be one on this subject, so that

there will be no further legislation needed after this is done. Of course we yield to the suggestion of the Senator from New York that this matter go over, with the notice of my colleague that he will insist upon its consideration to-morrow. The report is printed, and we shall be glad to have Senators examine the question, in order that we may have all the light possible. We will ask the Senate to consider it to-morrow.

The VICE-PRESIDENT. The Chair understands that to-morrow, after the morning hour, the Senator from Arkansas will ask the Senate to consider the bill.

CHESTER A. ARTHUR.

Mr. MORRILL. I ask that the bill (S. No. 1314) for the relief of Chester A. Arthur, collector of the port of New York, be taken up for present consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole.

The bill directs the proper accounting officers to allow Chester A. Arthur, collector of the port of New York, in settlement of his accounts, a credit for \$3,436.88, being for \$5,000 in gold coin, a sum now charged to the collector, which was stolen or disappeared from the office of the then cashier of the custom-house at New York, January 21, 1876, without the default or negligence of the collector or of the late William D. Robinson, cashier, and for \$3,436.88, the amount of an apparent discrepancy in account of proceeds of sales of unclaimed goods, which is unexplained by reason of the death of Samuel G. Ogden, late auditor of the custom-house, who had charge of such account, and personally received and disbursed all moneys thereon during his whole term of service of thirty-six years.

Mr. MORRILL. I will merely say that this bill embraces for the main part a bill of the same character reported to and passed by the Senate last year, and which was favorably considered by the House committee and reported, but not in season to be acted upon by the House. It is a bill that has received the unanimous assent of the Committee on Finance, and is favored by the Secretary of the Treasury. The two officers named in the bill were long in the employment of the Government in the custom-house in New York, thirty or forty years, and there is a very considerable balance that has been paid into the Treasury by them of money saved over and above what they would be compelled legally, perhaps, to account for. I have no doubt myself of the propriety of the passage of this bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DRAWBACK ON EXPORTED GOODS.

Mr. BAYARD. I ask the Senate now to proceed to the consideration of Senate bill No. 910.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 910) to amend section 3020 of the Revised Statutes.

The Committee on Finance reported the bill with an amendment, which was, in line 17, after the word "shall," to strike out "equal" and insert "be not less than."

The amendment was agreed to.

Mr. BAYARD. I desire now to offer the House bill on the same subject as a substitute for the bill before the Senate. It is identical with the bill before us.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and in lieu thereof to insert the following:

That section 3020 of the Revised Statutes be so amended as to read as follows: "Sec. 3020. Where fire-arms, scales, balances, shovels, spades, axes, hatchets, hammers, plows, cultivators, mowing-machines, and reapers, manufactured with stock or handles made of wood grown in the United States, are exported for benefit of drawback under the preceding section, such articles shall be entitled to such drawback in all cases where the imported material exceeds one-half of the value of the material used. And where cans, manufactured in whole or in part of imported material, filled with products grown or produced in the United States, are exported for benefit of such drawback, the same shall, in all cases, be entitled to the drawback provided for in the preceding section where the imported material used in the manufacture of such cans shall equal 70 per cent. of the value of all the material used in the manufacture thereof."

The amendment was agreed to.

Mr. BAYARD. The House having acted upon this question I desire that we should pass the House bill.

The VICE-PRESIDENT. It has been agreed to as a substitute.

Mr. MORRILL. Not as a substitute; that is not the proper course.

The VICE-PRESIDENT. It was offered as a substitute and agreed to as a substitute.

Mr. MORRILL. I would merely observe that it should not in form be presented as a substitute. The object of the exchange of the bills is to pass the House bill, and therefore I take it the chairman of the Committee on Finance only desires to have the House bill passed instead of the Senate bill.

Mr. CONKLING. I suggest to the Senator from Delaware, if he will allow me, that the motion to accomplish his purpose is to lay aside the Senate bill and take up the House bill. If he substitutes it it still remains a Senate bill which must go to the House, but if he lays aside the Senate bill and takes up the House bill, that will accomplish his object.

Mr. BAYARD. My object was to facilitate the passage of the measure into a law, and it having had the assent of the House, I ask the Senate to act on the House measure, laying aside the Senate bill.

The VICE-PRESIDENT. The suggestion of the Senator from New York is the correct one and that will be the order.

Mr. BAYARD. Let the House bill be before the Senate.

The VICE-PRESIDENT. The House bill will be considered as before the Senate, the Committee on Finance being discharged from its consideration.

The Senate, as in Committee of the Whole, proceeded to consideration of the bill (H. R. No. 3462) to amend section 3020 of the Revised Statutes.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. The Senate bill No. 910 will be regarded as indefinitely postponed.

THE CALENDAR.

Mr. McMILLAN. I ask for the regular order.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar, commencing at the point reached yesterday.

PUBLIC LANDS IN KANSAS.

Mr. PLUMB. The first bill to be called is the bill (H. R. No. 3968) for the relief of certain actual settlers on the Kansas trust and diminished-reserve lands, in the State of Kansas.

The VICE-PRESIDENT. That bill was passed without prejudice yesterday, and will now be taken up.

Mr. McMILLAN. Will not the case that was unfinished at the end of the call yesterday now come up?

The VICE-PRESIDENT. This bill was passed over yesterday by unanimous consent without prejudice and so did not lose its place on the Calendar. It is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. SLATER. I should like to hear the bill read at length.

The Chief Clerk read the bill.

Mr. PLUMB. I move to amend the first section by inserting after the word "assigns," in line 27, the words "being in possession thereof."

The amendment was agreed to.

Mr. PLUMB. I now desire to add at the conclusion of that section these words:

Where such persons, their heirs, legal representatives, or assigns are not in possession of said lands, then the same may be entered as other of the said Kansas Indian lands by actual settlers only.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FORT RIPLEY RESERVATION.

The next bill on the Calendar was the bill (H. R. No. 1153) to restore to the public domain a part of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes; which was considered as in Committee of the Whole.

Mr. COCKRELL. That bill was read yesterday and the report also was read. The bill has passed the House of Representatives. It is recommended by the Secretary of War. Here is a large military reservation which was abandoned a number of years ago and the buildings upon it were nearly all burned down. This bill provides that the few remaining buildings and any improvements there be appraised and sold at not less than their appraised value, and the lands which are of the same character as contiguous lands shall be subject to entry the same as other public lands.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in section 1, line 6, after the word "except" to strike out "the following described tracts of land designated in executive order dated August 2, A. D. 1875, to wit, the south half of the southwest quarter and the south half of the southeast quarter of section 6, lot 1, in section 5, the north half of section 7, and the north half of the southwest quarter and the north half of the southeast quarter of section 7, and lot 1 in section 8, in township 131, of range 29, and;" so as to make the section read:

That the Secretary of War be, and he is hereby, authorized and required to turn over to the Department of the Interior all the military reservation known as the Fort Ripley reservation, in the State of Minnesota, except a strip or tract of land, fifty feet in width, from the center of the railroad track on each side of said track of the Western Railroad Company of Minnesota, as the said track is located and constructed, being a distance of about fifteen miles across said reservation on the east side of the Mississippi River, together with a tract of land fifteen hundred feet in length and three hundred feet in width, for depot and station purposes at the present location of the Fort Ripley side-track; the same being for right of way for said railroad as heretofore granted by acts of Congress in the years 1857 and 1865, and which is hereby granted for that purpose.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "in," to strike out "that part of;" so as to read:

All the lands embraced in said Fort Ripley reservation hereby required to be turned over to the Secretary of the Interior shall be subject to entry by actual settlers under the pre-emption and homestead laws as minimum lands.

The amendment was agreed to.

The next amendment was, in section 2, after the word "payment," in line 18, to insert:

And provided further, That the Secretary of the Interior shall, prior to offering any quarter section, half quarter section, or quarter quarter section whereon are situate any public buildings or improvements, erected or made by the Government, cause

the said tracts with the improvements thereon to be appraised by three disinterested persons, and upon his approval of such appraisement shall dispose of said tracts at not less than the appraised value.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title of the bill was amended so as to read: "An act to restore to the public domain the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes."

Mr. JONES, of Florida. I would ask the Senator from Missouri if there is a general law on this subject?

Mr. COCKRELL. No, sir. This reservation, with a large number of others, was made a number of years ago and reported by the Secretary of War to Congress for legislation; but it is impossible to draw a bill that will reach all the reservations, and therefore they come in by piecemeal.

REMOVAL OF DESERTION CHARGES.

The next bill on the Calendar was the bill (S. No. 876) for the relief of Edward Corseilus and seven other persons, late members of the First Michigan Cavalry Veteran Volunteers, which had been reported adversely by Mr. COCKRELL from the Committee on Military Affairs.

Mr. COCKRELL. There are a number of cases reported adversely on the Calendar, and they ought to be disposed of. It is throwing away the labors of the committees when such cases are placed on the Calendar and no action had on them. They come back to us at the next session, are reported adversely again, placed on the Calendar again, and so they go on to infinity. There ought to be some action on these adverse reports.

Mr. PLUMB. I think the Senators from Michigan desire to be heard on this bill.

Mr. FERRY. I understand my colleague desires to be heard. The Senator from Missouri does not object to the consideration of the bill.

The VICE-PRESIDENT. The parliamentary question, as the Chair understands, on all these bills adversely reported, the action of the committee being advisory merely, is, Shall the bill be engrossed for a third reading?

Mr. FERRY. So I understand.

Mr. BALDWIN. Mr. President, differing as I do from the adverse report made upon this bill by the Committee on Military Affairs, I propose to submit a brief history of the case of these men, and of the peculiar circumstances under which they came to be classed as deserters, with the reasons why, in my judgment, the relief asked should be granted.

In 1861, when the Government was imperiled by a rebellion which had become widespread over a large portion of the country, these men enlisted in the First Michigan Cavalry Regiment and served continuously with the armies of the Shenandoah, Virginia, and Potomac until December, 1863, which will be remembered as one of the dark periods of the war which threatened the disruption of the Union.

In response to the urgent appeals for additional volunteers, and for the re-enlistment of the soldiers already in the field, these men then re-enlisted as veterans for three years or during the war, and participated in the subsequent campaigns of Sheridan and Grant until the surrender of Lee, in April, 1865. At the time of their re-enlistment the regiment to which they belonged was paraded by the colonel, who explained to his men the inducements offered for the re-enlistment of old soldiers, and expressly stated to them that as many as should re-enlist and serve to the end of the war should be mustered out of service at the close and receive all the benefits promised.

In May, 1865, the First, Fifth, Sixth, and Seventh Michigan Cavalry Regiments were encamped near Washington, and were under orders to move West. The men were greatly disappointed; they had entered the Army not as professional soldiers, but in response to the urgent call of their country. In its hour of peril they had left their farms, their workshops, their various avocations, and their families, and had volunteered as citizen soldiers for the specific and sole purpose of sustaining the Government, of aiding in its efforts to put down a rebellion which threatened the destruction of their country. They had cheerfully endured the hardships, the privations, and the dangers of the camp and the battle-field during all the long years of the war, and now, after its close, when they expected to be mustered out of service, as was promised, they were ordered West.

The day before they started for Saint Louis the governor of Michigan visited them in camp, listened to their complaints, and advised them to go quietly to Saint Louis, but promising them a speedy discharge. This promise was based upon information he had received from the War Department, as will be seen from the report of the adjutant-general of the State, in which he details to the governor the history of this matter. The adjutant-general says:

In the latter part of last May, the time at which the armies were encamped around Washington, your excellency, with several of your staff, accompanied by myself, was in that city, being on a tour of visitation to the Michigan regiments then serving in those armies. The Michigan cavalry brigade, composed of the First, Fifth, Sixth, and Seventh Regiments, was then encamped near the city, and learning that it was under orders to move West, you visited the camps of those regiments on the morning before they left. Understanding that some dissatisfaction and disappointment prevailed among them in consequence of their being ordered West and not being mustered out, as they had expected to have been, you then advised

them to have patience, and to accede cheerfully to the requirements of the Government, and that in a short time they undoubtedly would be discharged from the service. This was the conclusion to which you had come from the information you had obtained in your intercourse with the authorities at the War Department.

The advice of the governor was acted upon and the regiment went to Saint Louis. Owing to a misunderstanding of orders from the Department, the regiment was not mustered out, but was ordered to Utah. After reaching Fort Leavenworth they were ordered on a six-hundred-mile march across the plains. The governor of Michigan in a letter to the Secretary of War wrote as follows:

They are undoubtedly legally held for the whole term of their enlistment, yet, notwithstanding this, the phrase used in their enlistment papers, "or during the war," has led them with some justice to suppose that when the war ended they would be discharged, and especially as some of the regiments have been placed on service which they consider as not connected with the war, for instance on the plains or on the Mexican border.

Taking his view of the case—which was strengthened by the promise of their colonel on their re-enlistment—these men felt that they were unjustly held, they felt that they had discharged their full duty—that their term of service had expired.

It is not, Mr. President, for the purpose of exciting discussion or controversy that I advocate the relief asked by them, but as a matter of simple justice.

One point which I conceive should have weight in this case is the fact that these men were citizen soldiers; that they were enlisted as such for a specific purpose, and that sole purpose was to fight for the preservation of the Union during the war. When in the spring of 1865 the war was closed they plead for discharge—not because they were unfaithful, not because they were unpatriotic, not because they were cowards; they had proved their faithfulness, their patriotism, and their bravery on a score of battle-fields from 1861 to 1865, but they demurred because they honestly believed that they had fully lived up to their contract. They had enlisted for the one purpose of aiding in subduing a rebellion, and that purpose had been successfully accomplished; months had come and passed away since the war had been closed. Under these circumstances the men desired to return to their families and the avocations from which they had been so long separated.

It seems to me, Mr. President, that there is a wide difference between what is known as a regular, and a citizen soldier. The regular enlists in the Army for a fixed period of years, as a profession or trade for a livelihood, to go to any post or place, in peace or in war, to discharge any and every duty for which a standing army may be called upon.

The citizen soldier, on the contrary, volunteers his services in an emergency for a specific purpose as in the case of these men, to be mustered out of service when the emergency or peril has passed away. That this view of the case was held by the governor of Michigan there can be no doubt.

But there is another and it seems to me, an unanswerable standpoint from which these men may claim to be relieved from the undeserved stigma which rests upon their former good names. From the close of the war until the present time general amnesty has been the prevailing sentiment and policy of the country. The fourteenth amendment to the Constitution authorizes Congress to remove the disabilities even of those who, after having taken an oath to support the Constitution of the United States, have engaged in insurrection or rebellion. And the record shows that in no single instance has a respectful request for the removal of such disabilities been denied. Magnanimity has marked this policy from the close of the war until the present time.

There were at the commencement of the war large numbers of persons pensioned on account of service in the war of 1812, or for service in some of the Indian wars, whose names were stricken from the rolls in pursuance of the act of February 4, 1862, because of having participated in the rebellion, or for aiding and abetting those who were thus engaged in efforts to destroy the Union. All of these have been restored to the pension-roll by the act of March 9, 1878.

But, Mr. President, perhaps the most marked example of this spirit is to be found within these walls. Many seats in each House of Congress are occupied to-day by those who but for this spirit of amnesty could not have been here.

Acting under this predominant sentiment, Congress having with unexampled magnanimity relieved from their disabilities those who for years participated in the late rebellion against the Government, shall we now refuse to do an act of simple justice to men who faithfully served their country through all the long years of the war, some of whom will carry to their graves honorable wounds received on the battle-field? Shall we by our votes refuse to correct the unjust record which classifies these men as deserters, a charge due to the mistakes of officers rather than to misconduct on the part of the men? I hope not. I hope that the bill for their relief will receive—as I believe justice demands—favorable action, and be passed.

Mr. COCKRELL. Mr. President, we scarcely have time to consider this morning the questions which are necessarily involved in this bill and which the Senate ought to decide. This is not a bill for amnesty—very far from it. Congress has been very generous in granting amnesty, and has by the act of 1865 granted full amnesty to these applicants for relief, and they are relieved from all disability incident to desertion, and the committee so report the fact. It is simply, more than anything else, a question of dollars and cents, a

claim for certain back pay and bounty withheld by the War Department.

Mr. FERRY. Will the Senator allow me at this point to say to him that he labors under a misapprehension in that respect? I have personally applied to the War Department for the purpose of removing this stigma on the names of the men who seek relief in the bill that is pending, and the response of the Department is that it cannot be done; that upon the statement of facts as now submitted by my colleague the Department do not feel justified in removing that stigma. The application that I presented was not one for the payment of wages, but for the removal of the charge of desertion simply; so that the Senator must be mistaken in the declaration that there is sufficient amnesty now to wipe out that charge.

Mr. COCKRELL. If the Senator from Michigan had had as much to do with these cases as I have had, he would not have undertaken to correct a true and mathematically correct statement. I said that these parties were not under disabilities, and he will find by the act of March 3, 1865, that all persons who deserted the service after that date are relieved from the disabilities of desertion, the disabilities of forfeiture of citizenship and the right to hold office. Those are the legal disabilities imposed upon deserters, and that act removed them from these men. Now, as to the charge of desertion upon the records of the office, that is entirely a different matter, and about that I shall not speak, but that is the matter upon which the Senator was speaking—an entirely different matter from the one I mentioned.

Mr. FERRY. In reply to what the Senator from Missouri has now said, I supposed, when he raised the point as an objection to meet what was stated by my colleague, that it related to what the parties had applied for, namely, the removal of the disgrace. Now the Senator modifies his objection into the view that it is simply giving them their rights of citizenship. That is not their application; they already have that and have not forfeited it. That is not their claim for relief. They are claiming to be relieved from the stigma or disgrace of desertion which now rests upon them in the records of the Government. The object of this bill is to remove that; and certainly the Senator from Missouri, who participated in this same war, cannot be so indifferent or ungallant as to refuse this application. It is founded on justice. While cheerfully indorsing all that my colleague has so well said on the subject, I differ in one respect simply from him. It is not a claim for generosity; it is not a claim upon the clemency of the Government; it is a demand for simple justice—nothing less, nothing more.

Mr. BALDWIN. I think my colleague must have misunderstood me when he said he differed with me. I said twice, I believe, during the few remarks I made, that this was asked as a matter of justice—not as a matter of charity, but as a matter of simple justice.

Mr. President, the morning hour is within a minute of expiring. But for that I should like to ask the Senator from Missouri some questions as regards what he conceives disability to mean. But the morning hour is expiring, and as it might lead to some discussion I will not take the time now.

Mr. COCKRELL. I take great pleasure in answering any question which may be propounded. I think the report of the committee in this case, the report of the Adjutant-General, which is very elaborate, and the report of the Secretary of War explain fully the situation.

Mr. FERRY. If the Senator will allow me at this point, I wish to say in that connection that in my personal interview with the Adjutant-General, upon his statement that upon the state of facts as represented he could not remove the charge of desertion, I made this point to him in writing: If upon the evidence it is shown that these gallant men were ordered to a different service from that for which they enlisted, will the Department consider the question and remove the charge of desertion? And the responsive implication was that the Department would entertain and consider that. Therefore I am very glad that the expiration of the morning hour has occurred at this time, so that perhaps by the time the bill comes up again I shall have that official reply to submit to the Senate.

The VICE-PRESIDENT. The morning hour has expired, and the Senate proceeds to the consideration of its unfinished business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 68) to authorize the printing of 13,000 copies of the Report on Sheep Husbandry; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 2804) for the relief of the administrator of John D. McGill; and

A bill (H. R. No. 3288) for the relief of colored emigrants.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BRUCE, it was

Ordered, That the petition and papers of G. E. W. Sharrett on the files of the Senate be referred to the Committee on Claims.

FITZ-JOHN PORTER.

The Senate, as in Committee of the Whole, resumed the consider-

ation of the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army, the pending question being on the amendment proposed by Mr. RANDOLPH.

Mr. LOGAN resumed the floor and continued his speech of yesterday. [His remarks will be found in the Appendix.] Having spoken, with interruptions, for some time,

Mr. ANTHONY. If it will be agreeable to the Senator from Illinois, I will move that the Senate proceed to the consideration of executive business.

Mr. LOGAN. I will yield with the understanding that I shall be allowed to proceed to-morrow. In my argument hereafter I will take up the evidence in the case, having closed so far as the law question is concerned.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at four o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 3, 1880.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

The Journal of yesterday was read.

CORRECTION OF THE JOURNAL.

Mr. MANNING. I am recorded in the Journal as having voted in the negative on the amendment to Rule XXI. I did not vote at all, because I was paired with Mr. RYAN, of Kansas. I would have voted in the affirmative if I had not been paired.

The SPEAKER. What is the exact vote to which the gentleman refers?

Mr. MANNING. It was in reference to Rule XXI. It is stated I voted in the negative. I did not vote at all, as I was paired with the gentleman from Kansas.

The SPEAKER. The Journal will be corrected accordingly.

The Journal, as corrected, was then approved.

CHANGE OF EVENING SESSION.

The SPEAKER. The Chair desires to state to the House, on the request of the chairman of the Committee on Invalid Pensions, [Mr. COFFROTH,] that this evening has been set apart for the consideration of pension bills. To-day, immediately after the morning hour, has also been set apart for resolutions of respect to the memory of the late Senator from Alabama, GEORGE S. HOUSTON. It is usual to adjourn immediately after such memorial proceedings, the effect of which would be to cut off the session for this evening for invalid pensions. The Chair therefore suggests that in lieu of the session this evening there be a session to-morrow evening for the consideration of invalid pensions.

There was no objection; and it was ordered accordingly.

PERMISSION TO VOTE.

Mr. HUBBELL. I ask, by unanimous consent, to have my vote recorded on the twenty-first rule in the negative.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. FERNANDO WOOD. I desire to ask the House this morning to dispense with the morning hour for the purpose of going into the Committee of the Whole on the state of the Union to take up the funding bill.

The SPEAKER. The Chair will recognize the gentleman at the proper time.

MEMORIAL ADDRESSES ON THE LATE TERRENCE J. QUINN, ETC.

Mr. BAILEY, by unanimous consent, submitted the following resolution:

Resolved, That the Public Printer be requested to communicate to this House the reason why the volume of memorial addresses on the late Hon. Terrence J. Quinn, a member of the Forty-fifth Congress from the State of New York, has not been printed as heretofore ordered by Congress.

Mr. BREWER. I suggest to the gentleman to include also an inquiry as to why the memorial addresses on the late General Alpheus S. Williams have not also been printed. They were ordered more than a year ago.

Mr. BAILEY. I accept the modification.

The resolution, as modified, was adopted.

GEORGE HULSE.

Mr. NEW, by unanimous consent, introduced a bill (H. R. No. 4904) granting a pension to George Hulse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHANGE OF TITLE.

Mr. WILSON. Mr. Speaker, I ask by unanimous consent that an amendment be made in title to joint resolution (H. R. No. 68) to authorize the printing of 10,000 copies of the Report on Sheep Husbandry. The body of the resolution provides for the printing of 13,000 copies, while the title says only 10,000.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that the title be changed to agree with the body of the joint resolution by striking out ten and inserting thirteen, which is the true statement.

There was no objection, and it was ordered accordingly.

PRINTING.

On motion of Mr. WILSON, by unanimous consent, the following resolutions were taken from the Speaker's table, severally read, and referred to the Committee on Printing:

IN THE SENATE OF THE UNITED STATES.
December 16, 1879.

Resolved by the Senate, (the House of Representatives concurring.) That 3,000 copies of the report of the board to test iron, steel, and other metals be printed for the use of Congress; 1,000 for the use of the Senate, and 2,000 for the use of the House.

JNO. C. BURCH, Secretary.

IN THE SENATE OF THE UNITED STATES.
February 5, 1880.

Resolved by the Senate, (the House of Representatives concurring.) That 3,000 sets of the five volumes of the Reports of the United States Fish Commission be printed from the stereotype plates, of which 1,000 shall be for the use of the Senate, 1,500 for the House of Representatives, and 500 for the use of the Commissioner of Fish and Fisheries.

JNO. C. BURCH, Secretary.

IN THE SENATE OF THE UNITED STATES.
February 13, 1880.

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 10,000 additional copies of Bulletin No. 3 of the United States entomological commission on the cotton-worm; 6,000 copies for the use of the House, 3,000 for the use of the Senate, and 1,000 for the use of the Department of the Interior.

JNO. C. BURCH, Secretary.

IN THE SENATE OF THE UNITED STATES.
February 11, 1880.

Resolved by the Senate, (the House of Representatives concurring.) That there be printed at the Government Printing Office for the use of the Department of the Interior 1,500 copies each of volumes 4 and 12, and 1,200 copies each of volumes 3, 8, and 13 of the final reports of the Geological and Geographical Survey of the Territories, in quarto form, with the necessary illustrations, uniform with the edition ordered by Congress.

JNO. C. BURCH, Secretary.

IN THE SENATE OF THE UNITED STATES.
January 29, 1880.

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 5,000 additional copies of the report of the Naval Observatory on the eclipse of 1879, of which 1,500 copies shall be for the use of the Senate, 2,500 copies for the use of the House of Representatives, and 1,000 copies for the use of the Naval Observatory.

JNO. C. BURCH, Secretary.

DEPARTMENT HEADQUARTERS, SAN ANTONIO, TEXAS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting recommendation of an appropriation of \$125,000 for buildings of department headquarters at San Antonio, Texas; which was referred to the Committee on Appropriations.

EXPERIMENTS IN MOVABLE TORPEDOES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Navy, transmitting communication from the Chief of the Bureau of Ordnance, Navy Department, relative to an appropriation for experiments in movable torpedoes; which was referred to the Committee on Appropriations.

DANIEL MURPHY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting copies of papers in the claim of Daniel Murphy; which was referred to the Committee of Claims.

PAY OF MAIL CONTRACTORS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Postmaster-General, relative to the appropriation for the payment of certain mail contractors in States therein named; which was referred to the Committee on Appropriations.

NEW YORK CLEARING-HOUSE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, relative to the connection of the United States Treasury with the New York clearing-house; which was referred to the Committee on Coinage, Weights, and Measures.

BOARD OF ENGINEERS, WISCONSIN RIVER IMPROVEMENT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting copy of report of board of engineers on the improvement of the Wisconsin River.

Mr. CASWELL. I ask that that be printed, and referred to the Committee on Commerce.

There was no objection, and it was ordered accordingly.

EMOLUMENTS AND FEES OF CUSTOMS OFFICERS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the official emoluments and fees received by customs officers during the fiscal year ending June 30, 1879; which was referred to the Committee of Ways and Means, and ordered to be printed.

FREDERICK H. E. EBSTEIN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, recommending relief of Frederick H. E. Ebstein, first lieutenant Twenty-first Infantry; which was referred to the Committee on Military Affairs.

STATISTICAL ABSTRACT OF THE UNITED STATES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting the second number of the statistical abstract of the United States; which was laid on the table, and ordered to be printed.

WITHDRAWAL OF PAPERS.

Mr. HUBBELL, by unanimous consent, moved to withdraw from the files of the House the papers in the case of Dr. E. H. Wood; which motion was referred to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

Mr. AIKEN, by unanimous consent, moved to withdraw from the files of the House the petition of C. S. McDaniel, an invalid soldier of the Mexican war, there being no adverse or other report thereon; which was referred to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. THOMPSON, of Iowa, for ten days, on account of the death of a relative.

EAST FLORIDA CLAIMS.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I deem it proper to invite the attention of Congress to the subject of the unsettled claims of Spanish inhabitants of East Florida during the years of 1812 and 1813, generally known as the "East Florida claims." The settlement of which is provided for by a stipulation found in article 9 of the treaty of February, 1819, between the United States and Spain. The provision of the treaty in question which relates to the subject is the following: "The United States will cause satisfaction to be made for the injuries, if any, which by process of law shall be established to have been suffered by the Spanish officers and individual Spanish inhabitants by the late operations of the American Army in Florida."

The act of Congress of the 3d of March, 1823, (Statutes at Large, volume 3, page 768,) to carry into effect the ninth article of the treaty in question, provided for the examination and judicial ascertainment of the claims by the judges of the superior courts established at Saint Augustine and Pensacola, and also made provision for the payment by the Secretary of the Treasury of such claims as might be reported to him by the said judges upon his being satisfied that such claims were just and equitable, and a subsequent act approved the 26th of June, 1834, (Statutes at Large, volume 6, page 569,) gave further directions for the payment, and also provided for the hearing and determination by the judge of the superior court of Saint Augustine of such claims as had not then been already heard and determined. Under these acts of Congress I understand that all claims presented to the judges in Florida were passed upon, and the result of the proceedings thus had reported to the Secretary of the Treasury. It also appears that in the computation of damages the judges adopted a rule of 5 per cent. per annum on the ascertained actual loss from the date of that loss to the time of the rendition of their finding, and that the Secretary of the Treasury in 1836, when the first reports were presented to him, not deeming this portion of the claims covered by the 5 per cent. rule just and equitable within the meaning of the treaty and the acts of Congress, refused to pay it, but did continue to pay the ascertained amounts of actual loss. The demand for payment of this rejected item has been pressed at various times and in various ways up to the present time, but Mr. Woodbury's successors in the Treasury Department have not felt at liberty to review that ruling.

Under these circumstances I have thought it proper to lay the subject before Congress for its consideration and such action as may be deemed necessary. The history of the proceedings already had in regard to the matter is of record in the Treasury Department, and will be furnished by the Secretary of the Treasury should Congress desire it.

R. B. HAYES.

WASHINGTON, March 1, 1880.

The SPEAKER. This message will be referred to the Committee on Foreign Affairs, and printed.

Mr. CULBERSON. I demand the regular order.

Mr. CONGER. Mr. Speaker, I desire to ask if it is not proper that the message which has just been read should go to the Committee of Claims.

The SPEAKER. This is a matter between a foreign government and the Government of the United States; and the Chair has been requested by the chairman of the Committee on Foreign Affairs to have it referred to that committee; and that is the reason which induced the Chair to make the reference which has just been ordered. The message will be sent to the Committee on Foreign Affairs.

GENERAL MARTIN T. M'MAHON.

Mr. MULLER, by unanimous consent, introduced a joint resolution (H. R. No. 229) appointing General Martin T. MacMahon, of New York City, a manager of the national homes for disabled volunteer soldiers; which was read a first and second time, and referred to the Committee on Military Affairs.

ADMISSION TO THE FLOOR.

On motion of Mr. BUTTERWORTH, by unanimous consent, the privileges of the floor were extended during this day to Hon. Charles Jacob, mayor of Cincinnati, Ohio.

ORDER OF BUSINESS.

Mr. FERNANDO WOOD. I move to dispense with the morning hour.

Mr. CULBERSON. Mr. Speaker, I desire to make a brief statement in response to the motion made by the gentleman from New York, [Mr. FERNANDO WOOD,] and it is this: that we have a bill now pending in the morning hour, but if we can get an hour I think we can dispose of it to-day. I hope, then, that the House will not dispense with the morning hour.

Mr. HAYES. Is there not a special order fixed for one o'clock to-day?

The SPEAKER. The Chair is informed that immediately after the expiration of the morning hour the Senate resolutions in relation to the death of the late Senator from the State of Alabama [Mr. HOUTON] will be called up for consideration.

CORRECTION OF REVISED RULES.

Mr. CARLISLE. Mr. Speaker, I desire to call attention to an inaccuracy in the rules as reported from the Committee of the Whole. This report of the Committee on Rules adopted yesterday cannot be printed unless this matter is corrected, and I hope the gentleman from Texas will yield for that purpose.

Mr. CULBERSON. I yield to the gentleman for that purpose.

Mr. CARLISLE. I desire to call the attention of the House to an error made by the Committee of the Whole House on the state of the Union on the revision of the rules, which seems to have been overlooked entirely yesterday. While this matter was under consideration in the Committee of the Whole, on motion of the gentleman from Connecticut, [Mr. HAWLEY,] the following words were struck out from clause 6, of Rule I, in relation to casting the vote of the Speaker of the House:

In case of a tie or where his vote if given to the minority would make a tie, or would make or prevent a two-thirds vote where such vote is required.

And these words were inserted in lieu of them:

When his vote would be decisive.

The SPEAKER. That was put in by the Committee of the Whole.

Mr. CARLISLE. Yes, sir; but by oversight was not reported to the House. I suggest, therefore, the House by unanimous consent allow that amendment to be treated as if adopted and printed along with the rules.

There was no objection, and it was ordered accordingly.

Mr. GARFIELD. There is another correction that needs to be made before we have the new rules printed. If gentlemen will look for a moment to page 14 of the report acted upon yesterday they will find that the rule as we fixed it yesterday, by an amendment rather hastily made, reads thus:

On all days other than the first and third Mondays, as soon as the Journal is read and approved, there shall be a morning hour.

Now, the intention of the committee and of the House was there should be a call of States on each Monday morning on the first and third Mondays, when we can move to suspend the rules as well as on the other Mondays. But as the rule now stands it would cut off on two of the Mondays the usual call of the States, which nobody wanted. The matter can be perfectly corrected by retaining the word "Monday" in the first line of the second clause, of Rule XXIV, striking out the words "the first and third Mondays," and inserting in the next line, after the word "approved," the words "and on the second and fourth Mondays after the call of the States."

The SPEAKER. And the fifth if there be one. In this month there are five Mondays.

Mr. GARFIELD. I will so state in the amendment.

The SPEAKER. That is the object of the Committee on Rules.

Mr. ROBINSON. I would suggest to the gentleman from Ohio that he use the language "all Mondays except the first and third."

Mr. GARFIELD. I propose to amend it so that the clause shall read as follows:

On all days other than Monday as soon as the Journal is read and approved, and on all Mondays (except the first and third in each month) after the call of States and Territories, there shall be a morning hour for reports from committees, &c.

There being no objection, the amendment was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from New York [Mr. FERNANDO WOOD] moves that the morning hour to-day be dispensed with.

The question being put, the motion was not agreed to; two-thirds not voting in favor thereof.

REMOVAL OF CAUSES FROM STATE COURTS.

The SPEAKER. The morning hour begins at twenty minutes to one o'clock, and the House resumes the consideration of the bill reported from the Committee on the Judiciary, being the bill (H. R. No. 4219) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

The SPEAKER. The floor this morning belongs, by the arrangement of the committee, to the gentleman from Virginia, [Mr. HARRIS.] That gentleman not being present, the Chair recognizes the gentleman from Texas, [Mr. CULBERSON,] who reported the bill, to claim the floor.

Mr. FERNANDO WOOD. Before the gentleman from Texas proceeds, I desire to know how long he proposes to detain the House with this bill in the morning hour.

The SPEAKER. The gentleman from Texas has stated that he hopes to get the bill disposed of to-day.

Mr. CULBERSON. I hope to get through with it to-day.

Mr. FERNANDO WOOD. I hope it will be disposed of, so that it may no longer block up more important business.

Mr. CULBERSON. I yield twenty-five minutes to the gentleman from Illinois, [Mr. TOWNSHEND,] and when that gentleman has completed his remarks I give notice that I will call the previous question.

Mr. TOWNSHEND, of Illinois. It is well known, Mr. Speaker, that in the beginning of the last Congress, and again at the commencement of the present, I introduced a bill looking to an arrest of the evils resulting from the exercise of the enlarged jurisdiction of the Federal courts by repealing certain sections authorizing the removal of causes. I made a speech on this subject on June 12, 1878. In the course of my remarks at that time I characterized the law of removal in the following language:

This law of removal is un-American in its tendencies. It is stealthily introducing beneath the foundation of our present constitutional form of government a lever by which the advocates of centralization may overturn and revolutionize the government of Washington, Jefferson, and Madison, and in lieu thereof establish the government which Hamilton and John Adams sought to fashion for us.

That law has already nearly demolished the independence of the State judiciary and threatens to destroy their very existence. It disturbs the constitutional balance of the Government, and may bring on a conflict between the State and Federal judicial power which will tax the patience of the people and the wisdom of the ablest statesmen to the utmost in order to save the country from violence and civil war. It has inflicted much inconvenience and great expense upon the people, often defeating the ends of justice by practically placing it beyond the reach of the weak and the poor. It has inundated the Federal courts with a flood of cases far beyond their capacity to adjudicate. It has heavily increased the burden of taxation in a period of direful distress.

My speech will show that I then considered the question "fraught with deep import to the autonomy of the States, the sovereign and primary rights of the people, their convenience, peace, and fortunes."

Sir, nothing has transpired since then to weaken that conviction, but events have occurred which justify the remarks I then made. It was only yesterday that Judges Field and Clifford, in passing upon the *habeas corpus* case of Judge Cole, the county judge of Patrick County, Virginia, said:

Nothing could have a greater tendency to destroy the independence and autonomy of the States and reduce them to a humiliating and degrading dependence upon the central Government than that doctrine asserted in this case, that Congress can exercise coercive authority over judicial officers of the States in the discharge of their duties. In the case of *Collector vs. Day*, this court held that "any government whose means employed in conducting its operations are made subject to the control of another and distinct government can exist only at the mercy of that government." The independence of a State consists of its legislative, executive, and judicial officers. If this were not so, a State would cease to be an independent member of the Union, and would be brought to the level of a dependent municipal corporation, existing only with such powers as Congress might prescribe.

But the limitation upon my time compels me to hurry on. While the measure I had introduced failed to secure action in the last Congress, it did receive the attention of that wiser and superior body, the people. As soon as this Congress had assembled in the extra session, we found an influx of new members imbued with the advanced ideas of the people; the subject was quickly taken hold of and for weeks pressed for action. But, under the leadership of gentlemen on the other side of this House, the friends of corporate capital and centralization prevented final action, and the bill was by agreement lodged in the Committee of the Whole, where it has been delayed by the consideration of the report of the Committee on Rules. That having now been disposed of, we hope soon to resume its consideration. That bill goes much further than this in remedying evils from which the people suffer, and I am confident its main features will, when reached, be enacted into law.

I am gratified, however, to find that the agitation in the press and among the people over that bill has awakened the attention of this House to the necessity for a diminution of the jurisdiction of the Federal judiciary, and that the Judiciary Committee has brought forward this measure, which occupies, it is true, a field different in the main from the scope of the bill, yet one that will produce beneficial results in the same direction. But the debate during the extra session on the bill to which I refer was so extended and elaborate and the discussion on this bill has been so full and able that it will be unnecessary for us to prolong to any great extent the discussion upon the general features of this subject. I have heretofore so fully discussed it that I would remain silent in my seat now were it not for the desire to call the attention of the House to the nature and the difference between these two bills, and therefore have availed myself of this opportunity at the close of the debate to address the House.

When this bill first came before the House for action a word in its title led me to infer that the Committee on the Judiciary had infringed so seriously upon the bill of which I have charge that I apprehended the consideration of two measures of the same nature would embarrass the success of both, and that thereby injury would result to the effort for reform. I was well assured in my own mind that the majority in this House did not desire such a result should occur. Therefore I suggested to the gentleman who had opened the debate the propriety of referring it to the Committee of the Whole, in order that it might be considered in connection with the other bill. But upon careful examination I find that this bill does not intrench

upon the other, except to a very slight degree; so slight, sir, that its consideration and disposition in the morning hour and as an independent measure will not seriously affect the other measure. In fact, this bill will form a good companion measure to it.

In the main this is a wise and meritorious bill, and as I have already said occupies a field almost entirely different from that occupied by the other measure. The measure of which I have charge relates exclusively to the law authorizing the removal of causes from State courts, civil and criminal, while this relates almost entirely to the original jurisdiction of the Federal courts. This bill shall receive my concurrence and cordial support. I will, however, offer amendments to it relating to the original jurisdiction of the Federal courts which I deem important, and which I now ask the Clerk to read.

The Clerk read as follows:

Amend section 10 so that it will read:

"That section 640, and the ninth, tenth, and eleventh clauses of section 629 of the Revised Statutes of the United States, and all laws or parts of laws in conflict with the provisions of this act, be, and the same are hereby, repealed."

Mr. TOWNSHEND, of Illinois. I shall not now discuss the necessity for legislation of this character to protect the independence and dignity of the State courts, and for the promotion of economy and the convenience of the people. Therefore I shall confine myself to a few points relative to the nature of this bill and some of the observations which have been made by gentlemen upon the other side of this House.

It will be seen from the bill before us that the Committee on the Judiciary provides for a repeal of only one section of the statute defining the original jurisdiction of the Federal courts. It is section 640, which I will now read:

Any suit commenced in any court other than a circuit or district court of the United States against any corporation other than a banking corporation, organized under a law of the United States, or against any member thereof as such member for any alleged liability of such corporation, or of such member as a member thereof, may be removed, for trial, in the circuit court for the district where such suit is pending, upon the petition of such defendant, verified by oath, stating that such defendant has a defense arising under or by virtue of the Constitution or of any treaty or law of the United States. Such removal, in all other respects, shall be governed by the provisions of the preceding section.

This section affects comparatively but very few corporations, being, I believe, only those chartered by the Government for the construction of a few railroads, and of course its importance is almost exclusively confined to the States and Territories through which these roads run. I can easily comprehend how anxious the gentleman from Texas [Mr. WELLBORN] is, as he expressed himself the other day, to rid his constituents of the dangerous and omnipotent power of the Texas Pacific Railroad in the Federal courts, when they have driven one of his constituents seeking redress into a forum where he who enters as an antagonist of corporate capital may well tremble with fear that justice is not only a blind but a deaf goddess.

I am surprised that no member of the committee reporting this bill seems to have given attention to another provision of the statutes which permits another class of monster monopolies to harass the people of every county in the Union by suits in the Federal courts. I allude to the clauses of section 629, which endow national banks and the owners of patents with the special privilege and protection of Federal courts. The Clerk will read the clauses to which I refer.

The Clerk read as follows:

Ninth. Of all suits at law or in equity arising under the patent or copyright laws of the United States.

Tenth. Of all suits by or against any banking association established in the district for which the court is held, under any law providing for national banking associations.

Eleventh. Of all suits brought by or against any banking association established in the district for which the court is held, under the provisions of title National Banks, to enjoin the Comptroller of the Currency or any receiver acting under his direction, as provided by said title.

Mr. TOWNSHEND, of Illinois. To remove these statutes, I shall offer the amendment which I have had read. It is certainly germane to this bill, and in line with the arguments and purpose of the majority of the committee. Knowing the composition of that committee, and believing that a majority of its able and distinguished members are in favor of a repeal of these laws, I trust and believe they will not take it unkind in me to offer this amendment, and will consent that it may be voted upon; for every reason assigned in favor of the repeal of section 640, which relates, as I have said, almost entirely to railroads, will apply with tenfold more force to the other clauses embraced in my amendment.

Why, sir, is there a member representing an agricultural district in this Union which does not contain farmers and others who have been harassed by patent-right sharks and monopolies with suits in the Federal courts, or by threats to sue them there for some pretended infringement of a patent, often for the purpose of levying black-mail? So often have these outrages been perpetrated in my section that a strong feeling of hostility is growing up against our patent system. I shall consume no further time in the discussion of this amendment, for its importance must be clear to a very large majority of this House. I insist that national bankers and the patent-right owners should be placed on a level with all other citizens, in order that all shall have equal rights before the law, and it is my purpose to impose upon the members of this House the responsibility of showing their hands on this proposition if the committee will permit.

Another feature of the amendment I suggest is one which makes more intelligible the clause of the bill amending the tenth section. It must be admitted that it is either awkwardly drawn or that it

does not mean what every member of the committee who has addressed the House claims for it. That section says:

That all laws and parts of laws in conflict with the provisions of this act and section 640 of the Revised Statutes be, and the same are hereby, repealed.

Now, the ordinary understanding of that section would be that only the laws in conflict with this statute and the laws in conflict with section 640 are repealed, while I have no doubt all the members of the committee will admit that this bill intended to repeal not only the laws that are in conflict with its provisions, but that it intended also to repeal the whole of section 640 of the statute, and was not intended to repeal any law which is in conflict with it. That portion of the bill which is termed the corporation clause meets with my hearty approval. As it has been so ably discussed *pro* and *con*, I will not consume the time of the House in expressing my views in regard to it, but will at once call your attention to section 2 of the bill before us, which relates to the removal of causes from the State into the Federal courts. This is said to be a step in the direction of the reform demanded by the people, who have bitterly complained of the abuse made of it by corporations when sued in the State courts, but it is only a step in that direction. It will, in my judgment, be of but little practical value to the people. It will have about the same power to cure the great evil resulting from the laws in regard to removals as a court-plaster would have to stay the flow of the life-tide from a severed artery.

Our friends on the other side need have no hesitation in supporting the bill on that account, for the opinion will soon prevail that it will prove but a rope of sand in restraining corporations from oppressing suitors in the Federal courts. The only substantial relief it accomplishes is to raise the minimum jurisdiction of the courts from the sum of \$500 to \$2,000. There are but few suits instituted in the Federal courts which have proved an annoyance to the people for a less sum than \$2,000. The complaint in my section grows out of litigation with non-residents, with insurance companies and other corporations which generally involve sums ranging above \$2,000 and where the Federal courts have appointed receivers for insolvent railroad companies. Comparatively speaking, but a small proportion of insurers obtain policies on life or homes for less than \$2,000. Therefore even if this law should go into effect it will not afford relief to the mass of cases which are now taken into the Federal courts by these corporations. That feature of the bill which limits the right of removal to the defendants is not a matter of so much practical importance to the people as we may at first blush imagine, for the reason that suits may be instituted by foreign corporations and non-residents in the Federal courts, and therefore they seldom have a reason for bringing their suits in the State courts. What the people are most interested in is a law which deprives the defendant as well as the plaintiff of the privilege of transferring the cause from the State into the Federal court. But, for reasons which have been often assigned, the amendment establishes a sound principle, and therefore should be adopted.

I shall not go into a rehearsal of the burdens, expenses, and difficulties of litigation in the Federal courts, and of the greater convenience and economy on the part of the resident suitor of litigating in the home or State courts. I have done this sufficiently in speeches I have heretofore delivered in this House, and other gentlemen who have occupied the attention of the House in discussing this bill have more ably and clearly set this forth than I am capable of doing at this time. All the gentlemen on this side of the House who have engaged in the discussion of this bill admit that it falls short of what is desirable, and thereby they leave open the way and show the necessity for the other bill now pending in the Committee of the Whole and which provides an effectual and complete remedy for these evils by repealing the law authorizing the removal of causes from the State to the Federal courts except where a Federal question is involved.

Mr. STEVENSON. Will my colleague permit me to ask him what legislative relief his bill proposes that is not embraced in the bill before the House?

Mr. TOWNSHEND, of Illinois. Before the attention of my colleague was attracted to my remarks I had pointed out the fact that the bill now pending before the House relates almost exclusively to the original jurisdiction of the Federal courts, whereas the bill that is now in Committee of the Whole relates exclusively to the removal of causes from the State into Federal courts. This bill does not trench upon that bill to any serious extent. The main thing accomplished by that bill in that direction is to raise the jurisdiction of Federal courts from \$500 to \$2,000, as I have already explained.

Mr. CULBERSON. Do I understand the gentleman to state that the bill now pending before the House does not provide for a change in existing law in relation to the removal of causes from the State to the Federal courts in certain cases?

Mr. TOWNSHEND, of Illinois. Oh, no. If my friend from Texas had listened to me he would have seen I had shown exactly where the bill changes the law in that regard. What I have been arguing is that this bill, so far as it relates to the removal of causes from the State courts, furnishes but a very small degree of reform; I am, however, advocating and showing the necessity for the more radical measure that will give the full measure of relief demanded by the people and which will soon engage our attention.

But, sir, it is perhaps well that the Judiciary Committee has incorporated this infinitesimal or homeopathic dose of reform in this re-

gard in the bill before us, for it has served the purpose of fastening the attention of the House and the country upon the importance and necessity of the more radical measure to which I have referred. I have heard it said by one or two around us that owing to the temper of this House we shall not be able to accomplish the full measure of relief so earnestly desired by the people. Upon what ground such an opinion is formed I am unable to conceive. The only temper which has been exhibited in this Congress against a more radical measure was that of the gentleman from Maine and others on the opposite side of this Chamber when they filibustered in the extra session against the bill in the Committee of the Whole.

But I would remind my friends that that measure is now in the Committee of the Whole, where filibustering is unavailing, and I would further remind them that this is a democratic House, and that they should not judge of its temper by the will of the gentleman from Maine, or any of the leaders of the opposition, for, be it said to the credit of the democratic members on this floor, they stood faithfully and solidly to the support of the bill during the whole of the time which the opposition wasted in filibustering against it. And I have faith enough in the loyalty of the majority to true democratic principles and to the best interests of the people to believe that we may rely upon their courage and determination to secure the passage of that bill when it is reached for consideration.

Mr. Speaker, it may be that the gentleman from Maine has a cause to feel contempt for the judiciary of his State. Perhaps there are others in this House who, if they lived in Maine, might share in his contempt for some of the acts of the State tribunals of Maine, but, sir, men educated in the school of Jeffersonian democracy cherish and defend the dignity, independence, and efficiency of the State judiciary as the shield of the rights and liberties of the citizen. They view with alarm the encroachment of the Federal judicial power upon the rightful domain of the State judiciary.

I would further remind my faint-hearted friends of this side that they should not surrender the struggle for reform because its enemies have vauntingly thrown down the gage of battle. In such a contest the duty of a true man, of a true democrat, and of a true representative is to defy the opposition and meet it with resolution and courage. Some of the gentlemen upon the other side complain that the people of the West are tired of the pressure of Federal judicial power. Why is it so? Any one who has had experience in these courts in the West can easily answer that it is because when resident litigants meet a corporation as an antagonist there they have too often found to their sorrow that the attainment of justice has been very difficult and expensive.

Mr. STEVENSON. Will my colleague permit me to interrupt him again?

Mr. TOWNSHEND, of Illinois. Yes, sir.

Mr. STEVENSON. While I agree with my colleague in the general tenor of his remarks, I wish to say that no gentleman in the State of Illinois occupies a higher position than the judge of the southern district of that State, Judge Treat, and that he has always in all his decisions recognized and observed the true line of distinction between the State and Federal power, and has always respected it.

Mr. TOWNSHEND, of Illinois. I have said nothing personally to the detriment of those who occupy positions on the Federal bench, and will in the main agree with him in what he says of Judge Treat. I have simply registered here my protest against the accusation which came from the other side of this House that it was unsafe for a creditor to trust his case in the State courts, implying that the State courts lacked the capacity and the integrity to see that justice was done there. And I want for one to say that notwithstanding my respect is as high as that of my colleague for Judge Treat and some other individual members of the Federal courts, yet I wish it known here and now that the members of the State courts of Illinois are the peers of the Federal judiciary in all the qualifications for a just and efficient dispensation of justice.

My colleague from Illinois [Mr. BARBER] has come to the front as a champion of the Federal courts and joined his voice with those who distrust the integrity and ability of the State courts, and he prophesies direful disaster to the West and South if we do not permit the money-lenders of the East to sue in the Federal courts. When it is remembered that he represents a district which is entirely embraced in the county of Cook, and almost if not entirely within the limits of the city of Chicago, where a Federal court is established, it will be easily seen that it is a question, so far as convenience is concerned, of far less importance to the litigants in his district than to those constituencies in Illinois which are remote from the locations of the Federal courts, as for instance in my own district, where we are required to travel two hundred miles or more, and dance attendance upon the slow progress of judicial procedure in the Federal courts. But why does my colleague cast such a reproach upon the judicial tribunals of his own State? Are they inferior in integrity or in ability to the Federal judiciary?

Sir, I do not fear to challenge comparison of the integrity and capacity of the judges on the State bench of Illinois with that of the Federal judges holding courts in the State which I in part have the honor to represent. Yea, sir; I am willing that a comparison shall be made between the supreme bench of Illinois and the Federal Supreme Bench. If you will run the history of the judiciary of Illinois back to its organization, covering a period of sixty years, no Illinoisan

need fear the result. It is with pride that I defy you to point to a single scandal which has attached to its fair fame. No one dare assert that it was ever packed to reverse a former decision, or that in the adjudication of any question it was ever governed by political bias. Illinois in all her political phases has ever kept its judiciary free from the mire of partisan prejudices. During the war period, when party feeling ran higher than ever before in this country, notwithstanding the State at times recorded a republican majority of 50,000, yet, sir, the people retained on its supreme bench a court composed wholly of democrats. This I say to the credit of many republicans of Illinois, because justice and truth demand it at my hands.

It is well known in our State that even when candidates for the bench have been nominated by the republican party in strong republican districts, if his opponent was esteemed to be better qualified for the bench the people have in most instances elected the man best fitted, and the same is true of largely democratic districts. In other words, an election, in Illinois, of a judicial officer is not dependent altogether upon the political party which makes the nomination. Of course in a district where the candidates for the judiciary are regarded as of equal fitness for the position the dominant party will place in position the one who holds to its organization.

I feel warranted, therefore, in saying that the judicial tribunal of my State is purer in a political sense than the Federal judicial tribunals, for the Federal judges are always selected by partisan administrations, which in these latter days have never been known to disregard the political qualifications of the candidate for the bench.

Let me repeat to my friend from Illinois that he must admit that those who occupy positions on the circuit and supreme bench of that State are in private character, in judicial acumen and learning, the peers of those who hold positions on the Federal bench in that State. Look at your own county of Cook. Is not McAllister the equal, in all that becomes a man and judge, of Blodgett? Then, why, I ask, does my colleague with so much warmth declaim here that it is a dangerous proposition to compel a non-resident creditor to sue on a promissory note before Judge McAllister instead of Judge Blodgett? Has justice fled from the breasts of State judges and taken shelter in the bosoms of Federal judges?

A stranger would imagine from the argument of my colleague that the men of the South and West are the mere bond-slaves of eastern capitalists, and that when his fellow-slaves of the West attempt to assert their freedom and manhood he would say "Down on your knees before your lords and masters, ye miserable menials." He would say to the farmers in the West, "Thank your God that you are permitted to plow even on your own land for tribute to the Caesars of Wall street." To the Chicago merchant he would say, "Off with your hat in the presence of the eastern creditor, and yield obedience to all his commands." To the State judges he would say, "Prostrate yourselves in the dust when you hear the tread of the United States marshal."

What does all this mean? It is easily to be seen that it means centralization of power in the Federal Government. It means a distrust of the capacity of the people for self-government and a destruction of the Republic as fashioned by our fathers. It means a strong government. It means an obliteration of State lines and the degradation of the State judiciary. But, sir, are the people of Illinois as cringing and poverty-stricken as the logic of his argument would have you believe? If that gentleman had carefully read the recent article of that able statistician, R. P. Porter, which has recently appeared in one of his home papers, he would have found that far from the Northwest being a pensioner on the bounty of the East she is not only the agricultural bonanza of the world, but is rapidly becoming the seat of manufactures, wealth, and population in this country. The gentleman from Massachusetts [Mr. ROBINSON] has revealed to us enough of the secrets of his committee to acquaint us with sentiments from a quarter which will occasion surprise. He says:

While I would not divulge the secrets of the consultation of the committee before, yet I feel that I may say to this House that in the discussions and testimony before us in regard to the establishment of a circuit court in a certain State in this Union it appeared that the people wanted the United States court there because they had more confidence in it than they had in their State courts. And I say further, so that the credit may go where it is due, that this was in one of the Southern States of this Union.

Thank God, sir, no such humiliating confession has emanated from a Western State. If those who fill the places once occupied by Madison, Randolph, Calhoun, and Clay permit such a statement to go forth unchallenged, I am, as an Illinoisan, content to permit the State referred to to enjoy all the credit accorded to it by the member from the State of Massachusetts. If this be true, and if that Southern State should in that regard suffer in the good opinion of any of its sister States of the South or West, its people may perhaps console themselves with the consciousness of having reached a condition which secures the commendation of republicans in the State of Massachusetts, which was never before accomplished by any State in the South, except when it was under carpet-bag rule. But let me warn those of that State that they will not escape the unfavorable judgment of those who cherish the Government as it was framed by our fathers, which judgment will be that the people of no State have ever before given stronger evidence of their incapacity for home rule or furnished a better argument against the theories of Jefferson, Madison, and Douglas, and those who formed our national Constitution, nor contributed more to strengthen the dogmas of the old federalists and modern centralizationists. But I will not believe such senti-

ments prevail with the majority in any Southern State until I am convinced that the liberty-loving character of those of that section has undergone a marvelous change since the early days of the Republic.

As I have already intimated, this question brings up the old issue which has ever been the true line of demarkation between the democratic party and its opponents—the question of home rule and of centralization; the question of the government of the many as against the rule of the few; the question which divided Jefferson and Hamilton. The long life of the democratic party is mainly due to the position which it has ever occupied upon that great question. In my judgment it has been enabled by its fealty to the true Jeffersonian principle on this question to survive so many disastrous defeats, and it will by means of its adhesion to this position live as long in the future as it furnishes brave and true men to lead in the battle for the freedom and happiness of the people.

It is strange that while all Europe is now advancing toward constitutional liberty there is a strong party in this country seeking by desperate means, to turn this home of freedom back toward centralization and despotism. While the wires down under the sea bring us tidings that the Czar of Russia, the most absolute of the monarchies of the Old World, contemplates calling the notables of his empire together for the purpose of framing a constitutional form of government we find on this floor successors to John Hancock and Samuel Adams advocating a doctrine which is destructive of our constitutional form of government. When the old federal party, the progenitor of the present republican party, first advocated a strong centralized government, we had strong, brave, and true men, like Jefferson and Madison, who, by the help of the people, were able to crush it. Would to God we had such men in our midst to-day, in place of some of the timid time-servers who have neither the courage nor the inclination to denounce in fitting terms this treason against the Constitution and the rights of the people of the States! We see the Federal judiciary stealthily marching upon the rights of the States, aiming a deadly blow at the Republic, and instead of arresting its progress we find men cringing before it and talking about the temper of the opposition party being such that no attempt should be made to resist by legislation the impending disaster. Was this the language of Jefferson when he saw at its commencement the stream which has since swollen into such a volume as threatens to engulf the Constitution? No, sir. Let me read to those who lack courage the utterances of that fearless apostle of liberty. He said in 1821:

It has long, however, been my opinion, and I have never shrunk from its expression, * * * that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary, an irresponsible body, (for impeachment is scarcely a scare-crow,) working like gravity by night and by day, gaining a little to-day and a little to-morrow, and advancing its noiseless step like a thief over the field of jurisdiction, until all shall be usurped from the States and the government of all be consolidated into one.

And again in 1822:

The foundations are already deeply laid by their decisions for the annihilation of constitutional State rights and the removal of every check, every counterpoise to the ingulfing power of which themselves are to make a sovereign part.

What the people demand is measures of the kind I have been advocating here, and they also need men on this floor who have the nerve and integrity to stand up and turn back the tide of centralization which threatens to swamp the Republic, men who will combat it as well when confronting it openly in the form of executive usurpation, as in the more insidious and therefore the more dangerous form of judicial construction.

In conclusion let me say that so far as this bill relates to the original jurisdiction of the Federal courts and the restrictions upon corporations, I regard it as being well prepared, and it will prove of great value to the public; but I trust the amendment which I offer will be adopted, for it will perfect and complete the bill in that regard. So far as it relates to the removal of causes from the State courts, in all that it falls short the bill now pending in the Committee of the Whole, repealing the law authorizing the removal of causes, will cure, and therefore I hope that all who favor curtailing the jurisdiction of the Federal judiciary will give it their cordial support.

[Here the hammer fell.]

The SPEAKER *pro tempore*, [Mr. FINLEY.] The time of the gentleman has expired.

Mr. TOWNSHEND, of Illinois. I ask the Clerk to read an amendment which I desire to offer.

The Clerk read as follows:

Amend section 10 so that it will read:

"That section 640 and the ninth, tenth, and eleventh clauses of section 629 of the Revised Statutes of the United States, and all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby, repealed."

Mr. CULBERSON. I now call for the previous question on the bill and amendment.

Mr. GARFIELD. I desire to say to the gentleman who makes that motion, [Mr. CULBERSON,] that it was understood that after the morning hour of to-day the session would be devoted to eulogies upon the late Senator from Alabama. The House is now, especially this side of it, quite thin, and I do not think it would be right to bring us to a vote this morning on this bill and amendments. The gentleman himself certainly does not want to take us by surprise, and it was generally understood that the debate would occupy the morning hour and after that the eulogies would follow.

Mr. KNOTT. Let the previous question be sustained, so that this bill may be taken out of the morning hour, and then the matter can go over.

Mr. GARFIELD. That may be all right; but I would inquire whether the views of the minority of the committee have been properly represented by amendments offered by them?

Mr. KNOTT. I understood that the gentleman from Texas [Mr. CULBERSON] who has charge of this bill will yield to my colleague on the committee, the gentleman from Massachusetts, [Mr. ROBINSON,] to offer some amendments.

Mr. CULBERSON. I propose to do that.

Mr. GARFIELD. Then there will be no objection, I suppose, to ordering the previous question.

Mr. CULBERSON. I have been instructed by the Committee on the Judiciary to allow the minority of the committee to submit any amendments they may see proper. I propose to call the previous question, but before doing so I yield to the gentleman from Massachusetts [Mr. ROBINSON] to submit such amendments as he may desire on behalf of the minority of the Committee on the Judiciary.

Mr. GARFIELD. That is all right, and the previous question can then be called on the bill and pending amendments.

Mr. CULBERSON. I desire to state that I do not yield to the amendment proposed by the gentleman from Illinois, [Mr. TOWNSHEND.]

Mr. TOWNSHEND, of Illinois. Does the gentleman propose to cut off all amendments except those that may be offered by members of the Committee on the Judiciary? If so, I shall oppose the previous question.

Mr. WHITE. Do I understand from the gentleman who has charge of this bill that the debate upon it has ceased?

Mr. CULBERSON. I propose now to call the previous question.

Mr. WHITE. Does the gentleman propose to press this bill to a vote to-day?

Mr. CULBERSON. I do not.

Mr. WHITE. Then I will ask the gentleman from Illinois, [Mr. TOWNSHEND,] who seems to have charge of a bill kindred to this, reported from the Committee on the Revision of the Laws, if it is intended to press that bill before the House this session?

Mr. TOWNSHEND, of Illinois. It is. I propose, just as soon as I can do so, to go into Committee of the Whole on that bill.

Mr. WHITE. They are kindred measures, and it seems to me that the vote on this bill should be postponed until both bills can be considered together.

Mr. BARBER. I would like to ask my colleague [Mr. TOWNSHEND, of Illinois] a question.

Mr. TOWNSHEND, of Illinois. I will answer it if I have time.

Mr. BARBER. I understood the gentleman from Texas [Mr. CULBERSON] to say in the outset of this debate that there is no politics in this bill. I understood my colleague from Illinois [Mr. TOWNSHEND] to say that this bill involves the old question of State rights on the one hand and centralization on the other. Now, how can those two statements be reconciled?

Mr. KNOTT. Is debate in order?

Mr. TOWNSHEND, of Illinois. I should like to answer the question of my colleague, [Mr. BARBER.]

Mr. KNOTT. I call for the regular order.

Mr. BAKER. Will the gentleman from Texas [Mr. CULBERSON] yield for a question?

Many MEMBERS. Regular order!

Mr. BAKER. Then I trust the previous question will be voted down.

Mr. CULBERSON. I yield to the gentleman from Massachusetts [Mr. ROBINSON] to submit certain amendments on behalf of the minority of the Committee on the Judiciary.

Mr. ROBINSON. I understood the chairman of the Committee on the Judiciary [Mr. KNOTT] to say that if the demand for the previous question shall be now sustained, the vote upon the bill and amendments will not be taken this morning.

Mr. KNOTT. I suggested that by way of a compromise, in order that the bill might be taken out of the morning hour.

Mr. ROBINSON. I send up to the Clerk's desk the amendments which I desire to offer on behalf of the minority of the Committee on the Judiciary.

The Clerk read the amendments as follows:

First. Strike out the sum "\$2,000" wherever it occurs in the bill and insert "\$500."

Second. In line 132, after the word "except," insert the words "in cases arising under the patent or copyright laws and;" so that it will read "except in cases arising under the patent or copyright laws and in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens in the same State."

Third. Strike out all from line 126 to line 140, both inclusive.

Fourth. At the end of the bill add the following:

Provided, That this act shall not affect the jurisdiction over or disposition of any suit removed from the court of any State, or any suit commenced in any court of the United States before the passage hereof.

Mr. CULBERSON. If there be no other amendments to be proposed by the minority of the Committee on the Judiciary, I call the previous question on the bill and amendments.

Mr. TOWNSHEND, of Illinois. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. If this demand for the previous

question shall be sustained, will it cut off all other amendments except those moved by members of the Committee on the Judiciary?

The SPEAKER *pro tempore*. It will.

Mr. TOWNSEND, of Illinois. Then I hope it will be voted down.

The question was taken upon the motion of Mr. CULBERSON for the previous question, and it was seconded; and the main question was then ordered.

Mr. CULBERSON moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CULBERSON. I now yield to the gentleman from Wisconsin, [Mr. CASWELL.]

Mr. CASWELL. Mr. Speaker, the bill under consideration should have our most careful attention. It proposes no change in the criminal but a radical change in the civil jurisdiction of the circuit courts of the United States. Except by the amendment of 1875 no step so important as this has taken place since the passage of the judiciary act of 1789. I cannot in the brief time allotted me enter upon a full discussion of those changes, but must content myself with little more than a reference thereto.

The Constitution delegates to Congress all judicial authority not vested by it in the Supreme Court. Article 3, section 1, provides:

[The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.]

The circuit courts are unknown to the Constitution. They are the creatures of statute. They are inferior tribunals, with limited jurisdiction, having such authority only as Congress may confer. This jurisdiction may be restricted or enlarged from time to time, as Congress shall deem proper.

From the organization of these courts down to the year 1875 a very large class of cases, involving commercial paper, contracts, and obligations, was withheld from them. These obligations were executed between citizens of the same State, domestic and local in their character. Unless the assignor could sue, the assignee could not. All such contracts and controversies were triable only in the State courts. Congress withheld them from the Federal courts, notwithstanding the owners resided in other States and the controversy would be between "citizens of different States." The authority to do this is well settled by the Supreme Court in several cases, which I need not cite. The long period of time in which these causes were excluded from the circuit courts, as well as the unbroken line of decisions sustaining Congress in its action, is a most excellent reason for a continuation of the restriction. But in 1875 the judiciary act of 1789 was so amended as to extend to the circuit courts causes between citizens of different States, whether the assignor could sue or not. This turned into the Federal courts a large number of causes which rightfully belonged to State tribunals.

The transfer of claims to citizens of other States is often made for the purpose of coercing parties to a settlement rather than enter upon an expensive litigation. This bill will restore the law as it existed before its modification, and remand these cases to the courts in which they belong. Up to the present time no common-law action could be brought in the circuit courts unless the claim exceeded \$500. The bill before the House extends this limitation to \$2,000. In my judgment this, as well as the clause which restores to the State courts the other class of cases to which I have referred, is wise and for the best interests of the country. In 1789, when the sum of \$500 was fixed as a limit, the business of the country, as well as the cases in court, was very limited. That sum then represented a greater amount of property than \$2,000 do at the present time. The number of cases in court was very small; now they are very large.

If citizens of the same State make contracts which can be litigated between the makers only in the State courts, there exists no reason why the place of trial should be changed because foreign parties subsequently become interested. The forum for their litigation and trial is fixed when the contract is executed, and it is no hardship to whomsoever may become the owner if the trial of a controversy which may arise out of the transaction be confined to the local courts.

If this bill stopped here it would meet my hearty approval. But it goes further. Although the amendments I have referred to will eliminate from the Federal courts nearly one-half their present business, the bill proposes to close the door to all corporations in controversies which may arise in actions at the common law or in equity. I have no doubt of the power of Congress to do this.

If this bill becomes a law it will work a repeal of a part of the judiciary act of 1789. If Congress has the power to confer it may withdraw jurisdiction. If it be necessary, in the first instance, to confer jurisdiction upon the court, no one can doubt the power of Congress to take it away. It has been urged upon this floor by the distinguished gentleman from Massachusetts [Mr. ROBINSON] that such discrimination would be in violation of the Constitution. He brings to his aid much ability, as well as some expressions of the judicial mind. But they are expressions merely, not decisions. The Constitution does not create the circuit court as it does the Supreme, and there is no implied authority in that instrument which would confer rights upon any person or corporation in these courts other than those prescribed by Congress. If, indeed, the Constitution recognized cor-

porations as citizens of the United States, and conferred upon them such rights as belong to the citizen, a different case would be presented. If that were true the gentleman might find some warrant for his position; but these courts spring from Congress alone, and are by statute clothed with all the power it exercises.

It is true the Supreme Court has held that corporations are so far clothed with citizenship as to be able within the meaning of the judiciary act to bring suit in the circuit courts. But such decisions are based upon the presumption that the individuals composing the corporation are natural citizens of the State in which it is created, and an allegation to that effect is essential in the pleadings to confer jurisdiction. In other words, the courts hold that a company of citizens may sue in their collective or corporate capacity the same as they might do as individuals. It is, however, entirely competent for Congress to forbid it, and leave them to the State courts. Corporations are also but creatures of law. They have no existence, no power or capacity without or independent of legislative enactments.

The Supreme Court has also held that they are not citizens within the ordinary meaning of that term as used in the Constitution, and consequently have not the rights of a natural citizen. They may be excluded from the exercise of their franchises in other States and be limited for a field of operations to the State in which they are created. The comity of States will not even give them recognition against the legislative will. The very objects of their organization in one State may be mischievous to the welfare of all the others, and the States may by legislative enactments exclude them altogether.

In this I am sustained by the leading case of *Paul vs. Virginia*, (8 Wall., 163.) The court in that case reaffirmed the doctrine in *La Fayette Insurance Company vs. French*, (18 How., 407.) I have no doubt, therefore, that the provisions of the bill are entirely within the Constitution. Reference has been made to the case of *Home Insurance Company vs. Morse*, which arose in the State of Wisconsin. The Legislature of that State attempted to restrict the jurisdiction of the Federal court, or rather compel the insurance company to stipulate away a right guaranteed to it by an act of Congress. This clearly could not be done. The company, like an individual, could not be bound by an agreement to waive the privileges given to it by law. The question here presented was not involved in that case in the least degree. But I am confronted with a question of policy as well as of comity between the States. The citizens of each State are permitted to sue in the Federal courts of every other State. Our fathers deemed this so essential as to give it place in the Constitution. At the time of the adoption of that instrument corporations were scarcely known or recognized, and being principally of State creation no provision was made in their interests.

The courts should administer the law without reference to parties. Whoever can appear in court should receive such justice as will make no distinction in the title of a cause or the capacity of litigants, whether they appear as individuals or as corporations. The stockholders are the parties interested. The capacity in which they sue should not be material. Distinctions of this character should never be the subject of judicial inquiry, nor find a place upon our statute-books. It is true a non-resident has a choice between the State and Federal courts, while this privilege is not enjoyed by his adversary. But it is also true that in either court the latter has a jury of his locality, and the advantage, if any, is overcome. There is no reason why a private bank in the city of New York should be admitted to sue in the United States courts in Wisconsin, while a savings-bank of the same city must be excluded. Is there any sound reason to justify the distinction? The laws are made for all—the rich and the poor should meet in court upon a level. The law should be administered to them alike. Justice is blind and should know no parties. Injustice may be done in some cases. It is better however that a few should suffer than to incorporate into our statutes so invidious a distinction.

The judiciary system should be above reproach. The equality of litigants should be preserved. In civil actions capital alone is involved. It is immaterial who the parties are that possess that capital; whether they be individuals or corporations.

Reference has been made to some legislation in the Western States as tending to defeat justice. Acts of this nature may have crept into the statutes of these States in some instances, but they were the necessities of the hour, enacted as a shield to protect the people against the oppressive demands of capitalists, who were exacting dollars for cents. But in every instance the statutes have been repealed, or overturned by the courts, and to-day their sense of honor and desire to meet their obligations is not excelled in any of the States of this Union. Nor exists there a people who yield a better return for the capital which they employ, whether it be owned in the East or in the West. A growing prosperity now enables them to discharge these obligations with interest. Our State courts are gaining a reputation which may well be envied, and which will ere long place the empire States in the first ranks. If this provision be stricken out I shall hail the passage of the bill as a step in the right direction. If it be retained, I shall not deem it my duty to oppose its passage, for the good which will flow from the other sections will more than compensate for the mischief which will be created.

Mr. CULBERSON. I now yield to the gentleman from Wisconsin [Mr. WILLIAMS] to offer an amendment in behalf of the minority of the committee.

Mr. WILLIAMS, of Wisconsin. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "them," in line 29, page 2, insert the following:
And if in any suit of a civil nature at common law or in equity the plaintiffs or petitioners shall recover less than \$2,000, exclusive of interest and costs, the defendants shall recover from the plaintiffs or petitioners their costs and charges.

Mr. KEIFER. Is that amendment in order now?

The SPEAKER *pro tempore*. The Chair understands the amendment as being read for information. The previous question has been ordered on the bill and pending amendments.

Mr. CULBERSON. I will state to the gentleman from Ohio [Mr. KEIFER] that it was the understanding that the minority of the committee should offer such amendments as they saw proper.

Mr. KEIFER. But it is too late to offer the amendment after the previous question has begun to operate.

Mr. CULBERSON. I consent to allow the amendment now.

Mr. KEIFER. I submit that it is out of order.

Mr. CULBERSON. I yield ten minutes to the gentleman from Indiana [Mr. BAKER] to discuss the amendment.

Mr. KEIFER. I submit that the amendment is not now in order.

The SPEAKER *pro tempore*. The Chair will state that the previous question was seconded and the main question ordered on the bill and pending amendments. The Chair would hold that that vote cuts off all subsequent amendments unless they be offered by unanimous consent.

Mr. KEIFER. I object to this amendment.

Mr. BAKER. I understand that the gentleman from Texas, in making his demand for the previous question, coupled with it a statement that the minority should have the right to offer whatever amendments they desired to offer. That was the understanding of the minority of the committee. Now, one member of that minority has offered an amendment in pursuance of that reservation of right.

The SPEAKER *pro tempore*. By a vote of the House the previous question was ordered on the bill and pending amendments; and whatever the gentleman from Texas may have said, the Chair can only enforce the order of the House.

Mr. BAKER. I inquire whether or not the fact is not as I have stated.

The SPEAKER *pro tempore*. According to the understanding of the Chair the gentleman from Texas stated that if the minority had no further amendments to offer he would demand the previous question on the bill and pending amendments. The Chair then submitted the motion, and the previous question was ordered by the House. That cuts off all subsequent amendments, unless by unanimous consent; and objection is made by the gentleman from Ohio, [Mr. KEIFER.]

Mr. BAKER. The point I made was this: that when the gentleman from Texas demanded the previous question he did so with the statement that the right was reserved to the minority to offer such amendments as they might choose to offer. It was with that understanding that the House seconded the demand for the previous question. I appeal to the gentleman from Texas to say whether that was not the form in which the matter occurred.

Mr. KEIFER. I feel bound to object in this case, because we have not an opportunity to perfect this important amendment.

The SPEAKER *pro tempore*. The Chair rules that the amendment is not before the House.

Mr. WILLIAMS, of Wisconsin. Lest I may appear indifferent to my own amendment, I desire to say that I approve the principle embraced in the amendment; and at the request of the gentleman from Indiana, [Mr. BAKER,] with permission as I supposed of my colleague on the committee, the gentleman from Texas, I offered the amendment in good faith. I should be very glad to have it regarded as pending.

Mr. ROBINSON. I ask the gentleman from Wisconsin whether he had the amendment in his possession until after the gentleman from Indiana [Mr. BAKER] had been refused the opportunity to offer it.

Mr. WILLIAMS, of Wisconsin. I cannot speak as to the fact of the gentleman from Indiana having been refused the opportunity to offer the amendment, but it was handed to me only a few moments before I offered it.

Mr. ROBINSON. This is precisely the same amendment that the gentleman from Indiana tried to offer in his own right here, and permission to do so was refused. Now the amendment has been passed to a member of the committee after the previous question has been ordered on the bill and pending amendments.

Mr. BAKER. I appeal to the gentleman from Texas to yield to me for a few moments. I want to make a statement.

Mr. CULBERSON. I yield to the gentleman for five minutes.

Mr. BAKER. Now, Mr. Speaker, it is true that I tried to get this amendment in some days ago; I gave notice to the House that I proposed to offer such an amendment; and I wish to say that in my belief there is no proposition in connection with the whole subject of remodeling the jurisdiction of the Federal courts more important than that embodied in this amendment. Unless such a provision be adopted it will still be in the power of the Federal courts to take jurisdiction of claims of less than \$500, although their jurisdiction is limited to amounts of \$500 and more. All that is necessary in order that a Federal court shall get jurisdiction of a case is that the party who sues shall allege in his complaint or declaration that his cause

of action amounts to \$500 or more; this will confer jurisdiction on the Federal court. If this bill should pass the amount necessary to confer jurisdiction would be increased to \$2,000. Then all that the party would have to do would be to allege in his declaration that his cause of action amounted to \$2,000. If upon prosecuting the cause to judgment he should recover less than \$2,000 or less than \$100, he would still have the right to recover that judgment. I propose by this amendment to put a penalty upon a man who thus goes into the Federal court without having a case which really entitles him to sue there—the penalty of requiring him to pay the costs of the suit—allowing him to recover his judgment but applying to him the same rule which is to-day applied to parties in the State courts.

Where parties sue in a State court of general jurisdiction for causes of action that should have been prosecuted in another court, and fail to recover a certain sum of money, they are required to pay the costs.

It is true, Mr. Speaker, there is a provision which authorizes the Federal judges to tax the costs against the plaintiff in such cases; but legislation has been made, and it is applied in all the Federal courts, as will be found by reference to elementary books and the decisions of courts on that subject. The rule is, unless the cause of action is frivolous the party will be entitled to recover not only his judgment, but the costs, and if he has any cause of action at all the rule is his cause is not frivolous.

The SPEAKER *pro tempore*. The time of the gentleman from Indiana has expired.

Mr. CULBERSON. I yield now five minutes to the gentleman from Ohio, [Mr. KEIFER.]

Mr. KEIFER. Mr. Speaker, I shall not occupy all that time, and I would not say a word, but I understand my point of order to have been sustained. The gentleman seems to be anxious his amendment should be admitted, but as it is on my objection it is kept out I desire to offer a word of criticism.

I think the proposed amendment has not been well digested, and as we have not an opportunity of considering it at this stage of this bill we ought to exclude it altogether.

In the first place, sir, it requires a recovery before you can carry costs greater in amount than the jurisdiction given to the United States courts by the bill. It may be possible where a man comes into court on a promissory note of \$1,500, which has \$500 of interest accumulated on it, making the amount of the claim \$2,000—it may be you may come into the court with that claim, and when you have recovered and the court has applied the jurisdiction to it you will have to pay the defendant's costs, as I understand the bill—as you would under this proposed amendment.

Mr. BAKER. One word. It follows precisely the phraseology of the jurisdiction of the bill.

Mr. KEIFER. I have not examined it, but I understand from the gentleman having it in charge that the jurisdiction depends on the amount of recovery.

Mr. BAKER. Two thousand dollars, exclusive of interest.

Mr. KEIFER. Now, Mr. Speaker, costs and interest are to be excluded in determining the question. The rule is, in all the States where there is a limitation of the right to recover costs, to require the defendant to pay his own costs and the plaintiff his own costs in such cases. But here the proposed amendment is to require a plaintiff to pay the defendant's costs when the defendant himself is in the wrong in not paying his debts or in making his defense.

But still there is another objection to this. There are many cases where the amount involved might be many thousands of dollars where the final recovery might be less than \$2,000 because of counter claims, or, what is still worse, set-offs, which come in on assigned claims to defendant unknown to the plaintiff when he comes into that jurisdiction. In fact, he might have a case where there were \$50,000 involved; but when you come to strike a balance there might be but \$2,000 difference unclaimed; and they say, after you have gone through all that litigation, if the plaintiff does not recover beyond \$2,000, exclusive of interest and costs, then he must pay the defendant's costs. I assert here there is hardly a State in this Union which has any law that requires the plaintiff to pay the defendant's costs where there is a recovery against the defendant. There are many States where the rule is, if the plaintiff does not recover beyond a certain sum in a certain class of cases, the plaintiff then must pay his own costs, but this carries the rule entirely outside, and I submit it ought not to be done.

Mr. CULBERSON. I learn there was an understanding that no vote should be taken on these amendments to-day; and, if that be so, I now ask by unanimous consent the morning hour may be considered as having expired.

The SPEAKER. The morning hour has expired, and this subject goes over until the next morning hour.

DEATH OF HON. GEORGE S. HOUSTON.

Mr. FORNEY. Mr. Speaker, I ask that the resolutions from the Senate on the death of the late Hon. GEORGE S. HOUSTON be taken from the Speaker's table and read.

The SPEAKER. The Chair lays before the House the following resolutions from the Senate.

The Clerk read as follows:

IN SENATE UNITED STATES.
February 26, 1880.

Resolved, That the Senate has heard with regret of the death of Hon. GEORGE S. HOUSTON, a Senator from the State of Alabama, and extends to the family of

the deceased Senator and to the people of Alabama sincere condolence in their bereavement.

II. That the long public service of GEORGE S. HOUSTON has been marked by fidelity to his convictions of duty, by industry and patience in his labors for the public welfare, by distinguished ability in the legislative councils of the United States, and by devoted and wise service to Alabama as governor of that State.

III. That the Secretary of the Senate transmit to the family of the deceased, and to the governor of Alabama, a copy of these resolutions, with the action of the Senate thereon.

Mr. FORNEY. I offer the following resolutions, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House of Representatives has received with profound sorrow the announcement of the death of Hon. GEORGE S. HOUSTON, late a Senator of the United States from the State of Alabama.

Resolved, That the business of the House be now suspended to allow suitable tributes to be paid to his many virtues; and, as a further mark of respect to the memory of the deceased Senator, the House, at the conclusion of said tributes, shall adjourn.

Mr. FORNEY. Mr. Speaker, Alabama asks this House to pause for the present in its legislative labors, and unite with her in paying a suitable tribute of respect to the memory of her deceased Senator, Hon. GEORGE S. HOUSTON, who died at his home in Athens on the 31st of December last, beloved, honored, and esteemed by the citizens of his State. The announcement of his death was a shock to the people, who had so recently, through their representatives, conferred upon him the highest position within their gift. He lived to a ripe old age; he had reached his three score and ten years.

Senator HOUSTON was born in Williamson County, in the State of Tennessee. Although not a native of Alabama, yet he had resided within her borders full sixty years, from the date of her admission into the Union as a State. He selected for his profession the law. Soon after he was admitted to the bar, on account of his studious habits, close attention to business, and exemplary conduct, the people of Lauderdale County elected him to the Legislature. Rising rapidly in his profession, in 1837 he was elected solicitor of the circuit in which he resided. While in that position he made great reputation as a lawyer of ability and evinced, at that early period of his career, that unimpeachable integrity, earnest devotion to duty, and sacred regard for the inviolability of public trust that governed him in his future political life and made him so conspicuous among his fellow-citizens. So well had he discharged the duties of his office, so satisfactory his conduct, at the close of his term as solicitor the people elected him a member of the Twenty-seventh Congress. He took his seat in this House in the year 1841, and was successively re-elected a member, frequently without opposition, until 1861, except to the Thirty-first Congress, when he declined a re-election.

I will not stop to speak of the great services rendered his State or the country during the eighteen years he sat as a member upon this floor. His record speaks for itself. While a member of this body he occupied the most important positions as chairman of prominent committees. During his long service as a member of Congress he stood high in the esteem of the great and good men with whom he was associated in that day and time. He was one of the color-guard of the Treasury; his record shows with what watchful care he guarded it. He was an able and faithful public servant; a true patriot, his patriotism was not bounded by State lines, but embraced his entire country. Integrity was the granite base upon which he reared the superstructure of his political life; that sterling integrity placed him beyond the reach of temptation. At the close of his long public service no blot, no stain tarnished his bright escutcheon. No bribe ever polluted his fingers or left a dark spot in his hands. At all times with him "a good name was rather to be chosen than great riches, a loving favor than silver and gold."

He was a popular and successful man. To his great popularity and success in life he was indebted to his native talent, his known integrity, his purity, honesty, and to his knowledge of human nature. He studied the people more and knew them better than he did books. He was a good judge of the popular feeling and popular demand. He was truly the friend of the people, he consulted their wishes, conditions, and interest. He honestly desired their happiness and welfare, and possessed the happy faculty of making them believe it. The people believed he was honest and true; they knew he was capable and faithful, and were ever ready to place him in power. He was never defeated before the people for an office. As a debater he had few superiors upon the stump. He was powerful in a political campaign. He could attract the attention of the masses and hold it with interest to the close of his address. He was not a man of brilliant or showy talent, nor what the world calls a genius. He never originated new departures in politics, but clung with tenacity to the old landmarks established by the fathers. Neither did he dazzle the country with his eloquence or glowing declamation. Nor was he an impassioned orator, or one that charmed for the moment. He appealed to the judgment, not to the passions. In his speeches to the people his end and aim was to be understood, to carry conviction to the minds of his hearers, to make an impression which would last. He would never drop the iron-wrought link in his chain of argument to supply it with the silvery net-work of poesy. He was what might be called an instructive and convincing speaker—one that carried his point.

The crowning acts of his life, those that endeared him most to the people of his State, were the services rendered them while governor of Alabama. His political friends, unsolicited by him, in the year

1874 nominated him as their standard-bearer for governor. The people elected him by a decided majority. When he took control of the helm of state as governor of Alabama there was no money in the treasury, and the great problem then to be solved was the debt question—the debt which had been illegally contracted during the days of reconstruction, while Alabama was under the dominion of a class of men who had flocked, like birds of prey, within her borders to feed and gorge upon the little that the war had left her people; men whose interests were not identified with the best interest of the State, whose end and aim were personal aggrandizement. During those days extravagance and corruption had held full sway; an immense debt had been wrongfully fastened upon the State. He entered upon the discharge of his duties as governor with a determination to bring relief to his suffering people. He was equal to the great emergency. Economy in all matters of state became his watchword. Under his administration the people soon began to have faith in their ultimate redemption, hope was stimulated and confidence inspired. At the close of his first term the people almost with one acclaim said, "Well done, thou good and faithful servant," and re-elected him by an immense majority. While governor the State commissioned him and two others of her citizens alike distinguished for their ability, honesty, and probity, (Hon. T. B. Bethea and General L. W. Lawler,) with power to adjust and settle the State's indebtedness. The result of the labors of the commission met with the cordial approval of the people. The debt was adjusted honorably to the State and satisfactory to the creditors. It can be truly said of him that in the many responsible positions which he filled during his forty years' service as a public man he never failed to prove himself equal to the duties devolved upon him and worthy of the confidence and trust reposed in him.

He possessed administrative and executive capacity of no ordinary character. His administration of the affairs of state while governor was such as commanded the esteem and confidence of his political opponents as well as his party friends. As an evidence of the people's high appreciation of his services, the Legislature of his State elected him, at the close of his term as governor, to the Senate of the United States. He took his seat at the commencement of the late extra session. He was not permitted to serve out the term of his election. Death stopped him in his useful career. He died with his harness upon him. He has crossed over the river. His manly and stalwart form lies in the graveyard of the village in which he spent the greater portion of his life. He sleeps in the beautiful valley of the Tennessee, the loveliest portion of Alabama.

No lovelier land the prophet viewed,
When on the sacred mount he stood,
And saw below, transcendent shine,
The streams and groves of Palestine.

There he will rest, his dust mingling with the dust of kindred, friends, and neighbors, until the morn of resurrection, his memory enshrined in the hearts of a grateful people, his name enrolled on the list of Alabama's most illustrious dead, long to be remembered as one who had done his State some service, who died, as he had lived, "an honest man, the noblest work of God."

Mr. STEPHENS. Mr. Speaker, I second the resolutions submitted by the gentleman [Mr. FORNEY] from the seventh congressional district of Alabama. There is, perhaps, no one in the present House from whom this tribute to the memory and eminent virtues of the deceased could more appropriately come than from myself. When I took my seat for the first time in this Hall—or rather the old Hall—on the 11th of December, 1843, I found Mr. HOUSTON a member. He was two years ahead of me in this branch of the public service. I left him here when I retired in 1859, though he was on his own voluntary action not a member from 1849 to 1851. When I met him he had during his first Congress acquired considerable reputation as a man of ability, integrity, and business qualifications. He was then on the Committee on Public Lands. Just over to the right of the aisle, as you pass from the Clerk's desk to the outer center door, he sat usually engaged, when nothing interesting was occupying the attention of the House, in reading or answering letters or examining papers. He seemed never to be idle. My seat was far off to the left of the Speaker, near the outer row. I well remember the first impression upon my mind upon seeing him in his place. During our association on this floor I met him often, not only in consultation upon public matters, but socially. I therefore knew him long, well, and intimately.

While he was not a man of genius, so called, yet by industry, application, and assiduity in the discharge of his duties he rose to the leadership of the House—to the chairmanship of the Committee of Ways and Means. We differed in political associations during the whole period of our joint service on this floor; but in the essential principles of the true Jeffersonian democratic creed we never differed. Our friendly relations were never marred, or even jarred, during our long association in the public councils. In personal appearance Mr. HOUSTON presented a fine physique. He was well developed in manly form. His complexion was ruddy. His voice was strong and good, though somewhat sharp and shrill for a man of his size. It was exceedingly penetrating. In debate he was didactic, clear, and perspicuous. In social qualities he was always agreeable and affable, and never austere in manner. He possessed great equanimity of temper. He was always cheerful, and never was seemingly depressed

on account of anything. He was ever buoyant in spirit. He had the fortitude of a Christian with the philosophy of a stoic. In oratory he seldom assumed the declamatory style, and hence was never regarded as among the brilliant speakers of the House. His object on all occasions seemed rather to convince the judgment by logical argument than to enliven the imagination by rhetorical displays. He was emphatically a man of work and business. Labor was his pleasure. With him it seemed that—

The bliss of life is the bliss of toil.

Such were a few of the many virtues and excellences of GEORGE S. HOUSTON, by which he rose from the humblest walks of life to the highest honors and distinctions his fellow-citizens could bestow. Sustained by honor, truth, integrity, and uprightness of purpose, with a spotless purity of character during a long and eventful career, he has gone to his grave leaving a name that will perish only with the history of his country.

In referring, Mr. Speaker, to the events of my first acquaintance with my distinguished departed friend and the very memorable occasion in my life when I first took my seat in the Federal House of Representatives, reminiscences of very deep impression are vividly awakened in my mind. It may not be inappropriate in these funeral ceremonies to recall some of these.

It was nearly forty years ago. What changes have taken place since then!—changes especially in the constituent elements and the personnel of this House and the other wing of the Capitol, as well as the controlling actors in every department of our public affairs. In respect to the House of Representatives and its surroundings, to a perfect stranger looking down from one of the galleries everything would seem now quite like it did then. He would see the same conformation of the Hall, the same arrangement of seats, the same or similar aisles. In looking on he would see no change in the proceedings of the body. He would see the same routine of business; the Speaker in the chair now as then; the clerks at the desk now as then; the call of the roll now as then; the Sergeant-at-Arms—the mace, the insignium of his authority—the Doorkeepers and pages now as then. The House itself he would see now composed, as then, of old, middle-aged, and young. The actors in the drama, to one so looking down, would appear to be the same; yet how different are the individual actors in the scenes now from those who figured upon the stage at that time!

When I entered Congress John W. Jones, of Virginia, was Speaker. Then just over there to the left sat the venerable John Quincy Adams, ripened with age and honors, and whose learning in all the departments of science, literature, art, history, and politics was, perhaps, unsurpassed in his day. Around there on the extreme right sat Henry A. Wise, the distinguished member from Accomack, Virginia, then recognized as the most eloquent member of the House. He was soon transferred to a higher public service. A little in his rear and still on the right of the Speaker sat Lucius Q. C. Elmer, an accomplished member from New Jersey, who was then at the head of the Committee of Elections, who is still living, I believe, and enjoying in his old age that *otium cum dignitate* which is the crowning glory of a well-spent life.

Still further to his right on the same side was the venerable William Wilkins, of Pennsylvania, then at the head of the Committee on the Judiciary. A little in front of him, and near where Mr. FERNANDO WOOD now sits, was James J. McKay, of North Carolina, then head of the Committee of Ways and Means. In all respects he seemed to be formed after the model of his great predecessor, Nathaniel Macon. Then near up in front sat Robert C. Winthrop, one of the acknowledged leaders on the whig side of the Chamber. Just over on the other side of the middle aisle, on the left of the Speaker, sat the brothers, Joseph R. and Jared Ingersoll, from Pennsylvania, both leaders, though on opposite sides in politics, Joseph R. being a whig and Jared a democrat. The latter was then at the head of the Committee on Foreign Affairs. Then a little to the rear of these and farther to the left sat Samuel F. Vinton, of Ohio, whose acquaintance with the rules, great prudence, and sound judgment rendered him, perhaps, the most prominent leader on the whig side.

Allow me here to digress to say that the accomplished daughter of this great statesman, Mrs. Madeline Vinton Dahlgren, now lives in the city, and for several years has been the center of a literary society which does honor, not only to the metropolis, but to the whole country, and from whose pen there has been added a very valuable contribution to our political literature by her admirable translation from the French of Adolphe De Chambrun's treatise on the "Executive power of the United States."

Just to the right of Mr. Vinton and a little farther to the left of the Speaker sat another whig leader. This was Garrett Davis, of Kentucky, ever active, watchful, and vigilant.

The head of the Committee on Commerce at that time was Isaac E. Holmes, of Charleston, South Carolina. He was one of the most pleasant and agreeable men of the House. His colleague, Hon. R. Barnwell Rhett, was then already distinguished as one of the most prominent members of the House and statesmen of the country. He was then in the prime of life and full vigor of manhood. He had been here for several years, and, perhaps, at that time was at the height of his distinction. His seat was just there near the front.

Among the whig leaders in that Congress two others must be men-

tioned. One was Kenneth Rayner, of North Carolina, who is at present Solicitor of the Treasury; and the other was John P. Kennedy, of Maryland, the biographer of Wirt. All these were of the older class or of former Congresses.

With me in the Twenty-eighth Congress came quite a shoal of new members, many of whom have acted important parts in the history of the country since. Of these standing out most prominently in my memory at this moment are HANNIBAL HAMLIN, of Maine, since Vice-President of the United States, and now Senator in the other wing of the Capitol. Stephen A. Douglas and John A. McClelland, of Illinois, the latter of whom acted a very conspicuous part in the late war, and presided over the Saint Louis convention of 1876, while the name and fame of Douglas are deeply engraven upon the pages of our country's history. Andrew Johnson, of Tennessee, who first became Vice-President and then President of the United States. Alexander Ramsey, of Pennsylvania, who is now Secretary of War. Hamilton Fish, of New York, who for eight years presided with so much ability and distinction over the State Department. Robert C. Schenck, of Ohio, who has since served his country in many high positions, and who still lives, and is a citizen of this city. Preston King, of New York; John Sliedell, of Louisiana; John P. Hale, of New Hampshire; Robert McClelland, of Michigan; George P. Marsh, of Vermont; George W. Jones, of Tennessee; Thomas L. Clingman, of North Carolina, and Howell Cobb, of Georgia. Robert Toombs, another distinguished Georgian, who has acted a great part since, and Jefferson Davis, of Mississippi, and William L. Yancey, of Alabama, came in two years after. All these and others in that shoal have figured extensively in the subsequent history of our country. Most of them, it is true, have gone to their long homes—a few of them are still surviving. One in that list, not yet mentioned, I cannot omit on this occasion. I refer to Felix Grundy McConnell, of Alabama. He was one of the most extraordinary men I ever met with. Those who knew him can never forget him. He was without education, but with talents of the highest order. He was the original author and mover of the homestead idea in relation to the public lands. He was cut down early in life, lamented by all.

Now, Mr. Speaker, a glance at the Senate as it was then composed: There was George Evans, of Maine; Levi Woodbury, of New Hampshire; the brilliant and eloquent Choate, of Massachusetts; Silas Wright, of New York; William L. Dayton, of New Jersey; James Buchanan, of Pennsylvania; William C. Rives and William S. Archer, of Virginia; Willie P. Mangum, of North Carolina; George McDuffie, of South Carolina; John M. Berrien and Walter T. Colquitt, of Georgia; William R. King and Arthur P. Bagby, of Alabama; Robert J. Walker, of Mississippi; John J. Crittenden, of Kentucky; William Allen, of Ohio; Thomas H. Benton and David R. Atchison, of Missouri.

These were all giants in intellect and Titans in debate, although neither Calhoun, Clay, nor Webster, the great trio of American orators and statesmen, was then in that body. Calhoun was in voluntary retirement, and was soon afterward called to the State Department. Clay had left the Senate the year before to lead the whigs in the presidential canvass of 1844. Webster had just left Tyler's cabinet, after the ratification of the treaty of Washington, which was his masterpiece of diplomacy. By it an amicable and advantageous settlement was effected on the long-vexed question of the northeastern boundary between the United States and the British possessions. For remaining in Tyler's cabinet to accomplish this great and patriotic purpose he had excited the opposition of his party associates throughout the country, and had especially excited great indignation on the part of the whigs in Massachusetts. This was a memorable epoch in his life. He went to Boston to defend himself. In speaking of this crisis in his affairs, I may be excused on this occasion in quoting what Theodore Parker said of Mr. Webster at that time:

The clouds had thickened into blackness, all around and over him, and hurled their thunders fearfully upon his devoted head, but there he stood in Faneuil Hall and thundered back again. It was the ground lightning from his Olympian brain.

Mr. Webster's contest with the whigs of Massachusetts ended with his again being returned to the Senate in 1845, where he again met Mr. Calhoun, and where they both again met Mr. Clay in 1849.

With several changes in the personnel before stated, the American Senate was perhaps at this period the most august body ever before assembled in this country. Cass was there. Hunter was there. Seward was there. Davis and Foote, of Mississippi, were there. Douglas was there. It was by this body and the House of Representatives, after a most exciting and protracted debate for months, that the great sectional questions were peacefully adjusted in 1850, under the lead and auspices mainly of Clay, Webster, Cass, Foote, and Douglas. Mr. Calhoun died while the debate was going on.

But, Mr. Speaker, I can indulge in these reminiscences no longer. They were suggested by the occasion. From what has been said some idea can be formed of the character of the men with whom GEORGE S. HOUSTON was brought in contact through his eventful life, of which others will speak; and therefore the more correct estimate may be placed upon the merits of one who, under the circumstances, achieved the distinction he did. It was certainly enough to gratify the highest ambition, but he, if I understood him, had no ambition but to perform his duty, and in its faithful discharge to render himself useful to his fellow-men in his day and generation. Honor to his memory, and peace to his ashes!

Mr. WRIGHT. Mr. Speaker, it was a great many years ago that I met Mr. HOUSTON in public life. In the Thirty-third Congress, which is nearly a third of a century since, I first met him. We then occupied the old hall of the Capitol. The foundations of this Chamber had not been laid when Mr. HOUSTON and I came into this legislative body. I refer back through that long series of years with a great deal of satisfaction in the reminiscences that I make now and then of the old, solid men who were associated with me in the legislation of that period. When we met here, sir, I found in the House of Representatives in that Thirty-third Congress such men as Thomas H. Benton, ALEXANDER H. STEPHENS, Thomas H. Bailey, John Letcher, George W. Jones, John C. Breckenridge, and Thomas A. Hendricks. Contemporaneous with us in the other branch of the National Legislature there were Mr. Everett, Charles Sumner, Stephen A. Douglas, Salmon P. Chase, Lewis Cass, William H. Seward, R. M. T. Hunter, and many others that I might name. So that at the time to which I refer, and when I first formed the acquaintance of Governor HOUSTON, there were not only eminent men in this House, but very eminent men in the co-ordinate branch of Congress. Even amidst this array of celebrated men Governor HOUSTON, although perhaps he might not rank in point of intellect and power with some of the men whom I have named, at that time in this House had a prominent standing and an exalted position. He was chairman of the Committee of Ways and Means, which then had more significance, I am sorry to say, than it has now—I do not speak disparagingly of the ability of the gentlemen who compose it now, but of the character and standing that the committee under the rules of the House ought to have. It was a proud and an honored position to be held among the distinguished men to whom I have referred. But a few years before this time the Senate presented a galaxy of intellectual power that has never been exceeded in the history of this country or of any other in the world. I refer to the days when Mr. Calhoun, Mr. Webster, and Mr. Clay occupied positions in the Senate, and other gentlemen of almost equal ability composed the Senate of the United States. The time I speak of, when I came here, these distinguished men had passed away.

I was present in the Senate when the eulogies were pronounced on Mr. Clay, and they made a great impression upon me. Men in those days could listen to eulogies on their dead colleagues and not employ themselves in conversing or in making disorder in the galleries. It would seem to be in better taste now to follow the example.

Governor HOUSTON I met for the last time previous to my leaving for my home during the holidays. He then appeared to be in good ordinary health, but the insidious enemy was upon his track—the enemy that is upon the track of all of us, and when and where he shall come is unknown to any of us. There are some things, Mr. Speaker, that we do know:

We know that moons shall wane,
And summer birds from far shall cross the sea;
But who shall tell us when to look for death?

Ah, Mr. Speaker,

He has all seasons for his own.

Governor HOUSTON was my junior by some three years, and in the ordinary course of nature I should have preceded him upon the journey to that goal in the distance that is so little known to us all, but which sooner or later it is a part of our destiny to make. In my associations with Governor HOUSTON I found him not what the world might call a great man, but better than that, Mr. Speaker, I found him to be an honest man and a good man, and greatness without these additional qualifications amounts to literally nothing in making up and forming the true standard of human character. Greatness without those essential qualities of the mind and heart, kindness, goodness, charity, honesty, is sadly robbed of its exalted status.

There are arbitrary terms we use in speaking of the attributes of human character. There are terms which we use in forming our opinion and estimate of the human mind, and I have lived to a long period and have mingled with a great many men, but in forming my opinion of what I regard as the character of a great man I want something else than genius as the sole qualification of a statesman, a warrior, or a distinguished jurist. I want greatness to go beyond that point. I want a man great in the noble qualities which distinguish our race; not

Great like Cæsar stained in blood,
But only great as we are good.

So I classify my distinguished friend now deceased, the friend of my early days, a man whose kind, generous heart endeared him to me; a man without guile.

I heard it said here, in these opening eulogies, on the part of the gentleman from Alabama, [Mr. FORNEY,] that during the long period of Governor HOUSTON's life no charge had ever been brought home to him of dishonesty, either in public or private life. Heavens! That is the reputation that makes a man great. Nearly a third of a century in Congress, and no charge of malfeasance made against him. The voice of slander even hushed; that forked tongue which throws its venom against the good, the honest, the prudent—in short, against many men of pure principles and upright life. How should he have escaped?

If there be any one thing dearer to me than another in forming the estimate of the true character of my friend, let it be said that he has

been of some service to his fellow creatures, and possessing those elements of greatness that lead him to the giving of relief to others. That is true greatness. I do not detract from the reputation of those who have won their spurs upon the battle-field; I do not detract from the reputation of those who have led senates and in that sphere obtained a great and renowned reputation; I do not detract from those who have been renowned in the administration of the laws of the land. They have gained their laurels; let them wear them. But I hold in higher regard the reputation of those who have not reached such exalted positions, but who have excelled in all the great qualifications that adorn the human heart and place the crown upon the human head. I want such qualifications to be considered a part and parcel of those who in these days constitute greatness—not greatness in one thing, but greatness in all things.

We have before us to-day the history of a man who has passed a score of years in public life and whose reputation for honesty and integrity has grown brighter and brighter; though there have been occasions when temptations have been great, in the way of virtuous life. Such are the traditions of times past. He maintained unsullied his reputation, and even to the end of his career he is the same kind, generous, and upright man; his eye constantly on his duties here, fighting for a frugal administration of the Government, he has won no enemies and made all his friends. That, Mr. Speaker, is greatness according to my conception of the word.

So he pursued his onward way, beloved by all, liked by all, despised by none. Peacefully and quietly he goes down to his grave when no voice can be raised against him or any of the transactions of his life. Sir, it gives me pleasure to stand up here before this House and before the nation and record in strong language my admiration and my approval of a man so distinguished through so long a period of public life. Hushed is the voice of defamation. He is beyond the reach of calumny, because none are so daring as to cast the imputation.

I felt it my duty to say this much in memory of an old and highly esteemed friend. I should perhaps, in justice to his memory, have reduced my thoughts to paper and have presented them in a more condensed and appropriate way. My time was too much occupied; but, preferring to say something, I trusted to the inspiration of the occasion. What I have said was from the impulse of the moment, and perhaps better conceived and better said than if I had sat in my closet for a week preparing a eulogy. God bless the memory of GEORGE S. HOUSTON!

Mr. FERNANDO WOOD. Mr. Speaker, I cannot let this melancholy occasion pass without adding a word in commemoration of the distinguished deceased. Although I did not know him as well by personal association as others, I think none now in congressional life knew him so early and so long. I met him first as an associate member of the Twenty-seventh Congress, in the month of May, 1841, which is now nearly thirty-nine years ago. He was a leading man at that time, in a Congress distinguished for the presence in this body of John Quincy Adams, Millard Fillmore, Henry A. Wise, Robert C. Winthrop, R. M. T. Hunter, and others, foremost in the annals of American legislation, while in the Senate were John C. Calhoun, Henry Clay, Daniel Webster, Thomas H. Benton, Silas Wright, and others, whose fame and names stand in history as among the first of modern statesmen. To have been a noticeable man among such men was of itself sufficient to entitle one to a claim for eminence.

And such a man was GEORGE S. HOUSTON. He possessed a clear, calm, and solid intellectual force. Without ornament or effort for display in debate, he was always intelligent and instructive. I well remember him at that time as a kind gentleman, obliging to the younger members, and always of service in enabling us to acquire a knowledge of the practice of the House. He has gone! He has but followed to the grave nearly every member of that Congress. The places that knew them then in these halls "shall know them no more forever." One by one have those who figured so conspicuously in the debates upon this floor, and who led their followers in forensic struggles, one by one have they gone down amid all their honors to the last sad resting-place of departed glory. Sir, when I look around upon my associates now and remember those to whom I held the same relations then, I am more than impressed with the stern realities of time and the inexorable demands of nature.

Not one of the men with whom I served in the Twenty-seventh Congress is here now, and but few—ay, indeed, but eight or ten out of the three hundred members of both Houses—are living. Gone forever!

When these thoughts force themselves upon me and I am brought face to face with this melancholy fact, when I look upon these seats and fail to find one, not one, of my early associates in Congress, it looks cheerless and dark. Sad thoughts are forced upon me, and the narrow and growing narrower period of my own continuance is made more evident and more positive.

I feel like one who treads alone
Some banquet-hall deserted;
Whose lights are fled, whose garlands dead,
And all but he departed.

Mr. HARRIS, of Virginia. Mr. Speaker, for the last twenty years I was honored with the friendship of the gentleman whose death the country now mourns, and who served it so faithfully in varied and highly responsible positions. From intimate knowledge of his character, his proper meed of praise must emanate from an abler source

than mine. Our friendship began as members of this body during that trying epoch in the history of nations—the Thirty-sixth Congress—embracing the year 1860 to 1861. During that stormy period his counsel and his votes were always in the interest of peace and for the perpetuity of the Union. His thoughtful mind comprehended the perils of the times. He saw the storm in the near future and bent all the energies of his ardent and patriotic nature to avert it.

Since his entry upon the stage of public action so many changes have swept across the face of society that his retention of confidence and support has but seldom been paralleled in our political history. For over twenty years before I made his acquaintance or was honored with his friendship his people had intrusted him with high and responsible duties. When his career began the country was comparatively in its infancy, struggling with the ill-concealed hostility of the great and despotic states of the Old World. When it needed the fostering care of brave hearts and great minds he was one of its staunchest supporters and ablest advocates and defenders. When death sought and conquered him the feeble Government of his early career had grown to gigantic proportions; a thousand varied and conflicting interests had subjected our institutions to the strains that follow far-reaching territory and large populations—had changed us from a people who then subordinated everything to love of country to a people whose national interests compelled each locality to contend for the maintenance of an equal balance of the favors and the protection governments afford.

A period intermediate between his entry into public life and his death represented one of the darkest eras in human history; when our unhappy country was torn by civil conflict the like of which perhaps has never been witnessed since the morning of creation; when brother was arrayed against brother in deadly strife and all our rivers ran red with the blood of the bravest and the best of our sons—as a result of which institutions that had given shape and characteristics to the society that had always honored him were swept from existence by a decree as eternal as the mountains, and a new order of things shaped from political chaos was to be wrought out for the salvation of his people.

His was the hand to which his neighbors intrusted the helm. That he faithfully and successfully fulfilled this high mission is now recorded in public history. His epitaph is written in the praises of a redeemed, a great, and a free State. His judgment was so tempered by sound philosophy that no sentiment ever escaped his lips during his whole career that could affect the nicest sectional susceptibilities. While loving the State that had fostered and trusted him in his youth and sustained him in his manhood, he was as broad as his country and as just as Aristides. His counsels during the short period he served in the Senate tended always to the promotion of peace among all our people, and his ambition was that the institutions handed down by our fathers should be perpetuated here to so elevate mankind that by force of example empires and kingdoms would crumble to dust and that the people should be the masters of their own destiny throughout the world.

Such men always die too young; but their example lives after them, and so molds and shapes coming events that the order of affairs is tending ever to a higher and a more just public control, is tending ever in a republican government against turbulence and bloodshed; is carving a pathway through the darkness of the past to a brighter, more hopeful, and peaceful future. In losing the dead Senator the Union has lost an able defender, every honest and good man an admirer, and myself one of the best of friends and the safest of advisers. To those more nearly allied to him the solace is that his spirit is with his and their kindred in the presence of the Most High; that the purity and justice of his life assure him a blessed immortality.

Mr. HOUSE. Mr. Speaker, the career of the politician and statesman in this country is beset with as many difficulties and burdened with as many cares as man is called to meet on any other path of life which duty or ambition may prompt him to travel. To the young and aspiring fancy invests no place with more fascinating attractions than that of high political position. In a land where the very highest office under the Government is open to the obscurest boy, and where the very humblest have reached the exalted position, it could not be otherwise than that the avenues to political preferment should be crowded with eager aspirants. But along the track of political conflict how many hopes have been wrecked and how many dreams have perished! And even among those who reach the goal of their ambition, how many feel in the very hour of their success that they have but imitated the ardent boy that chases the gay butterfly only to find it, when caught, turn to gilded dust upon his fingers. The man of the people treads no flowery path. He lives and moves in the glare of public observation, his motives often impugned, his private character perhaps criticised and assailed, his course always open to the animadversion of political foes and watched with unfriendly scrutiny, it may be, even by political friends, with the hope of detecting some fault or mistake in his public service which may forfeit the support of his constituents and cause them to retire him in favor of some more fortunate rival. His whole career is often an animated struggle for political existence, in which he is exposed at the same time to a fire in front and rear. Even if victorious in the unequal conflict, he frequently receives wounds that follow him to the grave.

His private character is too often considered public property, which

the irresponsible scribbler feels himself licensed to deal with as he would partake of a free lunch or speak of the weather. In the partisan struggles of this country there has always been too little regard paid to personal reputation. It has been too much the custom to regard everything fair in politics, as in war, and to treat a political adversary as an outlaw against whom it is legitimate to use even poisoned weapons of warfare. There are too many leading journals that do not hesitate to publish any rumor against a political adversary which will create a sensation or score a point against the opposite party. The rumor may be wholly unfounded; its publication may blast a human life and plant a thorn that will rankle in innocent hearts until they cease to beat; but the newspaper has enjoyed the profit of a sensation and the pleasure of befouling the reputation of a political opponent. 'Tis but a poor recompense to a man thus injured and slandered, and to his suffering family, to be told by the newspaper that has voiced the scandal to its thousands of readers that he can have the use of its columns to refute the calumny. Equipped in its seven-league boots the falsehood sets out on its journey and laughs to scorn all the efforts that truth can make to overtake and disarm it.

The press of the country should lift itself above the level of the common tale-bearer and scandal-monger. Neither the race of diligence in giving news to the public, nor a desire to win a character for enterprise, nor an effort to promote the fortunes of a political party should cause our public journals to wield the immense power they possess to destroy private character. No meritorious cause is subserved by unjust and libelous attacks on individual reputation. No man who occupies a public position can claim to be exempt from criticism. His public acts are public property, and he has no right to complain if they are censured or condemned. But every man, as long as he conducts himself as a gentleman, has a right to expect and demand that his private character shall be free from the assaults of falsehood and calumny. But how many of our distinguished public men have enjoyed this immunity while battling with the elements of party strife and climbing to the mountain ranges of political ambition? But however unhappy the life of a public man may be made by this uncivilized mode of warfare, he may always console himself with the reflection that the people are neither unjust nor ungenerous to a faithful public servant. If he is true to his trust, true to himself, and true to his constituents, they will neither withdraw their confidence from him nor suffer his name to be cast out as evil.

Mr. Speaker, it fell to the lot of the distinguished subject of these memorial services to spend a great portion of his manhood upon the stormy theater of political life. He met its perils, faced its antagonisms, bore its criticisms, engaged in its conflicts, and retired from the long-fought and well-fought field with no stain on his name and no reproach on his memory. More fortunate than many others, the tongue of slander never assailed his honor or impeached his reputation even in the fierce and bitter struggles of partisan warfare. He was born in Williamson County, Tennessee, in the year 1809. When he was only twelve years of age his parents removed to the State of Alabama. As Tennessee gave him to Alabama, it is not inappropriate that the voice of the mother should mingle in the solemn ceremonies in honor of his memory and feel a portion of the pride with which his adopted State must ever cherish his fame. At the early age of twenty-three years he was elected a member of the Legislature, the year after he was licensed to practice law.

In 1834 he removed to Limestone County, Alabama, to practice his profession. In 1837 he was elected solicitor of his district, which position he continued to hold until he was elected to Congress in 1841. He served his district in Congress for eighteen years, with an interval of only one term, when he voluntarily declined to be a candidate. Though often opposed by men of ability in his district, and engaging in warm and animated contests, he was never defeated before the people. His congressional career is a part of the history of the country. He was for several terms chairman of the Committee of Ways and Means, at a time when that leading committee of the House of Representatives, in addition to its other important and onerous duties, was charged with the responsibility of preparing the appropriation bills. His distinguished services at the head of this committee of the House, which numbered among its members at that time many eminent men, stamps him as a man of no ordinary attainments and ability. It may be safely said that no man at that time exerted a greater influence over the legislation of the House than GEORGE S. HOUSTON. He may not have possessed, in as high a degree as some others, those dazzling and brilliant qualities which readily captivate the public mind, but in soundness of judgment, in political wisdom, in thorough comprehension of the subjects of legislation, in strength of will, firmness of purpose, indomitable energy, and patient, laborious, and conscientious discharge of duty, he stood, and deserved to stand, in the front rank.

He may not have had what is popularly called genius, whatever that is, but he had in an eminent degree what Buffon, the great naturalist, denominated genius—patience. His long and useful career in the national councils is a monument to his ability as a statesman and his integrity as a man. When his State determined to withdraw from the Union, he resigned his position as a member of this House, and went home to share the fortunes, good or ill, of the people who had honored and trusted him, although in the presidential campaign of 1860 he had opposed secession and supported Stephen

A. Douglas for President. I care not to pause or comment upon the course he saw fit to take in this great and trying emergency when Alabama decided to sever her connection with the National Union. Suffice it to say, he was incapable of taking any step which to him did not seem dictated by duty and sanctioned by honor. I leave his action and his motives, together with the actions and motives of others who under like circumstances pursued a similar course, to the calm judgment of just men, whose applause or censure is alone worthy of being prized or deprecated.

Soon after the war Mr. HOUSTON was elected to the United States Senate from Alabama, but was not allowed to take the seat to which he was elected. Though deprived of the honor of representing his State in the Senate, there was one thing of which those who denied him his seat could not deprive him, and that was the consciousness that Alabama considered him worthy of the high honor and conferred it upon him. In 1874 he was elected governor, and was again elected to the same position in 1876. During his term of service as governor, the difficult problem of a State debt, with which so many of the wasted States of the South have had to struggle since the war, came up for solution. I remember to have had a conversation with Governor HOUSTON on the subject of the debt of his State. Every instinct and impulse of his nature rose in rebellion at the idea that Alabama should incur the odium of repudiation. Under his wise, patriotic, and judicious guidance the debt was adjusted upon terms satisfactory to the State and her creditors and honorable to both. He led Alabama through this ordeal safely, and had the proud satisfaction of seeing the State he loved so well and for which he had labored so faithfully stand without a stain upon her escutcheon or a cloud upon her title to honorable recognition among her sister Commonwealths.

As honorable, faithful, and distinguished as were his services in the national councils before the war, his labors and influence after the great struggle had closed, in readjusting Alabama to the new order of things and the changed condition of affairs, must ever form the brightest chapter in the history of his long and successful public life. The services and counsels of such a man at such a time cannot be well overestimated. The State acknowledged and appreciated his services in her behalf. At the close of his gubernatorial term he was again elected to the Senate of the United States, and took his seat in that body on the 4th day of March, 1879. But he was not long permitted to wear this crowning honor of his people and his State. On the 31st of December, 1879, the venerable statesman was gathered to his fathers. He was followed to the grave by the people whose trust he had never betrayed, whose honor he had never compromised, whose cause he had never deserted, and whose confidence and affection he had proudly worn as his crown of glory. Surely, if anything can adequately compensate a man for passing through the strife and turmoil and bitterness and unrest of political life, Senator HOUSTON had cause to be content with his lot. He now sleeps beyond the reach of praise or censure, but his fame is in the custody of those who will guard it well. When, in the coming years, Alabama, like another old mortality, shall make her solemn rounds to rechristen the fading names of her distinguished dead upon the marble that guards their sleeping dust, she will pause at the grave of GEORGE S. HOUSTON,

To bless the turf that wraps his clay.

Upon her roll of honor she will point to the name of no other son with fonder pride; for no other son of hers has ever given her greater cause to cherish his memory and to revere his name.

Mr. COX. Mr. Speaker, one of the compensations for death is the belief that when it comes, the errors of our life will be buried with the mortal body, and the eccentricities of our human nature be rounded into a shining orbit of charity. Who would speak of the dead save in the phrases of loving kindness? Rarely have I felt that a word of mine in their eulogy could do adequate justice to the merits of deceased friends. But when manly men, like Stephen A. Douglas, Michael C. Kerr, and GEORGE S. HOUSTON fall here in the sphere of duty, and when their characters present so much to praise, I have overcome my reluctance and entered upon the threshold of the unseen world with the unreserve of enthusiasm.

If excuse were needed for taking part in this ceremony, is it not enough that I knew Governor HOUSTON during a part of his early service here more than a score of years ago? I knew him, to respect his talents and love his character. His kindness to young members was remarked by my colleague, and this is why my recollection of him is embalmed so sweetly now. Indeed, as early as the Thirty-fourth Congress, in 1854, I had remarked him towering as a conspicuous figure in yonder old hall, commanding the attention and consummating the work of this House. In the Thirty-fifth and Thirty-sixth Congresses we sat together upon this side of the Chamber. Here his practical mind and generous qualities gave him pre-eminence. He was prominent in debate, not merely because of his readiness and fullness in details and his knowledge of parliamentary methods, but for his large views and patriotic sentiments.

That he was thus accounted for duty was owing to his great experience in public affairs, his influence among men, his courageous and charitable opinions of his fellows, and his ready familiarity with the structure and essence of our Government and its complicated and refined polity. This experience was gained by close attention to his duties in every province where he was called, and to the maturity

and reliability of his judgment, and to his prophetic insight into the needs of his Commonwealth and the country.

Forty years ago here his voice here for frugality and honesty. As chairman of the Ways and Means he allowed no prodigality to give meretricious splendor to the Federal system. To him squandering was almost crime. I never recall his services in those Congresses before the war that I do not associate with him two other statesmen, George W. Jones, of Tennessee, and John Letcher, of Virginia, whose aims and efforts should be forever a living pattern.

His first elaborate effort in the Twenty-seventh Congress was for the restraint of legislation here within the narrowest limits and against implied powers. He would leave all legislation to the States "over subjects where they could as amply and beneficially legislate as Congress." This was the key-note of all his service. As early as 1842 he ably contested the power of Congress over elections, holding them to be aloof from Federal supervision. He was not only a strict economist, but jealous and denunciatory of the Senate on money bills. That body, he thought, should defer to the House, the immediate representatives of the people, but if they did not, he was for appealing to the people.

He was a bold denouncer of tariff tyranny, as his speech in 1844 shows. His wisdom as to the public lands was often evinced in the early period of his service, for he held our lands to be a trust for the people, and not for speculative greed.

During these years, Texas annexation and the Oregon boundary were leading themes. I need not say upon which side this courageous statesman stood. His Oregon speech, and indeed all of his elaborate speeches, are remarkable for exhaustive research, perspicuity, defiance, and patriotism. Perhaps the best element of his character was his fearlessness and self-abnegation. In a speech against the general internal improvement system, on the 26th of May, 1846, he avowed his opposition to the appropriation for his own Tennessee River, and especially when associated with streams less consequential. Though that river ran between States and through States—navigable but for obstructions, for eight hundred miles, washing seven of the leading agricultural and planting States, and a link between the Atlantic, the West, and the Gulf—still he would not countenance the system which took unequally from one portion of the country to give to another. He would have equal exactions and equal favors or none. He thus defied the wishes of his people, exclaiming: "I value too highly the little character I have earned in the public service to forfeit it for office or by corrupt bargains."

This independence was rewarded, for his constituents saw in it the best type of a trustworthy representative.

Whether in scrutinizing the expenses of our Army and requiring accountability for the least item, or arguing against subsidies to the Collins steamers as fraught with partiality and unjust to fair and free trade; whether defending the privileges of the House or vindicating the supremacy of the treaty-making power, he brought to the debate pithy sentences and linked logic, now and then relieved by flashes of *faciæ*, and all subordinated to a sense of honor, justice, and patriotism.

When, on the 16th of February, 1853, his Committee of Ways and Means and that Congress were criticised as not being comparable to earlier committees and Congresses, he defended their assiduity and economy, and, rising into an eloquent panegyric of the great and good men who once adorned the House, and referring to the mutations which time had wrought, he softened acrimony into praise, by saying:

Truly, Mr. Chairman, changes have taken place. In that the gentleman and myself are perfectly agreed. But, sir, changes are inevitable, and it is not for us to complain of the decrees of fate or of evils over which we have no control. We must make the best we can of our present condition, while our hopes, our aspirations, and our efforts should be directed to the amelioration of the ills that surround us and the removal of the obstacles that lie in the way of our usefulness. Such is the teaching of philosophy, such the dictate of justice.

The changes which he then described have been more remarkable since. Death has been busy with those who belonged to that Thirty-fifth Congress in which we first met. Their roll is lessening year by year. It was the first Congress in which I served. The old hall and its members, by some natural law of memory, rise before me with photographic vividness and with more dramatic interest than even later Congresses, in this new Chamber. It was during that Congress, on the 17th of December, 1857, that we migrated to this Hall. I recall the solemn prayer of our Chaplain, Rev. Mr. Caruthers, "that it should be made a temple of honor, patriotism, and purity." That scene is the more graphically pictured in memory, as upon that day it was my fortune, good or ill, to make the first speech in this Hall. In that spectacle no form stands out in bolder relief than that of GEORGE S. HOUSTON. How changed, all; and what changes—both in the *personnel* of the House, the subjects discussed, and the fierce passions which then raged here as the premonition of other conflicts! Ah! sir, our present politics are but a summer's sea, calm and serene; then it was a frenzied tumult. The wild passions of that time developed the peculiar characteristics of every member. Not more distinct and individual were they, than the trees of the forest; and in no one among them is there found so fit an emblem of the tough fiber and gnarled nature of GEORGE S. HOUSTON than in the oak.

What a galaxy of varied and lustrous attributes shone in that assemblage: the Washburnes, Banks, Thayer, Bishop, General Sickles, John Kelly, Haskins, Corning, and Spinner, of New York; E. Joy

Morris, Bockock, Governor Smith, and Faulkner, of Virginia; Sherman, Giddings, Bingham, and Groesbeck, of Ohio; Whiteley, Humphrey Marshall, Samuel S. Marshall, Farnsworth, and Maynard, of Tennessee; Niblack, English, and Colfax, of Indiana; Craig, Clark, and Phelps, of Missouri; Curtis, of Iowa, and Lane, of Oregon. These survive and have filled honorable stations, while such men as Mr. Speaker Orr, Quitman, Florence, Hickman, Owen Jones, Glancy Jones, Covode, Montgomery, Leiter, Tompkins, Miller, Stanton, Stewart, Henry Winter Davis, John G. Davis, Harlan, Bowie, Millson, Burlingame, Nicholls, Caskie, Gilmer, Stalworth, Shorter, Eustis, Burnett, Clay, Hughes, Petit, Lovejoy, Harris, Caruthers, Hawkins, Ready, Goode, Hopkins, Burton Craig, McQueen, Seward, Dowdell, Elliott, Peyton, Underwood, Jewett, Warren, and other stars, differing in glory, but now shining in other spheres! But why, sir, extend this roll of death? One-half of that Congress have crossed the silent river to the viewless realm. The great issues they debated are settled by the stern wager of battle, and their contentions ended in that "other country beyond the sun."

Five beside myself remain to illustrate the vicissitudes of political and mortal life; the gentleman from Georgia, [Mr. STEPHENS,] from Mississippi, [Mr. SINGLETON,] from Texas, [Mr. REAGAN,] from Tennessee, [Mr. ATKINS,] and from North Carolina, [Mr. SCALES.] A few have been transferred to the other branch of Congress: Senators LAMAR, PENDLETON, MORRILL, and DAWES. Some fell bravely in the fierce encounter to vindicate their thought: Branch, Barksdale, Keitt, Jenkins, Zollicoffer, Moore, Ruffin, Garnett, Shaw, and others; while of those who fought them, Curtis, Cockerill, Blair, and others survived the war only to die where affection administered its last offices. The vernal season which is bathing the land in sunlight, and making the melody of birds in the woods; which is warming into new life the beauty of the flower and the splendor of the grass, is weaving its garlands over hillocks where their remains repose. It teaches by its analogy the resurrection and the life of our human bodies. It scatters its flood of floral promise, and bends its iris of hope over the living and the dead, dyed in all the hues of a sunlit heaven, as the covenant of God with man, of our immortality. Amid these changes, I cannot refrain from reflecting that I am left alone here as the surviving member of that Thirty-fifth Congress from the North, while from the South there remain but the five I have named of that splendid group who challenged the admiration of their opponents by the gifts of eloquence with which they championed and adorned their cause.

Of this number GEORGE S. HOUSTON, while he was one of the leaders, if not the leader, of legislation, was not one of that galaxy of orators who "graced the noble fervor of the hour" by urging the departing of our States.

If southern associations could have made GEORGE S. HOUSTON a devotee of the peculiar tenets which found their final issue in force, he would have been such a devotee. Born in the State of Tennessee, so prolific of statesmen of heroic mold and civic qualities, deriving his early lineage from Ireland and on his mother's side his lineage from South Carolina, educated for the law in the State of Kentucky,—he sought the fresh and attractive field of Alabama in the morning of his career. After honoring his profession in offices wherein his legal abilities were displayed, within a decade after his removal to Alabama he was elected to the Federal Congress. He served his State here from 1841 to 1847, when he retired to resume his profession. The stirring events of 1850-'51, growing out of perilous sectional questions, again called him to the front. Here he remained as the faithful trustee of his people until his State seceded.

He retired with sorrowful heart and brimming eye to his home, for he saw with the prescience of a statesman, the terrible eventualities of the conflict which he always deprecated. While the red storm of war raged around his home, he remained, like many other men equally chivalric, a sad spectator in the conflicts of force.

When the war ended, and failing then to secure in 1865 and 1866 a seat in the Senate to which he was elected, his people, in 1874, sought for him, their first citizen, as the head of the State. He was made their governor, and began the work of building up the waste places which the desolation of war had made. He made a highway for the people; and, lifting his voice above the ruin and distress around him, he began the work of construction with that sagacious adaptation of means to end which is the distinguishing feature of genuine statesmanship.

In seeking for the pivotal characteristic of this representative man it is to the honor of his nature that it is not found in the desire to destroy. There is in every human heart some controlling thought—the end-all and be-all of exertion. It is that mysterious and magic inspiration which exalts the daily work of life into a daily beauty. It evokes out the unreal, reality. It is the aura which sustains the intellectual and moral nature, giving it stamina and energy, as the atmosphere sustains our physical existence. It directs the aimless and erratic meanderings of the mind into fruitful, smooth, and healthful currents. It creates the loftier life, and in death it inspires loving hands to weave chaplets for the tomb of the departed.

The genius of this statesman's life is found as well in his reticence and reticacy, when the havoc of war menaced and ruined his State, as in the vigor with which, when that havoc was over and its debris lay around him in orderless despair, he removed the charred framework and began to replace it with happy homes and good rule for a

contented people. To him more than to any other man in Alabama that State owes its resurrection. He rolled away the stone from its sepulcher and, like the good angel, guarded its door. Amidst all the perils of surf and sunken rock the warning voice of Governor Houston had here spoken peace and good-will for the tranquillity of the whole land and its indestructible unity. It had spoken in vain. His State was launched on the tide of war. She enlisted one hundred and twenty thousand of her sons in the confederate army; one-fourth of them fell fighting for the southern cause. Everywhere, in field and village, city and country, there was devastation. Even after the war, misgovernment and maladministration added their cruelties and burdens to the desolating effects of the war. But these, which were discouragements for others, were to him incentive and ambition. His genius for rebuilding uprose with the dire emergency. It is said of Alabama, after it was traversed by the Spanish army under De Soto, more than three centuries ago, seeking for gold and in the search drenching it in blood, "that the dark curtain that had covered her territory was suddenly lifted, a brilliant but bloody panorama passed across the stage, and then all was shrouded in primeval darkness." This *chiara oscura* of the historic Rembrandt, but faintly portrays the dark shadows which rested upon the Alabama of 1865-'66. But the picture did not appal the stanch heart of GEORGE S. HOUSTON. He manfully began to wash out the stains of blood; he desired to "scatter plenty o'er a smiling land;" he pleaded for reconciliation, and by his efforts and under his magic the spears of grain burst into gold and the cotton-pod into snow. While by his wise policy he elevated the credit of his State and saved it from insolvency and debt, he helped to open his wonderful State and its opulent resources of mine and plantation to the light, which has since given to its people encouragement, good government, and renewed prosperity.

The magic by which he controlled affairs was not altogether his knowledge and experience. His nature was not devoid of ready sympathies, and even poetic sentiment, though he seldom revealed himself in this relation. But it could not be otherwise with one nerved by the pure air and pleasant sun of Alabama. He represented no dreamy sentimentality and no impractical abstractions; for that portion of Alabama to which he was accustomed, has not the soft local coloring like that which interpenetrates the magnolia-laden air on the margin of the Mexican sea. There the breath, shine, and flora of spring glorify even the midwinter. Living within the crescent which the majestic Tennessee makes as it bends through the upper region of Alabama, his mind took from its scenery something of that rugged cast which the soft allurements of the farther South did not mitigate or temper. There runs through his life, like the ridge of iron through the heart of his State, virile virtues of unbending and inexorable honesty. But with all this he was pervious to the influences of sentiment, and his life was free from the vices and stains of passion. The mountains and streams of his State—the early adventures arising out of Spanish, French, American, and Indian conflicts; the romantic legends of his State, woven into a web of witchery by the indigenous poetry of the South—its prehistoric mounds and historic memories; its constellation of honored names, such as the Kings, Lipscombs, Gaineses, Toulmins, McKineys, Moores, Crabbs, Lewises, Clemenses, Yanceys, Bibbs, Pickenses, Fitzpatrick, Carrolls, Clays, Elmores, Forsyths, Walkers, Hilliards, Pughs, Shorters, and Currys in the State, and the Evanses, Baldwins, Meaks, and Hodgsons in the republic of letters, honored as well in other States as in Alabama—these were a part of his local pride and literary amenity.

My honored friend [Mr. FORNEY] has drawn a picture of the landscape around his home, and adorned it by a stanza from one of the cantos of a favorite southern poem descriptive of the beautiful valley of the Tennessee. It was impossible with such ennobling examples of superior men, and with such a physical surrounding, with its jeweled islands set in flowing waters, and with its mountains like giant sentinels

To guard its pictured valley's rest,

that the imagination even of one so practical in the daily routine of professional and legislative life should not have partaken something of the quality of this splendid land, and of the attributes of its noble men.

Mr. Speaker, there is no sweeter word in any tongue than Alabama! Most musical in its tone, it echoes its legendary meaning. Among the many fanciful stories connected with this State of legends is that which is engraved upon its escutcheon above us. It is said that a tribe of Indians, flying from their enemies, reached a splendid river. There a chief struck his weapon into the soil, exclaiming, "Alabama!" "Here we rest." Who is there so practical that he would deprecate this incident by questioning its authenticity? The very sky and scenery of Alabama, with its dreamy loveliness, seem to give it reality. "Here we rest!" Ah, sir, he who did so much to assuage the unrest which the passions and ambition of men created; he who accomplished so much and so magically by his word and work, has now found within its bosom that rest which his busy life did not bestow. He who lived no cloistered life, whose active thoughts and unblemished fame gave their sweet effluence to guard and restore the homes of his State, measured the circle of his own felicity in contributing to that of his people. The murmur of the rivers which flow through his beloved Alabama, and the lapse of the waves which fall upon its southern shores, break in melancholy cadences to sing and sigh his

requiem, and lift their voices in praise of him who after doing so much, at last rests from his labors amidst the sympathy and sorrow of his bereaved countrymen. Every home and heart from the stately Tennessee to the beautiful Mobile Bay contribute to

Shed a beauty round his name—
A light that like a star will beam,
Lustrous and large—a golden glory
Adown the Future's gliding stream,
To gild his country's morning story!

Mr. ATKINS. Mr. Speaker, my long and somewhat intimate personal acquaintance with the late Senator HOUSTON, and the well-known high esteem in which I held his character, will account for the request with which I am honored by his colleagues to participate in the mournful services of this memorial occasion. After what has been already so well said, by more than one speaker, of his life and services, it would seem superfluous for me to make further allusion to them, except as an illustration of his character. I may be pardoned, therefore, for referring very briefly to his public services, and especially during the period it fell under my own eyes. When I first entered this Hall as a member, now nearly a quarter of a century ago, the name of GEORGE S. HOUSTON stood upon the roll as the acknowledged leader of the House of Representatives. At this particular period he was chairman of the Judiciary Committee, having, however, previously served four years as chairman of the Committee of Ways and Means. These posts of honor had been accorded to him by common consent on account of his long, able, faithful and patriotic service as a Representative from the State of Alabama—serving at that time his eighth term, and he was afterward re-elected to his ninth term, making eighteen years in Congress.

Reared in the Jeffersonian school of American politics, as illustrated and administered by the illustrious sage of the Hermitage, it was natural that he should range himself beside President Polk, and ably and efficiently sustain his administration, which sealed to this country a magnificent empire whose agricultural value and marvelous mineral wealth exceeds the approximation even of an estimate.

At a later day, in 1850, when sectional animosities became so intense and bitter as to alarm the just fears of the patriots of the whole country, and ended in calling forth the most important and the last efforts of the great American Commoner for the pacification of the sections and parties, once more healing the wounds upon the body-politic which sectional agitation had inflicted, the faithful historian of that eventful epoch in American annals will find the name of him whose memory we this day embalm in our heart of hearts as one of the strong, active, efficient, and prompt supporters of the compromise measures of Mr. Clay, which saved these States from the fratricidal war which fate had decreed only a decade later.

As chairman of the Committee of Ways and Means, Mr. HOUSTON, by virtue of the duties and prerogatives of his position, stood at the head of that power which performed the dual service of pointing out the sources of the Government's revenues and at the same time preparing and submitting to the House of Representatives the annual budget of expenditures. How he succeeded let the pages of those annals speak to the millions who have examined and will hereafter examine them. With a country as large then as it is now, (excepting Alaska,) such was the rigid economy and honest simplicity with which the affairs of the General Government were then conducted that he was enabled to fall as low as \$52,000,000 per annum for the net ordinary expenditures of this nation. But it required ceaseless vigilance and unremitting toil, coupled with an honest and courageous firmness in defense of the public Treasury against the horde who were then as they are ever ready, like vultures, to prey upon it, to keep within the limits of such practical economy. I recall among others of that period the names of three distinguished men, (two of whom were mentioned by my distinguished friend, Mr. COX,) now living, but long since voluntarily retired to private life, who were the associates, friends, and active supporters of HOUSTON and his frugal policy. To one familiar with that period I need not mention the names of George W. Jones, of Tennessee; John Letcher, of Virginia, and John S. Phelps, of Missouri. Whatever bill of expenditures went through Congress passed beneath the searching gaze of their watchful eyes, and was doubtless necessary to the public weal.

No measure of doubtful constitutionality or expediency eluded their untiring vigils. In this guardianship of the public Treasury Mr. HOUSTON stood forth as the worthy and accepted leader.

I shall not refer further to his public service, for that has been already more worthily treated than I could hope to do. I will add a word as to some of the more prominent traits of his character as seen by me, perhaps through the lens of a personal friendship too partial to be accurate. And although it is only the omniscient eye of God that can penetrate the secret chambers of the human heart and read the thoughts and feelings of men, nevertheless the life-time actions of men may be reasonably accepted as the true *indicia* of their characters. Tried by this rule, GEORGE S. HOUSTON was an honest man. Truly he could say:

I know myself now, and I feel within me
A peace above all earthly dignities,
A still and quiet conscience.

Throughout his career of three-score years and ten, whether in the private or public walks of life, he never practiced fraud or deception upon any one. On all questions which rose to the dignity of an issue

he always, after investigation, promptly and fearlessly maintained his convictions. He was careful never to disappoint just expectations, whether of his constituency, his friends, or of his enemies. He placed great stress upon accuracy; indeed he may have seemed at times a little hypercritical, so much was he opposed to loose and extravagant statements and semi-misrepresentations. This trait dominating his character, he was perforce an ardent devotee at the shrine of that noblest of virtues, sacred truth. If he ever seemed censorious or controversial, it was because he was unwilling in the least to tolerate dissimulation. Hence his statements of facts, being thoroughly accurate and rigidly true, always gained an easy lodgment before the people or the jury, the court, or at the forum of his country's councils. His sense of justice was well-nigh as sensitive as his love of truth. He had such reverence for this grand old virtue that he could hold up the scales wherein should be weighed the rights of a friend and an enemy and give a decision supported by the logic of common sense and inexorable right that would hush every dissentient note. So even balanced were these faculties and principles of his mind and the sensibilities of his heart, it is not strange that he was conservative.

Excesses of all kinds he avoided, and always stopped before he reached extreme ends. Harsh or violent measures he ever regarded as the offspring of passion and empiricism, and not of judgment and philosophy. Taken altogether, while it will not be claimed for him that he was the equal in ability and renown to a very few names of American statesmen, yet impartial history will place the honored name of Senator HOUSTON high upon the monumental shaft of immortal names that shall defy the corroding tooth of Time to efface, and shall stand unmoved by the shock of Oblivion's waves as they lash against its granite base. But Tennessee, his mother, and Alabama, his foster-mother, claiming him as the pride of their hearts, will not be permitted to appropriate the worth of his character and the value of his example alone to themselves. The sisterhood of this great Union of States claims him, too, as her son, and to-day holds him up before the millions of our people as a shining light to guide the footsteps of American statesmanship and American manhood.

Statesman, yet friend to truth, of soul sincere,
Of action faithful, and in honor clear;
Who broke no promise, served no private end;
Who gained no title, and who lost no friend;
Ennobled by himself, by all approved,
Praised, wept, and honored by the land he loved.

Mr. SHELLEY. Mr. Speaker, a long and active public life affords great opportunities and facilities for the development of native talent and the acquirement of a high order of statesmanship, and promotes the highest standard of patriotism. In a country like ours, where the humblest citizen may aspire to the most exalted station, where the places of honor and trust are open to the competition of all, it is rarely the case that any man is permitted to enjoy continuously for any considerable period of time, the preference of his countrymen. When it does occur, the person so preferred must have developed superior wisdom and fitness for the duties and responsibilities of public station.

Very few men in this country who entered public service in early manhood have made such an impression upon the public mind and heart as to enable them to be thus honored throughout a long life; but conspicuous among these few was the late GEORGE S. HOUSTON, whose life and public services, in conformity to a beautiful and time-honored custom of Congress, we are here to commemorate.

Years ago Senator HOUSTON was called from the pursuits of private life to represent his people in the Legislature of Alabama, since which time, with the exception of short intervals, his services have been devoted to his country, closing his career in the Senate of the United States, full of years and full of honors.

Senator HOUSTON was not distinguished for the brilliancy of his talents or the grandeur of his conceptions. He did not acquire his influence or achieve his success through the inspirations of genius or by the sheer force of intellectual power. He did not control or sway men by the magnetic influence of superior declamation or force of logic. He was not gifted with the power of originating new and grand measures of public policy, nor did he waste his time on undeveloped theories of political economy, but he possessed the wisdom of prudence and the virtue of patient, untiring industry, which gave him an influence over men and brought him success. He was powerful, though not brilliant—powerful because he loved his country and his people; powerful because he was honest and upright; powerful because he was practical, cautious, and deliberate; powerful because he combined a high order of common sense with great goodness of heart, guided by an honest desire to promote his country's welfare. To his good sense he added industry; to his industry, honesty; to his honesty, prudence; to his prudence, patience; and to patience, energy and perseverance. Possessing all these elements of usefulness, stimulated by a lofty and patriotic ambition, he deserved the success he attained, for he was great in his goodness, and good in his greatness.

Years of faithful, earnest devotion to their welfare and interests have enshrined him in the hearts of the people of Alabama, and, though dead, his memory and good deeds will live on forever. It is good to dwell upon the lives of such men. They are full of instruction. They teach us the arts of usefulness, and point the way to honor and success. They stimulate the progress of civilization and leave the impress of their virtues on every page of the country's history.

We are often shocked by the sudden and untimely death of friends who are cut down in the full vigor of manhood, in the very midst of a career of usefulness. Such deaths always give us pain, and we feel that for them the ends and aims of life have been thwarted. But in contemplating the life and career of Senator HOUSTON, while we mourn his loss, we feel that he has fulfilled his destiny, finished his work, and gone to receive his reward—a reward higher and nobler than peoples or potentates or powers can bestow for a well-spent life.

Mr. SAMFORD. Mr. Speaker, as the old year was dying its setting sun lighted to the tomb a great and good man in Alabama, for on its last day, as though to gild the galaxy of its dead, GEORGE S. HOUSTON at his home in Athens, surrounded by weeping family and devoted friends, after a long life of eventful activity and usefulness, "fell asleep."

For nearly half a century, with short intervals, he served his people in official station and was faithful in every public trust. Many years he served in this House and enjoyed as the head, respectively, of the Committees on Military Affairs, Ways and Means, and Judiciary, an honor rarely, if ever, accorded to any other Representative, and while it would be unjust to others to say of him,

Among the faithful, faithful only he,

yet it does no man wrong to place him in the foremost rank of laborious, upright, painstaking, and honest statesmen.

If the tongues of dying men,
Enforce attention like deep harmony,

with what devotion ought we to listen to the lessons of sages and patriots whose "tongues are now stringless instruments," and whom God has endowed with power to speak for themselves and for us, and to us, and who will speak to the ages with

A golden drift thro' all the song.

It is Hawthorne who says that "to take in the meaning of a picture you must be alone with it." The lives of great and good men are never properly comprehended until we contemplate them in the solitude of the grave-yard, to which they seem to invite us as to a grand moral gymnasium, and propound to us and to posterity the sublime lessons of glorious living and noble dying. It is here, as "into a high mountain apart," lifted above the consuming cares and petty strifes of life, away from the babbling voices of a selfish world, that we see humanity transfigured from mortal coil to the shining vestments of a higher life.

There are two considerations, Mr. Speaker, appropriate to such an occasion as this. The first relates to the *inherent elements* of a great and good character like that of our departed friend. The second regards that character in its *totality*, in its motives, its intelligent and skillful conduct and beneficent achievements in the affairs of men, the history of its activities in practical life, which illuminates and exalts it into an example for our admiration and emulation.

Both in the analysis of the character of Senator HOUSTON and in the history of his distinguished public services, we find considerations to reconcile us to the labors of life; in view of the transcendent rewards of virtue, to exalt our hopes of usefulness, to encourage aspirations for honest fame, to animate patriotic devotion to the liberties, prosperity, and glory of our country.

I will not violate the proprieties of the occasion by uttering all I feel; but standing here to mouth an unmeaning eulogy as a part of merely formal and empty ceremonial of conventional respect would violate the sanctity of that friendship which existed between him and myself, of which I hope to retain until I die the gentlest memory and most thorough appreciation.

No man who knew him can doubt that it may be as truly said of him as of Augustus Tholuck, that he was "without pretense or cant." No man standing at his grave will deny that his whole life evinced an heroic love of truth. This devotion to truth logically induced frankness, independence, and courage. These are the glorious, cognate virtues which blossom on that heavenly-born tree of life, and mature fruit more precious than any which ever graced the garden of the Hesperides or grew in the hanging gardens of Babylon. It was in perfect harmony with these virtues that in all the relations of life he was charitable as he was frank; conservative as he was independent, and conciliatory as he was courageous. No impatient zeal ever betrayed his counsels into rashness; the storm of passion never dashed his vessel upon the rocks of inhospitable shores.

An honest partisan, he allowed no prejudices to cloud his vision or mar his policy where his country was concerned.

I leave to older men to recount the conflicts and triumphs of Mr. HOUSTON's earlier career. From the beginning he was a man of the people, and was always willing to leave his cause with them. The confidence with which he appealed to them and the enthusiasm which ever greeted such an appeal caused some men to thoughtlessly call him a demagogue. In a literal and noble sense, that he was a demagogue is true; that he was such in the unholly and ignoble popular acceptance, I absolutely deny.

He was affable and polite to the humblest citizen—all gentlemen are. He was gentle toward the weakness and sympathized with the misfortunes of others—a generous nature required this. He was par-

ticularly regardful of the feelings of men in lowly station—an infallible mark of greatness. He recognized the existence of as royal virtue and noble worth among men and women striving in the humbler spheres of life as could be found in the gilded salons of those who wrought in the "high stations of renown," and he was man enough to declare it. He was considerate of the opinions of his fellow-citizens, always and forever battled for their rights in high places, as he ought to have done, and deferred to the people as the sovereign power in the land. If these things constitute a demagogue, then he was one, and I honor him for it.

While for many years a Representative in this House, in the blaze of society, in the whirlwind and noise of political strifes and personal ambitions, he preserved the simplicity of manners and purity of morals which brought the satisfying experiences of a rustic Mantuan life—as little joining in the frivolous dissipation of social excesses in the vain world's chorus of applause at the petty pursuits and empty triumphs of little men as did old Elijah in the guilty vanities of Ahab's court.

It was during this time of his service here as a distinguished democratic leader that, in returning to his constituents, in the full consciousness of his rectitude and the honest pride of his cordial appreciation, he was facetiously said "to shake hands with them by the acre."

Mr. Speaker, among the great men of that day GEORGE S. HOUSTON was every inch a peer. Benjamin Fitzpatrick was then a Senator from Alabama, a consummately wise party tactician, a liberal statesman, and an expert manager of men, yet he relied very implicitly upon the sympathy, advice, and co-operation of this born tribune of the people. In his victorious campaigns in North Alabama he won and proudly wore the appropriate *soubriquet* of "the Bald Eagle of the Mountains," and eagle he was! His eyrie was on the loftiest peak, the very Caucasus of these mountains, and his scream was heard through all their democratic fastnesses. There is a royal decoration which William of Prussia sometimes sent to illustrious Germans in their age and failing strength known as the "Star of the Order of the Red Eagle." Senator HOUSTON's election by the people of Alabama to the Senate was a more brilliant decoration of a grander order, that of the "Bald Eagle of the Mountains." The difference is that between the favoritism of kings and the loving, grateful reverence of a free people. My personal acquaintance with him began some time before his first term as chief magistrate of Alabama. That acquaintance was from its first inception a friendship such as might subsist between an aged and venerable teacher and a young, ardent disciple of that school of politics founded by Thomas Jefferson.

I had many occasions of seeing him during his most able and successful administration of that high office to which he had been elevated at a critical period in the history of that State, of all the Southern States—of all the States of this Union. He was always calm, conservative, collected, and confident in his powers and resources; unshaken in whatever complications or emergencies might surround him. He was a zealous and thorough reformer of the evils, financial abuses, and of all the vicious courses in political and social life brought upon the State by the extravagance, reckless corruptions, and proscriptive, pragmatical tempers, of that system of malice and misgovernment which not only overthrew the rights and liberties of the people, but sapped the foundations of their material prosperity and social life—a system of oppression, terrorism, speculation, insolence, and irresponsibility without a parallel in this or any other civilized age.

His economy was exemplary alike in its far-reaching and intelligent methods, and its sound political and moral theory. Although far advanced in years, his industry was untiring—quite above the standard measure of official respectability, efficiency, and responsibility. His intelligence was equal to the demands of his convictions, to his firmness, his reformatory methods, his economy, and his signal industry.

His courage and impartiality brought the dignity of his office up to the ancient, which was his own high standard of purity and efficiency. His healing hand was felt on every wound which afflicted the body-politic. His sustaining official presence pervaded alike the halls of learning, the thoroughfares and palaces of commerce, and the humblest homes of our agricultural country people. He was such a man and such an officer as old Tacitus would have delighted to set in a historic frame as a companion piece for his Agricola; a man whom Plutarch, with his life before him, would have honored with a seat in his historic temple between his Camillus and his Cato.

At the close of his administration so great was his popularity that although his day was well-nigh spent, and he was opposed as a candidate for a seat in the Senate by some of the most intellectual and influential gentlemen of the State, men distinguished in the civil affairs of government and had breasted the fiery tempest and whirlwind of death on the battle-field, gentlemen of a high order of eloquence and attainment who would honor any station in any government in the world—notwithstanding all this, the popular wave bore him triumphantly over every obstacle into the high seat he occupied at the time of his death. It may be true that other men more learned, more eloquent, more brilliant, and better adapted by the vigor of unimpaired manhood to the duties of the station in whose fidelity the people had absolute confidence, contested with him the senatorial

palm, but a grateful people would not refuse to crown his labors with the highest honor at their disposal.

His early death was generally anticipated at the time of his election. His sun had careened beyond its zenith. It was fast descending behind the western hills and sinking into the shades of night. It gathered about its pavilion golden clouds, and it was a people's wish that it should pass away from their sight in the purple splendors of a royal procession.

Mr. Speaker, GEORGE S. HOUSTON descended to the grave more grandly "robed like a king" than Charlemagne in his marble tomb, and the people of my State unite with us to-day in gracing his memory with this "elegy of words and tears."

He belonged, in a higher and a better than the classic sense, to an heroic age; to that noble band of primitive American patriots who not only founded States but built grand republics, the heavenward spires of whose resounding temples glitter among the stars. Such men as have erected Ohio and Illinois, Alabama and Mississippi, and Indiana and Kentucky, and their sister States into great Commonwealths, and launched them with streaming banners upon the tempestuous seas of government, manned by such crews of intelligent freemen as can be founded beneath the sun only among their posterities, and freighted with the destinies of all the coming millions of the human race.

What a fitting opportunity—what a patriotic resolve—standing by the grave of one who illustrated the statesmanship of the better days of the great Republic, to bury forever the memories, oh, how bitter, of all the past feuds and bloody strifes which have divided, distracted, and in all ways tortured and cursed the land left us by these ancestral heroes! Drawing inspiration from the undefiled patriotism which clusters around the memories springing from "high converse with the mighty dead," for the love of country and for the sake of real union why can we not allow the gaping wounds to heal, and with unity of purpose, unity of hope, and unity of effort march on to the accomplishment of our country's destiny, a grand, united, free Republic?

Mr. Speaker, there is one trait of Senator HOUSTON's character which unmentioned would leave incomplete any notice of him. Its entire absence would mar the heroism of Luther and detract from St. Paul's sublime manhood. As pre-eminently as any man with whose character I am familiar, GEORGE S. HOUSTON was true to his friends. And when he found a friend whose adoption would stand the test and ordeal of trial, he anchored him to his "soul with hooks of steel." On this subject I speak whereof I know.

But such as he was he has gone from among us. He passed away calmly and quietly, as "the morning star melts away in the sunlight."

He lies as low as Caesar—no lower than kings and princes—no higher than peasants and paupers. The Great Leveler levels evenly. He lies as low as you and I and all of us shall shortly lie.

Such as he was he has gone; and

Of such as he was there are few on earth.
Of such as he was there are many in Heaven,
And life is all the sweeter that he lived,
And all he loved more sacred for his sake,
And death is all the brighter that he died,
And Heaven is all the brighter that he's there.

Casting "this stone upon this cairn" my task is done.

Mr. LEWIS. Mr. Speaker, it was not my expectation to be here at this time, and hence I had made no preparation to participate in these ceremonies. But as I am here, and as I represent a large portion of the old district of the deceased Senator, where he was so well known, loved, and honored, I feel that I would be unjust to my constituents and wanting in reverence to the distinguished dead if I should now altogether lay my hands upon my mouth. I must offer some tribute, however humble and feeble, to the memory of our departed friend.

Those who are unacquainted with the deep hold that Senator HOUSTON had upon the affections of the people of Alabama can little conceive how sharp was the pang that ran through our borders on the tidings of his death. He had been their friend, faithful and just to them; and he had served them with a fidelity and an effectiveness unsurpassed; and every household felt that the loss was personal to itself. He was a popular man with the masses, not through any of the arts of the demagogue, for he never fawned or flattered or sacrificed principles to expediency; but because he was of them. His heart beat in sympathy with them. He knew, honored, and trusted them. He was the unflinching representative of their plain, honest ways, of their saving common sense, of their straightforward and manly courage, and of their devotion to the old landmarks and the essential principles of constitutional liberty. He had shared their toils, had known their sorrows, and had partaken of their homely joys and of their warm free hospitality.

His own life was work, and his language rife
With rugged maxims hewn from life.

Standing thus on a common ground between him and the people, possessed of a mind eminent for its sagacity and practicalness, with a superb physical constitution capable of all endurance, with a heart large, genial, and overflowing with its rich vein of humor, a spirit bold, combative, even aggressive, yet never deserted by his inimit-

able self-composure, combining the happy power to instruct, illustrate, and amuse, he was the most successful and effective speaker that I have ever seen upon the hustings. Conscious of his thorough knowledge of men, of his varied experience, of his enlarged views, of his ripened intellect and his familiarity with facts—for like Mr. Fox he thought one fact worth a thousand arguments—he had that confidence which boasteth not itself, but which, as Lord Chatham said, was a plant of slow growth in an aged bosom.

I shall not attempt, Mr. Speaker, to portray his public career. That has already been well done by others.

In the palmy days of this Republic he was the intimate friend of Silas Wright, the trusted adviser of President Polk, and the intimate associate of Mr. Douglas. He was the chairman of the Committee of Ways and Means, and for many years the leader of this House. And in the eventful days that followed reconstruction he was the chief oracle of his own State. In that memorable struggle of 1874 for our redemption, as the champion of the people his popularity reconciled all differences, his patriotism won all hearts, his zeal and courage inspired all confidence, his energy overcame all obstacles, and he achieved the greatest peace victory recorded in the annals of our State, the beneficent fruits of which will descend to generations yet unborn.

And as my friend has said, the people were not ungrateful. They demanded of their immediate representatives that they should show this gratitude by elevating him to that exalted position which he held at the time of his death.

When the dread summons came which was to gather him to his fathers, although he had passed his three-score years and ten and was surrounded by loving hearts and tended by gentle hands, still the blow was a severe one to my people. We had a sore need of him in these days of modern degeneracy. We fondly hoped that his wisdom, his counsel, and his example would be spared to us for his full term in the Senate.

If the last days which he spent at this Capitol cast a shadow of disappointment over his patriotic soul and made him sigh for the better days of the Republic, let us console ourselves with the thought that he has joined those noble patriots of the past who went before him, and with their sweet companionship can now realize in the light of eternal truth that all the struggles and sacrifices for human liberty have not been in vain.

Mr. HERNDON. Mr. Speaker, the relations which I bore to Senator HOUSTON seem to make it imperative upon me not to remain silent when a tribute is to be paid to his memory.

It was only in the last seven years of his life that I had any personal acquaintance with him, but I have known him as a public man from the time that my attention was first called to the conspicuous characters in the politics of Alabama. No man, save William R. King, late Vice-President of the United States, remained longer and more continuously in public life in Alabama, nor more occupied the attention of the people of that State, than General HOUSTON. In this way his public career became known to me, but I do not propose now to trace it throughout the long period which it covered. This has been, or will be, done by others. I shall attempt only to delineate him as he impressed himself upon me, and sketch, as faithfully as my words can, the outlines of his character.

When success throughout a long career attends one in every position, in every aspiration, and in every undertaking, and finally crowns his hopes and his ambitions, the world will concede, must concede, without being able to analyze the causes or comprehend the qualities which secured it, that there must have been in such a man a something greater and superior than in other men, which has not only commanded but deserved success. Success, it has been said, is the highest test of merit. No one's career could be more safely submitted to this test than General HOUSTON's.

From his earliest manhood down to the end of his long life he was the recipient of the people's confidence, and, except when he voluntarily refused, filled offices to which it was in their power to elect him. Never but once defeated, with his young ambition looking upward to one supreme height, he ascended step by step from the lowest rung in the ladder of preferment up to that exalted station in which he closed his mortal course, and from which, in the fullness of his earthly fame, he was translated, we reverently trust, to that Highest Tribunal to receive the well-earned plaudit, "Well done, thou good and faithful servant; thou hast been faithful over a few things, thou shalt be made ruler over many."

To one who did not thoroughly know Senator HOUSTON it would be difficult to discern the causes which gave to him his unvaried success. He was popular throughout the State, and was almost the idol of the people of the congressional district in which he lived; and this popularity with the masses scarcely waned or diminished even in the times when the hearts of the people were stirred to their depths and the usual calm of popular feeling was broken into billowy passion by the dreadful tempest of civil war. In the fast changing and swift revolving of the minds and thoughts and feelings of the people in those times, passions ebbing and flowing as the tide of the conflict ebbed and flowed, long-worshiped idols were overturned and broken in pieces, trusted oracles silenced or contemned, and leaders were, as by a breath, made and unmade; but amid all this wreck of men General HOUSTON seemed never to have lost the confidence and

affection of his people. When the tempest had ceased and the sun once again broke through the clouds which had so enshrouded our Southland, he stood out as formerly, "the people's man," loved as before, and trusted, as he had been for more than twenty years.

The people of the State of Alabama manifested this continued and unabated confidence in General HOUSTON in a most unmistakable manner in the year 1874.

I trust, Mr. Speaker, that I do not offend the proprieties of this occasion by the remarks which I am now about to make. They are made in no partisan or sectional spirit; with no wish to excite unkind feeling, nor to revive memories, here or elsewhere, that may be disagreeable; but only to illustrate the services of Senator HOUSTON, by which he achieved his most enduring fame among the people of Alabama and won their inexpressible gratitude.

From the commencement of the reconstruction of Alabama under the acts of Congress enacted for that purpose up to the year 1874, the State had been in the hands and under the dominion of officials many of whom had but recently been emancipated from bondage, necessarily ignorant and debased and the mere instruments and puppets of bad and designing men who obtained control of them; and most of the others, these same bad and designing men, who had no home in the State, no kinship or sympathy with her people, no concern for her welfare, no regard for her good name, no compassion for her desolation, no desire for her peace, who came like vultures ravaging for prey and intending to stay only so long as they could glut their insatiate hunger with the flesh and blood of a stricken and helpless people. I shall not recite the ghastly details of the history of those seven years. That history has been written with a pen of fire into the memory of the whole country and its hot iniquity will never let it be forgotten. Suffice it for this occasion to say that as this incursion of strangers into the offices of the State of Alabama had for its object rapine and plunder, it became necessary that the conditions must be created on which this fell object could most effectually be accomplished. Disorder instead of law must prevail; turbulence instead of peace, discord between the races, and hate, instead of harmony and friendship. And as in other States, so in Alabama were these conditions created and so they did prevail to a great extent for seven years prior to 1874.

In that year, against his wishes, against his earnest remonstrance, GEORGE S. HOUSTON was called from his retirement, nominated by the democratic State convention for governor by acclamation, and elected by the people by a majority of over seventeen thousand votes.

Then began a new era for Alabama. With Governor HOUSTON all the State and county officers were elected, most of whom were in accord with him in political sentiment and who became useful aids to him in the Herculean work of rebuilding and reforming which he was about to undertake. No chief magistrate of a State ever entered upon the discharge of his duties under circumstances more difficult or more appalling. There was chaos in the treasury; chaos in the laws; chaos in the courts; chaos in society; chaos everywhere!

The advent into office of Governor HOUSTON, who had the confidence of every class of people in the Commonwealth, for his conservatism, his sagacity, his prudence, and his integrity, was in itself almost magical in its effect. Across the arch of the political heavens like a bow of promise it gave token of an approaching calm, and was hailed as the harbinger of a more auspicious future. All eyes looked to him with the highest hopes and expectations. Had he proven unequal to the great enterprise, had he failed, chaos, more chaotic, would have come again. But he did not fail. Disorder was succeeded by the order of well-regulated law; peace reigned where turbulence had raged; and distrust and discord were no longer felt nor heard in the borders of the State. His administration achieved all that it promised or that was hoped for. Wise and beneficent, it was upheld by the good citizens of the State of every party. Social and business confidence was restored, languishing industry was quickened into activity, and prosperity once more began to shed its sunshine upon the fields and the homes of the people.

It can almost be said of Governor HOUSTON, as was said of the great Alexander Hamilton, that he found the treasury a putrid corpse; he touched it, and it became a living soul! When he came into office the debt of Alabama was over \$32,000,000, \$24,000,000 of which had been created since 1867 by the vicious methods of preceding administrations. When he left it it was less than \$10,000,000, with the honor of the State untarnished and its credit restored.

It would be unjust to others, as well as untrue in fact, to ascribe to Governor HOUSTON the entire credit for the adjustment and settlement of the public debt of Alabama. In devising the scheme he was aided by the suggestions and counsel of some of the ablest minds of the State, and in its consummation, so honorable to the State and so satisfactory to her creditors, he had the efficient services and co-operation of two of the most skillful financiers and intelligent of his fellow-citizens, his associates in the commission created for that object. I do not mean, therefore, in what I say to detract in the least from the credit to which others are entitled. The glory of the achievement was great enough for them all to share in, and the relief which it gave to Alabama was beneficent enough to entitle them to the unmeasured gratitude of the people. But the adjustment of the debt belonged to the administration of Governor HOUSTON; was a part of it; his counsel contributed to it; his handiwork was in it, and he it was who carried it out to completion. Others might have done as well

had they occupied his place; but fortune, the tutelar deity that seems ever to have attended him, ordained that in him the man and the occasion should meet, and the man was equal to the occasion.

As I have said before, it is not easy to one who did not thoroughly know him, to analyze and precisely determine the causes of Senator HOUSTON's success as a public man, but as under all circumstances and at all times he has enjoyed it, it is sufficient evidence that he possessed many of the elements upon which success is conditioned. He had a thorough knowledge of the people; he knew their thoughts, their feelings, and their prejudices, and with marvelous power could always call forth a hearty response to his own expressions of them. It cannot be said of Senator HOUSTON that he was a leader, in the sense that out of his own brain he coined great thoughts or originated great measures which he impressed upon the people; nor that he molded popular opinion into any new form or led it into channels in which it was not accustomed to run. He was seldom seen in advance lifting up his own banner emblazoned with his own creed, but oftener in the ranks of the people, one of them, bearing their standard, uttering their thoughts, and sounding their watchwords. This was the key to his popularity and to his success. He was a friend to the people, and as he loved them and was faithful to them, they honored him and crowned him with their sovereign gratitude.

The mental characteristics of Senator HOUSTON were caution and judgment; he was sagacious rather than wise; reached his conclusions more by intuition than by any process of reasoning, and demonstrated his views and opinions more by action than by logic.

It was never my privilege to hear him in a deliberative assembly, nor in the judicial forum, and only on the stump before the people in the latter years of his life. He showed there none of the culture of the scholar, and but few of the graces of the orator. His phrase was homely and his style discursive, but his speeches abounded in strong common sense, unskillfully modeled, they may have been, as a composition, but most skillfully adapted to reach the understandings and touch the hearts of his hearers.

The long-cherished ambition of Senator HOUSTON was to represent the State of Alabama in the Senate of the United States. In the sunset of his life this ambition was gratified; but in returning, after an absence of twenty years, to a theater in which he had been a conspicuous actor and to scenes which were once so familiar to him, he found all things changed. In this House, where he was so well known and wielded such large influence, there yet lingered but two or three who sat here with him, and who to-day have paid fitting tributes to his memory; and in the Senate he met but few whom he had ever seen or who had ever seen him. A new generation had succeeded to that to which he belonged; his contemporaries had passed into retirement or into the grave, and men who had attained to senatorial age and had commenced public life during his absence, had taken their places. New ideas, new impulses, new policies, too, had greatly superseded those which obtained in his day. It is not surprising, then, if he felt almost isolated and alone in the grand presence in which he sat, and realized, as he must have done, after having scaled the height up toward which he had so long struggled, the vanity and emptiness of all human ambition.

It is hardly probable, had Senator HOUSTON been spared to live through his constitutional term, that he would have added much to his fame. Its measure was already full; but he would unquestionably have become one of the most useful and valuable members of the Senate by his wise and prudent counsel, his strong practical sense, his far-seeing conservatism, his unwearied industry, and by his close attention to the business of legislation, to the conduct of which so few in either House of Congress devote themselves, and in which the very qualities for which Senator HOUSTON was most distinguished are so essential.

He was not long enough in the Senate for that body to appreciate his worth or now to feel the void which his death has caused; but the people of his beloved Alabama, who have so often honored him and who loved and trusted him so well, lament his loss to them and to the country, and will ever cherish a grateful remembrance of his virtues and his services.

Mr. HERBERT. Mr. Speaker, on the last day of 1879 the telegraph flashed to all parts of this continent the sad intelligence that Senator GEORGE S. HOUSTON was dead. A committee of Senators and Representatives from this Congress, some from New England, some from the West, and some from his own loved land of the South, started at once for his home to mingle with the mourners there, and testify, by their presence, the grief of the whole people of this mighty land for the people's loss. It was my melancholy privilege to be one of that committee. The funeral awaited our coming. As we approached the beautiful little town, so long the home of the deceased, the day was perfect; the sun shone bright and warm as on a morning in May. But no carol of birds, no sound of joy from any living thing greeted our ears. Midwinter was on the gray fields and barren trees, and cheerless midwinter in the hearts of the people. Their homes and spires were hung with black; the gloom of grief was on every face. As I stood by the grave and listened to a gifted orator telling over the life of Alabama's best-loved son to the silent and listening throng of all ages, sexes, and conditions, and my mind swept back over the busy years of that life—years that were all ended in the grave before me—and then as I glanced up at the bright sunshine and thought

how that sun would continue to arise and set and seasons would come and go, I felt

Alas! Alas!—
How soon we pass!
And ah! we go—
So far away!—
When go we must—
From the Light of Life, and the heat of strife,—
To the Peace of Death, and the cold, still Dust,—
We go—we go—we may not stay,
We travel the lone, dark, dreary way;—
Out of the Day and into the Night,—
Into the Darkness,—out of the Bright.—
And then! ah, then! like other men,
We close our eyes—and go to sleep—
We hush our hearts—and go to sleep,—
Only a few, one hour, shall weep,
Ah, me! the Grave is lone and deep!

But it is not true of him that "Only a few one hour shall weep." I do not speak the language of eulogy, but only the plain unvarnished truth, when I say that, though Alabama has many sons who are loved and trusted, the death of no other could have caused so keen a sense of personal loss to so many of her people.

Senator HOUSTON was a remarkable man and his was a remarkable career. He was born in Tennessee but came to Alabama in his early boyhood, and to him Alabama was always the mother State. To her people he gave the warm affections of his youth; to their service he devoted the energies of his manhood, and to them in their hour of need he consecrated the golden fruits of a ripe experience.

I knew him for years, but it was never my good fortune to become intimately associated with him until the last session of this Congress. During all that exciting period we were daily companions. Then I learned to love him as my wise counsellor and my friend.

Senator HOUSTON had not the advantage of a thorough education, and he was never a close student of books. Strict mental discipline in his youth would have helped him to a broader culture and a more finished style of oratory than he ever attained; but he was a broad-minded man and possessed in an extraordinary degree the genius of common sense. His mind was strong, active, and logical. It was objective rather than subjective. He never indulged in metaphysical abstractions, but he studied closely the practical bearings of every question and comprehended them clearly. His judgment was rarely if ever at fault. It is said that mistakes are the stepping-stones to wisdom. If in his long public career he was ever compelled to use these stepping-stones, they helped him to a practical wisdom I have never seen excelled. He was made solicitor and twice elected to the Legislature of his State when a young man. In 1841 he came to this House as a member and began here a long and honorable career. He served without intermission until 1849, when he voluntarily retired for two years. But in 1851 he was again returned and continued by successive elections as a Representative here till his State seceded in 1861. During all this time he grew in wisdom and usefulness. Experience, industry, ability, and an unswerving devotion to duty gave him high rank when such men as John C. Breckinridge, Humphrey Marshall, Frank Bowden, James A. Stallworth, James L. Pugh, David Clopton, Thad. Stevens, and Charles Francis Adams were members of this body.

He was once chairman of the Judiciary Committee of the House and twice chairman of the great Committee of Ways and Means. He was the inflexible foe of a protective tariff and combated it with all his power and influence. He believed in a tariff for revenue and not for protection. He urged that protection of the manufacturer was robbery of the consumer. He was in all things an unflinching democrat, and never wavered in his fidelity to party. Trained in the school of Jefferson and Madison, he contended for a strict construction of the Constitution, for the rights of the States and the people of the States. Yet, sir, he was conservative in all his course. He was in this Congress, except two years, as I have said, from 1841 to 1861. I have looked back with as much care as time and opportunity would permit over the record of congressional debates during this period, I have turned over page after page in volume after volume, and, sir, I do not find that during all that time he ever made a single speech or uttered a single word calculated to fan the angry passions that brought on the war between the States. While others discussed politics he addressed himself to business. He was a member in the winter of 1861 of the famous committee of thirty-three. He voted for the formation of that committee, but it was unable to devise means of saving the Union. He remained in his place performing his duty as a Representative until after his State seceded. This he believed she had the right to do; and on the 21st day of January, 1861, he united with five other Representatives from Alabama in a letter, which was laid by the Speaker before the House, announcing their withdrawal from the further deliberations of that body. After reciting the secession of the State the letter proceeds:

The causes which, in the judgment of our State, rendered this action necessary we need not relate. It is sufficient to say that duty requires our obedience to her sovereign will and that we shall return to our homes, sustain her action, and share the fortunes of her people.

Of the signers, the name of GEORGE S. HOUSTON was first.

Thus terminated his career as a member of this House and the first era of his life as a public man.

Reviewing his history in this House, we find that he was always at the post of duty; that he took part frequently in debate, especially

toward the close of his service; that he occasionally made exhaustive arguments in which there were sometimes eloquent passages, but there was no effort at display. He was in no sense an innovator. He never claimed to be wiser than the fathers. He accepted the Constitution without question. Its checks and balances, its delicately adjusted machinery, were to him the wisest piece of workmanship ever fashioned by man for the protection of individual liberty. He saw here a central government that was partly national and partly federal; national as to our ships at sea and commerce abroad—national as to all the outside world—national at home, in so far as it touched the people directly; but federal in every feature that recognized and guarded the autonomy of the States. He saw this government as did Washington and Jefferson and Jackson, and he deemed it the highest duty of a patriot to carry it on as they had administered it. To this effort he devoted the best energies of his life.

For thirteen years after he left Washington, in 1861, he lived at home, illustrating in the walks of private life all those domestic traits which so beautifully adorn and embellish the character of one who has distinguished himself in public station. His virtues were as conspicuous and shining in the charmed circle of home and friends as in the Congress of the United States.

In 1874 the time again came when the people needed his services. It would not be fitting in me, sir, now standing, as it were, in the presence of the grave, to indulge in the language of invective or say anything calculated to rouse bitter memories; rather would I, if I could, commit them all here to the dark waters of Lethe; but no citizen of Alabama can ever forget the anxiety, the distress, the dark forebodings of her people as they girded up their loins to enter into the great political conflict of 1874, upon the result of which so many felt the future happiness of the people and prosperity of the State depended. Alabama had always been proud of her honor and her credit. She had even sent gold through the blockade during the war to pay the interest on her debt. Now her head was bowed down with shame; her credit was gone, and profligacy and corruption were eating out her substance. The bright future her orators had painted, when her mountains should teem with wealth and her valleys with fatness; when her broad streams should bear on their liquid bosoms a mighty commerce to the sea; when every hillside and plain should be dotted with happy homes—all this roseate picture was shrouded with gloom. Confidence was gone; doubt and anxiety were everywhere. Her citizens by thousands and tens of thousands were fleeing her borders, and thousands more were awaiting the result of the great political conflict about to begin. All eyes turned to GEORGE S. HOUSTON as the leader of his party, and he was nominated by acclamation for governor. I shall never forget that canvass, and no one who heard him before the people will ever forget his speeches.

There were no graceful figures of speech, no classical allusions, no flights of fancy, no carefully studied phrases, and no effort at well-rounded periods, but his words went home to the hearts of the people with a convincing power I have never seen equaled. He addressed himself to every phase of opinion, to every shade of prejudice, and to men of all political antecedents. His logic was so plain that none could fail to comprehend him; his illustrations were drawn from the most familiar objects and always full of point; his every anecdote was an argument and his manner invited and compelled confidence. In fine, sir, there was that about him that caused his words to come as from one having authority, and it did seem that he spoke as the prophets spake. He was elected and re-elected, and during his term of service as governor abuses in administration were corrected, extravagance was checked, confidence was restored, the credit of the State regained, and Alabama was placed once more on the high road to assured prosperity.

At the end of his second term as governor the Legislature, reflecting the wishes of the people, sent him to the Senate of the United States, which had been for many years the goal of his honorable ambition. It is a sad, sad thought that death has deprived us of his services here. But the Reaper has garnered wheat that was ripe. Every honor the people of his State could bestow was his, and worthily he wore them all; but "he has run his course and sleeps in blessings."

Mr. Speaker, I do not mean, in pronouncing a just eulogium upon the dead, to detract from the well-earned praise due to the living. The credit of the wonderful campaign of 1874 is not all due to Governor HOUSTON. Behind him was a great mind organizing the forces and directing the conflict. By his side and everywhere throughout the field true sons of Alabama pressed forward to her deliverance; but wherever the fight in the front was hottest, and the smoke was thickest, there towered above all the crest of HOUSTON like the white plume of King Henry of Navarre at the battle of Ivry.

So, after he was inaugurated, the people held up his hands; they sent true men to aid him in his great work, and immediately about him were gathered wise counselors and co-workers. Yet among all and above all HOUSTON was the chieftain, the leader, the great reformer, the idol of the people.

Quis desiderio sit pudor aut modus
Tam cari capitis?

By a law of this Congress each State in the Union is invited to send the statues in bronze or marble of two of its dead, "illustrious for their historic renown or for distinguished civic or military virtues," to be placed in this Capitol in commemoration of the affections for their people and as bright exemplars of virtue. Maine has sent

William King, Massachusetts has sent Samuel Adams; New York, Edward Livingston and George Clinton. Other States have contributed statues of those they hold in fond recollection, and if the Legislature of my State will take counsel of the people and their desire to testify it in some fitting manner, it seems to me that Alabama will send GEORGE S. HOUSTON to stand in that Hall where the people of his district sent him so often when living—in that old Hall of the House of Representatives, now peopled with the images of departed greatness and kindling with glorious memories of the past—the Hall that rang with the eloquence of Clay, re-echoed the logic of Calhoun, gave back the immortal words of Webster, and was the scene of the ceaseless labors of HOUSTON for the people's good. It would be the people's tribute to the people's friend.

Mr. WILLIAMS, of Alabama. Mr. Speaker, grief is the natural emotion of the mind, when confronted by bereavements seemingly irreparable. Were it otherwise, we would be devoid of that sensation attesting the sincerity of our appreciation and gratitude, esteem and affection, love and devotion. Indeed, it would be equivalent to a denial of their existence, by reason of our incapacity for their indulgence. Who could contemplate humanity thus denuded of those floral beauties of the heart, whose incense and odors, were there no revelation teaching it, would inspire a conviction of a higher and better state of existence awaiting us? It is not only natural and proper that grief should dwell with us in such bereavements, but it is exalting and divine for it to be so.

In the loss of Senator GEORGE SMITH HOUSTON, of Alabama, the public mind is this day confronted by and contemplating an apparently irreparable bereavement. Who can doubt its impressive grief, prompted by the loss of this good and great man? If there be any such, there are none to envy them the desert waste of their barren hearts. Grief is not only here, but prompts the silent inquiry now being made in behalf of the great public mind and heart as to what shall be the bounds of her appreciation for and her gratitude to him, the glow of her esteem and the impulse of her affection for him, the depths of her love and the heights of her devotion to the memory of him who was her noble son, he who cherished her reputation and treasured her honor as he did his life, and who subserved her good and glory up to and with his dying utterances.

This eminent citizen was a public man throughout the greater part of his life—a life that extended to the ripe age of seventy. During this long career, in the different positions he held and filled, in private or public life, his excellency in morals was of an exemplary and unexceptionable character. His bitterest foe never called in question his integrity; his physical and moral courage was proverbial; his magnanimity was equally conspicuous, while his unvarying and successful popularity afforded the amplest proof of his geniality, his fullness of heart. Possessed of such elements in their most enlarged development, and with them displayed in action, none can deny that he was a good man. When you add to them true and forcible intellectuality, you will have finished the blending of attributes and virtues which as surely constitute a good and great man as the unity and proper diffusion of colors affirm the beauties of the rainbow.

What has been the career of Senator HOUSTON in the line of which he has displayed the intellectuality and qualities of heart pronouncing his goodness and greatness? Viewed as an executive officer in the courts of his State, a youthful, fearless, incorruptible solicitor, a wholesome terror to evil-doers, as well as an assured protection to the innocent, maintaining and vindicating the supremacy of her laws against all violators, he has left an example worthy of emulation. Or as a junior representative in the Legislative Assembly of his State, his modest and unassuming yet dutiful and studious career as such was marked with a discretion and ability that presaged his after efficiency and greatness. Or as the chief executive of his State, called thereto by the compelling voice of his people at a time when she was stranded in the shallows of bankruptcy; when she was dismantled and disfigured by a most profligate if not corrupt administration of her affairs; when lawlessness and disorder were rife in her midst; when life, liberty, and property were not vouchsafed by the strong arm of the law; when schisms, feuds, and bickerings were on the daily increase; when her treasury was exhausted and her credit unavailing; when her taxes were so onerous as to paralyze the efforts of her languishing industries; when the property of her people was without sale value by reason of the presence of seeming anarchy; when she was most flagrantly misrepresented by those professing to be her guardians; when emigration to her borders was inhibited by the deadly vapors pervading her atmosphere; when the hopes of her bravest hearts were in the embers of extinguishment; and when her people were insulted and disfranchised by a pretended constitution unknown to and unprescribed by them, imposed upon them by a swarm of vampires who were preying upon her vitals with vulturous greed—at such a time, in the midst of such surroundings, this wonderful, magical, unexcelled commander assumed the charge of her destiny, and with a spirit, nerve, and devotion that gave assurance at once of a vital and wholesome change in her affairs.

In the short space of four years he transferred her to her present most excellent chief executive repaired and refitted from hull to the pinnacle of her mast-head, moving majestically, under full sail, in the clear, deep waters defined as her track, by the consummate skill of an acknowledged navigator, with her treasury replenished, her credit

restored; with her people relieved of overburdened taxation, and the hum of industry revitalized throughout her limits; with their hopes rekindled, their spirits reanimated, and their resolutions reresolved; with law and order reigning supreme throughout her borders, and schisms, feuds, and bickerings dissipated and obliterated; with life, liberty, and property secured beyond a peril and peace, plenty, and growing prosperity the daily blessing of her people; with a substantial value restored to her property and emigrants coming into her borders from all points of the land. And as a further testimonial of the devotion of the American people to that deathless principle, so essential to the existence of liberty, avowing that all governments derive their just powers from the consent of the governed, she now enjoys the benefaction of a constitution adopted by her own people, in whose broad, clear, and well-defined ordinations are to be found the amplest and fullest guarantees of all the rights, privileges, and immunities that belong or attach to freemen and citizens under our unequalled republican form of government.

Should I, then, not say that he has left a model administration of her affairs that may be wisely followed by his successors? Her people with united voice exclaim, in the language of one of her gifted poets:

All praise, all honor to her faithful son,
Who was the staff on which she sorely leant
When, debt-oppressed and 'neath the alien's yoke,
Her regal head in bondage vile was bent;
Who was her staff, and at whose magic touch
Her debt was lifted and her foes dispersed,
At whose high beck the clouds went rolling back,
And freedom's sunshine reillumed her track.

Has poetry or eloquence, in their most vivid portrayals, their sublime sketches, ever o'erdrawn the picture of blessings flowing from the toilsome, patient, self-sacrificing work of the good and great man who addresses his life to the building up rather than to the agitation, dismemberment, and destruction of his country? A most eminent subject for their divine arts, in this particular, is presented to them when the traits and characteristics, life and acts of Senator HOUSTON shall be fully made known.

If to induce two spears of grass to flourish where only one grew before constitutes a benefactor of his race, what shall be said of him who, uprooting and extinguishing all the noxious weeds to social and political health, induces an abounding in their stead of life-sustaining, health-invigorating plants, under whose benign influences revive and flourish law and order, sobriety and industry, quiet and contentment, gladness and peace, plenty and prosperity; or who reverses the face of his land and people from despair and desperation to righteousness and exaltation?

He who thus aims, though he should fail in his noble and God-like purposes, will be treasured in the hearts of his people as one who, soaring with the eagle, has left the record of his flight and of his failure among the stars, yet more to be admired and envied than he "who creeps the gutter with the reptile and beds his memory and his body together in the dung-hill." But with joyous success crowning his inspired aims, his tireless efforts, does not GEORGE S. HOUSTON stand out before his fellow-men encircled in a halo of triumphantly wrought, richly merited, imperishable glory?

Well may his days seem all too few to thee,
And yet he gave to time a perfect fame;
For though death wrote a *finis* to his deeds
While yet he strove to build a greater name,
Still in the compass of the years he had
He did achieve for thee, his beloved State,
A full redemption, and for all thy woes
A happy issue and a glorious fate.

When you come to view him as a Representative upon this floor for eighteen years an effort to recount his efficient and successful career here would swell these remarks to a volume. But let it be said his devotion and ability were such that he was returned as often as his terms expired or he would accept the proffered honor, and that for the last ten years of his service he walked over the track without the semblance of opposition, thus evincing his towering strength before the people as so formidable that none would dare oppose "The Bald Eagle of the Mountains," an appellation they conferred upon him in their generous admiration of his prowess and achievements.

During his membership here, he filled for a considerable part of the time the chairmanship either of Military Affairs, Ways and Means, or the Judiciary; positions of the most arduous, responsible, and honorable character; his elevation to which unmistakably indicated the estimate placed upon his abilities and integrity. And none have or ever will labor with more assiduous disinterestedness, impartiality, and proficiency to fully discharge the duties of the same.

His ceaseless vigils in protecting the people against a profligate or corrupt expenditure of the public funds, rightfully won for him here the merited cognomen of "the watch-dog of the Treasury." The stern and courageous presence of whom in later years would have relieved history of the recitals of robberies and plunderings, the magnitude and turpitude of which has been a just cause of reproach to our people, a humiliation to those who cherish her reputation or who treasure her honor.

Elected to the Senate of the United States in 1865, and shortly after the termination of the war between the United and Confederate States, he was denied admission—an act resulting in more injury to the Government and the people than to himself, and upon the justice of

which history has yet to record that unimpassioned and truthful verdict so seldom if ever attained upon partisan representations; or other than "the feelings which inspiring it, rests on a regard for historical truth."

Re-elected by his State after the close of his gubernatorial term, he had not more than assumed the robes of a Senator and entered upon the duties of that august and responsible trust, when the icy fingers of the Pale Messenger loosened the heart-strings of life. But his last words on earth, as he was "going out," when he exclaimed to his faithful servant "Give me my shoes, I must go to the Senate," immortalized the devotion with which he had consecrated himself to its fullest exactions, and epitaphed his tomb with the one great cardinal feature of his life—ever to be at the post of duty.

He was furnished his sandals by the Pale Messenger, as he landed him upon the shining shore on eternity's side of the bright river; and he has gone to the Senate composed of the immortals of that celestial world whose presiding officer is the great "I Am;" where his imperfections and frailties here have been swallowed up and expiated by the entry made in its momentous, imperishable journals of "well done, good and faithful servant."

Should we not all take heed and so apply our hearts to wisdom that we may inherit that welcome plaudit, a legacy infinitely beyond all others in its priceless value, its unending bestowals?

Mr. Speaker, when on the last day of last year

The spring of life gently ceased,
And angels wafted his soul to peace,

that potent voice, whose utterances to or for his people were the words of soberness and truth, wisdom and statesmanship, was silenced in their behalf forever; that heart glowing with a desire ever to promote the general welfare of his country, by a ceaseless devotion to the substantial and permanent interests of his people and which pulsated in sadness for their woes, in joy for their weal, sounded its last thrilling key-note in their behalf forever; that intellect, gigantic in its structure, powerful in its development, penetrating in its force, profound in its researches, solid in its conclusions, unwavering in its decisions, and which was watchful and active in the advancement of his country's best interest, his peoples' highest welfare, scintillated its last golden thought of solicitude in their behalf forever.

At such a loss how eminently becoming that the chief executive of his State should make public proclamation thereof, with tender of his sympathies to his people, and with the officers of State should close its departments, array in mourning its capitol, and hasten to the distant home of the deceased to add to the swelling throng that stood in unconsolled bereavement around his bier.

Such a loss could not—yes, should not—fail to deeply affect the public mind with impressive sadness and grief. No strains in eulogy of the absent one were needful to awaken and open up the deepest feelings of grief in the hearts of those who knew this truly good and great man. Alas! too well for their own consolation did they realize their loss in his death. Full well did they remember that his fidelity to them and their every interest was not within the range or grasp of any or all of the arts of seduction combined to entrap; that his vigilance in the pursuit of their interests, the maintenance of their rights, was above and beyond the influences of any magnetism to divert or any charm to lull to sleep; that his bold, exploring, and expounding intellect was not to be quailed, and only to be quieted in its pursuits when the goal of their successful defense from wrong, their protection from danger, had been attained; that no amount of physical trial or privation, mental struggle or endurance, seemed to impede or enfeeble his action or diminish his resolution when thus engaged; that it were full enough for him to know the ominous finger of duty pointed to the task on behalf of his people, and the same was at once initiated only to be achieved, for, as the great cardinal of France had invoked, in his bright lexicon there was no such word as fail.

With such ennobling traits and their bounteous results adorning and enriching his life-long pathway, what other insignia should crown his noble brow but that of goodness and greatness? If excellency in morals, force in intellect, constitute greatness, their possession by him would have been confirmed in the accredited proof of the trusts confided, the unqualified approval of his demeanor in and discharge of them by the people. If to be honored throughout his days for his prowess, treasured to his death for his fidelity, and embalmed thereafter in the hearts of his people for his goodness constitute greatness, the record of his life displays the one and attests the other, while the voice of his people, heard this day throughout the land, proclaim the last. His was a life of events rather than words; events guarding his pathway as towers of protection, alike repelling the javelins of criticism, the arrows of malice, or the missiles of envy, now standing up as so many monuments, beautified with garlands of the people's approval, bespeaking their devotion to and their grief for him.

The brawny mariner, with a generosity of heart toward his crew as capacious, a love for them as deep, as the fathomless waters upon which he floats, and whose matchless tact and crowning skill mid-ocean's wildest furies had tested, was never more deeply endeared to or more confidently trusted in by them than was he by the people; nor could their grief at the loss of one who had thus piloted them from mid-night's mountainous tempests into the sun-gilded and placid harbor

of safety have been more poignant than were those who had thus stood around this political mariner in the perilous storms of the past.

Good mother, weep, Cornelia of the South,
For thou indeed hast lost a jewel son;
The Gracchi great were not so much beloved,
Nor with more worthy deeds their honors won.
Thy stalwart son deserves a Roman's fame,
For Cato was not more supremely just;
Augustus was not greater in the state,
Nor Brutus truer to the public trust.

When the deplorable events of 1861 began to cast their shadows so near as to startle and arouse an astounded world with their grandly awful issues, whose terrific currents were sweeping and counter sweeping into them section against section, that intuitive wisdom, nothing less than the inspiration of true and inherent statesmanship, presided with such vital force in the temple of his mind as to retard his movements. It adjured and constrained him to cling to the Union of the States, for which he had a love akin to adoration, and to which, neither by thought, word, or deed, had he ever been untrue. It admonished and emboldened him to plant himself upon deck as one of the watchful crew of the Federal ship of state, freighted with the covenants and jewels of American freedom, and then ingulfing in the livid billows of the clashing storms. With a ready and cheerful acquiescence did he listen and yield to her potential adjurations up to the moment his State ordained her separation and recalled her allegiance. Then fidelity to his people, that crowning virtue of the heart, panoplied in the sanctions of nature and of nature's God, that shielding and protecting goddess to all the other virtues, assumed and asserted in the temple of his mind her resistless sway.

In obedience to her behests, reluctantly and dejectedly did he turn his back upon the temples of that Union in no wise inimical to him, and left these halls in which he had acted with so much ability throughout a period of long, long years. Unlike the acquired child of Naomi, in her journey to the fruitful and prosperous land of Boaz, he was of the South, to the manner born. By the ties of a blood far thicker and stronger than water, by the impulses of a divinity of his nature that wafted love to all, malice to none, but peerless devotion to his own, her people were his people. By the light of a revelation, truth-inspiring and heaven-exalting, her God was his God. By a heart embowered in the encircling tendrils of the affection and devotion of her people did he unalterably resolve not to be entreated to leave them, and that whithersoever they should go and dwell there would he go and abide. By a constancy incapable of wavering or faltering, where her people died there would he die. And where her people are entombed and being interred, in equal sentiment of sublime devotion with Ruth, there doth he repose. Amid her vine-clad mountains, her flowery, dimpled valleys, radiant with the beams of her bright sunlight, at the golden age of three-score and ten, and full of honors, sleeps in quiet rest the statesman moved by no other impulse but his country's good; the patriot disdaining all lines or sections as circumscribing his endearments and attachments; the neighbor whom the good Samaritan could have greeted as a brother; the friend with whom Damon or Pythias could have locked shields; the husband and father who made his home an Eden and its dearly loved inmates the guardian angels of his life.

In the earlier days of my manhood I was a brief sojourner at Knoxville, in the renowned State of Tennessee, the honored mother of our cherished Senator. Arriving there on a bright Sabbath in November, 1847, in all the loneliness that could envelop one who was a stranger to her entire people, I strolled into her beautiful and attractive cemetery, feeling that I would need no indorsement or introduction to be on terms of welcomed companionship with her noiseless and quiet residents. While lingering in her silent walk-ways and on her treasured earth, my eye was attracted by a commanding shaft whose spire was towering above its associates with imposing beauty and grandeur. When I had neared and confronted it, I saw that it protected the sacred dust and commemorated the blessed memory of her illustrious and immortal son, Hugh Lawson White, that "noblest work of God," who held the inviolability of conscience of far greater moment than a seat in the Senate of the United States, a position he had resigned in preference to fulfilling his State's instructions upon a measure that met with no sanction in that sacred forum. The closing inscription upon that grand token, seen then for the first and until yet the last time in print, sculptured its sublime utterances upon my youthful memory in impressions as nearly perishless as were wrought upon the face of that beautiful monument. And now from that faithful memory, after the lapse of thirty-three years, I here invoke it as a poetical garland equally appropriate to adorn the memory of this her noble son, who was

Composed in suffering, in joy sedate;
Good without noise, without pretensions, great;
True to his word, in every thought sincere;
He knew no wish but what the world might hear.

Mr. LOWE. I have the honor, Mr. Speaker, to represent, in part, Governor HOUSTON's old congressional district—his home and his grave—and therefore I beg to add a last word of tribute to his memory. But first let me express my acknowledgments to those gentlemen who, preceding me on this occasion, have so truly and eloquently voiced the general opinion of the country. I desire to reflect the particular sentiments of Governor HOUSTON's own people. He was, sir, a conspicuous figure in Alabama politics. No man has been more honored

by the State; no man more trusted by the people. He was a member of this House for eighteen years; chairman in turn of each of its principal committees; influential with the ruling party of the country and busy in public affairs during the most interesting and instructive period of our history. He was twice governor of Alabama and twice elected to the United States Senate.

He was not, sir, what is commonly called a "man of genius." He did not possess that singular gift, that dangerous faculty, that rare personal magnetism to make men instinctively follow after him without a motive, or believe in him without a reason. But he was a strong, sagacious, useful man of affairs; with the supreme good sense to see at any time what was best to be said or to be done; and with the ability, tact, and prestige to say it or do it. He sought, as was said of another, "to serve, rather than to please the people." The sheer strength that never failed him in a political contest grew, I think, more out of his efficiency as a politician than out of his popularity as a man. Although personally loved and lamented, the fact is, and he gloried in it, that through an honest, impartial public service he won political success by deserving it.

He was not an orator in the ordinary, popular sense. In elocution he attempted no flights of imagination and eloquence. Yet in joint discussion he was thought to be without doubt the best debater, the most dangerous antagonist, in the State. I have heard him often. He seldom wrote or published his speeches, yet all the country-side in North Alabama abounds with popular traditions of his triumphs in argument, wit, humor, anecdote, rough and ready debate on the hustings and before the masses. In conversation with myself and a few other friends some months before his death, he said it was his habit not to memorize or read his remarks; that he rarely framed set phrases and sentences in advance, but studied rather to understand and to be understood, trusting more to the fullness of his information, on a given subject, than to memory or manuscript.

His election as Governor, after a long retirement, was his return to public life. It was also the *renaissance* of his party. His administration, being sustained in the most part by the property, conservatism, and intelligence of the community, brought order out of reconstruction, and gave a normal and settled appearance to society. It restored confidence to the people and credit to the State.

Senator HOUSTON in all his views was eminently patriotic and conservative. He stood, sir, between the extreme opinions of his day; antagonizing the "dogmas of secession" on one side and the "horrors of coercion" on the other. He desired above all things to maintain existing institutions. He saw himself a citizen of the greatest, freest Republic in the world. It was the crisis of the country, the climactic period of 1860. The nation then was at the zenith of its glory; the Augustan age revived, and that, too, under higher forms and better auspices. He saw around him a new and splendid civilization; the result of our common victories in war and peace—agriculture, commerce, manufactures, the mechanic arts, science, literature, popular education, security to life, protection to property—in other words, he saw and felt the reality of all that material prosperity, individual happiness, and political tranquillity which defines "the blessings of liberty" established by the Constitution. It was natural, therefore, that he should be conservative, distrustful of new ventures and experiments. He was himself, sir, not only a free citizen of this great Government, but an honored representative from its happiest, proudest, richest section. He wanted no change, much less revolution. Acting from these considerations, he alone of the delegation from Alabama advocated in the House in the last hours of the session the famous compromise committee of thirty-three members, one from each State, to reconcile, if possible, the conflicting interests and feelings which then threatened the country. He seems to have looked to that committee with profound solicitude as the forlorn hope of the Union, or rather as the poet has it—

The full of hope, miscalled forlorn.

The result, Mr. Speaker, is history—a bitter chapter. I need not dwell upon it. But surely, sir, if the men of 1860, his contemporaries in and out of Congress, had been as considerate, as thoughtful, as wise in their generation as he was, the most shameful and distressing page in American history would not, perhaps, have been written. Had his advice been heeded, no drop of American blood would ever have been shed in fraternal conflict. I pay him, therefore, this tribute. He stood by the country until the last southern star had faded from the flag; until every mental and moral resource had failed; until the Union in fact and in sentiment was dissolved. He then sacrificed his opinions and went with his State, "to share," as he then avowed, "the fortunes of her people." But he did not favor the movement, he did not provoke it; he acquiesced in it, but his judgment, his wisdom was against it. This is his eulogy. As Congressman, governor, Senator, he will take rank in history as the last representative leader of the old national democracy of Alabama.

Mr. Speaker, after eighteen years of almost continuous service, Governor HOUSTON left the House in 1861, and only returned last year to take a seat in the Senate. The Government, with a mighty impulse, had rushed ahead of him a score of years in time and a century in change, progress, development. He must have felt the flight of years and the changes in administration, but, sir, he seemed entirely equal to his exalted position. He sought, with the prudence and circumspection which characterized his life—*boni senatoris prudentia*—to

adapt himself to the altered conditions of the country; and to practice that "statesmanship" which, Mr. Madison said, "is the science of circumstances." He engaged to some extent in the business and debates, especially on politico-economic questions, which occupied the Senate last spring. He ranged himself then, as heretofore, with the many against the few, with the people against classes and corporations. He was consistent with himself; he kept the tenor of his thoughts and actions harmonious to the end. In the truest sense, sir, he was a man of the people. Had he lived, I feel assured, he would have served the country, and the whole country, as well in the future as in the past.

Among the famous sons of Alabama who served in the old Congress in the Senate or in the House, I recur with pride to the names of Bagby, Bowdon, King, Lewis, Chambers, Pickens, the elder Walker, Harris, Yancey, Clemens, Dargan, and others. They form a galaxy of great men who have contributed largely to the honor and influence of the State and to the dignity and character of the whole country. But, sir, it is not invidious to say that none of them has done better service or more of it than HOUSTON; none has left with the people a stronger, cleaner, better record.

The death of such a man, Mr. Speaker, is always deplorable; but when he holds high place it becomes a public calamity. The reputation, the good fame he leaves behind him, is indeed our recompense. And in this respect, sir, the dead Senator, full of honors as of years, will not be lacking. The sturdy forces of his mind and character have made a lasting impression on the State.

Time hath, my Lord, a wallet on his back,
Wherein he puts alms for oblivion.

We naturally strive to withhold the better things of life from the gloomy forgetfulness of the grave. And so, sir, the example of GEORGE S. HOUSTON, through a long career of honest, patriotic public service, remains to us—a lesson to his contemporaries, a legacy to posterity. He died as he had lived, in the confidence of the country. Peace to his ashes! Honor to his memory!

Mr. Speaker, I now move the adoption of the resolutions offered by my colleague, [Mr. FORNEY,] and that, as a further mark of respect for the deceased, the House do now adjourn.

The resolutions submitted by Mr. FORNEY were then unanimously adopted.

The motion of Mr. LOWE was then agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ATHERTON: The petitions of C. H. Hope and J. M. Given, for the repeal of the stamp-tax on medicines, &c.—to the Committee of Ways and Means.

Also, the petitions of the publishers of the Tribune, Lexington; of the Times Publishing Company, of Zanesville, and of the publishers of Blandy's Journal, Zanesville, Ohio, for the abolition of the duty on type—to the same committee.

By Mr. BAILEY: The petition of Bean & Sloan, Cohoes, New York, of similar import—to the same committee.

By Mr. BAKER: The petition of the publishers of the Steuben Republican, Angola, Indiana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. BEALE: The petition of Perry A. Leatherbury, to be refunded an amount paid for checks against the Government, afterward declared void—to the Committee of Claims.

By Mr. BREWER: The petition of Elmer E. Heusted, William Campbell, and 40 others, citizens of Oakland County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. BRIGHAM: The petition of the publisher of the Palisade News, of West Hoboken, New Jersey, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. BRIGHT: The petitions of George C. Bass and G. G. Phillips, of Franklin County, Tennessee, for the repeal of the stamp-tax on medicines, &c.—to the same committee.

By Mr. COLERICK: The petition of J. Frank Snyder, publisher of the La Grange (Indiana) Democrat, for the abolition of the duty on type—to the same committee.

By Mr. CONGER: The petition of J. R. Moffett and 12 others, citizens of Jackson County; of David Lilley and 31 others, and Byron Cole and 31 others, citizens of Tuscola County, and of John Bell and 44 others, citizens of Huron County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of Noyes, Brother & Cutler, and other druggists of Saint Paul, Minnesota, for the abolition of the stamp-tax on proprietary articles, perfumery, &c.—to the Committee of Ways and Means.

Also, the petition of Timothy Walker and 36 others, citizens of Hu-

ron County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. COVERT: The petitions of Charles W. Smith, of Flushing; of L. Beecher Homan, of Port Jefferson, and of John O'Donnell, of Jamaica, New York, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petitions of John O'Donnell, of Jamaica, and of Charles W. Smith, of Flushing, New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of James M. Boyles & Son and others, citizens of Suffolk County, New York, for the abolition of the system of compulsory pilotage—to the Committee on Commerce.

By Mr. HORACE DAVIS: The petition of editors and publishers of leading newspapers in California, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. GEORGE R. DAVIS: The petitions of Hon. Joseph Medill, editor and publisher of the Chicago Tribune, and of S. R. Winchell & Co., publishers of the Educational Weekly, Chicago, of similar import—to the same committee.

Also, the petitions of the Grand Army of the Republic, department of Illinois, against the passage of the bill known as the sixty-surgeon bill; also, that no discrimination be made between ex-officers and enlisted men in rate of pension; and also, that the pension laws be so amended as to place on the roll of permanent disability all pensioners who have been on the rolls as invalid pensioners for ten years—to the Committee on Invalid Pensions.

By Mr. DEERING: The petition of Charles E. Griswold, publisher of the Exponent, Dell Rapids, Dakota, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. DIBRELL: The petition of Daniel M. Timmons, for a pension—to the Committee on Invalid Pensions.

By Mr. DICKEY: The petition of Patterson & Chivington, publishers of the Press, Blanchester, Ohio, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of Jacob B. Long and 5 others, of Highland County, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petitions of Joseph Magee and 17 others, of Highland County, and of T. C. Hurt and 38 others, citizens of Clinton County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of Parker Green and 47 others, of Clinton County, and of Joseph Magee and 17 others, of Highland County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. DUNN: The petitions of the publishers of the World, Helena, and of the Journal, Arkansas City, Arkansas, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. DWIGHT: The petition of Ira S. Wales, publisher of the Review, Waverly, New York, of similar import—to the same committee.

By Mr. ERRETT: The petition of Lewis, Oliver & Philips, against the repeal of the duty on trace-chains—to the same committee.

By Mr. FINLEY: The petitions of J. H. Willisten, publisher of the Crawford County Forum, Bucyrus, and of Dumm & Brunner, publishers of the Democratic Union, Wyandot County, Ohio, for the abolition of the duty on type—to the same committee.

By Mr. FORSYTHE: The petition of P. L. Shutt, publisher of the Times, Paris, Illinois, of similar import—to the same committee.

By Mr. GARFIELD: The petition of John Johnston, publisher of the Gazette, Cortland, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. GEDDES: The petitions of the publishers of the Holmes County Banner, of the Democratic Banner, of the Richland Star, of the Belleville Weekly, and of the Tuscarawas Chronicle, Ohio, for the abolition of the duty on type—to the same committee.

By Mr. HAWLEY: The petition of Helen M. Cooke, Emma J. Armitage, and others, citizens of New York and Connecticut, for an amendment to the Constitution of the United States securing woman suffrage—to the Committee on the Judiciary.

By Mr. HAYES: Eight petitions of druggists of Oswego, Mar-selles, Ottawa, Gardner, Ransom, and Wilmington, Illinois, for the repeal of the stamp-tax on medicines, &c.—to the Committee of Ways and Means.

By Mr. HILL: The petition of A. C. Mathias and others, of Putnam County, Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. HOOKER: Papers relating to the revolutionary war claim of the heirs of James Barnett, a captain in the revolutionary war—to the Committee on Revolutionary Pensions.

By Mr. KEIFER: The petitions of J. H. Horton, editor of the Tippecanoe Herald, and Caldwell & Stanley, publishers of the Commercial, Tippecanoe City, Ohio, that materials used in making paper be

placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. MASON: The petitions of John A. Place, editor of the Oswego Times, and of Warren W. Ames, publisher of the Weekly Gleaner, De Ruyter, New York, for the abolition of the duty on type—to the same committee.

Also, the petition of H. L. Spooner & Son, publishers of the Brookfield (New York) Courier, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. MILLER: The petition of A. C. Corse, publisher of the Citizen, Iliion, Illinois, for the abolition of the duty on type—to the same committee.

Also, the petition of L. Ingalls and others, of Watertown, New York, publishers, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. MILLS: Memorial of the mayor and aldermen and inhabitants of Houston, Texas, asking for an appropriation for the improvement of Buffalo Bayou—to the Committee on Commerce.

By Mr. MITCHELL: The petition of O. S. Webster, publisher of the Tioga County Leader, Wellsborough, Pennsylvania, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. MONROE: The petitions of F. S. Reefy, publisher of the Constitution, Elyria; of G. H. Mains, of the Independent Press, Wakeman; of J. H. Greene & Co., of the Gazette, Medina, and of J. W. Houghton, of the Enterprise, Wellington, Ohio, of similar import—to the same committee.

Also, the petition of E. O. Knox, publisher of the Reporter, Cuyahoga Falls, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. NEAL: The petition of Daniel Furman and 100 others, citizens of Pike County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of Daniel Furman and 90 others, citizens of Pike County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of A. Keth, publisher of the Logan (Ohio) Republican, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. NEWBERRY: The petition of the publishers of the Detroit (Michigan) Free Press, of similar import—to the same committee.

By Mr. O'CONNOR: The petition of Sheridan & Simms, publishers, of Orangeburgh, and of J. Warren De Lano, and of F. Melchers & Sons, publishers, of Charleston, South Carolina, of similar import—to the same committee.

By Mr. ORTH: A paper relating to the petition of Elias Evans for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. OTERO: The petition of the publisher of the Thirty-Four, Las Cruces, New Mexico, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. PRESCOTT: The petition of merchants, manufacturers, and consumers of New York, that chrome iron ore and bichromate of potash be placed on the free list—to the same committee.

By Mr. REAGAN: The petition of John Regan, publisher of the Messenger, Elmwood, Illinois, for the abolition of the duty on type—to the same committee.

By Mr. HEZEKIAH B. SMITH: The petition of William J. Moore and 42 other soldiers of New Jersey, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. STARIN: The petition of G. S. Greene, engineer-in-chief, department of docks, New York, and others, against the further introduction of the French metric system in any of the Departments of the Government—to the Committee on Coinage, Weights, and Measures.

Also, the petition of J. H. Nellis, publisher of the Beekeeper's Exchange, Canajoharie, New York, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, memorial of merchants, manufacturers, and consumers that chrome iron ore and bichromate of potash be admitted free of duty—to the same committee.

By Mr. STEELE: The petition of J. S. Tomlinson, Charles W. Jones, and other publishers, of North Carolina, for the abolition of the duty on type—to the same committee.

By Mr. STEVENSON: The petition of soldiers of Pekin, Illinois, against the passage of the sixty-surgeon bill—to the Committee on Invalid Pensions.

By Mr. STONE: The petition of Hon. S. L. Withey and 1,000 other citizens, business men of Grand Rapids and Grand Haven, Michigan, for an appropriation of \$100,000 to improve the navigation of Grand River—to the Committee on Commerce.

By Mr. J. T. UPDEGRAFF: The petition of W. D. Henkle, editor of the Educational Monthly, National Teacher, and Educational Notes and Queries, Salem, Ohio, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. URNER: The petition of Isaac Hartshorne and others, of Montgomery County, Maryland, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. VAN AERNAM: The petition of 22 Union soldiers of Otto, New York, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. WEAVER: The petitions of C. T. Parish, of Saint Mary's, and 19 others; of Henry Burmister, of Sharon, and 19 others; of C. H. Bowles, of Drakeville, and 55 others; of Andy Coffman, of Indianola, and 18 others; of T. L. Dunbar, of Wapello County, and 15 others, and of J. T. England, of Floris, Iowa, and 17 others; of J. F. Peck, of Buchanan, and 133 others, and of Daniel E. Pool, of Macomb County, Michigan, and 24 others; of Oscar F. Parsons, of Tivoli, and 8 others; of the resident ex-soldiers of Newburgh, and of George Whitfield, of Lansing, Pennsylvania, and 75 others; of William A. Hammer, of Orrick, and 23 others, and of J. M. Wyrick, of Alexandria, Missouri, and 49 others, and of Obadiah Bee, of Goff's, West Virginia, and 26 others, for the passage of the Weaver soldier bill—to the same committee.

Also, the petition of the Dubuque (Iowa) Veteran Club, for the passage of a law to equalize bounties—to the same committee.

Also, the petitions of Charles A. Clark, editor of the Jasper County (Iowa) Independent; of Val. Mendel, publisher of the Union, Albia; of G. W. Stamm, publisher of the Industrial Era; of Leonard & Doner, publishers of the Albia Democrat; of G. L. Reed, publisher of the Eagle, Keota; of Nelson D. Porter, editor of the Oskaloosa Standard; of Theo. Danguard, publisher of the Free Press, Ottumwa; of Charles P. Baker, publisher of the Des Moines Valley Times, Ottumwa, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petitions of N. D. Porter, publisher of the Oskaloosa Standard; of G. L. Reed, publisher of the Keota Eagle; of H. J. Vail, publisher of the New Sharon Star; and of John F. Payne & Sons, publishers of the Herald, Vinton, Iowa, for the abolition of the duty on type—to the same committee.

By Mr. WILSON: The petition of O. G. Scofield, publisher of the State Journal, Parkersburg, West Virginia, of similar import—to the same committee.

By Mr. FERNANDO WOOD: The petition of New York druggists, for the repeal of the stamp-tax on proprietary medicines, &c.—to the same committee.

Also, the petition of Taylor & Gibson and other druggists, of Saint Joseph, Missouri, of similar import—to the same committee.

Also, the petitions of John J. W. O'Donoghue, publisher of the Chronicle, and of Morris, Phillips & Co., publishers of the Home Journal, New York, for the abolition of the duty on type—to the same committee.

Also, the petition of John F. Moulton, president of the Buffalo and Southwestern Railroad Company, against the reduction of the duty on steel rails—to the same committee.

By Mr. WRIGHT: The petitions of David M. Monahan and 55 others, citizens of Southington, Connecticut, and of R. L. De Akers and 33 others, of Washington, District of Columbia, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

IN SENATE.

THURSDAY, March 4, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.
The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 68) to authorize the printing of 13,000 copies of the Report on Sheep Husbandry was read twice by its title, and referred to the Committee on Printing.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting papers concerning the payment of the second installment of the annual compensation to James B. Eads, for maintenance of the channel at the South Pass, Mississippi River, for the quarter ending February 9, 1880, and payment of the first installment of interest on \$1,000,000 for the six months ending February 9, 1880; which, on motion of Mr. BECK, was referred to the Committee on Transportation Routes to the Seaboard, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, covering a copy of a report of Captain C. B. Phillips, Corps of Engineers, upon

examinations and surveys of York River, and of Lynn Haven, Link Horn, and Broad Bays, Virginia, made in compliance with the requirements of the river and harbor act of March 3, 1879; which was referred to the Committee on Commerce, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. No. 4903) to provide for the purchase of a site for a post-office and other Government buildings in the city of Baltimore, Maryland; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. PENDLETON presented the petition of the Grand Division Sons of Temperance of the State of Ohio, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to public revenue and taxation, to crime, pauperism, the public health, morals, education, &c., and also the results of license, restrictive and prohibitory legislation in the several States and in the District of Columbia and the Territories; which was referred to the Committee on Finance.

Mr. BOOTH presented the petition of ship-owners and shipping merchants of San Francisco, California, praying for the passage of a bill to abolish the system of compulsory pilotage which now exists in many States, so that one of the heavy burdens on American commerce may be removed; which was referred to the Committee on Commerce.

Mr. McMILLAN presented additional papers in relation to the claim of George F. Brott, assignee of Brott, Davis & Sohns, for certain cotton taken from the schooner Sea Lion by the United States authorities during the late war; which were referred to the Committee on Claims.

Mr. MCPHERSON. I present the memorial of a large number of shoe manufacturers of the State of New Jersey, remonstrating against the extension of the McKay patent for an improvement in sewing-machines. As the memorial is very short, only covering seven or eight lines, I should like to have it read.

The VICE-PRESIDENT. It will be reported at length, if there be no objection.

The memorial was read, and referred to the Committee on Patents, as follows:

*To the honorable the Senate and House of Representatives
composing the Forty-sixth Congress:*

1. We, the undersigned, shoe manufacturers of the State of New Jersey, do hereby remonstrate against having the patents of the McKay Sewing-Machine Association extended, and petition your honorable body not to grant the McKay Machine Association extension of their patents.

2. And your petitioners would humbly show that the McKay Sewing-Machine Association are the largest money monopolists in this country, having already gained six or seven millions of dollars, or more, since the patents were extended them; which is more than an adequate reward for the invention.

3. And your petitioners would further show that the McKay Sewing-Machine Association are avaricious and not at all liberal, as the manufacturers have very heavy royalties to pay and have paid them these many years, besides the enormous prices they are obliged to pay for duplicate parts which are continually needed to keep the machines in order, and which could be procured for one quarter of the cost which they are compelled to pay to the McKay Sewing-Machine Association if said patents should not be extended.

4. And your petitioners would also represent that all of the shoe manufacturers that are in favor of an extension of the patents of the McKay Sewing-Machine Association are stockholders of the same and draw about 35 per cent. dividends quarterly; and for the above and many other reasons your petitioners humbly request your honorable bodies to do all in your power to frustrate this great monopoly by opposing the bill granting the McKay Sewing-Machine Company an extension of their patents.

Mr. WALLACE presented the petition of G. W. Sherwood and others, citizens of Wyoming County, Pennsylvania, and the petition of J. N. McDaniel and others, citizens of Bedford County, Pennsylvania, praying such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which were referred to the Committee on Patents.

He also presented the petition of J. K. Hubler and others, citizens of Wyoming County, Pennsylvania, and the petition of citizens of Bedford County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which were referred to the Committee on Commerce.

He also presented the petition of citizens of Wyoming County, Pennsylvania, and the petition of citizens of East Providence, Bedford County, Pennsylvania, in favor of the creation of an agricultural department; which were referred to the Committee on Agriculture.

Mr. CONKLING. I have a petition to present, but before doing so I ask to be indulged in a remark. I observe that the practice is becoming quite frequent in the Senate of having petitions read at length, not because, as I can see, they are more important than other petitions. That is a violation of the rule, and moreover, as is more to the purpose, it puts other Senators in rather an awkward position. Here, for example, in my hand, is a memorial on a very important subject, signed by 1,158 leading representatives of a great interest. Under the rules I cannot properly have this memorial read at length and go into the RECORD, and yet I do not like to object to a Senator having any petition read at length which he chooses.

I make this remark entirely in good part, and in deference to every

Senator, to show that I think we ought to have equality of understanding here, and if some petitions are to be read at length and put in the RECORD, then other petitions as important should be read at length also. But not understanding that that is the right of a Senator under any rule of the Senate, I will present two very important memorials, as I conceive they are, in the ordinary way.

I present the memorial of ship-owners of the United States who, I am told, represent together some millions of money invested in the enterprise with which they are connected, remonstrating against the passage of any bill to introduce foreign-bought vessels, and give them American registers, deeming such introduction unwholesome and pernicious competition with our own industries. I suppose the memorial goes properly to the Committee on Commerce.

The VICE-PRESIDENT. It will be so referred.

Mr. CONKLING. I present a petition signed by 1,158 of leading representatives of the foreign commerce of the country residing in different ports, praying for the passage of an amendment to chapter 5, title 53, of the Revised Statutes, designed to remove the onerous burden imposed upon American commerce by the operation of the present law requiring the payment of three months' extra wages to seamen discharged in foreign ports, and intended fully to protect the interests of seamen also. This petition I suppose goes properly to the Committee on Commerce.

The VICE-PRESIDENT. It will be so referred.

Mr. RANDOLPH presented the memorial of shoe manufacturers of New Jersey, remonstrating against the extension of the McKay patent for an improvement in sewing-machines; which was referred to the Committee on Patents.

Mr. EATON presented the petition of the National Board of Trade, praying for the passage of a law which will improve the present method of the transportation of live stock; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Territories, to whom the subject was referred, reported a bill (S. No. 1418) to establish a United States court in the Indian Territory, and for other purposes; which was read twice by its title.

Mr. HEREFORD, from the Committee on Commerce, to whom was referred the bill (S. No. 1161) creating the port of Tampa, Florida, a port of entry, reported it with an amendment.

Mr. DAVIS, of West Virginia, from the Committee on Appropriations, to whom was referred the joint resolution (H. R. No. 116) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," reported it with amendments.

Mr. JONES, of Florida, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 1320) for the construction of a building for the use of the United States at Toledo, Ohio, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 794) to provide for a building suitable for a post-office, for the accommodation of the revenue officers, and the United States courts and their officers, in the city of Charleston, West Virginia, reported it without amendment.

Mr. GORDON, from the Committee on Commerce, to whom was referred the memorial of officers and members of the Tobacco Board of Trade of Nashville, Tennessee, in favor of such action by Congress as will cause France, Spain, Italy, and Austria to abolish their government monopolies and permit open markets for the sale of leaf-tobacco, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

BILLS INTRODUCED.

Mr. FERRY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1419) authorizing the Postmaster-General to adopt a uniform canceling ink and stamping pad; which was read twice by its title, and referred to the Committee on Post-offices and Post-Roads.

Mr. BLAIR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1420) to provide for the payment of pensions to their widows and minor children upon the death of pensioners totally disabled from wounds received in the service; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1421) to make the crime of rape in the District of Columbia punishable with death; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1422) to amend section 1556 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. COKE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1423) for the relief of William J. Budd; which was read twice by its title, and referred to the Committee on Military Affairs.

INDIANS AS CITIZENS.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 88) declaring that Indians are citizens of the United States; which was read the first time by its title.

Mr. MORGAN. I ask that the joint resolution go upon the Calendar, unless some Senator desires that it should be referred to a committee. I ask that the Secretary report the joint resolution at this time for the information of the Senate.

The joint resolution was read the second time at length, as follows:

Whereas it is declared in the fourteenth amendment of the Constitution of the United States that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside," and that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws:"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Indians born in the United States and subject to the jurisdiction thereof are "persons" within the meaning of the Constitution of the United States, and such persons are citizens of the United States and of the State wherein they reside, and are subject to the jurisdiction of the Government of the United States.

The VICE-PRESIDENT. The joint resolution will be placed upon the Calendar.

Mr. EDMUNDS. At the proper time I think the joint resolution ought to be referred to some committee. It involves a very important question.

The VICE-PRESIDENT. Does the Senator submit a motion to refer?

Mr. EDMUNDS. I merely mention the matter because of the remark dropped by the Senator from Alabama that unless somebody desired it to be referred to a committee, he would like (as I inferred) to have it put upon its passage without a reference. I think at some time it should be referred to a committee for careful examination.

Mr. MORGAN. I would not attempt ordinarily to bring a matter of this importance before the Senate without the action of some appropriate committee. At the same time, however, I think a committee can throw very little light upon it, because there are no facts to be ascertained, that I am aware of, for the purpose of determining whether the Indians are persons within the meaning of the first section of the fourteenth article of amendments to the Constitution. Inasmuch as every Senator will vote on his own judgment upon this great proposition of constitutional law whenever the matter comes before the Senate, and inasmuch also as this is getting to be a question which must be settled, and in view of the important legislation which is being reported from committees upon this subject, I thought that, perhaps, the Senate might prefer to have the discussion within the body of the Senate, and directly upon this proposition, so that we might have the benefit of all the information and of all the opinions of Senators here that would by a reference be expended upon the subject in the body of a committee.

I should like to say further that I am not able to conceal from my own mind the fact that the proposition that is advanced in this joint resolution is the key of every question that comes before the Senate in regard to the Indian tribes. They are either citizens of the United States, or they are members of some independent tribal bodies within our jurisdiction, not being citizens, not entitled to the protection of the Constitution of the United States, its privileges and its immunities, and liable to its burdens. They occupy the one category or the other, and all the legislation that comes into the Senate must be predicated upon the one proposition or upon the other.

Now, it seems to me to be the first essential duty of the Government to ascertain what are its own constitutional relations to this body of people, amounting to more than two hundred and fifty thousand I believe—seventy-three different tribes, speaking thirty different dialects, within our own borders. If the joint resolution must go to a committee; if it is the understanding that it is better it shall go to a committee as being more in conformity with the usages of the Senate and more likely to get a discussion full and clear, in view of the constitutional question involved in it, I hope that whatever committee it may be sent to will expedite the measure as far as possible in order that we may settle this great elementary and leading proposition before we get into the details of further legislation in regard to the Indian tribes. I have no objection to referring the joint resolution, as has been suggested by the Senator from Vermont.

The VICE-PRESIDENT. The Chair thinks the proper reference would be to the Committee on the Judiciary.

Mr. MORGAN. Very well.

Mr. GARLAND. I wish to make a remark on the motion to refer. I believe that is in order.

The VICE-PRESIDENT. The Senator is in order.

Mr. GARLAND. I am very glad the Senator from Alabama has seen proper to bring this question directly before the Senate. We have never had a question connected with these people, it makes no difference how insignificant in itself it may be, that does not resolve itself back to this very point, as the Senator from Alabama has already indicated. We had a bill before us a few days since in reference to stealing horses and mules from Indians, and the discussion upon that bill had not proceeded twenty minutes before it came back to this original proposition.

It is high time, in my judgment, that Congress should settle this question. I believe in the theory indicated by the joint resolution introduced by the Senator from Alabama, that the fourteenth amendment made these people citizens, and it was to that extent self-executing and no further legislation on the subject was needed; but upon that

point there is a wide difference of opinion among gentlemen. The Committee on the Judiciary, several years ago, made quite an elaborate report, contending against that position. I believe, with the joint resolution, that they are citizens. I think it might go to the appropriate committee, however, and I join with the Senator from Alabama in the hope that the committee shall make as early a report as is possible upon this proposition, that we may settle the question lying at the foundation of all matters connected with the treatment of these people.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on the Judiciary.

DISTRICT POLICE FORCE.

The VICE-PRESIDENT laid before the Senate a letter from the commissioners of the District of Columbia, transmitting, in response to a resolution of the Senate of the 19th ultimo, a full and specific statement of the name, age, place of nativity, and date of appointment of each policeman and watchman belonging to the police force of the District, also of the service of each in the Army or Navy of the United States, &c.; which was ordered to lie on the table and be printed.

INDIAN DEFICIENCY BILL.

Mr. ALLISON. I desire to call up this morning House bill No. 4432. Mr. ANTHONY rose.

Mr. ALLISON. It is an Indian deficiency appropriation bill, and will take probably five minutes to dispose of it. It is very important that the bill shall be passed and finally disposed of during the present week.

Mr. ANTHONY. I am too much attached to the traditions of the Senate to oppose the Committee on Appropriations when they desire to take up an appropriation bill, but I hope my friend from Iowa will allow the Calendar to have an hour this morning. It has been cheated out of its rights day after day by other business.

While I am up I will make a suggestion to the Committee on Appropriations. When I first came into the Senate, which is twenty-one years ago to-day, there was no Committee on Appropriations; the Finance Committee had charge of the appropriation bills, and after they had completed a bill and were ready to report it, it was the habit to refer the bill informally to the committee that had charge of the subject of the appropriation—the naval appropriation bill to the Committee on Naval Affairs, the Indian appropriation bill to the Committee on Indian Affairs, the consular and diplomatic appropriation bill to the Committee on Foreign Relations. The bill was then considered by the second committee, and their amendments were sent to the Committee on Appropriations, some of which were adopted and some of which were not. When the bill came into the Senate the second committee had the precedence, after the Committee on Appropriations, in having its amendments considered. I think that practice was a very good one. I suggest no rule on the subject—no rule ever existed—but I make the suggestion in the hearing of the committee.

Mr. ALLISON. I am very much obliged to the Senator for the suggestion; and it so happens with reference to the particular bill which I ask to call up this morning, that it has received the careful consideration of the Committee on Indian Affairs, as well as of the Committee on Appropriations. The Committee on Appropriations propose no amendments to the bill. They recommend its passage precisely as it came from the House of Representatives. I ask that it be taken up this morning only because it will be inconvenient for me to be here during the whole of this day. I would have had it taken up yesterday but that I was unable to be present in the Senate. If there is no special objection, I trust the bill will be considered now.

Mr. ANTHONY. I shall make no objection, Mr. President.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4432) making additional appropriations for the support of certain Indian tribes for the year ending June 30, 1880.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REMOVAL OF DESERTION CHARGES.

The VICE-PRESIDENT. The Secretary will now proceed with the call of the Calendar, under the standing order of the day, commencing at the point reached on yesterday.

The bill (S. No. 876) for the relief of Edward Corselius and seven other persons, late members of the First Michigan Cavalry Veteran Volunteers, was announced as being first in order upon the Calendar.

Mr. COCKRELL. Let that bill be passed over. I have not had time to examine the remarks and statements made in the Senate yesterday in regard to the bill.

Mr. FERRY. Then I ask that it be passed over temporarily, to be called again. As I indicated yesterday there is correspondence pending with the Department on this subject. I was there this morning, and expected to receive a communication from the Department, but it was not quite ready. I expected to find it here by this time, but it is not here yet.

Mr. COCKRELL. Let the bill take its course on the Calendar with the other cases.

The VICE-PRESIDENT. The Senator from Missouri objects, and the bill goes over under the rule.

SILVER COINAGE.

The next bill on the Calendar was the bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States relating to coinage and coin and bullion certificates, and for other purposes.

Mr. DAVIS, of West Virginia. That bill was adversely reported. The VICE-PRESIDENT. The Chair understands the Senator from West Virginia to object.

Mr. DAVIS, of West Virginia. I see by the Calendar that there is an adverse report upon the bill, and that is always in the nature of an objection, I understand.

The VICE-PRESIDENT. The parliamentary question, when a bill is reported adversely and placed on the Calendar, is, Shall the bill be engrossed and read the third time?

Mr. MORRILL. Let the bill be indefinitely postponed.

The VICE-PRESIDENT. Does the Senator make that motion?

Mr. MORRILL. I make that motion.

The VICE-PRESIDENT. The bill is in Committee of the Whole, and the Senator from Vermont moves that it be indefinitely postponed.

Mr. DAVIS, of West Virginia. I prefer that the bill should go over, as it is now on the Calendar. The chairman of the Finance Committee is not present, and it appears he reported the bill. I suppose he asked that it should go on the Calendar.

Mr. MORRILL. He reported it adversely. I have no feeling about it. Mr. DAVIS, of West Virginia. I think the bill had better go over, and not be indefinitely postponed.

The VICE-PRESIDENT. A single objection carries the bill over.

DUTY ON A CHURCH WINDOW.

The next business on the Calendar was the joint resolution (H. R. No. 153) authorizing the remission or refunding of duty on a stained-glass window, from Munich, Germany, for All Saint's Church, in Saint Michael's parish, in Talbot County, Maryland.

Mr. MORRILL. I rise to object to that joint resolution.

The VICE-PRESIDENT. The joint resolution is objected to, and will be passed over.

DONATION OF CONDEMNED CANNON.

The next business on the Calendar was the joint resolution (H. R. No. 83) granting condemned cannon to the Morton Monumental Association.

Mr. MAXEY. There are several similar measures, one just after the other, on the Calendar, donating condemned cannon. After the report of the committee on the 3d of February, a communication was received from the Secretary of War, which is Executive Document No. 70, showing that there are no condemned bronze cannon belonging to the United States Government from which donations can be made. I suggest to the chairman of the Committee on Military Affairs that all of the bills on the Calendar relating to condemned cannon be indefinitely postponed, in accordance with the present action of the Committee on Military Affairs.

Mr. WITHERS. Because there are none?

Mr. MAXEY. There are none. The Secretary of War has made that statement to us.

Mr. RANDOLPH. I prefer not to have an indefinite postponement. Some modification may be made of the pending bill by striking out the donation of bronze cannon and substituting therefor iron cannon.

I am aware, as the Senator from Texas has stated, that the War Department have notified the Military Committee that there are no more bronze cannon to be donated, and therefore the passage of bills donating bronze cannon is totally unnecessary.

Mr. MAXEY. I move that the joint resolution be recommitted.

Mr. RANDOLPH. My memory is that this joint resolution donates iron cannon, and therefore it should be passed.

Mr. TELLER. Let the joint resolution be read so that we may see what it is.

Mr. RANDOLPH. Let it be read.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized and directed to give the Morton Monumental Association of the United States four condemned and unserviceable bronze cannon and thirty-six cannon-balls, for casting a statue of Oliver P. Morton, late a Senator from Indiana, to be erected at the city of Indianapolis, Indiana.

The VICE-PRESIDENT. The Senator from Texas moves that the bill be recommitted to the Committee on Military Affairs. The Chair hears no objection, and it is so ordered.

The next bill on the Calendar was the bill (S. No. 1056) donating six condemned iron cannon to John D. Musser Post, No. 66, Grand Army of the Republic, of Muncy, Pennsylvania, to build a fence around the soldiers' monument in the Muncy cemetery.

Mr. WALLACE. I think a bill exactly like that has already passed the Senate. I ask that it go over until I examine into the matter.

The VICE-PRESIDENT. The bill will be passed over.

The next bill on the Calendar was the bill (H. R. No. 3562) donating condemned cannon and cannon-balls to the Soldiers' Monument Association of Birmingham, Connecticut.

Mr. MAXEY. I move that the bill be recommitted. That I may not be misunderstood, I desire to state that the Committee on Military Affairs has, since the reception of the letter of the Secretary of War

of February 5, 1880, showing that there was no condemned bronzed cannon on hand, reported adversely upon similar measures, for the reasons set forth in the letter of the Secretary of War.

The motion to recommit was agreed to.

PORT GRATIOT RESERVE.

The next business on the Calendar was the joint resolution (S. R. No. 3) to authorize the Secretary of War to sell or lease to the Port Huron and Northwestern Railway Company a portion of the Port Gratiot military reserve, and to authorize the city of Port Huron to grant to said railway company the right of way through Pine Grove Park; which was considered as in Committee of the Whole.

Mr. CARPENTER. Is there any sum fixed in that joint resolution at which the reserve shall be sold, or any method of ascertaining what it is worth?

Mr. FERRY. The joint resolution passed the Military Committee and the Appropriations Committee at the last session of the Forty-fifth Congress, and has repassed the Military Committee at this session. There is a report in the case. The joint resolution authorizes the Secretary of War to sell or lease. The Government has already sold six hundred acres out of about six hundred and forty, and forty remain undisposed of. This resolution provides for the sale or lease of a right of way to the width of one hundred feet, in the discretion of the Secretary of War. As I have said, the joint resolution was before the Senate last year; passed the Military Committee, and was before the Committee on Appropriations on the appropriation bill, and was reported by that committee, but on account of the irrelevancy of the subject it was stricken off—not by a decision against its merits, but simply because it did not apply to the bill.

Mr. CONKLING. I should like to hear the report read in this case.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. RANDOLPH February 3, 1880:

The Committee on Military Affairs, to whom was referred the resolution (S. R. No. 3) to authorize the Secretary of War to sell or lease to the Port Huron and Northwestern Railway Company a portion of the Port Gratiot military reserve, and to authorize the city of Port Huron to grant the said railway company the right of way through Pine Grove Park, have had the same under consideration, and submit the following report:

The Secretary of War, in a letter dated February 21, 1878, relating to this bill, transmits a report on the matter made by Colonel O. M. Poe, United States Engineers. The letter of the Secretary of War, embracing Colonel Poe's report, is as follows:

"WAR DEPARTMENT,
Washington City, February 24, 1878.

"SIR: I have the honor to acknowledge the receipt of your letter of this date inclosing Senate resolution 68, 'to authorize the Secretary of War to sell or lease to the Port Huron and Northwestern Railway Company a portion of the Port Gratiot military reserve, and to authorize the city of Port Huron to grant to said railway company the right of way through Pine Grove Park,' with request that the Committee on Military Affairs be informed at an early day respecting the same.

"Colonel O. M. Poe, United States Engineers, to whom the matter was referred, reports as follows:

"In my opinion, the right of way might be granted as proposed, upon a lease terminable at the pleasure of the United States authorities.

"If a sale be made, it should not be limited to a mere strip of 100 feet in width, after passing to the southward of the Grand Trunk Railroad, but should include the entire area bounded by Stone street, Thomas street, and the grounds of the Grand Trunk Railroad Company, for the reason that the occupation of the strip proposed will seriously impair the value of the remainder of the ground included within these boundaries, a fact made apparent by a glance at the map. To this the Port Huron and Northwestern Railway Company cannot reasonably object, for the ground is valuable, and any impairment of its value should be borne by the railway company.

"The report of Colonel Poe is concurred in by this Department.

"Very respectfully, your obedient servant,

"GEO. W. MCCRARY,
Secretary of War.

"CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate."

The committee recommend the passage of the bill.

Mr. CONKLING. This is a matter as to which I make no claim to specific knowledge, but it is one of a series of measures of this sort to which my attention has heretofore been called, one or two of them arising in my own State, and several elsewhere. I venture to express a doubt whether such a bill or resolution as this in such a case is safe legislation.

This joint resolution proposes to commit to the Secretary of War discretion to sell or to lease to the "Port Huron and Northwestern Railway Company, a strip of land, not exceeding one hundred feet in width, along the western line of the Port Gratiot military reserve, to the Grand Trunk Railroad intersection thereof."

First, I object to committing to the Secretary of War discretion either to sell the fee-simple of a parcel of a military reserve, or to lease it for a term of years absolute or by a terminable lease, or for such other period as he chooses to determine. And second, in this case I object to it especially because if I understand the letter which was read on which this recommendation is founded, it is very specific to the point that this gore, this strip of land through this reservation ought not to be sold, and if a sale is to be made the parcel of the reservation should go with it, which will be isolated, cut off, rendered inconvenient by the sale of this strip; and yet in the face of that this resolution proposes to commit to the Secretary of War the discretion either to lease this strip for just as long or just as short a time as he pleases, and on such terms as he pleases, or to sell only so much of this reservation as constitutes this strip one hundred feet wide. That

has been, if I understand the reading of that communication, expressly condemned in it.

I think Congress ought to determine whether a military reservation or a parcel of it is to be sold or not, and I think that determination ought in general terms to define the conditions on which the sale is to be made, and at all events specify the parcel of the reservation which is to be sold.

Mr. FERRY. If the Senator from New York will allow me, I will say to him that under several acts of Congress all of this reservation, with the exception of these forty acres, has been sold. The original reservation was a section, six hundred and forty acres. About six hundred acres of the reservation have already been sold. The company are perfectly willing to purchase the whole of it, but did not ask for that, and only applied for enough to carry out an object they had in view, and that was a strip of land one hundred feet, the usual width, in order to reach the city. Their junction is outside of the city. The common council, and all the citizens owning property along the line of the route to the point where they wish to erect their depot, have given the right of way, conditioned on their getting through this military reservation. The company did not ask to purchase the whole, but they would be very willing to do it. If the Senator from New York will modify the joint resolution to cover what he takes exception to, I shall have no objection whatever.

Mr. CONKLING. I hope the Senator from Michigan will not suppose that I am trying to prevent the railway company from getting this reservation—not at all. I have already disclaimed any knowledge of this particular case, and the remarks I venture to make are addressed only to those considerations applicable to all these cases alike. Now listen to what the report is that comes from the Secretary of War:

If a sale be made, it should not be limited to a mere strip of one hundred feet in width, after passing to the southward of the Grand Trunk Railroad, but should include the entire area bounded by Stone street, Thomas street, and the grounds of the Grand Trunk Railroad Company, for the reason that the occupation of the strip proposed will seriously impair the value of the remainder of the ground included within these boundaries, a fact made apparent by a glance at the map.

Basing a report of a committee upon that statement, it is proposed to empower the Secretary of War to do the very thing which this report says it is obvious, it is apparent by a glance at the map, never should be done. Well, Mr. President, I think calling attention to this will not be misunderstood by the Senate as a wish to defeat this railway company, which I know nothing about, in making progress across this reservation if it should, on any terms which are proper; but when the officer of the Government detailed to make the observation says to us that it is an improvident thing which no owner of property would do; and the joint resolution comes in and proposes that very thing, I venture to call attention to it, deferring of course to the superior knowledge of the Senator from Michigan in whose State it is.

Mr. FERRY. I would suggest, then, to the Senator from New York that he modify the joint resolution to cover the whole tract, allowing the Secretary of War to sell the land, giving him the discretion either to sell or lease. The railroad company desire to reach a point where they can erect a depot. They do not care particularly whether they have one hundred feet or purchase the whole tract, if the Government require it of them. Their object is to reach a certain point, and it would seem as though there could be no objection—certainly the Senator from New York offers none—and if it can be reached by including all that comes within the report of the Engineer Department, I shall be perfectly satisfied.

Mr. CONKLING. I must beg the Senator from Michigan to excuse me from offering such an amendment as he proposes, for two reasons. In the first place, I have no responsibility or knowledge about this matter which enable me to frame a proper amendment with any certainty; and in the next place, I certainly should not offer it, nor should I with my present lights, vote for such an amendment as he now suggests, namely an amendment committing to the Secretary of War that very discretion which in my opinion should never be committed to anybody in such a case. The United States owns a military reservation. Congress proposes to determine whether a part or the whole of that reservation should be disposed of or not. In such a case I insist Congress should have the facts before it on which the determination should be made, and it should not commit to the discretion of an executive officer, as he pleases, and as the Senator now proposes, either to sell the fee-simple, or to lease for such a time and on such terms as he, under persuasions brought to bear upon him, can make up his mind are best. I would not commit to any officer such a power. If I were the owner of a piece of real estate, I might have an agent and commit to him certain discretion; but I certainly should not commit to him the discretion either to sell it or to lease it on just such terms and conditions and for just such time and with just such arrangements all around as he might please.

Mr. DAWES. And for any consideration he pleased.

Mr. CONKLING. There is no consideration stated here. It is a *carte blanche* to the Secretary of War to do just what he pleases. In legal phrase, it gives him the absolute *jus disponendi* of the whole thing. If it was some place in Asia which Congress could not visit, and in respect of which it could not ascertain the facts, and it was going to send a plenipotentiary to dispose of it, such very wide powers as these might be defensible; but in regard to a matter that we know all about, if we are going to legislate in regard to it, why should we not deter-

mine whether the land shall be sold or whether it shall be leased, and if leased, for how long; and as the Senator from Massachusetts suggests there should be something about the consideration and conditions; and then let the Secretary of War act accordingly.

Mr. FERRY. I would state in this connection that already by action of Congress the Secretary of War has been authorized to dispose of six hundred of the six hundred and forty acres without fixing any consideration whatever—a bill similar in terms to the one now pending.

Mr. CONKLING. Either to lease or sell?

Mr. FERRY. Either to lease or sell; simply those terms. I am not captious about this matter and, following the suggestion made by the Senator from New York, I ask that the joint resolution be recommitted to the Committee on Military Affairs to cover just the point made by the Senator from New York, that the Department be authorized to sell or lease the whole. To that I trust there will be no objection.

Mr. CARPENTER. Let me suggest to the Senator in that connection that if provision is to be made for a sale, provision should be made in the bill for an appraisal of the land by some officer of the Government, some officer of the Engineer Corps, if you please, in the neighborhood, and then it should not be sold for a less sum than that.

Mr. COCKRELL. In these cases it is usual for the bill to specify that the Secretary of War shall have the land appraised and not sell it at less than its appraised value, wherever its value has been enhanced by reason of the surroundings or by reason of any improvements upon it.

Mr. FERRY. I would reply to the Senator from Missouri by stating that that has been the course the Government has pursued in each case wherever a sale has been made. An appraisal has been had under the regulations of the Department. That course would be followed in this instance.

Mr. CONKLING. If that is so, it seems to me a most excellent reason why it should appear in the bill. But I seek permission to make a single remark further. If any bill which has ever passed the Senate since I have had the honor of a seat here, giving to the Secretary of War, or anybody else unbridled discretion to sell or to lease for such time, at such price, on such terms as he chooses to determine, a military reservation of this Government, it escaped my attention. I do not doubt the Senator's word, but I am only putting in an apology for myself. Had I ever heard such a bill read, as I hear this read this morning, I should have ventured to ask as I did here after the reading of the report, and I think I should have had the courage to at least call the attention of the Senate to the point involved.

Mr. FERRY. My recollection does not serve me as to this specific reservation, but I remind the Senator of the case of Mackinaw, where a sale was made to individuals, and the bill authorized the Secretary of War to sell a portion of that, and under regulations an appraisal was had and a sale made.

Mr. CONKLING. Now the Senator is stating a case, as I understand him, such as I say the bill ought to be. He says that bill authorized the sale of certain portions of that reservation. That is all right. What I object to is, a bill which authorizes the sale or not, the leasing or not, upon such terms and conditions as the Secretary himself may determine. I do not deny that such bills have been passed; I do deny that such a bill ever passed in the Senate to which my attention at the time was called.

Mr. FERRY. The Senator from New York will remember that the joint resolution specifies one hundred feet wide. It is specific.

Mr. CONKLING. As to that yes; but as to everything else utterly indefinite.

Mr. FERRY. I move that the joint resolution be recommitted to the Committee on Military Affairs.

The motion was agreed to.

D. T. KIRBY.

The next bill on the Calendar was the bill (S. No. 965) for the relief of D. T. Kirby; which was considered as in Committee of the Whole.

The Committee on Military Affairs reported the bill with an amendment, to strike out all after the enacting clause and in lieu thereof to insert the following:

That the President of the United States is hereby authorized to nominate and, by and with the advice and consent of the Senate, to appoint Captain D. T. Kirby to a captaincy in the infantry arm of the service, to be assigned to the first vacancy in that arm of the service, to take rank from date of confirmation by the Senate: *Provided*, That no pay or allowance shall be paid to said D. T. Kirby, from date of dismissal from the United States service, for time from that date up to his reappointment under this act.

Mr. CONKLING. Is there a report in that case, Mr. President?

Mr. COCKRELL. The Senator from Illinois [Mr. LOGAN] made a written report in the case.

Mr. CONKLING. I should like to hear the report. I presume it is a good one.

Mr. TELLER. Let the bill go over; it will lead to some discussion.

Mr. COCKRELL. I do not think there will be any discussion.

Mr. TELLER. There is sure to be. The report is a long one, and the Senator who made the report is not here.

The VICE-PRESIDENT. The bill will be passed over.

WILLIAM GAINES.

The next bill on the Calendar was the bill (H. R. No. 2902) to place

William Gaines, late ordnance-sergeant United States Army, on the retired list.

Mr. COCKRELL. There is a general bill pending before the Senate, reported by the Senator from Texas [Mr. MAXEY] from the Committee on Military Affairs, in regard to the question here involved, and I think it is best that this case should lie over until the Senate has acted on that bill.

The VICE-PRESIDENT. The bill will be passed over.

SITE OF FORT STOCKTON.

The next bill on the Calendar was the bill (S. No. 1205) to enable the Secretary of War to acquire for the United States the title to the site of Fort Stockton, Texas.

Mr. SAULSBURY. I desire to ask the Senator from Texas, [Mr. MAXEY], who has charge of the bill, whether the land proposed to be acquired belongs to the State of Texas.

Mr. MAXEY. If the Chair will order the report to be read, it will show fully the facts in the case.

Mr. DAVIS, of Illinois. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. MAXEY February 4, 1880:

The Committee on Military Affairs, to whom was referred the letter of the Secretary of War, dated January 5 instant, being Executive Document No. 25, Forty-sixth Congress, second session, respectfully submit the following report:

Said letter is as follows:

"WAR DEPARTMENT,
Washington City, January 5, 1880.

"The Secretary of War has the honor to recommend to the United States Senate such legislation as will provide for the acquisition by the United States of the title to the lands upon which Fort Stockton, Texas is situated, and to present for consideration the following facts:

"Camp (now Fort) Stockton was occupied by Company H, First Infantry, in conformity with Special Orders No. 20, headquarters Department of Texas, dated San Antonio, March 23, 1859, said company relieving detachments of the First and Eighth Infantry, which were ordered to same place by Special Orders No. 5, Department of Texas, dated January 8, 1859. The post was occupied by United States troops until April or May, 1861, when it was abandoned. It was reoccupied July 7, 1867, and has remained in the possession of the United States troops to the present date. The boundaries and limits of the post were duly announced in Special Orders No. 96, Department of Texas, dated May 15, 1871.

"Under date of May 20, 1874, the then Secretary of War transmitted to the House of Representatives copies of reports of a board of officers constituted by Special Orders No. 156, of 1873, from this Department, pursuant to the act approved March 3, 1873, entitled 'An act to provide for the purchase, by the Secretary of War, of land for the United States, in the State of Texas, for the site of forts and military posts.' Said reports (published in House of Representatives Executive Document No. 282, Forty-third Congress, first session) embraced a recommendation for the purchase of the land occupied by Fort Stockton, which was stated to be owned by Peter Gallagher, of San Antonio, and for which, in the opinion of the board, \$12,000 was a reasonable price.

"No action, however, was taken by Congress upon the subject.

"By an act of the Legislature of the State of Texas, dated February 13, 1854, supplementary to an act dated December 19, 1849, it is provided that 'in all cases where the State of Texas may be the owner of the land which the United States may select and wish to acquire and occupy for any purposes specified in the first section of the act to which this is supplemental (i. e., for light-houses, forts, garrisons, military stations, magazines, arsenals, dock-yards, &c.) it shall be lawful for the governor of this State to contract and agree for the sale thereof, and upon the payment thereof by the United States of the purchase-money into the Treasury of the State, it shall be the duty of the commissioner of the general land office, upon the order of the governor, to issue a patent to the United States in like manner as other patents are issued.'

"It appears that when the post of Fort Stockton was established, in 1859, and also when it was reoccupied, in 1867, the land covered thereby was vacant and unappropriated domain of the State of Texas, and, if such was its condition, the land was then open to selection by the United States for the purpose of a military post, under the act of 1854, above cited. It does not appear, however, that any measures were taken to acquire title thereto as contemplated by that act.

"In the case of the land occupied by Fort Quitman, the status of which case was the same as that of the case now in question, the Attorney-General, in October, 1870, decided, in effect, that inasmuch as the land was, at the time of its occupation by United States troops, public domain of the State of Texas, its occupation was, under the act of February 13, 1854, (above cited,) a sufficient selection within the meaning of that act to withdraw the land from public entry, and that the United States acquired by its simple occupation an inchoate title, which might be perfected at any time thereafter.

"Under date of September 18, 1879, the subject was submitted by this Department to the Attorney-General, with request for such legal action as might be practicable or desirable to secure the title of the United States to the land now in question. In his reply, dated December 2, 1879, the Attorney-General expresses the opinion that the only course which the circumstances of the case now call for is to proceed under the act of the Legislature of Texas of 1854, already referred to, which course is necessary to obtain the title in any event, and that the result will show what obstacles, if any, exist to prevent the Government from securing the title.

"The importance of Fort Stockton as a military post, and the necessity for its maintenance, render it particularly desirable that the Government should own the land upon which it is situated; but as no proceedings can be instituted for the condemnation of the land without authority of Congress, and as the purchase of land on account of the United States, except under a law authorizing such purchase, is expressly prohibited, (Revised Statutes, section 3736,) the subject is thus presented with earnest recommendation for such legislation as will enable the Government to acquire title to the land in question. The chief quartermaster, Department of Texas, reports, under date of December 18, 1879, that the land contains about one thousand acres, and that the price asked therefor is \$18,000.

"It is the intention of the Department, however, to carry out the recommendation of the Attorney-General, and obtain title from the State of Texas, should Congress authorize the purchase of the land.

"ALEX. RAMSEY,
Secretary of War.

"The PRESIDENT OF THE UNITED STATES SENATE."

In order to ascertain the official survey made of the boundaries and limits of the post as shown by the foregoing letter to be embodied in Special Orders No. 96, May 15, 1871, from the headquarters Department of Texas, Mr. MAXEY, of the committee having the said Executive Document 25 in charge, addressed a letter to the

Adjutant-General, who, under date of 31st instant, furnished official copy of said order, as follows:

"[Extract.]

"HEADQUARTERS DEPARTMENT OF TEXAS,
"(TEXAS AND LOUISIANA.)
"San Antonio, Texas, May 15, 1871.

"[Special Orders No. 96.]

"The report of the board of officers convened at Fort Stockton, Texas, by paragraph 1, Special Orders No. 60, series of 1870, having been duly considered, the following are established as the boundaries and limits of the post of Fort Stockton, Texas, namely:

"The reservation as surveyed by Captain Lewis C. Overman, Corps of Engineers, United States Army, in February, 1871, being one and one-half miles north and south by one mile east and west, taking the center of the present post parade ground for its center point, containing nine hundred and sixty acres, and embracing survey No. 151 and portions of surveys Nos. 150, 204, 215, and 216, as recorded in the general land office of the State of Texas; also the tract of land now used as a post garden, containing about twenty-five acres.

"By command of Colonel J. J. Reynolds:

"H. CLAY WOOD,
"Assistant Adjutant-General.

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"Washington, January 31, 1880.

"Official.

"R. C. DRUM,
"Assistant Adjutant-General."

The facts are fully set out in the letter of the Secretary of War, from which it is clear, in the opinion of the committee, that a bill to enable the Secretary of War to purchase said site ought to pass.

It is, in the judgment of the committee, always wise to secure to the United States the exclusive jurisdiction contemplated by the Constitution (Art. I, sec. 8, cl. 17) over its forts, magazines, arsenals, dock-yards, and other needful buildings. The general laws of Texas make ample provision to meet the case.

It further appears that Fort Stockton is necessary to the common defense.

Wherefore the committee report back said Executive Document No. 25 with the accompanying bill, and recommend that it do pass.

Mr. CARPENTER. It seems to me that bill is subject to the objections made by the Senator from New York to the bill of the Senator from Michigan. Everything there seems to be left to discretion. In the first place nine hundred acres cannot be required unless it is intended to locate the whole Army of the United States in Texas, which would overshadow her State elections and become oppressive, and to which I have no doubt the Senators from that State would make vigorous protest. What do we want with nine hundred acres there for a military post?

In the next place \$18,000 for this quantity of land that very recently was public land of Texas to be had for a dollar and a quarter an acre, I suppose, seems to be a pretty liberal price. There might be one benefit resulting from the purchase of the whole nine hundred acres. We should have some land to give away at the next session to some railroad company or somebody else that wants it, at a nominal price. I think the bill should go over this morning.

The VICE-PRESIDENT. The bill is objected to and goes over.

JOHN THORNLEY.

The next bill on the Calendar was the bill (S. No. 1206) for the relief of Medical Director John Thornley, United States Navy.

Mr. COCKRELL. I should like to hear the report in that case first and then some explanation.

Mr. ANTHONY. There is a report; but I can explain it quicker perhaps.

Mr. COCKRELL. Let the report be read first.

Mr. ANTHONY. Very well.

The Chief Clerk read the following report, submitted by Mr. ANTHONY February 4, 1880:

The Committee on Naval Affairs, to whom was referred the petition of John Thornley, medical director, United States Navy, praying for restoration to his former position in the Navy, beg leave to report as follows:

Dr. Thornley was placed on the retired list June 1, 1861, a board of surgeons having pronounced him unfit for active duty. It seems that the examining board further declared that Mr. Thornley's disability was not incurred in his line of duty as medical director; and at that time Thornley was unable, through force of circumstances, to produce satisfactory evidence to the contrary. At a later period he succeeded in obtaining positive evidence, which had not previously been submitted, that his disability had occurred in the line of duty, and asked to submit the evidence for consideration before a competent tribunal. Upon statement of the facts to Hon. R. W. Thompson, Secretary of the Navy, the matter was referred to the Chief of the Bureau of Medicine and Surgery. Under date of May 15, 1878, the Surgeon-General recommended that Dr. Thornley's case be referred to the retiring board for readjustment.

On the 12th of November, 1878, a medical board was convened at the Navy Department for further investigation and consideration of such documentary evidence as might be produced by Dr. Thornley. After a careful consideration of all the evidence relating to the origin of the said disability of Dr. Thornley, the board reached the conclusion that the disability causing the retirement of Medical Director John Thornley had its origin in the line of duty.

This report was approved by Secretary Thompson, and Dr. Thornley's name was ordered on the records of the Department from the 1st of January, 1879.

The Secretary of the Navy further says that, "having been retired upon insufficient evidence as to the origin of his disability, he is of opinion that Dr. Thornley's claim is just and deserving of favorable action of Congress."

In consideration of the above facts, the committee report favorably on Dr. Thornley's petition.

Mr. CARPENTER. That bill ought to go over.

Mr. ANTHONY. I think not, Mr. President.

Mr. COCKRELL. Before it goes over, I desire to spread on the RECORD some facts. I shall contest this bill when it comes up; and I desire now to have read, for the information of the Senate, a letter in regard to the facts in this case.

The VICE-PRESIDENT. The letter will be received and laid on the table.

Mr. COCKRELL. I ask that it may be read now, so as to go in the RECORD.

Mr. TELLER. If the bill goes over, why not have that letter go in the RECORD without reading?

Mr. COCKRELL. I want it read for the information of the Senate. The Chief Clerk read as follows:

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,

February 12, 1880.

SIR: I have the honor to return herewith Senate bill 1206, for the relief of Medical Director John Thornley, United States Navy, transmitted with your letter of the 10th instant; and, in reply to your inquiries, respectfully state, that Dr. Thornley was retired June 1, 1861, as a surgeon in his second five years' term; and if the causes for which he was retired are to be considered as originating in the line of duty, he would be entitled, under section 1588, of the Revised Statutes, to pay at the rate of \$2,400 per annum.

If his account be adjusted in conformity with that portion of the bill you have marked, he would receive as difference of pay from March 3, 1873, to the 31st of December, 1879, inclusive, about \$4,301.90.

From the 3d of March, 1873, to June 30, 1875, he was paid at the rate of \$2,100, and from July 1, 1875, to December 31, 1879, at \$1,600 per annum.

From the 1st of June, 1861, to the 20th of April, 1864, he was entitled as a retired surgeon in second five years' term, to pay at the rate of \$1,200 per annum, but during nearly the whole of that period, and for some time after April, 1864, he was on duty and received the rate of pay provided by law for a surgeon of his grade on the active list. From April 21, 1864, to the 31st of May, 1866, he was entitled, when not on active duty, to \$1,400 per annum; from the 1st of June, 1866, to the 30th of June, 1870, \$1,866.66; and from July 1, 1870, to March 2, 1873, to \$2,100 per annum.

I am, sir, respectfully, your obedient servant,

CHAS. BEARDSLEY, Auditor.

Hon. F. M. COCKRELL,
United States Senate.

The VICE-PRESIDENT. The bill will be passed over.

OTOE AND MISSOURIA RESERVATION.

The next bill on the Calendar was the bill (S. No. 753) to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouri tribes of Indians, in the States of Nebraska and Kansas, and for other purposes.

Mr. PADDOCK. The Senator from Vermont who sits farthest from me [Mr. EDMUNDS] indicated a wish this morning in reference to this bill that he might have an opportunity to communicate with the Secretary of the Interior; and as the Senator from Vermont is not here, I ask that the bill lie over without prejudice until to-morrow, or the next day, in order that the Senator from Vermont may have the opportunity to communicate with the Secretary of the Interior.

The VICE-PRESIDENT. The Chair hears no objection, and the bill will be passed over without prejudice.

Mr. DAWES. What does it mean to have a bill go over without prejudice?

The VICE-PRESIDENT. It indicates that it will be the first called on the Calendar to-morrow morning.

WILLIAM H. DAVIS.

The next bill on the Calendar was the bill (S. No. 1208) for the relief of William H. Davis, of Oakland, California.

Mr. CARPENTER. That ought to go over.

The VICE-PRESIDENT. The bill will be passed over.

Mr. HEREFORD. I hope it will not be passed over. The report explains the case fully.

Mr. CARPENTER. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to ascertain the fair and reasonable value of certain wharf and warehouse property formerly situated in San Diego, California, belonging to William H. Davis, of Oakland, and taken by the United States authorities for the use of the United States troops during the years 1861 and 1862; and he is to ascertain the value of the property at the time it was so taken, and certify the amount so ascertained to the Secretary of the Treasury, who shall thereupon pay the amount so certified to William H. Davis, his heirs or assigns, first taking a written waiver of all further claim for the appropriation of his property. The amount allowed is not to exceed \$60,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLEET MARINE OFFICERS.

The next bill on the Calendar was the bill (S. No. 210) regulating the rank and pay of fleet marine officers in the United States Navy.

Mr. COCKRELL. I should like to hear some explanation of that bill. It is simply creating a new office, with an additional salary, and unless there is some necessity for the increase of officers I do not think it ought to pass.

Mr. ANTHONY. The bill was reported unanimously by the Committee on Naval Affairs, and is recommended by the Department. It is a bill to give to the Marine Corps the same rank that is given to the staff officers in fleets. It gives the commanding officer of the marines the same rank that is given to the fleet surgeon and the fleet paymaster.

Mr. COCKRELL. I understand that; but what is the necessity for it? I see it is simply creating a very pleasant place with an accumulated salary, but I want to know some necessity for that kind of a place and that kind of an officer.

Mr. ANTHONY. The same necessity that there is for a fleet surgeon, and a fleet paymaster, and a fleet engineer.

Mr. COCKRELL. I do not think there is much necessity for doing that.

Mr. ANTHONY. The opinion of all the naval authorities is, that it is very useful indeed. It makes the service congruous, and it conforms with the practice of other nations.

Mr. COCKRELL. I see no necessity for it upon the explanation of the Senator from Rhode Island. It is making a new office, and it is giving additional pay and compensation.

Mr. ANTHONY. The additional compensation is very small indeed.

Mr. COCKRELL. It amounts to something; the ocean is made up of drops.

Mr. ANTHONY. It does not create a new office, that is, it does not create a new officer.

Mr. COCKRELL. I understand it does not create a new permanent office, but it does practically create the office of marine fleet officer, and it will be filled all the time by some captain of marines, who will receive pay; and so it is in reality an office to be filled by detail from the line.

Mr. ANTHONY. But it creates no new officer. It merely confers additional authority upon an existing officer.

Mr. CARPENTER. More grandeur and more salary!

Mr. COCKRELL. On that account I object to its present consideration. Let it go over. We have quite enough grandeur and pay enough salary now.

The VICE-PRESIDENT. The bill will be passed over.

CHAPLAINS IN THE NAVY.

The next bill on the Calendar was the bill (S. No. 48) for promoting the efficiency of the corps of chaplains of the United States Navy.

The bill was read.

Mr. CARPENTER. That bill ought to go over.

The VICE-PRESIDENT. The bill goes over.

Mr. CARPENTER. I am in favor of the title, but opposed to the bill.

WEST VIRGINIA SOLDIERS' UNION.

The next bill on the Calendar was the bill (H. R. No. 2771) to construe the act entitled "An act granting condemned bronze cannon to the Soldiers' Union of West Virginia."

Mr. HEREFORD. This is a House bill in relation to condemned bronze cannon. It was amended by the Committee on Military Affairs of the Senate by adding the words "that are now or may hereafter be condemned." The only objection I have to the amendment is that it will necessitate sending the bill back to the House. The objection that has been stated this morning to several similar bills does not obtain in this case for this reason: the original act of which this is explanatory was passed June 20, 1878, and I hold in my hand a letter from the Secretary of War, inclosing a letter from a major of ordnance, which I ask to have read. I hope the amendment of the committee will not be adopted, and there is now no necessity for it, as is shown by these letters which I ask to have read.

The VICE-PRESIDENT. The morning hour has expired.

TITLES AT HOT SPRINGS.

Mr. WALKER. I ask leave to call up the bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes.

The VICE-PRESIDENT. The Senator from Arkansas asks unanimous consent to consider the bill named by him, he having given notice yesterday.

Mr. LOGAN. I should be very glad to accommodate my friend from Arkansas, but I know from the nature of the bill that it will require at least an hour's discussion, and I have detained the Senate so long now that I cannot give way for that purpose, I am sorry to say.

Mr. WALKER. Then I give notice that I will call up this bill at the expiration of the morning hour to-morrow.

The VICE-PRESIDENT. The Senate proceeds to the consideration of its unfinished business.

FITZ-JOHN PORTER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army, the pending question being on the amendment proposed by Mr. RANDOLPH.

Mr. LOGAN resumed the floor and continued his speech. [His remarks will be found in the Appendix.] Having spoken three and one-quarter hours,

Mr. CARPENTER. If the Senator from Illinois will yield, I move that the Senate adjourn.

Mr. LOGAN. I will yield for that motion.

Mr. ANTHONY. Will not the Senator let us have an executive session?

The PRESIDING OFFICER, (Mr. FERRY in the chair.) Does the Senator from Wisconsin withdraw his motion for that purpose?

Mr. CARPENTER. Yes, sir.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

Mr. TELLER. I move that the Senate do now adjourn.

Mr. COCKRELL. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 8, nays 39; as follows:

YEAS—8.

Blaine,
Coke,

Davis of Illinois,
Dawes,
Hamlin,
Harris,

Teller,
Vance.

NAYS—39.

Anthony,
Bailey,
Baldwin,
Beck,
Blair,
Booth,
Burnside,
Call,
Cameron of Pa.,
Cockrell,

Conkling,
Eaton,
Edmunds,
Farley,
Ferry,
Hampton,
Hereford,
Hill of Colorado,
Jonas,
Kernan,

Lamar,
McDonald,
McMillan,
Maxey,
Morgan,
Morrill,
Paddock,
Pendleton,
Platt,
Pryor,

Rollins,
Saulsbury,
Saunders,
Slaters,
Vest,
Walker,
Williams,
Windom,
Withers.

ABSENT—29.

Allison,
Bayard,
Bruce,
Butler,
Cameron of Wis.,
Carpenter,
Davis of W. Va.,
Garland,

Gordon,
Groome,
Grover,
Hill of Georgia,
Hoar,
Ingalls,
Johnston,
Jones of Florida,

Jones of Nevada,
Kellogg,
Kirkwood,
Logan,
McPherson,
Plumb,
Randolph,
Ransom,

Sharon,
Thurman,
Voorhees,
Wallace,
Whyte.

So the Senate refused to adjourn.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After fifty minutes spent in executive session the doors were reopened, and (at five o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 4, 1880.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

The Journal of yesterday was read.

Mr. CARLISLE. I think there is an error in the Journal.

The SPEAKER. The gentleman will indicate it.

Mr. CARLISLE. The House yesterday adopted a resolution calling upon the Public Printer to communicate the reason why the volume of memorial addresses on the late Hon. Terrence J. Quinn had not been printed as ordered by Congress. Before that resolution was adopted it was amended so as to include also an inquiry as to why the memorial addresses on the late General Alpheus S. Williams, of Michigan, had not been printed.

The SPEAKER. The Journal will be corrected as indicated.

ENROLLED BILL SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the House of the following title, when the Speaker signed the same: "An act (H. R. No. 4903) to provide for the purchase of a site for a post-office and other Government buildings in the city of Baltimore, Maryland."

COLLECTION DISTRICTS IN VIRGINIA.

Mr. BEALE. I have been instructed by the Committee on Commerce to ask unanimous consent for that committee to report back at this time for present consideration the bill (H. R. No. 4214) to amend and re-enact sections 2552 and 2553 of the Revised Statutes. It is a bill entirely local in its character and meets the approval of the Treasury Department.

Mr. BURROWS. I call for the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order being called for, the first business in order is the unfinished business coming over from the morning hour of yesterday, on which the previous question is operating.

Mr. KNOTT. Does not that come up immediately after the morning hour.

The SPEAKER. It does not. During the morning hour of yesterday the previous question was ordered upon the pending bill, and it comes over to-day as unfinished business immediately after the reading of the Journal. It is not now in the morning hour at all.

Mr. KNOTT. Then I have been misinformed. I understood it would come up immediately after the morning hour of to-day.

The SPEAKER. The effect of the rule is as the Chair has stated.

ADMISSION TO THE FLOOR.

The SPEAKER. The Chair on behalf of Mr. BLAND, of Missouri, asks consent that Mr. Cardozo, of Virginia, be allowed the privileges of the floor for to-day. And on behalf of Mr. BELTZHOVER, of Pennsylvania, the Chair asks consent that the privileges of the floor be given to Hon. John J. Peirson and Hon. R. M. Henderson, judges of the Dauphin district of Pennsylvania, and to Hon. John Hayes, of Carlisle, Pennsylvania.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SMITH, of Georgia, for ten days.

REMOVAL OF CAUSES FROM STATE COURTS.

The SPEAKER. The regular order having been called for, the House will now resume the consideration of the bill (H. R. No. 4219) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875. This bill comes up as the unfinished business from yesterday, and the previous question is operating upon the bill.

Mr. FERNANDO WOOD. I rise to a parliamentary inquiry. I ask the Chair whether this bill coming up as unfinished business is the same bill that was in the morning hour yesterday?

The SPEAKER. The operation of the previous question took the bill out of the morning hour. When a bill upon which the previous question has been ordered in the morning hour is not disposed of during that hour it continues before the House under the operation of the previous question after the expiration of the morning hour.

Mr. FERNANDO WOOD. Then, when the morning hour is called this bill cannot resume its place there?

The SPEAKER. It cannot again take its place in the morning hour.

Mr. FERNANDO WOOD. That is all I wished to know.

The SPEAKER. On this bill two amendments are pending—the first offered by the gentleman from Texas, [Mr. CULBERSON,] the other submitted by the gentleman from Massachusetts, [Mr. ROBINSON.] If both these are amendments to the original text, the question will first be on the amendment of the gentleman from Massachusetts, as an amendment to the amendment of the gentleman from Texas.

Mr. ROBINSON. All the amendments are amendments to the text of the original bill; but my amendment is not an amendment to that of the gentleman from Texas.

The SPEAKER. Then the better way would be to dispose first of the amendment of the gentleman from Texas, which, as the Chair understands, comes from the committee. This can be done by consent; and then the sense of the House can be tested on the amendment of the gentleman from Massachusetts.

Mr. ROBINSON. The amendment of the gentleman from Texas was first offered, and, so far as I am informed, there is no objection to it.

The SPEAKER. Under the rule an amendment to an amendment would be first voted on.

Mr. CULBERSON. I do not understand that the amendment offered by the gentleman from Massachusetts is an amendment to my amendment. It relates to a different matter altogether and to another section of the bill.

The SPEAKER. According to the parliamentary practice the second amendment offered would be the first voted on.

Mr. KNOTT. As has been stated by my colleague on the committee, the gentleman from Massachusetts, [Mr. ROBINSON,] there will probably be no objection to the amendment offered by the gentleman from Texas. I suggest that this amendment be voted upon first; and after it has been incorporated in the bill, the question can be taken on the amendment of the gentleman from Massachusetts.

The SPEAKER. That is what the Chair has already suggested. If there be no objection the amendment of the gentleman from Texas will be first voted on. The Chair hears no objection.

Mr. KNOTT. That amendment has already been accepted, by unanimous consent.

The SPEAKER. It has not been accepted. The power does not rest with the committee to accept the amendment. The House must vote on it. The Chair, since making his remark a moment ago, understands that the amendment is offered by the gentleman from Texas as his own amendment, and not as coming from the committee.

Mr. KNOTT. The Speaker misapprehends me. I suggested that the amendment offered by the gentleman from Texas should, by unanimous consent, be agreed to.

The SPEAKER. Unanimous consent has already been given that the amendment be voted on first.

The amendment of Mr. CULBERSON was read, as follows:

Strike out in the printed bill the following, from the word "follows," in line 47, down to the word "and," in line 54:

SEC. 2. That any suit of a civil nature, either at law or in equity, of which the circuit courts of the United States are given original jurisdiction by the last preceding section, but which may be now pending, or which may be hereafter brought in any State court, may be removed by the defendant or defendants therein to the circuit court of the United States for the proper district.

And insert the following:

SEC. 2. That any suit of a civil nature at law or in equity, arising under the Constitution or laws of the United States or treaty made or which shall be made under their authority, of which the circuit courts of the United States are given original jurisdiction by the preceding section, which may now be pending or which may hereafter be brought in any State court, may be removed by the defendant or defendants therein to the circuit court of the United States for the proper district whenever it is made to appear from the application of such defendant or defendants that his or their defense depends in whole or in part upon a correct construction of some provision of the Constitution or law of the United States or treaty made by their authority; and any other suits of a civil nature at law or in equity of which the circuit courts of the United States are given jurisdiction by the preceding section, and which are now pending or which may hereafter be brought in any State court, may be removed into the circuit court of the United States for the proper district by the defendant or defendants therein: *Provided*, Such defendant or defendants are non-residents of the State in which the suit is pending.

The amendment was agreed to.

The question then recurred on the amendment of Mr. ROBINSON, the first paragraph of which was read, as follows:

Strike out the words "two thousand dollars" wherever they occur in the bill and insert "five hundred dollars."

The question being taken, there were—ayes 62, noes 98.

Mr. ROBINSON. I call for the yeas and nays.

The yeas and nays were not ordered.

So the first paragraph of the amendment was not agreed to.

The question then recurred on the second paragraph of the amendment of Mr. ROBINSON; which was read, as follows:

In the third section, after the word "except," in line 132, insert "in cases arising under the patent or copyright laws, and," so as to make the clause read:

"Except in cases arising under the patent or copyright laws, and in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens of the same State."

Mr. KNOTT. There is no objection to that amendment.

The amendment was agreed to.

The question then recurred on the third paragraph of the amendment of Mr. ROBINSON; which was read, as follows:

In the third section, strike out the following, being lines 126 to 140 inclusive:

That the circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in cases arising under the patent or copyright laws, and in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens of the same State. Nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States, except in like cases in which such removal is authorized by the foregoing provision in suits between citizens of the different States.

The question being taken on agreeing to the amendment, there were—ayes 35, noes 95.

Mr. HAWLEY. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 68, noes 167, not voting 57; as follows:

YEAS—68.

Aldrich, N. W.	Einstein,	Keifer,	Robinson,
Bailey,	Errett,	Kelley,	Russell, W. A.
Ballou,	Ferdon,	Ketcham,	Shallenberger,
Barber,	Field,	Lindsey,	Sherwin,
Bayne,	Fisher,	Martin, Joseph J.	Stone,
Blake,	Frye,	McCook,	Townsend, Amos
Bowman,	Garfield,	McGowan,	Tyler,
Briggs,	Godsalk,	Miles,	Updegraff, J. T.
Brigham,	Hall,	Mitchell,	Urner,
Butterworth,	Hammond, John	Monroe,	Van Aernam,
Caswell,	Harris, Benj. W.	Morse,	Voorhis,
Cowgill,	Hawley,	O'Neill,	Wait,
Crapo,	Hazelton,	Osmer,	Ward,
Davis, George R.	Heilman,	Pound,	Washburn,
Davis, Horace	Horr,	Price,	White,
Dunnell,	Hubbell,	Richardson, D. P.	Young, Casey
Dwight,	Humphrey,	Robeson,	Young, Thomas L.

NAYS—167.

Acklen,	De La Matyr,	King,	Samford,
Aiken,	Deering,	Kitchin,	Sapp,
Aldrich, William	Deuster,	Klotz,	Sawyer,
Anderson,	Dibrell,	Knot,	Shelley,
Armfield,	Dickey,	Ladd,	Singleton, J. W.
Atherton,	Dunn,	Lapham,	Singleton, O. R.
Atkins,	Ellis,	Le Fevre,	Slemons,
Bachman,	Evins,	Lowe,	Smith, Hezekiah B.
Baker,	Ewing,	Manning,	Sparks,
Berry,	Felton,	Marsh,	Speer,
Bicknell,	Finley,	Martin, Benj. F.	Springer,
Blackburn,	Ford,	Martin, Edward L.	Steele,
Bland,	Forney,	McKenzie,	Stephens,
Bliss,	Foraythe,	McMahon,	Stevenson,
Boyd,	Geddes,	McMillan,	Talbott,
Brewer,	Goode,	Mills,	Taylor,
Bright,	Gunter,	Morrison,	Thomas,
Browne,	Hammond, N. J.	Muldrow,	Thompson, P. B.
Burrows,	Haskell,	Muller,	Tillman,
Cabell,	Hatch,	Murch,	Townsend, R. W.
Caldwell,	Hawk,	Myers,	Tucker,
Calkins,	Hayes,	Neal,	Turner, Oscar
Camp,	Henderson,	New,	Turner, Thomas
Cannon,	Henry,	Nicholls,	Updegraff, Thomas
Carlisle,	Herbert,	Norcross,	Valentine,
Carpenter,	Herndon,	O'Connor,	Vance,
Clark, Alvah A.	Hill,	O'Reilly,	Waddill,
Clark, John B.	Hiscock,	Orth,	Warner,
Clymer,	Hooker,	Overton,	Weaver,
Cobb,	Hostetler,	Persons,	Wellborn,
Colferth,	Houk,	Phelps,	Wells,
Colerick,	House,	Philips,	Whiteaker,
Conger,	Hull,	Phister,	Whitthorne,
Cook,	Huntton,	Poehler,	Williams, C. G.
Covert,	Hurd,	Reagan,	Williams, Thomas
Cox,	Hutchins,	Rice,	Willits,
Cravens,	Johnston,	Richardson, J. S.	Wilson,
Culbertson,	Jones,	Richmond,	Wise,
Daggett,	Joyce,	Ross,	Wood, Fernando
Davidson,	Kenna,	Rotwell,	Wright,
Davis, Lowndes H.	Killinger,	Ryan, Thomas	Yocum.
	Kimmel,	Ryon, John W.	

NOT VOTING—57.

Barlow,	Beltzhoover,	Bouck,	Chalmers,
Beale,	Bingham,	Bragg,	Chittenden,
Belford,	Blount,	Buckner,	Clafin,

Converse,	Henkle,	Morton,	Smith, A. Herr
Crowley,	James,	Newberry,	Smith, William E.
Davis, Joseph J.	Jorgensen,	O'Brien,	Starin,
Dick,	Lewis,	Pacheco,	Thompson, W. G.
Elam,	Loring,	Page,	Upson,
Farr,	Lounsbury,	Pierce,	Van Voorhis,
Fort,	Mason,	Prescott,	Wilber,
Frost,	McCold,	Reed,	Willis,
Gibson,	McKinley,	Robertson,	Wood, Walter A.
Gillette,	McLane,	Russell, Daniel L.	
Harmer,	Miller,	Scales,	
Harris, John T.	Money,	Simonton,	

So the third paragraph of Mr. ROBINSON'S amendment was rejected.

During the roll-call the following announcements were made:

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN.

Mr. FINLEY. My colleague, Mr. CONVERSE, is paired with Mr. SMITH, of Pennsylvania. If here, my colleague would vote "no."

Mr. SCALES. I am paired with Mr. ERRETT, of Pennsylvania. My colleague, Mr. DAVIS, is paired with Mr. THOMPSON, of Iowa.

Mr. MORTON. I am paired with Mr. GIBSON, of Louisiana, who is detained from the House on account of indisposition.

Mr. ELLIS. My colleague, Mr. ROBERTSON, is detained from the House by illness. He is paired with Mr. NEWBERRY. My colleague, Mr. ELAM, is paired with Mr. DICK.

Mr. DIBRELL. My colleague, Mr. SIMONTON, is paired with Mr. MCCOY, of Iowa. If present, Mr. SIMONTON would vote "no."

Mr. BOUCK. I am paired with Mr. MCKINLEY, of Ohio. If he were present, I should vote "no."

Mr. CHITTENDEN. I am paired with Mr. BUCKNER.

Mr. PRESCOTT. I am paired with Mr. HARRIS, of Virginia. My colleague, Mr. STARIN, is paired with Mr. MONEY, of Mississippi.

Mr. HARRIS, of Massachusetts. My colleague, Mr. LORING, is paired with Mr. LEWIS, of Alabama.

Mr. BAILEY. Mr. PIERCE is paired with Mr. LOUNSBURY.

Mr. FISHER. Mr. THOMPSON, of Iowa, is paired with Mr. DAVIS, of North Carolina, and Mr. FORT, of Illinois, is paired with Mr. O'BRIEN, of New York.

Mr. SMITH, of Pennsylvania. I am paired with Mr. CONVERSE, of Ohio.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is paired with Mr. VAN VOORHIS, of New York.

Mr. PERSONS. My colleague, Mr. SMITH, is paired with Mr. WILBER, of New York.

The vote was then announced as above recorded.

The question then recurred on the fourth paragraph of Mr. ROBINSON'S amendment, as follows:

At the end of line 146 of the bill insert the following:

Provided, That this act shall not affect the jurisdiction over, or disposition of, any suit removed from the court of any State or suit commenced in any court of the United States before the passage hereof.

Mr. CULBERSON. We have no objection to that amendment.

The amendment was adopted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill.

Mr. GARFIELD demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 162, nays 74, not voting 56; as follows:

YEAS—162.

Acklen,	Dickey,	Klotz,	Sawyer,
Armfield,	Dunn,	Knott,	Shelley,
Atherton,	Dwight,	Ladd,	Singleton, O. R.
Atkins,	Ellis,	Lapham,	Slemons,
Bachman,	Evins,	Le Fevre,	Smith, Hezekiah B.
Baker,	Ewing,	Lowe,	Sparks,
Beltzhoover,	Felton,	Manning,	Speer,
Berry,	Finley,	Marsh,	Springer,
Bicknell,	Ford,	Martin, Benj. F.	Steele,
Blackburn,	Forney,	Martin, Edward L.	Stephens,
Bland,	Forsythe,	Martin, Joseph J.	Stevenson,
Bliss,	Geddes,	McKenzie,	Talbot,
Boyd,	Gillette,	McLane,	Taylor,
Brewer,	Goode,	McMillin,	Thompson, P. B.
Bright,	Gunter,	Mills,	Tillman,
Cabell,	Hammond, John	Mitchell,	Townshend, R. W.
Caldwell,	Hammond, N. J.	Monroe,	Tucker,
Calkins,	Hatch,	Morrison,	Turner, Oscar
Camp,	Hawk,	Muldrow,	Turner, Thomas
Cannon,	Henderson,	Muller,	Updegraff, Thomas
Carlisle,	Henkle,	Murch,	Valentine,
Carpenter,	Henry,	Myers,	Vance,
Caswell,	Herbert,	Neal,	Waddill,
Clardy,	Herndon,	New,	Warner,
Clark, Alvah A.	Hill,	Nicholls,	Weaver,
Clark, John B.	Hooker,	O'Connor,	Wellborn,
Clymer,	Hostetler,	O'Reilly,	Wells,
Cobb,	Houk,	Persons,	Whiteaker,
Coffroth,	House,	Phelps,	Whitthorne,
Colerick,	Hull,	Phillips,	Williams, C. G.
Cook,	Humphrey,	Phister,	Williams, Thomas
Covert,	Hunton,	Poehler,	Willis,
Cox,	Hurd,	Price,	Willits,
Cravens,	Hutchins,	Reagan,	Wilson,
Culbertson,	James,	Richardson, J. S.	Wise,
Davidson,	Johnston,	Richmond,	Wood, Fernando
Davis, Lowndes H.	Jones,	Ross,	Wright,
Deering,	Kenna,	Rothwell,	Yocum,
De La Matyr,	Kimmel,	Ryon, John W.	Young, Casey.
Deuster,	King,	Samford,	
Dibrell,	Kitchin,	Sapp,	

NAYS—74.

Aldrich, N. W.	Davis, Horace	Hubbell,
Aldrich, William	Dunnell,	Joyce,
Anderson,	Einstein,	Keifer,
Bailey,	Errett,	Kelley,
Ballou,	Ferdon,	Ketcham,
Barber,	Field,	Killinget,
Bayne,	Fisher,	Lindsey,
Bingham,	Frye,	Mason,
Blake,	Garfield,	McCook,
Bowman,	Godshalk,	McGowan,
Briggs,	Hall,	Miller,
Brigham,	Harris, Benj. W.	Morse,
Browne,	Haskell,	Norcross,
Burrows,	Hawley,	O'Neill,
Butterworth,	Hayes,	Orth,
Conger,	Hazelton,	Osmer,
Cowgill,	Heilman,	Overton,
Crapo,	Hiscock,	Pacheco,
Davis, George R.	Horr,	Page,

NOT VOTING—56.

Aiken,	Davis, Joseph J.	McKinley,	Scales,
Barlow,	Dick,	McMahon,	Simonton,
Beale,	Elam,	Miles,	Singleton, J. W.
Belford,	Farr,	Money,	Smith, A. Herr
Blount,	Fort,	Morton,	Smith, William E.
Bouck,	Frost,	Newberry,	Starin,
Bragg,	Gibson,	O'Brien,	Thomas,
Buckner,	Harmer,	Pierce,	Thompson, W. G.
Chalmers,	Harris, John T.	Prescott,	Upson,
Chittenden,	Jorgensen,	Reed,	Van Voorhis,
Clafin,	Lewis,	Rice,	Ward,
Converse,	Loring,	Robertson,	White,
Crowley,	Lounsbury,	Robeson,	Wilber,
Daggett,	McCoid,	Russell, Daniel L.	Wood, Walter A.

So the bill was passed.

During the roll-call the following announcements were made:

Mr. STEELE. My colleague, Mr. DAVIS, who is absent by leave of the House, is paired with Mr. THOMPSON, of Iowa. My colleague, Mr. SCALES, is paired with Mr. ERRETT, of Pennsylvania.

Mr. LEWIS. I am paired with Mr. LORING, of Massachusetts. If he were present, I should vote "ay."

Mr. DIBRELL. My colleague, Mr. SIMONTON, is absent and paired with Mr. MCCOY, of Iowa. If Mr. SIMONTON were present, he would vote "ay."

Mr. AIKEN. I am paired with Mr. WARD, of Pennsylvania.

Mr. MORTON. I am paired with Mr. GIBSON, of Louisiana.

Mr. BOUCK. I am paired with Mr. MCKINLEY, of Ohio. If he were present, I should vote "ay."

Mr. CHITTENDEN. I am paired with Mr. BUCKNER.

Mr. BLOUNT. I am paired with Mr. REED, of Maine.

Mr. PRESCOTT. I am paired with Mr. HARRIS, of Virginia. If he were present, I should vote "no." Mr. STARIN is paired with Mr. MONEY, of Mississippi.

Mr. VAN VOORHIS. I am paired with Mr. CHALMERS, of Mississippi.

Mr. FISHER. Mr. THOMPSON, of Iowa, is paired with Mr. DAVIS, of North Carolina. Mr. FORT is paired with Mr. O'BRIEN, of New York.

Mr. MILES. I am paired with Mr. SINGLETON, of Illinois.

Mr. SMITH, of Pennsylvania. I am paired with Mr. CONVERSE, of Ohio. If he were present, I should vote "no."

Mr. FINLEY. My colleague, Mr. CONVERSE, is paired with Mr. SMITH, of Pennsylvania. If Mr. CONVERSE were present, he would vote "ay."

On motion of Mr. STEVENSON, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. THOMPSON, of Kentucky. I now demand the regular order. The SPEAKER. The regular order being demanded, the morning hour begins at eighteen minutes past one o'clock. Reports are now in order from the Committee on War Claims.

KENTUCKY MILITIA DURING THE WAR OF THE REBELLION.

Mr. ROTHWELL, from the Committee on War Claims, reported as a substitute for House bill No. 3368 a bill (H. R. No. 4905) to declare the true intent and meaning of an "Act to reimburse the State of Kentucky for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion," approved June 8, 1872.

The substitute was read, as follows:

That in adjusting the claim of the State of Kentucky the term "equipment" shall be construed to mean and include the arming of said forces as an essential part of their equipments; the word "supplying" shall include forage and fuel, and the transportation shall be embraced as indicated in the title of the bill, it being the intention of Congress in the passage of said act to settle and adjust said account.

Mr. ROTHWELL. I am instructed by the Committee on War Claims, to whom was referred House bill No. 3854, the object of which was to declare the meaning of an act of June 8, 1872, to indemnify

the State of Kentucky for expenses incurred in suppressing the rebellion, to report the following as a substitute, with recommendation that it pass; and I ask its present consideration:

The accompanying report was read, as follows:

Report to accompany H. R. No. 3854, a bill to declare the true intent and meaning of "An act to reimburse the State of Kentucky for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion," approved June 8, 1872.

The Committee on War Claims, to whom the H. R. No. 3854 aforesaid was referred, respectfully report:

That on the 27th day of July, 1861, the Congress of the United States, to encourage the States adhering to the cause of the Union to freely exert themselves to suppress the rebellion, passed "An act to indemnify the States for expenses incurred by them in defense of the United States," which is made part of this report, (Exhibit A.)

In the act the Secretary of the Treasury was directed "to pay to the governors of the States * * * the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection," &c.

Under this act, and in virtue of its provisions, the said States incurred large expenses. Among them the State of Kentucky expended about \$3,032,166.67, a large part of which has been refunded without interest. The Secretary of the Treasury construed said act after the accounts of the said States were presented, and after many of them had been nearly indemnified. In settling the claim of Kentucky in 1872 the accounting officers of the Treasury, as had been done with other States, allowed Kentucky \$325,000 on her accounts. Objection was made by Mr. Boutwell, the then Secretary of the Treasury, to its payment, although the money had been appropriated by Congress for that purpose, and on June 30, 1871, the last day before the appropriation should be covered back into the Treasury, payment was refused upon the opinion of the Solicitor that the act of July 27, 1861, did not cover any expenses for any troops not actually mustered into the service of the United States.

The State came back to Congress and they promptly passed the bill of June 8, 1872, giving to Kentucky relief from the ruling of the Solicitor, and directing the accounts in the act of June 8, 1872, to be settled and paid upon the principles and conditions as provided in the act of April 17, 1866, in regard to the State of Missouri. The act in relation to Missouri in section 3 provides especially that the account for arming shall be stated.

This act of June 8, 1872, in its title says the accounts for "arming," "subsisting," "equipping," "transporting," but when the claim again came in for adjustment, the Solicitor compelled by his construction the accounting officers to reject the accounts for "arming," for "transporting," for "fuel," and for "forage." It was evidently the intention to give the State full relief. It is folly to suppose they would pay for equipments, and not arms; that they would pay for subsistence, and not forage and fuel, and not pay the transportation account, when the title of the bill says these were its objects.

Besides, Missouri was paid these very accounts. We therefore unhesitatingly say that it is just and right that the intention, founded on the good faith of the Government toward the States who acted on its promises and expended their money for its benefit, of the act of June 8, 1872, should be carried out and not thwarted. To do so we report the following as a substitute for the bill referred to us, and recommend its passage.

G. F. ROTHWELL,
Chairman Sub-committee.

Mr. SMITH, of Pennsylvania. I make the point of order that that should have its first consideration in the Committee of the Whole.

Mr. WHITE. I will ask my colleague, before pressing the point of order, to permit me to ask a question of the gentleman in charge of this bill? I would like to ask him if this bill proposes to do what has been done heretofore in other loyal Northern States?

Mr. ROTHWELL. I understand this is what has been done in the States of Missouri, Tennessee, and Maryland.

Mr. WHITE. Pennsylvania, New York, and other States were reimbursed. I want to know if this comes under the same class. If so, I think we should pass the bill.

Mr. ROTHWELL. It is precisely the same, as I understand.

Mr. BAYNE. My friend is mistaken in saying it comes under the same class. Will the gentleman from Missouri allow me to answer the question?

Mr. WHITE. I merely want some information, if anybody can give it.

Mr. CONGER. I presume this discussion will not cut off the point of order.

The SPEAKER. The Chair has recognized the gentleman from Pennsylvania [Mr. SMITH] to make the point of order.

Mr. SMITH, of Pennsylvania. I reserve the point of order.

The SPEAKER. The Chair has recognized the gentleman as having made the point of order. He will now state it.

Mr. SMITH, of Pennsylvania. The bill, as I understand it, is to reimburse to the State of Kentucky a certain amount of money expended by that State. That is the purport of the bill, and I make the point of order that it should have its first consideration in Committee of the Whole.

Mr. THOMPSON, of Kentucky. That is not the purport of the bill.

The SPEAKER. The bill will be again read. The House will thus understand what it proposes to do.

Mr. CONGER. Let the original bill be read.

The SPEAKER. The Clerk will read the original bill.

The Clerk read as follows:

A bill (H. R. No. 3368) to declare the true intent and meaning of an "Act to reimburse the State of Kentucky for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion," approved June 8, 1872.

Be it enacted, &c., That in adjusting the claim of the State of Kentucky the Secretary of the Treasury shall pay to said State, under the head of "equipment," the arming of said forces, as indicated in the title of the bill, it being the intention of Congress in the passage of said act to settle and adjust said account.

Sec. 2. That a sufficient sum of the \$1,000,000 appropriated to pay said accounts is again appropriated to pay such amount as may be allowed under this bill.

Mr. THOMPSON, of Kentucky. If I understand it, the point of

order is made under Rule 112, that this bill makes an appropriation of money for the payment of the State of Kentucky, and that it should have its first consideration in Committee of the Whole. I desire to call the attention of the Speaker and of the gentleman from Pennsylvania [Mr. SMITH] to the fact that no appropriation is made by this bill at all. The state of the case presented by the bill is this: In 1872 a bill was presented to Congress, which was then republican in its complexion, and was passed almost by unanimous consent, for the benefit of the State of Kentucky. There was no opposition made to the bill upon that side of the House, and it was passed under a suspension of the rules. The purpose of that act, according to the terms of its title, was to reimburse the State of Kentucky for moneys expended for the United States "in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in the suppression of the rebellion," and it provided that the accounts of the State of Kentucky should be settled by payment being made to her just as had been done to other States. After the bill passed, the Solicitor of the Treasury decided that under it payment could not be made to the State for the arming of those soldiers, although the word "equipping" was used; and that payment for forage and fuel supplies could not be made, although "subsistence" and "supplies" were specially provided for. Now, this bill does not undertake to make any appropriation.

The SPEAKER. The gentleman is drawing a distinction between the bill and the substitute.

Mr. THOMPSON, of Kentucky. In the substitute offered by the committee for the original bill no appropriation is made.

The SPEAKER. The point of order is made against the original bill, not the substitute. The substitute is hardly before the House; it has not a status before the House.

Mr. THOMPSON, of Kentucky. It is reported by the committee, as I understand, without objection on the part of any member, and, as I understand, is now before the House.

The SPEAKER. Yes; but it is before the House as a substitute for the original bill. The gentleman from Pennsylvania makes the point of order against the bill.

Mr. THOMPSON, of Kentucky. The original bill?

The SPEAKER. It is the original bill which is before the House.

Mr. THOMPSON, of Kentucky. Then I understand the Chair to rule that the substitute is not before the House.

The SPEAKER. It has not yet acquired its status. The point of order is made against the original bill. The substitute is merely an amendment to the original bill.

Mr. THOMPSON, of Kentucky. I will state to the gentleman from Pennsylvania who makes the point of order, that this bill requires no appropriation as it is now presented. It merely does for the State of Kentucky what has been done for every other State in the Union. Ohio had a bill passed just like this. Indiana had a bill passed like this for her benefit. West Virginia had her bill. Pennsylvania had every dollar of her money expended in the same way paid back to her. I am informed by the accounting officers at the Treasury there is not a single solitary State in this Union whose accounts have not been settled and paid except the State of Kentucky.

Mr. WHITE. Is not in fact the only measure before the House at this time the report of the committee, which is a substitute proposing only to declare the intention of a previous act of Congress?

Mr. THOMPSON, of Kentucky. That is what I understand.

Mr. WHITE. I understand that is the whole of it.

The SPEAKER. That does not meet the point of order. The substitute would not have any status if the original bill did not come back.

Mr. WHITE. As I understand, the original bill is not here.

The SPEAKER. It is here.

Mr. WHITE. I understood it was merely read for information.

The SPEAKER. The original bill is before the House, and the committee recommend a substitute. Suppose the House voted down the substitute, would not the original bill then be before the House for action?

Mr. WHITE. The substitute is the proposition of the committee, and not the original bill.

Mr. CARLISLE. It seems to me the gentleman from Pennsylvania will probably withdraw the point of order when he understands there is no purpose whatever to press the original bill, the object being merely to have the action of the House upon the substitute. I admit that the point of order is a good one. The substitute could not be before the House unless it came accompanied by the original bill, and the point of order must be sustained by the Chair if insisted upon. But when the gentleman making the point of order shall understand distinctly that there is no purpose whatever to press the consideration of the original bill except for the purpose of having a vote as between it and the substitute, (which, if adopted, will avoid the point of order,) it seems to me that he will accomplish his whole purpose if he will withdraw his point of order and allow that vote to be taken.

Mr. CONGER. Is not the object sought to be accomplished exactly the same in both bills?

Mr. CARLISLE. I have not read either the bill or the substitute.

Mr. CONGER. Is not the object of both to provide for a refunding of money?

Mr. CARLISLE. I suppose that, as a matter of course, if the sub-

stitute shall be adopted and passed into law, the result will be that the accounting officers of the Treasury Department will audit the claims of the State of Kentucky for arming and subsisting these troops.

The SPEAKER. The Chair will state, as an interesting fact in this connection, that the original act was passed under a suspension of the rules, thereby evading the point of order that could have been raised against it. What is now before the House is, as stated by the gentleman from Kentucky, [Mr. CARLISLE,] the original bill, for which the Committee on War Claims recommend the adoption of a substitute. The point of order rests against the original bill.

Mr. SMITH, of Pennsylvania. My purpose in raising that point of order is to afford to every one an opportunity in Committee of the Whole to investigate the merits of the bill and the substitute.

Mr. KELLEY. I desire briefly to appeal to my colleague [Mr. SMITH] and to the gentleman from Michigan [Mr. CONGER] to withdraw the point of order. The date of the original act is 1872, at which time the republicans had a majority in both Houses of Congress. The matter was fully investigated, and the act was passed by more than a two-thirds vote. The Northern States have all been reimbursed for such services and expenditures; and, in my judgment, Kentucky is as well entitled to this refunding as any of the other States can have been.

Mr. SMITH, of Pennsylvania. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. SMITH, of Pennsylvania. Are the merits of this bill now before the House?

The SPEAKER. They are not.

Mr. SMITH, of Pennsylvania. Then I make the point of order against my colleague [Mr. KELLEY] that he is not in order in discussing the merits of the bill.

Mr. KELLEY. I am not speaking of the merits of the bill, I am making an appeal for an act of justice.

The SPEAKER. And the gentleman's colleague objects.

Mr. KELLEY. That may be, and yet he might be touched by the truth if not by generosity.

Mr. SMITH, of Pennsylvania. Debate on the merits of the bill is not in order.

The SPEAKER. The gentleman reminds the Chair that debate is not in order.

Mr. SMITH, of Pennsylvania. I have made the point of order. "The gentleman from Pennsylvania" is always ready to listen to suggestions—

Mr. KELLEY. I renew the point of order that debate is out of order.

Mr. SMITH, of Pennsylvania. Very well. When I make a point of order I want it to be understood that I mean it.

Mr. BURROWS. I call for the regular order.

The SPEAKER. The regular order is the point of order.

Mr. BAYNE. Allow me one word.

The SPEAKER. To the point of order?

Mr. BAYNE. To a personal matter.

The SPEAKER. There is no personal matter involved, as the Chair understands it.

Mr. BAYNE. There is to this extent: I am a member of the Committee on War Claims. The gentleman making this report states that it is unanimously concurred in by the Committee on War Claims. I cannot consent to that, nor can I exactly dissent from it, for the reason that I have not seen the substitute in its perfected form, and do not know whether I shall object to it or not when it comes before the House.

Upon the point of order, the substitute undoubtedly intends an appropriation; it intends that the Secretary of the Treasury shall liquidate an account for money said to be due to the State of Kentucky under a prior act, which it is claimed the Secretary of the Treasury has misconstrued. There certainly will have to be an appropriation to meet the requirements of this act; otherwise, it would amount to nothing at all. I hope that the bill may be considered in the Committee of the Whole.

Mr. THOMPSON, of Kentucky. I will say this to the question propounded: I am satisfied that if gentlemen on the other side of the House understood the nature of this bill there would be no objection to it.

Mr. CONGER. Does the gentleman have any objection to this bill being investigated in the Committee of the Whole?

Mr. THOMPSON, of Kentucky. None in the world, except the delay it would cause.

Mr. CONGER. Then let it go there.

Mr. THOMPSON, of Kentucky. I will say this to the gentleman from Michigan, [Mr. CONGER:] I understood that this was the unanimous report of the Committee on War Claims. They directed this substitute to be reported and to ask for its present consideration. This only puts Kentucky on the same ground with other States of the Union. It provides that the claims of Kentucky shall be considered by the accounting officers of the Treasury just as similar claims of other States have been. Special acts have been passed for the benefit of Ohio, Indiana, Virginia, and other States, and this only follows and adopts those acts. Pennsylvania has been paid every dollar which she expended for this same purpose. There is not a single State in the Union that, with claims not only for the last war, but

for the revolutionary war, the war of 1812, and the Mexican war, has not had its accounts passed upon and settled by the accounting officers of the Treasury. We do not ask any interest on this account. The accounts of the other States were paid in 1866, 1867, and 1868. This account has stood until now.

Mr. BAYNE. May I ask the gentleman a question?

Mr. THOMPSON, of Kentucky. Yes, sir; I yield for any question.

Mr. BAYNE. Is it not the fact that the act applicable to Missouri and this bill, if we agree to the substitute, provide for a larger payment to these two States than was allowed to Ohio, Pennsylvania, and the other States?

Mr. THOMPSON, of Kentucky. Not at all. The allowance is the same.

The SPEAKER. The Chair will remind the gentleman from Kentucky that he must address himself to the point of order.

Mr. THOMPSON, of Kentucky. Yes, sir. I was simply giving that explanation which the gentleman requested.

Mr. SMITH, of Pennsylvania. Having made the point of order, I do not desire to go into any discussion of the merits of the bill. The gentleman will do me the justice to say that I have carefully avoided any such discussion. At the proper time that question will be investigated. I insist upon the point of order.

The SPEAKER. This point of order is made upon the original bill, the second section of which contains the following words:

That a sufficient sum of the \$1,000,000 appropriated to pay said accounts is again appropriated to pay such amount as may be allowed under this bill.

The Chair does not go to the extent of deciding whether the substitute, if presented as an original bill, would be subject to the point of order; but he decides that the second section of the bill is subject to the point of order, and therefore the bill must be considered in Committee of the Whole. The Chair sustains the point of order as against the original bill, without deciding whether the substitute is subject to the point of order.

Mr. CONGER. That question does not arise now.

The SPEAKER. It does not.

Mr. THOMPSON, of Kentucky. If in order, I move to go into Committee of the Whole for the consideration of this bill.

The SPEAKER. That motion is not in order now, because this hour is devoted to reports from committees. Reports are still in order from the Committee on War Claims.

ADVERSE REPORTS.

Mr. CARPENTER, from the Committee on War Claims, reported back adversely the following cases; which were laid on the table, and the accompanying reports ordered to be printed:

Petition of Mary E. O. McGregor, of Tipton County, Tennessee, claiming \$730 as compensation for supplies taken by United States troops during the late war;

Petition of John S. Peete, of Mason's Depot, Tipton County, Tennessee, claiming \$600 as compensation for property taken by the United States Army during the late war;

Petition of John W. Rosaman, of Gadsden, Madison County, Tennessee, claiming \$84.40 as compensation for saddle, bridle, and hay taken for the use of the Army of the United States;

Petition of M. W. Young, of Benton County, Mississippi, claiming \$2,970 as compensation for quartermaster stores and commissary supplies taken for the use of the United States Army;

Petition of William B. Read, of Haywood County, Tennessee, claiming \$817.50 as compensation for quartermaster stores taken for the United States Army;

Petition of Zebulon C. Nolen, of Haywood County, Tennessee, claiming \$700 as compensation for four horses taken for the United States Army; and

Petition of Benjamin H. Rutherford, of Tipton County, Tennessee, claiming \$2,385 as compensation for property taken for the use of the United States Army.

HENRY F. LINES.

Mr. CARPENTER, from the same committee, reported a bill (H. R. No. 4906) for the relief of Henry F. Lines; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. TYLER, from the same committee, reported back adversely the following cases; which were laid on the table, and the accompanying reports ordered to be printed:

Petition of Charles D. McLean, of Memphis, Tennessee, claiming \$3,280 as compensation for property taken for the use of the Army of the United States;

Petition of Francis M. Mendenhall, of Shelby County, Tennessee, claiming \$838 as compensation for commissary supplies taken for the use of the Army of the United States;

Petition of Mrs. Sarah E. Norton, of Memphis, Tennessee, claiming \$14,962.83 for rent and damages of building occupied by the military authorities of the United States as a military prison;

Petition of Francis Molitor, of Germantown, Shelby County, Tennessee, claiming \$1,525 as compensation for lumber taken by Colonels Logan and Weaver, at Bray's Station, Germantown, Tennessee, in January, 1863;

Petition of W. C. McHaney, claiming \$1,683 as compensation for cotton taken by the United States military authorities in December, 1862; and

Petition of John R. Redford, of Memphis, Tennessee, claiming \$150 as compensation for a horse taken by the United States Army in 1864.

Mr. FERDON, from the Committee on War Claims, reported adversely on the following cases; which were severally laid on the table, and the accompanying reports ordered to be printed:

The claim of John A. Farley, of Fayette County, Tennessee;

The claim of William B. Hamlin, Memphis, Tennessee;

The claim of Lucy E. Dowdy, executrix of William P. Dowdy, Fayette County, Tennessee;

The claim of Ezekiel T. Keel, Memphis, Tennessee;

The petition of Lytle Newton, Madison County, Tennessee;

The claim of John M. McClellan, of Memphis, Tennessee;

The claim of Gideon B. Wray, of Covington, Tipton County, Tennessee;

The claim of William R. Kearney, of Bolivar, Hardeman County, Tennessee;

The claim of Mrs. Lucie A. Jameson, of Memphis, Tennessee;

The claim of James A. Henry, of Henderson County, Tennessee;

The claim of Leland Leatherman, executor of John C. Lanier, deceased, of Memphis, Tennessee; and

The claim of Edgar McDavitt, John T. Stratton, and Samuel H. Dunscomb, of Memphis, Tennessee.

Mr. ATHERTON, from the Committee on War Claims, reported adversely on the following cases; which were severally laid on the table, and the accompanying reports ordered to be printed:

The petition of Theodore T. Coffin, of Loudon County, Tennessee;

The petition of William G. Harwood, of Carbondale, Illinois;

The petition of Greenberry Adamson, of Madison County, Tennessee;

The petition of John Mahony, of New Orleans;

The petition of Allen J. Holliday, of De Soto County, Mississippi; and

The petition of A. F. Bonner, as administrator of Martha A. Bonner, deceased, for quartermaster stores.

Mr. BAYNE moved to reconsider all the votes by which cases reported adversely were laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN HEPTING AND OTHERS.

Mr. MULBROW, from the Committee on Private Land Claims, reported a bill (H. R. No. 4907) to confirm to John Hepting and others title to certain lands; which was read a first and second time.

The bill, which was read, provides that all the right, title, claim, and interest of the United States to certain tracts of land on the right bank of the Mississippi River, opposite the city of New Orleans, in the parish of Jefferson, and now the site of the village of Mechanic-ham, and described as a tract of land fronting sixteen arpents on the river by forty arpents in depth between parallel lines, and further described in the official maps of the General Land Office of the United States as sections 3, 5, 34, 35, and 36, in township 13 south, range 24 east, and sections 40, 41, 42, 57, 58, and 59, in township 14 south, range 24 east, southeast district of Louisiana, be, and the same is hereby, granted and conveyed to the lady abbess and community of Ursuline Lady Nuns, of New Orleans, Louisiana, their successors, transferees, vendees, and assigns; provided that this shall have the effect only of a quitclaim of all the right, title, and interest of the United States therein; not to affect any valid adverse right or title to said land, nor create any liability on the part of the United States.

The SPEAKER. Is there a report accompanying the bill?

Mr. MULBROW. There is; and I ask that it be read.

The Clerk read as follows:

The Committee on Private Land Claims, to which was referred the memorial of John Hepting and others, citizens of the State of Louisiana, praying for the confirmation of their title to certain lands situated on the Mississippi River, opposite the city of New Orleans, sixteen arpents front on said river by forty arpents in depth, and described upon the official map of the General Land Office of the United States as sections 3 and 5, 34, 35, 36, in township 13, range 24 east, and sections 40, 41, 42, 57, 58, and 59, in township 14 south, range 24 east, southeast district of Louisiana. This memorial, with the accompanying proof, was submitted to the Commissioner of the General Land Office, and after a most careful and thorough examination by him, evinced by a clear, full, and exhaustive report, he declares in face of the claim, which report, dated January 2, 1880, has been transmitted to the Speaker of the House by the Secretary of the Interior, and is made part of this report.

The claim of title begins with an act of sale having date February 8, 1736, under which the community and convent of the Ursuline Lady Nuns of New Orleans acquired from Jacques Larcheresque title to a plantation on the right bank of said Mississippi River sixteen arpents front by forty arpents depth. This document is duly certified and perfectly authenticated by the proper authorities in Louisiana, the chain of title, together with the surveys which identify the land for which confirmation is prayed, as the identical land acquired by the Ursuline Lady Nuns in 1736, is unbroken down to the present claimants. There seems to be no doubt but that Larcheresque, from whom the title of the present claimants and memorialists comes, held the said land by what is known as a Spanish grant. The act of 1860, as extended by the act of 1872, affords the number — for exactly this class of cases. The land is now held by several hundred small property-owners who have improved their properties and who are constantly rendered uneasy as to the security of their homes by the attempts of speculators to deprive them of said homes and properties by having said lands declared public lands of the United States, and then by entries of the same.

Your committee, after very full and careful examination of all the records and titles which bear upon this question, agree with the conclusions of the Commis-

sioner of the Land Office, and adopt his report as part of the report of the committee.

Your committee reports the accompanying bill, and recommends its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MULBROW moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISRAEL DODGE.

Mr. PACHECO, from the Committee on Private Land Claims, reported, as a substitute for House bill No. 939, a bill (H. R. No. 4908) for the relief of the heirs and legal representatives of Israel Dodge, deceased.

The bill was read, as follows:

Whereas it appears that the claim of Israel Dodge, or his legal representatives, was confirmed by the act of Congress entitled "An act to confirm certain land claims in the State of Missouri," approved June 21, 1860, to the extent of 7,056 arpents, equal to 6,002.50 acres, and that on the 22d day of December, 1865, a certificate of location (No. 2) was issued by the Commissioner of the General Land Office in full satisfaction of said claim of Israel Dodge, erroneously reciting the act of Congress approved June 2, 1858, as the authority for the issue of said certificate; and

Whereas it appears that certain tracts of land subject to location and entry under the provisions of the aforesaid act of June 21, 1860, have been duly entered under and by virtue of said certificate, and in part satisfaction thereof: Therefore,

Be it enacted, &c., That the Commissioner of the General Land Office be, and he is hereby, authorized and required to issue patents to such of the legal representatives of Israel Dodge, deceased, as may be entitled to them, for lands entered under and by virtue of certificate of location No. 2, issued by the Commissioner of the General Land Office on the 22d day of December, 1865, to the legal representatives of said Israel Dodge, under and by virtue of act of Congress approved June 2, 1858, as though said lands had been entered under and by virtue of a certificate duly issued in accordance with the provisions of the second section of the act of June 21, 1860: Provided, Said entries be found free from objection in every other particular, and that for the remainder of the land yet authorized to be located under said certificate upon the surrender thereof, he issue to the legal representatives aforesaid, who may be legally entitled thereto, certificates of location in quantities not to exceed eighty acres, each of which may be located upon any lands not mineral, of the United States, subject to entry under the laws thereof, at \$1.25 per acre and in commutation of pre-emption and homestead entries, and the lands located therewith patented in like manner as other public lands of the United States: Provided, That the location in each case shall conform to the legal subdivisions of the public surveys.

Mr. WHITE. Is there a report in that case?

The SPEAKER. The report accompanying the bill will be read.

The Clerk read as follows:

The Committee on Private Land Claims, to which was referred House resolution No. 965 for the relief of the heirs and legal representatives of Israel Dodge, deceased, have considered the same, and bring in the following as their report:

The justice of the claim upon which this bill is based is of the most undoubted character. The Commissioner of the General Land Office officially certifies to the following facts:

The claim of Israel Dodge or his legal representatives was confirmed by the act of Congress entitled "An act to confirm certain land claims in the State of Missouri," approved June 21, 1860, to the extent of six thousand and two acres and fifty hundredths of an acre, and that on the 22d of December, 1865, a certificate of location (No. 2) was issued by the Commissioner of the General Land Office in full satisfaction of said claim of Israel Dodge, erroneously reciting the act of Congress approved June 2, 1858, as authority for the issue of said certificate. And it appears that certain tracts of land subject to location and entry under the provisions of the aforesaid act of June 21, 1860, have been duly entered under and by virtue of said certificate and in part satisfaction thereof.

From these facts it is clear that the error was the fault of an officer of the Government, and that the legal representatives of Israel Dodge are entitled to the relief sought.

Your committee, in order to better protect the interest of all parties and in accordance with recommendations from the Land Department, have made some changes, and therefore recommend the adoption and passage of the accompanying substitute.

Mr. RYAN, of Kansas. I desire to ask the gentleman whether there is any controversy pending in any of the courts respecting these lands?

Mr. PACHECO. The bill has been fully considered by the committee and reported unanimously. We know of no adverse claims.

Mr. RYAN, of Kansas. My question is whether the title to these lands is in controversy in any of the courts?

Mr. PACHECO. The committee has no information of any controversy. We have no evidence before us in support of any adverse claims.

Mr. RYAN, of Kansas. Is there no adverse claim or claimant?

Mr. PACHECO. We have no information of any.

Mr. GUNTER. I will state for the benefit of the gentleman from Kansas that the Committee on Private Land Claims has carefully investigated this subject and find no adverse claims. The object of this bill is for the Government to convey land located under the act of 1862, for the old Spanish grant which had been utilized by the Government before; and we closely investigated the matter and found there were no adverse claimants whatever.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PACHECO moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed the following bills without amendments:

A bill (H. R. No. 3462) to amend section 3020 of the Revised Statutes; and

A bill (H. R. No. 4432) making additional appropriations for the support of certain Indian tribes for the year ending June 30, 1880.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 1208) for the relief of William H. Davis, of Oakland, California; and

A bill (S. No. 1314) for the relief of Chester A. Arthur, collector of the port of New York.

The message further announced that the Senate had passed, with amendments, the following bills:

A bill (H. R. No. 3968) for the relief of certain actual settlers on the Kansas trust and diminished-reserve lands, in the State of Kansas; and

A bill (H. R. No. 1153) to restore to the public domain a part of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes.

ARTICLES OF HUMAN FOOD AND DRINK.

Mr. BEALE, from the Committee on Manufactures, reported back, with amendments, the bill (H. R. No. 4738) to regulate the manufacture and sale of articles of human food and drink; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

DEPARTMENT OF AGRICULTURE.

Mr. AIKEN, from the Committee on Agriculture, reported, as a substitute for House bill No. 445, a bill (H. R. No. 4909) to make the Department of Agriculture an executive department of the United States Government.

The Clerk proceeded to read the substitute. Before he had completed the reading,

Mr. MCLANE called for the regular order.

ORDER OF BUSINESS.

The SPEAKER. The morning hour has expired.

Mr. FERNANDO WOOD. I rise to move that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of proceeding with the consideration of the special order, being the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. BICKNELL. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BICKNELL. On the 13th January the bill (H. R. No. 2023) to amend sundry provisions of chapter 1, title 3, of the Revised Statutes of the United States, relating to presidential elections, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, was assigned as a special order for consideration on Thursday the 29th January, after the morning hour, and from day to day thereafter until disposed of. I ask if the consideration of that bill is not the regular order now?

Mr. HOSTETLER. There is a prior order, which I now call up.

The SPEAKER. There is a special order in the House, the bill reported by the gentleman from Indiana, [Mr. HOSTETLER,] from the Committee on Reform in the Civil Service, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes.

Mr. FERNANDO WOOD. I raise the question of consideration against that bill.

Mr. HOOKER. I rise to inquire of the Chair whether an order prior to all those orders is not the special order for the consideration of the bill reported by the Committee on Indian Affairs, the bill (H. R. No. 440) for the ascertainment of the amount due the Choctaw Nation?

The SPEAKER. That bill is in Committee of the Whole on the state of the Union and not in the House. The bill to which the gentleman from Indiana directs the attention of the Chair is in the House as a special order. The Chair recognizes the gentleman from Indiana [Mr. HOSTETLER] as having the right to contend for consideration of the bill named by him; and the gentleman from New York has the right to raise the question of consideration.

Mr. FERNANDO WOOD. My object being that the House may resolve itself into Committee of the Whole on the state of the Union to consider the bill to facilitate the refunding of the national debt which was made a special order for March 2 in Committee of the Whole immediately after the morning hour. I raise the question of consideration against any other bill.

The SPEAKER. The special orders if pressed will have to be laid aside before the order indicated by the gentleman from New York can be reached.

Mr. FERNANDO WOOD. I suggest to the Chair that the order for the consideration of the refunding bill excludes all prior orders.

The SPEAKER. But we are now in the House. The refunding bill is in Committee of the Whole House on the state of the Union.

Mr. HOSTETLER. The bill reported from the Committee on Reform in the Civil Service was made a special order on the 10th day

of December for the 7th of January in the House as in Committee of the Whole.

The SPEAKER. The Chair recognizes that fact and recognizes the gentleman from Indiana [Mr. HOSTETLER] to move to proceed to the consideration of the bill. And the gentleman from New York [Mr. FERNANDO WOOD] raises the question of consideration against it.

Mr. FERNANDO WOOD. The motion I desire to submit is that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the refunding bill.

The SPEAKER. The Chair has recognized the gentleman from New York to raise the question of consideration.

Mr. HOOKER. If the motion of the gentleman from New York [Mr. FERNANDO WOOD] should prevail and the House should resolve itself into Committee of the Whole on the state of the Union, would not the first bill considered be the first bill on the Calendar, being the one to which I have referred, reported by the Committee on Indian Affairs for the ascertainment of the amount due the Choctaw Nation?

Mr. FERNANDO WOOD. The Committee of the Whole will determine that.

The SPEAKER. The Chair will cause to be read the order in reference to the refunding bill. The bill to which the gentleman from Mississippi alludes would be the bill first considered unless the words of the special order in reference to the refunding bill should give priority to the latter bill.

The Clerk read as follows:

February 18. A bill (H. R. No. 4592) to facilitate the refunding of the national debt. Made a special order, immediately after the morning hour, on the first Tuesday in March, and from day to day until disposed of, to the exclusion of all existing orders, but not to interfere with the appropriation bills.

Mr. FINLEY. I desire to inquire of the Chair what question of consideration the gentleman from New York [Mr. FERNANDO WOOD] can raise in the House?

The SPEAKER. The gentleman from New York raises the question of consideration against the bill in reference to political assessments reported by the gentleman from Indiana, [Mr. HOSTETLER.]

Mr. FINLEY. But the bill to which the gentleman from New York alludes is not in the House.

The SPEAKER. The bill of the gentleman from Indiana [Mr. HOSTETLER] against which the gentleman from New York raises the question of consideration is in the House.

Mr. FINLEY. But the point I make is that the bill to which the gentleman from New York alludes is in Committee of the Whole. He cannot raise the question of consideration against a bill that is in Committee of the Whole.

The SPEAKER. The gentleman has not done so. He raises the question of consideration against the bill made a special order in the House, the title of which has been read. The Clerk will read it again.

The Clerk read as follows:

A bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes.

The SPEAKER. The bill the title of which has been just read is a special order in the House, and the gentleman from New York [Mr. FERNANDO WOOD] raises the question of consideration.

Mr. WHITE. I desire to ask a question for information.

The SPEAKER. The Chair will hear the gentleman.

Mr. WHITE. Suppose the House votes against considering the bill of the gentleman from Indiana, [Mr. HOSTETLER]?

The SPEAKER. Then the question will come up in regard to the next special order in the House.

Mr. WHITE. What is the next special order—the refunding bill?

The SPEAKER. The refunding bill is a special order in Committee of the Whole, not in the House. The House will have to set aside the special orders in the House before it can proceed to consider any special order in Committee of the Whole.

Mr. WHITE. What will be the next special order in the House?

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. No. 2273) to provide office-rooms for the National Board of Health, and for the publication of its reports and papers, and for other purposes.

Mr. YOUNG, of Tennessee. That bill can be laid upon the table, as the object of it has been accomplished by another bill.

The SPEAKER. Then the Clerk will report the next special order.

The Clerk read as follows:

A bill (H. R. No. 1370) giving to all religious denominations equal rights and privileges in the Indian reservations.

Mr. CARLISLE. I would like to inquire—

The SPEAKER. The Clerk will report the next special order.

The Clerk read as follows:

A bill (H. R. No. 3013) to provide for regulating the manner of increasing service and expediting schedules on mail-routes.

Mr. CARLISLE. The inquiry I was about to make is this: what has become of the bill to regulate the mode of ascertaining and declaring the result of presidential elections?

The SPEAKER. That is a still later special order. The Clerk will report the two remaining special orders now pending in the House.

The Clerk read as follows:

A bill (H. R. No. 1029) concerning commerce and navigation and the regulation of steam-vessels.

A bill (H. R. No. 2023) to amend sundry provisions of chapter 1, title 3, of the Revised Statutes of the United States, relating to presidential elections, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

The SPEAKER. The Chair thinks these special orders—the titles of which have been read by the Clerk—are the special orders which will properly come up in the House, in their order of date. They were all made special orders under a practical suspension of the rules. If a majority of the House desires to lay them aside, the Chair thinks the proper mode to do so is by raising the question of consideration upon each one as it is reached. Rule 104 reads:

The House may, at any time, by a vote of the majority of the members present, suspend the rules and orders for the purpose of going into Committee of the Whole House on the state of the Union, &c.

That rule would seem to indicate that a motion to go into Committee of the Whole on the state of the Union would be in order at any time, and could be decided by a majority vote. But, in fixing these several special orders in the House, Rule 104 with other rules was suspended. The Chair, therefore, thinks it is his duty to give an opportunity to the House to determine whether they will consider any of these special orders in the House, which, by a suspension of the rules, were made such special orders; otherwise a special order is without force of execution.

Mr. FERNANDO WOOD. Has not the refunding bill—a bill of such great magnitude—some status outside of these other bills?

The SPEAKER. The status which the House intended the refunding bill should have is that in Committee of the Whole it shall be considered to the exclusion of all other business, except appropriation bills in the Committee of the Whole House on the state of the Union.

Mr. TOWNSHEND, of Illinois. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. Is it not now in order to move to go into Committee of the Whole on the public Calendar, without reference to any particular bill?

The SPEAKER. That is an equivalent motion to the motion made by the gentleman from New York, [Mr. FERNANDO WOOD.]

Mr. REAGAN. And the bill of the gentleman from Indiana [Mr. HOSTETLER] stands as the first special order in the House, unless displaced by a vote of the House.

The SPEAKER. It does, and if displaced now it would not lose its special advantages, for it is a continuing order. If the House now refuses to consider it, it will only say that it does not desire to consider it at this time.

Mr. HOOKER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. Does the gentleman from New York [Mr. FERNANDO WOOD] indicate his purpose to move to go into Committee of the Whole?

The SPEAKER. The gentleman states in way of debate that his object in raising the question of consideration upon the first special order in the House is that he may submit a motion to go into Committee of the Whole on the state of the Union in case the House shall refuse to consider that special order in the House.

Mr. HOOKER. The bill to which I refer, for the ascertainment of the amount due the Choctaw Nation, was made a special order for the second Tuesday in January, 1880, and that order was made by the House during the last session.

The SPEAKER. It is usual for the Committee of the Whole to determine what business it will consider. The bill to which the gentleman refers is first in order on the Calendar in the Committee of the Whole, and it is not usual for the House to determine what order the Committee of the Whole shall adopt in taking up bills.

Mr. HOOKER. It seems to me that these modern special orders ought not to supersede these old ones.

The SPEAKER. They do supersede them in committee; they are special orders in the House, not in Committee of the Whole.

Mr. HOOKER. I understand that; but when they get into Committee of the Whole—

The SPEAKER. Then the same question of consideration can be raised there under the existing rules.

Mr. COX. The question of consideration is raised by the gentleman from New York [Mr. FERNANDO WOOD] between his bill and the bills made special orders in Committee of the Whole.

The SPEAKER. The Chair has nothing to do with the Committee of the Whole; it is for the Committee of the Whole to determine its order of procedure.

Mr. COX. Can a motion be now made to go into Committee of the Whole?

The SPEAKER. Not until the special orders in the House which are contended for shall have been disposed of, for they were made special under suspension of the rules.

Mr. TOWNSHEND, of Illinois. On all of them, or only one?

The SPEAKER. The Chair thinks on five or six of them.

Mr. TOWNSHEND, of Illinois. I think if the Chair will examine the record he will find that the rules were suspended in regard to only one of them.

The SPEAKER. Some were made special orders by unanimous consent, which is one manner of suspending the rules.

Mr. TOWNSHEND, of Illinois. I understand that they were simply set down for a certain day.

The SPEAKER. The Journal shows they were all made continuing orders.

Mr. COX. Does the Chair decide that we cannot now go into Committee of the Whole on the state of the Union?

The SPEAKER. If a majority of the House wants to go into Committee of the Whole on the state of the Union, it can do so very readily. But the Chair holds that he is bound to recognize first the special orders in the House. A majority can control the matter. The question now is the question of consideration raised by the gentleman from New York, which is, Will the House now consider the bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes? which is the first special order in the House.

The question being taken, there were—ayes 88, noes 84.

Mr. CONGER and Mr. FERNANDO WOOD called for tellers.

Tellers were ordered; and Mr. FERNANDO WOOD and Mr. HOSTETLER were appointed.

The House divided; and the tellers reported—ayes 94, noes 100.

Mr. McLANE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. YOUNG, of Tennessee. Before the vote is taken, I would like to know the status of the bill of the gentleman from Indiana, [Mr. HOSTETLER.]

The SPEAKER. This vote tests the question whether that bill shall be considered now.

Mr. YOUNG, of Tennessee. I understand that; but I wish to know whether the previous question is operating upon that bill—whether there is to be any more discussion upon it.

The SPEAKER. The Chair is not advised that the previous question is prevailing upon the bill. On the contrary, he thinks there was an understanding that there should be debate.

Mr. REAGAN. It was understood there was to be no discussion on it.

Mr. BUTTERWORTH. If this bill is not considered at the present time, will it lose its place on the Calendar?

The SPEAKER. It will not.

Mr. BUTTERWORTH. What will be its position?

The SPEAKER. It will come up whenever a majority of the House may be willing to consider it.

The question was taken; and there were—yeas 103, nays 127, not voting 62, as follows:

YEAS—103.

Acklen,	Evins,	Ladd,	Shelley,
Aiken,	Ewing,	Le Fevre,	Singleton, O. R.
Armfield,	Finley,	Lowe,	Siemons,
Atherton,	Forney,	Martin, Benj. F.	Smith, Hezekiah B.
Atkins,	Geddes,	Martin, Edward L.	Sparks,
Berry,	Gillette,	McKenzie,	Speer,
Bicknell,	Goode,	McLane,	Steele,
Cabell,	Gunter,	McMahon,	Stevenson,
Caldwell,	Hammond, N. J.	McMillin,	Talbot,
Clardy,	Hatch,	Muldrow,	Taylor,
Clark, Alvah A.	Henkle,	Murch,	Tillman,
Clark, John B.	Henry,	Myers,	Townshend, R. W.
Cobb,	Herbert,	New,	Turner, Oscar
Coffroth,	Herndon,	Nicholls,	Turner, Thomas
Colerick,	Hill,	O'Connor,	Vance,
Cook,	Hostetler,	Phillips,	Waddill,
Cox,	House,	Phister,	Weaver,
Cravens,	Hull,	Reagan,	Wellborn,
Culberson,	Hunton,	Richardson, D. P.	Whiteaker,
Davidson,	Johnston,	Richardson, J. S.	Whitthorne,
Davis, Lowndes H.	Kenna,	Richmond,	Williams, Thomas
De La Matyr,	Kimmel,	Rothwell,	Willis,
Deuster,	King,	Ryon, John W.	Wilson,
Dibrell,	Kitchin,	Samford,	Yocum,
Dickey,	Klotz,	Sawyer,	Young, Casey.
Dunn,	Knott,	Scales,	

NAYS—127.

Aldrich, N. W.	Daggett,	Humphrey,	Price,
Aldrich, William	Davis, George R.	Jones,	Rice,
Anderson,	Davis, Horace	Joyce,	Robeson,
Bailey,	Deering,	Keifer,	Robinson,
Baker,	Dunnell,	Kelley,	Ross,
Ballou,	Dwight,	Ketchum,	Russell, Daniel L.
Barber,	Einstein,	Killingier,	Russell, William A.
Bayne,	Errett,	Lapham,	Ryan, Thomas
Beltzhoover,	Farr,	Lindsey,	Shallenberger,
Bingham,	Felton,	Marsh,	Sherrin,
Blackburn,	Ferdon,	Martin, Joseph J.	Smith, A. Herr
Blake,	Field,	Mason,	Stone,
Bliss,	Fisher,	McCook,	Thomas,
Boyd,	Forsythe,	McGowan,	Thompson, P. B.
Brewer,	Fort,	Miller,	Townsend, Amos
Briggs,	Frye,	Mills,	Tucker,
Brigham,	Garfield,	Mitchell,	Tyler,
Brown,	Godshalk,	Monroe,	Updegraff, J. T.
Burrows,	Hall,	Morse,	Updegraff, Thomas
Butterworth,	Hammond, John	Muller,	Urner,
Calkins,	Harris, Benj. W.	Neal,	Valentine,
Camp,	Haskell,	Norcross,	Van Aernam,
Cannon,	Haw,	O'Neill,	Wait,
Carlisle,	Hawley,	O'Reilly,	Ward,
Carpenter,	Hayes,	Orth,	Warner,
Caswell,	Hazelton,	Osmer,	Washburn,
Claffin,	Heilman,	Overton,	Wells,
Clymer,	Henderson,	Pacheco,	White,
Conger,	Hiscock,	Pago,	Williams, C. G.
Conert,	Hooker,	Persons,	Willits,
Cowgill,	Hout,	Phelps,	Wood, Fernando.
Crapo,	Hubbell,	Pound,	

NOT VOTING—62.

Bachman,	Dick,	Manning,	Singleton, J. W.
Barlow,	Elam,	McCoid,	Smith, William E.
Beale,	Ellis,	McKinley,	Springer,
Belford,	Ford,	Miles,	Starin,
Bland,	Frost,	Money,	Stephens,
Blount,	Gibson,	Morrison,	Thompson, Wm. G.
Bouck,	Harmer,	Morton,	Upson,
Bowman,	Harris, John T.	Newberry,	Van Voorhis,
Bragg,	Horr,	O'Brien,	Voorhis,
Bright,	Hurd,	Pierce,	Witber,
Buckner,	Hutchins,	Poehler,	Wise,
Chalmers,	James,	Prescott,	Wood, Walter A.
Chittenden,	Jorgensen,	Reed,	Wright,
Converse,	Lewis,	Robertson,	Young, Thomas L.
Crowley,	Loring,	Sapp,	
Davis, Joseph J.	Lounsbury,	Simonton,	

So the House refused to consider House bill No. 2266.

During the roll-call the following announcements were made:

Mr. ROBERTSON. I am paired with the gentleman from Michigan, Mr. NEWBERRY.

Mr. ELLIS. I am paired with the gentleman from Pennsylvania, Mr. HARMER.

Mr. BOUCK. I am paired with the gentleman from Ohio, Mr. McKINLEY.

Mr. DIBRELL. My colleague, Mr. SIMONTON, is paired with the gentleman from Iowa, Mr. McCoid.

Mr. BLOUNT. I am paired with the gentleman from Maine, Mr. REED.

Mr. MORTON. I am paired with the gentleman from Louisiana, Mr. GIBSON.

Mr. CHITTENDEN. I am paired with the gentleman from Missouri, Mr. BUCKNER.

Mr. VAN VOORHIS. I am paired with the gentleman from Mississippi, Mr. CHALMERS.

Mr. LORING. I am paired with the gentleman from Alabama, Mr. LEWIS.

Mr. PRESCOTT. I am paired with the gentleman from Virginia, Mr. HARRIS. The gentleman from New York, Mr. STARIN, is paired with the gentleman from Mississippi, Mr. MONEY.

Mr. WILBER. I am paired with the gentleman from Georgia, Mr. SMITH. If he were here, I should vote "no;" I presume he would vote "ay."

Mr. SAPP. I am paired with the gentleman from Ohio, Mr. CONVERSE. If he were present, I should vote "no."

Mr. MILES. I am paired with the gentleman from Illinois, Mr. SINGLETON. If at liberty to vote, I should vote "no."

Mr. HERR. I am paired with the gentleman from Pennsylvania, Mr. WISE.

Mr. FISHER. The gentleman from Iowa, Mr. THOMPSON, is paired with the gentleman from North Carolina, Mr. DAVIS. My colleague, Mr. HARMER, is paired with the gentleman from Louisiana, Mr. ELLIS.

Mr. REAGAN. The gentleman from Illinois, Mr. SPRINGER, is paired with the gentleman from Colorado, Mr. BELFORD.

The result of the vote was announced as above stated.

NATIONAL BOARD OF HEALTH.

The SPEAKER. The Chair thinks that vote decisive; but the Clerk will read the next special order.

The Clerk read as follows:

Resolved, That 10,000 copies of House Report No. 14, first session Forty-sixth Congress, be printed for the use of the House; reported from the Committee on Printing by Mr. SINGLETON, of Mississippi, with an amendment.

Mr. WHITE. I understand that is not pressed at this time.

The SPEAKER. The gentleman from Tennessee [Mr. YOUNG] states that he does not press the consideration of this special order at this time.

The resolution was laid aside.

EQUAL RIGHTS ON INDIAN RESERVATIONS.

The next special order was read, as follows:

A bill (H. R. No. 1370) giving to all religious denominations equal rights and privileges in the Indian reservations; reported from the Committee on Indian Affairs by Mr. SCALES, made the special order on June 25, 1879, for the third Thursday in the following January after the morning hour, and from day to day thereafter until disposed of.

Mr. GARFIELD. The vote recently taken indicates the state of the mind of the House, and I therefore ask by unanimous consent—I agree with the Chair that the vote was decisive—that we reach the order sought to be reached by the gentleman from New York at once.

The SPEAKER. The pending order in the way of the gentleman from New York may be set aside by unanimous consent.

Mr. SCALES. I do not object if that does not prejudice the consideration of that bill.

The SPEAKER. It will not.

Mr. BICKNELL. I object.

The SPEAKER. The gentleman from New York raises the question of consideration.

The bill was laid aside.

SCHEDULES ON MAIL-ROUTES.

The next special order was read, as follows:

A bill (H. R. No. 3013) to provide for regulating the manner of increasing service and expediting schedules on mail-routes; reported from the Committee on the Post-Office and Post-Roads by the gentleman from Mississippi, Mr. MONEY.

The SPEAKER. The gentleman reporting that is not in his seat. Mr. TOWNSHEND, of Illinois. Let us have these bills disposed of as we reach them.

The SPEAKER. The gentleman from New York raises the question of consideration.

The House refused to consider the bill.

COMMERCE AND NAVIGATION, ETC.

The next special order was a bill (H. R. No. 1029) concerning commerce and navigation and the regulation of steam-vessels.

Mr. KENNA. I have no desire to press that bill on to-day or to antagonize the gentleman from New York; but I do not desire it shall lose its place as a special order.

The SPEAKER. It will not.

Mr. KENNA. I do not desire it shall lose any of its rights.

The SPEAKER. The House only says that it does not wish to consider it now.

Mr. KENNA. I have no objection to that.

The bill was laid aside.

PRESIDENTIAL ELECTIONS.

The next special order was a bill (H. R. No. 2023) to amend sundry provisions of chapter 1, title 3, of the Revised Statutes of the United States relating to presidential elections, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, reported from the select committee on that subject by Mr. BICKNELL.

Mr. BICKNELL. I am ready to take up that bill for consideration.

The SPEAKER. The gentleman from New York raises the question of consideration.

Mr. SPARKS. Let us have a division on that.

The House divided; and there were—ayes 76, noes 93.

So the House refused to consider the bill, and it was laid aside.

REFUNDING BILL.

The SPEAKER. The Chair now recognizes the gentleman from New York, [Mr. FERNANDO WOOD,] who moves that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. TOWNSHEND, of Illinois. I ask to raise the question of consideration so we may go into the Committee of the Whole House on the public Calendar.

The SPEAKER. The public Calendar is in the Committee of the Whole on the state of the Union.

Mr. GARFIELD. I will suggest to the gentleman from Illinois that the new rules do not go into effect until Monday next.

Mr. TOWNSHEND, of Illinois. I want to go into the Committee of the Whole on the state of the Union on the general Calendar.

The SPEAKER. When the House goes into the Committee of the Whole on the motion of the gentleman from New York it will be upon the public Calendar.

Mr. TOWNSHEND, of Illinois. My object is to go into the Committee of the Whole on the state of the Union to take up the bill in regard to removal of causes from State courts.

Mr. ATKINS. You can raise the question of consideration in the Committee of the Whole.

Mr. TOWNSHEND, of Illinois. But it is not the same motion.

The SPEAKER. The motion is the same. The gentleman from New York moves to go into the Committee of the Whole on the state of the Union, and in that committee is the public Calendar.

Mr. ATKINS. You can raise the question of consideration on each bill as it comes up.

Mr. TOWNSHEND, of Illinois. Very well, I withdraw my motion.

Mr. FERNANDO WOOD's motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. COVERT in the chair.

The CHAIRMAN. The House is in the Committee of the Whole on the state of the Union for the purpose of considering House bill No. 4592, to facilitate the refunding of the national debt.

Mr. FINLEY. I understand we are in the Committee of the Whole on the state of the Union to consider whatever is on the Calendar, and not any particular bill.

Mr. TOWNSHEND, of Illinois. Then you have to move to lay aside this bill.

Mr. HOOKER. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOOKER. The House having on the motion of the gentleman from New York resolved itself into the Committee of the Whole on the state of the Union, the House will take up and consider in the order in which they stand upon the Calendar the various matters referred to the Committee of the Whole. And first upon that Calendar stands a measure which was set so long ago as the 10th of June last for consideration on the second Tuesday in January, 1880, and I hold that takes precedence of every other matter and must be considered before you pass it to consider any other proposition.

The CHAIRMAN. The Chair will cause to be read the rule and then the special order of the House.

The Clerk read as follows:

114. In Committee of the Whole on the state of the Union, the bills shall be taken up and disposed of in their order on the Calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of, or laid aside: *Provided*, That general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills, at the

discretion of the committee; and when demanded by any member, the question shall first be put in regard to them; and all debates on special orders shall be confined strictly to the measure under consideration.

The CHAIRMAN. The Clerk will now read the order of the House. The Clerk read as follows:

House bill No. 4592, to facilitate the refunding of the national debt. February 18—

Mr. HOOKER. I make the point of order that is not the special order of the committee, but the special order of the House in reference to that bill.

The CHAIRMAN. The Chair begs to state to the gentleman from Mississippi that it will be proper first to have read the rule and then the order adopted by the House in this matter. The rule has been read, and the Clerk is now proceeding to read the order of the House which controls the action of the committee.

Mr. HOOKER. But that is not the order in the Committee of the Whole. That is the order of the House.

Mr. GARFIELD. If the gentleman from Mississippi will allow me, I will say that what the Clerk is about to read in terms suspends all pre-existing special orders. If the gentleman allows the order to be read it will show for itself.

Mr. HOOKER. If the gentleman from Ohio will excuse me, I raise the point of order that that order cannot be raised now, and cannot be raised until you reach that bill on the Calendar. I make the point that until you do reach that bill on the Calendar you cannot consider it in Committee of the Whole, if any gentleman shall object and demand the consideration of prior orders.

Mr. GARFIELD. I ask for the reading of the order of the House.

Mr. HOOKER. You must take up cases in the order in which they stand upon the Calendar.

Mr. GARFIELD. The later necessarily revokes the former order of the House.

Mr. HOOKER. It does not. It does when it is reached, but it does not until it is reached. That is the true order of the House.

The CHAIRMAN. The Chair will overrule the point of order raised by the gentleman from Mississippi, and ask the Clerk to read the special order, after which he will recognize the gentleman from Mississippi again.

Mr. CONGER. If the order in regard to the bill of the gentleman from New York is read, it will be seen the decision of the Chair is all right. This bill is made the order in Committee of the Whole by order of the House, to the exclusion of all other special orders.

The Clerk read as follows:

February 18, 1880.—Committed to the Committee of the Whole House on the state of the Union. Made the special order therein after the morning hour, March 2, 1880, and from day to day until disposed of, to the exclusion of all existing orders.

Mr. FINLEY. That was made in the House.

Mr. HOOKER. I say, the House having on the motion of the gentleman from New York resolved itself into the Committee of the Whole for the consideration of the Calendar, we necessarily take up the cases in the order in which they stand upon the Calendar. That, I presume, neither the gentleman from New York nor any other gentleman, not even the gentleman from Ohio, will combat. It is very true, when the House by a very recent order—as late as January—agreed to consider the case of the gentleman from New York it agreed to consider it in the order in which it stands upon the Calendar; and until it is reached on the Calendar it cannot be considered at all. Therefore the committee would naturally take up for consideration the case which stands first on the Calendar. And I insist this case, set on the 10th of June last for consideration in last January, shall not be superseded by the action of the committee for the consideration of any other question. And more particularly is this the case, Mr. Chairman, because by order of the House, three-fourths voting for it, every other rule was suspended in order to give this case a hearing—one which has been protracted and procrastinated from year to year. I say, being in Committee of the Whole, we must take up the cases in the order in which they stand upon the Calendar.

Mr. GARFIELD. The logic of the gentleman from Mississippi is this: that whatever order the House of Representatives may make as to the order of business in the Committee of the Whole, the Committee of the Whole is at perfect liberty to disregard it if it sees fit; and whenever the House resolves itself into the Committee of the Whole, the Committee of the Whole can do what it pleases, notwithstanding the order of the House has placed a certain business that is in the Committee of the Whole ahead of all other orders, revoking all other orders to the extent of putting this ahead of them. He says when the Committee of the Whole meets it can disregard this order of the House and proceed to consider, and must consider, the first that happens to be printed upon the Calendar, without regard to this absolute order of the House.

Now, the statement of the case argues it, and to my mind settles it. Here we are acting under the order of the House, and the order of the House says that the funding bill shall have precedence of all existing orders, however long ago they were made, or however long ago they were set for hearing. In other words, the House has changed its order about the bill which the gentleman from Mississippi wants to call up, and says that bill and every other bill shall be put off until after the funding bill has been considered. The committee is bound to obey that order, and the presiding officer is bound to obey it in his ruling. He is acting under the orders of the House.

Mr. HOOKER. In answer to what has fallen from the gentleman from Ohio, I beg to say that his argument is a begging of the question, and he has not yet answered the position taken by myself in reference to the fact that when the House resolves itself into the Committee of the Whole on the state of the Union for the consideration of cases on the Calendar, it must take up those cases in the order in which they stand. I presume the gentleman from Ohio, who is familiar with the rules, is very well aware you can never reach the bill of the gentleman from New York until by a vote of the committee you have set aside every preceding case upon the Calendar. Was the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of one case on the Calendar? No, sir. But the House resolves itself into the Committee of the Whole on the state of the Union generally, for the consideration of the whole Calendar, and each case must be called in the order in which it stands and they must be disposed of before we can reach the bill of the gentleman from New York. I concede that when you reach the bill of the gentleman from New York, the refunding bill, he would have a right to have it considered in preference to any other order. But you must consider each bill on the Calendar and, by vote of the committee, postpone the consideration of each bill before you can take up a subsequent one. And more especially is that the case when we consider that the action of the House in ordering the consideration of the specific matter reported by the Committee on Indian Affairs was adopted by a suspension of the rules requiring a two-thirds vote. The other order was made by no higher grade of vote, and, therefore, you must consider them in the order in which they stand on the Calendar. Otherwise the motion of my friend from New York is tantamount to this, that you go into Committee of the Whole for the consideration of his bill alone—a motion which is not permitted by the rules. I hope that the bill reported by the Committee on Indian Affairs will not be postponed, but that it will be considered and that the bill of the gentleman from New York will be allowed to wait its turn on the Calendar.

Mr. FINLEY. I desire to say a single word. I wish simply to call the attention of the Chair to the fact that the order of the House making the funding bill a special order made it a special order for March 2. But it was sent to the Committee of the Whole. Now we come into the Committee of the Whole. And what do we find? We find Rule 114 provides that when we are in Committee of the Whole on the state of the Union the bills on the Calendar shall be taken up and disposed of in their order on the Calendar. Now, I say that the order of the House making the funding bill a special order did not set aside Rule 114, and the only way that we can get rid of bills upon the public Calendar is by a motion to lay them aside. That is to say, we take up the first bill on the public Calendar; some one can make a motion to lay it aside; and that is the only way in which the gentleman from New York can, under the rule, reach his bill. The order of the House has not set aside Rule 114.

Mr. CONGER. If the reasoning of the gentleman from Ohio be correct a special order is of no earthly consequence whatever in furthering the consideration of a bill; because, though a bill may be made a special order to the exclusion of all other orders, if the reasoning be correct, the moment a bill is sent to the Committee of the Whole it has lost all the power that the special order gives it; which is absurd. The special order runs with the bill whether it is in the House or in the committee, and gives it the same privilege and the same right in either.

This order, as has appeared from the reading of it, excludes all existing previous orders. There is no order prior to that and no order after it on the Calendar which does the same. The object of the House was to make this bill take precedence of all existing orders. The order says it shall not apply to appropriation bills; and appropriation bills even without that excluding order would come in ahead of this bill. Now, that language must either have its natural force, or, if the argument on the other side is right, the moment a bill is sent from the House to the Committee of the Whole it loses any privilege which a special order of the House may have given it.

Mr. McLANE. I rise to a question of order. The Chair has ruled on the point of order, and I demand the regular order. Debate is not in order on any question of priority of business.

The CHAIRMAN. The Chair has not ruled, but was about to make a ruling on the point of order.

Mr. HOOKER. The Chair has not yet made a ruling, and I desire before he makes a ruling on the point of order that Rule 114 be read.

The CHAIRMAN. That rule has already been read. The Chair will further say to the gentleman from Maryland [Mr. McLANE] he is not in order in raising a question of order when a question of order already raised by another gentleman is pending. The Chair was about to state that, in his judgment, the phraseology occurring in the special order relative to the bill in charge of the gentleman from New York, making that bill a special order to the exclusion of all existing orders, has the effect to suspend the operation of all prior orders, to supplant them, and to bring the committee to the consideration of the bill the title of which has been read. The Chair therefore overrules the point of order made by the gentleman from Mississippi. [Mr. HOOKER.]

Mr. HOOKER. I appeal from the decision of the Chair, and I hope I will be sustained in that appeal by the committee, so that we may go on with the business in the order in which it stands on the Calendar.

The CHAIRMAN. The gentleman from Mississippi [Mr. HOOKER] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, there were—ayes 106, noes 17.

So (further count not being called for) the decision of the Chair stood as the judgment of the committee.

Mr. HOOKER. I rise to a parliamentary inquiry. Do I understand the decision of the Chair to go to this point, that you can pass over every other bill on the Calendar and take up this one?

The CHAIRMAN. That is the decision of the Chair, and the Chair will state that that appears to be the deliberate judgment of the committee, as evidenced by this vote. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Be it enacted, &c., That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 4½ per cent. per annum which may hereafter become redeemable: *Provided*, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1879, entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds in the amount of not exceeding \$500,000,000, which shall bear interest at the rate of 3½ per cent. per annum, redeemable, at the pleasure of the United States, after twenty years, and payable forty years from the date of issue, and also notes in the amount of \$300,000,000, bearing interest at the rate of 3½ per cent. per annum, redeemable, at the pleasure of the United States, after two years, and payable in ten years from the date of issue; but not more than \$40,000,000 of said notes shall be redeemed in any one fiscal year, and the particular notes to be redeemed from time to time shall be determined by lot under such rules as the Secretary of the Treasury shall prescribe. The bonds and notes shall be, in all other respects, of like character and subject to the same provisions as the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto: *Provided*, That nothing in this act shall be so construed as to authorize an increase of the public debt.

SEC. 2. The Secretary of the Treasury is hereby authorized, in the process of refunding the national debt, to exchange at not less than par any of the bonds or notes herein authorized for any of the bonds of the United States outstanding and uncalled bearing a higher rate of interest than 4½ per cent. per annum, and on the bonds so redeemed the Secretary of the Treasury may allow to the holders the difference between the interest on such bonds from the date of exchange to the time of their maturity and the interest for a like period on the bonds or notes issued, but none of the provisions of this act shall apply to the redemption or exchange of any of the bonds issued to the Pacific railway companies, and the bonds so received and exchanged in pursuance of the provisions of this act shall be canceled and destroyed.

SEC. 3. Authority to issue bonds and notes to the amount necessary to carry out the provisions of this act is hereby granted.

SEC. 4. The act approved February 26, 1879, authorizing the issue of certificates of deposit, is hereby amended so as to continue and limit the amount of certificates to be issued to \$50,000,000 to be outstanding at any one time, and fixing the rate of interest to be allowed thereon at 3½ per cent. per annum for one year, after which interest shall cease; and the said certificates shall be convertible, at the option of the holders, when presented in sums of \$50 or multiples thereof, into the coupon or registered bonds authorized by this act; and whenever any of the said certificates shall be converted into bonds, the same shall be canceled and destroyed; but the Secretary of the Treasury may, in his discretion, issue new certificates in place of those so converted up to the limit of \$50,000,000, until the aggregate amount of the bonds authorized by this act and of the said certificates combined then outstanding shall equal the amount of bonds hereby authorized. It shall be unlawful for any person or persons to form combinations by which to procure said certificates of deposit authorized under this act, for purposes of sale to others or for acting as agents of others, and any person so offending shall be liable, on conviction, to be fined \$1,000 or imprisoned not to exceed one year. The Secretary of the Treasury is authorized and directed to make suitable regulations in compliance with this act, providing that the expense for the disposing of the certificates and bonds authorized to be issued shall not exceed ½ of 1 per cent.: *Provided*, That said certificates shall not be sold or converted at less than par.

SEC. 5. From and after the 1st day of July, 1880, the 3½ per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation.

SEC. 6. This act shall be known as "the funding act of 1880," and all acts and parts of acts inconsistent with this act are hereby repealed.

The CHAIRMAN. The gentleman from New York [Mr. FERNANDO WOOD] is entitled to the floor.

Mr. HOOKER. I move to lay aside this bill, in order that the committee may proceed to the consideration of other business on the public Calendar.

The CHAIRMAN. The motion of the gentleman from Mississippi [Mr. HOOKER] is not in order.

Mr. HOOKER. Then do I understand the Chair to decide that the Committee of the Whole House has no right to set aside any bill on the Calendar?

The CHAIRMAN. The Chair can only refer the gentleman from Mississippi to the order of the House which has been read, and to the ruling of the Chair, which has been sustained by the committee.

Mr. HOOKER. Then the whole committee, with the exception of the gentleman from New York, [Mr. FERNANDO WOOD,] cannot postpone the consideration of this bill?

The CHAIRMAN. The Chair again repeats that the motion of the gentleman from Mississippi is not in order.

Mr. BAYNE. I desire to make an inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. Why is it that this bill is not to be had in printed form?

The CHAIRMAN. The Chair understands that the bill has been printed.

Mr. BAYNE. It is not on our files.

The CHAIRMAN. The Chair assumes that the ordinary number was printed.

Mr. BAYNE. We cannot find them on our files.

Mr. GILLETTE. I desire at the proper time to offer a substitute

for this bill; and I ask unanimous consent that it be now submitted, in order that it may be printed for the information of the House.

The CHAIRMAN. The Committee of the Whole has no power to order the printing of any document.

Mr. FERNANDO WOOD. I thought the Chair had recognized me as entitled to the floor; if so, I desire to proceed.

The CHAIRMAN. The gentleman is entitled to the floor.

Mr. FERNANDO WOOD. Mr. Chairman, the total of the debts of all nations is computed at about \$24,000,000,000. The largest debt-owing nations in the world are France, Great Britain and Ireland, the United States, Russia, Italy, and Austria-Hungary.

France.....	\$3,972,407,312
Great Britain and Ireland.....	3,888,907,980
United States, (February 1, 1880).....	2,188,199,391
Russia.....	1,875,000,000
Italy.....	1,804,037,035
Austria-Hungary.....	1,734,634,530

For the purposes of this discussion it is not necessary to state the nature and character of the obligations of these nations, or to give the history of their liabilities. It is gratifying to know that with three times the actual wealth and capacity of production of either of them, the United States stands the third in the extent of its obligations. The debt of England is two centuries old; ours less than twenty years. The first national obligation created in England was in 1664; but in about eight years she defaulted in meeting the principal and interest of a liability so small as £1,321,000, and it was not until 1684, twelve years afterward, that the interest was paid. In 1699 an act was passed by Parliament funding the principal of this sum into three percents, and it is a singular fact that this was the beginning of the present national debt, and remains a portion of it to this day.

Every reign from Charles II down has added to it until that of the present sovereign. The total debt in 1859, twenty years ago, was \$4,045,511,410. In 1878 it was \$3,888,907,980. Like other nations, wars have produced her public debt. The wars with other nations of Europe in the middle of the eighteenth century raised her debt from £52,092,238 to £138,865,450. The war of the American Revolution cost her £121,267,993; the war with Napoleon cost her £601,500,343, and the Crimean war about £100,000,000. In times of peace she has invariably slightly decreased her debt. These heavy obligations have, however, been made light in consequence of the low rate of interest they bore. Her good faith and abundant resources have kept her credit unimpaired. But in neither of these regards is she our superior. We have not defaulted upon our national obligations, but have met them in the most trying emergencies promptly and easily. The people have endured the necessary taxation by which this has been accomplished.

The financial policy of England has beyond question been a wise one. She has been conservative and honest in the management of her debts, and, with the exception of the single instance cited, which occurred over two hundred years ago, at the beginning of the funding operations, and before any well-settled policy had been adopted, she has been prompt and reliable in meeting every obligation on the day of its maturity. The interest upon her debt has rarely been over 3 per cent., and, although she has never made a large reduction of its volume, her credit has stood the first in Europe. It is evident that the United States has far greater resources to meet its obligations than Great Britain or any other nation. She stands even now, in the beginning of her national existence, as the creditor nation of the world. All that is necessary to maintain supremacy is wisdom, caution, and good faith. Why should she invite distrust by submitting any longer to a rate of interest so much higher than that of England?

And a more pertinent and prominent consideration arises, the question why we should not reduce taxation by making an effort to reduce the cost of carrying so large an obligation to something like that of England. To show more clearly the difference between our policy and that of England with reference to the interest charge upon the public debt, I refer to the following facts: England, with a total debt in 1878 of \$3,888,907,980, has only the interest charge of 3 per cent., (see Whitaker's Almanac for 1879, page 118,) while the interest-bearing debt of the United States in the same year was only \$1,780,725,650, (Comptroller of Currency's Report 1879, page 12,) and yet the interest charge was \$102,500,874.65, or about an average of 5½ per cent., (Secretary of Treasury's Report for 1878,) which was increased in 1879 to \$105,327,949 (Secretary of Treasury's Report 1879) on an increased debt of \$1,887,716,110, (Comptroller of Currency's Report for 1879.)

Comment upon these suggestive facts is quite unnecessary. They speak for themselves. It is our duty to relieve the people of such an enormous and unnecessary load at the earliest practicable moment. In my judgment that time has actually arrived, and it will be a criminal dereliction of duty not to avail ourselves of it.

THE PUBLIC DEBT.

The debt of the United States is of recent origin, and was of very sudden creation. Before the late civil war it may be said that we were without a debt of sufficient magnitude to be worthy of the name of a "national debt" in the general meaning of the term. In 1835 it was at its minimum—it was almost nothing. The war with Mexico, in 1846, caused its commencement. In January, 1861, it had reached only \$66,243,721. But at the beginning of the war in that year it increased at the rate of about four millions a month, reaching in July,

1861, \$90,580,873. In 1862 it increased more than thirty-six millions per month, reaching at the close of the fiscal year, July 1, 1862, to the sum of \$524,176,412. During the next fiscal year it was more than doubled, being on July 1, 1863, \$1,119,772,138. At the same period in 1864 it was \$1,315,784,370; from that time until the close of the war in April, 1865, it increased at the rate of about two millions a day, and for the succeeding five months the increase was about three millions a day until it reached its maximum, August 31, 1865, of \$2,845,007,626.

Thus it will be seen that this enormous debt was created between January 1, 1861, and August 31, 1865, or within four years and seven months. Of this sum there were at that time but \$1,109,568,191.80 funded, the balance being made up of various items of temporary obligations, some of which were subject to interest. The Finance Report of 1865 states that the average interest on \$1,725,000,000 of the debt was 6 $\frac{1}{2}$ per cent. The management of the public debt from that period has not been the best that could have been devised. There has not been a stable policy founded on principles of enlightened statesmanship. For the purpose of strengthening the public credit at the commencement of the war and giving confidence to those who were disposed to become Government creditors, a so-called "sinking fund" was established, which was immediately disregarded even by those who had created it, and which has been irregularly complied with since.

The anxiety to dispose of our bonds by employing the bankers of other countries, as evinced in the proposition to make the interest payable in London and other European capitals, the sending of agents abroad to open American Government offices authorized to "auction" the bonds in those markets, and the payment of large commissions for effecting their sale, altogether had for some time a depreciating effect upon our credit.

These and other short-sighted methods, hereafter to be referred to, showing anxiety to effect negotiation, served for some time to make refunding an exceedingly difficult task at such rates as our bonds were really worth. Recently, however, in spite of such mistakes, our claim to a high financial standing has been universally conceded. Our credit is firmly established on the best basis. It is recognized and admitted by timid and conservative investors in public funds, who hazard nothing at any time and under no inducements.

THE PRESENT FISCAL MANAGEMENT.

It is said that the policy of the present Secretary of the Treasury has produced this confidence. I have no wish to depreciate the wisdom he has displayed in some of his suggestions. Personally I have much respect for his astuteness and tact, but I am compelled to withhold approval of the many serious blunders he has made as the custodian of the financial interests of the Government.

Before making direct reference to the immediate question involved in the refunding of the maturing bonds, I will refer to some of these errors.

It is the general opinion that the outstanding funded debt has been decreased within the past five years. According to the table furnished by the Comptroller of the Currency (see report for 1879, p. 12) there has been an increase since 1873, when it was but \$1,695,805,000; whereas it was, at the beginning of this fiscal year, \$1,877,716,000. The Comptroller's table and the annual interest charge is as follows; the interest charge is taken from the several annual reports of the Secretary of the Treasury during that period:

Table showing the amount of unmatured interest-bearing bonds outstanding.

Year.	Bonded debt.	Interest charge.
1868.....	\$2,063,110,200	\$140,424,045 71
1869.....	2,107,930,600	130,694,242 80
1870.....	1,986,321,600	129,235,408 00
1871.....	1,888,133,750	125,576,565 93
1872.....	1,739,451,100	117,357,839 72
1873.....	1,695,805,000	104,750,688 44
1874.....	1,734,252,750	107,119,815 21
1875.....	1,707,998,300	103,093,544 57
1876.....	1,696,685,450	100,243,271 23
1877.....	1,697,888,500	97,124,511 58
1878.....	1,720,735,650	102,500,874 65
1879.....	1,887,716,110	105,327,949 00

The total debt, less cash in the Treasury, on January 1, 1880, was \$2,011,793,504.

It will be seen that there has been no reduction in the debt in the past five years, both the debt and the interest charge having been increased; this has not been caused by any extraordinary demands upon the Treasury. There has been no extraordinary expenditure, nor has there been any corresponding diminution of the revenues. It will be difficult to account for it except upon the supposition that it has been caused by the issue of bonds for resumption and the funding of non-interest-bearing liabilities.

But, on examination of the amount of these liabilities for the years indicated, it appears that they have not been decreased, but remain about the same as they did five years ago. With the continued maintenance of our present rate of taxation, producing average annual receipts of over \$300,000,000, it would seem that with an economical administration, followed by less expenditure, there would be a surplus sufficient to have justified a reduction of the debt. But, from erroneous policy or some other cause, the national obligations have

been increased, although the rate of taxation has been rigidly adhered to. No effort has been spared in obtaining revenue. Extraordinary vigilance, accompanied by an arbitrary and unrelenting execution, has marked the way in which the revenue laws have been enforced, while looseness has been practiced in the dispensation of patronage, and the opportunity given to those employed to compensate themselves liberally.

This course has been adopted especially in the city of New York, where the spies and detectives, technically called special agents of the Treasury, have been sustained in practices which have caused loss of revenue, infringement upon the rights of the citizen, and unjust accusations of fraud, involving the reputations of merchants of the purest character. There can be little doubt that other motives than public good have prompted this extraordinary zeal.

On January 24, 1879, the Senate adopted a resolution calling upon the Secretary for information as to the expense of issuing and disposing of bonds, &c. In reply to this resolution the Secretary sent a communication to the Senate, dated March 26, 1879, (Senate Document No. 9, first session Forty-sixth Congress.) The following extract from this document (pages 3 and 4) contains matters to which I call the special attention of the House:

On January 29, 1875, the contract of July 24, 1874, was renewed, the contracting parties being Messrs. August Belmont & Co., of New York, on behalf of Messrs. N. M. Rothschild & Sons, of London; Messrs. Drexel, Morgan & Co., of New York, on behalf of Messrs. J. S. Morgan & Co., of London; and Messrs. J. & W. Seligman & Co., of New York, on behalf of Seligman Brothers, of London.

The conditions of the contract were so modified that the contracting parties received a commission of $\frac{1}{2}$ of 1 per cent. on \$122,682,550 bonds sold for refunding purposes, and 1 per cent. on \$15,215,500 bonds sold for purposes of carrying into effect the third section of the act of January 14, 1875, from which commission they defrayed all expenses connected with the issue, including expenses of preparing the bonds.

The next contract was for the negotiation of the 4 $\frac{1}{2}$ per cent. bonds, and was made by Secretary Morrill, August 24, 1876, the contracting parties being Messrs. August Belmont & Co., of New York, on behalf of Messrs. N. M. Rothschild & Sons, of London, and Messrs. J. & W. Seligman & Co. for themselves and associates; and Messrs. Drexel, Morgan & Co., on behalf of Messrs. J. S. Morgan & Co.; and Messrs. Morton, Bliss & Co. for themselves and associates. Under this contract the contracting parties were to pay accrued interest on the bonds to the date of their application for delivery, and to pay all expenses of the issue, including the preparation of the bonds, and were to receive a commission on the amount negotiated of $\frac{1}{2}$ of 1 per cent.

When I entered upon my duties of my present office, March, 1877, there had been sold under this contract \$90,000,000 of these bonds.

In the following May it became apparent that the condition of the money market had become so favorable that 4 per cent. bonds could be sold at par, and I therefore availed myself of a privilege secured by the contract, and gave notice that the sale of the 4 $\frac{1}{2}$ per cent. bonds would be limited to \$200,000,000, and of this amount an agreement was made that \$15,000,000 should be applied to resumption purposes.

Sales were rapidly made to the amount of \$185,000,000 for refunding purposes and \$15,000,000 for resumption purposes. The expenses were paid and the commissions allowed as per the terms of the contract.

At that time there had been issued in redemption of 6 per cent. bonds \$486,043,000 of five percents, and \$185,000,000 of four and one-half percents, making a saving in the annual interest charge of \$7,635,430.

On the 9th day of June following I made a contract with Messrs. August Belmont & Co., of New York, on behalf of Messrs. N. M. Rothschild & Sons, of London, and themselves; Messrs. Drexel, Morgan & Co., of New York, on behalf of J. S. Morgan & Co., of London, and themselves; Messrs. J. & W. Seligman & Co., of New York, on behalf of Messrs. Seligman Brothers, of London, and themselves; Messrs. Morton, Bliss & Co., of New York, on behalf of Morton, Rose & Co., of London, and themselves; and the First National Bank of New York City, for the sale, at par, in coin, of 4 per cent. bonds. The conditions as to accrued interest and commissions were in substance as in the previous contract, but I reserved the right to open the loan to popular subscriptions for a period of thirty days.

Such subscriptions were opened, and within the period mentioned they reached the amount of \$75,496,550, of which I reserved for resumption purposes \$25,000,000.

Additional sales of 4 per cent. bonds in small amounts were made during the following winter and spring by popular subscription, but the condition of the money market at that time did not give much encouragement for the further sales at par of bonds bearing so low a rate of interest.

Recognizing the duties imposed upon the Secretary of the Treasury to prepare for the redemption in coin of United States notes on January 1, 1879, I entered into a contract, April 11, 1878, with the parties of the previous contract for the sale of \$50,000,000 4 $\frac{1}{2}$ per cent. bonds for resumption purposes at a premium of $\frac{1}{4}$ per cent., the parties to defray the expenses of the preparation and issue of the bonds and to receive a commission on $\frac{1}{2}$ of 1 per cent. of the amount issued.

The Secretary appears to be somewhat confused in his statement of the amount of bonds sold for resumption purposes. In his annual report of 1878 he fixes the sum at \$95,500,000, which is reiterated in an official letter to me dated January 11, 1880. This is nearly \$10,000,000 less than the amount as stated by him in his letter to the Senate of March 26, 1879, above quoted, in which he gives in detail the several amounts of bonds sold for this purpose. The following extracts from this document make the total amount of bonds sold for resumption \$105,215,500, not including five and a half millions sold for the Halifax award:

1875, January 29, United States five percents, and 1 per cent. commission.....	\$15,215,500
1876, August 24, United States four-and-a-half percents, and $\frac{1}{2}$ of 1 per cent. commission.....	15,070,000
1877, June 9, United States four percents, and $\frac{1}{2}$ per cent. commission.....	25,000,000
1878, April 11, United States four-and-a-half percents, and $\frac{1}{2}$ per cent. commission.....	50,000,000
Total.....	105,215,500

The interest charge on these bonds from the date of their issue to January 1, 1880, aggregates \$12,806,589, as per the following table:

Interest charge on the bonds sold for resumption:	
\$15,215,500 from January 29, 1875, to January 1, 1880, 5 per cent.....	\$3,747,430
15,000,000 from April 4, 1876, to January 1, 1880, $\frac{4}{5}$ per cent.....	2,524,315
25,000,000 from June 9, 1877, to January 1, 1880, 4 per cent.....	2,561,447
50,000,000 from April 11, 1878, to January 1, 1880, $\frac{4}{5}$ per cent.....	3,977,397
Total.....	12,806,589

The amount paid for commissions is as follows:

\$15,215,500 at 1 per cent. commission.....	\$152,155 00
15,000,000 at $\frac{1}{2}$ per cent. commission.....	75,000 00
25,000,000 at $\frac{1}{4}$ per cent. commission.....	125,000 00
50,000,000 at $\frac{1}{8}$ per cent. commission.....	250,000 00
Total commissions.....	602,155 00
Total interest and commission.....	13,408,744 00

I leave out of this account the five and a half million bonds sold to pay the Halifax award, which were sold for resumption.

There has been \$6,000,000 of legal-tenders redeemed which has cost \$13,408,744 to redeem. This was an expensive operation. There are those who give the Secretary much credit for having, as they say, succeeded in accomplishing resumption. The President had no hesitation, in his annual message, to refer to it as an event of extraordinary national benefit. I concur with him as to the great advantage to the country of having secured it, but doubt whether the little that he and his Secretary had to do with it has not cost the country a hundred times more than their agencies in its accomplishment were worth. They could not have prevented it with all their power over the Treasury; it was the result of influences which undoubtedly compelled and forced it.

I am not to be understood as objecting to resumption, but as objecting to the unnecessary expense in obtaining it. Why should preparations for resumption have begun so long before it was needed? The law providing for resumption to take place on the 1st of January, 1879, was passed January 14, 1875, and yet as early as January 29, 1875, fifteen days after its passage and nearly four years before it was to begin, \$15,215,500 of 5 per cent. bonds were sold under this act, and ninety million since, the money placed in the Treasury, where it has remained useless and unproductive of interest, while the Government has been paying from 4 to 5 per cent. interest upon the bonds issued.

But this is not the most serious error of the Secretary, as exposed in the extract above quoted. It will be seen that he states that on the 9th of June, 1877, a contract was made with a syndicate composed of the First National Bank of New York City and others for the sale at par in coin of 4 per cent. bonds. Under this contract \$75,496,550 were sold at par. On the 11th of April, 1878, ten months later, he sold to the same parties \$50,000,000 of $\frac{1}{2}$ per cent. bonds at $\frac{1}{2}$ per cent. premium, less $\frac{1}{4}$ of 1 per cent. allowed for commission, which left but \$5,000,000 for premium, thus increasing the rate of interest $\frac{1}{4}$ of 1 per cent., making a difference of interest against the Government upon the amount sold of \$2,500,000 per annum for the whole period that the bonds had to run, which, being about fourteen years, made a net loss to the Government of \$30,000,000. Under the funding acts of 1870 and 1871, by which authority to fund is conferred upon the Secretary, it may well be questioned whether, after the minimum interest of 4 per cent. had been reached, any higher bond could be subsequently issued.

Another yet more remarkable fact in connection with this sale of $\frac{1}{2}$ per cent. bonds is that at that time, April, 1878, these bonds were selling in New York in the open market at 103, being 2 per cent. more than the syndicate procured them for from the Government, making a profit on the transaction of \$10,000,000. The four percents were at the same time over par in the same market. For the prices of these bonds for the year 1878, see table A, in appendix.

It may be said that the fifty million four and a half percents were sold under authority of the resumption act, which expressly gives the Secretary authority to sell any class of bonds authorized under the act of 1870. I deny that this or any other act can be construed to empower that officer to sell bonds for a less price than they are worth on the market, or that he can issue a $\frac{1}{2}$ per cent. bond at any rate of premium when the lower rate of 4 per cent. can be sold at par. It could not have been intended by Congress that he could fix the rate of premium by which he should dispose of these securities. Such a discretion, if abused, could be made to impose upon the people a high-bearing rate of interest debt for the whole period of time that the law authorizes the bonds to be issued, and there would be no recourse by which the evil could be repaired.

But if the legal power exists to raise the interest upon the bonds from 4 to $\frac{1}{2}$ per cent., it does also to 5 per cent.; and thus may that officer of his own individual option increase the national obligations at pleasure.

In the case referred to, the only reason given by the Secretary is that "recognizing the duties imposed upon the Secretary of the Treasury to prepare for resumption in coin of United States notes on January 1, 1879, I entered into a contract April 11, 1878, with the parties of the previous contract for the sale of \$50,000,000 $\frac{1}{2}$ per cent. bonds for resumption purposes." &c. No reason is given for having raised the rate of interest $\frac{1}{2}$ of 1 per cent., it being a matter apparently of not sufficient importance to require explanation. He had sold between June 9 and July 9, 1877, \$75,496,550 (by popular subscription, the syndicate being the contractors) of bonds bearing only 4 per cent. interest, and yet on April 11, 1878, he disposes of \$50,000,000 of bonds bearing $\frac{1}{2}$ per cent. interest to the syndicate without popular subscription. The conditions of popular subscription for thirty days which had been required in the 4 per cent. syndicate contract were omitted in the $\frac{1}{2}$ per cent. contract, and the syndicate got the benefit of the more favored and more valuable bond. The Secretary

further states in extenuation of this extraordinary issue that this sale to "eminent bankers" "enhanced the value of the 4 per cent. bonds." By reference to tables (Appendix A) it will be seen that this statement is not true. Certainly an extraordinary fact that the sale of $\frac{1}{2}$ per cent. bonds should "enhance the value" of the 4 per cent. It would have been presumed that the natural effect of the issue of a bond bearing an increased rate of interest would be to depreciate the value of the lower rate of interest bond. Certainly they could not be of equal value. It is said in defense of the Secretary's course that a tight money market had intervened and that he could not, at that time effect the sale of a bond bearing so low a rate of interest as 4 per cent. How could the Secretary know at what price such bonds could be sold? By what authority does he fix the rate of interest upon bonds at pleasure, putting it up or down as he thinks best? From whom did he learn the condition of the money market that induced him to increase the rate of interest? Was it from the gentlemen who deal in securities, and who probably had an interest in obtaining a bond bearing a higher rate of interest? If he has the power of fixing the rate of interest upon bonds which run for fourteen years without change of interest, it should be taken away at the earliest moment, for it is too great an authority to be intrusted to any man, especially when it can reach an amount aggregating \$800,000,000. If he has not this power, the Secretary has exposed himself to criticism, if not to something worse. Andrew Johnson was impeached and came near being removed from the Presidency for alleged offenses not a tenth as great nor so detrimental to the public interests.

Much has been written and said of the success of refunding the high interest-bearing bonds into the 4 per cent. bonds. It is not denied that a very large amount of the lower rate bonds has been successfully negotiated. It cannot be contended, however, that the policy which had increased the debt could have been the one which enhanced its credit. It is contrary to the well-settled principles of finance that as the liabilities increase the credit increases also. The reverse result is the inevitable effect of such a course.

It is certain that circumstances of some kind have not only enabled the Government to obtain loans at 4 per cent. per annum interest, but also to have enabled a few parties to amass enormous fortunes in the operation. I cannot with any approach to accuracy estimate the total profits that have been realized in these transactions. The total amount of 4 per cent. bonds issued is about \$740,000,000. These were sold at par and a half per cent. commission allowed to the purchasers, netting to the Government 99 $\frac{1}{2}$ per cent. upon the amount sold.

The account, therefore, stands thus:

Present market value, at 107 per cent., on \$740,000,000.....	\$851,800,000
\$740,000,000 4 per cent. bonds, netting 99 $\frac{1}{2}$	736,300,000

Making a profit to the holders and loss to the Government of..... 115,500,000

Is it not a proper subject of inquiry as to who has made this profit and what relation the parties bear to the Government? Of course, as these bonds have been distributed in many different quarters, it would be impossible to ascertain the history of each. We must do the best we can. Fortunately we are not left in the dark as to the principal purchaser.

The following statements of the First National Bank of New York will furnish enough data upon which to conjecture the method by which the \$740,000,000 bonds have been disposed of.

The following is the official report of the condition of the First National Bank of New York, June 14, 1879:

Report of the condition of the First National Bank of New York, at the close of business June 14, 1879.

RESOURCES.	
Discounts and time loans.....	\$2,081,959 06
Overdrafts.....	964 52
United States bonds.....	129,152,740 00
Other stocks and bonds.....	1,034,747 09
Premiums.....	535,708 71
Specie.....	\$1,382,434 31
Legal-tenders and bank-notes.....	2,066,165 00
Due from Treasurer of the United States.....	7,250 00
Exchanges.....	1,334,880 71
Due from banks.....	404,165 31
Demand loans.....	4,187,620 38
	9,382,515 71
	142,188,635 09
LIABILITIES.	
Capital.....	500,000 00
Surplus.....	1,000,000 00
Profits.....	579,018 88
Circulation.....	45,000 00
Deposits, banks.....	\$8,423,084 92
Deposits, individuals.....	3,532,460 25
	11,955,545 17
Due Treasurer of the United States.....	128,109,071 04
	142,188,635 09

Correct. Attest:

GEO. F. BAKER,
H. C. FAHNESTOCK,
J. A. GARLAND,
Directors.

I, E. Scofield, cashier of the above-named bank, do solemnly swear that the above statement is true to the best of my knowledge and belief.

E. SCOFIELD, Cashier.

Subscribed and sworn to before me, June 20, 1879.
JOS. T. BROWN, Notary Public.

By this report it will be seen that on the 14th June, 1879, with a capital of only a half million dollars, this bank owed the Government \$128,109,071, and held bonds of the United States for \$129,152,740.

These were very large sums of both debits and credits for so small an institution to deal in. I know that it is said that the bonds are not delivered until paid for, and that this apparent mammoth operation is simply a fiction of book-keeping. If this is really so, the fact remains that by some inexplicable advantage a small private banking institution, the property of three men, has obtained facilities for the holding of enormous sums of the Government bonds by which they have acquired immense profits.

The following is the circular of this bank issued to its correspondents on the 7th of October, 1879:

FIRST NATIONAL BANK,
New York, October 7, 1879.

To our correspondents:

DEAR SIR: With much satisfaction we hand you herewith statement, condensed from the report of this bank to the Comptroller of the Currency, under date of October 2, and invite its comparison with our previous reports.

It exhibits the final liquidation of our large transactions with the Treasury Department in the 4 per cent. loan, the last payment upon which was made on September 30:

Our direct subscriptions for the four percents from January 1 to the close of the loan footed \$208,500,000, the cost of which was... \$209,584,893 82
Add to this the balance at credit of the Department on 1st January. 19,757,948 50

And our payments to the Treasury during the nine months aggregated 229,342,842 32
All of which has been completed without loss or error.

We may add that the total amount of United States bonds of all issues sold and delivered by this bank from January 1 to October 1, inclusive, was 341,732,450 00
Called bonds purchased during same period. 181,300,550 00

Making amount of United States bonds passing through our hands within these dates. 523,033,000 00

The above figures embrace a total of \$234,385,600 four percents, of which \$208,500,000 were taken directly from the Government and \$75,885,600 were purchased by us in the market and represent original subscriptions made by others.

We find, also, going back to the introduction of the loan, that we have sold in all \$400,449,050 out of the entire issue of \$737,157,050 four percents.

Respectfully,

GEORGE F. BAKER, President.

From this statement it will be seen that this bank boasts that out of the total amount of 4 per cent. bonds issued up to that time (\$737,157,050) it had sold \$400,449,050, or over one-half, and that the total amount of United States bonds it had handled in nine months amounted to \$523,033,000.

There is no instance in the history of this or any other government where anything like this has occurred. Neither the Bank of England nor the Rothschilds have held relations with either or all of the governments of Europe by which they had the privilege and consequent profits of negotiating so large an amount of government bonds within the same time.

It is said that any other bank could have done the same, as this opportunity was open to all. This excuse is too puerile to deceive any one. It is impossible that any other bank could have undertaken such immense transactions, however large its capital, without possessing some unusual and peculiar opportunities. Hundreds of millions of dollars of Government bonds cannot pass through private hands unless the parties are agents of the Government or acting for some persons who are. This bank had passed into the hands of the present holders simultaneously with the incoming of the present Administration. It had been purchased of the then proprietor for a very small sum, and was an institution of obscure and uncertain credit. Within less than three intervening years it has become a mammoth Government bondholder, doing this peculiar business and little else, accumulating many millions of profits and acting as the great regulator of Government credit in New York. I am told that this bank expresses its firm belief that a 3½ per cent. bond cannot be sold, and that this opinion has weight with the Secretary of the Treasury.

For myself I prefer to rely on better authority than this, inasmuch as I have great distrust of the disinterestedness of the advice. I prefer to rely on other sources of information, which if not so much experienced are at least removed from the tempting influences of this character.

I have thus presented a few of the many errors which have been made in the management of the public debt. There are others, as to the time and mode of putting bonds upon the market, to which exception can be taken. It will be observed that I have confined myself altogether to the issuing and management of the bonds of the Government. I have not touched upon the other and almost equally important branch of the Treasury service relating to the collection of the customs revenue, nor have I exhausted the bond question, especially as to the expense attending the preparation and internal handling. Much can be said upon these points, which will be reserved for another and more appropriate opportunity.

The immediate question now is as to the payment or refunding of the bonds maturing in 1880 and 1881. I propose to deal with this in a practical way.

THE FUNDING REQUIREMENTS OF THE TREASURY.

The Government must be prepared to provide for its maturing

obligations redeemable 1880 and 1881, which, as stated by the Secretary of the Treasury in his last annual report, is as follows:

	Interest.
Redeemable December, 1880.....	\$18,415,000—6 per cent.
Redeemable May 1, 1881.....	508,440,350—5 per cent.
Redeemable June 30, 1881.....	254,392,550—6 per cent.
Redeemable July 1, 1881.....	\$23,800—6 per cent.
	782,071,700

This comprises the several classes of bonds which can be paid and the precise periods when the Government can avail itself of the privilege of paying them off or stopping the payment of interest on them.

HOW SHALL THIS BE DONE?

In my judgment, the evident policy to be pursued in meeting these obligations should be such a one as would be adopted by an intelligent individual under like circumstances. He would reason that it was bad policy to be paying interest on an indebtedness if he had available assets to liquidate it altogether or any portion of it. His desire would be to reduce his obligations from his own resources, and not to continue and increase them by borrowing even at a lower rate of interest. What is wise for an individual is wise for a government. Therefore, in considering the proper course to be pursued with reference to these accruing liabilities, we should see whether it is not practicable for us to liquidate at least a part of them.

In the statement of the public debt for January 1, 1880, the cash in the Treasury is stated at \$207,983,903.92, and this is treated as the "available cash assets." Against this he states the current liabilities at \$49,676,313.06, leaving the net available cash at \$158,307,590.86. There is no such amount of current liabilities proper. The item "interest due and unpaid," \$3,140,357.99, cannot be fairly classed as a "current liability" for the reason that this amount represents the past-due interest on the debt then unclaimed, and is an item that may be fairly left out of the account, since for the last ten years it has never but once (and then only in May, 1874, by \$33,000) fallen below this amount. During the ten years 1870, 1879, the average amount of this unclaimed interest has been \$6,367,000, (see table B, appendix,) the highest amount unclaimed at any one time being August 1, 1873, \$13,176,085.94, and the lowest May 1, 1874, \$3,108,165.74. The items "debt on which interest has ceased," and "interest thereon," are included in the current liabilities in full. These two items combined have not in the last ten years fallen below \$1,949,350.80, and since funding operations fairly began, they have not been below \$2,475,691.45, and have averaged a much greater sum. The past experience of the Treasury fully justifies the assumption that while the debt remains above \$1,000,000,000, the items of "debt on which interest has ceased" and "interest thereon" will always be more than \$2,000,000, and that the unclaimed interest will constantly exceed \$3,000,000. It therefore follows that in estimating the current liabilities these sums should not be counted. The Secretary on this basis would have available cash January 1, 1880, \$163,307,590.86, and on the basis of the bank reserve of 25 per cent. would require \$86,670,254 for resumption purposes, leaving him \$73,537,748 idle and useless money in the Treasury, that should be applied to the purchase of the maturing five percents and six percents.

This amount is constantly on the increase, as the revenues are in excess of the current requirements for ordinary purposes. For instance, the available cash balance, January 1, 1880, shows an increase of over \$3,000,000 in the available cash over the preceding month. But why should the Secretary insist on keeping idle in the Treasury vaults over \$15,000,000 of money, representing the matured debt and interest which experience shows will not be called for except in smaller and smaller amounts as time goes on, and two millions of which will probably never be called for? An examination of his own statements will show him the probable monthly rate at which this money must be provided, and with a constantly increasing cash balance the amount needs no consideration. The last calls appear by his recent statements to have matured in July, 1879, and since August 1, 1879, the outstanding "debt on which interest has ceased since maturity," as shown by the official report, has been, in round numbers, as follows:

	Principal.	Decrease each month.
August 1, 1879.....	\$78,737,000	.....
September 1, 1879.....	41,140,000	\$37,597,000
October 1, 1879.....	29,674,000	11,466,000
November 1, 1879.....	23,079,000	6,595,000
December 1, 1879.....	18,247,000	4,832,000
January 1, 1880.....	14,691,000	3,556,000

Conservative financial management would certainly recognize the fact that as this debt is in the hands of thousands of small holders, and much of it will never be presented for payment, and what is will be presented in a gradually decreasing volume each month, there is no necessity for hoarding money against its day of coming.

But the Secretary says he wishes to keep this cash as a resumption fund for the purpose of maintaining specie payments. He is quite right in keeping faith with the holders of the legal-tender notes. The United States must maintain this position. He deserves credit for the energy and determination he has evinced in executing the

law providing for resumption. I would do nothing to interfere with it. Without raising the question whether the accomplishment of resumption has not been the natural result of other influences than his policy, I am willing to aid in maintaining it unimpaired by every possible legitimate means. But has not any danger to its maintenance long since passed? Can there arise any contingency or exigency short of a foreign war that could break it? Even the President and the Secretary himself appear to concede as much. They made reference to it in their last annual communications to Congress, which appear to accept resumption as an accomplished fact. The former says, "I congratulate the country on the successful execution of the resumption act."

The Secretary says in his last report "that actual resumption commenced at the time fixed by law, without any material demand for coin, and without disturbance to public or private business." It is evident that the public confidence in the solvency and credit of the Government was so great that no other security was required to effect resumption or to maintain it afterward. No one wanted coin when he could get its representative, any more than he would want a burdensome, unwieldy, and unsafe property in the place of a secure, portable, and convenient one of equal value.

It is a fact that for a month after resumption commenced nearly twice as much coin was paid into the Treasury as was withdrawn. That was the only period in which the necessary coin was required to maintain it. As soon as it was known that it could be had it was not wanted, and it has been so ever since, as it is certain it will continue to be. And yet the Secretary fears to endanger resumption by reducing the great volume of coin on hand. I think he is unnecessarily overcautious. Resumption cannot be endangered; but if it should be, and circumstances should make it appear as the least probable, he is supplied with ample provision to secure its continuance in the resumption act itself. Section 3 of the act authorizes the Secretary "to use any surplus revenues from time to time in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par in coin, either of the description of bonds of the United States described in the act of Congress approved July 14, 1870, entitled 'An act to authorize the refunding of the national debt,' with like qualities, privileges, and exemptions to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid."

It will be seen that he can sell bonds bearing as high a rate of interest as 5 per cent., which would command all the coin required at twenty-four hours' notice. Certainly this is an abundant resource to meet any possible contingency that could arise under any emergency.

The Comptroller of the Currency estimates that the total amount of United States bonds which mature in 1880 and 1881 held by the national banks, State banks, savings-banks, and trust companies on December 5, 1879, for the national banks and at their annual return of the other institutions, was \$304,059,909, (see his letter, Appendix C.) The account will therefore stand as follows:

January 1, 1880, amount of bonds to be redeemed.....	\$782,000,000 00
Amount since paid off.....	18,000,000 00
	764,000,000 00
Probable amount to be paid from revenues during present fiscal year.....	20,000,000 00
	744,000,000 00
Amount required to replace the redeemable bonds belonging to banking and other institutions.....	304,000,000 00
	440,000,000 00
Amount of notes in anticipation of surplus revenues to be paid off and canceled within ten years.....	200,000,000 00
Balance for general and private investment.....	240,000,000 00

I propose that the only bonds which shall be received from national banks as security for circulation shall be three-and-a-half percents.

Whatever doubt there may be as to the character of other investments, there can be no doubt as to the value of Government bonds to those institutions. The law compels the national banks to hold United States bonds as security for circulation and for Government deposits, and in some of the States similar laws force banking and other institutions of a fiscal character to keep a portion of their assets in these securities. The new $3\frac{1}{2}$ per cent. bonds will be the only United States bonds that will be taken as security for national-bank circulation hereafter, if my views are adopted.

THE GENERAL PROVISIONS OF THE BILL.

The bill is based upon the theory that the existing public debt shall be liquidated at the earliest practicable period, and carried meanwhile at the lowest possible rate of interest. To accomplish these objects the existing rates of 5 per cent. and 6 per cent. interest upon the bonds redeemable in 1881 are to be reduced to $3\frac{1}{2}$ per cent. upon those which are to be issued with which to redeem them. Of the whole sum to be provided for there were, January 1, 1880, \$508,440,350 of five percents and \$273,631,350 of six percents, which has been slightly reduced in volume by the purchases of the Secretary made since that time, but which amount does not vary the relative proportions of each class. The average rate of interest on both classes is about 5.33 per cent., which, reduced to $3\frac{1}{2}$ per cent., as proposed in the bill, will make a difference of nearly 1.9 per cent. upon the total sum to be funded. This will be a saving of \$14,481,042 per annum.

But the bill goes further. It not only provides for this large annual saving in the interest charged, but in addition it provides for the reduction of the principal of the debt by the utilization of the surplus revenues for that purpose as far as the necessary expenditures will allow. This it proposes to accomplish by the issuance of two hundred million of notes in anticipation of the revenues, redeemable at the pleasure of the Government after two years; the money derived from the sale or exchange of these notes at the time of their issue to be devoted to the redemption of the five percents and six percents, making it unnecessary to refund the whole sum becoming due, and the notes issued for this purpose to be paid off and canceled by the surplus revenues, thus reducing the principal of the debt to that extent. But forty millions can be paid off in any one year, the object of this restriction being to prevent any interference with the usual and natural condition of available funds for mercantile uses.

The revenue receipts from all sources for the past eight months, ending March 1, 1880, amounted to \$215,429,637.50. The present average receipts are about \$30,000,000 per month, which will make a total for the fiscal year of \$335,000,000. The estimated expenditures for the fiscal year are \$264,000,000, (Report Secretary Treasury, 1879,) which will leave a surplus of \$71,000,000. It will be seen, therefore, that there can be no doubt of the cancellation of \$40,000,000 per annum of these notes.

The fourth section continues the operation of the ten-dollar-certificate law, with some important changes. The original act was defective in its provisions for the prevention of evasion of the benevolent intention of the law. Immediately upon its passage combinations were formed for the funding of the certificates which were sold at par, while they were at the same time worth a premium in the open market. This evil the present bill will prevent. The Secretary has authority in addition to continue the issuance of the certificates so long as it shall appear advantageous to the classes which it is supposed will take them. As a safe depository for the surplus earnings of the industrial classes this law will be of inestimable value.

Another section makes it compulsory upon the national banks to deposit with the Treasurer no other bond as security for circulation. Thus by a long-needed provision of law we shall have a national-bank bond, and the Government will be spared the trouble and expense of constant changes in this class of securities held for that purpose.

I am aware that the bill will be antagonized from different sources and upon different grounds. It is a subject of grave and vast proportions, which may well cause very opposite opinions from equally intelligent and patriotic thinkers.

I can well understand and appreciate the theories which may be originated on this subject. I have no cause of quarrel with either, however much they may differ from me, or however unreasonable they may appear.

The positions of hostility as thus far shown emanate from—

First. Those who believe no further refunding shall take place; that the Government should utilize its revenues annually for the liquidation of the entire principal of the public debt.

Second. Those who believe that a 3 per cent. consolidated interminable bond should be issued, to be irredeemable, somewhat after the English principle.

Third. Those who propose to pay a high rate of interest for a very short-lived bond, trusting to the future for better times.

Fourth. The 4 per cent. interest party, who seem willing to let things run on in the future as they have in the past, quite willing to incur a large national annual obligation in the interest rather than to assume a bold and decided attitude of financial and commercial strength by dictating the rates of interest we will pay to the lender, instead of allowing him to dictate rates of interest to us.

My position and the terms of this bill present a judicious medium between these extreme views. Without attempting rash experiments, I propose to tread on secure ground. It will not do to deal rashly with a subject of such supreme importance as the public credit, nor to make an effort to force our obligations in a way that will jeopard success to their negotiation.

The rate of $3\frac{1}{2}$ per cent., which is proposed, is a conservative proposition. As to its feasibility of successful accomplishment I have no doubt.

England has gone through similar efforts to refund her public debt at a reduced rate of interest. Robert Walpole gained much distinction for his success in refunding in 1717 a 6 per cent. bond into a 5 per cent. bond. In 1723, 1750, and 1759 other conversions were effected. England gradually during this period reduced her rate of interest until it reached, in 1759, but 3 per cent., at which it has remained ever since. In this consecutive reduction the volume of the debt was not increased from that cause. Since that period (1759) she has borrowed large sums, but has steadily maintained a 3 per cent. bond and had little difficulty in obtaining money at that price.

CAN $3\frac{1}{2}$ PER CENT. BONDS BE SOLD AT PAR?

It is said by those who have not given the subject mature thought, or who are without knowledge gathered from practical sources, or who have an interest in continuing a system which has enabled them to realize enormous profits, that it is impossible. We have the authority of the Secretary of the Treasury for the statement "that the present is an exceptionally favorable time for refunding," (last annual report,) and the Comptroller of the Currency (page 13, report, December, 1879) states "that the credit of the Government is now such that it is not impossible that long before the maturity of the four

the present debt may be refunded into 3½ per cent. bonds, which is ½ of 1 per cent. more than the rate of the English consols, thereby saving a large additional amount of interest."

These are cautiously expressed opinions, but mean much more than they appear to import. I do not, however, rely upon the opinions of even these high authorities for the belief that it can be done. To look carefully into the causes for this belief will render it apparent to those less acquainted with the subject. The causes may be stated briefly thus:

First. The large surplus capital acquired within the past five years now seeks a secure depository, even at an unusually low rate of interest, rather than to trust to the instability and hazards of trade or the less safe investments of incorporations or other private enterprises.

Second. The increasing moneyed institutions cause an increased demand for Government bonds, not only as a reliable reserve, but as offering an interest-bearing security convertible at pleasure into coin or cash to meet any sudden or unexpected necessity.

Third. Nearly the whole amount of the outstanding bonds is already absorbed and out of the market. They have been taken by those who seek permanent and safe investments not liable to be paid off for a long period, and which meanwhile cannot be defaulted in payment of interest.

Fourth. The four percents, having twenty-seven years to run, have been selling for several months at from 4½ per cent. to 7½ per cent. premium, and are now difficult to obtain even at these rates. Certainly a 3½ per cent. bond can be negotiated at par, (especially when the law allows the Secretary of the Treasury to pay ½ per cent. commission for doing so,) the four percents being so much above par.

Fifth. For certain investment purposes a 4 per cent. bond, having twenty-seven years to run, is not worth as much as a 3½ per cent. bond having fifty years to run. For estates, annuities, and surplus wealth, as well as for the purposes of those who live on their incomes and wish to secure their fortunes to their descendants, such a bond has a value beyond any other security to be found in this country.

Sixth. Because, like the bonds they replace, they will be exempt from national, State, or municipal taxation. One of the elements of value in a Government bond is that it possesses such advantages, which with its safety constitute its value more than the rate of interest it bears. A 3½ per cent. bond will have in this regard as much merit as a 6 per cent. bond.

Seventh. The national banks require now as security for circulation about \$370,000,000, and this source of investments for Government bonds is constantly increasing as business increases. The rate of increase in banking circulation is about \$2,000,000 a month, so that it may be fairly estimated that the total on deposit for that purpose alone will be about \$400,000,000 by the commencement of 1881, which, with those held as security for deposits and as investments, will need from present indications about \$100,000,000 more. The reasonable probability is that they will avail themselves of the opportunity to sell all the United States bonds on hand at the premium offered, and replace them with the new three-and-a-half percents to be obtained at par. This will sink full three-fifths of the whole amount of the three-and-a-half bonds to be issued, leaving but a comparatively small amount for other investments.

Eighth. If, as many suppose, the present balance of trade with foreign countries shall be reversed and turned against us, a foreign demand for our bonds will be sure to take place, and thus a new market be open for them which does not now exist. Whether any such trade changes should occur or not, it is a fact that European capitalists already are seeking our Government bonds as the safest and cheapest in the world, and as offering greater security than that of any European government, in view of the doubt existing as to their future political stability.

The same doubt as to the feasibility of negotiating a sale of the proposed three-and-a-half percents was held as to the feasibility of selling the four percents when that then low rate of interest was first suggested. In 1876 the Committee of Ways and Means had lengthy examinations of leading bankers from New York and other large moneyed centers as to the probability of negotiating such a bond, and but few of them thought that bonds of 4 per cent. interest could be negotiated. The result has proven to the contrary. That bond has become the favorite of the market. It was rapidly taken when offered by the Government, and already \$740,000,000 have been issued. These bonds have gradually advanced in market value until they are now at a high premium. There is no instance in the history of funding where so large an amount of Government bonds at so low a rate of interest has been taken within the same period, and what is more surprising is the fact that they were taken almost exclusively by American investors. This fact, though remarkable to those who are familiar only with high interest, is easily accounted for by those who study more closely the policy which governs shrewd investors of large amounts, and the present condition of the times. The four percent is the only United States bond that possesses a life long enough to render it available for permanent investment, or to the least extent answers the purpose of the English interminables.

The United States has four classes of bonds outstanding, namely: Six percents all payable within eighteen months; the five percents all payable within seventeen months; the four-and-a-half percents all payable within eleven years and five months, while the four percents cannot be redeemed in less than twenty-seven years and a half. Hence their superior investment value.

Within two years the only remaining bonds in existence will be the four-and-a-half percents, with only nine years to run, the four percents, with about twenty-five years to run, and those yet to be issued to replace the six percents and five percents about maturing. If the total bonded debt shall amount to \$1,700,000,000 on January 1, 1881, it will be distributed, if my suggestions as to the three-and-a-half percents are adopted, as follows: \$250,000,000 four-and-a-half percents payable in eleven years; \$740,755,000 four percents payable in twenty-seven years; the balance in three-and-a-half percents payable in fifty years; or, as the bill proposes, in forty years, with right of redemption in twenty years.

This classification of the debt into three different rates of interest-bearing bonds would be similar to the French system, as per the following table. (See letter from Consul-General Fairchild to the State Department, December 13, 1879.)

NATIONAL DEBT OF FRANCE, JANUARY 1, 1879.

The consolidated debt of France on January 1, 1879, amounted to \$3,972,407,312.44, and was bonded as follows:

5 per cent. bonds	\$1,383,494,048 00
4½ per cent. bonds	166,413,351 11
4 per cent. bonds	2,230,480 00
3 per cent. bonds	2,420,270,433 33
Total	3,972,407,312 44

Upon a careful examination it will be found that the market value of the bonds will depend more upon the duration of their lives than upon the fractional difference of interest. What the three-and-a-half percents may lack in the rate of interest should be made up by the permanency of their character.

Since the passage of the funding acts of 1870, authorizing the funding of \$1,500,000,000, the Government has readily disposed of \$1,400,000,000 without submitting to a price less than par. The interest has been gradually reduced from 6 to 4 per cent., a decrease of 33½ per cent., without any delay or sacrifice in disposing of the lower bonds offered.

The banks and syndicates who, with intelligent appreciation of the value of the security, have been prompt to avail themselves of the opportunity, have realized large profits by the speedy sale of every bond they subscribed for, and it is now well known that they have none remaining. They are now anxiously awaiting Congress to give new authority to the Secretary to "go on and do likewise" with the seven hundred and eighty million remaining to be redeemed that they may again repeat the operation. If during the past few years through times of depression there has been developed such a demand for four percents, it may be supposed that now with our greatly increased financial strength there will be as ready a market for three-and-a-half percents. There has been an enormous increase in the surplus capital of this country, which is now seeking some safe deposit-place. The balance of trade in our favor within four years has amounted to about \$1,000,000,000, a large part of which has fallen into the hands of those who seek Government securities as the only unquestionably safe depository.

The recent large receipts of foreign gold, the enormous amount of values extinguished—the depreciation of all other securities—the losses by the failure of savings-banks, trust companies, and other institutions—the immense losses by bankruptcies and general depression, have produced a widespread distrust of every representative of value except the issues of the Government. Thus a combination of influences is operating to give our bonds a strength of position which defies competition from any other source. And why should not this be?

There are so many causes for the superiority of the Government securities over any other security that it is difficult to state them all. The leading ones may be classed as follows:

- First. Their absolute safety.
- Second. Their ready convertibility.
- Third. Their being free of taxation, either national, State, municipal, or local.
- Fourth. The permanent character of the investment.
- Fifth. Their security (when registered) from fire, burglary, or loss from any other cause.

Sixth. Their universal acceptability in any part of the world with an established value regulated by their price in New York and London.

Seventh. Their exemption from fluctuation in marketable value, being removed from the influences of trade, which affects all other securities.

Eighth. Because they are the only representative of value which combines both security and profit, being absolutely secured beyond any contingency that can affect either.

For these reasons our bonds have a use which imparts to them a character other than their ostensible face value. They possess attributes above and outside of any other representative of value known to capitalists, traders, and others.

In consequence of these especial characteristics, they are sought for by very many classes of persons in the United States and in Europe, in preference to other sources of investments. Some of these may be stated as those who, acting as trustees of estates, will risk no loss; as the courts and others who have the custody of funds depending upon the results of judicial determinations; as the disposition of funds held in trust for minors, widows, lunatics, and absentees from the country; those who have surplus wealth which they wish to secure against loss; merchants who hold reserves to meet mercantile contingencies available at any moment. The large amount of registered

bonds, amounting in the aggregate, on the 1st of January last, to \$1,147,734,650, being about two-thirds of the funded debt, represents but a portion of the total sum that is thus locked up. As the country grows richer, which it is now doing to an unparalleled extent, the demand for registered bonds will become so great that the total remaining debt will not be large enough to meet the requirements for this purpose alone.

The tendency to a lower rate of interest even for business purposes is manifest. Unlike the past, an actual business demand for money does not appear to enhance its value or make it dearer. In this country this fact is exceptionally the case at this time. The State of New York has just lowered its legal rate of interest from 7 per cent. to 6 per cent. per annum, and loans on bond and mortgage are now made in that State on 5 per cent. interest. Georgia has recently negotiated a loan at 4 per cent. per annum, and other States have effected loans at less than 6 per cent.

In Europe the present low rate of interest is noticeable. The following are the current rates of discount at the principal foreign centers:

Cities.	Bank rate.	Open market.
	Per cent.	Per cent.
London	2½	2½ to 2¾
Paris	3	2½ to 3
Brussels	3	2½ to 3
Amsterdam	3	3
Berlin	4	3½ to 3¾
Hamburg	4	3 to 3½
Frankfort	4	3 to 3½
Genoa	4	4
Geneva	3½	3½
St. Petersburg	6	5 to 6
Vienna	4	3½ to 4½
Lisbon and Oporto	6	5 to 6
Madrid, Cadiz, and Barcelona	4	4 to 5
Calcutta	4	4
Copenhagen	3½ to 4	3½ to 4

CONCLUSION.

Has not the time arrived when the United States can say to the lenders of money how much interest it will pay, instead of saying, as heretofore, What rate of interest will you accept? I think that instead of being dictated to by the syndicates we should dictate to them. The time is past when this great people should humbly ask the lenders of money to fix the rate of interest at which they will lend us money. It is a mistaken as well as a humiliating policy for the Secretary of the Treasury to assume that we cannot negotiate a 3½ per cent. bond because the interest is too low. This is discrediting our Government in advance, and must not be tolerated by Congress, which has the determination of the question. It is quite apparent that our anxiety to effect loans heretofore has not only kept our credit down, but has served to make large fortunes for some banking institutions and bankers.

On the 12th of January, 1880, the Metropolitan Bank of New York took from the Treasurer \$2,450,000 United States 4 per cent. bonds held as security for circulation, and surrendered their circulation, stating that as they could make \$90,000 by the sale of the bonds, they sold them simply as a business transaction. (See Appendix D.)

I could present many additional reasons for the conclusion reached that this Government should establish permanently a maximum rate of interest beyond which it will not pay. At present I think 3½ per cent. necessary, though I have no doubt that when the next bonds shall mature and we wish to refund again, it may be done at 3 per cent. I am not of opinion that this generation either can or should be made to liquidate the total public debt. We have endured the bloodshed and borne the taxation incident to the war. We must yet for a while still suffer from this taxation, but is it not the duty of Congress to reduce the burden to the lowest possible weight consistent with administration? It is for this purpose I have proposed a reduction of interest on the public debt, which is now consuming one-third of the entire revenues of the Government.

APPENDIX A.

Prices in New York of 4½ per cent. bonds on the 1st and 15th of each month during 1878, furnished by Fisk & Hatch, bankers.

	Bid.	Asked.		Bid.	Asked.
January 1	103½	103¾	July 1	104½	104¾
January 15	103½	104	July 15	104½	104¾
February 1	103½	103¾	August 1	104½	104¾
February 15	103½	103¾	August 15	104½	105
March 1	101½	*101	September 2	103½	*103¾
March 15	102½	102¾	September 16	103½	103¾
April 1	103½	103¾	October 1	103½	103¾
April 15	102½	102¾	October 15	102½	103
May 1	101	103	November 1	103½	104
May 15	103½	103¾	November 15	104½	104¾
June 1	103½	*103½	December 2	104½	*104¾
June 15	103½	103¾	December 16	104½	104¾

* Exclusive of interest.

Prices in New York of 4 per cent. bonds on the 1st and 15th of each month during 1878, furnished by Fisk & Hatch, bankers.

	Bid.	Asked.		Bid.	Asked.
January 1	101	101½	July 1	100½	*100¾
January 15	102½	102¾	July 15	100½	100¾
February 1	101½	102	August 1	100½	100¾
February 15	102½	102¾	August 15	100½	101
March 1	101½	101¾	September 2	100½	101
March 15	101½	101¾	September 16	100½	100¾
April 1	100½	*100½	October 1	99½	*100
April 15	100½	100¾	October 15	99½	100
May 1	100½	100¾	November 1	100	100¾
May 15	100½	101	November 15	100½	100¾
June 1	104½	101½	December 2	100½	100¾
June 15	101½	101¾	December 16	100½	100¾

* Exclusive of interest.

APPENDIX B.

Statement showing the interest on the public debt of the United States, "due and unpaid," on the first day of each month from January 1, 1870, to December 1, 1879, inclusive, with the average in each year and the average for the decade, as shown by the official statement of the public debt.

	1870.	1871.	1872.	1873.	1874.
January	\$5,239,704 25	\$6,327,196 16	\$6,343,006 27	\$4,263,277 15	\$6,987,477 02
February	10,774,141 75	11,570,242 07	10,743,534 93	8,725,039 92	12,290,036 07
March	6,280,047 00	6,776,177 58	6,549,653 55	4,978,680 70	5,551,158 85
April	5,814,314 37	6,145,120 08	5,821,070 94	4,260,723 37	3,838,708 84
May	4,547,513 33	5,192,445 58	4,294,681 78	3,556,456 77	3,108,165 74
June	8,798,407 05	8,692,439 32	6,837,133 88	7,910,025 52	6,403,547 49
July	6,088,705 05	6,020,771 38	4,499,119 88	6,454,903 11	3,757,375 61
August	12,732,101 34	9,282,549 14	7,218,084 13	13,176,085 94	8,736,329 33
September	6,470,331 25	5,609,888 60	4,806,989 70	9,000,669 57	6,934,055 81
October	5,884,651 67	4,777,200 76	4,629,623 47	5,712,958 22	7,010,216 51
November	4,221,411 07	3,447,160 21	3,234,860 35	5,116,946 75	3,693,027 73
December	10,419,930 15	8,486,127 08	6,530,607 66	10,940,419 46	6,395,767 98
	87,271,258 28	82,257,317 96	71,438,361 54	84,096,190 57	74,637,066 98
Average	7,272,604 87	6,854,776 49	5,953,196 79	7,008,015 89	6,219,755 57

	1875.	1876.	1877.	1878.	1879.
January	\$4,767,930 67	\$4,097,728 58	\$8,301,460 70	\$5,053,626 83	\$4,081,903 36
February	8,992,273 31	10,762,549 17	9,588,529 84	5,934,136 32	5,989,288 87
March	4,946,817 17	11,517,335 86	8,777,067 09	4,909,705 21	5,622,543 11
April	4,328,344 78	4,638,788 78	6,492,033 83	4,121,146 77	5,322,020 40
May	3,162,454 77	4,100,706 76	5,166,319 20	3,631,079 52	5,166,998 77
June	7,017,591 10	5,160,039 07	7,706,113 04	4,526,227 09	5,126,876 77
July	3,794,946 86	3,973,336 72	7,255,048 94	4,322,222 44	4,897,621 19
August	9,430,346 97	7,646,988 78	12,405,498 44	9,470,946 84	4,201,602 32
September	6,559,421 80	5,629,331 18	8,310,132 36	9,445,987 84	4,693,522 17
October	6,734,730 99	5,405,460 99	8,447,864 77	9,345,280 13	4,189,523 27
November	3,658,875 54	4,848,391 31	3,674,960 74	4,110,436 73	3,348,795 12
December	7,990,424 83	8,988,957 79	4,557,692 81	4,271,105 51	3,149,359 99
	71,384,167 84	76,769,634 99	90,682,721 86	60,157,010 23	56,387,055 34
Average	5,948,680 65	6,397,469 58	7,556,893 43	5,763,159 19	4,698,621 23

RECAPITULATION.

Statement showing the average interest on the public debt "due and unpaid" for each year of the decade ending December 1, 1879.

1870	\$7,272,604 87
1871	6,854,776 49
1872	5,953,196 79
1873	7,008,015 89
1874	6,219,755 57
1875	5,948,680 65
1876	6,397,469 58
1877	7,556,893 43
1878	5,763,159 19
1879	4,698,621 23
Average for the decade, \$6,367,347.38.	

APPENDIX C.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, December 9, 1879.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, asking what amount of United States bonds, sixes and fives maturing in 1880 and 1881, are held by the national banks, State banks, savings-banks, and trust companies, and in reply transmit herewith a statement giving the total amount of bonds held by these institutions at the date of their last reports. The amount held by the national banks is for date December 5, of the present month. The amount held by other banks is for the year 1879, at the date of their last returns to the State officers of the different States, and is obtained from the aggregates contained on pages 112, 113, and 115 in the appendix of my last report, which are herewith inclosed. These amounts are compiled from returns made from the States named in the report, which are also inclosed, consisting of State banks of twenty States, trust companies of six States, and savings-banks of fourteen States. No returns can be obtained from the other States.

It will be seen by reference to these tables that of all of the bonds held by the national banks as security for circulation, nearly one-half are bonds maturing in 1880 and 1881; and that of the bonds held as deposits, a little more than one-third are of the same class of bonds.

If one-half of the bonds held by banks, other than national, are of those maturing in 1881, then the total amount of such bonds would be \$304,059,909. If of these bonds only one-third are of this issue, then the total amount would be \$264,881,606. I know of no other basis on which to form an estimate.

A copy of the report with the appendix will be sent to you as soon as received from the Public Printer.

Very respectfully,

Hon. FERNANDO WOOD,

Chairman of Committee of Ways and Means,
House of Representatives.

JNO. J. KNOX, Comptroller.

APPENDIX D.

Extract from the financial article of the New York Evening Post, January 13, 1880.

On inquiry we find that the Metropolitan National Bank of this city, which had on deposit at Washington \$2,450,000 United States 4 per cent. bonds to secure \$2,205,000 note circulation, has taken up the bonds and for the time given up its note circulation. The operation is merely a business one, as the bank clears a profit by it of over \$90,000. The bank has a capital of \$3,000,000, and occupies a leading position. Mr. Seney, the president, gives it as his opinion that if Congress would reduce the tax on note circulation one-half, it now being 1 per cent., the banks generally would freely take a bond bearing 3.65 per cent. and would largely increase their circulation; and that, all restrictions removed, the Metropolitan alone would take \$5,000,000 of such bonds. There is no doubt that if the only legal tender were coin, and taxes on circulation were reduced, bank-note circulation would be largely increased and a place would be made for hundreds of millions of 3½ or 3.65 per cent. bonds. The volume of the currency would then adjust itself precisely to the much-talked-of "wants of trade." Banking would be, as now, free to all; every bank would issue as many notes as there was a demand for; the notes would be perfectly secured by the deposit of bonds, and when the demand for the notes ceased they would be returned to the bank for redemption in coin. Such a currency system would be as nearly perfect as it could be made, and if thoroughly understood it is not seen how any class could object to it.

Mr. FELTON obtained the floor.

Mr. DUNNELL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COVERT reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4592) to facilitate the refunding of the national debt, and had come to no resolution thereon.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAVIDSON, for this evening;

To Mr. NEWBERRY, for two days, on account of important business;

To Mr. KNOTT, for this evening; and

To Mr. CASWELL, for ten days, on account of important business.

LEAVE TO PRINT.

Mr. GUNTER, by unanimous consent, obtained leave to have printed in the RECORD remarks upon the bill (H. R. No. 4219) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875. [See Appendix.]

ENROLLED BILLS SIGNED.

Mr. WILBER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3462) to amend section 3020 of the Revised Statutes; and

An act (H. R. No. 4432) making additional appropriations for the support of certain Indian tribes for the year ending June 30, 1880.

MEMORIAL ADDRESSES.

The SPEAKER, by unanimous consent, laid before the House a letter from the Public Printer, in response to a resolution of the House calling for information as to the delay in the publication of the memorial addresses upon Hon. T. J. Quinn and Hon. A. S. Williams; which was referred to the Committee on Printing.

J. C. BATES AND J. A. YECKLEY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, recommending an appropriation to satisfy certain judgments rendered against Captain J. C. Bates, Twentieth Infantry, and First Lieutenant J. A. Yeckley, retired; which was referred to the Committee on Military Affairs.

HURLEY & CO.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting papers in the case of Hurley & Co.; which was referred to the Committee on Indian Affairs.

PLEURO-PNEUMONIA.

Mr. HATCH. By direction of the Committee on Agriculture I ask unanimous consent that the letter from the Secretary of the Treasury relative to pleuro-pneumonia in neat cattle be ordered to be printed.

There being no objection, it was ordered accordingly.

REFUNDING OF THE NATIONAL DEBT.

Mr. GILLETTE. I wish to submit a substitute for the bill (H. R. No. 4592) to facilitate the refunding of the national debt. I ask unanimous consent that this substitute may be printed in the RECORD.

The SPEAKER. The bill is in Committee of the Whole, and a substitute for it cannot be offered in the House. The gentleman can give notice of his intention to offer the substitute.

Mr. GILLETTE. Can it not be printed in the RECORD by unanimous consent?

The SPEAKER. Is there objection?

Mr. CONGER. I object to the printing of the substitute in the RECORD; it may be printed for information in bill form.

The SPEAKER. The substitute which the gentleman desires to offer will be printed in the usual form. The Clerk will read the title of the substitute:

The Clerk read as follows:

A bill (H. R. No. 4910) to provide for the payment of the public debt of the United States.

NATIONAL HOME FOR DISABLED SOLDIERS.

Mr. LADD, by unanimous consent, introduced a joint resolution (H. R. No. 230) for the appointment of General Charles W. Roberts, of Maine, a manager of the National Home for Disabled Volunteer Soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. SHALLENBERGER. I ask unanimous consent to have taken from the Speaker's table, for reference to the Committee on Public Buildings and Grounds, the bill (S. No. 1157) authorizing the Secretary of the Treasury to purchase additional lots of ground adjoining the new Bureau of Engraving and Printing.

Objection was made.

Mr. COFFROTH. I move that the House now take a recess until half-past seven o'clock this evening.

The SPEAKER. The Chair will state that at the evening session the gentleman from Connecticut [Mr. HAWLEY] will occupy the chair.

Mr. CONGER. Will the Chair be kind enough to state the business assigned for the session of this evening?

The SPEAKER. The session of this evening is for the consideration of reports from the Committee on Invalid Pensions and of pension bills on the Calendar, no other business to be transacted.

Mr. CONGER. The order does not include public bills relating to pensions.

The SPEAKER. It does not.

The motion of Mr. COFFROTH that the House take a recess was agreed to; and accordingly (at four o'clock and forty-seven minutes p. m.) the House took a recess till half past seven o'clock p. m.

EVENING SESSION.

At seven o'clock and thirty minutes p. m. the House resumed its session, Mr. HAWLEY in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read the resolution of the House under which the session this evening is held.

The Clerk read as follows:

Resolved, That Thursday evening, at seven o'clock and thirty minutes p. m., March 4, and Wednesday evening, at seven o'clock and thirty minutes p. m., March 10, be set apart to receiving reports from the Committee on Invalid Pensions, and to consideration and action on pension bills in their order pending in the Committee of the Whole House on the Private Calendar, no other business to be transacted.

LEAVE OF ABSENCE.

Mr. HUMPHREY, by unanimous consent, was granted leave of absence for the evening.

PRIVATE CALENDAR.

Mr. COFFROTH. I move the House resolve itself into Committee of the Whole House on the Private Calendar.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. BURROWS in the chair.

The CHAIRMAN. In the Committee of the Whole House on the Private Calendar, by order of the House, business is restricted to the consideration of pension cases.

WILLIAM R. WEIMER.

The first pension business on the Private Calendar was the bill (H. R. No. 3076) granting a pension to William R. Weimer.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll the name of William R. Weimer, private in Company I, One hundred and forty-ninth regiment of Pennsylvania Volunteers, afterward transferred to Company D, Twelfth Regiment of Veteran Reserve Corps, and that said William R. Weimer be allowed a pension at the rate of \$4 per month, commencing from the 12th day of June, 1865, the date of his discharge from the Army of the United States, on account of wounds received while in the service during the late war of the rebellion and in line of duty.

Mr. COFFROTH. The report in this case has already been read, and I do not suppose gentlemen want to hear it again. It has already been published in the RECORD.

Mr. DUNNELL. I object to printing the report in the RECORD if not read for the consideration of the House. It will do us no good.

Mr. COFFROTH. The gentleman has misunderstood me. I merely said the report was read on a former occasion, and has already been printed in the RECORD.

Mr. DUNNELL. Then there is no necessity of its being printed in the RECORD again.

Mr. HAWLEY. How do we know we ought to pass the bill?

Mr. COFFROTH. Because it is right.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

JOHN H. BLACK.

The next business on the Private Calendar was the bill (H. R. No. 2862) granting an increase of pension to John H. Black.

The bill, which was read, provides that John H. Black, late first lieutenant Company G, Twelfth Regiment Pennsylvania Volunteer Cavalry, be granted and allowed, from June 4, 1878, a pension at the rate of \$50 per month; and the Secretary of the Interior is authorized and directed to place the name of said John H. Black on the pension-roll at said rate (in lieu of the pension now paid him) from the above date, deducting therefrom the amount of pension paid him for said period of time.

Mr. COFFROTH. The report in this case was also read on a former occasion.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ELLEN GILLESPIE.

The next business on the Private Calendar was the bill (H. R. No. 1890) granting a pension to Ellen Gillespie.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen Gillespie, widow of John W. Gillespie, late private in Company F, Twenty-eighth Regiment Pennsylvania Volunteers, and pay her a pension for herself and her six children under sixteen years of age, from the date of the death of her husband, the 9th of July, A. D. 1878, at the rate of pensions for widows of deceased privates in the late war of the rebellion, her said husband, John W. Gillespie, having died from the effect of wounds received while in the military service of the United States and in the line of duty during the late war of the rebellion.

Mr. COFFROTH. It is the unanimous report of the Committee on Invalid Pensions, and the report has been once read.

Mr. HAWLEY. When?

Mr. COFFROTH. On objection day, February 6. This lady's husband was a pensioner, but died some years after having been placed upon the pension-roll.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

HERMAN BALDWIN.

The next business on the Private Calendar was the bill (H. R. No. 2861) to grant an increase of pension to Herman Baldwin.

Mr. DUNNELL. I should like to have the gentleman from Pennsylvania state on what grounds the committee recommend an increase in this case. I can see how we are justly acting on cases which the Pension Office could not consider, and where it could not grant a pension, but I fail to see that where a pension has been once allowed the pensioner cannot secure the increase without coming here. There seems to be adopted here a new rule for granting an increase of pension. I simply want to know the basis upon which the committee have acted.

Mr. COFFROTH. The Commissioner of Pensions has adopted certain rules. In this case, after repeated examinations, the pensioner was allowed a pension for total disability which would be \$13 a month. He was pensioned at \$8, but under the rule, after the passage of the act fixing the pensions at \$13 per month, the Commissioner reduced this \$2. It is a meritorious case. The committee have fixed it at \$10. It is not what is allowed by the statute. It seems he can hear with one ear a little. He is a silversmith and entirely deaf in one ear.

Mr. DUNNELL. Is this substantially an appeal from the Pension Bureau in the case of arrears of pensions?

Mr. COFFROTH. No, sir; this is granting a pension from the time he was reduced. It is an appeal to Congress to do justice to a man who is suffering and whose case is not covered by the law.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

THOMAS H. VAUGHN.

The next business on the Private Calendar was the bill (H. R. No. 2860) granting a pension to Thomas H. Vaughn.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll the name of Thomas H. Vaughn, of Company C, Seventy-sixth Regiment of Pennsylvania Volunteers, and that the said Thomas H. Vaughn be allowed a pension at the rate of \$4 per month, commencing from the date of his honorable discharge, to wit, September, 1865, from the Army of the United States, on account of disease contracted by him while in the service and line of duty during the late war of the rebellion.

Mr. COFFROTH. The report in this case was read on a former occasion.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

Mr. COFFROTH. It is the wish of some gentlemen not to proceed regularly with the Calendar, and I have no objection to going to cases which they desire to have considered.

The CHAIRMAN. That cannot be done.

Mr. HAZELTON. Are we compelled to take this Calendar in its order?

The CHAIRMAN. You must take the Calendar in the order. The Committee of the Whole House cannot change the order of the House.

JOHN L. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. No. 3077) granting a pension to John L. Williams.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll the name of John L. Williams, private in Company H, One hundred and ninety-second Regiment of Pennsylvania Volunteers, at the rate of \$6 per month, commencing on the 24th day of August, A. D. 1865, that being the date of his discharge from the Army of the United States in the late war of the rebellion, on account of disease contracted by him while in the service and in line of duty.

Mr. COFFROTH. The report in that case was also read on a former occasion.

Mr. DUNNELL. I am in favor of pensions and I am in favor of the soldier, but it strikes me that we have started out on rather a new career. I notice all these bills grant the pension back to the time of discharge. I think prior to this Congress no bill was ever passed dating back to the date of the discharge. A, B, C, and D, all the men pensioned by Congress in the Forty-second, Forty-third, Forty-fourth, and Forty-fifth Congresses, drew their pensions from the date of the passage of the act. All this little army of men justly pensioned from the close of the war up to the present time, had their pensions simply from the date of the passage of the act. If it be proposed to go back to the date of the discharge for disability, in reference to which I do not propose to make an argument, we do manifest injustice to those who have heretofore been pensioned in the past in reference to whom the same provision has not been made.

Mr. COFFROTH. This House at the extra session of Congress passed unanimously a resolution to grant arrears to every pensioner put on the rolls by a special bill.

Mr. DUNNELL. That act is now in the Senate.

Mr. COFFROTH. But it is the action of the House.

Mr. DUNNELL. It may be the action of the House but it is not the action of Congress, and if the Senate acts as the House acts these soldiers we are pensioning here to-night will be provided for; but if it does not act we are doing better by these pensioners now than we have done for pensioners in the past.

Mr. COFFROTH. There is a proposition now pending between the House and the Senate for a sub-committee of each of the pension committees to fix this matter. If they grant arrears these bills will go through just as they are; if not, they will be fixed in the Senate.

Mr. TAYLOR. I would like to ask the gentleman a question. Why is not the soldier just as much entitled to arrears of pensions because he is pensioned by a special act of Congress as if he was pensioned directly from the Pension Office?

Mr. DUNNELL. I think he is. I stated that I did not propose to make any argument against this. I voted for the act to which the gentleman refers as a member of the House.

Mr. COFFROTH. I will state to the gentleman that the committee is only carrying out the provisions of the joint resolution which passed this House unanimously.

Mr. RYAN, of Kansas. And that is right.

Mr. DUNNELL. One word more. I admit that it may be right, but at the same time, Mr. Chairman, it is not a just thing to do now when we consider what we have done for those who have been pensioned in the past.

Mr. HAZELTON and Mr. BAILEY rose.

The CHAIRMAN. The gentleman from New York has the floor.

Mr. HAZELTON. I believe I have the floor under the rules.

Mr. BAILEY. No, sir.

Mr. HAZELTON. I wish to ask the gentleman from Pennsylvania one question.

Mr. BAILEY. Who is the gentleman from New York?

Mr. HAZELTON. I am the gentleman. [Laughter.]

Mr. BAILEY. Does the gentleman represent New York?

Mr. HAZELTON. I wish to ask the gentleman from Minnesota this question. If a case pending in the Department should come up here on an appeal, rejected there because of some point which the technicality of the law did not cover, is there a reason why that claimant should not have arrearage of pension given to him just as well as those who receive pensions by act of Congress?

Mr. DUNNELL. That has been asked once before.

Mr. HAZELTON. I wish to ask the gentleman from Minnesota whether it is doing an act of injustice to those who have been granted pensions heretofore to refuse to do right to those we are pensioning now? Those pensioned in the Forty-fourth and Forty-fifth Congresses have been taken care of in a supplemental bill. There is no reason why we should refuse to do what is right to these pensioners although we may not have done what is right in reference to those other pensioners. Does the gentleman understand? [Laughter.]

Mr. FARR. I ask to have the report read in this case.

Mr. CANNON, of Illinois. I wish to ask the gentleman from Pennsylvania whether all the bills reported at this session contain the provision referred to?

Mr. COFFROTH. I think in every bill I have reported that rule is laid down, that wherever the disease was contracted in the service the pension is granted from the date of the discharge; but where it

is charity, where the case has not been clearly made out, and may be considered in the nature of a gratuity from the Government, the pension is granted from the date of the passage of the act.

Mr. CANNON, of Illinois. Then the gentleman will not object to an amendment to bills which do not come within the rule laid down.

Mr. COFFROTH. Of course not.

Mr. BREWER. I wish to call attention to one fact which may have been overlooked. The act passed at the last session of Congress granting arrears of pensions did not grant it upon the same ratio or at the same rate per month that the pensioners were receiving at the time the act was passed. In other words, there are some cases where the disability is increasing. If the committee undertake to grant a pension and fix the rate, then they fix it on the basis of the disability existing at the present time, whereas under the former act by which we granted arrears of pensions we left it to the Commissioner of Pensions to average it. For instance, in many instances the disability when the party was discharged was slight; so slight perhaps he did not apply for a pension at all, or until some years afterward. Now the Commissioner of Pensions (I believe that is the rule of the department) fixes the pension by averaging it up. We passed a supplemental bill giving him that power; and I remember one case in my district where a man was getting \$24 per month, and he supposed he was going to get under the arrears bill \$1,600; but when he received his back pension it amounted to only one-half of that amount. If the committee undertake to fix the rate of pension on the basis established here, fixing it upon the disability as it exists, we shall have to go back by and by and average it up for all those in reference to whom we passed the arrears bill at the last Congress. It strikes me that the better way would be for the committee to have the name placed on the pension-roll and leave it for the Commissioner of Pensions to fix the rate from the proof that is already in his department, with the additional proof that the committee may have. Then we do equal justice to all parties. I think that is the better course if we fix the pension at all now; not to go back, but to leave that for the general act, such as we passed in the last Congress, the Commissioner of Pensions fixing the rate.

Mr. COFFROTH. I will state to the gentleman from New York—

Mr. BREWER. Not exactly; we are not all from New York. [Laughter.]

Mr. COFFROTH. I will state to the gentleman from Michigan the committee has reported \$4 and \$6; and those are exactly the amounts recommended by the examining surgeon.

Mr. HAWK. I submit to the committee whether or not this provision contained in each special bill which we pass will not cover the point discussed by my friend from Michigan—that the pensioner shall be placed on the pension-roll subject to the provisions and limitations of the pension laws. That will cover it, it seems to me. If under the general law other soldiers are granted arrears, then of course under a special act of this kind this soldier would be entitled to arrears.

The CHAIRMAN. The reading of the report is called for. The Clerk will read it.

The report was read, as follows:

John L. Williams, the applicant, enlisted on the 27th day of February, 1865, in Company H, One hundred and ninety-second Regiment of Pennsylvania Volunteers, and was honorably discharged on the 24th day of August, 1865. He applied for a pension on the 1st day of April, 1869, alleging that on or about the 20th of June, 1865, he took cold from exposure and sleeping on the ground; that it settled in his left hip and thigh, and resulted in rheumatism, and that it has been getting worse every year; and at first there were gatherings in his hip, which broke open, and are now a running sore. His claim was rejected on the 19th day of October, 1870, because there was "no record evidence of the disability, no treatment in the hospital or by a regimental surgeon, and only the testimony of one private to the disability."

Abraham A. Makin, who was a private in said company, testifies that "he was acquainted with the said John L. Williams about eight years before his enlistment, and at the time of his enlistment he was a sound, hale, hearty young man, without the least symptoms of disease; that some time in June, 1865, the regiment marched from Summit Point to Staunton, Virginia, which marching occupied five or six days, it being very warm, and the nights cold, damp, and chilly; that the said John L. Williams, with this deponent and others had to sleep on the ground without tents or blankets; that the said John L. Williams complained, during said march, of having caught cold, and after arriving at Staunton got worse, but did not ask to be relieved from duty, and was not put in the hospital; that the said John L. Williams was discharged with the company, and came home; that he frequently complained at and before the time of his discharge that he was not well and did not feel right." He also testifies "that the claimant is in such a crippled and lame condition that he is unable to labor for his support."

The claimant was treated, after his return, by Dr. A. H. Allison, who swears "that he commenced treating the said John L. Williams for scrofula or white swelling; and, taking his own statement and my own judgment, I could not nor would not say but what he contracted the disease in the Army; and I would further say, to the best of my knowledge he will never be able to do any hard work."

The committee think the conclusion is irresistible that the claimant's disease resulted from his exposure on the march from Summit Point to Staunton. Examining Surgeon D. W. Evans reports that it is his belief that the claimant's disability was contracted in the Army in the line of duty, and in his present condition could do but little manual labor.

The committee think this to be a meritorious case, and recommend the passage of the bill.

The bill was laid aside, to be reported favorably to the House.

LEVI LEEDOM.

The next business on the Private Calendar was the bill (H. R. No. 1465) granting a pension to Levi Ludam; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Levi Ludam, private in

Company E, One hundred and twenty-fifth Regiment of Pennsylvania Volunteers, at the rate of \$4 per month, commencing on the 18th day of May, 1863, that being the date of his discharge from the Army of the United States in the late war of the rebellion, on account of injury received and disease contracted while in said military service and in line of duty.

Mr. DUNNELL. Let the report be read.

The report was read, as follows:

The claimant, Levi Leedom, enlisted on the 6th day of August, 1862, in Company E, One hundred and twenty-fifth Regiment of Pennsylvania Volunteers, and was honorably discharged from the service on the 18th day of May, 1863.

He received on the 5th day of May, 1863, at Chancellorsville, Virginia, while in discharge of his duty in line of battle, a shell wound, causing a ruptured vein on the leg above the right knee. From the evidence filed in the claim, the conclusion is irresistible that the enlarged varicose veins resulted therefrom, and that the claimant is entitled to one-half pension.

The Commissioner of Pensions decided against the claimant because of "no record of varicose veins, and claimant unable to furnish evidence of origin from his officers, or treatment in service by regimental surgeon." The claimant had proven by his captain, before the rejection of his claim, the injury received at Chancellorsville, fully describing it, and had proven by a number of reputable citizens, who knew him well, that when he went into the service he was clear of varicose veins, and also had proven by several that at the time of his discharge the varicose veins existed, and have continually existed since.

The case is clearly and unquestionably made out, and your committee, therefore, report back the bill to the House, and recommend its passage.

Mr. COFFROTH. I desire to offer an amendment. The name appears as "Ludam;" it should be "Leedom."

Mr. VAN AERNAM. I suggest to the gentleman from Pennsylvania that the bill be also amended by inserting the clause "subject to the provisions and limitations of the general pension law."

Mr. COFFROTH. I ask for a vote on my amendment to change the name of "Ludam" to "Leedom."

The amendment was agreed to.

Mr. HAWLEY. I ask the gentleman from Pennsylvania whether this bill is one of those which establish pensions from the date of discharge?

Mr. COFFROTH. Yes, sir.

Mr. HAWLEY. At what rate?

Mr. COFFROTH. At the rate of \$4 per month.

Mr. HAWLEY. Is that to be the rate hereafter?

Mr. COFFROTH. Yes, sir.

Mr. HAWLEY. The bill establishes that as the rate hereafter and gives this soldier \$4 per month from the time of discharge from the service?

Mr. COFFROTH. Yes, sir. That is what the United States examining surgeon recommends. He examined this soldier lately and recommends \$4, and says his disability has been such that he should have received \$4 from the first.

Mr. McMILLIN. I desire to ask the gentleman from Pennsylvania a question. Does this bill allow arrears?

Mr. COFFROTH. It does give the arrears.

The bill as amended was laid aside, to be reported favorably to the House.

ISAIAH W. BUNKER.

The next business on the Private Calendar was the bill (H. R. No. 2864) granting a pension to Isaiah W. Bunker; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That Isaiah W. Bunker, late private of Company C, in the Eighty-fourth Regiment Pennsylvania Volunteer Infantry, be, and he hereby is, granted and allowed, from August 7, 1879, a pension at the rate of \$24 per month; and the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of said Isaiah W. Bunker on the pension-roll at said rate, in lieu of the pension now paid him.

Mr. DUNNELL. What is the rate given now in that case?

Mr. COFFROTH. The report will show. Let the report be read.

The report was read, as follows:

The applicant, Isaiah W. Bunker, was a private in Company D, Eighty-fourth Regiment of Pennsylvania Volunteers. He is now a pensioner at the rate of \$3 per month, being the highest rate he is entitled to under the law as it now stands.

He asks Congress to increase his pension to \$24 per month, because of his helpless condition.

The claimant, while in the military service of the United States, was kicked by a horse, destroying, partially, the membranes of both knees, and the evidence shows that from said injury he has become so helpless that he is only able to walk by and with the use of two crutches; and that he is not able to put on his clothing without the aid of an assistant; and that he must have an assistant to dress him and help him about; and that the claimant is poor and unable to pay an assistant.

Hon. John Dean, president judge, Joseph Baldrige, Major William Williams, and C. D. Bowers, neighbors of the claimant, testify to his helpless condition and total disability. The testimony of Hon. John A. Lemon, State senator, Joseph G. Barr, and J. C. Akers fully corroborates this statement.

The committee, after considering all the evidence presented to them, are of opinion that this is a meritorious claim, and that the pension of the claimant should be increased to \$24 per month, and they therefore report back the accompanying bill with the recommendation that it do pass.

The bill was laid aside, to be reported favorably to the House.

PAUL WALKER.

The next business on the Private Calendar was the bill (H. R. No. 2859) granting a pension to Paul Walker; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Paul Walker, of Company E, Twentieth Pennsylvania Cavalry, and that the said Paul Walker be allowed a pension at the rate of \$4 per month, commencing at the date of his honorable dis-

charge, namely, on the 16th of September, 1863, from the Army of the United States, on account of disease contracted by him while in the service and line of duty during the late war of the rebellion.

Mr. WARNER. Let the report be read.

Mr. COFFROTH. The report in this case was read on a former occasion.

Mr. HAWLEY. Let us hear it again.

The report was read, as follows:

The claimant, Paul Walker, is now an old man and very poor. Prompted by patriotism, he entered the Union Army while the roar of the cannonading at the battle of Gettysburg was firing the northern heart. He enlisted on the 1st day of July, 1863, and, as the evidence shows, was then thoroughly and carefully examined by the surgeon, because he was an old man, and was pronounced sound, hale, and hearty, and mustered in Company E, Twentieth Pennsylvania Cavalry. At Clear Springs, Maryland, late in July, 1863, he was ruptured by being thrown from his horse, and after this he was attacked with chronic diarrhea and rheumatism. Lieutenant A. W. Decker testifies that after this time he was no longer fit for duty, and was put under medical treatment in the regiment. He was treated for rupture, rheumatism, and dysentery, and it soon became apparent that the claimant would not be able to do further duty, and he was discharged on the 16th of September, 1863. Dr. C. H. Haesler, the senior medical officer of the regiment, says that he contracted his disease, which he does not now recollect, in the service, but thinks it was hernia, rheumatism, and dysentery. The testimony clearly shows that at the time the claimant went into the service he was a sound, healthy, hearty man, and that when he came out he was ruptured, had the rheumatism, and was suffering from diarrhea.

The claimant filed an application for pension, but his claim was rejected by the Commissioner of Pensions, because there was "no record of rupture, and inability to furnish necessary testimony." This brave and patriotic old man's claim for pension was rejected on technical objections.

Examining surgeons Drs. G. W. Smith and S. Hays, in their report of the examination of the claimant, say that his disability is one-half, or \$1 per month; and they further report that, from the evidence before them, it is their belief that the disability originated in the service in the line of duty.

The committee are of the opinion that this is a meritorious claim, and that the accompanying bill should pass.

Mr. WARNER. I ask if this bill carries arrears with it?

Mr. FORNEY. Yes; from 1863.

Mr. WARNER. I ask further if these bills are before the committee for consideration, or does a single objection stop them?

The CHAIRMAN. They are before the committee for consideration. The bill was laid aside, to be reported favorably to the House.

MICHAEL LINGENFELTER.

The next business on the Private Calendar was the bill (H. R. No. 1806) granting a pension to Michael Lingenfelter; reported by Mr. COFFROTH.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Michael Lingenfelter, a private in Company I, Sixteenth Regiment of Pennsylvania Veteran Reserves, formerly of Company L, Nineteenth Pennsylvania Cavalry, at the rate of \$4 per month, commencing November 25, 1865, that being the time of his discharge from the Army of the United States, up to the 3d of April, 1878, and at the rate of \$6 per month from that time on; being for injury received and disease contracted while in the military service of the United States, and in line of duty.

Mr. FORNEY. Let the report be read.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1806) granting a pension to Michael Lingenfelter, late of Company L, Nineteenth Regiment of Pennsylvania Cavalry, have had the same under consideration, and make the following report:

The claimant, Michael Lingenfelter, who enlisted in Company L, Nineteenth Pennsylvania Cavalry, on the 12th of October, 1862, and who was discharged honorably on the 23d of November, 1865, made application for pension, but his application for pension was not favorably considered by the Commissioner of Pensions, for want of testimony of comrades who were present when the claimant was injured.

The claimant, while in the military service of the United States, on the 18th day of December, 1863, near Union City, in the State of Tennessee, while in the line of duty as a scout, his horse fell and threw him across the pommel of the saddle, thereby causing a rupture to the left side, which disabled him from doing any further military duty, and he was sent to the hospital at Memphis and thence transferred to the Veteran Reserve Corps, Company I, Sixteenth Regiment. He, with another comrade, Joseph Walter, had been selected from his company to form a scouting party; that the said Joseph Walter was the only person present when he received the injury, and that he died before claimant's application for pension was filed.

John J. Hoover and George W. Zeth, members of the same company, testify, on the 1st of April, 1878, that they knew Michael Lingenfelter when he entered the service; that he was well, and they knew of him going on a scout, and that at that time he was well and doing military duty, and that when he returned to the regiment he was disabled by a rupture from the horse falling, and that he was sent to the hospital at Memphis, and that they have known him ever since, and he is yet disabled by said rupture.

Other witnesses testify to the claimant's being free from hernia when he went into the service, and that he was ruptured at the time of his discharge and ever since. Dr. L. F. Butler, claimant's family physician before he went into the service and since his discharge, is dead.

From the medical evidence before the committee, they fix the rate of claimant's pension at \$4 per month from the date of his discharge to the 3d of April, 1878, and from that time on \$6 per month.

The evidence clearly makes out the right of the claimant to a pension. The committee recommend the passage of the accompanying bill.

The CHAIRMAN. The question is upon laying the bill aside to be reported favorably to the House.

Mr. WARNER. I wish to inquire at what rate it is proposed to grant a pension in this case?

Mr. COFFROTH. At \$4 a month.

Mr. WARNER. At \$4 a month or \$6 a month?

Mr. COFFROTH. Six dollars a month from April, 1878.

Mr. WARNER. Upon whose certificate is this rating made?

Mr. COFFROTH. The examining surgeon of the United States.

Mr. WARNER. Examining surgeon of the United States at the Pension Office here?

Mr. COFFROTH. Examining surgeons are appointed all over the country. This rating in this case is made by the examining surgeon of the district where this pensioner lives, not at the Pension Bureau in this city.

Mr. WARNER. Mr. Chairman, I do feel that by this method of procedure we are doing injustice to thousands and tens of thousands of meritorious claimants all over the country. We are passing bills here granting pensions which are rated by no established principle, perhaps by no two surgeons alike. They are not rated in the same way that pensions are rated in those cases that go regularly through the Pension Bureau. We are granting increases of pensions to applicants who may be deserving; it may be their due; that I am not questioning. I do say, however, that to single out one man here and another there all over the country, who chance to be fortunate enough to have their claims reported and brought up here, and leaving out others equally deserving, equally entitled to an increase of pension, is not the proper way to deal with this question. I do not wish to make an objection in this case or any other special case; but I do propose to interpose all reasonable objection to this method of procedure until this House will consent to take some action that will lead to a more equitable, speedy, and proper method of disposing of pension claims. I wish to ask the chairman of the Committee on Invalid Pensions whether this is the unanimous report of the committee?

Mr. COFFROTH. It is a unanimous report. The case was referred to me as a sub-committee and by me submitted to the committee, or to a quorum of the committee, and adopted without objection. In short, it is a unanimous report.

Mr. WARNER. I desire to ask further, for my own information, whether these reports as they come back from the sub-committees to the full committee are considered by that full committee, whether the reports are read and considered in the full committee or not?

Mr. COFFROTH. They are not, unless some member of the committee has doubts about the case, or calls for the reading of the report. There are so many bills referred to that committee that we have adopted the plan of referring them to sub-committees. When those sub-committees present reports, unless they are challenged for some reason, the reports are accepted, believing, as that committee does, that every member to whom a case is referred will examine it carefully, and only report it favorably if it proves to be a meritorious case.

Mr. HERR. I would like to ask the gentleman one question.

Mr. COFFROTH. All right.

Mr. HERR. How is it that in the pension cases, so far as we have struck them, all come from Pennsylvania? Are there no members on the Committee on Invalid Pensions from other States?

Mr. COFFROTH. Yes. I will explain to the gentleman how it is. All pension bills presented by members of the House from Pennsylvania, Maryland, and West Virginia are referred to me as a sub-committee. I remained here during the holidays and spent three weeks in examining those cases and preparing the reports to accompany them; and I presented those reports at the first meeting of the committee that was called after the holiday recess.

Mr. HERR. Were there no other cases passed upon except those from Pennsylvania, so that we might have it a little mixed?

Mr. COFFROTH. Yes; there were other cases examined and reported to the House, and they are upon the Calendar. The cases, as I have said, from Pennsylvania, Maryland, and West Virginia were referred to me as a sub-committee, reported by me to the full committee, and as chairman of the committee I reported those cases to the House.

Mr. WARNER. Then it amounts to this: these cases have been before the Commissioner of Pensions and there rejected, whether for want of proof of disability or for other reasons I know not. It appears from the statement of the chairman of the Committee on Invalid Pensions that these cases are then referred to a single member of that committee, perhaps to the clerk of the committee.

Mr. COFFROTH. There is no "perhaps" about it.

Mr. WARNER. And the cases are in that way made up and presented to this House as a court of appeal from the Pension Office. I want to see a special commission established, with power to review all cases of this kind, in order that more speed and better justice can be done than it is possible to do in this way.

Mr. HATCH. Upon what authority does the gentleman state that these reports are made up by the clerk of the committee?

Mr. WARNER. I said perhaps. I have been told that is done, and asked for information.

Mr. HATCH. Upon what authority does the gentleman state that any member of the Pension Committee reports a bill to this House accompanied by a report which was drawn up by the clerk of the committee?

Mr. WARNER. I am asking for information; I wish to know how it is done.

Mr. HATCH. I understood the gentleman to state that as a fact. Mr. WARNER. I did not state it as a fact, but stated that perhaps it might be so.

Mr. COFFROTH. There is no "might be" about it; it is not so.

Mr. HERR. Is it customary for the committee to refer all cases from a certain district to the man who represents that district?

Mr. TAYLOR. I will answer the gentleman.

Mr. HUBBELL. It seems to me that in this rating of pensions a great injustice may be done. I understand from the chairman of the Committee on Pensions that this rating is done by the local examining surgeon—that is, by the man who happens to be appointed the examining surgeon for a particular locality.

Now, if the rate of pension is fixed by the different examining surgeons, without any particular rules governing them in their determination, without their acting in harmony and under the same rules, it is easy to see that in some cases a pensioner might be rated at say \$10 a month, while in another case, with the same degree of disability, the pensioner might be rated by another surgeon, who is perhaps more competent, at another rate.

It seems to me that we may do great injustice by attempting to fix the rate of pension which a pensioner is to draw simply upon a statement of an examining surgeon who gets the immense sum of a dollar and fifty cents a case.

Mr. BAYNE. I would like to ask the gentleman if the objection he interposes against these bills would not lie against a general pension law?

Mr. HUBBELL. In all those cases where the pension is fixed by the Commissioner of Pensions, the testimony of the examining surgeon and all the other testimony is presented here in Washington, is here examined in every respect, and the rate of disability is fixed by another and perhaps more competent board, which takes everything into consideration. Now it does seem to me that to grant pensions in this way, allowing an examining surgeon in Michigan to fix the rate of disability in the cases which he examines, and another in Pennsylvania to fix another rate of disability—in other words, allowing the various physicians throughout the country, who get a little fee for examining these pension cases, to fix the rate of pensions for those cases—is doing great injustice not only to other pensioners but perhaps to the public Treasury.

Another thing: I think we ought to bear in mind the suggestion of the gentleman from Minnesota that it is a great departure from previous precedents for us to attempt now to grant pensions from the date of the disability or discharge. As a friend, not an enemy of the soldier, I say that when we take into consideration the way in which these reports are made up upon the examination of examining surgeons throughout the country, we are liable, in granting pensions from the date of discharge, to do great injustice unwittingly to the Government. We ought not to allow these pensions to date back to the date of discharge unless by some general provision of law.

Mr. TAYLOR. I desire to say for the benefit of the gentleman from Ohio [Mr. WARNER] and other gentlemen on this floor, that the Committee on Invalid Pensions, when a bill is referred to them, send to the Pension Office for all the papers in the case. They examine those papers, and if on the evidence therein contained they believe that injustice has been done to the soldier, that his application for pension has been disallowed perhaps on some little technicality, they consider the case favorably. It is notorious in this country that the Pension Office is killing meritorious claims by the thousand every day. Nobody under the sun is responsible for the flood of pension bills coming into Congress except the Pension Office. It is not the fault of the Committee on Invalid Pensions.

I will say to the gentleman from Ohio, [Mr. WARNER,] who I believe belongs to the committee that had the silver bill under consideration, that we did not ask how his committee considered that bill; and neither he nor any other man on this floor has any right to ask us how we decide upon bills in our committee; and we do not intend to tell him.

Mr. WILSON. Mr. Chairman, I very much regret that this trouble has arisen here. It is a notorious fact that in this House less consideration is paid to the Committee on Invalid Pensions than to any other committee. [Cries of "Oh, no!"] It is also a notorious fact that notwithstanding the large amount of labor performed by this committee it is more difficult for it to have a day or an hour fixed for the consideration of its business than it is for any other committee. When I began my service in this House it was my high honor to be a member of the Committee on Invalid Pensions, and I can testify to the laborious and important duties imposed upon that committee. I had hoped that it would be the pleasure of this House to-night to pass upon the merit of every claim here without the technical pleading which my distinguished friend from Ohio [Mr. WARNER] has been pleased to interject. I had hoped that no gentleman on this floor—certainly not a member on the democratic side of the House who bore arms under the old flag—would raise his voice against granting pensions to these gallant men who fought for their country, her liberty, and her laws.

Gentlemen do not seem to understand how these claims get before the Pension Committee. As I have had some experience on that committee I propose to say a word on this subject. The Commissioner of Pensions is not to blame for these claims coming here. His duties are inflexibly prescribed by law. He is required to demand of the party applying for a pension proof from some officer. Very often the soldier who has been wounded is unable to obtain the evidence of any officer because the officers who could give the requisite testimony may have fallen in battle. The Commissioner must reject the claim. The party comes before Congress and offers proof from his comrades in arms—men who are as much entitled to credit and as fully conversant with all the facts as any officer could be. Their testimony is entitled to credit equally with that of an officer.

The Commissioner of Pensions being unable to allow the claim, the applicant appeals to the equitable consideration of Congress upon submitting competent proof that he was wounded, that he was disabled, or that he contracted disease. It will be remembered that in the last Congress we passed claims of this character upon the Private Calendar by a single vote; and I had hoped to-night that by unanimous consent we might take similar action, ratifying in this way the action of the committee who have diligently, faithfully, and honestly performed their duty. I, for one, am prepared to give my vote to report to the House for favorable recommendation every pension claim upon this Calendar.

The gentleman from Ohio [Mr. WARNER] has been pleased to interpose his objection here, and to say that these unfortunate men whose applications have been denied at the Pension Office shall not receive pensions at our hands because Congress has not passed some act by which claims of this character may be disposed of in some other tribunal. Why, sir, the poor soldier who lost his arm in the service of his country, or contracted disease that will follow him to the grave, is not to be blamed for the dereliction of Congress. He has rapped at the door of the Pension Office for years. He has gone there covered with glory, his empty sleeve testifying to his gallantry on the field of battle; but under the technical ruling of the Commissioner of Pensions—a ruling which you have required him to make under the law—the claim, though full of merit, is rejected. Now he appeals to the sense of justice of this House; he appeals to the law-making power; he appeals to us, who have the right to take an equitable view. If the facts are established by competent proof we are not hampered by any technicality. If the party was wounded, or if he contracted disease in the service, it is within our province, and it is our duty, to award him a pension. I hope, Mr. Chairman, it will be the pleasure of the House to-night, by one general order, to approve of the action of this Committee on Pensions, and recommend favorably to the House all these bills.

Mr. DAVIS, of Illinois. Mr. Chairman, I claim that the Committee on Invalid Pensions is not under discussion—not under investigation; and I demand that the House give attention to the consideration of bills as they are reported. I make the point of order that members must confine themselves to the bills under consideration, and not indulge in the discussion of general pension laws or the duties of the Committee on Invalid Pensions.

Mr. WARNER. I claim this day—

Mr. WILSON. I make the motion that the bills be all laid aside, to be reported to the House with the recommendation that they do pass.

Mr. WARNER. Before that motion is put I desire to say a word. I recognize the right of my friend from Tennessee [Mr. TAYLOR] to withhold any information as to the method of investigating these cases in the Pensions Committee. I will not press for information or presume anything; but I do say that when information as to the investigation these cases receive is withheld it is a little too much to demand that we should come here and as mere machines, without objection and without question, vote through each and all of these claims. Now, Mr. Chairman, I do not yield to my friend from West Virginia [Mr. WILSON] nor to any other member here in my advocacy of the just rights of the soldier. I do not apply the remark I shall make to my friend from West Virginia.

Mr. COFFROTH. I rise to a question of order. My point is that the gentleman is not discussing the bill.

Mr. WARNER. The nearer a man was to the Canada border during the war the more likely he is to slop over now when any questions come up touching the soldier. I propose to stand by the law; and I want to see some method adopted whereby the soldier who has wounds or scars or other actual disability to show for it, and who is entitled under the law as it existed when he enlisted to his pension, can have it without waiting till he is about to die; on the other hand, to keep out claims put in by mere pretenders, by men who never were in battle or near a battle-field, or performed any other arduous military duty. But such a claim I fear is quite as likely to be presented here and pressed to its passage as any other. We should know what we are doing, and not open the gate wide to every one whose name is on a muster-roll. That would amount to a debt, if capitalized, of something like two thousand millions of dollars.

I agree with my friend from Michigan, [Mr. HUBBELL,] that where the ratings are done by a surgeon here and another there all over the country they must necessarily be very unequal, while when they go to the Pension Bureau they are referred to a board, which, I understand, passes upon every case, and there is some equality, some justice. My friend from West Virginia [Mr. WILSON] says soldiers cannot get their pensions at the Pension Office. Well, I reply to him, we have not time here, as I said the other day, if we sit daily during the rest of this year, to properly consider and pass on these cases. Let us, then, at once establish a commission and give to it authority to examine and determine all claims that may be appealed to it.

Mr. WILSON. Let us pass all we can to-night, or until there is a general law.

Mr. WARNER. Ah, but, when you select one man from your district, or another district, or twenty or thirty, as seems to be the case now, from one State, and give them a preference, injustice is done to those who are denied. There may be five hundred or a thousand cases equally meritorious passed over. In this way we give to one

man an increase for some special disability, while there probably are five hundred equally deserving. If we give the increase to one I say give it to all of the same class. Bring in an enabling act to cover all such cases—not confine the bounty to one.

Mr. WILSON. Let us do the best we can until such an enabling act is brought in.

Mr. WARNER. We cannot make this House a mere appendage to the Pension Bureau; and the sooner that is understood some other method will be provided, and the sooner justice will be done to the meritorious soldier and the better the Treasury will be guarded against false claims.

Mr. HATCH. In the time which the gentleman from Ohio has occupied to-night we could have passed half a dozen meritorious cases. [Applause.]

Mr. WARNER. Oh yes, if you mean to open wide the doors and let everything in; if you propose to add five or ten thousand names to the pension-roll and let my friend from Missouri fill in the names, we could pass not only ten thousand but a hundred thousand in ten minutes. I would as quickly do that—I would as quickly authorize the addition of ten thousand names to the rolls and let the Pension Committee fill them in as to vote without question as fast as names can be called, as is proposed.

Mr. HATCH. I have no disposition to add the name of any soldier to the pension-roll who is not fairly and honorably entitled by the testimony coming before that committee to receive a pension. I say, as a member of that committee, that more than one-half of the time I have spent in this Congress has been spent in the labors of that committee-room. For myself, and I can say the same for every member of the committee, we have been urgent and diligent in searching into the testimony placed before us.

Mr. WARNER. If you keep on this way for ten years you cannot go through with all claims that are now here and that will come here if the doors of the Treasury are opened to all that come, without question by members of the House when they are on their passage. I want to let those who are entitled to pensions have them without delay, but no others.

Mr. HAZELTON. Mr. Chairman—

Mr. BAILEY. Mr. Chairman, before the gentleman proceeds—

Mr. HAZELTON. I believe I have the floor.

Mr. BAILEY. He took my time before and I want to take his now.

The CHAIRMAN. The gentleman from Wisconsin has the floor.

Mr. HAZELTON. I will yield to the gentleman when I get through.

Mr. BAILEY. Yield to me now; now is the accepted time.

Mr. HAZELTON. But it is not the day of salvation.

Mr. Chairman, I am a member of the Invalid Committee. [Laughter.] I am a member of the Committee on Invalid Pensions and I have the undoubted right now, as a member of that glorious committee, to say a word on this occasion notwithstanding the desire of my honorable friend from New York to take my place. "I am no orator as Brutus is," but my rights are higher than his here. Now, I am very sorry that the gentleman from Ohio, who draws a pension himself, should denounce all those claimants here, amounting perhaps to two hundred, as "hospital pimps." He denounces this system of pensioning soldiers by acts of Congress upon the ground that we do not know the character of the claimants with whom we are dealing and that they are "hospital pimps." The great body of these claimants are men who were wounded in the war in the service of their country. Many of these claimants for pensions are the widows of soldiers who died from diseases contracted or wounds received in the service of their country. Any man is welcome to all the glory he may receive in this Republic by denouncing this class of soldiers in such terms. [Cries of "Question."] One word more, Mr. Chairman; please do not be uneasy. I think a good point has been made here by my friend from Michigan—we have discussed it in the committee—in regard to this question of ratings. In the old bills that were introduced was contained this clause: "subject to the provisions and limitations of the pension laws." The bills we have been considering here are nearly if not all minus this provision. If any gentleman is desirous—and for my part I want to consult the wishes of this House, and would like to act in accordance with their judgment—if they think best that this clause should be contained in all our bills, it will then throw the responsibility upon the Pension Office, on the board of surgeons there, of rating every one of these claims according to existing laws, and as they have been all rated according to the law of arrearages of pensions, I think the suggestion made by the gentleman from West Virginia [Mr. WILSON] a good one. If this clause is in all of these pensions—and I presume the chairman of the committee, the gentleman from Pennsylvania, would accept it—if it was the will of the House, it could go into all of the cases and the objection made here is obviated.

Mr. COFFROTH. I think it is in all of them now.

Mr. HAZELTON. No, it is not in all; it is in some, but it is not in all.

Mr. BROWNE. Mr. Chairman, I do not feel like entering upon this general discussion. It is time we were at work if we intend to do anything. I desire, however, to make this suggestion for the gentlemen of the Committee on Pensions: During the Forty-fifth Congress we passed a number of pension bills, each of which fixed the amount of the pension. They went to the Senate, and in every instance the bills were amended by the Senate and sent back to the House with an

amendment striking out that provision. If the Senate stands by that position now, the result of sending these bills to that body would probably be to have them amended by the Senate and sent back here again at a day so late in the session as to preclude the possibility of action upon them by this body. I believe it would facilitate the disposition of these cases and relieve the House of this discussion as well as of a great deal of difficulty if they would consent to put these persons upon the pension-rolls generally subject to the provisions and limitations of the pension laws.

Mr. WARNER. I wish to say a word in reply to the gentleman from Wisconsin, who has referred to myself in a personal way.

Mr. WILSON. I demand the regular order.

Mr. DUNNELL. I think the gentleman from Ohio ought to be allowed to reply. It is a personal matter.

Mr. WARNER. Mr. Chairman, I wish to say that the pension granted to me was granted immediately upon the close of the war, and when I was upon crutches, and granted on the record alone, and granted, too, for wounds received in battle in defense of the Union, and at the time when I understand my friend from Wisconsin was hugging the Canada border, trembling at the approach of the draft.

Mr. HAZELTON. That is about as true as all the rest of your statements.

Mr. WARNER. At any rate he was at a safe distance from any battle-field. I have not asked, nor do I propose to ask, nor does any soldier who helped to fight the battles of the Union ask gratuities from Congress. He asks only for the fulfillment of the contract made with him and that he is entitled to. Under the terms of his enlistment, and as a part of the consideration, in case of disability, he became entitled to a pension.

I repeat that I yield to no member here in my advocacy of the rights of the soldier and his right to a pension in case of actual disability, and that speedily—more speedily than it can possibly be done here. But, at the same time, I do believe there are thousands of claims that come to the Pension Office and hundreds from the Pension Office here from persons who are not entitled to receive pensions. I believe I understand and reflect the spirit of the soldier when I say he is not in favor of promiscuously pensioning every man whose name may be found upon a muster-roll. There are on the muster-rolls of the Army some two million two hundred thousand names, from 1861 to 1865. Soldiers know what is real and deserving and what are shams. They know, too, what is demagogism and what is not. When a pension is due a soldier, it is a right he may demand, and not a gratuity. Let the committee stand there, and I am with them.

Mr. BAYNE. I rise to a point of order. I have not done so until the gentleman has had an opportunity of vindicating himself.

The CHAIRMAN. The gentleman from Pennsylvania will state his point of order.

Mr. BAYNE. My point of order is that the gentleman from Ohio has spoken on this subject once before and is not entitled to speak again.

The CHAIRMAN. The gentleman from Ohio stated he rose to a personal explanation.

Mr. BAYNE. I submit that that is not in order in Committee of the Whole. A personal explanation is a matter that belongs to the House. I demand the regular order.

Mr. HOUK. I do not belong to the Invalid Pensions Committee, but I want to say a word or two. And the first word I desire to say is to enter my protest against consuming this session of the House set apart for the purpose of passing claims for the benefit of pensioners in a personal wrangling over pensions already granted. It is an outrage on the claimants who are knocking at our doors for justice to take up time in this way.

I want to say further, in justice to this committee, if we are going to pass laws for any purpose, under the organization of this House, with its committees constructed as they are, we have to repose some sort of confidence in the committees when they bring forward their reports recommending the passage of this, that, and the other bill. For one, when the Pension Committee, sitting as a high court of equity, as it should, has recommended in a bill that a pension should be granted, I am willing to vote for it, trusting to their integrity and honesty in regard to it.

This evening was set apart for the purpose of acting upon these pension claims. But when we see the RECORD in the morning it will appear that more or less of us have soldier constituencies and were making speeches to stick in the RECORD to help us to come back to Congress. Let us vote on these bills and pass them at this time and all soldiers will then vote for us without our making buncombe speeches.

Mr. STONE. The gentleman from Tennessee having got his speech in, I move we proceed to pass the bill.

Mr. HUBBELL. I desire to offer an amendment to the bill, as follows:

After the words "pension-roll," in the fourth line, insert these words: "subject to the provisions and limitations of the pension laws."

Mr. RYAN, of Kansas. As I understand, that amendment cuts off all arrears. That is unjust. If this party is entitled to a pension at all, he is entitled to that pension during the existence of his disability. There can be no controversy about that. It is true that Congress heretofore has not in these special cases allowed arrears; but it has by a general law allowed arrears of pensions to every soldier

who obtained a pension under the general pension law. And because Congress has denied justice heretofore in a few special cases it does not follow that we ought to persist in that course.

But I agree with the gentleman from Michigan [Mr. HUBBELL] that it is not wise for us to fix the rate of disability; and for this reason: If you incorporate into a law the rate of disability it remains unchangeable, however the disease may vary. The party may become well and yet your act allows him a pension for all time. Or he may improve in health so that the rate of disability may be less. But in that case there ought to be some authority to determine the rate of disability. It may become greater, and in that case the party ought to be allowed more. It ought to be left in the discretion of the Department to determine the rate of disability. The committee cannot with safety fix the rate of disability; and I will tell you why.

Mr. HUBBELL. If the gentleman from Kansas will permit me to interrupt him, I will say that I wish to modify my amendment so as to cover his objection. I modify it so that it will read as follows:

Subject to the provisions and limitations of the pension laws, including the general law granting arrears.

Mr. RYAN, of Kansas. That is right.

Mr. COFFROTH. Let me state that the pension is to commence from the date of the soldier's honorable discharge from the Army.

The CHAIRMAN. The gentleman from Kansas [Mr. RYAN] has the floor.

Mr. RYAN, of Kansas. I stated that I did not think the committee could with safety fix the rate of disability, for this reason: Almost every applicant for a pension naturally goes before some examining surgeon specially friendly to him and the rate of the disability is usually fixed by an examining surgeon in sympathy at least with the applicant. It may be his family physician, and we do not know exactly, and the committee cannot well know, except by inference, the character of that physician. Now, if it be left with the Department, the Department may refer the applicant to some other examining surgeon or may direct him to go before a board of examining surgeons.

Mr. WILSON. They may do so in these cases.

Mr. RYAN, of Kansas. No, for in these cases if we pass these bills as they are reported to the House, the rate will be fixed by law and it will be an invariable rule in each particular case. Hence I say it is the safer and wiser course to leave the rate of disability to be fixed by the Department.

Mr. HUBBELL. I want to say a word or two upon my amendment. I have not offered it with any design to interpose any objection whatever to an honest applicant for a pension. A man who is entitled to a pension has a right to demand it. I simply want to have some amendment adopted which shall prevent this system of rating by local individual surgeons.

I think my amendment meets the whole case. Under that amendment the pensioner would be entitled not only to his pension but to all arrears of pensions, and his case would be governed by the provisions of the pension law. His pension may be increased or lowered under the provisions of the law, as circumstances may require; and that is all that any pensioner can properly ask.

Mr. TOWNSHEND, of Illinois. In my judgment we may as well lay this bill on the table as to adopt the amendment which has been offered by the gentleman from Michigan, [Mr. HUBBELL.] By adopting that amendment you merely send this man back to the Pension Bureau. Do we not all know from past experience, and from our knowledge of the immense number of applications before that office, that by adopting this amendment we will be merely compelling this man to dance attendance upon that bureau for years? You may as well drive this man away at once and tell him that there is no hope for him as to torture him with the delays in the Pension Office. My experience satisfies me that meritorious cases have been rejected by the Pension Office. If the claimants in those cases cannot look to Congress for relief they are remediless.

All on this floor have witnessed the magnanimity and liberality of Southern democrats toward Northern soldiers. The principal obstruction to these pension bills does not come from them to-night, but from the other side of this House. I do not ask for the soldier anything more than is justly due him. I would not see a fraudulent claim allowed; I would be the last to let down the bars so as to open the way to fraudulent or improper claims. But when a claimant comes before a committee of this House, and his case is carefully examined there—all the facts being presented and considered—and it then solemnly reports to this House that the man is equitably entitled to a pension, my judgment is that this House should promptly pass upon the equities of the case, and not send him back to the place where he has once met with a denial. This amendment will do but little more than refer his case back to the Pension Office.

Mr. RYAN, of Kansas. It does not send him back to the Pension Office, except to have the rate of his disability determined.

Mr. TOWNSHEND, of Illinois. And the Pension Office may put it down to the minimum figure per month, or delay its consideration indefinitely. His claim has already been rejected by that office, because in the opinion of the officers there he is not entitled to relief. What advantage will result to him of any practical value to send him back to such a forum?

Mr. RYAN, of Kansas. He has not been put on the pension-roll at all because of some technical reason.

Mr. TOWNSHEND, of Illinois. My honest judgment is that there will be no substantial justice granted to these claimants for pensions unless this House shall at once pass the bills according to the terms in which they are reported from the committee. If any error has been committed by the committee it is on the side of humanity and in favor of one who sacrificed the peace and comfort of home and imperiled his health and life in defense of the Government. The proof shows that he lost his health in the service of his country. Let us demonstrate our gratitude and magnanimity by granting him, without further delay, the small pittance recommended by our committee.

Mr. WARNER. I think this is a very important amendment.

Mr. BAYNE. Allow me one word in regard to the proposition of the gentleman from Michigan, [Mr. HUBBELL.] I think that proposition should commend itself to this entire House, and for this reason: Take the case of any soldier who may be pensioned by special act of Congress. If this provision should be inserted in that act, then when the soldier applies to be rated for a pension he will be directed to go before a board of examining surgeons, who will determine his condition. If that board of examiners find his condition to be such as to entitle him to a pension, if it finds that he is laboring under a disability, it will so report to the Commissioner of Pensions, who will grant him pension commensurate with that disability. But if the man be found perfectly healthy and strong, without the least scintilla of an ailment in his body, then the Commissioner of Pensions, upon such a report made by the board of examining surgeons, will refuse to rate him and give him nothing. It seems to me that if the proposition of the gentleman from Michigan be inserted in each particular bill presented here granting a pension, in such event we will be doing equal and exact justice to every man to whom we grant a pension by special act.

You will have an examination made; you will preclude the possibility of imposition; you will surmount the difficulties that originally stood in the way of having pensions granted by the Commissioner of Pensions. The want of technical proof will be supplied by the direction of Congress to place the name of the man on the pension-roll. Now let us adopt that rule and apply it to every one of these cases. It will place the name of the soldier upon the pension-roll; it will subject him to the examination of a board who will report to the Commissioner of Pensions, and every pensioner under every special act will get a pension precisely commensurate to his disability, and will stand upon an equality with those who come under the general provisions of the pension law.

[Cries of "Vote!" "Vote!"]

Mr. TAYLOR. In every case that the Committee on Invalid Pensions examine they send to the Pension Office and get the papers; those papers contain the certificate of examination by the examining surgeon; upon that certificate we rate the pension.

Mr. VAN VOORHIS. Mr. Chairman, the case now before the Committee of the Whole is the case of Michael Lingenfelter. This bill proposes to give him a pension of \$4 a month. The amendment proposes to send him back to the office of the Commissioner of Pensions to wait a year or more, hiring in the mean while a lawyer to present his case. By the time the case is disposed of in the Pension Office this poor Dutchman may be dead, and his wife in the poor-house, so that neither will get the pittance which the law proposes to grant. In my judgment this amendment will kill all these small cases. These men cannot hire lawyers; they cannot wait two years to get their cases through the Pension Office. They have been there once, and we have the opinion of the Pension Office that they are not entitled to a pension. The committee here say that they are. I believe that the committee are right. I will trust the judgment of any member of that committee as quickly as that of the gentleman from Ohio [Mr. WARNER] or the Commissioner of Pensions. If one man is to pass on all these cases, give me one man from this committee. Do not turn these poor fellows over again to the Commissioner of Pensions, in whose office they have struggled so long.

Mr. WARNER. "The gentleman from Ohio" expresses no opinion as to the merits of any of these cases.

Mr. VAN VOORHIS. If the gentleman from Ohio, who is now getting his pension, and is not willing that anybody else should receive a pension, can state any reason why this poor German should not have a pension, I would like to hear it.

Mr. WARNER. I know of no reason why he should not have a pension.

Mr. VAN VOORHIS. Then let us vote him a pension.

Mr. WARNER. If he is entitled to a pension he should have it at once, and not wait for years.

Mr. VAN VOORHIS. The committee say that he is entitled to a pension; I believe the committee tell the truth. I believe he ought to have a pension, and I am ready to vote for it.

Mr. HOSTETLER. It seems to me there is a great waste of time on this matter. The question is simply whether arrears should be carried with the bill. The amendment, as has been already said, simply sends the applicant for a pension back to the Pension Office, where the decision has already been against him. Does not every member on this floor know that when we send one of these applications back to the Pension Office it will meet the same response it has already met? In my judgment we should, as a uniform policy, date all these pensions back to the time of the disability or the death of the soldier, if he

died in the service. We have already, by the unanimous voice of this House, sent to the Senate a resolution declaring as the judgment of this House that these pensions should thus date back. Why, then, should we not express the same judgment in passing upon these bills? Let us not wrangle over them, but pass such as are meritorious.

Mr. HAZELTON. I wish to ask the gentleman whether all the special pension acts of the Forty-fifth Congress did not contain this clause: "Subject to the provisions and limitations of the pension laws." [Cries of "Vote!" "Vote!"]

Mr. HOSTETLER. I wish to occupy a few moments in response to some remarks or insinuations made by the gentleman from Ohio [Mr. WARNER] in reference to the Committee on Invalid Pensions. The insinuation is made that the committee have transacted their business in a very loose manner; that we did not give these bills proper consideration. Now, how are applications of this kind examined in the Pension Office?

Mr. WARNER. I do not know.

Mr. HOSTETLER. Very well; I will tell the gentleman exactly how they are examined. They are placed by the Commissioner in the hands of a clerk, who examines the case and reports his judgment under the direction of the Commissioner; and that judgment proceeds upon the presumption that every man presenting a claim is attempting to defraud the Government, unless he can support his application by ten times the amount of evidence that would be required to convict a man of murder.

Mr. WARNER. Let the gentleman explain how the committee examine these cases.

Mr. HOSTETLER. I will do that. The committee take up these bills under the general understanding as to the points on which they are to pass. A sub-committee examines each bill to determine whether the objection made by the Commissioner or his clerk is based on a mere technicality. We find that of the cases favorably reported by our committee nine out of ten have been rejected at the Pension Office on mere technicalities. If the evidence against a man indicted for murder were one-fourth as strong as the evidence in numbers of these cases, conviction would be certain.

Mr. O'NEILL. Let us pass the bills.

Mr. DAVIS, of Illinois. Let us have a chance to vote; we will pass the bills if you give us a chance.

Mr. HOSTETLER. I would like to say more; but as the Committee of the Whole seem impatient for a vote, I yield the floor.

The question recurred on Mr. HUBBELL's amendment.

The committee divided; and there were—ayes 35, noes 49.

So the amendment was rejected.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

NOAH CATON.

The next business on the Private Calendar was the bill (H. R. No. 2854) granting a pension to Noah Caton.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll the name of Noah Caton, of Company H, Eighty-fifth Regiment Pennsylvania Volunteers, and that the said Noah Caton be allowed a pension at the rate of \$4 per month, commencing from the date of his honorable discharge, to wit, September 25, 1862, from the Army of the United States on account of injuries and disease received and contracted by him while in the service and line of duty during the late war of the rebellion.

Mr. HAWLEY. I have an amendment to offer which I think will obviate some of the objections to the last amendment. Where it says "at the rate of \$4," add so it will read, "at the rate of \$4 a month, but as to arrears and any increase of his pension hereafter, subject to the provisions and limitations of the pension laws including general laws granting arrears." If the House will be patient with me for a moment—

Mr. WILSON. Will that give the arrears now?

Mr. HAWLEY. If the committee will be patient with me I will advocate it, and much more briefly if not interrupted by questions.

Mr. WHITE. Let the report be first read.

The report was read, at follows:

The claimant, Noah Caton, enlisted on the 27th of September, 1861, in Company H, Eighty-fifth Regiment of Pennsylvania Volunteers, and was honorably discharged on the 25th September, 1862, by surgeon's certificate of disability, (partial paralysis.) He filed an application for a pension, alleging that, in line of duty at Yorktown, Virginia, in May, 1862, he received a shell injury, resulting in a large tumor in the right side, which disables him from manual labor. His application was rejected on the 24th of October, 1879, because "no record of alleged injury or result, and the claimant states he is unable to furnish medical testimony to show that the disability existed in service."

The commissioned officers of the company of which the applicant was a private are all dead, and the whereabouts of the surgeon the applicant is unable to find, although he has made diligent search to ascertain his residence.

The applicant produces Aaron Wicklow and John W. Dial, who testified, on the 8th of April, 1879, that "they were privates in Company H, Eighty-fifth Regiment Pennsylvania Volunteers, and that Noah Caton was of the same company and regiment, and that while the company was at the battle of Yorktown, Virginia, on the 15th day of May, 1862, he was hit with a piece of shell in his right side, and from the effects there formed a gathering and originated a large tumor."

Other evidence in this claim fully sustains this statement, and shows the claimant's disability.

Examining Surgeon Dr. S. S. Good, who on the 1st day of February, 1879, examined the claimant, reports "that, in his opinion, the disability did originate in the service, and that he finds a large fatty tumor in the claimant's right side; measures eight inches in length and half as much in width;" and also says, "the

claimant feels partial paralysis of the entire right side." He further says, "I recommend one-half—\$4 per month."

In view of the evidence, the committee are of the opinion that the claimant is entitled to a pension, and therefore recommend the passage of the accompanying bill.

Mr. HAWLEY. I offer the following amendment, to come in at its proper place, leaving the rate to stand at \$4. It is a four-dollar case, I believe:

After the words "at the rate of \$4 a month" insert "but as to arrears and any increase of his pension hereafter subject to the provisions and limitations of the pension laws, including the general laws granting arrears."

Mr. Chairman, I take it for granted there is no man in this committee or House who is not willing to do justice to the soldier. There is no use of criminations or recriminations on that subject. I shall begin to think by and by, although I served five years, I shall have to vindicate myself. I scorn to do it. I scorn to do anything as if the soldier was a baby who wanted to take all the money the country wanted to give. The soldier is as patriotic as anybody else, and there is not a gathering of honest soldiers in the country which does not wish you to be careful in granting pensions. [Applause.] They do not want you to grant sham pensions. I would give a pension to every man who ever had been wounded, but there is no use of paying too much. There will be some men who will not attend faithfully to their duties and who will play sham, and some who will cheat if they get a chance. They are like all the rest of the world and they know it. Those who were good soldiers know it, and they do not want any humbug. [Applause.] You cannot fool them a bit by any speeches made here.

We have passed a law giving soldiers their arrears. I am frank to say if I had been here, I would have voted against it. [Applause.] I will say before or after what I believe on any bill, anywhere. I have no reserve on any question in the world. I would have voted against that bill because my opinion is the theory of pensions is to grant a man enough to go and live on, but never to go back to see what excuse there can be got to prevent paying it. I will do it fairly and justly. There have been many cases which granted soldiers pensions from time to time as a relief from the severity of the law. No general law you can draw up will fail to do injustice in many cases. There will be a little gap in the evidence where you are morally convinced the man ought to have a pension. I know of some cases; I know there are some on my list. I have among my acquaintances many soldiers who have to come to Congress as a court of equity, to get relief.

But I agree with the gentleman from Ohio [Mr. WARNER] we are doing this thing in an imperfect and crude way. We have to establish some court of equity, some court of claims, outside of this House, because we are swamped with the number of them. We cannot do justice. There may be a commission of six or seven or nine honorable and thoroughly honest men—of course they will be friendly to the soldiers; every one is that—who will report on them as fast as they can; to sit as a court of equity, and give that relief which the severity and uniformity of the law in particular cases cannot give.

Now we have passed many special acts. The men relieved under those special acts do not get their arrears, but there is a law pending to give them those arrears. When they go to the bureau to get them, they get rated fairly under the law and the general provision of the pension act. Sometimes a man was not entitled to anything for some time after he left the service. He was perfectly able-bodied, able to get his living as anybody else, but some disability developed itself, unquestionably owing to his service in the war, and he became totally disabled or partially disabled. These all should be pensioned, but the pensioner would not ask you to go back over the three or four years when he was able-bodied, able to earn his living. He would not pretend it. I say nine out of ten soldiers would say it is not just to claim that. At any rate the Pension Office grades these things. Sometimes for two years he was entitled to a couple of dollars, and then disability gave him eight or ten. I do not like the passage of bills to grade these arrears back to the date of discharge, because it is not just to those soldiers who have not that sort of privilege. I ask you to put all fairly entitled at least to a pension upon some sort of equality.

This man in this case is entitled to \$4 a month. I wish by this amendment to put him at \$4 a month. If he is entitled to that he should have that. I would put him as to arrears where you put hundreds and thousands of pensioners; go fairly into the examination and see how he should be rated. That I would do. As to increase, perhaps he may have grown more disabled. It happens often, very often. I would say as to that increase he should stand as all his comrades who got pensions under the pension laws or by special acts. This is the time to put the faithful soldiers on an equality; that is all. I submit to all lawyers as well as to the members of the Pension Committee whether it does or not. That is what I seek.

Mr. HENDERSON. I would like to ask the gentleman from Connecticut a single question. I understand him to say that there is now pending a bill to grant to all of those who have been allowed a pension by special act their arrears of pension.

Mr. HAWLEY. I am so told. It passed this Congress at the extra-session and is now pending in the Senate.

Mr. HENDERSON. I was going to say, I know very well that all the acts passed during the Forty-fifth Congress, especially after the passage of the arrears act, were expressly limited and confined to the passage of the act, and could not be construed by any possibility to allow arrears of pensions.

Mr. STONE. I desire to ask the gentleman from Connecticut whether he thinks the amendment he has offered will give to the soldiers pensioned by these bills their arrears unless that pending bill does become the law?

Mr. HAWLEY. No; I think not.

Mr. STONE. I so understood the gentleman, and therefore I see no object in including it at all, for unless the bill which passed the House at the extra session does become the law they will not be entitled to arrearages of pensions, because the law officer of the Pension Office has decided that pensioners pensioned by special act are not entitled to these arrears.

Mr. HAWLEY. I rather take it for granted that act will be passed.

Mr. STONE. So, "subject to the provisions of the pension laws, including arrears," means nothing? The general law, including arrears, means nothing, because the law officer has decided that under that law granting arrears of pension persons are not entitled to arrears who were pensioned by special act?

Mr. BAYNE. This act does provide for it.

Mr. STONE. Therefore it means nothing, unless the arrears law does pass?

The CHAIRMAN. The pending question is on the amendment of the gentleman from Connecticut.

Mr. COFFROTH. I believe the Committee on Invalid Pensions would accept that amendment as read by the Clerk.

Mr. LAPHAM. Before the vote is taken on this question I desire to say a word. It seems to me there is a misapprehension in the minds of many gentlemen here as to the effect of the action of the Pension Office in refusing a pension. It is not a decision that a person was not disabled in the service. It is not a decision that a person is not entitled to two or four or six or eight dollars a month by reason of his disability, but it is a decision that the proofs offered do not bring his case within the law so as to entitle him to consideration at all.

What is the object of an act of Congress granting a pension? It is to place the name of the applicant upon the pension-roll as a person entitled to a pension. Now, the amendment offered by the gentleman from Michigan completely covered the case in that view of it; and the amendment offered by the gentleman from Connecticut in part covers it. The effect of it is we direct the Secretary of the Interior to place the name of this applicant upon the pension-roll, subject to the provisions of the pension laws. And what has the Pension Office then to do? To rate his disability according to the pension laws; to increase the rate if his malady increases, to diminish it if he recovers. We do him complete justice when we take away the bar that now exists, and entitle him to consideration in the Pension Office. And that ought to be the effect of every bill that passes here. That was the effect of every bill that passed in the preceding Congresses. I have never known a bill till now that fixed the rate of allowance. I deem it unjust and unsafe; and we ought not to pass bills of that character.

The CHAIRMAN. The pending question is on the amendment of the gentleman from Connecticut, [Mr. HAWLEY.]

The question being put, there were—ayes 44, noes 38.

So (further count not being called for) the amendment was adopted.

Mr. HAZELTON. I suggest that if this amendment is to be put upon this bill it should be put upon the others that preceded it.

Mr. HAWLEY. It occurs to me that this amendment which has just been adopted really dispenses with the three or four lines at the close of the bill and they ought to be dropped. What follows in regard to the date of discharge, &c., becomes immaterial. I will ask the Clerk to read the bill as it is now amended.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Noah Caton, of Company H, Eighty-fifth Regiment Pennsylvania Volunteers, and that the said Noah Caton be allowed a pension at the rate of \$4 a month, but as to arrears and any increase of his pension hereafter, subject to the provisions and limitations of the pension laws, including the general laws granting arrears, commencing from the date of his honorable discharge, to wit, September 25, 1862, from the Army of the United States on account of injuries and disease received and contracted by him while in the service and line of duty during the late war of the rebellion.

Mr. DUNNELL. Do I understand that the bill as now amended still contains the rating that it originally contained?

Mr. HAWLEY. As a compromise that may be retained. The bill now starts this soldier at \$4 a month; but as to the past he will get what he may receive under the general law as to arrears. It is surplusage to state when he was discharged. That will be established when he goes to ask for his arrears.

Mr. TAYLOR. I may state that the Commissioner of Pensions holds that no soldier who receives a pension by a special act is entitled to arrears. This amendment just adopted therefore cuts off this soldier.

Mr. RYAN, of Kansas. I ask whether it is intended by that amendment that the pensioner shall have arrears of pension?

Mr. HAWLEY. I believe pensioners should have arrears, and the bill has passed the House unanimously to that effect. That it will pass the Senate I have no doubt. And Congress should put all these men on an equality.

Mr. HOUK. The gentleman from Connecticut said a while ago that if he had been here he would have voted against the bill granting arrears.

Mr. HAWLEY. I would; but the bill having been passed, I think now all ought to have the same treatment.

The bill as amended was laid aside, to be reported favorably to the House.

JACOB J. SMITH.

The next business on the Private Calendar was the bill (H. R. No. 2039) granting a pension to Jacob J. Smith; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Jacob J. Smith, first Lieutenant of Company H, Twelfth Regiment of Pennsylvania Cavalry, at the rate of \$6 per month from the 20th of July, 1863, that being the date of his discharge from the Army of the United States in the late war of the rebellion, on account of injury received and disease contracted while in said military service in line of duty.

A MEMBER. Let the report be read.

The report was read, as follows:

The complainant, Jacob J. Smith, late first Lieutenant of Company H, Twelfth Regiment of Pennsylvania Volunteers, was in the Army of the United States from the 20th of January, 1862, to the 20th of July, 1863, when he was honorably discharged. He applied for a pension on the 3d day of August, 1876, alleging that he "contracted bleeding piles, near Winchester, Virginia, in July, 1863." On the 19th of April, 1879, his claim was rejected, because the "disability alleged not in a degree pensionable."

There appears to be no controversy about the disease being contracted while in the Army of the United States and in line of duty.

Examining Surgeon William Findley says: "It is my belief that the said disability did really originate in the service aforesaid in line of duty," and he rates the disability at "five and two-thirds dollars per month."

Dr. T. M. Bulick, who has made a recent examination, swears he "found prolapse of the rectum and a varicose condition of the hemorrhoidal veins with relaxation of mucous membrane of the part, causing a number of pile tumors of various sizes, some quite large, presenting quite a congested and inflamed appearance, sufficient to render him at least partially unfit for manual labor."

The evidence of persons who knew the claimant well, says he is unable to perform manual labor, on account of the piles, which they believe he contracted while in the Army.

The committee therefore recommend the passage of the accompanying bill.

Mr. HOUSE. I rise to a question of order. There has been so much disorder that I have not heard the reading of the report. I have not yet heard what disease that man had.

The CHAIRMAN. The committee will come to order. It will be necessary for the Clerk to re-read the report.

Mr. HAWLEY. I desire to offer the same amendment to this bill as was adopted to the previous bill.

Mr. WARNER. I desire also to offer an amendment, to come in after the word "cavalry."

Mr. HOUSE. I submitted a question of order a moment or two ago. I want to hear the report read.

The CHAIRMAN. The report has been read.

Mr. HOUSE. I could not hear it.

I simply want to say a word, not about these amendments, but on the nature of the evidence on which we are granting these pensions. I do this with very great reluctance, but I do wish to get the attention of the House to the character of evidence on which it is voting money out of the Treasury. Take the case which has just been passed; and what is the evidence? It is the *ex parte* testimony of two witnesses, who say they were in the Army with the man, and a shell burst and hurt his side, and they believed he had partial paralysis. He did not apply for a pension until 1876. He says he verily believes he contracted a disease in the Army. What disease it was I did not hear.

Mr. TOWNSHEND, of Illinois. Will the gentleman allow me a question right here?

Mr. HOUSE. Certainly.

Mr. TOWNSHEND, of Illinois. I wish to ask the gentleman if every pension granted by the Government is not decided upon *ex parte* evidence, and is not the evidence of two witnesses to any particular fact generally considered sufficient?

Mr. HOUSE. I do not know how that is; but I will say this, that I can get a pension in that way for any man in the United States. If I were disposed to act fraudulently I could get the affidavits of two men to pension any man, and so can any other member of this House.

Mr. TAYLOR. Can you get it before the present Commissioner of Pensions?

Mr. HOUSE. Get what?

Mr. TAYLOR. Can you get a pension fraudulently before Mr. Bentley, the present Commissioner?

Mr. HOUSE. I do not know how that is; but I say that if you take the *ex parte* testimony of any two witnesses to any fact you can establish anything.

Mr. TOWNSHEND, of Illinois. How about pensions to soldiers of the Mexican war?

Mr. HOUSE. I do not know about the soldiers of the Mexican war. But I state a fact which every man on this floor knows. If you vote money out of the Treasury on the *ex parte* testimony of two witnesses whom you know nothing about—and I will ask the chairman of the Committee on Invalid Pensions [Mr. COFFROTH] what he knows about the witnesses in the last case which we have passed?

Mr. COFFROTH. I will tell the gentleman.

Mr. HOUSE. Those witnesses were subjected to no cross-examination. The Government has not been heard. You can vote millions out of the Treasury if you go on in that way.

Mr. COFFROTH. I can tell the gentleman from Tennessee [Mr. HOUSE] that the doctrine which he has laid down is a most marvel-

ous doctrine. I have seen many cases tried in a court of justice on the *ex parte* affidavits of two witnesses; cases which involved thousands of dollars.

Mr. HOUSE. Where was that?

Mr. COFFROTH. In my own State, and nobody appeared to cross-examine the witnesses.

Mr. HOUSE. That was where the party had notice. Has the Government had notice to cross-examine these witnesses?

Mr. COFFROTH. All this evidence has been before the department for years, and it had the right to cross-examine the witnesses.

Mr. TOWNSHEND, of Illinois. One word in answer to the gentleman from Tennessee, [Mr. HOUSE.] Let me say that every pension granted by the Pension Office from the foundation of the Government to this day, all pensions granted for services rendered in the revolutionary war, for services in the war of 1812, in the Indian wars, in the Mexican war, in every war in which this Government has been engaged—have been granted on *ex parte* affidavits. If you should get rid of all pensions that are supported by *ex parte* testimony, you would practically repeal the pension laws, and nullify every pension in existence.

Mr. HOUSE. And we do not know how many of those pensions are fraudulent. It only shows the necessity of our creating some tribunal where a judicial investigation of these claims can take place.

Mr. ROBINSON. I think that perhaps there is a little misapprehension on the part of the gentleman from Illinois, [Mr. TOWNSHEND.] Although there may be *ex parte* testimony in these cases, yet in the Pension Office that testimony is submitted to the test of comparison with the official records in the War Department, in the Adjutant-General's Bureau, and the Surgeon-General's Office, in order to ascertain if it is in accord with the record of the soldier. There is a double test applied to the evidence by the Pension Bureau.

Mr. TOWNSHEND, of Illinois. Let me say, when the records of the War Department are taken, the bureau is taking records which are not supported by oath; simply the certificates of Army officers without oath. And often these unsworn certificates do injustice to the soldier by the neglect or ignorance of the officer in giving his actual physical condition.

Mr. ROBINSON. The theory is, that as the record was made at the time of the transaction it is a part of the *res gesta*, as we lawyers say. The facts are stated in the records at a time when there is no object on the part of any one to falsify the record. The United States has the right to rely upon those records, and to say that they are more likely to be true than the *ex parte* testimony of interested parties given years afterward. I do not apply these remarks to this bill, or to the policy which has been adopted by the Committee on Invalid Pensions in these cases. I make them to correct an evident misapprehension on the part of the gentleman from Illinois.

Mr. CRAVENS. And the Commissioner of Pensions will not receive the statement of an officer not made under oath.

Mr. ROBINSON. He will not, after the officer has retired from the service.

Mr. TOWNSHEND, of Illinois. In answer to that let me say that the records of the War Department simply show the military history of the soldier.

Mr. DE LA MATYR. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DE LA MATYR. My point of order is that the subject before us is not the manner of taking testimony, but it is the bill which has been read.

Mr. HOUSE. I call for the reading of the report again, and I ask members to listen to it.

The CHAIRMAN. The report has been read.

Mr. HOUSE. Nobody has heard it; I ask that it be read again.

Mr. TAYLOR. I object to the report being read again.

Mr. HAWLEY. I offer the same amendment to this bill that I offered to the last bill.

The Clerk read the amendment, as follows:

After the word "month," in line 7 of the bill, insert "but as to arrears and any increase of his pension hereafter subject to the provisions and limitations of the pension laws, including the general laws granting arrears."

Mr. TALBOTT. The gentleman from Tennessee asked for the reading of the report so that we could ascertain—

The CHAIRMAN. Objection was made. The amendment offered by the gentleman from Ohio [Mr. WARNER] will be read.

Mr. HAWLEY. That amendment relates to a different part of the bill from my amendment, and had better be withheld till mine is disposed of.

The CHAIRMAN. Is the amendment offered as an amendment to the amendment?

Mr. WARNER. It is in the nature of a substitute.

The Clerk read as follows:

Strike out all after the word "cavalry," in line 6, and insert "at a rate proportionate to his disability, as determined under the pension laws, including the act granting arrears."

Mr. WARNER. This amendment will correct any defect in the evidence which the claimant may be unable to supply and will place him upon an exact equality with all other claimants for pensions as to rating. That is simple justice; it is treating all alike.

Mr. HAWLEY. The gentleman says that his amendment is a sub-

stitute for mine. So it is in some respects. But I was willing to compromise on one point; that is, to put the man on the list now at some rate, and not require him to wait for six months or a year before any rate is adjusted for him.

The question being taken on the amendment of Mr. WARNER, it was not agreed to, there being—ayes 20, noes 45.

The question then recurred on the amendment of Mr. HAWLEY.

Mr. RYAN, of Kansas. The amendment of the gentleman from Connecticut [Mr. HAWLEY] also cuts off all arrears.

Mr. BAYNE. No, it does not.

Mr. TAYLOR. It does.

The amendment was not agreed to, there being—ayes 30, noes 42.

Mr. HOUSE. I want to hear this report read. In making this demand I am not acting captiously. I have not heard the report. I want to hear the evidence on which I am to vote.

The CHAIRMAN. The Chair will state that objection having been made to reading the report a second time, it cannot be again read.

Mr. TAYLOR. I withdraw the objection.

The report was again read.

Mr. DUNNELL. I move to strike out the enacting clause of this bill.

The motion was not agreed to.

The question being taken on laying the bill aside to be reported favorably to the House, it was agreed to, there being—ayes 40, noes 25.

JOSEPH SHOWMAN.

The next business on the Private Calendar was the bill (H. R. No. 2857) granting a pension to Joseph Showman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Joseph Showman, of Company C, Eighty-fourth Regiment of Pennsylvania Volunteers, at the rate of \$6 per month, commencing on the 2d day of June, 1865, that being the date of his final discharge from the Army of the United States, in the late war of the rebellion, on account of injury received and disease contracted while in the military service and in line of duty.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 2857) granting a pension to Joseph Showman, late a private in Company C, Eighty-fourth Regiment of Pennsylvania Volunteers, have had the same under consideration, and beg leave to make the following report:

The claimant, Joseph Showman, enlisted on the 22d day of August, 1862, in Company C, Eighty-fourth Regiment of Pennsylvania Volunteers, and was honorably discharged on the 22d of December, 1862, by surgeon's certificate of disability. He applied for pension on the 20th of October, 1876, alleging that at Camp Curtin, Harrisburgh, Pennsylvania, and in line of duty, on the 1st day of October, 1862, he fell into a ditch and a cart-wheel ran over his breast, injuring his breast internally on the left side, depressing it, and that he discharges matter and blood from his breast, and has ever since the injury. This claim was rejected by the Commissioner of Pensions on the 10th of May, 1878, because there was no record of alleged injury, and inability to furnish medical evidence, and that the disability existed prior to enlistment.

The claimant alleges that after the injury he was taken to the hospital, was not treated by the surgeon of the regiment, and that he cannot ascertain the name of the surgeon of the hospital and his place of residence if now alive.

William W. Brown, on the 19th of January, 1877, swears that the claimant lived at his house for twelve months before he enlisted, and that prior to and at the date of his enlistment he was a sound, able-bodied man, and especially free from all disease of breast or side.

Jacob Enos, Jacob Croner, and Daniel Kuhns, on the 12th day of October, 1876, testified that the claimant was a sound, able-bodied man, and free from disease of breast at date of enlistment.

William Logan, captain of the company, testifies that at Harrisburgh, Pennsylvania, about October 1, 1862, claimant fell across a ditch or gutter, and a cart-wheel passed over his breast, and that he was taken to the hospital and afterward discharged. Daniel Kuhns and Samuel Kunkle, comrades, testify to the injury, and say the claimant was internally injured on the left side, and that they helped to carry him away.

Jonathan Shawly and Henry Nedrow say that the claimant was not treated by the regimental surgeon, but was taken to the hospital immediately after being hurt.

Dr. Henry Brubaker testifies that he had the claimant under treatment after December, 1862, until in September, 1864, for pulmonary hemorrhage.

Dr. A. G. Miller testified that he treated claimant since June, 1872, for disease of breast and side, which he thinks originated from some injury. He says the claimant is always expectorating mucus and blood in large quantities, with soreness and constant pain in left side.

William W. Brown, Jacob Croner, Jacob Enos, Abraham Shaulus, Hon. Noah M. Marker, and Dr. Moses Hartman, and other reputable witnesses testify to the disability of the claimant after his discharge; that he had "a sore breast and side;" that he "laid in bed much of the time spitting blood;" sometimes "blood ran out of his mouth;" that "he is in delicate health;" and that his "disability has been continuous." Examining Surgeon W. B. Lawman, in his report of the examination of the claimant made on the 6th of August, 1877, says the disability is permanent, and that it is his belief that it originated in the service in line of duty, and rates the disability at three-fourths, or \$6 per month.

The evidence, in the opinion of the committee, is overwhelming in support of the claimant's right to a pension. The committee therefore recommend the passage of the accompanying bill.

Mr. WHITE. I move to strike out the enacting clause of the bill. This soldier seems to have been in the service only two or three months.

The motion was not agreed to, there being—ayes 4, noes 40.

Mr. WARNER. I move to amend by striking out all after the word "volunteer," in line 6, and inserting the following:

At a rate proportionate to his disability, to be determined under the general pension laws, including the arrears act.

The amendment was not agreed to.

The bill was laid aside, to be reported favorably to the House.

Mr. MARTIN, of Delaware. I move that the committee rise.

The motion was not agreed to.

WILLIAM T. MCCOY.

The next business on the Private Calendar was the bill (H. R. No. 2856) granting a pension to William T. McCoy.

The bill was read, as follows:

Be it enacted, &c. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William T. McCoy, of Company B, One hundred and tenth Regiment of Pennsylvania Volunteer Infantry, and that said William T. McCoy be allowed a pension at the rate of \$4 per month, commencing from the date of his honorable discharge, namely, October 24, 1864, from the Army of the United States, on account of injuries and disease incurred and contracted by him while in the service and line of duty during the late war of the rebellion.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 2856) granting a pension to William T. McCoy, late private in Company B, One hundred and tenth Regiment of Pennsylvania Volunteers, have had the same under consideration, and beg leave to make the following report:

The claimant enlisted in the military service of the United States on the 1st day of September, 1861, in Company B, One hundred and tenth Regiment of Pennsylvania Volunteers, and was honorably discharged on the 24th day of October, 1864. He filed an application for pension, setting forth in it that while in action at the battle of Fredericksburg, Virginia, on the 13th of December, 1862, he received a gunshot wound on the top of his head, and also while on the march to Chancellorsville, Virginia, about May, 1863, he sustained an injury to his left side, causing palpitation of the heart, &c. His application was rejected because of "no disability since discharge."

There is no dispute about the gunshot wound and injury being received by the claimant while in the Army and line of duty.

Examining Surgeon Dr. William C. Findley says in his report of the examination of the claimant on the 27th of November, 1878, that "by reason of alleged disability resulting from gunshot wound on top of head, and injury to left side causing heart disease, the claimant is one-half incapacitated for obtaining his subsistence by manual labor."

Examining Surgeon Dr. G. W. Smith says in his report of the examination of the claimant, made July 16, 1879, "by reason of the gunshot wound of the head, the applicant is not incapacitated for obtaining his subsistence by manual labor."

All the other evidence, both medical and that of persons who know the claimant, sustain the report of Examining Surgeon Findley, and it will be seen that Examining Surgeon Smith only examined the claimant for the gunshot wound, entirely overlooking the injury that caused heart disease.

After reviewing and considering all the evidence the committee are of the opinion that the claimant is entitled to a pension at half rate, and therefore recommend the passage of the accompanying bill.

Mr. WARNER. I move to amend by striking out all after the word "infantry," in line 6, and inserting "at a rate proportionate to his disability, to be determined under the general pension laws, including the arrears act."

I wish to say, in reply to a remark which has been made here, that the matter of rating is speedily done in the Pension Office. It is not delayed by any accumulation of business. It is a question of fact readily determined, and determined in almost all these cases upon the papers already on file. There need not be delay in determining the rating. There are surgeons' certificates attached to all these claims. The rating can be determined at the Pension Office speedily, and thus we put all upon an equality.

The amendment of Mr. WARNER was not agreed to.

Mr. HAWLEY. I move to amend by inserting the following:

But as to arrears and any increase of his pension hereafter subject to the provisions and limitation of the pension laws, including the general laws granting arrears.

I call attention to what I fear the committee is overlooking—the injustice they are doing to a large class of soldiers by establishing the rate of this pension from the date of discharge. There is not another pensioner in the United States except those to whom you have applied it who can get that privilege.

Mr. COFFROTH. Oh, yes.

Mr. TOWNSHEND, of Illinois. They all get it.

Mr. HAWLEY. I understand that. That is where the arrear comes in. Where they get it in the general arrears act they come and show some bad disability two or three years; some slight at first, and it increased afterward; fairly granted as near as human laws and our wisdom can get at it. But there is a large class of cases which had special relief by acts of Congress. They get nothing; they never had anything, and there is no provision in law giving them anything previous to the date of the passage of the bill. A bill is pending in the Senate which has passed this House giving them arrears, and undoubtedly it will pass the Senate. It will put them on an equality with their brothers who had arrears granted to them. I want to put this man and the others on an equality with them; that is, that they may be graded as to past pensions and not fixed by a uniform grade from the beginning to the end. That is all I want. I believe it is fair.

The amendment was again read.

Mr. TOWNSHEND, of Illinois. On that amendment I desire to say this, that the gentleman does not put this pensioner on an equality with those who received arrears under the general arrearage act. He deprives this man of all arrearages.

Several MEMBERS. Let us know what the amendment is?

The amendment was again read.

Mr. HAZELTON. If I understand the first amendment, he is inconsistent with himself. His other amendment, as I understood him, included arrearages. The first amendment, he alleged to the House, would give to the soldier his arrearages.

Mr. HAWLEY. We are to have a bill to give them to these and all others.

Mr. HAZELTON. Did not I understand the first amendment of the gentleman to give arrearages?

Mr. HAWLEY. Subject to the laws granting arrearages.

Mr. HAZELTON. The gentleman from Connecticut took the position it would give him arrears of pension. The gentleman from Kansas took the position it would not, and antagonized the gentleman from Connecticut on that. Am I not right?

Mr. RYAN, of Kansas. Yes, sir; I wish to call the gentleman's attention—

Mr. HAZELTON. The gentleman from Connecticut proposes one system for one bill and another system for another bill. It is impossible for us as a committee to do any solid, substantial work under this kind of amendment. We want to have all soldiers or classes of soldiers under uniform legislation.

Mr. RYAN, of Kansas. I wish to say to the gentleman that the gentleman from Connecticut is consistent. The other amendment he offered cut off all arrears.

Mr. HAZELTON. He did not so understand it.

Mr. RYAN, of Kansas. He did so understand it.

Mr. HAWLEY. I must beg the attention of the committee when two intelligent gentlemen persist in misunderstanding me, if I may be allowed that sort of contradictory expression. I said I hoped now as Congress had given arrears to all pensioners on the rolls that the rule of giving arrears would be applied in all cases. That I said. That I am in favor of. I said, then, I would not on this bill go back and say a man should have \$4 or \$6 of arrears to the date of his discharge. Why? Because that is not said about anybody else. It is not said about hundreds and thousands already on the rolls. They get adjusted arrears. And the amendment I offered before said as to arrearages they should be subject to law—that is, subject to adjusted arrearages. Then came in the point that men benefited under special acts had no arrears. I answer that by saying they ought to have them, and I have no doubt they will have them because we have passed a bill to that effect. All those men under my first amendment would have that—

Mr. HAZELTON. What does the gentlemen mean by "adjusted arrears," if he does not give any?

Mr. HAWLEY. Oh, dear! [Laughter.]

The question recurred on Mr. HAWLEY's amendment.

The committee divided; and there were—ayes 30, noes 39.

So the amendment was rejected.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

Mr. HAWK. I move that the committee now rise. It seems we have gone far enough.

The committee divided; and there were—ayes 38, noes 36.

So the motion was agreed to.

The committee accordingly rose; and Mr. HAWLEY having resumed the chair as Speaker *pro tempore*, Mr. BURROWS reported that the Committee of the Whole House had, according to order, had the pension cases on the Private Calendar under consideration and had directed him to report sundry bills, some with and some without amendments.

The SPEAKER *pro tempore*. The bills reported without amendment will first be read.

Mr. BROWNE. I hope the House will indulge me for a moment. Near the close of the Calendar is the name of Abram F. Farrar who has been for seven years totally paralyzed. It is a most pitiable case—

Mr. TOWNSHEND, of Illinois. There are many in the same condition.

Mr. HAYES. I have one of the same sort.

Mr. VAN VOORHIS. I have a case worse than that.

The SPEAKER *pro tempore*. There is objection to the request of the gentleman from Indiana.

Mr. TAYLOR. I desire to take from the Speaker's table Senate bill No. 382 for the purpose of putting it on its passage.

Mr. TOWNSHEND, of Illinois. Is that a pension case?

Mr. TAYLOR. It is.

The SPEAKER *pro tempore*. The Chair thinks that nothing is in order except the consideration of the bills reported from the Committee of the Whole House on the Private Calendar.

Mr. MARTIN, of Delaware. I move the House do now adjourn.

The House divided; and there were—ayes 20, noes 40.

So the motion was disagreed to.

Mr. COFFROTH. I move that all the bills reported to the House be now passed.

The SPEAKER *pro tempore*. That will require unanimous consent. There was objection.

PENSION BILL PASSED.

The Clerk read the first bill reported from the Committee of the Whole on the Private Calendar, as follows:

A bill (H. R. No. 3076) granting a pension to William R. Weimer.

The SPEAKER *pro tempore*. If there be no objection the bill, as read, will be taken as having been ordered to be engrossed and read a third time.

There was no objection; and it was ordered accordingly.

The question was taken on the passage of the bill; and the Speaker *pro tempore* announced it carried.

Mr. MARTIN, of Delaware. I make the point of order that no quorum has voted.

Mr. HATCH. I rise to a parliamentary question. How can the question be raised that no quorum has voted when there has been no count?

Mr. MARTIN, of Delaware. I call for a division.

Mr. COFFROTH. I make the point of order that it is too late to call for a division as the bill has been passed.

The SPEAKER *pro tempore*. The Chair thinks it is right to allow the gentleman the privilege of a division. It was upon that vote that he raised the question that no quorum had voted.

The House divided; and there were—ayes 48, noes 5.

So the bill was passed.

BILLS PASSED.

The following bills, reported from the Committee of the Whole House on the Private Calendar, were severally ordered to be engrossed and read a third time; and being engrossed, they were read the third time, and passed:

A bill (H. R. No. 2862) granting an increase of pension to John H. Black;

A bill (H. R. No. 1890) granting a pension to Ellen Gillespie;

A bill (H. R. No. 2861) granting an increase of pension to Herman Baldwin;

A bill (H. R. No. 2860) granting a pension to Thomas H. Vaughn;

A bill (H. R. No. 3077) granting a pension to John L. Williams;

A bill (H. R. No. 2864) granting a pension to Isaiah W. Bunker;

A bill (H. R. No. 2859) granting a pension to Paul Walker;

A bill (H. R. No. 1806) granting a pension to Michael Lingenfelter;

A bill (H. R. No. 2039) granting a pension to Jacob J. Smith;

A bill (H. R. No. 2857) granting a pension to Joseph Showman; and

A bill (H. R. No. 2856) granting a pension to William T. McCoy.

The SPEAKER *pro tempore*. The Clerk will now report the titles of the bills which have been reported with amendments.

The first bill reported with amendments was the bill (H. R. No. 1465) granting a pension to Levi Ludam.

The amendments were as follows:

Strike out the word "Ludam" and insert "Leedom," and amend the title so as to conform to the bill.

The amendments were agreed to; and the bill, as amended, was ordered to be engrossed and read the third time; and being engrossed, it was accordingly read the third time, and passed.

The next bill reported with an amendment was the bill (H. R. No. 2854) granting a pension to Noah Caton.

The amendment was read, as follows:

Insert after the word "month," in the seventh line, the following:

But as to arrears and any increase of his pension hereafter, subject to the provisions and limitations of the pension laws, including the general laws granting arrears.

Mr. RYAN, of Kansas. Let us vote that down.

The question being put on agreeing to the amendment, there were—ayes 25, noes 38.

So (further count not being called for) the amendment was not agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COFFROTH moved to reconsider the votes passing the several bills; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HAWK. I move that the House do now adjourn.

Mr. COFFROTH. I hope not; we have still a number of reports to present from the committee.

The SPEAKER *pro tempore*. The gentleman can only reach his object by voting down the motion.

The question being put on the motion to adjourn, there were—ayes 33, noes 31.

Mr. McKENZIE. I call for the yeas and nays.

Mr. COFFROTH. I call for tellers.

The SPEAKER *pro tempore*. The Chair will order tellers, and appoints the gentleman from Illinois, Mr. ALDRICH, and the gentleman from Pennsylvania, Mr. COFFROTH.

Mr. WHITE. I make the point of order that on a motion to adjourn there cannot be a call for tellers on the ground that a quorum has not voted.

The SPEAKER *pro tempore*. The tellers will proceed with their duty.

Mr. WHITE. I insist on my point of order that the Chair cannot order tellers on the ground that a quorum did not vote.

Mr. BURROWS. The House is dividing.

The SPEAKER *pro tempore*. No quorum voted on the vote preceding that on the motion to adjourn. The Chair has decided that the gentleman from Pennsylvania [Mr. COFFROTH] had a right to call for tellers, and the tellers have been appointed.

The House divided; and the tellers reported—ayes 22, noes 30.

Mr. TALBOTT and Mr. WHITE called for the yeas and nays.

The yeas and nays were ordered.

Mr. TALBOTT. I withdraw the call for the yeas and nays.

The SPEAKER *pro tempore*. The yeas and nays have been ordered. The Clerk will call the roll.

The question was taken; and there were—yeas 27, nays 42, not voting 223; as follows:

YEAS—27.

Aldrich, William
Armfield,
Barber,
Beltzhoover,
Brewer,
Burrows,
Carpenter,

Cravens,
Culberson,
Davis, George R.
Hammond, John
Hawk,
Hazelton,
House,

Ladd,
Lapham,
Marsh,
Martin, Edward L.
Rothwell,
Ryan, John W.
Thompson, P. B.

Tillman,
Turner, Oscar
Turner, Thomas
Urner,
Warner,
White.

NAYS—42.

Bailey,
Bayne,
Briggs,
Browne,
Caldwell,
Coffroth,
Colerick,
Covert,
Davis, Lowndes H.
De La Matyr,
Dibrell,

Dunnell,
Farr,
Godshalk,
Harris, Benj. W.
Hatch,
Herndon,
Hill,
Hostetler,
Houk,
Hurd,
Kenna,

Ketcham,
Klotz,
Mason,
McKenzie,
New,
O'Neill,
Richardson, D. P.
Ryan, Thomas
Shallenberger,
Sherwin,
Stevenson,

Talbott,
Taylor,
Townshend, R. W.
Updegraff, J. T.
Valentine,
Van Aernam,
Ward,
Willis,
Wilson.

NOT VOTING—223.

Acklen,
Aiken,
Aldrich, N. W.
Anderson,
Atherton,
Atkins,
Bachman,
Baker,
Ballou,
Barlow,
Beale,
Belford,

Dickey,
Dunn,
Dwight,
Einstein,
Elam,
Ellis,
Errett,
Evins,
Ewing,
Felton,
Ferdon,
Field,

Kitchin,
Knott,
Le Fevre,
Lewis,
Lindsey,
Loring,
Lounsbury,
Lowe,
Manning,
Martin, Benj. F.
Martin, Joseph J.
McCoid,

Richmond,
Robertson,
Robeson,
Robinson,
Ross,
Russell, Daniel L.
Russell, W. A.
Samford,
Sapp,
Sawyer,
Scales,
Shelley,

Berry,
Bicknell,
Bingham,
Blackburn,
Blake,
Bland,
Bliss,
Blount,
Bouck,
Bowman,
Boyd,
Bragg,

Finley,
Fisher,
Ford,
Forney,
Forsythe,
Fort,
Frost,
Frye,
Garfield,
Geddes,
Gibson,
Gillette,

McCook,
McGowan,
McKinley,
McLane,
McMahon,
McMillin,
Miles,
Miller,
Mills,
Mitchell,
Money,
Monroe,

Simonton,
Singleton, J. W.
Singleton, O. R.
Slemmons,
Smith, A. Herr
Smith, Hezekiah B.
Smith, William E.
Sparks,
Speer,
Springer,
Starin,
Steele,

Bright,
Buckner,
Butterworth,
Cabell,
Calkins,
Camp,
Cannon,
Carlisle,
Caswell,
Chalmers,
Chittenden,
Clafin,

Goode,
Gunter,
Hall,
Hammond, N. J.
Harmer,
Harris, John T.
Haskell,
Hawley,
Hayes,
Hellman,
Henderson,
Henkle,

Morton,
Muldrow,
Muller,
Murch,
Myers,
Neal,
Newberry,
Nicholls,
Norcross,
O'Brien,
O'Connor,
O'Reilly,

Thomas,
Thompson, W. G.
Townsend, Amos
Tucker,
Tyler,
Updegraff, Thomas
Upson,
Vance,
Van Voorhis,
Voorhis,
Waddill,

Clardy,
Clark, Alvah A.
Clark, John B.
Clymer,
Cobb,
Conger,
Converse,
Cook,
Cowgill,
Cox,
Crapo,
Crowley,

Hiscock,
Hooker,
Horr,
Hubbell,
Hull,
Humphrey,
Huntton,
Hutchins,
James,
Johnston,
Jones,
Jorgensen,

Orth,
Osmer,
Overton,
Pacheco,
Page,
Persons,
Phelps,
Philips,
Phister,
Pierce,
Poehler,
Pound,

Wait,
Washburn,
Weaver,
Wellborn,
Wells,
Whiteaker,
Whithorne,
Wilber,
Williams, C. G.
Williams, Thomas
Willits,
Wise,

Daggett,
Davidson,
Davis, Horace
Davis, Joseph J.
Deering,
Deuster,
Dick,

Joyce,
Keifer,
Kelley,
Killingier,
Kimmel,
King,

Prescott,
Price,
Reagan,
Reed,
Rice,
Richardson, J. S.

Wood, Fernando
Wood, Walter A.
Wright,
Yocum,
Young, Casey
Young, Thomas L.

So the motion to adjourn was not agreed to.

During the call of the roll the following proceedings took place:

When the Clerk had called the first two names,

Mr. ALDRICH, of Illinois, said: I understood the gentleman who

called for the yeas and nays withdrew the call.

Mr. WHITE. The gentleman misunderstood. I did not withdraw

the call.

The Clerk resumed the call of the roll.

Mr. COFFROTH, (interrupting the roll-call.) I ask unanimous consent that the call of the roll be dispensed with and that we adjourn.

Mr. MARTIN, of Delaware, and Mr. BAYNE objected.

The SPEAKER *pro tempore*. The Chair begs leave to state that he made that suggestion because it is evident the call of the roll will disclose there is no quorum and without a quorum no business can be transacted if the point is made. The call of the roll is simply a waste of time.

Mr. BAYNE. It may disclose who are here attending to business.

The following announcements were made:

Mr. SHELLEY. I am paired with Mr. THOMAS, of Illinois.

Mr. SAMFORD. I am paired with Mr. ALDRICH, of Rhode Island. If he were present, I would vote "ay."

Mr. MILES. I am paired with Mr. SINGLETON, of Illinois.

Mr. FARR. Mr. FRYE, of Maine, and Mr. BLACKBURN, of Kentucky, are paired.

Mr. VAN VOORHIS. I am paired on political questions with Mr. CHALMERS, of Mississippi. I think the question whether a disabled soldier should receive a pension is a political question, and, being paired, I do not vote.

Mr. BAILEY. My colleague, Mr. PIERCE, is paired with my colleague, Mr. LOUNSBERRY.

Mr. ROBINSON. I am paired with Mr. HERBERT, of Alabama. My colleague, Mr. FIELD, is paired with Mr. McMILLIN, of Tennessee.

Mr. ALDRICH, of Illinois. I desire to state that Mr. DAVIS, of North Carolina, is paired with Mr. THOMPSON, of Iowa.

Mr. HERR. I am paired on all political questions with Mr. WISE, of Pennsylvania.

Mr. SAPP. I am paired with Mr. DUNN, of Arkansas; if he were here, I should vote "ay." I desire also to state that my colleague, Mr. PRICE, is absent on account of sickness in his family, and my colleagues, Mr. MCCOY and Mr. THOMPSON, are absent by leave of the House.

Mr. SHALLENBERGER. My colleague, Mr. MITCHELL, is paired with Mr. GUNTER, of Arkansas.

Mr. HARRIS, of Massachusetts. My colleague, Mr. LORING, is paired with Mr. LEWIS, of Alabama.

Mr. TOWNSEND, of Illinois. I desire to state that my colleague, Mr. SPRINGER, is paired with Mr. BELFORD, of Colorado.

Mr. CALDWELL. I desire to announce that Mr. BOUCK, of Wisconsin, is paired with Mr. MCKINLEY, of Ohio.

Mr. CULBERSON. My colleague, Mr. UPSON, is detained at home on account of sickness.

Mr. STEVENSON. I desire to announce that Mr. DAVIDSON, of Florida, is absent by leave of the House.

Mr. DIBRELL. My colleague, Mr. SIMONTON, is paired with Mr. MCCOY, of Iowa.

Mr. KENNA. My colleague from West Virginia, Mr. MARTIN, was in the House when the bills reported from the Committee of the Whole were acted upon; but then left, being unwell, supposing that no further business would be transacted to-night.

The result of the vote was then announced as above stated.

Mr. TAYLOR. I ask unanimous consent to take from the Speaker's table—

Mr. WHITE. I make the point of order that the last vote disclosed the fact that no quorum is present; and therefore no business is now in order except a call of the House or a motion to adjourn.

Mr. COFFROTH. I move that the House now adjourn.

The question was taken; and upon a division there were—ayes 42, noes 6.

So the motion was agreed to; and accordingly (at ten o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. AIKEN: The petitions of the publishers of the Newberry (South Carolina) News; of the Pickens (South Carolina) Sentinel, and of the Southern Presbyterian, and Southern Presbyterian Review, Columbia, South Carolina, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. WILLIAM ALDRICH: The petitions of M. J. Cahill & Co., publishers of the Pilot, and of the publishers of the Mining Review, Chicago, Illinois, of similar import—to the same committee.

Also, the petition of Henry Bonn and 60 other firms and individuals engaged in the manufacture and sale of cigars in the first district of Illinois, for a reduction of the tax on cigars to \$4 per thousand—to the same committee.

By Mr. ANDERSON: The petition of citizens of Marshall County, Kansas, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of citizens of Marshall County, Kansas, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. ATHERTON: The petitions of E. J. Fristoe, of Hebron, and of McKenna & Co., of Junction City, Ohio, for the repeal of the stamp-tax on medicines, &c.—to the Committee of Ways and Means.

Also, the petition of John Kirkpatrick, publisher of the Jeffersonian, Cambridge, Ohio, for the abolition of the duty on type—to the same committee.

By Mr. ATKINS: The petitions of E. V. Turner and J. H. Broach, for the repeal of the stamp-tax on medicines, &c.—to the same committee.

By Mr. BEALE: Three petitions of citizens of Accomac County, Virginia, for an appropriation to clean out a channel at Chincoteague Island—to the Committee on Commerce.

By Mr. BERRY: The petition of the publishers of the Mendocino (California) Beacon, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. BOUCK: The petitions of G. W. Palchen, publisher of the Times, New London, and of Ed. Van De Castelle and J. B. Heyman, publishers of De Pere Standard, De Pere, Wisconsin, of similar import—to the same committee.

Also, the petition of ex-soldiers and sailors, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of citizens of Ahnapee, Wisconsin, for an appropriation for the improvement of the harbor at that place—to the Committee on Commerce.

By Mr. BRIGGS: The petition of John Gage and 30 others, citizens of Merrimack County, New Hampshire, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. BROWNE: The petition of the Richmond (Indiana) Telegram Company, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. BURROWS: The petition of citizens of Michigan and Indiana, for certain legislation relating to the management and treatment of the Indians—to the Committee on Indian Affairs.

By Mr. BUTTERWORTH: The petition of Andrew Richie and other members of the board of directors of the Western Tract Society, that section 25 of the postal law of March 3, 1879, be so amended as to make the postage on all weekly newspapers and periodicals not exceeding two ounces in weight uniform—to the Committee on the Post-Office and Post-Roads.

By Mr. CALKINS: The petition of the publishers of the Notre Dame (Indiana) Scholastic, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. J. G. CANNON: The petition of George Gilman and 120 others, of Macon County, Illinois, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of George Gilman and 100 others, of Macon County, Illinois, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. CARPENTER: The petition of H. C. Wood, publisher of the Index, Pattersonville, Iowa, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. CLAFLIN: The petition of Cook & Sons, of Milford, Mass., that materials used in making paper be placed on the free list, for a reduction of the duty on printing-paper, and for the abolition of the duty on type—to the same committee.

By Mr. COLERICK: The petition of J. D. Goodwin and 66 others, citizens of Wells County, Indiana, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. COOK: The petition of M. Calloway, publisher, of Georgia, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. COVERT: The petition of Edward H. Jones and others, citizens of Suffolk County, New York, for the abolition of compulsory pilotage—to the Committee on Commerce.

By Mr. COWGILL: The petition of William H. Mattingly and 49 other soldiers of the late war, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. CRAVENS: The petitions of P. H. Rice, publisher of the Hot Springs Telegraph, and of M. M. McGuire, publisher of the Independent Arkansian, Dardanelle, Arkansas, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. DE LA MATYR: The petitions of Abel Fisher and 473 others; of Perry Booker and 19 others; of William Hubbard and 34 others; of John W. Blades and 31 others; of Jeremiah Collier and 46 others; of James Russell and 94 others; of E. R. Miller and 18 others; and of James S. Ryan and 25 others, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, the petition of J. H. Cole and 46 others, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

Also, the petition of John C. Shoemaker and 6 other publishers, of Indiana, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of Benjamin Burgess & Sons and 35 others, opposing any change of the tariff on sugar—to the same committee.

Also, the petition of F. A. Arnold and 2 other publishers, of Indiana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of George C. Church and 130 others, that chrome iron ore and bichromate of potash be admitted free of duty—to the same committee.

By Mr. DEUSTER: The petitions of B. H. Gueterback and Anthony Novak, publishers, of the city of Milwaukee, Wisconsin, for the abolition of the duty on type—to the same committee.

Also, the petition of George W. Peck, president Wisconsin Editors and Publishers' Association, that the newspapers of the country may be protected by appropriate legislation from "the ravages of the

type-founding and paper-making grasshoppers"—to the same committee.

Also, the petition of B. H. Gueterback, publisher, of Milwaukee, Wisconsin, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. DICKEY: The petitions of Vernon & Tudor, publishers, and of James W. Vernon, publisher, of Wilmington, Ohio, for the abolition of the duty on type—to the same committee.

By Mr. DWIGHT: The petition of A. G. Ball, editor Havana (New York) Journal, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. EWING: The petition of Simeon Sanders and others, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of S. P. Roberts and others, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. FINLEY: The petition of the publisher of the Monitor, Prospect, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. GARFIELD: The petitions of the publishers of the Courtland (Ohio) Gazette, and of the Geneva (Ohio) Express, for the abolition of the duty on type—to the same committee.

By Mr. GEDDES: The petition of G. U. Horn & Co., publishers of the Mansfield (Ohio) Herald, of similar import—to the same committee.

By Mr. HASKELL: A paper relating to the bill for the relief of Mrs. Sarah Shaw—to the Committee on Indian Affairs.

Also, the petition of the editors of the Kansas Home News, Ottawa, Kansas, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. HAWK: Resolutions of the Grand Army of the Republic, department of Illinois, against the passage of the bill known as the sixty-surgeon bill; also that there be no discrimination between ex-officers and ex-enlisted men in rate of pension; and also, that the pension laws be so amended as to place on the roll of permanent disability all pensioners who have been on rolls as invalid pensioners for ten years—to the Committee on Invalid Pensions.

By Mr. HAYES: Resolutions of the Grand Army of the Republic of Illinois, of similar import—to the same committee.

Also, the petition of Forbes & Gehring, of Ottawa, Illinois, for the repeal of the stamp-tax on medicines, &c.—to the Committee of Ways and Means.

By Mr. HENRY: The petition of 83 citizens of Virginia and Maryland, for an appropriation for the deepening of the channel from Chincoteague Island to Franklin City—to the Committee on Commerce.

By Mr. HILL: The petition of Lewis & Griffin, publishers of the Record, Fayette, Ohio, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. HISCOCK: The petition of citizens of New York, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, two petitions of the citizens of New York, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, seven petitions of publishers of New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, memorial of the Legislature of New York, relating to the defenses of New York Harbor—to the Committee on Appropriations.

By Mr. HOOKER: The petition of merchants and consumers, that chrome iron ore and bichromate of potash be relieved from duty—to the Committee of Ways and Means.

By Mr. HERR: The petition of William S. Turek & Co. and others, of Michigan, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. HUMPHREY: The petition of B. J. Castle, publisher of the Wisconsin Independent, Black River Falls, Wisconsin, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. HUNTON: Papers relating to the claim of George W. Flood for pay for services as a clerk in the Bureau of Topographical Engineers—to the Committee of Claims.

By Mr. HURD: The petition of W. W. Whitney, of Toledo, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. JAMES: The petition of J. C. Lewis, for pay for property taken and used by the Quartermaster's Department during the late war—to the Committee on War Claims.

By Mr. KETCHAM: The petition of J. M. Plass, against the passage of Commissioner Bentley's sixty-district bill—to the Committee on Invalid Pensions.

By Mr. MCKENZIE: The petitions of Lumpkin, Munday & Brad-

ford, publishers of the Messenger and Examiner, Owensborough, Kentucky, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper, and for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. MORRISON: The petition of druggists of Peoria, Illinois, for the abolition of the stamp-tax on proprietary medicines—to the same committee.

Also, the petition of Maurice F. Tissier and James Harrey, editors and publishers of the East Saint Louis (Illinois) Herald, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. NEWBERRY: The petition of the board of supervisors, board of auditors, and citizens of Wayne County, Michigan, that Congress grant a portion of the arsenal property at Dearborn, Michigan, to the Wayne County Agricultural Society—to the Committee on Military Affairs.

Also, the petition of the publishers of the Christian Herald, Detroit, Michigan, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. O'CONNOR: The petition of citizens of the town of Beaufort, South Carolina, that a portion of the colored soldiers' bounty fund be dedicated to the support of a school for the education of colored people in Beaufort, South Carolina—to the Committee on Education and Labor.

Also, the petition of W. J. Oliver, publisher of the Evening Democrat, Charleston, South Carolina, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. O'NEILL: Memorial of the Baldwin Locomotive Works and 20 other manufacturing firms of Philadelphia, Pennsylvania, for the maintenance of postal communications with Australia—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERTON: The petition of William N. Waldron and 15 other Union soldiers of East Smithfield, Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. JOHN S. RICHARDSON: The petition of Doar & Sessions, publishers of the Times and Comet, Georgetown, South Carolina, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. SAPP: Four petitions of publishers of Iowa, for the abolition of the duty on type—to the same committee.

Also, three petitions of publishers of Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. SHALLENBERGER: The petition of J. R. Foulkes, publisher of the Cross and the Crown, Claysville, Pennsylvania, for the abolition of the duty on type—to the same committee.

By Mr. STEELE: The petition of W. W. McDiarmid, publisher, of North Carolina, of similar import—to the same committee.

By Mr. STEPHENS: Papers relating to the claim of Bernard Rice for pay for property destroyed by United States troops during the late war—to the Committee on War Claims.

By Mr. STEVENSON: Three petitions of druggists of Illinois, for the repeal of the stamp-tax on medicines, &c.—to the Committee of Ways and Means.

By Mr. STONE: The petition of Henry M. Freeman and others, ex-Union soldiers, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of John G. Lee, publisher of the Grand Haven (Michigan) News-Journal, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. P. B. THOMPSON, JR.: The petition of citizens of Madison County, Kentucky, for appropriations for the Kentucky River—to the Committee on Commerce.

By Mr. RICHARD W. TOWNSHEND: The petition of Charles Campbell, editor of the Times, and W. W. Davisson, editor of the Era, McLeansborough, Illinois, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petitions of the publishers of the News and of the Exponent, Mount Vernon; of the Sentinel, Harrisburgh; of the Sentinel, Benton; of the Times, Olney, and of the Gazette, Jonesborough, Illinois, for the abolition of the duty on type—to the same committee.

By Mr. TYLER: The petition of C. M. Stone & Co. and A. Chandler, publishers, of Vermont, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. J. T. UPDEGRAFF: The petition of Thomas Carpenter and 80 others, citizens of Belmont County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. URNER: The petition of Negley & Co., publishers of the Herald and Torchlight, Hagerstown, Maryland, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of Andrew J. Carney and others, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.

By Mr. VANCE: The petition of W. H. Deaver and J. P. Babington, publishers, of North Carolina, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of W. H. Deaver, of North Carolina, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. WADDILL: The petitions of W. R. Crockett, publisher of the Vernon County Democrat, and of J. G. Dodge, publisher of the Democrat, Marshfield, Missouri, of similar import—to the same committee.

By Mr. WARNER: The petition of E. R. Alderman, of Marietta, Ohio, for the abolition of the duty on type—to the same committee.

By Mr. WASHBURN: The petition of H. P. Robie, publisher of the Rush City (Minnesota) Post, of similar import—to the same committee.

By Mr. WHITEAKER: The petitions of the editors and publishers of newspapers of Portland, and of publishers of Jacksonville and Ashland, Oregon, of similar import—to the same committee.

By Mr. CHARLES G. WILLIAMS: The petitions of P. H. Swift, editor of the Independent, Clinton; of W. F. Tansley, editor Tobacco Reporter, Edgerton; of Phelps & Zeegans, editors of the Reporter, Sharon; of W. W. Clarke, publisher of the College Journal, Milton; and of Conable Brothers, publishers of the Enterprise, Delavan, Wisconsin, of similar import—to the same committee.

By Mr. WILLIS: Papers relating to the bill for the relief of H. S. Saunders—to the Committee on War Claims.

By Mr. FERNANDO WOOD: The petition of W. H. Webber & Son, of Benton, Arkansas, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petitions of E. Smith, president of the White Water Railroad Company, and of the Burlington and Southwestern Railroad Company, for the reduction of the duty on steel rails to \$10 a ton—to the same committee.

By Mr. WRIGHT: The petition of Barnard O'Donnell and 60 others, citizens of Lansford, Pennsylvania, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

By Mr. CASEY YOUNG: The petition of citizens of Memphis, Tennessee, for the suppression of the traffic in adulterated food—to the Committee on Commerce.

By Mr. THOMAS L. YOUNG: The petitions of the publishers of the Cincinnati Volksblatt, and of the American Inventor, Cincinnati, Ohio, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petitions of George Ackerman, George Kaiser, and 38 others, and of Isaac Pfeifer, Andrew Weich, and 32 others, citizens of Hamilton County, Ohio, for the passage of the bill (H. R. No. 4327) to create a department of manufactures, mechanics, and mines—to the Committee on the Judiciary.

IN SENATE.

FRIDAY, March 5, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

STAR-ROUTE POSTAL CONTRACTS.

The VICE-PRESIDENT laid before the Senate the following communication from the Secretary of the Treasury; which was read:

TREASURY DEPARTMENT, March 4, 1880.

SIR: I have the honor to acknowledge receipt of Senate resolution of March 1, requesting information of amounts paid for star postal service.

The resolution was referred on the same day to the Sixth Auditor, with request that he prepare the information called for by the resolution, and on the 3d instant he returned it with the following indorsement:

"The information called for by this resolution was furnished Hon. J. C. S. BLACKBURN, of the House of Representatives, on the 2d instant, and, being of a voluminous character and requiring much time on its preparation, Hon. JAMES B. BECK, the mover of the within resolution, was, previous to the receipt of this paper, provided with a condensed summary of the information already furnished to Mr. BLACKBURN, and has accepted the same as sufficient."

If this should prove a sufficient answer to the resolution the Department will be relieved of much labor; and unless further advised I shall deem the information called for as already furnished.

Very respectfully,

Hon. WILLIAM A. WHEELER,
President United States Senate.

JOHN B. HAWLEY,
Acting Secretary.

The VICE-PRESIDENT. The communication will lie upon the table, in the absence of the Senator from Kentucky, [Mr. BECK.]

Mr. DAVIS, of West Virginia. It might be well for me to remark that I heard the Senator from Kentucky say that he thought the communication sent to the House of Representatives would answer his purpose.

The VICE-PRESIDENT. The communication in any event would lie on the table, subject to his call if he desires to call it up.

Mr. BECK subsequently said: The Secretary of the Treasury this morning sent an answer to the Senate to the resolution submitted by me, which was passed on the 1st of March, relative to the expenditures for the star postal service, in which he says:

If this should prove a sufficient answer to the resolution the Department will be relieved of much labor; and, unless further advised, I shall deem the information called for as already furnished.

I desire to say that the next morning after the passage of the resolution by the Senate the Secretary sent a communication to the Committee on Appropriations, or rather it was addressed to myself for their benefit, which was entirely satisfactory, and we regard the answer as full.

Mr. TELLER. I should like to inquire of the Senator from Kentucky where the information can be found that is said to have been furnished?

The VICE-PRESIDENT. It was sent to the House of Representatives, and printed.

Mr. BECK. A detailed statement of the star service by routes was sent to the House of Representatives. It was so voluminous that we did not require it in that form; but an abstract, a recapitulation of the whole of it, and everything the Senator would like to see, is in the room of the Committee on Appropriations, and we will furnish him with a copy of it in a few minutes.

Mr. TELLER. Will it be printed?

Mr. BECK. It was printed for the use of the committee and of the Senate, and will be laid on the tables of Senators.

AFFAIRS IN ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with a resolution of the Senate of the 26th ultimo, copies of reports from Commander L. A. Beardslee, commanding the United States ship Jamestown, stationed in the waters of Alaska, containing information in relation to the present condition of affairs in Alaska; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented the memorial of M. A. Myers & Co. and other manufacturers, of New York, remonstrating against the extension of the McKay patent for an improvement in sewing-machines; which was referred to the Committee on Patents.

Mr. WHYTE presented the memorial of Charles F. Mayer, president of the Cumberland and Pennsylvania Railroad Company, representing fifty-seven miles of railroad, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton as proposed in House bill No. 3234; which was referred to the Committee on Finance.

He also presented the petition of Eliza West, of Baltimore, Maryland, mother of William H. H. West, late a private in the Purnell Legion, Maryland State Volunteers, in the United States Army, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. BAILEY presented the petition of numerous citizens of Putnam County, Tennessee, producers of leaf-tobacco, in favor of such action by Congress as will cause France, Spain, Italy, and Austria to abolish their government monopolies and permit open markets for the sale of leaf-tobacco; which was referred to the Committee on Finance.

Mr. COKE presented the petition of Joseph Scherry, and others, citizens of Victoria County, Texas, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

He also presented the petition of William D. Griffith and others, citizens of Victoria County, Texas, praying for such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

Mr. WINDOM presented the petition of the Minnesota State Editorial Association, praying Congress to pass a bill placing wood and straw-pulp, soda-ash, and other chemicals used in the manufacture of paper on the free list, and reducing the duty on printing-paper used for books, pamphlets, and magazines at least to 5 per cent. *ad valorem*; which was referred to the Committee on Finance.

He also presented a petition of Robert Barton, formerly Captain of Company C, Eighty-sixth New York Veteran Volunteers, and 37 others, citizens, soldiers, and sailors of Ada, Polk County, Minnesota, and the petition of A. McAlister and 88 others, citizens and ex-soldiers of Winona, Minnesota, praying the passage of what is known as the Weaver bill; which were referred to the Committee on Finance.

Mr. McMILLAN presented a memorial of citizens of Saint Cloud, Stearns County, Minnesota, in favor of an appropriation by Congress of \$100,000 for the improvement of the Mississippi River opposite Saint Cloud, in that State; which was referred to the Committee on Commerce.

Mr. ROLLINS presented the petition of Daniel Clark, United States district judge, and others, citizens of New Hampshire, praying for the removal of the United States circuit and district courts from Exeter to Concord, in that State; which was referred to the Committee on the Judiciary.

Mr. BLAIR presented the petition of the Pioneer Farmers' Club, of Westerly, Rhode Island, praying for the establishment of a department of agriculture at Washington; which was referred to the Committee on Agriculture.

Mr. WALLACE presented the petition of citizens of Centre County, Pennsylvania, praying for such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

He also presented the petition of citizens of Centre County, Penn-

sylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

He also presented the petitions of citizens of Centre County, Pennsylvania, praying for the establishment of a department of agriculture; which was referred to the Committee on Agriculture.

He also presented the memorial of James Rollins and 9 others, soldiers in the late war and citizens of Buffalo Mills, Pennsylvania, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. BOOTH presented the petition of the Cigarmakers' Association of the Pacific Coast, praying for legislation to prevent the manufacture of cigars in tenement houses; which was referred to the Committee on Finance.

Mr. HARRIS presented the petition of the Memphis Cotton Exchange and 50 of the leading commercial firms of Tennessee, praying that the mail service shall not be reduced, but maintained by proper appropriations; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BUTLER presented the petition of Thomas F. Greneker, of Newberry, South Carolina, publisher of the Newberry Herald, praying for the abolition of the tariff duty upon printing-type; which was referred to the Committee on Finance.

Mr. JONES, of Florida, presented the petition of Charles A. Foster, master United States Navy, praying to be restored to his proper place on the masters' list of the Navy; which was referred to the Committee on Naval Affairs.

GEOLOGICAL SURVEY.

Mr. DAVIS, of West Virginia. Yesterday morning I reported from the Committee on Appropriations a joint resolution (H. R. No. 116) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes." I have received a letter addressed to me from Mr. Clarence King, the Director of the United States Geological Survey, giving information upon the subject-matter of the joint resolution, which I ask to have printed.

The VICE-PRESIDENT. The letter will be printed.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 1209) to designate, classify, and fix the salaries of persons in the railway mail service, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. BUTLER, from the Committee on Territories, who were instructed by a resolution of the Senate of January 12, 1880, to inquire into the expediency of providing a territorial government for the Territory of Alaska, and to whom was referred the bill (S. No. 1391) authorizing the appointment of justices of the peace and constables in the Territory of Alaska, and for other purposes, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, reported a bill (S. No. 1426) for the organization of the Territory of Alaska, and providing for the establishment of a civil government therefor; which was read twice by its title.

Mr. FARLEY, from the Committee on Pensions, to whom was referred the petition of P. J. Reuss, M. D., of New York, praying that the pension paid him under special act approved in June, 1878, be increased from one-half to a full pension, and that he be paid arrears of pension under the act of January 25, 1879, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 358) granting a pension to Nelson Roosevelt, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (S. No. 1235) granting a pension to Susan Smallwood, widow of William J. Smallwood, first lieutenant Seventh Kentucky Volunteer Infantry, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the memorial of Anne R. Voorhees, widow of Philip R. Voorhees, late a captain in the United States Navy, praying for the passage of an act granting her a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 1360) granting a pension to Aaron Hatcher, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BALDWIN, from the Committee on Commerce, to whom was referred the bill (H. R. No. 2006) to amend sections 2493 and 2494 of the Revised Statutes of the United States, relative to the importation of neat cattle into the United States for breeding purposes, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. DAVIS, of West Virginia, from the Committee on Appropriations, to whom was referred the bill (S. No. 886) to repeal certain

laws relating to permanent and indefinite appropriations, submitted a report thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, reported a bill (S. No. 1424) to repeal certain laws relating to permanent and indefinite appropriations; which was read twice by its title.

Mr. GROOME, from the Committee on Pensions, to whom was referred the bill (S. No. 1113) granting a pension to Peter K. Morgan, private in the war of 1812, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 748) granting a pension to Thomas E. Brawner, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. GORDON. I am directed by the Committee on Commerce to report a bill prepared by that committee to appropriate money for the continuance of improvement of the Susquehanna River. I wish to remark that the object of separating this from other items in the river and harbor bill is that the Fish Commissioner may have preparation made in the Susquehanna River for a much larger development of fish culture. When the bill comes up I will explain further in reference to the matter.

The bill (S. No. 1425) to appropriate money for the continuance of improvement in the Susquehanna River was read twice by its title.

Mr. GORDON. If there is no objection, I should like to have the bill immediately considered. If there is any objection, I will let it go over.

The VICE-PRESIDENT. The bill will be reported and objections asked for.

The Chief Clerk read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Is it a bill just reported?

The VICE-PRESIDENT. It has just been reported.

Mr. EDMUNDS. I object.

The VICE-PRESIDENT. Objection being made, the bill will be placed on the Calendar.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 602) for the relief of Thomas W. McAffrey, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1166) granting a pension to James H. Stevens, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

KIMBERLY BROTHERS.

Mr. FERRY. By direction of the Committee on Naval Affairs I reported on Wednesday last the bill (S. No. 953) for the relief of Kimberly Brothers adversely, and it was postponed indefinitely. The Senator who had charge of the bill [Mr. McPHERSON] was not then present, but is now here. By direction of the committee I ask that the vote by which the bill was indefinitely postponed be reconsidered, and that the bill be placed on the Calendar.

The VICE-PRESIDENT. The Chair hears no objection, and the vote by which the bill was postponed indefinitely will be regarded as reconsidered. The bill will be placed upon the Calendar with the adverse report of the committee.

BILLS INTRODUCED.

Mr. EATON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1427) granting a pension to Mrs. Mary Shay; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENDLETON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1428) for the relief of Hugh McGlincey; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1429) for the relief of Sarah McDonald; which was read twice by its title, and referred to the Committee on Private Land Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BUTLER, it was

Ordered, That the papers relating to the erection of a public building in the city of Greenville, South Carolina, be taken from the files and referred to the Committee on Public Buildings and Grounds.

On motion of Mr. DAVIS, of West Virginia, it was

Ordered, That the town council of Piedmont, West Virginia, have leave to withdraw their petition and papers from the files of the Senate, there being no adverse report upon the same.

On motion of Mr. KELLOGG, it was

Ordered, That the papers in the case of Morgan's Louisiana and Texas Railroad be withdrawn from the files and sent to the Committee on Public Lands.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1465) granting a pension to Levi Leedom;

A bill (H. R. No. 1806) granting a pension to Michael Lingenfelter;

A bill (H. R. No. 1890) granting a pension to Ellen Gillespie;
 A bill (H. R. No. 2039) granting a pension to Jacob J. Smith;
 A bill (H. R. No. 2864) granting a pension to Isaiah W. Bunker;
 A bill (H. R. No. 2854) granting a pension to Noah Caton;
 A bill (H. R. No. 2856) granting a pension to William T. McCoy;
 A bill (H. R. No. 2857) granting a pension to Joseph Showman;
 A bill (H. R. No. 2859) granting a pension to Paul Walker;
 A bill (H. R. No. 2860) granting a pension to Thomas H. Vaughn;
 A bill (H. R. No. 2861) granting an increase of pension to Herman Baldwin;
 A bill (H. R. No. 2862) granting an increase of pension to John H. Black;
 A bill (H. R. No. 3076) granting a pension to William R. Weimer;
 A bill (H. R. No. 3077) granting a pension to John L. Williams;
 A bill (H. R. No. 4219) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875;
 A bill (H. R. No. 4907) to confirm to John Hepting and others title to certain lands; and
 A bill (H. R. No. 4908) for the relief of the heirs and legal representatives of Israel Dodge, deceased.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

A bill (H. R. No. 3462) to amend section 3020 of the Revised Statutes; and

A bill (H. R. No. 4432) making additional appropriations for the support of certain Indian tribes for the year ending June 30, 1880.

TITLES AT HOT SPRINGS.

Mr. GARLAND. I ask unanimous consent to introduce at this time a joint resolution.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. No. 89) touching the Hot Springs reservation, in the State of Arkansas; which was read, as follows:

Resolved, etc. That the time allowed the Secretary of the Interior to instruct the United States land officers at Little Rock, Arkansas, under section 10 of the act of March 3, 1877, entitled "An act in relation to the Hot Springs reservation in the State of Arkansas," be extended until the 15th day of April next; and all further proceedings under said act be suspended until that time.

Mr. GARLAND. I ask for the present consideration of the joint resolution, and with the permission of the Senate I will give my reasons for it.

The VICE-PRESIDENT. Is there objection?

Mr. EDMUNDS. Let us hear the reasons.

Mr. GARLAND. Mr. President, you are aware that several efforts have been made to get up what is called the Hot Springs bill, and under the joint resolution heretofore passed the time for action expires on the 14th of this month. I think it is very evident from the state of the business of the Senate and the different orders that stand before that bill, and the fact that whatever is done here will have to go to the House for action there, that there will not be time to complete action before the 14th of the month. A number of Senators have suggested to me that they desire to look into it closely; and this resolution, by extending for thirty days the suspension heretofore ordered, will give them an opportunity to examine it. In the mean time every effort will be made to get up the bill and have it acted on before the expiration of that time. I ask the Senate to consider the resolution now to pass it.

Mr. CONKLING. It seems to me there should be no objection to this resolution. I feel bound to say so because I was one of those who objected to the consideration in the morning hour of the Hot Springs bill. The whole purpose I understand is to guard against any estoppel either way, by postponing the expiration of the time when this action may be taken, and the object of the Senator is that all may have an opportunity to look into the bill reported, and be prepared to act upon it deliberately and intelligently. It seems to me that must be in the interest of everybody who wishes a fair consideration of the subject. Therefore I should hope there would be no objection.

By unanimous consent, the joint resolution was read three times, and passed.

CHAPLAINS IN THE NAVY.

The VICE-PRESIDENT. The Secretary will call the Calendar, commencing at the point reached on yesterday.

Mr. FERRY. The bill (S. No. 48) for promoting the efficiency of the corps of chaplains of the United States Navy was reached yesterday on the call of the Calendar, and the Senator from Wisconsin [Mr. CARPENTER] made an objection to its consideration; but I think he will no longer object.

Mr. CARPENTER. I objected to the bill under a misapprehension, and now withdraw my objection.

Mr. FERRY. I ask that the bill be taken up for consideration.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Michigan?

Mr. COCKRELL. Let us go on with the Calendar.

Mr. FERRY. The bill is on the Calendar.

Mr. HAMLIN. It is on the Calendar. It was the last bill reached

yesterday. The Senator from Wisconsin inadvertently objected, and he now withdraws the objection. It is a bill that has once or twice passed the Senate precisely in its present form.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 48) for promoting the efficiency of the corps of chaplains of the United States Navy.

Mr. COCKRELL. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. FERRY February 5, 1880:

The Committee on Naval Affairs, to whom was referred the bill (S. No. 48) for promoting the efficiency of the corps of chaplains of the United States Navy, having had the same under consideration, submit the following report:

A similar bill to the one now under consideration passed the Senate at the third session of the Forty-fifth Congress, (S. No. 1446 of that session.)

The same bill, in terms, having thus been favorably considered in the Senate, your committee accept the conclusions set forth in the report, No. 626, which then accompanied it, and which is herewith appended, and do therefore recommend the passage of the bill.

Mr. McPHERSON, from the Committee on Naval Affairs, submitted the following report, (to accompany bill S. No. 1446):

The Committee on Naval Affairs, to whom was referred Senate bill No. 146, to promote the efficiency of the corps of chaplains of the United States Navy, after consideration thereof, beg leave to report back the same with a substitute therefor, and recommend the passage of the latter.

"SECTION 1.

"The first sentence changes the limits of age at the time of appointment. The present limits are twenty-one and thirty-five years. It needs no argument to show that no man is fit for a position of so much responsibility unless he is at least twenty-five years of age. The second sentence provides for reasonable limitations upon the appointment of chaplains. It is an exact rescript of the statute with reference to Army chaplains. As amended it cannot possibly be distorted into excluding any one on account of creed. It simply provides that any man who is appointed to the position must be of good standing and reputation among his own people. The requirement of at least one year's previous experience will commend itself to the judgment of all.

"SECTION 2.

"The first part of this section introduces no innovation and provides no new rank. It simply corrects an error in the act of March 3, 1871. Previously to that all chaplains entered the service with the relative rank of lieutenant-commander, and, after twelve years of service, were promoted to the relative rank of commander—the highest rank then held in the staff of the Navy. The act of March 3, 1871, provided higher rank for the staff, and, without their solicitation, four chaplains were granted the relative rank of captain. Seven were also ranked as commanders, but the next lower grade was limited to seven, making the total number granted relative rank only eighteen, while the statutes allow twenty-four chaplains. Thus six chaplains were entirely unprovided for, and have for nearly eight years occupied an entirely anomalous position, causing great inconvenience to themselves and great trouble to the Navy Department. The circumstances which make relative rank necessary for the eighteen who have it make it equally necessary for the six who do not have it. Chaplains have no desire for rank at all, *per se*, but in a military organization the thousand and one questions of precedence can be settled in no other way.

"The second part of this section is inserted to insure a just proportion of sea duty to each one. The relative rank of captain carries with it the privilege of continuous shore duty, and no one ought to have that unless he has done his share of disagreeable duty. If any chaplain does not wish to go to sea, let him find a work that suits him better.

"SECTION 3.

"This section increases the pay of chaplains, placing them on an equality in this respect with surgeons or paymasters and chief engineers. No professional man can be expected to leave civil life and subject himself to long absences from his family unless he has the inducement of such preferment and increased pay as his talents and constantly enlarging experience would give him in civil life. This is recognized in every corps except that of chaplains. All other staff officers, after certain grades, have their pay increased up to fifteen and twenty years of service. Chaplains have now only one increase, at the end of five years, so that a chaplain who has served five years gets as much pay as one who has served forty years. The natural tendency of this is to drive out the men we need to keep, and keep men we could well spare. Such has been the fact, except in the case of a few worthy men who have remained from conscientious principles. Of the twenty-four chaplains now in the service, only two have served sixteen years, and fifteen have not served ten years. This shows a rapidity of change which is not healthy. Other things being equal, the longer a man is in the service the more efficient he can be, especially in dealing religiously with sailors, who form a class so distinctly *sui generis*. Chaplains simply ask to be put on the same footing with officers whose equals they are expected to be in every respect, and with whom they share equally all expenses, including heavy mess bills and fees for official entertainments, which last are provided for in other navies at the national expense. Chaplains have the entire charge of the religious and educational instruction of men and boys, including the hundreds of apprentices under the new system. They have no subordinates or clerks to assist them as other officers have. Abundant testimony can be brought to the fact that no other officer can be so efficient in securing comfort, good order, and good discipline among the men. The question then comes down to this: 'How shall we secure an efficient, worthy corps?' Only by making it an object for good men to come in and stay in. If chaplains are to accomplish any good, it must be evident that the power which creates them intends them to be respectable and respected.

"SECTION 4.

"As an offset to the increased expenditure involved in section 3, this amendment proposes to reduce the number of chaplains to twenty. In the opinion of the Chief of the Bureau of Navigation, and of the chaplains themselves, this can be done without impairing the efficiency of the corps."

Mr. COCKRELL. I should like to know what changes in the present law are to be effected by this bill.

Mr. FERRY. It reduces the number of chaplains from twenty-four to twenty.

Mr. COCKRELL. And how much does it increase their pay?

Mr. FERRY. It increases their pay after they have been in the service about ten years. Prior to that time it does not.

Mr. SAULSBURY. What is the present pay of chaplains in the Navy, and to what is it proposed to increase it?

Mr. FERRY. The bill increases it about \$400.

Mr. SAULSBURY. What is the present pay?

Mr. FERRY. It varies according to rank, \$1,800, \$2,200, and \$2,400.
Mr. COCKRELL. I think the salary is sufficient now, and I desire to offer an amendment to the bill.

Mr. FERRY. The Senator will bear in mind that the chaplains incur the expense of sharing entertainments abroad, which is required of the Navy, they being officers on shipboard, which expense in the Army is provided for by the Government. In the Navy the officers have to share. They also are required to wear uniforms, which cost them about \$100 a year. These exactions—

Mr. COCKRELL. We can dispense with the uniform. I do not think that adds anything to their efficiency.

Mr. FERRY. If the Senator thinks the salary that is given by the bill for that grade of professional men is too much, of course we can submit to any amendment he may offer.

Mr. COCKRELL. There has been no clear explanation given of the exact effect of this bill. It is due to the Senate that we should know precisely all the changes that are to be made by any proposed legislation. The report does not show what is the present salary and allowance of these chaplains and what it will be under this proposed law. The Senate has a right to know that, and it is the peculiar province of the committee to investigate and report to the Senate the information.

Mr. FERRY. That has been done, if the Senator will allow me. It is marked on the printed bill before me in each case, as the Secretary can read so as to show the Senator the changes in each case.

Mr. COCKRELL. That is useless. The bill has been read; it is before us all. We are presumed to have read it. I say that the report does not show precisely what is the present salary and what changes are made by the bill. It shows what the salary will be when the bill becomes a law.

Mr. FERRY. If the Senator will allow me I will state that the salary of each grade is marked in blue pencil, precisely what the existing salary is by the present law. It can be read in the hearing of the Senator, and then he will see what difference there is between the salary now paid and that proposed by the bill.

Mr. COCKRELL. I should like to know why that information was not put before us in the report. I have had the report before me and have examined it. I presumed the report of the committee embraced the facts upon which it proposed to stand before the Senate. Now, entirely different facts come before us. I have not time to examine and investigate those matters.

Mr. FERRY. I answer the Senator by saying that the report was made when a similar bill was passed in the last Congress. If the Senator had observed the reading of the report he would have seen that the present committee accepted the former report. I will state to the Senator that the report did not then embody precisely the difference of salary now proposed; but I have marked on the present bill the changes in each grade. I ask the Secretary to read the printed bill as marked, so that the Senator will see in each case what the salary is under existing law. The printed bill now before him, which I have sent to the desk, will show the increase proposed.

Mr. COCKRELL. I saw very clearly that the committee had followed a report made at a former Congress. The report so states on its face. I did not think the bill reported fitted the report, and I do not think so yet.

Mr. FERRY. The committee cannot help that. The report is before the Senate.

Mr. COCKRELL. I should like to have the memoranda read and spread upon the record, that we can see it in print.

Mr. FERRY. Let the Secretary report the changes in each case noted in blue pencil.

The Chief Clerk proceeded to read as follows:

Surgeons, paymasters, chief engineers, and chaplains, who have the same rank with paymasters, during the first five years after date of commission, when at sea, \$2,800, (formerly \$2,500;) on shore duty, \$2,400; on leave or waiting orders, \$2,000, (formerly \$1,600;) during the second five years—

Mr. COCKRELL. Do I understand, in regard to that particular point—

Mr. McMILLAN. Let us hear this statement read. I want to know myself something about the difference in these salaries.

Mr. COCKRELL. I suppose I have a right to ask a question of a member of the committee who has made the report when the report and the statement of facts which the Secretary is reading do not explain anything. There are two grades of salary given, and the memorandum says "formerly \$1,600." Did \$1,600 apply to each of those grades?

Mr. FERRY. In one case where the present law gives \$1,600 the bill increases it to \$2,000. In the case of \$2,200 the present salary is \$1,800. The Secretary is reading that precisely, if the Senator will observe the bill as he reads it.

Mr. COCKRELL. But I observe that the statement gives one sum for two former salaries.

Mr. EDMUNDS. As this is a subject on which we are all at sea, I should like to sail a little myself. I see by the Navy Register of 1877, since which I believe the law of pay has not been changed, that a pay table is inserted, stating:

Chaplains: First five years after date of commission, at sea, \$2,500; on shore duty, \$2,000; on waiting orders or leave, \$1,600; after five years from date of commission, at sea, \$2,800; on shore duty, \$2,300; on leave or waiting orders, \$1,900.

That undoubtedly shows what the present pay is.

Mr. WHYTE. That is the exact pay at the present time, according to the statutes.

The VICE-PRESIDENT. Are there amendments in committee?

Mr. COCKRELL. Has the reading of the explanation been finished?

The VICE-PRESIDENT. The Secretary will conclude the reading.

The Chief Clerk read as follows:

During the second five years after such date, when at sea, \$3,300, (formerly \$2,800;) on shore duty, \$2,800, (formerly \$2,300;) on leave or waiting orders, \$2,400, (formerly \$1,900.)

Sec. 4. * * * There shall be in the Navy not exceeding twenty chaplains, (formerly twenty-four chaplains.)

Mr. COCKRELL. I ask that the bill be laid over, without losing its place on the Calendar, in order that we may examine those data and compare them.

Mr. HAMLIN. Let it lie over without losing its place.

Mr. COCKRELL. I asked that it go over without losing its place. I do not want it to lose its place, but I want to examine into the matter.

The VICE-PRESIDENT. The bill will go over without prejudice.

OTOE AND MISSOURIA RESERVATION.

Mr. PADDOCK. Before the Senate proceeds to consider any other bill, I desire to call attention to the fact that yesterday on my request the bill (S. No. 753) to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouri tribes of Indians, in the States of Nebraska and Kansas, and for other purposes, went over without prejudice on the statement by myself that the Senator from Vermont desired to communicate with the Secretary of the Interior with regard to the bill.

The VICE-PRESIDENT. That is the fact.

Mr. PADDOCK. Therefore the bill naturally would be the first bill on the Calendar this morning. I should like to inquire of the Senator from Vermont if he has been able to obtain the information he desired in order that the bill may be considered this morning.

Mr. EDMUNDS. No, Mr. President, I have not. I have taken the necessary steps, but the time has been so short that the Secretary of the Interior has not been able to respond to my inquiry. Therefore I propose that it go over until to-morrow again.

Mr. PADDOCK. I renew the request of yesterday that it go over without prejudice until to-morrow.

The VICE-PRESIDENT. The Chair hears no objection.

WEST VIRGINIA SOLDIERS' UNION.

The bill (H. R. No. 2771) to construe an act entitled "An act granting condemned bronze cannon to the Soldiers' Union, of West Virginia," was considered as in Committee of the Whole.

Mr. EDMUNDS. What does that bill mean, Mr. President? I look to the guardian of the Treasury for an explanation.

Mr. DAVIS, of West Virginia. I thank the Senator. When it happens to be the cannon, the guardian should be the other side. [Laughter.] In 1878 a bill passed both Houses of Congress, donating certain condemned cannon to the Soldiers' Union of West Virginia. The wording of it, however, was such that the cannon were not delivered or the demand was not supplied owing to the requirement of some form. I cannot explain fully what was the reason. I understand the cannon were at Pittsburgh and were directed by the Secretary of War to be delivered; but owing to some peculiar form that was required the governor of the State did not feel authorized to sign for them. The House has passed a second bill at this session and sent it over to us, construing the act somewhat differently; and the cannon are now waiting, as I understand, to be delivered. They are on hand, in other words. The committee of the Senate has added to the bill "that are now or may hereafter be condemned."

Mr. EDMUNDS. That is just where the rub comes in.

Mr. DAVIS, of West Virginia. No, not exactly. A letter that I have here shows that the cannon are now on hand. The officer in charge of the arsenal and the Secretary of War both concede that.

Mr. MORRILL. I think if the Senator from West Virginia will look at the date of his letter from the Secretary of War, he will see that they were on hand in 1878, and if he will look at the later report he will find that there are not sufficient condemned cannon on hand now to meet the resolutions donating condemned cannon that have already passed.

Mr. DAVIS, of West Virginia. This grant was made before that, and it has not been repealed. The letter to which I refer is dated "Allegheny Arsenal, Pittsburgh, Pennsylvania, December 1, 1879."

Mr. EDMUNDS. Let us hear the letter.

Mr. DAVIS, of West Virginia. I send both letters to the desk to be read.

Mr. EDMUNDS. Before the reading let me suggest that if there are not any condemned cannon now, we might put a provision in the bill requiring the Secretary of War to condemn a sufficient number to accomplish the object! [Laughter.]

Mr. DAVIS, of West Virginia. I will state to the Senator that my object is to strike out the amendment adding "that are now or may hereafter be condemned." I hope the bill will be passed without that provision in it.

The Chief Clerk read as follows:

ALLEGHENY ARSENAL,
Pittsburgh, Pennsylvania, December 1, 1879.

Sir: Your letter of 28th ultimo, relative to "one or more condemned bronze cannon," authorized under act of Congress approved June 20, 1878, to be furnished to the governor of West Virginia for the Soldiers' Union of that State," received.

In reply, would state that under date of August 15, 1878, I was instructed by the Chief of Ordnance, United States Army, "to make the issue on proper requisition." On receipt of Governor Matthews's requisition I will cause the guns to be sent to such place as may be designated. The issue is to be made without cost to the United States on account of transportation, but I will deliver the guns to boat or cars without cost.

Three light bronze twelve-pounder guns would make nearly the amount of metal you need—about 3,681 pounds. We have no condemned ordnance heavier, and but two of these; but some six-pounders, lighter, four of which will weigh about 3,336 pounds.

The requisition to meet the requirements of the act of Congress should state the number of guns "necessary to make a bronze soldier's statue." The above figures will enable you to do this.

Respectfully yours,

T. H. LOGAN, Esq.,
Wheeling, West Virginia.

A. R. BUFFINGTON,
Major Ordnance, Commanding.

WAR DEPARTMENT,
Washington City, August 9, 1878.

SIR: Acknowledging the receipt of your letter of the 1st instant, inclosing one from Mr. T. H. Logan, of Wheeling, on the subject, and inquiring whether the cannon granted by act of Congress for a soldiers' statue at Wheeling can be furnished at Pittsburgh, I have the honor to inform you that directions have been given for these guns to be supplied from the Allegheny arsenal, at Pittsburgh, Pennsylvania.

Very respectfully, your obedient servant,

G. W. MCCRARY,
Secretary of War.

Hon. B. WILSON, M. C.,
Wheeling, West Virginia.

Mr. MORRILL. That, it will be seen, bears date in 1878. I now ask the Senator from Texas, [Mr. MAXEY,] who has the report in his hands, what is the number of cannon that are on hand at the present time?

Mr. DAVIS, of West Virginia. The Senator will allow me a minute. It will be noticed that the officer in charge at the arsenal says that he has been holding these cannon, and his letter is dated December 1, 1879.

Mr. MORRILL. But the last report shows that all the condemned cannon we now have on hand are not sufficient to supply the appropriations that have been already made.

Mr. DAVIS, of West Virginia. But the Senator loses sight of the fact that this grant was made by a bill passed over a year ago; and so far as this case is concerned the cannon have been appropriated to that purpose, as stated in the letter.

Mr. MAXEY. I stated yesterday the reasons which induced me to ask that all these bills be recommended to the Committee on Military Affairs. It will be noticed by the Calendar that this bill was reported to the Senate by the chairman of the Committee on Military Affairs [Mr. RANDOLPH] on the 5th of February. On that day a letter was transmitted to the Vice-President by the Secretary of War, accompanied by a report of the Ordnance Office, dated on the 3d of February, 1880, and that report shows that there are now no condemned bronze cannon on hand for purposes of donation. I ask that so much of that report as may be necessary shall be read in order to explain the facts.

I desire to state to the Senator from West Virginia and all others that I, myself in charge of some of these bills, would have been glad to report favorably, but I was compelled to report adversely by reason of that communication from the Secretary of War, because it is nonsense to be appropriating that which we have not got to give away.

Mr. EDMUNDS. The act of 1878 provides,

That the Secretary of War be, and he is hereby, authorized to furnish to the governor of West Virginia for the Soldiers' Union of that State, one or more of the condemned bronzed cannon belonging to the Government of the United States, as may be necessary to make a bronze soldier's statue, to be erected upon a monument in the capitol square of Wheeling.

This bill says that that act shall be so construed as "to authorize the Secretary of War to furnish to the governor of West Virginia, for the use of the Soldiers' Union of that State bronze cannon"—leaving out "condemned"—"belonging to the United States, that are now or may hereafter be condemned, to inclose the monument of that union in the city of Wheeling." What does that mean? The original law directed that the United States should furnish the bronze metal to make a statue to be erected upon a monument that the Soldiers' Union at the city of Wheeling was to erect or had erected. And now this bill, besides taking any kind of cannon that are now or may hereafter be condemned, provides that the use to which they are to be devoted is to inclose a monument of that union in the city of Wheeling. The number of cannon necessary to be melted into a statue might be two or three. The number of cannon necessary to inclose a monument, if you were to make a fence of them as I have sometimes seen done around monuments, might be twenty or thirty, depending upon the intervals between the cannon that you set up in the ground. So that this bill is quite a different bill from the act it proposes to construe.

Mr. DAVIS, of West Virginia. I am not familiar with all the facts; my colleague has had charge of this bill; but I take it that the Senator from Vermont is right in saying that the cause of these cannon not having been delivered was that the governor could not give a receipt that they were to be applied for the purpose of a bronze statue, which the original act required. The desire is to use them for the purpose of inclosing the statue. I do not know to what extent the cannon are required; but I take it, from what the officer at the

arsenal says, two or three cannon are all that are required, for he speaks of what the requisition was.

Mr. EDMUNDS. He was not writing in reference to this bill; he was writing in reference to the act which provided for furnishing the necessary cannon to melt into a statue. He says two or three will do for that. He was not writing in reference to this bill which calls for an indefinite number of cannon to build a fence with them.

Mr. DAVIS, of West Virginia. The Senator will notice that the requisition was made, and it is to be presumed that would not be changed. It is but fair to presume so. Dr. Logan, whose name is in these communications, and who I believe is the president of this soldiers' union, is a gentleman of standing and respectability, who would ask for nothing but what was right in any form or manner, and I have great confidence in what he states. He states in a communication here that the number needed is two or three.

Mr. EDMUNDS. I move to recommit this bill to the Committee on Military Affairs, so that they can find out exactly what is wanted.

Mr. MAXEY. If the Secretary will read what I have marked in the report of the Secretary of War, I think it will show the condition of the whole matter. The condition of the War Department as to delivery being disclosed by that report, there is no use in making any appropriations of this kind.

Mr. EDMUNDS. Let the committee find out exactly what it is that these gentlemen at Wheeling want.

Mr. DAVIS, of West Virginia. I have no objection to the recommendation, and in the mean time we can get the exact information from the War Department and from all concerned. I have no objection to the recommendation.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont that the bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

CHARLES W. ABBOT AND W. W. BARRY.

The next bill on the Calendar was the bill (S. No. 533) for the relief of Charles W. Abbot, a pay director, and W. W. Barry, a passed assistant paymaster, in the United States Navy; which was considered as in Committee of the Whole.

Mr. DAVIS, of Illinois. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. FERRY February 9, 1880:

The Committee on Naval Affairs, to whom was referred the bill (S. No. 533) for the relief of Charles W. Abbot, a pay director, and W. W. Barry, a passed assistant paymaster, in the United States Navy, having had the same under consideration, respectfully report:

The facts of this case are set forth with considerable fullness in a report from the Committee on Naval Affairs of the House of Representatives, March 3, 1879, at the third session of the Forty-fifth Congress, from which your committee quotes:

"It appears that on the 19th of October, 1876, R. J. O'Reilly was appointed paymaster's clerk by Paymaster W. W. Woodhull, then discharging the duties of paymaster of the navy-yard, Boston, Massachusetts, which appointment was approved by the commandant of the station. Since the above date O'Reilly continued to hold the position of paymaster's clerk, his duty being to assist the paymaster of the navy-yard at Boston, until the 25th of October, 1878, when, having been detected in a dishonest transaction, he was suspended from duty, and a thorough examination disclosed the fact that he had embezzled of the Government moneys \$2,605.54. Prompt measures were taken to effect his arrest after his defalcation was ascertained, but he had absconded. On the 10th of July, 1878, Pay Director Charles W. Abbot was ordered to relieve Paymaster F. H. Swan at the Boston navy-yard. After taking charge of the pay office, Pay Director Charles W. Abbot became suddenly ill, and on the 22d of July, 1878, was relieved by Passed Assistant Paymaster W. W. Barry. Again, on the 1st of October, 1878, Pay Director Charles W. Abbot, having recovered his health, relieved Passed Assistant Paymaster W. W. Barry. The fidelity, competency, and integrity of the clerk, O'Reilly, having been vouched for by Paymaster Swan, who relieved Paymaster Woodhull, and had continued the clerk through his term of service, he was therefore retained by Passed Assistant Paymaster W. W. Barry and by Pay Director Charles W. Abbot.

"After the discovery of this deficiency in the cash the fact was at once reported to the commandant of the station, and an investigation requested by Pay Director Charles W. Abbot. An official investigation was ordered by Commodore Spicer, and subsequently a court of inquiry was ordered by the honorable Secretary of the Navy."

In response to a call from this committee, the Secretary of the Navy has transmitted certain transcripts from the records of the Navy Department connected with this case, including the report of the court of inquiry referred to, which is as follows:

Findings of the court of inquiry.

"At 12.30 p. m., there being no further testimony to offer on the part of the court or judge-advocate, the court declared the testimony closed, and proceeded to deliberate.

"After carefully examining the instructions before the court and the testimony produced, the court decided as follows, and does so report:

"The following facts are deemed established by the evidence, namely:

"First. That on the 10th day of July, 1878, Pay Director C. W. Abbot reported for duty as paymaster of the navy-yard, Boston, and relieved Paymaster F. H. Swan of that duty. That Pay Director Abbot was ill at the time, and, continuing so, was obliged to be relieved temporarily by Passed Assistant Paymaster William W. Barry on the 23d day of July. The latter remained in charge of the office up to October 5, when Pay Director Abbot resumed charge of the office. From July 10 until October 25 Mr. R. J. O'Reilly, who had filled the office of pay clerk with Mr. Swan, continued to perform the duties of that office, having been highly recommended by Mr. Swan with whom he had served for a number of years. That Pay Director Abbot and Passed Assistant Paymaster Barry were neither neglectful, careless, nor inefficient in the discharge of their duties.

"Second. The method observed in receipting for public moneys. That the paymaster drew checks, payable to his own order, and presented the same in person at the sub-treasury, for money to meet the payments on rolls of officers and employes of the yard.

"In cases of money received from sales of public property in the yard, the method appears to have been in one department of the pay officer of the yard himself; for money deposited, before making delivery of the goods, and in other departments, the receipt of the paymaster's clerk has been accepted, but it does not appear that the pay officer had given authority to the clerk to sign such receipts.

"Third. The method observed in making payments of public moneys has been as follows:

"In the case of officers present on pay-day, the money due them was paid in cash, and their receipts taken either on the roll or on individual receipts.

"Absent officers were paid by check on the sub-treasury, drawn to their order after receipts (generally signed in blank as to date and amount) had reached the paymaster's office. The employees of the yard were paid in cash, each man presenting himself on pay-day, the foreman of his department being present to identify him; the man's name being called at the window of the writer in charge of the rolls, he received a slip of paper or check (a sample of which is attached to this record, marked B) with the amount due upon it, and his number, and the stamp of the pay office, showing the date; this check he presented to the pay clerk and received his money, the paymaster being present to supervise the business. These payments were made at regular times when possible.

"Fourth. The method observed for filing and preserving vouchers has been, that in cases of single receipts the clerk took charge of them, and after the signature of the parties to whom payments were made thereon was had on the rolls, those receipts were either filed and retained by the clerk or returned to the parties signing them.

"In cases of payments made to officers at other times than the last day of the month, receipts for the amounts paid were taken and returned to the officers at the end of the month.

"Fifth. The public funds have been kept in the sub-treasury until required for immediate use, when, on being withdrawn by the paymaster, in person, were by him deposited in the safe provided, and for which he alone possessed the necessary combination to open.

"Sums for current use, not ordinarily exceeding \$1,000, have been left in the hands of the paymaster's clerk.

"Sixth. The forms of checks used for the pay of absent officers were the official checks supplied by the Treasury Department.

"Seventh. Official checks, sent by mail, payable to the order of absent officers, was the precaution taken in such cases.

"Eighth. That the receipts taken from officers absent, and borne on the rolls, were generally signed by them in blank as to dates and amounts, to be filled up in the office of the paymaster of the yard.

"Ninth. That the deficiencies on the accounts of Passed Assistant Paymaster W. W. Barry are as follows:

Rear-Admiral A. L. Case having been overcharged	\$751 65
Rear-Admiral W. R. Taylor having been overcharged	381 99
Paymaster J. McMahon having been overcharged	536 86
Assistant Engineer B. H. Warren overcharged	40 89
Boatswain H. E. Barnes overcharged	49 12
Received by him from sale of auction stores not accounted for	47 88

Sum total

1,808 39

"That the deficiencies on the accounts of Pay Director C. W. Abbot are as follows:

On account of Commander O. A. Batcheller, forgery	\$138 00
On account of Sailmaker J. E. Crowell, forgery	35 00
On account of Gunner M. Dutcher, forgery	50 00
On account of Gunner M. K. Henderson, forgery	50 00
On account of Clerk Vebe Spicer, forgery	30 00
On account of Carpenter Thomas Smith, overcharged	85 00
On account of F. C. Christie, employé, forgery	66 00
On account of J. P. Carter, carpenter, overcharged	65 62
On account of Hugh McKenna, employé, overcharged	12 00
On account of G. A. Galbraith, employé, overcharged	4 00
On account of C. B. Abrams, employé, overcharged	55 75
On account of F. C. Christie, employé, overcharged	31 00
On account of W. F. Merrill, employé, overcharged	65 00
On account of J. L. Cates, employé, overcharged	45 50
Error in cash, shortage	64 22

Sum total

797 15

"That these forgeries and overcharges were made by Clerk R. J. O'Reilly; that the amounts having been made good by Passed Assistant Paymaster Barry and Pay Director Abbot, the Government is not a loser by these irregularities, which were done without the knowledge or connivance of any other person employed in the office.

"The sole amount that the Government appears to be the loser of is \$47.01, deposited on account of sale of ordnance stores, and which does not appear to be chargeable to either Passed Assistant Paymaster Barry or Pay Director Abbot. This deposit was receipted for by Clerk R. J. O'Reilly October 3, 1878. The court therefore report, from the facts they deem established by the evidence, that, in their opinion, the manner of conducting the business of the office, while in accordance with the usual practice, is defective in this, that the accepting blank receipts (left generally in charge of the clerk) leaves an opportunity for irregularities on his part, by making charges on the rolls and retaining the money so charged for his own use.

"The court is of opinion that the system of sending receipts in blank is wrong, and that the paymaster should not make payments to absent officers on receipts not fully filled out.

"In the case of absentees on the list of employés at the regular pay-day, the court is of opinion that the rule that their pay should go over to the next regular pay-day, as provided in paragraph 2, page 155, Navy Regulations, should be adhered to. The leaving of such checks for pay in the hands of clerks opens the door to fraud and irregularities. Such checks should, in the opinion of the court, be retained by the paymaster himself.

"The system of accountability, as provided by the regulations, for money received from sales, and the order of the commandant of the yard, has not been departed from by the paymaster, but receipts, signed by Clerk O'Reilly, have been accepted in some departments for proceeds of sales of material.

"To sum up: The court finds that Pay Director Abbot, on relieving Paymaster Swan, retained Clerk O'Reilly in the office on the recommendation of Mr. Swan, and owing to the illness of Mr. Abbot, it became necessary to order another pay officer to temporary duty in his place. Mr. Barry was so ordered, and, knowing that he would remain but a short time, retained the clerk and writer during his term of service.

"Mr. Abbot, after resuming the duties on October 5, learned some facts in relation to O'Reilly that caused him to watch him and finally suspend him. It was not until the suspension took place that the proofs came to light to establish the guilt of O'Reilly, who appears to have possessed the confidence of other officers in the yard besides the paymaster. The practice of transferring clerks without reappointment in due form, as provided in the Regulations, should in the opinion of the court not be permitted.

"The court do not find that either Passed Assistant Paymaster Barry or Pay Director Abbot have been guilty of negligence, carelessness, or inefficiency, or are chargeable with culpability or mismanagement, but that, owing to the changes and transfers made in the brief period between the dates July 10 and November 1, an opportunity was afforded the clerk, O'Reilly, to carry over from one to the other any frauds that he had kept concealed.

"There being no further business before the court, at three o'clock and forty-five minutes the court adjourned to await the instructions of the Secretary of the Navy.

"O. C. RHIND,

"Commodore, President of Court.

"GEORGE H. REED,

"Passed Assistant Paymaster, Judge-Advocate."

While public policy requires from disbursing officers a strict accountability for the handling of funds by subordinates, some of the extenuating circumstances in this case are as follows:

Pay Director Abbot was ill when ordered to the Boston navy-yard, and continuing so, was relieved thirteen days thereafter by Assistant Paymaster Barry, during which brief time, and considering his illness, it is hardly to be expected that he had opportunity to verify by examination of books or otherwise the high recommendation from his predecessor of the pay clerk O'Reilly.

Within twenty days after the resumption of his duties by Pay Director Abbot, it appears that the dishonesty of the clerk was detected, but that before he could be arrested he had absconded; all of which would indicate reasonable care and diligence during the brief period for oversight afforded.

Passed Assistant Paymaster Barry was, according to the language of the preceding report, "temporarily" assigned to the duty.

In the illness of the regular incumbent of the office, believing that his stay at the post would be short, and in the absence of any suspicion of an old employé, a paymaster acting as a substitute would naturally be reluctant to make special inspection or changes as to methods of payment; some of which methods and usages, as set forth in the findings of the court of inquiry, are to be condemned as affording too great opportunity for dishonest practice, but for the establishment of which, however, it does not appear that the officers who have suffered by this loss are responsible.

It further appears that the embezzling clerk, O'Reilly, had not been regularly reappointed by Pay Director Abbot, which would have been a definite declaration that he assumed responsibility for the selection of a subordinate already in office. Your committee concur in the opinion expressed by the court of inquiry, that a transfer of clerks without reappointment should not hereafter be permitted.

Under the exceptional circumstances of this case, and having carefully considered the facts and the evidence as herein recited, your committee make favorable report thereon, and recommend the passage of the bill.

Mr. SAULSBURY. This is an application by parties who have disbursed public money for relief from responsibility for the defalcation of a subordinate. In my judgment we have carried the practice of granting relief in such cases too far. Very frequently in the Post-Office Department, and in almost every department of the Government, parties charged with the disbursement of public money, responsible to the Government for the proper use of the money placed in their charge, come here and allege that some subordinate of theirs, for whose acts they are responsible, has committed a defalcation, and they being thus involved in trouble ask Congress to relieve them, and in our charity and liberality we are almost invariably extending the relief that they ask.

I suggest whether this course does not invite defalcations. Does it not amount to a release of the obligation imposed on disbursing officers of the Government and lead them to relax that care and that vigilance which the law expects at their hands? So far as these particular gentlemen are concerned, I do not know that any blame attaches to them; but if we pass this bill relieving them from responsibility and from the obligations that devolved on them by reason of the default of their subordinate, do we not invite to carelessness and negligence by such officers in the watching of their clerks and entail on the Government a repetition of these same defalcations?

For one I think we had better adhere to the strict rule of responsibility required of public agents charged with the disbursement of public moneys to be faithful in the discharge of their duty, and if defalcations occur whereby there is a loss to them they had better submit to it rather than that we should adopt a policy which invites to that condition of things. I shall vote against the bill.

Mr. FERRY. While I share in the main with what has been stated by the Senator from Delaware, it will be learned by reading the report that Pay Director Abbot was in no way responsible for this clerk. He was not an appointee of Pay Director Abbot, but was appointed before, was a clerk when Pay Director Abbot was placed at the head of the office, and therefore he was not at all responsible for him, and he was the first to discover the fraud.

Mr. SAULSBURY. The Senator will bear in mind that when he went into that office he had a perfect right to select his own clerk, but he choose to retain one who was already in the service, which was virtually an appointment of his own.

Mr. FERRY. The Senator will remember that the report shows that Pay Director Abbot was sick at the time the fraud was committed, was not then discharging the duties of the office, but held the position of director in charge of the office. The moment he was well enough to resume his duties he very soon upon inspection discovered the fraud, and was really the means of ejecting the clerk, not an appointee of his.

Mr. SAULSBURY. I understand that; but I understand also from the report that there had been some carelessness in the management of the affairs of that office. There had been blank receipts sent forward and signed, and other such carelessness which does not indicate that diligence and care which a public officer ought to observe.

Besides that, I think we have carried this thing a little too far. I remember one bill that passed through the Senate in the case of an internal-revenue collector who had appointed his own clerk, who had taken no bond from his clerk, and who applied to us by reason of the clerk's defalcation to the amount of \$3,700 for which the internal-revenue collector took the clerk's individual obligation, and after two years holding that obligation he came to the Senate and asked to be indemnified for the loss which he had sustained. We must stop this thing. The people pay the taxes, and we ought to be as careful

of their interests as of the disbursing agents of the Government who are charged with the responsibility of managing properly the moneys placed under their control.

I am aware that there have been cases of this kind, and I have said before that these gentlemen may not have been responsible for the action of this clerk; yet the pay director had the power to protect himself by making a new appointment, and he failed to do it. Besides that the report itself discloses the fact that there has been a loose mode of transacting business in that department.

Mr. FERRY. Right there I wish to remind the Senator that Pay Director Abbot did not inaugurate this method of keeping accounts, but found the method when he entered upon the duties of his office, and as soon as he was able to examine the method he changed it, and not only changed it but changed his clerk, so that in no respect whatever can Pay Director Abbot be responsible for this defalcation or fraud.

Mr. JONES, of Florida. From what committee does this bill come?

Mr. FERRY. The Naval Committee, of which the honorable Senator from Florida is a member.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The VICE-PRESIDENT. Shall the bill pass?

The question being put, there were on a division—ayes 29, noes 9; no quorum voting.

Mr. ANTHONY. I think there is a quorum present. If the Chair will call for another division that will show the fact.

Mr. COCKRELL. Let us have the yeas and nays; that will show it.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 14, as follows:

YEAS—35.

Anthony,	Coke,	Lamar,	Pryor,
Bailey,	Dawes,	Logan,	Rollins,
Baldwin,	Ferry,	McMillan,	Saunders,
Beck,	Garland,	Maxey,	Sharon,
Booth,	Gordon,	Morgan,	Teller,
Burnside,	Hamlin,	Morrill,	Vance,
Call,	Hill of Colorado,	Paddock,	Whyte,
Cameron of Pa.,	Jonas,	Pendleton,	Windom.
Carpenter,	Kellogg,	Plumb,	

NAYS—14.

Davis of W. Va.,	Johnston,	Saulsbury,	Williams,
Eaton,	Jones of Florida,	Vest,	Withers.
Farley,	Kernan,	Walker,	
Harris,	McDonald,	Wallace,	

ABSENT—27.

Allison,	Cockrell,	Hereford,	Platt,
Bayard,	Conkling,	Hill of Georgia,	Randolph,
Blaine,	Davis of Illinois,	Hoar,	Ransom,
Blair,	Edmunds,	Ingalls,	Slater,
Bruce,	Groome,	Jones of Nevada,	Thurman,
Butler,	Grover,	Kirkwood,	Voorhees.
Cameron of Wis.,	Hampton,	McPherson,	

So the bill was passed.

The VICE-PRESIDENT. The morning hour has expired.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 1465) granting a pension to Levi Leedom;
 A bill (H. R. No. 1806) granting a pension to Michael Lingenfelter;
 A bill (H. R. No. 1890) granting a pension to Ellen Gillespie;
 A bill (H. R. No. 2039) granting a pension to Jacob J. Smith;
 A bill (H. R. No. 2864) granting a pension to Isaiah W. Bunker;
 A bill (H. R. No. 2854) granting a pension to Noah Caton;
 A bill (H. R. No. 2856) granting a pension to William T. McCoy;
 A bill (H. R. No. 2857) granting a pension to Joseph Showman;
 A bill (H. R. No. 2859) granting a pension to Paul Walker;
 A bill (H. R. No. 2860) granting a pension to Thomas H. Vaughn;
 A bill (H. R. No. 2861) granting an increase of pension to Herman Baldwin;
 A bill (H. R. No. 2862) granting an increase of pension to John H. Black;
 A bill (H. R. No. 3076) granting a pension to William R. Weimer; and

A bill (H. R. No. 3077) granting a pension to John L. Williams.

The bill (H. R. No. 4219) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875, was read twice by its title and referred to the Committee on the Judiciary.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Private Land Claims:

A bill (H. R. No. 4908) for the relief of the heirs and legal representatives of Israel Dodge, deceased; and

A bill (H. R. No. 4907) to confirm to John Hepting and others title to certain lands.

FITZ-JOHN PORTER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the

Army, the pending question being on the amendment proposed by Mr. RANDOLPH.

Mr. LOGAN resumed the floor and concluded his speech. [His remarks will be found in the Appendix.]

Mr. CARPENTER. Mr. President—

Mr. ALLISON. I ask the Senator from Wisconsin to yield to me that I can make a motion to adjourn. I move that the Senate do now adjourn.

Mr. CAMERON, of Pennsylvania. I should like to move that when the Senate adjourn it be to meet on Monday.

The PRESIDING OFFICER, (Mr. BURNSIDE in the chair.) The Senator from Iowa moves that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 5, 1880.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

CORRECTIONS.

Mr. THOMPSON, of Kentucky. I desire to make a correction in the RECORD. The gentleman from Missouri [Mr. ROTHWELL] reported yesterday morning a bill in which I was interested. That gentleman is out of his seat now, but I desire to state that it is represented in the RECORD, and I presume in the Journal, that Mr. ROTHWELL reported a substitute for House bill No. 3368. That is an error; the substitute was for House bill No. 3854, as appears from the statement of Mr. ROTHWELL made immediately afterward.

The SPEAKER. It seems that the body of the report contains the wrong number.

Mr. THOMPSON, of Kentucky. But just below Mr. ROTHWELL states emphatically that he reports the substitute for bill No. 3854.

The SPEAKER. The correction will be made.

Mr. MCGOWAN. At the solicitation of the gentleman from Wisconsin, [Mr. CASWELL,] I desire to correct the RECORD of the proceedings on Friday last. On page 34 of the RECORD of Saturday, containing the proceedings of Friday last, the name of Mr. CASWELL is inserted incorrectly. I ask the Clerk to read that portion of the RECORD which I have marked.

The Clerk read as follows:

"The Hall of the House shall be used only for the legislative business of the House, and for the caucus meetings of its members, except upon occasions where the House by resolution agree to take part in any ceremonies to be observed therein; and the Speaker shall not entertain a motion for the suspension of this rule."

Mr. CASWELL. I move to insert after the word "therein," in the fourth line, the following:

"And the corridors and lobbies of the Capitol, so far as the House has control of the same, shall not be occupied by lunch tables or parties offering for sale articles of merchandise other than newspapers and other printed matter usually kept for sale at news-stands."

[Cries of "Vote!"]

Mr. CASWELL. Very well, let there be a vote.

The committee divided; and there were—ayes 55, noes 60.

Mr. CASWELL demanded tellers.

Tellers were ordered; and Mr. MCGOWAN and Mr. BLACKBURN were appointed.

Mr. MCGOWAN. My friend from Wisconsin [Mr. CASWELL] is a little sensitive about this matter, and fears that if the RECORD goes to the country in that shape he will have to pay two prices for his sandwiches and apples in the lobby. I desire that the RECORD be corrected, and where the name of Mr. CASWELL appears that the name of Mr. MCGOWAN be inserted. I am willing to take the whole matter upon myself.

The SPEAKER. The correction will be made.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MYERS, for to-day.

HARBOR AT GRAND HAVEN, MICHIGAN.

Mr. REAGAN. By instruction of the Committee on Commerce, I report the resolution which I send to the desk, and ask its adoption.

The Clerk read as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the House of Representatives any supplemental report in his Department relative to the condition and improvement of the harbor at Grand Haven, Michigan, with such views of its importance and necessity and recommendations respecting the same as may be deemed advisable by the Department.

The resolution was adopted.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. MORRISON, from the Committee of Ways and Means, reported, as a substitute for House bill No. 870, a bill (H. R. No. 4911) to amend the statutes in relation to immediate transportation of dutiable goods; which was read a first and second time, ordered to be printed, and recommitted.

ENCAMPMENT OF KNIGHTS-TEMPLAR, CHICAGO.

Mr. MARSH. The Committee on Military Affairs have directed me to report favorably for immediate consideration the joint resolution (H. R. No. 168) authorizing the Secretary of War to loan certain

tents, flags, &c., to the triennial committee of Knights-Templar at Chicago.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War is hereby authorized to loan the triennial committee representing Apollo, Chicago, and Saint Bernard commanderies of Knights-Templar, for use at their triennial encampment at Chicago, Illinois, on the 16th, 17th, 18th, and 19th days of August, 1880, such tents, tent-poles, flags, standards, guidons, and camp equipage as they may require: *Provided*, That such things are in the reserve supplies at the various quartermasters' depots: *And provided further*, That the said society shall pay all freight charges to and from said supply depots to Chicago, and shall return said articles in as good order as when received, ordinary wear excepted, or otherwise to pay the assessed damages.

Mr. CARLISLE. Does this resolution provide for the execution of any bond or other security for the safe return of these articles? Who will be responsible?

Mr. ALDRICH, of Illinois. I will. [Laughter.]

Mr. MARSH. I will say to the gentleman from Kentucky that it has not been customary in cases of this kind to embrace in the resolution the requirement of any bond.

The SPEAKER. The Chair presumes the Secretary of War takes such security as he deems necessary.

Mr. CARLISLE. I am not objecting to the resolution.

The joint resolution was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. MARSH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY L. NORVELL.

On motion of Mr. HOUSE, by unanimous consent, the bill (S. No. 1004) for the relief of the sureties of Henry L. Norvell was taken from the Speaker's table, read a first and second time, and referred to the Committee of Ways and Means, not to come back on a motion to reconsider.

ROCK ISLAND RAPIDS, MISSISSIPPI RIVER.

Mr. HENDERSON, from the Committee on Commerce, reported the following resolution; which was read, considered, and adopted:

Resolved by the House of Representatives, That the Secretary of War be, and he is hereby, requested to transmit to the House certain maps and reports in reference to a proposed widening of the channel of the Rock Island rapids of the Mississippi River, for the use of the Committee on Commerce and of the House.

WARREN MITCHELL.

Mr. BRIGHT, by unanimous consent, presented from the Committee of Claims a report on the claim of Warren Mitchell; which was ordered to be printed and recommitted, not to come back on a motion to reconsider.

ASSISTANT CLERK FOR COMMITTEE OF CLAIMS.

Mr. BRIGHT. I am requested by the Committee of Claims to present for immediate action the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That in consequence of the great amount of business now before the Committee of Claims, and there being a necessity for additional clerical force in order to properly discharge the duties of the committee, the chairman be, and he is hereby, authorized to obtain leave of the House to procure an assistant clerk, to be employed during the present session of Congress at an expense not exceeding \$125 per month, to be paid out of the contingent fund of the House.

The SPEAKER. The resolution will be referred to the Committee of Accounts.

Mr. BRIGHT. I ask immediate action on the resolution.

The SPEAKER. The rule requires that all such matters shall go to the Committee of Accounts. The additional officer contemplated by the resolution would have to be paid, according to the terms of the resolution, out of the contingent fund of the House.

The resolution was referred to the Committee of Accounts.

WILLIAM H. RIFENBERG.

Mr. CALKINS, by unanimous consent, introduced a bill (H. R. No. 4912) for the relief of William H. Rifenberg; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WORK ON MUSCLE SHOALS.

Mr. DIBRELL. I ask by unanimous consent to present a resolution directing the Committee on Military Affairs to investigate the claim of George Williams for work upon the Muscle Shoals improvement.

Mr. CONGER. I object to that resolution. The subject is already under consideration.

Mr. DIBRELL. The subject is not under consideration as they have not the papers. If the gentleman wishes to smother it, very well.

Mr. CONGER. The threat of smothering never had any terror since Desdemona's time. [Laughter.] I object.

Mr. DIBRELL. This is one of the greatest frauds ever perpetrated upon the country for the amount of it.

Mr. MCCOOK. As one of the members of the Committee on Military Affairs I wish to say that the minority are not at all afraid of any investigation in the direction which the gentleman from Tennessee suggests.

Mr. DIBRELL. Then the gentleman ought to withdraw his objection and let it be investigated. We wish to have the facts in the case.

Mr. MCCOOK. It appears to me before taking any step like that

suggested we should have the matter investigated in the Committee on Military Affairs.

ARMY OFFICERS AT COLLEGES, ETC.

Mr. DIBRELL, by unanimous consent, introduced a bill (H. R. No. 4913) to provide for the detail of retired officers of the Army at colleges, universities, and other institutions of learning in the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DES MOINES RIVER LANDS.

Mr. SAPP. I ask by unanimous consent to present the memorial of the General Assembly of the State of Iowa, relating to the Des Moines River lands, for reference to the Committee on Public Lands; and I also ask that it be printed in the RECORD.

The SPEAKER. It has been already printed in the RECORD.

Mr. SAPP. Then let it go to the Committee on Public Lands.

The memorial was received and referred to the Committee on Public Lands.

RAPE PUNISHABLE BY DEATH.

Mr. ELLIS, by unanimous consent, introduced a bill (H. R. No. 4914) to punish the crime of rape in the District of Columbia; which was read a first and second time.

Mr. ELLIS. Let the bill be read.

The bill was read, as follows:

1. That whoever shall commit the crime of rape within the District of Columbia shall, upon conviction thereof, suffer death.
2. That all laws or parts of laws in conflict with the provisions of this bill be, and the same are hereby, repealed.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

PROTECTION OF RIVERS FROM MINING DÉBRIS.

Mr. BERRY, by unanimous consent, presented joint resolution of the California Legislature, asking an appropriation of \$500,000 to protect the navigation of rivers in California from mining *débris*; which was referred to the Committee on Mines and Mining, and ordered to be printed.

By unanimous consent, the body of the joint resolution was ordered to be printed in the RECORD.

It is as follows:

Whereas many rivers of this State, and cities and lands bordering thereon, are being greatly damaged or endangered by the flow of mining *débris*; and

Whereas the whole country, as well as this State, are directly interested in the gold production of California, which materially depends on the free discharge of said mining *débris*: Therefore,

Be it resolved by the assembly, (the senate concurring,) That our Senators and Representatives in Congress be requested to use their utmost endeavors to obtain an immediate appropriation of at least \$500,000 for the protection and improvement of the rivers and lands of California which are being damaged by the mining *débris*.

Resolved, That the governor be requested to send a copy of these resolutions to each of our Senators and Representatives in Congress.

J. F. COWDERY,

Speaker of the Assembly.

JOHN MANSFIELD,

President of the Senate.

POSTAL TELEGRAPH.

Mr. BERRY also, by unanimous consent, presented concurrent resolution of the California Legislature, relative to the establishment of postal telegraph; which was referred to the Committee on the Post Office and Post-Roads, and ordered to be printed in the RECORD.

It is as follows:

Resolved by the assembly, (the senate concurring,) That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested, to use their influence to obtain the establishment of a postal telegraph system through out the United States.

J. F. COWDERY,

Speaker of the Assembly.

JNO. MANSFIELD,

President of the Senate.

ADMINISTRATOR OF JOSIAH H. PILLSBURY.

On motion of Mr. ANDERSON, by unanimous consent, an act (S. No. 762) for the relief of the administrator of Josiah H. Pillsbury, deceased, was taken from the Speaker's table, read a first and second time, and referred to the Committee of Claims.

CENSUS OF ALASKA.

Mr. DE LA MATYR, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on the Census be requested to inquire into the advisability of taking the census of Alaska, and report to the House by bill or otherwise.

DISTRICT OF COLUMBIA.

Mr. DE LA MATYR also, by unanimous consent, submitted resolutions asking for information from the commissioners of the District of Columbia; which were referred to the Committee for the District of Columbia.

HOT SPRINGS RESERVATION.

Mr. DUNN. I am instructed by the Committee on Public Lands to ask unanimous consent for the adoption of a resolution for the investigation of the matters pertaining to the Hot Springs reservation, in the State of Arkansas.

Mr. CONGER. What is that?

The SPEAKER. It provides for an investigation into the affairs of the Hot Springs reservation.

Mr. CONGER. Is it a resolution reported from a committee?

The SPEAKER. It is.

Mr. DUNN. I will state to the gentleman that the phraseology has been changed.

Mr. CONGER. I object.

DENNIS WOLFSKILL.

Mr. ROTHWELL, by unanimous consent, introduced a bill (H. R. No. 4915) granting a pension to Dennis Wolfskill, of Chillicothe, Livingston County, State of Missouri; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE ZIEFLE.

Mr. ROTHWELL also, by unanimous consent, introduced a bill (H. R. No. 4916) granting a pension to George Zieffe, of Chillicothe, Livingston County, State of Missouri; which was read a first and second time, and referred to the Committee on Invalid Pensions.

STATUE ON SUB-TREASURY BUILDING, NEW YORK.

Mr. CHITTENDEN, by unanimous consent, introduced a bill (H. R. No. 4917) granting permission to the Chamber of Commerce of New York to erect a statue on the sub-treasury building in the city of New York; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

INTRODUCTION OF BILLS.

Mr. CARLISLE. Mr. Speaker, I desire to introduce for reference the two bills that I send to the Clerk's desk, the first by request.

The SPEAKER. The gentleman from Minnesota objects to the introduction of bills.

Mr. DUNNELL. I do. It can be done as well on Monday next.

PETER PHILLIPS.

On motion of Mr. TOWNSHEND, of Illinois, by unanimous consent, Senate bill (No. 389) for the relief of Peter Phillips was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

JACOB B. KING.

On motion of Mr. TOWNSHEND, of Illinois, also, by unanimous consent, Senate bill (No. 388) for the relief of Jacob B. King was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

BUREAU OF ENGRAVING AND PRINTING.

On motion of Mr. SHALLENBERGER, by unanimous consent, Senate bill (No. 1157) to authorize the Secretary of the Treasury to purchase additional lots of ground adjoining the new building for the Bureau of Engraving and Printing was taken from the Speaker's table, read a first and second time, and referred to the Committee on Public Buildings and Grounds.

FRANCIS M. WAY.

Mr. DAVIDSON, by unanimous consent, from the Committee of Claims, reported back the bill (H. R. No. 1636) for the relief of Francis M. Way; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES HOPWOOD.

Mr. DAVIDSON also, by unanimous consent, from the same committee, reported as a substitute for House bill No. 1575, a bill (H. R. No. 4918) for the relief of James Hopwood; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SCALES, by unanimous consent, the letter of the Secretary of the Interior relative to lands held by the Cherokee Indians, heretofore referred to the Committee on Indian Affairs, was withdrawn from that committee and referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. COX. I ask unanimous consent to have the following bill referred to the Committee on Commerce.

The SPEAKER. The gentleman from Minnesota objects to the introduction of bills.

Mr. COX. I hope the gentleman will not insist on his objection. Other members have had an opportunity, and I have waited for half an hour.

The SPEAKER. The objection made by the gentleman from Minnesota has not been withdrawn.

DECIMAL SYSTEM.

Mr. VANCE, by unanimous consent, from the Committee on Coinage, Weights, and Measures, reported back House miscellaneous document relative to the decimal system of weights and measures for English-speaking nations; and the same was ordered to be printed, and recommitted.

DANIEL LEWIS.

Mr. VANCE also, by unanimous consent, submitted the following resolution:

Resolved, That Daniel Lewis be paid out of the contingent fund of the House the sum of \$123, the same being the remainder of his salary for services rendered in the Doorkeeper's department in the last session of the Forty-fourth Congress for the months of March, April, May, and June.

Mr. VANCE. I request that that be referred to the Committee of Accounts.

The SPEAKER. The Committee of Accounts decline to consider anything which does not apply to the present Congress. It should be referred to the Committee of Claims.

Mr. VANCE. Let it go to that committee.

The resolution was referred to the Committee of Claims.

FIRE-EXTINGUISHERS, ETC.

Mr. YOUNG, of Tennessee. I ask unanimous consent to submit for present consideration a resolution that a commission be authorized to investigate the quality and capacity of the various gas-governors and fire-extinguishers proposed for the use of the Government.

Mr. BAYNE. I object to its present consideration.

Mr. YOUNG, of Tennessee. If I can get the gentleman's ear for a moment I think he will withdraw his objection.

Mr. BAYNE. I demand the regular order.

KANSAS TRUST AND DIMINISHED-RESERVE LANDS.

On motion of Mr. RYAN, of Kansas, by unanimous consent, the Senate amendments to the bill (H. R. No. 3968) for the relief of certain actual settlers on the Kansas trust and diminished-reserve lands, in the State of Kansas, were taken from the Speaker's table.

Mr. RYAN, of Kansas. I move that the House concur in the Senate amendments.

The SPEAKER. The amendments will be read.

The Clerk read as follows:

On page 2, line 3, after the word "assigned," insert "being in possession thereof." And on page 2, at the end of line 10, insert "and where such persons, their heirs, legal representatives, or assigns, are not in possession of such lands, then the same may be entered as others of the said Kansas Indian lands by actual settlers only."

The amendments were concurred in.

REV. PAUL E. GILLEN.

Mr. LE FEVRE, by unanimous consent, from the Committee on Military Affairs, reported back favorably a bill (H. R. No. 3351) for the relief of Rev. Paul E. Gillen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to amend the records to show Paul E. Gillen as continuously in the service as chaplain of volunteers from the 20th day of July, A. D. 1861, the date of actual commencement of duty, until the 25th day of November, A. D. 1862, from which date he was mustered in and paid as chaplain of the One hundred and seventieth New York Regiment Volunteers, and cause to be paid to the said Paul E. Gillen, from any appropriation for pay of the Army, the pay and allowances of a chaplain of volunteers for the time stated, or any part thereof for which payment has not been made.

Mr. LE FEVRE. I ask that the report accompanying the bill be read.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the accompanying bill (H. R. No. 3357) for the relief of Rev. Paul E. Gillen, having had the same under consideration, respectfully submit the following report:

It appears, from the letters of distinguished military officers, among whom are General Charles Devens, who is now Attorney-General, General Winfield S. Hancock, General McClellan, and Colonel James McQuade, now commander of the Grand Army of the Republic, that Rev. Paul E. Gillen, in view of the scarcity of Catholic chaplains in the army of the Potomac, volunteered his services as chaplain immediately after the first battle of Bull Run; and having been duly accepted by General McClellan, who placed a horse and carriage at his disposal, and being furnished with a pass, he at once entered upon his duties and visited the following regiments, namely, the Second, Seventeenth, Thirty-sixth, Forty-second, Sixty-ninth, One hundred and fifty-fifth, and One hundred and sixty-fourth, New York Volunteers; the First Pennsylvania Artillery, the Sixty-ninth Pennsylvania Volunteers, and the Tenth New Hampshire Volunteers, performing the duties of chaplain in each of those regiments, as is shown by the testimony of the officers in command. They are all unanimous in praising the Rev. Mr. Gillen for the faithful and efficient discharge of his laborious and numerous duties. He traveled about constantly, administering the consolations of his religion to the wounded and dying, cheering by his presence, and sweetening by the ministrations of the sacrament of the Church, the last painful hours of death. So much were his services appreciated that on the special request of the soldiers of the One hundred and seventieth New York Volunteers, a regiment well known as the Corcoran Irish Legion, almost entirely composed of Catholics, he was mustered on the 25th of November, 1862, into the chaplaincy of that regiment. He served continuously till the close of the war, participating in all of the arduous campaigns for which the Corcoran Irish Legion is so justly celebrated.

It also appears, from the affidavits of two of the officers of the One hundred and seventieth, that he was stricken down by sunstroke while officiating at a burial service in the line of duty.

In view of his extreme old age—being now in his eighty-first year—and the feebleness and suffering aggravated by diseases contracted in the active services rendered during the war, and as an act of justice to a deserving old man, it is proposed to allow him the small compensation received by volunteer chaplains for the time intervening between the 20th of July, 1861—the day on which his services were accepted—and the 25th of November, 1862—the day on which he was mustered in.

Inasmuch as Rev. Mr. Gillen actually and fairly earned that which he now seeks, and as the Government would not be extending him a gratuity, the committee are unanimously in favor of paying him the compensation to which, in the committee's opinion, he is justly entitled.

The committee therefore report back the accompanying bill and recommend its passage.

Mr. LE FEVRE. I ask that the bill be put upon its passage.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LE FEVRE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF UNITED STATES ENTOMOLOGICAL COMMISSION.

Mr. HASKELL, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, by the House of Representatives, (the Senate concurring,) That there be printed, with necessary illustrations, at the Government Printing Office 10,000 copies of the second Report of the United States Entomological Commission on the Rocky Mountain Locust and other Injurious Insects; 5,000 copies for the use of the House, 3,000 copies for the use of the Senate, and 2,000 copies for the use of the commission.

TAX UPON DISTILLED SPIRITS.

Mr. BUTTERWORTH. I ask unanimous consent to offer the preamble and resolution which I send to the desk for reference to the Committee of Ways and Means.

The Clerk read as follows:

Whereas the agitation by Congress of the question of changing the tax imposed by existing law upon distilled spirits would be very injurious to all manufacturers of distilled spirits in the United States, and would tend temporarily to paralyze in a great degree the trade and commerce based upon it; and

Whereas a wise and just policy on the part of the Government requires that the interests of those engaged in the industry and trade mentioned should not be unnecessarily injured or jeopardized by frequent changes in the rate of tax they are compelled to pay upon distilled spirits: Therefore,

Resolved, That the agitation by Congress of the question of reducing the internal-revenue tax imposed by law upon distilled spirits is not demanded by any present public exigency, and, in view of the great injury which would necessarily result therefrom to the large number of our citizens who are engaged in manufacturing and dealing in said articles, is inexpedient.

Mr. BUTTERWORTH. I move that the preamble and resolution be referred to the Committee of Ways and Means.

Mr. DIBRELL. I move to amend, so that the resolution shall be referred to the Committee on Agriculture.

Mr. MILLS. I second that motion.

The question being put on the amendment, the Speaker stated that in the opinion of the Chair the "noes" had it, and that the resolution was referred to the Committee of Ways and Means.

Mr. MILLS. I call for the yeas and nays.

Mr. DUNNELL. I withdraw any objection I made to the introduction of bills and resolutions for reference.

Mr. DIBRELL. I rise to a question of order. The gentleman from Texas [Mr. MILLS] asked for the yeas and nays on the reference of the resolution of the gentleman from Ohio, [Mr. BUTTERWORTH.]

The SPEAKER. The request comes too late, other business having intervened.

Mr. MILLS. I called for the yeas and nays before other business did intervene.

The SPEAKER. Upon that statement the Chair will recognize the call for the yeas and nays.

Mr. DIBRELL. I want the resolution to go to a committee that will act upon it.

Mr. MILLS. That is what I wanted. I wanted the resolution to go to the Committee on Agriculture. If it goes to the Committee of Ways and Means it will not be acted upon. But, having said that, I withdraw the call for the yeas and nays.

The SPEAKER. The resolution is referred to the Committee of Ways and Means.

GREENLEAF STACKPOLE.

Mr. CARLISLE, by unanimous consent, (and by request,) introduced a bill (H. R. No. 4919) authorizing Greenleaf Stackpole to make application for the extension of a patent; which was read a first and second time, and referred to the Committee on Patents.

DUTIES ON SUGAR.

Mr. CARLISLE also, by unanimous consent, introduced a bill (H. R. No. 4920) to regulate the duties on sugar; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ANNIE D. REEVES.

Mr. MARTIN, of Delaware, by unanimous consent, introduced a bill (H. R. No. 4921) for the relief of Annie D. Reeves; which was read a first and second time, and referred to the Committee of Claims.

EDWARD SHIELDS AND OTHERS.

Mr. WHITE. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 128) for the relief of Edward Shields and others. This is a bill for the relief of sufferers by the explosion at the United States arsenal at Bridesburgh, Pennsylvania.

The SPEAKER. The bill will be read for information, after which objections, if any, will be in order.

The bill was read.

Mr. WHITE. I ask that the bill be put upon its passage at this time.

Mr. KNOTT. I object. I think the bill ought to be referred.

Mr. WHITE. I appeal to my friend from Kentucky to withdraw his objection to the present consideration of the bill. These are people who suffered by the explosion of the Bridesburgh arsenal. The bill

has passed the Senate and has passed the House from time to time, but has failed to receive the concurrent action of both Houses. The sufferers are all poor workmen.

Mr. KNOTT. I withdraw the objection.

Mr. TAYLOR. I renew it.

Mr. MILLS. I object to the present consideration of the bill.

Mr. WHITE. I trust the gentlemen will not object to this very meritorious bill.

The SPEAKER. The present consideration of the bill is objected to. Does the gentleman from Pennsylvania ask to have it referred?

Mr. WHITE. Unquestionably. Let it be referred to the Committee on Military Affairs.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

GAS-GOVERNORS AND FIRE-EXTINGUISHERS.

Mr. BAYNE. I withdraw my objection to the resolution offered by the gentleman from Tennessee, [Mr. YOUNG.]

Mr. YOUNG. I desire to report from the Committee on Public Buildings and Grounds the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives, That the Commissioner of Public Buildings, the Architect of the Capitol, and the civil engineer of the Supervising Architect of the Treasury Department, be, and they are hereby, authorized and requested to act as a commission for the purpose of investigating the quality and capacity of all gas-governors and fire-extinguishers for the use of the Government that may be submitted to them; and that they have authority to call upon the Government gas-inspector for any information, instruments, or facilities in his possession, and which may be required in the investigation here provided for, and the said commission, before commencing such investigation, shall advertise for such length of time as they may deem proper, in such newspapers as they may select, the time and place at which the same will take place, requesting the owners of gas-governors and fire-extinguishers to present them for examination; and when the commission shall have completed said investigation, they will report to the Committee on Public Buildings and Grounds the result of the same and which gas-governor and fire-extinguisher is best fitted for public use.

Mr. CONGER. For what is that resolution presented?

The SPEAKER. For action.

Mr. CONGER. I object. I do not think the House of Representatives can appoint such a commission. The resolution is not in the form of a concurrent resolution.

Mr. YOUNG, of Tennessee. I think, if the gentleman will hear a few words of explanation, he will not object. There are a number of gas-governors in use, which, we are informed, give various results, and there is a difference of opinion as to which is the best one. A bill upon the subject has been referred to the Committee on Public Buildings and Grounds, and we have declined to take the responsibility of deciding the matter. This resolution is designed to obtain from the officers named advice which will enable the committee to determine this question.

The SPEAKER. The Chair thinks it should be a joint resolution.

Mr. YOUNG, of Tennessee. It does not cost anything.

The SPEAKER. That does not matter. It imposes new duties on officers of the Government, and such new duties should be imposed by law.

Mr. YOUNG, of Tennessee. We can request these officers to do this.

Mr. CONGER. Let it be referred to the Committee on Public Buildings and Grounds.

The SPEAKER. It is reported from that committee.

Mr. CONGER. It looks to me as if that committee desired to shirk responsibility.

The SPEAKER. That is what it states.

Mr. YOUNG, of Tennessee. There is a bill before the committee upon this subject, and we do not desire to report upon it until we can get this information.

Mr. CONGER. I will not object to the resolution.

The resolution was adopted.

FOLDING-ROOM, HOUSE OF REPRESENTATIVES.

Mr. MORSE, from the Committee of Accounts, to which had been referred a resolution submitted by Mr. McLANE, reported the following substitute:

Resolved, That the superintendent of the House folding-room be, and he is hereby, authorized to employ an additional force of twelve men to fold speeches and other public documents accumulating in the folding-room, and to perform such other duties as may there be assigned to them: Provided, That the employment of the said additional force shall terminate one month after the adjournment of the present session of Congress, unless otherwise ordered by the Committee of Accounts; and they shall be paid out of the contingent fund at the rate of \$720 per annum while employed.

Mr. CONGER. I do not know that I wish to object to that resolution; but I would inquire if there is any report accompanying it showing the necessity for it?

Mr. MORSE. There is no report.

Mr. CONGER. Will the committee state whether there will probably be documents enough to be sent out for the campaign to require the employment of this force for a month after the House adjourns?

Mr. WHITE. To save time, I object to the resolution.

PUBLIC DOCUMENTS FOR LIBRARIES.

Mr. NICHOLLS, by unanimous consent, introduced a bill (H. R. No. 4922) to provide for supplying State and other libraries, incorporated colleges, atheneums, literary and scientific institutions, and boards of

trade with all public documents printed by order of Congress or the Departments; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

LIFE-SAVING SERVICE.

Mr. COX, by unanimous consent, introduced a bill (H. R. No. 4923) to promote the efficiency of the life-saving service, and to encourage the saving of life from shipwreck; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PRINTING TESTIMONY.

The SPEAKER. The Chair is advised that the Committee for the District of Columbia desire to be authorized by the House to have printed the testimony, or such part of it as they may see fit, taken by them in an investigation authorized by the House.

Mr. CONGER. I do not object if all the testimony is printed; but I do object to printing only part of it.

Mr. ALDRICH, of Rhode Island. It will all be printed.

Mr. CONGER. Then let the resolution so provide, and I will not object.

Mr. HUNTON. By direction of the Committee for the District of Columbia I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee for the District of Columbia be authorized to have printed such papers or evidence taken before said committee as they may deem necessary.

Mr. HUNTON. If any gentleman desires an explanation of this resolution I will give it with pleasure. We have been directed by the House to make an investigation and have taken testimony.

Mr. CONGER. I do not know that I object to this particular resolution. My point is that when testimony which is taken by an investigating committee is printed, the whole of it should be printed.

Mr. HUNTON. We will print the whole of it, every word of it. The resolution was adopted.

COMPENSATION OF OFFICERS OF THE UNITED STATES COURTS.

Mr. KNOTT. I am instructed by the Committee on the Judiciary to report a substitute for a resolution introduced by the gentleman from Ohio [Mr. YOUNG] and referred to that committee.

Mr. BRIGHT. I will reserve the right to object until I have heard the resolution and substitute read.

The resolution was read, as follows:

Resolved by the House of Representatives, That a committee of five Representatives be appointed to investigate the present system of salaries, fees, and emoluments allowed to the officers of the several courts of the United States, to ascertain whether any, and, if any, what, abuses now exist, or have existed, or may take place thereunder, and to report by bill or otherwise; that said committee have power to employ a clerk and the services of a stenographer, send for persons and papers, to administer oaths, to examine witnesses, and to report at any time; and the expense of said committee shall be paid on vouchers approved by the chairman.

The substitute was read, as follows:

Resolved by the House of Representatives of the United States of America in Congress assembled, That the Committee on the Judiciary be directed to investigate the present system of fees, salaries, and emoluments allowed to the officers of the several courts of the United States, and ascertain whether any, and, if any, what, abuses now exist, or have existed, or may take place thereunder, and to report by bill or otherwise; that said committee shall have power to employ clerks and stenographers, to send for persons and papers, and examine witnesses; that as many sub-committees may be designated from said committee as may be expedient for the investigation hereby authorized, and the chairman of any such sub-committee, for all the purposes of sending for persons or papers, administering oaths, and examining witnesses, shall have all the powers of the chairman of said committee, and said committee may report at any time. The expenses of the investigation hereby ordered shall be paid out of the contingent fund of the House; and the Clerk of the House is hereby directed, with the approval of the Committee of Accounts, to pay out of said fund to the Sergeant-at-Arms such sums for the payment of such expenses as the chairman of the Committee on the Judiciary, or the chairman of any sub-committee thereof assigned to make such investigation, shall from time to time in writing direct, and any sums which may be received by the Sergeant-at-Arms under this resolution shall be by him disbursed on vouchers approved by the chairman of the Committee on the Judiciary, or the chairman of any sub-committee herein provided for; and any unexpended balance thereof remaining in his hands shall be by him deposited in the Treasury of the United States to the credit of the miscellaneous items of the contingent fund of the House. And the Sergeant-at-Arms shall make a report in writing, accompanied by vouchers in detail, of the manner in which the sums thus received by him shall have been expended or disposed of, which report, when examined and approved by the Committee of Accounts, shall be deemed a sufficient settlement of his accountability for the same.

Mr. BRIGHT. That is subject to a point of order.

Mr. CONGER. I object to the introduction of the resolution. I desire to say—

The SPEAKER. That is all that is necessary.

Mr. CONGER. It is on a point of order in regard to the resolution—

Mr. KNOTT. I make the point of order that debate is not in order.

Mr. CONGER. In regard to the subject-matter—

The SPEAKER. The gentleman from Kentucky [Mr. KNOTT] objects to debate on the ground that the objection of the gentleman from Michigan is conclusive, and the subject is not before the House for debate.

Mr. BRIGHT. I call for the regular order.

Mr. CONGER. I have the right to make this remark—

Mr. KNOTT. I object.

The SPEAKER. The gentleman from Kentucky objects on the ground that the subject is not before the House and therefore is not debatable.

Mr. CONGER. The attempt of a committee to assume—

Mr. KNOTT. I object to debate.

The SPEAKER. The gentleman from Kentucky objects.

Mr. CONGER. I must be heard, and I shall be heard before I get through.

The SPEAKER. The gentleman will not be heard out of order.

Mr. CONGER. No, sir; but I— [Cries of "Order!"]

The SPEAKER. The gentleman from Kentucky objects to debate on a proposition which is not before the House; and it is his right.

Mr. CONGER. Of course it is.

The SPEAKER. The Chair recognizes the right upon his demand, and declares that the gentleman from Michigan is out of order in speaking to a proposition which is not before the House.

Mr. CONGER. I have not offered to speak to a proposition not before the House. The Chair has not heard what I said.

The SPEAKER. The Chair was not at liberty to hear, because the gentleman from Kentucky objected.

Mr. BRIGHT. Regular order!

Mr. CONGER. I rose to a point of order, and stated so.

The SPEAKER. The gentleman objected to the introduction of a resolution. The Chair recognized the objection, and acted upon it.

Mr. CONGER. That is disposed of.

The SPEAKER. If that is disposed of, then the gentleman from Tennessee [Mr. BRIGHT] demands the regular order.

Mr. CONGER. I rose to a point of order; and the Chair has never yet refused to recognize a gentleman who rose to a point of order.

The SPEAKER. The Chair has not refused now; but the regular order is demanded. The Chair must conform to the regular order, and does so.

Mr. CONGER. Yes, sir. When I rise to a point of order the Chair of course must hear me.

The SPEAKER. The gentleman will state his point of order.

Mr. CONGER. But if the Chair is unwilling to hear the point of order, I will bring it up some other time. I simply want to show that I have the right to be heard, and if I insist upon it, will be heard.

The SPEAKER. The Chair will maintain good order in the House, without respect to the gentleman from Michigan.

ALBERT FULLER.

Mr. BRIGHT. I call for the regular order.

The SPEAKER. The gentleman from Tennessee demands the regular order. The morning hour begins at twelve minutes after one o'clock. The unfinished business pending in the morning hour is a bill reported last Friday from the Committee on Patents—the bill (H. R. No. 4766) for the relief of the heirs of Albert Fuller.

Mr. VANCE. I yield to the gentleman from New York, [Mr. COVERT.]

Mr. COVERT rose.

Mr. DE LA MATYR. Before the gentleman from New York proceeds I would like to hear the bill read. It has not been printed, and we wish to understand the subject upon which the gentleman from New York speaks.

The SPEAKER. The gentleman from New York is on the floor, and the Chair has no right to interrupt him. The bill can be read when he has concluded.

Mr. COVERT. Perhaps it would be best to have the bill read now.

The SPEAKER. It will come out of the time of the gentleman from New York.

Mr. TUCKER. I suggest that the bill be read by unanimous consent, not to come out of the gentleman's time.

The SPEAKER. The Chair hears no objection to that arrangement, and the bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the legal representatives of Albert Fuller, deceased, late of Brooklyn, in the State of New York, have leave to make application to the Commissioner of Patents for the extension of letters-patent No. 13677, granted to said Fuller October 16, 1855, for an improvement in faucets for hot and cold water, and the Commissioner of Patents is hereby authorized to hear and determine said application in accordance with the rules and regulations heretofore existing in the Patent Office in relation to the extension of patents, and to extend the same for the term of seven years from and after the date of such extension, provided he shall be satisfied that said extension will be just and proper, and not injurious to the public interests; and said patent when so extended shall have the same force and effect in law as if originally granted for the full term for which it shall be so extended: *Provided*, That no person shall be held liable for the infringement of said letters-patent, if extended, in consequence of having used said invention since the expiration of said patent and prior to the date of the extension, nor shall any party be held liable for using faucets which may be in use at the time of the extension of said patent, as authorized by this act.

Mr. COVERT. Mr. Speaker, from various utterances made during the progress of the discussion upon this bill I assume I am not wrong in the supposition that this case is to be made a test case so far as relates to the extension of patents by this Congress.

The chairman of the committee [Mr. VANCE] and my friend from Pennsylvania, [Mr. WARD], both of whom have given to this matter that thoughtful care and attention which distinguish their legislative work always, have united in saying substantially that if this bill cannot pass it will be useless for the committee ever again to bring into this House any measure of a similar character. These declarations, Mr. Speaker, made deliberately upon this floor, elevate this bill, which upon its face is one of a private character, into an importance which it would not perhaps under other circumstances possess. The decision of this question and the deliberation which shall

precede its decision require, therefore, it seems to me, earnest and conscientious thought on the part of every member of this body.

The Constitution declares in its eighth section, substantially, that Congress shall have the power to secure to authors and inventors for limited times the exclusive ownership of their works. My distinguished colleague, [Mr. Cox,] in his remarks in opposition to this bill, emphasized the word "limited" in this connection, and sought thereby to convey the impression that this privilege was intended to be granted for a short time only and necessarily. The word has no such meaning anywhere. It is a term of restriction simply, and was used in this sense—its ordinary sense—undoubtedly by the framers of the Constitution. There was to be some time after the issuance of a patent during which the rights of the inventor were to be secured, and this limit might be seven years or fifty years, or any given time that Congress might establish. This clause stood and stands now as a premium for thought and endeavor in the directions of authorship and invention. History, up to the time of the adoption of the Constitution, had abundantly proven that inventors, as a rule, had been men who were poor and very often ignorant in the learning of the schools. The idea of the perfected steam-engine was born in the busy brain of a poor Scottish mechanic. The spinning-jenny of to-day owed its origin to the patient thought and experiment of a poor unlettered weaver of Blackburn; and the history of inventions everywhere had demonstrated that inventors, as a rule, were men who, so far as the details of business were concerned, needed the protection of government in order to reap any return from their labor. And so it was, undoubtedly, that this section found a place in our Constitution. The wisdom of its framers has been abundantly shown by the history of inventions in this country.

Call over the names that we, with national pride, delight to honor and revere, and we find that in almost every instance new and improved appliances in mechanics were suggested by men whose hands were hard and brown with toil, and that those who have done so much for us as a people in the field of inventive art have been men so ignorant of the hard rules of business that they have required almost the same measure of consideration and protection in this regard that we extend to weak and helpless women. And this case, Mr. Speaker, is a case which fully illustrates this condition. I speak only from the proofs offered before the committee. Albert Fuller, twenty-five years ago, saw that, with the introduction of water in the various cities, an improved faucet would be a matter of urgent necessity. He gave to the subject profound thought and all the time and labor necessary for the perfection of his idea. Nearly two years were passed in this way before his plans were perfected and his patent issued, and then began his weary work of introducing and utilizing his invention. My friend from South Carolina [Mr. Aiken] has said in his argument against this bill that no merit attaches to the inventor who only fills the immediate demands and wants of the people in this regard. He states that it is only when an invention is in anticipation of the wants of the people that any credit attaches. That is this case precisely. The people did not know that they wanted and needed Fuller's article, and, as is usual in such cases, he found it difficult to persuade them of the merit and utility and necessity of his invention.

I venture the assertion, sir, that nowhere among the dusty files of reports ever presented to either branch of Congress is there one which excels in the elements of simple pathos the report in this case; a report which does equal credit to the head and heart of my friend from North Carolina [Mr. Vance] who drafted it. From city to city and from town to town this poor inventor went, conscious of the value of his invention, but meeting with rebuff and slight in almost every direction. Worse than this, he encountered the almost general opposition of the mechanics whose work was to be supplanted by this appliance. So poor that in instances he was obliged to sleep upon the floor, with a dependent family who patiently and hopefully shared his poverty with him, the experiences of Albert Fuller added but another chapter to the sad experiences of but too many other inventors in this and other lands. What good came from it all? How were the people, the great public, rather than the individual, benefited by this invention? Why, sir, in that vast section of country, watered by the Mississippi and its tributaries, owing to the peculiar character of the water, the ordinary article then in use, afterward supplanted by Fuller's invention, was soon destroyed in parts and rendered absolutely useless; it was in the section of country referred to that the utility and superiority of this invention first had recognition. This was in 1857, the year of the panic. The progress made was but slow, and the years passed wearily on to the inventor. His patent was repeatedly infringed and he was without the means to completely resist these infringements. The war came, and with it prostitution in many branches of business, including work in a branch of industry like this. And finally, after this man had given twenty years of his life-time to the perfection and introduction of his invention, receiving as his reward less than he would have earned at ordinary mechanic's wages, he died at the age of seventy years, poverty-stricken, and leaving an aged widow and family entirely helpless and dependent. And so ended but another chapter in the "short and simple annals of the poor."

My friend from South Carolina [Mr. Aiken] says that some of these patentees live in brown-stone houses. Very likely this is true. Undoubtedly there are instances of this condition of things. The exist-

ence of this condition furnishes perhaps the strongest argument against the practicability of the suggestion of my colleague [Mr. Cox] that there should be a general law framed to cover all applications for the renewal or revival of patents. But the report shows that the condition referred to by my friend from South Carolina [Mr. Aiken] is not of application here. My friend is much too chivalric, much too generous, to insist that his remark shall have application to this case or that it shall influence this House in determining the issue presented here. The only habitation tenanted by this man is "a small and narrow house" in an almost unmarked grave; his widow of nearly three-score years and ten is in want; his daughter is an inmate of an asylum for the insane. And it is for this widowed mother and this insane daughter that the favorable action of Congress is invoked.

But the passage of this bill, Mr. Speaker, should not be made dependent upon the impulses of the warm hearts of the members of this House. It should be passed, sir, upon its merits and upon its naked merits alone. The work of this inventor has been of benefit not to individuals alone, but it has been of advantage to the whole country. While his was the original idea, others have fashioned upon it, and inventions somewhat similar in character have been patented, and so no monopoly will be created by an extension. The testimony is conclusive that this laborer, who was more than "worthy of his hire," has not been properly compensated for his work.

I was surprised when my colleague [Mr. Cox] said that the time of this House should not be occupied in the consideration of private bills of this character. My friend, to a greater extent than ordinary men, is of kin to the men of thought and brain in all the departments of labor. He can see and appreciate the "poetry of mechanism." He can do more than that. He can realize that sometimes the fate and fortune of one man is a matter of public consequence, of national concern. When, as in the case of Condon, a foreign power has inflicted or has sought to inflict an outrage upon the rights of even one humble American citizen my friend has been the first to call the attention of the Federal Congress to the wrong and to demand in the name of the whole American people that the rights of even one individual subject should be preserved and respected. A distinguished soldier of the present time has claimed that injustice has been done to him by the Government, and the attention of one branch of this Congress is to-day being given to an examination of the justice of his claim. These are but instances, Mr. Speaker, going to show that sometimes the matter of individual justice, the question of the rights and wrongs of the individual citizen, becomes matter of general and of public importance. And so this case, and the principle to be decided by it, is of public consequence. I yield, sir, to no gentleman upon this floor in the earnestness of my desire to repress and to place within all proper limits the volume of special legislation. I believe that so far as is possible general laws should be enacted to this end. In the Forty-fifth Congress I gave to the measure of my then colleague, [Mr. Potter,] in the direction of reform in this particular, all the aid and all the effort it was in my poor power to bestow. I pledge my most earnest support to the like measure of my friend from South Carolina, [Mr. O'Connor,] now pending in this House. But, sir, until reform in this direction is an accomplished fact, we have to deal with these matters as we find them. There is no inhibition in the Constitution so far as this application is concerned. There is no act of the Federal Congress which prohibits it. There is no general law upon our statute-book under which this application can be made. The only remedy, the only method of relief left open to the applicants, is the measure by which these parties have come before Congress, the special bill which has been reported to the House for the extension of this patent.

I have tried to show, Mr. Speaker, that this case, presenting the features it does, is of public consequence. Whether I have succeeded in this respect or not, the principle to be decided by it is most certainly a matter of national concern. The American people, as a people, are justly proud of the victories they have won in nearly every department of human endeavor. While these achievements cover almost the whole wide range of human effort, the results they have reached in the field of inventive art exhibit them to the best advantage as a people of active brain, of patient thought, and of earnest endeavor. From the time of Franklin down to our own day the long line of distinguished inventors of this land have won fame and glory that the world will not willingly let die.

The fathers, in the Constitution which they drafted, made these men, in a measure, the wards of the nation. Let the Federal Congress be just, and, being just, let it be generous in its treatment of these our wards. The spirit and the letter of the Constitution, while offering a premium for thought and effort on the part of these men, at the same time sought to protect them, their interests, and their rights. I most earnestly hope that this Congress will not seek to place a strained construction upon the letter of the section governing this case, and I most sincerely trust that it will not seek either to violate or abridge the broad and generous spirit which pervades it.

Mr. VANCE. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading, and was accordingly read the third time.

The question being on the passage of the bill,

Mr. MARTIN, of Delaware, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 49, nays 149, not voting 94; as follows:

YEAS—49.

Acklen,	Frye,	Martin, Benj. F.	Taylor,
Aldrich, N. W.	Hawley,	Martin, Joseph J.	Tucker,
Bachman,	Hazelton,	Miles,	Vance,
Bailey,	Hiscock,	Miller,	Voorhis,
Ballou,	Horr,	Mitchell,	Ward,
Blake,	Humphrey,	Morton,	Willis,
Bland,	Hunton,	Nicholls,	Willits,
Coffroth,	James,	Overton,	Wood, Fernando
Covert,	Jorgensen,	Pierce,	Young, Casey
Crapo,	Kenna,	Reagan,	Young, Thomas L.
Crowley,	Ketcham,	Russell, Wm. A.	
Dwight,	Lapham,	Stone,	
Einstein,	Lindsey,	Talbott,	

NAYS—149.

Aiken,	Culberson,	House,	Robinson,
Aldrich, William	Daggett,	Hubbell,	Rothwell,
Anderson,	Davidson,	Hull,	Ryan, Thomas
Arnfield,	Davis, George R.	Hurd,	Ryon, John W.
Atherton,	Davis, Horace	Johnston,	Samford,
Atkins,	Davis, Lowndes H.	Jones,	Sapp,
Baker,	De La Matyr,	Joyce,	Sawyer,
Barber,	Deering,	Keifer,	Scales,
Bayne,	Dibrell,	Kitchin,	Shallenberger,
Beale,	Dunn,	Klotz,	Shelley,
Berry,	Ellis,	Knott,	Sherwin,
Bicknell,	Evins,	Ladd,	Slemmons,
Bingham,	Felton,	Le Fevre,	Smith, A. Herr
Blackburn,	Finley,	Lowe,	Smith, Hezekiah B.
Blount,	Fisher,	Marsh,	Speer,
Bowman,	Ford,	Martin, Edward L.	Steele,
Boyd,	Forney,	McMahon,	Stevenson,
Brewer,	Forsythe,	McMillin,	Thomas,
Briggs,	Garfield,	Monroe,	Thompson, P. B.
Brigham,	Geddes,	Morrison,	Tillman,
Burrows,	Gillette,	Morse,	Townsend, Amos
Butterworth,	Godshalk,	Muldrow,	Townsend, R. W.
Cabell,	Gunter,	New,	Turner, Oscar
Caldwell,	Hall,	Norcross,	Updegraff, J. T.
Calkins,	Hammond, N. J.	O'Connor,	Updegraff, Thomas
Cannon,	Haskell,	Osmer,	Waddill,
Carpenter,	Hatch,	Page,	Washburn,
Cladin,	Hawk,	Persons,	Wellborn,
Clardy,	Hayes,	Phelps,	Wells,
Clark, Alvah A.	Hellman,	Phillips,	White,
Clark, John B.	Henkle,	Phister,	Whiteaker,
Clymer,	Henry,	Poehler,	Williams, Thomas
Cobb,	Herbert,	Pound,	Wise,
Colerick,	Herndon,	Price,	Wright,
Conger,	Hill,	Rice,	Yocum,
Converse,	Hooker,	Richardson, D. P.	
Cook,	Hostetler,	Richardson, J. S.	
Cowgill,	Houk,	Richmond,	

NOT VOTING—94.

Barlow,	Farr,	McGowan,	Singleton, O. R.
Belford,	Ferdon,	McKenzie,	Smith, William E.
Beltzhoover,	Field,	McKinley,	Sparks,
Bliss,	Fort,	McLane,	Springer,
Bonck,	Frost,	Mills,	Starin,
Bragg,	Gibson,	Money,	Stephens,
Bright,	Goode,	Muller,	Thompson, W. G.
Browne,	Hammond, John	Murch,	Turner, Thomas
Buckner,	Harmer,	Myers,	Tyler,
Camp,	Harris, Benj. W.	Neal,	Upson,
Carlisle,	Harris, John T.	Newberry,	Urner,
Caswell,	Henderson,	O'Brien,	Valentine,
Chalmers,	Hutchins,	O'Neill,	Van Aernam,
Chittenden,	Kelley,	O'Reilly,	Van Voorhis,
Cox,	Killingier,	Orth,	Wait,
Cravens,	Kimmel,	Pacheco,	Warner,
Davis, Joseph J.	King,	Prescott,	Weaver,
Deuster,	Lewis,	Reed,	Whitthorne,
Dick,	Loring,	Robertson,	Wilber,
Dickey,	Lounsbery,	Robeson,	Williams, C. G.
Dunnell,	Manning,	Ross,	Wilson,
Elam,	Mason,	Russell, Daniel L.	Wood, Walter A.
Errett,	McCold,	Simonton,	
Ewing,	McCook,	Singleton, J. W.	

So the bill was not passed.

During the roll-call the following announcements were made:

Mr. SCALES. My colleague from North Carolina, Mr. DAVIS, is paired with the gentleman from Iowa, Mr. THOMPSON.

Mr. DIBRELL. My colleague, Mr. SIMONTON, is paired with the gentleman from Iowa, Mr. MCCOIR.

Mr. BOUCK. I am paired with the gentleman from Ohio, Mr. McKINLEY. If he were present, I should vote "no." My colleagues, Mr. BRAGG and Mr. CASWELL, are paired.

Mr. WAIT. I am paired with the gentleman from Louisiana, Mr. GIBSON, who is detained from the House by illness.

Mr. CHITTENDEN. I am paired with the gentleman from Missouri, Mr. BUCKNER.

Mr. WARD. My colleague, Mr. O'NEILL, is paired with the gentleman from New Jersey, Mr. ROSS.

Mr. LORING. I am paired with the gentleman from Alabama, Mr. LEWIS.

Mr. VAN VOORHIS. I am paired with Mr. CHALMERS.

Mr. FISHER. I am requested to announce that Mr. THOMPSON, of Iowa, is paired with Mr. DAVIS, of North Carolina; and that Mr. BROWNE, of Indiana, is paired with his colleague, Mr. MYERS.

On motion of Mr. SAPP the reading of the names was dispensed with.

The vote was then announced as above recorded.

WILLIAM G. BUDLONG.

Mr. BALLOU, from the Committee on Patents, reported back favorably a bill (H. R. No. 2030) for the relief of William G. Budlong.

The bill was read, as follows:

A bill for the relief of William G. Budlong.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Patents be, and is hereby, authorized to hear and determine the application of William G. Budlong for the extension for the further term of seven years of the letters-patent for improvement in shoe-pegging machines granted to him the 12th day of May, 1863, and antedated the 30th day of June, 1862, and reissued upon an amended specification the 29th day of February, 1876, the form of such application and the mode of proceeding under it to be in all respects the same as was provided by the act of Congress approved the 8th day of July, 1870, entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights, for the extension of patents granted prior to March 2, 1861;" and if upon such hearing the Commissioner should be satisfied that the said William G. Budlong, without neglect or fault on his part, has failed to obtain from the use or sale of his invention or discovery a reasonable remuneration for the time, ingenuity, and expense bestowed upon it and the introduction of it into use, and that it is just and proper, having due regard to the public interest, that the time of the patent should be so extended, the said Commissioner shall make a certificate upon said reissue patent, renewing and extending the same to the said William G. Budlong, his executors, administrators, or assigns, for the term of seven years from June 30, 1879: *Provided*, That no person shall be held liable for the infringement of said patent, if extended, for making use of said invention between the time of the expiration of the extended term of said letters-patent and prior to the date of extension.

ADJOURNMENT OVER.

Mr. WRIGHT. I rise, Mr. Speaker, to a privileged question. I move that when this House adjourns to-day it adjourn to meet on Monday next.

The House divided; and there were—ayes 105, noes 40.

Mr. STEVENSON. I demand tellers.

Mr. BALLOU. I have the floor on this bill. Now, can I be taken off the floor?

The SPEAKER *pro tempore*, (Mr. TALBOTT in the chair.) A gentleman can be taken off the floor by the motion to adjourn over. The gentleman from Illinois has demanded tellers; and the Chair will order tellers.

Mr. WHITE. There was a quorum voting, and I do not see why we need tellers.

The SPEAKER *pro tempore*. There was a quorum voting, but the Chair thinks it best to appoint tellers. The Chair appoints Mr. PRICE and Mr. WRIGHT as tellers.

The House again divided; and the tellers reported—ayes 110, noes 17.

Mr. SPARKS. I make the point of order that no quorum has voted. The SPEAKER *pro tempore*. The tellers will resume their places, the point being made that no quorum has voted.

Mr. McMAHON. I ask unanimous consent that the gentleman from New York, chairman of the Committee of Ways and Means, be allowed to make a statement which will save all further trouble in this matter.

Mr. FERNANDO WOOD. I wish to state—

Mr. WHITE. I demand the regular order of business.

The tellers resumed their places, and reported—ayes 129, noes 22. So the motion to adjourn over was agreed to.

Mr. MILLS. The gentleman from New York rises to a privileged question.

Mr. FERNANDO WOOD. I desire to say a word.

Mr. WHITE. I demand the regular order of business.

The SPEAKER *pro tempore*. But the gentleman from New York rises to a privileged question.

Mr. FERNANDO WOOD. There are about twenty members who desire to make speeches on the refunding bill.

Mr. WHITE. I object to debate and demand the regular order of business.

The SPEAKER *pro tempore*. The gentleman from New York will state his question of privilege.

Mr. FERNANDO WOOD. I move there be a session to-morrow for discussion of the refunding bill in the Committee of the Whole on the state of the Union, no business to be transacted.

Mr. WHITE. That is not a privileged question. I demand the regular order of business.

Mr. FERNANDO WOOD. I move, then, to reconsider the vote by which the House agreed, when it adjourns to-day, to adjourn to meet on Monday next.

Mr. KELLEY. And I move to lay that motion on the table.

The latter motion was agreed to.

Mr. WRIGHT. I now move the House adjourn.

Mr. BALLOU. I ask for the reading of the report.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania has moved to adjourn, and the question must be first put on that motion.

The House refused to adjourn.

WILLIAM G. BUDLONG.

Mr. BALLOU. I now ask for the reading of the report in the case reported from the Committee on Patents.

The Clerk read as follows:

Mr. BALLOU, from the Committee on Patents, submitted the following report: In the matter of House bill No. 2030, for the relief of William G. Budlong.—First by his affidavit:

I, William G. Budlong, of the city and county of Providence, in the State of Rhode Island, being duly sworn, depose and say that I am the William G. Bud-

long named in said bill and in the letters-patent therein mentioned; that in the spring of 1858 I was residing in Hartford, Connecticut, and was engaged in business there, running a small machine-shop, and doing work on sewing-machines, repairs, model-making, and jobbing. My attention was called to the fact that a large portion of the pegged work in the manufacture of boots and shoes was defective on account of the projection of the pegs beyond the face of the sole. After investigation I found the cause of this defect was in the manner of inserting the pegs into the sole. At that time the most approved method was to press the peg into the sole by means of a cam. A large hole was required to be made in the sole to receive the peg. All of the holding qualities of the peg was obtained by the friction or adhesion of the leather upon the sides of the pegs, consequently the smaller the hole into which the peg was forced the more the friction or adhesion.

After study it occurred to me that if a device could be constructed to drive the peg with a blow it would obviate the difficulty, and by a series of experiments I satisfied myself that I was correct.

In the autumn of the year 1859 I moved to said city of Providence, and soon after I had a set of patterns made. I constructed a full-sized machine, but being compelled to labor for the support of my family could work on the machine only in the night-time, and at times whenever I had leisure. After finishing said machine and testing it so as to find it was practical I made a model and placed it in the hands of my solicitor in New York, who filed for me the application for the letters-patent aforesaid, which was granted and issued as above stated.

When the patent was issued, as I was without any capital, I used my best and constant efforts to find some one to assist me with pecuniary means, but owing to the uncertain condition of the country in those days of the war, I did not succeed in my endeavors to interest capitalists, and as mechanical skill was in demand I gave my attention to business with considerable success. From time to time I made strenuous endeavors to interest capitalists in my invention, but always without success.

In the year 1879 metallic fastenings for boots and shoes began to come in demand. As I had at that time no business, I again considered the subject-matter of my invention, and concluded to have said letters-patent reissued on account of some imperfections in the specification. I surrendered the patent as prescribed by law, which was reissued in the form in which it stands at the time of the filing of this bill.

I have put into said invention and patent, and my said efforts to realize upon the same, all the money I could possibly spare from the necessary support of my family, and have thereby been reduced to most straitened circumstances. I have expended in money and labor, including the expense of procuring said letters-patent and the reissue thereof, upwards of \$15,000. I have never yet received anything, not so much as a dollar, from said invention or said patent. My invention is exceedingly useful, and now that my patent is about to expire by limitation I have succeeded in obtaining capital, and if said letters-patent can be extended I have reason to believe I can realize from it an adequate recompense for my said expenditures and for my labors and study for years. I further depose all rights to said patent for the term of said extension, if granted, are my own, and that no other person has any right, title, or interest in or to said extended term should the same be granted.

WILLIAM G. BUDLONG.

Subscribed and sworn to this 5th day of February, A. D. 1880, in Providence, in the county of Providence, in the State of Rhode Island, before me.

WARREN R. PERCE, Notary Public.

It appears by the foregoing affidavit, the leading facts of which are corroborated by letters to the committee from two prominent citizens of Providence, Rhode Island, Lieutenant-Governor A. C. Howard and Hon. R. Hazard, that though William G. Budlong obtained his first patent in 1863, for various causes he was unable to introduce or use it, either for his own or others' benefit, and has spent his spare time and all his means, which he estimates at more than \$15,000, in trying to perfect and introduce it to use, and has as yet received no compensation whatever; but has perfected it and obtained a reissue on an amended specification, in which he hopes by an extension of his patent, as provided by act of Congress of 1870, to receive some remuneration for his time and labor and to relieve him from the poverty to which he has become reduced by the expenses attending his invention.

The committee therefore recommend the passage of the following bill:

Mr. BALLOU. If I can have the attention of the House for a moment—

The SPEAKER *pro tempore*. The Chair will state that the morning hour has expired.

Mr. BALLOU. Shall I have the opportunity on next Friday?

The SPEAKER. The bill will come up in the morning hour of next Friday, and the Chair will recognize the gentleman from Rhode Island as entitled to the floor.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar.

Mr. FERNANDO WOOD. I ask, by unanimous consent, there be a session to-morrow, for debate only in Committee of the Whole on the state of the Union on the funding bill, no other business to be transacted.

Mr. WRIGHT. I do not think there ought to be any objection to that.

Mr. KEIFER. Is that now in order?

The SPEAKER. Only by unanimous consent.

Mr. FERNANDO WOOD. By allowing this session to-morrow for debate only on the refunding bill time will be saved on the bill when it comes up for consideration hereafter. I hope the session to-morrow will be allowed for that purpose, and that purpose only, no vote to be taken, and on that bill exclusively.

Mr. TOWNSHEND, of Illinois. I shall object unless general debate be allowed.

The SPEAKER. The gentleman cannot make a qualified objection.

Mr. TOWNSHEND, of Illinois. There are other gentlemen who desire an opportunity for discussion. I do not want to speak myself, but there are subjects on which other gentlemen desire an opportunity to be heard.

The SPEAKER. The gentleman from New York asks that the order of the House heretofore made adjourning over until Monday be vacated, and that to-morrow shall be set apart for debate only in Committee of the Whole on the refunding bill, no other business to be transacted.

Mr. WHITE. I object.

Mr. FERNANDO WOOD. I hope the gentleman from Pennsylvania will not object to this. I will say to him that it will make one month's difference in the length of the session.

Mr. TOWNSHEND, of Illinois. I withdraw my objection.

The SPEAKER. The gentleman from Pennsylvania [Mr. WHITE] objects.

Mr. WHITE. I did not hear what the gentleman from New York said.

Mr. FERNANDO WOOD. I stated that it would protract the session at least one month.

Mr. WHITE. I insist that it will not protract the session. If I thought it would protract the session I would not interpose my objection. The majority of the House can always control the conduct of its business. The refunding bill is too important to be at this early stage of its consideration the subject of speeches read to thinly attended Saturday sessions. I want the bill discussed first to full Houses, so that no erroneous statements may be sent to the country.

Mr. BRIGHT. I demand the regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of bills of the following titles; in which concurrence was requested:

A bill (S. No. 89) touching the Hot Springs reservation in the State of Arkansas; and

A bill (S. No. 533) for the relief Charles W. Abbot, a pay director, and W. W. Barry, a passed assistant paymaster, in the United States Navy.

ADMISSION TO THE FLOOR.

On motion of Mr. THOMPSON, of Kentucky, by unanimous consent, Thomas W. Varnon, esq., of Kentucky, was admitted to the floor during the day.

PRIVATE CALENDAR.

Mr. BRIGHT. I renew my motion that the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House for the consideration of the Private Calendar, Mr. CALKINS in the chair.

The CHAIRMAN. The Chair will state that this is objection day. The committee now resumes the consideration of the Private Calendar where it was left off on the last objection day.

WILLIAM BOWMAN.

The first business on the Private Calendar was the bill (H. R. No. 2290) for the relief of William Bowman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William Bowman, Company B, Ninety-first Veteran Pennsylvania Volunteers, at the rate of \$6 per month, commencing on the 10th day of July, A. D. 1865, that being the date of his discharge from the Army of the United States, in the late war of the rebellion, on account of disease contracted while in said military service and in line of duty.

Mr. WHITE. I ask that the accompanying report be read.

The report was read, as follows:

William Bowman, the claimant, was enrolled in Company B, Ninety-first Regiment of Pennsylvania Volunteers, on the 11th March, 1865, and discharged on the 10th of July, 1865. He applied for pension on the 3d of December, 1872, alleging that he contracted piles in June, 1865, while on a march from Burkeville, Virginia, to Washington, District of Columbia.

His claim for pension was rejected on the 20th day of May, 1873, because the claimant was unable to furnish the testimony of the surgeon or assistant surgeon of his regiment showing treatment for said disease while in the service.

The claimant, on the 27th of November, 1872, swears that he contracted the piles in June, 1865, while on a march from Burkeville, Virginia, to Washington, District of Columbia, on account of the roads being bad, muddy, and slippery. That he did not go into a hospital, although he was urged to go by the officers of the company and regimental surgeons, because there were so many fever patients in the hospital at the time, and he feared the contagion of the disease. He further swears that in consequence of being placed in a company of volunteers (Company B, Ninety-first Pennsylvania) the officers and surgeon of which were strangers to him, he is unable to obtain their affidavits, as he has no knowledge of their present residence, or whether they or any of them are living at this time.

Daniel Lohr, on the 28th of October, 1872, swore that "he was well acquainted with William Bowman, and was a member of the same company and regiment with him," and "that on or about the — day of June, A. D. 1865, while the company was marching from Burkeville, Virginia, to Washington, District of Columbia, owing to the bad roads, consequent upon heavy rains, and hard marching, said William Bowman contracted piles, by reason of which he suffered severely, and that he knew said Bowman intimately, messed with him, and occupied the same tent."

Joseph Coleman, another private in the same company, testifies "that he was an intimate acquaintance of William Bowman," and "that about the — day of June, 1865, while the company was marching from Burkeville, Virginia, to Washington, District of Columbia, the roads being slippery on account of heavy rains and bad roads, said William Bowman contracted piles, by reason of which he suffered very much."

Dr. Robert H. Patterson, the family physician of the claimant for eighteen years before he went into the Army, testifies, on the 30th of November, 1877, "that he had never treated the claimant for piles before he went into the Army."

J. F. Carpenter, another witness, testifies "that he knew the claimant intimately since 1841 and never heard that he was disabled in any way before he went into the Army."

Ananias Berkly, another comrade, and who has known him many years intimately, testifies "that the claimant before and at the time he entered the Army was sound in body and enjoyed good health, and was exempt from piles."

Chaney Miller, another witness, corroborates this.

Dr. J. M. Lenthorn commenced treating the claimant for piles in July, 1865, on his return from the Army, and treated him for about six months, and pronounced his piles incurable. Dr. B. L. Yeagley afterward treated the claimant for piles.

These witnesses are certified to be reputable, and gentlemen of good character.

Examining Surgeon Dr. Henry Brubaker fixes his disability total at \$8 per month, and says from the evidence before him it is his belief that the disability did actually originate in the service. Examining Surgeon Dr. W. B. Lowman fixes the disability at one-half—\$4 per month.

The committee are of the opinion that the claimant has clearly made out his case, and that his pension should be fixed at the rate of \$6 per month. They recommend the passage of the bill.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ARTHUR I. McCONNELL.

The next business on the Private Calendar was a bill (H. R. No. 2469) granting a pension to Arthur I. McConnell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Arthur I. McConnell, Company M, One hundred and second Regiment Pennsylvania Volunteers, at the rate of \$6 per month, from the 25th of June, 1865, that being the date of his discharge from the Army of the United States, in the late war of the rebellion, on account of injury received and disease contracted while in said military service and in line of duty.

Mr. SPARKS. I ask the report be read.

The report was read, as follows:

Arthur McConnell made application for pension on the 8th of June, 1876, alleging "that while in line of duty at Burkeville, Virginia, he contracted chronic diarrhea and asthma." His application was not favorably considered by the Commissioner of Pensions, because the applicant was unable to furnish the medical evidence required by the Department.

Thomas J. Krise, a private and comrade in the same company with the applicant, and who went from the same neighborhood to the Army, testifies "that while at Burkeville, Virginia, on or about the 10th day of May, 1865, the claimant contracted, from exposure while lying on the damp ground, chronic diarrhea and asthma; that at the time of his enlistment into the military service of the United States he was in the enjoyment of sound bodily health and perfectly free from the aforesaid diseases, from which he has been suffering from the date of his discharge."

Michael Shortencorber, another comrade, corroborates this testimony as to the contracting of chronic diarrhea and asthma at Burkeville, Virginia.

Elias B. Barnicle and W. A. Adams, two reputable citizens of the town in which the applicant lives, swear "that they are personally well acquainted with the claimant; knew him before and at the time of his enlistment into the military service of the United States, when he was in the enjoyment of sound bodily health and perfectly free from chronic diarrhea and asthma; that since his discharge from the service he has suffered from these diseases, which have continuously existed to the present time."

Dr. Alexander Tait, who treated the claimant for chronic diarrhea and asthma a part of the time since his return from the Army, says the claimant, because of said diseases, is unable to do manual labor.

Examining Surgeon Dr. D. W. Evans says the claimant's disability is likely to be permanent, and, from the evidence before him, the disability originated in the service and in line of duty, and rates the disability at three-fourths, or \$6 per month.

The committee are of opinion, after considering all the facts in the case, that the claimant is entitled to a pension, and they therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

EDMUND EASTMAN.

The next business on the Private Calendar was the bill (H. R. No. 1464) granting a pension to Edmund Eastman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Edmund Eastman, a private, Company K, Two hundred and second Regiment of Pennsylvania Volunteers, and that said Edmund Eastman be allowed a pension at the rate of \$6 per month, commencing from August 3, 1865, that being the date of his discharge from the Army of the United States on account of an injury received by him while in the service and line of duty during the late war of the rebellion.

Mr. WHITE. I ask that the report be read.

The report was read, as follows:

That Edmund Eastman was a private in Company K, Two hundred and second Regiment of Pennsylvania Volunteers, and was discharged August 3, 1865. The evidence submitted to the committee shows that in the winter or early spring of 1865, while his regiment was stationed near Fairfax Station, in Virginia, he was detailed to work upon the fortifications then being erected at that place, and that while at this work he was lifting heavily at a large beam, or piece of wood, above his head, and by reason of his exertion in that position he was very badly ruptured. That he was not detailed after that day to work upon the fortifications, and the nature of the service rendered by him afterward, up to the time of his discharge, was light, requiring no violent physical exercise, and that while he suffered he did not know the nature of his injury, nor did he make it known to any one while in the Army because of his diffidence or bashfulness on the subject. On his return home he attempted to work at his trade, that of shoo-making, when he found that his rupture caused him such intense pain that he could not work at all. That he was compelled to abandon his trade entirely, and has never been able to work at it or perform a full day's work since he was discharged, because of the rupture received as above recited. That he consulted Dr. John E. Maugher immediately after he attempted to work, and was informed of the nature of his injury.

Dr. Maugher, a physician of twenty-eight years' standing, residing in Carrollton, Cambria County, Pennsylvania, testifies "that soon after the return of Edmund Eastman from the service in 1865, he called on your affiant for treatment; that he made an examination of Mr. Eastman's case, and found him so badly ruptured as to be incapacitated from manual labor," and "that he has examined him since and found his condition worse." He further says he "has known Eastman for twenty-three years; that he is a bashful, modest man, who has always shrunk from making known his disability to any one."

Other witnesses testify that Eastman was a sound, able-bodied man when he went into the service, and after his return he had to abandon working at his trade.

Hon. A. A. Barker, a former member of Congress, testifies to the credibility of persons who have testified, and says he has known "Edmund Eastman for over forty years; that I know him to be an honest man, and worthy of credit; that I know him to be a backward, modest, and bashful man, and I firmly believe that it was because of his bashfulness that he did not apply for medical treatment when injured and thereby secure for himself the evidence necessary to successfully apply for a pension in the Pension Office."

The committee are satisfied and believe this to be a meritorious case; therefore recommend the passage of the bill.

Mr. WHITE. I do not want to object to the bill, but to the rate. I wish to insert an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out all after the word "volunteers," in line 4, as follows:

And that said Edmund Eastman be allowed a pension at the rate of \$6 per month, commencing from August 3, 1865, that being the date of his discharge from the Army of the United States on account of an injury received by him while in the service and line of duty during the late war of the rebellion.

And insert the following:

On account of disease, injury, and wounds contracted in the line of duty in the military service of the United States in the war of the rebellion; said pension to date from the discharge of said soldier.

Mr. McMILLIN. I desire to amend the amendment so as to date from such time as the Pension Department may think the pension is deserved.

The CHAIRMAN. Debate is not in order. Does the gentleman wish to offer an amendment?

Mr. McMILLIN. Yes, sir. I offer the following amendment.

The Clerk read as follows:

Strike out the words "to date from the discharge of said soldier," and insert: Said pension to commence now, or at such time in the past as may be fixed by Pension Department.

Mr. McMILLIN. I wish to make a brief statement.

The CHAIRMAN. Debate is not in order, this being objection day. The amendment to the amendment was not agreed to.

The question recurred on the amendment of Mr. WHITE, and it was agreed to.

There being no objection, the bill as amended was laid aside, to be reported to the House with the recommendation that it do pass.

ELIZA M. FRICK.

The next business on the Private Calendar was the bill (H. R. No. 3021) granting a pension to Eliza M. Frick; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

The bill was read.

Mr. WHITE. Let the report be read.

The report was read.

Objected to by Mr. WHITE.

MARY ANN McCARROLL.

The next business on the Private Calendar was the bill (H. R. No. 1469) granting a pension to Mary Ann McCarroll; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

The bill and report were read.

Mr. McMILLIN. I object.

Mr. BAYNE. I hope the gentleman will not insist on his objection.

The CHAIRMAN. Debate is not in order.

Mr. McMILLIN. I cannot withdraw the objection.

MARY WADE.

The next business on the Private Calendar was the bill (H. R. No. 2450) granting a pension to Mary Wade; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

The bill and report were read.

Objected to by Mr. WHITE.

J. J. PURMAN.

The next business on the Private Calendar was the bill (H. R. No. 235) granting an increase of pension to J. J. Purman; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That J. Jackson Purman, late first lieutenant in the One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, be, and he is hereby, granted and allowed from May 18, 1864, a pension at the rate of \$24 per month; and the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of said J. Jackson Purman on the pension-roll at said rate, in lieu of the pension now paid him.

The report was read, as follows:

It is in evidence that the claimant was mustered into the service September 4, 1862, as first lieutenant in the One hundred and fortieth Regiment Pennsylvania Volunteer Infantry for three years, and was in active-field service with his company and regiment until July 2, 1863, when wounded at the battle of Gettysburg, Pennsylvania. Owing to the character of his wounds received in that engagement, he was thereafter unable to rejoin his regiment for duty, and was honorably discharged May 23, 1864, by special orders from the War Department, for physical disability on account of wounds received in action. He is now in receipt of a pension at \$18, and asks that it be increased to \$24, to date from the date of his original certificate.

He bases his claim for increase on section 4698 Revised Statutes, which provides that "all persons who have lost a leg above the knee, and are so disabled thereby that they cannot use an artificial limb, shall be rated in the second class, and receive \$24 per month."

In this case it is shown that in the amputation of claimant's leg it was performed improperly; that the "stump" is with deficient covering to bone, and the tenderness prevents the continuous use of an artificial limb, and compels claimant to go on crutches the greater part of his time.

The nature of his present condition is established by the report of T. B. Hood, medical referee, Pension Office, and transmitted by the Commissioner of Pensions, and which is now on file with the committee, as follows, to wit:

"EXAMINING SURGEON'S CERTIFICATE.

"WASHINGTON, D. C., May 2, 1879.

"I hereby certify that I have carefully examined J. Jackson Purman, late a lieutenant in the One hundred and fortieth Regiment Pennsylvania Volunteers.

"Disability permanent.

"I found, 1st, amputation of the left leg at a point about midway between the knee and ankle. The condition of the 'stump' is bad, because evidently there was sloughing of the flaps, leaving the stump conical and covered only by the integument which is stretched over the bones, is adherent thereto, and is consequently lowered in vitality. Very great care, and very great care only, could pre-

vent sloughing of the poor covering here afforded, as any pressure, though very slight, if continued even for a few hours, would produce sloughing. The subject claims that he suffers great pain in the leg, and doubtless it is true. The thigh, of this leg presents the condition of marked muscular atrophy.

"2. I found in the right leg, and about four inches above the ankle, upon the lateral and anterior surfaces, two adherent cicatrices, which the subject claims mark the site of a gunshot wound. These cicatrices are adherent. It should seem, from the course of the missile, that the fibula was fractured, though the bone does not present any enlargement or outer evidence that it was so. The missile traversed the mass of muscles upon the side of the limb, namely: the two peronei, the long flexor of the toes, and the tibialis anticus. The movements of the leg are consequently limited, and certain of them necessarily painful, rendering locomotion difficult and uncertain, particularly upon a rough surface or in ascending or descending heights or a stairway. In addition to these local injuries, it is clear that the general health of the subject suffers somewhat. That which he claims is, in my judgment, entirely consistent with that which is objective and rational in the case."

"T. B. HOOD.
"Medical Referee."

The foregoing medical testimony establishes—

First. That, with a very little use of an artificial limb, he is forced to his crutches; the shriveled condition of the thigh urges the impression that it would have been preferable if a proper amputation had occurred above the knee, insuring claimant's general health.

Second. The medical referee states that the mass of muscles upon the side of the other limb was severed by a second gunshot wound, naturally rendering locomotion vexatious. He says, "It should seem from the course of the missile that the fibula was fractured," that "the movements of the leg are consequently limited, and certain of them necessarily painful." The disabled condition of the remaining leg forces your committee to the conclusion that claimant's disabilities are greater than if amputation had occurred above the knee; adding to these severe injuries a shattered constitution entitles him to relief in accordance with the spirit of existing laws; and as they are not of that character as will give the desired relief, the committee are of the opinion that Congress should grant the same. They therefore return the bill to the House, and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

GEORGE W. LEAMY.

The next business on the Private Calendar was the bill (H. R. No. 228) granting a pension to George W. Leamy; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

The bill and report were read.

Mr. WHITE. I wish to offer the same amendment to this bill that I did to a former bill.

Mr. SPARKS. I object to the bill.

MELISSA WAGNER.

The next business on the Private Calendar was the bill (H. R. No. 225) granting a pension to Melissa Wagner; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll of the United States, subject to the provisions and limitations of the pension laws, the name of Melissa Wagner, widow of Jacob F. Wagner, late a private in Company B, Sixty-seventh Regiment Pennsylvania Volunteers.

The report was read, as follows:

It is in evidence that the petitioner is the widow of Jacob F. Wagner, a private in Company B, Sixty-seventh Pennsylvania Volunteers, who, while serving in said command, contracted a severe disease in his head and lungs, resulting from a gunshot wound received in battle at Cold Harbor, Virginia, which said wound carried away his teeth and the roof of his mouth; that said disability continued until the 12th day of April, 1875, when death resulted. It is in evidence that a pension was granted said Wagner for said wound, the number of certificate being 86,023; that the petitioner, after the death of her said husband, made application for a pension on the above stated facts, and that the same was rejected by the Pension Office, on the ground that it had not been established by medical evidence that the wound received in battle was the sole and direct cause of her husband's death; that she is now left without support, with four children to maintain, and has no income whatever save her own earnings. This latter statement is certified to by sixty-eight reputable citizens of Pennsylvania, who aver that they are well acquainted with the widow, and were likewise well acquainted with the husband when living.

It is the opinion of the committee, from the evidence furnished, that the said Jacob F. Wagner died in consequence of wounds received in battle; the evidence of S. J. Hamill, the physician who attended him in his last illness, points conclusively to the same; and as she is the widow of a brave soldier, who was very severely wounded in battle, and as she is now in the most destitute condition, with four children to maintain, and as a bill for her relief was favorably reported from committee and passed the House in the last session of the Forty-fifth Congress, but failed in the Senate for lack of time, the committee recommend the passage of the bill with the following amendment:

Add to the bill the words—
"Who died from the effects of wounds received in action and in the line of duty. Said pension to take effect from the date of the death of her said husband."

The amendment reported by the committee was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported favorably to the House.

THOMAS LOWRY.

The next business on the Private Calendar was the bill (H. R. No. 229) granting a pension to Thomas Lowry; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States, subject to the provisions and limitations of the pension laws, the name of Thomas Lowry, late a sergeant of Company A, One hundred and forty-seventh Pennsylvania Volunteers, in the war of the rebellion, and a private of Company K, First Pennsylvania Regiment (Colonel Black commanding) in the war with Mexico.

The report was read, as follows:

It appears from record evidence that this soldier was mustered into the United States service August 5, 1861, in Company L, Twenty-eighth Pennsylvania Infan-

try, which was transferred and became Company A, One hundred and forty-seventh Pennsylvania Infantry; that he was mustered out of service July 15, 1865; that he was admitted to general hospital, Harper's Ferry, December 10, 1862, and that he remained in hospital nearly ten months. The Surgeon-General reports treatment in Patterson Park hospital for rheumatism from December 18, 1862, to October 2, 1863. George F. Dibel, late captain Company A, One hundred and forty-seventh Pennsylvania Volunteers, testifies that in line of duty at or near Harper's Ferry, Virginia, in December, 1862, the claimant was taken sick with rheumatism, became unfit for military duty, and was sent to general hospital; that said Lowry was in good health at enlistment, and his disease was not aggravated by any bad habits.

The Army records show this affiant present at the time covered by his testimony. Dr. James McCarrell, the family physician of said Lowry for nine years before his enlistment and for more than a year after his return from the service, and who is certified to by the secretary of the examining board of surgeons at Pittsburgh as credible and skillful in his profession, testifies that when the claimant came home from the Army he was sick and suffering from rheumatism and fever and ague; that he prescribed for him August 18, 1865, and up to October 20, 1866, at which time claimant became so prostrated that he took his bed, and was afflicted with sub-acute rheumatism, spinal irritation, and congestion. Dr. George S. Graham, certified to by the same authority as a credible and skillful physician, testifies that he was called in November, 1866, after the removal of Dr. McCarrell, to treat claimant, and continued to treat him for sub-acute rheumatism and spinal irritation until October 1, 1867. Dr. James McCarrell again testifies that claimant was in good health and free from rheumatism or other disease before he enlisted, and he is satisfied that his rheumatism and fever and ague were contracted in the United States service. Dr. George W. Bell testifies that he was the family physician of claimant after Dr. Graham from December 28, 1867, to August 16, 1872, and had him under treatment more or less during that period; that he has a permanently broken-down constitution, indicated by debility, rheumatic and nervous troubles. United States Examining Surgeon Dr. Dougherty, July, 1872, reports one-half total disability, and that it is his belief that said disability did first originate in the service and line of duty from evidence before him, and is likely to be permanent; and again reports, May 21, 1873, three-fourths disability and permanent. Dr. E. Pearce, United States examining surgeon, October 7, 1874, reports three-fourths disability.

The claimant certifies, November 8, 1878, that he served in the Mexican war in Company K, First Pennsylvania Regiment, Colonel Black commanding; was discharged from the same at Pittsburgh, Pennsylvania, when regiment was disbanded about the 1st of August, 1848; also that he served four years honorably in the late war, in which he contracted permanent disability from which he now suffers. These facts are attested by seventy-seven reputable citizens of Pennsylvania, who know the claimant, and aver that he is unable to support himself and is a very worthy subject for relief.

His application for pension was rejected by the Pension Office on the ground that the origin of his disability was not clearly proven to be that for which he claimed pension, although the most positive testimony is presented that the disability originated in the service from several causes, and has continued since.

Your committee recommend the passage of the bill, with the following amendment: Add the words, "who contracted permanent disability in the service of his country and in the line of his duty, during the war of the rebellion."

The amendment reported by the committee was agreed to.

Mr. McMILLIN. Does this bill provide for arrears?

Mr. WARNER. It does not.

There being no objection the bill, as amended, was laid aside to be reported favorably to the House.

CAROLINE BOLL.

The next business on the Private Calendar was the bill (H. R. No. 3099) granting a pension to Caroline Boll; reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill and report were read.

Mr. WARNER. I desire to offer an amendment.

The CHAIRMAN. The gentleman will send up his amendment in writing. Hereafter if an amendment is offered which is not sent up in writing the Chair will regard it as in the nature of an objection. The time of the committee is too valuable to be consumed unnecessarily.

Mr. WARNER. I object to the bill.

JACOB GINDER.

The next bill on the Private Calendar was the bill (H. R. No. 3098) granting a pension to Jacob Ginder; reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill and report were read.

Objected to by Mr. WHITE.

ELIZABETH DOUGHERTY.

The Clerk read the title of the next bill on the Private Calendar, as follows:

A bill (H. R. No. 3261) granting a pension to Elizabeth Dougherty.

Mr. WARNER. I move that the committee rise.

The question being put, there were—ayes 28, noes 45.

Mr. ATHERTON. A quorum has not voted.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers and appoints the gentleman from Iowa, Mr. PRICE, and the gentleman from Ohio, Mr. ATHERTON.

The committee again divided; and the tellers reported—ayes 35, noes 70.

Mr. ATHERTON. No quorum.

Mr. STEVENSON. Rather than we should have a call of the House, I move that the committee do now rise.

The CHAIRMAN. That is the motion now pending. The Chair will cause to be read the rule which provides for the case when the Committee of the Whole finds itself without a quorum.

The Clerk read as follows:

106. Whenever the Committee of the Whole on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal.

The roll was then called, and the following-named members failed to answer to their names:

Acklen,	Elam,	Lounsbury,	Ryan, Thomas
Armfield,	Ellis,	Martin, Joseph J.	Simonton,
Barlow,	Errett,	McCold,	Smith, William E.
Belford,	Field,	McKinley,	Speer,
Beltzhoover,	Finley,	McLane,	Starin,
Berry,	Forsythe,	Money,	Stephens,
Bland,	Frost,	Monroe,	Thompson, Wm. G.
Boyd,	Gibson,	Muller,	Townsend, R. W.
Bragg,	Hammond, John	Myers,	Upson,
Browne,	Harmer,	Neal,	Urner,
Buckner,	Harris, John T.	Newberry,	Washburn,
Cabell,	Henderson,	Norcross,	Wells,
Carpenter,	Henkle,	O'Brien,	Wilber,
Caswell,	Hiscock,	O'Neill,	Williams, C. G.
Chalmers,	Hubbell,	O'Reilly,	Wood, Fernando
Clardy,	Hurd,	Orth,	Wood, Walter A.
Clymer,	Hutchins,	Pacheco,	Yocum,
Cowgill,	Jorgensen,	Pierce,	Young, Casey
Cox,	Joyce,	Reed,	Young, Thomas L.
Crowley,	Killing,	Richardson, D. P.	
Davis, Joseph J.	Kitchin,	Robertson,	
Dick,	Lewis,	Ross,	

Mr. BRIGHT. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BRIGHT. Does the rule disclose a quorum present?

The CHAIRMAN. The chairman of the Committee of the Whole has no authority to determine that matter. It is his duty under the rule to report to the House the absentees, and the Speaker of the House is to determine in regard to the question of a quorum.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CALKINS reported that the Committee of the Whole had had under consideration the Private Calendar, and its proceedings having been interrupted because a quorum failed to vote, under the rule he had caused the roll to be called and reported the list of absentees to the House.

Mr. KEIFER. Is it in order to move to dispense with all further proceedings under this call?

The SPEAKER. The roll-call, as reported from the Committee of the Whole, shows the presence of two hundred and seven members.

Mr. KNOTT. I move that the House now adjourn.

DEFICIENCY APPROPRIATION BILL.

Pending the motion to adjourn,

Mr. MCMAHON, from the Committee on Appropriations, by unanimous consent, reported a bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was read a first and second time.

Mr. GARFIELD. I desire to reserve all points of order on that bill.

Mr. MCMAHON. I move that the bill be printed and recommitted to the Committee on Appropriations.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. CALKINS. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CALKINS. The roll-call in Committee of the Whole having developed the fact that a quorum was present, must not the House immediately go back into Committee of the Whole under the rule?

The SPEAKER. That is the rule and the practice; but it can be interrupted by a motion to adjourn.

Mr. CALKINS. I understand that.

The SPEAKER. If the motion to adjourn would be voted down, then the Chair will immediately call the gentleman from Indiana [Mr. CALKINS] to take the chair in Committee of the Whole.

Many MEMBERS. Regular order!

The SPEAKER. The regular order is the motion to adjourn.

LEAVES OF ABSENCE.

Pending the motion to adjourn, by unanimous consent, leave of absence was granted as follows:

To Mr. STEELE, for one week from Monday next;

To Mr. ARMFIELD, for one week commencing with to-day, on account of important business; and

To Mr. ATHERTON, for one week, on account of important business.

PEARL RIVER, MISSISSIPPI.

Mr. HOOKER. I ask unanimous consent to present and have referred to the Committee on Commerce the memorial and petition of members of the Legislature of Mississippi, asking an appropriation of Congress for the improvement of Pearl River. And I also ask that the memorial be printed in the RECORD.

There was no objection; and the memorial was received and referred to the Committee on Commerce.

The memorial is as follows:

To the Senate and House of Representatives:

The undersigned, members of the Legislature from South Mississippi, respectfully ask you to use your influence to secure an appropriation for the purpose of improving the navigation of Pearl River south of Jackson.

We are of the opinion that the sum of \$150,000 judiciously expended will render Pearl River navigable to Monticello, and perhaps to Jackson, nearly or quite the entire year.

As you are aware, there is a vast amount of valuable timber on this river and its tributaries, especially in Marion and Hancock Counties, which would find a mar-

ket much easier and more certainly if the obstructions to the navigation of the river were removed. We think not less than twenty thousand bales of cotton would go down this river annually provided boats could navigate it even nine months in the year. There is, too, on Pearl River, in the counties of Hancock, Marion, and Lawrence, magnificent pine forests peculiarly adapted to the manufacture of turpentine; but this interest is entirely neglected except just above the town of Gainsville. This would not be so if turpentine could be readily shipped to New Orleans.

When you consider the distance from the New Orleans and Jackson Railroad to the Mobile and Ohio Railroad you will perceive that Pearl River is the natural outlet for the products of a large portion of our State.

There are two points on Pearl River where work is especially needed. One is at the mouth of East Pearl, where the channel needs deepening; and the other is near where the river divides into East and West Pearl. On East Pearl River are situated the towns of Gainsville, Log Town, and Pearlinton, and at each place there are large saw-mills that ship their lumber by large schooners to Mexican, South American, and Cuban ports. The large schooners have great difficulty at times in crossing the bar at the mouth of East Pearl. To give you an idea of the capacity of these mills and the importance of this trade we will state that the mill of Messrs. Poitevent & Favre, of Pearlinton, can saw two hundred thousand feet of lumber per day. The mills at the other towns are very large, too. Boats for Upper Pearl River now come through West Pearl; and it is desirable that this route should be opened up; and practical steamboat men say by cutting a canal six hundred feet long the volume of water in West Pearl may be vastly increased and the difficulty of navigating it overcome to a great extent. There is a great deal of overhanging timber on the lower part of the river which should be cut away. Where overhanging timber is on a sharp point or deep in a bend it rakes the cotton off boats in passing. There are, too, a great many sunken logs that ought to be pulled out. Some of these logs were cut in during the war to prevent the Federal gunboats from coming up the river. Previous to the war boats have carried out eleven hundred bales of cotton at a time; and we are anxious to see our river so improved that it may be so again.

Hoping you will interest yourself in this matter, we are respectfully yours,
S. J. Leslie, Hancock County; Theodore B. Ford, Marion County; John Lewis, Perry County; Jesse Byrd, Greene County; R. R. Applewhite, Lincoln County; James C. Lamkin, Pike County; Charles H. Wood, Jackson County; J. W. McNeil, Copiah County; H. M. Hunter, Neshobee County; H. F. Bufkin, Copiah County; G. A. Tenneson, Lawrence County; J. F. Burnett, Hinds County; Thomas A. McWillie, Hinds County; N. Mathison, Covington County.
JACKSON, MISSISSIPPI, February 10, 1880.

ORDER OF BUSINESS.

Mr. KNOTT. I call for the regular order.

The SPEAKER. The regular order is the motion to adjourn.

The question was taken; and upon a division there were—ayes 98, noes 45.

Before the result of the vote was announced,

Mr. ANDERSON called for the yeas and nays.

PERSONAL EXPLANATION.

Pending the demand for the yeas and nays on the motion to adjourn, Mr. HAZELTON said: Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. HAZELTON. I have been trying for some two hours past to rise to a correction of the RECORD.

The SPEAKER. That is generally done in the morning, immediately after the reading of the Journal.

Mr. HAZELTON. Yes; but I believe it is in order at any time after the attention of a member is called to that portion of the RECORD which needs correction. It will take but one moment, if the Chair will hear me.

The SPEAKER. The Chair will hear the gentleman.

Mr. HAZELTON. It is a matter of the utmost importance. In a debate which took place here last night I replied to a speech of the distinguished gentleman from Ohio, [Mr. WARNER.] After the adjournment, and before the appearance of the RECORD this morning, he struck out that portion of the speech to which I replied, [great laughter,] which left my speech standing naked and alone. [Renewed laughter.] That is the custom of the gentleman, or I would not rise here to-day and ask for a correction of the RECORD. But after three or four of my speeches have gone home, and the object at which I struck has been removed by the party himself, my constituents cannot appreciate my speeches. [Laughter.]

I now move that the RECORD of this morning, on page 28, be corrected by the insertion of the speech of the gentleman, which he has mutilated and garbled by changing entirely the notes of the reporters by striking out the words "hospital pimps," to which I replied. I ask the Clerk to read the report of the speech of that gentleman to which I replied, so that the RECORD may be corrected to correspond to the facts.

The Clerk read as follows:

Mr. WARNER. * * * I want to see some method adopted, some secure way, whereby the soldier who has wounds, or scars, or actual disability to show, and who is entitled under the law when he enlisted to his pension—I say I want to see means established whereby he can have it without waiting to die. On the other hand, I oppose mere pretenses, shams, claims put in here by hospital pimps, by men who never were near enough to a battle-field to hear the sound of a gun. I doubt not many of them come up here. I propose we shall know what we are doing and not open the gate wide to all these cases, which means capitalized debt, or debt equal to something like \$2,000,000,000.

Mr. HAZELTON. I now ask the clerk to read that portion of my reply which relates to that part of the speech which was stricken out.

The Clerk read as follows:

Mr. HAZELTON. * * * Mr. Chairman, I am a member of the Invalid Committee. I am a member of the Committee on Invalid Pensions and I have the undoubted right now, as a member of that glorious committee, to say a word on this occasion notwithstanding the desire of my honorable friend from New York to take my place. "I am no orator as Brutus is," but my rights are higher than his here. Now I am very sorry that the gentleman from Ohio, who draws a pension himself, should denounce all those claimants here, amounting perhaps to two hundred, as "hospital pimps." He denounces this system of pensioning soldiers by acts of Congress upon the ground that we do not know the character of the claimants

with whom we are dealing and that they are "hospital pimps." The great body of these claimants are men who were wounded in the war in the service of their country. Many of these claimants for pensions are the widows of soldiers who died from diseases contracted or wounds received in the service of their country. Any man is welcome to all the glory he may receive in this Republic by denouncing this class of soldiers in such terms.

Mr. THOMAS TURNER. Who was the "gentleman from New York" alluded to? He was named last night. Let us have his name in there. Who was he? He is a republican, and therefore his name is left out. [Laughter.]

Mr. TOWNSHEND, of Illinois. I think he ought to be named.

Mr. THOMAS TURNER. Yes, sir; let us have the RECORD right—precisely right. Who was the "gentleman from New York?"

Mr. WARNER. Mr. Speaker, I have not had time to refer to the notes of the speech made by the gentleman from Wisconsin, [Mr. HAZELTON,] but I am quite certain (and my impression is supported by the recollection of gentlemen around me) that material change—some change at least, was made in his speech.

Mr. HAZELTON. Not one word by me; I never saw the manuscript.

Mr. WARNER. Now, I did use here in debate (the expression came to me suddenly) the words "hospital pimps," which I desired at the time to ask the reporter to strike out; but I did not. Now that the matter is brought up, I am inclined to think that my speech as I made it, with the words in, was best, and that it was a mistake on my part to make the correction that I did by striking out the words referred to. I deny, however, that in doing so I did anything more than is done by every gentleman in this House time and time again. I can refer to the most distinguished gentlemen here, whose expressions have been corrected, toned down, or stricken out. This occurs daily. If it was not proper, if it is an offense, then I desire to restore the speech as I made it.

The SPEAKER. The Chair desires to state it has always been held that one member has no right to touch the remarks of another as written out by the reporters; but it has generally been held that the right belongs to a member to modify his own remarks.

Mr. WARNER. I did not touch the remarks of any other member.

The SPEAKER. That has been the ruling of the Chair heretofore.

Mr. HAZELTON. I want to say—

Mr. WARNER. I am not through. Have I the floor?

Mr. HAZELTON. Do I understand that to be the rule?

Mr. WARNER. I insist upon my right to the floor.

Mr. HAZELTON. All right.

The SPEAKER. The gentleman from Ohio will proceed.

Mr. WARNER. I did not, however, in using the term "hospital pimps," apply it to the two hundred thousand applicants at the Pension Office. I merely applied the term, which was a common expression in the Army, to a certain class of men who were known to be "shirks," who never appeared upon the battle-field—stragglers and deserters. Such men were in both armies. They always accompany armies, and some of them are as likely to come forward and ask for pensions as any others. Still I did not wish to use a hard term; and I intended to apply it only to the very few constituting this class, and not generally, as the gentleman from Wisconsin sought to make me apply it; otherwise I should not have stricken it out. If he had used the expression as I used it and intended to have it understood I should not have stricken it out, but not having his remarks when I made that change, and not having seen them in the report, I struck it out. But I desire now to have it all in.

Mr. HAZELTON. Inasmuch as the gentleman from Ohio has insinuated that I changed the reporter's notes so that they should represent something different from what I stated, I desire to reply. I am willing that any of the reporters should state before this House, under oath, whether they ever sent any manuscript to me, or whether I ever saw any of their notes until I applied to them to-day for the portion which has been read. I ask the reporter to state what was the fact.

The SPEAKER. The reporters have no right to take part in the debates, and the gentleman has no right to address them in debate.

Mr. HAZELTON. I am satisfied that the gentleman from Ohio when he made the insinuation (for he was not brave enough to make the charge directly) knew that I had never changed one word or letter of the reporter's notes.

Furthermore, sir, this is an old trick of the gentleman from Ohio. You may go back over the tracks of his debates from the time he came here, and wherever he has made a declaration which has been replied to, and he did not like the reply, or did not like the character of what he stated, he has in the night-time, in his secret chamber, [laughter,] struck out what was objectionable to himself, leaving the reply of the other party as naked and bald as a mountain.

Mr. WARNER. I deny absolutely that statement, and the gentleman cannot furnish the proof.

Mr. HAZELTON. Let the gentleman explain what he means by "hospital pimps."

Mr. WARNER. The gentleman may be "brave," but—

Mr. HAZELTON. Have I the floor or not?

Mr. WARNER. I denounce the statement as a falsehood here and now.

Mr. HAZELTON. For all which I shall hold the gentleman responsible—not with daggers or with "pistols and coffee for two." Now, if I have the floor, I want to state—

The SPEAKER. The Chair thinks the gentleman is traveling altogether beyond—

Mr. HAZELTON. I am not traveling an inch beyond the remarks of the gentleman from Ohio.

The SPEAKER. Beyond the privilege of a correction of the RECORD.

Mr. HAZELTON. Very well; then I beg pardon of the Chair; but I want to say—I think I have the right to say—that the gentleman from Ohio has admitted the change of the RECORD, and now he thinks the term "hospital pimps," as applied to these pensioners of the Government, is better than the language which appears in print.

Mr. WARNER. I never applied that term to a pensioner of the Government, and if the gentleman from Wisconsin thinks I applied it to him, he is mistaken. I knew very well he was never in the Army, [laughter;] that he was too close to the Canada border all the time, [laughter;] that his fighting was done so far in the rear that it was beyond the sound of the loudest gun. [Laughter and applause.] It is not applicable therefore to the gentleman from Wisconsin.

Mr. HAZELTON. I must reply to that decidedly, Mr. Chairman. [Laughter.]

Mr. WARNER. That is what hurt him. [Laughter.]

Mr. HAZELTON. I am not surprised the gentleman from Ohio stands on this floor to blow his own trumpet for what he did in the war. As near as I can find, he was wounded early, sought a pension early, and that the wound for which he obtained a pension is in his back. [Laughter and applause.]

Mr. WARNER. A gentleman on this floor [laughter]—

The SPEAKER. The House will observe order.

Mr. WARNER. There is no better evidence of cowardice, of a coward—

The SPEAKER. This debate is all out of order.

Mr. WARNER. Than that he should stab a soldier in the back. [Laughter and applause.] That is the only way he shoots.

Mr. Speaker, I do not propose here to proclaim my own deeds. I refer this House and the country to the record I made on the battle-field, in campaigns, and in camp from the beginning of the war to the end of it. I refer gentlemen not merely to the Peninsula, not only to South Mountain and Antietam, where, although I do not like to say it myself here, I suffered as severely as any man in that battle, by a wound, not in the back, but in front, and no man in the service suffered more and lived than I did; I refer all to the record, to the reports of my superior commanders, to the reports of the battles of Antietam and Gettysburgh. And the gentleman who staid at home, who has no better spirit than to be willing now to assail the record of a soldier of whom he knows nothing, deserves the characterization I have given him.

Mr. HAZELTON. Did you not assail my manhood and say I was in Canada?

ORDER OF BUSINESS.

Mr. CALKINS. I wish to ask whether the reports from the Committee of the Whole House will not come up the next objection day?

The SPEAKER. They will.

Mr. HAZELTON. That is foreign to this subject, but it is all right. [Laughter.]

Mr. THOMAS TURNER. I want to know the name of that gentleman from New York. [Great laughter.] They named him last night. Who was the gentleman from New York? [Laughter.] Let him rise and say it was him if he is here. [Laughter.]

And then (at four o'clock and seven minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of citizens of Geneva, Nebraska, soldiers of the United States Army engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, papers relating to the claim of Henry L. Clok for pay for services as a veterinary surgeon, and for medicines furnished the United States during the late war—to the Committee on War Claims.

By Mr. AIKEN: The petition of the editor of Our Monthly, Clinton, South Carolina, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. WILLIAM ALDRICH: The petitions of William T. Collins and William Haskell, of the Telegraph, Chicago, Illinois, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. ARMFIELD: The petition of the publisher of the Winston (North Carolina) Leader, for the abolition of the duty on type—to the same committee.

By Mr. ATHERTON: The petition of J. F. McMahon, editor of the Tribune, and E. S. Colburn, editor Democrat, New Lexington, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. ATKINS: The petitions of J. A. McSwain and J. S. Ramsey,

for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. BARBER: The petition of A. D. Whitmore, F. G. Backus, and others, of Lake County, Illinois, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. BENNETT: The petitions of James L. Bartholomew, of Central City; of White & Ruffin, of Cameron; of J. H. Eno, of Roscoe; of Charles E. Griswold, of Dell Rapids, and of P. A. Gatchell, of Pembina, Dakota, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. BOYD: The petition of Daniel Bootz and 36 others, citizens of Peoria County, Illinois, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. BOUCK: Memorial of the Chamber of Commerce of Milwaukee, Wisconsin, for the improvement of Saint Mary's River and Lime Kiln Crossing, on Detroit River—to the same committee.

By Mr. BUTTERWORTH: Memorials of the Nashville and Cincinnati Boards of Trade and 36 tobacco producers and dealers, for such action by Congress as will do away with the monopoly of the governments of France, Italy, Spain, and Austria in tobacco—to the Committee on Foreign Affairs.

By Mr. CALKINS: The petition of the publisher of the Hobart (Indiana) Journal, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, two petitions of druggists of Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. CARLISLE: The petition of J. K. Wandeloehr, for the abolition of the duty on type—to the same committee.

Also, the petition of citizens of Kentucky, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. CARPENTER: The petition of A. F. Hubbell and 13 others, ex-soldiers of the Union Army, of Fonda, Iowa, for the equalization of bounties—to the Committee on Military Affairs.

Also, papers relating to the pension claim of John S. Corlett—to the Committee on Invalid Pensions.

By Mr. ALVAH A. CLARK: Five petitions of publishers of New Jersey, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. JOHN B. CLARK, Jr.: The petition of soldiers of the late war, from Missouri and Illinois, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, four petitions of publishers of the eleventh congressional district of Missouri, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of publishers of Columbia, Missouri, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. CONGER: The petition of the officers and trustees of the Genesee Savings-Bank, Flint, Michigan, for the removal of the tax on deposits in savings-banks in that and other States where the tax is not already removed—to the same committee.

Also, the petition of Henry M. Morrow and the officers and trustees of the Port Huron (Michigan) Savings-Bank, of similar import—to the same committee.

By Mr. CONVERSE: The petition of J. V. Lawler, of Carrollton, Ohio, for the abolition of the duty on type—to the same committee.

By Mr. COOK: The petition of George P. Woods, of Hawkinsville, Georgia, of similar import—to the same committee.

By Mr. CRAVENS: The petition of E. H. Feltus, publisher of The State, Morrilton, Arkansas, of similar import—to the same committee.

By Mr. HORACE DAVIS: The petition of C. W. Sturtevant, of San Francisco, California, of similar import—to the same committee.

Also, the petitions of Carlos White and others and of F. R. Voigt and others, of San Francisco, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, resolutions of the Legislature of California, relative to the establishment of a postal telegraph system throughout the United States—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Legislature of California, relative to the protection of the rivers, cities, and agricultural lands of California—to the Committee on Commerce.

By Mr. DEERING: The petition of J. W. Burroughs, publisher of Burroughs' Journal, Waterloo, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper, and for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. DEUSTER: The petition of the Chamber of Commerce of Milwaukee, Wisconsin, for adequate appropriations to complete the

improvements in progress on the Saint Mary's and Detroit Rivers—to the Committee on Commerce.

By Mr. DUNN: The petition of the publisher of the Arkansas Tribune, Harrisburgh, Arkansas, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. FRYE: The petition of Eugene Hale and others, of Maine, for the abolition of the system of compulsory pilotage—to the Committee on Commerce.

By Mr. GEDDES: The petition of the publisher of the Iron Valley Reporter, Tuscarawas County, Ohio, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. HERBERT: The petition of F. A. Monroe, publisher of the Star, Evergreen, Alabama, of similar import—to the same committee.

By Mr. HOSTETLER: The petition of ex-soldiers of Montezuma, Indiana, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. HUBBELL: The petitions of Alfred Meads, publisher of the Miner, Ontonagon; of the publishers of the Pioneer-Magnet, Big Rapids, and of E. P. Kibbee, publisher of the Northwestern Mining Journal, Hancock, Michigan, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petitions of A. Brewer & Son, publishers of the Express, Frankfort; of S. W. Fowler, publisher of the Times and Standard, E. J. Cady, publisher Advocate, and App M. Smith, publisher Times, Manistee, and of the publishers of the Pioneer-Magnet, and of Gilden & Howing, publishers of the Herald, Big Rapids, Michigan, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. HUMPHREY: The petition of F. A. Brown, editor Monroe County Democrat, Sparta, Wisconsin, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper, and for the abolition of the duty on type—to the same committee.

Also, memorial of the Legislature of Wisconsin, for an appropriation for the proposed harbor at Kewaunee—to the Committee on Commerce.

Also, a memorandum submitted in behalf of the Quartermaster and Commissary Departments of the Government, relating to the salaries of clerks of Army disbursing officers—to the Committee on Military Affairs.

Also, memorial of the Chamber of Commerce of Milwaukee, Wisconsin, relating to the canal at Sault Ste. Marie—to the Committee on Commerce.

By Mr. KENNA: Papers relating to the claim of C. P. Dull and others for pay for work done on locks in the Great Kanawha River—to the same committee.

By Mr. LE FEVRE: The petition of Jesse Smith and 148 others, of Allen County, Ohio, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, the petition of 92 soldiers of the fifth congressional district of Ohio who served in the late war of the rebellion, for the equalization of bounties—to the same committee.

Also, the petitions of Noah Zemer and 46 others; of W. H. Shodley and 48 others; of J. K. Pruden and 14 others, and of S. J. Robbins and 27 others, citizens of Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of J. K. Pruden and 14 others, of Shelby County; of Frank Ware and 121 others, of Darke County; of W. A. Shodley and 56 others; of Peter Goffena and 52 others, and of S. J. Robbins and 33 others, of Auglaize County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petitions of D. M. Fleming and other publishers; of Bidlock & Linn, publishers, and of F. Holbrook and other publishers, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

Also, the petition of the publishers of the Miami Democrat and of the Correspondent, Piqua, and of the Bee, Wapakoneta, Ohio, for the abolition of the duty on type—to the same committee.

Also, four petitions of druggists, of Ohio, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. MAGINNIS: Four petitions of citizens of Montana, against the repeal of the homestead and pre-emption laws—to the Committee on Public Lands.

Also, the petition of citizens of Montana, that such appropriations be made as will continue the star mail service—to the Committee on Appropriations.

Also, the petition of the publishers of the Helena (Montana Territory) Independent, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. EDWARD L. MARTIN: Papers relating to the claim of Mrs. A. D. Reeves for pay for the use of property in Charleston, South Carolina, in 1865, by the Freedmen's Bureau—to the Committee of Claims.

By Mr. MILES: The petition of merchants, manufacturers, and consumers, that chrome iron ore and bichromate of potash be allowed to enter free of duty—to the Committee of Ways and Means.

By Mr. MITCHELL: The petition of 43 late Union soldiers and others, citizens of Arnot, Charleston, and vicinity, Tioga County, Pennsylvania, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which soldiers were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. MONROE: The petitions of W. W. Woodruff, publisher of the Gazette, Oberlin, and of Charles M. Brown, publisher of the Tribune, Sandusky, Ohio, for the abolition of the duty on type—to the Committee of Ways and Means.

Also, the petition of W. W. Woodruff, publisher of the Oberlin (Ohio) Gazette, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. MORRISON: The petition of druggists of Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

Also, resolutions of the Grand Army of the Republic, department of Illinois, against the passage of the bill known as the sixty-surgeon bill; also that there be no discrimination between ex-officers and ex-enlisted men in rate of pension; and also that the pension laws be so amended as to place on the roll of permanent disability all pensioners who have been on rolls as invalid pensioners for ten years—to the Committee on Invalid Pensions.

By Mr. NEAL: The petition of B. Fromm, publisher of the Unserer Zeit, Chillicothe, Ohio, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. NICHOLLS: Memorial of John G. Ames, on the subject of furnishing State and other libraries, and literary and scientific institutions, with public documents—to the Committee on the Library.

By Mr. O'CONNOR: The petition of Harriot P. Leitch, widow of and executrix of W. G. Leitch, for pay for services rendered by her late husband as surveyor of the port of Charleston—to the Committee of Claims.

By Mr. O'NEILL: Memorial of merchants, manufacturers, and consumers of chrome iron ore and bichromate of potash, for the removal of duties on those articles—to the Committee of Ways and Means.

By Mr. OVERTON: The petition of C. S. Horner and 12 others, citizens of Wyalusing, Pennsylvania, for the passage of a bill authorizing a department of agriculture—to the Committee on Agriculture.

Also, the petition of C. S. Horner and 12 others, citizens of Pennsylvania, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of the same parties, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. PHILIPS: Ten petitions of publishers of Missouri, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. DAVID P. RICHARDSON: The petition of Oliver Hazzard and others, of Allegany County, New York, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. JOHN S. RICHARDSON: The petition of Darr & Osteen, publishers of the True Southron, Sumter, South Carolina, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper, and for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. ROTHWELL: The petition of G. S. Dunn, publisher of the Star, and of F. A. Dinsmore, publisher of the Grundy County Times, Trenton, Missouri, of similar import—to the same committee.

By Mr. SCALES: The petition of E. M. Holt & Son and others, and of I. H. & W. E. Holt & Co. and others, that prohibitory duties on chrome iron ore and bichromate of potash be removed—to the same committee.

Also, the petitions of M. J. Stewart, of Danbury, and of Bradshaw & Hackney, of Ashborough, North Carolina, for the abolition of the duty on type—to the same committee.

By Mr. JAMES W. SINGLETON: The petitions of R. R. Claridge and of Clement & Cloff, publishers, of similar import—to the same committee.

By Mr. STEELE: The petition of citizens of North Carolina, for a post-route from Lumberton to Cotton Valley, North Carolina—to the Committee on the Post-Office and Post-Roads.

Also, the petition of W. F. Sandford, publisher of the Pee Dee (North Carolina) Bee, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. STONE: The petition of Stevens & Messmore, publishers of the Grand Rapids (Michigan) Democrat, for the abolition of the duty on type—to the same committee.

By Mr. P. B. THOMPSON, JR.: The petition of A. Brown, for the removal of the charge of desertion from his military record—to the Committee on Military Affairs.

By Mr. AMOS TOWNSEND: The petitions of the publishers of the Ohio Farmer, Cleveland, Ohio, and of publishers of four other papers, for the abolition of the duty on type—to the Committee of Ways and Means.

By Mr. TYLER: The petitions of Lewis B. Hubbard, publisher of the Vermont Tribune, Ludlow, and of A. Chandler, publisher of the Vermont Record and Farmer, Brattleborough, Vermont, of similar import—to the same committee.

By Mr. VANCE: A paper relating to the claim of A. M. Gudger for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. WASHBURN: The petition of C. Bridgman, L. A. Evans, and 200 others, citizens of Saint Cloud, Minnesota, for an appropriation of \$100,000 for the construction of a lock and dam at Sauk Rapids in the Mississippi River—to the Committee on Commerce.

By Mr. WRIGHT: The petition of Hugh Brady, Hugh Moony, and 265 others, citizens of Illinois, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

By Mr. THOMAS L. YOUNG: The petitions of Samuel Alexander and 48 others, and of Frank Griffith and 35 others, of Hamilton County, Ohio, for the passage of the bill (H. R. No. 4327) to create a department of manufactures, mechanics, and mines—to the Committee on the Judiciary.

IN SENATE.

SATURDAY, March 6, 1880.

Prayer by the Chaplain, REV. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a letter from the Commissioner of Pensions submitting a revised estimate of deficiencies for Army and Navy pensions for the fiscal year ending June 30, 1880; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3351) for the relief of Rev. Paul E. Gillen; and
A joint resolution (H. R. No. 168) authorizing the Secretary of War to loan certain tents, flags, &c., to the triennial committee of Knights-Templar at Chicago.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 3968) for the relief of certain actual settlers on the Kansas trust and diminished-reserve lands, in the State of Kansas.

PETITIONS AND MEMORIALS.

Mr. JOHNSTON presented a resolution of the State Agricultural Society of Virginia, in favor of a bill creating a department of agriculture with a secretary at its head as a Cabinet officer; which was referred to the Committee on Agriculture.

Mr. THURMAN presented the petition of B. A. Thomas and numerous citizens of Rushville, Ohio, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. BALDWIN presented the petition of Welstead & Murch, of North Branch, Michigan, praying for the repeal of the law taxing medicinal preparations, perfumery, and cosmetics; which was referred to the Committee on Finance.

He also presented the petition of the publishers of the Detroit Graphic, praying for the abolition of the tariff duty upon printing-type; which was referred to the Committee on Finance.

Mr. EDMUNDS. I present the memorial of sundry citizens of Caledonia County, Vermont, remonstrating against monopolies, &c., one of the usual memorials on that subject. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. EDMUNDS. I present also another memorial, from the same citizens, I believe, or chiefly so, of Caledonia County, Vermont, complaining of the present abuse of the patent laws, and desiring relief in the respects that have been so often mentioned. I move its reference to the Committee on Patents.

The motion was agreed to.

Mr. PENDLETON presented the memorial of nineteen shoe manufacturers of Cincinnati, Ohio, remonstrating against the extension of the patent of the McKay Sewing-Machine Association; which was referred to the Committee on Patents.

He also presented resolutions adopted at a meeting of the annual reunion of the Mexican War Veterans, of Ohio, held at Columbus, Ohio, February 20, 1880, signed by J. C. Groom, vice-president, and S. Alex. Leckey, secretary, in favor of the passage of the bill now before Congress, recognizing the services rendered by them in the Mexican war; which was referred to the Committee on Pensions.

Mr. BOOTH presented a memorial of 102 out of 110 manufacturers of boots and shoes in Haverhill, Massachusetts; a memorial of manufacturers and others of the boot and shoe and leather trade of Boston, Massachusetts, and vicinity; and also a memorial of manufacturers and others of the boot and shoe and leather trade of Lynn and vicinity, Massachusetts, remonstrating against any extension of the patents now held by the McKay Sewing-Machine Company; which were referred to the Committee on Patents.

Mr. PADDOCK presented the petition of the publishers of the Daily and Weekly State Journal, Lincoln, Nebraska, and the petition of W. A. Brown, publisher of the Daily and Weekly Nebraska Press, and the German Publishing Company, publishers of the Nebraska Staats-Zeitung, of Nebraska City, Nebraska, praying for the passage of a bill placing wood and straw pulp, soda-ash, and other chemicals used in the manufacture of paper, on the free list, and reducing the duty on printing-paper, &c.; which were referred to the Committee on Finance.

He also presented the petition of citizens of Sicily and Blue Springs, Nebraska, the petition of citizens of Missouri, Iowa, Illinois, and Nebraska, and the petition of citizens of Pleasant Hill and Dorchester, Nebraska, who were soldiers in the late war, praying to be paid the difference in value between gold and greenbacks at the time of their payment as soldiers; which were referred to the Committee on Finance.

Mr. WALLACE presented a petition of citizens of Greene County, Pennsylvania, praying for the establishment of a department of agriculture; which was referred to the Committee on Agriculture.

He also presented a memorial of the Philadelphia Board of Trade, in favor of the carriage of United States mails in American-built ships; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Greene County, Pennsylvania, praying for such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

He also presented the petition of citizens of Greene County, Pennsylvania, praying for such legislation by Congress as will prevent fluctuations in freights and unjust discriminations in transportation charges; which was referred to the Committee on Commerce.

Mr. BUTLER presented the petition of William Beattie, Julius C. Smith, J. F. Hunt, J. L. Reynolds, and Theron Earle, committee of the Merchants and Cotton Exchange Association of Greenville, South Carolina, praying for an appropriation for the erection of a public building at that place; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of S. A. Towns, W. F. Ansel, and 100 other citizens of the city of Greenville, South Carolina, praying for an appropriation for the erection of a public building at that place; which was referred to the Committee on Public Buildings and Grounds.

He also presented a resolution of the city council of Greenville, South Carolina, praying Congress for an appropriation for the erection of a public building at that place; which was referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

Mr. JONAS, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 310) for the relief of the heirs and legal representatives of Israel Dodge, deceased, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1430) to enable town-sites to be entered on the public lands; which was read twice by its title.

Mr. TELLER. I desire to call the attention of the Committee on Public Lands to this bill. I have taken it from the bill prepared by the commission that was appointed by a former Congress to report upon subjects of this character. The report is lengthy, and the bill they submitted contains very many provisions of doubtful propriety. This portion of their bill will probably not be questioned by anybody familiar with the wants of the people of the West. Owing to a recent ruling of the Land Office, it is practically impossible for a town-site entry to be made under existing law. In the Territories of Dakota and Wyoming, and in some of the Western States, there is great need of a law that will enable town-sites to be entered at once. I believe the Committee on Public Lands should take this matter in hand and report the bill promptly if it meets the approval of the committee, as I think it must. I move the reference of the bill to the Committee on Public Lands.

The motion was agreed to.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1431) in relation to the avenue and street lamps in the City of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1432) granting a pension to Angus McAuley; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1433) for the relief of I. Ans. McCreight; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1434) for the relief of the estate of William D. Moseley; which was read twice by its title, and referred to the Committee on Claims.

JACQUES CLAMORGAN AND PETER PROVENCHERE.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the House of Representatives be respectfully requested to transmit to the Senate, for examination in reference to the claims therein mentioned, now pending before the Senate, certain letters from the Secretary of the Interior, addressed to the Speaker of the House of Representatives and by him submitted to the House on the 13th day of May, 1874, and described in the House Journal of that date as "letters in relation to the private land claims of Jacques Clamorgan and Peter Provenchere."

HOUSE BILLS REFERRED.

The bill (H. R. No. 3351) for the relief of Rev. Paul E. Gillen was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. R. No. 163) authorizing the Secretary of War to loan certain tents, flags, &c., to the triennial committee of Knights-Templar at Chicago was read twice by its title, and referred to the Committee on Military Affairs.

JESSE F. PHARES.

The VICE-PRESIDENT. The Secretary will call the Calendar, commencing at the point reached on yesterday.

The bill (S. No. 1185) granting a pension to Jesse F. Phares was announced as being the first in order upon the Calendar.

Mr. DAVIS, of West Virginia. That is reported adversely.

The VICE-PRESIDENT. Does the Senator object to its present consideration?

Mr. DAVIS, of West Virginia. Yes, sir.

The VICE-PRESIDENT. Objection being made, the bill goes over under the rule.

JOHN SNIDER.

The next bill on the Calendar was the bill (S. No. 1186) granting a pension to John Snider.

Mr. DAVIS, of West Virginia. That is also reported adversely.

The VICE-PRESIDENT. The bill is reported adversely; and being objected to, it will go over.

BEN HOLLADAY.

The next bill on the Calendar was the bill (S. No. 231) for the relief of Ben Holladay.

Mr. EDMUNDS. That is an old disputed bill; that will not do.

The VICE-PRESIDENT. Objection being made, the bill goes over.

PHOEBE C. DOXSIE.

The next bill on the Calendar was the bill (S. No. 370) for the relief of Phoebe C. Dossie; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Phoebe C. Dossie, widow of the late James W. Dossie, first lieutenant of Company G, Twenty-seventh Regiment Michigan Infantry.

Mr. COCKRELL. Let the report be read in that case.

The VICE-PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. FARLEY February 9, 1880, from the Committee on Pensions:

James W. Dossie enlisted in 1862, and was mustered out as lieutenant in 1865. September 16, 1865, he applied for and was granted pension of \$8 per month. Increased to \$15 per month September 7, 1870. Increased to \$24 per month September 11, 1872. Increased to \$50 per month November 4, 1874. These pensions were allowed for gunshot wound in left upper arm, in abdomen, and in left breast, the ball passing through the lung.

In January, 1876, Lieutenant Dossie was admitted into Harper hospital, Detroit, Michigan, for care and treatment of the wounds received in the service in line of duty, and while in a greatly debilitated condition was attacked with varioloid May 6, 1876, and died May 20, 1876. The only question appears to be whether he died of varioloid or of debility resulting from wounds. The Commissioner of Pensions seems to have regarded the case as somewhat difficult, and caused a special agent of the Department to examine the surgeon in charge of the hospital at the time of sickness and death.

It would seem from the regular and frequent increase of the pension during the life-time of the pensioner that the injuries were constantly becoming more troublesome, and the evidence shows clearly that his condition became so debilitated that the constant use of tonics was necessary to support life. The use of these tonics had to be suspended during treatment for varioloid.

The hospital surgeon testifies that he would have died of his wounds in all probability in a very few months had not varioloid intervened.

It is no doubt true that varioloid intervened and hastened his death, yet the evidence is equally clear that he would have died within a year of the injuries received in battle had not the disease intervened, and it is quite as certain that he would have survived the attack of varioloid had he not been so badly reduced by his wounds.

From all the facts, your committee are of the opinion that the accompanying bill, granting a pension to Phoebe C. Dossie, should pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN FOX.

The next bill on the Calendar was the bill (S. No. 1097) for the relief of Susan Fox; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and in lieu thereof to insert:

That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension

laws, the name of Susan Fox, step-mother of Robert M. Fox, late private of Company G, Fourth Regiment Delaware Volunteers, and to pay her a pension the same as if she had been the real mother of said soldier, commencing from the passage of this act.

Mr. EDMUNDS. Let us hear the report.

The Chief Clerk read the following report, submitted by Mr. PLATT February 9, 1880:

The Committee on Pensions, to whom was referred the bill (S. No. 1097) granting a pension to Susan Fox, having had the same under consideration, respectfully report:

That Robert M. Fox, a private in Company G, Fourth Delaware Volunteers, was killed in the service of the United States, and in the line of his duty, near Petersburg, Virginia, in the year 1864; that said Robert M. Fox was the son of Joab and Annie Fox, his wife, who died in giving birth to said Robert M. Fox, in the year 1840; that claimant, Susan Fox, being a friend of said Annie Fox, took and reared and cared for the said Robert M. Fox as her own child, and subsequently, in the year 1841, married the said Joab Fox, and lived with him as his wife until his death, in the year 1873. The claimant treated said Robert M. Fox in all respects as if he had been her own child, and her dependence upon him for support, and his actual support of her prior to enlistment, and during his service, are fully established. A pension was granted to the claimant, as the mother of said Robert M. Fox, December 21, 1877, she supposing at the time of her application that she was entitled to a pension the same as if she had been his real mother. One semi-annual payment of the pension was made to her, when her name was dropped from the roll, on the ground that she was only a step-mother of the said Robert M. Fox, and she was recommended by the Commissioner of Pensions to make her application to Congress for relief.

Your committee are of the opinion that the said Susan Fox intended no fraud upon the Government, and finding that special acts have been passed by Congress for the relief of persons similarly situated, report the accompanying bill as a substitute for Senate bill No. 1097, and recommend that the substitute bill do pass.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Susan Fox."

STEPHEN D. SMITH.

The next bill on the Calendar was the bill (S. No. 1051) granting an increase of pension to Stephen D. Smith; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment in line 8, after the word "thirty," to strike out "seven," and after the word "dollars," to strike out "and fifty cents;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen D. Smith, certificate No. 33823, and pay him a pension of \$30 per month, from and after the passage of this act.

Mr. EDMUNDS. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. PLATT February 9, 1880:

The Committee on Pensions, to whom was referred the bill (S. No. 1051) granting an increase of pension to Stephen D. Smith, having had the same under consideration, respectfully report:

That the claimant, Stephen D. Smith, was a private in Company C, Seventh Regiment New Hampshire Volunteers, enlisting September 28, 1861; that he was wounded in his left thigh, by a grape-shot, at the charge on Fort Wagner, July, 1863; that he was taken prisoner and carried to Charleston, South Carolina, where his leg was amputated near the hip-joint three days after he was wounded. Two days afterward he was exchanged and sent to New York, his wound receiving no treatment from the time of amputation until he reached New York; that the end of the bone was not covered by the flesh, and protrudes, so that it is impossible for him to wear an artificial limb. He continually suffers pain, and his health has become injured and is continually failing. He is now disabled from obtaining a livelihood, and is under the care of a physician much of the time.

His disability is permanent. He was pensioned at the rate of \$8 per month, the highest rate allowed at the time his pension was granted; and his pension has since been increased, under the provisions of subsequent acts of Congress, to \$24 per month.

The committee consider his case to be one of peculiar hardship, and recommend that his pension be increased to \$30 per month, and that the bill do pass, with an amendment striking out, in the eighth line of the bill, the word "seven," also the words "and fifty cents."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Committee on Pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTHER E. LIEURANCE.

The next bill on the Calendar was the bill (S. No. 526) granting a pension to Esther E. Lieurance; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Esther E. Lieurance, widow of Stephen Lieurance, late a soldier in Company H, Third Wisconsin Volunteer Infantry.

Mr. EDMUNDS. Let us hear the report.

The Chief Clerk read the following report, submitted by Mr. PLATT February 9, 1880:

The Committee on Pensions, to whom was referred the bill (S. No. 526) granting a pension to Esther E. Lieurance, having considered the same, respectfully report: That the claimant is the widow of Stephen Lieurance, who was a sergeant in Company H, Third Wisconsin Volunteers, enlisted June 29, 1861, and discharged June 18, 1865. He was severely wounded in his left shoulder at Dallas, Georgia,

May 25, 1864, from the effects of which wound he never fully recovered. He made, however, no claim for invalid pension during his life, and died May 5, 1875, of rheumatic fever, involving the heart.

His widow, the claimant, filed an application for a pension June 3, 1876, which was rejected April 16, 1878, on the ground that the disease of which the soldier died was not the result of his wound or his military service. Among other evidence filed in the case is that of two physicians of good standing, one of whom treated the soldier at different times from July 6, 1864, till the fall of 1870, and says that in 1864 the soldier's wound was discharging; that in July, 1865, he suffered from continued pain in his shoulder and spine of a rheumatic or neuralgic character, and was thin and emaciated, which condition and symptoms increased in degree until the fall of 1870, when, on account of change of residence, he ceased to treat him.

The other physician was called to treat the soldier in 1872, and continued his treatment until the time of his death in 1875. He states that during all that period the soldier suffered from rheumatic neuralgia caused by the wound; that the ball entered in front, passed through the apex of the left lung, lodged under the left scapula, and was extracted from that position; that his health gradually failed from year to year, and that he died May 5, 1875, of rheumatic fever, involving the heart, the action of which had been for years impaired; and that he believes that death resulted indirectly from the soldier's wound.

Upon this evidence the case was submitted by the Commissioner to the medical reviewer, who gave an opinion that the wound contributed nothing, directly or indirectly, to the soldier's death; and thereupon the application was rejected.

The committee, in view of the severe character of the soldier's wound, and his continued failing health from the time he received it until he died, are of opinion that, although it may be true that the wound was not the immediate and direct cause of the fatal disease, yet the soldier's health and constitution had become in consequence of his wound so much impaired and enfeebled that he was in no condition physically to resist the attack of rheumatic fever, and that thus death resulted indirectly at least from his wound. They therefore recommend that the bill do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THORNTON SMITH.

The next bill on the Calendar was the bill (S. No. 562) granting an increase of pension to Thornton Smith; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all of the bill after the word "month," in line 7, in the following words:

From and including the 12th day of June, 1864, (his resignation from the military service of the United States having been accepted on the 11th day of June, 1864), less the pension heretofore paid him.

And in lieu thereof to insert:

From and after the passage of this act.

So as to make the bill read:

That the Commissioner of Pensions be, and he hereby is, directed to place on the pension-roll the name of Thornton Smith, late a quartermaster with the rank of captain in the volunteer service of the United States, and pay him a pension at the rate of \$30 a month from and after the passage of this act.

The amendment was agreed to.

Mr. EDMUNDS. Let us hear the report.

The Chief Clerk read the following report, submitted by Mr. CALL February 9, 1880:

The Committee on Pensions, to whom was referred the petition of Captain Thornton Smith, praying for an increase of pension, respectfully report as follows, namely:

That the said Thornton Smith was a captain and assistant quartermaster in the United States Volunteers from August 3, 1861, to June 11, 1864. That in March, April, and May, in the year 1864, he served under General N. P. Banks in the Red River campaign in Louisiana, being under the immediate command of General Thomas Kilby Smith. While there he contracted the diseases which subsequently resulted in his total disability, namely, chronic diarrhea and muscular rheumatism. That prior to his service on the Red River he was a strong, healthy man, weighing about one hundred and eighty-six pounds, as proven by the affidavits of three intimate friends. That at present he is in a very weak physical condition and totally incapacitated for manual labor, weighing about one hundred and twenty-five pounds. One physician testifies as to his treatment of him in 1864, for severe chronic diarrhea. Another testifies as to his good health before the Red River campaign and his diseased condition subsequent. Another testifies as to his treatment of Captain Smith, from 1867 to 1877, for general nervous exhaustion and alternate constipation and diarrhea.

Another witness, who traveled with him to his post of duty in 1864, testifies as to his good health before the Red River campaign and his diseased condition from that time to this.

The report of the Army surgeon who attended him in New Orleans after his return from Red River, and on whose recommendation he was granted sixty days' leave of absence, shows that he was then suffering from chronic diarrhea.

The secretary of the medical board who examined him for an invalid pension reports that Captain Smith is suffering from true chronic diarrhea.

General Kilby Smith, under whose command the applicant served, testifies in the most unqualified manner as to the service and the severe illness of Captain Smith, and as to the total disability resulting to himself and to others from the same disease, contracted in the same place and at the same time, namely, during the severe attack and bombardment for three days upon the gunboats of the Union army on the Red River in 1864.

Your committee therefore consider that Captain Smith is totally disabled, and recommend the passage of the bill herewith reported.

Mr. EDMUNDS. Let the bill be read again, as it is proposed to be amended.

The Chief Clerk read the bill as amended.

Mr. EDMUNDS. Is that the pension of a captain?

Mr. PLATT. I think not. If the amendment proposed by the committee is adopted, I will move another amendment which will obviate any objection.

The VICE-PRESIDENT. The amendment of the committee has been agreed to.

Mr. PLATT. Then I move to strike out the words "and pay him a pension at the rate of \$30 per month," and insert:

Subject to the provisions and limitations of the pension laws.

I propose that amendment for the reason that it has not been the custom of the Senate to rate the pension which the soldier should re-

ceive, but to direct the Commissioner of Pensions to place his name upon the pension list, subject to the limitations of the pension laws.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. WALLACE. I ask the Senator from Connecticut whether this is the usual form in which these bills are passed?

Mr. PLATT. I believe it is with the amendment I now propose.

Mr. WALLACE. Why has the Pension Committee then made the report fixing the pension at \$30?

Mr. PLATT. I think there is a mistake regarding the report, and that the bill as it will read if my amendment should be adopted is the form in which it was intended to be reported by the Pension Committee.

Mr. WALLACE. That I may be satisfied of that fact, I ask that the bill be over until we make that examination. Let it go over and we can call it up again.

The VICE-PRESIDENT. The bill goes over. The Secretary will report the next bill on the Calendar.

SPENCER W. TRYON.

The next bill on the Calendar was the bill (S. No. 982) granting a pension to Spencer W. Tryon; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Spencer W. Tryon, Company E, Fourteenth Illinois Regiment.

Mr. EDMUNDS. Let us hear the report.

The Chief Clerk read the following report, submitted by Mr. INGALLS, from the Committee on Pensions, February 9, 1880:

Spencer W. Tryon, private Company E, Fourteenth Regiment, Illinois Volunteers, transferred to Invalid Corps (S. O. No. 9, Headquarters Seventeenth Army Corps), applied for pension for loss of left arm by gunshot wound. He enlisted 25th May, 1861, and was discharged 24th May, 1864. His application was rejected for the reason that he was not in the line of duty when he received the wound that resulted in the amputation of his arm. It appears from the evidence that on May 14, 1863, while the regiment was embarked on a transport at Memphis, waiting orders to depart, Tryon was permitted to leave the boat by the officer of his company, with instructions to return by six p. m., the hour fixed for departure. The transport sailed earlier than was anticipated, and as Tryon was passing hastily toward the levee he was ordered to halt by the provost guard. Not hearing the challenge he was fired upon by the guard, receiving the injury for which he asks a pension. The evidence shows that Tryon was a good soldier and a quiet, inoffensive man. The committee recommend that the bill do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLOTTE T. ALDERMAN.

The next bill on the Calendar was the bill (S. No. 1231) granting a pension to Charlotte T. Alderman; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place upon the pension-roll the name of Charlotte T. Alderman, widow of James Alderman, who was a private in Company E, Forty-second Regiment of Illinois Volunteers.

Mr. EDMUNDS. Let us hear the report.

The Chief Clerk read the following report, submitted by Mr. PLATT February 9, 1880:

The Committee on Pensions, to whom was referred the petition of A. A. Sims and others, praying that a pension be granted to Charlotte T. Alderman, having had the same under consideration, respectfully report:

That said Charlotte T. Alderman is the widow of James Alderman, late private in Company E, Forty-second Regiment of Illinois Volunteers, who died March 31, 1873.

Her application for a pension was rejected March 25, 1878, for the reason that the soldier's death did not result, as claimed, from wounds received in service. James Alderman, the soldier, was severely wounded in the left shoulder and also in the left side at the battle of Stone River, December 30, 1862, and again September 19, 1863, at the battle of Chickamauga, in the right temple, after which he was unable to perform active duty until his discharge, June 16, 1865.

He applied for a pension during his life, which application was pending at the time of his death.

An examination July 15, 1871, represented his disability as permanent, and that, in consequence of the wound in the right temple, and in the left side, he was totally incapacitated from labor.

He died of chronic pneumonia, resulting in an abscess of the left lung. The physician who treated him, after his discharge, until his death, testifies that the ball which entered his left side lodged in the pleural cavity, and that, in his opinion, it was by constant irritation of the external surface of the left lung by the lodged bullet that a chronic form of pneumonia, resulting in an abscess of the lung, was produced.

There is abundant testimony to show that from the time of his wound the soldier was disabled, and, for most of the time until his death, was unable to perform manual labor.

The case seems to have been one of doubt in the Pension Bureau, and, considering all the evidence, the committee are of opinion that the soldier's death was the result of wounds received in service and in line of his duty. They therefore recommend the passage of the accompanying bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH SUTHERLAND.

The next bill on the Calendar was the bill (S. No. 1232) granting a pension to Elizabeth Sutherland; which was considered as in Committee of the Whole. It directs to be placed on the pension-roll the name of Elizabeth Sutherland, widow of Hosié Sutherland, of Captain Baitan's Company, Colonel Francisco's command, in the war of 1812.

Mr. EDMUNDS. Let us hear the report.

The Chief Clerk read the following report, submitted by Mr. FARLEY February 9, 1880:

The Committee on Pensions, to whom was referred the petition of Elizabeth Sutherland, widow of Hosié Sutherland, deceased, formerly of Captain Baitan's Company, Colonel Francisco's Regiment, beg leave to report as follows:

It appears from the evidence that Hosié Sutherland was drafted and served in

the war of 1812, from February 8, 1815, to March 7, 1815, when he was discharged. The treaty of peace was ratified March 17, 1815, and the soldier served ten days before and eighteen days after the ratification.

The act of March 9, 1878, requires that soldiers of the war of 1812 must have served fourteen days to entitle them or their representatives to a pension. As the soldier served twenty-eight days in the war before being discharged, it is thought that this case comes within the scope and spirit of the law.

Your committee therefore recommend the passage of the accompanying bill.

Mr. COCKRELL. I think that that is a class of cases where there ought to be some general legislation. I have a number of letters from claimants involving the same point, where persons did not serve the requisite number of days prior to the proclamation of the treaty of peace. I should like to call the attention of the Committee on Pensions—the chairman of the committee is not here and there are very few members present—to the fact that there ought to be general legislation which will cover precisely such a case as this. I have a number of letters, and I have advised the claimants that the probability is that general legislation would be enacted which would cover their cases. To act upon these cases separately would only throw a large number of cases on Congress—forty, fifty, or one hundred. Some of them would get their claims allowed, and some of them would not. It would be doing gross injustice to some and would be favoritism to others. I ask that the bill be laid over for the present.

The VICE-PRESIDENT. The bill goes over for the day.

FREDERICK WELLER.

The next bill on the Calendar was the bill (S. No. 1233) granting a pension to Frederick Weller; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Frederick Weller, of Leavenworth City, Kansas, a soldier of the war of 1812.

Mr. EDMUNDS. Let us hear the report.

The Chief Clerk read the following report, submitted by Mr. WITHERS, from the Committee on Pensions, February 9, 1880:

On the petition of Frederick Weller, of Leavenworth City, Kansas, a soldier of the war of 1812, the committee find that the applicant was a private in Captain Baher Johnson's Company of Colonel Cramer's Regiment of Maryland Volunteers, war of 1812. That in August, 1872, he applied for a pension, but as no rolls of said company or regiment were on file in the Adjutant-General's Office, he was required to furnish the evidence of at least two comrades who served with him. In December, 1872, he furnished the evidence of Thomas R. Ellis, of Seneca County, Ohio, who served with him, and filed his own affidavit, but owing to lapse of time could not furnish the evidence of another comrade. Subsequently, namely, in February, 1873, he ascertained the whereabouts of another comrade, Ridge by name, to whom he wrote and received his answer, stating that he would sign the necessary affidavit, as he distinctly recollected the service; that he caused the affidavit to be prepared and forwarded to Ridge, but before it was received Ridge died suddenly, a fact shown by a letter from his son, William Ridge, filed March, 1873, with the statement of the claimant that he was unable to furnish the evidence of any other comrade.

The claim was rejected for want of this evidence of a second comrade required. The committee believe this to be a meritorious claim of an aged man of ninety-one years, whose good name and character are vouched for by numerous signatures of his fellow-citizens of Leavenworth, and as the spirit if not the letter of the law has been met, they recommend the passage of the accompanying bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN R. F. TATNALL.

The next bill on the Calendar was the bill (S. No. 392) to remove the political disabilities of John R. F. Tatnall, of Georgia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

PATENTS FOR PRIVATE LAND CLAIMS.

The next bill on the Calendar was the bill (S. No. 1049) to amend section 2447 of the Revised Statutes of the United States, in relation to the issue of patents for private land claims confirmed by act of Congress; which was considered as in Committee of the Whole. It amends section 2447 so as to read:

That in case of any claim to land in any State or Territory which has been, or may hereafter be, confirmed by act of Congress, and in which no provision is made by the confirmatory statute for the issue of a patent, it may be lawful, where surveys for the land have been, or may hereafter be, made, to issue patents for the claims so confirmed, upon the presentation to the Commissioner of the General Land Office of plats of survey thereof, duly approved by the surveyor-general of any State or Territory, if the same be found correct by the Commissioner. But such patents shall only operate as a relinquishment of title on the part of the United States, and shall in no manner interfere with any valid adverse right to the same land, nor be construed to preclude a legal investigation and decision by the proper judicial tribunal between adverse claimants to the same land.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I am a member of the committee that reported this bill; but I think, on looking at it, it would be well in one point of view to make one amendment in line 15 after the word "Commissioner" to insert the words "and approved by the Secretary of the Interior," so as to make the survey subject to the approval of the Secretary of the Interior as well as of the Commissioner. It has been sometimes found that there is a little danger in large surveys without a very great scrutiny.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES OLIVIER DUCLOZEL.

The next bill on the Calendar was the bill (H. R. No. 2004) to confirm the title of Charles Olivier Duclouzel to certain lands in the State of Louisiana; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Private Land Claims with an amendment, to strike out all after the enacting clause and to insert:

That a certain tract of land, of ten arpents front by forty arpents in depth, on the west side of Bayou Teche, being section 79, in township 10 south, of range 6 east, in the State of Louisiana, as per plat of the United States consolidated land office, district of Louisiana, be, and the same is hereby, confirmed to and in Charles Olivier Duclozel, his heirs or assigns.

SEC. 2. That the Secretary of the Interior of the United States is hereby authorized, directed, and required to issue a patent for the lands aforesaid, herein described, to said Charles Olivier Duclozel; *Provided*, That this act and the said patent shall be considered and construed only as a quitclaim on the part of the United States of such title only as the United States have a legal and equitable right to convey, and shall not affect the rights or interests of any other claimants, or affect or preclude any judicial investigation.

The amendment was agreed to.

Mr. COCKRELL. Is there a report with the bill?

The VICE-PRESIDENT. There is none.

Mr. EDMUNDS. The Senator from Louisiana [Mr. JONAS] can explain it.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FITZ-JOHN PORTER.

Mr. EDMUNDS. Mr. President, I suggest, although by the standing order the morning hour continues until half past one o'clock, inasmuch as it is Saturday and the Senator from Wisconsin [Mr. CARPENTER] has the floor for some observations, that the morning hour be considered as terminated now, so that the unfinished business shall come up at this time instead of half an hour hence.

The PRESIDING OFFICER, (Mr. WALLACE in the chair.) The Senator from Vermont suggests that the morning hour be considered at an end. Is there objection? The Chair hears none, and it is so ordered. The unfinished business is now before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army, the pending question being on the amendment proposed by Mr. RANDOLPH.

Mr. CARPENTER. Mr. President, I ask the Secretary as part of my remarks to read the original bill, and then the amendment proposed by the Senator from New Jersey, [Mr. RANDOLPH,] omitting the preamble, which I believe is the same as the preamble in the original bill, and then the amendment proposed by the Senator from Rhode Island, [Mr. BURNSIDE.]

The PRESIDING OFFICER. They will be read.

The Chief Clerk read the bill reported by Mr. RANDOLPH, as follows:

A bill for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army.

Whereas a board of Army officers was convened by order of the President, by Special Orders No. 78, dated "Headquarters of the Army, Washington, April 12, 1878," to examine, in connection with the record of the trial by court-martial of Major-General Porter, such new evidence relating to the merits of said case as was then on file in the War Department, together with such other evidence as might be presented to said board, and to report, with the reasons for their conclusion, what action, if any, in their opinion, justice required should be taken on said application by the President, and said board reported that they had made a very thorough examination of all the evidence presented, and bearing in any manner upon the merits of the case, in addition to that which was before the court-martial; and also reported with entire unanimity, and without doubt in their own minds, with the reasons for their conclusions, that, in their opinion, justice required such action as might be necessary to annul and set aside the findings and sentence of the court-martial in the case of Major-General Fitz-John Porter, and to restore him to the positions of which that sentence deprived him, such restoration to take effect from the date of his dismissal from the service; and

Whereas the President did heretofore transmit the proceedings and conclusions of the board to Congress with a message declaring that, as he was without power in the absence of legislation to act upon the recommendation of the report further than by submitting the same to Congress, the said proceedings and conclusions were transmitted for the information of Congress, and for such action as in their wisdom should seem expedient and just: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and is hereby, authorized to annul and set aside the findings and sentence of said court-martial, approved by the President January 19, 1863, and published in General Orders No. 18, dated War Department, Adjutant-General's Office, Washington, January 22, 1863, if he shall deem it right and proper so to do.

SEC. 2. That in the event of the findings and sentence of the said court-martial being annulled and set aside, as provided for in the first section of this act, the President be, and is hereby, further authorized to restore the said Fitz-John Porter to the Army of the United States, with all the rank, rights, title, and privileges to which he would have been entitled if there had been no court-martial.

SEC. 3. The position of colonel, to which the said Fitz-John Porter shall be restored by the action of the President under section 2 of this act, shall be held by him as a supernumerary until a vacancy shall occur, when he shall be assigned to the regiment to which it pertains; but if the said Porter shall so elect, the President of the United States may retire him on the rank of colonel, that being the rank held by him while in service.

SEC. 4. That in the event of the finding and sentence of the said court-martial being annulled and set aside as provided for in the first section of this act, there shall be paid to the said Porter the pay and allowances of a major-general on the retired list of the Army from the 28th day of January, 1863, (date of last payment,) to the 31st day of August, 1866, both dates inclusive, and the pay and allowances of a colonel on the retired list of the Army, entitled to credit for twenty years' service from the 1st day of September, 1866, to the date of the passage of this act; and the entire sum or sums so estimated and determined shall be paid to the said Porter by the Secretary of the Treasury immediately upon the passage of this act, the sum required for the purpose being hereby appropriated from any moneys in the Treasury not otherwise appropriated.

The Chief Clerk also read the amendment proposed by Mr. RANDOLPH, as follows:

Whereas a board of Army officers was convened by order of the President, by special orders numbered 78, dated "Headquarters of the Army, Washington, April 12, 1878," to examine, in connection with the record of the trial by court-martial of Major-General Porter, such new evidence relating to the merits of said case as was then on file in the War Department, together with such other evidence as might be presented to said board, and to report, with the reasons for their conclusion, what action, if any, in their opinion, justice required should be taken on said application by the President, and said board reported that they had made a very thorough examination of all the evidence presented, and bearing in any manner upon the merits of the case, in addition to that which was before the court-martial; and also reported with entire unanimity, and without doubt in their own minds, with the reasons for their conclusions, that, in their opinion, justice required such action as might be necessary to restore Major-General Fitz-John Porter to the positions of which that sentence deprived him, such restoration to take effect from the date of his dismissal from the service; and

Whereas the President did heretofore transmit the proceedings and conclusions of the board to Congress with a message declaring that, as he was without power in the absence of legislation to act upon the recommendation of the report further than by submitting the same to Congress, the said proceedings and conclusions were transmitted for the information of Congress, and for such action as in their wisdom should seem expedient and just: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter a colonel of infantry in the Army of the United States, his commission to bear date January 1, 1863, with the pay and emoluments of that rank from that date until he shall be retired according to law or as hereinafter provided.

SEC. 2. That at any time after the granting of such commission it shall be lawful for the President to place said Fitz-John Porter upon the retired list of the Army, with the pay of a retired colonel of infantry.

The Chief Clerk also read the following amendment intended to be proposed by Mr. BURNSIDE, viz:

Strike out the preamble and all of the bill after the enacting clause and insert: That upon the application of General Fitz-John Porter, late colonel Fifteenth Infantry, and major-general of volunteers in the service of the United States, the President is authorized to grant him a new trial by court-martial upon the charges and specifications upon which he was tried, and in part convicted, by a court-martial convened under special orders numbered 362, and dated "Headquarters of the Army, Washington, District of Columbia, November 27, 1862."

SEC. 2. That the court-martial that may be convened by virtue of this act shall consist of not less than thirteen officers of high rank in the Army; it shall consider all testimony taken in the first trial as entered upon the record thereof; all pertinent official reports, both Union and confederate, on file in the War Department; and such new testimony as may be offered either by the United States or by the said Porter; and the said court shall have power, subject to the approval of the President, to confirm, mitigate, or annul the sentence of the former court-martial.

Mr. CARPENTER. Mr. President, a careful observer of the tendency of the times cannot fail to see that on every hand, and in every branch of the Government, we are rapidly advancing toward consolidation and centralization of power as against the States; and cannot fail to observe that the tendency is equally strong to vest all power in Congress. A few instances may be referred to in illustration.

We have, for instance, established by law, and supported for several years at the expense of the people, what we call the Agricultural Department, which is designed to publish some reports and some theoretical treatises upon agriculture; to buy and distribute seeds, &c. Now, it would puzzle the best lawyer to point out any clause in the Constitution authorizing this.

Another scheme has more recently been invented. A resolution was offered, the other day, by the Senator from Minnesota [Mr. WINDOM] to establish an Executive Department of Agriculture, Mining, and Manufactures, and that the republican side of the Chamber might not get in advance in the way of centralizing power and encroaching upon the province and prerogatives of the States, a Democrat, the Senator from West Virginia, [Mr. DAVIS,] a strict-construction democrat, a State-rights democrat, produces from his pocket a bill already drawn for the same purpose, showing that he had not only entertained the same thought that the Senator from Minnesota had, but had acted upon it, and was ready to have his bill considered by a committee of the Senate.

Now, considering that the powers of this Government are only such as are conferred upon it by the Constitution, that all powers not conferred by express words or reasonable implication are denied to this Government; considering that neither the word "agriculture" nor "mining" nor "manufactures" occurs anywhere in the Constitution, nor does the Constitution contain the remotest reference to either of these subjects, it is a little difficult to ascertain to what provision of the Constitution this new Executive Department is to be credited. We have a State Department, because this Government is charged with the administration of our foreign affairs. We have a War Department, because this Government must make war when it is to be made, and may raise armies. We have a Navy Department for a similar reason. We have a Treasury Department, because we must collect and disburse revenue. We have a Post-Office Department, because this Government has charge of the transportation of the mails. We have an Interior Department to take charge of the patent business, which by the Constitution is assigned to the Government, the pension business which results from war, and the Indian Bureau and the Land Office; all of which refer to subjects committed to the Government by the express provisions of the Constitution of the United States.

To what clause of the Constitution will the Senators refer this new Department of Mining, Agriculture, and Manufactures? They will, I hope, when they come to press such a bill, point out the constitu-

tional ground upon which it may rest; but I know of no foundation for it whatever. I regard it as one of the evidences that mark our decadence from the principles of our Government; I regard it as a most dangerous encroachment upon the province of the States; although I am glad, if it is to be done, it is to be done without any party responsibility; and I am therefore very much obliged to the Senator from West Virginia, that he came with a bill prepared, and presented it, as soon as the republican Senator from Minnesota suggested the subject.

Look at our National Home for Volunteer Soldiers. By law the Chief-Justice and certain other officers of the Government are *ex-officio* managers, and nine other managers of the home are *elected*—mark the phraseology—*elected* by joint resolution of the two Houses of Congress. Where does Congress get the authority to elect any officer of the United States?

There is another grosser violation of the Constitution, which has existed so long that perhaps it never can be corrected; and that is providing by law for the appointment of officers in the Army and Navy, and how they shall be promoted. General Sherman is as much an officer of the United States as the Chief-Justice. What does the Constitution say in regard to all officers of the United States? It says that the President shall nominate, and by and with the advice and consent of the Senate, shall appoint all the officers of the United States except where by law the appointment of inferior officers may be lodged with the President alone, the heads of Departments, or the courts of law. The commanding general of the Army is certainly not an inferior officer, and yet he is an officer of the United States; and so down through the ranks of the Army, the subordinate generals to the colonels of regiments, and lieutenant-colonels, and majors, and captains, and so on. They are all officers of the United States, who, the Constitution says, shall be nominated by the President, and by and with the advice and consent of the Senate be by him appointed.

Where do we get the authority for declaring by law whom he shall nominate? Suppose the President happens to know that the man entitled by promotion to the next grade of rank is wholly unfit to perform its duties; the Constitution lays upon him the duty of nominating a suitable and proper man for that place; we pass a law providing that he shall not do so; that he shall appoint the next man below, fit or unfit; the law is imperative. A man perfectly fit for a captaincy may be entirely unfit to be a colonel; the President may know it; but that has nothing to do with the question under our laws; he must promote the senior officer of the grade below, whether he believes him fit or unfit, because Congress has commanded him to do so.

Now what authority has Congress to command him to appoint a particular man in the Army any more than it has in the civil service? Nothing whatever but usage, nothing whatever but consistent and persistent, obstinate violation of the Constitution and encroachment upon the power of the Executive.

Cadets at West Point by law are appointed, as it is called, by the President; but they are to be appointed upon the nomination of members of the House of Representatives, each member of the House having the power to nominate one who must be appointed, and appointed as a cadet he is to be moved up the line by promotion, until he may be the commander-in-chief of the Army.

We had here, I believe, at the last session, a bill establishing a National Board of Health. What clause of the Constitution does that act rest on? "Why," it is said, "is not the preservation of the health of the people necessary to the existence of the nation?" Undoubtedly. So is education essential to free government; so is matrimony, to say nothing of divorce, essential to the peace and well-being of society; but who would maintain that upon this ground these subjects fall within the jurisdiction of Congress?

These constant violations of the Constitution are setting daily and hourly a bad example to the people. Any violation of the Constitution tends to familiarize the mind with the idea that the Constitution is of no consequence when it stands in the way of our present wishes and purposes.

There are certain truisms that should always be borne in mind when we discuss any constitutional question. They are so true, so universally acknowledged to be true, that it sounds like a waste of time to repeat them; and yet a moment's reflection will satisfy any one that no important measure can pass Congress, no important decision can be rendered in the courts that does not call into exercise fundamental principles of our Government, principles which, as the poet says of the words of common courtesy, "by daily use have almost lost their sense." The corner-stone of the Constitution, the essential element of our system of government, is the distribution of powers among three great branches of the Government—the legislative, the executive, and the judicial. "Oh!" says some impatient hearer, "of course; who does not know that?" Of course we all know it; and yet this bill aims, in disregard of the distinction, to exercise judicial power by the two Houses of Congress.

Legislative power is confided to Congress alone; executive power to the President alone; judicial power to one Supreme Court, and such inferior tribunals as Congress shall from time to time ordain and establish. That is the general rule. Of course there are exceptions provided for in the Constitution. The executive power of appointment is participated in by the Senate; the Senate also has judi-

cial power in the matter of impeachments; and there are other departures from this principle provided for in the Constitution itself. But where that instrument is silent, the great leading idea is, that the powers of government shall be exercised by the several departments to which they are respectively assigned. Now, it is sufficiently correct for the purposes of this discussion to say, that legislative power is the power to declare what the law shall be in the future. Congress cannot say what the law was two years ago, and all attempts of Congress to accomplish this by passing an act to-day saying that an act of Congress passed two years ago was intended to mean and enact so and so, is utterly void as to the past. It may stand as a new enactment, and have the force of a new law from the date of the construing act; but it has no force as to the past.

What is judicial power? It is the power of determining what the law is to-day and what it was at any time past, and especially of determining what persons, if any, have become amenable to punishment for violation of its provisions. That is judicial power; and no matter where you put it, whether Congress proposes to exercise it, or the President proposes to exercise it, or any one else, it is judicial power, not legislative power. It is not saying what shall be in the future, it is saying what has been in the past, or what is now, the law.

Now I come to executive power. That is the power to execute the laws and to execute the sentences and judgments of the courts. Whoever proposes to confound these powers, whoever proposes that Congress shall in any way exercise judicial power, proposes to violate the Constitution. Whoever proposes any other encroachment upon any other department of the Government, or proposes that the President shall perform any act legislative in character, proposes to violate the Constitution. A great lawyer, and judge, once a Senator from Vermont, said, as I have heard, in this Chamber, that he was in doubt whether it was still in order to refer to the Constitution of the United States. That was many years ago. I think his doubt would be greatly increased if he stood here to-day.

Now let me turn for a moment to this bill, and see whether it be subject to the criticism I have passed upon it in general.

The original bill proposed that the President of the United States be authorized to set aside the judgment of a court rendered seventeen years ago and restore Fitz-John Porter to a place in the Army, which he lost by that judgment. Can any lawyer say that would be an exercise of legislative power? He is not to be renominated and confirmed; he is to be restored to his place in the Army by the President's annulment of the sentence of the court. That is to carry with it, by logical sequence, all the pay that he would have been entitled to if he had not been removed from the Army.

The Senator from New Jersey, [Mr. RANDOLPH,] having ascertained that this was a thing not to be attempted by Congress, he has presented an amendment which, he informs us, he will at the proper time move as a substitute for the bill. The preamble, I believe, in his amendment is the same as the preamble in the original bill, but the provision is:

That the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter a colonel of infantry in the Army of the United States, his commission to bear date January —, 1863, with the pay and emoluments of that rank from that date until he shall be retired according to law, or as hereinafter provided.

SEC. 2. That, at any time after the granting of such commission, it shall be lawful for the President to place said Fitz-John Porter upon the retired list of the Army, with the pay of a retired colonel of infantry.

In some respects this amendment is worse than the original bill. That bill assumed that Congress could set aside the finding of a court, and if it could do so the other provisions of the bill were logical consequences of the vacation of that judgment.

This amendment proposed by the Senator from New Jersey does not propose to pay the judgment of that court even the passing respect of annulling it. It proposes to leave it in full force declaring that Porter shall be dismissed from the Army and never hold office under the United States, to leave the sentence in full force, and yet, in absolute contempt of it, Congress is expected to provide that the President may nominate and the Senate may confirm this ineligible man.

As I have said, in many respects this is more irregular than the original bill. What is the object of such a bill as this amendment proposes? If Fitz-John Porter can be nominated by the President to this office, if he can be confirmed by the Senate, is there any occasion for passing a bill saying that the President may nominate him and the Senate may confirm him? If he is eligible to the office at all, may not the President and the Senate exercise the power the Constitution vests in them, without the aid of an act of Congress? Does the appointing power, which is in the President and Senate, need an act of Congress to bring Fitz-John Porter back into office? What is the philosophy of this amendment except that Fitz-John Porter is out of the Army and cannot be reappointed in the ordinary way, but the constitutional power of the President and the Senate must be aided by the co-operation of the House of Representatives. But can the two Houses of Congress confer upon the President and Senate a power of appointment beyond that which the Constitution confers? Do we need their consent to do a thing that we are authorized by the Constitution to do? Or is it a cowardly desire on the part of Senators to share this responsibility with the more numerous body of Congress and to bring the members of that House into contempt equally with

ourselves. I can understand such a motive as that, but I cannot respect it, nor can I support a bill thus inspired.

To come to the amendment proposed by the Senator from Rhode Island, which is, I think, more remarkable still. It provides:

That upon the application of General Fitz-John Porter, late colonel Fifteenth Infantry, and major-general of volunteers in the service of the United States, the President is authorized to grant him a new trial by court-martial upon the charges and specifications upon which he was tried, and in part convicted, by a court-martial convened under special orders numbered 362, and dated "Headquarters of the Army, Washington, District of Columbia, November 27, 1862."

SEC. 2. That the court-martial that may be convened by virtue of this act shall consist of not less than thirteen officers of high rank in the Army; it shall consider all testimony taken in the first trial as entered upon the record thereof; all pertinent official reports, both Union and confederate, on file in the War Department; and such new testimony as may be offered either by the United States or by the said Porter; and the said court shall have power, subject to the approval of the President, to confirm, mitigate, or annul the sentence of the former court-martial.

If the Senator from Rhode Island were half as good a lawyer as he is soldier; if he were half as familiar with jurisprudence as he is with tactics and strategy, he would know that Fitz-John Porter having been a private citizen for more than seventeen years cannot be subjected to the jurisdiction of a court-martial, even with his consent. Such a court convened to-day would be convened to try a private citizen. Its proceedings would be a farce in a constitutional sense; it would be a proceeding without jurisdiction; its judgment would be not erroneous merely, not voidable, but absolutely null and void. It could not administer an oath. No man could be punished who should swear falsely before it. The whole proceeding would be a nullity.

Congress has no more right to try Fitz-John Porter to-day by a court-martial than it has to try you, sir, or me. The Constitution of the United States provides that no man shall be tried except those who are in the Army and Navy and the militia in actual service, except upon presentation by a grand jury. Fitz-John Porter is no more in the military service of the Union to-day than I am, and he has not been in that service for seventeen years.

But it may be said that it is proposed to require his consent to this trial. Consent cannot confer jurisdiction; consent cannot change the Constitution; consent cannot give power to the President to convene a court-martial to try him or to try any other civilian. It is to be borne in mind that Porter is to-day as thoroughly a civilian as if he had never seen a gun or smelled gunpowder. No court-martial can have any jurisdiction over him, nor do anything with him.

There is, however, a provision that might make Porter willing to take the chances. It is not provided that this new court may try him and shoot him if they find him guilty, as the other court might have done. They are simply authorized to confirm that judgment or mitigate it or annul it. They cannot add to it; they cannot start this case anew upon all the testimony that to-day can be furnished, and try him upon that, and pronounce sentence of death, as the other court might have done. "Heads I win, tails you lose," says Porter; "I will go into this; by this trial I cannot possibly lose anything, and I stand a chance to gain something. I will therefore consent—I, a private citizen of the United States, will consent to the exercise of military jurisdiction over me, will consent to a trial by a court-martial," which is forbidden by the Constitution to try any man who is not in the military or naval service, and which has no power to consider his case at all.

The preamble of the first bill and of the amendment proposed by the Senator from New Jersey recite that the President of the United States ordered the board of officers who recently reported on the case. Why they are called a board, I do not understand. He ordered three officers to examine this question and advise him, as the preamble recites, "what action, if any, in their opinion, justice required should be taken on said application by the President." Three officers of the Army! And it might just as well have been three private citizens, three eminent lawyers, or three eminent farmers, or three eminent doctors, or three eminent clergymen. The President requests them, not to do any official act, for they had no official powers, but he requests these three individuals to examine this matter and advise him what he ought to do. Now what could he do at that time? What can he do to-day? He can pardon Fitz-John Porter—nothing more—and these three gentlemen were requested to examine into this matter and give their opinion to the President as to the course he should take; that is to say, whether he ought to pardon him or not.

The court-martial that tried Fitz-John Porter, and drove him in disgrace from the service, was a court clothed with the majesty of the Constitution and the laws, authorized to administer justice upon this man then in the military service; composed of men of eminence in their profession, men of learning and general intelligence, authorized to call before them witnesses from all parts of the United States, authorized to send for persons and papers, authorized to administer oaths, and any man who appeared and swore falsely before them committed perjury, and would have to atone for his offense by imprisonment in the penitentiary. What power had these three individuals to pass upon the action of that court-martial? None whatever. They could not compel the attendance of a witness. They might request a man to come and state his knowledge on this subject to them, but they could not compel his attendance; they could not

issue a subpoena; and should he appear, they could not administer an oath.

I am told they pretended to exercise such authority. If they did, they committed a crime. The administration of an extra-judicial oath, that is the administration of an oath without lawful authority to administer it, is a crime punishable at the common law, punishable in every State in this Union; and if they did pretend to administer oaths, they violated the law and committed a crime. Every man who appeared there and told his story, true or false, did it with impunity. No lawyer will pretend that any man could be indicted for any false testimony he gave before these three individuals. They were not a court-martial, nor a court of inquiry; they were simply three individuals in their private capacity;—for bear in mind this was not a military proceeding. A pardon is not the exercise of military power—far from it. Military power deals with offenders in a very different way. The President, acting in his civil capacity as chief civil magistrate of the land might pardon this man, and he wished to know whether he ought to pardon him or not; and so he requests three individuals to investigate the matter. His request is called an order; the practice in the Army is always to order things; we civilians have to use a milder strain and request gentlemen to aid us. These three individuals were certainly performing no military duty; they were not a court-martial; they were not a court of inquiry; they were performing no function of their office as officers of the Army; they were simply private individuals, complying with a request of the President. Had they declined to comply, could they have been tried by court-martial? No more than if they had declined a request by the President to examine the thirty-nine articles of the Episcopal Church. The President had no authority to command them in the premises.

I hope when this matter comes to be debated on the other side of the Chamber, this point will be met. If these men had any authority whatever that would not belong to three Senators of this body or three gentlemen anywhere, requested by the President to examine it, and advise him whether this man ought to be pardoned or not, I hope they will point out where they got that authority, who conferred that power upon them, and what power it was they were exercising, whether it was military or civil power. I maintain they had no power whatever. The President might ask any three men in the land to examine the Fitz-John Porter case, and advise him what they thought about it. That is what he did do. He invited Schofield, and Terry, and Getty to do this for him, and they did it, but not as Army officers. The President was not acting in a military capacity; he was trying to instruct himself for the exercise of a civil function. Undoubtedly their knowledge of military affairs would render their opinion more valuable to the President than the opinion of three farmers or of three civilians of any kind, but in a legal sense it had no different quality. It was simply the opinion of three individuals, specially intelligent as to the subject, upon which the President might the more safely act in determining his duty. It had no legal effect or force whatever.

I wish to examine somewhat the legal character of the court that tried Fitz-John Porter. I do not know that I correctly understood the position of the Senator from Illinois [Mr. LOGAN] upon that subject. If I did, I do not entirely concur with all his premises; I do in the result at which he arrived most fully, but I propose to rest it upon my own ground. I am not willing to admit that any courts sit within the jurisdiction of the United States from mere necessity. I am not willing to admit that any judicial power, or any legislative power, can be exercised anywhere in this land in the name of the United States that is not warranted by the Constitution.

In the first place I have already said, and return to that point, that there is no judicial power vested in Congress—none whatever, in any case whatever. The Constitution provides, for instance, with reference to the District of Columbia or as it is styled in the Constitution the ten miles square to be ceded for a seat of government, that Congress shall have the exclusive power of legislation for the District. Mark the precise language. It is not provided that Congress shall have the exclusive government of the District; it is not provided that Congress shall have exclusive jurisdiction over the District, but that it shall have the exclusive power of legislation. No careful student of the Constitution can fail to observe, day after day, and as occasion after occasion arises, the wonderful adaptation of its provisions to the subject-matter treated of, and especially the almost mathematical accuracy of its phraseology. Every word seems to have been measured and weighed and polished and set in its place like the component parts of the ancient mosaics.

This word here, although I never noticed it until I came to investigate this question, shows how its framers at that time foresaw what exigencies might arise. They had denied all judicial and executive power to Congress. This principle they did not violate in regard to the seat of government; but they did confer upon Congress the exclusive power of legislation for the District. Now suppose A and B have a controversy about a pony or about a house; Congress cannot hear and determine it; Congress cannot decide a civil suit between citizens of the District of Columbia, nor hear a criminal prosecution between the United States and one charged with murder in this District. Why? Because there is no judicial power vested in Congress, and because the only power vested in Congress in reference to this District is the power of legislation. In the exercise of legislative power Congress may pass laws establishing courts, and those courts are author-

ized by Congress, and under the Constitution, to administer justice in civil and criminal cases. Congress provides for the judicial administration of justice. It cannot administer justice except through the agency of judicial courts. Take a familiar case. A man is tried in the District of Columbia in its judicial courts for murder and convicted. The court sentences him to be hanged. Congress is satisfied that this man is innocent. It is satisfied that he was improperly convicted. All its members may go on their knees to the President and implore him to pardon; but if the President will not pardon what can Congress do? Can Congress issue a *habeas corpus* and rescue him from the gallows? Can Congress grant him a new trial? Can Congress say that he shall not be hanged, notwithstanding the sentence of the court, pronounced under the Constitution and the laws, that he shall be hanged? Every one knows that Congress can do no such thing. And yet why? Congress has the exclusive power of legislation over this District. And suppose Congress should, while the man was lying in jail, between the sentence and the scaffold, repeal all laws punishing murder in this District. Would that save him? He is then under the weight of the sentence, not of the law. As to his case the law is merged in the sentence, the law has ceased to operate upon him, and it is the sentence of a judicial court that sends him to execution. Congress cannot vacate that judgment; cannot interfere with it; and if the President will not pardon him, Congress may weep, but the man will hang.

Mr. LOGAN. I desire, if the Senator will permit—

The PRESIDING OFFICER, (Mr. WALLACE in the chair.) Will the Senator from Wisconsin permit himself to be interrupted?

Mr. CARPENTER. Certainly.

Mr. LOGAN. I understood the Senator to say that he disagreed with me on one point in reference to certain courts, for the reason that he understood me to say that they were courts of necessity and not courts growing out of the provisions of the Constitution. Am I correct in that?

Mr. CARPENTER. That is what I understood.

Mr. LOGAN. The Senator misapprehended what I said. I said that territorial courts and courts-martial were legislative courts, one growing out of the provision of the Constitution in reference to the territory and other property of the Government, and the other growing out of the provision of the Constitution authorizing the government of the Army and the Navy by rules and regulations prescribed by Congress. The basis of the authorization, I said, was the Constitution, but that the courts were not courts under the first section of the third article of the Constitution, but growing out of the other provisions. That was my proposition.

Mr. CARPENTER. I am very glad to know that I did misapprehend the Senator. Certainly he understands that I was not trying to make any unfriendly criticism.

Mr. LOGAN. I merely wished to put myself right in reference to that, for that was my position that I maintained all through my argument.

Mr. CARPENTER. I am very glad to know that we are so far in accordance. I refer to this case in the District of Columbia, because I think it has a direct application to the case before the Senate, as I will proceed to show.

Now, let us turn for a moment to the case of the Territories. There has been a great deal of discussion as to which clause of the Constitution the power to govern a Territory should be referred. Apart from the decision in the *Dred Scott* case, in which most of the judges referred the power to the property clause of the Constitution in regard to territory and other property, which decision was greatly damaged by four years of war, and finally reversed by the fourteenth amendment, the only opinion I am aware of by the Supreme Court going directly to the subject, is in the case of *Clinton vs. Englebrecht*, in 13 Wallace, page 447, and I will ask the Secretary to read the passage I have marked.

The Secretary read as follows:

The judges of the supreme court of the Territory are appointed by the President under the act of Congress, but this does not make the courts they are authorized to hold courts of the United States. This was decided long since in *The American Insurance Company vs. Canter*, and in the later case of *Benner vs. Porter*. There is nothing in the Constitution which would prevent Congress from conferring the jurisdiction which they exercise, if the judges were elected by the people of the Territory, and commissioned by the governor. They might be clothed with the same authority to decide all cases arising under the Constitution and laws of the United States, subject to the same revision. Indeed, it can hardly be supposed that the earliest territorial courts did not decide such questions, although there was no express provision to that effect, as we have already seen, until a comparatively recent period.

There is no Supreme Court of the United States, nor is there any district court of the United States, in the sense of the Constitution, in the Territory of Utah. The judges are not appointed for the same terms, nor is the jurisdiction which they exercise part of the judicial power conferred by the Constitution on the General Government. The courts are the legislative courts of the Territory, created in virtue of the clause which authorizes Congress to make all needful rules and regulations respecting the Territories belonging to the United States.

Mr. CARPENTER. The Chief-Justice who delivered this opinion refers in support of it to the *American Insurance Company vs. Canter*, (1 Peters, 546,) and the case of *Benner vs. Porter*, (9 Howard, 235.) In the case in 1 Peters the opinion was delivered by Chief-Justice Marshall, and considering who delivered the opinion its language is very suggestive:

Perhaps the power of governing a Territory belonging to the United States, which has not by becoming a State acquired the means of self-government, may

result necessarily from the facts that it is not within the jurisdiction of any particular State and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned.

It will be seen the Chief-Justice does not refer to the property clause of the Constitution as the source of this power.

The great Chief-Justice who never faltered before, nor afterward, to my knowledge, confronting the question, what clause of the Constitution gave a power he asserted the existence of, hesitated here, and said, it might result from one thing, it might from another, but whichever it resulted from or wherever it came from, there was no doubt of its existence. If it was not Chief-Justice Marshall who delivered this opinion, it would remind one of the motion that was made to quash an indictment for thirty-three reasons. The judge after hearing a long argument on the subject, decided that there was nothing in any one point, but taking them altogether he thought he would quash the indictment, and he did. [Laughter.]

In the next case, in 9 Howard, there is no allusion to the subject whatever. Judge Nelson, delivering the opinion of the court, says:

The distinction between the Federal and State jurisdictions, under the Constitution of the United States, has no foundation in these territorial governments, and consequently no such distinction exists, either in respect to the jurisdiction of their courts or the subjects submitted to their cognizance. They are legislative governments, and their courts legislative courts, Congress, in the exercise of its powers in the organization and government of the Territories, combining the powers of both the Federal and State authorities.—*Benner et al. vs. Porter*, 9 Howard, page 242.

But to what clause of the Constitution that power can be traced he does not suggest. Again, the Chief-Justice, in 13 Wallace, inadvertently misquotes the Constitution. He says the courts are the legislative courts of the Territory created in virtue of the clause which authorizes Congress to make all needful rules and regulations respecting the Territories belonging to the United States. Now the Constitution says this, in the last clause of the third section of the fourth article:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The word "other" here has no significance whatever unless the word "territory" is construed to mean property. That word undoubtedly means there, the public domain, the public lands, or territory, in the sense in which the word was used before we had any governments called territorial governments and is a totally different thing from our present use of the word when we speak of Territories of the United States.

We mean now, by the word Territories, those communities organized under acts of Congress into social order and held for the present in that condition; but the Constitution made no reference to Territories as communities at all. The Government at that time had a vast public domain, and it had other property, and this provision is that Congress may dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. Now, compare this with another provision of the Constitution, and see again how carefully words are used in the first article:

The Congress shall have power to make rules for the government and regulation of the land and naval forces.

In the one case it is a power to dispose of and make all needful rules and regulations respecting the territory, meaning the public land, or other property, not for the government of the territory or other property; but when you come to a body of men and Congress is to be clothed with power over them, the provision is, Congress shall have power to make rules for the government of the Army and Navy.

It may be inquired to what clause of the Constitution this power is referable and whether I have not succeeded thus far in disproving my own premises and that territorial courts are courts existing without any provision in the Constitution and from mere necessity. I know that this subject has been so fully discussed that for an obscure individual to advance a new theory about it is like setting up against fate almost, and yet I believe that the clause of the Constitution to which the power to govern the Territories is properly traced is the power of Congress to admit new States. The Constitution was formed when the whole country away from the seaboard was a wilderness; it was territory; it was public land, and without people, citizens of the United States. Those portions of the country would be filled up by gradual emigration; Ohio for instance; so of Indiana, so of Wisconsin, and the other Territories. Emigration tending westward would produce the result of a certain number of individuals settling within certain lines of territory. If that was to be made a new State, and Congress had the power to admit it as such under the Constitution, something must be done to prepare it for that condition. Congress cannot admit Territories; it admits nothing but States, and a State cannot be organized without some legal provision from some source allowing it to be organized as a State. In order to make Wisconsin a State for instance, when a certain number of people came to reside in it, citizens of the United States upon the public lands of the United States, it was necessary to protect them there as a civil society; it was necessary to throw over them the shield of the law; it was necessary to administer justice; it was necessary to do all the things which we are daily doing in the Territories for the purpose of schooling and training and bringing that community to a condition entitling it to become a State.

Now, Congress is authorized to raise armies. The Military Academy at West Point is not much of an army, but it is a school for the Army; it takes boys, trains them to become members of the Army and nobody doubts that the power to raise armies covers the power to employ this establishment as a means to that end.

So the power to govern the Territories springs from the power to admit new States. In a great speech made by General Cass in this body after the publication of his celebrated Nicholson letter,—many of the premises of that speech I should not agree to and I certainly dissent from its conclusions,—he demonstrated, if demonstration can be predicated of any mere legal question, that the power to govern the Territories could not be referred to the property clause of the Constitution; that it existed, I believe he thought, from necessity; I do not remember as to this, for I have not read his speech for many years; but I do remember how logical and how clear and how certain he is in his demonstration of the fact, that the power could not be traced to that clause of the Constitution. But I think it inheres in the power of Congress to admit new States, and stands as firmly upon that basis as any of the incidental powers which we are daily exercising under other provisions of the Constitution.

It is to be borne in mind that the Constitution was made to indicate the subjects to be committed to this Government. The single provision, "the Congress shall have power" * * * "to establish post-offices and post-roads," is the only authority for our immense postal establishment; but it indicates that the subject was taken from the States and given to the Union, and so Congress proceeds under that provision of the Constitution, builds up a civil and criminal code upon it, assumes the monopoly of transmitting the mails, punishes as a crime any man carrying, I believe, more than a mile, any sealed package whatever containing written matter, and has done all this under that one clause of five or six words which simply indicates that the subject of post-offices and post-roads and the transmission of mails was regarded and treated as a Federal and not a State subject.

So the power to admit new States carries with it the power to prepare a community to be a State to be admitted; and that is the foundation in the Constitution for establishing territorial governments. When we have passed a law establishing a territorial government, and creating courts for the administration of justice in the community, the mere creature of the statute, the mere child of Congress in every respect and particular, and that court goes into operation and hears a cause and renders a judgment, does any man suppose that Congress, because it created the court, can interfere with or set aside one of its judgments? Can it interfere if a man is tried there and sentenced to be hanged? If the President does not pardon him, can Congress pardon him? Can Congress snatch him from the gallows? Certainly not, and why not? Because doing so is not exercising legislative power.

This bill proposes not to perform any act of legislation, not to provide how a court-martial shall be held in future for trying offenses, nor what shall be the punishment of offenses, nor does it make any regulation for the future government of the Army whatever. It has all the character of an executive order. It is a decree; it is a *flat* of the Government as to a past transaction.

When that court-martial had held its sessions, had concluded upon its judgment, had sent its sentence to the President and Abraham Lincoln gave his approval to it, and the court was disbanded, that record was closed, that subject was ended, and there never has since been any power to reverse it, or to open it for any purpose whatever, and there never will be, and it never can be reheard this side the bar of God. Congress cannot do it because the court which did it was created by an act of Congress, any more than it can in the case of the District of Columbia or of the Territories.

Now let me come to courts-martial. The Constitution provides that:

No State shall, without the consent of the Congress, * * * keep troops, or ships of war in time of peace.

I do not know that even consent could make it law. But:

The Congress shall have power * * *
To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;
To raise and support armies, but no appropriation, &c.;
To provide and maintain a navy;
To make rules for the government and regulation of the land and naval forces.

That is the power of Congress. Now, what does it mean? Does it mean that Congress shall govern the Army? Not at all, any more than it means that Congress shall exercise judicial power in the seat of Government or in the Territories or anywhere else. Congress in no place, under no pretense, under no circumstances, can exercise any but legislative power. Legislative power is prescribing what shall be done in the future. The Army is to be governed not by Congress; it is to be governed by *rules* prescribed by Congress for its government. But when those rules are prescribed and when a court-martial has been provided for, the mere trial of a particular cause is as much without the reach and beyond the power of Congress as the trial of a particular cause in the courts of this District or in the Territories, and for precisely the same reasons.

Congress has made rules for the government of the Army. It has pointed out in great detail what shall be military offenses. It has provided how courts-martial shall be constituted to try them,

what sentence may be pronounced, and how it is to be executed. The whole subject has been regulated by Congress. This is done in exact conformity with the state of things existing in England before our Constitution was adopted. The English army was a thing as to which our people were well informed. They had seen it, they had felt it, they had handled it, they had beaten it, they knew what it was made of, they knew how it was governed; and when it was provided that Congress should make rules for the government of our Army of course the great model of the British army was in view, just as the powers of Parliament were in view in constructing the legislative articles of the Constitution. The British government was the model to which our fathers referred under all circumstances. All the provisions of our Constitution are either taken from the great Charter and the Bill of Rights of England or suggested by a defect of those instruments, and every provision, except it be local as to public lands, &c., may be traced to something in the history of England. All the amendments, from the first to the eleventh, inclusive, are merely the Bill of Rights or suggested by the inconveniences that had sprung up in England owing to the imperfection of the great charters of English liberty or to the crimes that were committed in the name of government before they were adopted.

So the Constitution as much provides as though it said it in words, "Congress shall, in providing for the government of the Army, have power to authorize courts-martial." It does not say in regard to the District of Columbia, that you shall have the power to organize a court. You have simply the power of legislation; but we know that in the nature of things courts may be created by legislation, and always have been. The Supreme Court of the United States is the only judicial tribunal in the United States named in the Constitution. Every other is a statutory court. The circuit courts, the district courts, the courts in the Territories and the District of Columbia, are all statutory.

Mr. EDMUNDS. The Supreme Court is in respect of its numbers, also.

Mr. CARPENTER. In respect of its numbers and of its organization. It is provided that there shall be one Supreme Court. How many judges it shall have; what shall be its rules of proceeding, and all that are left to the discretion of Congress, and are covered by the last clause of the legislative article, which provides that Congress shall have power to make all needful and proper laws to carry the provisions of the Constitution into effect.

Therefore, this court-martial which sat for the trial of Porter was as much a court of the Constitution as this Supreme Court that sits in the middle of the Capitol here, as much as the circuit courts that administer judgment in civil and criminal causes in all the circuit courts of the United States. It represented the majesty of the Union. It spoke words of authority. It dealt with a class of persons committed by the Constitution itself to such jurisdiction, taken out of the category of civil citizens, taken away from the protection of indictment by grand, and trial by petit jury, from the fact that they were in the naval or military service of the United States at the time. This court was acting upon a person so circumstanced, acting upon a person in the military service, amenable to military law, amenable to the jurisdiction of that court, and they represented the majesty of the United States when they heard that case; and when after deliberation they pronounced Fitz-John Porter guilty and fixed upon him the sentence they did that was judicial power too, as much judicial power, that is as judicial in its nature, as the power exercised by the Supreme Court—a judicial power under the Constitution, because the Constitution authorized the creation of courts-martial when it authorized Congress to legislate for the government of the Army.

That was a tribunal entitled to respect, saying imperatively to Fitz-John Porter, "come to us and be tried." What could these three individuals who pretend to have reviewed this finding, do? They could not call Fitz-John Porter to their seat. They could not call a witness. They could not administer an oath to a witness after he was called and had appeared. They could do nothing in any official capacity whatever. They were mere private citizens, with no more power than any other three private citizens who might meet either voluntarily or at my request, or at the request of the President, or at the request of Fitz-John Porter himself and review that case and say what they thought about it.

Why is it that the finding of this court-martial is conclusive in this case? Why is it that the finding of the Supreme Court of the United States is conclusive in any case? I do not know any statute that declares it shall be; I do not think there is. It is in the nature of things. It is a general principle in all jurisprudence that where any court, civil or criminal, a military or a naval court, has jurisdiction over a particular subject and a particular man, and its jurisdiction is exclusive, its judgments are conclusive. When the Supreme Court of the United States decides a case, there is no appeal; that decision is a finality. Douglas once said of the judicial system in Illinois—I am reminded of it by seeing one of the most conspicuous judges of that State in my eye—that they had the best system in that State the world ever saw with one exception, that there ought to be an appeal from the supreme court to a justice of the peace. But as no appeal is allowed from the Supreme Court of the United States it follows that their judgments are conclusive. So of this court-martial. No appeal being provided from their findings, they having jurisdiction of the subject-matter and of the person to be tried, and there being no

appellate jurisdiction, it results necessarily that their judgment is final.

I have already referred to it, but at the suggestion of my friend from New York [Mr. CONKLING] I will read the fifth article of amendment, showing how completely courts-martial are recognized without being named in the Constitution. Article 5 of the amendments is as follows:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, &c.

The other provision is that Congress shall have power—

To make rules for the government and regulation of the land and naval forces.

Now take the two together. The authority of the court-martial, that is the power to create one and its power to proceed after it is created, is as clearly recognized by the Constitution as though it had spread out in precise words what rules and regulations might be provided by Congress, and that courts-martial should try military offenses.

How was the British army governed for I do not know how many years before our Revolution? By courts-martial. Offenders were tried and punished, were shot and whipped, by sentence of courts-martial. That was in the eye of the framers of the Constitution. The history of England in that respect was familiar to them; and when they provided affirmatively, that Congress should have power to make rules for the government of the Army and fixed no limitation upon that power, and when they said, referring to civil citizens, in the amendment, that no man shall be tried except on presentment of a grand jury except in a case arising in the land or naval service, the two provisions taken together as clearly recognize and as clearly authorize the establishment of courts-martial as the Constitution authorizes the establishment of any of the circuit courts of the Union. They are courts of special jurisdiction; but acting within their jurisdiction their judgment is as conclusive as the judgment of any other court.

Go to England; look at her ecclesiastical courts. In a case committed to them and over which they have exclusive jurisdiction their decision is as binding as the decision of the Lord Chancellor on the king's bench, and for that universal reason which pervades all jurisprudence and all courts, that where there is no appeal provided from a tribunal authorized to hear a cause its finding must be conclusive; and so the courts of England hold the decisions of the ecclesiastical courts.

The Senator from Illinois read upon this subject from the case of *ex parte* Reed, recently decided by the Supreme Court, and not yet reported. It is so important, it is so clear on this subject, that I beg to read it again. Speaking of a court-martial the court say:

The court had jurisdiction over the person and the case.

I have never heard it disputed by any man or from any source that the court-martial that tried Porter had jurisdiction of the case and the person. He certainly appeared there, and made his defense. That gave them jurisdiction over him. The law gave them jurisdiction over the subject-matter. Now the court say:

The court had jurisdiction over the person and the case. It is the organism provided by law and clothed with the duty of administering justice in this class of cases. Having had such jurisdiction, its proceedings cannot be collaterally impeached for any mere error or irregularity, if there were such, committed within the sphere of its authority. Its judgments, when approved as required, rest on the same basis, and are surrounded by the same considerations which give conclusiveness to the judgments of other legal tribunals, including as well the lowest as the highest, under like circumstances. The exercise of discretion within authorized limits cannot be assigned for error and made the subject of review by an appellate court.

We do not overlook the point that there must be jurisdiction to give the judgment rendered, as well as to hear and determine the cause. If a magistrate, having authority to fine for assault and battery, should sentence the offender to be imprisoned in the penitentiary or to suffer the punishment prescribed for homicide, his judgment would be as much a nullity as if the preliminary jurisdiction to hear and determine had not existed.

This court-martial was convened according to law. It was composed of proper and of eminent persons. It proceeded according to the forms of law. It heard this case, having this person at its bar as a defendant. Its proceedings passed under the review of the President of the United States, and met his approval, and Porter was dismissed from the Army seventeen years ago. From that hour to this he has been as much a private citizen as you, sir, or myself, and the decision of that court, upon the general principles which I have mentioned, and upon the authority of this decision of the Supreme Court of the United States, is as conclusive and as far beyond the reach of Congress as any judicial judgment ever pronounced in the United States by any court, civil or military. The only relief that can be afforded to Porter is by an exercise of the pardoning power. The President can grant him a pardon to-day, if he sees fit. Such pardon would wipe away the ineligibility clause of the sentence; after which the President could nominate and by and with the advice of the Senate appoint him to any vacant office under the Government, civil or military.

I am told, I do not know what the fact is, that General Porter has never applied for a pardon. I submit to you, Mr. President, and to the Senators, that under the circumstances of this case General Porter is not at liberty to set his frown upon the only power in the Constitution that can relieve him and invoke us to exercise a power the

Constitution denies to us. He has been sentenced; he has been dismissed; he is a private citizen; he may like it or dislike it; he may think it right or wrong, but after that judgment was pronounced and approved, and the record sealed up forever, the only power in this Government, to relieve him, is the pardoning power of the President. Is it any humiliation in him to apply to that legitimate power, which may still reach his case, which is ample, which is copious, which flows like streams from rising springs? That may meet his case and violate no provision of the Constitution. We cannot touch his case for one purpose or another without violating the Constitution, violating our oaths to support it.

Mr. President, there are certain provisions of the Constitution still observed. Every Senator who comes into this place has to appear at the desk and swear to support the Constitution of the United States. What does that mean? It does not mean that he is to shoulder a musket and go and fight for the Union. He comes here as a Senator; he swears that in his capacity as a Senator he will support the Constitution. When a bill is presented here and I am asked to vote for it and I believe it to be unconstitutional and vote for it, do I support the Constitution? Do I obey that oath? In the great controversies which took place in the Senate some fifty years ago, upon nullification and kindred subjects, Mr. Webster was supporting the Constitution as much as General Sherman was when he was marching to the sea. Each was performing the task assigned him by the Constitution in the way appropriate to his place.

Webster by his invincible arguments establishing the nationality of our Government, its supremacy within the sphere fixed by the Constitution, disproving the power of the States to nullify the constitutional acts of Congress, vindicating the power of the Supreme Court to declare what acts of Congress were constitutional, was as much supporting the Constitution as any general or any soldier who shed his blood for it on the field of battle. And the converse is a painful fact. If we sit here and vote for a bill we believe to be unconstitutional we not only violate the Constitution but we violate our oath to support the Constitution. To support means to hold up, to vindicate, to give aid to, not to trample under foot because some friend or some political favorite, or some great man in the land wants us to do something which we have no authority to do.

As I have said, the only power that can reach General Porter's case is the power of pardon. Everybody concedes that Congress cannot exercise the power to pardon.

The Senator from Illinois read a case here yesterday, I think from Alabama, where the Legislature, wishing to relieve a man from a judgment passed against him for violating the law in a criminal case, appropriated him so much money as would pay the fine. The courts held that relieving him from that was the exercise of the pardoning power, and although the Legislature might appropriate money almost as it pleased yet if a particular bill showed on its face that it was intended to be a pardon, that it was intended to relieve the man from the consequences of that judgment, then it was substantially an exercise of the pardoning power, and was unconstitutional and void.

What are we called upon by this bill to do? If General Porter had never been court-martialed no appeal would have been made to us; if he had not been convicted, no appeal would have been made to us. He was tried, he was convicted, he was sentenced, he was driven from the Army in disgrace. He appeals to us by this bill to do what? To restore him to his place, to put him where he would be in the language of the original bill if there had never been a court-martial. Now, I appeal to all the lawyers of this body to know if that be not an exercise of the pardoning power. What more could the President do? The President could say, "I pardon Fitz-John Porter for the offense for which he was convicted by this court on such a day." Is not that precisely what you are asked to do in a different phraseology? Are you not called upon here in passing this bill to relieve him from the consequences of that judgment? Are you not called upon to change the phrase without changing the statement to pardon Fitz-John Porter? Does any man claim that pardon can be granted by Congress?

One word now upon another subject, and that is the punishment inflicted by this court. In examining this question I have fallen upon an opinion delivered by Mr. Evarts dated November 24, 1868, in a case where a man had been tried by court-martial under a statute which authorized the court to punish him by fine, imprisonment, or otherwise, in its discretion. It is in the twelfth volume of *Opinions of Attorneys-General*, page 528. Delivering his opinion in that case Mr. Evarts held that under a statute authorizing "fine, imprisonment, or such other punishment as the court-martial shall adjudge," the punishment of disqualification from making contracts with the Navy was not allowable. The man had been a contractor and had been guilty of fraud in his contracts and the acts of Congress provided that any man who made a contract should be regarded as *pro tanto* in the military service of the Government and should be amenable to the military law, and if a court-martial should convict him of this offense he might be punished by fine or imprisonment or other punishment in the discretion of the court. Mr. Evarts held that the other punishment in the discretion of the court would not include disability which was not named in the statute.

There are some general expressions in the opinion which would seem to apply to all cases; but it is as true of an opinion of an attorney-general as it is of an opinion of a court that to be dealt with

fairly it must be construed in reference to the case in which it was pronounced; and I would say that in a case where the statute authorized only fine and imprisonment or such other punishment as the court might adjudge, the words "such other punishment" meant such other lesser punishment as the court may inflict; it certainly would not authorize a man to be shot. But in this case the article of war under which Fitz-John Porter was tried is the ninth article and it provides that:

Any officer or soldier who * * * shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offense, be inflicted upon him by the sentence of a court-martial.

It is a maxim of the law that what may not be done by a court or by a legislature directly cannot be done indirectly; but I have never heard the converse of this maxim asserted. I have never heard it said that what a court or power could do indirectly, it could not do directly. If that court thought it essential to exclude Fitz-John Porter from all offices of honor, profit, and trust, they had it in their power to effect that purpose. The act passed by Congress authorized that court on convicting the defendant to sentence him to be hanged or shot. That would have disqualified him from holding any office of trust, honor, or profit under the United States, with a vengeance. Now can it be maintained that where a court may take a man's life as a punishment, they cannot exclude him from office and save his life? In other words, does not the greater include the less in this as in all other instances? It is perfectly clear that the court under that article of war had jurisdiction to sentence him to death. That there is no doubt about; and having that, they had a right to inflict any lesser punishment.

Then the only restriction upon them was the clause of the Constitution that cruel and unusual punishments should not be inflicted. This certainly was not a cruel or unusual punishment. Disqualification to hold office, as a penalty for crime following conviction, exists by the laws of almost all the States, and our Revised Statutes are full of provisions which prescribe that when a man is convicted of certain offenses, a part of his sentence shall be that he is disqualified to hold any office of honor, or trust, or profit.

Now, Mr. President, I shall leave this case. I had intended to review the testimony on the question, Was Porter guilty? There are two reasons why I do not. In the first place I think it wholly unnecessary, because if we have no constitutional power to pardon, or what is the same thing relieve him from any part of that judgment, it is immaterial whether he was guilty or was not guilty. In the next place, that part of the task has been performed by the Senator from Illinois so much better than I could do it, that I will not take the risk of weakening the impression he made by going over the same ground.

Mr. President, I have no feeling against Fitz-John Porter of any kind. I was with him a year at the Academy at West Point. I had always esteemed him until this affair occurred. In all his former history in the Army, no man ever questioned his courage, no man ever questioned his devotion to the flag. He stood high; he performed his duty well, and was entitled to praise and credit, and had it too from all sources; he was brevetted for gallant conduct, but as the Senator from Illinois well said yesterday, those things become aggravations of his offense under the circumstances of this case.

The testimony here, which I have examined pretty fully, convinces me, not that Porter was disloyal to the Union, not that Porter meant that the South should succeed in breaking up the Government, but he was devoted to McClellan; McClellan was the idol of his heart and the star of his hope. He wanted to see McClellan succeed first. He wanted to see our cause prosper, but he wanted McClellan to lead us to victory. He was the man to whom he was attached, the man on whom all the affections of his heart seemed to be centered; and it was bitter as death to him when McClellan was supplanted in command and succeeded by a man for whom he seems to have had great contempt. That was the fault and caused the fall of Fitz-John Porter, who, like Lucifer, fell, never to rise again.

Why, look at the offense of which he has been convicted—and I think the testimony sustains the finding of the court. There a battle was raging, upon which the fate of this nation might be depending. Orders were issued to him again and again, which he disregarded; which he flatly disobeyed, and when finally, in obedience to the positive order to come and report on the battle-field to Pope in person, he did come up; he came up, as it is said, without one of his brigades, and so tardily as to show that he had no wish for Pope's success, and no desire to obey the order. Why, Mr. President, life depended on his obedience—the life of an army, perhaps the life of a nation. If General Porter should go down the Avenue to-day and kill a man he would be indicted, tried, sentenced, and hanged—life for life. Upon this admeasurement of justice what shall be done with a man who by his criminal conduct sacrificed the lives of twenty thousand soldiers? The battles rendered necessary in consequence of his neglect of duty, but for which we would have had a victory on the first day, as the Senator from Illinois stated yesterday, resulted in the loss of about twenty thousand men. Upon this principle of admeasurement, if Fitz-John Porter had twenty thousand lives, they were all forfeited to the State.

The people of my own State I know felt it keenly. The loss fell heavily upon us. What was called the "Iron Brigade" in the Army of the Potomac was made up of three Wisconsin regiments and one

from Indiana, I think the Nineteenth Indiana, as brave a body of men as ever trod a battle-field; a body of men who, for heroism, for endurance in the privations of war, and for soldierly bearing and conduct everywhere, would not suffer by comparison with the Old Guard of Napoleon. In one of the battles of that campaign, this brigade lost in killed and wounded, one-third of its numbers. This was before Porter's disobedience of orders, but as the campaign was turned from a success to a defeat by Porter's disobedience, all their lives were sacrificed in vain, which otherwise would have been a part of the price paid for the success of the campaign. Every train of cars that penetrated the interior States for months afterward came freighted with the sacred remains of our slaughtered soldiers. These were piled up at railway stations like merchandise. They sleep now in the graves that dot every high hill and every green valley in Wisconsin. Our people will not soon forget Fitz-John Porter. They will never forgive him. They would not soon forget me and never forgive me if I should stand here as their representative and vote to put Porter back where he would have been if he had not committed this unspeakable crime, and pay him all that he would have had if he had remained in the service and served his country faithfully.

Queer things are being done these days. This thing may be done by the Senate. It will not be done by my vote. Were I to vote for this bill I should fancy that the tears of widows and orphans were moistening the dust at my feet; I should imagine that the disembodied spirits, the frowning shades of twenty thousand soldiers, slaughtered in vain, were mustering in this Chamber to scourge me from my seat. Nevertheless, Mr. President, God's will be done. It may be that even this last travesty upon justice is necessary. They tell us that whom the gods mean to destroy they first make mad. It may be, although it seems impossible, that the democrats are not mad enough yet to insure their total destruction. This last act may be needed to convince the American people that, to insure a proper discrimination between virtue and vice, to fix the proper ban on disloyalty and hold rebellion in check, we need in the White House once more the steady hand, the cool head, and the patriotic heart of U. S. Grant. [Applause in the galleries.]

Mr. BAYARD. Mr. President—

Mr. DAVIS, of Illinois. The Senator from Delaware does not wish to proceed now, I suppose. If the Senator will yield, I move that the Senate adjourn.

Mr. GARLAND. I think there is some executive business we might transact, and I suggest that we have an executive session.

Mr. DAVIS, of Illinois. I withdraw the motion for that purpose.

AMENDMENT TO A BILL.

Mr. PADDOCK submitted an amendment intended to be proposed by him to the post-route bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

EXECUTIVE SESSION.

Mr. GARLAND. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at three o'clock and forty minutes p. m.) the Senate adjourned.

IN SENATE.

MONDAY, March 8, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Saturday last was read and approved.

DISTRICT WATER SUPPLY.

The VICE-PRESIDENT laid before the Senate a letter from the commissioners of the District of Columbia, in reply to a resolution of the Senate relative to an additional water supply on Capitol Hill; which was referred to the Committee on the District of Columbia.

He also laid before the Senate a letter from the commissioners of the District of Columbia, in reply to a resolution of the Senate relative to the waste of water in the District; which was referred to the Committee on the District of Columbia.

PEABODY EDUCATION FUND.

The VICE-PRESIDENT presented the following memorial; which was read:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The trustees of the Peabody education fund respectfully represent: That, in administering the great trust committed to them by the late George Peabody, their attention has been turned to the vital necessity of national aid for the education of the colored population of the Southern States, and especially of the great masses of colored children who are growing up to be voters under the Constitution of the United States.

That the subject of invoking such aid was referred for consideration, in October last, to a special committee of their board, consisting of Alexander H. H. Stuart, of Virginia, Morrison R. Waite, of Ohio, and William M. Everts, of New York; and that the report of this committee, after careful deliberation, has now received the unanimous assent of the trustees, and of their general agent, Dr. Sears.

The trustees ask leave to submit this report to the consideration of Congress,

with an expression of their earnest hope that it may receive an early and favorable attention, and that seasonable provision may be made for meeting an exigency which concerns the best interests of the whole Union.

ROBERT C. WINTHROP, *Chairman.*
GEORGE PEABODY RUSSELL, *Secretary.*

WASHINGTON, February 20, 1880.

The VICE-PRESIDENT. The communication, with the accompanying report, will be printed and laid upon the table, the subject-matter having been reported on to the Senate.

PETITIONS AND MEMORIALS.

Mr. ROLLINS presented the petition of John L. Spring and others, citizens of Lebanon, New Hampshire, praying for the removal of the United States circuit and district courts from Exeter to Concord, in that State; which was referred to the Committee on the Judiciary.

He also presented a memorial of Henry M. Baker and others, of the District of Columbia, in favor of the selection of square 686, in the city of Washington, for the site of the proposed national Library building; which was referred to the Committee on the Library.

He also presented the petition of T. C. Basshor & Co., of Baltimore, Maryland, praying for an appropriation to pay them for certain ship-knees furnished by order of the head of the Bureau of Construction and Repair, Navy Department; which was referred to the Committee on Appropriations.

Mr. ALLISON. I present a joint resolution of the General Assembly of the State of Iowa, in regard to meandered lakes in that State. I ask that it be read and referred to the Committee on Public Lands.

The joint resolution was read, and referred to the Committee on Public Lands, as follows:

Joint resolution in regard to meandered lakes in the State of Iowa.

Be it resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed and our Representatives requested to use their best endeavors to secure the relinquishment by the United States to the State of Iowa of the title to all meandered lakes within the limits of the State; the State to take care that such lakes be preserved and in no event to part with the title thereto.

LORE ALFORD,
Speaker of the House.
FRANK T. CAMPBELL,
President of the Senate.

Approved February 27, 1880.

JOHN H. GEAR.

STATE OF IOWA.

I hereby certify that the foregoing is a true copy of the original joint resolution. Witness my hand and the great seal of the State this 4th day of March, A. D. 1880.

[SEAL.]

J. A. T. HULL,
Secretary of State of Iowa.

Mr. DAVIS, of Illinois, presented the petition of 21 soldiers, now located at or near Osage Mission, Kansas, praying for the passage of what is called the Weaver bill; which was referred to the Committee on Finance.

He also presented a memorial of the board of supervisors of Lee County, Illinois, praying Congress to include Lake Horicon and Rock River in a system of public works which has for its object to provide sufficient water for the Upper Mississippi during the season of low water; which was referred to the Committee on Commerce.

He also presented a memorial of 30 citizens of Illiopolis, Illinois, remonstrating against any further legislation in the form of postal laws, or otherwise, which shall have the effect to abridge the freedom of the press and of speech and the inviolability of the mails; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. RANDOLPH. I present a concurrent resolution of the Legislature of New Jersey, regarding the heroic conduct of the officers and men of life-saving station or district No. 4, urging a more suitable compensation for their services, &c. I wish to have the resolution read.

The VICE-PRESIDENT. The resolution will be reported.

The resolution was read, and referred to the Committee on Appropriations, as follows:

Concurrent resolution.

Whereas during the late terrible gale and storm on the New Jersey coast, on the night of 2d and morning of the 3d of February, 1880, several vessels were driven on shore, with their passengers and crews, between Sandy Hook and Cape May, on said coast, and were wrecked; and

Whereas during the said gale and storm the captains and crews of the life-saving stations in district No. 4, State of New Jersey, by their courage and discretion, at the great peril of their own lives, rescued and delivered from imminent death almost the entire number of persons so imperiled: Therefore,

1. *Be it resolved by the senate (the house of assembly concurring) of the State of New Jersey, That the Legislature of this State hereby expresses its sincere gratitude for, and earnest admiration of, the heroic conduct evinced during the said gale and storm by the captains and crews of the life-saving stations in the district No. 4.*

2. *And be it resolved, That the life-saving service, under its efficient management, has been so successful in its humane endeavors to rescue shipwrecked passengers and sailors, that we respectfully recommend the Congress of the United States to not only increase the facilities of the service, but also to provide an adequate compensation, if the same is not now sufficient, for the services of the men whose heroism in this humane work excites and commands the admiration of the world.*

3. *And be it resolved, That his excellency, the governor of the State of New Jersey, be requested to transmit a copy of these resolutions to the Senators and Representatives of this State in Congress, now in session.*

Mr. JONAS presented a concurrent resolution of the Legislature of the State of Louisiana, in favor of an appropriation for the purpose of dredging and removing obstructions to navigation from the mouth of the Calcasieu River, where it empties into the Gulf of Mexico, in

the parish of Cameron, to Phillips's Bluff, on the Calcasieu River, in Calcasieu Parish, Louisiana, and the mouth of the Mermentau River; which was referred to the Committee on Commerce.

Mr. DAWES presented the petition of merchants, manufacturers, and consumers, of Massachusetts, Ohio, Georgia, New Jersey, New York, and Rhode Island, interested in and using chrome iron ore and bichromate of potash, praying for the removal of the prohibitory duties now levied upon these articles; which was referred to the Committee on Finance.

Mr. DAWES. I present the petition of the Woman's Temperance Union of Washington, District of Columbia, praying that in order to promote peace and good order and protect the right of property in this District the attention of Congress be called to the propriety of abolishing or limiting the use of intoxicating liquors rather than increasing the police force. I move its reference to the Committee on the District of Columbia.

The motion was agreed to.

Mr. INGALLS. I present the petition of Edmund Gurnsey, a citizen of Kansas, praying for relief in regard to his homestead entry at Concordia, Kansas. I move its reference to the Committee on Public Lands.

The motion was agreed to.

Mr. INGALLS presented the petition of C. T. Ewing, editor of the Thayer Head-Light, praying for the reduction of the duty on printing-paper, and for the placing of certain chemicals and other materials on the free list; which was referred to the Committee on Finance.

Mr. KIRKWOOD presented additional papers in regard to the claim of the heirs of John Clark, formerly register of the land office at Iowa City, Iowa, praying additional compensation for extra labor performed and expenses incurred in the execution of the duties of that office; which were referred to the Committee on Claims.

He also presented additional papers in regard to the claim of John M. Stockdale, ex-register of the United States land office at Fort Dodge, Iowa, praying additional compensation for extra labor performed and expenses incurred in the execution of the duties of that office; which were referred to the Committee on Claims.

Mr. CONKLING presented the petition of Benjamin F. Ray, Comstock Brothers, and other druggists of the city of Utica, New York, praying for the repeal of the law taxing medicinal preparations, perfumery, and cosmetics; which was referred to the Committee on Finance.

He also presented the petition of Morris A. Myers & Co., and others, shoe manufacturers of the State of New York, remonstrating against the extension of the McKay Sewing-Machine Association patents; which was referred to the Committee on Patents.

Mr. HAMPTON presented the petition of J. W. Stribling, A. S. Todd, and 29 others, citizens of the county of Oconee and adjoining counties, South Carolina, touching the erection of a public building in the city of Greenville, South Carolina; which was referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1394) to increase the police force of the District of Columbia, reported it with amendments.

He also, from the same committee, to whom the subject was referred, reported a joint resolution (S. R. No. 90) directing the Attorney-General of the United States to take steps for the condemnation of certain lands, and for other purposes; which was read twice by its title.

Mr. DAVIS, of Illinois. The Committee on the Judiciary have had under consideration the memorial of John D. Defrees, Public Printer, praying for the passage of an act directing the proper accounting officer of the Treasury to credit him with \$9,813, the amount of money belonging to the United States and stolen from him, together with the bill (S. No. 1090) to relieve John D. Defrees, Public Printer, and accompanying papers; and they beg leave to report that the memorial and bill should have been referred to the Committee on Finance, as where the accounts of a public officer with the Treasury are not closed that is the proper committee. There is no legal question involved in the case as a reason why the Judiciary Committee should consider it. They therefore request that they be discharged, and that the memorial, bill, and accompanying papers be referred to the Committee on Finance.

The report was agreed to.

Mr. GARLAND. The Committee on the Judiciary have had under consideration a resolution instructing them to inquire whether any, and if so what, legislation is necessary to enable the real-estate owners in the District of Columbia to obtain decrees to quiet titles, &c., and have instructed me to report that they know of no further legislation that is necessary. They therefore ask to be discharged from the further consideration of the resolution.

The report was agreed to.

Mr. GARLAND. The Committee on the Judiciary have had under consideration a bill (S. No. 961) for the relief of Henry Head, of Quincy, Illinois. It is simply a claim for payment upon a contract by him with the Government, involving no particular question of law. The Committee on the Judiciary have nothing to do with the case, and they have therefore instructed me to report the bill back and ask that it be referred to the Committee on Claims.

The VICE-PRESIDENT. That change of reference will be made.
Mr. ANTHONY. The Committee on Printing, to which was referred a letter of the Secretary of War in relation to binding for the libraries of the bureaus of the War Department, and similar letters from the Secretary of the Interior and the Secretary of the Navy in relation to their Departments, have instructed me to report a bill.

The bill (S. No. 1435) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879," approved June 20, 1878, was read twice by its title.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1079) regulating the times and places for holding the district courts of the United States for the district of Maine, reported it with amendments.

Mr. THURMAN, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1408) to further amend the act entitled "An act to reorganize the courts of the District of Columbia, and for other purposes," approved March 3, 1863, and to repeal section 861 of chapter 24 of the Revised Statutes of the District of Columbia and re-enact the same as amended, reported it with amendments.

CHANGE OF REFERENCE.

Mr. CALL. On Saturday I asked the reference of the bill (S. No. 1434) for the relief of the estate of William D. Moseley, which I presented by request, to the Committee on Claims. I ask that the Committee on Claims be discharged from the further consideration of the bill and that the reference be changed to the Committee on Naval Affairs.

The VICE-PRESIDENT. The Chair hears no objection, and the request is granted.

TOLLEY AND EATON.

Mr. HARRIS. A bill (S. No. 170) for the relief of Tolley and Eaton was introduced by myself and referred to the Committee on Claims, from which it was favorably reported by the Senator from Alabama, [Mr. PRYOR.] The matter having been adjusted by the Department, I now move that the bill be postponed indefinitely.

The motion was agreed to.

BILLS INTRODUCED.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1436) to restore to the pension-roll the name of John E. Babbitt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1437) for the relief of the mission of Saint James, in Washington Territory; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. BECK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1438) for the relief of Harry L. Todd, of Kentucky; which was read twice by its title, and referred to the Committee on Finance.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1439) to confirm the Stratton survey of the pueblo of San Francisco; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. CONKLING (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1440) for the relief of M. D. Titworth, postmaster at Adams Centre, New York; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. INGALLS, it was

Ordered, That the petition and papers of Royal W. Riddle be withdrawn from the files of the Senate and referred to the Committee on Military Affairs.

COST OF THE CIVIL WAR.

Mr. KIRKWOOD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate the amount of money expended by the United States for all purposes necessarily growing out of the war of the rebellion, and specifying separately the amount paid on the principal of the public debt thereby incurred, the amount of interest paid on such debt for each year; the amount paid each year for pensions, including arrears of pension, and the amount paid to soldiers and sailors of that war, under laws passed since its close. And that such information be brought down, when convenient, to the 1st day of January, 1880.

SEIZURE OF VESSELS FOR SMUGGLING.

The VICE-PRESIDENT. The morning business being through the Calendar of General Orders will now be called, commencing at the point reached on Saturday last.

The bill (S. No. 939) to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws, was announced as first in order and the bill was considered as in Committee of the Whole. It provides that no vessel used by any person or corporation, as common carriers, in the transaction of their business as such common carriers, shall be subject to seizure or forfeiture by force of the provisions of title 34 of the Revised Statutes of the United States unless it shall appear that the owner or master of such vessel, at the time of the alleged illegal act, was a consenting party or privy thereto.

Mr. COCKRELL. Is there a written report.

The VICE-PRESIDENT. There is no report accompanying the bill.

Mr. COCKRELL. I should like to have an explanation of the bill.

Mr. KERNAN. I would state that the bill simply declares that a vessel used as a common carrier of persons and freight shall not be forfeited by any illegal act, unless it shall appear that the owner or master at the time of the alleged illegal act was a consenting party or privy thereto.

A very large number of petitions have been presented for the passage of such a bill, which the Committee on Finance have carefully examined. They believe it is right and fair that a vessel should not be forfeited where a passenger, or even a sailor, smuggles in goods or anything else where neither the owner nor master nor any of the officers had any knowledge of the matter at all. The goods are forfeited and the person so smuggling is liable to the penalty of the law, of course. The Committee on Finance was unanimous in recommending the bill.

Mr. HAMLIN. Will the Senator be kind enough to read the section to which the bill refers, if he has it before him?

Mr. KERNAN. It takes this out of a very large number of sections where either the owner or master knew or consented in any way to the illegal act. It is taken out of various sections under title 34.

Mr. HAMLIN. Let me inquire of the Senator from New York if it will not result in this, that if you exonerate the vessel from all penalties in case of a violation of the law the owners will put their vessels into the hands of those persons who will violate the law and thus escape the penalty?

Mr. KERNAN. Allow me to say that wherever the master, the person controlling at the time, consents to or knows of any act of this kind, the vessel remains liable to forfeiture just as it is now. But it is stated in these petitions that oftentimes a passenger brings in goods, or some steward or sailor does it, and the vessel becomes liable to forfeiture. This, it is said, subjects the owners to great hardships, and often to exactions which, when they afterward apply to have remitted, are remitted. The bill was sent to the Treasury Department and the sections were looked into. We do not understand that there is any danger to the revenue from enacting the proposed law.

I will say one other thing. This is only making the law as to these vessels the same as it is now as to all the railroad cars which come into our country from Canada.

There was an objection first made to relieving them from certain sections, but upon examining those sections they were found to be cases where the master, the man controlling the vessel at the time as master, violated the law, and then he is not exempt at all by this bill.

Mr. BAYARD. I will say to my friend from Maine that the object of this bill is to relieve vessel property from penalties totally disproportionate to the offense charged. In the case of a valuable steamship with her cargo, worth, perhaps, a million dollars, the captain and the owners may have exerted every precaution that honesty and prudence could devise for the purpose of preventing the smallest amount of smuggling or the like, and yet under existing laws, without their fault, without their connivance, there is the forfeiture of property to an enormous amount. It is the disproportion of the penalty to the offense that weighs upon the minds of merchants along the coast until they feel that while the penalties never have been exacted against them, still the law subjects their vessels to seizure, it subjects them to vast expense. When the Department examine they refuse to prosecute, but in the mean time the law stands there, subjecting an enormous amount of property to forfeiture for the most trivial offense.

I will say to the honorable Senator from Maine that wherever the offense exists the offender is not in any degree relieved from penalty. On the contrary, the punishment as to him continues, and wherever smuggling occurs the goods themselves are forfeited and the person who smuggled them is subject to punishment. There is no amendment of the laws in that respect. Where the captain or owner is cognizant of this attempted fraud, the vessel is still liable to forfeiture; but the object of the bill is to relieve them against, as I said before, the obvious disproportion of the penalty to the offense, which would subject millions of dollars to forfeiture strictly under the law without the least fault upon the part of the real owner of the entire steamship or cargo.

This measure is therefore a reformation in the existing laws which I do not think tends at all to exonerate dishonest men from the consequences of their acts, but leaves them liable to punishment just as before, except that it does not allow the effect of their evil conduct to extend to an enormous amount of property. The matter has been very carefully examined.

Mr. HAMLIN. If the Senator will pardon me one moment; I am not going to object to the bill. I did not understand it as both the Senators have explained it. I thought it exculpated the vessel even when the captain was implicated.

Mr. BAYARD. Oh, no.

Mr. KERNAN. No; we were very careful on that point.

Mr. HAMLIN. Still I will say that while I think if a passenger smuggles small amounts or if the crew indulge in the luxury of smuggling small amounts, the owners of the vessel ought not to be held liable; and if I am right in my recollection the amount now must be equal to \$300 or the vessel is not forfeited. I think that is the law.

Mr. KERNAN. Not in all cases.

Mr. HAMLIN. But still believing the bill to be right, I interpose no objection. If it had exonerated the captain from the list, I certainly should have objected.

Mr. KIRKWOOD. I should like to ask the Senator from New York a question. Does the Treasury Department think that this will not tend to increase the danger of smuggling? They ought to have some opinion on the subject. I do not know what it is at all.

Mr. KERNAN. The Treasury Department objected at first because they thought the bill left certain things without any adequate guard against. I had all the sections they referred to examined, and they are all cases where the master does an act and thereby incurs a penalty, and the vessel is liable for that penalty. This bill leaves the law just so. The clerk examined every one of the sections, and I looked at them myself, so that we believe it is entirely safe to the Government. It enforces the rule that a man ought not to have very large amounts of property forfeited in a legitimate business where neither he nor the man controlling his vessel, the master, is in any way privy, had any knowledge of, or in any way consented to the illegal act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM MCGOVERN.

The next bill on the Calendar was the bill (S. No. 474) for the relief of William McGovern; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments: in line 4, after the word "cause," to insert "to be issued to;" in the same line, after the name "McGovern," to insert "late;" and in line 5, after the word "volunteers," to strike out "to be mustered out and honorably discharged" and to insert "an honorable discharge;" so as to make the bill read:

Be it enacted, &c., That the Secretary of War is hereby authorized and directed to cause to be issued to William McGovern, late of Company C, of the late First Regiment New York Volunteers, an honorable discharge from the service, to date from September 9, 1861.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EQUALIZATION OF HOMESTEADS.

The next bill on the Calendar was the bill (S. No. 1085) to equalize homesteads; which was read.

The VICE-PRESIDENT. The bill is reported favorably from the Committee on Public Lands with amendments. The amendments will be read.

Mr. COCKRELL. I should like to have an explanation of the bill.

Mr. PADDOCK. The object of the bill is simply to allow persons who, because of their poverty, or from one cause or another, have not been able hitherto to command sufficient fees to take a homestead of fully one hundred and sixty acres, to make up the deficiency if they have become able and may desire to do so. That is all there is of it. If they desire to abandon altogether the eighty acres or forty acres which they may have taken under existing law, they may do so and take up one hundred and sixty acres elsewhere; that is all. It is a very simple proposition, and I am sorry to find the Senator from Missouri disposed to antagonize it.

Mr. COCKRELL. Suppose a settler had already taken eighty acres or one hundred and twenty acres, would he be entitled to take another eighty acres or another forty acres in some other locality?

Mr. PADDOCK. That is it; but if he takes it of lands not contiguous to his original entry he must plant forest or fruit trees, or do some work upon it to show good faith.

Mr. COCKRELL. Can he go elsewhere and take it?

Mr. PADDOCK. He may go elsewhere and take it, but the cultivation of trees is a requirement in that event. And this will be a good and sufficient consideration for the right proposed to be extended to him by this bill.

Mr. COCKRELL. I doubt the propriety of the measure. I think it is an extension of right beyond anything that has ever been given yet, to locate eighty acres here, another eighty acres there, at different places.

Mr. PADDOCK. At the last session of Congress we passed a bill authorizing settlers within the grants of railroads to take an additional eighty acres, but that was not a measure of relief to anybody, because it was not practicable to get contiguous lands within railroad limits. Now, Mr. President, it often has happened that, when people have gone from Eastern States upon homestead lands in the distant Western States and Territories, after they have arrived and made their locations they have found themselves with hardly sufficient money to pay the fees on the entry of eighty acres; and it certainly is right, after they have used their best efforts to settle eighty acres and may have been able to earn therefrom a sufficient sum to pay the additional fee for an additional eighty acres, and to undertake the planting and cultivation of trees as the bill requires, to let them have this right. There certainly can be no wrong done by, nor is there any impropriety in, the measure. It is right, proper, and just. It is a matter that is manifestly equitable, and one of great interest in the settlement of the western country. Of course, the requirement to cultivate trees is a requirement useful not only to the West, but to all parts of the country.

The VICE-PRESIDENT. Does the Chair understand the Senator from Missouri to object?

Mr. COCKRELL. Let the bill be read again.

The Chief Clerk read the bill.

Mr. PADDOCK. The Senator from Missouri will see that only in the event that the settler cannot procure land contiguous, may he go elsewhere. If he cannot procure land contiguous to his original entry then he may go elsewhere, but if he does go elsewhere he must plant and cultivate forest or fruit trees for three years, in accordance with the directions of the Land Office as to proofs of an honest and faithful performance of the duty thus imposed.

Mr. MORRILL. May I ask the Senator from Nebraska if the bill does not repeal the provision of law by which the alternate sections of railroad lands are selected, which provides that there shall be taken but eighty acres instead of one hundred and sixty? Will this bill not repeal that clause and allow the settler who has taken his eighty acres contiguous to a railroad to take eighty acres more elsewhere?

Mr. PADDOCK. Not at all. I will state for the information of the Senator from Vermont that we have already practically repealed the provision limiting entries within the limits of railroad grants. We have provided in an act that we passed at the last Congress that a person who had located within the limits of a railroad grant should have the privilege of making an additional entry of eighty acres of contiguous land. Therefore that act is virtually done away with so far as the limitation to eighty-acre locations is concerned within the limits of railroad land grants.

Mr. MORGAN. I desire time to look into this measure. I object to its present consideration.

The VICE-PRESIDENT. The bill is objected to, and goes over.

Mr. PADDOCK. I hope the Senator from Alabama will consent that the bill may go over without prejudice, in order that it may be brought up when he shall have had an opportunity to examine it, if that is what he desires.

Mr. MORGAN. I have no objection to that course.

The VICE-PRESIDENT. Does the Senate assent?

Mr. MORGAN. Let the bill go over until to-morrow.

The VICE-PRESIDENT. The Chair hears no objection, and the bill goes over without prejudice.

MORAL SCIENCE IN DISTRICT SCHOOLS.

The next bill on the Calendar was the bill (S. No. 217) to introduce moral and social science into the public schools of the District of Columbia; which was considered as in Committee of the Whole.

Mr. WHYTE. I should like to have the report read, if there is any.

The VICE-PRESIDENT. There is no report accompanying the bill.

Mr. WHYTE. Then I should like an explanation from the Senator in charge of the bill.

Mr. BURNSIDE. There are amendments to the bill.

Mr. INGALLS. I should like to hear the amendments read.

The VICE-PRESIDENT. The amendments will be reported in their order.

The CHIEF CLERK. In section 1, line 3, after the word "officers," it is proposed to insert "in the District of Columbia;" in line 4, before the word "exercises," to strike out "daily," and in line 5 to strike out "instruction" and insert "instructions;" so as to make the section read:

That the school officers in the District of Columbia shall introduce, as a part of the exercises of each school in their jurisdiction, instructions in the elements of social and moral science.

The amendment was agreed to.

The next amendment was, in section 2, line 2, after the word "lesson," to strike "every day" and insert "once a week;" so as to make the section read:

That it shall be the duty of the teachers to give a short oral lesson once a week upon some one of the social or moral virtues which characterize the good citizen, and to require the pupils to furnish, from time to time, thoughts or other illustrations of the same.

The amendment was agreed to.

The next amendment was, to strike out section 4 in the following words:

That emulation shall be cherished between the pupils in accumulating thoughts and facts in regard to the noble traits possible, and in illustrating them by their daily conduct.

Mr. WHYTE. I should like to have some explanation of the necessity of passing this bill.

Mr. BURNSIDE. The necessity arises, in my opinion, from the lack of that sort of teaching in the public schools which is contemplated by the bill. I have had letters from a great many teachers who conduct the most important private schools in the country, stating that this mode of instruction has been adopted with great success. It certainly can do no harm to the teachers and pupils to devote five or ten minutes a day to instruction of this kind. The committee thought that once a week would do to start with. I think once a day would be better. If children can be taught that it is much better to be cleanly than not so; much better to be honest than dishonest; much better to be truthful than untruthful, and if such virtues can be impressed upon them once a week, or once a day, for five or ten minutes, great good will result in time to both the children and teachers.

The provisions of the bill apply to the District of Columbia and no further, because we have no right to go further. I think it is an

experiment we can well try, and, if found not to be useful in future, the measure can be very easily repealed.

I think none of us have ever suffered from any such teaching received in our youth, but many of us have suffered from a lack of such teaching. It can do young people no harm to have the social and moral virtues explained and impressed upon them by their teachers, and it will do the teachers no harm to train themselves in exercises of that kind; in fact, I think it will be a great benefit to both teachers and pupils.

The VICE-PRESIDENT. The question is on the amendment of the committee to strike out the fourth section of the bill.

Mr. WHYTE. Why should that important section be stricken out? If there is anything in the world that ought to be encouraged it is emulation among the pupils of a school. I think that is quite as important as any other portion of the bill.

Mr. BURNSIDE. So I think, but it was thought best by the committee to strike it out, but all the essential features of the bill are retained. I think the committee were a little afraid it would excite the ridicule of the people. Now, I am not afraid of ridicule. As long as I feel that I am right it is a matter of no consequence to me how much people may laugh at anything I may do. If I am satisfied that I am right and moving in the right direction, and trying to do something to benefit my friends and neighbors, people can laugh as much as they please. I am not afraid of that paragraph of the bill myself. It does not affect the duties that the bill imposes on teachers or on children, and therefore I did not strenuously object to having it struck out as long as the principle of the bill was retained.

The VICE-PRESIDENT. The question is on agreeing to the amendment striking out the fourth section.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERNATIONAL SHEEP AND WOOL SHOW.

The next bill on the Calendar was the bill (S. No. 1229) to authorize and direct the Commissioner of Agriculture to attend, in person or by deputy, the international sheep and wool show, to be held in the Centennial buildings, Fairmount Park, Philadelphia, in September, A. D. 1880, and to make a full and complete report of the same, and for other purposes; which was considered as in Committee of the Whole.

The first section directs the Commissioner of Agriculture to attend, in person or by deputy, the international sheep and wool show, to be held in the Centennial buildings, Fairmount Park, Philadelphia, in September, 1880, and to make a full and complete report of the same.

The second section provides that all sheep and wool which shall be imported for the sole purpose of exhibition at this international show shall be admitted without the payment of duty or customs fees or charges, under such regulations as the Secretary of the Treasury may prescribe, but all sheep and wool which shall be sold in the United States, or withdrawn for consumption therein at any time after such importation, shall be subject to the duties, if any, imposed on like imports by the revenue laws in force at the date of importation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOMESTEAD SETTLERS.

The next bill on the Calendar was the bill (S. No. 316) for the relief of homestead settlers on the public lands; which was considered as in Committee of the Whole.

Mr. DAVIS, of West Virginia. Is there a report with that bill?

The VICE-PRESIDENT. There is a report.

Mr. DAVIS, of West Virginia. Let it be read. I wish to state that I understand there is now a commission or board examining the whole homestead land question, and probably it would be well to wait for their report before any bills of this character are passed; and especially a bill which appears to make such radical changes of the homestead law.

Mr. BOOTH. The Senator certainly has not listened to the reading of this bill or he would not say there is any radical change of the land laws in this bill. It simply proposes that the homestead settler, as to the time when his right accrues, shall occupy precisely the same ground that the pre-emption settler now occupies. It is a very simple bill and one of the most mild in regard to the land laws that has been considered during this or any other Congress, and is in strict accordance with the policy that has long prevailed of increasing the rights of the homestead settler, rendering an inducement that all the public lands shall be settled as far as possible under the homestead law in preference to any other; and it only places the homestead settler, so far as the time of the accruing of his rights is concerned, precisely on the same ground now occupied by the pre-emptor.

Mr. DAVIS, of West Virginia. Is there a recommendation from the Department, or has the bill been referred to the Department?

Mr. BOOTH. It was favorably reported at the last session of Congress, but not considered for want of time. Whether there be such recommendation as the Senator speaks of, or not, the bill ought to pass. It is not a question of practice.

Mr. DAVIS, of West Virginia. I know very little about the homestead law, not living in that section of country, and cannot speak

with definite knowledge; but I have been told that there is a board or commission now in session considering this whole question, and it may be that this bill will be in conflict with their conclusions, or it may not. I know not; but I would suggest, had it not better go over?

Mr. JONES, of Florida. I have no doubt in the world of the propriety of this bill, and the States interested in the subject all agree in regard to it.

Mr. DAVIS, of West Virginia. As I stated, I am not familiar with the provisions of this bill, and I am not familiar with the general homestead law; but it struck me on hearing the bill read that it might interfere with the Department in some way, I know not what, and that there ought to be some information obtained from the Department on the subject. It ought to have been referred there to know what the effect will be on the public lands.

Mr. JONES, of Florida. I differ with the Senator about that. I think the Committee on Public Lands are just as capable of forming an opinion on what legislation should go through here as the Land Department. The Land Department is not intrusted with any legislative power whatever; we are. This measure was considered by the Committee on Public Lands, who examined the propriety of passing it. We are not bound by the opinion of the Land Commissioner.

Mr. DAVIS, of West Virginia. Certainly not, and I did not mean to be so understood. But my point was that it would have been well and proper to know what effect the bill would have on the rulings of the Department. The Senator well knows that the laws relating to public lands and all others are carried out under rulings of the Departments, with which I am not familiar though he may be. That is the point to which I spoke.

Mr. BECK. I should like to ask the Senator from Florida a question. I see this bill assimilates homesteads to the pre-emption conditions. Can a man pre-empt land anywhere in the United States now, without taking the iron-clad oath? If so, when was that repealed?

Mr. JONES, of Florida. I think he can.

Mr. BECK. The law prohibited it for a long time, and I have never seen the repeal of it.

Mr. JONES, of Florida. Pre-emptions are perfected by persons who cannot take the iron-clad oath. That is my impression about it, though I have not looked into the law on that point.

Mr. BECK. The law prohibited it for a long time, and I never saw the repeal.

Mr. JONES, of Florida. This is a measure in the interest of settlers on the public lands; there is no doubt about that.

Mr. BOOTH. If Congress ought to abdicate all right to legislate on so great a subject as the public lands until the report of a board or a commission can be made, or until every Senator can be satisfied, without personal examination of a bill, at first glance that the bill in itself is right, then the Senator from West Virginia is right. But if we are here to legislate when a subject is legitimately brought before us, and if we are capable of forming an independent opinion without first going to a Department or a board in order to have our consciences or our judgments enlightened, then this bill ought to be considered.

Mr. PLUMB. I will respond to the inquiry of the Senator from Kentucky, by calling his attention to section 2262 of the Revised Statutes, which contains the oath and the only oath required of pre-emptors. That contains nothing that might be liable to the objection that it was iron-clad, because it is the same oath originally provided for in 1841.

This bill does not change the order of proof; but the first section changes the right of precedence in regard to entries. Under the practice now, a man's right to acquire a piece of land under the homestead law attaches from the time he files a written statement or declaration in the local land office that he intends to and does thereby enter the land. He may have been on it for months, but his being on the land, actually settling and cultivating it, gives him no right whatever. The right attaches only from the date when he enters, that is when he files a certificate of entry in the local land office. Between the time of his settling on the land and going to the local land office, some other person may have stepped in and filed a similar declaration before him and thereby taken away his right. This bill simply provides that such a man's rights shall attach on the day of settlement, when he goes on the land in such a way that his occupancy is open and notorious. Then he has thirty days, as in the pre-emption law, to send to the land office his preparatory statement. For the purpose of fixing when his right accrues, the section provides that it shall attach from the time he settles. That is the effect of the first section.

It will be seen that it does not in any wise radically change the effect of the homestead law, except that it holds out an inducement to an early settlement, and makes the right attach from the date of settlement, which the homestead law really intended to do, but which, by a construction of the Interior Department, it has not heretofore done.

Under the practice as it now exists in regard to the relinquishment of homestead entries, no homestead right can be relinquished until the relinquishment has been received at Washington, and in the regular order of business has been canceled. A man may have left five or ten years before, and yet his leaving the land becomes of no effect so far as protecting any other person in acquiring a right to that land until that original relinquishment has come to Washington, or until

a contest has been inaugurated in the local land office and the result of that has been received in Washington and acted on. During all this time the land lies absolutely vacant, no man can acquire any right to it.

The second and third sections provide that where a man actually abandons his homestead, the fact of abandonment may be acted on by any one who may go on the land and settle and acquire a right by reason of such settlement if after that time, and within the time named in the second section, he proceeds to the local land office and inaugurates a contest and carries it on successfully. It is required by section 3 that whenever a person desiring to relinquish does so relinquish it, and shall file that relinquishment in the local land office, it becomes effectual to discharge his right to that land, so that any other person can go on it and take it as effectually as if the relinquishment had been filed in Washington.

As has been well stated by the Senator from California, a man desires to relinquish a homestead; he relinquishes it in favor of some person who is willing to pay him for his improvements and settle and comply with the requirements of the homestead law. He files a relinquishment in the local land office. It is transmitted to the General Land Office. During all this time no one can acquire any legal right in that land whatever; and when the Land Office has passed upon it, the moment it has passed upon it—not at any moment of time when it shall be known at the local land office or anywhere else—but the moment the General Land Office has passed on it and decided that that relinquishment was valid and given it effect, then the land may be taken. Now the practice has grown up of having a person here in Washington watching the General Land Office, being instructed from the remote point where the land is to note the time when the Commissioner of the General Land Office passes on the location and telegraph to that effect, in order that some person there may get an undue advantage and cut out the man who has made arrangements with the original homesteader and who has in the mean time settled on the land, and prevent him acquiring title to it and getting it for somebody else.

The effect of the three sections of this bill is simply to give greater effect, as has been stated by the Senator from California, to the beneficent provisions of the homestead law, to make the rights more easily determinable, in every way to encourage actual *bona fide* settlement.

Mr. EDMUNDS. The first impression that one has from this bill is that it seems to widen the means of departing from the original theory of the homestead law, which was, if I correctly understand it, to give to any citizen of the United States who was willing to take up the proper quantity of land and live on it continuously for five years or three or whatever the time was, and improve it, and so develop the resources of the country, and find a means of supporting himself and family, a title to that land. Now, the first impression that one has of this bill or rather that I have—it may be quite erroneous and I only put it out tentatively—is that it tends toward making homestead entries what military scrip and bounty-land warrant entries were, assignable and tradable things, so that one man can go and settle for a year and then move off somewhere else and take up a new homestead or do whatever he likes, and turn over—

Mr. PLUMB. Will the Senator permit me to state to him that the first person having made a homestead entry cannot make another one; therefore a man who once makes a homestead entry, if he abandons it, cannot make another.

Mr. EDMUNDS. If that be so, of which I am not quite so sure as my friend is, it does not change the statement much. The man who has made a homestead entry for the purpose of speculation and not for a homestead throws up in favor of somebody who will pay him something, and migrates to somewhere, or comes back to Ohio or Indiana or Missouri or wherever he started from, and begins to cultivate the plenty of land there is in those States, and the next speculator comes in or jumps in, as the case may be, when he abandons; and it is proposed that the jumping in shall take effect from the moment the possession is taken, and not from the time when it is finally ascertained that the original claim had been abandoned. That is one thing which, as it strikes me in the first instance, tends to make this homestead business just like the bounty land and the military scrip, the subject of continual trade and commerce, which I did not suppose was the theory of the homestead law at all.

Then there is another thing in the first section of this bill, which at first impression strikes me as rather strange, and that is:

That any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed—

May do so and so, providing for the filing of applications, &c. The consequence of that would appear to be to open all the unsurveyed lands of the United States to homestead entries.

Mr. BOOTH. That is precisely the object, if the Senator will allow me, as they are now open to pre-emption settlers.

Mr. EDMUNDS. They are not exactly open to pre-emption settlers in the way that this bill states it, I imagine; but I am not going into that now. I certainly should not be quite willing to open the public lands of the United States, that have not been surveyed, to indefinite and general homestead settlers without regard to section lines and rectangles and all the other methods of survey.

Mr. TELLER. The Senator will allow me to suggest that nobody can take it except by the section lines.

Mr. EDMUNDS. How are you going to have a section line until the land is ascertained by a survey?

Mr. TELLER. They do not complete the homestead; but when the land is surveyed they date back to the time they made their settlement, when it is surveyed in such shape that they can accommodate their claim to the sections, lines, and subdivisions. There is no trouble on that score.

Mr. EDMUNDS. I should think, with great respect to my friend from Colorado, that there is a good deal of trouble.

Mr. TELLER. That shows that you do not understand it.

Mr. EDMUNDS. My honorable friend says it is because I do not understand it. That is generally the case when my friend and myself differ; it is always because I do not understand it and always because he does. I am quite willing to agree to that proposition. But the subject I am discussing is not the difference of opinion between my friend and myself; it is the bill which provides for any settlement heretofore or hereafter upon the unsurveyed lands of the United States, and to have the claim relate back, as the expression is, to the date of settlement.

Then the next provision is, to which I have partly referred, that if any homestead settler has abandoned his entry, or if the entry was not made in good faith, &c., such land shall be subject to the claim under the homestead or pre-emption laws of the first settler, who has, or shall, hereafter settle on the same. Does that mean the first settler, who by the present law is entitled to make a homestead settlement, or does it mean, as it says, the first settler, be he foreigner or native, be he a citizen of the United States or a subject of some other country? That is not quite so clear to my mind as I wish it was.

Mr. BOOTH. The proviso makes it clear.

Mr. EDMUNDS. It is not so clear that it does:

Provided, Such settler has or shall hereafter, within six months from the time of his settlement, take the necessary steps to have said homestead entry canceled.

Everybody can take steps to have a homestead entry canceled, because that is a question between the original homestead man and the authorities of the Government having charge of that matter.

Mr. BOOTH. Will the Senator allow me to interrupt him?

Mr. EDMUNDS. With pleasure.

Mr. BOOTH. Would not this make it perfectly clear?—

Such land shall be subject to the claim under the pre-emption laws of the first settler.

That is, must be subject to all the provisions of those laws. It does not abrogate any of them. It was not the design to abrogate any of them, and I do not think it does.

Mr. EDMUNDS. I am bound to suppose it was not the design to do it; but when you come to the description of the person who shall have the benefit of the homestead and pre-emption laws, and say that "the first settler," without any qualification, shall have it, that is the effect. I agree that a simple amendment after the word "settler" would correct that, by saying "entitled to the benefit of such laws;" undoubtedly it is very easy to make it right in that particular.

Mr. BOOTH. But is it not right now under the clause "such lands shall be subject to the claim under the homestead or pre-emption laws?" I do not want to interrupt the Senator, but I do not think he makes it more clear.

Mr. EDMUNDS. It could not be made more clear if it stopped right there and did not say "of the first settler," but the words "homestead or pre-emption laws" do not qualify the description of "the first settler." He is described by himself, as a human being I suppose, who chooses to go on that land, and it says he shall be entitled, being the first settler, to the benefit of the homestead and pre-emption laws. That is the criticism to which this is liable.

Mr. BOOTH. If that language is not clear, I think the committee will accept any amendment.

Mr. EDMUNDS. Undoubtedly a very few words would make it clear on that point. I am only calling attention to it so that we may understand precisely what is meant; but the general scope of the bill is such that I do not wish—and I think I have said enough to show that—to take the responsibility of being one of those who are willing to vote for this bill just at this present moment. I do not intend to object to its consideration so as to carry it over; but I wish to say enough to show that the passage of this bill shall not hereafter, when troubles arise, be imputed to me. I believe I have said enough to do that.

Mr. BECK. I desire to ask the Senator from Vermont the same question I asked the Senator from Florida, because I believe he knows everything about the law. I ask whether or not these lands are open to everybody, or whether the limitations put on them by the act of 1862 still remain? The act of 1862 to secure homesteads to actual settlers provides:

That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government or given aid and comfort to its enemies, shall, from and after the 1st of January, 1863, be entitled to enter one-quarter section or a less quantity of unappropriated public lands, &c.

Section 2 provides:

That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family,

or is twenty-one years or more of age, or shall have performed service in the Army or Navy of the United States, and that he has never borne arms against the Government of the United States, or given aid and comfort to its enemies, &c.

It seems to me that when lands are given to all the people of all the world, black and white, Europeans, Asiatics, and Americans, it is time we were removing this disability, if it has not been removed, and I am not sure whether it has been or not.

Mr. EDMUNDS. Mr. President, I entirely agree with the Senator from Kentucky that there is no reason now why persons who were engaged in the rebellion should not be entitled to homestead like everybody else, and I thought so a long time ago, and I think as early as 1874 that change was made. If it has not been made, in my opinion it certainly ought to be. It does not stand upon the same principle as the other laws which still make a discrimination, and I should be very glad if the law is now so to change it and change it at once; but if the Senator from Kentucky will look at section 2289 of the Revised Statutes of the United States he will see that the limitation against persons who have borne arms against the United States is dropped out, and I think he will find that it was done by force of the act of the 11th of February, 1874, or the 13th of March of that year—I do not remember which; so that now by the Revised Statutes "every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to" the benefits of the homestead act. No distinction is made against citizens of the United States who were engaged in the service of the so-called confederacy.

Mr. BOOTH. I desire to make just one remark in answer to the Senator from Vermont, in regard to the difficulties that will be encountered by allowing homestead settlement on unsurveyed lands. Pre-emption settlement is now allowed on unsurveyed lands, and the design of this bill is simply to put the homestead settler on precisely the same ground that the pre-emption settler occupies. The pre-emption settler is allowed three months after the survey of the public lands to make his original filing, and twelve months thereafter to perfect it; and this bill designs simply to put in that regard the homestead settler and the pre-emption settler upon the same ground.

Mr. TELLER. The settlements outrun the surveys, extending several hundred miles, ever since I have been in the western country, beyond any survey. All this section says is that a man going in and making a settlement on the public land may, when the surveys are made, so that he can describe the ground upon which he resides in accordance with existing law, date back his settlement to the time that he commenced, just exactly what the statute provides with reference to a pre-emptor; he may do that. That is all there is in this section. If anybody can see any reason why a homestead occupier of the public land should not have the same privilege as a pre-emptor, he ought to state it.

The second section provides:

That where lands have been applied for and original entry made under the homestead laws, and where such entries have not been made in good faith, or where the lands have been abandoned after original entry and before final entry, such lands shall be subject to the claim under the homestead or pre-emption laws of the first settler who has or shall hereafter settle on the same.

That is not to meet the case suggested by the Senator from Vermont except in part, but to meet a great many cases that occur in the West, where public land having once been claimed the party abandons and goes off. Now, no man can make a settlement on that and have a legal settlement under the ruling of the Department. If, as stated by the Senator from Kansas, he does go on to make a settlement, and in the mean time it is canceled here, and somebody makes application to acquire a title under the laws before he does, he loses all his improvements that he has on the land; or if he goes into a contest in the land office to have the original homestead entry set aside, while he is carrying on the contest some other man may step in and have all the advantage of his labor. This bill only says that if a man finds a vacant piece of land which is tied up by a homestead entry, whether it be abandoned or whether it be illegally set apart as a homestead in the first instance, he may enter into a contest, and if it is decided in favor of the Government he shall have the preference. I think if the Senator from Vermont will look at it a moment he will see that that is a very wise and desirable provision of the law. It does not give anybody any opportunity to appropriate any more of the public land, but does actually prevent such an appropriation or misappropriation of the public land. The whole scope of this second section is to protect the Government and give the settlers a right on the land which is unoccupied.

The VICE-PRESIDENT. The amendment proposed by the Committee on Public Lands will be read.

The Chief Clerk read the amendment; which was in line 4, section 3, after the word "without," to strike out "further;" so as to read:

Sec. 3. When a homestead or timber-culture claimant shall file a written relinquishment of his claim in the local land office, the land covered by such claim shall be held as open to settlement and entry without action on the part of the Commissioner of the General Land Office, in the same manner as it would have been if no entry under the homestead or timber-culture laws had ever been made thereof.

The amendment was agreed to.

Mr. EDMUNDS. I am not at all sure, on looking hastily at the statutes, that there is a right of pre-emption on unsurveyed lands of the United States, and if there is there are a great number and variety of exceptions of unsurveyed public lands, as well as surveyed,

upon which the pre-emption right does not attach, whereas the first section of this bill certainly does appear to give a complete right to make a homestead settlement and entry upon any unsurveyed land of the United States without any qualification at all, because it says so in terms in the first six lines of that section, and then merely refers to the pre-emption laws as a test of time and relation as to when the settlement begins to run. If you will look at the pre-emption laws, you will find—

SEC. 2257. All lands belonging to the United States, to which the Indian title has been or may hereafter be extinguished, shall be subject to the right of pre-emption, under the conditions, restrictions, and stipulations provided by law.

SEC. 2258. The following classes of lands, unless otherwise specially provided for by law, shall not be subject to the rights of pre-emption, to wit:

First. Lands included in any reservation by any treaty, law, or proclamation of the President, for any purpose.

Second. Lands included within the limits of any incorporated town, or selected as the site of a city or town.

Third. Lands actually settled and occupied for purposes of trade and business, and not for agriculture.

Fourth. Lands on which are situated any known salines or mines, &c.

Mr. PLUMB. If the Senator from Vermont will turn to section 2274, he will find an express grant of the right to settle on the public lands, which shows that no qualification exists in the terms of section 2257.

Mr. EDMUNDS. I remember section 2274 which does imply that there are certain circumstances under which there may be a pre-emption on lands that at the time they were occupied had not been surveyed; but whether those circumstances apply, as this bill makes this homestead settlement apply, to a universal case giving the right to every citizen to occupy and pre-empt lands unsurveyed, I am not advised.

Mr. PLUMB. There has been no assertion made here that anybody is entitled to pre-empt land that has not been surveyed; but the law undoubtedly gives the right to settle on the public land, and the right of pre-emption attaches when the land has been surveyed, and this only provides that where two settlers settle on a single subdivision they shall divide it.

Mr. EDMUNDS. This first section is not capable of two constructions as it appears to me:

That any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States land office as is now allowed to settlers under the pre-emption laws to put their claims on record, and his rights shall relate back to the date of settlement, the same as if he settled under the pre-emption laws.

There first is a universal grant, without any limitation at all, of a homestead right on all unsurveyed public lands of the United States, as well as surveyed, without regard to any of the limitations that I have read which apply to pre-emptions. That is plain enough, and the only reference to the pre-emptions named in the first section of this bill is merely as a test of time and relation.

But, Mr. President, I think I have said enough to show that I shall not be responsible for the effects of this bill, if it becomes a law, and that is all I wish to do.

Mr. CALL. I offer the following amendment to the bill: In section 2, after the word "canceled," in the tenth line, I move to insert—

And the same shall be properly subject to cancellation.

The bill provides that—

Where the lands have been abandoned after original entry and before final entry, such lands shall be subject to the claim under the homestead or pre-emption laws of the first settler who has or shall hereafter settle on the same: *Provided*, Such settler has or shall hereafter, within six months from the time of his settlement, take the necessary steps to have said homestead entry canceled.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRECEDENCE OF BUSINESS.

The VICE-PRESIDENT. The Senate proceeds to the consideration of its unfinished business, the morning hour having expired.

Mr. DAVIS, of West Virginia. I ask the Senator from Delaware, [Mr. BAYARD,] who is entitled to the floor, to allow me an opportunity to give a notice to the Senate. I am directed by the Committee on Appropriations to give notice that to-morrow, or immediately after the conclusion of the speech of my friend from Delaware, the committee will ask the Senate to take up appropriation bills. There are two appropriation bills before the Senate and one other bill that the Appropriations Committee think ought to be considered early. The first is the fortification bill, which has been before us for some time; and, secondly, there is the deficiency bill for the Post-Office Department; and the third is the bill for the repeal of certain permanent and indefinite appropriations. The committee will ask, after the conclusion of the speech of the Senator from Delaware, that the present order be laid aside informally, so as not to lose its place, in order that those bills may be taken up.

Mr. McDONALD. I trust that the chairman of the Committee on Appropriations will not feel required to press that notice until I have had an opportunity of presenting some views to the Senate. It was my purpose to speak on the bill now before the Senate, but I gave way to the Senator from Wisconsin, because he had to be absent in

the fore part of this week. I should like very much to be able to follow the Senator from Delaware. I shall not ask for a great deal of the time of the Senate.

Mr. DAVIS, of West Virginia. Though I am instructed by the committee, I will take the liberty, after consulting one or two members of the committee, to say that immediately on the conclusion of the speech of the Senator from Indiana, who was entitled to the floor as I understand on Saturday, but gave way to the Senator from Wisconsin, the committee will ask to take up appropriation bills.

Mr. RANDOLPH. Laying aside the pending order informally.

Mr. DAWES. I should like to inquire of the Senator from Ohio if it is his purpose to press the consideration of the Geneva award bill?

Mr. THURMAN. I gave notice that I would move to take it up as soon as some other bill, I forget which it was, was disposed of.

Mr. CONKLING. The 5 per cent. bill.

Mr. THURMAN. I gave notice that I would call it up as soon as that was disposed of. I was then reminded that previous notice had been given by the Senator from New Jersey to call up the Fitz-John Porter case, and, according to the courtesy that usually prevails in the Senate, I did not make my motion until he had made his, so that the Senate might decide whether to take up that bill or not. If they had voted not to take up that bill I should have pressed the Geneva award bill, as I shall press it at the first opportunity I get after the Senate has disposed of the business before it. I shall ask to have it taken up as soon as possible. Of course I cannot antagonize appropriation bills, but as soon as I can get an opportunity, and the Senate disposes of the business pending before it, I shall press it.

Mr. DAWES. I understood the Senator to occupy that position in reference to that bill, and I desired to call his attention to notices that had been given. I observed that the Senator's attention was attracted to something else, and I desired to call his attention to the fact that his bill would be likely to get postponed further than he was aware of, if he was not paying attention to the arrangements being made.

Mr. THURMAN. That would not make any difference. If the Geneva award bill were up, it would have to give way to appropriation bills, we all know. If the Senator from Massachusetts prefers that course, he can at any time move to postpone the pending order and take up the Geneva award bill.

Mr. DAWES. I do not desire to interfere with the Senator who has the bill in charge. I desire as far as is proper to urge on his consideration the necessity of calling it up.

Mr. CONKLING. I observed that the Senator from Massachusetts employed the word "arrangements," which seems to indicate that he seems to think some arrangement has grown out of a remark which fell from the Senator from New Jersey, and which remark was that this pending bill could be laid aside informally for appropriation bills. I wish to say for one that as such an arrangement requires unanimous consent, I do not give my consent to it. When the time comes to move to postpone this and prior order to take up the appropriation bills, that motion must be under the rules of the Senate, and the object cannot be attained in any other way except by unanimous consent, and I take occasion to file this caveat now, in order that nobody may be misled by the idea that unanimous consent has gone before the moment when such consent shall be asked.

Mr. EDMUNDS. File it in favor of all the rest of us at the same time.

Mr. CONKLING. My honorable friend from Vermont requests me to file a caveat in his behalf; but as he is so able to file his papers, I think I shall leave it to him.

Mr. EDMUNDS. It would save time.

Mr. BAILEY. The bill (S. No. 133) to establish an educational fund, and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education, was made the special order for to-day. Of course, it will be postponed for the unfinished business, and it is not the desire or expectation of the Committee on Education and Labor, by whose direction I am acting, to antagonize it with the business which properly has precedence, but I am instructed by that committee to say that, immediately after the completion of the unfinished business and the settlement of the Geneva award bill, that committee will ask the Senate to take this bill up, and they will press it to a vote, of course not interfering with appropriation bills.

Mr. EDMUNDS. I wish to say, in connection with what the Senator from Tennessee has said, that his notice illustrates the entire futility of making special orders that I tried to impress upon the Senate when this particular special order was made. It does not do any good, but rather harm, to the bill that is under the force of a special order, which takes it out of the general Calendar and you never reach it at all. I only rose to put a point upon it for that reason.

Mr. BAILEY. I am very much obliged to the Senator from Vermont. I have no doubt now of the force of his suggestion when he made the objection the other day, and recognizing the validity and propriety of that objection we now only give notice that we shall ask the Senate to take up the bill hereafter.

Mr. MORGAN. I desire to offer an amendment to the bill mentioned by the Senator from Tennessee, and ask that it be printed.

The VICE-PRESIDENT. The amendment will be received informally, and ordered to be printed.

FITZ-JOHN PORTER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army, the pending question being on the amendment proposed by Mr. RANDOLPH.

Mr. BAYARD. Mr. President, on Saturday at the conclusion of the speech of the honorable Senator from Wisconsin [Mr. CARPENTER] I obtained the floor in order to submit my views upon the pending measure as to the policy, power, and I may add, the duty of the Senate to pass the substitute for the original bill reported from the Committee on Military Affairs, authorizing the President to nominate for confirmation Fitz-John Porter to his former rank in the United States Army, I believe as a colonel of infantry.

In common with all my associates in this body, I listened, as I often have done, with pleasure and with instruction, to the graceful eloquence and the pleasing method of presentation of his case which is so characteristic of the honorable Senator from Wisconsin; but what was my disappointment when a speech so careful, so discriminating, so acute and able, offered by a constitutional lawyer of eminence to his associates in this Chamber, addressed to us as Senators, was wound up by its disfigurement, at its close, by a very poor appeal to partisan prejudice, a shout in favor of a military candidate for the Presidency. Surely it was an unworthy ending of a brilliant address. If there can be a case from which partisan utterances should be excluded, surely this is that case. The appeal before the American people is to public justice. It is what is due, not simply to the individual immediately affected by our action, but to the name of public justice and to the reputation of our republican Government. Partisan politics, partisan feelings, have no just place in such a discussion. They should not be permitted to creep in, and they cannot be introduced without great injury to those who seek to introduce them. Why, sir, what are the facts? From whom does this testimony, with its strongly implied recommendation, come? Under whose power and administration has this review of the former sentence and proceedings of a court-martial been inaugurated? A President associated thoroughly with the republican party, whose constitutional counselors are gentlemen of distinction of that party. He sends us voluminous testimony, taken under skilled and elaborate supervision, which he believes must affect the sense of justice of the two Houses of the American Congress as it has his own, I trust for the success of this measure, both of the great political parties thus represented by the executive and legislative branches of the Government and each approaching a question of great dignity and importance which shall stand forever conspicuous as a precedent, deeply affecting the character and the reputation of the administration of justice in the United States. It has been finely said that the face of justice may be darkened with a frown, but should never be disfigured by a sneer, nor I may add distorted by a joke.

The honorable Senator from Wisconsin gave us eloquent warning against a danger which is only too apparent. He warned us against the danger of the centralization of power. He warned us against the invasion of the prerogatives of the associate branches of the Government by the legislative branch. Sir, his warning was well-timed. There is a spirit of centralization; there are centripetal forces at work that in my judgment the people of this country would be most wise to check, and it is well that the centrifugal forces should be set in motion in order that the orderly distribution of power intended by those who founded this Government should once more prevail, because they did intend that liberty should be protected by preventing the undue concentration of powers in any one hand or in any one department of the Government. I concur fully with the honorable Senator in that warning.

But, Mr. President, there are other dangers also unhappily apparent, which our forefathers anticipated and against which they warned us with all solemnity. They made, even before the formation of our present Government, their immortal protest against the British king; and among their reasons for claiming their independence of his rule was that he had "affected to render the military independent of or superior to the civil power." Sir, there have been many suggestions in this debate, many things that have occurred in the course of this debate, there is too much in the air nowadays throughout this country that does tend to aggrandize the military power to the danger of civil and constitutional liberty. We have heard here in effect proclaimed that military courts and courts-martial are in substance part of the judicial power of the United States, that they have equal dignity, that they are as wholly irreversible in their decisions as those of the judicial branch of the Government. I dissent *in toto* from such a proposition. I say on the contrary that military rule is obnoxious to the American people, and it is justly so to all people who would remain free. The Constitution itself contains abundant and express safeguards of liberty, and provides trial by jury, due notice and presentment, process for obtaining witnesses, compelling them to confront the accused, all such things are provided as the rule of this country; but that Constitution contains an exception as to "cases in the land or naval forces or in the militia, when in actual service in time of war or public danger."

The creation of military courts is, as I have said, a concession to the necessities of the case for the prompt and summary regulation of an organized army. The jurisdiction of tribunals created for that

purpose is strictly special and exceptional, and is never to be enlarged by intendment because the rules of military government and discipline are not in accord with the principles of constitutional liberty. As Sir Matthew Hale said, "they are indulged in simply from necessity;" "*necessitas enim quod cogit defendit*." The clauses of the Constitution carefully securing the right of citizens to trial by jury and due process of law undoubtedly excepted cases in the naval and military service; but, as I said, it is the exception and not the rule and always should be construed strictly.

I have said it is a dangerous thing to talk of the equal dignity of these tribunals called courts-martial or military commissions with the judicial courts of the United States. The judicial power of the United States is implanted in the same instrument as independently as are the powers of the legislative branch. They are there defined. All the judicial power of the Federal Government of this country is given to that judiciary. The judges are carefully selected, official life tenure is given to them, and skill and learning are required in those who fill these seats of honor. Who can liken so grave and independent power in this Government to tribunals which are the mere creation of the breath of the legislative power? Why what creates a military court? The articles of war or the order of the President as Commander-in-Chief. Congress creates articles of war by legislation; and if Congress did not make articles of war by legislation, I presume the President as Commander-in-Chief of the Army would necessarily and impliedly have power to regulate the Army. But Congress has under the Constitution the power to make these rules and regulations, and has done so; and the power that made them law can unmake it; the power that enacted can repeal. It exists therefore subject to the revision and control of the legislative power of the country.

But can Congress impair or invade the prerogatives of a separate branch of this Government? Certainly not; and therefore, when the suggestion is made that these tribunals termed military courts are upon a parity of dignity, of inviolability in examination of their decisions by the Congress of the United States, with the decisions of the judicial branch, I say the proposition is wholly untenable and cannot be accepted for one moment. The power of the judicial branch of this Government, being founded on the Constitution, cannot be regulated by act of Congress. Wherever that power is bestowed by the Constitution, it is clear and distinct, and beyond the reach or control of any other branch; and therefore it is that no act of Congress can exempt tribunals created by Congress from being examined in their proceedings from first to last, and at all times, by the judicial branch. I was surprised the other day, when the case in 20th Howard was produced, the case of *Dynes vs. Hoover*, that so little regard was paid by the Senators who cited it, to its true meaning and effect. Speaking for the court, Mr. Justice Wayne, after reciting the provisions of the Constitution under which military courts were created, and sentences passed by them, says:

These provisions show that Congress has the power to provide for the trial and punishment of military and naval offenses in the manner then and now practiced by civilized nations; and that the power to do so is given *without any connection between it and the third article of the Constitution* defining the judicial power of the United States, indeed that the two powers are entirely independent of each other.

Now, there is just one difference which I will state between the findings or judgment of a court-martial, and the judgment of a judicial court: The judicial court can at all times review the proceedings and decide whether the court-martial has broken the law that created it or not; on the contrary no court-martial can pretend to examine into or question the judgment of a civil court.

Courts-martial—

Says this same judge at page 82—

derive their jurisdiction and are regulated with us by an act of Congress, in which the crimes which may be committed, the manner of charging the accused, and of trial, and the punishments which may be inflicted, are expressed in terms; or they may get jurisdiction by a fair deduction from the definition of the crime that it comprehends, and that the Legislature meant to subject to punishment one of a minor degree of a kindred character, which has already been recognized to be such by the practice of courts-martial in the army and navy services of nations, and by those functionaries in different nations to whom has been confided a revising power over the sentences of courts-martial. And when offenses and crimes are not given in terms or by definition, the want of it may be supplied by a comprehensive enactment, such as the thirty-second article of the rules for the government of the Navy, which means that courts-martial have jurisdiction of such crimes as are not specified, but which have been recognized to be crimes and offenses by the usages in the navy of all nations, and that they shall be punished according to the laws and customs of the sea. Notwithstanding the apparent indeterminateness of such a provision, it is not liable to abuse; for what those crimes are, and how they are to be punished, is well known by practical men in the Navy and Army, and by those who have studied the law of courts-martial, and the offenses of which the different courts-martial have cognizance. With the sentences of courts-martial which have been convened regularly, and have proceeded legally, and by which punishments are directed, not forbidden by law, or which are according to the laws and customs of the sea, civil courts have nothing to do, nor are they in any way alterable by them. If it were otherwise, the civil courts would virtually administer the rules and articles of war irrespective of those to whom that duty and obligation has been confided by the laws of the United States, from whose decisions no appeal or jurisdiction of any kind has been given to the civil magistrate or civil courts. But we repeat, if a court-martial has no jurisdiction over the subject-matter of the charge it has been convened to try, or shall inflict a punishment forbidden by the law, though its sentence shall be approved by the officers having a revisory power of it, civil courts may, on an action by a party aggrieved by it, inquire into the want of the court's jurisdiction, and give him redress.

Certainly, sir; and will it be contended here that courts-martial may do the same thing in regard to the findings of judicial courts, or that it is correct to speak of the absolute and sacrosanct character of their findings, that they are irrevocable and that they never may

be examined into? Why, sir, the breach of law by a court-martial in exercising jurisdiction against law is punishable in the judicial courts. Chief-Justice Marshall, in 3d Cranch, page 337, in the case of *Wise vs. Withers*, announced this doctrine very clearly. It was an attempt to imprison a justice of the peace for not paying a militia fine, and as a justice of the peace never could have been legally enrolled in the militia, the court say:

It follows, from this opinion, that a court-martial has no jurisdiction over a justice of the peace, as a militia-man; he could never be legally enrolled; and it is a principle, that a decision of such a tribunal, in a case clearly without its jurisdiction, cannot protect the officer who executes it. *The court and the officer are all trespassers.*

Could such a sentence as that be passed by a military court on the judgment of a civil tribunal?

Let me read another authority. In 7 Hill, New York State Reports, there was a case of *Wilson vs. Mackenzie*. Chief-Justice Nelson—Samuel Nelson, of New York, afterward a Justice of the Supreme Court of the United States—delivered the opinion, and he refers to English authorities bearing upon this point:

* * * There are also many cases in the books where actions have been sustained against members of courts-martial, naval and military, who have exceeded their authority in the infliction of punishment. (Sec. 4, *Taunt.*, 70, 75, and the cases there cited.) In the case of *Lieutenant Frye vs. Sir Chaloner Ogle*, (1 *McArthur on courts-martial*, 268, fourth ed.,) the defendant was president of a court-martial which had sentenced the plaintiff to fifteen years' imprisonment; when the only charge against him was that he required a warrant in writing to justify him in taking another officer into his custody under an arrest, which was considered no offense at all. The verdict was £1,000. This case became somewhat memorable for a collision between the civil and military courts, and for the firmness and triumph of the former. In the course of the trial of the cause, the learned judge having remarked that the plaintiff was at liberty to bring his action against any of the members of the court-martial, he proceeded against Rear-Admiral Mayne and Captain Rentone, who were arrested by a writ from the C. B. at the breaking up of the court-martial on Admiral Lestock, where the former presided, and the latter sat as a member. This was much resented by the members of the court-martial, who passed resolutions on the subject, reflecting in intemperate language on the chief-justice of the court, (Sir John Willes.) The resolutions were laid by the Lords of the Admiralty before the King, upon which the chief-justice, without waiting for the result, caused every member of the court-martial to be taken into custody for contempt, and was proceeding in a legal way to assert and maintain the authority of his office when a stop was put to the proceedings by a public, written submission, signed by all the members of the court-martial, and transmitted to the chief-justice, which, after being read in the C. B., was registered in the remembrancer's office—"a memorial," as the chief-justice observed, "to the present and future ages, that whoever set themselves up in opposition to the laws, or think themselves above the law, will in the end find themselves mistaken." (See 1 *McArthur*, 436, Appen. No. 24.)

Mr. LOGAN. Will it bother the Senator for me to interrupt him right there?

Mr. BAYARD. I would rather go on, but I will answer any question. I would prefer to go on with the line of my argument.

Mr. LOGAN. It is in the line of your argument—one question.

Mr. BAYARD. I would rather go on; but if the Senator wishes to ask a question I will yield.

Mr. LOGAN. Does not the same rule the Senator has been trying to apply to courts-martial, that where they had no jurisdiction the judgment was a nullity, apply to civil courts in all cases?

Mr. BAYARD. Oh yes, but the difference is that the judicial courts of the United States, determine their own jurisdiction, and their decision in this respect is final; but the jurisdiction of the military courts is not settled by themselves, but is reviewable by the civil courts, who can annul their proceedings whenever they are found to be without warrant of law. It is only when the decisions of military courts are within the law that judicial courts sustain them as valid and binding.

But to rank the decisions of the judicial courts and the military tribunals as of equal dignity is to disregard their relative functions and powers under the Constitution.

The former are competent finally to settle their own jurisdiction, and also that of the military courts; and the latter have no such authority, and can always be reviewed by the former and their proceedings annulled when a want of jurisdiction or a breach of law is discovered.

Opinions of Attorneys-General have been referred to. That of Mr. John Nelson in 1845 was read by the honorable Senator from Illinois, to show that we should treat courts-martial as part of the judicial power of the Government; but he seems to consider that arguments which may well be addressed to an Executive in his administration of a law are equally proper to be addressed to the law-making power of the Government when it is considering the wisdom and expediency of legislative action. It seems to me that in that statement the great vice, if I may term it so without disrespect to his argument—one of his errors consists—

Mr. LOGAN. The Senator will allow me right there. He misapprehends or unintentionally misstates my position. I did not insist in my argument anywhere that a court-martial was a part of the judiciary of this country under article 3, section 1, of the Constitution.

Mr. BAYARD. Unfortunately, and it is a matter of regret to me, the speech of the honorable Senator has not yet appeared in the RECORD.

Mr. LOGAN. I will state my position exactly as I maintained it, so that the Senator can have the opportunity of arguing on the point. It is this: not that a court-martial is a part of the judiciary system of this country under section 1, article 3 of the Constitution, but that, like territorial courts growing out of that provision of the Constitu-

tion known as the property provision in reference to Territories, the courts-martial grow out of that provision of the Constitution which provides that Congress shall make rules and regulations for the government of the Army and the Navy; that they then become courts by reason of legislative action; that both these classes of courts are legislative courts; that their judgments, where no appeal is allowed, are a finality the same as the decision of the Supreme Court. That was my position, maintained during my argument, and I state it so that the Senator may have the opportunity of answering it.

Mr. BAYARD. Mr. President, I am perfectly willing that the Senator may make a speech inside of mine, or make a statement, but—

Mr. LOGAN. I beg the Senator's pardon; I shall not interrupt him again.

Mr. BAYARD. As I said before, although I heard a large portion of the remarks of the Senator, I have not had the benefit of seeing them in print. I have no objection to his restating his position. I did not say that he had claimed power for military courts under the third article of the Constitution. What I said was, and what I meant to be understood as saying, that the Senator has claimed, no matter what was the origin of their power, that they were of equal dignity, and that their judgments were equally unassailable or closed against review as those of the constitutional judiciary. In other words, that the power of the judicial branch over military courts created by Congress under the articles of war is as great but no greater than the power of military courts over the decisions of the judicial branch. And it is this proposition I now dispute.

Think for one moment what is the composition of military courts. They are created by the military order of a single individual. By the same power they are dissolved. Their proceedings are regulated generally by the orders of the Secretary of War. It is true they are intended to be composed of honorable and intelligent men, but not men who are learned or skilled in the administration of law and justice, and when they are disbanded and their judgment has been approved by authority, they are at an end forever. They are summoned in haste and exercise judicial functions perhaps for the first and only time in their lives. They can grant no new trials, and their errors, be they ever so patent or numerous, are never to be corrected, according to the doctrine we now hear urged.

Contrast this with the composition of the judicial courts, and how vast the difference, and how infinitely important are the results! A permanent tribunal of men appointed during good behavior, men especially by learning, training, and by character, fitted for the examination and weighing of testimony and the administration of justice according to the science of legal precedents, all of whose findings are reviewable until they shall reach the final point of decision in the Supreme Court of the United States, men who must execute their powers under all the checks and balances of the constitutional limitations, and who proceed upon the philosophy of rules of evidence. Why, sir, what is this whole military law? You may by legislation provide and do provide certain checks upon tyranny; but at the same time you have martial law in the end as the be-all and the end-all of such tribunals. And what is martial law but "the will of the commander-in-chief?" The Army regulations of the United States were established early in the history of the Government, I think in 1800. Section 1342 of the Revised Statutes:

The armies of the United States shall be governed by the following rules and articles.

Then follow articles, one hundred and twenty-eight in number. It has been said there was no power in the President of the United States to summon the board of inquiry or review, whose proceedings have been laid before us, because, to use the language of the honorable Senator from Wisconsin—

When that court-martial [of 1863] had held its sessions, had concluded upon its judgment, had sent its sentence to the President, and Abraham Lincoln put his approval to it, and the court was disbanded, that record was closed, that subject was ended, and there never has since been any power to reverse it, or to open it for any purpose whatever, and there never will be, and it never can be reheard this side the bar of God.

Mr. President, is this true? Can it be that in a civilized country, gross, admitted, palpable injustice can never be remedied? Is it true that a court-martial, summoned one week in hot haste, in the midst of conflict and of war, when passion rages and reason is still, when the voice of justice cannot be heard amid the roar of cannon; is it possible that the judgment of such a tribunal rendered on Wednesday, approved on Thursday, is after that never to be examined, not though proof should come that perjury had been committed, not though proof should come that error and misinformation in every shape had crept into the minds of those who filed that judgment,—that in this Government, boasting itself free and civilized, there is no machinery of justice that can redress such a wrong, that this people must stand forever and gaze upon a victim of their own unintentional but monstrous injustice as he writhes from year to year in intolerable agony and yet be helpless to extend him relief? Can that be true—true of a government upon whose very front was written the proclamation that it was created "to establish justice * * * and secure the blessings of liberty to ourselves and our posterity?" Oh, sir, there is power in this Government to arrest such public disgrace as this.

It is said that we are invading the prerogatives of two branches, that we are exercising judicial power, thereby invading that province, that we are invading the province of the Executive and his prerogative of pardon, and thereby making a further breach of the Consti-

tution and are guilty of centralization of power. Why, sir, neither charge is true. This act does not propose to invade the President's power of pardon. On the contrary this act is a permissive act,—useless you may say, and perhaps I may think so—an act that cannot give him power beyond that which perhaps he already possesses, but an act which is forbidden by no letter or spirit of the Constitution—that he may, not that he shall, with no control of his discretion, but that he may renominate this individual for the place in the Army from which he was unjustly and erroneously expelled some seventeen years ago.

It is said we are acting in a judicial capacity. How so? There is discretion involved in all legislative action. Suppose a man had been convicted of an offense, and that his sentence was fine and imprisonment; and he paid the fine; it was levied on his property and the money paid into the Treasury, and the President subsequently pardons him, can the President pay that money back from the Treasury? Not so. The application must be made for relief to Congress that alone can give authority for the repayment of that money from the Treasury. When we are called upon to act in that case, it may just as well be said we are exercising judicial power, because we are exercising a discretion whether we will join the President in completing an act of justice and reparation. In the present case it is the same thing.

It is said that the President has the power. I believe he has the power. I believe so to-day even under existing laws, the last being the law of 1868, a law passed so as to—I do not say with that design—but so as to prevent the restoration of Porter to the Army without confirmation by the Senate. The act of 1868 prevented the President from restoring any officer to the Army who had been dismissed except by the consent and confirmation of the Senate. That was a change in existing law, but I never understood that it exhausted the power of Congress over the subject.

Sir, is it an argument worthy of Senators, that because the President has not done all he could, therefore we should not do all we can? I hope it is not so. I frankly say that had I been in his place I would have had both the will and I believe the power to nominate this man, after I became convinced by the report of the board of review, which had so overwhelmingly established his innocence of the charges preferred against him in 1862. I believe that the President had the power, and I wish he had exercised the power, to nominate this officer without any prior action of Congress. But if there should be any doubt upon his part as to his power to renominate as may be implied from his sending in this message to us, with this voluminous and convincing testimony to inform our discretion, and to show us what his reasons were in sending it to us, there is neither invasion of his prerogative nor is there exercise of judicial power in Congress by legislation, providing that this man should be dealt by justly and in accordance with the spirit of magnanimity and honor which should mark the proceedings of a great people.

Is it worth while to consider the power of the court-martial to extend their sentence to the perpetual disfranchisement and disability of an officer from holding any office of honor or trust under the Government of the United States? I shall shortly consider that. Has a military court the power not only to cashier from the service or impose a fine, or even inflict the penalty of death, but also to extend its arm into the civil service of the country, and impose perpetual disability upon a man, when he shall have ceased to be a soldier, from exercising the franchises and rights of a citizen of the United States? It is said that a man removed from the Army by sentence of dismissal of a court-martial is no longer in the service. If this be so, then, *ipso facto*, he is beyond the control of the military power to which he was subjected, when, and only because, he was a member of the land or naval forces. When a man is out of the Army he is beyond all military control, and there would seem to be as much right to prevent his exercising the right of suffrage for the rest of his life, where the election of member of Congress was in question, as to say that he should not become a member of Congress, or serve the country in any other civil capacity.

If such a sentence debarred him from ever re-entering the military service, the answer would be that as soon as he re-entered that service he would be again subject to military law and within the military jurisdiction. But conceding the argument of the honorable Senator from Wisconsin that every greater includes the less, and that therefore the power that enables a military court to deprive a man of his life justifies their infliction upon him of a continuing punishment to which death can only be looked upon as a blessed relief, is it not clear that when by the act of the court the party has been placed beyond their jurisdiction their sentence is mere *brutum fulmen* and of no effect?

But it is insisted that the only remedy in this case is by pardon, and that pardon presupposing guilt cannot be admitted by a man who feels himself innocent and has proved it. Sir, the pardoning power of the President of the United States need not be exercised by any form of words. The grant of pardon is an act, not a mere phrase or form; and when the President of the United States, having before him a man who needs exoneration from the disabilities of a sentence in the shape of pardon, shall nominate him to the Senate and shall receive their confirmation and shall issue to him a commission, *ipso facto* the man is pardoned. It is an act and not a mere form, and no form of words can be required for it.

But, Mr. President, there can be in the reason of things no doubt that when the statutes of limitation, intended for repose and not for injustice, for equity and not for harsh dealing, are suspended by act of Congress, there is power in the conjoint action of the Executive and the Legislature which can relieve a man from the consequences of a dreadful and unjust sentence.

We are not without precedents on this point—some very late. It was only two years ago that the Senate, upon the call of the yeas and nays, by a vote of 55 to 1, gave even greater power to the President upon a show of facts not one-tenth part as strong as those now presented. The case of Surgeon-General Hammond, the report of which I hold in my hand, shows that he was in January, 1864, one year after the trial of Porter, convicted by a court-martial and sentenced to be dismissed from the service and forever disqualified from holding any office of honor or trust under the Government, identically the sentence in the case of Porter. There was no board of review ordered by the President, but the Congress of the United States did pass a bill with the unanimity in this Senate of which I have spoken, which provided that the President might review and annul the sentence and findings of the court-martial, approved by President Lincoln sixteen years before.

Let me read the report:

This is a bill which provides that the President shall be authorized to review the proceedings of the general court-martial convened by Special Order No. 24, War Department, Adjutant-General's Office, Washington, January 16, 1864, and by which William A. Hammond, then Surgeon-General of the Army, was tried, and to annul and set aside the findings and sentence of said court-martial, approved by the President August 18, 1864, and published in General Court-Martial Orders No. 251, War Department, Adjutant-General's Office, Washington, August 20, 1864, if, after such review, the President shall deem it right and proper so to do.

And then it provided that in the event the sentence of the court should be so annulled the President was authorized to place Dr. Hammond on the retired list of the Army as a Surgeon-General and so restore him to his former rank. In that case the nearly unanimous voice of this body was found declaring that Congress had the power to authorize the President, with or without the information of a board of review, to set aside the findings and sentence of a court-martial approved sixteen years before. Nobody doubted the jurisdiction of that original court-martial, or their competency to pass on the case, or that portion of their sentence which inflicted dismissal from the public service. What are the facts? The board of review ordered by the President did not report against the finding of the court-martial of 1864, but their confirmatory report was re-examined by the Secretary of War, and upon his information the President was satisfied that the original finding of the court-martial was erroneous, and in the exercise of his own discretion he placed General Hammond upon the list of retired officers as Surgeon-General of the Army to the satisfaction, I believe, of all just-minded men in this country, certainly greatly to my own, for I never voted for a bill with greater pleasure in my life, and I find in examining the record of the debate of 1878 that the objections made in the present case by the report of the honorable Senator from Illinois were made in Hammond's case by the honorable Senator from Kansas, [Mr. PLUMB,] who now concurs with him in the report, and that he stood alone in the Senate by his vote in sustaining them—the same objections precisely as to the want of power and the sacred finality of decision and that we were invading the presidential prerogative of pardon, and I have great satisfaction in finding to-day that my remarks in the debate of 1878 are precisely applicable and sustain the vote which I propose to give in the present case.

In that case there was remarkable unanimity of opinion. The bill was presented by a unanimous report from the Committee on Military Affairs of the Senate, consisting then as now of nine members, many of whom are still members, with no dissent, and the committee submitted a report warmly recommending the passage of the bill for Dr. Hammond's restoration. In the mean time the House of Representatives had acted; they had passed another bill similar in substance and identical almost with that which had received the recommendation of the committee of the Senate, and so that bill of the House being sent to the Senate Committee on Military Affairs was reported back favorably in a short report which I will read:

With the exception of the words "or any other act" added in line 8 of the proviso of the second section of the act, so as to read: "Provided, That the said William A. Hammond shall not, in virtue of such restoration to the Army, or of any provision of this act or any other act, be entitled to back, present, or future pay or allowances of any kind whatsoever," this act is identical with S. No. 560, "A bill for the relief of William A. Hammond, late Surgeon-General of the Army," reported favorably to the Senate by Mr. Spencer, of your committee, with recommendation that the same do pass, on the 19th day of February, 1878, as per printed report No. 102, Forty-fifth Congress, second session.

Your committee interpose no objection whatever to the additional words "or any other act," which it appears constituted an amendment reported by the Military Committee of the House of Representatives to the original bill as there presented.

The report made on this case by the Committee on Military Affairs of the House of Representatives to that body, which is transmitted to the Senate in manuscript, and signed by Representatives McCook, Maish, and DIBRELL as sub-committee, (see same in print in CONGRESSIONAL RECORD, February 28, 1878, page 21,) is identical in terms with the recommendations contained in report No. 102 of your committee, heretofore referred to. The House of Representatives having, as appears by the CONGRESSIONAL RECORD, unanimously approved the report of their Committee on Military Affairs, and passed the act without dissent, with the amendment suggested, your committee recommend the concurrence of the Senate in the said act, which, if so concurred in, will obviate the necessity for further consideration of S. No. 560.

So that we find that not only as to the vote but as to the reasons of the two committees of the respective Houses on this subject, there was complete concurrence as to the powers of the two Houses over this subject, and those powers substantially the same as those proposed in the present bill. There Congress undertook to delegate a discretion to the President without the concurrence of a board of review, to set aside and annul the sentence of a court-martial which the honorable Senator from Wisconsin would have us believe could never have been "heard again except before the bar of God."

Mr. PLUMB. I desire the Senator from Delaware to state, if he knows, what followed the action of Congress in the case of Surgeon-General Hammond.

Mr. BAYARD. He was placed on the retired list by the action of the President, restored to the service of the United States. He never was driven from the confidence and respect of his fellow countrymen; but the stain upon his record by the finding of the court-martial of 1864 was removed by the action of Congress and the action of the President.

Mr. PLUMB. If the Senator will permit me, I desire to state in detail what that action was.

The PRESIDING-OFFICER. (Mr. GARLAND in the chair.) Does the Senator from Delaware yield further to the Senator from Kansas.

Mr. BAYARD. I believe I stated to the honorable Senator that the President restored Dr. Hammond to his former rank on the retired list.

Mr. PLUMB. But I desire to state what preceded that. The President appointed a board to examine into the case of Surgeon-General Hammond consisting of three Army officers, who considered that case for four months, then separated, each going his own way, and they came back each with his own separate and independent judgment made up to the effect that the finding in the case of Hammond was correct and should stand, and the President thereupon finally set aside the judgment of the board which he had himself appointed, and the President also set aside the judgment of the court-martial, and restored Surgeon-General Hammond.

Mr. BAYARD. That was precisely what Congress authorized him to do. He had the power either to interpose a board of review for his own instruction, or he had the power to restore the man without the action of a board. In this case, to the facts of which I shall presently come, by the substitute offered by the chairman of the Committee on Military Affairs, it is a simple proposition that the President may, upon the facts we know to-day—and I think we know enough—by the testimony and report of the Schofield board of review, nominate this officer for restoration to his former position. That is the whole scope, object, and effect of the bill. The act in Hammond's case, authorizing him to appoint a board of review, and on the report of that board, favorable or unfavorable, in his own discretion, to set aside and annul the finding and sentence of a court-martial which had been duly approved in 1864, is simply a recital of even more discretionary power than the present bill contains.

But there was a case also in 1878 of a less distinguished man, but I believe an entirely worthy one, Captain George A. Armes. He had been dismissed from the Army by a court-martial, and by the order of the Adjutant-General he ceased to be an officer of the Army from the date of that order, which was the 7th of June, 1870. He came before Congress, alleging gross injustice and great personal persecution at the hands of the then Secretary of War, Mr. Belknap. The committee heard his prayer. They instituted no court of inquiry, the President instituted none; but Congress passed an act restoring him to the Army, and he is there to-day in the service where he ought to be.

Mr. COCKRELL. Congress authorized the President to appoint him.

Mr. BAYARD. Very well. *Qui facit per alium facit per se*. We are only speaking of the power of Congress in this case. Congress do not restore Mr. Porter, but they here propose to pass a bill that shall authorize the President, if he sees fit, to nominate him for restoration.

Mr. LOGAN. Will it disturb the Senator for me right here to call his attention to the distinction in those cases. The case of Armes—

Mr. BAYARD. I was about discussing the case of Armes. There is a distinction, but there was there an exercise of power more questionable than the one now proposed. There was a question raised whether or not the President had approved the finding of the court-martial and there was no clear record upon that point, but an act of Congress was approved on the 9th of June, 1874, authorizing an honorable discharge to be issued to this officer by the Secretary of War, in these words:

That the Secretary of War is hereby authorized and directed to give to George A. Armes, late captain Tenth United States Cavalry and brevet major United States Army, an honorable discharge from the service of the United States, to date June 7, 1870,—

That was the date of his dismissal from the Army by the court-martial—

and that said George A. Armes be paid the same pay and allowances as if he had been discharged under the provisions of the third section of the act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1871, and for other purposes," approved July 15, 1870.

It is another illustration of the plenary power exercised by Congress in dealing with this class of cases. Armes's case was one of dismissal from the Army by the sentence of a court-martial; and

Congress undertook by law, without any interposition of the President, to give him an honorable discharge with pay. That was a reversal *pro tanto* of that sentence; it was a direct examination and inquiry into the justice or injustice of the judgment and sentence of the court-martial, the power to do which we have constantly asserted. If Congress could set aside part of the sentence, they assuredly had a right to set aside all; and if Congress is exercising judicial power or invading the prerogative of the President by giving that man who had been dishonorably discharged an honorable discharge with pay, it was only another illustration of the exercise of the present power, which, it seems to me, ought to be regarded as essential for the purpose of remedying injustice when it shall have been discovered.

But, say the committee, considering that there might have been a question of doubt as to whether the President had formally approved the sentence of Armes's dismissal in 1870:

By virtue of this law, Special Orders No. 136, War Department, Adjutant-General's Office, Washington, June 19, 1874, were issued, honorably discharging Captain Armes as of date June 7, 1870.

Changing by act of Congress a dishonorable cashiering into an honorable discharge with pay and allowances—

So that the committee concludes that the connection of Captain Armes with the Army was completely severed by virtue of the act aforesaid and order aforesaid, and whatever irregularities there may have been in the proceedings of the court-martial, and especially as to the review thereof, were completely cured by the act and orders aforesaid, and by the voluntary acceptance thereof by Captain Armes.

Here, then, is the reasoning in a case varying in its facts but illustrating anew and very forcibly the principle I contend for, which is that there is power in the Congress of the United States to assist in every way, whether by way of suggestion or by way of confirmation of the act of the President, in removing a great act of public injustice toward any one of its citizens.

Mr. LOGAN. Now will the Senator, inasmuch as he is through with that, allow me to make a suggestion to him in reference to that case?

Mr. BAYARD. I beg pardon.

Mr. LOGAN. Will the Senator allow me to call his attention to that case? I was not then in Congress, but I have read the court-martial proceedings. He will find this to be the fact, that the committee concluded that there was no court-martial decision, and why? Because the finding of the court-martial had never been approved by the President, and hence it was a nullity. There is a very grave distinction between the finding of a court-martial never approved and one that has been approved and has become a finality. So I can cite him to numbers of cases—

Mr. BAYARD. The Senator will have an opportunity to comment on the case. I only say to him that I think he is putting himself in rather a worse position than before on this subject.

Mr. LOGAN. Very well; I take the chances on that; but if the Senator will allow me in reference to the law he was commenting on, I think probably he does not want himself to fall into an error. The law authorizing the President to nominate and appoint an officer who has been out of the Army is for the reason that promotion in the Army by the law goes by seniority. Where an officer has been displaced from the service then it requires an act of Congress to suspend promotion in order to allow that man to be appointed in the Army, and that is the object of the act. It does not at all affect the court-martial, but it affects the promotion in the Army, stopping it at that point until he may be appointed to the Army. That is all the object of such a law.

Mr. BAYARD. The honorable Senator has had full opportunity to be heard in this case, and he will have it again; but I make no complaint. I endeavor to recognize the courtesies of debate in the Senate.

Mr. LOGAN. I assure the Senator I meant no discourtesy; I thought it was perfectly satisfactory; and I certainly will not interrupt him again. I thought he would not object to having an understanding of what the Military Committee mean by framing a bill to allow the suspension of promotion in the Army.

Mr. BAYARD. It is very obvious that it is embarrassing to me if every time I make a point in reply to the argument of the honorable Senator or others, he is to rise and meet me upon it. I shall be obliged to him to point out to me any errors of fact I may state; but when it comes to the question of suggesting arguments founded upon the law, I submit it would be better for him to let me get through. But the case of Captain Armes was just this: He has been put out of the Army of the United States by the sentence of a court-martial, and according to the position of the honorable Senator from Illinois and the honorable Senator from Wisconsin that case could not be heard again after the finding had been approved, except before the bar of God. It is shown that Congress did undertake to have that case heard again and without any information save that which it derived through its committee and through an *ex parte* statement of Captain Armes. It did not simply reopen the case but wholly reversed it. Without the interposition of a court of review; without any interposition from the executive authority, Congress changed that sentence by an act of Congress and said to the man who had been dismissed in dishonor: "You shall be restored in honor and with pay." Is not that an exercise of power, clear, distinct, illustrative of the very power which I now wish to see exercised by the Congress of the United States to remedy a gross injustice.

Mr. President, I do not care to detain the Senate in arguing whether the action of the President of the United States in calling what may be known as the Schofield board of review into existence was warranted by the statute or not. In my judgment it was warranted by the statute. I do not believe that there can be found one line in the Articles of War that raises the bar of a statute of limitations upon the power of presidential pardon and the inquiry which he ought to make for the purpose of review preliminary to any attempt to compensate the party injured and to remedy the injustice to which he may have been subjected. Where is there such a law? Where is the statute that sets a limitation upon his power?

I have heard it said in the course of this debate that it must be exercised by the identical President who approved the finding. What is the result of that? It brings us to a government of men and not a government of law. It is by virtue of the office he can exercise his power of review and as Commander-in-Chief. In this very case is it possible that because the deplored death of Mr. Lincoln took place, all the powers of presidential examination in Porter's case died with him? Suppose the court closes its session on Wednesday and the finding is approved on Thursday, and the President dies on Friday, is it possible that the power of review dies with him? Is it that because the man is dead who at that time was the President and because he held that office had that power, the power is dead? It is not so. The power survives in the office, whoever may fill it. Where is the statute of limitation and who has a right to apply it, and say that mercy shall not be extended, and that justice shall not be done in the face of any subsequent disclosure of facts, because a certain period of time has elapsed?

But, sir, the power of the President to make rules and regulations for the government of the Army to amend and collate articles of war was questioned in 1853, and Mr. Cushing gave a very elaborate opinion to Mr. Dobbin, the then Secretary of the Navy, on the subject. It contains an historical review of the practice under the Constitution; Congress, and not the President, providing these rules and regulations. Mr. Cushing decides and so advises the Secretary of the Navy. I will read his opinion in the sixth volume of Opinions of Attorneys-General, page 15, and at page 18:

I am of opinion, therefore, that the "System of Orders and Instructions," under examination, being a code of laws, and an act of legislation, was in derogation as such of the constitutional powers of Congress, and, as the mere act of the President in a matter not within his executive jurisdiction, is destitute of legal validity or effect.

That was as to the attempt of the President to establish a code, articles of war, and procedure in cases in the naval service, ousting Congress from their confessed jurisdiction over the question.

In the views thus presented, it is not intended to say that the President, as commander-in-chief of the land and naval forces, has not some power to issue directions and orders. So has a commodore in command of a squadron, or a general in the field. But such orders and directions, when issued by the President, must be within the range of purely executive or administrative action.

The Supreme Court, in the case of *The United States vs. Eliason*, (16 Peters, 301,) declare:

The power of the Executive to establish rules and regulations for the government of the Army is undoubted.

They declare the power to be undoubted. There can be no doubt that, where Congress has occupied the ground, the President cannot transgress the limits marked out by their statute, but where Congress has not occupied the ground and where the act is a military act directly in the purview of the powers of the President as commander-in-chief, then, according to the language of Attorney-General Cushing, he has power to issue orders and directions "within the range of executive or administrative action."

Let us look at the act of Congress, article 115, providing for courts of inquiry:

ART. 115. A court of inquiry, to examine into the nature of any transaction of, or accusation or imputation against, any officer or soldier, may be ordered by the President or by any commanding officer; but, as courts of inquiry may be perverted to dishonorable purposes, and may be employed in the hands of weak and envious commandants, as engines for the destruction of military merit, they shall never be ordered by any commanding officer, except upon a demand by the officer or soldier whose conduct is to be inquired of.

Here then in this article there is a distinct recognition of the essential difference between the commander-in-chief of the Army and the mere commandants of forces under his control. There is a limitation upon the power of the latter, and there is no limitation upon the power of the former, but he may examine into the nature of any transaction or accusation or imputation against any officer or soldier. There is no limitation as to time, no statement of years. He is authorized in the most general way, upon the demand of any officer or soldier whose conduct is to be inquired of, and whenever there is any transaction of or accusation or imputation against him, then he is authorized to examine. What is the fair construction and meaning of that? Fitz-John Porter was in the Army. The transaction was a military one. There were imputations and accusations of the grossest kind; they were upon the record that this court approved; but what can be the acts of the power of review, and for what purpose is it intrusted to the President as broadly as here except for the purpose of being exercised by him? So under that statute, by the advice, with the approval of his constitutional advisers, a court of inquiry was regularly called. It was in accordance with article 116

as to numbers; it was provided with a recorder in accordance with article 117; and in article 118 the powers of that court are set forth:

ART. 118. A court of inquiry, and the recorder thereof, shall have the same power to summon and examine witnesses as is given to courts-martial and the judge-advocates thereof. Such witnesses shall take the same oath which is taken by witnesses before courts-martial, and the party accused shall be permitted to examine and cross-examine them, so as fully to investigate the circumstances in question.

It has been asked what authority had the President to summon this board. I say a fair and reasonable construction of the statute itself would give it; but may it not also reasonably be based upon his power as commander-in-chief of the Army and Navy? He has the inherent power, where not forbidden by statute, for the purpose of reaching justice and the proper control and regulation of the armies of the United States. He has the power to call courts of inquiry for his own information, and courts of review for the examination of past transactions.

I hold it, therefore, that the President of the United States had authority to call that board; that they were called regularly; that their proceedings were regular, and what has been the result? It lies before us in three volumes containing nearly two thousand pages of printed matter; it lies before us in a volume containing twenty-four elaborately and carefully executed military maps. A glance at those maps will show that they were executed by distinguished officers of the United States Engineers, under the direction of George W. McCrary, the Secretary of War. Here is a map called the Piatt map. Let me read:

Engineer Department, U. S. Army, Bvt. Maj. Gen. A. A. Humphreys, Brig. Gen. & Chief of Engineers. Map of Battle-Grounds of August 28th, 29th, & 30th, 1862, in the vicinity of Groveton, Prince William Co., Va. Made by the authority of the Hon. G. W. McCrary, Secretary of War. Surveyed in June, 1878, by Bvt. Maj. Gen. G. K. Warren, Major of Engineers, U. S. A., assisted by Capt. J. A. Judson, C. E., (A. A. Gen. "King's Division,") and H. D. Gurden, C. E., (late Capt. & A. A. Gen. Confed. Army.)

Sir, I do not believe in all the history of military proceedings that a more elaborate, careful, or more convincing mass of testimony was ever presented to the human mind.

Of the three officers composing the court or board I need not speak. They are men of national reputation, all skilled in the art of war, one of them especially skilled in the art of weighing testimony and conducting examination, and aided by the presence on the part of the United States of a vigilant, acute, most energetic recorder as prosecuting officer; the testimony was brought forth by able and accomplished counsel for the accused; so that even granting—which I do not grant—that there was a lack of technical authority for the summoning and constitution of that board, yet I do say that considering its composition, considering the methods pursued, considering the results brought before the country, no finding of any court was ever entitled to more moral weight before the world than the one which is now laid on the desks of every Senator. The mere, strict, technical, legal right to summon the board and to put it in operation, in my judgment, fades away before the enormous force, the moral force, of their findings and of their report to the President, all of which he has laid before us.

And what does this testimony establish? The statement is short. It establishes a complete reversal, a complete refutation, a complete denial, of every essential fact relied upon to justify the conviction of General Porter in 1863. The charges, in short, against General Porter, were, first, that being ordered on the night of the 27th of August, 1862, to move his army corps toward a certain point he neglected and disobeyed the order, to the violation of military discipline and the defeat of the plans of the commanding general. What is the answer to that, in proof? It is shown conclusively that the movement of his corps desired to be effected by the order given by General Pope was in fact accomplished by him more speedily, more effectually, more successfully than if he had commenced his movement at the identical hour at which he was ordered, to wit, one o'clock at night; that there is a reason in all things; that on a dark and rainy night, with roads encumbered with wagon-trains, his men fatigued and utterly worn-out, he believed and knew that an economy of their strength to be secured by a further rest of two hours and the approach of daylight would enable him to make progress to reach the point to which he had been ordered infinitely sooner than if he had started at the hour of one. So the proof is that he did in fact reach the point to which he had been ordered in full time for the accomplishment of everything that was designed by the order. So far from there being disobedience in spirit it is proven that there was a complete performance of the service designed for him, because he brought his army corps to the point at an earlier hour, and in better condition, than it would have reached had the letter and not the spirit of the order in question been followed by him.

He then was charged with having on the evening of the following day disobeyed the joint order issued to himself and General McDowell. For that he has been held responsible; of that he was found guilty and sentenced to be dismissed in disgrace. What are the facts as stated by General McDowell himself? In answer to that it is conclusively shown and proved now by General McDowell himself, that any departure from the joint order of General Pope issued to himself and Fitz-John Porter was owing to his own act as the ranking officer by virtue of seniority when he and Porter were together.

I read from page 751, in which General McDowell admits that the withdrawal of the division of General Ricketts from Porter's force was his own act, without the authority of General Pope and of course

beyond the control of General Fitz-John Porter. At page 750 General McDowell testifies:

The ordering of Ricketts to Thoroughfare Gap was not in accordance with any plan of operations made with the consent of General Pope.

And at page 751:

I suppose that all the movements of the witness were under the direction of General Pope.

The WITNESS. All the operations of my corps were, in a general way, by direction of General Pope; but in carrying out those instructions I varied from them; and in this particular case I varied from them against his wish and not with his approval.

And see the same witness at pages 752 to 756.

What were those variations? Among them was included the withdrawal of the two divisions of Ricketts and King, which completely changed the face of the whole matter. The withdrawal of the division of General Ricketts from Thoroughfare Gap, and of King from Warrenton pike where it had been posted for the purpose of preventing the union of the forces of Jackson with those of Longstreet, enabled that union fatally to take place, and that was not done by order of Porter. The disobedience here designed to be expressed is the annulment of the joint order by General McDowell under the discretion given in that joint order. General McDowell says, (page 82, volume 1:)

When that joint order reached us we were doing what that joint order directed us to do. That joint order found the troops in the position in which it directed them to be.

And he then took King from Porter, and joining Ricketts to King, turned back and away from Porter, up the Sudley Spring road toward Groveton.

Not only that act, but all that resulted from that act and the charge that is based upon the supposition that this disobedience was the act of Porter, falls to the ground, for it is proven to be the act of McDowell, himself confessing that it was he who violated the joint order of Pope to himself and Fitz-John Porter, of which General Pope accuses Porter.

What was the next charge? I have referred to the charge that he did not obey Pope's joint order of August 29 to McDowell and himself to move toward Gainesville. The answer to that is shown by McDowell himself, that by virtue of seniority he was the officer in command, and that it was under his orders that Porter acted, under his orders that the division of Ricketts was moved back from Thoroughfare Gap and King's division diverted from joining Porter's forces, and Porter thus deprived of the forces necessary to carry out the joint order issued to him and McDowell.

The next charge is that on the 29th of August, being with his army corps between Manassas Station and the field of battle then pending, "and within sound of the guns, and in the presence of the enemy, and knowing that a severe action of great consequence was being fought, and that the aid of his corps was greatly needed, did fail all day to bring it on to the field, and did shamefully fall back and retreat from the advance of the enemy, without any attempt to give them battle, and without knowing the forces from which he shamefully retreated."

This is alleged on the 29th of August, 1862. Now, there comes a frightful fact. After that charge was not only made but sustained by the deposition of General McDowell himself, based upon I know not what, the fact is disclosed by his last examination that he was dealing with the events of a totally different day. It is proven beyond all doubt that there was no such general battle raging on the 29th, and that which General Pope and General McDowell had alleged to be this great and severe battle, which Fitz-John Porter heard and shamefully retreated from, or heartlessly listened to without moving, did not take place on the day he alleged it to have taken place. In other words, the fatal, the vital mistake was made in the mind of General McDowell, of confusing the 30th with the 29th day of August. Turn to his testimony on that subject on pages 734, 735, 736, 737, and 738. He had quoted the extract of the report of General Stonewall Jackson, showing that his forces had been placed in great jeopardy by the impetuous and fierce attacks of the United States forces on a given day, and but for the timely approach of re-enforcements from Longstreet, Jackson would have been overcome. The mistake of General McDowell was in reading the report of General Jackson, that he thought Jackson was alluding to the affair of the 29th, when upon examination it turns out that Jackson was alluding to the 30th, of which I shall presently speak. He is asked:

If you had observed that, you would have seen that the extract which you quoted as relating to the 29th was intended to set forth in the report what related to the 30th.

A. If you have read it correctly, I would.

Q. Well, look and see. [Book handed to witness.]

The RECORDER. I object to that book being put in the hands of the witness for any such purpose.

The PRESIDENT OF THE BOARD. This book has been admitted for the purposes of this cross-examination. The objection made by the Recorder has been ruled upon.

The WITNESS. From reading this I am entirely satisfied that I was in error in supposing that report to refer to the 29th.

Q. It did in fact refer to the 30th, and was so given by General Jackson?

A. Yes. It was a mistake that I made.

On page 738, after a good deal of fencing with the witness, who seemed very much and naturally embarrassed by this testimony, the question is asked:

How long did you remain of the impression that this extract printed by you from General Jackson's report did refer to the 29th?

A. Until about fifteen minutes ago.

So that by the testimony of this distinguished officer upon whose averments and knowledge the conviction of 1863 was chiefly found,

he was trying this man upon the wrong state of facts; he was trying him for the events of the 30th on the 29th. But there is much more in that mistake than I have yet adverted to. It shows that the whole fabric of General McDowell's testimony as to this man's conduct on the 29th falls to the ground, and he is compelled to admit that he had wholly mistaken the report of General Jackson upon which he based his joint publications with Pope that this man was guilty of cowardly, inhuman dereliction of duty on the 29th.

But more, sir, another charge against General Porter to be considered in relation to the charge that on the 29th of August he was guilty of this great wickedness, is that he disobeyed the order of 4.30 p. m. on the 29th to attack the enemy and retreated from the advancing forces of the enemy without any attempt to engage them or to aid the troops who were already fighting against greatly superior numbers and were relying on the flank attack he was ordered to make to secure a decisive victory, and to capture the enemy's army, results which must have followed from such flank attack had it been made by General Porter in compliance with said order.

Here comes another answer disclosed at last by the mercy and justice which ordered this rehearing of the case. The fact appears, that the order of four o'clock and thirty minutes p. m. of the 29th did not reach General Porter until after six o'clock, and the proof of that is found in page 769, in the testimony of General McDowell. I will read from his testimony on page 771 first:

Q. Three dispatches from General Porter to yourself have been read here by the recorder. You, I suppose, furnished him with those dispatches?

A. I was called upon by the board to do so, and I furnished them to him.

Q. How long have you had those?

A. About sixteen years.

Q. Have you had them ever since you received them from General Porter that day?

A. I suppose so. I didn't know I had them.

The RECORDER. I will state here that I omitted, inadvertently, to produce those by the witness, and mentioned the fact to the examining counsel that I intended to produce them.

Mr. CHOATE. They are considered as introduced.

Q. You have had them in your possession ever since they were received?

A. I found them when the request was made to me by the board. I looked among my old papers and found those dispatches.

Q. Will you tell me why they were not produced on the trial of General Porter by court-martial?

A. I could not.

Q. Why did not you produce them?

A. I was not aware that I had them. I was surprised to find them. If I had immediately answered the request of the board, I should have said I had not any thing of General Porter's in my possession.

Q. Have you not the habit of preserving the papers which you receive?

A. Yes, sir.

Q. Is it not a particular habit with you?

A. Yes, sir.

Q. Don't you make it a rule to preserve all the official papers that you receive?

A. Yes, sir.

Q. Then you knew that whatever you received from General Porter you still had, did you, when you went to testify on the court-martial and to make an examination to see what papers or dispatches you had from him that would tend to show the truth of these events?

A. No, sir; I did not.

Q. Why not?

A. Because my attention was not drawn to it. I tell you now, I did not know I had those dispatches.

Q. Did not you think it your duty, in giving testimony against a brother officer, to make an examination of the dispatches you had received from him in order that full justice should be done him?

A. I was brought before the court not knowing what questions would be asked me. I answered such questions as were asked me. At the time I was before that court I did not know that I had those dispatches. I could have just as well brought them then as now. If you want to imply that I suppressed those dispatches, I say to you I could as well suppress them now as then.

The questions asked at the former trial were then read to him:

Q. Can you recollect whether on that day you received any message or order at all from General Porter?

A. Yes, sir; I received messages from him on that day.

Q. Can you tell the court particularly about any of those messages?

A. I answered one of his messages in writing, but I have no copy of that note. I do not know whether I wrote it or whether it was written by another and signed by me. I think his notes were asking how the battle was going on or what was the condition of things with us, so far as I can recollect.—*G. C. M. Rec.*, page 220.

Now, as you state that you had a fixed habit of preserving all official papers that you received, did not you regard it as your duty, when the question was put to you so pointedly on the trial of General Porter, to look for those dispatches, that the truth might be known?

A. I have answered your question once before. I had no memory of having received those dispatches at the time of General Porter's trial. I wish I had had those dispatches then. They would have established a point.

Q. You need not argue.

A. You imply that I suppressed those dispatches. There is an implication of that in your question which I wish to resent.

Q. You will answer first and then resent.

[Question repeated.]

A. My answer was that when I went before that court I did not know as to what I was to be interrogated. I did not know at that time that those dispatches were in my possession; and that I was surprised the other day to find them there; that I wished that I had known of them. I wished I had produced them at the time, because they established a point I should like very much to have established.

Q. Against General Porter?

A. In my favor.

Q. And against General Porter?

A. Not as I view it. This dispatch, "I failed to get Morell over to you." I should like to have had that point come up on the trial.

Q. Now will you please answer the question whether, when the matter was so pointedly brought to your attention, and messages were inquired for, you did not regard it as your duty to find and produce them, that the truth might be known?

A. I told you that I did not know that I had those dispatches.

Q. You knew it was your fixed habit to preserve all dispatches, and those dispatches were called for by the board?

A. No, sir; they didn't know that such dispatches were in existence.

Q. The question was whether you had received dispatches, and you said you had

several, and you gave all that you thought were from General Porter. Didn't it occur to you that it was your duty to produce them, that the truth might be known?

A. I tell you over and over again that I did not know I had them. How could I, therefore, have failed to produce them?

What were those dispatches? The first dispatch was as follows:

GENERAL McDOWELL: The firing on my right has so far retired that, as I cannot advance, and have failed to get over to you except by the route taken by King, I shall withdraw to Manassas. If you have anything to communicate please do so. I have sent many messengers to you and General Sigel and get nothing.

F. J. PORTER, Major-General.

An artillery duel is going on now—been skirmishing for a long time.

F. J. P.

The second dispatch:

GENERAL McDOWELL or KING: I have been wandering over the woods and failed to get a communication to you. Tell how matters go with you. The enemy is in strong force in front of me, and I wish to know your designs for to-night. If left to me I shall have to retire for food and water, which I cannot get here. How goes the battle? It seems to go to our rear. The enemy are getting to our left.

F. J. PORTER, M. G. Vols.

The third dispatch:

GENERAL McDOWELL: Failed in getting Morell over to you. After wandering about the woods for a time I withdrew him, and while doing so artillery opened on us. My scouts could not get through. Each one found the enemy between us, and I believe some have been captured. Infantry are also in front. I am trying to get a battery, but have not succeeded as yet. From the masses of dust on our left, and from reports of scouts, think the enemy are moving largely in that way. Please communicate the way this messenger came. I have no cavalry or messengers now. Please let me know your designs; whether you retire or not. I cannot get water and am out of provision. Have lost a few men from infantry firing.

F. J. PORTER, Maj. Gen. Vols.

AUG. 29—6 p. m.

That order, worth a thousand men's memories, that written paper, after sixteen years—I will not say of seclusion or suppression, but sixteen years of non-production, appears here to give the lie to this charge against this brave man. It is a complete refutation that he ever received that order of half past four o'clock of that afternoon in time to make the attack which he was directed to make. In fact, the time had passed, and not only the time but the power of making such an attack practicable at all had passed, because orders of Pope and McDowell had withdrawn from him the very troops, Ricketts' and King's divisions, whose place was supplied by the armed forces of the enemy.

Now, of the 30th of August. They all declare that after six o'clock on the 29th military operations for that night had ended. I mean the operations intended of an attack in force. There necessarily was skirmishing, but the battle no longer partook or was proposed to partake of a general or serious character. Then comes Thursday, the 30th. Was that day the day of this man's glory or was it the day of his shame? Who can speak so well as the man he met? Who is there North or South, East or West, to decry the judgment of Stonewall Jackson as to a soldier's capacity for fighting? None could be called who would attest it more freely than those who opposed him in battle. What did he say? What was his report on that 30th day of August? It was that such attacks were made with such fury and gallantry upon the part of the United States forces that nothing but the fortunate re-enforcement by General Longstreet prevented his overthrow.

Read the words of Jackson's own report to Lee, at page 733:

In a few moments our entire line was engaged in a fierce and sanguinary struggle with the enemy. As one line was repulsed another took its place, and pressed forward, as if determined by force of numbers and fury of assault to drive us from our position. So impetuous and well sustained were these onsets as to induce me to send to the commanding general for re-enforcements, but the timely and gallant advance of General Longstreet on the right relieved my troops from the pressure of overwhelming numbers, and gave to those brave men the chances of a more equal conflict.

And now Senators, ask yourselves, ask General McDowell, ask the American people whose heart and brain directed the attack, and whose splendid courage came very near overwhelming the forces of Stonewall Jackson? Whose troops were then in front of Jackson and Longstreet? Whose valor caused Jackson to be grateful that re-enforcements had reached him just in time for his safety? It was Fitz-John Porter; it was the valor of the troops he commanded. Sir, that which was published by Pope and McDowell for his shame will stand forever the monument of his honor and fidelity. The facts are there; they cannot be erased; they cannot be gainsaid; they stand to-day and they will burn themselves into the consciences of the American people so long as memory shall last. [Applause in the galleries.]

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) Silence in the galleries.

Mr. BAYARD. Mr. President, I have read with interest and feeling the whole of the testimony in this case. Originally a distinguished man, with whom my relations were those of friendly confidence, sent me his arguments and the papers connected with the case of Porter at the time of the original trial—I refer to Hon. Reverdy Johnson—and he and I had some correspondence upon the subject. After that, from his judgment, from the opinions published at that time, I am frank to confess that I was a believer in the injustice of the finding of that court-martial. I thought that Fitz-John Porter had been tried in a time when reason slept and when passion raged; that he was the victim of a heated, unwholesome atmosphere; that the report of the Senate in Hammond's case might have applied to him. I may read it. It seems a little florid in style, but it is true:

The period when the difficulties originated between Secretary Stanton and Surgeon-General Hammond was one replete with perplexities and troubles. A great civil war was in progress, large armies were arrayed in active hostilities, and the issue of events was uncertain and indeterminate. There were, of necessity, antagonisms, ambitions, and jealousies without number, embarrassing and hampering

the authorities. Chaos reigned supreme, and the untoward fate of a single person, just or unjust, merited or unmerited, whether in exalted or humble station, weighed not a feather in the momentous balance. Men of elevated rank and reputation were cast from their high estates to give place to others, in some cases the experiment utterly failing and the speculation proving valueless, while in others yielding good return. Success was the touchstone, and to the Moloch of its attributes, or what was conceived to be its necessities, victims were daily, nay hourly, sacrificed. Into this whirlpool of events Dr. Hammond was drawn and carried down. The history of that era is an open book, known to and read by all the world.

Sir, it is a true picture of the excited condition of feeling at that time. But still there were minds competent to judge. If the Senate were passing upon the question of a pension, in the case of a man who died of wounds received in service or in consequence of his exposure in the public behalf, whether the symptoms of the petitioner were such as entitled him to relief according to the well-known rules of granting pensions, would not the Senate feel itself bound in great degree by the opinion of eminent physicians and surgeons? Would not the opinion of men especially skilled in that art be relied upon then to form their judgment as to the granting of the pension? So I take it in regard to the weight of testimony. Weighing testimony is a thing of skill. Men's minds must be trained to adjust fact to fact in order to obtain a fair proportion out of which truth arises, and upon men who have made the study of testimony and its laws the work of their lives the greatest reliance must be placed. What names are here? What a catalogue can I find of the men who not in case, not in passion, not in envy, and surely not in malice, took this case into their calm and careful consideration. At page 528 will be found the honored names of Benjamin R. Curtis, of Daniel Lord, of Sidney Bartlett, of Judge Abbott, of William C. Shipman, of Charles O'Connor, of Reverdy Johnson—all agreeing in opinion that the testimony before the court of January, 1863, did not convict Fitz-John Porter, but that it did acquit him. Read their letters to be found at pages 535, 536, and so on to page 540. What shall I say as the weight of testimony to guide me in my vote contained in the report of the Schofield board? Who shall better inform us of military facts than a board of skillful soldiers? Who can better instruct us in the canons of military duty and soldierly fidelity in all these transactions so fully placed in evidence, than three distinguished military men, whose honor is without stain? It would be a grateful task to supply my poor words by theirs, to choose extracts from this report to show how overwhelming and conclusive in their minds has been this testimony, and how entirely this suspected and condemned man has been exonerated, how he who was charged with being a traitor is a hero and a patriot. Let me read one sentence. Speaking of the fight of the 29th of August, after the order of half past four might have reached, and probably had reached General Porter, it then being after six—

Any attack which Porter could have made at any time that afternoon must necessarily have been fruitless of any good results. Porter's faithful, subordinate, and intelligent conduct that afternoon saved the Union Army from defeat which would otherwise have resulted that day from the enemy's more speedy concentration. The only seriously critical period of that campaign, viz, between eleven a. m. and sunset of August 29, was thus safely passed. Porter had understood and appreciated the military situation, and, so far as he had acted upon his own judgment, his action had been wise and judicious. For the disaster of the succeeding day he was in no degree responsible. Whoever else may have been responsible, it did not flow from any action or inaction of his.

Closing the history of this terrible battle. They show what they term the fierce and gallant struggle of Porter's own troops on the 30th which had been used to sustain the original error, which was that the fight that occurred was on the 29th, under which he was condemned. General Porter was in effect condemned for not having taken any part in his own battle.

Such was the error upon which General Porter was pronounced guilty of the most shameful crime known among soldiers. We believe not one among all the gallant soldiers on that bloody field was less deserving of such condemnation than he.

Mr. President, there is a key-note to the animus of Fitz-John Porter at that time, and through those dreadful scenes which I will read. It is to be found at page 25. General McClellan in his testimony avers that he sent a dispatch to General Porter exhorting him in the strongest words to give to Pope every aid and every succor that he could have accorded to him. He testifies that he wrote that dispatch not that he had the faintest doubt that General Porter would give every aid in his power to sustain his commander, General Pope, not that he doubted for one moment the fealty of his brave companion in arms and true friend, but it was written at the suggestion of President Lincoln, who said that there were rumors of sore feelings between the officers and against General Pope upon the part of his subordinates, which made him think it perhaps would be wise if General McClellan sent this exhortation, this message from his heart to those who knew and loved him so well. At page 25 is the response of Fitz-John Porter to that dispatch of General McClellan, and this dispatch I say strikes the key-note of that man's heart through the whole of these transactions:

FAIRFAX C. H., 10 a. m., September 2, 1862.

You may rest assured that all your friends, as well as every lover of his country, will ever give, as they have given, to General Pope their cordial co-operation and constant support in the execution of all orders and plans. Our killed, wounded, and enfeebled troops attest our devoted duty.

F. J. PORTER,
Major-General Commanding.

General GEORGE B. MCCLELLAN, Washington.

Yes, sir, those killed, wounded, enfeebled troops did attest their devotion to duty. It was that devotion to duty of Fitz-John Porter

and the brave men under his command that saved what was saved of the Army of the United States on the 30th day of August, 1862. If men wish to understand how he felt on that day, let them read the unconscious testimony of the man when he sent to McClellan this response to his telegram. General Pope testifies that he would not allow this telegram to be forwarded, and says he was forbidden to send that dispatch to General McClellan by orders of his superior officer, but it would have told McClellan no more than he well knew before. It tells the American people that which they knew before, which they only will believe in the more as time rolls on—that Porter was ever faithful and true.

Mr. President, I must apologize to the Senate for the length of time and the very imperfect manner in which I have discussed this case. It after all rests with the care and the patience of Senators themselves to make that examination of the testimony should they have doubt of the testimony, or of the law should they have doubt of the law, of the power of Congress to assist the President in every way in having justice done to this officer.

Something has been said about his receiving the pay and allowances of his rank. Upon my soul, I think it is scarcely worth mentioning. It seems to me that the great act is the act of restoration, and that this incident, the payment of money that was due to him fairly under law, should go with it. If it be true, and who can doubt it is true, that for fifteen years this man has sat with a crushed and aching heart asking for justice at the hands of his Government, what money can compensate him? Who among us would for money's sake stand for one week with that dreadful, slow, unmoving finger of scorn pointed at us, conscious all the while of its cruel and bitter injustice? If you unbolted your Treasury and poured its contents at his feet it would be nothing to him as compared to that which he has suffered. It really seems to me this point is insignificant and small beyond notice.

In the course of this debate I have heard it said, "Wait until you hear from the people on this subject." Well, Mr. President, I hope we will hear from the people; but before we hear from the people I want them to hear from me. I am not waiting for the echo of popular applause or condemnation. I think no greater insult can be offered to the people of America than to tell them that you suppose they will condemn a public man who tells the truth, and endeavors to do justice. [Manifestations of applause in the galleries.] Is it service to the people to distrust them and conceal from them your real judgments? Oh, sir, there rang out in the ages long ago from the lips of the aged patriarch in the depth of his sorrows, "Though he slay me, yet will I trust in him;" and shall not we trust in those we profess to serve? Shall we not trust in those who we say are virtuous, honest, and intelligent? Shall we not vote and speak according to the conscience that has been placed in the breast of every man among us? This country of ours is one of the leading nations of the world, and little minds are not fit to govern it. If this Government should fall and go down amid the tears of those who love constitutional liberty and republican freedom, close to the root of its cause of failure will be found the fact that her representative and public men disguised their honest opinions and failed to tell the people the truth, as they knew it to exist. [Applause in the galleries.]

Mr. McDONALD. Mr. President—

Mr. WHYTE. Will the Senator from Indiana give way that I may move that the Senate proceed to the consideration of executive business?

Mr. McDONALD. I understand that the Senator from Illinois wishes to say something now.

Mr. LOGAN. Mr. President, I desire just about five minutes on one proposition, if the Senator from Indiana will allow me.

The PRESIDING OFFICER. (Mr. WALLACE in the chair.) Does the Senator from Indiana yield to the Senator from Illinois?

Mr. LOGAN. I understand the Senator from Indiana yields to me.

The PRESIDING OFFICER. The Senator will be in order.

Mr. LOGAN. Of course, I do not intend to detain the Senate, and I would not rise were it not for the fact that I desire to call the attention of the Senator from Delaware [Mr. BAYARD] to one of his propositions in regard to the law concerning courts of inquiry. He read the statute in reference to courts of inquiry, which applies to officers of the Army, and then stated to the Senate that this board, called the Schofield board, was authorized by that provision of the statute. I am certainly very much astonished that so good a lawyer as the Senator from Delaware should say that that was a board organized under this provision of the statute, when the statute provides expressly that a court of inquiry shall be called on the request of an officer of the Army to inquire into his own conduct.

Mr. BAYARD. I beg the Senator's pardon, the law requires that where such courts of inquiry are called by a commanding officer they shall be called at the request of the officer whose conduct is complained of, but it does not require a court of inquiry to be called at the request of an officer where the President orders it.

Mr. LOGAN. A court of inquiry is in reference to the conduct of an officer in the Army, not in reference to the conduct of a citizen.

Mr. BAYARD. May I read the section to the honorable Senator?

Mr. LOGAN. Certainly.

Mr. BAYARD. I will read it:

ART. 115. A court of inquiry, to examine into the nature of any transaction of, or accusation or imputation against, any officer or soldier, may be ordered by the

President or by any commanding officer; but as courts of inquiry may be perverted to dishonorable purposes, and may be employed, in the hands of weak and envious commandants, as engines for the destruction of military merit, they shall never be ordered by any commanding officer, except upon a demand by the officer or soldier whose conduct is to be inquired of.

Mr. LOGAN. Exactly. Now, Mr. President, the Senator totally misapprehends me. That law applies in no sense whatever to a citizen; it applies to an officer or a soldier in the Army. A court of inquiry may be called on the request of an officer or soldier in the Army by a commanding officer; but for the purpose of preventing what is stated there the President himself may call it. Now, will any Senator, I care not who he may be, pretend for one moment that a court of inquiry as known in military parlance, under the military law, can be called for the purpose of inquiring into the conduct of a citizen? No man has ever made such an assertion that I have ever heard of prior to this day. Fitz-John Porter was a citizen of the United States when this board was called, and not an officer of the Army, not a soldier in the Army, and it was called by the President, not under this section, but outside of any law whatever.

Mr. BAYARD. May I say this to the Senator: Fitz-John Porter's conduct which was under investigation was when he was a soldier in the Army; therefore it was a military question which was under consideration. This board of review never asked a question as to what Fitz-John Porter had done since 1862. They were not called for the purpose of asking what Porter had done since 1862; they were not called to consider Fitz-John Porter as a private citizen. The matter they inquired of was the action of Fitz-John Porter when a major-general of the Army, and what he did,—what were the accusations against him, the imputations upon him, not when he was a private citizen, but when he was a soldier in the Army. It is begging the whole question to say that you cannot inquire into acts performed at a period when he was distinctly within the letter of the statute.

Mr. LOGAN. Mr. President, the proposition I make is this: not that the President may not ask a board of officers to give him information, as I said the other day, for the purpose of ascertaining the propriety of a pardon; but that under this section of the law the President of the United States has no right to call a board of officers to examine into the conduct of a citizen as a citizen or as a soldier or as an officer when that officer or soldier no longer belongs to the Army.

Now let us see what a court of inquiry is constituted for. A court of inquiry in the Army is constituted to ascertain what? To ascertain whether or not the conduct of the officer to be inquired into has been such as to authorize the preferring of articles against him to bring him before a court-martial. That is the object and intention of it, and it always has been so understood. No lawyer in this country before has ever pretended that a court of inquiry of Army officers could be organized for any other purpose, and I must say that I was astounded at the statement of the Senator from Delaware in reference to the proposition.

Mr. BAYARD. May I ask the honorable Senator from Illinois a question—

Mr. LOGAN. Yes, sir. I will be more generous with the Senator than he was inclined to be with me toward the last.

Mr. BAYARD. Suppose the court-martial has been held and the finding has been approved and the officer is dismissed from the Army, he then ceases to be a soldier.

Mr. LOGAN. I say he does.

Mr. BAYARD. I am speaking of your reasoning now. Let me ask what is the purpose of this board of inquiry or review but to open those very proceedings?

Mr. LOGAN. This is not a board of inquiry at all. There is no such thing as a board of inquiry.

Mr. BAYARD. I am speaking of the board authorized by the section of the statute I have just read.

Mr. LOGAN. That is a court of inquiry to inquire into the conduct of an officer in the Army, to see whether or not he shall be put before a court-martial for trial, and that is the purpose and object of it, and it has always been so understood.

Now, sir, the Senator will agree that when the judgment of a court-martial, approved by the President, dismisses an officer from the Army he is out of the Army and becomes a citizen. Does he not agree to that?

Mr. BAYARD. And I do also say that the power of review for the purpose of restoring him does not cease, that courts of inquiry for the purpose of establishing a review may be called, and that we over and over again in the history of our legislation have approved them and have ratified the restoration of a man.

Mr. LOGAN. No matter what the history has been, it has been done by law. The President has no law, the Secretary of War has no lawful authority, you can find it nowhere, to call a court of inquiry to examine into the conduct of a citizen, no matter how long ago or how short ago he may have been in the Army. That is not the purpose. It never was intended and never has been done. I asserted that this board was without authority of law. The Senator undertakes to meet that by talking about a court of inquiry that may be called by the President, or by the officer asking it of his commanding general. What officer can ask for it? An officer in the Army asking of his commanding general to organize a court of inquiry to inquire

into his conduct so that he may exculpate himself, or for the purpose of preventing certain oppressions, the President may do it himself. Do it for what? To examine the conduct of the officer to see whether he will put him before a court-martial or not.

That is the object; but what was done in this case? When the information came to the President of the United States in reference to this man's conduct, he called a court-martial, as he had a right to do under the law, without a court of inquiry; and he having been court-martialed, that is the end of the law, so far as it applies to him as a military officer, and no court of inquiry can take jurisdiction of him under military law.

Now, one other point I wish to call the Senator's attention to, and it is in reference to the evidence. I beg pardon of the Senate for again taking the floor, but I will not, while this question is being discussed, sit here and allow a perversion of the testimony or the law, if I can prevent it. The Senator says that McDowell's testimony before this board shows that he made a mistake before the court-martial—I so understood the Senator—that he testified before this board that he was mistaken in reference to General Jackson's report, and used the 30th for the 29th.

Mr. BAYARD. In his reports and also in his written statement.

Mr. LOGAN. Whose written statement?

Mr. BAYARD. General McDowell's.

Mr. LOGAN. I am coming to that, and I will answer it. The Senator left the impression before the Senate that General McDowell had sworn before the court-martial to that effect.

Mr. BAYARD. I meant to give this view to the Senate—

Mr. LOGAN. Whatever you meant to give, I am speaking of the impression left—

Mr. BAYARD. I cannot speak as to that.

Mr. LOGAN. Let me answer if the Senator will allow me. I will not misrepresent him at all.

Mr. BAYARD. Not willingly I am sure.

Mr. LOGAN. What do you mean by it?

Mr. BAYARD. I mean to say this: General McDowell had made statements, written statements and oral statements—I do not know whether they were in his prior testimony or not—but he had circulated freely his account of the transactions of the 29th and 30th of August, which convicted Porter of standing by cruelly and allowing his associates to be massacred and making no attempt to relieve them, which he bases on the report of Stonewall Jackson, and that he was not aware of his error until fifteen minutes before the time he was examined last by the board at West Point.

Mr. LOGAN. I understand that.

Mr. BAYARD. So that the very fact of Porter's gallantry on the 30th of August, 1862, was used for the purpose of condemning his conduct on the 29th.

Mr. LOGAN. Now I will show the Senator exactly where he misunderstands this statement. I have read the testimony, I think about as often as any other Senator. The evidence that he refers to is a statement that General McDowell made in answer to General Porter's application to the President for a rehearing. He made a written statement, written after the court-martial, years afterward, in which he quoted from General Jackson's report and quoted one paragraph as relating to one day, when it should have been quoted as relating to another day. But let us see what effect that had on the court-martial.

There was no such testimony before the court-martial; no such statement was made; no reference was made to General Jackson's report before the court-martial. General Jackson's report had not been seen at that time. And let me call the Senator's attention to the fact that General Jackson's report of the battle of the 29th and 30th was found among his papers after he was dead. Hence McDowell could not have known anything about it at the time of the court-martial. It would be very well for the Senator to state these things as he goes along. It was found among General Jackson's papers, found by his adjutant-general, referring to these battles. I read from it myself right here from this desk, reviewing the paragraph where he speaks of the 30th, and without that, General Jackson's report shows that the battle of the 29th was a severe battle, and so does all the evidence.

The object of the Senator by making this statement and seeking to put General McDowell in a false position was to try to prove that there was no battle on the 29th. That was his object, for he so stated. Now I state, and he knows it to be the fact if he has read this testimony, that in the battle of the 29th King's division and Reynolds's division of General McDowell's corps were both engaged in that battle from five up to eight o'clock, and lost over fifteen hundred men on the 29th. The testimony of Stuart, of the confederate cavalry, of General Lee, the commander of the confederate army, of General Longstreet, of Rosser, of every one of those men, shows that a battle was fought on the 29th and a severe battle, and as I said the other day the only battle of Porter that day was with the dust and the brush that was in his front.

Now one other point—

Mr. McDONALD. I think I have yielded long enough.

Mr. LOGAN. Just one moment in answer to one other proposition of the Senator from Delaware, for as I said I want this thing to be fair and honest on both sides, no misrepresentation. The testimony of General McDowell cannot be twisted in this way for the purpose of trying to exculpate this man from the verdict of the court-martial.

No such testimony was before the court-martial as that paragraph of General Jackson's report; it was not known at the time.

Mr. BURNSIDE. The report was dated after the court.

Mr. LOGAN. Certainly, it was long after the court, and it was only shown before this board, as they call it, for the purpose by the lawyers of trying to get General McDowell to say that he had made a mistake in a letter he had written in quoting that report, and that is all there was of it. Like a frank and honest man he said he had been mistaken, but not in his evidence before the court-martial. The Senator would have us understand that General McDowell confessed to a mistake in his testimony before the court-martial. That is not true. There is no such thing in this evidence, and no such inference can be drawn for one moment.

Next, the Senator says that the order of his of six o'clock that McDowell produced before the board of investigation, an order dated by Fitz-John Porter at six o'clock, proves conclusively that he did not receive the order of 4.30, known as the Pope order of 4.30. On that let me call the Senator's attention to the facts. Colonel Locke, Fitz-John Porter's own staff officer, swears before this board that he was present when the order was received; that at once an order was sent to Morell to attack, and Morell swears that he got the order to attack, and the sun was then up to the tops of the trees; and immediately after he got the order to attack he received another order in writing to remain where he was all night and not attack. General Morell, one of his own division commanders, Colonel Locke, one of his own staff officers, General Butterfield, one of his own brigade commanders, and two captains, all swear to the same thing, and two of these officers swear they were present when Porter received the order. There is the testimony, and you pretend that this 6.30 note to McDowell does away with the order of 4.30. No such thing.

More than that, General Heintzelman swears, and there is the evidence in the very book you were reading if you turn to it, that at five o'clock in the afternoon, at Pope's headquarters, they received a note from General Fitz-John Porter saying he was going to retreat to Manassas. Do you say that this shows that Porter received no such order. There is the evidence right before you, of Heintzelman. General Heintzelman, in this city now, swears before your board that the note spoken of was read at Pope's headquarters at five o'clock in the afternoon, and that was some three miles from where Fitz-John Porter was, and McDowell's troops went into the fight after five o'clock with two divisions; and this was at the time they received this news that Porter had been attacked and was retreating on Manassas. I read Heintzelman's testimony the other day, and yet you pretend that no such order was issued. Sir, you cannot do it, and shall not dodge this question.

Mr. EATON. Nobody wants to dodge it.

Mr. LOGAN. Very well, sir. I did not address my remarks to the Senator.

Mr. EATON. You said nobody should dodge it.

Mr. LOGAN. I do say so. What I mean is that nobody ought to dodge it. If there is no one here that wishes to dodge the main question, let us have the facts as they are and not as they are not.

Further than this, if this note was sent by Fitz-John Porter, what does it prove? It proves if he even sent it at six o'clock, as he said he did, that at six o'clock, when the evidence all shows that there was no enemy in his front, he intended to retreat to Manassas. It proves that, does it not? Then I ask how does it leave him, in what way does it make his case any better? In what way does it clear it up? In what way does it show that he was obeying orders when the Senator from Delaware says if this order had been produced before the court it would have wiped away all the accusations against him? Why, sir, it would only have made firmer in the minds of men that he was not doing his duty; for he says in the very note you expect to exculpate him by: "I want to know how you are getting along; troops seem to be retiring; I shall retire on Manassas;" and you claim that exculpates him! Now, sir, I cannot understand it so, and I say to the Senator from Connecticut that I meant no offense by saying that men should not dodge it. I did not mean that I had the power to keep them from doing so. I only meant they ought not to dodge it. I mean no offense to any one. I have tried to discuss this question fairly, justly, and honestly on both sides. I only mean that I desire it shall be presented honestly and fairly, and if I can prevent it, I will prevent its being presented in any other way. That is all that I mean.

Mr. McDONALD. Mr. President—

Mr. DAVIS, of West Virginia. The Senator from Indiana yielding, I move that the Senate proceed to the consideration of executive business.

Mr. PENDLETON. Let us adjourn.

Mr. HARRIS. I move that the Senate do now adjourn. ["Oh, no."]

The PRESIDING OFFICER. Does the Senator from Tennessee insist on his motion?

Mr. HARRIS. No, sir. It seems to be the desire of the Senate to have an executive session.

The PRESIDING OFFICER. It is moved that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at four o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, March 8, 1880.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

The Journal of Friday was read and approved.

ORDER OF BUSINESS.

Mr. DIBRELL. On the 20th of February last, the papers called for by House resolution from the Committee on Military Affairs were referred by mistake—

The SPEAKER. That is not a correction of the Journal, and the Chair will have to recognize the gentleman later in the day.

NEW RULES.

The SPEAKER. The Chair desires to announce that, under the order of the House, the new rules go into operation to-day. The Chair will state to members they can procure cards of admission for the members' gallery and for the visitors' gallery, provided for under the new rules, by applying to the Doorkeeper. The regular order under the rules is—

Mr. GARFIELD. Is this which I hold in my hand the order of business?

The SPEAKER. That the Chair supposes to be the Calendar made by the journal clerk of the House in accordance with the resolution of the House. The Chair is advised it is incorrect in one or two particulars, which will be made correct in future publications.

Mr. GARFIELD. There appears to be here but one calendar, namely, the House Calendar, whereas we have two calendars in the Committee of the Whole and a Private Calendar.

The SPEAKER. The Calendar for Friday will be printed on Friday. The House Calendar is printed to-day.

Mr. GARFIELD. But there are two calendars which ought to be printed.

The SPEAKER. The Chair supposes that there are two calendars printed, that which relates to business in the Committee of the Whole on the state of the Union and the House Calendar. The remaining calendar will be made up on Friday.

Mr. GARFIELD. Where is the calendar of the Committee of the Whole on the state of the Union?

The SPEAKER. The Chair finds that it has not yet been printed, but will be, as the Chair is advised.

Mr. GARFIELD. What is presented this morning is the House Calendar alone, and the other two calendars are to be printed hereafter?

The SPEAKER. That seems to be correct.

Mr. GARFIELD. In order to facilitate business I suggest, during the day at any time, in order to avoid reading this, that any member may move to correct anything which he may find incorrectly recorded here, so that after to-day this shall be understood, if no criticism or change be made, to be the fixed House Calendar.

The SPEAKER. The Chair will be glad to hear any correction, and will see it is made.

Mr. GARFIELD. I suggest it be open to everybody during the day—that it shall be in order for anybody to propose corrections to this calendar.

The SPEAKER. The Chair thinks he would have the power himself to make any such correction, and if any member will indicate now or during the day where an error occurs, he will have it corrected in the Calendar for the future.

Mr. GARFIELD. What I wish to suggest is, we should have the power of correction barred, so that if correction is not made on this House Calendar to-day, then it is to be understood it shall stand as it is now printed.

Mr. CONGER. I desire to say that I do not know any authority there was for taking from the public Calendar any bill, or for discharging the Committee of the Whole from the consideration of any bill on the public Calendar and putting it upon the House Calendar without the action of the House.

The SPEAKER. The Chair is not advised that that has been done.

Mr. CONGER. I find bills on the House Calendar which were on the public Calendar under the old rule.

The SPEAKER. Indicate which one.

Mr. CONGER. The first one on the Calendar.

The SPEAKER. State which one by title.

Mr. CONGER. The first one, and I think the third.

The SPEAKER. Does the gentleman refer to the bill reported from the Committee on Reform in the Civil Service?

Mr. CONGER. No, sir; but to contributions for political purposes.

The SPEAKER. The Chair and the gentleman allude to the same bill.

Mr. CONGER. That was in the Committee of the Whole on the Public Calendar.

The SPEAKER. The Clerk will read the order of the House.

The Clerk read as follows:

Mr. HOSTETLER. Reform in Civil Service: A bill to prohibit Federal officers, claimants, and contractors from making contributions for political purposes. Pending when the morning hour expired. June 14.—Morning hour expired. June 17.—Pending the demand for the previous question the morning hour expired. December 10.—Made a special order for January 7, 1880, in the House as in Committee of the Whole House on the state of the Union, and from day to day thereafter until disposed of.

The SPEAKER. That bill is in the right place.

Mr. CONGER. It seems to be so; but by what authority does it go on the House Calendar?

The SPEAKER. Because it is in the House as a public bill, and should go to the House Calendar.

Mr. CONGER. But the rule says when reported by a committee it goes to the House Calendar.

The SPEAKER. It was reported by a committee.

Mr. CONGER. But when reported? Immediately on its being reported.

The SPEAKER. The business in the House had to go to the public Calendar in the House.

Mr. CONGER. Any matter under consideration, under new rule and under order made by the House, unfinished business in the House. Does that go to the House Calendar?

The SPEAKER. It is not unfinished business, it has the special characteristic for such consideration, and it is not displaced.

Mr. CONGER. I mean by what authority is any business put on the House Calendar, except at the time it is reported from a committee under the rules?

The SPEAKER. This business was in the House, and it is placed there on the House Calendar for the consideration of the House, according to the rule and in order of date of House order.

Mr. CONGER. That must be by the order of the Speaker.

The SPEAKER. Authority was given by the House to the journal clerk to do it. Where else would the gentleman have it go?

Mr. CONGER. It is not for me to determine how the rules should be executed.

The SPEAKER. The gentleman would not surely mean to intimate that that bill should lose its place.

Mr. CONGER. That is a matter which belongs to the House.

The SPEAKER. It is exactly in the position in which the House placed it.

Mr. GARFIELD. It was of course the intention of the House that under the new rules all existing business should be put in place according to the old order, and having its old rights; only that it should be distributed on these different calendars. The new rule could not be otherwise executed. This is an order to be considered in the House as in Committee of the Whole on the state of the Union, and it is accordingly placed on the House Calendar and will have to be considered in that way. We have to execute the old order as made by the House; and I think the Speaker is right in putting this order where it is.

The SPEAKER. The Chair did not do it. It was done under a resolution of the House by the journal clerk. But the Chair agrees with the gentleman from Ohio that it is the place where the order intended it should come in. If not put there it is without a position. The Clerk will read the resolution under which these calendars were prepared.

The Clerk read as follows:

Resolved, That the foregoing rules, just adopted as a substitute for all existing rules of the House, shall take effect and be in force from and after the hour of noon on Monday next, on which day, after the reading of the Journal, the Speaker shall present to the House the calendars provided for in these rules, on which shall be entered in proper order all the measures now pending before the House or the Committee of the Whole: *Provided*, That, in carrying these rules into effect no standing committee shall be abolished, nor the number of the same decreased, during the present Congress; nor shall any existing special order be set aside.

The SPEAKER. It will be seen that the latter clause states that special orders shall not be set aside. There has been a strict adherence to the order of the House in the arrangement which has been made of the business on the calendars thus far printed.

Mr. TOWNSHEND, of Illinois. I find on the Calendar of the Committee of the Whole House on the state of the Union bills that in my judgment belong to the House Calendar.

The SPEAKER. Do they appropriate money or property?

Mr. TOWNSHEND, of Illinois. No, sir; they do not appropriate money.

The SPEAKER. To what bills does the gentleman refer?

Mr. TOWNSHEND, of Illinois. I refer, for instance, to the bill reported from the Committee on the Revision of the Laws, in regard to the judiciary, and the bill in regard to the repeal of the tax upon leaf-tobacco.

The SPEAKER. The latter bill would be subject to the point of order that it is a bill in relation to raising revenue, and would go to the Committee of the Whole on the state of the Union.

Mr. TOWNSHEND, of Illinois. The judicial bill would properly go to the House Calendar. It has nothing to do with tariff or the raising of revenue.

The SPEAKER. The Chair is advised that the bill to which the gentleman from Illinois alludes went to the Committee of the Whole on the state of the Union by the action of the House, and it will be the second bill in order for action on that calendar. This is the reason why the journal clerk has assigned it as he has done.

ORDER OF BUSINESS.

The SPEAKER. The regular order of business to-day is the call of States and Territories for bills and joint resolutions for printing and for appropriate reference; and under this call joint and concurrent resolutions and memorials of State Legislatures may be presented for reference; resolutions of inquiry calling for departmental informa-

tion are also in order for reference. Under the new rule instead of commencing the call with the State of Maine the Chair will call the States and Territories in alphabetical order, beginning with the State of Alabama.

REDUCTION OF TARIFF.

Mr. SAMFORD introduced a bill (H. R. No. 4925) to reduce the tariff on certain articles; which was read a first and second time.

Mr. SAMFORD. I move that the bill be referred to the Committee on the Revision of the Laws.

The SPEAKER. The rules provide that bills relating to the tariff should go to the Committee on Ways and Means.

Mr. SAMFORD. Cannot a majority of the House decide the question of reference?

The SPEAKER. To refer it to any other committee might be considered to change the rule.

Mr. SAMFORD. I understood, Mr. Speaker—

The SPEAKER. The gentleman cannot debate the question. The rule is explicit, and a rule cannot be changed except by a suspension of the rules.

Mr. SAMFORD. If the Chair will permit me, I desire merely to say that I understood when a bill was introduced it was in the power of a majority to send it to any committee it might desire.

The SPEAKER. Heretofore it has been so held. The Chair will cause to be read the new rule, which is the first clause of Rule XXVIII.

The Clerk read as follows:

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month after the call of States and Territories shall have been completed, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session.

The SPEAKER. The Clerk will now read the second clause of Rule XI.

Mr. GARFIELD. What is the question?

The SPEAKER. The question is whether the gentleman from Alabama has a right to move to refer a bill relating to the revenue to the Committee on the Revision of the Laws. The Chair has caused to be read, first, the rule in relation to a suspension of the rules; and, secondly, he will again cause to be read what is contained in the first clause of Rule XI as to the reference of subjects relating to the revenue.

The Clerk read as follows:

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely, subjects relating—

1. To the election of members: to the Committee on Elections.
2. To the revenue and the bonded debt of the United States: to the Committee on Ways and Means.

The SPEAKER. The rule provides that all subjects relating to the revenue and the bonded debt of the United States shall be referred to the Committee on Ways and Means.

Mr. SAMFORD. Is not that exactly the same as the old rule?

The SPEAKER. The Chair thinks it is not; the new rule is more distinct and specific than the old rule.

Mr. SAMFORD. Is not the purport of it the same?

The SPEAKER. The new rules being just about to go into operation, the Chair desires to submit the question to the House and let the House give an interpretation to the rule.

Mr. COX. In case of a doubt, would not the Chair, as usual, submit the question to the House?

The SPEAKER. The Chair has just stated that he proposes to submit this question to the House for its determination.

Mr. MORRISON. I move to refer the bill to the Committee of the Whole on the state of the Union.

Mr. SAMFORD. I am quite willing that the bill shall have that reference.

Mr. FERNANDO WOOD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FERNANDO WOOD. I understood the Chair to say that to change the order of reference required by the rule necessitated the changing or suspension of the rules. Now, I want the Chair to determine at once, here at the beginning of the operation of these new rules, whether it is in the power of the House, by a mere majority vote, to change the rule and practice in regard to the reference of bills, and, without any notice whatever, to make a reference contrary to the rule.

Mr. MORRISON. Allow me a word in reply. The old rule number 43 provided that—

When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House on the state of the Union; the Committee of the Whole House; a standing committee; a select committee.

The Committee on Rules making the revision of rules reported to the House that Rule 43, which I have just read, was transferred to the new rules and appeared as clause 2 of Rule XIII. Now unless it means the same thing in clause 2 of Rule XIII as in old Rule 43, then the Committee on Rules has practiced something not much different from a fraud upon the House in reporting to the House that

it had transferred Rule 43 to Rule XIII of the new rules, where it appeared as the second clause of that rule. I thought I saw something of the kind; I thought the committee had made some mistake or omitted something, and had not done what it reported it had done; and therefore I voted against this rule and all the new rules as they appear in the new revision. It is, I think, to be regretted that the House did not reject them.

THE SPEAKER. The Clerk will read the second clause of Rule XIII.

The Clerk read as follows:

2. The question of reference of any proposition, other than that reported from a committee, shall be decided without debate, in the following order, namely: a standing committee, a select committee; but the reference of a proposition reported by a committee, when demanded, shall be decided according to its character without debate, in the following order, namely: House Calendar; Committee of the Whole House on the state of the Union; Committee of the Whole House; a standing committee; a select committee.

THE SPEAKER. It is clear that the majority of the House can reach a report of a committee, and send it wherever it sees fit under the rule.

Mr. SAMTORD. Can they reach a bill introduced on Monday?

Mr. MORRISON. Not if this rule provides that it shall go to the Committee on Ways and Means; the rule must be suspended in order to send the bill elsewhere. What I desire to know is whether the rule does send it to the Committee on Ways and Means, and whether it is true or not, as the Committee on Rules reported to the House, that this Rule 43 was to be found in the second clause of Rule XIII.

THE SPEAKER. The Chair is not called upon to answer what the Committee on Rules meant. The Chair takes the rules as he finds them, and is disposed to submit this question to the House for its decision. When a bill is introduced by a member in his place, the second clause of Rule XIII would imply that the question of its reference shall be taken first to a standing committee, and next to a select committee.

Mr. MORRISON. Under Rule 43, which the Committee on Rules said was transferred to clause 2 of Rule XIII, the first question was upon reference to the Committee of the Whole House on the state of the Union.

THE SPEAKER. The Chair will cause the Clerk to read that portion of the report of the Committee on Rules which relates to the introduction of bills.

The Clerk read as follows:

The principal changes recommended by the committee with respect to the foregoing rules are as follows:

1. The order of motions has been changed by making the motion to fix the day to which the House shall adjourn first in order, thereby conforming to the practice of the House since the Twenty-ninth Congress, by the addition of a motion for a recess next in order to a motion to adjourn, and by making the demand for the previous question non-debatable, which is a transfer of the first clause of Rule 133.

The order of reference of a subject has been changed so as to provide that the question of reference of any proposition offered by a member shall be put first to a standing committee, and second to a select committee, while the order of reference of a proposition reported by a committee shall be put in the same order as now provided in Rule 43.

Mr. BLACKBURN. I desire, speaking for myself as a member of the Committee on Rules, to say that, so far as I know and believe, it never was intended by the Committee on Rules to change in any wise the last paragraph of Rule 43 in the old system of rules, which has stood here in this House adopted and in operation since 1825. I do not believe there is anything in the present system of rules as adopted and as it goes into operation to-day that warrants any change of practice from that which has heretofore been followed under the last paragraph of the forty-third rule of the old system. I am sure it was never proposed by the Committee on Rules to adopt with regard to this subject any practice which would in the least contravene the right of the House to determine by a majority vote the reference of any bill according to the order named in the forty-third rule. There was but one thing unknown to the old system introduced by the new rule; I mean the creation of what is termed the "House Calendar," as distinguished from the calendar of bills raising revenue, general appropriation bills, &c., and the calendar for bills of a private character. I deny that there is anything in the revised rules which contemplates or results in the establishment of any rule warranting any practice upon this subject different from that provided for in the last paragraph of the forty-third rule of the old code.

Mr. GARFIELD. Mr. Speaker, I do not see that there is any necessary collision upon this point between the eleventh and thirteenth rules lately adopted. We have undoubtedly made one decided change from the old rule, of which I think the House will see the importance. The old rule contained merely the declaration of the names of committees, with the number of members of which they should be constituted. There was nothing in the rule which prescribed how bills introduced by individual members should be referred. On the contrary the new rule number XI provides that "all proposed legislation shall be referred to the committee named in the preceding rules, as follows." Then the name of each committee with the business appropriate to it is mentioned. Now, to whom is that rule a command? In the first instance, to the Speaker. A member sends to the desk a bill about taxation which he proposes to have referred to the Committee on Elections. The Speaker, in obedience to Rule XI, says, "This bill goes to the Committee on Ways and Means."

THE SPEAKER. Just as he did to-day.

Mr. GARFIELD. Just as he did to-day. In other words, the Speaker

enforces the clause of the rule which I have just read. If no question is raised this act of the Speaker is final. But it may be that the House does not concur with the Speaker and wish to make a different reference, and some member raises the question. New Rule XIII, paragraph 2, comes in play—which specially provides that the House shall decide the "question of reference," and prescribes the order in which questions of reference shall be decided.

Mr. MORRISON. What order?

Mr. GARFIELD. I will state in a moment. Who raises the question as to the order of reference? On the motion of any member the question is raised and the House decides the question. The Speaker obeys the rule by saying, "This goes to the Committee on Ways and Means." Although the member offering the bill may wish to send it to some other committee, the Speaker, seeing what the subject-matter is, obeys the rule.

THE SPEAKER. As a ministerial duty.

Mr. GARFIELD. And the bill is referred under the direction of the Speaker unless some member raises the question of reference to another committee.

Mr. ROBESON. Moves to suspend the rule.

Mr. GARFIELD. No; the Speaker's decision stands unless some member raises the question, as he has a right to, under Rule XIII.

THE SPEAKER. The Chair concurs in the view of the gentleman from Ohio that there was no attempt in Rule XIII to take from the House any power which it has heretofore exercised as to references on Monday.

Mr. GARFIELD. In reply to the suggestion of the gentleman from New Jersey [Mr. ROBESON] I will say that I do not think a suspension of the rules is necessary in order to provide for a different reference from that contemplated by Rule XI. When, as in this case, a bill is presented to the House by any member, he may under this thirteenth rule do just what has hitherto been done in the matter of reference, except this: it is not in order for a member when introducing a bill to move to refer to the Committee of the Whole. It must go to a standing or a select committee, and the rule provides the order in which the Speaker shall entertain those motions; that is all. Now in this case there is no motion to refer to the Committee of the Whole; there is no motion to send the bill to a select committee; there is only one motion—that the bill be referred to the Committee on the Revision of the Laws.

Mr. MORRISON. Will the gentleman allow me—

Mr. McLANE. I would like to ask the gentleman from Ohio a question. I wish to know from him whether Rule XIII does not separate reports from committees and reports from individuals.

Mr. GARFIELD. There are no reports from individuals.

Mr. McLANE. Bills, I mean.

Mr. GARFIELD. Yes. The first paragraph of the second clause refers to propositions by individual members, and these must be referred to standing or select committees. The second paragraph refers to reports from committees, which may be referred to the Committee of the Whole, to a standing or a select committee, in the order named.

Mr. McLANE. I ask my question for information. As I understand, Rule XIII provides for two classes of reports. The word "proposition" involves a bill; and we to-day or on any Monday proceed under a rule which enables individuals to report bills. Of course those bills are "propositions." Now the thirteenth rule prescribes the mode of referring propositions which come from individuals; and that is not at all like the mode prescribed for referring propositions coming from a committee. The gentleman from Illinois calls attention to the fact that when we deal with propositions coming from an individual only two references are provided for. This is the point of the gentleman; and it is manifest that there is an omission in this respect, or that the rule differs from the old forty-third rule. When the proposition comes from a committee, then the reference to the Committee of the Whole is provided for, but when a proposition comes from an individual no provision is made except for reference to a standing committee or to a select committee. That is the question asked by the gentleman from Illinois, and that question is not answered. That is the question I address to the gentleman from Ohio.

Mr. GARFIELD. I did not hear the last part of the gentleman's question.

Mr. COX. I rise to a parliamentary question.

THE SPEAKER. There is so much confusion in the House the Chair cannot hear what is being said by members.

Mr. McLANE. I want the gentleman from Ohio to answer me.

Mr. COX. What is the proposition before the House?

THE SPEAKER. A bill has been introduced by the gentleman from Alabama. He asks the same be referred to the Committee on the Revision of the Laws. Under the old practice which the committee never designed to vary—

Mr. COX. Is there a motion pending to refer it to the Committee of the Whole?

Mr. MORRISON. I made that motion.

THE SPEAKER. That was done subsequently.

Mr. COX. Which takes precedence?

THE SPEAKER. Under the second clause of Rule XIII, the House possibly might reach it, if that be the will of the House, by voting down, first the reference to a standing committee, then the motion to a select committee, when in the order of precedence the motion to refer to the Committee of the Whole might be reached if entertained.

Mr. COX. The House, then, can reach it by a majority?

The SPEAKER. If reached it would be by a majority.

Mr. BLACKBURN. I rise to a parliamentary inquiry. Under the construction the Chair gives to that clause of the thirteenth rule do I understand it requires more than a majority vote to determine which of these two references shall be had?

The SPEAKER. The Chair states where a proposition is introduced, the interpretation he thinks should be put on this rule is this: On propositions other than those reported from a committee the first vote is on reference to a standing committee, then on reference to a select committee, and then in the order of motions, if the House shall put such construction on rules, to refer it as proposed by the gentleman from Illinois. They would have to vote down the reference to a standing committee and then to a special committee, and next comes the reference to the Committee of the Whole, if the House puts such construction on the rule.

Mr. GARFIELD. I understand the Speaker has ruled under the second clause of Rule XIII the question of reference as between two standing committees of the House stands just where it stood under the forty-third rule of the old series.

The SPEAKER. The Chair so wishes to be understood.

Mr. BLACKBURN. Certainly.

The SPEAKER. Under the practice formerly. The Chair knows it was not the intention to change that practice.

Mr. CARLISLE. The forty-third rule of the old series provided, when a proposition was introduced by an individual member, the question of reference should be first taken on the reference to the Committee of the Whole, then to a standing committee, and then to a select committee. On page 5 of the report made by the Committee on Rules to the House it is stated this forty-third rule had been transferred to the second clause of Rule XIII in the revision; but when we look to the second clause of Rule XIII of the revision we find omitted the provision which allowed the motion to be made to refer the proposition offered by an individual member to the Committee of the Whole.

The SPEAKER. The report goes a little further than the gentleman states, and sets forth wherein there is a change.

Mr. CARLISLE. On the next page. What I wish to ascertain is this: whether the Chair has ruled, the motion to refer to the Committee on the Revision of the Laws being voted down, the question can then be taken on the motion to refer to the Committee of the Whole House?

The SPEAKER. The Chair will entertain that motion, because he does not believe the Committee on Rules ever intended to change that right or to take it from a majority of this House, provided the House puts such construction on the rule in question.

Mr. FERNANDO WOOD. Before determining that question, I desire to call the attention of the Chair to this construction of Rule XIII in its connection with the second clause of Rule XI. I premise by saying I do not think it material what the rules were before today or what was the practice under those old rules; we have to deal with the rules as they are now here before us. I hold that clause 2 of Rule XIII does not apply to the distribution of bills as to what standing committees they shall be referred, but the question is whether they shall be referred to a standing committee or to some other committee. That is the question presented in that rule. But Rule XI is peremptory—that it shall be referred—that all revenue bills shall be referred to the Committee on Ways and Means. And there is nothing in the thirteenth rule which contravenes the peremptory and arbitrary rule for the appropriate reference of bills.

The SPEAKER. The Chair thinks that the spirit of the rule is that the majority of the House shall control its deliberations.

Mr. FERNANDO WOOD. The majority of the House cannot change a rule. If it be true that the rule makes a disposition of the question a majority of the House cannot change it, but two-thirds can change it after one day's notice.

The SPEAKER. The Chair knows perfectly well, because he deliberated with the Committee on Rules, that it was not intended in any way to prevent a majority of the House from making any such assignment or reference of business as it might see fit.

Mr. FERNANDO WOOD. With all respect to the Committee on Rules, they should have so reported to the House, but they have not done it.

The SPEAKER. The Chair therefore thinks that the question shall be taken first for reference to a standing committee, next to a special committee, and then, if the House puts construction as indicated, it must of necessity be within the range of the authority and the power of the House to refer the matter somewhere else.

Mr. FERNANDO WOOD. What does it mean in Rule XI, which determines the character of questions to be referred?

The SPEAKER. It means that the Speaker, performing a ministerial duty, shall direct the attention of the House, when a subject comes up under that clause, that the proposition should go, if there be no dissent on the part of the majority, to the appropriate committee according to Rule XI. The Chair did that ministerial duty.

Mr. ROBESON. I should like to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. Suppose I rise and offer a proposition making an appropriation for the benefit of the Army, and the Speaker should refer it to the Committee on Appropriations, could I, by asking a

majority of the House to second me, refer it to the Military Committee under that rule?

The SPEAKER. The Chair thinks the Committee on Rules never intended to abridge the right of the majority of the House to refer business.

Mr. ROBESON. Let me say further that if I understand Rule XI, it says all business with regard to revenue shall go to the Committee on Ways and Means. Rule XXVIII says that no standing rule shall be altered except by a two-third vote under certain conditions. Rule XI says questions of reference shall be taken according to their character, in a certain order; and when they are taken, are not their results governed by the rule which requires two-thirds? And is not this a proposition to suspend the rule which requires two-thirds?

Mr. COX. Will the Chair allow me a word?

The SPEAKER. One moment.

Mr. PAGE. I rise to a parliamentary inquiry.

Mr. HASKELL. I desire to say one word in response to the remarks made by the gentleman from New Jersey which will, I think, explain precisely the ruling of the Chair here.

Under Rule XI it is entirely possible that a member of this House may introduce a bill which shall be a revenue bill, which shall be an appropriation bill, and which shall be a bill for the revision of the statutes of the United States. All three of these committees may be interested in the bill. Under Rule XI the Speaker is charged to use his discretion and send it where it properly belongs. Does any man in this House pretend to say that a bill which may have in it three characteristics—belonging to three different committees—that this House cannot determine to which committee it shall go? Any other ruling than the Speaker has made would bar you from that absolutely. This is an every-day occurrence. The Speaker looks at a bill, he sees it is a public bill on one side and it is a private bill on the other, and he thinks it should go to the calendar of public bills, but the House thinks it belongs to the calendar of private bills. Who is to tell?

The SPEAKER. The House, in case of dispute.

Mr. HASKELL. The House, of course. Here is a bill which comes in; one man says it is a revenue bill, another that it is an appropriation bill, and the Committee on the Revision of the Laws says: "You are tinkering with a matter we have under consideration." Will you make the Speaker decide beyond the will of the House which of these three committees shall have it, there being three quarreling for it, as two are this morning? I never saw or heard of a legislative body which did not have the power finally to direct its own legislation.

Mr. ROBESON. If that proposition be true, every bill can be referred to the Committee on the Revision of the Laws.

The SPEAKER. If the House so directs.

Mr. ROBESON. But every bill has a distinct, direct, substantive subject-matter and purpose which it seeks to accomplish, and when it does that it changes the law; and I say that that committee which has that subject under consideration, according to all good organization and correct procedure of business, should have referred to it that subject-matter with all its ramifications.

The SPEAKER. The gentleman from New York [Mr. COX] is recognized.

Mr. HASKELL. I ask the gentleman to yield to me for one question. Suppose we have a bill appropriating \$8,000,000 for the support of the Army; and suppose one-half of the bill is an appropriation for the support of the Army and the other half for the reorganization of the Army; who can tell which is the leading feature of the bill? Who decide, if not the House?

Mr. ROBESON. That is a matter which would be governed by the rule which says laws shall not be changed by appropriation bills.

The SPEAKER. The Chair will state that he exercises a ministerial duty merely when he calls the attention of the House to the fact on the introduction of a bill that it relates to revenue and belongs to the Committee on Ways and Means. The House has then the power to direct the reference. It has always had the power; it never has been intended it should be deprived of the power; and if the Speaker had the power to refer a bill differently from what was desired by a majority of the House, it would be a tyrannical exercise of power.

Mr. COX. I desire to say one word, Mr. Speaker, in reply to my honorable colleague, [Mr. FERNANDO WOOD.] He thinks that under Rule XXVIII it requires a suspension of the rules to effectuate an object which the majority of the House desires. It requires no such thing. That never was required under the old rule, and, as we have been told by the gentleman from Kentucky and the Speaker, it is not required by the revision. What then? Suppose a bill comes up about which there is a doubt as to its reference—whether it should go to the Committee on Ways and Means, or to the Committee on Banking and Currency, or to the Committee on Coinage, Weights, and Measures, or to the Committee on Appropriations.

Mr. FERNANDO WOOD. Will my colleague permit me to ask him a question?

Mr. COX. Yes, sir.

Mr. FERNANDO WOOD. I ask him whether in the Committee of the Whole on the state of the Union in the consideration of an appropriation bill, when a question of order is raised as to an amendment, if it is not competent for the Chair to decide whether the amendment is in order or not? Now, it is competent for the Speaker and is his

incumbent duty when a bill is introduced for reference to look at that bill and determine what reference under the rule it shall have. If it is a question of doubt, if there is anything in the bill making it susceptible of being referred to different standing committees, it will be for the Speaker to submit the question to the House to determine to which committee it shall be referred. But it is for the Speaker in regard to every bill presented under this call to-day, and on every other Monday, to determine where, under the rule, that bill should go.

Mr. COX. That has been determined by the Speaker. He has said this bill goes to the Committee on Ways and Means, under the rule.

The SPEAKER. The Chair in so determining exercised a ministerial duty merely.

Mr. COX. A ministerial duty no doubt. But further than that he says, "I will give effect to the will of the majority." The House may think this bill properly belongs to the Committee on the Revision of the Laws. My colleague and I know that the tariff was raised by the Committee on the Revision of the Laws; and it may be this very question of the tariff concerns that committee more than it does the committee of which my colleague is chairman. Hence, if the majority of the House says it shall not go to the Committee on Ways and Means it will be because of some reason why it should not go there. Perhaps they wish to take such action as will secure that this bill will be reported and placed on the Calendar for the action, not of the Committee on Ways and Means, but of the representatives of the people. And therefore the gentleman who introduced the bill very properly says let the action of the House be taken on this bill as to its reference. There is no difficulty about this. The rules have not been substantially changed. There is no analogy between the point made by my colleague in regard to the position of this bill before the House and a point of order which the Speaker or the chairman of the Committee of the Whole might decide. Under the old rules it has been left to the will of the majority to determine where a bill should go, and I hope the new rules at their initiation now will be so construed as to carry out the will of this House and not the will of a few men who stop the will of this House by their proceedings as a committee.

Mr. SAMFORD rose.

The SPEAKER. The Chair has decided it is for the House to determine the question of reference between committees.

Mr. SAMFORD. I understand that, and now I desire to ask the Chair a question.

The SPEAKER. The Chair will hear it.

Mr. SAMFORD. I wish to ask whether my motion to refer the bill to the Committee on the Revision of the Laws will in any way prejudice a motion hereafter to refer it to the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair will state the order in which the question will be submitted. The gentleman from Alabama moves that the bill be referred to the Committee on the Revision of the Laws. That may be amended by a motion to refer it to the Committee on Ways and Means. And the Chair will first submit the motions for reference to standing committees of the House before submitting the motion for the reference of the bill to the Committee of the Whole House on the state of the Union, even if the House should put such construction on the rule.

Mr. SAMFORD. Would the Chair entertain a motion made by any member on behalf of the Committee on Ways and Means before the question is put upon the reference to the Committee on the Revision of the Laws?

The SPEAKER. The Chair would entertain such a motion as an amendment to the original proposition.

Mr. SAMFORD. I believe I will take my chances and stand on my motion.

Mr. WHITE. Let the bill be read.

The Clerk read the title of the bill as follows:

A bill to reduce the tariff on certain articles.

Mr. SAMFORD. I have introduced two bills; let the other bill be read first.

The SPEAKER. This is the bill which is now before the House.

Mr. SAMFORD. The Clerk has put the wrong bill first. The bill I wanted first introduced is the bill to repeal the tariff on printing type and paper and the materials entering into their composition.

The SPEAKER. That bill is not yet before the House. The Clerk will read the pending bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after July 1, 1880, no duty shall be levied, assessed, or collected in excess of 50 per cent. of the present rate of import duties on merchandise imported into the United States, in the composition of which any or either of the following-named articles form the principal material, to wit: hemp, metals, wool, wood, and cotton.

Mr. CONGER. I ask that clause 31 of Rule XI be read.

Mr. TOWNSHEND, of Illinois. Under the rule debate is not in order.

The SPEAKER. Debate is in order on a question of order, but not upon the question of reference.

Mr. TOWNSHEND, of Illinois. The Chair has decided the point of order.

The SPEAKER. The Clerk will read clause 31 of Rule XI.

The Clerk read as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

31. To the revision and codification of the statutes of the United States: to the Committee on the Revision of the Laws.

Mr. CONGER. According to that rule, a bill in order to be properly referred to the Committee on the Revision of the Laws must relate to the revision or codification of the statutes.

Mr. ROBESON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. I understand the Chair to say that he will submit this question of reference to the House. I desire to know whether it will require a two-thirds vote to change the reference prescribed by Rule XI?

The SPEAKER. When that point of order shall be made on a decision by the House the Chair will rule upon it.

Mr. ROBESON. I find that Rule XI provides that subjects relating to the revenue shall be referred to the Committee on Ways and Means. By another rule it is provided that no rule shall be suspended except by a two-thirds vote. Now, I want the Chair to decide whether a motion to suspend this Rule XI so as to refer this bill to the Committee on the Revision of the Laws will require a two-thirds vote or not.

The SPEAKER. The Chair will decide that question when it shall arise.

Many MEMBERS. Regular order!

The SPEAKER. The regular order is demanded, and it is the question of reference, which is not debatable.

Mr. KNOTT. Is it in order to amend the motion to refer this bill to the Committee on the Revision of the Laws so that it shall be sent to the Committee of the Whole House on the state of the Union?

The SPEAKER. The Chair will not entertain that motion, because it is clear that under the rule the question must be first taken upon referring the bill to a standing committee of the House, so that such issue is not now presented.

Mr. FRYE. Is an amendment now in order?

The SPEAKER. It is.

Mr. FRYE. Then I move to amend by substituting the Committee on Ways and Means for the Committee on the Revision of the Laws.

The SPEAKER. That motion is in order.

Mr. MILLS. That I understood to be the original motion, to refer to the Committee on Ways and Means; and the second motion was to refer to the Committee on the Revision of the Laws.

The SPEAKER. No; just the opposite. The motion of the gentleman who introduced the bill [Mr. SAMFORD] was to refer it to the Committee on the Revision of the Laws. The gentleman from Maine [Mr. FRYE] now moves to amend that motion by substituting the Committee on Ways and Means for the Committee on the Revision of the Laws. Both being standing committees they come within the rule, and the question will be first taken on the amendment to refer the bill to the Committee on Ways and Means.

Mr. GARFIELD, Mr. BREWER, and others called for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question will be first taken upon the motion of the gentleman from Maine [Mr. FRYE] to refer the bill to the Committee on Ways and Means. The Chair desires to state that under the new rules the roll will be first called over, and then the Clerk will call the names of those who do not respond upon the first call. If any gentleman shall not vote on either of those calls he will be prevented from voting at all on this question. The Chair will also state that announcements of pairs must be sent to the Clerk's desk, in writing, and signed, the announcements to be read by the Clerk at the conclusion of the roll-call.

The question was taken; and there were—yeas 143, nays 88, not voting 61; as follows:

YEAS—143.

Acklen,	Cowgill,	Henderson,	Morse,
Aldrich, William	Crapo,	Hiscock,	Murch,
Anderson,	Crowley,	Horr,	Neal,
Bachman,	Daggett,	Hostetler,	New,
Baker,	Davis, George R.	Houk,	Newberry,
Ballou,	Davis, Horace	Hubbell,	Norcross,
Barber,	De La Matyr,	Humphrey,	O'Neill,
Bayne,	Deering,	James,	Orth,
Beltzhoover,	Dunnell,	Jones,	Osmer,
Bicknell,	Dwight,	Jorgensen,	Overton,
Bingham,	Einstein,	Joyce,	Pacheco,
Blake,	Errett,	Kelley,	Page,
Bouck,	Farr,	Kelley,	Phelps,
Bowman,	Felton,	Kenna,	Pierce,
Brewer,	Ferison,	Ketcham,	Pound,
Briggs,	Feld,	Kimmel,	Price,
Brown,	Fisher,	Klotz,	Reed,
Barrows,	Ford,	Ladd,	Rice,
Butterworth,	Fort,	Lapham,	Richardson, D. P.
Calkins,	Frye,	Lindsey,	Robertson,
Camp,	Garfield,	Martin, Benj. F.	Robinson,
Cannon,	Gibson,	Mason,	Ross,
Carpenter,	Godshalk,	McCook,	Russell, W. A.
Claffin,	Hall,	McLane,	Ryan, Thomas
Clark, Alvah A.	Haskell,	McMahon,	Ryon, John W.
Clymer,	Hawk,	Miles,	Sapp,
Coffroth,	Hawley,	Miller,	Sawyer,
Conger,	Hazelton,	Mitchell,	Shallenberger,
Covert,	Heilman,	Monroe,	Sherwin,

Smith, A. Herr
Speer,
Starin,
Stephens,
Talbot,
Thomas,
Townsend, Amos

Tyler,
Updegraff, J. T.
Updegraff, Thomas
Upton,
Urner,
Van Aernam,
Voorhis,

Wait,
Washburn,
Wells,
White,
Williams, C. G.
Willits,
Wilson,

Wise,
Wood, Fernando
Wood, Walter A.
Wright,
Yocum,
Young, Thomas L.

NAYS—88.

Atkins,
Beale,
Berry,
Blackburn,
Bland,
Blount,
Bright,
Buckner,
Cabell,
Caldwell,
Carlisle,
Chittenden,
Clardy,
Cobb,
Colerick,
Converse,
Cook,
Cravens,
Culbertson,
Davidson,
Davis, Lowndes H.
Deuster,

Dibrell,
Dickey,
Dunn,
Evins,
Finley,
Forney,
Forsythe,
Geddes,
Gillette,
Goode,
Gunter,
Hammond, N. J.
Hatch,
Herbert,
Herdson,
Hill,
Hooker,
House,
Hull,
Huntton,
Hutchins,
Johnston,

Kaott,
Le Fevre,
Lowe,
Marsh,
McKenzie,
McMillin,
Mills,
Morrison,
Muldrow,
Myers,
Nicholls,
O'Connor,
Persons,
Phillips,
Phister,
Poehler,
Reagan,
Richardson, J. S.
Richmond,
Rothwell,
Samford,
Scales,

Shelley,
Simonton,
Singleton, J. W.
Singleton, O. R.
Slemmons,
Sparks,
Stevenson,
Thompson, P. B.
Tillman,
Townsend, R. W.
Turner, Oscar
Turner, Thomas
Vance,
Waddill,
Warner,
Weaver,
Wellborn,
Whiteaker,
Whitthorne,
Williams, Thomas
Willis,
Young, Casey.

NOT VOTING—61.

Aiken,
Aldrich, N. W.
Armfield,
Atherton,
Bailey,
Barlow,
Belford,
Bliss,
Boyd,
Bragg,
Brigham,
Caswell,
Chalmers,
Clark, John B.
Cox,
Davis, Joseph J.

Dick,
Elam,
Ellis,
Ewing,
Frost,
Hammond, John
Harmer,
Harris, Benj. W.
Harris, John T.
Hayes,
Henkle,
Henry,
Hurd,
Killinger,
King,
Kitchin,

Lewis,
Loring,
Lounsbury,
Manning,
Martin, Edward L.
Martin, Joseph J.
McCoid,
McGowan,
McKinley,
Money,
Morton,
Muller,
O'Brien,
O'Reilly,
Prescott,
Robeson,

Russell, Daniel L.
Smith, Hezekiah B.
Smith, William E.
Springer,
Steele,
Stone,
Taylor,
Thompson, Wm. G.
Tucker,
Valentine,
Van Voorhis,
Ward,
Wilber.

So the amendment of Mr. FRYE to refer the bill to the Committee on Ways and Means was agreed to.

When the roll-call was concluded,

Mr. ROBERTSON said: I ask to have my vote recorded.

Mr. BURROWS. I object. It is not in order under the new rule.

The SPEAKER. The Clerk will read the rule on the subject.

The Clerk read as follows:

ON CALLS OF THE ROLL AND HOUSE.

1. Upon every roll-call, the names of the members shall be called alphabetically by surname, except when two or more have the same surname, then the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair.

Mr. ROBERTSON. I was present during the roll-call and responded, but I suppose the Clerk failed to catch my response, because perhaps I did not answer promptly enough.

The SPEAKER. The Chair thinks he cannot entertain the request. The Clerk will announce the pairs, memoranda of which have been handed in at the desk, in accordance with the new rule.

The following pairs were announced:

Mr. COX with Mr. ROBESON.

Mr. WARD with Mr. AIKEN.

Mr. HARMER with Mr. ELLIS.

Mr. HARRIS, of Massachusetts, with Mr. LEWIS.

Mr. LORING with Mr. KING.

Mr. AIKEN with Mr. WARD.

Mr. MONEY with Mr. STONE.

Mr. STEELE with Mr. BOYD.

Mr. HENKLE with Mr. ALDRICH, of Rhode Island.

Mr. THOMPSON, of Iowa, with Mr. DAVIS, of North Carolina.

Mr. HAMMOND, of New York, with Mr. O'BRIEN.

Mr. BRIGHAM with Mr. TAYLOR.

Mr. BELFORD with Mr. SPRINGER.

Mr. ELAM with Mr. DICK.

Mr. LOUNSBURY with Mr. BAILEY.

Mr. HARRIS, of Virginia, with Mr. PRESCOTT.

Mr. CHALMERS with Mr. VAN VOORHIS.

Mr. CASWELL with Mr. BRAGG.

Mr. SMITH, of Georgia, with Mr. WILBER.

Mr. ARMFIELD with Mr. RUSSELL, of North Carolina.

Mr. KITCHIN with Mr. MARTIN, of North Carolina.

The SPEAKER. The Chair finds among the papers sent to the desk an announcement by the gentleman from Missouri, Mr. PHILIPS, that his colleague, Mr. CLARK, is detained from the House on account of sickness.

Mr. GARFIELD. I wish to make a suggestion at this point. It will save a great deal of trouble if gentlemen on the other side will, by mutual consent, agree upon some member who shall have charge of the pairs; and we will do the same on this side. In that way two members can make all these reports; otherwise there may be confusion; we shall have pairs twice reported or irregularly reported. If

an arrangement of the sort I suggest can be quietly made, it will greatly facilitate calls of the roll. On our side of the House the gentleman from Pennsylvania, Mr. HARMER, is already appointed to take charge of the announcement of the pairs.

Mr. TOWNSEND, of Illinois. I have been selected for that duty on this side of the House; but I cannot announce pairs unless they are reported to me. If my friends on this side will report their pairs to me I am perfectly willing to announce them.

Mr. WRIGHT. Inasmuch as the gentleman from Louisiana, Mr. ROBERTSON, was present but did not hear his name called, I move that he have the privilege of recording his vote.

The SPEAKER. The Chair is not allowed under the rules to entertain a request to record a vote after the two roll-calls.

Mr. WRIGHT. I raise the question whether even under the new rules the House cannot by unanimous consent allow a gentleman to record his vote when he was present during the roll-call and did not hear his name called.

The SPEAKER. There is objection in this case; therefore the point does not arise.

Mr. SCALES. I rise to a parliamentary inquiry. When these pairs, the statement of which is furnished by members, are announced, does that announcement hold good for the day?

The SPEAKER. Where a pair continues during the day it need not be again announced.

Mr. SCALES. I think that will save much trouble.

The SPEAKER. The Chair has been asked by several gentlemen that his decision on the second clause of Rule XIII shall not be final and conclusive, and to that end the Chair asks the privilege to modify his language in this particular, and in accordance with request he will hold that clause under advisement; and furthermore he would wish, if possible, to have in some way the instruction of the House as to the interpretation of that rule. Of course the Chair will be submissive in every particular to the will of the House.

Mr. GARFIELD. I have no doubt the decision which the Chair has made, and from which no appeal has been taken, becomes the decision of the House until reversed.

Mr. CONGER. It is in order that this may not be considered final the Chair has made the statement which we have just heard.

The SPEAKER. The Chair wishes to say that he is not clear in reference to this matter and desires to have further study upon the whole of the second clause of Rule XIII, that clause which relates to the power of the individual to move to refer. The Chair impliedly said he would entertain a motion to refer to the Committee of the Whole on the state of the Union, and thus get a construction of the House in that particular.

Mr. GARFIELD. That was not the ruling of the Chair, as that point really had not arisen, but was an incidental remark. It is clear to my mind—

The SPEAKER. The Chair will now announce the vote.

Mr. CONGER. Before the vote is announced, I desire to say the rule which precludes a member, who inadvertently did not respond to the call of his name on either call, from recording his vote, is, I think, a violation of the rights of members, a violation of the constitutional privileges of members of this House, and I protest against any decision which will prevent a man sitting here from asking to be recorded, who was present in the House and who had a right to vote.

The SPEAKER. There is no power to make a member vote. The Chair has learned that. [Laughter.]

Mr. CONGER. The gentleman said he did not hear his name and sat in his seat all the time, and now desires to vote. I say no rule of the House can prevent a member from recording his vote.

The SPEAKER. The fault is with the member, the Chair thinks, and not with the rule.

The Chair then announced the vote.

Mr. FRYE. I move to reconsider the vote by which the bill was referred to the Committee on Ways and Means; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ROBERTSON. As my vote cannot change the result I ask it be recorded.

The SPEAKER. The Chair thinks the rule is explicit, but there are peculiar circumstances in this case. The gentleman states he was in his seat, but did not hear his name called.

Mr. PAGE. He may be a little deaf and did not hear his name.

The SPEAKER. The Chair will submit the question to the House whether a member under such circumstances shall have the right to vote.

Mr. BURROWS. Can the Speaker entertain a request for unanimous consent under the new rules?

Mr. DUNNELL. These proceedings to-day will go into the RECORD and I hope there will be no departure from a strict interpretation of the rules.

Mr. BURROWS. The Speaker cannot entertain a request for unanimous consent.

Mr. DUNNELL. I hope the Chair will not entertain the motion, nor put it to the House.

Mr. PHELPS. The gentleman from Louisiana did vote after his name was called; I was sitting near him and heard him, but his vote was not heard at the Clerk's desk.

Mr. CONGER. Has not the gentleman the right to vote?

The SPEAKER. The gentleman now states he did vote.

Mr. CONGER. I understood the gentleman to state publicly he desired to vote.

Mr. ROBERTSON. I did not vote promptly on the call of my name, but I did vote before the call was finished.

Mr. GARFIELD. The gentleman is entitled to be recorded under such circumstances.

The SPEAKER. How did the gentleman vote?

Mr. ROBERTSON. In the affirmative.

The SPEAKER. It will be so recorded.

Mr. DUNNELL. I did not understand the situation when I made my remark.

The vote was then announced as above recorded.

PRINTING TYPE AND PAPER FREE OF DUTY.

Mr. SAMFORD also introduced a bill (H. R. No. 4926) to repeal the tariff on printing type and paper and the materials entering into their composition; which was read a first and second time.

The SPEAKER. The Chair thinks this bill under the rule should be referred to the Committee on Ways and Means.

Mr. SAMFORD. I demand the yeas and nays on that vote.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 135, nays 89, not voting 68; as follows:

YEAS—135.

Acklen,	De La Matyr,	Kelley,	Russell, Daniel L.
Aldrich, William	Deering,	Kenna,	Russell, W. A.
Anderson,	Dunnell,	Ketcham,	Ryan, Thomas
Bachman,	Dwight,	Klotz,	Ryon, John W.
Baker,	Einstein,	Ladd,	Sapp,
Ballou,	Errett,	Lapham,	Shallenberger,
Barber,	Farr,	Lindsey,	Sherwin,
Bayne,	Felton,	Martin, Benj. F.	Smith, A. Herr
Beltzhoover,	Ferdou,	McGowan,	Starin,
Bicknell,	Field,	McMahon,	Stone,
Bingham,	Fisher,	Miles,	Talbot,
Blake,	Ford,	Miller,	Thomas,
Bliss,	Fort,	Mitchell,	Townsend, Amos
Bowman,	Frye,	Monroe,	Tyler,
Brewer,	Garfield,	Morse,	Updegraff, J. T.
Briggs,	Gibson,	Neal,	Updegraff, Thomas
Browne,	Godshalk,	New,	Upton,
Burrows,	Hall,	Norcross,	Urner,
Butterworth,	Haskell,	O'Neill,	Valentine,
Calkins,	Hawk,	Orth,	Van Aernam,
Camp,	Hawley,	Osmer,	Voorhis,
Cannon,	Hazelton,	Overton,	Wait,
Carpenter,	Heilman,	Pacheco,	Ward,
Clafin,	Henderson,	Page,	Washburn,
Clark, Alvah A.	Hiscock,	Phelps,	Wells,
Clymer,	Horr,	Pierce,	Williams, C. G.
Coffroth,	Houk,	Pound,	Wilson,
Conger,	Hubbell,	Price,	Wise,
Covert,	Humphrey,	Reed,	Wood, Fernando
Cowgill,	James,	Rice,	Wood, Walter A.
Crapo,	Jones,	Richardson, D. P.	Wright,
Daggett,	Jorgensen,	Robertson,	Yocum,
Davis, George R.	Joyce,	Robinson,	Young, Thomas L.
Davis, Horace	Keifer,	Ross,	

NAYS—89.

Aiken,	Dunn,	Manning,	Simonton,
Atkins,	Evins,	Marsh,	Singleton, J. W.
Beale,	Forney,	Martin, Edward L.	Singleton, O. R.
Berry,	Porsythe,	McKenzie,	Slemons,
Blackburn,	Geddes,	McLane,	Sparks,
Bland,	Gillette,	McMillin,	Speer,
Bright,	Goode,	Mills,	Stevenson,
Buckner,	Gunter,	Morrison,	Thompson, P. B.
Cabell,	Hammond, N. J.	Muldrow,	Tillman,
Caldwell,	Hatch,	Myers,	Townshend, R. W.
Carlisle,	Henkle,	Nicholls,	Tucker,
Clardy,	Herbert,	Persons,	Turner, Oscar
Cobb,	Herndon,	Phillips,	Turner, Thomas
Colerick,	Hill,	Phister,	Vance,
Converse,	Hooker,	Poehler,	Waddill,
Cook,	Hostetler,	Reagan,	Warner,
Cravens,	House,	Richardson, J. S.	Weaver,
Culbertson,	Hull,	Richmond,	Wellborn,
Davidson,	Huntton,	Rothwell,	Whitthorne,
Davis, Lowndes H.	Hutchins,	Samford,	Williams, Thomas.
Deuster,	Kimmel,	Sawyer,	
Dibrell,	Le Fevre,	Scales,	
Dickey,	Lowe,	Shelley,	

NOT VOTING—68.

Aldrich, N. W.	Davis, Joseph J.	Kitchin,	O'Reilly,
Armfield,	Dick,	Knott,	Prescott,
Atherton,	Elam,	Lewis,	Robeson,
Bailey,	Ellis,	Loring,	Smith, Hezekiah B.
Barlow,	Ewing,	Lounsbury,	Smith, William E.
Belford,	Finley,	Martin, Joseph J.	Springer,
Blount,	Frost,	Mason,	Steele,
Bouck,	Hammond, John	McCoid,	Stephens,
Boyd,	Harmer,	McCook,	Taylor,
Bragg,	Harris, Benj. W.	McKinley,	Thompson, Wm. G.
Brigham,	Harris, John T.	Money,	Van Voorhis,
Caswell,	Hayes,	Morton,	White,
Chalmers,	Henry,	Muller,	Whiteaker,
Chittenden,	Hurd,	Murch,	Wilber,
Clark, John B.	Johnston,	Newberry,	Willis,
Cox,	Killingier,	O'Brien,	Willits,
Crowley,	King,	O'Connor,	Young, Casey.

Mr. DUNNELL. I move to dispense with the reading of the names.

The SPEAKER. The Chair hears no objection.

On the motion to refer to the Committee on Ways and Means the yeas were 135, the nays 89.

Mr. SAMFORD. Mr. Speaker, before the Chair announces the vote I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAMFORD. I understand the amendment to my motion has been adopted. Does not the question now recur on the original motion as amended?

The SPEAKER. It would if desired by the gentleman or any member.

Mr. SAMFORD. Then I desire to offer an amendment to refer to the Committee of the Whole.

The SPEAKER. The Chair does not now entertain such motion.

Mr. SAMFORD. Is it in order to offer it as a substitute for the motion as amended?

The SPEAKER. It is not. That is exactly the point the Chair wished to have reserved.

Mr. SAMFORD. I ask pardon of the Chair. My object is to keep it away from the Committee on Ways and Means if possible.

The SPEAKER. The House by a vote has determined to refer it there.

The bill was accordingly referred to the Committee on Ways and Means.

Mr. FRYE moved to reconsider the vote by which the bill was referred to the Committee on Ways and Means; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Clerk read the following pairs:

Mr. ELAM, of Louisiana, with Mr. DICK, of Pennsylvania.

Mr. O'CONNOR, of South Carolina, with Mr. ALDRICH, of Rhode Island.

Mr. MCKINLEY, of Ohio, with Mr. BOUCK, of Wisconsin.

Mr. MONEY, of Mississippi, with Mr. MASON, of New York.

Mr. DUNNELL. I hope the second announcement of pairs will not be accepted as an interpretation of the rule. I understand there is to be but one announcement during the day.

The SPEAKER. The Chair has so stated. This is only an announcement of pairs not included in the former announcement.

Mr. BLOUNT. My pair with my colleague, Mr. STEPHENS, ought to be announced; and for this that I am opposed to the reference to the Ways and Means Committee, and Mr. STEPHENS is in favor of it.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, the Clerk has not announced all the pairs. I send up a certificate of pairs not heretofore announced.

The SPEAKER. The Clerk has just read the pairs not before announced on to-day.

Mr. TOWNSHEND, of Illinois. I sent up the names of Mr. STEPHENS and Mr. BLOUNT as being paired.

The SPEAKER. Did those gentlemen vote on the former question?

Mr. TOWNSHEND, of Illinois. Yes, sir; and they are now paired, and the pair has not been read.

The SPEAKER. The object of the rule is that the same pair shall not be twice announced in the same day; but pairs which have not been announced heretofore of course should properly be announced at this time.

The Clerk read as follows:

Mr. BLOUNT and Mr. STEPHENS, of Georgia, are paired.

PURCHASERS OF WESTERN PACIFIC RAILROAD LANDS.

Mr. PAGE introduced a bill (H. R. No. 4927) for the relief of purchasers of lands from the Western Pacific Railroad Company and its successors; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on the Public Lands.

SURVEY OF PUEBLO OF SAN FRANCISCO.

Mr. PAGE also introduced a bill (H. R. No. 4928) to confirm the survey of the pueblo of San Francisco; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ABOLITION OF DUTY ON PRINTING-TYPE.

Mr. PAGE also introduced a bill (H. R. No. 4929) to abolish the duty on printing-type; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

POSTAL TELEGRAPH SYSTEM.

Mr. PAGE also introduced concurrent resolution of the Legislature of California, asking for the establishment of a postal telegraph system throughout the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SACRAMENTO RIVER.

Mr. BERRY submitted the following resolution; which was referred to the Committee on Mines and Mining:

Resolved, That the Secretary of War be requested to furnish this House, for the use of the Committee on Commerce and the Committee on Mines and Mining, the report of Colonel G. H. Mendal, United States engineer in California, relating to the effect of mining in the Sacramento River and its tributaries.

MESSRS. McCLELLAN AND SPOTSWOOD.

Mr. BELFORD introduced a bill (H. R. No. 4930) for the relief of Messrs. McClellan and Spotswood, of Colorado; which was read a first

and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DANIEL CONNOLLY.

Mr. MILES introduced a bill (H. R. No. 4931) granting a pension to Daniel Connolly, of Marbledale, county of Litchfield, State of Connecticut; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCY C. RAYMOND.

Mr. WAIT introduced a bill (H. R. No. 4932) to place on the pension-rolls the name of Lucy C. Raymond, widow of Edmund A. Raymond, late quartermaster United States steamship Constitution; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON PAPER PULP, ETC.

Mr. NICHOLLS introduced a bill (H. R. No. 4933) to remove the duty on wood and straw pulp and soda-ash and other chemicals used in the manufacture of paper, and to reduce the duty on unsized paper to 5 per cent. *ad valorem*; which was read a first and second time.

Mr. NICHOLLS. I move that the bill be referred to the Committee on Manufactures.

Mr. DUNNELL. I move to amend so as to refer the bill to the Committee on Ways and Means.

The question being put, the Speaker stated that the ayes appeared to have it.

Mr. NICHOLLS. I call for the yeas and nays.

The yeas and nays were not ordered.

So the amendment was agreed to; and the bill was referred to the Committee on Ways and Means.

Mr. DUNNELL moved to reconsider the vote by which the bill was referred to the Committee on Ways and Means; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MILITARY EXERCISES ON THE SABBATH.

Mr. SPEER introduced a bill (H. R. No. 4934) to exempt the officers and soldiers of the regular Army of the United States from certain military exercises on the Sabbath day; which was read a first and second time.

Mr. SPEER. I ask that the bill be read in full.

The bill was read in full, and was referred to the Committee on Military Affairs, and ordered to be printed.

E. J. CHRISTY.

Mr. SPEER also introduced a joint resolution (H. R. No. 231) for the relief of E. J. Christy, administrator of John H. Christy, deceased; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

PROPOSED HARBOR AT KEWAUNEE, WISCONSIN.

Mr. SPEER also (by request of Mr. DEUSTER) presented a memorial of the Legislature of the State of Wisconsin, relative to an appropriation for the proposed harbor at Keweenaw, Wisconsin; which was referred to the Committee on Commerce.

INTERSTATE COMMERCE.

Mr. SPEER also (by request of Mr. DEUSTER) presented joint resolutions of the Legislature of the State of Wisconsin, asking such legislation as will place interstate commerce under the control of a board of commissioners; which were referred to the Committee on Commerce.

JAMES M. AKIN.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 4935) granting a pension to James M. Akin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCY ANN ELDER.

Mr. TOWNSHEND, of Illinois, also introduced a bill (H. R. No. 4936) granting a pension to Lucy Ann Elder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REDUCTION OF DUTIES.

Mr. MORRISON. I introduce a bill to reduce duties in excess of 50 per cent. *ad valorem* on articles embraced in schedules A, B, C, E, G, K, L, and M of section 2504 of the Revised Statutes and not subject to internal-revenue tax; and I send to the desk a motion in reference thereto, which I ask the Clerk to read.

The Clerk read as follows:

That the bill be referred to the Committee on Ways and Means with instructions to report the same back with its judgment thereon favorably or adversely within twenty days.

The SPEAKER. Under what rule does the gentleman from Illinois say the right exists to submit this instruction?

Mr. MORRISON. I expected the Speaker to find the rule by which the House could express its judgment on a proposition like this.

The SPEAKER. The Chair was asking for information.

Mr. MORRISON. I do not know any rule; but I know it has been the practice of the House under the old rules to instruct committees.

The SPEAKER. Not during this hour. The Chair under the old

rule has held that it was not in the power of a member to ask even for the printing of a bill in the RECORD.

Mr. CONGER. I make the point of order that the motion is not in order at this time.

Mr. MORRISON. Then I move that the bill be referred to the Committee of the Whole House on the state of the Union.

Mr. KELLEY. I move to amend that motion so that the bill shall be referred to the Committee on Ways and Means.

The SPEAKER. The Chair has heretofore stated he did not wish to make a decision as to the admissibility of the motion to refer to the Committee of the Whole House on the state of the Union a bill introduced by an individual member, until further reflection.

Mr. MORRISON. I have no objection to the bill lying on the table for the present till the Speaker sees fit to decide that question.

A MEMBER. Let it be withdrawn.

The SPEAKER. The gentleman from Illinois can withdraw the bill for the present, and introduce it next Monday, when the Chair will be prepared to rule upon the question. The Chair does not wish to make a hasty decision.

Mr. MORRISON. I withdraw the bill.

LOUIS J. SACRISTE.

Mr. FORT introduced a bill (H. R. No. 4937) to reinstate Louis J. Sacriste to the United States Army with the rank held by him when honorably discharged, and to place him on the retired list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSIONS TO DISABLED SOLDIERS.

Mr. FORT also introduced a bill (H. R. No. 4938) to grant pensions to all soldiers and sailors of all wars of the United States, who from any reason other than by their own wrong acts have become physically disabled or mentally incapacitated to labor or to gain a livelihood for themselves, and who have no means of support; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCRETIA M. LARKIN.

Mr. FORT also introduced a bill (H. R. No. 4939) for the relief of Lucretia M. Larkin, of Chebanse, county of Iroquois, State of Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAXATION OF PROPERTY HELD FOR CHARITABLE PURPOSES.

Mr. MYERS introduced a bill (H. R. No. 4940) for the relief from taxation of certain property in the District of Columbia actually held and used for charitable and benevolent purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LAWRENCE C. SHULER.

Mr. MYERS also introduced a bill (H. R. No. 4941) granting an increase of pension to Lawrence C. Shuler, late colonel Fourth Regiment Indiana Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAUSES IN UNITED STATES CIRCUIT COURTS.

Mr. BAKER introduced a bill (H. R. No. 4942) to amend section 968 of the Revised Statutes so as to require the plaintiff to pay costs when he recovers a less sum than the amount fixed as the sum necessary to give jurisdiction to United States circuit courts; which was read a first and second time.

Mr. BAKER. I move that the bill be referred to the Committee on the Revision of the Laws, and printed.

Mr. CONGER. That bill should go to the Committee on the Judiciary. I make that point because the Committee on the Revision of the Laws has no right to consider any bill except for the revision or codification of the statutes, not for the change of any particular law.

The SPEAKER. Does the gentleman desire the Chair to rule upon that point, or will he submit an amendment?

Mr. CONGER. I ask the Chair to rule on the point.

The SPEAKER. The Chair thinks that the bill should be referred to the Committee on the Judiciary.

Mr. BAKER. I think it should go to the Committee on the Revision of the Laws, for the reason that it only proposes the change of a single section by the omission of three or four words.

Mr. CONGER. That may result in a very important change.

The SPEAKER. The gentleman from Indiana [Mr. BAKER] insists upon the reference which he has indicated.

Mr. CONGER. I move to amend so that the bill shall be referred to the Committee on the Judiciary.

The amendment was agreed to; and accordingly the bill was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CONGER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BARNARD McNALLY.

Mr. PRICE introduced a bill (H. R. No. 4943) to authorize payment of the claim of Barnard McNally, of Sabula, Iowa; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AUGUSTA L. REED.

Mr. PRICE also introduced a bill (H. R. No. 4944) for the relief of Augusta L. Reed; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

R. H. SHROPSHIRE.

Mr. PRICE also introduced a bill (H. R. No. 4945) for the relief of R. H. Shropshire; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MEANDERED LAKES IN IOWA.

Mr. PRICE also presented a joint resolution of the General Assembly of the State of Iowa, asking for the relinquishment by the United States to the State of Iowa of the meandered lakes in that State; which was referred to the Committee on the Public Lands.

Mr. SAPP presented a joint resolution of the General Assembly of the State of Iowa, in regard to meandered lakes in that State.

Mr. DEERING. I would like to have that joint resolution read.

The joint resolution was read at length, and referred to the Committee on the Public Lands.

CORN-STALK AND SORGHUM SUGAR.

Mr. GILLETTE introduced a bill (H. R. No. 4946) in regard to the manufacture of sugar from corn-stalks and sorghum; which was read a first and second time.

Mr. CONGER. Let that bill be read at length, or so much of it as will indicate its scope.

The bill was read at length, referred to the Committee on Agriculture, and ordered to be printed.

J. J. MERRICK.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 4947) providing for the repayment of J. J. Merrick, of Harper County, Kansas, of the purchase-money paid for the southeast quarter of section 1, township 32 south, of range 7 west; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HOLDEN COOK.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 4948) granting a pension to Holden Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. E. VAN TREES.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 4949) granting a pension to H. E. Van Trees; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES C. LEWIS.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 4950) granting a pension to Charles C. Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REUBEN MARSHALL.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 4951) granting a pension to Reuben Marshall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. H. CLEMENTS.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 4952) granting a pension to M. H. Clements; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RETIRED ARMY OFFICERS.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 4953) to fix the rank of certain retired officers of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPTAIN W. J. LYSTER.

Mr. ANDERSON introduced a bill (H. R. No. 4954) for the relief of Captain W. J. Lyster, Nineteenth Infantry, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARRY J. TODD.

Mr. BLACKBURN introduced a bill (H. R. No. 4955) for the relief of Harry J. Todd; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN W. M'CLANAHAN.

Mr. MCKENZIE introduced a bill (H. R. No. 4956) granting a pension to John W. McClanahan, of Henderson County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTIES ON AGRICULTURAL MACHINERY.

Mr. MCKENZIE also introduced a bill (H. R. No. 4957) abolishing all duties upon agricultural machinery and implements; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COURTS IN DISTRICT OF COLUMBIA.

Mr. PHISTER (by request) introduced a bill (H. R. No. 4959) further to amend the act entitled "An act to reorganize the courts of the District of Columbia, and for other purposes," approved March 3, 1863, and to repeal section 861, chapter 24, of the Revised Statutes of the District of Columbia, and to re-enact the same as amended; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HON. JOHN D. YOUNG.

Mr. PHISTER also introduced a bill (H. R. No. 4958) for the benefit of Hon. John D. Young, of Bath County, Kentucky; which was read a first and second time.

Mr. PHISTER. I move the reference of this bill to the Committee on Elections.

Mr. CONGER. I ask that the bill be read.

The bill was read.

Mr. CONGER. What reference is it proposed to give this bill?

The SPEAKER. The gentleman introducing it asks to have it referred to the Committee on Elections.

Mr. CONGER. It should go to the Committee on Claims.

Mr. DUNNELL. Should it not go to the Committee on Appropriations?

Mr. PHISTER. It involves a question in reference to elections. I suppose it properly goes to the Committee on Elections.

Mr. ATKINS. It should go to the Committee on Claims.

The SPEAKER. The Chair understands this to be a proposition to pay compensation to an applicant for a seat in a former House. In the opinion of the Chair it should go to the Committee on Claims.

Mr. KEIFER. Does it not involve a question of membership?

The SPEAKER. Not membership of this House.

Mr. KEIFER. But of a former House.

The SPEAKER. If it involves a question as to membership of a former House, that question has passed beyond reach.

Mr. KEIFER. But the question whether the man was elected must be decided before the claim can be paid.

The SPEAKER. In the opinion of the Chair this is a claim for compensation.

Mr. KEIFER. It has been usual to refer everything of this kind to the Committee on Elections.

The SPEAKER. It is not competent for this House to review the action of a former House as to the right of an individual to a seat in a former Congress.

Mr. KEIFER. But if this House is to pass upon the question of compensation, it involves the question of election.

Mr. COX. I think it has been the practice to refer all cases of this kind to the Committee on Elections in the first instance at least.

The SPEAKER. The Chair has no choice as to the committee to which the bill shall go. The Committee on Accounts of this House have held that bills to pay compensation to an employé of a former Congress should go to the Committee on Claims; that the Committee on Accounts has cognizance only of matters relating to employés of present House. The analogy would apply to the case of a person claiming compensation as having been elected to a former Congress.

Mr. CARLISLE. Can the gentleman from Michigan inform the House what committee reported upon the claim of Hon. John Young Brown, which was allowed? That involved, I believe, a claim to a seat in the same Congress.

Mr. CONGER. The rule provides that there shall be referred to the Committee on Claims all papers relating to "private and domestic claims and demands, other than war claims, against the United States." This is a claim for compensation. It may be a very just one; I do not know anything about it; but it is a matter that comes properly within the province of that committee.

Mr. PHISTER. If the Chair thinks that the Committee on Claims is the proper committee, I am satisfied.

The SPEAKER. Under the new rules there can be no difficulty about having the bill reported, because almost every committee will be called each week, perhaps oftener.

Mr. PHISTER. Does the Chair think this bill ought to go to the Committee on Claims?

The SPEAKER. The Chair thinks bills of this character have heretofore gone to the Committee on Claims.

Mr. PHISTER. Then let it be so referred.

The SPEAKER. But the Chair has no wish to control the House in the least degree, and is quite willing to submit the question of reference to a vote.

Mr. KEIFER. I will say that we have pending in the Committee on Elections a number of such claims.

The SPEAKER. If the gentleman from Ohio prefers that the bill should go to the Committee on Elections, the Chair will of course submit the question to the House.

Mr. KEIFER. That committee has before it a number of claims similar to this, involving the question of the election of an individual to a former House.

The SPEAKER. So far as the right of an individual to a seat in a former House is involved, that question is one beyond recall.

Mr. KEIFER. But so far as the compensation claimed depends upon the right to a seat that question is involved.

The SPEAKER. It might be considered as a matter of equity in determining the amount of compensation.

Mr. KEIFER. If there was no election at all, the person would be entitled to no compensation.

The SPEAKER. The Chair is without any wish on the subject.

Mr. BLOUNT. Have the Committee on Elections been reporting such cases?

Mr. KEIFER. We have a number of them.

Mr. BLOUNT. What is the number before that committee? The gentleman from Kentucky referred to the case of Mr. Young Brown, but it is the only one I have ever known.

The SPEAKER. The Chair will submit this to the House.

Mr. CONGER. I move to amend by referring to the Committee on Claims.

The amendment was adopted; and the motion, as amended, was agreed to.

So the bill was referred to the Committee on Claims.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the adoption of the following resolution:

Resolved, That the House of Representatives be respectfully requested to transmit to the Senate for examination in reference to the claims therein mentioned, now pending before the Senate, certain letters from the Secretary of the Interior, addressed to the Speaker of the House of Representatives, and by him submitted to the House on the 13th day of May, 1874, and described in the House Journal of that day as "letters in relation to the private land claims of Jacques Clamorgan and Peter Provenchere."

It further announced the passage of a bill (H. R. No. 2004) to confirm the title of Charles Olivier Duclouzel to certain lands in the State of Louisiana, with an amendment in which concurrence was requested.

It further announced the passage of the following bills; in which concurrence was requested:

An act (S. No. 217) to introduce moral and social science into the public schools of the District of Columbia;

An act (S. No. 316) for the relief of homestead settlers on the public lands;

An act (S. No. 370) granting a pension to Phoebe C. Doxsie;

An act (S. No. 392) to remove the political disabilities of John R. F. Tatnall, of Georgia;

An act (S. No. 474) for the relief of William McGovern;

An act (S. No. 526) granting a pension to Esther E. Lieurance;

An act (S. No. 939) to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws;

An act (S. No. 982) granting a pension to Spencer W. Tryon;

An act (S. No. 1049) to amend section 2447 of the Revised Statutes of the United States, in relation to the issue of patents for private land claims confirmed by act of Congress;

An act (S. No. 1051) granting an increase of pension to Stephen D. Smith;

An act (S. No. 1097) granting a pension to Susan Fox;

An act (S. No. 1229) to authorize and direct the Commissioner of Agriculture to attend in person or by deputy, the international sheep and wool show to be held in the Centennial buildings, Fairmount Park, Philadelphia, September, A. D. 1880, and to make a full and complete report of the same, and for other purposes;

An act (S. No. 1231) granting a pension to Charlotte T. Alderman; and

An act (S. No. 1233) granting a pension to Frederick Weller.

WOODEN STILL.

Mr. THOMPSON, of Kentucky, introduced a bill (H. R. No. 4960) to amend section 3244 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BEN T. PERKINS, SR.

Mr. CALDWELL introduced a bill (H. R. No. 4961) for the relief of Ben T. Perkins, sr., of Todd County, Kentucky; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EQUALIZATION OF PENSIONS.

Mr. CALDWELL also introduced a bill (H. R. No. 4962) to equalize all pensions for total disability under section 4695 of the Revised Statutes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHROMATE AND BICHROMATE OF POTASH.

Mr. CARLISLE (by request) introduced a bill (H. R. No. 4963) to amend the existing customs-revenue laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

UNITED STATES COURT, FRANKFORT, KENTUCKY.

Mr. WILLIS introduced a bill (H. R. No. 4964) appropriating \$1,500 for relabeling and restoring public documents in United States court at Frankfort, Kentucky; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC EXPENDITURE FOR GAS.

Mr. ACKLEN (by request) introduced a bill (H. R. No. 4965) to provide for greater economy in the public expenditure for gas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CALCASIEU RIVER, LOUISIANA.

Mr. ACKLEN also presented a joint resolution of the General Assembly of the State of Louisiana, asking an appropriation for Calcasieu River, Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TARIFF.

Mr. KING introduced a bill (H. R. No. 4966) to amend section 2505 of the Revised Statutes; which was read a first and second time.

Mr. KING. I move its reference to the Committee on the Revision of the Laws.

Mr. KEIFER. I move to amend by referring it to the Committee on Ways and Means.

The amendment was agreed to; and the bill was accordingly referred to the Committee on Ways and Means, and ordered to be printed.

Mr. CONGER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DUNNELL. I wish to ask a parliamentary question, whether it is necessary to make these motions to reconsider in such cases?

The SPEAKER. It is not. The rule provides that bills so introduced and referred shall not come back under a motion to reconsider. The motion to reconsider, therefore, is superfluous.

LOUISIANA NATIONAL GUARDS.

Mr. KING also introduced a joint resolution (H. R. No. 232) authorizing the Secretary of War to send camp equipage to the Louisiana National Guards; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES K. RAMSBURG.

Mr. URNER introduced a bill (H. R. No. 4967) for the relief of Charles K. Ramsburg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTIES ON IMPORTS.

Mr. MORSE introduced a bill (H. R. No. 4968) to amend the laws relating to the duties on imports; which was read a first and second time.

Mr. MORSE. I ask its reference to the Committee on Revision of the Laws.

Mr. DUNNELL. I move to amend by referring it to the Committee on Ways and Means.

Mr. MORSE. Let the bill be read. I think the gentleman will see clearly that this should go to the Committee on Revision of the Laws.

The bill was read at length.

Mr. KELLEY. I move that it be referred to the Committee on Ways and Means.

Mr. MORSE. Under the rules of the House if it be proper that this should go to the Committee on Ways and Means, I shall offer no objection.

The bill was referred to the Committee on Ways and Means, and ordered to be printed.

Mr. MORSE also introduced a bill (H. R. No. 4969) to amend the laws relating to the duties on imports; which was read a first and second time.

Mr. MORSE. This bill, I should think, ought to go to the Committee on the Revision of the Laws; and I ask its reference to that committee.

Mr. KELLEY. I move its reference to the Committee on Ways and Means.

Mr. MORSE. If there be objection, I will not insist on my motion. Let it go to the Committee on Ways and Means.

The bill was referred to the Committee on Ways and Means, and ordered to be printed.

Mr. MORSE also introduced a bill (H. R. No. 4970) to amend section 2501 of the Revised Statutes; which was read a first and second time.

Mr. MORSE. I hope there will be no objection to the reference of this bill to the Committee on the Revision of the Laws.

Mr. KELLEY. I move its reference to the Committee on Ways and Means.

Mr. MORSE. I shall not object to that reference.

The bill was accordingly referred to the Committee on Ways and Means, and ordered to be printed.

PROCEEDINGS IN ADMIRALTY.

Mr. CRAPO introduced a bill (H. R. No. 4971) to regulate proceedings in admiralty causes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

STEAMER T. U. BRADBURY.

Mr. NEWBERRY introduced a bill (H. R. No. 4972) to change the name of the steam-propeller T. U. Bradbury; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM G. GARRISON.

Mr. BREWER introduced a bill (H. R. No. 4973) granting a pension to William G. Garrison, late of Company K, Fourteenth Michigan Infantry; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CONSTRUCTION OF PUBLIC BUILDINGS.

Mr. BREWER also introduced a bill (H. R. No. 4974) for the construction of public buildings by contract; which was read a first and second time.

Mr. BREWER. Let the bill be read in full.

The bill was read in full; and was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GEORGE W. TOWLE.

Mr. WASHBURN introduced a bill (H. R. No. 4975) for the relief of George W. Towle; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRICE OF PUBLIC LANDS.

Mr. DUNNELL introduced a bill (H. R. No. 4976) to reduce the price of public lands within railroad limits; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BOOKS FOR MEMBERS AND SENATORS.

Mr. HOOKER introduced a joint resolution (H. R. No. 233) for supplying the members of the Senate and House of Representatives with such books as have heretofore been supplied to former members of the Senate and House; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

FRED HESS.

Mr. PHILIPS introduced a bill (H. R. No. 4977) for the relief of Fred Hess of Jefferson City, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved bills of the following titles:

An act (H. R. No. 2804) for the relief of the administrator of John D. McGill;

An act (H. R. No. 3288) for the relief of colored emigrants; and

An act (H. R. No. 4903) to provide for the purchase of a site for a post-office and other Government buildings in the city of Baltimore, Maryland.

DUTY ON SALT.

Mr. HATCH introduced a bill (H. R. No. 4978) to provide for the importation of salt free of duty; which was read a first and second time.

Mr. HATCH. I move that the bill be referred to the Committee on Agriculture.

Mr. KELLEY. I move to amend the motion so that the bill shall be referred to the Committee on Ways and Means.

The question being put on Mr. KELLEY's amendment, the Speaker stated that the "ayes" appeared to have it.

Mr. HATCH. I call for the yeas and nays.

The yeas and nays were ordered, 49 members voting therefor.

Mr. WHITE. What is the bill? Let it be read.

The SPEAKER. The bill will be read.

Mr. CONGER. I call for the regular order. The morning hour has expired.

The SPEAKER. This is not the morning hour. This is the call of States and Territories under the new rule for bills and resolutions for reference.

Mr. CONGER. Does not the call cease at the termination of one hour?

The SPEAKER. There is no such provision in the new rule. After the States and Territories are called, there will be to-day a morning hour for reports of committees. The reading of the bill has been called for. It will be read.

The bill was read.

The question was taken on Mr. KELLEY's amendment; and there were—yeas 129, nays 93, not voting 70; as follows:

YEAS—129.

Acklen,	Coffroth,	Haskell,	Miller,
Aldrich, William	Conger,	Hawk,	Mitchell,
Bachman,	Covert,	Hawley,	Monroe,
Baker,	Cowgill,	Heilman,	Morse,
Ballou,	Crapo,	Henderson,	Morton,
Barber,	Crowley,	Hiscock,	Murch,
Bayne,	Davis, George R.	Horr,	Neal,
Beltzhoover,	Davis, Horace,	Houk,	New,
Bicknell,	De La Matyr,	Hubbell,	Newberry,
Bingham,	Deering,	Humphrey,	Norcross,
Blake,	Dunnell,	Jones,	O'Neill,
Bliss,	Dwight,	Jorgensen,	Orth,
Bowman,	Einstein,	Kelley,	Overton,
Brewer,	Errett,	Kenna,	Phelps,
Briggs,	Farr,	Ketcham,	Pierce,
Browne,	Felton,	Klotz,	Pound,
Burrows,	Ferdon,	Lapham,	Price,
Camp,	Field,	Lindsey,	Reed,
Cannon,	Fisher,	Fort,	Rice,
Carpenter,	Frye,	Martin, Benj. F.	Richardson, D. P.
Chittenden,	Garfield,	McCook,	Robertson,
Clafin,	Godshalk,	McGowan,	Robinson,
Clark, Alvah A.	Hall,	McLane,	Ross,
Clymer,		Miles,	Russell, Daniel L.

Russell, William A.
Talbot,
Thomas,
Ryan, John W.
Sapp,
Shallenberger,
Sherwin,
Smith, A. Herr
Starin,
Stone,

Van Aernam,
Voorhis,
Wait,
Ward,
Washburn,
White,
Williams, C. G.
Willits,
Wilson,

Wise,
Wood, Fernando
Wood, Walter A.
Wright,
Yocum,
Young, Thomas L.

NAYS—93.

Aiken,
Anderson,
Atkins,
Beale,
Blackburn,
Blount,
Bright,
Buckner,
Cabell,
Caldwell,
Calkins,
Carlisle,
Clardy,
Cobb,
Colerick,
Converse,
Cook,
Cravens,
Culbertson,
Davis, Lowndes H.
Dibrell,
Dickey,
Dunn,
Evins,

Le Fevre,
Lowe,
Manning,
Marsh,
Martin, Edward L.
McMahon,
McMillin,
Mills,
Morrison,
Myers,
Nicholls,
O'Connor,
Persons,
Phillips,
Phister,
Poehler,
Reagan,
Richardson, J. S.
Richmond,
Rothwell,
Samford,
Sawyer,
Scales,
Shelley,

Simonton,
Singleton, O. R.
Slomons,
Stevenson,
Thompson, P. B.
Tillman,
Townshend, R. W.
Tucker,
Turner, Oscar
Turner, Thomas
Vance,
Waddill,
Warner,
Weaver,
Wellborn,
Wells,
Whiteaker,
Whithorne,
Williams, Thomas
Willis,
Young, Casey.

NOT VOTING—70.

Aldrich, Nelson W.
Armfield,
Atherton,
Bailey,
Barlow,
Belford,
Berry,
Bland,
Bonck,
Boyd,
Bragg,
Brigham,
Butterworth,
Caswell,
Chalmers,
Clark, John B.
Cox,
Daggett,

Davidson,
Davis, Joseph J.
Deuster,
Dick,
Elam,
Ellis,
Ewing,
Frost,
Gibson,
Hammond, John
Harmer,
Harris, Benj. W.
Harris, John T.
Hayes,
Hazleton,
Henry,
James,
Joyce,

Killinger,
Kimmel,
King,
Kitchin,
Lewis,
Loring,
Lounsbury,
Martin, Joseph J.
Mason,
McCold,
McKenzie,
McKinley,
Money,
Muldrow,
Muller,
O'Brien,
O'Reilly,
Osmer,

So the motion of Mr. KELLEY was agreed to, and the bill was accordingly referred to the Committee on Ways and Means, and ordered to be printed.

The following pairs were announced:

Mr. ALDRICH, of Rhode Island, with Mr. ARMFIELD, of North Carolina.

Mr. HAZELTON, of Wisconsin, with Mr. MCKENZIE, of Kentucky.

Mr. KITCHIN, of North Carolina, with Mr. MARTIN, of North Carolina.

Mr. DAVIS, of California, with Mr. PERRY, of California.

MILITIA OF THE UNITED STATES.

Mr. HATCH also introduced a bill (H. R. No. 4979) to organize and discipline the militia of the United States; which was read a first and second time, referred to the Committee on the Militia, and ordered to be printed.

JOHN J. KEY AND W. G. M. DAVIS.

Mr. VALENTINE (by request) introduced a bill (H. R. No. 4980) for the relief of John J. Key and W. G. M. Davis; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NET-FISHING ON ATLANTIC COAST.

Mr. ROSS introduced a bill (H. R. No. 4981) to prevent fishing along the Atlantic coast with purse or shirr nets, by smack vessels, steam-boats, steam-tugs, or any boat or boats of any description; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POSTMASTER AT OCEAN GROVE.

Mr. ROSS also introduced a bill (H. R. No. 4982) for the relief of the postmaster at Ocean Grove, New Jersey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REPEAL OF TAX ON BANK CHECKS, MATCHES, ETC.

Mr. COX introduced a bill (H. R. No. 4983) to repeal the tax on bank checks, matches, legacies, and successions, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CARRIAGE OF PASSENGERS AT SEA.

Mr. COX also introduced a bill (H. R. No. 4984) relating to the carriage of passengers by sea; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COMMERCIAL RELATIONS WITH ARGENTINE REPUBLIC.

Mr. MORTON introduced a bill (H. R. No. 4985) to aid in increasing commercial relations with the Argentine Republic; which was

read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JAPANESE INDEMNITY FUND.

Mr. MORTON also introduced a bill (H. R. No. 4986) relating to the Japanese indemnity fund; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CHROMATE OF IRON.

Mr. COVERT introduced a bill (H. R. No. 4987) to admit chrome ore, known in chemistry as chromate of iron, free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EXTORTION AND BLACK-MAILING IN THE DISTRICT OF COLUMBIA.

Mr. COVERT also introduced a bill (H. R. No. 4988) to provide for the punishment of extortion and black-mailing in the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SUB-TREASURY BUILDING, NEW YORK.

Mr. FERNANDO WOOD introduced a bill (H. R. No. 4989) granting permission for the erection of certain statuary upon the buttresses in front of the sub-treasury building in the city of New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SECTION 2505 OF REVISED STATUTES.

Mr. FERNANDO WOOD also introduced a bill (H. R. No. 4990) to amend section 2505 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BRIDGE ACROSS EAST RIVER, NEW YORK.

Mr. FERNANDO WOOD submitted the following resolution; which was read, and, under the rule, referred to the Committee on Commerce:

Resolved, That the Secretary of War be directed to transmit to this House any information in his Department in relation to the bridge now being erected over the East River at New York, and his opinion as to whether the said bridge is or is not an obstruction to commerce.

BENNETT J. DENSON.

Mr. RICHARDSON, of New York, introduced a bill (H. R. No. 4991) granting a pension to Bennett J. Denson, of Millport, Chemung County, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES A. DANOLDS.

Mr. RICHARDSON, of New York, also introduced a bill (H. R. No. 4992) for the relief of Charles A. Danolds; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COAST DEFENSE ASSOCIATION.

Mr. FERDON introduced a bill (H. R. No. 4993) to incorporate the Coast Defense Association; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LOAN OF TENTS FOR NORTH CAROLINA MILITIA.

Mr. SCALES introduced a joint resolution (H. R. No. 234) authorizing the Secretary of War to loan to the governor of North Carolina one hundred and forty-five tents for use of the State Guards, to enable them to participate in the centennial celebration at King's Mountain in October next; which was read a first and second time.

Mr. SCALES. I move the reference of this joint resolution to the Committee on the Militia.

Mr. WHITE. It should go to the Committee on Military Affairs.

The SPEAKER. Does the gentleman from Pennsylvania raise that question?

Mr. WHITE. Yes, sir; the resolution relates to the military establishment.

Mr. SCALES. I do not know that I have any preference as to where the resolution should go; but it is for the benefit of the militia of North Carolina.

Mr. WHITE. The subject relates to the military establishment.

The SPEAKER. The joint resolution will be read.

The joint resolution was read.

Mr. SCALES. I am entirely willing to be governed as to the reference of the resolution by the decision of the Chair.

The SPEAKER. The Chair has not made any decision.

Mr. SCALES. I know that; but I am satisfied to submit to his decision, whatever it may be. I will only state again that the resolution is entirely for the benefit of the North Carolina militia.

Mr. WHITE. It properly belongs to the Committee on Military Affairs. It relates to some of the equipments of the United States Army.

The SPEAKER. The Chair thinks that if the resolution relates to the militia of the United States it should go to the Committee on Militia; otherwise the Chair cannot imagine why there should be a Committee on the Militia.

Mr. SCALES. It relates to the militia of North Carolina, and nothing else.

The SPEAKER. But the Chair does not interpose his own view as against the wish of the House.

Mr. SCALES. If the Chair thinks the resolution should go to the Committee on the Militia, I hope it will be so referred.

Mr. WHITE. I raise the question that the proper reference is to the Committee on Military Affairs. I move that the resolution be so referred.

Mr. SPARKS. Let it go to the Committee on the Militia.

Mr. WHITE. Well, if you do not care, I do not.

Mr. SPARKS. The Committee on Military Affairs does not want it. The bill was referred to the Committee on the Militia, and ordered to be printed.

NANCY S. LEDFORD.

Mr. VANCE introduced a bill (H. R. No. 4994) to restore Nancy S. Ledford to the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINERVA E. SWEENEY.

Mr. McMAHON introduced a bill (H. R. No. 4995) granting a pension to Minerva E. Sweeney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALLOWANCES OF ARMY OFFICERS.

Mr. YOUNG, of Ohio, introduced a bill (H. R. No. 4996) defining the laws in relation to the allowances of certain officers of the Army for length of service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LANDS FOR OFFICERS AND SOLDIERS IN LATE WAR.

Mr. WARNER (by request) introduced a bill (H. R. No. 4997) granting lands to officers and enlisted men who served in the Army or Navy during the late war and were honorably discharged, to be in lieu of all other claims; which was read a first and second time.

Mr. WARNER. I move the reference of the bill to the Committee on Public Lands, though I am in doubt whether it should go to that committee or the Committee on Military Affairs.

The SPEAKER. Does it grant public lands?

Mr. WARNER. It relates to public lands.

The SPEAKER. The Chair understands that it proposes to give public lands to officers and soldiers of the United States who served in the late war.

Mr. CONGER. That would be a part of the bounty or payment of these officers or soldiers, and the bill should be referred to the Committee on Military Affairs.

The SPEAKER. The question is for the House to decide; but the Chair thinks that all subjects in regard to the public lands belong to the Committee on Public Lands. He has, however, no wish about the matter. The gentleman from Ohio, [Mr. WARNER,] who introduced the bill, has suggested the Committee on Public Lands; and the bill will be so referred unless there be objection.

The bill was referred to the Committee on the Public Lands, and ordered to be printed.

MRS. ELIZABETH B. CUSTER.

Mr. CLYMER introduced a bill (H. R. No. 4998) granting a pension to Mrs. Elizabeth B. Custer, widow of General George A. Custer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH EDWARDS.

Mr. KLOTZ introduced a bill (H. R. No. 4999) granting a pension to Elizabeth Edwards, sister of John J. Lewis, deceased, of Summit Hill, Carbon County, Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HAGMULLER.

Mr. KLOTZ also introduced a bill (H. R. No. 5000) granting a pension to John Hagmuller, of La Plume, Lackawanna County, Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOPHIA BUCKLEY.

Mr. BACHMAN introduced a bill (H. R. No. 5001) granting a pension to Sophia Buckley, mother of John H. Buckley, late a private of Company D, One hundred and twenty-ninth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GABRIEL YOUNG.

Mr. BACHMAN also introduced a bill (H. R. No. 5002) granting a pension to Gabriel Young, late a private of Company C, Forty-sixth Regiment of Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CLARA E. HARTIGAN.

Mr. WRIGHT (by request) introduced a bill (H. R. No. 5003) for the relief of Mrs. Clara E. Hartigan, of Washington, District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DANIEL F. BURKUT.

Mr. RYON, of Pennsylvania, introduced a bill (H. R. No. 5004) to authorize the Secretary of the Treasury to audit and pay the claim of Daniel F. Burkut for clothing lost in the military service of the United

States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SCHUYLKILL COUNTY, PENNSYLVANIA.

Mr. RYON, of Pennsylvania, also introduced a bill (H. R. No. 5005) to authorize the proper accounting officers of the Treasury to audit and pay the claim of the county of Schuylkill, in the State of Pennsylvania, for money advanced under allotments made by soldiers from said county during the late rebellion, by virtue of section 12 of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID CARPENTER.

Mr. COFFROTH introduced a bill (H. R. No. 5006) granting a pension to David Carpenter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET J. MCKINNEY.

Mr. COFFROTH also introduced a bill (H. R. No. 5007) granting a pension to Margaret J. McKinney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HENRY.

Mr. WHITE introduced a bill (H. R. No. 5008) to replace the name of John Henry on the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. WORK.

Mr. WHITE also introduced a bill (H. R. No. 5009) granting a pension to John H. Work, late a member of Company A, Sixty-first Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. BRINK.

Mr. WHITE also introduced a bill (H. R. No. 5010) granting a pension to George W. Brink, of Decker's Point, Indiana County, Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

B. H. SCOTT.

Mr. WHITE also introduced a bill (H. R. No. 5011) for the relief of B. H. Scott; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES H. CONLEY.

Mr. WHITE (by request) also introduced a bill (H. R. No. 5012) for the relief of James H. Conley, of Pennsylvania; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROMOTIONS ON THE ARMY RETIRED LIST.

Mr. OVERTON introduced a bill (H. R. No. 5013) to provide for promotions on the retired list of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. BINGHAM introduced a bill (H. R. No. 5014) to amend the pension laws; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMMA A. RAMSEY.

Mr. WARD introduced a bill (H. R. No. 5015) granting a pension to Emma A. Ramsey and infant son, widow and heir of J. Allen Ramsey, surgeon of the One hundred and twenty-first Regiment of Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROTECTION OF ORIGINAL INVENTORS.

Mr. WARD (by request) also introduced a bill (H. R. No. 5016) to protect original inventors and promote the progress of the useful arts; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JETTIES, CHARLESTON BAR.

Mr. O'CONNOR introduced a bill (H. R. No. 5017) making an appropriation for the continuation of the work on the jetties now in course of construction for the deepening of Charleston Bar, and for the improvement of the harbor of Charleston, South Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SCHOOL-FARM LAND, SOUTH CAROLINA.

Mr. O'CONNOR also introduced a joint resolution (H. R. No. 235) to provide for the redemption and sale of school-farm lands in South Carolina; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

WILLIAM H. BROWN.

Mr. WHITTHORNE introduced a bill (H. R. No. 5018) for the relief of William H. Brown, of Wayne County, Tennessee, to be enrolled

as a pensioner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TARIFF.

Mr. WHITTHORNE also introduced a bill (H. R. No. 5019) to amend section 2504 of the Revised Statutes; which was read a first and second time.

Mr. WHITTHORNE. I move its reference to the Committee on the Judiciary.

Mr. CONGER. Let the bill be read.

The bill was read.

Mr. CONGER. I move the reference of the bill to the Committee on Ways and Means.

Mr. CONGER's motion was agreed to; and the bill was referred to the Committee on Ways and Means, and ordered to be printed.

DR. A. H. BROWN.

Mr. WHITTHORNE also introduced a bill (H. R. No. 5020) for the relief of Dr. A. H. Brown, of Maury County, Tennessee, for services rendered as surgeon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUTHER M. BLACKMAN.

Mr. HOUK introduced a bill (H. R. No. 5021) for the relief of Luther M. Blackman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ATTACHMENT OF PROPERTY, ETC.

Mr. CULBERSON introduced a bill (H. R. No. 5022) to amend section 915 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TEXAS CENTRAL RAILWAY.

Mr. MILLS (by request) introduced a bill (H. R. No. 5023) to constitute the Texas Central Railway a military, commercial, and postal highway, and to aid in its extension from the meridian of one hundred degrees of west longitude to the western boundary of Texas; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

JOHN AVERILL.

Mr. JOYCE introduced a bill (H. R. No. 5024) granting a pension to John Averill, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

REPEAL OF SECTION 641 OF REVISED STATUTES.

Mr. TUCKER introduced a bill (H. R. No. 5025) to repeal section 641 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CIVIL RIGHTS OF CITIZENS.

Mr. TUCKER also introduced a bill (H. R. No. 5026) to repeal the fourth section of the act entitled "An act to protect all citizens in their civil and legal rights," approved March 1, 1875; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BOUNTY LANDS.

Mr. HUNTON introduced a bill (H. R. No. 5027) to repeal section 3480 of the Revised Statutes so far as bounty lands are concerned; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. A. S. TEBBS.

Mr. HUNTON also introduced a bill (H. R. No. 5028) for the relief of Dr. A. S. Tebbs from the operation of section 1218 of the Revised Statutes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REGISTER TO FOREIGN-BUILT SHIP.

Mr. KENNA (by request) introduced a bill (H. R. No. 5029) to grant an American register to a foreign-built ship for purposes of scientific exploration; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

UNITED STATES ARMORY, HARPER'S FERRY, WEST VIRGINIA.

Mr. MARTIN, of West Virginia, introduced a bill (H. R. No. 5030) appropriating \$15,000, or so much thereof as may be necessary, out of the moneys collected from the abated prices paid and sales of the United States armory at Harper's Ferry, West Virginia, to pay for necessary surveying, repairs, costs of sale of said property, &c.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HARBOR AT KEWAUNEE, LAKE MICHIGAN.

Mr. BOUCK presented the memorial of the Legislature of the State of Wisconsin, for the construction of a harbor at Keweenaw, on Lake Michigan, Wisconsin; which was referred to the Committee on Commerce, and ordered to be printed.

REGULATION OF FREIGHTS.

Mr. BOUCK also presented a joint resolution of the Legislature of Wisconsin, for the passage of a law regulating freights and to establish maximum rates; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JURORS AND WITNESSES IN TERRITORIES.

Mr. HUMPHREY introduced a bill (H. R. No. 5031) to amend the law relative to jurors and witnesses in Territories; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. HUMPHREY also presented a joint resolution of the Legislature of the State of Wisconsin, providing that interstate commerce be placed under control of a board of commissioners; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RECORD OF DECISIONS IN PATENT CASES.

Mr. WILLIAMS, of Wisconsin, in behalf of his colleague, Mr. CASWELL, absent by leave of the House, introduced a bill (H. R. No. 5032) to enable the Commissioner of Patents to keep a record of decisions of the United States courts affecting the validity of patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ISAAC POLHAMUS, JR., AND OTHERS.

Mr. CAMPBELL introduced a bill (H. R. No. 5033) for the relief of Isaac Polhamus, jr., and others, of Arizona Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TOWN SITES ON THE PUBLIC LANDS.

Mr. BENNETT introduced a bill (H. R. No. 5034) providing for the reservation and sale of town sites on the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RIGHT OF WAY TO THE BEAR BUTTE RAILWAY COMPANY.

Mr. BENNETT also introduced a bill (H. R. No. 5035) granting the right of way to the Bear Butte and Deadwood Railway Company through Fort Meade military reservation; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MONROE DOCTRINE.

Mr. KING. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. KING. The Committee on the Inter-oceanic Ship-Canal, which has the right to report at any time, have instructed me unanimously to report the following joint resolution (H. R. No. 236) reaffirming the Monroe doctrine, and request that it may be read for the information of the House.

The SPEAKER. The committee to which the gentleman refers has the right under the resolution creating the same to report at any time. The Clerk will read the resolution.

The Clerk read as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the establishment of any form of protectorate by any one of the powers of Europe over any of the independent states of this continent, or the introduction from any quarter of a scheme or policy which would carry with it a right to any European power to interfere with their concerns, or to control in any other manner their destiny, or the transfer to any such power, by conquest, cession, or acquisition in any other way of any of those states, or any portion thereof, is a measure to which this Government has, in the declaration of President Monroe in his message of December 2, 1823, and known as the Monroe doctrine, avowed its opposition, and which, should the attempt be made, it will regard and treat as dangerous to our peace, prosperity, and safety.

2. *Resolved,* That it is the interest and right of the United States to have the possession, direction, control, and government of any canal, railroad, or other artificial communication to be constructed across the isthmus connecting the American continents for the transfer of vessels and cargoes from the Caribbean Sea to the Pacific Ocean, whether the same be built or constructed at Panama, Nicaragua, or elsewhere; and in view of the magnitude of this interest it is the duty of the United States to insist that if built, and by whomsoever the same may be commenced, prosecuted, or completed, and whatever the nationality of its corporators or the source of their capital, that the interest of the United States and their right to possess and control the said canal or other artificial communication will be asserted and maintained whenever in their opinion it shall become necessary.

3. *And be it further resolved,* That the President be requested to take steps necessary and proper for the abrogation of any existing treaties whose terms are in conflict with this declaration of principles.

Mr. KING. I am directed by the Committee on the Inter-oceanic Canal unanimously to report that resolution and to move its adoption. I move the previous question.

Mr. REAGAN. That is a very important measure, and ought not to be passed thus hastily.

Mr. GARFIELD. I would suggest to the gentleman from Louisiana [Mr. KING] to allow the resolution to be printed, so that members of the House may see it before being required to vote on the resolution. It would be far better, in case it approves itself to the mind of the House, to have a unanimous vote in its favor than to push it to a vote now when it has never been seen in print. If it is urged at this time many gentlemen doubtless would be exceedingly sorry to have to vote against a measure which they might support if they had an opportunity of seeing it in print and knowing what it is. I suggest that the committee have the right to call it up at any time, and nothing will be lost by its going over now.

Mr. TOWNSHEND, of Illinois. I will state to the gentleman from Ohio that the resolution has been printed in the morning papers.

Mr. GARFIELD. The resolution has no official print. It has never been printed by this House. I have never seen it in print anywhere.

Mr. WEAVER. Neither have I.

The SPEAKER. If the House gives its consent to the resolution being called up at any time the gentleman from Louisiana can move that it be printed, and allow it to go over.

Mr. REAGAN. I will say to the gentleman from Louisiana that I think that is the course he ought to take.

Mr. KING. Very well.

The SPEAKER. The gentleman from Louisiana asks that the resolution be printed, and also that it be printed in the RECORD, reserving the privilege of calling it up at any time for action. Is there objection?

There was no objection, and it was so ordered.

JOHN R. PERRINE.

Mr. HAWK introduced a bill (H. R. No. 5036) granting arrears of pension to John R. Perrine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUSTUS C. BOWLES.

Mr. HAWK also introduced a bill (H. R. No. 5037) granting a pension to Justus C. Bowles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE WILLIAMS.

The SPEAKER. The Chair now recognizes the gentleman from Tennessee [Mr. DIBRELL] to ask that the reference of certain papers made by mistake be corrected, and that the papers be sent to the Committee on Military Affairs.

Mr. DIBRELL. On the 20th February the Speaker laid before the House a letter from the Secretary of War, in reply to resolutions of the House of January 14 and 20, 1880, transmitting papers in the case of George Williams. These were referred by mistake to the Committee on Claims. I ask that that committee be discharged from the further consideration of the same, and that they be referred to the Committee on Military Affairs, and be printed.

Mr. CONGER. I ask that all the papers may be printed, and then the House can dispose of the question of reference.

Mr. DIBRELL. My request is that they be referred to the Committee on Military Affairs, and that an order be made to print them.

Mr. CONGER. I have no objection to the printing. I ask that all the papers, and not merely a part of them, be printed.

The SPEAKER. The Chair understands that the gentleman from Michigan [Mr. CONGER] does not object to these papers being taken from the Committee on Claims and referred to the Committee on Military Affairs provided an order be at the same time made that all the papers shall be printed, and not merely a part of them.

Mr. DIBRELL. I agree to that.

The SPEAKER. Upon that understanding, which the gentleman from Tennessee [Mr. DIBRELL] will see executed, there is no further objection.

Mr. CONGER. I desire to say one word further. That order to print includes all papers called for from the Department and furnished by the Department.

Mr. DIBRELL. Yes; letters and all.

There being no further objection, the papers were transferred from the Committee on Claims to the Committee on Military Affairs, and ordered to be printed.

CONTESTED ELECTION OF BRADLEY VS. SLEMONS.

Mr. SAWYER. I rise to a privileged question. I am instructed by a majority of the Committee on Elections to present a report in the contested-election case of John M. Bradley vs. William F. Slemmons from the second congressional district of Arkansas, accompanied by a resolution which has the concurrence of every member of the committee except one. I move that the report be laid upon the table and printed.

The SPEAKER. The gentleman from Missouri makes a privileged report from the Committee on Elections in relation to the contested-election case from the second congressional district of Arkansas. The Clerk will read the resolution.

The Clerk read the resolution, as follows:

Resolved, That William F. Slemmons is entitled to retain the seat he now occupies as Representative from the second congressional district in the State of Arkansas in the Forty-sixth Congress.

Mr. WEAVER. I ask leave to present the views of the minority of the Committee on Elections in this case, and I ask that the resolution accompanying them be read and that they be printed with the report of the majority of the committee.

The Clerk read the resolution, as follows:

Resolved, That the seat now occupied by William F. Slemmons as a member of Congress from the second congressional district of the State of Arkansas in the Forty-sixth Congress be, and the same hereby is, declared vacant.

The report of the majority of the Committee on Elections, together with the views of the minority, was ordered to be printed.

Mr. SAWYER. I give notice that at an early day I will call up this case for consideration.

Mr. WEAVER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEAVER. It is the desire of the contestant that he be allowed the floor for one hour to present his side of the case. In view of that request, to which I believe the Committee on Elections will urge no

objections, I will state to the House that no further time will be occupied on behalf of the contestant.

The SPEAKER. It is usual to present such a request when the case comes up; such a privilege has generally been allowed a contestant when the request is made.

Mr. WEAVER. Very well; with that understanding I have nothing further to offer.

POLICE FORCE OF THE DISTRICT OF COLUMBIA, ETC.

Mr. HUNTON. I ask consent to present at this time for reference to the Committee on the District of Columbia a petition signed by some twenty-five thousand citizens of the District of Columbia, asking that the police force of the District be increased to three hundred men, and that the criminal law be so amended as to make the crime of rape a capital offense. And I ask that the body of the petition be printed in the RECORD.

There was no objection.

The petition was as follows:

To the Senate and House of Representatives in Congress assembled:

GENTLEMEN: Your petitioners, male and female residents of the District of Columbia, beg leave to call your attention to the apparent inability of our present police force to restrain the terrible increase of crime in our midst; and we earnestly and urgently request that you immediately raise the effective force of the Metropolitan police to three hundred privates, besides officers, and that you amend the criminal code of the District of Columbia by making the crime of rape a capital offense.

And we will ever respectfully pray, &c.

This memorial is signed by a majority of the representative men and by many estimable ladies, residents and property-holders in the city of Washington, representing every department of the General and District governments, every business pursuit, every profession and trade, and every class of citizens without regard to race, religious belief, or political affiliation.

The citizens' committee would respectfully represent that our best citizens are decidedly in favor of a larger increase of the police force than has been suggested in any bill heretofore presented to Congress, and trust that it may please the legislative department of our National Government to give additional security to life, property, and virtue in our capital city by suitable and speedy legislation.

Respectfully submitted.

SAML. H. WALKER,
Chairman Citizens' Committee.

The petition was referred to the Committee on the District of Columbia.

WILLIAM MCGOVERN.

Mr. COX. I ask unanimous consent to take from the Speaker's table for consideration at this time a private bill, which has just come over from the Senate, for the relief of William McGovern. During the last session of Congress the papers in this case were lost. They have now been found and the bill has passed the Senate and come over to the House, and I ask that it may now be taken up and considered at this time.

There was no objection, and the bill (S. No. 474) for the relief of William McGovern was taken from the Speaker's table and read a first and second time.

The bill directs the Secretary of War to cause to be issued to William McGovern, late of Company C of the late First Regiment of the New York Volunteers, an honorable discharge from the service, to date from September 9, 1861.

The question was upon ordering the bill to be read a third time.

Mr. COX. I have here the report made by Senator COCKRELL from the Senate Committee on Military Affairs. I will not ask to have it read, but I will ask that it may be printed in the RECORD.

There was no objection.

The report is as follows:

The Committee on Military Affairs, to whom was referred the bill (S. No. 474) for the relief of William McGovern, have carefully considered the same, and submit the following report:

This bill directs the Secretary of War to cause William McGovern, of Company C of the First Regiment New York Volunteers, to be mustered out and honorably discharged from the service, to date from September 9, 1861. In the Forty-fifth Congress a similar bill, dating, however, the discharge from April 1, 1864, was passed by the House of Representatives, and was referred to the Committee on Military Affairs in the Senate, where no further action was taken. The Committee on Military Affairs in the Senate in the Forty-fifth Congress applied to the Secretary of War for information, and received from him the military record of said McGovern, taken from the records in his office. From the records in the War Department it appears "that William McGovern was enrolled and mustered into service as a sergeant on the 3d day of May, 1861, at New York, in Company G, First Regiment of New York Volunteers, for two years. On muster-roll of Company C of that regiment, to which transferred, months of — to June 30, 1861, he is reported present; July and August, 1861, absent, sick in New York; September and October, 1861, absent, sick in New York; wounded at Big Bethel June 10, 1861. He was admitted to New York hospital, New York City, August 28, 1861, with lumbago, and discharged from treatment September 9, 1861. He having failed to return to the service is considered a deserter from that date. Dishonorably discharged to date September 9, 1861, by reason of desertion."

This dishonorable discharge was furnished in 1876.

The Adjutant-General, under date of February 11, 1879, in answer to an inquiry for the rules and regulations existing at that time touching his duties about reporting, &c., when in hospital and leaving it, says:

"I beg leave to remark that no special rules or regulations exist as to the duties of a soldier while in hospital, inasmuch as his status at such time has no variance from that of a soldier serving with his command in the field. His duties in either case are prescribed by the rules and regulations of war, which forbid him to leave his command without proper authority, upon the penalty of being considered a deserter and treated accordingly. This man was discharged from the hospital at New York City on the 9th of September, 1861, his duty being to rejoin his command without delay, applying to the military authorities for transportation in the event of being unable to travel at his own expense, or if his illness still continued, to have entered some United States hospital within the limits of the city of New York or elsewhere, or to have reported his case to his company or any other military authority, and have awaited instructions. Failing in any manner to perform such duty or duties, there remains no alternative but to consider him a deserter."

The foregoing shows the actual record in the War Department and the rules and regulations governing in such cases. Do these records show all the facts touching the actual condition and actions of William McGovern from September 9, 1861, when removed from hospital, to the expiration of his term? William McGovern under oath states that he "received a wound in his left side near the spine from a fragment of shell at the battle of Big Bethel, in Virginia, June 10, 1861, and was treated in the field hospital in the Sinclair House, near Fortress Monroe, till July 3, 1861, when he was sent to Newport News, and thence to New York, July 13, 1861, by proper military authority, and that he was under treatment in the New York City hospital for some time, when he was removed to his own home in said city of New York, under proper military authority; and that as soon as he was able to move about he went to the headquarters of Surgeon Alexander B. Mott, in said city, and reported, and was examined; and said surgeon made out a certificate in his presence, and assured him that he would forward the same to the proper parties; and that he did all he could to conform to the regulations; and that he has remained disabled ever since the receipt of said wounds and was wholly unable to perform any military duty during the entire term of his enlistment."

Joseph Burke and Bernard McDonald, in 1876, state under oath that for fifteen years then past they had been intimately acquainted with William McGovern, and that his reputation for truth and veracity is good. Dr. Franklin Smith, a regular physician in good standing, testifies under date September 30, 1876, that he was well acquainted with William McGovern, and had been for upwards of twenty years past, and "that said William McGovern came home on furlough on or about July 16, 1861, and was suffering from a severe contusion of his spine just at the small of his back, and also from severe internal injuries, caused, as deponent was informed, by a wound from a fragment of shell; that deponent treated said McGovern professionally for said injuries as soon as he so arrived home, and for several years afterward, and knows personally that said McGovern was so disabled through the effects of such injuries during the entire month of August, 1861, and for a long time afterward as to render it impossible for him to proceed to his regiment, or to the hospital from which he had received his furlough, and said McGovern still remains very seriously affected from said injuries."

Dr. John J. Connell, late assistant surgeon Third United States Colored Heavy Artillery, under date March 27, 1879, testifies that "during the latter part of the year 1861, and at intervals during the year 1862, up to the month of May, 1863, he several times examined Sergeant William McGovern, late of Company C, First New York Volunteers, and found him suffering from gunshot wounds, one in left thigh and two in right leg, one above the knee and one below; also, a severe contusion in right lumbar region caused by a fragment of shell; said wounds having been received at the battle of Big Bethel, Virginia, June 10, 1861, and that in his opinion Sergeant McGovern was utterly unable to do military duty or to report in person to his regiment, and that Sergeant McGovern is permanently disabled by reason of said wounds."

Farrel McGovern, a resident of New York, under date of March 9, 1878, testifies that he was in the same regiment with said William; saw him wounded at Big Bethel; was discharged by reason of natural disability, and went home with the said William McGovern on the steamer Stars and Stripes; saw him in the field hospital, and subsequently in the New York hospital, and also at his own residence in said city; and that the said William went from the hospital to his own home by permission of his military superiors, and that said William has ever since remained unable to travel by reason of said wounds.

Martin Riley, a resident of New York, under date of May 4, 1878, testifies that he was in the same company of said regiment (Company C) with William McGovern; saw him wounded at Big Bethel; saw him in the field hospital at Fortress Monroe, and subsequently in a New York hospital, in a disabled condition, the effects of said wounds; and that afterward, in company with Colonel Garrett Dyckman, of the same regiment, saw said McGovern lying sick at his own residence in New York, still suffering from the effects of said wound, about October 30, 1861, and heard Colonel Dyckman tell said McGovern he was totally unfit for further service, and was entitled to his discharge and pension certificate, and that he would send them to him; and that he again saw said McGovern when the First Regiment was mustered out of the service, and he was then suffering from the effects of said wound, and unable to walk without aid of a crutch.

James Sheehan and Thomas McCauley, of New York, under date April 24, 1878, testify that to their personal knowledge William McGovern was so badly wounded and disabled when he came home, in July, 1861, that he was totally disabled and got permission to leave the hospital, and was attended at his home for several years thereafter; and that from September, 1861, to the date of the discharge of his regiment, in May, 1863, he was never able to go out of the house without assistance, and only then with a cane and crutch, and having the help of another party, and that they frequently called upon him during the years 1861, 1862, and 1863.

The Adjutant-General United States Army, under date of January 6, 1880, in answer to a letter from Mr. COCKRELL to him, in relation to the removal of the charge of desertion, says:

"The War Department has ample power now 'to do equal and exact justice to every applicant for such relief.' There are a few cases of one class in which the action of Congress would be beneficent and not injurious to military discipline as an example or precedent. When a soldier, having become disabled by wounds from any future service, leaves a hospital without permission, and is reported a deserter, the charge is technically true; but the rule which would oblige the man to stay in hospital until freed by regular discharge is made in the interest of humanity and to enable the Government to fulfill its contract to nurse and heal its sick and wounded. That the man has become weary of restraint and longs for his home is no great offense under such circumstances. It is thought, however, that such rare instances would be better met by special acts for the benefit of individuals, since a general law could not be framed that would discriminate between cases of actual merit and of malingering. It would be difficult to frame a law that would not place many men actually at fault upon the same footing with those whose unblemished service it was intended to reward by bounties or pensions."

The evidence in this case does not contradict the record, but explains the same and accounts for the absence of McGovern, and shows the cause thereof, which the record does not. Is McGovern guilty of desertion according to his record and the evidence? Did he leave his command or the hospital with the intent—the animus—not to return? The evidence clearly shows that he left his command by reason of severe wounds and with leave and went to the New York hospital. His muster-rolls, his record up to and including the month of October, 1861, show the same facts. The evidence further shows that being wholly unfit for duty by reason of his injuries he left the hospital with permission and went to his own home in the same city, and there remained, wholly unfit for duty, until his regiment was discharged.

Your committee find that this case is an exceptional one, and comes clearly within the class of cases referred to in the foregoing quotation from the letter of the Adjutant-General, and should be met by special legislation.

Your committee, therefore, recommend the insertion of the words "to be issued to," just before "William McGovern," and the word "late" just after, in line 4, and the striking out of the words "to be mustered out" and the letter "d," in line 5, and the letters "y" and "d," in line 6, and the substitution of the letter "e" for said "y," and, as thus amended, recommend the passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

INTEROCEANIC CANAL.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith the report of the Secretary of State, and the accompanying papers, in response to the resolution adopted by the House of Representatives on the 10th of February last, requesting "copies of all correspondence in relation to the interoceanic canal which may have passed between this Government and foreign governments; also between this Government and its own representatives in other countries, and between this Government and individuals interested in, or proposing to be interested in, negotiations for the construction of such a canal; and that he communicate to this House what, if any, treaty obligations with other governments rest upon this Government."

In further compliance with the resolution of the House, I deem it proper to state briefly my opinion as to the policy of the United States with respect to the construction of an interoceanic canal by any route across the American Isthmus.

The policy of this country is a canal under American control. The United States cannot consent to the surrender of this control to any European power or to any combination of European powers. If existing treaties between the United States and other nations, or if the rights of sovereignty or property of other nations, stand in the way of this policy—a contingency which is not apprehended—suitable steps should be taken by just and liberal negotiations to promote and establish the American policy on this subject, consistently with the rights of the nations to be affected by it.

The capital invested by corporations or citizens of other countries in such an enterprise must in a great degree look for protection to one or more of the great powers of the world. No European power can intervene for such protection without adopting measures on this continent which the United States would deem wholly inadmissible. If the protection of the United States is relied upon, the United States must exercise such control as will enable this country to protect its national interests and maintain the rights of those whose private capital is embarked in the work.

An interoceanic canal across the American isthmus will essentially change the geographical relations between the Atlantic and Pacific coasts of the United States, and between the United States and the rest of the world. It will be the great ocean thoroughfare between our Atlantic and our Pacific shores, and virtually a part of the coast line of the United States. Our merely commercial interest in it is greater than that of all other countries, while its relations to our power and prosperity as a nation, to our means of defense, our unity, peace, and safety, are matters of paramount concern to the people of the United States. No other great power would, under similar circumstances, fail to assert a rightful control over a work so closely and vitally affecting its interest and welfare.

Without urging further the grounds of my opinion, I repeat, in conclusion, that it is the right and the duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the Isthmus that connects North and South America, as will protect our national interests. This I am quite sure will be found not only compatible with, but promotive of the widest and most permanent advantage to commerce and civilization.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, March 8, 1880.

NOTE.—The documents referred to in this message accompany a message of the President on the same subject, sent this day to the Senate.

Mr. WHITTHORNE moved that the message just read be referred to the Select Committee on Interoceanic Canal and printed.

The motion was agreed to.

ARMY AND NAVY PENSIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a revised estimate of deficiencies for the fiscal year ending June 30, 1880, in the appropriations for Army and Navy pensions; which was referred to the Committee on Appropriations.

TRANSPORTATION OF SILVER.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending an appropriation of \$67,000 for the transportation of silver; which was referred to the Committee on Appropriations.

LIGHT-SHIP IN DELAWARE BAY.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, in reply to a resolution of the House calling for the views of the Department on the proposition to establish a light-ship in Delaware Bay; which was referred to the Committee on Commerce.

GEORGE WILLIAMS.

The SPEAKER also laid before the House a letter from the Secretary of War, renewing his recommendation that the papers in the claim of George Williams be printed; which was referred to the Committee on Military Affairs.

SURVEYS OF VERMILION RIVER, ETC., LOUISIANA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of surveys of Vermilion River and other waters in Louisiana; which was referred to the Committee on Commerce, and ordered to be printed.

EDUCATION OF COLORED YOUTH.

The SPEAKER also laid before the House a memorial of the trustees of the Peabody education fund, praying Congress to grant such aid as may be required to secure to the colored population of the Southern States the education necessary to fit them for the discharge of their duties as citizens of the United States; which was referred to the Committee on Education and Labor, and ordered to be printed.

ENROLLED BILL SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 3968) for the relief of certain actual settlers on the Kansas trust and diminished-reserve lands, in the State of Kansas.

ILLINOIS AND MICHIGAN CANAL.

Mr. DAVIS, of Illinois, submitted the following resolution; which was referred to the Committee on Commerce:

With a view to the improvement of the water communication between the Mississippi River and Lake Michigan by the Illinois River, Illinois and Michigan Canal, and Chicago River.

Be it resolved by the House of Representatives, (the Senate concurring), That a committee, consisting of two Senators and three members of the House, be appointed, authorized, and empowered to ascertain upon what terms the State of Illinois will relinquish and transfer to the United States all and singular its property and rights of property in and to the line of water communication known as the Illinois and Michigan Canal, between Chicago, Illinois, and the Illinois River, at La Salle, Illinois, including its locks and dams, canal franchises, and rights of way, or so much of the same as shall in the judgment of the said committee be needed for such purpose, and report its findings to this House on or before the 1st day of February, 1881.

LANDS IN SEVERALTY FOR INDIANS.

Mr. SCALES, by unanimous consent, reported, as a substitute for House bill No. 354, a bill (H. R. No. 5038) to authorize the Secretary of the Interior to allot lands in severalty to Indians; which was read a first and second time, ordered to be printed, and recommitted.

WITHDRAWAL OF PAPERS.

Mr. PRICE. I ask leave to withdraw from the files of the House papers in the case of Alexander C. Crawford, of Texas, whose claim is now pending.

The SPEAKER. If there be no objection, this request will be granted, in accordance with the new rule on the subject, upon leaving certified copies with the clerk.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. KITCHIN, for one day.

FREDERICK FREDLEY.

Mr. PACHECO, by unanimous consent, introduced a bill (H. R. No. 5039) for the relief of Frederick Fredley, of Yuma, Arizona Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FORT RIPLEY MILITARY RESERVATION, MINNESOTA.

Mr. WASHBURN. I ask unanimous consent to have taken from the Speaker's table, for concurrence in the amendments of the Senate, the bill (H. R. No. 1153) to restore to the public domain a part of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes.

Mr. WHITE. I reserve the right to object until the bill and amendments are read.

Mr. TOWNSHEND, of Illinois. I object.

Mr. WHITE. I move that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of citizens of Coldwater, Michigan, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. AIKEN: The petition of publishers of the Laurensville (South Carolina) Herald, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. AINSLIE: The petition of Heman & Jones, of Idaho City, Idaho Territory, of similar import—to the same committee.

By Mr. ACKLEN: The petitions of A. Doré, of New Iberia, and of Andrew F. Chanfreau, of Houma, Louisiana, of similar import—to the same committee.

By Mr. ATKINS: The petition of J. W. Oumby, of Huntingdon, Tennessee, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. BACHMAN: The petition of Gabriel Young, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Sophia Buckley, for a pension—to the same committee.

By Mr. BEALE: The petitions of citizens of Evansville, Indiana; of Indianapolis, Indiana, and of Keokuk and Burlington, Iowa, for legislation to prevent the adulteration of, and interstate traffic in, adulterated food—to the Committee on Manufactures.

By Mr. BELTZHOVER: The petitions of Smith & Bittinger, publishers of the Herald, Hanover, and of J. Zeamer, publisher of the American Volunteer, Carlisle, Pennsylvania, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. BERRY: The petition of W. J. Jones & Co., publishers of the Enterprise, Ferndale, California, of similar import—to the same committee.

Also, four petitions of publishers of California, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of J. P. Haynes and 500 others, of Humboldt County, California, for an appropriation for the improvement of Humboldt Bay—to the Committee on Commerce.

By Mr. BICKNELL: The petition of Henry C. Dannetelle and 93

others, citizens of Jackson County, Indiana, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of E. B. Newby and 25 others, citizens of Bartholomew County, and of Elwood Ruddick and 90 others, citizens of Jackson County, Indiana, that Congress enact such laws as will alleviate the oppression imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petitions of George M. Scifres and 43 others, and of Jonathan Mauck and 13 others, citizens of Indiana, for the adjustment and payment of the Morgan raid claims—to the Committee on War Claims.

By Mr. BLACKBURN: The petition of citizens of the District of Columbia, for the passage of a just tax bill—to the Committee on the District of Columbia.

Also, the petition of citizens of Bourbon County, Kentucky, for the amendment of the revenue laws—to the Committee on Ways and Means.

Also, the petition of citizens of North Middleton, Kentucky, protesting against the recent order of the Postmaster-General discontinuing service upon star routes—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUCK: The petition of citizens of Waupaca, Wisconsin, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of M. D. Kimball, publisher of the Globe, Green Bay, Wisconsin, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. BRENTS: The petition of Frank J. Parker, of Walla Walla, Washington Territory, of similar import—to the same committee.

By Mr. BREWER: The petition of David Bush, C. L. Benjamin, and 32 others, citizens of Livingston County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of C. L. Gordon, Wells Fulcher, and 32 others, citizens of Livingston County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. BRIGHAM: The petition of William E. Cole and others for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, the petition of O. St. Musser and 49 others, druggists, of Philadelphia, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. BUCKNER: The petition of 22 soldiers, citizens of Montgomery County, Missouri, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of soldiers of Montgomery County, Missouri, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, four petitions of citizens of Pike, Rawls, Monroe, Saint Charles, Audrain, Montgomery, Lincoln, and Warren Counties, Missouri, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. BUTTERWORTH: The petition of John Shillito & Co., and 100 other merchants of Cincinnati, for early and favorable action on the bill (H. R. No. 870) providing for the immediate transportation of dutiable merchandise—to the same committee.

Also, the petition of the Grand Division of the Sons of Temperance of the State of Ohio, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. CALDWELL: The petition of R. S. Evans, editor and publisher of the Bowling Green (Kentucky) Democrat, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, papers relating to the claim of Benjamin T. Perkins, for pay for four months' services as recruiting officer, commissary, and paymaster Twenty-fifth Regiment Kentucky Volunteers—to the Committee on Military Affairs.

By Mr. CALKINS: The petition of citizens of Indiana, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Indiana, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of David Hess, of Lake Village, Indiana, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of citizens of La Porte County, Indiana, for a ship-canal connecting Lakes Erie and Michigan—to the Committee on Commerce.

By Mr. CAMP: Two petitions of citizens of New York, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of citizens of New York, that Congress enact such

laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of citizens of New York, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of W. H. Thomas and of H. D. Brown & Co., of New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. CARPENTER: Resolution of the General Assembly of Iowa, for the release by the Government of the title to all meandered lakes in that State—to the Committee on the Public Lands.

Also, the petition of D. H. Talbot, publisher of the Cosmopolite, Sioux City, Iowa, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. CLAFLIN: The petition of H. M. Stinson, publisher of the Newton (Massachusetts) Journal, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. CLARDY: The petitions of certain soldiers of the United States Army engaged in the late war; of certain citizens of Saint Louis, soldiers in the late war, against the passage of the so-called Weaver soldier bill, and all measures of similar import—to the Committee on Military Affairs.

By Mr. COBB: The petition of soldiers who served in the Union Army during the war of the rebellion, for the passage of the equalization bounty bill—to the same committee.

By Mr. COFFROTH: The petition of James Rollins and other soldiers, of Bedford County, Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. COLERICK: The petition of Nelson & Morse, publishers of the Fort Wayne (Indiana) Sentinel, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of Eugene B. Smith and 64 other ex-soldiers of the United States Army, citizens of Fort Wayne, Indiana, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. COX: A communication of C. K. Graham to the Secretary of the Treasury, relative to a bill to regulate carriage of passengers by sea—to the Committee on Commerce.

Also, the petition of publisher of Browne's Phonographic Monthly and Reporters' Journal, Broadway, New York, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. CRAPO: The petition of citizens of Duxbury, Massachusetts, for an appropriation for the harbor of Scituate—to the Committee on Commerce.

Also, the petition of W. J. Rotch and 205 citizens of New Bedford, Massachusetts, for the abolition of compulsory pilotage—to the same committee.

By Mr. HORACE DAVIS: The petition of H. W. Stoddard, publisher of the American Poultry Yard, Hartford, Connecticut, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. GEORGE R. DAVIS: A bill appropriating \$350,000 for the improvement of harbor of Chicago, Illinois, \$100,000 of which shall be for the inner harbor—to the Committee on Commerce.

By Mr. DEERING: The petition of L. E. Smith, publisher of the Times, Cresco, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. DEUSTER: The petitions of Godfrey, Crandall & Co., publishers; of Hailmann & Doerflinger, publishers of the New Education and of the Erziehungs Blaetter, and of Doerflinger & Schmidt, publishers of the Freidinker, Milwaukee, Wisconsin, for the abolition of the duty on type—to the same committee.

Also, the petition of Columbus Alexander, for relief from false or excessive special assessments on his property—to the Committee on the District of Columbia.

By Mr. DUNN: Two petitions of publishers of Arkansas, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. DUNNELL: The petition of the publishers of the Pioneer Press, Saint Paul, Minnesota, of similar import—to the same committee.

By Mr. ERRETT: Papers relating to the claim of George Gordon for property destroyed by Utes—to the Committee on Indian Affairs.

By Mr. EVINS: The petitions of F. P. and H. E. Beard, Camden, and of Farrow & Daniel, Charles Petty, and Thomas J. Trimmer, of Spartanburgh, South Carolina, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. FORD: The petition of Dopf & McCreary and other newspaper publishers, of Missouri, of similar import—to the same committee.

By Mr. FORT: The petitions of James N. Orr and 682 others; of Cephas Williams and 73 others; of S. R. Hawks and 320 others, and of R. G. Campbell and 61 others, citizens of Illinois, for an appropriation to connect Lake Michigan and the Illinois River with Lake Erie—to the Committee on Commerce.

Also, the petitions of H. H. McDowell and others, citizens of Illinois, and of Louis J. Sacriste, that he be reinstated to the Army rolls and placed on the retired list—to the Committee on Military Affairs.

Also, the petition of H. C. Brown and 1,821 others, citizens of Illinois, for the improvement of the Kankakee and Iroquois Rivers, so as to connect Lake Michigan and the Illinois River with Lake Erie—to the Committee on Commerce.

Also, the petition of Isaac Ammerman and 60 others, citizens of Onarga, Illinois, for legislation to prevent the introduction of cattle disease in the United States—to the Committee on Agriculture.

Also, the petition of Major W. H. Watson, Colonel T. B. Colter, and Colonel George Peterbaugh, for a committee of the Soldiers' Association of the Northwest, asking for the use of arms at the soldiers' reunions and encampments—to the Committee on Military Affairs.

Also, the petition of J. Hanna and others, of W. H. Knox and others, and of W. F. Singleton and others, citizens of Illinois, that Congress enact such laws as will alleviate the oppression imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of R. J. Hanna and 61 others, of A. L. Miner and others, and of N. H. Uran and others, citizens of Illinois, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. FRYE: The petition of Charles W. French and others, soldiers of Franklin County, Maine, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. GARFIELD: The petitions of J. P. Rieg & Co., publishers of the Reporter, Conneaut; of Evers & Rudolph, publishers of the Sentinel, Bowling Green; of W. A. Birchord, publisher of the Constitution, Warren, and of W. S. Peterson, publisher of the Tribune, Warren, Ohio, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of Mrs. Louise Pollock, for the establishment of a free kindergarten school in Washington, District of Columbia—to the Committee on the District of Columbia.

Also, the petition of Andrew McCorkle and 103 others, citizens of Trumbull, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of L. C. Wolcott and 23 others, citizens of Trumbull, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of Marion Meyers and 20 others, citizens of Ohio, for the passage of the Weaver bill—to the Committee on Military Affairs.

Also, the petition of Charles Hale, of Howesville, for compensation for loss of horse and for personal injuries sustained while fighting guerrillas during the late war—to the Committee on War Claims.

By Mr. GEDDES: The petition of B. S. Cassell, H. M. Young, and others, of Knox County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. GILLETTE: The petition of J. W. Cummins and 59 others, citizens of Dallas County, Michigan, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. GUNTER: The petition of citizens of Arkansas, that the public lands in Boone, Carroll, Madison, Newton, Searcy, Marion, Baxter, Stone, and Van Buren Counties, Arkansas, be donated for the construction of the Little Rock, Harrison and Northwest Railroad—to the Committee on the Public Lands.

By Mr. HASKELL: The petition of citizens of Wilson County, Kansas, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. HATCH: The petitions of H. D. B. Cutler, publisher of the Criterion, Glenwood, Schuyler County, and of E. P. Moore, publisher of the Democrat, Marion County, Missouri, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petitions of the publishers of the Criterion, Glenwood; of the Excelsior, Lancaster; of the Democrat, Kahoka, and of the Messenger of Peace, Macon City, Missouri, for the abolition of the duty on type—to the same committee.

By Mr. HAWK: The petition of A. V. Richards, publisher of the Journal, Freeport, Illinois, of similar import—to the same committee. Also, papers relating to the pension claim of John R. Perrine—to the Committee on Invalid Pensions.

Also, the petition of Justus C. Bowles, for a pension—to the same committee.

By Mr. HAZELTON: Joint resolution of the Legislature of Wisconsin, favoring legislation that will place interstate commerce un-

der the control of a board of commissioners—to the Committee on Commerce.

Also, the petitions of the publishers of the Iowa Democrat, Mineral Point; of the Sentinel, Monroe; of the Richland County Reporter, Richland Centre, and of the Courier Prairie du Chien, Wisconsin, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of John T. Tisdale and others, of Mineral Point, Wisconsin, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. HERNDON: The petition of ship-owners and merchants of Mobile, Alabama, for the abolition of compulsory pilotage—to the Committee on Commerce.

Also, the petition of M. C. Burke, publisher of the Marengo News-Journal, Demopolis, Alabama, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. HILL: The petition of William Campbell and 100 others, and of Samuel Morny and 50 others, citizens of Paulding County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of L. A. Fast and 50 others, and of John D. Carlton and 100 others, citizens of Paulding County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of W. C. Tingle, publisher of the Vidette, Columbus Grove; of C. J. De Witt, publisher of the Alliance Pioneer, and of W. W. Smith, publisher of the Free Press, Leipsic, Ohio, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. HOOKER: The petition of merchants and others, of Mississippi, for the removal of the duty on chrome iron ore and bichromate of potash—to the same committee.

By Mr. HOSTETLER: The petition of Alexander Chomel, publisher of the Herald, Shoals, Indiana, for the abolition of the duty on type—to the same committee.

Also, the petition of 75 soldiers, of Bedford, Indiana, who served in the late war, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. HOUK: The petition of East Tennessee Federal soldiers, for the passage of the equalization bounty bill—to the same committee.

Also, the petition of L. M. Blackman, for pay as an officer in the United States Army—to the same committee.

By Mr. HOUSE: The petition of citizens of Humphreys County, Tennessee, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. HUMPHREY: The petition of A. C. Botkin, United States marshal for Montana, for a change of the law relating to jurors in Federal courts in the Territories—to the Committee on the Territories.

Also, the petition of W. H. Huntington, publisher of the Courier, Durand; of R. H. Gile, publisher of the Wisconsin Leader, Merrill; of James and Ella Wells, publishers of the Journal, Tomah, and of Griff O. Jones, publisher of the Eagle, Augusta, Wisconsin, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of publishers of the Phonograph, Colby, and of the Buffalo County Republican, Fountain City, Wisconsin, of similar import—to the same committee.

By Mr. JOHNSTON: The petition of the citizens of Richmond, Virginia, for the establishment of additional light-houses on the James River—to the Committee on Commerce.

By Mr. JONES: The petition of citizens of Texas, for the improvement of the Brazos River—to the same committee.

Also, the petition of Wade B. Morrison, of Round Rock, Texas, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. JOYCE: The petitions of John Averill and of citizens of Vermont, that he be granted a pension—to the Committee on Invalid Pensions.

By Mr. KEIFER: The petitions of W. R. Shaul and 60 others, electors of Cable, and of F. Hoisington and 200 others, citizens of North Lewisburgh, Ohio, to pension Union soldiers and sailors who were prisoners of war more than six months during the late war—to the Committee on Invalid Pensions.

By Mr. KENNA: The petition of C. W. Hasper and Clarence C. Hasper, that their rights to certain lands in the possession of the United States may be determined by a court or other tribunal—to the Committee on the Public Lands.

By Mr. KETCHAM: The petition of J. D. Little, publisher Courier, and of W. J. & J. M. Blake, publishers of the Republican, Carmel, New York, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. KLOTZ: The petition of soldiers of the late war now residing at Andenried, Pennsylvania, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, the petition of citizens of Columbia County, Pennsylvania, for the passage of a bill authorizing a department of agriculture equal in rank with any other Government Departments, having a Cabinet officer at its head—to the Committee on Agriculture.

By Mr. LAPHAM: The petition of citizens of New York, against any change in the revenue laws that will benefit liquor dealers—to the Committee on the Alcoholic Liquor Traffic.

By Mr. LINDSEY: The petition of Mary E. Ketchum, to be reimbursed an amount of currency partially destroyed—to the Committee on Claims.

Also, the petition of Dunbar Brothers, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. LOWE: The petition of A. H. Keller, publisher of the North Alabamian, Tusculum, Alabama, for the abolition of the duty on type—to the same committee.

By Mr. JOSEPH J. MARTIN: The petition of Josiah Turner, of North Carolina, relating to certain land in that State—to the Committee on the Public Lands.

By Mr. MCGOWAN: The petitions of J. J. Hendershot and 131 others, and of G. W. Shuffield and 137 others, of Barry County; of S. Cronkite and 17 others, and of George D. Pray and 65 others, of Eaton County, and of H. S. Sutherland and 26 others, citizens of Calhoun County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of the same parties that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. McLANE: The petition of Rev. S. L. M. Causer, late chaplain of the Fifth Pennsylvania Reserve Corps, for back pay—to the Committee on Military Affairs.

Also, the petition of William Stone, private Company E, First Regiment Maryland Volunteers, for correction of his military record—to the same committee.

By Mr. McMAHON: The petition of the publishers of the Gazette, Waynesville, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petitions of the publishers of the Religious Telescope, Dayton; of B. K. Brandt, and of Logan & Rona, publishers of Ohio, for the abolition of the duty on type—to the same committee.

Also, the petition of John Skinner, for the increase of the pensions of those who have lost an arm or a leg—to the Committee on Invalid Pensions.

By Mr. MITCHELL: The petition of William P. J. Painter & Son and William W. Rankin & Co., druggists, of Muncy, Pennsylvania, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. MONROE: Papers relating to the pension claim of W. H. H. Gorham—to the Committee on Invalid Pensions.

By Mr. MURCH: The petition of E. A. Talman and 33 others, citizens of South Thomaston, Maine, for an appropriation for the construction of a breakwater at the entrance of Owl's Head Harbor, Maine—to the Committee on Commerce.

By Mr. MYERS: The petition of David Kelley and 41 others, citizens of Grant County, Indiana, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of John M. Kelley and 41 others, citizens of Grant County, Indiana, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. NEAL: The petition of Joseph W. Dumble, publisher of the Meigs County Republican, Middleport, Ohio, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. NEWBERRY: The petition of 46 citizens of Wayne, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the register and receiver of the land office at Detroit, Michigan, asking Congress to donate a portion of Dearborn arsenal property to Wayne County (Michigan) Central Agricultural Society and Industrial School—to the Committee on Military Affairs.

By Mr. NICHOLLS: The petition of J. H. Estill and other publishers and printers, for the abolition of the duty on type, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. ORTH: The petition of Peter J. T. Welschbillig, for a pension—to the Committee on Invalid Pensions.

By Mr. OVERTON: The petition of Ezra Loomis and 13 others, citizens of Bradford County, Pennsylvania, that the Agricultural Department be made equal in rank to any other Department of the Government having a Cabinet officer at its head—to the Committee on Agriculture.

Also, the petition of Ezra Loomis and 13 others, citizens of Bradford County, Pennsylvania, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of J. M. Rockwell and 13 others, citizens of Bradford County, Pennsylvania, that the patent laws be so amended as to

make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. PAGE: The petitions of A. O. Porter, publisher of the North San Juan (California) Independent, and of Dunchow Brothers, publishers of the Tuolumne (California) Independent, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. PHILIPS: Thirteen petitions of druggists, of Missouri, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. PIERCE: The petition of citizens of Erie County, New York, for the passage of a general bankrupt law—to the Committee on the Judiciary.

Also, the petition of citizens of Erie County, New York, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of citizens of Erie County, New York, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of New York, against the passage of the bill to reduce the tariff on steel rails from \$28 to \$10 a ton—to the Committee on Ways and Means.

Also, the petitions of F. W. Constantine, H. J. Penfold, of the Hotel and Family Ledger Company of Buffalo, and of the Buffalo German Printing Association, New York, for the abolition of the duty on type—to the same committee.

Also, the petition of the Buffalo (New York) German Printing Association, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. POUND: The petitions of V. & T. Ringle, Mark H. Barnum, R. H. Johnson, and of G. W. Hungerford, Glennon & Cooper, A. F. Van Epps, and H. W. Lee, publishers, of Wisconsin, of similar import—to the same committee.

By Mr. PRESCOTT: The petitions of 17 citizens, of 55 citizens, of 3 citizens, of 66 citizens, of 69 citizens, and of 77 citizens of New York, against the passage of the bill (H. R. No. 4262) to remove obstructions from the channel leading from Lake Ontario into Irondequoit Bay—to the Committee on Commerce.

Also, the petitions of 20 citizens, and of 9 other citizens, of Oneida County, New York, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the same committee.

Also, the petition of 26 citizens of Oneida County, New York, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, resolutions of the Legislature of New York, for the erection and maintenance of harbor defenses for the city of New York—to the Committee on Commerce.

By Mr. PRICE: The petition of citizens of Muscatine, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on paper—to the Committee on Ways and Means.

By Mr. REAGAN: The petition of J. T. Remy and 57 others, citizens of Bartholomew County, Indiana, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of J. T. Remy and 51 other citizens, of Bartholomew County, Indiana, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

Also, the petitions of J. W. Ewing, of Anderson County; of A. W. Oliver & Co., of Rusk County; of A. P. Harris and E. P. Kellie, of Orange County, Texas, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. RICE: The petition of George T. Foster and others, of Worcester County, Massachusetts, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. JOHN S. RICHARDSON: The petition of Landy Wood, publisher of the Telephone, Conwayborough, South Carolina, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. RICHMOND: The petition of Ira R. Fuller and 41 others, citizens of Russell County, Virginia, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of Charles Willoughby, editor of the Lee County (Virginia) Sentinel, that materials used in making paper be placed on the free list, for a reduction of the duty on printing-paper, and for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. ROBERTSON: The petition of citizens of Washington Parish, Louisiana, for an appropriation to clean out Bayou Chitto River—to the Committee on Commerce.

Also, the petition of R. W. Read, publisher of Amite City, and three other publishers, of Louisiana, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. WILLIAM A. RUSSELL: The petitions of Harrington Brothers, and of Campbell & Hanscom, of Lowell, Massachusetts, of similar import—to the same committee.

Also, the petition of Campbell & Hanscom, of Lowell, Massachusetts, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of James L. Eaton and others, of Middlesex County, Massachusetts, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. THOMAS RYAN: The petition of Union soldiers of McPherson County, Kansas, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, papers relating to the pension claim of H. C. Williams—to the Committee on Invalid Pensions.

Also, the petition of Mrs. Margaret Wiggins, for a pension—to the same committee.

Also, the petitions of Folks & Bishop, of the Wellington Press; of Hetherington & Rambo, of the Emporia Sentinel; of W. F. File, of the Florence Herald, and of King & Davis, of the Iuka Press, Kansas, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of Union soldiers of Shawnee County, Kansas, for the passage of the bill to equalize bounties—to the Committee on Military Affairs.

By Mr. SAPP: Five petitions of soldiers of the late war, of Iowa, for the passage of the Weaver soldier bill—to the same committee.

By Mr. SCALES: The petition of Thomas M. Holt and others, for the removal of the duties on chrome iron ore and bichromate of potash—to the Committee on Ways and Means.

By Mr. SLEMONS: The petitions of R. L. Emerson and others, and of J. L. Wadly and others, publishers, of Arkansas, for the abolition of the duty on type—to the same committee.

Also, the petition of colored citizens, for payment of wages unjustly withheld from them by the War Department for services as laborers, teamsters, &c.—to the Committee on Claims.

By Mr. SPRINGER: The petition of Joseph Cupp & Son and others, of Jacksonville, Illinois, for the removal of the prohibitory duties on chrome iron ore and bichromate of potash—to the Committee on Ways and Means.

By Mr. STEVENSON: The petition of W. H. Macy, of Towanda, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. RICHARD W. TOWNSHEND: The petitions of J. A. Lawry, editor of the Gazette, Elizabethtown, and of D. W. Barkley, C. J. Wilmans, and Ed. McClung, of Fairfield, Illinois, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. TUCKER: The petitions of M. W. Camper, publisher of the Herald, and of Marsh & Miller, publishers of the Botetourt News, Fincastle, Virginia, for the abolition of the duty on type, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. TYLER: The petitions of W. S. S. Buck, publisher of the Riverside, Wells River, and of C. M. Stone & Co., publishers of the Caledonian, Saint Johnsbury, Vermont, for the abolition of the duty on type—to the same committee.

By Mr. J. T. UPDEGRAFF: The petition of the Woman's Temperance Union of the District of Columbia, asking, in view of the murders and atrocities so frequent in the District, that Congress may prohibit the sale of intoxicating liquor as a beverage in the District of Columbia, as one of the main causes of these crimes and the consequent expense and suffering—to the Committee on the District of Columbia.

By Mr. UPSON: The petition of citizens of Texas, for a post-route from Benficklin to Sherwood—to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the claim of officers and enlisted men who suffered loss of property by fire at Fort Ripley, Minnesota—to the Committee on Military Affairs.

Also, papers relating to the claim of William Schuchardt for pay for his services in obtaining testimony for the use of the United States and Mexican claims commission, appointed under the convention of July 4, 1868, with Mexico—to the Committee on Foreign Affairs.

By Mr. VALENTINE: The petitions of the publishers of the Nebraska Watchman, Omaha; of the Republican, Aurora; of the Pierce County Call, Pierce, Nebraska, and of the Chieftain, Evanston, Wyoming Territory, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of the publisher of the Sherman County Times, Loup City, Nebraska, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of the publisher of the Clay County Globe, Sutton, Nebraska, for the abolition of the duty on type, that materials

used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of soldiers of South Bend, Nebraska, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. VANCE: The petition of William F. Sandford, publisher of the Pee Dee Bee, Rockingham, North Carolina, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, papers relating to the pension claims of Lona S. Fitzgerald and Eva M. Fitzgerald—to the Committee on Invalid Pensions.

By Mr. WARD: A bill directing a survey of Chester and Ridley Creeks, in the State of Pennsylvania—to the Committee on Commerce.

By Mr. WASHBURN: The petition of R. P. Crawford and others, citizens of Wright County, Minnesota, that a pension be granted John N. Morrell—to the Committee on Invalid Pensions.

By Mr. WEAVER: The petitions of Patrick Mulhern and 36 others, of Steuben County, New York; of J. E. Pitcher and 37 others; of H. E. Wadsworth and 36 others, of Montevideo, Minnesota; of Hiram Adams, jr., and 9 others, of Aurora, Illinois; of William Snyder and 63 others, of Benton County, Indiana; of A. C. Matthias and 34 others, of Putnam County, Ohio; of Timothy McGee and 36 others, of Worcester, Massachusetts, and of William W. Smith and 24 others, of Kinderhook, Michigan, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, resolution of the Legislature of the State of Iowa, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of L. C. Barker, editor of the Knoxville (Iowa) Journal and 4 others, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petitions of Felory & Van Der Menlen, publishers of the Express, Knoxville, Iowa; of R. T. Elson, editor of the Pleasantville (Iowa) News, and of O. J. Smith, publisher of the Express, Chicago, Illinois, for the abolition of the duty on type—to the same committee.

By Mr. WHITEAKER: The petition of J. W. Kirkland and other citizens of Polk County, Oregon, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of T. H. Lucas and other citizens of Polk County, Oregon, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petitions of A. Nothner, publisher of the daily and weekly Standard, Portland; of D. C. Ireland, publisher of the daily and weekly Astorian, Astoria; of Quivey & Waller, publishers of the River Side, Independence; of Mosher & Floed, publishers of the Western Star, Roseburgh; of E. O. Norton & Co., publishers of the Oregon Literary Vidette; of W. S. Moss & Co., publishers of the Sunday Mercury, Portland; of John Rock, publisher of the Enterprise, Oregon City; of W. H. Byers, publisher of the Plaindealer, Roseburgh; of William M. Hand, publisher of the Mountaineer, The Dalles; of S. H. Shepherd, publisher of the Grant County News, Canyon City, Oregon, and of the publishers and printers of San Francisco, California, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. WILBER: Resolution of the Legislature of the State of New York, asking for an appropriation for the erection and maintenance of the fortifications and defenses of the city of New York—to the Committee on Appropriations.

Also, the petition of Russell & Davidson, publishers of the Otsego Republican, Cooperstown, New York, for the abolition of the duty on type, and that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petition of citizens of Roseboom, New York, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of citizens of Otsego County, New York, that the proceedings of Congress be published in newspaper form throughout the year, and a copy sent free to each family in the United States—to the Committee on Printing.

By Mr. CHARLES G. WILLIAMS: The petition of Henry F. Hobbart, publisher of the Free Press, Beloit, Wisconsin, for the abolition of duty on type—to the Committee on Ways and Means.

Also, the petition of Fred. W. Coon, editor of the Local, Oconomowoc, and of Whitford & Pratt, publishers, of Madison, Wisconsin, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of Messrs. Blohn & Co. and others, of Racine, Wisconsin, for the removal of duties on chrome ore and bichromate of potash—to the same committee.

By Mr. THOMAS WILLIAMS: The petition of Frank P. Gluss, publisher of the Bibb Blade, Six-Mile, Alabama, for the abolition of the duty on type—to the same committee.

By Mr. WILLIS: The petition of the Board of Trade of Louisville,

Kentucky, for the improvement of the Mississippi River, and for increased postal facilities with Brazil and other South American countries—to the Committee on Commerce.

Also, the petition of Crump & Davidson, F. G. Allen, and of the Good Words Publishing Company, of Louisville, Kentucky, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. WILLITS: The petitions of J. F. Woolsey and 64 others, citizens of Hillsdale County, and of S. D. Brower and 16 others, citizens of Jackson County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. WILSON: The petition of E. P. Chancellor and 100 others, including steamboat owners and officers on the river Ohio, for an appropriation for an ice-harbor at Parkersburgh, West Virginia—to the Committee on Commerce.

Also, the petitions of McConaughy & Co. and 50 others; of William Wertenbaker and 38 others; of John A. Hutchinson and 31 others, and of Joseph Cain and 84 others, for the improvement of the Little Kanawha River—to the same committee.

By Mr. WISE: The petition of 46 soldiers and citizens of Pennsylvania, for the passage of the Weaver bill—to the Committee on Military Affairs.

Also, the petition of numerous citizens of Pennsylvania, for the passage of a law to make the Department of Agriculture equal in rank with any other Department of the Government, having a Cabinet officer at its head—to the Committee on Agriculture.

Also, the petition of A. A. Knapp, of Greene County, Pennsylvania, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. FERNANDO WOOD: The petition of John Cordova, for a pension—to the Committee on Invalid Pensions.

By Mr. WRIGHT: The petition of Minas Miller, W. H. Shields, and 187 others, citizens of Knoxville, Iowa, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

By Mr. THOMAS L. YOUNG: The petitions of James Shaughnessy, Clark H. Chandler, and 97 others, and of the Trades and Labor Assembly of Cincinnati, for the passage of a bill to create a department of manufactures, mechanics, and mines—to the Committee on the Judiciary.

Also, the petition of Mohr, Mohr & Co., for the amendment of the revenue law relating to the tax on spirits—to the Committee on Ways and Means.

IN SENATE.

TUESDAY, March 9, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.
The Journal of yesterday's proceedings was read and approved.

INTEROCEANIC CANAL.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I transmit herewith the report of the Secretary of State and the accompanying papers, in response to the resolution adopted by the Senate on the 11th day of February last, requesting copies of all correspondence between this Government and any foreign government since February, 1869, respecting a ship-canal across the Isthmus, between North America and South America, together with copies of any project of treaties respecting the same which the Department of State may have proposed or submitted since that date to any foreign power or its diplomatic representative.

In further compliance with the resolution of the Senate, I deem it proper to state briefly my opinion as to the policy of the United States with respect to the construction of an interoceanic canal by any route across the American isthmus.

The policy of this country is a canal under American control. The United States cannot consent to the surrender of this control to any European power or to any combination of European powers. If existing treaties between the United States and other nations, or if the rights of sovereignty or property of other nations stand in the way of this policy—a contingency which is not apprehended—suitable steps should be taken by just and liberal negotiations to promote and establish the American policy on this subject consistently with the rights of the nations to be affected by it.

The capital invested by corporations or citizens of other countries in such an enterprise must, in a great degree, look for protection to one or more of the great powers of the world. No European power can intervene for such protection without adopting measures on this continent which the United States would deem wholly inadmissible. If the protection of the United States is relied upon the United States must exercise such control as will enable this country to protect its national interests and maintain the rights of those whose private capital is embarked in the work.

An interoceanic canal across the American isthmus will essentially change the geographical relations between the Atlantic and Pacific coasts of the United States,

and between the United States and the rest of the world. It would be the great ocean thoroughfare between our Atlantic and our Pacific shores, and virtually a part of the coast line of the United States. Our merely commercial interest in it is greater than that of all other countries, while its relations to our power and prosperity as a nation, to our means of defense, our unity, peace, and safety, are matters of paramount concern to the people of the United States. No other great power would, under similar circumstances, fail to assert a rightful control over a work so closely and vitally affecting its interest and welfare.

Without urging further the grounds of my opinion, I repeat, in conclusion, that it is the right and the duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the isthmus that connects North and South America as will protect our national interests. This, I am quite sure, will be found not only compatible with but promotive of the widest and most permanent advantage to commerce and civilization.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, March 8, 1880.

The VICE-PRESIDENT. This message, with the accompanying documents, will be printed.

Mr. PENDLETON. I move its reference to the Committee on Foreign Relations.

The VICE-PRESIDENT. And when printed, referred to the Committee on Foreign Relations.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting, in compliance with a resolution of the Senate of the 18th ultimo, a report of the acting commissioner of the General Land Office as to the amount in gross of unsold public lands in the counties of Chippewa and Schoolcraft, in the State of Michigan, and the length of time such lands have been in market; which was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting, in compliance with the requirements of the joint resolution of June 28, 1879, copy of a report from Major W. H. H. Benyard, Corps of Engineers, of a survey of the Mississippi River near Lake Concordia, Louisiana, and Cowpen Bend, Mississippi, looking to the protection of the harbors of Natchez and Vidalia; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of the Senate of December 2, 1879, information concerning located but unimproved private land claims in the State of Louisiana, and transmitting a copy of a report of the surveyor-general of Louisiana on the subject, to whom the matter was referred by the Commissioner of the General Land Office; which was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, in answer to a resolution of the Senate relative to the number of paymasters in the Navy, and stating under what circumstances the name of Edward Bellows was dropped from the roll of paymasters; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, dated the 5th instant, and accompanying copy of a report of Major J. A. Smith, Corps of Engineers, of an examination and survey made, in compliance with the river and harbor act of March 3, 1879, of Kankakee River, in Indiana and Illinois; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a copy of a report of Major J. W. Wilson, Corps of Engineers, in regard to the improvement of Sandusky River at Fremont, Ohio, and giving an estimate of the cost of the improvement; which was referred to the Committee on Commerce, and ordered to be printed.

COURT IN INDIAN TERRITORY.

Mr. THURMAN. I hold in my hand a paper which I have been requested to present to the Senate. It is a memorial of delegates of certain of the Indian tribes in the Indian Territory, of W. P. Adair, assistant principal chief, John L. Adair, R. M. Wolf and R. Bunch of the Cherokee delegation, P. Porter and D. M. Hodge, of the Creek delegation, P. P. Pitchlynn, Choctaw delegate, John F. Brown, Seminole delegate, Charles Bluejacket and Charles Tucker, Shawnee representatives, and J. M. Bryan, old settler Shawnee commissioner. The object of the memorial is to remonstrate against the passage of Senate bill No. 416, to establish a United States court in the Indian Territory, and for other purposes, reported by the Committee on Territories.

I am aware, Mr. President, that it has been said the absolute right of petition to Congress belongs to citizens of the United States alone; but I believe no one will question the right or propriety of either branch of Congress receiving a petition from other persons, couched in respectful language and upon a subject that the Senate or the House thinks ought to be considered, especially when the memorialists are inhabitants of the United States and are, as the Indians have been called, wards of the nation. I believe that in no instance has a memorial from the representatives of the Indian tribes been refused to be received by either House of Congress. I therefore have no doubt of the propriety of presenting this memorial. But I am further requested, in view of the legal questions presented by the bill referred to, in view of the fact that it establishes a court, and that the establishment of courts has usually, and, perhaps, universally been passed

upon by the Judiciary Committee, and in view of the further fact that the bill is said to interfere with treaty obligations of the Government to destroy vested rights, and to raise a very serious question as to what will be the status of these Indians under the fourteenth article of amendments of the Constitution, should the bill become a law—in view of these considerations I have been asked to move that the memorial (not the bill, but the memorial) be referred to the Committee on the Judiciary for the opinion of that committee upon these legal questions.

I have almost constantly opposed the reference of a bill reported from one committee to the Judiciary Committee because there were legal questions involved in it, inasmuch as every committee of this body, I believe without an exception, contains some able lawyer or lawyers; but the Senate have again and again overruled me, and even have gone so far as to take a bill reported by some other committee and refer it to the Judiciary Committee for an opinion upon the legal questions involved in the bill.

Under these circumstances and in view of the legal questions and their great importance involved in the bill, and especially in view of the fact that it creates a court, which comes more properly within the jurisdiction of the Judiciary Committee, I move that this memorial be received, and that it be referred to the Committee on the Judiciary.

Mr. GARLAND. Mr. President, there can be no question of the propriety and of the absolute right of receiving the memorial. Petitions have been received repeatedly from these people, and will continue to be, and no one objects to their reception. A very serious objection, however, arises to the reference of the memorial to the Judiciary Committee at present, which I wish the Senate to consider and dispose of as it may see proper.

The Senator from Missouri, [Mr. VEST,] who is not now in his seat, reported some days since a bill from the Committee on Territories, in which this subject is sought to be disposed of. The bill is upon the Calendar, and is printed. Early in the session of the Senate, when the Senator from Illinois [Mr. LOGAN] introduced a bill looking to the establishment of courts in that country, the Senator from Vermont, [Mr. EDMUNDS,] who is not now in his seat, objected to its reference to the Committee on Territories, and asked that it should go to the Committee on the Judiciary. It took that direction, but on the next day the Senator from Vermont withdrew his objection, and the reference was changed to the Committee on Territories.

The Committee on Territories have had this subject under consideration almost ever since the present session began, and not only this particular question but the whole territorial relations of that country to the United States.

If the position of the Senator from Ohio is correct, that because there is an establishment of a court in this matter therefore it should go to the Judiciary Committee, you can abolish at once the Committee on Territories and let it be absorbed by the Committee on the Judiciary, because there is no bill which organizes or seeks to organize a Territory that does not at the same time establish a court for that Territory. If the Senator's position be correct, you can abolish all the other committees, because there is a law question in every solitary bill or every solitary resolution that comes up for the consideration of the Senate, and you will have no use then for any other committee but that on the judiciary.

This question has already been passed upon by a reference of the matter to the Committee on Territories. I have no preference as to which committee shall take it; indeed I should be glad to be freed of the subject altogether, but I am upon both these committees, so that there is no escape for me to that extent.

The proper course, it seems to me, is for the memorial to be printed and lie upon the table. Every member of the Judiciary Committee can express his views when the bill comes up, as every other Senator can. But a few days ago the Senator from Wisconsin [Mr. CARPENTER] offered a resolution on the subject of this same matter and asked that it go to the Judiciary Committee. I objected to it at the time, and the resolution went over. Now, if the Senate refers the memorial to the Judiciary Committee, I shall in course ask that the resolution of the Senator from Wisconsin be referred to that committee, and then I shall ask that the bill reported by the Senator from Missouri be committed to the Committee on the Judiciary for them to dispose of it.

Mr. THURMAN. I intended to say, but forgot to do it, that in presenting the memorial and moving its reference to the Committee on the Judiciary, it was not my purpose to express any opinion whatever upon the bill or any one of its provisions. It is a subject of vast importance as a matter of public policy, as a question of justice to these Indians, as a question of the observance of our treaty stipulations, and especially in regard to the establishment of a court, whether we shall go beyond the treaty which provides for a court of criminal jurisdiction in the Territory, and give to a court to be there established an entire and full civil jurisdiction. These are certainly grave and important questions, upon which I do not, without great care and consideration, desire to express any opinion.

I concur in a great deal that has been said by the Senator from Arkansas, and have in my feeble way said the same things to the Senate more than once and tried to restrict the jurisdiction of the Judiciary Committee to matters connected with the judicial system of the United States. I have never been successful; I have been voted down again

and again, and the Senate has taken a bill bodily, reported by some other committee, and sent it to the Committee on the Judiciary in order to have the opinion of the law committee of the body.

I do not crave jurisdiction over this subject, I am sure, for the committee to which I belong; but I feel it my duty to let the Senate decide it and say whether under all the circumstances of this case the memorial should go to that committee in order that they may consider the legal questions. Certainly the questions of public policy which are concerned do not belong to that committee; they belong to the Committee on Territories or to the Committee on Indian Affairs, and I do not suppose that the Judiciary Committee would attempt to exercise any jurisdiction over those questions of mere public policy. I suppose that if the memorial shall go to that committee it will confine itself to the consideration of the legal questions.

However, I have no feeling about it one way or the other, no particular wish about it; but if there ever was a case in which it is proper to refer a bill reported from one committee to the Law Committee of the Senate in order to obtain its legal opinion, this might be said to be such a case.

The VICE-PRESIDENT. Shall the memorial be referred to the Committee on the Judiciary?

Mr. GARLAND. I wish to make a suggestion to the Senator from Ohio. The Senate may dispose of the question of reference as it sees proper so far as I am concerned; but the Senator from Missouri [Mr. VEST] who reported the bill is out of his seat. Will the Senator from Ohio consent to let the question lie over until he comes in? I prefer it, as the Senator from Missouri reported the bill.

Mr. THURMAN. I have no objection. The memorial is received, and the motion to refer is pending.

Mr. EDMUNDS. The motion to refer should hardly lie on the table, because that is a final disposition of it practically. I suggest that the matter go over until to-morrow, and come up again in the morning hour, by unanimous consent.

Mr. GARLAND. I have no objection whatever.

Mr. THURMAN. That is what I mean,—let the motion to refer lie over.

Mr. EDMUNDS. Yes, sir.

The VICE-PRESIDENT. The Chair hears no objection; and the further consideration of the motion to refer the memorial to the Committee on the Judiciary is postponed until to-morrow.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of several citizens of Pleasant Point, Ohio, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the petition of several citizens of Pleasant Point, Ohio, praying for the passage of a law providing for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of several citizens of Pleasant Point, Ohio, praying for the passage of the Weaver bill, for the relief of soldiers and sailors of the late war; which was referred to the Committee on Finance.

Mr. SAUNDERS presented the petition of J. W. Dean, Isaac Hart, E. H. Wilcox, and 27 others, citizens of Nebraska, who served in the late war, praying for the passage of a bill for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. CAMERON, of Pennsylvania, presented the memorial of Harrison, Havemeyer & Co., of Philadelphia, and others, importers, refiners, and dealers in sugars, remonstrating against changing the present classification of raw sugars; which was referred to the Committee on Finance.

He also presented the petition of J. M. Rockwell and 13 others, citizens of West Burlington Township, Bradford County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

He also presented the petition of Ezra Loomis, and 13 others, citizens of West Burlington Township, Bradford County, Pennsylvania, praying for the establishment of a Department of Agriculture; which was referred to the Committee on Agriculture.

He also presented the petition of citizens of West Burlington, Bradford County, Pennsylvania, praying such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

Mr. SLATER presented memorials of citizens of Benton County, Wayne County, Marion County, Polk County, Wasco County, Douglas County, Multnomah County, Clackamas County, Yamhill County, and Linn County, in the State of Oregon, praying an appropriation by Congress for the improvement of Yaquina Bay; which were referred to the Committee on Commerce.

Mr. SLATER. I present a similar memorial, signed by the officers of the State of Oregon, the governor, the judges of the supreme court, and other State officers. I may say that the number of signers of these various memorials aggregate over three thousand. They include all classes of our citizens, bankers, merchants, farmers, mechanics, and laborers, and as there are some important statements in the body of the memorial, and it being short, I ask that it be read and printed in the RECORD.

The VICE-PRESIDENT. If there is no objection to the request of the Senator from Oregon, the memorial will be reported at length.

The memorial was read, as follows:

Memorial of the undersigned, officials of the State of Oregon, sheweth:

1. That the population of the State is increasing at a very rapid rate, an immigration of upward of twenty thousand persons having been received in the year 1878, as proved by the statistics of the Portland Board of Trade.

2. That the principal towns of the State being situated, and the larger portion of the population settled in the Willamette Valley, the exports and imports from that country are being so largely increased that the need of additional outlets for the traffic of the State is severely felt, practically passengers and goods having now to pass both inward and outward through the port of Portland, situated on the Willamette River, only twelve miles from the northern boundary of the State.

3. That by the opening of the harbor called Yaquina Bay, a port will be provided only sixty miles from the center of the Willamette Valley, never closed by ice or rendered inaccessible by stormy weather, and offering natural facilities by safe deep-water channel, commodious anchorage, and abundant space for all the shipping that will resort there.

4. That a railroad is already in progress connecting the port of Yaquina Bay with the town of Corvallis, on the Willamette River; that by the use of this route a saving will be effected of two hundred and twenty-one miles in actual distance, and of the tedious, costly, and occasionally dangerous railroad or river journey down the Willamette Valley to Portland, and the voyage down the Willamette and Columbia Rivers to the ocean, the crossing of the Columbia Bar, and the ocean voyage down the coast of Oregon past the point in question.

5. That the survey of Yaquina Bay recently made under the instructions of the board of engineers intrusted with the selection of the point on the Pacific coast best adapted for a harbor of refuge, has proved that the obstruction to the entrance of the harbor only consists of a reef of sandstone rock, easily removable by blasting, while there are no shifting sand-banks to contend with, and the entrance is covered by a reef about a mile off at sea affording the protection of a natural breakwater.

6. That the same survey has proved the present boundaries of the channel, giving a depth of twelve feet of water at low tide, with an average rise of seven feet eight inches to high tide, which channel has not changed in position or depth since the coast survey in 1868, and has been and is now in constant use by coasting schooners and small steamships.

7. That the opening of Yaquina Bay, by the removal of the obstructing reef, will not only develop the resources of the bay district in lumber, coal, oyster and salmon fisheries, grain, wool, fruit, butter, and agricultural produce generally, but will open up the tract of fertile country between the Willamette Valley and the bay, exceeding five hundred thousand acres in extent.

8. That your memorialists pray that Congress, in its wisdom, will now devote a sum of \$240,000 to be expended in blasting operations on the reef now obstructing the entrance to Yaquina Bay, the operations to be carried out under the superintendence of the United States engineers in charge of the district. And your memorialists will ever pray.

Mr. SLATER. I move the reference of the memorial to the Committee on Commerce.

Mr. EDMUNDS. Before the memorial is referred I wish to say that I did not object to its reading and its printing, because such is coming to be the practice, but I think it an injurious practice. It is against the rule of the Senate, which requires a Senator to state briefly the substance of a memorial. It is very expensive; and, besides the expense, it incumbers the CONGRESSIONAL RECORD, when you put them all together, enormously, and makes the book vastly more inconvenient for the purposes for which it was designed. Therefore, hereafter, when I happen to be present I shall insist upon the rule and object to the reading of all memorials.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Commerce.

Mr. HARRIS. I present the memorial of 96 citizens of the District of Columbia, praying that a tax bill may be passed for the District of Columbia in harmony with the wishes of the people and in accordance with the humane spirit of modern civilization. I move its reference to the Committee on the District of Columbia.

The motion was agreed to.

Mr. JOHNSTON presented a joint resolution of the Legislature of Virginia, in favor of the appointment of a national commission to investigate diseases among domestic animals; which was referred to the Committee on Agriculture.

Mr. DAVIS, of Illinois, presented a petition of 42 citizens of Decatur, Illinois, praying the passage of an act granting an increase of pension to William Young, of that city; which was referred to the Committee on Pensions.

Mr. DAVIS, of West Virginia. I present the petition of sundry colored people of Charlestown, West Virginia, asking that certain provision be made for what is known as the Storer College, at Harper's Ferry; I move that the petition be referred to the Committee on Education and Labor; and as I understand that committee is considering the subject at this time, I hope the petition will receive proper attention.

The VICE-PRESIDENT. The petition will be referred to the Committee on Education and Labor.

Mr. DAVIS, of West Virginia, presented the petition of Cincinnati W. Harper and Clarence C. Harper, praying that their right to certain land claimed by them, and in possession of the United States, may be determined by the Court of Claims or other tribunal; which was referred to the Committee on the Judiciary.

Mr. TELLER presented the petition of Charles Autobias, of Pueblo County, Colorado, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. BURNSIDE presented the petition of George H. B. White and others, citizens of the District of Columbia, praying for the passage of an act to amend the Revised Statutes relating to legal holidays in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CAMERON, of Wisconsin, presented a joint resolution of the Legislature of Wisconsin, requesting the Senators and Members of

Congress from that State to do all in their power to procure such legislation as will protect the people from extortionate rates of freights, and to establish a uniform maximum rate; also to favor the appointment of a board of commissioners to regulate and control interstate commerce; which was referred to the Committee on Commerce.

Mr. BLAIR presented the petition of Libbey & Co., publishers at Dover, New Hampshire, praying for a reduction of the duty on material for making paper; which was referred to the Committee on Finance.

Mr. BALDWIN presented a memorial of E. D. Morgan, Moses Taylor & Co., and others, of New York, in favor of the retention of the present duty upon sugar; which was referred to the Committee on Finance.

He also presented a memorial of citizens of Dearborn, Michigan, remonstrating against the donation of the Dearborn (Michigan) arsenal property to the Wayne County Central Agricultural or Industrial Association for school purposes; which was referred to the Committee on Military Affairs.

Mr. BAILEY. I present a memorial of citizens of Wilson County, Tennessee, dealers in and growers of tobacco, upon the subject of *regie* contracts, and ask its reference to the Committee on Foreign Relations. I wish to say that a similar petition which I presented has been referred to the Committee on Finance. I ask that instead it be referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. The reference will be changed, and both petitions will be referred to the Committee on Foreign Relations.

Mr. WILLIAMS presented the memorial of John Means, president of the Lexington and Big Sandy Railroad Company, representing twelve miles of railroad, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton; which was referred to the Committee on Finance.

Mr. PRYOR. I present a memorial numerous signed, the substance of which is as follows: "The undersigned merchants, manufacturers, and consumers interested in and using chrome iron ore and bichromate of potash humbly pray that the prohibitory duties now levied upon these articles may be removed therefrom." I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. FARLEY presented a memorial of the Legislature of California, relative to the establishment of a post telegraph system throughout the United States; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of a large number of importers, refiners, and dealers in sugars, remonstrating against any change in the present classification of raw sugars; which was referred to the Committee on Finance.

Mr. FARLEY. I present a memorial of the California Legislature in reference to an appropriation for the protection and improvement of the rivers and lands of California which are being damaged by mining *débris*. I ask that the memorial be read.

Mr. EDMUNDS. I object to that.

The VICE-PRESIDENT. The Senator from Vermont objects.

Mr. EDMUNDS. For the reason that I just now stated, after a memorial had been read, on the grounds of the expense of printing and the great inconvenience of filling up the bulk of the CONGRESSIONAL RECORD, as well as taking up time. I made that observation at the end of the reading of the last memorial which was read. I think the Senator from California was not in at the time.

The VICE-PRESIDENT. Does the Senator from Vermont apply his objection to the reading of a memorial of a State Legislature?

Mr. EDMUNDS. No, there is a rule and regulation about that. If this is the memorial of a State Legislature I do not apply the objection to it by any means.

The VICE-PRESIDENT. The memorial will be reported.

The memorial was read, and referred to the Committee on Commerce, as follows:

CHAPTER XV.

Assembly concurrent resolution No. 15 relative to the protection of the rivers, cities, and agricultural lands of California.

[Adopted February 24, 1880.]

Whereas many rivers of this State, and cities and lands bordering thereon, are being greatly damaged or endangered by the flow of mining *débris*; and

Whereas the whole country as well as this State are directly interested in the gold production of California, which materially depends on the free discharge of said mining *débris*: Therefore,

Be it resolved by the assembly, (the senate concurring,) That our Senators and Representatives in Congress be requested to use their utmost endeavors to obtain an immediate appropriation of at least \$500,000 for the protection and improvement of the rivers and lands of California which are being damaged by the mining *débris*.

Resolved, That the governor be requested to send a copy of these resolutions to each of our Senators and Representatives in Congress.

J. F. COWDERY,
Speaker of the Assembly.
JNO. MANSFIELD,
President of the Senate.

Mr. CONKLING presented the petition of Isadore Robot, superior of the Catholic mission of the Pottawatomie country of the Indian Territory, asking to be vested with the title to certain land as such superior; which was referred to the Committee on Indian Affairs.

Mr. VOORHEES. I present a petition praying an amendment of the patent laws; and I ask that it be read.

The VICE-PRESIDENT. The Senator from Vermont has entered a standing objection against the reading of petitions at length.

Mr. EDMUNDS. I enter it now, for the reason I stated when the Senator was not in.

Mr. VOORHEES. I will state what it is. It is the petition of citizens of Kosciusko County, Indiana, praying that such an amendment be made to the patent laws that any person making any implement or article which is an infringement upon any patent without knowing it to be such, may be allowed to pay the royalty, which in no case shall exceed 25 per cent. of the cost of making, or by ceasing to use it shall not be liable to prosecution for infringement of such patents. I move the reference of the petition to the Committee on Patents.

The motion was agreed to.

Mr. VOORHEES presented the petition of Joseph King and others, citizens of Rush County, Indiana, praying such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

He also presented the petition of Charles E. Dimmitt and 56 others, soldiers and sailors of Ohio; also the petition of D. R. Leeper and 50 others, citizens of Indiana, who served during the war of the rebellion, praying that they be paid the difference between paper currency and gold at the time they received pay for their services in the field; which were referred to the Committee on Finance.

DISTRICT WATER SUPPLY.

Mr. ROLLINS. Yesterday morning communications were received from the commissioners of the District of Columbia relative to an additional water supply on Capitol Hill, and the waste of water in the District; which were referred to the Committee on the District of Columbia. I move that the communications be printed.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. No. 2524) in relation to the importation of classical antiquities, reported it with amendments.

Mr. PENDLETON, from the Committee on Foreign Relations, to whom was referred the memorial of Samuel C. Reid, on behalf of the captain, owners, officers, and crew of the late United States private brig General Armstrong, their heirs, executors, administrators, and assigns, submitted a report thereon, accompanied by a bill (S. No. 1441) for the relief of the captain, owners, officers, and crew of the late United States private-armed brig General Armstrong, their heirs, executors, administrators, or assigns.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. JONES, of Florida, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 4606) authorizing the President of the United States to nominate Drs. Thomas Owens and William Martin assistant surgeons United States Navy, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

ASSISTANT SENATE LIBRARIAN.

Mr. HILL, of Georgia, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution; which was read:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to appoint an assistant librarian for the Senate at a salary of \$1,440 per annum, payable monthly, being the same amount of salary paid to assistant librarians of the House of Representatives.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. EDMUNDS. Yes, sir; I object to its present consideration.

The VICE-PRESIDENT. Objection being made, the resolution goes over.

BILLS INTRODUCED.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1442) giving to all religious denominations equal rights and privileges on the Indian reservations; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. EDMUNDS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1443) for the erection of a monument in the city of Washington to the memory of General George A. Custer and the officers and men of the Seventh United States Cavalry who were killed in the battle of Little Bighorn; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1444) to amend the Revised Statutes of the United States for the District of Columbia relating to public holidays within said District; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1445) providing for the construction of the Mount Jefferson military wagon-road in Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1446) to provide for the erection of a public building at New Castle, Delaware; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CONKLING (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1447) to legalize and confirm a grant by the Pottawatomie Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1448) for the relief of James R. Sanchez and E. C. L. Sanchez, heirs-at-law of James R. Sanchez; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 91) relating to the memorial addresses delivered on the occasion of the passage of resolutions in the Senate and House of Representatives commemorative of Hon. George S. Houston, late a Senator of the United States; which was read twice by its title, and referred to the Committee on Printing.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SLATER, it was

Ordered, That the petitions and papers for the construction of the Mount Jefferson military wagon-road, in Oregon, on the files of the Senate be referred to the Committee on Public Lands.

On motion of Mr. ALLISON, it was

Ordered, That the petition and papers of the owners of the bark Grapeshot on the files of the Senate be referred to the Committee on Finance.

NAVY REGISTER.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 1,000 additional copies of the last edition of the Navy Register be printed for the use of the Senate.

PACIFIC RAILWAY COMPANIES.

Mr. BAILEY submitted the following resolution; which was read:

Whereas it has been announced in the public press, and there is reason to believe, that a contract has been entered into by and between the Central Pacific Railway Company and the Union Pacific Railway Company, of the one part, and the Pacific Mail Steamship Company, of the other part, by the terms of which contract the Pacific Mail Steamship Company, in consideration of receiving the sum of \$110,000 per month from the railway companies, binds itself to charge such rates for freights and passengers as may be fixed by the railway companies and to collect the same from the commercial public; and

Whereas the effect of such a contract is directly prejudicial to the public interests and contrary to the public policy that controlled Congress in chartering the Union Pacific Railway Company and in granting to both railway companies large subsidies in money and lands: Therefore,

Resolved, That the Committee on the Judiciary be instructed to investigate and report whether such a contract has been made, and what legislation is necessary to prevent the execution of the same and protect the public interest; and said Committee may report a bill to carry its recommendations into effect.

The VICE-PRESIDENT. Is there objection to the resolution?

Mr. EDMUNDS. I have no objection to the inquiry, of course, but the preamble alleges that the Senate believes, that is, if we vote for it, that the contract described has been entered into.

Mr. BAILEY. I am very willing to strike out the expression "and there is reason to believe." That will obviate the objection.

Mr. EDMUNDS. That being stricken out, I have no objection at all.

The VICE-PRESIDENT. The Chair hears no objection to the resolution or preamble as modified; and it is agreed to.

ALASKA STATISTICS.

Mr. BLAIR submitted the following resolution; which was read:

Resolved, That the Secretary of the Treasury be directed to furnish for the use of the Senate a copy of the report of Captain George W. Bailey upon the numbers, location, occupation, and condition of the people of Alaska, together with a statement as to the climate and resources of that region; also, that he be further requested to furnish the Senate with a copy of the report of the Supervising Surgeon-General of the United States Marine Hospital Service for 1873, which contains the report of Dr. White, United States revenue marine, treating of the people and Territory of Alaska.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. EDMUNDS. The second part of the resolution is a request which is contrary to our methods. It should be "directed."

Mr. BLAIR. Let it be changed so as to read "directed," as in the first part.

The VICE-PRESIDENT. That modification will be made.

Mr. EDMUNDS. I beg leave to suggest to the Senator from New Hampshire that I have the impression that the Secretary of the Treasury has other official reports and information touching the condition of things in Alaska that it might be desirable to have, if we have them not already, and that the first part of the resolution might be enlarged with benefit to the public service.

Mr. BLAIR. Let the resolution be enlarged as suggested by inserting "and any other information bearing on the subject in his possession."

Mr. EDMUNDS. I suggest an amendment to add at the end of the first branch of the resolution, "and any further information in his possession bearing on the condition of affairs in Alaska."

The VICE-PRESIDENT. The Chair hears no objection, and that amendment will be made.

The resolution, as amended, was agreed to.

AMENDMENT OF THE RULES.

Mr. EDMUNDS. I ask leave to offer a resolution; I shall not ask

its present consideration, but I desire it to be read for the information of the Senate, and then I should like to say a word.

The resolution was read, as follows:

Resolved, That Rule 13 be, and the same is hereby, amended so as to read as follows:

"Immediately after the privileged morning business is completed, and not later than one o'clock, the unfinished business of the preceding day and the Calendar of Special Orders, if any, for that day shall be taken up and disposed of; and after that, or if there shall be no special orders for the time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject voted upon in proceeding with the Calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, to wit:

"1. A motion to proceed to the consideration of an appropriation bill;
"2. A motion to proceed to the consideration of any other bill on the Calendar; but this motion shall not be considered as agreed to, unless two-thirds of the Senators present vote in favor thereof;

"3. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject in its existing place on the Calendar for action at the next call of the Calendar after the pending call shall have been gone through with;

"4. A motion to place such subject at the foot of the Calendar.
"Each of the foregoing motions shall be decided without debate, and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order.

Resolved further, That the twenty-fourth rule be amended by adding thereto the following words: 'After the introduction of resolutions is completed there shall, on the demand of any Senator, be laid before the Senate, in its order, any resolution or concurrent resolution introduced on any prior day, and the same shall be proceeded with in the same manner as is provided in the rule for the Calendar for General Orders.'

Resolved further, That all rules or orders setting apart particular days for particular classes of business be, and they hereby are, abolished."

Mr. EDMUNDS. I shall move to refer the resolution to the Committee on Rules, but I should like to call the attention of the Senate to it a moment. We are now proceeding under what is correctly known as the Anthony rule, which enables any one Senator to postpone a bill that is reached in its order by his single objection. Then in other respects we spend, and I think waste, a great deal of time in ascertaining what it is that we wish to consider next.

I think that this method of going through with the Calendar in its order as bills and resolutions are reported on it, giving every case its chance to be once before the Senate in each call of the Calendar, will be found to be very useful.

The substance of this rule was adopted by the Senate about eight or ten years ago, indeed almost literally in this form, and was acted upon for two or three weeks, I do not remember the exact time. It happened that when it was adopted there was a large mass of resolutions on the Calendar which then, differing from the way this resolution is, had to be taken up every morning and gone through with one by one; and it happened that two very prominent and leading Senators found in the operation of the rule about passing a matter over without debate that a pet measure which they had in view had been passed over without their having an opportunity to discuss it for a day or two. The consequence was that, a few days afterward, the rule was repealed when the Senate was very thin and without much, if any, debate that I remember.

The Senate has now got so numerous and has such a vast mass of business, that I believe if we adopt an order of this kind and stick to it long enough to have everybody find that his measure that he has in charge has one chance of being brought to the attention of the Senate and that it will be decided by the Senate unless a majority of the Senate determine to pass it over instead of a single objection, will facilitate the administration of business and will save a vast amount of time that is now spent in struggles to get the floor and to get the Senate to take up particular measures. At the same time it will give measures that a majority of the Senate think ought to be acted upon a chance of being acted upon as they are reached instead of being thrown over by a single objection.

I commend the resolution to the earnest and immediate attention of the Committee on Rules, to which I move its reference.

The motion to refer was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 474) for the relief of William McGovern.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 3968) for the relief of certain actual settlers on the Kansas trust and diminished-reserve lands, in the State of Kansas; and it was thereupon signed by the Vice-President.

FEES OF REGISTERS AND RECEIVERS.

The VICE-PRESIDENT. If there be no further business of the morning hour, the Secretary will call the Calendar of General Orders, commencing at the point reached yesterday.

The bill (S. No. 490) in relation to certain fees allowed registers and receivers was announced as the first in order.

Mr. EDMUNDS. Let that go over, Mr. President.

The VICE-PRESIDENT. The consideration of the bill is objected to, and it will be passed over.

Mr. BOOTH. Will not the Senator from Vermont consent to hear the report read?

Mr. EDMUNDS. Not just now. The bill is to take money out of the Treasury. There are some better cases than that on the Calendar.

SOUTHERN RAILWAY COMPANIES.

The next bill on the Calendar was the bill (S. No. 98) to provide for the settlement of accounts with certain railway companies.

Mr. EDMUNDS. Mr. President, that is a bill which involves a very large sum of money, which, from investigations that the Committee on the Judiciary made on that subject in connection with a certain branch of it some years ago, I believe to be unjustly claimed by these companies. The papers and the testimony in the case are very voluminous, and it is one of those public bills, although it appears to be a private one, of very wide importance and very great extent, and therefore I feel justified in asking that it go over and come up as one of the bills of public importance.

The VICE-PRESIDENT. The bill will be passed over.

Mr. MAXEY. Before the order is made sending the bill over, I beg to state that the Committee on Military Affairs, which has had the subject under consideration and which intrusted the report of this bill to me, believes it to be just. They are sustained in that view of the question by the reports of numerous committees in both Houses of Congress coming to the same conclusion without a single break in the line.

This is a public bill and a bill of importance. It was reported at the last Congress favorably by committees of both Houses and failed only for want of time. Believing it to be a just bill and desiring it fully ventilated so that everybody shall have an opportunity of saying what he thinks about it, I shall ask the consent of the Senate that to-morrow week after the conclusion of the morning hour this case be set down for trial, saving of course the rights of appropriation bills and any unfinished business that may come over from the day previous.

Mr. EDMUNDS. If the Senator from Texas means by that, that he is asking unanimous consent, I must be excused. If he means to move it as a special order—

The VICE-PRESIDENT. The Chair considers it in the nature of a notice.

Mr. MAXEY. I give it as a notice that I shall then ask unanimous consent. I know the objection which the Senator from Vermont has to special orders, and I know the effect of his objection. I want precisely what he says he wants, a trial of this case to test the question whether the bill is just or unjust. That is a question I am willing to meet and have the Senate settle.

Mr. EDMUNDS. This is very far from being a new subject, although I do not know what special place in the consideration of the Senate the Senator intended his observation that this had been reported favorably by a committee of the House of Representatives to have. I was not aware that the opinions of committees of the House of Representatives were supposed to be of any proper weight in this body, inasmuch as the Constitution expects us to act upon our own opinion and our own independent sense upon the testimony of the merits of the question presented to us.

Mr. MAXEY. In reply to the Senator on that point, let me remark that I referred simply to what occurred during the last Congress; and I believe that most of us, or many of us, are in the habit of referring to speeches and other matters, even to the individual opinions of members of Congress, as well as the result of debates, as persuasive if not conclusive. I mentioned that fact only to show that there was a concurrence of sentiment among those who were intrusted with the investigation of this case, and I regard it as a legitimate argument.

Mr. EDMUNDS. I do not regard it as a legitimate argument, I am sorry to say. I regard it as entirely out of the constitutional proprieties of this body and the proprieties of parliamentary order to undertake to persuade the Senate of the United States to do anything on account of the observations, speeches, reports, opinions, or votes of anybody in the House of Representatives or of the whole House itself, except possibly in the case of a dispute between the two Houses in a matter of conference. There it may possibly be proper to refer in one House to the view that the other House has taken of the disputed question; I do not say whether it is or not; but that is apart, because as the Senator says it is a common habit; and I did not intend to criticise him personally in the reference I made to it.

But, Mr. President, this matter is one of very large consequence to the Treasury of the United States. If the claim of this large number of railway companies to be repaid a part of the price that they paid for property that they bought of the United States in the States then lately in rebellion in 1865, and on railways there, is put on the ground that the bargain they then agreed to was a hard bargain and that the property was not worth as much as they agreed to give for it, it is important in that point of view; and I shall I think be quite willing when I can be ready—because as I say the papers and documents are very voluminous—to have it considered by the Senate, and to have the attention of the people of the United States brought to it as one of the symptoms of the present time.

Mr. MAXEY. My only object is to get this case into the possession of the Senate. It has been in the possession of committees long enough.

I did not refer to anything going on now in the present Congress. Little as I know about the rules, I know I have no right to refer to anything that takes place in the House during this present session. I do have a right to refer to any historical facts in respect to the last Congress, or any Congress back to the first one that sat under the Con-

stitution, and to avail myself of any reasoning furnished by the House in support of a position here; and if an argument be good, furnished by the House, it is persuasive, like a good argument from anybody else.

One other point. The Senator from Vermont says this is a large bill and involves a large amount of money. That may be a good reason with some why a bill should be killed; but, in my judgment, the amount involved is not a matter of the slightest consequence when it is brought into collision with the question, Is the claim just? If the claim is a just one it ought to be allowed; if it is an unjust claim it ought to be repudiated; and I desire that the Senate shall act upon it, for which reason I now call particularly the attention of the Senate, and I hope there will be unanimous consent that to-morrow week, at the conclusion of the morning hour, saving the right of the Appropriations Committee and unfinished business, this bill be taken up and disposed of.

The VICE-PRESIDENT. The Secretary will report the next bill on the Calendar.

MULLAN WAGON-ROAD.

The next bill on the Calendar was the bill (S. No. 1256) authorizing the Secretary of War to improve and repair the Mullan wagon-road between Forts Missoula and Cœur d'Alene; which was considered as in Committee of the Whole.

Mr. COCKRELL. Let the report be read.

The VICE-PRESIDENT. There is no written report.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. CONKLING. I venture to suggest that if there is no report accompanying this bill, some Senator who understands it ought at least to tell us what it is.

Mr. CAMERON, of Pennsylvania. I think there was a report accompanying the bill, but I do not know what has become of it. The bill is for the improvement of an existing military road in the Territories of Idaho and Montana which was built originally for military purposes by the troops in those Territories. The military there for the last year or so have been so much occupied that they have not been able to keep it in repair. Therefore the Secretary of War has asked that \$20,000 be appropriated for the purpose. He says it is not only essential to the military but essential to the continuance of immigration to that country that this road should be repaired and kept in good order. The Military Committee examined the subject carefully, believe the appropriation is right, and made a written report, but it seems to have been lost.

The bill was passed.

CALVIN BRONSON.

The next bill on the Calendar was the bill (H. R. No. 2269) for the relief of Calvin Bronson; which was considered as in Committee of the Whole.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be authorized and directed to pay to Calvin Bronson \$11,211 out of any money in the Treasury not otherwise appropriated.

Mr. CONKLING. Is that the entire bill?

The VICE-PRESIDENT. The Chair supposes so.

Mr. CONKLING. I ask that the bill be read again. It seems to me there must be something omitted.

The Chief Clerk again read the bill.

Mr. HARRIS. The report explains the matter. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. HARRIS February 11, 1880:

The Committee on Claims, to whom was referred the bill (H. R. No. 2269) for the relief of Calvin Bronson, of Toledo, Ohio, submit the following report:

The facts necessary to be noticed in respect to this claim are briefly these: By section 93 of the act of 30th June, 1864, 13 Statutes at Large, page 270, the tax imposed on smoking-tobacco, the subject of this claim, was twenty-five cents per pound.

By the first section of the act of March 3, 1865, the tax was increased to thirty-five cents per pound, 13 Statutes at Large, 477, and by section 18 of same act, page 487, it is provided that this act shall take effect on the 1st April, 1865.

The claimant manufactured some one hundred and ten thousand pounds smoking-tobacco in the month of March, 1865.

Section 90 of act of 30th June, 1864, page 262, requires manufacturers to make their returns to the assessor on Wednesday of every week, of the amount and kinds of tobacco manufactured in the week ending that day, and requires the assessor to assess the same immediately thereafter, and that the tax so assessed to be paid within five days after assessment. The claimant returned to the assessor on Wednesday of each week in March, 1865, the tobacco manufactured during the week, as required by the act of 30th June, 1864, and the same was assessed at twenty-five cents per pound, in strict obedience to the requirements of the law of that day.

Immediately after each assessment the claimant proposed to pay the tax so assessed, tendering the money, but in disregard of the law the collector refused to receive weekly payments from claimant, saying that he could not be bothered with payments made weekly; that he would only receive them monthly.

This tobacco having been reported, inspected, and assessed, was immediately removed from the manufactory to a warehouse of claimant, some half mile distant. After the act of March 3, 1865, went into effect, and after the assessment of twenty-five cents per pound had been collected, this lot of tobacco was reassessed under the act of March 3, 1865, the additional sum of ten cents per pound, amounting to \$11,211. This assessment the claimant refused to pay, because it was illegal.

In June, 1865, the collector of the district seized the tobacco manufactory, with a large amount of tobacco of the claimant, on the ground that claimant had in May, 1864, made a pretended sale of a large amount of tobacco to his brother, David Bronson, to avoid a higher rate of tax imposed by the act of June 30, 1864, and the

additional ground that he refused to pay the additional tax of ten cents per pound on this lot of tobacco.

Immediately after this seizure the claimant came to Washington and requested the Commissioner of Internal Revenue to send a special agent to Toledo to examine and report the grounds of this seizure. Messrs. Payne and Hawley, special agents of the department, were sent to Ohio for that purpose. On the 22d September, 1865, Benjamin Payne makes the following report:

"TOLEDO, OHIO, September 22, 1865.

"I, Benjamin Payne, having been appointed by the Commissioner of Internal Revenue special agent to investigate the charges against Mr. Calvin Bronson, of Toledo, Ohio, hereby certify that I have carefully examined all the business transactions of the said Bronson connected with the Revenue Department, and that I have nowhere found fraud or design on his part to defraud the Government. I further certify that the seizure of his goods by the collector was, in my opinion, unnecessary.

"BENJAMIN PAYNE,

"Special Agent, Treasury Department."

But in addition to this Mr. Payne decided that the additional tax of ten cents per pound was legal, due the Government, and must be paid. Under protest claimant paid it, giving Mr. Payne notice at the time, in addition to his protest, that he would appeal to the Commissioner to refund the tax so illegally demanded.

The law prohibited the claimant from instituting suit against the collector for the money thus illegally collected from him until after he had made his application to the Commissioner of Internal Revenue to refund it; but at the end of six months after making such application (Revised Statutes, 3226) claimant had the right to sue without a decision of the application, but claimant says he did not sue because the collector was a defaulter, and soon after the collection of this tax he absconded.

The records of the office of the internal-revenue collector show that the collector was a defaulter to the amount of about \$30,000, and in May, 1866, absconded.

Claimant made his application to the Commissioner and clearly proved that this lot of tobacco was manufactured in March, 1865; that it was reported on Wednesday of each week, as manufactured, and immediately thereafter assessed for tax under the then existing law; that the tax was payable in March under the law; and that the money was tendered to pay this tax, but not received, only because the collector refused to be bothered with weekly payments. On the 5th of January, 1870, this claim is indorsed:

"Examined, and allowed, and submitted by—

"Allowed March 12, 1870.

"J. T. VINSON.

"W. H. SMITH, Solicitor."

On the 7th July, 1870, E. P. Gaines, chief of internal-revenue division of Secretary's office, reviews all the facts in the case, and in conclusion says that while this payment of \$11,211 was not made on what was strictly a legal compromise, the Secretary having not approved it, yet the seizure of the factory and tobacco of claimant was pending, and the payment of this tax was demanded; and in order to get his property released from seizure he paid the tax and his property was released from seizure, and argues that if the seizure case had been prosecuted the Government might have recovered; therefore, he says it is unjust for claimant to demand that the tax should be refunded, and recommends that the case be returned to the Internal Revenue Office for re-examination. On the 7th July, 1870, the Assistant Secretary of the Treasury returned the papers to the Commissioner, requesting a re-examination of the case.

On the 1st December, 1870, the Acting Commissioner of Internal Revenue addressed the following note to Joseph R. Swigart, esq., United States collector, tenth district, Toledo, Ohio:

"Sir: Refunding claim of C. Bronson for \$11,211 has been fully considered, with all the accompanying papers and the brief of counsel for the claimant, and rejected by the solicitor and by me.

"Respectfully,

"J. W. DOUGLASS,

"Acting Commissioner."

The claimant then petitioned Congress to refund this tax of \$11,211, alleging that it was illegally assessed and collected from him.

To reach the justice of this case three questions must be determined:

First. Was this additional tax of ten cents per pound, amounting to \$11,211, legal?

Second. Were there just grounds of seizure and forfeiture of the property of claimant?

Third. Was this \$11,211 paid as a legal and just compromise of the seizure case?

It is shown by the affidavits of the revenue officers of that district and by the affidavit of claimant that this tobacco was manufactured in the month of March, 1865, and that all that was produced each week was reported on Wednesday, assessed by the assessor, and the assessment handed over to the collector for collection of the tax, as required by the act of June 30, 1864; and that the claimant tendered the money immediately thereafter each week to pay the tax so assessed, but the collector refused to receive it, because "he was not willing to be bothered with weekly payments;" that at the end of the month he did receive the tax so assessed, the tobacco having been immediately after assessment removed from the manufactory to the warehouse for sale. The committee is satisfied that this tobacco, having been manufactured, reported, and assessed weekly before the 1st day of April, 1865, was properly assessed at 25 cents per pound, and that no subsequent additional assessment was legal.

Hence the failure to pay this subsequent illegal assessment of ten cents additional under the act of 3d of March, 1865, constituted no just or legal ground of seizure; and if the report of the special agents of the Internal Revenue Department and the action of that department upon them are worth anything, then there was no fraud in the sale of tobacco by claimant to his brother, David Bronson, in 1864; hence no judgment of forfeiture could have been obtained upon that ground, and these are the only grounds on which the seizure rested. Upon the report of the special agents sent to investigate the reasons of the seizure the Commissioner directed the district attorney to dismiss the case; and it was dismissed, and the committee thinks properly dismissed, because illegal, unnecessary, vexatious, and unjust. The sum claimed nor any other sum was ever demanded of claimant as a compromise of the seizure case; it was demanded as a tax, collected and receipted for as a tax, and under solemn protest paid as a tax.

This tax having been illegally assessed, and its payment extorted by the seizure of a property (worth many times the amount claimed) equally illegal, the committee is of opinion that it should be refunded, and therefore report the bill back with the recommendation that it pass.

Mr. CONKLING. I have nothing to say about the merits of this claim, owing to a lack of information; but this bill, which I understand is a House bill, is, as far as I know, entirely by itself in the history of legislation, and I think of proposed legislation. It is much in the form of a check on a bank. It is an order to the Secretary of the Treasury to pay a man named so much money with nothing to show any reason for paying it or any account for which it is to be paid. The bill, if put on the statute-books, would not amount to a receipt for the money. I know the report states the matter to which this

bill relates or is intended to relate; but the report does not become a statute; it does not even go into the Journal of the Senate; the bill alone speaks; and I judge it was an oversight on the part of the committee from which the bill came in the House, and very likely a similar oversight here. I hope that some member of the Committee on Claims will suggest an amendment which will at least indicate the subject upon which we are to vote, if we are to vote upon this bill.

Mr. HARRIS. I have prepared an amendment to be added to the last word in the sixth line, which will meet the objection of the Senator from New York, and which I think myself quite proper, and if there could be an objection to the amendment it would be simply the fact that it was an amendment involving the necessity of the bill being returned to the House of Representatives. I send to the Clerk's desk the following as an amendment, which I believe removes the objection of the Senator from New York.

In full satisfaction of an illegal tax assessed upon certain smoking-tobacco, and paid by him under protest.

Mr. MORRILL. Mr. President, this appears to be a very complicated case, arising under the administration of the revenue laws. I am not able to determine for myself whether the bill is a proper one to be passed or not by the simple reading of the report. It requires very careful consideration. But I desire to say that if the Committee on Finance have not been transcending their jurisdiction, this is a claim which belongs to that committee. It is very important that all these questions in relation to the revenue shall be decided upon uniform principles; otherwise we establish precedents by which we open the doors to a great many claims. If the Senator from Tennessee has no objection, I think this bill should be referred to the Committee on Finance. Similar questions are constantly before that committee, and I think perhaps this ought to have been originally referred to the Committee on Finance instead of the Committee on Claims.

Mr. COCKRELL. Mr. President—

The VICE-PRESIDENT. The morning hour has expired, and the Senate will proceed to the consideration of its unfinished business.

FITZ-JOHN PORTER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army, the pending question being on the amendment proposed by Mr. RANDOLPH.

The VICE-PRESIDENT. The Senator from Indiana [Mr. McDONALD] is entitled to the floor.

Mr. DAVIS, of West Virginia. It is hardly necessary, but, by consent of the Senator from Indiana, I wish to renew the notice heretofore given that at the conclusion of his speech I shall ask the Senate to take up appropriation bills.

Mr. McDONALD addressed the Senate. [His remarks will be found in the Appendix.] Having spoken three hours and a quarter,

Mr. RANDOLPH. The Senator from Indiana has spoken now over three hours, and, if he will yield the floor, I move that the Senate adjourn.

Mr. McDONALD. I give way.

The motion was agreed to; and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 9, 1880.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

The Journal of yesterday was read and approved.

DEPARTMENT OF AGRICULTURE.

Several members called for the regular order.

The SPEAKER. The regular order being demanded, the morning hour begins at twenty-two minutes before one o'clock. In the last morning hour, under the old rules, a bill was reported, the reading of which was not completed. The Chair thinks it would be just to regard that bill as in the morning hour under the new rules, the reading to be completed as unfinished business. The Chair sees no better or more intelligent method of proceeding.

Mr. MILLS. Will the bill be referred to the Calendar or acted on?

The SPEAKER. The Chair thinks the House should determine that question. The bill has not yet been read in full. It is a bill reported from the Committee on Agriculture.

Mr. CONGER. When the bill is read, why should it not take its place on the Calendar?

Mr. AIKEN. I rise to a parliamentary inquiry. If this bill be read, will it necessarily be referred without discussion to the Calendar?

The SPEAKER. It would not under the old rules have been referred to the Committee of the Whole House on the state of the Union, unless a point of order could have been made against it.

Mr. AIKEN. Can it be referred to a committee?

The SPEAKER. The new rules compel all reports from commit-

tees to be referred to the proper Calendar; but this comes over under old rules, in the nature of unfinished business. The bill will be read.

Mr. MILLS. Will it be time enough to make the point of order after the bill has been read?

The SPEAKER. It will, because the reading of the bill is necessary to allow a member intelligently to know whether it is open to the point of order.

Mr. CONGER. I was about to say, when a bill has not been read, I do not see, perhaps the Chair does, why it should not come under the rule now, and not be unfinished business.

The SPEAKER. The Chair thinks this bill having been introduced into the House under the old rules would hardly come under the operation of the new rules. The Chair, however, is willing to submit the point to the House. The gentleman from Texas indicates his purpose to give a solution to the difficulty by raising a point of order, and if it is subject to such point of order, then it will go to the same calendar as though it were subjected to the operation of the new rules.

Mr. AIKEN. I move, without further reading, the bill be referred to the Committee of the Whole House on the state of the Union.

The SPEAKER. It will be referred to the Public Calendar in the Committee of the Whole House on the state of the Union.

Mr. REAGAN. What is it?

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. No. 4909) reported as a substitute for House bill No. 445, a bill for the creation of a department of agriculture.

The SPEAKER. The gentleman introducing the bill asks, without further reading, that it be referred to the Committee of the Whole House on the state of the Union.

Mr. CONGER. On the Public Calendar?

The SPEAKER. The Public Calendar, but in the Committee of the Whole House on the state of the Union. If it had not created a new office or involved a tax upon the people, it would go to the House Calendar.

Mr. ATKINS. Does it take precedence of other bills?

The SPEAKER. It is subject to all the rules of the House.

Mr. COVERT. In connection with that bill I desire to present the views of the minority of the Committee on Agriculture.

The SPEAKER. Did the majority make any report accompanying this bill in writing?

Mr. AIKEN. No, sir.

The SPEAKER. The new rules require, and the Chair now desires to announce the fact to the House, that all bills reported from committees shall be accompanied by a written report.

Mr. AIKEN. That was not necessary under the old rule.

The SPEAKER. It was not the practice.

Mr. AIKEN. Was not the substitute for the bill considered at the time as a report?

The SPEAKER. The Chair thinks that would not come up to the requirement of the new rule. But the gentleman can make his majority report at any time hence.

Mr. AIKEN. It came in under the old rule, did it not?

The SPEAKER. It did.

Mr. MCKENZIE. I ask, Mr. Speaker, that the views of the minority be read.

The SPEAKER. The Chair will recognize the gentleman from South Carolina, who represents the majority of the committee, to submit a report in writing hereafter.

Mr. AIKEN. Is that necessary? That was introduced under the old rules, and read under the old rules.

The SPEAKER. The old rules did not require it, but the Chair supposes, in view of the presentation of the views of the minority, the committee would desire to submit a majority report as provided for under the new rules. It is, however, a matter with which the Chair has no concern.

Mr. AIKEN. I was not instructed by the committee to make a report, but merely to report a substitute.

The SPEAKER. The minority views will be printed, and go with the bill.

Mr. AIKEN. I rise to a parliamentary inquiry.

Mr. MCKENZIE. I ask that the views of the minority be read.

The SPEAKER. The bill has gone to the Committee of the Whole House on the state of the Union, and is not before the House.

Mr. AIKEN. Do I understand I have the right at any future time to present a written report?

The SPEAKER. The Chair thinks that should be allowed to the gentleman, in view of the fact that the views of the minority have been presented.

Mr. MCKENZIE. Let the views of the minority be read.

The SPEAKER. The bill has gone to the Committee of the Whole House on the state of the Union, and is not now before the House.

INDEXED RULES.

The SPEAKER. The Chair desires to state that the doorkeeper on the left of the Hall has now in his possession copies of the indexed rules, and members can apply to him for the same.

CORRECTION.

Mr. CONGER. I desire to call attention to what is evidently a typographical error in the thirteenth rule as printed, where it refers

to a motion for reconsideration, but is printed a motion for "reconstruction."

The SPEAKER. That is evidently a typographical error. The Chair is informed, however, the correction has already been made.

ORDER OF BUSINESS.

Mr. KNOTT. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. KNOTT. The point I make is that the morning hour is operating under the new rules and the call should begin with the first committee on the list.

The SPEAKER. Under the new rule provision is made that the call of committees shall commence where it left off on the preceding call; and the Chair thinks that under the spirit of the new rule the call should begin where it left off on the preceding call.

Mr. COVERT. I desire to make a parliamentary inquiry. I understand the Speaker says it will be necessary for the majority of the Committee on Agriculture to present their report, as well as the minority, before the report of the minority can be read to the House.

The SPEAKER. The Chair did not so rule.

Mr. COVERT. The gentleman from Kentucky [Mr. McKENZIE] called for the reading of the minority report, and the Chair ruled it could not be read.

The SPEAKER. The Chair stated that the bill had gone from the consideration of the House, and the gentleman representing the minority presented his views, as it were, by courtesy. The bill having been referred to the Committee of the Whole House on the state of the Union and not being before the House, it is not usual under such circumstances to read the minority report. It will be printed.

Mr. McKENZIE. I ask by unanimous consent the minority report be read.

Mr. TOWNSHEND, of Illinois. I object to the reading.

The SPEAKER. The reading is objected to.

PAUL HEINRICH ELVERS.

Mr. RICHMOND, from the Committee on Agriculture, reported back adversely the memorial of Paul Heinrich Elvers, of Warren County, Ohio, praying Congress to adopt an alleged discovery he has made to prevent the spread of the hog cholera; which was laid upon the table, and the accompanying report ordered to be printed.

FORESTRY.

Mr. RICHMOND also, from the Committee on Agriculture, submitted the following resolution.

The Clerk read as follows:

Resolved, That there be printed 100,000 copies of the report upon forestry, prepared by Dr. Franklin B. Hough, in pursuance of an act of Congress, and transmitted by the President from the Department of Agriculture, February 7, 1880, in pursuance of a resolution of the House of Representatives. Of this number 75,500 shall be for the use of the House of Representatives, 19,500 for the Senate, 4,000 for the Department of Agriculture, and 1,000 for the author: *Provided*, That the number of pages shall not exceed 650. There shall be allowed a sum not exceeding \$800 for drawings and engravings necessary for this report, to be prepared under the direction of the Commissioner of Agriculture.

Resolved, That there be printed a further edition of 50,000 copies of the report on forestry, prepared under the direction of the Commissioner of Agriculture, in pursuance of an act of Congress, approved August 15, 1876, by Dr. Franklin B. Hough, to be distributed in the same proportion as in the above resolution.

Mr. RICHMOND. If there be no objection, I should like to have that resolution considered at this time.

The SPEAKER. That cannot be done.

Mr. ATKINS. And I object.

Mr. COVERT. I suggest, then, that the resolution be referred to the Committee on Printing.

The SPEAKER. It will be so referred.

Mr. COVERT. It is a resolution asking for the printing of a certain number of the report on forestry, and I presume naturally it should go to the Committee on Printing.

Mr. RICHMOND. Let it be referred to the Committee on Printing.

The SPEAKER. If the expense exceeds \$500 the resolution must under the law go to the Committee on Printing.

Mr. RICHMOND. It will cost over \$800.

The SPEAKER. Then, under the law, the resolution is referred to the Committee on Printing.

ADULTERATION OF FOOD.

On motion of Mr. ANDERSON, from the Committee on Agriculture, that committee was discharged from the further consideration of the petition of citizens of Berlin, Wisconsin, for the enactment of a law against the adulteration of food, and the same was referred to the Committee on Manufactures.

DEPARTMENT OF AGRICULTURE.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, I objected a short time ago to the reading of a report of the minority of the Committee on Agriculture, but I am willing it shall be printed in the RECORD.

The SPEAKER. The views of the minority will be printed in the usual form, and when the bill comes up for consideration the majority and minority reports can then be read.

Mr. TOWNSHEND, of Illinois. The gentleman from New York, who presented the views of the minority, desires it shall be printed in the RECORD. If there be no objection I hope that will be done.

Mr. ANDERSON. I object.

Some time subsequently,

Mr. ANDERSON said: I withdraw my objection to the printing of the report.

Mr. BREWER. I renew it.

REPORT UPON BEET SUGAR.

Mr. COVERT, from the Committee on Agriculture, reported the following resolution; which under the law was referred to the Committee on Printing:

Resolved, That there be printed 20,000 copies of the report upon beet sugar and the manufacture of sugar from beets, prepared by Hon. G. Le Duc, Commissioner of Agriculture, and transmitted by the President from the Department of Agriculture, February —, in pursuance of a resolution of the House of Representatives. Of this number 15,200 copies shall be for the use of the House of Representatives, 3,800 for the Senate, and 1,000 for the Department of Agriculture.

AGRICULTURAL REPORT FOR 1879.

Mr. COVERT also, from the Committee on Agriculture, reported the following concurrent resolution; which under the law was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed 300,000 copies of the annual report of the Commissioner of Agriculture for 1879; 220,000 copies for the use of members of the House of Representatives, 50,000 copies for the use of members of the Senate, and 30,000 copies for the use of the Department of Agriculture.

REPORTS ON DISEASES OF SWINE, ETC.

Mr. COVERT also, from the Committee on Agriculture, reported the following concurrent resolution; which under the law was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring therein.) That there be printed 100,000 copies of special report No. 22 of the Commissioner of Agriculture, containing the reports of the veterinary surgeons appointed to investigate diseases of swine and infectious and contagious diseases incident to other classes of domesticated animals; of which 65,000 copies shall be printed for the use of members of the House, 20,000 copies for the use of members of the Senate, and 15,000 copies for the use of the Commissioner of Agriculture.

INTERNATIONAL SHEEP AND WOOL SHOW, PHILADELPHIA.

Mr. COVERT. I am also instructed by the Committee on Agriculture to report back, with a favorable recommendation, the bill (H. R. No. 3982) to authorize and direct the Commissioner of Agriculture to attend, in person or by deputy, the international sheep and wool show to be held in the Centennial buildings, Fairmount Park, Philadelphia, in September, A. D. 1880, and to make full and complete reports of the same, and for other purposes. I ask unanimous consent that this bill be now put upon its passage. It involves no appropriation. A bill the same in substance passed the Senate yesterday, and there is urgent necessity for the immediate action of Congress in reference to it.

Mr. BLOUNT and Mr. BOUCK objected to the present consideration of the bill.

The bill was referred to the House Calendar.

UTE OUTBREAK.

Mr. SCALES. I am instructed by the Committee on Indian Affairs to report back, with the recommendation that it be adopted, the resolution of inquiry touching the late outbreak of the Ute Indians in Colorado, referred to the committee on the 15th of January, 1880, on motion of the gentleman from Colorado, [Mr. BELFORD.]

The Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior be directed to transmit to this House at an early day a copy of the testimony taken by Generals Hatch and Adams, special agents of that Department, touching the late outbreak of the Ute Indians in the State of Colorado.

Mr. SCALES. The committee recommend that the resolution be adopted.

The SPEAKER. The committee would have the right even out of the morning hour to make this report at any time; and it is not well, the Chair thinks, to interfere with the morning hour by making such reports for consideration, because that would occupy the time of the morning hour and cut out other committees.

Mr. SCALES. It is merely a resolution calling for information.

The SPEAKER. If there be no objection—

Mr. CARLISLE. I think we ought now to settle the practice as to this matter. I suggest that the gentleman from North Carolina [Mr. SCALES] had better withdraw the resolution for the present, and report it again after the morning hour.

The SPEAKER. Committees are required to report back resolutions of this character within one week, and have the right to report them at any time; but in reporting such resolutions it is better to have them considered outside the morning hour for reports of committees and thus not interfere with the call of other committees for reports that do not possess such privilege.

Mr. SCALES. If I have the right to report the resolution at any time, certainly I have the right now.

The SPEAKER. That does not follow, under the new rule, if consideration is asked.

Mr. CARLISLE. For this reason: that the rule provides that the morning hour shall be devoted to the call of committees for reports which shall go to the appropriate Calendar; while another rule provides that resolutions of this character may be reported at any time within a week.

Mr. SCALES. Is this a privileged report?

The SPEAKER. It is, after the morning hour.

Mr. SCALES. Then I withdraw it for the present.

POLICE REGULATIONS, ON INDIAN RESERVATIONS.

Mr. SCALES. I am also instructed by the Committee on Indian Affairs to report back with amendments the bill (H. R. No. 350) authorizing the President to provide suitable police regulations for the government of the various Indian reservations, and to provide for the punishment of the crimes of murder, manslaughter, arson, rape, burglary, and robbery upon the various Indian reservations. I move that the amendments and the accompanying report be printed. I ask also that the bill be made a special order for the 25th of March and from day to day thereafter until disposed of.

The SPEAKER. Does this bill appropriate any money?

Mr. SCALES. It does not.

The SPEAKER. Then it goes to the House Calendar. The gentleman from North Carolina asks unanimous consent that the bill may be considered as a special order on the 25th of March.

Mr. BLOUNT. I ask the gentleman to except appropriation bills.

Mr. SCALES. I will make that exception.

Mr. CONGER. I object to the bill being made a special order.

The bill was referred to the House Calendar, and the amendments and accompanying report ordered to be printed.

CREEK ORPHAN FUND.

Mr. HOOKER, from the Committee on Indian Affairs, reported back, with amendments, the bill (H. R. No. 418) to reimburse the Creek orphan fund; which, with the accompanying report, was ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

RESERVATION INDIANS PROHIBITED FROM ENTERING TEXAS.

Mr. WELLBORN, from the same committee, reported, as a substitute for House bill No. 3161, a bill (H. R. No. 5040) to prevent Indians on reservations from going into the State of Texas; which was read a first and second time, referred to the House Calendar, and ordered to be printed.

ABSENTEE SHAWNEE LANDS.

Mr. WADDILL, from the same committee, reported back, with an amendment, the bill (H. R. No. 1197) for the relief of settlers upon the absentee Shawnee lands in Kansas, and for other purposes; which was read a first and second time.

The SPEAKER. The Chair would inquire of the gentleman reporting this bill if it makes any appropriation of money?

Mr. WADDILL. It makes no appropriation of money. It simply gives a privilege to certain actual settlers on absentee Shawnee lands to enter such lands.

The SPEAKER. Does it affect the title of the United States to any public lands?

Mr. WADDILL. It does not.

The SPEAKER. It relates only to Indian lands?

Mr. WADDILL. That is all.

Mr. CONGER. Does this affect in any way the title of the United States to any public property?

The SPEAKER. The gentleman from Missouri [Mr. WADDILL] states that it does not affect the title of the United States to any public lands, and does not appropriate any money; that it relates only to certain Indian reservation lands.

Mr. HASKELL. Allow me a word.

Mr. CONGER. I do not like to ask for the reading of every bill that is reported from a committee; but I do like to know what a bill is about.

The SPEAKER. The bill will be read.

The bill was read.

Mr. CONGER. It is apparent that this bill relates to the sale of Government lands at a price to be fixed by this bill.

The SPEAKER. If it in any way affects the title of the United States to any of the public lands, it is subject to a point of order.

Mr. CONGER. I make that point of order against the bill.

Mr. HASKELL. A word on the point of order. This bill does not affect one foot of the public lands of the United States. It is only the re-enactment of an old law of 1869, under which the Shawnee absentee Indians disposed of their lands. Three small parcels of land remain undisposed of. That old law has expired by limitation. Three settlers desire to acquire titles to their tracts of land just as their neighbors acquired title under the act of 1869. This bill appropriates no money; it simply provides a way by which these settlers upon these lands can acquire title to them.

Mr. CONGER. And it provides that the lands not so taken shall be sold as public lands of the United States.

Mr. HASKELL. No, it does not provide any such thing.

The SPEAKER. Clause 3 of Rule XXIII is as follows:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

The effect of the last paragraph of the clause is, even though there may be a mistake in the reference of a bill to a particular calendar, that it may be corrected at any time before the bill comes up for consideration.

Mr. WADDILL. This bill does not affect any public lands in the United States.

The SPEAKER. That is the question in dispute; the gentleman from Michigan [Mr. CONGER] thinks it does.

Mr. WADDILL. It only affects lands belonging to these Shawnee Indians. The fund that may result from the sale of lands under this bill will go to the Indians. There is not a foot of Government land involved in the bill.

The SPEAKER. This bill refers to a former law which the Chair has not at hand; and consequently the Chair cannot determine with certainty whether it does affect public lands or not. The gentleman reporting the bill [Mr. WADDILL] states that the committee have considered this subject and that the bill does not in any way affect the title of the United States to any of its public lands or part with any of that title. Will the gentleman from Michigan [Mr. CONGER] point out to the Chair which paragraph of the bill renders it liable to the point of order which he has raised?

Mr. CONGER. The land is described merely as "absentee Shawnee lands." Those lands are in a reservation which, under the law would revert to the United States.

The SPEAKER. The United States has a reversionary right in these lands?

Mr. HASKELL. That is not so.

The SPEAKER. The gentleman from Kansas is not now entitled to the floor.

Mr. CONGER. I desire to say that in my opinion this is a clear case where the point of order would properly lie against the bill. The gentleman reporting the bill states that it does not relate to public lands at all. I am willing that the bill shall be referred to the calendar which he has indicated, and when it comes up for consideration we can determine whether the point of order would lie against it.

Mr. HASKELL. That is all I desire. All the proceeds of these lands will go to the Shawnee Indians. I desire to have this bill referred to the House Calendar.

Mr. WADDILL. I ask to be heard a moment on this question.

The SPEAKER. The Chair would like to ask whether in any contingency the proceeds of this property would go into the Treasury of the United States?

Mr. WADDILL. Under no contingency. By an act of Congress passed several years ago—in 1869 I think—certain lands in the State of Kansas were reserved for the benefit of the Shawnee Indians. There were absentees of the Shawnee tribe to a considerable number scattered among different tribes. Provision was made that upon the return of those absent Shawnees they should have a portion of this land; and a reservation was made for their benefit. Afterward, these Shawnees being located elsewhere, this land was settled upon by white men. It still, however, belonged to the Indians. An act of Congress was passed authorizing the sale of the land and giving the actual settlers the privilege of buying it, but providing that the proceeds of the sale should go to the absent Shawnees, if they could be found, and if they could not be found, to the common fund of the Shawnee tribe. It is thus clear that the Government of the United States has not one particle of interest in this fund except to see that the Shawnee tribe of Indians get the proceeds of the sale of the land to which they are entitled.

Mr. BLOUNT. It is not true that if the proceeds of the sale of this land should go to the Shawnee fund as a trust fund, it will still be in the Treasury?

Mr. WADDILL. It is a trust fund, and is in the Treasury; but it is there for the use and benefit of the Shawnee Indians.

Mr. WHITE. It is clearly a public bill.

The SPEAKER. The Chair desires to know from the gentleman reporting the bill whether in any remote or possible contingency the United States can have any interest in this fund?

Mr. WADDILL. In no possible contingency.

The SPEAKER. On that statement the Chair rules that the bill goes to the House Calendar.

Mr. CONGER. I desire to reserve the point of order.

The SPEAKER. It is reserved under the rule, as the gentleman will find by referring to the last part of clause 3 of Rule XXIII.

The bill was accordingly referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHIPPEWA INDIANS IN WISCONSIN.

Mr. POUND, from the Committee on Indian Affairs, reported back, with amendments, the bill (H. R. No. 1139) for the relief of the Lac de Flambeau, Lac Court Oreilles, and Bad River bands of Chippewa Indians in the State of Wisconsin; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

Mr. BLOUNT. I desire to put a parliamentary inquiry to the Chair. On page 13 of the rules as printed I find in the second clause of Rule XVIII the following language:

And all bills, petitions, memorials, or resolutions reported from a committee—

The SPEAKER. That subject is not before the House.

Mr. BLOUNT. I hope the Chair will allow me to get through, and then see whether it is before the House.

The SPEAKER. The Chair does not wish to interrupt the morning hour.

Mr. BLOUNT. I simply rose to a parliamentary inquiry. If the Chair will not hear it, of course I desist.

The SPEAKER. The Chair will hear a parliamentary inquiry at

any time, except that he does not wish the morning hour taken up with a parliamentary inquiry upon a subject not before the House.

Mr. BLOUNT. The purpose I had in view was simply this: The rule requires that bills reported from committees (and that is being done now) shall be accompanied by written reports. I desire to ask the Chair this question: What would be the effect if a bill should be reported without a written report?

The SPEAKER. The Chair misapprehended the gentleman. The rule is obligatory on the committee reporting a bill that it must be accompanied by a report in writing. The Chair has already so stated; and these bills have all had reports.

Mr. BLOUNT. It was not stated by the Clerk that there was a written report; and I rose for information.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] was right in making his inquiry as he did, and the Chair misapprehended his purpose.

DONATION OF CANNON FOR SOLDIERS' MONUMENT.

Mr. SPARKS, from the Committee on Military Affairs, reported back, with amendments, the joint resolution (H. R. No. 92) authorizing the Secretary of War to deliver to the city of Charles City, Floyd County, Iowa, four cannon and carriages for the soldiers' monument in said city; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

He also, from the same committee, reported back, with amendments, the bill (H. R. No. 1219) donating cannon and cannon-balls to the city of Topeka, Kansas, for monumental purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

JOHN HEBERER.

On motion of Mr. SPARKS, from the same committee, that committee was discharged from the further consideration of the petition for the relief of John Heberer; and the same was referred to the Committee on Claims.

WILLIAM P. HOGARTY.

Mr. SPARKS, from the same committee, reported back adversely a bill (H. R. No. 3994) for the relief of William P. Hogarty; which was laid on the table, and the accompanying report ordered to be printed.

FIFTEENTH AND SIXTEENTH MISSOURI CAVALRY VOLUNTEERS.

Mr. DIBRELL, from the same committee, reported back favorably a bill (H. R. No. 952) for the relief of the Fifteenth and Sixteenth Missouri Cavalry Volunteers; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

MARINE ARTILLERY, SOUTH CAROLINA.

Mr. DIBRELL also, from the same committee, reported, as a substitute for House bill No. 1511, a bill (H. R. No. 5041) to authorize the Secretary of War to turn over to the governor of South Carolina four pieces of condemned cannon for the use of the Marine Artillery; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JAMES M. THOMAS.

Mr. DIBRELL also, from the same committee, reported a bill (H. R. No. 5042) for the relief of James M. Thomas, late of Company C, Second Tennessee Mounted Infantry; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

KANSAS INDIAN WAR CLAIM.

Mr. JOHNSTON, from the same committee, reported back, with an amendment, the bill (H. R. No. 1199) to authorize the Secretary of the Treasury to ascertain and report to Congress the amount of money expended and indebtedness assumed by the State of Kansas in repelling invasions and suppressing Indian hostilities; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LOUISIANA STATE UNIVERSITY, ETC.

Mr. JOHNSTON also, from the same committee, reported back, with an amendment, joint resolution (H. R. No. 78) to transfer the barracks and arsenal property in the town of Baton Rouge, State of Louisiana, to the trustees of the Louisiana State University and Agricultural and Mechanical College, for the use and accommodation of said college.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union.

Mr. ACKLEN. It does not part with any portion of the property of the United States.

The SPEAKER. It parts with the temporary possession of certain property of the Government.

Mr. ROBERTSON. That is all.

The SPEAKER. That makes it subject to the point of order.

The joint resolution and amendment, together with the accompanying report, were referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

TESTS OF RIFLED GUNS.

On motion of Mr. JOHNSTON, from the Committee on Military Affairs, that committee was discharged from the further considera-

tion of the bill (H. R. No. 1126) to provide for the tests of certain rifled guns in possession of the War Department, and the same was referred to the Committee on Appropriations.

Mr. JOHNSTON. Mr. Speaker, I wish to invite the attention of the House to the importance of the object of that bill.

The SPEAKER. Debate is not in order.

Mr. MCCOOK. I ask by unanimous consent the gentleman from Virginia shall be heard briefly. Our harbor defense is an important thing.

Mr. BURROWS. I object.

JOHN REID.

On motion of Mr. BROWNE, from the Committee on Military Affairs, that committee was discharged from the further consideration of a bill (H. R. No. 2907) for the relief of John Reid, of Cincinnati, Ohio; and the same was referred to the Committee on War Claims.

PETER SCODEN.

Mr. BROWNE also, from the same committee, reported back favorably a bill (H. R. No. 782) for the relief of Peter Scoden; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

ENOCH DAVIS.

Mr. BROWNE also, from the same committee, reported, as a substitute for House bill No. 3511, a bill (H. R. No. 5043) to remove the charge of desertion against Enoch Davis, late a private in Company G, Sixth Iowa Volunteer Infantry; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

SOLDIERS' MONUMENT ASSOCIATION, SALTSBURGH.

Mr. WHITE, from the Committee on Military Affairs, reported back favorably a bill (H. R. No. 2364) donating condemned cannon and cannon-balls to the Soldiers' Monument Association of Saltsburgh, Indiana County, Pennsylvania; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HARLOW L. STREET.

Mr. WHITE also, from the same committee, reported back favorably a bill (H. R. No. 2134) for the relief of Harlow L. Street; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. DIBRELL. There is a minority report accompanying that bill.

Mr. SPARKS. Yes, there is a minority report, and I ask it be printed.

The SPEAKER. The views of the minority will be ordered to be printed, and accompany the bill and report.

Mr. WHITE. Of course the papers are not to be printed.

Mr. SPARKS. No, I merely ask that the report of the minority be printed.

The SPEAKER. The views of the minority have been ordered to be printed with the report of the committee.

SPRINGFIELD STREET RAILWAY COMPANY.

Mr. WHITE also, from the same committee, reported back favorably a bill (H. R. No. 260) granting to the Springfield Street Railway Company the right to lay tracks in Mill street in Springfield, Massachusetts; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HENRY MULLEN.

Mr. WHITE also, from the same committee, reported back favorably the bill (H. R. No. 260) for the relief of Henry Mullen, with amendments; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

GRAND ARMY OF THE REPUBLIC.

Mr. MCCOOK, from the Committee on Military Affairs, reported back favorably a bill (H. R. No. 2599) granting condemned cannon to the Grand Army of the Republic, with amendments.

The SPEAKER. There does not appear to be a report accompanying this bill.

Mr. MCCOOK. There is a short report which will be found inside.

The SPEAKER. The reason of the rule is that members presenting bills from committees shall inform the House why a bill should be passed or rejected.

The bill and amendments were referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

TEXAS INDIAN WAR CLAIM.

Mr. UPSON, from the Committee on Military Affairs, reported back favorably a bill (H. R. No. 3774) to authorize the Secretary of the Treasury to ascertain and report to Congress the amount of money expended and indebtedness assumed by the State of Texas in repelling, suppressing, and guarding against invasions, raids, incursions, and hostilities by Indians and Mexicans in said State and upon its borders and in frontier defense; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. CONGER. Is not that subject to the point of order?

The SPEAKER. The point of order can be made against this at any time before its consideration.

Mr. CONGER. Is that the rule?

The SPEAKER. If the gentleman will read the last paragraph of the third clause of Rule XXIII, he will see that the point of order can be made by any member before the actual consideration of the bill.

SAN ANTONIO ARSENAL.

Mr. UPSON also, from the same committee, reported back favorably the bill (S. No. 54) to enable the Secretary of War to purchase land to enlarge and protect the San Antonio arsenal; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

THOMAS LITTLE.

Mr. UPSON also, from the same committee, reported back favorably the bill (H. R. No. 2513) to authorize the restoration of Thomas Little to the rank of captain; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THE CHEROKEE ARTILLERY COMPANY.

Mr. SPEER, from the Committee on the Militia, reported, as a substitute for House bill No. 2578, a bill (H. R. No. 5044) authorizing the Secretary of War to loan the Cherokee Artillery Company, of Rome, Georgia, four pieces of field artillery, with harness and equipments; which was read a first and second time.

Mr. SPEER. I wish to ask for the present consideration of that bill.

The SPEAKER. The Chair thinks it is subject to the point of order.

Mr. SPEER. I think the Speaker will not so rule if the bill is read.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, etc. That the Secretary of War be authorized to loan to the Cherokee Artillery, a military organization in the city of Rome, Georgia, incorporated according to the laws of the State of Georgia, and forming a part of its militia, a battery of four pieces of field artillery, with equipments and harness, and that he require of the said Cherokee Artillery Company a bond, as required by law, for the return of said guns, equipments, and harness, in good condition, whenever demanded by the Secretary of War.

Mr. HAWK. Is there a report accompanying that bill?

Mr. SPEER. There is.

Mr. WHITTHORNE. I ask for the reading of the report.

Mr. CONGER. This bill comes within the ruling already made by the Speaker to-day. It parts with property of the United States, disposing of it for the time being.

Mr. SPEER. It does not part with the property, but only with its custody temporarily.

The SPEAKER. The Chair rules that parting with property of the United States temporarily brings it within the provisions of the rule.

The bill was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MARINE HOSPITAL AT ANNAPOLIS.

Mr. WHITTHORNE, from the Committee on Naval Affairs, reported back favorably a bill (H. R. No. 2872) to transfer the naval hospital at Annapolis to the care and custody of the Secretary of the Treasury, to be used as a marine hospital, with amendments; which, with the accompanying report, were referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

EXPEDITION TO THE ARCTIC SEAS.

Mr. WHITTHORNE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3534) to authorize and equip an expedition to the Arctic seas; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. HOSTETLER. Has the morning hour expired?

The SPEAKER. It has.

Mr. WHITTHORNE. I suppose in the next morning hour the call will be resumed where it rests now.

The SPEAKER. It will. The gentleman from Tennessee will notice the difference between the old rule and the present one. The old rule would have given his committee two hours to make reports, and as many morning hours as the House was willing to allow discussion on the last of such reports. The new rule allows committees to present reports only for appropriate reference, not for consideration; so that every committee under the new rule, the Chair thinks, will in the course of a week have an opportunity to present and place before the House every bill it desires.

The regular order is demanded by the gentleman from Indiana, [Mr. HOSTETLER.] The gentleman, the Chair presumes, desires to reach the bill reported by him from the Committee on Reform in the Civil Service. He can make the motion that the House proceed to the consideration of business on the House Calendar.

Mr. HOSTETLER. That is the motion I desire to make.

The question being put on Mr. HOSTETLER's motion, the Speaker stated that the "noes" appeared to have it.

Mr. KNOTT. I call for a division.

The House divided; and there were—ayes 85, noes 84.

Mr. KEIFER. I call for tellers.

Mr. CONGER. Pending the motion just submitted, I move that the House resolve itself into Committee of the Whole on the state of the Union to consider the bill making appropriation for the payment of marshals.

The SPEAKER. It is not necessary for the motion to state what particular bill should be considered. But the Chair would entertain the motion that the House resolve itself into Committee of the Whole on the state of the Union, but the House is dividing.

Mr. BLOUNT. There is no such bill as that mentioned by the gentleman from Michigan in Committee of the Whole on the state of the Union.

Mr. McMAHON. It is with the Committee on Appropriations.

Mr. CONGER. Then I move to go into Committee of the Whole on the state of the Union without stating the object.

The SPEAKER. The motion would be that the House resolve itself into Committee on the Whole on the state of the Union to consider, first, bills raising revenue and general appropriation bills, and then other business on the Calendar of the Committee of the Whole on the state of the Union. The Chair will entertain the motion as prior, for the disposition of the House could have been reached as well on the one motion as the other. The House was dividing, and on a rising vote the "ayes" had it.

Mr. CONGER. But my motion takes precedence.

The SPEAKER. Yes; but it was not made. The other motion was made without objection. If the two motions had been made the Chair would have given preference to the motion to go into Committee of the Whole on the state of the Union.

Mr. CONGER. The motion of the gentleman from Indiana has not yet been decided?

The SPEAKER. It has not.

Mr. CONGER. Then, under the rule as to priority of business, my motion is a proper one.

The SPEAKER. The House was dividing on the motion of the gentleman from Indiana.

Mr. CONGER. That does not take away the priority of my motion.

The SPEAKER. The question of priority arises where two motions are made and in issue. The question then is which has the preference. In this instance only one motion was made, and the House is dividing on that motion. The gentlemen from Ohio [Mr. KEIFER] demanded tellers.

Mr. HOSTETLER. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. HOSTETLER. I wish to know whether it is not now in order to call for the yeas and nays to settle this question?

The SPEAKER. It is. The Chair, however, thinks that a vote by tellers may perhaps settle the question without a resort to the yeas and nays.

Mr. HOSTETLER. If gentlemen are willing to let a vote settle the question by tellers I have no objection.

The SPEAKER. The gentleman has the right to call for the yeas and nays if he wishes and sufficient number sustain his demand.

Mr. CONGER. If the motion of the gentleman from Indiana does not prevail, then, as I understand, the motion would be in order that the House resolve itself into Committee of the Whole House on the state of the Union.

The SPEAKER. It would; and the preference would have been given to that motion had it been made in time.

The question being put on ordering tellers, there were yeas 34; more than one-fifth of a quorum.

So tellers were ordered; and Mr. KEIFER and Mr. HOSTETLER were appointed.

The House again divided; and the tellers reported—ayes 106, noes 92.

Mr. CONGER. I call for the yeas and nays. I want to see who wish to go on with the public business and who wish to consider this political contribution bill in preference to going on with the public business.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 104, not voting 62; as follows:

YEAS—126.

Acklen,	Culberson,	Herndon,	Morrison,
Aiken,	Davidson,	Hill,	Muldrow,
Atkins,	Davis, Lowndes H.	Hooker,	Muller,
Bachman,	De La Matyr,	Hostetler,	March,
Beale,	Dibrell,	House,	New,
Belitzhoover,	Dickey,	Hull,	Nicholls,
Berry,	Dunn,	Hunton,	O'Connor,
Bicknell,	Ellis,	Hurd,	O'Reilly,
Blackburn,	Evins,	Hutchins,	Persons,
Bland,	Felton,	Johnston,	Phelps,
Bliss,	Finley,	Kenna,	Phillips,
Blount,	Forney,	Klotz,	Phister,
Buckner,	Geddes,	Knott,	Poehler,
Cabell,	Gibson,	Ladd,	Reagan,
Caldwell,	Gillette,	Le Fevre,	Richardson, J. S.
Clardy,	Goode,	Lowe,	Richmond,
Clark, Alvah A.	Gunter,	Manning,	Robertson,
Clymer,	Hammond, N. J.	Martin, Benj. F.	Ross,
Cobb,	Harris, John T.	Martin, Edward L.	Rothwell,
Colerick,	Hatch,	McKenzie,	Ryon, John W.
Cook,	Henkle,	McLane,	Samford,
Covert,	Henry,	McMahon,	Sawyer,
Cravens,	Herbert,	McMillin,	Scales,

Shelley,	Stevenson,	Upton,	Williams, Thomas
Simonton,	Talbot,	Vance,	Willis,
Singleton, J. W.	Taylor,	Waddill,	Wise,
Singleton, O. R.	Thompson, P. B.	Warner,	Wood, Fernando
Slemmons,	Tillman,	Weaver,	Wright,
Smith, Hezekiah B.	Townshend, R. W.	Wellborn,	Yocum,
Sparks,	Tucker,	Wells,	Young, Casey.
Speer,	Turner, Oscar	Whiteaker,	
Stephens,	Turner, Thomas	Whitthorne,	

NAYS—104.

Aldrich, William	Dunnell,	Joyce,	Reed,
Baker,	Dwight,	Keifer,	Rice,
Ballou,	Einstein,	Kelley,	Richardson, D. P.
Barber,	Errett,	Ketcham,	Robinson,
Bayne,	Farr,	Killinger,	Russell, Daniel L.
Bingham,	Ferdon,	Lindsey,	Russell, William A.
Blake,	Field,	Loring,	Ryan, Thomas
Bowman,	Fisher,	Miles,	Sapp,
Brewer,	Forsythe,	McCook,	Shallenberger,
Briggs,	Fort,	Miles,	Sherwin,
Brigham,	Frye,	Miller,	Smith, A. Herr
Browne,	Garfield,	Mitchell,	Stone,
Burrows,	Godshalk,	Monroe,	Thomas,
Calkins,	Hall,	Morton,	Tyler,
Camp,	Harmer,	Neal,	Updegraff, J. T.
Cannon,	Hawk,	Newberry,	Updegraff, Thomas
Carpenter,	Hawley,	Norcross,	Urner,
Cladin,	Hazleton,	O'Neill,	Valentine,
Conger,	Henderson,	Orth,	Van Aernam,
Cowgill,	Hiscock,	Osmer,	Ward,
Crapo,	Houk,	Overton,	Washburn,
Crowley,	Hubbell,	Pacheco,	White,
Daggett,	Humphrey,	Page,	Williams, C. G.
Davis, George R.	James,	Pierce,	Willits,
Davis, Horace	Jones,	Pound,	Wood, Walter A.
Deering,	Jorgensen,	Price,	Young, Thomas L.

NOT VOTING—62.

Aldrich, N. W.	Clark, John B.	Horr,	O'Brien,
Anderson,	Coffroth,	Kimball,	Prescott,
Armfield,	Converse,	King,	Robeson,
Atherton,	Cox,	Kitchin,	Smith, William E.
Bailey,	Davis, Joseph J.	Lapham,	Springer,
Barlow,	Denster,	Lewis,	Starin,
Belford,	Dick,	Lounsbury,	Steele,
Bouck,	Elam,	Martin, Joseph J.	Thompson, Wm. G.
Boyd,	Ewing,	Mason,	Townsend, Amos
Bragg,	Ford,	McCoid,	Voorhis,
Bright,	Frost,	McGowan,	Van Voorhis,
Butterworth,	Hammond, John	McKinley,	Wait,
Carlisle,	Harris, Benj. W.	Mills,	Wilber,
Caswell,	Haskell,	Money,	Wilson.
Chalmers,	Hayes,	Morse,	
Chittenden,	Heilman,	Myers,	

So the motion of Mr. HOSTETLER was agreed to.

The following pairs were announced:

Mr. WILBER with Mr. SMITH, of Georgia, on political and financial questions.

Mr. BOUCK with Mr. MCKINLEY.

Mr. MARTIN, of North Carolina, with Mr. KITCHIN.

Mr. CONVERSE with Mr. BUTTERWORTH.

Mr. BELFORD with Mr. SPRINGER.

Mr. KING with Mr. WAIT.

Mr. ELAM with Mr. DICK.

Mr. HARRIS, of Massachusetts, with Mr. LEWIS.

Mr. ANDERSON with Mr. ATHERTON.

Mr. THOMPSON, of Iowa, with Mr. DAVIS, of North Carolina.

Mr. HAMMOND, of New York, with Mr. O'BRIEN.

Mr. STEELE with Mr. BOYD.

Mr. BARLOW with Mr. MYERS.

Mr. WILSON with Mr. HAYES.

Mr. MASON with Mr. MONEY.

Mr. BAILEY with Mr. LOUNSBURY.

Mr. ARMFIELD with Mr. ALDRICH, of Rhode Island.

Mr. HEILMAN with Mr. MORSE.

Mr. COX with Mr. ROBESON.

Mr. MCCOID with Mr. ATHERTON.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, his Secretary.

POLITICAL CONTRIBUTIONS.

The SPEAKER. The House having determined to proceed to business on the House Calendar, the Clerk will report the title of the first bill on the Calendar.

The Clerk read as follows:

The bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes; reported from the Committee on Reform in the Civil Service by Mr. HOSTETLER.

Mr. HOSTETLER. This bill has been so long before the House, has been so frequently reprinted, and the desire on the part of members is so strong to get it out of the way so that other business may be considered, I will say that in order to give gentlemen on the other side an opportunity to discuss this bill I will not call the previous question until four o'clock this afternoon, if that shall be satisfactory to gentlemen on the other side.

Mr. GARFIELD. I have myself no personal wish about this matter, and I do not know that I shall say a word upon the bill. But I know of two members who are prepared to speak upon it; one is not now in his seat, but is in the city and may not be able to get here in

time to speak upon the bill to-day. If the gentleman from Indiana [Mr. HOSTETLER] knows of any gentleman on his side of the House who is ready to speak now I hope he will let the debate go on without indicating at this time any limit.

Mr. HOSTETLER. I do not propose myself to make any remarks upon this bill at this time, but will reserve my right to speak at the close of the debate.

Mr. GARFIELD. Then I think the gentleman had better fix some time to-morrow when the vote will be taken.

The SPEAKER. At what hour to-morrow?

Mr. GARFIELD. I do not care. All that I desire is that members may have an opportunity to speak. I would say three o'clock to-morrow.

Mr. HOSTETLER. Very well.

Several MEMBERS. Make it four o'clock.

The SPEAKER. The Chair thinks as at present advised if the previous question shall be called at three o'clock and the gentleman from Indiana [Mr. HOSTETLER] shall claim his right to speak an hour after the previous question shall have been ordered, the vote then will not be taken at four o'clock. This was the old practice.

Mr. CONGER. Under the new rules has the member reporting a measure the right to speak an hour after the previous question has been called?

The SPEAKER. He has the right to an hour to open and an hour to close the debate.

Mr. CONGER. Is there anything in the rule which authorizes him to occupy an hour after the previous question has been ordered?

The SPEAKER. The Chair will call the attention of the gentleman to clause 3 of Rule XIV.

Mr. BURROWS. That is where the debate has extended beyond one day.

The SPEAKER. The debate on this bill has extended beyond one day.

Mr. GARFIELD. In case we should now fix an hour of to-morrow for the vote on this bill, will not the morning hour of to-morrow have to come out of that time?

The SPEAKER. By the rule, the unfinished business comes up after the morning hour for reports of committees.

Mr. GARFIELD. The morning hour would have to be used.

The SPEAKER. It would, for reports of committees.

Mr. GARFIELD. Then I would call the attention of the gentleman from Indiana [Mr. HOSTETLER] to the fact that if he names three o'clock to-morrow as the hour, there would be the Journal to be read and the whole morning hour for reports of committees, and that would bring it to half past one o'clock before this bill would come up.

The SPEAKER. The gentleman had better state at what hour to-morrow he will call the previous question.

Mr. HOOKER. The morning hour to-morrow might be dispensed with.

Mr. GARFIELD. If the debate on this bill is to be closed at three o'clock to-morrow, that would leave but an hour and a half for discussion. The gentleman might say that he will call the previous question at the end of two hours after the morning hour of to-morrow.

Mr. HOSTETLER. I am willing to do that.

Mr. GARFIELD. I would prefer myself that he should name four o'clock to-morrow.

Mr. HOSTETLER. Very well; I will give notice that at four o'clock to-morrow I will call the previous question on this bill.

Mr. CONGER. It is intimated by the Chair that after the previous question shall have been ordered there would be an hour for debate.

The SPEAKER. Does not the rule allow it?

Mr. CONGER. The rule says that the member reporting a proposition may have an hour to close the debate. But another rule provides that there shall be no debate after the previous question shall have been ordered. It would seem, then, that the member must, under the new rule, take his hour before the previous question is ordered.

The SPEAKER. Will the gentleman from Michigan direct the attention of the Chair to that portion of the new rules to which he alludes as to debate in connection with the demand for the previous question?

Mr. CONGER. Clause 3 of Rule XIV says:

The member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon; and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening.

Now the rule in regard to the previous question. I cannot turn to it at this moment—

The SPEAKER. Rule XVII relates to the previous question.

Mr. CONGER. Yes, sir. The language of that rule is:

There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered.

So that, although the member introducing the proposition has the right to his hour to close the debate, he must use it before he calls the previous question; he must call the previous question at the end of his hour.

The SPEAKER. The Chair thinks that Rule XVII, to which the gentleman refers, must be construed to be in harmony with the previous rule as read, which declares that there may be debate after the previous question is ordered, as the Chair at first supposed.

Mr. McMAHON. That is in accordance with a familiar principle of law.

Mr. CONGER. The member who introduced the proposition is entitled to an hour to close the debate, and being in possession of the floor he may then call the previous question. I hope there will be no ruling that shall give so broad a construction as the Speaker intimates to a positive rule, which does not in terms prevent the full enforcement of the other rule.

Mr. McMAHON. Is not the other rule equally positive?

The SPEAKER. The Chair thought so; and the Chair's disposition was to construe them together.

Mr. GARFIELD. The Chair will allow me to say that we have not yet reached a point where the question is really up to be ruled on. I hope the Speaker will hold it open until the point is really made.

The SPEAKER. The Chair will hold it open.

Mr. GARFIELD. And we reserve our right to make the point at the proper time.

Mr. BARBER. I wish to make a parliamentary inquiry. Will the House necessarily return to this Calendar to-morrow after the expiration of the morning hour, without a vote to that effect?

The SPEAKER. The bill will go over as unfinished business—not only as unfinished business but by agreement.

Mr. CONGER. I do not desire to be misunderstood—

The SPEAKER. The Chair does not misunderstand the gentleman.

Mr. CONGER. There has been no agreement except the declaration of the gentleman in charge of the bill that he will call the previous question. There has been no agreement on this side of the House so far as I know.

The SPEAKER. The rule of course will control everything in connection with the legislative matters before the House.

Mr. CONGER. I do not wish anything to go by agreement—only by the rules.

The SPEAKER. The gentleman from Indiana stated (and the Chair did suppose that it met the views of the minority of the House) that he would call the previous question at four o'clock to-morrow.

Mr. CONGER. We may desire to resist calling the previous question. We do not want to be committed by any agreement.

The SPEAKER. That is a matter within the discretion of the gentleman.

Mr. HOOKER. I rise to a point of order. The House, on motion of the gentleman from Indiana, has proceeded to the consideration of the House Calendar. Now that we have under consideration the first bill on the Calendar, I object to the time being taken up by discussing how long it shall be debated.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes.

The bill is as follows:

Be it enacted, *etc.*, That it shall not be lawful for any officer, clerk, or employé of the Government of the United States to contribute or pay to any committee or person, or into any fund, any money, property, or other valuable for any political purpose whatsoever, or to pay any assessment or percentage upon the income or emoluments of his salary or compensation for any political purpose, or give, lend, advance, or pay any money, property, or valuable thing, with the intent, assent, permission, knowledge, or understanding that the same may be applied to such purpose; and any of said officers, clerks, or employés who shall violate any of the provisions of this section shall be immediately dismissed from the office, clerkship, or employment which they may hold.

SEC. 2. That it shall be the duty of each of the heads of Departments of the Government of the United States to issue, and keep posted, a standing order in their respective Departments, prohibiting the officers, clerks, and employes in said Departments from violating any of the provisions of the first section of this act.

SEC. 3. That it shall not be lawful for any head of Department or other superior officer of the Government of the United States to collect, or permit or allow any other person to collect, or receive, from any officer, clerk, or employé in his Department or under his supervision, any assessment, percentage, contribution, gift, loan, or advance of any money, property, or other valuable thing, with the knowledge, intent, understanding, or permission that the same shall or may be used for any political purpose; and any person who shall violate any of the provisions of this section, or any head of Department who shall fail or refuse to promulgate the order as mentioned in the second section of this act, or who shall fail or refuse to dismiss from office or employment any officer, clerk, or employé in his Department who shall violate any of the provisions of the first section of this act, on the same coming to his knowledge, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment for a period of not less than one month nor more than six months, and, in the discretion of the court, by a fine of not more than \$5,000.

SEC. 4. That any person having a contract with the United States, or any officer thereof, or who shall have had such contract within three months previous, or who shall have such contract within three months thereafter, who shall pay or contribute, either directly or indirectly, any money, property, or other valuable thing for any political purpose, shall be deemed to have forfeited all rights, and the same shall thereby be rendered null and void, and all officers of the Government are hereby prohibited from executing any contract with any party so offending; and that any person having any pending claim against the United States, or before any Department or officer of the Government thereof, who shall pay or contribute any money, property, or other valuable thing for any political purpose, shall thereby forfeit said claim, and all right to recover or receive anything on the same.

Mr. HOSTETLER. I yield to my colleague on the committee, the gentleman from Tennessee, [Mr. HOUSE.]

Mr. HOUSE. Mr. Speaker, the demand of the people for reform in our civil service was fully recognized in the platforms of both the great political parties of the country prior to the last presidential election, and each stood fully committed to the inauguration of such reform if it should be intrusted with the administration of the Government.

The democratic party fought the great presidential battle of 1876 under the banner of retrenchment and reform. The republican party had controlled the Government during the stormy period of the war and still held the citadel of power after the war had ceased, with the Commander-in-Chief of the Federal armies as President of the Republic. The wild and reckless extravagance and corruption more or less incident to a state of war had invaded the administration of the Government in a time of peace. With a military hero at their head, an overwhelming two-thirds majority in both branches of Congress, flushed with victory, boasting of their conquests, and claiming to be the preservers of the Union and the successful defenders of the nation's life, they reveled in all the license of unbridled power and spurned with contempt all suggestions of danger to their indefinite control of the Government. They regarded themselves as owners in fee-simple of the entire country and the public offices of the land as so many soft places for loyalty to enter and enjoy itself. They cast the democrats into outer darkness to weep and wail and gnash their teeth in humiliation and despair. Like the Pharisee that went up to the temple to pray, they proudly recounted their great achievements, and like him they continually thanked God that they were not so bad as but a great deal better than other men.

They forgot all responsibility to the people, and their duty to the country was fully discharged, in their estimation, by the distribution of the spoils of conquest among the truly loyal. Corruption stalked in all the insolence of irresponsible power through the corridors of the Capitol. It seemed a bold, if not a reckless, undertaking on the part of the democratic party to attempt to dislodge the republican party from their intrenched position. But the day of reckoning was rolling on; and it was only a question of time when the people, aroused from their lethargy and throwing off their fears, would assert their right to call their servants to a stern account. The Credit Mobilier exploded like a bomb in the midst of the guilty revelers, and the floor of the banquet hall was covered with the dead and wounded. The bloated rings that had been generated in the hot-beds of executive favor saw the dawn of the day of wrath and sought safety in whatever retreat offered a refuge from the gathering storm. Neither the prestige of the great hero of the war, with the shield of his administration interposed to save them, nor the loud shouts of loyalty, nor bitter denunciation of the democratic party, nor infuriated howls against southern rebels, could blind the people altogether to the extravagance and corruption of their rulers. They determined to make the men who had betrayed their trust feel that there was still a tribunal in this country that dared to take jurisdiction of their conduct and punish their crimes. The curtain rose upon the Forty-fourth Congress. Upon the floor of the House of Representatives the great republican majority that had crowded the stage so long had retired, and in their places appeared a large majority of those despised and excommunicated democrats, whom their loyal adversaries thought had been buried never to rise again. But the people had spoken, and there was no mistaking the stern majesty of that voice that summoned the great democratic party of this country once more to the front.

The House of Representatives of the Forty-fourth Congress entered upon the work of retrenchment and the task of exposing dishonest officials. They cut down the expenses of the Government between twenty-five and thirty millions of dollars, notwithstanding the stubborn opposition of the republican members on this floor, encountered at every step.

Belknap fled before the uplifted torch of investigation and exposure to the White House, where a friendly Executive permitted him to find refuge in a resignation of his office, and he only escaped conviction on impeachment for his crimes by a technicality. The Secretary of the Treasury incurred the undying enmity of his party by placing the slench-bounds of justice upon the track of the great whisky rings that were robbing the Government of millions. They chased Babcock, the President's private secretary, to the very doors of the Executive Mansion, where the hand of his chief was interposed to save him. Smarting under the condemnation of the people, humiliated by the victory of their hated adversaries and the disgraceful exposure of corruption in high places, the republican party reformed their broken ranks, and took the field for the great conflict of 1876. They saw and felt that they had presumed too far on the forbearance, and had well-nigh exhausted the patience of the people. They came before the country with professions of reform which if carried out would restore the administration of the Government to the better and purer days of the Republic. In their platform at Cincinnati they declare that—

The invariable rule in appointments should have reference to the honesty, fidelity, and capacity of the appointees, giving to the party in power those places where harmony and vigor of administration require its policy to be represented, but permitting all others to be filled by persons selected with sole reference to the efficiency of the public service and the right of all citizens to share in the honor of rendering faithful service to the country.

Jefferson himself would not have hesitated to indorse this as sound and wholesome doctrine. They even went so far in that platform as to make the extraordinary declaration that they rejoiced in the awakened conscience of the people in reference to their political affairs, although that "awakened conscience" had clothed their party in a full suit of mourning to attend the political funeral of some of their most trusted leaders. This glorying in tribulation, this heavenly

resignation that caused them to kiss the rod that smote them, not only argued repentance for their sins, but was strongly suggestive of a change of heart. This plank in the platform seems to have made a very profound impression upon the virgin heart of Mr. Hayes. In his letter of acceptance, he dwells upon the subject in a strain so apparently serious and pensive as to almost induce one to believe that he really regarded the declarations of the platform to have been made by his party in sincerity and truth. He says:

We should return to the principles and practice of the founders of the Government, supplying by legislation, when needed, that which was formerly the established custom. They neither expected nor desired from the public officers any partisan service. They meant that public officers should give their whole service to the Government and to the people. They meant that the officer should be secure in his tenure as long as his personal character remained untarnished and the performance of his duties satisfactory. If elected, I shall conduct the administration of the Government upon these principles, and all constitutional power vested in the Executive will be employed to establish this reform.

This was taking high ground by the party of great moral ideas and their chosen candidate for the Presidency on the subject of civil-service reform; but these promises of reform on the part of the republican party bore such a striking resemblance to a death-bed repentance that the people declined to repose that confidence in them which they were designed to inspire. The election came on and the American people decided the contest between the two great contending parties. Samuel J. Tilden was elected President of the United States. They commenced the practical operation of that civil-service reform on the part of the republican party unparalleled in all our past. The means by which the choice of the people was defeated by fraud and a man not elected was installed in the office of President of the United States forms a chapter of our history which succeeding generations will read with shame, even if our institutions shall so far survive the shock as to leave to posterity no graver sorrow than a blush for the crime.

Sir, it was a dark day in our history that witnessed the oath of office administered to Rutherford B. Hayes on the east portico of this Capitol. His inauguration, under the circumstances, was the severest test to which the patriotism and forbearance of a free people could be subjected. A large majority of the people had cast their votes for Mr. Tilden, yet they stood peacefully by and saw a man whom they knew to have been defeated installed by fraud in that high office which had never been filled before by any one who did not owe his elevation to the suffrages of his countrymen. President Grant declared that no man could afford to occupy the presidential chair by a title tainted with the suspicion of fraud; but we have had the mortification as a people of beholding that proud position occupied by one whose title is not tainted simply with a suspicion of fraud, but is fraudulent from center to circumference, in the honest belief and conscientious conviction of a large majority of the American people. This was not a mere triumph of the republican over the democratic party; it was a triumph of wrong over right, of fraud over the expressed will of the people. It was not only the inauguration of a republican president, but it was the installation of fraud, with all the pompous sanctions of law, in that high place which had never been stained by fraud before.

Our institutions have felt the rude shock of parties in their imbecile struggles for power and survived—they have even felt the clash of arms and lived; but how long they can survive a destruction of the confidence of the people in the arbitrament of the ballot-box remains to be seen. Confidence in this peaceful method of settling political controversies once destroyed, there remains under our system of government but one other arbiter, the sword. The men or the party who shall succeed in shaking the faith of the people in the efficacy of the ballot-box will have unsettled the foundations on which our fabric of government rests. He who can treat lightly the probable influence and effect of that great crime upon the future struggles of parties in our country has failed to consider, in my humble judgment, the gravest danger that throws its warning shadow upon our path. We can only hope for the best, and seek to avert the worst consequences of this first step of the republican party in the redemption of their pledge of civil-service reform embodied in their platform. This introductory chapter to the republican volume of reform ought to have given the country some idea at least of what the book would contain.

When Mr. Hayes took the oath of office he hastened to throw out profuse promises and to indulge in rose-colored professions that led some to believe that he really intended to make an honest effort to reform abuses; but men do not gather grapes of thorns nor figs of thistles. A corrupt fountain cannot send forth pure waters, nor can a stream rise above its source. It was idle to look for reform and purity in the public service from a party that had committed the great crime of inaugurating Hayes, or to expect Mr. Hayes, after he was inaugurated, to tear down the fraudulent props that braced his administration and stand forth alone the hero of a political reformation. True, he has gushed *ad infinitum* and *ad nauseam*. In his inaugural, speaking of the founders of the Government and avowing his intention to follow in their footsteps, he said:

They held that appointments to office were not to be made nor expected merely as rewards for partisan services, nor merely on the nomination of members of Congress, as being entitled in any respect to the control of such appointments.

In his first annual message he lifted the trumpet of civil-service reform and blew a blast so clear and loud that some political zealots

mistook him for the millennial harbinger. Hear the mellow notes that warble from his gushing heart:

I recognize the public advantage of making all nominations as nearly as possible impersonal, in the sense of being free from mere caprice or favor in the selection.

And again he says:

I shall most heartily co-operate with Congress in the better systematizing of such methods and rules of admission to the public service and of promotions within it as may promise to be most successful in making thorough competency, efficiency, and character its decisive tests in these matters.

Soon after his installation he wrote the following letter calling attention to his celebrated civil-service order:

CIVIL-SERVICE ORDER.

EXECUTIVE MANSION,
Washington, June 22, 1877.

SIR: I desire to call your attention to the following paragraph in a letter addressed by me to the Secretary of the Treasury on the conduct to be observed by the officers of the General Government in relation to the elections:

"No officer should be required or permitted to take part in the management of political organizations, caucuses, conventions, or election campaigns. Their right to vote and to express their views on public questions, either orally or through the press, is not denied, provided it does not interfere with the discharge of their official duties. No assessments for political purposes on officers or subordinates should be allowed. This rule is applicable to every department of the civil service. It should be understood by every officer of the General Government that he is expected to conform his conduct to its requirements."

Very respectfully,

R. B. HAYES.

Under this order the following action was had:

On 21st of July, 1877, a committee of the Pennsylvania Republican Association addressed the President a letter setting forth the history and objects of that association, the object being to promote the best interests of the republican party with which its members are identified, and to cultivate more intimate and social relations with each other. It was organized in 1867, of republican voters of that State, and took an active interest in political contests since that time in sending voters home and collecting moneys voluntarily contributed for campaign purposes, and in the distribution of political information throughout the State. The association had a representation in the republican State committee, and its delegates to the State convention were always admitted without having, however, the right to vote. The work of the association was done during the hours usually devoted to recreation.

During the campaign of 1876 it distributed 600,000 political documents.

The committee requested the President, in view of the history and objects of the association, to inform them "whether membership therein on the part of officers or employés of the Government met with his approval, and also what portion or portions of the work heretofore performed by it is in your opinion objectionable and should be discontinued so far as such officers and employés are concerned."

To this communication the following reply was made:

REPLY OF ATTORNEY-GENERAL.

DEPARTMENT OF JUSTICE,
Washington, August 1, 1877.

GENTLEMEN: The President has referred to me your communication of 21st ultimo, in which you give a history of your association, state its objects, and ask whether the President's order of June 22 applies to the members of said association who hold official positions under the Government. I think that your association is clearly a political organization, whose purpose is to advance the interests of a party, and that the members of it who are in the employment of the Government are embraced in the President's order.

Very respectfully,

CHARLES DEVENS,
Attorney-General.

Messrs. H. A. MYERS, PAUL HIRSH, and others,
Committee Pennsylvania Republican Association, Washington.

On receipt of this the association and all others like it in the city disbanded.

LETTER TO BROOKLYN OFFICIALS.

EXECUTIVE MANSION,
Washington, August 2, 1877.

DEAR SIR: I am directed by the President to acknowledge the receipt of your communication of 31st ultimo, requesting to be informed whether the late order of the President "concerned membership in the Twentieth Ward Republican Association and like organizations," and to say, in reply, that such organizations are clearly within its scope. Your comments have been carefully noted; and it may be that the order referred to will in some cases work a temporary inconvenience, yet it is fully expected and believed that the benefits to accrue from its operation will more than counterbalance them.

Very truly, yours,

WILLIAM K. ROGERS, Secretary.

WILLIAM W. GOODRICH, Chairman, &c.

These were the rules he laid down for the guidance of his administration, and for the inflexible maintenance of which he pledged all the constitutional power lodged in his hands.

No man was to be appointed to office from personal considerations; none were to be given office as a reward for partisan services; no Federal officer-holder was to take any part in the management of caucuses, conventions, or election campaigns; no office-holder should be assessed to raise money for party campaigns; and no man holding office under the Government should be a member of any political club or association organized to promote the success of a political party, or even spend his leisure moments in such an association. The Federal officer under his administration was not only required to do

nothing in aid of any political party, but to abstain from the very appearance of doing so.

Never, perhaps, since Sancho Panza assumed the reins of government in the Island of Barataria has anything been seen like it in elevated moral tone and political purity. Said Sancho, with the better half of a sandwich in his mouth and a glass of lemonade at his side:

I tell you once again it is my pleasure that you look well to me and my Dapple in the article of food; for that is the main point; and when the hour comes we will go the round, as my intention is to clear this island of all manner of filth and rubbish, especially vagabonds, idlers, and sharpers; for I would have you know, my friends, that your lazy and idle people in a commonwealth are like drones in a bee-hive, which devour the honey that the laboring bees gather. My design is to protect the peasants, maintain the gentry in their privileges, reward virtue, and, above all, to have a special regard to religion and the reverence due to holy men. What think you of this, good friends? Do I say something, or do I crack my brains to no purpose?

The steward replied:

My lord governor speaks so well that I am all admiration to hear one devoid of learning, like your worship, utter so many notable things, so far beyond the expectation of your subjects, or those who appointed you. But every day produces something new in the world; jests turn into earnest, and the biters are bit.

It turned out that poor Sancho had cracked his brains to no purpose. Failing to receive that moral support from his subjects, which Mr. Hayes has found so strikingly absent in his party, poor Sancho, disgusted with the cares of state, resigned his position, mounted his faithful Dapple, and turned his back upon Barataria. Here the analogy between Sancho and Hayes fails. He will never resign. Titles gained by fraud are never surrendered by voluntary resignation.

Mr. Speaker, the office of President of the United States is the most exalted position to which human ambition can aspire. It has been filled by men whose memories are cherished by their countrymen with a veneration second only to that with which they regard the grand system of government which was formed by their labors and illustrated in their lives. Respect for the position should, in some degree at least, moderate the censure due the conduct of an unworthy incumbent. But facts must be submitted to a candid world, and it is the chief glory of our institutions that no man can reach a position in this country so lofty as to exempt him from criticism. Let any fair-minded man read Mr. Hayes's loud and reiterated proclamations of civil-service reform, and then take the Blue Book and scan the names of parties from Florida and Louisiana—the two States where the great fraud was perpetrated—and he will have an effort to restrain a smile of contempt, as he measures the distance between promises and performance, professions and practice, words and acts. Let us view for a moment the fragrant bouquet of civil-service reform he has gathered from the lap of flowers.

M. L. Stearns was the governor of Florida at the time the great iniquity was consummated in that State. He was the man who, contrary to law, withheld from the Tilden electors the certificates to which the returns clearly entitled them, and gave certificates to the Hayes electors, who, as he well knew, had not received a majority of the votes of the State. Stearns was defeated for governor at the very same election in which Hayes was held by the corrupt officials of Florida to have carried the State. Stearns was appointed by Hayes one of the commissioners of Hot Springs, at \$10 per day, and is now a bright and shining light in the firmament of civil-service reform.

Samuel B. McLin was one of the State canvassers that exercised a power which everybody knows the law of Florida did not confer on the board. Arbitrarily and without a decent pretext for such illegal action this board refused to count the returns and threw out democratic votes. Without this barefaced usurpation it would have been impossible for the electoral vote of Florida to have been given to Hayes. Afterward McLin walked up to the Executive Mansion and claimed his reward. Mr. Hayes appointed him one of the justices of the supreme court of New Mexico at a salary of \$3,000 per annum. His ability to find in the law of Florida what it did not contain as well as what it did doubtless went a long way in commending him to the champion of civil-service reform as a proper person to discharge the duties of a supreme judge. Such judicial prodigies as McLin are rare, and could not, therefore, escape the attention of one so bent as Mr. Hayes on civil-service reform when he was in search of proper material for a judge.

It will be remembered that as a part of the plan to count Hayes in it became necessary to establish an order of men known in the history of that celebrated conspiracy as visiting statesmen. The powers and duties of these men have never been very clearly defined. Prior to the time when it became necessary to defeat the will of the people by the machinations of political returning boards they were unknown to our history. No party in this country had ever before had any use for the services of such men, for the very good reason that no party had ever before deliberately determined to defeat the verdict of the people at the ballot-box by fraud. McLin says that both before and after the counting of the vote he, as a member of the returning board, was frequently assured that Mr. Hayes when inaugurated as President would take care of his friends in Florida. Notably among the visiting statesmen who gave these assurances were Governor Noyes, of Ohio, and General Lew Wallace, of Indiana. These two statesmen took particular pains to impress on the republican officials of Florida that they came to that State as the special friends of Mr. Hayes and at his request. A few extracts from McLin's testimony before the Potter

committee will give an idea of the mission, at least of Noyes and Wallace:

Question. Did he [Governor Noyes] say anything to you or to Dr. Cowgill with regard to the auspices under which he had come to Florida, the objects of his mission?

Answer. As well as I remember he spoke of it in this way: that he himself had come, as well as other republicans, to encourage us.

Q. In what respect?

A. Well, I supposed at the time to render moral influence, or something of that kind, that he could render by his presence, or that could be rendered by the presence of other distinguished men of the party.

Q. Did he state whether he had come in pursuance of a general or special request of any persons?

A. I think he did, sir.

Q. Of whom?

A. Of the President.

Q. Of the President of the United States? President Grant was then in office.

A. No, Governor Hayes I am speaking of.

Q. He said that he had come at the special request and instance of Governor Hayes?

A. Yes, sir.

Q. Did he state what his relations with Governor Hayes were at the time, and what they had been for some time?

A. That they were bosom friends at the time.

Q. And also political friends?

A. Yes, sir; that they belonged to the same political party.

Q. And that he had come to the State of Florida for the purpose of giving encouragement to Governor Hayes's friends here in reference to the count in this State?

A. Yes, sir; that the others had come for the purpose of giving counsel.

Q. What others did he mention as having also come at the instance of Governor Hayes?

A. Mr. Noyes did not say so, but General Wallace told me that he came at the special request of the President.

Q. That is, of Governor Hayes?

A. Yes, sir.

Q. What, if anything, did Governor Noyes say in that conversation, or any subsequent one, with regard to the carrying out by Governor Hayes of any promises made by him?

A. As I stated on Saturday, I do not remember that Governor Noyes directly made promises of anything further than that the republicans of Florida were deserving of all credit for the manner in which they had conducted the campaign, and that the members of the canvassing board would be provided for; something of that kind, but it was rather in a general way.

Mr. YOUNG, of Ohio. Does not the gentleman from Tennessee think it would be fair to state to the House in this connection the testimony of Governor Noyes himself on this subject?

Mr. HOUSE. Well, that would take me a good while. Mr. Speaker, I read Governor Noyes's testimony, and I read McLin's testimony, and my opinion is that McLin told the truth about the matter. If I were to quote the whole of Governor Noyes's testimony, I do not think it would relieve him of the difficulty by any means. I will say this: Governor Noyes puts in a qualified denial; but the main fact that he was there, claiming to be the personal and intimate friend of Mr. Hayes, is not denied. McLin adheres to his testimony, and he states what Noyes told him.

Now, Mr. Speaker, McLin gives the following account of the part taken by General Wallace in bracing the spinal column of the men who were relied on to count Florida for Hayes:

Q. What did he [General Wallace] say was the reason of his coming to Florida?

A. He said that he had been telegraphed to by Governor Hayes and requested to come to Florida.

Q. Did he exhibit the telegram that he had received?

A. No, sir.

Q. What did he say that Governor Hayes had requested him to do?

A. To give counsel and aid in all the manner he could.

Q. What did General Wallace say to you with regard to the course that Governor Hayes would pursue with reference to the Florida republicans?

A. He said that he knew Governor Hayes well, and he was satisfied that if he became President he would provide, he would take pleasure in providing, for the republicans of Florida.

Q. At what time was it that these conversations took place?

A. Prior to and after the canvass.

Q. Prior to and after the completion of the canvass?

A. Yes, sir. It was referred to on several occasions.

These short extracts from McLin's testimony give us a glimpse of the peculiar duties which the visiting statesmen were expected to perform and did perform in promoting the great presidential frauds. This novel band of political knights-errant, it seems, were sent to the States whose electoral vote it had been determined to steal for the purpose of giving their "moral influence" to the rascals who were to commit the theft. I have heard of aiders and abettors and accomplices in crimes and of accessories before and after the fact, but I think this is the first instance in which I ever heard the part played by an accomplice in crime, described as giving "moral influence" to the principal criminal. But then it must not be forgotten that the year 1876 witnessed the first appearance of visiting statesmen upon the political stage. The English language like the common law must expand and adapt itself to new situations and the varying necessities of times and circumstances. It will be remembered that there were two republican members of the Florida returning board, McLin and Cowgill. I examined the Blue Book to ascertain what office Mr. Hayes had given Cowgill. To my astonishment, I was unable to find Cowgill's name on the civil-service-reform list at all. I thought there must be some mistake about the matter, as I could not believe that Mr. Hayes in his patriotic efforts to reform the civil service had overlooked so important a man as Cowgill, a member of the canvassing board that had counted Florida for him. But on looking into McLin's testimony further I found this account of Cowgill after the conclusion of his labors in Florida: It seems he came on to Washington to

see Hayes, after he was inaugurated, to look after the reward in the way of a fat office that Noyes and Wallace had promised him and McLin for their services on the board of canvassers. McLin gives the following account of an interview he had with Cowgill:

Question. Dr. Cowgill was a member of the returning board?

Answer. Yes, sir.

Q. You may state what Dr. Cowgill said to you, if anything, in reference to it.

A. Dr. Cowgill told me that he was received very kindly by the President and given free admission to the White House at all times, and that he had expressed himself as being under great obligations to him and to me in the canvass, and that he felt not only under political obligations but personal obligations that he would certainly pay at an early day.

And again:

Q. What did Mr. Cowgill say with regard to any appointment that he should receive himself?

A. He told me that he had been promised an auditorship in the Treasury.

Q. Was he appointed to that place?

A. No, sir.

Q. Was he appointed to any position under the Federal Government?

A. I do not know of my own knowledge. I heard that he was appointed to an agency in the Treasury Department, but refused to accept it.

It seems that Mr. Hayes fully recognized the valuable services of Cowgill and McLin, and promised at a very early day to discharge the obligation he was under to them. As we have seen he made McLin supreme judge of New Mexico and promised Cowgill an auditorship in the Treasury. This for some reason could not be done and in lieu thereof he was appointed a special agent of the Treasury Department. This position requiring him to be from home a great deal, Cowgill declined to accept it, and retired to his orange grove on the classic banks of the Saint John's River, where in the enjoyment of his *otium cum dignitate* he can contemplate with quiet pride and satisfaction the extraordinary career of the man to whose elevation to the Presidency he contributed so much.

Mr. Noyes, the confidential friend and neighbor of Mr. Hayes, was not forgotten by the latter when he took his seat in the presidential chair. Noyes was appointed minister to France on a salary of \$17,500 per annum.

General Lew Wallace, another intimate friend of Mr. Hayes, who, as has been seen, went to Florida and was most active in his efforts to assure the returning board that Hayes would take care of them, was appointed by Mr. Hayes governor of New Mexico on a salary of \$2,000 per annum.

Mr. John A. Kasson, another wandering statesman who felt a strong call to visit Florida about this time, was rewarded by Mr. Hayes with the position of minister to Austria on a salary of \$12,000 per annum. But not only were Stearns, and McLin, and Cowgill, and Noyes, and Wallace, and Kasson, the star actors in the farce of counting Florida for Hayes, all rewarded by the master for whose benefit they performed, but the great apostle of civil-service reform did not forget to suitably reward even the scene-shifters and candle-snuffers of the play.

J. W. Howell was employed in the office of the clerk of Baker County, from which a set of false returns were counted for Hayes. Howell boasted that he was the cause of Hayes's election by the part he took in this fraudulent transaction. Mr. Howell is the collector of the port at Fernandina, Florida, on a salary of \$500 per annum, besides fees and commissions.

Richard H. Black and Thomas H. Vance, two colored gentlemen, officiated at the election in Alachua County, the one as inspector, and the other as clerk. They added to the poll-list, after the election, two hundred and nineteen fictitious names and the same number of republican votes. Thomas H. Vance nestles in the Sixth Auditor's Office on a salary of \$1,600 per annum, and Richard H. Black finds an asylum on a like salary in the custom-house at Philadelphia.

L. G. Dennis, the chairman of the republican committee of Alachua County, was the man who inspired and instigated the manipulations of the returns by Black and Vance. Dennis was given a position in the Treasury Department, but the place not being equal, as he thought, to the value of his services, he clamored for a larger reward and lost what he had, and thereby added a modern illustration to the ancient fable of the dog that undertook to cross a stream with a bone in his mouth.

One Joseph Barnes was an inspector of election in Leon County. He it was who procured a lot of republican tickets to be printed in very small type and on very thin paper. These peculiar ballots were known by the suggestive name of "little jokers." Barnes boasted that he smuggled seventy-three of these republican ballots into the box. After the democratic party came into power in Florida, Mr. Joseph Barnes came to the conclusion that they might not properly appreciate his "little jokes," and he therefore wended his way to Washington to join the band of civil-service reformers under Mr. Hayes. The humorous author of the "little jokers" now smiles serenely in the Treasury Department on a salary of \$1,000 per annum. He is supposed to be happy in the enjoyment of his salary and in the pleasing reflection that he is one of the good "jokes" that Mr. Hayes has got off on the subject of civil-service reform.

James Bell lived in Jefferson County, Florida. He seems to have been a sleight-of-hand performer in the many-sided game of fraud that gave Florida and the Presidency to Mr. Hayes. Bell was an inspector of election at some precincts in that county. After the close of the election, the inspectors tied up the tickets in packages and laid them out on a counter. Bell abstracted one of the bundles from the pile

and slipped in its place another bundle of similar appearance, containing one hundred republican ballots. Bell was entirely too good a subject of civil-service reform to escape the keen eye of its great expounder, and he found a dwelling-place in the Interior Department on a salary of \$1,200 per annum. I could mention other instances in the State of Florida illustrative of the industry and attention to details on the part of Mr. Hayes in his search of rare specimens with which to enrich his civil-service-reform cabinet of curiosities. But let these suffice.

I now turn to the State of Louisiana, for so long the Canaan of the carpet-bagger and the paradise of thieves. Upon this chosen field the dashing cavalier of civil-service reform has gathered his greenest laurels and displayed his most wonderful achievements.

Here the tree of civil-service reform, planted by his own hand, has taken deep root and thrown out its branches until its shadow covers the whole State. Here he has shown to an admiring world how a President determined to do his duty to his country can ignore the claims of party and appoint no one to office from personal favoritism and to reward no man for partisan services; here, too, he has demonstrated the fidelity with which he has observed the pledge made in his first annual message to make "thorough competency, efficiency, and character the decisive test in these matters," and here he has challenged the applause of all men of all parties as they have witnessed the heroism with which he has grasped the helm and headed the old ship for the better and purer days, displaying a sublime and salubrious courage that finds its only parallel in the boy that stood on the burning deck.

At the head of those whom the State of Louisiana has contributed to civil-service reform stands in flaring capitals the name of J. Madison Wells. The old man has a history that entitles him to the first place on this roll of honor. After Mr. Hayes was defeated for the Presidency the republican party leaned on the returning board of Louisiana for support, and the returning board leaned on Wells. He was equal to the emergency; he had it in his power to make or mar the fortunes of Mr. Hayes, to count him in or out, as he chose. He counted him in. Mr. Wells until recently held the office of surveyor of the port of New Orleans, at a salary of \$3,500 per annum. His son, Alex. Wells, whom Mr. Hayes a short time since nominated for the position held by his father, occupied the place of special deputy surveyor at New Orleans at a salary of \$2,500 per annum. S. S. Wells, another son of the old returning board chief, holds the position of inspector at New Orleans, for which he is paid \$3 per day. R. R. Robinson, a son-in-law of J. Madison Wells, is a clerk in the custom-house at New Orleans, making in all between eight and nine thousand dollars per annum from the public crib to the Wells family.

Thomas C. Anderson was the left bower of the returning board deck. He is special deputy collector of the port at New Orleans at a salary of \$3,000 per annum. His son has a clerkship at a salary of \$1,400 per annum. Benjamin Bloomfield, the father-in-law of Anderson's son, clerk and auditor, at a salary of \$2,500 per annum. George S. Bloomfield, the brother-in-law of Anderson's son, has a clerkship at \$1,200 per annum, making a total of \$8,100 which the Anderson family draw annually from the Treasury.

Louis M. Kenner, a colored member of the returning board, is deputy naval officer at New Orleans on a salary of \$2,500 per annum. Alexander Kenner, a brother of returning-board Kenner, has a clerkship with a salary of \$1,600 per annum, and another brother receives \$900 per annum, footing up \$5,000 per annum to the Kenner family. Kenner being a gentleman of color, could not of course expect his family to be as well provided for as those of Wells and Anderson. The Administration doubtless thought that a negro and his family ought to be satisfied with five thousand dollars a year, and I suppose they are, as I have heard no complaints. About twenty-one thousand dollars per annum to these three members of the returning board and their families is a very comfortable sum to enjoy in hard times. But there was another republican member of that notorious returning board. In fact they were all republicans, as no democrat was wanted or allowed to do the work that the board had on hand. G. Casanave was the name of the other member. He was also a gentleman of mixed colors. I now beg leave to announce a fact which must strike every one familiar with Mr. Hayes's civil-service-reform exploits as extraordinary and unaccountable. Casanave has never had an office under Hayes! How this happened I am at a loss to conjecture. He certainly never applied for one. His brother, Saint Felix Casanave, is United States storekeeper at New Orleans on a salary of \$1,400 per annum. But there came a time when Rutherford B. Hayes and John Sherman heard the voice of Casanave crying for his reward, and they heeded it. After the returning board had counted Hayes in; after they had defied the order of the House of Representatives to produce the record of the fraudulent count, aided, abetted, encouraged, and supported by the republican members of this House in their contumacious refusal to produce the papers containing their count, and after they were released from their imprisonment here and went back to Louisiana, they were all four of them indicted in the courts of that State for their fraudulent conduct as members of the board. They employed counsel to defend them at a stipulated fee of \$5,000. The sum of \$1,875 seems to have been paid on this fee, but judgment was obtained and execution was issued and placed in the hands of the sheriff for the balance, and it was levied on Casanave's property. Wells, Anderson, and Kenner, though receiving salaries aggregating

\$8,000 per annum, were law proof, and poor Casanave, with no office, but with a little property subject to execution, was about to have his house sold over his head. Casanave came to Washington. He says the next day after his arrival in this city he called, in company with General Sypher, to see the President. The President received him smilingly and graciously, but didn't offer to relieve him; told him that he had nothing to do with it and that he ought to see Anderson, and he thought Anderson would settle it. But Casanave knew how much of it Anderson would be likely to settle. He then called on Mr. McCrary, Secretary of War. He says McCrary expressed sympathy for him, but said he was a poor man, only living on his salary, and if he had the money he would pay the whole amount of the judgment himself. Whether this was a hint by McCrary that Mr. Hayes, who was drawing a salary of \$50,000 per annum, which of right belonged to another man, Casanave does not say. But McCrary's sympathy did not satisfy the execution which the sheriff at New Orleans had levied on Casanave's property. Casanave then went to see Shellabarger & Wilson, who it seems are the attorneys of Hayes, Sherman & Co. in their troubles. Sherman was at the time up in the State of Maine making speeches to aid the Maine republicans in their State election, thereby carrying out Hayes's civil-service order, which prohibited every officer of the Government, high and low, from taking part in elections. In the absence of Sherman, Shellabarger & Wilson advised him to see Assistant Secretary of the Treasury Hawley. To Hawley he went; Hawley referred him back to Shellabarger, and Shellabarger, on the promise of Hawley, assured Casanave that when Sherman got back from Maine the money would be raised. Why Hawley himself did not tell Casanave to await Sherman's return and the money would be raised is not stated, but I suppose Hawley recognized it as a ticklish business and wanted to be able to say, if the matter ever got wind, that he had not compromised his chief by making Casanave any promise. He awaited Sherman's return. What then took place I will give in Casanave's own words, as given in the interview with him published in the Boston Herald and copied from that paper by the Washington Post in its issue of August 20, 1879. He says:

I waited and called on Mr. Sherman on his return, who received me very cordially; I stated my case to him and showed him the sheriff's writ. He answered that he knew nothing about it, and that he did not see why Anderson didn't settle this matter; but that the money ought to be raised, and that he would give me \$100, which he attempted to take from his pocket, remarking at the same time, "You go and see some of the leading republicans and collect something from them." My reply to him was: "I have been to see the President and yourself, and I know no other leading republicans; is that the best you can do for me Mr. Secretary?" He answered: "That is all I can do; I am only here on a salary and I can't pay everything." I then took my hat, as I did so, saying: "I thank you sir; that amount would not pay my traveling expenses to Washington." Then I left his office, disappointed and depressed at the thought that I was going to be sacrificed and ruined, while others were being enriched in high offices into which they had climbed on the ladder I helped to set up. I again sought the advice of Mr. Shellabarger. In my excited feelings I said I would expose the whole matter of the returning-board proceedings and go home and pocket the loss. He advised me not to "throw the handle after the pot," but write a letter, setting forth the facts in the case, and await results in the case.

This last shot of Casanave went to the center. Henceforth, whether he then realized it or not, he was master of the situation. The wily old lawyer saw at a glance it would never do to let Casanave leave his office in that frame of mind, hence he suggested to him to write a letter and await results for a few days. He wanted to placate and mollify Casanave, until he could interview his clients, Hayes and Sherman, and inform them that in Casanave they held a wolf by the ears, and although it might be very fatiguing to hold him, it would be extremely dangerous to turn him loose in his present hungry condition. The truth is it was a ground-hog case with Casanave. Casanave wrote the letter to Mr. Hayes and sent a copy of it to Sherman. Without the slightest fear of being mistaken, I venture the assertion that no such letter was ever before addressed to an American President, and to the honor of our country be it said, that no man has ever before held that exalted position to whom such a letter could have been addressed without meeting the well-merited response of silent contempt. No President, except the great expounder of civil-service reform, has ever found himself so environed with thieves and scoundrels that he could not tear such a missile to ribbons and throw the fragments in the face of the rascal that dared to write it. But fraud, like misery, makes strange bedfellows. At the risk of being tedious, I will read the extraordinary production:

WASHINGTON, D. C., August 7, 1879.

MR. PRESIDENT: I have the honor to invite your attention to the following facts, upon which I respectfully solicit such relief as you may be able to offer me: In 1872 I was elected by the State senate of Louisiana a member of the returning board of that State. I did not desire or solicit the office, and I accepted it with great reluctance. In 1876 the grave and responsible duty of determining the result of the election for President of the United States devolved upon that board. Its deliberations were watched with profound solicitude by the whole country, while the leaders of two great political parties hovered around it, awaiting the result of its deliberations with that intense anxiety only known to expectants of the spoils of public office. The board found for the republicans, and the democrats, disappointed and chagrined, at once commenced criminal proceedings against its members. Counsel were employed to defend at a stipulated fee of \$5,000, which Mr. T. C. Anderson assured me would be paid out of funds to be sent from Washington. At the conclusion of the prosecution counsel demanded their fee, which not being paid, they instituted suit, and after a hearing in court, obtained judgment against all the members of the board. A writ of *habeas corpus* (copy herewith inclosed) was issued, directing the sheriff to seize and sell sufficient property of the defendants to satisfy the judgment of \$5,000, less \$1,875. The sheriff, finding no property belonging to Anderson, Wells, and Kenner, seized my property, and now holds the same subject to sale under his writ.

If my property is sacrificed under that execution it will render me bankrupt. I am a poor man and unable to sustain such a loss. I have always assumed a full share of the responsibility attaching to the official acts of the returning board, although I have never enjoyed any of the fruits resulting from its findings; and in this connection I respectfully remind you that I hold no office under your administration and have derived no pecuniary benefits whatsoever therefrom, but, on the contrary, I have sustained considerable loss in my business on account of my identity with the board. Messrs. Anderson, Wells, and Kenner, the other three members, and their numerous family connections are enjoying lucrative positions in the employ of the Government.

I protest against being mulcted for the cost of the criminal proceedings against the returning board while others enjoy the honor and emoluments resulting from its decision. It is neither just nor honorable to impose this heavy burden upon me. It would be more becoming the beneficiaries of our acts to discharge these debts.

Upon my arrival in Washington two weeks ago I was assured, upon the promise of Assistant Secretary Hawley, that the amount required to satisfy the judgment would be raised as soon as the Secretary returned.

I called upon Mr. Sherman yesterday and he proffered me a contribution of \$100 as the only relief he could offer me, which I was compelled to decline out of respect for the great finance minister of our Government. I expect to take my departure for Louisiana in a few days, and if any arrangement can be made of this matter to offer me relief, to which, under these circumstances, I believe I am justly and honorably entitled, I will be under obligations to those through whose influence it may be accomplished.

I am, very respectfully,

G. CASANAVE.

WASHINGTON, D. C., August 7, 1879.

DEAR SIR: I herewith inclose you a copy of an unofficial letter addressed to the President.

Very respectfully,

G. CASANAVE.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

He reminds the President that he had always assumed his full share of the responsibility for the acts of the returning board, but had never enjoyed "any of the fruits resulting from its findings." "Fruits resulting from its findings" is good—excellent. It could not have been more genteelly put. "My share of the swag" would have expressed the idea as well, but it would perhaps have jarred upon the President's civil-service-reform sensibilities, and I presume that Casanave did not desire to offend. It was a delicate point and, on the whole, I rather admire the considerate mildness with which he drew it. He reminds the President that he is poor and that he has never done anything for him, while Wells, Anderson, and Kenner, his pals, like the fat kine seen in Pharaoh's dream, are wading up to their knees in the fertile clover-fields of executive patronage.

I protest—

Says Casanave, warming with his subject—

against being mulcted for the costs of the criminal proceedings against the returning board while others enjoy the honor and emoluments resulting from its decision. It is neither just nor honorable to impose this heavy burden upon me. It would be more becoming the beneficiaries of our acts to discharge those debts.

"The beneficiaries of our acts" is also good—admirable. "The receivers of the stolen goods should not turn their backs upon the thieves" would perhaps have conveyed to the President as clear a perception of the meaning of Casanave, but he seems not to have lost sight in any part of his letter of Mr. Hayes's refined civil-service-reform ideas. And it must be confessed that there was some force in the logic of this disinherited member of the returning board. My sympathies are with him. He then tells the President that he called on Mr. Sherman and he only offered him \$100, "which," continues Casanave, "I was compelled to decline out of respect for the great finance minister of the Government." The idea of Mr. Sherman playing the rôle of a poor man, living on his salary, seemed to Casanave, to use a common but expressive phrase, rather thin. He let McCrary off on that plea, but when Sherman put it in, he filed a demurrer. He then gives the President to understand that he will leave for Louisiana in a few days and what is done for him he wishes done speedily. There was no mistaking this letter; it meant business, and it was so accepted by the parties to whom it was addressed. Casanave says that in a few hours after the letter was delivered, he was informed that \$500 had been sent to Badger at New Orleans to be applied to the payment of the judgment. The next day he was told that \$500 more had been sent to be credited on the judgment. This latter he ascertained to be incorrect. On the 12th he received a telegram that his property had been advertised and would be sold on the 16th unless something was done. Time was important. He again called on Shellabarger & Wilson and requested them to see Sherman and get a definite answer. In a few hours thereafter Shellabarger handed him the following telegram, which Casanave says he sent at his own expense:

WASHINGTON, D. C., August 13, 1879.

E. NORTH CULLOM,
New Orleans, Louisiana, Exchange alley, near Custom House street:

Should we send one thousand more on returning-board judgment, will you give reasonable time for balance?

SHELLABARGER & WILSON.

To which the following was a reply:

NEW ORLEANS, La., August 13, 1879.

Messrs. SHELLABARGER & WILSON,
Washington, District of Columbia:

If you send me \$250 more, making a total of \$1,750, and Casanave will give security not to dispose of his property, I will wait till January 1.

E. NORTH CULLOM.

Cullom was the party who had the judgment against Casanave and was about to sell his property. Five hundred, it will be remembered, had been contributed by Sherman and had been already sent.

Hayes had contributed one thousand, sending the same to Shellabarger's office by Webb Hayes; but subsequently Webb Hayes returned to the office of Mr. Shellabarger, and said that his father wanted the thousand dollars returned, as a detective had informed his father that there was collusion and fraud between Casanave and the New Orleans attorney. On Casanave being informed of this his virtuous indignation was aroused at the idea of Hayes accusing him of fraud. The source from which the charge originated seemed to make Casanave as indignant as the charge itself. He went to see the President, being provided by Mr. Shellabarger with the following note:

I recommend Casanave to call on the President to give him an opportunity to speak to Casanave about the fraud that the detective spoke about, provided the President so desires.

S. S.

Armed with this missive from Shellabarger, Casanave went to the White House to interview the President, but he was reported not in, and Casanave failed to see him. Mr. Shellabarger then asked again to see the telegram Casanave had received in regard to the sale of his property. On the back of this telegram Judge Shellabarger wrote the following to John Sherman and requested Casanave to take it to him, which he did:

MY DEAR SECRETARY: The \$500 you sent to me I have sent to Badger. I still hold the \$1,000 sent me by the President. He reports collusion and fraud. What shall I do?

SAML. SHELLABARGER.

Sherman replied, requesting Shellabarger to investigate the charge of collusion and fraud, and on doing so Shellabarger found that the fee charged the returning-board members was a reasonable one, and that the debt against them was *bona fide*, and there was no collusion or fraud in the matter. In the mean time other telegrams had been sent to Cullom requesting that he hold up execution on the payment of the \$500, (which Sherman had contributed, and the \$1,000 which Mr. Hayes had sent but afterward attempted to get back,) but Cullom was firm; he insisted on \$250 additional. Shellabarger saw Sherman and he handed over \$250, making \$750 contributed by him, which added to the \$1,000 contributed by Mr. Hayes made \$1,750, the amount demanded by Cullom before he would agree to an extension of time on the balance. This matter being arranged further proceedings were suspended. Casanave was relieved for the present, and returned to New Orleans, saying that he had a "document" in his possession which would bring the Administration to time if they endeavored to shirk the payment of the balance of the \$5,000. Whether Mr. Hayes became alarmed after sending his son to Shellabarger with \$1,000 lest the matter should be made public, and therefore wished to get the money back, or whether the story of the detective was a real one, I am sure I do not know; but I think the most probable solution of Webb's effort to regain possession of the \$1,000 contributed by his father arose from the fact that on reflection the old man saw that Casanave had violated that portion of his civil-service order which prohibited assessments for political purposes, and according to this order Casanave had clearly no right to levy this assessment of a thousand dollars on him. But it was too late—\$1,000 of Tilden's salary went toward the payment of the returning-board judgment, and that much of it is lost to Rutherford B. Hayes and his heirs forever.

Think of Washington, Jefferson, Adams, Madison, Jackson, or any of the illustrious men who have filled the presidential chair, being placed in a position where a man who had committed a fraud to count them into office could boldly approach the White House and demand of them money for services rendered in such a cause. The bare suggestion is an insult to the memories of those illustrious men, which every honest man with the instincts of an American citizen feels like resenting with indignation. Yet Casanave made this demand of Mr. Hayes as compensation for his services as a member of the notorious returning board of Louisiana, and Mr. Hayes contributed \$1,000 to relieve Casanave's necessities. Why should he have done so? It will not do to say that it was simply an act of charity prompted by goodness of heart on the part of Mr. Hayes to relieve a friend in distress. I suppose there were hundreds, ay, thousands of men in the United States who voted for Mr. Hayes against whose property executions have been pending since his inauguration. To how many such unfortunate friends has he contributed money in their distress? When Casanave first went to him he refused to do anything. When Casanave first went to John Sherman he proffered a hundred dollars, and said he was a poor man, and it was all he could do. But when Casanave threatened exposure and demanded his reward the money was forthcoming. The act speaks for itself. No comment within the bounds of propriety could do the subject justice. Let the American people look on and make their own comment upon the acts of the man who fills the place that Washington once filled, and upon the party who is responsible to the country for having placed him there. But the beauties of civil-service reform, as illustrated in the State of Louisiana, are by no means confined to the members of the returning board. From J. Madison Wells down to the most insignificant liar that furnished his mite of perjury in an affidavit, or the most obscure rascal that brought his contribution of forgery in the shape of false returns, rewards in the way of Federal appointments have been bestowed with a lavish hand.

H. J. Campbell, recognized as the head of the affidavit factory that was set up during the count in the custom-house at New Orleans,

when perjury was served out in quantities to supply the demand, was made United States district attorney for Wyoming. Nearly all the electors on the Hayes and Wheeler ticket found their services recognized by Hayes and his party in lucrative and comfortable appointments. The following is a partial list of the less conspicuous agents who figured in the fraudulent count. It is taken from the report of the Potter investigating committee, and shows with what care and industry Mr. Hayes provided for even the humblest man that took part in the scheme of fraud by which he holds his seat as President.

Supervisors and persons connected with the election.

Name.	Former office.	Federal office.
James P. McArdle.....	State registrar's clerk.....	Custom-house.
Michael Hahn.....	State registrar.....	Superintendent of mint.
M. J. Grady.....	Supervisor at Ouachita.....	Deputy collector, internal revenue.
John H. Dinkgrave.....	Manager at Ouachita.....	Legislature.
H. C. Atwood.....	Manager at Ouachita.....	United States marshal.
W. R. Hardy.....	District attorney.....	Inspector, custom-house.
Henry Smith.....	Sheriff of East Feliciana.....	Custom-house.
Samuel Chapman.....	Sheriff of East Feliciana.....	Custom-house.
James E. Anderson.....	Supervisor of East Feliciana.....	Consul, Funchal.
A. H. Ferguson.....	Supervisor at De Soto.....	Custom-house.
M. H. Twitchell.....	Supervisor at Claiborne.....	Consul, Kingston.
J. E. Scott.....	Supervisor at Rapides.....	Post-office.
B. W. Woodruff.....	Supervisor at St. Tammany.....	Post-office.
Victor Gradias.....	Republican manager, Grant parish.	Tax collector, New Orleans.
A. J. Brien.....	Republican manager, second ward, New Orleans.	Inspector, custom-house.
Patrick Creagh.....	Republican manager, third ward, New Orleans.	Chief laborer.
R. C. Howard.....	Republican manager, fourth ward, New Orleans.	Clerk, custom-house.
J. C. Pinckler.....	Republican manager, fifth ward, New Orleans.	Clerk, custom-house.
W. J. Moore.....	Republican manager, seventh ward, New Orleans.	Clerk, custom-house.
Thomas Leon.....	Republican manager, eighth ward, New Orleans.	Clerk, custom-house.
H. C. Bartlett.....	Republican manager, ninth ward, New Orleans.	Clerk, custom-house.
T. H. Rowan.....	Republican manager, tenth ward, New Orleans.	Clerk, custom-house.
A. W. Kempton.....	Commissioner, eleventh ward, New Orleans.	Boatman, custom-house.
L. Backus.....	Manager, eleventh ward, New Orleans.	Police, custom-house.
Napoleon Underwood.....	Supervisor, twelfth ward, New Orleans.	Inspector, custom-house.
P. J. Maloney.....	Supervisor, fourteenth ward, New Orleans.	Custom-house.
W. F. Loan.....	Supervisor, fifteenth ward, New Orleans.	Chief of police.

Look upon these facts and read this list. Then reread Mr. Hayes's lofty professions of civil-service reform as embodied in his letter of acceptance, his inaugural address, his first and last annual message, his civil-service order and the proceedings thereunder. Can any position however exalted, can any charity however multitudinous in its capacity to cover sins, rescue one capable of such professions and such performances from the contempt of every American citizen with virtue enough to admire an honest man and sufficient candor to despise a hypocrite?

But the visiting statesmen who went to Louisiana to assist in the fraud were not forgotten by the beneficiary of their labors when he had grasped the prize of the Presidency. John Sherman dared not deny under oath that he gave to Weber and Anderson, in New Orleans, while the count was going on, a written promise if they would stand firm he would pledge Mr. Hayes to make such provision for them as would enable them to leave the State. Anderson and Weber were the supervisors of East and West Feliciana, respectively. False protests, with their names affixed, were on file with the returning board. They gave symptoms of disavowing and repudiating those protests. At this juncture Anderson says he and Weber had an interview with John Sherman. Sherman assured them if they would let the thing stand as it was they should be amply provided for. This seemed to satisfy them for the time, but on reflection they concluded they ought to have something from Mr. Sherman in writing, and they addressed him the following note:

NEW ORLEANS, November 20, 1876.

SIR: We have carefully considered the arguments advanced by you in our interview. Your assurance that we shall be taken care of is scarcely specific enough. In case we pursue the course suggested by you we would be obliged to leave the State. Will you, therefore, state in writing who we shall look to for the fulfillment of those promises.

Respectfully,

D. A. WEBER.
JAMES E. ANDERSON.

HON. JOHN SHERMAN.

To this letter the following was received by Anderson and Weber in reply:

NEW ORLEANS, November 20, 1876.

GENTLEMEN: Your note of even date has just been received. Neither Mr. Hayes, myself, the gentlemen who accompany me, or the country at large can ever forget the obligation under which you will have placed us should you stand firm in the position you have taken. From a long and intimate acquaintance with Governor Hayes I am justified in assuming the responsibility for promises made, and

will guarantee that you shall be provided for as soon after the 4th of March as may be practicable, and in such manner as will enable you both to leave Louisiana should you deem it necessary.

Messrs. D. A. WEBER and J. E. ANDERSON.

JOHN SHERMAN.

Mr. Anderson produced the above, which purported to be a copy of the original, before the Potter committee; objection was made by the republican members of the committee to its being received as evidence. It was determined not to give the document publicity until the appearance of Mr. Sherman before the committee. The following telegram was sent to him at the Treasury Department by the chairman of the committee:

SIR: A paper purporting to be a copy of a letter written by you to D. A. Weber and James E. Anderson has been produced before the committee, and the committee has suspended the reading of it until you can have an opportunity to come here, forthwith, see the paper, and state whether it be a copy of any letter written by you, if you so desire to do.

In response to this telegram Mr. Sherman made his appearance before the committee, when the following proceedings took place:

AFTERNOON SESSION.

On the reassembling of the committee, (at 1.30 o'clock, p. m.) John Sherman, Secretary of the Treasury, appeared, and announced that he had come in response to a telegram received from the committee, which he handed to the chairman.

The CHAIRMAN, (addressing Secretary Sherman.) Do you desire to be sworn as to this matter?

Secretary SHERMAN. Certainly.

The CHAIRMAN. Will you be sworn now, sir?

Secretary SHERMAN. Yes, sir.

JOHN SHERMAN (Secretary of the Treasury) sworn and examined.

The CHAIRMAN, (addressing the witness.) James E. Anderson, the witness testifying before the committee this morning, stated that he had received from the hands of D. A. Weber a letter purporting to be signed by you, of which that which I now show you is a copy. Will you state to the committee whether you ever wrote such a letter?

The WITNESS, (after an inspection of the paper handed to him, the same being subsequently marked "Ex. D.") I can only say this, that I believe, upon my responsibility and the oath I have taken, that I never wrote such a letter. I have no recollection of ever writing such a letter. If this letter was written, it must have been, if I am not mistaken about the dates, on the day when the returning officers first convened to open the returns. I think it was on the 20th. This purports to be dated on the 20th. At that time I knew but little about the transaction; the papers had not been opened. I do not believe I ever wrote that letter. At the same time there are things in this letter that I would have written to these or any other men who were engaged in the performance of what I believed to be their duty, if I had been asked; but I do not believe I wrote that letter.

After some time, (the witness having apparently concluded his statement,)

The CHAIRMAN said: That is all for the present, Mr. Secretary.

The WITNESS. If you want me any further, gentlemen, I will come back at any time you desire.

During the time the committee were discussing the question as to the admissibility of the copy of the Sherman letter, and before the telegram was sent to Sherman, the following colloquy took place between two gentlemen of the committee, Mr. McMAHON, democrat, and Mr. REED, republican:

In the course of the discussion, Mr. REED asked Mr. McMAHON whether it was taken for granted that the original letter was not in existence.

Mr. McMAHON. Not so far as we know.

Mr. REED. Have you any better evidence of it than this; any other copy?

Mr. McMAHON. No, sir; no other copy that was made at this time.

Mr. HISCOCK. The other copies are simply copies made from this one?

Mr. McMAHON. Simply made from this one. I have no other contemporaneous copies.

Mr. REED. Is there any photographic copy of the original?

Mr. McMAHON. If there is, I know nothing about it.

Mr. REED. Then I understand you that this is the only copy that will be produced?

Mr. McMAHON. I am not going to tell you everything.

Mr. REED. My understanding of your answer is that there is no other copy to be produced.

Mr. McMAHON. I have simply said that, so far as my knowledge extends, there is not.

Mr. REED. You do not know of any such paper, by hearsay or otherwise?

Mr. McMAHON. I am not on the stand. I have never seen a photographic copy of the letter.

Mr. REED. Have you heard of one?

Mr. McMAHON. Yes, often. I think that Mr. Sherman had better take the responsibility of answering that question.

The anxiety of Mr. Sherman's friends to ascertain whether the democratic members of the committee had in their possession the original or a photograph copy, by either of which they would be able to confront Sherman's denial with the evidence of his own handwriting, was most manifest. But they were left in doubt upon this subject, and under this fearful uncertainty Mr. Sherman took the stand. If he denied positively ever having written such a letter the original, or at least its ghost in the shape of a photographic copy bearing the *fac-simile* of his handwriting, might rise then and there to confront him. The situation had no terrors for an honest or an innocent man, but for a guilty man it bristled with danger. Mr. Sherman met the question propounded as no frank, innocent man would have met it, and took the only possible avenue of escape that a shrewd guilty man could have taken. The substance of his reply may be embraced in a few words—"I don't think I wrote the letter, but I would have had no hesitation in saying to Weber and Anderson what the letter contains." Don't think he wrote it! An honest man ought always to be able to know whether he has been guilty of a corrupt act. The doubt in his own mind upon such a subject is evidence to every one else that he was capable of performing the act. Nothing but the fear that the committee had or might obtain conclusive evidence of his guilt would ever have forced Mr. Sherman to defend in advance the propriety and morality of such a letter.

Plainly it was nothing more than a proposition to two rascals, if they would commit an act which might render it necessary for them to fly from a State whose people they had outraged, they should be taken care of and protected amply outside of the State. Mr. Sherman sees nothing wrong in this. He would have told any men this, he says, who were engaged in doing their duty. An honest man does not require, and no honest man will accept, a bribe to do his duty.

He could not offer such a bribe without believing the men corrupt to whom he offered it, and they could not accept it in remuneration for official acts without demonstrating their corruption. Mr. Sherman may think there is nothing wrong in offering a bribe to election officers in a State to do a certain thing. This may be visiting statesman morality, but outside of that extraordinary band of political wanderers such a transaction would be stamped, by universal consent, as corrupt and disreputable. That he wrote the letter I have not the slightest doubt; that he was capable of writing it his own words leave no man any room to doubt. Mr. Hayes, of course, in his labors to establish civil-service reform, could not overlook such services as these. Mr. Sherman was made Secretary of the Treasury, and is a prospective candidate of the republican party for the Presidency. I do not desire to obtrude my advice upon them, but in my opinion, if they intend to carry out the peculiar notions of civil-service reform entertained by that party, they can find no one among their distinguished leaders upon whose shoulders the mantle of Rufus B. Hayes could more appropriately fall. Edward W. Stoughton was another one of the visiting statesmen who went to Louisiana. Anderson says that Stoughton was in Moreau's restaurant on Canal street when he and Weber went in there to see Sherman. Anderson describes Stoughton as "a gentleman with a remarkable head of white hair. That is all I remember about him," he says. Perhaps the impression made on Anderson by Stoughton does not differ so widely from that made on a good many others. But that was not all that Hayes "remembered" about Stoughton. He remembered to make him minister to Russia on a salary of \$17,500 per annum. Other visiting statesmen put in their work in Louisiana, and afterward received their reward from Mr. Hayes, but I do not care to further particularize on this part of the subject. But there is one other Louisiana specimen which I must not omit to mention, perhaps not eclipsed in brilliancy by any civil-service achievement in that State. I allude to the case of S. B. Packard. Packard, as is well known, was a candidate for governor of Louisiana in 1876. He received just 2,366 more votes in the State than were cast for the Hayes electors. But Hayes was counted in, and Packard was counted out. Packard and his friends claimed that if Hayes had carried the State, *a fortiori* Packard had, and they insisted that any decision that would oust Packard would impeach the validity of Hayes's title.

No man can deny this logic or refute it. It required under the circumstances an amount of cheek rarely met with even in the broad domain of brazen effrontery to play the rôle which Mr. Hayes found himself under the necessity of assuming. He soon proved to those who thought him incapable of playing the part that they did not know him. He had seen how the new order instituted by Grant had worked, and he resolved to try some visiting statesmen on Packard. The aptness with which he caught and appropriated this Grant idea does great credit to his shrewdness. Hayes knew that Packard had not been elected governor as well as he knew that he had himself failed to carry the State. Grant, just before the sun of his administration went down, (let us hope never to rise again,) had said that public opinion would not longer tolerate the propping of carpet-bag government by United States bayonets; and before his term expired he issued an order for the removal of the troops from Louisiana. By their own rottenness such governments had decayed and fallen in all the Southern States except Louisiana and South Carolina. Hayes was too well aware of the defect in his title and of the temper of the American people at that time to attempt to force Packard upon Louisiana as the governor of that State. He organized a returning board on Packard and counted him out. But this count was an honest one, and the gentlemen engaged in it arrived at the truth. Packard was of course indignant, but he was powerless. He had to submit. His lacerated feelings found a balm in a fat office which Hayes held out to him and which he took. He was appointed consul to Liverpool on a salary of \$6,000 per annum. Oh, civil-service reform, thy ways are mysterious and past finding out!

But this is perhaps the true solution of Mr. Hayes's extraordinary crookedness on the subject of civil-service reform. He knew that he was inaugurated amid the smothered indignation and execrations of a wronged people, although for the sake of peace they stood by with unlifted hands and beheld the unspeakable outrage upon their rights perpetrated. Like all guilty men, he felt nervous and timorous. He knew that his title to the Presidency was immersed in fraud, and he feared that a full exposure of the crimes by which he had been seated might lead to the discovery of some methods by which the disgraceful decision under which he claimed would be reversed. There is no doubt that he felt great anxiety upon this subject. The perplexities of the situation suggested two things: First, to propitiate the people who had been robbed; or, failing in that, to make such terms with the robbers as to disincline them to disclose the means by which the great felony was committed. Hence with one hand he scattered promises of reform broadcast over the country and with the other

distributed offices among the rascals that had committed the crime. Therefore, when this House ordered an investigation into the means by which the great fraud was consummated, the committee charged with that duty found the witnesses most conversant with the facts snugly ensconced in lucrative Government positions. They had been artfully bribed by a judicious distribution of executive patronage before they were called to testify. The difficulties that surrounded the investigation are thus tersely and truthfully stated by the majority of the committee in their report:

POWER OF PATRONAGE TO CONCEAL WRONG.

On the other hand, the power of an administration with the absolute disposal of one hundred and ten thousand offices, some of whose members are most interested in disposing of them so as to sustain themselves and their action, is enormous, as has been felt at every step of the investigation.

There is no form of continuing influence equal for convenience and control to that of an office. If a man be bribed by a sum down he may lose it or waste it, and then the control it gave over him will be gone. But in an office which he holds at the pleasure of the person who appointed him he is under continuing control. While he is compliant and serviceable he receives a support; but when he fails in either regard, or confesses where he might have kept silent, his supplies are cut off and he is turned out on the world without means and without character, ruined by his confession of the truth.

Patronage has, besides this, the further advantage that it affords the possibility of ascribing its bestowment to just causes, so that while being used for the most reprehensible purposes, the motives of its use may be concealed.

It is the history of all state conspiracies that if the conspirators succeed the means by which they do so are rarely disclosed or published while their party remains in power.

How fully the Administration has profited by these examples, and how desperately it has used the Federal patronage, alike to reward and keep under control those who participated in the frauds of 1876, and to retain witnesses in its interest, will appear.

But not alone to Louisiana and Florida, whose electoral votes gave the Presidency to Mr. Hayes, has he confined his exploits in reforming the civil service. Among the many imposing monuments that rise under his busy hand to perpetuate his extraordinary devotion to civil-service reform, not the least conspicuous is the one he has recently erected in the State of New York. The President and his Secretary of the Treasury announced to Congress and the country that the good of the public service required the removal from office of C. A. Arthur, collector, and A. B. Cornell, naval officer, at the port of New York. They set about to procure the removal of these officers, who although they had in some way incurred the displeasure of the President and Secretary of the Treasury, had a firm friend in the distinguished republican Senator from New York, [Mr. CONKLING.] The war between the Administration and the lofty and lordly Senator became very warm. The Senator, it is said, took no pains to conceal his contempt of Mr. Hayes, and did not mince his words in his fierce denunciation of that mischievous and meddlesome functionary who dared to interfere with his affairs in the State of New York. Secretary Sherman, in two lengthy communications, the one addressed to the President of the Senate and the other to the President of the United States, dated, respectively, January 15 and January 31, 1879, had shown that the honest and efficient administration of affairs in the New York custom-house demanded that Arthur and Cornell should be removed and others appointed in their stead. In a message to the Senate of the United States, of the date of January 31, 1879, Mr. Hayes uses this language in reference to the removal of Arthur and Cornell and the confirmation of the nominations he had made to succeed them:

The officers suspended by me are and for several years have been engaged in the active personal management of the party politics of the city and State of New York. The duties of the offices held by them have been regarded as of subordinate importance to their partisan work. Their offices have been conducted as part of the political machinery under their control. They have made the custom-house a center of partisan political management.

The custom-house should be a business office. It should be conducted on business principles. General James, the postmaster of New York City, writing on this subject, says: "The post-office is a business institution and should be run as such. It is my deliberate judgment that I and my subordinates can do more for the party of our choice by giving the people of this city a good and efficient postal service, than by controlling primaries or dictating nominations."

The New York custom-house should be placed on the same footing with the New York post-office. But under the suspended officers the custom-house would be one of the principal political agencies in the State of New York. To change this, they profess to believe, would be, in the language of Mr. Cornell in his response, "to surrender their personal and political rights."

Convinced that the people of New York and of the country generally wish the New York custom-house to be administered solely with a view to the public interest, it is my purpose to do all in my power to introduce into this great office the reforms which the country desires.

With my information of the facts in the case and with a deep sense of the responsible obligation imposed upon me by the Constitution to "take care that the laws be faithfully executed," I regard it as my plain duty to suspend the officers in question and to make the nominations now before the Senate in order that this important office may be honestly and efficiently administered.

R. B. HAYES.

EXECUTIVE MANSION, January 31, 1879.

The President tells the Senate that, with a deep sense of the obligation imposed on him by the Constitution to see the laws faithfully executed, he regarded it as his plain duty to suspend Arthur and Cornell and to make the nominations then pending before the Senate for confirmation; and why? In his own language, "In order that this important office may be honestly and efficiently administered." According to this Arthur and Cornell had not administered their offices honestly, and the President wished men to take their places who would so administer them. Of course a democratic Senate could not take the responsibility of retaining in office men upon whom a republican President had put the brand of dishonesty, and Mr. Hayes's nominations were

confirmed and Arthur and Cornell were compelled to retire. The administration scored a victory in the long and bitter war between it and the Senator from New York. The White House was wreathed in smiles. An extra quantity of lemonade was ordered and the Cabinet drank the health of their victorious chief, who, with the scalp of CONKLING, as he supposed, dangling from his wampum belt, strutted around the council board, cutting fantastic tricks before high heaven, as he is in the habit of doing. He felt that civil-service reform had triumphed, and he was happy. But his exultation was of brief duration. CONKLING's picket-line was driven in, but he had only fallen back upon his reserves. Returning to New York, he summoned his clans. Cornell, whom Hayes and Sherman had turned out of office on the alleged ground that it was not honestly administered, was taken up by the republican party of New York and nominated for governor. Thus did New York's unconquered Senator fling defiance and contempt into the very face of the administration. How was the insulting challenge received? There was then witnessed a scene of abject humiliation and self-abasement on the part of the administration destined to stand, it is fondly hoped and believed, without a parallel in our history. William M. Evarts, Mr. Hayes's Secretary of State, and who is supposed to have great influence with the more respectable element of the republican party in New York, went to that State to persuade the people that the man Hayes had turned out of office for a dishonest administration of it ought to be supported for governor by the honest men of that State.

John Sherman, the Secretary of the Treasury, also went to New York to make speeches for Cornell and to give him a good character. When asked by a voter in his audience how he could advise honest men to support a man for governor of a great State whom he had caused to be removed for official misconduct, he had the audacity to state, in the face of his own letters and the message of the President, that Cornell was not removed on account of anything affecting his official integrity. Mr. Hayes stated in such a manner as to get it into the newspapers that if he were in New York he would support Cornell for governor.

The triumph of CONKLING left nothing to be desired, even by that haughty and imperious despoiler of Hayes. Achilles, with the dead body of Hector lashed to his victorious chariot, would fitly represent the scene, but for the inability of the Administration to sustain the character of Hector. Cornell himself must have felt a touch of pity and forgiveness when he beheld the debasement and abject humiliation of the Administration.

Not only has Mr. Hayes ignored, disregarded, and unblushingly violated all his promises made before and since his inauguration relative to the character of men to be appointed to office and the rules by which he would be governed in making the same, but he has surrendered every civil-service-reform principle announced by him when the success of his party and the requirements of its stalwart leaders demanded it to be done. His celebrated civil-service order was an infant of feeble promise at its birth. It struggled only for a moment in the arms of its fond father and was then laid away in its little grave to rest. That order expressly forbade any officer of the Government to take part in the management of any caucuses, conventions, or election campaigns, and it was expressly stated that the order applied to every department of the service—no exceptions—every officer, high and low, was prohibited from engaging in such work. Yet in every political campaign since that order was issued members of the Cabinet have openly and notoriously engaged in election campaigns. In his last annual message Mr. Hayes undertakes to justify the action of himself and members of his Cabinet in traveling over the country to deliver partisan harangues in utter contempt and oblivion of his civil-service order. If the following awkward and not very perspicuous extract from his message is not intended as an apology for their conduct I am at a loss to understand its meaning:

When the people have approved a policy at a national election, confidence on the part of the officers they have selected, and of the advisers who, in accordance with our political institutions, should be consulted in the policy which it is their duty to carry into effect, is indispensable. It is eminently proper that they should explain it before the people, as well as illustrate its spirit in the performance of their official duties.

Now, it is a notorious fact that members of Mr. Hayes's Cabinet and Mr. Hayes himself during the last election in Ohio went to that State and made political speeches in order that the influence of their position might be thrown in aid of Foster's election and in securing the State to the republican party. These campaign speeches are called explaining the policy of the Administration to the people, in order that they may have confidence in those they have selected to carry that policy out. This, Mr. Hayes says, is eminently proper. Why a heated political campaign is chosen as the time and occasion for explaining this policy to the people and invoking their confidence does not appear very clear to any one, except, perhaps, to Mr. Hayes himself. I would suggest to him that if he and his Cabinet wish to make public speeches in order to explain their policy to the people, it would be better not to select the noise and confusion of a fierce party conflict in the midst of which to make their explanations. When a close and doubtful contest is raging between their party and their antagonists, the President and his Cabinet, in going to a State where such contest is raging to make their speeches, might be suspected more of a desire to help their party than to explain their policy to the people. They cannot obtain the confidence of the people under false pretenses. But there is one portion of this civil-service order

that promised to be very troublesome to the republican party, if it meant what it said and its author had any *bona fide* intention of carrying it out—and that is the portion which forbids assessments being made for political purposes on officers and employes of the Government. It is a notorious fact that the republican party for years have derived a large portion of their campaign funds by levying a tax on the poor and defenseless clerks and employes in the Departments and elsewhere. To stop the supplies from this source was a very embarrassing impediment to their successful manipulation of elections. They therefore determined to flank this part of the civil-service order and find their way to the Departments and to the salaries of Government employes, as they had formerly done. The congressional elections for 1878 were approaching and something must be done to enable them to raid the Departments and extort campaign money from Government employes. The process was a very simple one. They merely resolved to call the process of collecting the money "voluntary contributions," instead of "assessments." They prepared a circular to this effect, and lest some poor clerk might seize upon that portion of the civil-service order as a shield to protect himself against their exactions, they conceived the idea of getting the President's consent to what they wished to do. The following is the circular that was issued:

HEADQUARTERS OF THE REPUBLICAN CONGRESSIONAL COMMITTEE, 1878,
1319 F STREET, NORTHWEST,
Washington, D. C., May 27, 1878.

SIR: This committee, charged with laboring for the success of the republican cause in the coming campaign for the election of members of Congress, call with confidence upon you, as a republican, for such a contribution in money as you may feel willing to make, hoping that it may not be less than \$16.

The committee deem it proper, in thus appealing to republicans generally, to inform those who happen to be in Federal employ that there will be no objection in any official quarter to such voluntary contribution.

The importance of the pending struggle cannot easily be exaggerated. That the Senate is to be democratic after the 4th of March, 1879, is very nearly a certainty. In view of this, the election of a democratic House of Representatives would precipitate upon the country dangerous agitations which would inevitably add to present distresses. Foremost among their schemes the opposition already announce their intention to attempt the revolutionary expulsion of the President from his office.

If, by the presentation of three candidates for the Presidency in 1880, the people should fail to choose, the House must elect, each State delegation casting one vote. From what is now known, and with the growing dissensions in the camp of the enemy, the committee have good reason to enter upon their work with courage.

Please make prompt and favorable response to this letter, and remit at once, by draft or postal money-order, to "Sidney F. Austin, esq., treasurer, &c., German-American National Bank, Washington, D. C."

By order of the committee.

GEO. C. GORHAM,
Secretary.

This circular is artfully drawn. Its authors knew that Hayes was nervous and demoralized on the subject of his title. He dreamed of democratic conspiracies to expel him from a place to which he knew he had no right. The investigation ordered by the House of Representatives, and the appointment of the Potter committee to inquire into the frauds by which the people's choice was set aside and a man not elected was installed in the office of President, threw the occupant of the White House into a panic. The circular brought the attention of Mr. Hayes to this subject in the following words: "Foremost among their schemes the opposition already announce their intention to attempt the revolutionary expulsion of the President from his office." In the presence of such an alarming movement Mr. Hayes was prepared to adopt any method calculated to defeat it. He willingly yielded to the demand of this partisan committee, and gave them free access to the employes of the Departments to raise money with which to elect a republican majority to the House of Representatives, and thus put it out of the power of Congress to molest him in his seat. Hence, there appeared in the circular an announcement to the effect that no clerk or employé need have any fear in contributing money to the success of the republican party. "There will be no objection in any official quarter to such voluntary contribution." These words were inserted in the circular by the hand of Rutherford B. Hayes, the author of the civil-service order! It seems strange that such can be the fact—not strange either, when considered in connection with his other performances in the line of civil-service reform and the pressure under which he acted. That I may do him no injustice, I will quote from the testimony of George C. Gorham, secretary of the committee, taken before a select committee of the Senate:

By Mr. McDONALD:

Q. What sources outside of the committee were consulted in regard to the first circular and its tone in reference to the request for contributions?

A. We were very desirous of consulting the proprieties of the matter, to not call on the appointees of the President for contributions in any manner that would be distasteful to him.

Q. What authorities outside were consulted?

A. I was making that statement; and therefore one member of the committee was selected to present this to the appointing power, and I presume he acted upon knowledge, and he made a slight modification of the language which referred to the matter.

Q. Then this circular, as published, was presented to the President?

A. I do not think the whole of it was. I think this portion of it was; of course, I do not know the fact, but I believe it to have been submitted by one member of the committee to the President: "The committee deem it proper, in thus appealing to republicans generally, to inform those who happen to be in Federal employ that there will be no objection in any official quarter to such voluntary contribution." This was the part submitted. In the original I had written to the effect that "voluntary contributions would be approved by the executive department," and that was modified and a written memorandum returned by the member of the

committee who made the inquiry, and these were the words that were substituted: "That there will be no objection in any official quarter to such voluntary contribution." These words I understood to have been approved by the President.

Q. Was not the entire circular, as it is there, with the modification you have suggested, presented at the same time?

A. I do not believe it was. I may be incorrect in my recollection, but as it was in manuscript and I did not want to stop to copy the whole, I think I copied that paragraph alone, as I did not want the circular to be issued in a form that would meet the disapproval of the President in this respect, and that that was the part submitted. My impression is that the residue of it was not.

Q. That the rest of the circular was not submitted?

A. I think not, but I am not certain.

Q. Was it submitted to any of the heads of Departments?

A. Oh, no. I do not think anybody had anything to do with it at all outside of our committee, except in that one particular as to how the executive branch of the Government would view this soliciting of contributions.

Q. How the phrase should be put in reference to the executive mind?

A. Yes, sir; what assurance we could give a man that he would not be turned out of office if he contributed to the success of the republican party. We wanted some assurance of that sort, and we wanted to put it in language that would not be distasteful to the Executive, and therefore the matter was referred to one of the committee, who brought this report: that this language would not be indecorous or distasteful.

Gorham first wrote it, "voluntary contributions would be approved by the executive department." This was putting it rather strongly and pointedly to the author of the civil-service order, and so Mr. Hayes seems to have thought, and therefore he concluded to couch his emasculation and virtual abrogation of his civil-service order in this language: "There will be no objection in any official quarter to such voluntary contribution." If he meant to do the fair thing by the poor employes of the Government why did he not also add "nor will there be any objection in any official quarter to a refusal to make such contributions?" He knew when he thus, with his own hand, nullified his own order that he thereby turned loose upon the Departments and the employes of the Government a set of political constables who would fleece them of their earnings. He knew that when he said that he and those under him had no objection to such contributions, it would be construed as equivalent to saying they would like to see the contributions made. He knew that a partisan committee asked him to do this with a view to raising a campaign fund in aid of the republican party. He knew in thus rescinding his order against assessments for political purposes he was tearing down the only defense that the hard-worked employes had against the political vultures that hovered over their salaries: "Such contributions in money as you may feel willing to give, *hoping that it may not be less than \$16.*" No "assessment" about this! O, no! All "voluntary." It would seem to any one not a member of a republican campaign committee that if the contribution was to be purely voluntary the amount to be given ought also to be left to the discretion of the donor. But the amount that each employé was to give was, doubtless, inserted in the circular, through fear that the poor clerks in their readiness to give to the republican party a portion of their small salaries might overstep the bounds of prudence and distress themselves by an excessive and lavish subscription. This tender concern of the committee to guard these employes against the consequences of their own rashness and zeal is one of the most touching and beautiful manifestations of disinterested benevolence to be found in all the history of party struggles. Under this process they collected from the employes of the Government, according to Secretary Gorham, nearly \$100,000! To what plethoric dimensions that campaign fund would have swelled if the paternal forethought of the committee had not saved the department clerks and postmasters of the country from a reckless waste of their money by suggesting to them a reasonable amount, must be left to the imagination.

Into some of the Departments—notably into the Treasury Department—they sent a collecting-officer, armed with a subscription-book. Mr. H. M. Baker was the man sent into the Treasury Department. He gives the following account of the manner in which he proceeded:

Q. Did or did not the chiefs of divisions in the Secretary's office and the heads of bureaus assist you in obtaining these moneys?

A. I do not think they did anything that could be called assistance. I generally went to the chief of the division first, and he did as he pleased about subscribing, and then I said I wished to pass along to the other clerks, and he said very well, or something of that sort. That was the extent of it.

Q. Had you subscription-books?

A. I had one subscription-book.

Q. By whom was it headed?

A. It was headed by John Sherman, Secretary of the Treasury.

The plan of these collectors was to go first to the head of the Department, who of course subscribed, and then the subordinates were afforded an opportunity to "voluntarily" follow the example of their chief. They seem, with singular unanimity, to have reposed confidence in his judgment as to what would be a profitable investment.

Mr. Gorham gives the following account of the amount collected under this beautiful civil-service-reform proceeding, projected by him and his committee, with the finishing touch given to it by the President himself:

By Mr. BAILEY:

Q. I understand that altogether the subscriptions to your fund amounted to about \$108,000?

A. Yes, sir; as near as I can get it.

Q. Of which \$93,000 came from the officers?

A. From Senators, Representatives, and others.

Q. How much of that came from Senators and Representatives?

A. I cannot state it now. I think that their subscription was pretty general. There were, as we knew, thirty-nine republican Senators, and they gave, as a general rule, \$100 apiece. There may have been some exceptions; I do not remember. The republican members of the House gave us \$50 apiece.

Q. All of them or only a portion?

A. The great body of them. The intention of all was to do it. There may have been a case here and there where it was not convenient.

Q. All the remainder of the \$93,000 came from those in the civil service of the Government?

A. Yes; I think so.

Q. And from all the republican party outside of those who were employed you received but \$13,000?

A. That is all. I am sorry to say that was all we got from them.

Q. Then your treasury—I mean the treasury of the committee—was recruited chiefly from the employes of the Government?

A. It would appear so from my last answer.

Q. And they bore the expenses of the republican campaign chiefly, with the exception you have named?

A. That would be the inference from the last question and answer.

Q. Were these circulars addressed alike to democrats and republicans who were in the service of the Government?

A. We made no distinction.

The money thus wrung from the employes of the Government was sent to doubtful congressional districts to influence the elections and obtain, if possible, a republican majority in the House of Representatives. The salaries of these officers are paid by taxes collected from the entire people, democrats as well as republicans. Yet, under the transparent guise of voluntary contributions, these salaries are drawn on by the republican party at each election to keep themselves in power. These men in subordinate positions know that the retention of their places may depend upon their honoring the drafts made upon them; they dare not refuse. The bread which feeds their wives and little ones depends upon their keeping their place—that lost, the wolf is at the door. Could there be a more degrading slavery than this; a greater scandal to the public service or more disgraceful to a republican government? A man thus situated pays over the amount demanded of him with about as much volition in the premises as the benighted traveler on the highway surrenders his purse to the masked robber under the cold and deadly eye of a revolver.

The bill now pending before the House, or rather the substitute reported from the Committee on Civil Service Reform, is intended to remedy this growing evil and to eradicate this shameful abuse, and to relieve the poor employes of the Government, who are unable to protect themselves, from the extortions of political managers. It positively prohibits them from making contributions for any political purpose or to any political party under the penalty of being discharged from office; and each head of Department is required to post in conspicuous places in his Department a printed prohibition. Armed with this law, the employe can point to the printed rule in his Department and defy all the collecting agents that may be sent to rob him of a portion of his salary. But it is said that this is depriving the free-man of his liberty. Not so, Mr. Speaker. It is striking the chains from the limbs of men whose circumstances place them in the power of a party and enabling them to give to their families the full benefits of their hard-earned salaries. Does any man with sense enough to put two ideas together believe that the \$100,000 which Gorham and his confederates collected in 1878 from employes of the Government were the free-will offerings of those hard-worked men, many of whom are barely able to support themselves and families on the compensation they receive? I do not expect the republicans to support this bill. It would, perhaps, be making too large a draft on their patriotism to require them to support a measure which deprives their party of the money with which they control elections. Their anxiety lest it would pass during the extra session was but poorly concealed. Elections were coming off in Ohio, New York, and Maine, and if the source from which they derived their campaign money should be cut off they feared the fate that awaited their party in those States with unbought ballots to control the result. Hence, day after day, they made dilatory motions to prevent a vote on the bill. It was pending in the morning hour; and, as is well known, two dilatory motions with a yea-and-nay vote will consume the hour. They at first pretended that they objected to its being considered in the morning hour and wished ample time to debate it in Committee of the Whole. The gentleman who had charge of the bill proposed to let it be considered in Committee of the Whole, with the amplest opportunity for debate, if the republicans would pledge themselves not to resort to dilatory motions to prevent its coming to a vote. This they refused to do. They wanted the money from the employes of the Government to run their campaigns in Ohio and Maine and New York. I think they feared if the bill passed Congress they might fail to coerce the President to veto it as they did in reference to the appropriation bills. But their fears were groundless. I think he would have vetoed the Ten Commandments without the least hesitation if the stalwart leaders of his party had ordered him to do it. But so it was. They defeated the consideration of the bill by what is familiarly known here as filibustering. The elections came off in Ohio, Maine, and New York; and, if current reports are to be credited, the employes in the Departments were called on more than once during those hotly contested campaigns for money to aid the imperiled fortunes of the party.

Mr. Hayes in his last message has laid the groundwork for vetoing this bill, and they now feel easy about it. He says:

Reasons of justice and public policy, quite analogous to those which forbid the use of official power for the oppression of the private citizen, impose upon the Government the duty of protecting its officers and agents from arbitrary exactions. In whatever aspect considered, the practice of making levies for party purposes, upon the salaries of officers, is highly demoralizing to the public service and discreditable to the country. Though an officer should be as free as any other citizen to give his own money in aid of his opinions or his party, he should also be as free as any other citizen to refuse to make such gifts. If salaries are but a fair compensa-

tion for the time and labor of the officer, it is gross injustice to levy a tax upon them. If they are made excessive in order that they may bear the tax, the excess is an indirect robbery of the public funds.

This part of the message was intended both as an apology for the part he took in the Gorham circular and as a groundwork for vetoing this bill. "An officer should be as free as any other citizen to give his own money in aid of his opinions or his party." He comes forward as the champion of the liberty of the citizen, and yet he issued an order that forbade a Federal officer from even belonging to a political club, though he was assured that such connection in no wise interfered with his official duties. I should like to hear him on the question: "Which deprives the citizen of the greater amount of liberty, to prohibit him from belonging to a club or to prohibit him from paying over a portion of his salary to corrupt the ballot-box?"

Mr. Speaker, if we mean to break up this demoralizing practice, if we mean to reform this abuse, we must strike at the root as is done in this bill. It is nonsense to talk of leaving to men the question whether they will make voluntary contributions, when they know that a refusal endangers their political heads. There are so many pretexts by which they can be dismissed the service, so many subterfuges by which the hand of power can make their wives and children beggars, that few men have the nerve, or rather the temerity, to risk their positions by a refusal to comply with demands made upon them. The Forty-fourth Congress struck a blow at this abuse, but failed to reach it. They provided, in an act passed August 15, 1876, as follows:

SEC. 6. That all executive officers and employes of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from, any other officer or employe of the Government any money or property or other thing of value for political purposes; and any such officer or employe who shall offend against the provisions of this section shall be at once discharged from the service of the United States; and he shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding \$500.

It was found an easy matter to evade this law, and the practice has gone on as it did before. This act simply prohibited one officer from giving to or receiving from any other officer anything for political purposes. It did not protect the employe from the inroads and raids of campaign committees. This bill does, and the provisions of this bill, or something equivalent, is the only thing that will. This measure, if it should become a law, will enable the feeblest man and the feeblest woman in the employment of the Government to paralyze the arm of any campaign manager that reaches out to filch for party purposes any portion of their salary.

Looking over the entire situation—reviewing the history of the republican party under the administration of Mr. Hayes, chiefly remarkable for the gigantic fraud upon popular rights that gave it existence, and the wrecks of broken promises and violated pledges by which its career has been marked—how can the people of this country expect or hope for a reform in the civil service by the continuance of that party in power? It is difficult, if not impossible, for a party encumbered with abuses and complications consequent upon a long continuance in power to reform itself. The only remedy is in a change of rulers. Each indorsement of a party guilty of corruption or maladministration is construed by them as a popular condonation of their offenses and a permission to continue in the same evil practices, or to embark on others equally if not more reprehensible. The next presidential election will present very grave questions for the solution of the American people. Their indorsement of the republican party will imply an approval of a gigantic fraud by which the will of the people was defeated and a man seated in the presidential chair who, as every man of ordinary intelligence in the United States knows, was not elected. If they wish to preserve representative government they must not only rebuke the great crime committed on their rights by the inauguration of Hayes, but they must make up their minds to see to it that the outrage is not repeated. That it will be again attempted if the democratic party should be again successful at the polls, I have no doubt.

The indorsement of the republican party at the next presidential election will not only be construed as a condonation of the fraud by which the present incumbent of the presidential chair holds his seat, but also of the shameless distribution of executive patronage among the men who committed the crime. It will imply an approval of the thinly disguised process by which one hundred thousand office-holders are assessed to raise a fund with which to corrupt the people and debauch the ballot-box. The time has been when one-half the crimes that have stained the record of the republican party even since the last presidential election would have kindled a flame of indignation among the masses that would have consumed any party that dared to commit them. The purity of the Government, the fate of our institutions, is in the hands of the people. With them rests the responsibility of rising in their resistless might and preserving what our fathers bequeathed to us, or folding their arms in stupid indifference and suffering their free government to pass into a centralized despotism, where their voice will never be heard and their power will never be felt.

During the delivery of Mr. HOUSE's speech, when his hour had expired,

Mr. MCKENZIE said: I ask unanimous consent that the gentleman from Tennessee be permitted to proceed with his remarks.

Mr. BURROWS. I would like to inquire of the gentleman whether, if his time be extended he proposes to speak on this bill? [Laughter.]

Mr. HOUSE. Yes, sir; I will come up to it in the most natural order in the world. [Laughter.]

The SPEAKER *pro tempore*, (Mr. TOWNSEND, of Illinois.) The Chair hears no objection.

Mr. KEIFER. Before the gentleman proceeds I only want to say that we feel bound to object if other gentlemen who expect to speak within the time which it was understood would be allowed for discussion are likely to be cut off by this extension of time; but we do not desire, so far as I know, that anybody— [Cries of "We will let you speak!" "We will be fair!"]

Mr. KEIFER. I do not object, then, with that understanding.

Mr. BURROWS. I suppose the gentleman who has this bill in charge will not insist on calling the previous question to-morrow.

The SPEAKER *pro tempore*. Is there objection to the proposed extension of time?

Mr. MCMAHON. I shall object to the time being extended beyond four o'clock to-morrow evening.

Mr. KEIFER. The gentleman had better object to the continuation of this speech.

Mr. MCMAHON. I only give this notice. Other gentlemen must take the responsibility.

Mr. KEIFER. We are driven to object, in view of the notice given by my colleague, [Mr. MCMAHON.]

Mr. HUMPHREY. Yes, sir; we have to object under the circumstances.

The SPEAKER *pro tempore*. The Chair cannot accept a qualified objection. Does the gentleman object?

Mr. HUMPHREY. No; I will let the gentleman go on, and trust to the honor of the gentleman from Ohio.

Mr. MCMAHON. I desire to give notice to the House I have charge of an appropriation bill which I want to bring in day after to-morrow; and I shall, therefore, object to anything which runs the debate or voting over to-morrow evening. I give notice in order that gentlemen may govern themselves accordingly.

Mr. HOUSE. Mr. Speaker, I wish to say a word. I should like very much to go on and complete my remarks.

Mr. KEIFER. I have no objection.

Mr. HOUSE. But I do not wish to do so at the expense of the time of other gentlemen on either side of the House who wish to discuss this bill. I have not often consumed the time of this House, as gentlemen who know me here can attest, and I do not wish to do it now.

Mr. KEIFER. Go on and finish your remarks.

Mr. HOUSE. If there is objection to extending the time fixed to-morrow for taking the vote, I will not go on.

Mr. BUTTERWORTH. I wish to suggest to my colleague this debate may be kept on after four o'clock to-morrow; so the subject may be disposed of to-morrow.

Mr. MCMAHON. That is all I wish.

Mr. BUTTERWORTH. Then let the gentleman from Tennessee proceed to close his remarks.

Mr. WHITE. We commit ourselves to nothing.

Mr. MCMAHON. When this bill came up it was understood it was only to occupy to-day; now it is to occupy two days.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania object?

Mr. WHITE. I do not wish to be committed by any promise made by anybody else.

The SPEAKER *pro tempore*. There is no objection, and the gentleman from Tennessee will proceed.

Mr. WHITE. I propose to speak on this bill.

Mr. HOUSE then continued his remarks.

The SPEAKER *pro tempore*. The hour extension of the gentleman's time has expired.

Mr. WILBER. If the gentleman is cut off from completing his remarks, let him print them.

Mr. BLACKBURN. I hope by unanimous consent the gentleman from Tennessee will be permitted to finish his speech.

Mr. CONGER. Let the gentleman finish his speech; there are two or three sentences I have not heard before.

The SPEAKER *pro tempore*. The Chair hears no objection; and the gentleman from Tennessee will proceed.

Mr. HOUSE. There are a good many gentlemen who have not heard as much as the gentleman from Michigan. He has heard more than almost all other gentlemen, and is fond of telling what he knows.

Mr. HOUSE then completed his remarks.

Mr. RICHARDSON, of New York. I will yield ten minutes of my time to the gentleman from Ohio.

Mr. CONGER. I understood half the time this afternoon and half the time to-morrow would be given to this side of the House. The whole of this afternoon has been taken by the other side.

Mr. RICHARDSON, of New York. I give ten minutes to the gentleman from Ohio, [Mr. YOUNG,] who will go on this afternoon.

Mr. MITCHELL. I move the House do now adjourn.

The House divided; and there were—ayes 60, noes 3.

LEAVE OF ABSENCE.

The SPEAKER *pro tempore*. Before announcing the vote, the Chair asks by unanimous consent that Mr. BRIGGS, of New Hampshire, be granted leave of absence for one week, as he has been called home to attend important business.

There was no objection, and it was ordered accordingly.

Mr. BLACKBURN. I ask to introduce a resolution for reference to the Committee on the Judiciary.

Mr. CONGER. I demand the regular order.

The SPEAKER *pro tempore*. Objection is made.

Mr. BLACKBURN. No one has risen to object.

Mr. CONGER. I have demanded the regular order and have risen.

Mr. BLACKBURN. I now see the gentleman where I want to.

Mr. MITCHELL's motion was agreed to; and accordingly (at four o'clock and forty-two minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of the widow of Meinrod Oechsle, for a pension—to the Committee on Invalid Pensions.

By Mr. AIKEN: The petitions of D. T. Billings and 16 others, and of W. A. Armstrong and 18 others, citizens of Elmira, New York, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. WILLIAM ALDRICH: The petition of Lord, Stontenburgh & Co. and 156 others, wholesale and retail druggists of Chicago, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of J. W. Hanson, publisher of the New Covenant, Chicago, Illinois, for the abolition of the duty on type—to the same committee.

By Mr. ANDERSON: The petition of H. E. Smith, publisher of the Empire, Concordia, Kansas, of similar import—to the same committee.

By Mr. ATKINS: The petition of F. E. Bryan, of Denmark, Tennessee, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. BAKER: The petition of James Stockhouse and 56 others, citizens of Kosciusko County, Indiana, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. BEALE: The petition of citizens of Spottsylvania County, Virginia, of similar import—to the same committee.

Also, the petition of citizens of Accomac County, Virginia, for an appropriation for the improvement of Chincoteague Bay—to the same committee.

By Mr. BERRY: The petition of S. G. Lewis, publisher, Grass Valley, California, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. BICKNELL: The petition of 46 citizens of Indiana, for the removal of prohibitory duties on chrome iron ore and bichromate of potash—to the same committee.

Also, the petition of E. D. Morgan & Co. and others, against levying one rate of duty on sugars of all grades up to a stated point—to the same committee.

By Mr. BOUCK: The petition of H. W. Meyer, publisher of the Volksfreund, Appleton, Wisconsin, for the abolition of the duty on type—to the same committee.

By Mr. CALKINS: The petition of the publisher of the Local News, Lowell, Indiana, for the abolition of the duty on type—to the same committee.

Also, the petitions of E. T. Blue and Dalph & Casper, druggists, of Indiana, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

Also, the petition of John Dunlap, of Julian, Indiana, for the establishment of a post-route between Goodland and Julian, Indiana—to the Committee on the Post-Office and Post-Roads.

By Mr. CHITTENDEN: The petition of E. D. Morgan and others, against levying one rate of duty on sugars of all grades up to a stated point—to the Committee on Ways and Means.

By Mr. CLAFLIN: The petition of William M. Jenks, for compensation for services rendered the United States in the capture of a blockade-runner during the late war—to the Committee on War Claims.

By Mr. COBB: The petition of E. Pickhardt, publisher of the Signal, Huntingburgh, Indiana, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. COVERT: The petition of W. S. Overton, of Whitestone, New York, of similar import—to the same committee.

By Mr. COX: The petition of the publisher of the Sewing-Machine Journal, New York, of similar import—to the same committee.

By Mr. DAVIDSON: The petitions of James T. Magbee, editor of the Guardian, Tampa, and of W. W. Keep, jr., editor of the Herald, Quincy, Florida, of similar import—to the same committee.

By Mr. GEORGE R. DAVIS: The petitions of Thomas G. Newman & Sons, publishers of the American Bee Journal; of H. J. Bohn & Co., publishers of the Hotel World, and of John W. Brown, publisher of the Voice of Masonry and Family Magazine, Chicago, Illinois, of similar import—to the same committee.

By Mr. DEERING: The petition of T. B. Hand, publisher of the Herald, Reinbeck, Iowa, of similar import—to the same committee.

By Mr. DOWNEY: Papers relating to the bill for the relief of Thomas T. Talbot—to the Committee on the Public Lands.

Also, the petition of citizens of the several Territories that Congress increase the salaries of the governors and judges thereof—to the Committee on Appropriations.

Also, the petition of Huyford & Gales, publishers of the Sentinel, Laramie City, Wyoming Territory, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. DUNNELL: The petition of Gregory & Keeler, publishers, of Minnesota, of similar import—to the same committee.

By Mr. FELTON: The petition of citizens of Georgia that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of druggists of Atlanta, Georgia, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. FORT: The petition of J. H. Chamberlain and other citizens of Illinois, of similar import—to the same committee.

By Mr. FROST: The petition of Edward Carolan and 1,809 others, citizens of Saint Louis, Missouri, for the passage of the bill (H. R. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

By Mr. JOHN T. HARRIS: The petition of Henkel & Co. and other publishers, of New Market, Virginia, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petition of the publishers of Our Sunday School, and of the Shenandoah Valley News, New Market, Virginia, for the abolition of the duty on type—to the same committee.

By Mr. HASKELL: The petition of citizens of Neosho and Crawford Counties, Kansas, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of soldiers of Labette County, Kansas, for certain legislation relating to pensions, &c.—to the Committee on Invalid Pensions.

Also, a paper relating to the bill for the relief of Captain L. French Williams—to the same committee.

By Mr. HAWLEY: The petition of D. B. Mosely and others, of Hartford, Connecticut, for the reduction of the duty on type—to the Committee on Ways and Means.

By Mr. HENRY: The petition of J. A. Johnson, publisher of the Ledger, Easton, Maryland, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper, and for the abolition of the duty on type—to the same committee.

By Mr. HERNDON: The petition of Isaac Grant, publisher of the Democrat, Grove Hill, Alabama, for the abolition of the duty on type—to the same committee.

By Mr. HUBBELL: The petition of L. A. Barker, publisher of the Republican Journal, Lake City, Michigan, of similar import—to the same committee.

Also, the petition of Daniel H. Ball and 29 others, citizens of Marquette County, Michigan, for an appropriation for the improvement of the harbor at Grand Marais, Michigan—to the Committee on Commerce.

By Mr. HUNTON: The petition of G. H. B. White and others, for a more specific definition of public holidays, and to make inauguration day a public holiday—to the Committee on the District of Columbia.

Also, the petition of Patrick Clark, guardian, for a pension for the minor children of John Clark—to the Committee on Invalid Pensions.

By Mr. JONES: The petition of citizens of Texas, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petitions of Allen & Crozier, James A. Stevens, R. E. Owen, H. C. Quin, Fields & Gaston, citizens of Texas, publishers, for the abolition of the duty on type—to the same committee.

By Mr. JOYCE: The petition of citizens of Vermont, soldiers of the United States in the late war, for the defeat of Commissioner Bentley's sixty-district bill—to the Committee on Invalid Pensions.

By Mr. KELLEY: The petitions of William Milnes, jr., and Charles F. Mayer, against the reduction of the duty on steel rails from \$28 to \$10 a ton—to the Committee on Ways and Means.

By Mr. KENNA: The petition of Cecil Clay, late colonel United States Army, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. LE FEVRE: The petition of Mrs. Caroline Hilgeman, for a pension—to the same committee.

By Mr. MAGINNIS: Five petitions of citizens of Montana, protesting against the change in the land laws proposed by the recent report of the land commission—to the Committee on the Public Lands.

Also, three petitions of citizens of Montana Territory, for the maintenance of their mail facilities—to the Committee on Appropriations.

Also, the petition of Fisk Brothers, publishers, of Montana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. MCCOOK: The petition of E. T. Smith and others, of the State of New York, for an appropriation for the erection of a monument to the memory of General Nathaniel Woodhull—to the Committee on Military Affairs.

By Mr. McMILLIN: The petition of citizens of Putnam and Smith Counties, Tennessee, for legislation concerning the importation of tobacco to France, Spain, and other countries from the United States—to the Committee on Foreign Affairs.

By Mr. MITCHELL: The petitions of Samuel McGuire and 27 others, and of Rulof E. Lyon, Wallace Chase, and 16 others, of Tioga and Bradford Counties, Pennsylvania, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, the petition of W. A. Brooks and 29 others, citizens of Cameron County, Pennsylvania, that the Agricultural Department be made equal in rank with other Departments having Cabinet officers at their head—to the Committee on Agriculture.

Also, the petition of Carr & Farrar, publishers of the Evening Star, Bradford, Pennsylvania, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. MONROE: The petition of W. H. H. Gorham and 18 other soldiers, of Haron County, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of the same parties, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. MORSE: The petition of citizens of Ewing, Massachusetts, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the same committee.

By Mr. MORTON: The petition of Hugh Hastings, proprietor of the Commercial Advertiser, and of William Mager, proprietor of the New Yorker Zeitung, New York, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of E. D. Morgan & Co., Moses Taylor & Co., and other sugar importers and refiners of New York, for the retention of the present graduated scale of duties on sugar—to the same committee.

By Mr. MULLER: The petition of the American Chamber of Commerce, for the immediate amendment of the tariff laws affecting the importation of raw sugar—to the same committee.

By Mr. NEWBERRY: The petition of the publishers of the Public Leader, Detroit Graphic, and International Hotel Reporter, Detroit, Michigan, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of David Moreland and other citizens of Michigan, for the passage of Senate bill No. 1078, to grant increase of pensions in certain cases—to the Committee on Invalid Pensions.

By Mr. O'NEILL: Memorial of the Board of Trade of Philadelphia, favoring the carrying of United States mails in American-built ships—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERTON: The petition of A. A. Clearwater and others, citizens of Susquehanna County, Pennsylvania, for the passage of a law under which one hundred muskets can be furnished by the Government to Lyons Post, Grand Army of the Republic, of that county—to the Committee on Military Affairs.

By Mr. PAGE: Eight petitions of druggists of California, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. PHILIPS: The petition of citizens of Missouri, that pensions be granted the surviving soldiers of the Mexican war—to the Committee on Invalid Pensions.

By Mr. REED: The petitions of Stinson & Co., publishers of the Illustrated Household Magazine and The People's Illustrated Journal, and of Stephen Berry, publisher of the Masonic Token, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. THOMAS RYAN: The petition of Union soldiers of Kansas, against the passage of the sixty-surgeon bill—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: The petitions of soldiers of Georgetown, Pennsylvania, and of soldiers and citizens of Beaver County, Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. STARIN: The petition of citizens of New York, that a pension be granted Charlotte Seamons—to the Committee on Invalid Pensions.

Also, the petition of Thomas J. Hazlett, editor Weekly Portrait, Saint Johnsville, New York, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petitions of 73 citizens, of 26 citizens, of 80 citizens, of 71 citizens, of 139 citizens, of 126 citizens, of 58 citizens, of 203 citizens, of 79 citizens, of 58 citizens, of 167 citizens, of 41 citizens, of 34 citizens, of 110 citizens, of 53 citizens, and of 58 citizens, of New York, against the passage of the bill (H. R. No. 4262) for the removal of obstructions from the channel leading from Lake Ontario into Irondequoit Bay—to the Committee on Commerce.

By Mr. P. B. THOMPSON, JR.: The petition of citizens of Kentucky, for the passage of the Reagan interstate-commerce bill—to the same committee.

Also, the petition of W. W. Durham, postmaster at Saloma, Kentucky, for an increase of pay—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS UPDEGRAFF: The petitions of M. S. Hitchcock, publisher of the National Advocate, Independence, and of George W. Haislett, publisher of The Radical, Decorah, Iowa, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of J. B. Swinburn, editor of the Monitor, Delhi, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petitions of J. W. Millegan, of Clermont, and of H. Kleinhaus, of Clayton, Iowa, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

Also, the petition of the Board of Trade of Dubuque, Iowa, for the passage of a bankrupt law—to the Committee on the Judiciary.

Also, resolution of the Legislature of Iowa, asking Congress to relinquish the title to all meandered lakes therein to that State—to the Committee on the Public Lands.

By Mr. URNER: The petition of Charles K. Remsburg, for pay for damages sustained by action of United States soldiers in 1865—to the Committee on War Claims.

By Mr. VAN AERNAM: Papers relating to the claim of J. M. Cassey for reimbursement for loss of United States Treasury notes destroyed by fire—to the Committee on Claims.

By Mr. WARNER: The petition of H. M. Blackburn and 115 others, citizens of Morgan County; of R. F. Alexander and 52 others, of Washington County, and of Amos Shinn and 24 others, of Noble County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of H. M. Blackburn and 119 others, of Morgan County; of R. F. Alexander and 85 others, of Washington County, and of Amos Shinn and 23 others, of Noble County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petitions of John M. Amos, of Caldwell, and of Henry R. West, of Woodsfield, Ohio, publishers, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. WEAVER: The petition of Matthew Fanzel and 52 others, of Allegheny County, Pennsylvania; of M. O. Healy and 54 others, of Malta, Colorado, and of Daniel Colklesser and 16 others, of Franklin County, Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. WELLS: The petition of citizens of Saint Louis County, Missouri, for the establishment of a post-road in said county—to the Committee on the Post-Office and Post-Roads.

By Mr. CHARLES G. WILLIAMS: The petition of E. A. Egeny, editor of the Argus, Racine, Wisconsin, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of J. P. Thomas and 32 others, citizens of Rock County, Wisconsin, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. WALTER A. WOOD: The petition of E. D. Morgan & Co. and other sugar importers of New York, for the retention of the present graduated scale of duty on sugar—to the Committee on Ways and Means.

By Mr. WRIGHT: The petition of John Dorsey, William Agnew, and 94 others, citizens of Empire, Michigan, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

By Mr. THOMAS L. YOUNG: The petition of importers, refiners, and dealers in sugars, against changing the duty on sugars—to the Committee on Ways and Means.

IN SENATE.

WEDNESDAY, March 10, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

THE UTE INDIANS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I have the honor to transmit herewith a report from the Secretary of the Interior, containing an agreement signed by the chiefs and head-men of the Ute Indians now present at the seat of Government. The stipulations of this agreement appear to me so reasonable and just, and the object to be accomplished by its execution so eminently desirable to both the white people of the United States and the Indians, that it has my cordial approval, and I earnestly commend it to Congress for favorable consideration and appropriate legislative action.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, March 9, 1880.

The message was referred to the Committee on Indian Affairs, with the accompanying papers, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of citizens of the State of Indiana, praying for the passage of a bill providing for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. WALLACE presented a petition of citizens of Clinton County, Pennsylvania, praying such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

He also presented two petitions of soldiers and sailors of the late war, who are citizens of Allegheny County, Pennsylvania, praying to be paid the difference between the value of gold and greenbacks at the time they were paid for their services as soldiers; which were referred to the Committee on Military Affairs.

Mr. KERNAN presented the petition of Roger A. Pryor, now of Brooklyn, New York, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. CONKLING presented the petition of merchants of New York City engaged in the transportation of cotton from southern to northern and eastern ports of the United States, praying for the passage of a bill to amend section 4472, of chapter 2, title 52, of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels, as bearing on the transportation of cotton; which was referred to the Committee on Commerce.

Mr. GROOME presented the petition of Rev. Arthur Jones and 39 others, citizens of Ohio, praying that a proportionate part of the unclaimed volunteer soldiers' bounty be granted to Wilberforce University, near Xenia, Ohio; which was referred to the Committee on Education and Labor.

Mr. COCKRELL presented additional evidence to accompany the bill (S. No. 1048) for the relief of Thomas Doak; which was referred to the Committee on Claims.

QUORUM.

The VICE-PRESIDENT. There is evidently no quorum present, and the Chair will pause before proceeding to call for further morning business.

Mr. THURMAN. Did I understand the President suspended receiving reports by reason of the want of a quorum?

The VICE-PRESIDENT. Yes, sir.

Mr. THURMAN. I move that there be a call of the Senate.

The VICE-PRESIDENT. The Senator from Ohio moves that there be a call of the Senate. The question is on that motion.

The motion was agreed to.

The VICE-PRESIDENT. The Secretary will call the roll of the Senate.

The Secretary called the roll, and 40 Senators answered to their names.

The VICE-PRESIDENT. There is a quorum present. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the petition of Sarah S. Flagg, widow and executrix of W. C. Flagg, deceased, late collector of internal revenue for the twelfth Illinois district, praying payment of a balance claimed to be due her late husband for compensation for services as such collector, submitted an adverse report thereon; which was adopted, and the prayer of the petition denied.

Mr. THURMAN. I am instructed by the Committee on the Judiciary to report back the bill (S. No. 10) to reimburse the several States for interest paid on war loans, and for other purposes, adversely. I have been requested by the minority of the committee to ask that it be placed upon the Calendar.

Mr. DAVIS, of Illinois. The views of the minority of the committee were presented some time ago.

The VICE-PRESIDENT. The bill will be placed upon the Calendar, with the adverse report of the committee.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1252) to define the terms of office of certain officials of the United States, reported it with an amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of Mrs. Ann Barnes, praying to have refunded to her certain moneys alleged to have belonged to her late husband, Ammon Barnes, and also alleged to have been taken from him by order of the United States military authorities in 1862, and covered into the United States Treasury, submitted an adverse report thereon; which was adopted, and the prayer of the petition was denied.

Mr. VANCE, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2769) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, so as to extend it to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, and Galveston, reported it without amendment.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. No. 200) for the relief of Nathaniel P. Harbin, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. CALL, from the Committee on Pensions, to whom was referred the bill (S. No. 963) granting a pension to Theodore Rauthe, reported it without amendment.

BILLS INTRODUCED.

Mr. RANSOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1449) to provide for the settlement of accounts with the North Carolina Railroad Company; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1450) supplemental to the provisions of sections 1866, 1867, 1868, and 1869, chapter 1, and section 1907, chapter 2, title 23, of the Revised Statutes of the United States, increasing the jurisdiction of the probate court of Lawrence County, Territory of Dakota; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1451) to provide for the appraisement and sale of lots in the town of Peru, Dubuque County, Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. RANDOLPH (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1452) granting a pension to Agnes Fairly; which was read twice by its title, and, together with the papers on the files relating to this case, referred to the Committee on Pensions.

Mr. CONKLING (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1453) to amend section 4472 of chapter 2, title 52, of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1454) to amend an act entitled "An act granting a pension to Catharine Harris," approved June 19, 1878; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1455) authorizing the President to appoint John W. Hoffman a second lieutenant in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1456) to amend section 2022 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

COURT IN INDIAN TERRITORY.

Mr. THURMAN. If there is no further morning business I wish to remind the Senate that yesterday a motion was made by me to refer the memorial which I then presented from delegates of the Indian tribes in the Indian Territory to the Committee on the Judiciary, and it was laid aside owing to the absence of the Senator from Missouri [Mr. VEST] who reported the bill the passage of which is remonstrated against by the memorial. I believe it was understood that that motion was to come up this morning in the morning hour; if so, I move to proceed to consider it.

The VICE-PRESIDENT. The Senator from Ohio moves that the memorial of the delegates from the Indian tribes in the Indian Territory protesting against the passage by Congress of the bill "providing for the establishment of a United States court in the Indian Territory, and for other purposes," be referred to the Committee on the Judiciary.

Mr. VEST. Mr. President, I should like to say a word upon that motion. Some time ago I presented a memorial which was referred to the Committee on Territories in relation to the Indian Territory, and that committee has had the whole question under consideration, and I had the honor the other day of reporting a bill which that committee passed upon by sections and after mature deliberation submitted to the Senate. It seems to me very singular, after that committee has considered and passed upon this question and reported, that now it should be proposed to take the question from them virtually and put it into the hands of the Judiciary Committee.

The other day the Senator from Wisconsin [Mr. CARPENTER] made a motion equivalent to that made yesterday by the Senator from Ohio; but after he discovered that the Committee on Territories had passed upon the subject and reported deliberately to the Senate a bill which raises the very question upon its face that the Senator from Ohio now proposes to refer to the Judiciary Committee—after that was discovered, the Senator from Wisconsin withdrew that motion.

It is said that this question is not a proper one for the Committee on Territories if it involves the formation of a Federal court for the Indian Territory. That matter has been passed upon by the Committee on Territories; and, leaving myself out of the question, I think that there are at least some respectable lawyers upon that committee, including the chairman, [Mr. GARLAND.]

It is said now that this question ought to be put before the Judiciary Committee because it is a legal question. Sir, there are no measures or hardly any questions in my opinion that come before this body which do not involve questions of law. Is it possible that when a respectable committee of the Senate has made a report, after due

investigation, after earnest labor, the question should be taken away from it and put before the Judiciary Committee because it is essentially the legal committee of this body?

Mr. CONKLING. Will the Senator allow me to ask him a question?

Mr. VEST. Certainly.

Mr. CONKLING. What was the foundation of the action of the Committee on Territories, touching the establishment of a court? The point of my inquiry is, was it under a resolution of the Senate? Or how came the Committee on Territories to secure jurisdiction of that question?

Mr. VEST. I will answer the question of the Senator from New York with great pleasure. The Senator from Illinois [Mr. LOGAN] introduced a bill organizing a court in the Indian Territory, which was referred to the Committee on Territories. It was first referred to the Committee on the Judiciary, but at the request of the Senator from Illinois it was taken from that committee and referred to the Committee on Territories. The bill that is now before the Senate is a substitute for what is known as the Oklahoma bill, which I myself introduced at the beginning of the last session and at the commencement of this, and also as a substitute for the bill introduced by the Senator from Illinois. And, sir, I know of no reason why now this bill should be referred to another committee, because that is the whole of it. If the Committee on the Judiciary desire to be heard on the legal questions involved in this bill, it will come up on the Calendar and then be fully discussed. If it be sent to the Committee on the Judiciary now, it simply involves further delay and unnecessary trouble.

Mr. EDMUNDS. Mr. President, the bill to which the Senator from Missouri refers as the foundation of this one, was referred to the Committee on the Judiciary on my motion, but it was only read by its title, and by its title it appeared to me that that was the committee which ought to consider it. I was immediately afterward informed, without ever having read the bill,—informed by the Senator from Illinois who had introduced it—that I had misapprehended the nature of the bill in my construction of its title, and that the chief and principal object of the bill was not a judicial court, and whatever there was in it about that was merely an incident to it, if I correctly understood him. I said then certainly I should be very glad to correct my mistake for I made the motion to refer to the Committee on the Judiciary in the absence of its chairman; and that committee is certainly not desirous of undertaking any duties that do not strictly belong to it. Accordingly, without reading the bill, or any member of the committee reading the bill as far as I know, but in the spirit of courtesy that prevails in this body and which is so much commented on in the newspapers, we at once reported the bill back without even reading it and had it sent to the Committee on Territories where we supposed it belonged by the explanation of the Senator from Illinois.

But the substance of the bill reported, its great and leading object, is the establishment of a judicial court to try the Indian people as well as people of the United States, in respect of all their rights, civil and criminal, in the Indian country which by treaty and by patent has been set apart to these Indians, and wherein under treaties they have been authorized to establish a civil government of their own and a system of jurisprudence of their own; so that the bill now reported, so far as relates to that branch of the subject that I am speaking of, and I do not know but that is all there is of it substantially—I have not read it carefully—is nothing more nor less than a judicial bill providing for the establishment of a court under the Constitution of the United States and the laws of Congress over a certain part of the territory of the United States, and unhappily over a part of the territory where the propriety of establishing such a court and the constitutional means of making it effective is much more difficult than in any other part of the country.

Now, I submit to the Senate that it is proper, not as a subject of contest and discussion when the bill comes up here for consideration on the Calendar, but as a matter of that kind of judicial inquiry which can only be performed by a committee in the quiet of its own room and by study and consultation, that this subject deserves the attention of the Committee on the Judiciary, and I say that without the slightest disrespect to the Committee on Territories. But we have the organization of our committees divided up with reference to one committee taking a particular kind of studies and observation, and another another; and the theory, and I think a sound one, is that the Committee on Territories are far more capable in their character as a Committee on Territories of considering a matter of territorial adjustment than the Committee on the Judiciary or the Committee on Finance or the Committee on Agriculture or any other committee for the reason that that is made by the rules of the Senate their special study. The same may be said, I think, of the Judiciary Committee, as humble and commonplace as the members of that committee are. Therefore it appears to me, not as a matter of controversy, but as a matter of getting all the light that that committee can throw upon it from their point of view in respect of their special studies and inquiries, it should be referred to the Judiciary Committee before the Senate is called upon itself to form an opinion.

I confess, Mr. President, that if the bill of the Senator from Illinois had remained with the Committee on the Judiciary, and it had embraced also provisions of ordinary territorial administration, after the Committee on the Judiciary had passed upon the judicial part of

it, or passed upon the whole of it, I should have moved myself, if nobody else did, before the Senate acted on it to refer it to the Committee on Territories, in order that they might consider its territorial provisions from the light of their experience and their studies.

So I think that this motion of the Senator from Ohio is not in any respect discourteous toward the Committee on Territories, that it does not in any respect imply a doubt of the fitness of their inquiries or the correctness of their conclusions, but it only calls for scrutiny by the committee specially appointed for that purpose of the legal and judicial aspects of this case.

Mr. GARLAND. Mr. President, I take issue with the Senator from Vermont as to the motion to refer this memorial to the Committee on the Judiciary, and I regard it as directly discourteous to the Committee on Territories. I am aware that it is not so intended; but nevertheless that is the fact, as I view it. This subject was referred to the Committee on Territories well-nigh three months ago in open Senate, after a contest between the Senator from Vermont and the Senator from Illinois as to the bill the latter introduced. The Senator from Missouri introduced a bill more comprehensive, intending to establish courts in that country, and also a territorial form of government, and the Senator from Vermont or the Senator from Ohio, or any other Senator, would be very much puzzled to explain how we could establish a territorial government in that country without establishing a court of some character. So at one breath you can chide out all necessity for the Committee on Territories. But the chief object and purpose is to establish a territorial government in the Territory, and you cannot establish a territorial government without establishing in it some kind of a court. For example, under the recommendation of the Secretary of the Treasury the question of establishing a territorial government in Alaska has been before the Committee on Territories. The Senator from South Carolina [Mr. BURLER] has reported a bill to that effect. In that bill provision is made for a court. Why do not the Senator from Ohio and the Senator from Vermont, one or both of them, move to refer that bill to the Committee on the Judiciary too? That establishes a court. And why do you not take the Committee on Privileges and Elections out of the category of committees, for they pass upon all kinds of legal questions, on the qualifications of electors, and the proper holding of elections, bribery, and so on.

But, Mr. President, why this new-born zeal just at this particular moment? The very men who send in this protest, which I perceive is now in the hands of the Senator from New York, were before the Committee on the Territories when this question was up. They were heard from time to time by written briefs and orally. They never raised a question as to the propriety of the Committee on Territories considering the question; they made no protest; they did not deny the jurisdiction of the Committee on Territories to pass upon it, but they came forward manfully and presented an argument against the proposition on its merits. Now the Committee on Territories is of no use if this matter is to be taken from it. Let the petition lie on the table, and come up when the bill reported by the Senator from Missouri is brought up and everybody can be heard upon it. If this motion is to prevail, it prevails against my protest, and it prevails, I think, after too long a delay of this question known to the Senate, known to the country, known to the newspapers, known to the Indians, known to the colored people, known to everybody to be before the Committee on Territories. Then take the Alaska bill and refer that, and take all other measures before the Committee on Territories from it and refer them to the Committee on the Judiciary. It is a delay of business for which there is no excuse, and I protest against the proposed reference.

Mr. CONKLING. Mr. President, I think, with my limited knowledge of this case, I can help the Senator from Arkansas to the distinction which he seems to be seeking—the distinction between such a case as is presented in Alaska by the question whether it shall be organized as a Territory and this case now in hand. With the people whose rights are involved, a treaty was made in 1866, and on the threshold of this whole subject we encounter the question whether this bill violates that treaty. The Senator from Illinois [Mr. DAVIS] suggests that a more appropriate committee to consider that than the Committee on Territories would be the Committee on Indian Affairs.

Mr. GARLAND. Will the Senator pardon me for a moment?

Mr. CONKLING. Certainly.

Mr. GARLAND. I suggested at the very time that the bill should go to the Indian Committee, but it did not, and was referred to the Committee on Territories.

Mr. CONKLING. If my honorable friend will hear me a moment, I am going to give some reasons, I think good ones, why it should not go even to the Committee on Indian Affairs, although my impression is very strong, with the Senator from Illinois, that as between Territories and Indian Affairs, the Committee on Indian Affairs should take charge of the subject. But I insist that this is especially an appropriate question for the law committee of the Senate, whatever that committee shall turn out to be.

I have said that in 1866 a treaty was made with these Indians, under which treaty this territory inured to them, under which treaty a court was established and recognized for certain purposes, and only for certain purposes, namely, to pass upon the accusations in the nature of criminal offenses, no civil jurisdiction being given to it but all civil jurisdiction being carefully withheld.

Mr. VEST. Will the Senator permit me to interrupt him? I desire to state that I have not read the record of that treaty made with the Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles, unless it does most emphatically confer power upon the Congress of the United States to establish a Federal court with civil jurisdiction.

Mr. CONKLING. Unless it does what?

Mr. VEST. It gives the power to the Congress of the United States to pass a law organizing a United States court for the protection of life and property.

Mr. CONKLING. The honorable Senator did not attend to my observation, or he would not make his observations contradictory of mine. Let me repeat myself. I said the treaty of 1866 established a court, a criminal court, a court with no other jurisdiction. The Senator from Missouri rises to say that that treaty in his estimation empowered Congress at some other time to do something else. I will come to that in a moment; but one thing at a time. My present assertion is, and I think nobody will deny it, that the court which, in point of fact, that treaty did establish was a court invested with criminal, and not with civil, jurisdiction.

Mr. VEST. Will the Senator from New York permit me? I do not wish to interrupt him without his leave.

Mr. CONKLING. I yield to the Senator.

Mr. VEST. I do not understand the Senator's position, and I wish to state my own. I do not understand the Senator from New York as now asserting that the treaty of 1866 made with the five civilized tribes established any court at all. Do I understand the Senator to make the statement that any court was established by the treaty of 1866?

Mr. CONKLING. If the Senator means by the word "established," set up manually and bodily, no; if he means "authorized," yes.

Mr. VEST. Then, I say that the court so authorized was one with civil as well as criminal jurisdiction, and the treaty so states. We ought to be able to understand the statements of each other.

Mr. CONKLING. If I understand the Senator from Missouri and he understands me, the difference between us illustrates, I think, the propriety of referring this subject to a committee charged with solving questions of law. I have read this treaty and I do not understand it at all as the Senator from Missouri does. I will make free to say that in my belief I should never have been called upon to declare my understanding of the treaty in this respect but for the fact that a railway company has gone through this Indian reservation issuing bonds from end to end, passing all the way over it, seeking to obtain these lands, and failing to obtain them by departmental power, and now so standing that to them, under a court of civil jurisdiction very large opportunities will inure. I say this meaning no offense to anybody and interposing no challenge to the reasons or the motives of anybody; but I say, as a matter of history, that these wards of the nation and these owners of this land were left unmolested and unenvied, with their treaty and their court, until the possibilities, the expectations, and the adventure of a railway company came to necessitate opportunities not found in the court and in the law as then the court and the law stood.

I repeat that this treaty, with my understanding of it, established and authorized no court into which a corporation or an individual can go with an action of ejectment, with any process of expulsion, to drive these people from their lands or to bring their title into question. This bill proposes to institute such a court, and proposes it although another provision of the treaty declares that never shall this thing be done except with the consent of these Indians. The honorable Senator from Arkansas has told us that the Indians went before the Committee on Territories and there objected and there protested, and there confronted this scheme which the treaty says in no form is admissible except with their consent.

I submit with great respect in regard to an Indian Territory organized under a treaty, which treaty makes the consent of these people a *sine qua non*, a condition precedent to such action, whether under such circumstances the question of setting up a court with civil jurisdiction into which claimants of these lands, squatters, alleged constructive grantees, can go and contest with the Indians, severally or together, their rights, is a question of law. Like other questions of law it involves, no doubt, considerations of ethics, considerations of good faith, considerations of right, but it is all the time and none the less a question of law, whether under the Constitution and under the treaty made in pursuance of it, which is a law, this proposed thing can be done and lawfully done?

That is a question of law. Does any such question arise in the case of Alaska? Will the honorable Senator from Arkansas say that there is any parallel between the cases or any relation between them except their utter dissimilarity? The question in Alaska is whether the community inhabiting that Territory shall be aided by an enabling act to set up an organism of their own. That is a political question; that is a territorial question; that is an economic question; that is a question addressed to the general discretion which takes note of the affairs of that territory. I can hardly conceive of a question the locus of which is in a territory, more entirely different from that in its elements and in the considerations by which it is to be decided.

This is a matter of considerable importance. We know by public rumor that so restless has the foot of adventure become in this region that military preparations have become necessary—I believe I am not

mistaken in that—there is very imminent danger of collision, outbreak, and bloodshed, and why? I read from this treaty:

Whenever the Cherokee national council shall request it, the Secretary of the Interior shall cause the country reserved for the Cherokees to be surveyed and allotted among them, at the expense of the United States.

Now in various ways, of which I understand this to be one, it has come to pass that the question is whether other persons are to go into this territory, not whether the lands are to be allotted among the Indians, when they ask for it, at the expense of the United States, but whether adventurers are to go and seize and possess and monopolize these lands despite the treaty of 1866, and despite the law and the right of the matter. I think it will require some ingenuity to show that such questions pertain to the Committee on Territories because the Committee on Territories takes jurisdiction of a bill proposing an enabling act for Utah, for Montana, for Alaska, for some other Territory, which enabling act deals with the question whether its inhabitants shall be allowed to erect themselves into a Territory in the hope of attaining ultimate Statehood and membership of the Union.

Mr. President, I am reminded to say, what I might appropriately have done before, that I know of no reason, certainly none applies to me, for feeling any disposition in this matter for or against contending parties. The Senator from Missouri seems to espouse one side with great warmth. No doubt there is in his State a strong interest in regard to it. I can assure him with the utmost frankness that without understanding the particulars in that regard, I have no inclination on earth to antagonize the feeling, whatever it may be, except so far as I feel bound to observe and keep on our part, whatever it shall turn out the law declares to be our obligation. That, as I have tried two or three times to say and to illustrate, I regard as a question of law, to be most appropriately dealt with by the law organ of the Senate, having no fear whatever for one that I shall be any too wise on this subject after hearing not only the bill reported by the Committee on Territories but also the best report that can be made on the subject by the Committee on the Judiciary.

Mr. THURMAN. Mr. President, I have but a word to say. I stated yesterday that I made this motion to refer, not the bill, but the memorial to the Committee on the Judiciary by the request of the memorialists, and because looking into the questions presented by the memorial and by the bill referred to in the memorial, I saw that they were legal questions of very great gravity and importance; and because, despite of the most earnest efforts that I have made from time to time to restrict the jurisdiction of the Committee on the Judiciary to subjects connected with the judicial system of the United States, I have been again and again voted down by the Senate. It was always replied to me that it is competent for the Senate to send a bill or resolution to any committee that the Senate sees fit to order shall consider it, and that it is no answer whatever to a motion to refer a bill to a particular committee that that bill has been reported by some other committee, that that may be a persuasive reason for not doing so, but the Senate has the right and in its discretion will exercise the right to refer any subject before the Senate, whether it be a bill or a resolution or a petition or what not, to any committee whose opinion the Senate desires to have upon the subject; and hence the Senate has taken a bill reported by one of its committees and sent it bodily to the Committee on the Judiciary for the legal opinion of that committee. It has done so more than once; it has done so after very full discussion, and it was not considered disrespectful to the committee whose bill was thus referred.

But I have not moved to refer this bill to the Judiciary Committee, but simply to refer the memorial. Undoubtedly there are great legal questions in this case. In the first place, while there is no doubt of the power of Congress, as I understand it, to establish a court of criminal jurisdiction in the Indian Territory—for we have exercised criminal jurisdiction over that Territory for a long period of time, taking the parties, however, to Fort Smith, in Arkansas—while there seems to be no doubt of that, these gentlemen assert (whether correctly or not I do not know) that there is no treaty which authorizes the establishment of a court of civil jurisdiction, and that to establish such a court is a plain violation of the treaties and of their independence; that if all civil matters can be tried in a Federal court in that Territory and taken thence to the Supreme Court of the United States, the judiciary established by their own government—for they have a written constitution, at least the five nations have, and a regular form of government, legislative, executive, and judicial—that their judiciary will be completely overslaughed and put down; that the independence which is secured to them by the treaties—or if independence is too strong a word, their separate autonomy—is completely overthrown if this bill shall become a law.

Then, again, they assert that by another provision in this bill, which fully extends the homestead laws of the United States over that Territory, and which allots the lands that are now held by the nations and not by individuals, and which, as it is said, under existing treaties can only be allotted by the Indian nations, the bill undertakes to allot the lands to individuals.

Mr. VEST. Will the Senator allow me?

Mr. THURMAN. Certainly. I only mention what the memorialists state.

Mr. VEST. The Senator from New York mentioned that same matter. I assert now that no provision in the bill with regard to lands

in the Indian Territory can take effect until the free consent of the Indians has been obtained, and any assertion to the contrary is simply without any sort of foundation. I assert that the bill is strictly in accordance with the treaty of 1866, and that no lawyer, however eminent he may be, can find one single provision in this bill which militates against or contradicts one provision of that treaty.

Mr. THURMAN. I am very glad to hear that statement. I have not carefully read the bill, and it did not seem to me to be necessary that I should do so in order to make this motion. I only say that that is what these memorialists allege. It is further asserted that this bill violates the treaty obligations in this, that it provides, in section 9—

That male residents of the Indian Territory, being citizens of the United States and over twenty-one years of age, shall be competent to serve as jurors in said court, but shall be subject to such exemptions and challenges as are provided by law in regard to jurors in the Federal courts.

They understand this as excluding all others but citizens. I do not so understand it, but I understand it as adding to the body of persons who may be jurors in this court persons who are citizens of the United States, every citizen of the United States who may happen to be there. Now, no citizen of the United States has a right to go into that Territory without the leave of this Government. He must procure the leave of this Government in order to go in there, and then he has the right to go in under certain restrictions and liabilities. This ninth section, they say, interferes directly with their right under the treaty to have their cases tried by members of their own nation. That is another legal question.

Then, Mr. President, this bill provides further for naturalizing, if I may so speak, the Indians in that Territory. Any Indian may go before a judge of a Federal court and by making certain proof and taking an oath may become a citizen of the United States, he and his wife and all their minor children.

The VICE-PRESIDENT. The Chair reminds the Senator that the morning hour has expired.

Mr. THURMAN. I thought it went to half past one.

The VICE-PRESIDENT. Only for the consideration of the Calendar, under the Anthony rule.

Mr. THURMAN. Then all I have to say is that I should be glad to have this motion voted on, and I ask unanimous consent to have it disposed of.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. THURMAN. Then, Mr. President, they say that this is absolutely to disintegrate their nation; that it violates the treaty obligations of the United States in this: that, as they say—I do not know that they are right in their interpretation of the bill—when an Indian thus becomes a citizen of the United States he still is to retain his interest in the property that belongs to the nation, and in the annuities that are payable to the nation.

In conclusion, I am wholly indifferent whether this motion prevail or not. I have no disposition to load the Judiciary Committee, already burdened with work, with more work, and especially on so grave a subject as this; but nevertheless I have thought it my duty to let the Senate decide whether or not it will require the opinion of its Law Committee upon this important subject.

Mr. VOORHEES. Mr. President, I have rarely heard a proposition which struck me as more extraordinary since I have been a member of this body than the one now pending. The Senate referred this question to a committee of its own selection, the Committee on Territories, of which the distinguished and able Senator from Arkansas [Mr. GARLAND] is chairman, and which is composed of as good lawyers as those who compose the Committee on the Judiciary; and I mean no disparagement to anybody. Now the proposition is, after the Committee on Territories has examined this question and made a report, to take the subject away from it by a vote of the Senate. Nothing more insulting to a committee could possibly be proposed, in my judgment.

This matter was referred to the Committee on Territories, of which I am not a member, not by its seeking but by a vote of the Senate. It was charged with the investigation by a vote of the Senate; it has discharged that duty, and has brought the whole subject here for discussion appropriately and properly, and now a motion is interposed to take the subject-matter and refer it to some other committee.

Sir, I have always admired modesty, and my knowledge upon that subject has been vastly enlarged by the contemplation of that quality on the part of the Judiciary Committee. How strange that the Senator from New York and the Senator from Ohio, distinguished, able, and respected members of that committee, stand here and claim that they shall reinvestigate this question! Why? Because the Committee on Territories are not capable, or not willing, or not of sufficient integrity to investigate this question.

Mr. THURMAN. What makes the Senator make such an assertion as that?

Mr. VOORHEES. It is one or the other.

Mr. THURMAN. No, sir; there has not been one word said against either the integrity or ability of the Committee on Territories.

Mr. VOORHEES. That is the argument.

Mr. THURMAN. No, sir; it is not.

Mr. VOORHEES. Very well; I repeat that the argument, if there is any, is to take this subject, after it has been investigated three

months by the Committee on Territories, away from that committee, either because they have not the competency to investigate it or because somebody else is more competent, or on the ground that they have not the integrity to investigate it properly. I repeat that is the argument; it has not fallen in words from anybody's lips, of course, but the subject is to be taken from their consideration either because they are not lawyers of sufficient ability to investigate it and somebody else is, or because they are not competent to be intrusted with so great a subject—one or the other.

It is strange to my mind that there should be a struggle on this question; and it reminds me of nothing so much as the attempt of a Federal court (which always assumes jurisdiction) to absorb the jurisdiction of State courts. That is the only parallel to the assumption that is made here on the part of the Judiciary Committee of this body. I undertake to say that this question has been as well investigated, as ably, and with as much legal knowledge, as will be brought to bear by the Judiciary Committee on this bill.

The duties of our committees are mixed. Some legal questions have to be decided by every committee of this body. I do not stand forth assuming to be a better lawyer than anybody else here, nor as good as very many here, but there are some legal questions that come even to me for decision as a member of various committees, and I assume to decide them. I suppose they ought to be referred at once to the Judiciary Committee. I suppose that wherever a member of a committee or any committee of this body finds legal questions lying in its way pertaining to the affairs of courts, the organization of courts, or the decisions of courts, there we ought to stop and bring the matter here and refer it to the Judiciary Committee. Certainly we ought to do so if this motion ought to prevail.

I undertake to say that this is the first time since the organization of the Committee on Territories that this question has been raised. It is not one of the oldest committees; it has only been organized of late years in connection with the advancing tide of organized government throughout the West. Ever since it was first organized, this is the first time that the question of whether courts should be established in connection with territorial governments has ever been attempted to be taken away from the Committee on Territories. It is the first time that the power of the Committee on Territories has been disputed as to that point. It is the first time that it has been sought to impugn the Committee on Territories by a direct claim of power on the part of the Committee on the Judiciary to set it aside.

Mr. EDMUNDS. Will the Senator from Indiana be kind enough to point out the section in the bill reported from the Committee on Territories that provides for any territorial government, or anything that looks like it?

Mr. VOORHEES. I have not got the bill here.

Mr. EDMUNDS. I have read it with great care two or three times and am unable to see that particular section.

Mr. VOORHEES. I have not got the bill here. I ask the Senator from Vermont why, with his vigilance, well known in this body, he did not observe that point when this question was given in charge to the Committee on Territories? Why is it that nobody saw that it was an improper subject to go to that committee at that time? Why is it, after charging them with the labors for three months, that the impropriety of that course and that vote of the Senate is only found out at this late day?

Mr. EDMUNDS. I will answer the Senator with great pleasure, so far as I can, with truth and propriety. I have said,—the Senator probably did not hear me,—that it was stated by the Senator from Illinois after his bill, Senate bill No. 962 to establish a United States court in the Indian Territory and for other purposes, had been referred to the Committee on the Judiciary, that so far as the judicial part of it went it was merely incidental; that it was a territorial government bill. I did not read the bill, as I said, but assumed that he was perfectly correct in his apprehension of his own bill, and I accordingly suggested the change of reference which was made. The bill that is reported by the Committee on Territories makes no reference whatever to the bill introduced by the Senator from Illinois. It is not a substitute for it.

Mr. VOORHEES. I will inform—

Mr. EDMUNDS. If the Senator will pardon me I am answering his question; I will not take a minute. The bill reported by the Committee on Territories contains no provision that I can see on the subject of a territorial government at all. The bill introduced by the Senator from Illinois, that I have just sent for and read for the first time, does contain a provision for electing a Delegate and having a territorial representation, and providing for the qualifications of voters, and so on. So there was ground for what the Senator from Illinois said, a sound or an unsound ground; but certainly there was a color of propriety in having the Territorial Committee just as well as the Judiciary Committee or the Committee on Indian Affairs consider the bill, because one section in it did provide for a subject that was properly within the scope of the inquiries of the Committee on Territories. But the Committee on Territories has reported an independent bill, not as a substitute even for that, as it reads on the face of the report, and that bill thus reported leaves out entirely the provision for territorial arrangements, organization, and Delegate, and is simply in its first twenty-three sections a judicial bill, and in its other fourteen sections, making thirty-seven in all, a bill for the disposal of the lands of these Indians that confessedly now belong to them,

and that the Committee on Indian Affairs, if anybody, ought to have considered.

Mr. VEST. Will the Senator from Vermont permit me, before he takes his seat, to simply make a statement?

Mr. EDMUNDS. Certainly.

Mr. VOORHEES. I yield the floor to the Senator from Missouri.

Mr. VEST. I thank the Senator from Indiana. This bill is reported as a substitute for both what was known as the Oklahoma bill, which I introduced myself, and the bill introduced by the Senator from Illinois, [Mr. LOGAN.]

Mr. EDMUNDS. I read from the printed statement at the head of the bill reported by the Committee on Territories:

Mr. VEST, from the Committee on Territories, reported the following bill, which was read the first and second times by unanimous consent.

The Senator from Missouri will see that whatever the motive and intention of the committee may have been—

Mr. VEST. I still state that as the fact.

Mr. CONKLING. What is the number of the bill?

Mr. EDMUNDS. The number of the bill is Senate No. 1418. The number of the bill of the Senator from Illinois is Senate No. 962.

Mr. VEST. I make the statement as a matter of fact.

Mr. EDMUNDS. My only knowledge of what it is, is from the records of the Senate.

Mr. VEST. I so informed the officers of the Senate. One of them came to me afterward and I told him to have it so entered, that the bill was a substitute for the other two bills. That is the fact.

Mr. VOORHEES. I understand, and upon the information mainly given me by the Senator sitting here [Mr. GARLAND] and the Senator from Missouri, [Mr. VEST,] that the bill introduced by the Senator from Missouri embraced the whole territorial question; the bill alluded to by the Senator from Vermont, as introduced by the Senator from Illinois, certainly treats of the organization of a Territory. This bill, which likewise relates certainly to the organization of a Territory, a court system there, is reported as the result of the committee's examination of these various measures, and is a substitute for them all. The question in its inception was rightly given to the Territorial Committee. As shown by the Senator from Vermont, the question was rightly given to them. Their report now embraces a part of what was properly referred to them; and thereupon the Judiciary Committee of this body thinks the subject ought to be taken out of the hands of the committee to which it was originally given, and sent to that committee. I think not.

Mr. EDMUNDS. The Senator is mistaken too. The bill is out of the hands of the Committee on Territories; it is in the hands of the Senate.

Mr. VOORHEES. I accept the technical correction.

Mr. EDMUNDS. It is a substantial correction; and it turns out to be a bill that is now before us, not a single word of which the Committee on Territories has any jurisdiction over, because the first half of the bill is a judicial establishment; the second half is disposing of the lands of the Indians, and there is not a word of a territorial establishment in it.

Mr. VOORHEES. In contradistinction to the gentleman's statement, I say that every word of the bill properly belongs to the jurisdiction of the Territorial Committee. I repeat my statement, and if I am wrong I shall be corrected by those much older in service than I and better informed as to the previous legislation of this Government than I pretend to be. I reassert that the organization of courts in the Territories was never claimed by the Judiciary Committee before.

Mr. EDMUNDS. Now the Senator is mistaken.

Mr. VOORHEES. Very well; I will hear.

Mr. EDMUNDS. In the original acts, the enabling acts, authorizing the people of a Territory of the United States to set up a territorial government, provisions for courts are made, and the Committee on Territories has always done so. Subsequent bills relating to judicial administrations in those Territories, changes of the law as to the judiciary in those Territories, have always, when attention has been called to the point, and, in ninety-eight cases out of a hundred without attention being called to it, been considered by the Committee on the Judiciary, and are to this day.

Mr. VOORHEES. The Senator from Vermont yields the whole point by his statement just made, that the original inception of the court and its organization has always come from the hands of the Territorial Committee, and after that the subsequent work of amending, of pulling down or patching up, has been taken charge of by the Judiciary Committee.

Mr. EDMUNDS. If the Senator will pardon me, he has not correctly stated what I said.

Mr. VOORHEES. I did not mean to state what the Senator said; I only stated the substance.

Mr. EDMUNDS. The Senator is mistaken in the substance. I said that where the organization of a court was incident to the formation of a territorial government for the people of a Territory with a view to their becoming a State, it had been considered by the Committee on Territories in connection with the territorial bill; but I did not state that where the original initiation of a judicial establishment was the object of a bill instead of the incident of it, the Committee on Territories had it.

Mr. VOORHEES. I think we are understood on the question. I

wish to make a further statement as an objection to referring this memorial to the Judiciary Committee. I have been longing with an aching heart to get some matters out of the Judiciary Committee that are there resting, and perhaps if not sleeping at least neglected for the want of time and opportunity on the part of that committee to attend to them. I remember a few days ago seeing the Senator from Massachusetts [Mr. HOAR] get after that committee on the subject of the Geneva award, and after much difficulty we were enabled to hear from that committee upon that most important subject. We heard of it spasmodically for a little while, and now it slumbers—a great question involving national honor beyond the value of money, the question whether we obtained from a friendly government money that we have no use for and do not know where to put it? There are other questions that I might mention, which it would not be proper for me to do, that I have longed to see brought before this body, involving the highest public and private rights. Why the Judiciary Committee, in its great capacity, with all its wealth of learning, its omniscience of legal questions, should want anything more to do, is a mystery to me.

I think we had better take this question as it came from this able Committee on Territories, and now that it is before the Senate, let us dispose of it, for it may not get back here again in an ordinary life-time if we do not take hold of it now.

I have not intended to reflect upon anybody or even upon the Judiciary Committee, but I must say that it strikes me as a strange spectacle in public or private life for one man to say, "Let me attend to that subject, for I can do it better than he can;" or, "It belongs to me to do it." After a committee that has charge of the duty by a vote of the Senate has done the best it can, for another committee to come forward and say now, "That has not been done properly," or, "You had no right to attend to it, and we will take it and attend to it," is a course of procedure that will never be sanctioned by my vote.

Mr. CONKLING. Mr. President, the honorable and gifted Senator from Indiana has seen fit to decorate certain members of the Judiciary Committee with his censure. He rebukes the members of that committee for being immodest, for being presuming and rash. As the humblest member of the committee, I cannot complain. That honorable Senator has been so diffident, so reticent, so decorous himself in respect to this measure that nobody can challenge the propriety of the admonition he has given to the honorable Senator from Ohio, and in lesser degree to the less important members of the Judiciary Committee.

I venture, however, to put in a disclaimer, a denial, as far as I can venture to deny any proposition coming from so distinguished a source. I deny all purpose, I deny all tendency, in this motion, to reflect upon the Committee on Territories, or upon any member of it. I strenuously dispute the propriety of the argument of the Senator from Indiana when he says that the implication is of some superior faculty, of some greater ability, of some larger possession by one committee than another.

To illustrate: If a bill were introduced proposing to refund the public debt, proposing to negotiate loans, I should be in favor of referring, as the rules of the Senate would require to be referred, that bill to the Committee on Finance, and it would not be wholly because of the demonstrated and superior individual genius of the honorable Senator from Indiana as a financier, nor would it be because of imputing to the other members of the committee personal superiority, but it would be because the inscrutable mysteries of Providence and of politics having put the honorable Senator from Indiana and his associates in a majority in this body, and it having been necessary to compose a Committee on Finance, the honorable Senator from Indiana and his associates have become members of that committee. Therefore, I should vote to refer financial measures to them, and I should not intend to imply that either of the members of the committee was of higher character, more integrity, superior ability, than other members of the Senate who might have been selected in that behalf. But the necessity of dividing and apportioning labor establishes the usage of parliamentary committees.

The honorable Senator from Indiana asserted, (although I believe he admitted at last that he had never read this bill, which is the mantle of explanation to cover a good many things that he stated) that the bill was intended to establish a territorial government and organize a territory. I have read it, and I make this statement in regard to it, subject to correction: The first twenty-three sections of the bill are purely judicial; they allude to nothing else; they devise, institute, and invest with very variegated authority a judicial court, and there is nothing else in it. From section 24 to the end of the bill, the last section being 37, commencing with the institution of a local land office, the bill confines itself wholly to a parceling out, distribution, and disposition of the Indian lands. If there is another provision in the bill, I will thank any Senator to mention it.

Mr. THURMAN. Yes, there is a provision in the bill to enable Indians to become citizens of the United States.

Mr. CONKLING. But it is a part of one of the sections which I have thus classified.

Mr. ALLISON. If the Senator will allow me to say a word in that regard, I will state that the bill also makes provision for the distribution of the tribal funds to individuals who may become citizens of the United States. That provision involves a judicial question.

Mr. CONKLING. I am aware of it; and still both Senators who have made suggestions will confirm me when I say that this bill has two, and only two, branches: one is to set up this judicial court, and the other is to dispose of the lands of the Indians with the incidental questions entering in.

The honorable Senator from Missouri [Mr. VEST] thought that too large a statement was made touching lands. I beg the Senate to hear one of the sections of this bill. Bear in mind that by the treaty these lands belong to the Cherokee Indians. Now hear this section:

All missionaries who have labored continuously among the five nations before mentioned for ten years shall be entitled, with their children, to the same rights as to selecting homesteads under the provisions of this act as if members of said nations; and any missionary having labored among said nations the term before mentioned,—

Observe this—

And now a non-resident, may, within one year after the taking effect of this act, return to the Indian Territory and claim such rights: *Provided*, That he shall become a bona fide resident of said Territory.

I do not think anybody has alleged against this bill more scope in disposing of the Indian lands than this section implies.

So, Mr. President, it turns out that instead of being a bill to set up a territorial government, about which the honorable Senator from Indiana [Mr. VOORHEES] has been arguing, it is a bill wholly judicial in its character, except so far as it intends to dispose of these lands and to make the incidental provisions referred to by the Senator from Ohio and the Senator from Iowa.

Mr. ALLISON. Mr. President, I desire to say a word with reference to this memorial. I have glanced over it and it seems to be perfectly respectful in its terms. It relates to a question that ought to be decided by some committee of this body, and it seems to me not the Committee on Territories. I think fairly and legitimately the memorial would properly go to the Committee on Indian Affairs; but as one member of that committee I shall vote, and vote cheerfully; to send it to the Judiciary Committee, because it involves, not only with reference to the bill now under consideration but with reference to almost every bill relating to Indian Affairs that will be considered at this session, questions which must be decided one way or the other by the Judiciary Committee.

In the first place, the bill under consideration provides for establishing courts. The Indians in this memorial say that under the treaty the courts proposed cannot be established. It provides also for the allotment of lands. The treaty provides that these lands shall be held under the control and direction of these Indian tribes. They have an absolute fee-simple title to the lands, and yet it is proposed to dispose of them here to homestead settlers and to others. Surely that is a judicial question. It is a question that ought to be decided by the responsible law committee of this body.

Another provision which has disturbed the Indian Committee a great many times, and which is now being considered by that committee, is whether or not we can allot homesteads to individual Indians and at the same time withdraw from the tribe their proportion of the tribal funds. One section of the bill provides with reference to these five tribes that when their members have become citizens of the United States and shall have taken their property in severalty, the stocks and bonds now held in trust for the tribes shall be also distributed to the individual Indians who may become citizens of the United States.

Mr. VEST. That has been the law ever since 1875.

Mr. ALLISON. But it is a question whether we can do that with reference to these five tribes, and it is an important question which I think the Judiciary Committee ought to decide.

Mr. MAXEY. Why not print the memorial and let it lie on the table and be considered with Senate bill No. 1418, and let the whole matter come before the Senate? The bill is on the Calendar. We have the bill on the Calendar, subject to be called up at any time. And why place the memorial in the possession of the Judiciary Committee? Let the memorial be printed, and let us consider it here.

Mr. ALLISON. I shall vote for the reference because I believe it will facilitate the consideration of the bill.

Mr. MAXEY. We shall never get it out.

The VICE-PRESIDENT. The morning hour, as extended, has expired. The Chair takes this occasion to lay before the Senate a communication from the Secretary of War.

Mr. THURMAN. This matter, then, goes over till to-morrow.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a copy of a communication from the Commissary-General of Subsistence, representing the necessity in the interest of economy of purchasing subsistence supplies required for remote posts in the early spring months; which was referred to the Committee on Appropriations, and ordered to be printed.

COMMITTEE ON RULES.

Mr. MORGAN submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the forty-seventh standing rule of the Senate be amended as follows:

In the part of said forty-seventh rule which reads as follows: "A Committee on Rules, to consist of three Senators," strike out "three" and insert "five," so that the rule will read:

"A Committee on Rules, to consist of five Senators."

FITZ-JOHN PORTER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army, the pending question being on the amendment of Mr. RANDOLPH.

Mr. McDONALD resumed the floor and concluded the speech begun yesterday. [His remarks will be found in the Appendix.]

Mr. LOGAN. Mr. President, I do not desire to discuss this question at any length; but I desire, if I am able to do it, to correct one or two impressions that I think have been attempted to be made which I understand, according to my theory and view of the case, to be incorrect.

Mr. President, I will merely in very short and brief terms review the points of the Senator from Indiana [Mr. McDONALD] and call his attention to certain propositions. I desire first to show that this board had no legal existence. On page 67, volume 2, you will find their authority as stated by the board themselves, and I wish to put it in right here.

Mr. McDONALD. I have never argued that point.

Mr. LOGAN. I know; but I desire to set the question at rest in reference to the legality of the board. The president of the board, General Schofield, says this:

The president of the board said: The board will be glad to have counsel present the whole case, reading the record, with comments upon it if they so desire. We will regard all the official papers relating to the case as part of the record.

There is one other matter in regard to which the board would like to hear what counsel have to say: that is in respect to receiving testimony in a case like this, this being a board having no organization under the law, no power to summon witnesses or administer oaths.

That is the language of the board themselves. They admit that they are not legally constituted, that they are not a military board under the law, that they are not a military board under the regulations, that they are not a board under any law that exists either statutory or otherwise. That is all I have to say in reference to that point.

Mr. EDMUNDS. Does anybody contend that they were?

Mr. LOGAN. The Senator from Delaware did.

The next point is this, and I desire to call the attention of the Senator from Indiana to it: An objection was made that there was no battle on the 29th. I believe that objection has been done away with by the reports of the officers on both sides and therefore I do not wish to discuss that.

The next excuse made by the Senator from Indiana for Porter's not obeying the 6.30 order of the 27th of August, 1862, was in reference to the roads. I have but a word to say in reference to that; and it is that at the time the order was received Colonel Meyers swears that he parked the trains, and the trains were parked that night and did not enter the road again until daylight the next morning, showing that the road was open. Colonel Clary swears that the railroad cars had been run behind Cedar Run by two o'clock, leaving the roads both open and the railroad also. Hence that excuse falls to the ground.

Next I desire to call the attention of the Senate to a suggestion that was made by the Senator from New Jersey [Mr. RANDOLPH] that Mr. Lincoln himself repented having approved the judgment of the court-martial and would probably have done something on the subject but for his death. I wish to call the attention of the Senator from New Jersey who made this statement to pages 853, 854, and 855, volume 2, of the board report.

Robert T. Lincoln, the son of President Lincoln, was called and sworn before this board. He was asked this question:

Q. You may state what that was—

Speaking of a conversation—

What statement he made bearing on that point.

Referring to his father this is his answer:

A. He gave me some account of the case as it presented itself to him, and either read to me or quoted to me, I don't recollect which, a note written by General Porter, as I recollect, to General McDowell. I never saw the note until this morning, so I give my recollection of it. My recollection is better than anything else. My recollection of the contents of the note is that it was in substance this, that General Porter wrote to General McDowell that he judged by the sound of the firing that our troops were beaten, and that he should therefore withdraw his corps from the field.

That is the very note you have in discussion now, that was never known before, you say, although it was before the court-martial, and I will produce it before this case is finished.

That is my recollection of the contents of the note as given me then. My father was exceedingly urgent or strong in his condemnation.

By the RECORDER:

Q. As to the spirit of this note what did he say?

A. I recollect one distinct remark that he made, but at what period in the conversation I do not now recollect. He said that the case would have justified, in his opinion, a sentence of death.

That was the language of President Lincoln before his own son, sworn to before this board called for the purpose of examining into all the facts.

Mr. RANDOLPH. The Senator from Illinois has twice, I think, made a statement; I scarcely know how to characterize it—

Mr. LOGAN. What statement do you mean?

Mr. RANDOLPH. I will let you know, sir.

Mr. LOGAN. Well, sir, I should like to know by what authority—

Mr. RANDOLPH. I say this, sir: whether the Senator intended or not to do so, he certainly did make a statement that I apprehend left the impression upon the minds of some persons that my statement with reference to the proposed action of President Lincoln was an incorrect one.

Mr. LOGAN. Why, Mr. President, if the Senator will allow me—

Mr. RANDOLPH. Certainly.

Mr. LOGAN. I intended no such reflection.

Mr. RANDOLPH. Then he—

Mr. LOGAN. Allow me to finish the sentence. So far as the Senator himself is concerned I meant no such reflection. I was speaking of the statement of the Senator that he made in his speech; and I understood him to base that upon the statement of some person—I afterward ascertained whom by reading the testimony—a gentleman in New Jersey; it is not necessary to mention his name. I only now read the evidence of Mr. Lincoln's son, not in refutation of the statement of the Senator himself, but in refutation of the statement that has been made in this particular instance. That is all.

Mr. RANDOLPH. Now, sir, in order to clear this whole matter up, the Senator from Illinois having disavowed—and I am very glad he has—any personal imputation upon myself—

Mr. LOGAN. I have no desire to cast any reflection upon the Senator. I only speak of the statement he made based upon what he understood to be testimony. That is all. Now, if the Senator will allow me—

Mr. RANDOLPH. One moment.

Mr. LOGAN. Very well.

Mr. RANDOLPH. On page 318, part 2, will be found conclusive testimony that my statement as to what Mr. Lincoln before his death did say to Governor Newell, of New Jersey, was a correct one, and this is the testimony—

Mr. LOGAN. I know.

Mr. RANDOLPH. That he proposed to reopen this case; and the testimony, which should be read here and now, is to this effect:

WILLIAM A. NEWELL was then called on behalf of the petitioner, and, being duly sworn, was examined, and testified as follows:

Direct examination by Mr. CHOATE:

Question. Where do you reside?

Answer. Allentown.

Q. You were governor of New Jersey at what period?

A. 1856 to 1860.

Q. You were acquainted with the late President Lincoln. What were your relations with him?

A. I knew him in Congress in 1846 to 1850; I knew him subsequently during his administration as President, and had also, I may say, intimate personal relations with him.

Q. Did you make any application to him in respect to the case of General Porter? If so, at whose suggestion, and when?

A. At the suggestion of Governor Randolph, who, I think, at that time was governor of our State—

That is a mistake. I was not governor at that time—but subsequently—

and probably other gentlemen whose names I do not now recollect. I am not positive as to the date; I think it was in 1864, the latter part of the year.

Q. Where was this application and interview?

A. In his office at the White House.

Q. A personal interview between you and him?

A. Yes, sir.

Q. Will you state what he said?

The RECORDER said: I would like to know the purpose of this examination. Mr. CHOATE. It is to show a statement of President Lincoln, that, in approving the action of the court-martial, he did it without an examination of the evidence, relying upon the statement that had been prepared for him for the purpose by the Judge-Advocate-General.

The RECORDER. I submit to the board that that is not proper under the circumstances. We have the official record of President Lincoln's action over his own signature. That is the best evidence in the premises.

A discussion hereupon occurred between the recorder and Mr. Choate regarding the matter, which at this late hour I omit. I proceed with the evidence of Governor Newell—

Mr. LOGAN. If the Senator will allow me, there is no controversy between him and me as to the statement of Mr. Newell.

Mr. RANDOLPH. One moment. I shall omit, as I have said, the discussion between counsel and the decision of the board admitting the evidence, occupying a page or two, in order to come to the very pith and marrow of this whole business:

Governor Newell, being examined by Mr. Choate, testified as follows:

Q. Please state the conversation that you had with President Lincoln upon the subject of your application.

A. I stated to the President that I had called at the solicitation of friends of General Porter in our State to say that in their judgment the finding of the court was very severe; and that in view of new evidence being in possession of General Porter we desired to have the case reopened in order that he might be reinstated or the sentence revoked. Mr. Lincoln stated that he had not been able to give that personal attention to the case which its merits required; that he had accepted the opinion of the Judge-Advocate-General and of the War Department as the basis of his action; that if any new evidence exculpatory of General Porter could be introduced he would be very glad to give him an opportunity to have it presented; that he had had a high regard for General Porter personally and as a soldier, and that he hoped that he would be able to vindicate himself in that way. I had at least two conversations with the President on that subject, the import of which I have given you. I do not recollect the precise language; but it made a special impression upon my mind at the time, and my recollection has been fortified by a letter which I wrote to Governor Randolph, and which reminds me of this particularly.

Q. Did you hold any official position at that time?
 A. I think I was a member of Congress elect at the time of that conversation.
 Q. Your personal and political relations with the President were what?
 A. Very intimate and friendly.
 Q. Had you any relation with General Porter?
 A. I have never seen the general but twice. I would not have known him ten days ago if I had met him in the street.

Then on the cross-examination—

Mr. LOGAN. Now does the Senator desire to read all that?

Mr. RANDOLPH. A word or two more, sir, and I shall have finished this controversy:

Cross-examination by the RECORDER:

Q. Did the President at that time say that he had not read any of the evidence?
 A. No, sir; he said he had not been able to give it that particular attention which the matter required. He accepted the opinion of the War Department and the Judge-Advocate-General.
 Q. You don't know whether he had read the case himself?
 A. I do not. I am under the impression, from the manner of his conversation, that he had not investigated it as a lawyer.
 Q. When did you hold these conversations with him?
 A. It must have been in 1864, the latter part of the year.
 Q. Each of them?
 A. They were close to each other. I saw him twice, if not oftener. I was frequently in Washington as that time as member of Congress and private citizen.
 Q. Did he at that time state what kind of newly discovered evidence or explanatory evidence he desired?
 A. No, sir; he made no inquiry about that. I didn't know anything about that myself. I recollect his saying distinctly, and his manner of putting it at the time, that if there was any evidence that General Porter could bring to change the aspect of the case he would be glad to have it done. I recollect perfectly his particular expression at that time—I recollect that more than anything else—that if there was anything that could be brought out, he hoped it would be done.
 The examination of the witness was here closed.

Mr. LOGAN. Now is the Senator through?

Mr. RANDOLPH. Yes, as to this particular matter.

Mr. LOGAN. Mr. President, I hope the Senator will at least accord to me great consideration for him, for on two or three occasions when I have given way to him I have myself come to the conclusion that he was going to read the whole volume, but he has desisted now and has not read it all.

Mr. RANDOLPH. If I could only see in print the Senator's speech, now a week or—

Mr. LOGAN. I will certainly sit down until the Senator is through, and when he is through I will proceed. I have seen gentlemen before who became very nervous. I do not usually get nervous myself, and I have not been very much so in this case; and I think I have taken it very coolly and very calmly; but I will say this, I presented the evidence of President Lincoln's only son, a lawyer in Chicago, and a very eminent lawyer, too, for his age, to show that Mr. Lincoln believed this man ought to have been punished by a sentence of death, thereby showing that he could not have said what this witness says he understood him to have said.

Mr. RANDOLPH. No, sir; what he, President Lincoln, did say.

Mr. LOGAN. The Senator is not now a witness. He will allow me to give my conclusions, if he pleases.

That is all that I presented that for, not that it cuts any figure in the world in this case. We are the judges. Mr. Lincoln is dead and gone. It is not for him to act, nor would his views, perhaps, have any considerable influence on this case with the evidence that is now before the Senate. But the point I desire to direct the attention of the Senate to in the remarks of the Senator from Indiana yesterday is this: He undertook to explain from a map that by Fitz-John Porter's feeling over to the right, as we would call it in military parlance, at the time he was at Dawkins Branch, when McDowell left him, he would afterward have connected with the troops by a direct line to his right. I desire to correct that, because I am sure the Senator did not understand the position of the troops, and took the map of the positions at six o'clock, as I understand, and undertook to show that Fitz-John Porter could not have made the march in the direction that he was expected to go under the order.

Now, I have a map here, and I have not only the map of the War Department but one made by this board, showing the exact position of the troops at two o'clock. The position of the troops, according to General Jackson's report and the report of all the officers, was this: General Jackson formed his men over here [indicating] behind the new-cut railroad, as any one will see; he says so himself in his report. Our line was formed here in his front, [indicating.] Our line passed Groveton and up this pike road to the left of four divisions, so that the line of Jackson was from Sudley Springs in the direction of Gainesville, his right resting not on the Gainesville pike but on a road running to and connecting with it and on the railroad. Longstreet coming in to the left on the Warrenton pike from Gainesville and forming there on Jackson's left made the line extend over to the Manassas Gap Railroad. That would be the line, [indicating.]

Fitz-John Porter in moving off to the right would not have closed on our left at all, but his right would have extended to our center. To have moved and struck our left and formed that line [indicating] he would have had to go at least two miles beyond Dawkins Branch and thrown his right here, [indicating,] and that would have formed a line across in this direction, [indicating,] showing that our right rested up by Sudley Springs, opposite Jackson's right, and our left down toward Gainesville, in opposition to the left of Longstreet. That would have been the position. Any military man, I care not who he is, who will examine these maps will understand me in a mo-

ment. I do not say that my friend from Indiana is not a good military man, but I do say that he misunderstood the position of the troops, and he did not explain it so as to make it satisfactory to any one who was listening to him and who understands the position the troops occupied at that time.

At the very time that the Senator from Indiana was speaking about it being an impossibility for Porter to obey that order I asserted, as I do now, (and the evidence shows it,) that there was not one solitary infantry soldier in his front—nothing but Robertson's and a portion of Stuart's cavalry; and the expectation of Pope was that he should move on this road, [indicating,] throw his right in there, [indicating,] and connect with our left. The maps that have been used all the time for the purpose of showing that Porter could not comply with the order are maps showing the positions at six o'clock. Schenck occupied these woods right up here [indicating] at two o'clock—he so swore and so do other witnesses; right up here where our left rested; then two of our batteries were there, [indicating,] and two of Longstreet's batteries were here, [indicating,] at six o'clock and afterward, when Reynolds and Schenck had withdrawn back to this line, [indicating,] our forces formed a line in this direction, [indicating,] So you can see that from the time the battle commenced early in the morning until our troops crossed they first drove a portion of Jackson's army back and pressed them further in here, [indicating,] afterward, later, Jackson's forces, aided by Longstreet's three divisions on Jackson's right, drove our left back, threw it back into this position, [indicating,] So it threw a portion of these troops up here, [indicating,] That is exactly the state of the case and exactly the evidence.

I have no disposition to deceive anybody. I want to state the case just as it is. Fitz-John Porter, to have complied with that order, even at twelve o'clock or at two o'clock at the time he was moving from Gainesville or forming his line, would have had to move two miles beyond Dawkins Branch.

I wanted to explain that, so that we should all understand the facts in reference to the position of the troops. Now I wish to call the attention of the Senate, for one moment only, to another matter. I am not going to repeat one scintilla of the evidence I have used heretofore; and there is a great deal more testimony that I have not had time to cite, but I wish to call the attention of the Senator from Indiana, for he failed to read it, to the evidence of Mr. Bond.

Mr. RANDOLPH. The Senator will observe that the Senator from Indiana is not in his seat.

Mr. LOGAN. I observe that.

Mr. RANDOLPH. And he is not coming back to the Chamber today.

Mr. LOGAN. I call the attention of the Senate. I am not certainly compelled to stop.

Mr. RANDOLPH. I can only remind the gentleman that the Senator to whom he proposes to address himself in reply is not here.

Mr. LOGAN. I will say to the Senator that he is here himself, and I will direct it to the Senate and not to the Senator from Indiana. This is for the Senate. Now, I will read a portion of the testimony of Mr. John Bond. He says this, speaking of Fitz-John Porter about one or two o'clock:

Q. What did you then do?

A. I then retired to Manassas Junction.

Q. Where did you come to a stop?

A. I first met a lot of troops, and I met a group of officers; one of them said, "Where from, sergeant?"

Mr. EATON. What day?

Mr. LOGAN. The 29th. This witness in speaking of his retirement and the retirement of others—I will give substantially what he says—speaks of retiring from that place to Manassas Junction. I have not time to read the evidence and will not detain the Senate, but they will find by reading through this testimony that the witness says that Porter said that he did not care a damn whether his troops got there or not. Now, following that up, I take the evidence of General Mosby who was on the other side, and General Mosby sustains—

Mr. RANDOLPH. Will the Senator allow me? I state before the Senate to-day from my knowledge of General Porter that he never uttered that profane word.

Mr. LOGAN. Oh, well; the Senator need not get excited. I am reading the testimony.

Mr. RANDOLPH. I am not at all excited; but, sir—

Mr. LOGAN. The Senator will allow me to read the testimony, I suppose. Why, Mr. President, every witness that swears here against Mr. Porter, according to the Senator's ideas, must be a liar.

Mr. RANDOLPH. Not at all; I make no such assertion—

Mr. LOGAN. General Mosby, who was then in the confederate service, (and I have his evidence right here, and the Senator will find it on page 842,) sustains every position that I have taken in reference to these troops from beginning to end. I have the names of some seven or eight other witnesses whom I did not call the attention of the Senate to, but I intend to do so if necessary. I do not think it will be, however.

I do not intend to discuss this question more extensively than I have done, except to meet certain points as they come up, if I may be permitted to do it. Now, I say that the evidence does show, and I have it here sworn to in this volume by five witnesses; by General Morell, by Porter's own adjutant-general, by two captains, and by a

witness who stands here to-day an honorable man, that this order was received. These witnesses saw Porter receive it. It was sent to General Morell. General Morell swears that the sun was up at the tops of the trees at the time he received the order to attack, showing that the statement that Porter did not receive the 4.30 order of Pope is not borne out by the testimony of his own witnesses. These are facts that cannot be controverted.

Further, I desire to call the attention of the Senate to the fact that it is Fitz-John Porter who is on trial here, not General Pope, not General McDowell, and not the court-martial that tried him. The Senator from Indiana spoke of two of the members of that court-martial, Generals King and Ricketts. I know both of those men well. A braver man does not live to-day than General King. General Ricketts is a man who was shot all to pieces and who is upon the retired list on account of his wounds. These men must be denounced here in order to sustain Porter. Why, sir, I did not suppose it was necessary to denounce any honorable man in order to sustain him. I desire to say in answer to that accusation that Fitz-John Porter was tried by a court of which General Hunter was president, one of his own personal and intimate friends.

Mr. RANDOLPH. I declare now, with a full knowledge of the facts, that General Hunter was *not*. I say it with respect as to the assertion, but he was not the intimate personal friend of General Porter.

Mr. LOGAN. Very well; the Senator can say that. Then I say if the Senator disputes that, I have been told so. I have no knowledge of the fact; but General Hunter is as honorable, as high-minded, and as dignified a soldier as is the Senator an honorable Senator from New Jersey; he is a man of as much reputation to-day as any Senator on this floor, and as good a man.

Mr. EATON. That is out of order.

Mr. LOGAN. Very well, sir, if I am, call me to order. More than that; General Hitchcock was on this court-martial. Will the Senator deny that he was a personal friend of General Porter?

Mr. RANDOLPH. Mr. President, I say as to the gentlemen who were members of the court-martial that General Porter made his protest before them. After having entered his protest upon certain points concerning the composition of the court, his trial proceeded, and I say now that he personally is probably precluded from criticising that court in the respects that the Senator has mentioned. The Senator has spoken of Generals Ricketts and King. I have reason also for desiring to speak of those gentlemen with respect; and when I spoke of Generals Ricketts and King, or rather of two officers—for I did not name them by name—

Mr. LOGAN. The Senator from Indiana was the one who named them. I was referring to his remarks.

Mr. RANDOLPH. I was constrained to refer to them, though not by name, in order to show that the court-martial was a body that could not, even with the best and most honest purposes, sit fairly upon the General Porter case, because two of the gentlemen composing it had themselves been incidentally concerned in the matters in controversy, and one of the two, General King, had been constrained to go from the bench to the witness-stand and then return to the bench. That is what I said.

Mr. LOGAN. Very well. I only say that a case which has to be sustained by denunciation of other parties is a very bad case.

Now, I desire to answer right here the statement that the Senator from Indiana made yesterday, that General King was one of the actors on the 29th. The Senator said yesterday he would show that he was. The dispatches of General Porter were directed to McDowell and King, because he did not know who commanded King's division; that was the only reason. King on the 29th was not in command of the troops and General Hatch was, and the evidence shows it. So there is an error there.

Again following that court-martial that has been assailed here in the Senate Chamber from the time this case commenced, take them all, each and every one, and they are honorable men. Mr. GARFIELD, who has recently been elected to the United States Senate to take his seat by the side of the Senator from New Jersey, was a member of that court, as able a man as either of the gentlemen who have advocated Fitz-John Porter, and I think equally as honorable. Certainly he was a soldier, and neither of these Senators was. Sir, it will not do to assail every man in connection with this case in order to bolster up the reputation of the officer who was tried and sentenced.

Following up the assault on the court-martial, the attack is continued upon General Pope and upon General McDowell, and all the blame is to be laid upon them in order that this man shall escape from the punishment inflicted on him by the judgment of the court-martial. Sir, that is begging the question. The questions to be decided are, first, on the law, whether Congress has the right to do this; next, if it has the right, does the testimony justify the doing of it? On these propositions and principles should this case be decided, and on none other. But the very moment that you assail every man connected with the case, that moment you admit you have no chance unless you can break down parties that are not before you and are not passing under your judgment.

This much, sir, I desired to say, no more, for I have occupied the time of the Senate longer than I should have done, but merely to correct the statement in reference to this map and in reference to the position of these troops. With that statement and reply to what has

been said in reference to the attacks or assaults that have been made upon these men, I have accomplished all that I desire to do.

Mr. RANDOLPH. Before the Senator from Illinois takes his seat may I ask one question?

Mr. LOGAN. Certainly; a dozen if you desire.

Mr. RANDOLPH. I presume he admits that General Schofield, General Terry, and General Getty are at least the equals of any other three gentlemen in the military service in honesty, loyalty, and in intelligence; and these three generals declare in substance in their finding in this case that General Longstreet and his force *was* in front of General Porter from twelve o'clock on the 29th of August all through that afternoon. Now, the Senator from Illinois has said—

Mr. LOGAN. You rose to ask me a question.

Mr. RANDOLPH. I rose to put a question, and I propose to state it in my own way. The Senator from Illinois has stated repeatedly, I think quite erroneously, that during the whole of the afternoon of the 29th, that debated afternoon, General Longstreet was not in front of General Porter. Now, Mr. President, we all see that this is a very, very important point, because if General Longstreet was not there then Porter's duty under the joint order was of an entirely different character from that performed. Now, sir, I ask the Senator from Illinois once more whether he asserts, in the face of the assertions and finding of Generals Schofield, Terry, and Getty that Longstreet *was* there, that he was not?

Mr. LOGAN. Now I will answer the question. I assert that Longstreet was not on the road leading from Manassas to Gainesville, and no part of his command was there except his cavalry up to six o'clock in the evening. Not only that, but I assert that though you may find fragments from some witness to sustain that view, taking the whole testimony together, it proves exactly what I say and exactly what I have shown by the map before me. Not only that, I now, since the Senator has asked me the question, will answer him in this way: I say taking into consideration the high character of that board which the Senator gives to them, if they are honorable men, if they are learned men, if they are just men, may God give me the power to understand this case as they do, if they are honest men. I say no honest man, unless he is deceived, can report as this board has reported that these twenty-five thousand men were in front of Fitz-John Porter or that any portion of them were. I say that the board in making that report make a report not based upon the testimony, not based upon the facts, but they make a report in accordance with the argument of counsel and not in accordance with the testimony. I assert that, sir.

More than that, when you call my attention to these gentlemen, I know them as well as you do. Of course, they are honorable men; but no more honorable than other men who stand high; no more honorable than was President Lincoln; no more honorable than the nine men, sworn judges, who convicted Fitz-John Porter on sworn testimony.

Mr. RANDOLPH. Partial testimony.

Mr. LOGAN. Testimony of the same character as that brought before this board, a board of unauthorized men, unsworn officers as they say themselves, and they trample under their feet the judgment of nine men, and you try to set them up as more honorable than anybody else! Why, sir, let me say to the Senator that I claim nothing because I am a Senator; I claim nothing because I have been a soldier; but when you undertake to put the judgment of these men over and above the judgment of other men that are equally as honorable, it is not justified. I speak not of myself, but there are men here who agree with me that were just as good soldiers as those men were; and when you undertake by a board of three unsworn men to ride down the judgment of lawyers and military men as honest as they are, I say it is far-fetched to talk about their honor. Honor, sir! We are all supposed to have honor until the contrary appears. But if I were to hunt for honor, and for honorable proceedings based upon testimony and law, I would not search in that report to find it.

Mr. JONES, of Florida, obtained the floor.

Mr. GARLAND. Will the Senator from Florida yield to me for a moment to offer a resolution in connection with this matter? I recognize the fact that he has the floor.

Mr. JONES, of Florida. Certainly.

Mr. GARLAND. I offer the following:

The bill for the relief of Fitz-John Porter involving many intricate questions as to the jurisdiction and power of courts under the Constitution and laws of the United States, and being a purely judicial or legal question,
Resolved, That the bill, with all the accompanying papers and the whole subject-matter, be referred to the Committee on the Judiciary for examination, to report by bill or otherwise.

I yield the floor, of course, to the Senator from Florida, and shall give my reasons for that resolution at the proper time.

Mr. RANDOLPH. May I be allowed to say a word? I do trust that this subject which has proceeded so far and is now so fully before the Senate may not have a reference to any committee whatever.

Mr. JONES, of Florida. Mr. President—

Mr. WALLACE. The Senator from Florida yielding the floor to me, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-nine minutes spent in executive session the doors were reopened, and (at four o'clock and fifty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 10, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

INTEROCEANIC CANAL.

Mr. REAGAN. I ask unanimous consent to introduce now a joint resolution which I propose, if the opportunity is offered to me, to present as a substitute for the resolution of the Committee on the Inter-oceanic Canal.

Mr. PAGE. I object.

Mr. BURROWS. I rise to a parliamentary inquiry, and that is whether under Rule XXIV anything is in order after the reading of the Journal except the regular order?

The SPEAKER. By unanimous consent these matters may be presented.

Mr. BURROWS. Does not unanimous consent suspend the rules?

The SPEAKER. It is equivalent to a suspension of the rules; but anything can be done by unanimous consent.

Mr. BURROWS. The third clause of that rule provides, however, the regular order shall not be dispensed with except by a two-thirds vote.

The SPEAKER. The Chair will examine that point and determine it when it comes up. He is obliged to the gentleman for having called his attention to it.

Mr. REAGAN. All I ask is this may be printed in the RECORD. It will not hurt any one to read it. It takes a different view and I want, if I can get the opportunity, to offer it as an amendment. I do not wish to do so without giving members an opportunity, in the first place, of knowing what it is.

Mr. PAGE. I have no objection to having it read for information.

Mr. REAGAN. That is all I ask.

Mr. PAGE. But not that it shall be considered as pending as a substitute.

Mr. REAGAN. No, sir; I do not propose that.

The SPEAKER. The subject is not before the House.

Mr. REAGAN. I only ask to have it read and printed in the RECORD so that it may be known what it is when it comes up hereafter to be offered as a substitute.

Mr. PAGE. Then I withdraw my objection to its being read.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That while we recognize the general interest of the whole commercial world in the use of a ship-canal or railroad across the isthmus connecting North and South America, and while we will respect that interest if such a line of inter-oceanic communication shall be established, we declare that as the establishment of such a line of communication would practically connect and make continuous the Atlantic and Mexican Gulf and Pacific coast lines of the United States, and as the United States would have a great local, as well as a general, interest in this work in common with the other commercial powers of the earth, and as the political control of such a line of communication would be vitally necessary to her commercial interests and to the preservation of her territorial integrity and political independence, we will insist, whenever and by whomsoever such a project shall be commenced, on such political control of it as will give security to our commercial and political interests.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. No. 474) for the relief of William McGovern; when the Speaker signed the same.

WEAVER BILL.

Mr. WEAVER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEAVER. I hold in my hand the petition of John Miller and 88 others, of Iowa County, State of Iowa, praying this House to take a ye-a-and-nay vote on the "resolutions introduced by Mr. WEAVER and printed in the RECORD of the 27th of February." To what committee does this belong?

The SPEAKER. It belongs to the committee to which the proposition went.

Mr. WEAVER. The proposition has not gone to any committee. I have been seeking recognition for a long time for that purpose.

The SPEAKER. The gentleman can select the proper committee and have it referred through the petition-box.

Mr. WEAVER. I will refer it to the Committee of the Whole House on the state of the Union, if there be no objection.

The SPEAKER. The petition is not before the House for that reference. The rules provide for the reference of petitions and prescribe the manner in which they shall be referred. This, of course, must conform to the rules.

ORDER OF BUSINESS.

Mr. McLANE. I move to dispense with the morning hour to-day in order, if possible, to dispose of the pending bill in the House.

Mr. GOODE. I call for the regular order.

The SPEAKER. The question will be taken upon the motion of the gentleman from Maryland to dispense with the morning hour.

The House divided; and there were—ayes 93, noes 54.

Mr. McLANE demanded tellers.

Mr. BUTTERWORTH. I would like to have the House understand the object of this motion.

Mr. McLANE. The object of it is to give one more hour for debate on the pending bill.

The SPEAKER. The Chair supposed the object of the gentleman was to give an additional hour to debate.

Mr. WARNER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARNER. I desire to know whether under Rule XXXVIII the rules can be suspended.

The SPEAKER. The rules provide that the morning hour can be dispensed with by a two-thirds vote.

Mr. McLANE. I renew the demand for tellers.

Tellers were ordered; and Mr. McLANE and Mr. BURROWS were appointed.

The House divided; and the tellers reported—ayes 108, noes 55.

So (two-thirds not voting in favor thereof) the motion to dispense with the morning hour was not agreed to.

Mr. HAYES. I call for the regular order.

Mr. CONGER. I move to reconsider the vote by which the morning hour was not dispensed with; and also that that motion be laid upon the table.

Mr. HOOKER. It is not necessary to make that motion. I call for the regular order.

The SPEAKER. It is not usual to move a reconsideration of a vote requiring two-thirds.

Mr. WILSON. Can I be allowed unanimous consent to introduce a bill for reference?

Mr. HAYES. I demand the regular order.

The SPEAKER. The regular order being demanded, the morning hour begins at thirty-five minutes past twelve o'clock.

Mr. HAZELTON. I rise to a parliamentary inquiry. I desire to ask in reference to this point: On the 23th of February, when the House had under consideration Rule XXIV, the question came up—

The SPEAKER. The Chair thinks that is not a parliamentary inquiry.

Mr. HAZELTON. I will come to the parliamentary inquiry directly.

The SPEAKER. The Chair will suggest that the gentleman reserve it until after the morning hour. The Chair does not want the morning hour destroyed in this way.

Mr. HAZELTON. I will ask to be recognized after the morning hour.

JOHN B. SLACK.

Mr. WHITTHORNE, from the Committee on Naval Affairs, reported back, with an adverse recommendation, the bill (H. R. No. 875) for the relief of John B. Slack; and the same was laid on the table, and the accompanying report ordered to be printed.

JESSE DURNELL.

Mr. WHITTHORNE also, from the same committee, reported back, with an adverse recommendation, the petition of Jesse Durnell, second-class pilot of the United States Mississippi squadron; and the same was laid on the table, and the accompanying report ordered to be printed.

J. H. MERRILL.

Mr. WHITTHORNE also, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 1356) for the relief of J. H. Merrill; and the same was laid on the table, and the accompanying report ordered to be printed.

COLLISIONS ON THE WATER.

Mr. WHITTHORNE. I am also instructed by the Committee on Naval Affairs to report back the bill (H. R. No. 4430) to provide a commission for the examination of existing and proposed rules for preventing collisions on the water, and for framing such rules as shall be in consonance with and in furtherance of the interests of international law, accompanied by a report in writing and a letter from the Secretary of the Navy. I move that the bill and report and letter of the Secretary of the Navy be printed and recommitted to the Committee on Naval Affairs.

Mr. CONGER. Does that bill relate to the merchant-marine service?

Mr. WHITTHORNE. If the gentleman from Michigan will allow me I will state that the bill has reference to the framing of a code of rules for the government of United States vessels on the high seas as well as of the marine or coast service. The object of the bill is to harmonize the rules for both. I ask that the bill be recommitted, and the accompanying report and executive document printed, so that the Committee on Commerce and the Committee on Naval Affairs may consider the matter together.

The SPEAKER. The motion is not debatable.

Mr. CONGER. The point is whether the bill should be referred to the Committee on Naval Affairs or the Committee on Commerce, which has charge of all subjects connected with the merchant marine.

The SPEAKER. The Committee on Naval Affairs already have this subject-matter before them, and all they ask is that the bill and report be printed and recommitted.

Mr. CONGER. This is the first opportunity we have of telling whether this matter is properly in the hands of the Committee on Naval Affairs or not.

Mr. WHITTHORNE. I will state to the gentleman from Michigan

that there is harmony between the chairman of the Committee on Commerce and myself in this matter.

Mr. CONGER. Very well.

The bill and accompanying reports and executive document were recommended to the Committee on Naval Affairs, and ordered to be printed.

MRS. AGNES E. FRY.

Mr. WHITTHORNE also, from the Committee on Naval Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 495) for the relief of Mrs. Agnes E. Fry, widow of Joseph Fry; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DOUBLE-TURRETED MONITORS.

Mr. WHITTHORNE. I am also instructed by the Committee on Naval Affairs to report a joint resolution in response to so much of the President's message and accompanying documents as refers to the condition of the double-turreted monitors now in course of construction. If it be in order, I ask for the present consideration of the joint resolution. It directs the Secretary of the Navy to organize a board, and that board to report back this information to Congress, the information being deemed material in the consideration of bills pending before the committee and the House.

The SPEAKER. The joint resolution will be read.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, directed to organize a board, to consist of not less than five nor more than seven officers of the United States Navy, selected at his discretion from the active and retired list, none of whom shall be of a lower grade than captain, which board shall be organized immediately after the passage of this resolution, and shall be charged with the duty of thoroughly examining in person the double-turreted monitors, with a view of determining, first, whether it is to the interest of the Government to complete said vessels, to wit, the Puritan, the Monadnock, the Amphitrite, and the Terror; second, if so, whether it is to the interest of the Government to complete them according to the existing plans, models, and agreements; third, if any change is demanded in order to make said vessels more efficient as war vessels; to inquire into the extent and character as well as cost of such modifications, and also inquire into any other fact material to each of these questions; and of all which they will make report to the Secretary of the Navy, who shall at once transmit the same, with his opinions thereon, to Congress.

The SPEAKER. The gentleman from Tennessee, by instruction of the Committee on Naval Affairs, asks unanimous consent that the joint resolution which has just been read be considered at this time. Is there objection?

There was no objection, and the joint resolution (H. R. No. 237) directing the Secretary of the Navy to organize a board to inquire into the present condition of the double-turreted monitors and the propriety and cost of completing said vessels, &c., was read three times and passed.

SOLICITOR AND JUDGE-ADVOCATE-GENERAL.

Mr. GOODE, from the Committee on Naval Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 2788) to authorize the President to detail an officer of the Navy or the Marine Corps to perform the duties of solicitor and judge-advocate-general, &c., and to fix the rank and pay of such officer; and the same was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

DOCKAGE OF PRIVATE VESSELS AT NAVY-YARDS.

Mr. GOODE. I am instructed also by the Committee on Naval Affairs to report back, with a favorable recommendation, the bill (H. R. No. 4787) to provide for excepting from the provisions of section 3617 of the Revised Statutes of the United States the proceeds from dockage of private vessels at the several navy-yards of the United States. I move that it be referred to the Committee of the Whole on the state of the Union, and that the accompanying report be printed.

The SPEAKER. The Chair suggests that this bill has the right to be placed on the House Calendar.

Mr. GOODE. It involves indirectly an appropriation of money, as it may take money from appropriations made under existing law.

The bill was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CAPTORS OF THE RAM ALBEMARLE.

Mr. HARRIS, of Massachusetts, from the same committee, reported, as a substitute for House bill No. 3489, for the relief of the captors of the ram Albemarle, a bill (H. R. No. 5045) to refer the claims of the captors of the ram Albemarle to the Court of Claims; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

MOVABLE TORPEDOES.

Mr. HARRIS, of Massachusetts, also, from the same committee, reported a bill (H. R. No. 5046) to provide for experiments in movable torpedoes; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

PROFESSORS OF LANGUAGES AND DRAWING IN NAVAL ACADEMY.

Mr. BREWER, from the same committee, reported back with amendments the bill (H. R. No. 231) to establish upon a permanent footing the professorships of modern languages and of drawing at the United States Naval Academy.

The SPEAKER. To which Calendar does the gentleman desire to have this bill referred?

Mr. BREWER. To the House Calendar.

Mr. GARFIELD. When the Calendar shall be reached, suppose it is found that a point of order would lie against this bill?

The SPEAKER. Any time before the actual consideration of a bill a point of order would lie against it under the very terms and language of the new rule.

Mr. WHITTHORNE. In view of that intimation, though the gentleman from Michigan, [Mr. BREWER,] and probably the Committee on Naval Affairs, might agree that the bill reduced expenditures rather than increased them, as there may be a technical objection to the bill, I ask my colleague on the committee to consent that it may be referred to the Committee of the Whole on the state of the Union.

Mr. BREWER. I have no objection to that reference.

The bill, with amendments, was accordingly referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

PROFESSORS OF MATHEMATICS IN THE NAVY.

Mr. BREWER, from the same committee, reported, as a substitute for House bill No. 672, a bill (H. R. No. 5047) relating to the appointment of professors of mathematics in the Navy; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the House Calendar.

SUFFERING POOR IN IRELAND.

Mr. COX, from the Committee on Foreign Affairs, to whom had been referred a joint resolution (H. R. No. 140) expressing sympathy for the sufferings of the Irish people and for their attempt to secure the blessings of self-government; a joint resolution (H. R. No. 141) expressing sympathy for the Irish, and asking the President to urge upon the English government measures for their relief from landlord rule; a joint resolution (H. R. No. 193) providing national aid for the relief of the suffering poor in Ireland, and making an appropriation therefor; and the memorial of the Saint Paul Chamber of Commerce in behalf of an appropriation for the people of Ireland, reported the same back, together with a joint resolution as a substitute therefor (H. R. No. 238) providing national aid for the relief of the suffering poor of Ireland, and making an appropriation therefor; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. COX. I ask that the minority of the committee, if they shall see proper to do so, be given leave to submit at any time the views of that minority in writing, to be printed with the report of the majority.

There was no objection, and it was so ordered.

DIPLOMATIC AND CONSULAR OFFICERS.

Mr. KING, from the same committee, reported back, with amendments, the bill (H. R. No. 4675) to provide for the payment of diplomatic and consular officers while in the United States under orders from the State Department.

The SPEAKER. Is there a written report accompanying this bill?

Mr. KING. There is not.

The SPEAKER. The new rule requires that there should be one.

Mr. COX. I ask that the gentleman have leave to file a report during to-day.

The SPEAKER. Unanimous consent can be given to the gentleman from Louisiana [Mr. KING] to file a report on this bill to-day. The new rule, which the gentleman probably has overlooked, requires that there shall be a written report to accompany each bill reported from a committee.

There was no objection.

The bill and amendments were referred to the House Calendar, and the report when filed ordered to be printed.

TONNAGE DUTIES.

Mr. RICE. I am directed by the Committee on Foreign Affairs to report back with amendments the joint resolution (H. R. No. 96) authorizing the Secretary of the Treasury to make final adjustment of the claims of certain foreign steamship companies arising from the illegal exaction of tonnage duties, with a report, accompanied by the views of the minority of the committee. I move that the joint resolution be referred to the Committee of the Whole on the Private Calendar, and that the report of the majority, together with the views of the minority, be printed.

Mr. CONGER. This bill relates to public laws or to public treaties, and should be referred to the Committee of the Whole on the state of the Union.

Mr. RICE. I have no preference as to which Calendar it shall go to, but the claim grows out of acts in contravention of public treaties.

Mr. CONGER. Although it may be for the benefit of these particular steamship companies, it modifies the general law.

Mr. COX. It is not a public bill.

The SPEAKER. The bill seems to be for the benefit of private individuals. The Chair does not think it changes any treaty stipulation; in fact it could not do that.

Mr. COX. It proposes to refund certain moneys to steamship companies.

The SPEAKER. The Chair is advised that a similar bill in the last Congress was referred to the Committee of the Whole on the Private Calendar.

Mr. CONGER. I understand that it is to relieve certain vessels from the operation of certain provisions of law through the intervention of treaty stipulation.

Mr. RICE. Not at all.

Mr. CONGER. Then I am mistaken.

Mr. COX. It is to pay certain claims of steamship companies for illegal tonnage duties exacted of them.

The joint resolution was accordingly referred to the Committee of the Whole on the Private Calendar, and the accompanying report, with the views of the minority, ordered to be printed.

RAILROAD BONDS OF YANKTON, DAKOTA.

Mr. MULBROW, from the Committee on the Territories, reported back a bill of the following title; when the committee was discharged from the further consideration of the same, and it was referred to the Committee on the Judiciary:

A bill (H. R. No. 3513) legalizing the election held in the city of Yankton, Territory of Dakota, at which the proposition to issue the bonds of said city in aid of the construction of a certain railroad was submitted, and authorizing and directing the issuance of said bonds pursuant to said election.

TERRITORIAL PRISON, IDAHO TERRITORY.

Mr. MARTIN, of West Virginia, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3717) relating to convicts in the territorial prison of Idaho Territory; which was referred to the House Calendar, and the accompanying report ordered to be printed.

SESSIONS OF TERRITORIAL LEGISLATURES.

Mr. HUMPHREY, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1760) amending section 1852 of the Revised Statutes of the United States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

JUDICIAL SYSTEM OF MONTANA.

Mr. BOUCK, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1319) to reorganize the judicial system of the Territory of Montana; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CARE OF CRIMINALS IN THE TERRITORIES.

Mr. BOUCK, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3932) to authorize the Legislative Assemblies of the Territories to provide for the care and custody of criminals; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TERRITORIAL JUSTICES OF THE PEACE.

Mr. ALDRICH, of Illinois, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2157) amending sections 1926 and 1927 of the Revised Statutes so as to extend the limits of the jurisdiction of justices of the peace in the Territories of Washington, Idaho, and Montana; which was referred to the House Calendar, and the accompanying report ordered to be printed.

Mr. YOUNG, of Ohio, from the same committee, reported, as a substitute for House bill No. 3004, a bill (H. R. No. 5048) relating to justices of the peace in the Territories; which was read a first and second time, referred to the House Calendar, and ordered to be printed, together with the accompanying report and the original bill.

REMOVAL OF INDIANS TO INDIAN TERRITORY.

Mr. CRAVENS, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2674) to prohibit the removal of Indians from the States or other territory of the United States to the Indian Territory; which was referred to the House Calendar, and the accompanying report ordered to be printed.

TERRITORIAL PRISON, YUMA, ARIZONA.

Mr. CRAVENS also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3474) making appropriation for the completion of the territorial prison at Yuma, in the Territory of Arizona; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

JUDICIAL COMPENSATION—DAKOTA TERRITORY.

Mr. CRAVENS also, from the same committee, reported, as a substitute for House bill No. 3224, a bill (H. R. No. 5049) providing additional compensation to the judge of the first judicial district of the Territory of Dakota, to be paid by the counties composing said district; which was read a first and second time.

Mr. CRAVENS. I ask that this bill be referred to the House Calendar, and the accompanying report printed.

The SPEAKER. If any additional compensation is to be paid out of the Treasury the bill must go to the Committee of the Whole House on the state of the Union.

Mr. CRAVENS. The bill does not provide for any payment by the Government of the United States, but only by the counties composing the judicial district.

The SPEAKER. The bill will be referred to the House Calendar, and the accompanying report printed.

WIDOWS OF SOLDIERS OF WAR OF 1812.

Mr. WHITEAKER, from the Committee on Pensions, (Committee on Revolutionary Pensions under the former rules), reported back adversely the joint resolution (H. R. No. 39) construing act of Congress approved March 9, 1878, so as to entitle widows of the soldiers of the war of 1812 to a pension notwithstanding a second marriage, provided they were widows at the date of said act or at the time of application; which was laid on the table, and the accompanying report ordered to be printed.

Subsequently,

Mr. HARRIS, of Virginia, asked unanimous consent that the joint resolution be referred to the Committee of the Whole House on the state of the Union.

There being no objection, it was ordered accordingly.

ANN ATKINSON.

Mr. BLAND, from the Committee on Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 3406) granting a pension to Ann Atkinson, of Washington, District of Columbia; which was referred to the Committee of the Whole House, and the accompanying report ordered to be printed.

MORRIS L. FARRINGTON.

Mr. BLAND, from the same committee, reported back adversely the petition of Morris L. Farrington for his father's back pay as an invalid pensioner of the war of 1812; which was laid on the table, and the accompanying report ordered to be printed.

PENSIONERS UNDER ACT OF MARCH 9, 1878.

Mr. DIBRELL. I am directed by the Committee on Pensions to report back, with an amendment, a bill (H. R. No. 703) to prevent the withholding of pensions from pensioners under the act of March 9, 1878. This bill was reported at the extra session, and upon the point being made that it was a public bill it went over. This is the first opportunity we have had since to report it. It is for the benefit of soldiers who were dropped from the pension-roll on the charge of disloyalty under the act of 1871. There are only a few of them; and I hope there will be no objection to the present consideration of the bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that this bill be considered at the present time.

Mr. CONGER. Does this bill restore Jeff. Davis to the right to a pension?

Mr. DIBRELL. Jefferson Davis is not a pensioner.

Mr. CONGER. Does it restore his right to a pension?

Mr. DIBRELL. It applies to soldiers of the war of 1812. He was not in that war, I believe. If the report is read I think there will be no objection.

Mr. CONGER. I guess the bill had better be considered in the regular way.

Mr. DIBRELL. If the gentleman wants to show his malice toward the southern people, he should not make it apply to the soldiers of the war of 1812.

Mr. CONGER. The gentleman has just made a remark which, if the reporters took it down, I desire to characterize as unworthy of him or the occasion.

Mr. DIBRELL. I am responsible for all I say, here or elsewhere.

Mr. CONGER. "Elsewhere" is good.

The bill was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

MRS. LIZZIE M. MITCHELL.

Mr. DAVIS, of Illinois, from the Committee on Invalid Pensions, reported back favorably a bill (H. R. No. 4220) granting a pension to Mrs. Lizzie M. Mitchell; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

WILLIAM GURLEY.

Mr. DAVIS, of Illinois, also, from the same committee, reported a bill (H. R. No. 5050) granting an increase of pension to William Gurley; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

FAVORABLE REPORTS.

Mr. MASON, from the same committee, reported back favorably the following bills; which were referred to the Committee of the Whole House, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 4284) granting a pension to William Downs;

A bill (H. R. No. 4285) granting a pension to Catharine Henry; and

A bill (H. R. No. 285) providing for the increase of the pension of General Ward B. Burnett.

MARY E. S. FUREY.

Mr. MASON also, from the same committee, reported a bill (H. R. No. 5051) granting a pension to Mary E. S. Furey; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

MARGARET BRUSTER.

Mr. MASON also, from the same committee, reported a bill (H. R. No. 5052) granting a pension to Margaret Bruster; which was read

a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

ANNA HULSER.

On motion of Mr. MASON, from the same committee, that committee was discharged from the further consideration of a bill (H. R. No. 162) granting an increase of pension to Anna Hulser; and the same was referred to the Committee on Pensions.

PETER M. HALWICK.

On motion of Mr. MASON, from the same committee, that committee was discharged from the further consideration of the application of Peter M. Halwick for a pension as second lieutenant Company E, One hundred and fifty-sixth New York Volunteers; and the same was referred to the Committee on War Claims.

PAYMENT OF ARREARS OF PENSIONS.

Mr. HATCH, from the same committee, reported back favorably a bill (H. R. No. 2949) to provide for the payment of arrears of pensions to the widows and minor heirs of persons who died in the United States service during the late war of the rebellion, or who have since died from wounds or injuries received or contracted in said service.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. HATCH. That is a public bill and should go to the House Calendar.

The SPEAKER. Does it not appropriate money or require an appropriation to be made?

Mr. HATCH. It requires it to be made, of course, under the general appropriation bill, but this is merely declaratory of existing law. The bill, as presented, only construes existing law and does not appropriate any money.

The SPEAKER. It will go, then, to the House Calendar.

The bill was referred to the House Calendar, and the accompanying report ordered to be printed.

INCREASE OF PENSIONS.

Mr. HATCH also, from the Committee on Invalid Pensions, reported back, with an amendment, a bill (H. R. No. 4023) to amend an act approved June 18, A. D. 1874, entitled "An act to increase pensions in certain cases," to further increase and regulate pensions for the loss of a leg or an arm; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HATCH. I ask by unanimous consent, Mr. Speaker, that the chairman of the Committee on Invalid Pensions, [Mr. COFFROTH,] who has been confined to his house by indisposition since last Monday, shall be permitted to file the report in this and the next two cases, and that when filed they shall be ordered to be printed, to accompany the bills.

The SPEAKER. The Chair hears no objection to that request, and it is so ordered.

DECEASED PENSIONERS.

Mr. HATCH also, from the Committee on Invalid Pensions, reported back favorably a bill (H. R. No. 3074) to regulate the payment of arrears and accrued pensions of deceased pensioners; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

BOUNTIES.

Mr. HATCH also, from the same committee, reported back favorably a bill (H. R. No. 3075) amending the act in relation to the payment of bounties, approved April 22, 1872; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

ADDITIONAL CLERKS, INTERIOR AND WAR DEPARTMENTS.

Mr. HATCH. I now ask, Mr. Speaker, by unanimous consent that the Senate amendments to the bill (H. R. No. 3258) authorizing the Secretary of the Interior and Secretary of War to employ additional clerks for the balance of this fiscal year to expedite the settlement of pension applications, and for other purposes, be taken from the Speaker's table; and I have been directed by the Committee on Invalid Pensions to recommend they be concurred in.

Mr. DUNNELL objected, but afterward withdrew his objection.

The first amendment of the Senate was read, as follows:

Strike out the following:

"That the Secretary of the Interior be, and he is hereby, authorized to employ eighty additional clerks from or after the 1st day of January to the 30th day of June, A. D. 1880, at a salary of \$100 per month each, for service in the Pension Department, and that he be, and he is hereby, authorized to rent available room and purchase furniture for the use of said additional clerks, at a cost not exceeding \$13,900."

And in lieu thereof insert the following:

"That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be available during the current fiscal year, the sum of \$48,000 for the employment of additional clerks in the Pension Office, but the salaries of said clerks shall not exceed the sum of \$100 per month; also, for rent of additional office room for the Pension Office, the sum of \$4,900, and for contingent expenses of the office, \$9,000, making in all, \$61,900."

The amendment was concurred in.

The second amendment was read, as follows:

On page 9, line 18, after the word "pensions," insert:

"And the sum of \$32,000, or so much thereof as may be necessary, is hereby ap-

propriated, out of any money in the Treasury not otherwise appropriated, for the use of the War Department for said purposes, and shall be applicable immediately for the purposes of the current fiscal year."

Mr. HATCH. The committee recommend concurrence in that amendment.

The amendment was agreed to.

The next amendment was read, as follows:

Strike out all after line 18 on page 1 down to and including line 2 on page 2, and insert:

"That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$4,800 for the employment of twelve additional clerks in the office of the Second Auditor of the Treasury, at a salary not exceeding \$100 per month for the remainder of this current fiscal year, to be available immediately, which clerks shall be employed exclusively in matters relating to pensions."

Mr. HATCH. The committee also recommend concurrence in that amendment.

The amendment was concurred in.

Mr. HATCH moved to reconsider the vote by which the several amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM TURMAN.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported a bill (H. R. No. 5053) granting a pension to William Turman, guardian of William W. Brewer; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

MARY A. COUKEN.

Mr. TAYLOR also, from the same committee, reported back favorably the bill (H. R. No. 3392) granting a pension to Mary A. Couken; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

SAMUEL C. VAN HOUTEN.

Mr. TAYLOR also, from the same committee, reported back favorably the bill (H. R. No. 3810) for the relief of Samuel C. Van Houten; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

FRANK W. HARNEY.

Mr. TAYLOR also, from the same committee, reported back favorably the bill (H. R. No. 2843) for the relief of Frank W. Harney; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

FAVORABLE REPORTS.

Mr. CALDWELL, from the Committee on Invalid Pensions, reported back favorably the following bills; which were referred to the Committee of the Whole House, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 1567) granting a pension to Pius A. Coomes; A bill (H. R. No. 3203) granting a pension to Sarah A. M. Chamberlain; and

A bill (H. R. No. 2917) for the relief of Thomas McKinster.

Mr. LEWIS, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. No. 3540) for the relief of Edward Howard; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. UPDEGRAFF, of Ohio, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. No. 4156) to extend the provisions of the act of Congress entitled "An act for the relief of certain pensioners," approved March 3, 1879, to certain other pensioners; which, with the accompanying report, was ordered to be printed, and referred to the House Calendar.

AMENDMENT OF PENSION LAW.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 4496) to amend the pension law; which, with the accompanying report, was ordered to be printed, and referred to the House Calendar.

ADVERSE REPORTS.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back adversely the following petitions; which were ordered to lie on the table, and the accompanying reports printed:

The petition of Nancy A. West, for a pension; and The petition of D. W. Rose, of Dunkirk, Hancock County, Ohio, accompanied by the petition of 87 other soldiers, asking for pension.

LOUIS GROVERMAN.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 4499) granting a pension to Louis Groverman; which, with the accompanying report, was ordered to be printed, and referred to the Committee of the Whole House.

JULIA FOLLANSBEE.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back favorably a bill (H. R. No. 4324) granting a pension to Julia Follansbee; which, with the accompanying report, was ordered to be printed, and referred to the Committee of the Whole House.

JAMES W. M'BRIDE.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 4501) granting a pension to James

W. McBride; which, with the accompanying report, was ordered to be printed, and referred to the Committee of the Whole House.

FRANK RICKEY.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 4329) granting a pension to Frank Rickey; which, with the accompanying report, was ordered to be printed, and referred to the Committee of the Whole House.

GEORGE W. PARRIS.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 4497) granting a pension to George W. Parris; which, with the accompanying report, was ordered to be printed, and referred to the Committee of the Whole House.

JOHN A. MORRIS.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 4500) granting a pension to John A. Morris; which, with the accompanying report, was ordered to be printed, and referred to the Committee of the Whole House.

HENRY MEINKEN.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported a bill (H. R. No. 5059) granting a pension to Henry Meinken; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

MARY BLOWERS.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported a bill (H. R. No. 5054) granting a pension to Mary Blowers; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

ANTHONY HALPIN.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported a bill (H. R. No. 5055) granting a pension to Anthony Halpin; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

BELINDA CURTIS.

Mr. HAZELTON, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 2407) granting a pension to Belinda Curtis, widow of Major-General S. R. Curtis; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WIDOW OF CAPTAIN CHRISTOPHER M. HAILE.

Mr. HAZELTON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 496) for the relief of the widow of Captain Christopher M. Haile, United States Army; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. DAVIS.

Mr. HAZELTON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1724) increasing the pension of John W. Davis; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES W. BALDWIN.

Mr. HAZELTON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1087) granting a pension to Charles W. Baldwin; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ARTHUR CONETY.

Mr. HAZELTON also, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 3684) granting a pension to Arthur Conety, of Milwaukee, county of Milwaukee, State of Wisconsin; which was laid on the table, and, with the accompanying report, ordered to be printed.

MRS. ELIZABETH UPRIGHT.

Mr. HAZELTON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1107) granting a pension to Mrs. Elizabeth Upright; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS U. ROTHROCK.

Mr. HAZELTON also, from the same committee, reported a bill (H. R. No. 5056) granting a pension to Thomas U. Rothrock; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ELIZABETH GRAVES.

Mr. HAZELTON also, from the same committee, reported a bill (H. R. No. 5057) granting a pension to Mrs. Elizabeth Graves; which was read a first and second time, and, with the accompanying report, ordered to be printed.

EDUCATION OF COLORED PEOPLE.

Mr. GOODE, from the Committee on Education and Labor, reported back, with adverse recommendations, the bill (H. R. No. 2571) to encourage and aid the education of the colored people in the several States and Territories by the appropriation of the unclaimed bounties and pay of the colored soldiers, and the bill (H. R. No. 4342) designed to aid the colored youth of the several States and Territories by the appropriation of certain unclaimed pay and bounty moneys now in the Treasury of the United States; and the same were laid on the table, and, with the accompanying report, ordered to be printed.

CHINESE IMMIGRATION.

Mr. WILLIS. The Committee on Education and Labor have had under consideration various bills with regard to Chinese immigration and have instructed me to report, as a substitute for the bill H. R. No. 335, a bill (H. R. No. 5058) to restrict the immigration of Chinese to the United States. I am further instructed by the committee to ask that some day be set apart for the consideration of the bill.

The SPEAKER. The gentleman from Kentucky desires that this bill be made a special order.

Mr. CONGER. I object.

Mr. WILLIS. I ask that the bill go to the House Calendar.

The bill was read a first and second time, and, with the accompanying report, referred to the House Calendar, and ordered to be printed.

ENFORCEMENT OF EIGHT-HOUR LAW.

Mr. VAN AERNAM, from the Committee on Education and Labor, reported a joint resolution (H. R. No. 239) to provide for the enforcement of the eight-hour law; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

UNIVERSITIES IN THE SOUTH.

Mr. TILLMAN, from the Committee on Education and Labor, reported back, with an adverse recommendation, the resolution of the General Assembly of North Carolina in favor of the establishment of two universities in the South; and the same was laid on the table, and the accompanying report ordered to be printed.

FREE KINDERGARTEN, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. TILLMAN also, from the same committee, reported back the memorial of Mrs. Louise Pollock, praying for the establishment of a free kindergarten in the city of Washington, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on the District of Columbia. The motion was agreed to.

ASSAY OFFICE IN ARIZONA.

Mr. STEPHENS, from the Committee on Coinage, Weights, and Measures, reported back, with a favorable recommendation, the bill (H. R. No. 3003) to establish an assay office in the Territory of Arizona; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

ASSAY OFFICE IN DAKOTA.

Mr. STEPHENS, from the same committee, also reported back, with a favorable recommendation, the bill (H. R. No. 1306) to establish an assay office at Deadwood, in the Territory of Dakota; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. HOSTETLER. Has the morning hour expired?

The SPEAKER. It has.

Mr. HOSTETLER. Then I call for the regular order.

Mr. CLYMER. I rise to a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. CLYMER. I move to reconsider the various votes by which bills reported adversely during the morning hour have been laid upon the table; and I also move that the motion to reconsider be laid on the table.

Mr. CONGER. I hope that will not be done. There are some reports which members may desire to examine, and after examination may desire to have referred to the calendars.

Mr. CLYMER. It is a privileged motion, and I hope it will be agreed to.

Mr. CONGER. Before that is done I demand that the bills which were laid upon the table be referred to their appropriate calendars. That is the privilege of a member.

The SPEAKER. It is rather late to demand that now.

Mr. CONGER. It can be done at any time before any action is taken on the bills.

The SPEAKER. There has been action; they were laid upon the table.

Mr. CONGER. That was by unanimous consent.

The SPEAKER. It was upon the motion of the gentlemen reporting them.

Mr. CONGER. There was no action of the House upon that.

The SPEAKER. There was assent by the House, and the Chair announced that they would be laid on the table and the accompanying reports ordered to be printed.

Mr. CONGER. There was no inquiry as to whether or not there was objection.

The SPEAKER. That is not the fault of the Chair, nor does it affect the order of the House.

Mr. HOOKER. I call for the regular order.

The SPEAKER. This is the regular order. The question is upon the motion of the gentleman from Pennsylvania [Mr. CLYMER] to reconsider the various votes by which bills reported adversely during the morning hour of to-day were laid upon the table, and that the motion to reconsider be laid on the table.

Mr. CONGER. That would prevent any bill being taken from the table hereafter?

The SPEAKER. It would.

Mr. HOOKER. Does the motion apply to all bills laid on the table this morning?

Mr. CLYMER. It applies to all bills reported adversely this morning.

Mr. HOOKER. Then I hope the motion will not be agreed to.

The question was taken on laying on the table the motion to reconsider; and upon a division there were—ayes 43, noes 81.

Before the result of this vote was announced,

Mr. CLYMER called for tellers.

Tellers were not ordered.

So the motion to reconsider was not laid on the table.

Mr. McMAHON. What becomes of the motion to reconsider? Is it still pending?

Mr. CLYMER. I withdraw the motion.

AGREEMENT WITH THE INDIANS.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I have the honor to transmit herewith a report from the Secretary of the Interior, containing an agreement signed by the chiefs and head-men of the Ute Indians now present at the seat of Government. The stipulations of this agreement appear to me so reasonable and just, and the object to be accomplished by its execution so eminently desirable to both the white people of the United States and the Indians, that it has my cordial approval, and I earnestly commend it to Congress for favorable consideration and appropriate legislative action.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, March 9, 1880.

Mr. HOOKER. I move that the message just read, with the accompanying documents, be referred to the Committee on Indian Affairs, and printed.

The motion was agreed to.

SUPPLIES FOR ARMY POSTS.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the purchase of subsistence supplies for Army posts; which was referred to the Committee on Appropriations.

ISAAC P. BALDWIN.

The SPEAKER also laid before the House a letter from the commissioners of claims, recommending the reappropriation of \$24.60 to settle the account of Isaac P. Baldwin; which was referred to the Committee on Appropriations.

WAGON-ROAD IN WASHINGTON TERRITORY.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to a wagon-road from White Bluff Landing, Upper Columbia River, to Camp Chelain, Washington Territory, and recommending an appropriation for the same; which was referred to the Committee on Appropriations.

SAINT JOSEPH AND DENVER CITY RAILROAD.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in response to a resolution of the House concerning the Saint Joseph and Denver City Railroad Company; which was referred to the Committee on Pacific Railroads.

REPORT OF MISSISSIPPI RIVER COMMISSION.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of the Mississippi river commission.

Mr. CONGER. I think that should go to the Committee on Commerce. It is a report from a board authorized to examine and report upon the subject of the improvement of the Mississippi River from the Falls of Saint Anthony to the Gulf.

The SPEAKER. It is a report made in pursuance of the provisions of an act passed June 23, 1879.

Mr. CONGER. Since that time the rules of the House have been so changed that the subject of the improvement of the navigation of the Mississippi River and its tributaries is referred to the Committee on Commerce. I therefore move that the communication, with accompanying documents, be referred to the Committee on Commerce, and printed.

The motion was agreed to.

TENTH GENERAL REPORT OF CLAIMS COMMISSION.

The SPEAKER also laid before the House a letter from the commissioners of claims, transmitting their tenth general report; which was referred to the Committee on War Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BEALE, for five days, on account of important business.

POLITICAL CONTRIBUTIONS.

Mr. HOSTETLER. I call for the regular order.

The SPEAKER. The regular order being demanded, the House resumes the consideration of the bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes. The gentleman from New York [Mr. RICHARDSON] is entitled to the floor.

Mr. RICHARDSON, of New York. I yield ten minutes to the gentleman from Ohio, [Mr. YOUNG.]

Mr. YOUNG, of Ohio. Mr. Speaker, I certainly did not intend to make any remarks on the bill now pending before this body in relation to civil-service reform, as so called, but after listening to the elaborate and carefully prepared speech of the gentleman from Tennessee, [Mr. HOUSE,] a speech remarkable in many respects, but especially so in that while it took the distinguished gentleman about two hours to deliver it, one hour and forty-five minutes by the clock was devoted to an introduction of the remarks he had to make on the bill before the House.

This bill is intended to make it an offense against the law for any public officer to contribute any part of his means for political purposes. I listened very carefully to the learned gentleman, and when he had finished I had failed, probably from a want of intelligent apprehension, to discover a single cogent reason why the bill should become a law; and I failed to catch in any expression he made use of how he himself intended to vote on the bill. In the course of his sometimes humorous and always bitter philippic against the Administration's policy of civil-service reform, so called, the gentleman took occasion, not unadvisedly, because he read his speech from manuscript, to insinuate a charge of collusion to perpetrate a fraud to my friend and constituent, Hon. E. F. Noyes, the present minister of the United States to France. This he did by quoting from the testimony of McLin, Cocke, and others, given before the Potter investigating committee, a committee that was organized by a democratic Congress to undertake the stupendous task of covering up the frauds and rascalities of the leaders of the democratic party in their defeated effort to steal or purchase the electoral vote of several States. If I understood the gentleman aright, and I sat very close to him, he asserted that McLin had testified before that committee that Governor Noyes, while in Florida, had represented that he was sent thither by Governor Hayes; that he spoke for Governor Hayes; and that any promises he might choose to make would be honorably fulfilled as soon as Governor Hayes was inaugurated President. And further, he stated that Governor Noyes did make a promise to McLin and others, and that in pursuance of that promise the President in due time had appointed the said McLin to the office of justice of one of the Territories. This declaration on the part of the gentleman not only pained me but amazed me, because the official record of McLin's testimony must be greatly distorted indeed to make it capable of such a construction. I will go farther, and say it must be falsified to arrive at any such conclusion.

Now, let us look at the record. On page 124 of volume 2 of the testimony relating to Florida, this question was asked McLin by Mr. SPRINGER, of the committee:

Question. What, if anything, did Governor Noyes say in that conversation, or any subsequent one, with regard to the carrying out by Governor Hayes of any promise made by him?

Answer. As I stated on Saturday, I do not remember that Governor Noyes directly made promises of anything further than that the republicans of Florida were deserving of all credit for the manner in which they had conducted the campaign, and that the members of the canvassing board would be provided for. Something of that kind, but it was rather in a general way.

Now, in looking over all the testimony of McLin I find that this is the only declaration made by him which would give color to the charge made by the gentleman as to Governor Noyes's agency in the matter of promises. In this connection it must be remembered, as the record will show, that in all the subsequent interrogations put to McLin, as to the presence of a third party when that supposed or implied promise was made to McLin, there was no evidence to show that any one was present. Indeed, McLin himself denied that there was.

Now, turning to the testimony taken by the same committee, we find that on page 495, of volume 1, Edward F. Noyes was sworn and examined, and testified as follows, which I will ask the Clerk to read.

The Clerk read as follows:

WASHINGTON, D. C., June 23, 1878.

EDWARD F. NOYES sworn and examined.

By Mr. HISCOCK:

Question. What is your present employment?

Answer. My official position is that of United States minister to France.

Q. What civil and military positions have you held?

A. I entered the Army in 1861 as major in an Ohio regiment, and was made colonel of that regiment in the summer of 1862. I served with it until the 4th of July, 1864, when I was wounded in battle and lost a limb, which necessitated my returning to the North. After two amputations I reported for duty again, I think on the 1st of October, and was assigned to the command of Camp Dennison, in Ohio, by General Hooker, who was then in command of that military district. I remained in command of the camp until April, 1865, when, in my absence, I was elected city solicitor, who is the chief attorney of the city of Cincinnati. My resignation was therefore accepted in order that I might enter on the duties of that office. Before the expiration of the term, which was two years, I was elected judge of one of the State courts—the probate court of Hamilton County—and I remained on a bench for three years. In 1871 I was elected governor of Ohio, and served for two years. I was renominated and failed of election—Governor Allen being elected at that election. I have held no other office until I was appointed minister to France.

Q. You have been always identified with the republican party?

A. Yes, sir.

Q. In the fall of 1876, during the last canvass in Florida, were you at Tallahassee, and in attendance on the canvassing board of that State?

A. I was.

Q. Previous to your going there did you have any communication with Mr. Hayes in regard to your going there, or did you go there at his request at all?

A. I had no communication with him; I went without his request, and, so far as I know, without his knowledge.

Q. Then you went simply as a republican, and as a representative man of the party to look after the interests of the party?

A. If you will permit me, I will state precisely how I came to go.

Mr. HISCOCK. Please to do so.

The WITNESS. There was a meeting of prominent republicans at the office of Mr. Bateman, United States district attorney for the southern district of Ohio. At that meeting Mr. Richard Smith, of the Cincinnati Gazette, was present and told us that he had received telegrams announcing the fact that democratic politicians from the North were assembling at New Orleans; and he, with other republicans present, thought that it was with the purpose of taking from Mr. Hayes a State which they believed fairly belonged to him. It was thought that some republicans from the North, of some prominence, should go there to look after it. Various names were suggested, my own among the rest. And finally Mr. Job E. Stevenson, a former member of Congress from that State, said that he would go if I would. And after that meeting, and that very night, without any communication with Mr. Hayes or anybody else, Mr. Job E. Stevenson and myself started for New Orleans. I do not recollect (I have tried to recall it, but cannot do so) whether Mr. Stanley Matthews went with us or met us there; but he was there at the same time. After remaining two or three days, during which nothing was done except to arrange preliminaries with the democratic visitors, (no testimony having been taken and nothing done with reference to the canvass at all, and regarding which I have no knowledge excepting what I have seen in the papers,) various gentlemen came down from the North, republicans, in quite a large number. Among them were Senator Sherman, Mr. GARFIELD, Mr. Van Allen of New York, Mr. Kasson of Iowa, General Wallace of Indiana, and Ex-Governor Will Cumbach of Indiana. Finding that there were so many present, and regarding my presence there as in no wise necessary, I prepared to go home to Cincinnati, purchased my ticket, had my lunch-basket packed, and got my sleeping-car ticket. About that time Mr. Eugene Hale received a dispatch from the chairman of the republican national committee, stating, in substance, (I presume that the dispatch is before you,) that there was great danger that Florida would be stolen away from us, and saying, "Send strong committee to Tallahassee." It was difficult to get anybody to go. It was a long journey and a circuitous one, and for some time nobody would consent to go. At last Mr. Kasson and General Wallace said that they would go if I would go along with them, whereupon, without having been specially designated by name, I started with those two gentlemen for Tallahassee. That is the whole story of my being there. While there I did not receive one line or word from Mr. Hayes, by telegraph, letter, or otherwise, and I did not communicate with him in any way by letter or by telegraph.

Q. When did you arrive there?

A. I cannot fix the date, but I presume the date fixed by Mr. Chandler is the correct one.

Q. Commence now and in your own way and in your own language state to the committee what you did at Tallahassee; what connection you had with the canvass; what communication, if any, you had with any member of the canvassing board; and in short, what your labors there were.

A. When I arrived in Tallahassee it was my intention to have no active part in what should take place there, but simply to observe, and, if possible, to secure an honest return of the result in that State. But it was soon made known to me that there were no republican lawyers in that State who could manage the affair before the courts (for there were many court proceedings) or present the case properly to the canvassing board. As Mr. Chandler stated yesterday, I believe the only republican lawyer of any prominence who was there was Mr. Emmons, who was taken very ill a day or two after we arrived, so that he was utterly useless to us, and who very soon afterward died. I was importuned by the local republicans there to undertake to prepare the case, as the democratic lawyers were preparing the case on the other side. On the other side, as lawyers were present the gentlemen named by Mr. Chandler yesterday: Mr. Saltonstall, of Massachusetts; Mr. Biddle and Mr. Sellers, of Philadelphia; Mr. Thompson and Mr. Hay, of Pittsburgh; Mr. Brown, of Georgia; Mr. Wolf, of Cincinnati; Mr. Perry Smith, of Chicago; Mr. Mantou Marble, of New York, and others; and I observed that among them were many able lawyers. We had very few among the republican visitors there, and none of the ability of those gentlemen. Being importuned, I finally consented to take part, to receive the evidence, to classify it, to prepare the case, and to argue it before the returning board, and, if it was requisite, before the courts. I was not required to speak in court, and did not. Mr. Barlow, of New York, having been assigned to the position of leading counsel before I arrived there, conducted the arguments before the court. It has already been stated, I think, that the charges against one county or the other by one party or the other were set out in what may be denominated pleadings, if you please, a full statement of the objections made to each county by one party or the other. My impression is that that included one-third or perhaps one-half of all the counties of the State. I do not recollect the number, but it was a very large number. Several were assigned to me, but I had very little to do (except in the way of consultation) with any county other than Alachua, which includes this Archer precinct No. 2. I undertook to find out what were the facts about that. I was informed that two of the inspectors had made affidavit that there was fraud there involving about 219 votes.

The CHAIRMAN. Mention their names.

The WITNESS. I get them confused a little, but I think their names were Dukes and Moore. Dukes and Moore, I think, were the two. They subsequently made other affidavits denying the truthfulness of the first.

The CHAIRMAN. Both of them?

The WITNESS. I think both of them. They finally came on the stand and said that the first affidavits were true, and that the second ones were false. In other words, they swore in so many ways that I placed no confidence whatever in what they stated, and so I argued to the board of canvassers. On the other hand, those other two election officers, one the clerk and one inspector, had consistently sworn that the return was true and correct as made; and in its favor was the fact of its being the regular return signed by all the returning officers at the time without protest. I asked many republicans (I cannot tell you how many, but several certainly) to satisfy myself at the time whether or not there was anything wrong about that precinct, and I satisfied myself perfectly that it was entirely right as it had been returned. But, not being content with having the testimony of those two election officers, (contradicted as it was by the testimony of the other two,) I desired in preparing the case to know from the electors themselves how many of them had actually voted the republican ticket; and we sent down there to get the evidence. I do not recollect who went down, or how many were employed in taking it, but my recollection is that of the three hundred and ninety-nine republican votes which were counted and returned we proved about three hundred and forty or three hundred and fifty; and when I inquired why they could not get them all they said that the electors had scattered in various directions, and that in the limited time it was impossible to get every one. But we came so near to it as to make the democratic theory absolutely impossible that two hundred and nineteen republican votes had been added to the return. That satisfied me, and it seemed to satisfy the canvassing board. From the inconsistent and contradictory evidence of two of those election officers, and from the consistent testimony of the other two

on our side, and from the affidavits of these three hundred and forty or three hundred and fifty voters who swore that they voted the republican ticket in that precinct, I was satisfied, and the canvassing board seemed to be satisfied. Now, no mortal man ever told me or intimated to me while I was in Florida that there was anything fraudulent about that return, except what was sworn to before the canvassing board, and has been made public. What I mean is, I had no possible information of anything fraudulent derived from any source whatever—none.

Mr. HISCOCK. Did you at that time, and in that matter, honestly and conscientiously believe that the theory which you advanced and which you argued for, in favor of the return from that county, was right?

The WITNESS. I believed it thoroughly, and I now say that we made a case that would satisfy any unprejudiced court in Christendom.

Mr. HISCOCK. At the time you were there did you press Mr. Dennis to be a witness?

The WITNESS. I asked Mr. Dennis to be a witness and be sworn, and for this reason: Mr. Dennis, from beginning to end, had insisted on the truthfulness of that return and had undertaken to prove it, and had proven it to my satisfaction. He was thoroughly acquainted with the county. He knew the people who lived there. He could testify as to the persons whose names appeared on the return, and I therefore desired that he should appear as a witness. He says that on several occasions I intimated to him that I would like to have him as a witness. That is entirely probable; I do not know. He says that he never made any reply to it but once, and that then, in some form of words which he does not undertake to give, he meant to convey to me the impression that if I put him on the stand he should injure my case. I do not doubt his word when he says that he meant to convey that impression. I solemnly swear that he did not convey that impression to me, and it was said in the presence of General Lew Wallace, who is now in the room and will testify.

Mr. HISCOCK. What impression did you get from what he said?

The WITNESS. This, and this only: I had already learned that his life had been threatened, and that he considered himself in very great danger. One instance had impressed itself on my memory, namely, that when his life had been threatened he had called together in a church, or somewhere, all the colored people of the vicinity and had them kneel down and raise their hands and swear that if he were killed they would lay waste in every direction and avenge his death. That made an impression on me. Knowing, therefore, the danger which he and others regarded him as being in, the impression that I got was that he did not wish to testify so as to bring himself in contact with anybody, especially, perhaps, because he himself was a candidate for the senate and his own election was at stake. That was the only impression I had.

Mr. HISCOCK. While in Florida, did you have any conversation with any members of the canvassing board with reference to their duty or with reference to what they were going to do?

The WITNESS. Oh, yes, I had. I said to Dr. Cowgill and to Mr. McLin that all that I wanted of them was to do their duty honestly and fairly. I said to them that if the State had honestly cast its vote for Tilden it was their duty so to declare, and that if the State had honestly cast its vote for Governor Hayes we wanted it; but that we expected nothing of them except what honest men could do. That is what I said to them.

Mr. HISCOCK. Did you ever say anything else other than that to them?

The WITNESS. I never did. I never made one of them a promise, nor intimated a promise, nor held out any inducement whatever to have them declare that State for Governor Hayes rather than for Governor Tilden.

Mr. HISCOCK. Either before or after the canvass?

The WITNESS. Not before the final decision had been rendered.

Mr. HISCOCK. Did you afterward?

The WITNESS. Yes. After the vote of Florida had been cast, Mr. McLin came to me greatly depressed, and said to me that he did not know what was to become of himself or his family; that he had so excited the hostility of the democrats there that he could no longer live in Florida in peace; that he was poor and sick, and was almost in despair. I said to him, "Mr. McLin, you have done your duty honestly and fairly, as I think. I shall take great pleasure in saying so to Governor Hayes if he shall be declared President of the United States; and I will take pleasure also in recommending you for some position where you can take care of yourself and family." About the time I was going away I also said to Mr. Cowgill, the other republican member of the board, that I had been greatly impressed with his honesty of purpose and with his dignified and manly bearing during that excited canvass. I said, "If ever I can be of any use to you in any manner state it frankly and command me freely." In addition to that I will say that I did more than some politicians do. I kept my word, and I did recommend both those gentlemen, to the extreme of my ability, to the President of the United States, and I am very sorry that my advice was not taken, and that they were not appointed to good places. If I had had influence enough with the Administration to have them appointed they would certainly have been appointed.

Mr. HISCOCK. Except as you have stated, did you ever have any conversation with them at all?

The WITNESS. None. I never saw Mr. McLin one minute alone in my life to talk with him on any subject until the final vote of Florida had been cast—never.

Mr. HISCOCK. Did you on any occasion previous to the canvass being finished, to either of those gentlemen represent yourself as the special friend of President Hayes, and did you, in any form of words, (as General Butler says,) convey the impression, or seek to convey the impression, that they would be taken care of, or that they would have positions in the event of Mr. Hayes being returned President?

The WITNESS. Never.

Mr. HISCOCK. Have you anything else that you desire to state?

The WITNESS. No. I will answer any question that may be asked me regarding the whole of it. I want the scope of the examination to be very broad, including every act and thought and word of mine while I was in Florida. I do not know but that, in justice to myself, I ought to produce here the original of a letter which I received from Mr. McLin nearly two months after the close of the canvass. I think that the letter has been brought to the attention of the sub-committee in Florida by a copy, but the original letter I now have, and I desire to offer it and to make it a part of my testimony.

The witness here read the following letter, which was marked "Exhibit C N," and which differs in a few unimportant respects from the copy as published on page 101 of the report of the sub-committee in Florida:

"TALLAHASSEE, FLA., January 27, 1877.

"DEAR SIR: Lamentable changes have taken place since we parted on the 6th of December last. Then we were hopeful and happy in the pleasant assurance that Governor Hayes would be inaugurated our next President. Now we are humiliated with the near approach of defeat. Not an honest defeat, but a defeat that will be brought about by cravenly submission and sheer cowardice. As to Florida, recent developments show that democratic fraud and villainies were even greater than we had any idea of at the date of the canvass. The Senate committee held sessions at Gainesville, and succeeded in proving up all the democratic votes, while even Mr. Fleming, the smart witness, could not testify as to twenty democrats who voted at Archer precinct No. 2. The republicans who were proven to be dead were produced in the flesh, and testified that they voted at said precinct. But, my dear governor, what does all this amount to when we have such men as Barlow among our great leaders, and when Senators cravenly quake in their boots when they hear the rebel yell. If Tilden is inaugurated it will be through the sheer cowardice and

treachery of men that we were pleased to look upon as great and good men. At the present writing there does not seem to be a gleam of hope. Four years will quickly pass away with the republicans of the North, but with us of the South they will roll with the weight of centuries. I fear, indeed, that the black cloud of democracy will never be removed. I feel sick at heart for the loyal men, black and white, and I feel sick for myself. If my health would permit I would gladly seek a more congenial latitude. As it is I must brave the tempest of proscription, and meet the fate that is in store for me. Some of my friends have united in recommending me to the President for appointment to the office of United States district judge for this State. The State executive committee, members of the old cabinet, and other friends have joined in this request. I would be pleased to have you say a good word to the President in my behalf. However, I pray you do not think that I prefer any claim on account of the recent canvass. I only performed my duty conscientiously, and if it proves unavailing I will never cease to regret it as long as I live. My reasons for seeking the appointment are urgent. My contest for a livelihood with a proscriptive democracy will be a very unequal one, and my health will not permit me to live in a colder climate. You can thoroughly appreciate my situation and the magnitude of the triumph should I be honored with the appointment. The office will probably be filled at an early date, and I am necessitated to apply at once. If I fail in this there is nothing left. A kind word spoken by you to the President will be of great service.

"Hoping that a gleam of light may break through the thick folds of surrounding darkness, and that Governor Hayes may be inaugurated in accordance with the will of the people,

"I remain yours, very truly,

"Hon. E. F. NOYES,
"Cincinnati, Ohio."

"SAM. B. McLIN.

The WITNESS. I want to say one thing here; I believed then that Mr. McLin was an honest man, and I believe it yet.

Mr. MORRISON. This letter was written after Mr. McLin had performed service as a returning officer?

The WITNESS. It was written two months after the whole thing had closed. Mr. MORRISON. And before the inauguration of President Hayes?

The WITNESS. Yes.

Mr. MORRISON. And while Mr. McLin was an applicant for office under the Grant administration?

The WITNESS. Yes.

Mr. SPRINGER. Was that application made to the Grant administration?

The WITNESS. Certainly.

Mr. MORRISON. Mr. McLin did not expect Hayes to come in, and therefore he was hurrying up his application.

The WITNESS. I have another letter from him which brings it up to the inauguration of Mr. Hayes. It was written on the 3d of March, the day before the inauguration.

(The witness thereupon read the following letter, which was put in evidence and marked "Exhibit C O:")

"TALLAHASSEE, March 3, 1877.

"DEAR SIR: Supposing that you are in Washington rejoicing with the nation over the inauguration of Governor Hayes, I embrace the opportunity of thanking you for your kind response to my letter, and at the same time expressing to you my soul-felt gratification over the ultimate triumph of Governor Hayes.

"The party may expect much in the way of purification and elevation from our noble President and the nation will experience four years of unexampled prosperity.

"Let joy reign supreme at the inauguration. I very much regret that I cannot be present and drink in a flood-tide of happiness. As it is I am happy now, surrounded by the meanest democrats the world has ever seen.

"Truly,

"SAM'L B. McLIN.

"Hon. E. F. NOYES, Washington."

Mr. YOUNG, of Ohio. In view of this testimony given under oath by Governor Noyes; in view of the fact that there is not a particle of testimony to corroborate the assertion that he made any promises to any person while in Louisiana or Florida on behalf of Governor Hayes; in view of the fact confessed that the letters of McLin to Governor Noyes—which are a part of the testimony—contained no allusion to any promise nor any demand for the fulfillment of any promise, it seems to me a willful distortion, to put it mildly, to assume even by innuendo that Governor Noyes misrepresented himself, or was in any dishonorable collusion with any person to effect a fraud.

Sir, when I remember the career of Governor Noyes from his humble boyhood up to his present exalted position, it makes me sad to think that on this floor partisan acrimony will lead a distinguished gentleman to assail for party purposes such an honorable record.

An orphan boy at the age of thirteen, entering a printer's office to obtain his bread, and by his industry securing the confidence of his employer so soon that he was enabled to lay up a little money, looking forward to the time when he could use that money to obtain an education; studying hard, burning the midnight oil in his preparation for college, with scarce any assistance in his studies; working by day and giving general satisfaction to his employer, at last he was enabled to enter the preparatory school of Dartmouth College, from which institution he graduated in due time in an honored position in his class.

Striking out to seek his fortune in the then comparatively Far West, he entered a law office in Cincinnati, Ohio, and, giving his services as a clerk, he was enabled to live until he acquired a knowledge of his profession. He had but entered upon a brilliant career in that profession when the bloody malcontents, who had been for years seeking an opportunity to dissolve this Union, fired upon Fort Sumter and tore the flag of our Nation from the flag-staff of that fortress and trampled it in the dust.

It is not my purpose now to pursue the history of the war that followed that traitorous beginning. It is written in blood in nearly every State of this Union. Its terrible effects are felt throughout our land to-day as a great blot on the nation's prosperity, and I only allude to it in passing to say that among the first of the young patriots who buckled on the sword and sprang to the defense of our liberties and our nationality was the heroic and brilliant young lawyer, Edward F. Noyes. His career as a soldier adds to the luster of the achievements of the patriotic sons of his adopted State, a State which

furnished a Grant, a Sherman, a Sheridan, a McPherson, and scores of other great captains, but among them all I will not concede that there is a brighter halo of patriotic glory than that which encircles the head of General Edward F. Noyes, considering his opportunity. His career as a soldier ended with the loss of a leg in a gallant charge made on the anniversary of the nation's independence on the memorable Atlanta campaign.

His civil career is no less distinguished than his military career. He has held by the choice of the people many important offices of trust, and it is not recorded truthfully that he ever betrayed the confidence of the people who trusted him, but it is recorded that he never held an office the duties of which he did not discharge with signal ability.

Mr. Speaker, I had the honor to serve with him in the field. I knew him more intimately as a citizen than I did as a soldier. I am proud indeed to call him my friend, and I am still more proud to believe that he is mine. Living closely together in the same city for more than twenty years, meeting him almost daily either in business relations or socially, hearing the expressed opinions of his fellow-men as to his integrity and worth, regarded as a generous, high-toned gentleman of brilliant attainments, a man whose veracity I never heard questioned until I heard the insinuation in that regard of the gentleman from Tennessee yesterday, does it surprise you that I should in my place resent the insinuation on behalf of my distinguished constituent, holding one of the highest offices in the gift of the Government, who is absent and cannot answer for himself? No, Mr. Speaker, when I reflect that this insinuation which seeks to besmirch the character of my friend comes from a gentleman who, when Governor Noyes was in the forefront of battle fighting for the preservation of our country, was at that time either in the legislative councils of the rebel confederacy or was in command of a rebel battalion doing his best to overthrow this Union, I cannot be silent.

The gentlemen on this floor from the Southern States exhibited in their speeches of last summer, and have commenced by the gentleman from Tennessee in this present session, a bitter feeling of dislike and distrust of northern men, all the time professing the hypocritical desire to let sectional and partisan animosity die the death, and they deplore the continuance of acrimonious debate on national questions when indulged in by gentlemen on this side of the House. They ask us to forget the past. We have already forgiven them. They are continually deploring the want of liberality on our part if we should by chance allude to the late rebellion, but no opportunity is lost by these very distinguished gentlemen to stir up the fires of dissension and hate by attacking the motives of gallant men who are their peers in all that makes up true manhood and their superiors in all that makes up true patriotism.

Now, Mr. Speaker, with the indulgence of the House, I should stop here, as I have given no particular thought to the subject of civil-service reform as it may be affected by the bill under discussion, and I have not the advantage of having the speech delivered yesterday by the gentleman from Tennessee before me, as it appears from the RECORD that it is withheld for revision. But from my remembrance of its general tenor, outside of its political nastiness, I think I can to some extent agree with him as to the futility of the attempt on the part of this Administration under our present system of government in making the system as laid out, but not carried out, a success. That the President is earnestly honest in his ideas of civil-service reform I do not doubt. I disagree with him, however, in believing that his election was an indorsement of his policy on that subject as shadowed forth in his letter of acceptance, for I believe that without any such a declaration he would have been as triumphantly and as fairly elected as he was. I firmly believe that, under our system of government, subject to the mutations incident to our popular elections, such a scheme is totally impracticable. I sincerely believe in the old Jacksonian doctrine, that "to the victors belong the spoils," and unless the system of civil-service reform could be incorporated into the fundamental law of the land, which would make its observance binding on all parties, that it must result in a failure. I believe with the President that the elevation and purification of the civil service of the Government would be hailed with approval by the people of the United States, but I hold, as an article of political faith, that this reform depends wholly on the character of the Administration for the time being in power and within the party to which that Administration belongs. Under a monarchical form of government, or an empire, the system blocked out in 1870 by what was known as the civil-service commission is possible, because under such governments the emperor or king never dies, and the tenure of office of public servants is not affected, except, perhaps, in a change of ministry; but in our country and under our institutions, as the President well says in his annual message:

Every citizen has an equal right to the honor and profit of entering the public service of his country. The only just ground of discrimination is the measure of character and capacity he has to make that service most useful to the people. Except in cases where, upon just and recognized principles, as upon the theory of pensions, offices and promotions are bestowed as rewards for past services, their bestowal upon any theory which disregards personal merit is an act of injustice to the citizen as well as a breach of that trust subject to which the appointing power is held.

In the light of these principles, it becomes of great importance to provide just and adequate means, especially for every department and large administrative office where personal discrimination on the part of its head is not practicable, for ascertaining those qualifications to which appointments and removals should have reference. To fail to provide such means is not only to deny the opportunity of

ascertaining the facts upon which the most righteous claim to office depends, but of necessity, to discourage all worthy aspirants by handing over appointments and removals to mere influence and favoritism. If it is the right of the worthiest claimant to gain the appointment, and the interest of the people to bestow it upon him, it would seem clear that a wise and just method of ascertaining personal fitness for office must be an important and permanent function of every just and wise government. It has long since become impossible, in the great offices, for those having the duty of nomination and appointment to personally examine into the individual qualifications of more than a small proportion of those seeking office; and, with the enlargement of the civil service, that proportion must continue to become less.

Sir, I believe in these sentiments to this extent, that the examinations for fitness, as suggested by the President, should be confined solely to persons seeking office whose political principles and sympathies are in full accord with the Administration in power. I think there is no gentleman on this side of the House but who will agree with me that between an enemy of the Administration and a friend of the Administration, all else being equal as to qualification or fitness, the preference should be given to men in full accord with the principles of the party in power. The gentleman from Tennessee, in his speech of yesterday, and I beg him to correct me if I misquote him, not in words, but in sentiment, ridicules the idea of the President's profession to civil-service reform in the matter of the dispensation of his official patronage, naming quite a number of persons who had been rewarded for political services to the republican party and to the present Administration previous to his inauguration. For my part, if there is anything that I can commend in the President more than another it is the fact that he took care to provide for his political friends of the South for the sacrifices they made in standing up for the right and resisting the attempted democratic frauds that sought to cheat the people of the nation out of their legitimate choice for the office of Chief Magistrate. If the President had acted on this policy more generally to his friends in the North who had made sacrifices of time and money, he would have been commended on all sides, even by his enemies, for such action. As it is, the majority of the people of this nation hold him in high esteem for what little he did by rewarding the brave men who were socially ostracized because of their honesty by a people whose political rancor leads too often to the use of the knife of the assassin or the bullet of the bulldozer. He could do no less than he did for the men mentioned by the gentleman from Tennessee and retain the respect of a justice-loving people, because

We hate ingratitude more in a man
Than lying, vainness, babbling, drunkenness,
Or any taint of vice whose strong corruption
Inhabits our frail blood.

Now, Mr. Speaker, the President is charged with insincerity in not carrying out his pet principles of civil-service reform when his attention is called to cases of violation of his civil-service order of June, 1877, but the people who carp at him for this forget that since our country has had the misfortune to have had a democratic majority in Congress they have religiously withheld any appropriation always asked for to put in motion in good faith the machinery of civil-service reform. In 1871, 1872, and 1873 appropriations were made, attempting to carry out the system inaugurated by the commission appointed under the act of 1870, but since 1874 no appropriations have been made, and the President, alluding to this fact in his last annual message, calls attention to his recommendation contained in his message of December, 1877, and repeats it for the purpose of resuming the work of the commission. But it is not likely that this Congress will appropriate the money asked for to make the experiment. The gentleman from Tennessee dwelt particularly on the construction of the civil-service order, and succeeded, to his own satisfaction at least, in torturing that order into political disfranchisement of every man and woman holding an appointive office. If I remember rightly, he assumed that that order prohibited any office-holder from expressing a political opinion, from belonging to any political club, from making a speech, from attending a convention, not only as a delegate, but as a spectator, from writing a political article, and from contributing any money for political purposes. In short, that an office-holder would not be prosecuted if he were known to have voted, but in all else that pertains to the liberty of a citizen, the fact of his holding an office disqualified him. I am not surprised at the gentleman's anxiety to put a construction on this order to suit himself, for it has been construed by a thousand people in as many different ways, to suit the exigency of each construction.

It is very much like the suit of clothes, as the story goes, which a man bought at auction, and which, being of different measures, constrained him to eat either much or little, as the case might be, to make them fit. I confess that the order strikes me as being somewhat ambiguous, and I worried with the problem of its meaning for some time, but took an occasion to ask the President the full understanding and scope of the order, and he was pleased to define it to me, and I think I can state this authoritatively, that it meant simply "this, and nothing more:" that it intended to take the machinery of party politics out of the hands of civil officers of the Government; that under that order an appointee of the Government would not be permitted to be a delegate to any party convention; that he should not be an officer of an election, and that he should not be compelled to pay an assessment rated by a percentage on his salary for party purposes, but that an officer of the Government who could make a speech or write an article in favor of his party was at liberty to do so, always provided that it would not interfere with the

discharge of his public duties, and that an officer or employé of the Government, although not assessed for political purposes, was at liberty to give his own money, in any quantity he pleased, in aid of his opinions or his party, and that he should be also as free as any other citizen to refuse to make such gifts, without fear of weakening his tenure on that account.

The gentleman from Tennessee dwelt at considerable length on the hardship of the officers who had subscribed money for political purposes, and stated that over \$100,000 had been subscribed by this class of people to help the republican party. Of course there is not a man or woman in the public service but who knows better than to believe such twaddle. What they gave freely, because they loved the cause it was given to support, and I presume they felt it necessary to be liberal, because they had Sammy Tilden's "bar!" to fight. But it is an undeniable fact, which I can substantiate with indubitable proof if I had the time, that there were hundreds of clerks in all the Executive Departments in this city and in many of the Federal offices throughout the country who refused to subscribe one penny, and yet they were not dismissed the service, and I want to assure the gentlemen on the other side who are so anxious to pass this bill making it a crime to subscribe money for political purposes, that if it should become a law the subscriptions by the good people who hold office, to sustain the party and the principles which it represents, would be just as liberal and perhaps more so, than if no such act was in existence on our statute-books.

If this law could be made applicable to the democratic city governments as well as to the Federal offices, and it were practicable to enforce it, what a grand relief it would be to the poor democratic policemen, firemen, and street-cleaners of New York and other democratic cities where a regular assessment is made and collected from their poor pittance of pay to run the democratic party machine.

Considerable stress was laid upon the fact that the gentleman from Tennessee saw a subscription book circulated in the Treasury Department to raise means for the republican party a year or two ago, and that the first name at the head of the list was that of John Sherman, a Cabinet officer, who was supposed to be another civil-service-reformer pretender. I am not surprised at this revelation, because Mr. Sherman would give every dollar he has in the world if it were necessary to secure and perpetuate the ascendancy of the republican party. His whole life has been devoted to its principles, and for this reason particularly was his name paraded in a spirit of obloquy, because he happens to be mentioned at this time as a prominent candidate of his party for the Presidency. If there is any one man more than another in this nation whom the democracy fear, it is John Sherman.

For more than thirty years he has been identified with the politics of Ohio and the nation. Elected in 1855 to represent his district (then the thirteenth) in the Thirty-fourth Congress, he was made chairman of the committee to investigate the Kansas troubles and in his report placed himself and the free-soil party on the side of right and justice, and by his acts arraigned the pro-slavery party against him—a very unpopular thing to do, but showing him to be on the side of the oppressed without regard to race or color. In 1861 we find Mr. Sherman elected to the United States Senate, taking the seat of Salmon P. Chase, who resigned to accept the appointment of Secretary of the United States Treasury. In those dark days stood John Sherman the colleague of Ben Wade. In a debate three days before the battle of Bull Run, Mr. Sherman said:

It is not the purpose of this war to subjugate a State or political community; but I will go as far as any other living man to uphold the Government against all rebellious citizens, whether there be one or many of them in a State. If nine-tenths of the people of any State rebel against the authority of this Government its physical power should be brought to reduce those citizens to subjection. The Government survives; and I have no doubt the State of South Carolina and the State of Florida and the State of Virginia will be represented on the floor long after the honorable Senators and I have filled the mission allotted to us.

Of course such utterances did not please the democracy. Mr. Sherman also voted for all measures to uphold the national supremacy and furnish men and munitions of war to put down the rebellion, which of course was distasteful to the democrats. The shock of war was ended; then came the counting of the cost financially. The manner of paying the national debt was the then all-absorbing topic of the nation's thought. Many strange fallacies were put forth by the democrats, who seemed as bent on retarding the honest payment of our dues as they were on resisting the payment of troops and the prosecution of the war. Mr. Sherman, as chairman of the Committee on Finance in the Senate, said in a speech before that body:

The honor of the country, the good faith of the nation, the interest of the laborer, of the rich and the poor, and of all classes demand that we should resume specie payment as early as possible and place all the obligations of the Government upon a solid basis of gold and silver coin.

Mr. Sherman has persisted in this belief and has accomplished resumption fully and completely, standing a Gibraltar of financial strength, against which the waves of rebellion and unsound currency have dashed with almost resistless fury.

This is the man you have reason to fear because he is pure and brave in the discharge of his duties, and cannot be intimidated by democratic bombast or rebel yells.

The gentleman from Tennessee took occasion to extol the power and glory and grandeur of the office of President of the United States, in all of which I heartily agree with him. To be born a king or emperor or czar is of itself a mere accident, but to be selected by the

people to fill the high office of President of this great Nation, to be clothed for a time with power as great as that wielded by any potentate on earth, is an honor which must challenge the respect and admiration of mankind. When we confer on a citizen this great honor it must not be forgotten that with it we clothe him with great and grave responsibilities. To rule over forty millions of people, to administer the laws for the protection of all men in their rights, is at all times no easy task. But it strikes me that to have a representative of the people speak from his place on this floor, attacking and maligning the present incumbent of that great and dignified office and characterizing him as "a fraud," and characterizing the instrumentalities by which he was declared elected as corrupt, is, to say the least, in very bad taste, and not calculated to add much respect or dignity to legislative discussions. However, when we look behind these declarations we must remember that this is election year for members of Congress, and that such declarations were intended to make an impression of fealty to the prevailing sentiment of the people behind the man who uttered them. This people, I conscientiously believe, (I refer to the mass of the gentleman's constituency,) do not know that the electoral commission which considered all the facts in dispute in relation to the election, and declared Governor Hayes the legally elected President, was a measure of democratic origin and democratic hope until the declaration of 8 to 7 (=15) became a *political puzzle* which has wrought the democratic soul ever since.

Now, Mr. Speaker, I claim to be a liberal man, with charity toward all, and I cannot, therefore, wholly condemn the gentleman's speech, considering his stand-point. He could have had but two objects in its utterance at this time while considering such an insignificant measure as the bill before us. The first to make himself stout by pandering to the political bitterness of his constituency to the republican party, and, second, to inaugurate a Tilden boom by trying to revive the idea at this late day that Tilden was legally elected once and must be again. I have the kindest personal feelings toward the gentleman, but I take this occasion to assure him that while I do not doubt his return to this House "by a large majority," he will never live to see the day when such an effete specimen of moral depravity as Sam. J. Tilden will be elected President of this great nation. [Applause and laughter on republican side.]

One word more. As to his abuse of the Administration, so carefully prepared by weeks of study I have no doubt, I have only to say that from the President down to the lowest member of his Cabinet, if there be any gradation in rank, they will be remembered when Sam. Tilden is forgotten, except for his perfidious rascalities. The President and every member of his Cabinet are courteous gentlemen and manifest that to every man who approaches them without regard to their knowledge of their political antecedents. They are dignified, they go to church on Sundays and do other good things that some of their democratic predecessors did not do. Hayes's administration has been cautious and conservative, and if not very brilliant, it will be conceded it has been highly respectable. It has been well represented abroad, the pledged faith of the Government to its creditors has been maintained, and the national debt has been largely reduced. Under the financial management of John Sherman refunding operations have been successful, resumption of specie payments has been achieved not only without disturbing values, but, following in its train, has brought about a prosperity which the nation never knew before.

I thank the gentleman from New York, General RICHARDSON, for giving me so much of the short time allowed him in this debate, and I thank the House for its indulgence in listening to me so attentively. [Applause.]

During the delivery of the foregoing speech, when ten minutes had expired, Mr. RICHARDSON, of New York, yielded five minutes more, at the termination of which,

Mr. YOUNG, of Ohio, said: Will the gentleman indulge me a few minutes longer?

Mr. RICHARDSON, of New York. I cannot. My time is all promised.

Mr. YOUNG, of Ohio. Inasmuch as the gentleman to whom I am trying to reply was allowed to speak for two hours and more, I think this side should have full opportunity to respond.

Mr. KEIFER. How much more time does my colleague want?

Mr. YOUNG, of Ohio. About ten minutes.

Mr. KEIFER. I ask unanimous consent that the gentleman be allowed to finish his remarks.

The SPEAKER *pro tempore*, (Mr. TOWNSEND, of Illinois.) The gentleman from Ohio [Mr. KEIFER] asks unanimous consent that his colleague be allowed to finish his remarks, the additional time not to come out of the hour of the gentleman from New York, [Mr. RICHARDSON.] The Chair hears no objection.

Mr. YOUNG, of Ohio, resumed and concluded his remarks.

Mr. RICHARDSON, of New York. Mr. Speaker, I had believed that this bill which so long vexed the extra session would not again be pressed upon the attention of the country and the House; for I thought that wisdom had surely been learned by the last spring's experience, and prudence by the last fall's defeat. I do not stand in my place to resist either by voice or vote any efforts that may be made to render it impossible to extort unwilling money from officers or employes of the Government for political or other purposes; but I do stand here to resist any and all efforts to deprive them of their inalienable right to use their own as they will, which is denied to them by the provisions of this bill.

It is a truism that in a government by the people the largest liberty should be granted the citizen to express his views on every subject, and thus we find in the Constitution of the United States and in the constitution of every State in the Union the provision guaranteeing the freedom of speech and freedom of the press; and it is declared in many of these instruments that the citizen may speak, write, and publish his views on every subject. So fully has this right been recognized, so sacredly has it been observed, that criminals, although deprived of the right to hold office, of the right of suffrage, of the right to sit on juries and to testify in the courts of justice, have never yet been denied the right to discuss political questions or to pay their money in furtherance of such discussion, or, indeed, in the furtherance of any political object, in the same manner and to the same extent as other men.

But this bill makes it unlawful for the officers and employes of this Government to pay for political information; makes it unlawful for them to pay for publishing their sentiments on any political subject, and debars them from engaging in political discussions or in political work, however innocent it may be, that require for their prosecution the expenditure of money. It seems to me that a measure could not be proposed or conceived more despotic in its character, more subversive of popular rights, more destructive to personal liberty, and less in harmony with the spirit of our institutions and the practice and traditions of our people.

It has been supposed that freemen owned what they earned (perhaps this is the distinction between them and slaves) and that they could not be deprived of their property or their right to enjoy it unless by due process of law; that their property could not be taken or destroyed even for a public purpose without compensation. But the value of property is in its use. Let its use be arbitrarily restricted, much or little, and to that extent is the property destroyed and the owner deprived of its enjoyment, without process and without compensation.

The money paid from the public funds to the individual who labored to earn it is no less his property than if paid to him for interest on United States bonds; and if the right resides in Congress to restrict the expenditure of money because it has lain in the vaults of the Treasury, ought it to be exercised in the one case and not in the other? To be sure, the employe of the Government is compelled to toil for his daily bread, and the bondholder may dress "in scarlet and fine linen and fare sumptuously every day," yet before the law they are equal; and if discrimination is to be made ought it to be in favor of capital, that can always take care of itself?

United States Senators and Representatives, as well as the officers of the Government, are the servants of the people. Their time and services belong to the people, and they are paid their salaries from the money of the people; and by parity of reasoning, if there is any reason or principle in this thing, they ought to be included within the provisions of this bill, and yet is there any gentleman on this floor who will claim that they are? It would be an interesting and instructive spectacle to behold a country postmaster, because he had contributed a few dimes toward the expense of a political gathering held in his neighborhood, driven from his office under and by virtue of a law made by men who may, with impunity, spend all they own, and all they can borrow, to be returned to Congress! Do despots make laws for themselves or for other men? Pass this bill, let it become a law, and the ex-confederate may still use his money and his shotgun, if reports are true, in behalf of the democratic party. And where is the democrat who will find fault with him? But two hundred thousand Union soldiers whose claims are now pending before the Commissioner of Pensions violate the law if they spend one cent for political purposes. Should they pay for a conveyance to carry a disabled comrade to the polls, they forfeit, in the terms of this bill, the pittance due them for wounds received and disease contracted in fighting a rebel crew, or starving in prison-pens. [Applause on the republican side.] And yet these are they who on a hundred battlefields testified their devotion to country, and but for whose efforts these halls would be silent to legislation; and they are now to be branded as malefactors by the laws of the very Government they preserved for exercising rights so freely enjoyed by traitors who by all the machinery of war attempted to destroy it. [Applause on the republican side.]

In this Congress, during this session, political disabilities under which our democratic friends labored, for indiscretions committed some time since, were removed, and not a voice was raised against it except on two occasions, and you all know that was against the form and not the substance of the application. And is it now proposed to impose disabilities and restrictions upon the officers and employes of this Government because they are republicans? Is that democratic reciprocity? [Laughter on the republican side.] Is that retrenchment? Is it reform? Or is the word not yet coined that fitly expresses this infamy?

This bill destroys rights of property, smothers free discussion, and makes it a crime for one class, who are neither convicted nor guilty of a wrong, to do that which is permissible and legitimate in every other citizen. Caucus may decree and Congress may enact this iniquity, but that which is more powerful than caucus or Congress, public opinion, will condemn it; for the intolerance which robs and crucifies the citizen because he holds a political faith not in harmony with that of the majority of this House will, and ought to

be, execrated by good men everywhere. And the effort to enact this intolerance into law is a greater outrage than "bulldozing" or the attempted larceny of a State government. It will be received and accepted as another evidence that the democratic party will leave untried no means, however infamous, to inaugurate the rule of the minority.

Gentlemen, if you can afford to pass this bill, you have the power; the constitutional and moral right to do it I deny; but rest assured that upon an appeal to the sovereigns, to the people, they will demonstrate that they know how to reverse and revoke arbitrary decrees; that they know how, not by democratic methods—fraud and violence—but legitimately, to preserve their rights when they are thus wantonly assailed. [Applause on the republican side.]

Mr. SHALLENBERGER. My colleague [Mr. ERRETT] desires to submit some remarks on the pending bill; but as he is not well and his voice is weak, he desires they may be printed in the RECORD as part of the debates.

The SPEAKER *pro tempore*. The Chair hears no objection, and it is ordered accordingly.

Mr. ERRETT. This bill proposes two enactments: first, to prevent assessments upon office-holders for political purposes; and, second, to prevent contributions for similar purposes. The first point has already been attained by executive order, prohibiting any assessment upon any one holding office under the General Government, and the provisions of this bill prohibiting such assessments are therefore unnecessary and uncalled for. The second point, as I undertake to show, is entirely beyond the legislative power of Congress, and is an invasion of private rights which no legislative body has the power to make while acting under a constitutional form of government.

An assessment upon an office-holder for political purposes is one thing, while a contribution from such office-holder for such purposes is an entirely different thing. One is an enforced levy, the other is a voluntary gift. Congress has a perfect right to say that office-holders under the laws of the United States shall not be levied upon or forced to pay sums for any purpose except that of taxation for the support of government; and if it were not that such levies are already prohibited there would be no objection to that part of this bill; but Congress has no right to say to any one, be he office-holder or otherwise, that he shall not do with his own money whatever seems best to his own judgment.

An office-holder is simply an employé of the Government. He is employed to do certain work for a certain compensation; and when he has done that work and received that compensation, the money he has received is his own, and in no way subject to the order or control of the Government. It is as much and as absolutely his own as a piece of land which he has bought or any piece of property he has acquired. Government can tax it for its own support; but it cannot say to him what he shall or shall not spend it for. It cannot say to him that he shall spend it for flour, or meat, or clothing; nor can it say to him that he shall not spend it for cigars, tobacco, snuff, liquor, or any other object of governmental dislike. He may lay out his weekly or monthly earnings all in buying cabbages, if he chooses. If he has religious preferences, he may give liberally to his church or to charitable funds; and if he has also political preferences, he has as good a right of his own free will to contribute of his means to help his party as he has to contribute to his church, his lodge, or his charitable society. The money being his, and his only, Congress cannot prescribe to him how he shall or shall not spend it. When the Government has paid him for his work its control over the money it has paid him is gone. He can keep it, or give it away, or spend it, as seems best to him, without regard to lamentations here or elsewhere.

The recognition of any other rule would be both ridiculous and tyrannical. When the Government goes into the market and buys food or clothing for the Army or for the Indians, or stone or building materials for its public buildings, it is supposed to get value for value when it has received what it has paid for. When the payment is complete, the buyer and seller stand on equal ground. The buyer can do as he pleases with what he has bought, and the seller has the same liberty with the proceeds of what has been sold. It would be ridiculous for any government to turn round to the seller and say: "You shall not use this money which is paid you for such and such a purpose." No government that I know of has ever attempted that style of folly; and certainly any free government that would try it would disgrace itself in so doing.

And if Government cannot do this with its customers from whom it buys materials, it cannot do it with those from whom it buys official labor. A clerk employed at \$1,200 a year is supposed to render twelve hundred dollars' worth of service therefor; and when he has rendered it and been paid for it, he and the Government are equal. He has rendered service which the Government can use as it chooses; and he has been paid for it in money which he can use as he chooses. To assume any other ground is to assume the right of the Government to follow the money it pays, in every case, into every hand that receives it, and to say what it shall be spent for, and how, and when, and where, as well as what it shall not be spent for; and when that right is recognized, we have recognized a despotism as unlimited as the Russian autocracy.

Under the exercise of such a right Congress may, as it chooses, say to all the subordinates of Government that as the use of spirituous

liquors is injurious to the body, debasing to the soul, and destructive of social order, no one of them shall, under heavy penalties, contribute his money to the purchase or use of spirituous liquors. It may also direct that as tobacco, in all its forms, is filthy and unhealthy, no Government employé shall use his means in buying or using it. And it is not beyond the bounds of probability that a Congress may hereafter be found willing to say to all office-holders that as some particular religious society is obnoxious in its doctrines or forms of worship, it shall be unlawful for any such office-holder to contribute anything to the support of that society. Certainly Congress has as much right to issue such prohibitions as it has to prohibit voluntary contributions to political parties.

Contributions for political purposes are not in themselves corrupt. A very large part of the expense of political parties is for perfectly legitimate purposes. A voluntary gift to party funds by an office-holder is not, therefore, necessarily to be regarded as corrupt or corrupting. Bad uses have undoubtedly been made of money in elections; but the contributions of office-holders, as a general rule, are used only for the legitimate expenses of political campaigns. There is no good reason why the office-holder, whose sympathies are enlisted in the success of his party, should not contribute, if he chooses, as freely to the triumph of his political principles as to the triumph of any good cause, provided he does not so contribute with a corrupt motive or for a bad purpose. If in so doing, and in so exercising his undoubted right, he commits any crime, he is fully answerable therefor, and it needs no such law as this to punish him.

The right of an office-holder to do as he pleases with his own is one hitherto unquestioned, and is to my mind unquestionable. His salary, when it is paid him, is his own, and Congress has no right to tell him what uses he shall or shall not make of it. The right of a man to be undisturbed in his house, his property, his person, and his papers is not more clearly apparent than his right to do as he likes with his own when it has come into his possession. Congress is right enough in saying to him: "You shall not be taxed for political purposes, nor shall you be forced to pay anything you do not want to for such purposes," because it is his right to be free from all such taxes and forced levies; but when he has been paid his hire for his labor his right to spend it in his own way is too clear for question. For these reasons I shall vote against this bill as an unwarranted and dangerous exercise of legislative power.

This bill is pressed by one party in Congress simply to cripple another party in its modes of action, and is, in fact, an attempt to secure a political advantage by act of Congress. The party seeking the passage of this bill has for many years resorted to both political assessments and political contributions; and if it should succeed in getting into power would be prompt, it may well be supposed, in repealing the bill, as it is contrary throughout to both its theory and practice. It is at best a mere political expedient, and, regarding it as such, I put my voice on record against it.

As an evidence of the prevalence of levying political contributions under a democratic administration, I append the following from the testimony of Cornelius Wendell, esq., before a congressional committee, March 22, 1860. Mr. Wendell was, under Buchanan's administration, the Public Printer, and he testified as follows:

Question. Have you been engaged in doing printing for the Government?

Answer. I have; for the past six years.

Q. Have you been called upon to contribute largely for political purposes?

A. I have been asked to contribute, and have voluntarily contributed whenever, in my judgment, it would be beneficial to the [democratic] party.

Q. Have you any knowledge of what amount you have contributed, annually, or for the time you have been engaged in Government work?

A. During the past four years I have, perhaps, contributed over \$100,000 to what might be considered party purposes.

Q. Can you tell what amount you expended in the first district of Pennsylvania, Colonel Florence's district?

A. I could not tell exactly. My judgment is that it was rising \$3,000.

Q. In whose hands was that money put for the first district? Was it all put in the hands of one person?

A. No, sir; if my memory serves me, I gave Mr. Horwitz—

Q. What is his first name?

A. I do not know; he was the editor of a German paper. I made a little arrangement with him to bring out our German citizens. I think he is now the editor of the Pennsylvania. I also put some money into the hands of Mr. Megargee.

Q. Which Megargee?

A. Sylvester J. Megargee; and, I think, some to Mr. Severns.

Q. What is his first name?

A. Joseph. My impression is that I put some in his hands.

Q. Did you furnish any directly to the member from that district?

A. I cannot say positively that I did furnish any to Colonel Florence; I may have given him some, but it does not occur to me now; I was paying him as the friend or agent of the Argus, a certain stipend out of the printing; but whether I gave him directly for election expenses, or whether it was to him as the agent of Mr. Severns of the Argus, in whom he took a warm interest, I cannot say.

Q. Do you think of any other person in that district to whom you furnished money?

A. I do not know.

Q. In what year was the most of that furnished?

A. The great bulk of it was furnished in 1858, at the last congressional election.

Q. Do your books show the amount you furnished in 1858 in that district?

A. No, sir; the charges are generally against Mr. Severns of the Argus; he was to have a certain percentage on certain Government printing to sustain his paper; in the amount I mentioned I include what I have paid to sustain papers to promulgate the word; what I have given individually for expenditures in different districts for printing, bringing up voters, bands of music and general election expenses, I could not tell where the money went to. I could say for instance, I put \$500 in such a district; I could not follow it farther.

Q. Did you not pay more than that amount to the Argus alone?

A. Oh, I paid the Argus some seven thousand and odd dollars, including what

might have been used for election expenses; how much that was I could not tell exactly; my idea is that about \$2,000 of the money was expended in the district, and the balance for the paper; but I could not say positively about that.

Q. Was this in 1858?

A. Yes, sir; about \$7,000 during that summer; the aggregate given to Mr. Severns was over \$7,000 if my memory serves me. I have the figures.

Q. Who was it that made the arrangement by which he was to get that money?

A. Well, sir, my knowledge has been that it was through the President. I was doing all the printing here, and Mr. Rice, of the Pennsylvanian, claimed a portion of it, and then Mr. Severns did, and through friends, Mr. Bigler, Colonel Florence, and other friends, it was arranged that they should have such a percentage of the work, that I should pay them so much. The reason given was that the patronage of the city was lost owing to the triumph of the opposition, and the papers must be sustained in some way, and therefore they must have a portion of this work. I paid during the year, I think, to Mr. Rice between \$11,000 and \$12,000, and to Mr. Severns, including what I suppose was used for electioneering purposes, about \$7,000.

From this it will be seen exactly how democratic administrations did when in power, and it is fair to infer that if we are ever to have another we shall have one that will direct political assessments to be levied and spent under arrangements made with a democratic President in proper person.

Mr. RICHARDSON, of New York. I now yield for twenty minutes to my colleague, [Mr. CROWLEY.]

Mr. CROWLEY. Mr. Speaker, I did not expect to mark my entrance into congressional life by speaking on a so-called civil-service bill, and were it not for certain provisions of the measure now under consideration I certainly should not occupy the attention of this House for one moment. I have not any set, prepared speech to deliver, but I have to say that the provisions of this bill are crude, ill-digested, impracticable of execution in many respects and unconstitutional in others. The Committee on Reform in the Civil Service, instead of confining itself in this bill to the civil service, extends its operations to the military and naval services. Instead of bringing in a measure which would look to restraining assessments and involuntary contributions of money from those in the civil service, it has reported a proposition which includes every officer, every clerk, every employé of the Government of the United States in all its branches and ramifications.

And what is this bill? It contains four sections, only three of which need to be commented upon. The first section provides that if any officer, clerk, or employé in the Government of the United States does, first, contribute or pay any money for political purposes; or, secondly, if he pays any assessment or percentage on the income or emolument of his salary; or, thirdly, if he gives, lends, or advances any money, property, or valuable thing with the intent, assent, permission, knowledge, or understanding that the same may be applied to political purposes, he shall be immediately dismissed from the office, clerkship, or employment he holds.

Mr. Speaker, under the Constitution and laws of the United States, the President is an officer of the Government of the United States; and if he makes a contribution for political purposes, who is going to dismiss him from his office? You might as well say that the officers, the clerks, and the employés of the Government shall not be permitted to make contributions to religious or charitable or literary societies as to say that they have not the constitutional right to make voluntary contributions of their own property and earnings to political or for political purposes.

Further, the third section of this act requires and says that if the head of a Department (which includes the heads of all the Executive Departments of the Government) shall come in possession of the knowledge that any officer, clerk, or employé of his Department has contributed money for political purposes, it shall be his duty to dismiss that clerk, that officer, or that employé; and if he fails to do it he shall be subject to indictment, to imprisonment, and to fine. What a provision! If the Committee on Reform in the Civil Service cannot hatch or engender any greater evidence of statesmanship than that they had better immediately abdicate their positions.

Why take the officers of the Treasury Department as an illustration. There are two Assistant Secretaries; there are Comptrollers and Auditors; there is the Commissioner of Internal Revenue, and there are other officers therein, all appointed upon the nomination of the President by and with the advice and consent of the Senate. Is there any power on the part of the Secretary of the Treasury to dismiss any one of these officers if such officer contributes money for political purposes? Suppose that one of his assistants should contribute money for political purposes and it should come to the knowledge of the Secretary of the Treasury and he should not dismiss him. You go before the grand jury of the District of Columbia under this bill, and if you can find a district attorney of any experience who would say, upon his honor and legal experience, to the grand jury that the Secretary of the Treasury was liable to indictment, and the Secretary should be indicted and brought in, what would be his plea to that indictment? He is asked, Are you the Secretary of the Treasury? Yes. Was your assistant an assistant in office? Yes. Did he contribute money for political purposes? Yes. Did it come to your knowledge? Yes. Then what have you to say why you should not be convicted because he has not been dismissed? Why, his plea would be there is no law of Congress that authorizes anybody but the President of the United States to remove an assistant secretary of the Treasury, and you cannot convict me for not doing that which I have not the right or the power under the law to do. Well, what more than that? Congress heretofore, in legislating upon the question of

the tenure of office in 1867, by section 1767 of the Revised Statutes, provided that—

Every person holding any civil office to which he has been or hereafter may be appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.

And then, by section 1772, Congress in its wisdom has further provided that every removal, appointment, or employment made, had, or exercised contrary to sections 1767 and others thereafter following shall be treated as follows:

SEC. 1772. Every removal, appointment, or employment, made, had, or exercised, contrary to sections 1767 to 1770, inclusive, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed a high misdemeanor, and every person guilty thereof shall be imprisoned not more than five years, or fined not more than \$10,000, or both.

The person who attempts to remove such an officer so appointed shall upon conviction be subject to fine and imprisonment. And yet you make it the duty under this bill of the Secretary of the Treasury and all the heads of the various Executive Departments of the Government to do an act which the law does not allow them to do, and you propose to punish them if they do not do it, with an act upon our statute-books punishing them if they do remove certain officers so appointed.

I say this third section of this proposed bill is an absurdity and a contradiction. Now come to section 4. That section provides that if any person having a contract with the United States or any officer shall make any contributions for political purposes all his rights shall be forfeited. Why I appeal to lawyers on the other side of the House that you are running right in the teeth of the Constitution of the United States—that clause which says Congress shall not pass any bill in regard to attainder or *ex post facto* law. His rights have become fixed before he makes his contribution. They are his property and you cannot deprive him of them by any congressional enactment or law, but because he subsequently makes a political contribution you propose to deprive him of all his rights. Further than that, any person who has a contract three months before his contribution or three months after shall forfeit all his rights.

Now, Mr. Speaker, I say he shall forfeit "all his rights," because the section is so bunglingly drawn that it will bear this construction. It may be so argued with much propriety under the terms of this section, because the language is that any person who does these things "for any political purpose shall be deemed to have forfeited all rights," not limiting or circumscribing the forfeiture under such contract, but absolutely.

Mr. HERR. They might hang him.

Mr. CROWLEY. Then it goes further, and there is where comes in the argument of my colleague who represents in part the State of New York—it provides that every claimant against the United States who makes contributions shall in like manner forfeit his claim, and shall not have the right to recover or receive anything on the same.

If the House will pardon me for a moment, by way of illustration take the case of a person who applied for a pension. The application has not been granted. The claim is pending; and while it is pending if the claimant makes any contribution for political purposes he will forfeit his right to that pension.

Then your bill makes no provision as to how these forfeitures shall be determined, as to whether a man's property shall be taken by judicial proceedings or otherwise. There is no provision whatever made as to that.

Mr. Speaker, I have heard the argument advanced upon this floor by different gentlemen that Congress is usurping the rights of States; that we of the National Government are consolidating the powers of the Government and taking away rights which the States should possess and ought to possess under the Constitution. Let me say to my political friends on the other side of the House, if this is not one of the most gigantic strides in that direction, I fail to know what could be considered as such. Take the State of New York. Let us suppose that some eminent citizen, some eminent democrat if you please, say Mr. Seymour, is running for the office of governor at a time we elect no presidential electors, when we elect no Representatives in Congress, when we elect no members of the Legislature who shall take part in the election of a Senator to represent the State of New York in the Senate of the United States? He makes a contribution for political purposes, which under the laws of the State of New York he may do, because the laws of the State of New York make it legitimate to make contributions to bring the halt and the blind and the sick to the polls, or to make contributions for the printing of tickets, for the circulation of documents, and for holding of public meetings. Mr. Seymour has a contract while thus running, and makes a contribution for political purposes, to be used wholly in the State of New York, and legitimately. You say by this bill that in such a case where the Government of the United States is not interested at all he shall forfeit all his rights under that contract. I say that such legislation as this is unworthy the wisdom of an American Congress. I do not put it on republican or democratic grounds. But I say your bill is crude; it is ill-digested; it is impossible to execute, and it is unconstitutional.

If you pass the bill I do not believe it will ever be signed. Gentle-

men here know very well that I have no authority whatever to speak for the Executive in any respect; but I do not believe if this law were passed it would ever receive the Executive signature. And if it did, it would go upon the statute-book like many other high-sounding laws which have gone upon the statute-books of the National Government and of the respective State governments and there remain a dead letter.

If the Committee on Reform in the Civil Service want to do something in the interest of civil-service reform let them report a bill to this House which will open admissions into and promotions in the civil service to competition, so that it may be open to all political parties and persons. Let the bill appoint a commission which shall be independent of party so far as you can make it under our Constitution and form of government, who shall have the supervision and arrangement of the rules in regard to the civil service of the Government of the United States. Then say that no officer or employé of the Government shall be compelled to pay political assessments or involuntary contributions; and I will go as far as any member on the floor to support a bill of that kind. But I should consider I was not representing the will of my constituents, I should consider that I was not acting in obedience to public policy, I should consider that I was not acting in accordance with the Constitution of the United States, if I were to give my assent to a law of this character.

I respectfully ask the gentleman having charge of this bill on the other side of the House to consider some of these legal propositions in connection with the first, second, and third sections to see whether this bill is constitutional if you pass it. [Applause.]

Mr. RICHARDSON, of New York. How much time have I left?

The SPEAKER *pro tempore*. Eight minutes.

Mr. RICHARDSON, of New York. I give one minute to the gentleman from Massachusetts, [Mr. CLAFLIN.]

Mr. CLAFLIN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend the first section by striking out in the third line the word "employé" and inserting "any member of Congress or other person receiving a salary from." In the twelfth line strike out the word "employés" and insert the words "members of Congress or persons receiving salaries." And add to the section after the word "hold" the words "and shall be ineligible to any office of honor or emolument for two years thereafter under the United States Government."

The SPEAKER *pro tempore*. The Chair understands that the gentleman from Massachusetts offers that amendment simply for the information of the House.

Mr. CLAFLIN. I offer it that it may be considered pending.

The SPEAKER *pro tempore*. That is not in order now. It can only be offered for information at present.

Mr. GARFIELD. There is no previous question pending now to prevent the amendment being offered.

The SPEAKER *pro tempore*. The Chair understood that the amendment was read at the present time simply for information.

Mr. GARFIELD. It is offered in good faith.

Mr. CLAFLIN. I offered it to be voted on at the proper time.

Mr. WHITE. If that is the case, then I offer an amendment to come in at the end of the bill.

The SPEAKER *pro tempore*. To whom does the gentlemen from New York [Mr. RICHARDSON] yield?

Mr. RICHARDSON, of New York. I yield the remainder of my time to the gentleman from Illinois, [Mr. HAYES.]

Mr. HAYES. Mr. Speaker, the bill now before the House contains so much that is palpably absurd and nonsensical that it ought not to receive a moment's attention by the members of this body, but should be promptly condemned without a hearing. The fact that a bill is reported favorably by the able Committee on Civil Service Reform ought, under ordinary circumstances, to give it some claim to our attention, but so glaring are the defects of this bill that even the indorsement of a majority of this committee cannot give it sufficient character or respectability to entitle it to any consideration at our hands. Yet, as certain gentlemen on the other side seem to think the bill a good one and are determined to press it to a vote, I desire to trespass upon the time of the House for a few moments while I point out some of the defects of the bill and state some reasons why it should not pass.

THE OBJECT OF THE BILL.

The main object of the bill, which is clearly set forth in the first section, is to prevent the various officers of the United States Government and the clerks and employés in the various departments of that Government from making any contributions of money or any other valuable thing to assist in carrying on a political campaign. Now, sir, a moment's consideration will show not only how ridiculous such a proposition is, but that Congress has no right to interfere in such a matter. Here it is proposed that the United States shall by legal enactment determine how the individual citizen may and how he may not dispose of what he has earned by his labor and what belongs to him as his individual property. The proposition is for the American Congress to constitute itself the guardian of the individual citizen and the director in the use and disposition of his property. A moment's thought will show that this is reversing the whole theory and practice of our Government during all the years of the past. Thus far in the history of this Government we as a people have believed in the doctrine that the individual citizen should have the utmost liberty in managing his own private affairs. We have maintained the "rights of property" as among our dearest rights. We have supposed that

when a person honestly earned a dollar he had the right to dispose of it as he thought best. But it appears that in all this we have been laboring under a mistake. This new democratic doctrine informs us that the individual citizen has not the right to dispose of his own property, but must depend upon Congress to direct him in the matter.

A HIGH-HANDED OUTRAGE.

Now, Mr. Speaker, we have heard much during the past few years about the republican party disregarding the rights of the people, but, sir, I defy any democrat to point to a single instance where that party has ever even hinted at such a high-handed outrage as this—such a gross infringement upon the rights of citizenship. I venture the assertion that never before in all our history as a government was such an outrageous proposition as this seriously made by any man of average common sense. Why, sir, has it come to this, that what a citizen of this Government honestly earns by hard labor is not his to use as he sees fit? Has it come to this, that when an officer of this Government or a clerk in any of the governmental Departments walks up and draws his money at the end of each month as pay for services rendered the Government, he is to be told that he has not the control of that money, but must look to a democratic Congress to tell him what disposition he must make of it? Such an idea is abhorrent to the sense of personal right which is possessed by every American citizen, and yet this is just what is proposed by the bill now under consideration. If Congress has a right to say that an officer of this Government shall not spend a portion of his money for political purposes, it has the same right to say that he shall not spend it for house-rent, for a new coat, for a dress for his wife, for provisions for his family, or for helping forward any benevolent enterprise. There is the same principle involved in the one case as in the other cases. But will this democratic Congress dare to bring forward a bill prohibiting the officers and employés of the Government from spending their money for house-rent, clothing, provisions, and benevolent purposes? They will scarcely do this, and yet they not only bring forward this bill, but urge its passage, knowing that it has no more right back of it than such a bill as I have suggested would have.

A TRUE INTERPRETATION OF THE BILL.

But, sir, I wish to call the attention of the House to section 2 of this bill. This section is certainly a master-stroke of legislative ability. In this section this democratic Congress, in clear and decided tones, announces to the head of each Department of this Government that he must get printed and have posted up in each room and upon each door of his Department an order, telling the employés of that Department that they are absolutely forbidden to contribute any money or other valuable thing for campaign purposes under penalty of being turned out of their places in case they do so contribute. Now, what is the meaning of all this? Simply that this democratic Congress is assuming powers which it does not possess. It is striking a death-blow at some of the dearest rights of American citizenship. Correctly interpreted this order would read thus:

"To the officers and employés of the United States Government: Gentlemen, as you are not endowed with sufficient ability to manage your own affairs and control your own property, we, the democratic majority of the Forty-sixth Congress, have constituted ourselves your guardians. For years our hearts have yearned over you, longing to do you good, but never have we been able to make a practical manifestation of our good-will toward you until now. Being in full possession of each House of Congress, we have taken this method to demonstrate to you that we are deeply interested in your welfare. We have felt for some time that you were incompetent to manage your own affairs, and so we have kindly stepped in to manage them for you. As you read this order which we have caused to be posted up in a conspicuous place in your room, bear in mind that hereafter you are to spend your money only as we shall direct. This may seem to you to be an infringement of your personal rights, but it is not. We believe that your highest good demands this course, and we trust you will readily and willingly submit to our control. We do not like to threaten, (for we always aim to govern through love rather than fear,) yet if you do not see fit to obey us in all these respects and allow us to determine how you shall and how you shall not spend your money, we shall take occasion to dismiss you from the position you now hold and, if possible, put some good democrat in your place."

Now, Mr. Speaker, I submit to any sensible man if this is not a fair interpretation of this bill, brought in here with such a great flourish of trumpets by the gentleman from Indiana, chairman of the Committee on Reform in the Civil Service?

The idea sought to be enacted into law by the passage of this bill is monstrous—abhorrent to every American citizen who has a true conception of his personal rights. Why should the man who happens to hold a Government office be alone singled out and forbidden to contribute of his money to campaign purposes? Has not he as much interest in good government as any other citizen? If he hold political views in harmony with those of a certain political party, is he not just as much interested as any other citizen in seeing those views disseminated and the party which advocates them placed in power? Why, sir, if this democratic Congress has the right to say that a Government officer or employé shall not contribute money for campaign purposes, it has the right to say that any and every citizen shall not. Would it not be well, then, for the able Committee on

Civil-Service Reform to bring in a bill prohibiting all contributions of money or other valuable thing for campaign purposes? Such a bill would strike at the root of the matter and would affect all classes of citizens alike.

A LITTLE CHEAP POLITICAL CAPITAL.

But, sir, what is the object which the friends of this bill have in view in urging its passage? There can be but one object, and that is to manufacture a little cheap party capital. Ever since the democrats obtained control of the lower House of Congress six years ago, they have kept up a continuous howl about civil-service reform. During the campaign of 1874 they proclaimed in every democratic newspaper in the land, from every stump, and at every corner grocery that the republican party was most outrageously corrupt, that the Government at Washington in all its Departments was being run in the interest of all sorts of rings and jobbers and rascals, and that the people of the country were being robbed of millions of dollars every year by republican officials. They said to the people, "If you will again intrust us with power we will put an end to this robbery and rascality and will give you an honest administration." Well, the people listened to them and gave them control of this House. They came to Washington determined to expose republican rascality and to institute a thorough reform in all Departments of the Government. Have they done this? They certainly have worked hard in that direction. For five years they have labored day and night through their committees, which have ransacked every nook and corner of every Department and bureau of the Government to detect some republican crookedness and rascality, something that they could hold up to the people as proof of their many and oft-repeated assertions that the republican party was corrupt. But thus far that "something" has not been discovered. Their numerous, persistent, and basely partisan investigations have only served to show the people that the republican party is to-day what it always has been, a party characterized by the strictest honesty and the bitterest hatred of every species of rascality.

These investigations have shown that the republican party has managed our governmental affairs so ably, economically, and honestly that there was nothing left for the democrats to reform. This, of course, leaves the democrats in a sad predicament. They started out to prove two things—first, that the republican party was corrupt; and second, that the democracy were reformers of the most pronounced and genuine kind. As yet they have proven neither, and this fact worries them exceedingly. In the first direction they have met with so little success that they have about given it up; but they are terribly anxious, in view of their loud professions and for the sake of their party in the coming presidential campaign, to do something to convince the people that they are practical reformers. For months they have been studying over the question how best to accomplish this end; and at last this bill is brought forward, and the gentlemen on the other side fondly imagine that it is just the thing they want to help them out of their difficulty. "Is it not proof sufficient that we are in earnest in our professions of reform," they innocently ask, "when we favor such a bill as this? We can show up the evil of political contributions, and, although we may not be able to get sufficient out of the matter to prove the republican party corrupt, we can denounce the practice, endeavor to put a stop to it, and thus demonstrate to the people our honesty in making such loud professions." This is one great reason why this bill is brought in here and its passage urged with such persistency and vigor.

A WEAK ATTEMPT TO CRIPPLE THE REPUBLICAN PARTY.

But, sir, there is another reason why this bill is brought forward just at this time. We are approaching an important presidential election, and the gentlemen on the other side are urging the passage of this bill, hoping that, if they can get it enacted into law, it will greatly damage the republican prospects of success at that election. The measure, in fact, is only one of their many weak attempts to cripple the republican party. It is a notorious fact, that ever since the democrats obtained control of this House in the Forty-fourth Congress they have spent the greater portion of their time in scheming and plotting to break down the republican party. For this they have labored by day and planned by night. For this they have caucused and counseled both in season and out of season. For this they have charged us with corruption and rascality, and to bolster up their charges have invented all sorts of stories which they themselves knew had no foundation in fact. They have organized investigation after investigation and have gone into every bureau and department of the Government, fondly hoping to find something rascally and dishonest in our management of public business which they could hold up to the people in proof of the many false and infamous charges they had brought against us. They created the Potter committee and sent it forth with the earnest expectation that it would bring to light some outrageous frauds that we had committed during the campaign of 1876 which they could use against us in 1880. They sought to tear from the statute-books the election laws that we had enacted to prevent fraud at the ballot-box so that by illegal voting, repeating, and stuffing ballot-boxes, they might be enabled to secure a President in 1880. And now, having failed most ingloriously in all these vile and infamous schemes, they bring forward this bill, hoping to pass it and thus cut off a portion of our supplies for carrying on the coming campaign.

A BILL BEFITTING THE DEMOCRACY.

They say that the President, some of his Secretaries, and some of the clerks in the Departments have ventured to pay a few dollars each into the republican campaign fund on various occasions, and this they declare must be stopped at once and forever. None of these men shall hereafter be allowed to make a voluntary contribution of this kind under any circumstances. According to this modern democratic doctrine the money that a man earns by the labor of his hands or the sweat of his brow is not his. He has no right to put his hand into his pocket and pay it out as he sees fit, but must rely upon a democratic Congress to tell him how he may spend it. Such a proposition is infamous. This bill which contains it is a fitting finale to the many detestable schemes that have been concocted by democratic brains during the last few years. It is such a bill as we might expect a life-long democrat to get up and the democratic party to champion. Its language is such as befits a democrat, and it is characterized by a spirit highly becoming the degenerate democracy of these latter days. What better can we expect from a party that has always been most bitterly opposed to free speech, a free press, and a free ballot? A party that will stamp out free discussion wherever it has the power; that will shoot down in cold blood any man who dares to step out and oppose democracy; that will drive men from the polls, or murder them, unless they will vote the democratic ticket, is a fit party to champion such a measure as this. Yes, gentlemen, this bill is thoroughly democratic in both letter and spirit. Go on and make it a law if you will; but bear in mind that all the infamy which attaches to such unjust legislation will rest upon your shoulders. Bear in mind that if this measure gets upon our statute-books at all it will get there by means of democratic votes alone, and, like many other democratic laws, will stand there only to proclaim the consummate folly and shame of the democratic party.

WHY DID NOT THE DEMOCRACY PRACTICE REFORM WHEN IN POWER?

But, Mr. Speaker, the question naturally arises why it is that the democracy have become so thoroughly alarmed in regard to this matter of political contributions just at this time? Why have they never manifested any interest in the matter before? If it is such a great evil for a clerk in one of the Departments to pay a few dollars into a campaign fund, why have not these gentlemen discovered it long ere this? If political contributions on the part of Government officers and employés have such a demoralizing and corrupting influence upon the civil service of the country as democrats now declare they have, why did not the democracy wake up to the fact when they were in full control of all departments of the Government, and go to work and enact a law to prevent them? Why, sir, the great democratic party held full sway in this country for many long years, but did any one ever hear of a democrat ever even hinting that there was anything wrong in political contributions or bringing forward a bill to put a stop to them? It is a notorious fact that the democracy always have acted upon the principle that to the victors belong the spoils, and that those of their party who were fortunate enough to get the offices should foot the bills for campaign purposes. There was no deviation from this principle during all the thirty years that the democracy were in power. To show more clearly what was the democratic practice in regard to political contributions, or rather assessments, for such they were under democratic rule, I quote from the report of the Covode committee in regard to the campaigns of 1856 and 1858. The first testimony that I shall refer to is that of Isaac West, who was inspector in the custom-house at Philadelphia in 1856. His testimony will be found on page 23 of the report, from which I take the following:

Testimony from Covode report.

Question. Were you there (in custom-house at Philadelphia) at the time of the election of 1856, when Mr. Buchanan was elected?

Answer. Yes, sir.

Q. What do you know about moneys being raised off the employés of the custom-house on that occasion?

A. There was a certain tax levied upon the persons connected with the custom-house.

Q. What amount on each person?

A. A certain percentage. On a person receiving \$1,095 a year, I think the tax for the presidential election was from \$30 to \$33.

Q. What about the other election?

A. The amount was not so great for the State election.

Q. How much was that?

A. That I do not recollect. It strikes me that it was from \$5 to \$7; something like that.

Q. The two, then, would amount to in the neighborhood of \$40?

A. Yes, sir; in that neighborhood.

Q. Did all the employés pay?

A. I never knew one to refuse.

Q. What was the impression—that it was rather obligatory upon them to pay?

A. That seemed to be the impression.

The testimony of George Plitt on the same page is to the same effect:

Question. Did you know anything about a portion of this money being raised off the employés of the Government in Philadelphia in the custom-house and elsewhere?

Answer. Well, I think there was at that time, but I am not certain; that is our general custom.

On page 556, &c., will be found the testimony of B. F. Slocumb, from which I take the following:

Question. Are you a clerk in the General Land Office?

Answer. I am, sir.

Q. Do you know of any assessment of money upon the clerks and other employes of the General Land Office for political purposes?

A. Well, sir, I remember myself to have contributed money on one or two occasions—a small amount.

Q. Do you or not know that all the clerks were assessed for political purposes?

A. I do not know whether you would call it an assessment or not. There was a sort of subscription made by the clerks in the Land Office, for political purposes, I suppose.

Q. How and in what manner were these assessments made—in proportion to their salaries or otherwise?

A. I do not know whether it was with regard to salaries or not.

Q. Well, what amount of percentage was the contribution?

A. I do not know exactly. I think I was receiving at the time a fourteen-hundred-dollar salary, and the amount I paid was \$2.50.

Further on Mr. Slocumb states that he was in the same office in 1856, and contributed money that year for political purposes.

From the testimony of J. L. Cramer, which appears on page 560 and onward, I take the following:

Question. Are you a clerk in the General Land Office?

Answer. Yes, sir.

Q. Do you know of any assessments made upon the clerks or employes there for political purposes?

A. I have asked the gentlemen—a portion of them—to contribute for that purpose.

Q. How was that contribution made? Was it a certain percentage on the salary?

A. In one instance it was; a small per cent. was asked of the gentlemen.

Q. Do you recollect what per cent. it was that was levied that year?

A. I can only tell from my own proportion. My recollection is that I paid \$3.20 on a salary of \$1,000.

Q. Did you collect in 1858?

A. I collected on two occasions; it strikes me that one was in 1856 and the other was in 1858.

Q. Do you know for what State or for what purpose that money was collected either in 1856 or in 1858?

A. I think the money in 1856 was collected to be appropriated to pay some balance to be supplied in Pennsylvania.

Q. By whose authority was it done? Who was it that requested or directed you to perform this duty?

A. I took the paper around at the request of the Commissioner of the General Land Office.

Q. Did all the clerks pay their assessments?

A. Nearly all that I called upon. I believe there were but one or two exceptions.

Following the testimony already given is the testimony of Mr. Vedder and Mr. Lucas, clerks in the Land Office, to the same effect.

On page 572, and following, I find the testimony of Stephen G. Dodge, as follows:

Question. Can you give any information as to the manner of raising money in that (the Pension) Department for political purposes?

Answer. I know that a contribution was raised in the Pension Office, I think it was in 1856, to aid the administration party in the State of Maryland.

Q. To what did your contributions or assessments on you for that year (1858) amount?

A. It amounted to \$30 on the Lecompton business.

Q. Anything for elections?

A. For the election in Maryland—I think it was the Baltimore City election—it was \$5.

Q. And how much for the subscription to the "Constitution"?

A. That was \$6.

That James Buchanan, democratic President of the United States, knew all about these assessments, and approved of this method of raising money for campaign purposes, appears from the following testimony of Cornelius Wendell, page 576:

CORNELIUS WENDELL.

Question. I wish to ask you a few further questions concerning the elections in Pennsylvania. When you had interviews with Mr. Buchanan previous to the election in Pennsylvania in 1858, did you not freely talk with him in regard to the use of money to carry certain districts?

Answer. I talked to him freely as to the use of money in elections; I do not remember as to any specific districts; I talked about the expenses of elections generally, the large amounts used; yes, sir.

Q. Did you not tell him that you were compelled to use large amounts of money?

A. I cannot say that I was compelled.

Q. That you were using large amounts of money?

A. He was cognizant of the fact that I contributed largely for elections.

Q. What was the character of the several letters from Pennsylvania that he read you portions of during one of the interviews you had with him about carrying certain districts? How was it to be done?

A. I think most of them wanted material aid; they made suggestions as to aid required in different districts generally, and the political affairs of their several districts.

Q. Did Mr. Buchanan object to carrying elections or helping to carry them in that way?

A. Never to me.

Now, sir, this testimony shows what the democratic practice was in regard to political assessments when the democracy were in power in this country, and have we any evidence that they would not repeat this practice if they were given power again? Have they given us any proof that they have changed in any particular for the better since 1856? I think not. They are no more of a reform party to-day than they were then. They cry "reform" with the utmost vigor, but they are careful never to practice it. Why, sir, since this bill was reported to this House the democratic employes both of this House and the Senate have been called upon to contribute, and have contributed, to the campaign funds of the democratic party. That

was during the important campaign in Ohio, and these men were called upon to help that campaign along after the regular old democratic style.

PREACH ONE THING AND PRACTICE ANOTHER.

How is this, I ask, for a party that makes such loud assertions in condemnation of political contributions? We find gentlemen on the other side rallying to the support of this bill, indorsing its principles and urging its passage with all the vigor and eloquence they can command, and yet they turn right around while doing these things and violate every principle of the bill. On this floor they advocate one thing, while outside they greedily rush to the practice of the opposite. They stand up here and condemn what we republicans do, and yet turn right around and do the same thing. Oh, democracy, thy other name is humbug!

But, sir, no one who is familiar with the history of the democratic party is surprised at their action in this matter. It is only what might be expected. In fact, we should all be disappointed if that party did not act in this matter with its usual inconsistency. It is to-day, and has been for years, the habit of the democracy to preach one thing and practice another. There never was a party in the country that is such a model as to precept or such a failure as to example. There is not a virtue in the whole catalogue that it has not claimed as its own, while there is not a vice that it has not unhesitatingly practiced. For fear some of the gentlemen on the other side may have short memories, I invite their attention to the following list:

They have cried reform, while they have been practicing all sorts of rascality. They have declared in favor of economy, while they have indulged in the most inexcusable extravagance. They have announced themselves in favor of liberty, while they have upheld the vilest and most degrading system of slavery that ever cursed the earth. They have prated about the necessity of educating the individual citizen, while by law they have made it a high crime to teach a human being to read. They have advocated free speech and a free press, while they have crushed out both without the least hesitation. They have talked loudly about the rights of the individual citizen, and yet they have never hesitated to violate those rights whenever it suited their convenience. They have waxed eloquent over the poor laboring-man, while they have oppressed labor and degraded the laboring-man. They have always proclaimed themselves as the special defenders and guardians of the Constitution, and yet they have not hesitated to violate the Constitution whenever it suited their purpose. They have paraded their honesty before the country, while their actions have shown them to be destitute of every honest principle. They have talked long and loud about the necessity of a free and honest ballot, and yet they have forged thousands upon thousands of fraudulent naturalization papers, voted thousands upon thousands of illegal voters, reduced republican majorities to minorities by bulldozing, repeating, tissue ballots, and false counts; driven legal voters by hundreds from the polls; shot down men like dogs because they refused to vote the democratic ticket; stolen scores of republican congressional districts by force and fraud, and robbed republican majorities of representation on this floor by turning their legally-elected Representatives out of their seats and giving those seats to democrats who had no shadow of a right to them. In fact, there is not one single sound political principle that they have not advocated in word while they have violated it in practice. And this is democracy not only as it was, but as it is. Gentlemen on the other side declare it wrong for Government officers and employes to make contributions to campaign funds, and even urge the passage of a bill forbidding such contributions, and yet while doing this they call upon the Government employes in this building to come forward with their money and assist in helping forward the democratic campaign in Ohio. Such gross inconsistency no one would expect to see manifested in the actions of any party but the democratic party.

STOP ALL POLITICAL ASSESSMENTS.

But, Mr. Speaker, if the officers and employes of the National Government should be prohibited from making contributions to campaign funds, why should not the same prohibition be made in regard to the officers and employes of a State government? If the principle is right in one case, it is certainly right in the other. And yet I will venture to assert that not a single democrat on this floor was ever known to advocate the application of this principle to State officers and employes. It is, as every one knows, a universal custom with both democrats and republicans to call upon not only their State, but their county and municipal officers, to assist in defraying the expenses of their political campaigns. If democrats are opposed to this custom, why have they not made their opposition manifest in the States, counties, and cities where they have resided? Many of the gentlemen on the other side who favor this bill have been members of legislative bodies in States where the democrats had full control, not only of the Legislature but of all the State offices, and yet I venture to say that not one of them in his capacity as a State legislator ever brought forward a measure forbidding political contributions on the part of State and county officers, or even hinted by word or act that he was in favor of such a measure. If there is one, let him indicate it now or forever after hold his peace. No, sir, there is none. Even the distinguished gentleman from Maryland [Mr. MCLANE] who made such a forcible speech in favor of this bill near the close of the extra session last summer is silent. What, then, are we to conclude?

Not that the gentlemen on this floor, who support this measure, support it because at heart they believe in it, but because they imagine that if they can make it a law they will be enabled thereby to cripple the republican party in the presidential campaign of this year. They imagine that, if they can stop the political contributions on the part of Government officers and employes, the republican party will be greatly embarrassed for want of funds, and that Tilden, or some other man, with his barrel, will thus be enabled to win in the presidential race. But I would advise these gentlemen not to lay any such flattering unction to their souls. You may pass this bill and as many more similar ones as you like, but you will scarcely be able to make a free track over which your candidate may ride into the presidential office. The republican party will put its candidate in the field, will have all the money necessary to fight his battles, will rally with enthusiasm and determination to his support, and will elect him, notwithstanding all your efforts to cut off our supplies, to make free fraud upon the ballot-box lawful by repealing the election laws, and to prevent the use of the Army to keep bulldozers, rifle-clubs, red-shirts, white-liners, and other armed and lawless democratic organizations from interfering with the right of American citizens to vote.

NO PROOF OF REPUBLICAN CORRUPTION.

Having said this much, sir, I now wish to say a few words in reply to what the gentleman from Tennessee [Mr. HOUSE] said in his speech of yesterday. That gentleman seems to proceed upon the idea that the republican party is utterly corrupt and dishonest, while the democratic party is a party whose honesty is beyond question and whose virtue is as bright as the new-fallen snow. But, sir, if the republican party is so fearfully corrupt as the gentleman asserts, why is it that the democrats have never been able to lay their hands upon that corruption and expose it? I am aware, sir, that for the last dozen years there has been a perfect horde of democrats dogging the steps of the republican party and howling, as loudly and fiercely as possible, about republican corruption and rascality, but I am also aware that not in any one single instance have they proven that the republican party was corrupt or dishonest. Every gentleman on this floor will remember that the democracy have come before us every campaign since the war, crying out against republican extravagance, dishonesty, and unwarranted expenditure of the people's money. To listen to their cry, one would think that all the bummers, dead-beats, and thieves in the country had fled from the democratic fold and were safely housed with the republicans, controlling the policy of our party and running it for their particular benefit. I admit that there have been corrupt men in our party. Every party which is in power any length of time attracts to itself a class of men who are without principle and who sometimes manage to crowd themselves into the front rank. But if such men have appeared in our party, these three things can be said of them: First, they have come to us from the democratic party; second, their rascalities have always been exposed by us as soon as they were discovered; and, third, as soon as their rascalities were made known, they have gone back to the democracy and begun to prate about republican corruption and dishonesty.

Now, what I want to say is, that the republican party is not responsible for the rascality of any one of its members unless it indorses that rascality, and I defy any one to point to a single instance where it has indorsed such rascality. The fact is, our party has been the only party that this country ever had which has dared to take hold of rascality in its own ranks and weed it out. In this particular it differs widely from the democracy, who instead of exposing and punishing corruption in their own ranks always attempt to cover it up. In all the many years of their power in this country, who ever heard of their punishing a single one of the many thieves and rascals who served them in an official capacity. Their policy has always been to conceal the misdemeanors of democratic officials for fear exposure would injure their party. The republican party, on the contrary, while laboring to give the people an honest and efficient Government, has always been willing that the acts of its officials should be known and read of all men. During the campaign of 1872 there were some very grave charges made against republican officials, and as soon as the Congress that was elected that year assembled the republican majority went to work to investigate these charges. They looked into the Credit Mobilier matter and found that Mr. Ames, republican, and Mr. Brooks, democrat, both leading members of the House, were mixed up in that huge swindle, and these two men were severely censured. They also investigated the War and Navy Departments where everything was found satisfactory. A committee, having on it two democrats, looked into the Treasury Department and after a thorough investigation brought in a unanimous report that they could not find even a "minor irregularity" there.

INVESTIGATIONS OF THE FORTY-FOURTH CONGRESS.

But notwithstanding this clear record of our party, the democrats came into the Forty-fourth Congress crying "Economy and reform," and determined to do all they possibly could to detect some irregularity among republican officials. Starting out with the assumption that everything connected with our administration was corrupt, they began a system of investigations, with a view of disparaging republican rule and republican officials, which was so basely partisan and unjust that no party but the democratic party would ever have undertaken it. The confederate majority in the House were anxious to elect a President in 1876, and to help them in this great work they

needed a little party capital. Hence, as soon as they had organized the House in December, 1875, they set their committees to work investigating republican officials. In their wild hunt for republican rascality all important legislation for the good of the country was neglected. The question of funding the national debt, the cheap-transportation question, the currency question, the tariff question, and many other questions vital to the industries and prosperity of the country were all passed by as of no consequence in comparison with the great question of manufacturing a little capital that would assist the democracy in electing a President. To make their work thorough no less than eighty-three resolutions of investigation were adopted, besides a legion of resolutions making inquires of the various Departments. Twenty-five standing committees and eight select committees organized themselves into scandal-making machines and raked all the highways and byways ever trod by a republican official, to find, if possible, some bit of crookedness that could be used against our party. Every man we had kicked out of office for incompetency or dishonesty, every cashiered officer of the Army, and every nameless vagabond they could reach was invited, solicited, and urged to come forward and testify as to what he knew about republican corruption.

"Partly for revenge, partly for witness fees, and partly for cheap notoriety, these birds of evil omen flocked to the Capitol, thronged the corridors, took possession of the committee-rooms and the committees, prompted questions, invented answers, retailed old scandals picked up second-hand as the dead refuse of the street, to be eagerly swallowed by the many democratic mouths that stood agape for such carrion food. The common rights of individual citizens were grossly violated, the sanctity of private correspondence outraged, telegraphic messages unlawfully forced from their proper keepers, citizens imprisoned by order of the democratic House for no valid reason, and all the rights of private individuals secured by the Constitution trampled down by these democratic hunters after republican rascalities. Secret sessions of the committees were held, parties charged with wrong-doing kept in ignorance, and the poor privilege granted to all criminals of an open investigation and of meeting witnesses face to face was denied." And after eight months spent in hunting for republican rascality and republican knaves, what did they find? Our party had been everywhere arraigned before the great tribunal of the people by these self-styled "reformers," and now subjected to such an investigation as only partisan hatred could inspire, what was the result? Not a single dollar of the people's money stolen and not a single republican official shown to be a defaulter.

INVESTIGATIONS OF THE FORTY-FIFTH CONGRESS.

But notwithstanding all this fruitless effort, this neglect of public business, and this useless expenditure of money, the House of the Forty-fifth Congress, as soon as it was organized in the fall of 1877, plunged into the investigating business as recklessly as its predecessor had done. Under a sweeping resolution introduced by Mr. Glover, of Missouri, and passed, a horde of investigators was turned loose upon the various Departments, to interfere with public business, insult their heads and scandalize the nation by an assumption of frauds that had no existence except in the brain of some democratic partisan. It is well-known that in the House of Representatives there are regular standing committees on expenditures in the State, Treasury, War, Navy, Post-Office, and Interior Departments, on Public Buildings, and in the Department of Justice, besides a Committee on Public Expenditures. Each one of these committees is charged by law with the duty of inspecting affairs in its own Department, and this ought to be sufficient. But this Glover resolution, starting out with the assumption that all these Departments were perfect cess-pools of corruption, instructed these committees to proceed at once to investigate them to ascertain if some crookedness could not be discovered. When this resolution came up in the House, it was thought best by the republicans to have it amended, and accordingly Mr. Hale offered an amendment to the effect that before the committee proceed to investigate any Department "the charges upon which such investigation is based shall be presented to the House in writing, with the names of such officers as are charged with improper or unlawful proceedings and a particular statement of the charges against them," said charges to be signed by one or more members of the House, stating that he or they believe the charges to be true. But this amendment was promptly voted down. The democrats could not present specific charges against any particular officer in any of the Departments. They had heard some fellow, who had been kicked out of some Department for incompetency or rascality, say that he believed there was something wrong in that Department, and upon such an unreliable statement they set their committees to work to see whether or not the statement was true.

Having gotten their machinery in full operation, the house awaited the result with some anxiety. Now and then some story was set afloat to the effect that this or that committee had struck a trail and expected in a few days to discover something startling. But day after day rolled away, and the something startling never came. Glover and his committees went into all the Departments, examined hundreds of witnesses from the chief down to the lowest clerk, and after continuing this sort of work with the utmost vigor during the entire session of eight months, what was the result? Absolutely nothing that shows the least rascality or dishonesty on the part of any republican official. The whole scheme resulted in such a complete failure that the Glover report has never yet been printed.

GLOVER DISCOVERS DEMOCRATIC CROOKEDNESS.

Even the democrats themselves were disgusted with it. The most that was discovered in the way of crookedness was to the detriment of the democracy. Instead of discovering republican rascality, Glover was always stumbling upon some rascality on the part of his reformed democratic brethren. Some members of his committee, who happened to look into the Doorkeeper's office, thought they discovered a little official crookedness, and when the matter was investigated, it was found that the "reformed" democratic Doorkeeper had overstepped the law and had appointed to office a dozen or two more hungry democrats than the law authorized, being absolutely bulldozed into this irregularity by democratic Congressmen who had special friends that must be supported at the public expense. These committees also discovered that a noted democratic reformer who was elected to Congress in 1876 by the most shameful frauds ever perpetrated, and whose majority, or thirteen of them at least, were arrested and sent to the penitentiary for illegal voting—that this great "reformer" had drawn pay for an imaginary clerk and put the money quietly away in his own pocket. They discovered, moreover, that a certain high-toned committee, which was made up of the choicest spirits in the democratic congressional camp, and which was sent down to Louisiana to bring to light and expose republican frauds in that State, prepared itself for the great work before it by laying in a lot of choice wine, brandy, and cigars, which cost nearly \$200 and for which the "dear people" had to pay. Glover was always running across some democratic crookedness where he least expected it and just where he did not want to find it. He went into one of the Departments one day and happened to discover a little something wrong. "What is this?" inquired he, feeling sure that he was now in a fair way to capture the scalp of some rascally republican. The matter was promptly and fully explained to him. "But what has become of the man who perpetrated this wrong?" "Oh! he was turned out of office about a year ago for stealing," was the reply. "But where is he now?" inquired the determined Glover. "He is now employed by one of your sub-committees as an expert to hunt up republican frauds," was the answer.

And so it was. The men who had been turned out of office for crookedness flocked to these committees and were employed by them to hunt down republican officials who would not tolerate or overlook their rascalities. Mr. Glover found it utterly impossible to detect anything wrong in the Departments. His investigations not only vindicated republican officials of all charges made against them, but they disappointed and annoyed democrats. The Washington Post, the national democratic paper, in speaking of what was accomplished by Mr. Glover, uses these words:

The fact remains that Mr. Glover has caused a large outcry and produced very little wool by his shearing processes. Having annoyed his own party friends to the extent of his capacity, it is to be hoped that he will now give the country something for its money and show up some of the corruption and rascality of the gentlemen who ran the Government into the ground and tried to break it off.

NOT PAID THE TAXPAYERS, BUT HAS PAID THE REPUBLICAN PARTY.

And now, in view of the exceeding meager results reached, I ask if these democratic investigations have paid? The investigations of the Forty-fourth Congress cost the tax-payers of the country no less than half a million of dollars, and those of the Forty-fifth Congress doubtless cost five hundred thousand more. Besides this, much valuable time has been wasted on this miserable business which ought to have been devoted to legislation for the good of the country. The whole course pursued in these investigations shows that the democracy are willing to squander any amount of the people's money if by so doing they can secure a little party capital. Their cry of economy and reform means nothing more than getting the republican party out of power and the democratic party in power. The true meaning of this cry is well set forth in a speech of Representative WHITTHORNE, of Tennessee, which he made in the House of the Forty-fifth Congress a few days before adjournment, when he said: "What is civil-service reform? I am in favor of it, if it means putting republicans out of office and putting democrats in." This sentiment is indorsed by every democrat in Congress, and it was to effect this change—to secure the offices of the Government for these leading democrats, that, while crying economy and reform, they undertook these investigations which have cost the people at least a million of dollars. And I ask, has this reckless and unwarranted expenditure of money paid? It has not paid the tax-payers who have had to foot the bill, and I do not think it has paid the democracy who have utterly failed to accomplish what they set out to accomplish. But it has paid the republican party, for it has shown that party to be thoroughly and reliably honest. No party in this country ever went through such a fearful ordeal and came out so completely vindicated. For five long years the democratic majority in Congress have labored night and day to blacken the character of that party, but they have labored in vain. All that party malice and hatred and venom and greed for office could do to discover something wrong in our administration of the national finances has been done, but nothing was discovered. The record of our party was found to be clean. Not a penny of the people's money had we stolen and not one of our officials had been unfaithful to his trust. In view of these democratic investigations, I feel prouder of the republican party to-day than ever. I accept the result of these investigations with gratification, for they show that there has never been a period in our history when the revenues of the Government have been so wisely managed as since the republican party has been in power.

THE DEMOCRATIC RECORD.

But, sir, the gentleman would have us believe in the purity and guilelessness of the democratic party. I have already shown what the record of that party was before the war in regard to political assessments, and I now make the assertion that the record of that party in every respect, both before and since the war, is a record blotted and stained all over with corruption and rascality. The democracy had control of this Government for thirty years, and yet so badly did they manage our governmental affairs that the people would tolerate them no longer, and in 1860 arose and hurled them from power. Such a determined and widespread uprising on the part of a great people is not without cause, and such a wholesale condemnation of a party is not expressed unless it is merited. The reason for this radical revolution every intelligent American citizen understands. The democratic party had been tried and found wanting. It had had a grand opportunity to distinguish itself in managing governmental affairs, but had most signally and ingloriously failed. In the course of a thirty years' lease of power it had shown itself to be entirely destitute of those qualities which are necessary for any party to possess in order to make its administration a success. Its whole career was marked with inability, dishonesty, and the basest kind of partisanship. Look at its history and tell me what it ever did when in power to indicate that it would be safe to intrust it with power again. Tell me what grand scheme it ever devised, what laws enacted, or what principles advocated which would convince any intelligent, honest, and unpartisan man that it possesses any fitness for the position to which it asks to be elevated. Its history tells not only what the party was, but what it is to-day. It shows that, instead of being a party of honesty and ability, it is a party of dishonesty and weakness. During all its long public career its motto was always party success. To build up party it was always willing to sacrifice everything that stood in its way. To perpetuate its rule it was willing to lay aside both its honesty and love of country. Party success is the god which the democracy have always worshiped with more than jesuitical devotion, and upon whose altar they have sacrificed all that entitled them either to the confidence or the respect of the American people.

SAME OLD PARTY.

Now, Mr. Speaker, this old party, which the people of this nation hurled from power in 1860 on account of its incompetency, is now before us asking to be intrusted with power again; and the gentleman from Tennessee has fired the first gun in its behalf—and the question which I ask is: Has this party changed for the better since the people declared it so utterly unfit to manage the affairs of this Government? Has it become possessed of any more honesty than it then had? Is its partisanship any less violent and base? Has it changed either in its spirit or its leadership? I make the assertion that the democratic party, in every objectionable particular, is the same to-day that it was in 1860.

Who were the leaders of the democracy in 1860 and during the war? In the North they were S. J. Tilden, Horatio Seymour, FERNANDO WOOD, A. G. THURMAN, GEORGE H. PENDLETON, Thomas A. Hendricks, and D. W. VOORHEES, and in the South Jefferson Davis, A. H. STEPHENS, Robert Toombs, BEN. HILL, L. Q. C. LAMAR, J. B. GORDON, ISHAM G. HARRIS, WADE HAMPTON, and ZEB. B. VANCE. To-day these men are not only leaders in the democratic party, but leaders whom the party has singled out to load with special honors. They are men whom the party has put forward as its most prominent and trusted representatives. This one fact has a wonderful significance. It speaks volumes in regard to the attitude of the democratic party to-day as compared with its attitude in 1860.

If the party has changed for the better, if it has acquired any particular fitness to govern the nation which it did not possess in 1860, it would be the most natural thing in the world for it to remove from its leadership the men through whose advice and management the party was brought into such disgrace and the country so nearly ruined. But the party absolutely refuses to remove these men. On the contrary, it clings to them with more tenacity and devotion than it manifested before and during the war. It is a remarkable fact, and one that should not be forgotten by any man who stood by the Government during the rebellion, that when the democratic party to-day has an especially important and honorable office to bestow, it bestows it, if in the South, upon the men who were the most radical advocates of secession, who were especially conspicuous in helping on the rebellion and who have been the most unwilling to accept the results of the war, and if in the North, upon the men who were the most open and pronounced in their sympathy with the rebel cause, and who did the most to embarrass and cripple the Government in its efforts to crush treason and save its own life. Look at a few of these men:

The leader of the democrats in the United States Senate, and a prominent candidate for President, is A. G. THURMAN, of Ohio, a man who was a Vallandigham democrat during the war, and who, in the State democratic convention in Columbus in January, 1861, offered the following resolution:

That the two hundred thousand democrats of Ohio send to the people of the United States, both North and South, greeting, and when the people of the North shall have fulfilled their obligations to the Constitution and to the South, then, and not till then, will they take into consideration the question of the right and propriety of coercion.

A couple of years ago the democratic Legislature of Ohio was called

upon to elect another Senator to serve with Mr. THURMAN, and from the large number of candidates selected GEORGE H. PENDLETON. This Legislature had an admirable opportunity to throw this old leader overboard, but it refused to do it. Among the candidates were General EWING, General Ward, and General Morgan, all of whom did gallant service in the Union Army during the war, but this democratic Legislature passed these Union soldiers by as unworthy to represent the Ohio democracy in the United States Senate and selected as their representative the man who stood up in Congress in 1863 and declared that he would not vote a man or a dollar to assist the Government in prosecuting the war, and who was a candidate for Vice-President in 1864 upon the democratic platform declaring the war on the part of the Government a failure.

The most prominent of the two men who represent the Indiana democracy in the United States Senate to-day is D. W. VOORHEES, a man who was in sympathy with the worst element of Indiana democracy during the war, an element which was active in organizing Sons of Liberty and Knights of the Golden Circle. In 1865 the national democratic convention nominated as its candidate for President Horatio Seymour, a man who encouraged the New York riots of 1863. In the last presidential campaign the democratic standard-bearers were two of the worst copperheads in the country. Mr. Tilden was outspoken in condemnation of the war on the part of the Government, and in February, 1861, declared to the Tweedle Hall convention that he would resist under any and all circumstances the use of force to coerce the South into the Union; while Mr. Hendricks stood opposed to the Government from the beginning to the end of our mighty struggle to save the Union.

But who are the leaders in the South to-day? They are the men who did the most to plunge the country into war and who were the last to lay down their arms when the confederacy went to pieces. That bitter and uncompromising rebel, WADE HAMPTON, is honored by the South Carolina democracy by being elected governor of his State, and is then transferred to the United States Senate. ZEB. VANCE, who declared that he would fight the Yankees until he filled hell so full that their feet would stick out of the windows, is made governor of North Carolina, and then promoted to a seat in the Senate of the United States. BEN. HILL is put into the United States Senate by the democracy of Georgia because he fought gallantly for the rebel cause and then stood up in the lower House of Congress and urged the Government to grant amnesty to Jeff. Davis, when the latter scorned to ask for it himself. Other leading representatives of the southern democracy in the Senate are GORDON, LAMAR, HARRIS, and BUTLER, all of whom distinguished themselves in aid of the rebellion. In the House, the leading man from the South is ALEXANDER H. STEPHENS, who was vice-president of the southern confederacy and who is to-day the chief of the seventy ex-rebels who represent the southern democracy in this body. But towering above all these, *facile princeps* in the eyes of the southern people, is Jeff. Davis, the ex-president of the defunct confederacy. These are the leaders in the democratic party to-day—the men who dictate its policy and shape its course—and does any one think that the party is a safe party as long as it retains such men as leaders?

DEMOCRACY NEVER REFORMED ANYTHING FOR THE BETTER.

But, sir, I make the further assertion that the democracy have never reformed anything for the better, and as their party is organized to-day never can so reform anything. The party is not a reform party in any sense of the word. How is that party organized? Who constitute its rank and file? Who control it and dictate its policy? The great State of New York has run the national democratic party for the past dozen years. It has dictated the nomination of the last three democratic presidential tickets. And yet the great State of New York is run by the rascals and dead-beats in New York City. Do the gentlemen on the other side desire to know who these men are? If they will listen, I will inform them. I send to the Clerk's desk the following, which I desire to be read. It is written by Brick Pomeroy, and being a good democrat, he should be regarded as the very best of authority.

The Clerk read as follows:

The republican politicians of Washington are adept thieves and somewhat perfect in the art of scoundrelism; but there are here in the city of New York men high in democratic authority—men who, by the use of money liberally expended, expect to control the next national democratic convention—who can, blindfold and with one hand tied behind them, steal more in one hour from the people than all the republicans in the city of Washington could steal in twenty-four, provided they had the chance.

Mr. HAYES. In another article, speaking of the efforts of the New York City democrats to get control of the national democratic convention in 1872, Mr. Pomeroy talks as follows:

If the head sachems of Tammany can manage to secure the nomination of "their man" for President, and then see him elected, there will be inaugurated the grandest administration of theft, corruption, profligacy, extravagance, and crime this country ever witnessed.

The ring of swindlers now holding treacherous power in New York City, under the name of democracy, are doing more to weaken the cause of democracy in the country at large than the entire vote of the city can atone for.

This is Tammany! This is the so-called democratic authority governing New York!

This is the devil's combination of thieves now ruling New York City, not for the good of the many but for the enrichment of the few.

This is the monopoly of the corruptionists now proposing to buy the nomination of the next democratic candidate for the Presidency, that Washington may be included—that some of the leading thieves of our New York officials may be transplanted to newer fields, but under the same management.

It is for the democracy of the country to look to this, to send to the national convention of 1872 men who dare to be honest to tax-payers and principles, or there will be such a defeat and such a disruption and scattering of the democracy as no power on earth will ever rally.

Honest men will not always indorse corruption.

New York, the pig-pen of Tammany, may submit to what its people have not pluck enough to help, but the democracy of the country will not submit to such dictation.

Look to New York!

One hundred and one million dollars in debt.

And what have the people to show for it?

A steam-yacht!

An American club-house!

A race-track!

A supreme court owned by the Erie Railway, with Hon. George Barnard for toll-keeper!

A palace for lying, slippery Dick Connelly, the comptroller, who went into office so poor that he could not qualify in \$1,000—who is now a millionaire!

A fortune of \$10,000,000 for Peter Bismarck Sweeney, who was a poor man when first appointed city chamberlain.

A palace for Hon. William M. Tweed, the likeliest man in the lot, who has only made \$25,000,000 out of the city, by honesty and economy, in ten years.

A fortune of \$7,000,000 for A. Oakley Hall, the popinjay mayor, who squawks when his masters pull the strings, and pockets his percentage of the plunder while angling for the nomination for governor.

Six thousand harlots and one thousand nine hundred dens of infamy supported directly from the city stealings.

These are a few of the exhibits for this enormous debt, which must be paid or repudiated.

But, sir, this is not all. I have here a description of the democratic party by Horace Greeley, who headed the democratic presidential ticket only eight years ago. Speaking of the democratic party Mr. Greeley says:

Every one who chooses to live by pugilism or gambling or harlotry, with nearly every keeper of a tipling-house, is politically a democrat.

If there were not a newspaper nor common school in the country, the democratic party would be far stronger than it is.

The essential articles of the democratic creed (are) love rum and hate niggers. The less one learns and knows the more certain he is to vote the regular ticket from A. to Lizzard.

We thereupon ask our contemporary to state frankly whether the pugilists, blacklegs, thieves, burglars, keepers of dens of prostitution, etc., etc., are not almost unanimously democrats?

To smoke is a democratic virtue; to chew is that virtue intensified; to drink rum is that virtue in the superlative.

A purely selfish interest attaches the lewd, ruffianly, criminal, and dangerous classes to the democratic party.

This would amount to six in a bed, exclusive of any other vermin, for every democratic couch in the State of New York, including those at Sing Sing and Auburn.

All do know that there are several hundred thousand mulattoes in the country, and we presume no one has any serious doubt that the fathers of at least nine-tenths of them are white democrats. And we hold that those democrats, if they will have yellow children, might better than otherwise have the mothers respectfully as wives, after the laudable pattern of that eminent democrat, Vice-President Richard M. Johnson.

The brain, the heart, the soul of the democratic party is the rebel element at the South, with its northern allies and sympathizers. It is rebel at the core to-day. It would come into power with the hate, the chagrin, the wrath, the mortification of ten bitter years to impel and guide its steps. Whatever chastisement may be deserved for our national sins, we must hope that this disgrace and humiliation be spared us.

For the last thirty years every American slaveholder on the African coast has accounted himself in politics a democrat. So every one who chooses to live by pugilism or gambling or harlotry, with every keeper of a tipling-house, is politically a democrat. He believes in "laissez faire"—that the world is governed too much; that the best government is that which governs least. He wants "his trade to move without restriction." He joyfully subscribes to the World, and echoes its cry, "Let the people eat, drink, and amuse themselves as they see fit, so long as they do not infringe on the same liberty in others."

Point wherever you please to an election district which you will pronounce morally rotten, given up in great part to debauchery and vice, whose voters subsist mainly by keeping policy-offices, gambling-houses, grog-shops, and darker dens of infamy, and that district will be found at nearly or quite every election giving a majority for that which styles itself the democratic party. Take all the haunts of debauchery in the land and you will find nine-tenths of their master-spirits active partisans of that same democracy. What is the instinct, the sympathetic chord which attaches them so uniformly to this party? Will you consider?

TILDEN AND REFORM.

But, Mr. Speaker, I wish to go a step further in showing up the rascalities of the democratic party. I claim that we have never had a party in this country that has been so utterly unscrupulous in the means employed to gain and retain power. Its history shows that there has been no scheme too vile, no policy too corrupt, and no course of proceedings too rascally and base for the party to adopt, if by so doing it could make votes and bolster up its fortunes. Its record during and since the last presidential election shows it to be the same old party that it was before the war, actuated by the same narrow and selfish motives and seeking the same partisan ends by the same unprincipled and dishonest means. To prove what I say to be true, I invite your attention not only to the course pursued by the democracy during the last presidential campaign, but to the action of the democratic majority in the lower House of Congress during the last session of that body.

Every one remembers how the great campaign for "Tilden and reform" was carried on. Beginning with the Saint Louis convention, where Mr. Tilden was nominated, down to the day of the election, the democracy did not hesitate to resort to all kinds of trickery, rascality, fraud, bulldozing, and murder in order to make certain the election of their candidate. Tilden's nomination was procured by dishonest means. He was nominated with money and because he had money. At the convention a noted democrat appeared as Mr. Tilden's most prominent friend and absolutely went about with rolls of bills in his hands buying up delegates to vote for his chief. In prosecut-

ing the campaign the great cry of "Tilden and reform" was raised and taken up by every democrat in the country and shouted with the utmost vigor—and yet the party trusted for success more in Tilden's barrel than in the humbug cry of reform. Mr. Tilden surrounded himself with a set of political tricksters such as would disgrace any man or any party, and these men, loaded down with money, were sent out all over the country to work up his interests and make success at the polls a certainty. The States of Indiana and Wisconsin were flooded with money which democratic reformers freely used in manufacturing voters for their great leader. The attempt to secure a presidential elector from Oregon for Tilden by the use of money is a matter of history, which no man of ordinary intelligence and honor will deny. In South Carolina also the democracy tried to get a Tilden elector and offered as high as \$40,000 for one. But these cases sink into insignificance when compared with the case in Louisiana. Here is a case where a republican elector, after the election was over, was approached by Mr. Tilden's friends and offered \$100,000 if he would turn traitor to his party and cast his vote for "Tilden and reform." I affirm that never in the history of our country was a political campaign conducted in such a shameful and grossly corrupt manner as was the campaign of 1876 on the part of the democracy; and it is to the credit of the American people that such a corrupt party was defeated at the polls.

INTIMIDATION AND MURDER IN THE SOUTH.

But not only was money used, but every other base means which democratic ingenuity could invent was resorted to in order to make success certain. The history of the democratic campaign of 1876 in the South is but the history of one of the most gigantic schemes of intimidation, fraud, and murder that was ever undertaken by any party. There is not a single Southern State in which there was anything like a free or fair election. The white-liners and rifle clubs were in full force in every locality and did most efficient service in aid of the democratic cause. At the tap of the court-house bell in Vicksburg, Mississippi, at any hour during that campaign, two thousand fully armed, equipped, and organized ex-rebel soldiers would muster on the streets in ten minutes, under their democratic commanders, ready for any sort of work that the interest of the democratic cause required. In every other city and town in the State there was a similar force always prepared for work at any hour. The white-liners took matters in their own hands, and the result was that Mississippi, which on a fair vote has a republican majority of from thirty thousand to fifty thousand, was carried for "Tilden and reform" by a majority of fifty thousand. And what is true of Mississippi is true of every other Southern State. The armed democratic organizations held full sway, and by terrorism and coercion, and ballot-box stuffing, and murder managed to carry all but three of the Southern States for Tilden. Some of the congressional districts, which are republican by from six thousand to ten thousand majority, were handed over to the democracy by these organizations with the democratic vote largely ahead.

THE SHOT-GUN POLICY STILL IN FORCE.

The shot-gun policy, which worked so well in 1876 and secured such grand results for the democracy, has been continued up to the present time. To-day, under its operation, we see every Southern State in the hands of the democratic party, while the republican party is virtually wiped out. Now, it is a well-known fact that many of the Southern States are thoroughly republican on anything like a fair vote. Give us a free and honest election, and our party would carry Arkansas, Louisiana, Alabama, Mississippi, both the Carolinas, and Florida. Why, sir, it has always been our boast in this land that the majority should rule. But in the South to-day this doctrine is reversed. In almost every Southern State the minority, having by murder, house-burning, and robbing brought the majority into subjection, alone bear rule and have everything their own way. Is this right? Is it according to the principles upon which our Government is founded? Are we to tolerate such injustice?

REPUBLICAN DOCTRINE.

The doctrine of the republican party has been and is, that every citizen should be the equal of every other citizen in the enjoyment of all the rights of citizenship. We have demanded that all our citizens should stand upon the same platform of equality before the law. To establish this principle in the records, in the practice, and in the life of the nation, has been the proud ambition of our party. We have labored diligently and faithfully to so perfect our Constitution and our laws that none should be rendered so powerful by wealth or so exalted by position as to be above the law, and none so humble and poor that the law should not reach down its strong hand to defend and protect them. We have always held to the idea that wherever our flag floats in this land, there the protecting arms of the Government should be stretched out, guarding the interests of the poor as well as the rich, the weak as well as the strong, and securing to every citizen his right to life, liberty, and the pursuit of happiness. By these broad and humane doctrines we stand to-day, and demand, as we have often done before, that the republican majorities in the Southern States shall not be disfranchised.

I believe that the republican party is as true in its adherence to these doctrines to-day as it ever has been. We want the question settled at once and forever that every citizen, no matter if he be weak and poor, shall be protected in all his rights. While we are anxious for

peace and quiet, we cannot forget that there are some things more desirable than peace and quiet. Agitation and bitter discussion may often be unpleasant, but if they are directed against some shocking injustice, they are far better than the quiet and calm of indifference. "When the public conscience of a nation becomes so seared that it will tolerate peacefully and quietly some gross wrong against any class of its citizens, that nation is on the high road to degradation and ruin. There is always hope for a nation when the people are careful to note and quick to rebuke any infringement upon the rights of the individual citizen. It is the best sign that the national heart is right and the nation safe, when that heart flames out in indignation at the perpetration of any great wrong and demands its correction." Let the people of this nation once adopt the democratic idea that the majority in the South, simply because it is made up of men who are poor, and weak, and defenseless, has no rights which the wealthy and aristocratic and powerful minority are bound to respect, and that moment we abandon all that is best and most desirable in our free institutions.

DEMOCRATIC POLICY IN CONGRESS.

Let us now turn our attention to the democrats in Congress and see the base means to which they have resorted in order to strengthen themselves in power. When the Forty-fifth Congress assembled in October, 1877, the democrats found they had a majority in the House of only twelve, the vote showing 152 democrats and 140 republicans. This majority was too small to suit the leaders, considering that in the preceding Congress they had had a majority of over seventy, and so they set themselves to work to increase it. Believing that the democratic majority would favor their cause, many democrats who had been fairly beaten at the polls came to Washington at the beginning of the session to contest the seats of their successful republican competitors. These cases were taken up and considered, and in every case where any excuse could possibly be framed, the democratic contestant was given the seat. One of these cases was that of Mr. PACHECO, of California. This gentleman had been elected at the November election in 1876 as a republican, and when Congress met presented himself, with his certificate of election duly signed by the governor of his State, and was admitted to a seat. His case had been considered by the several courts of his State, from the lowest up to the supreme court, and all had decided that he was duly elected. The evidence also was such as would convince any unpartisan man that he was rightfully and lawfully entitled to his seat. And yet, upon a strict party vote, or nearly so, he was turned out and his democratic competitor put in his place.

DEAN VS. FIELD.

Another case was that of Mr. FIELD, of Boston. Mr. FIELD, like Mr. PACHECO, had been duly elected, and upon the certificate of the governor of Massachusetts, was admitted to a seat. Yet after holding his place about four months, he was obliged to vacate it to make room for his democratic competitor, Mr. Dean. The excuse given for turning Mr. FIELD out was as follows: According to the law of Massachusetts there may be two counts of the ballots cast at any election. In this there was a count by the ward officers at the several polling places, and also a count by a committee appointed by the board of aldermen of the city. By the count of the ward officers, which is always made in a hurry and in the midst of more or less confusion, Mr. Dean, the democratic nominee, had a small majority, but when the ballots, which the ward officers sealed up and sent to the city clerk, were counted by the committee of aldermen, it was discovered that the ward officers had made a mistake, and that Mr. FIELD, the republican nominee, was fairly elected. This committee which made the recount was composed of two democrats and one republican, and hence would not be apt to count Mr. FIELD in unless he had been fairly entitled to a majority of the votes. Upon the basis of this recount the governor of the State issued a certificate of election to Mr. FIELD and he was accordingly given a seat in Congress. But when Mr. Dean came forward and contested his seat the democratic majority, upon recommendation of their Committee on Elections, voted Mr. FIELD out and Mr. Dean in. Now, the great injustice of this act is seen when we remember that the second count of a vote is the official count, and is the one that always decides a contested election in Massachusetts. It is always considered more correct and reliable than the first count, which has in many instances been found to be wrong.

ACKLEN VS. DARRALL.

Another of these contested cases that came up was from the third district of Louisiana. This district had been represented in the Forty-first, Forty-second, Forty-third, and Forty-fourth Congresses by Chester B. Darrall, a republican. At the election in November, 1876, Mr. Darrall was again elected, and on the 28th of December following received from Governor W. P. KELLOGG a certificate of election, which stated that according to the official count Mr. Darrall had received 15,626 votes, and his opponent, Mr. ACKLEN, 13,523, giving Darrall a majority of 2,103. In the month of February, 1877, after the democratic administration had been duly inaugurated in Louisiana, under Governor Nicholls, a democratic returning board was convened, which proceeded to recount the votes cast for member of Congress in Mr. Darrall's district. Upon the recount of this democratic board Governor Nicholls issued to Mr. Darrall a second certificate, which recited that Darrall had received 15,786 votes and ACKLEN 14,692, giving Darrall 1,094 majority. Armed with these two certificates, one from a

republican and the other from a democratic administration, Mr. Darrall was admitted to a seat in Congress. But when ACKLEN appeared to contest his seat the democratic committee took the case under consideration, and soon reported against Mr. Darrall, and he was accordingly voted out by another strict party vote.

PATTERSON VS. BELFORD.

But the case which more fully than any other sets forth the injustice and partisan spirit of the democratic majority in the present House is the case from the State of Colorado. The Territory of Colorado was admitted into the Union as a State on the 1st day of August, 1876. The enabling act of Congress, authorizing the Territory to elect a convention to frame a constitution, had given that convention the power to fix the day for holding the elections of the new State from the time of its admission up to 1880. That act provides:

SEC. 6. Until the next general census said State shall be entitled to one Representative in the House of Representatives of the United States, which Representative, together with the governor and other State officers, shall be elected on a day subsequent to the adoption of the constitution, to be fixed by said constitutional convention.

In accordance with the power given in this section, the constitutional convention provided in the new constitution that "the general election shall be held on the first Tuesday of October, in the years of our Lord 1876, 1877, and 1878, and annually thereafter on such day as may be prescribed by law." The Territory being admitted into the Union as a State on the 1st of August, 1876, there would of course be two members of Congress to be elected at the first election, to be held in October of that year, one to fill out the unexpired term of the Forty-fourth Congress, and one for the Forty-fifth Congress. Judge BELFORD was the republican candidate for both Congresses, and T. M. Patterson the democratic candidate for the same. There was some little question about the legality of holding the election for member of the Forty-fifth Congress in October, but finally the two candidates and their friends agreed that the whole matter as to both Congresses should be settled at one election. Accordingly the two candidates went into the field, canvassed the State, and on the 3d day of October the election came off. The official count showed that BELFORD had received for the Forty-fourth Congress 13,328 votes, and Patterson 12,410, giving BELFORD a majority of 918 votes. For the Forty-fifth Congress BELFORD received 13,483 votes, and Patterson 12,611, giving BELFORD a majority of 872 votes. As I said, both parties went into the campaign expecting that the whole question was to be settled at this election. But after the election was over and Patterson saw he was defeated, he and his friends got together and determined to hold another election in November upon the day fixed by the laws of the United States for holding elections in all the States, except where some other day is fixed by special enactment. This was accordingly done; but the republicans paid no attention to it whatever, and only a few of the democrats turned out, so that the entire vote cast was only 3,580 as against 26,094 in October, and all of these were cast for Mr. Patterson. Now, no one questioned that Mr. BELFORD was elected as a member of the Forty-fourth Congress, and when the last session of that body convened in December, 1876, he was admitted to a seat. But when the Forty-fifth Congress assembled in 1877, Mr. Patterson came up to contest his seat in that body, and the democratic majority awarded the seat to Mr. Patterson. Now, I affirm that no party ever perpetrated an act of grosser injustice than this. There were cast in October for member of the Forty-fifth Congress over 26,000 votes, of which Mr. BELFORD received almost 900 more than half, showing that he was the choice of a majority of the people, but this fact the democrats in the House entirely ignored and gave the seat to Mr. Patterson, who was not only not the choice of a majority of the people, but received at his November election only 3,580 votes. Now, I hold that Mr. BELFORD was legally elected to the Forty-fifth Congress; but if there was any doubt in regard to it, the proper and just way to settle the matter was not to give Mr. Patterson the seat, but to declare that there was no election, and refer the question back to the people, and let them decide it by a new election. But the democrats of the House did not dare to do this. Such an election would have resulted, as the other had done, in favor of Mr. BELFORD; and, fearing this, they gave the seat to Mr. Patterson, who was no more entitled to it than any citizen of Colorado who never thought of running for Congress.

FINLEY VS. BISBEE.

But, sir, I wish to call attention to one more case, that of Finley vs. Bisbee. Mr. Bisbee, republican, had been fairly elected from the first district in Florida, and his credentials being all right he was admitted to a seat at the beginning of the Forty-fifth Congress. Mr. Finley, democrat, contested his seat, but so firmly convinced were the democratic majority that Mr. Bisbee was legally elected and was entitled to the seat that they did not dare to turn him out until about a week before the Forty-fifth Congress expired. Then a resolution declaring Finley legally elected was brought in and passed, and that gentleman was given the seat. Such another act of gross injustice cannot be found in the entire history of this country. That Bisbee was entitled to the seat was acknowledged by the democrats themselves, who allowed him to occupy it for almost two years. The seating of Finley was not only an act of the basest partisanship, but, like all the other cases I have mentioned, was a violation of the very fundamental principle upon which our free institutions rest, the principle that the person who is the choice of a majority of voters shall be entitled to and made secure in the office to which that majority elevated

him. Bisbee had done the work for two years. He had been faithful in his attendance upon the sittings of the House and in all his other duties as a Representative. Finley had done no work, and yet just at the close of the Congress he was voted into the seat, drew his pay for the full two years during which Bisbee had done the work and received the usual amount for mileage and stationery, making in all about \$12,500 that he received from the Government, for which he returned no equivalent whatever. Finley was in no sense entitled to a single penny of this money, and the giving it to him was nothing less than robbery on the part of the democratic majority in this House that did it. It was stealing \$12,500 out of the Treasury of the people and giving it to a democrat who had never earned it and who, on the score of right, was not entitled to a single penny of it.

And this, Mr. Speaker, is your "reform" democracy! This is the way the great democratic party of this country reform things when they are in power. This is one of their many unprincipled and rascally methods to get democrats into office, and thus build up and strengthen an unreliable and small majority. These cases show that they do not hesitate to override the will of the majority in any congressional district, if by so doing they can favor a democrat and add to their own strength. In their national platform of 1876 they declare their "absolute acquiescence in the will of the majority as the vital principle of the Republic," and yet in each of the cases to which I have referred they have refused to acquiesce in the will of the majority and have declared that the will of the minority should rule.

ATTEMPT TO MAKE TILDEN PRESIDENT.

I have already said, Mr. Speaker, that the democratic party was controlled by the same spirit to-day that controlled it in 1860. It cares more for party to-day than it does for country, and is still determined either to rule or ruin. In proof of this assertion I have but to refer to the action of that party since the presidential election of 1876. As you all know, the democracy went into the campaign of 1876 not only determined but expecting to win. As I said before, they resorted to all manner of dishonorable means to achieve success—the shameful and dishonest use of money, bulldozing, intimidation, fraud, and murder. Never did a party get down so low in rascality and corruption to secure any office. But all their trickery and rascality failed to give them success. Hayes was elected, and no sooner was this fact known than the leaders of the democratic host, who had hoped to get office in case Tilden became President, set up a cry of fraud, which has been echoed and re-echoed by the democracy throughout the length and breadth of the land from that time to this. These men, most of whom held seats in Congress, at once began to consult together how they might prevent the counting in and inauguration of Hayes and secure the same for Tilden. Their first efforts were directed toward buying up one or more of the Hayes electors, and as high as \$100,000 were offered for one elector in Louisiana. But these efforts proved fruitless, and then a mighty effort was made to bulldoze Congress into counting Tilden in, and thus disregard the wishes of the people as expressed through the ballot-box.

Some of the most violent called upon their friends throughout the country to rise and resist the attempt to put Hayes in the presidential chair, while others pledged themselves to lead one hundred thousand armed men to Washington to inaugurate Tilden. Some of Tilden's chief advisers issued manifestoes, urging the calling of public meetings all over the country for the sole purpose of intimidating Congress and thus force it to count Tilden in. Hundreds of democratic bummers and dead-beats actually came to Washington expecting that their services would be needed and ready to do all they could toward placing in the presidential chair the man whose barrel had been so freely opened to supply the wants of the whisky-loving voters. This sort of thing actually frightened some good republicans. They really thought we were on the verge of another war, and had it not been for the silent man who then occupied the presidential chair, the leaders of the democratic host might have plunged the country into another war. As it was they saw nothing to be gained by such a course, and so they resorted to another plan. They hit upon the idea of a joint commission, hoping that they might so make up this commission and so manipulate it after it was made up as to secure the counting in of Tilden. But in this they were again disappointed. The commission gave all the contested States to Hayes, and he was accordingly declared elected to the office of President.

DEMOCRATS FAVORED THE COMMISSION.

Being beaten at every game they had attempted to play, one would suppose that they would have submitted quietly to the decision of this commission. It was certainly expected that they would. The commission was their own creature. It was proposed by them, and when the resolution providing for it was brought up in the House it was supported in speeches by such leading democrats as Payne, TUCKER, HILL, Hewitt, HUNTON, GOODE, LAMAR, SINGLETON, SPRINGER, and Walker. The most interesting feature of the debate on the part of the democrats was the fact that the decision of the commission was to be accepted by them as final.

Mr. HUNTON, of Virginia, one of the framers of the plan of settlement, said:

With such a tribunal to decide this question absolute fairness in the decision must be expected. Napoleon said: "Providence was on the side of the heaviest artillery." In this case victory will be on the side of the stronger case.

Mr. GOODE, of Virginia, said that—

—The chief merit of the plan of settlement consists in the fact that it affords a certain guarantee of a safe and speedy deliverance from the military arm of the Government. The successful candidate will be inaugurated according to the peaceful forms of law, and without violence to our republican system of government.

Mr. SPRINGER, of Illinois, said:

There can be little difference between requiring this decision to be final unless rejected by the two Houses, and making it final when concurred in by both Houses, because, sir, no political party can afford to go before the country after rejecting the finding of this tribunal. It will be effectual and final.

Mr. FELTON, of Georgia, declared that—

The commission would free the incoming Administration of all taint of irregularity or fraud.

Mr. LAMAR thought that—

To have solved so dangerous a question so simply, so calmly, and so justly was the highest tribute that could be paid to those principles of constitutional liberty which have trained the American people to such a possibility.

Mr. HARRISON, of Illinois, said:

What may be the result of its [the commission's] working upon the aspirations of the two distinguished candidates for the Presidency I cannot tell, and that, to my mind, is its very best feature. It is in the interest of neither party. The tribunal will be fair and honest.

Mr. O'BRIEN, of Maryland, said:

Peace can only be secured by a decision of the late presidential election which will guarantee to the occupant of the presidential office that he is not regarded as a usurper by a majority of the people. In this view I shall vote for the bill.

Mr. WALKER, of Virginia, said:

Whatever the result may be the American people will bow before it in respectful obedience.

Mr. DAVID DUDLEY FIELD, of New York, said:

While I have thought it [the subject under discussion] beyond question within the competence of Congress I was sure that it [the proposed plan] was a just and honorable settlement and the best method of escape from impending calamity.

The tone of the discussion in the Senate was the same, no one questioning in any way the final effect of the commission's decision. Mr. BAYARD, of Delaware, defending the proposed commission, said:

I have failed to discover wherein anything is compromised; what power that both Houses should possess is withheld? I do not know where the compromise can be, what principle is surrendered; the bill intends to provide an honest adjudication for the rights of all.

Mr. THURMAN said:

This is the act of the two Houses, and this bill contemplates nothing else; and it is just as much in a constitutional sense the act of the two Houses and the decision of the two Houses as if both Houses were of the same political complexion.

Mr. WHYTE, of Maryland, said:

I shall hail the decision [of the commission] as a heavenly message, giving us peace in the land and quietude, until we shall provide by some constitutional amendment to prevent the recurrence of this unfortunate trouble.

Such was the spirit in which the democratic representatives of the people in Congress accepted the plan of settling the electoral controversy.

When the resolution was put to a vote it was carried by 191 yeas and 86 nays, the majority being composed of 158 democrats and 33 republicans, while the minority was composed of 68 republicans and 18 democrats. I say under these circumstances it was to be expected that the decision of this commission would be considered by the democrats as settling the presidential question at once and forever.

POTTER RESOLUTION.

But such was not the case. Notwithstanding the question had been decided against them by their own tribunal, they refused to give up the idea of making their candidate President. Hence it was that, after much deliberation and a vast amount of consultation among the leaders, they brought forward a resolution in the House through Mr. Potter, providing for an investigation into what they were pleased to call republican frauds in Louisiana and Florida, by which they claimed the electoral votes of these States had been secured for Hayes when of right they belonged to Tilden. The object of this resolution was apparent upon its face, and the purpose of those who favored it was shown in their emphatic refusal to allow it to be amended so as to include the investigation of democratic frauds as well as republican frauds. When the resolution was first brought forward, Mr. Hale, in behalf of the republicans, offered an amendment to the effect that this proposed investigation should include all the frauds alleged to have been perpetrated by either party, not only in Louisiana and Florida, but also in Oregon, South Carolina, and Mississippi. But Mr. Potter and his friends did not want such a full and free investigation as this. They knew that such an investigation would ruin all their schemes and crush all the fond hopes they entertained of getting Tilden into the presidential chair. They knew that a full, thorough, and searching investigation would bring to light all the frauds and rascality and intimidation and murder which their party had been guilty of in the campaign of 1876, and hence they refused to accept the amendment proposed by the republicans. By limiting the investigation to certain localities they expected to fix up a good case for Mr. Tilden, and this done, it was their intention to put Mr. Hayes out of office and put Mr. Tilden in. Just how this was to be accomplished does not appear, but that such was their intention is abundantly clear. As proof of this I call your attention to the following facts:

DEMOCRATS DETERMINED TO PUT HAYES OUT OF OFFICE.

A day or two after Mr. Potter introduced his resolution the democrats of the House held a caucus, at which Mr. YOUNG, of Tennessee,

offered a motion stating that it was not the purpose of the proposed investigation to bring about the impeachment of Mr. Hayes or to disturb him in the possession of his office. This motion was opposed on all sides, and when put to a vote was voted down almost unanimously. Now, I ask why was this proposition of Mr. YOUNG voted down if there was no intention on the part of the democrats to disturb Mr. Hayes in the possession of his office? Its adoption could certainly have done no harm, but would have quieted the apprehensions of a great many of our people and would have placed Mr. Potter and his friends in a much better light before the country than they stand in to-day. But the adoption of this proposition was not according to the programme of the leaders, and so it was rejected. These men wanted to be left free to work up Mr. Tilden's case as they saw fit and to make him President if they could. ALEXANDER H. STEPHENS, who is good authority, and who opposed the investigation, is reported to have said: "I know it was the intention of the leading men to vote Mr. Hayes out and Mr. Tilden in. I talked with them, and know it." Other democrats who favored Mr. Tilden's cause were outspoken in regard to the purpose of the investigation. I have here an extract from the Washington correspondence to the Philadelphia Press, from which I read:

Careful comparison of the views expressed by the democratic leaders upon the objects and purposes of their present course in the House leads to the conclusion that the country is rapidly drifting into a revolution; and it would be well for the law-abiding people in every part of the country to shake off the apathy which enchains them, and anticipate the calamitous state of things which now appears inevitable.

A prominent democrat in the House said to-night: "We will have Hayes out of the White House within six months, or there will be another rebellion."

Another one remarked: "Some night you will hear of Hayes and his family landed at the depot and shipped for Fremont."

Another remarked: "The public mind needs to be educated up to this thing. When Montgomery Blair submitted his memorial and resolution to the Maryland Legislature it was ridiculed by everybody. Now the movement has taken definite shape and is a subject of comment among the people. The object of the Potter investigation is to educate the public mind. The testimony is important only in that direction. Our purpose is fixed. The democratic party will use the machinery of the Federal Government to elect the next President."

Another said: "At the proper time, if necessary, we can concentrate at the Capitol, without attracting attention, enough men to carry out any purpose which the democratic party may have to accomplish."

Another, fixing the time for the initial steps, said: "By December this investigation will have proven the frauds practiced in order to place Hayes in the presidential chair, and we will refuse to receive his annual message. We can control the Senate on that, but, if it cannot be done in December, we will have both Houses after March 4."

Many of the prominent democratic papers in the country believed that the purpose of the investigation was to remove Mr. Hayes from office. The Raleigh (North Carolina) News contained the following:

The object of this investigation is not simply to collect into durable form the evidence of frauds in the stolen States. It is said that the complicity of President Hayes and Secretary Sherman will be clearly established. If such shall be the case, the impeachment of both these high officials is among the possibilities of the immediate future. Indeed, that would be a logical sequence of the investigation.

SAME SPIRIT AS IN 1860.

These facts prove conclusively that Mr. Potter and his friends meant mischief and that they undertook this investigation for the sole purpose of putting Mr. Tilden in the presidential chair. They prove also that these democratic leaders are as ready to-day as they were in 1860 to sacrifice the peace and business interests of the country to the interests of their party. In 1860 they were mad because they did not elect their candidate for President, and they have been mad ever since it was shown that they did not elect their candidate in 1876. In 1860 they plotted revolution and in 1878 and 1879 they plotted revolution again. In 1860 they made war upon our Army and weakened it in every possible way, so that it could not be relied upon to prevent them from carrying out their revolutionary schemes, and for the past five years they have been making a like war upon the Army, crippling it here, cutting it down there, and seeking to make it weak and inefficient everywhere, so that when they attempted to revolutionize the Government the Army could not be used as a power against them. Such being the spirit of democracy to-day, is it at all probable that the democratic party would institute any reform measures of any consequence if we should again intrust it with power?

OTHER REVOLUTIONARY SCHEMES.

But, Mr. Speaker, after witnessing the utter failure of the Potter committee, and after receiving convincing evidence that public sentiment would not uphold them in their revolutionary scheme to put Hayes out of the presidential chair and to put Tilden in, the democrats at once abandoned that scheme and turned their attention to the perfection of plans to carry the presidential election in 1880. During the last session of the Forty-fifth Congress and the extra session of the present Congress the democrats of each House had but one thought in their minds, and that was how they might shape things so as to make certain a democratic victory at the coming election. For this they labored, for this they caucused, for this they planned, for this they threatened, and for this they attempted to strike from the statute-books the election laws which were enacted for the sole purpose of preventing fraud upon the ballot-box. You gentlemen on the other side knew that if you could repeal the election laws you would be enabled to carry the State of New York by an overwhelming majority. If you could take from the President the power to use troops at the polls to preserve peace, you could carry a solid South by your tissue-ballots, bulldozing, and murder. You had determined upon success at the next presidential election, and you had resolved to strike down

any and every thing that impeded your way. You proposed to repeat upon a broader scale the dishonest trickery and gigantic frauds that you had practiced in 1868, 1872, and 1876. You said to yourselves that in order to carry New York and Ohio for the democracy, the bummers, dead-beats, and plug-uglies of New York City and Cincinnati must be allowed to vote half a dozen times each instead of only once as they can now do under republican law. You also said that the white-liners, red-shirts, and bulldozers must be permitted to intimidate republican voters, drive honest and peaceable citizens from the polls, shoot down all who dared to oppose the democratic party, and vote tissue-balloons to their hearts' content, in order to make the South solid for the great "reform" democracy.

There was method in all your actions. You had studied the vote in the electoral college. You felt certain that with a solid South, with New York, and with Ohio you could elect your presidential candidate; and to secure these States and make democratic success certain you went deliberately to work and did your utmost to strike down every safeguard about the ballot-box and to open the floodgates of iniquity, ballot-box stuffing, intimidation, and fraud. It was to secure success in 1880 that the democratic majority in this House attempted to bulldoze a republican Senate into passing the appropriation bills with your political riders. It was for this purpose that you threatened to starve the Government if republicans in this House and in the Senate refused to let you have your own way. It was for this purpose that you sought to force the President to sign your bills, political riders and all, which he had announced that he could not conscientiously do. It was for this purpose that you refused to pass the appropriation bills in the Forty-fifth Congress and thus forced an extra session of the Forty-sixth Congress, hoping thus to get these bills through with your political riders attached to them. It was for this purpose that you protracted the extra session for three long months at such an enormous cost to the tax-payers of the country.

THIS ACTION IN KEEPING WITH DEMOCRATIC HISTORY.

To one unacquainted with democratic tactics and methods your action last winter and spring would seem wonderfully strange, but to those who have studied your history nothing could be more characteristic. In taking the course you did in attempting to bulldoze the President and the republicans in Congress by threatening to starve the Government unless you could have your own way, you only manifested the same spirit that has characterized democratic action and democratic legislation for the past quarter of a century. It is a notorious fact that the great democratic party has had but one leading principle of action for the past twenty-five years, and that is to gain power and hold it after they had gained it. For this they have been willing to sacrifice everything that ennobles and dignifies a party. For this they have violated the Constitution, torn down solemn compromises, attempted to force slavery upon a free Territory at the point of the bayonet, and plunged the nation into a cruel and bloody war. They have shown themselves ready and willing to tear down any and everything that stood between them and power, no matter how sacred it was or how necessary to the safety and welfare of the people. And to-day we find them actuated by the same motives and controlled by the same spirit. We see them to-day at their old tricks again, and we cannot but feel that they are as hostile to the common good as ever. In demanding the repeal of the election laws they showed that they were as ready as ever to resort to any means, however questionable, to achieve success. But thanks to the republicans in this and the other House and to a republican President, they were unable to repeal these laws. To-day these laws stand upon our statute-book, and there is but little prospect that the democrats in this Congress will be able to strike them down. Realizing this fact, these gentlemen have turned their attention to other methods for securing a President. The first of these was developed in Maine, where the democracy, by the most dishonest, rascally, and damnable trickeries and frauds endeavored to override the will of the majority, place the minority in power, and thus steal the electoral vote of that State.

Other methods are gradually developing in this House, and will be brought to our attention in due time. What these methods are every gentleman on this floor understands. The plan is to turn republicans from certain States out of their seats on this floor and put democrats in, thus securing the vote of those States for the democratic party in case the election of a President should be thrown into this House. This is the plan that has been studied up during the past summer and that is proposed to be carried out by the leaders on the other side. The only reason why it has not been brought forward before is the fear on the part of the democratic managers that they might commit another blunder by calling it up for action. These gentlemen stand ready to rob the republicans of a Representative from Indiana and one also from Minnesota, and they will attempt to do it just as soon as they become convinced that it will not injure their party.

THE REPUBLICAN PARTY THE PARTY OF SAFETY.

And this, Mr. Speaker, is the party that claims to be the only genuine "reform" party in the country. After having practiced, with unblushing effrontery and boastfulness, the many high-handed and damnable outrages and crimes which I have referred to, they now come forward with a great flourish of trumpets and call up this insignificant measure to prevent a few Government officials and em-

ployés from contributing money for political purposes, hoping, by vigorously urging its passage and by talking loudly about "reform," to lead the people to forget their past black and criminal record and to believe that they are all they profess to be in this regard. But, sir, the people are not to be humbugged in this way. They have been deceived too often by the democracy to trust them now. They understand the spirit and methods of the democratic party far too well to believe in any professions of reform that that party may make at the present time, on the eve of an important presidential campaign. No, sir; the democratic is not a "reform" party in any sense of the word, and I ask gentlemen on this floor to look at it as it stands before us to-day, and tell me if there is anything either in its organization, its principles, or its leadership that gives any individual democrat the right to speak of it as a "reform" party? Is there anything in all its long history which gives any indication that it would inaugurate a single reformatory measure if it were again to be intrusted with power? I say not. The party, as it stands before us to-day, is the same in all essential particulars as it was in 1860, and it would be as unwise and dangerous in every particular to put it in power now as it would have been to have continued it in power then. I say this, sir, because I believe it to be true; and I believe it to be true both from what I have noted in this House and from what I know of the present organization, spirit, and leadership of the party. I say it because I believe, as I did in 1860 and 1864, that the only genuine reform party, the only safe party in the nation is the republican party. It was the republican party that we tied to during all the years of the war, and that brought us through in safety, and I believe that party is as necessary to the highest and best good of this great Republic to-day as it was in the darkest days of that mighty struggle. In fact, there has been no time since we achieved our first national victory under our trusted leader, Abraham Lincoln, when it would have been wise or safe to exchange that party for the democratic party. There has been no time since then when the rule of the republican party was not demanded by every interest of the individual citizen and by every principle of good government and national honor. To-day, after having tried the democratic party in the lower House of Congress for five years, we come back to the republican party as our only hope. We feel, as we have not felt at any time since the war, that the democratic party is not a party of safety. We realize more fully than ever that the democracy have learned nothing from the great lessons of the war, and that they are no better fitted, either in ability, honesty, or patriotism, to manage the affairs of this nation than they were in 1860, when the people arose in their might and bade them vacate the high places which they had filled only to dishonor.

Mr. HOSTETLER. I now yield to my colleague on the committee, the gentleman from Ohio, [Mr. BUTTERWORTH.]

Mr. BUTTERWORTH. I claim the floor in my own right.

Mr. McLANE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. McLANE. The gentleman from Indiana [Mr. HOSTETLER] in charge of this bill gave notice yesterday that he intended to call the previous question at four o'clock to-day. Of course the hour to which he is entitled to close the debate can be taken by him prior to or after four o'clock. In explanation to a gentleman on the other side whom I now have in my eye, I will say that it was understood that the gentleman from Indiana would take his hour after four o'clock. I desire to ask if my understanding is correct. If so, then the floor is still open to the gentleman from Ohio [Mr. BUTTERWORTH] until four o'clock.

I rise now for the purpose of having the Chair make the explanation to the House that the gentleman from Indiana [Mr. HOSTETLER] has the right at four o'clock to take the floor and call the previous question, or he has the right to take the floor now for remarks, and at four o'clock to call the previous question.

Mr. CONGER. The Speaker has that under advisement.

Mr. GARFIELD. An event has occurred since then which changes the matter somewhat.

Mr. McLANE. What is it?

Mr. GARFIELD. One gentleman yesterday took nearly two hours of the time of the House. His time was extended by general consent, by the courtesy of the House. If a similar courtesy cannot be extended to this side it would certainly be very unfair.

Mr. ATKINS. I hope the same courtesy will be extended.

Mr. GARFIELD. It will be hardly fair to call the previous question to-day.

Mr. HOSTETLER. In response to the gentleman from Ohio, [Mr. GARFIELD,] I will say that, notwithstanding that was an act of the House for which I was not responsible at all, the extension of time was outside of the agreement, yet I want to do full justice to the other side of the House, and I have yielded the next hour to the gentleman from Ohio, [Mr. BUTTERWORTH.]

Mr. WHITE. There was no agreement at all.

Mr. HAYES. During the extra session the other side consumed an hour on this bill; and yesterday they consumed two hours and a quarter.

Mr. BUTTERWORTH. The House can judge what understanding existed from what was said yesterday. The gentleman from Ohio [Mr. McMAHON] said that he would call the previous question at four o'clock, as he was desirous of having a vote taken on the bill to-day.

Mr. McMAHON. I had no right to demand the previous question.
Mr. BUTTERWORTH. I beg pardon, the gentleman said that he would insist upon its being called at four o'clock.

Mr. McMAHON. I said that I would insist upon the agreement being carried out, provided the extension of time would carry the matter over until to-morrow.

Mr. BUTTERWORTH. The gentleman said he would not object to the debate extending after four o'clock to-day, but he wanted the vote taken to-day.

Mr. CONGER. There was no agreement yesterday about the time such as that to which the gentleman from Ohio [Mr. McMAHON] refers.

The SPEAKER *pro tempore*. Does the gentleman from Indiana [Mr. HOSTETLER] yield the floor to the gentleman from Ohio, [Mr. BUTTERWORTH?]

Mr. WHITE. That is not the way to put it; the gentleman from Ohio is entitled to the floor in his own right.

Mr. HOSTETLER. Who has the floor?

The SPEAKER *pro tempore*. Does the gentleman yield to the gentleman from Ohio?

Mr. HOSTETLER. I want an understanding before there is any yielding in the case. The understanding which was agreed to yesterday by the distinguished gentleman from Ohio [Mr. GARFIELD] and other gentlemen was that the previous question should be called to-day at four o'clock.

Mr. CONGER. It was distinctly stated that there was no such agreement.

Mr. HOSTETLER. The RECORD will show.

Mr. CONGER. I made that statement myself, and the RECORD will show it.

Mr. HOSTETLER. If the RECORD does not bear me out, then of course I have no more to say. In accordance with that understanding I yielded the floor yesterday to my colleague on the committee, the gentleman from Tennessee, [Mr. HOUSE], who addressed the House for one hour. At the expiration of that hour his time was extended, not by me individually, but by unanimous consent of the House.

Mr. KEIFER. Will the gentleman allow me to interrupt him for a moment?

Mr. HOSTETLER. Wait a moment. After the time of the gentleman from Tennessee was extended by unanimous consent it was asked if additional time would be allowed for debate beyond four o'clock to-day. Now, if there was no understanding, no agreement that the previous question should be called at four o'clock to-day, how could additional time beyond four o'clock be asked for?

I will say this: I am willing to concede to the other side the next hour, provided, if the understanding has to be changed from what it was yesterday, we shall be allowed to have a vote this evening at some time, as near four o'clock as possible.

Mr. CONGER. I desire to call the attention of the gentleman from Indiana [Mr. HOSTETLER] to the RECORD.

The SPEAKER *pro tempore*. The only question now before the House is to whom the gentleman from Indiana [Mr. HOSTETLER] yields.

Mr. CONGER. I know; but I desire to refer to what was said about the agreement. I read from the RECORD of yesterday's proceedings:

The SPEAKER. The bill will go over as unfinished business—not only as unfinished business but by agreement.

Mr. CONGER. I do not desire to be misunderstood—

The SPEAKER. The Chair does not misunderstand the gentleman.

Mr. CONGER. There has been no agreement except the declaration of the gentleman in charge of the bill that he will call the previous question. There has been no agreement on this side of the House so far as I know.

The SPEAKER. The rule of course will control everything in connection with the legislative matters before the House.

Mr. CONGER. I do not wish anything to go by agreement—only by the rules.

And that is the last upon this subject. There never was any agreement as understood by this side of the House.

The SPEAKER *pro tempore*. That question is not now before the House. At four o'clock it will be proper to consider that question. The Chair now recognizes the gentleman from Ohio, [Mr. BUTTERWORTH.]

Mr. McMAHON. I wish to ask gentlemen on the other side one question. If this debate is allowed to run into to-morrow will they give us a vote then at three or four o'clock?

Mr. CONGER. Let the debate go on; and we will give a vote just as soon as we get through with our remarks.

Mr. McMAHON. I thought the gentleman was anxious to take up the appropriation bill.

Mr. CONGER. Ah! the gentleman, I am informed, was instructed some days ago by his committee to report an appropriation bill forthwith, but has declined to do it.

Mr. McMAHON. I want to give gentlemen on the other side a chance to put themselves on the record upon this political-assessment bill.

Mr. CONGER. The gentleman has disobeyed the instructions of his committee.

Mr. HAWLEY. We want to go on the record.

Mr. HAWK. But we want to go on the record intelligently.

Mr. McMAHON. Now, I want to say to gentlemen that if they will give us a vote to-morrow—

Mr. CONGER. The gentleman has not charge of this bill; why is he interfering with it?

Mr. McMAHON. Simply because I have an appropriation bill in charge; and I may have something to say in regard to the time that this debate may run.

Mr. CONGER. I understand that the gentleman's committee instructed him some days ago to report an appropriation bill; and he declines to do it.

Mr. McMAHON. The gentleman is not the repository of the secrets of the Committee on Appropriations; and this matter, like a great many other things, is one he knows nothing about.

The SPEAKER *pro tempore*. This discussion is coming out of the time of the gentleman from Ohio.

Mr. CONGER. I will say that on this side of the House we are willing to postpone this subject to take up the appropriation bill. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is demanded. The gentleman from Ohio is recognized.

Mr. BUTTERWORTH. I understand that I have the floor in my own right, and not by virtue of its being yielded to me by the gentleman from Indiana.

Mr. CONGER. But I presume my friend from Ohio would postpone his remarks until the appropriation bill can be passed, if it be taken up now. [Laughter.]

The SPEAKER *pro tempore*. The Chair desires to announce that at fifteen minutes after three o'clock he recognized the gentleman from Ohio; and this debate is coming out of his time.

Mr. CONGER. My proposition is to postpone this bill until the appropriation bill can be passed.

Mr. McMAHON. I was always taught to dispose of the matter in hand before proceeding with anything else. [Laughter.]

Mr. BUTTERWORTH. Mr. Speaker—

Mr. McLANE. Before the gentleman proceeds I want my parliamentary inquiry responded to. I asked the Chair whether the gentleman from Ohio had been recognized in his own right, or whether the gentleman from Indiana had yielded to him. The answer is very material; because if the gentleman from Ohio has been recognized in his own right, of course his time will extend till twenty minutes after four o'clock; and the gentleman from Indiana has given notice of his intention to call the previous question at four o'clock.

A MEMBER. As soon as he gets the floor.

Mr. McLANE. I want to understand whether the gentleman from Ohio proceeds in his own right, or in time yielded to him by the gentleman from Indiana. [Cries of "Regular order!"]

Mr. BUTTERWORTH. I understand that I have the floor in my own right.

The SPEAKER *pro tempore*. The Chair is prepared to answer the inquiry of the gentleman from Maryland, but it would consume time belonging to the gentleman from Ohio.

Mr. KEIFER. Oh, no; the time spent upon a question of order ought not to be charged against the member holding the floor.

Mr. BUTTERWORTH addressed the House. [His remarks will be found in the Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of a bill (S. No. 1256) to authorize the construction of the Mullan wagon-road between Forts Missoula and Cœur d'Alene; in which concurrence was requested.

ORDER OF BUSINESS.

Mr. HOSTETLER rose.

Mr. WHITE. I move that the House take a recess until half past seven o'clock.

Mr. HOSTETLER. I gave notice that at the hour which has now arrived I would call the previous question.

Mr. McMAHON. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. McMAHON. It is whether a session has been ordered for this evening; and, if so, for what purpose?

The SPEAKER *pro tempore*. An evening session has been ordered for the consideration of pension bills.

Mr. WHITE. I have moved that the House take a recess.

The SPEAKER *pro tempore*. That motion is not in order while the gentleman from Indiana [Mr. HOSTETLER] has the floor.

Mr. BURROWS. I am informed the chairman of the Committee on Invalid Pensions is ill and not able to be here to-night.

Mr. KEIFER. I move that the House do now adjourn.

The SPEAKER *pro tempore*. Does the gentleman from Indiana take the floor?

Mr. CONGER. It is in the power of the Chair to recognize somebody else.

Mr. KEIFER. Is it not in order to move that the House do now adjourn?

The SPEAKER *pro tempore*. Not while the gentleman from Indiana has the floor. That gentleman will state for what purpose he has risen.

Mr. HOSTETLER. In accordance with the notice I gave yesterday, I now move the previous question.

Mr. HAWLEY. Oh! do not do that.

Mr. HOSTETLER. That was the understanding come to yesterday.

day, and in accordance with that understanding I now move the previous question.

The SPEAKER *pro tempore*. Pending the demand for the previous question the motion for a recess is in order; pending which the gentleman from Ohio [Mr. KEIFER] moves that the House do now adjourn.

Mr. KEIFER. I withdraw the motion.

Mr. BUCKNER. I renew it.

The question being put on the motion to adjourn, there were—ayes 72, noes 125.

So the motion was not agreed to.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Pennsylvania [Mr. WHITE] that the House take a recess.

Mr. WHITE. I withdraw the motion.

Mr. BROWNE. I renew it.

The question being put on the motion to take a recess, there were—ayes 82, noes 78.

Mr. BUCKNER. I call for tellers.

Tellers were not ordered, 29 members voting therefor; not one-fifth of a quorum.

Mr. WARNER. I rise to a parliamentary question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WARNER. Whether the session of this evening is devoted to pension cases exclusively, or whether it is for the continuation of the debate on the pending bill?

The SPEAKER *pro tempore*. It is for the consideration of pension cases exclusively.

Mr. BUCKNER. I call for the yeas and nays on the motion for a recess.

The yeas and nays were not ordered, only 24 members voting therefor; not one-fifth of the last vote.

So the motion for a recess was agreed to.

LEAVES OF ABSENCE.

Pending the announcement of the vote, leave of absence was granted as follows:

To Mr. COX, for to-night; and

To Mr. O'NEILL, till Monday next, on account of important business.

The result of the vote was then announced; and accordingly (at four o'clock and thirty minutes p. m.) the House took a recess until seven o'clock and thirty minutes p. m.

EVENING SESSION.

At seven o'clock and thirty minutes p. m. the House resumed its session.

The SPEAKER. The Clerk will read the resolution of the House under which the session this evening is held.

The Clerk read as follows:

Resolved, That Thursday evening, at seven o'clock and thirty minutes p. m., March 4, and Wednesday evening at seven o'clock and thirty minutes p. m., March 10, be set apart to receiving reports from the Committee on Invalid Pensions, and to consideration and action on pension bills in their order pending in the Committee of the Whole House on the Private Calendar, no other business to be transacted.

PENSION BILLS REPORTED.

Mr. HATCH. I desire on behalf of the gentleman from Pennsylvania, [Mr. COFFROTH], the chairman of the Committee on Invalid Pensions, who is detained at his room by sickness, to report from that committee the bills which I send to the desk, that they may be placed on the Calendar and printed.

The SPEAKER. That is in order under the first clause of the resolution of the House under which this evening session is held.

Mr. HATCH (for Mr. COFFROTH) reported back, with favorable recommendations, bills of the following titles; which were severally referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

The bill (H. R. No. 4780) granting arrears of pension to Mrs. Annie A. Hays;

The bill (H. R. No. 3102) granting a pension to Susan R. Johnson; and

The bill (H. R. No. 2007) granting a pension to Mary P. Thompson, widow of James B. Thompson, late captain of Company F, One hundred and ninetieth Regiment Pennsylvania Volunteers.

Mr. HATCH also (for Mr. COFFROTH) reported from the Committee on Invalid Pensions bills of the following titles; which were severally read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 5060) granting a pension to James McMullen;

A bill (H. R. No. 5061) granting a pension to Anderson Langford;

A bill (H. R. No. 5062) granting a pension to Theodore Artz; and

A bill (H. R. No. 5063) granting a pension to Aaron Snyder.

ORDER OF BUSINESS.

Mr. CALDWELL. I move that the House resolve itself into Committee of the Whole on the Private Calendar for the purpose of considering pension bills on the Calendar.

Mr. DUNNELL. I understood the gentleman from Missouri [Mr. HATCH] to say that the chairman of the committee desired that cases which he had reported might be passed to-night.

The SPEAKER. The gentleman from Missouri did not make that statement; he reported sundry bills on behalf of the chairman of the committee.

Mr. HATCH. I will state to the gentleman from Minnesota [Mr. DUNNELL] that members of the House who presented the bills that are now on the Calendar desire that the Calendar shall be called in its regular order.

The motion of Mr. CALDWELL was agreed to; and the House accordingly resolved itself into Committee of the Whole on the Private Calendar, (Mr. CALKINS in the chair.)

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the pension bills on the Private Calendar.

The first bill in order on the Calendar was stated to be the bill (H. R. No. 3261) granting a pension to Elizabeth Dougherty.

Mr. BAYNE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. Are not bills on the Calendar preceding the one just referred to first entitled to consideration?

The CHAIRMAN. The Clerk has taken the first bill on the Calendar from the point where the Committee of the Whole left off at its last session.

ELIZABETH DOUGHERTY.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Elizabeth Dougherty, widow of Charles Dougherty, deceased, a soldier in the late war of the rebellion, and pay her a pension at the rate allowed by existing laws to the widows of deceased privates killed in the service of the United States and in the line of duty in the said war, from and after the 18th day of April, 1864, the date when the said soldier was killed while in the said service and in the line of duty as aforesaid.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 219) granting a pension to Elizabeth Dougherty, widow of Charles Dougherty, late fourth sergeant of Company C, Sixty-ninth Regiment of Pennsylvania Volunteers, have had the same under consideration, and beg leave to submit the following report:

The record shows that Charles Dougherty, on the 23d day of August, 1861, was enrolled in the United States service as fourth sergeant of Company C, Sixty-ninth Regiment Pennsylvania Volunteers, and that he was honorably discharged on the 31st day of January, 1864, by reason of re-enlistment as a veteran volunteer.

The testimony of Michael Brady and Patrick Desmond, sergeant of the said company, shows that said Dougherty was on veteran furlough in Philadelphia in April, 1864, and had returned to barracks at Chester, Pennsylvania, where the regiment was to be reorganized preparatory to being sent to the front; that while so stationed there the said Dougherty, in company with the above deponent, Desmond, was ordered to proceed to Philadelphia to collect the stragglers. On April 18, 1864, while on board of the cars at Chester, Pennsylvania, in pursuance of the said order, the said Dougherty was rudely pulled off by one of the provost officers while the train was in motion, and thrown beneath the cars, sustaining injuries that resulted in death on the 20th day of April, 1864.

Edward Thompson and James O'Reilly, of the said company, testify to the gallantry and faithfulness of Dougherty while in the service. It is clearly proven that at the time the fatal injuries occurred Dougherty was in the service of the United States engaged in arresting stragglers. He had previously served three years in the Army and re-enlisted.

The marriage of said Dougherty with the petitioner is duly established.

The committee therefore recommend the passage of the accompanying bill.

The CHAIRMAN. The question is upon laying the bill aside to be reported favorably to the House.

Mr. STEVENSON. I would inquire if the testimony shows what was done with the provost-marshal who treated this soldier in this way?

Mr. WARD. I will answer the gentleman by saying that there is no evidence, I believe, before the committee on that point. It is very clear, as the report states, that the soldier was in the line of his duty and under military orders at the time the injury was sustained by him.

Mr. STEVENSON. I am satisfied the soldier was in the line of his duty and should have a pension. But I want to know, as a matter of fact, what was done with the provost-marshal.

Mr. WARD. The evidence does not show.

Mr. BUCKNER. Has this claim ever been presented to the Commissioner of Pensions?

Mr. WARD. It has been.

Mr. BUCKNER. And refused on what grounds?

Mr. WARD. On the ground that the Commissioner could not, under the technical rules of law as they now exist, allow a pension to this widow and her orphan children.

Mr. CONGER. I am not exactly aware of the rule which the Committee on Invalid Pensions has adopted in regard to the time when the pensions granted shall commence. I would thank some member of the committee to state whether any rule has been adopted by the committee in regard to dating back pensions granted to widows of soldiers who never have received pensions; whether to the time of disability or death of the soldier.

Mr. CALDWELL. I will state for the information of the House that the Committee on Invalid Pensions has adopted this rule in reference to all these bills: that they will report bills granting pensions from the date of the discharge of the soldier, where the disability occurred before his discharge, and from the date of the disability where it occurred subsequent to the discharge. In the case of a widow whose husband has been on the pension-roll the committee will report a bill granting a pension from the date of the death of the husband. In the case to which the gentleman refers I think there

has been no conclusive action or resolution on the part of the committee.

Mr. CONGER. Will the gentleman state whether the practice of the House has been to date the pensions of widows back to the time of the disability or death of the soldier?

Mr. CALDWELL. So far as my own personal experience is concerned, my recollection is that it was the purpose of the Forty-fifth Congress to date all pensions from the passage of the bills, without granting any arrears at all.

Mr. CONGER. I had supposed that was the rule. The rule should be uniform one way or the other. Of course I have no choice about the matter.

Mr. CALDWELL. In order that the views of the committee may be clearly understood, I will say that while I had nothing in the world to do with the passage of the bill granting arrears of pensions, yet I hold that since that bill has become the law of the land any pension bill that passes this House should give arrears of pensions just the same as the Commissioner of Pensions grants arrears to the persons applying to him for pensions. That is my belief, and so far as I am concerned that will be the action of the committee.

Mr. ATKINS. Has this case been before the Commissioner of Pensions?

Mr. CALDWELL. It has been, and was rejected.

Mr. ATKINS. Rejected because there was no law authorizing it?

Mr. CALDWELL. So I understand.

Mr. ATKINS. And it is now proposed to enact a law in this case giving arrears of pension?

Mr. CALDWELL. It is the purpose of the Committee on Invalid Pensions to carry out in good faith, and in the letter and spirit, the pension laws of the country. There has been a great deal said here as to the policy of entertaining appeals from the Commissioner of Pensions. I want to be clearly and emphatically understood that I will never vote one dollar for pensions if there can be no appeal from the Pension Bureau; and I believe that is the determination of a number of the members of the Committee on Invalid Pensions.

Of the appeals which have been brought to the House from the Commissioner of Pensions I have found that not only the law in letter and spirit but every principle of equity known to the law has been violated by the rejection of those cases. In regard to the policy which has been adopted by some here of objecting to these bills because they are appeals from the Commissioner of Pensions, I want to say that I cannot myself conceive of any greater hardship that can be inflicted upon the soldiers of the country than to have one man clothed with the absolute power of disposing of \$30,000,000 without any appeal from his decision. If that is the policy to be pursued here, then I am for one ready now to quit this pension business altogether. But I want the responsibility to rest upon those gentlemen who oppose these bills.

Mr. NEAL. For the purpose of testing the sense of the committee, I move to strike out all after the word "war," in the ninth line, to the end of the bill.

The CHAIRMAN. The Clerk will read the words proposed to be struck out.

The Clerk read as follows:

From and after the 18th day of April, 1864, the date when the soldier was killed, while in the said service and in the line of duty as aforesaid.

Mr. RANDALL, (the Speaker.) We would like to know the effect of this amendment.

Mr. NEAL. The effect will be that the pension will commence from the date of the passage of the act.

Mr. RANDALL, (the Speaker.) Not from the date of the application?

Mr. NEAL. No, sir. Mr. Chairman, I believe that all these soldiers and their widows who are placed upon the pension-roll by special acts of Congress ought to have arrears of pension to the same extent and with like effect as those whose claims have been allowed at the Pension Office. At the extra session of this Congress this House passed a joint resolution, which I had the honor to introduce, constraining the arrears of pension law so as to give all persons placed upon the pension-roll arrears of pension in the same way as if their claims had been adjudicated in the Pension Office. I believe that to be right. The resolution has not yet been acted upon by the Committee on Pensions in the Senate; for I inquired only a day or two ago of one of the members of that committee, and was informed that they had not yet taken it up for consideration. It seems to me that we ought to pass these bills in the same shape in which they have been heretofore enacted. In the Forty-fifth Congress no bill was passed dating the pension back beyond the date of the passage of the act. This amendment, if adopted, will place this pensioner in precisely the same situation with pensioners who were put upon the rolls by the action of preceding Congresses. If the joint resolution which passed the House without a single dissenting voice shall be passed in the Senate, as I trust it will be by a like vote, then all persons pensioned by special acts will enjoy the arrears of pension to the same extent as if their pension claims had been allowed by the Commissioner of Pensions.

Mr. STEVENSON. The gentleman will allow me to make a suggestion: I did not distinctly hear his amendment read; but as I understood it the effect of it will be that this particular pensioner and others receiving pensions under pension bills similar in language

must run the risk of the passage of an act hereafter placing them upon the same footing as those who received the arrears of pension.

Mr. NEAL. The effect of this amendment, if adopted, will be that persons put upon the rolls by the action of the Forty-sixth Congress will be in precisely the same position as those who have been put upon the rolls by the action of the Forty-fifth, the Forty-fourth, and preceding Congresses. In other words, they will not get any arrears unless Congress should pass the joint resolution now pending in the Senate or some other act giving them arrears.

Mr. STEVENSON. Let me suggest to the gentleman that no possible harm can come from the passage of this bill in the form reported by the committee, because if the resolution to which he has referred should pass, this pensioner and others pensioned under bills of a similar character will get no more than if an amendment of this kind should prevail. On the other hand, in the event of the failure of that resolution, they will be placed on the same footing with those who get the benefit of the arrears.

Mr. NEAL. If this bill passes in the form reported by the committee, then this woman obtains a pension which dates from the death of her husband, while a woman who may have been placed upon the pension-rolls under precisely similar circumstances by the last Congress will draw her pension only from the date of the passage of the act.

Mr. HUMPHREY. If the action of a former Congress was wrong, let us make our own action right.

Mr. WILSON. Let us correct the error now.

Mr. DAVIS, of Illinois. Mr. Chairman, I hope the House will vote down this amendment. I do not know what reason there is in the gentleman's argument when he advocates the amendment and at the same time states that he himself presented a joint resolution providing for just what the committee recommend in this bill. Nor do I see by what right or reason we should be judged by the action of the Forty-fifth Congress. It is our duty to act equitably and justly upon these claims. If this bill is correct to-day, it is our duty to pass it. It proposes to give this pensioner all the rights that are given under the general law—nothing more. If the Forty-fifth Congress failed to do this in similar cases, let the joint resolution which passed the House be adopted by the Senate, and then all these pensioners will be on an equality.

I do not wish to occupy the time of the House this evening. I hope that we came here for action; that each bill will be discussed on its merits. I trust the general pension laws and the duty of the Committee on Invalid Pensions will not be discussed.

Mr. HATCH. The gentleman will allow me to remind him, as he was a member of the sub-committee which acted on the subject, that the Committee on Invalid Pensions to-day reported favorably a bill introduced by the gentleman from the first district of Missouri [Mr. CLARDY] giving to the widow the same arrears of pension to which the husband would have been entitled had he made his application and obtained a pension during his life. That bill, which the gentleman no doubt remembers, went upon the Calendar to-day.

The question being taken on the amendment of Mr. NEAL, it was not agreed to.

Mr. SAMFORD. I understood a question to be asked by the gentleman from Tennessee which I have not yet heard answered by any member of the Pension Committee. That question was whether or not these special acts grant pensions under circumstances and in cases not provided for by the general pension law. I understand a gentleman over the way from the Committee on Invalid Pensions to say perhaps that the Commissioner refuses to grant this individual case because it did not come within the general rule. Then, Mr. Speaker, we are passing special acts which are not provided for by the general law.

Mr. DAVIS, of Illinois. Under his interpretation.

Mr. WARD. The claim was rejected, not upon the ground that this man did not come within the pension laws which entitled the widow of a soldier killed in the service to a pension, but that this widow was not able with the evidence she had at hand to bring her case within the technical rules of evidence required by the Department in order to establish her claim.

Mr. SAMFORD. Then I ask the gentleman whether she has brought more evidence before the committee than before the Commissioner of Pensions?

Mr. WARD. I do not know that she did.

Mr. SAMFORD. I would ask the gentleman a further question, whether the Invalid Pensions Committee requires less testimony than the Commissioner?

Mr. WARD. Not at all; but the Invalid Pensions Committee is able to take this inquiry beyond the strict letter of the technical rule. It has been found in this case that this widow and her orphan children were the widow and children of a man who had served three or four years faithfully in the Army; that he had been detailed by military orders upon special duty, still being in the Army, and that the kind of duty he was thus detailed on under those orders was not the species of duty the Commissioner of Pensions thought he could grant a pension for, and when they considered the case they found he was engaged in a kind of service which eminently entitled his widow and orphan children to have the pension the Government gave.

Mr. BUCKNER. I do not suppose there is any gentleman on this

floor who would not be willing and anxious that every man who under the law of the land is entitled to a pension, either as a soldier or dependent relative, should have it. The action of this Congress heretofore and its every-day action has shown that we are not disposed to be stinted in that direction, but on the contrary to be liberal. The question is not whether we want to grant a pension or not, but the question is this: to decide who is entitled to a pension.

But as my friend from Kentucky says we are to supervise the action of a tribunal vested by law specially for the purpose of deciding these questions; but whenever he has given a judgment which on the one hand concludes the Government but does not preclude the claimant, if that is the ground, as I understand, on which the Invalid Pensions Committee has acted, I say it is about time we should call a halt in this business.

Why, sir, what precedent have you that will justify this course toward any other branch of this Government? Do you say the same thing in reference to the Patent Office? Here is a tribunal where are six or seven hundred officials presumably skilled in this business, with various officers to help them, with the Attorney-General and his assistants to decide the law, a tribunal invested by law with the decision as to the facts; and the party who presents his claim is, in point of fact, impliedly bound by that jurisdiction, and it is only a matter of grace and favor on the part of Congress when it takes jurisdiction of any matter which has already been decided by the Commissioner.

Mr. TOWNSHEND, of Illinois. We so understand it, and put it on the ground of grace.

Mr. BUCKNER. I wish to say, if that is the ground upon which these claims are to be paid; if, as the gentleman says, the Commissioner has technical objections; if it is upon the ground he does not give the same construction to the evidence the Committee on Invalid Pensions chooses to give, then I say there will be no end to it.

Mr. STEVENSON. In many cases, as many of the members of the House know who have been written to by parties in reference to pensions, the applications have been rejected on technicalities, and sometimes on very small technicalities, by the Commissioner of Pensions; and the only remedy the applicant has, and the only remedy he can have, is to appeal to Congress. The gentleman from Missouri does not mean to take the position that when the Commissioner of Pensions rejects an application upon some supposed technicality then the applicant has no remedy at all. His only remedy is to come to Congress.

Mr. BUCKNER. My idea is this: where it is a question of the weight of testimony, where the Commissioner has decided on the weight of the testimony that the applicant is not entitled to a pension, I say he ought not to have the right to appeal to Congress and Congress ought not to give it; otherwise we should abolish the Pension Office. If, on the other hand, he can show equitable circumstances, or can show circumstances which appeal to the sense of equity and conscience of Congress, then it is a proper subject for investigation here. But for us to come here and give our version as to the weight of testimony when the Commissioner of Pensions after examination has decided, I say if we adopt such a course then there will be no end to this matter.

Mr. HUMPHREY. I rise to a point of order.

The CHAIRMAN. State it.

Mr. HUMPHREY. My point of order is that there is a bill before the committee and I have not heard a word said about it.

The CHAIRMAN. The point of order is not well taken. The gentleman from Missouri still has the floor.

Mr. HATCH. I desire to ask my colleague a question. He has spent many years upon the bench. I desire to ask if he has never known a case presented to him as judge where the party had no remedy at law, and yet he, as chancellor, could find a remedy that would relieve him?

Mr. BUCKNER. That is the very case which I have made an exception of; and if the gentleman will come in here and say this case is not a question depending upon the weight or strength of the testimony before the Commissioner, as this appears to be, but there are equitable considerations—there are facts outside, and I could mention a great many—then I hold this is a case where Congress ought to interfere, and either the law ought to be amended so as to give jurisdiction to the Commissioner of Pensions, or we should interfere in some other way.

Mr. RANDALL, (the Speaker.) I hope that in the discussion of the theories of the pension laws the merits of this case will not be overlooked. I do not know of a stronger claim in behalf of any widow than this case presents. Here is a man who enlisted, served honorably for three years, who was honorably discharged and re-enlisted as a veteran soldier, and who, while on veteran furlough, being detailed to do a certain duty by proper authority, was killed in the line of duty. Now his widow comes and seeks for a pension. I cannot imagine a better claim than the one presented here, where a widow's husband was killed in line of duty. I do not know what are the technical objections, but I do know that somebody ought to grant this widow a pension; and if the Pension Department does not do it, then Congress should immediately apply the relief.

Mr. ATKINS. I desire to ask the distinguished gentleman from Pennsylvania a question.

Mr. RANDALL, (the Speaker.) Certainly.

Mr. ATKINS. I wish to ask if he does not think it would be a much better practice, and especially as he is Speaker of this House, for this Congress to address itself to the making of a law that would cover these meritorious cases, and not bring them here before Congress for gentlemen to vote on in order to popularize themselves in their own districts?

Mr. RANDALL, (the Speaker.) I have a right to speak in this case, for nearly all the men who enlisted in this regiment came from the city I in part represent; and I want to say here that that regiment somehow or other was very often placed in the position where David put Uriah. They were in the front of the battle nearly all the time. It was an Irish regiment, and hence I feel some interest in it. But to the point. I do believe if Congress could rid itself of these cases it would be desirable to establish a court to pass upon pension cases; but I never will agree, as the gentleman from Kentucky has so forcibly said, that one man with no judicial authority, as it were, thrown around him shall have absolute power to reject pensioners' claims.

Mr. SPARKS. I wish to ask the gentleman from Pennsylvania, whether all the cases reported thus far for pension claims are not from the gentleman's district or State?

Mr. RANDALL, (the Speaker.) It does not matter where they come from; if the merit of the case prompts its passage, then it should be promptly passed.

Mr. TALBOTT. Mr. Chairman—

Mr. SPARKS. I think it does matter in this—

The CHAIRMAN. The gentleman from Maryland has the floor.

Mr. SPARKS. I want to make a rejoinder to the gentleman from Pennsylvania. It does seem to me—

The CHAIRMAN. The Chair has recognized the gentleman from Maryland, but will recognize the gentleman from Illinois after he concludes.

Mr. TALBOTT. I merely desire to ask the gentleman from Pennsylvania [Mr. WARD] a question. He has stated there are technical objections to this case, and that is the reason the Commissioner of Pensions did not grant it. Now I would like him to state what these technical objections are.

Mr. WARD. I will state to the gentleman the husband of the applicant in this case was killed while on a furlough and not, strictly speaking, while in the line of duty.

Mr. SPARKS. Mr. Chairman—

Mr. HATCH. I rise to a privileged question. I desire to move that the committee now rise with a view to offering a motion in the House to limit debate.

Mr. SPARKS. That is not a privileged question, and the Chair promised to recognize me.

The CHAIRMAN. The Chair recognizes the right of any member of the committee to move at any time that the committee rise, and the Chair will recognize the gentleman from Illinois if that is voted down.

Mr. ATKINS. Can you take the gentleman off the floor to offer a motion that the committee rise?

The CHAIRMAN. The gentleman from Illinois was not on the floor at the time when the motion to rise was recognized by the Chair.

Mr. HUMPHREY. I move that the committee rise.

Mr. SPARKS. I rise to a point of order.

The CHAIRMAN. No business will be done until the committee is in order. Gentlemen will suspend conversation. The gentleman from Illinois will state his point of order.

Mr. SPARKS. My point of order is that a gentleman cannot rise to a privileged question with the view of making that privileged question simply give him the floor for the purpose of making a motion that the committee rise, as the gentleman from Missouri has done.

Mr. HUMPHREY. I withdraw the motion.

Mr. SPARKS. If the gentleman from Wisconsin should withdraw himself from the House I do not know that it would do anybody any harm. I think I was on the floor, and the Chair stated he would recognize me.

The CHAIRMAN. The point of order of the gentleman from Illinois [Mr. SPARKS] is not well taken. The Chair stated he would recognize the gentleman from Illinois after the gentleman from Maryland had finished his remarks. But before the gentleman from Illinois rose and was recognized, the gentleman from Missouri [Mr. HATCH] rose to a privileged question, and being recognized, the gentleman made a privileged motion, which the Chair thinks is in order.

Mr. HATCH. I withdraw the motion for the present, until the gentleman from Illinois is heard; and I hope that after he has been heard we shall then have a vote.

Mr. SPARKS. I am certainly desirous that the committee should come to a vote on this and every other case that comes before it. But I wanted to answer the argument of the distinguished Speaker of the House. These cases, sir, so far as I have seen, have all come from the State of Pennsylvania. I know that Pennsylvania did not furnish all the soldiers, and you know it. But a Committee on Pensions may be so organized—not intentionally, of course, but so organized—that a locality can be represented and all those from that locality that claim pensions can get through, while the other parts of the country may be neglected. Is it fair to your district, sir, that this House should act upon pension claims coming from one locality alone? There may be influences at work by which parties can get

before the Pension Committee, while others may not be in condition to get before it.

Mr. HATCH. Will the gentleman allow me to interrupt him for a moment?

Mr. SPARKS. I will allow the gentleman, of course.

Mr. HATCH. In justice to the chairman of the committee, who is detained at his room by sickness, I desire to restate to the Committee of the Whole that the chairman of this committee, who reported these bills, remained here during the entire Christmas holidays and gave his time with a clerk that he employed outside of the House force to assist him, in considering the bills that had been referred to him as a sub-committee; and that is the reason why so many more of his bills have been reported to the House at this date than have been reported by any other member of the committee.

Mr. SPARKS. Precisely. I was not here during that time. My constituents and those of my colleagues are making their applications for pensions—where? To the Pension Office, an office organized by law to examine and pass upon these matters. Now, when you attempt to make this House the tribunal for granting pensions you might as well dismiss the other tribunal, the Pension Office. If not, a part of these claims will go to the Pension Office and the others will seek this House.

I think I have demonstrated—since I have been a member of this House, and if I have not I have demonstrated nothing—that I am as much in favor of pensioning meritorious claimants as any man in this Congress, but only meritorious ones should be allowed, as all fair-minded men must agree. The Commissioner of Pensions (and I presume he is an honorable man) would tell you, I think, to-day that there are perhaps from 10 to 15 per cent. of the existing pensions that are unjust. Is that not unfair and prejudicial to those pensioners who are really meritorious and entitled to pensions? Sir, a government that will not protect and properly care for those who at the risk of life defend it, ought not to exist. Ours attempts to do this and will do it. Now, sir, if the law is not sufficient, if the law is such that the Commissioner of Pensions can take advantage of technicalities, let us amend it and make it so plain and broad that he cannot do it, so that all who are entitled to pensions can come in on equal terms, and be treated equally and alike—

Mr. HARRIS, of Massachusetts. Will the gentleman allow me to ask him a question?

Mr. SPARKS. After I have completed this sentence.

Or if the Commissioner of Pensions does not discharge his duty efficiently and with impartiality let us make the Administration that appoints him and keeps him in office responsible for his dereliction of duty. Is he failing to discharge his duties properly, efficiently, honestly, fairly, and according to the law? Then it is the duty of this Administration to turn him out and get a man in the office who will do what is right. But I must presume that he is doing his duty. Is your law deficient? Then it is the duty of Congress to enact a law that will cover all fair and honest claims that may be presented.

Mr. HUMPHREY. Introduce such a law and we will put it through under a suspension of the rules.

Mr. HARRIS, of Massachusetts. I wish to ask the gentleman from Illinois this question: Did the gentleman hear the testimony in this case read?

Mr. SPARKS. I am speaking, Mr. Chairman, to no particular case.

Mr. TOWNSHEND, of Illinois. Then you are not in order.

Mr. SPARKS. I am speaking to this point, that if the law is deficient it ought to be made so plain as to cover this case, if it be a meritorious one, and all others of the same class.

Mr. VAN VOORHIS. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. VAN VOORHIS. There is a particular case before the committee. The gentleman is speaking to no particular case, and therefore he is out of order.

Mr. HARRIS, of Massachusetts. Will the gentleman answer the question which I have put to him?

Mr. SPARKS. I am speaking in favor of an amendment of the general law, which will cover all these cases.

Mr. HARRIS, of Massachusetts. I asked the gentleman a fair question and I want a fair answer. Do the facts disclosed by the report in this case justify this House in granting this pension?

Mr. SPARKS. Well, I really do not know. I have not had leisure to examine it fully, and am speaking to a general principle and not a particular case.

Mr. HARRIS, of Massachusetts. Then I want to ask the gentleman this question: how does he make his speech, just delivered, applicable to this case? I cannot see.

Mr. SPARKS. I understand this claim has been before the Commissioner of Pensions, and that he has rejected it. It is urged that he rejected it upon technicalities. Now, if the Commissioner rejected this claim upon some technicality of the law, or because the claimant failed to make his case good by evidence substantially good but technically deficient, then it shows that the law is insufficient. Hence I insist that we should so amend the law that the Commissioner of Pensions, as an honest and efficient officer, which we must presume him to be, cannot reject a fair claim.

With respect to this particular claim, I did not hear the report in the case read. I will take it for granted, however, that it is a fair claim, and that the pension should be allowed; but it should be al-

lowed in the proper manner and at the proper place—at the Pension Office.

Mr. HUTCHINS. Let me inquire of the gentleman if he is in favor of Congress passing any pension bill for an individual claimant.

The CHAIRMAN. The gentleman from Ohio [Mr. FINLEY] is entitled to the floor.

Mr. FINLEY. I will answer the question of the gentleman from Massachusetts, [Mr. HARRIS.] I say that this is a meritorious case. I say that the facts disclosed in this case show clearly that it is a meritorious case, and for one I am going to vote for it.

But while I say that, I want to put in another word, to stick a pin right here, and say something which occurs to me to be *appropos*. The democratic party stands responsible for the action of this Congress. In the Forty-fifth Congress we passed a bill granting arrears of pensions, involving an expenditure of about \$26,000,000. We passed also an annual pension bill appropriating about \$31,000,000; making a total of \$57,000,000. Yet we got no credit for it. [Laughter.] The republicans in the State of Ohio held up the democratic party to the soldiers and to the people as an extravagant party. They pointed to the appropriations made by the last Congress of \$190,000,000, and said, "There is your democratic administration; there is your democratic party which has had control of both branches of Congress for years, and it has swelled the expenditures of the Government to \$190,000,000." And for that very reason they appealed to the soldiers to vote the republican ticket.

Mr. BROWNE. And they voted it. [Laughter.]

Mr. FINLEY. I say that the democratic party in the Forty-fifth and Forty-sixth Congresses has done more for the soldiers of the country than was done in the three preceding Congresses in which the republican party had control. Yet why do we get no credit for that? Gentlemen on the other side of the House will stand up here and endeavor to make capital against the democratic "confederate brigadier" House of Representatives, and tell the people and the soldiers that we are not to be trusted, that we are unsafe, that we were disloyal during the war. Yet they are very willing that we shall vote millions of dollars for the soldiers, as we have done cheerfully heretofore. These men here from the South who were in arms against the Government, who cannot under any circumstances expect to obtain one dollar of the money so appropriated, as members of the democratic party are found here daily voting liberally for the soldiers; and I want to say here and now, and I want the country and the soldiers and the soldiers' widows to know it, that the confederate brigadiers have done more for the soldiers and their widows during the time they have been here than has been done for them by the republican party in the last ten years.

Mr. HATCH. I move that the committee now rise for the purpose of closing debate on the pending bill.

Mr. TAYLOR. I claim the floor to speak on the bill.

The CHAIRMAN. The gentleman from Missouri [Mr. HATCH] moves that the committee now rise for the purpose of obtaining an order from the House to limit debate on the pending bill.

The motion was agreed to upon a division—ayes 71, noes 17.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CALKINS reported that the Committee of the Whole had had under consideration the Private Calendar and had come to no resolution thereon.

Mr. HATCH. I move that the House now resolve itself into Committee of the Whole for the purpose of further considering the pension bills on the Private Calendar; and pending that motion I move that when the House shall again in Committee of the Whole resume consideration of the Private Calendar all debate upon the pending bill shall close in one-half minute.

The motion to limit debate was agreed to.

The motion to go into Committee of the Whole was also agreed to. The House accordingly resolved itself into Committee of the Whole, and Mr. CALKINS resumed the chair.

The CHAIRMAN. By order of the House all debate upon the pending bill has been limited to one-half minute. If no further debate is desired, the question is upon ordering the bill to be laid aside, to be reported favorably to the House.

The question was taken; and the bill was ordered to be laid aside, to be reported favorably to the House.

SAMUEL B. HUTCHINSON.

The next pension bill on the Private Calendar was the bill H. R. No. 3100, introduced by Mr. KLOTZ and reported by Mr. COFFROTH. The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Mary Ann Shurlock, and to pay to the said Samuel B. Hutchinson, her guardian, the amount of money due her on certificate 153434, from September 4, 1871, to February 5, 1876, the time of the death of his ward, the said Mary Ann Shurlock.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Samuel B. Hutchinson, guardian and next friend of Mary Ann Shurlock, sister of the late Captain Samuel Shurlock, Company D, Eighty-first Regiment Pennsylvania Volunteers, have had the same under consideration, and beg leave to submit the following report:

The evidence presented before your committee shows that by a special act of Congress, approved March 1, 1869, the name of Mary Ann Shurlock, dependent sister of Samuel Shurlock, late a captain of the Eighty-first Regiment Pennsylvania Volunteers, and who was killed in action at or near Fair Oaks, Virginia, on the 15th day of June, 1862, was placed on the pension-roll at the rate of \$10 per month,

and made payable to Samuel B. Hutchinson, "committee," or her guardian, a resident of Mauch Chunk, Pennsylvania.

That the pension certificate is numbered 153434, and bears date September 8, 1871; that your petitioner, the said Samuel B. Hutchinson, received the pension up to September 4, 1871, and soon thereafter left for Nottaway County, Virginia, and from there to Virginia City, Nevada, and did not return until May 22, 1876, when his said ward, Mary Ann Shurlock, had died; that he provided for his said ward all this time, and expended the sum of \$650 for her maintenance, &c., which amount he advanced to James Belford, of Mauch Chunk, Pennsylvania, his son-in-law, with whom she had taken up her abode, and who, under oath, acknowledges the receipt of the said \$650 in payment for the maintenance, clothing, and funeral expenses of said Mary Ann Shurlock, ward of Samuel B. Hutchinson, your petitioner. Owing to his absence from home, and his ignorance of the fact that he could draw the pension money at any other place, he advanced the money aforesaid out of his own purse, expecting, of course, to reimburse himself with the uncollected pension money, as he supposed, due his ward; but no demand for same having been made in the time prescribed by law, three years, payment thereof was refused at the Pension Bureau, and he, the petitioner, informed that in view of his ward's demise, February 5, 1876, (and the dropping of pensioner from the rolls, no claim for payment having been made for three years), there was no law under which her name could be restored to the pension-roll.

This being the fact, your committee, with a view to at least in part reimburse your petitioner, Samuel B. Hutchinson, the said "committee" or guardian of Mary Ann Shurlock, deceased, for the support of whom it is shown, under oath, that he expended the sum of \$650 out of his own private funds, report and recommend the passage of accompanying bill, which provides for the restoration of the name of said Mary Ann Shurlock on the pension-roll from September 4, 1871, to February 5, 1876, and which, if allowed, would only amount to \$530.33.

Mr. KLOTZ. I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

JAMES P. SAYER.

The next pension bill on the Private Calendar was the bill (H. R. No. 1460) granting an increase of pension to James P. Sayer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed, from and after the passage of this act, to carry upon the pension-rolls the name of James P. Sayer, late of Company C, One hundred and fortieth Regiment Pennsylvania Volunteers, at the rate of \$30 per month, in lieu of the pension he is now receiving.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1460) granting an increase of pension to James P. Sayer, late a private in Company C, One hundred and fortieth Regiment Pennsylvania Volunteers, having had the same under consideration, respectfully submit the following report:

It is in evidence that the claimant received four distinct wounds at the battle of Gettysburg, Pennsylvania: one a gunshot wound in left leg, which subsequently necessitated the amputation of leg below the knee; a gunshot wound in each shoulder, and a shell wound on right fore-arm. That he now draws a pension at the rate of \$18 per month, the same as is allowed by law to those who have lost a leg below the knee and have full use of both arms for clerical work. It also appears in evidence that claimant made application to the Pension Office for increase in 1877, offering medical and other testimony as to the condition of these several wounds and the disability resulting therefrom, which application was rejected on the ground that claimant was then receiving all the pension to which he was entitled under existing law, notwithstanding the painful and increasing disability from three several wounds other than the one which of itself entitled him to the pension he was receiving. Dr. George A. Dougherty, United States examining surgeon, September 19, 1873, says of these wounds: "Large cicatrix on left shoulder, deep-seated; frequently has numbness in middle and ring fingers, sometimes in arm; cicatrix of right shoulder from a flesh wound; cicatrix on right fore-arm, tender on pressure and adherent to tendons; at times painful." Dr. T. D. M. Wilson, United States examining surgeon, October 22, 1877, says of shoulder wounds: "Nervous sensibility partially destroyed, numbness of whole hand, and cramping when much used." Dr. A. S. McElree, a reputable physician, in affidavit dated March 21, 1879, says of wound of shoulder and right arm, that they render him unfit to perform manual labor, and that he performs light office work with great inconvenience and physical suffering; that arms very often become void of feeling and to some extent powerless when used in writing, &c. Dr. W. R. Thompson, the family physician of claimant, who amputated his limb, in his affidavit March, 1879, says of these wounds that at the time they were received they were also attacked with gangrene; they are now the seat of unsightly scars, a source of constant suffering, and have permanently impaired the use of the arms, so that writing or other employment becomes tiresome and painful.

It also appears in evidence that this soldier enlisted when very young and was exceptionally heroic and temperate in habits, himself witnessing the amputation of his leg without a tremor, positively refusing either chloroform or ether.

The law provides a pension of \$50 per month for total disability, and \$18 per month for loss of leg below the knee. The claimant in this bill asks an increase from \$18 to \$30 per month.

The committee recommend the passage of the bill.

Mr. WARNER. I move to amend by adding to the bill the following:

Subject to the provisions and limitations of the pension laws, including the provisions of the act approved June 25, 1879, and all subsequent acts.

Mr. Chairman, I do not question the justice of this claim; I will concede that an increase is merited in this case. But while that may be true, I do know that there are others who ought to have the benefit of any increase given to this man. They have had their pensions rated in the Pension Office by a board of surgeons who rate disabilities upon principles they have established, and which they apply to all cases. In this case, however, we have a surgeon in some district in Pennsylvania giving his opinion of the rate of disability. Now, I think it must be apparent to every gentleman here that by such a method of rating disability we may have one man drawing a pension for a certain disability and another man somewhere else drawing a lower rate of pension for a like or even a worse disability. A system of this kind is obviously so unjust that I think we ought not to go on passing claims in this way.

Mr. HARRIS, of Massachusetts. Will the gentleman yield for a question?

Mr. WARNER. Most cheerfully.

Mr. HARRIS, of Massachusetts. If, according to the contempla-

tion of the law, it is worth \$18 a month to have lost a leg below the knee—which I understand to be the provision of the law—is it not worth something more to have gun-shot wounds in both shoulders and in the right hand?

Mr. WARNER. I was not raising any question of that kind. I have constituents who are drawing \$18 a month for the loss of one limb and several other wounds. I say that if this claimant should have his pension increased other similar claimants ought to have theirs increased.

Mr. HARRIS, of Massachusetts. If there are other similar claimants.

Mr. WARNER. This committee should put them together—should bring in a general bill covering such cases and rating the disability in such a way that all who are similarly disabled may receive like pensions.

Mr. HARRIS, of Massachusetts. I want my friend to say whether in his judgment the case here presented is not an equitable one for increase of pension. If it is, then it seems to me the gentleman's speech is all out of order.

Mr. WARNER. Well, that may be the gentleman's opinion; but I hope this House is becoming convinced that this is not the place to rate disability—that this House is not competent to decide upon such a question.

Mr. RYON, of Pennsylvania. Will the gentleman explain to the House what will be the effect of his amendment upon the bill?

Mr. WARNER. I will endeavor to answer. Section 4720 of the Revised Statutes—

Mr. DE LA MATYR. This House has already at the last evening session decided four times against this very proposition, after listening to four different speeches from the same gentleman.

Mr. WARNER. I do not yield to the gentleman from Indiana. I call the attention of the committee to this section of the law:

SEC. 4720. When the rate, commencement, and duration of a pension allowed by special act are fixed by such act, they shall not be subject to be varied by the provisions and limitations of the general pension laws, but when not thus fixed the rate and continuance of the pension shall be subject to variation in accordance with the general laws, and its commencement shall date from the passage of the special act, &c.

Now, the amendment I have offered allows this man to have an increase of pension; it removes all technical difficulties; but it sends him where the one hundred and fifty thousand other pensioners have to go for a determination of the rate of pension they are entitled to receive. I say that it is not right to select one man here and there, and give him a pension at a special rate which is not granted to others equally disabled.

Mr. RYON, of Pennsylvania. Will the gentleman allow me to ask another question?

Mr. WARNER. I will.

Mr. RYON, of Pennsylvania. Would not this amendment be equivalent to a defeat of the bill so far as the bill proposes any increase?

Mr. WARNER. Not at all. If there is any technical difficulty in the way of this man's receiving his pension, it will be removed by this act. Then for the amount of his pension he will go where all other pensioners go. This is all I claim. This principle is right. I do not see how any gentleman can really take ground against it.

Mr. BAILEY. I would like to have the gentleman point out any provision in the pension laws (a copy of which he seems to hold in his hand) under which this man can receive more than \$18 a month if his case is referred back to the Commissioner of Pensions. I want to hear that provision of law for my own information.

Mr. WARNER. The bill itself grants an increase.

Mr. BAILEY. Certainly.

Mr. WARNER. The rate of increase will be determined in the Pension Office.

Mr. BAILEY. Has the Commissioner of Pensions any authority to give this man more than \$18 per month, if the case is referred back to the Pension Office?

Mr. WARNER. There is authority given in this very bill as I understand. This man is granted an increase by the bill itself.

Mr. BAILEY. My question relates to the gentleman's amendment.

Mr. WARNER. My amendment refers only to the rating, that is all.

Mr. BAILEY. By the provision of law has the Commissioner the right to increase it at all?

Mr. WARNER. None; except what is given in this special act.

Mr. HUMPHREY. This does not give any.

Mr. WARNER. I understand it does. If it does not, then, Mr. Chairman, if that be the case, the reasons I have urged are all the more potent. If there are five hundred men—and it is in their behalf I appeal—if there are five hundred men who have lost limbs and have wounds as severe as this, is it not right for them to have their pensions increased as well as this single one, whether they come here and ask Congress for it or not? It is our duty to make laws for all—to treat all alike as nearly as we can.

Mr. CONGER. I ask why, with that intense desire in behalf of the soldiers of whom he speaks, the gentleman has not introduced a bill for an increase of pension?

Mr. WARNER. I have already introduced two or three bills into the House.

Mr. CONGER. Why not introduce the remainder and let us go on and pass these bills in order to reach them?

Mr. WARNER. I will answer the gentleman why. We can go

over one or two hundred claims of this kind, as I have before shown, and leave ten thousand untouched. I think this House is becoming convinced that it is incumbent upon it to provide some better way by which justice can be meted out to meritorious claimants on the one hand and false claimants kept away from the Treasury on the other. The pension-roll is a roll of honor, pensions are dues, and I am in favor of admitting every man who is disabled and entitled to it to a place there, but I am not willing—and I believe in this that I reflect the opinion of soldiers generally—that others shall be permitted to do so. I am not saying that the case before us is not a meritorious case.

Mr. DAVIS, of Illinois. You do not reflect the sentiments of the soldiers by any such remarks.

Mr. HUMPHREY. Tell us how a pensioner can ever get a pension while he remains upon the floor.

Mr. WARNER. I do not understand the gentleman's remarks.

Mr. HUMPHREY. How can any pensioner ever get a pension if the time is all taken up by talking while we have a long Private Calendar before us.

Mr. WARNER. If we will take time enough, if it be a week, to discuss and to enact a law providing a way, we will have done a great deal towards expediting the giving rightful claimants their dues.

Mr. HUMPHREY. Is the gentleman a member of the Committee on Invalid Pensions?

Mr. WARNER. I am not.

Mr. HUMPHREY. I did not think it was likely. [Cries of "Vote!"]

The CHAIRMAN. The gentleman from Pennsylvania who introduced the bill desires to be heard upon it.

Mr. SHALLENBERGER. I desire to know how much time the gentleman from Ohio has remaining.

The CHAIRMAN. Debate is unlimited. Each gentleman recognized has an hour.

Mr. WARNER. I yield to the gentleman from West Virginia.

Mr. SHALLENBERGER. I stood by the side of this soldier at the battle of Gettysburg, and I should like to say a word in favor of the bill.

Mr. WARNER. I will say to my friend from Pennsylvania I do not understand and am not discussing the merit of this particular bill.

The CHAIRMAN. The gentleman from Ohio has surrendered the floor, and the gentleman from West Virginia has been recognized.

Mr. WILSON. Mr. Chairman, I have only one word to say. I have no desire to prevent the passage of any just claim, but there is a misapprehension in reference to the law. I take it my friend from Ohio labors under a misapprehension. Eighteen dollars a month under the law is all this party can be granted at the Pension Office. If he receives a larger pension, it is by virtue of an act of Congress. Therefore I take it, if his amendment be adopted, it precludes this party receiving any more, and puts him back.

Mr. WARNER. If that will be the effect of the amendment, I withdraw it.

Mr. WILSON. While I have the floor I desire to say a word in reply to the gentleman from Illinois and the gentleman from Missouri as to these bills coming here; and what I desire to reply to is this: Under the law we have passed the Commissioner of Pensions has a certain restraint thrown around him and rules prescribed which he cannot disregard. There are many meritorious claims he cannot allow. He is hampered by the action of Congress and the rules prescribed by this House. I therefore suggest, where he cannot grant a pension, the party comes to Congress, not with an appeal—

Mr. BUCKNER. I wish to ask the gentleman a question. Is this a case as to the strength of testimony or what weight it shall have?

Mr. WILSON. I am glad the gentleman has asked the question. Now, there are cases where the Commissioner cannot allow a pension for the only reason that the proof is not of the kind and character that he is required to get. A party takes no appeal here; he is rejected there and he makes his original application before this House. I can better explain my position by an illustration. Take two men who fought on the same day, who were wounded in the same battle and fell on the same day. One of these men had it in his power to prove by certificate from some officer that he was wounded, and is pensioned by the Pension Department. The other unfortunately cannot furnish an official certificate, he cannot get the official proofs required by the Department, and consequently he cannot get his pension. Both of these men fought on the same day, both fought equally well under the same flag. One is fortunate enough to get evidence enough to sustain his claim before the Department, while the other is unfortunate not to have that evidence.

Mr. HATCH. Why not change the law in that respect?

Mr. WILSON. Yes, sir; you ought to change the law; and when I was on the Pension Committee four years ago I tried and so did the Pension Committee to get the law changed. But the fact that the law has not been changed does not lie at the door of the man who applies for a pension. The fault is with Congress. Ten years ago we should have amended that law. To-day we should do it. Because Congress has not amended it you should not prevent these men from applying here. They should have that privilege when their cases cannot come technically within the requirements of the law as administered by the Pension Bureau. They have been denied by the Pension Department; it is not their fault. Nor are they denied by the fault of the Commissioner of Pensions, but they are denied because there is an omission on the part of Congress. Therefore, as long as the law has

not been changed let us adhere to the practice heretofore prevailing in Congress. We have authority as wide and unlimited as the wind to pension whomsoever we believe presents a meritorious case.

I trust, therefore, that in the consideration of various claims on the Calendar we are not any longer to hear "this is an appeal from the decision of the Commissioner of Pensions."

The Commissioner of Pensions I believe has performed his duty honestly, faithfully, and well, but there are claims where he cannot allow a pension, and those claims, many of them, are full of merit. There are claims which he has not been able to allow, where the Committee on Pensions are unanimous, as they always are, where they report in favor of a claim, and such cases should be allowed. You remit these claims to the Committee on Invalid Pensions. Eleven gentlemen constitute that committee. There are more or less of lawyers among them. Every gentleman, I take it, on that committee is equally qualified, thoroughly as competent and honest as the Commissioner of Pensions. When you have the combined judgment of eleven of these gentlemen, and they recommend a claim as meritorious, I for one am willing to follow the report of the committee, as I generally do the report of other committees.

This is a meritorious claim. This gallant young man is certainly entitled to what is asked. He was wounded four times at the battle of Gettysburg.

Mr. FINLEY. I would like to ask the gentleman a question. I do not know whether he is a member of the Pension Committee or not, but I would like to ask him if there is not now pending before that committee a bill of the character to which he refers?

Mr. WILSON. I have not been a member of the Pension Committee for four years. I cannot answer the gentleman's question.

Mr. GODSHALK. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GODSHALK. My point is this: that the amendment having been withdrawn debate is out of order.

The CHAIRMAN. The Chair will state, this being consideration day, as long as gentlemen desire to speak the Chair has no discretion but to recognize them. The committee alone can limit debate by rising for that purpose.

Mr. SHALLENBERGER. Mr. Chairman, I desire to say a single word on this bill. I will not detain the committee but a moment. I happen to know this soldier, and I introduced the bill for his relief. I stood beside him at the battle of Gettysburg. I know he received four distinct wounds in that battle. I do not think any gentleman on this floor after reading this report can doubt the justice and equity of giving this soldier an increased pension.

The question presenting itself to this House and this committee is this: Why should this claimant come to Congress? I want to tell you why. He comes to Congress simply because under general laws he can only obtain a pension for loss of leg below the knee. In common with all other soldiers who have lost a leg below the knee, and yet who possibly suffer from no other wounds or disability, he has obtained \$18 a month. He has, in addition to that, been wounded in both shoulders and in the right arm. He is, to my certain knowledge, frequently unable to do clerical work. He is suffering continually with pain, and unable to do professional work. He was an industrious and gallant soldier, willing to earn his livelihood when he can, anywhere and at any time. A soldier is entitled to \$18 a month who simply has lost a leg below the knee. I hope the law may be amended so as to provide for these several wounds, but until the law is amended this poor, wounded, crippled, heroic soldier should have the benefit of the equitable consideration of Congress.

Mr. WARNER. Will the gentleman allow me—

Mr. SHALLENBERGER. I have the floor and do not yield. Is not the gentleman from Ohio, [Mr. WARNER,] a soldier himself, drawing a large pension, willing to allow this private soldier, who suffered as he never did, to draw the pension which he is justly entitled to draw under every rule of justice and equity? I say it does not become that gentleman to stand upon this floor and impede the progress of this just claim.

I am willing to amend the law. I introduced a bill at the last session of Congress to give just such soldiers as this \$24 a month. I was sustained in that by the sentiment of this country. The Legislature of Ohio unanimously passed resolutions instructing the gentleman to vote for that bill.

Mr. WARNER. Bring your bill in here.

Mr. SHALLENBERGER. That being so, the Legislature of his own State having instructed him to vote a pension of \$24 to a man who had simply lost his leg below the knee, that gentleman now stands to bar this gallant Union private soldier from getting what is his due.

Mr. WARNER. Oh! the gentleman knows that is not so.

Mr. SHALLENBERGER. This man received four distinct wounds, which disqualified him for manual labor and have caused him continuous suffering. And am I to be told, Mr. Chairman, to-night that a gallant Union soldier, as I admit the gentleman from Ohio was, for I know it—am I to be told that it is right for him to stand here to-night consuming the time, the valuable time, of this committee, and thereby barring claims like this, which the general law cannot grant—exceptional claims because these are exceptional wounds; exceptional because the sufferings of this man are exceptional? Can it be that we are to sit here hour after hour placing barriers in the way of these gallant men? I trust this bill will be passed promptly.

Mr. WARNER rose. [Cries of "Vote! Vote!"]
Mr. WARNER. I will not be put down by cries of "Vote! vote!" It is my right to be heard.

Mr. HATCH. I move that the committee rise for the purpose of closing debate.

Mr. PAGE. It is not the gentleman's right to talk more than once upon the question.

The CHAIRMAN. The question is on the motion of the gentleman from Missouri, that the committee rise.

Mr. WARNER. If the gag is to be applied I shall demand a quorum.
The CHAIRMAN. The gentleman from Ohio is out of order.

Mr. ATKINS. I shall demand a quorum if the gag is to be applied to the gentleman from Ohio.

Mr. KLOTZ. He has done nothing but talk while he has been here. The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CALKINS reported that the Committee of the Whole House had had under consideration the Private Calendar, and had come to no resolution thereon.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole on the Private Calendar; and pending that I move that all debate on the pending bill and amendments be limited to—how much time does the gentleman from Ohio want?

Mr. WARNER. I want five minutes.

Mr. HARRIS, of Massachusetts. No, sir. I move that the House do now adjourn.

The question being put on the motion to adjourn, it was not agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Missouri that the House resolve itself into Committee of the Whole House, pending which he moves that all debate on the pending bill and amendments thereto be closed in five minutes.

Mr. UPDEGRAFF, of Ohio. I move to amend by making it one minute.

The amendment was not agreed to.

The motion to limit debate on the pending bill and amendments thereto to five minutes was agreed to.

The SPEAKER. The question recurs on the motion that the House resolve itself into Committee of the Whole House.

Mr. BUCKNER. I call for a division.

The House divided; and there were—ayes 84, noes 3.

Mr. BUCKNER. A quorum has not voted.

Mr. HATCH. I make the point of order that the gentleman did not rise in his seat to make the point that a quorum had not voted.

Mr. BUCKNER. I do not insist on it.

So the motion was agreed to; and the House resolved itself into Committee of the Whole on the Private Calendar, Mr. CALKINS in the chair.

Mr. CONGER rose.

The CHAIRMAN. The gentleman from Ohio [Mr. WARNER] is recognized. The Chair hopes the gentleman from Michigan will not insist on that point.

Mr. PAGE. I insist if the gentleman from Michigan does not.

The CHAIRMAN. The Chair hopes the gentleman will not insist. The gentleman from Ohio is recognized.

Mr. WARNER. I regret exceedingly, Mr. Chairman—

Mr. PAGE. I object to the gentleman speaking again upon this bill.

The CHAIRMAN. The Chair appeals to the gentleman from California to withdraw his objection and let the gentleman from Ohio proceed.

Mr. PAGE. I think that the debate ought to be divided among the members of this House, and I do object to its being monopolized by any one member of the House.

Mr. FINLEY. The gentleman from Ohio has not spoken on the bill as yet.

Mr. WARNER. I did not speak on the bill. I spoke to my amendment.

Mr. PAGE. On the appeal of several members and not wishing to do the gentleman from Ohio injustice I yield at this time, but I do protest against any one gentleman monopolizing the debate.

The CHAIRMAN. The gentleman from Ohio is recognized and will proceed.

Mr. WARNER. I regret that my friend from Pennsylvania [Mr. SHALLENBERGER] has seen fit to bring personal matters into questions of this kind. I thought we had had enough of that thing. I surely gave no occasion for it either to my friend from Pennsylvania or to any one else.

I did not oppose an increase of pension to this claimant, and certainly should not do so after the explanation made by the gentleman. But I wish to say in reply to his remark, that the Legislature of the State of Ohio has not instructed or requested the Representatives from that State on this floor to give one man a pension of \$30 for a given disability when there are five hundred others equally deserving who get but half that or less.

Mr. VAN VOORHIS. Give it to all of them.

Mr. WARNER. That is the only ground upon which I raised any question in regard to this particular bill; and I say that it was not only unfair but it was in the nature of demagogism for the gentleman to direct any personal remarks to me on account of what I said in the debate upon this bill.

I do stand here, however, and propose to stand here, in advocacy of the removal of all questions of this kind from this House. This House is not a proper court of appeal from the decision of the Commissioner of Pensions. I know we do not and cannot, acting in this way, deal equitably with claimants and give them their just dues as they should have them, and at the same time keep out claims that are not meritorious. I am not now proposing a general bill, but I have insisted and do insist on this one point, that in the matter of rating disability we should be governed by some principle and deal out justice even-handedly and alike to all—not give to one an increase and deny it to others equally deserving.

Mr. CONGER. You have said that three or four times.

Mr. WARNER. And I repeat it now in reply to what was said by the gentleman from Pennsylvania, [Mr. SHALLENBERGER.] And I repeat furthermore that the pension-roll is a roll of honor. I am in favor of the increase of pension in this case and in all like cases, but I want it done in a proper way and before a tribunal that will give the same benefits to all.

Mr. HAWK. I desire to ask a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. HAWK. I desire to ask if we have not a rule, lately adopted by this House, that no member shall be allowed to speak more than once upon any question, until every other member desiring to speak has had an opportunity to do so?

The CHAIRMAN. The Chair understands the gentleman to state the substance of the rule correctly.

Mr. HAWK. Then I do not know how it is that one or two members on this occasion are allowed to take up all of the time of this committee.

Mr. WARNER. The gentleman from Pennsylvania [Mr. SHALLENBERGER] occupied more time than I did.

The CHAIRMAN. Objection to the gentleman from Ohio [Mr. WARNER] speaking again on this question was withdrawn.

Mr. HAWK. I was not in when that was done.

The CHAIRMAN. The question is upon ordering this bill to be laid aside, to be reported favorably to the House.

The question was taken; and upon a division there were—ayes 85, noes 9.

Mr. BUCKNER. No quorum has voted.

The CHAIRMAN. The point of order being raised that no quorum has voted, the Chair will order tellers, and appoint Mr. BUCKNER, of Missouri, and Mr. DAVIS, of Illinois, to act as tellers. And the Chair hopes that all members present will vote on one side or the other, so the committee will not find itself without a quorum.

The Committee again divided; and the tellers reported that there were—ayes 91, no 1.

Mr. BUCKNER. I will not insist upon the point that no quorum has voted.

So the bill was laid aside, to be reported favorably to the House.

Mr. McLANE. I move that the committee now rise.

Mr. RANDALL, (the Speaker.) What for?

Mr. McLANE. So that we can adjourn; it is evident that not much business will be done.

Mr. RANDALL, (the Speaker.) I hope the committee will not now rise; we can pass several other pension bills.

The question was taken upon the motion that the committee rise; and upon a division there were—ayes 23, noes 64.

Mr. SHELLEY. I will not insist upon the point that no quorum has voted. But I desire to say that while I am perfectly willing to take my share of responsibility in passing these pension bills, I give notice that if we are to continue the consideration of these pension bills I shall insist upon a call of the House if the point is raised that no quorum was present.

Mr. PAGE. All right.

Mr. SHELLEY. I will do so for the reason that I think members who vote to have a night session should be obliged to attend. I want the responsibility to rest upon the majority of the House, and not upon a few members who may come here.

No further count being called for, the motion that the committee rise was not agreed to.

JAMES M. BORELAND.

The next pension bill on the Private Calendar was the bill (H. R. No. 254) granting an increase of pension to James M. Boreland; introduced by Mr. BAYNE and reported by Mr. COPFROTH.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James M. Boreland, late a private in Company C, Ninth Regiment Pennsylvania Reserve Corps, so that he shall be entitled to receive the rate allowed by existing laws to those wholly disabled while in the service of the United States.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 254) granting an increase of pension to James M. Boreland, after consideration of the facts, respectfully report:

James M. Boreland was mustered into the United States military service as a private in Company C, Ninth Regiment Pennsylvania Reserve Corps, on the 24th day of July, 1861; was wounded in the thigh at the battle of Bull Run—second battle of Bull Run—August 29, 1862, and for this wound he receives a pension of \$4 per month. In July, 1863, while on a march from Gettysburg, having recovered sufficiently from his wound to resume active duty with his company, he fell across a foot-log, while crossing a stream, and injured himself in the stomach.

This injury necessitated his transfer to a less arduous line of duty, and he was consequently put in Company E, First Veteran Reserve Corps, in which he continued until that organization was mustered out.

The applicant is incurably insane, and has been confined in the Western Pennsylvania Hospital for the Insane since June 25, 1872.

If his present unfortunate condition is the result of the injury to which it is attributed, he is undoubtedly entitled to the relief sought for by this bill.

He made application for an increase of pension before he became insane, on the ground that the injury he received at Gettysburg produced frequent and violent convulsions. After his complete insanity his guardian prosecuted the claim. It was finally rejected, not on the ground, however, that he had not received the injury, for that was made abundantly clear by the testimony of eye-witnesses; nor was it upon the ground that he was not entitled to an increase and ultimately to the amount allowed to those who are totally disabled, if his insanity certainly resulted from that injury, but it was rejected on the ground that his insanity had not been clearly traced to the injury alleged to be its cause.

This soldier was a blacksmith by occupation, and was mentally and physically vigorous when he entered the service. Though his first wound was severe, he soon recovered from it and resumed his duties. After receiving the wound at Gettysburg, he was no longer able to do active duty with his regiment in the field.

Dr. G. O. Jacoby swears that he knew him well, and began treating him in August, 1864, "for a peculiar spasmodic affection, and that during his treatment the attacks became more and more frequent and violent, and, to all human appearances, finally resulted in hopeless insanity."

Dr. Thomas Galbraith testifies that he was the family physician, and knew the applicant since 1856; that he was a strong, robust young man when he entered the service; and the doctor then repeats substantially the statement of Dr. Jacoby.

Dr. Wisbart, a member of the examining board, assuming the alleged injury to the applicant at Gettysburg, says: "In consequence of this injury, he is subject to very frequent and violent convulsions of an epileptic character, his mind is impaired, and his condition is such that he requires the constant aid and attendance of another person. He is now, and has been for several years, confined in the asylum for the insane at Dixmont, Pennsylvania."

Dr. J. A. Reed, superintendent of the Western Pennsylvania Hospital for the Insane, at Dixmont, Pennsylvania, says: "He (James M. Boreland) has been under my care since the 25th June, 1872, and he was decidedly insane when admitted, and entirely unfit to work or support himself ever since. He is a victim of epilepsy, and at times is fearfully dangerous to those who have the care of him. I can see nothing for him in the future except a continued progress of enfeeblement of mind, terminating in dementia, and finally in death." Dr. Reed says, in another affidavit, that "the form of his (the applicant's) disease is that of epileptic mania, and was, I believe, induced by some injuries received at some time while in the service of the Army."

The absence of any other cause and the close relation of the hurt to his stomach at the battle of Gettysburg, with his transfer to the hospital and the Invalid Corps, the convulsions and epilepsy and subsequent hopeless insanity, are obviously all parts of one event in this applicant's life.

The bill is respectfully reported back to the House with the recommendation that it do pass.

The CHAIRMAN. The question is upon laying this bill aside, to be reported favorably to the House.

Mr. DUNNELL. I am unwilling to occupy the time of the committee, but I desire to call the attention of members to this case as presenting a most remarkable illustration of the power of the Pension Bureau and the action of Congress. This person could not obtain his pension from the bureau under the law, because, as is alleged, it could not be shown that his insanity was the result of an injury received while he was in the service; yet when the case is presented to the House there is abundance of evidence to show that his insanity did result from an injury received by him while in the service. The Pension Bureau could not allow the claim; we here do allow it. It is very gratifying to me that we have here a case which so admirably illustrates not only the inability of the Department but the justice and equity which we ought to and do exercise here.

Mr. WARNER. If all cases presented here were cases of this character there would not be the slightest opposition to them.

The bill was then laid aside, to be reported favorably to the House.

JAMES AARON.

The next pension bill on the Private Calendar was the bill (H. R. No. 2041) granting a pension to James Aaron.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of James Aaron, Company F, Ninety-first Regiment of Pennsylvania Volunteers, at the rate of \$9 per month, commencing on the 29th of June, 1865, that being date of his discharge from the Army of the United States on account of injuries received and disease contracted while in said military service and in line of duty.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 2041) granting a pension to James Aaron, late private in Company F, Ninety-first Regiment of Pennsylvania Volunteers, have had the same under consideration, and beg leave to submit the following report:

James Aaron, the claimant, enlisted on the 21st day of September, 1864, in Company F, Ninety-first Regiment of Pennsylvania Volunteers, and was honorably discharged on the 29th of June, 1865. He filed an application for pension, alleging that while in the Army of the United States he was disabled in consequence of severe exposure and hardship of the service, by contracting lung fever and varicose ulceration of the right leg. His claim was rejected on the 17th of February, 1870, on the supposition that the varicose veins existed prior to enlistment.

The committee have carefully reviewed all the sworn testimony filed in support of this claim, and they are of the opinion that the rejection is erroneous; that there is not a syllable of evidence to show that the claimant suffered from varicose ulceration of the right leg before he enlisted in the Army.

John G. Leasure and Joseph Bennett, members of Company F, Ninety-first Regiment of Pennsylvania Volunteers, and comrades of the claimant, swear "that at the time of his enlistment they were well acquainted with him, and that he was an able-bodied man, and was examined by a physician appointed for that purpose; that on or about the 26th of November, 1864, at or near Hatcher's Run, Virginia, said James Aaron was disabled in the line of his duty by reason of an aggravated disease (by camp life) of the right leg, as reported by the hospital steward of that place, and was sent away from the regiment unfit for duty, and never returned, he being unfit for excessive fatigue or duty."

Zachariah Shaffer, a private in the same company, swears that the claimant "was an able-bodied man at the time of his enlistment, and that at or near Petersburg he was attacked by some slow fever, which appeared to create a severe sore or

running ulcer on his right leg, and still (August 8, 1878) remains a running ulcer." This witness also says he was "acquainted with the claimant, James Aaron, at the time of his enlistment, while in the Army, and, since his return, to the present." Other witnesses sustain this testimony.

On the 11th of September, 1871, Dr. D. Helm Hite swears "that I have examined James Aaron, formerly of Company F, Ninety-first Regiment of Pennsylvania Volunteers, and find his affliction to be a chronic ulcer of the right leg, extending almost from the knee to the ankle joint, on the inner and anterior aspects of the limb."

On the 22d day of February, 1877, Dr. John G. Hughes swears that he graduated at Jefferson Medical College, in March, 1853, and that he has been well acquainted with James Aaron for eighteen years, and had been his family physician prior to his enlistment, and says: "I never knew him (prior to his enlistment) to suffer from any pulmonary disease, or give any evidence or indication of pulmonary weakness. I saw him at his home soon after his return from the service. I was called upon to visit him, professionally and give him treatment. I found him at that time very much debilitated and broken down in general health, but suffering particularly from diseased lungs." He further swears that he was then the "unfortunate bearer of varicose ulcers of the lower limb, from which he suffers greatly most of the time. Indeed, they never heal up entirely, but are open and discharging, more or less, all the time. As they seem to be the result of the enlarged and varicose condition of the veins of the legs, they render walking about often almost an impossibility. In closing my statement of this case, I would add that I consider the applicant, James Aaron, a most worthy claimant; that he is a confirmed sufferer from ailment contracted in the service."

On the 16th of August, 1878, O. P. G. Clark, acting Commissioner of Pensions, addressed a letter to Philip Kneee, a resident of Chaneyville, Pennsylvania, where the claimant resides, asking him, "Will you please inform this office of any knowledge you may have, either personal or from information, relative to this man's (James Aaron) physical condition before enlistment in 1864 and since his final discharge in 1865?"

Mr. Kneee answered as follows:

"CHANEYSVILLE, BEDFORD COUNTY, PA.,

"August 28, 1878.

"SIR: I have known James Aaron for twelve years, and have seen him more or less every day during this time. He has had a bad leg ever since he has been discharged out of the Army; know that his physical condition was good before he went in the Army, and that he ought to be entitled to pension above others that are getting pensions.

"Respectfully,

"PHILIP KNEEE.

"Hon. COMMISSIONER OF PENSIONS."

The examining surgeon, Jacob A. Baird, in 1878, fixes the disability at one-half loss of foot, or \$9 per month, and says: "Judging from his (the applicant's) present condition, and from the evidence before him, that the said disability did originate in the service in the line of duty."

In the opinion of the committee this is a meritorious claim, and report the bill back to the House and recommend its passage.

The bill was laid aside, to be reported favorably to the House.

CAPTAIN SAMUEL C. SCHOYER.

The next pension bill on the Private Calendar was the bill (H. R. No. 253) to increase the pension of Captain Samuel C. Schoyer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Captain Samuel C. Schoyer, late captain of Company G, One hundred and thirty-ninth Regiment Pennsylvania Volunteers, to \$50 per month.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 253) to increase the pension of Captain Samuel C. Schoyer, having had the same under consideration, respectfully report:

That Samuel C. Schoyer was captain of Company G, One hundred and thirty-ninth Regiment of Pennsylvania Volunteers, and participated with his regiment in the war of 1861-'65. That on the 2d day of June, 1864, he was wounded at the battle of Cold Harbor, by a gunshot in the left ankle joint, which completely destroyed it and produced permanent ankylosis; that he now receives a pension of \$20 per month on certificate No. 46970; that he is permanently disabled by the wound, and is daily growing worse.

Dr. Andrew Fleming, of Pittsburgh, Pennsylvania, certifies that Captain Schoyer is permanently disabled by paralysis, undoubtedly the result of his wound.

Dr. L. H. Willard, of the same city, certifies that he has been Captain Schoyer's physician for the past six years, and that Captain Schoyer is totally unable to perform manual labor, and that in consequence of his wound he suffers from paralysis of the legs, which may soon result in his inability to walk; that in fact his system has become so greatly enfeebled that he may be properly termed a complete wreck.

The character and standing of these surgeons and physicians are satisfactorily vouched for.

Captain Schoyer is a lawyer by profession. He states that his injury has resulted in partial paralysis of both his legs and arms, and affects the lower part of his spine; that at times he is unable to walk, and the greater part of the time unable to write, and that since the date of his wound he has been under constant medical and surgical attention.

The committee believe this application to be most meritorious, and recommend the passage of the bill herewith returned.

Mr. BUCKNER. Will some gentleman explain on what ground this claim is brought here, and whether the facts as stated in the report were before the Commissioner?

Mr. TAYLOR. I will say to the gentleman that no case, unless it is a very exceptional one, is decided by the Committee on Invalid Pensions unless it has passed through the Pension Office.

Mr. BUCKNER. Then this case has been acted on by the Pension Office, and the Commissioner has refused to allow the claim?

Mr. BAYNE. No. I can explain the bill, as it was introduced by me. Captain Schoyer is a member of the Pittsburgh bar, and, as stated in the report, was wounded at the battle of Cold Harbor, in 1864. The wound was at the ankle joint, and a very serious one. The doctors declared it necessary that the leg should be amputated. Captain Schoyer refused to have amputation performed. Subsequently his whole system became penetrated with the poison from the wound. He is now in a state of absolute enfeeblement, and in the course of three or four years will die. He is paralyzed in both legs and both arms. He is utterly disabled for duty in his profession. He is unfit for any kind of labor. He has a wife and an interesting family. He

has no means of support. He has that spirit, that pride, that patriotism which would forbid him to come here and ask this bounty on the part of the Government were it not absolutely necessary. I can refer the gentleman to many here who know this man—among others to the Speaker of this House, who is acquainted with him and his family, and who, with many other persons, will corroborate the statement I make.

Mr. BUCKNER. I do not doubt the gentleman's statement at all. I only wished to know whether application for this increase of pension had been made to the Commissioner.

Mr. BAYNE. Yes, sir. This man now gets the full amount allowed by law to one who has both feet and both arms; but he is in an infinitely worse condition than many a man who has lost one leg and one arm.

Mr. BUCKNER. The case, then, is one which the law does not provide for?

Mr. BAYNE. No, sir; the law does not provide for it.

The bill was laid aside, to be reported favorably to the House.

JESSE HICKEN.

The next pension bill on the Private Calendar was the bill (H. R. No. 3259) granting a pension to Jesse Hicken.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Jesse Hicken, of Chester, Delaware County, Pennsylvania, for payment of a pension at the rate allowed by law to private soldiers disabled by wounds received in the war of the rebellion while in the service of the United States and in the line of duty, the said pension to commence on the 26th day of April, 1862, the date of discharge of said Hicken, who was discharged by reason of disability incurred while in said service and in the line of his duty in the war of the rebellion.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 3259) granting a pension to Jesse Hicken, of Chester, Pennsylvania, a soldier of the late war, having had the same under consideration, respectfully submit the following report:

It is in evidence that the claimant, on the 15th day of October, 1861, was enrolled as a private in Company E, Eighty-eighth Pennsylvania Volunteers, and that on the 26th day of April, 1862, he was discharged from the service on account of disability.

It is also in evidence from the affidavit of William H. Shearman, first lieutenant of the said company, that the claimant sustained permanent injury in the right hand while engaged in the line of duty, on or about the 5th day of March, 1862.

It is also in evidence from the same affidavit that he was further injured, while in the line of duty, at or near Alexandria, Virginia, on or about the 10th day of April, 1862.

It is further shown by the evidence of John L. Kite, hospital steward of the said regiment, that the sickness from which the claimant suffered while lying in said hospital was the result of exposure during the winter of 1861.

It is also in evidence by the testimony of Dr. J. L. Forwood, of Chester, Pennsylvania, that prior to the enlistment of the claimant in the military service of the United States he was in good health.

It is also in evidence that the claimant is in very destitute circumstances.

It is the opinion of the committee, from the evidence submitted, (although the claimant is unable to furnish the strict medical testimony required,) that the injuries from which he now suffers were received while in the military service of the Government during the late war and while in the line of duty. They, therefore, return the bill to the House, and recommend the passage of the same.

Mr. McMILLIN. I do not know who reported or who introduced this bill—

Mr. WARD. I introduced the bill.

Mr. McMILLIN. I would like to know upon what this bill is grounded if there is no sufficient medical evidence that the disability occurred in the line of duty.

Mr. WARD. I will state the facts of the case as I understand them. This man is now very old, and, as the report states, is in very destitute circumstances. Although he was advanced in age at the time of the war, he entered the military service of the country and did duty faithfully as a soldier. For some time after the close of the war he never expected to claim a pension. Years rolled on, and meanwhile the evidence which would have supported his claim by bringing it strictly within the requirements of the Pension Office was lost. His circumstances became reduced by reason of the death of a son, who had been his sole dependence. He is now left destitute in his old age, and by reason of disability is incapacitated for making such exertion on his own behalf as would support him.

Mr. McMILLIN. Was the case acted on in the Pension Office?

Mr. WARD. It was.

Mr. McMILLIN. And rejected?

Mr. WARD. And rejected.

Mr. McMILLIN. Upon the evidence that is here?

Mr. WARD. Because the applicant could not produce the evidence.

Mr. McMILLIN. Was it rejected upon the evidence that is here?

Mr. WARD. I think there was additional evidence produced before the committee.

Mr. McMILLIN. Why was it not produced before the Commissioner?

Mr. WARD. Because it was not the kind of evidence which would have been received. As time went on the military officers who were personally cognizant of this man's injuries died; the physician who attended him, I think, died; and nobody able to testify to the facts was left but the hospital steward, whose evidence was submitted to the committee, and is referred to in the report. This is the case of an old man, who, never expecting to claim a pension, allowed the years to go by within which he could have collected such evidence as would have satisfied the Commissioner.

Mr. VAN VOORHIS. Does the applicant himself testify to the wounds?

Mr. WARD. He does.

Mr. McMILLIN. It seems to me there is no sufficient evidence here of disability occurring in the line of duty. It appears that this man remained inactive for years, not expecting to demand a pension, and I presume he did not conceive himself entitled to it.

Mr. WARD. Yes, he did. The gentleman will see this difference. Changes have occurred in this man's circumstances. As has been stated, a son upon whose support he depended, and who had also served in the Army, was removed by death, and what he contributed to the old man's support was then withdrawn. Now, in his old age, in his sick condition, as shown by the testimony in the report, he is left to his own resources and is incapacitated for labor.

Mr. McMILLIN. It seems to me, Mr. Chairman, this is one of a numerous class of cases where this body is required to act as a supervising board over cases coming from the Pension Department. If that department is worth anything, when the facts are before it and it has decided upon them, its action should have some weight with this House; but if we are to raise the flood-gates and let in every party whose claim is rejected by the Pension Office, then we had better quit legislation on everything else, discharge every other committee, and go to work on pension cases alone, for it will take more than three hundred and sixty-five days to act upon them. If a man has a meritorious case, or if he is unable to bring the evidence because of circumstances that clearly convince us he originally had it, we ought to grant him a pension. But that is not the case here. We have no evidence it ever existed, and I do not think the claim ought to be allowed.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ELIZA McCONNEL.

The next pension bill on the Private Calendar was the bill (H. R. No. 3260) granting a pension to Eliza McConnell.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll the name of Eliza McConnell, widow of William McConnell, late captain of Company E, Ninety-seventh Regiment of Pennsylvania Volunteers, in the late war of the rebellion, and pay the said widow a pension from and after the 25th day of April, 1865, the date of the honorable discharge of said McConnell from said service, at the rate of pensions allowed by existing laws to the widows of deceased captains who were killed while in the service of the United States, and in the line of duty in the said war of the rebellion.

The report was read, as follows:

The record shows that William McConnell on the 2d day of October, 1861, was enrolled in the United States service in Company E, Ninety-seventh Regiment of Pennsylvania Volunteers, and that he was honorably discharged April 25, 1865, for disability.

The affidavit of Dr. Eberhart, the surgeon of the said regiment, shows that said McConnell was attacked with jaundice while in said service, from which he never recovered, and with which he was affected at the time of his discharge; that he was free from any affection of the liver at the time of his enlistment. Other testimony shows that he was a sound and healthy man at the time of his enlistment. The testimony of General Pennypacker shows that he contracted disease from exposure to malaria in the southern swamps in the line of his duty. The affidavit of Dr. Hartman shows that in 1866 he was called upon to treat said McConnell professionally, and found him affected with chronic liver complaint, which terminated in enlargement of that organ, followed by abdominal dropsy, from which he finally died. The marriage of said McConnell with the petitioner is duly established.

The committee are satisfied from the evidence submitted that the said William McConnell died from the effects of a disease contracted in the United States military service in the late war and in the line of his duty. They therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ABNER HOOPES.

The next business on the Private Calendar was a bill (H. R. No. 3264) granting a pension to Abner Hoopes.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll the name of Abner Hoopes, late a private in Company A, First Regiment Pennsylvania Reserves, who is hereby granted a pension to date from the date of his discharge, at the rate now allowed by law to disabled private soldiers, wounded in the late war of the rebellion, for disability incurred while in the service of the United States and in the line of duty in the late war of the rebellion.

The report was read, as follows:

The testimony on file in the Pension Bureau shows that the claimant served faithfully in the late war in Company A, First Regiment Pennsylvania Volunteers, from December 10, 1861, for three years, less a few days.

It appears that on the march from the Wilderness to Petersburg, Virginia, he contracted a spinal disease.

The affidavit of the adjutant of the regiment is positive as to the place and time when the disease was contracted. His officer has had personal knowledge of the claimant from that date until the present time, and testified that the disease rendered claimant entirely helpless, requiring the constant attention of a nurse.

The difficulty in supplying the precise testimony, according to the regulation, arises from the fact that the two physicians who attended Hoopes immediately after he left the service are now dead. There is abundant evidence from his neighbors and friends tending to prove conclusively that the disease was contracted in the service, and that he has been a helpless sufferer from it ever since.

Believing the case meritorious the committee recommend the passage of the bill.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

Mr. CALDWELL. I move the committee do now rise.
The committee divided; and there were—ayes 50, noes 24.
So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CALKINS reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar and had directed him to report sundry bills to the House, some with and some without amendment, including the bills laid aside to be reported to the House at a previous sitting of the committee and not then reported because, a quorum not appearing, the committee, under the rules, had risen, when an adjournment took place.

BILLS PASSED.

The following bills reported from the Committee of the Whole House were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

- A bill (H. R. No. 2290) granting a pension to William Bowman;
- A bill (H. R. No. 2469) granting a pension to Arthur I. McConnell;
- A bill (H. R. No. 238) granting an increase of pension to J. J. Purman;
- A bill (H. R. No. 3261) granting a pension to Elizabeth Dougherty;
- A bill (H. R. No. 3100) granting relief to Samuel B. Hutchinson, guardian of Mary Ann Shurlock;
- A bill (H. R. No. 1460) granting an increase of pension to James P. Sayer;
- A bill (H. R. No. 254) granting an increase of pension to James M. Boreland;
- A bill (H. R. No. 2041) granting a pension to James Aaron;
- A bill (H. R. No. 253) to increase the pension of Captain Samuel C. Schoyer;
- A bill (H. R. No. 3259) granting a pension to Jesse Hicken;
- A bill (H. R. No. 3260) granting a pension to Eliza McConnell; and
- A bill (H. R. No. 3264) granting a pension to Abner Hoopes.

EDMUND EASTMAN.

The SPEAKER. The bill (H. R. No. 1464) granting a pension to Edmund Eastman is reported with an amendment, which the Clerk will read.

The Clerk read as follows:

Strike out all after the word "volunteers," in line 6, and insert in lieu thereof the following:

"On account of disease, injury, and wounds contracted in the line of duty in the military service of the United States in the war of the rebellion, said pension to date from the discharge of said soldier."

Mr. HATCH. That amendment was not carried in committee.

Mr. RYON, of Pennsylvania. I think it was.

The SPEAKER. It comes from the Committee of the Whole indorsed with that amendment.

The amendment was rejected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MELISSA WAGNER.

The next bill reported from the committee with amendments was the bill (H. R. No. 225) granting a pension to Melissa Wagner.

The amendment was read, as follows:

Add as follows: "Who died from the effect of wounds received in action and in the line of duty. Said pension to take effect from the date of the death of her late husband."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

THOMAS LOWRY.

The next bill reported from the committee with amendments was the bill (H. R. No. 229) granting a pension to Thomas Lowry.

The amendment was read, as follows:

Add as follows: "Who contracted permanent disability in the service of his country in the line of duty during the war of the rebellion."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

And then, on motion of Mr. HATCH, (at nine o'clock and fifty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ATKINS: The petition of Vaughan & Miller, Jack's Creek, Tennessee, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. BALLOU: The petition of importers, refiners, and dealers in sugars, for the retention of the present graduated scale of duties, and obliging all sugars below No. 10 in color testing 92° to pay the rate as if between Nos. 10 and 13, Dutch standard—to the same committee.

By Mr. BAYNE: The petitions of William H. Jones and 118 others; of George W. Burns and 11 others; of Jacob Young and 69 others, of Allegheny County; of William Holmes and 29 others, of Braddocks;

of John O. Morgan and 25 others, of Elizabeth, and of George W. McGraw and 70 others, of Tarentum, Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. BEALE: The petition of S. Barron, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. BELTZHOVER: The petition of J. C. Lange, Pittsburgh; of J. M. Allis, Wyalusing, and of McClelland & Reed and others, of Freeport, Pennsylvania, druggists, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. BENNETT: The petition of H. W. Coe, publisher of the Times, Valley City, Dakota Territory, for the abolition of the duty on type—to the same committee.

Mr. BERRY: The petition of W. W. Theobalds, publisher of the Mail, Woodland, California, of similar import—to the same committee.

Also, the petition of citizens of California, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of California, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. BICKNELL: The petitions of D. C. Thomas and 10 others; of George W. Bowers and 14 others, and of F. N. Berkey and 16 others, citizens of Indiana, for the adjustment and payment of the Morgan raid claims—to the Committee on War Claims.

Also, the petition of the Western Wholesale Druggists' Association, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. CALDWELL: The petition of W. T. Harris, G. T. Russell, and about 100 others, citizens of Allen County, Kentucky, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. CAMP: The petition of members of the International Institute for preserving weights and measures, and others, against the introduction of the French metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. ALVAH A. CLARK: The petition of Abiel Abbott and John L. Merrill, for pay for loss of steamer Bergen while in the United States service—to the Committee on Claims.

By Mr. COLERICK: The petition of J. C. Christman and 86 others, citizens of Wells County, Indiana, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of Robert L. McFadden and 84 others, citizens of Wells County, Indiana, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. CRAPO: The petitions of Gerard C. Tobey and others, for a survey of Wareham Harbor, and an estimate of cost for its improvement—to the same committee.

Also, the petition of Gerard C. Tobey and others, for the erection of a permanent beacon at the entrance of Wareham River—to the same committee.

By Mr. GEORGE R. DAVIS: Resolutions of the Board of Trade of Chicago, Illinois, asking for a commission composed of representatives of different interests to prepare a form of a national bankrupt act for the consideration of Congress—to the Committee on the Judiciary.

By Mr. HORACE DAVIS: The petition of Theodore Coleman, publisher of the Journal, Santa Clara, California, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. DEERING: The petitions of druggists at Vail, Greeley, Delaware, and Winthrop, Iowa, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. DEUSTER: The petitions of the State officers and members of the General Assembly of Wisconsin; of Alexander Mitchell and 304 business firms, of Milwaukee, and of Moore & Galloway and 103 other business firms, of Fond du Lac, Wisconsin, for an appropriation for the improvement of the harbor of Grand Haven, Michigan—to the Committee on Commerce.

By Mr. ERRETT: The petitions of Robert Morris and 19 others, of Benjamin Barnes and 38 others, of J. H. Whetsel and 22 others, of Edward Fillinger and 15 others, of William T. McClain and 30 others, of William Ebert and 11 others, of George M. Evans and 22 others, of William Watkins and 28 others, of Edward Gray and 7 others, of R. McP. Dalzelle and 6 others, of R. H. Johnson and 10 others, and of John H. Salisbury and others, of Pittsburgh; of William N. Taylor and 130 others, of John McMundig and 16 others, of William Wright and 30 others, of Warren J. Melvaine and 23 others, of Feterman; of Thomas Beadling and 60 others, of Banksville, and of Charles Houser and 11 others, of Berner Station, Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. FARR: The petition of E. D. Morgan & Co. and others,

against any change in the tariff on sugar—to the Committee on Ways and Means.

By Mr. FORT: The petitions of William Lion and others, of Urbana, and of Thomas G. Frost, of Sigel, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. GUNTER: The petition of Levi T. Fulton and other citizens, of Arkansas, late soldiers in the United States Army, for back pay and bounty—to the Committee on Military Affairs.

By Mr. HARMER: The petition of A. M. Wright & Co. and 45 others, druggists of Philadelphia, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. JOHN T. HARRIS: The petition of Messrs. Tinsley & Morton, publishers, Staunton, Virginia, for the abolition of the duty on type—to the same committee.

By Mr. HAZELTON: The petition of M. Heath and 16 others, citizens of Waupun, Wisconsin, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of soldiers at Milwaukee Soldiers' Home, for increase of pension—to the Committee on Invalid Pensions.

Also, the petition of J. V. Roberts and 50 others, citizens of Greene County, Wisconsin, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. HENDERSON: The petition of Hon. John Dement and 25 other individuals and firms, citizens of Dixon, Illinois, for the passage of the bill for the improvement of the headwaters of the Mississippi River, Saint Croix River, Chippewa and Wisconsin Rivers, and that Rock River be included in said bill—to the same committee.

By Mr. HILL: The petition of Anne Downey, for a pension—to the Committee on Invalid Pensions.

By Mr. HOOKER: The petition of citizens of Pike County, Mississippi, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the memorial of the Indian delegates from the Indian country, protesting against the passage of the bill providing for the establishment of a United States court in the Indian Territory, and for other purposes—to the Committee on the Territories.

Also, the petition of E. Delinz and others, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of W. Lee Patton, publisher of the Summit (Mississippi) Times, for the abolition of the duty on type—to the same committee.

By Mr. HUMPHREY: The petitions of J. H. Cook, of Unity; of R. S. White and others, of Fort Atkinson, and of W. P. Clark, of Milton, Wisconsin, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. HUNTON: Papers relating to the claim of Anthony Ihms for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. JOYCE: The petition of Mary Martin and others, that she be granted arrears of pension—to the Committee on Invalid Pensions.

Also, the petition of A. M. Cate and others, relating to the suppression of cattle diseases, &c.—to the Committee on Agriculture.

By Mr. KELLEY: The petitions of D. R. Hill and other druggists, of Kellogg; of Miller & Packard and other druggists, of Webster City, Iowa, and of Thomas Gibbs, of Lake City, Minnesota, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. LORING: The petitions of the officers and members of the Marine Society of Newburyport, and of John J. Currier, mayor, and of citizens of Newburyport, Massachusetts, for the improvement of Scituate Harbor—to the Committee on Commerce.

Also, the petition of Bridgman Gay & Co., publishers of the Morning Gazette and Evening Telephone, Haverhill, Massachusetts, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petition of L. Cleaves & Co., publishers of the Rockport Gleaner, Rockport, Massachusetts, for the abolition of the duty on type—to the same committee.

By Mr. MAGINNIS: Two petitions of citizens of Montana Territory, protesting against the proposed change in the public land laws—to the Committee on the Public Lands.

Also, the petition of J. H. Soule, publisher of the United States Record and Gazette, Washington, District of Columbia, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. BENJAMIN F. MARTIN: Papers relating to the claim of George H. Plant for pay for the partial destruction of the steamer

Lady of the Lake by the United States steamer Gettysburgh, in 1874—to the Committee on Commerce.

By Mr. McMAHON: The petition of Charles Huelle, for a pension—to the Committee on Invalid Pensions.

By Mr. MORTON: The petition of Lowe Harriman & Co., Lemis Brothers & Co., and 40 other mercantile firms, of New York, for the passage of a national bankrupt law—to the Committee on the Judiciary.

By Mr. MULLER: The petition of ship-owners of New York City, for the passage of an act to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws—to the Committee on Ways and Means.

By Mr. NEWBERRY: The petition of savings-banks of Michigan, Illinois, Wisconsin, and Missouri to be relieved from taxes not imposed on savings-banks in other States—to the same committee.

By Mr. NORCROSS: The petition of C. F. Severance, R. B. Robertson, and other citizens of Leyden, Massachusetts, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. ORTH: The petitions of J. H. Etters and other druggists, of Anburn; of Elam G. Smith and other druggists, of Kentland; and of J. F. Brandon and others, of Anderson, Indiana, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. PHISTER: The petition of F. M. Castle and 94 other soldiers of Lawrence and Carter Counties, Kentucky, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. REAGAN: The petition of Lewis L. Loggins, publisher of the Saxon, San Augustine, Texas, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. RICE: The petition of Ezra H. Heywood, of Princeton, Massachusetts, of similar import—to the same committee.

Also, the petition of E. H. Heywood, for legislation to promote the inviolability of the mails—to the Committee on the Judiciary.

By Mr. ROSS: The petition of merchants of New York, for the abolition of compulsory pilotage through Hell Gate—to the Committee on Commerce.

Also, resolutions of the Legislature of New Jersey, asking for increased facilities for the life-saving service, and for an increase of the compensation of the men employed therein—to the same committee.

By Mr. SIMONTON: The petition of N. Everett, of Troy, Tennessee, and other druggists, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of Elizabeth P. Hicks, for a pension—to the Committee on Invalid Pensions.

By Mr. SPEER: The petition of J. C. C. Blackburn and others, citizens of Morgan County, Georgia, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. STEVENSON: The petition of G. C. Green, of Heyworth, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. J. T. UPDEGRAFF: The petition of Uriah Bailey, William Shotwell, and 40 others, citizens of Belmont County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. VALENTINE: The petition of B. Z. McKee and 57 others, citizens of Geneva, Nebraska, for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

By Mr. WEAVER: The petition of John Miller and 87 others, of Iowa County, Iowa, that the House vote by yeas and nays on the resolutions offered by Mr. WEAVER, and printed in the RECORD February 27, 1880—to the Committee on Banking and Currency.

Also, the petition of James Vincent, of Tabor, Iowa, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Charles D. Boom and 102 others, soldiers of Meeker County, Minnesota, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. WHITEAKER: The petitions of the publishers of the Democrat, Oregon City; of the Independent, Pendleton, and of the Democrat, Baker City, Oregon, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. C. G. WILLIAMS: The petition of A. L. Chapin and 33 others, citizens of Beloit, Wisconsin, that Rock River be included in the reservoir system for supplying water to the Mississippi River—to the Committee on Commerce.

Also, the petitions of Allen & Hicks, publishers of the Northwestern, Oshkosh, and of P. R. Proctor, publisher of the News and Herald, De Pere, Wisconsin, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petitions of Edwin Hurlburt, publisher of the Wisconsin Free Press, Oconomowoc; of P. H. & H. S. Swift, publishers of the Independent, Clinton; and of Phelps & Zeigans, publishers of the Reporter, Sharon, Wisconsin, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petitions of L. S. Barnes & Co. and others, of J. H. Camp and others, of Delavan; of D. G. Morris and others, of Sharon, and of John D. Jones, of Wisconsin, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. WISE: The petitions of Samuel Beare and 24 others; of William McKincaid and 57 others; of Smith Lippincott and 38 others; of Samuel Patterson and 17 others; of Melvin Hill and 30 others, and of John S. Hughes and 56 others, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. FERNANDO WOOD: The petition of E. T. Mudge and others, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of merchants in New York, for a bankrupt law—to the Committee on the Judiciary.

By Mr. WALTER A. WOOD: Three petitions of publishers of New York, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. WRIGHT: The petition of H. C. A. Smith, of Burlington, Vermont, and T. J. Tillotson, of Winoski, and 165 others, citizens of Vermont, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

By Mr. YOCUM: The petition of J. E. Tibbens and others, for the creation of a Department of Agriculture equal in rank with any other department having a Cabinet officer at its head—to the Committee on Agriculture.

Also, the petition of J. E. Tibbens and others, of Clinton, Pennsylvania, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of the same parties, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

IN SENATE.

THURSDAY, March 11, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

NAMING OF A PRESIDING OFFICER.

The Secretary (JOHN C. BURCH, esq.) called the Senate to order, and said: I have this morning received the following note from the Vice-President:

VICE-PRESIDENT'S CHAMBER,
Washington, D. C., March 11, 1880.

SIR: As I shall be absent at the opening of the session of the Senate this morning, under the provisions of Rule 4, I name Hon. GEORGE F. EDMUNDS, a Senator from the State of Vermont, to perform the duties of the Chair until the adjournment to-day.

WILLIAM A. WHEELER,
Vice-President.

To the SECRETARY OF THE SENATE.

The Senator from Vermont will take the chair.

Mr. EDMUNDS thereupon took the chair as presiding officer of the Senate for to-day.

The Journal of yesterday's proceedings was read and approved.

SMITHSONIAN REPORT.

The PRESIDING OFFICER laid before the Senate a letter from Professor Spencer F. Baird, secretary of the Smithsonian Institution, transmitting the annual report of the operations, expenditures, and condition of that institution for the year 1879; which was ordered to lie on the table and be printed.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers and an accompanying report from Major W. E. Merrill, Corps of Engineers, of a survey made in accordance with the requirements of the river and harbor act of March 3, 1879, of Green River and its tributaries, Muddy and Barren Rivers, Kentucky; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a memorial of several citizens of Ohio, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. ALLISON. I present a letter from the secretary of the Board of Trade of the city of Dubuque, Iowa, commending a petition sent him by the New England Shoe and Leather Association committee, the Boston Merchants' Association committee, the Boston Grocers' Association committee, &c., praying the passage of a bankrupt law. I move that the letter and the accompanying petitions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. ALLISON presented the proceedings of a meeting of the post

of the Grand Army of the Republic, of Dubuque, Iowa, signed by George G. Moser, commander of the Dubuque Veteran Corps, praying for the passage of the bill known as the equalization bounty bill; which was referred to the Committee on Military Affairs.

Mr. SHARON. Mr. President, I present the petition of two citizens of Nevada, praying for the reduction of duty on certain kinds of paper and chemicals used in printing and in the preparation of pulp, &c. The petitioners are the editors of a journal published at Eureka. As to their circulation it probably does not reach more than one-tenth—not more than one-hundredth part of the population of the State that I have the honor in part to represent. I wish to make, however, one remark in regard to the petition. I am inclined to think that since the war a great many beneficial modifications of the tariff might have been made. The effect of the duty on the articles named in the petition, with labor and capital combined, has advanced the price of paper beyond a reasonable and fair profit, and also the price of many other things. The desire must be general for cheap production, as all are more or less consumers.

It is said that there is a war between capital and labor. That cannot be the case in any just sense, because it cannot be wisely said that labor is at war with that which it most needs, and capital is very certain to fly from danger.

The truth is simply this, capital and labor united are at war with production to enhance prices for the purpose of fleecing the masses. Labor unwittingly assumes a war on capital and cunningly hides its purpose, namely, war upon production—having the same result, increase of prices, which in the end comes from the consumer.

Our sympathies must necessarily be with the masses, as that constitutes the great whole, and all correct and just legislation must look to the greatest benefit to the greatest number. Recollect that those powerful interests which are protected by tariff are ever present here; they are sometimes aggressive, and not always scrupulous. The people are long-suffering, patient, and enduring, and never moved until aroused by some great wrong. They have by frequent petition of similar purport appealed to our sense of fairness and justice.

I move that the petition be referred to the Committee on Finance. The motion was agreed to.

Mr. SHARON. Mr. President, before I take my seat, I wish to allude briefly to another matter, simply personal to myself and to the Senate. When I was elected to a seat in this body I supposed that all around me was financially smooth and clear. Just after my election I found that an associate and friend had involved myself in the community in millions. It was a question with me whether I should then continue in the Senate or resign. I confidently expected to arrange my affairs immediately and be continuously present. This pleasure and duty was denied me. I would have been proud to have participated more in your deliberations.

I know that there has been private and public comment upon my absence. Nothing but the vital necessities of the occasion and the large complications in which I was involved could have kept me away. I know as well as any Senator in this body my duty, and its privilege. I know my duty to my State and my country and nothing but those great difficulties could keep me from performing that duty.

I wish to say one word more. These complications may again call me away for three or four weeks, and I ask the kind indulgence of the Senate on account of my absence. I have said all the time that should my constituents demand my resignation—it is in their hands.

Mr. SAUNDERS presented the petition of B. A. McKee, late major United States Army, and 57 other citizens, of Geneva, Nebraska, who protest against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, presented a memorial of the Legislature of the State of Wisconsin, in favor of an appropriation of \$25,000 to be used in constructing a harbor at Kewaunee, Kewaunee County, Wisconsin; which was referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin. I present a memorial of the Chamber of Commerce of the city of Milwaukee, Wisconsin, representing that, in view of the early completion of the lock and canal at Sault Ste. Marie, whereby a depth of seventeen feet of water on the mitre-sill of the said canal will be secured, it is necessary and important for the general commerce of the great northwestern lakes to at once improve and deepen the channels of Saint Mary's River and the Lime-Kiln Crossing on the Detroit River so as to secure a depth of sixteen feet between Lake Erie and the upper lakes, and praying that a sufficient appropriation may be made to complete the work. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. BALDWIN. I hold in my hand and desire to present a petition which, with the permission of the Chair, I will read, as it is but one of forty or more petitions of like character which I have before me, praying for the construction of a bridge across the Detroit River, containing the names of fourteen or fifteen thousand people. The petition which I read is from citizens of Chicago:

We, the undersigned, merchants, vessel-owners, and shippers located in this district, beg most respectfully to urge upon your honorable body the great necessity for granting permission for a bridge across the Detroit River, at or near Detroit. There are no less than eight railroads converging at Detroit that have to exchange

traffic with each other, and all this through business has to be forwarded across the Detroit River by boats—a very antiquated, slow, dangerous, and expensive operation.

There should be no reasonable objection to a bridge constructed upon the plan submitted to the Board of United States Engineers, who were commissioned by a joint resolution of Congress in June last to inquire whether "this bridge could be built without material injury or undue obstruction to navigation," and their report in favor of such a crossing is hereby respectfully referred to.

The vessel interests, no doubt, are very important; and it is not proposed to restrict or interfere with the fullest and freest navigation of the river. All that can be will be fully accorded to the vessel interest. The vessels always will have an uninterrupted right of way; but when navigation closes on the upper lakes the traffic by rail will then have the full use of the crossing by bridge for at least five months, when vessels are laid up. By the present system of ferrage all this immense traffic in passengers, live stock, and freight has to be forced in boats through thick ice for distances from two thousand to six thousand feet.

Your petitioners humbly pray that your honorable body will favorably consider the reasonable right of railroad traffic when that can be cared for without interfering with the fullest rights of the vessel interests in navigable rivers.

The petition which I have read is signed by 68 citizens of Chicago. I present also a like petition from 80 citizens of Milwaukee; a like petition from 313 citizens of Quincy, Illinois; a like petition from 203 citizens of Burlington, Iowa; a like petition from 109 citizens of Peoria, Illinois. I also present thirty-three similar petitions from citizens of Michigan, being the petition of 469 citizens of Berrien County; the petition of 63 citizens of Barry County; the petition of 21 citizens of Bay County; the petition of 47 citizens of Branch County; the petition of 97 citizens of Cass County; the petition of 30 citizens of Clare County; the petition of 169 citizens of Clinton County; the petition of 564 citizens of Calhoun County; the petition of 100 citizens of Eaton County; the petition of 461 citizens of Genesee County; the petition of 95 citizens of Hillsdale County; the petition of 580 citizens of Ionia County; the petition of 60 citizens of Isabella County; the petition of 365 citizens of Ingham County; the petition 299 citizens of Jackson County; the petition of 180 citizens of Kalamazoo County; the petition of 99 citizens of Kent County; the petition of 86 citizens of Lenawee County; the petition of 225 citizens of Livingston County; the petition of 37 citizens of Lake County; the petition of 27 citizens of Midland County; the petition of 155 citizens of Montcalm County; the petition of 546 citizens of Oakland County; the petition of 116 citizens of Ottawa County; the petition of 139 citizens of Osceola County; the petition of 23 citizens of Otsego County; the petition of 116 citizens of Saginaw County; the petition of 58 citizens of Shiawassee County; the petition of 195 citizens of Saint Joseph County; the petition of 160 citizens of Tuscola County; the petition of 177 citizens of Van Buren County; the petition of 321 citizens of Washtenaw County; and the petition of 7,818 citizens of Wayne County, all praying for the construction of a bridge across the Detroit River. I move that these petitions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. WITHERS. I present the joint resolution of the senate and house of delegates of the State of Virginia, in favor of the appointment of a national commission to investigate diseases among domestic animals. I believe it is customary to have memorials of State Legislatures read from the Clerk's desk.

The PRESIDING OFFICER. The joint resolution of the Legislature of the State of Virginia will be reported.

The Chief Clerk read as follows:

Joint resolution for the appointment of a national commission to investigate diseases among domestic animals. (Approved March 6, 1880.)

Whereas, in view of the magnitude of the interests and the important and rapid growth of the live-stock export trade of this and other States, now imperiled on account of the dangers apprehended by our foreign customers from the importation and dissemination of contagious diseases of domestic animals; and

Whereas, in the opinion of this body, the same may be averted by the creation of a commission, under national authority, to have charge of the investigation of the nature and treatment of said contagious diseases, and, with the concurrence and sanction of the Secretary of the Treasury, to adopt and enforce such reasonable rules and regulations as may be necessary to prevent the importation and dissemination of these diseases, as well as to eradicate such as may exist: Therefore,

1. *Resolved, (the senate concurring.)* That our Senators be instructed and our Representatives in Congress requested to use their endeavors to secure such legislation as shall provide for the appointment by the President, with the advice and consent of the Senate, of such a commission, with an adequate appropriation for its support.

2. *Resolved,* That the governor be requested to furnish a copy of these resolutions to our Senators and Representatives in Congress.

The PRESIDING OFFICER. What reference does the Senator desire?

Mr. WITHERS. I presume the memorial should be referred to the Committee on Agriculture.

Mr. McMILLAN. I desire to ask the Senator from Virginia whether the memorial does not contemplate questions affecting the importation of cattle and, therefore, the customs duties of the country, and if it should not go to the Committee on Commerce?

Mr. WITHERS. The proposition is embraced within the purview of the memorial to prohibit the importation, as well as to take such steps as may be necessary to eradicate the disease. The memorial asks for the creation of a commission which shall be charged with the duty of investigating the whole subject of contagious diseases among domestic animals, and providing under national auspices for such legislation as may be necessary to prevent the importation, and to eradicate the disease where it already exists.

Mr. McMILLAN. I merely suggest to the Senator from Virginia whether the memorial should not go to the Committee on Commerce.

Mr. PADDOCK. I desire to state, for the information of the Senator from Minnesota, that the Committee on Agriculture has now under consideration the whole subject of the contagious diseases of domestic animals with a view of determining what may be best to be done in regard to the whole subject. I think there is a bill pending, there is one in the House certainly, which has been referred to our committee on this subject. This is an incident only of that subject.

Mr. WITHERS. I could not hear distinctly what was said by the Senator from Nebraska; but I know the fact that this whole subject is already in the hands of the Committee on Agriculture, and it seems to me that that would be the appropriate reference for this memorial. Provided they shall approve the objects of the memorial and shall introduce any bill looking to any changes in our commercial laws, that ought to be referred to the Committee on Commerce; but the memorial, it seems to me, ought to go to the Committee on Agriculture.

Mr. PADDOCK. That is exactly what I said. Two or three memorials on the same subject have already been referred to the Committee on Agriculture, and they are considering the whole subject.

Mr. WITHERS. I concur in the view of the Senator from Nebraska, and move that the memorial be referred to the Committee on Agriculture.

The motion was agreed to.

Mr. WITHERS. I also present a memorial of similar import, numerously signed by citizens of Virginia, and move that it be referred to the Committee on Agriculture.

The motion was agreed to.

Mr. HILL, of Georgia, presented a petition of citizens of Decatur County, Georgia, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

He also presented the petition of merchants and publishers, citizens of Forsyth County, Georgia, praying for the passage of a bill placing wood and straw pulp, soda-ash, and other chemicals used in the manufacture of paper on the free list, and reducing the duty on printing-paper, &c.; which was referred to the Committee on Finance.

Mr. COKE presented the petition of J. L. Rees and 14 others, citizens of Rockwell County, Texas, praying for such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

He also presented the petition of R. E. Yeager and 14 others, citizens of Rockwell County, Texas, praying for such legislation as will prevent fluctuations in freights, and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

Mr. BLAINE. I present resolves of the Maine Legislature relating to pilot laws and the removal of the obstructions to navigation over East River, New York. I ask that the same be read and referred to the Committee on Commerce.

The resolutions were read, and referred to the Committee on Commerce, as follows:

STATE OF MAINE.

Resolves relating to pilot laws and the removal of the obstruction to navigation over East River, New York.

Whereas the State of Maine, by its geographical position, having a long line of sea-coast with many fine harbors, is a State of great commercial importance; our people are largely engaged in navigation, and are therefore interested in any legislation that affects this industry; and

Whereas the pilot laws of several of the States are unjust, and impose upon ship-owners burdens hard to be borne, and are contrary to the spirit of the Constitution; and

Whereas there is now being erected a bridge across East River, in the State of New York, which will be another tax upon shipping, by compelling them to lower their topmasts, thereby causing delay: Therefore,

Be it resolved, That we hereby earnestly call the attention of our Senators and Representatives in Congress to the unjust pilot laws in force in several of the States, and we request them to use their best efforts to have a general pilot law enacted that shall be just and equitable to the people of all the States, and also to compel the builders of the suspension bridge across East River, in the State of New York, to place the roadway at such a height as shall not obstruct or impede the navigation of said East River.

Resolved, That a copy of the above preamble and resolution, when approved, be forwarded to our delegation in Congress by the secretary of state.

In the house of representatives, March 5, 1880.

Read and passed finally.

GEO. E. WEEKS, *Speaker*.

Mr. COCKRELL. I present the petition of citizens of Barry County, Missouri, calling the earnest attention of Congress to the rapidly-growing power of railroad corporations, which is greatly intensified by their policy of consolidation and their unjust discrimination, and asking favorable consideration by Congress of what is commonly called the Reagan interstate-commerce bill. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. LOGAN presented a resolution of the Grand Army of the Republic of Illinois, in favor of certain amendments to the pension laws; which was referred to the Committee on Pensions.

He also presented the petition of citizens of Oneida, Illinois, praying for the passage of such laws as will prevent the manufacture of oleomargarine; which was referred to the Committee on Finance.

He also presented the petition of citizens of Peoria, Illinois; the petition of citizens of Perry, Illinois; the petition of citizens of

Crawfordsville, Indiana; the petition of citizens of Dresden and Sharon, Tennessee; the petition of citizens of Chenoa, Illinois; and the petition of citizens of Michigan, all of whom were soldiers in the late war, praying for the passage of what is known as the equalization bounty bill; which were referred to the Committee on Military Affairs.

He also presented a resolution of the Dubuque Iowa Veteran Club, in favor of the passage of the bill known as the equalization bounty bill; which was referred to the Committee on Military Affairs.

He also presented the petition of the soldiers' reunion committee, praying for the passage of a bill authorizing the Secretary of War to issue arms and equipments to said soldiers' reunion committee at a meeting to be held in the State of Illinois during the year 1880; which was referred to the Committee on Military Affairs.

He also presented the petition of citizens of Illinois, soldiers in the late war and survivors of rebel prisons, praying for the passage of a law which will enable every soldier who suffered in the southern prisons to draw a full invalid pension; which was referred to the Committee on Pensions.

He also presented the petition of Louis N. De Diemar, of Kenosha, Wisconsin, praying for the passage of a bill to increase the pension of soldiers who have lost their right arm above the elbow; which was referred to the Committee on Pensions.

He also presented a memorial of the Grand Army of the Republic Post at Centralia, Illinois, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the memorial of citizens of Michigan who were soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the petition of citizens of Rockford County, Illinois, praying for the passage of a bill for the improvement of the headwaters of the Mississippi, Saint Croix, Chippewa, and Wisconsin Rivers by erecting reservoir dams on the same, and for the improvement of the Rock River by the erection of a dam at the foot of Horicon Lake, Wisconsin; which was referred to the Committee on Commerce.

He also presented a resolution adopted by the board of supervisors of Lee County, Illinois, in favor of the improvement of Lake Horicon and Rock River by the construction of reservoir dams; which was referred to the Committee on Commerce.

He also presented the memorial of Joseph W. Branch, president of the Illinois and Saint Louis Railroad Company, representing fifteen miles of railroad, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton; which was referred to the Committee on Finance.

He also presented the memorial of George N. Black, general manager of the Springfield and Northwestern Railway Company, representing forty-five miles of railroad, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. No. 822) to regulate the pay of night inspectors of customs at the port of San Francisco, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 849) to authorize the Saint Paul and Chicago Short Line Railway Company to construct a bridge across Lake Saint Croix, and to establish it as a post-road, reported it with amendments.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 1103) for the relief of Manly B. McNilt, reported it with amendments and submitted a report thereon; which was ordered to be printed.

Mr. GORDON, from the Committee on Commerce, to whom was referred the bill (S. No. 1315) making an appropriation for the erection of a light-house and fog-bell on old Gay Rock, at the entrance of Wickford Harbor, Narragansett Bay, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 655) to amend section 2562 of the Revised Statutes of the United States, relating to the boundary-lines of the collection district of Saint Mark's, in the State of Florida, and for other purposes, reported it with amendments.

BILLS INTRODUCED.

Mr. FARLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1457) for the relief of the State University of California; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. DAVIS, of West Virginia. I ask leave to introduce a bill accompanied by sundry communications from the Treasury Department addressed to myself, in regard to certain unavailable balances on the Treasury books which now confuse the books to a considerable extent and sometimes lead to errors. I ask that the bill and accompanying papers be printed and referred to the Committee on Appropriations so that they may further consider the subject.

By unanimous consent, leave was granted to introduce a bill (S. No. 1458) empowering the proper officers of the Treasury Department to credit officers of the United States with the amount of unavailable funds standing to their debit on the books of the Treasury, and to transfer the amount to the debit of persons and States indebted for the same; which was read twice by its title, referred to the Committee on Appropriations, and, with the accompanying papers, ordered to be printed.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1459) for the relief of Charles D. Gilmore; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1460) for the relief of John Wagner; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL. Two bills have been transmitted to me by the Senator from Illinois [Mr. DAVIS] as coming from supposed constituents of mine. I know nothing in the world about the merits of the bills. I introduce them and ask their reference to the Committee on Military Affairs, not thereby committing myself either to favor or oppose them.

By unanimous consent, leave was granted to introduce a bill (S. No. 1461) for the relief of Isaac Howell; which was read twice by its title, and referred to the Committee on Military Affairs.

By unanimous consent, leave was granted to introduce a bill (S. No. 1462) for the relief of Sarah Collier; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1463) for the relief of Starr & Howe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1464) granting a pension to George W. Staplin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1465) granting a pension to William H. H. Anderson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 92) to provide for the enforcement of the eight-hour law; which was read twice by its title, and referred to the Committee on Education and Labor.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. GROOME, it was

Ordered, That the petition of Jane E. Slamm and the accompanying papers be taken from the files of the Senate and referred to the Committee on Pensions.

On motion of Mr. ALLISON, it was

Ordered, That A. C. Crawford, of Galveston, Texas, have leave to withdraw from the files of the Senate the papers in his case, provided copies of the same shall be left on file with the Secretary of the Senate.

SMITHSONIAN REPORT.

Mr. HAMLIN. I submit the following resolution:

Resolved by the Senate, (the House of Representatives concurring,) That 10,500 copies of the report of the Smithsonian Institution for the year 1879 be printed, 1,000 copies of which shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,500 copies for the use of the Smithsonian Institution.

I wish to say that this is the precise distribution which was made of that report the last year, and I think the year preceding that. I move that the resolution be referred to the Committee on Printing.

The motion was agreed to.

PONCA INDIANS.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to communicate all information in the Department concerning the alleged killing by soldiers, in the office of the agent of the Poncas, in the Indian Territory, of Big Snake, a chief man of the Poncas, and what has been the action of the Department, if any, in respect to the same.

LANDS IN INDIAN TERRITORY.

Mr. COCKRELL submitted the following resolution; which was read:

Resolved, That the Secretary of the Interior be, and hereby is, directed to furnish to the Senate exemplifications or copies of each and all patents ever issued by the authority of the United States of America to each and all the nations or tribes of Indians in the Indian Territory for lands situate in said Indian Territory and of each and all applications filed in said Department by any and all railroad companies or corporations claiming lands in said Indian Territory under acts of Congress or other authority, with the full action and proceedings of his Department thereon.

Mr. THURMAN. That seems to be a very proper resolution. There is only one suggestion which I should like to make to my friend, and I do not know whether it ought to prevail or not. Several of the most important of the patents that have been granted for these lands are already in print; but it might be more convenient to have them all together.

Mr. COCKRELL. I think it would be better for us to have them all together; some of them are in print and some are not. The resolution was agreed to.

CALVIN BRONSON.

Mr. MORRILL. I ask unanimous consent of the Senate to proceed to the consideration of the bill (H. R. No. 2524) in relation to the importation of classical antiquities, which is a very short bill, reported from the Committee on Finance.

Mr. KIRKWOOD. I must object to the present consideration of the bill. I desire to offer an amendment to it, which I am not prepared to offer now.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) Objection is made to the present consideration of the bill. The Secretary will report the first bill upon the Calendar.

The bill (H. R. No. 2269) for the relief of Calvin Bronson was announced as being the first in order upon the Calendar.

Mr. THURMAN. The pending question I believe is on the motion of the Senator from Vermont [Mr. MORRILL] to refer the bill to the Committee on Finance. He indicated a purpose to move to refer the bill.

Mr. MORRILL. I did; and I make the motion now.

Mr. THURMAN. I hope that reference will not be made. This is not a case where a petitioner asks to be exempted from the payment of a tax. It is a case in which he has paid the tax under protest and under circumstances of extreme coercion, where his manufactory was seized and he was compelled to pay the tax or have his business entirely broken up. Under these circumstances he paid the tax under protest. Then the Government, finding it had no reason whatever for seizing the manufactory, instructed the district attorney to dismiss the proceedings, which was done accordingly.

There is no question and never has been any question, either in the Department or here, that this tax was illegal. They collected from this man, I think, about ten cents a pound more upon his tobacco than the statute warranted. The Department do not deny that; they never did deny that. They undertook, however, after seizing his manufactory, to say that they would come to some kind of a compromise, and would offset one thing against the other thing; but there never was any such compromise.

The seizure was found to be wholly without foundation and the proceedings were dismissed by order of the Government itself. That left the case a plain case in which a man had been compelled to pay ten cents more per pound tax on his tobacco than the law warranted. That then was a simple claim to go to the Committee on Claims. I venture to say that all such cases have gone to the Committee on Claims. I think the gentlemen on that committee can tell us of numerous cases of this kind. The distinction that has existed heretofore is that where a petitioner asked to be exempted from a tax which he had not paid his case has gone to the Committee on Finance, but where he has actually paid the tax and simply has a claim to have it refunded his petition and the subject-matter of it have gone to the Committee on Claims. Here is a complete and full report, and nobody can read it, I am sure, without being satisfied of the justice of this claim.

Mr. McMILLAN. The difficulty in this case arises out of another question that was involved in the case before the Treasury Department. I do not understand that the Treasury Department concede the illegality of this tax. The report of the committee represents the Department as having determined that it was invalid. There was a question arising in regard to this matter in charge of the Department, affecting the *bonafide* character of a sale of the tobacco by the claimant, Mr. Bronson. A suit was pending for this tax. The alleged fraud was examined by a special agent of the Treasury Department. The report of that special agent was favorable to the claimant; but pending the question as to the illegality of the tax and the question of fraud, the action was dismissed. This dismissal of the action, the Treasury officers claim, was in effect a compromise, because there was a question of fraud pending and the question of the illegality of the tax also. The question before the committee then was not presented by an admission of the Department that the tax was invalid, but they claim never to have passed on that question, as I understand their position, although their special agent has determined that there was no fraud in the sale which was at one time alleged to exist.

The case is reported by the Committee on Claims upon the ground that the tax was invalid. This party had an opportunity of appealing from the determination of the Commissioner here and having his rights determined in an action by the proper courts of the country. He did not avail himself of that opportunity, and for that reason a portion of the Committee on Claims are of opinion that we should not be called upon as a matter of principle to determine the invalidity of the tax, the party having had his opportunity before the judicial tribunals of the country; and, therefore, a portion of the committee, the Senator from Wisconsin [Mr. CAMERON] and myself, declined to determine that question and believed that the claimant was not entitled to the relief asked for.

Mr. COCKRELL. I desire simply to say a word in regard to the motion of the Senator from Vermont [Mr. MORRILL] to have this bill committed to the Committee on Finance. I confess I am astonished at the motion in view of what has been the uniform practice of

the Senate and what was the result of a contested case at the last or called session of the Senate.

Ever since 1875, since I have been a member of the Committee on Claims, it has been the unbroken, uniform rule to refer all cases of this character to the Committee on Claims, and that committee has been acting upon and considering them, and there are twenty cases of this precise character that that committee has acted on. Yesterday I reported one from the committee, from Illinois, and a few weeks ago one from Iowa.

Where a tax has been paid and it is claimed to have been twice paid, unlawfully paid, erroneously paid, improperly paid, or improperly assessed, and the money has gone into the Treasury, and the question involved is a pure simple claim against the Government, the Finance Committee has nothing more to do with that than the Committee on Commerce would have to do with it. It involves no question in the world of raising revenue; it is simply a claim against the Government; and it belongs to the Committee on Claims.

Where a party has had a tax assessed against him and has not paid the money, where he claims that he is entitled to a rebatement of it, that is a question affecting the revenue and finances, and goes properly and legitimately to the Committee on Finance.

I do not say this because I desire the Committee on Claims to retain possession of this class of claims—by no means. I do not think that the Senate can justly say that that committee is anxious for having committed to it any more cases than it already has. It has a great deal more business than it can attend to, and it is not seeking to absorb the business of the Senate, and would be exceedingly gratified if it could be relieved of a large number of classes of cases that necessarily go to it and that have gone to it for years. But if there is anything before the Senate that properly belongs to the Committee on Claims it is this particular case and all kindred claims.

The Senate will remember that only last summer a question somewhat similar to this, and growing out of the internal-revenue laws, was reported from the Committee on Finance by the Senator from Delaware, [Mr. BAYARD,] and upon the motion of the Senator from New York [Mr. CONKLING] it was committed to the Committee on Claims, because it was properly a claim that belonged to the Committee on Claims. I do not remember the name of the case, but I can very soon refer to it. There, after the Committee on Finance had acted upon a case favorably and reported it for action to the Senate, the Senate sent it to the Committee on Claims because it did not properly belong to the Committee on Finance, and because the Committee on Claims in the Forty-fourth Congress had acted on it and made a report to the Senate and that report had been approved.

Mr. MORRILL. I certainly do not desire to augment the business of the Committee on Finance; and on every occasion I believe when a vote has been called in committee to send claims to the Committee on Claims that had been referred to the Committee on Finance I have always voted in favor of it. But I do desire to have some uniformity about these questions as to what committee they shall be referred to.

Mr. COCKRELL. That is proper.

Mr. MORRILL. I may say to the Senator from Missouri that he is mistaken if he supposes that they have uniformly been referred to the Committee on Claims. We have several now on our docket in the Finance Committee that have been referred to us, that have undergone long and patient consideration. If this motion of mine should not prevail, I shall certainly at the next meeting of the committee move to have all the claims we now have in our charge referred to the Committee on Claims.

There was one claim reported by the Senator from Indiana, [Mr. VOORHEES,] I believe almost a unanimous report, and yet it was rejected by the Senate. Then we have one large claim for \$25,000 or \$30,000 now pending in the Committee on Finance.

I had supposed there was a general disposition to refer all claims involving the due administration or execution of the laws in relation to the tariff and internal revenue to the Committee on Finance; but if there shall be a disposition not to refer this bill to that committee, as there appears to be, I shall withdraw that motion, and I enter an objection because I desire to examine the case before I vote upon it. I had supposed it would be referred to the Committee on Finance; but not having had time to examine the case to satisfy myself whether it is a rightful claim or not, I desire time to look into it.

Mr. VOORHEES. I hope the Senator from Vermont will withdraw the motion until I can say a word.

Mr. MORRILL. Of course I do not interpose the objection to prevent the Senator being heard.

Mr. THURMAN. I wish to make a point of order that the objection of the Senator from Vermont comes too late.

Mr. MORRILL. Under the rule we can object at any time.

Mr. VOORHEES. As an original proposition this looks like a case that ought to go to the Finance Committee, judging from my experience as a member of that committee, but as it has already been before the Committee on Claims and there examined and reported upon, and I have no doubt its work has been well done, I differ from my distinguished and most respected friend from Vermont in regard to the propriety of his motion.

I would not rise now to detain the Senate for a moment except to call attention to the fact that this case illustrates what we were talk-

ing about yesterday very signally and strongly. There are just such cases as this before the Finance Committee at this time. There are doubtless other such cases as this before the Committee on Claims. In either instance I presume the examination will be well conducted. Yesterday we had presented a question as to the proper jurisdiction of certain committees; and perhaps I indulged in some expressions yesterday toward the Judiciary Committee that it was not in my heart to say, if they may be construed as unkind, which I did not mean. Consequently I will couple what I said yesterday with a few remarks on that point to-day.

When I look at the report in this case it appears to me that if there is any committee here which should desire to take this business out of the hands of the committee which has already examined the case and reported upon it, it ought to be the Judiciary Committee. Here is the report of the Committee on Claims, and they state what propositions they considered in this case. On the third page of the report it is stated:

To reach the justice of this case three questions must be determined:

First. Was this additional tax of ten cents per pound, amounting to \$11,211, legal?

I do not know how that can be determined unless it be referred to the law committee.

Second. Were there just grounds of seizure and forfeiture of the property of claimant?

That refers to legal grounds, of course.

Third. Was this \$11,211 paid as a legal and just compromise of the seizure case?

I suggest to the Senator from Vermont to change his motion, if we are to take this case away from the present committee, to one to refer to the Judiciary Committee, so that these legal questions may be properly investigated. I do not say this in any spirit of criticism upon any committee, but to illustrate and to call the attention of the Senate to the effect of what I stated yesterday, that committees here have mixed duties to perform, and it is not possible for any one committee charged with a special branch of business to claim charge of all business which may involve something relative to that branch in any degree. It is an impossibility. Take the Judiciary Committee: there are great and broad questions for it to consider; but it is impossible for that committee to absorb the investigation of all the legal questions that arise before this body. Take the Committee on Finance: it is shown by this case that it is impossible for it to absorb all the questions that grow out of the levying of taxes, the assessment and collection of revenue, for here is a claim referred by a vote of the Senate for relief to the Committee on Claims; and it has been fairly, I have no doubt, and justly and accurately examined and reported upon; and any claim, I will say, which the Senator from Missouri [Mr. COCKRELL] declares ought to be paid, I think I can vote for.

Mr. MORRILL. I withdraw the motion to refer to the Committee on Finance; but, as I have said, I enter an objection to the present consideration of the bill.

The PRESIDING OFFICER. (Mr. ANTHONY in the chair.) The bill goes over under the objection. The Secretary will report the next bill.

Mr. THURMAN. I wish to make an inquiry in relation to the bill just objected to by the Senator from Vermont. Does that objection carry it over for the day, or carry it to the foot of the Calendar, or will it be the first bill called to-morrow when we reach the Calendar?

The PRESIDING OFFICER. It goes practically to the foot of the Calendar.

Mr. THURMAN. Then I move that the Senate proceed to the consideration of the bill (H. R. No. 2269) for the relief of Calvin Bronson.

Mr. FERRY. We are acting under the Anthony rule. That being a rule of the Senate cannot be superseded by a motion.

The PRESIDING OFFICER. The rule requires objected cases to be passed over; but that is subject to the order of the Senate. The motion of the Senator from Ohio is in order.

Mr. THURMAN. I hope the Senate will proceed with the bill. Here is not one single word said by a human being to gainsay the proposition that this tax was illegally collected. The only objection suggested by the Senator from Minnesota is that the man did not bring suit against the collector within a year. Had he done so, he must have recovered, and then the Government would have had to indemnify the collector.

Mr. President, in a case like this where it is admitted on all hands that the tax was illegally collected, where the man has lain out of the money for more than eleven years—

The PRESIDING OFFICER. The Chair will remind the Senator from Ohio that it is not in order to discuss the merits of the bill on a motion to take it up.

Mr. THURMAN. I hope the Senate will take it up.

Mr. McMILLAN. I merely wish to state that this waiver of a legal right, so far as the Committee on Claims are concerned, is regarded as a fact which will authorize the committee to reject the claim. Where a party has a remedy by law and neglects to avail himself of it, it is a sufficient answer to his claim, unless there are reasons which amply justify the neglect to avail himself of that opportunity.

Mr. HARRIS. Will the Senator from Minnesota allow me to call his attention to the fact that under the statute this claimant could not bring suit against the collector until he had made an application

to the Commissioner of Internal Revenue for the relief that he thought himself entitled to? The statute provides, however, that if the Commissioner of Internal Revenue shall not render a decision upon the application within six months from the time the application is made he may then bring his suit against the collector. He did make his application to the Commissioner of Internal Revenue, as he was bound to do under the statute before he could bring suit against the collector; and while that application was pending before the Commissioner the collector became a defaulter in the amount of some thirty thousand dollars and absconded from the country.

The PRESIDING OFFICER. The Chair will remind the Senator from Tennessee, as he did the Senator from Ohio, that debate on the merits of the bill is not in order on a motion to take it up.

Mr. HARRIS. I am simply correcting what I conceive to be a mistake of the Senator from Minnesota.

Mr. TELLER. It does not seem to me that this motion ought to prevail. I do not desire to antagonize the bill, but we are proceeding under a rule according to which one objection carries over a bill that comes up. We have sent over a great many other cases equally meritorious with this and equally deserving the consideration of the Senate because some Senator has objected. We never shall get to the end of the Calendar if everybody who wants a bill passed and thinks it meritorious insists on its passage at the particular time it is called, though objection may be made. The idea of the rule is that we go through with the unobjected cases, and that then the cases which are likely to occasion controversy and discussion shall be taken up.

It seems to me that the friends of this bill, and I do not count myself among its enemies, ought to allow it to pass with the others, and when we get through the Calendar take up the contested cases. It is apparent that this bill will lead to discussion; it cannot be passed in the morning hour; it will go over any way, and I think the friends of the bill ought to allow it to take its place with other bills of like character.

Mr. BECK. I desire to have the rule read under which we are proceeding, my idea being that a single objection carries over any bill, because three or four meritorious cases that I thought ought to be passed were put over by objection.

The PRESIDING OFFICER. "Unless otherwise ordered by the Senate." The rule will be read.

The Chief Clerk read as follows:

Resolved, That at the conclusion of the morning business for each day the Senate will proceed to the consideration of the Calendar, and continue such consideration until half-past one o'clock; and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only, unless, upon motion, the Senate shall at any time otherwise order; and the objection may be interposed at any stage of the proceedings; and this order shall commence immediately after the call for concurrent and other resolutions, and shall take precedence of the unfinished business and other special orders.

Mr. BECK. Then I understand the effect of this motion, if carried now, to be this, that each Senator who has a bill that he thinks ought to be passed will, the moment an objection is entered, proceed to ask the Senate to take it up, and we shall never get on with the Calendar at all. It blocks the Calendar, in other words.

Mr. MORRILL. I did not suppose that any one understood my objection as applying beyond to-day. I want merely to have time to examine the bill on its merits. Of course the Senator from Ohio, this being a bill from Toledo, has thoroughly examined it, but I have not, and I did not suppose there would be the slightest objection to giving me at least one day to examine the bill on its merits. I am not committed against it.

Mr. MAXEY. I suggest to the Senator from Vermont that he modify his objection so that the bill be passed over without prejudice. Then it will not lose its place on the Calendar.

The PRESIDING OFFICER. The Chair should be ashamed to say that he misapprehended the order, thinking it was the same that was passed at the last session of the Senate. On examining it the Chair thinks the motion of the Senator from Ohio is not in order.

Mr. THURMAN. Then I ask unanimous consent that this bill retain its place on the Calendar, and be taken up to-morrow.

Mr. HOAR. I object.

The PRESIDING OFFICER. Objection is made, and the Secretary will read the next bill on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

- A bill (H. R. No. 225) granting a pension to Melissa Wagner;
- A bill (H. R. No. 229) granting a pension to Thomas Lowry;
- A bill (H. R. No. 238) granting an increase of pension to J. J. Purman;
- A bill (H. R. No. 253) to increase the pension of Captain Samuel C. Schoyer;
- A bill (H. R. No. 254) granting an increase of pension to James M. Boreland;
- A bill (H. R. No. 1460) granting an increase of pension to James P. Sayer;
- A bill (H. R. No. 1464) granting a pension to Edmund Eastman;
- A bill (H. R. No. 2041) granting a pension to James Aaron;

A bill (H. R. No. 2290) granting a pension to William Bowman;
 A bill (H. R. No. 2469) granting a pension to Arthur I. McConnell;
 A bill (H. R. No. 3100) granting relief to Samuel B. Hutchinson;
 A bill (H. R. No. 3259) granting a pension to Jesse Hicken;
 A bill (H. R. No. 3260) granting a pension to Eliza McConnell;
 A bill (H. R. No. 3261) granting a pension to Elizabeth Dougherty;
 A bill (H. R. No. 3264) granting a pension to Abner Hoopes; and
 A joint resolution (H. R. No. 237) directing the Secretary of the Navy to organize a board to inquire into the present condition of the double-turreted monitors, and the propriety and cost of completing the same.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 3258) authorizing the Secretary of the Interior and the Secretary of War to employ additional clerks for the balance of this fiscal year to expedite the settlement of pension applications, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. No. 474) for the relief of William McGovern.

PRIZE-MONEY TO FLEET-OFFICERS.

The bill (S. No. 522) to extend the provisions of section 4631 of Title LVI, "Prize," of the Revised Statutes, and of the act of June 8, 1874, in relation to prize-money to all fleet-officers, was announced as next in order.

Mr. COCKRELL. I should like to have some explanation of that bill and to hear the report read.

The PRESIDING OFFICER. The amendment of the committee will be read.

The Chief Clerk read the amendment proposed by the Committee on Naval Affairs; which was to strike out all after the enacting clause of the bill and in lieu thereof to insert the following:

That in the distribution of prize-money adjudged to the captors, the third subsection of section 4631, of Title LVI, "Prize," of the Revised Statutes, shall apply to fleet-surgeons, fleet-paymasters, and fleet-engineers, and they shall be entitled to the same share and upon the same conditions as provided in the said subsection in relation to fleet-captains; and that the act authorizing corrections to be made in errors of prize-list, approved June 8, 1874, shall apply to all fleet-officers, including fleet-surgeons, fleet-paymasters, and fleet-engineers, for the time they served in the war.

Mr. COCKRELL. This is a very familiar case; it has been here before, and I should like to have the report spread on the record.

The Chief Clerk proceeded to read the report submitted by Mr. JONES, of Florida, from the Committee on Naval Affairs February 11, 1880, but was interrupted by

Mr. TELLER. I believe I will object to that bill. It will evidently take some time.

The PRESIDING OFFICER. The bill goes over.

SINKING OF ARTESIAN WELLS.

The next bill on the Calendar was the bill (S. No. 768) for the reclamation of arid and waste lands; which was considered as in Committee of the Whole.

The bill was read.

Mr. PLATT. Is there a report?

The PRESIDING OFFICER. There is.

Mr. PLATT. Let it be read.

The Chief Clerk read the following report submitted by Mr. HILL, of Colorado, from the Committee on Public Lands February 11, 1880:

Eight hundred millions of acres of land are embraced in the arid region of the United States.

Within this vast tract are the Territories of Arizona, Idaho, Montana, New Mexico, Utah, Wyoming, and the States of Colorado, and Nevada. Portions of other States and Territories are also included.

Not 1 per cent. of this territory has been sold by the United States, and it must remain unsold for years to come unless some means are found to supply it with water.

From surveys made by the Government of portions of this territory, and estimates made of the remaining portions, it has been determined that about two hundred millions of acres are broken and mountainous lands, where, even with an abundance of water, agriculture cannot be carried on successfully. There are about two hundred millions of acres more, made up of—

First. Lava-lands which are covered with cinder, scoria, &c.

Second. Bad-lands, without soil and vegetation.

Third. Desert plains of barren and drifting sand.

This leaves us of the lands of the great plains and valleys five hundred millions of acres, on a large part of which valuable crops could be raised if water were supplied for irrigation.

Many thousand acres have already been reclaimed by utilizing the waters of rivers and streams, and spreading them over the land during the period of the growth of the crops. But owing to the limited supply of water which can be made available from these sources under the most favorable conditions, probably not more than 3 per cent. of these 500,000,000 acres can be reclaimed. What use can be made of the remaining 485,000,000 acres? They are not, it is true, entirely valueless; they are now, and will be hereafter, used still more for pasture-lands; but they can never, to any great extent, be sold for this purpose.

The growth of grass is so scanty that it requires from fifteen to twenty-five acres for the support of each head of neat cattle; and many thousand acres are situated from fifty to one hundred miles from living water, and are thus unavailable even for pasture. But little will ever be realized by the Government from the sale of these lands, until it is demonstrated that water can be supplied by artesian wells.

In the State of Colorado alone, on the great plains east of the Rocky Mountains, are forty millions of acres of land. Much of it will produce, if irrigated, twenty-five to thirty bushels of wheat per acre.

It is in view of the facts which have been given that Congress is asked to appropriate \$50,000 for boring artesian wells. Private enterprise will not undertake the work, which is of an experimental character, as the land is all owned by the Government; but let it be demonstrated that water can be supplied in this way, and

citizens will purchase the land of the Government, and wells will be bored by individuals and corporations, and in time vast tracts of land will thereby be reclaimed.

Should it be found that artesian-well water can be made available these lands, from being the most barren on the continent, will become the most attractive to farmers. Their crops would not be subject to the vicissitudes of rainfall and drought. The chances of failure of crops would be greatly diminished, and the interest in agricultural pursuits in that section would be immensely stimulated.

Although these lands are as unproductive as much of the land which has been granted to other States under the swamp-land acts, no grant has been made to the States where the arid land is situated to aid in their reclamation. Had this been done there would have been no occasion for an appropriation for the purpose of boring artesian wells. Thus aided, the States and Territories of the arid region would themselves have made thorough explorations for water.

The cost of boring wells is, of course, somewhat dependent on the character of the work and accessibility to materials and supplies. Estimates have been made by persons engaged in the business, showing that artesian wells can be sunk one thousand feet deep for \$3,000, exclusive of tubing; two thousand feet for \$10,000, and in an increasing ratio for greater depths.

Some of the ablest geologists in the country have expressed an opinion that flowing wells can be obtained in many localities on the plains east and west of the Rocky Mountains.

The amount to be appropriated by this bill is insignificant, compared with the magnitude of the results. Should the experiment meet with success, millions of acres of land, which now lie waste and unproductive, and which will continue in that condition without water, will be converted into fruitful fields and gardens, and be adorned with villages and cities, the happy homes of a prosperous people.

Congress has been advised by the Secretary of the Interior, in his report submitted November 1, 1877, that the pre-emption and homestead laws are no longer applicable to what is known as the desert lands of the United States.

The Commissioner of Agriculture, in his last report, has specially recommended the sinking of artesian wells by the Government with a view to the reclamation of these deserts. The bill under consideration simply looks to giving effect to these recommendations. It is an experiment in the right direction, and should receive the early sanction of Congress.

The committee therefore report in favor of the passage of the measure.

The bill was reported from the Committee on Public Lands, with amendments: in line 4, after the word "lying," to strike out "west of the one hundredth meridian of west longitude" and insert "in certain Western States and Territories;" and in line 7, after the word "sunk," to strike out "in the State of Colorado;" so as to make the bill read:

Be it enacted, &c., That with a view to the reclamation of the arid and waste lands lying in certain western States and Territories, the Secretary of the Interior is hereby authorized to contract for the sinking of five artesian wells; two of said wells to be sunk on the plains east of the Rocky Mountains, and three of them to be sunk west of the Rocky Mountains. The said wells are to be sunk at such places as the Secretary of the Interior may designate. Any party making a contract to sink an artesian well, under this act, shall, at the end of each week after the work shall have been begun, file with the Secretary of the Interior a report containing a statement of the character of the ground or rock through which the well is sunk, giving the thickness of the strata of each formation, and he shall furnish samples of all the different materials through which the well is sunk, and conform with all regulations made by the Secretary of the Interior. The sum of \$50,000 is hereby appropriated to carry out the objects of this bill, the same to be disbursed under such rules and regulations as the Secretary of the Interior shall prescribe.

The amendments were agreed to.

Mr. COCKRELL. Now I move, in line 7, to strike out the word "five," before the word "artesian," and insert "two;" and then to strike out in the same line "two of said wells to be sunk;" so that it will read:

The Secretary of the Interior is hereby authorized to contract for the sinking of two artesian wells, on the plains east of the Rocky Mountains.

And then to strike out the whole of line 9, in these words: "and three of them to be sunk west of the Rocky Mountains."

That will leave but two wells provided for.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri.

Mr. COCKRELL. I think that two wells are sufficient to experiment with, and I hope there will be no objection to the amendment that I propose.

Mr. HILL, of Colorado. The amendment proposed by the Senator from Missouri is satisfactory to the committee, and I hope it will be adopted.

The amendment was agreed to.

Mr. COCKRELL. Now I move after the words "said wells are to be sunk at such places as the Secretary of the Interior may designate," in the 11th line, to insert:

And whenever the site of either of such wells shall be designated, the Secretary of the Interior is hereby authorized and required to declare a reservation of four square miles, with the said site as nearly as possible in the center thereof; and the land so reserved shall not be subject to sale or disposal under any law of the United States until said reservation has been released.

That simply provides that when a site for one of these artesian wells has been selected the Secretary of the Interior shall make a reservation of four sections.

Mr. ALLISON. That is right.

Mr. COCKRELL. I think it is proper that the Government should have the benefit of the well and of the lands immediately around it, and I hope there will be no objection to the amendment.

The amendment was agreed to.

Mr. COCKRELL. Now, Mr. President, to make the bill consistent, in line 20 I move to strike out "fifty" and insert "twenty;" so as to read:

The sum of \$20,000 is hereby appropriated, &c.

That will give \$10,000 for each well.

The amendment was agreed to.

Mr. PLUMB. I move to strike out the word "four" where it occurs in speaking of the reservation, and insert "one." I am opposed to large reservations of public lands. They have always been a delusion

and a snare. They have never been of value to the Government. They have always been in the way of public settlement. The effect would be to a very large extent to deprive—

The PRESIDING OFFICER. The amendment of the Senator from Kansas will be in order when the bill is in the Senate; the amendment to which he moves it having been already agreed to in Committee of the Whole, is not now amendable.

Mr. PADDOCK. Do I understand the last amendment offered by the Senator from Missouri to have been adopted, striking out "fifty" and inserting "twenty" so as to make the appropriation \$20,000.

The PRESIDING OFFICER. It has been.

Mr. COCKRELL. That makes \$10,000 for each of the wells. That is the estimate made by the committee; and the word "fifty" was put in there when the bill provided for five wells; and now, to make it correspond to the amendment made, "twenty" is inserted.

Mr. PADDOCK. It strikes me it would be better to place the amount at \$25,000, because it is very doubtful whether any wells can be sunk on the plains, where it is proposed to sink these, for \$10,000. We might get to a point where it would require additional legislation which would involve great delay, and inasmuch as the whole matter is under the control of the Secretary of the Interior, and in his discretion, it seems to me it would be better to raise the limit to \$25,000. I move that it be "\$25,000 or so much thereof as may be necessary."

The PRESIDING OFFICER. That motion will be in order when the bill is in the Senate. The amendment of the Senator from Missouri has been adopted in committee.

Mr. PADDOCK. Very well, I will offer the amendment in the Senate.

The bill was reported to the Senate as amended.

Mr. PADDOCK. Now I move where the words "twenty thousand dollars" occur to strike them out, and to insert "twenty-five thousand dollars or so much thereof as may be necessary."

The PRESIDING OFFICER. The question will be first on concurring in the amendments as made in Committee of the Whole reserving the amendments suggested by the Senator from Nebraska and the Senator from Kansas.

The unexcepted amendments were concurred in.

Mr. PADDOCK. Now I move where the word "twenty" occurs to insert thereafter "five," and after "dollars" to insert "or so much thereof as may be necessary."

Mr. McMILLAN. What amount was contemplated in the original bill?

Mr. COCKRELL. Ten thousand dollars for each well. The committee in their report say that—

The cost of boring wells is, of course, somewhat dependent on the character of the work and accessibility to materials and supplies. Estimates have been made by persons engaged in the business, showing that artesian wells can be sunk one thousand feet deep for \$3,000, exclusive of tubing; two thousand feet for \$10,000, and in an increasing ratio for greater depths.

Now, we appropriate \$10,000 for each of these wells, which will take them probably to the depth of two thousand feet. That depth will not be reached until another Congress is in session; and then, if there is not sufficient to complete them, Congress can make an additional appropriation. But \$10,000 is certainly enough to appropriate at one time for one well. I hope the Senator from Nebraska will not insist upon his amendment.

Mr. PADDOCK. Very well, I will withdraw my amendment.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole as to the amount of appropriation.

The amendment was concurred in.

Mr. PLUMB. I now move to amend the other reserved amendment by striking out "four" and inserting "one." I do this because I do not care to have the Government go into this business as a speculation. I do not believe in withholding four square miles of land for the purpose of a rise in value on account of the sinking of these three wells. I think if the Government shall discover water out there, which will make valuable for homestead purposes that section of country which is now valuable for nothing except for grazing, the Government can amply afford to give the land, as it is now giving much more valuable lands to people who want to make homestead settlements on them. I am therefore opposed to setting so much land aside with the idea that this is to be a speculation on the part of the Government, whereby it is to reimburse itself for any portion of the money expended in the sinking of these wells out of the reservations around the places where the wells are sunk. It will simply produce an occasion for legislation, which in itself will be a great deal more expensive than it would be to sink a well on every one of the sections.

The PRESIDING OFFICER. The hour of half past one having arrived it becomes the duty of the Chair to call up the unfinished business.

Mr. HILL, of Colorado. I ask unanimous consent to dispose of this bill which is pending.

Mr. PADDOCK. I hope the Senator from Florida will yield for a moment until we finish this bill that is pending.

The PRESIDING OFFICER. Does the Senator from Florida, [Mr. JONES,] who is entitled to the floor on the unfinished business, yield?

Mr. ALLISON. I ask the Senator from Florida to yield to me for

a moment. I do not wish to disturb him in the remarks he proposes to make on the unfinished business; but I desire to give notice that as soon as his remarks are concluded, I shall ask the Senate to take up the fortification appropriation bill to the exclusion of all other matters.

Mr. BLAINE. If that motion should prevail, how would it leave the Fitz-John Porter bill, Mr. President?

Mr. DAVIS, of West Virginia. In the control of the Senate, of course.

Mr. BLAINE. It would have no place unless the Senate should again order it.

The PRESIDING OFFICER. It would be postponed; it would have no place; but it would be subject to be called up of course.

Mr. PADDOCK. I understand the Senator from Florida to yield so that we may conclude the bill which has been discussed.

Mr. DAVIS, of West Virginia. I wish to add a word to what the Senator from Iowa has said in connection with the appropriation bills. Three days the Committee on Appropriations have given way to different Senators for the purpose of going on with the pending discussion. I hope it will be generally understood that at the expiration of the speech of the Senator from Florida the floor will be given to the Senator from Iowa to call up the fortification appropriation bill. If we are to have an adjournment at all this session, it is time that we get at the appropriation bills. The committee have been for three days trying to get the floor for the purpose of getting them up.

Mr. BURNSIDE. I have no disposition whatever to ask the Senate to make any delay in their action on the appropriation bills; but I do ask that I may have an opportunity either on Friday or some day early next week to say something on the Fitz-John Porter case.

Mr. LOGAN. You can speak right after the Senator from Florida.

Mr. BURNSIDE. But the Senator from Iowa gives notice that after the remarks of the Senator from Florida he will call up an appropriation bill.

Mr. ALLISON. I do not wish to interfere with the Senator from Rhode Island. I only propose to lay aside the pending bill informally.

Mr. BURNSIDE. I can speak the day after to-morrow just as well; and in fact I would rather speak the day after to-morrow or on Monday.

Mr. LOGAN. I will say in the hearing of the Senator from Rhode Island, so that he may understand it, that after the Senator from Florida is through I understand the Senator from Iowa will move to take up an appropriation bill. Of course that can be done; but I shall insist on finishing this case, and I shall object to the proposition, so the Senator from Rhode Island had better be ready to take the floor. I will take the responsibility of objecting.

Mr. FERRY. Do I understand the Senator from Iowa to move to lay aside the present bill, or simply to ask unanimous consent that the appropriation bill be taken up?

Mr. JONES, of Florida. Who has the floor.

The PRESIDING OFFICER. The Senator from Florida has the floor, but has yielded it for this discussion.

Mr. ALLISON. I simply gave notice that at the close of the remarks of the Senator from Florida I should ask the Senate to informally lay aside the pending business in order that one of the regular appropriation bills may be considered and acted on.

Mr. BLAINE. That requires unanimous consent.

Mr. LOGAN. I shall object.

Mr. ALLISON. Then when the proper time arrives the next step necessary will be taken, whatever it may be.

Mr. THURMAN. Mr. President, I want to give notice that if the debate on the Fitz-John Porter bill is to extend for a month, as it threatens to do, I shall feel it my duty at a much shorter period than a month from now to antagonize with it the Geneva award bill and move to lay aside all previous orders and proceed to the consideration of that bill.

Mr. LOGAN. I desire to say in response to that, if I may be permitted, that those who have spoken on this side—and they are not very numerous—are not responsible for the Fitz-John Porter case being before the Senate.

Mr. RANDOLPH. Mr. President, let me say that while I am very glad that the Fitz-John Porter bill is before the Senate, it is here, as all Senators know or should know, by the action of the President of the United States.

Mr. LOGAN. Now, I say this in response, that the President of the United States has introduced no bill in this Senate. The Senator himself introduced the bill, and by his action this matter is before the Senate, and he cannot get out of it that way.

Mr. THURMAN. The bill is very properly before the Senate.

Mr. LOGAN. I am not saying it is not.

Mr. THURMAN. Very properly indeed; but it cannot be allowed to take precedence over business even more important than it, much longer, unless the Senate see fit to vote down my proposition.

Mr. LOGAN. It will be a very easy matter for us to vote on the bill and settle it before the Geneva award bill comes up. I am ready to vote at any time.

The PRESIDING OFFICER. This discussion is out of order. Does the Senator from Florida yield the floor to consider the bill which has been pending? If so, the question is on the amendment of the Senator from Kansas.

Mr. PLUMB. I will, in deference to the Senator who reported the bill, though against my own judgment as to what is proper, withdraw my amendment.

The PRESIDING OFFICER. Then the remaining amendment made as in Committee of the Whole will be considered as concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The joint resolution (H. R. No. 237) directing the Secretary of the Navy to organize a board to inquire into the present condition of the double-turreted monitors and the propriety and cost of completing the same was read twice by its title, and referred to the Committee on Naval Affairs.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (H. R. No. 225) granting a pension to Melissa Wagner;
- A bill (H. R. No. 229) granting a pension to Thomas Lowry;
- A bill (H. R. No. 238) granting an increase of pension to J. J. Purman;
- A bill (H. R. No. 253) to increase the pension of Captain Samuel C. Schoyer;
- A bill (H. R. No. 254) granting an increase of pension to James M. Boreland;
- A bill (H. R. No. 1460) granting an increase of pension to James P. Sayer;
- A bill (H. R. No. 1464) granting a pension to Edmund Eastman;
- A bill (H. R. No. 2041) granting a pension to James Aaron;
- A bill (H. R. No. 2290) granting a pension to William Bowman;
- A bill (H. R. No. 2469) granting a pension to Arthur I. McConnell;
- A bill (H. R. No. 3100) granting relief to Samuel B. Hutchinson;
- A bill (H. R. No. 3259) granting a pension to Jesse Hicken;
- A bill (H. R. No. 3260) granting a pension to Eliza McConnell;
- A bill (H. R. No. 3261) granting a pension to Elizabeth Dougherty;
- and
- A bill (H. R. No. 3264) granting a pension to Abner Hoopes.

FITZ-JOHN PORTER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army, the pending question being on the amendment of Mr. RANDOLPH.

The PRESIDING OFFICER. The Senator from Florida [Mr. JONES] is entitled to the floor.

Mr. LOGAN. If the Senator from Florida will allow me I desire to say in the presence of the Senate that I have certainly in this case tried to state the facts as reported in the testimony as correctly as it was possible for me to do. Desiring to not be placed improperly on the record, I desire to make a correction of a portion of the testimony that I referred to yesterday evening; and as this is the first opportunity I wish now to do it.

Yesterday evening, in speaking of the testimony of one witness who said that he heard Fitz-John Porter make a certain remark, I called the name of the witness "Bond." I made that mistake by turning the wrong leaf and having the evidence perfectly in my mind I looked and saw the name of Bond, "John Bond," and spoke of John Bond's testimony. It was not the testimony of John Bond that I intended to refer to, but the testimony of William L. Faxon, a surgeon in one of the brigades of General Morell's division. Now, referring to that, I will ask the Secretary to read that testimony so that it may go in the RECORD and correct the statement I made yesterday, and then I have naught further to say at this time.

The Chief Clerk read as follows:

WILLIAM L. FAXON, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Question. State your occupation.

Answer. Superintendent National Sailors' Home, Quincy, Massachusetts.

Q. Were you in the military service of the United States on the 29th of August, 1862; if so, in what capacity?

A. I was assistant surgeon of the Thirty-second Massachusetts from the 2d of June, 1862, until along in August, 1863.

Q. When did you leave the military service, and with what rank?

A. When I was mustered out I was surgeon of the Thirty-second Regiment; for the last year of the war I was in charge of the depot field-hospitals of the Fifth Corps at Fredericksburgh and White House and City Point.

Q. Where were you on the night of the 27th?

A. In camp at Warrenton Junction.

Q. In whose brigade and division?

A. I was in the second brigade, first division, Fifth Corps, Morell commanding division, and General Griffin commanding the brigade.

Q. At what time did you leave Warrenton Junction, and what direction did your regiment take?

A. The bugle sounded for an early start, and it was quite dark. We got out just before daylight, and my brigade lay outside of the wood in which we camped until the sun was pretty high.

Q. What direction did you take from there?

A. We marched off a little to the left of the wood and crossed a little run, and went up to Catlett's, and from there to Bristoe; followed the general direction of the Orange and Alexandria Railroad.

Q. At what time did you arrive at Bristoe Station with your regiment?

A. I judge about the middle of the afternoon.

Q. During that time did you see General Porter?

A. I saw General Porter only as I crossed the run at Bristoe.

Q. Where was he at that time?

A. He was at a little house on the left hand of where I crossed; that is, on the side toward Washington. He and his staff were at a little house; I think it was a kind of peach orchard; I think most of them were sitting down.

Q. Describe what you saw and heard so far as General Porter was concerned.

A. As I crossed the run I heard General Porter make this remark: "Go tell Morell to halt his division," and he added, "I don't care a damn if we don't get there." I am very particular about those words, because I recollect them, and have spoken of them.

Q. On the next morning where were you?

A. I marched with the regiment, and I think we went up about as far as Manassas Junction, where we halted a short time; then the regiment turned off to the left, I believe, and crossed the road and came off on a road not exactly parallel, but curving off and following the general direction of the Manassas Gap Railroad, I think.

Mr. RANDOLPH. Is that the entire testimony?

Mr. LOGAN. Of whom?

Mr. RANDOLPH. Of Dr. Faxon.

Mr. LOGAN. Not at all. I only have had read that portion which I referred to last night. If the Senator desires it all read I have no objection, or I will let it all go in the RECORD without reading, if the Senator desires.

Mr. RANDOLPH. I do not care to detain the Senate with a long reading of the statements of Dr. Faxon. I have already stated perhaps all that I care to state in regard to what he said, and in regard to that examination, but the entire matter may go into the RECORD, I suppose.

Mr. LOGAN. I have no objection. I am very much obliged to the Senator from Florida.

Mr. JONES, of Florida. Mr. President, in discussing the important question involved in this case, I shall not feel it any part of my duty to refer to the facts which have been so elaborately discussed by the Senators from New Jersey [Mr. RANDOLPH] and Indiana, [Mr. McDONALD.] The question of power involved in the passage of this bill do intend to debate with all the fullness that my poor ability will enable me to do; and I shall endeavor in the course of my argument to reply to some of the arguments of the Senator from Wisconsin, who is before me, [Mr. CARPENTER,] who has presented a very clear and concise statement of his views. I will say here, Mr. President, that I sympathize somewhat with him in that very commendable feeling which he exhibited the other day when he spoke of the gradual and constant departures which were going on through the processes of insidious legislation from the landmarks of the Constitution. I appreciated much that he said in reference to the creation of extraneous establishments, agricultural bureaus, boards of health, and many establishments of that kind; and I must confess that I share with him in much of the doubt that he manifested touching the powers of the General Government to create them; but I think he stopped very far short of the period of legislative departure from the principles of the Constitution. I think that he did not state when that departure began. If he had, he would have shown that it went beyond the period designated in his argument and beyond the bureaus which he named.

Mr. President, while on that point it may be proper and logical for me to say that Congress has exercised in its wisdom most extraordinary powers; and in speaking, as I propose to do, to the philosophy of this question, I propose to go behind the letter of the law, and shall not confine myself simply to that line of argument which is usually addressed to a court when its inquiry merely is, what is the law? In a body of this kind we ought to go a little further, and we ought to ascertain not only what the law is, but why it is as we find it. Speaking of legislative departures from the Constitution and large strides toward central power, it is very proper in connection with this subject that I should cite the provisions of the act of Congress known as the reconstruction law, under which vast and comprehensive powers were vested by Congress in officers of the Army—powers of life and death over the citizen in a large portion of the country. I make no argument now respecting the constitutional power of Congress to do this thing; I am only speaking of the fact with the further object of illustrating the necessity of our following that up, if need be, by the exercise of the very power which is attempted to be enforced in the passage of this bill, which is entirely free from all constitutional objections.

Now, Mr. President, nobody can deny the vastness of that power which was given to the military officers of the United States under that act of 1867. There was something more in that than the creation of an agricultural bureau or a board of health, because under it the military officers of the Union had absolute authority over the property and the life of the citizen; and here I would ask a question, (because it is not in the regular line of my argument,) whether or not it was intended that when Congress gave that power, thus absolute and unlimited, it meant to retain no supervisory authority over those officers intrusted with it? Did it mean, when the power to create courts-martial and to try citizens for any offense whatever and amounting in many cases to the penalty of death, that this great body in the exercise of its wisdom, for the purpose of governing those States at that time, did not retain any residuary control over those extraordinary tribunals and officers in whom this power was invested?

If a great grievance had occurred, if an officer had exceeded his power, if a court-martial had taken life where it ought not to have taken it, and the proceedings had been approved by the commander under that law, would anybody say after the exercise of that power

that Congress would not have had authority to review that proceeding and give the victim relief?

Mr. President, the exercise of that power was not altogether dissimilar to that which has been repeatedly exercised by the British Parliament over her distant possessions; and one of the most notable instances in her history was a case that arose out of a trial by a court-martial, a case that aroused the whole British public and nearly the whole civilized world to an indignation and a feeling that was never felt before. What was the action of the people of Great Britain when the tidings reached there of not the execution but the sentence of a poor missionary who had gone to Demerara to preach the gospel among British slaves? He had been taken from the sanctity of his home and arraigned before a military court-martial, presided over by a British officer, and after listening to false testimony and the making up of a false record that tribunal condemned that innocent man to die. What was the result of it? Was it an appeal to the King's Bench? Was it a review by the king in council? Was it in trying any tedious process by which the equity of the thing would have been lost sight of? No, Mr. President, it was an appeal to the representatives of the British people in the House of Commons, and Mr. Brougham was the leader of that sentiment; he went there and with a series of resolutions denounced that court and its infamous judgment as a violation of the British constitution, and involving the trampling under foot of the sacred rights of the subject. It was that proceeding that sounded the doom of slavery in the British dominions, although the people were in no way responsible for the crime, and every man that voted against the resolutions to condemn that court was marked by a liberty-loving people as an object of their condemnation.

If a great outrage had happened under a military court-martial in any of our distant Territories, if an officer wearing the uniform of the United States was to oppress by means of this military power any of the poor savages on the frontier, would this great body of Congress sit quietly by and have no opinion to express upon the subject? But this, Mr. President, is a mere outside statement not at all bearing upon the argument which I intend to submit.

I have no objection to the divisions of power set forth in the argument of the Senator from Wisconsin. I agree with him that this Government is divided into three great departments: the legislative, the executive, and the judicial. I do not, however, agree with him that this is a contest between the States and the General Government, as he would seem to indicate, but it is a contest between two departments of the same Government, between the executive and the legislative. The power here claimed by Congress under the Constitution, I insist is an absolute, unqualified, unlimited power. I intend to show that this power with respect to the Army was not like many of the other powers in the Constitution entirely new at the time that our Constitution was adopted, for the very provision which we find in the Constitution which gives Congress power to make rules for the government and regulation of the Army was in the Articles of Confederation in precisely the same terms that it is to be found in the Constitution of to-day. There was no change made whatever with respect to this power. The framers of this great instrument of freedom well understood the great conflicts for liberty that had taken place in the old world. No set of men that ever lived on this continent were more familiar with the contests of freedom which took place in the mother country. Far better were they understood by them than they are understood now. At least it would seem so from the indications of the hour.

It was well known that the executive power was the great lion that was to be caged; the power of the executive was the thing that was dreaded; and the debates in the convention show most conclusively that in all attempts to organize the Army it was the determination of every Congress and every convention and every body that assembled on this continent never to give the control of a standing armed force to the executive power of this country. They were appized of what had happened in England, in France, in Spain, in all the Continental countries. They saw that after a contest of two hundred years every free system on the continent had been crushed by the power of the sword. They remembered the exertions which had been made by the poor populace under the reign of Charles V to rescue the liberties of the people, and how they failed against the odds of his battalions. They remembered the gradual extinction of liberty in all the countries of the middle ages, and they came down to that country which gave them an example, the only one that they had, by which to form a free constitution.

Near the beginning of the eighteenth century there was not a free constitution left on the Continent of Europe. Every one had been swept away; Louis XIV, who styled himself the state, had permitted his parliament to sleep for sixty years almost the sleep of death. The States-General of France, as Macauley tells us, was remembered only by the learned lawyers as a part of the history of the past. In Spain all representation of the people had gone; and so throughout all Continental Europe until we come down to that little isle, that sea-girt isle, to whose institutions and whose traditions we trace these fundamental principles of freedom which were so well referred to by the Senator from Wisconsin the other day, when he referred to the sources of our constitutional system.

The struggle commenced there, but it ended on the side of the people. Charles I seeking to carry out the absolute notions of Henry

VIII, and of the absolute princes of the house to which he belonged, sought to get control of the army. He failed. He failed by the resistance of his parliament, which, after civil war, had brought him to the block and made him pay the terrible penalty of his life for his effort to subvert the liberties of his country.

These examples, I say, were before the framers of the Constitution. They were not simply cases involving the trial of title to a mule or a cart under the judicial power, as referred to by the Senator from Wisconsin, in the District of Columbia. No, Mr. President, they were great questions of governmental power; and it will be seen that every effort of the men who framed this noble charter of liberty was to take away wherever they could power and authority from the Executive and to keep it within the clutches of the representatives of the people.

They formed a provisional government that controlled the army. The States quarreled among themselves about everything else; they were jealous of the Federal power; they were indisposed to give up anything, but they were compelled from necessity to center the command of the Army in some federal head. Whom did they give it to? They gave it to Congress in the Articles of Confederation:

The United States in Congress assembled shall also have the sole and exclusive right and power of * * * establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office;—appointing all officers of the land forces in the service of the United States, excepting regimental officers;—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States;—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The precise language that is to be found here in the Articles of Confederation was afterward incorporated in the Constitution under which we live without change. Now, I ask what authority did the Congress of the Confederation exercise under that power? They made laws for the government of the Army. The first military code ever established here was created in 1776. It is nearly a transcript of the British articles of war, so that when the word "rules" is employed or used it means something. The word "rules" here in the Articles of Confederation and in the Constitution means something more than an ordinary word. It meant to give to Congress the power to adopt rules and regulations for the government of the Army according to the settled principles and usages of war. There is a great deal implied in the language, because a constitution being an instrument of definition and not of enumeration it cannot go into details.

A code was created under this power; the Army was managed under it. From 1776 until 1806, so far as I remember, there was no change in the military code created for the government of the Army. How was that power exercised? It was a mere transcript, as I said, of the British act, showing that they had before them the system of organization and the rules of government that prevailed in the English forces at that day. There can be no doubt about that. Congress provided in those rules that in all cases where an officer was cashiered or sentenced to death the proceedings of the court-martial should not be effective or operative until passed upon by them. There is the article of war under the code of 1776 which regulated the government of the Army all through the Revolution, and which remained unchanged until 1806, by which it was distinctly provided that in all cases where a court-martial sentenced an officer to dismissal from the service or to the punishment of death the proceedings, before they could be made effectual, should be submitted to the decision of this sovereign body. That law stood, I say, until after the present Constitution went into operation, and then the Congress, for the purpose of convenience, changed the law and invested the President with the power of approval instead of itself.

What do I argue from this? I argue the complete power of Congress over the subject. If the Congress of the Confederation had authority to bring before it, as it did, every proceeding in court-martial cases and pass upon it, the Congress of to-day under our new Constitution possesses the same power. It is no reply to say that the Commander-in-Chief is now the President, because that does not meet the question. There was no power given to him over this subject. He was invested only with the authority to command, but the authority to make rules for the government of the Army is to-day where it was in 1776, in 1778, in 1784, and all through the period of the revolutionary war, in the Congress of the United States.

We are met with the barrier of the pardoning power. We have been told that the existence of this power is an insuperable obstacle to the relief which is sought in this case. Let me put a case. In 1806 Congress had full plenary power over proceedings by courts-martial under the articles of war. I assert it. They are here; I will not take up the time of the Senate to read them. Before a proceeding by a court-martial could be effectual it had to come here. I ask if a conviction had taken place, if a military officer had been arraigned for an attempt upon the liberties of his country, if he had prostituted his high office so as to involve in any way the security of the people or the high trust with which he was invested, and he had been tried by a court-martial in 1806 and the proceeding was sent here for confirmation, and if Congress, exercising that sovereign and watchful power over the interests and liberties of the people which the organic law intended that it should do, declared that that officer should suffer the penalty of death, (Congress had the power of approval, and it has

it yet, if it is disposed to exercise it,) I ask any constitutional lawyer whether in a case of that kind the sentence of the court could be interrupted by the pardon of the President?

Mr. CARPENTER. Will the Senator allow me to make a suggestion to him?

Mr. JONES, of Florida. Certainly.

Mr. CARPENTER. At that time there was no President.

Mr. JONES, of Florida. There was in 1806.

Mr. CARPENTER. I thought the Senator spoke of 1776.

Mr. JONES, of Florida. I said from 1776 to 1806.

Mr. CARPENTER. The Senator spoke of the Confederation, when there was no division of powers. Congress was the Government; it did everything.

Mr. JONES, of Florida. That is true.

Mr. CARPENTER. That does not happen to be our condition today.

Mr. JONES, of Florida. I admit that there was no constitution; I said so; but this very power was delegated to the Confederation in the exact language that we find it embodied in the Constitution today.

Mr. CARPENTER. All the powers of government were in Congress.

Mr. JONES, of Florida. Certainly; and in committees of Congress.

Mr. CARPENTER. It is not so now.

Mr. JONES, of Florida. But this very law of which I speak existed down to 1806. Down to that period Congress had retained the power of correction or approval in respect to findings by courts-martial.

The following is the article to which I refer:

No sentence of a general court-martial shall be put in execution till after a report shall be made of the whole proceedings to Congress or to the General or Commander-in-Chief of the forces of the United States, and their or his directions be signified thereupon. * * *

No commissioned officer shall be cashiered or dismissed from the service excepting by an order from the Congress or by the sentence of a general court-martial; but non-commissioned officers may be discharged as private soldiers.

Mr. CARPENTER. What act is that?

Mr. JONES, of Florida. That is the first act, the act of 1776.

Mr. CARPENTER. Under the confederation.

Mr. JONES, of Florida. Yes, that was the act under the confederation. I say this act continued in force until 1806, after the adoption of the present Constitution, and then it was changed in some very unimportant particulars; but this power was given to the President in 1806 for the first time.

Mr. HOAR. I should like to understand the Senator's point. Do I understand him to say that from 1789 down to 1806 the proceedings of court-martial were reported to Congress and approved or disapproved by them in fact?

Mr. JONES, of Florida. I say that this article of war continued in operation from 1776, and was not changed until 1806.

Mr. HOAR. The point of my question, which is a very interesting one if the question be answered in one way, is not whether a law of the old confederation or a regulation for the government of the Army remained down to 1806, but whether in point of historical fact, after the adoption of the Constitution in 1789, the proceedings of courts-martial depended upon the approval of Congress for their validity, whether that power was in fact exercised?

Mr. JONES, of Florida. I am not prepared to say that it was exercised, but I believe that the authority existed. Whether there was occasion for its exercise or not, I am not prepared to say.

Mr. HOAR. There must have been courts-martial between 1789 and 1806?

Mr. JONES, of Florida. I have not looked into that, but I am satisfied that the authority existed for its exercise, and that it was not until 1806 that it was changed, and then for the first time the power of approval was given by Congress to the President by simply modifying the former article, striking out "Congress" and inserting "the President."

Mr. CARPENTER. In what do you find that?

Mr. JONES, of Florida. In this book, O'Brien on courts-martial.

Mr. CARPENTER. The original article?

Mr. JONES, of Florida. Yes. Now I argue from this that all through our history, beginning with the revolutionary period and coming down to 1806, and I might say even yet, the authority of Congress over this subject was complete. The language of the Constitution meant precisely what it imported, that Congress should have power to govern the Army according to the rules and articles of war. Where does the President get the power of approval which he possesses today with respect to the sentence of courts-martial? Does he get it by virtue of his authority as Commander-in-Chief? No one would pretend to say that. He gets it from the articles of war, which Congress may annul to-morrow. It is under a distinct article of war that he approved the sentence in this case, and he acted as the representative of the sovereign power of Congress when he did it. Congress could take away that power to-morrow and restore it to themselves, and it is all-important to the interests and to the liberties of this people that that power in Congress should be recognized and enforced.

Will anybody pretend to say that this article of war could not be changed by both Houses of Congress to-morrow, that they could not take to themselves the approval of all sentences of military tribunals?

Suppose they exercised that power, and a case came up here for approbation and we approved the sentence, I ask the question again whether in that case the President could interpose his pardoning power and prevent its execution? I say he could not; and the reason why he could not is that so far as the Army is concerned the power of Congress is supreme and unlimited. The pardoning power never was intended, in my opinion, to apply to cases arising in the land or naval forces.

It is said that the President has the absolute power of pardon for all offenses committed against the United States. I admit he has; but I say that that language is not any broader than the language to be found in the Constitution which requires that all crimes shall be tried by a jury. That was the language of the original Constitution before the fifth amendment was interposed, which was not ratified until 1794. I will say to the Senator from Wisconsin that that amendment was not incorporated into the Constitution for the purpose of making more explicit any of the doubtful provisions that were in the old Constitution, but to guard more effectively the rights and the liberties of the people outside of the Army.

No person—

It says—

shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury.

Then it adds:

Except in cases arising in the land or naval forces.

But in the old part of the Constitution there is nothing said about land or naval forces; and it was well understood before the amendment was adopted that the language "crimes" did not include crimes committed within the Army or the Navy.

Mr. CARPENTER. The term "high crimes" occurred only in connection with the power of impeachment, and that applied only to civil officers.

Mr. JONES, of Florida. The Senator misapprehends my quotation. I will show him what I mean by that.

The last clause of section 2, article 3, reads:

The trial of all crimes, except in cases of impeachment, shall be by jury.

Can you conceive of language any broader than that? That was the original text of the Constitution, and it was insisted by some lawyers that it was so broad that it included offenses committed within the Army and the Navy, but the reason of the thing was against it.

Mr. CARPENTER. If the Senator will pardon the suggestion, if he will look at the sixth amendment he will find that that embodies precisely the language of the original Constitution and applies to all criminal cases. Read the sixth amendment.

Mr. JONES, of Florida. That was afterward adopted.

Mr. CARPENTER. It was adopted at the same time the fifth was; they were adopted together.

Mr. JONES, of Florida. Coming back to the question of pardon, I say that Congress intended from the very outset to retain absolute power over the Army; and when I say absolute power I mean just everything that that broad language implies. I mean that it had authority to establish a despotism over it. Despotism power in all countries is the same. It had authority to do precisely what the mutiny act gave the King of Great Britain power to do. The language of the Constitution in that respect is almost identical with the mutiny act, under which every year the King of Great Britain regulates the public forces.

I say that Congress having that absolute power, unlimited, unrestricted, it was inconsistent with the ideas and the objects of the framers of the organic law to give to the President authority in any way to impair it by the power of pardon. I say to-day that if a military officer were arraigned by court-martial for an attempt upon the liberties of the country he might be acting in concert with the Executive for the destruction of our noble fabric of government, and if he were convicted of that offense, Congress, under its plenary power over the Army, could condemn him to punishment notwithstanding the decision of the Executive. I mean, of course, under the articles of war and according to the principles of the military code.

Mr. CARPENTER. Will the Senator allow me to interrupt him?

Mr. JONES, of Florida. Certainly.

Mr. CARPENTER. Do I understand the Senator to maintain that it is not in the power of the President to pardon any offense committed against the laws of the United States by any officer of the Army?

Mr. JONES, of Florida. Just hear me through.

Mr. CARPENTER. I want to get at the Senator's point in order to appreciate his argument.

Mr. JONES, of Florida. Just wait.

Mr. President, the power of pardon, with respect to offenses in the Army and Navy, was inconsistent with the nature of the subject. Every officer who has authority to call a court-martial under the military code has the authority to pardon the offender. That is a fixed principle of military law, recognized at the time our Constitution was adopted, recognized in Great Britain, recognized now, except in two particular instances where Congress has made the rule otherwise, and they are the cases of dismissal from the service and where the penalty of death has been interposed, in which cases, under the distinct authority of Congress, the proceedings must be certified to the President through the Secretary of War for approval.

Mr. CARPENTER. The Senator will pardon me. I do not wish to interrupt him, but I want to understand his position.

Mr. JONES, of Florida. I am not so skillful a debater as the Senator.

Mr. CARPENTER. The gentleman is doing himself great injustice. What I want to get at is this: The law authorizes the commanding officer who assembles a court-martial to set aside the proceedings—to disapprove of them—just as a judge in a civil court is authorized to grant a new trial, and does the Senator confound that with pardon?

Mr. JONES, of Florida. Let me read what a military authority says on that subject. I do not profess to be a military lawyer, and I do not know anything about those laws, but I find it so recorded by learned authorities that have written on the subject. This authority says:

The revision of their sentence is the last act of a court-martial. But the sentence cannot be executed till confirmed by the proper authority. And every officer authorized to order a general court-martial has power to pardon or mitigate any punishment ordered by said court, except the sentence of death or of cashiering an officer; which, in the cases where he has authority (as enacted in the sixty-fifth article of war) to carry them into execution, he may suspend until the pleasure of the President of the United States be known, which suspension, together with the copies of the proceedings of the court-martial, the said officer will immediately transmit to the President for his determination.

Mr. CONKLING. What book does the Senator read that from?

Mr. JONES, of Florida. O'Brien on Courts-martial, page 280.

Mr. CARPENTER. That is O'Brien's language, not the Articles of War.

Mr. CONKLING. Does the Senator from Florida understand the word "pardon," as there used, to signify an act of executive clemency?

Mr. JONES, of Florida. I think he intended to use it in that sense.

Mr. CARPENTER. The article of war says "disapproval," not "pardon."

Mr. JONES, of Florida. When you come to look at it there is very little difference between the power to set aside a sentence after the officer puts his name to it, and the power to do it before. He may disapprove it. He may mitigate the punishment. I understand that is clearly settled. If a man is sentenced to fifty lashes, I am told the officer who calls the court may mitigate it to twenty-five. The Senator from Wisconsin may know more about it than he, but that is what this author states.

Mr. CARPENTER. The Senator will pardon me. He is aware that we are talking about a constitutional question, and that question is, whether the Senator means to maintain that the act of an officer, instead of approving, disapproving the finding of a court-martial, is the exercise of the pardoning power mentioned in the Constitution of the United States.

Mr. JONES, of Florida. Oh, it is not the exercise of the pardoning power mentioned in the Constitution of the United States; of course not. But I am arguing to show that from the nature of this subject it is a question of great doubt whether the pardoning power given in the Constitution can be exercised by the President over the Army against the authority of Congress.

As I said awhile ago, the authority of the President in all cases of this kind is derived from Congress, and Congress can revoke his authority to-morrow, can take away from him the power of approving sentences in court-martial cases. Who will deny that? It can take it to itself. It can take the question of the approval of the sentence of a court-martial to itself. I affirm that. I affirm that the authority exists under the Constitution to-day for Congress to take from the President the power to approve the sentences of courts-martial, and to declare that from this time henceforward that power shall be exercised by the two Houses of Congress; and in that case if it affirmed the sentence, the pardoning power in my judgment could not be tolerated to interfere with its power over the subject, because that would be incompatible with the object the framers had in view in giving to the representatives of the people absolute and unlimited authority over the Army.

Mr. LOGAN. If it will not annoy the Senator, I should like to ask him a question on that particular line. He says Congress has authority to take away the approving power of the President in reference to courts-martial. I will not discuss that matter, though we might disagree; but I will ask him this question: Taking it for granted that he is correct in that, suppose Congress was to take away that power to-day, what effect would taking away the power of the President to approve the sentence of a court-martial have on court-martial proceedings that had been approved prior to that?

Mr. JONES, of Florida. That belongs to another branch of the subject.

Mr. LOGAN. That is the point of this case.

Mr. JONES, of Florida. I will give the Senator a candid answer. I have no doubt whatever in my mind but that the authority of Congress is supreme and unlimited over the subject, and that it could legislate, if it thought proper, to reverse and nullify and abrogate any sentence of a court-martial which may have taken place. I do not consider such judgment to be any part of the exercise of the judicial power. I look upon a court-martial as being only a necessary part of the machinery provided by Congress for the government and the regulation of the land forces, and that machinery is just like that provided by Congress to settle the disputed claims of claimants under

the Geneva award. They sit there with all the solemnity of judges, they write out, as my friend on my right well knows, the most elaborate judicial opinions under an act of Congress which brought them into life for a special purpose. Their authority over the subject I would not deny.

Mr. LOGAN. I will say to the Senator, if it does not interrupt him—

Mr. JONES, of Florida. Go on.

Mr. LOGAN. If I understand the Senator correctly, he means that according to his theory Congress has absolute power over the Army, its courts, their findings, decisions, and approvals—absolute power?

Mr. JONES, of Florida. I do.

Mr. LOGAN. That is to say, it may to-day reverse any decision of a court-martial having been approved by the President; the time intervening does not interfere with the power; it runs with the life of Congress and they may at any time set aside the proceedings of a court-martial.

Mr. JONES, of Florida. Yes.

Mr. LOGAN. Very well. Now, I will ask the Senator under that theory whether Congress could not set aside the proceedings of courts-martial that were held after the Constitution was adopted under President Washington, or set aside the proceedings of a court-martial that sat during our war of 1812 and so on down to the present time? Would not Congress have that power according to his theory?

Mr. JONES, of Florida. Oh, well; I do not question the power at all.

Mr. LOGAN. That is what we are talking about, the power. Now, if Congress—

Mr. JONES, of Florida. I do not think the Senator is putting the case exactly fair. It is said, for instance, that a court of equity has jurisdiction over a certain class of cases without question. You might come up and say it may go back a hundred years and retry cases long since settled. I do not think that is a good argument.

Mr. LOGAN. The Senator will see that I am not unfair with him. If Congress has the absolute power to set aside the findings of a court-martial to-day, having been approved by the President five years ago, there being no statute of limitations, tell me what limitation there is on the power of Congress to reach back to the days of Washington? I cannot see it. If there is any distinction I cannot understand it.

Mr. JONES, of Florida. A very large and respectable portion of this body voted that there was no limit with respect to the power of impeachment, not very long ago. They held that a man out of the public service could be impeached for high crimes and misdemeanors in office. I should like to know whether the statute of limitations could come in there. These are peculiar cases. I did not think that way.

Mr. LOGAN. I did not hold that way myself. I happened to be on the other side of that question.

Mr. JONES, of Florida. There is the absolute power of impeachment given running against officers of the United States, and some thought that power extended to men that had left office; they thought it honestly, and maintained it with great force of argument. It shows the difficulty of settling these points by absolute demonstration.

Mr. CONKLING. May I ask leave to put a question to the Senator?

Mr. JONES, of Florida. Certainly.

Mr. CONKLING. I do not regard this illustration about impeachments as very valuable, and my question does not relate to that; but the honorable Senator a moment ago introduced an illustration which I thought more instructive, and upon that I want to ask him a question. The honorable Senator referred to the tribunal to adjudicate certain specified cases supposed to be included in the Geneva award, and if I understood him he likened the adjudication of a court-martial to the adjudication of that court.

Mr. JONES, of Florida. I did not draw the parallel; I only alluded to it.

Mr. CONKLING. The Senator did not commit himself to saying the cases were exactly alike, but he suggested them as belonging to the same category. I thought that a valuable illustration, and I beg to make of the Senator this inquiry: Congress having established that tribunal, which the Senator tells us proceeded with learned opinions to adjudicate certain cases, I ask: when the Geneva award tribunal had adjudicated a case confessedly within its jurisdiction; had rendered its final judgment, that being not a constitutional but merely a statutory tribunal, does the honorable Senator hold that it would have been competent afterward by an act of Congress to say that a judgment in a particular case should be reversed, that a particular award should not be paid to A, but should be paid to B or should not be paid at all? Would that have been an exertion of legislative power and competent within the theory of the honorable Senator?

I am willing to say, if he will allow me, that I think manifestly it would, if the doctrine for which he is arguing be sound, because it was a mere statutory tribunal; it had proceeded to an exertion and exhaustion of the power deposited in it by the statute; and it was not judicial power. If the Senator is right, Congress might by an act afterward say that a particular judgment which it had rendered should be reversed and should be of non-effect; and if the Senator will indulge me only a moment longer I will furnish him a more familiar illustration of the same kind if he will give me his attention. This illustration doubtless exists in his own State, and in manifold instances in my own. The Legislature, without the constitution

providing anything about it—the Legislature exercising the power of eminent domain provides that commissioners, three, may be appointed to appraise and condemn property to be used by a railway company in its right of way. These commissioners adjudicate; an appeal is given to the courts; the appeal is exhausted. The Senator's argument must be that that being a mere statutory tribunal, the Legislature with more plenary power than Congress possesses because Congress has only delegated power, and the State Legislatures have the entire residuum of power, would have the competency to step in after this board of assessment had declared that a certain sum should be paid for my house and my close and that the railroad might pass over it, and by law enact that some other sum should be paid or some other act should take place.

Now I put that case and the Geneva award case to the honorable Senator that I may understand him, and I beg him to state whether he means that the Legislature in the one case and Congress in the other may come in under the Constitution and overthrow particular judgments of these statutory courts.

Mr. JONES, of Florida. Mr. President, I did allude to the case that arose under the Geneva award where a tribunal was organized for the purpose of administering a fund between private parties. My views on this subject are not new. I had occasion, I think, to state to the Senate a little over a year ago what I conceive to be the true distinction in matters of this description. Where private rights are involved entirely in such judgments, the legislative power cannot interfere.

Mr. HOAR. Will the Senator from Florida allow me to ask him a question?

Mr. JONES, of Florida. I do not wish to be interrupted all day. If I am, I do not know when I shall get through.

Mr. HOAR. I wish to interrupt in the line of what the Senator was saying, to ask whether the admission that he is now making that it cannot be done in such a case ought not to be qualified by saying that the legislative power might do it on the application of both parties, and whether a judgment of this kind may not be reopened by the consent of the Government on one side, represented by Congress, and the defendant on the other.

Mr. JONES, of Florida. I think that would relieve it of the whole difficulty that might be involved in the case.

Mr. CONKLING. The Senator thinks consent would confer jurisdiction.

Mr. JONES, of Florida. It is not a question of jurisdiction.

Mr. CARPENTER. The Senator thinks the power would depend on who applied for its exercise.

Mr. JONES, of Florida. A few years ago there was a case before the Senate, which was debated here with great ingenuity and power, where a judgment of the Supreme Court came up, the case of a party seeking relief from the Government against a judgment of the Supreme Court rendered against him on an appeal from the Court of Claims. There it stood. He came before Congress for relief. I said then and I say now that it was perfectly competent for this body to relieve him from that judgment and to give him the relief that he sought, in the exercise of its constitutional power; but if the judgment had been one between two individuals, where the rights of private parties were involved and the interests of the State were not concerned, then the power of Congress to reach that judgment could not be claimed. I refer to the case of Warren Mitchell, which my friend from Kentucky is well acquainted with, where a judgment was rendered in favor of the Government. Mitchell came to Congress for relief, claiming that the decision rested upon a technical interpretation of the statute. The court administered the law, severe and harsh as it was, but he said "this judgment is in your favor, and I appeal to the equity, to the magnanimity, to the justice of the Government not to take advantage of this judgment and to afford me relief." Could there be any question as to the power of Congress to do that, whatever might be said with respect to its policy? None.

So in the case of relief to sureties on official bonds, is it not the everyday practice of the Government, exercising its sovereign authority, to give relief to men who have been amerced in sums of money under judgments in behalf of the Government, because there is no private interest involved? I do not pretend to say that the cases are analogous. I argue in this case from the absolute power of Congress over the Army and that it possesses precisely the authority which the King of Great Britain possesses over the army of that land. And what can he do? The monarch there at the present day, although he commands the army, has no inherent authority to make rules for its government. He has a very great range of powers, no doubt, prerogative powers, but when it comes to the government of the army he must get his authority from Parliament, and annually, in the mutiny act, that authority is given to him. Let me read from the great English commentator:

But our mutiny act makes no such distinction; for any of the faults above mentioned are equally at all times punishable with death itself, if a court-martial shall think proper. This discretionary power of the court-martial is indeed to be guided by the directions of the Crown; which, with regard to military offenses, has almost an absolute legislative power. "His Majesty," says the act, "may from articles of war and constitute courts-martial, with power to try any crime by such articles, and inflict penalties by sentence or judgment of the same." A vast and most important trust! an unlimited power to create crimes, and annex to them any punishments, not extending to life or limb.—*Chitty's Blackstone's Commentaries*, book 1, chapter 13, page 315 [415].

This power has been claimed here as judicial power. What, I ask you, is judicial power? A power that never involved, let me tell the Senator from Wisconsin, the element of this question in a military sense. With regard to crime, the judicial power seeks to administer the existing laws; the sentence is usually the sentence of the law; but in the case of military tribunals the power is different from that. It invests the tribunal most generally with the authority to inflict discretionary punishment. A judge is never invested with authority to do so.

Mr. CARPENTER. Certainly, he is under our law. He is allowed to fine and imprison or to merely fine or imprison at the court's discretion.

Mr. JONES, of Florida. But imprisonment is there. That is no answer to the argument. "Such other punishment as the discretion of the tribunal may prescribe" is the usual phrase of military law. Is that ever found in an ordinary law as to the exercise of judicial power? What is judicial judgment? It is the administration of existing law. This court-martial code is despotic authority as the mutiny act and as Blackstone say it is. It gives them a vast discretionary power, he says, in all cases not reaching the lives of persons.

Let me read one of the articles of war to show the character and the nature of the power which has been set up here as a judicial power.

ART. 3. Every non-commissioned officer and soldier shall retire to his quarters or tent at the beating of the retreat, in default of which he shall be punished according to the measure of his offense by the commanding officer.

That power runs through the whole military code. In some cases the punishment is prescribed, in others it is not. It is an absolute, uncontrollable discretion vested in the tribunal in all cases lower than the penalty of death. That is never found in any judicial tribunal.

Mr. President, I left off a while ago speaking of the nature of the power of pardon under the Constitution. I recognize that great power as all-important and essential to the administration of our Government, and I would be the last to interfere with it in any way; but in the case of approvals of sentences is it possible that that power is open to the party as it is to the party who is convicted by the judgment of an ordinary court? Here is the article of war which declares that the sentence shall be sent to the President. The authority which he gets to sign that death penalty is derived from Congress. He is made a part of the court, so to speak, just as the general officer who orders the court-martial in other cases is a part of it when he is called upon to approve its action. But in cases of cashiering and of death the President must act under the articles of war. He approves the sentence by the authority of Congress as an act of law, as a judicial act, if it be one. Think of it! He is required to sign the sentence as part of the court to give it effect. He goes over the law, he inquires into the facts, he thinks that justice requires that he shall approve the sentence or that his duty requires it to be done. Now, let me ask in reason, in law, in any view that can be taken of the subject, is it possible that that is the authority to which an appeal for pardon can be addressed? Is he not committed to his own judicial act? These gentlemen say that this is a judicial proceeding, that this is an act as solemn, as binding, as authoritative as the judgment of the Supreme Court of the United States. It would not be worth the paper it was written on without the approval of the President; therefore his approval is part of the sentence. Where, then, do you find authority to combine and unite in one and the same party the judicial and the executive or pardoning power?

We are upbraided here, who advocate the authority of Congress, with an attempt to trench upon the prerogative of the President with respect to his power of pardoning. But I ask you, after he affixes his seal to the judgment of a court-martial by authority of an act of Congress and as a necessary part of the tribunal and thus gives it effect, how is it possible that he can be appealed to as President to undo that which he has done in his military capacity as ordered by the Congress of the United States?

Mr. CARPENTER. Will the Senator allow me to make a suggestion? The Senator has stated the case correctly, as I understand it, that in the court-martial proceedings the President is part of the court. When his act is performed and the court is done with and it is generally dissolved on the promulgation of his action, he is still President of the United States. What he did before he did under the delegated authority of Congress. What he may do afterward he does under the Constitution. Now, the Constitution expressly declares that the President shall have power to pardon "all offenses," and that that means military as well as civil offenses is clear from the other provision of the Constitution in regard to impeachment, which confines it to civil officers.

Mr. JONES, of Florida. With all due deference to the Senator from Wisconsin, I do not think that that power of impeachment which is confined in one view of that power to civil officers applies here, although there is a respectable class of judicial thinkers in this country who say that it extends to all officers of the Army and Navy; I do not think so. It expressly says "civil officers," but I know it is said that that does not limit the jurisdiction. However that may be, I think that the omission of military officers from that section of the Constitution clearly indicated that they were not included in any of these provisions which were intended to operate upon officers of the civil service, that they belong to a distinct organization to be gov-

erned by a distinct and despotic code under the authority of Congress, the same as the army in Great Britain was and is to-day; and, however anxious the framers of the Constitution were to protect and conserve the liberties of the people, with respect to the Army itself they never intended that it should be governed in any other way than it was governed in the rankest despotisms of the earth. The military code of England was put over it.

Now, I ask, where are you going to draw the line of limitation? Did anybody ever question the authority of Louis XVIII, who framed an ordinance under which Marshal Ney was tried, to save his life, even after the findings of the court-martial, and restore him to command in the army? Some of the best officers of France, as you remember, were selected as victims after the downfall of Napoleon. Louis repaired to Paris and issued his order for the trial of Ney, that gallant and noble soul who had fought five hundred battles for France, as it was said, and never one against her. He was arraigned before that court-martial ordered by the king according to their articles of war, which are just like ours, tried, condemned to be shot, to the shame of all civilization; but appeal after appeal was sent up, addressed to them by the noble spirits who still survived the great dynasty, but they were sent in vain. Wellington was appealed to to interfere, but he would not. And no one questioned the power; and it was the very power that directed the creation of the court and the tribunal which sent that man to death. This power from necessity must exist in Congress under our system.

Mr. LOGAN. Will the Senator at that point allow me, not to interrupt him, but to make a suggestion to him, because I should like to hear the argument in reference to the finality of a judgment of a court-martial? I should like to ask him what is his construction of the decision of the Supreme Court of the United States delivered on the 19th of November last, in the case of Alvin R. Reed, where they say that the decision of a court-martial is a finality, and when approved by the President it has the same conclusiveness (that is the language of the court) with the judgment of the lowest or highest court in this country. I should like to hear the Senator as to what the Supreme Court mean by "conclusiveness the same as the judgment of any other court" if it does not have the same dignity as a decision of the Supreme Court.

Mr. JONES, of Florida. I have never read that decision of the Supreme Court. The Senator from Illinois has the advantage of me. I do not think it has been published yet.

Mr. LOGAN. I will hand it to the Senator. I had it here the other day.

Mr. JONES, of Florida. I have not time now to read it, and you can very well understand how hard it would be for a lawyer who never read a particular opinion of a brother lawyer or of a court to give his own opinion upon it. If I had occasion to examine that opinion, I think I could understand its meaning. I can imagine a certain class of cases in which that judgment would be held good; but when the case presented is one between the Government of the United States as represented in Congress and an individual bearing the sentence of a court-martial and appealing for relief, I never can be brought to recognize any doctrine of conclusiveness in a case of this kind, no matter what the Supreme Court may say.

Mr. CARPENTER. Will the Senator allow me one moment? The argument of the Senator, as I understand it, is that a court-martial is exercising power delegated by Congress. Now take the case of courts in the District of Columbia which are confessedly doing the same thing; suppose a man is indicted, convicted, and sentenced to be hanged in the Supreme Court of the District of Columbia for murder, can Congress save him?

Mr. JONES, of Florida. No, I am free to admit it, and I will give the reason why. On that subject I read the argument of the Senator from Wisconsin, and I listened to it with great pleasure, as I always do, because it is a great pleasure to hear him in his concise and logical statements; but when it comes to that power I say to him with all frankness that that is judicial power, that a person tried according to the course of the common law for any offense against the laws of Congress—for I am told the common law runs here adapted from the law of Maryland—a party tried according to the course of the common law in a regular judicial proceeding is beyond the power of Congress. The reason is that the Constitution in its wisdom has delegated the judicial power to judicial courts. Its duty with respect to the distribution of that power is a very different one from that imposed by the Constitution upon Congress over the Army. When it came to judicial power the Constitution addressing itself to Congress says: "You shall vest this power elsewhere." It says: "You shall delegate it." It does not leave it optional with Congress at all, because the Supreme Court has decided in a number of cases that it is the constitutional duty of Congress to vest the judicial power in courts created and established for that purpose. When it came to the regulation of its Army, when it came to the government of the land and naval forces, it was not called upon to divest itself of anything at all. It was required to keep up a continuing power within its own hands, subject to its own jurisdiction and control at all times and under all circumstances. In the one case the mandate of the Constitution is, "shall be vested;" in the other case "shall have power." There is the distinction between the two. The Constitution commands Congress to vest the judicial power in courts; it prescribes the tenure of the offices of the judges, but it goes even further than that, and it

tells us in the most explicit language what this power is. It does not say that Congress shall do it, but it says it shall be vested, meaning of course that it shall be done by authority of the body that has authority to legislate over the subject—"shall be vested;" but the authority of the Constitution with respect to the Army is that Congress shall have power to make rules and regulations for its government. "Government" is a very broad and expansive word. It means everything that can be implied in the control, in the management, in the discipline and efficiency of the land and naval forces, and the doing of anything and everything essential to the end in view. Chief-Justice Marshall told us in the great case of *Gibbons vs. Ogden*, let the end be legitimate; let the object be clear as given by the Constitution, and the choice of means is within the legislative power, and is not a question for the courts. It was upon that ground that authority was inferred to create a bank of the United States and to do a thousand other things for which express authority cannot be found in the Constitution. Where can you go in the Constitution and put your finger on that power which says that a bank may be created? It cannot be found there by any express delegation of power. It is an implied authority resulting from the grant of an express one. Now what follows from the power to govern the Army? Suppose the Constitution had said, without any limitation whatever, that Congress should govern the country in such manner as it thought proper, that it should prescribe rules and regulations for the government of the United States, where could be found the lawyer with the authority to step in and say what are the limits of that power in any case in which the public good might be remotely affected? If a case of injustice occurred from the sentence of a court-martial and Congress deeming the discipline of the force impaired, its efficiency in any way affected, who can question its authority to interfere and to do anything that may be necessary to conserve it?

The Senator from Wisconsin also said that the power to appoint officers of the United States included the power to appoint officers of the Army. With all due respect for his opinion, I differ with him. I say that the power to raise and support armies includes the power to create commissioned officers as well as privates, and that it was not the intention of the Constitution, for the reasons stated a while ago, to give to the President the distinct authority to commission any man with a commission in the Army outside of the authority of Congress. It was not like the case of a collector of customs or any other civil officer, for there the liberties of the people cannot be well affected by such appointment, but as I said they had in mind the great example of the mother country and the terrible inflictions that had been imposed on the people in consequence of the executive controlling the military force.

Judge Paschal, in his Annotated Constitution, speaking upon that point, says:

"To raise and support," in practice, means to educate, commission, enlist, draft, conscript, feed, clothe, transport, and pay officers and men.

And so it does. That part of the Constitution which invests the President with power to appoint and nominate officers, with the consent of the Senate, does not relate to the officers of the Army, and never was intended to relate to them, in my judgment.

The judicial power which is exercised by courts, like that created in this district, is very different from the power which is exercised by courts-martial. When a man is tried by the courts of the common law Congress cannot interfere, because Congress has no judicial power, but I say when a man is tried under the direction of Congress, or under rules created by it for the government of the Army and for the machinery of the Army, part of that despotic code which for wise and proper purposes has been given to it, Congress can interfere to do justice. What would be the practical effect of the opposite doctrine? How dangerous would it be to establish the opposite rule? Who can tell what lies before us in the future? The authority of courts-martial has been extended far beyond members of the naval and military forces. In times past districts of country, including the inhabitants, unconnected with the Army, have been brought under and within the jurisdiction of military tribunals. The *habeas corpus* act may be suspended in cases of danger, and the whole power of Government remitted to the authority of a military chief. This has been done in the past and it is possible that it may be done in the future, because there are times in the history of all countries, as Baron Montesquieu has said, when the statutes of liberty will have to be veiled.

What is the rule then? Is this grand body, representing the dignity, the sovereignty, the aspirations, and the hopes of a great free people, to abdicate in a day like that? When a military commander can call a citizen before him and have him tried according to the articles of war, and a judgment is rendered against him that may imperil his life, is Congress to have no superintending authority? Is that judgment to be conclusive? Is he to be driven to the expedient of a pardon, through all the tedious processes that usually accompany such an application? Is there no authority here to relieve him? Are we so far behind the people on the other side of the Atlantic as to be unable to afford relief to the people when they are crushed by military power? These things have occurred; they may occur again. I know of no distinction that can properly be made between the finding of a court-martial when directed against a citizen under a state of suspension of civil authority and the judgment against a soldier who may belong to the land or naval forces. If the judgment is conclusive in one case it is in the other. Although the greatest infamies

and outrages might be perpetrated in any corner of the land, the people here could not be heard to complain, because they would trench upon the judicial power if they attempted to call to account the members of a court-martial who might invade the rights of the people.

Mr. CARPENTER. If the tribunal has no jurisdiction over the person, its judgment is simply a nullity.

Mr. JONES, of Florida. Whether with jurisdiction or not, that question could not very well be raised when the man was in the grave. A man might go down to his grave under a judgment rendered by a court without any jurisdiction as well as by the sentence of one that had full jurisdiction. The question is, where is relief to come from. I say that this people ought not to abandon such a power on the part of their representatives. They cannot calculate upon the danger; no man can. I am not willing to see the doctrine with respect to the divisions of authority, as applicable to the great civil branches of the Government, applied to us with respect to the military code. Governor Wall was taken from the coast of Africa after he put a soldier to death without jurisdiction, and tried at the Old Bailey and hung; but what good did his hanging do the man he murdered? You want at times a preventive power; you want a power to stop the evil from being consummated, not to afford a remedy after it is too late.

No, Mr. President, this contest is the old one. If it is anything, it is the contest of the representatives of the people on the one side and the claims of executive government on the other. It is not a contest between the States and the General Government, because the States claim no authority over the Army whatever. The Senator from Wisconsin the other day in his argument went on to deprecate the great inroads, as I said in the opening of my remarks, that were taking place every day upon the rights of the State. There is no question of that kind here. The States gave up all power over the Army in the very inception of our Revolution, and have never asserted any power over it since, but the question is as between the rights of the other branches of the Government and the legislative power as granted in the Constitution to the people's representatives. I shall read here a short extract from the speech of a man who was venerated, and who will be venerated as long as exalted talents can find appreciation in this or in any other land. Mr. Webster, in speaking upon this subject, said:

The contest, for ages, has been to rescue liberty from the grasp of executive power. Whoever has engaged in her sacred cause, from the days of the downfall of those great aristocracies which had stood between the king and the people to the time of our own independence, has struggled for the accomplishment of that single object. On the long list of the champions of human freedom, there is not one name dimmed by the reproach of advocating the extension of executive authority; on the contrary, the uniform and steady purpose of all such champions has been to limit and restrain it. To this end the spirit of liberty, growing more and more enlightened and more and more vigorous from age to age, has been battling for centuries against the solid buttresses of the feudal system. To this end, all that could be gained from the imprudence, snatched from the weakness, or wrung from the necessities of crowned heads, has been carefully gathered up, secured and hoarded, as the rich treasures, the very jewels of liberty. To this end, popular and representative right has kept up its warfare against prerogative, with various success; sometimes writing the history of a whole age in blood, sometimes witnessing the martyrdom of Sidney and Russell, often baffled and repulsed, but still gaining, on the whole, and holding what it gained with a grasp which nothing but the complete extinction of its own being could compel it to relinquish. At length, the great conquest over executive power, in the leading western states of Europe, has been accomplished. The feudal system, like other stupendous fabrics of past ages, is known only by the rubbish which it has left behind it.

That embodies a correct view of the great contest that had been fought and won by a representative government against executive prerogative and government at the time that our Constitution was adopted.

I contend, therefore, that the Constitution of the United States which delegates to Congress absolute and uncontrollable power over the Army is the supreme law of the land, and that that power cannot be impaired in any way by either of the other co-ordinate departments of the Government; that within its scope it is without limit—it is supreme; that it has the right to make rules and regulations such as it thinks proper for its government; that neither the Executive nor the judiciary have any authority over it whatever; and that this provision was necessary to carry out the great purposes of liberty, always to keep a standing army within the close control of the people's representatives.

You remember, sir, the contest that was made by the States when this part of the Constitution was before them for ratification. It was said that it was proposed to authorize the continuance of an army for two years. Why did they not limit it to one year, as in Great Britain? But the friends of liberty succeeded in securing amendments to the Constitution afterward which made their liberty safe. This great principle of representative government, to some extent at least, is involved in this very question.

I hold then, Mr. President, that there is no doubt whatever of the authority of Congress to afford relief in any case where an officer conceives himself to have been aggrieved by the judgment of a military tribunal. Such tribunal is nothing more than the machinery provided by Congress to carry out the purposes of government. It is no part of the judicial system of the United States and never was intended to be. The officers presiding over such courts do not decide judicially, because they are invested with a discretion, as I said awhile ago, that is absolutely incompatible with the idea of judicial judg-

ment. They are invested with absolute discretion in many cases over the liberty of the person, but can that be called a judicial judgment which leaves to the judge the power to say what shall be the punishment in contravention of every principle of well-established law when courts proceed judicially?

With respect to one part of the sentence in this case I have no doubt in my mind whatever but that it is absolutely null and void. I do not believe that it is even within the discretion of a military tribunal, empowered to sit and try according to the rules of war, to take away the civil privileges of any man who happens to be a member of the public forces. I say that under our system while for many purposes the Army is distinct and separate from the great body of the people, still it is a maxim well recognized in our system of jurisprudence that when a man becomes a soldier he does not cease to be a citizen. He has civil rights and capacities independent of military life. He can hold property; he can be an elector; he can engage in civil contracts; he can engage in the contract of marriage; he may become subject to the jurisdiction of the civil courts; he may have a multitude of rights and privileges independent of his military life. I say that when authority is given by Congress to a military tribunal to punish a delinquent for an offense impairing the efficiency and the discipline of the public forces it does not give them authority to take away a single right that belongs to that individual as a member of civil society outside of the Army.

We heard it said here the other day that the taking of life is the highest exercise of power, and so it is. The infliction of death has ever been a military punishment, and without it no army could be made secure; but will any lawyer assert that because a drum-head court-martial for the purpose of preserving discipline on a march may order the shooting of an officer or a soldier that that court could also take away his estate? Could it rob his children of their patrimony? Could it divest him of the title which he held to his property, or say that from thenceforward he should not exercise any right in civil life? They might take his life on the spot in order that the example might go to prevent greater damage and greater injury, but they could not touch one iota of right that he had as a citizen outside of his connection with the army. If his life is taken it is a soldier's life, if his commission is taken it is soldier's commission, and there is the military limit; but when you say he shall be deprived of his estate, of his right to hold office, to sit on juries, to be an elector, you do that which the Constitution has never permitted to be done in such cases, and which cannot be tolerated or upheld.

Mr. President, I said it would be a most dangerous thing for this great repository of human hope and of human freedom to abandon one particle of the great power which is confided to it over the Army of the United States and the officers who are in it. Whatever may be done with respect to the civil branches of the Government, this is a branch that the people will see is always within their own care and keeping, and that they shall not be placed in any less powerful position to protect themselves than the people of that country from which we have borrowed the example of our own institutions. When the case I referred to awhile ago of the trial of the missionary was heard of in Great Britain it brought forth from Lord Brougham a speech which will live as long as the English language lives, and it embodies the true idea of freedom. He said:

Sir, it behoves this house to give a memorable lesson to the men who have so demeaned themselves.

He was speaking of the court-martial.

Speeches in a debate will be of little avail. Arguments on either side neutralize each other. Plain speaking on the one part, met by ambiguous expressions—half censure, half acquittal, betraying the wish to give up, but with an attempt at an equivocal defense—will carry out to the West Indies a motley aspect; conveying no definite or intelligible expression, incapable of commanding respect, and leaving it extremely doubtful whether those things, which all men are agreed in reprobating, have actually been disapproved of or not. Upon this occasion, most eminently, a discussion is nothing, unless followed up by a vote to promulgate with authority what is admitted to be universally felt. That vote is called for, in tenderness to the West Indians themselves—in fairness to those other colonies which have not shared the guilt of Demarara. Out of a just regard to the interests of the West Indian body, who, I rejoice to say, have kept aloof from this question, as if desirous to escape the shame when they bore no part in the crime, this lesson must now be taught by the voice of Parliament—that the mother country will at length make her authority respected; that the rights of property are sacred, but the rules of justice paramount and inviolable; that the claims of the slave owner are admitted, but the dominion of Parliament indisputable; that we are sovereign alike over the white and the black; and though we may for a season, and out of regard for the interests of both, suffer men to hold property in their fellow-creatures, we never, for even an instant of time, forget that they are men, and the fellow-subjects of their masters; that, if those masters shall still hold the same perverse course—if, taught by no experience, warned by no auguries, scared by no menaces from Parliament, or from the crown administering those powers which Parliament invoked it to put forth—but, blind alike to the duties, the interests, and the perils of their situation, they rush headlong through infamy to destruction; breaking promise after promise made to delude us; leaving pledge after pledge unredeemed, extorted by the pressure of the passing occasion; or only, by laws passed to be a dead letter, forever giving such an elusory performance as adds mockery to breach of faith; yet a little delay; yet a little longer of this unbearable trifling with the commands of the parent state, and she will stretch out her arm, in mercy, not in anger, to those deluded men themselves; exert at last her undeniable authority; vindicate the just rights, and restore the tarnished honor of the English name.

That was the case of a trial by a court-martial, whether right or not, in which the authority of the British legislature was invoked to condemn the officers who presided at it, and to hold them up to the public scorn of enlightened men throughout the world. Nobody questioned the legislative authority of Parliament to do that act. It

was necessary in the interest of public justice. The army had gone beyond its powers. The officer in command had proclaimed martial law. He had brought a poor Methodist preacher to the bar of a military tribunal and sentenced him to the gallows for no offense whatever. Such was the state of excitement at the time that justice was impossible. That is the kind of judgment which we are told here is as sacred, as sanctified, and as binding as a judgment of the Supreme Court of the United States. I do not refer to this particular case but to the character of judgment. My soul, sir, abhors the doctrine. I shall resist it as long as I shall live. Never while I have the honor to hold a place in a public assembly will I, with my consent, relinquish a single safeguard which the Constitution has given for the liberty and the security of the people. [Applause in the galleries.]

Mr. WHYTE. Mr. President—

The PRESIDING OFFICER. (Mr. EDMUNDS.) The Senator will suspend. The Chair directs the Sergeant-at-Arms, in case of any further disturbance in the galleries by applause or disapproval, to arrest the offender and bring him to the bar of the Senate for its disposition.

Mr. DAVIS, of West Virginia. I move that the Senate now proceed to the consideration of what is known as the fortification appropriation bill.

The PRESIDING OFFICER. The Senator from West Virginia moves that the present and all prior orders be postponed, and that the Senate proceed to the consideration of the following bill—

Mr. LOGAN. I object.

Mr. DAVIS, of West Virginia. Mr. President—

The PRESIDING OFFICER. The Senator will suspend a moment. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes."

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia that the present and all prior orders be postponed, and that the Senate proceed to the consideration of the bill the title of which has been read.

Mr. DAVIS, of West Virginia. I had intended moving to postpone the pending bill to a day certain, say Monday next, but if it is more agreeable to the Senate to postpone the consideration of the bill in the ordinary way it will be satisfactory to me.

Mr. WHYTE. I move that the Senate proceed to the consideration of executive business.

Mr. DAVIS, of West Virginia. I hope not until the appropriation bill is taken up.

Mr. WHYTE. I have no objection to taking up the appropriation bill.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from West Virginia?

Mr. WHYTE. I presumed the appropriation bill had already been taken up when I rose.

The PRESIDING OFFICER. It has not.

Mr. WHYTE. Then I withdraw my motion.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

Mr. DAVIS, of West Virginia. I hope not. Let us take the bill up at least, so that we shall know what we are going to proceed with to-morrow.

Mr. BURNSIDE. My motion is not debatable.

Mr. DAVIS, of West Virginia. I know a motion to proceed to the consideration of executive business has precedence, but I hope the Senate will take up the appropriation bill before that is done, so that we shall know what we are to proceed with to-morrow.

Mr. LOGAN. I object.

Mr. BURNSIDE. I have moved that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island, that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from West Virginia to postpone the present and all prior orders and proceed to the consideration of the fortification bill. Is the Senate ready for the question?

Mr. RANDOLPH. I desire to state to the Senate, that I may be entirely right on the record, that when the special order in General Porter's case was had it was the express understanding distinctly stated to the Senate that whenever the Appropriations Committee brought forward bills affecting the Government I should, as is always customary, make no objection to laying aside informally the bill now under consideration.

The PRESIDING OFFICER. The Chair will state to the Senator from New Jersey that the motion of the Senator from West Virginia is to postpone the pending bill, and is not a request for unanimous consent to lay it aside informally. The question is on agreeing to the motion of the Senator from West Virginia.

Mr. DAVIS, of West Virginia. I would conform to the wish of my friend from New Jersey had not an objection already been filed against laying aside the bill informally, and I thought it was useless to ask that that be done.

Mr. LOGAN. The motion of the Senator from West Virginia, I believe, is to postpone the pending bill and all prior orders. Is that the motion?

Mr. DAVIS, of West Virginia. In order to take up the fortification bill.

Mr. LOGAN. No matter about "in order to." You cannot unite the motive with the motion. I ask just what the motion is.

Mr. DAVIS, of West Virginia. The Senator of course is right in that; but I am right in stating my reason for making the motion. I assign that as the reason, and I will also say that the Post-Office deficiency bill, which is an appropriation bill, is ready to follow the fortification bill.

Mr. LOGAN. What I desire to understand is the motion of the Senator, not his reasons for making the motion.

Mr. DAVIS, of West Virginia. Let the Chair state the motion.

The PRESIDING OFFICER. The Chair will state to the Senator from Illinois that the motion of the Senator from West Virginia is to postpone the present order and to take up the fortification bill, the effect of which is to put the present order on the Calendar in its proper place.

Mr. LOGAN. Exactly. I move an amendment to the motion of the Senator from West Virginia. I move to postpone the pending bill indefinitely, and I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. The Chair cannot entertain the motion as a motion to amend, but the motion to postpone indefinitely [pausing]—

Mr. LOGAN. Has precedence; it amounts to the same thing.

Mr. INGALLS. It is the same thing.

The PRESIDING OFFICER. The Chair will consider that a motion.

Mr. WALLACE. What is it that is moved to be postponed indefinitely?

Mr. LOGAN. I will explain.

Mr. DAVIS, of West Virginia. I understand as the Senator put the motion it would be to postpone the motion to proceed to the consideration of the appropriation bill. That he does not want to do.

Mr. LOGAN. I beg the Senator's pardon, I put no such motion. I moved as an amendment to the Senator's motion, which was to postpone the Fitz-John Porter bill, to postpone it indefinitely, that motion having priority.

The PRESIDING OFFICER. The Chair thinks, under the forty-third rule, the motion of the Senator from West Virginia being to postpone the present and all prior orders, and the Senator from Illinois moving to postpone the bill indefinitely, according to the practice of the Senate the motion of the Senator from West Virginia, which is a motion to proceed to some other business, if it were taken together would be in order and would not be superseded by the motion of the Senator from Illinois. But as the motion of the Senator from West Virginia is really two motions, as has been often held in the Senate, and therefore not strictly entertainable at all, to postpone one bill and to proceed to the consideration of something else, the motion of the Senator from Illinois is in order to postpone the bill indefinitely. Then the Senator from West Virginia, if he desires to take up the appropriation bill, can supersede that motion by a motion to lay the bill on the table, according to the forty-third rule, which would leave the bill on the table subject to be taken up on the motion of any Senator by a vote of the Senate.

Mr. DAVIS, of West Virginia. It would be subject to a majority of the Senate at any time to take it up.

The PRESIDING OFFICER. That is what the Chair thinks the parliamentary law and rule of the Senate is.

Mr. DAVIS, of West Virginia. The motion to indefinitely postpone of course is debatable. The motion to lay on the table is not debatable. Therefore I will move to lay the present order on the table with a view of taking up the appropriation bill. That motion, I believe, is not debatable.

Mr. LOGAN. By moving to lay the present order on the table I suppose the Senator means to move to lay my motion on the table.

The PRESIDING OFFICER. The Chair understands the Senator from West Virginia to move to lay the bill now under consideration on the table.

Mr. DAVIS, of West Virginia. That is right.

The PRESIDING OFFICER. The Chair thinks that that supercedes the motion of the Senator from Illinois to postpone the bill indefinitely, under the forty-third rule. The question is on agreeing to the motion of the Senator from West Virginia to lay the bill now under consideration on the table.

The motion was agreed to.

FORTIFICATION APPROPRIATION BILL.

Mr. DAVIS, of West Virginia. Now I move to take up House bill No. 2787, known as the fortification appropriation bill.

The motion was agreed to.

Mr. WHYTE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-eight minutes spent in executive session the doors were reopened, and (at four o'clock and thirty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 11, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. KELLEY. Mr. Speaker, I rise to a question of privilege.

Mr. FERNANDO WOOD rose.

The SPEAKER. The gentleman from New York desires to submit a motion.

Mr. KELLEY. I hope the gentleman from New York will permit me to present a question of personal privilege touching my own character and relating to the business of the House.

Mr. FERNANDO WOOD. I yield to the gentleman for that purpose.

The SPEAKER. The gentleman from Pennsylvania states that he rises to a question of privilege, and in view of this being the first instance of a member asking the floor for a personal privilege under the new rules, the Chair desires to have the new rule read that the House may know its provisions.

The Clerk read as follows:

RULE IX.

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

The SPEAKER. The gentleman from Pennsylvania has stated to the Chair that the case in point comes under both clauses of the rule just read, and the gentleman is therefore recognized.

Mr. BUCKNER. Mr. Speaker, I suggest on this question, as it is an important one in the future—

The SPEAKER. What question?

Mr. BUCKNER. The question that the gentleman from Pennsylvania presents.

The SPEAKER. The Chair has not yet heard what it is.

Mr. BUCKNER. I understand the gentleman rises to a question of personal privilege. I suggest, therefore, that he state briefly what the point is and how far it affects either the dignity of the House or himself, and then the Speaker can determine.

The SPEAKER. The Chair has called the attention of the gentleman to the rule and the gentleman stated to the Chair that it came under both clauses of the rule.

Mr. BUCKNER. I suggest it is not a question for the gentleman from Pennsylvania but one for the Chair, and ultimately for the House, to determine whether it comes under the rule.

The SPEAKER. The Chair cannot rule till he hears what it is.

Mr. GARFIELD. If after the gentleman from Pennsylvania has stated his point, the gentleman from Missouri should think it is not a question of privilege, it will then be competent for the gentleman to raise the point of order and have it decided.

The SPEAKER. Any member can do so.

Mr. KELLEY. My object is to show on the testimony of the man himself that he resorted to improper measures to influence legislation.

Mr. BUCKNER. I did not rise for the purpose of at all antagonizing the gentleman from Pennsylvania. But I wish to suggest to the House that the matter is analogous to the practice in courts of law, where the judge would in the first place hear what the evidence is briefly, and then it is for the court to decide as in this case it is for the Speaker to decide.

The SPEAKER. This relates to legislative proceedings, and the Chair cannot confine it to what might be the rules of law courts.

Mr. BUCKNER. The effect of that ruling is to let in the statement first, and decide hereafter whether it involves a question of privilege.

The SPEAKER. The Chair has made no ruling as yet, and cannot make any until he hears the gentleman from Pennsylvania.

Mr. KELLEY. I ask the Clerk to read what I have marked in the Philadelphia Evening Bulletin, of Wednesday, March 10.

The Clerk read as follows:

[Special dispatch to the Evening Bulletin.]

WASHINGTON, March 10, 1880.

Judge KELLEY was on the war-path yesterday, and looking for somebody to wreak his vengeance upon, all in consequence of a paragraph in the Evening Bulletin of a few days ago about a conversation between himself and Nat. McKay on the subject of sugar. In that conversation the judge resented an attempt to give him some light on the question now before the Ways and Means Committee, and said he would have been a scoundrel had he voted other than he did. Mr. McKay sought to impress upon the judge that the passage of a sugar bill would bring a large trade to Philadelphia from Demerara; but this had no effect, and only brought out a reply that he "did not care about the trade."

It seems that a large number of Judge KELLEY's most earnest supporters in Philadelphia are regular readers of the Evening Bulletin, and when they saw the position the judge had taken it occurred to some of them that it was their duty to reason with him and endeavor to show him that he was taking the wrong course, and that the merchants of Philadelphia are interested in bringing all the trade they

can to their doors. Accordingly a number of them, including several who have an idea that the judge is largely indebted to them for his elevation, wrote strong personal letters, urging him to use his efforts to get a new sugar bill passed. Now the reception of these letters acted like a firebrand upon the judge, especially as some of them referred to the dispatches in the Evening Bulletin, and when he went to the meeting of the Ways and Means Committee yesterday he was exceedingly wrathful. It so happened that Mr. Nat McKay went to this room upon business, and he was immediately pounced upon by the Representative from the fourth district, and charged with having inspired the letters he had received from his constituents. "He made things lively for McKay," said a member of the committee who witnessed the affair, "and I certainly thought he intended to attack him. He told McKay he never wanted to talk with him again on the sugar question; that he had been in Congress for many, many years, and a member of the Ways and Means Committee for over a dozen years, and knew more about the sugar question than all the persons who were bothering him with letters."

Afterward the judge said if any more of his conversations were reported somebody would get kicked, and he would have no more hesitation in kicking a man who undertook to influence his judgment than he would a dog. In view of this critical condition of affairs, it might be judicious for those merchants who regard themselves as Judge KELLEY's constituents, and who feel an interest in the shaping of certain legislation by the Ways and Means Committee, to hold up on their letters for a while, as additional letters will only tend now to intensify his anger. He says plainly that he don't intend to notice the letters already received, and is very indignant toward the writers, and regards their action as unnecessary and uncalled for.

Mr. KELLEY. I have been here quite too long to take note—

Mr. BUCKNER. I submit now to the Chair—

Mr. KELLEY. I hope the gentleman will not interrupt me.

The SPEAKER. The gentleman from Missouri rises to a point of order; which is his right.

Mr. WILSON. I hope the gentleman from Missouri will not interrupt the gentleman from Pennsylvania. I think it is due him as the oldest member of the House that he be allowed to proceed.

Mr. KELLEY. Mr. Speaker, I want to state to this House that at the end of nineteen years I have been corruptly approached for the purpose of controlling my vote in the Committee on Ways and Means and the House.

The SPEAKER. That clearly comes within the scope of the rule.

Mr. KELLEY. If that does not relate to the dignity and honor of the House and the purity of legislation I do not know what does.

The SPEAKER. The Chair thinks it does.

Mr. KELLEY. Mr. Speaker, I have been here too long to take note of criticisms upon my temper, my person, or my manners. But when one to whom I have given my confidence, to whom I am grateful for having rushed to my relief when struggling with a hemorrhage, which I believed was to produce instant death, becomes the witness of his own infamy, I thus seek the defense of publicity.

None of the sugar dealers of Philadelphia, whether it be S. & W. Welsh, the great importers; Field Brothers, the commission merchants; E. C. Knight & Co., Harrison & Havemeyer, B. H. Bartol & Son, or any of the respectable—and some of them very distinguished—men engaged in any branch of the sugar business, complain that I have not answered their letters or given patient hearing to their suggestions. A dispatch has just been handed me by my colleague, [Mr. WARD,] received since I came upon the floor, from the Messrs. Field, asking him to confer with me and urging us to stand firm in the position we have maintained.

No such scene as is described in what has been read from the desk occurred in the committee-room in the presence of any member of that committee. Colonel Jones (the clerk) and I being there, Mr. McKay entered and I hastened to tell him that I would kick as I would a dog the man that approached me with corrupt influences such as he was stimulating. The grocery trade and the sugar trade have been in the fullest and freest correspondence with me since we considered the tariff of 1870, when I was as now a member of the Committee on Ways and Means. This man after furtively putting before me corrupt motives, not so plainly as to justify me in striking him, but distinctly enough for me to comprehend him, disclosed the fact that large and profitable contracts with him for railroads and for public buildings, all of which would go into Philadelphia and most of them into my district, depended upon the admission of high grade Demerara sugars at low rates of duty, my response to all of which was that I did not care about the trade of Demerara or those contracts.

Thus repulsed, he proceeded to seek the officers of the convention that last renominated me, and induce them and other men of less note to write to me repeating his suggestions. A small number of such letters came from men who can probably distinguish sugar from salt by sight, but who probably require to taste them if they be of equal grain and whiteness; men who are in no wise connected with the sugar trade except as their wives may buy at retail for the use of their families; nor were they men engaged in the iron trade; they were mere politicians; yet this man asked them to instruct me to vote on the sugar bill in a particular way under the penalty of political punishment.

And beyond this, sir, another member of the audacious Demerara and Cuban lobby having been seated at the table at which my colleagues, Mr. O'NEILL, Mr. WARD, and I habitually dine, and while conversation on general topics went on between us, obtruded himself into it in order to tell me that I was acting in disregard of the sentiment of my people; and when I repulsed him properly, made it fitting that I should say to him that I had always found myself able to take care of myself, and if he attempted in any way to execute his intimidation he would find that though more than sixty years had passed over my head I was still able to take care of myself. [Applause.]

Sir, permit me to say in conclusion, that I have no fault to find with the paper that published that dispatch, nor with the reporter who sent it. I admit that my temper was raised to a tempestuous degree by the audacity of a man who knew that for years I had believed that he had probably saved my life. Yet I would have kept his infamous secret had he not thus proclaimed it. I blame not the reporter or the paper for giving credence to a man who for so many years enjoyed my own confidence.

SESSION ON SATURDAY.

Mr. FERNANDO WOOD. I ask unanimous consent of the House that there be a session held on Saturday next for the purpose only of continuing the discussion on the funding bill in Committee of the Whole, no question to be taken on that bill and no other subject to be considered.

Mr. KELLEY. For the present I object. I regard the funding bill as the most important measure now before the House, and it should be discussed in a full House. It involves more millions than any other bill, and I do not think it ought to be remitted to the debating society of Saturday, when but few members are likely to be here.

Mr. FERNANDO WOOD. There is nothing in my proposition that proposes to keep the gentleman from Pennsylvania [Mr. KELLEY] or any other member of the House away from here Saturday. That gentleman is aware that it is indispensable for the House to take action on that bill at the earliest practicable moment. The bonds now maturing must be met, and they can only be met by the action of Congress.

I will say in addition that the Committee on Appropriations is now ready to report several of the general appropriation bills, and we must yield everything to enable the House to dispose of those bills. I hope, therefore, that in view of the fact that there are some fifteen or twenty gentlemen other than members of the Committee on Ways and Means who have indicated their purpose to discuss the bill, the House will give us Saturday, which is not ordinarily a legislative day, for that purpose. I am surprised that a member of the committee reporting this bill should interpose any objection.

Mr. KELLEY. I must maintain my objection. That bill deserves the most deliberate consideration in a full House. If we shall meet on Saturday for general business, then I will welcome the discussion of that bill, for then members will attend.

Mr. FERNANDO WOOD. I give notice that to-morrow I will test the sense of the House on the proposition of holding a session on Saturday to debate the funding bill.

EVENING SESSIONS FOR THE PRIVATE CALENDAR.

Mr. MILLS. I ask unanimous consent to submit, for consideration at this time, the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved. That on and after Monday, the 15th instant, the House of Representatives shall hold evening sessions every evening, beginning at seven o'clock and thirty minutes p. m., for the consideration of the Private Calendar, and all bills shall be disposed of in the order in which they stand upon the same.

Mr. MILLS. I desire to state that there are a great many bills on the Private Calendar, and it is hopeless to attempt to dispose of them without holding evening sessions.

Mr. CONGER. Let this resolution go over until to-morrow.

The SPEAKER. That is required by the rule, if the gentleman objects to its present consideration.

Accordingly the resolution went over until to-morrow.

HOT SPRINGS RESERVATION.

Mr. WRIGHT. I ask unanimous consent to take from the Speaker's table, for consideration at this time, Senate joint resolution No. 89, touching the Hot Springs reservation in Arkansas.

Mr. WHITE. I object.

Mr. WRIGHT. The time expires on Monday, and I hope my colleague will withdraw his objection.

Mr. WHITE. I insist upon my objection.

PILOT LAWS, ETC.

Mr. FRYE, by unanimous consent, presented the following; which was ordered to be printed in the RECORD, and referred to the Committee on Commerce:

Resolves relating to pilot laws and the removal of the obstruction to navigation over East River, New York.

Whereas the State of Maine, by its geographical position, having a long line of sea-coast with many fine harbors, is a State of great commercial importance; our people are largely engaged in navigation, and are therefore interested in any legislation that affects this industry; and

Whereas the pilot laws of several of the States are unjust, and impose upon ship-owners burdens hard to be borne, and are contrary to the spirit of the Constitution; and

Whereas there is now being erected a bridge across East River, in the State of New York, which will be another tax upon shipping by compelling them to lower their topmasts, thereby causing delay; Therefore,

Be it resolved. That we hereby earnestly call the attention of our Senators and Representatives in Congress to the unjust pilot laws in force in several of the States, and we request them to use their best efforts to have a general pilot law enacted that shall be just and equitable to the people of all the States, and also to compel the builders of the suspension bridge across East River, in the State of New York, to place the roadway at such a height as shall not obstruct or impede the navigation of said East River.

Resolved. That a copy of the above preamble and resolution, when approved, be forwarded to our delegation in Congress by the secretary of state.

IN THE HOUSE OF REPRESENTATIVES,
March 5, 1880.

Read and passed finally.

GEO. E. WEEKS, *Speaker*.

Read and passed finally.

IN SENATE, March 6, 1880.

JOS. A. LOCKE, *President*.

MARCH 9, 1880.

Approved.

DANIEL F. DAVIS, *Governor*.

A true copy. Attest:

J. O. SMITH, *Deputy Secretary of State*.

ORDER OF BUSINESS.

Mr. ATKINS. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour will begin at five minutes before one o'clock for reports of committees. The call rests with the Committee on Coinage, Weights, and Measures.

PROTECTION OF COINS OF THE UNITED STATES.

Mr. VANCE, from the Committee on Coinage, Weights, and Measures, reported, as a substitute for House bill No. 4308, a bill (H. R. No. 5064) to punish certain crimes relating to the coins of the United States, and for other purposes; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the House Calendar.

TRADE-DOLLARS.

Mr. VANCE, from the same committee, to whom had been referred the following bills—

A bill (H. R. No. 11) to provide for retiring the trade-dollar, for its recoinage into the standard silver dollar, and for the redemption of fractional silver coins;

A bill (H. R. No. 348) fixing the value of the trade and Mexican dollars, and providing that the legal-tender silver dollar shall be the unit of value;

A bill (H. R. No. 398) to make the trade-dollars a legal tender for all debts at their nominal value, and to require their recoinage into standard silver dollars;

A bill (H. R. No. 664) to make the trade-dollar a legal tender;

A bill (H. R. No. 681) making the trade-dollar and the Mexican dollar a legal tender;

A bill (H. R. No. 697) to make the trade and other silver dollars receivable for public dues, &c.;

A bill (H. R. No. 913) to provide for the exchange of the trade-dollars for legal-tender silver dollars;

A bill (H. R. No. 1458) to provide for retiring the trade-dollar, and for its recoinage into the standard silver dollar; and

A bill (H. R. No. 3163) to authorize the recoinage of the trade-dollar—

reported the same back with a substitute therefor, being a bill (H. R. No. 5065) to provide for the exchange of the trade-dollars for legal-tender dollars, and to stop the coinage of the trade-dollars, and for other purposes; which was read a first and second time.

Mr. VANCE. I move that the bill and accompanying report be printed and referred to the House Calendar.

Mr. CONGER. Judging from the titles of the bills for which this substitute is presented, I should suppose the Committee of the Whole House on the state of the Union would be the proper reference. Some of those bills evidently involve an expenditure of money.

Mr. GARFIELD. But if so, the point of order will lie when the bill is reached on the House Calendar.

The SPEAKER. If either of the bills or either of the substitutes involves an expenditure of money, it will have to go to the Committee of the Whole House on the state of the Union.

Mr. CONGER. That applies to the original bills as well as the substitutes?

The SPEAKER. That is the view of the Chair.

Mr. VANCE. I cannot hear what motion the gentleman from Michigan makes.

The SPEAKER. The gentleman is inquiring whether either the original bills or the substitutes would involve an expenditure of money; if so, the point that they must go to the Committee of the Whole House on the state of the Union would be good.

Mr. VANCE. I understand, however, that the bills now go to the House Calendar.

The SPEAKER. They do; but when they are reached on that Calendar it will be competent for any member to raise the point of order upon them, and if it should be sustained the bills would be transferred from the House Calendar to the Calendar of the Whole House on the state of the Union.

Mr. CONGER. The gentleman knows, of course, whether the bill would be subject to a point of order. If it would have to go to the Committee of the Whole House on the state of the Union whenever it is reached on the House Calendar, why not send it there at once and let it have an early place instead of being behind many other bills?

Mr. VANCE. The point of order does not apply.

The substitute was referred, together with the original bills, to the House Calendar; and the substitute, with the accompanying report, was ordered to be printed.

EXCHANGE OF SILVER BULLION.

Mr. FISHER, from the Committee on Coinage, Weights, and Measures, reported back adversely the bill (H. R. No. 227) regulating the exchange of silver bullion for the standard silver dollar, and providing that gold and silver, jointly and not otherwise, shall be a full legal tender; which was laid on the table, and the accompanying report ordered to be printed.

ABRIDGMENT OF LETTERS-PATENT.

Mr. VANCE, from the Committee on Patents, reported, as a substitute for House bill No. 4661, a bill (H. R. No. 5066) to provide for the preparation of classified abridgments of all letters-patent of the United States; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SMITH E. G. RAWSON.

Mr. WARD, from the same committee, reported, as a substitute for House bill No. 2537, a bill (H. R. No. 5067) for the relief of Smith E. G. Rawson; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDINGS AND GROUNDS.

Mr. COOK. I am directed by the Committee on Public Buildings and Grounds to report back two bills and ask their reference to the Committee on Appropriations.

The SPEAKER. The title of the first bill will be read.
The Clerk read as follows:

A bill (S. No. 1157) authorizing the Secretary of the Treasury to purchase additional lots of ground adjoining the new building for the Bureau of Engraving and Printing.

Mr. ATKINS. I desire to inquire whether the Committee on Public Buildings and Grounds make any recommendation with regard to this bill?

Mr. COOK. It contains an appropriation.

Mr. ATKINS. But do the committee make any recommendation?

Mr. COOK. No, sir.

Mr. ATKINS. It seems to me that the Committee on Public Buildings and Grounds should take the responsibility of making a recommendation on the subject.

The SPEAKER. The Chair understands the gentleman from Georgia to state that the committee make no recommendation.

Mr. ATKINS. I understand that; but I think they ought to have done so. I think that committee ought to take the responsibility of making a recommendation, and not throw the responsibility upon the Committee on Appropriations.

The SPEAKER. The bill will be referred to the Committee on Appropriations. The title of the other bill will be read.

The Clerk read as follows:

A bill (S. No. 820) to authorize the Secretary of the Treasury to purchase lands adjacent to the custom-house in the city of Providence, Rhode Island.

The SPEAKER. Does the gentleman ask the same order in regard to this bill?

Mr. COOK. Yes, sir.

Mr. PAGE. It seems to me rather a singular proceeding that these bills should be referred to the Committee on Appropriations without any recommendation. What is the object of referring such bills to the Committee on Public Buildings and Grounds at all?

The SPEAKER. The Chair has nothing to do with the purpose or object of the House in its reference of these bills.

Mr. PAGE. But the House has something to do with it.

Mr. CALKINS. Is there a written report accompanying these bills?

The SPEAKER. In the opinion of the Chair that should not be required where bills are reported for reference to other committees for investigation. The Committee on Public Buildings and Grounds have not examined into the subject and make no report; they merely ask to be discharged, so that another committee may consider.

Mr. CALKINS. My reason for asking the question was this: As I understand, when the Committee on Public Buildings and Grounds recommend the erection of a public building, they must fix the maximum amount to be spent in its erection.

The SPEAKER. The gentleman is quite right.

Mr. PAGE. I move to recommit these bills to the Committee on Public Buildings and Grounds. I do not see why that committee should evade its duty.

The SPEAKER. The Chair supposes that the object is to procure appropriations for these purposes in the sundry civil appropriation bill.

Mr. PAGE. But they are sent without recommendation at all, and the Committee on Appropriations cannot go into an examination of those bills. They have already too much to do.

The SPEAKER. Nevertheless they do go into an examination of all the items in the sundry civil appropriation bill, which usually contains appropriations for the construction of public buildings throughout the country.

Mr. PAGE. What is the object of referring these questions, then, to the Committee on Public Buildings and Grounds?

The SPEAKER. The Chair is not advised of the object.

Mr. PAGE. I move to recommit the bills to the Committee on Public Buildings and Grounds with instructions to report their recommendation.

Mr. MCKENZIE. I desire to say to the gentleman from California that the House took away from the Committee on Public Buildings and Grounds, under the new rules, the power to recommend appropriations.

Mr. PAGE. They did not take away the power to make appropriations.

Mr. COOK. I will state, Mr. Speaker, to the gentleman from California, that where the Committee on Public Buildings and Grounds have recommended the amount to be appropriated, that recommendation has been utterly disregarded by the Committee on Appropriations. They are not bound by the amount we recommend at all, but have cut it down one-half or increased it double. Take, for instance, the public building at Hartford, Connecticut. In 1872 the construction of that building was authorized, and the appropriation limited to \$300,000. In 1874 that limitation was extended and increased to \$400,000. From that day to this, without any other action whatever except upon appropriation bills coming from the Committee on Appropriations, \$275,000 additional have been expended, and the Secretary of the Treasury, in his Book of Estimates, now asks for \$75,000 more to complete it, making in all \$800,000 for the construction of that building at Hartford, Connecticut, when at the outset the amount was limited to the Committee on Public Buildings and Grounds to \$300,000. The Committee on Appropriations are not bound by any limitation we put upon the construction of public buildings, and we therefore deem it useless to make any recommendation on the subject.

Mr. PAGE. What is there to prevent the Committee on Public Buildings and Grounds reporting its bills and their going, as other bills are referred, to the Committee of the Whole on the state of the Union?

Mr. COOK. That is what we proposed to do, but here are bills coming from the Senate recommending the purchase of ground, and I have been directed to move that they be referred to the Committee on Appropriations.

Mr. ATKINS. I desire to say one word. In no instance that I am aware of has the Committee on Appropriations formally changed the limit which the Committee on Public Buildings and Grounds have placed on any public building. It has been done simply by annual appropriations, which have been made in accordance with estimates by the Supervising Architect. The Supervising Architect has submitted his estimates for the construction of a building, and appropriations are made in accordance with his estimates. The committee generally cut down the annual appropriations as far as possible. Additional estimates are made for the subsequent year, and so on from year to year. In that way the limitations placed on these public buildings by the Committee on Public Buildings and Grounds have been exceeded.

There is no disposition on the part of the Committee on Appropriations to exceed the limits which the Committee on Public Buildings and Grounds have placed on different public buildings, and, so far as I am aware of, I do not know of any sentiment entertained by any member of the Committee on Appropriations or any desire on the part of any one of them to increase expenditures in the construction of public buildings and grounds further than may be recommended by the Committee on Public Buildings and Grounds on that subject. We are anxious that committee should take the responsibility; and when they recommend a new building to be constructed, they shall take the responsibility of saying how much it shall cost. As one of the members of the Committee on Appropriations, I intend, so far as I am concerned, to conform to that recommendation and not to exceed it.

Mr. COOK. I state again, as I stated before, that no limitation placed by the Committee on Public Buildings and Grounds for the last ten years has been adhered to except in two or three instances; but, on the contrary, they have been doubled, going from \$300,000 to \$800,000, and from \$4,000,000 to \$9,000,000.

Mr. ATKINS. That has not been our fault.

Mr. COOK. It has not been the fault of the Committee on Public Buildings and Grounds.

Mr. ATKINS. It is the fault of the Supervising Architect.

Mr. COOK. The Committee on Public Buildings and Grounds have considered the true intent of the action of the House in preventing or making any recommendation as to appropriation—that the action of the House was intended and designed to leave that whole question with the Committee on Appropriations, as they had charge of the Treasury and knew what amount could be appropriated for public buildings as well as for other governmental purposes. They sent the whole matter of cost to that committee and very properly, I think.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United States, by Mr. PRUDEN, one of his secretaries.

The message further announced the approval of bills of the following titles:

An act (H. R. No. 3462) to amend section 3020 of the Revised Statutes; and

An act (H. R. No. 4432) making additional appropriation for the support of certain Indian tribes for the year ending June 30, 1880.

PUBLIC BUILDINGS AND GROUNDS.

Mr. SHALLENBERGER. Mr. Speaker, I desire to call the attention of the chairman of the Committee on Appropriations to the point which we now make on these bills, and I do not think we can take any other position than we now take. These are Senate bills. They appropriate money. They come to our committee. If they are reported back by our committee they must be considered now, or they must go to the Committee of the Whole on the state of the Union; but they contain an appropriation of money which the House by a very decided vote said we should not have jurisdiction of. How can we report them back? We cannot emasculate the bills. They are in themselves appropriation bills. They contain subjects relating to appropriations of money, and the House has said our committee shall have no jurisdiction over appropriations. The House has changed the old rule in that respect. Under the old rule we could do it; but under the new rule we cannot. That rule says "other than appropriations" shall be considered by our committee.

Now, we simply want these bills to be referred where the House has said by a decided vote they should go, namely, to the Committee on Appropriations, and then we may discuss the further question as to whether bills originating in this House shall or shall not make recommendations as to a limitation. I claim that Senate bills appropriating money cannot, by any possible construction of that rule that the Speaker may give to it, go to our committee.

The SPEAKER. Does the gentleman from Pennsylvania assert in his opinion the Committee on Public Buildings and Grounds has not now the right to put a limitation as to the entire cost of a public building?

Mr. SHALLENBERGER. If the Speaker will bear with me I did not make that assertion.

Mr. ATKINS. Will the gentleman allow me to ask him a question?

Mr. SHALLENBERGER. Certainly.

Mr. ATKINS. Is it the purpose of the Committee on Public Buildings and Grounds to take the responsibility of lending their influence to the passage of this act and throw the responsibility upon the Committee on Appropriations? It is our duty to make appropriations in accordance with law—not to make laws. We have been accused of making laws and of an itching to make laws on almost every question. Now, we do not desire to do that.

Mr. SHALLENBERGER. I will say in response to the question of the chairman of the Committee on Appropriations that the Committee on Public Buildings and Grounds, speaking for myself on that committee—and I doubt not that I speak the sentiments of the majority of the committee—expect to bow to the judgment of this House. We yield willingly and cheerfully to the direction of the House. We desire to report back our bills in just such shape as the House desires to have them. We have no fight with the Committee on Appropriations after having settled decisively in the House this question which was before us. I do accept all responsibility that the House chooses to impose upon me, but when the House says by a deliberate vote that one committee shall not have jurisdiction of subjects relating to appropriations, and when a bill comes to my committee that contains anything like an appropriation for any specific purpose, I say I must come to the House and ask to be discharged from its consideration and have it referred to the Committee on Appropriations, which, according to the judgment of the House, alone has jurisdiction of the matter.

Mr. CALKINS. Mr. Speaker, I desire to say but a word about the construction of the rules, and what I conceive to be the jurisdiction of the Committee on Public Buildings and Grounds.

In the first place I shall not consent as a member to the establishment by law of a public building until the Committee on Public Buildings and Grounds has first established it and fixed the maximum of its cost. When that is done, then, if a public building seems to be a necessity, no man on this floor will render it a more cheerful support than myself. But the first thing to be done and inquired about it is as to the necessity for the establishment of the building, and then the fixing of the maximum cost. That is exclusively within the jurisdiction of this committee. That is its duty. It cannot escape from it. It must do it.

In the next place, that having been done, the recommendation for the appropriation, under the rules of this House, must of necessity go to the Committee on Appropriations. They are charged with the duty of appropriating money for this and other subjects according to law. Then we have an harmonious whole—the Committee on Public Buildings and Grounds establishing by law the location of the public buildings and fixing their maximum cost, and the Committee on Appropriations appropriating the necessary money for their erection. Until they come before the House in that manner, I want it understood that I shall oppose every one of them.

Mr. COOK. I wish to ask one question. The two bills I have offered for reference to the Appropriations Committee, neither of them contemplates building anywhere. They are Senate bills recommending a certain amount for the purchase of land by the Government adjacent to buildings already constructed, one in this city and one in Providence.

Mr. ATKINS. I wish to state I was under a misapprehension as to the nature of the bills when I first addressed the House. I find these are appropriation bills which were introduced into the Senate, passed the Senate, and have come to the House. Now, sir, in my judgment

the Senate has no power to originate appropriation bills. I think the Constitution is perfectly plain upon that subject; and for one I am not willing as a member of this House to consider these appropriation bills at all until they have been subjected to a legal investigation. I think the bills should go to the Committee on the Judiciary, and I make that motion. One of them is a bill "authorizing the Secretary of the Treasury to purchase additional lots of ground adjoining the new building for the Bureau of Engraving and Printing." The other is a bill "to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, Rhode Island." It seems to me they are clearly appropriation bills.

Mr. HOOKER. The report which has been made by the chairman of the Committee on Public Buildings and Grounds, he says, refers to Senate bills; but, as I understand through other members of that committee, the Committee on Public Buildings and Grounds, with reference to bills which originated in this House and which have been referred to that committee, propose to report those bills back to the House without fixing an amount. I beg to differ from my friend from Pennsylvania [Mr. SHALLENBERGER] as to the construction of the existing rules. Originally this committee unquestionably under the old rules possessed this power and constantly exercised it, and there never was a bill referred to the Committee on Public Buildings and Grounds in reference to which they did not exercise the jurisdiction of determining what amount should be appropriated, either for the purchase of the necessary lands for a public building or for the erection of the buildings themselves. The instances to which my friend from Georgia, [Mr. COOK,] the chairman of the committee, has alluded, where they have gone on and exceeded the amounts, have probably arisen in this way: that primarily there was appropriated so much for the erection of a building and it was known the money appropriated was not sufficient, and hence other bills directing further appropriations have been introduced and referred.

I do not see very well why the Committee on Public Buildings and Grounds are deprived under the new rule of the power they had under the old rule. Clause 19 of Rule XI defines what legislation shall be referred to that committee in the following terms:

To the public buildings and occupied and improved grounds of the United States, other than appropriations therefor.

When their report is made to the House it must go on some calendar. Suppose it goes on the House Calendar, then you have got to fix in the House the amount when the bill is considered without the action of a committee, although that is peculiarly a subject which a committee ought to consider, and certainly there is no committee more appropriate for its consideration than the Committee on Public Buildings and Grounds. Why? Because they receive the whole evidence, and because they receive the estimates of the architect. They receive the evidence, for instance, as to the income that is being derived from the revenue of the offices—from the Post-Office and from other offices into which revenue comes—and they are better prepared to pass upon the question as a committee acting for the House and preparing business for the House than the Appropriations Committee or any other committee, as the whole subject-matter is intrusted to them.

I do not think this committee is shorn of the power to make this investigation and this recommendation. They ought to do it. And whether you refer a specific appropriation to the Committee of the Whole House or act upon the recommendation of a committee in the House you have the action of the House in fixing the amount, which it is almost impossible for a large body of men to do intelligently unless every man reads the whole evidence. This is a function which belongs to some committee, and to none more properly than the Committee on Public Buildings and Grounds. In the Committee of the Whole by a very decisive vote the right was given to that committee to recommend appropriations to the House. This action was reversed in the House also by a decisive vote; but I do not think the House intended by the terms of its rule to say that the Committee on Public Buildings and Grounds should be shorn of its power to make the investigation and the recommendation; and I think if it be true that all the bills referred to this committee are to be reported back without fixing the amount, we shall then have discussions in the House or in the Committee of the Whole, where we will have nothing to act upon but the recommendation that a building be erected without specifying the amount.

Mr. YOUNG, of Tennessee. These bills are not the unanimous report of the Committee on Public Buildings and Grounds. As I have notified my colleagues that I purposed to oppose the report in the House, I feel at liberty to do so. I do not think this is a practical character of legislation. I do not think those bills in their present condition can be acted upon at all by the Committee on Appropriations. No appropriation can be made until authorized by law, and I do not think those bills in their present form authorize any appropriation. I think it is eminently proper that the duty of fixing the cost of those buildings should be confided to the Committee on Public Buildings and Grounds, that committee having already before them all the facts and data on which they base their opinion in recommending the building at all. It seems to me the proper course to pursue with all these bills—and I suggest that course to my colleagues—is that they be recommitted to the Committee on Public Buildings and Grounds, so that they may come back with a recommendation fixing the limit of the cost.

The SPEAKER. The gentleman from Tennessee [Mr. ATKINS] raises the point as to the right of the Senate to originate bills making appropriations; and moves that these two bills be referred to the Committee on the Judiciary, in order that that constitutional point may be determined.

The motion was agreed to.

STORER COLLEGE, WEST VIRGINIA.

Mr. COOK, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. No. 4367) granting about ten acres of land to Storer College at Harper's Ferry, West Virginia, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on the Public Lands.

The motion was agreed to.

LANDING OF IMMIGRANTS IN NEW YORK.

Mr. COOK also, from the same committee, reported back the bill (H. R. No. 4644) to amend an act entitled "An act for the construction of a public building for the use by the United States Government in the city of New York," approved June 15, 1878; and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Commerce.

Mr. REAGAN. Judging from the title of the bill, it occurs to me that it should not go to the Committee on Commerce.

Mr. COOK. The bill has no reference whatever in the world to a public building; its whole purpose is to change the directions concerning the landing of passengers, whether they shall be landed in New York or New Jersey. It is no public building at all.

The motion of Mr. COOK was agreed to.

MONUMENT TO GENERAL CUSTER.

Mr. COOK also, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. No. 4841) for the erection of a monument in the city of Washington to the memory of General George A. Custer and the officers and men of the Seventh United States Cavalry who were killed in the battle of the Little Big Horn, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on the Library.

The motion was agreed to.

PUBLIC BUILDING AT CLEVELAND, OHIO.

Mr. SHALLENBERGER, from the same committee, reported back, with an amendment, the bill (H. R. No. 536) to authorize the Secretary of the Treasury to repair and extend the public building owned by the United States at Cleveland, Ohio, and moved that the accompanying report be printed, and the bill and report referred to the House Calendar.

The SPEAKER. If this bill calls directly or indirectly for an appropriation, then under the new rule it should go to the Committee of the Whole on the state of the Union.

Mr. SHALLENBERGER. If the point is made I will not object to that order.

The bill was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT PITTSBURGH, PENNSYLVANIA.

Mr. SHALLENBERGER, from the same committee, also reported back, with an amendment, the bill (H. R. No. 2850) to provide a building for the use of the United States circuit and district courts, custom-house, and post-office, at Pittsburgh, Pennsylvania; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT KANSAS CITY, MISSOURI.

Mr. MURCH, from the same committee, reported back, with amendments, the bill (H. R. No. 2163) to provide for the construction of suitable rooms for the use of the United States circuit and district courts in the public building to be erected in the city of Kansas, in the State of Missouri; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT ROCHESTER, NEW YORK.

Mr. MURCH, from the same committee, also reported back, with an amendment, the bill (H. R. No. 2531) for a public building at Rochester, New York; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT TOLEDO, OHIO.

Mr. MCKENZIE, from the same committee, reported, as a substitute for House bill No. 2502, a bill (H. R. No. 5068) for the construction of a building for the use of the United States, at Toledo, Ohio; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

PUBLIC BUILDING AT MONTGOMERY, ALABAMA.

Mr. MCKENZIE, from the same committee, also reported back, with amendments, the bill (H. R. No. 427) for the erection of a public building in the city of Montgomery, in the State of Alabama; which, with the accompanying report, was ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

Mr. MCKENZIE. There was an agreement in the Committee on Public Buildings and Grounds that these bills should be reported in the same order in which they stood upon the calendar of the committee. I therefore yield to the gentleman from Maine, [Mr. MURCH.]

Mr. CONGER. If these bills require any appropriation to be made, they should be referred to the Committee of the Whole on the state of the Union.

The SPEAKER. All these bills have been referred to the Committee of the Whole on the state of the Union.

PUBLIC BUILDING AT JACKSON, MISSISSIPPI.

Mr. MURCH, from the same committee, reported, as a substitute for House bill No. 437, a bill (H. R. No. 5069) to provide for the erection of a public building at Jackson, Mississippi, for the use of the district and circuit courts of the United States, for a land office to preserve the records of entries of public lands, an office for the register and receiver of the land office, for the collector of internal revenue, for the post-office, and for other Government purposes; which was read a first and second time.

Mr. MCKENZIE. It was the desire of the Committee on Public Buildings and Grounds that these bills should go to the House Calendar, as they provide for no appropriation.

The SPEAKER. The Chair thinks these bills come within the scope of the rule in regard to bills requiring appropriations, and unless the House reverses that judgment the Chair will continue to so rule, and will direct these bills to go upon the Calendar of the Committee of the Whole on the state of the Union.

Mr. PAGE. Does this bill make an appropriation directly?

Mr. MURCH. It makes no appropriation.

Mr. GARFIELD. Allow me to suggest that it will greatly facilitate reaching these bills if they go now upon the Calendar where they should go. Suppose that they are put upon the House Calendar, and then two or three or four weeks hence when the bills on that calendar are reached the point of order is made, and after discussion and decision they are sent to the Committee of the Whole on the state of the Union. They will then have to go to the foot of the Calendar.

Mr. FRYE. The rule was drawn with great care so as to cover all bills requiring directly or indirectly an appropriation of money. It is evident that these bills in relation to public buildings must require indirectly, if not directly, an expenditure of money.

Mr. MURCH. The committee will not contest that point.

The bill, with the accompanying report, was ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

PUBLIC BUILDING AT LYNCHBURGH, VIRGINIA.

Mr. MURCH, from the Committee on Public Buildings and Grounds, also reported, as a substitute for House bill No. 323, a bill (H. R. No. 5071) making an appropriation for a Government building to be used as a post-office, court-house, and bonded warehouse, at Lynchburgh, in the State of Virginia; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

PUBLIC BUILDING AT CHARLESTON, WEST VIRGINIA.

Mr. MCKENZIE, from the same committee, reported, as a substitute for House bill No. 1244, a bill (H. R. No. 5070) to provide for a building suitable for a post-office, for the accommodation of the revenue officers and the United States courts and their officers, in the city of Charleston, West Virginia; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MCKENZIE. This bill should go upon the House Calendar before the one just reported by the gentleman from Maine, [Mr. MURCH.] It will thus conform to the order in which it appears upon the calendar of the committee. There was an agreement that these bills should be reported to the House in that order.

Mr. KENNA. I do not understand the gentleman from Maine to object to this course.

The SPEAKER. The Chair hears no objection. The bills will be arranged upon the Calendar as suggested.

PUBLIC BUILDING, BROOKLYN, NEW YORK.

Mr. SHALLENBERGER, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill No. 110, a bill (H. R. No. 5072) to provide for the erection of a public building at Brooklyn, New York, for use as a post-office and United States court, and for the accommodation of United States internal-revenue officials, and for other Government purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, PADUCAH, KENTUCKY.

Mr. MURCH, from the same committee, reported, as a substitute for House bill No. 607, a bill (H. R. No. 5073) to provide for the construction of a public building at the city of Paducah, State of Kentucky; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, QUINCY, ILLINOIS.

Mr. MURCH, from the same committee, reported, as a substitute for House bill No. 809, a bill (H. R. No. 5074) to provide for the erection

of a public post-office building in the city of Quincy, in the State of Illinois, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, GREENSBOROUGH, NORTH CAROLINA.

Mr. MCKENZIE, from the same committee, reported, as a substitute for House bill No. 344, a bill (H. R. No. 5075) to provide for the purchase of a site and the erection thereon of a public building in the city of Greensborough, North Carolina; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, MAYSVILLE, KENTUCKY.

Mr. MURCH, from the same committee, reported, as a substitute for House bill No. 599, a bill (H. R. No. 5076) to provide for the purchase of a site and the erection of a public building at the city of Maysville, in the State of Kentucky; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, MINNEAPOLIS, MINNESOTA.

Mr. SHALLENBERGER, from the same committee, reported, as a substitute for House bill No. 1738, a bill (H. R. No. 5077) to provide for the purchase of a site and the erection thereon of a building suitable for a post-office and other Government offices in the city of Minneapolis, in the State of Minnesota; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT DENVER, COLORADO.

Mr. SHALLENBERGER also, from the same committee, reported, as a substitute for House bill No. 1281, a bill (H. R. No. 5078) to provide for the purchase of a suitable site and the erection of a public building in the city of Denver; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, HOUSTON, TEXAS.

Mr. MURCH, from the same committee, reported, as a substitute for House bill No. 1050, a bill (H. R. No. 5079) authorizing the construction of a post-office in the city of Houston, Texas; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, CLARKSBURGH, WEST VIRGINIA.

Mr. SHALLENBERGER, from the same committee, reported, as a substitute for House bill No. 3707, a bill (H. R. No. 5080) to provide for the purchase of a site and the erection thereon of a suitable building for the accommodation of the United States courts, the post-office, and other Government offices, in the city of Clarksburgh, in the State of West Virginia; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CESSION OF LAND IN MEMPHIS, TENNESSEE.

Mr. YOUNG, of Tennessee, from the same committee, reported, as a substitute for House bill No. 1614, a bill (H. R. No. 5081) to cede to the first taxing district of the State of Tennessee a certain lot of land situated in said district; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, PEORIA, ILLINOIS.

Mr. SHALLENBERGER, from the same committee, reported, as a substitute for House bill No. 4245, a bill (H. R. No. 5082) to provide for the erection of a public building in the city of Peoria, in the State of Illinois; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, PORTSMOUTH, OHIO.

Mr. SHALLENBERGER also, from the same committee, reported, as a substitute for House bill No. 2089, a bill (H. R. No. 5083) appropriating money for the purchase of a site and the erection of a post-office and other Government offices in the city of Portsmouth, State of Ohio; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, OWENSBOROUGH, KENTUCKY.

Mr. SHALLENBERGER also, from the same committee, reported, as a substitute for House bill No. 4697, a bill (H. R. No. 5084) for the purchase of suitable grounds in the city of Owensborough, in the State of Kentucky, and the erection thereon of a public building for post-office, United States collector's office, United States commissioner's office, and for the use of other public officers in said city; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, LOUISVILLE.

Mr. MCKENZIE also, from the same committee, reported, as a substitute for House bill No. 3545, a bill (H. R. No. 5085) to provide for the erection of a public building in the city of Louisville, Kentucky; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADDITIONAL FORCE, HOUSE FOLDING-ROOM.

Mr. MORSE. I am instructed by the Committee on Accounts to report the following resolution, on which I desire to have present action.

The Clerk read as follows:

Resolved, That the superintendent of the House folding-room be, and is hereby, authorized to employ an additional force of twelve men to fold speeches and other public documents accumulating in the folding-room and to perform such other duties as may be there assigned to them: *Provided*, The employment of said additional force shall terminate one month after the adjournment of the present session of Congress unless otherwise ordered by the Committee on Accounts; and they shall be paid out of the contingent fund at the rate of \$720 per annum while employed.

Mr. MORSE. There is just complaint by members of the House that there is not sufficient help in that department.

Mr. WHITTHORNE. I suggest that the words "or boys" be inserted after "men."

Mr. CONGER. I reserve the point of order on this.

The SPEAKER. The point of order will be reserved.

Mr. WHITTHORNE. I ask to insert the words "or boys," so it will read "men or boys," leaving the matter to the discretion of the officer having the appointment.

Mr. MORSE. I have no objection to that amendment.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of this resolution.

Mr. HAWLEY. I must object.

Mr. ATKINS. Has the gentleman from Massachusetts received any recommendation from the superintendent of the folding-room asking for this force?

Mr. MORSE. We have, and the committee authorized me to make this report.

Mr. MILLS. I know they are a very long way behind.

Mr. HAWLEY. I objected, not knowing exactly what the question was before the House. If we are to have this morning hour according to the new rules, we must not allow ourselves to do business in that hour. I am not against the proposition, but we must save the morning hour for reports from committees for reference.

The SPEAKER. That is an objection, and the resolution will be referred to the Committee of the Whole House on the state of the Union.

Mr. MORSE. No; I do not wish that reference, but will withdraw the report for the present, objection having been made.

ADDITIONAL CLERK, COMMITTEE ON WAR CLAIMS.

Mr. MARTIN, of Delaware. Mr. Speaker, the Committee on Accounts, to whom was referred a resolution on the 10th of December, 1879, that the Committee on War Claims be authorized to employ an assistant clerk during the Forty-sixth Congress, to be paid from the contingent fund of the House at the rate of \$6 per diem, have instructed me to report the same back with the following substitute therefor to which they have agreed unanimously.

The Clerk read as follows:

Resolved, That the Committee on War Claims be, and they are hereby, authorized to employ an assistant clerk during the Forty-sixth Congress, who shall be paid out of the contingent fund of the House at the rate of \$6 per diem while actually employed: *Provided, however*, That said assistant clerk shall not be paid during the recess of Congress.

Mr. CALKINS. I object.

The SPEAKER. The Chair desires to state in reference to the Committee on Accounts, that under the new rules that committee has the right to report at any time on all matters of expenditures from the contingent fund of the House. There is, therefore, no occasion for the Committee on Accounts to take up any portion of the morning hour with reports coming in under that privilege.

Mr. CALKINS. It was on that ground I made the objection.

Mr. GARFIELD. I desire to say, in connection with this ruling of the Chair, that if we are to get these new rules into working order the best way is to enforce them strictly so we shall discover any inaccuracy existing in them, and where, in practice, they may be improved.

The SPEAKER. The Chair is of the same opinion.

Mr. GARFIELD. But if we are to override them constantly by unanimous consent we will get ourselves into difficulty.

Mr. MARTIN, of Delaware. I withdraw the report.

Mr. ATKINS. Has the morning hour expired?

The SPEAKER. It has.

Mr. MARTIN, of Delaware. In accordance with the suggestion of the Speaker, I now submit my report from the Committee on Accounts and ask that the resolution which I now report unanimously from that committee shall be read.

The Clerk read as follows:

Resolved, That the Committee on War Claims be, and they are hereby, authorized to employ an assistant clerk during the Forty-sixth Congress, who shall be paid out of the contingent fund of the House at the rate of \$6 per diem while actually employed: *Provided, however*, That said assistant clerk shall not be paid during the recesses of Congress.

Mr. REAGAN. I desire to suggest an amendment. After the word "clerk," where it first appears in the resolution, to insert "for such time as the committee may think necessary," because during the second session of Congress it is not probable that the committee will want the services of a clerk.

Mr. MARTIN, of Delaware. I did not understand the amendment proposed by the gentleman from Texas.

Mr. REAGAN. I suggest that the resolution be amended by fixing the limit for the employment of a clerk to such time as the committee may deem necessary. That would contemplate his retention during the session and while his services would be necessary; but during the latter part of the Congress it is not at all probable that the services of a clerk will be needed, as no business requiring his services can by any possibility be reached.

Mr. MARTIN, of Delaware. I will state to the gentleman from Texas that we considered this whole question very carefully in the committee. We had the chairman of the Committee on War Claims before us, and we tried in every way to so guard the resolution as to make the employment of this clerk as economical to the House as possible. And it was upon the representations of the chairman of the Committee on War Claims that this resolution was substituted for the original. The chairman of that committee seemed to be equally desirous with the Committee on Accounts not to make the employment of this officer any more expensive to the House than necessary.

Mr. REAGAN. I have no objection to the committee having a clerk for such time as may be actually necessary, but I do object to providing a place and paying for the services of a man when he is not needed.

Mr. MARTIN, of Delaware. The gentleman will perceive that the resolution provides he is only to be paid while actually employed. It is not to be presumed the committee will employ a man when there is nothing to do.

Mr. REAGAN. I know; and I know also that he is not to be paid during the recess. But what I wish is to have inserted after the word "clerk" the words "during such time as his services may be needed by the committee." I propose to offer an amendment of that character, for we all know that during the latter part of a Congress there can be no possible necessity for an additional clerk to that committee.

Mr. MARTIN, of Delaware. I have no objection to the amendment being voted on.

Mr. FORT. I desire to ask the gentleman in charge of this bill a question.

Mr. MARTIN, of Delaware. Certainly.

Mr. FORT. How many clerks has that committee now?

Mr. MARTIN, of Delaware. One.

Mr. FORT. How many had they formerly or in other Congresses?

Mr. MARTIN, of Delaware. Two; always two heretofore, as I understand it.

Mr. FORT. The clerks of these different committees seem to be increasing so rapidly that I think it is time the House should inquire into the necessity for this additional service. We started out under the rule of economy, and I hope we will not so soon forget that we are trying to reduce expenditures. I will not undertake to say that the gentleman is mistaken; but I know that for a part of the time, at all events, in the past that committee did not have two clerks, but only one; and if it is true that war claims are now increasing so rapidly as to now require two clerks, it seems to me it would be well to make some inquiries into that matter.

Mr. BAYNE. Will the gentleman allow me a question?

Mr. FORT. Yes, sir.

Mr. BAYNE. As a member of the Committee on War Claims I would like to say to the gentleman that the work now before that committee is greater than it has ever been perhaps heretofore.

Mr. FORT. That is just what I supposed.

Mr. BAYNE. There is a great increase in claims of that nature. The office of the commissioners of war claims having ceased, all the claims that were heretofore adjudicated by that commission are now to be referred to the Committee on War Claims, and the consequence is that the number of claims requiring consideration is increasing and is vastly in excess of any number before that committee at any previous time. Moreover, I want to say that the number of these claims has increased to such an extent in consequence of the war claims commission having ceased to exist, it will be necessary to provide additional space or room to receive these claims, to enable them to be placed in proper order, and classified and arranged systematically by the committee.

Mr. FORT. I suppose the gentleman refers to the southern claims commission.

Mr. BAYNE. Yes, sir.

Mr. FORT. The business of that commission is now, as I understand him, before the Committee on War Claims.

Mr. BAYNE. Yes, and that is the reason for this vast increase in the business of that committee.

Mr. WHITE. May I ask whether original claims are increasing before that committee?

Mr. BAYNE. There are a great many there, and there is a great deal of labor upon the members of the committee as well as the clerk. I know that a flood of claims is coming in, in consequence of the expiration of the southern claims commission.

Mr. WHITE. As a subject of interest I wanted to know if this class of claims was increasing or decreasing. It might be important as a matter of record.

Mr. YOUNG, of Tennessee. I would like to ask the gentleman from Pennsylvania what labor the clerks of that committee have to perform.

Mr. BAYNE. They sort these claims. The committee has now under consideration a resolution which will enable the clerks to separate these claims into particular classes, in order that the members of the committee may not be required to take up and consider a vast number of claims which would be rejected on general principles and under the rules established by the committee.

Mr. WHITE. How many claims are pending there?

Mr. BAYNE. I do not know. I know, however, that there are a great many, and that this additional service is required for the committee. I am the last man to seek the appointment of any person to any position on any committee unless it be absolutely required.

Mr. WILSON. While that private conversation is going on which nobody can hear cannot I offer a resolution?

The SPEAKER. The gentleman from Pennsylvania is entitled to the floor.

Mr. SMITH, of Pennsylvania. I want to say in reply to the gentleman from Illinois [Mr. FORT] that the number of clerks of the Committee on War Claims when that committee was originally constituted in the Forty-third Congress was two; and after a careful investigation by the Committee on Accounts we found the work had so increased that it was necessary to give the same number as when the committee was originally constituted, namely, two. That is all the Committee on Accounts have done, and they have done it after a very full and careful investigation.

Mr. CONGER. I desire to ask one question: why, after the entire vote of Congress, and especially of the democracy, fixed the salary of clerks as sufficient at \$4.80 a day, when money was less valuable, the committee now recommend \$6? The record of this House shows and the vote of the members of former Congresses shows that, in the opinion of the economic democracy, was all that a clerk ought to have. They voted that amount for clerks under republican rule, and under democratic rule the pay of all these clerks is increased.

Mr. WILSON. Will the gentleman from Michigan never get done howling about the democracy? [Laughter.]

Mr. MARTIN, of Delaware. I demand the previous question.

Mr. REAGAN. Before the question is put on the demand for the previous question the gentleman from Delaware allows me to offer an amendment.

The SPEAKER. The Chair supposed the gentleman's amendment as offered originally was pending, to be voted upon by the House.

Mr. REAGAN. No, sir; I have modified it. I ask the Clerk to read the amendment.

The Clerk read as follows:

Strike out the words "Forty-sixth Congress" and insert "present session of Congress," making it read:

"That the Committee on War Claims be, and they are hereby, authorized to employ an assistant clerk during the present session of Congress," &c.

Mr. MARTIN, of Delaware. I now demand the previous question on the resolution and amendment.

The previous question was seconded and the main question ordered; and under the operation thereof Mr. REAGAN's amendment was agreed to.

The resolution, as amended, was adopted.

Mr. MARTIN, of Delaware, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOSTETLER. I call for the regular order.

The SPEAKER. The Chair has recognized the gentleman from Massachusetts [Mr. MORSE] to make a privileged report.

EMPLOYÉS IN FOLDING-ROOM.

Mr. MORSE. I am instructed by the Committee on Accounts to report the resolution which I send to the desk as a substitute for the resolution referred to that committee on motion of the gentleman from Maryland, [Mr. McLANE.]

The Clerk read as follows:

Resolved, That the superintendent of the House folding-room be, and he is hereby, authorized to employ an additional force of twelve men or boys to fold speeches and other public documents accumulating in the folding-room, and to perform such other duties as may there be assigned to them: *Provided*, That the employment of the said additional force shall terminate one month after the adjournment of the present session of Congress, unless otherwise ordered by the Committee on Accounts; and they shall be paid out of the contingent fund at the rate of \$720 per annum while employed.

Mr. CONGER. Is that subject to objection?

The SPEAKER. What character of objection?

Mr. CONGER. That it is not in order to report that resolution at this time.

The SPEAKER. The committee have a right to report at any time.

Mr. BREWER. I make the point of order that the resolution appropriates money and should have its first consideration in Committee of the Whole on the state of the Union.

Mr. CONGER. I think it will be time enough to provide for the campaign a month or two later.

The SPEAKER. The Chair sustains the point of order made by the gentleman from Michigan, [Mr. BREWER,] and the resolution will be referred to the Committee of the Whole on the state of the Union.

Mr. MORSE. I withdraw the report for the present.

QUARTERMASTER AND COMMISSARY CLAIMS.

Mr. WILSON. I offer the resolution which I send to the desk for reference to the Committee on Rules, and I ask that it be printed.

The Clerk read the title of the resolution, as follows:

Resolution for the appointment of a special committee to ascertain and report upon the propriety of referring quartermaster and commissary claims against the Government to some other tribunal, and for other purposes.

Mr. CONGER. Why should that resolution be referred to the Committee on Rules?

The SPEAKER. The Chair does not know, for the Chair has no knowledge of its contents.

Mr. CONGER. I object to the reference of the resolution and to its introduction.

Mr. WILSON. Let me say to the gentleman from Michigan that President Grant, President Hayes, the present Secretary of War, the last Secretary of War, the present Secretary of the Treasury, the last Secretary of the Treasury, the Quartermaster-General and Commissary-General, have all for several years past implored Congress to take these claims from the Departments. And this resolution meets their concurrence.

Mr. CONGER. I do not know but the gentleman from West Virginia may have been appointed special advocate for the distinguished gentlemen he has named, to represent their special interests; but if so, I had not heard of it.

Mr. WILSON. I am not their special advocate.

The SPEAKER. Objection being made the resolution is not before the House.

Mr. WILSON, (addressing Mr. CONGER.) I will pay you for that. Mr. CONGER. The gentleman from West Virginia says in his place, "I will pay you for that."

Mr. WILSON. I did, sir.

Mr. CONGER. I desire to know in what coin, or in what manner?

Mr. WILSON. I will tell the gentleman very frankly.

Mr. CONGER. That is a remark which the gentleman has no business to make.

Mr. WILSON. I have the right to make it, and I make it with full knowledge of exactly what I say.

Mr. CONGER. It is a threat to a member for exercising a right.

Mr. WILSON. I will explain, if I be allowed, what I mean by it.

The SPEAKER. The gentleman from West Virginia is not entitled to the floor, objection having been made.

POLITICAL CONTRIBUTIONS.

Mr. HOSTETLER. I call for the regular order.

The SPEAKER. The regular order being demanded, the House resumes the consideration of the bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes. The gentleman from Indiana [Mr. HOSTETLER] is on the floor to demand the previous question.

Mr. WILSON. Will the gentleman from Indiana allow me to offer two amendments to the first section of the bill?

Mr. HOSTETLER. I yield to the gentleman from Texas [Mr. UPSON] to offer an amendment.

Mr. CONGER. Has the previous question been ordered?

The SPEAKER. It has not. It has been demanded. The Chair is advised there is an amendment pending to the original text offered by the gentleman from Massachusetts, [Mr. CLAFLIN.] There is then another amendment in the nature of a substitute offered by the gentleman from Ohio, [Mr. BUTTERWORTH.]

Mr. UPSON. I desire to offer my amendment as a substitute for the substitute offered by the gentleman from Ohio.

The SPEAKER. That is not in order. It might come in as an amendment to the substitute.

Mr. CONGER. After the previous question has been demanded?

The SPEAKER. The gentleman from Indiana vacates the demand for the previous question to let the amendment come in.

Mr. CONGER. Then I suppose it is now in order to move to go into Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman from Indiana [Mr. HOSTETLER] has the floor for the purpose of calling the previous question.

Mr. CONGER. But the first business after the morning hour to-day is the motion to go into Committee of the Whole on the state of the Union.

The SPEAKER. This bill comes over from yesterday as unfinished business, not only under the rules but the Chair thinks by consent.

Mr. CONGER. I had not heard of the assent.

The SPEAKER. It comes over under the rule.

Mr. CONGER. I would ask by what rule business on the House Calendar on any day takes precedence of a motion to go into Committee of the Whole?

The SPEAKER. The Chair recognized the gentleman from Indiana [Mr. HOSTETLER] to call the previous question on this bill, and the gentleman from Michigan [Mr. CONGER] did not even seek to obtain the floor.

Mr. CARLISLE. And besides, this bill is a special order of the House.

The SPEAKER. In addition, it is a special order and is correctly in its place.

Mr. HOSTETLER. I now call the previous question on the bill and amendments.

Mr. GARFIELD. There are some gentlemen on both sides of the House who desire an opportunity to speak upon this bill, and I hope the previous question will be voted down.

Mr. WILSON. I desire to offer a single suggestion. Members here have never had an opportunity to read in print the amendments which have been offered. I hope this matter will be allowed to go over to some other day, and then we can take up the deficiency appropriation bill and pass it.

The SPEAKER. Debate is not in order pending the call for the previous question.

Mr. WILSON. Then I ask leave to print some remarks.

Mr. KEIFER. As there are many gentlemen here who desire to speak upon this bill, I think I must object to granting leave to any member to print his remarks until an opportunity is given to members to speak.

Mr. CARLISLE. Before the House is called upon to vote upon the previous question upon the bill and amendments, the amendment which has not yet been read should be read for the information of the House.

The SPEAKER. The amendment offered by the gentleman from Massachusetts [Mr. CLAFLIN] and the substitute offered by the gentleman from Ohio [Mr. BUTTERWORTH] were read yesterday. The amendment offered by the gentleman from Texas [Mr. UPSON] to the substitute of the gentleman from Ohio [Mr. BUTTERWORTH] will now be read.

The Clerk read as follows:

A bill to prohibit any person whomsoever from demanding, asking, soliciting, or in any manner compelling officers, clerks, or employes of the Government from contributing or paying money for political purposes, and to punish the same and otherwise to promote "civil-service reform."

Be it enacted &c., That it shall not be lawful for any person whomsoever, directly or indirectly, to demand, ask, or solicit, or in any manner compel, require, or induce any officer, clerk, or employe of the Government of the United States to contribute or pay to any committee, or person, or into any fund, any money, property or other valuable thing for any political purpose whatsoever, or to pay any assessment, or percentage upon the income, or emoluments of his salary, or compensation for any political purpose, or to give, loan, advance or pay any money, property, or valuable thing with the intent, assent, permission, knowledge, or understanding that the same may be applied to such purpose. Any person or persons who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and punished by imprisonment for a term not exceeding six months or by a fine not exceeding \$5,000. And any officer, clerk, or employe of the Government of the United States who shall violate any of the provisions of this section, in addition to the punishment aforesaid, after trial and conviction for such violation, shall be immediately dismissed from the office, clerkship, or employment which he may hold.

SEC. 2. That it shall be the duty of each of the heads of Departments of the Federal Government to issue and keep posted a standing order in their respective Departments prohibiting the officers, clerks, employes in said Departments, or other officers, from violating any of the provisions of the first section of this act.

SEC. 3. That it shall not be lawful for any head of Department or other superior officer of the Federal Government to collect, or permit or allow any other person to collect, or receive, from any officer, clerk, or employe in his Department or under his supervision, any assessment, percentage, contribution, gift, loan, or advance of any money, property, or other valuable thing, with the knowledge, intent, understanding, or permission that the same shall or may be used for any political purpose; and any person who shall violate any of the provisions of this section, or any head of Department who shall fail or refuse to promulgate the order as mentioned in the second section of this act, or who shall fail or refuse to dismiss from office or employment any officer, clerk, or employe, in his Department, who shall violate any of the provisions of the first section of this act, on the same coming to his knowledge, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment for a period of not less than one month nor more than six months, and, in the discretion of the court, by a fine of not more than \$5,000.

The SPEAKER. The question now recurs upon seconding the demand for the previous question.

Mr. CARLISLE. I make the point of order that under the new rule no second is required to the demand for the previous question, but the question is upon ordering the main question to be now put.

The SPEAKER. The Chair construes the word "ordered" in the new rule to mean the same as the word "seconded" in the old rule.

Mr. GARFIELD. There are two things in the new rule: first, a motion which the individual makes, and then the order which is made by the House; that applies to the previous question. The main question is another thing. The word "ordered" in regard to the previous question is used in the new rule instead of the word "seconded," which was in the old rule. The main question may be voted on by yeas and nays.

The SPEAKER. The Chair thinks the word "ordered" was employed in the new rule in lieu of the word "seconded" in the old rule.

Mr. CARLISLE. I am sure, when the subject of the new rules was under consideration in Committee of the Whole, many members understood that the new rule in regard to ordering the previous question dispensed with the vote on seconding the demand for the previous question; that any member in his place on the floor could move the previous question as he had the right to make any other motion, and that it was then for the House to determine by a vote whether the main question should be ordered.

The SPEAKER. The Chair thinks that the word "seconded" in the old rule was replaced by the word "ordered" in the new rule.

merely because it was thought to be a better word, and not for the purpose of avoiding the two votes required on the "main question."

Mr. CARLISLE. Very well.

The question was taken upon seconding the demand for the previous question; and upon a division there were—ayes 71, noes 91.

Before the result of the vote was announced,

Mr. HOSTETLER called for tellers.

Tellers were ordered; and Mr. HOSTETLER and Mr. GARFIELD were appointed.

The House again divided; and the tellers reported that there were—ayes 94, noes 4.

Mr. CONGER. I make the point of order that no quorum has voted.

Mr. GOODE. I desire to make a suggestion to my friends on the other side and to my friend from Indiana, [Mr. HOSTETLER.] It is that we allow two hours' further debate on this question.

Mr. KEIFER. Two hours on each side?

Mr. HAWLEY. That is not enough.

Mr. CONGER. I will make this proposition: let the debate continue until those gentlemen who have prepared remarks upon this subject and desire to speak have had an opportunity to do so. There is no desire to delay the consideration of business before the House. I say here that if there is any desire to go forward with the appropriation bills, every man on this side of the House will consent to postpone this matter until the bills which are ready to be reported have been acted upon.

Mr. BUCKNER. Is it in order now to move to refer this bill?

The SPEAKER. The point of order has been raised that no quorum voted. The Chair has allowed discussion among members in order to ascertain if an understanding could be reached in regard to time for debate. It is apparent to the Chair that the only difficulty is in relation to the length of time to be allowed for debate.

Mr. CONGER. The opposition on this side of the House is entirely in connection with the time for debate.

Mr. TOWNSHEND, of Illinois. Gentlemen on the other side of the House have occupied more time in this debate than gentlemen on the democratic side. This filibustering movement can arise from no unfairness in allotting the time for debate.

Mr. REED. That is simply because we have more material.

Mr. HOSTETLER. I am perfectly willing to give more time for debate, but I want some understanding as to when we shall have a vote on this question. I thought that matter had already been arranged.

Mr. REED. Let the voting be arranged when we have got through debate.

Mr. BURROWS. Certainly we ought not to be forced to a vote on this bill until the remarkable speech delivered by the gentleman from Tennessee [Mr. HOUSE] is published.

Mr. SPARKS. It is published this morning.

Mr. BURROWS. It was not published until this morning.

Mr. SPARKS. Mr. Speaker, what is the next thing in order?

The SPEAKER. There was not a quorum voting, and the point of order was made upon that.

Mr. GARFIELD. I think gentlemen on the other side had better allow the debate to go on.

Mr. SPARKS. How long?

Mr. GARFIELD. I do not know; it is difficult to say. I do not ask any time for myself; but I know there are several gentlemen on this side who feel that they ought to be heard. I have no doubt that before the day is over we can come to some understanding. But let the debate go on now.

Mr. REAGAN. We desire to come to an understanding if it can be reached now.

Mr. WILSON. We ought not to be compelled to vote on this question before seeing the amendments in print.

Mr. CLYMER. I object to debate, and call for the regular order.

Mr. TOWNSHEND, of Illinois. I move a call of the House.

Mr. WILSON. We do not desire to be called on to vote upon this proposition unless we can see the amendments in print.

The SPEAKER. The Chair is unable to ascertain whether the gentleman from Indiana and the gentleman from Ohio have come to any understanding as to the length of the debate.

Mr. CLYMER. I demand the regular order.

Mr. WILSON. I suggest to the gentleman from Indiana that he let the bill go over until some other day and let the amendments be printed. Then we can go on now with the deficiency appropriation bill. [Cries of "Regular order!"]

The SPEAKER. The regular order is the motion of the gentleman from Illinois [Mr. TOWNSHEND] that there be a call of the House.

Mr. SPARKS. Let us have it.

Mr. CALKINS. Before that question is put I would like to make a suggestion. This bill is not of any immediate public importance, so it need not be pressed to a vote to-day. My colleague [Mr. HOSTETLER] will, I think, agree with me that a week from to-day would be just as good a time for bringing it to a vote as to-day. Therefore I suggest that the bill be allowed to stand just as it is and take its chances with the other business, if the House should want to take up anything else.

The SPEAKER. The bill is being considered as a special order.

Mr. CALKINS. Let the existing special order be vacated and the

bill be made a special order for a week from to-day, to be then brought to a final vote.

Mr. HAWLEY. I do not know that I can help toward the settlement of this matter. This bill was in the morning hour many weeks during the extra session. A great deal was said by its friends about gentlemen on this side being unwilling to discuss it. We were just waiting for the proper occasion. The bill has now been before the House for a short time. The debate was led off on the other side by a gentleman who made a speech of two hours—a very able speech, I suppose; I did not listen to it, because I thought I was going to read it. Now, we are not only willing, but exceedingly anxious to discuss this bill. I want the privilege of stating why I would trample upon such a measure. I have been waiting for such an opportunity.

Mr. TOWNSHEND, of Illinois. You have had time.

Mr. HAWLEY. We have not had time enough. We have been told that a corrupt political motive was our only reason for opposing the bill.

Mr. REAGAN. How much time do gentlemen on the other side desire?

Mr. HAWLEY. I was just about to say that I know five or six or eight hours could be occupied on this side.

Mr. TOWNSHEND, of Illinois. I insist on my motion for a call of the House.

The question having been put,

The SPEAKER said: A sufficient number having voted in the affirmative, a call is ordered.

The roll was called, when the following members failed to answer:

Aldrich, N. W.	Coffroth,	Jorgensen,	Russell, Daniel L.
Armfield,	Converse,	Killinger,	Singleton, J. W.
Atherton,	Davis, Joseph J.	Lapham,	Smith, William E.
Bachman,	Dick,	Le Fevre,	Steele,
Barlow,	Dunn,	Loring,	Stephens,
Beale,	Elam,	McCoid,	Taylor,
Boyd,	Ellis,	McCook,	Thompson, Wm. G.
Bragg,	Farr,	McKinley,	Townsend, Amos
Briggs,	Frost,	Money,	Wilber,
Cabell,	Garfield,	O'Brien,	Wise.
Caswell,	Gillette,	O'Neill,	
Chalmers,	Hayes,	Prescott,	
Clark, John B.	Henkle,	Ross,	

The SPEAKER. On this call two hundred and forty-three members have answered to their names. A quorum is present.

Mr. TOWNSHEND, of Illinois. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The question recurs on the demand for the previous question.

Mr. CONGER. On which a vote by tellers was ordered.

The SPEAKER. The count by tellers will be resumed. The gentleman from Michigan [Mr. CONGER] will please act in the place of the gentleman from Ohio [Mr. GARFIELD] who is not now in his seat.

The House divided; and the tellers reported—ayes 92, noes 2.

Mr. CONGER. I make the point that no quorum has voted.

Mr. VAN VOORHIS. I move a call of the House.

The question having been put,

The SPEAKER said: Only two gentlemen rising—not fifteen, as provided for by the rules, a call of the House is not ordered. The Chair recognizes the gentleman from Indiana, [Mr. HOSTETLER.]

Mr. CONGER. I submit the gentleman from Indiana has lost control of the bill, by all the rules of the House, to those who are opposed to it.

The SPEAKER. No proceeding can go on when a quorum does not appear, this fact being questioned. The Chair supposed the gentleman from Indiana made some suggestion.

Mr. GARFIELD. I ask by unanimous consent that the gentleman from Michigan [Mr. WILLITS] be allowed to go on and make his speech.

Mr. SPARKS. I understand the gentleman from Indiana is willing to hear a proposition.

Mr. HOSTETLER. Yes, I am willing to hear any proposition which gentlemen may submit.

The SPEAKER. The gentleman from Ohio makes the proposition that the gentleman from Michigan be allowed an hour.

Mr. CONGER. I desire to say it has been announced on this side of the House there are several gentlemen who are prepared to make remarks on this subject and who desire to do so. The object, and the only object in now refusing to second the demand for the previous question, is that opportunity may be given to those gentlemen to deliver their speeches. If the gentleman from Indiana will withdraw the demand and let the debate go on, then we can hear all those who wish to speak.

Mr. HOSTETLER. How long does the gentleman want?

Mr. CONGER. I cannot tell how many there are who wish to speak; but we can go on at least for a time.

Mr. GARFIELD. This side of the House will not be unreasonable, I am sure. It is quite impossible to tell now how many there are. I wish to say the gentleman from Michigan, [Mr. WILLITS], who is now on the floor, to my knowledge has been preparing on this subject for several weeks. I think it would be injustice to refuse him. He has not got up a speech on the spur of the moment because we have got into this flurry, but he has been preparing it for several weeks. And I know of one other gentleman who perhaps will not take more than half an hour. Beyond that I do not know. I am

not speaking for myself, and I say the gentlemen who knew the bill was pending and expected it to be taken up, and wished in good faith to discuss it, should not be denied the opportunity to be heard. I do not think it is right to cut them off from a reasonable chance to debate. I do not think the time heretofore given to this bill is a reasonable time for debate, and therefore I think we had better let the gentlemen who are prepared to speak go on; for the quicker they get their speeches made the sooner there will be no excuse for delay on this side.

Mr. KENNA. In connection with what the gentleman from Ohio has just said, I desire to say one word. I agree that this bill is of such a character as to make it right and proper that there should be a reasonable amount of discussion of it on both sides. I desire to say further that as an individual member of the House and of the committee which reported this measure, I desire that there should be an opportunity to submit and obtain the action of this House upon amendments to the bill, with a view to its perfection, in such shape as will possibly secure its passage. I desire to reach the result intended to be achieved without reaching any other result, and some amendment may be necessary in order to do that.

I am not prepared to say that I am ready to vote for this bill in the form in which it stands. What I rose to say, however, was this, particularly, that while I would be willing to see such discussion as is necessary and proper of the merits of this bill, I would like, at the same time, to see that discussion so proceeded with as not to interfere with the progress of the appropriation bills.

Mr. GARFIELD. So do I. I say we ought to drop this bill any moment the Committee on Appropriations is ready to go on. If they have a bill to go on with now, I will, and I think all on this side will, vote to take it up.

Mr. REED. Let us take up any appropriation bill which is ready at this time.

Mr. KENNA. I do not mean what I understand the gentleman from Ohio to indicate. I am not willing to drop this bill, for I regard the subject one of great importance, but I would vote to take up the regular appropriation bills whenever they are ready.

Mr. GARFIELD. I do not mean to drop it altogether, but merely to lay it aside to dispose of any appropriation bill which is ready.

Mr. KENNA. But I am willing to let the appropriation bill be taken up and considered and not delayed by this bill.

Mr. CONGER. And that is just what we wish.

Mr. REED. That is what we on this side voted for yesterday, and are ready to do it again.

Mr. GARFIELD. That is what we are ready to do now, and it will save time. I hope the gentleman from Michigan will be recognized. The year of good feeling has arrived.

The SPEAKER. The gentleman from Indiana has the floor.

Mr. HOSTETLER. The day before yesterday, when this bill was up, the understanding was at that time we should come to a vote; that at a certain hour the previous question should be called. I understood most emphatically from the gentleman from Ohio [Mr. GARFIELD] that he acceded to my proposition to call the previous question at four o'clock yesterday evening. The gentleman from Tennessee [Mr. HOUSE] took the floor under that understanding, so far as I was concerned. He made his speech for one hour, when his time would have expired under the rules; but, by unanimous consent, that time was extended to two hours.

Mr. CONGER. Then extended again.

Mr. HOSTETLER. For a few minutes.

Mr. TOWNSHEND, of Illinois. Ten minutes.

Mr. HOSTETLER. That closed that day. Yesterday the question came up for consideration again.

The gentleman from New York [Mr. RICHARDSON] took the floor for one hour and gave ten minutes to the gentleman from Ohio, [Mr. YOUNG,] and then his time was extended until he got through with his remarks.

Mr. TOWNSHEND, of Illinois. Extended twenty-five minutes.

Mr. HOSTETLER. Then the gentleman from Ohio [Mr. BUTTERWORTH] took the floor and spoke for one hour.

Mr. TOWNSHEND, of Illinois. Two hours and twenty-five minutes.

Mr. HOSTETLER. Making in all two hours and twenty-five minutes on that side of the House. Now, then, at the close of his speech I called the previous question, as I understood, and as this side of the House understood that to be the agreement, and yet I now understand that the gentleman from Michigan [Mr. CONGER] did not give his consent and it was so stated by him. Therefore he now refuses to recognize the right of this side of the House to call the previous question.

Mr. CONGER. The gentleman will remember that I read yesterday from the RECORD of the day before that that was not the understanding of the House. It is in both RECORDS, yesterday and the day before, that that was not the understanding of this side of the House, and that certainly was warrant enough to the gentleman that no such agreement was made on this side of the House.

Mr. HOSTETLER. The gentleman will remember another thing when the understanding I speak of was made. The gentleman from Michigan rose and made a parliamentary inquiry as to the effect of the rules, whether I would be entitled to the hour after calling the previous question. But after reading the RECORD I find he objected at the close. Now, the question resolves itself simply into this: whether

or not the arrangement, as understood by this side of the House, and, as I believe, by a large portion of the other side of the House—whether the gentleman from Michigan shall rule and control that side of the House or not.

Mr. GARFIELD. Will the gentleman allow me to say—and certainly he is speaking without sufficient warrant if he represents me as having made any agreement for this side of the House notwithstanding what the gentleman from Michigan has said—the gentleman from Indiana gave notice of his intention to call the previous question at three o'clock, and I suggested to him to postpone the notice, not to say he would call it at three o'clock, but to give the notice for four o'clock; and after a little talk about it he apparently acceded to my suggestion and gave notice he would call the previous question at four o'clock.

Mr. HOSTETLER. At your suggestion.

Mr. GARFIELD. Acting on my suggestion, it is true, to postpone the notice to that time; but he did not ask nor was any consent asked that an agreement should be made that the previous question would be considered as pending at four o'clock. Nobody said that. And what is more, in order to forefend against such understanding, the gentleman from Michigan rose in his place and distinctly disclaimed any such understanding should be had, and furthermore the language here in the RECORD—

Mr. HOSTETLER. I ask for the reading of that.

Mr. GARFIELD. I have it in my hand. I will send it to the desk and let the Clerk read what I have marked.

Mr. HOSTETLER. No; the whole colloquy.

The Clerk read as follows:

Mr. HOSTETLER. Very well; I will give notice that at four o'clock to-morrow I will call the previous question on this bill.

Mr. HOSTETLER. I want the Clerk to commence back of that, where the conversation took place in regard to the previous question.

Mr. HOOKER. Read what the gentleman from Ohio said.

Mr. TOWNSHEND, of Illinois. Read all of it.

The Clerk then read as follows:

Mr. HOSTETLER. This bill has been so long before the House, has been so frequently reprinted, and the desire on the part of members is so strong to get it out of the way so that other business may be considered, I will say that in order to give gentlemen on the other side an opportunity to discuss this bill I will not call the previous question until four o'clock this afternoon, if that shall be satisfactory to gentlemen on the other side.

Mr. GARFIELD. I have myself no personal wish about this matter, and I do not know that I shall say a word upon the bill. But I know of two members who are prepared to speak upon it; one is not now in his seat, but is in the city and may not be able to get here in time to speak upon the bill to-day. If the gentleman from Indiana [Mr. HOSTETLER] knows of any gentleman on his side of the House who is ready to speak now I hope he will let the debate go on without indicating at this time any limit.

Mr. HOSTETLER. I do not propose myself to make any remarks upon this bill at this time, but will reserve my right to speak at the close of the debate.

Mr. GARFIELD. Then I think the gentleman had better fix some time to-morrow when the vote will be taken.

The SPEAKER. At what hour to-morrow?

Mr. GARFIELD. I do not care. All that I desire is that members may have an opportunity to speak. I would say three o'clock to-morrow.

Mr. HOSTETLER. Very well.

Several MEMBERS. Make it four o'clock.

The SPEAKER. The Chair thinks as at present advised if the previous question shall be called at three o'clock and the gentleman from Indiana [Mr. HOSTETLER] shall claim his right to speak an hour after the previous question shall have been ordered, the vote then will not be taken at four o'clock. This was the old practice.

Mr. CONGER. Under the new rules has the member reporting a question the right to speak an hour after the previous question has been called?

The SPEAKER. He has the right to an hour to open and an hour to close the debate.

Mr. CONGER. Is there anything in the rule which authorizes him to occupy an hour after the previous question has been ordered?

The SPEAKER. The Chair will call the attention of the gentleman to clause 3 of Rule XIV.

Mr. BURROWS. That is where the debate has extended beyond one day.

The SPEAKER. The debate on this bill has extended beyond one day.

Mr. GARFIELD. In case we should now fix an hour of to-morrow for the vote on this bill, will not the morning hour of to-morrow have to come out of that time?

The SPEAKER. By the rule, the unfinished business comes up after the morning hour for reports of committees.

Mr. GARFIELD. The morning hour would have to be used.

The SPEAKER. It would, for reports of committees.

Mr. GARFIELD. Then I would call the attention of the gentleman from Indiana [Mr. HOSTETLER] to the fact that if he names three o'clock to-morrow as the hour, there would be the Journal to be read and the whole morning hour for reports of committees, and that would bring it to half past one o'clock before this bill would come up.

The SPEAKER. The gentleman had better state at what hour to-morrow he will call the previous question.

Mr. HOOKER. The morning hour to-morrow might be dispensed with.

Mr. GARFIELD. If the debate on this bill is to be closed at three o'clock to-morrow, that would leave but an hour and a half for discussion. The gentleman might say that he will call the previous question at the end of two hours after the morning hour to-morrow.

Mr. HOSTETLER. I am willing to do that.

Mr. GARFIELD. I would prefer myself that he should name four o'clock to-morrow.

Mr. HOSTETLER. Very well; I will give notice that at four o'clock to-morrow I will call the previous question on this bill.

Mr. CONGER. It is intimated by the Chair that after the previous question shall have been ordered there would be an hour for debate.

The SPEAKER. Does not the rule allow it?

Mr. CONGER. The rule says that the member reporting a proposition may have an hour to close the debate. But another rule provides that there shall be no debate after the previous question shall have been ordered. It would seem, then, that the member must, under the new rule, take his hour before the previous question is ordered.

The SPEAKER. Will the gentleman from Michigan direct the attention of the Chair to that portion of the new rules to which he alludes as to debate in connection with the demand for the previous question?

Mr. CONGER. Clause 3 of Rule XIV says:

"The member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon; and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening."

Now the rule in regard to the previous question. I cannot turn to it at this moment—

The SPEAKER. Rule XVII relates to the previous question.

Mr. CONGER. Yes, sir. The language of that rule is:

"There shall be a motion for the previous question, which, being ordered by a majority of the members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered."

So that, although the member introducing the proposition has the right to his hour to close the debate, he must use it before he calls the previous question; he must call the previous question at the end of his hour.

The SPEAKER. The Chair thinks that Rule XVII, to which the gentleman refers, must be construed to be in harmony with the previous rule as read, which declares that there may be debate after the previous question is ordered, as the Chair at first supposed.

Mr. MCMAHON. That is in accordance with a familiar principle of law.

Mr. CONGER. The member who introduced the proposition is entitled to an hour to close the debate, and being in possession of the floor he may then call the previous question. I hope there will be no ruling that shall give so broad a construction as the Speaker intimates to a positive rule, which does not in terms prevent the full enforcement of the other rule.

Mr. MCMAHON. Is not the other rule equally positive?

The SPEAKER. The Chair thought so; and the Chair's disposition was to construe them together.

Mr. GARFIELD. The Chair will allow me to say that we have not yet reached a point where the question is really up to be ruled on. I hope the Speaker will hold it open until the point is really made.

The SPEAKER. The Chair will hold it open.

Mr. GARFIELD. And we reserve our right to make the point at the proper time.

Mr. BARBER. I wish to make a parliamentary inquiry. Will the House necessarily return to this calendar to-morrow after the expiration of the morning hour, without a vote to that effect?

The SPEAKER. The bill will go over as unfinished business—not only as unfinished business but by agreement.

Mr. CONGER. I do not desire to be misunderstood—

The SPEAKER. The Chair does not misunderstand the gentleman.

Mr. CONGER. There has been no agreement except the declaration of the gentleman in charge of the bill that he will call the previous question. There has been no agreement on this side of the House so far as I know.

The SPEAKER. The rule of course will control everything in connection with the legislative matters before the House.

Mr. CONGER. I do not wish anything to go by agreement—only by the rules.

The SPEAKER. The gentleman from Indiana stated (and the Chair did suppose that it met the views of the minority of the House) that he would call the previous question at four o'clock to-morrow.

Mr. CONGER. We may desire to resist calling the previous question. We do not want to be committed by any agreement.

The SPEAKER. That is a matter within the discretion of the gentleman.

Mr. HOOKER. I rise to a point of order. The House, on motion of the gentleman from Indiana, has proceeded to the consideration of the House Calendar. Now that we have under consideration the first bill on the Calendar, I object to the time being taken up by discussing how long it shall be debated.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

"A bill (H. R. No. 2286) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes."

Mr. HOSTETLER. I now, for the purpose of showing that this was the understanding not only on this side but upon the other side of the House, ask the Clerk to read the report of the proceedings at the time when Mr. HOUSE, of Tennessee, asked an extension of his time.

Mr. WHITE. I rise to make an inquiry.

The SPEAKER. The gentleman from Indiana [Mr. HOSTETLER] is on the floor.

Mr. WHITE. I desire to make an inquiry.

The SPEAKER. The gentleman is not in order.

Mr. WHITE. I want to know if the speech of the gentleman from Tennessee [Mr. HOUSE] is to be read again?

The SPEAKER. The gentleman is not in order. The gentleman from Indiana [Mr. HOSTETLER] has sent to the desk to be read as part of his remarks what the Clerk will now read.

The Clerk read as follows:

Mr. HOSTETLER. I yield to my colleague on the committee, the gentleman from Tennessee, [Mr. HOUSE.]

Mr. HOUSE spoke on the pending bill. [He withholds his remarks for revision.]

During the delivery of Mr. HOUSE's speech, when his hour had expired,

Mr. MCKENZIE said: I ask unanimous consent that the gentleman from Tennessee be permitted to proceed with his remarks.

Mr. BURROWS. I would like to inquire of the gentleman whether, if his time be extended, he proposes to speak on this bill? [Laughter.]

Mr. HOUSE. Yes, sir; I will come up to it in the most natural order in the world. [Laughter.]

The SPEAKER *pro tempore*, (Mr. TOWNSEND, of Illinois.) The Chair hears no objection.

Mr. KEIFER. Before the gentleman proceeds I only want to say that we feel bound to object if other gentlemen who expect to speak within the time which it was understood would be allowed for discussion are likely to be cut off by this extension of time; but we do not desire, so far as I know, that anybody— [Cries of "We will let you speak!" "We will be fair!"]

Mr. KEIFER. I do not object, then, with that understanding.

Mr. BURROWS. I suppose the gentleman who has this bill in charge will not insist on calling the previous question to-morrow.

The SPEAKER *pro tempore*. Is there objection to the proposed extension of time? Mr. MCMAHON. I shall object to the time being extended beyond four o'clock to-morrow evening.

Mr. KEIFER. The gentleman had better object to the continuation of this speech. Mr. MCMAHON. I only give this notice. Other gentlemen must take the responsibility.

Mr. KEIFER. We are driven to object, in view of the notice given by my colleague, [Mr. MCMAHON.]

Mr. HUMPHREY. Yes, sir; we have to object under the circumstances.

The SPEAKER *pro tempore*. The Chair cannot accept a qualified objection. Does the gentleman object?

Mr. HUMPHREY. No; I will let the gentleman go on, and trust to the honor of the gentleman from Ohio.

Mr. MCMAHON. I desire to give notice to the House I have charge of an appropriation bill which I want to bring in day after to-morrow; and I shall, therefore, object to anything which runs the debate or voting over to-morrow evening. I give notice in order that gentlemen may govern themselves accordingly.

Mr. HOUSE. Mr. Speaker, I wish to say a word. I should like very much to go on and complete my remarks—

Mr. KEIFER. I have no objection.

Mr. HOUSE. But I do not wish to do so at the expense of the time of other gentlemen on either side of the House who wish to discuss this bill. I have not often consumed the time of this House, as gentlemen who know me here can attest, and I do not wish to do it now.

Mr. KEIFER. Go on and finish your remarks.

Mr. HOUSE. If there is objection to extending the time fixed to-morrow for taking the vote, I will not go on.

Mr. BUTTERWORTH. I wish to suggest to my colleague this debate may be kept on after four o'clock to-morrow; so the subject may be disposed of to-morrow.

Mr. HOSTETLER. There now.

Mr. CONGER. That seems to settle it very clearly.

Mr. HOSTETLER. The gentleman from Tennessee [Mr. HOUSE] made the statement very positively that if his going on interfered with the arrangement which had been come to he would not do so. The gentleman from Ohio [Mr. KEIFER] understood it that way when he made his proposition; and under that arrangement we extended to that side of the House the entire time yesterday.

Mr. KEIFER. The gentleman has put his own interpretation on the language I used. I did say that the time which it was understood we were to be allowed for debate was likely to be cut off by the extension of time to the gentleman from Tennessee. When I said that I referred to the understanding that we had on the minority side that the gentlemen on the other side did not intend to let us have any more time than that; and I thought if they had the power to cut us off we ought at least to protest against another hour being taken for the other side out of that very short time. But I did not say anything at that time which indicated, I think, that we had agreed the vote should be taken at a particular hour.

Mr. HOSTETLER. I refer to your remarks as they have been read from the Clerk's desk.

Mr. KEIFER. My remarks referred to the time which gentlemen on the other side proposed to allow for the discussion.

Mr. HOSTETLER. I desire now to say that I will not consent to any proposition for an extension of the time without a distinct understanding being come to.

Mr. FERNANDO WOOD. It is evident this debate may be continued for a fortnight, unless there be some agreement. I appeal to gentlemen on the other side to name some time when they will let us vote.

Mr. KEIFER. There are one or two gentlemen on this side of the House who desire to speak. They might probably have got their remarks in by this time, if gentlemen on the other side had been willing to listen to them.

Mr. CONGER. We have already stated that what we want on this side is a reasonable time for discussion.

Mr. FERNANDO WOOD. Name your time.

Mr. CONGER. I do not know how many gentlemen want to speak; but we would have been well along now if gentlemen on the other side had not insisted on calling the previous question. I ask gentlemen on the other side to agree to our request, unless they prefer to go on taking up time in this manner, instead of taking up the appropriation bills, which we are so anxious to take up and pass. When they refuse us the opportunity of debate, which they seem so very anxious to avoid, we must resist them.

Mr. FERNANDO WOOD. The position of the question is simply this: Gentlemen on the other side refuse to come to a vote, and propose to go on indefinitely with the debate. They thereby assume the responsibility of blocking the legislation of this House.

Mr. CONGER. We are asking with pleading tones for appropriation bills that we may vote upon them.

Mr. MCMAHON. I have heard a great deal about bringing up the appropriation bills—

Mr. CONGER. And so have I.

Mr. MCMAHON. Yes; and I desire to say to the House that the appropriation bills would have been ready to bring into the House before now if the Public Printer had been willing to answer certain simple and plain questions which it is necessary the House should have answered before it can vote intelligently on whether it will give \$400,000 or \$300,000 to the Public Printer. Those questions are still before the Public Printer. They ought to be answered and need to be answered, and I think they will be answered by to-morrow.

Mr. AIKEN. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. AIKEN. I desire to know if it would be in order to move to lay the bill with all the amendments on the table.

The SPEAKER. It would; a quorum being present.

Mr. AIKEN. I make that motion. This is obstructing the public business, and I move to lay the bill with all the amendments on the table. [Cries of "Vote!" "Vote!"]

The SPEAKER. The gentleman from Indiana [Mr. HOSTETLER] demanded the previous question. Pending that demand no quorum appeared. The Chair would have entertained the motion now made by the gentleman from South Carolina [Mr. AIKEN] if there had been a quorum. The Chair therefore entertains the motion of the gentleman from South Carolina, as there is now a quorum.

Mr. CLYMER. I demand the regular order.

The SPEAKER. The regular order is the motion of the gentleman from South Carolina to lay the bill and amendments on the table.

Mr. HOSTETLER. I call for the yeas and nays.

Mr. ATKINS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ATKINS. Would a motion to recommit take precedence of a motion to lay on the table?

The SPEAKER. It would not.

Mr. McMAHON. Pending the motion of the gentleman from South Carolina, I move that the House do now adjourn.

Mr. BUTTERWORTH. I desire to make a parliamentary inquiry. If this bill is tabled does it take the substitute with it?

The SPEAKER. It takes everything. The question is on ordering the yeas and nays.

The yeas and nays were ordered; and the Clerk, proceeding to call the roll, called the first name thereon—

Mr. AIKEN. On what have the yeas and nays been ordered?

The SPEAKER. On the motion made by the gentleman himself, to lay the bill and amendments on the table.

Mr. SAMFORD. What has become of the motion of the gentleman from Ohio, [Mr. McMAHON,] that the House do now adjourn?

The SPEAKER. The Chair understood that the gentleman from Ohio did not press that motion.

Mr. McMAHON. I gave the Chair no reason to suppose that I did not press it.

The SPEAKER. The gentleman from Ohio [Mr. McMAHON] states that he insists on his motion, which is one of higher privilege.

Mr. GARFIELD. It is too late.

The SPEAKER. The Chair thinks it is not too late.

Mr. GARFIELD. But the roll-call was commenced.

The SPEAKER. The gentleman rose in his place and stated that he insisted upon his motion to adjourn. The Chair has uniformly recognized a member, often the gentleman from Ohio himself, [Mr. GARFIELD,] when he rose in his place and stated on his word that he had made a motion in time.

Mr. GARFIELD. I do not wish to take any snap judgment on my colleague, [Mr. McMAHON,] I will ask the Chair if it be true or not that before the Chair recognized my colleague the first name on the roll was called?

The SPEAKER. The Chair did hear the motion and did recognize the gentleman from Ohio [Mr. McMAHON] to make it. But the Chair supposed (which supposition the gentleman now states is not correct) that he did not press his motion. The gentleman now says that he did press his motion.

Mr. GARFIELD. All right.

Mr. McMAHON. And many gentlemen around me here heard me say so.

The SPEAKER. The yeas and nays have been ordered on the motion to lay this bill and amendments on the table; pending which the gentleman from Ohio [Mr. McMAHON] moves that the House now adjourn.

The motion to adjourn was not agreed to; upon a division—yeas 65, noes 107.

The SPEAKER. The question now recurs on the motion of the gentleman from South Carolina [Mr. AIKEN] to lay the bill and pending amendments on the table, upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 112, nays 121, not voting 59; as follows:

YEAS—112.

Aiken,	Deering,	Humphrey,	Rice,
Aldrich, William	Dunnell,	James,	Richardson, D. P.
Anderson,	Dwight,	Joyce,	Robeson,
Bailey,	Einstein,	Kelley,	Robinson,
Baker,	Farr,	Ketcham,	Russell, William A.
Ballou,	Felton,	Lindsey,	Sapp,
Barber,	Ferdon,	Loring,	Shallenberger,
Bayne,	Field,	Marsh,	Sherwin,
Belford,	Fisher,	Martin, Joseph J.	Smith, A. Herr
Bingham,	Ford,	McGowan,	Starin,
Blake,	Forsythe,	Miles,	Stone,
Bowman,	Fort,	Miller,	Townsend, Amos
Brewer,	Frye,	Mitchell,	Tyler,
Brown,	Garfield,	Monroe,	Updegraff, J. T.
Burrows,	Godshalk,	Morse,	Updegraff, Thomas
Butterworth,	Hall,	Morton,	Urner,
Calkins,	Hammond, John	Neal,	Valentine,
Camp,	Harmer,	Newberry,	Van Aernam,
Cannon,	Harris, Benj. W.	Norcross,	Voorhis,
Carpenter,	Haskell,	Orth,	Wait,
Chittenden,	Hawk,	Osmer,	Ward,
Cladin,	Hawley,	Overton,	Washburn,
Conger,	Hazelton,	Pacheco,	Wells,
Cowgill,	Heilman,	Page,	White,
Crowley,	Hiscock,	Bierce,	Williams, C. G.
Daggett,	Horr,	Pound,	Willits,
Davis, George R.	Houk,	Price,	Wood, Walter A.
Davis, Horace	Hubbell,	Reed,	Young, Thomas L.

NAYS—121.

Acklen,	Finley,	Lowe,	Singleton, O. R.
Atkins,	Forney,	Manning,	Siemons,
Beltzhoover,	Geddes,	Martin, Edward L.	Smith, Hezekiah B.
Berry,	Gillette,	McKenzie,	Sparks,
Bicknell,	Goode,	McLane,	Speer,
Blackburn,	Gunter,	McMahon,	Springer,
Bliss,	Hammond, N. J.	McMillin,	Stevenson,
Blount,	Harris, John T.	Mills,	Talbot,
Bright,	Hatch,	Morrison,	Thompson, P. B.
Buckner,	Henry,	Muldrow,	Tillman,
Cabell,	Herbert,	Muller,	Townshend, E. W.
Caldwell,	Herndon,	Myers,	Tucker,
Carlisle,	Hill,	New,	Turner, Oscar
Clardy,	Hooker,	Nicholls,	Turner, Thomas
Clark, Alvah A.	Hostetler,	O'Connor,	Upson,
Clymer,	House,	Persons,	Vance,
Cobb,	Hull,	Phelps,	Waddill,
Colerick,	Huntton,	Philips,	Warner,
Cook,	Hurd,	Phister,	Weaver,
Covert,	Hutchins,	Poehler,	Wellborn,
Cox,	Johnston,	Reagan,	Whiteaker,
Cravens,	Jones,	Richardson, J. S.	Whithorne,
Culberson,	Kenna,	Robertson,	Williams, Thomas
Davidson,	Kimmel,	Rothwell,	Willis,
Davis, Lowndes H.	King,	Ryon, John W.	Wilson,
De La Matyr,	Kitchin,	Samford,	Wood, Fernando
Deuster,	Klotz,	Sawyer,	Yocum,
Dibrell,	Knott,	Scales,	Young, Casey.
Dickey,	Ladd,	Shelley,	
Evins,	Lewis,	Simonton,	
Ewing,	Lounsbery,	Singleton, J. W.	

NOT VOTING—59.

Aldrich, N. W.	Coffroth,	Keifer,	Richmond,
Armfield,	Converse,	Killinger,	Ross,
Atherton,	Crapo,	Lapham,	Russell, Daniel L.
Bachman,	Davis, Joseph J.	Le Fevre,	Ryan, Thomas
Barlow,	Dick,	Martin, Benj. F.	Smith, William E.
Beale,	Dunn,	Mason,	Steele,
Bland,	Elam,	McCoid,	Stephens,
Bouck,	Ellis,	McCook,	Taylor,
Boyd,	Errett,	McKinley,	Thomas,
Bragg,	Frost,	Money,	Thompson, Wm. G.
Briggs,	Gibson,	Murch,	Van Voorhis,
Brigham,	Hayes,	O'Brien,	Wilber,
Caswell,	Henderson,	O'Neill,	Wise,
Chalmers,	Henkle,	O'Reilly,	Wright.
Clark, John B.	Jorgensen,	Prescott,	

So the motion of Mr. AIKEN was not agreed to.

During the roll-call, while the Clerk was reading the names of those who had not voted on the first call,

Mr. POUND said: I believe the Clerk has passed over my name without calling it. I desire to vote.

The SPEAKER. The gentleman has the right to have his name called the second time, if he failed to answer on the first call. If he does not answer on either call, he loses his right to vote.

Mr. GARFIELD. The gentleman's name has not been called the second time.

Mr. POUND. I desire to have my name called a second time.

The SPEAKER. The Chair finds the gentleman is recorded as having voted on the first call.

Mr. POUND. I was not in my seat when my name was first called.

The SPEAKER. The gentleman's name is recorded in the negative.

When the completed list is read over, it is the right of any member to correct or change his vote.

Mr. POUND. I do not desire to change or correct my vote, because I have not yet voted.

Mr. GARFIELD. The gentleman did not vote on the first call; and his name has not been called a second time.

The SPEAKER. The gentleman has the right to have his name properly recorded.

Mr. TOWNSEND, of Illinois. But he was not in the Hall when his name was called.

The SPEAKER. The gentleman is in the Hall now. It seems that the gentleman is recorded upon the first call although he did not vote. Not having voted on the first call, and being now present, he has the right to have his name called the second time, which the Clerk omitted on second call because he was recorded on first call, as it now appears erroneously.

The name of Mr. POUND was called, and he voted "ay."

When the call of the roll was concluded,

Mr. HENDERSON said: I desire to vote.

The SPEAKER. When a member has not responded upon either the first or the second call, the Chair cannot entertain a request to have his vote recorded.

Mr. HENDERSON. I was called out of the Hall.

Mr. MARTIN, of West Virginia. I desire to vote.

The SPEAKER. The Chair cannot entertain the request.

The following pairs were announced:

Mr. MARTIN, of West Virginia, with Mr. HENDERSON.

Mr. BEALE with Mr. JORGENSEN.

Mr. RYAN, of Kansas, with Mr. DUNN.

Mr. DAVIS, of North Carolina, with Mr. THOMPSON, of Iowa.

Mr. ARMFIELD with Mr. ALDRICH, of Rhode Island.

Mr. STEELE with Mr. BOYD.

Mr. ATHERTON with Mr. MCCOID.

Mr. BOUCK with Mr. MCKINLEY.
 Mr. CHALMERS with Mr. VAN VOORHIS.
 Mr. KEIFER with Mr. HENKLE.
 Mr. TAYLOR with Mr. BRIGHAM.
 Mr. MONEY with Mr. MASON.
 Mr. BARLOW with Mr. BACHMAN.
 Mr. COFFROTH with Mr. THOMAS.
 Mr. HAMMOND, of New York, with Mr. O'BRIEN.
 Mr. CRAPO with Mr. GIBSON.
 Mr. ELLIS with Mr. HAYES.
 Mr. BRIGGS with Mr. CONVERSE.
 Mr. ELAM with Mr. DICK.
 Mr. RICHMOND with Mr. PRESCOTT.
 Mr. O'NEILL with Mr. ROSS.
 Mr. CASWELL with Mr. BRAGG.
 Mr. RUSSELL, of North Carolina, with Mr. WISE.

Mr. GIBSON. The Clerk has read an announcement that I am paired with some gentleman. I was not aware of the fact. I suppose some friend has paired me with a gentleman on the republican side. I therefore withdraw my vote.

Mr. CRAPO. I have declined to vote upon the understanding that I was paired with the gentleman.

Mr. SPRINGER. As both gentlemen are present, I object to the pair.

The SPEAKER. The gentleman cannot object to a pair. The gentleman from Massachusetts, [Mr. CRAPO,] having failed to vote upon both calls, has no right to vote now.

Mr. GIBSON. I withdraw my vote.

The SPEAKER. That the gentleman has the right to do, and it is the correct way to do under the circumstances.

Mr. SPRINGER. When gentlemen are not excused from voting, we have the right to insist that they shall vote.

The result of the vote was announced as above stated.

Mr. FINLEY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF MISSISSIPPI RIVER COMMISSION.

Mr. ROBERTSON rose.

The SPEAKER. The gentleman from Louisiana [Mr. ROBERTSON] desires to enter a motion to reconsider the vote by which the communication from the Secretary of War, transmitting the report of the Mississippi River commission, was referred to the Committee on Commerce.

Mr. CONGER. I submit that it is not in order now.

The SPEAKER. The gentleman merely enters the motion under the rule. This document was referred yesterday; and under the rule the motion to reconsider must be made on the same or succeeding day. If the Chair refused to entertain the motion to-day, the gentleman would be deprived of his right.

Mr. CONGER. Are not these reports presented with the understanding that they are not to be brought back on a motion to reconsider?

The SPEAKER. This was a departmental communication laid before the House by the Chair, who ordered that it be referred to the Committee on Levees and Improvements of the Mississippi River; but the gentleman from Michigan thought it belonged to the Committee on Commerce. The gentleman from Louisiana now desires, under the rules, to enter a motion to reconsider, so that the House may properly determine to which committee the communication belongs. If the Chair did not recognize the gentleman this evening the right to enter the motion would be lost. The Chair does not feel like taking that responsibility; hence the recognition.

Mr. CONGER. But under the rules the gentleman has no right to move to reconsider a matter thus referred.

The SPEAKER. The Chair thinks the motion to reconsider is in order.

Mr. JONES, of Texas, asks unanimous consent to print remarks touching the bill under consideration.

Mr. BUCKNER. I move the House do now adjourn.

The House divided; and there were—ayes 104, noes 99.

Mr. SPRINGER. Before the vote is announced I desire to give notice that on Tuesday next the Committee on Elections will call up for consideration the case of Bradley against Slemons, and on Wednesday the case of Curtin against Yocum.

Mr. PAGE. I objected to the gentleman from Texas having unanimous consent to print remarks. The Speaker did not take notice of my objection.

The SPEAKER. Does the gentleman object?

Mr. PAGE. I do.

Mr. WILSON. I wish to print some remarks.

The SPEAKER. Does the gentleman make his objection general?

Mr. PAGE. I do on the question before the House.

Mr. McMAHON. I give notice that if the Committee on Elections calls up the cases referred to, on Tuesday and Wednesday next, I shall be compelled to bring up the appropriation bill to-morrow. I give notice of that.

The SPEAKER. The motion to adjourn has been agreed to.

Accordingly (at four o'clock and twenty-three minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ATKINS: The petition of citizens of Benton County, Tennessee, for relief from *regie* contracts—to the Committee on Ways and Means.

By Mr. BLAND: The petition of citizens of Ottomer, Missouri, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of F. Russell and others, of Crawford County, Maine, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. BLISS: The petition of Roger A. Pryor, of New York, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. BOUCK: The petition of G. W. Stickles, of Wrightstown, Wisconsin, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. BRENTS: The petitions of Johnson & Herriff, publishers of the Union, and of Charles Bessener, publisher of the Watchman, Walla Walla City, Washington Territory, for the abolition of the duty on type—to the same committee.

By Mr. BREWER: The petition of J. R. Doughty and 40 others, citizens of Michigan, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. CLARDY: The petition of 42 druggists and perfumers, of Saint Louis, Missouri, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. DEERING: The petition of citizens and soldiers of the late war, of La Porte City, Iowa, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. DICK: The petitions of the publishers of the National Vindicator, Meadville, of the Progress, Greenville, and of the Crawford Journal, Meadville, Pennsylvania, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. FIELD: A paper relating to the pension claim of Mohammed Kahn, otherwise John Ammahoe—to the Committee on Invalid Pensions.

By Mr. FORT: The petition of druggists of Freeport, New Windsor, and Morton, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. GEDDES: The petition of H. B. Tiffany, M. A. Pope, and other druggists, of Clyde, Ohio, of similar import—to the same committee.

Also, the petitions of G. C. Fisher, of Patoka, Indiana, and of E. B. Hibbard and other druggists, of Tiffin, Ohio, of similar import—to the same committee.

By Mr. GODSHALK: The petition of citizens of Bucks County, Pennsylvania, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Bucks County, Pennsylvania, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. HALL: The petition of Annie M. Gould, for a military bounty land warrant—to the Committee on Military Affairs.

By Mr. BENJAMIN W. HARRIS: The petitions of Thomas S. Pratt, of Foxborough, Massachusetts, and Mansfield, Massachusetts, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petitions of Thomas S. Pratt, of Mansfield and Foxborough, and of A. T. Jones & Co. and A. A. Fuller, of Brockton, Massachusetts, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. HUBBELL: The petition of J. W. Ash and 16 others, citizens of Osceola County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of Marsh & Co., publishers of the Democrat, Ludington, Michigan, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. JAMES: The petition of James H. Miller and others, of Franklin County, New York, for the repeal of the national banking law, &c.—to the Committee on Banking and Currency.

By Mr. KELLEY: The petition of Milt C. Kerr, of Blairsville, Pennsylvania, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. MAGINNIS: The petition of the Miner Publishing Company of Butte City, Montana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. MCGOWAN: The petition of Lockwood Ward, Hiram Smith, N. A. Yates, and 100 other citizens, of Eaton County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. MCKENZIE: Memorial of the Tobacco Board of Trade of Hopkinsville, Kentucky, in relation to *regie* contracts for the sale of tobacco—to the Committee on Foreign Affairs.

Also, the petitions of W. A. Beauchamp, of Waverly, Kentucky, and of Steritt & Duncan, of Hawesville, Kentucky, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. McMILLIN: The petition of R. B. McDaniel, Dr. J. M. Means, Dr. Andrews, and 42 others, citizens of Wilson County, Tennessee, for relief against discriminations in the *regie* contract system—to the Committee on Foreign Affairs.

Also, the petition of Samuel T. Motley, S. T. Nix, and 45 others, citizens of Wilson County, Tennessee, of similar import—to the same committee.

By Mr. MILES: Papers relating to the claim of James Coler, of Stamford, Connecticut, for pay for work done by him under a contract with the United States in dredging and excavating the bar at Ruthersford Park, in the Passaic River, New Jersey—to the Committee on Commerce.

By Mr. MONROE: The petition of Messrs. Werner & Nelson, publishers of the Gazette, Tribune, and Germania, Akron, Ohio, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. NEW: The petition of J. B. Lathrop, of Greensburgh, Indiana, for the removal of prohibitory duties from chrome iron ore and bichromate of potash—to the same committee.

By Mr. OVERTON: The petition of Earl Love and 34 others, citizens of Dimock, Pennsylvania, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

By Mr. PHELPS: The petition of Charles E. Sisson and 125 other soldiers of Hartford and other towns of Connecticut, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. PRICE: The petition of druggists of Iowa, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. REED: The petition of Benjamin F. Pike, of Biddeford, Maine, formerly of Company F, Sixteenth Maine Volunteers, for pay due him while undergoing sentence of a court-martial—to the Committee on Military Affairs.

By Mr. THOMAS RYAN: Papers relating to the pension claim of H. E. Vantrees—to the Committee on Invalid Pensions.

By Mr. J. W. SINGLETON: The petition of Turner Brothers, of Clayton, Illinois, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. A. HERR SMITH: The petition of Mrs. Maria Wenger, for a pension—to the Committee on Invalid Pensions.

Also, the petition of B. H. Warner, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petition of W. G. Baker and 12 other druggists, of Lancaster, Pennsylvania, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

Also, the petitions of John B. Warfel, publisher of the New Era, and of G. G. Cameron, publisher of the Marietta Times, Lancaster, Pennsylvania, for the abolition of the duty on type—to the same committee.

By Mr. SPEER: The petition of Hon. Isaac S. Clements and others, citizens of Forsythe County, Georgia, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. VANCE: The petition of John M. Craton, of North Carolina, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. WADDILL: The petition of G. W. Solomon and other soldiers of the late war, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. WHITEAKER: The petition of Williamson & McCall, publishers of the Leader, Weston, Oregon, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. CHARLES G. WILLIAMS: The petition of Heg and Nethercut, publishers of the Lake Geneva Herald, Geneva, Wisconsin, of similar import—to the same committee.

By Mr. WILLIS: The petition of the Bremaker-Moore Paper Company, against the reduction of the duty on paper—to the same committee.

By Mr. WRIGHT: The petition of M. Audier and 28 others, citizens of Port Washington, Wisconsin, and of W. H. Soles and 20 others, citizens of Turtle Creek, Pennsylvania, for the passage of the bill

(H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

By Mr. THOMAS L. YOUNG: The petition of Mrs. Elizabeth Winters, for arrears of pension—to the Committee on Invalid Pensions.

Also, the petition of Hannah C. Grandin, administratrix of John H. Piatt, deceased, for payment of the amount due decedent for rations furnished the United States Army in 1814 and 1815—to the Committee on War Claims.

Also, the petition of the College of Pharmacy, of Cincinnati, Ohio, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, memorial of the Ohio State Association of Mexican Veterans, for the passage of the bill granting pensions to surviving soldiers of the Mexican war—to the Committee on Pensions.

IN SENATE.

FRIDAY, March 12, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

The VICE-PRESIDENT signed the enrolled bill (S. No. 474) for the relief of William McGovern, which had previously received the signature of the Speaker of the House of Representatives.

PETITIONS AND MEMORIALS.

Mr. HAMLIN. I present the petition of John O'Dee and others, citizens of Maine, praying that Luke Walker, ordnance-sergeant, United States Army, be placed upon the retired list, and the application of the sergeant himself for the same purpose; which I move be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. SAULSBURY presented the petition of Nehemiah Ford, of Kenton Hundred, Kent County, Delaware, late private in Company G, First Regiment of Delaware Cavalry Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. WALLACE presented a petition of citizens of Clarion County, Pennsylvania, and a petition of citizens of Susquehanna County, Pennsylvania, praying for the establishment of a department of agriculture; which were referred to the Committee on Agriculture.

He also presented a petition of citizens of Clinton County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

Mr. DAWES. I present the petition of Edwards A. Park and others, officers and students of the Andover Theological Seminary, praying that justice be done to the Ute Indians in Colorado, that they be fully protected in their natural and their treaty rights, and that they be not in any way forced to sell or to leave their reservation in violation of such rights. I move the reference of the petition to the Committee on Indian Affairs.

The motion was agreed to.

Mr. DAWES. I also present a petition, praying that the Indians generally throughout the country may be maintained by the care of the Government in the rights to which they are entitled under treaties with the United States. This petition is signed by J. Nelson Trask and a large number of others, citizens of Andover, Massachusetts. I move that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. VOORHEES presented the memorial of Flora A. Skinner, widow and administratrix of Gilbert A. Skinner, deceased, praying compensation for services rendered by her husband as physician at the Fort Peck agency, and also praying that her name, together with that of her child, may be placed upon the pension-rolls; which was referred to the Committee on Pensions.

Mr. WILLIAMS presented a joint resolution of the Legislature of Kentucky, requesting the Senators and Representatives from that State to urge the passage of a bill granting pensions to soldiers of the Mexican war; which was referred to the Committee on Pensions.

He also presented a joint resolution of the General Assembly of Kentucky, instructing its Senators and requesting its Representatives to urge the passage of a bill reducing the salary of the President of the United States to \$25,000 a year; which was referred to the Committee on Appropriations.

He also presented a joint resolution of the General Assembly of Kentucky, instructing its Senators and requesting its Representatives to urge the passage of a law for the payment of the claims of soldiers organized under the authority of the State of Kentucky who served in the United States Army during the late war; which was referred to the Committee on Military Affairs.

Mr. HOAR presented the petition of Marie Louise Perrin and Trautman Perrin, of Boston, Massachusetts, praying the passage of a law allowing them indemnity for goods lost in the burning of Greytown when bombarded and burnt by the United States sloop of war Cyane, Commander Hollins, on the 13th of July, 1854; which was referred to the Committee on Claims.

Mr. BECK presented a joint resolution of the General Assembly of

Kentucky, instructing its Senators and requesting the Representatives from that State to urge the passage by Congress of a bill for the establishment of a life-saving station at the falls of the Ohio River, at Louisville, Kentucky; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of Kentucky, asking Congress to erect a Federal court building at Frankfort, Kentucky, and requesting its Senators and Representatives to urge the passage of a bill for that purpose; which was referred to the Committee on Public Buildings and Grounds.

He also presented a joint resolution of the General Assembly of Kentucky, requesting the Senators and Representatives from that State to urge Congress to grant an increase of pension to Mrs. Jane W. McKee, widow of Colonel William R. McKee, who was killed at Buena Vista, and mother of Lieutenant Hugh McKee, who was killed in battle in Corea, Asia; which was referred to the Committee on Pensions.

Mr. BECK. I also present a joint resolution of the General Assembly of the State of Kentucky, relative to the improvement of the navigation of the Mississippi River and its tributaries. I ask that this resolution be printed in the RECORD, and referred to the Committee on Commerce.

The resolution was referred to the Committee on Commerce; and is as follows:

Resolution approving the address of the Mississippi Valley commission.

Resolved, That the General Assembly of the Commonwealth of Kentucky, upon consideration of the address of the Mississippi Valley States commission, appointed by the governors of said States, recognize the great importance of the matters therein presented to the State of Kentucky, and conjointly to all the States of the Mississippi Valley, and earnestly commend the same to the favorable consideration of the Congress of the United States, and to the Legislatures of the several States of the Mississippi Valley; and whereas, in view of the magnitude of the Mississippi Valley, covering by far the largest extent of surface drained by one system of waters found in the temperate zones of the earth, which now furnishes to the world a larger portion of material for human subsistence than any equal extent of the earth's surface, furnishing also the great bulk of material that enters into the foreign and domestic commerce of this country; and in view of the fact that the vast resources of this great valley as in the past, so in the future, must continue chiefly dependent upon the facilities afforded to commerce by the Mississippi River and its tributaries for their development; and in view of the great extent to which those resources may be brought under development by extending the navigation of said river and its tributaries by a systematic improvement of the same, the enlargement of the commercial area, and the great increase of both the foreign and domestic commerce of this country thereby: Therefore,

Be it resolved, That the General Assembly of the Commonwealth of Kentucky deem it appropriate, in response to the address of the Mississippi Valley States commission, to manifest hereby its cordial approval of the same, and to express to the Congress of the United States its conviction that the great natural system of waters in the Mississippi Valley should be improved as a system, and this General Assembly earnestly recommend and desire that Congress shall appoint a suitable commission, or enlarge the Mississippi River commission of engineers, for the purpose of having all the waters of the Mississippi Valley susceptible of navigation, surveyed, examined, explored, or inquired into, and to have reports made showing the benefits to be derived from such a systematic improvement of said waters, and that in due time all necessary appropriations and laws for the purpose of improving the navigation of said waters, whenever it shall be found useful and advantageous to the commerce of the country, shall be made.

Resolved, That the Representatives in Congress from Kentucky are requested and the Senators from Kentucky are hereby instructed to present these resolutions to their respective bodies, and endeavor to secure such action on the part of Congress as may secure the purpose of these resolutions.

Resolved, That his excellency Governor Luke P. Blackburn be requested to forward copies of the same to the governors of the several States of the Mississippi Valley, requesting that they be communicated to the respective Legislatures of said States as an expression of the views of this General Assembly of Kentucky.

J. M. BIGGER,
Speaker of the House of Representatives.
CLINTON GRIFFITH,
Speaker of the Senate pro tempore.

Approved March 5, 1880.

By the governor.

Attest:

LUKE P. BLACKBURN,
Governor.
SAMUEL B. CHURCHILL,
Secretary of State.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (S. No. 1143) granting a pension to Mrs. Mary Allison, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 1333) granting an increase of pension by way of arrears to Maria A. Rousseau, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1361) granting an increase of pension to Elisha F. Rogers, submitted an adverse report thereon; which was ordered to be printed.

Mr. COCKRELL. I ask that the bill be placed on the Calendar.

Mr. WITHERS. At the request of the Senator from Missouri let the bill be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 4568) for the protection of the Potomac fisheries in the District of Columbia, and for the preservation of shad and herring in the Potomac River, reported it without amendment.

Mr. JONAS, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 890) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. BRUCE, from the Committee on Education and Labor, to whom were referred the bill (S. No. 792) to encourage and aid the education of the colored race in the several States and Territories, and the bill (S. No. 865) to provide for the investment of certain unclaimed pay and bounty moneys now in the Treasury of the United States, and to facilitate and encourage the education of the colored race in the several States and Territories, submitted an adverse report thereon; which was ordered to be printed, and the bills were postponed indefinitely.

Mr. KIRKWOOD. The Committee on Pensions instruct me to report back the bill (S. No. 1234) amending an act entitled "An act granting a pension to William R. Browne," approved February 7, 1879, adversely. I wish to say in making the report that I act as the organ of the committee, although my own opinion does not correspond with the action of the committee. The Senator from Indiana [Mr. VOORHEES] desires that the bill be placed upon the Calendar.

Mr. VOORHEES. Let it be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

COMMITTEE ON RULES.

Mr. MORGAN, from the Committee on Rules, reported the following resolution:

Resolved, That the forty-seventh standing rule of the Senate be so amended as that the Committee on Rules shall consist of five Senators, instead of three Senators as is now provided by said rule.

Mr. MORGAN. I ask the Senate to proceed to the consideration of the resolution.

Mr. DAVIS, of West Virginia. I understand that it only increases the membership of the Committee on Rules from three to five.

Mr. MORGAN. From three to five.

Mr. MORRILL. I hardly think that the resolution ought to be acted upon as soon as reported. I should prefer to have it lie over one day.

Mr. MORGAN. It is the unanimous report of the committee. They find it almost impossible to transact their business with but three members.

Mr. MORRILL. In that case I shall not object.

The resolution was considered and agreed to.

BILLS INTRODUCED.

Mr. BECK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1466) to amend section 4597 of the Revised Statutes, relating to the renewal of applications for patents; which was read twice by its title, and referred to the Committee on Patents.

Mr. ROLLINS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1467) to provide for the ascertainment of claims of American citizens for spoiliations by the French prior to the 31st day of July, 1801; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1468) to enable the State of Colorado to select lands under the act of Congress of July 2, 1862, and the act of July 23, 1866, making a grant of land to States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts; which was read twice by its title.

Mr. TELLER. I ask that the bill be referred to the Committee on Public Lands.

Mr. MORRILL. It should be referred to the Committee on Education and Labor.

Mr. TELLER. I defer to the judgment of the Senator from Vermont.

The VICE-PRESIDENT. The bill will be referred to the Committee on Education and Labor.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1470) to confirm a certain private land claim in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. RANSOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1469) to refund to the North Carolina Railroad Company certain moneys illegally assessed against and unlawfully collected from it by the United States; which was read twice by its title, and referred to the Committee on Finance.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. VANCE, it was

Ordered, That the papers in the case of A. M. Powell be taken from the files and referred to the Committee on Finance.

ARMY REGISTER.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 1,000 additional copies of the Army Register be printed for the use of the Senate.

CALVIN BRONSON.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate all the facts and testimony in the possession of the Commissioner of Internal Revenue relating to the claim for the relief of Calvin Bronson, of Toledo, Ohio, and if said claim is just and equitable, to state why it has not been adjusted and paid.

INDUSTRIAL EDUCATION.

Mr. MORGAN submitted the following resolution; which was read:

Resolved, That the Secretary of the Interior is directed to furnish to the Senate such information as is in the possession of the Bureau of Education in relation to the state of technical or industrial education in the schools and colleges endowed in whole or in part by the Government of the United States, and also in other schools and colleges in the several States and Territories and the District of Columbia, and the extent to which provision has been made for the education of females in technical and industrial branches of education and the number of females in attendance at said schools.

Mr. MORGAN. I should like to say that a Senator on the other side of the Chamber, perhaps the Senator from Massachusetts, [Mr. HOAR,] has called for information in regard to the subject of education. I do not know the precise scope of it, but this morning I had a conversation with Mr. Eaton, who is the Commissioner of Education. I mentioned this subject to him, and he agreed that this would be a very valuable addition to the report which he is required to make under that resolution and which he is preparing. I therefore ask the Senate to adopt the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. HOAR. I have no objection to the resolution. Two or three years ago the House of Representatives ordered an inquiry into this subject, and by one of its committees had a very thorough examination of all these institutions, and institutions not endowed by the Government. The result of that examination was reported to the House and published I believe as one of the House documents. The Senator may like also to have that coupled with the information in the possession of the Bureau of Education.

Mr. MORGAN. I think the suggestion of the Senator from Massachusetts is a valuable one. But I ask now for the passage of the resolution as I have offered it.

The resolution was agreed to.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. WALLACE. I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. GARLAND. I know that is not a debatable motion, but I ask the Senator to withdraw the motion, in order to give us a session to-morrow to consider the bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes.

Mr. ALLISON. I think that should be considered to-morrow.

Mr. GARLAND. I insist upon its consideration. That bill has been put off two or three times for the benefit of Senators.

Mr. WALLACE. On the appeal of the Senator from Arkansas, I withdraw the motion I submitted.

ELIZABETH B. CUSTER.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar of General Orders, commencing at the point reached yesterday.

The bill (S. No. 459) for the relief of Elizabeth B. Custer was announced as being first in order upon the Calendar.

The VICE-PRESIDENT. The bill was reported adversely from the Committee on Claims.

Mr. COCKRELL. I move that the bill be indefinitely postponed, in accordance with the report of the committee.

The motion was agreed to.

P. L. WARD.

The next bill on the Calendar was the bill (S. No. 1267) for the relief of P. L. Ward, widow and executrix of William Ward, deceased, which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to P. L. Ward, executrix of William Ward, deceased, of Norfolk, Virginia, \$2,075.13, in full satisfaction of all claim for beef and vegetables furnished by William Ward to the United States Navy, and in full satisfaction for hay sold to the quartermaster of the United States Army.

Mr. SAULSBURY. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. HARRIS February 11, 1880:

The Committee on Claims, to whom was referred the petition of P. L. Ward, widow and executrix of William Ward, deceased, of Norfolk, Virginia, asking for compensation for certain provisions furnished to the Navy of the United States, and certain quartermaster stores furnished the Army of the United States, under contract, have had the same under consideration, and submit the following report: The petition states that petitioner is the widow and executrix of William Ward, deceased. That in June, 1860, William Ward entered into a written contract with the United States for supplying fresh beef and vegetables to the Navy at the Norfolk, Virginia, station, and that under said contract her late husband and testator, on or about the 21st January, 1861, supplied the United States ship Plymouth with the articles named to the amount of \$275.13, for which no payment was ever made, and she refers to the records of the Navy Department for the proof. The committee sent the petition to the Navy Department with a request for such information

in respect to this claim as the records of that Department could furnish, and received from the Secretary the following reply:

"NAVY DEPARTMENT,
Washington, February 5, 1880.

"SIR: I have the honor to return herewith the petition of Mrs. L. P. Ward, asking for payment of \$275.13, on account of fresh beef and vegetables supplied by her late husband, William Ward, of Norfolk, Virginia, for the use of the United States Navy, which petition was referred to this Department by the honorable Secretary of War, in compliance with your request of the 15th ultimo.

"The account of the late Mr. Ward is correct as shown by the records of the Bureau of Provisions and Clothing in this Department, with the exception that the fresh beef and vegetables referred to were delivered to the United States steamer Brooklyn, instead of the United States steamer Plymouth as stated in the petition.

"Very respectfully,

"R. W. THOMPSON,
Secretary of the Navy.

"Hon. I. G. HARRIS,
United States Senate."

From which the committee is satisfied that the articles were furnished under contract as stated in the petition, and have never been paid for, and that the amount, \$275.13, is justly due the claimant and should be paid.

The petitioner also states that in the month of August, 1863, her testator entered into a verbal contract with Captain Edwin Ludlow, of the Quartermaster's Department of the United States Army, in the presence of Hon. L. H. Chandler, United States attorney for that district, and one other witness, for the purchase of sixty tons of hay, at \$30 per ton, which was delivered by her said testator to the said Ludlow and used by the Army of the United States. That shortly after the delivery said Ludlow left that locality without paying for the hay, though often having promised so to do.

On the 12th December, 1866, her late husband and testator addressed a letter to the Quartermaster-General asking payment for this hay so furnished, reciting the facts of the contract and delivery of the hay, and the fact that no voucher was given, because Captain Ludlow said it was not necessary to give a voucher, as he would pay for the hay as soon as he received funds, which he was daily expecting; but he left there without paying, and without giving any voucher for the sixty tons of hay, and that upon diligent inquiry he had never been able to ascertain the residence of Captain Ludlow since that time.

This letter is indorsed on the back as follows:

"I most unhesitatingly indorse the within statement.

"(Signed)

"L. H. CHANDLER,
United States District Attorney for Virginia."
"J. T. DANIELS."

"(Signed)

On the 16th day of January, 1867, this account was made out upon the regular printed form furnished by the Department, upon which the sale, delivery, and value of the hay, amounting to \$1,800, and the loyalty of the claimant are proved by the affidavits of the then claimants William Ward, L. H. Chandler, and J. R. Hunter; and the respectability and loyalty of the said Ward, Chandler, and Hunter are certified to by John E. Doyle, justice of the peace; and the respectability and loyalty of William Ward is also certified to by William W. Wing, postmaster.

The oath of allegiance to the United States of William Ward is also exhibited, and Henry M. Bowden, clerk of the corporation court, certifies to the citizenship, respectability, and loyalty of William Ward, and to the official character of John E. Doyle as a justice of the peace for said county.

The letter above referred to, addressed by William Ward to the Quartermaster-General, and the proof above referred to were sent to the committee by the War Department in answer to a letter from the committee asking for such information as the records of that Department could furnish as to the justice of this claim. The following is the letter from the Secretary of War:

"WAR DEPARTMENT,
Washington City, January 30, 1880.

"SIR: Acknowledging the receipt of your letter of the 15th instant, referring for information memorial of Mrs. P. L. Ward for pay for certain quartermaster stores and beef delivered by her deceased husband, William Ward, in 1860 and 1863, to the Quartermaster's Department of the Army and the naval station at Norfolk, Virginia, respectively, I have the honor in reply to inclose herewith a letter from Mr. Ward, dated December 12, 1866, submitting his claim to the Quartermaster-General, which paper contains all the information on the subject the records of this Department afford.

"No action was taken upon the claim by the Quartermaster-General for the reason that it originated in Virginia, a State declared to be in insurrection during the rebellion.

"Your letter and the memorial have been referred as desired to the honorable Secretary of the Navy, for information from his Department.

"Very respectfully, your obedient servant,

"ALEX. RAMSEY,
Secretary of War.

"Hon. ISHAM G. HARRIS,

"Committee on Claims, United States Senate."

The Quartermaster-General takes no action upon this claim upon no other than the cold, technical ground that the claimant was a resident of a State declared to be in rebellion.

The proof is clear and conclusive that Quartermaster Ludlow contracted for this hay, equally clear as to the contract price amounting to \$1,800, equally clear as to the loyalty to the United States of William Ward, who furnished the hay, and who was the husband and is the testator of the petitioner, and equally clear that the hay has never been paid for.

It does not clearly appear when William Ward died. It is certain that it was subsequent to 1867 and before 1878 when this petition was presented by P. L. Ward, widow and executrix. She states that neither her late husband nor herself were ever informed nor did they know of the establishment of what is called the southern claims commission, nor the necessity of presenting this claim to that tribunal, until after the expiration of the time within which it could have been presented; nor did petitioner know of the status of the claim until a few months before the presentation of this petition.

The committee are satisfied that the vegetables and beef, amounting to \$275.13, were delivered under contract to the United States Navy, and that sixty tons of hay was sold and delivered to Quartermaster Ludlow, at \$30, amounting to \$1,800, making an aggregate of \$2,075.13; that the same were never paid for, and that the claimant was loyal to the United States, and that this sum is justly due to the claimant and should be paid; and therefore the committee report the accompanying bill, and recommend that it pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE ON INTEROCEANIC CANAL.

Mr. GORDON. I ask the Senate to proceed now to the consideration of the resolution providing for the appointment of a special committee on the interoceanic canal.

The VICE-PRESIDENT. The motion of the Senator from Georgia is not in order during the pendency of the morning hour under the special rule for the consideration of the Calendar. The Chair will recognize the Senator at the close of the consideration of the Calendar.

Mr. DAVIS, of West Virginia. I will say to my friend from Georgia, that at the close of the morning hour there is an appropriation bill pending and we cannot give way to his resolution. The Senator can move now to lay aside the pending order and proceed to the consideration of the resolution.

Mr. HARRIS. That can only be done by unanimous consent.

The VICE-PRESIDENT. That can only be done by unanimous consent during the consideration of the Calendar, under what is known as the Anthony rule.

Mr. MAXEY. There are so many bills on the Calendar reported from various committees, and we so much desire to get rid of everything on the Calendar, that I prefer that the Senator from Georgia should forego the consideration of his resolution this morning. I think it is due to the committees of the Senate that the Calendar should be proceeded with.

The VICE-PRESIDENT. Is there unanimous consent that the Senate now proceed to the consideration of the resolution indicated by the Senator from Georgia?

Mr. MAXEY. I object.

The VICE-PRESIDENT. The Senator from Texas objects, and the next bill on the Calendar will be reported.

JAMES AND WILLIAM VANCE.

The next bill on the Calendar was the bill (S. No. 1268) for the relief of James Vance and William Vance; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to James Vance and William Vance \$5,500, in full payment for the use of buildings at San Antonio, Texas, between August 5, 1865, and August 20, 1866.

Mr. INGALLS. Let us hear the report.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HEREFORD, from the Committee on Claims, February 11, 1880.

The committee to whom was referred the petition of James Vance and William Vance, asking for payment for use of certain buildings at San Antonio, Texas, report as follows:

The same matter was before the Senate in the Forty-fifth Congress, and a favorable report was made thereon by the Committee on Claims.

This claim is for rent for the use and occupation of certain buildings in San Antonio, Texas, from the 5th day of August, 1865, to the 20th day of August, 1866, as well as the rental of a certain dwelling-house from September 1, 1865, to April 30, 1866.

The principal buildings, exclusive of the dwelling-house, were five in number, containing twenty-two rooms; two of these were store-houses, each thirty feet wide by one hundred and ten feet deep, with two barracks, each thirty feet wide and one hundred and sixty-seven feet deep. These buildings had been rented before the war of the claimants, the Government paying rental therefor at the rate of \$625 per month.

At the time actual hostilities ceased, which was before the 5th of August, 1865, these buildings were in a damaged condition, and the claimants allege that at the request of Captain H. S. Clubb, assistant quartermaster, they repaired the buildings at an expense of between seven and eight thousand dollars in gold; that such repairs were made for the purpose of inducing the Government to rent the buildings. On the 5th day of August, 1865, the Government, by its assistant quartermaster, took possession of the buildings before mentioned as well as the dwelling-house of the claimants.

The evidence is satisfactory on the question of possession having been given the Government by the claimants.

It was in no sense a taking of possession by force, or without the consent of the owners. It is evident that the claimants and the assistant quartermaster understood that rent was to be paid for the use and occupation of the premises. The claimants allege that there was no positive agreement as to the amount to be paid, but it was supposed that the amount allowed would be the same as had been paid before the war. The assistant quartermaster reported the use and occupation of the premises to the Department at Washington, with a diagram of the buildings, streets, &c., and under the head of "Rate of hire or compensation," entered "Rate not settled." This statement was made monthly during the time these buildings were so occupied, and the testimony shows that it was the intention of the quartermaster and the claimants that rent was to be paid at such sum as should be fixed at Washington, and there is nothing in the case that will warrant the idea that it was taken possession of by force, or without the consent of the owners first obtained. It is evident that this was the belief of the claimants, (that rent was to be paid,) for, in the spring of 1866, the claimants presented the claim for rent of the premises, and were informed, May 9, 1866, that "under existing decision of the War Department, rent in States heretofore in rebellion cannot be paid by the Quartermaster's Department." This, the Department claims, brings the case within the rule laid down by the Supreme Court in the case of *Elliott vs. United States*, 9 Wallace, page 45, and this is undoubtedly correct. The case of *Elliott vs. United States* only decided that there was not such a contract as would entitle the plaintiff to sue in the Court of Claims, and it must be admitted that in this case the claimants have no standing in the Court of Claims. If they had they would doubtless go into that court.

Congress has uniformly allowed rent to claimants, where the premises occupied by the Army were occupied under contract.

It is, under the provision of law, the duty of the Quartermaster's Department to furnish quarters for officers, and the Quartermaster's Department must provide store-rooms, warehouses, depots for its supplies, and it cannot be said that while the Quartermaster's Department might contract for officers' quarters it could not contract for a building in which to put the stores indispensable to the existence of the Army rank and file. If Congress is justified in recognizing as valid the contract made for the convenience of the officers of the Army, and the clerical force necessary for the efficiency of the Army, it certainly will be justified in recognizing the contracts made by the same officers for the rental of buildings, without which the Quartermaster's Department would hardly have been able to discharge the duties imposed on it by law, the least of which was the furnishing quarters for officers and their staff.

The claimants were, indeed, to expend a large amount of money in repairing the buildings, putting them in condition to be occupied by the Government, and under a contract with the assistant quartermaster the claimants surrendered to the Gov-

ernment the possession of the buildings at a time when war existed only in name and not in fact.

Such contract was made about two months after the Government of the United States had officially notified the governments of Europe that the war of the rebellion was at an end, that the authority of the United States was regarded in all of the late rebellious States. No armed force appeared against the Government in the State of Texas after August 1, 1865, and the Government did not after that time exercise the right (not denied to it in war) to seize the property of the citizens of disloyal States and occupy the same without compensation to the owners.

Under all the circumstances, your committee think it was the duty of the Government, on the 9th of May, 1866, if the intention was to repudiate the contract, to have surrendered to the claimants the possession which had been acquired under a promise to pay rent, and, not having so surrendered the premises, your committee think that it does not comport with the dignity of the Government to say that such rent ought not to be paid.

The Government did pay rent for the premises, exclusive of the dwelling-house after August 20, at the rate of \$5,000 per annum for a period, and subsequently at the rate of \$6,000 per annum, and your committee think that the rent for the buildings so occupied, exclusive of the dwelling, ought to be paid at the rate of \$5,000 per annum, and that the evidence shows that the rent of the dwelling-house was worth at least \$50 per month, making the total rent due the claimants the sum of \$5,500 for the rental of the property, exclusive of the dwelling-house, and \$300 for the use of the dwelling, or a total of \$5,500.

The committee therefore recommend that amount be allowed in full of all claims of claimants, and report the accompanying bill.

Mr. MAXEY. I desire to call the attention of the Senator who reported the bill to the fact that I have it from the immediate representative of that district—the sixth congressional district, Judge UPSON—that Mr. William Vance is dead; also, that James Vance has been adjudged by the proper court a lunatic, and is in the hands of what is called in Texas a guardian of both his person and estate. I therefore move in view of these facts, in line 5, after the name "James Vance," to insert the words "or his legal representatives."

The amendment was agreed to.

Mr. MAXEY. In lines 5 and 6, I move to strike out "William Vance" and insert "the legal representatives of William Vance, deceased."

The amendment was agreed to.

Mr. MAXEY. The title should be changed to correspond with these amendments.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James Vance or his legal representatives, and the legal representatives of William Vance, deceased."

COMMITTEE ON INTEROCEANIC CANAL.

Mr. GORDON. I wish to ask again unanimous consent to consider the resolution providing for the appointment of a select committee on the subject of an interoceanic canal. There are a number of papers on that subject necessary to be considered by some committee or other, and it is proper the matter should be disposed of. I hope there will be no objection to considering it. It will take but a few moments.

The VICE-PRESIDENT. The Chair hears no objection, and the Secretary will report the resolution.

The Chief Clerk read the following resolution, submitted by Mr. GORDON on the 29th of January:

Resolved, That a committee of nine be appointed to take into consideration the subject of the construction of a canal to connect the Atlantic and Pacific Oceans; and that all papers, documents, and information relating to said subject be referred to said committee.

Be it further resolved, That said committee be authorized to confer and act concurrently with any similar committee of the House of Representatives; and that said committee be authorized to employ a clerk.

Mr. SAULSBURY. That I understand is the resolution now before the Senate. I do not believe we ought to raise a special committee on this subject; and I only rise for the purpose of stating my reason for that opinion. We have a sufficient number of committees of this body to consider that whole subject, and in my opinion it is a subject more nearly related at the present stage of affairs to our Foreign Relations Committee than to any other committee of this body, and I believe it would be an act of gross injustice now to take a subject which legitimately and properly belongs to that committee in its present condition and place it in the hands of any other standing committee or of a special committee. The time may come hereafter, if we consider this subject, when the commercial aspect of the affair will come under review, and at that time it might be properly referred to the Committee on Commerce; but in the present aspect of the case the very first and primary questions to be inquired into are those in connection with our foreign relations, and it would be eminently proper, therefore, that this subject should go to that committee, and not to any special committee or any other standing committee of this body.

I confess that if I were the chairman of the Committee on Foreign Relations I should feel that an indignity had been offered to my committee if a question of this kind were taken from my committee and referred to a special committee of this body. And because I am unwilling by my vote to do anything that would reflect directly or indirectly upon any committee of this body, I cannot consent to vote for a resolution raising a special committee to whom this matter shall be referred.

Mr. EATON. Mr. President, early in the session, perhaps on the second day of the session or possibly the third—I have now forgotten which it was—believing that this whole matter should be brought

before the Senate, I moved a resolution asking information from the President of the United States with regard to all matters connected with this interoceanic canal project and calling for everything that has transpired in the last ten or twelve years. That report has been made. That report has been sent to the Committee on Foreign Relations, where in my simplicity I supposed these questions belonged. But my friend from Georgia proposes to raise a special committee to investigate the whole matter. Individually I should be very glad to avoid or evade the labor that attaches to this matter; but as the organ of the Committee on Foreign Relations I cannot permit a resolution of this character to pass without saying a word or two.

Mr. President, at the base, at the foundation of this whole matter, are questions connected with our foreign relations. Incidental to those I agree are questions with regard to international law; incidental are questions with regard to commerce. That is true; but some committee must have charge of this matter, and now I propose to say a word with regard to the committee of which I have the honor to be the head. On that committee are who? The Senator from Maine, [Mr. HAMLIN,] if not the oldest, one of the oldest Senators in this body; a man with as much information with regard to our foreign affairs as any other man in this broad land, no matter where the other man may be. There is the Senator from New York, [Mr. CONKLING,] a most distinguished member of the Judiciary Committee. There is the Senator from Virginia, [Mr. JOHNSTON,] long at the head of the bench of his State. There is the Senator from Wisconsin, [Mr. CARPENTER,] one of the brightest legal minds in America. There is the Senator from Georgia, [Mr. HILL,] there is the Senator from Ohio, [Mr. PENDLETON,] there is the Senator from Iowa, [Mr. KIRKWOOD.] Where can you get a better committee, leaving out the chairman—where can you find a better committee in this Senate to investigate this whole question than the Committee on Foreign Relations? It belongs there. We have in our hands now two months' work which I have delayed because I did not propose to go into that work and then have the business taken from my hands. If the Senate in its wisdom chooses to appoint a special committee, it will give me great pleasure to report all these matters back, so that the special committee may have them. Some committee ought at once to undertake this labor.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. DAVIS, of West Virginia. My impression is that we ought not to have any more special committees. As to the question to what committee this subject ought to go, that can be decided after we decide the question whether or not we ought to have a special committee. The Committee on Commerce already has this subject in charge in part; the Committee on Foreign Relations has it in part. We have now forty-five committees, thirty-four of which are standing. Certainly one of those forty-five committees ought to be able to take charge of this question without adding a further committee, and of course carrying whatever expense, whether it be little or much, with it.

It occurs to me, as the Senator from Connecticut has well said, that the subject belongs to his committee to a very considerable extent; certainly all that part of it relating to foreign relations. Then the commercial part of it belongs very properly to the Committee on Commerce. It appears to me that it will be better not to have another special committee. There are many things connected with a special committee that involve expense, trips, and additional employes, room, &c. That, however, one Senator has said, is a small question. It may be; yet it enters into the consideration of the matter.

Again, this question has been pending before one or the other of these committees for two months; and why not let it stay there? Why add another committee?

If this resolution is to pass, it ought to be amended, I submit to my friend from Georgia. It provides for a clerk, but no way of paying him. The resolution provides for employing a clerk, but makes no provision as to his payment. That may come in hereafter, the Senator from Georgia may say. Very true, that and other things may come in hereafter; but if there is to be a special committee we ought to know now all that it involves. My own impression is, that instead of having a special committee, if we are to raise one for this particular purpose, it ought to be a permanent committee, because it will carry with it, in my humble judgment, a long service, perhaps as long as the question lasts, and it will not be gotten rid of within the next year or the next Congress.

Mr. HILL, of Georgia. I desire to state to my colleague that I was not in the Senate Chamber when the resolution was called up. I think it is proper, without taking part in the debate, that I should say that my neighbor who sits near me, the Senator from Maryland, [Mr. GROOME,] offered a resolution of the same character previously to the one offered by my colleague. He is not now in his seat, and I think he desires to be here when this matter is passed upon. I think it my duty to say that to the Senate.

Mr. GORDON. Mr. President, I most respectfully submit to my colleague that priority in the introduction of resolutions has nothing to do with their merits. It is pretty well known, I think, that I had introduced a resolution upon this subject on the first or second day of the session. But the question should be treated upon its merits, and personal considerations should not enter into the discussion at all. I have to regret that the phrase now given to it forbids my debating the question any further. It is evident to my mind, and must

be to the Senate, that the Senator from Connecticut is impressed with the belief that the committee of which he is chairman is entitled to this subject; and he has thought proper to bring the *personnel* of that committee before the Senate. Well, sir, not only have I nothing to say in derogation of any member of that committee, but I most heartily join in all the compliments he has just paid those Senators. It is very well known, sir, that I could have had no personal ambitions or ends to subserve in the introduction of the resolution, for I have declared, when the subject was before the Senate on a former occasion, that should the committee be appointed I should ask to be excused from service upon it. And now, sir, in view of what my colleague has said, and of the fact that the names of the Senators composing the Committee on Foreign Relations and their claims to the consideration of the Senate have been presented by the chairman of that committee, it is not for me to further resist the wishes of that committee. If, therefore, it is the pleasure of the Senate that this subject shall be considered by the Committee on Foreign Relations, it certainly is mine.

Mr. WILLIAMS. Mr. President, I do not rise to make a speech; but upon the first presentation of this resolution it struck me that the subject properly belonged to the Committee on Foreign Relations. On turning the subject a little further around there seemed to be involved in it questions of law that appeared to require consideration at the hands of the Law Committee of the Senate; and then as there were treaty obligations involved in it, the Committee on Foreign Relations seemed to be the proper committee. But on turning the question entirely over, there are other considerations which seemed to refer it as well to the Committee on Naval Affairs and the Committee on Military Affairs, because if we intend to make our declarations good it may be necessary to look into the condition of our Army and Navy.

This, sir, is the greatest question that has been before the Senate during this session of Congress. It is one requiring all the ability; all the knowledge that all the committees of the Senate can bring to it and to the country. I hope that a special committee will be appointed, and that the ablest and best men of all the committees of the Senate will be selected for the special committee. If ever there was a question before a deliberative body demanding the exercise of the highest ability and patriotism, it is certainly this question, for let me say to Senators that the American people have made up their minds upon this subject. There may be some differences of opinion here, but the country is of one mind in this regard.

The people of the United States do not intend that any foreign nation or all foreign nations shall erect a Chinese wall or dig a ditch across this continent that shall stand as a barrier against their aspirations to empire or commercial supremacy upon this continent. That is the *fiat* and that is the feeling of the people of this whole country from the North to the South, from the East to the West, and that statesman or politician who puts himself up against this current of popular opinion will be swept away as by a rushing freight train.

I hope, sir, that this special committee will be raised, and that the ablest and most patriotic and the best informed men upon all the subjects pertaining to this question will be selected for that committee.

Mr. GORDON. Mr. President, I wish to say that this resolution was introduced by me for the reasons I gave when the subject was before the Senate some weeks ago. Those reasons I then thought and still think ought to induce the Senate to appoint a select committee to consider this important and grave subject. Without, therefore, abandoning one position I then assumed, without abating in any degree my profound conviction that this subject merits, if any one which has ever come before the American Senate did, a select committee to consider it in all its varied phases and its grave commercial, national, and international importance; still adhering to the opinion and again venturing the prediction that no one of the standing committees, with its interruptions by its regular, routine duties can ever give the subject the consecutive and undivided attention which its gravity demands; yet in view of the peculiar character which the debate this morning assumes, I rise to ask the privilege of withdrawing the resolution.

The VICE-PRESIDENT. The Senator from Georgia asks leave to withdraw his resolution.

Mr. HILL, of Georgia. I wish to say to my colleague that I only referred to the resolution offered by the Senator from Maryland in connection with the question of priority. I merely mentioned it because that Senator, who is my neighbor here, was not present, and I understood he desired to be here during the consideration of the resolution. The course my colleague has since thought proper to take, I have no objection to.

The VICE-PRESIDENT. The resolution is withdrawn.

Mr. GROOME. I should like the consent of the Senate to call up the resolution which I offered on the 17th of December last. I propose to call it up for the purpose of moving its indefinite postponement.

The VICE-PRESIDENT. The resolution will be read and objections asked.

The Chief Clerk read the resolution, as follows:

Whereas it is desirable to have all reports, communications, and other data concerning the proposed interoceanic canal carefully and fully considered and introduced and speedily reported upon: Therefore,

Be it resolved, That a special select committee of nine Senators (to be appointed

by the presiding officer of the Senate) be appointed, whose duty it shall be to examine into the subject of selection of a suitable route for the construction of an interoceanic ship-canal across the American isthmus; and that all petitions, memorials, resolutions, bills and reports on such canal or other mode of facilitating communication between the Atlantic and Pacific Oceans be referred to this committee; that they have the services of a clerk to be paid out of the contingent fund of the Senate during the sessions, and that said committee have authority to report to the Senate at any time such resolution, bill, or report as may be best adapted to secure such communication between said oceans.

Mr. GROOME. I move that the resolution be indefinitely postponed.

The VICE-PRESIDENT. The Senator may withdraw it if he pleases. It has never been amended or the yeas and nays ordered.

Mr. GROOME. Then I ask leave to withdraw the resolution.

The VICE-PRESIDENT. The Chair hears no objection, and it is withdrawn.

Mr. PLATT. I ask unanimous consent to take up at this time the joint resolution introduced by me (S. R. No. 66) in relation to an interoceanic canal, for the purpose of reference.

Mr. HARRIS. I simply rise to give notice that I shall insist on the regular order this morning hour after this matter is disposed of.

Mr. PLATT. I only call it up for reference.

The Chief Clerk read the joint resolution by its title.

Mr. PLATT. I move the reference of the joint resolution to the Committee on Foreign Relations.

The motion was agreed to.

PRINTING OF A BILL.

Mr. THURMAN. I ask consent to offer a resolution for printing five hundred additional copies of the Senate bill in relation to the Geneva award and the proposed amendments. I have been informed by the officer in charge of our document-room that the supply is almost exhausted, and it appears there will not be enough for Senators before the discussion is at an end.

The resolution was read, as follows:

Resolved, That five hundred additional copies of the bill (S. No. 1194) in relation to the distribution of the unappropriated moneys of the Geneva award, and the proposed amendments thereto, be printed for the use of the Senate.

Mr. ANTHONY. I have no objection to that resolution and to other resolutions for printing; but the Senate is probably aware that the appropriation for the public printing is nearly exhausted and will probably be entirely exhausted to-morrow, and on Monday we shall have no money to go on with the printing, as it is made a penal offense for the Public Printer to subject the Government to any obligation unless the money is appropriated.

Mr. HOAR. How will that affect the RECORD?

Mr. ANTHONY. I do not think the RECORD will appear on Tuesday morning unless an appropriation bill is passed to supply the deficiency in the public printing.

Mr. THURMAN. That will be a very great calamity. Such as has never befallen the country in my time. [Laughter.] I do not know how we shall stand up under it.

The resolution was agreed to.

Mr. COCKRELL. I understand reports are now printed only up to No. 322, and we cannot get any reports later than that.

WINNEBAGO INDIANS.

Mr. HARRIS. Now I demand the regular order.

The VICE-PRESIDENT. The call of the Calendar will be proceeded with.

The bill (S. No. 323) for the relief of the Winnebago Indians in Wisconsin, and to aid them to obtain subsistence by agricultural pursuits, and to promote their civilization, was announced as in order.

Mr. THURMAN. The subject of that bill is not entirely a stranger to me. Some years ago the Winnebagoes of Wisconsin were removed west and settled in Nebraska, if I remember aright—

Mr. TELLER. It is impossible to hear the Senator.

The VICE-PRESIDENT. The Chair is unable to hear the Senator from Ohio, owing to loud conversation carried on by Senators in their seats.

Mr. THURMAN. Some years ago, I was saying, a treaty was made with the Winnebagoes of Wisconsin, by which they agreed to remove west of the Mississippi River, and most of them did so, but a portion of them refused to leave their homes in Wisconsin, and remained there. They ceased to have any connection whatever with the tribe, and the tribe, that was then settled west of the Mississippi River, and I think within the limits of Nebraska, refused to recognize them as any longer members of the tribe, or to allow them to receive any portion of the annuities payable by the Government.

It seemed to me upon the facts of the case as it was argued here several years ago on a bill introduced by the Senator from Wisconsin not now a member of this body [Mr. Howe] to remove those Indians remaining in Wisconsin west of the Mississippi, that in point of fact they had abandoned their tribal relations and had come under the jurisdiction of the United States, and were under the fourteenth amendment citizens of the United States, and I protested against their forcible removal from the State of Wisconsin; but that Senator's influence was so great that he carried his bill, and in my judgment the United States forcibly removed so many citizens of the United States from their domicile in the State of Wisconsin and took them west of the Mississippi River. They did not like it, and they got back one after another, and now this bill is for their relief after they have come back from the forced exodus imposed by the Government

of the United States, and this bill undertakes to say that part of the annuities due to the Winnebagoes as a tribe shall go to these men who have utterly abandoned their tribal relations.

The subject, Mr. President, is too large a subject to be disposed of under the Anthony rule, and therefore for the first time I believe in my life, I will object to the consideration of the bill.

The VICE-PRESIDENT. The bill goes over.

Mr. CAMERON, of Wisconsin. With the consent of the Senator from Illinois, [Mr. LOGAN,] who reported this bill from the Committee on Indian Affairs, I give notice that I will call it up at an early day, when the Senate can consider it at length.

Mr. THURMAN. I will help the Senator to do it. I do not know but that I may be for the bill when I come to study it. I never heard of it until this moment, but it is an old subject with me, and I will help the Senator to take it up at any convenient time—when it can be fully discussed, I mean.

Mr. CAMERON, of Wisconsin. I introduced this bill during the Forty-fifth Congress. It was referred to the Committee on Indian Affairs, was fully considered by that committee, was reported favorably from that committee by the Senator from Iowa [Mr. ALLISON] who at that time was chairman of the committee. It was not acted on by the Senate for want of time. It was reported late in the session! I again introduced the bill during the extra session of the Forty-sixth Congress, and again it was referred to the Committee on Indian Affairs, and during the present session it has been reported favorably from that committee by the Senator from Illinois. A written report was submitted by the Senator from Iowa when he reported the bill from the Committee on Indian Affairs, and a written report was also submitted by the Senator from Illinois who recently reported the same bill from that committee. This bill has the emphatic approval of the Commissioner of Indian Affairs.

The VICE-PRESIDENT. The bill has gone over. The Secretary will report the next bill on the Calendar.

PUBLIC BUILDING AT DENVER.

The next bill on the Calendar was the bill (S. No. 1269) for the erection of a public building at Denver, Colorado; which was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to procure a proper site and cause to be erected thereon a suitable building, with fire-proof vaults, in the city of Denver, Colorado, for the accommodation of the United States district and circuit courts, post-office, land-office, and other Government offices in that city, at a cost not exceeding \$200,000, including cost of site, which site shall be such as will afford an open space between the building authorized and any other building of not less than forty feet; and the sum of \$75,000 is appropriated for the purpose herein mentioned.

Mr. HILL, of Colorado. I desire to offer an amendment to the bill by striking out all of the bill after the word "States," in the eighteenth line. The effect of the provision in the bill which I move to strike out will be to prevent any action to carry out the object of the bill until the Legislature of the State of Colorado shall meet, and this is not necessary to protect the interest of the Government. The enabling act under which Colorado was admitted provided that the constitutional convention should provide, by an ordinance irrevocable without the consent of the United States, "that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States."

The constitutional convention accordingly adopted an ordinance, as follows:

That no tax shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States.

That this ordinance shall be irrevocable without the consent of the United States and the people of the State of Colorado.

This clause is, therefore, unnecessary to protect the interest of the United States, and I hope the amendment I offer will be adopted.

The VICE-PRESIDENT. The Senator's colleague [Mr. TELLER] gave notice of an amendment which will be reported.

Mr. TELLER. I would rather hear the amendment proposed by my colleague.

The VICE-PRESIDENT. The Chair thinks the Senator's amendment was to perfect matter which the other Senator proposes to strike out, and therefore it is first in order.

Mr. TELLER. My proposition was to strike out the word "nor," in line 18, and insert in lieu thereof:

And no expenditure of money shall be made on the building proposed to be erected on said site.

The VICE-PRESIDENT. That comes within the matter which the Senator's colleague proposes to strike out, and is entitled to priority.

Mr. TELLER. If the clause be so amended, and then the Senate should see fit to strike out the whole clause, I should be entirely satisfied with that, which I understand is what the amendment proposed by my colleague aims at. But if the Senate should conclude not to strike out the whole clause, then I should like to have it amended in this way.

At the last session of the Forty-fifth Congress, on my motion, the Senate inserted in an appropriation bill an appropriation of \$50,000 for the purchase of a site and the commencement of a building at Denver. I suppose that if that money had been then expended it would have bought nearly if not quite double the land that the same

amount of money will buy to-day; and if this bill passes as it came from the committee, we shall be compelled to wait nearly a year longer before the Legislature will be in session before we can provide for the non-taxing of this property; and in the mean time property is not gradually but very rapidly going up. As a matter of economy, it would be very much better to get the land now, and the Government will suffer nothing by buying the land speedily, but on the contrary will make great gain, and then it will not commence the construction of the building until after the State relinquishes the right to tax. I should like to have it so amended; but as near as I can understand from the noise and confusion here what it is, I hope that the motion of my colleague will prevail.

The VICE-PRESIDENT. The Chair then understands the Senator temporarily to withdraw his own amendment.

Mr. TELLER. I will if I lose nothing by it.

Mr. EDMUNDS. You can move it again.

Mr. TELLER. Then I withdraw it until after my colleague's amendment is acted on.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Colorado, [Mr. HILL,] which will be read.

The CHIEF CLERK. It is proposed to strike out all of the bill after the word "States," in line 18, as follows:

Nor until the State of Colorado shall duly release and relinquish to the United States the right to tax or in any way assess said site or the property of the United States that may be thereon, and shall cede jurisdiction over the same during the time that the United States shall remain the owner thereof.

Mr. EDMUNDS. I do not think I should have any objection to striking out the tax provision after what has been read in the enabling act and in the constitution and ordinance of the State of Colorado, but that only relates to the right to tax; the question of jurisdiction is still left open, and it is proposed by this amendment that the United States shall proceed to buy this property, and set up its courts and post-office, and so forth, on it without having jurisdiction ceded to it by the State. That I am entirely opposed to upon grounds which it is quite unnecessary to state, because it appears to me that they are obvious to everybody.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Colorado, [Mr. HILL.]

Mr. JONES, of Florida. Mr. President—

Mr. EDMUNDS. I was about to ask whether the question was divisible so as to take it on the tax part first, and then on the jurisdiction part next.

Mr. JONES, of Florida. Coming as this bill does from the Committee on Public Buildings and Grounds, I take the liberty to say to the Senate that this subject has been considered in that committee, and for my part I have no hesitation in saying that I see no practical benefit that can possibly result from this jurisdiction clause in this or any similar bills. It never has been, as I am told, customary in the past although I think there is a general statute on the subject, but the Constitution in itself is full enough.

I understand the organic law to be that if a piece of land is purchased within the limits of a State for any public purpose, with the consent of the State, without any act of cession formally made, such purchase vests *eo instanti*, as we lawyers term it, jurisdiction over the *locus in quo* in the United States. In some cases this cession of jurisdiction may not be obtainable at the time. It might be important to proceed to the construction of a building long in advance of the time fixed by the local law for the meeting of the Legislature which is to make the cession. In some States, as in mine, there is a general law on this subject authorizing the governor of the State to cede jurisdiction to the General Government over places and localities required by the Federal Government for Federal purposes.

The Constitution reads as follows:

The Congress shall have power to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

In the case of arsenals and dock-yards I think it has been usual to cede jurisdiction; but in the case of an ordinary building for post-office purposes, for a custom-house, or anything of that kind, it has never been thought necessary to exact a cession of jurisdiction.

The VICE-PRESIDENT. The Chair reminds the Senator that the morning hour has expired.

Mr. EDMUNDS. I hope the Senator from Florida will be allowed to proceed and finish his remarks.

The VICE-PRESIDENT. The Chair hears no objection, and the Senator from Florida will proceed.

Mr. ALLISON. Mr. President—

Mr. EDMUNDS. The Senator from Florida is only to proceed and finish his remarks. That is always a courtesy extended to every Senator who is speaking. It is not to finish the bill.

Mr. ALLISON. To that I have no objection.

Mr. JONES, of Florida. In the case of fortifications, navy-yards, and extensive public works, I think it is all-important that the jurisdiction should be ceded. I know that it was ceded in my State over the navy-yards near my home, and that within that locality the inhabitants to-day, according to one view taken of the Constitution, have no political rights whatever. They are within the sole and exclusive jurisdiction of the United States, just as much so as if they

resided within the District of Columbia. The jurisdiction contemplated by the Constitution is exclusive jurisdiction within the body of the State and the erecting of a distinct governmental authority within the State, taking under its control the people and changing their civil and political status. I will give an illustration of it to the Senator from Vermont. There are residing within what is known as the naval reservation in my own county nearly two thousand people. The land upon which they live is known as the naval reserve. The State of Florida, under a general law enacted for the purpose, through its governor ceded exclusive jurisdiction to the United States for the purpose of a dock-yard. Those people live there to-day; they have got their habitations and their homes and all the surroundings of civilization. They have no rules of property. They are troubled at times in regard to the rule that shall govern the passing of estates, questions of inheritance, of intestacy; and since I have been here the Secretary of the Navy has been appealed to to act as a judge of probate to settle the estate of a citizen living upon the naval reserve, and in another case he was asked to authorize the commanding officer to dispossess by a sort of naval ejectment a person who held an adverse position against another. I do not quarrel with the jurisdiction at all, and a year or so ago I brought forth a bill here to confine that jurisdiction within the walls of the navy-yard and not extend it outside, as it now extends. In cases of that kind there may be some necessity for such a jurisdiction, but I can see none in the case of a custom-house or a post-office, and I shall certainly vote against that provision.

Mr. TELLER. I do not desire to discuss the question, but I ask the Senator who has the appropriation bill in charge if he will give us a few moments. I think we can pass this bill soon.

The VICE-PRESIDENT. Is there objection to continuing the consideration of this bill?

Mr. DAVIS, of West Virginia. Let it be subject to a call for the regular order.

Mr. TELLER. Of course.

Mr. EDMUNDS. It is not necessary to dispute the proposition of the Senator from Florida as to the propriety of rectifying matters at Pensacola. That is one thing, and I leave that apart; I now propose to attend to this thing which provides for the purchase by the United States of a suitable site for a building at Denver, Colorado, which shall accommodate the United States district and circuit courts, the post-office, land office, and other Government offices in that city. It is not therefore an effort to obtain a territory in which people are to reside and thereby to lose their political rights; but it is an effort to obtain a place for the strict governmental operations to go on; and the question is whether, according to the Constitution of the United States or the supremacy of the United States as a government, it is to proceed contrary to all precedent to erect a building of this character and establish its courts in a place where the authority of the State, exercised through a county judge and a sheriff or a constable, can invade that building at their free will and pleasure and take possession, on process that calls for it, of any public document of the United States—

Mr. JONES, of Florida. Will the Senator permit me?

Mr. EDMUNDS. Well, if the Senator will pardon me a moment, I should like for once in my life to get a consecutive sentence. I left off speaking about taking a public document of the United States, I believe; and so I say, are we to allow a State to take a witness or the judge himself off the bench in response to some State process? I for one will never vote for any such proposition at all. I hold that the United States is entitled to absolute political supremacy in the places where it carries on its political and governmental operations, and I believe the whole history of the Government has been that in all such cases the States have been called upon, before we proceed to the expense of establishing permanent quarters for courts, &c., to give up their jurisdiction over that building.

Mr. HOAR and Mr. JONES of Florida addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Vermont yield?

Mr. EDMUNDS. I will yield to any one who can get the floor.

The VICE-PRESIDENT. The Senator from Massachusetts.

Mr. JONES, of Florida. I agree with what the Senator from Vermont says to a great extent; but I wish to know if the courts of the United States have not within themselves inherent authority in the exercise of their jurisdiction to protect themselves against an invasion from any quarter.

Mr. HOAR. I believe the floor was awarded to me; if so I will say a word. I rose to disagree with the Senator from Vermont.

I have no doubt, Mr. President, that the absolute safety of all the processes of the United States freedom from all State jurisdiction or control, from being meddled with from any quarter, can be secured by proper provision; but I am opposed, if the matter can be helped, to creating in the principal cities of all the States of this country these little Alsatis into which no State process can penetrate—a post-office building or a court-house building, to which, of course, the public must have the right of free resort; into which if a criminal flees at night he is secure from police officers; in which if a fraudulent marriage ceremony is performed the State penalty, the State law, is without power.

It seems to me that the United States document, the United States judge, the United States witness, the United States process, the United States record are secure everywhere from State process, not because

of the exclusive jurisdiction of the United States territorially in the court-house or the place where they are kept, but because of the character of the witness or document or officer or record, which protects them from interference by any other authority whatever. The United States witness is just as secure on his way to the court-house as he is in the court-house, if he is needed. The record of the United States court is just as secure out of the court-house in which the United States have exclusive jurisdiction as in it, in my judgment.

It seems to me, therefore, that while the evil which the Senator from Vermont suggests can be avoided, and is avoided by the very character of the matter or officer which he supposes to be interfered with, on the other hand this policy which has gone on now for a great while, of building up these little places in the midst of populous cities without (for all ordinary practical purposes of governing the city) any law whatever prevailing in them, ought to be discontinued.

Mr. BLAINE. Has it not always—

Mr. ALLISON. Regular order.

The VICE-PRESIDENT. The Senator from Iowa demands the regular order.

Mr. EDMUNDS. I hope the Senator from Iowa will wait a minute. Mr. BLAINE. I know it has been the habit in the little city I reside in, where there is a United States arsenal which embraces thirty or forty acres of ground round about, to serve State process there. The reservation was made so that the process of the State of Maine can be served on that ground just as freely as it can be elsewhere.

The VICE-PRESIDENT. The Senator from Iowa demands the regular order, which is the unfinished business.

Mr. EDMUNDS. I appeal to the Senator from Iowa to let me have a minute for I had not finished; I was interrupted in what I wanted to say. I had stated only a certain portion of the objections I had on this ground, and then was interrupted by the Senator from Massachusetts—

Mr. HOAR. The Senator from Vermont said he yielded the floor to whoever was entitled to it.

Mr. EDMUNDS. No; I did not say exactly that; but I will not waste the time of the Senator from Iowa in disputing with the Senator from Massachusetts.

Mr. HOAR. My colleague and others got up at the same time I did.

Mr. EDMUNDS. I will not waste time in disputing with the Senator from Massachusetts as to what extent I did yield. I did not rise to say that I had not yielded the floor to the Senator from Massachusetts to speak, but to say that I had not half concluded the points to which I wished to call the attention of the Senate when I was interrupted on half a dozen sides and I said I would yield. So I will not waste any time about that.

Now the Senator from Massachusetts says that every court of the United States can protect itself. Well, when it is exerting its functions, it can; but it cannot very easily protect itself or its officers or officers against invasion when it is not sitting and when it is not there, by any process known outside of the State of Massachusetts. There may be some process there that I am not advised about. A postmaster of the United States cannot protect himself or his papers against an invasion of State process, and he ought not to in a great many cases; but take the city of Boston, for instance; suppose a search-warrant by some police magistrate was issued directing a constable or a policeman, whichever exercises the authority in Boston, to search the desks in the custom-house in Boston to see if he cannot find a stolen paper or whatever it is that is mentioned in the warrant; would that be exactly the sort of thing for the United States to submit to? I think everybody would say no. I think everybody would agree that a custom-house of the United States should be free from that species of invasion under color of State process; but it is perfectly competent at the same time, as the Senator from Maine has said, and it exists in many of the States, in these sessions to reserve a limited authority to serve process against persons. It has been found, whether it has been reserved or has not been reserved, in every State in this Union that there is never any difficulty in serving State process. If a man goes into the custom-house, running away from a constable in the city of Baltimore to-day, and the police go in and carry him out, and the sovereign authority of the United States consents to it by its acquiescence, it does not undertake to defend against that act; it is perfectly glad to have it done; but it has the authority to guard against abuses and pretenses which enable sometimes a State under critical and difficult circumstances to undertake to take possession of the property of the United States, and to interfere with its operations.

That is the point which the Constitution referred to when it provided for exclusive dominion over places of this character. It did not intend to provide that the United States in any department of its government carrying it on might not acquiesce in the exertion of the power of the process of the State to get persons who had gone into what the Senator from Massachusetts calls an Alsatia. I did not know that these places had become such, but it perhaps illustrates his idea. There has never been any practical difficulty in that respect; but the question is whether the United States is to preserve to itself the authority to defend its own possession and its own officers, executive, judicial, administrative, and of every kind, and its own papers and its own possession of its public buildings. That is the point. There is not any practical difficulty in a time of good order and good feel-

ing, even if you have an exclusive grant without any limitation or reservation at all, and there never has been and there never will be; but the question is whether as a principle and as a right we are to give it up and expose ourselves entirely in all respects to the exertion of the power of the State. That is the question.

Thanking the Senator from Iowa, I have now finished.

Mr. HOAR. Will the Senator from Iowa allow me half a minute?

Mr. GARLAND. I wish to ask the Senator from Iowa to yield to me for one minute only to make a motion.

Mr. ALLISON. In reference to the matter which will come up regularly at the next meeting of the Senate?

Mr. GARLAND. Yes, sir.

Mr. HOAR. I ask the Senator from Iowa to allow me half a minute.

Mr. ALLISON. I yield to the Senator from Arkansas, and I will also yield half a minute to the Senator from Massachusetts.

TITLES AT HOT SPRINGS.

Mr. GARLAND. This morning I made a request of the Senator from Pennsylvania to withdraw his motion that when the Senate adjourns to-day it adjourn to Monday. I did that in order to have the Hot Springs bill considered to-morrow. Now I wish to make a change in my motion, at the suggestion of the Senator from Rhode Island and several others, and to move that the bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes, be made the special order immediately after disposing of the appropriation bills in charge of the Senator from Iowa and the Senator from West Virginia, and I hope the Senate will grant me this request.

Mr. DAWES. I do not like to interfere with the request made by the Senator from Arkansas; but the Senator will recollect that next after these bills stands the Geneva award bill on which the Senator himself has the floor.

Mr. GARLAND. I will yield the floor to the Senator from Massachusetts or anybody else on that; but this bill has been shoved off—

Mr. DAWES. The Senator will allow me. I do not want to object to the Senator's request, because it refers to a matter of special local interest to him. I only call to the Senator's mind the position of the bill upon which he has the floor, and I ask him not to crowd that bill any further than is absolutely necessary, because it would do the bill no good for the Senator from Arkansas to yield the floor to me on it if he had a special assignment which would precede it. The country would very much more desire to hear from the Senator from Arkansas on the Geneva award than from me. It was not for the purpose of hoping myself to do any good to the bill, but to urge the Senator himself to get up the Geneva award and address the Senate on that subject as he has the floor on it, that I made the suggestion.

Mr. GARLAND. This bill takes up much more of my time than the Geneva award and all the other bills I have had any connection with. It is not merely a local matter, but the United States is interested in the Hot Springs bill; and I do ask Senators, for heaven's sake, if not for mine, give me a chance to have this bill disposed of. I never made such a request before of the Senate, and I reckon it will be the last one of the kind I shall make.

Mr. EDMUNDS. I suggest to the Senator from Arkansas, inasmuch as I am opposed to special orders, that he give notice so that the Senate may consider it meantime and look up the measure—notice that immediately after these appropriation bills are disposed of he will move the Hot Springs bill. He will then be recognized for that purpose, and the Senate can decide whether they will take it up or not. I should vote with him to take it up.

Mr. GARLAND. The gentlemen objecting to its consideration now will object to it then; but if the Senator from Vermont thinks anything will be accomplished by that, I will give that notice, at the same time not believing it is going to amount to anything if the Senate is indisposed to consider the bill.

The VICE-PRESIDENT. Will the Senator from Arkansas indicate the particular appropriation bill he wishes to follow?

Mr. GARLAND. I mean the fortification bill and the star-service bill.

Mr. DAVIS, of West Virginia. And the bill relating to permanent appropriations?

Mr. EDMUNDS. Oh, no, that is a general bill. I suggest to the Senator from Arkansas not to except the bill as to permanent appropriations, which is not one of the kind of appropriation bills that fall within the practice of the Senate as entitled to precedence. That is a bill of an important general character.

Mr. GARLAND. I suggest, then, that after the consideration of the two appropriation bills, one in charge of the Senator from Iowa [Mr. ALLISON] and the other of the Senator from Pennsylvania, [Mr. WALLACE,] I will move that the Senate take up the Hot Springs bill for disposition.

The VICE-PRESIDENT. The Chair will recognize the Senator at that time.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. Now I yield half a minute to the Senator from Massachusetts.

Mr. HOAR. I withdraw my application; I will not trespass upon the Senate.

Mr. BLAINE. I want a whole minute.

Mr. ANTHONY. I ask permission of the Senator from Iowa to renew the motion—

The VICE-PRESIDENT. To whom does the Senator from Iowa yield?

Mr. ALLISON. I do not yield to any Senator at this time.

Mr. BLAINE. Will not the honorable Senator allow me to ask a question?

Mr. ALLISON. In a moment, when I get the bill up.

The VICE-PRESIDENT. The unfinished business is House bill No. 2787, the fortification appropriation bill.

Mr. ANTHONY. Now I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. DAVIS, of West Virginia. Let it be understood that we are to finish these two appropriation bills to-day.

Mr. ANTHONY. I have no objection to that understanding.

The VICE-PRESIDENT. The question is on the motion of the Senator from Rhode Island.

The motion was agreed to.

THE GENEVA AWARD.

Mr. BLAINE. I desire to ask the honorable Senator from Ohio, with the permission of the Senator from Iowa, at what time he expects to call the attention of the Senate to the Geneva award bill.

Mr. THURMAN. I do not know how many times I have been asked that question. I am asked it all around; it is not original with the Senator from Maine. I suppose I must say a word with regard to this Geneva award bill, as I am appealed to so often about it.

The Senate is aware that the two Houses of Congress have never yet been able to agree as to the distribution of the balance of the Geneva award now in the Treasury, and therefore there has been no distribution of that money. This has certainly not been any fault of mine, and I do not say it is the fault of anybody. I certainly have thought, and have expressed myself perhaps more strongly than it was decorous in me to do, that the Government was guilty of gross injustice in not distributing this money; but I do not say it is the fault of anybody. It is the result of a difference of opinion among members of this body and of the other House of Congress, opinions that we are bound to presume are honestly entertained and which so far have not been reconciled.

Last winter the Judiciary Committee of the Senate undertook again to try and frame a bill that should meet the acceptance of both Houses of Congress, and after a great deal of consideration reported a bill through its chairman to the Senate. He reported it, as it was his place to do, although personally he did not approve the bill. The shortness of the session and the debates which sprang up on the appropriation bills prevented that bill from being acted on. At the extra session the subject was not acted upon because there seemed to be a universal understanding in both Houses that no legislation of a general character should be taken up at that session except appropriation bills, and therefore nothing was done. At the present session, the Judiciary Committee being composed in great part of new members, some of whom had never had occasion to look into this subject at all, the matter was taken up and underwent much study before we finally came to a vote upon it in that committee. Just as soon as the members had made up their opinions, we reported a bill. It was reported, if my recollection is right, on the second day of February. I gave notice that on the next Monday I would ask the Senate to proceed to the consideration of that bill. It was necessary to give some time that Senators might see what the bill was, and it was also very proper that the bill should be printed and go abroad, that those who were interested in its provisions, either for or against what it proposed to enact, should also have an opportunity to study it and make known their views, and a week was a very short time. I gave notice, however, that I would on that day week, which would be the 9th day of February, ask the Senate to proceed to the consideration of that bill. But before that time, what was called the 5 per cent. bill was taken up by the Senate, and when Monday came that 5 per cent. bill was the unfinished business, and of course it was impossible for me to get up the Geneva award bill for the action of the Senate. I did, however, succeed in getting the Senator who had the 5 per cent. bill in charge to lay it aside informally in order that the Senator from Illinois [Mr. DAVIS] might address the Senate upon the Geneva award bill. Then afterward by a vote of the body the Senate saw fit to take up the Fitz-John Porter bill, as it has been called, and that has occupied our time ever since, more or less.

Yesterday, in view of what I confess was a surprising thing to me, that the debate on that bill seemed to be taking somewhat of a party character, that it threatened to be prolonged to a most inconvenient length very contrary to what I think might have been reasonably expected—for I did suppose when it was taken up that a bill which simply was to inquire whether injustice had been done to one of the most gallant officers that ever was in the Army of the United States, and whose great services to his country before this accusation was made against him were recognized from one end of the land to the other—I did suppose that there would be no party in the discussion of a bill like that, but that everybody would be anxious to consider it on its merits and to decide upon it as speedily as could be done with justice to the Government and justice to the officer accused. But I saw on yesterday what seemed to threaten a debate of indefinite duration upon that bill; and therefore I gave notice that if that was to be the case, if we were to have a month's debate and of the character that had taken place in some respects upon that bill, then

I should feel bound to antagonize the Geneva award bill at a much shorter period; and I say now that when the appropriation bills are over, all that are ready to be reported, it is my purpose to leave it to the Senate to decide whether or not it will proceed with the consideration of the Geneva award bill. I shall move the Senate to proceed to its consideration, and the Senate will decide the question for itself.

One word more. If there is any Senator here who is of the opinion that a majority of this Senate are opposed to the bill reported by the Judiciary Committee, it is perfectly competent, and it not only is competent but it is proper for him to move to postpone all previous orders and take up that bill. I will not have that bill in my charge one moment after a majority of the Senate shall decide against its main features. I hope that will never be the case; but should that be the case, then the bill passes wholly out of my charge. And therefore I say now that if any Senator here thinks that a majority of the Senate are opposed to the main features of that bill, I will thank him to try that question, and to move to postpone all prior orders and take up that bill, and if he can carry a substitute for the bill or put an amendment upon it that will defeat the main features of the bill, then I will surrender the charge of the bill to him.

Mr. BLAINE. The honorable Senator from Ohio knows better than I that the courtesy of the Senate does not permit, in the stage which the Geneva award bill now occupies, any Senator to come in and assume to take charge of it. Therefore we must all wait on the motions of the honorable Senator from Ohio.

I desire to say a single word in regard to his statement about the difference between the two Houses always defeating the disposition of the remainder of that fund. I think I am correct in stating that the Senate has never passed a bill on that question at all; it has simply said "nay" to the House propositions; it has simply defeated the House propositions. It has never yet sent to the House a solitary proposition touching the disposition of that fund. The honorable Senator from Massachusetts on my right [Mr. HOAR] endeavored at the outset of this session to induce the Senate to move promptly and to take the initiative and to send to the House some proposition on which an ultimate agreement might be reached.

But the Senator from Ohio says that a good deal of delay occurred because of the youthful nature and the inexperience of some members of the Judiciary Committee. When we read the names of the members of that committee, of course the whole Senate will recognize that they are a juvenile, an immature, and an inexperienced body of men! Mr. THURMAN is chairman, and its other members are Mr. McDONALD, Mr. BAYARD, Mr. GARLAND, Mr. LAMAR, Mr. DAVIS of Illinois, Mr. EDMUNDS, Mr. CONKLING, Mr. CARPENTER. I do not know which one of these inexperienced Senators it was that the delay was occasioned by.

Mr. THURMAN. I did not use the word "inexperienced" or anything like it, but simply the word "new." I said there were some new members put on the committee who had not had occasion to examine this question before, and I think that might be the case with an old and an experienced man as well as with one who was inexperienced.

Mr. ALLISON. I cannot yield for a discussion of the Geneva award.

Mr. BLAINE. We are not discussing the Geneva award, much less Fitz-John Porter, which case the honorable Senator from Ohio injected a speech about in the middle of what he was saying about the Geneva award; but I have got from him the assurance, which I am sure my constituents will hear with great satisfaction, that he will urge the bill upon the attention of the Senate in some season to ground the hope on at least that it will reach the House in time to be considered by that body, and that the House will not be forced to do as the Senate has heretofore chosen to do, give a simple negative to a proposition from the Senate.

Mr. ALLISON. I insist on the regular order.

The VICE-PRESIDENT. The Senator from Iowa calls for the unfinished business of yesterday.

FORTIFICATION APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes.

Mr. ALLISON. I ask that the amendments of the Committee on Appropriations be reported and acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. To which the Chair hears no objection. The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in line 3, after the words "one hundred" and before "thousand," to insert "and fifty;" so as to make the paragraph read:

That the sum of \$150,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the protection, preservation, and repair of fortifications and other works of defense, for the fiscal year ending June 30, 1881, the same to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, in line 16, after the word "rifles," to strike out "two hundred and twenty-five" and insert "and the man-

ufacture of four improved breech-loading twelve-inch rifled guns, four hundred;" so as to make the clause read:

For the armament of sea-coast fortifications, including heavy guns and howitzers for flank defense, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, and for machine guns, including the conversion of smooth-bore cannon into rifles, and the manufacture of four improved breech-loading twelve-inch rifled guns, \$400,000.

Mr. COCKRELL. I should like to hear some explanation of the necessity for the large increase proposed.

Mr. ALLISON. I will say in response to the inquiry made by the Senator from Missouri that this subject was very carefully examined by the Committee on Appropriations, and in making such examination we found that at this moment we have but one of this large class of guns. The Ordnance Department seemed to be very anxious to have the appropriation increased, in order that they may convert, as they are now converting, eleven-inch smooth-bore guns into eight-inch rifled guns, and also convert fifteen-inch smooth-bore guns into eleven-inch rifled guns. The conversion of the eleven-inch smooth-bore into eight-inch rifles has been progressing for some years, and small appropriations have been made from time to time for this purpose. I believe it is admitted on all hands that these eight-inch rifles are ineffectual as a means of defense of our sea-coast. Indeed it was stated by the Chief of Engineers and by the Chief of Ordnance that at this moment there is no armament at any of our fortifications sufficient to defend our sea-coast cities.

After a full consideration of this subject the committee believed that it was wise to manufacture new guns as well as to convert the fifteen-inch smooth-bores into eleven-inch rifled guns. Therefore we propose the amendment, which if adopted will authorize the manufacture of four new twelve-inch guns at a cost of about \$40,000 apiece, and still enable the Ordnance Department to go on making conversions as heretofore. That is the judgment of the Committee on Appropriations after a careful examination of this subject.

I suppose I need not say, what is perfectly well known to every Senator here, that at this moment we have no guns that are sufficient to protect our sea-coast harbors; and it is only a question of public policy whether we shall enter upon the manufacture of guns necessary for these defenses. The estimate of the Department is that these guns will cost about \$40,000 each, and therefore there can be manufactured four of them with the additional appropriation proposed by the committee.

Mr. KERNAN. Mr. President, I have listened attentively to the explanation of this amendment. My information is that our seaboard harbors are in a very defenseless condition; an iron-clad could enter now either of them. If a war should occur, which I hope and believe will not occur, our cities on these harbors would be liable to great detriment. The harbor of New York, I am informed, is entirely defenseless against an ordinary modern iron-clad for the want of guns and other apparatus.

I am glad that the committee has increased this appropriation. Indeed, my information is that it should be made much larger. I think the estimate of the Ordnance Department is much larger, but the committee have increased it above the appropriation made by the House. I am in favor of the increase.

I avail myself of this occasion to have read as part of my remarks a memorial from the Chamber of Commerce of the State of New York, which was recently presented to the Senate and is before the Committee on Military Affairs. It is not long, and I ask that it be read, as it states the opinion of a body of men in whom I have great confidence, and also states the condition of the defenses of that important harbor, calling the attention of Congress to the subject in order that there may be action to properly guard us in the event that there should be a war with any naval power.

The PRESIDING OFFICER. (Mr. COCKRELL in the chair.) The memorial will be reported.

The Chief Clerk read as follows:

Memorial for an increased appropriation for the fortifications in New York Harbor.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

May it please your honorable bodies:

It is respectfully represented by the Chamber of Commerce of the State of New York, that New York Harbor is completely defenseless, in case of war, against iron-clad war ships of modern type, a single one of which might enter it with impunity, and do incalculable injury to public and private property, besides inflicting a well-nigh paralyzing blow to the resources of the nation.

From five to six hundred rifled cannon are immediately required for existing fortifications in the harbor, mostly of larger caliber than any possessed by the United States, which cannot be provided by the Ordnance Department for lack of necessary appropriations for the purpose by Congress, although such have been urgently recommended by the executive government, in view of the utterly unprotected condition of our sea-coast.

The appropriation recommended by the House of Representatives in the fortification appropriation bill, lately passed by that branch of Congress, is entirely inadequate for the purpose for which the Chief of Ordnance has asked \$950,000 for expenditure during the next fiscal year. It is intended to be sufficient only to defray the cost of, at most, thirty-five comparatively small rifled guns, with which, in case of need, to defend our thousands of miles of sea-coast against metal-plated steamships, armed with cannon throwing projectiles of over a ton weight, with a range of nine miles.

At this rate of annual expenditure it would take half a century to provide an effectual armament merely for the harbor of New York, should the whole of the funds appropriated be applied to that purpose.

Great cannon are required, such as have been produced by Great Britain and the European continental powers; and it would take years to provide all those needed for New York Harbor alone, if all the available gun-making machinery of the coun-

try and unlimited money were to be placed at the disposition of the Ordnance Department.

Great Britain, with the most powerful fleet in existence, has expended upon the defenses of nine of her harbors \$35,000,000, and is still actively engaged in the work. She expends about \$10,000,000 annually for new cannon.

Similar liberal expenditures for the like purpose are imperatively called for on the part of the United States, for until sufficient weapons of defense are provided, the chief commercial ports of the nation are exposed to capture so soon as war is declared, and our Government thus deprived of most of its revenues, which are derived from these sources; meanwhile our excessive weakness to resist attack is in itself sufficient to invite imposition and insult to the nation, and renders it powerless to resent injuries or extend protection to our countrymen at home or abroad.

For such reasons, and especially for the protection of the immense amount of national property of various kinds collected in New York City, and of the commerce and wealth from which so large an amount of the Federal revenues are drawn, independent of local considerations, it is pre-eminently important that this harbor shall be put in an efficient state of defense, and your memorialists therefore pray that an appropriation be made from the national Treasury of sums adequate to enable the Federal Government to provide, with all practical expedition, such heavy rifled ordnance and other protecting weapons as are deemed necessary by the Bureau of Ordnance and Engineers. And your memorialists will ever pray.

NEW YORK, February 5, 1880.

Mr. KERNAN. The memorial states, I believe, correctly the defenseless condition of all our harbors, and especially of New York Harbor, and the necessity of protection. I think it would be wise for us each year to appropriate larger sums than is here proposed to provide rifled cannon and other means of defending our harbors. It is certainly wise to provide now against war with any country having a naval force and armament.

I am in favor of this amendment proposed by the committee, and I certainly would move to increase the sum to the amount asked by the Ordnance Department except that I am informed that the committee are unwilling to favor a larger appropriation, as they do not think we would be able to have it adopted by the other House.

I wished to call attention to this subject and to express my opinion of what is necessary and proper. I shall vote for the amendment; indeed, I would move to increase the amount proposed by the committee, except that there is no probability that the increased amount would be voted.

Mr. DAWES. Mr. President, I hope the amendment will be adopted. What has been said by the Senator from New York and read at the desk with respect to the harbor of New York is true of the harbor of every commercial city in the Union. All these harbors are exposed now to not only the great powers of Europe but to the minor powers. Third-rate powers in Europe are in possession of ships of war that can at a distance of seven miles from any of the commercial cities of this Union send shells weighing a ton into the midst of the population of any of these cities and lay them waste. Our fortifications as they have been constructed in times past afford no protection against the war vessels of this character built by other nations.

Great Britain is not only spending the millions of dollars indicated in the communication read at the desk for the defense of her own harbors, but she is at the same time arming herself, and all the powers of Europe that have any force upon the ocean are arming themselves in a way to command our commercial cities all along the coast, Boston, as well as New York and Philadelphia. An armed vessel of no greater power than Italy is now upon the ocean can come within reach of the city of Philadelphia and out of reach of any fortifications there existing, and shell that city to destruction in a few hours, and we have no protection against it. In company with the torpedoes that are being improved and perfected, this system of heavy guns at fortifications is absolutely necessary to protect the commercial cities upon the coast.

The guns that are contemplated by the amendment cannot be constructed except at great expense, I am aware, and at great cost of time. There is no such thing as proper preparation for such an emergency after the emergency arises. The guns must be prepared beforehand or not prepared at all. Any trouble with a foreign nation is, under the existing condition of things, a matter of sudden arising. It is not a matter which takes as much time as heretofore it has done. It begins and it ends in a few weeks, or at most in a few months; whereas the construction of these guns costs the time of six months or a year. Unless we begin their construction we had better never undertake any more the expenditure of money for the defense of our harbors.

I do not know particularly, because in no region of the country where I am are any of the manufacturing establishments where these guns are constructed, but I understand there are but two manufacturing establishments in existence in this country where they can be constructed. If they are permitted to go down and go out of existence those who use their skill in the construction of these guns will pass into other employments, and it will be years before an establishment sufficient to construct them can be reared and men gathered together to perform the work the necessity for which may be upon us in an hour or a day. It would be quite useless to ever think of protecting our harbors against any emergency if we wait until the emergency arises.

Therefore, it is in the interest of the commercial cities upon the coast especially, but of the whole country as well, that we should look at the question whether we will continue to protect our harbors by fortification, in conjunction with torpedoes and other modern methods of defense, or whether we will abandon them and trust to Providence to protect them against any emergency that may arise. I hope that the amendment will prevail.

Mr. CONKLING. Mr. President, the wisdom and importance of precautions touching the defenses of our harbors, is so manifest that no argument need be addressed to it. But every argument which might be made in that behalf, would, it seems to me, fail entirely to recommend this amendment. There are several ways, three perhaps, acknowledged of defending a harbor. One is by coast defenses, and it is to such defenses that this amendment applies; another is by floating batteries of some species; and a third, if that be a third, by torpedo boats or other appliances for the use of torpedoes. As I say, this amendment applies to the augmentation of coast fortifications, that is, of fortifications on the shore speaking to the harbor or the sea.

It is proposed that four breech-loading, twelve-inch rifled cannon be cast. Where are they to be put and how are they to be used? Are they to be put into the coast fortifications of the harbor of New York? No, sir, there is no coast fortification which will receive one of these guns. The dimensions of the guns and the nature of the coast defenses are repugnant to each other. No use can be made of either of these guns in the harbor of New York except to plant it on the parapet, place it above the fortifications somewhere, to the end that it may speak as any gun may speak out of doors and uncovered. I am right about that, I think.

Mr. ALLISON. I think the Senator is right. I will say, if the Senator will allow me, that the Chief of Engineers who was before us upon this identical question did say that these twelve-inch guns could be used effectively *en barbette* or over parapets, and that they were important and essential to be used at four places, one of them at Fort Schuyler, another at Sandy Hook, these two being in the neighborhood of New York, another in the neighborhood of Fortress Monroe, and another to protect the harbor of San Francisco, at or near Mare Island, I believe, in California; so that these four guns were designated not only with reference to their utility, but with reference to the exact places where they would be put in case they were manufactured.

Mr. CONKLING. Surely the Committee on Appropriations did not need the Chief of Engineers to tell them that room could be found for a twelve-inch gun out of doors, either at Fortress Monroe, at Governor's Island, or anywhere under the sky above us. I once heard of a man who was so tall that he could not stand up out of doors, but I never heard of a gun so large that you could not find room for it out of doors. I say, and I venture to express the confident belief that neither the Chief of Engineers nor anybody else will gainsay it, that there is no fortification in the harbor of New York which can receive one of these twelve-inch guns. Of course, using the phrase of the Senator, it may be planted *en barbette*, using the equivalent phrase that I do you may put it on the parapet, as you may put it anywhere else uncovered out of doors; there is no doubt about it.

The facts to which the chamber of commerce has called the attention of the Senate, and which in general terms are very familiar to the Senate, I submit demand a very different answer from this. I do not mean to deny that it may be very well to cast four twelve-inch guns, to be used as occasion may require; but to do that as a provision professing to be adequate to arm the harbors of this country, to arm even the single harbor of New York, is, I submit, very illogical and very insufficient. If the theory of harbor defense which utilizes coast fortifications is to be adopted, then two things are necessary in that harbor and every other; first, to adapt the coast fortifications to the reception, accommodation, and handling of large guns, or else to construct new ones so adapted, and then to arm those fortifications adequately. Everybody must see that that is the requirement if that theory of harbor defense is to be adopted. If, on the other hand, floating batteries, armed batteries carrying heavy guns, which although they are not sea-going vessels can live and move in harbors, be thought the better mode of defense, then of course that could be done. I have heard, and heard in the Senate, reference made to great British iron-clads as if they were sea-going vessels, and as if we were in great danger from them. Although I hope that everybody will feel the danger as far as it exists, I should be very sorry to have it supposed by the people of New York, or the people anywhere else, that these immense armored vessels or batteries are likely to cross the ocean, or to attempt to cross it, unless they have some vessels to lighter them as consorts. I do not understand at all that those ships are devised for any such purpose.

But without exaggeration, there is no doubt abundant reason for giving attention to the condition of our harbors. Although I do not mean to criticize the committee for what it has done in this regard, it seems to me that the defect in this amendment is one which increasing its amount would not cure. If they had said eight guns, or twelve guns, or twenty guns, still the fact would remain that the only provision here suggested is for a few large guns which are to be put somewhere out of doors.

I do not know that it is worth while to attempt or to hope to change the action of the committee upon this bill at this time, but I venture to say that it is so inadequate a provision that it ought hardly to be regarded as dealing with the subject at all.

Mr. BECK. Mr. President, there is a good deal in what was said by the Senator from New York [Mr. CONKLING] in his closing remarks, that so far as attempting to defend the harbors of the United States with the guns that we are providing for, it is hardly worth while to begin unless we expect to go farther. I will state the condition of things existing at present. We have no guns now that will protect

our harbors against the iron-clads of Europe that are known to be able to cross the ocean. We have continued for the last ten or twelve years trusting to luck or to Providence, hoping that there would be no necessity for defense. Changes in the penetrative power of the great guns and in the resisting power of the fortifications have been going on so rapidly in the last ten or twelve years that any attempt to do anything would be demonstrated to be a failure almost before the gun or the fortification could be made or put in a shape to be used.

The United States has been relying upon the fact that she was far removed from the great belligerent powers of the Old World and had no particular desire to fight anybody. We have believed also that in a war that closed fifteen years ago there was so much military prowess developed that nobody was very anxious to get into a fight with us. We have waited and watched and have seen the result of the experiments in other countries, saving our money while they have been wasting theirs.

England alone, as we were informed, spent \$12,000,000 on what are known as the Armstrong guns, and has abandoned them all after wasting that much money. She expended, year by year, vast amounts upon her fortifications. It was ascertained after a while that the penetrating power of the great guns was such that the fortifications she had built were wholly inadequate to resist attack.

Meanwhile we have been waiting and spending very little money indeed. We have been converting a few eleven-inch smooth-bores, of which we had a great number, into eight-inch rifles. Their penetrating power is such as to be able to protect all the harbors of the United States where vessels with a draught of eighteen feet and under could possibly enter. None of the great iron-clads draw less than twenty-six feet of water, while in very many of the ports of the United States eighteen feet or twenty feet is the maximum depth. Where the eight-inch rifles have been converted from eleven-inch smooth-bores they would render very efficient service and penetrate any ship armored light enough to enter those harbors.

We have commenced changing our fifteen-inch smooth-bores into eleven-inch rifles. We have made the experiment with one. It had been fired over three hundred times—three hundred and twenty I think, as reported to us. It was supposed that before the 1st of July they would fire it three hundred and fifty or perhaps four hundred times. After firing it over three hundred times it is now in as good order as it was when it was first fired. The Department came to the conclusion that if it stood the strain of three hundred and fifty shots they could then pronounce to a certainty that it was a good gun. We have a large number more that we ought to convert into eleven-inch rifles.

Mr. KERNAN. As I understand, this appropriation of \$400,000 is to be applied in attempts to convert these smooth-bores into rifled guns which are to be used.

Mr. BECK. The Senator will observe that nothing else was contemplated by the action of the House in the \$225,000 appropriated by them. We are still going to progress in that direction, converting as many of those guns as we can, believing, though it is not yet entirely satisfactorily demonstrated, that that will be a first-rate gun. It was made equally apparent to the Committee on Appropriations of the Senate that a twelve-inch gun is a much more powerful gun than an eleven-inch gun, and we thought as the armor of the ships of the Old World is increasing in strength and in its power of resistance, as new material is being used, we ought to be making guns of that character and testing them.

The Ordnance Department laid before us a diagram which I hold in my hand, showing the penetrating power of projectiles that have been tested thoroughly. It was shown that the twelve-inch gun has a much greater penetrating power than the eleven-inch gun. The eleven-inch rifle, for example, weighs sixty thousand pounds, uses ninety-five pounds of powder, and throws a ball weighing five hundred and fifty pounds. The twelve-inch rifle weighs ninety thousand pounds, requires one hundred and twenty pounds of powder, and throws a projectile weighing seven hundred pounds.

Mr. CONKLING. How much does the twelve-inch gun cost?

Mr. BECK. Forty thousand dollars.

Mr. CONKLING. How much to rifle it?

Mr. ALLISON. Forty thousand dollars is the cost of a new gun.

Mr. BECK. The cost of a new gun. I can state the cost of the conversion to an eight-inch rifle. I made some memoranda in committee, thinking some Senator might desire the information, at the time we had the Chief of Engineers and the Chief of Ordnance before us. My recollection is that it would cost about \$7,500 to convert into a breech-loader an eight-inch smooth-bore, and about \$15,000 to convert the fifteen-inch smooth-bore into an eleven-inch rifle. They said the penetrating power of those guns at from a thousand to fifteen hundred yards would be such as to pierce any ship now afloat except two.

Mr. KERNAN. The ships now used?

Mr. BECK. The ships that are now used.

Mr. KERNAN. A twelve-inch gun?

Mr. BECK. A twelve-inch gun. Here is the diagram, the caliber of the gun laid down and its penetrating power, and each grade of vessel up to the largest, of which there are only two.

Mr. CONKLING. Which are the two; the Duilio and what other?

Mr. BECK. The Inflexible and the Duilio.

Mr. ALLISON. The Duilio is an Italian ship.

Mr. BECK. All the other iron-clad ships they assure us are pene-

trable by a twelve-inch rifled gun. We thought that it was a wise thing not to attempt at present to spend enough to arm and protect all the ports, New York, Boston, Portland, and other places, because there is a large number of our seaports into which those ships cannot enter. I took the precaution to inquire of the Chief of Ordnance how many of our ports would be in danger from those large ships, and on the 17th of January General Benét, the Chief of Ordnance wrote me this note:

In compliance with your verbal request, and as covering the information desired, I give on the next page a letter from the Chief of Engineers to the House Committee on Military Affairs. It will be seen that many of our most important harbors can be entered by the most powerful iron-clads in the world.

The list comprehends the harbors of Penobscot, Kennebec, Portland, Portsmouth, (New Hampshire,) Boston, Narragansett Bay, "a great strategic position" is added, New London Harbor, New York Harbor, Philadelphia Harbor, "excepting those drawing twenty-five feet and over," Hampton Roads, the Tortugas, and San Francisco. Each of those harbors could be entered by any of these large armored ships. While they have not progressed far enough to make it sure that those twelve-inch guns would be a success, they are perfectly sure that there are very many harbors in the United States where they could be placed as against ships that had only twelve inches of armor; and if we have to make larger guns it will be to meet exigencies that may arise hereafter; but, for the time being, we thought it wise to increase the appropriation of the House from \$225,000 up to \$400,000 in order to give a chance to make a beginning, at least to have such guns as will in all probability answer the purpose.

We were assured, furthermore, that while we had a torpedo system that is quite valuable, yet torpedoes without big guns to protect them are of very little value; that the great armored ships of the world could come into our harbors, and if they were not driven back by land batteries, they could fish up the torpedoes, taking them up at their leisure and pass on. The officers thought that it was necessary to have guns to protect those torpedoes, and to make it impossible for a ship to stay long enough to take them up in passing along. While the Senator from New York [Mr. CONKLING] is correct in saying that we have no fortification now large enough to place these guns in casemates, Fort Schuyler can be converted to that use. That I suppose is the most important fort at New York, because Fort Lafayette is perhaps not in a condition to be used for that purpose without a great deal of cost. We could, by throwing two casemates into one, place eleven or twelve inch guns in the casemates of Fort Schuyler now.

Mr. DAVIS, of West Virginia. We have added \$50,000 for that purpose.

Mr. BECK. We have added \$50,000 to what the House had appropriated, in order that some test might be made by General Wright, the Chief of Engineers, in that direction. The difficulty that we had and the difficulty the engineers have had is the want of absolute knowledge as to what will be necessary, but all agree that it is a step in the right direction.

I confess for one that it seems to me we are exposing ourselves to very great risks by not having more guns and better fortifications than we have. I can see, and Senators can see, questions that may arise by the approach of great railroads along the Mexican frontier. Here is one road going now from San Antonio toward El Paso and thence across to Guaymas, and it will get there to a certainty. There is another going from Fort Worth in the same direction. There is another advancing from Fort Yuma coming in this direction. There is that great road, the Atchison, Topeka and Santa Fé, heading down there now, and they are obliged somehow or other, by some means, by some arrangement with Mexico to get to that great Gulf of Southern California. Complications may arise growing out of those things that may require us to be in a condition where at least we ought to be prepared for defense.

We were speaking this morning about a great interoceanic canal. The President sent a message to us within the last few days reasserting what is known as the Monroe doctrine, which most of us approve; I do certainly. Complications may arise there. Bills have been introduced appropriating several hundred thousand dollars to send two ships of war to do something, I do not know what. Our ships might just as well be carpenter shops as ships of war as against the great armored ships of the world. We might be insulted at any time anywhere, at Boston, New York, San Francisco, or at Hampton Roads certainly, leaving out Philadelphia and other places where foreign ships of war would have some difficulty in entering. I hope we shall not be, but at the same time we ought surely to be going as far as this amendment proposes to go in making experiments in the direction of putting ourselves in a condition to know how best to defend ourselves.

If we had the guns and if we had to put them out of doors I have no doubt we should put them on the torpedo lines and drive the ships off, because the penetrating power of a twelve-inch rifle is shown by the engineers to be sufficient to penetrate any ship that would be likely to cross the Atlantic. If not we shall have to make bigger ones.

I am free to say, living as I do in an interior State, that I would spend any amount of money, I do not care whether it is \$50,000,000 or \$100,000,000, to build up all the fortifications and construct all the guns that are necessary to protect the harbors of Boston, New York, Philadelphia, or any of the great harbors of the country, against foreign

invasion anywhere. I would not see an iron-clad of Spain, or of France, or of England, lying in the harbor of New York or any other harbor demanding tribute, no matter what it might cost to defend against her coming. I would rather pay a million for defense than one cent for tribute. But I thought, and the committee thought, we had gone as far as the House would agree to perhaps, as far as the engineers had information sufficient to enable us now to go, and that we ought to progress still further as soon as we know that we are right.

Mr. MCPHERSON. Mr. President, I do not rise for the purpose of antagonizing the amendment, but simply to express my gratification that the Committee on Appropriations have seen fit to report an appropriation for this purpose, and I believe it would have been far wiser if the committee had reported an additional appropriation to that which they have presented to us.

I have been somewhat amused at some of the remarks that have been made here on the floor of the Senate respecting the danger which would naturally result in case we should be attacked by some of the foreign iron-clads, some of which have been named to-day by the honorable Senator from Kentucky. I have been investigating with a distinguished naval officer the amount of water necessary to float one of those batteries into any of the American ports, and as near as we can judge there is scarcely any of the American ports into which a vessel like the Duilio, or the Inflexible, or any vessel of that class, having the ordnance and resisting power that those vessels have, could possibly enter. It certainly would be impossible for either of those vessels, or any vessel of that class or character, to cross the bar at Sandy Hook. We have a fortification at Sandy Hook partially completed which could very easily be put in a condition to receive a gun of the character that the committee propose to have constructed. That is near the city of New York, although distant some eighteen or twenty miles from the city. We have three additional fortifications which, perhaps, with a little alteration would enable each to receive a gun of like character. I submit that if each of the fortifications spoken of were supplied with one or more guns—perhaps one would not be sufficient—by which an enfilading fire could be brought to bear across the harbor and upon any object coming up through the narrows, the result would be that a hostile vessel would have a very stormy time in reaching the port of New York.

In addition to that, in this connection, let me state what the opinion of that distinguished naval officer is respecting the character of a fortification or of an obstruction in the river which would absolutely prevent a vessel from reaching the city or getting to a point near enough to bombard it. He states that by taking some of the old naval vessels which have been condemned as practically worthless and placing them in the channel, then by an efficient torpedo service, which I am glad to see that the committee here have reported an appropriation of money for the purpose of investigating and completing, and with the fortifications manned by heavy ordnance, the result would be that it would be almost impossible for a vessel of any class, certainly one having sufficient thickness of armor, to cross the bar at Sandy Hook, to reach the city of New York, or within a sufficient distance of the city to bombard it.

The same condition of things exists with respect to Philadelphia. Certainly no vessel of that class could pass up the Delaware River to Philadelphia. There are some cities along the coast that I suppose are not situated so advantageously; but in the past it has not been a difficult thing to secure appropriations of money from Congress for floating batteries. Large appropriations of money have been made for the purpose of building what are called floating batteries or monitors. We have to-day four or five of those monitors under construction; one of them at Cramp's yard at Philadelphia, one at the yard of Harlan & Hollingsworth, at Wilmington, one at John Roach's yard at Chester, Pennsylvania, and one at the Mare Island navy-yard in California. There has been up to this time an amount of money, I think, exceeding \$2,000,000, expended upon each of those vessels for the purpose of securing a ship fit and proper and sufficient in all its requirements for harbor defense.

A board of survey has recently been held upon one of those monitors where an appropriation I think of about \$2,400,000 has been already expended. That board of survey examined into the merits of the whole case; they examined the vessel, which is already in quite a forward state of completion. The report of the board is that if the vessel were completed in accordance with the original plans and specifications the deck of the vessel would be two feet and four inches under water when lying at the dock. And the board of survey have made recommendations to the Secretary of the Navy. After deducting 37 per cent. of the resisting power of the vessel, after deducting 37 per cent. of the plating which was put upon her, they found then that if she were completed in accordance with the plan she would be about four inches and a half under water.

I only state this to show that while we have been very profuse in the expenditure of money in the past for the purpose of making floating batteries, I think it is about time now that we should turn our attention to some other kind of armament, having been so exceedingly unfortunate as to get nothing as a result from the vast expenditure that we have incurred.

Mr. President, I am glad to know that the Committee on Appropriations have taken hold of this matter in the right direction. I believe that appropriations of money should be made for an efficient torpedo service and for placing heavy armaments upon land fortifi-

cations at all the forts, manning properly whatever number of guns may be needed, and defending them properly.

With respect to the guns that the committee propose to construct, I have one word to say. I believe it is the intention to convert our smooth-bore cannon into rifled guns. They are now fifteen-inch guns, I understand, and the purpose is to rifle them to eleven-inch guns. There is a variety of opinions existing among engineers in respect to the policy of such a conversion. I understand, and reliably, that the experiments thus far made prove that they will be almost entirely worthless after they have gone through that transformation.

Mr. BECK and others. No, no.

Mr. ALLISON. Will the Senator from New Jersey allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Iowa?

Mr. McPHERSON. I do.

Mr. ALLISON. I think one hundred and ten smooth-bore eleven-inch guns have been converted into eight-inch rifled guns, and after repeated tests and experiments they are found to be useful as rifled guns. But one fifteen-inch smooth-bore has been converted into an eleven-inch rifle, and, as was stated by the Senator from Kentucky, that is now undergoing a test; there have been fired, I think, three hundred and twenty-five shots from this eleven-inch rifled gun.

Mr. WITHERS. It is found to be an effective weapon?

Mr. ALLISON. Very effective. The Chief of Ordnance, who certainly is entitled to our respect and consideration for skill and knowledge of construction, states that in his judgment these guns will be effectual weapons in the future.

Mr. McPHERSON. My information is, that in the number of experiments which the honorable Senator states has been made, it has yet been impossible to get the point of the shot to hit the target first, but in nine cases out of ten the tail end of the shot went foremost. If that is to be the result; if after we have expended hundreds of thousands of dollars in rifling guns for the purpose of making an efficient and effective weapon it is impossible then to determine whether the point of the shot is to hit the target or the other end of the shot, I submit it would be very difficult to prove to me that it would be a very efficient weapon.

Mr. ALLISON. If the Senator will allow me, he certainly cannot state as a fact resulting from the conversion that the tail goes before the head?

Mr. McPHERSON. I simply state that my information is, that instead of the shot going in a certain straight direction it will wobble over and over, and it is as liable to hit the target sideways as on the point. I simply make this statement, and I make it upon the authority of an officer whose name, if I were to mention it to Senators, would lead them to think that an opinion from such a source would be worthy of a great deal of consideration.

Mr. CONKLING. Will the Senator let me understand him before he goes further?

Mr. McPHERSON. Certainly.

Mr. CONKLING. Did the Senator state that the ball out of a rifled cannon will wind; that it turns over in this way? [Illustrating.]

Mr. McPHERSON. Yes, sir, a ball from these rifled cannon; I am speaking of these particular rifled cannon.

Mr. CONKLING. Are they cut to wind, or cut straight?

Mr. McPHERSON. They are cut to wind, I understand.

Mr. CONKLING. They wind, and still they turn over.

Mr. McPHERSON. I so understand.

Mr. CONKLING. I ask the Senator entirely for information; I disclaim any knowledge about it; but with some knowledge of small-arms in this respect, I know that a ball shot out of a smooth bore must naturally turn over in this way [illustrating;] but I am surprised too to know that a ball, large or small, shot out of a rifled bore, if the rifle winds, should turn over in this way. I do not mean to dispute the Senator's statement.

Mr. McPHERSON. I repeat the statement as it was made to me by a gentleman whose authority I think would not be questioned if his name was mentioned. A further statement made to me is that the smooth-bore guns are a great deal more efficient weapons than after they have been converted into rifled guns.

Mr. ALLISON. Does the same officer make that statement?

Mr. McPHERSON. The same officer makes that statement. With respect to the manufacture of improved breech-loading twelve-inch guns, I suppose the intention is simply to commence at the start and make a new gun, and I am certainly in favor of that. I am also in favor of smooth-bore cannon if they can be made efficient weapons. If further experiments are necessary, well and good.

Mr. WITHERS. Mr. President, I rise simply to state, in justice to myself, that I dissented from the proposed increase of the appropriation made by the House for the purpose indicated, and I will briefly give my reason for this dissent.

It is not that I am not actuated by as sincere a desire as my friend from Kentucky or any other Senator to secure, as far as possible, all our harbors against insults from any foreign power, but it is for the reason that ever since the war there has been an unsolved problem which has vexed the minds of the engineer officers of the Army and the Navy. This unsolved problem is the relative advancement made in the improvements in the construction of guns and of armor. The

policy which has influenced Congress since the close of the war has been not to expend hundreds of thousands and millions of dollars in the prosecution of these experiments in order to ascertain which will be the most effective method of securing safety to our harbors; but to await the results of experiments which were being instituted by other nations. For example, as has just been cited, in England thirty-five millions per annum are expended upon fortifications and ten or twelve millions per annum in experimenting in gunnery and armor plating. These experiments are still being prosecuted; they have never yet reached a successful solution. The problem is yet unsolved, as it was in the beginning.

That wise economy which has hitherto prompted the Congress of the United States in refraining from embarking upon this expensive experiment, it seems to me should still prevail at the present time, because it is by no means clear that if we shall go into the manufacture of these twelve-inch rifles we shall have added one iota to the security of our harbors. Certain it is that guns of much larger caliber, of much greater power, are possessed by all the European maritime nations, before which these twelve-inch guns would not be able to live an hour.

Why, then, should we abandon the policy which we have heretofore pursued? Why should we embark in this system of experimental expenditure, involving millions of dollars, when probably every dollar of that expenditure will be found ultimately to have been useless? I think the same economy which has actuated us heretofore should still prevail, because it is not true economy to expend hundreds of thousands of dollars in the manufacture of guns which may ultimately prove of little value.

I know that differences of opinion have existed among scientific men as to the relative advantages of heavy guns and of floating batteries, or torpedoes as a means of harbor defense, but we have been experimenting with torpedoes, and the experiments are reported to us to be of a very successful character. It is a much less expensive method of defense than that of providing immense fortifications with immense arms.

Mr. McPHERSON. May I ask the Senator a question?

Mr. WITHERS. Certainly.

Mr. McPHERSON. Let me suppose a case. We will suppose that one of the large vessels of which we have spoken was coming into the port of New York. Do I understand the Senator to say that if we had an efficient torpedo service it would be possible for us to resist the passage of that vessel by torpedoes?

Mr. WITHERS. Certainly I do.

Mr. McPHERSON. Is it not always possible to take torpedoes out of the way of the ships?

Mr. WITHERS. It is possible; but torpedoes would be much more effective in fact than a twelve-inch rifle.

Mr. McPHERSON. How could you reach the vessel at all by torpedoes if guards were put out about the ship, as they usually are, for the purpose of keeping the torpedoes away from the vessel? How could you reach it with your resisting force at all? I should like to have the Senator answer the question.

Mr. WITHERS. I will state in reply to the Senator from New Jersey that the experience of other nations in torpedo service has demonstrated their capacity of usefulness. All the appliances which modern ingenuity has been able to bring to bear have been powerless to protect war vessels against the influence of torpedoes. One experimental vessel which was constructed here exhibited its power in our harbor last year, and its projectors are very sanguine of complete and ultimate success in that class of torpedoes, the course of which is directed from the shore. It is not dependent upon any other agency than that which it contains; it is automatic.

Mr. McPHERSON. May I ask another question?

Mr. WITHERS. Certainly.

Mr. McPHERSON. Is it not necessary for the torpedoes to come in contact with the vessel?

Mr. WITHERS. No, sir; not of necessity. If a torpedo is exploded under a vessel or in the neighborhood of one of these iron-clads it sends destruction to the vessel.

Mr. McPHERSON. If sufficient guards are put out around a vessel to prevent a torpedo from either coming in contact with the sides or going underneath it, certainly the vessel would remain unharmed.

Mr. WITHERS. If such precautions could be adopted as would prevent the approach of any torpedo to the neighborhood of the vessel, it is manifest it would be removed from the vessel; but that system has never been devised. The explosion of torpedoes in the late Russo-Turco war has demonstrated the power of the torpedo against iron-clad vessels.

Every argument which has been adduced in support of this increased expenditure was just as applicable fifteen years ago as it is to-day. Our harbors were just as defenseless, as much exposed to insult fifteen years ago, and have been every year from that time to the present, as they are to-day. The recommendations of the Chief of Ordnance have been year by year brought before Congress in favor of the appropriation of hundreds of thousands, nay, of millions of dollars to increase the efficacy of our guns and to promote the efficiency of our harbor defenses. What argument has been adduced to show that we should abandon the policy which we have heretofore pursued and under which we have rested quietly?

The atmosphere of the Chamber smelt sulphurous this morning, I

admit, at the indication of possibilities in the near future growing out of the assertion of the Monroe doctrine. I feel no apprehension on that subject. I think my friend, the chairman of the Committee on Foreign Relations, would indicate to the Senate that our prospects of peace with all the world and, as a celebrated historical quotation adds, "and the rest of mankind" are at this moment exceedingly fair. What cloud arises upon our horizon? There is no prospect whatever, so far as I know, of any breach of our friendly relations with the European maritime powers; and even if there were I assert that this proposed increase of the appropriation would not tend to secure by one iota the safety of our large commercial cities and their harbors.

Mr. President, I could go on and reply to some of the positions taken by my friend from New Jersey, [Mr. McPHERSON,] but as I consider they are not germane particularly to the matter I will close, having expressed what I had in view in indicating the causes which prompted me to resist this increase of appropriation.

Mr. WALLACE. Mr. President, I differ with the committee in the conclusion it has reached in increasing this appropriation. I could not see why we should now, after five years of economical administration, of cheap iron, of the ability of the Government to procure money at a low rate, just when iron had gone to a high price and the price of labor had become nearer its just remuneration, just when everything that entered into ordnance had become expensive, enter upon a large expenditure of money for arming our fortifications? For what reason shall this be done now? Where is the war cloud? On what side of the horizon does the speck of war appear? The argument that would arm our fortifications and create new ones, that would enter upon a policy such as this amendment indicates, would carry us logically and inevitably to the maintenance of a large standing army and thoroughly armed fortifications. This amendment plainly indicates we are to enter upon that policy which goes to the full extent of both equipping and changing our fortifications. The argument of the Senator from New York [Mr. CONKLING] who sits the farthest from me convinced the Senate that such must be the result. We must change the character of our fortifications as well as the mode of arming them. Are we ready to do that? Why shall we do it? What power is there now threatening us that the Government should prepare to resist and expose us to incur the enormous expenditure of public money consequent on a change of policy? I can see no reason for it; I see no cause for it at all. On the contrary, I believe the people want us (and I think it is good policy that we should do so) to continue in our attempt at an economical administration of the Government, to continue to retrench our expenditures, to go forward in the effort to reduce both the interest and the debt of the Federal Government, to reduce taxation, to save money, and to lessen at every point the burdens of the people. This has seemed to me to be the true policy. Why should we change it now? I can see no good reason for it. There is not in any section of the world any threat of war against our Government. There is no cause, it seems to me, for thus increasing the expenses of the Government at such a time as this, and our present policy should be continued.

Mr. McMILLAN. Mr. President, my residence is so far removed from the sea-coast on either side of our country that I do not know that I can state to the Senate that I have any other interest in this bill than that of other citizens of the nation; but I presume we all feel an interest in the defenses of our sea-coast, and I think the appropriation now before the Senate is in the right direction. If we have been, as has been stated by the Senator from Virginia, [Mr. WITHERS,] entirely defenseless throughout all our harbors for fifteen years past, that, it seems to me, is no argument why we should remain entirely defenseless for fifteen years to come, or for any other period.

Experiments have been progressing for the defense of harbors by a system of torpedoes alluded to by the Senator from Virginia, and I am happy to concur with the Senator in the opinion that advances have been made in that direction; but those experiments have not determined that we have a sufficient defense. If we are to have fortifications in our harbors, we must have guns, and we should have the most efficient that we can procure. For years the government of Great Britain has been making experiments in the improvement of her vessels, iron-clads, to prepare against any assault that can be made upon them; she has been improving both her guns and her projectiles, so that she has arrived at a condition now far in advance of other countries so far as her vessels are concerned. We have been converting our smooth-bore guns into eleven-inch rifles, and we are progressing in that direction; but every smooth-bore gun that we convert into a rifle is of smaller caliber, and it costs more to use our large smooth-bore guns converted into rifles than it would to manufacture those rifles themselves. We convert a fifteen-inch smooth-bore into an eleven-inch rifle and use up all our smooth-bore guns in that way, when we can manufacture twelve-inch rifles at a cost less than is put on the Government by the manufacture of the smooth-bore and its conversion into a rifle, losing and diminishing the capacity of the smooth-bore to that extent.

Mr. WITHERS. Will the Senator permit me to correct him?

Mr. McMILLAN. Certainly.

Mr. WITHERS. The statement is made to us by the Chief of Ordnance that the cost of the conversion of fifteen-inch smooth-bores to eleven-inch rifles is about fifteen or sixteen thousand dollars each.

The cost of the making of a new breech-loading twelve-inch rifle is \$40,000.

Mr. McMILLAN. The conversion of the smooth-bore into the rifle is one thing, but the cost of the smooth-bore, which the Government has already incurred, and the conversion of that into a rifle is a different thing.

Mr. ALLISON. Will the Senator allow me a moment?

Mr. McMILLAN. Yes, sir.

Mr. ALLISON. On that point, with the exception of the distinguished naval officer that the Senator from New Jersey speaks of, I know now of no officer in the Army or Navy who regards a smooth-bore gun as of any material value in naval or fortification warfare.

Mr. McMILLAN. I do not dispute the statement of the Senator from Iowa so far as that is concerned; but the smooth-bore guns are for other purposes very efficient, and they may be used to great advantage.

The only point I desire to suggest here is that this is an economical measure; that we can keep our present smooth-bores, use them for the purposes for which they can be used efficiently, and in this way resort to the manufacture of rifles and save the smooth-bores for the purposes for which they can be used. The experiment, so far as I am advised, with reference to this twelve-inch rifle-gun has been successful; it may be pronounced successful; I think it is so regarded by the officers of the different departments of the Army. I think, therefore, that this is a measure of economy and that it is a measure of prudence in preparing for the defense of our harbors, whatever advance may be made in the system of torpedoes.

Mr. BECK. Mr. President, I do not propose to delay the Senate; but I desire to say in reply to what has been said by the Senator from Virginia in regard to the torpedoes, that the proof was made conclusive before the committee that a torpedo system without guns to defend it was absolutely worthless, and that the armored ships of the world that carry armor with them and about them make torpedoes absolutely useless as to them, if you give them time to pick them up and prepare for them. For example, an armored ship draws twenty-five feet of water, if you please; she throws her armor around her twenty-six feet from her guard and it sinks her down twenty-five feet in the water. If the torpedo is sent from the shore or is put by any means under the surface at a greater depth than twenty-five feet, it does not touch her of course. If the guard that is thrown around twenty-five feet from her keel is struck by the torpedo and the torpedo explodes, and it is twenty-five feet from the point where it strikes to the top of the water and twenty-six feet to the ship, the explosion passes out on top of the water and never goes near the ship at all; it is as absolutely harmless as if I were to snap my finger at it passing by. The explosive force always escapes at the weakest point, and the guard being further distant from the ship than the top of the water from the point where the torpedo strikes it, the torpedo does not do any harm at all. It goes off at the top of the water because that point is nearest, and it never reaches the ship.

Mr. WITHERS. I wish to ask the Senator from Kentucky if it is not equally true that whatever the depth of water may be, if the torpedo is submerged sufficiently below the keel of the vessel to pass to the right and explode, it is dangerous to the iron-clad?

Mr. BECK. I am not sure that I am advised about that; and I would rather not answer the question for fear I might not answer it correctly; but the general idea from the information given to us by the engineer officers and the ordnance officers is that if you have no land batteries to guard your torpedoes and allow the ships to go with their guards and take them up at their leisure, for they can fish them up as easily as they can anything else, the torpedoes are of no use at all, and therefore we must have some guns.

I am as anxious as the Senator from Pennsylvania or the Senator from Virginia to be economical in the expenditure of the public money; but I am not willing to say that in the present condition of the world's armored ships and in the progress that the world is making in that direction we ought to stand absolutely still and do nothing, to allow ourselves to be, as we should be liable to be, insulted by any second or third class power, or have our harbors entered and our people paying tribute, without making some move in the direction of preventing that mischief from happening. I have no idea that any power is going to attack us to-day; but wars have occurred among all the nations of the world. We are a people who are asserting ourselves in divers places at present, at some places directly and at some indirectly, and the surest way to prevent any nation from attempting to attack us is to let that nation understand that we are prepared for an attack.

Take the interoceanic canal question, if you please; take our relations with Mexico. If the nations of the world understand that we have not the ships, that we have not the guns to prevent their ships sailing into the harbor of New York, they will be much more ready to defy us, to insult us, and to drive us to a humiliating position than they will if they know that we are preparing guns to defend ourselves; and it is no extravagant waste of public money for a nation to provide such things as will protect its great seaport cities from the insults of foreign nations.

I am not looking to war on the land. No nation upon earth, and not all the world combined, in my judgment, will ever attack this people upon the land; and I do not look to a standing army for our protection. I believe a well-organized militia may be raised at once

to repel all the attacks that can be made on us anywhere by land; but all the militia we have got, all the men we have got could not prevent an English or a French iron-clad sailing into the port of New York, unless we had some guns there to stop it. We cannot prepare for that in a day. We may try sand batteries; but of what avail will they be? We may have to expose our weakness more than we like by trying to save all the expense we can, but we must have the guns, we must begin to make them unless we expect to submit to whatever any other nation may impose upon us.

Why do we support an army? Why do we maintain a navy? Why do we have that nucleus of defense? Simply because war may become necessary. You may dispense with all your army on the same theory that gentlemen say we want no guns. Why do we want guns? We propose to make a beginning to see if these are good, and if so build more of the same sort, or others if these be not good enough, so as to prepare to defend ourselves on the sea as we are doing to-day on the land. The increase of the sum of \$225,000 that the House gave to convert smooth-bores into rifles to \$400,000, to include the building of four more first-class rifled guns, is neither extravagant nor is it approaching extravagance. We can cut off in many other places where there are needless expenditures of public money double, quadruple, yes, ten times that, and to great advantage.

That is all I desire to say.

Mr. WITHERS. All the argument of the Senator from Kentucky will resolve itself into this: that we should expend this money to secure protection for our harbors, not in the construction of twelve-inch rifles but in such guns as are used by European nations, such guns as Krupp manufactures, such guns as are now manufactured in England, of eighty or one hundred tons. Those are the guns really effective; and every argument urged by the Senator from Kentucky would indicate to us that it is throwing away money to manufacture these little twelve-inch rifles, that we ought to devote it to the construction of guns of eighty or one hundred tons.

Mr. BECK. My only answer to that is that our engineers say that the twelve-inch rifles will keep off every iron-clad ship now floated except the *Inflexible* and the *Duillo*, and they can never come.

Mr. SAULSBURY. Mr. President, I have no apprehension of a war. I live very near the coast, but I do not think we are in any danger from a foreign war within any short time, nor do I believe that the best protection against the possibility of a foreign war is the arming of forts along our coast. I believe that we have a stronger argument to address to the nations of the earth than simply mounting heavy cannon upon our forts. We ought to build up our Navy. That is where our protection arises. We should build up our Navy and teach the nations of the earth that if they venture upon a war with us we have the capacity to destroy their commerce, and thus appeal to their fear in reference to their pecuniary interests. You have an additional security in that against the possibility of a foreign war.

Now, in reference to whether it is advisable to have guns of a larger caliber, I have heard the Senator from New York say that there was no proper position in which guns of that capacity could be mounted about the harbor of New York, if I understood him aright. That may be the case in the other harbors of the country.

Mr. CONKLING. If the Senator will pardon me, I did not say there was no place about the harbor of New York where such guns could be mounted. I only said that the existing coast fortifications about New York were not adequate to receive these guns. Of course they could be put out of doors or put on parapets, but they cannot be brought within the fortifications, and from there speak like fortification guns.

Mr. SAULSBURY. That was my understanding; but perhaps I was unfortunate in the expression I used in representing what the Senator had said. My understanding was that none of our forts are at present sufficiently constructed to mount these guns. What is the consequence if that is true of all our harbors and forts? Then when you have the guns, you must go to work and erect fortifications to mount the guns so that they may be valuable for purposes of defense. In my opinion, it would be better to economize in reference to fortifications, and make more liberal appropriations to the Navy of the country. I believe that we have expended a very large amount upon the Navy of this country, much of which has been wasted; but nevertheless our true arm of protection against foreign invasion is in the Navy of this country. Whenever we have a sufficient navy upon the high seas, you may rest assured that the commercial nations of Europe are not going to risk the destruction of their commerce by engaging in a war with us. If, therefore, we would provide against possibility of collision with foreign powers, in my opinion we had better take care of our Navy; put that upon a footing to enable it to cope with the navies of England, France, Italy, and the other nations of Europe.

I think the condition of our Navy at present is a reproach to the nation. Notwithstanding we have spent within the last ten years more than \$200,000,000 upon the Navy, to-day, according to the best information I can get—and some of that has been derived from investigations where Admiral Porter and other naval officers testified—our Navy is not in a condition to meet a third-class European navy upon the high seas.

So far as this bill is concerned, I believe the additional expenditure of \$175,000 for the purpose of manufacturing four twelve-inch guns is unnecessary and will not avail anything. Perhaps, before

they are ever used except for the purpose of showing what they can do, before there is any possibility of their being used in a foreign war, some other man will invent another gun, and say that the capacity of that gun is so much superior to these that he will come here for an appropriation and ask us to make an appropriation for the manufacture of his gun. So far as I am concerned, I shall vote against the additional appropriation.

Mr. DAWES. Mr. President, I understand the Senator from Delaware is as anxious as any one can be to see that the country is properly defended from foreign powers; but he devotes his attention entirely to an increase of the Navy. He proposes that whatever be expended shall be expended upon an increase of the Navy. I quite agree with him as to the necessity of an increase of the Navy, and as to the advantages to the country and the indispensable necessity of increasing the Navy; but I cannot quite understand that if we do that we have accomplished all that we can if we yet leave the harbors of the nation unprotected and leave them open to any foreign enemy which may be able to cross the ocean, and without the slightest obstruction to enter our harbors and destroy our commercial towns, and destroy our Navy in harbor. I cannot quite understand the economy which oppresses my friend from Delaware as well as my friend from Pennsylvania so as to leave the harbors of the country unprotected.

The Senator from Virginia says that the policy we have pursued for the last fifteen years is the policy we should continue. That is the policy of letting everything alone, and doing nothing toward protecting the coast of the United States, for the reason that for the last fifteen years no harm has come from it, and no harm having come from it for the last fifteen years, he is satisfied that the best way for us is to trust Providence for the next fifteen years. Now, sir, if we have escaped for the last fifteen years, it seems to me that that is no reason why we should expect to escape hereafter. I would put as much trust in that power which the Senator from Virginia seems to repose upon as any one; but I am inclined to think that Providence expects of us something on our part, and does not propose to enter into the business of our coast defense unless we are willing to defend ourselves.

The Senator from Virginia says furthermore that it is not quite certain yet that we know the best way to defend our harbors, and therefore he does not propose to make any effort toward it until by some revelation in which the nation shall have no part, some divine revelation from that power which has for the last fifteen years taken care of us, a light shall be shed upon this question that shall leave nothing for us but to walk in the path opened for us by somebody else. He does not know yet that a twelve-inch gun will do that which a fifteen-inch gun may hereafter prove that it is necessary to accomplish. Well, I do not know it. Nobody can know it. Nobody can know whether an eleven-inch gun will be sufficient to protect our harbors or not. But I am quite certain that they will not be protected without some sort of a gun. As to the torpedo upon which my friend from Virginia is willing to rest and repose himself with perfect security, I am not quite certain that he can tell us that it will always explode at the right moment and in the right place. I think experiments have demonstrated that the torpedo alone is quite harmless, that without protection in connection with the torpedo it will be of comparatively little service in defending our harbors.

The Senator from Pennsylvania desires to pursue that course of economy which has so illustrated the administration of public affairs for the last fifteen years—

Mr. WALLACE. The Senator misstates what I said. I said that I could not understand the policy that would be silent while material was cheap and labor was cheap for five years, and immediately when they became dear should undertake to expend large amounts of money in building fortifications or guns to put upon them.

Mr. DAWES. I understood the Senator to say just that. The policy which has been pursued for the last fifteen years is that which the Senator from Pennsylvania so admires that he desires to continue it. It is a policy of doing nothing, so enologized by the Senator from Virginia. That is the policy, to do nothing toward the protection of our harbors. The reason that has so commended that policy to the Senator from Pennsylvania is that now iron is high, labor is high, it will cost more to-day to do anything toward defending our harbors than it would have cost five years ago; and he cannot understand why, having escaped for fifteen years any harm, especially now—that was it I believe—especially now, when iron is high and labor is high, we should do anything toward defending our harbors. I hope the Senator from Pennsylvania does not expect iron to be lower for a good many years or labor to be lower. I hope my friend from Pennsylvania is not about to adopt any policy or approve any policy that will bring iron down or labor down. If the Senator does not, then the Senator does not propose to do anything toward harbor defense for a long time to come. In other words, the proposition of the Senators from Pennsylvania and Virginia is to abandon the coast defenses altogether, because they do not see to-day any cloud of war in the horizon. Well, sir, shall we wait till the cloud appears and is about to break, and then look about us to discover which is the best method of coast defense then, or had we better address ourselves to it now in time of peace and when no danger is pressing upon us? Had we better wait till the cloud does appear in the horizon before we make a contract to construct a gun that it will take a

year and a half to complete, when the cloud will burst and have spent itself and gone before the gun can be constructed?

I do not understand this policy. I do not understand the economy of this policy. I have not been so greatly charmed with the policy of the last fifteen years as the two Senators on the other side seem at this moment to be. I have been one of those who have believed that it has been anything but a policy of economy to permit the Navy of this country to go to decay and to pass off from the ocean, or the harbors to go undefended, while all other nations have been embracing every kind of possible improvement, have been devoting themselves to the investigation of every new method, have been increasing their expenditures at home and putting upon the ocean new kinds of armament of every nature and we have been quietly waiting here to see the cloud arise. That is not true economy. That is not following the precept of the Father of his Country "in time of peace, prepare for war." That is not the way to keep the peace. That is not the way to protect the flag. That is not the way to inspire respect for the flag upon the ocean. The true course is in this very time of peace, when we see no danger at hand, to take care at every point and in every possible way that when danger does arise we shall be prepared for it.

Mr. WITHERS. Mr. President, if the Senator from Massachusetts were permitted to state his adversary's positions unchallenged he could certainly secure a great forensic triumph. As I never proposed in the argument which I addressed to the Senate to await for some special revelation from Heaven in order that we might be apprised of the existence of any danger, I think it unnecessary to reply to that fiction of the Senator's fancy.

I do not propose to repose myself quietly upon torpedoes as furnishing the sole defense for our harbors. I merely mentioned them as one of the elements of defense.

But, sir, I want to go further, and I desire to call the attention especially of the Senator from Massachusetts to the fact that this do-nothing policy, this "masterly inactivity" which he taunts me with observing or advocating, is the policy which was pursued by himself and his political associates upon this subject ever since the close of the war. What change has come over the spirit of his dream? Why is it that this champion of economy on the subject of fortifications and gunnery during all these fifteen years now comes before the Senate as the champion of reckless and indefinite expenditures in the same direction? Were not the war clouds just as far below the horizon apparently during these fifteen years as they are to-day? Why is it, then, I ask, that this champion of economy in former days comes now before us and advocates, with his associates, the most extravagant, in my judgment, and useless expenditure of the public money? There is an answer which will suggest itself to the mind, I have no doubt, of every Senator present.

I think, Mr. President, that this proposed departure is one which should challenge our criticism and examination. It is not the mere increase which is now suggested that is objectionable; it is that this is to be the entering wedge, if it amounts to anything at all, to an expenditure of millions upon millions of dollars of the public money, because it is manifest that the construction of four guns will be absolutely worthless as a means of defense, and four times four, and ten times four, and fifty times four will be required before you can put your harbor defenses in such condition as will enable you to challenge the movement of any hostile force; and you must construct more than twelve-inch rifles, you will have to construct eighty to one hundred ton guns; you will have to construct a system of fortifications of which England furnishes the example in spending thirty-five millions per annum in perfecting her fortifications. Is the Congress of the United States prepared to embark in such a system of public expenditure?

Manifestly, however, there is no parallelism between the condition of England and this country; and the argument that may well apply with force to the policy of England in reference to fortifications and batteries would be entirely inapplicable to this country. England is in Europe, separated by a narrow channel from other maritime powers equal almost, if not entirely so, to herself. It is necessary, therefore, that she should protect her seaboard by the most elaborate and perfect system of defense which her engineers are able to devise. We occupy a very different position. We do not expect a collision with any European nation. There is no earthly probability, so far as I know, that such a thing is in the near or in the remote future; and the argument of the Senator from Massachusetts would resolve itself into this, that because we may by possibility be thus involved in a foreign war, we should expend millions of dollars in arming for it now.

The maxim "in peace prepare for war" is a very good one within certain limitations; but the Father of his Country never designed it for such an application as that which has been given it by the Senator from Massachusetts. By parity of reasoning, if some one should convince that pacific Senator, who I have no doubt holds in horror everything like the carrying of any weapon on his person, that some foot-pad or ruffian may possibly attack him before he gets to his boarding-house to-night, he ought to sling revolvers around his person and put a bowie-knife in his bosom—precisely the same argument in the one case would apply to the individual as applies in the other to nations. We propose that no foreign nation with impunity shall insult us. We suppose that no foreign nation proposes to invade our country, to enter our harbors, or insult our flag. And, sir, trusting

that the Senate in voting upon this bill will heed less the appeals of the Senator from Massachusetts than they did his practice when he was in a position to control this very subject, and when these same recommendations came up year by year from the chief of the Ordnance Department, to which he paid not the slightest attention, I hope the Senate of the United States will turn a deaf ear to the appeals which he makes to them to-day.

Mr. McPHERSON. Mr. President, I rise to defend my honorable friends on the other side of the Chamber from any such insinuation as has been hinted by the honorable Senator from Virginia. I do not believe those who are associated with us upon the other side have been troubled with any surplus of economy with respect to this matter. I expect in a very few days to be able to show, and as I think conclusively to the Senate, that they have made appropriations of money for the purpose of completing or perfecting the Navy, or making additions to the Navy, of something like seven or eight million dollars on three or four vessels of war without knowing whether they would sink or swim when they were completed. Events have shown that they will not float.

Mr. WITHERS. Just one moment to call the Senator's attention to the fact that my remarks were not addressed at all to the expenditures for the Navy but to the fortification bills.

Mr. McPHERSON. I expect to show that an expenditure of about \$8,000,000 has been made for the construction of four or five iron-clads for harbor defense without knowing when the appropriations were made whether they would sink or swim. It is now determined, and I think determined by a board of competent officers, that if completed they will sink while lying at the dock. I do not believe that it is exactly fair to charge the gentlemen on the other side of this Chamber with a very great amount of economy.

Mr. ALLISON. Do I understand the Senator from New Jersey to say that a board of officers of the Navy have condemned the four monitors of which he is speaking?

Mr. McPHERSON. Yes, sir. I mean to say that the construction of the four monitors was commenced by a proposition made by certain contractors with the Navy Department, and the proposition read in this wise: "I propose to build a certain vessel," undescribed, "in accordance with plans and specifications," and the plans and specifications incomplete, "for a certain sum of money." The Navy Department said in reply, "Your proposition to do certain work is accepted." The vessels were commenced; appropriations of money have been made to the amount of millions of dollars for the purpose of constructing those monitors. Five of them were commenced. In relation to one of the monitors a board of survey was appointed by the Secretary of the Navy for determining whether the vessel when complete would be of any service to the Government. The first board reported that after deducting 37 per cent. of the weight of armament proposed by the plans and specifications furnished, not by the Navy Department, nor by any officer of that Department, but by a favorite contractor—that when 37 per cent. of the weight of armament was taken from that vessel she would sink at the dock. Not satisfied with that a second board of survey was appointed by the Secretary of the Navy, which concurred in the first report. Not yet satisfied with that, the honorable chairman of the House Committee on Naval Affairs then decided that some further information was needed, and the Secretary of the Navy was requested to name two officers, and he selected two of the most capable naval officers of this or any other Government—one was Chief-Constructor Lenthall, and the other Chief-Engineer Isherwood, of the Navy—who for integrity of character and for capacity have no superior in this country or in any other in their respective stations; and these gentlemen declared, after they had made a survey of this particular vessel, that the vessel when lying at the dock, if completed in accordance with the plans and specifications named in the second board's report, she would then be four feet under water.

But one of the five vessels has ever been inspected by any board of officers, much less a competent board. The Terror, which lies to-day at Cramp's yard in Philadelphia, the Monadnock, which lies at the Mare Island navy-yard, California, the Amphitrite, which lies at the yard of Harlan & Hollingsworth at Wilmington, and the Miantonomah—but I speak specially of the three first named—were commenced in exactly the same way by plans and specifications furnished not by the Navy Department but by the contractors themselves. The contractor proposed to build a vessel for a certain sum of money. The Government said to him, go on and build the vessel in accordance with your own plans and specifications, and at your own price. They dealt with \$50,000 or \$100,000 as though it was a simple bagatelle, and the vessels were ordered to be constructed. Upon those three vessels, as I say and repeat, an appropriation of millions of dollars has been made, not directly, but indirectly. I say that it is not known to-day that any one of these vessels would float, if completed, in any kind of a manner in which the military adaptation of the vessel would be considered of any value whatever. Let it be remembered that I speak of the Puritan, upon which three several boards of survey have been held, and it is shown that after deducting 37 per cent. of her weight of armament, and that entirely at the expense of the military adaptation of the vessel, then she will sink.

What sort of economy is that which our honorable friends on the other side speak of that can appropriate millions of money out of the Federal Treasury simply upon the recommendation of some con-

tractor who wanted work to perform for the Government, and that too at his own price? The Government did not even go to the expense or the trouble of furnishing that contractor a plan or specification upon which his vessel should be built, but he agreed to build for a certain number of hundreds of thousands of dollars an undescribed vessel.

Mr. President, talk of economy; talk of an appropriation of \$175,000 for the purpose of harbor defense, when our friends on the other side have appropriated, as has been stated, in the neighborhood of \$200,000,000 in the last ten years for naval purposes, and if it has all been expended in the manner that I have described in reference to these four vessels, I think it is about time we began to investigate the subject.

I wish now to give notice that within a very few days I expect, in answer to certain petitions which have been handed us, one I think from the State of California and others from other States respecting the condition of these monitors, to be able to present to the Senate a detailed report giving the history of the whole affair from beginning to end. Then I believe my honorable friend from Virginia will not be willing to say that there is any economy on the other side of the Chamber with respect to naval matters.

Mr. INGALLS. Mr. President, modern naval science appears to be an attempt to solve the old problem of an irresistible force meeting an impenetrable body. The effort of the great naval powers for the last fifteen years in Europe has been to construct, in the first place, an armor that no projectile would penetrate, and then to make a gun that no armor could resist; and thus far they have pretty well succeeded. The little iron-clad monitor that destroyed the rebel fleet during the war would to-day be as useless as an empty cheese-box, and the gun that five years afterward would have destroyed it would to-day be as useless against the first-class iron-clads of the world as a pop-gun against the rock of Gibraltar. And in my judgment any money that is expended to-day in pursuance of this amendment offered by the Committee on Appropriations if it would to-day result in the construction of a gun that would destroy one of the iron-clads, will in twelve months from now be utterly useless. I believe the money might just exactly as well be thrown into the Atlantic Ocean; and on this account I shall very cordially for one vote against the amendment offered by the committee.

Mr. DAVIS, of West Virginia. Mr. President, only a word or two. I have no wish to delay a vote, and I want the bill to pass.

Something has been said about economy, and the Senator from Virginia and the Senator from Massachusetts especially spoke of the expenditures for fortifications for the last few years. I have the figures here. Let me say to the Senator from Massachusetts that for the last three years, 1878, 1879, and 1880, the expenditures for this purpose, the expenditures for three years covering the whole subject of this bill were \$275,000 each year. This bill as it comes from the House appropriates \$375,000. The Senate Committee on Appropriations has amended it in two particulars, one for the preservation of forts and the other for guns, &c., amounting, the first to \$50,000 and the second to \$175,000, making \$600,000 in all in this bill for the purpose of fortifications. This is more than double as much as any similar bill for the last three years has contained, and I think the Senator from Massachusetts and the Senator from New York ought to be satisfied with the present bill in view of that fact.

Mr. DAWES. I am a good deal surprised at the statement of the Senator from West Virginia that, though this Government expends nearly \$300,000,000 in different ways every year, the whole amount expended upon coast defenses, upon fortifications in the time he specifies is such a pitiful sum as that which he mentions. I should have been willing to say that the Government should have expended fourfold that amount every year if it had properly regarded the importance of the defense of the harbors of the Union. How much, I ask the Senator from West Virginia, has the Government expended every year for the improvement of harbors and rivers? How much did it expend last year? Was it not near \$7,000,000? I am not criticising it. I am comparing that expenditure with the pitiful sum of a few hundred thousand dollars in three or four years for defending the harbors, the importance of which as the outlets to his rivers, as the means of making them effective, cannot be overestimated. Only this little sum for their protection against the world has been expended.

Sir, I am ashamed of it, instead of commending it; but, whether it be worthy of commendation or condemnation, I said not a word about it. It was the Senator from Virginia who held up for admiration the course of the last fifteen years as the course to be pursued for fifteen years more. It was not I, sir. I said I did not approve of the policy of letting the defenses of our harbors go to decay or our Navy to be despoiled and rotted at our harbors or waste away without being built up or protected. It was not I, sir, who urged that course. Now, the Senator from West Virginia has presented to the country an argument stronger than it is possible for any other want to present, to show the necessity of doing something, of beginning to repair and to turn from a policy like that which has been pursued for the last fifteen years.

We are called upon by somebody to take the few good-for-nothing ships of war we have and sink them in our harbors as a method for defense. The few ships of war we have, somebody has told us to-day, we had better take into New York Harbor and into Charleston

Harbor and sink them there, and thus defend our harbors; but we had better not spend a dollar for preparation to manufacture a gun that will be of any worth to us in defending those harbors.

The Senator from Virginia says that he hopes nobody will attack me on my way to my home to-night, but he does not think it necessary for me in order to take care of myself that I shall in advance guard myself with bowie-knives and pistols. Would the Senator from Virginia expect me when I am attacked to ask the assailant to wait a minute while I can run and buy a revolver to take care of myself? [Laughter.] The Senator from Virginia and myself would be in a pitiable position if going down the Avenue we should be assailed by some ruffian and we should beg him to hold on a minute until we go somewhere and find out where the best revolver is, and whose make is the best, and where we can get it the cheapest, and whether iron is high or not, and whether the laborers are entitled to more to-day than they were yesterday, and ask him to wait, beg him to wait! [Laughter.]

Mr. WALLACE. Mr. President, the Senator from Massachusetts has attained the mature age of forty years at least, and I apprehend he has never yet had the necessity to equip himself with an arsenal either of revolvers or bowie-knives. The same thing applies to us as a people. For sixty-five years we have had no necessity to prepare for a war with a foreign power; for sixty-five years we have pursued a policy that simply meant justice, moderation, fair-dealing with the nations of the earth, and to protect ourselves by protecting our just relations with every nation on the face of the earth. This was the policy that was inculcated by the fathers of the Republic, and it has been the policy for sixty-five years, as the policy of peace has been the policy of the Senator from Massachusetts.

Now, sir, until there comes some reason for preparing for a war with foreign nations, I am unwilling in the condition of progress in the art of war, in the condition of trial of the great implements of war, to enter upon the expenditure of millions upon millions in arming our fortifications, in constructing our fortifications anew, in making for this people an expenditure of perhaps \$100,000,000, or, if one course obtains, another sum; I am unwilling in this condition of progress in the world to enter upon a reversal of the policy that has been, I admit, a waiting policy, but is a policy that cannot be laughed down. It is one that is founded deep and broad in the Constitution of this country and its relations with other nations. It means simply that fair dealing with other nations is the best protection of peace with other nations. We cannot, by equipping ourselves with large guns, by making fortifications, insure peace.

When the time comes that the experiments of nations whose trade is war, whose people are in a continual state of turmoil because of apprehensions of war, shall have brought to those people the determination that the point has been reached at which the best gun that can be found has been found, then, sir, I shall go with you in equipping the fortifications of this country with that gun. But until that time does come, it is just and true economy to stand by the policy that we have stood upon during the past five years, that of appropriating simply enough to keep our fortifications from rusting and going to decay. When that time shall have arrived, I shall be with the Senator from Massachusetts in giving, not bristling fortifications that shall make us the equal of Russia or England, but a just measure of defense for our important harbors.

The Senator says that I ought not to find fault with the increase of the price of iron or the compensation of laborers. I do not, sir; but, putting the Government in my own place, I assert that it would be most unwise for me to enter upon the construction of a piece of work that I had to construct after the prices that had entered into that construction had become threefold that which they were during the five years preceding. Hence I say it is unwise and inexpedient, because of the reasons given by the Senator from Virginia and the reasons which I have just feebly attempted to give to the Senator from Massachusetts. I am unwilling as a Senator here to enter upon a policy that I know the Senator from Massachusetts will agree with me must entail upon the Government the expenditure of hundreds, if not thousands, of millions in reconstructing our fortifications, in placing new guns upon them, because the world is not to the point at which we ought to start, and because the necessities of this people demonstrate that it becomes us to take care of our money to pay our debts.

Mr. EATON. As a member of the Committee on Appropriations I desire to say that I am not myself in favor of a great expenditure of the public money at any time; and I do not propose at this time to call names against our friends on the other side of the Chamber if they have failed in the last ten years to properly prepare for defense of the country. The question is, is it proper that this bill should pass now in the form proposed, not whether the matter ought to have been done ten years or fifteen years ago or five years ago.

Now, sir, so far as the Committee on Appropriations can learn, it takes eighteen months to construct, to build a gun of the character four of which this committee have recommended that the United States should build, at an expense of perhaps \$40,000 to the gun. If I am wrong my friend from Iowa will correct me.

Mr. ALLISON. The Senator is right.

Mr. EATON. It is about that. Now, I desire to say that we have waited for fifteen years, and my good friend from Virginia places his reliance not only upon Providence but on torpedoes. He has waited

fifteen years on the faith of Providence and on the faith of torpedoes, and now he—

Mr. WITHERS. And have we not been perfectly safe?

Mr. EATON. You have been perfectly safe; but both may fail you, though I hope neither will. But here is an expenditure of \$40,000 a gun for four guns. There is not an armored ship afloat anywhere that can cross the Atlantic Ocean that would not be destroyed by this gun—not one.

They talk about those two Italian ships. The best engineers in France and Germany say that they cannot stand a storm in the Bay of Biscay, and England has not sent one out for the last four years that has not turned topsy-turvy and gone to the bottom.

Here is a gun at an expense of \$40,000 that can destroy any ship that can cross the Atlantic Ocean at this time. Do not talk about your eighty-ton and your one-hundred-ton guns. They are not necessary. Science has determined this matter; science has determined that it is impossible that you should sail an armored ship across the Atlantic of the character of the two Italian ships. There is not a scientific man, so far as I know, in the army or navy of any country in the world but what has determined that question.

Now, I would build these four guns, and I am sorry that my friend from Kansas and my friend from Massachusetts who are so anxious to build them now did not build them four or six or eight years ago.

Mr. DAWES. So am I.

Mr. EATON. So are you. I am happy to get the admission from you. I do not propose myself to scold my republican friends because they failed to do this thing four years ago. If it is right to do it let us do it now—all of us, republicans and democrats—and not talk about whether it will cost \$5 a ton more for iron or five cents an hour more for labor. If it is necessary let us do it.

I hope that this bill will pass as amended, and that we shall build these four guns—only four—as proposed. But, says my friend from Virginia—I think it was he, or perhaps it was the Senator from Kansas—in a very little while some new projectile will be discovered, some new armor will be invented that this gun will not penetrate. Very well, Mr. President; whatever guns we can make here to-day that we know will protect the harbors of Charleston and Norfolk and Boston and New York let us make them; and if there shall turn out to be an armored ship hereafter that can cross the Atlantic that these guns will not be effective against, then they can be placed at other points in our extended sea-coast, and we will have other guns to protect the great ports of entry of the country. I think there can be no loss here, no loss to the country in any sense, in constructing these four guns, and I hope the Senate will do it.

Mr. WINDOM. Mr. President, I only want to say one word in vindication of the truth of history as to congressional legislation upon this subject. The Senator from Connecticut has expressed his regret that this side of the Chamber did not four years ago inaugurate this policy which some of our friends are now contending for. I want to say to that Senator that the policy of doing nothing except appropriating merely enough money to prevent our fortifications from going to ruin was adopted just four years ago, when the other end of the Capitol announced the policy before the country of saving \$40,000,000, as they said they were going to save, when they went to work and cut down everything everywhere, without rhyme or reason, for the purpose of making a showing on paper of saving \$40,000,000, and afterward came in and made up a very large proportion of it by deficiency bills.

I know that for several years I have, as a member of the Committee on Appropriations, struggled to have some appropriations made for harbor defenses. I did not believe in the policy of merely preventing them from rotting down. But I say to the Senators on the other side that it has been utterly impossible to do it, because appropriations for this purpose would count in the appropriation bills, and they would fall at the other end of the Capitol to show a large saving upon former appropriations. And hence the policy has been adopted and pursued to leave our harbors utterly defenseless, as they have been left for the last few years.

I am very glad to see that a new spirit is taking possession of some of our friends on that subject, and I for one am ready to co-operate with them to the best of my ability in making the necessary appropriations for arming these forts to some extent. I protested against this four years ago from this very place where I am now speaking. I attempted to show then that it was bad economy; that instead of suspending all these works at a time when the appeal made by the Senator from Pennsylvania could not be made that everything was high priced, but at a time when the labor of the country was prostrate, when iron was almost worthless, when it would be not only a benefit to the country to make these appropriations but a benefit to the people to have the work to do, the true course was to go on with these works. But that was refused because it was believed it would swell the aggregate of appropriations, and consequently these defenses were left unprovided for.

Mr. EATON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield?

Mr. WINDOM. Certainly.

Mr. EATON. I hope my friend will not misunderstand me. I think I used the expression that I had no hard words to say with regard to my friends on the other side; no matter what caused this thing, whether it should have been done ten years ago or five years ago or

four years ago, if it is right let us do it now. That was my expression. I certainly did not mean to say one word to give cause for any expression from my friend from Minnesota of the character which he has chosen to use with regard to me.

Mr. WINDOM. My friend did use the expression "four years ago."

Mr. EATON. I think I said "ten years ago, or five years ago, or four years ago."

Mr. WINDOM. The expression "four years ago" was what struck my ear, and I remembered so well what took place four years ago, when the hue and cry was raised that forty millions must be saved, that I could not avoid making the remarks I have made in vindication of the truth of history, not with any personal reference to the remarks of my friend from Connecticut, however.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations striking out "two hundred and twenty-five" and inserting in lieu thereof "and the manufacture of four improved breech-loading twelve-inch rifled guns, four hundred."

Mr. WITHERS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. I do not intend to occupy time; but inasmuch as the yeas and nays are to be called on this question, I desire to say a single word before the vote is taken.

Every argument made by those who oppose this amendment is an argument against this whole bill; and if these arguments are to prevail and control Senators in their votes, then this bill ought to be laid on the table, because every part of it and every feature of it is of the same character as the proposed amendment.

There are three things here. First, we propose to keep our fortifications in substantial repair; we do not propose to enter upon a new method of constructing fortifications. Secondly, we propose to continue experiments with reference to torpedoes. Thirdly, we propose to build gradually and systematically rifle-guns. All of these and each of them are essential to protect our harbors and our sea-coast defenses. All experiments which have been made with torpedoes show that they are ineffectual against methods and machines which have been invented to destroy them. The great English iron-clad ships have guards surrounding them which go along and lift up the torpedoes. There is no question about that. And the same principles of electricity which will set a mine of torpedoes on fire from the shore can also be used for counter-mining purposes and set torpedoes on fire from on board ship; and repeated experiments have been made showing that this can be done. So you cannot rely for your defense wholly on any torpedo system. A fleet of iron-clads comes up and the first iron-clad destroys entirely the torpedoes in the channel, and the remaining vessels of the fleet pass on and shell New York City or any of our great cities on the east or on the west.

I do not anticipate any trouble with any foreign nation more than any other Senators do, but if it is necessary to protect these fortifications at all, let us protect them with modern guns. Smooth-bore guns of course are of no effect against modern vessels, and we have only to-day one hundred and ten eight-inch rifled cannon in the United States. We have but one twelve-and-a-quarter-inch rifle-gun and an eleven-inch gun altered from a fifteen-inch smooth-bore. That to-day constitutes the modern system of guns in our Army and Navy and upon our fortifications.

Now, we simply propose here to add to this present armament four new twelve-inch rifle-guns, and we intend that these rifled guns shall be put at the places where they are most needed. The Senator from New York said in his remarks that he knew, and it did not need an engineer to tell him, that a twelve-inch rifled gun could be put anywhere *en barbette* or in parapet. I know of course that a twelve-inch rifled gun can be put out on the prairies in the State where I live; but I do not suppose the Chief of Engineers will order it there. I suppose he will order it in New York Harbor or at Hampton Roads or at some other place where the heavy iron-clads can enter a harbor; and that to the extent of its ability it will resist that entrance; and we have only four or five of those places.

Mr. President, I submit that if we are to have any fortification bill at all, we should begin this process of manufacturing new guns. The Chief of Engineers told us that to properly protect the harbor of New York alone would require some four or five hundred of these guns, and with new fortifications added also. We simply make this beginning, it is an experiment, with \$175,000, and that is all. I should be willing myself to increase it to \$500,000, or \$900,000 as the Ordnance Department recommend. We have added simply a small sum here for the purpose of building two guns instead of using the whole appropriations for the transformation of smooth-bores into rifled guns.

Mr. MAXEY. Mr. President, I only desire to state in a very few words the reasons which induce me to support the amendment offered by the Committee on Appropriations.

We have not from Portland, Maine, to the mouth of the Rio Grande one single well-defended harbor. We have not in the entire American Navy enough good sea-going vessels to make a respectable Pinare fleet. That is our condition, and we would find it a startling condition if we should get into a war with a foreign country.

The policy of the Government has been, whether wisely or unwisely I will not say, to make appropriations simply to preserve and protect the existing harbor defenses and make the necessary repairs. The purpose of this amendment is to make four improved breech-loading twelve-inch rifled guns. It is claimed, and said to be so on the authority of scientific men, that these guns will pierce any iron-clad

vessel afloat and be capable of sinking it. While I have grave doubts of the realization of these expectations, they appear to be entertained by those who ought to know, and it is an experiment which, if successful, will far more than compensate the appropriation, and if unsuccessful we can try some other plan. The scientific men may be right and I may be wrong, but if we can make twelve-inch rifled guns which will sink the strongest sea-going iron-clad vessels, then it is an experiment well worth the expenditure of the comparatively trifling amount of money which is put down here, and if that experiment results successfully with that class of guns or with guns still more improved, we may protect our harbors from Portland to the mouth of the Rio Grande as they ought to be protected, and at comparatively small cost.

Mr. EATON. Will the Senator allow me one word?

Mr. MAXEY. Certainly.

Mr. EATON. I think my friend alluded to a remark I made. I said that except the Italian iron-clad and one other there were no ships afloat that this projectile would not pierce, though I did not say, nor have I ever heard, that any scientific man has said that a projectile from this gun would pierce either of these ships; but they can no more come here than I can swim there.

Mr. MAXEY. I was going to ask the Senator from Connecticut if he supposed that the iron-clad vessels to which he referred will ever cross the Atlantic Ocean?

Mr. EATON. No; they cannot get here.

Mr. MAXEY. As a matter of course I am referring to the class of vessels which are sea-going vessels—iron-clads—made for the purpose of attack and defense; the vessels to which he refers are simply splendid floating batteries, designed for harbor defense—not attack. I had no reference to those two vessels of which the Senator makes mention, for of course I have not thought they will ever attempt to cross the Atlantic. I had in mind the class of vessels which might attack New York Harbor, Boston Harbor, or any other harbor in the United States, and I say I do not believe that these guns would sink the class of iron-clad sea-going vessels now made by the great nations of the world, and designed for both attack and defense.

At the same time I do not care to put my individual opinion against what is classed as the scientific opinion, and entertained by members of the Appropriations Committee, who appear convinced of the feasibility of the plan by those who have made this subject a study. At all events it is well worth the experiment, and if this experiment shall prove the fact that twelve-inch rifled guns can protect our harbors, then we can begin in due time, and I hope not very far off, to protect our harbors from Portland to the mouth of the Rio Grande; from Sitka to San Diego. Then, in connection with the shore batteries of such guns and the torpedo system, which has been tried very recently in the Turco-Russian war and elsewhere, we may feel reasonably secure. I do not believe that the torpedo system would be of any avail whatever unless protected by shore batteries. If shore batteries can be made out of this kind of guns, all right, you will at least have some sort of protection to your harbors.

This simply is in the nature of an experiment, and on an exceedingly small scale. If it be a wise thing to make these guns, as the committee tell us it is from the information they have, the amount is a mere trifle; and it is sound policy, it is sound economy on the part of the United States Government to make the appropriation, if the testimony before the committee was fairly satisfactory, as I have no doubt it was to them. For that reason I shall support the bill, and I do hope and trust that the time will come when the Naval Committee will courageously bring in here and present a bill for an American Navy such as is worthy of the American people, and then I hope that such navigation laws will be enacted as will enable ships built anywhere to be bought by Americans and registered under the American flag and let the American people go upon the markets of the world and get for their money the best ships they can for the least amount of money. Let the free flag of America protect American owned and registered ships wherever built. Thus we shall have, very soon, a marine to protect worthy the American people, a Navy to protect it, and our great commercial cities on the seaboard protected by an efficient Navy and proper defenses of their harbors. All that cannot be done in a day, but this is a step in the right direction. Let us have well-defended harbors; a merchant marine worthy this great country, and a Navy capable of protecting it on every sea, in every clime.

Mr. MORRILL. Mr. President, if I do not say anything on this amendment, will the next thing to be done be to take the question?

The PRESIDING OFFICER. The question before the Senate is on the amendment proposed by the Committee on Appropriations on which the yeas and nays have been ordered, and if the Senate is ready for the question those Senators favoring it will, as their names are called, answer "yea," and those opposed answer "nay."

Mr. MORRILL. Then I will not say anything.

The question being taken by yeas and nays resulted—yeas 47, nays 12; as follows:

YEAS—47.

Allison,
Anthony,
Bailey,
Baldwin,
Bayard,
Beck,
Blaine,

Blair,
Booth,
Bruce,
Burnside,
Call,
Cameron of Pa.,
Cameron of Wis.,

Coke,
Conkling,
Davis of W. Va.,
Dawes,
Eaton,
Farley,
Ferry,

Gordon,
Hampton,
Hereford,
Hill of Colorado,
Hill of Georgia,
Hoar,
Johnston,

Jonas,
Kellogg,
Kernan,
Kirkwood,
Lamar,

McMillan,
McPherson,
Maxey,
Morrill,
Paddock,

Platt,
Pryor,
Randolph,
Ransom,
Rollins,

Teller,
Vance,
Williams,
Windom.

Cockrell,
Davis of Ill.,
Garland,

Harris,
Ingalls,
Pendleton,

SAULSBURY,
Slaters,
Voorhees,

Walker,
Wallace,
Withers.

Butler,
Carpenter,
Edmonds,
Groome,
Grover,

Hamlin,
Jones of Florida,
Jones of Nevada,
Logan,
McDonald,

Morgan,
Plumb,
Saunders,
Sharon,
Thurman,

Vest,
Whyte.

So the amendment was agreed to.

Mr. CAMERON, of Pennsylvania. I desire to offer the following amendment, to come in on line 18, after the word "dollars"—

The PRESIDING OFFICER. The Chair will suggest to the Senator from Pennsylvania that from line 18 to 27 has not been read. Let that be read, and then his amendment can be taken up.

Mr. DAVIS, of West Virginia. The Committee on Appropriations has no further amendment, but the reading of the bill should be completed.

The reading of the bill was concluded.

The PRESIDING OFFICER. Now the amendment of the Senator from Pennsylvania [Mr. CAMERON] will be read.

The Chief Clerk read the proposed amendment, which was, after the word "dollars," in line 18, to insert:

Provided, That the manufacture of said guns shall not be confined to guns exclusively of any one system.

Mr. WITHERS. I suggest to the Senator from Pennsylvania whether that matter had not better be left to the Ordnance Department.

Mr. WALLACE. The Senate has determined that these four guns shall be constructed. Pennsylvania thinks one of them ought to be built on a different system from that which the Ordnance Department has agreed upon, the Crispin system. As the bill now stands, there will be four guns built of one class. We think there are other guns quite as good as that. This is to permit the department to adopt one of those guns.

Mr. CAMERON, of Pennsylvania. As I understand, there are two or three different kinds or systems of guns, and this money is to be expended in experimenting upon the different kinds of guns; but the Ordnance Department, as I am told, and I believe such to be the fact, have determined to expend it all upon one system, to make four guns of one kind. If there are other guns of equal value with the one they have determined upon I want one of those guns tried. They have one system of rifling called the Crispin system. There is another one called the Mann system. There is still another which has some other name. Each manufacturer claims that his gun is at least equally good with the others, and probably a little better. I want the experiments made upon more than one kind.

Mr. SAULSBURY. May I ask the Senator from Pennsylvania whether the inventor of this gun has a patent upon it—Mr. Crispin?

Mr. CAMERON, of Pennsylvania. I do not know anything about that; whether there is a patent or not on the gun. There are probably patents on all these guns, but I do not know it to be so.

Mr. SAULSBURY. I know in the Post-Office Department there are provisions that the Department shall pay nothing for royalty; and I do not know but that it would be a very proper provision to put on this bill that no part of the money appropriated shall be used to pay royalty to an inventor.

Mr. WALLACE. I think there is nothing of that kind in reference to either of these systems or descriptions of guns. As I said when I was up before, the guns which the Ordnance Department has selected are known as the Crispin guns. I think they have been testing a number of guns of different character for the last six, eight, perhaps ten years. A gun known as the Mann gun has been constructed in Pennsylvania and is believed to be quite the equal of the Crispin gun. Our apprehension is that if the bill stands as it is, the department will apply the money exclusively to the purchase of the four guns of the Crispin character. We want an opportunity to have one of the other guns built and tested. That is all there is of it. The department has seen the gun and I think there is no royalty on it whatever, no claim for patent whatever. I think I may safely say that in neither character of guns is there any attempt to claim any patent or royalty whatever. The simple purpose of this amendment is to require the department to build one of another series of guns than those four that they have as I understand it, agreed or undertaken to build.

Mr. BECK. The matter was laid before the sub-committee and I believe before the whole committee as well, by the Senator from Pennsylvania as to requiring the department to make some of the four guns of a different character from the others; and the committee believed it was not good policy for Congress to dictate to the department what character of guns they should use. We assumed that the Ordnance Office, after all the experiments they have made and with all the information they have obtained, were much better qualified to judge as to what was the best gun than either the Senate or the House of Representatives. This amendment will compel the department to take some other gun even if they are satisfied one is much the best. We were unwilling to say that.

You will observe the language "and for machine guns, including the conversion of smooth-bore cannon into rifles." Some years ago it was "for the purchase of the Gatling gun," and as soon as that was inserted, although I believed the Gatling gun was the best, men came from all parts of the country and said "we have guns equal to the Gatling gun; this gun, that gun, which is quite as good." The committee then very properly, instead of limiting the Ordnance Department to any particular gun, even the Gatling as a "machine gun," as was once proposed, leaving it for the department to determine, thought it would not be proper for us to say they shall select a particular gun whether they like it or not. Let them get the best, and be responsible to us and the country for what they do. That is the objection we had to the suggestion.

Mr. McPHERSON. I did not hear the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from New Jersey will suspend his remarks until the Senate is in order.

Mr. McPHERSON. I rose simply to make an inquiry. I understand the Senator from Kentucky has already answered the inquiry, but not being able to hear him I wish to put a question. Would not the amendment of the Senator from Pennsylvania have the effect of compelling the Ordnance Department to accept guns which they did not approve of?

Mr. BECK. Certainly; that is the very reason why I said we should not do it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania, [Mr. CAMERON.]

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MAIL TRANSPORTATION DEFICIENCY.

Mr. WALLACE. I move that the Senate proceed to the consideration of the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880.

The motion was agreed to.

Mr. WALLACE. I move that the Senate do now adjourn.

Mr. KELLOGG. Mr. President, I rise to a personal explanation.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLISON. What is the question?

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

CHARGES AGAINST SENATOR KELLOGG.

Mr. KELLOGG. Mr. President, I ask that the Secretary read the extract that I have marked.

The PRESIDING OFFICER. The Senator from Louisiana asks that an extract be read by the Secretary. The Secretary will read it.

The Chief Clerk read as follows:

CHARGES AGAINST SENATOR HILL—THE WOMAN RAYMOND BROUGHT TO WASHINGTON FOR POLITICAL PURPOSES.

It is well understood in Washington that the woman Jessie Raymond was carried there by W. P. KELLOGG, the carpet-bag Senator from Louisiana, and that he has been threatening for some time to have this suit brought unless Senator HILL would cease his efforts to have him (KELLOGG) unseated. The story of the seduction is not believed by those acquainted with the facts, and, even if it be true, resort to so dastardly a means to attain a political end can only recoil on the head of the concocter of the scheme.

Mr. KELLOGG. Mr. President, this article is published in the New Orleans Democrat, which reached me in my mail last night. The same matter in substance I find was recently telegraphed from this city to several points in the South. I have never heretofore noticed a newspaper article, however unjustly or falsely it may have reflected upon me. I do not know that I ought to notice this even now; but possessed, as I am, of some information that I deem reliable, and which leads me to believe that there is a settled purpose in this article, and others of like import, to prejudice me regarding a matter that may come before this Senate, or to divert public attention from another quarter to myself, or in some manner prejudice me, I feel justified in calling attention to this article.

I desire to say that the article read by the Secretary, so far as it relates to me, is absolutely false in every respect; that I never at any time had any connection whatever with the matter alluded to in this article either directly or indirectly; nor had I any knowledge of the matter until it was generally known; nor had any other person or persons, with my knowledge or consent, any connection, directly or indirectly, with this matter. I pronounce the authors or originators of this charge, whoever they may be, or wherever they may be, wanton and malicious calumniators, who characteristically strike in the dark and in the back, but are too cowardly to come to the front.

Mr. WALLACE. I move that the Senate do now adjourn.

Mr. KELLOGG. Mr. President, I offer a resolution—

The PRESIDING OFFICER. Does the Senator from Pennsylvania withdraw his motion?

Mr. WALLACE. Yes, sir.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Whereas the following appears in the New Orleans Democrat, a newspaper published in New Orleans, on the 9th day of March, 1880, purporting to be extracted from a newspaper called the Charleston News:

"It is well understood in Washington that the woman Jessie Raymond was car-

ried there by W. P. KELLOGG, the carpet-bag Senator from Louisiana, and that he has been threatening for some time to have this suit brought unless Senator HILL would cease his efforts to have him (KELLOGG) unseated. The story of the seduction is not believed by those acquainted with the facts; and, even if it be true, resort to so dastardly a means to attain a political end can only recoil on the head of the concocter of the scheme."

Resolved, That a committee of five Senators be appointed by the Chair who shall inquire and report concerning the truth of the charges and allegations in said article and the facts and circumstances connected therewith. Said committee shall have power to send for persons and papers, to administer oaths, to employ a clerk and stenographer, and to sit during the sessions of the Senate.

Mr. THURMAN. Mr. President, has the Senate come to this, that every article scandalizing a Senator that appears in any newspaper in the country, great or small, is to require a committee of the Senate to investigate it? It is time that we should stop this abuse of ourselves, for it is a degradation to the Senate to take notice in this way of such charges. I will not ask for a vote on this now, but I give notice that when the resolution shall come up on Monday I shall ask the Senate to lay it on the table and let it sleep the eternal sleep. The resolution goes over, of course.

The PRESIDING OFFICER. The resolution goes over.

Mr. WALLACE. I renew my motion that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 12, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

INDIAN TRUST FUNDS.

Mr. SCALES. Mr. Speaker, I ask by unanimous consent to take from the Speaker's table a bill, Senate bill No. 1195, and to put it upon its passage. If gentlemen hear what the bill is and what it proposes they will not object. It is important it should pass to-day.

The SPEAKER. The gentleman will briefly state the object of the bill.

Mr. SCALES. The object is this: There has come into the hands of the Secretary of the Interior a very large amount of Indian trust funds. He asks permission by this bill, for he cannot do it without authority of law, to deposit them in the Treasury in order that he may draw interest upon those funds. He cannot now invest them because the law requires he should get 5 per cent. He cannot, in bonds, get 5 per cent., and therefore the funds must remain in his hands without drawing interest, a barren fund to the Indians unless this bill is passed. It simply allows him to deposit the funds in the Treasury.

The SPEAKER. The Chair hears no objection; but the bill does not seem to be upon the Speaker's table.

HOMESTEAD SETTLERS.

Mr. PAGE. I ask by unanimous consent to refer a bill while the Clerk is looking for the bill of the gentleman from North Carolina.

The SPEAKER. The Chair hears no objection.

On motion of Mr. PAGE, by unanimous consent, a bill (S. No. 316) for the relief of homestead settlers on the public lands was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Public Lands, not to be brought back on a motion to reconsider.

MISSION OF SAINT JAMES, WASHINGTON TERRITORY.

On motion of Mr. STEVENSON, by unanimous consent, the Committee of the Whole House was discharged from the further consideration of a bill (H. R. No. 3278) for the relief of the mission of Saint James, in Washington Territory, and the same was recommitted to the Committee on Private Land Claims, not to be brought back by a motion to reconsider.

PACIFIC MAIL STEAMSHIP CONTRACT.

Mr. MANNING. Mr. Speaker, I ask by unanimous consent to present for action at this time a preamble and resolution, to which I think there will be no objection, as a similar resolution was introduced a few days ago in the Senate and referred to the Judiciary Committee there, without objection from anybody.

The Clerk read as follows:

Whereas it has been announced in the public press that a contract has been entered into by and between the Central Pacific Railroad Company and the Union Pacific Railroad Company on the one part, and the Pacific Mail Steamship Company on the other part, by the terms of which contract the Pacific Mail Steamship Company, in consideration of receiving \$1,320,000 annually for five years from the railway companies, binds itself to accept and charge such rates for freight and passengers as may be fixed by the railroad companies, and to collect the same from the commercial public; and

Whereas the effect of such a contract is directly prejudicial to the public interest and contrary to the public policy that controlled Congress in chartering the Union Pacific Railroad Company, and in granting to both railway companies large subsidies in money and lands: Therefore,

Be it resolved, That the Committee on the Judiciary be directed to inquire, specifically, whether such a contract exists, and to do so shall have power to send for persons and papers, and shall report what legislation is necessary to protect the public interests in the premises; and such committee may sit in vacation and report by bill or otherwise.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BREWER. Does that provide for a special committee?

The SPEAKER. No; but refers the investigation to the Committee on the Judiciary.

Mr. CANNON, of Illinois. I have just come in and do not know what it is, and must object.

Mr. MANNING. Several days ago this matter was called up in the Senate and a resolution similar to the one I have offered was adopted unanimously, referring the question to the Judiciary Committee, as it involves the power of Congress to legislate on this subject.

Mr. CANNON, of Illinois. I may be under a misapprehension, and I must ask for the reading of the resolution.

Mr. MANNING. You will have no objection to it, I think, when you have heard it read.

The resolution was again read,
Mr. CANNON, of Illinois. I have no objection to the consideration of that.

Mr. NEWBERRY. I object.

INDIAN TRUST FUNDS.

The SPEAKER. The Clerk will now report the bill which the gentleman from North Carolina, from the Committee on Indian Affairs, asked and obtained permission to take from the Speaker's table. The delay in finding it was caused by a mistake in the number.

The bill was read, as follows:

A bill (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment.

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized to deposit in the Treasury of the United States any and all sums held by him or which may hereafter be received by him as Secretary of the Interior and trustee of various Indian tribes on account of the redemption of the United States bonds or other stocks and securities belonging to the Indian trust fund, and all sums received on account of the sales of Indian trust lands and the sales of stocks lately purchased for temporary investment, whenever he is of the opinion that the best interests of the Indians will be promoted by such deposits, in lieu of investments; and the United States shall pay interest thereon semi-annually, from the date of deposit of any and all such sums in the United States Treasury at the rate per cent. stipulated by treaties or prescribed by law; and such payments shall be made in the usual manner, as each may become due, without further appropriation by Congress.

Passed the Senate February 9.

Mr. HOOKER. Is that a Senate bill?

Mr. SCALES. It is. If the gentleman from Mississippi will permit me, the Secretary of the Interior at present cannot make any investment in United States bonds because they do not pay 5 per cent. The United States is bound by law to pay 5 per cent. The only remedy is to deposit the fund in the Treasury and allow it to draw interest, which can be obtained.

Mr. HOOKER. Does that provide for the payment of the annual interest on these funds?

Mr. SCALES. Yes. I will state that at present the Secretary cannot make any investment in United States bonds, because they do not pay 5 per cent.

The bill was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

Mr. SCALES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHEROKEE AND ARKANSAS RIVER RAILROAD COMPANY.

Mr. CLAFLIN, by unanimous consent, introduced a bill (H. R. No. 5086) to incorporate the Cherokee and Arkansas River Railroad Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

SARAH J. HILLS.

Mr. CLAFLIN also, by unanimous consent, introduced a bill (H. R. No. 5087) for the relief of Sarah J. Hills; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH D. THOMAS.

Mr. MCGOWAN. Mr. Speaker, a pensioner in the State of Michigan, a widow with a dependent family, was allowed a pension by the Department, and the arrears amounted to about \$1,424. The voucher went to the pension agency at Detroit, and was allowed, and a check was drawn on the depository there for the payment, but was lost in transmission through the mails. In order to secure her payment she made the necessary affidavit as to the loss—

Mr. MILLS. Is this in the morning hour?

The SPEAKER. It is by unanimous consent.

Mr. MCGOWAN. When it was ascertained that the Department only paid or made duplicate checks where the loss was \$1,000 or less. In order to get her payment she must wait now for three years or else a special act must be passed for her benefit to allow a duplicate check to issue. This matter was laid before the Pension Committee this morning and they are unanimously of the opinion that a bill of that character ought to pass, and in obedience to their instructions I now present a bill and ask unanimous consent that it be passed.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc. Whereas the United States pension agent at Detroit, Michigan, on the 29th day of May, 1879, issued a check, numbered 59425, drawn on the Second

National Bank of Detroit, a United States depository, in favor of Elizabeth D. Thomas, a pensioner, residing at Grass Lake, Michigan, for the sum of \$1,424.70, in payment of pension then due said Elizabeth D. Thomas; and

Whereas said check was lost while being transmitted by mail from Detroit to said pensioner at Grass Lake and has not since been found or paid: Therefore,

That the pension agent at Detroit, Michigan, be, and he is hereby, instructed to issue duplicate check numbered 59425 for \$1,424.70, in favor of Elizabeth D. Thomas, for one lost in the mail May 29, 1879: *Provided*, That said Elizabeth D. Thomas shall first execute a bond with good and sufficient securities to be approved by the Secretary of the Treasury to hold the United States harmless against the double payment of said check.

The bill (H. R. No. 5089) was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HARLOW S. STREET.

On motion of Mr. SPARKS, by unanimous consent, Senate bill No. 747, for the relief of Harlow L. Street, was taken from the Speaker's table, and referred to the Committee on Military Affairs.

Mr. McMAHON. I demand the regular order.

The SPEAKER. There are several gentlemen who desire an opportunity of referring bills, and the Chair hopes the gentleman will now give them a few moments before demanding the regular order.

Mr. McMAHON. I withdraw the demand.

TRADE-MARKS.

Mr. HAMMOND, of Georgia, from the Committee on the Judiciary, to whom was referred House resolution No. 125, "to amend the Constitution of the United States," and a bill (H. R. No. 2573) "to authorize the registration and protection of trade-marks," and several petitions on the same subject, by unanimous consent, reported, as a substitute, a bill (H. R. No. 5088) to authorize the registration of trade-marks, and to protect the same; which was read a first and second time, and, with the accompanying report, recommitted and ordered to be printed.

The SPEAKER. Under the new rule these subjects cannot be brought back under a motion to reconsider.

ORDER OF BUSINESS.

Mr. DAVIDSON. I ask unanimous consent to have a Senate bill taken from the Speaker's table for reference to the Committee on Invalid Pensions.

Mr. BARBER. I demand the regular order.

Mr. DAVIDSON. My request is merely for the reference of a bill to a committee.

Mr. BARBER. I have bills also which I desire to refer. I cannot yield.

The SPEAKER. The regular order is the morning hour; and this being Friday, the morning hour is devoted to the call of committees for reports of a private nature, under the new rule.

Mr. McMAHON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McMAHON. My object being to have the House proceed with the consideration of an appropriation bill, I wish to know whether dispensing with the morning hour will give the entire day for that purpose or if it will require two motions?

The SPEAKER. It will require two motions, under the new rules: first, to dispense with the morning hour, which under clause 3 of Rule XXIV requires a two-thirds vote; and, secondly, to dispense with the consideration of private business, which under Rule XXVI requires a two-thirds vote. The Clerk will read the rules.

The Clerk read clause 3 of Rule XXIV, as follows:

The morning hour for the call of committees shall not be dispensed with except by a vote of two-thirds of those present and voting thereon.

The Clerk also read Rule XXVI, as follows:

Friday in every week shall be set apart for the consideration of private business unless otherwise determined by a two-thirds vote of the members present and voting.

The SPEAKER. The reading of the rules is itself a sufficient answer to the question of the gentleman from Ohio.

Mr. McMAHON. For the purpose of enabling the House to proceed to the consideration of an appropriation bill, I now move that the morning hour be dispensed with. After that has been voted upon favorably I will then move to proceed to the consideration of the appropriation bill as against the Private Calendar.

Mr. GARFIELD. I think the gentleman will find the House disposed to agree with him as to taking up the appropriation bill. But I ask him before he insists on his motion to allow me to report a bill from the Committee on Ways and Means that it may be put upon the Calendar and printed. It is a unanimous report from the Committee on Ways and Means.

The SPEAKER. The gentleman from Illinois [Mr. BARBER] is the gentleman who demanded the regular order. If any matters are to come in by unanimous consent the Chair must recognize the gentleman from Florida, [Mr. DAVIDSON.]

Mr. McMAHON. I insist on the regular order, and ask a vote on my motion to dispense with the morning hour.

The question being put on Mr. McMAHON's motion, there were—ayes 106; noes 47.

Mr. BRIGHT. I call for tellers.

Tellers were ordered; and Mr. McMAHON and Mr. BRIGHT were appointed.

The House again divided; and the tellers reported—ayes 118, noes 43. So the morning hour was dispensed with, (two-thirds voting in favor thereof.)

The SPEAKER. The gentleman from Ohio now moves that the operation of Rule XXVI, setting apart Friday for the consideration of private business, be dispensed with.

Mr. McMAHON. For the purpose of proceeding to the consideration of an appropriation bill.

The SPEAKER. That the gentleman states for the information of the House. The motion can only be agreed to by a two-thirds vote.

Mr. McMAHON. I ask for tellers.

Tellers were ordered; and Mr. McMAHON and Mr. BRIGHT were appointed.

The House divided; and the tellers reported—ayes 122, noes 29.

So the motion was agreed to, (two-thirds voting in favor thereof.)

DEFICIENCY APPROPRIATION BILL.

Mr. McMAHON. The Committee on Appropriations, to whom was recommended the bill to provide for certain deficiencies for the fiscal year ending June 30, 1880, have authorized me to report back the said bill, with an amendment and a short accompanying report, which I ask may be read.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. DUNNELL. I wish to ask if this bill has been printed.

Mr. McMAHON. Yes, sir; all except an amendment, which is contained in about three lines.

Mr. FORT. I do not know whether there is anything in this bill subject to points of order; but I reserve all points of order.

Mr. McMAHON. I ask that the report of the committee be now read.

The Clerk read as follows:

The money appropriated by this bill amounts to \$1,265,530.50, intended to supply money for what are supposed to be the urgent needs of the Government for the present fiscal year, and no other moneys are appropriated.

The chief items are for the public printing, (\$400,000;) \$600,000 for the United States marshals and their general deputies, and for the completion of the public building in Chicago, (\$100,000.)

For additional service in the Post-Office Department, made necessary by the extension of that service, \$42,500 is appropriated.

For transportation of nearly fifty millions of coin to Philadelphia and other places, for change into bullion, and the reshipment of same, the sum of \$25,000 is appropriated.

The sum appropriated for the public printing and binding, if added to sums already appropriated, will make the expenditures for the fiscal year 1880 \$1,892,162. The expenditure, if continued to end of fiscal year at same rate, would be \$2,223,243 per annum. This is nearly five hundred thousand dollars more than have been expended for any year since 1875.

Mr. McMAHON. I now ask that the amendment be read.

The Clerk read as follows:

Strike out the clause at the end of the bill, stating the total sum to be appropriated, and insert as follows:

Department of Justice: for the payment of the fees and expenses of United States marshals and their general deputies during the fiscal year ending June 30, A. D. 1880, \$600,000.

The total sum recommended by this bill is \$1,265,530.50.

Mr. GARFIELD. I desire to reserve all points of order.

The SPEAKER. The gentleman from Illinois [Mr. FORT] has done so.

Mr. GARFIELD. Of course the bill must go to the Committee of the Whole.

The SPEAKER. That is one of the points.

Mr. McMAHON. I desire to inquire of the gentlemen on the other side whether two hours of general debate upon this bill will be satisfactory to them. I will state in making that inquiry that there are provisions in this bill which ought to be made the law at a very early day.

Mr. CONGER. I understand that there are propositions, or will be, by way of amendment to this bill, involving the question of putting political riders on appropriation bills. If that be so, then two hours will not be enough for general debate.

Mr. ATKINS. My colleague on the committee [Mr. McMAHON] means two hours on each side.

Mr. McMAHON. Four hours in all.

Mr. GARFIELD. If this bill is simply and purely an appropriation bill, then we will want but little time for general debate. But if on the contrary there are provisions in the way of riders which will raise other questions, then we cannot tell how long a time will be needed for debate.

Mr. McMAHON. I know of no riders to the bill, except that I understand the Committee on Printing proposes to offer an amendment in regard to the election of Printer.

Mr. GARFIELD. Then let it be understood that if such an amendment be offered debate can be had upon it beyond the debate allowed by the agreement.

Mr. BURROWS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. Is it in order to limit debate upon the bill before it has been considered at all in Committee of the Whole?

The SPEAKER. It is not.

Mr. BURROWS. Then I object to limiting debate.

Mr. GARFIELD. Then let us go into Committee of the Whole and commence debate.

Mr. McMAHON. I move that the House now resolve itself into

Committee of the Whole on the state of the Union for the purpose of considering the deficiency appropriation bill; and in order to test the sense of the House I move, pending that motion, that all general debate upon the bill be limited to four hours.

Mr. BURROWS. I have made the point of order that that cannot be done.

The SPEAKER. The uniform practice of the House has been to commence the consideration of a bill in Committee of the Whole before any limitation is put upon debate.

Mr. McMAHON. Very well; then I move to go into Committee of the Whole.

CHINESE IMMIGRATION, ETC.

Pending the motion to go into Committee of the Whole,

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith a report, dated the 9th instant, from the Secretary of State, with the accompanying papers, in answer to a resolution of the House of Representatives of the 25th ultimo, requesting the President to transmit to that body, if not deemed incompatible with the public interest, copies of such dispatches as have recently been received by the Secretary of State from the consul-general at Shanghai upon the subject of slavery in China and those portions of the penal code of China which forbid expatriation.

R. B. HAYES.

EXECUTIVE MANSION, March 11, 1880.

Mr. DAVIS, of California. I move that the message just read, with the accompanying papers, be referred to the Committee on Education and Labor, and printed.

The motion was agreed to.

MARY A. M'KINNEY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting papers in the case of Mary A. McKinney; which was referred to the Committee on War Claims.

MILLER'S CARTRIDGE EXTRACTOR.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending an appropriation to pay damages awarded for the use of Miller's patent cartridge extractor; which was referred to the Committee on Appropriations.

DAMAGES BY FIRE AT CAMP SUPPLY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition of Captain W. J. Lyster, Nineteenth Infantry, and others, for relief on account of losses sustained by fire at Camp Supply, Indian Territory, July, 1877; which was referred to the Committee on Military Affairs.

ENROLLED BILL SIGNED.

Mr. ALDRICH, of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:

A bill (H. R. No. 3258) authorizing the Secretary of the Interior and Secretary of War to employ additional clerks for the balance of this fiscal year to expedite the settlement of pension applications, and for other purposes.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. MITCHELL, for a few days, on account of important business; and

To Mr. MCCOOK, indefinitely, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. OVERTON asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of Charles M. Warner; no adverse report.

RIVERS AND HARBORS IN LOUISIANA.

The SPEAKER. On behalf of the Committee on Commerce the Chair asks consent that the surveys and estimates for the improvement of rivers and harbors in Louisiana, lately sent to the House from the War Department, and referred to the Committee on Commerce and ordered to be printed, be withdrawn from the Public Printing Office and referred in manuscript to the Committee on Commerce, as they are needed by the committee in the consideration of business before it. There is some difficulty in the printing-office in regard to printing these maps and estimates, and they are needed immediately by the Committee on Commerce.

Mr. CONGER. To be withdrawn only temporarily, I suppose.

The SPEAKER. Yes, so that the committee may have immediate access to the manuscript.

Mr. CONGER. Let the order be made for the temporary withdrawal only, so that they will be printed hereafter.

Mr. ACKLEN. There is no objection to that.

There being no objection, it was ordered accordingly.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The question recurs upon the motion of the gentleman from Ohio [Mr. McMAHON] that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering a deficiency appropriation bill.

Mr. SINGLETON, of Mississippi. I want to give notice to the House that I am instructed by the Committee on Printing to offer an

amendment to the deficiency appropriation bill, proposing a change in the manner of electing the Public Printer.

Mr. WILSON. Let that amendment be read.

The SPEAKER. The bill is now in Committee of the Whole on the state of the Union, and the Chair understands that the gentleman from Mississippi [Mr. SINGLETON] gives notice of an amendment which he will offer to that bill.

Mr. SINGLETON, of Mississippi. If there is no objection, I would like to have the amendment now read.

The SPEAKER. That is not necessary.

Mr. MCMAHON. Let it be read in committee when offered.

The motion of Mr. MCMAHON was then agreed to.

The House accordingly resolved itself in Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the deficiency appropriation bill, which, unless the first reading be dispensed with, the Clerk will now read.

The bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government, for the fiscal year ending June 30, 1880, and for other purposes, was read.

Mr. MCMAHON. Mr. Chairman, Members will have observed from the reading of the bill that the appropriations it contains are for the current fiscal year only—that this bill is not the general bill which usually comes in at the close of a session to clear up all deficiencies for the past and present fiscal years. It is for the purpose of providing the means of carrying on the Government in certain departments to the end of the present fiscal year. This appears to have been made necessary in most cases by the growing business of the country; in others probably by that inattention to the details of expenditure of which public officers are too frequently guilty; and in one instance, in my judgment, there has been a wanton disregard of the spirit of the law, if not its letter. I refer now to the appropriation for the Government Printing Office.

I will not spend any time in discussing the question whether the honorable Secretary of the Treasury ought to have more coal to steam up with during the present winter, or more ice to cool himself and subordinates before the 30th of next June. My impression is that he needs both in his Department. We have given him small appropriations for both purposes. Nor will it be worth while at present to allude to the minor appropriations contained in the bill. I will confine my remarks, in opening, to the two large items—the item of \$600,000 for United States marshals and their general deputies, and \$400,000 for the Government Printing Office.

The bill for the payment of United States deputy marshals was reported to this House on the 21st of January, 1880, ordered to be printed, and recommitted to the Committee on Appropriations. It has remained in that condition ever since. I say to the House (and I desire that the full extent of my words may be understood) that it has been withheld from report to the House up to this date by the unanimous vote of that committee. Pending the consideration of the new rules of the House, it was not deemed advisable by any member of that committee to report it back for consideration. The general deficiency bill upon which I am now speaking was finished (if it may be said to be finished yet) on the 5th of the present month, and reported to this House upon that day, ordered to be printed, and recommitted.

I will say to the Committee of the Whole that there are other matters which the Committee on Appropriations is now considering and which will probably go upon this bill. I make this statement in order that the House and the country may understand why this bill comes in at so late a day. Some of these items were not sent in to the committee until a very recent period. The new rules went into operation last Monday, I believe, and were only finished yesterday one week ago. I have therefore availed myself of almost the earliest opportunity consistently with the demands of other public measures (and I refer more particularly to the funding bill) to bring this bill before the house in order that it may be passed immediately.

In this bill the appropriation for the marshals is modified in its language, and differs slightly from the bill as originally presented to the House. The clause in the present bill reads as follows:

For the payment of the fees and expenses of United States marshals and their general deputies earned during the fiscal year ending June 30, 1880, \$600,000.

Gentlemen will observe the language—"general deputies." The bill contains nowhere any appropriation for special deputy marshals. I call attention to this fact for the benefit of gentlemen on both sides of the House. The Committee on Appropriations thought it advisable to appropriate money for the general purposes of the courts and the prosecution of crimes only. We do not in this bill appropriate any money for special deputy marshals; and I doubt whether the democratic party ever will appropriate any money for such special deputies so long as the law stands in its present shape. It will be observed that the committee has confined itself to appropriation merely, and has ingrafted no legislation or words of exclusion. It has, however, failed or refused to appropriate any sum for special deputies.

Special deputy marshals are appointed only for congressional elections and only upon the occasion of such elections. They are creatures unknown to the law except when appointed for an election for Representatives about to take place. The last Congress adjourned

without making any appropriation for special deputy marshals; indeed, it adjourned without making appropriation for any of the fees of marshals, because of a disagreement between the different departments of the Government. Of course the marshals and their general deputies attended to the business of the country without the appropriation, because the marshals of the United States and their general deputies do not derive their chief compensation out of the \$600,000 which we appropriate to them in this bill. They are paid out of fees in admiralty cases and the other civil suits in which the United States Government is not a party. The United States marshals therefore continued to perform their duties, serving writs, warrants for private individuals and for the Government of the United States; looking to Congress to reimburse them for the expenses which they might incur in serving writs, &c., for the United States Government. This was an ordinary, legitimate service, which was never in dispute. And every one is ready to make this amount available for their use at as early a day as possible.

But, Mr. Chairman, while it was proper for the marshals of the United States to attend to the general business of the country, being already in office and having many duties to perform, it was not proper for any officer of this Government to appoint special deputy marshals when no appropriation had been made for that specific purpose, and when, on the contrary, all the appropriations for marshals had failed because Congress was unwilling to vote a dollar for special deputies, the President insisting upon the absence of certain restrictive clauses in the bill containing such appropriations.

I desire to say to gentlemen on both sides of the House that I have now no letter and know of none to offer to Congress from any officer of the Government stating we owe special deputy marshals in California anything. Indeed I do not suppose the Attorney-General would take the responsibility of saying that we did owe United States special deputy marshals any particular sum of money in the absence of appropriations, because the law is very explicit on the statute-book that no department of the Government has the power to incur an obligation in the absence of an appropriation for that purpose. The law was laid down distinctly by Attorney-General Williams in regard to the printing of postal-cards when no appropriation had been made for that purpose. The President of the United States confirmed the doctrine in a message which he sent to this House in the month of June, 1876; and the Secretary of the Treasury, in an executive document which I have before me, says expressly there is no power to incur any obligation on the part of the Government unless money has been appropriated for that special purpose. Therefore, although we know by report, by telegraph, and possibly by official letters in response to inquiry to the Attorney-General, that we had seventy-six hundred dollars' worth of special deputy marshals in the State of California at the late election in that State without knowing how many; yet they are not in a shape to claim any relief at the hands of this Government, and, in my judgment, they have long since been paid by the republican central committee. Any proposition to amend this bill by inserting \$7,600 would be simply a proposition for the relief of the republican central committee.

Mr. HAWLEY. Has the gentleman any right to make that statement, or any information upon which he bases it?

Mr. MCMAHON. I base it upon the well-known character of the republican party.

Mr. HAWLEY. For paying its debts.

Mr. MCMAHON. Exactly. It pays its debts early; it never repudiates anything, not even the public debt.

Mr. HAWLEY. Is this a public debt?

Mr. MCMAHON. Oh, no; it is the private debt of the republican party.

Mr. HAWLEY. Is it a private debt in any sense of the word?

Mr. MCMAHON. Yes, sir. Is it the debt of the Government?

Mr. HAWLEY. That is to be argued; it is not a private debt.

Mr. MCMAHON. Is it the debt of the Government? If so, who incurred it?

Mr. HAWLEY. That is to be argued; it is not a private debt. That is what I am arguing.

Mr. MCMAHON. It is a private debt when certain gentlemen are put, as they have been, upon public duty for which no appropriation has been made, and are told if the Government does not pay them the private purse would. I know no public officer who has a right to create that debt on the part of the Government; the proposition is as plain as two and two make four, that if any debt exists it is the debt of the republican central committee, and cannot, in law, be the debt or obligation of the country. No department can incur an obligation in the absence of an appropriation, (except in the Army and Navy;) and no public officer will take the responsibility of saying that we owe (in its proper sense) any one in such a case.

Now, special deputy marshals are entitled, if properly appointed and there is an appropriation for them, to \$5 a day. General deputies are entitled to the ordinary fees which are specified in the statute. A general deputy marshal is entitled to be present at elections under the election law, (if it be regarded as constitutional,) but he is entitled to no compensation for being present. The compensation of \$5 a day is confined expressly to special deputy marshals. A general deputy marshal has no fees even for arresting a man without process on election day, for there are no such fees allowed. The supposition is that there is always a warrant, an attachment, or process of some

kind or other. Of course, if he seizes a man who violates the law in his presence, he may be entitled to the ordinary fifty cents for the commitment of the prisoner. He may be entitled to ordinary fees for attending before a United States commissioner. But these are fees to which he would be entitled if he held a warrant, and are incurred in the ordinary course of judicial proceedings.

But the Committee on Appropriations thought, so far as their duty extended, that all they could do and all they were willing to do, in view especially of the recent decision of the Supreme Court, was this: that the general deputies' ordinary fees should be paid, but the extraordinary fees of the special deputy marshals should not, because no appropriation had ever been made for that purpose, and their employment was not authorized and created no obligation.

There cannot be two sides, Mr. Chairman, to the question of law that, whether a law is constitutional or not, we have the right to determine how much shall be appropriated under it, especially where no amount is fixed. For example, if a public building needs \$500,000 to complete it Congress may say that in the present state of the Treasury, or in the present state of other advanced work, we will give nothing; yet the building ought to be completed; or we will give \$50,000; yet that may not be enough; or we will give \$100,000; and that may not be enough. By committing to the House power to appropriate, the right is absolutely left in the House to determine whether it will appropriate for a certain purpose and how much it will appropriate.

Of course I understand, as a legislator, that upon us rests the burden of refusing to carry out a law or refusing to carry it out properly. That is a responsibility we must take. We always have taken it, and I hope we always will without fear.

And I desire to say that because the Supreme Court of the United States has decided that the election law is constitutional by a sort of eight-by-seven decision—and I mean by that a division apparently according to party lines, (without impugning the good faith of any member of the Supreme Court, but to show how differently a legal question may appear to persons who have been educated in different political schools)—that although that court has decided the constitutionality of the law, that when we come, as legislators, to appropriate money it is our duty to say, is this law constitutional? or, if constitutional, is it a good law, and are we bound to appropriate money for it? Beyond that, we have a right to determine whether the exigency for any appropriation exists, or whether any obligation exists on the part of the Government for past services, or whether in the next fiscal year the country really needs money for this purpose.

Now, I think I have said enough on the question of the appropriations for marshals to make our purpose sufficiently clear.

I will proceed, Mr. Chairman, to the second branch, and that is to the appropriation of \$400,000 for the continuance of the Public Printer's office. We have had a sub-committee at work that has been diligent in search of reliable information as to how much will be needed to carry on this Government for the rest of this fiscal year. That committee did not feel that it was authorized or bound to resolve itself into an investigating committee for the purpose of discovering whether there had been any fraud, peculation, or extravagance in this office, but simply how much was absolutely necessary to continue the service for the rest of the present fiscal year. We examined no witnesses; only made inquiries. In pursuit of that information, we have been to the First Auditor's Office, to the Register's Office, and have an official statement from each, which I will ask to have printed with others in an appendix to my remarks. We have also several statements from the Public Printer's office, which I will also ask to have printed, and from all of these I have myself made a table of the expense of the Government, as against each fiscal year from 1875 down to the present time.

Before I call the attention of gentlemen to the table I will mention a remarkable fact as to the Public Printer's official report. I defy any intelligent man to scan these reports and ascertain from them how much has been spent in any one fiscal year out of the appropriation made for that year. The Public Printer considers the law as satisfied when he reports to this House how much he spends in the course of the fiscal year, whether it was on account of obligations which were chargeable to the fund put at his disposal for that year or for one or two years before that time. I submit that is no intelligent report to the House of Representatives. We want to know in his annual report, and we will at the proper time cause the law to be so amended, if it requires amendment, that the amount expended for each fiscal year shall be reported by itself and charged to its proper year; so that when we appropriate \$1,500,000 to carry on the printing department for any year, say 1879, he shall report to the House how much has been spent each year out of that fund. Thus the expenditures for the fiscal year ending 1878 are reported at \$1,638,701, whereas they were in fact \$1,741,152; and the expenditures for the fiscal year ending 1879 are reported at \$1,716,012, whereas they were in fact only \$1,573,352. And I mean, in the above, that out of the appropriations for those fiscal years the true expenditures (leaving out salaries and contingent expenses) were—1878, \$1,741,152, and 1879, \$1,573,352. After two years the unexpended balances are transferred to the United States Treasury as a surplus fund.

Without reading the tables from which I constructed my own, I desire to show to the House what have been the expenditures in this office heretofore. The result of a comparison of the Register's tables

and of the tables furnished by the Public Printer, will show that for the year ending in 1875 we expended \$1,651,530; for the year 1876, we expended during that year and for the two years subsequently, \$1,637,712; for the year ending 1877 we spent \$1,634,803; for the year 1878 we spent \$1,741,152; for the year 1879 we spent \$1,573,352, and for the year ending 1880 we have spent \$1,482,162, to the 1st day of March last, eight months, and if we give to the Public Printer \$400,000, which he asks, he will have received and expended during this year \$1,882,000.

If we allow him to carry on his office for the remaining four months at the same rate of expenditure as he has carried it on during the first eight months of the current year, the expenditure of the fiscal year 1880 would be \$2,223,243; \$500,000 more than the amount that we have ever expended in any one fiscal year in the period I have designated.

What is the matter with the public printing or the Public Printer's office? I desire to make no charges against the gentleman who stands at the head of that department and has control of it. I would not like to undertake to say to this House how much of the business of that department he understands and how much he does not understand. But what is the cause of this enormous increase of the public printing?

A MEMBER. The extra session.

Mr. McMAHON. The statesman who has extra session of Congress on the brain says "extra session." I thank him for that word; for I was coming to that particular point. In the fiscal year 1879 Congress assembled in the month of December and the session ended about the 28th day of June. In the fiscal year of 1878 we came to the city of Washington, if I remember rightly, on the 15th October, 1877, and we staid until the 1st day of July 1878. That was a more protracted sitting of Congress than the regular and extra sessions of 1879 put together. But let me go back further. Let me go to the Forty-fourth Congress. In the first session of that Congress, when the democratic party first came into power in this House, the understanding was that investigations should be had. Every committee of this House, almost without exception, was ordered to investigate. The Committee on the Judiciary had the investigation of a distinguished Representative from Maine at that time, now Senator. I believe the Ways and Means Committee had an investigation; the Post-Office Committee, of which I was a member, had a very lengthy investigation on its hand. The Naval Committee had a very heavy investigation on its hand, and, we know, published during that session a pile of volumes several feet high.

The committees on expenditures in the various Departments had clerks and experts and were investigating and taking testimony. And the country was flooded with the literature of investigations, testimony and reports and all that, such as it has not been flooded with since. And during the following short session, during the fiscal year ending 1877, did we not appoint three large committees, the Louisiana, Florida, and South Carolina committees? The Louisiana committee was divided into three sub-committees. The Florida committee and the South Carolina committee were also divided into sub-committees. Then the Powers and Privileges Committee was at work. We had more investigation, more reports, more testimony during the Forty-fourth Congress than any Congress that has existed for a long time. Indeed it was said that this system of investigation was exceedingly costly and expensive to the Government, and that was one of the arguments used against it.

But without going into details, I have got the facts and figures, as taken from the Public Printer's reports, to show what the extra session cost this country, as compared with others. If you will take all the books, with their estimated cost, as I have the figures here reported by the Public Printer—all the reports, bills, resolutions, the CONGRESSIONAL RECORD, everything that belonged to the extra session of Congress, whether it helped us to anticipate the business of the regular session or not—you will find the total cost of printing during the extra session (including 15 per cent. additional cost of paper for the recent purchases up to the end of this year) will amount to \$252,000 only. That includes all the printing that was ordered by Congress in its extra session; and of course we anticipated in that extra session much that we would have otherwise ordered at the regular session. Let me tell him that a great portion of the money that was spent in the extra session was spent out of the appropriation for the fiscal year ending June 30, 1879. Nearly one-half of it was spent out of that appropriation. Nearly all the cost of the printing of the CONGRESSIONAL RECORD, which amounted to \$59,000, bound and unbound, would have to come out of that, because the bound volumes of the CONGRESSIONAL RECORD are made up about one week after the daily RECORD is printed. The same is true of the bills and reports of committees, and everything else we have printed. All this came out of the appropriation for the year ending June 30, 1879, leaving—I have the figures here and will probably present the table as part of my printed remarks—leaving only as the expenditure for printing for this fiscal year, ordered by Congress, to come out of the appropriation for this year, \$140,000 or \$150,000. The extra session, say the gentlemen on the other side, was costly and expensive. I have gone to the trouble, for the information of the House, of taking the figures from the Public Printer's report, to show amount and cost of printing and binding ordered by various sessions of Congress from 1876.

I find that in the fiscal year ending June 30, 1876, the number of pages ordered to be printed by authority of the two Houses was 102,000, and the cost for the session ending in 1876 was \$530,000. That was the year when the session of Congress ran to the middle of August. For the next year, with the short session of 1876-77, the number of pages printed was 57,921, and the cost was \$434,652. For the fiscal year ending June, 1878—that was the year when Congress met on the 15th of October, 1877, and sat until June 28, 1878—the number of pages ordered to be printed was 114,110; the number of copies 17,696,000, and the cost \$494,000. For the fiscal year ending 1879, the number of pages was 110,749; the number of copies 5,248,000, and the cost \$556,000.

Now I will give separately what was ordered by the extra session, containing bills, reports, books, documents; all amounting to only 35,000 pages, 2,530,000 copies, and the cost, including the increased cost of paper for which we are not responsible, was \$252,031. Therefore, when gentlemen say that this increased cost of the Government Printing Office is due to the extra session, they have invented a fraudulent excuse to cover up the extravagance or the want of attention to public business in the Public Printing Office. We have not in the last fiscal year ordered printing to the extravagant extent which gentlemen on the other side ask us to believe.

It has not been owing to that. Even if it was, if we had ordered printing to the same or a greater extent, the improvements in machinery, and the fancy of the present head of the Public Printing Office for machinery, would have enabled us to do all these things to the same extent at a much less cost. Let me read from page 15 of the report of the Public Printer for 1878 in regard to his improved machinery for printing and binding:

IMPROVED MACHINERY FOR PRINTING AND BINDING.

Improvements in machinery for the more rapid and economical manufacture of newspapers and books are constantly being made, and those who do not use them work to great disadvantage.

Seeing no reason why the Government Printing Office should not avail itself of some of these improvements, two large presses, on which to print the CONGRESSIONAL RECORD, and other work when not needed for that publication, have been put into it. More work can be done on these presses than can be done on twelve Adams presses, and by the employment of one-third of the number of employes required by those presses.

Nine book-sewing machines have also been put in operation, by which books are sewed with wire instead of thread, and at greatly reduced cost.

To ascertain the economy in their use a daily record is kept of the work done on each machine, and contrasted with the cost of hand-sewing.

Thus, in fifty-two weeks, there will be a saving of \$21,632 over the old method, should the machines be constantly at work.

The saving is still greater in sewing larger books, such as the CONGRESSIONAL RECORD and the Revised Statutes.

The result on the last edition of the Revised Statutes, being 15,000 copies, is as follows:

By hand.....	\$2,400
By the machines.....	300
At a saving of.....	2,100

When that report was made the Public Printer had nine wire-sewing machines on hand. I am informed that he has since purchased four more. Yet what do we find? I have his monthly labor report here, what is called the pay-roll of the office. Notwithstanding the expenditures made during the last three years for improved machinery he is compelled to admit, for the figures do not admit of anything else, that whereas the pay-roll used to be some \$90,000 a month it is now, or was for December, January, and February, \$115,000 to \$116,000 a month, or nearly that much.

Mr. FINLEY. Has the gentleman examined in order to ascertain if the number of employes have been increased or decreased?

Mr. McMAHON. I have not examined that subject; but the pay-roll has increased so largely that I have no doubt the number of employes has been increased.

I desire to say, Mr. Chairman, not only in view of this bill, but in view of other deficiencies that may come before the House, that wherever discretion is vested in a public officer in regard to the expenditure of large sums of money, you may depend upon it that that discretion will be abused. I do not say that a republican office-holder is made of different material from a democrat office-holder. All that I might claim would be that long continuance in office rendered him negligent of public matters, indifferent to measures of economy and reform, which new men with new reputations to make might inaugurate.

What check have we now upon the Public Printer? We give him millions of dollars for the public printing, with no checks as to expenditures. When the October election comes on, and the State of Ohio is supposed to be in danger, politicians endeavor to get some persons into positions. There is no limit to the number of employes in that Department. Very nearly every other Department of the Government is limited as to the number of its employes. You can tell exactly how many clerks or laborers can be employed in the State Department, how many in the Interior Department, how many in the Post-Office Department. But you do not know how many employes there are in the Public Printing Office. The great bulk of this money which has been so lavishly spent has been squandered by the unnecessary employment of too large a force, and probably I may add by the extravagant purchases of material and machinery.

Mr. HAWLEY. The gentleman says that probably he may add that statement. Has he any evidence of it at all?

Mr. McMAHON. Of material, yes. The gentleman himself will remember the question we put to the Public Printer himself.

Mr. HAWLEY. No, I do not remember anything; I wish you would state it.

Mr. McMAHON. It is convenient to have a memory of that kind; mine does not serve me so well.

Mr. HAWLEY. Imagination sometimes takes the place of memory.

Mr. McMAHON. You will find in his report an expenditure of \$42,000 for type. When the Public Printer was before the committee he was asked at what price he had bought this type—at the catalogue price or at reduced rates. He said to the committee that he bought it at catalogue price. Now, I put it to the gentleman from Connecticut, [Mr. HAWLEY,] who runs a newspaper himself, whether he buys type at catalogue price or whether he does not get a deduction of from 15 to 35 per cent. when the purchase ranges from \$2,000 to \$50,000. I give this instance as an answer, in part, to the gentleman.

Then nine machines, costing \$1,500 apiece, were bought upon the pretext that they were labor-saving machines; but when these machines are in full blast we find the pay-roll larger than it ever was before; therefore, I say that the Printing Office gets along worse with these labor-saving machines than without them; that \$500 apiece for them would have been an extravagant expenditure if they have not saved money to the Government on the pay-rolls.

Mr. HAWLEY. Will the gentleman allow me a remark?

Mr. McMAHON. Certainly.

Mr. HAWLEY. The gentleman says that the pay-roll is larger than it was before these stitching-machines were put in operation. Now, I submit it is not quite candid to state the matter in that way. The question should be, is the pay-roll larger for women employed in stitching books?

Mr. McMAHON. I do not see that distinction specified in the Public Printer's report.

Mr. HAWLEY. I do not either.

Mr. McMAHON. I call attention, moreover, to the fact that after getting two large presses for the Printing Office, the Public Printer says in his report for the fiscal year ending June 30, 1878:

More work can be done on these presses than can be done on twelve Adams presses, and by the employment of one-third of the number of employes required by those presses.

Now, I say to you, Mr. Chairman and gentlemen, that this is an awful showing of economy if his report be true as to the capacity of these machines. I have made a rough estimate from the Public Printer's Report, of the cost of machines purchased by him in the last few years. I find that during the fiscal year ending in 1878 there were purchased, cylinder presses, \$2,000; four roller presses, \$4,000; fixtures, \$512; one Acme cutting-machine, \$900; one shaving machine, \$390; one leading machine, \$175; making \$7,977. For binding: one Acme cutting-machine, \$742; six sewing-machines, \$9,000; fixtures, \$400, and other machinery, making an aggregate for binding of \$11,174, which, with the printing machinery, makes \$19,151. I find that during the fiscal year ending 1879 there were purchased two printing-presses, \$1,700; one printing-press, \$3,800; one, \$2,000; three pressing-machines, \$3,000, and various other items, making the expenditure for printing machinery for that year, \$18,280. Then there was machinery for binding: three presses, three wire-sewing machines, double-numbering machines, &c., amounting to \$9,597, making the expenditure for machinery during the year, \$27,877. For the present fiscal year the expenditure for this purpose, as reported by the Public Printer, is \$61,000, making the expenditure for printing and binding machinery during the last three years, \$109,025.

All this machinery has been purchased within the last two or three years; all of it is claimed to be labor-saving machinery. It is claimed that this machinery has been purchased directly by the Government without the intervention of any middlemen; that nobody interested in these purchases is hanging around the printing office to make anything out of them; that the sole object of the purchase was to cut down the number of employes. Yet if this Government Printing Office were run for the next four months at the same rate it has been run for the last eight months, the expenditure would amount to \$2,283,000—\$500,000 more than it cost before all this machinery was purchased.

Mr. FINLEY. The gentleman will allow me to make a single remark. As a member of the Committee on Printing, I had occasion to examine this matter; and I found that during the six years preceding the years of which the gentleman speaks, the present Government Printer and his predecessor purchased one hundred and thirty-six thousand seven hundred and fifty-seven dollars and ninety-six cents' worth of machinery.

Mr. McMAHON. Now, I do not dispute that this is an enormous establishment, which must constantly be renewing its type and possibly its machinery; but I submit that in the face of these recent purchases, justified in the report of the Public Printer upon the idea that they are to result in economy in the wages of employes, we ought to have some more intelligent explanation than we have had from this officer of his enormous pay-roll.

Mr. McMILLIN. Is it not a fact that the Government is also required to pay more for setting type in the Government Printing Office than is paid in private establishments through the country.

Mr. McMAHON. The Government is not required to pay more. The law as it stands fixes only a maximum rate—not the actual rate. It says the rate shall not exceed a certain amount.

Mr. McMILLIN. I mean to say, does not the Government actually pay more?

Mr. McMAHON. I do not find fault with the amounts paid to the employes or laborers of either sex who are engaged in that establishment.

Mr. McMILLIN. But is there not a general statute requiring that the Government shall pay no more for services rendered by these employes than is paid in private establishments for similar services?

Mr. McMAHON. I think not. I believe the law only names a maximum amount. I do not find fault with the rate of wages, as I have said. It is the large number who are employed, out of all proportion to the appropriation for the fiscal year.

Mr. LOUNSBERY. The Government is printing a large number of publications for public use, and I should like to ask the gentleman whether this increase in the expense of the printing department does not come from an increase of publications for the general public. I should like to know whether the gentleman has any report from the Public Printer as to the amount of money which has been covered into the Treasury from the proceeds of general publications.

Mr. McMAHON. From the proceeds of general publications?

Mr. LOUNSBERY. Yes, sir; from the proceeds of general publications.

Mr. McMAHON. There is no special fund devoted to the publication of any special work. The \$1,500,000 we appropriated last year for the office of the Public Printer is used to-day on printing for the Departments or Congress, whether it be in the nature of letters, letter-heads, books, or any printing they have to do, except such as is done in the Bureau of Engraving and Printing.

Mr. LOUNSBERY. The specific point of my question is scarcely reached by the answer. Is the committee in possession of any report that now can be given to the Committee of the Whole House on the state of the Union as to the amount of money received by the Public Printer from the sale of publications under the statute?

Mr. McMAHON. I can give the gentleman this information only approximately. The Public Printer's account is kept as follows: first, the amount appropriated for a certain year; then moneys paid in to his credit are given, and they rarely exceed fifty, or seventy, or a hundred thousand dollars a year. I do not think that the gentleman fully comprehends the method of printing done there, in view of his question. I will say to him that the Public Printer has given us a schedule of unfinished work that is on hand ordered by all Congresses, whether at the extra session or otherwise, which I have looked into. When he made this report to us he said it would require \$340,000, in round numbers, to print all the books, documents, &c., which are now on hand; that it would require about \$59,000 to print all the reports of committees of the two Houses, and the bills and resolutions, &c., and that the CONGRESSIONAL RECORD until the close of this session, provided we ran to the 30th day of June, would make about \$90,000, which would make his total estimated expenditures for the rest of the fiscal year \$490,000.

Mr. LOUNSBERY. If the gentleman will permit me: this point does not seem to be reached. The statute authorizes the Public Printer to print for sale to the general public at the cost of printing and 10 per cent. added. Among others the members of Congress make use of this statute, and therefore he receives from the general public and privately from members of Congress a fund. Is the Committee prepared to state to the Committee of the Whole House the figures of these receipts by the Public Printer for work done by him and the amount of money it reaches?

Mr. McMAHON. I can furnish the figures. I understand the gentleman. In the table which will be printed to-morrow, which I referred to as my own, the gentleman will find, for example, for the year 1875, that the total appropriation for that year was \$1,645,507. He will then find a specific appropriation of \$30,000 for engraving and lithographing, and he will find \$35,545, which includes the sale of waste-paper, gold-leaf, the amount received from documents and speeches, and all the sums received by the Public Printer, carried to his credit in the Treasury Department.

Mr. LOUNSBERY. Please repeat that amount?

Mr. McMAHON. Thirty-five thousand dollars in 1875, \$106,000 in 1876, \$117,000 in 1877, \$81,000 in 1878, \$48,000 in 1879, and up to the present probably about \$29,000.

Mr. LOUNSBERY. If the gentleman will now bear with me one moment, I wish to state that the purpose of my inquiry was to determine whether the excess of work put upon the Public Printing Office in furnishing this general public would account for the increased expense for the last quarter.

Mr. McMAHON. I think the gentleman will find amount realized from the sale of books has been small, and of course the expense was small. I do not think that has any appreciable bearing upon the increased expense.

Of course, Mr. Chairman, the object of this argument to-day is to enable the House to inquire intelligently how much money will be voted; whether \$400,000, \$300,000, or \$250,000. I have no hesitation in saying that the amount reported by this bill is too large by at least \$100,000. Of course, the committee has authorized and required me

to report it at \$400,000; but on this question the members of the committee are free to speak and act as they see proper.

In the estimate placed before us by the Printer he wants \$90,000 to complete the CONGRESSIONAL RECORD. Anybody has but to look over the figures of the Public Printer's previous reports to find he will not need \$90,000 for the rest of this fiscal year for that purpose. I asked him to estimate to me and I have his response here. I wished to know how much paper it will take and how much printing it will take, how much can go properly into the next fiscal year and how much is chargeable to this present fiscal year, supposing we ran to the 30th day of June, 1880. He cannot answer those questions; he does not answer them; and all he gives us is this large, outside figure of \$90,000, which he makes large enough to cover every contingency.

He has given an estimate of what it will take to finish a certain work. For example I will take the Agricultural Report for 1878, which most of us supposed to be finished, until a few days ago we received the information it was not finished. We ordered printed last March 300,000 copies. The Public Printer says the estimated cost is \$135,000, the estimated cost of engraving being \$39,000, making a total of \$164,133. He says he has already done all of this work except \$16,000, and he asks \$16,000 more to complete it. Bear in mind the figures: \$164,000 necessary to finish up 300,000 copies of the Agricultural Report.

Indulge me in a few statistics here, taken from the Public Printer's report, and I do not choose to indulge in any criticism, for I am not an expert; but I wish to lay before the public, before members of Congress, and before the intelligent printers of the country all the facts and figures I have collected together, in order to enable them to see whether this Government is being plundered or is being economically administered in its public printing. On the 14th of August, 1876, we ordered printed in one resolution 100,000 copies of the Agricultural Report of 1874 and 200,000 copies of the report of 1875. The 1874 report had four hundred and sixty-four pages and eighteen pages of cuts. The 1875 volume had five hundred and thirty-six pages and one hundred and twenty-eight pages of cuts. The combined cost of these two, as found in the Public Printer's report for 1878, page 57, was \$127,599.

On the 3d of March, 1877, we ordered 300,000 copies of the Agricultural Report for 1876. It had four hundred and seventy-seven pages, fifteen of plates, and sixty-three of engravings. We appropriated for it \$130,000. The cost is found in the report of 1878, page 57, \$87,456. In the year 1877 we appropriated \$130,000 specifically to print the Agricultural Report, and in 1878 \$130,000, and, as I recollect the figures, and you may look in the Register's report, you will find each year after the lapse of two years a surplus was transferred to the United States Treasury as the unexpended balance within the time limited by law.

June 6, 1878, we ordered 300,000 copies of the report of 1877, and in the report of 1879, page 20, although this volume had five hundred and ninety-two pages, thirty-nine of plates, and seventeen of diagrams, the total cost was \$122,887. Yet to-day the Public Printer says that, with all his improved machinery, type, press, less hands and all, it will cost him \$164,000 to print that number. That will be the total cost of printing 300,000 copies of a book which has but six hundred and eight pages, fifty-six of plates, and three pages of diagrams.

I did not examine into the Public Printer's office so as to be able to say to this House and to the country there is something wrong in that department. I could not, upon my responsibility as a Representative, say that. But I will say this much, that, in the first place, if you trust an establishment as large as this under the management of one man, and permit him to employ as many people as he pleases, and to run that department without accountability, and to make his reports as he does, that man must be an angel or something approaching it if he runs it economically and properly. That is a fundamental proposition, and I wish to say that my friend who is at the head of that Printing Office may be an angel in disposition and in character, but he does not possess the knowledge of what is going on in his office to even inform the Appropriation Committee of what the situation is. Everybody knows that the head of a department cannot know everything that is going on under him; that it is impossible for him to understand the details. But, I wish to say, so far as my examination went—and I think I can speak for one or two members as well—we all know the committee had to go for all our information to the subordinate officers. And in a case like that—and I say it not for the purpose of injuring the gentleman who is at the head of that department, but as a duty I owe to the House—that he does not look after the affairs of that department as a man should who has such an enormous amount of money at his disposal.

Another reason for this extravagance and excess beyond the appropriation is found, Mr. Chairman, in the fact that the printing office is the place, the elastic place in the Government, into which unserviceable or unnecessary men are crowded. You cannot crowd new men into the Department of State, or of the Interior, or the Treasury, without putting out somebody else. The process is constantly going on under all Administrations of crowding by political influence one man into a place occupied by another, but you have always in every other Department to displace one man to do it.

But when you come to this establishment, under the present system,

it is elastic; it is like the street-car or the omnibus—there is always room for one more. And every politician throughout the country who wants to make an appointment—I do not make any distinction as to his politics, whether republican or democratic—every politician who wants a man in place, goes to that department, and gets his nominee pushed in if he can.

Mr. WRIGHT. There never has been anybody pushed in for me.

Mr. McMAHON. We know very well there are of course a great many skilled men in that department, and there are a great many laborers, who work by day and by night and really earn all the money that is paid them, and a great many poor women who get only what they ought to have. Yet we know the place is unnecessarily crowded by politicians with men who are only fit to draw their salaries and nothing more, or who are unnecessary to the usual routine work of the office—

[Here the hammer fell.]

Mr. McMAHON. I have not finished, Mr. Chairman, but do not desire to proceed. In the course of the debate I will call attention to other facts, especially to the paper account, which will be worthy of attention. And at the proper time I will move to reduce this appropriation to \$300,000.

APPENDIX I.

Estimated amount of money needed for the Government Printing Office during the present fiscal year as a deficiency.

Amount necessary to complete work ordered by other Congresses than the extra session.....	\$295,475 22
Amount necessary to complete work ordered by the extra session.....	45,623 50
Amount necessary for the RECORD, provided it makes as much as four months of the second session of the Forty-fifth Congress.....	90,000 00
Amount necessary for the current work, such as bills, reports of committees, proceedings, &c.....	59,272 78
	490,371 50

APPENDIX II.

Statement exhibiting the balances of appropriations unexpended June 30, 1874, 1875, 1876, 1877, 1878, and 1879, and of the appropriations, expenditures, and the amounts carried to the surplus fund during the fiscal years ending June 30, 1875, 1876, 1877, 1878, 1879, and up to February 29, 1880, together with unexpended balances for same fiscal years, on account of the Government Printing Office.

Specific objects of appropriations.	Balances of appropriations at commencement of fiscal years.	Appropriations for fiscal years.	Repayments during fiscal years.	Aggregate available for the fiscal years.	Payments during fiscal years.	Amounts carried to surplus fund during the fiscal years.	Balances at ends of fiscal years.
Year ending June 30, 1875:							
Salaries office of Public Printer.....	\$1,695 47	\$15,117 00		\$15,117 00	\$11,336 40		\$3,780 60
Contingent expenses office of the Public Printer.....	743,568 01	2,500 00		4,195 47	1,000 00	\$1,195 47	2,000 00
Public printing and binding.....	91,381 13	1,645,507 66	\$35,545 93	2,424,621 60	1,694,511 78	165,952 85	564,156 97
Lithographing and engraving.....		30,000 00		121,381 13	14,649 34	57,881 76	48,850 03
Totals for 1875.....	836,644 61	1,693,124 66	35,545 93	2,565,315 20	1,721,497 52	225,030 08	618,787 60
Year ending June 30, 1876:							
Salaries office of Public Printer.....	3,780 60	15,117 60		18,898 20	18,895 20		3 00
Contingent expenses office of Public Printer.....	2,000 00	2,500 00	470 58	4,970 58		970 58	4,000 00
Public printing and binding.....	564,156 97	1,635,507 66	106,250 36	2,305,914 99	1,604,434 41	418,283 85	283,196 73
Lithographing and engraving.....	48,850 03	30,000 00		78,850 03	15,526 76	26,850 03	36,473 24
Totals for 1876.....	618,787 60	1,683,125 26	106,720 94	2,408,633 80	1,638,856 37	446,104 46	323,672 97
Year ending June 30, 1877:							
Salaries office of Public Printer.....	3 00	13,171 17		13,174 17	13,171 17	3 00	
Contingent expenses office of Public Printer.....	4,000 00	2,500 00	428 67	6,928 67	3,114 97	996 76	2,816 94
Public printing and binding.....	283,196 73	1,524,737 50	117,484 14	1,925,418 37	1,589,193 89	39,049 35	297,175 13
Lithographing and engraving.....	36,473 24			36,473 24	2,685 05	20,473 24	13,314 95
Printing reports Commissioner of Agriculture.....		130,000 00	100 82	130,100 82	107,954 41		22,146 41
Totals for 1877.....	323,672 97	1,670,408 67	118,013 63	2,112,095 27	1,716,119 49	60,522 35	335,453 43
Year ending June 30, 1878:							
Salaries office of Public Printer.....		13,400 00		13,400 00	13,400 00		
Contingent expenses office of Public Printer.....	2,816 94	2,000 00		4,816 94	2,388 69	1,428 67	999 58
Public printing and binding.....	297,175 13	1,673,950 00	81,726 75	2,052,851 88	1,540,487 54	121,731 20	390,633 14
Lithographing and engraving.....	13,314 95			13,314 95		13,314 95	
Printing reports Commissioner of Agriculture.....	22,146 41	120,000 00		142,146 41	104,202 33		37,944 08
Totals for 1878.....	335,453 43	1,809,350 00	81,726 75	2,226,530 18	1,660,478 56	136,474 82	429,576 80
Year ending June 30, 1879:							
Salaries office of Public Printer.....		13,600 00		13,600 00	13,600 00		
Contingent expenses office of Public Printer.....	999 58	2,000 00		2,999 58	2,069 70	721 05	208 83
Public printing and binding.....	390,633 14	1,552,000 00	48,719 66	1,991,352 80	1,705,006 27	132,118 60	154,227 93
Printing reports Commissioner of Agriculture.....	37,944 08			37,944 08		5,400 51	32,543 57
Fire-escape ladders, Government Printing Office.....		3,000 00		3,000 00	2,244 00		756 00
Telephonic connection between Capitol and Gov't Printing Office.....		150 00		150 00	147 86		2 14
Totals for 1879.....	429,576 80	1,570,750 00	48,719 66	2,049,046 46	1,723,067 83	138,240 16	187,738 47
To February 29, (inclusive,) 1880:							
Salaries office of Public Printer.....		13,600 00		13,600 00	9,041 80		4,558 20
Contingent expenses office of Public Printer.....	208 83	2,000 00		2,208 83	1,156 05		1,052 78
Public printing and binding.....	154,227 93	1,504,000 00	51,862 16	1,710,090 09	1,380,072 40		330,017 69
Printing reports Commissioner of Agriculture.....	32,543 57			32,543 57			32,543 57
Fire-escape ladders.....	756 00			756 00	360 55		395 45
Telephonic connections.....	2 14	300 00		302 14	200 00		102 14
Fire extinguishers, Government Printing Office.....		1,000 00		1,000 00	1,000 00		
Totals to February 29, 1880.....	187,738 47	1,520,900 00	51,862 16	1,760,500 63	1,391,830 80		368,669 83

REGISTER'S OFFICE, March 6, 1880.

APPENDIX III.

Appropriation account of Public Printer, furnished by him for years 1878, 1879, 1880.

Public printing and binding, 1878:	
Amount appropriated for the public printing and binding for the fiscal year ending June 30, 1878.....	\$1,300,000 00
Amount appropriated to supply deficiency in the above appropriation.....	373,950 00
Amount placed to the credit of the above appropriation during the fiscal year ending June 30, 1878.....	70,345 49
Amount placed to the credit of the above appropriation since June 30, 1878.....	11,396 69
	1,755,692 18
Amount of requisitions and paper certificates made against the above appropriation during the fiscal year ending June 30, 1878.....	1,482,501 44

G. W. SCOFIELD, Register.

Amount of requisitions and paper certificates made against the above appropriation during the fiscal year ending June 30, 1879.....	\$138,666 08
Unexpended balance.....	1,621,167 52
	134,524 66
	1,755,692 18
Public printing and binding, 1879:	
Amount appropriated for the public printing and binding for the fiscal year ending June 30, 1879.....	1,202,000 00
Amount appropriated to supply deficiency in the above appropriation.....	350,000 00
Amount placed to the credit of the above appropriation during the fiscal year ending June 30, 1879.....	44,307 48
Amount placed to the credit of the above appropriation since June 30, 1879.....	16,217 79
	1,612,525 27

Amount of requisitions and paper certificates made against the above appropriation during the fiscal year ending June 30, 1879	\$1,565,571 31
Amount of requisitions and paper certificates made against the above appropriation during the fiscal year ending June 30, 1880	26,436 16
	1,592,007 47
	20,517 80
Unexpended balance	1,612,525 27
Public printing and binding, 1880:	
Amount appropriated for the public printing and binding for the fiscal year ending June 30, 1880	1,500,000 00
Amount appropriated for printing Labor in Europe and placed to the credit of the above appropriation	4,000 00
Amount placed to the credit of the above appropriation from July 1, 1879, to January 31, 1880	29,089 17
	1,533,089 17
Amount of requisitions and paper certificates made against the above appropriation from July 1, 1879, to January 31, 1880	1,178,677 56
Unexpended balance	354,411 61
	1,533,089 17

Amount expended for machinery out of the appropriation for the public printing and binding for the fiscal year ending June 30, 1880, from July 1, 1879, to January 31, 1880	29,539 25
Amount expended for type out of the same appropriation during the same period	12,040 24

APPENDIX IV.

Disbursements of Public Printer for 1878, 1879, 1880, furnished by him.

The total disbursements were made out of the following appropriations:

For the fiscal year ending June 30, 1878:	
Salaries, office of the Public Printer, 1878	\$13,400 00
Contingent expenses, office of the Public Printer, 1877	491 83
Contingent expenses, office of the Public Printer, 1878	1,974 14
Public printing and binding, 1877	41,500 43
Public printing and binding, 1878	1,477,335 56
Printing reports of the Commissioner of Agriculture, 1877	16,613 14
Printing report of the Commissioner of Agriculture, 1878	87,456 43
	1,638,701 53

For the fiscal year ending June 30, 1879:

Salaries, office of the Public Printer, 1879	\$13,600 00
Contingent expenses, office of the Public Printer, 1878	17 03
Contingent expenses, office of the Public Printer, 1879	1,868 66
Public printing and binding, 1878	143,831 96
Public printing and binding, 1879	1,550,576 96
Telephonic connection between the Capitol and Government Printing Office, 1879	147 86
Completing catalogue of Library of Congress, 1878	3,725 62
Fire-escape ladders, 1879	2,244 00
	1,716,012 09

From July 1, 1879, to January 31, 1880:

Salaries, office of the Public Printer, 1880	\$7,958 20
Contingent expenses, office of the Public Printer, 1879	87 39
Contingent expenses, office of the Public Printer, 1880	850 55
Public printing and binding, 1879	42,466 45
Public printing and binding, 1880	1,167,520 17
Completing Catalogue of Library of Congress, 1878	2,369 74
Telephonic connection between the Capitol and Government Printing Office, 1880	153 84
Fire extinguishers, 1880	1,000 00
Fire escape ladders, 1879	360 55
	1,222,766 89

APPENDIX V.

Table made up from the statements of the Register of the Treasury and of the Public Printer above given, showing sums appropriated in each year for Public Printer's office, except salaries and contingent expenses; sums expended out of each; and surplus carried to the Treasury or unexpended balance, from 1875 to March 1, 1880.

Fiscal year ending 1875:	
General appropriation	\$1,645,507
For lithographing	30,000
Repayments by Public Printer	35,545
	1,711,052
Surplus of these funds, 1877	59,522
Total expenditures	1,651,530
Fiscal year ending 1876:	
General appropriation	1,635,507
For lithographing and engraving	30,000
Repayments	106,250
	1,771,757
Surplus, 1878	135,045
Total expenditures	1,636,712
For the fiscal year ending 1877:	
General appropriation	1,524,737
For Agricultural Report	130,000
Repayments	117,584
	1,772,321
Surplus, 1879	137,518
Total expenditures	1,634,803
Fiscal year ending 1878:	
General appropriation	1,673,950
For Agricultural Report	120,000
Repayments	81,726
	1,875,676
Unexpended balance	134,524
Total expenditures	1,741,152

For the fiscal year ending 1879:	
General appropriation	\$1,532,000
Escapes, &c.	3,150
Repayments	48,719
	1,603,869
Unexpended balance	20,517
Total expenditures	1,573,352
To March 1, 1880:	
General appropriation	1,504,000
Fire extinguishers	1,300
Repayments	51,862
	1,557,162
Balance reported on hand March 1	75,000
Total expenditures	1,482,162

APPENDIX VI.

Result of above tables.

Actual expenditures for each fiscal year have been as follows, exclusive of appropriations for salaries in Public Printer's office and his contingent fund—1880 estimated to June 30:	
For fiscal year ending 1875	\$1,651,530
For fiscal year ending 1876	1,636,712
For fiscal year ending 1877	1,634,803
For fiscal year ending 1878	1,741,152
For fiscal year ending 1879	1,573,352
For fiscal year ending 1880, (to March 1)	1,482,162
For fiscal year ending 1880, (to June 30, if amount voted as proposed—\$400,000)	1,882,162
For fiscal year ending 1880, (to June 30, if office is run at same rate as for previous nine months)	2,223,243
Total expenditures for years from 1875 to 1879, inclusive	8,237,549

APPENDIX VII.

Reported expenditures for same years from Public Printer's reports.

Expenditures for the same years as reported in the last annual report, (1879,) page 4, less salaries and contingent fund:	
1875	\$1,652,205
1876	1,597,852
1877	1,172,060
1878	1,622,906
1879	1,700,507
	7,745,530

(It will be observed, however, that in the charge of fiscal year of the Printer's office, only nine months are reported for 1877. But the Register's report seems to take no notice of this.)

In making his table of expenditures the Public Printer includes all payments during the year without reference to the appropriation against which it is chargeable.

APPENDIX VIII.

Cost of publication of Agricultural Reports.

August 14, 1876, ordered 100,000 copies report of 1874, (464 pages, 18 pages cuts;) 200,000 copies report of 1875, (536 pages, 128 pages cuts)—cost, (see report for 1878, page 57)	\$124,509 00
March 3, 1877, ordered 300,000 copies report of 1876, (447 pages, 15 plates, 63 engravings)—cost, (see report for 1878, page 57)	87,456 00
June 6, 1878, ordered 300,000 copies report of 1877, (592 pages, 39 plates, 17 diagrams)—cost, (see report for 1879, page 20)	122,887 00
In the estimate of cost of uncompleted work on hand, cost of 300,000 copies report for 1878, (608 pages, 56 plates, 3 diagrams,) estimated	164,000 00

APPENDIX IX.

Amount of printing, binding, &c., for years 1876 to 1879; 1880, amount of printing ordered for extra session, as reported by Public Printer.

Years.	Number of pages.	Number of copies.	Cost.	Report.
1876	102,886	Not given.	\$530,722	21
1877	57,921	Not given.	434,652	20
1878	114,100	17,696,786	495,830	35
1879	110,739	15,248,112	556,114	27
1880*	35,107	2,530,407	252,031	.....

*Extra session only.

APPENDIX X.

Appropriations for public printing for the fiscal years 1875 to 1880, both inclusive.

Years.	Acts.	Amounts.	Deficiencies.	Totals.
1875	Act June 23, 1874, v. 18, p. 204	\$1,645,507 60		\$1,645,507 60
1876	Act March 3, 1875, v. 18, p. 371	1,625,507 60		1,625,507 60
1877	Act July 31, 1876, v. 19, p. 104	1,133,737 50		
1877	Act February 16, 1877, v. 19, p. 231		\$350,000 00	1,483,737 50
1878	Act March 3, 1877, v. 19, p. 344	1,300,000 00		
1878	Act March 3, 1877, v. 19, p. 370		41,000 00	
1878	Act April 30, 1878, v. 20, p. 40		200,000 00	
1878	Act, v. 20, pp. 8, 11, 42, 45, 46, and 118		173,950 00	1,714,950 00
1879	Act June 20, 1878, v. 20, p. 207	1,202,000 00		
1879	Act March 3, 1879, v. 20, p. 417		350,000 00	1,552,000 00
1880	Act March 3, 1879, v. 20, p. 399	1,500,000 00		1,500,000 00

Estimates by Departments for 1880.

Library of Congress	\$19,000 00
State Department	17,000 00
Treasury Department	212,000 00
War Department	152,350 00
Navy Department	53,000 00
Interior Department	216,000 00
Post-Office Department	145,000 00
Department of Justice	12,000 00
Department of Agriculture	11,000 00
	837,350 00
Estimate wages public printing	633,301 08
Estimate for materials, printing	41,675 00
Estimate for paper, printing	392,425 00
Estimate wages public binding	269,780 99
Estimate materials, binding	157,828 75
Estimate Congressional Record	151,630 00
Lithographing and engraving	25,000 00
Total estimates for 1880	1,671,640 82
Estimates for 1881	1,625,956

APPENDIX XII.

Account of appropriation public printing and binding, 1880, March 10, 1880.

TREASURY DEPARTMENT, FIRST AUDITOR'S OFFICE,
March 10, 1880.

SIR: Inclosed find a statement of the appropriation for public printing and binding, 1880, as promised in our interview this morning, showing an available balance remaining of \$125,675.61. This balance may be reduced by bills in possession of the Public Printer not yet forwarded to the Department. I would also state that a requisition passed this office to-day for \$50,634, which will lessen the amount in the Treasury and increase balance in the hands of the Public Printer.

Very respectfully,

R. M. REYNOLDS, Auditor.

Hon. JOHN A. MCMAHON,
House of Representatives.

[From First Auditor's Office.]

Amount of appropriation, 1880	\$1,504,000 00
Amounts added from sales waste paper, &c.	29,089 17
	1,533,089 17
Vouchers on hand in First Auditor's Office	1,072,771 52
Amounts paid by Treasury warrants to private parties—paper bills, &c.	323,751 34
Accounts on way to payment in Treasury	10,890 70
	1,407,413 56
Left of appropriation	125,675 61
In Treasury	\$105,968 13
In hands of Public Printer	19,707 48
	125,675 61

APPENDIX XIII.

Moneys expended for machinery and fixtures for printing and binding.

Part of 1878—PRINTING—(page 33:)			
Cylinder press		\$2,000	
Four-roller press		4,000	
Fixtures		512	
1 Acme cutting-machine		900	
1 shaving-machine		390	
1 leading-machine		175	
			\$7,977
Part of 1878—BINDING—(pages 45, 46:)			
1 Acme cutting-machine		\$742	
6 sewing-machines		9,000	
Fixtures		400	
Power embosser		400	
Perforating-machine		450	
Grinding-machine		150	
Fixtures		32	
			11,174
			7,977
Total 1878			19,151
1879—PRINTING, ELECTROTYPING, &c.—(page 30:)			
2 printing-presses		\$1,700	
1 printing-press		3,800	
1 printing-press		2,000	
Fixtures		82	
Belting		352	
1 wire-stitching machine		1,050	
Fixtures		43	
Fixtures		144	
3 pressing-machines		3,000	
1 quarto press		1,500	
Fixtures		301	
Boards for pressing-machine		1,558	
Hot-rolling-machine		2,150	
Dynamo-machine		425	
1 shaving-machine		175	
			18,280
1879—BINDING:			
3 presses		300	
3 wire-sewing machines		4,500	
Double numbering-machine		328	
Backing-machine		400	
Fixtures for all		3,979	
			9,597
Total 1879			27,877
1878			19,151
1879			27,877
Reported 1880			61,000
			108,028

APPENDIX XIV.

Table showing amount and cost of printing, &c., ordered by first session Forty-sixth Congress.

Title, &c.	Date.	By what authority.	Number of pages.	Number of copies.	Cost.
Printing for Committee on Alleged Frauds, &c.	Mar. 27	Senate	1,351	2,200	\$4,053 00
Public act No. 98	April 9	Senate	10	6,000	60 00
Public act No. 98	Mar. 28	House	10	5,000	50 00
Senate bill No. 227	April 9	Senate	4	1,000	20 00
Printing for Committee on Treasury Accounts	April 10	Senate	232	1,925	696 00
Printing for Committee on Elections	April 15	House		50	500 00
Printing in case of Spofford and Kellogg	April 16	Senate	1,600	2,000	4,800 00
Report on interoceanic ship-canal	April 23	Senate		200	100 00
Public law No. 90, third session Forty-fifth Congress	April 23	House	2	5,000	12 00
Report National Academy of Sciences	May 1	House	26	750	12 00
Report on Senate resolution No. 15	May 6	Senate	8	50	20 00
Report on Senate resolution No. 98	May 6	Senate	8	50	20 00
Printing for Committee on Freedman's Bank	May 16	Senate	262	2,000	786 00
Nicaragua claims	May 30	Senate	56	200	105 00
Report on diseases of domestic animals	June 17	Concurrent resolution	300	100,000	25,000 00
Binding Sailing Directions	June 19	Joint resolution			208 00
Fontaine's Hydraulic Engineering	June 19	Joint resolution	50	100	50 00
Final Reports of Centennial Commission	June 20	Joint resolution	6,000	5,000	30,000 00
Eulogies: J. E. Leonard	June 20	Concurrent resolution	100	8,000	1,000 00
Volume 2, Powell's Geological Series	June 20	Concurrent resolution	500	5,000	3,000 00
Volume 4, Powell's Geological Series	June 24	Concurrent resolution	350	2,000	2,500 00
Consular labor report	June 20	Law	426	15,000	4,000 00
Transit of Venus	June 21	Concurrent resolution		250	150 00
House Report No. 14, third session Forty-fifth Congress	June 23	Concurrent resolution	161	10,000	2,000 00
Paris Monetary Conference	June 24	Concurrent resolution	960	12,000	6,000 00
Binding Internal-Revenue Laws	June 27	Concurrent resolution		3,000	500 00
Morton's report on Chinese immigration	June 28	Senate	24	500	35 00
Senate Journal		Senate	868	3,220	3,000 00
Confidential matter		Senate	16	625	17 00
Calendar of Business		Senate	28	4,200	60 00
Bills and joint resolutions		Senate	3,624	849,200	7,307 72
Executive and miscellaneous documents and reports, (97)		Senate	3,086	184,300	6,894 46
Bills and joint resolutions		House	4,418	1,036,675	8,793 89
House Journal		House	914	3,160	3,500 00
Executive and miscellaneous documents and reports, (64)		House	8,101	121,600	18,170 56
Order of Business		House	126	5,600	303 00
Laws, (in page form)		Law	144	105,520	\$1,451 40
Pamphlet laws		Law	110	26,932	3,691 12
			33,875	2,528,307	140,250 15
Add cost of engraving and lithographing not included in above					21,970 09
			33,875	2,528,307	162,220 24

APPENDIX XV.

No. 1.—Statement of work ordered by Congress, (other than first session Forty-sixth Congress,) with an estimate of the amount required to complete the same.

Name or title of publication.	Date of order, &c.	Number of pages.	Number of copies.	Estimate of cost.	Estimate of cost of engraving, &c.	Total estimated cost.	Estimate of cost to complete work.
Abridgment of documents.....	Revised Statutes, section 3798.....	1,000	35,000	\$20,000 00	.....	\$20,000 00	\$19,500 00
Biennial Register, (or "Blue Book").....	Revised Statutes, section 3800.....	700	2,500	7,000 00	.....	7,000 00	3,750 00
Hayden's eleventh annual report.....	March 7, 1878.....	730	10,000	6,000 00	\$9,995 77	15,995 77	2,000 00
Baird's report for 1877.....	June 17, 1878.....	1,000	10,000	6,000 00	1,979 60	7,979 60	.....
Observations of transit of Venus.....	February 28, 1878.....	500	2,150	5,000 00	.....	5,000 00	5,000 00
Hayden's quarto volume 4, Geological Survey.....	June 18, 1878.....	500	3,000	5,000 00	.....	5,000 00	5,000 00
Hayden's quarto volume 12, Geological Survey.....	June 18, 1878.....	500	3,000	5,000 00	.....	5,000 00	5,000 00
Hayden's twelfth annual report, 1878.....	December 20, 1878.....	1,000	10,000	6,000 00	2,818 75	8,818 75	8,818 75
Coast Survey report for 1877, (S. Ex. 12, second session Forty-fifth Congress.).....	January 22, 1879.....	500	2,900	6,000 00	600 00	6,600 00	6,600 00
Hayden's quarto volume 3, Geological Surveys.....	January 25, 1879.....	500	3,000	5,000 00	.....	5,000 00	5,000 00
Hayden's quarto volume 8, Geological Surveys.....	January 25, 1879.....	500	3,000	5,000 00	.....	5,000 00	5,000 00
Hayden's quarto volume 13, Geological Surveys.....	January 25, 1879.....	500	3,000	5,000 00	.....	5,000 00	5,000 00
Powell's ethnological series, volume 2, quarto.....	January 25, 1879.....	500	3,000	5,000 00	.....	5,000 00	5,000 00
Powell's geological series, volume 3, quarto.....	January 25, 1879.....	500	3,000	5,000 00	8,489 08	13,489 08	4,800 00
Baird's report for 1878.....	February 8, 1879.....	1,000	7,500	6,000 00	213 37	6,213 37	4,800 00
Narrative of Captain Hall's Second Arctic Expedition.....	February 18, 1879.....	650	6,000	12,000 00	5,377 29	17,377 29	1,800 00
Eulogies on death of A. S. Williams.....	February 27, 1879.....	250	12,000	9,000 00	.....	9,000 00	8,000 00
Eulogies on death of Gustave Schleicher.....	February 27, 1879.....	250	12,000	9,000 00	.....	9,000 00	8,000 00
Eulogies on death of Julian Hartridge.....	February 27, 1879.....	250	12,000	9,000 00	.....	9,000 00	8,000 00
Memorial exercises on the death of Professor Joseph Henry.....	February 6, 1879.....	450	15,000	8,000 00	.....	8,000 00	7,000 00
Insects Affecting the Cotton Plant.....	March 3, 1879.....	800	10,000	6,000 00	1,028 25	7,028 25	5,000 00
Report Commissioner of Agriculture for 1878.....	March 3, 1879.....	600	300,000	125,000 00	39,133 36	164,133 36	16,000 00
Summary Report of Commissioners of Claims.....	March 3, 1879.....	250	50	1,000 00	.....	1,000 00	850 00
Coast Survey report for 1878, (S. Ex. 13, third session, Forty-fifth Congress.).....	March 3, 1879.....	500	3,400	6,200 00	600 00	6,800 00	6,800 00
Powell's Lands of the Arid Region.....	March 3, 1879.....	500	5,000	5,000 00	1,392 96	6,392 96	.....
Reports of commissioners to Paris exposition.....	March 3, 1879.....	2,400	59,600	10,000 00	4,999 03	14,999 03	12,000 00
Report Smithsonian Institution for 1878.....	March 3, 1879.....	500	12,400	5,500 00	.....	5,500 00	4,000 00
Printing for the Committee on Ways and Means, (House of Representatives.).....	December 9, 1879.....	400	200	1,200 00	.....	1,200 00	(*)
Coast Survey report for 1879, (S. Ex. 17, second session Forty-sixth Congress.).....	December 15, 1879.....	500	1,900	5,800 00	600 00	6,400 00	6,400 00
Digest of the Rules of the House.....	December 19, 1879.....	400	2,000	2,500 00	.....	2,500 00	1,500 00
Printing for the Committee on Foreign Affairs, (House of Representatives.).....	January 10, 1880.....	50	50	100 00	.....	100 00	(*)
Reports in contested-election cases.....	January 28, 1880.....	312	50	100 00	.....	100 00	(*)
Printing for the public land commission.....	January 28, 1880.....	700	200	1,850 25	149 75	2,000 00	500 00
Report of the District health officer.....	January 29, 1880.....	199	2,500	1,000 00	250 00	1,250 00	600 00
Reports of Senate and House Committees on Private Land Claims.....	S. Mis. 61, third session Forty-fifth Congress.....	2,500	1,900	7,500 00	26 02	7,526 02	4,500 00
Exodus investigation.....	.....	700	1,900	2,100 00	.....	2,100 00	2,100 00
Eulogies on death of Zachariah Chandler.....	.....	125	12,000	2,000 00	.....	2,000 00	2,000 00
S. Ex. Doc. 51—Education of Naval Officers.....	Second session Forty-sixth Congress.....	125	3,900	750 00	.....	750 00	750 00
S. Ex. Doc. 52—Training Seamen.....	Second session Forty-sixth Congress.....	125	3,900	750 00	5 00	755 00	750 00
S. Ex. Doc. 69—Survey of Certain Rivers.....	Second session Forty-sixth Congress.....	50	1,960	150 00	33 83	183 83	150 00
S. Ex. Doc. 73, inland water routes, &c.....	Second session Forty-sixth Congress.....	50	1,900	150 00	40 00	190 00	.....
S. Ex. Docs. 74, 81, 82, 83, 84, 85, 86, 87, 88.....	Second session Forty-sixth Congress.....	250	19,000	750 00	.....	750 00	750 00
Senate Miscellaneous Documents 12, 30, 40, 41, 43.....	Second session Forty-sixth Congress.....	475	9,500	1,425 00	.....	1,425 00	1,425 00
Senate reports 143, 138, 163, 171, 172, 173, 174, 175, 176, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190.....	Second session Forty-sixth Congress.....	150	41,800	450 00	.....	450 00	450 00
H. Ex. Doc. 1, part 1, Foreign Relations.....	Second session Forty-sixth Congress.....	1,000	7,900	6,000 00	50 00	6,050 00	3,000 00
H. Ex. Doc. 1, part 2, vol. 2, Engineer Reports, in three parts.....	Second session Forty-sixth Congress.....	2,410	14,900	21,740 00	2,442 00	24,182 00	16,000 00
H. Ex. Doc. 1, part 2, vol. 3, Ordnance Reports.....	Second session Forty-sixth Congress.....	450	4,900	5,000 00	1,040 00	6,040 00	1,400 00
H. Ex. Doc. 1, part 2, vol. 4, Signal-Office Report.....	Second session Forty-sixth Congress.....	650	4,900	6,500 00	1,461 53	7,961 53	3,250 00
H. Ex. Doc. 1, part 3, Navy Report.....	Second session Forty-sixth Congress.....	350	4,900	2,700 00	1,017 73	3,717 73	1,266 00
H. Ex. Doc. 1, part 5, Interior, vol. 2, Railroad Accounts, &c.....	Second session Forty-sixth Congress.....	550	4,900	5,000 00	.....	5,000 00	2,500 00
H. Ex. Doc. 1, part 5, Interior, vol. 3, Education.....	Second session Forty-sixth Congress.....	1,000	4,900	6,000 00	138 00	6,138 00	6,138 00
H. Ex. Doc. 1, part 6, Report of District of Columbia commissioners.....	Second session Forty-sixth Congress.....	350	1,900	2,000 00	521 07	2,521 07	1,000 00
H. Ex. Doc. 10, Report National Board of Health.....	Second session Forty-sixth Congress.....	300	1,900	2,000 00	.....	2,000 00	2,000 00
H. Ex. Doc. 13, Treasurer's Quarterly Accounts.....	Second session Forty-sixth Congress.....	800	1,900	3,500 00	.....	3,500 00	3,500 00
H. Ex. Doc. 23, Report on Iron and Steel.....	Second session Forty-sixth Congress.....	300	1,900	2,900 00	1,957 56	3,957 56	3,957 56
H. Ex. Doc. 31, 32.....	Second session Forty-sixth Congress.....	.....	3,800	120 00	108 14	228 14	228 14
H. Ex. Doc. 37, Report Commissioner of Patents.....	Second session Forty-sixth Congress.....	500	1,900	3,000 00	.....	3,000 00	3,000 00
H. Ex. Doc. 37, Report on Forestry.....	Second session Forty-sixth Congress.....	650	1,900	3,000 00	1,000 00	4,000 00	4,000 00
H. Ex. Doc. 39, 42, 43, 44.....	Second session Forty-sixth Congress.....	158	6,600	574 00	99 72	673 72	673 72
H. Mis. Doc. 23, 26, 27.....	Second session Forty-sixth Congress.....	1,158	5,700	3,475 00	.....	3,475 00	3,000 00
House reports, 211, 264, 265, 266, 267.....	Second session Forty-sixth Congress.....	20	9,500	50 00	.....	50 00	50 00
Senate documents and reports printed for second session Forty-sixth Congress, to date.....	Second session Forty-sixth Congress.....	2,778	710,600	10,000 00	2,111 68	42,111 68	.....
House documents and reports printed for second session Forty-sixth Congress, to date.....	Second session Forty-sixth Congress.....	10,178	606,100	30,000 00	.....	.....	.....
Printing first and second editions of Congressional Directory.....	.....	.....	26,000	2,800 00	75 00	2,875 00	.....
Eulogies on death of J. E. Leonard.....	.....	.....	12,000	4,000 00	.....	4,000 00	2,640 00
Eulogies on death of B. B. Douglas.....	.....	.....	12,000	4,000 00	.....	4,000 00	2,640 00
Eulogies on death of Frank Welch.....	.....	.....	12,000	4,000 00	.....	4,000 00	2,640 00
Eulogies on death of T. J. Quinn.....	.....	.....	12,000	4,000 00	.....	4,000 00	2,640 00
Cost of finishing reserve work on hand, namely: Third session Forty-fifth Congress, (octavos)..... \$25,415 00 Third session Forty-fifth Congress, (quartos)..... 3,177 50 Second session Forty-sixth Congress..... 32,766 05	.....	.....	.....	.....	.....	.....	61,358 55
.....	.....	.....	.....	444,734 25	89,754 49	534,488 74	295,475 72

* From nature of this work, unable to make any estimate of amount that may be required.

APPENDIX XV—Continued.

No. 2.—Table showing the cost of work ordered by the third session Forty-fifth, the first session Forty-sixth, and previous Congresses, which has been executed or is in course of preparation or publication since July 1, 1879.

Name or title of publication.	No. of pages.*	No. of copies.	Estimated cost.	Name or title of publication.	No. of pages.*	No. of copies.	Estimated cost.
Octavo volumes:				Senate and House documents, reports of committees, and laws and resolutions, first session Forty-sixth Congress	11,318	275,600	\$16,730
Insects affecting the cotton plant.....	808	10,000	\$6,000	Bills and resolutions, first session Forty-sixth Congress	8,042	1,885,875	16,101
Resources of Alaska.....	166	5,000	1,300	Total.....	43,938	2,843,405	383,508
Report of Smithsonian Institution for 1878.....	500	10,500	5,500	Quarto volumes:			
Report of Commissioner of Agriculture.....	600	300,000	125,000	Narrative of Hall's Second Arctic Expedition.....	600	6,000	12,000
Franco-German war.....	232	500	500	Hayden's Geological Survey, volume 12.....	500	3,000	5,000
Digest of Rules of House, third session Forty-fifth Congress.....	398	2,000	2,500	Hayden's Geological Survey, volume 3.....	500	3,000	5,000
Digest of rules of House, second session Forty-sixth Congress.....	398	2,000	2,500	Hayden's Geological Survey, volume 8.....	500	3,000	5,000
Act to provide for Tenth Census.....	10	5,000	50	Hayden's Geological Survey, volume 13.....	500	3,000	5,000
Act to provide for Tenth Census.....	10	1,000	10	Powell's Ethnological Series, volume 2.....	500	3,000	5,000
Senate bill No. 227.....	4	1,000	20	Powell's Geological Series, volume 2.....	500	5,000	6,500
Arraers of pension act.....	2	5,000	50	Powell's Geological Series, volume 4.....	500	2,000	4,500
Report of National Academy of Sciences.....	23	750	12	Powell's Geology of the High Plateaus.....	500	3,000	5,000
Special report No. 12, Agricultural Department, (swine diseases).....	300	100,000	25,000	Powell's Lands of the Arid Region.....	500	5,000	6,000
Binding sailing directions.....			200	Statutes at Large, volume 20.....	956	3,000	5,000
Final reports of Centennial Commission, eleven volumes.....	6,000	5,000	45,000	Pamphlet Laws, third session Forty-fifth Congress.....	471	26,662	15,000
House report No. 14, metric coinage.....	161	10,000	2,000	Pamphlet Laws, first session Forty-sixth Congress.....	106	26,962	3,500
Paris Monetary Conference.....	960	12,000	5,000	Medical and Surgical History of the War.....	869	10,050	25,000
Binding Internal-Revenue Manual.....		3,000	500	Biennial Register, (2 volumes).....	1,300	2,500	7,000
Report on Chinese immigration, (by Senator Morton).....	24	500	35	Executive Document—The transit of Venus.....	500	250	1,000
Reports of the commissioners to the Paris Exposition.....	23,000	14,900	30,800	Report on Panama Ship-Canal.....	200	250	180
Hayden's Twelfth Annual Report.....	1,000	10,000	6,000	Fontaine's Hydraulic Engineering.....	180	100	50
Hayden's Eleventh Annual Report.....	1,000	10,000	6,000	Summary Report Commissioners of Claims.....	250	50	1,000
Revised Postal Regulations.....	455	55,000	15,000	Coast Survey Report for 1877.....	500	1,600	500
Baird's Report on Fish and Fisheries, 1878.....	1,000	7,500	8,000	Coast Survey Report for 1878.....	500	1,500	750
Labor in Europe.....	426	15,000	4,000	Coast Survey Report for 1879.....	500		
Report on Education for 1877.....	1,000	25,000	15,000	Eulogies on the death of J. E. Leonard.....		12,000	
International Prison Congress.....	86	5,000	1,000	Eulogies on the death of A. S. Williams.....		12,000	
Report on Commercial Relations.....	1,066	5,000	5,000	Eulogies on the death of Gustave Schleicher.....		12,000	
Congressional Directory, (two editions).....	180	26,000	3,000	Eulogies on the death of B. B. Douglas.....	450	12,000	20,000
Senate Journal, first session Forty-sixth Congress.....	868	3,220	3,000	Eulogies on the death of Frank Welch.....		12,000	
House Journal, first session Forty-sixth Congress.....	914	3,160	3,500	Eulogies on the death of Julian Hartridge.....		12,000	
Abridgment of Documents.....	1,000	25,000	20,000	Eulogies on the death of Terence J. Quinn.....		12,000	
Reports of Senate and House Committees on Private Land Claims.....	2,500	1,900	7,500	Memorial exercises on death of Professor Henry.....		15,000	8,900
				Total.....	13,252	297,274	145,900

*Estimates.

No. 3.—Statement of work (unfinished) ordered by first session Forty-sixth Congress, with an estimate of the amount required to finish the same.

Name or title of publication.	Date of order, &c.	Number of pages.	Number of copies.	Estimated cost.	Estimated cost of engraving, &c.	Total.	Amount required to complete work.
Printing for Committee on Alleged Frauds in Late Election.....	Mar. 27, 1879	1,351	2,200	\$4,053 00		\$4,053 00	\$1,000 00
Printing for Committee on Treasury Accounts.....	Apr. 10, 1879	232	1,925	696 00		696 00	100 00
Printing for Committee on Privileges and Elections, (Spofford and Kellogg case).....	Apr. 16, 1879	1,600	2,000	4,800 00	\$54 00	4,854 00	300 00
Printing for Committee on Freedman's Bank.....	May 16, 1879	262	2,000	786 00		786 00	500 00
Special Report No. 12—Agricultural Department—Diseases of Domestic Animals.....	June 17, 1879	300	100,000	25,000 00	12,480 62	37,480 62	6,000 00
Final Report of Centennial Commissioners, (11 volumes).....	June 20, 1879	6,000	55,000	30,000 00	1,594 34	31,594 34	11,500 00
Powell's quarto, volume 2—geological series.....	June 20, 1879	500	5,000	5,000 00	3,025 59	8,025 59	5,000 00
Powell's quarto, volume 4—geological series.....	June 24, 1879	350	3,000	4,500 00	6,688 50	11,188 50	4,500 00
Printing for Committee on Appropriations.....	July 1, 1879	450	100	1,350 00		1,350 00	200 00
Printing for National Board of Health.....	July 1, 1879			10,000 00		10,000 00	5,000 00
Binding reserved work first session Forty-sixth Congress.....				9,523 50		9,523 50	9,523 50
				95,708 50	23,843 05	119,551 55	45,623 50

The following letter was addressed to the Public Printer. His answers will be found below:

The Public Printer will please answer immediately the following questions for the information of the Committee on Appropriations:

1. How much paper was on hand, of last year's purchase, at date of purchases for the present year?
2. How much paper was purchased for the next year—on what terms, &c. How much payable in this fiscal year?
3. How much was paid for prior to March 1, and how much since?
4. What pay-rolls for February, 1880, were unpaid March 1, 1880?
5. In your estimate for CONGRESSIONAL RECORD to June 30, 1880, you say \$90,000 will be necessary! How much will be needed to print the daily to that date? Give paper and pay-roll separate. Estimated.
6. How much machinery has been purchased in the present fiscal? How much paid for, how much unpaid?
7. How frequently are your general purchases of paper made in the course of a year, and when?
8. What machinery is now on hand?
9. Give us the various pay-rolls of your office in full to March 1, 1880, including all sums earned to that date. Give date of payment of February pay-roll, whether paid before or after March 1.

ROBERT J. STEVENS, Clerk.

OFFICE OF PUBLIC PRINTER, Washington, March 12, 1880.

SIR: In reply to your fifth interrogatory, would say that the estimate for the CONGRESSIONAL RECORD was made on the basis of the cost of the CONGRESSIONAL RECORD for the same period during the Forty-fifth Congress. It is impossible to say how much is needed to print the daily RECORD, as we cannot tell how many days Congress will be in session nor the length of each day's proceedings, and again, the bound RECORD is run along at the same time; were it otherwise, that is, if the bound RECORD was not begun until after the daily RECORD was finished it would require the whole matter to be reset as we could not keep the type standing any length of time.

Statement marked "E" shows cost of machinery purchased during the present fiscal year, together with the amount paid, and out of what appropriation.

In reply to your seventh interrogatory, would say that purchases of paper are made from day to day as the requirements of the office demand. Statement marked "D" embraces a list of machinery now on hand. The chairman of the sub-committee, Mr. McMAHON, has already been furnished with the amounts earned for labor for the several months beginning July 1, 1879.

Very respectfully,

ROBERT J. STEVENS,

Clerk Committee on Appropriations,
House of Representatives.A. F. CHILDS,
Chief Clerk.

OFFICE OF PUBLIC PRINTER,
Washington, March 12, 1880.

SIR: In reply to the first inquiry contained in yours of the 10th instant, I submit herewith a statement marked "A," which shows the amount of paper on hand on the 1st day of February, 1880, that date being the 1st of the new contract year. In reply to the second inquiry I submit statement marked "B," showing orders given on and since February 1. In connection with this statement I also send a schedule of paper showing the requirements of the office for the year ending February 28, 1881, together with a paper showing the awards made by the Joint Committee on Public Printing, giving the amounts per pound and per sheet for each lot.

None of the paper ordered since February 1 has yet been paid for, and all orders for paper made prior to July 1, 1880, are to be paid for out of the appropriation for the fiscal year ending June 30, 1880.

The answer to the third inquiry is embodied in the above.

The fourth inquiry you will find answered in statement marked "C."

Very respectfully,

A. F. CHILDS,

Chief Clerk.

ROBERT J. STEVENS,

Clerk Committee on Appropriations,
House of Representatives.

OFFICE OF PUBLIC PRINTER,
Washington, March 8, 1880.

Statement showing amount paid as wages for the months of July, August, September, October, November, and December, 1879, and January and February, 1880:

1879—July	\$92,673 01
August	95,982 19
September	94,768 99
October	98,933 32
November	96,798 39
December	114,918 73
1880—January	115,129 87
February	105,478 20
Total	814,675 70

APPENDIX XIX.

List of machinery now on hand in Public Printer's office.

In press-rooms:	1 jig-saw and drill.
1 low-pressure beam engine, 100 horse-power.	1 plate-router.
1 Bullock completing press.	1 wood-shaving machine.
3 two-revolution cylinder presses.	2 body molds and cores.
2 double-medium drum cylinder presses.	1 furniture mold and cores.
7 super-royal drum cylinder presses.	1 squaring-up machine.
4 cap drum cylinder presses.	2 slug molds.
12 double-medium Adams presses.	3 iron shoot boards and planes.
4 medium Adams presses.	1 medium proof-press.
1 envelope press.	1 beveling and shaving machine for curved plates.
1 calendering machine.	1 mitering machine.
1 wetting machine.	1 steam chest and wax boiler.
5 hydraulic presses.	
2 cutting machines.	In job room:
2 standing presses.	1 Washington hand-printing press.
2 hoisting machines—1,500 pounds capacity each.	1 Degener power-printing press.
2 hoisting machines for type forms.	1 rule cutter.
2 small hoisting machines for paper.	1 lead cutter.
	1 rule and lead cutter combined.
	2 mitering and shaving machines.
At branch office, Treasury Department:	In document room:
1 stab machine.	3 large proof-presses.
1 pamphlet cutter.	2 small proof-presses.
3 ruling machines.	1 hand press.
2 proof-presses.	3 lead and rule cutters.
1 small Gordon press.	2 mitering machines.
2 double-medium Hoe presses.	
1 double-medium Cottrell & Babcock press.	In bindery:
2 super-royal Hoe presses.	39 standing presses.
1 medium Hoe press.	4 hand board cutters.
1 cap Hoe press.	3 hand backing machines.
1 cap Cottrell & Babcock press.	5 machine backers.
1 cutting machine.	1 Acme cutting machine.
	1 Sanborn cutting machine.
	3 Sheridan cutting machines.
	4 Simple cutting machines.
	2 rotary board cutters.
	1 smashing machine.
	5 embossing presses.
	1 sawing-machine.
	13 sewing-machines.
	1 grinding machine.
	1 cloth cutter.
	9 numbering machines.
	2 paging machines.
	1 rotary perforator.
	2 hand perforators.
	1 guard folding machine.
	16 ruling machines.
	1 double ruling machine.
	1 size-boiler.
	1 color-grinder.
	In folding-room:
	1 Sheridan cutting machine.
	2 Simple cutting machines.
	1 map-cutting machine.
	2 tabbing machines.
	2 stitching machines.
	4 paging machines.
	5 card-board cutters.
	6 octavo hydraulic pressing machines.
	1 quarto hydraulic pressing machine.
	21 octavo folding machines.
	9 quarto folding machines.
	1 revolving gathering table.
In electrotype and stereotype foundry:	
2 Hoekhausen dynamo-electric batteries.	
1 hydraulic electrotype press.	
2 toggle-joint electrotype presses.	
1 black-leading machine.	
2 backing pans and stands.	
1 force-pump.	
2 stereotype molding presses.	
2 circular saws.	
2 power shaving machines.	
2 hand shaving machines.	
1 power beveling machine.	

APPENDIX XX.

Reply to sixth interrogatory.

Cost of machinery purchased during present fiscal year	\$61,432 45
Amount paid for out of appropriation for 1879	16,322 02
Amount paid for out of appropriation for 1880	35,970 43
	52,292 45
Amount to be paid for out of appropriation for 1879	6,000 00
Amount to be paid for out of appropriation for 1880	3,140 00
	9,140 00

APPENDIX XXI.

Answer to second interrogatory of committee above, showing paper ordered since February 1, 1880, under new contract.

(Marked by Public Printer in answer to second inquiry in questions.)

Lot.	Kind of paper.	Reams.	Sizes.	Weight.
1	Printing	5,000	24 × 38	45
4	Printing	2,000	24 × 38	45
7	Printing	1,500	24 × 38	53
10	Printing	200	22 × 34	44
12	Printing	200	24 × 32	60
14	Printing	200	22 × 31½	50
17	Printing	1,000	22 × 29½	40
20	Post-Office printing.	200	26 × 33	46
21	Map—various sizes and weights	33½		
26	Green cap.	100	14 × 17	16
28	White double cap.	500	16½ × 26	28
28	White double cap.	250	17 × 28	30
31	Buff double cap.	400	17 × 28	32
34	White double demy.	300	20½ × 32	40
35	White folio.	500	17 × 22	16
37	White double folio	1,000	22 × 34	40
41	White royal	100	19 × 24	28
43	White imperial.	500	22½ × 31	40
44	White special.	2,000	21 × 31	32
54	Crane & Co.'s glazed bond	*10,000	17 × 25	
57	Crane & Co.'s glazed bond	*10,000	19 × 31	
59	Crane & Co.'s glazed bond	*20,000	17 × 22	
65	Imperial parchment	*10,000	15½ × 18½	
68	Thin bristol.	*15,000	22½ × 28½	
69	Thick bristol.	*5,000	22½ × 28½	

* Sheets.

APPENDIX XXII.

Answer to fourth interrogatory of committee.

The pay-rolls of the folding, press, specification, and Record rooms and a portion of the bindery, amounting to \$50,633.90, were unpaid March 1, 1880, but were paid March 9.

APPENDIX XXIII.

Statement showing the amount of writing and printing paper on hand in warehouse No. 2, at the Government Printing Office, February 2, 1880.

281 reams 63½ quires 9-pound white quarto, 10 by 16, at 9.9 cents per pound.
442 reams 10½ quires 10-pound white quarto, 10 by 16, at 9.9 cents per pound.
371 reams 17 quires 12-pound white quarto, 10 by 16, at 9.9 cents per pound.
213 reams 9½ quires 9-pound blue quarto, 10 by 16, at 12.1 cents per pound.
238 reams 2½ quire 12-pound white cap, 13 by 16½, at 11.8 cents per pound.
215 reams 5½ quires 14-pound white cap, 13 by 16½, at 9.4 cents per pound.
534 reams 12½ quires 16-pound white cap, 13 by 16½, at 9.4 cents per pound.
72 reams 13½ quires 14-pound white cap, 14 by 17, at 11.8 cents per pound.
204 reams 17 quires 16-pound white cap, 14 by 17, at 9.4 cents per pound.
17 reams 9½ quires 14-pound blue cap, 13 by 16½, at 12.1 cents per pound.
129 reams 14-pound blue cap, 13 by 16½, at 9½ cents per pound.
41 reams 11½ quires 14-pound blue cap, 14 by 17, at 23 cents per pound.
111 reams 14-pound blue cap, 14 by 17, at 12.1 cents per pound.
38 reams 4½ quires 16-pound blue cap, 14 by 17, at 20.6 cents per pound.
146 reams 16-pound blue cap, 14 by 17, at 9½ cents per pound.
123 reams 10½ quires 16-pound lilac cap, 14 by 17, at 13 cents per pound.
32 reams 2½ quire 16-pound green cap, 14 by 17, at 14.4 cents per pound.
167 reams 2½ quire 16-pound pink cap, 14 by 17, at 13 cents per pound.
427 reams 14½ quires 20-pound white demy, 16 by 20½, at 9.4 cents per pound.
260 reams 18½ quires 25-pound white demy, 16 by 20½, at 9.4 cents per pound.
190 reams 15½ quires 20-pound blue demy, 16 by 20½, at 9.5 cents per pound.
699 reams 34-pound white double demy, 20½ by 32, at 9.4 cents per pound.
189 reams 14½ quires 40-pound white double demy, 20½ by 32, at 9.4 cents per pound.
107 reams 16 quires 50-pound white double demy, 20½ by 32, at 9.4 cents per pound.
20 reams 13½ quires 40-pound (linen) white double demy, 20½ by 32, at 19.2 cents per pound.
198 reams 9½ quires 24-pound white double cap, 16½ by 26, at 9.4 cents per pound.
84 reams 3 quires 28-pound white double cap, 16½ by 26, at 9.4 cents per pound.
311 reams 5½ quires 33-pound white double cap, 17 by 28, at 9.4 cents per pound.
50 reams 2 quires 30-pound white double cap, 17 by 28, at 9.4 cents per pound.
314 reams 4½ quires 36-pound white double cap, 17 by 28, at 9.4 cents per pound.
57 reams 7½ quires 28-pound blue double cap, 16½ by 26, at 20.6 cents per pound.
32 reams 2½ quire 30-pound blue double cap, 17 by 28, at 12.1 cents per pound.
110 reams 30-pound blue double cap, 17 by 28, at 9.5 cents per pound.
67 reams 18½ quires 32-pound yellow double cap, 17 by 28, at 11 cents per pound.
8 reams 1½ quires 32-pound buff double cap, 17 by 28, at 10.9 cents per pound.
77 reams 5½ quires 32-pound green double cap, 17 by 28, at 10 cents per pound.
91 reams 14½ quires 16-pound white folio, 17 by 22, at 9.4 cents per pound.
193 reams 12½ quires 23-pound white folio, 17 by 22, at 9.4 cents per pound.
261 reams 12½ quires 28-pound white folio, 17 by 22, at 9.4 cents per pound.
451 reams 14½ quires 16-pound blue folio, 17 by 22, at 9.4 cents per pound.
8 reams 1½ quires 20-pound blue folio, 17 by 22, at 9.4 cents per pound.
1 ream 3½ quires 40-pound white double folio, 22 by 34, at 9.4 cents per pound.
213 reams 3½ quires 55-pound white double folio, 22 by 34, at 9.4 cents per pound.
107 reams 14½ quires 20-pound white medium, 18 by 23, at 9.4 cents per pound.
313 reams 16½ quires 26-pound white medium, 18 by 23, at 9.4 cents per pound.
180 reams 7½ quires 26-pound blue medium, 18 by 23, at 9.5 cents per pound.
135 reams 9½ quires 28-pound white royal, 19 by 24, at 9.4 cents per pound.

13 reams 7½ quires 45-pound white royal, 19 by 24, at 11.9 cents per pound, and 207 reams at 9.4 cents per pound.
 133 reams 16½ quires 35-pound white super-royal, 20 by 28, at 9.4 cents per pound.
 174 reams 5½ quires 56-pound white super-royal, 20 by 28, at 9.4 cents per pound.
 62 reams 3 quires 40-pound white imperial, 22½ by 31, at 9.4 cents per pound.
 181 reams 18½ quires 66-pound white imperial, 22½ by 31, at 19.6 cents per pound.
 50 reams 2½ quires 38-pound white special, 16 by 31, at 22 cents per pound, and 37 reams at 15.2 cents per pound.

103 reams 2½ quires 30-pound post-office white, 18 by 29, at 9.1 cents per pound.
 269 reams 4½ quires 42-pound post-office white, 20 by 36, at 8.1 cents per pound.
 44 reams 3 quires 46-pound post-office white, 26 by 32, at 8.2 cents per pound.
 21 reams 10½ quires 52-pound post-office white, 25 by 36, at 9.1 cents per pound.
 2 reams 6 quires 40-pound white printing, 22½ by 31½, at 8.1 cents per pound.
 405 reams 7½ quires 42-pound white printing, 22½ by 31½, at 8 cents per pound.
 167 reams 9 quires 60-pound white printing, 24 by 32, at 9.4 cents per pound.
 106 reams 16½ quires 40-pound tinted, 22 by 28½, at 7.9 cents per pound.
 471 reams 16½ quires 50-pound tinted, 24 by 35, at 8.9 cents per pound.
 31 reams 12½ quires 55-pound tinted, 25½ by 40, at 9.9 cents per pound.
 352 reams 19½ quires 70-pound tinted, 24 by 35, at 8.9 cents per pound.
 12 quires royal 35-pound, 19 by 24.
 10 reams 13½ quires 24-pound light blue cover, 19 by 24, at 14.9 cents per pound.
 15 reams 14½ quires 35-pound blue cover, 20 by 25, at 8.4 cents per pound.
 18 reams 1 quire 35-pound green cover, 20 by 25, at 18.2 cents per pound.
 31 reams 14½ quires 35-pound pink cover, 20 by 25, at 14 cents per pound.
 8 reams 4½ quires 35-pound straw cover, 20 by 25, at 18.2 cents per pound.
 52 reams 1½ quires 35-pound yellow cover, 20 by 25, at 18.2 cents per pound.
 68 reams 13½ quires 35-pound tea cover, 20 by 25, at 8.2 cents per pound.
 104 quires 35-pound lilac cover, 20 by 25.
 218 reams 15 quires 36-pound granite cover, 20 by 25, at 8.4 cents per pound.
 93 reams 12½ quires 36-pound brown cover, 20 by 25, at 11.7 cents per pound.
 121 reams 1 quire 50-pound tea cover, 22½ by 32, at 8.4 cents per pound.
 28 reams 7½ quires 36-pound lilac cover, 20 by 25, at 11.7 cents per pound.
 49 reams 4½ quires 36-pound granite cover, 20 by 25, at 8.4 cents per pound.
 90 reams 8½ quires 28-pound gold envelope, 19 by 24, at 11.8 cents per pound.
 34 reams 30-pound Manila, 24 by 36, at 7 cents per pound.
 22 reams 15½ quires 84-pound white bank-note, 10½ by 17, at \$2.50 per ream.
 2,885 sheets imitation parchment, 15½ by 18½, at 0.8 cent per sheet.
 2,875 sheets imitation parchment, 21 by 24, at 1.3 cents per sheet.
 994 sheets parchment deed, 22½ by 31½, at 2.7 cents per sheet.
 943 sheets thin white bristol board, 22½ by 28½, at 2.5 cents per sheet.
 1,857 sheets thick white bristol board, 22½ by 28½, at 2.9 cents per sheet.
 462 sheets thick railroad white bristol board, 22½ by 28½, at 5½ cents per sheet.
 17,856 sheets pearl gray bristol board, 20½ by 30½, at 2½ cents per sheet.
 45,535 sheets melon bristol board, 20½ by 30½, at 2½ cents per sheet.
 2,783 sheets bond paper, 11 by 31½, at 1.8 cents per sheet.
 15,421 sheets bond paper, 17 by 22, at 0.8 cent per sheet.
 6,094 sheets bond paper, 17 by 28, at 1 cent per sheet.
 409 sheets bond paper, 18 by 23, at 0.8 cent per sheet.
 1,740 sheets bond paper, 19 by 23, at 2.2 cents per sheet.
 1,934 sheets bond paper, 19 by 31, at 1.3 cents per sheet.
 1,374 sheets bond paper, 20½ by 24½, at 2.5 cents per sheet.
 1,623 sheets bond paper, 20½ by 32, at 1.4 cents per sheet.
 973 sheets bond paper, 21 by 21, at 2.3 cents per sheet.
 1,005 sheets bond paper, 21 by 31, at 3.3 cents per sheet.
 4,144 sheets bond paper, 22 by 31½, at 1.5 cents per sheet.
 79 sheets yellow ivory-surface card board, 22½ by 28½, at 27 cents per sheet.
 1,152 sheets red card board, 22½ by 28½, at 6½ cents per sheet.
 424 sheets white ivory-surface card board, 22½ by 28½, at 27 cents per sheet.
 1,068 sheets blue card board, 22½ by 28½, at 4.8 cents per sheet.
 283 sheets green card board, 22½ by 28½, at 5½ cents per sheet.
 2 reams 35-pound brown cover, 20 by 25.
 62 sheets gold bristol, 20½ by 31½, at 2½ cents per sheet.
 2,012 sheets white china, 22½ by 28½, at 9.45 cents per sheet.
 2,369 reams 17 quires 60-pound tinted centennial, 25 by 38, at 14 cents per pound.
 75 reams 14 quires 53-pound tinted Polaris, 21½ by 32, at 12 cents per pound.
 16 reams 10 quires 56-pound map paper, 26½ by 33, at 9.7 cents per pound.
 12 reams 12 quires 78-pound tinted centennial, 23 by 31, at 14 cents per pound.
 76 reams 4 quires 60-pound tinted centennial, 23 by 31, at 14 cents per pound.

Statement showing the amount of printing-paper in Warehouse No. 3, at Government Printing Office, February 1, 1880.

74 reams 10 quires 45-pound white printing, 24 by 38, at 7½ cents per pound.
 798 reams 90-pound white printing, 38 by 48, at 7½ cents per pound.
 2 reams 12 quires 53-pound white printing, 24 by 38, at 8½ cents per pound.
 105 reams 1 quire 70-pound white printing, 24 by 38, at 7.9 cents per pound.
 2,901 reams 10 quires 45-pound bill white printing, 24 by 32, at 8.5 cents per pound.
 158 rolls, about 31,600 pounds, printing, at 7½ cents per pound.
 [Signed.] WM. L. LAMB,
 In charge.

A.—Ledger papers.

On hand February 1, 1880.	Number of reams.	Price per ream.	Amount.	Number of reams.	Paper ordered previous to February 1, not received at that date but received since.
Imperial	84½	\$11 88	\$1,005 59	Ordered since Feb. 1, 1880.	
Double demy	73½	11 88	868 32		
Super royal	25½	8 91	204 10		108
Double cap, 40-pound	140	5 76	806 40		
Double cap, 36-pound	7 1½	5 18	371 28	100	60
Royal	42½	6 38	270 40		144
Medium	322½	5 00	1,614 25		250
Demy	158½	3 96	627 11		300
Cap	183½	2 59	475 30		263
Medium	127½	4 38	559 92		
Demy	51½	3 38	174 46		
Special, 42 by 26, 91-pound	17½	22 75	406 81		
Deed, 20 by 28	1,253	2½	103 37		
S. & C. tissue	8½	3 50	31 97	150	No contract.

* Sheets.

† At \$4.

NOTE.—The above is the amount of ledger paper on hand February 1, 1880, and is to be considered as a part of Statement A.

APPENDIX XXIV.

(The foregoing tables condensed and examined.)

Paper on hand February 2, 1880.

Reams of paper on hand, as per Statement A of Public Printer	30,047
Sheets, &c., on hand, as per same statement	109,525
Amount of reams and sheets contracted for for the year ending January 31, 1880, beginning February 1, 1879. (Public Printer's Report, 1879, page 7.)	
Reams of paper, (total)	101,400
10,000 pounds of paper, (45 pounds to ream, estimated)	222
Sheets	300,000
Amount ordered since February 1, 1880, under new contracts.	
Reams of paper	47,985
Sheets	70,000
Amount on hand February 1, 1880, reams	20,047
Ordered since then, reams	47,985
Reams	68,032
Amount on hand February 1, 1880, sheets	109,525
Ordered since then, sheets	70,000
Sheets	179,525
Total available from February 1, 1880, reams	68,032
Total available from February 1, 1880, sheets	179,525

NOTE.—The Public Printer says in letter above, (marked XVII.) dated March 12, 1880, that "none of the paper ordered since February 1, 1880, has yet been paid for, and all orders for paper made prior to July 1, 1880, are to be paid for out of appropriation for year ending June 30, 1880."

The Printer must be mistaken in his statement that none of the paper ordered since February 1, 1880, has been paid for.

By the First Auditor's statement (above, marked XII) it will be seen that up to March 10, 1880, warrants had been drawn, for paper exclusively, against the appropriation for 1880, to the amount of \$323,751. Should the Printer's statement be true, his paper bill for 1880 would be enormous. We annex a statement as to the consumption of paper and purchases in the years 1878 and 1879:

Paper statement, as from Public Printer's report as to consumption of paper. (Report 1879, page 37.)

Year 1878—consumption, \$350,969; purchase, \$352,080.

Year 1879—consumption, \$344,761; purchase, \$328,992.

Year 1880—balance on hand July 1, 1879, \$34,009; purchased during this fiscal year (1880) out of appropriation for this year, as per First Auditor's statement, (marked XII,) \$323,751; total on hand or purchased to February 1, 1880, \$357,760.

These figures show either an extraordinary consumption of paper or a very large balance on hand; and if the cost of the 47,000 reams and 179,000 sheets purchased since February 1, 1880, is to be added, the figures will be enormous. I add below figures as to cost of paper for all purposes but CONGRESSIONAL RECORD, which is rarely \$35,000 in a long session, for the whole year:

Cost of paper for years 1875 to 1879, inclusive. (Report 1879, page 5.)

Fiscal year ending 1875	\$387,471
Fiscal year ending 1876	249,285
Fiscal year ending 1877	227,170
Fiscal year ending 1878	279,215
Fiscal year ending 1879	301,603

MESSAGE FROM THE PRESIDENT.

Here the committee informally rose; and the Speaker having resumed the chair, a message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HISCOCK. Mr. Chairman, the gentleman from Ohio [Mr. McMAHON] has excused the non-presentation of this bill to the House; and if I understand him correctly, he has said it has been by common consent or unanimous consent on the part of the Committee on Appropriations. I will state as the reason for the delay the fact that until this morning the bill was not prepared for presentation to the House. Take the item in this bill appropriating for the Public Printer. I believe it was at a session which we have had this week that the question of amount was finally disposed of, and the sum of \$400,000 put into this bill to be appropriated for that purpose.

This morning we have had a session considering items which should go into this appropriation bill. It is not my purpose to charge that sub-committees of the Appropriations Committee have been derelict in the discharge of their duties, and have not made their reports as soon as it was in their power to do it, but I do say that it is quite as likely that the fault rests with the sub-committees of the Appropriations Committee as that it rests with any department of the Government in getting its estimates before the committee. A word more on this subject of public printing, to which my friend from Ohio [Mr. McMAHON] has devoted so large a proportion of his time. Early in January the report of the Public Printer was before Congress, and the question of this deficiency was before the Appropriations Committee, and it was charged with the investigation of this subject; and we have had from then to the present time to investigate; while my friend from Ohio has in his place indirectly and by insinuation charged the Public Printer with malfeasance in office, he has had all that period of time to investigate the subject, and yet he has been unable to put his finger on a single item in the accounts, to point to a single fact which tends to prove that officer has been guilty of malfeasance, has squandered the public money, has not administered his department in the most economical manner possible.

The gentleman from Ohio says that we have been to the Public Printer to investigate his accounts. We have, and on more than one occasion. Remember it was the 1st of January that this matter was

submitted to us. One member of the sub-committee charged with this investigation is a member of and the chairman of the House Committee on Printing. There has been no restriction placed upon the examination. We exercised the power to examine all the accounts; and yet the gentleman from Ohio by insinuation charges that the officer who is at the head of that bureau in some way has been guilty of squandering the public funds, but points to no proof of the fact. He has said that he finds no fault with the prices paid to the men, the workmen. I thank him for that. The pay-rolls have been subject to investigation. The men could have been called and examined upon the question whether duplicate pay-rolls had been presented. After my friend has had all the time he needed for investigation he is compelled to say that he finds no fault with the sum of money that has been paid to the men.

How, then, has any money been squandered? To whom has it gone? And who is charged with squandering it? I appeal to my friend the chairman of the Committee on Printing. Every dollar of the appropriation for public printing has been spent under his supervision; every single contract for paper has been made under his supervision; and if there has been any squandering of funds in the printing department the Joint Committee on Public Printing is responsible for it.

Mr. SINGLETON, of Mississippi. I hope the gentleman will allow me a moment. He makes a great mistake.

Mr. HISCOCK. If the gentleman will hear me through he will discover I have made no mistake.

Mr. SINGLETON, of Mississippi. I want to explain before the gentleman leaves this point that when he says the money has been expended under my supervision he is entirely mistaken. I am chairman of the Committee on Printing, but have no more to do with that Printing Office than any other gentleman upon this floor. I am a member of the Committee on Appropriations, and to that extent take my share of responsibility for the appropriations that have been made. So far as the purchase of paper is concerned that is done under the direction of the joint committee of the two Houses. We meet together; we receive bids for a particular kind of paper that is to be furnished, and we let the contract to the lowest responsible bidder. But, so far as the purchase of type, printing-presses, machines, and other property necessary for carrying on that Printing Office is concerned, we have nothing more to do with it than any other committee of this House. Although chairman of the Committee on Printing my duties relate simply to examining the resolutions that are referred to us for report, and the Government Printing Office is not at all under our control, more than any other Department of the Government. The gentleman from New York, therefore, is mistaken when he says we are responsible.

Mr. HISCOCK. "The gentleman from New York" is mistaken in nothing he has said, and, after the statement of my colleague on the Committee on Appropriations I reiterate my statement, and will before I close supplement it, as I intended to if I had not been interrupted, and make the only exception to the gentleman's supervision of the purchases for the printing department. The gentleman from Ohio [Mr. McMAHON] says he has no fault to find with the pay-roll; that is his statement, in effect.

Mr. McMAHON. Allow me one moment.

Mr. HISCOCK. He says he has no fault to find with the money paid to the employes. I took down his language at the time.

Mr. McMAHON. What I said was that I had no fault to find with the rate of wages.

Mr. HISCOCK. Very well. The gentleman has no fault to find with the amount of wages.

Mr. McMAHON. I said the rate of wages. Has the gentleman no ears?

Mr. HISCOCK. He says the "rate" of wages. I hope I may be excused if my ears are not as long as his. The gentleman shall have all the opportunity for explanation that he wants before I get through. Now we will start out again, Mr. Chairman, in the discussion of this point. My friend from Ohio says he has no fault to find with the rate of wages, the rate of pay, which has been given to the men. I will accept that as his expression; and I ask the gentleman, after all the investigation he has made, if he believes any man in the office of the Public Printer has been paid twice? And I turn to my friend, the gentleman from Mississippi, [Mr. SINGLETON,] who is chairman of the Committee on Printing, and ask him if he believes the pay-rolls have ever been duplicated?

Mr. SINGLETON, of Mississippi. I have no evidence that that is the fact.

Mr. HISCOCK. Do you believe it?

Mr. SINGLETON, of Mississippi. I do not think it can be so.

Mr. HISCOCK. Then I have a right now to say the pay-rolls have not been duplicated. My friends upon the other side find no fault with the pay-rolls. If then there has been stealing in that department, wherein has it been? In the purchase of materials, and nowhere else. I now come to the only purchases that are not made under the democratic supervision of the Joint Committee on Printing of the two Houses of Congress. And during the current fiscal year of 1880 what amount of the material has thus been purchased by the Public Printer on his own responsibility, and in which he could have done this vast amount of stealing and squandering of the public funds, and thus create this great deficiency? My friend from Ohio has stated the amount, but I will state it again in this connection. The

amount disbursed for material, type, and machinery purchased outside of the contracts—and I say in this connection that it is the contracts that my friend from Mississippi has charge of, as chairman of the Committee on Printing, to which I refer—outside of the said contracts from July 1, 1879, to February 21, 1880, is \$81,460.15. Of this amount sixteen thousand three hundred and twenty-two dollars and some cents was paid for machinery out of the appropriation of 1879, and \$35,970.43 only out of the appropriation for 1880, and there has been paid for type out of the appropriation for 1880 \$9,844.20.

Mr. SINGLETON, of Mississippi. Does the gentleman insist upon it that the Committee on Printing has anything to do with the purchase of type and material?

Mr. HISCOCK. If my friend had followed my argument he would not have thought I insisted on anything of that kind.

Mr. SINGLETON, of Mississippi. I merely wanted to have that point understood.

Mr. HISCOCK. But what I am demonstrating, Mr. Chairman, is that there has not been stealing in the purchase of type and that if there has been any stealing in the printing department it could not have been in the supplies which were purchased by the Public Printer; those supplies were type, machinery, and material, and \$64,000 is the full amount of money which has gone through his hands therefor out of the appropriation for 1880, and the gentleman from Ohio in discussing this question has alluded to the fact that type has been purchased according to the price-list. Take off from the \$9,844.24 the whole amount expended for type in 1880, if you please 30 per cent., no one will claim that is not enough, deduct 50 per cent. even and say the Public Printer has paid 50 per cent. more for type than was necessary, that he has paid 50 per cent. more than was necessary, which no one charges or believes, for the type and other materials which he purchased, the whole amount expended by him out of the appropriation of 1880 was \$64,000, you will remember, and you have but \$32,000 of the deficiency to charge to him.

Take that amount from this deficiency, and you will then have \$450,000 at least that you cannot account for by or attribute to the fault of the Public Printer, if the pay-rolls have not been duplicated and if larger prices have not been paid than was proper and right to the men employed there.

Will the gentleman from Ohio attempt, then, to account for this large deficiency in this department by these picayune purchases of machinery and type? Have he and his colleague on the committee from Indiana [Mr. COBB] and myself been associated together on this matter for two weeks, and has it escaped our attention that there has been stealing in the purchase of these materials? Will my friend take the floor and charge against the Public Printer that he has put one dollar of their purchase-money in his pocket? Does he believe any such thing? I say again, and I repeat it in this connection, that he may have stolen the half of it, and then there will be a deficiency at the present time—

Mr. HAWLEY. He wants \$450,000.

Mr. McMAHON. His figures are \$490,000.

Mr. HAWLEY. Yes, \$490,000.

Mr. HISCOCK. There is a deficiency of \$490,000. Will the gentleman attempt to explain that deficiency by saying that the money has been wasted in these petty purchases of material? He has given an account of these purchases and I have given it also, and we agree I think; and the amount is entirely insufficient to account for this deficiency. He says that he finds no fault (I may be pardoned if I repeat myself somewhat) with the prices paid to the men. My friend from Mississippi has given honest evidence on this question that he does not believe it possible that the pay-rolls could be duplicated.

What then is the reason and what the occasion of this deficiency in the Public Printing Office? There is a deficiency there; there is no question about that. The gentleman who is in charge of that office has explained the deficiency upon this theory, a theory which I say is abundantly justified by the evidence furnished your committee; that if you take together the work ordered by the Forty-fourth, the Forty-fifth, and the first session of the Forty-sixth Congresses, it will be found that it has gone on increasing step by step until it now amounts to nearly \$2,000,000 a year.

Mr. BLOUNT. Will the gentleman allow me to interrupt him?

Mr. HISCOCK. Certainly; I would rather enjoy it.

Mr. BLOUNT. Then I will contribute to your enjoyment. I desire to ask the gentleman if it is not true that there is now being executed, and was last year and during preceding years, printing ordered in the Forty-second and Forty-third Congresses?

Mr. HISCOCK. I have seen no tables showing the division of the printing; I have no knowledge that such is the case, but I have no doubt it is true to a limited extent.

Mr. BLOUNT. It is.

Mr. HISCOCK. And it occurs in this way, as I will explain: A certain work is ordered to be printed and bound. The printing is done, and then there are certain plates to be engraved, and the binding cannot be completed until all the printing and plate work is done. Therefore the work may extend through a series of years, and it is therefore likely that a work which was ordered as far back as the Forty-second or Forty-third Congress, for the expenditure of some minor amount, may still be in the hands of the printer, and the cost of the work will be paid for out of the appropriation for the year when it is done, but that cannot be a large amount. It is simply for

completing work. The engravings for the illustrations may have been delayed for two, three, or more years, for the want of an appropriation, perhaps. And so in each succeeding year, after work is ordered by Congress, some part of it may be paid for, until it is finally completed. The expenditures upon some publications may be taken from the appropriations for a half a dozen current years.

Now, I do not undertake to say, and my friend from Mississippi [Mr. SINGLETON] must not understand me as charging, that he has been a party to any fraud in this department. I believe that the affairs of this Printing Office have been managed economically and honestly, but the purport of my argument has been to establish that if it has been otherwise it must have been in carrying out the contracts which the Joint Committee on Printing of this House and of the Senate have in charge. I depend for proof of this upon the evidence which has been given by my colleague on the committee, the gentleman from Mississippi, [Mr. SINGLETON,] that there have been no duplicate payments made in that office for work, and also upon the evidence of my friend from Ohio [Mr. MCMAHON] that the prices paid are not higher than they should be.

Mr. LOUNSBERY. Will the gentleman yield to me?

Mr. HISCOCK. Certainly I will yield.

Mr. LOUNSBERY. There seems to be an agreement that the rates of wages are proper, and that there has been no duplication of the pay-roll.

Mr. HISCOCK. Yes.

Mr. LOUNSBERY. Then there still stands the charge, made by the gentleman from Ohio, [Mr. MCMAHON,] that there is a large number of useless persons employed who have nothing to do except to draw their pay.

Mr. HISCOCK. Do I understand the gentleman from Ohio to have made that charge?

Mr. MCMAHON. Yes, sir.

Mr. HISCOCK. I ask the gentleman to give me the name of a single employé—

Mr. MCMAHON. I will give you the testimony taken before a committee of the last House.

Mr. HISCOCK. I know nothing about testimony taken before a committee of the last House.

Mr. MCMAHON. One moment. If you want my answer, I will refer you to testimony taken by a committee of the last House, the testimony of a man who is now employed in the office of the Republican newspaper in this city. I can read it to you if you want.

Mr. HISCOCK. I say again that I am speaking in reference to the expenditures of this year. And when the gentleman makes a deliberate charge of that kind, I ask him to give to this House and to the country the name of one such person employed in that printing office.

Mr. HAWLEY. For this fiscal year.

Mr. HISCOCK. Give me the name of a single useless employé in that office. And while I am waiting for my friend to reply—

Mr. MCMAHON. Do I understand the gentleman to be waiting for a reply from me?

Mr. HISCOCK. I will say that while I am waiting for my friend to get ready to reply—

Mr. MCMAHON. I am ready now if you want an answer.

Mr. HISCOCK. Give me the name of a single individual upon the pay-roll who is holding a sinecure position.

[At this point the Committee of the Whole House on the state of the Union rose informally; and a message from the Senate, as reported in a subsequent part of the proceedings, was received.]

Mr. HISCOCK. Mr. Chairman, while I am waiting for a reply from my colleague on the committee, [Mr. MCMAHON,] I will propound the same question to the gentleman from Mississippi, [Mr. SINGLETON.] Does he know of any man in that office holding a sinecure position who is being paid money which he does not honestly earn?

Mr. SINGLETON, of Mississippi. If the gentleman wants an answer from me, I will give it to him in this way—

Mr. HISCOCK. I would like a direct answer to a direct question.

Mr. SINGLETON, of Mississippi. I do not allow the gentleman to answer for me. I do not want him to put a question to me and give an answer himself. I will say this: that I do not know of any person there who is not performing labor in accordance with law. But I do believe that there are a great many persons there who possibly might be dispensed with; that perhaps there are more employed in the Government Printing Office than ought to be.

Mr. MCMAHON. I am ready to answer my colleague on the committee, [Mr. HISCOCK.]

Mr. HISCOCK. The trouble about this is that I am, perhaps, yielding too much of my time.

Mr. MCMAHON. We will extend it. I am ready to answer.

Mr. HISCOCK. I will yield to the gentleman if it does not come out of my time.

The CHAIRMAN. Unless there be unanimous consent, it must come out of the gentleman's time.

Mr. MCMAHON. I think the gentleman ought not to ask me a question without letting me answer.

Mr. HISCOCK. I stand here recognizing the fact that in regard to the administration of this Printing Office the gentleman from Mississippi [Mr. SINGLETON] knows volumes where the gentleman from Ohio knows lines or words.

Mr. SINGLETON, of Mississippi. That is altogether a mistake. I

have probably no more familiarity with the affairs of the Printing Office than the gentleman from Ohio.

Mr. HISCOCK. While the gentleman from Mississippi says that he knows of no man in that establishment who is not employed in accordance with law; that "possibly"—I believe I use his exact language—"there are some men there who might be dispensed with." I am satisfied with that answer.

Mr. BLOUNT. I would like to know whether the gentleman is waiting for an answer from the gentleman from Ohio?

The CHAIRMAN. The gentleman from New York declines to be interrupted.

Mr. MCMAHON. Does he withdraw his question to me? I want him to withdraw it, unless he allows me to answer it. I am ready to answer it now.

Mr. HISCOCK. If the gentleman knows of any employé in that office now holding a sinecure position—who is not rendering the service he is being paid for—he may give me the name.

Mr. MCMAHON. But I will not answer in just that way. [Laughter.]

Mr. HISCOCK. That is precisely the question I asked the gentleman.

Mr. MCMAHON. Does my colleague on the committee yield to me?

Mr. HISCOCK. I have put to the gentleman no other question. I decline to yield to him to answer any supposititious question which has not been asked by me.

Mr. MCMAHON. All right; there will be plenty of time in the course of the debate to answer it. I do not want anything more now.

Mr. HISCOCK. Now, Mr. Chairman, I have spent about all the time I can afford to on the item for the Public Printer. I believe that a full investigation into the administration of the Printing Office will demonstrate that the affairs of that department have been managed with economy; that no money has been put into the hands of the Public Printer to be used at his discretion and squandered; that the Joint Committee on Public Printing under the law have discharged their duties honestly and fairly; that under their supervision this office has been administered as economically and as well as it could well be. In further justification of this belief I have this to say, that in view of the capacity of my friend from Ohio [Mr. MCMAHON] for investigation and the time which he has given to this subject, he would have been able to put his hand upon the evidence, if there is any such evidence, that the Public Printer has been squandering the public funds. The fact is that this question has been held in abeyance from the 1st of January until the present time that my friend from Ohio might investigate it to his heart's content. I have a right to allude to one other fact, because he has alluded to it. He said that certain questions which he has asked of the Public Printer have not been answered.

Mr. MCMAHON. I did not say they had not all been answered; I said they had not been satisfactorily answered.

Mr. HISCOCK. The gentleman says that they have not been satisfactorily answered. I think it was yesterday, or the day before, that he propounded to the Public Printer some nine questions, to which the Public Printer replied that he has not the clerical force to devote to the answering of those questions in a less period than a week or ten days.

And I know of no other questions that are unanswered. I know of no information that has been withheld from us by the Public Printer on this subject. More than that, the chairman of the Committee on Public Printing is conversant with the machinery of this office, conversant with the way in which it has been administered. He is here, and I appeal to him whether, so far as the answers of this department are concerned, they have not been full, frank, and explicit as to every question which has been asked.

Mr. SINGLETON, of Mississippi. I want to say that I do not know what interrogatory has been put to the Public Printer by the gentleman who has this bill in charge, and therefore I cannot say whether they are or not.

Mr. HISCOCK. The gentleman from Mississippi has been one of this sub-committee and I have appealed to him, Mr. Chairman, because I believe that in the investigation which has transpired he has been animated in an eminent degree by a spirit of fairness; that he has felt the only purpose and object of our investigation should be to do justice to that department and the men managing it. I appealed to him because I have congratulated myself throughout this investigation that he and myself were in accord. I appealed to him believing he was willing to stand forth here and answer, and repel unfounded charges when they are made against a public officer when he knows well of their falsity.

Now, Mr. Chairman, a little further on this question, and if allowed I shall pass from it to the other item of this appropriation bill which has been discussed by the gentleman from Ohio.

Mr. LOUNSBERY. Do I understand the gentleman declines to answer a question? It would be a great satisfaction to me if the gentleman would say in his belief there is no person employed by the Public Printer needlessly and simply for the purpose of drawing his salary.

Mr. HISCOCK. I do say it.

Mr. LOUNSBERY. After investigating the subject?

Mr. HISCOCK. Yes, sir; after investigating it I do say so. I do believe there is not a man in his private business who has devoted

more time or care—knowing perhaps he would be investigated by a democratic Congress and by political adversaries—who has devoted more time and care to administering the affairs of his office economically than the present Public Printer. There may be some matters in which that gentleman may have erred in that large establishment. To err is human. I know of no case in which he has erred, however.

The gentleman from Mississippi has said there might "possibly" be some service which could be dispensed with; that gentleman has been unwilling to say he knows of any service which might be dispensed with. In the examination which I have made I have discovered no man whose service could properly be dispensed with in the administration of the affairs of that office. I say again on this subject, I believe that the office has been administered with honesty, with fidelity, with economy.

And it would have been well for the gentleman from Ohio when he was investigating this question, or rather speaking, on this point, to have told us when this stealing commenced, when this maladministration began. Why, sir, for the fiscal year ending June 30, 1878, the Public Printer had to his credit \$1,755,692. It was this same Public Printer, it was this same man who, by insinuation, he seeks to blacken. And he expended of that money \$1,621,167, and turned back into the Treasury \$134,524. Here was a surplus passed by this man over into the Treasury. That was for the year ending June 30, 1878.

Now, let us go to the next year. The whole amount to the credit of the Public Printer for printing and binding for the fiscal year ending June 30, 1879, was \$1,612,525.27; the whole amount expended, \$1,592,007.47—and, mark you, gentlemen of the committee and Mr. Chairman, this was the last fiscal year, ending June 30, 1879—the whole amount expended was \$1,592,207.40; and the Public Printer covered back into the Treasury \$20,517.80.

Why does not my friend tell me when this stealing commenced, when this maladministration commenced, when these peculations commenced, when these fraudulent contracts were first entered into? When was it that this old, gray-headed man at the head of this department first became dishonest or began to trust his affairs to younger men, seeming to know nothing about the administration of the office himself?

Mr. Chairman, we have had time enough for the investigation of this subject, as I believe if we had devoted ourselves to it with that particularity and with that industry which might have characterized us, to have found out precisely the amount of work done during the eight months of the current year 1880 more than in the corresponding eight months of the preceding year. Has my friend made that investigation? Has he attempted that investigation? By no manner of means. He has taken from the reports certain statements with a view to proving there has been no increase in the volume of printing to justify this deficiency.

He has alluded to the number of reports which have been printed; he has alluded to the number of bills and other matter printed, and has attempted to deduce the fact that no such deficiency as this is justified by the increase in the work which has been done in that office, but he makes an incomplete case.

In all the Departments of this Government the printing has been largely increased. He has taken the volumes ordered which he found referred to in the report of the Public Printer, and it appears there has been a large increase in the number ordered; for the first session of the Forty-fourth Congress, excluding the regular number provided for by law, 389,525 volumes were ordered. During the second session of the Forty-fourth Congress there were ordered 435,425 volumes, making in the aggregate for the Forty-fourth Congress 824,950 volumes.

Now, as to the character of these works. Have we investigated to find out what they were? Have we made or instituted a comparison between these volumes and those ordered at previous Congresses? They might have been of a different character of work and doubly as expensive. The gentleman from Ohio has not investigated this question with a view to ascertaining that fact.

The Forty-fifth Congress ordered 981,272 volumes, an increase of 156,322 volumes on the preceding Congress. Has there been any evidence to prove, has there been any investigation even with a view to determining how these volumes as to cost of production correspond with those ordered by the preceding Congress?

Here is a vast increase in the number of the volumes, and for aught we know a corresponding increase in the costs of the volumes. In the first session of the Forty-sixth Congress there were ordered 329,660 volumes. The gentleman from Ohio has taken the length of the sessions, and the number of investigating committees, of some former Congress, and has interjected into his speech the assertion that its printing for its current years would require as large appropriations respectively as is required for this fiscal year on account of the amount of work done for and ordered by the first session, the extra session, for the Forty-sixth Congress.

But, sir, the Forty-fifth Congress went out of existence March 4 and the extra session of the Forty-sixth Congress immediately convened, and its work and orders come in advance of the first year's work of the Congress the gentleman refers to. If no extra session had been rendered necessary, its expense would have been avoided and its orders for work deferred until now and their cost gone largely into the fiscal year of 1881. I do not know how we can determine from the reports and evidence before us that for the amount of work done there has

been any more money expended during eight months of the present fiscal year than during the same period for any other fiscal year. But I do say, in view of the facts to which I have called the attention of the committee, and especially in view of the fact that there has been no evidences showing corruption or overpayments, while we have shown a decided increase in the volume of printing ordered, that we are justified in believing that the money has been honestly expended and the deficiency honestly created. It has been said in reference to this matter by the gentleman from Ohio [Mr. McMAHON] that at a proper time he shall move to reduce the amount in the pending bill for deficiency. And I will say upon that point a word, and then conclude my remarks upon this feature of the bill.

It appears, Mr. Chairman, that there was appropriated by the last Congress for the present fiscal year the sum of \$743,000, which it was intended should be devoted to departmental work. All the appropriation for congressional printing has been exhausted. Out of this \$743,000, \$475,000 only has been expended for the Departments, leaving a balance to be expended for departmental work of \$268,000. The Public Printer has now unexpended of the entire appropriation the sum of \$74,411.61, which sum, if he apply it to the amount due to the Departments on account of appropriations made them, leaves still due them the sum of \$193,588.39.

No gentleman upon the Appropriations Committee has for a moment suggested that it would not be necessary that this amount of work should be done for the Departments. It is believed that during this year the volume of work in the Departments has rather increased than diminished.

The Government Printer's estimate for the printing of the CONGRESSIONAL RECORD is \$90,000. To do the printing of this session, of bills, reports of committees, testimony taken and proceedings had before committees and in Congress, he estimates the sum of \$59,272.68 should be appropriated, making in the aggregate \$342,861.71.

I have made a list of the documents which it is indispensable should be printed. Any gentleman upon this floor can examine the schedules which are in the hands of the gentleman from Ohio [Mr. McMAHON] and determine the question for himself. I have gone through those schedules, and have selected from them such documents as I believe of necessity should be printed, and their cost aggregates \$155,067.30 to be added to the other items I have mentioned. The aggregate is \$497,928.47, which I say is absolutely necessary to be appropriated to the Government Printing Office, and this necessity is the result of democratic extravagance in ordering printing and democratic folly in rendering necessary the extra session and entailing its cost upon the people, and not of republican mismanagement of the printing office.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has thirteen minutes.

Mr. HISCOCK. I will dismiss this feature of the bill, to which the gentleman from Ohio [Mr. McMAHON] addressed himself at such length, and in the brief time I have left will offer to the committee some remarks upon the proposed appropriation of \$600,000 for the pay of United States marshals.

I confess my surprise that the gentleman from Ohio, in his place on this floor, should announce to the committee and to the country that the democratic party do not propose to obey the decision of the Supreme Court of the United States. That party has arrogated to itself the merit of being the great constitutional party; yet one of its representatives on the Appropriation Committee, a member of this House, standing in his place, declares that party does not propose to bow its head to the decree of the highest court in the land.

And I am the more astonished in the light of the past. We have had an extra session of this Congress. The Forty-fifth Congress went out of existence with this same democratic party declaring that the nation should be starved before one single dollar should be appropriated for the execution of the Federal election laws; that the nation should be destroyed if those election laws were not repealed.

We convened here in the first, the extra, session of the Forty-sixth Congress, and that was the issue tendered us by our democratic friends. It was substantially yielded by them in their finally making appropriations to support the Government; but we went to the country upon the issue, and the country was heard from in last fall's elections. I especially am surprised that a gentleman from Ohio, the State my friend, Mr. McMAHON, in part represents, should have been chosen to declare this policy of the democratic party. Ohio, sir, has been very emphatic on this question. A citizen of that State in the Forty-fifth Congress was a leader on this side of the House. He and a colleague of his in that Congress, and a member of this Congress, a member of the democratic party, went before the people of that State for the highest office in their gift upon the issue, and Mr. Foster was elevated to the gubernatorial chair, and Mr. EWING suffered to serve out his term in Congress. The gentleman makes his announcement in the face of the fact there are other distinguished statesmen of his State who are monumental evidence of the folly of the democratic party upon this question. A member of this House from Ohio was the leading champion on our side of the question, the one who led our column in the contest, whose burning words for all time will inspire the young and receive the commendation of the old. Another Ohio statesman at the other end of the Capitol was the leading champion of the starvation policy. Mr. GARFIELD has been approved and elevated to a higher position by Ohio, and Mr. THURMAN will soon cease to be a leader of the democracy in Congress.

I am surprised that, with all these sad experiences before him, with all these recollections, near and painful recollections of the past, the gentleman from Ohio could be prevailed upon to announce that the democratic party will not obey the decision of the Supreme Court of the United States.

Mr. McMAHON. The gentleman has twice said that I have said the democracy would not obey the decision of the Supreme Court. I ask him first where the Supreme Court has decided that we must appropriate any money for special deputy marshals; and secondly, I ask him when I said that I would not obey the decision of the Supreme Court?

Mr. HISCOCK. Mr. Chairman, when we find a law upon the statute-book which requires for its enforcement the payment of money, there is only one justification that a political party can make for refusing to appropriate money for the execution of that law; that is, that it is unconstitutional. When a liability on the part of the Government has been incurred, there is no other justification for a refusal to appropriate money to pay it than that the law is unconstitutional. This liability has been created against the Government.

Mr. McMAHON. Under what authority? How? By whom?

Mr. HISCOCK. I will read the law. I have it here. This liability has been incurred, not by the head of a Department, but by marshals—inferior officers—acting under a statute in the performance of a duty which, if they had declined it, they could have been compelled by mandamus to perform. What is the provision of the law? I read from section 2021 of the Revised Statutes:

Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of twenty thousand inhabitants or upward, the marshal for the district in which the city or town is situated shall—

"Shall" is the language—not "may"—

Shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, &c.

Mr. McMAHON. Now, will the gentleman permit a question? The law says that no Department of the Government shall expend in any one year any sum in excess of appropriations previously made.

Mr. HISCOCK. Is a marshal a department of the Government?

Mr. McMAHON. Let me put a question. Can a quartermaster under the War Department enter into a contract without money having been appropriated for the purpose? He is not the head of a Department.

Mr. HISCOCK. There is no analogy in the cases. This is no contract. Here is an official duty laid upon an officer. When a certain condition precedent has been performed there is nothing for him to do but to go on and act. He is not a department of the Government; he is not making a contract for the Government. He stands precisely like a marshal who receives into his hands a warrant to arrest a prisoner. It is his duty to execute it; and from that fact arises an obligation on the part of the Government to pay him his fees upon the execution. Does the gentleman say it is a contract? It is the execution of an official duty from which beyond doubt arises an implied obligation on the part of the Government to pay the officer his fees. Will my friend from Ohio say that he believes the provision of the statute to which he has referred has been violated?

Mr. McMAHON. yes, sir; I do.

Mr. HISCOCK. Well, sir, it is sad to believe that so good a lawyer will so hazard his reputation in so public a manner. [Laughter.] The gentleman puts a question with reference to a quartermaster. In that case a contract is made, and the quartermaster is acting under the direction of the head of a Department. The case I present is entirely unlike that. Here is a purely executive duty to be performed by a minor officer; and he must go on and do it. No contract is made. It is the duty of the Government to pay him; and I say there is no justification for refusal to pay except that the law is unconstitutional.

We understand, Mr. Chairman, that \$150,000 of these fees for special deputy or election marshals remain unpaid. Perhaps all these services were not performed during the last fiscal year; but this is a test question in reference to that amount. Here is a liability which has been created, which the Supreme Court of the United States, the highest tribunal in the land having jurisdiction of the question, has approved. My friend from Ohio, for the democratic party, announces that it will not yield to the judgment of the Supreme Court; that notwithstanding the liability, the democratic majority in this House will refuse to make the appropriation necessary to pay these officers. Upon this point a gentleman hands me an extract from the New York Herald, which I ask the Clerk to read.

The Clerk read as follows:

The democratic party has contended for ten years that these laws are a flagrant violation of the Constitution, and as soon as it gained control of both Houses of Congress it refused to pass appropriations for their enforcement. The question of their constitutionality has at length been adjudicated by the only authority competent to decide it. * * * We suppose, therefore, that Congress, as the easiest way of getting out of its scrape, will pass a bill for compensating the supervisors and deputy marshals, and drop for the present the extremely foolish controversy which was carried to the verge of revolution in the extra session last year. The necessity which they must now recognize of making appropriations for the enforcement of the Federal election law does not, indeed, preclude them from attempts to accomplish its repeal at some future time. So long as it stands in the statute-book as a constitutional law—a law declared to be constitutional by the only authority competent to decide and foreclose questions of this class—Congress will be bound to make the requisite appropriations for carrying it into effect.

The democrats in Congress will not dare to withhold the pay of the supervisors and Federal marshals after the important decision rendered yesterday by the Supreme Court.

Mr. McMAHON. Is there not an article in that paper on the third term which might be read in the same connection? [Laughter.]

Mr. HISCOCK. Mr. Chairman, I say to my friend from Ohio, I say to the House, and I say to the country, there was no violation of law in the appointment of these special deputy marshals. It was the duty of the marshals to appoint them; and I believe the democratic party will in the end yield to the inevitable, and vote them the pay which they have earned.

[Here the hammer fell.]

Mr. ATKINS obtained the floor, and yielded to Mr. FINLEY.

Mr. FINLEY. Mr. Chairman, before proceeding with my remarks, I desire to give the gentleman from New York [Mr. HISCOCK] an answer to the question that he seemed to be spoiling to hear. He asked my colleague—

Mr. HISCOCK. I say to the gentleman on the other side, that nothing need be done for our preservation over here. There is not the least sign of anybody's "spoiling;" the scent of decay does not come from this side of the House. [Laughter.]

Mr. FINLEY. Well, I judge by the frantic manner in which the gentleman put that question so repeatedly that he was in pain at all events to have an answer to his question; and I will give it. He asked the question whether a single person could be pointed out on the pay-rolls of the Public Printer who was not needed. When my colleague undertook to answer him he was shut out because the gentleman said he wanted an answer whether there was any on the roll now who was not needed. In the Forty-fifth Congress an investigation of the management of the Government Printing Office was had, in which the testimony of Mr. Henry T. Brian, the former foreman of the Public Printing Office under Mr. Clapp, was examined, and his attention called to the number of employees in the establishment, which he said was in excess of the number employed during Clapp's administration. It was shown to him by the report of the Public Printer that there were one hundred and twenty-six laborers there, of whom twenty were in the document room. He said six or seven were all that was found necessary when he was there. Again, in the folding-room there were twenty-three, and he said five could do the work in that room unless the wagons were included. He was shown that twenty-eight were employed in the press-room. He said twenty-eight was too many; that Mr. Clapp had about twenty. Seven employees were used in the job and specification rooms; he thought three sufficient. Ten men were employed in the RECORD room; he thought three only were required there. Mr. Defrees, it was shown him, employed five carpenters and six laborers in the yard; he thought two carpenters and two laborers sufficient.

Mr. GARFIELD. Is this Wendell's report?

Mr. FINLEY. It is not; it is the testimony of Mr. Brian, a good republican, who was foreman of the Printing Office under Mr. Clapp. His attention was called to the fact that in the press-room there were ninety lady feeders; he thought seventy-five a large number. Paper-writers, &c., forty-three; he said, I should think thirty ought to be enough. A witness before him testified there was an excess of employees in that establishment of 33½ per cent.

Well, Mr. Chairman, that was more than a year ago. At that time it was shown by the report of the Public Printer that the number of employees in his establishment averaged, I think, about seventeen hundred. I can only make comparison with the present year. I have his report here; and I have footed up the number of employees during the last fiscal year at twenty-two hundred and sixty-six. If there were 33½ per cent. too many when seventeen hundred was the average, gentlemen may figure for themselves whether there are too many now, when there are twenty-two hundred and sixty-six. There has been in the past seventeen years appropriated for and spent at the Government Printing Office about \$27,000,000. If we make this appropriation it will make nearly \$1,900,000 this year, including proceeds of sales from waste-paper, &c., nearly \$2,000,000 in round numbers, which is an expense of \$5,200 a day, and \$156,000 a month.

I will not consent to vote for this appropriation without entering my protest against the declaration that has gone forth in the newspapers, emanating I have no doubt from the Government Printing Office, that this large increase of expenditure is due to the extra session of Congress. The gentleman from Ohio made the pertinent inquiry, "what is wrong at the Government Printing Office" that so large a sum of money should be expended? I will say to the gentleman that, after full and fair investigation by a committee of the Forty-fifth Congress of which I was a member, extending over a period of eight months, after hearing evidence on all sides, I have come to the conclusion that there is more money expended for the Government printing, with less safeguards thrown around its expenditure, than in any other department of the Federal Government. I will say, furthermore, and I believe I can demonstrate it with almost conclusive certainty, that there are from \$300,000 to \$500,000 more expended for the Government printing than is actually necessary.

The gentleman from New York said my friend from Mississippi knows volumes about the public Printing Office where my colleague knew lines. In the investigation which the gentleman made in the Forty-fourth Congress he and his committee reported, as I remember it, that there was expended annually not less than \$500,000 more than was necessary. I will add to that that in an investigation which was made by the committee of which I was a member, following upon his investigation, we found no change in the way of reform, but that

whatever change was made was rather for the worse, which I will proceed to demonstrate before I get through.

This matter of cost can be ciphered down to a mathematical certainty. I have here in writing the proposition of a gentleman who published the *Globe* for many years, Mr. Franklin Rives, a gentleman of large experience as a printer, who has had experience as a public printer, for he published the *Globe*; a man of wealth—able to perform all he contracts to do. In a letter which I received from him a few days ago, and which I will print as part of my remarks, he makes the following propositions, (and I want my friend from New York to listen to them,) and will give bond for the faithful performance of the contract to the satisfaction of Congress. He offers to furnish all the material except paper, to do all the printing of the Government for 90 per cent. of the present cost, and publish the *RECORD* for nothing, on which the Public Printer reports for the year 1879 he disbursed the sum of \$140,205.71.

He will do all the other printing for 90 per cent. of the present cost, printing the *RECORD* for nothing, and give bond for its faithful execution. He told me that he would then expect to make \$125,000 profit. He makes another proposition to take the Government Printing Office as it is now and restore it after a term, and do all the Government printing for 90 per cent. of the present cost and pay the Government \$100,000 rent for the use of the office and fixtures, and he then expects to make \$125,000 profit. Now, then, this man is not speaking in the dark. He knows exactly what he is talking about; he understands his business; he has made his computations with care, and he knows what he can do. His letter is as follows:

THE GLOBE PRINTING OFFICE,
Nos. 339 AND 341 PENNSYLVANIA AVENUE,
Washington, D. C., March 6, 1880.

SIR: While I have long been of the opinion that correct policy as well as economy would require that the printing and binding for the public service should be done in or near those places where it is to be consumed, yet I will enter into a contract with the Government to do this work upon the following terms:

Congress to give me possession of the Public Printing Office and all the machinery, type, furniture, fixtures, &c., now there, and to furnish to me, free of cost, all the paper for the public printing and binding. I will then furnish all the labor required, and all the materials except the paper, and will execute the printing and binding ordered by Congress and the Executive Departments in the same style as that in which the respective classes of work are now done and with equal promptness. I will guarantee the faithful performance of this work, both as to style of execution and quality of materials other than paper. That, being furnished by the Government, will be of such qualities as the Printing Committees may determine, and of course I should have no responsibility in that matter.

All work to be turned over, in its completed state, to an inspector, who must be a practical printer and binder, and the same to be paid for only upon his certificate of its conformity to the contract.

For the service thus rendered, and the materials used in connection therewith, the Government to pay me 90 per cent. of the present cost of like work, exclusive of the paper, except in the case of the CONGRESSIONAL RECORD. In reference to that publication I will furnish the necessary labor, and the materials except paper, and print and bind the two editions in the same manner and to the same extent as now, in consideration of the other work as aforesaid, and will make no charge against the Government therefor—this may be considered as being in lieu of rent for the public property.

Or, I will execute all the work, including the CONGRESSIONAL RECORD, in the manner and after the conditions set forth above, for 90 per cent. of its present cost and will pay \$100,000 per annum as rent for the Government Printing Office as it now stands. In either case I will give satisfactory security that the work shall be promptly and faithfully done.

By the present cost of the work I mean the money appropriated by Congress therefor and actually consumed in its execution.

The Public Printer's published annual reports do not exhibit the entire cost of the public printing and binding. Under either of my propositions the cost of the work would be about \$230,000 less than it is now costing the Government.

In regard to cost of work ordered at the extra session, (first session Forty-sixth Congress,) I can only say that I have no means of arriving at the amount accurately. The amount of work finished, as reported in the Public Printer's last annual report, is about \$50,000. There may be on hand in an unfinished state a very considerable amount of work not yet reported, the cost of which it is impossible to estimate.

Very respectfully,

FRANKLIN RIVES.

P. S.—Any damage to type, presses, or other material, other than the usual wear and tear incident to the execution of such work will be made good by replacing of new.

Hon. EBENEZER B. FINLEY,
Chairman Committee on Public Expenditures,
House of Representatives.

Now, if it be true that a private individual can carry on the Government printing at from \$250,000 to \$300,000 less than it now costs and yet make a clear profit of \$125,000 for himself, is it not well for Congress before appropriating money in gross to stop a moment and inquire why this is costing so much?

Mr. Chairman, the Vance or Singleton committee in 1875-'76 made a report after a full investigation, in which the gentleman from Mississippi, whom my friend from New York takes so much stock in, joined, wherein they said that the Government Printer, Mr. Clapp, first lacked the proper qualifications and was totally incapacitated to fill the office of Congressional Printer; second, that there was gross and unpardonable malfeasance in the office, resulting in heavy loss to the Government; and third, that embezzlement of money was developed, and in a speech made by him May 16, 1876, he showed that the institution was absolutely rotten to the core. He showed that the Government Printer then had surrounded himself with subordinates who, as I construe his remarks, were cheating and defrauding the Government by wholesale, colluding with persons who furnished supplies to the Government and putting the proceeds into their own pockets; and yet we found upon investigation that when Mr. De-

freese came into office he retained in his employment the very men of whom the gentleman then complained so loudly, and he turned off two men, trustworthy and honest, well qualified for the position, and who were men of probity and capacity. He gave these two men their walking-papers, serving notice upon them one month before he went into office that he would not want their services any more.

This was the action of the man in whom the gentleman from New York takes so much stock. Not only that, but he imported into his employ a man who had been indicted for fraud in the Government Printing Office under him (Defrees) in his former administration. We found him in his employment, and he is there yet for all I know. It will be remembered that Defrees was Government Printer before Mr. Clapp came in, and during his administration as Government Printer there was a combination among paper dealers and persons furnishing him with supplies in which his chief clerk colluded, by which the Government was defrauded out of about \$250,000, as was testified to by the Government detective who investigated the transaction. (See page 208, Report No. 119, Forty-fifth Congress.) We investigated it. We found that A B C, who had made contracts for the supply of paper, twine, &c., had colluded with Mr. Defrees's chief clerk, and had defrauded the Government out of this sum of \$250,000. One of these men—they were all indicted, Mr. Defrees with them—(see page 198 of Report No. 119, Forty-fifth Congress)—one of these men gave back to the Government \$90,000, another \$10,000, another \$8,000. Defrees's chief clerk gave back \$7,500, including costs, out of \$14,000 which he admitted he got. (See page 225, Report No. 119, third session Forty-fifth Congress.) All the others compounded their crime, or rather settled the judgments rendered against them, paying about one-half, and their indictments were nolle, and the chief conspirator, Mr. Thomas, in a letter which I will read, and which appears in this testimony on page 227, stated that this short-weight paper was understood between him and the Superintendent of Printing at the time the contract was made. These deficiencies were caused in part by short-weight paper. For instance, an order would be given for so many reams of paper, and reams of half sheets would be delivered instead, and the chief clerk passed them as full reams, and the contractor drew the pay for the whole amount as if the contract had been literally complied with. In the letter to which I have referred, and from which I will give an extract, he says:

This half-sheet story makes up the bulk of the deficiencies, aside from the matter of short-weight paper. This short-weight paper was understood at the time of making the contract. I say "understood;" I mean by the parties who made the contract—myself and the Superintendent of Printing.

Mr. Carlisle, the Government detective who ferreted out the transaction, testified as follows:

These frauds could not have been successfully carried on had Mr. Defrees supervised the inspection and adjustment of the accounts, as was required by the law.

Mr. CANNON, of Illinois. What page is that?

Mr. FINLEY. Page 237.

Mr. CANNON, of Illinois. What is the gentleman reading from?

Mr. FINLEY. From the report of the House Committee on Public Expenditures in relation to the public printing and binding. It is report No. 119 of the Forty-fifth Congress, third session.

Mr. CANNON, of Illinois. A report made to this House?

Mr. FINLEY. Yes; a report made to this House. Now, when I was interrupted, I was saying that this chief spoliator, who gave back this large sum of money, left that letter behind him.

Mr. ATKINS. What compelled him to give it back?

Mr. FINLEY. He was indicted; also a judgment for \$125,000 was rendered against him, and they settled it.

Mr. ATKINS. In this District?

Mr. FINLEY. He was indicted in Detroit.

Now, Mr. Chairman, Mr. Defrees had not been in his office but a short time until he reinstated in his employment this chief clerk, who admitted he took as a bribe \$14,000 from this man Thomas, for passing this short-weight paper, I have no doubt, although he claimed that it was for allowing Thomas a large allowance of waste, and he is in the Public Printing Office now for anything I know to the contrary.

One of the men of whom the gentleman from Mississippi [Mr. SINGLETON] complained, one of Mr. Clapp's subordinates, was Mr. Roberts. Mr. Roberts, it was shown in the testimony, went down to Philp & Solomons, in this city, and bought a large number of bound blank-books. He had Messrs. Philp & Solomons make false bills, and bill them to the Public Printer as so much paper. The account was passed into the Treasury Department and paid. The committee of the last Congress interrogated Mr. Roberts in regard to that. He admitted that it was wrong; that they made a false bill. I put the question to Mr. Roberts, "Why did you do that?" and the excuse he gave to me was a most remarkable one. He said it was cheaper to buy these books already bound than it was for him to bind them. "What did you do with those books?" "I turned them over to the Treasury Department." "Did you charge the Treasury Department for binding them?" "I did." "Did you add anything to the actual cost for binding?" "I added 15 per cent." (See report and testimony, Forty-fifth Congress, pages 469, 470.) He charged the Treasury Department for binding books that he bought, and added 15 per cent. to the actual cost for binding. That man the gentleman from Mississippi [Mr. SINGLETON] complained of; and I hope the gentleman from Mississippi will pardon me for bringing in his name so

often, but I am compelled to do it because the gentleman from New York placed the gentleman from Mississippi in the attitude of indorsing all he has said about the Government Printer, and I know he does not. My friend from Mississippi gave an account of various transactions of this man Roberts, of whom I have been speaking, which I will not now take time to state. Roberts is still there in charge of the bindery.

The gentleman from Mississippi spoke also about a man named Larcombe, to whom he gives in that speech this certificate of good character.

As pertinent to a description of this transaction I will quote from the remarks of the gentleman from Mississippi [Mr. SINGLETON] made on that occasion.

He says:

Interesting as it may be to follow up the devious ways and malpractices of the Congressional Printer and his confederates in the sales and purchases of materials for the Government Printing Office, I must close up this point. I think enough has been disclosed to carry conviction to every unbiased mind that there has been collusion between these parties to defraud the Government and enrich themselves at the expense of virtuous manhood and every principle of honest and fair dealing. What wonder that the house of John Campbell & Co. has waxed fat, after feeding so luxuriously from the "public crib," buying \$879.75 worth of imitation gold-leaf, and selling it at a profit of \$570.25, not advancing one cent, but paying with the money drawn from the Treasury upon a voucher furnished by them to A. M. Clapp. What wonder that this house should be able to double its capital in a few years, when on a sale of \$4,452 of calf-skin to the Government it should be able to realize a profit of \$1,364, and never wake a sleeping penny that was resting in their pockets. What wonder that A. M. Clapp should be the possessor of houses and lots in Washington, the owner of bank stock and bank deposits, aggregating many tens of thousands of dollars, when it is understood that he came to this city a bankrupt.

I ask for a short time the attention of the House while I lay before it a gross violation of the criminal law of the land by imposing upon the Secretary of the Treasury a false voucher in the settlement of his accounts.

A. M. Clapp's testimony:

"Question. Referring to the stubs of your check-book, under the date of March 1, 1872, do you find that a check was drawn in favor of Philp & Solomons for \$234?"

"Answer. I do.

"Q. Can you explain for what that check was drawn?"

"A. I cannot here say.

"Q. Do the data you have show that fifty reams of white cap paper were purchased from Philp & Solomons on February 20, 1872?"

"A. Yes; and receipted for by my foreman of binding.

"Q. It shows that you purchased paper from Philp & Solomons?"

"A. Yes, sir."

A. S. Solomons testifies to the fact that not one sheet of such paper was purchased from him by the Congressional Printer, but that a false voucher was made out for the benefit of Mr. Clapp, and used in his settlement with the Treasury.

"Question. Did you make an examination in regard to the transaction of March 13, 1872, when the Congressional Printer drew a check in favor of Philp & Solomons for \$234?"

"Answer. I did.

"Q. Please state the result of that examination.

"A. We had a large number of blank-books which we desired to sell to the Treasury Department. They needed the books but had no fund out of which they could pay for them, and suggested that we should see some one connected with the Public Printer. I met Mr. Roberts, whom I believed to be the foreman of the bindery, and related to him the circumstances. He said he would see about it. Shortly thereafter he made inquiry as to the number of books in our possession, and subsequently saw and made a selection from them, footing up the amount we asked for such books. He then informed me that under the law they could not buy blank-books, but had to buy paper, and he asked me to make out the bill for the gross amount of the books, that was \$234. The bill read, 'Fifty reams white cap paper, 18 pounds, at 26 cents per pound, \$4.68 per ream,' making, in the aggregate, \$234. Subsequently that amount was paid to us by a check from the Government Printer, and the account was closed.

"Q. How many books did you sell them?"

"A. Somewhere between one hundred and twenty-five and two hundred demy and crown cloth-covered books, ruled faint only, and paged.

"Q. Did you include in this charge paper, books, binding, and all else connected?"

"A. Yes.

"Q. In this bill of \$234 did you furnish any white cap paper?"

"A. None whatever."

I next read from the testimony of the financial clerk, John Larcombe, sharp, oily-tongued, and unscrupulous. He needed but a few hours to improvise a cash-book which would balance all accounts of money received and money disbursed, and yet leave his employer, A. M. Clapp, according to his own testimony, the neat little sum of \$53,000 as his perquisite.

This man, Larcombe, continues to be chief bookkeeper and financial manager under Mr. Defrees. The gentleman from Mississippi spoke also of Mr. Collins and gave him a little certificate of character:

The next witness I will introduce shall be W. H. Collins, clerk in charge of CONGRESSIONAL RECORD accounts. He is a novelty in book-keeping, and exhibits rare talents in forcing balances when his cash received and disbursements do not agree.

This man, Collins, is still under Mr. Defrees. And so I might go on, if my time was not so limited, to the end of the string. Mr. Defrees has under him all the objectionable characters to whom the gentleman from Mississippi referred, and has added more to them, and the only ones he turned off, as far as I am advised, were those whom I have named, gentlemen that were well qualified as I believe for the position they held. I refer especially to Mr. Brian and to Mr. Helm. I want now to call attention to them for one moment.

Mr. Brian was foreman of printing under Mr. Defrees's predecessor. He says he received a letter from Mr. Defrees a month before he took the office saying he did not want him.

The letter and part of his testimony relative to it is as follows:

By Mr. FINLEY:

Question. Do you know of his dismissing anybody else at the same time?

Answer. Yes, sir; he dismissed the chief clerk and two of my assistants, to the best of my recollection. I should like to file Mr. Defrees's letter, and I herewith make it an exhibit in connection with the answers to this question.

A.—June 10, 1878.

"BERKELEY SPRINGS, WEST VA.,

"May 5, 1877.

"DEAR SIR: I deem it proper to say to you that I wish to make a change in the foremanship of the Government Printing Office on the 1st of June next.

"In determining to make this change, I do not wish it understood as questioning your fitness for the position, but it is for other considerations satisfactory to me.

"Yours, &c.,

"JNO. D. DEFREES.

"Captain HENRY T. BRIAN,

"Washington, D. C.

"P. S.—Major Davis, of Maine, will be your successor.

"J. D. D."

Q. What was the chief clerk's name?

A. H. H. Clapp.

Q. Who were your assistants that he dismissed?

A. Mr. Robinson and A. J. Donaldson. After that, he discharged another of my assistants, M. D. Helm.

Q. Mr. Robinson was one of your assistant foremen?

A. Yes, sir.

Q. Was he a competent man?

A. I considered him such, or I would not have had him in that position.

Q. Do you know that he was?

A. He was, to the best of my judgment.

Q. How did he compare with the man who was put in his place?

A. I considered him a superior hand in every respect.

Q. How did he compare with his successor?

A. I considered him a superior man.

Q. How was Mr. Donaldson; was he competent to fill the place?

A. He was competent.

Q. How was his competency in that regard as compared with his successor?

A. I don't know; I didn't know his successor.

Q. What reason did Mr. Defrees give for discharging you gentlemen?

A. Mr. Defrees wanted my place; I have no doubt that he considered me competent, but he wanted my place for some one else.

Mr. Helm, who was also notified by letter one month before Defrees came in that he would not be wanted, and who was discharged by Mr. Defrees, says that Defrees assured him that he had filled the place satisfactorily in every way, but he wanted his place for another man. Speaking of Captain Brian, Helm says, "He was better fitted for the place than any one else in the United States," and that the man Defrees put into his place, to the best of his judgment, knew nothing about the business, having been promoted by Defrees from the position of copy-holder to that of foreman, the most responsible in the office.

I quote from the testimony of Mr. Helm, pages 421-422:

By Mr. FINLEY:

Q. Did you leave voluntarily, or were you discharged?

A. I was discharged.

Q. When did you receive your notification of discharge?

A. About one month before Mr. Defrees was Public Printer.

Q. Was it done by letter?

A. Yes, sir.

Q. From whom was the letter?

A. From Mr. Defrees.

Q. What reason did he give?

A. He said he had somebody else whom he wanted to put in the place.

Q. No objection made to your competency and ability?

A. On the contrary, he assured me that he believed I had filled the place satisfactorily in every way.

Q. But he had some other man whom he wanted to put in there?

A. Yes, sir.

Q. Well, what knowledge, if any, do you have as to how that spirit of reform was carried on by Mr. Defrees with regard to other persons in that establishment on his in-coming to office?

A. To the best of my knowledge, he discharged the best men he had there. I would like to instance Captain Brian, a man whom I think one of the best possible for the place.

Q. The man we had on the witness-stand yesterday?

A. Yes, sir; I think he was better fitted for the place than anybody else in the United States.

Q. How does the man he put in his place compare with Captain Brian for ability, according to your judgment?

A. To the best of my judgment he knows nothing about the business.

Q. Do you mean Mr. Davis?

A. Yes, sir.

Q. Captain Brian was foreman of the Printing Office, was he not?

A. Yes, sir.

Q. What knowledge of the business did he have, and with what ability did he conduct that department while he had charge of it? Give the committee what you know on that subject.

A. I know he was thoroughly acquainted with the printing business. I think he has the best executive ability of any man I ever saw in such a position, and he devoted his whole time and energy to it, night and day, for about seven years, and run the office as it was never run before or since.

Q. Tell us what you know about what executive ability and skilled knowledge in the art of printing his successor, Mr. Davis, has?

A. I know very little about his executive ability, sir; I was there, I think, one month under him. I had known him previously, and I never thought much of his ability as a printer.

Q. What knowledge and experience did he have?

A. I think he published a country newspaper for two or three years, up in Maine, some place.

Q. Do you know through whose influence he got that place?

A. I have always understood that it was through Senator Blaine; I have no positive knowledge.

Q. The position of foreman of printing is a very responsible one, is it not?

A. The most so of any there; in fact, I consider it more so than that of the Public Printer, himself.

Q. What position did Mr. Davis hold, if any, in the Government Printing Office, and what experience had he in the Government Printing Office before he was appointed to that position?

A. He was a copy-holder.

Q. What does a copy-holder have to do?

A. He reads the copy for the proof reader.

Q. In other words he holds and compares the manuscript for the proof-reader?

A. He reads it, and the proof-reader compares it.

Q. He does not attain, then, to the dignity of comparing?

A. No, sir.

Q. Do I understand you that Mr. Davis was promoted from the position of copyholder, at one time, to the position of foreman, the most responsible in the office?

A. He was, sir.

Mr. BRIAN testified that Mr. Defrees intimated to him he was in every sense of the word well qualified for the position. Yet those men he discharged, retaining the others.

Mr. GARFIELD. Will my colleague allow me a question?

Mr. FINLEY. Yes, sir.

Mr. GARFIELD. Am I right in understanding that these extracts which the gentleman is reading are from the report of Mr. Vance?

Mr. FINLEY. No, sir; a part of them are.

Mr. GARFIELD. A part of them are from Mr. Vance's report and a part of them are from your own?

Mr. FINLEY. I will explain to my colleague. Part of the extracts I have read here are from the speech of the gentleman from Mississippi [Mr. SINGLETON] made on the floor of this House. A portion are from the report of Mr. Vance's committee, of which Mr. SINGLETON was a member; the remainder are from the report of the committee of which I was a member—not my report but the committee's.

Mr. GARFIELD. The gentleman knows the House did not take any favorable action on the reports of those committees.

Mr. FINLEY. I am glad the gentleman has made that remark. I will answer it now. The committee which made that report in the Forty-fifth Congress was delayed in the presentation of the report inasmuch as in the closing weeks of the Forty-fifth Congress, as every gentleman will remember, committees were not called. That committee was not called for a month preceding the close of Congress. They were ready and willing to make their report. But when it was offered on several occasions to make that report gentlemen on that side of the House objected. It could not be done without unanimous consent; and it was only in the closing hours of the session that permission even to print was given because of gentlemen on that side of the House objecting to the report being made.

The committee was never called after the report was prepared, and never had an opportunity to present it. Yet it is signed by a majority of the committee, and by every democratic member of the committee.

In this connection I propose to call especial attention to some of the abuses in that department, as developed by the evidence before that committee. I say "abuses," and I use that word with a full knowledge of all that it imports. Those abuses grow out of a laxity in the law in some respects. I say the law is lame in many particulars. I will mention one.

We put into the hands of the Public Printer a very large sum of money; yet we permit him to go into the open market and make purchases of type and machinery amounting in the aggregate to many thousands of dollars, and we nowhere require him to report in detail respecting such purchases, nor does he report such purchases, except in a general way in his annual report, which, as my colleague [Mr. MCMAHON] says, furnishes no index of the actual expenditures.

Again, he has the right, and he exercises that right, to sell public property, to sell type, presses, and machinery, to sell any of the public property without its being condemned, without any number of persons, either the Committee on Public Printing or others, deciding that it is necessary to sell it. And in many instances, one that I now think of which was proved by testimony, the former Public Printer, Mr. Clapp, bought of one firm seven presses for \$19,000, and on the very same day, the Public Printer sold to the same firm eight presses for \$3,000. (See report, page 16, and testimony, page 278.)

Mr. ATKINS. To the same firm?

Mr. FINLEY. To the very same firm. And yet that amount of \$3,000 for those eight presses did not appear on the Public Printer's books for nearly seven months afterward, the book-keeper admitting that he kept the transaction in his head during that time. Now, if we allow the Public Printer to sell Government property as he pleases, whenever he may say that it is necessary, and if he keeps no account on his books—there is no property account kept in that institution—he may buy and sell thousands of dollars' worth of property and you may go there and not be able to tell by his books whether it has been delivered or not, or whether all the proceeds have been accounted for or not.

Mr. ATKINS. How long has that been going on?

Mr. FINLEY. Ever since the establishment of the Government Printing Office. I asked a person in charge of a part of the establishment who ought to know how many pounds of type there were there, and he said that no man could tell; that there might be a million pounds for aught he knew. Mr. Davis, the foreman of printing, testified that no one knew unless by conjecture. Now, if no account of the public property is kept there, if you cannot trace any individual piece of property, and the Public Printer is allowed to sell whatever he pleases and to account for it or not as he pleases, a wide door for fraud is opened.

In the matter of the purchases, let me call attention to one thing. Last year, as shown by the report of the Public Printer, he bought forty-two thousand dollars' worth of type. Now, that is a great quantity of type; and let me say to you that prior to that time there had been purchased one hundred and five thousand seven hundred and thirty-one dollars' worth of type. Now, how did the printer make that purchase of forty-two thousand dollars' worth of type? Did he

make it by open competition among type manufacturers? No. Did he advertise for proposals? No. What did he do? He ordered forty-one thousand dollars' worth of that type from one firm. We investigated what that type was worth. Let me call your attention to the fact that he bought that type and made his other purchases in violation of a law to which I will call your attention in a moment.

We called witnesses before our committee to ascertain what that type was worth, and those witnesses brought with them the price-lists of four or five of the leading type manufacturers in the United States. They testified with one accord that it is customary among manufacturers of type and other machinery, when any purchase is made of three hundred dollars' worth and upward, to make a deduction of from 10 to 30 per cent. from their catalogue prices. What were they? The catalogue prices of McKellar, Smiths & Jordan for nonpareil type was fifty-eight cents a pound, of G. B. Ricketts & Co. the same, and of R. S. Menamin the same. Yet the Public Printer paid sixty-six cents a pound and no discount, or eight cents a pound more than the catalogue price of these firms. Their catalogue price for brevier was forty-eight cents a pound, yet the Public Printer paid fifty-five cents a pound, and no deduction. Their catalogue price for long primer was forty-two cents a pound, yet the Public Printer paid fifty cents a pound, and no reduction. Their catalogue price of small pica was thirty-eight cents a pound, yet this "old man," that the gentleman from New York [Mr. HISCOCK] alludes to, paid forty-six cents a pound, and no deduction. He paid for these different kinds of type eight cents a pound more than the catalogue prices—more than he could have bought the same type from all these firms. He did that notwithstanding the fact that where there is competition allowed there is always a reduction made of from 10 to 30 per cent. on the catalogue of prices.

Mr. Brady, in the Post-Office Department, testified that he owned a newspaper in Indiana; that his establishment had been burned down, and that he had bought only two thousand dollars' worth of material, and upon that he said he had obtained a deduction of from 35 to 43 per cent.

Now, Mr. Chairman, can there be any reason for this extraordinary purchase. Is it not fair to surmise there must have been some reason at the bottom of this, when the Public Printer buys forty-one thousand dollars' worth of type of one firm at eight cents a pound more than catalogue prices and no deduction made? I can tell you how it could be done; I do not say it was done. The Public Printer admitted before our committee that he could collude with dealers under the present system and defraud the Government if he was disposed to be dishonest. He might have an understanding with a dealer that he was to purchase material for a given price and have it billed at a larger price, then draw the money and divide the difference. Now, whether or not he may have done that in this case I am not here to say. I confine myself to the facts. Let me call attention to another purchase.

The Public Printer bought of a well-known lobbyist twelve sewing-machines for \$1,500 apiece, making \$18,000 for the twelve, and put them into that establishment, the object being, as he claimed, to save money to the Government by the use of improved machinery which displaced the labor of a large number of women who were sewing by hand. I will say that these sewing-machines, as was testified, are somewhat larger than an ordinary sewing-machine, but very similar, sewing with wire instead of thread. When the committee began to investigate the purchase of these sewing-machines at this enormous price, the gentleman who had negotiated their sale to Mr. Defrees was daily in the committee room, prompting gentlemen who were asking questions, as I thought, for the protection of Mr. Defrees; and when the trial began to get hot one witness was brought upon the stand with an elaborate array of figures to show what these sewing-machines would save.

This was what prompted the statement in the Public Printer's annual report as to the saving effected by these sewing-machines. I have no doubt this witness came before the committee to say how much the saving would be in a year—how much on one machine, how much on two, how much on ten, and he went through a list to show the enormous saving. He had to admit before he got through that he knew but little about the figures himself, but that they had been made for him. (Testimony, page 513.) I think he made the saving of these machines \$463,973.34, all told, during the life-time of the machines. Following a question of mine, he admitted that according to his statement, supposing one machine saved \$2,000, ten would save \$20,000, fifteen would save \$30,000, one hundred would save \$200,000; and so he went on answering until all that was necessary, according to his theory, to have the public printing done for nothing was to have enough sewing-machines, so that the whole establishment could be operated for nothing, except the cost of the grease necessary to run the machine. [Laughter.]

Mr. HAWLEY. Would the gentleman like me to give the words of that witness and also the fact?

Mr. FINLEY. I do not hear the gentleman.

Mr. HAWLEY. Would the gentleman like to have the truth put right into the middle of his speech?

Mr. FINLEY. The what?

Mr. HAWLEY. The truth.

Mr. FINLEY. Not from the gentleman from Connecticut.

Mr. HAWLEY. It is not from me, but from the Printing Office, and from sworn testimony. Here is the testimony, [exhibiting a document.]

Mr. FINLEY. I have the testimony here also.

Mr. Chairman, the attention of the Public Printer was called to the fact that although the law plainly provides that he shall not purchase material in open market in excess of \$50 in any term of six months, except by advertisement and proposal, he had been buying in open market every year thousands of dollars' worth of material in utter defiance of that law. The Public Printer, in 1876, bought twenty-five thousand dollars' worth of material in open market; in 1877, thirty-four thousand dollars' worth; and in 1878, fifty-nine thousand dollars' worth. Gentlemen may inquire why he did that, and how he could do it in violation of a law which says that no material in excess of \$50 at any one term of six months shall be purchased, except by advertisements and proposals. The Public Printer said in answer to this, that the word "material," as he construed it, covered only that which went into the work, which would be substantially paper and ink; that under his construction of the law he could buy machinery, printing-presses, wire-sewing machines, tools, type, chases—in short, all kinds of tools and machinery and supplies not entering into the work; and that these would not be covered by the word material, as used in the statute, and so there would be no violation of the law. When we asked him whether it was not true that he could buy his supplies (by whatever name he might call them) cheaper and more to the advantage of the Government by advertisement and proposals, he did, in illustrating that he had reformed an abuse in that department, call our attention to the fact that he had complied with the law so far as ink was concerned, and then proceeded to show the committee wherein he had made a great saving to the Government in that regard, which I admit. He showed that by advertising for proposals he was enabled to buy Bullock press ink for nine and one-half cents a pound which before had cost thirty-five cents under his predecessor; cylinder-press ink for twelve cents a pound which before had cost sixty cents; Adams press ink at twelve cents a pound which before had cost thirty-five cents; and cut ink for thirty cents a pound which had cost from \$1 to \$5 a pound.

We inquired as to how the ink had been bought before. We learned Mr. Defrees's predecessor had done in regard to ink just as Mr. Defrees is doing in regard to other supplies; that is, had bought them in open market instead of advertising for proposals, as the law provided. We found further, on examination, that his predecessor had bought his ink mainly from one firm—Johnson & Co., of Philadelphia. Mr. Defrees called attention to the fact when he advertised for proposals for supplying the Printing Office with ink, he got this difference, which I have already mentioned, in favor of the Government. This firm of Johnson & Co., it appears, had the contract for supplying pretty much the whole of the ink to the Printing Office. When the law was enacted providing that ink for the Government Printing Office should only be purchased after advertising for proposals, Mr. Defrees's predecessor evaded the letter of the law by advertising for so many barrels of Johnson's ink, and the result was that, nobody else making Johnson's ink, Johnson & Co. got the contract to supply the ink at from thirty-five cents to \$5 a pound, as theretofore.

And right here, as I happen to think of it, we found on investigation in reference to the sale of presses, among the sales made by him were to Johnson & Co., nine presses and one engine for the sum of \$7,150, and although those sales were made between the years 1870 and 1873, yet no record of them was found on the Public Printer's books until 1875.

Mr. WARD. Will the gentleman from Ohio permit me to ask him a question?

Mr. FINLEY. Yes; if you do not make a speech.

Mr. WARD. I do not wish to make a speech, but merely rise for the purpose of making a correction of the gentleman's statement in reference to the purchase by the Government Printing Office of a certain number of wire-sewing machines. These machines were sold only at one place, and the Public Printer paid not a single cent more for them than private individuals who purchased them for their own use.

Mr. FINLEY. I will answer the gentleman with pleasure. First, from private conversation I had with a gentleman who purported to know, I was informed that up to the time the Public Printer bought those machines that firm never sold a single one of these wire-sewing machines; but that, on the contrary, these sold to the Government Printing Office were the first they ever sold. Secondly, I was informed that wire-sewing machines of a like character and quality are sold by other firms at from \$400 to \$700 apiece, although these were sold to the Public Printer for \$1,500 apiece. I was further informed that one of these same machines had since been offered to a gentleman of this city for \$400—

Mr. WARD. I wish to say to the gentleman from Ohio and to the House, that these wire-sewing machines are manufactured by parties who reside, if not in my district right close to it, in the city of Philadelphia, and that I am informed the Government of the United States by the use of these wire-sewing machines has already saved more than the price paid for them.

Mr. FINLEY. I do not yield to the gentleman any further.

Mr. WARD. I notice that the gentleman is anxious to drop the subject of wire-sewing machines.

Mr. FINLEY. Let the gentleman's statement go for all it is worth.

Mr. WARD. These wire-sewing machines speak for themselves.

Mr. FINLEY. I am informed they do speak for themselves at the

rate of \$1,500 each, but they do not sew as well for themselves as they speak.

Mr. McMAHON. I think the gentleman from Pennsylvania has advertised these machines enough on the floor. [Laughter.]

Mr. WARD. I have, with the assistance of the gentleman from Ohio, [Mr. FINLEY.]

Mr. FINLEY. I was talking on the subject of inks when interrupted. I hold in my hand a book which was printed, according to the testimony, with sixty-cent ink, but which Mr. Defrees under his advertisement for proposals got at twelve cents per pound, which he is now paying twelve cents a pound for, but which his predecessor bought at sixty cents a pound. Gentlemen will observe, if I draw my finger across the page the ink comes off as though it were printed with apple-butter. [Laughter.] That is the character of ink which the Public Printer, the predecessor of Mr. Defrees, purchased at sixty cents a pound. You can have ocular demonstration of what kind of printing-ink it is by looking at this book.

Mr. WHITE. Wash your hands and then it will not come off. [Laughter.]

Mr. FINLEY. Let me say to the gentleman, I wash my hands of the frauds and corruption of the Government Printing Office. [Applause on the democratic side of the House.]

The Public Printer himself showed to the committee that he had saved to the Government by advertising for proposals the difference between sixty cents and twelve cents a pound in the purchase of this class of ink. He was compelled to admit, nevertheless, that while he made that great saving in the matter of ink because he advertised for proposals, yet in all other instances he himself does the very thing for which he condemned his predecessor—purchasing other materials in the open market. The law provides that paper and ink shall be purchased after advertisement for proposals; and the law further provides that he shall buy other materials exceeding the value of \$50 in the same way. The Public Printer construes the law to refer only to paper and ink, and for all other materials used in that office he goes into the open market paying sixty-six cents for nonpareil type when, if it were thrown open to competition, he could buy it at forty and forty-five cents per pound. He purchases nearly all his supplies, except paper and ink, in the open market.

I wish now to call attention to another matter which my colleague alluded to, and that is the amount accruing from the sale of waste-paper and other waste material. It is very difficult to arrive at the exact figures, for the reason that on investigation it appears that the account of sales of waste is loosely kept, in the first place, and the accounts, such as they are, do not agree with the amount as reported by the Public Printer to Congress. For example: when there was an old cutting-machine or a press or fixtures, or waste scraps, or any other article in his department which he thought advisable to dispose of, Mr. Roberts, foreman of the bindery, would sell it and pass the proceeds over to Mr. Larcombe, the financial agent and bookkeeper.

Mr. Collins sells the RECORD and passes the proceeds over to Mr. Larcombe. A number of subordinates make sales of property and pass the proceeds over to Mr. Larcombe, the financial manager and bookkeeper, and yet Mr. Larcombe says he has no system of book-keeping by which he can tell you how much property is sold or bought. He says all he does is, when a man sells property and tells him this is for something sold, he puts it on his book and takes his word for it that it is all right. That is all he has to do with it, and then he turns it into the Treasury from time to time. At one time he had in his hands for nearly a year as much as \$50,000 which should have been turned into the Treasury, of which he had no account in the world except upon loose slips of paper which lay around on his desk and in his safe.

We asked him the question, where do you put these memorandum slips when you make a statement of moneys coming into your possession from such sources? Well, he says, I keep the various sums of money paid to me from time to time on loose slips of paper and in my head, and after a while I put them in a book. We said to him, bring your book, and upon the book being brought before the committee we found right in the center of it that eighteen or twenty pages had been cut out. The question was asked him, what was contained on those pages that were cut out? The answer was, they had the account of the money on them. Why were they cut out? "I presume that the amounts were put into another book and I thought they were not necessary here and I cut them out."

Now, the time that that was done was just before the Vance investigation. We went a little further; we turned to a page of his book and we found this to be a fact. For instance, money had been paid to him, ten, twenty, or thirty thousand dollars, and he had been holding it in his possession, as he said, using it.

Then he would deposit, say, \$10,000 in the Treasury. He said he would go then to the slips and select from them an amount equal to \$10,000 and put it down on the debit side of the book, and then charge it up on the other side, "deposited to-day \$10,000," draw parallel lines, and square the account. That was his system of keeping accounts, and yet he said at that very time (although the books would show that the account was squared, and all money in his hands turned into the Treasury) he had \$50,000 in his possession which had not been turned over to the Treasurer, and which would appear nowhere on any account, and might have been in his possession for a year before.

On the subject of the sale of Government property by the Public Printer and his subordinates and the system by which accounts are kept I will give the following extracts from the report of the committee and testimony taken by it. The committee say:

We give, as the result of our investigation on that subject, that the books and records of the establishment have been, and are, so kept as to preclude the possibility of ascertaining its exact current or past condition, or of really obtaining any satisfactory results as to the amount of material consumed, or to decide the cost of any particular class of work. It is probably impossible for any person in or out of the Public Printing Office to tell the actual cost of any piece of work executed therein, for a want of system; disconnectedness and lack of sequence so distinguishes the records and accounts of the office as to defy elucidation. The testimony of John Larcombe, the bookkeeper, is that sales of property and other important transactions are often committed to the memory alone. The only real data from which the committee could derive information on any of these points being the occasional and desultory memoranda kept by Mr. Larcombe, who testified that when money was acquired by the sale of printing-presses, a quantity of type, or other disposable property, and the amount handed to him, he simply noted on his book the amount so received, which he admits is the only record of such transactions to be found on the books of the Public Printer, and that sometimes these entries were made without respect to the date on which the sale took place. And your committee found no charge whatever against the persons to whom such property was transferred.

For example, under date of December 17, 1875, Mr. Larcombe entered on his memorandum "R. Hoe & Co., four Adams and four Gordon presses, \$3,000." Turning to the personal account of R. Hoe & Co., the committee find no record of this transfer of property, but, on the contrary, find, under date of May 14, 1875, R. Hoe & Co. credited with a sale to the Public Printer of seven presses at a cost of \$19,000, and charged on the same day with cash in full of \$19,000. The stub of the check-book from which the check was taken to pay R. Hoe & Co. shows that it was made in their favor for the full amount of \$19,000, and the item of eight presses sold to them by the Public Printer does not appear until the following December, and then only on the cash-book in the words above cited.

Some time in May previous the \$3,000 were received from R. Hoe & Co., but just how or where the books do not show, and Mr. Larcombe was unable to tell; but he is certain that he carried the facts of the transaction in his head from May 14 until December, 1875, the only security to the Government in case of accident to the said Larcombe in the mean time being the fact that in Mr. Larcombe's estimation "the firm of R. Hoe & Co. is an honorable one."

We quote from the testimony of Mr. Larcombe on this subject, pages 261 and 262, as follows:

"By Mr. FINLEY:

"Question. [Referring to cash-book.] The entries which appear on pages 13 and 14, after the point at which a balance is struck, and running to pages 17 and 18, to the point at which a balance is struck, where there is an entry of a deposit of \$71,754.18, were all made, I understand, on the 11th and 15th days of April, 1876?"

"Answer. Yes, sir.

"Q. That included this entry of \$3,000 cash, which should have been received from R. Hoe & Co.?"

"A. Yes, sir.

"Q. Where did you keep an account of these entries before you entered them on this book?"

"A. I kept them on sheets of paper in my safe.

"Q. I find by reference to your book of printing accounts that, in the settlement of R. Hoe & Co.'s account, you have credited them with the amounts purchased from them, footing up a sum exceeding \$19,000; that you have then on the 17th of December, 1875, charged them with cash as though the amount had all been paid in cash; is that correct?"

"A. Yes, sir.

"Q. Had this sale been made at that time?"

"A. Yes, sir.

"Q. When was this sale to R. Hoe & Co. made?"

"A. I could not give the date. It was an agreement made between R. Hoe & Co. and the Congressional Printer at the time of the purchase of those new presses, I think.

"Q. Look for and state the date.

"A. [After reference to book.] The purchase must have been before the delivery of the presses was made. The presses were received on the 14th of May, 1875.

"Q. The transaction in regard to presses took place on the 14th of May?"

"A. Yes, sir; Mr. Clapp was to purchase from Hoe & Co. certain presses, and they were to purchase from him certain presses.

"Q. How did you keep a record of this transaction, if any, until the 17th of December, 1875?"

"A. I did not keep it at all.

"Q. You did not keep it anywhere except in your head?"

"A. These presses were to be paid for when these other presses were to be paid for.

"Q. You simply kept it in your head?"

"A. Yes, sir.

"Q. So that from May 14, 1875, to December 17, 1875, R. Hoe & Co. owed the Government Printing Office \$3,000 for eight presses which they had bought, and for that time there was no record of the indebtedness upon anything in this office?"

"A. Unless there was a correspondence with them.

"Q. Why do you not answer with more directness? Why do you try to dodge the question?"

"A. I am not trying to dodge. If you find me saying anything but the truth hold me accountable.

"Q. On May 14, 1875, Mr. Clapp bought seven presses from R. Hoe & Co., and on the same date sold to them eight presses of the office for a sum amounting to \$3,000. From that day until December 17, 1875, when a record of the transaction appears on your books, no account was kept of that transaction?"

"A. That is true.

"Q. Had Mr. Clapp or had you died, there would have been no account of it?"

"A. I do not say that.

"Q. Is that not the fact?"

"A. Hoe & Co. are an honorable firm.

"Q. You would have depended upon Hoe & Co. coming forward and confessing that they owed the money?"

"A. Well, that is the only way.

"Q. On the 17th of December you made an entry of the transaction?"

"A. Then for the first time.

"Q. And then, instead of crediting Hoe & Co. with the \$3,000 paid to them, so far as the books show, you charged them with the full amount of their account paid in cash; is that the fact?"

"A. That is the fact.

"Q. You also charge yourself on your book, as of that date, with \$3,000, as being received from Hoe & Co. Is that true?"

"A. That is true.

"Q. And you return that in the data furnished by you in the Public Printer's report as under the head of "etc." deposited in the Treasury?"

"A. That is so, sir."

Again, referring to the manner in which accounts of sales are kept, I quote from the testimony of Mr. Larcombe, bookkeeper and financial manager:

By Mr. BURDICK:

Question. Does Mr. Collins return to you any statement or account of the money received of such sales?

Answer. None at all, sir.

By Mr. FINLEY:

Q. Your books do not show in any manner what money he receives?

A. No, sir; only what money he pays me.

Q. You simply put down in your book from time to time such sums of money as he hands you?

A. Precisely so, sir.

Q. And which money he informs you he receives from the sales of documents.

A. Precisely so, sir.

Q. Whether that money is one-third or one-half or less than the whole of the moneys received by him you do not know and your books do not show?

A. That is it.

Referring to Mr. Collins, whom Mr. SINGLETON said had a rare talent for forcing balances, the committee say:

Mr. Collins, another clerk, keeps an account of the sales of the RECORD. The amount handed over by him in 1876 to the financial clerk, Mr. Larcombe, exceeded \$21,000, and we doubt not that the amount coming into his hands will equal that amount annually; yet he likewise gives no bond and renders no account of the amount of his sales, as shown by the testimony of Mr. Larcombe. (See page 275.)

In respect to sales made by him and the account kept of them, Mr. Larcombe testifies as follows:

By Mr. FINLEY:

Question. Mr. Collins also makes some sales?

Answer. Yes, sir. It is his business, for instance, to receive your order, print your speech, and collect the money for the same from you.

Q. Does he receive money from any other source?

A. He receives subscriptions from all parts of the country, as well as from the city of Washington, for the CONGRESSIONAL RECORD.

Q. Is there anything else on account of which he receives and handles money?

A. I have no idea of anything else.

Q. About what amount of money does he pay over to you per annum?

A. For the year 1876 he paid me \$21,587.06.

Q. Is there any book kept by you which shows how much money he receives?

A. No, sir.

Q. You have no means of knowing whether the amount reported by him was the whole or the one-third or the one-half of the amount received by him other than his word for it?

A. None, sir.

Q. You take whatever he hands you, put it down on your cash-book, and turn it into the Treasury?

A. I do.

Q. He may hand you the whole or a part, and, for anything you know, you cannot detect any error or misstatement in it?

A. I do not attempt to do so.

Q. Is there any other officer, a head of a department, or of any number of employees, who receives money and hands it over to you?

A. Occasionally the foreman of the bindery would bring me a small sum of money in consequence of the sales of leather scraps on the spot. He is the only person I can think of now.

Q. He exercises the right to sell leather scraps, gold-leaf, and other matters of that kind?

A. He does.

Q. You have to take his word as your only assurance that the amounts of sales returned by him are correct?

A. I have, sir.

Q. You put down the moneys he hands you, but have no means of knowing from your books whether the amounts are right or wrong?

A. None, sir.

Q. Does anybody else in the establishment, so far as you know, exercise the right to sell things in it?

A. None, certainly, that I can think of.

Q. If the superintendents of any of the other departments or branches of the establishment should sell any of the property and not account to you, you would have no means of detecting from your books any withholding of money?

A. I would know nothing about it.

I will make one more quotation from the testimony of Mr. Larcombe, respecting his mutilation of his cash-book after this alleged transfer to it of the cash an account of which he says he kept on loose slips of paper. When it is borne in mind that Mr. Larcombe testifies that all money passes through his hands; that he makes no report to his employer; that Mr. Defrees never examines into his accounts, but is compelled to trust implicitly to his honesty; that his sense of honesty is the only check there is upon him, (see pages of testimony 265-267,) any one reading his testimony respecting this transaction will certainly be impressed with the conviction that this man, whom Mr. SINGLETON charged with improvising a cash-book so as to make accounts balance and leave a perquisite to his employer of \$58,000, is not the safest man in the world to trust the public funds with. His testimony is as follows:

By Mr. FINLEY:

Question. Where is the book? Has it been destroyed?

Answer. I have the book but I have not the material.

[NOTE.—The witness, by direction of Mr. FINLEY, after retiring and returning, hands to that gentleman a book, the condition of which is described as follows:—]

Q. You now produce a book containing copies of invoices and other matter which you say is the book from which you copied into the cash-book here the entries appearing in the latter. Is that true?

A. Yes, sir. I copied from there down to the spring of 1875.

Q. I notice by the book you produce that about one hundred and eighty pages of it, at the back part of the book, are blank pages, having nothing written on them; that about two-thirds of the way through the book there are the traces which indicate that some twelve or thirteen leaves have been cut out of the book with a knife or other sharp instrument. Do you say that the leaves thus cut out and away with are the ones that contained the information which is found in your cash-book on the page before us?

A. I do, sir.

- Q. When did you transfer to the cash-book the contents of those twelve or thirteen missing leaves?
- A. In the spring of 1875.
- Q. Was it before or after the Vance committee investigation?
- A. It was before.
- Q. Why did you cut out those leaves?
- A. Because I thought that that book was too insecure; that in the place which it had occupied for years it was too insecure; for the safety of information of that sort.
- Q. Where are the leaves which you cut out of this book?
- A. I have destroyed them, after comparing word, line, and figure, and the certificates of deposit that I deposited.
- Q. Then do you claim that it made them more secure to cut them out and destroy them?
- A. No, sir; it made it more secure to have it in the book itself.
- Q. Then tell me why you cut those leaves out?
- A. Because I deemed them of no more value, having them here, [indicating cash-book.]
- Q. Did you transfer the items which remain in this mutilated book to your cash-book?
- A. Not at all. Because that [indicating mutilated book] was filled up to where you see the last entry made.
- Q. Now, what was the necessity for cutting those leaves out; they did no harm where they were?
- A. None in the world.
- Q. Why did you take a knife and cut the book in that manner?
- A. Because I did not want to have two copies containing the same information.
- Q. Have you used this mutilated book for any purpose since?
- A. I use it every day and every hour in the day. That was why it was copied for myself; I determined to have a new book made.
- Q. I have asked you why you cut those leaves out.
- A. Because they were no longer of any use, and were therefore valueless.
- Q. Therefore you cut them out?
- A. Yes, sir. It would only have made a confusion to let them be.
- Q. What confusion would have been made by letting those leaves stay there?
- A. I deemed them of no value and destroyed them.
- Q. Now, you testified heretofore that many of these items were not put down in any book, but were kept on a slip or on slips of paper?
- A. And I say so again.
- Q. What did you do with those slips of paper?
- A. I have not preserved them.
- Q. Did you destroy them?
- A. Yes, sir.
- Q. How can you or any one know that the item of \$250, contained in the entry under date of April 18, 1870, in your cash-book, had been contained in this mutilated book, or in any other book, before you put it here in the cash-book?
- A. No human being can know that, sir.
- Q. Having cut out from this mutilated book the leaves containing the entries and destroyed them, and having destroyed all the slips of paper on which you kept your accounts prior to the time at which you commenced this cash-book, you say now that no one except your Maker and yourself can tell whether you have the items right or not or have accounted for these moneys or not?
- A. No one, sir.
- By Mr. MANNING:
- Q. About what date was it that you mutilated the book produced here?
- A. It must have been between the middle of February and the middle of May, 1875.
- Q. You cannot come nearer to the time than ninety days?
- A. No, sir; I cannot.

It appears from the evidence that in 1861 and 1862 this chief clerk of Mr. Defrees of whom I have spoken had a brother in business in this city, who enjoyed a monopoly of gathering in the waste-paper of the office without payment therefor. I quote from the report of the committee on this point. The committee says:

It appears in evidence that all the shavings, waste-paper, and documents accumulating in 1861 were handed over to one Edward Towers, brother of Will Towers, late chief clerk under Mr. Defrees, who paid nothing whatever for them. For the first few months of that year Mr. Larcombe made a memorandum of the quantity but not the value of the documents and paper thus delivered, which your committee observed consisted of several thousand pounds of white paper and several thousand pounds of documents, and which latter Mr. Larcombe testified were documents printed in excess of the number ordered by Congress. For at least six months of the year no memorandum even was kept of the quantity delivered, and it appears Mr. Defrees has not collected anything from the said Edward Towers. In the year 1862 only \$150 was collected on account of shavings and waste-paper and documents. As the books furnish no clue to the amount that should have been realized in 1861 and 1862, we can only estimate by comparison with what it was in other years. In 1863 the amount realized from this source was \$15,758.18; in 1865, \$32,751.82; in 1866, \$21,822.17; and in 1867, \$23,169.75, (pages 318, 319, 328.) In 1863 the sum expended in the purchase and use of paper was \$87,029.87, and the sum realized from the sale of wastage was \$15,758.18. In 1861 the sum expended for paper used was more than double that amount, being \$206,313.37, yet nothing whatever was realized from the sale of wastage.

You go to the Public Printer's report and compare the amount of money reported as having been received by him from the sale of documents and other property, and then compare that with his books, and you will find that they in no instance agree. We had experts to examine his books who spent weeks upon weeks, making a close and careful investigation, comparing them with his reports to Congress. Now, this the House will observe was the result arrived at. In 1875 the Public Printer, in his annual report to Congress, reported that he had realized from the sale of documents and turned over to the Treasury the sum of \$34,580.35.

Mr. CLAFLIN. Was that amount in the administration of Mr. Defrees or Mr. Clapp?

Mr. FINLEY. The \$50,000 to which I have alluded was under Mr. Clapp's administration, but I will say to the gentleman that Mr. Larcombe, who was then and still is the financial manager or book-keeper, assumes and is pursuing the same line of policy, so that it is substantially under the administration of either or both.

Now, I want gentlemen to hear this. In 1875 the Public Printer under his certificate which he is required by law to make reported that he had received \$34,580.35 from the sale of documents, which he said he had turned into the Treasury. We found from his books that in-

stead of \$34,580.35 he had received \$50,702.82, a difference of \$16,122.47. In 1876 he reports having received \$52,566.60, while we found from his books that he had received but \$46,649.09, a difference of about \$5,919.63. In 1877 he reported having received \$38,539.87, while his books showed that he had received \$46,456.50; and so on clear through to the present time. These reports made by the Public Printer, as I have stated, of the amount received do not agree with his books, nor with the reports made to Congress. The discrepancy is made up sometimes in these two reports. For instance, he states at one time he received \$34,000 when he received about \$50,000. In the next he reports that he received more than he did in fact receive, and the two amounts possibly come near making the account balance; but that is not all.

Mr. Chairman, I would like to go into this matter more fully and more clearly to show the true state of the facts as developed by that investigation. But I am admonished that I have but five minutes' time remaining. I have said that is not all. From the examination of the Public Printer's books and a comparison with the Treasurer's books and his reports to Congress it is a further fact that not one of these agrees with the others. The Public Printer's report does not agree into thousands of dollars with his books as to the amount of money actually expended. The Public Printer's reports do not agree into thousands of dollars with the Treasurer's account. His reports and his books and the Treasurer's account all disagree.

For instance, the Public Printer's report for 1875 shows that his total disbursements were \$1,709,402.81, while his books show his disbursements to be \$1,719,126.55—a difference of nearly \$10,000. The difference between his books and his reports for the year 1876 is nearly \$53,000; the difference between his books and his reports for 1877 is nearly \$129,000. Go clear through the books of the Public Printer. The experts who examined them say there is no system of bookkeeping, no system of accounts, no cash account kept, no system of balances by which any expert or any person can either trace property that goes into his hands, property that he has sold, or the amount of money received for various purposes and disbursed by the Public Printer. The expert who examined the books of the Public Printer testified that, charging the Public Printer with money received from all sources for the years from September 30, 1870, to September 30, 1877, and giving him credit with all disbursements as reported by him to Congress during the same period, his receipts will exceed his disbursements \$119,746.65, which result he foots up in a table as follows:

EXHIBIT A.—Jan. 23, 1878.

The Congressional Printer in % from Sep. 30, 1876, to June 30, 1877, with the United States.

To receipts as cash, as per your books, as follows:

DR.	
Years ending—	
Sep. 30, 1870.	" warrants issued & certificates paid..... \$1,632,337 20
" " "	" cash from sales waste paper, &c., per cash-book... 29,919 70
Sep. 30, 1871.	" warrants issued & certificates paid..... 1,625,260 93
" " "	" cash from sales waste paper, &c., per cash-book... 33,239 54
Sep. 30, 1872.	" warrants issued & certificates paid..... 1,815,847 61
" " "	" cash from sales waste paper, &c., per cash-book... 39,909 54
Sep. 30, 1873.	" warrants issued & certificates paid..... 1,881,976 60
" " "	" cash from sales waste paper, per cash-book..... 51,206 95
Sep. 30, 1874.	" warrants issued & certificates paid..... 1,729,634 98
" " "	" cash from sales waste paper, as per cash-b'k..... 27,183 35
Sep. 30, 1875.	" warrants issued & certificates paid..... 1,668,424 73
" " "	" cash from sales waste paper, as per cash-book..... 50,702 82
Sep. 30, 1876.	" warrants & certificates paid..... 1,658,946 36
" " "	" cash from sales waste paper, per cash-book..... 44,649 97
9 months.	
June 30, 1877.	" warrants issued & certificates paid..... 1,304,707 25
" " "	" cash from sales waste paper, per cash-book..... 44,456 50
	\$13,640,404 03

CR.

(As per yearly reports to Congress.)

Years ending—	
Sep. 30, 1870.	By " disbursed on % warrants & certificates..... 1,609,859 92
" " "	" deposits on % sales waste paper, &c., cash-b'k..... 19,322 72
" " 1871.	" disbursed on % warrants & certificates..... 1,636,778 81
" " "	" deposits on % sales waste paper, per cash-book..... 19,849 78
" " 1872.	" disbursed on % warrants & certificates..... 1,802,352 27
" " "	" deposits on % sale of waste paper, &c..... 23,291 10
" " 1873.	" disbursed on % warrants & certificates..... 1,911,535 18
" " "	" deposits on % sale of waste paper, &c..... 56,989 39
" " 1874.	" disbursed on % warrants, certificates, &c..... 1,757,769 46
" " "	" deposits on % sale of waste paper, &c..... 22,327 10
" " 1875.	" disbursed on % warrants, certificates, &c..... 1,678,822 46
" " "	" deposits on % sale waste paper, &c..... 35,545 93
" " 1876.	" disbursed on % warrants, certificates, &c..... 1,617,469 09
" " "	" deposits on % waste paper, &c..... 108,478 85
9 months ending—	
June 30, 1877.	" disbursed on % warrants, certificates, &c..... 1,182,959 19
" " "	" deposit on % sale waste paper, &c..... 46,299 13
	\$13,520,657 38

Excess of receipts over disbursements.....	\$119,746 65
[Here the hammer fell.]	
Mr. HAWLEY rose.	
Mr. MCMAHON. Do gentlemen on the other side prefer to speak this evening?	
Mr. HAWLEY. I would prefer letting the debate go over till Monday.	

Mr. McMAHON. Monday is a day for the suspension of the rules. I think we should proceed with this to-morrow. If the gentleman from Connecticut has been recognized as having the floor, I move that the committee do now rise. Will the Chair state who has been recognized?

The CHAIRMAN. The gentleman from Connecticut, [Mr. HAWLEY.]

Mr. McMAHON. I ask the gentleman to yield to me for a motion for the committee to rise.

Mr. HAWLEY. I will after the gentleman from Mississippi has been permitted to make a request for the printing of his amendment.

Mr. SINGLETON, of Mississippi. I ask that my amendment be printed in the RECORD.

There was no objection.

The amendment is as follows:

Add to the bill the following proviso:

Provided, That so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes," as is in the words following: "That so much of all laws or parts of laws as provide for the election or appointment of Public Printer be, and the same are hereby, repealed, to take effect from and after the passage of this act; and the President of the United States shall appoint, by and with the advice and consent of the Senate, a suitable person, who must be a practical printer and versed in the art of bookbinding, to take charge of and manage the Government Printing Office from and after the date aforesaid; he shall be called the Public Printer, and shall be vested with all the powers and subject to all the restrictions pertaining to the officer now known as the Public Printer; he shall give bond in the sum of \$100,000 for the faithful performance of the duties of his office, said bond to be approved by the Secretary of the Interior," be, and the same is hereby, repealed: *Provided further*, That the House of Representatives shall elect some competent person, who shall be a practical printer, to take charge of and manage the Government Printing Office. The person so elected shall be deemed an officer of the House of Representatives, and shall be denominated Congressional Printer, and shall hold his office for two years and until his successor shall be elected; he shall give bond in the sum of \$100,000 for the faithful performance of the duties of his office, said bond to be approved by the Secretary of the Interior; he shall superintend the printing and binding of the Journals and such other documents as shall be ordered by each House of Congress, and shall superintend the execution of all the printing and binding for the respective Departments of the Government now required by law to be executed at the Government Printing Office, and shall, in all respects, be governed by the laws in force in relation to the Public Printer and the execution of the printing and binding; and the salary of said officer shall be \$3,400 per annum: *Provided further*, That as soon as practicable after the election of said Congressional Printer, he shall cause to be prepared a complete invoice of all the material, type, presses, leather, paper, utensils, fixtures, furniture, stock, horses, wagons, carriages, harnesses, and personal property of every description whatever under his charge and belonging to the Government; said invoice shall be verified by the oath or affirmation of the Congressional Printer, reported to Congress, and printed. And thereafter, at the beginning of each fiscal year, or as soon thereafter as practicable, he shall cause a new inventory of all of the said personal property then in his possession to be taken. Said inventory shall be verified by the oath or affirmation of the Congressional Printer, and published as a part of his annual report to Congress. This proviso to take effect from and after the date of its passage."

Mr. McMAHON. I move that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, and had come to no resolution thereon.

ADJOURNMENT OVER.

Mr. PAGE. I move that when the House adjourns it be to meet on Monday next.

The House divided; and there were—ayes 88, noes 41.

Mr. ATKINS. I call for the yeas and nays.

Mr. McMAHON. I wish to say to the House that it is desirable this bill should go to the Senate as speedily as possible, as it is important it should be passed immediately. Let us have the yeas and nays. Let us see who want to go on with the appropriations over there.

Mr. TOWNSHEND, of Illinois. Do gentlemen not want to go on with the appropriation bills?

Mr. HAWLEY. We will go on with them on Monday.

The yeas and nays were ordered.

The question was taken; and there were—yeas 83, nays 74, not voting 135; as follows:

YEAS—83.

Acklen,	Ellis,	Jorgensen,	Price,
Aldrich, N. W.	Errett,	Kelley,	Reed,
Anderson,	Ewing,	King,	Rice,
Ballou,	Ferdon,	Kitchin,	Richardson, D. P.
Barber,	Field,	Knott,	Robeson,
Bayne,	Forney,	Loring,	Robinson,
Bicknell,	Fort,	Marsh,	Russell, W. A.
Blake,	Hammond, John	Mason,	Singleton, O. R.
Bowman,	Harris, Benj. W.	McGowan,	Smith, A. Herr
Butterworth,	Hawk,	McKenzie,	Speer,
Cannon,	Hawley,	Miller,	Stone,
Carlisle,	Heilman,	Morton,	Talbot,
Carpenter,	Henderson,	Muldrow,	Updegraff, J. T.
Cowgill,	Hiscock,	Myers,	Van Voorhis,
Cox,	Hooker,	Norcross,	Wait,
Crapo,	Horro,	O'Reilly,	Ward,
Crowley,	Houk,	Osmer,	Wellborn,
Culberson,	Humphrey,	Overton,	Wilber,
Davidson,	Hurd,	Pacheco,	Williams, C. G.
Davis, Horace	James,	Page,	Wilson.
Deering,	Johnston,	Phister,	

NAYS—74.

Aldrich, William	Farr,	Lowe,	Simonton,
Atkins,	Finley,	Martin, Benj. F.	Slemons,
Beltzhoover,	Frye,	McMahon,	Sparks,
Blount,	Geddes,	McMillin,	Stevenson,
Brewer,	Gillette,	Morse,	Taylor,
Burrows,	Godshalk,	Murch,	Tillman,
Clardy,	Goode,	New,	Townshend, R. W.
Clark, John B.	Hall,	Nicholls,	Turner, Oscar
Cobb,	Hammond, N. J.	O'Connor,	Updegraff, Thomas
Conger,	Harris, John T.	Persons,	Upson,
Cook,	Hatch,	Phillips,	Van Aernam,
Covert,	Henry,	Poehler,	Waddill,
Cravens,	Hill,	Reagan,	Warner,
Davis, George R.	Hostetler,	Richmond,	Weaver,
Davis, Lowndes H.	Hull,	Rothwell,	Whiteaker,
De La Matyr,	Hutchins,	Sawyer,	Wise,
Deuster,	Jones,	Scales,	Wright.
Dibrell,	Ladd,	Shallenberger,	
Dunnell,	Loonsbery,	Sherrin,	

NOT VOTING—135.

Aiken,	Converse,	Klotz,	Samford,
Armfield,	Daggett,	Lapham,	Sapp,
Atherton,	Davis, Joseph J.	Le Fevre,	Shelley,
Bachman,	Dick,	Lewis,	Singleton, J. W.
Bailey,	Dickey,	Lindsey,	Smith, Ezekiah B.
Baker,	Dunn,	Manning,	Smith, William E.
Barlow,	Dwight,	Martin, Edward L.	Springer,
Beale,	Einstein,	Martin, Joseph J.	Starin,
Belford,	Elam,	McCoid,	Steele,
Berry,	Evins,	McCook,	Stephens,
Bingham,	Felton,	McKinley,	Thomas,
Blackburn,	Fisher,	McLane,	Thompson, P. B.
Bland,	Ford,	Mills,	Thompson, Wm. G.
Bliss,	Forsythe,	Mitchell,	Townsend, Amos
Bouck,	Frost,	Money,	Tucker,
Boyd,	Garfield,	Monroe,	Turner, Thomas
Bragg,	Gibson,	Morrison,	Tyler,
Briggs,	Gunter,	Muller,	Uerner,
Brigham,	Harmer,	Neal,	Valentine,
Bright,	Haskell,	Newberry,	Vance,
Browne,	Hayes,	O'Brien,	Voorhis,
Buckner,	Hazelton,	O'Neill,	Washburn,
Cabell,	Henkle,	Orth,	Wells,
Caldwell,	Herbert,	Phelps,	White,
Calkins,	Herndon,	Pierce,	Whitthorne,
Camp,	House,	Prescott,	Williams, Thomas
Caswell,	Hubbell,	Richardson, J. S.	Willis,
Chalmers,	Hunton,	Robertson,	Willits,
Chittenden,	Joyce,	Ross,	Wood, Fernando
Clafin,	Keifer,	Russell, Daniel L.	Wood, Walter A.
Clark, Alvah A.	Kenna,	Ryan, Thomas	Yocum,
Clymer,	Ketcham,	Ryon, John W.	Young, Casey
Coffroth,	Killingier,		Young, Thomas L.
Colerick,	Kimmel,		

So the motion was agreed to.

When the call of the roll was concluded the following pairs were announced:

Mr. CLARK, of New Jersey, with Mr. BRIGHAM.
 Mr. WILLIAMS, of Alabama, with Mr. WASHBURN.
 Mr. CONVERSE with Mr. BRIGGS.
 Mr. O'NEILL with Mr. ROSS.
 Mr. SAPP with Mr. DUNN.
 Mr. RYAN, of Kansas, with Mr. HERBERT.
 Mr. RYON, of Pennsylvania, with Mr. MITCHELL.
 Mr. EWING with Mr. KETCHAM.
 Mr. VANCE with Mr. WILLITS.
 Mr. KEIFER with Mr. HENKLE.
 Mr. MCCOOK with Mr. LE FEVRE.
 Mr. ARMFIELD with Mr. RUSSELL, of North Carolina.
 Mr. McLANE with Mr. UERNER.
 Mr. BOUCK with Mr. MCKINLEY.
 Mr. MONEY with Mr. STARIN.
 Mr. CASWELL with Mr. BRAGG.
 Mr. DAVIS, of North Carolina, with Mr. THOMPSON, of Iowa.
 Mr. STEELE with Mr. BOYD.
 Mr. BERRY with Mr. PACHECO.
 Mr. ATHERTON with Mr. MCCOID.
 Mr. MARTIN, of Delaware, with Mr. SMITH, of Pennsylvania.
 Mr. HUTCHINS with Mr. DWIGHT.
 Mr. MULLER with Mr. EINSTEIN.
 Mr. FROST with Mr. YOCUM.
 Mr. SINGLETON, of Illinois, with Mr. MILES.
 Mr. BLACKBURN with Mr. WHITE.
 Mr. HUBBELL with Mr. SPRINGER.
 Mr. CABELL with Mr. FISHER.
 Mr. SAMFORD with Mr. LINDSEY.

Mr. WILBUR. I am paired on political questions, but have voted, thinking this was not a political question.

The SPEAKER. That is for the gentleman himself to decide.

Mr. SMITH, of Pennsylvania. I have been announced as paired with Mr. MARTIN, of Delaware. I am paired with him on political questions, and as this is not a political question I have voted "ay."

The result of the vote was then announced as above recorded.

Mr. PAGE moved to reconsider the vote by which the motion was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced

that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 1267) for the relief of P. L. Ward, widow and executrix of William Ward, deceased;

An act (S. No. 1268) for the relief of James Vance and his legal representatives, and the legal representatives of William Vance, deceased; and

An act (S. No. 768) for the reclamation of arid and waste lands.

COMMERCIAL REPORTS.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In answer to a resolution of the House of Representatives of March 2, 1880, requesting the Secretary of State to communicate to the House certain information in relation to the publication and circulation of commercial reports, I transmit herewith a report from the Secretary of State, with its accompanying papers.

R. B. HAYES.

WASHINGTON, March 12, 1880.

Mr. COX. I move that the message, with the accompanying papers, be referred to the Committee on Foreign Affairs, and printed. The motion was agreed to.

DUTY ON HOOP-IRON.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, relative to the duty on hoop-iron; which was referred to the Committee on Ways and Means.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SMITH, of Pennsylvania, for a few days, on account of important business.

CHARLES M. FAIRMAN.

Mr. BAYNE, by unanimous consent, introduced a bill (H. R. No. 5090) for the relief of Charles M. Fairman, of Pittsburgh, Pennsylvania; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PREVENTION OF PLEURO-PNEUMONIA.

Mr. COVERT, by unanimous consent, introduced a bill (H. R. No. 5091) for the suppression and prevention of pleuro-pneumonia in neat cattle; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

AGREEMENT WITH UTE INDIANS.

Mr. SCALES, by unanimous consent, introduced a bill (H. R. No. 5092) to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriation for carrying out the same; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

RIVER AND HARBOR IMPROVEMENT IN LOUISIANA.

Mr. ACKLEN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Commerce:

Resolved, That the Secretary of War be, and he is hereby, requested and directed to furnish this House with a list and amounts of all moneys appropriated by Congress for rivers and harbors in Louisiana, the time when made, together with the surveys, estimates, and recommendations upon which said appropriations were made, and the surveys upon which no appropriations have been made.

INDIGENT SOLDIERS AND SAILORS' HOME.

Mr. OSMER, by unanimous consent, introduced a bill (H. R. No. 5093) to authorize the Government of the United States to accept a title to certain lands in the city of Erie, Pennsylvania, and to establish a home for indigent soldiers and sailors; which was read a first and second time.

The SPEAKER. To what committee does the gentleman desire to have that bill referred?

Mr. OSMER. I can hardly tell which would be the appropriate committee. It relates to a marine hospital which was established in Erie under the laws of Pennsylvania. The State now desires to cede it to the United States for the purpose of establishing a home for indigent soldiers and sailors.

The SPEAKER. The Chair would suggest the Committee on Military Affairs.

Mr. OSMER. Very well.

The bill was accordingly referred to the Committee on Military Affairs, and ordered to be printed.

MARY M. CLARK.

Mr. MCKENZIE, by unanimous consent, introduced a bill (H. R. No. 5094) granting a pension to Mary M. Clark, widow of P. Clark, late first lieutenant Company K, First Kentucky Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEMORIAL ADDRESSES ON HON. ALFRED M. LAY.

Mr. SAWYER, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Be it resolved by the House of Representatives, (the Senate concurring therein,) That 2,000 copies, in book form, suitably bound, of the memorial addresses on the life and character of Hon. Alfred M. Lay, late a member of the House of Representatives, be printed; 1,500 for the House of Representatives, and 500 for the Senate.

VAN B. BOWERS.

Mr. ROTHWELL. I ask unanimous consent that Senate bill No. 298, for the relief of Van B. Bowers, be taken from the Speaker's table and referred to the Committee on Claims.

There was no objection; and the bill was accordingly taken from the Speaker's table, read a first and second time, and referred to the Committee on Claims.

Mr. HOOKER. I move that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. AINSLIE: The petition of E. P. Johnson and 150 others, citizens of Lemhi County, Idaho Territory, for an appropriation for the construction of a military road up Salmon River, from Salmon City to Challis, Idaho Territory—to the Committee on Military Affairs.

By Mr. WILLIAM ALDRICH: The petition of Henry S. Halsted, A. T. Spencer, and 40 other vessel-owners and agents, of Chicago, Illinois, for an appropriation to commence the deepening of the channel through the outer bar at the entrance of the Saginaw River, Michigan—to the Committee on Commerce.

Also, the petition of O. J. Smith, publisher of the Chicago (Illinois) Express, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. BARBER: The petition of the same party, of similar import—to the same committee.

By Mr. BERRY: The petition of the publisher of the Times, Vallejo, California, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. BICKNELL: The petitions of George O'Connor and 500 others, citizens of Harrison County, and of Frank Jordan, Jonathan J. Lahue, and 500 others, citizens of Indiana, for the adjustment and payment of the Morgan raid claims—to the Committee on War Claims.

By Mr. BUTTERWORTH: The petition of Charles Moser & Co. and 125 other merchants and dealers of different cities, for the removal of the duty on chrome iron ore and bichromate of potash—to the Committee on Ways and Means.

Also, the petition of J. S. Burdsal and 30 other druggists, of Cincinnati, Ohio, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. CALKINS: The petition of Roy D. Davidson and others, for a post-route from La Fayette to Round Grove, Indiana—to the Committee on the Post-Office and Post-Roads.

By Mr. CARPENTER: The petition of J. H. De Wolf & Co., of Vail, Iowa, and others, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of George W. Day, of Wisconsin, for the defeat of Commissioner Bentley's sixty-district bill—to the Committee on Invalid Pensions.

Also, the petition of J. Hornstein, of Boone, Iowa, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. JOHN B. CLARK, JR.: The petition of citizens of Howard, Cooper, and Saline Counties, Missouri, for an appropriation of \$25,000 for the improvement of the Missouri River at and near Arrow Rock, Missouri—to the Committee on Commerce.

By Mr. COBB: The petition of Robert Bell, Albert Buzan, L. C. Carpenter, and 107 others, citizens of Daviess County, Indiana, for the passage of the Reagan interstate-commerce bill—to the same committee.

By Mr. COVERT: The petition of Isaac C. Winters and others, citizens of Riverhead, New York, for the repeal of compulsory pilotage laws—to the same committee.

By Mr. HORACE DAVIS: Memorial of wine dealers of San Francisco, protesting against the passage of the bill (H. R. No. 3661) relating to the taxation of sparkling wines—to the Committee on Ways and Means.

By Mr. LOWNDES H. DAVIS: The petition of citizens of Mississippi and Cape Girardeau Counties, for the improvement of the Mississippi River at Byrd's Point, Missouri—to the Committee on Commerce.

By Mr. DICKEY: The petition of J. R. Marshall, publisher of the Gazette, Hillsborough, Ohio, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. FINLEY: The petition of W. S. Ensign, publisher of the Independent, Cardington, Ohio, for the abolition of the duty on type, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, memorial of the Ohio State Association of Mexican Volunteers, asking for recognition for valuable services rendered the country—to the Committee on Pensions.

By Mr. FORT: The petition of Downey Brothers, of Winona, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of O. J. Smith, of Illinois, for the abolition of the duty on type—to the same committee.

By Mr. GEDDES: The petition of John Y. Glessner, editor and publisher of the *Shield and Banner*, Mansfield, Ohio, of similar import—to the same committee.

By Mr. HAWK: The petitions of A. Shumway, Lenark; of R. C. Shultz, Forrester; of Hartrig & Butterfield, Rochelle; of Bickford & Wheeler, Rock Falls; of Keefer & Hendricks, Sterling; of H. C. Robbins, Creston; of Caldwell & McGregor and others; of William Lyons and others, of Wyoming; of David G. Plummery and others, of Bradford and Toulon, Illinois, druggists, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

Also, the petition of O. J. Smith, of the *Express*, Chicago, Illinois, for the abolition of the duty on type—to the same committee.

By Mr. HENRY: The petition of citizens of Wicomico County, Maryland, for the exemption from tax for distillation of all brandy manufactured from apples and peaches grown by the distillers thereof and not purchased by them, the exemption not to exceed three hundred gallons—to the same committee.

By Mr. HOSTETLER: The petition of John Vailles and 73 others, citizens of Lawrence County, Indiana, that he be granted arrears of pension—to the Committee on Invalid Pensions.

By Mr. LOWE: The petition of O. J. Smith, editor and publisher of the *Chicago (Illinois) Express*, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. MCKENZIE: Resolution of the Kentucky Legislature, approving the address of the Mississippi Valley commission—to the Committee on Commerce.

By Mr. MONROE: The petition of Messrs. Ryan, Johnson & Co., for an appropriation for widening and deepening the channel through the bar at the mouth of the Saginaw River—to the same committee.

By Mr. MORSE: Memorial of Nathaniel McKay, denying the charges of improper influences attempted by him to be brought upon Hon. W. D. KELLEY, and asking for an investigation of the same—to the Committee on Ways and Means.

By Mr. MYERS: The petition of O. J. Smith, of the *Chicago Express*, for the abolition of the duty on type—to the same committee.

Also, the petition of P. B. Reidenback and 23 others, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. NEW: Two petitions of citizens of Indiana, for the adjustment and payment of the Morgan raid claims—to the Committee on War Claims.

Also, the petition of citizens of Indiana, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. NEWBERRY: The petition of citizens of Wayne County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Wayne County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. OSMER: The petition of W. H. Longwell, editor of the *Oil City (Pennsylvania) Derrick*, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. POEHLER: The petition of P. H. McDermid and 125 others, citizens of Nicollet County, Minnesota, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of William G. Gresham and 125 others, citizens of the same county and State, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. PRICE: The petition of citizens of Shelby County, Iowa, for the repeal of the stamp-tax on cosmetics, perfumery, and proprietary medicines—to the Committee on Ways and Means.

By Mr. RICHMOND: The petition of James C. Larkey, sr., and 32 others, citizens of Scott County, Virginia, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. SAWYER: The petition of the Western Wholesale Druggists' Association, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. STEVENSON: The petition of O. J. Smith, editor of the *Chicago Express*, for the abolition of the duty on type—to the same committee.

By Mr. P. B. THOMPSON, JR.: The petition of Willis Lucas, of Casey County, Kentucky, for a pension—to the Committee on Invalid Pensions.

Also, the petition of citizens of Mercer County, Kentucky, for legislation similar to the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. AMOS TOWNSEND: The petition of citizens of Cleveland, Ohio, for the removal of a bar at the mouth of Saginaw River, Michigan—to the same committee.

By Mr. UPSON: The petition of Samuel Wallick, post-trader in the Army of the United States, for the amendment of the law relating to post-traders so that it may afford the soldier the privilege of credits and secure the post-trader payment therefor—to the Committee on Military Affairs.

By Mr. WEAVER: Resolutions of the Legislature of Iowa, concerning meandered lakes of that State—to the Committee on the Public Lands.

By Mr. WELLS: The petition of distillers, rectifiers, and wholesale liquor dealers of Saint Louis, Missouri, for the passage of House bill No. 4812 without amendment—to the Committee on Ways and Means.

By Mr. WHITTHORNE: The petition of Mrs. Julia M. Hudson, for increase and arrears of pension—to the Committee on Invalid Pensions.

By Mr. WILLITS: The petition of C. H. Manley and 60 others, citizens of Ann Arbor, Michigan, for the passage of the bill (H. R. No. 4147) to grant additional pensions to those who have lost an arm or leg in the service of the United States—to the same committee.

By Mr. WRIGHT: The petition of John F. Rowland and 67 others, citizens of Garden City, Kansas, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

IN SENATE.

MONDAY, March 15, 1880.

Prayer by Rev. DOUGLAS F. FORREST, D. D., of Washington, D. C. The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers covering copies of reports from Captain C. B. Phillips, Corps of Engineers, upon examination and surveys made in compliance with the requirements of the river and harbor act of March 3, 1879, of Pamunkey and Archer's Hope Rivers, Virginia; of Lockwood's Folly and Waccamaw Rivers, North Carolina; and of the Pee Dee River, South Carolina; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers and an accompanying copy of a report of Captain A. N. Damrell, Corps of Engineers, upon a survey of Mobile Harbor, Alabama, made in compliance with the provisions of the river and harbor act of June 18, 1878; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter of the Chief of Engineers covering copies of reports of Captain A. N. Damrell, Corps of Engineers, upon examinations made in compliance with the requirements of the river and harbor act of March 3, 1879, of Noxubee River, Mississippi, of Choctawhatchee River, Alabama, from Geneva to Newton and Pea River, Alabama, from Geneva to Elba, and of Withlacoochee River, Florida; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of the 3rd ultimo, copy of a report of the Acting Commissioner of the General Land Office on the subject of changes in the original line of the Northern Pacific Railroad; which was referred to the Committee on Public Lands, and ordered to be printed.

REPORT ON FISH AND FISHERIES.

The VICE-PRESIDENT laid before the Senate the annual report of Spencer F. Baird, United States Commissioner of Fish and Fisheries, 1879; which was ordered to lie on the table, and be printed.

Mr. ANTHONY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring.) That there be printed 10,000 extra copies of the report of the Commissioner of Fish and Fisheries for the year 1879, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 1,500 copies for the use of the Commissioner of Fish and Fisheries, the illustrations to be made by the Public Printer under the direction of the Joint Committee on Public Printing, and 2,500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereon added.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 5089) directing the issue of a duplicate check to Elizabeth D. Thomas, a pensioner of the United States; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 3258) authorizing the Secretary of the Interior and Secretary of War to employ additional clerks for the balance of this fiscal year to expedite the settlement of pension applications, and for other purposes; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from the Secretary of War, transmitting a petition of Colonel W. Merritt and other officers of the Fifth United States Cavalry, relative to the restoration to the Army of First-Lieutenants Harlow L. Street and John W. Chickering, and Captain Edward Byrne, late of the First, Sixth, and Tenth United States Cavalry, respectively; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Legislature of Wisconsin, in favor of an adequate appropriation for the improvement of the harbor at Green Bay, in that State; which was referred to the Committee on Commerce.

Mr. DAVIS, of Illinois. Mr. President, I am charged with the duty of presenting a memorial from the publishers of the principal newspapers of Chicago, respectfully asking that the present duty of 20 per cent. on the valuation of foreign unsized paper be repealed. This tax produces little revenue, and serves only to enlarge the profits of manufacturers, who, enjoying a monopoly, are able to dictate their own terms to the consumers.

These memorialists also ask that the duty on soda-ash, principally made abroad, and the duty on wood, straw, and all other pulp be abolished so that the American manufacturer of paper will stand on an equal footing with his foreign competitor at the start, with the advantage of freight, insurance, ready market, and charges attending importation on his side, as against the paper-maker abroad. And lastly, they ask that the duty on type, which is virtually prohibitory, be wiped out, because, like that on paper, it exclusively benefits a combination and serves as a pretext for unreasonable prices.

These propositions seem to be so plain and so just as to require no argument in their behalf. What is true of Chicago, applies with equal force to the press of the whole United States, and especially to that portion of it familiarly known as the "country papers." The great metropolitan journals can take care of themselves under almost any condition of things, but that fact furnishes no good reason why they should be subjected to imposition or to wrong. The main burden of these taxes falls heaviest on the papers of the interior, dependent on local circulation, and unable to compete with those of the large cities. After all, it is struggling labor that has to carry the load of taxation, in whatever form it may be imposed. The press is one of the wonders attending the growth of our institutions. In the history of the human race, there is nothing comparable to this development. It is not only the bulwark of liberty, but it is the mighty popular instructor, more beneficent and wide-reaching than any other agency but the Christian religion, of which it is one of the main props.

Complaint is made that this power is sometimes abused and that we in public life are too often censoriously criticised. It will be a sad day for the Republic when criticism upon the acts and the speech of Senators and Representatives shall be curbed, and a still sadder day when those acts and that speech cannot invite the sternest criticism. What food is to the body the press is to the mind. It has become a daily necessity and nourishment from the home of the rich to the cabin of the pioneer on the plains, whose brain and muscle are integral parts of the empire in the West. To make the press wholly independent and to widen its influence every restriction of unjust or unwise laws ought to be removed.

The time has come, Mr. President, when the mass of incongruities and of huge monopolies, commonly called the tariff, should be revised and adapted to the spirit of a progressive age. A young people like ours becomes restive under the shackles of old legislation passed in the confusion of civil strife or under the persuasion of selfish politics. It may not be practicable at this session to reform the revenue system. Indeed, reputed action elsewhere forbids any hope of that kind. But there should be no difficulty in an exceptional case like that presented in this memorial. Only a few months ago Congress very properly swept away the obnoxious duty on quinine that had long been maintained for the profit of a few manufacturers in a single city. That remedy had at best only a local application. In this instance the newspapers of the entire country are oppressed by taxes which are a delusion and a snare. They bring nothing of importance into the Treasury, and they only stand as the duty on quinine did, as an excuse for increasing the dividends of what may be described as a close corporation of special interests.

I beg leave to present the petition, being the petition of the following-named papers in the city of Chicago: The Chicago Times, Chicago Evening Journal, the Chicago Tribune, Illinois Staats-Zeitung, Chicago Freie Presse, Chicago Volks-Freund, Chicago Daily Telegraph, Deutsche Warte, praying that the present duty of 20 per cent. on the valuation of foreign unsized paper be repealed; also, that the duty on soda-ash, wood, straw, and other pulp be abolished, and that the duty on type be also abolished. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. WILLIAMS presented the petition of the Kentucky Press Association, praying that the duty be removed from all articles entering into the manufacture of printing-paper; which was referred to the Committee on Finance.

Mr. BECK. I was about to ask that the memorial presented by my colleague be read, but will present one perhaps of the same general character. I present the memorial of the Kentucky Press Association, officially signed by J. Stoddard Johnston, president, and by a committee thereof, praying that all duties be removed from such articles as enter into the manufacture of printing-paper, for the reasons stated in the petition. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. BECK. I present a petition of residents of the District of Columbia, praying the passage of an act for enforcing the satisfaction of judgments rendered in the courts of the District. I move its reference to the Committee on the District of Columbia.

Mr. THURMAN. Let the title of the petition be read at the desk. The CHIEF CLERK. "Memorial of residents of the District of Columbia, requesting the passage of an act for enforcing the satisfaction of judgments rendered in the courts of said District."

Mr. BECK. I was advised that this is a subject which has always been considered by the Committee on the District of Columbia. I inquired of the lawyers who requested me to present the petition whether it ought to go to the Committee on the Judiciary or the Committee on the District of Columbia, and their judgment was that it ought to go to the Committee on the District of Columbia. I consulted several members of the Committee on the District of Columbia, and they were also of the opinion that the petition should be referred to their committee.

Mr. THURMAN. I shall not say a word against the reference.

Mr. BECK. That is all I know about it.

The VICE-PRESIDENT. The petition will be referred to the Committee on the District of Columbia.

Mr. JOHNSTON presented the memorial of J. Richard Lewellen & Co., publishers of the Public Ledger, of Norfolk, Virginia, praying for the abolition of the tariff upon printing-type; which was referred to the Committee on Finance.

Mr. KERNAN presented the petition of George Dunn, of Utica, New York, praying that he be granted a pension; which was referred to the Committee on Pensions.

Mr. THURMAN presented a memorial of citizens of Michigan, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Lake County, Ohio, praying for such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

He also presented a petition of citizens of New Lisbon, Ohio, praying for an amendment to the Constitution of the United States which shall grant to women the right of suffrage; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Lake County, Ohio, praying Congress to relieve them from the oppression of railway companies; which was referred to the Committee on Commerce.

Mr. CONKLING presented a petition signed by a large number of licensed officers of steam-vessels, praying for a modification of the law and of the fees paid to pilots; which was referred to the Committee on Commerce.

He also presented a memorial signed by merchants and ship-owners of San Francisco, California, praying the passage of an amendment to chapter 5, title 53, of the Revised Statutes, touching the payment of three months' extra wages to seamen discharged in foreign ports; which was referred to the Committee on Commerce.

Mr. CONKLING. I present the memorial of George C. Wooley, formerly a member of one of the New York cavalry regiments, asking that certain pay be allowed to him, and giving the reasons why he is entitled to it. I move that the memorial be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. McDONALD presented the memorial of W. R. McKeen, president of the Terre Haute and Indianapolis Railroad Company and leased lines, representing three hundred and fifty-four miles of railroad, remonstrating against a reduction of the duty on steel rails from \$28 to \$10 a ton; which was referred to the Committee on Finance.

He also presented the petition of W. H. Ingram and others, of Winamac, Indiana, praying for the passage of a bill placing wood and straw pulp, soda-ash, and other chemicals used in the manufacture of paper on the free list; which was referred to the Committee on Finance.

He also presented a memorial of L. W. Hasselman and others, citizens of Indianapolis, remonstrating against the passage of the proposed bill amending the practice of the United States courts as regards the bringing of suits for the infringement of patents; which was referred to the Committee on Patents.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens of Crawford and a petition of citizens of Mercer County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which were referred to the Committee on Commerce.

He also presented a petition of David Mapes and 53 others, citizens of Beech Creek Township, Clinton County, Pennsylvania; a petition of citizens of Randolph Township, Crawford County, Pennsylvania; and a petition of citizens of Mercer County, Pennsylvania, praying for the establishment of a Department of Agriculture; which were referred to the Committee on Agriculture.

He also presented a petition of citizens of Mercer County, and two petitions of citizens of Crawford County, Pennsylvania, praying for such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which were referred to the Committee on Patents.

Mr. GARLAND presented the memorial of F. M. Clouse and others, citizens of Ash Flat, Arkansas, protesting against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. COKE presented a petition of citizens of Belton, Texas, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

Mr. RANDOLPH presented a petition of officers of the Army, praying for the repeal of the law concerning payment by officers for fuel; which was referred to the Committee on Military Affairs.

Mr. WALLACE presented a petition of citizens of Indiana County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Indiana County, Pennsylvania, praying for the establishment of a department of agriculture; which was referred to the Committee on Agriculture.

He also presented a petition of citizens of Indiana County, Pennsylvania, praying for such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

Mr. HOAR. I present the memorial of J. E. Crisp and others, citizens of Massachusetts and skilled mechanics, who have made a specialty of working upon and designing shoe-machinery, remonstrating against the extension of the McKay sewing-machine patent. I move the reference of the memorial to the Committee on Patents.

The motion was agreed to.

Mr. FARLEY. I present a resolution of the Legislature of California, relative to the establishment of a dead-letter office at San Francisco. I ask that it may be read and referred to the Committee on Post-Offices and Post-Roads.

The VICE-PRESIDENT. The memorial will be read.

The Chief Clerk read as follows:

CHAPTER 16.

Assembly concurrent resolution No. 11, relative to the establishment of a dead-letter office in San Francisco.

Whereas a large amount of mail matter is constantly being transmitted from the post-offices of the Pacific slope to the Dead Letter Office at Washington, which matter is increased in consequence of the recent order of the Postmaster-General relative to the mode of addressing letters; and

Whereas the delay incident to such transmission is the cause of serious inconvenience and even pecuniary loss to the people of the Pacific coast: Therefore,

Resolved by the assembly, (the senate concurring,) That our Senators and Representatives in Congress be, and they are hereby, requested to use their best endeavors to obtain the establishment at San Francisco of a dead-letter office. And further, That the governor be requested to furnish a copy of this resolution to each of our Senators and Representatives.

J. F. COWDERY,
Speaker of the Assembly.
JOHN MANSFIELD,
President of Senate.

A true copy. Attest:

D. M. BURNS, Secretary of State.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Post-Offices and Post-Roads.

Mr. CONKLING. Before that resolution passes away, I wish to ask a question of the Chair for my own government. I do not understand that a resolution of a Legislature addressed to the Senators of a State instructing them, is a proper resolution to present here for reference. The resolution speaks to the Senators from the State, and certainly no committee of this body can report upon it. The only report that could be made upon the resolution would be the opinion of a committee whether the Senator from California and his colleague ought to obey the instruction or not. That is a question which those Senators must settle for themselves.

I bring this to the notice of the Chair for the reason that it sometimes happens, inadvertently, as I suppose, that one of these resolutions finds its way before a committee, which committee does not know what to do with it. The Legislature of the State of New York passes a resolution instructing me to vote for a particular bill; I observe that particular instruction; but it is a thing that does not concern the other members of the Senate, and certainly not a committee of the Senate at all.

Mr. FARLEY. I will state to the Senator that I intend to introduce a bill to carry out the suggestion of the resolution, and I propose to advise the Committee on Post-Offices and Post-Roads in regard to the matter. Therefore I have asked the reference of the resolution to that committee.

Mr. CONKLING. The honorable Senator will understand that I do not wish to incommode him or interfere with his bill; but I ask the question rather for my own understanding than for any other

purpose. I do not suppose if the Legislature of my State passes a resolution instructing me to vote for a particular measure, that that is a resolution for me to present here and have referred to a committee. If the understanding of the Senate be different, I shall be very glad to know it, because I have proceeded, as other Senators have done, upon the idea I state.

Mr. FARLEY. The Senator from New York will permit me to say that he is much more familiar with the rules than I am, but I was of opinion that the Committee on Post-Offices and Post-Roads is the proper committee to consider this subject.

Mr. CONKLING. There is no doubt of it.

Mr. FARLEY. For that reason simply I asked the reference of the resolution to that committee. I propose to introduce a bill if the committee should consider that it is a proper subject on which a bill ought to be introduced.

Mr. CONKLING. I am sure the Senator mistakes my point about this resolution. The Committee on Post-Offices and Post-Roads is no doubt the proper committee and the bill is no doubt a proper bill to be considered, and if the Senator wishes the resolution to go to that committee as persuasive evidence or information to have this action, that he has a right to do; but my question, addressed to the Chair, is this: Is it proper for a Senator to introduce into the Senate for reference to a committee and for action the resolutions of a State Legislature, not addressed to Congress nor to the Senate but addressed simply to the Senators from that State, giving them instructions?

Mr. FARLEY. My impression is that it is proper. If the subject to which it relates is one entirely under the control of Congress, and if it is one that Congress must take action upon, it seems to me it ought to have the consideration of the proper committee. I may be entirely wrong; the Senator from New York has much more extensive knowledge of the proper course to be taken than I have, and I will yield to any suggestion he may make in regard to a disposition of the resolution which I have presented.

Mr. CONKLING. Claiming no superiority of recollection or information, my recollection is that it never has been customary, (and has only happened occasionally by accident,) to refer a resolution of a Legislature, speaking to the Senators from that State alone, to a committee of the Senate to act upon it. It really gives rise to no question except whether the Senator ought to obey his instruction or not. How can a committee pass upon that? But I merely make the question to the Chair.

The VICE-PRESIDENT. If the Senator from New York makes a point of order, the Chair will rule upon it.

Mr. CONKLING. Then I will do so, for the sake of having the opinion of the Chair upon this subject.

The VICE-PRESIDENT. The Chair rules that the communication not being addressed to the Senate is not in order.

Mr. THURMAN. I want to say a word before this matter passes from the attention of the Senate. I think we ought to have a uniform rule on this subject. The usage of the Senate perhaps has not been uniform. It is but a few days since that the Judiciary Committee reported back the resolutions of a State Legislature of a similar character to those now presented, that is, mere resolutions of instruction to the Senators and request to the Representatives of a State. The resolutions had been sent to the Judiciary Committee, and that committee reported them back to the Senate with a statement in effect such as the ruling of the Chair now, and advised that while it was very proper to receive them, yet the appropriate course was to lay them on the table, and that they were not properly subject to reference to a committee. I think we ought to have a uniform usage upon the subject. That was the opinion we gave, and the report was acquiesced in by the Senate, although I think it did not attract much attention in the Senate.

The VICE-PRESIDENT. The point of order has not hitherto been made. The Chair sustains the point of order that a communication addressed to a Senator is not a memorial within the meaning of the rules of the Senate.

Mr. WHYTE. I do not know whether I shall be liable to the criticism made by the Senator from New York or not in presenting the resolution which I hold in my hand, but it has been usual certainly where resolutions were passed by a municipal corporation or by a State Legislature in the nature of a memorial, either to have them referred to a committee or to lie upon the table. I hold in my hand a resolution of the mayor and city council of Baltimore, urging the Senators and the Representatives in the other House from Maryland to press upon Congress the passage of an appropriation for the completion of the work at Fort Carroll, at the entrance of the harbor of Baltimore. It struck me that these resolutions were in the nature of a memorial, and although addressed to the Senators that they are proper to be presented to the Senate, and laid on the table and printed. I make that motion.

The VICE-PRESIDENT. The Chair hears no objection, and the resolutions will lie upon the table, and be printed.

Mr. McMILLAN presented a memorial of the Chamber of Commerce of Duluth, Minnesota, in favor of an appropriation by Congress of \$50,000 for the improvement and enlargement of the harbor of Duluth; which was referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin. I present a memorial adopted by the Legislature of Wisconsin, praying for a modification of the exist-

ing laws respecting the payment of pensions to disabled ex-soldiers and sailors. It is recited in the memorial that "according to the present law the soldier or sailor who suffered the amputation of his arm above the elbow, or of his leg above the knee, receives a pension of \$24 a month, while his equally unfortunate brother-in-arms, whose arm was amputated close to but below the elbow, or his leg close to but below the knee, receives but \$18 a month pension, the disability being quite as great in the latter case as in the former, and the victim being quite as effectually incapacitated from the performance of the duties of active life." The memorial prays that the pension laws may be so amended as to remedy this, which they regard as a defect. I move the reference of the memorial to the Committee on Pensions.

The motion was agreed to.

Mr. VOORHEES presented the petition of John G. Campbell, late postmaster at Clinton, Indiana, praying for relief from a loss occasioned by the burglary of the post-office at that place; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rose M. Wood, widow of William Maxwell Wood, late Surgeon-General of the United States Navy, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. PADDOCK presented the petition of M. Willson, publisher of Our Prairie Home, of Cloverton, Nebraska, praying for the passage of a bill placing wood and straw pulp, soda-ash, and other chemicals used in the manufacture of paper on the free list, and reducing the duty on printing-paper, &c.; which was referred to the Committee on Finance.

Mr. GORDON presented the petition of Alfred H. Colquitt and others, members of the late confederate army, praying that the Secretary of War be requested to compile and publish, in text form, the knowledge by which the positions and movements of troops were laid down on the engineer maps of the battle of Gettysburgh, together with a new edition of the maps; which was referred to the Committee on Military Affairs.

Mr. DAVIS, of Illinois, presented additional papers in the case of the claim of Henry Head, of Quincy, Illinois, for cavalry and other equipments furnished by him during the late war, to accompany the bill (S. No. 961) for the relief of Henry Head, of Quincy; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1253) prohibiting the arrest of election officers on election day, reported it without amendment.

Mr. EDMUNDS. I wish to state that this is not the unanimous report of the Committee on the Judiciary, but is agreed to by a majority. Some other members of the committee, as well as myself, dissent from the conclusion of the report.

Mr. McPHERSON, from the Committee on Pensions, to whom was referred the petition of Thomas McGeehan, a disabled soldier, praying for an increase of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Moses Coffy, of Casey County, Kentucky, praying for an increase of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (H. R. No. 1597) granting a pension to Patsy Davenport, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1070) granting a pension to Jacob H. Eppler, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. THURMAN, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1421) to make the crime of rape in the District of Columbia punishable with death, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. EDMUNDS. I wish to say that I am not able to concur with the committee, and I believe some other Senators are not, in the conclusion to which they have come. I ask leave to submit in the course of a day or two the views of the minority in writing.

The VICE-PRESIDENT. To this request the Chair hears no objection.

Mr. THURMAN, from the Committee on the Judiciary, to whom were referred the following bills, reported them, severally, without amendment:

A bill (H. R. No. 3109) to remove disabilities of I. Wilkinson;

A bill (H. R. No. 3328) to remove the political disabilities of John Owins, of Portsmouth, Virginia;

A bill (H. R. No. 3998) to remove the political disabilities of Charles Carroll Simms, of Virginia; and

A bill (H. R. No. 3832) to remove the political disabilities of Joseph A. Seawell, of Virginia.

Mr. THURMAN. I am instructed by the same committee, to which were referred the bill (H. R. No. 3064) to remove the political disabilities of W. S. Maxwell, of Tennessee, and also the bill (S. No. 892)

to remove the political disabilities of William S. Maxwell, of Tennessee, to make a written report showing that by a general law Mr. Maxwell's disabilities have been removed and that there is no necessity for these bills. Therefore we recommend the indefinite postponement of the bills, and ask, as it is a matter of some general interest and concerns perhaps a number of other cases, that the report be printed.

The bills were postponed indefinitely, and the report was ordered to be printed.

Mr. FARLEY, from the Committee on Pensions, to whom was referred the bill (S. No. 873) granting a pension to George W. Wickwire, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CALL, from the Committee on Pensions, to whom was referred the bill (S. No. 339) granting a pension to A. W. Richards, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 975) granting a pension to James O. McKenna, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 898) granting a pension to Mary A. Davis, reported it with an amendment, and submitted a report; which was ordered to be printed.

BILLS INTRODUCED.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1471) granting a pension to Mrs. Rose M. Wood; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1472) authorizing the President to appoint Charles Ogden Wood a captain in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. JOHNSTON. I ask leave to introduce two bills. By way of explanation I wish to say that a bill similar to one of them was introduced in the House and is pending there before the Committee on Agriculture. The other is a bill prepared by a gentleman engaged largely in agriculture and in the cattle trade. They relate to the subject of pleuro-pneumonia which is being considered by the Committee on Agriculture, and we desire to procure all the information we can get upon the subject.

By unanimous consent, leave was granted to introduce a bill (S. No. 1473) for the suppression of infectious and contagious diseases of domestic animals; which was read twice by its title, and referred to the Committee on Agriculture.

By unanimous consent, leave was granted to introduce a bill (S. No. 1474) for the suppression and prevention of the pleuro-pneumonia in neat cattle; which was read twice by its title, and referred to the Committee on Agriculture.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1475) to change the name of the steamer J. H. Kelly to John Thorn; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WITHERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1476) for the relief of the heirs of William Selden, late United States marshal for the District of Columbia; which was read twice by its title.

Mr. WITHERS. I am a little at a loss to know what is the proper committee to which the bill ought to be referred. The subject of the bill was passed on by the Committee on Appropriations and placed in the sundry civil bill last year, but went off on the committee of conference. However, as it is somewhat in the nature of a claim, I move the reference of the bill to the Committee on Claims, together with the accompanying papers, and ask that the committee make a speedy report, it having already passed the Senate.

The motion was agreed to.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1477) for the punishment of tramps in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. KELLOGG asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1478) for the relief of Lizzie D. Clarke, administratrix of the estate of Thomas L. Clarke, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1479) to authorize the President to appoint Ordnance-Sergeant William Marshall, of the United States Army, a second lieutenant and place him upon the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1480) for the relief of Edward Fenlon; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1481) to amend section 3689 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. KIRKWOOD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1482) for the relief of Morse K. Taylor, captain and assistant surgeon United States Army; which

was read twice by its title, together with the accompanying papers, and referred to the Committee on Military Affairs.

Mr. McPHERSON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1483) to amend the patent laws; which was read twice by its title, and referred to the Committee on Patents.

HOUSE BILL REFERRED.

The bill (H. R. No. 5089) directing the issue of a duplicate check to Elizabeth D. Thomas, a pensioner of the United States, was read twice by its title, and referred to the Committee on Pensions.

ALBERT V. CONWAY.

On motion of Mr. ALLISON, it was

Ordered, That the bill (H. R. No. 768) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee for certain registered United States bonds, redeemed or assigned by the Government upon forged assignments, be recommitted to the Committee on Finance.

INTEREST ON WAR CLAIMS.

Mr. McDONALD. A few days since a bill (S. No. 10) to reimburse the several States for interest paid on war loans, and for other purposes, was reported from the Committee on the Judiciary adversely. I was not in the Senate at the time the report was made. The Senator from Illinois [Mr. DAVIS] and myself dissent from that report, and we desire to file our views in dissent from it.

The VICE-PRESIDENT. That is in the nature of a minority report, the Chair understands?

Mr. McDONALD. Yes, sir; I ask that it be printed.

The VICE-PRESIDENT. The views of the minority will be printed.

RIVER IMPROVEMENTS.

Mr. MORGAN. I offer the following resolution:

Resolved, That the Committee on Commerce be directed to return to the Senate House bill No. 4213, referred to said committee on the 3d of February, 1880, entitled "An act to appropriate money for the continuance of improvement of certain navigable waters."

I ask for the present consideration of the resolution.

Mr. EDMUNDS. What is the object of the resolution?

The VICE-PRESIDENT. The object is, the Chair supposes, to discharge the committee.

Mr. EDMUNDS. May I inquire what is the purpose of this resolution?

Mr. MORGAN. I will state in answer to the Senator from Vermont that the bill (H. R. No. 4213) to appropriate money for the continuance of improvement of certain navigable waters includes three propositions: the appropriation of \$25,000 "to deepen the channel of the Susquehanna River above and below the port of Havre de Grace, and to complete the work commenced in June, 1879, at the Fishing Battery light-station, in the vicinity of Spesutic Island;" secondly, "for continuing the work on Muscle Shoals, on the Tennessee River, \$110,000;" thirdly, "for continuing the work on Davis's Island Dam, on the Ohio River, \$75,000; and that said appropriations shall be available from the passage of this act."

That bill was referred to the Committee on Commerce. The Committee on Commerce reported back a bill of their own origination containing but one item of appropriation, to wit, "to deepen the channel of the Susquehanna River above and below the port of Havre de Grace," embodying the language of the House bill in regard to that proposition, but taking no action whatever upon the other two propositions contained in the bill, neither reporting adversely nor favorably upon those two propositions, and indeed not reporting the House bill at all.

I addressed a note to the Committee on Commerce, asking them to return the bill to the Senate either with or without recommendation. That note, I understand, was laid before the Committee on Commerce, and it has not been responded to, certainly not in any official way; but I understand that the committee declined to take any action upon the bill at all.

I desire to get the Senate in the possession and control of the bill again so that I may offer it as a substitute for the bill reported by the Committee on Commerce, in order that we may have the benefit of the action of the Senate upon the whole subject-matter as passed upon by the House.

I have no doubt that the three works which are provided for in the House bill are necessary to be conducted, and that the appropriation made by the House is altogether indispensable for the present prosecution of all of these works, which I understand have been a long time established and are under the direction of the Engineer Department of the Government.

Mr. EDMUNDS. Then, if I understand the Senator, his object is to discharge the committee so as to bring the bill before the Senate for its consideration?

Mr. MORGAN. That will be the effect of the resolution, certainly.

Mr. EDMUNDS. I should doubt, strictly considered, whether an order to return the bill to the Senate without discharging the committee from its consideration would bring the bill before the Senate for action. I see that the Senator's resolution merely is an order to return that particular paper.

Mr. MORGAN. My reason for taking that course was because I thought the Senate might prefer to recommit the bill which has been reported, in connection with the House bill, for the further consideration of that committee.

Mr. EDMUNDS. A motion to discharge the committee would be a perfectly proper one, with the views the Senator has, but my present criticism is on the form of his resolution, which commands the committee to return the bill. That does not, by any correct interpretation, discharge the committee from its consideration. It might be that the Senate for half a dozen purposes wanted to see that particular paper. Of course the usual motion is a motion to discharge the committee, and that the rules provide for.

Therefore, I suggest to the Senator to modify his resolution so as to make it the ordinary one to discharge the committee from the consideration of the bill, which if agreed to will relieve the matter of all technical questions hereafter.

Mr. MORGAN. I am willing to make a modification of the resolution so as to correspond with the suggestion of the Senator from Vermont, though I thought in the very peculiar attitude of this case the proper motion was that the bill be returned to the Senate for the action of the Senate in connection with the bill reported from the committee. The case is a very singular one, one not at all usual in the Senate, so far as I am advised. Let the resolution be modified according to the suggestion of the Senator from Vermont.

The VICE-PRESIDENT. The resolution will be so modified.

Mr. CONKLING. What is the resolution now as modified?

The VICE-PRESIDENT. It will be reported.

Mr. MORGAN. That the Committee on Commerce be discharged from the further consideration of the bill.

Mr. CONKLING. I rose to say, having been out a moment, that I supposed the resolution ought to be modified in that respect.

The VICE-PRESIDENT. Is there objection to the resolution as modified?

Mr. McMILLAN. Does the Senator from Alabama ask for immediate action?

The VICE-PRESIDENT. He did. The Chair hears no objection—

Mr. EDMUNDS. I do not want to be committed as assenting to this discharge, for one. I hope the Chair will put the question.

Mr. MORGAN. I have no objection to the resolution going over until to-morrow.

The VICE-PRESIDENT. The resolution will go over on the point made.

Mr. MORGAN. The result will be, however, that if the bill reported from the Committee on Commerce is reached on the Calendar, I shall be compelled to object to its consideration.

The VICE-PRESIDENT. The resolution will lie on the table.

DISTRICT CRIMINAL PRACTICE.

Mr. THURMAN. I wish to give notice that in the morning hour to-morrow, which I believe is in order, before the Calendar is called, I shall ask the Senate to take up and consider the bill (S. No. 1408) to further amend the act entitled "An act to reorganize the courts of the District of Columbia, and for other purposes," approved March 3, 1863, and to repeal section 861 of chapter 24 of the Revised Statutes of the District of Columbia, and re-enact the same as amended, reported by the Committee on the Judiciary. It is a matter that is very pressing, and I am urged by the judges of the courts for the action of the Senate upon that bill at the earliest day.

The VICE-PRESIDENT. For what time does the Senator give the notice?

Mr. THURMAN. In the morning hour to-morrow I shall ask the Senate to take up the bill. There will be no time consumed in its consideration, I am quite sure.

PUBLIC BUILDING AT DENVER.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar, commencing at the point reached on Friday last.

The bill (S. No. 1269) for the erection of a public building at Denver, Colorado, was announced as being first in order upon the Calendar, and its consideration was resumed, as in Committee of the Whole, the pending question being on the amendment of Mr. HILL, of Colorado, to strike out all of the bill after the word "States," in line 18, in the following words:

Nor until the State of Colorado shall duly release and relinquish to the United States the right to tax or in any way assess said site or the property of the United States that may be thereon, and shall cede jurisdiction over the same during the time that the United States shall remain the owner thereof.

Mr. THURMAN. I wish to say one word upon the question of the cession of jurisdiction by the State. I have nothing to say upon the proposition that the State shall cede the right to tax the land. Some years ago I was taken pretty severely to task by some of my brethren in the Senate for asserting that the United States could acquire title to real estate in a State without first obtaining the consent of the State. I was of the opinion that it could, and I thought that it had done so in thousands of instances where it had purchased land upon execution or other process in its favor, and I think so yet. In fact it does it wherever it makes a lease of a piece of property for a public building, for a leasehold of an estate may be as much real estate as a title in fee, and if the United States cannot acquire a title in fee without the consent of the State, it cannot acquire a leasehold interest.

I have no doubt that it is perfectly competent for the United States to purchase a piece of property and erect on it a court-house, a custom-house, or any other public building that it is within the compe-

tenency of Congress to erect. Then it is a question of policy whether or not the State ought to be required to cede jurisdiction. I have always opposed that cession, with very few exceptions, where the exceptional nature of the case seemed to make it proper that the State should cede jurisdiction. Certainly the State ought to cede jurisdiction over property obtained for an arsenal, for a fort, for a navy-yard; there can be no question about that; but why, in the name of common sense, there should be exclusive jurisdiction on the part of the United States over a particular lot of land, one hundred or two hundred feet square on which the United States builds a custom-house, or a court-house, or a post-office, is past my comprehension.

One thing is certain, that although the State may reserve, as has been done frequently, and as Massachusetts did in the case of a fort there, a right to serve the process of the State within the limits of the reservation or the land granted to the United States, yet as was decided in regard to the people living at that fort, they were not citizens of Massachusetts, they had no right to vote, and for a crime committed within that reservation they could not be indicted in the courts of the State, for it is no violation of the State law, not being committed in a place under the jurisdiction of the State.

The consequence is, that whenever you say that a lot of land, perhaps only one hundred and fifty or two hundred feet square, upon which you have erected a post-office, shall be within the exclusive jurisdiction of the United States, then no crime committed in that is a crime against the law of the State; no such crime can be punished in a State court, and you have so many Alsatis, so to speak, in the United States, dotted all over the surface of the country, in which men can commit crime almost with impunity.

There are other reasons that I do not want to take up the time of the Senate to notice, for I believe we are under the five-minute rule in discussing a bill on the Calendar.

Mr. CONKLING and others. No.

Mr. THURMAN. I thought that being under the Anthony rule we were limited to five minutes.

Mr. RANSOM and others. No.

Mr. THURMAN. Then without any five-minute rule I will take my seat, for I believe that I have said all that I want to say.

Mr. EDMUNDS. The Constitution provides that Congress shall have power to "exercise exclusive legislation in all cases whatsoever," I pass over the District of Columbia, &c., "and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

The language of this bill does not follow the language of the Constitution, for it speaks about a cession of jurisdiction. Perhaps that might be taken to be satisfied by a consent of the State Legislature to the purchase of the particular property; certainly the Constitution would be satisfied and no congressional legislation would be necessary; but striking this clause out of this bill will make the case of providing for the purchase of a piece of property in the principal city of one of the States for the erection of a court-house of the United States, a post-office, and I believe a custom-house; certainly a court-house, a post-office, and a land office. That is one judicial building and the same or another building for sundry executive purposes. If any offense is committed within that building by violence in respect of any person engaged in the service of the United States without this provision of the Constitution being complied with, it would be only punishable under the law of the State. Of course, an offense against the records of the United States, the property of the United States, would be reached just as it would be anywhere else, or if it was in transit over a road. And if a mob in Colorado—which, of course, is scarcely a supposable thing—were to surround the court-house there, and some of its members should proceed to maltreat or slay some officer of the United States or some party who had a cause or who was a witness then and there attending, it would not, so far as I know, be an offense against the laws of the United States, and therefore the State laws would have to be appealed to to protect persons engaged in the transaction of the public business of the United States in the exertion of their rights. It is possible that the present statutes of the United States against obstructing the course of justice might reach the case of the mob I have named, as applied to breaking up and disturbing the court; but the private shooting of a party then and there attending, certainly would clearly not fall within that criminal statute, and so in respect of the disturbance of any persons engaged in the executive duties of the United States within this building.

Now, in my belief, the men who made the Constitution acted upon the sound theory that whatever needful places and buildings, needful for carrying on the operations of the Government of the United States, were obtained in the States, with the consent of their Legislatures, Congress and its authority should have dominion over so as to be able to punish all infractions against its laws or wrongs committed against persons connected with the administration of its laws, and to protect the persons engaged in that administration. That was the theory undoubtedly; and the question is whether we have got so far advanced in civilization and State rights as to object to carrying out that theory and to be willing to proceed in all cases hereafter upon the notion that, whatever is to be done, the dominion of the State over the public property of the United States, and over all acts and things done therein except the official acts and things of the

officers of the United States, is to be yielded. That is the question. I think I have stated it fairly. There are inconveniences undoubtedly, such as the Senator from Ohio has referred to, and as the Senator from Massachusetts did on Friday,—inconveniences in respect of excluding State jurisdiction, but they turn out to be usually more theoretical than practical, because now for a hundred years in almost all instances of this character, and I do not know but in every one, the consent of the State Legislature, in some form and to some extent, has been obtained, and yet I do not remember any instance of any serious or indeed any practical instance of inconvenience arising from it. In cases of local excitement and disturbance that can be readily foreseen, there would be great practical inconvenience in subjecting the public buildings of the United States to the executive and judicial dominion in the ways that I have described of the State in which they happen to be.

I do not mean to deny what the Senator from Ohio has said about the legal capacity of the United States to obtain title to a piece of ground in a State without the consent of that State. I am rather inclined to agree with him, certainly when it obtains it in the course of judicial process, because that might be said to arise by a necessary implication as a consequence of the other powers that the Constitution has given to Congress to make and enforce laws.

But going a step further and saying that it may buy a piece of land—which I am rather inclined to think it may; I am not quite so clear of it as the Senator from Ohio is, but grant that—the question is whether it is right for the Congress of the United States, in view of this theory of the Constitution which I believe to be sound, to proceed to erect permanent and expensive structures for the administration of justice and carrying on the executive operations of the Government, without obtaining from the State that consent which the Constitution provides for, which the State in some form or other and for all practical purposes has always been willing to give. I say the question is whether it is wise for us to proceed, discarding this provision of the Constitution, and leave the thing at odds and ends, as it will be if no dominion is obtained by the United States over these important permanent public buildings, except the mere dominion of property and the dominion over its records and papers that it would have anywhere. That is the question. I only wanted to state it.

Mr. HOAR. I wish to ask the Senator from Vermont a question if he is willing to answer it.

Mr. EDMUNDS. I will if I can, with pleasure.

Mr. HOAR. I merely want to ask the Senator's opinion as to whether "the right to tax or in any way assess said site or the property of the United States that may be thereon" could possibly exist, whether it were reserved in this bill, or by the consent of the State or not. If the Senator be right in his agreement with the Senator from Ohio that the United States may acquire this property without the consent of the State, I ask whether it does not follow that its ownership and devotion to the purposes of the Government by the United States exempts it from State taxation.

Mr. EDMUNDS. I should say yes. I believe that whatever property the United States owns lawfully, assuming that it gets the title as I do for this purpose, no State can tax, just as I believe whatever property a State possesses the United States cannot tax. That is what I think the law is certainly.

Mr. THURMAN. I think that is a more questionable proposition than the other. The Senator from Vermont has said that experience proves that there is no danger from the acquisition to the United States of exclusive jurisdiction over the land on which public buildings are erected and in which the public business is done. My impression is that the teachings of experience are precisely the other way. For instance, there are now over forty thousand post-offices in the United States. How many of them are owned by the United States? I do not suppose one in a hundred, is may be not one in a thousand is owned by the United States; and yet has there been any difficulty growing out of the fact that the United States did not own the post-offices except by a mere leasehold title, and that the property was subject to the jurisdiction of the State? Has that worked any grievance? Has that in any way curtailed the right or power or proper jurisdiction of the United States? Certainly not.

Again, Mr. President, the Senator speaks of the protection of the records of the Government. Can we not make a law to protect the records of the Government of the United States, and to protect the officers of the United States in the discharge of their official duties wherever they may be in the United States? Are we limited in our power to protect records and in our power to protect our officers in the discharge of their official duties, to the places in the United States which are within the exclusive jurisdiction of the United States? I am sure my friend will not say that.

There is then no necessity, in order to protect our records or our officers, that there should be this exclusive jurisdiction. I have pointed out some of the troubles that result from exclusive jurisdiction over a little patch of ground, half an acre perhaps, taking it totally and absolutely out of the jurisdiction, civil and criminal, of the State; and, although the State might reserve the right to serve process in it, yet no crime could be committed upon that patch of ground against the State, and without some such reservation of the right to serve process, no process could be served in it.

But take another case; take a case where there is no reservation of the right to serve process, where a man commits a crime, not on

this patch of ground belonging to the United States and over which it has exclusive jurisdiction, but commits it in the open streets of Columbus or New York City, and flees for refuge into this ground over which the United States has exclusive jurisdiction, do you not see the trouble there is immediately in getting possession of that man? He may have committed a murder in the street, and he flees for refuge to this new White-Friars, gets into it; no process reaches him unless the right to serve process has been reserved by the State in its cession of jurisdiction or in its consent by which it gives the United States exclusive jurisdiction. That ought not to be. There is no necessity in the world, especially as we are going on erecting so many of these buildings, that there should be so many little blotches on the face of this Republic in which the State laws are utterly silent with no necessity whatsoever for their being silent.

Mr. JONES, of Florida. It is not often that a discussion of this kind grows out of a bill coming from the Committee on Public Buildings and Grounds; and inasmuch as this subject has been considered there, I deem it proper to say a few words in addition to what I have already said on this subject.

There can be no doubt in my opinion as to the authority in the Constitution given to Congress to legislate exclusively over a place ceded for the seat of Government, as this District. The language, however, with respect to places purchased for dock-yards, arsenals, and other needful buildings, is a little different, although the result is the same. It provides for a cession in the one case, and a purchase with the consent of the State in the other. With respect to forts, arsenals, and dock-yards that are usually required for purposes involving the employment of large bodies of men exclusively under the control of Government, it is very proper that all State authority over such persons should be withdrawn. Navy-yards, forts, and arsenals, where the employees are within such jurisdiction, should not be interrupted by State laws requiring jury service and interfering with the conduct of the public business of the United States. But when you come to a post-office, to a custom-house situated like that in New York, and intended for the accommodation of the citizens of the State, the great public in a great city, no such necessity exists for jurisdiction in that case as in the other.

Every day thousands of people assemble at the post-office in New York for their mails, and so it is in a less degree at every post-office in the United States. If a maliciously disposed person should imagine that he could get an advantage over his victim by committing an offense within such a ceded territory or jurisdiction he might select that spot for the commission of a crime, and the State power could not reach him. If a person, for instance, imagined that in New York City he could secure some advantage by committing a murder at the post-office, which is visited every day by thousands of people of that city to get their mails, he might select that locality for the purpose of carrying out his desire in order that jurisdiction might be taken of the offense by the Federal courts.

I say, Mr. President, with such consequences as that likely to follow from this jurisdiction, I am opposed to it because I see no practical benefit that can possibly result from it. In cases where you have got a large navy-yard, a large fort, with military servants and naval servants and a corps of mechanics whom the interests of the Government require to be constantly at their places, it may be proper, and I doubt not it is, that they should not be interfered with by State law or State power; but in the other cases it is quite different.

Mr. HOAR. I think, Mr. President, it is very clear that the framers of the Constitution had in mind, in the provision which has been referred to, principally places acquired by the United States for military or naval purposes, and in that case they did not provide in terms for exclusive jurisdiction; perhaps they provided for what is nearly the same thing, the exercise of exclusive legislation; but all the instances which the Constitution gives are forts, magazines, arsenals, dock-yards, and other needful buildings. The acquisition by the United States of the title to real estate for the purpose of post-offices, custom-houses, court-houses, land offices, and offices for the assessment and collection of the internal revenue was not in the mind of the framers of the Constitution, and I quite agree with the Senator from Ohio that it is extremely inexpedient to cut out from every State in this Union, as we are multiplying these Government buildings, little strips of Territory over which no State law extends.

The Senator from Vermont said the other day, in answer to the suggestion that no State process would run into a post-office or court-house or other Government building, that the State officers went there by the acquiescence of the United States. But certainly in every one of these public buildings to-day a citizen pursued by a State officer has the right to defend himself. There are hundreds of buildings erected for a purpose which requires the constant access of the public in populous cities in this country, within whose limits it is lawful for a citizen to defend himself by force and to the death against any State officer, within whose limits a fraudulent marriage may be contracted without any exposure to legal penalties, within whose limits a larceny, an assault, a murder committed upon a citizen is entirely without liability to punishment under any State law, and I am afraid that in many instances entirely without liability to punishment under any law of the United States.

It seems to me that we ought at once to put a stop to and reverse the policy upon which we have proceeded in exacting from the States a complete cession of jurisdiction to the United States. Everything

that the United States desires to accomplish is accomplished by the character and nature of the property itself. The United States is sovereign for all purposes of its government within its constitutional limits throughout the entire territory of the country. A United States court-house, a United States record, a United States officer, as far as his salary or employment is concerned, are exempted from State assessment for taxes and from all State legislation, and from invasions by State authority or by lawless act of a private citizen, by reason of their public character as an instrumentality of government, or is devoted by government to its instrumentality. Everything, therefore, which this bill undertakes to accomplish is already accomplished. I understand that in the particular case the act creating the State of Colorado exempts this property from taxation.

Mr. TELLER. All United States property.

Mr. HOAR. But without that act the character of the property itself accomplishes and secures all that the express legislation of this proposed statute seeks to accomplish, and I should like to know why a murder committed on one post-office clerk by another, or an assault committed upon a citizen resorting to the post-office should not be punishable by the State legislation as much as one committed ten rods outside of the limits of the post-office. I hope the amendment proposed to the bill will be adopted.

Mr. MORRILL. Mr. President—

The VICE-PRESIDENT. The morning hour has expired.

Mr. MORRILL. I desire to say a word or two in relation to this point, if there is no objection.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. MORRILL. I shall not occupy more than five minutes. I merely desire to say that ever since I have been a member of the Committee on Public Buildings and Grounds we have followed the form and usage established there years and years ago when such members as Douglas of Illinois, Fessenden of Maine, Bayard of Delaware, and Bright of Indiana were part and parcel of the committee. In relation to this matter we have a general law which requires that we shall first obtain the consent of the Legislature where we undertake to erect a public building in a State.

I desire to put the question to my friend from Massachusetts as to whether we shall not have exactly the same amount of jurisdiction or power of legislation, provided this State assents to the erection of this public building, that we should have under any form of law, for the reason that the Constitution provides that we shall have the right of exclusive legislation over all places purchased for the use of the United States, for forts, magazines, arsenals, dock-yards, or other needful buildings. Now, if the Constitution is operative at all, it seems to me it must be operative so far as to give us the exclusive control of these buildings in every case where the assent of the Legislature of the State has been obtained for the purpose of the purchase. Of course, it is entirely immaterial to me how this matter is decided, but I think it safer to follow the usage of Congress for many years rather than to adopt a new principle.

Mr. HOAR. I desire to say in reply to the question of the Senator from Vermont that undoubtedly we have the right under the Constitution to exercise exclusive legislation in the case of the territory ceded by the State, but the question is whether it is expedient or not. That is all. I think it inexpedient.

Mr. GARLAND. I believe that Judge Story, as far back as 1819, in a case reported in the second volume of Mason's Circuit Court Reports, settled this question in accordance with the view expressed by the Senator from Vermont, [Mr. MORRILL;] but as I do not wish to delay the star postal appropriation bill, I yield for that, but will say a few words hereafter on this bill.

Mr. WALLACE. I call for the regular order.

MAIL TRANSPORTATION DEFICIENCY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880.

The bill was reported from the Committee on Appropriations with amendments.

The first amendment was, in section 1, after the word "year," in line 8, to strike out the following words:

At or within contract prices as they existed on February 1, 1880: *Provided*, That upon any route where there has been an increase of the original contract price during the last or the current fiscal year for expediting the delivery of mails on any such route, at the rate of more than \$2,500 per annum, the compensation for expedited service on such route shall be reduced to the terms of the original contract, on and after the 1st day of March, 1880; and nothing herein contained shall be construed to require the reduction of the number of trips per week over any such route below the present number.

Mr. WALLACE. Mr. President, by direction of the Committee on Appropriations I move to strike out "nine hundred and seventy" in the original bill, and insert "eleven hundred" in line 3.

Mr. DAVIS, of West Virginia. I suggest to my friend from Pennsylvania that the question now is on striking out the words just read.

Mr. WALLACE. I desire to have this amendment come first.

Mr. DAVIS, of West Virginia. Very well.

Mr. WALLACE. I desire to propose on behalf of the Committee on Appropriations an amendment in line 3 of the original bill; to

strike out "nine hundred and seventy" and insert "eleven hundred," so as to make the appropriation \$1,100,000.

The VICE-PRESIDENT. The amendment is in order. The question is on the amendment of the Senator from Pennsylvania.

Mr. WALLACE. Now, will the Secretary read the bill as it will stand if the amendments of the committee be adopted.

The Chief Clerk read as follows:

That the sum of \$1,100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to meet the expenses of inland mail transportation on star routes for the remainder of the current fiscal year. During the remainder of the current fiscal year no further expediting of service or increase of trips on any postal star route shall be made.

SEC. 2. That the further sum of \$100,000 be, and the same is hereby, appropriated as aforesaid to enable the Postmaster-General to place new service as authorized by law: *Provided*, That the Postmaster-General shall not hereafter have the power to expedite any contract either now existing or hereafter given to a rate of pay exceeding 50 per cent. upon the contract as originally let.

Mr. WALLACE. The Senate will see that this bill relates, as it now stands, entirely to the transportation of the mails on star routes. Star routes, as I suppose the Senate understands, include all other modes of transportation of the mails than those by steamboat and railway. This service includes two hundred and fifteen thousand miles of the transportation of the mails in every section of the country, while transportation by steamboat and railroad includes about one hundred thousand; so that there are about twice as many routes paid for under the head of star service as there are under that of railroad and steamboat service.

Mr. CONKLING. Will the Senator be good enough to repeat the miles?

Mr. WALLACE. Two hundred and fifteen thousand by starservice, twenty-one thousand by steamboat, and seventy-nine thousand by railroad. The amount appropriated for the present fiscal year for star service was \$5,900,000; the amount appropriated for all other means of transportation, \$11,300,000.

Now, whence comes the deficiency, for this is a bill providing for a deficiency, in the transportation of the mails in this particular way? The actual cost of the transportation of the mails by this mode of service for this fiscal year under contracts as they now exist as shown by the report of the Sixth Auditor of the Treasury is \$7,055,000. The amount appropriated for this fiscal year is \$5,900,000, showing a deficiency of \$1,155,000 to complete the service on its existing basis. The Senate will understand this is not on the basis of the contracts as originally let, but on the basis of the contracts as they exist at this day. Who is to blame for this deficiency? Why does it exist? Why did Congress not appropriate the amount necessary to conduct this service to the end of the fiscal year, the 30th of June, 1880? Congress did appropriate all the money the Post-Office Department asked for this form of service, \$5,900,000. The deficiency exists because additional speed and added trips and new routes have been put by the Department to the service as it existed a year ago.

From the Department the answer that comes to Congress is that there are two thousand new routes created, for the inauguration of service on a portion of which \$434,000 have been used during the current fiscal year; and it is also answered that the increase in public business, the increase in the demand for mail transportation, the large increase in the general business of the country have called for an addition to the mail service by giving more trips and by the expediting of speed on old routes, and that these were not calculated for when the estimates for this fiscal year were made.

What is the demand? The Postmaster-General on the 8th December, 1879, sent to Congress a letter asking that \$2,000,000 be appropriated for the purpose of meeting this deficiency to cover "the necessities of the service of the country during the current fiscal year." With that he also sent to Congress a letter from the Second Assistant Postmaster-General, which I will read to the Senate:

POST-OFFICE DEPARTMENT,
OFFICE OF SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., December 6, 1879.

SIR: I have the honor to state that the appropriation for inland mail transportation on star routes for the current fiscal year has proved insufficient to meet the wants of the rapidly growing service.

The annual cost of the service now in operation is \$7,630,004, while the appropriation is but \$5,900,000. Not only will the present appropriation allow no increase of mail facilities during the year, but it will be necessary to curtail the existing service in order to bring its cost within the appropriation.

Believing that this cannot be done without great injury to many deserving communities, and further that pressing necessity exists for increased service in many places, I venture to suggest a method of relief.

During the four fiscal years last past, namely, 1876 to 1879, there has been covered back into the Treasury of unexpended balances of appropriations for inland mail transportation \$3,965,468.27.

I view of this fact, I have the honor to request your recommendation to Congress that about one-half this amount, say \$2,000,000, be reappropriated for mail transportation on star routes.

This will enable the Department to maintain the present service, and besides afford a margin for reasonable and necessary increase during the remaining half of the fiscal year.

Very respectfully, &c.,

THOS. J. BRADY,
Second Assistant Postmaster-General.

Hon. D. M. KEY,
Postmaster-General.

Here it will be noticed that the amount stated by the Post-Office Department is \$7,630,000 or \$1,720,000, instead of \$1,155,000 stated by the Sixth Auditor as necessary to complete the service for the current

fiscal year. These are very strange figures. They demonstrate very clearly that either the Post-Office Department did not know its own needs or that the Sixth Auditor of the Treasury does not know what the service requires to complete it to the end of the fiscal year, for while the Postmaster-General says two millions are necessary and the Second Assistant Postmaster-General says that \$1,720,000 are indispensable to carry through the service, the Sixth Auditor says that \$1,155,000 are all that is needed, a difference of \$565,000 between the Second Assistant Postmaster-General and the Sixth Auditor.

The conclusion is forced upon us either that they did not know their own needs or that they had some other purpose to serve, either in the increase of trips or in the increase of speed upon these routes, or that they proposed to have enough of money to do all that the Post-Office Department saw fit to do during the current fiscal year. It is our duty, of course, to take the charitable view of the subject, but I desire to call the attention of the Senate to the discrepancy in these figures. The Post-Office Department ask for \$1,720,000 as a deficiency for this year, while the Sixth Auditor of the Treasury demonstrates that it takes but at the outside \$1,155,000, making a difference of \$565,000 between the Auditor and the Post-Office Department.

From this stand-point it is certain that the House of Representatives was justified in initiating a careful inquiry into the subject-matter of appropriations for this Department and probing it to the bottom. The House bill appropriated but \$970,000. The demand of the Department was \$2,000,000. Your committee have adopted what is substantially the amount fixed by the Sixth Auditor of the Treasury, as necessary to conduct this service to the end of the fiscal year upon the basis of contracts as they exist at this hour, expedited and increased trips, and altogether the sum of \$1,100,000.

Mr. TELLER. I should like to ask the Senator if \$1,100,000 is what he reported?

Mr. WALLACE. I will give the Senator the figures in a moment. The figures are as follows; I read now from the report of the Auditor:

Summary statement showing the amounts, by quarters, paid and yet to be paid, according to the records of this office, out of the appropriation for star transportation for the fiscal year ending June 30, 1880.

Amount paid on account of quarter ended September 30, 1879.....	\$1,677,355 96
Amount unpaid on account of quarter ended September 30, 1879.....	12,718 00
Total for said quarter.....	\$1,690,074 39
Amount paid on account of quarter ended December 31, 1879.....	1,602,577 24
Amount unpaid on account of quarter ended December 31, 1879.....	160,119 77
Total for said quarter.....	1,762,697 01
Amount unpaid on account of quarter ending March 31, 1880.....	1,803,171 49
Amount unpaid on account of quarter ending June 30, 1880.....	1,799,595 71
Total.....	7,055,538 60

F. B. LILLEY,
Acting Auditor.

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
March 2, 1880.

If we deduct from this the \$5,900,000 which have been appropriated for this service for the current fiscal year, and then deduct what is the probable amount of fines upon contractors, which will accrue in the remaining quarters of the year, which we estimate at \$55,000—during the past two quarters it was \$101,000—we have the amount actually necessary to continue the service to the end of the fiscal year on the basis of existing contracts, \$1,100,000, which sum I am directed by the committee to move to insert as a part of this bill as the amount necessary to conduct the service to the 30th of June, 1880.

The amount in the House bill was too small by \$130,000, but the Department asked \$900,000 more than was needed on the basis of the contracts as they now exist. The Committee on Appropriations of the Senate have taken this view of it, that it is our duty to vote the money needed to carry on the service on its existing basis to the end of the current fiscal year, but no more. We are unwilling to put under the control of the Post-Office Department so large a surplus as either \$565,000 or \$900,000, but we were willing to treat it as a valid existing service in its present condition until the end of the fiscal year.

Mr. CONKLING. What is to happen then, on the 1st of July?

Mr. WALLACE. The regular Post-Office appropriation bill will be passed before the 1st of July for the succeeding fiscal year, which will make the necessary appropriation of what Congress judges is required to conduct the service for that year. The purpose of the committee is simply to provide that the Post-Office Department should be recognized as our agent in creating the service under the law as it now exists, that we would vote the money needed to carry it on for the present, but that we would examine the subject closely and be governed as to the succeeding year by the facts developed.

The proviso in the House bill suspends or destroys all expedition above \$2,500 over the amount of the original contract; that is, whenever the Postmaster-General, under authority of law, had increased the rapidity with which the mail was carried, and agreed to pay an amount exceeding \$2,500 therefor, the House proviso cut down that expedition or increased rapidity of transportation absolutely and

without discrimination. There were one hundred and seven of these routes, all of them west of the Mississippi River, and the contracts upon all of them would be changed in terms and amounts. Many of them were largely increased by reason of expedited time—indeed, I may say enormously increased. For instance, take the Fort Worth and Yuma route, expedited in 1878. The time that was required for the transportation of the mail from Fort Worth to Fort Yuma was shortened some three days, and the amount allowed by the original contract—\$134,000 per year—for carrying the mail thereon was increased in amount for the added speed to \$299,000, an increase of \$165,000. The route from Rock Creek to Fort Custer was expedited from \$10,507.25 to \$88,768.12. The route from Bismarck to Fort Keogh was expedited from \$2,350 to \$70,000.

The total increase on existing contracts for expedition on these one hundred and seven routes made in the last fiscal year, not in the current fiscal year, was \$536,819. The total amount made in this fiscal year was \$308,946, making a total increase of \$1,145,765 for expedition or increased speed alone. Here is a tremendous increase in the cost of the transportation of the mail by star service, \$1,145,000, when the whole cost per annum is about \$7,000,000. Whence comes the power to do this? Where is the authority under which the Post-Office Department can do this and be within the law? I have the sections of the Revised Statutes and I will read them:

SEC. 3960. Compensation for additional service in carrying the mail shall not be in excess of the exact proportion which the original compensation bears to the original service; and when any such additional service is ordered, the sum to be allowed therefor shall be expressed in the order, and entered upon the books of the Department; and no compensation shall be paid for any additional regular service rendered before the issuing of such order.

SEC. 3961. No extra allowance shall be made for any increase of expedition in carrying the mail unless thereby the employment of additional stock and carriers is made necessary, and in such case the additional compensation shall bear no greater proportion to the additional stock and carriers necessarily employed than the compensation in the original contract bears to the stock and carriers necessarily employed in its execution.

These are the sections under which this power is now claimed and has long been exercised.

Mr. McDONALD. I wish to ask the Senator a question. The Senate Committee on Appropriations have increased the amount of the appropriation in the House bill?

Mr. WALLACE. The Senate committee have increased the appropriation in the House bill from \$970,000 to \$1,100,000—

Mr. McDONALD. Where is that increase found? I have a copy of the bill.

Mr. WALLACE. An amendment proposed by myself to be inserted now by direction of the committee.

Mr. McDONALD. It does not appear in the printed bill.

Mr. WALLACE. It does not.

Mr. McDONALD. The increase is from \$970,000 to \$1,100,000?

Mr. WALLACE. Yes, sir.

Mr. McDONALD. Is that understood to be a sum sufficient to carry on the present service?

Mr. WALLACE. Yes, sir; we based our estimate on the report of the Sixth Auditor of the Treasury, which I have just read to the Senate.

It will be seen that an exercise of such discretion as is vested in this Department by the statutes I have read has in this instance been such as to strike the ordinary mind with force as almost an unlimited discretion. Here is an increase of more than a thousand per cent. on the original bid. Take the case of the mail from Bismarck to Fort Keogh; the increase is from \$2,350 to \$70,000; from Rock Creek to Fort Custer \$10,507 to \$88,768; yet the power to do this plainly exists under the statute.

Mr. TELLER. I should like to ask the Senator a question. Take the route from Bismarck to Fort Keogh; is there any evidence that there has been any violation of the statute in the additional money allowed them?

Mr. WALLACE. Certainly not, I am not attempting to argue that there has been; I know of none; but I am commenting upon the provisions of these statutes and the practice under them in order to demonstrate that the discretion given is enormous; whether that discretion has been exercised wisely or unwisely is for Congress to determine.

The Department has too much discretion on this subject. Such is the conclusion that all of your committee come to. No Senator can take these statutes and read them and see the practice under them without coming to the same conclusion. This is too much discretion to vest in any executive officer. No executive officer who desires to perform his duty with exactness and without reproach but would shudder at such a responsibility being vested in him.

Mr. TELLER. Does the committee propose any change in the statutes?

Mr. WALLACE. They do, and this bill contains it. The excuse given for this discretion, and it may be a valid one, is that the bids originally put in for the carrying of the mail in this character of service are too low for their performance, and as the Department is compelled to accept the lowest bidder it does so with a full knowledge and understanding that the service is to be expedited or the number of trips increased, or both, and then the Postmaster-General can give the contractor what he thinks will pay him for carrying the mails and what such service is justly worth.

The Department is compelled to take the lowest bid and then may

increase the pay, both by authority of law; the whole thing simply results in this: that the Post-Office Department can make just what contracts they please, for they may mold every contract by the expedition of service or the increase of trips on any given route. This practice ought to be ended. The policy of these statutes is a most unsafe and unwise policy, and the practice under them opens the door for favoritism of the grossest character, and if corruption has not already entered there it certainly cannot fail to enter at some not distant day.

Recognizing this as a plain result I also quote what the Postmaster-General, in his last annual report, said upon the subject of these laws:

The operation of the present laws regulating the increase of compensation for increased speed and increased frequency of service upon star routes results in great loss to the Government. These laws (sections 3960 and 3961 of the Revised Statutes) have been in force for many years, and are the source of nearly all the deficiencies in the appropriations for star service which have ever been created. It frequently happens, especially in the mining regions of the West, that, at the time of advertising, service is not required upon new routes more frequently than once or twice a week; but after the contracts have been made and service begun, population increases along the line, and an increase of speed and more frequent service become necessary. Under such circumstances it is clear that the rate that was reasonable for service once or twice a week, through a sparsely settled region, becomes exorbitant when multiplied by three or six to cover daily service. I would therefore recommend that section 3960 be so amended as to permit the Postmaster-General to advertise for new proposals for the increased service, the contract to be awarded to the lowest responsible bidder, as usual. Section 3961 should be so amended that when the cost of increased speed would amount to more than 50 per cent. of the cost of the original service the Postmaster-General should readvertise for service at the increased speed.

Thus it will be seen that the Postmaster-General himself recognizes the fact that too much discretion is bestowed on his Department and recommends a change of the law. Your committee have added to the second section of this bill the following proviso:

Provided, That the Postmaster-General shall not hereafter have the power to expedite any contract either now existing or hereafter given to a rate of pay exceeding 50 per cent. upon the contract as originally let.

If that proviso had been in force before 1879 we should have had no complaint on this subject of increased expedition. The large increase could not have been made; the contracts could not have been changed so enormously; they would have had to be surrendered and new ones made.

Another objection to this practice is that, under the law as it now stands, there is no competition for the increased expedition or for the increased number of trips. The Post-Office Department is compelled to give the increased expedition and the increased number of trips to the contractor who has the route. The Department has no discretion unless it forfeits the contract and relets the whole.

The House bill strikes at all of these routes, one hundred and seven in number, without discrimination, and does not conduct the service to the end of the fiscal year upon its existing basis. The bill, as amended by your committee, conducts the service now in existence to the end of the fiscal year, but allows these questions of wrong or fraud or increase to be settled and adjusted in the bill for the coming fiscal year, when we shall have carefully examined all the facts and are able dispassionately and judicially to apply the knife if it be the remedy. Contractors and officials are equally within our reach, but we must act on facts and not upon suspicion.

The evil effect of the House proviso which strikes without discrimination would be found in the case of the routes to Deadwood or to Leadville, where within the last eighteen months has grown up enormous communities, which required more rapid transportation of the mails, and an increased number of trips per week. The power to do what has been done existed, and in those cases the Postmaster-General exercised a proper and wise discretion; and no Senator surely will say that because the increase is over \$2,500 upon these routes we should strike down the service from the railway to Deadwood from a fast mail to a slow one and give them a freight wagon in room of a passenger coach. The effect of that would be felt at once in the East as well as in the West, and so it would be with the route to Leadville. Your committee have differed with the House upon this subject and have eliminated from the bill the proviso which struck down all these routes, because there was no discrimination among them. It is a sweep at the whole and has cut them all up by the root. The effect would be to change the fast routes to slow ones. It would have deprived whole communities of the rapid interchange of business intercourse between them, so much a characteristic of our people. It would, as I have already said, prevent the rapid transportation of mail matter from New York, the heart now of the mining interest, to Leadville or Deadwood and to all the mining camps in the West.

Besides that, it would have given to the express companies the opportunity for carrying that is now possessed by the Government, and where a fast team is given by us a slow one would have been put in its place, while the express companies would have reaped the profit. We had serious complaints before the committee from contractors who alleged that they had taken their contracts in good faith, had their allowance for increased speed made in good faith, put upon their contract routes large expenditures of money in good faith, and that the effect of the House bill was to financially ruin them. Before the sub-committee one of these contractors presented a memorial which I will ask the Clerk to read as showing the effect of the House pro-

viso upon existing contracts. This complaint has reference to one of the routes I have already named.

The Chief Clerk read as follows:

WASHINGTON, D. C., March 1, 1880.

To the chairman of the sub-committee of the Senate Committee on Appropriations having in charge House bill making an appropriation for the postal star service:

I respectfully submit the following facts in regard to star route No. 37110, Wyoming, on which I am contractor:

This route runs from Rock Creek on the Union Pacific Railroad by Fort Fetterman and Fort McKinney to Fort Custer, Montana—three hundred and fifty-eight miles. It was advertised by the Post-Office Department, May 10, 1878, service to commence October 1, 1878, for three trips per week. I had that part of it between Rock Creek and Fort Fetterman stocked, and carried the mail during the summer of 1878. I was a bidder for the through service at \$18,770 per annum. It was awarded to George L. McDonough (lowest bidder) for \$11,777 per annum; was afterward curtailed forty miles, and \$1,269.75 deducted, leaving \$10,507.25. I sold my stock to McDonough. He was declared failing contractor by the Post-Office Department about April 1, 1879, and the sureties on his contract were offered the service.

I being aware that a good and fast service would be needed, and had already been asked for by the military of Forts Fetterman, McKinney, and Custer, also by the large cattle and mining interests of that country, took this route from the sureties and went immediately to work to stock the route and build stations. I commenced the service April 14, 1879, tri-weekly, with eight days' time each way, pay, \$10,507.25. The long time was objectionable. I was, however, compelled to use it in order to keep within the mail pay.

Petitions and requests from all parties interested were sent to the Department praying for daily service and a shorter time. June 11, 1879, the Department ordered four additional trips per week at a cost of \$14,009.66, and an expedition of time from eight days to three days and three hours, at a cost of \$64,251.21 per annum.

While I only required eight stations for eight days' time tri-weekly, twenty-four stations were required for three days' time daily. I built fifteen of the twenty-four stations at my own cost, and assisted in building the others. They were stocked with hay and grain to last to June 1, 1880.

Corn is all shipped from Omaha seven hundred miles by railroad, and then hauled the length of the route, three hundred and fifty-eight miles. It averages me \$2.80 per bushel, delivered along the route. Hay is cut on the line, and costs from \$15 to \$50 per ton; having often to haul it fifty miles.

I have two hundred horses and mules, with an entire outfit of hacks, buckboards, harness, &c., now in use on this three hundred and fifty-eight miles of road, put there at great expense to meet the service ordered by the Post-Office Department.

In order to stock this road in the short time given me, I was forced to borrow \$30,000 in money. To take off the expedition and return to eight days' time, which I will be compelled to do, would not only deprive a deserving people of the best mail facilities, but would throw a surplus of stock and grain, unpaid for, on my hands, which would seriously cripple me financially.

Fort Fetterman is a five-company post; Fort McKinney is a seven-company post; Fort Custer is an eleven-company post, and headquarters of the regiment, &c. You can readily see that half-daily or three trips per week, with three-days schedule, would be far preferable to daily service with eight-days schedule.

I have the honor to be, very respectfully, your obedient servant,

M. T. PATRICK,
Contractor.

Mr. WALLACE. To that is appended a certificate by the United States district judge of Nebraska, with whom I am well acquainted, as to the character of Mr. Patrick as an honorable and upright man. That route was expedited from one hundred and eighty hours to seventy-five hours. I also have a statement furnished me by Vaile, Miner & Co., of the route from Bismarck to Fort Keogh, which I ask the clerk to read. This route was expedited from eighty-four hours to sixty-five hours.

The Chief Clerk read as follows:

We now call attention to the route from Bismarck to Fort Keogh. Saint Paul is the military headquarters for all those Northwestern forts. Prior to our taking the above route all mail matter for Fort Keogh and the other forts in that region went down to Omaha; thence to Franklin by railroad; thence north about four hundred and twenty miles to Helena; then east to Bozeman and Fort Keogh, making a circuit of near two thousand four hundred miles, one thousand miles of it by stage when its destination could be reached, and is now reached in about seven hundred miles—only three hundred miles of it by stage. There was a weekly mail from Bismarck to Fort Keogh via Fort Buford, four hundred and fifty miles—one hundred and fifty longer than our present route. Through the intercession of General Miles, Congress established this route on a straight line, and, except at the ends, not a person lived on the line or within fifty miles of it; not one person had ever been over the line; there was no track or trail even. We surveyed the road; built mounds in sight of each other so that we could keep the road across the prairie; made approaches to streams; built bridges and ferries, houses and stables, seventeen in number; dug wells and built a road through the bad-lands, which was considered quite impassable.

This road cost us near \$40,000 before we received one cent; and would have cost the Government more than \$300,000 to have done the same work. The building of three hundred miles of road, through a perfect wilderness, and the worst Indian country at that time in the United States, was a task which has never been attempted before in this country by private parties. The result is, that each one of our stations is a fort, as we must keep men enough to guard our stock, for if they are stolen by Indians the mail would stop, and the Government does not pay us for stolen stock, and we cannot afford to suffer the loss. They do not even bury our men who are killed. We must protect three hundred miles of mail communication, which the Government was not able fully to do before our day, thereby saving more than \$500,000 per year. Again, the Government pays for transportation of soldiers and supplies on the straight line over which we have built a road, and on which we travel more than one hundred miles a day, thereby saving the cost of one hundred and fifty miles of transportation, which amounts to a very large sum.

On the slow time and the small mail we could get along with thirteen animals and twelve men, as we could travel, like the Arab, with our tents and provisions, making twenty-five in all. By expedition to fast time and six trips per week, we estimated it would take one hundred and fifty men and one hundred and fifty animals; but to-day we have two hundred men on the line shoveling snow, and two hundred animals. We make every trip, although the railroad cannot make one trip in two weeks. Our animals' legs are skinned by the frozen snow from their heels to their gambrels. We incase them with sacks, wet, which quickly freeze, and in this way only can we travel. At the ratio of 25 to 300 we were entitled to more than \$160,000 under the law; but we offered to accept \$67,650 for five additional trips and expedition. But in this offer we made a great mistake. We did not know that it snowed nearly every day for four months in that country, and the thermometer for weeks at 30° to 58° below zero, as has been the case this winter. We did not know of the blizzards that would cut the flesh off men and beasts like

fire, or we would not have made it. The current quarter will not cost us less than \$30,000, leaving only \$40,000 for the remaining three-quarters, less deductions, which may be one-half, for not running on time.

Mr. WALLACE. There has also been furnished the sub-committee an expense account of several routes by one of the largest firms carrying mails west of the Mississippi River, Gilmer, Salisbury & Co., from which I read an extract as to but one.

THE BLACK HILLS ROUTES.

Mail pay:	
34156, Sidney to Deadwood, per annum.....	\$29,325 00
Cheyenne to Deadwood, per annum.....	16,800 00
Total pay per annum.....	\$46,125 00
Expense account from June 1, 1879, to November 30, 1879:	
Employes account.....	\$16,098 55
Expense account.....	9,602 42
Grain account.....	22,010 11
Hay account.....	6,734 03
Board account.....	7,363 36
Toll account.....	350 00
Damage account.....	169 80
Wear and tear account.....	12,500 00
Six months.....	74,818 27
Double for the year.....	149,636 54
Interest on investment \$100,000 at 10 per cent. per annum....	10,000 00
Total for the year.....	159,636 54
Excess of expenses over receipts.....	113,511 54

Showing that the business they had built up requires a largely increased amount to conduct it over the mail pay, and that the compensation from the mails is but a trifle as compared to the whole compensation they receive for the passenger and other work done on those routes. They carry now about fifteen hundred pounds freight daily, and the rate they receive is about six cents per pound.

I have referred to these specific cases of complaint in order to justify the action of the committee as to the House proviso. There is another point of view in which the action of the Senate committee will be seen to be better for the Government than the House bill. It is that this bill is cheaper than the forfeiture of all these routes under the proviso in the House bill. The amount of one month's pay, which would have to be paid if the contracts were all forfeited on one hundred and seven routes, would be \$267,113. The amount appropriated by the House bill for the present service is \$970,000, making a total of \$1,237,113. The amount required to continue the service on the present basis, as shown by the figures of the Sixth Auditor of the Treasury, is \$1,100,000, the amount of this bill as we propose to amend it. The difference and saving to the Government by this bill, therefore, is \$137,000 over the House bill, so that from any stand-point this is better than the adoption of the House bill.

We were asked to do two things: to stop fast mails on all the routes west of the Mississippi and to ruin contractors who on the faith of our law administered by our agents had spent large sums of money.

Right here, Mr. President, it is wise to distinguish between the action of the Post-Office Department and the rights of these contractors and the interests of the people. On the one hand our people want rapid transportation of the mail; they do not want the mail carried on a rude wagon, but on the contrary they want it carried just as rapidly as it can be transported in every locality.

So, too, in regard to contractors, no man who has entered into a contract with the Government on the faith of its laws, under power given by the laws to agents of the Government, in the absence of positive proof of corruption, of fraud, of wrong, on the part of the man thus contracting, should be stricken down. It is infinitely better for us to suffer for a time, to bear these wrongs temporarily until we can put our hand upon the wrong, until we can discover where the corruption is, if it exists, and then at once forfeit his contract, make the contractor pay for debauching our officials, and punish the official who is guilty of corrupt conduct in reference to their contracts.

This is the view the committee took of the subject-matter, and in the absence of proof of corrupt conduct on the part of any contractor we did not feel warranted in striking down all these contracts; but we believed that it was wise and just and proper to conduct the service upon the basis on which we find it to the end of this fiscal year, and at the same time await the action of the House in its search for the thieves, and if they find them the Committee on Appropriations will be among the first, without distinction of party, to aid in punishing them, whether they be found in the Department or among the contractors; but we did not feel warranted or justified in striking down the public service on suspicion, in lessening the mail service to the people in the absence of positive proof, or of any proof, nor did we feel justified in ruining men financially who are not found to have been guilty of complicity with fraud or tainted with corruption. We have guarded this subject in regard to the future by adding the proviso I have already read. When wrong is found the Senate, acting in its judicial capacity, will be ready to try and to punish, I have no doubt; but to strike men before wrong is found is to punish with passion and repent when cool.

I make no defense of the Post-Office Department for its unreliable figures. I have no defense of it for the initiation of the expenditure of more money in the fiscal year than the law authorized it to expend, but we have acted upon what we regarded as a requirement

that the service should go on upon its existing basis for this year, and that there is not yet sufficient ground either in law or in fact for stopping that service. This we thought warranted us in reporting the bill in the form before the Senate. The fact that there was no wrong yet found as connected with any of these contractors warranted us in sustaining the contracts to the end of the fiscal year; and when we find, if we can, before the bill for the next fiscal year is completed that fraud, corruption, or wrong do exist, that any of these contractors are connected with them, I shall be among the first to aid in forfeiting any contract that exists in the hands of any of them and in punishing them in any mode within our power.

But, sir, as I have already said, it is better for us to suffer for a time than to lessen the means of business intercourse. This bill contains these two ideas, that we wish to continue this service to the end of the fiscal year upon its existing basis, and that we will not punish any man for corrupt practices until they are shown. We also desire to bring to the notice of the Senate the fact that these statutes are full of opportunity for favoritism and corruption, and that they ought to be corrected and amended.

Mr. MAXEY. Mr. President, I was forcibly impressed with the fair and candid statement in explanation made by the Senator from Pennsylvania who has charge of this bill, and I approve heartily and cordially his last remarks, that if there be anywhere in the Post-Office Department, by complicity between any of its officers and contractors, or crookedness anywhere in its business, any fraud, complicity, conspiracy, or corruption, turn the lights on and let us have the whole truth; let it be investigated to the very bottom, and if there be fraud let it be brought to light and exposed; but let it be done as all things else should be done, "decently and in order." And when that investigation is had, if it results in articles of impeachment by "the grand inquest of the nation," and those articles are sent here for trial, then the accused would be confronted with the witnesses against him, would appear in person or by counsel, would have process for his witnesses, and we would know how to proceed decently and in order, in the manner the Constitution prescribes, and would know what disposition to make of the case. But, sir, there is a maxim of law as old as the law itself which says that all things must be presumed rightfully done until the contrary is shown. It is a principle that every man must be presumed honest until the contrary is established, and he who seeks to establish corruption or dishonesty takes upon himself the burden of proof. It is further a maxim of the law that the official acts of public officers within the scope and purview of their authority are presumed to be rightly done, and he who seeks to show the contrary takes upon himself the burden of proof. Therefore the Post-Office Department stands, so far as the Senate is concerned, with every presumption of law in its favor, and not only every presumption of law in its favor, but the statement made in the Senate by the Senator from Pennsylvania that upon investigation nothing wrong had been discovered so far as the transactions of the Post-Office Department and these contractors were concerned, is before us.

Mr. President, it will be a sad day in the history of this country when public sentiment shall reach that point where every man is presumed corrupt until his innocence and virtue are established. It will be a sad day for this country when for any purpose those intrusted with high positions are to be presumed, without evidence, to be guilty of fraud and corruption and complicity with crooked actions. It is not my province to defend the Post-Office Department, but it is my duty and my pleasure to deal justly by all men.

It has been said, and properly, that this bill as it came from the House in its practical consequences strikes down and destroys absolutely one hundred and seven star routes main trunk and important lines, west of the Mississippi River. That is true. I admit that the aggregate political power east of the Mississippi River is ample to strike down all these routes, to crush the mail facilities of the far West and Southwest. But I aver my belief that the Senate of the United States is just, and if we can show that this would be an act of injustice I have no fear that any Senator on this floor will vote against his conscience and vote for striking these great star routes down when justice shows that we are entitled to have them maintained.

Mr. DAVIS, of West Virginia. I wish to ask my friend if he says this bill strikes any down? Does the bill as it now is strike any down? It was stated by the Senator from Pennsylvania that it maintains the service as it now stands.

Mr. MAXEY. I have already, I think, complimented the Senator from Pennsylvania for the fair and candid manner in which he has presented the case. The bill under discussion is House bill No. 4736. The Senate Committee on Appropriations have recommended that certain parts of this bill shall be amended. I was speaking of the House bill No. 4736 as it reached this body, and I was endeavoring to give a reason why the distinguished committee of which the Senator from West Virginia is chairman acted wisely and well in striking out the provisions of the House bill so objectionable to many of us west of the Mississippi River, and in increasing the amount to what will probably carry the service through.

Mr. DAVIS, of West Virginia. Then I understand the honorable Senator is speaking of the House bill, and not of the bill as amended by committee.

Mr. MAXEY. I was speaking of the House bill because I want to

show the Senate that we have the benefit of the recommendations of the Appropriations Committee; but those recommendations are not yet acted on by the Senate. I was endeavoring to show that the amendments, so far at least as the striking out of provisions by that committee go, were wise, and that it ought to be sustained.

The effect, however, as I stated, of adopting the bill—I mean the bill as it came to us from the House—the effect of that will be to crush down one hundred and seven of those great trunk lines west of the Mississippi River which carry the mails to the frontiersman who has the courage to leave home and friends and native State behind him and go out into that distant region there to carve out States from the wilderness and present them as a gift to the American Union. The effect of this bill as it came to us from the House is to destroy the privileges (so freely awarded to the people of the old States) of those men who are out there building up States. It is going backward from the settled and accepted policy of this country for thirty years, for, sir, the policy of giving the benefit of the mail system and mail facilities to the people of the far West and Southwest was adopted in 1850 and has been kept up continuously from that time to the present.

In 1850 a contract was let from Independence, Missouri, to Salt Lake, eleven hundred miles long. In 1854 a contract of the same route was let; in 1858 the same; in 1860 from Independence, Missouri, to Santa Fé, in New Mexico. In 1854 a contract was let on the same route. In 1854 to 1858 from Salt Lake to Placerville, California. From 1854 to 1858 from Santa Fé to San Antonio, Texas. From 1857 to 1858 from San Antonio, Texas, to San Diego, California; from 1858 to 1861 from San Antonio to Los Angeles, California; from 1858 to 1861 from Saint Louis to San Francisco, and the establishment of this great route was the beginning of a new era in American history which, in the fullness of time, blazed the way for the Union and Central Pacific Railway, whereby there is all rail connection across the continent from New York to San Francisco, while the Northern Pacific is being built to its destination by way of Portland, Oregon, to Puget Sound, and the great southern connection is being pushed rapidly eight hundred miles across Texas to San Diego and San Francisco.

The act under which that grand overland mail-coach route connecting the city of Saint Louis and the city of San Francisco was established was upon an amendment offered to the Post-Office appropriation bill on the 27th of February, 1857, by the then chairman of the Committee on Post-Offices and Post-Roads, Thomas J. Rusk, Senator from Texas, and the Senate I trust will pardon me for a moment for giving a brief sketch of the circumstances which made this great route a necessity.

On the 21st of April, 1836, the independence of those struggling for freedom in Texas was won, and the Lone Star Republic was established as an independent nation of the earth. Thomas J. Rusk was at that time the secretary of war of Texas and participated actively in that battle in which Texas troops were commanded by General Sam. Houston. In the process of time the Republic of Texas was by final act, on the 29th December, 1845, added to the American Union. A grateful State sent Thomas J. Rusk and Sam. Houston as its Representatives upon this floor. General Rusk was put upon the Post-Office Committee in 1847. On the 18th of December, 1849, he was made the chairman of the Post-Office Committee, and every great measure emanating from that committee, so far as I have examined, connected with the postal department was in his charge as the chairman of that committee. His hand is found in all that legislation—a man bold, honest, fearless, always daring to do the right. It was he, more than any other one man, who established those routes. He died July 29, 1857, at his home in Nacogdoches. General Houston on this floor, commemorating his memory, said of him that "he inherited a holy love of liberty from his ancestry, which matured into patriotism for the good of his country."

Texas was annexed to the Union, as I have said, on the 29th of December, 1845. Then came the Mexican War. Growing out of that came the treaty of Guadalupe Hidalgo, of February 2, 1848, whereby New Mexico, Arizona, north of the Gila, California, Colorado, Utah, and Nevada, were all added to the territory of the American Union. There came, therefore, a necessity for furnishing the bold, hardy men who left their homes behind them, and went out to settle that distant country, with postal facilities. Hence from points on the extreme western frontier of Missouri routes were established penetrating out into that then wilderness, and so it went on up to 1857, when that great route was established from Saint Louis to San Francisco.

The debate in the Senate on the bill, which became law just as it passed the Senate, was participated in by some of the ablest and most distinguished men then in the Senate, Mr. Bell, Mr. Crittenden, Mr. Collamer, Mr. Weller, General Rusk, Mr. Seward, and others; and I desire now to read just a few words in the course of that debate, uttered by Mr. Seward, on the question of the establishment of this great line from Saint Louis to San Francisco. It was in the progress of that debate said that it was an unnecessary expense, a useless expense. It was said also that it was impracticable to establish a route across the wilderness, across the Sierras and the Rocky Mountains, to San Francisco. All that was stated. Mr. Seward said:

Now as to the manner and the terms. The question is whether we shall, if we can, use it [a wagon-road built by act of Congress] for carrying a mail twice a week. The more often it is used the safer the transit will be; and the more profitable and beneficial it will be to the Pacific settlements which we desire to

improve, the safer and the surer shall we make that possession itself. But we are told that this scheme departs from the theory upon which the postal system of the United States was founded in bygone and better days—

We hear that every day now—

and that our fathers were wiser and more honest men than we are. I have no doubt that our fathers were as wise, according to their light, as their sons; but I shall be slow to believe that the world is degenerating so, and we are more corrupt even than our virtuous ancestors of the revolutionary period. But however that may be, and whatever may have been the postal theories of our fathers, they adapted their system to the condition of the country as it then was. It had no distant possessions, no Pacific coast, but all its possessions were upon the Atlantic coast, and were principally compact; and they framed their postal system for the accommodation of the dense community which then constituted the American people. That community swelled out westward across the Alleghany Mountains, and as fast and as far as they spread out westward the mails of the United States followed and kept up a connection between them and the original stock on the Atlantic shore.

It has been the policy of the Government—perhaps it was compulsory on the people of the United States—to extend their sway to the Pacific Ocean, and so across deserts and mountains considered impassable. Consequently our postal system, however wisely organized in the first place, must be changed and adapted to the changed condition of the country. If it is desirable to have California at all, it is equally desirable that we shall have the customary mail communications with that country. When I shall be found unwilling to extend those facilities to that portion of the American people residing there, I shall then be willing, for one, to release that portion of the American people from their obligation to remain in this Union, and allow them the revenues which will arise from their commerce to establish the communications they will require with all the nations of the world.

That was the utterance of one of the greatest minds of that day and time in the Senate of the United States; and notwithstanding that debate was long and close, when the vote came the bill passed by a vote of 24 yeas against 10 nays. What has been the result? Every single prediction made by the friends of the bill on that occasion in 1857 have been followed out with splendid consequences, and every reason given by Mr. Seward applies with equal force to-day. Mr. Rusk said of the measure that it—

Will be not only an entering wedge—

The establishment of this route—

but contribute in a very great degree to settle up the line of travel between the Atlantic and Pacific States, an object that should command the attention of Congress, and I cannot well see why there should be opposition to it.

That was in 1857 when Nevada, Colorado, and all that country between the Sierras and along the line of the Rocky Mountains was a wilderness. It was the opinion of that sagacious man, Thomas J. Rusk, that the effect of this would be to open up settlements all along the line of that route. What has been the effect? You see here from what was then a wilderness Senators from Nevada, Senators from Colorado, and other of those Territories rapidly preparing to come in as additions to the sisterhood of the Union, and all in that country which only twenty-three years ago was declared to be a wilderness impassable even by an ordinary wagon-road. The policy now proposed is simply the pursuit of the policy which was then inaugurated and wisely so.

Why, Mr. President, in the progress of that debate to which I have referred allusion was made deprecatingly to the policy of reducing the postage to three cents per letter under three thousand miles, adopted in 1851; and that measure, I am rejoiced to say, so beneficial, filled with so many blessings to the American people, was carried through this body by General Thomas J. Rusk, who at that time occupied the same position on the Post-Office Committee that I do to-day. It was through his management that the bill reducing postage to three cents was adopted, which has shed so many blessings over this great people of ours; and the only remaining Senator who was in the Senate at that time and who is here now, standing at this moment by the presiding officer, the Senator from Maine, [Mr. HAMLIN,] has his vote recorded to his honor in favor of a reduction of postage to three cents below three thousand miles; yet that was derided and abused as ruinous to the revenues of the Government, and still it is a fact that the letters and postal cards not only pay their own way but add from three to four millions of dollars of revenue over and above all expenses to the postal revenues of the country, and which are absorbed in transportation of second, third, and fourth class mail matter.

Sir, if it be true, as this preamble says—and that is one portion of the Appropriation Committee's report that I do not agree to—that the Post-Office Department has produced a deficiency by disregarding the law which prohibits the expenditure of money in excess of appropriations, and the making of contracts which involve the Government in the payment of money in excess of appropriations, then what course should be pursued toward the Post-Office Department if it has corruptly and willfully violated the laws? And what can be said of those who as accessories before the fact went to the Postmaster-General and urged him to it? What is here charged as a violation of law, before I get through, I will show so conclusively that I believe no lawyer will gainsay the proposition, was not a violation of any law.

The Senator in charge of the bill referred to the route from Fort Worth to Fort Yuma, and I learn from many papers that that has been one of the grand objective points of the attack which has been made upon the star service west of the Mississippi River. Mr. President, if there be a man living who ought to be held responsible perhaps more than any one man for the original establishment of that route and for the expedition of service on that route, I am the man. I did

it because I knew that the good of the country and the good of the State which I in part represent needed the establishment of that route. You will find on page 22 of the book from which I read a letter from Austin, Texas, dated July 14, 1878, addressed to the Postmaster-General, asking the expedition of time on that route, the increase of speed between the terminal points, Fort Worth and Fort Yuma, and that is signed by J. W. Throckmorton, then a Representative in Congress from Texas; D. C. Giddings, likewise a Representative from that State; JOHN H. REAGAN, then and now a member from that State; R. B. Hubbard, governor of that State at that time; H. H. Boone, its attorney-general; J. G. Searcy, secretary of state, and J. D. Stephens, State senator from one of the districts, upon which I placed an indorsement urging what was recommended in that letter.

These are the documents:

AUSTIN, TEXAS, July 14, 1878.

SIR: We, the undersigned, citizens and members of the Texas delegation in Congress, most respectfully and urgently request that service on route No. 31454, from Fort Worth, Texas, to Yuma, Arizona, be improved by increasing the rate of speed thereon, so as to insure the through trip being made in thirteen days instead of seventeen days, the present schedule time, and, as some of our reasons therefor, we respectfully submit the following for your consideration, namely:

1. The unprecedented and marvelous rapidity with which that section of the country is settling up. 2. The commercial importance of the large and growing towns, particularly the county-seats, on the route, and the disadvantages they labor under by reason of the distance they are from the railroad and telegraph. 3. The fact that communities with less claims are favored with equal, if not superior, mail facilities than are herein asked for. 4. And finally, we submit that it is in furtherance of a wise and beneficent policy to lend encouragement and aid, as far as possible, especially with regard to mail facilities, to the brave and enterprising people who are settling in and building up our frontier country.

We have the honor to be, very respectfully,

J. W. THROCKMORTON.
D. C. GIDDINGS.

Hon. D. M. KEY,

Postmaster-General, Washington, D. C.:

I join in the recommendation for increased speed in the service on this mail route.

JOHN H. REAGAN,
R. B. HUBBARD, Governor.
H. H. BOONE, Attorney-General.
J. G. SEARCY, Secretary of State.
J. D. STEPHENS,
State Senator Twenty-Fourth District.

I hereby concur in the foregoing recommendation. My reasons are stated in a separate communication addressed to the Postmaster-General. Fort Worth, from which I write this, is the present western terminus of the Texas and Pacific Railway, and the eastern terminus of the stage line on route 31454. Within the last few years it has increased in population from a small town to a growing young city of several thousand. The number I do not know, but it does a large wholesale and retail business. The country between it and Concho is rapidly increasing in population and wealth. I do not believe there is a route of more importance in the United States, or one more deserving the fostering care of the Government. I urge its establishment, and results have proved the fitness of the claim.

S. B. MAXEY.

FORT WORTH, TEXAS, July 29, 1878.

In that indorsement I referred to a letter which I had written, and that letter is as follows. It appears to have been written from Washington, and that resulted from the fact that it was written on ordinary note-paper like that used here, headed as it is, and I neglected to rub out the word "Washington" and put in my own post-office. It is printed here 1879, but it was written in 1878, in my library at home:

JULY 22, 1878.

Hon. D. M. KEY,

Postmaster-General, Washington, D. C.

DEAR SIR: I beg to call your attention to the important stage route from Fort Worth to Fort Yuma.

I presume no country ever settled up with greater rapidity than the country west of Fort Worth, and the stream of immigration is still flowing in. New settlements of course require additional postal facilities. An additional post, I am informed, is to be established on the old post remanent at El Paso.

That was in 1878, just after the diabolical murder by Mexicans of Judge Charles Howard, of Texas, at San Elisario, and troops moved down there into what was formerly occupied as a fort, old Fort Bliss, as it was temporarily remanent; but knowing the importance of a post at that very point along the line of this road, I introduced a bill making an appropriation of \$40,000 for the establishment of a post there permanently, which bill is to-day a law and they are building that post. It is the act of the 4th of February, 1879, volume 20, Statutes at Large.

In the unsettled condition of our frontier problem, this is a point to be looked to, and speedy connection with the distant El Paso country important. I was an early and have been a consistent advocate of this great line. I do not believe and at the time the contract was let out did not believe it could be maintained at the ruinously low figures at which it was let out. I am informed that the route has been well stocked, and, from my knowledge of Major Adams, I am fully satisfied that an honest effort will be made to comply with the contract; yet it cannot be wise policy to secure valuable service at unreasonably low rates. I believe the time should be expedited for two reasons: First, I think it necessary to maintain service on this great and important line, which, if not broken down at present rates, will be apt to materially damage the contractors; second, I believe the increasing needs of this rapidly developing country not only justify, but, in my judgment, make it the duty of the Department to put this great line on a solid basis at reasonably remunerative rates to the contractors.

Most respectfully, your obedient servant,

S. B. MAXEY.

That is what I said then. That is what I to-day think. A recommendation was made for the same route by Major Stevens, Delegate from Arizona; J. K. Luttrell, member of Congress from California; Nathan

Cole, Representative from one of the Saint Louis districts; L. S. Metcalfe, from the same State; numerous officers of the Army; O. B. Wilcox, general commanding the Department of Arizona; John Wasson, surveyor-general of that Territory; James H. Toole, mayor of Tucson; A. P. K. Sefford, the governor of Arizona Territory; numerous postmasters; Levi Ruggles, receiver, and Charles D. Poston, register, of the land office of Arizona at Florence; S. C. Slade, collector of customs at El Paso; H. F. PAGE, Representative from California; George C. Gorham, formerly Secretary of the Senate, and a memorial was signed by G. W. Gentry and 67 others of Stephenville, Texas; William S. Vutt and 61 citizens of Tom Green County, in which Fort Concho is situated; C. C. Cummings, county judge, and other county officers, and 500 citizens of Fort Worth, Tarrant County; T. F. Rawlins, postmaster, and 57 others, citizens of Throp Springs, Hood County, Texas; Charles E. Williamson, county judge of Comanche County, Texas, and 83 others; and so it goes along through till we come to the indorsement of the Saint Louis Board of Trade. Here it may be asked, why should the Saint Louis Board of Trade care anything in regard to the postal facilities of Northern Texas and Northwestern Texas. Sir, Saint Louis gathers into her storehouses a large amount, say 250,000 bales, of cotton from that region of country. Kansas City and Saint Louis get thousands of dollars' worth of our cattle and they sell millions of dollars of goods to that people, and therefore Saint Louis is deeply interested in the success of that country. Another is from Brown County, Texas, with over 100 signatures, and T. Romero, Delegate from New Mexico, also indorses the application.

Now, what has been the result of that? When the route was established it was fifteen hundred and sixty miles long. It was originally established in 1876. During the panic the work on the Texas Pacific road had ceased. It had gone no further than Fort Worth. Work upon the California Southern road was not an assured success so far as moving east was concerned. What is the case now? That route has already been reduced to fourteen hundred and twenty-six miles by the extension eastward of the California Southern Railroad, and now a contract has been let out whereby in a very short time the railroad will be completed from Fort Worth to Wetherford, Texas, thirty-five miles further on; and for one hundred miles further west of that a contract for the grading, &c., of the railroad has been let out. As these two railroads, the Texas Pacific and the California Southern, approach each other, the necessities of the filling up of that link between the two railroads become greater and greater every day, because the effect of the building of these railroads is to carry immigration along with them, and the more immigration that is carried out and dropped along the line of the roads as they advance, the greater the necessity for postal facilities.

Hence that route to-day is more important than it was when it was established in 1876. The route every day is growing more and more important, because every day the space between the eastern terminus of the California Southern and the western terminus of the Texas Pacific is growing less and less, and the population increasing all the time. West of Fort Worth, along the line of this road, is a magnificent country, filling up more rapidly than any country that I have ever known in the same length of time. Why, sir, when Concho, in Tom Green County, was made a point on this route there was scarcely anything there but a little fort. Not four years have gone by, and to-day alongside of that fort is a village of some five hundred inhabitants, and Tom Green County is settling up rapidly; and it was but the other day that the General of the Army told me that he was going to move the post at Concho still further out west and northwest, so as to protect the people who are spreading out beyond Fort Concho.

That is one of the routes which are attacked, and I have shown who indorsed that. There is another route from Vinita in the Indian Territory, in the Cherokee Nation, to Las Vegas in New Mexico, across the pan-handle of Texas, traversing that one hundred and sixty-seven and a half miles. I indorsed that. I believed it a wise thing to do. I believed it would aid in settling this terrible Indian problem in that country. It will help to bring peace and the road will carry with it population, and thus as the country settles up the necessity for troops in that region will decrease. That precise effect has been had so far as the building up of that stage route is concerned, and already there is a fine town, Mobertie, near Fort Elliot, in the pan-handle of Texas, along which that stage line runs, and it has several hundred inhabitants. The county of Wheeler has been organized in that pan-handle which but a few years ago was a wilderness, and some ten post-offices have already been established on the line of that stage route, and they are constantly increasing.

I find that that route is indorsed by J. J. INGALLS, Senator from Kansas; T. Romero, Delegate from New Mexico; by myself; by John D. Miles, United States Indian agent for the Cheyennes and Arapahoes; by my distinguished friend to my left, A. H. GARLAND; by my colleague, RICHARD COKE; by numerous and sundry others, Messrs. Cole, Metcalfe, Anthony Itner, and ERASTUS WELLS, Representatives from Missouri; William A. Phillips, member of Congress from Kansas; J. W. Throckmorton, D. B. CULBERSON, JOHN H. REAGAN, and OLIN WELLBORN, Representatives from Texas; L. C. Gause, Representative from Arkansas; S. W. Dorsey, D. C. HASKELL, THOMAS RYAN, Senator F. M. COCKRELL, Senator J. D. WALKER; T. M. GUNTER, Representative of Arkansas; GEORGE W. JONES, present Representative of the Austin district of Texas; by General J. W. Davidson, commanding at Fort Elliott; by General W. T. Sherman; and in Gen-

eral Sherman's letter, dated January 16, 1879, in referring to this he says:

The establishment of these transcontinental roads, such as the Yellowstone, Platte, Arkansas, and El Paso, has done more to settle the everlasting Indian question than all the laws of Congress.

I have not a doubt of the absolute correctness of this statement and opinion. I believe that literally true, and having in view the establishment of that route I believed that it would aid very greatly in solving this Indian problem. Why? The men who establish these great routes like the Fort Worth and the Yuma route and the Vinita and Las Vegas route have to establish their stations; they have to do their own cooking, their own washing, dig their own wells, haul their provisions and their corn and forage sometimes for more than one hundred miles. They have to be organized into something like a military organization for the purpose of defense; they are fearless, and the best shots to-day in America are the stagemen along the line of these great trunk routes which are now attempted to be struck down, and their courageous acts when occasion demand prove their value.

On the route from Santa Fé to San Antonio, in 1857 I believe it was, old Big-foot Wallace, now living, drove a stage. He was attacked by Indians, and managed to get his stage into the station, where he was joined by his men. The Indians overcame them, but in the mean time he had taken the mail, and he carried that mail upon his back some thirty or forty miles into Fort Davis and thus saved it. A similar deed was done by Jim Spear, another of these men, in I believe the year 1857. They are men of daring, men of courage. These stage contractors are bound to get such men, or they lose their stock and their whole contract is broken up. Thus the Government of the United States gets the benefit of that class of men without its costing them anything to aid the troops in protecting the frontier and the settlements, which always grow up around these stations.

So much for that. The establishment of these two routes, I believed then and I yet believe, was right and proper. They are building a railroad now from Corpus Christi to Laredo, in Texas, and that road has gone as far as Collins westward toward the Rio Grande. A contract has been made from Collins, the western terminus of that road, to Laredo. That is one which goes down among these one hundred and seven routes doomed by the House bill. Upon the application for that General Ord, the commander of the Department of Texas, a clear-headed man of sagacity, says in approving it:

Besides the increase here proposed, there is great need of increased and better mail facilities between Laredo and Rio Grande City, the post-office for Fort Ringgold; at which post there is a large garrison, and from which quite frequent complaints have come of inadequate mail facilities.

That I approved, calling special attention to his indorsement. Petition after petition came up of like character. Here is one indorsement by Captain Kauffman, commanding the post at San Diego. Speaking of this he says:

Had such means of communication existed last April, many valuable lives might have been saved by timely notice. The fact that the country is now quiet is no security, but is due to the present strength of the Diaz government, a factor that cannot be relied on in Mexican politics.

After receiving many letters on this subject and indorsing petitions to the Second Assistant Postmaster-General, urging him to establish this line, I wrote this letter of April 16, 1879, and it was indorsed with approval by Mr. H. D. MONEY, chairman of the Committee on Post-Offices and Post-Roads of the House of Representatives, to whom a like communication had been transmitted:

I am impressed with the belief, and shall, when I can secure time, make it appear in a communication to you on that point, that increased mail facilities around the entire Rio Grande front would be a splendid cordon of pickets in many ways and do much toward establishing peace on the border, and thus a measure of wise economy.

I believed that then; I believe it now; I believe that all these great trunk lines, these star routes, are civilizers. They carry population along with them, they aid in the building up of settlements, and from these trunk lines spring out, as from a railroad, lateral lines, and thus the whole country, all these frontier settlements, ultimately get the benefit of the routes.

But it has been said that the expense of this is enormous—we had better go back to the earlier and better days. We always hear about these earlier and better days. Mr. President, I have made a comparative calculation of the expenses of the great routes which I mentioned a while ago, established from 1850 to 1864, with the Fort Worth route expedited to \$299,000 a year. I find that the route from Independence to Salt Lake was eleven hundred miles long, one trip per month, one and a half miles per hour, and the pay was \$19,500. The rate per mile, on the basis of once-a-week service, was \$77,000. If one trip a week cost \$77,000 for one mile, how much would one trip a week cost for fifteen hundred and sixty miles, the length of the route from Fort Worth to Fort Yuma? And if one trip cost that much, how much would seven trips per week cost? You will find upon the same ratio precisely of the contract from Independence to Salt Lake the Fort Worth and Fort Yuma route would to-day cost the Government \$758,361. It does, in fact, cost \$299,000. It is cheaper than that route was by \$459,361 per annum.

Take the next term, 1854 to 1858; the pay was \$36,000 per annum, for one trip per month; and at the same ratio the Fort Worth to Fort Yuma route would cost \$1,400,061. So comparing it all the way down, even to the last route which was established, from 1861 to

1864, the difference will be found immensely in favor of the Fort Worth and Yuma route. The great route, Saint Louis to San Francisco, was two trips per week, the contract price \$600,000, and that by special act of Congress. The Fort Worth route upon the same basis would be \$1,038,098 instead of \$299,000, which it is; and at the rate of the route from Omaha to Sacramento would be \$1,148,757, instead of \$299,000, as it is.

So I begin away back in the good old democratic days in 1850, and I trace it down into the republican days from 1861 to 1864, and I show that this route is immeasurably less expensive than either of those grand routes which were established for the purpose of giving the people of the frontier the benefit of mail facilities.

Mr. President, I have shown that these routes were established at the instance and request of both the Senators from Texas, the Representatives from that State, the governor of that State, the two Senators from Arkansas, the Senator from Missouri now upon the floor, [Mr. COCKRELL,] and I should have added his late colleague, Senator Armstrong, and a number of Representatives from that State, the governor of Arizona, the governor of New Mexico, and all the officers of the Army along the lines of these routes up to and including the General of the Army. All concur in the wisdom and sound policy of this, and Army men take the ground that it is of advantage in solving and settling the Indian question, and therefore it is a measure of wise economy.

Now, Mr. President, let us look and see whether the Senate of the United States in fair dealing and justice between man and man—and that is what we all want—can say that the Postmaster-General should be brought here in the manner in which he has been brought here. I agree with the Senator from Pennsylvania that whenever fraud, corruption, complicity, crookedness, is brought home to these men in the mode and manner known to the Constitution of our country, no man living will do more than myself toward bringing them to that punishment they would in that case so justly merit. But it will not do in this country to be making wholesale, sweeping allegations without a scintilla or shadow of proof, and the Senator in charge of the bill says the committee had none against anybody. Sir, we have in that grand Sermon on the Mount for its conclusion, "Therefore, all things whatsoever ye would that men should do to you, do ye even so to them; for this is the law and the prophets." Would we want charges, suspicions, innuendoes brought in against any one of us without a scintilla or shadow of proof, and that, too, in a place where your mouth is gagged, where you cannot open your mouth to say one word? That is not fair dealing; that is not just. The Postmaster-General himself, in his annual report, called attention to these two laws, and said that:

The operation of the present laws regulating the increase of compensation for increased speed, and increased frequency of service upon star routes results in great loss to the Government.

That is like the utterance of an honest and upright man who calls attention to these laws. He is not responsible for these laws. The Second Assistant Postmaster-General in his report, which will be found on pages 54 and 55, for the same year does the same thing. He calls attention to these laws, declares that under them the Government may be injured, and asks that the laws be amended. What else? A bill was introduced in the House of Representatives on the 2d of June, 1879, to provide for regulating the manner of expediting schedules on mail-routes, and it was referred to the Committee on Post-Offices and Post-Roads of the House of Representatives, and ordered to be printed, and on the 16th of December, 1879, Mr. MONEY, the chairman of that committee, reported back from the committee the bill now before me as a substitute for House bill No. 3013, laid upon our tables, which does provide for the modification of those laws in such a manner as to save the Government; and yet that bill has lain from that day to this and not one step has been taken in the House, so far as the RECORD shows, toward getting the country rid of these very laws which the Postmaster-General and the Second Assistant Postmaster-General have called the attention of Congress to, and yet they are blamed because there are such laws.

I am no special defender of any man in any of the Departments. I have never been in love with the present administration. I think I have given evidence of that fact, but I believe in doing right, I believe in doing to others as I would have them do unto me. I believe in that great principle laid down in the golden rule in the Sermon on the Mount, and until I see some evidence, until some evidences are brought here of foul dealings, I am not prepared for one to make grave charges against officers, the effect of which will be to destroy their reputation.

Now, Mr. President, let us look at this preamble. In the first place there is no necessity for this preamble, because it does not aid the bill at all. It is not necessary to explain the bill. The bill is to provide for a contemplated deficiency, not a deficiency now existing, for there is none, and the Postmaster-General tells you distinctly that there will not be any, but it provides for a contemplated deficiency in the event that the postal service is conducted on the same scale on which it is conducted now. The preamble charges that—

Whereas there is a deficiency in the appropriations made by Congress for the star postal service of the United States for the fiscal year ending June 30, 1880, caused by the Post-Office Department disregarding the law which prohibits the expenditure of money in excess of appropriations, or the making of contracts which involve the Government for the payment of money in excess of appropriations.

What law? What law has been disregarded? We are told this is the law:

SEC. 3679. No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

If the Postmaster-General had already expended \$5,900,000 which have been given to him by Congress for this purpose, then there would be some reason for that charge; but of that amount he had on the 31st day of December at the close of the first two quarters of the fiscal year expended \$3,452,771.40, which taken from the appropriation of \$5,900,000, left in his hands a balance at that date, the 31st of December last, of \$2,447,228.60.

Then the estimates are made for the next two quarters: the first quarter of the current year \$1,800,000 in round numbers, and for the second quarter \$1,799,000, total \$3,600,000. With the balance on hand December 31, only \$2,447,000, there is a contemplated deficiency, provided the business is conducted on the same scale on which it is conducted now, of \$1,155,538.60. To that must be added \$40,000 for service for the special post-offices, raising it to \$1,199,000, and from this should be deducted fines amounting to \$101,659.80. I would say at least in the item of fines the Postmaster-General has been reasonably prompt.

Mr. DAVIS, of West Virginia. Will my friend allow me a word on that point? He argues that the Postmaster-General has judiciously and properly expended this money. If so, why are we considering an \$1,100,000 deficiency now? Why is that? If the Senator's position is right we ought to pass no bill. I will not ask the Senator why the order was given to stop the mails.

Mr. MAXEY. If the Senator from West Virginia had watched the legal argument which I have made he would have understood that his question has no application whatever. It does not turn upon the question, should the Postmaster-General have exercised his discretion, but was he justified in its exercise? He is charged in the preamble with violating the law, and I say he has not done it. That is the point, and I propose to prove it.

As I have stated, at the time he made this communication to Congress on the 6th of December, 1879, there were then, and up to the 31st day of that month, twenty-five days after that, \$2,447,228.60 in his hands. He then notified Congress that this amount would not conduct the business for the next two quarters of the fiscal year as he had done it the previous two quarters, and for that reason he asked Congress to give him an additional amount in order that the business might be conducted on the same basis. He gave his reasons why he made that request, for he said, what we know to be true, that since business had revived after the disappearance of the panic last fall the postal business had revived amazingly. And let me give an evidence of it; for I say to you the Post-Office Department, as a close inspection will show, is as good an indication of business as the barometer is of the weather. If you will compare the postage receipts for the year 1879 with the year 1880 you will find that there were collected from postage-stamps, stamped envelopes, and postal cards for the month of February, 1879, \$1,948,104, and for the corresponding month of 1880, last month, \$2,241,978.22, or an increase in the revenues of the Post-Office Department from the items of postage-stamps, stamped envelopes, and postal cards alone, in one single month, of \$293,874.22, which for twelve months would amount to \$3,326,490.04 increase of postal revenues this present year over last year. As an evidence, in the country where I live the people have, last fall and winter, received large amounts of money from their crops of cotton; the great West have their millions of money circulating that they received from their magnificent crop of wheat; and the whole country to-day is on the up-grade; business prospers everywhere, and as that business prospers the revenues of the Post-Office increase correspondingly.

Mr. DAVIS, of West Virginia. My friend gives facts as to the increase of the Post-Office business and the increase of revenue—but let me ask him what becomes of it? Does it go into the Treasury? That very fact shows that there ought not to be a deficiency if the Post-Office revenue is increasing as largely as the Senator says, and I admit it. But what becomes of it? It is used by the Post-Office; and there should be no deficiency; and that is one of the reasons why we think there has been improper use of the amounts heretofore appropriated. We think so from the fact that there is a large increase of revenue, and that increase has been used by the Department. Every dollar of it is already appropriated for the use of the Postmaster-General. The more stamps are sold and the more general the increase of the Post-Office revenues, the less excuse is there for a deficiency; but instead of preventing a deficiency the deficiency is growing larger. The Senator says himself that the Postmaster-General has told us that he wanted two millions instead of one.

Mr. MAXEY. I gave way for a question, not for a speech. Now, Mr. President, I shall reply as best I know how. The Senator wants to know if these three or four million go into the postal revenues over and above that which is necessary to carry the letters written by the great mass of the people, what becomes of that three or four million dollars? I would ask if the Postmaster-General has spent one solitary dollar except what he is authorized to spend by law. If he has, then come forward with your charges. If you cannot establish that, then blame your laws for wasting, as you call it, that three or four million. Where does it go? You carry your

newspapers, and we all know how that was done, through the mails at a rate which does not pay back into the postal revenues what has to be paid out of those revenues for carrying them. You carry your periodicals and all that at a cheap rate, and then you carry four-pound packages of merchandise at an expense of one cent an ounce. You carry four pounds of merchandise for sixty-four cents when you charge three cents for a half ounce of letter. If half an ounce of letter cost three cents what ought sixty-four ounces of this mail-matter to cost at the same ratio? The postal revenues are expended because your second, third, and fourth-class mail matter does not pay its way. We make the laws. I am not saying that those laws are unwise, because I am not one of those who care so much whether the Post-Office Department pays its way or not, so the people get the benefit and want the facilities.

I believe that the postal service is nearer to the people than any other service in this entire Government. The letters are carried and spread all over this great land by this system, from the Atlantic to the Pacific, from the shores of Florida up into the ice-bound regions of Alaska. The mails go everywhere. Under our Constitution the United States has a monopoly of the mails; and having made it a penal offense for private carriers to carry the mails the United States, which has exercised this monopoly, ought to do it so that the people all over this great land of ours may have their mails and have them at reasonable prices. That is my belief about it; and whether to comply with that requires more than those revenues is not the primary question. The primary question is to see that everybody gets his mail.

I have shown that so far as section 3679 is concerned it is not violated, because the fiscal year is not out, and for the last two quarters, this being the third quarter of that year, there are nearly two millions and a half of dollars left over December 31, 1879, to go on these quarters. The Postmaster-General in reply to the Appropriations Committee distinctly told them that he not only had now no deficiency whatever, but that he would not have any, for if Congress neglected to make the necessary appropriations for the public business as it is now carried on, he would simply cut down the service so as to fall inside the law, inside of the revenue allowed him, and create no deficiency.

I come then to these sections 3960 and 3961. They have been read over and over again, and I shall not read them now. It is perfectly clear that by law Congress has authorized the Postmaster-General to give compensation for additional service on established routes, and has authorized the Postmaster-General to expedite service or increase the speed with which the service is carried between the terminal points of a particular line. The law is upon the statute-book. It is within his discretion to determine when he shall put that increased service on. It is for him to determine when he shall expedite the service, and he must do it like any other man, according to the best evidence before him. I have shown that the Board of Trade of Saint Louis, the Merchants' Exchange, the Cotton Exchange, the Senators from Missouri, the Senators from Arkansas, the Senators from Kansas, the Senators from Texas, a host of Representatives, and merchants everywhere, county organizations, and people all along the line—that he had all this evidence before him, and upon that evidence he exercised the discretion. In my judgment he would not have done his duty had he not exercised this discretion as he did. If the law did not intend to give him discretion, why was it framed so as to give it unmistakably? Its exercise, of course, must be within the law, but if such overwhelming testimony as I have shown did not only justify but demand the exercise of that discretion, then the law does not mean what it plainly says, which is absurd.

That is the law. I did not make it, nor did the Postmaster-General. That law does not permit him to throw up that contract and readvertise, but the expedition or increased service, as the case may be, must be given according to the law to the man who holds the contract. Therefore in putting on additional service or in expediting the time he unquestionably has not violated the law if he has not allowed more for the increase or for the expedition than the law allows, and that is not claimed.

It is said he has made contracts which involve the Government more than the revenues derived from the postal service. Is that true? Here is the law in full force:

SEC. 3958. Whenever it becomes necessary to change the terms of an existing contract for carrying the mail otherwise than as provided in the preceding section—

Which has no application here—

notice thereof shall be given and proceedings had thereon the same as at the letting of original contracts.

Therefore, when a necessity exists for setting aside these contracts what does he have to do? Nothing in the world but to give the notice which he gives for thirty days and readvertise and let out these contracts. The rule which has been adopted is that before he can do that, as the assessed damages shown upon the face of the contract itself, one month's extra pay must be given. The contract can be terminated by giving the notice and one month's extra pay. It is a rule of law, I believe, that as a man binds himself so shall he stand bound. I have read what that is. These contractors promised and bound themselves in the following obligations:

1. To carry said mail with certainty, celerity, and security, using therefor such means as may be necessary to transport the whole of said mail, whatever may be its size, weight, or increase, during the term of this contract, and within the time fixed in the annexed schedule of departures and arrivals; and so to carry until

said schedule is altered by the authority of the Postmaster-General of the United States, as hereinafter provided, and then to carry according to such altered schedule; and in all cases to carry said mail in preference to passengers and freight and to their entire exclusion if its weight, bulk, or safety shall so require. And that they will carry the mail, upon demand, by any conveyance which said contractor regularly runs, or is concerned in running, on the route, beyond the number of trips above specified, in the same manner and subject to the same regulations as are herein provided touching regular trips.

2. To carry the mail in a safe and secure manner, free from wet or other injury, under a sufficient oilcloth or bearskin, if carried on a horse, and in a boot under the driver's seat if carried in a coach or other vehicle.

3. To take the mail and every part thereof from, and deliver it and every part thereof at, each post-office on the route, or that may hereafter be established on the route, (or on any route that may hereafter be established and to which this contract may be extended as hereinafter provided,) and into the post-office at each end of the route, and into the post-office, if one is there kept, at the place at which the carrier stops for the night, and if no post-office is there kept to lock it up in some secure place at the risk of the contractor.

They also undertake, covenant, and agree with the United States of America, and do bind themselves, jointly and severally, as aforesaid, to be accountable and answerable in damages for the person to whom the said contractor shall commit the care and transportation of the mail, and his careful and faithful performance of the obligations assumed herein and those imposed by law, not to commit the care or transportation of the mail to any person under sixteen years of age; to discharge any carrier of said mail whenever required so to do by the Postmaster-General; not to transmit, by themselves or either of them, or either of their agents, or be concerned in transmitting, commercial intelligence more rapidly than by mail; not to carry, otherwise than in the mail, letters, packets, or newspapers which should go by mail, or convey or transport any person engaged in carrying letters, packets, or newspapers which should go by mail; to carry post-office blanks, mail-boxes and bags, and other postal supplies, and also the special agents of the Department on the exhibition of their credentials, if a coach or other suitable conveyance is used, without additional charge; to collect quarterly, if required by the Postmaster-General, of postmasters on the route, the balances due from them to the United States on their quarterly returns, and faithfully to render an account thereof to the Postmaster-General in the settlement of the quarterly accounts of said contractor, and to pay over to the Auditor of the Treasury for the Post-Office Department, on the order of the Postmaster-General, all balances remaining in his hands.

It is hereby stipulated and agreed by the said contractor and his sureties that the Postmaster-General may discontinue or extend this contract, change the schedule and termini of the route, and alter, increase, decrease, or extend the service, in accordance with law, he allowing a *pro rata* increase of compensation for any additional service thereby required, or for increased speed, if the employment of additional stock or carriers is rendered necessary; and, in case of decrease, curtailment, or discontinuance of service, as a full indemnity to said contractor, one month's extra pay on the amount of service dispensed with and a *pro rata* compensation for the service retained: *Provided, however*, That, in case of increased expedition, the contractor may, upon timely notice, relinquish the contract.

And it is hereby further stipulated and agreed by the said contractor and his sureties that the Postmaster-General may annul the contract for repeated failures; for violating the postal laws; for disobeying the instructions of the Post-Office Department; for refusing to discharge a carrier when required by the Department; for transmitting commercial intelligence or matter which should go by mail, contrary to the stipulations herein; for transporting persons so engaged as aforesaid; whenever the contractor shall become a postmaster, assistant postmaster, or member of Congress; and whenever, in the opinion of the Postmaster-General, the service cannot be safely continued, the revenues collected, or the laws maintained on the road or roads herein.

I say that this contract is one of the most rigid and exacting of all the contracts that I have ever seen entered into between man and man. In strict compliance with the law the Postmaster-General has kept inside the \$5,900,000, having at the beginning of the present quarter, which is the third quarter of the fiscal year ending June 30, 1880, nearly two millions and a half in his hands. He tells the committees, "I do not intend to transcend that sum. If Congress allows this money I will go on as I have done, giving the benefit of the star service to the poor man, because it is the poor man's mail." It is the poor man's mail. I can understand why a capitalist living in the city of New York or elsewhere, who has his mail laid down on his table three, four, five, or six times a day, may not feel any very great amount of interest in this star service. I can understand how the people of the frontier; how the army, stationed out there to protect the frontier; how the men who have gone out there to build up their fortunes, and are separated from the old land and from their friends—I can understand how this is to them a blessing and only a blessing. I can understand that the striking down of the star service would be the greatest grievance that could be inflicted upon the poor men of this country.

The Postmaster-General says that if Congress will not make the appropriation then he will give the month's notice; he will reduce all these contracts, pay the month's extra pay, and he will, as he answered the Senator from Kentucky, stop that banking man of North Middletown from carrying on the national bank any more, because that man says, as is in the evidence here, that if the mail is reduced down to once a week he will have to stop his national bank. I have been trying to find a patent-right for stopping these national banks for a good long while. If the Postmaster-General has fallen upon a good and efficient plan to get rid of national banks I would vote for the extension of the patent to him for his life. I think it would be the most laudable thing ever done for the people of this country. But in regard to this North Middletown banking man the Senator from Kentucky said to the Postmaster-General:

I think I will put this case to you: I wrote to the Department yesterday—I think I have the letter here now in my desk—that in the county of Bourbon, one of my own counties, in the State of Kentucky, there is a place called North Middletown, twelve miles from Mount Sterling and ten miles from Paris, on a turnpike road where there has been mail service every day, where a contract is now existing for mail service every day up to the end of next year, which has not been changed as I am advised by your department; and you claim that you have a right on the 1st of March, notwithstanding that existing contract, and notwithstanding the good of

the service and the wants of the people may require daily service to be continued, for there is a national bank there which says it will have to close if your order is enforced, as I advised you—that you have a right to cut it down to weekly service to compensate for money that you have expended elsewhere? Do you claim that right?

Mr. KEY. I claim this: I claim that every part of the country is entitled to the same sort of postal service, if we can afford it, and where new communities spring up requiring mail service, they must have as good service in proportion to their condition as the older sections of the country, even if it requires the reduction of service in the old sections to do it.

My judgment is that that is exactly right. That is equal and exact justice to all and exclusive privileges to none. There is a bank at North Middletown and there are banks all over this country, but they are no more entitled to postal privileges than the poorest man upon the extreme frontier of this great country. All that we of the frontier ask is equal and exact privileges with those who live east of the river. We believe it to be just. We believe it to be fair and honest between man and man.

Mr. President, I have detained the Senate much longer than I intended. The theory upon which I am acting to-day is the theory which was inaugurated, as I said in the outset, by my distinguished predecessor long years ago, the lamented Thomas J. Rusk. He occupied in this body the position of chairman of the Committee on Post-Offices and Post-Roads, as I do to-day. I believe in the theory of extending to that great new West the same postal facilities that are extended to the people in other portions of the Union. I believe it just; I believe it right. I have advocated the increased service upon every one of the great routes in the State of Texas. Governor Throckmorton, late a Representative from that State, and myself, perhaps had more to do with the original establishment of that great route from Fort Worth to Fort Yuma than any other two men. I have been the persistent and the consistent advocate of the increase of mail facilities in my State. I have worked for it in season and out of season. I have gone to the Post-Office Department time and again and asked for it, and I have been treated with kindness and courtesy; my reasonable requests have been granted; and I am the last man to turn my back upon a man who has acted as my friend. My judgment is, and I state it here to-day in the presence of the Senate, that in my State the postal facilities are better than they ever have been since Texas was admitted into the Union. I have aided to the full extent of my ability in producing that result. I propose as the State advances, as it increases in wealth, in population, in prosperity, in business wants, to continue to secure to the people all the needed mail facilities that that great empire demands to the full extent of my ability, reinforced by untiring effort.

Mr. BECK. Mr. President, the Senator from Texas [Mr. MAXEY] has made a very good speech in the interest of the people of Texas. Much of it needs no answer, because the amendments of the committee and the action of the committee show that we were not endeavoring to curtail or cripple any of the routes in his State or elsewhere. Three-fourths of the Senator's speech was in advocacy of his people at home. That is all right.

Mr. MAXEY. It is very kind of the Senator to say that!

Mr. BECK. It is all right. I believe in that. I stand up for my people, and when I think their interests require it I will be heard in their behalf always. I think the Senator from Texas is right in standing up for his own people.

Mr. MAXEY. As the Senator has referred to me, he will allow me a word. I did state, I believe, that in regard to the House bill, which I was discussing, I agreed with the Senate Committee on Appropriations in striking out that proviso, but the House bill as it came to us did strike down every important star route in the State of Texas. I stated that in reply to the Senator from West Virginia, and so it did.

Mr. BECK. The Senator referred to the fact that I was endeavoring to maintain a route in the county of Bourbon, through North Middletown, insisting that they should have a daily service, which had been established for years, and suggested that was in the interest of bankers and rich men against the poor men of the West, and the Postmaster-General had a right to strike that route down! That is what I object to.

I do, however, deny in the most emphatic manner possible the soundness of what the Senator from Texas terms his legal propositions, which are substantially that the Postmaster-General has a right to expend the money given to his Department by Congress for a specific purpose as he sees fit, thereby creating a deficiency in the star service, and maintaining that he may make contracts exceeding the appropriations given him, and then place Congress in duress and coerce out of us, whether we are willing or not, all the money he may say is necessary to conclude the service for the year, and in the event of our failure to comply with his demands close the mails of the country. That is what the Postmaster-General proposes to do; that is what the chairman of the Committee on Post-Offices and Post-Roads declares he has the right to do under the law. The Senator from Texas insists that the Postmaster-General has the right to strike down as many routes as he sees fit in order to keep his expenditures during the year within the appropriations that we make, although he may have expended the money in ways unknown to and not contemplated by Congress.

There is no denying the fact that the Postmaster-General has done so. There is no denying the fact that he has done so willfully, with full knowledge of the fact that he was disobeying the law. His con-

duct was not the result of accident or mistake. If it had been, if he had unintentionally, in consequence of the growth of the country, gone a little beyond the appropriations made by law, we would have said, "All right," and would have relieved him; but when he comes and tells us, and when the chairman of the Committee on Post-Offices and Post-Roads tells us, that the Postmaster-General has the legal right to spend in six months the money we give him for the service of a year, and close all the mails in the country for the remaining six months, unless Congress will give him as much more or double as much more as was originally asked for and given him, I deny that he has any such right or authority. Whenever he does it he is guilty of a wrong. He is forcing a deficiency upon us by reason of his having violated the law. That is what we say and all we say in the preamble to the bill, the truth of which I propose to maintain.

What are the facts? The Postmaster-General is required by law to furnish his estimates of what is necessary for the existing star service and its probable increase. He did furnish the estimates to maintain for the whole year all the routes in the country then existing, and for what he supposed was the necessary increase of the service. He said \$5,900,000 was a sum sufficient for that purpose, and Congress gave him every dollar that he asked. What did we give it to him for? Read the law. The title of it will show it all:

An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated for the service of the Post-Office Department for the year ending June 30, 1880, out of any money in the Treasury arising from the revenues of said Department, in conformity to the act of July 2, 1836, as follows:

We gave it for the service of the year, not for the service during six or nine months. We gave it to maintain existing routes in the condition in which they were then existing, unless some good cause intervened whereby he could, without detriment to the public service, cut them down. What does he do? What does he tell us on the 8th of December last? Remember, when he sent his annual report to us the 1st day of last December he never intimated that there was a deficiency for this year, but on the 8th of December he sends to the President of the Senate this communication:

POST-OFFICE DEPARTMENT,
Washington, D. C., December 8, 1879.

SIR: I have the honor to transmit herewith a communication from the Second Assistant Postmaster-General, calling attention to the insufficiency of the appropriation for inland mail transportation for the present fiscal year, and asking that the sum of \$2,000,000 be appropriated out of the unexpended balances of former appropriations for that purpose during the past four years, which have been covered into the Treasury, and be made available to meet the necessities of the service and of the country during the current fiscal year.

What does the Second Assistant Postmaster-General say on the 6th day of December? He said to the Postmaster-General:

I have the honor to state that the appropriation for inland mail transportation on star routes, for the current fiscal year, has proved insufficient to meet the wants of the rapidly growing service.

The annual cost of the service now in operation is \$7,620,004, while the appropriation is but \$5,900,000.

He professed to know the amount required for existing service so accurately that he had an odd four dollars at the end of the large sum demanded.

He had expended, according to his own sworn statement, during the first half of the fiscal year \$3,800,000, and claimed that he had but \$2,100,000 left. The Senator from Texas endeavors to show that he was mistaken in that, by reading the statement of the Acting Sixth Auditor. How was that paper obtained? We drew it out two months afterward. When the Postmaster-General demanded from us a deficiency of \$1,720,004, going into the minutiae, as the actual cost for service now in operation we did not believe that the Department had told us the truth. We did not believe that they needed that much money. The sub-committee of the Committee on Appropriations of the Senate sent to the Sixth Auditor, who had all the data before him, by a resolution passed by the Senate on my motion, and instead of an appropriation of \$1,720,004 being required to carry on the service as the Second Assistant Postmaster-General certified to Congress and demanded an appropriation for, the Sixth Auditor showed that all of the present service with its increase of trips, with its expedition, with everything that is now in existence, could be carried on for about \$1,155,000, even if there was not a dollar of fines collected during the current six months, and the resolution and the facts it developed saved the country \$400,000 at least; but for it we would have been forced to pay the \$1,500,000 demanded by General Brady as the minimum amount possible to maintain the service with.

The Sixth Auditor showed from books, with which those of the Second Assistant Postmaster-General were bound to correspond, that that officer was seeking to require us to furnish him with \$564,466 as the actual requirements of the existing service more than were in fact needed for the service at the time, and if the fines collected for the current six months are as great as they were for the first six months he was demanding \$666,126 as the actual needs of the service more than the Sixth Auditor shows the wants of the service require. Was not that enough to put us upon our guard? There were two officers, each of them knowing what the facts were, the Sixth Auditor and the Second Assistant Postmaster-General; and the Sixth Auditor contradicts the truth of the statement of the Second Assistant Postmaster-General, and proves it to be excessive by over half a million

dollars. All admit now that the statement of the Sixth Auditor is true, and the Senator from Texas has to argue upon the basis that it is true all through his speech. We looked carefully, of course, to see what that meant. It was apparent that the Second Assistant Postmaster-General knew what the truth was. It was apparent that \$1,155,000 was all that the Department could possibly use under existing contracts. Yet they were demanding \$1,720,004 (so accurate, I repeat, as to come down to \$4) as the actual annual cost of the service now in operation, when the books in their own office showed that \$1,155,000 was all that the wants of the service required, and, if the fines for the present six months were equal to those of the past, that \$1,053,000 was all that they would require. The Sixth Auditor, in the statement I hold in my hand, gives all the figures in detail by States and routes, so there is no mistake about it; there cannot be. Of course we looked with suspicion to see what this meant. We turned to the Blue Book, the official register of the Government; and I desire the attention of the Senate to this Blue Book. I hold it in my hand. It was issued two months ago. Section 510 of the Revised Statutes is incorporated in it on the first page of it. What does it say?

SECTION 510. As soon as practicable after the last day of September in each year in which a new Congress is to assemble, a register shall be compiled and printed under the direction of the Secretary of the Interior, of which 750 copies shall be published, and which shall contain the following lists, made up to such last day of September:

4. A statement of all allowances made by the Postmaster-General, within the same period of two years, to each contractor on contracts for carrying the mail, discriminating the sum paid as stipulated by the original contract and the sums paid as additional allowance.

That is the statute law to-day. It required a Blue Book to be issued giving us that information in the month of September last or as soon thereafter as possible. If we had had that we could have verified all conflicting statements and found out whether the Post-Office officials were telling the truth or not; whether they needed \$1,720,004 or whether they in fact needed only \$1,155,000. It did not come. Why? I read the note on the opposite page of the Register:

It has been found impossible on the part of those having the matter in charge, to supply the statistics relating to the postal service of the United States in time to admit of the publication of the Official Register, in its usual form, earlier than March or April, 1880.

It is therefore deemed expedient to issue the work in two volumes, in order that such portion of it as could be prepared might be available for the use of Congress at its convening in December.

It is believed that the public convenience will in this way be best subserved, and that the division of the work into two volumes will be acceptable to those who have occasion to consult it.

The second volume will embrace only such statistics as relate to the Post-Office Department and the postal service, and will be issued as soon as practicable.

For the first time since the Official Register was ordered it is now divided into two volumes for the purpose of holding back the information that we were compelled to have in order to know what had been done in regard to these postal routes. I have the Register of 1877 in my hand; I have gone back to 1875, to 1873, to all of them, and all the requisite information with respect to increase of routes, expedition, everything, is embraced in every one of the others, and always has been laid before Congress when it met in December without a solitary exception until this year. Now, for the first time, the material facts that we need and without which we cannot legislate intelligently have been withheld and the book is divided into two volumes. That portion of it, and the only portion which is of any value for the information of Congress, to aid in the saving of money is to be withheld until March or April, 1880, and we are treated to this little first part which merely contains the names of the clerks and other things about the Departments for which we have very little use. That, too, looked suspicious when we came to examine it in connection with all the other facts. Why was it done? I have before me the statement of Mr. Brady himself, in which he had to admit that he knew of no good reason:

Question. Is there any reason why this work should now, for the first time, be published in two volumes, and that the issue of the second volume should be delayed until March or April next, except the failure on the part of the Second Assistant Postmaster-General's bureau to furnish this information about the allowances made on original contracts and extra compensation made?

Answer. I should be compelled to investigate the matter before I can answer that question.

Q. Do you know of any other reason now?

A. I know of no other reason now.

"I know of no other reason now," says Mr. Brady. Mr. Cranston Laurie, who was in charge of the Statistical Bureau, and whose business it was to make it up, said under oath that he made all those statements every week, and that they were always ready, that there was no reason for the delay, that he could have them within a week at any time. They were held back not because they were not accessible, for they were ready, and the man who made them swears it, and furnished the necessary facts weekly to the Second Assistant Postmaster-General and to the Sixth Auditor. What followed the peremptory demand for \$2,000,000 made in December? When the Department officials found that they could not coerce Congress into immediate action without investigation, what did they do? The fact is apparent that they knew that they were demanding \$660,000 more than they needed, the fact stood that they were willfully withholding information from Congress that the statutes required them to give. What was the next step toward coercion? Let the Postmaster-General

answer. Finding that they could not drag Congress into action as rapidly as they desired, on the 20th day of February last the Postmaster-General issued this order:

To the Second Assistant Postmaster-General:

That there may be no deficiency created to maintain the star mail service for the present fiscal year, I direct that on and after the 1st of March proximo the service on all star routes be reduced to one trip per week, allowing one month's extra pay as provided by law on service dispensed with.

I also direct that the service placed on new routes since and including July 1, 1879, be discontinued if the foregoing reduction is not sufficient for the purpose indicated.

I think the rapid growth of population and business in the Territories and in the new States, and the restoration and improvement of the service in the Southern States, demand the existing service, and in many instances additional service on old, and new service on recently established routes.

I also believe the public service will suffer by the reduction; but the law requires that I shall not exceed the appropriation, and I am determined to conform to the law.

D. M. KEY,
Postmaster-General.

Admitting that the public service would suffer by his arbitrary act, still on the 20th day of February he issued that order to take effect on the 1st day of March, which he knew Congress could not submit to. On the 28th of February we summoned him before the Committee on Appropriations of the Senate to know by what authority he was stopping or curtailing all the mail-routes of the country; to know by what authority he had expended the \$5,900,000 appropriated for the year so as to close or cripple all the routes in the country on the 1st day of March instead of maintaining them till the 1st day of July. On that morning, the very day that he testified before us, he issued this order:

To the Second Assistant Postmaster-General:

In consideration of the action of the House of Representatives in appropriating \$1,070,000 for continuance of the star service, and pending the action of the Senate, suspend further action under my order of February 20 until further advised.

D. M. KEY,
Postmaster-General.

We stand to-day with an order merely suspended to stop 10,400 mail-routes and to pay to mail contractors for a month's extra pay \$600,000 for nothing, rather (as the Postmaster-General says) than that he shall violate the law. The very moment that he made it necessary to stop these 10,400 mail-routes, or to reduce them from a daily service down to a weekly service, and made it necessary to pay \$600,000 out of the Treasury of the United States to contractors for nothing—the moment he put himself voluntarily in that attitude, that moment he was a violator of the law. It is the merest child's play for the Postmaster-General or the Senator from Texas or anybody else to seek to avoid responsibility on the pretexts now set up, when the Congress of the United States had on the estimates of the Department given \$5,900,000 for that purpose, which the Postmaster-General said was ample to maintain the service until the 1st day of July, 1880. It is absurd to say that the Postmaster-General may divert that money from the established routes and pile it up wherever he sees fit upon routes not then established, and for contracts not then made, and create such a condition of things by these acts as to stop all the mails of the country on the 1st day of March, or reduce them from daily to weekly service, and pay \$600,000 out of the Treasury to do it. He admits he has done all these things. Yet he says he has not violated the law! The legal argument which the Senator from Texas said he was making in his behalf has this significance, no more, no less: if the Postmaster-General can spend all the annual appropriation in six months he can spend it in a month. The Postmaster-General asserts the right to do that. Let me read his testimony. I examined him myself. The Senator from Texas seemed to think I was making a very poor point when I was calling attention to a case in my own State because I referred to the fact that I had received a letter the day before in regard to cutting down the mail from a daily to weekly service. Here it is:

Senator BECK. Unless this increase is granted, then, you propose to enforce the order of February 20?

Mr. KEY. Yes. I do that, Senator, purely to fall within my appropriations. I might state, for we have nothing to conceal about it, that if I put that order into effect, if I reduce the service in other words, I shall have to pay every contractor a month's extra pay. There will be one month's service that we shall have to pay for that we do not get. It will take, according to our calculations, about \$600,000 for the extra pay consequent on such a suspension. Of course we must have margin enough in our appropriation to allow us to pay this \$600,000 as well as provide for the regular service. When we made our calculation, we thought that to fall within the present appropriation, and to allow this extra pay, would about absorb the amount allowed.

Senator BECK. You have now existing contracts which, if they are not annulled, will require Congress to give you \$1,700,000, more than has already been given you for the star service?

Mr. KEY. No, not for existing contracts.

Recollect that on the 6th day of December, the Second Assistant Postmaster-General had said to us that the annual cost of service now in operation is \$7,620,004 while the appropriation is but \$5,900,000, being a deficiency of \$1,720,004. Therefore I put the question to him in that form.

Mr. KEY. No, not for existing contracts.

Senator BECK. For what, then?

Mr. KEY. Something I supposed would be allowed for increase of the service as well.

Senator BECK. About how much is necessary now to make up the deficiency that will exist at the end of the year, if existing contracts are maintained until the end of the year?

Mr. KEY. I suppose \$1,500,000 will do it; I am guessing.

Senator BECK. So that you have made contracts already up to the close of the next fiscal year, which if not annulled will require a million and a half more than Congress has appropriated for the present fiscal year.

Mr. KEY. If fines and forfeitures are enforced, that will operate largely to reduce it; but it will be about that, I presume.

Senator BECK. I desire to ask you how you construe section 3679 of the Revised Statutes of the United States, which I think while on the Appropriations Committee of the House I either wrote myself or Mr. Dawes, my chairman, did, and by which we thought we had done some good, but that seems now to be doubtful:

"Sec. 3679. No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations."

The question I desire to ask in view of that law, in view of the fact that Congress gave you all the money that you estimated would be needed, in view of the fact that you knew precisely what amount of money you had and what you could do with it, is, by what authority you have made contracts which, if not annulled, exceed the appropriations made by Congress one million and a half? I want that question fairly brought before Congress.

Mr. KEY. Those contracts were made because I believed the wants of the country required them, and I trusted that Congress might take the same view that I did. I believed they would. But there is a discretion in the Department that enables it to annul these contracts. I always intended to keep myself strictly within the provision of that statute and to expend no more money than was appropriated, so that if Congress does not see proper to give me any deficiency I shall simply reduce the star service to such a state as will enable me to keep within the appropriation.

Senator BECK. And do I understand you to say that you consider that a compliance with your obligation and with this law?

Mr. KEY. I think it is, to the very letter.

There can be no mistake as to his assertion of executive power and authority. The distinguished chairman of the Committee on Post-Offices and Post-Roads, the Senator from Texas, who has just addressed the Senate, and the committee of which he is chairman, I presume, would feel that it was their duty, if they had the appropriations to make as the Committee on Appropriations have, to give the Postmaster-General every three months \$5,900,000 if he saw fit to expend it in that time, and come here as his apologists and say that that is the law.

Mr. SAULSBURY. The Senator from Kentucky will allow me to say that he should direct his remarks to the chairman of that committee instead of including the whole committee.

Mr. BECK. I beg pardon; that is true. The argument of the chairman of the committee was that acts of the Postmaster-General are within the law and that he has the right to expend the money as he likes, when he tells us to give him what he demands or he will close all the mail-routes in the country. I assert that a more preposterous proposition never was submitted. I insist that Congress will not do justice to the people if we do not insert in the very face of this bill that the deficiency the Postmaster-General is now demanding from us is caused by the Post-Office Department disregarding the law which prohibits the expenditure of money in excess of appropriation and the making of contracts which involve the Government in the payment of money in excess thereof.

I will continue to read what occurred between myself and the Postmaster-General before the Committee on Appropriations.

Senator BECK. I think I will put this case to you—

And this is the case which the Senator from Texas seemed to think such a remarkable one—

Senator BECK. I think I will put this case to you: I wrote to the Department yesterday—I think I have the letter here now in my desk—that in the county of Bourbon, one of my own counties, in the State of Kentucky, there is a place called North Middletown, twelve miles from Mount Sterling and ten miles from Paris, on a turnpike road where there has been mail service every day, where a contract is now existing for mail service every day up to the end of next year, which has not been changed as I am advised by your Department; and you claim that you have a right on the 1st of March, notwithstanding that existing contract and notwithstanding the good of the service and the wants of the people may require daily service to be continued, for there is a national bank there which says it will have to close if your order is enforced, as I advised you—that you have a right to cut down to weekly service to compensate for money that you have expended elsewhere? Do you claim that right?

Mr. KEY. I claim this: I claim that every part of the country is entitled to the same sort of postal service, if we can afford it, and where new communities spring up requiring mail service, they must have as good service in proportion to their condition as the older sections of the country, even if it requires the reduction of service in the old sections to do it.

Then I put to him another question. He had given a table showing twelve routes—I will speak of them more fully to-morrow—in which he had by increase of service added to the original contract price \$934,990, of which about \$750,000 was for expedition and say \$175,000 was for increase of trips, and this, among other things, had caused this deficiency, as he said. When I come to speak of the routes from Vinita and from Fort Worth I think I will show some remarkable facts. I then examined him thus:

Mr. KEY. I suppose the table is correct.

Senator BECK. Now, Mr. Postmaster-General, I wish to say to you just here that the object I have in this investigation is to make the question distinctly—I tried to make it with the Secretary of the Interior the other day when the pension bill was up—that all Departments of the Government in all their discretionary acts must be subject to this law.

And I read him again the law that—

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

Do you think you have any discretion which overrules and repeals that law?

Mr. KEY. No, sir; I expect to comply with that law religiously.

Senator BECK. And you claim, notwithstanding that law, that you can make contracts and dispose of the money given to you by Congress in such a way as to

create deficiencies during the fiscal year, and close the service or diminish it unless Congress gives you money enough to make up those deficiencies?

Mr. KEY. I suppose the Department cannot be carried on upon any other ground. I suppose there is hardly any year the Post-Office Department has been administered but what, at some period in the year, if the contracts had been carried through as then existing, a deficiency would have been created; but then they regulate it always with regard, if possible, to the wants of the service, or would do so, so as in the end to bring it, as the means will allow, within the amount appropriated.

Senator BECK. And that you can expend as much of the money appropriated for the whole year in a given portion of the year as you think is necessary, even if the closing of the mails at the latter part of the year is the consequence?

Mr. KEY. I cannot do that wantonly or recklessly; but if I do it with good reason, yes.

Senator BECK. You claim the right to do it?

Mr. KEY. Yes, if I do it with good reason.

Senator BECK. Then will you tell this committee what power Congress has over the appropriations, and what limitations put upon them for any service in your Department you may not set aside by that very course of conduct?

Mr. KEY. Well, I do not know. Repeat the question, please. I do not know that I exactly comprehend it.

Senator BECK. I desire you to tell us whether or not, if your construction is right, you cannot so expend the money given to you by Congress for the service of any branch of your Department for a given year as to force deficiencies or cut off the service.

Mr. KEY. Oh, yes; it might be done, I think.

Senator BECK. You claim the right to do it?

Mr. KEY. It has always been done, and I suppose always must be done to some extent.

Senator BECK. Do you assert that that is your right?

Mr. KEY. I have no right to violate the law, but I have a right to some discretion and to some reliance upon what I may think is the will of Congress in the matter. But I have no right to exceed the appropriation already given me.

Senator BECK. Do you think that where star routes exist, as in the case I have put to you in my own neighborhood, which is one of ten thousand, where you admit the good of the service requires a daily mail shall be kept up, you can so manage the funds which are given to you by Congress to carry on the Department (that being one of the then established routes) by increasing service on other routes at your discretion as to make deficiencies which will compel you to close that route?

Mr. KEY. Not to close the route, but—

Senator BECK. But to cut down the service from daily to weekly?

Mr. KEY. That would be wretched administration. I do not know whether I should have the right to do it; but I think that would be a very unwise exercise of discretion.

Senator BECK. Has not your order of February 20, unless annulled, the effect of cutting down the regular service from a daily to a weekly mail in thousands of routes where you believe the good of the service requires that they should continue to have a daily mail?

Mr. KEY. Yes.

Observe, while admitting that the good of the service requires it, while admitting these were routes appropriated for and that he had got all the money he asked to maintain them, he tells us that he has cut down thousands of routes which the good of the service required should be kept up as daily mails, and by his order of the 20th of February reduced them all from daily to weekly, in order to keep himself technically within what he calls the law!

Senator BECK. And you have brought about that condition of things by increasing the service on routes elsewhere beyond the appropriations which Congress gave you, which were all that you asked them for? Is not that the fact also?

Mr. KEY. The sum appropriated was all that we asked for; but I want to say that I think all parts of the country are entitled to the same character of service under like circumstances; and if a place like Leadville grows up in the interval between appropriations, it is entitled to service. If it is entitled to a mail I must give it its share of mail facilities, although I have for that reason to reduce the service on some old route. That is all I have to say.

Senator BECK. My examination has no personal bearing; it is with a view of testing the question between Congress and the Departments, as to whether we have any power in Congress to control executive officers, or whether they can by creating deficiencies make us appropriate whatever they want; and, believing that you were acting in clear violation of law, I intend to make that question. That is the whole case.

Mr. KEY. I want to say here that I expect to comply with that law which you have read.

Senator BECK. I think you have violated that law in letter and spirit.

That closed the examination on that point so far as I was concerned; it was because I determined to make the question that I insisted upon the preamble now in this bill. I have no personal quarrel with the Postmaster-General; I believe he is a man of high personal integrity. I will say that for him as being my conscientious conviction; but I insist that he, being the responsible head of the Department, perhaps more in name than in fact, has wantonly violated the law; he has created deficiencies in plain violation of it; that he is not doing it accidentally. If he was doing it by accident or mistake I would not care so much to have the question of right and power between him and Congress settled. The Second Assistant Postmaster-General avowed the same thing, and he testified that he had expended \$3,800,000 in the first six months, in a carefully prepared written statement, \$400,000 more than the Senator from Texas thought they had expended, and he claimed that they had only \$2,100,000 for the next six months. The Second Assistant Postmaster-General says:

The necessity for speedy action upon the part of Congress is apparent. The Department especially desires it in order that its action may be made strictly to conform to the wishes of Congress.

There is no deficiency. None will be created. The action of the Department has been thus far in strict conformity with the law, and will continue to be. If not deemed wise on the part of Congress to increase the appropriation as asked, the Department will, of necessity, curtail mail facilities so as to bring the same within the cost of the original appropriation. To necessitate this course would work incalculable injury and great injustice. The course pursued thus far by the Department was adopted after mature consideration, and has been steadily adhered to, because it was deemed wise and just.

Therefore it is evident that they did not exceed the appropriation by accident; they did it by design. The course pursued by the Department was adopted "after mature consideration, and has been steadily

adhered to," and he admits that the course it necessitated them to pursue in stopping the mails "would work incalculable injury and great injustice." What remains? Congress must give them the money or "incalculable injury and great injustice" will be done. I agree to that; we are powerless; we are not a deliberative body. Who caused that great injustice to be done? Who put the Department in such a shape as to work that incalculable injury? It was the Post-Office Department, by wrongfully expending the money in the early part of the year that was given them by Congress on their own application for the whole service during the entire year; and now they tell the country "Congress has stopped your mails; Congress refuses to give us money to enable us to carry your mails."

We are under duress; we are coerced by the executive officers of this Department. It is as if "road agents" ordered us to hold up our hands or "stand and deliver;" we have to let all the mails be stopped or we have to furnish the money the officials demand. Is Congress a deliberative body in passing on this question? Is Congress in a position to give or refuse to give, as it pleases? Ought Congress to be put in that position? Ought Congress to be required to legislate in this way? Is it legislation when 10,400 of the great mail routes of the country are to be stopped by executive order? Unless we give the Post-Office officials all the money they demand, we are told that a course has been taken, after mature deliberation, which will work incalculable injury; and yet we are told by the Postmaster-General that he is still within the law and is maintaining it in letter and spirit; and the chairman of the Post-Office Committee defends him and says that is right.

Mr. MAXEY. I hope the Senator from Kentucky will allow me a moment.

Mr. BECK. Yes, sir.

Mr. MAXEY. The argument of the Senator from Kentucky as I understand it is that the Postmaster-General is a man of integrity but indiscreet, and therefore the public service should suffer. That is the logical conclusion. I wish to say now that I understand during my temporary absence the Senator from Kentucky was criticising my argument and I understood the Senator from Delaware, as a member of the Post-Office Committee, rose to say that I was not speaking on behalf of the committee.

Mr. SAULSBURY. The Senator from Kentucky was commenting on the remarks of the chairman of the Post-Office Committee, and then said the Post-Office Committee, or words to that purport, were ready and willing to come in and indorse all the applications made by the Post-Office Department. I simply said to him that he was referring to the remarks of the chairman of the committee and not to the action of the committee.

Mr. MAXEY. I do not see how there could possibly be a misconception that I was speaking on behalf of the committee.

Mr. BECK. I at once said that I meant the chairman of the Post-Office Committee.

Mr. MAXEY. I referred to some historical facts in connection with General Rusk who once filled my seat in the Senate, who was chairman of the Post-Office Committee; but no remark I made shows that I spoke for the committee, but for myself. I expect to be responsible for every word I said.

Mr. BECK. I am not asking the Senator to take any of it back. I am endeavoring to show the Senator that he is just as palpably wrong as the Postmaster-General is, and that his construction of the law transfers all power over the moneys taken from the Treasury by appropriations to the discretion of the Postmaster-General or his Second Assistant, and away from the Congress of the United States where the law lodges it, and forces us either to do a greater evil than to give the money, to wit, to stop all the mails of the country, or to give him whatever he demands when he has seen fit to expend in six months what we are agreed to give him for twelve. I desire, and I will in the morning begin at this point, to show the reasons why these laws now found on the statute-book were passed. In 1870, when the distinguished Senator from Massachusetts [Mr. DAWES] was chairman of the Committee on Appropriations of the House, we found the same condition of things existing. Great appropriations had been made during the war, of which heavy balances remained; large amounts of war materials were on hand, large numbers of useless ships were on hand; and the Departments were going on selling things, expending the money, and doing as they pleased without a re-appropriation. We took the matter in hand and we passed law after law which I propose to read in the morning to show that we were going to hold the purse-strings in our own hands, and that the Executive Departments must obey the laws we passed. And I must say that a republican Congress, largely republican in both branches, felt that it was its duty to place those restraints upon their executive officers and require them to come to Congress for authority to expend money and to keep within the appropriations made and to account for the money when they made sales of property, and we have saved millions and millions of dollars by holding them up to that responsibility, and this is the first time since that any Department has ever openly defied us.

They have frequently done wrong and sought indirectly to avoid the force of the laws; but this is the first time that we have been told defiantly that the Postmaster-General can spend all the money he likes in any portion of the year he pleases, and the chairman of the Committee on Post-Offices and Post-Roads maintains that that is the

law. I propose to show that it is not the law, never was intended to be the law, never ought to be the law, and if the democratic party, now in power in both Houses for the first time in twenty years, is going to throw down all the barriers that have been erected in the last ten years and allow executive officers to override the law, spend what they please, and close our mails if we do not give them all they ask, we are making a bad start toward inaugurating reforms.

Mr. MAXEY. I desire to state to the Senator from Kentucky that I argued upon the law as it stands. I did not intend to say that the law was just or wise. I did state that the Postmaster-General had declared it was not a wise law. I stated further that last June a bill had been introduced in the House for the purpose of correcting that law. It was submitted to the Post-Office Committee of the House, and a substitute which accomplished the object of correcting the evil alleged was introduced as late as the 16th day of December, and is still pending, for the very purpose of correcting that law. But as long as the law remains as it is the Postmaster-General is inside of the law.

Mr. BECK. We shall see how that is.

Mr. EATON. If the Senator from Kentucky will allow me, I move that the Senate proceed to the consideration of executive business, as there is a matter of some consequence there to be attended to.

Mr. BECK. I yield for that purpose.

The PRESIDING OFFICER, (Mr. FERRY.) The question is on the motion of the Senator from Connecticut.

Mr. VOORHEES. I move that the Senate adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Connecticut.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-six minutes spent in executive session the doors were reopened, and (at five o'clock and thirteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, March 15, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Friday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories, beginning with the State of Alabama, for the introduction of bills and joint resolutions for printing and reference, not to come back upon a motion to reconsider. Under this call joint and concurrent resolutions and memorials of State and territorial Legislatures may be presented for reference. Resolutions calling for departmental information are also in order for reference, to be reported back within one week.

IMPORTATION OF BULLION, ETC.

Mr. HERNDON introduced a bill (H. R. No. 5095) to make more explicit section 2505 of the Revised Statutes of the United States, relating to the importation of bullion, gold and silver, and ores of gold and silver; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES CALER.

Mr. MILES introduced a bill (H. R. No. 5096) for the relief of James Caler, of Stamford, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CELEBRATION OF BATTLE OF GROTON HEIGHTS.

Mr. WAIT introduced a bill (H. R. No. 5097) appropriating money toward the expense to be incurred in the centennial celebration of the battle on Groton Heights, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TIMOTHY DOLAN.

Mr. HAYES introduced a bill (H. R. No. 5098) to remove the charge of desertion from Timothy Dolan, of Seward, Kendall County, Illinois; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPTAIN WILLIAM COGSWELL.

Mr. HAYES also introduced a bill (H. R. No. 5099) for arrears of pension for Captain William Cogswell, late captain of Cogswell's Independent Battery Light Artillery; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BENJAMIN FRANKLIN.

Mr. DAVIS, of Illinois, introduced a bill (H. R. No. 5100) granting a pension to Benjamin Franklin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TELEGRAPH COMMUNICATIONS.

Mr. SINGLETON, of Illinois, introduced a bill (H. R. No. 5101) in relation to telegraph communications; which was read a first and second time, referred to the Committee on Revision of the Laws, and ordered to be printed.

JOHN CORNS.

Mr. NEW introduced a bill (H. R. No. 5102) granting a pension to John Corns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FELIX W. RUSHER.

Mr. COBB introduced a bill (H. R. No. 5103) granting a pension to Felix W. Rusher, of Sullivan, Sullivan County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL FISHER.

Mr. MYERS introduced a bill (H. R. No. 5104) granting a pension to Samuel Fisher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. ROGERS.

Mr. ORTH introduced a bill (H. R. No. 5105) for the relief of George W. Rogers, late acting volunteer lieutenant United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MRS. E. P. HULL.

Mr. SAPP introduced a bill (H. R. No. 5106) for the relief of Mrs. E. P. Hull; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM F. WALTERS.

Mr. SAPP also introduced a bill (H. R. No. 5107) granting a pension to Abraham F. Walters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONATHAN VINCENT.

Mr. SAPP also introduced a bill (H. R. No. 5108) granting a pension to Jonathan Vincent; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BACUS.

Mr. SAPP also introduced a bill (H. R. No. 5109) granting a pension to John Bacus; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID S. LONDON.

Mr. SAPP also introduced a bill (H. R. No. 5110) granting a pension to David S. London; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. E. HUSTON.

Mr. SAPP also introduced a bill (H. R. No. 5111) for the relief of J. E. Huston; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SCOTT CORNELL.

Mr. HASKELL introduced a bill (H. R. No. 5112) granting a pension to Scott Cornell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. T. STILL.

Mr. HASKELL also introduced a bill (H. R. No. 5113) granting a pension to A. T. Still; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD FENLON.

Mr. HASKELL also introduced a bill (H. R. No. 5114) for the relief of Edward Fenlon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TERM OF UNITED STATES DISTRICT COURT, WICHITA, KANSAS.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 5115) to provide for holding a term of the district court of the United States at Wichita, Kansas, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

Mr. RYAN, of Kansas, also introduced a joint resolution (H. R. No. 240) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

SOLDIERS OF LATE WAR.

Mr. WILLIS presented a joint resolution of the Legislature of Kentucky, for the benefit of the soldiers of the late war; which was referred to the Committee on Military Affairs.

MISSISSIPPI VALLEY COMMISSION.

Mr. WILLIS also presented a resolution of the Legislature of Kentucky, approving the address of the Mississippi Valley commission; which was referred to the Committee on Commerce.

LIFE-SAVING STATION, FALLS OF THE OHIO.

Mr. WILLIS also presented joint resolution of the Legislature of Kentucky to establish a life-saving station at the Falls of the Ohio, Louisville, Kentucky; which was referred to the Committee on Commerce.

FELIX ROBERTS.

Mr. WILLIS also introduced a bill (H. R. No. 5116) to increase the pension of Felix Roberts, of Louisville, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEXICAN WAR SOLDIERS' PENSION.

Mr. THOMAS TURNER presented resolution of the Legislature of Kentucky, requesting "our members in Congress to use all honorable means to procure the passage of an act giving a pension to the soldiers of the Mexican war;" which was referred to the Committee on Pensions.

REDUCTION OF SALARY OF PRESIDENT.

Mr. THOMAS TURNER also presented resolution of the Legislature of Kentucky instructing members in Congress from Kentucky to use their influence to have the salary of President reduced to \$25,000; which was referred to the Committee on Reform in the Civil Service.

MARY QUINN.

Mr. BLACKBURN introduced a bill (H. R. No. 5117) for the relief of Mary Quinn, of Lexington, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. C. YOUNG, SR.

Mr. BLACKBURN also introduced a bill (H. R. No. 5118) for the relief of W. C. Young, sr., of Lexington, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. CHILDS.

Mr. BLACKBURN also introduced a bill (H. R. No. 5119) for the relief of John H. Childs, of Lexington, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NEAL LARY.

Mr. BLACKBURN also introduced a bill (H. R. No. 5120) for the relief of Neal Lary, of Paris, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. W. SOUTH.

Mr. BLACKBURN also introduced a bill (H. R. No. 5121) for the relief of J. W. South, of Frankfort, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LA FAYETTE ARDUY.

Mr. BLACKBURN also introduced a bill (H. R. No. 5122) for the relief of La Fayette Arduy, of Paris, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARMSTEAD BLACKWELL.

Mr. BLACKBURN also introduced a bill (H. R. No. 5123) making an appropriation to pay the claim of Armstead Blackwell against the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. GRAY.

Mr. BLACKBURN also introduced a bill (H. R. No. 5124) for the relief of William H. Gray, of Kentucky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

D. W. PRICE AND THOMAS AKERS.

Mr. BLACKBURN also introduced a bill (H. R. No. 5125) for the relief D. W. Price and Thomas Akers; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN W. HOFFMAN.

Mr. KNOTT (by request) introduced a bill (H. R. No. 5126) authorizing the President to appoint John W. Hoffman a second lieutenant in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MORGAN'S LOUISIANA, ETC., RAILROAD AND STEAMSHIP COMPANY.

Mr. ELLIS (by request) introduced a bill (H. R. No. 5127) to revive the act approved June 3, 1856, and to make a grant of land to Morgan's Louisiana and Texas Railroad and Steamship Company; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

LIZZIE D. CLARKE.

Mr. ELLIS (by request) also introduced a bill for the relief of Lizzie D. Clarke, administratrix of the estate of James S. Clarke, deceased; which was read a first and second time.

Mr. ELLIS. I ask that that be referred to the Committee on the Judiciary.

Mr. CONGER. Let the bill be read.

The bill was read at length.

Mr. CONGER. That should go to the Committee on War Claims. The SPEAKER. The gentleman from Louisiana asks the reference of the bill to the Committee on the Judiciary. The gentleman from Michigan moves to amend, and asks its reference to the Committee on War Claims.

Mr. ELLIS. I introduced this bill by request, having just received it as I came to my seat. I have not examined it, and I would ask that the memorial accompanying it be read.

The SPEAKER. It is not usual to read memorials accompanying bills under this call.

Mr. CONGER. The bill itself relates to the subject of war claims and to that only, and it should go to that committee.

The SPEAKER. The memorial accompanying the bill can go into the petition-box, and be referred in that way to the committee to which the bill goes.

Mr. ELLIS. I would like to have the memorial read, if there be no objection.

The SPEAKER. It is not usual to read memorials under the call of States. The gentleman can introduce it through the petition-box.

Mr. ELLIS. Then I ask unanimous consent to withdraw the bill for the present, in order to enable me to examine it and see whether it relates to the subject of war claims, as alleged by the gentleman from Michigan, or not.

There was no objection, and the bill was withdrawn.

HUGH M'GLINCEY.

Mr. ELLIS also (by request) introduced a bill (H. R. No. 5128) for the relief of Hugh McGlincey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ABRAM SELLERS.

Mr. ELLIS also introduced a bill (H. R. No. 5129) for the relief of Abram Sellers, administrator *de bonis non* of James Le Caze.

Mr. ELLIS. I ask that it be referred to the Committee on the Judiciary.

Mr. CONGER. I ask for the reading of the bill.

Mr. ELLIS. I can tell the gentleman from Michigan that this bill arises out of a claim for money loaned to the old Confederation during the revolutionary war.

Mr. CONGER. Does it raise a legal question in the consideration of it?

Mr. ELLIS. It does raise a law question.

Mr. CONGER. If that be the character of the claim, then I have no objection to its reference as requested.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. ACKLEN introduced a joint resolution (H. R. No. 241) to amend the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE W. MORSE.

Mr. ROBERTSON introduced a bill (H. R. No. 5130) authorizing a grant of limited patents to George W. Morse for inventions in firearms; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

OPENING AND DREDGING OF RED RIVER.

Mr. ROBERTSON also presented joint resolution of the Legislature of the State of Louisiana, asking an appropriation for the opening and dredging of the mouth of the Red River; which was referred to the Committee on Commerce.

IMPROVEMENT OF CALCASIEU RIVER, LOUISIANA.

Mr. ROBERTSON also presented a joint resolution of the Legislature of the State of Louisiana asking an appropriation for dredging and removing obstructions to navigation at the mouth of the Calcasieu River.

Mr. CONGER. I suppose these go properly into the box, these resolutions for the improvement of rivers?

The SPEAKER. These are joint resolutions of a State Legislature.

Mr. CONGER. Well, I am so glad to see the Southern States wheeling into line on the subject of internal improvements.

The SPEAKER. Debate is not in order.

Mr. CONGER. I have not said it was. I was simply making a remark why I did not insist upon having these referred through the petition-box.

The SPEAKER. What motion does the gentleman from Michigan make?

Mr. CONGER. I have made no motion.

Mr. ROBERTSON. In advocating the improvement of rivers and harbors we are carrying out the views expressed by General Jackson in his message vetoing the Maysville road bill, in which he declared he was in favor of internal improvements when they were general, not local; national, not State.

The SPEAKER. Debate is not in order.

The resolution was referred to the Committee on Commerce.

Mr. GIBSON. I present concurrent resolutions of the General Assembly of Louisiana, relative to the improvement of the Calcasieu River, and ask that the resolutions be read.

The concurrent resolutions were read, and were referred to the Committee on Commerce.

CURTIS S. THOMSON.

Mr. TALBOTT introduced a bill (H. R. No. 5131) for the relief of Passed Assistant Paymaster Curtis S. Thomson, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

EDWIN MAUCK.

Mr. HENRY introduced a bill (H. R. No. 5132) for the relief of Edwin Mauck, of Crisfield, Maryland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES O'NEIL.

Mr. CRAPO introduced a bill (H. R. No. 5133) granting a pension to James O'Neil; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE ON BORDEN FLATS, MASSACHUSETTS.

Mr. CRAPO also introduced a bill (H. R. No. 5134) for the erection of a light-house on Borden Flats, Mount Hope Bay, Massachusetts; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RELIEF OF BARKS IN ARCTIC OCEAN.

Mr. CRAPO also introduced a joint resolution (H. R. No. 242) authorizing the employment of a revenue-marine cutter for the rescue of the officers and crews of the whaling barks Mount Wollaston and Vigilant, now imprisoned in the Arctic Ocean; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

REUBEN H. FITTS.

Mr. LORING introduced a bill (H. R. No. 5135) granting a pension to Reuben H. Fitts, of Haverhill, Massachusetts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WOOLEN GOODS DUTY FUND.

Mr. LORING also introduced a bill (H. R. No. 5136) to authorize the payment to claimants of interest received by the United States on the woolen goods duty fund; which was read a first and second time.

Mr. CONGER. Let that bill be read.

The bill was read in full, and was referred to the Committee on the Judiciary, and ordered to be printed.

PORT OF SALEM, MASSACHUSETTS.

Mr. LORING also introduced a bill (H. R. No. 5137) constituting the port of Salem, Massachusetts, a port of transportation in bond; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

STEPHEN FAIRCHILD.

Mr. WILLITS introduced a bill (H. R. No. 5138) to authorize an increase of pension to Stephen Fairchild, of Ann Arbor, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN E. BABBITT.

Mr. STONE introduced a bill (H. R. No. 5139) to restore to the pension-roll the name of John E. Babbitt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FINAL ADJOURNMENT.

Mr. BUCKNER submitted a concurrent resolution to adjourn the two Houses of Congress on the 24th of May next; which was read a first and second time, and referred to the Committee on Ways and Means.

SECTION 829 REVISED STATUTES.

Mr. PHILIPS introduced a bill (H. R. No. 5140) to amend section 829 of the Revised Statutes of the United States; which was read a first and second time.

Mr. CONGER. Let the bill be read.

The bill was read in full and referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

PUBLIC LANDS WITHIN RAILROAD LIMITS.

Mr. DAGGETT introduced a bill (H. R. No. 5141) to reduce the price of public lands within railroad limits; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

R. W. BATES AND A. BATES.

Mr. HALL introduced a bill (H. R. No. 5142) granting a pension to Rebecca W. Bates and Abigail Bates; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MEMPHIS AND LITTLE ROCK RAILROAD COMPANY.

Mr. FARR introduced a bill (H. R. No. 5143) to authorize the Secretary of the Treasury to settle and adjust the account between the United States and the Memphis and Little Rock Railroad Company on account of customs duties arising out of importation of iron for

said company during the years 1860 and 1861; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

INFRINGEMENT OF PATENT RIGHTS.

Mr. BLAKE introduced a bill (H. R. No. 5144) in relation to suits or actions for infringement of patent rights; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

DISCHARGE OF SEAMEN BY CONSULAR OFFICERS.

Mr. ROSS introduced a bill (H. R. No. 5145) to amend chapter 5, title 53, of the Revised Statutes of the United States; which was read a first and second time.

Mr. CONGER. What is the subject of that bill?

The SPEAKER. It will be read.

The bill was read.

The SPEAKER. The bill relates to the discharge of seamen by consular officers.

The bill was referred to the Committee on Commerce, and ordered to be printed.

GEORGE M. CHESTER.

Mr. ROBESON introduced a bill (H. R. No. 5146) to increase the pension of George M. Chester, late sergeant Company G, Twenty-fourth Regiment New Jersey Volunteers, to \$24 per month from January 1, 1870; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARIETTA LEWIS.

Mr. ROBESON also introduced a bill (H. R. No. 5147) granting a pension to Mrs. Arietta Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY E. CUNNINGHAM.

Mr. ROBESON also introduced a bill (H. R. No. 5148) granting a pension to Mrs. Mary E. Cunningham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BUTTER, OLEOMARGARINE, AND THEIR SUBSTITUTES.

Mr. COVERT introduced a bill (H. R. No. 5149) creating a scientific commission to establish legal tests for the protection of dealers in butter, oleomargarine, and their substitutes; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

SCHOONER REBECCA D.

Mr. FERNANDO WOOD introduced a bill (H. R. No. 5150) authorizing the change of the name of the Schooner Rebecca D.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

L. S. LINSON.

Mr. FERDON introduced a bill (H. R. No. 5151) granting a pension to L. S. Linson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY VAN GORDON.

Mr. FERDON also introduced a bill (H. R. No. 5152) granting a pension to Mary Van Gordon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEAMBOAT L. BOARDMAN.

Mr. FERDON also introduced a bill (H. R. No. 5153) to change the name of the steamboat L. Boardman to River Belle; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SEIZURE AND FORFEITURE OF VESSELS.

Mr. MORTON introduced a bill (H. R. No. 5154) to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ALVIN WALKER.

Mr. MORTON (by request) also introduced a bill (H. R. No. 5155) to grant a pension to Alvin Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK W. FISHER.*

Mr. HAMMOND, of New York, introduced a bill (H. R. No. 5156) for the relief of Frank W. Fisher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS' PLAT IN CEMETERY AT POUGHKEEPSIE.

Mr. KETCHAM introduced a bill (H. R. No. 5157) donating condemned cannon for corner-posts to the soldiers' plat in the cemetery at Poughkeepsie, New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

USEBIUS SWEET.

Mr. MASON introduced a bill (H. R. No. 5158) granting a pension to Usebius Sweet, late a private Company G, One hundred and fifty-

seventh Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH C. LEWIS.

Mr. JAMES introduced a bill (H. R. No. 5159) for the relief of the estate of Joseph C. Lewis, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NAVAL SHIP-CARPENTERS.

Mr. O'REILLY introduced a bill (H. R. No. 5160) to authorize assimilated rank to warrant officers of the United States Navy known as ship-carpenters; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

INDIANS IN NEW MEXICO AND INDIAN TERRITORY.

Mr. SCALES introduced a bill (H. R. No. 5161) to amend an act entitled "An act for the removal of certain Indians in New Mexico," approved June 20, 1878; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

He also (by request) introduced a bill (H. R. No. 5162) to provide for the allotment of lands in severalty to the united Peorias and Miamies of the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM A. BOBBITT, JR.

Mr. DAVIS, of North Carolina, introduced a bill (H. R. No. 5163) for the relief of William A. Bobbitt, jr., of North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM D. LUNSFORD.

Mr. DAVIS, of North Carolina, also introduced a bill (H. R. No. 5164) for the relief of William D. Lunsford, of North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN DOWE.

Mr. HILL introduced a bill (H. R. No. 5165) granting a pension to John Dowe, of Defiance County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY H. WATTS.

Mr. HILL (by request) also introduced a bill (H. R. No. 5166) for the relief of Henry H. Watts, of New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CLAIMS IN DISTRICT OF COLUMBIA.

Mr. HILL also introduced a joint resolution (H. R. No. 243) permitting citizens of the District of Columbia to file their claims with the clerks of the Committees on the District of Columbia of the Senate and House of Representatives during recess of Congress, prescribing the duties of such clerks with respect thereto, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

NAVAL ENGINEERS.

Mr. TOWNSEND, of Ohio, (by request) introduced a bill (H. R. No. 5167) in relation to engineers in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY H. SHARP.

Mr. FINLEY introduced a bill (H. R. No. 5168) granting a pension to Henry H. Sharp, Company H, One hundred and first Regiment of Ohio Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OREGON AND CALIFORNIA RAILROAD.

Mr. WHITEAKER introduced a bill (H. R. No. 5169) authorizing the Legislature of the State of Oregon to provide for the completion of the Oregon and California Railroad; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

PRE-EMPTIONS AND HOMESTEADS.

Mr. WHITEAKER also introduced a bill (H. R. No. 5170) to provide for reducing the expense of taking pre-emptions and homesteads; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PURCHASE OF BONDS BY TREASURY DEPARTMENT.

Mr. KELLEY submitted the following resolution; which was referred to the Committee on Ways and Means.

Resolved, That the Secretary of the Treasury be directed to furnish this House with a detailed statement of the amount of bonds purchased by the Treasury between the 1st of January, 1844, and the 1st of January, 1859, setting forth the date and amount of each purchase, the rate of interest borne by the bonds then purchased, with the date of the maturity thereof, and the total premium, exclusive of accrued interest, paid on each purchase, and its rate per cent.

LOUISA J. GUTHRIE AND OTHERS.

Mr. KLOTZ introduced a bill (H. R. No. 5171) granting a pension to Louisa J. Guthrie and others; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHARLES S. KELLER.

Mr. KLOTZ also introduced a bill (H. R. No. 5172) for the relief of Charles S. Keller; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NORTH WASHINGTON RAILROAD COMPANY.

Mr. KLOTZ (by request) also introduced a bill (H. R. No. 5173) to incorporate the North Washington Railroad Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

STEPHEN A. BOYDEN.

Mr. KLOTZ also introduced a bill (H. R. No. 5174) for the relief of Stephen A. Boyden, late captain First Regiment United States Colored Troops; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY R. YEAGER.

Mr. COFFROTH introduced a bill (H. R. No. 5175) granting a pension to Mary R. Yeager; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN LOWE.

Mr. HARMER introduced a bill (H. R. No. 5176) for the relief of John Lowe, passed assistant engineer in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PHEBE A. E. DEAR.

Mr. HARMER (by request) also introduced a bill (H. R. No. 5177) for the relief of Phoebe A. E. Dear; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COMPENSATION OF ARMY PAYMASTERS' CLERKS.

Mr. HARMER also introduced a bill (H. R. No. 5178) regulating the compensation of paymasters' clerks in the United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALARIES OF CUSTOMS OFFICERS.

Mr. WARD introduced a bill (H. R. No. 5179) to equalize and regulate salaries of customs officers in the United States, and to reduce the expenses of collecting the revenues; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

R. D. WHITE.

Mr. O'CONNOR introduced a bill (H. R. No. 5180) for the relief of R. D. White, of Charleston, South Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SETTLEMENT OF CLAIMS.

Mr. TAYLOR. I ask to present a resolution directing the Speaker of the House to appoint a special committee to investigate the present method of settling claims under the act of July 4, 1864; which I ask may be referred to the Committee on the Judiciary.

The SPEAKER. That resolution cannot be received under this call.

PEORIA AND OTHER INDIANS.

Mr. TAYLOR (by request) introduced a bill (H. R. No. 5181) for the relief of the Peoria and other Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN B. HARTMAN.

Mr. TAYLOR also introduced a bill (H. R. No. 5182) to restore the name of John B. Hartman to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL SHORT.

Mr. TAYLOR also introduced a bill (H. R. No. 5183) granting a pension to Samuel Short; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JORIAL ONKST.

Mr. TAYLOR also introduced a bill (H. R. No. 5184) granting a pension to Jorial Onkst, late a private of Company F, Eighth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELIZA H. GILBERT.

Mr. TAYLOR also introduced a bill (H. R. No. 5185) granting a pension to Mrs. Eliza H. Gilbert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. DOUGHTY.

Mr. TAYLOR also introduced a bill (H. R. No. 5186) granting a pension to James A. Doughty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM R. MILLER.

Mr. TAYLOR also introduced a bill (H. R. No. 5187) to restore the name of William R. Miller to the pension-roll; which was read a first

and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. M. MORRISSETT.

Mr. TAYLOR also introduced a bill (H. R. No. 5188) granting a pension to R. M. Morrisett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY DAVIS.

Mr. TAYLOR also introduced a bill (H. R. No. 5189) granting a pension to Henry Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN E. GREENE.

Mr. TAYLOR also introduced a bill (H. R. No. 5190) to restore the name of John E. Greene to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS R. TRENT.

Mr. TAYLOR also introduced a bill (H. R. No. 5191) granting a pension to Thomas R. Trent; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID C. JACKSON.

Mr. HOUK introduced a bill (H. R. No. 5192) granting a pension to David C. Jackson, late of Company A, Second Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT E. NEWMAN.

Mr. HOUK also introduced a bill (H. R. No. 5193) for the relief of Robert E. Newman, late a second lieutenant in the Ninth Regiment Tennessee Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES D. GILMORE.

Mr. HOUK also introduced a bill (H. R. No. 5194) for the relief of Charles D. Gilmore; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

CLAIMS AGAINST THE GOVERNMENT.

Mr. YOUNG, of Tennessee, introduced a joint resolution (H. R. No. 244) providing for the appointment of a committee to examine and report upon claims against the Government; which was read a first and second time, referred to the Committee on Rules, and ordered to be printed.

J. M. WAIDE.

Mr. WELLBORN introduced a bill (H. R. No. 5195) for the relief of J. M. Waide, of Denton County, Texas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MORSE K. TAYLOR.

Mr. UPSON introduced a bill (H. R. No. 5196) for the relief of Morse K. Taylor, captain and assistant surgeon United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NORTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. CULBERSON introduced a bill (H. R. No. 5197) to amend an act entitled an "Act to create the northern judicial district of the State of Texas, and to change the eastern and western district of said State, and to fix the time and places of holding courts in said districts;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DE FOREST W. CARPENTER.

Mr. JOYCE introduced a bill (H. R. No. 5198) for the relief of De Forest W. Carpenter; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. BETTIE TAYLOR DANDRIDGE AND OTHERS.

Mr. TUCKER introduced a bill (H. R. No. 5199) for the relief of Mrs. Bettie Taylor Dandridge and Miss Sarah Knox Wood, daughter and granddaughter of Zachary Taylor, late President of the United States; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

REGULATION OF JUDGMENTS IN THE UNITED STATES COURTS.

Mr. TUCKER also introduced a bill (H. R. No. 5200) to regulate the lien of judgments in the United States courts and of suits pending therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARGARET MEYERS.

Mr. WILSON introduced a bill (H. R. No. 5201) granting a pension to Margaret Meyers, of Wheeling, Ohio County, West Virginia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS FOR QUARTERMASTER AND COMMISSARY STORES.

Mr. WILSON also introduced a resolution providing for the appointment of a special committee to ascertain and report upon the propriety of referring quartermaster and commissary claims against the

Government to some other tribunal, and for other purposes; which was read a first and second time.

The SPEAKER. This resolution is not in order under this call.

Mr. WILSON. It is similar to the one just offered by the gentleman from Tennessee.

The SPEAKER. That was a joint resolution.

Mr. WILSON. Let this be a joint resolution. I intended to offer it as such and ask its reference to the Committee on Rules.

The resolution was accordingly referred to the Committee on Rules, and ordered to be printed.

The above resolution was subsequently withdrawn.

MODIFICATION OF PENSION LAWS.

Mr. HUMPHREY presented a memorial of the Legislature of the State of Wisconsin, for a modification of the pension laws; which was referred to the Committee on Invalid Pensions.

HARBOR AT GREEN BAY, WISCONSIN.

Mr. BOUCK presented a memorial of the Legislature of the State of Wisconsin, for the improvement of the harbor at Green Bay, Wisconsin; which was referred to the Committee on Commerce.

ORPHAN CHILDREN OF WILLIAM S. HEMINGWAY.

Mr. AINSLIE introduced a bill (H. R. No. 5202) for the relief of the three orphan children of William S. Hemingway, who was killed by Bannock Indians in Idaho Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

REAPPORTIONMENT OF MEMBERS OF TERRITORIAL LEGISLATURES.

Mr. AINSLIE also introduced a bill (H. R. No. 5203) providing for the reapportionment of the members of the Legislatures in the Territories of Montana, Idaho, and Wyoming; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

BUILDINGS, ETC., AT FORT WALLA WALLA.

Mr. BRENTS introduced a bill (H. R. No. 5204) for the construction, improvement, extension, and repair of the buildings, roads, and grounds at Fort Walla Walla, in Washington Territory; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JUDICIAL SYSTEM OF WASHINGTON TERRITORY.

Mr. BRENTS also introduced a bill (H. R. No. 5205) to reorganize the judicial system of the Territory of Washington; which was read a first and second time.

Mr. BRENTS. I move that the bill be referred to the Committee on the Territories.

Mr. HUMPHREY. Is that a bill to reorganize the judicial system of a Territory?

The SPEAKER. It is.

Mr. HUMPHREY. I am on the Committee on the Territories, but I would suggest the bill more properly belongs to the Judiciary Committee.

The SPEAKER. That is a question for the House to determine.

Mr. HUMPHREY. I do not know who introduced the bill, but it ought properly to go to the Committee on the Judiciary.

The SPEAKER. The gentleman from Washington Territory introduced the bill.

Mr. HUMPHREY. I move to amend the motion of reference so that the bill shall go to the Committee on the Judiciary.

The question being put, the amendment was agreed to, and the bill was referred to the Committee on the Judiciary, and ordered to be printed.

CONVICTS IN WYOMING.

Mr. DOWNEY introduced a bill (H. R. No. 5206) relating to convicts in the territorial prison of Wyoming Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

YELLOWSTONE NATIONAL PARK.

Mr. DOWNEY also introduced a bill (H. R. No. 5207) making an appropriation to enable the Secretary of the Interior to protect, preserve, and improve the Yellowstone National Park, in compliance with section 2475 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDINGS IN WYOMING TERRITORY.

Mr. DOWNEY also introduced a bill (H. R. No. 5208) for the erection of public buildings in Wyoming Territory; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LAW LIBRARY IN WYOMING TERRITORY.

Mr. DOWNEY also introduced a bill (H. R. No. 5209) making an appropriation for the purchase of a law library for the use of the courts and the United States officers in the Territory of Wyoming; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ASSAY OFFICE IN WYOMING.

Mr. DOWNEY also introduced a bill (H. R. No. 5210) to establish an assay office in the Territory of Wyoming; which was read a first

and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

UNITED STATES ATTORNEY IN WYOMING.

Mr. DOWNEY also introduced a bill (H. R. No. 5211) fixing the compensation of the United States attorney for the Territory of Wyoming; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNITED STATES MARSHAL IN WYOMING.

Mr. DOWNEY also introduced a bill (H. R. No. 5212) fixing the compensation of the United States marshal for the Territory of Wyoming; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MILITARY ROAD TO YELLOWSTONE PARK.

Mr. DOWNEY also introduced a bill (H. R. No. 5213) for the construction of a military wagon-road from Green River, Wyoming Territory, to the Yellowstone National Park and to Fort Ellis, Montana; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MILITARY ROAD TO FORT WASHAKIE.

Mr. DOWNEY also introduced a bill (H. R. No. 5214) for the construction of a military wagon-road from Rawlins to Fort Washakie, in Wyoming Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MILITARY ROAD TO FORT CUSTER.

Mr. DOWNEY also introduced a bill (H. R. No. 5215) for the construction of a military wagon-road from Rock Creek, Wyoming Territory, via Fort Fetterman and Fort McKinney, to Fort Custer, in Montana Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

F. E. WARREN.

Mr. DOWNEY also introduced a bill (H. R. No. 5216) for the relief of F. E. Warren; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for the introduction of bills and joint resolutions for reference and printing has now been concluded. The Chair will recognize gentlemen who were not in their seats when their States were called for the introduction of bills for reference.

JOHN NAIL.

Mr. FORSYTHE introduced a bill (H. R. No. 5217) granting a pension to John Nail, late a private Company F, Second Regiment Kentucky Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WABASH AND ERIE CANAL.

Mr. FORT submitted the following resolution; which was read, and, under the rule, referred to the Committee on Commerce:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish to the House of Representatives, so far as he may be able to do so from information in the office of Engineers of the Army, the approximate distance necessary to be traveled, and the estimated cost of a canal of adequate capacity for the commerce between the East and West, to connect the navigable waters of the Illinois River and the Illinois and Michigan Canal, by way of the Kankakee River when improved and made boatable by slack water, with the Wabash and Erie Canal at or near Logansport, Indiana, leading to Toledo; and what would be the estimated cost of the improvement of said Kankakee River, and what would be the estimated cost of the enlargement of said Wabash and Erie Canal from Logansport to Toledo to the present capacity of the Erie Canal of New York, and what would be the distance by said water route from Chicago to Toledo.

BURLINGTON, IOWA.

Mr. MCCOID introduced a bill (H. R. No. 5218) relinquishing the title which still remains in the United States to all lots or portions of ground which lie within the limits of the present city of Burlington, State of Iowa, to the said city of Burlington; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ELIJAH W. PENNY.

Mr. COWGILL introduced a bill (H. R. No. 5219) to increase the pension of Elijah W. Penny; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC H. MONTGOMERY.

Mr. COWGILL also introduced a bill (H. R. No. 5220) granting a pension to Isaac H. Montgomery, of Tipton, Tipton County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATHIAS BLAKE.

Mr. COWGILL also introduced a bill (H. R. No. 5221) granting a pension to Mathias Blake, of Tipton, Tipton County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JETHRO M. BOYD.

Mr. COWGILL also introduced a bill (H. R. No. 5222) for the relief of Jethro M. Boyd, of Indiana; which was read a first and second

time, referred to the Committee on Military Affairs, and ordered to be printed.

DEAD-LETTER OFFICE IN SAN FRANCISCO.

Mr. BERRY presented a joint resolution of the Legislature of the State of California, asking for the establishment of a dead-letter office in San Francisco; which was referred to the Committee on the Post-Office and Post-Roads.

MARY L. WHITEFORD.

Mr. BELFORD introduced a bill (H. R. No. 5223) granting a pension to Mary L. Whiteford, of Washington, District of Columbia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EUGENE O'SULLIVAN.

Mr. UPDEGRAFF, of Ohio, introduced a bill (H. R. No. 5224) granting a pension to Eugene O'Sullivan, a soldier of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LEVI SIPE.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 5225) granting an increase of pension to Levi Sipe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMIE DOWNEY.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 5226) granting a pension to Amie Downey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY C. RINGGOLD.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 5227) granting a pension to Mrs. Mary C. Ringgold; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ELIZABETH WINTERS.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 5228) granting arrears of pension to Elizabeth Winters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE DEMPSEY.

Mr. RICHARDSON, of New York, introduced a bill (H. R. No. 5229) granting a pension to Catharine Dempsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED HICKS.

Mr. WEAVER introduced a bill (H. R. No. 5230) granting a pension to Alfred Hicks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INCREASE OF POLICE FORCE IN DISTRICT OF COLUMBIA.

Mr. PHELPS introduced a bill (H. R. No. 5231) to increase the police force of the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

RALPH P. MILLER.

Mr. KING introduced a bill (H. R. No. 5232) for the relief of Ralph P. Miller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CALCASIEU RIVER, LOUISIANA.

Mr. KING also presented a concurrent resolution of the General Assembly of Louisiana, asking for an appropriation for dredging and removing obstructions to navigation from the mouth of Calcasieu River, in Louisiana; which was referred to the Committee on Commerce.

THOMAS T. WILSON.

Mr. HOSTETLER introduced a bill (H. R. No. 5233) for the relief of Thomas T. Wilson, late private Company G, Eleventh Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ROSE M. WOOD.

Mr. HOSTETLER also introduced a bill (H. R. No. 5234) granting a pension to Mrs. Rose M. Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIZZIE D. CLARKE.

Mr. ELLIS (by request) introduced a bill (H. R. No. 5235) for the relief of Lizzie D. Clarke, administratrix of the estate of Thomas L. Clarke, deceased; which was read a first and second time.

Mr. ELLIS. I have examined this bill, and think it ought to be referred to the Committee on the Judiciary. I move that reference.

Mr. CONGER. Is this the same bill which was presented awhile ago?

Mr. ELLIS. It is.

Mr. CONGER. I have no particular choice about the reference of the bill. I thought that, being a war claim, it ought to go to the Committee on War Claims. But if the gentleman thinks there are

legal questions involved, I have no objection to the reference to the Committee on the Judiciary.

Mr. ELLIS. The bill does involve law questions, and it belongs to the Judiciary Committee.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

MINNIE HAMMAN.

Mr. BUTTERWORTH introduced a bill (H. R. No. 5236) for the relief of Minnie Hamman, daughter of Michael Hamman, late private in Company I, Ninth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

He also introduced a bill (H. R. No. 5237) granting a pension to Minnie Hamman, daughter of Michael Hamman, late private Company I, Ninth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERTINE COCKRUM.

Mr. GUNTER introduced a bill (H. R. No. 5238) for the relief of Albertine Cockrum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REFUNDING OF INTERNAL-REVENUE TAX.

Mr. GUNTER also introduced a bill (H. R. No. 5239) to provide for repaying internal-revenue tax illegally collected; which was read a first and second time.

Mr. GUNTER. I move the reference of this bill to the Committee on the Judiciary.

Mr. CONGER. It should go to the Committee on Ways and Means, who already have such a bill under consideration.

Mr. GUNTER. I have no objection.

The bill was referred to the Committee on Ways and Means, and ordered to be printed.

POTTAWATOMIE INDIANS.

Mr. GUNTER (by request) also introduced a bill (H. R. No. 5240) for the relief of certain Pottawatomie Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES MORROW.

Mr. LADD, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That there be paid out of the contingent fund of the House of Representatives of the United States to the Sergeant-at-Arms thereof the sum of \$500, or so much as may be necessary thereof, to pay the funeral and other expenses contracted by the sickness and death of James Morrow, late foreman of the folding-room of this House; and there shall also be paid, out of the contingent fund of this House, six months' pay from March 15, 1880, to Jane Morrow, widow of deceased. Both sums appropriated by this resolution shall be subject to the Committee on Accounts.

CHARLES H. MASLY.

Mr. SLEMONS, by unanimous consent, introduced a bill (H. R. No. 5241) for the relief of Charles H. Masly, late a second lieutenant in Company K, Forty-seventh Kentucky Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SOLDIERS' GRAVES, MONTICELLO, ARKANSAS.

Mr. SLEMONS also introduced a bill (H. R. No. 5242) making an appropriation for inclosing the graves of Federal soldiers at the town of Monticello, Arkansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WORKINGMEN OF THE DISTRICT OF COLUMBIA.

Mr. MURCH, by unanimous consent, introduced a joint resolution (H. R. No. 245) providing for the speedy payment of the workingmen of the District of Columbia; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The Chair will cause to be read Rule XXVIII.

The Clerk read as follows:

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month after the call of States and Territories shall have been completed, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session.

2. All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers, if demanded.

3. When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

SINKING FUND PACIFIC RAILROADS.

The SPEAKER. The unfinished motion to suspend the rules, coming over from a former Monday, is the motion made by the gentleman from Maryland, [Mr. McLANE,] chairman of the Committee on Pacific Railroads, under instruction from that committee, and the Chair is advised that gentleman is sick in bed and unable to attend, and that he requests his motion may be allowed to go over to the third Monday of the next month.

Mr. YOUNG, of Tennessee. I move that be allowed.

Mr. CONGER. What is that bill?

The SPEAKER. It is in relation to the investment of the sinking fund in the hands of the Secretary of the Treasury, concerning Pacific Railroad bonds.

INDIVIDUAL SUSPENSIONS.

Mr. WEAVER. These rules were adopted after the first Monday of this month, and hence individuals cannot be heard on motions to suspend the rules until the first Monday of next month.

The SPEAKER. The first Monday of next month individuals have preference over committees, and committees to-day being exhausted, individuals will then be recognized.

MACON A PORT OF DELIVERY.

Mr. BLOUNT, by unanimous consent, introduced a bill (H. R. No. 5243) to constitute Macon, in the State of Georgia, a port of delivery; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COMMITTEE ON COMMERCE.

Mr. REAGAN. I have reports to submit from the Committee on Commerce of resolutions calling for information, which were referred to our committee, and which, under the rule, have to be reported back within a week.

The SPEAKER. They can come in at any time; and the Chair will recognize the gentleman to-morrow for that purpose.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of a bill (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes, with amendments in which concurrence was requested.

WILLIAM H. MINER.

Mr. URNER, by unanimous consent, introduced a bill (H. R. No. 5244) for the relief of William H. Miner; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ERASTUS CRIPPEN.

Mr. URNER also, by unanimous consent, introduced a bill (H. R. No. 5245) granting a pension to Erastus Crippen, late private of Company G, One hundred and forty-ninth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET KLINEDINST.

Mr. BELTZHOVER, by unanimous consent, introduced a bill (H. R. No. 5246) granting a pension to Margaret Klinedinst, late a private of Company A, Sixteenth Regiment, Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY CRAMER.

Mr. BELTZHOVER also, by unanimous consent, introduced a bill (H. R. No. 5247) granting a pension to Mary Cramer, widow of George Cramer, late a private Company A, Eleventh Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC LANDS.

Mr. DUNN. I am instructed by the Committee on the Public Lands to move to suspend the rules for the purpose of discharging the Committee of the Whole House on the state of the Union from the further consideration of a bill (H. R. No. 1846) relating to the public lands of the United States and bring it before the House for consideration. The bill was read, as follows:

Be it enacted, &c., That when any lands of the United States shall have been entered, and the Government price paid therefor in full, no suit or proceeding, civil or criminal, by or in the name of the United States, shall thereafter be had or further maintained for any trespasses upon, or for or on account of any material taken from, said lands, or on account of any alleged conspiracy in relation thereto, prior to the approval of this act: *Provided,* The defendants in such suits or proceedings begun before such full payment shall exhibit to the proper court or officer the evidence of such entry and payment, and shall pay all costs accrued up to the time of such payment.

SEC. 2. That persons who have heretofore under any of the homestead laws entered lands properly subject to such entry, or persons to whom the rights of those having so entered for homesteads, may have been attempted to be transferred by *bona fide* instrument in writing, may entitle themselves to said lands by paying therefor \$1.25 per acre, and the amount heretofore paid the Government upon said lands shall be taken as part payment of said price: *Provided,* This shall in no wise interfere with the rights or claims of others who may have subsequently entered such lands under the homestead laws.

SEC. 3. That the price of lands now subject to entry which were raised to \$2.50 per acre more than twenty years prior to the passage of this act by reason of the grant of alternate sections for railroad purposes is hereby reduced to \$1.25.

SEC. 4. This act shall not apply to any of the mineral lands of the United States; and no person who shall be prosecuted for or proceeded against on account of any trespasses committed or material taken from any of the public lands after the passage of this act shall be entitled to the benefit thereof.

The SPEAKER. By the second clause of Rule XXVIII all motions to suspend the rules, before being submitted to the House, must be seconded by a majority by tellers, if demanded.

Mr. CONGER. Has notice been given in this case as required by the rules?

The SPEAKER. There has been notice in this case given to the Chair.

Mr. CONGER. Has there been any in the House?

The SPEAKER. This is a motion to suspend the rules requiring one day's notice.

Mr. CONGER. The rule provides that no standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor.

The SPEAKER. And the rule then goes on to say no rule shall be suspended except by a vote of two-thirds of the members present. This is a motion to suspend the rules.

Mr. SPRINGER. This is not a motion to rescind or change, but a motion to suspend the rules.

The SPEAKER. If this motion to suspend the rules be carried by a two-thirds vote it will suspend the rule to which the gentleman from Michigan refers.

Mr. CONGER. Does it change the rule that bills making appropriation of land or money shall have their first consideration in the Committee of the Whole House on the state of the Union?

The SPEAKER. A two-thirds vote suspends all the rules.

Mr. CONGER. I understood the requirement of notice was positive not to take members unaware.

The SPEAKER. If this be carried by a two-thirds vote, it will suspend all the rules for the purpose indicated. Such has been the uniform ruling of the occupants of the chair, as well as of the House itself.

Mr. CONGER. Then I can see no reason for having the rule.

The SPEAKER. The one to which the gentleman refers concerns permanent changes of the rules. Does the gentleman demand a second on the motion to suspend the rules?

Mr. CONGER. Yes, sir; I do.

The SPEAKER appointed as tellers Mr. DUNN and Mr. CONGER.

The House divided; and there were—ayes 114, noes 38.

So the motion to suspend the rules was seconded.

The SPEAKER. The question now recurs upon the motion to suspend the rules for the purpose of discharging the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 1846) relating to the public lands of the United States and bringing it before the House for consideration. The rule provides, on a proposition to suspend the rules, fifteen minutes of debate shall be allowed to the friends and fifteen minutes to the opponents; but the Chair thinks, as this is a motion to bring the bill before the House for consideration, opportunity for debate could be had if the rules be suspended.

Mr. CONGER. Is debate allowable before the question is taken on the motion to suspend the rules?

The SPEAKER. The Chair thinks the wording of the rule would allow fifteen minutes before or fifteen minutes after.

Mr. CONGER. I would like to have a few words before the motion is made.

The SPEAKER. The Chair thinks that is a fair construction, because it would weigh upon the subject and propriety of the suspension by two-thirds. The gentleman from Michigan claims the right for a part or the whole of the fifteen minutes to speak against the proposition. The rule says that there shall be a vote to debate the proposition. Still, the proposition, the Chair thinks, is to suspend the rules and consider this case, and preference is first to be given, however, under the rule, to those in favor of the proposition. The Chair will then recognize the gentleman from Michigan in opposition to the proposition. The gentleman from Arkansas yields to the gentleman from Alabama.

Mr. HERBERT. Mr. Speaker, this bill was introduced by myself at the extra session of the present Congress. It was referred to the Committee on the Public Lands. That committee considered it maturely and thoroughly for two days. At the end of that time the committee reported in favor of it unanimously. The purpose of the bill is to provide a mode for the settlement of the numerous suits for trespass on the public lands which have been begun in many quarters of the Union and especially in the district which I have the honor to represent. Up to the time when the present administration came into power there were few if any suits of that character.

The laws on the statute-books were a dead letter and trespasses upon the public lands had become common. The Government had permitted and by the policy it pursued had encouraged the people to treat the public domain as common property. When the present administration came into power it adopted as a rule the prosecution in every possible shape of all persons concerned in any manner either in trespassing upon the public lands or in dealing in timber taken from the public lands, whether the person dealing in the timber was an innocent purchaser or not. Many of these suits have been brought against persons who are innocent purchasers, dealers in logs or timber who have bought and paid their money, full value, in good faith. Some of the logs or timber they have bought is private property; some perhaps was cut on public land. The dealer in many cases has no means of knowing, in many cases he does not know, that the timber came from public land. He buys it in good faith, he pays for it its full market value in good faith, he adds to its value by sawing it up; but all this constitutes no defense at law. He is responsible for the full market value of the lumber he has made because the logs were cut on Government land, however innocent he may be.

I have no intention here to arraign the present administration or the motives of the officers of that administration. It is not neces-

sary. It is the duty of that Department to prosecute under the law persons depreeding upon the public lands, as all admit. But, sir, the laws have heretofore not been enforced against trespassers. The people have not only been permitted but have been encouraged to trespass upon the public domain. Every homestead law has given a preference to the trespasser. To commence suddenly a system of prosecutions, to enforce them rigorously, exacting the extreme penalty of the law, is cruel and harsh. This bill is simply an attempt on the part of those having it in charge to provide a fair and equitable mode for the settlement of these suits, a mode that will prevent further resort to the system of spies and informers the Government has felt itself forced to resort to. Spies and informers, blackmailing one and reporting on another, now infest all parts of our timber-growing regions. The bill provides that where persons shall pay the Government prices for the lands and pay all costs of prosecution, every cent of costs the United States has been put to, then the suits against them shall be dismissed.

It provides further by amendment that it shall not apply to any trespass committed after the 1st day of March, 1879. This amendment was agreed to by the committee after hearing what was the opinion of the Commissioner of the General Land Office. I myself consulted with that officer, and he approves of this bill as it now is, with the amendment proposed by the committee, as being substantially a fair and equitable basis upon which to settle all these suits.

Mr. BLOUNT. I would like to ask the gentleman whether the Secretary of the Interior has made any recommendation in that respect?

Mr. HERBERT. He has not.

Mr. PAGE. Will the gentleman from Alabama allow me one question?

Mr. HERBERT. Certainly.

Mr. PAGE. I have just seen the bill. I suppose the object of this is to relieve parties who have trespassed under the land laws for depredations of timber on the public lands. Owing to the confusion in this part of the bill I have not had the pleasure of hearing the beginning of the gentleman's remarks.

Mr. HERBERT. I will state to the gentleman who represents California in part, that there is an amendment to the bill which makes it not applicable to the States of Oregon, California, or Nevada. That exception was made on the suggestion of the Commissioner of the General Land Office, because there is already system provided by statute applicable to those States.

Mr. PAGE. Yes; there is a special law.

Mr. HERBERT. Yes, and this bill does not in any way interfere with the law as it now exists in those States. And I will say to the gentleman from California further, that this is a better bill than that which was passed by the Forty-fifth Congress for those States west of the Rocky Mountains, in this, it carefully provides that its provisions shall not be applicable to any person committing trespass on the public lands after the 1st day of March, 1879. In other words, from that time on, the people everywhere had fair warning that the policy of this Government as to its public lands (which had heretofore been liable to trespass and depredations of this kind) was to be changed. Prosecutions had been begun. This gives fair notice to all trespassers that the Government would no longer submit to it. The amendment in this bill provides that no person trespassing after the 1st day of March, 1879, can claim the benefits of the bill.

In other words, Mr. Speaker, the bill is simply a mode of settling all these suits which were begun against people who were led by the conduct of this Government itself, or by the negligence of this Government itself, for generations back, and by the policy of the laws of this Government, into trespassing upon public lands.

Mr. FORT. Will the gentleman answer a question?

Mr. HERBERT. With pleasure.

Mr. FORT. I wish to ask the gentleman about how many suits have been begun and what is the value of the timber that has been taken so far as the committee may be advised?

Mr. HERBERT. I have no means of knowing how many suits have been begun. A great many were begun, I know, in my district. Suits were begun against the trespassers, poor men, laboring men, who by the sweat of their brows had taken the timber from the public lands and in many cases these were nolle-prossed; others are pending; others have been brought against persons who have purchased the timber. And gentlemen know that if property be taken from the land of the United States, timber belonging to the Government, and put into merchantable shape, into the shape of a mast or of a spar, a tree which at the stump would not be worth more than fifty cents or a dollar may become, if free from all defects, worth \$75 or \$100 by the time it has got to market. And yet the Government has the right in strictness of law to recover of him who has purchased this mast or spar the full amount of \$75. The simple question for us, the law-making department of the Government, is whether under all the circumstances it is not wiser, whether it is not fairer, whether it is not more just to the people to say, by adopting this bill, we will forgive no future trespassers on the public domain, but we will provide a mode by which the Government will be paid for its lands on which trespasses have been committed, by which it will be paid its costs, and by compliance with which defendants may rid themselves of embarrassing lawsuits.

The SPEAKER. The ten minutes yielded to the gentleman from

Alabama [Mr. HERBERT] have expired. The Chair is advised that the gentleman from Arkansas [Mr. DUNN] will claim the remaining five minutes to which he is entitled after the gentleman from Michigan [Mr. CONGER] has spoken.

Mr. CONGER. I think the rule requires those in favor of the proposition to exhaust their fifteen minutes first, before the fifteen minutes are allowed in opposition to the proposition.

The SPEAKER. The rule is not peremptory on that point. It says: One-half of such time to be given to debate in favor of and one-half to debate in opposition to such proposition.

Mr. PAGE. Who has the floor?

The SPEAKER. The Chair has recognized the gentleman from Michigan [Mr. CONGER] to oppose the proposition.

Mr. CONGER. Let the fifteen minutes in its favor first be exhausted.

Mr. PAGE. I should like to be allowed five minutes.

Mr. DUNN. All the time allowed to me is engaged. I have agreed to yield five minutes to the gentleman from Minnesota, [Mr. WASHBURN,] after the gentleman from Michigan [Mr. CONGER] has spoken.

Mr. ROBINSON. I wish to ask the gentleman in charge of this bill where is the restriction that makes March, 1879, the limit?

Mr. DUNN. That is in the amendments to be reported by the committee. I will report those amendments as soon as the rules are suspended and the bill is brought before the House for consideration.

Mr. ROBINSON. I would suggest that before we vote on the proposition to suspend the rules those amendments should be read for the information of the House.

The SPEAKER. They may be read for information.

Mr. DUNN. Will the time occupied in the reading be taken from the time allowed for debate?

Mr. ROBINSON. I thought the friends of the bill had five minutes which they did not know what to do with.

The SPEAKER. The gentleman from Massachusetts is mistaken. The time which remains for debate in favor of the proposition has been yielded to the gentleman from Minnesota, [Mr. WASHBURN,] The gentleman from Michigan [Mr. CONGER] makes the point of order that the gentleman from Minnesota must proceed now, and that the whole fifteen minutes of debate in favor of the proposition must be occupied together. The Chair thinks that is at least a hard construction to put on the rule.

Mr. ROBINSON. I wish to suggest that on a measure of this great importance we ought not to be delayed by a mere technicality so that we should not hear read amendments which ought to be read for the information of the House before we vote on the proposition to suspend the rules. I hope that will be allowed by unanimous consent.

Mr. DUNN. There is no objection to having the amendments read now. It is merely a question of the consumption of time.

The SPEAKER. The Chair will not charge the time occupied in the reading to the time allowed for debate.

Mr. DUNN. The amendments are unanimously reported from the Committee on the Public Lands.

Mr. WILLITS. I wish to ask the gentleman from Arkansas a question. Does the Secretary of the Interior recommend this bill?

Mr. DUNN. I know of no communication that has been had with the Secretary of the Interior on the subject of this bill. The gentleman from Alabama [Mr. HERBERT] has had an interview with the Commissioner of the General Land Office, who concurs in and indeed suggested most of these amendments.

Mr. WILLITS. Is the gentleman from Arkansas at all advised what the views of the Secretary of the Interior are?

Mr. DUNN. Personally I am not.

Mr. WILLITS. I am informed that the Secretary of the Interior is opposed to this bill.

Mr. PAGE. I wish to say that the commission appointed by the President under the law of last Congress has recommended substantially the provisions of this bill.

The SPEAKER. The proposed amendments will be read.

The Clerk read as follows:

Amend bill (H. R. No. 1846) by striking out the words "the approval of this act," where they occur in line 9 of section 1, and insert in lieu thereof the words and figures "March 1, 1879."

2. By striking out in lines 10 and 11, section 1, where they occur, the words "begin before such payment."

3. By inserting the word "entry" in line 13 of section 1, in lieu of the word "payment."

4. By inserting in lieu of the words "\$1.25 per acre," in lines 6 and 7 of section 2, the words "the Government price."

5. Amend section 4 by adding at the end thereof the following: "Provided, This act shall not apply to lands in California, Oregon, Nevada, or Arizona."

Mr. POUND. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. POUND. I desire to inquire whether it would be competent to move an amendment to either of these amendments which have been reported by the committee?

The SPEAKER. It will be, if they are not cut off by calling the previous question.

Mr. DUNN. It is my purpose, as soon as the House shall vote to consider this bill now, to report these amendments which have been read.

Mr. POUND. - My question is whether other amendments will be allowed.

Mr. DUNN. I am not authorized to allow other amendments. As soon as I have reported from the Committee on the Public Lands the amendments which have been read, I will yield to the gentleman from Alabama, [Mr. HERBERT,] who will take charge of the bill.

Mr. POUND. If the gentleman will permit, I will state that the reason of my inquiry is that I have been informed that the friends of this bill would permit an amendment which would make it applicable only to cases which have occurred prior to January 1, 1878. I see that the committee have reported an amendment making it applicable only to cases that occurred prior to 1879.

The SPEAKER. The gentleman from Michigan is entitled to the floor for fifteen minutes.

Mr. CONGER. This very important bill was referred to the Committee of the Whole and placed on the Public Calendar so that it could be considered in general debate and be amended and discussed under the five-minute rule. In that position this very dangerous and sweeping bill could be considered, could be amended, could be shown up to be exactly what it is in all its naked and in all its concealed deformities. No man in fifteen minutes can go through the recital of the facts necessary to an understanding of this bill. I shall not attempt to do so.

I propose to say just so much as occurs to me now and as I have time to say, to satisfy gentlemen of the House, if I am able, that under all the rules of the House and for all reasons of right and justice and governmental propriety this bill should be left in the Committee of the Whole to receive there a careful and prudent consideration.

The occasion for the passage of such a bill as this arises from the fact that in the United States a very large number of trespassers, both individually and, as is alleged, collectively, by their own individual wrong-doing, and collectively by conspiracies and attempts to mislead and attempts to defraud the Government of the United States, have entered upon the timber lands of the Government, mostly in the Southern States, somewhat in the North, where the Government has remaining timber lands, and have taken and appropriated to themselves, and sold to others wherever they could find a market, the property of the United States without right and without authority of law, and in so doing have covered their tracks wherever they could in making these acquisitions of the United States property, and have involved all over the country innocent purchasers of the property which is the subject-matter of this bill.

In other words, if we were talking about the relations of the parties to be protected by this bill toward private citizens, we should call them the stealers of property, the thieves of property, the conspirators to defraud individuals of property. These parties have been prosecuted under the law, a large number of them, both for the trespass, as it is called, on the public lands, or the stealing of this property of the United States, and by suits brought against scores of individuals for conspiring together in numbers more or less to defraud the United States of its property and of its rights.

It only needs to have the bill read to see the character of the transactions which are to be covered, not with the scriptural mantle of charity, but to be covered by the mantle of legislation. What is this bill? It is a bill to permit the original trespassers upon the public lands and the original conspirators to hide their tracks in thus "taking" the public property, to use the milder phrase which it always becomes my nature and disposition to use on these occasions to shield them from further prosecution, to shield them from punishment for their wrongful acts; in the language of this bill, to give back to them the material which they had thus taken by trespass or by theft, to give it back to them with all the rights of property, and thus allow them to follow, not only those who have purchased from their colleagues in this wrong, the co-conspirators in this wrong, but even to follow those who have made purchase of this property when taken and sold by marshals of the United States; to follow the property out on to the Gulf, to all the Gulf ports, and on all the railroads to every interior station; to follow it to the very house of the purchaser who bought this property and incorporated it into his home.

Mr. HERBERT. Will the gentleman allow me to explain why that term "conspirator" was put in the bill? I put it in myself.

Mr. CONGER. Not now. If the House will do its duty and keep this bill in Committee of the Whole there will be time enough there for all the explanation that can possibly be given for the passage of such a wondrous, such a remarkable, such an iniquitous bill.

Mr. HERBERT. I will not take more than one minute to explain, if you will let me do it.

Mr. CONGER. The gentleman desires to have a vote upon the motion to suspend the rules and discharge the Committee of the Whole from the consideration of this bill, without any explanation at all. He desires to take the bill away from the Committee of the Whole and bring it into the House where the majority can control it and keep out amendments under the previous question.

Mr. Speaker, this bill proposes to release hundreds of men under prosecution or liable to prosecution. It releases hundreds of thousands of dollars' worth of property now in the hands of the officers of the United States. This Government has expended large sums of money in trying to protect the interests of the United States and the people against trespassers, against thieves on the public lands, against conspirators who have carefully concealed their trespasses from the eye of the public and from the eye of the Government. This bill requires

the payment of individual costs in suits already commenced. Large sums of money, amounting to hundreds of thousands of dollars, which the Government has expended in following up and exposing these nefarious transactions, (to say nothing of the cost of so many suits,) are to go for naught. Those who have done a great wrong are by one act of law to have gathered into their embrace all the property taken, with all the value placed upon it by its manufacture. The Government is to pay for this. We are to condone the guilt of the wrong-doers and restore to them all that they have purloined, stolen, taken, trespassed upon.

To any one who will read the bill, all these considerations must suggest themselves. I have tried only to call attention to the measure, and ask whether it is proper that the Committee of the Whole should be discharged from the consideration of the bill that it may be placed where its full discussion can be prevented; where the previous question can be called, with no opportunity allowed for amendments which my friends here desire to offer. Shall we place the bill in a situation to be passed, if possible, without discussion and without knowledge on the part of members of the House as to its real object and merits?

I have fulfilled a duty unpleasant to myself in antagonizing the taking of this bill from the Committee of the Whole. If it can be discussed there, let it stay there. If it can be shown in Committee of the Whole that the bill is just to the Government, just to the people, just to those who desire to pre-empt or already have homesteads on this land, there will be opportunity to show all this; there will be none under the manner of treatment now proposed. I call upon those who desire to protect the interests of the Government and of the great masses of the people as against trespassers, not to take this bill from the Committee of the Whole, where it can be thoroughly sifted.

If I am wrong in my views, if I have been misinformed, if it be true, as I understand it to be, that the Secretary of the Interior, who has zealously prosecuted all these trespassers, is opposed to the bill, and would say so except that he does not desire to obtrude himself into our legislative proceedings, that will appear. If there be any good reason for passing the bill, that will appear. Until these things do appear, I warn gentlemen against placing themselves on record as encouraging the stealing of the property of the United States from any quarter, and condoning the theft by paying a premium to the trespassers at the expense of the people.

Mr. DUNN. I yield to the gentleman from Minnesota, [Mr. WASHBURN.]

Mr. WASHBURN. Mr. Speaker, I shall occupy only a very few moments in discussion of the bill under consideration. The gentleman from Michigan [Mr. CONGER] has, it seems to me, endeavored to mislead the House with regard to the force and effect of this bill, and I desire to correct the impression which he may have created.

Mr. CONGER. I believe I have one minute remaining. I will yield that, after the gentleman from Minnesota has finished, to the gentleman from Georgia.

Mr. WASHBURN. This bill when introduced was referred to the Committee on Public Lands, who after very careful and deliberate consideration agreed that it was just and proper. They therefore recommended its passage. Before that, however, I went to the Commissioner of the General Land Office and submitted the bill to him, asking his judgment upon it. He said that with two or three amendments which he suggested the bill was right and proper, and that it was really the most equitable and practicable settlement that could be made of this litigation which has grown up in the last two years.

Now, Mr. Speaker, the facts are simply these: For the last twenty years or more it has been the practice of the Government almost uniformly to allow people to cut timber from the public lands. The officers not only permitted this but invited it, so that it has been regarded not as a crime or misdemeanor, but as a transaction entirely legitimate. It has been going on all over the country for many years. The present Secretary of the Interior has, however, taken steps (very properly I think) to stop this abuse. In the course of the investigation which he very properly made he found that in very many cases trespassers had cut timber seven or eight years ago, had taken the logs to market, sold them and received the pay therefor. The suits now pending are almost invariably, so far as my section of the country is concerned, brought against innocent purchasers. The property was traced into their hands; they had converted it and are held responsible, while the parties who really committed the trespass, the men who cut the logs seven or eight years ago, are irresponsible and cannot be reached. Thus the effect of this litigation is that innocent parties, men who bought the logs and paid the full price for them six or seven years ago, are at this late hour called upon to pay again the entire amount.

These men are in a position from which they should be relieved; and the effect of this bill is simply to allow them to go back and enter the identical land from which these logs were cut. I do not see that by this measure any great injustice is to be done to the Government. I do not see that anybody is to be robbed. The bill merely allows these people who have been led into difficulty to go back and enter the land *de novo* in the same manner as they could have done many years since and before the logs were cut.

It seems to me that the bill is a proper one. The Commissioner of the General Land Office has properly described it as the most equit-

able and practicable method that can be reached for the settlement of this whole business. I trust it will be passed.

The question being taken on the motion to suspend the rules,

The SPEAKER declared that in his opinion two-thirds had not voted in the affirmative.

Mr. HERBERT called for tellers.

Tellers were ordered; and Mr. HERBERT and Mr. CONGER were appointed.

The House divided; and the tellers reported—ayes 90, noes 60; less than two-thirds voting in the affirmative.

Mr. LEWIS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 114, nays 89, not voting 89; as follows:

YEAS—114.

Acklen,	Finley,	Manning,	Singleton, J. W.
Aiken,	Ford,	Martin, Benj. F.	Singleton, O. R.
Atkins,	Forney,	McKenzie,	Slemmons,
Berry,	Frye,	McMillin,	Sparks,
Bicknell,	Geddes,	Mills,	Springer,
Bliss,	Goode,	Morrison,	Talbott,
Buckner,	Gunter,	Morton,	Taylor,
Calkins,	Hall,	Muldrow,	Thompson, P. B.
Carpenter,	Hammond, N. J.	Muller,	Tillman,
Clark, John B.	Harmer,	Myers,	Townshend, R. W.
Coffroth,	Harris, John T.	New,	Turner, Oscar
Cook,	Hatch,	Nicholls,	Turner, Thomas
Covert,	Henkle,	O'Connor,	Updegraff, Thomas
Cravens,	Henry,	O'Reilly,	Upson,
Culberson,	Herbert,	Orth,	Vance,
Davidson,	Herndon,	Page,	Van Voorhis,
Davis, Joseph J.	Houss,	Persons,	Waddill,
Davis, Lowndes H.	Hull,	Phelps,	Washburn,
De La Matyr,	Huntin,	Phillips,	Wellborn,
Deuster,	Hutchins,	Phister,	Wells,
Dibrell,	Johnston,	Reagan,	Whitthorne,
Dunn,	Jones,	Richardson, J. S.	Williams, Thomas
Dunnell,	Kimmel,	Rothwell,	Willis,
Elam,	King,	Russell, Daniel L.	Wilson,
Ellis,	Kitchin,	Samford,	Wood, Fernando
Errett,	Knott,	Sapp,	Wright,
Evins,	Lewis,	Sawyer,	Young, Casey.
Felton,	Lounsbury,	Scales,	
Ferdon,	Lowe,	Shelley,	

NAYS—89.

Aldrich, William	Colerick,	Humphrey,	Robinson,
Anderson,	Conger,	James,	Ross,
Bailey,	Cowgill,	Joyce,	Russell, W. A.
Baker,	Daggett,	Kelley,	Shallenberger,
Ballou,	Davis, George R.	Kenna,	Sherwin,
Bayne,	Davis, Horace	Marsh,	Simonton,
Beltzhoover,	Farr,	Mason,	Stevenson,
Blake,	Field,	McCoid,	Stone,
Blount,	Forsythe,	McGowan,	Thomas,
Bouck,	Gillette,	Miles,	Thompson, W. G.
Bowman,	Godshalk,	Monroe,	Tyler,
Brewer,	Hammond, John	Neal,	Updegraff, J. T.
Browne,	Harris, Benj. W.	Newberry,	Valentine,
Burrows,	Hawk,	Norcross,	Van Aernam,
Butterworth,	Hawley,	O'Neill,	Wait,
Camp,	Hayes,	Osmer,	Ward,
Cannon,	Hazleton,	Overton,	Williams, C. G.
Carlisle,	Henderson,	Pacheco,	Willits,
Caswell,	Hill,	Poebler,	Wood, Walter A.
Chittenden,	Hiscock,	Pound,	Young, Thomas L.
Claffin,	Hostetler,	Rice,	
Clymer,	Houk,	Richardson, D. P.	
Cobb,	Hubbell,	Robeson,	

NOT VOTING—89.

Aldrich, N. W.	Crapo,	Ladd,	Ryan, Thomas
Armfield,	Crowley,	Lapham,	Ryon, John W.
Atherton,	Deering,	Le Fevre,	Smith, A. Herr
Bachman,	Dick,	Lindsey,	Smith, Hezekiah B.
Barber,	Dickey,	Loring,	Smith, William E.
Barlow,	Dwight,	Martin, Edward L.	Speer,
Beale,	Einstein,	Martin, Joseph J.	Starin,
Belford,	Ewing,	McCook,	Steele,
Bingham,	Fisher,	McKinley,	Stephens,
Blackburn,	Fort,	McLane,	Townsend, Amos
Bland,	Frost,	McMahon,	Tucker,
Boyd,	Garfield,	Miller,	Urner,
Bragg,	Gibson,	Mitchell,	Voorhis,
Briggs,	Haskell,	Money,	Warner,
Brigham,	Heilman,	Morse,	Weaver,
Bright,	Hooker,	Murch,	White,
Cabell,	Horr,	O'Brien,	Whiteaker,
Caldwell,	Hurd,	Pierce,	Wilber,
Chalmers,	Jorgensen,	Prescott,	Wise,
Clardy,	Keifer,	Price,	Yocum.
Clark, Alvah A.	Ketcham,	Reed,	
Converse,	Killingier,	Richmond,	
Cox,	Klotz,	Robertson,	

So (two-thirds not having voted in favor thereof) the rules were not suspended.

At the conclusion of the roll-call the following pairs were announced from the Clerk's desk:

Mr. CLARK, of New Jersey, with Mr. BRIGHAM.

Mr. RYON, of Pennsylvania, with Mr. MITCHELL.

Mr. McCOOK with Mr. LE FEVRE.

Mr. GARFIELD with Mr. TUCKER.

Mr. CLARDY with Mr. SAPP.

Mr. ATHERTON with Mr. MCCOID.

Mr. CABELL with Mr. FISHER.

Mr. PRICE with Mr. DEERING.

Mr. CROWLEY with Mr. MONEY.

Mr. CHALMERS with Mr. VAN VOORHIS.

Mr. MULLER with Mr. EINSTEIN.

Mr. URNER with Mr. McLANE.

Mr. FROST with Mr. YOCUM.

Mr. KETCHAM with Mr. EWING.

Mr. MARTIN, of North Carolina, with Mr. ARMFIELD.

Mr. CRAPO with Mr. GIBSON.

Mr. REED with Mr. DICKEY.

Mr. BRAGG with Mr. LORING.

Mr. RICHMOND with Mr. PRESCOTT.

Mr. STEPHENS with Mr. BAKER.

Mr. DICK with Mr. SMITH, of New Jersey.

Mr. HELLMAN with Mr. CALDWELL.

Mr. TOWNSHEND, of Illinois, with Mr. DWIGHT.

Mr. WISE with Mr. BINGHAM.

Mr. STEELE with Mr. BOYD.

Mr. BACHMAN with Mr. BARLOW.

Mr. JORGENSEN with Mr. BEALE.

Mr. LADD with Mr. LINDSEY.

Mr. YOCUM with Mr. O'BRIEN.

Mr. CALKINS with Mr. HOOKER.

Mr. MARTIN, of Delaware, with Mr. SMITH, of Pennsylvania.

Mr. HUTCHINS with Mr. DWIGHT.

Mr. CALKINS. I was assured that Mr. HOOKER, if present, would vote in the affirmative, and therefore I voted in the affirmative.

Mr. VAN VOORHIS. I was assured that General CHALMERS, with whom I am paired, if present, would vote in the affirmative, and therefore I voted in the affirmative.

ABOLITION OF TOLLS, LOUISVILLE AND PORTLAND CANAL.

Mr. CABELL. I have been instructed by the Committee on Railways and Canals to move that committee be discharged from the further consideration of a bill (H. R. No. 4507) to abolish all tolls at the Louisville and Portland Canal, and that the same be passed.

The bill, which was read, provides that after the 1st day of July, 1880, no tolls shall be charged or collected at the Louisville and Portland Canal, but the Secretary of War shall be authorized to draw his warrant from time to time upon the Secretary of the Treasury to pay the actual expenses of operating and keeping said canal in repair.

Mr. CABELL. That is accompanied by a report which can be read by the Clerk if desired by any gentleman.

Mr. BLOUNT. I hope it will be read.

The SPEAKER. The first question under the rule is the seconding the motion for the suspension of the rules.

Mr. BLOUNT. Is it in order to ask for the reading of the report at this time?

The SPEAKER. The report might be read as a part of the debate provided for under the rule. There should be a second first, because it is hardly desirable debate should be allowed if there shall be no second of the motion to suspend the rules.

Mr. CABELL. I do not propose to debate it at all. I am satisfied to rest the case on the report.

Mr. WILLITS. I demand a second.

The SPEAKER appointed as tellers Mr. CABELL and Mr. WILLITS. The House divided; and the tellers reported—ayes 143, noes 11.

So the motion to suspend the rules was seconded.

The SPEAKER. Is debate demanded?

Mr. DUNNELL. I ask that the report be read.

Mr. CABELL. As I do not care to occupy the floor myself in debating this question, I have no objection that the report be read now.

The SPEAKER. The report had better be read as a part of the gentleman's time.

Mr. CABELL. For myself I have no objection to that.

The report was read, as follows:

The navigation of the Ohio River is obstructed at Louisville, Kentucky, during ten months of the year by a natural impediment known as the "Rapids," or "Falls." In the year 1825, for the purpose of overcoming this impediment, the Louisville and Portland Canal Company, under a charter from the State of Kentucky, constructed a canal around the falls, at a cost of over \$1,000,000. In this company the United States was an original stockholder to the amount of \$233,500. Recognizing the national importance of the improvement and responding to the demands of public sentiment, the Federal Government gradually purchased with its accrued dividends the residue of the stock. In the year 1846 it had purchased the greater portion, and at the close of the year 1855 it owned the whole of the property, except five shares, valued at \$500. Subsequently these five shares were bought, and on the 11th of June, 1874, the Government assumed, and has ever since retained, the sole management and control.

The Louisville and Portland Canal is the connecting link in the great chain of commerce between the cities of New York, Philadelphia, Baltimore, and other places east of the Alleghany, and the cities of Pittsburgh, Wheeling, Cincinnati, Louisville, Saint Louis, and other important points west and northwest of the Appalachian Range. It is the lock and key to the whole system of river navigation from the headwaters of the Ohio to the Gulf of Mexico. Over three thousand boats and barges pass through its locks in the descending and ascending navigation of the Ohio River. The number of tons carried by these boats during the past year was 999,610. This immense tonnage will, it is believed, in the near future attain even more gigantic proportions.

Up to the 11th of June, 1874, the tollage paid by all vessels propelled by steam was fifty cents per ton. From the year 1831, when the canal was first opened for business, to 1872, the tolls received at this point amounted to \$5,157,247. Since the Government assumed control the tolls have been reduced to one-fifth of the former amount. But, even with this reduction, over \$300,000 has been collected, thus swelling the grand total which the producers and shippers of twelve or fourteen

States of our country have paid to pass an obstruction of less than two miles on one of our national highways to over \$5,500,000.

The bill under consideration proposes that at the close of the present fiscal year the tolls now collected by the Government shall cease. Your committee report that such a result is in accord with the spirit, if not the letter, of former treaties; that it is in accord with the action of the State of Kentucky, through her Legislature, and of the board of trustees of the canal company, preliminary to the surrender of the property; and that it has been emphatically favored by numerous committees of this House in former Congresses. The treaty of Paris, negotiated in 1783; the treaty with Spain, negotiated in 1795; the ordinance of 1797, and many subsequent acts of Congress, provide for the absolute freedom of the Mississippi River and its tributaries, and dedicate them to the world as great national highways, to be kept forever free from any toll, tax, or duty of any kind whatever.

As far back as the 4th of March, 1834, a bill was reported to this House from the Committee on Roads and Canals to buy the stock of this canal, and make the navigation of the Ohio River "free to all." "The munificence of the Government," says the committee "has been often extended to the Atlantic States, in expenditures on the seaboard and elsewhere, and now every sentiment of justice and impulse of patriotism plead for the exercise of the same liberality toward those who inhabit the valley of the Mississippi."

On the 31st of December, 1845, the Committee on Commerce in this House reported a resolution making the Louisville and Portland Canal "free from toll." On the 27th of February, 1851, the Committee on Roads and Canals in the Senate reported a bill to the same effect; and on the 2d day of August, 1852, the same committee in this House submitted a similar bill, with an elaborate report in its favor.

To the same end the State of Kentucky, by an act of its Legislature of February 21, 1842, authorized the canal company to sell the shares owned by individuals, or the State of Kentucky, for the city of Louisville, "for the purpose of eventually making the said canal free of tolls." So, also, on the 14th of December, 1867, Hon. James Guthrie, then president of the canal company, in reply to a note of General Weitzel, declared that the object of the trust which the company held was to "make the canal sufficient for the requirements of the Ohio River, and, finally, to make it a free canal."

These various treaties, reports, acts, and official declarations clearly indicate that for nearly half a century it has been the desire and intent of the Government to secure the free navigation of the Ohio at this point. But whatever be the meaning of former treaties and resolutions, your committee are of opinion that the time has now arrived when, as a matter of right as well as of policy, every restriction or tax should be removed and this canal declared free to the whole world.

"The right of way," once said a great statesman, "is the right of the million." The sovereign holds it in trust, and can exercise it only for their benefit, and has no right to make a revenue or permit a revenue to be made out of it. Such a course must engender the worst oppression and the worst corruptions, and soon realize the view of the worst governments—taxation on all we consume—which will allow nothing to go to or from the markets without tribute to the state.

Your committee find that in every other instance except that of the Louisville and Portland Canal this great popular right has been recognized and respected. At the Eads jetties, at the harbor of New York, at the canal uniting the upper and lower rapids of the Mississippi River, and at various other points vast sums of money, amounting to hundreds of millions, have been expended. From none of these works, of which the Government is the sole owner, has any toll or tax ever been demanded, and yet hardly one of them is of more importance or more national in its character than this canal.

Your committee see no reason why the people of the Ohio and Mississippi Valleys should be deprived of the benefits of that policy which has been so fully pursued, to the advantage of commerce, at every other point in the Union, and therefore report back the bill and respectfully recommend that it be adopted.

Mr. CABELL. The report just read sets forth so fully the facts in connection with this matter that I do not care to discuss it any further. Unless gentlemen on the other side desire an opportunity to do so I hope the vote will be taken on it at once.

Mr. CONGER. I desire a few minutes on this question.

The SPEAKER. The gentleman will be allowed fifteen minutes in opposition to it.

Mr. DUNNELL. Have the fifteen minutes allowed in favor of the bill been entirely consumed in reading the report?

Mr. CABELL. I had intended to yield five minutes to the gentleman from Minnesota in favor of this bill if he desired.

Mr. CONGER. I will yield five minutes to the gentleman from Minnesota out of my time if he desires it. I presume he wishes to speak in favor of the bill.

Mr. DUNNELL. I do.

The SPEAKER. How many minutes does the gentleman yield?

Mr. CONGER. I will yield to him five minutes.

Mr. CABELL. Was it proper to take the time allowed on this side and consume it in reading the report?

The SPEAKER. The gentleman stated himself that he had no objection to have the report read in his time.

Mr. CABELL. I stated that so far as I was individually concerned I did not desire to debate the proposition; but there are other gentlemen who do desire an opportunity of saying a word upon it, if debate is had in opposition to it, and I wish to yield to them.

The SPEAKER. The Chair will hold the reading of the report as in the nature of debate in favor of the proposition.

Mr. CONGER. In order that what I may say may be entirely fair, I will now occupy a portion of the time that I am entitled to, and then, at the expiration of ten minutes, will yield the remaining five minutes of my time to gentlemen on the other side to answer what I may say.

Mr. CABELL. That is entirely satisfactory.

Mr. CONGER. Mr. Speaker, for all the length of time that I have been a member of this House I trust I have been as active and earnest as any member of the House in reference to the improvement of our water communications and making them practically free to the commerce of the United States. Such has been my desire, and I think I have always acted in that direction. If the committee which reported this bill had reported the substantial facts in the case, I should not have desired to make any remarks at all. And I wish to say now in regard to this great channel of commerce and all others which are internal or which may be improved, I am very anxious that every possible facility shall be given for their navigation and

for free commerce upon all of these interior waters as well as the external harbors of the United States. But in regard to this canal allow me to say first that there are three canals on which Government money has been expended where the tolls still remain, although built entirely by Government appropriations.

One of these to which I allude is the Sault Ste. Marie Canal, upon which tolls to a much larger amount in the aggregate, although perhaps not greater on the tonnage, are still collected. I recall, Mr. Speaker, what to the old members of the House are very familiar subjects, that after the Government had expended I think about \$3,470,000 or near that sum in rebuilding the Louisville and Portland Canal, it was found that although the Government had acquired in one way and another most of the stock of the old canal, and gentlemen will remember that the \$5,000,000 tolls was collected by a private company chartered by the State of Kentucky, and all these tolls went into the pockets of private individuals and not to the Government—

Mr. FORT. That relates to the stock held by the Government of the United States?

Mr. CONGER. The United States surrendered its portion of it to the canal company by act of Congress.

Mr. WILLIS. The gentleman from Michigan I know would not misrepresent the facts, but he is entirely mistaken.

Mr. CONGER. I had an examination of this subject as a member of the Committee on Commerce for so many months or years, I may say, that I think I know the facts generally. But it is not material and I will not insist. The Government was only a small shareholder. But the point is this: It was found that after the Government had expended the amount necessary, and more than was necessary, to open this great channel of commerce, advocated by all of us in the House and the money appropriated in the river and harbor bill from year to year until it was finished, it was found then that although the stock of the company had been in some way secured and the United States surrendered what belonged to Kentucky and what belonged to individuals, there yet remained outstanding bonds of the company in the hands of private individuals for nearly a million and a quarter of dollars. I think, aside from the cost of constructing the new canal, the amount was between \$1,100,000 and \$1,200,000, but in round numbers, with interest, it amounted to about one and a quarter million dollars. A bill was passed reducing tolls from fifty cents to twenty-five cents a ton. The bondholders went into the courts and enjoined this reduction of the tolls under the law of Congress, because the tolls were pledged to the payment of interest and the final payment of this million and a quarter of bonds. The bondholders, as against Congress and as against those who desired a reduction, were successful and victorious in the courts.

Then we looked for some other way of making a free canal. We studied the question carefully for a year or two before we could perfect the bill, and finally Congress was forced, in order to approach the subject of a free canal or free commerce at all, to the necessity of voting in round numbers a million and a quarter of dollars directly out of the Treasury to pay these bonds. A law was passed, and aside from the three or four million dollars to build this new canal we were obliged to vote directly out of the Treasury to pay the old bondholders a million and a quarter of dollars. With the consent and approval of the executive committee of the steamboat owners association, who had their representatives here, many of them large owners of steamboats on the river, and if I should mention their names gentlemen would all recognize them as such, it was finally agreed that the Government would appropriate a million and a quarter of dollars and remove that obstruction which stood in the courts and everywhere against making a free canal. But, for the incidental expenses, the payment of the interest that was provided for, and the working of the canal, it was agreed all around that until there had been repaid to the Government this million and a quarter of dollars there should be a reduction to ten cents a ton, and that that should be collected until this advanced money was paid, and that thereafter there should only be such an amount of tolls as should pay for opening and closing the locks and working the canal, which would be a very small amount of toll on so large a tonnage.

In the interest of commerce, in the interest of navigation, in the interest of all those people of the Ohio Valley, and those beyond and on this side, we labored for weeks and weeks and months and months to find some way in which to cut that Gordian knot, with which the bondholders, by the action of the courts, were preventing us from even approaching the freedom of commerce and navigation on that canal. A rate of fifty cents a ton on this tonnage was enormous and the old canal company and the bondholders had received between five and six millions of dollars of tolls upon the old, small, imperfect, almost, as it was said, worthless canal.

I do not make these remarks, Mr. Speaker, to oppose this motion. If the committee were to present the case fairly to the House, as I think in justice they ought to do, when they ask us to remove all tolls, and when, let it be remembered, they propose to make a permanent appropriation out of the Treasury, without any new appropriation from year to year, for all expenses of working the canal and keeping it in repair, I think the committee should have stated these important and serious facts. The CONGRESSIONAL RECORD and the reports of the Committee on Commerce in those days will show how anxious everybody was to remove this burden on commerce and how gratified we all were, who were in favor of free navigation of our

waters, that we were able to get the House to appropriate a million and a quarter of dollars to pay up these bonds and then to reduce the tolls down four-fifths. I do not make these remarks exactly to oppose the bill. I make them that the House may understand that former Congresses did a very great work when they did pay out to bondholders the million and a quarter of dollars, beside the three or four million dollars to enlarge and make good the canal, the only thing reserved to save the expense to the Treasury being the ten-cent tolls for a limited time, until it should seem as if the Government had received back from the vessel-owners a part of this extra expense in paying the bondholders. For myself, I think it would be just and right that that should run a few years longer. I dislike that there should be a permanent appropriation which has no limit. If there be damage to the canal or the locks or the gates, or a breaking away of the walls, the repair of the canal might cost one hundred thousand dollars or half a million of dollars, on account of injuries by floods or by the running of vessels against the walls of the canal, or their undermining. In this bill you make a permanent appropriation for all the expenses of repairs and for working the canal hereafter. I make these remarks not as being exactly opposed to the bill, but that we may understand what we are doing.

[Here the hammer fell.]

The SPEAKER. The gentleman from Minnesota [Mr. DUNNELL] is entitled to five minutes.

Mr. DUNNELL. I could not believe the gentleman from Michigan could after all seriously oppose this bill. His whole history in Congress is against his argument, and he announces at last that he does not propose to make any argument against the passage of the bill. He closes, however, Mr. Speaker, by referring to the possibility that there may be large sums of money required in the future to keep this canal in repair.

I would ask him if the same argument does not exist against the Sault Ste. Marie Canal, and whether the same argument would not hold against the Des Moines Canal, which has cost the Government five or six millions of dollars, and for the annual running of which we appropriate at least \$40,000.

Mr. CONGER. Not for the Sault Ste. Marie Canal.

Mr. DUNNELL. I am now referring to the Des Moines Canal, and that appropriation is for all time. The argument the gentleman uses in that direction falls to the ground.

I am in favor of this bill because it tends to make completely free to commerce the great Ohio River. I believe there should be no obstruction to commerce upon the Mississippi River or any of its tributaries, and that the Government is amply able not only to give this canal to the commerce of the Ohio River but to keep it in operation and repair for a long time and always.

We have built the Des Moines Rapids Canal upon the Mississippi River, at a cost, as I have said, of five or six millions of dollars; and we are annually appropriating money for its maintenance, and shall be compelled to do so. When we look at the statistics of the commerce of the Ohio River we will see that this small amount is substantially nothing at all.

Mr. WILLIS. I would inquire of the gentleman if it is true that it was understood at the time the Government took possession of this canal and reduced the tolls from fifty cents a ton to ten cents a ton that the toll of ten cents per ton would be kept up until the Government should receive back the million and a quarter of dollars it had paid to the stockholders?

Mr. DUNNELL. I am unable to answer that question.

Mr. WILLIS. With the permission of the gentleman from Minnesota [Mr. DUNNELL] I will answer the gentleman. From the beginning to the end there has never been any such understanding, and the gentleman from Michigan [Mr. CONGER] is mistaken in that as he was mistaken in the statement that \$5,000,000 was received by the private stockholders of this canal prior to its surrender to the Government. The fact is, Mr. Speaker, as shown by the report, that the United States was an original stockholder to the amount of \$233,500. This subscription of stock was made in the year 1825. In the year 1831, the canal was regularly opened for business. In 1845 a report to Congress was made by which it appeared that the Government had not only received back in actual money paid into the Treasury of the United States the \$233,500 originally invested, but \$24,278 over and above that amount. In other words the money dividends paid to the United States up to the 3d of January, 1842, from this canal company amounted to \$257,778. Nor was this all. In addition to this large sum of money, the Government became the owner of twenty-nine hundred and two shares of stock, which was five hundred and sixty-seven more shares than it had originally subscribed for, there having been a stock dividend in the mean while declared. Each share was at the time this report was made, December 31, 1845, worth \$148. Taking the par value of the stock, the report goes on to show that the Government, instead of losing by the investment made in this canal, as has been the case, it is believed, in every other investment for internal improvements, had not only had every dollar of the investment returned, but was the gainer \$314,478.

Thus, sir, it appeared that up to that time instead of giving the sum of \$233,500 to facilitate and improve and remove the obstructions to the commerce of the western country the Government had in fact imposed a tax upon that commerce and received from it into the Treasury, in cash and valuable stock, \$453,774.

I refer the gentleman for these facts to the report made by Mr. Tibbatts, from the Committee on Commerce, to the first session of the Twenty-ninth Congress on the 31st of December, 1845.

This report emphatically protests against these tolls as a tax upon the agricultural products of the West and South and the manufactured goods of the East, ultimately paid by the consumers, and declares them to be a heavy and burdensome imposition upon the commerce of the West. The official records show, Mr. Speaker, that this burden increased with the increasing commerce of the country. They show further that the proportion of these enormous profits, great as it was, as shown by the report of Mr. Tibbatts, became even greater from year to year. This resulted from the fact that on the 18th of February, 1842, by an act of the Legislature of Kentucky, the president and board of directors of the canal company were authorized, whenever so directed by the stockholders thereof, to sell "the shares of stock owned by individuals in said canal to the United States, or the State of Kentucky, or the city of Louisville, for the purpose of eventually making the said canal free of tolls." The act further provided that the shares so purchased should be held in trust until by the operations of the provisions of this act all the shares standing in the name of others than the Government of the United States should be purchased, whereupon the canal was to be transferred to the Government of the United States.

Pursuant to this act and following out its original policy, the Government began to appropriate its dividends to the purchase of the residue of individual stock. Owning already 2,911 shares in 1843, it purchased 471 shares more; in 1844, 544 shares, and so on until in the year 1846 it owned 5,353 shares, which was a majority of all the stock, the total amount being 10,000 shares. It continued to purchase stock until at the close of the year 1855 it had redeemed in this way and was the owner of the whole property except five shares, worth at their face value the sum of \$500. These five shares were afterward bought, and on the 11th of June, 1874, the Government assumed and has ever since retained the sole management and control. It appears from a report made by General Weitzel to the Secretary of War that between the years 1842, when Mr. Tibbatts estimated the income of the Government from this source, to the year 1874, when the Government took charge of it, the sum of \$4,331,953 was paid for tolls. Bearing these facts in mind, it will be seen that the largest portion of these tolls has gone to the Federal Government. The complete statement shows that the United States became the sole owner of the Louisville and Portland Canal and the Portland dry-dock in the year 1855 excepting five shares. It shows further that the United States acquired this property without leaving one dollar outstanding from the National Treasury, and still further shows that in addition to the property thus obtained it acquired \$24,278 in money, that sum having been paid in cash dividends beyond the sum originally invested by the Government in the stock of the company. The gentleman from Michigan [Mr. CONGER] is therefore mistaken when he states that \$5,000,000 from tolls was received by the private stockholders of this canal. The fact is that four-fifths of the amount of tolls received went to the Federal Government as the principal stockholder from 1831 to the present time.

Mr. CONGER. I must say that the gentleman from Kentucky [Mr. WILLIS] is absolutely wrong.

Mr. WILLIS. I will read—

Mr. CONGER, (interrupting.) I do not take the report.

Mr. WILLIS. I have the acts of the Legislature of Kentucky and other official data, but I am unwilling to trespass further on the time of the gentleman who has the floor, [Mr. DUNNELL.]

Mr. DUNNELL. I am willing that it shall come out of my time.

Mr. WILLIS. I want to hear them read, if they give us the facts.

Mr. WILLIS. I have here the proceedings of the Legislature of Kentucky; of the trustees of the Louisville and Portland Canal; of the Cincinnati Chamber of Commerce, together with resolutions of merchants and steamboat men of Louisville, Pittsburgh, Saint Louis, and elsewhere throughout the Ohio and Mississippi Valleys, which earnestly protest against this heavy tax and demand that the same beneficent policy which has been extended to other portions of the country should be applied to the Ohio River. Nowhere in those proceedings do I find any understanding or agreement as referred to by the honorable gentleman from Michigan, [Mr. CONGER.] Nowhere do they evidence any understanding or contract or consent that the navigation of the Ohio River, that great artery of commerce through which passes the trade of fourteen States of this Union, should be tied up in this way. Whenever the people of the Mississippi and Ohio Valleys have spoken upon this subject, it has been for the free navigation of their great river.

Only last October the National Board of Steam Navigation, which met at Cincinnati, a body composed of delegates from all parts of the Union, and representing a capital of \$600,000,000, recommended the adoption of a resolution "that the Louisville and Portland Canal be made free from all tolls." That this was and always has been the purpose of the Government in regard to this improvement is evidenced by its original subscription of stock. It is further evidenced by the appropriation of its dividends for the purchase of other stock, under the act of the Legislature of Kentucky, which I have already cited, and which authorizes the purchase of the stock "for the purpose of eventually making the said canal free of tolls." It is still further shown by repeated reports from various committees of

this House, beginning as far back as the 4th of March, 1834, and thence down to the present time. The report of Mr. Tibbatts, which I referred to just now, was in response to a "petition of the merchants and steamboat owners of the valleys of the Ohio and Mississippi, praying Congress to purchase the individual stock in the Louisville and Portland Canal for the purpose of making it free from toll." The report of the committee upon this petition was favorable. The report of the committee having charge of this bill quotes and refers to numerous similar reports and bills. The most cursory view of these acts and resolutions will show that it has been the ultimate purpose of the Government to bring about this result, a result, Mr. Speaker, which is demanded both by justice, sound political economy, and true patriotism. I thank the gentleman from Minnesota for permitting me to interrupt him in this way, and hope that the House will pass the bill.

Mr. DUNNELL. Suppose the Government did agree as the gentleman from Michigan [Mr. CONGER] states; suppose there was an understanding of that kind?

Mr. WILLITS. Then this bill in effect does release the claim of the Government to be reimbursed that million and a quarter of dollars. I want to know what the fact is.

[Here the hammer fell.]

The SPEAKER. The thirty minutes' time allowed by the rule for debate has expired.

The question was then taken upon the motion to suspend the rules and pass the bill, and it was agreed to; two-thirds voting in favor thereof.

ADDITIONAL COMMITTEE CLERK.

Mr. ACKLEN. I am directed by the Committee on Commerce to move that the rules be suspended and that the House adopt the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the sub-committee of the Committee on Commerce, who have been already directed by a resolution of this House of February 4, 1880, to examine the testimony in the Interior Department and to take such other as may be necessary in relation to the obstruction of navigation and seizure of property therein referred to, and report, are hereby authorized to employ a clerk, to be paid out of the contingent fund of the House on vouchers of the chairman.

Mr. ACKLEN. I ask consent to have read the report of the committee.

The SPEAKER. The first question is upon seconding the motion to suspend the rules.

Mr. CONGER. Does that relate to obstructions in the San Juan River, Central America?

Mr. ACKLEN. No sir, it does not refer to that at all. The report if read will give all the information.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Commerce, to whom was referred the resolution of the House of February 4, 1880, relative to the seizure of certain property in Louisiana, report as follows:

Your committee find the resolution reads as follows:

Resolved, That the Committee on Commerce be, and they are hereby, authorized, by sub-committee, to examine the papers and testimony on file in the Department of the Interior and take such other testimony as they may deem advisable relative to the seizure of the steamer of Captain Horn, and of other property of citizens of Lake Charles, Louisiana, by an agent of that Department, and report back to this House.

Your committee find that the testimony in the Interior Department amounts to about one thousand pages. There is also further testimony without which your committee cannot proceed to carry out the order of the House without clerical assistance; and believing the questions involved are of sufficient importance to warrant a careful examination they report back to the House the following resolution asking clerical assistance and recommend its passage.

Mr. HAZELTON. Is this resolution open to amendment?

The SPEAKER. It is not.

Mr. ROBINSON. I wish to inquire of the gentleman from Louisiana [Mr. ACKLEN] whether this matter relates to the Calcasieu log seizure, or is in any way connected with that transaction?

Mr. ACKLEN. It is in part, as I can explain.

Mr. ROBINSON. That subject, I will state, is before the Committee on the Judiciary at the present time.

The SPEAKER. Does the gentleman from Louisiana demand a second?

Mr. ACKLEN. I do.

Mr. ACKLEN and Mr. ROBINSON were appointed tellers.

During the count,

Mr. ACKLEN said: The gentleman from Massachusetts [Mr. ROBINSON] informs me that this matter is now before the Committee on the Judiciary. I am aware of that fact, and also that the matter was before that committee in the Forty-fifth Congress, and through a sub-committee, consisting of the gentleman from Ohio, [Mr. McMAHON,] Mr. Stenger, and Mr. Butler, a report on the matter was prepared; but that report was not acted on by the House; that was for the appointment of a select committee; this resolution is to appoint a clerk. This, therefore, in my opinion is not properly before that committee at all. I would like to be allowed to explain.

The SPEAKER. Debate is not in order.

Mr. ROBINSON. I think I ought to be allowed a word in reply to the gentleman. He is mistaken in supposing that this subject is not before the Committee on the Judiciary of the present Congress. I was not a member of that committee in the Forty-fifth Congress, though I am in the Forty-sixth. I am also a member of the sub-committee, to which has been specially referred the Calcasieu log seizure; and as we have heard the gentleman himself before the sub-commit-

tee, I know that the subject is pending in the Judiciary Committee of this Congress.

Mr. ACKLEN. Not in this form and shape; the matter to which the gentleman refers I can fully explain if allowed. [Cries of "Regular order!"]

The SPEAKER. The gentlemen will resume their places as tellers.

Mr. ACKLEN. I withdraw the proposition for the present.

ORDER OF BUSINESS.

Mr. COX obtained the floor.

Mr. VAN VOORHIS. I move that the House do now adjourn.

Mr. COX. I hope my colleague will withdraw that motion. I desire to submit, by direction of the Committee on Foreign Affairs, a motion to suspend the rules.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GARFIELD, for one day; and

To Mr. CALDWELL, for ten days, on account of extreme illness in his family.

PRESIDIO GROUNDS, SAN FRANCISCO.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the improvement of the grounds of the Presidio, San Francisco, California; which was referred to the Committee on the Public Lands.

FORTIFICATION APPROPRIATION BILL.

Mr. BAKER. I ask unanimous consent that the bill (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes, be taken from the Speaker's table, and, with the amendments of the Senate, referred to the Committee on Appropriations.

There being no objection, it was ordered accordingly.

A. S. BLOOM.

Mr. BLACKBURN, by unanimous consent, introduced a bill (H. R. No. 5248) for the relief of A. S. Bloom; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

W. A. LEMASTER.

Mr. WEAVER, by unanimous consent, introduced a bill (H. R. No. 5249) for the relief W. A. Lemaster, administrator of the estate of Margaret Lemaster, deceased, pensioner of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PACIFIC RAILROADS.

The SPEAKER. The Chair this morning, in accordance with the request of the gentleman from Maryland, [Mr. McLANE,] who is sick abed, asked that the bill relative to Pacific Railroads, which was pending upon that gentleman's motion to suspend the rules, might go over by unanimous consent till the third Monday of April, the next day on which motions from committees to suspend the rules can be recognized. The Chair is not certain in his own mind whether there was or was not objection to that request. Therefore he again submits it.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. COX. My colleague [Mr. VAN VOORHIS] withdraws his motion to adjourn.

Mr. WILLITS. I renew it.

The SPEAKER. If there be no objection, the Chair, before putting the question upon adjournment, will lay before the House certain executive communications.

There was no objection.

RESTORATION OF EX-OFFICERS TO THE ARMY.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a petition of officers of the Fifth Cavalry, relative to the restoration to the Army of certain ex-officers; which was referred to the Committee on Military Affairs.

TRADE BETWEEN ATLANTIC AND PACIFIC COAST.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in response to a resolution of the House calling for certain commercial statistics relative to the trade between the Atlantic and Pacific coasts, &c.; which was referred to the Select Committee on the Interoceanic Canal, and, on motion of Mr. CONGER, ordered to be printed.

ROCK ISLAND BRIDGE.

The SPEAKER also laid before the House a communication from the Secretary of War, relative to the use by railroad companies of the Government bridge at Rock Island; which was referred to the Committee on Commerce.

IMPROVEMENT OF HARBOR AT GREEN BAY.

The SPEAKER also, by unanimous consent, laid before the House a memorial from the Legislature of Wisconsin, for an adequate appro-

priation for the improvement of the harbor at Green Bay; which was referred to the Committee on Commerce.

SAN RAFAEL DEL VALLE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a report by the surveyor-general of Arizona in the case of San Rafael Del Valle; which was referred to the Committee on Private Land Claims.

CUSTOM-HOUSE PROPERTY AT DETROIT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in reply to House resolution of February 18, 1880, relative to custom-house property; which was referred to the Committee on Public Buildings and Grounds.

GRAND HAVEN, MICHIGAN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the improvement of the harbor at Grand Haven, Michigan; which was referred to the Committee on Commerce.

PRIVATE LAND CLAIM—SAN IGNACIO DEL BABOCOMORI.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a report by the surveyor-general of Arizona in the case of San Ignacio del Babocomori; which was referred to the Committee on Private Land Claims.

PENSIONS.

The SPEAKER. The gentleman from Pennsylvania, [Mr. COF-FROTH,] chairman of the Committee on Invalid Pensions, asks that House bill No. 3257, granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, and for other purposes, be reprinted, the present print having been exhausted. Is there objection?

There was no objection, and it was ordered accordingly.

RELIEF FOR IRELAND.

Mr. COX. I rise to a parliamentary inquiry, and wish to know when I can get the floor.

The SPEAKER. The first Monday in April next. [Laughter.]

Mr. COX. I may die before then.

The SPEAKER. The Chair hopes not. The gentleman seems to be in good health.

Mr. COX. I ask, then, the privilege to print in the RECORD a joint resolution and report from the Committee on Foreign Affairs, in reference to which I wished to move a suspension of the rules.

There was no objection, and it was ordered accordingly.

The joint resolution and report are as follows:

Joint resolution providing national aid for the relief of the suffering poor of Ireland, and making an appropriation therefor.

Whereas the people of the United States have heard with deep concern of the alarming and widespread destitution and suffering prevailing in Ireland; and

Whereas that destitution is so imminent as to threaten famine, and is too great for the most munificent individual charity to more than partially relieve: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this Government recognizes the claim upon its humanity to render national assistance and relief to the unfortunate sufferers; and for that purpose the sum of \$500,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately expended under the direction of the Secretary of State: *Provided,* That the said Secretary shall cause the said sum to be properly distributed among the various relief associations organized in Ireland.

Mr. Cox, from the Committee on Foreign Affairs, submitted the following report, to accompany joint resolution H. R. No. 238:

The Committee on Foreign Affairs, to whom were submitted sundry joint resolutions, namely: House resolution 140, offered by Mr. FROST, of Missouri; House resolution 141, by Mr. GILLETTE, of Iowa; the memorial of the Saint Paul Chamber of Commerce; and House resolution 193, by Mr. PHELPS, of Connecticut, appropriating \$100,000 for the relief of the sufferers from the Irish famine, beg leave to state that they have examined with much care and at some length the questions involved in said resolutions.

Three considerations naturally suggest themselves:

- First. As to the cause or occasion of the resolutions;
- Second. As to the power of Congress to make the appropriation asked; and
- Third. As to the policy of making it.

In the first place your committee is convinced that widespread suffering exists in various parts of Ireland, and more particularly in the western portions of the island and in the counties of Galway and Mayo.

The reports of the agents who have gone to Ireland to distribute the private charities of our people—notably reports from Rev. Dr. Hepworth and Mr. Redpath—concur with all other accounts, in this: that the calamities are fearfully imminent and mortal, even in the most favored localities, and that all of our private munificence will fail to reach and remedy the desperate prevalent distress. Every day adds to these dire necessities. They should be promptly relieved by the providence of man.

Without entering at all into the causes which have brought about the famine, it may be simply stated that there are upward of three hundred thousand people in Ireland who are actually suffering from want of bread. A great many of the unhappy Irish people have actually died of starvation and of disease brought on by lack of proper food. In several counties of that unfortunate country the people are existing upon a scant ration of meal and turnips, all the potatoes which they had raised for seed for the next crop having been consumed. It is estimated, too, from reliable sources, that many months must elapse, even into August, before that unfortunate people will be able to keep themselves. To add to these horrors of famine, a winter of unusual severity has prevailed in Ireland, and from trustworthy sources it is estimated that unless relief is extended at once upward of three hundred thousand men, women, and children will perish from cold and hunger. The simple recital of these facts, of which there can be no doubt, is enough to establish, in any humane mind, the fact that there is ample cause and occasion for the appropriation of \$300,000 contained in the substitute reported herewith.

In the second place, has Congress the power to make this appropriation?

Without entering into argument upon this proposition, your committee find more than one precedent for the proposed action in the annals of our legislation.

In 1812, while our Republic was almost in its infancy, both as to population and resources, and while we were waging a costly and bloody war against Great Britain, there occurred in Venezuela an earthquake which utterly destroyed the city of Caracas. It plunged its people into the utmost want and distress.

About the same time intelligence reached the United States that the island of Tenerife, one of the Canary group, had been visited by swarms of locusts that had utterly destroyed the crops and fruit on that island, and that its inhabitants were in a state of starvation. The intelligence of this calamity, however, was vague and uncertain.

On the 29th of April, 1812, in the House of Representatives, Mr. Macon, then the chairman of the Committee on Commerce and Manufactures, submitted for the consideration of the House a resolution, which was as follows, (*vide proceedings of Congress*):

Be it resolved, That the Committee on Commerce and Manufactures be instructed to report a bill authorizing the President of the United States to cause to be purchased — barrels of flour, and to have the same exported to such port in Caraccas for the use of the inhabitants who have suffered by the earthquake; and also authorizing him to purchase — barrels of flour, and to have the same exported to some port in Tenerife for the use of the inhabitants who are likely to starve by the ravages of locusts."

No objection was raised as to the constitutional power of Congress to pass this resolution. The only objection which was urged against the resolution was based upon the fact that there was no authentic information in regard to the prevalence of famine in Tenerife. The question was taken upon the first clause of the resolution in regard to the relief of the people of Caraccas; and it passed unanimously. The Globe shows, upon the call of the yeas and nays, that such statesmen as James Breckinridge, John C. Calhoun, Langdon Cheves, Felix Grundy, Richard M. Johnson, William R. King, Nathaniel Macon, Israel Pickens, John Randolph, and George M. Troup voted in the affirmative. The second clause of the resolution, relating to the proposed aid to Tenerife, was lost by a vote of 47 yeas to 57 nays, because of the uncertainty of the information as to the extent of the famine existing on that island; but upon motion of John Randolph, of Virginia, the following resolution was unanimously passed:

Resolved, That the Committee on Commerce and Manufactures be instructed to inquire whether any and what relief ought to be extended to the inhabitants of the Canary Islands who are suffering from famine occasioned by locusts."

On the 4th of May, 1812, the House, in Committee of the Whole, appropriated \$50,000 for the purpose of enabling the President to carry out the provisions of the resolution with regard to Caraccas. Mr. Newton had proposed to fix the appropriation at the sum of \$30,000, but Mr. Calhoun moved to amend by inserting \$50,000; which motion was adopted. The Senate concurred in the resolution of the House, and the relief was granted.

But a more recent precedent in our legislation is found in the action of the Senate with regard to Ireland in 1847. On the 26th of February of that year Mr. Crittenden, of Kentucky, introduced the following bill:

A bill to provide some relief for the suffering people of Ireland and Scotland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and is hereby, authorized to cause to be purchased such provisions as he may deem suitable and proper, and to cause the same to be transported and tendered in the name of the Government of the United States to that of Great Britain for the relief of the people of Ireland and Scotland suffering from the great calamity of scarcity and famine.

Sec. 2. Be it further enacted, That the sum of \$500,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry into effect this act.

Sec. 3. Be it further enacted, That the President of the United States be, and is hereby, authorized, at his discretion, to use the public ships of the United States for the transportation of the provisions to be purchased as aforesaid."

At that time our country was involved in war with Mexico; we were but a nation of twenty-six millions of people; our resources and our wealth were not one-half of what they are to-day.

The resolution of Mr. Crittenden was advocated by himself, by Messrs. Cass, of Michigan, Clayton, of Delaware, and Webster, of Massachusetts, and was made a special order for the succeeding day.

On the 27th of February, 1847, Mr. Crittenden moved the resolution; Mr. Webster suggested an amendment, which was accepted and concurred in, which would seem to make the tender of aid not so distinctly a tender from our Government to the British government. In his opinion "it was not delicate to do this;" he preferred "that the bill would show that it was an act of charity and mercy from the people of the United States to the people of Ireland and Scotland, mentioning the government of England only as the agent to dispense our bounty." This amendment was accepted by Mr. Crittenden. Mr. Calhoun supported the resolution in a short speech. In reply to the objection that Congress had no power, under the Constitution, to make such an appropriation of the people's money he said "that he drew a distinction between the power to make such an appropriation as this and an appropriation for ordinary domestic purposes."

Mr. Webster gave the measure his unhesitating support, and Mr. Crittenden said that he "laid down all constitutional objections at the feet of Mercy."

Mr. Dayton declared that he believed that no constitutional objection stood in the way of the appropriation proposed by the Senator from Kentucky.

"In the life-time of a nation, as in that of individuals, there were emergencies when the hand of Providence presses heavily on a people, which might call for unusual measures of relief."

Upon a final vote, the bill was passed by the Senate by 27 yeas to 13 nays. Among those Senators who voted in the affirmative we find the names of Berrien, Calhoun, Cameron, Cass, Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Houston, Reverdy Johnson, Mangum, Moorehead, Pierre Soule, and Webster.

This bill failed in the House, because of the adjournment seven days after its passage in the Senate, which left no time for its consideration; but a vote was taken in the House upon a motion to lay the bill upon the table, and it was voted down, and then the bill was referred to the Committee of Ways and Means, on the 1st day of March, and failed of consideration because Congress adjourned on the 4th by limitation. The House of Representatives, as well as the Senate, of 1847 committed Congress to the policy of charitable aid to a suffering people. They passed a bill almost unanimously, through both bodies, donating the services of national vessels for the purpose of transporting aid to the people of Ireland. The present Congress unanimously followed this precedent, in a bill reported from the Committee on Naval Affairs.

The bill for the relief of Caraccas, which was passed in 1812, met the immediate sanction of President James Madison, who is called "the father of the Constitution." In his opinion no constitutional objection stood in the way. Certainly no latter-day statesman will deny the authority of Mr. Madison on constitutional construction, or believe that he would have sanctioned any violation of that instrument, even in the cause of charity. So the bill of 1847 met the prompt approval of President Polk, himself a strict constructionist and well versed in constitutional questions.

The Congress of the United States is the representative of the people of the United States. They are sent here to reflect and do the will of that people. There can be no doubt but that the charity and sympathy of the whole American people are deeply moved toward the unhappy people of Ireland, and your committee believe that in voting an appropriation for the relief of that people Congress will be carrying out the best wishes of the people of this Republic.

In the last place, is it politic to make this appropriation?

Certainly it should not interrupt, but rather cement the ties of friendship and affection that exist between our Government and that of Great Britain. The latter government cannot but appreciate the humanity that dictates this proposed action upon the part of our Government. It cannot be regarded as officious intermeddling, inasmuch as the cause of humanity and charity is the cause of the whole world. The divine injunction to move in charitable works is not limited by the lines of patriotism or the boundaries of empires.

By kindred associations and in the highest ethics we owe this aid to Ireland. Two centuries ago, when the colonies in Massachusetts were in a famishing condition, their wants were relieved by ship-loads of provisions sent from Ireland; and again, when our patriot soldiers in the struggle for our country's independence were lying half clad at Valley Forge, in that memorable winter when patriotic hopes were faintest, large supplies of clothing were received from the city of Cork. Irish sympathy in spite of threat and punishment contributed materially—who can say how materially—to the support and comfort of our soldiers in that critical period of our history. Irish statesmen have asserted that their parliament was destroyed in consequence of its clear, unhesitating, and unequivocal sympathy and expressions of affection with the struggling colonies; regarding America, in the words of Grattan, as the only hope of Ireland and the only refuge of the liberties of mankind. Without pausing to inquire if their assertion be true or not, it sufficiently indicates the warm affection of the Irish people toward us in our hour of need.

It is estimated that more than fifteen millions of the American people are either Irish or of Irish descent. The ties of blood and the associations of history that bind us to that people are so immediate and so great in number that we are almost one people. To Irishmen we owe gratitude for heroism on every field of battle where our flag has waved and where our troops have bled. To Irishmen we owe much of that learning, statesmanship, and eloquence which have rendered the American name famous throughout the world. To Irish industry we owe a very large proportion of those works of enterprise and civilization which are manifested in our railroads and canals, in the splendid structures of our cities, in the cleaving down of our forests, in the delivery to peaceful husbandry the wild soil of the wilderness, in the opening of our mines, and in all the works, and toils, and marches, and battles of American principles and progress against whatever foes these have had to encounter and to overthrow.

Your committee are, therefore, convinced of the propriety and the necessity for such relief by the Government of the United States to the people of Ireland, and they, therefore, report a substitute for House resolution No. 193, and recommend its passage.

As to the mode of distributing this appropriation there may be different opinions. Many organizations are engaged in this humane work. Your committee have concluded that the Department of State is the appropriate medium to execute the trust which the joint resolution reported creates, and the only limitation proposed on its action is that the principal societies organized for relief in Ireland shall be the recipients of the fund, so as to avoid unjust discrimination or prejudice, the grand end being to reach as soon as possible the greatest number of the needy and starving.

The sum of \$300,000 may seem to some large, but it should be remembered that the occasion is urgent and the suffering is widespread. Our fathers thought in 1812, while we were but ten millions of people and involved in a vast and costly war, that \$50,000 was not too much to send to the people of one city. Let it be remembered, too, that the people of that city, in origin, laws, and customs, had but little in common with the people of this country.

In 1847 the Senate of the United States thought that \$500,000 was not too great a sum to send to starving Ireland, even though we were then engaged in a great war and in population and wealth were not half as great as we now are.

To-day we are at perfect peace. Heaven has vouchsafed us a great degree of national prosperity. The labors of our husbandmen have been blessed with bountiful harvests. We have an opulent surplus, beyond enough for our own wants. Peace and plenty sit smiling in our homes and upon our valleys and mountains and rivers.

Out of this abundance is it not benignant and right to give to the starving people of heroic and suffering Ireland? Is it not especially becoming our greatness and our power to give as a great and powerful people should give, not in boastful waste, not in injustice to our own interests, but in such a sum as shall assist our magnificent private benefactions, and go far toward relieving that awful calamity which has befallen this unhappy island, and which has attracted the sympathy and sorrow of mankind?

And then, on motion of Mr. CONGER, (at four o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of Mackellar, Smiths & Jordan, James Conner's Sons, and Farmer, Little & Co., on behalf of the American type-founders, against the reduction of the duty on type—to the Committee on Ways and Means.

Also, the petition of Mrs. Julia A. Ross, for a pension—to the Committee on Invalid Pensions.

By Mr. AINSLIE: Two petitions of F. E. Ensign, L. F. Carter, John Haily, and 342 citizens of Idaho, that Congress make some provision for the support and education of the three orphan children of William S. Hemmingway, late United States mail carrier, who was killed by Indians in 1878—to the Committee on Indian Affairs.

By Mr. NELSON W. ALDRICH: Memorial of J. P. Klinge, relating to the investigation of the affairs of the District of Columbia now being conducted by one of the committees of the House of Representatives—to the Committee on the District of Columbia.

Also, the petition of Augustus Watson, of similar import—to the same committee.

By Mr. ANDERSON: The petition of James C. Humphrey, publisher of the Belleville Telescope, Belleville, Kansas, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. BAILEY: The petition of Ely Palmer and others, of Albany County, New York, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of Stephen Lawson and others, of Albany County, New York, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. BARBER: The petition of Marshall Field, A. A. Sprague, J. W. Doane, and others, of Chicago, Illinois, for a commission to prepare a bankrupt law—to the Committee on the Judiciary.

Also, the petition of Marder, Luse & Co., type-founders of Chicago, Illinois, against the reduction of the duty on type—to the Committee on Ways and Means.

Also, the petition of the soldiers' reunion of the Northwest, that the Secretary of War issue such arms and equipments as shall be needed at a soldiers' reunion to be held in Illinois in 1880—to the Committee on Military Affairs.

Also, the petition of T. F. B. Harrison, of Wauconda, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. BERRY: The petition of T. D. Clarkson, of California, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. BICKNELL: The petitions of Jacob A. Horner, Anderson Routh, and 45 others, citizens of Indiana, for the adjustment and payment of the Morgan raid claims—to the Committee on War Claims.

Also, the petition of Reuben Dailey, publisher of the National Democrat, Jeffersonville, Indiana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. BLACKBURN: The petition of citizens of Woodford and Jessamine Counties, Kentucky, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, resolutions of the Legislature of Kentucky, praying for the erection of a United States court building at Frankfort, Kentucky—to the Committee on Public Buildings and Grounds.

Also, resolution of the Legislature of Kentucky, relative to the claim of the Kentucky soldiers of the war of 1861—to the Committee on War Claims.

Also, resolution of the Legislature of Kentucky, relative to granting an increase of pension to Mrs. Jane W. McKee—to the Committee on Invalid Pensions.

By Mr. BLAKE: Joint resolution for the improvement of Passaic River in the State of New Jersey—to the Committee on Commerce.

By Mr. BLISS: The petition of H. Soshinsky, of Brooklyn, New York, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. BOUCK: The petition of Allan & Hicks, of Oshkosh, Wisconsin, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of J. N. Stone and others, of Winnebago County, Wisconsin, against the reduction of the tariff on paper—to the same committee.

Also, the petitions of John McNaughton and others, of J. B. Russell and others, and of H. W. Meyer, of Wisconsin, of similar import—to the same committee.

By Mr. BRENTS: The petition of Charles B. Hopkins, of Washington Territory, for the abolition of the duty on type—to the same committee.

Also, two petitions of citizens of Washington Territory, for the construction of a wagon-road from Seattle to Walla Walla—to the Committee on the Public Lands.

By Mr. BREWER: Papers relating to the pension claim of John Bartow—to the Committee on Invalid Pensions.

By Mr. BROWNE: The petition of the publishers of the Earhamite, of Richmond, Indiana, for the abolition of the duty on type, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. BUCKNER: The petition of 725 citizens of Saint Charles, Franklin, and Warren Counties, Missouri, for the improvement of the navigation of the Missouri River between the Mouth of Tuyn Creek and one mile west of Charette Creek—to the Committee on Commerce.

By Mr. CALKINS: The petition of the publisher of the Chicago Express, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of druggists of Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. CAMP: The petition of K. Vail & Co., publishers, of Auburn, New York, for the abolition of the duty on type—to the same committee.

By Mr. JOSEPH G. CANNON: The petition of V. B. Clifton and others, of Cerro Gordo, Illinois, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. CARLISLE: The petitions of druggists of Louisville and of Covington, Kentucky, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of John Means, against a reduction of the duty on steel rails from \$28 to \$10 a ton—to the same committee.

Also, memorial of the Kentucky Press Association, asking that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of citizens of Grant and Gallatin Counties, Kentucky, for an increase of pension for John Payton—to the Committee on Invalid Pensions.

By Mr. COFFROTH: The petition of C. N. Boyd, druggist, of Somerset, Pennsylvania, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. CRAPO: The petition of S. Osborn, jr., and 134 others, that a life-saving station be established on the southern shore of Martha's Vineyard—to the Committee on Commerce.

Also, the petition of Joseph T. Pease and 90 others, for a life-saving station at Cape Pogue, Martha's Vineyard—to the same committee.

By Mr. GEORGE R. DAVIS: The petition of John M. Hoffman, for increase of pension—to the Committee on Invalid Pensions.

Also, the petition of O. J. Smith, publisher of the Chicago Express, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. JOSEPH J. DAVIS: The petitions of Henry A. Loudon, jr., publisher of the Chatham Record, Pittsborough, and of J. H. Enniss, publisher of the North Carolina Farmer, Raleigh, North Carolina, of similar import—to the same committee.

Also, the petition of J. H. Enniss, W. H. Ferrell, and others, of Raleigh, North Carolina, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of William F. Sanford, editor of the Pee Dee Bee, Rockingham, North Carolina, of similar import—to the same committee.

By Mr. DWIGHT: The petitions of Beebe & Kingman, publishers of the Owego Gazette, and of W. H. Baldwin, editor of the Watkins Democrat, New York, for the abolition of the duty on type—to the same committee.

Also, the petition of E. H. Keeler & George Riley, jr., publishers of the Record, Owego, New York, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petitions of Mackellar, Smiths & Jordan, Philadelphia, James Conner's Sons, and Farmer, Little & Co., New York, type-founders, against the abolition of the duty on type—to the same committee.

By Mr. FORSYTHE: The petition of N. G. James, of Greenup, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

Also, the petition of O. J. Smith, publisher of the Chicago Express, for the abolition of the duty on type—to the same committee.

Also, the petition of citizens of Boone County, Illinois, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of 67 citizens of Boone County, Illinois, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. FORT: Thirty-three petitions of druggists of Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, eight petitions of publishers of newspapers of Illinois, for the abolition of the duty on type—to the same committee.

By Mr. FRYE: The petition of James Dempsey, of Lewiston, Maine, that chrome iron ore and bichromate of potash be placed on the free list—to the same committee.

By Mr. GARFIELD: The petition of Nelson Maltby and 160 others, citizens of Ashtabula, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of Nelson Maltby and 161 others, citizens of Ashtabula, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. GUNTER: The petition of certain Pottawatomie Indians, relative to certain Kansas lands—to the Committee on Indian Affairs.

By Mr. HALL: The petition of G. W. Morrill and 10 others, citizens of New Hampshire, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. HARMER: The petition of soldiers and sailors of the volunteer forces of the United States, for the passage of a law for the equalization of bounties—to the Committee on Military Affairs.

By Mr. HATCH: The petition of publishers of the Avalanche, Silver City, Idaho, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petition of the Hannibal (Missouri) Printing Company, for the abolition of the duty on type—to the same committee.

By Mr. HAWK: The petition of 20 citizens of Oregon, for the improvement of the headwaters of the Mississippi River—to the Committee on Commerce.

By Mr. HAYES: Three petitions of druggists of Illinois, for the

removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of certain sugar dealers in New York, against any change of the duty on sugar—to the same committee.

Also, the petition of O. J. Smith, publisher of the Chicago Express, for the abolition of the duty on type—to the same committee.

By Mr. HENKLE: The petition of vinegar manufacturers and dealers, against the repeal of the law for vaporizing spirits—to the same committee.

By Mr. HENRY: The petition of Edwin M. Rogers, administrator of the estate of Henry I. Rogers, deceased, for compensation for loss and damage sustained by the said Henry I. Rogers and his heirs in consequence of the taking possession of and absolute use of the "commercial code of signals for the use of all nations," the copyright of which he held as inventor, owner, and proprietor, by the Navy Department of the United States; as also by the Bureau of Statistics of the Treasury Department of its annual appendage, the "mercantile navy list, indicating the names, class, and tonnage of merchant vessels"—to the Committee on Naval Affairs.

By Mr. HOSTETLER: The petition of 22 ex-soldiers, of Brazil, Indiana, who were imprisoned in southern prisons during the late war, for the early passage of House bill No. 4495—to the Committee on Invalid Pensions.

By Mr. HOUK: The petition of citizens of Anderson County, Tennessee, for the correction of the military record of John J. Low—to the Committee on Military Affairs.

Also, the petition of W. L. Northern, for the correction of his military record—to the same committee.

Also, the petition of the trustees of Maryville College, Maryville, Tennessee, for compensation for damages done by the Federal Army during the late war—to the Committee on War Claims.

By Mr. HUBBELL: The petition of Irvin Chase, publisher of the Review, Ewart, Michigan, for the abolition of the duty on type, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petition of C. H. Sterond and 13 others, citizens of Manistee County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of the same parties, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. HUMPHREY: Memorial of the Legislature of the State of Wisconsin, for improvement of the harbor of Green Bay—to the Committee on Commerce.

By Mr. JOHNSTON: The petitions of Turpin & Bro., and of P. H. Mayo & Bro., to be refunded taxes illegally collected from them—to the Committee on Ways and Means.

By Mr. JONES: The petition of James McCulloch, of Austin, Texas, for pay for services as revenue storekeeper—to the Committee on Claims.

By Mr. KEIFER: The petition of John P. Baker and 93 others, against the passage of the bill (H. R. No. 2766) providing for the appointment of sixty surgeons to examine claimants for pensions—to the Committee on Invalid Pensions.

By Mr. KING: Memorial of the National Cotton Exchange, for the amendment of the census laws in such manner that the Superintendent of the Census may be authorized to publish, in advance of the official publication, the acreage and production of cotton in each county and State—to the Committee on the Census.

Also, the petition of the Auxiliary Sanitary Association, of New Orleans, Louisiana, for the construction of ships to disinfect vessels infected with yellow fever—to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

By Mr. KLOTZ: The petition of Stephen A. Boyden, for additional pay as an officer in the United States Army—to the Committee on Military Affairs.

Also, the petition of J. J. Otley, for a pension as guardian of the children of Willis Walker—to the Committee on Invalid Pensions.

By Mr. MAGINNIS: The petition of the publisher of the Rocky Mountain Husbandman, White Sulphur Springs, Montana, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petition of citizens of Montana, against the change in the public land laws proposed in the report of the public land commission—to the Committee on the Public Lands.

By Mr. MCCOY: The petitions of J. H. Stewart and of Walker & Maxwell, druggists, of Iowa, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of publishers of Keokuk, Iowa, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. MCKENZIE: The petition of F. M. Gray and J. W. McClanahan, druggists, of Hopkinsville, Kentucky, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

Also, memorial of the Kentucky Press Association, asking that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. MILLS: The petition of citizens of Bell County, Texas, of similar import—to the same committee.

By Mr. MONROE: The petition of Wehrle, Werk & Son and 38 others, citizens of Middle Bass Island, Lake Erie County, Ohio, for the removal of the tax on American wines—to the same committee.

Also, the petition of W. Sener, publisher of the Demokrat, Sandusky, Ohio, for the abolition of the duty on type—to the same committee.

By Mr. NEW: The petitions of Hendricks & Talbott and G. W. Lewman, druggists, of Indiana, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

Also, two petitions of citizens of Indiana, for the adjustment and payment of the Morgan raid claims—to the Committee on War Claims.

Also, the petition of O. J. Smith, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. NEWBERRY: The petition of citizens of Detroit, Michigan, for a reduction of the duty on steel rails from \$28 to \$10 a ton—to the same committee.

Also, the petition of 30 citizens of Wayne County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of the Detroit Free Press Company and others, publishers of newspapers in the city of Detroit, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petition of 96 citizens of Detroit, for permission for the construction of a bridge across the Detroit River, at that city—to the Committee on Commerce.

By Mr. NICHOLLS: The petition of citizens of Clinch County, Georgia, for a post-route from Homerville, Georgia, to Blount's Ferry, Florida—to the Committee on the Post-Office and Post-Roads.

By Mr. O'CONNOR: A bill making an appropriation for the improvement of the Ashley River, Charleston County, South Carolina—to the Committee on Commerce.

By Mr. O'REILLY: The petition of carpenters in the United States Navy, that the President of the United States be authorized to grant assimilated rank to warrant officers of the United States Navy known as ship-carpenters—to the Committee on Naval Affairs.

By Mr. PHELPS: The petition of John Farrell and 17 other soldiers, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. PHISTER: Memorial of J. S. Johnston, president, and F. L. McChesney and others, committee of the Kentucky Press Association, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. PIERCE: The petition of citizens of Buffalo, New York, for the improvement of the Saginaw River—to the Committee on Commerce.

Also, the petition of citizens of Erie County, New York, against the repeal of the tariff duty on printing-type—to the Committee on Ways and Means.

By Mr. REAGAN: The petition of D. B. Hines and 53 others, of Wood County, West Virginia, oil producers, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

Also, the petition of Shook & McElroy, of Rusk, and of J. S. Swope, of Beaumont, Texas, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. REED: The petition of the Forrest Mills Company, and Pondsberry Company, Bridgton, Maine, and others, for the removal of duties on chrome iron ore and bichromate of potash—to the same committee.

By Mr. RICHMOND: The petition of the South and West Publishing Company, Bland Court House, Virginia, for the abolition of the duty on type—to the same committee.

By Mr. ROBESON: Four petitions of publishers of New Jersey, for the abolition of the duty on type—to the same committee.

Also, two petitions of merchants, manufacturers, and consumers, for the removal of the duty on chrome iron ore and bichromate of potash—to the same committee.

Also, two petitions of citizens of New Jersey, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of ship-owners and others, to abolish the system of compulsory pilotage—to the Committee on Commerce.

Also, the petition of vessel-owners and others, for the removal of obstructions from the Delaware River between Philadelphia and Camden, New Jersey—to the same committee.

Also, the petition of ex-soldiers of the United States from New Jersey, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of the Grand Lodge of Good Templars of New

Jersey, for a commission of inquiry concerning the liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

Also, the petition of George Jones, for an increase of pension—to the Committee on Invalid Pensions.

Also, four petitions of United States ex-soldiers, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petitions of ex-soldiers of the United States Army of Cape May County, of the first congressional district, and of New Egypt, and Cookstown, New Jersey, for the equalization of bounties—to the same committee.

Also, the petition of citizens of Salem County, New Jersey, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. ROBINSON: The petition of C. E. Gorham and others, of Massachusetts, for increase of compensation to route agents—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS RYAN: Papers relating to the pension claim of H. C. Williams—to the Committee on Invalid Pensions.

By Mr. SAWYER: The petition of the publishers of the Times-Courier and the Cass Herald, Harrisonville, Missouri, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. SCALES: The petition of Moses Stewart, publisher of the Record, Danbury, North Carolina, of similar import—to the same committee.

Also, the petition of Odell & Co., manufacturers, at Concord, North Carolina, that the duties on chrome iron ore and bichromate of potash be removed—to the same committee.

By Mr. SIMONTON: The petition of J. W. Hughes and other druggists, of Brownsville, Tennessee, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

Also, the petition of tobacco producers of Weakley County, Tennessee, asking such action as will cause France, Spain, Italy, and Austria to do away with their monopolies and open their markets to the tobacco producers of this country—to the Committee on Foreign Affairs.

By Mr. SLEMONS: Memorial of the city council of Fort Smith, Arkansas, for the passage of the bill introduced by Hon. JORDAN E. CRAVENS providing for the sale of the military reservation adjoining that city—to the Committee on Military Affairs.

By Mr. STEVENSON: The petition of N. Patterson, of Ellsworth, Illinois, for the defeat of Commissioner Bentley's sixty-district bill—to the Committee on Invalid Pensions.

Also, the petition of F. L. Harpster, of Wapella, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. STONE: The petition of Hon. J. W. Champlin and 150 others, citizens and business men of the cities of Grand Rapids and Grand Haven, Michigan, for an appropriation of \$100,000 to improve the navigation of Grand River below Grand Rapids—to the Committee on Commerce.

By Mr. TAYLOR: The petitions of Catharine Barnes, Susan Hutson, Nancy M. Jenkins, Mary Lewis, and Peter Ledford, for pensions—to the Committee on Invalid Pensions.

By Mr. P. B. THOMPSON, JR.: The petition of citizens of Kentucky, for the formation of a new judicial district in said State—to the Committee on the Judiciary.

By Mr. WILLIAM G. THOMPSON: The petition of Sherman Brothers, of Marengo, Iowa, for the removal of the duty on chrome iron ore and bichromate of potash—to the Committee on Ways and Means.

Also, the petition of H. H. Bass and 80 others, ex-soldiers of Madison County, Iowa, against the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of the publishers of the Standard, Cedar Rapids, Iowa, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. TILLMAN: The petition of the publisher of the Colleton Democrat, Walterborough, South Carolina, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. AMOS TOWNSEND: The petition of T. P. Handy and 30 others, citizens of Cuyahoga County, Ohio, against any change in the tariff on paper—to the same committee.

By Mr. UPSON: Papers relating to the claim of the heirs of Santiago de Leon, of Texas, for compensation for mules, horses, wagon, and harness taken by United States soldiers in 1865—to the Committee on War Claims.

By Mr. URNER: The petitions of Henry J. Johnson, A. Shriver, and T. F. McCardell, of Cumberland, and of Meshock Frost, of Lonaconing, Maryland, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petition of Meshock Frost, for the abolition of the duty on type—to the same committee.

By Mr. VANCE: A paper relating to the establishment of certain post-routes in North Carolina—to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the claim of Samuel W. Davidson and others against the Eastern or North Carolina Cherokee Indians—to the Committee on Indian Affairs.

By Mr. WAIT: The petition of the Groton Heights centennial commission, for an appropriation to aid in the centennial celebration of the Groton Heights—to the Committee on Military Affairs.

By Mr. WADDILL: The petition of O. W. Lindley and others, former soldiers, now citizens of Newton County, Maryland, for the passage of the equalization of bounty bill—to the same committee.

By Mr. WHITEAKER: Two petitions of publishers of Oregon, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petition of Mart. V. Brown, for the abolition of the duty on type—to the same committee.

By Mr. WILLITS: The petition of the Clinton (Michigan) Woolen Manufacturing Company and others, for the removal of the duty on chrome iron ore and bichromate of potash—to the same committee.

By Mr. WILLIS: The petition of Horace Morris and a large number of colored citizens of Louisville, Kentucky, for the passage of the bill (H. R. No. 334) for the distribution of the proceeds of the sale of public lands for educational purposes—to the Committee on Education and Labor.

Also, the petition of George W. Wicks and 82 firms, manufacturers of tobacco and cigars and dealers in manufactured and leaf tobacco, against the passage of the free leaf-tobacco bill—to the Committee on Agriculture.

Also, resolutions of the school board of Louisville, Kentucky, favoring the passage of the bill (H. R. No. 334) for the distribution of the proceeds of the sale of public lands for educational purposes—to the Committee on Education and Labor.

By Mr. WILSON: The petitions of J. C. Ayer & Co., of Lowell, Massachusetts; of T. C. Resser, of Waynesborough, Pennsylvania, and of O. P. Lydenstricker, of Lewisburgh, West Virginia, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of N. B. Ferrell and others, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of D. W. Hines and 50 others, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. FERNANDO WOOD: Three petitions of druggists of Michigan, Wisconsin, and Kentucky, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of merchants, consumers, and dealers, for the abolition of the duty on salt—to the same committee.

By Mr. WRIGHT: The petition of Samuel Reinhart and 56 others, of Monroe County, Pennsylvania, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, the petition of Thomas Mahony and 110 others, citizens of Marysville, California, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

By Mr. THOMAS L. YOUNG: The petition of Allison, Smith & Johnson and nearly 100 others, of Cincinnati Ohio, against a reduction of the tariff on foreign type—to the Committee on Ways and Means.

IN SENATE.

TUESDAY, March 16, 1880.

Prayer by Rev. BYRON SUNDERLAND, D. D., of Washington, D. C. The Journal of yesterday's proceedings was read and approved.

QUORUM.

The VICE-PRESIDENT. There is evidently no quorum present. The Chair will delay a little until a quorum shall appear.

Mr. DAVIS, of West Virginia. I suggest that perhaps a call of the Senate would develop whether a quorum is present. By that time a quorum would no doubt be here.

Mr. EDMUNDS. There is clearly no quorum.

Mr. ALLISON. There is no quorum here.

The VICE-PRESIDENT. That is apparent upon view, but at the suggestion of the Senator from West Virginia the roll will be called. The Secretary called the roll and forty-one Senators answered to their names.

Mr. FERRY. I desire to state that my colleague [Mr. BALDWIN] is absent this morning on account of sickness.

The VICE-PRESIDENT. A quorum is now present, and the presentation of petitions is in order.

PETITIONS AND MEMORIALS.

Mr. CONKLING. I have received concurrent resolutions of the Legislature of the State of New York touching the need of certain lake improvements. These resolutions contain instructions to the

Senators and Members from the State, but they also contain an expression of the opinion of the Legislature at large touching the matter to which they relate. I ask that they be read.

The VICE-PRESIDENT. The resolutions will be reported.

The resolutions were read, as follows:

STATE OF NEW YORK. IN ASSEMBLY,
February 11, 1880.

On motion of Mr. Ash:

Whereas the State of New York is interested, in common with other States bordering upon the great lakes, in the early completion of certain improvements, now in progress, affecting their commerce; and

Whereas, owing to the delay in the completion of these works, and especially the improvement of the channel between Lake Superior and Lake Huron, and of the Lime-Kiln Crossing, near the mouth of the Detroit River, the interchange of our products with the Northwest is now subject to great and needless disability and expense; and

Whereas the consequence of this falls upon our whole people, in the single particular of the non-products of Lake Superior, to the extent of nearly \$1,000,000 annually; and

Whereas, by adequate appropriations therefor, the completion of the lock and canal at Sault Ste. Marie and the improvement of the Ste. Marie River and the Lime-Kiln Crossing can be completed to sixteen feet of water during the year 1881: Therefore,

Resolved, (if the senate concur,) That it is the sense of the Legislature of the State of New York that an urgent commercial necessity exists for the earliest possible completion of these improvements, and the Senators and Representatives in Congress from the State of New York are hereby requested to use all proper means to secure this important result.

Resolved, That a certified copy of these resolutions be forwarded to each of said Senators and Representatives.

By order.

EDWARD M. JOHNSON, Clerk.

IN SENATE, March 11, 1880.

Concurred in without amendment.
By order.

JOHN W. VROOMAN, Clerk.

The resolutions were referred to the Committee on Commerce, and ordered to be printed.

Mr. DAVIS, of Illinois. Mr. President, a uniform bankrupt law is in my opinion a necessity in this country. The necessity is more evident as the trade and commerce of the country increase. I thought it was an unwise thing to repeal the recent bankrupt law, and so said at the time it was done. It is true there were many provisions in that law which should have been eliminated from it, but the law should have been reconstructed—the good provisions saved and the bad provisions dropped out. There is a fast-growing public sentiment in the country at this time as to the necessity of a uniform bankrupt system which shall work justly both to creditor and debtor. I hold in my hand a petition upon the subject from merchants of the city of Chicago. I present the petition of Marshall Field (of Field, Leiter & Co.) and 41 merchants of Chicago, Illinois, praying for the appointment of a commission, composed in part at least of representative business men, to prepare for the consideration of Congress at the next session a form of bankrupt law that will work justly toward both creditor and debtor, and give to the country a uniform and permanent national bankrupt system. I move that this petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. DAVIS, of Illinois. I present the petition of 9 citizens of Marengo, Illinois, praying Congress to pass a law protecting the public against the fraud and imposition now extensively practiced of selling an article prepared from the oil of refuse fats for butter.

The VICE-PRESIDENT. What reference does the Senator desire?

Mr. DAVIS, of Illinois. I do not know to what committee the petition should go.

Mr. MORRILL. The Committee on Agriculture.

Mr. EDMUNDS. Inasmuch as a law of similar import about naphthas and oils has been held to be beyond the power of Congress by the Supreme Court, I suggest that the petition be referred to the Committee on Naval Affairs.

Mr. DAVIS, of Illinois. Let it go to the Committee on Agriculture.

Mr. EDMUNDS. It is perfectly useless for Congress to do anything; of course we cannot do it.

Mr. DAVIS, of Illinois. But the petition should be referred to a committee in order to get a report upon the power of Congress, and so settle the question.

Mr. ANTHONY. I think the Judiciary is the proper committee, for all subjects go to that committee that no other committee desires to have.

Mr. CONKLING. On the contrary, the Committee on Territories is the proper committee to consider this subject, I suggest to the Senator.

Mr. DAVIS, of Illinois. There have been several petitions on this subject presented. It seems to me that the petition ought properly to go to the Committee on Agriculture. They can report on the subject that the petitioners cannot get a remedy from Congress.

Mr. CONKLING. I beg to suggest that if there is any place in this country over which the constitutional power of Congress to legislate in this regard extends, it is the Territories; and having waited in vain for the honorable chairman of the Committee on Territories to interpose the motion that I now do, I beg in his behalf or on my own to move that the petition be referred to the Committee on Territories.

The VICE-PRESIDENT. The petition will be reported by title. The Chair calls the attention of the Senator from Arkansas [Mr. GARLAND] to it.

The CHIEF CLERK. "A memorial of 9 citizens of Marengo, Illinois, in favor of the passage of a law protecting the public against the fraud and imposition now extensively practiced of selling an article prepared from the oil of refuse fats for butter."

The VICE-PRESIDENT. The first question is, Shall the petition be referred to the Committee on Agriculture?

Mr. GARLAND rose.

Mr. CONKLING. Before the Senator from Arkansas makes his motion, I beg to suggest to him that although there may be doubt in the States as to the power of Congress to do this, there can be comparatively very little doubt as to the power of Congress in the Territories. Justly and laudably jealous as that honorable Senator is of the jurisdiction of his committee, I submit to him that here is a case where he is bound to interpose, and take this subject and make a report to Congress upon it.

Mr. GARLAND. As chairman of the Committee on Territories, I have very great pleasure in accepting the motion made by the Senator from New York; for the town of Marengo, Illinois, is known publicly and judicially to the Senate to be a mere territorial possession of the United States. [Laughter.] I think the Territorial Committee is the proper one.

Mr. DAVIS, of Illinois. I have moved to refer the petition to the Committee on Agriculture.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois, that the petition be referred to the Committee on Agriculture. [Putting the question.] The Chair thinks the yeas have it. The yeas have it. The question now is on the motion of the Senator from New York that the petition be referred to the Committee on Territories.

The motion was agreed to.

The VICE-PRESIDENT presented a communication from the Secretary of War, transmitting the petition of Captain Joseph Lawson, Third Cavalry, and other officers stationed at Fort Fred. Steele, Wyoming Territory, in regard to payment by officers for fuel; which was referred to the Committee on Military Affairs.

Mr. WILLIAMS presented a petition of citizens of Lewis County, Kentucky, praying for the establishment of an ice-harbor at Vanceburgh in that State; which was referred to the Committee on Commerce.

He also presented a petition of the bar and business men of Paducah, Kentucky, praying for the construction of a suitable building in that city for a court-house, post-office, and customs and revenue offices; which was referred to the Committee on Public Buildings and Grounds.

Mr. DAVIS, of West Virginia, presented a petition of colored citizens of Kearneysville, West Virginia, praying that the unclaimed bounty of colored soldiers in the late war be used for the education of colored students, and that a portion of it be donated to Storer College, at Harper's Ferry, West Virginia; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 4439) to remove the disabilities of Sergeant P. P. Powell, Sixth Regiment United States Cavalry, reported it without amendment and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3966) to carry into effect the resolution of Congress adopted on the 29th day of October, 1781, in regard to a monumental column at Yorktown, Virginia, and for other purposes, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1058) for the relief of Walker A. Newton, reported it with an amendment and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Ernst Hein, late corporal of Company C, Thirteenth Regiment Massachusetts Veteran Reserves, now a resident of Utica, Oneida County, New York, praying for an honorable discharge from the United States Army, and that the charge of desertion be removed from his military record, submitted a report thereon, accompanied by a bill (S. No. 1484) for the relief of Ernst Hein.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. WITHERS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1035) for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people of said District, reported it with amendments.

He also, from the Committee on Pensions, to whom was referred the bill (S. No. 1239) granting a pension to Mrs. Kate E. Whiting, widow of Leonard J. Whiting, late second lieutenant Sixth Regiment Rhode Island Volunteers, submitted an adverse report thereon, which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WITHERS. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 1381) to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes, to report it with amendments. I will state that I am pre-

paring and will submit for printing a report to accompany this bill.

Mr. BECK, from the Committee on Finance, to whom was referred the bill (H. R. No. 393) authorizing the Treasurer of the United States to refund to W. B. Farrar, of Whitfield County, Georgia, illegal taxes collected from him in the year 1877, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. FERRY. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 436) for the relief of Charles Clinton, to submit an adverse report thereon. I ask that the bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee, which will be printed.

Mr. RANDOLPH. I am directed by the Committee on Military Affairs, to whom was recommended the joint resolution (S. R. No. 67) to authorize the Secretary of War to sell or lease to the Port Huron and Northwestern Railway Company a portion of the Fort Gratiot Military Reserve, and to authorize the city of Port Huron to grant to said railway company the right of way through Pine Grove Park, to report it with amendments. The joint resolution has been amended in accordance with the suggestion made in the Senate at the time of the recommitment.

Mr. BOOTH, from the Committee on Public Lands, to whom was referred the bill (S. No. 1414) authorizing claimants to the Rancho de Napa, in Napa County, California, to prove up their title, asked to be discharged from its further consideration, and that it be referred to the Committee on Private Land Claims; which was agreed to.

PRESIDENTIAL ELECTIONS.

Mr. EDMUNDS. I ask leave without previous notice to introduce a bill to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the manner of counting the votes for President and Vice-President, and the decision of questions arising thereon.

I will state to the Senate that for more than a year now there has existed a large select committee of this body charged with the duty of considering the subject named in this bill and other cognate subjects. So far as I know, that committee has had no meeting. I have waited, being in a minority in this body, in the hope that some gentleman in the majority would move in what I consider to be this most important business; but as no movement has been made I have felt it to be a duty to ask consent to introduce this bill and have it referred to that committee.

The bill that passed the Senate at the last session of the last Congress embraced various provisions as to the time of holding the election for presidential electors in the States, and various provisions better regulating the law in cases of vacancy in both the offices of President and Vice-President, and so on. The provisions of that bill as it passed the Senate, also looked to future legislation by the States in respect of providing the means of determining controversies in those States respecting the choice of electors. Time has so run that of course any provision of that kind which would apply to the next election of President and Vice-President of the United States, would be entirely useless.

In consequence of that, I have taken the bill that passed the Senate, and modified it to the simple proposition of providing that the meeting of the electors shall be on the second Monday in January, instead of as it is now on the first or second Wednesday of December. This is for the purpose of giving time in the respective States under such laws as the States may have provided (whether they exist now or shall be brought into existence before the election) to determine who their electors are, for according to the Constitution of the United States, as I believe and a majority of the Senate appear to have believed in passing the bill, of last year, the States have the sole power of determining who their electors are.

This bill, therefore, makes the simple provision for a State disposition of any controversy under such laws as it may have in existence prior to the day of choosing electors. It provides for a later meeting of the electors in order that each State may dispose of any controversy that shall arise, and then provides, as the bill of the last Congress did, for the meeting of the two Houses, and proceeding in conformity with the decisions reached in the respective States in any case of dispute.

I ask that the bill be twice read, and referred to the select committee on that subject.

By unanimous consent, leave was granted to introduce a bill (S. No. 1485) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon; which was read twice by its title and referred to the Select Committee to take into consideration the state of the law respecting the ascertaining and declaration of the result of the elections of President and Vice-President of the United States.

BILLS INTRODUCED.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1486) to reorganize and discipline the militia of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1487) to restore the lands included in the Fort

Reading military reservation, in the State of California, to the public domain, and for other purposes; which was read twice by its title and referred to the Committee on Military Affairs.

Mr. KIRKWOOD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1488) to provide for promotions in the Army of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

VISIT TO EUROPEAN LIBRARIES.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 93) to enable Ainsworth R. Spofford, Librarian of Congress, to visit and inspect European public libraries; which was read the first time by its title.

Mr. BAYARD. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, as follows:

Be it resolved, &c., That for the purpose of enabling Ainsworth R. Spofford, the Librarian of Congress, to make arrangements for the more complete interchange of the publications by the Government of the United States and those of foreign nations, as well as to inspect the systems and methods under which public libraries in Europe are conducted and maintained, the sum of \$2,500 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to defray the expenses of Ainsworth R. Spofford in a visit to the libraries of Europe during the summer vacation of Congress for the purposes aforesaid, and that he make a report to Congress at its next session embodying such recommendations in regard to the Library of Congress as he may deem proper.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on the Library.

Mr. BAYARD. Mr. President, I desire, if I may be permitted, before the reference of the joint resolution to the Committee on the Library, to state my reasons for its introduction. It is wholly with a view to the public service.

The Congress of the United States by laws of remote date, and last by the act of July 25, 1838, provided for the delivery by the Congressional Printer of fifty copies of all books and other publications by the Government of the United States for the purpose of exchange with foreign governments for similar public documents. The system however for want of oversight and attention has worked very imperfectly. The foreign governments with whom the exchange list has been formed are some twenty-six in number, and of those the most voluminous receipts by the Library of Congress are so utterly irregular, as to destroy any value arising from their continuity and completeness.

The government of Great Britain sends but few or none of its publications to our Library, and that is simply owing to the fact that the details and machinery for making such exchange cannot be efficiently managed through the medium of mere epistolary correspondence. It will require the active supervision of an intelligent person to establish a practical system of proper exchange of these public documents in the manner designed by Congress, and it would be exceedingly useful and valuable to our Library.

In addition to the matter of the interchange of governmental publications there have been great improvements of which we should avail ourselves in the construction, supervision, classification, and arrangement of European libraries within the last twenty-five years. The very preservation of the books themselves, their methods of classification, arrangement, and cataloging, are all matters in which great advance has been made, the benefit of which I desire should accrue to our own Library.

The erection of a national library is every day becoming a matter of greater necessity. There is in this country no one whose intelligence and capacity to inform Congress properly upon this subject exceeds that of the modest, accomplished, and worthy gentleman who fills the post of Librarian so acceptably to all of those who have occasion to need his services or who are at all competent to judge of their value.

It is therefore, in my opinion, exceedingly proper and highly expedient that a visit to and an inspection of the public libraries of Europe should be made in behalf of the American people and their Library as soon as may be.

As I said, there is no one fitter for this mission nor who would more creditably represent the American Government than the gentleman named in this resolution. I may say, also as a matter which is not without weight with me, I think it would not only be a duty to him but a well-earned pleasure and delight. To make such a tour of inspection would be to Mr. Spofford a labor of love as well as the performance of a most important duty—a season of relaxation and release from very confining labors which his industry and devotion to public service have heretofore rendered impossible.

It is proper to add that except so far as the inquiry made by me into the irregular condition of our exchanges of governmental publications with those of foreign countries, Mr. Spofford has had no intimation whatever of the introduction of this joint resolution or of my intention to offer it. It has proceeded entirely on my own motion, after a comparison of views with several other gentlemen.

I make these remarks trusting that the proposition may commend itself to the favorable consideration of the Committee on the Library and of the Senate and to obtain their ready approval.

Mr. EDMUNDS. I should like to say a word about the matter of exchanges. I believe that the system of exchanges is now regulated by law, and is consolidated in practice in the hands of the Secretary of the Smithsonian Institution, where, if I am correctly advised, (not in reference to this question of course, but if my information and

knowledge about it in general is correct) the system is as perfect and systematic as any such system can ever be. The United States exchange under the authority of law and through the Smithsonian Institution with every foreign government that is willing to reciprocate. Every single public document that is printed under the authority of Congress or at public expense, every valuable and important document that is printed in the Departments out of appropriations for the expenditures of those Departments and which are not printed by order of Congress in the direct sense so as to be distributed by Senators, and Representatives or of which Senators and Representatives, for public interests, can have even a single copy for their own inspection, is furnished to every foreign government regularly, systematically, at stated periods, as fast as they come forth, in just the degree that the foreign government is willing to reciprocate by furnishing the United States with its own documents and publications. That operation of international exchange produces a stream, and the only one that regularly and systematically could be produced to flow into the Library of Congress.

In addition to that, the Smithsonian Institution is authorized by its foundation under the acts of Congress to exchange publications of any kind that it makes itself or comes into possession of, with foreign and domestic literary societies, colleges, institutions in the United States and in foreign countries. That sends out from our workshop of intellect and progress the whole product of the nation, so to speak, and it brings back from every quarter of the globe the similar products of the intellect, and activity, and discovery, and progress, and social science, of all civilized peoples.

So I do not imagine that, as far as the mere subject of inspecting and arranging international exchanges of books is concerned, an expedition by anybody to a foreign country would be of any great service. In respect of the other part of it, the subject of inspecting libraries, classification, arrangement, and completing sets and all that sort of thing, there is very great force in what the Senator from Delaware has said; and I certainly should unite with him in all that he has said in respect of the capacity and worth of the gentleman named in the resolution.

Mr. HAMLIN. I wish to say one word on this subject before the joint resolution is referred. I wish to corroborate what has been so well said by the Senator from Vermont, in relation to the manner in which these exchanges are effected by the Smithsonian Institution. I am inclined to agree with the Senator that very little can be done in that direction, and if anything can be done, it should be by the Secretary of that institution. If this resolution is looking in the future to transfer the practical administration of that law from the Smithsonian Institution, where it is so well done, to the Library of Congress, where it cannot be as well done, I certainly hope it will not receive the consideration of this body. I have great fears that this is an entering-wedge to effect that change, and it would be a change which I think in its results would be injurious and disastrous.

The joint resolution was referred to the Committee on the Library.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 4507) to abolish all tolls at the Louisville and Portland Canal; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment; and it was thereupon signed by the Vice-President.

TENNESSEE RIVER IMPROVEMENT.

Mr. McMILLAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate a statement from the books of the War Department showing in tabulated form the amounts appropriated and expended within fiscal and calendar years respectively for the improvement of the Tennessee River from 1870, and prior years, to the present date, and also showing the balances on June 30 of each year, and the balance, if any, now available.

AMENDMENT TO A BILL.

Mr. WITHERS submitted an amendment intended to be proposed by him to the bill (S. No. 496) to provide for the examination and adjudication of pension claims; which was referred to the Committee on Pensions, and ordered to be printed.

BILLS RECOMMENDED.

Mr. BURNSIDE. I rise to ask that some bills be taken from the Calendar and recommended to the Committee on Military Affairs. The Senator from Illinois [Mr. LOGAN] who reported Senate bill No. 131, Senate bill No. 390, and Senate bill No. 965 from the Committee on Military Affairs, asks that they be recommended, and I make that motion.

The motion was agreed to; and the bills were recommended to the Committee on Military Affairs, as follows:

- A bill (S. No. 131) for the relief of John W. Chickering;
- A bill (S. No. 390) to authorize the President to restore Dunbar R. Ransom to his former rank in the Army; and
- A bill (S. No. 965) for the relief of D. T. Kirby.

CHARGES AGAINST SENATOR KELLOGG.

Mr. KELLOGG. Mr. President, on Friday last I offered a resolution of a personal nature, and the Senator from Ohio, [Mr. THURMAN,] I believe, gave notice that when the resolution came before the Senate for action he would move that it lie on the table. I desire to call up that resolution now, and I ask the Senate to dispose of it in some manner.

I wish also to state that I was actuated in offering the resolution by a feeling that the charge contained in the extract cited therein was without and beyond the usual category of newspaper publications reflecting upon members of this body. I felt that when a charge of that nature was made thus publicly against a member of this body it was his duty, in justice to himself, to call the attention of the Senate to it—no other than a charge that a member of this body had sought, by instigating a vile prosecution against another member of this body, to influence him in a matter that involved the discharge of his official duty. I felt that this was so extraordinary and unusual a charge as to justify me in pursuing the course that I did.

Moreover, when it came to my knowledge that simultaneous and contemporaneous publications of the same nature had been made connecting me with this matter; and furthermore, when I was informed by what I regarded as reliable authority, authority that I think cannot be successfully questioned, that a member of this body had stated to newspaper correspondents, if not to others, that this charge was substantially true, and connecting me directly with it, I felt that I was justified in pursuing the course that I did and repelling all attempts to connect me with this miserable business. Hence, last Friday, I took occasion to brand the instigators and authors, whoever they were, of the charge in a manner that I deemed proper and appropriate, and I think it was emphatic and unmistakable. I meant it to be so, at least.

Now, if for any reason a majority of the Senate see fit to refuse to adopt this resolution I am quite content. I only wished to place myself in such a position before the Senate as to indicate my willingness, nay, desire, that this matter should be investigated and the truth or falsity of the charge shown; and whatever course the Senate may take I may say that I shall consider that I have done all I am called on to do in any point of view in my own defense in respect to this entire matter.

The VICE-PRESIDENT. The Senator from Louisiana calls for the consideration of the resolution submitted by him on Friday last, which will be reported.

The Chief Clerk read the resolution, as follows:

Whereas the following appears in the New Orleans Democrat, a newspaper published in New Orleans, on the 9th day of March, 1880, purporting to be extracted from a newspaper called the Charleston News:

"It is well understood in Washington that the woman Jessie Raymond was carried there by W. P. KELLOGG, the carpet-bag Senator from Louisiana, and that he has been threatening for some time to have this suit brought unless Senator HILL would cease his efforts to have him (KELLOGG) unseated. The story of the seduction is not believed by those acquainted with the facts; and, even if it be true, resort to so dastardly a means to attain a political end can only recoil on the head of the concocter of the scheme."

Resolved, That a committee of five Senators be appointed by the Chair who shall inquire and report concerning the truth of the charges and allegations in said article and the facts and circumstances connected therewith. Said committee shall have power to send for persons and papers, to administer oaths, to employ a clerk and stenographer, and to sit during the sessions of the Senate.

Mr. THURMAN. Mr. President, I think the Senator from Louisiana has now made some statements that were not contained in his remarks last Friday. If they were, I did not hear them. I have not the RECORD before me, and I cannot say. As his remarks indicated, as the resolution itself indicates, the only source of these charges against him was certain newspapers. I said then, and I repeat now, that nothing in my judgment could tend more to degrade the American Senate, more to render it contemptible in the eyes of the people than for it to fall into the habit of appointing committees of investigation whenever some newspaper, responsible or irresponsible, sees fit to make some charge against a Senator.

Why, sir, when did the time ever exist that public men were not libeled in the public press; and what would be our condition and the condition of the public business if, instead of attending to that for which we were sent here, for which the Constitution ordained the existence of this body, our time was taken up in making inquiries into all the charges that appear anonymously or not anonymously in the public press.

If charges are made against a Senator by a responsible man in a responsible manner that ought to have the notice of this body, then ask for an inquiry; but to say that you are to roam over the tens of thousands of newspapers in the United States and find all the libels that are published against public men and against Senators, then summon senatorial committees to inquire of them to the great neglect of the public business, to the great expense of the Government, and, what is infinitely worse, to the utter degradation of the Senate, is what, Mr. President, during the brief time that I shall remain here, I never will consent to. No, sir. The laws furnish relief; if a man is libeled the law furnishes relief and a sufficient relief. The courts of law are open to Senators as well as to others who are libeled; and it does not become the Senate of the United States to turn itself into a *nisi prius* court to try all the libels that may be uttered against its members. Its own self-respect forbids it; the pub-

lic interest forbids it; the dignity of the body, at least that dignity which the Constitution supposes it has should forbid it, and public morals forbid it.

Mr. President, I move that the resolution do lie on the table.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and taken.

Mr. PLUMB. I am paired with the Senator from South Carolina, [Mr. BUTLER.] If he were present, I should vote "nay."

The result was announced—yeas 34, nays 25; as follows:

YEAS—34.

Bailey,	Gordon,	McPherson,	Vance,
Bayard,	Groome,	Maxey,	Vest,
Beck,	Harris,	Morgan,	Voorhees,
Call,	Hereford,	Pendleton,	Walker,
Cockrell,	Johnston,	Pryor,	Wallace,
Coke,	Jonas,	Ransom,	Williams,
Davis of W. Va.,	Jones of Florida,	Saulsbury,	Withers.
Eaton,	Kernan,	Sater,	
Garland,	McDonald,	Thurman,	

NAYS—25.

Allison,	Cameron of Wis.,	Hill of Colorado,	Rollins,
Anthony,	Conkling,	Hoar,	Saunders,
Baldwin,	Davis of Illinois,	Kellogg,	Teller,
Blair,	Dawes,	Kirkwood,	Windom.
Booth,	Edmunds,	McMillan,	
Burnside,	Ferry,	Morrill,	
Cameron of Pa.,	Hamlin,	Platt,	

ABSENT—17.

Blaine,	Grover,	Lamar,	Sharon,
Bruce,	Hampton,	Logan,	Whyte.
Butler,	Hill of Georgia,	Paddock,	
Carpenter,	Ingalls,	Plumb,	
Farley,	Jones of Nevada,	Randolph,	

So the resolution was ordered to lie on the table.

COMMITTEE ON RULES.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Mr. WALLACE, of Pennsylvania, and Mr. EDMUNDS, of Vermont, are appointed as members of the Committee on Rules.

DISTRICT CRIMINAL PRACTICE.

Mr. THURMAN. I gave notice yesterday that I would ask the Senate in the morning hour to-day to take up a bill which I am sure will not occupy ten minutes, but which is of very pressing importance. I wish to state that as the law now stands there can be but one criminal court at the same time in this District, although there are judges at leisure and two criminal courts could be held at the same time. This bill is mainly to remedy that difficulty. I ask unanimous consent for its consideration at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1408) to further amend the act entitled "An act to reorganize the courts of the District of Columbia, and for other purposes," approved March 3, 1863, and to repeal section 861 of chapter 24 of the Revised Statutes of the District of Columbia, and re-enact the same as amended.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 2, line 3, after the word "hereby," to strike out "repealed and re-enacted" and insert "amended so as to read."

The amendment was agreed to.

The next amendment was, in line 5, after the figures "861," to strike out:

No person who shall serve as a petit juror at any term of the criminal or circuit courts of the District of Columbia shall be eligible as a petit juror in either of said courts, or compellable to serve as a grand juror in the criminal court for the period of one year from the termination of such service.

And insert in lieu thereof:

It shall be good cause of principal challenge to any person called to serve as a talesman on a petit jury at any term of the criminal or circuit courts of the District of Columbia, that he has served as such juror in the trial of a cause in either of said courts at any time within one year next before his being so called and challenged.

The amendment was agreed to.

The next amendment was to add the following as a new section:

SEC. 3. All laws and parts of laws inconsistent herewith are herewith repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HARRIS. I suggest the necessity of amending the title so as to conform to the body of the bill.

The VICE-PRESIDENT. The title will be amended as suggested. The title was amended so as to read: "A bill to further amend the act entitled 'An act to reorganize the courts of the District of Columbia, and for other purposes,' approved March 3, 1863, and to amend section 861 of chapter 24 of the Revised Statutes of the District of Columbia."

ORDER OF BUSINESS.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar of General Orders, commencing at the point reached yesterday.

Mr. MORGAN. I desire to call up a resolution I offered yesterday to discharge the Committee on Commerce from the consideration of a bill.

The VICE-PRESIDENT. That can be done by unanimous consent.

Mr. McMILLAN. I have submitted a resolution this morning affecting that question and I desire to have this go over until we get a response to that.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar.

PUBLIC BUILDING AT DENVER.

The bill (S. No. 1269) for the erection of a public building at Denver, Colorado, was announced as being first in order upon the Calendar, and its consideration was resumed, as in Committee of the Whole, the pending question being on the amendment of Mr. HILL, of Colorado, to strike out all of the bill after the word "States," in line 18, in the following words:

Nor until the State of Colorado shall duly release and relinquish to the United States the right to tax or in any way assess said site or the property of the United States that may be thereon, and shall cede jurisdiction over the same during the time that the United States shall remain the owner thereof.

Mr. GARLAND. Mr. President, I announced yesterday that in my opinion as far back as 1819, Judge Story had decided the question which lies at the bottom of this bill in accordance with the views, as I understood them, taken by the Senator from Vermont, [Mr. MORRILL.]

The bill is carrying out the power granted in article 1, section 8, clause 17, of the Constitution, though not comporting fully with the words or the entire ideas expressed in that clause. The clause is that Congress shall have power—

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

This bill does not claim to get the assent of the Legislature of the State, or, more properly speaking, does not claim a cession from the Legislature of the State. It simply contemplates by the United States a purchase of this site. The authorities upon that section of the Constitution—and it has frequently been before the courts of the country—have divided the two powers and made a very distinct recognition of them as separate; first, a purchase by and under the cession of the State Legislature; second, a purchase without any cession at all. I presume that the Senator from Colorado who has control of the bill intended the bill to come under the latter power, or under the latter clause of the entire power; that is, the case of a simple purchase.

Mr. TELLER. If the Senator will allow me, I will say that the bill is not as introduced by any Senator from Colorado.

Mr. GARLAND. I beg pardon.

Mr. TELLER. At the early part of last session I introduced a bill for this purpose with this clause out; subsequently my colleague introduced a bill with it out; but the committee report this bill and make no disposition of either of the other bills.

Mr. GARLAND. I supposed the Senator's colleague had charge of it; but that does not matter.

Mr. JONES, of Florida. Will the Senator from Arkansas allow me to ask him one question before he proceeds, in order that I may understand him?

Mr. GARLAND. Certainly.

Mr. JONES, of Florida. Do I understand the Senator to say that there is a distinction in the jurisdiction that follows from a purchase by the consent of the Legislature of a State and that which exists where an actual cession of jurisdiction has been made? The Constitution, as I understand it, provides that the cession of jurisdiction shall be made only in the case of this District, and in all other cases the purchase is to be with the consent of the Legislature of the State wherein the land lies, and then the State need not give jurisdiction over that land unless it chooses. That is my understanding, but I may be mistaken about it.

Mr. GARLAND. The distinction is between a cession by the Legislature and a simple, naked purchase vesting the title in the Government of the United States. It is true that where a cession is made by the Legislature the exclusive jurisdiction follows and the State is ruled out as to the jurisdiction as to that particular piece of property. The incompatibility is just as marked and just as evident as it is in the philosophical problem that two bodies cannot occupy the same space at the same time. I read from Paschal's Annotated Constitution, where the various cases on this subject are collected:

The right of exclusive legislation carries with it the right of exclusive jurisdiction, (United States *vs.* Cornell, 2 Mason, 60, 91; 6 Opin., 577,) even to recapture by military force, (2 Op., 521.) This second clause binds all the United States, (Cohens *vs.* Virginia, 6 Wheat., 224.)—Story's Constitution, section 1229.

Congress has the right to punish murder in a fort or other place within its exclusive jurisdiction, but no general right to punish murder committed within any of the States. (*Idem.*) The power to legislate in these places, ceded by a State, carries with it as an incident the right to make that power effectual. (Cohens *vs.* Virginia, 6 Wheat., 428.) Congress does not act as a local legislature, but exercises this particular power, like all other powers, in its high character as the Legislature of the Union. (*Id.*, Story's Constitution, section 1234.) But the purchase of lands by the United States for public purposes, within the territorial limits of a State, does not of itself oust the jurisdiction or sovereignty of such State over the lands so purchased.

That is the decision in Cornell, in 2 Mason. This now is a mere purchase of land, as I understand this bill which is reported by the Senator from Vermont, [Mr. MORRILL.]

The Constitution prescribes the only mode by which they can acquire land as a sovereign power; and, therefore, they hold only as an individual when they obtain it in any other manner. (Commonwealth *vs.* Young, Brightly, 302; People *vs.* Godfrey, 17 Johns, 225; United States *vs.* Traver, 2 Wh. Cr. Cas., 490; People *vs.* Lent, *Id.*, 548.) It seems, however, that the States have not the right to tax lands purchased by the United States for public purposes, although the consent of the Legislature may not have been given to the purchase.

That principle was decided by Judge Grier of the circuit court in a case in 2 Wallace, jr., and just upon that point.

The words moved to be stricken out by the Senator from Colorado, so far as concerns taxation, would be surplusage. It is not within the power of the State to tax these lands when purchased by the Government; so that part of the amendment of course is necessarily correct. It makes no difference what was provided in the enabling act by which Colorado was admitted into the Union, or in any other act; that power to tax does not exist. I will read from the decision in 2 Wallace, jr.:

After a cession by a State, it cannot take cognizance of any acts done in the ceded places after the cession. And the inhabitants of those places cease to be inhabitants of the State, and can no longer exercise any civil or political rights under the laws of the State. But if there has been no cession, the State jurisdiction still remains.

This bill, if I understand it, does not contemplate any cession; it simply contemplates a bare naked purchase of the land which under the decisions of the different courts that have construed this clause of the Constitution leaves the jurisdiction of the State intact.

Mr. JONES, of Florida. I call the Senator's attention to the last clause, "and shall cede jurisdiction over the same during the time that the United States shall remain the owner thereof."

Mr. GARLAND. I am coming to that. I speak of the bill as proposed to be amended by the Senator from Colorado. If the amendment prevails, as a matter of course, that part of the bill will be stricken out; and it stands then simply as a purchase of property by the United States, and that leaves the jurisdiction of the State intact and unimpaired. If the amendment does not prevail, a cession will be required, the jurisdiction of the State will be wiped out. Which ever the Senators from Colorado prefer in this respect, I am perfectly willing to vote for.

Judge Kent, commenting on this power in a note to which I wish to call the attention of the Senate, says:

The State governments may likewise lose all jurisdiction over places purchased by Congress, by the consent of the Legislature of the State, for the erection of forts, dock-yards, light-houses, hospitals, military academies, and other needful buildings. The question which has arisen on the subject was as to the effect of the proviso or reservation, usually annexed to the consent of the State, that all civil and criminal process issued under the authority of the State might be executed on the lands so ceded in like manner as if the cession had not been made. This point was much discussed in the circuit court of the United States in Rhode Island in the case of The United States *vs.* Cornell. It was held that a purchase of lands within the jurisdiction of a State, with the consent of the State, for the national purposes contemplated by the Constitution did, *ipso facto*, by the very terms of the Constitution, fall within the exclusive legislation of Congress and that the State jurisdiction was completely ousted. What, then, is the true intent and effect of the saving clause annexed to the cessions? It does not imply the reservation of any concurrent jurisdiction or legislation or that the State retained a right to punish for acts done within the ceded lands. The whole apparent object of the proviso was to prevent the ceded lands from becoming a sanctuary for fugitives from justice for acts done within the acknowledged jurisdiction of the State; and such permission to execute process is not incompatible with exclusive sovereignty and jurisdiction. The acceptance of a cession with this reservation amounts to an agreement of the new sovereign to permit the free exercise of such process as being *quoad hoc* his own process. This construction has been frequently declared by the courts of the United States, and it comports entirely with the intention of the parties; and upon any other construction the cession would be nugatory and void. Judge Story doubted whether Congress were even at liberty by the terms of the Constitution to purchase lands with the consent of a State, under any qualification of that consent, which would deprive them of exclusive legislation over the place. The courts of the United States have sole and exclusive jurisdiction over an offense committed within a ceded place, notwithstanding the ordinary reservation of the right to execute civil and criminal process of the State. That was no reservation of any sovereignty or jurisdiction.

Congress, in exercising powers of exclusive legislation over a ceded place or district, unite the powers of general with those of local legislation. The power of local legislation carries with it, as an incident, the right to make that power effectual. Congress exercises that particular local power, like all its other powers, in its high character as the legislature of the Union, and its general power may come in aid of these local powers. It is, therefore, competent for Congress to try and punish an offender for an offense committed within one of those local districts, in a place not within such jurisdiction, or to provide for the pursuit and arrest of a criminal escaping from one of those districts after committing a felony there, or to punish a person for concealing, out of the district, a felony committed within it. All these incidental powers are necessary to the complete execution of the principal power, and the Supreme Court, in Cohens *vs.* Virginia, held that they were vested in Congress.

It follows, as a consequence, from this doctrine of the Federal courts, that State courts cannot take cognizance of any offenses committed within such ceded districts; and, on the other hand, that the inhabitants of such places cannot exercise any civil or political privileges under the laws of the State, because they are not bound by those laws. This has been so decided in the State courts.

Reference is made to an opinion of Mr. Justice Woodbury in the case of The Commonwealth *vs.* Clary, 8 Mass., 72; and to Same *vs.* Young, 1 Hall's Journal of Jurisprudence, 53:

But if in any case the United States have not actually purchased, and the State has not, in point of fact, ceded, the place or territory to the United States, its jurisdiction remains, notwithstanding the place may have been occupied ever since its surrender by Great Britain by the troops of the United States as a fort or garrison. The supreme court of New York accordingly held, in the case of The People *vs.* Godfrey, that they had jurisdiction of a murder committed by one soldier upon another within Niagara Fort. Nor would the purchase of the land by the United

States be alone sufficient to vest them with the jurisdiction, or to oust that of the State, without being accompanied or followed with the consent of the Legislature of the State. This was so decided in the case of *The Commonwealth of Pennsylvania vs. Young*.

I prefer to read from Judge Kent, because he summarizes the different decisions. The last clause I have read covers the case of this bill precisely:

Nor would the purchase of the land by the United States be alone sufficient to vest them with the jurisdiction or to oust that of the State, without being accompanied or followed with the consent of the Legislature of the State.

It stands as a simple purchase on the face of this bill with the amendment of the Senator from Colorado, leaving the State jurisdiction as it was before. If that is the wish of the Senators from Colorado, the amendment accomplishes that end. The clause of the bill in reference to taxation which the amendment strikes out is, as I said before, unnecessary. The property cannot be taxed anyway. The amendment offered by the other Senator from Colorado [Mr. TELLER] is unnecessary, because by the act of 1841 no money can be appropriated to carry on these buildings until the title is examined by the Attorney-General and pronounced sufficient, and that general law is not repealed by this special law as to this building in Colorado.

Mr. JONES, of Florida. Mr. President, this question, in my opinion, lies within a very narrow compass. The bill as reported from the committee contains a clause which provides for the cession of jurisdiction on the part of the State over the locality upon which it is proposed to erect a public building. The amendment offered by the Senator from Colorado, [Mr. HILL,] in whose State it is proposed to erect this structure, is to strike out that clause and to leave the bill without any provision whatever looking to a cession of jurisdiction over the ground on the part of the State that he represents. I said the other day that this matter was considered by the committee of which I happen to be chairman, and I am anxious that some principle should be adopted which will regulate cases like this hereafter.

I do not think it is necessary, even if jurisdiction is required, that this bill shall stand in its present shape, because according to the authority read by the Senator from Arkansas consent on the part of the Legislature to the purchase vests jurisdiction over the land the same as a cession by the Legislature. There cannot be any doubt about that. There are two ways of acquiring exclusive jurisdiction over ground like this. The first is by a cession on the part of the State, in which she relinquishes all sovereign authority over it, and thereby vests in the Government of the Union exclusive jurisdiction over the ground. The next method is by a purchase on the part of the United States with the consent of the Legislature of the State within which the land lies. Either of these methods will result in vesting jurisdiction in the Government of the United States.

Now, I say it is not necessary, even if jurisdiction is desired, that this bill should stand in its present form; that is, providing for a cession on the part of the State of jurisdiction to the United States; but even leaving that out, and letting the bill pass in the form in which the Senator from Colorado desires it to pass, after that if it is thought wise and expedient to obtain this jurisdiction over the ground, an act on the part of the Legislature of Colorado consenting to the purchase will carry with it the precise consequences that would follow from an actual cession. He has stated his reasons for wishing to leave this clause out. It may be necessary to go on with the work before the Legislature meets, and if jurisdiction is desired afterward all that is necessary would be for the State to signify its assent to the purchase, and thereby vest authority in the Government of the Union.

The VICE-PRESIDENT. The morning hour has expired.

Mr. TELLER and others. Let us vote.

The VICE-PRESIDENT. The Senate proceeds to the consideration of its unfinished business.

Mr. MORRILL. I hope the Senate will allow this bill to be disposed of. It will take but a moment longer.

Mr. DAVIS, of West Virginia. There is no objection to a vote, but there is to discussion.

Mr. MORRILL. I suggest as a compromise on all sides of the question, that we strike out of the bill—

The VICE-PRESIDENT. Does the Senate consent to the further consideration of this bill?

Mr. DAVIS, of West Virginia. Informally.

The VICE-PRESIDENT. Subject to a call for the regular order.

Mr. MORRILL. On line 18, after the word "States," I suggest that we strike out the whole to the end of the bill, and insert what I send to the Chair.

The VICE-PRESIDENT. The words will be read.

The CHIEF CLERK. After the word "States," in line 18, it is proposed to strike out all the remainder of the bill, as follows:

Nor until the State of Colorado shall duly release and relinquish to the United States the right to tax, or in any way assess, said site or property of the United States that may be thereon, and shall cede jurisdiction over the same during the time that the United States shall remain the owner thereof.

And in lieu thereof to insert:

Nor until the Legislature of the State of Colorado shall duly consent to the purchase by the United States of the proposed site.

Mr. MORRILL. I think it has become very obvious, upon the reading of the Constitution and the various comments which have been made, that the United States will have jurisdiction over any

property that the State Legislature consents to part with to the United States; and, also, that it will be impossible for any State to tax the property of the United States. Therefore, I suggest the amendment which I have proposed, and I think all parties will be satisfied.

Mr. TELLER. It seems to me, if I understand anything about the law governing this case, that this amendment amounts to about the same as the present provision. I do not see that we gain anything by it.

Mr. THURMAN. Allow me to say one word to my friend from Vermont. His amendment will not do at all, I beg leave to say to him. Wherever the Legislature of a State consents to the purchase, then the Constitution itself provides that the jurisdiction of Congress shall be exclusive. The Constitution operates *proprio vigore*, and the moment the purchase is made by the consent of the State, it requires no cession of jurisdiction on the part of the State. The Constitution of the United States itself operates to give Congress exclusive jurisdiction. The striking out part of the amendment is well enough, but what the Senator from Vermont proposes to insert makes the bill just as bad as it now is.

Mr. MORRILL. I do not desire to have this bill take up all the time of the morning; but certainly I never will consent to a proposition that we shall not have the assent of the State to any purchase that shall be made. I think it will be going a great way to say that the United States may put up a building wherever it pleases, without the consent of the Legislature of the State, especially when it is expressly provided in the Constitution that consent shall be obtained.

Mr. EDMUNDS. This single case is made now to involve a very general principle of policy, and will undoubtedly be a test and a solution of whatever in future is to be the policy of the United States. It therefore having broadened itself, out of the theory of the Anthony rule, I object to its further consideration.

The VICE-PRESIDENT. Objection being made, the bill goes over.

CHANGE OF REFERENCE.

Mr. CONKLING. I move to reconsider the vote by which the memorial relating to the adulteration of butter was referred this morning to the Committee on Territories, and ask that the memorial go to the Committee on Agriculture. It is more agreeable to the Senator who presented the memorial, I learn, that it should go to the Committee on Agriculture than to the other committee. Some other similar petitions have gone there.

The PRESIDING OFFICER, (Mr. PLATT in the chair.) If there be no objection it will be so ordered, and the memorial will be referred to the Committee on Agriculture.

HOUSE BILL REFERRED.

The bill (H. R. No. 4507) to abolish all tolls at the Louisville and Portland Canal was read twice by its title, and referred to the Committee on Commerce.

MAIL-TRANSPORTATION DEFICIENCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880, the pending question being on the amendment submitted by Mr. WALLACE on behalf of the Committee on Appropriations, in section 1, line 3, to strike out "nine hundred and seventy" and insert "eleven hundred."

Mr. WALLACE. I desire to give notice that I want to finish this bill to-day, and I hope the Senate will stay and finish it.

Mr. BECK. Mr. President, I agree with the chairman of the subcommittee who has charge of this bill, [Mr. WALLACE,] that it is important to finish it to-day, and I will endeavor to consume as little time as I can consistently with a full presentation of what I think ought to be said in behalf particularly of the truth of the statements contained in the preamble reported by the Committee on Appropriations as part of the bill.

Yesterday I endeavored to show as well as I could that the Post-Office Department had disregarded the provisions of the statutes of the United States which provide that no money shall be expended during any one fiscal year by any Department of the Government in excess of appropriations and that no contract shall be made which shall bind the Government for any sum in excess thereof, which is all the preamble alleges.

It was made apparent by the statement of the Postmaster-General and of the Second Assistant Postmaster-General to the subcommittee that they had so used the appropriations made for the star service as necessarily to create a deficiency which they claimed would amount to \$1,720,004. They had made contracts extending over the whole year and for years yet to come to that extent in excess of all appropriations. The question therefore had to be met by the Committee on Appropriations and it must be decided by the Congress of the United States whether the Postmaster-General and his officials have a right to violate the law, to exceed appropriations made by Congress, to make contracts in violation of the provisions of the statutes, or whether Congress has power over these things and a right to rebuke offending officials.

I am not going to repeat any of the arguments I made on that subject. The statement of the proposition seems to me to exhaust the argument. If the Post-Office Department officials have a right to expend in one month, two months, six months, or nine months what

they estimate as necessary for the existing and probable service for a whole year, and then by an edict such as was issued on the 20th of February cut down all the star mail service of the United States from daily to weekly trips on and after the 1st day of March unless they can coerce Congress to give them whatever additional money they see fit to demand, there is no use for Congress in matters of appropriation. The Department is master of the situation, as I fear it will be through the power and patronage it wields. I said that if they had created deficiencies by accident or unintentionally, and had said so to us, that might be excusable; but when we are told defiantly that it is their right to do so, and that we are stopping the mail service of the United States by refusing to furnish the money they now demand, then it is time the issue should be made and met.

It will be recollected that I said yesterday that every dollar the Department demanded for the service was given to them. Congress was in session up to the 2d day of July, 1879, and if they had anticipated any deficiency and had sought to deal fairly it was their duty then to have told us and allowed us to provide for it.

None of these things were done. Now complaint is made that we are seeking to prejudice the legality of their action and to find men guilty by asserting in the preamble that they have violated the laws, without a hearing. Mr. President, a thousand witnesses might be called to prove the facts and they could not prove them more conclusively than the Postmaster-General and his Second Assistant have proved them themselves. The Committee on Appropriations of the Senate differed somewhat from the Committee on Appropriations of the House as to the best mode of redress. The House bill as it came to us sought to cut down certain mail service. The Committee on Appropriations of the Senate ask the Senate not to cut down any of the service, but to rebuke our own officials.

The House sought to censure the Department because of illegal acts by cutting down the contracts on routes on which there had been large expedition of the service. That was the remedy they proposed. The Senate Committee on Appropriations propose not to investigate that question at present, but to allow the routes to remain as they are, to allow the expedition to remain as it is, to provide for all the service on all the routes, and give all the money that the books show to be necessary.

Both committees acted upon the obvious fact that there has been a disregard by the Post-Office Department of existing laws by the expenditure of money in excess of appropriations and by making contracts in violation of their obligations. It is no argument to my mind to say that they can annul all these contracts and stop mail service now without expending more than the money actually given. To do that they have to pay \$600,000, taken out of the Treasury of the United States, to cover up their own wrongs in order to prevent them from being guilty of impeachable offenses. Mr. President, did you ever hear of a man who violated the law going into the Treasury of the country and taking out money to protect himself from the law he had violated, taking \$600,000 to pay his friends for nothing, and then defying the Congress of the United States to say aught against him and defending himself by saying, "I have stopped your mails; I have made you pay \$600,000 to save me from technically going beyond the appropriations you allowed me?" I confess that I can hardly argue the question or restate it because of the absurdity of the proposition. The statement, as I said, exhausts the argument.

See the effect of such conduct: not only the one hundred and seven routes which the House sought to cut down are destroyed by the order of the Postmaster-General, of February 20, but 10,400 routes were cut down to weekly service, the object being to put additional coercion on Congress. And as we had authorized some new routes last year, he says, in his circular of February 20, after cutting down all the existing routes from daily to weekly service, that he will stop altogether all new routes. He knew that every member of Congress would be written to by his constituents to know why their mail-route is stopped. The daily mails were put on by him, as he admits, on the routes appropriated for because the service required it, and now he says he will cut them down to punish members of Congress for failing to obey his orders and give him all the money he demands. He orders that to take effect on the 1st day of March, fifteen days ago, but he graciously concluded to suspend his order temporarily to see if he could not coerce us to give him the money demanded. I admit the coercion; I admit the duress. I agree to give the money, but I insist that we shall not give it to that Department until we have told the Department that they were wrong-doers in forcing that condition of things upon us. I presume I will be beaten, but no matter.

The Committee on Appropriations of the Senate agreed that, pending the investigation in the House of Representatives, it was well not to pass judgment in advance as to the contracts alleged to be fraudulent. We are seeking to refrain from passing judgment upon any question of fraud. We have simply passed upon the violation of the law by our own officials, which is admitted, unless the theory of the Postmaster-General and of those who agree with him shall prevail, which never ought to be indorsed in this or any other deliberative representative body.

I said yesterday that I would call attention to the reasons which induced the passage of the laws under which we are now conducting public affairs which bind the Postmaster-General and every other head of the Departments of this Government. During the war, for example, immense appropriations were made by Congress, and at the

close of it an immense amount of surplus money appropriated was on hand in the various Departments; immense amounts of materials, such as horses, mules, wagons, all the materials of war, all the ships temporarily built or bought for the Navy; and of all the great items of expenditures large balances were in the Treasury charged to the Departments, and no longer considered as part of the money or property of the people.

What did they do? They claimed that all the money appropriated for the use of each Department belonged to that Department, and could be used to pay any or all the so-called debts of the Department. The appropriation having been charged to them during former years, they claimed that it remained subject to their control. It never appeared as part of the public debt statement, or as part of the public assets, except when it was first appropriated; and whatever balance remained unexpended or unsold the Departments claimed the right to use as they saw fit. For example, for the fiscal year 1866, beginning the 1st July, 1865, and ending June 30, 1866, there was an appropriation made for the Army of \$283,000,000. The war closed before that fiscal year began, and much of the money appropriated, amounting as I said to \$283,000,000, which was supposed to be necessary for war purposes was not needed. The act referred to was passed on the 3d March, 1865, when the war was flagrant. Among the other items of that bill, which I hold in my hand, (see volume 13, Statutes at Large, page 495,) was this:

For pay of volunteers, \$300,000,000.

And large appropriations were made for the purchase of horses, mules, wagons, &c. Instead of using any of these sums of money to pay volunteers or buy wagons, mules, or other munitions of war, the Government, the moment the war closed, in May, 1865, began to sell, and to sell largely, the vast accumulations of material on hand; yet it was claimed that as the War Department had been charged with that \$283,000,000, it lay subject to their order; that it could be drawn upon for whatever they saw fit to use it for. The Navy Department did the same thing, and both Departments used it recklessly, as I have in years gone by had occasion to show more than once at the other end of the Capitol.

In 1870, as I said yesterday, when the distinguished Senator from Massachusetts [Mr. DAWES] was chairman of the Committee on Appropriations of the House, of which I was an humble member, all these things were brought before us and carefully considered. During the years before that there was some excuse, perhaps, for looseness in management. I am not going to revive the old political troubles and the strife we then had over those questions; but the fact is known that during President Johnson's administration Congress and the President were at loggerheads; they did not work harmoniously. The President sent to the Senate appointments for official positions, of which over eleven hundred were rejected by the Senate in two years—over fourteen hundred, including those that were allowed to lie over and die. Nothing worked well; the internal revenue was not collected, and there seemed to be no responsibility anywhere. But in 1870, when the President and the Congress began to work in unison, these great evils were brought before the Committee on Appropriations, and then it was, on the 12th of July, 1870, that we passed these wholesome laws by adding seven sections to the executive, legislative, and judicial appropriation bill, one of which was literally transcribed into the Revised Statutes, and reads as follows—I repeat reading it, though I believe I read it twice yesterday:

That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract for the future payment of money in excess of such appropriations.

And we provided that all balances of appropriations which remained on the books of the Treasury that had not been drawn against for the accounts of that year should be paid back into the Treasury, and that these sums should no longer remain indefinitely to the credit or subject to the order of the different Departments. We went a step further afterward, May 8, 1872, when we required all sales of property that were made by any officer or Department of the Government to be paid into the Treasury and a list of the articles sold and the prices paid to be given, and they to be furnished by the Secretary of the Treasury in his annual statements to Congress, so that Congress could know what was being done with the money of the people, and investigate any wrongs that might appear in any of the accounts.

We provided still further that when we gave money to be used for one branch of the public service to any Department, or any bureau thereof, it should not be transferred to any other bureau or branch of service in the Department, but should be accounted for separately, just as the appropriations for the railroad routes, the steamboat routes, and the star mail routes have to be accounted for now in the Post-Office Department, not mixing them up one with the other. All these precautions were taken for the purpose of giving us intelligent information upon the subject of expenditures and of keeping them within our control. The Departments struggled against these laws year after year and sought to get rid of them. They have been retained by Congress and adhered to as the only means that we had of keeping control over the public money. As I said yesterday, this is the first time we have been openly defied. I hold in my hand a specimen of how the money used to be expended before these laws were passed. I introduced a resolution into the House of Representatives and had it passed calling upon the then Secretary of War, General

Belknap, in 1872, to give us information as to the amount of money that had been received for property sold by that Department in the five or six years preceding, and what had been done with it. Strong objection was made to giving the desired information. The answer came back that it could not be done in less than six months. We resisted the passage of the Army bill until it was done. It came at last; and this is the closing sentence of the report of the Quartermaster-General. After showing the large amounts that had been received, giving the figures in detail, the Acting Quartermaster-General says, and it is the key to the whole of it:

Making the total amount received by this Department since June 30, 1865, in excess of its appropriations, \$107,950,416.62. All of this has been used in payment of indebtedness of the Department except, as before stated, the sum of \$2,777,807.64.

Very respectfully, your obedient servant,

ROBERT ALLEN,

Acting Quartermaster-General, Brevet Major-General United States Army.
The Honorable SECRETARY OF WAR.

One hundred and five millions of dollars used by the Quartermaster's Department alone in excess of the appropriations made by Congress, and spent by that officer to pay the debts of the Department, as he saw fit to call them! That one hundred and seven millions never appeared as part of the money of the people from the day it was appropriated during the war to buy the cattle, mules, horses, wagons, and other things that were afterward sold to produce it, but it remained standing as money belonging to the Department till paid out to suit themselves. So the Secretary of the Navy made a like report in 1872, showing that \$74,000,000 had been received from the sale of ships and other material by his Department.

These are specimens of the things that induced us to pass the various laws now on the statute-books requiring executive officers to obey Congress, and we have been endeavoring to maintain them from that time to this; and it is obvious unless we continue to do so there is no security that the public money will ever be properly cared for or honestly expended. If the Postmaster-General can defy us, if he can say, "True, you gave me all I asked; true, I estimated for 10,400 existing routes, and a reasonable increase of service, and agreed to maintain them during the whole year with the \$5,900,000 you gave, and I made contracts with that view, but I have changed my mind; I have concluded to build up routes elsewhere, and I will divert a million and a half or two million dollars of that money from these purposes to other purposes, and spend it all as I please, and close your mails if you refuse to comply with my demand for more money. I will coerce it out of you, or punish your people, and punish you through your people, because you refuse to obey my orders." If this can be done, what is the value of all the laws we have passed and have struggled so long and so hard to maintain in the interest of honesty and economy? To indorse the action of the Postmaster-General in this regard on any pretext however plausible will be understood by the people everywhere as deliberately returning to the old bad system that we so long sought to remedy and that we have in great part remedied; and shall not this Congress, when an appropriation is thus forced out of it—against its will, if you please, certainly against right—say that while it will not punish the people, while it will furnish all the necessary mail service, it will rebuke the officers of the Government who dare thus wantonly, willfully, and deliberately, as they say they have done, to violate the law, disregard their obligations, and force that condition of things upon Congress? That is the effort being made by the Committee on Appropriations now. The Senate may not sustain us; but it will be the worst day's work the Senate ever did if it gives license again to executive officers to restore the old bad condition of things that after years of struggle was supposed to have been remedied by the laws to which I have called attention. I have hoped much from the honesty and economy of the democratic party. This is a fair test of the sincerity of its professions in that regard. A few words on another subject.

The way in which the money appropriated has been expended needs a passing remark. I made a few notes on that subject by which I can refer to the testimony hurriedly without detaining the Senate long. In the demand of the Postmaster-General made upon us in December, and in the demand of the Second Assistant Postmaster-General, made at the same time, they asked us to give them \$2,000,000 out of the unexpended balances of money given them in former years. That has been the cry all the time from all the executive officials. All the Departments say, "We do not ask for money out of the Treasury; we ask for unexpended balances," as though the money that was unexpended in former years is not as much the money of the people as any other money in the Treasury of the United States. Before we passed these laws, when the War Department and the Navy Department demanded more money, they said, "We do not ask you for any money out of the Treasury; we ask you for the unexpended balances of our old appropriations." Unexpended balance of what? The former appropriations were given when Congress supposed great exigencies existed; those exigencies having passed away, leaving money unexpended or munitions of war which they had left on hand and sold. The proceeds of these sales were as much the money of the people as any other money the people had contributed by taxation to the Treasury. So with the money given in former years to the Post-Office and remaining unexpended; it is part of the money of the people.

Still the Post-Office Department is clamoring again for unexpended balances of money that were returned to the Treasury two or three years ago, which they could not have spent without violating the

law, and did not spend; but they now demand it almost as a matter of right. That by the way. The expedition of the mail routes alluded to yesterday by the Senator from Texas [Mr. MAXEY] has been the great source of extravagant expenditure. I am not going over many of them; time and the patience of the Senate would fail me; but I am entirely willing to take up as a specimen the great route that he spoke of from Fort Worth to Fort Yuma, about which so much of his speech was made, and show that that was an unwarrantable and unnecessary use of the public money, especially if the other routes of the country had to be deprived of their service in order to pay for that expedition. From Fort Worth to Fort Yuma the advertised distance—

Mr. COKE. Will the Senator allow me to say that the increase of the Fort Worth route was estimated for, as he will see by examination?

Mr. BECK. It was for this current fiscal year, not for last year, but it is a fair illustration of many of the others. I refer to it as a specimen of the management of the Post-Office Department in these matters, as it was selected and specially lauded by the other Senator from Texas. It was advertised as being fifteen hundred and sixty-nine miles in length from Fort Worth to Fort Yuma. It was let for four years at \$134,000 a year. The schedule time was seventeen days and the number of post-offices along the route when let was thirty-five. The route is now called fourteen hundred and twenty-six miles, and my information is, though the Senators from Texas will doubtless differ with me as to that, that the advertised length was not the proper length. It never was any longer than fourteen hundred and twenty-six miles, if that long. I applied to the Post-Office Department for information on the subject but was unable to obtain it—I then took the next best means to find out from the old contractors, and in the guide-books I find this condition of things: I have the advertisement of the length of lines of the various contractors, and the distances as follows: From Fort Worth to Fort Concho, 239 miles; from Fort Concho to Missoula, 526 miles; from Missoula to Yuma, 645 miles; total, 1,410 miles.

That is what these men advertise as the length of that line. It was advertised by the Department as 1,569, and it is now put down at 1,426 in the Post-Office official tables, while the advertisement of the contractors shows it to be 1,410. It was an old route which had been let in former years. Its length was known. It was let at a higher schedule for the term ending the 30th of June, 1878, than it was let for the term beginning 1st of July, 1878. When it was let for the last four years the extended time doubtless induced persons to bid a lower rate, and therefore it was let at \$134,000 a year from July, 1878, till July, 1882, less, considerably less, than it had been let for before. In exactly forty-five days, I think, on the 15th of August, after the second letting in 1878, without adding an additional trip, putting on but few additional coaches, I presume, certainly without adding an additional trip, \$165,000 was given to the contractor for expediting the time from seventeen days to thirteen days. No more post-offices had been established, it will be observed, with a single exception. There are thirty-six now, and there were thirty-five in July, 1878. One hundred and sixty-five thousand dollars were added to the \$134,000 contracted for without a single additional mail being carried, and going only about a mile faster time per hour. Of course, a few such donations or favors as that will soon create deficiencies in the other star routes of the country.

The Senator from Texas [Mr. MAXEY] said yesterday that it was done on the representation of a great many men and at the request of men of power, influence, and position. Of course it was. Contractors easily work up petitions and everybody signs them. There never was a route in the country where men all along the line would not petition to have as many mail facilities as possible. The Senator from Texas read his own letter, and I was struck with the reading of it. It was an honest, fair statement of the case; but what was the case? Senator MAXEY said on the 22d of July, 1878—that was only twenty-two days after a bidder had taken the contract for \$134,000 a year for four years, and had given \$135,000 security with good bondsmen that he would carry it for four years at that rate; the United States was getting its daily mail carried upon it—Senator MAXEY asked Mr. Key, as he read himself yesterday, for expedition on the route. What does he say?

I believe the time should be expedited for two reasons: First, I think it necessary to maintain service on this great and important line, which, if not broken down at present rates, will be apt to materially damage the contractors; second, I believe the increasing needs of this rapidly developing country not only justify, but, in my judgment, make it the duty of the Department to put this great line on a solid basis at reasonably remunerative rates to the contractors.

Most respectfully, your obedient servant,

S. B. MAXEY.

He wants more remunerative rates for the contractors. The contractors, however, bid for it at \$134,000. They had given bonds to carry it for \$134,000. There was no proposition to give to the people along the line any more mails than they were getting at the \$134,000, which the contractors had covenanted to furnish for four years for \$134,000 a year, and yet the Senator from Texas says it is not only right and proper, but he reads other letters, many of them like his own, insisting upon giving these men more remunerative rates, and the Postmaster-General gives them \$165,000 more merely to expedite the time, without competitive bids, and without giving anybody a chance to perform the service for less money. Of course it was gratifying to Mr. Key, in looking over these lists of letters, to see such as

this signed by a large number of officials. It is duplicated, perhaps, with another name or two, from other places, to give it emphasis:

Hon. D. M. Key, Postmaster-General United States:

We, the subscribers, being citizens and officials in Brown County, Texas, heartily and sincerely congratulate the Postmaster-General of the United States for his promptness and exceedingly valuable action in giving this portion of our country the "fast overland mail line" from Fort Worth, Texas, to Fort Yuma, Arizona. This, the longest and fastest horse mail-route in the world, of fifteen hundred and sixty miles in thirteen days with coaches, will long stand as a monument in honor of its author's enterprise and energy.

It was a grand boast. The longest and fastest route in the world. Yet the poor men in the West are getting nothing—so says the Senator from Texas. Here was a route contracted for at \$134,000; a daily mail was being delivered, its delivery secured by bonds; but in order to make a grand monument to Mr. Key's energy and enterprise, he rewards contractors; admiring friends telegraph to him that the people there are delighted to have the fastest and longest route in the world and \$165,000 are to be taken out of the Treasury, and the mails in other States are to be stopped or reduced from daily to weekly service in order to enable him to receive the plaudits of these people for his energy and enterprise! That may be all very well. If I lived in Texas, especially if I lived along that line, I would have asked for it too; I would have begged for it very likely, and so would we all, but we do not appoint public servants for the purpose of yielding to such appeals, or authorize them to destroy needful service elsewhere in order to receive congratulatory telegrams.

Mr. COKE. The Senator should remember that Congress appropriated \$290,000 for that specific route. It was included in the estimates on which the appropriation in the regular bill was made.

Mr. BECK. Oh, yes; it was in the appropriation bill because that was done in 1878.

Mr. COKE. So the establishment of that route did not necessitate the stoppage of other routes to which the Senator alluded just now.

Mr. BECK. This particular route this particular year did not make a deficiency for this year. I have said that before. But I will take another route as a pretty good specimen of extravagance, that from Prescott to Santa Fé. First let me show another thing in regard to the Fort Yuma route. The railroad from Fort Yuma eastward is finished to-day to Tucson. I read an extract which was cut from a paper the other day:

PROGRESS OF THE SOUTHERN PACIFIC RAILROAD.

END OF TRACK S. P. R. R.,
Arizona, February 26, 1880.

Average daily laying of track, last twenty-five working days, ten thousand feet. End of track, forty-six and one-half miles east of former terminus at Casa Grande, or two hundred and twenty-eight miles east of Yuma, and nine hundred and fifty-nine miles east of San Francisco, now within twenty miles of Tucson, which we hope to reach by March 15.

J. H. STROBRIDGE,
Chief of Construction.

Tucson, I understand, is about three hundred miles east of Yuma. The Senator from Texas knows whether that is substantially correct or not. I have the map before me, and it seems to lie about halfway between Yuma and the Rio Grande, and about three hundred miles east of Yuma. On all the contracts for star routes one of the grounds the Post-Office Department has for taking off star service, by shortening time and securing expedition, is that when a railroad is built alongside the route, they stop it at the terminus of the railroad and give the service to the railroad company. Why? Because the railroad can perform that three hundred miles of service in half a day, and it shortens the star route that much. What was done upon this route? Mr. Brady, the Second Assistant Postmaster-General, is asked about it, as follows:

Question. Who is the contractor on the Fort Worth and Yuma route?

Answer. Mr. Chidester, of Arkansas.

Q. Is that a sublet contract?

A. Mr. Chidester himself has stocked the road and carries the mail from Fort Worth to Fort Concho.

That is two hundred and thirty-nine miles, I think, by the postal guide.

Between Concho and El Paso, and between El Paso and Yuma, the work is done by sub-contractors and by the railroad company. I have been trying to get the Southern Pacific Railroad Company to carry the mail for the Department from the point where the route strikes their line, but they will not do it. They prefer to carry it for the contractor, because the contractor can afford to pay the railroad company more than we can pay the company under the rule of weight of mail; and Mr. Huntington says that so long as he can get more money from the contractor for carrying the mails he will not carry them for the Department, and there is no law to compel him to do so.

What is the meaning of all that? The \$300,000 is paid for the whole route, \$164,000 of it for expedition. Huntington is furnishing more expedition a good deal than the coaches, and he wants and demands for his three hundred miles his full share of that \$300,000, and he will not carry the mail on any other terms, while other people are getting that much money, and he tells the Postmaster-General that as long as he can get more money from the contractor for carrying the mails, he will not carry them for the United States, and instead of stopping that route now, as they do wherever a railroad taps a stage line, and cutting off that much of the line, they are paying and continuing to pay under that contract \$299,000 for the whole route to Yuma, and Mr. Huntington is getting his share of it and tells the Postmaster-General that he gets more from the contractor than the Government would pay him under its rule, and therefore he will not carry it for

the Government as long as he can do that. Of course he will not. Nobody else would.

Understand me, I am not finding fault with the contractors. It is the business of the contractor to get all he can. It is the duty of the Government officials to see that the Government is not cheated. There can be no fraudulent contractor without a fraudulent Government official. I am not seeking to deal with the contractors or to charge frauds upon them. I am dealing with Government officials; and when I insist as I do that they are not regardless of the public interest and not doing their duty, I look to the head of the Department, who is himself, as I said yesterday, an honest man, but is in my judgment in the hands of men who use him as their clerk, instead of their being his clerks; and as regards many of these money-making jobs, I think that he knows very little more about how these things are done in his Department than I do who never had anything to do with it.

I started to refer to the route from Prescott to Santa Fé, a new route. Let me call attention to that and show a little of the history of it. That route was let to a man by the name of McDonough for \$13,313 a year. There were to be three trips made each week. The length of the route is stated at four hundred and sixty miles. Mr. McDonough sublet the route to a man by the name of John A. Walsh, now a banker in the city of Washington. Mr. Walsh so managed that route as sub-contractor, so failed to deliver his mail after there had been \$74,000 added for additional trips, that the Post-Office Department declared McDonough a failing contractor. They said they could not deal with the sub-contractor, although the sub-contractor was the man who caused the failure, was the man who failed to deliver the mail, the man who had the sole charge of the business. Walsh was the sub-contractor; yet McDonough was declared to be a failing contractor. Walsh was not held responsible. What happened?

The Department struck down the pay from \$74,000 to \$13,313 and said to the sureties of McDonough, "If you want to take this route again at \$13,313 you can have it." The Department had said the necessity of the service required it to be increased until they paid \$74,000; but the moment McDonough was declared a failing contractor, although the necessities of the service required \$74,000 to be paid, they struck it down to \$13,313 and said to the sureties of McDonough, "You can take it at that." These men had no facilities; they had no horses, no stages, or other material on hand; and they could not take it. What then did the Department do? They let it at once to Mr. Walsh for \$18,500, being just below the next lowest bidder to McDonough. Recollect Walsh was the man who caused the failure of the service. What did they do then? As soon as he got it they declared that the route had to be expedited and they added \$64,000 to the \$74,000, and they paid him \$136,975 a year for the route that McDonough undertook to run for \$13,313, and that he, as a sub-contractor, broke down on in order to get it at a higher rate, and then he had it increased to \$136,975 a year, which he now gets. How was that done? Mr. Brady is the witness. It was done, he says, on the statement of Mr. Walsh himself that he had to employ so many more horses, so many more coaches, so many more men, because of the expedition and trips. Brady says he had no other evidence of it except Mr. Walsh's own statement, and he allowed him \$136,975 a year for expedition and increase of trips on his own *ex parte* statement without any investigation. And who was Walsh? A banker in Washington now. The question is put to Mr. Brady:

Question. Did you have anything on which to predicate your action in allowing that \$78,700 additional pay, except Mr. Walsh's own statement?

Answer. His sworn statement.

Q. Was that the only information that you had on which to predicate that action?

A. That and the fact that we had sought to have the service performed at a less rate before and failed in it. It is a difficult route.

Q. Then his sworn statement was what you relied upon?

A. That was what I principally relied upon, but I also relied upon the other fact that I could not get the service done at the former price by the former contractor, and that Mr. Walsh had peremptorily refused to do the service for anything like that sum of money.

Q. While you were in the Government employment in New Orleans, did you know Walsh there?

A. I did.

Q. Was he not indicted, on your own testimony, for frauds on the internal revenue?

A. I had him indicted for failing to produce his books as a distiller. He had been in the business for some years, and when I first went there I subpoenaed him, as I did all the other distillers in the city, to appear before me with their books; and those of them who failed to produce their books (which I had a right to call for under the internal-revenue law) I had indicted for fraud. That is the only indictment found against Mr. Walsh in connection with that matter.

Q. And that was on your own testimony?

A. I think so; on my testimony or on that of my agents who were with me.

Q. And yet on his own sworn statement alone you granted an increase of pay to the amount of \$62,000 (in round numbers) in excess of the price allowed for the same service to his predecessor?

A. On his own statement, and for the reason (as I was saying) that I could not get the service performed for any less.

The testimony of the Second Assistant Postmaster-General shows that he gave Walsh the difference up to \$136,975 a year on the Prescott and Santa Fé route for doing service that had been let to McDonough for \$13,313 under whom Walsh was sub-contractor, who was the man who failed to perform the service, and now he requires the Government to pay \$136,000 a year on that route for expedition and trips. I went yesterday to the Internal Revenue Department and I told General Baum that I desired to see what the indictments against Walsh

were. He showed me the abstract. Walsh stands indicted now in New Orleans under two indictments for a conspiracy to defraud the Government of the United States, as a distiller, in 1876, and Mr. Brady is marked as the witness who is to go down there and convict him of these offenses. I fear the Government will never get the testimony of Brady against him.

There are plenty more routes, increases, and arraignments of the same sort. I merely referred to this one as a specimen. I cannot go over them all. I do not propose to do it; but Mr. Kirk, one of the sureties of McDonough, was called, and Mr. Kirk testified that he never got a chance to take the service at anything exceeding \$13,500 a year and of course he could not do it for that in the way McDonough was required to do it. But the best witness to illustrate these wrongs is Walsh himself. He is called as a witness, too, and what does he say?

Question. As it seems that your affidavit was all the basis the Department ever had upon which to predicate the increase to \$136,000, why didn't you go on and make the sum \$200,000? Didn't that seem just as easy as to make it \$136,000?

Answer. The trouble with me all along has been that I have dealt on a per cent. all my life; if I had been in the mail service for some years I think the service on that route would have been at that figure. I think that you would be investigating me now with that route at \$200,000.

Poor innocent man! He had not been in the service long enough to know how much to ask. It was just as easy to get out of General Brady \$200,000 as \$136,000; but he had not been dealing with the Post-Office Department long enough. These are the poor men whom the Senator from Texas [Mr. MAXEY] held up before the Senate as the helpless deserving men who were getting all the benefit of this star service! This poor fellow did not know what to ask, and therefore, fool-like, he contented himself with \$136,000 instead of \$200,000, which he could have got just as well as not, and that is a specimen of the much-lauded administration of this Department! That is why we are now making up deficiencies! That is obedience to law! And telling these things is what is called making false attacks on the Postmaster-General! I have nothing to do with General Brady; I have nothing to do with any clerk in the Post-Office Department; the Senate has nothing to do with him. The responsible head of that Department is the Postmaster-General, and all these things are presumed to come under his supervision; and if he keeps men there who do such things we have to look to him and his responsibility and not to them. I feel pretty sure that he was not very freely consulted when these things were going on. I think I can safely say that much for the Postmaster-General.

Take another route, from Vinita to Las Vegas. That was one referred to yesterday by the Senator from Texas—I am picking out now those that he called up. When that route was let from Vinita to Las Vegas through the Indian Territory and through the pan-handle of Texas, the statement is here showing that there is very little mail passing over the route; the service is done on a buckboard. There were twenty-one post-offices along that line in 1878; there are twenty-seven now. That route has been increased from \$6,300 to \$144,262, new service. A bond for \$15,000 was given and has never been increased; it stands at that now, just the same as it was originally, and that is the rule, no matter how much the contract price is increased. Mr. BLOUNT asked the Second Assistant Postmaster-General about this:

Question. You say you have no knowledge at all as to the amount or the weight of the mails carried over these great lines where these large expenditures for service are made?

Answer. Oh, no; I did not say that; I said I had not had the mails weighed on those routes. I understand, however, that on the Vinita route they carry two or three sacks of mail a day.

One hundred and forty-four thousand dollars a year to take those two or three sacks!

Q. Two or three sacks?

A. Yes. That is rather indefinite, but that is the way the information comes to me from one of the agents out there.

Q. You have no knowledge, you say, at all of the revenue from those mails?

A. No, sir; not at this time. I presume that the revenues from the Las Vegas route are comparatively small. It runs through the Indian Territory, and its principal importance is in connecting the Indian agencies and the military posts through there and the few post-offices that are scattered through the pan-handle of Texas.

And yet, running through the Indian country, running through the pan-handle, connecting the military posts for the convenience of officers, perhaps, or something else, that route was increased from \$6,330 to \$144,260 a year, and there has only been an increase of six post-offices along the whole line.

Along the Prescott and Santa Fé route, of which I have just spoken, on which Walsh gets \$136,000, and says he is sorry he did not make it \$200,000—what is the condition there? There were fourteen post-offices two years ago and there are fourteen post-offices now. There has been no increase of post-offices. There are very few people living along on the lines of these routes.

On those three roads that I have referred to from Fort Worth to Fort Yuma, from Vinita to Las Vegas, from Prescott to Santa Fé the increase is \$430,000, while the increase on ten thousand three hundred and odd routes in this country in all the States of the Union is only \$300,000. Yet these the Senator from Texas says are the poor men of the West who were being crippled so terribly by our objections to the post-office star route system!

I have in my hand a short table showing that in the States of Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, (which by the way has the

lion's share, six hundred and thirty-eight,) Arkansas, Missouri, Tennessee, and Kentucky, there are 96,813 miles of star route and that all the pay that is given is \$1,900,000, while in the far Western States, Nevada, California, Colorado, Oregon, Utah, Idaho, Montana, Dakota, Wyoming, the Indian Territory, New Mexico, and Arizona, where there are thirty-eight thousand miles of star route, the pay is \$2,494,000. Thirty-eight thousand miles in these States and Territories receive half a million more money than 96,800 miles of star service in the twelve States that I have named. What does the table show? The Senator from Texas was speaking about these poor men getting no facilities. In those twelve States the average service per week is 2.32 trips, less than two and a half trips a week. In Kentucky it is 2.05. Not in any one of them except Texas does it exceed three, and in Texas it is 3.18, the average in all being 2.32. What is the average trip per week in the Territories? Three and sixty-one hundredths. There is more than half as much again to-day in these Territories as there is in the States.

Mr. DAVIS, of West Virginia. How much more do they get?

Mr. BECK. They get over half a million more. In ten of those States which we supply with star service there is a population of nearly fourteen millions, with seventy thousand miles of railroad, and they get a little over a million dollars, while those Western States and Territories, with less than one-tenth of the population, are getting two and a half millions. But I must hurry on.

The mode of increasing the service is simply iniquitous. I deny the construction given to the law as requiring the increased pay that is invariably allowed by the Postmaster-General and maintained by the chairman of the Committee on Post-Offices and Post-Roads. Section 3960 is the section referred to. That section provides:

SEC. 3960. Compensation for additional service in carrying the mail shall not be in excess of the exact proportion which the original compensation bears to the original service; and when any such additional service is ordered, the sum to be allowed therefor shall be expressed in the order, and entered upon the books of the Department; and no compensation shall be paid for any additional regular service rendered before the issuing of such order.

The Postmaster-General and the chairman of the Committee on Post-Offices and Post-Roads declare that that law requires the Postmaster-General to give double the pay whenever he gets double the service. It does no such thing.

Mr. MAXEY. I will state to the Senator from Kentucky that the Senator from Texas made no such statement, and he will not find it at all in the RECORD.

Mr. BECK. I beg pardon. I am glad to hear it.

Mr. MAXEY. Look at the RECORD and see the particular route I was talking about. I was discussing the route from Fort Worth to Fort Yuma. The law says it must be in exact proportion. The exact proportion was \$321,000; the contract is \$299,000.

Mr. BECK. That is for expedition. There was no increase of service there.

Mr. MAXEY. The principle is exactly the same in the two sections. What is true for one is true for the other.

Mr. BECK. I beg pardon. I will show that presently. Then the Postmaster-General and his Second Assistant Postmaster-General appeared before the committees of the House and Senate, and each of them asserted the fact to be that such was the law, and that that was their construction of it. The Senator from Texas yesterday said that the Postmaster-General was obeying the law, and if it was a bad law we should change it. There is not an instance where the Post-Office Department has ever doubled the trips that they have not doubled the pay, or trebled it if they trebled the service, and when they made it from daily to weekly they uniformly made it seven times as great, when the statute only provides that that is the maximum that they shall never exceed; but it is their duty as public officers to do what the good of the service requires, and to get it done as cheaply as they can.

What is their plan? Just as they did in the case of Fort Worth and Fort Yuma when they came to let out to their favorites; they decrease the speed, they cut off the number of trips. Some man that they want to have the route gets it, and takes it for little or nothing. Then in less than a month, sometimes in less than a week, always very soon, more trips are added and the pay is doubled. Expedition is ordered, and then what happens? No testimony is taken; none is required except that of the man who has got the contract, and who got it for little or nothing, in order that he might have increased trips and increased speed, and there is where the profit lies. Just as the Senator from Texas very properly said in his letter, it was an increase of compensation to contractors; that was urged as a leading reason for expedition, that they ought not to be crippled by working at low rates. Take this case for example: A new route is opened in the West. There is no road; there are no bridges, no ferry, no station-house, no wells—nothing. It is fifty miles long; it is ordered at five miles an hour to go through in ten hours, and \$5,000 a year is given for the service three times a week. The service is doubled to six times a week, with the same schedule of time, five miles an hour and fifty miles in ten hours, and \$10,000 is paid, just double. Nevertheless, recollect that when the contractor took that route first at \$5,000 for fifty miles, he had his bridges to build, he had his ferries to establish, if any, he had his station-houses to build, he had his stables to build for his horses, he had his wells to dig; he had everything to do, and he took it. I am assuming that he was dealing fairly

with himself and the Government, to receive \$5,000 a year for four years; at this rate he could make money on the route. It is doubled. Is the cost doubled to him? All the roads are established and built, all the stations are built, all the stables are built, and the wells are dug.

Mr. MAXEY. I will ask the Senator from Kentucky if although all the stables and stations are built and the wells are dug, when you change the schedule and make the service at five miles an hour where it was only a mile and a half before, do you not necessarily have to double up your stations and increase the number of wells and so on?

Mr. BECK. You do not necessarily have to double them. When you put on expedition you have to add some more. I will come to that directly. I am on the first section now, 3690, in regard to trips. When you merely increase trips do you have to build any more stables? Do you have to sink any more wells? Do you have to employ any more hostlers? You may have to work them a little harder. Do you have to do anything amounting to 25 per cent. or 50 per cent. at the outside of the original cost? That amount of increased pay would be ample compensation to a man who has merely doubled his trips, with no roads to build, no stations to build, the bridges all in order, his same hostlers, his same blacksmiths, his same everything on hand.

There never was a case in which a hundred per cent. is not allowed, though there are abundant instances where 25 per cent. increase would have been ample, and the Post-Office officials know it well. There is not a case in all the thousands where the pay is less than doubled, and there is where the profit to the contractor is.

Mr. MAXEY. I will ask the Senator from Kentucky, because the argument he is endeavoring to make is in reply to the legal argument, whether in any single instance in all the investigation made by the Senate Committee on Appropriations and the committee of the House one case has been brought up where the Postmaster-General went beyond what that identical section 3960 authorized him to go when there was an increase of service? Then the question is whether his judgment or discretion was good or not. The question is, did he violate the law as the law-makers made it?

Mr. BECK. I argued yesterday and showed that he had wantonly violated the law in exceeding his appropriations and in making contracts beyond his appropriations, and it was for that that I sought to hold him responsible. The Senator from Texas never replied to that, except to indorse him by contending that he could spend all we gave him in six months or three months if he liked. He turned over to these other sections that I am now reading and speaking about and showed that the Postmaster-General thought they were bad and ought to be modified. These sections apply to the administration of the Department and only to the administration of the Department. I know of no instance where he went beyond the maximum fixed by the law; I am not claiming that he did, but I know that there is no instance where under the discretion given him, and under the duty imposed upon him, he ever sought to save the money of the people of the United States by coming one dollar under the maximum for increase of trips. He pretends to construe that law to mean that he is obliged to give them double. The Senator undertakes to say that he ought to give them double, when 25 per cent. or 50 per cent. would often be a fair compensation, and I deny that that is a just administration of the Government.

Mr. MAXEY. Then the Senator from Kentucky and myself differ. He charges directly in the preamble that the Post-Office Department had disregarded the law, and now he admits they have not disregarded the law.

Mr. BECK. Either the Senator from Texas or myself have very confused ideas of this argument, for we surely differ very widely. I will again state what I charge the Postmaster-General with doing in plain violation of law. Section 3679 provides that—

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

That is regardless of trips, regardless of expedition, regardless of anything. All his discretion must be exercised inside of and in obedience to the law. The preamble to the bill recites that—

Whereas there is a deficiency in the appropriations made by Congress for the star postal service of the United States for the fiscal year ending June 30, 1880, caused by the Post-Office Department disregarding the law which prohibits the expenditure of money in excess of appropriations, or the making of contracts which involve the Government for the payment of money in excess of appropriations, which deficiency, unless supplied, threatens to deprive the people of the necessary mail services to which they are entitled: Therefore,

Be it enacted, etc.

I was not referring in the argument I made yesterday, nor in the preamble either, to section 3960 or section 3961, which alone refer to routes, increase of trips, and expedition, and have nothing to do with the law regulating expenditures on making contracts in excess thereof. If I did not make that plain I do not know how to make it plainer.

Mr. MAXEY. As the Senator has been making a reply to my argument, I ask him if the very section which he has read, and which he says has been violated, does not give the Post-Office Department a discretion by its very terms to expend the money appropriated within the fiscal year, and if the only limit in regard to it is that the Postmaster-General shall not within the fiscal year expend more money

than is appropriated? How much he shall spend in one month, how much he shall spend in one day, or in one quarter, or in two quarters is not limited by that law, but is within his discretion. I will say to the Senator that the principle for which I am contending is that where discretion is given by law to any public officer, a judge, or what not, and he remains within the law, no court can damage him for a misexercise of that discretion within the law, nor could Congress do it, nor can Congress say that the Postmaster-General violated the law when he has not expended more than the whole of the \$5,900,000 for the current fiscal year, when the current fiscal year is not ended, and will not be ended until the 30th of June, 1880. Hence he has not violated the law as charged in that preamble.

Mr. BECK. This is the argument as I understand it: I ask the Senator from Texas how much he will board my son for for one year, who is going to school in his town. He says he will board him for \$500. I give it to him; it is all he asks. He comes and says to me on the 1st day of February, "I shall stop feeding your son and turn him out of doors unless you give me more money. I had discretion to do as I liked. I undertook to board him for the whole year for \$500, but I spent all the money in seven months; he may starve the rest of the time." Would that be a compliance with the contract?

Mr. MAXEY. I do not think that that is a fair statement.

Mr. BECK. The Postmaster-General told us that for a given sum of money all the star routes of the country could be maintained for twelve months. We gave it to him, and he diverted it to other purposes, and on the 20th day of February he said, "I will stop all your mail service unless you give me \$2,000,000 more." And now the Senator says that because he has not yet spent it all, although it will all be gone in a few days, gone by reason of his violation of the law, as he has to pay the men he has employed \$600,000 and take that out of the sum we gave, to save himself from impeachment, that that is a compliance with the Postmaster-General's obligations. Is not that the argument?

Mr. MAXEY. I do not wish to interrupt the Senator, but I want him to be fair and just.

Mr. BECK. I am trying to give a fair answer.

Mr. MAXEY. The Senator from Kentucky knows just as well as I do that the Postmaster-General in reply to him stated that he did not believe the amount of his estimates was sufficient to carry on the postal service for the current fiscal year, but that it was cut down in Cabinet meeting against his will, and especially by the direction of the Secretary of the Treasury. In his replies (in which I give him credit for being exceedingly temperate, calm, and dignified under the circumstances) he furthermore said that after the estimates were sent in two thousand additional routes had been added by Congress and he had placed four hundred and thirty-four thousand dollars' worth of service out of the \$5,900,000 on those new routes, which were not estimated for because they were made after he had sent in his estimates to Congress. Fair dealing with a man requires that this statement should go upon the record.

Mr. BECK. The Postmaster-General estimated not only for the existing routes but for what he thought would be a proper increase. He was under no sort of obligation to place service upon those new routes unless he thought the good of the service required it. While the suggestion was made that that was the cause of the great expenditure when he was demanding \$2,000,000 and admitting that he had put service on in excess of the appropriations \$1,720,004, only the pitiful sum of \$434,000 was expended in all the two thousand new routes which he said Congress had thrown upon him about which there was so much parade. Upon one of these new routes, from Vinita to Las Vegas, through the Indian Territory, where there are only a few military posts, with hardly anybody to receive or send mail-matter, he paid \$144,262, when there were two thousand new routes ordered by Congress. Nearly half of what he paid was on one little route in the Indian Territory that he let for \$6,000 and increased up to over \$140,000. Is that good, honest, or economical administration?

Mr. MAXEY. I will ask the Senator from Kentucky, in that connection, if he does not know that the Postmaster-General made it known to him that the General of the Army recommended the route from Vinita to Las Vegas as one of the most economical measures that could be adopted, because it aided in the solution of the Indian troubles, and would do more than all the laws of Congress, and as a measure of wise economy it ought to be adopted. In the exercise of that discretion which the law gave him he stated that he took into account this statement of General Sherman, as well as the statement of General Davidson, who commanded the troops there at Fort Elliot in the pan-handle.

Mr. BECK. The General of the Army of course wanted easier riding; the General of the Army recommended it, and the military men at the posts would want it, and the Senator from Texas recommended everything, too, of course. What of that?

Mr. MAXEY. I cannot answer that kind of an argument.

Mr. BECK. It is popular to recommend those things, and it is right to recommend them, but that forms no excuse for the Postmaster-General to take \$144,000 to put on a route of that sort and curtail 10,300 routes in order to do it. Here is the General's letter, I think.

Mr. MAXEY. I have got it here, if the Senator has not got it.

Mr. BECK. There are only two or three sacks of mail carried over it, and the General of the Army recommended it; but you will see that the General of the Army (if there is to be any more authority

in what he says than to what a private citizen says) fears it will cost too much to do it. Still he recommended it. He said:

I am sure a daily mail carried in coaches from Vinita, Indian Territory, via Fort Reno, Camp Supply, Fort Elliott, Bascomb, Union, &c., will contribute largely to the settlement of that region, and would be most valuable, but I fear the cost would hardly be justified for a few years yet. Still I approve the above.

That is the strong recommendation of the General of the Army, and he fears that the cost will hardly be justified for a few years yet.

Mr. MAXEY. Another statement that the General of the Army made—and it might just as well have been read in the same letter—is as follows:

The establishment of these transcontinental roads, such as the Yellowstone, Platte, Arkansas, and El Paso, has done more to settle the everlasting Indian question than all the laws of Congress.

You will find in a letter which I wrote in regard to the lines down on the Rio Grande I stated:

I am impressed with the belief, and shall, when I can secure time, make it appear in a communication to you on that point, that increased mail facilities around the entire Rio Grande front would be a splendid cordon of pickets in many ways and do much toward establishing peace on the border, and thus a measure of wise economy.

All these things in the very nature of the case must be taken into consideration by the Postmaster-General in the exercise of a wise discretion such as the law gives him.

Mr. BECK. It all comes back to the same proposition that there is no discretion given to the Postmaster-General to exceed the appropriations made by law for the business of the fiscal year. On the contrary, the prohibition is positive that he shall not exceed them. There is no discretion given him to make contracts to involve the Government for the payment of more than the amount appropriated; and the law says he shall not do it. Yet the Postmaster-General admits he has exceeded the appropriation to the extent of a million and a half; and he has expended it all so as to make it necessary to cut down the star routes to weekly service on the 1st of March; and the chairman of the Committee on Post-Offices and Post-Roads thinks he has the right under the law in the exercise of his discretion to do it, although it will cost over \$600,000 in money and the loss of four months' mail service to keep him technically within the law. I say there is not a man in the country who will not say that the very state-

ment of the proposition answers the argument. It is absurd to assume that Congress ever intended any such thing or that any just man would assume that any such power was given to him. As well might the War Department use all the appropriation made for the Army in six months and let it starve for the rest of the year, as well let the Navy go at the end of six months, as well might any other of the great Departments of the Government come and demand more money or say that the service shall be discontinued, as for the Postmaster-General to come and make these demands now.

The sections I am arguing to-day are sections relating to administration. I am trying to show that this Department is badly administered and that the money that was spent was not spent in any proper way, although it may not have been a direct violation of the law to do it if appropriations had been made sufficient for the purpose. The Postmaster-General had the authority to pay double for double service, that I admit; I do not know how many routes he doubled. I have shown that in every instance where he doubled the mail service he doubled the compensation. I want to know from the Senator from Texas whether or not the frontier of Texas is protected any more by the route from Fort Worth to Fort Yuma going at the rate of four miles an hour than it was when it was going at three miles an hour, for before the \$164,000 or \$165,000 was given a mail was going along that route every day. There was a few hours' difference perhaps at near points and a day or two at the utmost, but one mail every day was going over that route at \$134,000, and while we know that mails and roads and everything else open countries up, why should expedition be put on to double and quadruple what was paid originally be added because of speed when the people are getting no increase of mail, only receiving the mail every day as they did before?

I have in my hand a list of twenty routes, showing the original cost of the trips as let, the cost of the extra trips, none of them running up to daily trips, the cost of the expedition, the present total cost, the cost if the trips had been made daily and doubled every time. The present cost now paid because of expedition, where they are getting only four and five, and only in one or two cases six trips a day, we are paying for that expedition \$397,784 more money than it would cost to give the people on every one of those routes daily trips even though every time they doubled the service they doubled the cost of the original service.

Statement showing a few instances of many where routes have been increased from one and two to three trips per week, then expedited. If they had been increased to seven trips (daily) at pro rata pay per trip, leaving schedule time untouched, expedition would have been unnecessary, for there would have been a delivery every twenty-four hours instead of forty-eight and, from Friday until Monday, of seventy-two hours, as frequency would have taken the place of expedition.

States and Territories.	Number of routes.	Original pay.	Original trips.	Trips now.	Pay for trips.	Pay for expedition.	Present cost.	Cost if made daily.	Amount saved daily over expedition.
Texas.....	31542	\$630 00	1	2	\$1,260 00	\$3,990 00	\$5,880 00	\$4,410 00	\$1,470 00
Dakota.....	35015	398 00	1	5	2,033 00	3,680 00	6,131 90	2,451 90	3,680 00
Dakota.....	35051	2,350 00	1	6	39,700 00	27,950 00	70,000 00	16,450 00	53,550 00
New Mexico.....	39104	1,748 00	1	2	3,496 00	7,866 00	13,110 00	10,488 00	2,622 00
New Mexico.....	39109	14,900 00	3	4	54,435 96	21,876 55	91,212 51	34,766 66	56,445 85
New Mexico.....	39114	3,500 00	1	2	7,000 00	21,000 00	31,500 00	24,500 00	7,000 00
Arizona.....	40101	18,500 00	3	4	77,700 00	39,775 00	135,975 00	41,166 66	92,808 34
Arizona.....	40103	7,400 00	2	5	41,963 00	17,537 00	66,900 00	23,900 00	43,000 00
Arizona.....	40104	2,982 00	1	6	29,733 00	19,318 00	52,033 00	19,274 00	32,159 00
Arizona.....	40107	4,999 00	3	4	5,684 00	21,384 00	34,076 00	10,665 67	23,410 33
Arizona.....	40109	2,670 00	3	4	3,869 00	10,798 00	17,337 00	6,230 00	11,107 00
Arizona.....	40113	1,568 00	1	2	3,136 00	9,408 00	14,112 00	10,976 00	3,136 00
Utah.....	41119	1,168 00	1	2	5,426 00	12,718 00	19,312 00	8,170 00	11,136 00
Idaho.....	42121	4,750 00	3	3	4,750 00	12,667 00	22,167 00	11,083 33	11,083 67
Oregon.....	44140	2,408 00	1	2	4,816 00	14,486 10	21,603 96	17,376 00	4,227 96
Oregon.....	44145	8,288 00	2	5	45,584 00	18,648 00	72,520 00	58,016 00	14,504 00
Oregon.....	44160	2,882 00	1	2	5,776 00	12,836 00	21,500 00	20,216 00	1,284 00
California.....	46132	1,182 00	1	2	2,376 00	5,346 00	8,910 00	8,316 00	594 00
California.....	46207	6,975 00	3	3	6,975 00	13,950 00	27,900 00	16,275 00	11,625 00
California.....	46247	5,988 00	2	1½	8,982 00	17,964 00	32,934 00	20,993 00	11,941 00
Saved on twenty routes by substituting trips for speed.....									397,784 15

That statement shows that it is not to give the people mail facilities that these allowances for expedition are made; it is to enable the great contractors to run their stages and break down the express companies, competing with them and making their money otherwise. The Postmaster-General says, and so does his Second Assistant and so do all the contractors, "Cut down the number of trips if you please, but do not cut down the speed; it is the speed that has enabled us to build up a lucrative business." They care nothing about the mails for the people. We say, "Give them daily mails." No, the contractors do not want that; therefore the Department does not want it, and they protest against the cutting down of the expedition which enables them to give pay as they like in proportion to the number of horses, mules, or men that the contractor swears he will have to put on because of the increased speed, and without any information except his own say-so as to the proportion which the increase of mules, horses, and men bore to the original cost in that which is given him; and he gets it for four years. How is it done? The moment a man gets a

route in his possession it is his for good. Mr. Salesbury understands that well. He is a very good contractor so far as I know—the largest in the United States—and he gives very good bonds. He gives Messrs. Haggin & Fevis, of San Francisco, on his bond. The Senators from California no doubt know who they are. Mr. Salesbury was questioned by myself:

Question. After you once obtain possession of a route by having it awarded to you, can there be any competition by anybody else in regard to increase of service or expedition?

Answer. Provided I cannot perform the services required by the Government.

Q. But if you can, no one can compete with you?

A. No, sir; not during the term of four years.

Q. Therefore, your avowal of competency at any price prevents the Department from giving it to anybody else, so far as expedition is concerned?

A. I think it does so far as any one else is concerned, but they can refuse it to me if they see fit.

Q. They can; but they are obliged to give it to you in order to expedite the business if you avow a willingness to perform it?

A. That is my understanding.

Mr. MAXEY. Is that the fault of the Postmaster-General or the fault of the law?

Mr. BECK. That is the fault of the law?

Mr. MAXEY. That is what I supposed.

Mr. BECK. And that is the only law that I know of that the Postmaster-General is seeking to amend. When the Senator from Texas was arguing yesterday that the Postmaster-General was seeking to amend the law that was the law to which he referred. The law under which I was arraigning the Postmaster-General was the law under which he was spending money in excess of the appropriations and making contracts in violation of law, and not with regard to this law at all.

Mr. MAXEY. The Senator from Kentucky will allow me to suggest that on I think page 14 of the report of the Postmaster-General for the year 1879, the one sent to us at the present session, he will find at the same right-hand page that the Postmaster-General recommends the amendment of both section 3960 and section 3961.

Mr. BECK. I am trying to show the bad management heretofore under them both. The Senator from Texas, the chairman of the Committee on Post-Offices and Post-Roads, will not do his duty as well as he generally does it if he does not promptly report a bill to correct those laws, and I do not see why it was not done long ago.

Mr. MAXEY. I stated to the Senate yesterday what, I presume, the Senator from Kentucky did not hear, that on the 2d day of June, 1879, a bill was introduced in the House of Representatives and that a substitute was reported on the 16th day of December, 1879, from the Committee on Post-Offices and Post-Roads by the chairman, [Mr. MONEY,] and the bill is there pending, but has never been touched by that House, so far as the RECORD shows; so that there is no need for the Post-Office Committee here introducing a bill when a corresponding bill in the House is pending there.

Mr. BECK. Why does not the Committee on Post-Offices and Post-Roads of the Senate, who know so well about these bad laws and know all the evils, and who are in constant communication with the Postmaster-General, introduce and bring before the Senate a bill which will at least remedy some of the flagrant evils which they themselves confess exist in the management of these affairs?

Mr. MAXEY. Because a like bill is now pending in the other House.

Mr. BECK. I hope my argument will do something to stir up the Senator from Texas and show him the abuses that are now practiced. With increases from \$6,000 to \$146,000, increases from \$134,000 in his own State to \$299,000, when a railroad has advanced three hundred miles in the mean time that is not being used and Mr. Huntington is dividing the great profits now given by the Post-Office with that route, and from Prescott to Santa Fé, where Mr. Walsh comes in and swears that he is getting \$136,000, and is only sorry that he did not ask \$200,000, and if he had been a little smarter he would have had that instead of the other, why does not the Committee on Post-Offices and Post-Roads remedy those things? If I have helped to make them do that I have accomplished a good work.

Mr. MAXEY. I desire to state to the Senator from Kentucky that the chairman of the Committee on Post-Offices and Post-Roads is about as attentive to his business, or thinks he is, as the Senator from Kentucky, and he needs no prodding to do his duty. I do not ask any aid in that regard. The chairman of the Committee on Post-Offices and Post-Roads stated here, and has repeated over and over again, the fact that a bill was regularly reported from the Committee on the Post-Office and Post-Roads of the House, and is now pending in the House, having been favorably reported, to accomplish these objects. Therefore, according to my view of business, there is no need of repeating that operation here.

Mr. BECK. I know how attentive the Senator from Texas is, and I know how sensitive he is, particularly upon subjects of that sort; but I remind him, as I have been doing all day, that the Post-Office Department, which he says is run in the interest of poor men having as much right to the benefits of the service as the banker in North Middletown has, gives to his State and the western Territories for thirty-eight thousand miles of road two million and a half dollars, while in my State and in ten others, with seventy thousand miles of exactly such routes, we are getting less than \$2,000,000. These new States and Territories are now getting a much larger percentage of the star service than the State of Kentucky or any of these older States. The Territories, the Indian Territory and all, according to the tables, are getting largely in excess of what we are getting, and now our mails are to be stopped because the Postmaster-General has seen fit to order it, and we are to have nothing, and that is said to be right and in accordance with law!

Mr. MAXEY. I desire to remind the Senator of one thing. Let us have fair play.

Mr. BECK. Certainly.

Mr. MAXEY. The Senator makes a comparison of the number of miles, and would have one suppose and have the country believe that the star service east of the Mississippi river is corresponding in troubles and difficulties with the star service west of that river. I say to the Senator that there are but six routes east of the Mississippi river one hundred miles long. One of them is a canal route over here in Virginia. While you have your ten thousand routes that you are talking about, some of them one mile long, some two miles long, others three miles long, the general average being twenty miles long,

where your man has got nothing to do but to hire a boy and a mule, with your taverns already fixed, with corn in the country, and everything in plenty—to compare that with a route fifteen hundred and sixty miles long, a large portion of which is through a wilderness, where you have got to dig your wells, make your station-houses, make your stables, haul your provisions and corn one hundred miles, is to my mind an absolute absurdity. The comparison will not do.

Mr. BECK. I know how absurd the Senator from Texas can imagine things are, but I think it will strike the country as being still more absurd that after a contract had been made along the very route of which he spoke, and bond and security given to comply with it at \$134,000 a year, when the service was being performed and a mail was being furnished every day to the people, merely to make it go a little bit faster in the interest of contractors and give them a little more pay, that much money has to be withdrawn from other routes that really need it, even the three miles or five miles or any other mile routes in the Eastern States, and they are to be told it is more important when a contractor had contracted to carry the mails for \$134,000 a year to give him \$164,000, furnishing the people no more mail, that the Postmaster-General is right, and it is good management that he could cut down all the mails east of the Mississippi River from a daily and weekly service in order that that could be done.

Mr. COKE. If the Senator from Kentucky will allow me, I will say that that very route was appropriated for by Congress.

Mr. BECK. I said before and I will say again that the Fort Worth and Yuma route was established a year ago. I admit it was run faster a year ago than it was at the last letting.

Mr. COKE. But the appropriation was made at the last session of Congress for it.

Mr. BECK. Certainly.

Mr. COKE. No money was therefore taken from any other route to run it.

Mr. BECK. I am not finding fault with that route any more than I am with any other route.

Mr. MAXEY. I will ask the Senator from Kentucky if he thinks it is not a matter of the slightest importance whether the mail runs fast or slow, if he thinks that is a matter of no consequence to the people out West? They are poor, that is true. How would you like the mail running between New York and San Francisco, costing about \$1,800,000, to be put on a freight train so that it would not cost more than \$200,000? One is a seven-days schedule; the other is twenty-five days. If your principle is good, apply it to the great line from New York to San Francisco, and you would have a howl that you would remember.

Mr. BECK. Here is another table. The original schedule of time on twelve routes is given and the increase per mile of the expedited schedule is given, swelling it up from about one-third, or 33.13, to 50.16. The difference in miles per hour is given, varying from one to one and a half and in one instance two; and the difference in cost of these twelve routes because of that expedition alone, without delivering a single mail more than before, is \$735,182.20. I said yesterday about \$750,000 out of the \$930,000 of this increase. This is the table, here are the routes, and all the country gains is the speed a little bit faster, and along all these lines of road the average speed is much greater than it is in many of the older States even along their good roads.

Statement of miles per hour of original schedule, expedited schedule, difference, and cost of difference.

Number of route.	Names of termini.	Miles per hour of the original schedule.	Miles per hour of the expedited schedule.	Difference in miles per hour between original and expedited service.	Cost of expedition alone.
32024	Vinita to Las Vegas.....	2.66	3.80	1.14	\$100,658.03
35051	Bismarck to Fort Keogh.....	3.00	3.85	.85	55,900.00
31454	Fort Worth to Yuma.....	3.50	4.57	1.07	165,000.00
36107	Bozeman to Fort Keogh.....	2.47	4.30	1.83	46,766.81
37110	Rock Creek to Fort Custer....	1.60	4.28	2.68	61,251.81
39109	Las Vegas to Las Cruces.....	2.94	3.53	.59	56,445.84
40101	Prescott to Santa Fé.....	3.00	4.80	1.80	92,508.00
40103	Prescott to Mohave.....	4.00	5.03	1.03	40,919.99
40116	Phoenix to Prescott.....	1.46	4.40	2.94	27,200.32
44155	The Dalles to Baker City.....	2.30	3.82	1.52	43,592.00
46120	Soledad to Newhall.....	4.54	5.73	1.19	21,750.00
46247	Redding to Alturas.....	1.66	2.50	.84	19,960.00
		33.13	50.61	17.48	735,182.20

Average miles per hour, 2.76, 4.22, 1.46. Or an increase of speed from 23 miles to 41 costs \$735,182.20 on twelve routes alone, and the fastest line of all, No. 46120, Soledad to Newhall, California, gets the least pay.

But I have spoken much longer than I intended. While I believe that the House had very good reason for finding fault with the administration, the Committee on Appropriations of the Senate did not intend to cut down any of the service now or to try to find who was guilty or who was not guilty. I concede to the contractor a right to get all he can; but our officers ought to get the service done as cheaply

for us as they can. They have not done it; they have not tried to do it. The proof shows that they have been reckless and careless in their expenditures, grossly extravagant; and while I do not believe that the head of the Department himself has been guilty of it, he is responsible for all that is done under him, and he is the only person to whom Congress can speak. The others are his subordinates nominally.

Therefore while we first agreed with the House to give \$970,000—and I believe that is enough, and I think I can show it—for fear that somebody might say we were pinching the mail service, by the amendment now pending we have agreed to make it \$1,100,000, which we all know is ample. And why do we say so? According to the statement of Mr. Lilley, the Assistant Sixth Auditor, the amount necessary for all the contracts is \$1,155,000. For the current six months there are no deductions for fines and penalties off that. For the first six months of the year there were \$101,000 of fines and penalties imposed. If half that amount is imposed for the current six months, then it brings it down to exactly the sum that we have given, and there will in all probability be quite as much for the current six months as there was for the last, and then they have other sources besides of making money and saving money. Let me read a case furnished to me by the chairman of the sub-committee on Appropriations of the House of Representatives and taken from the order books of the Department to see what their administration is:

No. 2038, January 22, 1880.

Number of route, 40104.

Termini of route—Mineral Park, Arizona Territory; Pioche, Nevada.

Length of route, two hundred and thirty-two miles; number of trips per week, seven; contractor, J. W. Dorsey; pay, \$52,033.33 per annum; sub-contractor, M. C. Perrell; pay, \$52,033.33.

The mail bills received by inspection division showing little mail-matter passing over this route, as per files of said division, and that the service is most irregularly and inefficiently performed:

Ordered, That service on said route be reduced from the 1st day of February next to what it was at original letting, both as to trips and speed, without one month's extra pay.

[This on face in red ink:]

From February 1, 1880, reduce service from seven trips per week to one trip per week and increase running time from sixty to eighty-four hours; decrease contractor's pay \$49,051.33 per annum, being amount allowed by orders bearing date December 31, 1878, (number 11446), and July 23, 1879, (number 6334), for increase of trips and expedition of running time, without one month's extra pay on service dispensed with. The present pay is \$2,982.

There is a clear case of confession that they gave a contractor \$52,033.33 on a route originally let for about \$2,900; and now the good of the service requires as shown by their own order-book that \$49,051.33 be stricken from that \$52,033.33, and the service go on from Mineral Park to Pioche at the \$2,900 originally given. There is \$49,000 more that they have and can apply to the service that is needed; and they can do the same on a great many other routes.

Mr. KIRKWOOD. That is just what they propose to do with all the routes over the country east of the Mississippi River.

Mr. BECK. Just about; and pay \$600,000 for the privilege of doing so!

Mr. BOOTH. Will the Senator from Kentucky allow me to ask him a question?

Mr. BECK. Certainly.

Mr. BOOTH. I understood him to say a few minutes ago that the Department had recklessly and without reason increased the cost of this star service. I should like to ask the Senator for information how the cost per mile for the present year compares with the cost per mile for previous years for the same service?

Mr. BECK. I understand that it is about the same. That was the testimony of the Postmaster-General, if I recollect aright. The Senator from California was on the sub-committee with me, and I think he will remember that the Postmaster-General said about the same. I can turn to it in a moment.

Mr. BOOTH. I thought, perhaps, the Senator had the testimony directly before him.

Mr. BECK. The exact amount is nine and a quarter, about.

Mr. BOOTH. My impression is it is lower this year than any other time with the exception of one year.

Mr. BECK. The Senator will recollect that the Second Assistant Postmaster-General, Brady, further stated that he was now getting the service much lower. The bids were much lower for the service this year than ever before. This question was asked him:

Question. Generally, on those long routes out there, did the last year's lettings rule above or below the figures of the preceding year?

Answer. They were generally much lower. We saved in that section at that letting some \$1,200,000, I think.

They were let that much lower; and I desire to say that it is perfectly obvious that if laws could be passed prohibiting the payment for increase of trips beyond 25 or 50 per cent., and for increase of expedition cut it off altogether, and make the original letting at a reasonable rate of speed, say three or four or five miles an hour, which is the fastest they ever go, millions could be saved, instead of giving the routes for almost nothing to pet contractors and then building them up by increase of trips and expeditions, as was done in the three routes to which I have referred from \$6,000 to \$150,000, from \$13,000 to \$135,000, and from \$134,000 up to \$299,000, which is absolutely squandering the money of the people.

I will not trouble the Senate longer.

Mr. TELLER. Mr. President, I do not intend to enter into any very extensive and general discussion of the questions which have been discussed by the Senator from Kentucky. I find that the bill reported from the Committee on Appropriations contains a preamble which recites that the Post-Office Department, disregarding and in violation of the law, has made certain expenditures. "Disregarding the law" is the term used. The Senator from Kentucky has to a considerable extent based his argument on a violation of the statute, and he has arraigned the Department for a failure to obey and observe the provisions of the statute that requires the Department to keep within the appropriations. He admits, however, that there is a discretion vested in the Postmaster-General with reference to expediting service and with reference to the increase of service. So it seems to me that the quarrel that the Senator from Kentucky has with the Department is that he doubts the proper exercise of discretion on the part of the Department, while the statute confers this power upon the Department. While the statute says the Department shall have a discretionary power, the Senator says it has not wisely and properly exercised that power.

I submit to the Senator from Kentucky and to every other Senator that when a discretionary power is lodged or vested in an officer, he alone is the judge when it is proper to exercise that power; and it is utterly impossible for that power to be properly and safely lodged in any officer if the Senate, the House, or anybody else is to come in and overhauit it. If we can come in here and say to the Postmaster-General, "it is true the statute said you might judge of the emergency that required expedited service or increased trips, yet we do not think it was proper to increase the trips on this route to six times a week, we think five would have been ample; we do not think it was proper to expedite this route to fifteen days when twenty-five would have been all that was necessary." What is the use of the law vesting this discretion in the Post-Office Department? There can be no violation of the law if the law has thus vested in this officer a discretionary power.

But the Senator says the statutes provide in another section that no Department shall exceed the appropriations. These appropriations are made with a view to the service that is proposed at the time; they are made for the railroad service in existence, made for the steamboat service in existence, and made for the star-route service in existence at the time, and then an estimate is made of the number of new routes necessary to be established and their cost. There never is any estimate and never has been any estimate made that I have been able to find for expedited service, nor any estimate made of the cost of increased trips. That is a matter which is intrusted to the discretion of the Department. Besides, you must take the statutes together, the statute that says the Department shall not exceed the appropriations, and the statute that says the Department may judge of the emergency of the case and expedite or increase the service.

The Senator from Kentucky says the head of this Department is personally a very honest man, but officially he argues that he must be very dishonest. I suppose by that he means to say that he has not stolen any of the public funds; by that he means to say that the head of this Department has not had any hand or finger in this increase, and does not make any money out of the operation. Sir, the Senator need not have said that. With all the clamor that has been made over this star service nobody has yet been found to charge the head of this Department with any impropriety except, perhaps, as it is charged, an abuse of discretion. It is said that he has exceeded what good judgment would have required. It is said that he has been guilty of an error of judgment. That is what we have to expect whenever we intrust to a public officer the exercise of discretionary power. But it is not true that he has misused the discretionary power vested in him by the statutes. It is not true that the head of this Department has exceeded the authority given him by the statutes.

The star service is the great service of the country. It is the expensive service in one sense of the term. It has long routes through forests, over mountains, and through deserts; but it does not cost the money that the railroad service and the steamboat service cost. A fair analysis of the appropriations will show that the railroad and steamboat routes cost the Government of the United States but a trifle less than \$13,000,000 every year, and in that we do not include the advantage that the people have who live along those lines of free delivery in the cities that add very largely to the expenses of the postal Department. Leaving that out, it costs twice as much to run the steamboat and railroad routes as it does the star service in the West.

Mr. President, everybody should take into consideration in determining this question of expense the vast magnitude of the territory over which the star-route service extends. If you exclude Alaska and if you exclude Washington Territory, which is not affected by this bill as it came from the House, because none of the routes in Washington had been expedited or increased, more than one-half of the entire area of the United States lies within the territory included in the one hundred and seven routes which are affected by the bill. If you include Washington Territory, that is directly affected if this bill is so framed as to strike down the great routes, then 225,000 square miles of territory, more than one-half of the whole area of the country, are interested in this bill.

It has been my fortune for a good many years to live where the mail service was the star-route service. I have seen a good deal of

this star-route service, and I know what every man ought to know who has given attention to the history of the country, whether he lived in the West or whether he lived in the East, that these star-route services are the great engines that open up the western country to civilization. We first open with a slow mail, and we supply a few hardy pioneers who put themselves on the line of that route. In a little while come heavier settlements, more people, and they demand, as they have a right to demand—for I believe, as the Senator from Texas said, that the mail service is the poor man's service as well as the rich man's—increased facilities, increased opportunities of conversation, so to speak, with their friends whom they have left in the East. The mail service to the people in the West is a more important thing than it is to the people in the East. The people who live on the lines of railroads running east and west and north and south, and who have every hour of the day, almost, a train passing through their town carrying the United States mail, and who, as has already been said in this debate, have five or six times a day their letters laid upon their tables, have very little idea of the consequences to the people in the West of the curtailing and restricting of this service. It is not a simple question of letters, it is a question of books; it is a question of newspapers. More than half of the libraries in the West to-day have gone through the mail; more than half of all the reading matter of the people in an area bigger than all the country east of the Mississippi River comes through the mail. Not only that, but since the laws have enabled them to send merchandise in the mail a large part and portion of the little comforts and luxuries that they use in their families, in the way of small dry goods and millinery and that class of goods, come through the mails.

I have heard it said in this debate, and I have had my attention called to it, that some gentlemen in the East, living in the great city of New York and other big cities, have claimed that they support the mail service. That is not the fact. The great city of New York, which furnishes more net money to the mails than any other place, does not furnish over and above its population any greater proportion of the postal revenue than the people in Nevada, Colorado, or California. They send out immense quantities from their stores and from their publishing-houses by the mail, upon which we pay the postal duties and not they, and they get the credit because the matter starts at that office. In the city of New York, in the city of Philadelphia, in the city of Chicago are vast establishments that are in the dry-goods trade which are practically supported to-day by the people who buy through the mails; and every mail that goes to Idaho and that goes to Montana and that goes to the far West, beyond the railroad lines especially, is freighted with this material that pays to the Government sixteen cents a pound, and that it costs the Government less than that to transport it from the city of New York.

One of the witnesses before the Senate Committee on Appropriations testified in reference to the mail going into the Deadwood country. He said that the expense to the Government was about five cents a pound, while the express charge was much greater—twice or three times that, if I recollect—and that induced people to buy every little article they could buy in this way and send it by mail, and that includes everything that does not weigh more than four pounds; and women and men, too, will send to the great cities and buy fifteen or twenty pounds of material and have it done up in packages of four pounds each and pay their sixteen cents a pound for it and have it shipped over these lines. Said one of these men when before the committee, "When I commenced running on this line I had one hundred pounds of mail-matter a week; now my mail-matter is from ten hundred to twenty hundred pounds a day."

Who gets the advantage of this? The Government of the United States in part, and the people in part. The Government gets well paid for the transportation, and the people in the far West have the advantage of a direct and easy communication with the people of the East at reasonable rates.

It cannot be claimed that this service ought to be supported by the people affected. There are very few States in the Union that furnish sufficient to support their postal service. The extreme West does its proportion. There are ten States in the Union that furnish less to the postal revenues than the State I in part represent. It is not the extreme West, then, that is depleting the public Treasury by calling for appropriations in this direction.

But if it was true that the extreme West was making the deficiency in this branch of the public service, is there any reason why these people should not have mail facilities? Is there any reason why the Government should not support the postal service as it supports the Army? Is there any reason why it should not support this service as it supports the Navy? It comes nearer to the people; it affects their health, their intelligence, in a greater proportion than any other service, and this is the service of all others that ought to be paid for out of the public Treasury and out of the public collections.

The service is neither unreasonable in the West nor very expensive. There has been a demand made upon the Post-Office Department during the last year for expedited service and increased trips, and in the State that I in part represent there are seven routes, long trunk routes, affected by this bill as it came from the House. Upon every one of the applications for expediting and increasing the service on these routes I think it will be found that my name is entered as approving, indorsing, and urging the Department to do what has been

done. I went day after day at the demand of my constituents, believing I was discharging a duty that I owed to them and to the country, and urged this expedited service and these increases of trips; and I propose, so far as I am concerned, to take the full responsibility of it, and I believe it has been done not in violation of law, but in perfect accordance with the law, and demanded by the necessities and the wants of the people.

There has been an emigration to the West within the last two years, within the last year indeed, unusual. A witness before this committee the other day said that the emigration into the mining regions of the West has been more in the last year and a half than in the preceding ten years altogether. Is no provision to be made for those people? Who are they, and from whence have they come? They are from New England and from New York and from the South, from all portions of the country who go out there to make a home and to build up States, and they have lost none of their rights because they have been, unfortunately perhaps, compelled to leave the endearments of home and the luxuries of the East and go out in the West to rough it. They ought to have the fostering hand and care of this Government, and they ought to have mail facilities equal to those they had in the States they left. No portion of the West to-day can compare with the State of Kentucky and many of the older sections of the country in facilities for receiving and sending out mails.

It is said that some expense attended this. Undoubtedly; and yet it can be shown that this Department has not increased the expenses except as it was necessary to increase the service, and I have here a table, which has been prepared and handed me, that I believe to be correct, and which I am willing to indorse, of long lines of routes under this present administration in the western country, which shows conclusively that this administration has been an economical one. I want to say a word here about this administration. Since I have had any knowledge of public affairs, since I have been in the western country and seen these operations of the public mail service, I say that there has been no administration that so thoroughly understood the wants of the people in this particular as the present postal management with Mr. Key at its head. He has given us a service infinitely better than was ever given to the people west of the Mississippi River at any time since my attention has been called to it, and that is for nearly twenty years, and it has been done cheaper and has been done better, and reflects the highest credit upon him, both with reference to the economy and with reference to the zeal that he has manifested in furnishing these people with mail facilities.

I desire to call the attention of the Senate to some of these routes and the old prices, not by way of disparagement, not by way of finding fault with former prices, but to show that the charge of extravagance and inattention to the interest of the Government in this particular is not well founded. Take the route from Kelton, in Utah, to The Dalles, in Oregon, a distance of six hundred and ninety-five miles. From August 1, 1870, up to June 30, 1874, the annual expense of that mail was \$224,000.

Mr. DAVIS, of West Virginia. What is it now, I ask the Senator?

Mr. TELLER. I will tell the honorable Senator. It would not be any very great object for me to give the one, without giving the other. I want to make a comparison, and show that the mail is now carried much cheaper than formerly.

Mr. DAVIS, of West Virginia. It would be well for the Senator to take some of the routes talked of here, instead of some others that have not been talked of at all.

Mr. TELLER. I am making this speech myself. When the honorable Senator comes to reply, as I understand he proposes to do in defense of this preamble and bill as it originally came here, he can present his own side of the case. He will probably make a great deal better speech; but it will be his and not mine.

Two hundred and twenty-four thousand dollars was the price for service on that route up to 1874. From March 1, 1875, to June 30, 1878, it was \$134,700. Under the present Postmaster-General, from 1878 to 1882, the rate is \$84,500.

Take then the route from Boise City to Winnemucca, Idaho, a distance of two hundred and eighty miles. From July 1, 1875, to June 30, 1878, that route was let at \$47,000. For the term from 1878 to 1882, it was let at \$30,000.

Take the route from Watson's to Deer Lodge, Montana, a distance of one hundred and sixteen miles. From 1875 to 1878 the contract price was \$17,750. Under the expedited schedule from July 28 to June 30, 1882, it is \$14,591.

Mr. BOOTH. How much was that expedited in point of time?

Mr. TELLER. I am not able to give the time, but it is an expedited service, and still the service costs \$3,159 less than under the previous letting.

The route from Helena to Missoula, Montana, is a distance of one hundred and forty miles. From 1875 to 1878 the price was \$21,089. I am giving in all these cases the rate per annum. Under the present expedited schedule, from July 1, 1878, to June 30, 1882, the contract price is \$18,739.

From Sidney to Deadwood, and from Cheyenne to Horsehead, Dakota, one route being two hundred and fourteen and the other two hundred and ninety-eight miles, the original letting was \$80,000. The present pay, with expedited service, is \$45,765, a saving of \$34,235 per year.

From Eureka to Pioche, Nevada, a distance of two hundred and

sixty-seven miles, from March 1, 1875, to June 30, 1878, the contract price was \$31,400. Under the present management, from July 1, 1878, to June 30, 1882, the service is let for \$30,600.

From Franklin to Helena, Montana, a distance of four hundred and twenty-two miles, from July 1, 1874, to June 30, 1878, the service cost \$65,000 a year, and from July 1, 1878, to June 30, 1882, the price is \$54,000 a year.

There can be no expedited service of course without an increased price; it cannot be expected. If the service is increased from one trip a week to seven trips a week, we naturally expect that there will be an additional amount of pay; and if that is all that is done, in most cases the pay will not be more than seven times as much, and I think an examination of the increased service here will show that the Department have generally kept within that rule. When you come to the expedited service, it is a little difficult to say what the allowance for that shall be; yet the statute has provided what shall be the ratio and how they shall arrive at it, and in every case that has been presented they have kept within the statute, and have allowed less than the statute would have justified them by the rule that was laid down and that has been on the statute-book, I suppose, for half a century at least; at any rate, it has been so long on the statute-book that I am utterly unable to find when it originated and passed into the statutes, and I am told by a member of the Committee on Appropriations that it has been there for very many years.

When everything is taken into consideration, when you consider the increased business of this country, it is clear that there has been a wise exercise of discretion on the part of the Government. Take the State of Colorado, and I will take that which is familiar, and I might make a dozen illustrations in that State; I will select the town of Leadville. On the 12th day of July, 1877, the postmaster at Leadville was commissioned with an annual salary of \$12. Before he made his fourth quarter that year he had five or six clerks, beside the work he did himself, and the last return from the Leadville post-office was a return of more than \$40,000. Take the city of Denver, that went from \$60,000 in 1877 to \$150,000 in 1879. Take the money orders in that section of country—and what is true of Denver will hold good of very many other portions of the State—and I think in proportion to the population all of the money-order offices in the State have grown in importance with Denver. In 1877 the money orders at Denver were \$530,000; in 1878, \$750,000; in 1879, \$1,459,000.

You may take Silver Cliff, and you may take a dozen places that I can mention that when I came into the Senate in December, 1876, had no existence, were unknown even to the people of Colorado, the places where they now are being a bleak, howling wilderness, and they return now a respectable revenue; they return many thousands of dollars to the Government every year. Large and thriving towns have grown up, and their people are swelling the receipts of New York and other great cities. It is there that they buy their newspapers; it is there they get their magazines; it is there they get their merchandise; and all those things go through the mails, fill up the mails, and fill up the Treasury also. If this bill had passed as it came from the House the Leadville route would have been cut down to a weekly service. Leadville, with a population of at least forty thousand, I suppose, would have been left with its weekly mail. That is not a matter merely in the interest of Leadville; that is not a matter merely in the interest of the people of Colorado. Leadville and its vicinity are paying into the coffers of men largely living in the city of New York more than half a million dollars in dividends, clean money, every month of the year. They have some interest in having frequent communication with the source of their wealth. Take Rosita, a town that has grown up within the last two years, with from five to ten thousand people, with some of the largest producing mines in the country, sending its wealth back to the eastern people who have had the enterprise and the good sense to go there and invest, and they are as much interested in the keeping up of this service in its efficiency as the people of Colorado, if not more so. Other portions of Colorado are in the same condition, but I need not mention Colorado alone, because it is true of Utah, and it is true of Dakota, and it is true of other sections of the country that are included within the one hundred and seven routes affected by the bill.

If the amount of money included in the bill is sufficient to keep up this service, as the member of the committee who reported the bill stated, and I think I shall take his word for that, I am satisfied with the amount, but I am not satisfied to put upon the record a condemnation of this Department that has done more for the people that I am attempting to represent here, has done more for the people west of the Mississippi River in this matter than any other Department of the Government. I am not willing to put upon the record what I know to be untrue and what I believe ought not to be charged under any circumstances. That portion of this bill I am very much opposed to.

I think, as I said before, this Department is entitled to great credit, and I think if it has exceeded a sound judgment at all, as it is said it has, it has been in the interest of intelligence; it has been in the interest of the people who have been demanding as the people never before demanded mail service. Look at the list of names signed to the petition that the Senator from Texas presented here yesterday, a list of distinguished gentlemen that had pressed the Department to exercise a discretion that the Government had vested in that Department for half a century; and it would be a remarkable administration, it would possess a class of virtues that I do not want to see any

administration that I support possess, that could resist such an array of intelligent talent and such urgent appeals.

Mr. President, we have wanted this service, and when we got it we felt grateful to the administration of public affairs, and the whole people felt that they were being somewhat compensated for the privations that every man must necessarily endure who goes into a new country. And I say to cut it down now is not only unkind but very unwise and detrimental to the public interests, and it ought not to be done.

Mr. GARLAND. Mr. President, yesterday, in the speech of the Senator from Texas, in his citation of the different applications that had been made to the Post-Office Department for the increase of service and the change of mail routes, it appeared that my name was to a number of them. For that reason, aside from the general interest in this proposition of the people that I represent in the Senate, it would seem to be necessary that I should make a few suggestions in regard to this bill to the Senate.

Those applications that I signed are distinctly recollected by myself. I signed them conscientiously, and with a view to the service of the people in the regions of country through which these routes passed. They are entitled to a substantial and beneficial mail service. I did it also conscientiously on my part after an examination of the law, feeling that what was asked for was within the discretion of the Postmaster-General. At the same time that I arrived at that conclusion, I did not do so without some doubt; but that was my interpretation of the law. The Senator from Kentucky [Mr. BECK] denies that such is the law. The Senator from Texas, [Mr. MAXEY], as well as the Senator from Colorado, [Mr. TELLER], with equal emphasis, insists that it is the law. There are honest differences of opinion among gentlemen. The Senator from Texas being the chairman of the Committee on Post-Offices and Post-Roads, it became necessarily his duty to examine this question. We note a wide and marked difference between the Senator from Kentucky and the Senator from Texas upon this proposition. The Postmaster-General and the Second Assistant Postmaster-General insisted, in response to the Senator from Kentucky, that these are matters within their discretion.

Now, let the Senate consider what it all amounts to at last. It is simply, as was clearly stated by the Senator from Texas yesterday, a mere allegation of an abuse of discretion in the simplest form that you can use the word "abuse," a mere mistake as to the existence or exercise of that discretion under the law. If the Department has made this error of judgment, has exercised a discretion, in other words, that did not belong to it under the law, the head of the Department did it under the pressure of gentlemen interested for the benefit of the country, and he made the error on the side of the wishes of the people to be benefited by these routes. That is all there is of it at last. No tribunal can punish him, no tribunal can do more than say he exercised a discretion which did not belong to him; but we will not brand him with infamy, we will not declare him unworthy of the trust he holds, because he has exercised this discretion as he has. I feel sure that never in the exercise of any trust for any length of time, much less the tremendous trust the Postmaster-General has in his hands, has it been executed without some abuse of discretion—no, that is not the proper expression—without exercising a discretion that does not under the law belong to him. Here has been an exercise of it, if it all, through mistake, on the application of gentlemen all over the country for the benefit of a large number of people and for the good of the service distributed beyond the Mississippi River. He certainly is not to blame, he certainly is not to be accused of committing any error that would make him amenable to any process at the hands of Congress or any tribunal in the country.

In the clear statement made yesterday by the Senator who has the bill in charge [Mr. WALLACE] it was shown that the shearing process of the House shall not pass the Senate and that substantially the differences between gentlemen on this proposition are accommodated; that is, this bill as amended appropriates sufficient for this service, and so far it is satisfactory to me. Yet I have my doubts, notwithstanding the showing made by the Senator from Kentucky, whether it is sufficient or not. But then substantially that is agreed upon. And yet, while in one part of the bill we say to the Postmaster-General "You may have what is necessary," we say in another breath, "You are not worthy to manage this trust." Then what have we accomplished? We really do put in his hands money enough for this service, and yet we say in one part of the bill that he is unworthy to control and manage it. It is inconsistent upon its face. It is improper for that reason. But there are other reasons to my mind which are conclusive why it should not be done.

In the first place, after examining the precedents, I find that it is not the custom when we vote an appropriation or a deficiency of an appropriation to a Department, to condemn in that bill, either by preamble or in the body of the bill, the officers intrusted with the disbursement of that money. It is sufficient that the law-making power knows that the deficiency exists, and that it ought to be supplied, without incorporating into the bill that supplies the deficiency a charge against the very person who is to disburse the money appropriated to supply the deficiency.

In the second place, is it a proper charge under any state of the case? Suppose, for the sake of the argument, that the powerful state-

ment of the Senator from Kentucky is correct; suppose I yield that it is true; is this the proper mode to reach the Department? Is it proper to undertake to condemn the Postmaster-General in this manner? It is not. The Senator from Kentucky coolly and calmly would not contend that you should condemn the Department in this manner. It is unknown to the laws of the country; it is unknown to parliamentary usage and parliamentary practice.

But over and above all, let us see the condition in which the Senate would place itself by adopting this measure as it stands. The Senator from Kentucky says that the Postmaster-General has willfully and stubbornly and wantonly disregarded and violated the law in the premises. If that be true the Postmaster-General is liable to impeachment; the grand jury sitting at the other end of the Capitol must impeach him, and this body must try him. Now, it is proposed to try him in advance of articles of impeachment, in advance of the articles to be preferred against him by the managers. If the House should impeach him for this wanton abuse of his power and this bill were voted as it stands, the Senate would be incompetent to try him. They could not in self-respect try the Postmaster-General upon articles of impeachment, for we should have condemned him without due process in advance, we should have condemned him in a preamble to an appropriation bill, and condemned him to all intents and purposes unheard, contrary to the law of parliamentary procedure and contrary to the Constitution of the United States.

Mr. President, I submit that this is not the proper way to deal with this great subject. The bill is correct in itself; it appropriates a sufficient sum of money, though, I fear, grudgingly, if not stingily. The service is secured—that great service that is important to the people beyond the Mississippi River; the contractors may go their way; but it is not proper, it is not fair, it is not law, and when it is not law that is enough, to condemn the Postmaster-General or the head of any other Department in this way.

I give notice that at the proper time I shall move to strike out from the preamble the four lines beginning with the word "caused," in the fourth line, down to the word "appropriations," at the end of the seventh line, inclusive; and I hope the Senator from Kentucky, now that he has made his speech, able and powerful as he always does speak, will consent that those words in the preamble shall go out.

Mr. KIRKWOOD. Mr. President, I propose to consume a very short time upon this subject, and I do so for the reason that I think the Postmaster-General has been unfairly and unjustly dealt with.

What is the trouble? At the last session of the last Congress we appropriated a certain sum of money to be applied to the star-route mail service for the current fiscal year ending on the 30th of June next. That was the sum of \$5,900,000. It was a gross sum of money to be applied to a particular service; it was not an appropriation of \$5,900,000 that by law was to be apportioned around among existing mail contracts, but it was a gross sum to be applied to the star mail service in the United States.

Mr. JONES, of Florida. Right there, may I put a passing question? Was it not both for service then existing and for service that might afterward be created?

Mr. KIRKWOOD. Yes, sir. The matter of what shall be the star mail service is, and has been for years, in the discretion of the Postmaster-General. There is not a single mail contract let for railway mail service, steamboat mail service, or star mail service, that does not contain a provision in itself that it is in the power of the Postmaster-General at any time to annul it and set it aside. More than that, the same law authorizes the Postmaster-General to establish new service upon any post-route that we by law create, or to increase existing service; so that the whole matter is left by law in his hands.

He was authorized to spend the sum of \$5,900,000 in managing, as he believed for the best interest of the country, that portion of our mail service which is called the star service, which is the service outside railways and steamboats.

It has been argued here as if he were compelled by law to carry on every existing contract at the time the appropriation was made. That is not the law, as I understand; it never has been the law, as I understand. I venture to say that there has not been a year in which we have had a Post-Office Department at all in magnitude equal to what it is now in which in every State in the Union the star mail service has not been increased or diminished as in the judgment of the Postmaster-General it was deemed important that it should be so increased or diminished.

If I am right in thus understanding the law as it stands, it follows that the Postmaster-General had the right to order new routes, to increase the service on established routes, and to expedite the mail over them. He had the right to do that, but he was required by the law referred to again and again by the Senator from Kentucky to keep within the sum of \$5,900,000 in doing it. And in order to keep himself within that sum he might curtail the existing star mail service in portions of the country where he believed the public interest would not suffer by doing it in order to enable him to have the funds thus saved to apply to the star mail service in other portions of the country where it had not been established or where it was required to be increased or expedited. If I am wrong in thus understanding the law, then my argument based upon it is certainly wrong.

After this appropriation was made, in the judgment of the Postmaster-General it became necessary for the public service to increase

the amount of star mail service in the Western States and Territories, to establish new routes, to increase the number of times within a week that a mail should be carried over those routes, and to expedite the time in which the mail should be carried over those routes. In his judgment the public interest demanded that that should be done. Was he not the person to determine whether it should be done or not, under our law as it stands? He did believe that it should be done. So believing, what should he have done otherwise in order to have subserved the public interest? He might have estimated what the new service that he deemed necessary for the public interest in that portion of the country would require, and he might have curtailed the existing star service in the older States to an amount that would furnish him with the funds necessary to establish the new service where it was needed. That it would have been competent for him to do.

He might have done what he did do. He might have said in his own mind "The public interest requires this increase in the service in the new sections of the country. I will order it to be done under the discretionary power I have; I will not decrease the amount of service in the older portions of the country where service already exists, unless I am compelled to do so. When the Congress of the United States meets I will submit to them the question whether or not this new service was required and ask them, if in their judgment they so believe, to furnish the means to pay for it. If Congress decides against me, if Congress decides that this work was not needed to be done, that it should not be paid for, then I shall have to fall back upon the power that I already have in my hands to curtail in other portions of the country the service existing there to pay for this that I deem to be just as essential in the new portions of the country as the existing service is in the older portions; and so I will keep myself within the limits of the law which provides that I shall not spend more than \$5,900,000 in money, or enter into contracts that will require the expenditure of more money than that." That is what he chose to do; that is what he has done; and now it seems to me the question addressed to the sound sense and the judgment of Congress is, was the work that he authorized to be done in these western States and Territories needed or not?

Mr. DAVIS, of West Virginia. The Senator might add, and did he increase the service too extravagantly?

Mr. KIRKWOOD. That is a portion of the subject that I do not propose to argue.

Mr. DAVIS, of West Virginia. That is the important point.

Mr. KIRKWOOD. None of these routes is within the State in which I live. They are within the State of Colorado, the State of Texas, and within Territories that are not represented here. The Senators from those States are much more familiar with those questions than I, and I do not propose knowingly to argue questions that I do not to some extent understand.

Mr. BOOTH. Will the Senator from Iowa allow me one moment to answer the question of the Senator from West Virginia?

Mr. KIRKWOOD. Certainly.

Mr. BOOTH. I simply want to put one statement on record in answer to the suggestion of the Senator from West Virginia and to a great deal that was said by the Senator from Kentucky in reference to pet contractors and reckless, extravagant, and arbitrary contracts. The fact is to-day that the service on the star routes is better and more expeditiously performed than ever before. The mail matter carried is largely greater than ever before. The cost of everything purchased by the contractor is higher than it has been for five years, and the cost of transportation to-day per mile is lower than it has been at any time within twenty-five years, with the exception of a single year.

Mr. DAVIS, of West Virginia. Then how is it, if the Senator will allow me—

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. KIRKWOOD. If it does not take too long.

Mr. DAVIS, of West Virginia. How is it that we have a greater deficiency now, a greater amount paid for mail service than ever before? As the Senator from California has said, there is a greater amount of mail matter in transit. The whole revenue from that is used, of course, by the Post-Office Department, and a great deal more money is being asked from year to year to be given to that Department from the Treasury of the United States than formerly. Yet the Senator says that the mails are going now with more regularity and with less expense, when the truth is, when you come to look at the facts as to the amount taken from the Treasury for mail service, that the cost has been largely increasing. It was comparatively a few years ago that the mail service paid its own expenses, and now when we come to the present year the deficit is larger than it has been for many years.

Mr. MAXEY. When was it that the revenues of the Department paid the expenses, I ask the Senator from West Virginia?

Mr. DAVIS, of West Virginia. In 1866 the Department more than paid its expenses, and along about 1850 and for several years it was a source of revenue to the Government.

Mr. BLAINE. The whole service taken altogether?

Mr. DAVIS, of West Virginia. The whole service.

Mr. BLAINE. Of the whole United States?

Mr. DAVIS, of West Virginia. Of the whole United States.

Mr. BLAINE. The Senator is certainly mistaken.

Mr. DAVIS, of West Virginia. If I am mistaken the figures of the official reports are mistaken. I have got them here.

Mr. KIRKWOOD. Mr. President, I like to talk about one thing at a time, and I propose to continue in the line I am on so far as I am able. I have said already that I have not examined the changes in the contracts made in the new routes in the new western country, but I have formed in my own mind an opinion as to whether or not the items allowed for work are too much or too little. I know that Senators here representing States in which those routes were ought to be, and I had no doubt they were, much better informed than I was upon that subject. But I will allude very briefly to one route to show that there are two sides to some of these matters alluded to so eloquently and so frequently by the Senator from Kentucky. Take any particular route. The service over it under the original contract was, we will say, once a week, and the time a certain number of days. It is changed to three times a week, and a much less period is allowed for carrying the mail than was before. He gives the figures of the original contract and the figures allowed under the new contract, and they look to be out of proportion. He doubtless has examined them to know whether they are out of proportion or not, or he would not say they were; but it is possible he may have overlooked in some particulars all the facts. Let me read here a statement in regard to one of these routes in Montana Territory. Whether the statement be true or not I do not know.

Mr. BECK. What route is that, please?

Mr. KIRKWOOD. It is a route from Rock Creek on the Union Pacific Railroad by Fort Fetterman and Fort McKinney to Fort Custer, Montana—three hundred and fifty-eight miles.

Mr. BECK. I did not allude to that, if the Senator will allow me.

Mr. KIRKWOOD. I will give the statement made in regard to it. The contractor says:

I commenced the service April 14, 1879, tri-weekly, with eight days' time each way, pay, \$10,507.25. The long time was objectionable. I was, however, compelled to use it in order to keep within the mail pay.

Petitions and requests from all parties interested were sent to the Department praying for daily service and a shorter time. June 11, 1879, the Department ordered four additional trips per week at a cost of \$14,009.66—

Which I presume is in exact proportion to the former price allowed for three trips a week—

and an expedition of time from eight days to three days and three hours, at a cost of \$64,251.21 per annum.

That is, the contractor was required to run in three days and three hours over a route to run which he was allowed eight days under the original contract, and for that expedited time he was allowed the sum of \$64,251.21 per annum. That looks out of proportion. A person merely reading that and looking no further would say that certainly is out of proportion, but look at the facts as given. He says:

While I only required eight stations for eight days' time tri-weekly, twenty-four stations were required for three days' time daily. I built fifteen of the twenty-four stations at my own cost, and assisted in building the others. They were stocked with hay and grain to last to June 1, 1880.

Corn is all shipped from Omaha seven hundred miles by railroad, and then hauled the length of the route, three hundred and fifty-eight miles. It averages me \$2.80 per bushel, delivered along the route. Hay is cut on the line, and costs from \$15 to \$30 per ton; having often to haul it fifty miles.

I have two hundred horses and mules, with an entire outfit of hacks, buckboards, harness, &c., now in use on this three hundred and fifty-eight miles of road, put there at great expense to meet the service ordered by the Post-Office Department.

It is easy to see when you compel a man to establish new stations and buy the additional stock and outfit that would be required to run the route in three days and three hours instead of eight days, that expediting it increased the expense much beyond the real increase of the number of trips. The Senator from Kentucky may know, the Senator from West Virginia may know, that this is out of a due proportion for the increased service, but I do not know it, and because I do not know it, I will not condemn any one for having given it.

But to come back to where I was. The question in my mind is, Is this new service that the Postmaster-General has put in our new States and Territories needed for the public benefit? If it is needed, why should they not have it? What are we here for, I should be glad to know? What do our constituents send us here for, if not to see that the public interests are served where they can be served? The Senator from Kentucky may tell me that when the appropriation of \$5,900,000 was made it was not known to the Post-Office Department that this additional service would be needed. Very possibly it was not known. They do not know everything. It was not known to the Committee on Appropriations, when they appropriated \$5,900,000, that this additional service would be needed.

Mr. DAVIS, of West Virginia. Let me say to the Senator that the Committee on Appropriations gave the Postmaster-General down to the very cent that he asked.

Mr. KIRKWOOD. I understand that perfectly.

Mr. DAVIS, of West Virginia. They gave him the full amount asked for.

Mr. KIRKWOOD. I understand that perfectly, but there is this about that—

Mr. DAVIS, of West Virginia. Let me say a little further to the Senator, that in the Postmaster-General's report sent to Congress at this session in December, not one word is said to Congress about a deficiency, and there is no intimation that Congress had not appropriated enough money.

Mr. KIRKWOOD. I understand that perfectly well; but that does not touch the question whether this work is needed or not. That is the question. The Postmaster-General, when he made the report to the Committee on Appropriations a year ago, did not perhaps know very well what the service would require. There are a great many things the Postmaster-General does not know; a great many things he has yet to learn.

Mr. DAVIS, of West Virginia. Will the Senator allow me a moment? When the service was appropriated for to the full amount required the question which the Senator from Kentucky and the Senator from West Virginia wish to have considered specially is whether the discretion in the Postmaster-General and his subordinates was not abused when he expended in nine months what ought to have been done for twelve months. In other words, taking the route which the Senator from Kentucky has given, when the Postmaster-General started at a cost of \$2,000 in round numbers and is now paying \$70,000 for the same service, are we not to take that into consideration?

Mr. KIRKWOOD. I am only arguing that at least I did not suppose the Postmaster-General knew anything.

Mr. DAVIS, of West Virginia. He knew, however, that he was paying these tremendous amounts over and above the letting of the contracts.

Mr. KIRKWOOD. I will come to that. I am not to be diverted from the point I am on by any side issue. I suppose when the Postmaster-General made that estimate to the Appropriations Committee, if he had known that this additional service would be required, he would have estimated for it, and I have supposed that he did not know it; I have supposed an almost unsupposable thing, that the Appropriations Committee did not know it. They are supposed to know everything, but somehow or other when they were making provision for this part of the governmental service a year ago they did not know that this additional service would be required.

Mr. DAVIS, of West Virginia. They had no right to know it. Let me say that the Postmaster-General estimates and the committee is instructed to go by his estimates. If we had done otherwise the Senator himself would have complained.

Mr. KIRKWOOD. I am a remarkably good-natured man, but I know that the chairman of the Committee on Appropriations will have the privilege of closing this debate and correcting any error I may have fallen into.

Mr. DAVIS, of West Virginia. Thank you, sir, I will not disturb you further.

Mr. KIRKWOOD. Being somewhat of a modest man, and not used to public debate, I may be embarrassed somewhat if I am continually interrupted. What I was going on to remark is this: The Postmaster-General, I presume, did not know that this service would be needed at the time he made the estimate of \$5,900,000. I presume if he had known that the service would be needed he would have estimated for it. I presume, also, (I hope the Committee on Appropriations will pardon me for the presumption,) that the Committee on Appropriations did not know it, or they would have provided for it without the estimate of the Postmaster-General, because I cannot suppose that the Appropriations Committee of this Senate or of the House would allow the public interest to suffer because some departmental officer did not inform them that unless appropriations were made it would suffer, if they have the means of knowing it themselves.

Mr. MAXEY. Will the Senator allow me to interrupt him a moment?

Mr. KIRKWOOD. Yes, sir.

Mr. MAXEY. In reply to a question which I put to the Senator from West Virginia, when he had interrupted the Senator from Iowa by stating so positively that the Post-Office Department was self-sustaining, when I asked him to name the year, he pitched on the year 1866.

Mr. DAVIS, of West Virginia. Let me say to my friend that I may have missed the year.

Mr. MAXEY. In the year 1866 the revenues were \$14,386,936; the expenditures were \$15,352,079. In the years laid down here from 1790 to 1879 there are not six where the expenditures were not in excess of the appropriations. One of those is the year 1835 where the revenues were \$14,556,159 and the expenditures were \$13,694,728, to which if the Senator will please to add the salaries paid to postmasters, \$3,383,382, he will find it amounts to seventeen million and odd dollars, largely more than the revenues, and so he will find all through these years from 1790 the Post-Office never has been a self-sustaining Department, and for many years it never was intended to be self-sustaining.

Mr. DAVIS, of West Virginia. I misquoted the year; that is all. It is the year before, the year 1865 and not 1866; and in 1864.

Mr. MAXEY. And then the salaries of the postmasters were over \$3,000,000, and with that addition the expenditures largely exceeded the revenue.

Mr. DAVIS, of West Virginia. That you cannot add.

Mr. MAXEY. Oh, yes, you can.

Mr. DAVIS, of West Virginia. I have a table showing the exact figures which I will publish.*

Mr. KIRKWOOD. Mr. President, I will come back to the point I was trying to explain to the Senate. I do not like to repeat, but I have to do so. I have said that it is to be presumed that when the Postmaster-General estimated and when the Appropriations Committee made the appropriation of \$5,900,000 he was not aware of the vast changes that would occur before the year ran around in our Western States and Territories. If he had anticipated then, he doubtless would have estimated higher than he did. The Appropriations Committee did not anticipate them, for if they had, I was arguing that they would have appropriated enough money, although the Postmaster-General might not have estimated for it, because I was saying that we could not believe that the Committee on Appropriations would allow the public interests to suffer because some officer of the Government had not made the proper estimates and they knew it. It was unknown then to the Postmaster-General and unknown (improbable as that may seem) to the Appropriations Committee that a sum additional to the \$5,900,000 would be needed. But as time passed on it was found that great changes were occurring in those Territories, and that new routes must be established, more frequent trips allowed over the older routes and shorter time allowed over the older routes. It was found out that the public interest required that to be done.

What had the Postmaster-General then to do as a faithful public officer? Was he to see that the public interest in this regard was served or left unserved? Was he to come to Congress when it met and say to it, "Here, I have found what I did not know; I have found what you did not know; that the public interest required this additional expenditure to be made, and believing that I can satisfy you that the public interest did require it, and believing that if you are so satisfied you will appropriate the money to do it, I have gone on and had the work done and the public interest served by it."

Now, that is all the question there is. If you do not choose to do it, do not do it, and the Postmaster-General will throw himself upon the power given to him by the law in cutting down the service in other parts of the country, and bring his expenditures for the star service within your \$5,900,000. He will bring his expenditures within that amount; but you will howl instead of the men living west of the Mississippi River. That is the difference. It will be a matter of little importance, perhaps, to many that the men living west of the Mississippi River should go without this mail service for months and months, but when you come to bring the curtailment to yourselves you will find that it will make a very considerable difference whether you have mail facilities or not.

I say that, so far as the means I have at hand of judging enable me to say, in doing what he has done the Postmaster-General has shown himself to be, what I believe him to be, an honest, upright, faithful, capable public servant. He has done his duty well, and the question with us is whether we shall do our duty as well as he has done his. He has seen to it that the public interest has been served, and we are asked whether we will see to it that so far as it depends upon us that interest shall also be served.

A few words more. Something was said by the Senator from Kentucky yesterday in regard to what he claimed to be conflicting state-

ments made by the Second Assistant Postmaster-General, as I understood him, and the Sixth Auditor of the Treasury, who is the Auditor for the Post-Office Department, as I understand. Am I right in that?

Mr. MAXEY. Yes, that is right.

Mr. KIRKWOOD. It was claimed, as I understood, by the Senator from Kentucky—his remarks are not yet in print, and I may not quote accurately the substance of them—that the Second Assistant Postmaster-General had not dealt ingenuously in his communication to Congress stating the necessity for an additional appropriation, that he had stated it at a sum much larger than was really required, and was thus seeking by a false pretense almost, as I understood the Senator from Kentucky, to get an appropriation from Congress of a larger amount than was necessary. Let me read a few sentences from the communication of the Second Assistant Postmaster-General:

I have the honor to state that the appropriation for inland mail transportation on star routes, for the current fiscal year, has proved insufficient to meet the wants of the rapidly growing service.

The annual cost of the service now in operation is \$7,620,004, while the appropriation is but \$5,900,000. Not only will the present appropriation allow no increase of mail facilities during the year, but it will be necessary to curtail the existing service in order to bring its cost within the appropriation.

Believing that this cannot be done without great injury to many deserving communities, and further that pressing necessity exists for increased service in many places, I venture to suggest a method of relief.

During the four fiscal years last past, namely, 1876 to 1879, there has been covered back into the Treasury of unexpended balances of appropriations for inland mail transportation, \$3,965,468.27.

That is, appropriations that have been made for this particular kind of service, but not expended. Now he ventures to suggest:

In view of this fact, I have the honor to request your recommendation to Congress—

The letter is to the Postmaster-General—

that about one-half this amount, say \$2,000,000, be reappropriated for mail transportation on star routes. This will enable the Department to maintain the present service, and besides afford a margin for reasonable and necessary increase during the remaining half of the fiscal year.

The communication does not go upon the ground that the sum of \$2,000,000 was required to meet existing contracts, but it goes upon the ground that it might be required to meet existing contracts, and to meet additional contracts which might be required by the public interest as well. The Senator from Kentucky says that the report of the Sixth Auditor shows that the statement of the necessities of the service given in some place as being \$1,700,000, I think, was untrue, because the report of the Sixth Auditor showed that for the two preceding quarters less sums had been needed than it was supposed would be needed for the remaining two quarters.

Mr. WALLACE. The Senator from Iowa is mistaken. The Sixth Auditor gives us the sums actually expended for the past two quarters and what is necessary to conduct the service to the end of the current fiscal year upon the basis of the contracts as they actually exist.

Mr. KIRKWOOD. Yes; I understand that. That is the report of the Sixth Auditor; but let us see how the two reports are made out. I assume it to be true that taking the contracts as they stand they will require the sum of \$1,700,000—I do not remember the precise amount.

Mr. WALLACE. No, sir; the Senator from Iowa is mistaken. The report made to us by the Sixth Auditor of the Treasury is upon the basis of the contracts as they now exist.

Mr. KIRKWOOD. I will explain myself so that the Senator from Pennsylvania will understand me. I say taking the contracts as they stand, and taking the sums of money required by those contracts to be paid on their face, it will require a larger sum than the sum named by the Sixth Auditor of the Treasury.

Mr. WALLACE. No, sir.

Mr. KIRKWOOD. Let me explain. The amounts as shown by the Sixth Auditor of the Treasury are the amounts of the contract prices, less the fines and less the penalties.

Mr. BECK. No, sir, that is not true.

Mr. WALLACE. That is a mistake.

Mr. BECK. There is not a dollar of penalty deducted for the last six months of the year in his account, and he says so.

Mr. KIRKWOOD. Then there is a question of fact upon which the Senators from Kentucky and Pennsylvania and West Virginia and myself differ. We shall have to ascertain which of us is misinformed and who is well-informed.

Mr. BECK. The Sixth Auditor testified to the truth of that statement.

Mr. KIRKWOOD. I have stated my understanding. Of course nobody wants to misrepresent either the Sixth Auditor or the Second Assistant Postmaster-General; but I understand, and I repeat it, that the statements made by the Second Assistant Postmaster-General were made upon the basis of the amounts of money required to be spent to meet the face of the contracts, and that the estimates made by the Sixth Auditor of the Treasury are made upon the settlement of accounts from which are deducted the fines and penalties.

Mr. BECK. For the first six months he gives the amount of fines and penalties as \$101,000, and the Second Assistant Postmaster-General gives the same amount, and shows that he knew it to a cent; and for the last six months not one dollar of fines is deducted according to the Sixth Auditor's statement.

Mr. KIRKWOOD. Let us get at this thing exactly. Suppose a certain number of contracts require upon their face the payment of \$1,500,000; that is, if the contractor performs his duty according to the terms of his contract he is entitled to receive during a year

* The following is the table referred to by Mr. DAVIS, of West Virginia:

Years.	Number of post-offices.	Extent of post-routes in miles.	Revenue of the Department.	Expenditure of the Department.	Amount paid for—	
					Salaries of postmasters.	Transportation of the mail.
1852.....	20,901	214,284	\$6,925,971	\$7,108,459	\$1,296,765	\$4,225,311
1853.....	22,320	217,743	5,940,725	7,982,957	1,406,477	4,906,308
1854.....	23,548	219,935	6,955,586	8,577,424	1,702,708	5,401,382
1855.....	24,410	227,908	7,342,136	9,968,342	2,135,335	6,076,335
1856.....	25,565	239,642	7,620,822	10,405,286	2,102,891	6,765,639
1857.....	26,586	242,601	8,053,952	11,508,058	2,285,610	7,230,333
1858.....	27,977	260,603	8,186,793	12,722,470	2,355,016	7,246,054
1859.....	28,539	260,052	8,608,464	15,754,093	2,453,901	7,157,629
1860.....	28,498	240,594	8,518,067	19,170,610	3,532,868	8,608,710
1861.....	28,586	140,139	8,349,296	13,606,759	2,514,157	5,309,454
1862.....	28,875	134,013	8,299,821	11,125,364	2,340,767	5,853,834
1863.....	29,047	139,598	11,163,790	11,314,207	2,876,983	5,740,576
1864.....	28,878	139,171	12,438,254	12,644,786	3,174,326	5,818,469
1865.....	20,550	142,340	14,556,159	13,694,728	3,383,352	6,246,884
1866.....	23,828	180,921	14,386,966	15,352,079	3,454,677	7,630,474
1867.....	25,163	203,245	15,237,027	19,235,483	4,033,728	9,336,286
1868.....	26,481	216,928	16,292,601	22,730,593	4,255,311	10,266,056
1869.....	27,106	223,731	18,344,511	23,698,131	4,546,958	10,406,501
1870.....	28,492	231,232	19,772,221	23,998,837	4,673,466	10,884,653
1871.....	30,045	238,359	20,037,045	24,390,104	5,028,382	11,529,395
1872.....	31,863	251,398	21,915,426	26,658,192	5,121,665	15,547,821
1873.....	33,244	256,210	22,996,742	29,084,946	5,235,468	16,161,314
1874.....	34,294	269,097	23,477,072	32,126,415	5,818,472	18,881,339
1875.....	35,547	277,873	26,791,360	33,611,309	7,049,936	18,777,201
1876.....	36,383	281,798	27,895,908	33,263,488	7,397,397	18,361,048
1877.....	37,345	292,820	27,468,323	33,460,392	7,295,251	18,529,238
1878.....	39,258	303,966	29,277,517	34,165,084	7,977,852	19,262,421
1879.....	40,855	316,711	30,041,983	33,449,899	7,185,540	20,012,872

\$1,500,000, but if he fails to perform his contract according to its terms, if he fails to make a trip that he is required to make, or if he takes more time than that in which he is required to make his trip, then the Post-Office Department deducts from his contract a certain sum for every failure to make a trip, and a certain sum for every time in which he does not make a trip within the time his contract calls for.

Mr. WALLACE. Will the Senator from Iowa permit me to read the letter from the Sixth Auditor in order to show him the exact position?

Mr. KIRKWOOD. I am merely stating my judgment in regard to this matter and the facts as I understand them. I will look into the matter, and if I find that I have been misinformed I shall of course correct what I say; but I am stating what I understand to be the fact.

Mr. WALLACE. But this will correct the Senator at once.

Mr. KIRKWOOD. Very well; let us hear what it is.

Mr. WALLACE. The letter is as follows:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, March 2, 1880.

SIR: In compliance with your request of yesterday, I have the honor to transmit herewith statements showing by States and quarters the paid and unpaid amounts chargeable to the appropriation for star transportation for the fiscal year ending June 30, 1880, according to the contracts, orders, &c., on file in this office.

In addition to the total amount shown in this statement, the sum of \$40,000 should be added, being the amount paid for the supply of special officers.

I am, respectfully, your obedient servant,

F. B. LILLEY, Acting Auditor.

HON. JAMES B. BECK,
United States Senate.

Then follows the statement in detail, which shows the amount actually expended and to be expended according to the contracts and the orders adding expedition or increased trips on file in the office on the 2d of March, 1880.

Mr. KIRKWOOD. Am I mistaken in this statement: A contractor agrees to carry the mail between A and B, two terminal points, and he gets \$150,000 a year by the face of his contract for doing it; he is to carry a mail once a week, or twice a week, or three times a week, and he is to carry it on each trip in a certain number of hours. Now, if he drops out a trip, the proportionate amount is taken from his contract price, is it not?

Mr. WALLACE. Yes, sir.

Mr. KIRKWOOD. That is so, is it not?

Mr. WALLACE. But it is not deducted in the statement furnished to us.

Mr. KIRKWOOD. But I am asking the question. Under that contract itself he is liable to have deducted for every trip he loses the proportionate value of that trip?

Mr. WALLACE. That is true.

Mr. KIRKWOOD. Then, further, if in addition to that he fails to make a trip within the time limited by the terms of the contract, he is liable for doing it, and that is to be taken from the amount which he is to receive on the face of his contract, is it not?

Mr. WALLACE. Yes, sir.

Mr. BECK. That would diminish instead of increasing the Auditor's statement.

Mr. KIRKWOOD. That is the case every quarter. Now, the amount that will be deducted from a contractor's pay for the first quarter of a year cannot be determined until that quarter has ceased and the accounts come in, and they are made up during the second quarter, and during the second quarter the deduction is made. Is it not so?

Mr. BECK. If the Senator from Iowa will allow me I will say that therefore it is that from the 1st day of January till the 30th day of June the statement as made by the Sixth Auditor embraces the whole amount as per contracts, without a dollar being deducted on account of possible fines; and with that fact existing it still amounts only to a deficiency of \$1,155,000, instead of \$1,720,000, or \$1,500,000, as the Second Assistant Postmaster-General stated to us, which was proved not to be true.

Mr. KIRKWOOD. Then I am misinformed, Mr. President. I think it possible that the Senator from Kentucky is himself mistaken in regard to the facts. I shall endeavor to inform myself.

Mr. BECK. There it is.

Mr. KIRKWOOD. It is possible for the Senator from Kentucky to be mistaken as well as the rest of us. It is a very violent presumption, I know; but I have reason to believe that the estimates made by the Second Assistant Postmaster-General were made upon the face of the contracts, and that the estimates made by the Sixth Auditor of the Treasury were made upon the settled accounts after the deductions had been made for failure of trips, and for fines and penalties. As it is impossible to know in advance of any quarter what failures of trips will be made or what fines and penalties will be incurred during that time, it is impossible for any man to estimate with accuracy, to do more than guess, what will have to be paid out during a coming quarter.

Mr. BECK. The Senator will allow me one word. The statement of the Sixth Auditor shows in so many words that in the statement he makes to us he deducts fines as ascertained to the amount of \$101,000 from the 1st July to the 31st of December, 1879, and he gives the whole amount of the contracts without deducting a dollar for fines from the 1st of January to the 1st of June next; and he sends this to us.

Mr. KIRKWOOD. I will read from the testimony before the Senator's committee a statement made by the Second Assistant Postmaster-General.

Mr. BECK. I admit it; and I assert that that statement he made to us demanding \$1,720,004 as the cost of the actual service was absolutely untrue.

Mr. KIRKWOOD. Very well. Let me read what he says. In reply to a question by Senator WALLACE, Mr. Brady says this:

Mr. BRADY. There is an apparent discrepancy, and always is at the end of every year, between my reports and the Sixth Auditor's; and some gentlemen, I understand, who have taken the Sixth Auditor's estimate of what will be the probable deficiency of the year, have made unfavorable comments, and suggested that I was asking for more money than I needed. The Sixth Auditor's statement of the actual amounts paid for service is never a correct basis for making an estimate, as his statement includes the deduction of all fines and deductions imposed upon contractors for poor service or failures to perform trips, and all that sort of thing, and during the last two quarters they have been running very heavily.

That is the statement made by the Second Assistant Postmaster-General. It may be that he has been lying about it, as the Senator from Kentucky says. I do not know, but I do not presume that against a public officer in the absence of proof.

Mr. BECK. I do not care about using the word "lying" myself. I do say, however, that the Sixth Auditor's statement makes it absolutely certain that this officer's assumption that there was an actual deficiency of \$1,720,004, as he officially certified on the 8th day of December, is not true, and I do not believe the Sixth Auditor lies.

Mr. KIRKWOOD. Let me read a little further.

We adopted a very stringent rule a year ago in the inspection division, that where we expedited and increased the service, contractors had to perform it up to the strict letter of the contract. They must be on schedule time everywhere, and they must perform first-class service; and where they do not do it, we put on the fines and make heavy deduction. The consequence is, that while our contract prices call for contracts that would bring us out with a deficiency of nearly \$1,700,000, as I stated, the Sixth Auditor, basing his statement upon the payments for the last two quarters ending September 30 and December 31, brings out the probable deficiency as \$1,297,198.

That is what the Second Assistant Postmaster-General says.

Mr. BECK. And that is absolutely untrue, because he brings out a deficiency of \$1,155,000, and yet told us it was \$1,500,000.

Mr. KIRKWOOD. I will state to the Senator from Kentucky that I would much rather believe that there was a misunderstanding between the Second Assistant Postmaster-General and the Sixth Auditor of the Treasury than believe that any gentleman occupying the position that either of them occupies told a deliberate untruth to this Congress. I do not believe that I am called upon here in the discharge of my duties to presume that any man holding a public position tells a deliberate untruth unless it be known, and I should be very backward to make a charge of that kind against any public officer who stands well before the country unless I have proof of it, so that it cannot be a mere misunderstanding.

Mr. BECK. Allow me one word, and I am done with this matter. It impresses me that the Senator from Iowa is endeavoring to make the Senate believe that the Sixth Auditor had not told the truth—

Mr. KIRKWOOD. No, sir; not at all.

Mr. BECK. When he said that the total amount was \$7,005,000. The Second Assistant Postmaster-General stated that the Sixth Auditor, basing his statement upon the payments made, brought out a probable deficiency of \$1,297,000, when he had the fact before his face and the paper in his hand that the Auditor made out a deficiency of \$1,155,000 instead of \$1,297,000; and I merely desired to say that I did not believe the Sixth Auditor was a liar. That is all.

Mr. KIRKWOOD. I do not believe either of them has lied. I do not believe any man occupying the position either of these gentlemen occupies would come before the Congress of the United States and deliberately state that which he knows to be untrue and which he knows can be proven to be untrue. I do not believe that all the honesty or all the integrity of the public officials of the United States resides in the Congress of the United States. I believe there are men outside of Congress holding office under the Government of the United States who are just as honest men and have the interests of this country at heart just as much as any man who holds a seat on this floor; and where there is a possibility or probability of a misunderstanding between men as to what is or what is not a matter of fact, I will not take it to be that either of them has made an untruthful statement, where there is a chance that an apparent discrepancy may arise from a misunderstanding. Of course my rule in this matter for my own conduct is no rule for any other Senator in regard to his conduct. But we should complain bitterly, and we should have a right to complain bitterly, if persons commenting upon our public action here were to charge every misunderstanding among us to deliberate untruthfulness on the part of those who might differ in opinion.

I have now said all I desire to say in regard to this matter. I have endeavored to show that in doing what he has done the Postmaster-General has done what an honest, faithful, capable public servant should have done, what I am satisfied I would have done had I been in his place, because I would have had, as he had, faith to believe that if I could show to the Congress of the United States that Congress in making appropriations had failed in this particular to make such appropriations as the public interest required should be made and I had had the public interest at heart, I would have felt the utmost confidence that Congress would have come forward promptly for the doing of that which the public service required to be done. I would

not have held that I was violating the law in doing it. I do not believe that the Postmaster-General was violating the law in doing it. It has been my fortune in the State where I live to serve the people of that State both in a legislative and in an executive capacity.

Mr. EDMUNDS. Their fortune, it would be better to say.

Mr. KIRKWOOD. While I was serving them in an executive capacity I did once and again without any authority of law, and according to my personal recollection in violation of law, expend their money, not taking it from the treasury, because I could not get it, but I incurred expenses once and again and again that I believe I would have been derelict in my duty as the chief executive of my State if I had not incurred, although there was no law for it, and a general law prohibited the expenditure of any money not appropriated by law.

Let me instance a case. One of the penitentiaries in my State—the only one we had at that time—accidentally had a fire in it; all the workshops were burned down. Our legislative sessions are biennial, and some eighteen months would have expired before we could have a new session of the General Assembly. If the shops had not been rebuilt our convicts would have been compelled to stay in their cells idle nearly all the time. I took the responsibility of going to work and building those shops; I had no authority of law for doing it at all, but I had it done in as short a space of time as I could get it done, and I put the men to work again. By the time the Legislature met they had earned a large part of what the shops cost. The Legislature indorsed my act and said, "Well done, good and faithful servant."

Mr. EDMUNDS. But as a general rule you would not hold that it was wise, except in an extreme emergency, to do that thing.

Mr. KIRKWOOD. No; but I do hold that occasions arise when a man fails to do what he ought to do if he is not willing to take some little responsibility.

Let me give another case. During one of my terms of service there, a riot broke out in one part of our State. It was under peculiar circumstances. Some ten or fifteen hundred misguided men got together and produced a great alarm in a certain section of the State. The sheriff of the county where it occurred lost his head; he was not the man for the emergency; and I had to go to work and did without following the due process of law (because there was not time to do it)—called out ten companies of soldiers and put two pieces of artillery there, and the result was that there was not a soul hurt and the men scattered and went to their homes peaceably and quietly. I, of course, had to incur expense in doing it. The General Assembly when they met said that I had done very well, and they said, "Well done, good and faithful servant."

I believe, Mr. President, that the law as it stands on our statute-book prohibiting an expenditure of any money not appropriated by law or the making of any contract for any purpose not provided for by law, is in some respects a good thing, but in some respects it works badly. It is like almost everything provided by human intelligence; it is not perfect. I may some day give my ideas about that and what I think would be a remedy for some difficulties.

Mr. BLAINE. If I do not interrupt my friend, I would suggest that we are getting our RECORDS printed every day now in absolute defiance of law.

Mr. EDMUNDS. That is an aggravation of the offense. [Laughter.]

Mr. KIRKWOOD. I intend to vote for this bill, but I intend to vote to strike out the preamble, which I believe to be grossly unjust and grossly injurious to a faithful, honest, and capable public servant.

Mr. DAVIS, of West Virginia. Mr. President, as almost the entire debate has been upon the preamble and not upon the bill, and as I believe the Senate is almost unanimous upon the provisions of the bill, I rise to state what the committee have decided to do. The Senator from Iowa has just stated that he intended to vote for the bill, but did not like the preamble. I am instructed by the Committee on Appropriations to offer what I shall send to the desk and have read for information, which, if adopted, as I hope it will be—and I have no doubt the Senate will be unanimous in adopting it—will obviate the necessity of the preamble; and the committee then direct me to move to strike out the preamble. That being so, and there being a pressing necessity for the passage of the bill, not only for the Post-Office deficiency but also for the printing, (an amendment is to be offered to this bill to help the printing,) I hope we shall come to a vote. I had intended to review some of the remarks of gentlemen, but desiring a vote, and hoping it will come soon, I shall forbear. I send to the desk the amendment to which I have alluded, to be read for information, which is to take the place of the preamble, as far as the committee is concerned.

The PRESIDING OFFICER. The amendment will be read for information.

The CHIEF CLERK. At the end of the bill it is proposed to add:

SEC. 3. Nothing in this act contained shall be deemed or construed as a ratification of any unlawful act or omission of any officer of the United States, or affect any proceedings therefor.

Mr. BLAINE. Does my honorable friend state that that is from the committee?

Mr. DAVIS, of West Virginia. A majority of the committee direct me to offer this not exactly in the shape of but really as a substitute for the preamble. We all know the bill must be acted on before the preamble.

Mr. BLAINE. I am entirely in favor of striking out the preamble and entirely opposed to putting that on. What the honorable Senator states is correct or he would not state it, that a majority of the committee authorized him to offer that. I dissent from it as one of the minority of the committee, and shall express my dissent.

Mr. DAVIS, of West Virginia. The Senator of course understands that I consulted him among other members.

Mr. BLAINE. Certainly; and the Senator understood me as dissenting.

Mr. DAVIS, of West Virginia. A majority of the committee directed me to offer this in the nature of a substitute, though it is not in order to act on the preamble until after the bill is disposed of.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Appropriations in line 3, section 1, to strike out "nine hundred and seventy" and insert "eleven hundred."

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will report the next amendment proposed by the Committee on Appropriations.

The CHIEF CLERK. The next amendment is in section 1, line 8, after the word "year," to strike out all down to and including the word "number," in line 19, as follows:

At or within contract prices as they existed on February 1, 1880: *Provided*, That upon any route where there has been an increase of the original contract price during the last or the current fiscal year for expediting the delivery of mails on any such route, at the rate of more than \$2,500 per annum, the compensation for expedited service on such route shall be reduced to the terms of the original contract, on and after the 1st day of March, 1880; and nothing herein contained shall be construed to require the reduction of the number of trips per week over any such route below the present number.

The amendment was agreed to.

The next amendment was, in section 1, line 21, after the word "service," to insert "or increase of trips;" so as to read:

During the remainder of the current fiscal year no further expediting of service or increase of trips on any postal star route shall be made.

Mr. EDMUNDS. I should like to ask the chairman of the Committee on Appropriations what a star route is? It may have been stated several times, but this seems to be a proper time to make the inquiry again if it has been made before. This says "expediting of service or increase of trips on any postal star route." I have read the statutes of the United States with some care several times, and I do not remember to have seen that expression before. What is a postal star route?

Mr. WALLACE. This is the language of the bill as it came from the House, the Senator from Vermont will understand.

Mr. EDMUNDS. I am speaking of the statutes. What I wish to know is what is a postal star route?

Mr. WALLACE. The custom of the Department, as I have already said, indicates all other modes of transportation than those by steamboat or railroad as star service.

Mr. MAXEY. I will answer the question of the Senator from Vermont. In the very appropriation bill under which we now act there is an item "for transportation on star routes, \$5,900,000."

Mr. EDMUNDS. That is an appropriation bill. I am speaking of the organic body of the law.

Mr. MAXEY. Still it is a statute of the United States.

Mr. EDMUNDS. We may appropriate for building a railroad to the moon; but that appropriation has gone by.

Mr. MAXEY. This is an appropriation for star routes under that statute.

Mr. EDMUNDS. And I am just as ignorant as before. What is a star route?

Mr. WALLACE. It is certainly not defined by statute, but it is by the practice of the Department. It is well understood there, and has been for a number of years, and, I presume, the Senator from Vermont understands it as well as the rest of us.

Mr. EDMUNDS. I do not know but I do. I want all of us to understand it.

Mr. WALLACE. It means any other mode of transportation of the mails than by steamboat or railroad, and the Departments so construe the term.

Mr. EDMUNDS. With that authoritative definition I am satisfied.

Mr. PLUMB. I hope that this amendment in line 21 reported by the committee will not be adopted. It will work very great injustice indeed to the western portion of my State, and in fact to the western portion of Nebraska and to all portions of the Territories where new settlement is constantly going on. According to this bill we take up this service just where it is, arrest it just where it is, provide for carrying it on as it is, and prevent any further increase for the residue of this fiscal year. The increase of population during the remaining months of this year will be as great as during any similar period for many years past, and we propose to cut off the people who have not been fortunate enough to have had an increase provided for heretofore, and say that for the next five months they shall not have any increase at all.

Mr. EATON. Only three months.

Mr. PLUMB. Well, if it is only three months the principle is the same. The fact is that hungry people go out from Connecticut and all other portions of the Eastern States carrying with them their principles and their desires for mail facilities. They want the daily

papers and they want mail facilities just as much during these three months as during any other three months of the year.

Mr. EATON. They can wait.

Mr. PLUMB. I understand there is a very general disposition to let people out in that country wait; but the people in that country are not as much disposed to wait as others are to have them wait. In the western portion of my State there are at least thirty thousand people that have no mail service whatever except such as they provide themselves with. I have a letter here on my table which I received to-day from the northwest corner of the northwest county of that State, representing the urgent necessity for mail service in that section. In very many portions of that State also there are weekly mails which should be now daily mails, very many more that should be semi-weekly, very many more that should be tri-weekly; but those people have to be postponed because of a little spasm of economy that has now come to afflict Congress on the subject of the transportation of the mail.

I hope this injustice will not be done. If they can wait for three months it must be because the service is not very important; and if it is not very important, it is not going to cost a great deal of money. But to a man who has gone out on the frontier, as all these people have, expecting that the Government will accommodate the service to his needs as well as those of his neighbors, this is a most injurious and unjust discrimination. There certainly can be no reason whatever for it.

We have been generous, and I think on the whole just in this bill as it now stands, to the service already established.

But I would call the attention of the Senate to the fact that this money that is provided for here was practically appropriated by the Post-Office Department months ago; and when they have appropriated this money, when they have enlarged the service on these long routes—and I am not complaining of that at all; I think on the whole it was done wisely, except in a comparative way—they then propose to cut down on the small routes in the different States. So for months there have been accumulating in the Post-Office Department petitions for the increase of service that is required for immigration that has gone into that country during the last five or six months, and during that period of time there has been no increase whatever. In the State which I have the honor in part to represent, the entire increase of the number of trips in the last twelve months has been only to the amount of about \$11,000—no increase at all compared with the increase of population during that time; no increase at all compared with the actual increase of the income of the Post-Office Department within that time; none whatever as compared with the actual increase in the amount of mail matter which has been required to be sent.

It is just as important that these people should have their mails within the next three months as during any past three months, or any three months yet to come; and it would look like saving at the spigot and losing at the bung to come in here and make this large appropriation for these great routes, properly made, too, and yet to say that because we are making this liberal appropriation we will cut off these frontier people for the next three months, and so arrange that they shall not have any increase of service at all. It seems to me like trifling with these people, trifling with the interests of the service, in every way unworthy of Congress, to attach to the bill such an inhibition as that.

This service is essential to these people in more ways than one. It has become a part of the policy of this Government to do a large express business. On a recent trip to New York I was invited to go into a room where there was an agent who had been in business several years, and whose business was the placarding of merchandise to be sent by mail through the Western States and Territories. There were shawls, fancy articles, dry goods, everything going into the stock of a country dry goods merchant, for transportation to New Mexico, Arizona, and all over the western country. These people take advantage of that because the Government has invited them to do it. Anything weighing four pounds or under may be transported in that way. It has become a regular business. Men who go to that country go out with the knowledge of the fact that the Government is doing this business; they go out expecting to be supplied to a large extent by this method, and they have a right to expect that service. The Government has stepped in and usurped a business formerly carried on by private corporations and private persons, and the people have gone there with the expectation that they shall still be served in that way. If a part of the people can be served in that way, why not all of them?

More than that, the people who go out there go from the centers of civilization in the Eastern States, and they are not citizens of Kansas yet; they are constituents of other gentlemen on this floor. They are the men who go out from New England and the Middle States. They have been in the habit of having daily newspapers and weekly papers, and they want papers there as often as once a week. They do not want it postponed two weeks or a month by a dilatory process of carrying the mails. If they take a daily paper they want it carried every day. The mail they get is as of much importance to them now as in the locality where they formerly lived. It has been a part of the policy of this Government to carry that mail to them, and it ought to continue to do so. If it is to be a part of the policy of the Government to say that for the purpose of a little beggarly saving of ten or twenty thousand dollars for three months we will sus-

pend this service, is there anything meaner or more contemptible than such economy as that after giving \$1,100,000 by the bill to the great routes? Because we vote \$1,100,000 in the bill it is proposed to strike down a whole service, and for three months save something, to have your poor people out on the frontier make up for what you have given liberally in the forepart of the bill.

Let us give the people of the United States the service they are entitled to all over and all alike, or else give them none. This is a discrimination, as it seems to me, aimed at what the Postmaster-General had in his mind when he said that if he was obliged to bring the service within the appropriation he would reduce it all over the country; but the committee go back of him and say "you shall not do that; you shall not reduce it in that section of the country where you have increased the service before." That affects practically only the western portion of the country; it affects the frontier; it affects Kansas, Texas, Nebraska, Idaho, Montana, Washington, Oregon, and California, and does not affect any community lying east of the Mississippi River. Twenty-five thousand dollars, perhaps \$10,000—certainly \$25,000 would be ample to cover the service for which I am pleading. For the lack of that these people must be without service three months. It is an affront to them; it is a break in the uniformity of the postal service of the United States; it is bringing down economy and applying restrictions to this Executive Department in the very smallest part of it.

Why did not the committee say that before this thing was done there should be some restrictions somewhere? Why did they wait until the last moment and provide in regard to all the service that has not been expedited, this trifling service, this small service that costs three, four, or five hundred dollars a year, that there shall be no increase there while the increase that has been made on all the routes which cost \$150,000 or \$200,000 a year shall go on just exactly as it has been according to the contracts made by the Postmaster-General?

I do not complain of the routes that have been increased and expedited. It is a necessity that should have been done. If I made any complaint it would be as to the manner in which the fund has been distributed; but the Postmaster-General went on, I suppose, without calculating the exact amount he was expending until the money was exhausted or liable to be so, and then he had to wait until Congress met, and when Congress met it dallied with the question for months, and meantime people were going without the service, and at the last moment we are to be told that there cannot be any increase on these routes, notwithstanding the lavishness with which we have appropriated money for the longer routes. I hope this amendment will not be adopted.

Mr. WALLACE. I trust the Senator from Kansas will be satisfied with the bill as it stands. It proceeds upon the assumption that the \$1,100,000 is a large amount of money to vote to continue the service as it now exists. When \$5,900,000 were all that was asked by the Department for the service of this year, the Senator from Kansas it seems to me ought to be content with what the committee recommend here.

Beside that, the second section of the bill provides for giving money for new service. There is \$100,000 appropriated for new service. In every case in which a new route is opened, money is voted by this bill for that service. And the cases put by the Senator do not apply at all. It is only the case of a route in which there being perhaps a weekly mail the neighborhood wishes a semi-weekly mail or a tri-weekly mail, and that is denied by Congress until the end of this fiscal year. They have the mail on that route now. They can probably wait for three months.

Inasmuch as the new service that is needed in that country is provided for by the second section, it seems to me that the deprivation of increase of trips, indeed the prohibition of the expenditure of any more money than is necessary to conduct the service as it exists to-day to the end of the fiscal year, is very proper in view of the facts that have been elicited in this debate and that now exist. The exercise of such a discretion by that Department as has been shown, if it be passed over in silence, if voting the money that Congress proposes to vote by this bill, it ought to be accepted by those who have the results of that expedition and the large increase in expenditure that the Department made in the last year.

Mr. PLUMB. I desire to say in reply to the Senator from Pennsylvania that if the committee had been desirous solely of saving money, that is, money worth saving as such, it would have saved it by cutting off three months of the large surplus to which the \$1,100,000 is appropriated. I do not say they ought to have done so, but I say that, after treating that service liberally and fairly, it was decidedly unjust and illiberal in the last degree to then sit down so thoroughly on the new communities where a small sum of money would go a great way. They have been lavish with great contractors, lavish with the long routes, and then their economy has come in at the last moment; and after expending, as they seem to insinuate, \$1,100,000 extravagantly, they propose to save three, ten, fifteen, or twenty thousand dollars at the end. That is what I object to.

If there had been an intention to save money, if that had been the purpose, it should have been saved elsewhere. I object that this places an unjust discrimination in carrying on the mail service of the United States. I say there is no reason in the world why the people who are entitled to increased service during the next three months

should not have it as well as the people who were entitled to it six months ago. If the argument is that they can wait three months, how does the Senator from Pennsylvania know that they cannot wait twelve months, or until the end of time? It has been the policy of the Government always to give the people wherever they went mail facilities, not next month or next year, but all the time, every day. Wherever a man has gone on the frontier, into the mountains or anywhere else, the very moment he is there located and has made his wants known, it has been the policy of the Government to extend the mail service in order to reach him, and not merely to extend it to reach him, but to anticipate him, in order that by that anticipation there should be greater inducement to other people to go there as well. It is a part of the settled policy of the Government, and this seems like making an unworthy exception to that liberal, just, enlightened policy which has done so much to build up the western portion of the continent.

Besides, it accomplishes nothing. If the Senate wants to say that this branch of service shall not exceed \$25,000 or \$50,000, I do not object to that. But there are to-day hundreds of applications from my own State and from Nebraska, as I happen to know, because the service of the two States is connected, on file in the Post-Office Department for increase of service on small routes from weekly to semi-weekly. All the service granted during the calendar year 1879 in my State was only \$11,000, and that \$11,000 was well spent, and results in giving a large increase of service to the people of that State. I have no doubt \$10,000 more would do it. But I am not speaking for Kansas alone; I am speaking for the entire frontier. If after appropriating \$1,100,000 you stick at \$25,000 or even at \$50,000 for the purpose of giving increased service to the people who are on the ground who have gone there on the supposition that they would be met there by mail facilities, facilities to be increased from time to time as circumstances should warrant, then, as I say, we have made a discrimination against the very class of people who most ought to meet with favor here.

Mr. BLAINE. I think there is a good deal in what the honorable Senator from Kansas states.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The question being put, the amendment was declared to be rejected.

Mr. DAVIS, of West Virginia. I do not think that the question was understood.

Mr. WALLACE. I understood a motion was made to strike out, and that was the question that was put.

The PRESIDING OFFICER. The Chair perhaps was at fault in not stating distinctly what the amendment was; but the question was on the adoption of the amendment in line 21 of the first section, recommended by the Committee on Appropriations.

Mr. DAVIS, of West Virginia. So I thought.

Mr. WALLACE. How did the Chair decide the motion?

The PRESIDING OFFICER. The Chair has decided that the amendment failed. It is perfectly competent for the Senator to call for a second vote.

Mr. TELLER. Let it go.

Mr. WALLACE. Does the Chair decide that the committee's amendment has failed?

The PRESIDING OFFICER. The Chair has so held.

Mr. DAVIS, of West Virginia. Then I move to reconsider the vote. It was not understood.

Mr. EDMUNDS. The Chair can put the question again if there was any misunderstanding.

The PRESIDING OFFICER. If there be no objection the Chair will put the question again. The amendment will be reported.

The CHIEF CLERK. The amendment is in line 21 of section 1; after the word "service" insert "or increase of trips."

The PRESIDING OFFICER. The question is on the adoption of the amendment reported by the Committee on Appropriations to insert these words.

The question being put, there were on a division—ayes 30, noes 23.

Mr. TELLER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. BLAINE. I do not think the suggestions that were made by the honorable Senator from Kansas have been quite met by the committee of which I am a member. I am very frank to say that. Take the Senator's own State and States that lie alongside and further on, the very season of the year to which this inhibition is to apply is the very season of the year at which immigration is the largest and settlement the most rapid. You propose to say that a rule hitherto existing in the Post-Office Department without question, and hitherto exercised according to discretion, shall over the whole of that vast region be suspended; and that where a route exists on which there has been a very sparse population last year, and now by the influx of immigration there is a very large population, and there has been only a weekly trip heretofore, and in the judgment of the Postmaster-General and in the judgment of every impartial man those settlers are entitled to a semi-weekly, or tri-weekly, or, it may be, a daily mail for three months of the year of grace 1880, that function of the Post-Office Department shall remain suspended. It has been exercised from the inauguration of George Washington to this moment; it will be exercised after the 30th of June; and we sit here, and, for some reason not known to law nor to logic, so far as I have heard it, we say—

Mr. PADDOCK. Will the Senator allow me to remind him that the inhibition is not only for three months, but it is for six months, because during the past three months, on account of the want of money, and on account of these existing complications, it has been an utter impossibility to secure any increase of service.

Mr. BLAINE. They cannot go back and do the service for a time that is past; therefore it is for the time that is ahead.

Mr. PADDOCK. But the applications are on file.

Mr. BLAINE. The principle which the Senator suggests of course is correct. I do not see, Mr. President, the logic of this amendment, I am free to say, although I am a member of the committee and consented to its insertion, not specially noticing or knowing a great deal about it until the Senator from Kansas presented the case. I do not see why for three months of this year a power should remain dormant in the hands of the Post-Office Department to be invoked again at the beginning of the next fiscal year, and hitherto always exercised without question. I think I shall have to unite with the Senator from Kansas.

Mr. DAVIS, of West Virginia. Just a word, for I do not wish to consume time. If this amendment of the committee is lost then we must increase the amount of money that has been appropriated, for we propose to appropriate just the amount of money that it takes to carry out the service for the present year with the present mail facilities as they now stand. On the basis they now stand we have appropriated, according to the Sixth Auditor's report, the amount of money necessary.

Mr. BLAINE. Then I submit to my honorable friend the chairman of the committee of which I am a member, whether on the whole our committee can afford or the Senate can afford to stand upon the principle that there shall be a suspended function for three months of the year because of some little difference we have got into as to the transcending of appropriations or some little conflict of authority with the Post-Office Department which we propose here in a preamble to censure—whether on that account or for any other reason we shall be justified by our constituents and by ourselves in saying to the people in the remotest Territory of this country (not to speak of many States that rely so largely on the star service) "You must not expect until the three months have elapsed that the ordinary functions of the Post-Office Department shall work for your relief, for we have ordered through Congress that animation in that Department shall be suspended for ninety days." I do not believe that proposition can be maintained.

Mr. DAVIS, of West Virginia. Just one word. It will be noticed that this is for increased trips. The same mail facilities which now exist in the Western States will continue, and the committee, as the Senator from Maine well knows, have reported \$100,000 for new service, so that, if there are any new routes, or if persons have gone to new neighborhoods and require new routes, there is a provision here of \$100,000 given for that purpose. It appears to me, in the face of what has occurred during the past year, we are appropriating \$1,100,000 now for the increased service and expedited trips, we ought to stop it. There must be a stop somewhere.

Mr. BLAINE. If there was a new express train put over the Baltimore and Ohio Railroad, on which my honorable friend lives, everybody along that route would be clamoring to have a new mail by that train. I live in a remote New England town. We have four mails a day coming into my town by rail, and if there was a fifth train we would struggle hard to have one on that. Now we are proposing to apply to what is known as the star service that which the communities that reside on the railway service would not be expected to submit to. My colleague on the committee [Mr. EATON] shakes his head.

Mr. EATON. We have to submit to it.

Mr. BLAINE. I submit to the honorable Senator that just in proportion to the extension of the railway service in this country, and in proportion to the number of trains largely, the mail service has increased. Where you had one mail a day, you get two a day, or three a day where there is an extra train; and I do not know how many more the large cities that are specially favored receive. This is an inhibition that does not apply at all to any other service.

Mr. EATON. If my friend will permit me, it is the large cities, not the small ones, as he and I understand perfectly well. Take the road from New York to Boston, if you please, where there are half a dozen trains a day. There are applications made every day from such towns as Wallingford and Meriden, where my colleague resides, and so on, that all trains should stop there; but they do not. They say, "No; such and such a train after leaving New York shall only stop at Stamford, at Bridgeport, at New Haven and Hartford and Springfield." Therefore all the towns, and large towns, too, are not provided for.

Mr. BLAINE. My friend is mixing up passenger traffic with mail transportation. The great express train about which he speaks is, in my judgment, not a mail train at all. The struggle there is for passenger accommodations, quite another thing.

Mr. EATON. So they are all mixed up here. Passengers and mails are mixed up on the star routes.

Mr. BLAINE. The proposition of the Senator from Kansas refers especially to mail service. Now my honorable friend, referring to that train on which he and I travel a good many times a year, knows that in order to make that train as expeditious as it is between the two terminal points it cannot be a way train.

Mr. EATON. It is a mail train.

Mr. BLAINE. No, it is not a mail train; the mail train starts two hours ahead of it; and yet so persistent have been the constituents of my honorable friend from Connecticut that they have absolutely delayed that train for from forty-five minutes to an hour, and delayed all the eastern travel in order that sundry and divers Connecticut stations might be included in it.

Mr. EATON. My honorable friend from Maine is mistaken now, as he has been a great many other times. It is not delayed, for it is not stopped within the limits of my State but three times.

Mr. BLAINE. Stamford, Norwalk, Bridgeport, New Haven, Meriden, Hartford, and once beyond. I go over it every year a dozen times, more or less, sometimes more and sometimes less.

But that is not the point at all. That is a mere question of passenger traffic and people who want to get on that fast train. This relates to the rights of the frontiersmen to have a tri-weekly or semi-weekly mail as much in the spring of 1880 as in the spring of any other year, past or future, if the demand is the same. That is what I understand the proposition of the honorable Senator from Kansas to be.

Mr. EATON. I have no doubt it is the opinion of my honorable friend from Maine that it is very important that they should have it during the coming three months. [Laughter.]

Mr. EDMUNDS. Mr. President, if this amendment of the committee is not agreed to, then the Senate ought to strike out the clause of the House bill altogether, as it appears to me. The clause is—

During the remainder of the current fiscal year no further expediting of service on any postal star route shall be made.

The committee propose to add after "expediting service" the words "or increase of trips." It is not clear to my mind that those two subdivisions of service are of exactly the same class, and therefore the amendment of the committee is merely to make perfect the provision of the bill. If there is any force in what the Senator from Kansas and the Senator from Maine have said, as of course there always must be as they say it, it applies just as strongly to expediting the service as it does to the increase of trips.

This bill, Mr. President, is a deficiency bill. A very extraordinary state of circumstances now exists. It appears that, in spite of the appropriation of Congress upon the recommendations of the Department a year ago, there is now a very large and unprecedented deficiency in this service, owing to the extension of the service and the making of contracts which the law and the appropriation had not provided for. Now, we are called upon to furnish money enough to carry on what the Department has begun, to the end of the year. That is the object of the bill. In order to guard against a further supposed misappropriation of money—I do not express my opinion upon it now, whether it is so or not—

Mr. DAVIS, of West Virginia. And a further deficiency.

Mr. EDMUNDS. And a further deficiency—as a consequence, the House inserted the provision that there should be no further expediting of service, which is the increase of the rapidity of a given number of trips, and the Committee on Appropriations has added to that "or increase of trips," so that if the House proposition be agreed to it cannot be "walked around," as the phrase is, by the Post-Office Department, where there is now a semi-weekly mail by getting around the provision that that should not be made more rapid by putting on a tri-weekly mail. The answer to it by the Senator from Kansas is that the western frontier—which is a very patriotic and very indefinite phrase—is filling up, and is going to fill up very fast this spring as soon as the snow melts off and the roads get good—

Mr. TELLER. It is filling up now.

Mr. EDMUNDS. Filling now, and consequently that the United States cannot wait until the 1st of July in providing for this alarming deficiency to see what further provision ought to be made in respect of increasing the trips on already established routes.

Another provision in the bill is adequate to any new settlement where a new service is to be instituted, and provision is made for it; but where there is an existing community with an existing service the House undertook to say, imperfectly, that owing to this alarming state of things in respect to the spending of money we should pull up until the 1st of July. The Committee on Appropriations have said, to make that perfect, we must also declare that you shall not only not expedite the service but you shall not make any increase of trips on the existing routes until the 1st of July. It does not appear to me that that is so very bad a thing.

The Senator from Maine says that there are four mails a day at Augusta; I believe that is where my friend lives. The city of Washington, according to the best of my knowledge, information, and belief, where I get my mail, has only three mails a day. That is all we Senators get, if other Senators are treated as I am. Yet we get on very well.

Mr. TELLER. Three mails from where?

Mr. EDMUNDS. Three mails from anywhere that are delivered to me. I do not know how many come in from various parts of the country.

Mr. TELLER. More than that come in.

Mr. EDMUNDS. There are not more than three mails between the city of New York and Washington delivered during a day.

Mr. TELLER. The mail from New York is not the only mail that comes in; some other mails come from the West and from the South, but the people in these little towns get only one mail from any portion of the world.

Mr. CONKLING. Is there any one direction from which mails come more than three times a day?

Mr. EDMUNDS. The inquiry of my friend from New York *sotto voce*, is the very one I was going to put. There is no one route, I think I am safe in saying, that comes into the capital of this nation, that has more than three mails a day from any one direction. And speaking for one, trying to do my small share in the transaction of public business and to answer correspondence promptly, I think it would be just as well for the public interest if there were not more than two mails that came into the city of Washington over any one route, in a day; and if three mails requiring the running of three trains cost more than two, I should be willing, according to my present knowledge, subject to a change of course, to vote to reduce the number to two in this very city if the expense of three is greater than it is of two.

Mr. BLAINE. You would save more by reducing the number to one.

Mr. EDMUNDS. And we could save still more by reducing it down to nothing. We may say on the same principle that the Senator from Maine by his private remark to me seems to imply, that because it is useful and wholesome for a man to eat four slices of bread in a day, it ought to be useful and wholesome for him to eat a barrel of flour. It may be so in Maine, but it is not so in Vermont. [Laughter.] A reasonable and proper limit for all things, moderation and temperance and economy, is the true thing to look at. That being the state of the case, it appears to me that the committee is perfectly right in perfecting this bill in providing that for the time being and in making up this deficiency and providing in another section for new routes, for new settlements of people, we will keep the service where it is until the 1st of July.

Mr. BECK. I know how useless it is to fight against the power and patronage of the Post-Office Department. That is demonstrated now; and the meaning of this increase of trips for the next three months means for four years, or as long as the present contracts run on all the routes where the increase is given, unless it be that the Department concludes to pay a month's extra pay for nothing, to stop service.

Mr. BLAINE. May I ask the honorable Senator if the suppression of them for the next three months means their suppression for four years?

Mr. BECK. No; but it means that whenever a new increase is granted it remains for the residue of the contract term, unless a month's extra pay is given to the contractor for nothing when the service is taken off. Is not that true? Since we are granting now \$1,100,000 to supply a deficiency which never ought to have existed, because we are willing to stand by what has been done, pending an investigation in the House relative to the merits of that, it surely is a very small matter when we have given \$100,000 for new routes, to say that you shall stop, pending that investigation, increasing those routes at any rate you please, and the expedition at any rate you please, until the 1st day of July, while we have this investigation going on.

Mr. BLAINE. But the Senator from Kentucky will observe that whereas the investigation relates to a number of routes that you can count on your fingers, the inhibition covers 10,700 routes, and you are going to make 10,700 routes stand still under this inhibition while the House of Representatives is finding out whether there has not been some abuse on some large star routes, not as numerous as the fingers I am using. That does not seem to be exactly logical.

And while I am up, allow me another word. If the Senator from Vermont does not see the distinction, he is the only Senator who does not, between inhibiting the expediting of an existing route and the holding down of a weekly mail where the increase and inflow of population demands a tri-weekly or daily mail. If the increase of trips upon an existing route is not a very different principle from the giving of a large sum of money to carrying an existing mail a great deal more rapidly, I have only to say that the Senator from Vermont is the only one who does not observe it.

Mr. WALLACE. Mr. President, it seems so impossible to close this bill to-night that I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and forty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 16, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

Mr. NEWBERRY. I move, Mr. Speaker, that joint resolution (H. R. No. 240) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company, which was introduced yesterday by the gentleman from Kansas [Mr. RYAN] and referred to the Committee on Railways and Canals, be withdrawn from that committee and referred to the Committee on Pacific Railroads.

Mr. RYAN, of Kansas. I have no objection whatever to that change of reference.

There being no objection, the Committee on Railways and Canals was discharged from the further consideration of the joint resolution, and it was referred to the Committee on Pacific Railroads.

POST-OFFICE BUILDING AT QUINCY, ILLINOIS.

Mr. SINGLETON, of Illinois. Mr. Speaker, I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 5074) to provide for the erection of a public post-office building in the city of Quincy, Illinois, and for other purposes, for the purpose of putting it upon its passage at this time. It is purely a local matter, and has been here for over a year. It is important I should get the action of the House at as early a day as practicable; and I hope my request will not be denied as I have heretofore given the House but little trouble in this way.

The SPEAKER. What does the gentleman propose to do with the bill?

Mr. SINGLETON, of Illinois. I ask by unanimous consent to bring it before the House in order to put it upon its passage at this time. It does not appropriate any money whatever.

Mr. BLOUNT. There are a great many bills of this sort, and I must object.

Mr. SINGLETON, of Illinois. It does not make any appropriation.

The SPEAKER. Objection is made.

SATURDAY FOR DEBATE.

Mr. FERNANDO WOOD. I move, Mr. Speaker, that by unanimous consent the session for Saturday next be set apart for discussion of the refunding bill in the Committee of the Whole House on the state of the Union; no other business whatever to be transacted.

There was no objection, and it was ordered accordingly.

Mr. FERNANDO WOOD. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BREWER. I demand the regular order.

Mr. SAWYER. I rise to a privileged question. Notice was given on Thursday last that the contested-election case of Bradley vs. Slemmons would be called up for consideration to-day. I move now to proceed to the consideration of that election case.

The SPEAKER. The gentleman from Missouri moves that the House do now proceed to the consideration of the election case of Bradley vs. Slemmons.

Mr. McMAHON. I propose to raise the question of consideration of this bill for the purpose of proceeding with the deficiency bill, and at the proper time will move to dispense with the morning hour.

The SPEAKER. The gentleman from Ohio raises the question of consideration of the election case named with a view to proceeding with the general deficiency bill, and it is for the House to determine the question.

Mr. WEAVER. Is that question debatable?

The SPEAKER. Priority of business is not debatable.

Mr. HOOKER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. I do not know what the question is—

The SPEAKER. That is not a point of order.

Mr. HOOKER. If the Speaker will bear with me for a moment I will state the point of order. I rose to ask the question whether or not the report of the Committee on Elections should not, under the rules, be first considered by the House, and in preference to any other business, that being a matter of the very highest privilege that the House can consider.

The SPEAKER. The Chair recognized the gentleman from Missouri to move to go into the consideration of that question, and the gentleman from Ohio raised the question of consideration, and it is for the House to determine.

Mr. HOOKER. The rule does not prescribe—

The SPEAKER. The rule prescribes and the practice of the House also prescribes that the gentleman from Ohio has the right to raise the question of consideration.

The question was taken on the motion of Mr. SAWYER.

The House divided; and there were—ayes 56, noes 108.

So the House refused to consider the election case of Bradley against Slemmons.

Mr. McMAHON. I now move to dispense with the morning hour and proceed with the consideration of the deficiency bill.

The SPEAKER. This would require a two-thirds vote.

The House divided; and there were—ayes 124, noes 28.

So (two-thirds voting in favor thereof) the House determined to dispense with the morning hour.

Mr. McMAHON. I now move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the general deficiency bill.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

DEFICIENCY APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the general

deficiency bill. The gentleman from Connecticut [Mr. HAWLEY] is entitled to the floor.

Mr. HAWLEY. Mr. Chairman, I am glad the House has decided to take up this bill. It contains some twenty-seven items supplying deficiencies in the service, and they are all, in the judgment of the Appropriations Committee, in which I as a member most heartily concur, immediately indispensable to the service. To pass the bill is a work of necessity, I might say of mercy; that is to say, I speak of the bill as reported from the committee.

I was a little surprised, to some extent grieved, to have notice given that there are two amendments proposed. One is a somewhat extensive bill, certainly an important amendment, changing the manner of choosing the Congressional Printer. Another amendment proposes to incorporate in this deficiency bill an appropriation for the payment of United States marshals. The first changes existing law, and is also the substance of another bill pending before the House, and ought to be out of order on an appropriation bill. The second is also the substance of a pending bill, and virtually changes, certainly defeats, existing law. Points of order have been reserved, and personally I hope they will be ruled out. But if they should not be, I hope the House will refuse to incorporate them. I for one shall be glad to vote for the bill as it stands. I reserve the right to vote against it if we are to have political legislation incorporated in it.

The proposed section for the payment of marshals is to pay the marshals and their general deputies. We have a bill pending before the House, reported, I believe, from the committee, proposing to devote \$600,000 to the marshals and their general deputies, and containing a proviso forbidding the use of any of this money for the payment of expenses under the national election laws. I understand it is proposed to drop the latter clause; but nevertheless by retaining the term "general" the same effect is reached. None of the money can be appropriated for the payment of expenses incurred under the general election laws save as marshals or general deputies may have been engaged, and most of the marshals so employed are special marshals. Therefore dropping the prohibitory proviso is nearly immaterial so far as the practical effect is concerned.

It appears, therefore, Mr. Chairman, that at the very first opportunity the democratic majority of this House renews the tactics that compelled the long, excited, and expensive extra session of last summer. And it does not appear thus far that the democratic party has learned anything from the debates of that session or from the public opinion of the country. The leaders seem determined to prove all that was charged against the party.

Now, sir, against this policy of what I shall term thumb-screw legislation I now, as I heretofore have done, enter my vehement and indignant protest. It is not the treatment that we have the right to expect from our associates in the great work of legislation.

The character of attempts of this kind has been very fully discussed and explained and appropriately designated before. It is practically revolutionary. I am astonished to see those gentlemen especially who are always protesting that they are misunderstood by the House and the country supporting tactics of this description. During the debate on the rules and at other times we have heard from members of the majority, a large number of them, protests that they were opposed to political legislation on appropriation bills. They have agreed in substance with us of the minority in disapproving that policy. Yet we see no indication in their actual votes that they are not to continue it. They avow it; they take the responsibility of it.

It has been claimed here in the House that the radical and revolutionary faction of the democracy has lost its control over the party. I perceive no evidence of it. There was nothing in what was done last summer that is anything more radical or revolutionary than what gentlemen propose here.

Mr. WILSON. Will the gentleman allow me to ask him a question?

Mr. HAWLEY. I will, once. If I have made any mistake of fact, I am willing to be corrected.

Mr. WILSON. I wish to ask the gentleman if he is aware of the fact that the proposed amendment coming from the Printing Committee is in terms, or in substance at least, exactly a bill that was passed while the republican party had the control of both branches of Congress?

Mr. HAWLEY. That was not the point I made. I believe it, however, to be in terms a bill already pending and therefore subject to the point of order that it cannot be brought in as an amendment. But the true point is this. Here is a political matter sought to be incorporated with an appropriation bill so that in dealing with it we are compelled to vote for or against appropriations according to our judgment for or against the political measure.

Mr. WILSON. Is it not the fact that the rule now is substantially as it was then, and that the amendment offered here now is in substance identical with the bill pending on the Calendar?

Mr. HAWLEY. That is a point which can be better argued when the point of order is made on the amendment. If the gentleman is correct, the amendment he speaks of should be ruled out.

THUMB-SCREW LEGISLATION.

I propose very briefly to review this practice of tacking or of attaching political legislation to appropriation bills. The attempt was made to justify this by reference to the history of Great Britain. There

can be found precedents in that history previous to 1688, when Great Britain was engaged in a great political revolution. Since 1688 it has not been British practice. And since 1710 there has been an absolute rule of the House of Lords prohibiting it. It is regarded there as revolutionary and destructive of the rights of the House of Lords, barring that House from a free expression of its opinion upon bills of supply.

It is sought to justify it by reference to precedents in the legislation of Congress while it was under republican control. That cannot be done, in my opinion; because while the republicans, when they had a majority of both Houses, and the President, also, on their side, were in the very bad habit at times of putting general legislation on appropriation bills, it had not the effect then of thumb-screwing the Executive. And when some of the most illustrious examples of this bad habit occurred they had a two-thirds vote in both Houses, and it was therefore, as far as compelling the Executive was concerned, a mere matter of form; they could pass the bill, whether he approved or disapproved.

Mr. WILSON. I wish to ask the gentleman—

Mr. HAWLEY. Better not. I wish to proceed now without interruption.

The practice, however, is not justifiable because republicans were at times guilty of it. The only example furnished by republicans which is in reality applicable to the present discussion is that occurring during the great Kansas agitation, when they proposed to forbid the use of the Army in Kansas to enforce certain wicked legislation. In that instance the republicans, having brought about an extra session and come to a serious consideration of the subject, abandoned the attempt, being satisfied that they were wrong in proposing to coerce the Government in that way; and among the protests against tacking, against thumb-screwing legislation, there are none more logical and impressive than those made by eminent democratic Senators.

The judgment of the country is against this. The history of constitutional legislation is against it. Some of the States of the Union condemned it as early as 1776. In their first constitutions they emphatically condemned it and for the very reasons that we are in the habit of assigning on this side. As time passed, constitution after constitution has been so altered as to prevent it. Twenty-eight of the State constitutions rendered it impossible by a variety of provisions, but a great many of them containing this simple rule: "Bills shall contain but one subject which shall be distinctly described in the title." Other constitutions permit the executive to veto some while approving other sections of appropriation bills. And when the confederates came to adopt a constitution they took the existing Constitution of the United States with certain modifications. Among the modifications which their veteran politicians and legislators thought it necessary to make are clauses that rendered it utterly impossible to do what the democratic party of this House is seeking to do here to-day. We have the history of the State constitutions, the general progress of constitutional legislation in the country, the judgment of the Houses of Congress before this agitation in repeated instances, and what I am sure will weigh strongly with some gentlemen and which weighs somewhat with all, the thoughtful action of the confederate convention considering the defects of the Federal Constitution.

Under this policy of the democratic party there can be nothing like deliberate legislation. The work becomes a farce; we are not free to vote as we please; bills become a patchwork of general and political legislation and appropriations; the freedom of voting becomes the freedom of one subject to the highway robber, subject to the black-mailer, subject to the torture of inquisition. The call of the roll in a sense brings with it an insult, because it asks me to vote upon brass and clay, and silver and gold all mingled in one image. No legislative body has a right to bring a member to that emergency.

Now, as to the provision concerning the marshals, of which I hope I shall speak still more briefly. The Committee on Appropriations decided to make it an independent bill, which was rightly done. It is now proposed to put it on this appropriation bill, which is wrongly done. There is due marshals and special deputies in California some \$7,500 for labor under the election laws. The supervisors of elections are paid out of the Treasury under a permanent statute. This is not a matter of discretion with us, whether or not we will incur indebtedness of this sort. While the statute stands any two reputable citizens applying to the marshal have the right to demand that special deputies be appointed, and the marshal is imperatively directed by law to appoint those special deputies, whose very wise and proper duties are very carefully pointed out in the statute, and whose compensation is fixed. The indebtedness, therefore, may be incurred at any time by the marshal and two reputable citizens, without waiting for a specific appropriation. To refuse to pay it is to refuse to pay a lawful debt of the United States, and that is what is proposed in this instance.

The gentleman from Ohio, [Mr. McMAHON,] of the Committee on Appropriations, says that the majority of this House will appropriate nothing for special deputies, supervisors, or anything of that sort, and will not do so while the election law exists. I call upon this House and upon the country to properly stigmatize the character of that declaration. If the majority had in the first place brought before us a bill repealing or modifying the election laws I could listen

with more charity. I hold it to be their first duty, before adopting this policy, even if they are ever justifiable in doing so, to show us how far they desire to modify the election laws, or whether they desire to entirely repeal them. They have not done that. In fact, by leaving in some of the appropriation bills provisions relating to supervisors, last summer, they admitted the propriety of the law, or at least they declined to put themselves in square opposition to it by supporting a bill repealing it.

It appears, then, that they declare positively that they will not afford the necessary means for executing laws which they do not like. Now General Grant's doctrine is very much better; that the best way to bring about the repeal of an obnoxious law is to enforce it. I do not say that in some great revolutionary crisis Congress might not declare that it would not appropriate money to carry out existing law. But if it be the deliberate judgment of the democracy that the laws protecting elections are of the description that justify revolutionary measures, I shall be glad to have the declaration frankly made, so that the country may understand it.

THE NATIONAL RIGHT TO PROTECT NATIONAL ELECTIONS.

The Constitution of the United States provides very clearly that—The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.—Article 1, section 4.

Now the construction of that section of the Constitution was very well understood in the constitutional convention. It was very thoroughly debated and defended by Mr. Madison and other eminent gentlemen, on the exact ground that it is indispensable to the Government of the United States that it should have the power to protect the people in electing members of that Government.

It has been claimed that this power is to be exercised by Congress only in cases where the States have failed or neglected to provide for proper congressional elections. That point was made also in the constitutional convention, and it was there overruled. When the State conventions came to consider the new Constitution they were to some extent dissatisfied with this provision; and in six of those conventions the point was again raised, and an amendment to the Constitution was proposed, providing that Congress should not legislate on this subject of elections except in cases where the States had failed to legislate.

These proposed amendments came before the first Congress of the United States under the Constitution. They were deliberately debated in that Congress; Mr. Madison renewed his own arguments made in the constitutional convention. A proposition to submit to the State Legislatures an amendment giving to article 1, section 4, the construction described was voted down by 23 yeas to 23 nays; and the attempt has never been renewed.

The constitutional convention, the State conventions, and the first Congress under the Constitution understood that subject precisely as the republican party to-day understands it. Since that time the legislation of Congress has been in accordance therewith. Some of the States were in the habit of electing their congressional delegates in gross—by general ticket. Congress provided that Representatives should be elected by single districts. The States were in the habit of electing Representatives at different times; Congress provided that Representatives should all be elected on the Tuesday after the first Monday of November. The States were in the habit of electing their Senators at different times and in various ways, and with such irregularities that the people sometimes remained unrepresented in the Senate for long periods, and serious dissensions arose.

The Congress of the United States provided in minute detail for the election of Senators of the United States, going into the State Legislatures and prescribing the duties of clerks and presiding officers and members, commanding them to assemble at a certain hour in the day—twelve o'clock—and vote *viva voce* for a Senator; to assemble in joint convention the next day at twelve o'clock and read the distinct record of the ballot in each house; directing them, in case the record showed disagreement, to vote jointly and *viva voce*, and directing that in case they made no choice they should meet in joint convention day after day at twelve o'clock till they had made a choice. It is impossible, therefore, that Congress could have shown any more clearly its understanding of that section and of the right and duty of Congress to supremely regulate the election of Congressmen. And what it can "regulate" it can protect.

The democracy now say that an election law passed by Congress in direct, clear, incontrovertible execution of that section shall not be carried out, and they propose to put what is equivalent to that into this little deficiency bill—a work of necessity and mercy, as I have called it. I am obliged to say that this is a part of the general hostility manifested by a large body of people in this country to Federal power—just and constitutional Federal power of every description—hostility to the Army, hostility to the Executive, hostility to the Supreme Court, hostility to the protection of Federal officers by Federal courts while they are executing Federal laws, hostility to any attempt on the part of the General Government to protect the rights of the people in the sacred duty of voting.

I pass on to discuss

THE GOVERNMENT PRINTING OFFICE,

and what has been said concerning the Public Printer, apropos to the amendment which has been submitted to us providing for a new

method of electing that officer, and also appropriately under the item of the bill appropriating \$400,000 to carry on the work of that office.

Up to 1860 the Government was very much annoyed in endeavoring to get its printing done. Every system that has lately been spoken of in debate, nearly every system imaginable, had been tried; and of all the greatest failures was the attempt to do the work by contract. This is shown in the debates of 1852 and 1860 in speeches of members of both parties, whig and democratic.

In 1852 the attempt was made to escape these difficulties by appointing a superintendent of public printing who should supervise the work; and under his supervision the evils were not quite as great. In 1860 it was decided to have a Government Printer, and a Government Printing Office as well as a Government Printer. Since that time there have been comparatively few difficulties. I might say there were next to none until the printing of the CONGRESSIONAL RECORD was taken away from private parties, and put into the Government Printing Office. From that time there has been a constant war upon the Public Printer and upon the establishment—promoted I am bound to say from what I see in the public prints and hear everywhere—promoted largely by disappointed and discharged persons and by persons anxious to get the place of the Public Printer, which they fancy is one of great emolument, though the salary is only \$4,000 and the position one of the most laborious and vexatious under the Government. In addition to this, the opportunities of that department for what people call political plunder or patronage are greatly exaggerated; for there are but from one thousand to fifteen hundred men, women, boys, and girls employed there.

I incorporate in my speech a brief description of the work done by the Government Printer, taken from the minority report in the Hatcher and Finley investigation:

The amount is large, and the question naturally arises, for what is this expenditure made? The items for which expenditure is made consist of salaries paid the Public Printer and his assistants; wages of employés; expenses of the office of the Public Printer; the public printing; paper for the public printing; lithographing and engraving; public binding; CONGRESSIONAL RECORD, miscellaneous reports, and blank-books. A more detailed statement shows that the Government Printing Office does the work for the Department of State, including books of instruction, blank-books, and blanks for consuls throughout the world; books, blanks, and blank-books for the Treasury Department, including the custom-houses, mints, sub-treasuries, and internal-revenue offices for all parts of the United States; for the Post-Office Department, including all the post-offices, numbering over thirty-nine thousand, and the money-order offices of the country; for the War Department, including the books and blanks for the Army of the United States, arsenals, depot quartermasters, the Signal-Office, Surgeon-General's Office, &c.; for the Department of the Interior, which includes the land offices in all parts of the country, the large bureaus of the Patent and Pension Offices, and the offices of pension agents; for the Navy Department, including the Navy, the navy-yards, the Marine Corps, Naval Observatory, Nautical Almanac Office, and Hydrographic Office; for the Department of Justice, the Supreme Court of the United States, the supreme court of the District of Columbia; the Department of Agriculture; the Library of Congress; both Houses of Congress; and the Court of Claims.

Naturally enough the quantity of this work has grown from year to year, for the Government and the business of the country grow. During the year ending June 30, 1879, there were 110,749 pages of type set up; the number of distinct copies of books, reports, documents, bills, resolutions, &c., printed by order of and for Congress was 15,248,112; the cost of the paper was \$154,205.45; the cost of binding was \$133,298.95; the total cost, \$556,114.23. And this was what may be called congressional printing, and does not include the printing of the Departments, the extraordinary amounts of which I shall show.

On the 11th of January, 1878, the House ordered a general investigation of all the departments, including especially the Government Printing Office. Mr. HATCH was chairman of the committee, and the gentleman from Ohio [Mr. FINLEY] was chairman of the sub-committee. With him were associated the gentleman from Mississippi, [Mr. MANNING,] a democrat, and Mr. Burdick, of Iowa, a republican. They conducted that investigation steadily during the long session and during the winter of 1878-79. The last hearing—at least the last reported stenographically—was on the 27th of January, 1879. The investigation was conducted with closed doors—a somewhat unusual course I suggest.

Mr. FINLEY. I desire to say to the gentleman that his statement is not correct. That investigation was not conducted with closed doors. The doors were open; it was a public examination.

Mr. HAWLEY. I am very glad to hear that statement. I was assured by one of the parties that the examination was conducted with closed doors. I am glad it was not. There is one error corrected; I have enough faults left to comment upon. The committee had power to send for persons and papers. The sub-committee sat in the Government building much of the time during the spring of 1878, having full access to and full power over everything. The expert employed, Mr. Carlisle, had a room in the Government Printing Office devoted to himself. In short, nothing could be done more thoroughly, to all appearance, than was the work of these gentlemen, with a slight exception or two.

Let me incorporate an extract from the testimony of the expert, taken from Report No. 119, Forty-fifth Congress, third session—

By Mr. BURDICK:

Question. What experience if any, have you had in the keeping of accounts?
Answer. I have examined the accounts of the Treasury Department, the Post-Office Department, and the accounts of the Public Printer at different times.
Q. Do you consider yourself an expert?

A. I do consider myself an expert.

Q. Did you suggest this method of making up and preparing these statements which you have presented?

A. I do not think I did. My recollection is that I made up these statements by or under the direction of the committee.

Q. As an expert, would you say this was the proper way to make up an exhibit showing the receipts of the Public Printer and the disbursements made by him?

A. I think not, sir; no, sir; not to arrive at the exact condition.

Q. Might not a statement made in this manner show an untrue or deceptive result?

A. That might be the result from the manner in which the reports of the Printer are made up usually.

Q. If these statements are wrong and incorrect, it is in consequence of the method they are prepared, is it not?

A. Yes, sir.

Q. And not in the work itself?

A. No, sir; the difference is in the attempt to itemize the disbursements. The difference may have been made when they made up their annual report.

And, moreover, this expert testifies, as appears on page 611 of that testimony, that he had spent a very considerable time in connection with this business. He was repeatedly asked his opinion as to whether the business was conducted crookedly, or whether he discovered any crookedness whatever, and he disclaimed anything of the kind over and over again; that he had discovered nothing to justify suspicion even. I quote from page 611 of the report:

By Mr. KEIGHTLEY, (January 24, 1879):

Question. You have spent considerable time in the examination of the accounts in connection with the business done there?

Answer. Yes, sir; I have.

Q. From your examination of the accounts, I want to ask you what is your opinion as to whether the business is conducted crookedly or otherwise?

A. I am not prepared to answer that question fully. As far as I have gone, I have discovered nothing to lead me to suppose there has been any crookedness.

Q. Why can you not answer?

A. I have not completed my examination.

Q. You have spent much time in the examination of the papers, you regard yourself as an expert, and so far as you have gone you have discovered nothing to lead you to suppose that the Government Printing Office was conducted in any other way than honestly?

A. No, sir; because I have only gone so far.

By Mr. FINLEY:

Q. In what kind of shape did you find the books kept, good or otherwise?

A. Not in accordance with any idea of the manner in which books should be kept—as to the system. That is my opinion.

By Mr. BURDICK:

Q. What would be the true and correct method of ascertaining whether there is a deficiency in the accounts of the Public Printer or not?

A. By a comparison of the books of the Public Printer as to receipts and disbursements made by him with his accounts with the Treasury.

And again, on page 612 of that report, Mr. Burdick examines and the expert answers:

Question. Are accounts kept at the Treasury Department with the Public Printer?

Answer. They are.

Q. Have you consulted those accounts?

A. I have not; no, sir; except the account which has been before your committee.

I have compared that with the books of the Public Printer.

Q. If you had, acting on your own motion, desired to ascertain the true condition of the accounts of the Public Printer, would you not have examined the accounts kept with him at the Treasury?

A. I would, sir.

Q. Would you, as an expert, be satisfied with the result attained without an examination of his accounts there?

A. No, sir; I would not.

Q. Why have you not examined the accounts there?

A. I have had no opportunity.

Q. Have you been acting, in making out these statements, as your best judgment dictated?

A. No, sir; not as my best judgment dictated.

His statement at one time showed a deficiency of \$119,000. That was all brought forward by the sub-committee, as I have been told by persons who were present, to the committee of investigation, and it was shown that the errors arose from an expenditure of something like \$107,000 in printing agricultural reports. In short, the deficiency vanished under anything like a fair examination.

This expert was asked whether he was ever sent to the Treasury Department to examine the account kept with the Public Printer, and he said that he was not. He said it was impossible to make a fair and full examination unless that was done.

Mr. FINLEY. The gentleman from Connecticut will allow me to say I do not wish to take up his time, but simply desire to say to him that Mr. Carlisle, the expert, testified before the committee that all he undertook to do was to make a comparison between the reports of the Public Printer to Congress and his books, and that on such comparison he found the Public Printer had received, as appeared from his books, \$119,000 more than he reported to Congress he had received. He did not undertake to say it was a deficiency; he only said that he found this difference between his reports and his books.

Mr. HAWLEY. I have listened attentively and carefully to what the gentleman has said, and I read from the testimony, report, page 608. (Mr. Burdick asked the expert concerning the sum of \$107,986.35, disbursed for the Agricultural Report in 1877-78:)

Question. But this amount is reported as a deficiency in this statement prepared by you?

That is, Mr. Carlisle.

Answer. Yes, sir; that makes up one of the items.

In pages 600 to 604, the expert speaks of a "deficit" and a "deficiency," but he does say it cannot be fairly stated without examination of the books of the Treasury Department, which he was never asked or directed to examine.

Now, the committee at large overruled, as I understand, that special sub-committee and refused to report to Congress there had been a deficiency or that there was anything like a defalcation or fraud in the Department. I understood the gentleman from Ohio [Mr. FINLEY] to say the other day to the House that there was a deficiency of \$119,000. Yet, sir, there is none such; every single dollar to which the Public Printer is entitled is recorded in the books of the Register of the Treasury, and every single dollar he has drawn is accounted for and a voucher for every dollar, placed there.

Now, when that full committee, in which the gentleman from Ohio was chairman of the sub-committee, came to make its final report, this is the sum and substance of the judgment which it found. It had spent one year diligently endeavoring to find fraud, corruption, wrong-doing, waste, extravagance; it was a good service—it was right to look for it, but when they had spent this long time on this service they summed up as follows:

The testimony submitted by your committee shows, it is believed, abuses of authority, usurpation, unjustifiable practices, and dereliction of duty, and that the affairs of the Government Printing Office should in many respects be thoroughly reformed. To the determination thus reached there follows the corollary that a law should be passed which will close the many avenues to corruption, extravagance, and malfeasance now invitingly open to most officers of that vast establishment.

This is very indefinite and, as political judgments go, a very harmless one; for the specifications of abuses of authority amount to nothing or are exceedingly trifling. No count of indictment is framed upon them. The avenues to "corruption" and "malfeasance" are declared to be open, but it is not said that any one entered. All the usurpation amounts to is this man claimed the right to buy something for the Government in a slightly different way from what perhaps it ought to have been done, but there was no fraud in it. The article was honestly bought and went into the service of the Government. As to "unjustifiable practices," I hardly know where they are in this volume. In their report they might have specified one or two and framed a count upon them. "Dereliction of duty," that is another harmless expression. This was all they could make after one year's most thorough and painstaking examination with an expert; but the expert said it was not conducted, according to his judgment, in the manner in which it ought to have been done; that he did not examine the Register's books in the Treasury as he thinks he ought to have done, and that he found no "crookedness" whatever from the beginning to the end.

That is the substance of the report. The usual nineteen hundred copies were printed under the rules and the report died, the House taking no action on it. The report was valuable, showing this Government office was better than we had supposed; otherwise no service was done to the world or the country except to furnish materials for a century of speeches from the gentleman from Ohio.

PURCHASE OF INK.

I hastily notice a few of the minor specifications of wrong-doing. The Printer is charged with purchasing ink improperly for the office; that is, without inviting competition; but that was done long ago under Mr. Clapp. Mr. Defrees took an entirely different course. Mr. Clapp used to aim to buy the best inks he could get, and buy at fair market prices. He did his work as any good business man would aim to do it. But Mr. Defrees felt compelled to resort to the contract system. He asked for bids, and he received them from nine cents up to twenty-two or twenty-five cents for ordinary kinds, with a higher price for some few special inks. I believe Mr. Defrees did not get as good ink as he thinks, but he got it a little cheaper, just as a man who should ask Chatham street to make bids for his clothing might get it cheaper, but would find himself not well or really so economically clothed, and I rather think that Mr. Defrees did not get quite as good ink as Mr. Clapp received. I differ with Mr. Defrees in that respect. I think that the ink he got was not as good. Probably it was not so well ground, or the lamp-black or other components were not so good. I think it is altogether possible that you might be able on some pages to rub a black shade across the printed sheet even with clean fingers, [laughter,] because the ink is not absolutely perfect.

But that Mr. Clapp bought honestly under his system and that Mr. Defrees bought honestly under his system no man denies; and he got his inks cheaper, and for many purposes—for many of these documents—it undoubtedly answers very well and is an economy in that respect.

PURCHASE OF PAPER.

The book-paper used at the Government Printing Office is bought under the supervision of the Joint Committee on Printing in a very careful and systematic way. The joint committee of the two Houses issue proposals; the paper-makers are invited to bid; the committee award, and contracts are signed. The Printer gets a good paper at a fair price, but some little difficulty arises. It is quite impossible to make the paper of absolutely uniform tint and absolutely uniform quality, and men who are critical, as Mr. Spofford, of the Congressional Library, will point out defects. You cannot have so good and so uniform paper as if you made long contracts, ordering all of a certain class from one mill. You are subject to the accidents of the competition. Every business man understands that in a moment.

Mr. SINGLETON, of Mississippi. I hope the gentleman does not want to mislead the House.

Mr. HAWLEY. Certainly not.

Mr. SINGLETON, of Mississippi. Do I understand the gentleman to say that the Committee on Printing had the supervision of the purchase of ink?

Mr. HAWLEY. No, sir; but only the purchase of paper. The larger portion of the paper is purchased under the charge of the Committee on Printing.

Mr. SINGLETON, of Mississippi. I misunderstood the gentleman's statement.

Mr. HAWLEY. The paper for binding is bought by contract after competition, but not under the supervision of the joint committee. The mass of the book-paper is bought in that way.

PURCHASE OF MACHINES.

Now, another allegation is made concerning the machines which have been purchased there. The Government Printer simply did as any wise manager of business would do. He saw machines which would do the work of three, four, five, six, eight, or ten hands, and he bought them. In the first place he tried one or two, and then bought nine, and afterward four more of the wire-sewing machines. Now, sir, one of those machines running a fair number of hours, an average number of hours, for a year will save its \$1,500. I will not detain the House by reading the certificates which I hold here from the foremen of those different branches. I have them here, however, and beg leave to print.

OFFICE OF THE PUBLIC PRINTER,
Washington, March 13, 1880.

DEAR SIR: The machinery introduced in the electrotype and stereotype foundry at the Government Printing Office during the past year has resulted in great economy of time and expense, as well as a very manifest improvement in the quality of the work.

I am, very respectfully, &c.,

TO HON. J. R. HAWLEY,
House of Representatives, Washington, D. C.

ALEX. ELLIOTT, JR.,
Foreman of Foundry.

OFFICE OF PUBLIC PRINTER,
Washington, March 13, 1880.

DEAR SIR: I hereby certify that the recent introduction of improved fast-printing machinery in place of the old, worn-out Adams presses has enabled me to do twice the amount—and of a far superior quality—of press-work that I was able to do on the old presses, and at a less cost for labor.

Respectfully, &c.,

O. H. REED, Foreman Press-Room.

Hon. J. R. HAWLEY.

OFFICE OF PUBLIC PRINTER,
Washington, March 13, 1880.

Hon. JOSEPH R. HAWLEY:

I hereby certify that the recent introduction of Chambers's book-folding machines in the Government Printing Office will enable me to do the character of folding which can be done on them for at least one-half the cost when done by hand.

The wire-stitching machines do the work better than by hand, and at a saving of two-thirds.

J. W. Jones's hydraulic paper and book-pressing machines are a great saving, and are invaluable to this office.

Respectfully, &c.,

THOS. B. PENICKS,
Superintendent Folding-Room, Government Printing Office.

OFFICE OF PUBLIC PRINTER,
Washington, March 13, 1880.

MY DEAR SIR: I hereby certify that the introduction of the wire book-sewing machine in the Government bindery has resulted in a great saving of the public money, as is shown by the table herewith inclosed.

Respectfully,

J. H. ROBERTS,
Foreman United States Government Bindery.

Hon. J. R. HAWLEY.

Number of signatures sewed on the wire-sewing machines for ten months in 1879, and two months in 1880, printed work, 24,768,434.

Cost of same if sewed by hand	\$18,873 89
Cost by machine	5,155 58

Saving

Number of blank-books sewed on wire-sewing machines from July 14, 1879, to February 23, 1880, 18,959 books, 66,330 quires.

Cost of same if sewed by hand	\$3,316 50
Cost by machine	326 67

Saving

2,989 83
The treasurer of the Wire Book-Sewing Machine Company, of Philadelphia, both telegraphs and writes me that his company alone has—

Ever made or can make in the United States the wire book-sewing machines. No machines have ever been sold or offered by any one connected with the company for less than the price at which they were sold to the United States Government.

One hundred and twenty-four of these machines are in use in this country and Europe, and they were in use in the great binderies of Sir Sidney Waterlow and others, in Europe, months before this Government ever took them on trial.

One reason we are able to do more printing in late years than before, and not increase the cost in proportion, is found just here in the introduction of these machines. The new inventions enter every field in the office, save in the labor of type-setting, and in time that will be done by machinery also.

PURCHASE OF PRESSES.

Mr. Defrees was charged with buying printing-presses improperly; that is, by direct purchase without bidding, and yet what use is there

in advertising that one wants so many Cottrell & Babcock presses or so many Adams presses, for no one can furnish them but Cottrell & Babcock and Adams. Why should he issue proposals for a Hoe press or a Walter press? It would be foolish for him to do otherwise than he has done—that was to buy at the market price of the makers of standard presses. There is no specification that any of these articles have been bought above the market price.

His coal, oil, cloth, flour, envelopes, lead-pencils, horse-feed, leather, and ice have been duly purchased of competing bidders.

THE PURCHASE OF TYPE.

A charge has been made against him in the matter of his purchase of type. I will put into my printed speech a letter of Bruce's Son & Co., who sold that type:

OFFICE OF GEORGE BRUCE'S SON & CO.,
No. 13 CHAMBERS STREET, NEW YORK,
December 24, 1878.

SIR: Yours of the 21st instant, inclosing slip from newspaper about Representative FINLEY's committee, headed "Rotten to the core," is received. It is not, we perceive, a regular report of the examination, but a sensational article, as evidenced by its very headings.

You ask us what truth there is in the testimony that deductions have been made on prices of type to private establishments, and also state that it is very likely we will be brought before the committee.

Our answer we wish to make very plain in order to avoid the discomfort of a journey for the purpose of appearing before the committee, though we are well aware it is not under oath. However, we are willing to make it so.

We know nothing about this investigation except that which is in your printed slip, and, in order to make our statement clear to you or to any one else, will proceed *seriatim*.

According to this article, Mr. John G. Judd testifies that it was customary to make a discount of 5 to 15 per cent. from same price-list.

The article goes on to state that before this discount was made nonpareil was fifty-eight cents per pound; brevier, forty-eight cents; long primer, forty-two cents, &c. This article is evidently garbled, and we do not believe that Mr. Judd swears to that.

The new price-list lowering the prices of those articles was made after your type was bought and delivered, about the 20th of November, 1878, by most of the type foundries in the United States meeting at Cleveland, Ohio, and making that new low list to take effect December 16 and not before. We inclose you a circular from the northwestern type-founders, received 21st instant, and dated September 16, giving their reasons for this reduction. We do not belong to the Type Founders' Association, but cannot fight the whole country even with a better article, and so since the 16th of this month have come down in our prices, as you will see by the bill of December 21, *pica* thirty-eight cents, long primer forty-two cents, and brevier forty-eight cents, which agrees precisely with Mr. Judd's last statement. All your late purchases of Roman type, except that just referred to, had been made before the reduction took place: Long primer fifty cents, brevier fifty-five cents, and nonpareil sixty-six cents, which were until then our printed price, and may be found on page 3 of our abridged specimen book. We print thereon, in capital letters, that these prices are net cash. What is the use of driving away custom if we do not stick to it. [By not sticking to it!]

Mr. Larcombe, the next witness, according to this article, testifies correctly as to the prices we charged your office before the 16th of the month when the new prices took effect.

We sold you from April 1 to August 10, \$1,476.01; August 30 to December 11, \$37,091.33; total, \$38,567.34. What other firms supplied the balance of the \$41,470.02 we know not.

Mr. Thomas J. Brady, according to this article, testifies that recently his office at Muncie, Indiana, had to be replenished and he bought type at 35 to 43 per cent. discount from price-lists which were 7 to 10 per cent. below Bruce & Co.'s. The type-foundry lists, ours included we believe, are all uniform, and we do not believe the statement that he bought so cheaply. [Mr. Brady said 10 to 30 per cent. discount, on a few small things 35 to 43. He said: "We had been trading a long time at Cincinnati, and Chicago wanted to get the trade away from Cincinnati."]

To conclude, we sold you on our regular terms, and all orders your office may send us will be filled in the same way.

If you had delayed your large order till December 16 you would have been supplied cheaper, but you did not know that, nor did we. Type have been sold cheaper and they have been sold dearer than we sold you lately, and we ourselves and other type-founders have sold below cost for some small amount to beat those who have electrotyped our articles and stolen the production of our brains. But we will not do that for any large amount, as we do not intend to work for nothing. Some of our western foundries have been cutting one another's throats, we are aware, and are sick of it. (*vide* the circular.) The prices in that circular are the standard prices since the 16th instant.

The fonts we have supplied you with are uniform; they have the accents to match them, not imperfectly, but exactly—Roman lower-case, caps, small caps; Italic lower-case and caps; longs and shorts of both Roman and Italic. You need not be ashamed of it. We consider it a first-rate advertisement. We doubt very much if any other foundry could supply your order so well and so quickly as we did, and many of the foundries could not furnish you with the sorts as quickly as you must have them.

We sold you at our regular prices, as we supplied the two mercantile agencies in this city with forty thousand pounds of agate each at full printed prices. They were afraid their orders would not be executed promptly by other parties, and we presume you may have been in the same situation.

Allow us to call your attention to the fact that when you first ordered brevier from us, in 1861, you wished a large-bodied brevier, such as was then in use in your office, which would consume about one-tenth more paper than that we furnished you according to our regular size; and seeing the economy you took our regular size.

We mentioned casually to your predecessor, Mr. Clapp, that type should be contracted for, as we had bid for it once or twice. He replied that the Printing Committee had decided that type were not printing materials.

If you wish your type to match with that you had formerly for justification, and the works you now turn out to be uniform with the others from the Government Office from its foundation, you could not be supplied elsewhere without a great expenditure.

Compare the type made by us with the work turned out by Wendell. Senator ANTHONY, who is an old printer, must understand this. Perhaps it would be well to let the committee read this letter. We do not know if it is the Printing Committee or a special committee.

Your obedient servants,

GEORGE BRUCE'S SON & CO.

JOHN D. DEFREES, Esq.,
Public Printer, Washington, D. C.

It is charged in that report, and has been charged I believe in the debate here, that he paid too much for type. He bought a large in-

voice of type in the summer and autumn of 1878. On the 16th of December the leading type-founders of the country entered into an agreement, very considerably reducing their prices. He could have bought after December 16 at a lower figure; and it is very easy for one who does not fairly state the whole case to make it appear he paid an extravagant price. But it is said, why did he not invite public competition? The Government Office began in 1861 with Bruce's type—there is none better in the world. Now type do not wear out uniformly. Any one can see that the type used daily wears rapidly. The blocks called "quads" which cause the spaces do not touch the rollers or the press at all and will last through generations of the types that contain letters. Then, again, the types which contain the exclamation points, the chemical signs, algebraic formulæ, the fractions, accents, quotations, and like, making a large proportion of the "sorts," as printers call them, do not wear out so fast because they are not so much used. Sometimes pages of the RECORD will contain none of them.

In an establishment like this the printer buys only what he needs for renewal. Should he open the purchase to competition he would receive type that would not "justify," as it is called, with the old. They would not precisely fit, and it is absolutely indispensable that the fitting should be precisely accurate. His most economical way is to go to the firm which furnished the first supply and get from them enough to make his assortment complete again, thus from time to time filling up what is worn out. Again, if he tries to buy whole fonts from the lowest bidders, he must sell off whole fonts as old metal, when they were only worn out in certain sorts. It would be found a most extravagant process, as any business man can very readily understand. That is the reason why Mr. Defrees went and bought his type as a prudent man would have done, buying it all from one firm, so that the new supplies fit the old. And the successive volumes of the RECORD and of numberless other publications have a uniform appearance.

WORKING ON TIME AND BY THE PIECE.

A very large part of the work in the establishment is done by the piece, and the rest is done on time. A small amount of that on time is done by men having permanent annual salaries. There are a great many there who work by the hour; but if there are but two hours' work in a day they are discharged at the end of two hours and paid only for two hours. This, of course, is nearly equivalent, as a matter of economy, to working by the piece. Sometimes these men are called upon to work twelve or even eighteen hours a day, and then they are paid accordingly. To those working by the piece the price for "composition" is apparently large. The law says the Public Printer shall pay not to exceed fifty cents per thousand ems. That is a rather large price as things are now; but it is not thought to be wrong on the whole. He is not bound to pay so much as that if he can get the work done more cheaply. But in estimating what should be the price these things had to be considered: sometimes a printer has a night's work of twelve hours and then come three days of light work or next to nothing to do, when Congress has adjourned over a few days, or has very brief sessions, or has ordered very little work. The man one night will get seventy-five cents' worth of work and then on another night he will get five dollars' worth, scarcely stopping to eat. Then there is the vacation in the summer, when sometimes there is little or nothing to do for many of the compositors. It is evident that if he has to live here and work for the Government he must have a pretty good price while he does work if his pay is to be on an average equal to that of decently paid workmen elsewhere.

RUNNING OVER THE FISCAL YEAR.

The gentleman from Ohio [Mr. McMAHON] said that Mr. Defrees could not tell what work would come within this fiscal year and what would run over into the next. It is obviously impossible for him to tell. Take what occurred last year. Take the extra session. That came unexpectedly and threw upon the Public Printer a vast amount of work and a great deal of what he was already engaged to do had to pass beyond the 1st of July into the next, or this, fiscal year. He said the RECORD work was done in the last fiscal year. No, sir. Only the daily RECORDS were completed in that year. The great bound volumes were shoved over past the 1st of July and came into the current fiscal year.

WASTE.

It was said that no intelligent explanation was given in regard to the waste paper and rags and all sorts of things of that description. Sir, every dollar of that is accounted for and is entered upon the books of the Treasury. Sales of extra documents are reported every month. If the investigating committee had sent its expert to the Treasury Department he would have found all this accounted for.

WASTE GOLD-LEAF.

A large space is covered by an attempt to account for the waste gold-leaf. Under the old system that was considered fairly a perquisite of the workmen in the bindery, and they used to save the rags and sponge with which they wiped off the gold-leaf, and in the course of a year they would be able to put a few dollars in their pockets from the sale of the gold. But in a fit of economy the old usage was abandoned, and by saving up the old rags and sending them to the Mint and having them carefully burned and assayed the Public Printer was enabled to get two or three or four hundred dollars in one year.

It was hardly worth while for the committee to waste many pages of testimony and to call many witnesses in regard to that matter.

ECONOMY.

The gentleman from Ohio [Mr. FINLEY] said that he believed he could show that \$500,000 a year more than is necessary is expended on printing. Well, I wish he had shown it. It would have been a most marvelous thing. The total cost of the congressional printing, outside of the printing for the Departments, as given on page 27 of the report, was only \$556,114.28. Now, I do not know where the gentleman could have saved \$500,000 out of that; certainly the work could not have been done for \$56,000.

There is not one Department of the Government that is able to show a surplus in its printing account. I have before me here the figures from the Department of the Interior, showing that that Department will need \$44,000 more for its printing this year than last year, owing to the new bureau of the Geological Survey and the large increase of work in the Land Office, Pension Bureau, &c.; and in the Post-Office Department there will be needed a large amount more than in previous years. The first six months, compared with the first six of last year, called for \$22,850.43 more. This is due to constantly increasing business, notably in the money-order business, foreign and domestic, the change in the registered-letter system dispensing with old blanks and calling for new stereotyping, printing, &c., &c.

The Treasury Department keeps even, but must have more next year. The War Department resolutely obeys orders and lives within its appropriation, but it is badly cut down, and needs more as a measure of economy.

THE VAST WORK DONE.

Members of Congress generally have a very slight idea of the amount of work done in this office. If they really desire hereafter or now to pursue the investigation, I advise them in the first place to read thoroughly the two speeches of Mr. Burdick, of Iowa, made in the last Congress and placed on our tables this morning. He spent a year on that investigation with the gentleman from Ohio, [Mr. FINLEY,] and in his speeches gives a thorough explanation of the whole matter. In the next place I advise members to go into the Printing Office and talk with the very intelligent foremen there. And that reminds me that I must do justice to one of them who is a constituent of mine. He has been there for many years; he did not get his appointment through me, and I did not know he was here until he introduced himself a few years ago. I refer to Mr. Roberts, the foreman of the bindery. The gentleman from Ohio [Mr. FINLEY] speaks of him as "that man Roberts," and refers to a transaction which took place many years ago and which he thinks was discreditable to Mr. Roberts. A firm in this city, Philp & Solomons, used to furnish the blank-books for the Government. That was stopped and the work was turned over to the Government Printing Office. At the time that was done Philp & Solomons had on hand a few hundred blank-books made chiefly for the Treasury Department, and naturally they wanted to get rid of them.

Now, Mr. Roberts, the foreman of the bindery at the Government Printing Office, bought those blank-books as blank paper. He told a little white lie about it. They were bound up into blank-books, but he bought them as blank paper, because he had a right to buy that; but he did not feel justified in buying blank-books, for it was his business to make such for the Government. But, mind you, while he bought them for \$234, at about the price of the blank paper in them, with the knowledge and approval of all parties, the transaction was recorded, and resulted in a handsome saving to the Treasury, and Mr. Roberts put nothing into his own pocket by the operation. Yet some people tried to make a scandal out of that. Now I know the man, and you may work at him as long as you please, and you will always find that he is a very faithful, capable, patriotic, and honest man.

Mr. CHITTENDEN. I know him.

Mr. HAWLEY. During this session of Congress the orders for papers printed to the extent of what is called the "usual number" of documents, that is to say 1,900, have amounted to 1,234; and 918 of the documents have been printed, amounting to 1,839,200 copies. Some of those documents are of but one page, some of them two or three or four pages; others of them make considerable volumes. By resolutions of the Senate, outside of these orders of the House, there have been ordered to be printed 42,275 copies; by resolution of the House 25,300 copies; making a total of documents ordered, and nearly all printed this session, of 1,916,675 copies.

Now if you add to that the larger volumes, such as the President's message with the accompanying documents, and large executive documents which are printed under a permanent statute, you will vastly increase the number of copies of documents printed at the Government Printing Office. I have not the number here, but the cost of printing such documents for the corresponding period of last year was \$118,000. That work has been going on, and is now very nearly completed.

Gentlemen, let me surprise you a little by exhibiting one day's work in this House. One week ago to-day, March 9, resolutions were offered in this House for the printing of certain octavo volumes. They were 100,000 copies of the report upon forestry by Dr. Hough, and a further edition of 50,000 copies of a previous volume on forestry prepared under the Commissioner of Agriculture by the same gentleman;

20,000 copies of the report upon beet sugar and the manufacture of sugar from beets; 300,000 copies of the report of the Commissioner of Agriculture; 100,000 copies of the special report of the Commissioner of Agriculture upon the diseases of swine. Those resolutions were offered (I do not say the volumes were ordered) in one afternoon here, and referred to the Committee on Printing. You know from the titles that these volumes are likely to be printed. All will be printed in greater or less numbers. I venture to say that any one of those resolutions proposed to the House to-day would be carried by a large majority. They are all no doubt valuable books. Whether the exact number proposed ought to be printed or not I do not say. But what did this amount to in one day? Five hundred and seventy thousand octavo volumes—one day's proposed work!

Let me surprise you still more. I have here a letter from Mr. Defrees, the Public Printer, explaining the deficiency partly provided for in this bill. It is as follows:

SIR: The last session of the Forty-fifth and the first (extra) session of the Forty-sixth Congress ordered an amount of printing and binding greatly exceeding that ordered by any preceding sessions.

When the appropriation was made for the fiscal year ending the 30th day of June, 1880, no estimate was made for the printing and binding for the extra session, as the necessity for holding it was not known.

The printing ordered at these sessions will make (exclusive of the RECORD) 44,118 octavo pages and 2,699,625 octavo volumes or copies, 25,862 quarto pages and 270,374 quarto volumes or copies, aggregating 69,000 pages and 2,969,999 volumes or copies, and many of them having costly illustrations.

The requisitions made by the Executive Departments for blanks and blank-books also exceed those of any other year.

The price of paper to be paid for from the first of the present month for the ensuing year is 15 per cent. greater than last year, as shown by the contracts just entered into by direction of the Joint Committee on Printing.

Of the amount appropriated for the present fiscal year there remains unexpended the sum of \$300,000; so that, in view of the above facts, it will not be possible to do without the further amount of \$450,000 as a deficiency, which I most respectfully ask shall be appropriated at once.

Very respectfully, yours, &c.,

JNO. D. DEFREES,
Public Printer.

HON. J. C. D. ATKINS,
Chairman of Committee on Appropriations.
FEBRUARY 5, 1880.

It shows that the printing ordered in the last session of the Forty-fifth and the first session of the Forty-sixth (that is the extra session) amounted to 44,118 octavo pages—that is, pages of type, 2,699,625 octavo volumes, 25,862 quarto pages, 270,374 quarto volumes, the aggregate being 69,000 solid pages of type and 2,969,999 volumes or copies, many of them having costly illustrations. That was the work of the last session of the Forty-fifth Congress and the extra session of the Forty-sixth.

Now, I have said that the printing proposed here last Tuesday amounted to 570,000 volumes. Everybody can see that the Congressional Library is a magnificent establishment. Everybody who goes there is impressed by those long and lofty rooms and those crowded alcoves. How many volumes are there? Three hundred and seventy-six thousand, with a little more than one hundred thousand loose pamphlets. Many of the volumes are very thin and small; they do not equal the average of our documents in size; but if we suppose that they do, we last Tuesday were asked to print 194,000 volumes more than there are in the entire Congressional Library. In the last session of the Forty-fifth Congress and the extra session of the Forty-sixth there were ordered printed 3,000,000 volumes, which, without making allowance for the difference in size, (which ought to be allowed for,) amounts to eight times the entire number of books in that grand Congressional Library.

If you make allowance for the difference in the size of the books you would find the proportion nine or ten fold; for 270,000 of these documents were great quartos like the bound volumes of the RECORD, while the Congressional Library has not near so many of that size; many of the books are small, thin volumes. Undoubtedly in those two sessions you ordered at least eight times the number of volumes contained in that magnificent library. Yet you grumble when the Public Printer comes here for an extra appropriation. If you can show where he stole a dollar or wasted a dollar, that is all right; but do not blame him for the large cost of this work until you have counted up what you have ordered him to do. You gave him but \$1,500,000 for this year. The average cost for printing during the last sixteen and three-quarters years (during which the country has grown greatly) is \$1,668,000.

[Here the hammer fell.]

Mr. HAWLEY. May I have five minutes more?

Mr. KEIFER. I move that the gentleman be allowed five or ten minutes more to finish his remarks.

The CHAIRMAN. The Chair hears no objection.

Mr. HAWLEY. The average expenditure for public printing during the last sixteen and three-quarters years was \$1,668,516.63; and you gave the Public Printer for this year \$1,500,000, which was \$168,000 less than the average for all these years. He says that you piled up this work so that it was impossible to do it without \$450,000 additional. Now, I hope the Committee of the Whole will not be so unwise as to adopt the amendment of the gentleman from Ohio, [Mr. McMAHON,] which proposes to reduce this appropriation to \$300,000. You ought rather to make it \$450,000. The alternative is to appoint somebody who knows enough—somebody whom you can trust—to cut down the number of volumes. Undoubtedly if you provide that

only twenty-five thousand of the Agricultural Report shall be printed, only ten thousand of the report on the diseases of swine, &c., you can appropriate less money; but I say the better plan is to meet this demand and be a little more careful for the future. I do not say that the aggregate is any too great, for I do not pretend to pass upon the wisdom of having all these works printed. There was one year, many years ago, when the printing amounted to \$2,200,000. Considering the length of the extra session, and the number of valuable works increasing naturally from year to year, I am not sure but \$1,950,000 is a moderate expenditure. Ten or fifteen years ago the same amount of work would have cost very much more. Last year the Printer got his paper at a moderate price. Now he is paying 15 per cent. more for white paper. Paper is one of the enormous items.

You ask if it is an economical office. It is vastly economical in comparison with the old extravagant and corrupt system. I would not have the Government go back to the contract system. It was full of dishonesty and waste. It was understood that when contracts were awarded large percentages went to a few newspapers, and for other political purposes. Look at the Covode investigation. It is a fact those things were done in those days; whatever we may say against ourselves we do not permit those things in our day. The political system then was full of it.

I do not say if the Harpers had that establishment, running it for themselves, in New York City, they might not run it a little more economically; but it is doubtful then. I mean only in this way; they might be able, living in New York, to jew the compositors down to a lower figure; but here the work being irregular, fifty cents one day and \$2 the next, and the third nothing, fifty cents a thousand ems is not extravagant. They might manage in some way to get it down a little more cheaply, but in no other way can the Government have it done so cheaply. You make eight hours a day's work, and those who work by the day quit at the end of eight hours. Do not blame the department for that, if one-fifth less work is done in a day. A large part is done by the hour; so that does not make much difference.

I say the management of that office generally is good. I never looked into it with care until within three days, when I have been driven to it by the turn this debate has taken. I have read over a number of these documents and conversed with the very intelligent and capable foremen and clerks, and have been gratified to find how excellent that management is. The system on the whole is good. Mr. Defrees asked the First Comptroller of the Treasury and one of the Auditors to come over and look at his system and see whether any better plan of doing his business could be suggested. They came and examined, but recommended no change.

It is a matter of national pride. There is no such establishment in the country. Clearly no private citizen could afford such. Is it enterprising? I have known the printer to bring in here in the morning punctually eighty-eight pages of this RECORD, equivalent to a bound volume of two hundred and seventy-five or three hundred pages, which his office had set up and struck off in twelve hours. Both Houses ran their mills all the afternoon and evening, and made eighty-eight quarto pages, yet the literal report was on time. About five or six years ago, when the revisers completed the first edition of the Revised Statutes, a ponderous volume of some eleven hundred pages, it was over to the printer on Tuesday. It was laid on these tables printed and bound, a splendid volume, on Friday of that week. Who can do better? I append a statement from the First Auditor of the Treasury:

TREASURY DEPARTMENT, FIRST AUDITOR'S OFFICE,
March 13, 1880.

Hon. J. R. HAWLEY.

House of Representatives:

I hereby certify that vouchers are on hand in this office, belonging to the Public Printer, for the appropriation of 1880, amounting to \$1,072,771.52; and further that vouchers have passed this office for payment for paper out of same appropriation, amounting to \$323,751.34, and that accounts have passed this office, and are on the way to draft, amounting to \$10,890.70; and that the Public Printer, by accounts rendered to this office, has accounted for all the moneys advanced to him by requisition, except the balance shown in accompanying statement, with which balance the Public Printer's accounts agree, as rendered.

R. M. REYNOLDS,
Auditor.

Amount of appropriation	\$1,504,000 00
Amount added from sales of waste-paper	29,089 17
Total	1,533,089 17
Vouchers on hand in the First Auditor's Office	\$1,072,771 52
Amount paid by draft to private parties	323,751 34
Accounts on way to draft	10,890 70
	1,407,413 56
Left of appropriation	125,675 61
In Treasury	55,334 13
Held by Public Printer	70,341 48
	125,675 61

[This is not dated, but is the statement referred to in and accompanying letter of March 13, 1880.]

Mr. SINGLETON, of Mississippi. Mr. Chairman, I had not intended to take part in the general discussion of this bill, and should not have done so except for the fact that the Committee on Printing of this House has been referred to by several of those who have made speeches on this bill, and by the gentleman from New York [Mr. HISCOCK] on Friday, seemingly with an effort to connect said committee

with whatever of crookedness might be found in the Printing Office itself. I will endeavor before I take my seat to explain the connection which the Printing Committee has with that establishment, and to show that we have no more control over it except in the purchase of one article, to wit, paper, than we have over any other Department of this Government.

This bill is not one of our regular appropriation bills. It is what is termed a deficiency bill, a bill to add something to the amount already granted for carrying on the business of the several Departments of the Government. And while, Mr. Chairman, bills of this character are regarded by me with great disfavor, the necessity for them growing, as it frequently does, out of the extravagant and unnecessary expenditure of money in these several Departments above and beyond that set apart for their use, yet candor compels me to admit that this is not always the case, but that sometimes the necessity for a deficiency bill comes of the fact that Congress has failed to make, at the proper time, sufficient appropriations, and at other times, out of circumstances which are unforeseen and which, as a matter of course, are not provided for in the general appropriation bills.

Such is the case to a certain extent in regard to the two largest items mentioned in this bill. The six-hundred-thousand-dollar item which it is asked shall be appropriated for the payment of marshals and their regular deputies grows out of the fact that, at the last session of Congress, there was a failure to appropriate for this purpose. The circumstances under which that failure occurred, I do not propose to discuss to-day. The history of the matter is familiar not only to the members of this House but to the whole country. It will be remembered that Congress put on the bill a rider which provided that no part of the \$600,000 which we were ready to appropriate should be used for the purpose of paying special deputies who were to supervise elections, as we on this side believed, in the interest of the republican party.

The President was not willing to receive the \$600,000 which we offered him upon the conditions we saw fit to prescribe, and the consequence was that the President having vetoed the bill, we adjourned without making that appropriation. Now the Committee on Appropriations comes forward and presents a bill proposing to appropriate \$600,000 for the marshals and their regular deputies without any condition annexed; but gentlemen on the other side of the House, if I understand their purposes, propose to amend the bill and put upon it a provision for the payment of the special deputy marshals. And the argument which was used by the gentleman from New York on Friday last is that the law authorizing the employment of these special deputies having been declared constitutional by the Supreme Court of the United States, therefore we should make haste and appropriate money for their payment and that an amendment should be put on this bill to that end.

While I admit, the law having been declared constitutional by the Supreme Court of the United States, Congress has no right to resist it, and while in the future it may be deemed right and proper to make appropriations for these special deputy marshals, I hold that there is no duty imposed upon us requiring that we hasten into the presence as it were of said court with heads uncovered and feet unshod, saying, "May it please your honors we are ready to do your bidding; to appropriate this money, and to postpone other important business." These special deputy marshals are *functus officio*. They are no longer in office, and there is no special necessity for haste in this matter. We want some time to deliberate on it. It may be that we can couple some other provisions with the act making this appropriation which will save us from the presence and dictation of these pimps and spies hereafter, and therefore we ask that you accept the \$600,000 we tender in good faith, and that you do not delay the passage of this bill by any offer on your part to put upon it an amendment such as is contemplated.

It is true the Supreme Court of the United States has decided the case. Its connection with it has ceased; it can deal with it no further. It is then a matter purely for the consideration of Congress, whether it make that appropriation to-day, or whether it will make it at some future day, or whether it will make it at all.

It may be the pleasure of this House to amend the bill according to the views of gentlemen on the other side, and make the appropriation in this bill; but if it does not, then no injustice has been done, because the same question will come up some other time during the session when we can all discuss it and vote upon it according to our respective views. We say, therefore, you had better take the \$600,000 that is offered you in good faith and not undertake to encumber this bill with amendments. The purpose of the bill, not being a general but a special deficiency bill, is to meet cases of emergency. This is the view that the Committee on Appropriations has taken, and delay in passing the bill will undoubtedly work great detriment to individuals as well as to the Government. But no such argument can be made with regard to these special deputies, and the question in reference to their payment can be determined at any time hereafter. It is not urgent at this time.

Again, as to the \$400,000 for the Government Printing Office. It will be remembered that in our regular appropriation bill for the present fiscal year we set apart for carrying on the Printing Office \$1,500,000. We had before us the Public Printer and his chief clerk, and after a full discussion of the matter it was agreed on their part that this would be sufficient for all the necessities of the Printing

Office during the current year. We gave them, therefore, all that was asked; but when we called the Public Printer before us at this session and asked the reasons why he wanted this additional appropriation of \$450,000 he gave the following reasons, to which we should give due weight. Whether they explain fully the propriety of this demand or not, and how far these reasons satisfied the minds of the several members of the Appropriations Committee, will be found out before we get through with the question by the speeches and votes of gentlemen of the committee on both sides of the House. The reasons offered were—first, the extra session of Congress, which extended over a period of three months, which was entirely unanticipated when his estimates were made, and consequently no provision was made for it.

This we know to be true, and accounts in some measure for the deficiency appropriation demanded.

Again, he urged as a reason that there had been an increase in the prices of material to be purchased for the use of the Printing Office, especially in printing-paper, which has risen above 20 per cent. I think the contracts made will show that to be a fact. The third reason was that an extraordinary amount of printing had been ordered by the Forty-fifth Congress, (the two sessions of that Congress,) and the extra session of the Forty-sixth Congress. You have heard to-day what was said by General Hawley on that subject. It is perfectly certain to my mind, as chairman of the Committee on Printing, that an unusual number of books have been ordered to be printed, as stated by the Public Printer.

Gentlemen might say: are you not responsible for it as chairman of the Committee on Printing? To some extent I feel myself responsible, but to a very large extent I am not responsible; nor is any member of that committee responsible. For, be it known to you, that oftentimes when we make our reports to this House in favor of printing a limited number of a particular book or report the House will take charge of the matter and order perhaps four times as many books as your committee thought necessary. Such was the case when my friend from South Carolina [Mr. AIKEN] overran the committee on the question of printing a certain book—I forget what it was at this moment.

Mr. AIKEN. The report on forestry.

Mr. SINGLETON, of Mississippi. Yes, the forestry report; which has already been alluded to to-day as a most unnecessary expenditure of the public money.

Again, you find that in the last days of the last session of the Forty-fifth Congress there were numbers of books ordered to be printed, as to the printing of which adverse reports had been made by the Committee on Printing. To illustrate: Here is a work called a catalogue of the subjects—not of the books merely, but of the subjects contained in every one of the antiquated books that have been placed in the library of the Surgeon-General. Why, sir, there are thousands and thousands of volumes there, and a catalogue of the books had already been printed; but that was not satisfactory to the Surgeon-General and his friends. They must come to Congress and ask that a catalogue of all the subjects of the books contained in that vast library should be published for the benefit of the medical fraternity. The Committee on Printing, year after year, declined to recommend this printing, but in the last days of—I am not sure whether it was the extra session or the last session of the Forty-fifth Congress—on the very last day or day before the Congress adjourned, by a resolution sprung upon the House by some gentleman, the first two volumes of that catalogue were ordered to be printed. It was said there would be eight volumes of it, and five thousand copies of the first two volumes will cost the Government \$20,000. And when you get through the work, even supposing the cost to be limited to \$20,000 for each two volumes, you will find the eight volumes will cost you \$80,000. And that is not the end of it. This library will continue to increase, the number of books will be augmented, and you will find from year to year, having commenced this work, the same demand will be made; it will be said, "We have gone into this matter; we have spent eighty or a hundred thousand dollars, and now we must have money to finish the job." It is a perennial outgoing stream. There is no end to it that I can see.

So of the Black Hills report which was gotten up, as I believe, in the interest of private individuals. A commission ordered by the Secretary of the Interior was sent out to survey the Black Hills in order doubtless to find where the rich lands were and where the gold mines were located; the idea being that the Indians would be driven out from the Black Hills, and then the gentlemen in possession of this knowledge, gotten up without any authority of law, would have the power to go and locate these lands ahead of those who had not this information. This work was ordered by the Interior Department. It was begun and carried on by that Department. And when it was found that matters did not take exactly the course that was anticipated, then the party that made the surveys that had been ordered by the Interior Department was remitted to Congress for his pay; and some thousands of dollars were voted to pay for the same. Congress, notwithstanding the Committee on Printing, time and again, refused to recommend the publication of the work, overruled the committee and ordered it to be published.

Congress has thus ordered printing to be done in these and in many cases without reflection in all probability. It has been done oftentimes over the head of the Committee on Printing and against their

protestation. And yet, when the Public Printer comes and demands money for the publication of the works, you say the Printing Office has been most egregiously abused and the money has been misapplied.

I am no defender of the Printing Office. When I made my report to the Forty-fourth Congress on that subject, an elaborate report, and when I made a speech upon this floor explaining my views upon it, I thought and then said this Government Printing Office could be conducted more efficiently and economically, and that it ought to be so conducted. I have had no occasion to change my mind since. I have watched the management of this office, and while I am not able—I speak it in all truthfulness and I speak it because it is the truth—while I am not able to put my finger upon a single dollar which I believe has been stolen from the Government, yet I believe that by a change in that printing office, by putting a new man in charge, we can institute reforms that are necessary, and that a great saving can be made to this Government. I want it understood that I am no apologist for anything that has been done there. I know it has been sometimes said because I have not been ready to join in the hue and cry without knowing what I was doing, that I was favoring the present incumbent of the Government Printing Office.

The man who ventured upon that statement simply gave utterance to a falsehood, and he would not have said that much to my face. But I do not propose to throw dirt indiscriminately upon any officer of the Government without proof that he deserves such treatment.

I repeat again that I believe great reforms can be instituted in that printing office, and that they ought to be instituted. To that end I have offered an amendment, to which I shall presently speak, to change the Public Printer and see if something can be effected in that way. As it is now, the Public Printer is not amenable to this House nor to the Senate for his conduct. It is not right and proper that he should be so amenable. He oftentimes bears confidential relations to us. We are responsible to the country for the amounts of money we appropriate and for the use which is made of those amounts. The Public Printer makes his reports to this House, and we supervise his conduct and look over his accounts, although he settles them primarily at the Treasury. Yet he makes report to us of the amount of money expended by him, and it is not only the privilege but the duty of every member of Congress to look over his reports and see whether the money has or has not been properly expended according to the wish and the will of Congress.

I come now to speak of the amendment which I have proposed. It is no new thing here; it is no innovation upon the old system. I do not claim its paternity, nor can you consider it, as is sometimes the case in law, as *filius nullius*, the child of nobody. It has a respectable father in a gentleman from New York, once a member of this House, whose name was Ladin. It was introduced into this House by him. There are gentlemen here now, members of this House, who were present at the christening, and I might almost say that the present Executive of the United States stood godfather to the child, for I believe he voted for the measure throughout.

The proposition is a simple one and easily understood. If members will give me a patient hearing I will explain to the House in a few words the features of this amendment. It proposes simply to do away with the office of Public Printer, who is now a Government official, nominated by the President and confirmed by the Senate, and confer upon this House the power to elect a Congressional Printer who shall be responsible to this House, and who shall do the work of this House and the work of the Senate as well.

Then there is attached to the proposition a proviso which I deem vastly important, and I think gentlemen will agree with me. It is that this Congressional Printer shall, upon his election and qualification, make to this House an inventory of all the property in and about the Government Printing Office that comes into his hands, and that annually thereafter he shall make such inventory. There has never been any law providing for an inventory of this sort to be returned to Congress or to any Department of this Government. Whatever goes into the hands of the Public Printer he uses at his discretion, very much as he pleases. If the presses are worn out, in his judgment, he sells them and buys new ones. If the fonts of type become old and unfit for use, he buys new fonts. And so it is with his wagons, and horses, and everything necessary to carry on the establishment. As it is, you do not know what amount of public property is there belonging to the Government.

This provision of law should have been enacted long since, for the reason that at the end of each year we should know what property we have in and about the Printing Office; and still further, we should know whether the officer has abused his privileges in purchasing property, new type, new presses, horses, wagons, and the like; we should be able to understand whether he has squandered the money set apart for his use. It seems to me no gentleman can object to that proviso.

The question comes up whether there is any constitutional difficulty in the way of making this printer a Congressional Printer. According to the views which I have upon the subject, there is no such difficulty. I ask gentlemen for a moment to turn to the Constitution of the United States. In the last clause of section 2 of the Constitution is the following language:

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

In section 3 is this language:

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

Then further on, in section 5, will be found this language:

Each House shall keep a journal of its proceedings, and from time to time publish the same.

Now, it seems to me that these provisions of the Constitution remove all difficulties. If we are authorized to elect our own officers, and we elect a Congressional Printer, and if it is our duty to keep a record of our proceedings and publish them from time to time, how can it be better done than through an officer responsible to this House for his election and the tenure of his office? I find that this same view of the subject was entertained by distinguished republicans in the Senate when the question was under consideration in that body. I will refer to some portions of the debates which then and there occurred:

Mr. WILLIAMS, of Oregon. I should like to ask the honorable Senator who has charge of this bill if he is clear that there are no constitutional objections to its passage?

Mr. ANTHONY. I do not suppose my opinion on a matter of constitutional law would be of much value by the side of that of my friend from Oregon. I suppose it would not be competent for the Senate to elect a Superintendent of Public Printing, but it is competent for the Senate to elect a Congressional Printer, who shall be deemed an officer of the Senate. It is so stated in the bill. Then I suppose it is competent by law to devolve on that officer of the Senate any duties we see fit. * * * But I will leave the lawyers of the Senate to settle the constitutional point; it has not distressed me any.

Mr. LANE, of Indiana. I think the Senate has a perfect right to elect this officer by virtue of express power granted by the Constitution. By the Constitution each House is permitted to elect its own officers. By the Constitution each House is required to keep a journal of its proceedings. These duties may be legitimately devolved upon an officer elected by the Senate.

If these duties may be legitimately devolved upon an officer of the Senate, of course they may be devolved upon an officer of the House, for we have the same right to elect our officers that the Senate has to elect its officers.

Says Mr. LANE further:

After the Senate has elected a Public Printer, an act of Congress may transfer into his hands all the duties which now devolve upon the Superintendent of Public Printing. I think these two express grants of power in the Constitution cover the whole case—the right of each House to elect its own officers, and the constitutional obligation to keep a public journal of its own proceedings.

We find by referring to the yeas and nays in the Senate upon the passage of this bill, voted on in 1867, when both Houses of Congress were republican, the yeas were 27 and the nays 8. Among those voting "yea" were Messrs. ANTHONY and Chandler, and Mr. Sherman, at present a member of the Cabinet.

The bill was then sent to the House, and passed by this body—yeas 99, nays 38. Among those voting in the affirmative were Mr. DAWES, now a Senator; Rutherford B. Hayes, now President of the United States; the gentleman from Pennsylvania, [Mr. KELLEY,] and I believe my friend from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. The gentleman is mistaken. I did not vote for the bill. I have the record here.

Mr. SINGLETON, of Mississippi. Let us see now how this matter stands.

Mr. GARFIELD. The present Speaker of the House voted against the bill, I notice, as well as every other democrat except two or three.

Mr. SINGLETON, of Mississippi. I may have misapprehended the gentleman; but I do not think I have.

Mr. GARFIELD. I can assist the gentleman to the page, if he wants it. Thirteen hundred and fifty-one is the page of the Globe, of February, 1867.

Mr. SINGLETON, of Mississippi. Wait one moment; let us go a little back of that, if you please.

Mr. GARFIELD. That is the vote on the passage of the bill.

Mr. SINGLETON, of Mississippi. Well, I believe the gentleman did not vote upon the passage of the bill; but when the proposition was made to lay on the table the House bill introduced by Mr. Laffin, the gentleman voted against laying it on the table.

Mr. GARFIELD. Certainly; for I wanted some legislation; I did not want to kill the bill as the democrats wanted to do.

Mr. SINGLETON, of Mississippi. The gentleman voted against laying the bill on the table, which was immediately afterward passed without a division.

Mr. GARFIELD. Yes, sir.

Mr. SINGLETON, of Mississippi. I find the gentleman's vote recorded here with others. Here are the names of some of them, Mr. GARFIELD, Mr. Hayes, Mr. KELLEY, Mr. O'NEILL, Mr. ORTE, Mr. PRICE—

Mr. GARFIELD. Certainly.

Mr. SINGLETON, of Mississippi. All of whom voted against the proposition made from this side of the House to lay on the table the House bill which gave the House power to elect the Public Printer.

Mr. GARFIELD. Certainly; we wanted to amend it and make a decent bill of it.

Mr. SINGLETON, of Mississippi. A few minutes afterward, as the record goes on to show, the bill was passed, and no protest was made by the gentleman against it.

Mr. FRYE. That was a republican House; was it not?

Mr. SINGLETON, of Mississippi. It was.

Mr. FRYE. Well, we might be willing to trust a republican House when we would not trust a democratic House.

Mr. SINGLETON, of Mississippi. I think it very likely. You are blind enough to trust a republican House with anything. I think you are unable to see any fault in the members of your party, and are willing to "go it blind."

Mr. McMAHON. The people differ with the gentleman from Maine, [Mr. FRYE.] They would rather trust a democratic than a republican House.

Mr. SINGLETON, of Mississippi. Now, Mr. Speaker, this is the whole matter—the beginning and the end—the Alpha and Omega of the proposed amendment. When the Printing Office was first established the Superintendent of it was a Government officer—was nominated by the President and confirmed by the Senate; and so he continued until 1867 when Mr. Laffin, concluding that a change was necessary, introduced a bill substantially the same as the proposition I have presented here—a bill which was amended by the Senate in unimportant particulars, the only important amendment being the striking out of the provision for electing a Congressional Printer by the House and inserting a provision for electing him by the Senate, making him an officer of the Senate instead of an officer of the House. That bill passed this House as I stated without a division, after a vote had been taken refusing to lay it on the table. The bill went to the Senate, as I have said, and, after the amendments I have stated, became a law. So the law continued from 1867 until the Forty-fourth Congress, when a report was made showing great abuses, as we believed, in the Printing Office, and so aggravated in character that it was deemed proper to get clear of the incumbent. Upon the proposition in the Forty-fourth Congress to abolish the office of Congressional Printer and establish the office of Public Printer I believe the yeas and nays were never called. My recollection is that it was the general sentiment of the House that we ought to abolish the office of Congressional Printer and create that of Public Printer, so as to get rid of the incumbent.

Under that system matters have gone on until this time. We now simply propose by this bill to put the election of Printer into the hands of the House, as you gentlemen once had it, or if you please, into the hands of the Senate, if the Senate shall think proper, making this officer responsible for his conduct directly to one House or the other, with power to remove him without the tedious process of impeachment. This is the whole question. I submit it for the consideration of the House. Not wishing to detain the House longer, and asking pardon for the length of time I have consumed, I yield the remainder of my hour to my friend from West Virginia, [Mr. WILSON.]

Mr. WILSON. Mr. Chairman, I was not aware until a few minutes ago that I was to have the opportunity of saying anything on this subject, and, in what I do say, I do not propose to evince any of that acrimony which, so far, seems to crop out on both sides of this House. I have statistics which I propose to refer to and from them draw such conclusions as may seem proper and just.

The Committee on Printing, of which I am a member, have not during this Congress investigated the Government Printing Office. The investigations to which reference has been made were had by committees of previous Congresses. Those committees came to the conclusion that the Government Printing Office was not managed in the interests of economy. I do not propose to hold Mr. Defrees, the gentleman at the head of that office, responsible, or to treat him other than his action shall deserve. He is an old man now, "in the sore and yellow leaf," and as he himself stated in a letter printed in the National Republican, "I have arrived at that time of life when I cannot long expect to have any interest in public printing." He is at the head of the largest printing establishment in the world, and if we are to rely on the testimony taken before these investigating committees of previous Congresses there is waste everywhere in that department, and the large deficiency which is said to exist there calls for an investigation on the part of this House to secure if possible some better management of that vast establishment.

Inasmuch as the chairman of the Committee on Printing, the gentleman from Mississippi, [Mr. SINGLETON,] has discussed very ably the proposed amendment from that committee, I will not take up the time of the House further on that subject, but will call attention to several points which have not heretofore been made as far as I am aware.

I take it there are none more familiar with the workings of that department than the employes who have been engaged in the public service there for a long time, and gentlemen who have been indorsed as credible and honest by Mr. Defrees himself; men whom he employed in that department because of their capacity, their integrity, and their honesty. Therefore I wish to bring the attention of this House to an important statement made by those employes in a letter which they addressed to Congress or to the public. For, sir, if they are correct in their statement there is an egregious error in the accounts of Mr. Defrees, an error which this House ought to correct by changing the management of that department.

I hold in my hand this letter, signed by Alfred Thomas and others who have been employed by Mr. Defrees. They say in this letter:

What was applicable to the case last March has been presented to us in a more aggravated form since that time, for during the months of April and May last one-half of the entire force of the office was furloughed, and in June the business of the office was almost entirely suspended.

This House is informed by those gentlemen who are conversant with the facts by their personal experience that in those months named more than half the force was furloughed. Turn to Mr. Defrees's account and see how he disbursed for these months the money appropriated to that office, and see how it squares with the statement made by these employes. By looking to the last report of the Public Printer, on page 29 you will find a statement showing the disbursements of pay to employes on account of public printing (except the CONGRESSIONAL RECORD) for the fiscal year ending June 30, 1879.

Understand, these employes say that for the months of April and May the force was more than half reduced. You will find for the month of April the payment was \$61,052.67, for the month of May \$51,105.54, and for the month of June, when the force was almost entirely out of the building, \$55,683.97, or, in round numbers, \$56,000. You will discover in this report that in December, January, February, and March, when the work was up to its fullest capacity, when these employes were all there, the pay-roll is but little larger; that for the month of February he charged on pay-roll \$66,294, and for the month of March \$58,812.93; while for April, the time when these gentlemen say the force was not half there, he charged on account of pay-roll \$61,052.67; that for the month of May, when half the force was away, \$51,105.54; and for the month of June, when, according to the statement of these gentlemen, there were but half of the employes there, \$55,683.97. I do not undertake to say this is correct or incorrect; but I do undertake to say if those employes have given correct information there is something wrong in the accounts of the Public Printer.

Nearly a year ago, or last year, there was a pamphlet laid on the desks of members of this House, published by Mr. Franklin Rives, a gentleman who heretofore published the proceedings and debates of Congress in the Congressional Globe. He is said to be a gentleman of reliable character, of integrity and honor, who has had the indorsement, time and again, of both parties in this House and the Senate, a gentleman familiar with the workings of a printing office—and I desire to call attention to some points in that pamphlet in the hope some friend of Mr. Defrees may be able to explain the deficiency charged against the Government Printing Office. On page 6 of Mr. Rives's pamphlet there is the remarkable statement that, in four years and nine months, there has been a deficiency in the accounts of the Public Printer of \$1,021,346.86.

Mr. HAYES. Why do you not investigate it and find out whether it is true or not?

Mr. WILSON. My friend across the way received the pamphlet when I received it, and he has had the same opportunity to investigate it that I have had.

Mr. HAYES. Then do not bring in charges trumped up by parties who want to break down the Printing Office in order to secure the contract for themselves.

Mr. WILSON. I quote from a gentleman who is regarded to be as reputable as any man connected with the public printing.

Now, sir, from that statement we find from September 30, 1873, to June 30, 1878, four years and nine months, taking stock on hand, labor performed, and money paid out, &c., there is a deficiency or balance unaccounted for of \$1,021,346.

Mr. TOWNSHEND, of Illinois. How long a period?

Mr. WILSON. Four years and nine months.

Mr. TOWNSHEND, of Illinois. A pretty lively deficiency.

Mr. WILSON. Now, I undertake to say—and I ask my friend and colleague on the committee, Mr. HAYES, the question—I ask him to say to this House, from what he knows on that subject, whether he does not believe, candidly and honestly, printer as he is, that he can take charge of that department and save the Government a quarter of a million dollars a year?

Mr. HAYES. I want to say this, that if what the gentleman has read from that pamphlet be true, if he believes it to be true, the democratic majority in this House should be arraigned before the country for not investigating such a fraud as that.

Mr. FINLEY. In reply to that I desire to say that the democratic party in the Forty-fifth Congress did investigate it and endeavored, over and over again, to get it before the House; but gentlemen on that side of the House objected.

Mr. HAWLEY. Did not the gentleman from Ohio spend one year in investigating that matter, and did he report one line of this deficiency to Congress?

Mr. FINLEY. I will say that the "gentleman from Ohio" did investigate the Government Printing Office, and I did make a report to this House, and every time we undertook to bring that report up objection was made by gentlemen on that side of the House.

Mr. HAYES. Why did not the gentleman impress upon the democratic majority of the House the fact that he had some evidence of a substantial character to justify the charges he made? If they are judged by their action they have not a word of evidence in support of the assertion the gentleman from Ohio made.

Mr. WILSON. I yield to the gentleman from Mississippi.

Mr. SINGLETON, of Mississippi. As the gentleman has sought to arraign this side of the House for not having acted in this matter, I propose to remind the gentleman from Illinois [Mr. HAYES] of a certain fact in connection with the Forty-fourth Congress. It will be remembered that an elaborate report was made showing the corruption in the Printing Office and in the head of that office. But when

the office of Public Printer was abolished, and he was turned out, because of his malfeasance or corruption in office, yet, sir, the republican President at once restored him to office, and he remained until Mr. Hayes came in.

Mr. HAYES. When was that?

Mr. SINGLETON, of Mississippi. In the Forty-fourth Congress.

Mr. HAYES. What report is that to which you refer?

Mr. SINGLETON, of Mississippi. It was the report made by Mr. Vance and myself.

Mr. HAYES. Did the democratic House take action upon that report?

Mr. SINGLETON, of Mississippi. Unquestionably we did.

Mr. FINLEY. The democratic House passed the bill recommended, but the republican Senate refused to pass it.

Mr. SINGLETON, of Mississippi. We put a resolution through this House calling upon the courts of the District to indict the incumbent then in office, but no notice was ever taken of it.

Mr. HAYES. That was not Mr. Defrees at all.

Mr. SINGLETON, of Mississippi. No; but it was the head of that office.

Mr. HAYES. Charges were not made against Mr. Defrees.

Mr. SINGLETON, of Mississippi. We have no control over the Public Printer. He is your Public Printer, and we only look to the management of the office and the appropriations for its support.

Mr. HAYES. But the gentleman from Mississippi has admitted in his speech that you have the power of impeachment over this officer.

Mr. SINGLETON, of Mississippi. We can impeach, it is true, but we have had experience in that line, and everybody knows what it amounts to. We can impeach him and the Senate can turn him loose.

Mr. HAYES. But the Senate is democratic.

Mr. SINGLETON, of Mississippi. That may be so at present, but it was not democratic then. He is confirmed by a republican Senate. He is your Printer, not ours.

Mr. FINLEY. I hope the gentleman from West Virginia will allow me to say a word in response to what has been said by the gentleman from Illinois. I cannot consent for the remark of the gentleman to go unanswered when he says that the action of the democratic party on this side of the House showed that that party had no confidence in the report which I made on this subject. I want to say to the gentleman from Illinois in reply to that, that the report submitted to the Forty-fifth Congress was signed and adopted by every democrat on my committee. It was a majority report, and we were here on the floor of the House time and again, day after day, asking action for two months; but inasmuch as the committee was not called we could only get it in by unanimous consent; and time and again when we tried to get unanimous consent objection was made by gentlemen on that side of the House, so that it will not do now for gentlemen to say that the action of this side of the House went to show that no faith or credence was given to this report. It was not this side but that side of the House that refused to allow this report to come in at all.

Mr. HISCOCK. Do I understand the gentleman from Ohio to say that their report charged the Public Printer with malfeasance or dishonesty or any irregular practices?

Mr. FINLEY. If the gentleman will read the report he will find that it does most emphatically.

Mr. HISCOCK. I ask if those charges which were incorporated in the report in the first instance were not stricken out by democrats?

Mr. FINLEY. There were no charges stricken out by democrats.

Mr. WILSON. I cannot yield further. I asked my distinguished friend from Connecticut [Mr. HAWLEY] to indulge me to propound a question or two, and he denied me the privilege. I have been more liberal to others than others have been to me, but I must now resume the floor.

I stated what the charges were which were made by Mr. Frank Rives. Let us now turn to the Senate debate and see how he was indorsed by Senator ANTHONY, a republican, at the time he was printing the congressional debates:

It is but fair to say in the beginning that the Congressional Globe, by Rives & Bailey, has been printed to the entire satisfaction of Congress. The work has been done well and promptly, and we have had no complaint of it. Like good air and good water and good health, we do not hear anything about it until we begin to miss it.

That gentleman received as unqualified and as high an indorsement from both sides of this Chamber and from both parties in the Senate as perhaps any Congressional Printer ever did.

I am not invoking any democratic testimony here but I propose to refer to the testimony of gentlemen who are high in the republican ranks, gentlemen whose word, I take it, will pass current on the other side of the Chamber. I refer to the testimony of Mr. Brady, and quote from the report of the printing investigating committee, page 13:

Hon. Thomas J. Brady, Second Assistant Postmaster-General, testifies that on a recent purchase of type and other printing materials, of the gross amount of \$2,000, the seller made a reduction of from 35 to 43 per cent. This committee, therefore, believes that had the Public Printer complied with the law inviting competition in the purchases made, he would have secured the same advantage of low prices and proportionate discounts and reductions upon the purchases he has made, which would have saved to the Government within the past year alone many thousands of dollars.

Now, look at the report of the Public Printer and take the aggregate amount paid out by him for the purchases he has made, take

the rebate, the reduction extended to the Post-Office Department, and you will find that a large amount in this regard, and in all perhaps several hundred thousand dollars, could have been saved.

The other day a proposition was made to take that printing office at 10 per cent. less than what it now costs and pay to the Government \$100,000 for the use of the office annually. It may be that Mr. De-frees is so far advanced in life as not to be physically able to manage this most extensive printing house in the world.

I will not attempt, Mr. Chairman, to follow gentlemen in the discussion of the amendment we propose to offer. There is one important item in that amendment that we think will save to the country a very large amount of money. That is the amendment requiring that there shall be an invoice made of the property in the Government Printing Office. Perhaps there is no government establishment of this kind in the world as large as this, and I will undertake to say there is no private establishment conducted as loosely and carelessly as this one is. It wants a safeguard and protection thrown around it. An invoice of the property should be made, so that Congress may be informed of the amount of material it has on hand.

There is only one other point to which I propose to call the attention of the House. I propose now to read from the evidence of two gentlemen who heretofore held high positions, as I understand it, in the Government Printing Office. They are Mr. H. T. Brian, for seven years foreman of the Government Printing Office, and Mr. M. D. Helm, foreman of the CONGRESSIONAL RECORD, as I have been informed. Those gentlemen, who were thoroughly educated to the printing business, thoroughly acquainted with all its minutiae, having had many years of experience in that business, and one of them at least in that establishment, testify that in their opinion there can be some 30 to 40 per cent. of saving effected in the amount expended. If that saving can be effected it will amount in the aggregate to \$250,000, or \$300,000, or perhaps \$400,000 a year. In 1877 the Public Printer asked for \$2,040,000; there was appropriated in all \$1,524,000. In 1879 he asked for \$1,991,000; there was appropriated \$1,793,000. I do not give the fractions.

Now, if these two experienced gentlemen, familiar with the details of the office, familiar with all its workings and all its ramifications, have given testimony which is reliable, the Government can save 30 to 40 per cent. per annum on this expenditure; it would save 30 to 40 per cent. on \$1,700,000. It seems to me we are not offering a proposition that is improper or unconstitutional. We offer a bill which simply proposes to do exactly what the republican party did at the time when President Andrew Johnson put a democratic printer in charge of that office, when he appointed Cornelius Wendell. He was in office a short time, perhaps not more than a few months, when, as I understand, a bill was originated in this House proposing to take from the President the appointing power. It passed the House, giving the appointing power to the House, and received the sanction of every republican on this floor.

It went to the Senate and was there amended so as to allow the Senate to elect the Congressional Printer, and so amended it received the sanction of every republican there; and here upon the floor of this House President Hayes voted for that bill when it was first reported, authorizing the House to make the appointment. It came back from the Senate amended so as to have the appointment made by the Senate, and President Hayes voted for it again.

I have heard it stated that the probability is that he might veto this bill. I have too high a regard and too much respect for President Hayes to believe that he would veto now a bill which received his sanction when he was a member of this House. As a member of Congress he took an oath to support the Constitution and to discharge his duties faithfully; as President, he took an oath to support the same Constitution. Now, I take it that if it were proper for him then as a member of Congress, acting under the solemnity of an oath, to do a particular thing, he will not now repudiate it.

I will not now detain the committee longer; but if this amendment shall be offered, I propose then to say something further upon the subject.

MESSAGE FROM THE SENATE.

Here the Committee informally arose; and Mr. HUNTON having taken the chair as Speaker *pro tempore*, a message from the Senate by Mr. BURCH, its Secretary, was received, announcing that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 1408) to further amend the act entitled "An act to reorganize the courts of the District of Columbia, and for other purposes," approved March 3, 1863, and to amend section 861 of chapter 24 of the Revised Statutes of the District of Columbia.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. CANNON, of Illinois. The gentleman from Ohio [Mr. McMAHON] on Friday last, when he reported this bill, took occasion to make the statement that the bill providing for the pay of marshals was submitted to the Committee on Appropriations on the 21st of January, and that it had been withheld from that time to the present by the unanimous instruction of the committee. That is true, but stated as the gentleman states it it has a tendency to mislead the House and the country.

The facts of the case are these: the estimate came to Congress

early in December, and before the House commenced considering its new rules there was substantially one month in which to report a deficiency bill making appropriations to pay the fees due the marshals; but the Committee on Appropriations did not consider or report such a bill, nor did the House take any action on the subject. I speak of that merely to correct a misapprehension that might wrongfully grow out of the remarks of the gentleman from Ohio.

There are but two provisions in this bill that provoke discussion. As to all the other provisions of the bill, I apprehend that there will be no dissent in this Committee of the Whole, and there will be none in the House.

One of the objectionable provisions is the rider which it is proposed to place on the bill by direction of the Committee on Printing, represented by its chairman, the gentleman from Mississippi, [Mr. SINGLETON.] The other is the provision in relation to the pay of marshals, which is objectionable because it does not go far enough.

I do not want to take a great while in considering the rider which it is proposed to place upon this bill, provided you can run over the point of order and stretch the rule broad enough to make it cover the proposed amendment. I say I do not want to talk long about it, because the committee reporting this bill has not made any very thorough investigation of the matter. I have upon my own motion made a slight investigation, by examining reports and such data as I could get. I have listened attentively to the remarks made by the gentlemen on the other side, the gentleman from Ohio, [Mr. FINLEY,] the gentleman from West Virginia, [Mr. WILSON,] and the gentleman from Mississippi, [Mr. SINGLETON.] I have come to this conclusion, and I will give you the reason for it in a few words: they undertake without one particle of evidence, without any man rising in his place and making himself responsible for the facts he states under cover of loose charges, to blacken the character of a white-haired old man whose whole life has been blameless, in order that they may turn him out of office and put in his place one of their party friends.

Mr. UPDEGRAFF, of Ohio. That is it exactly.

Mr. CANNON, of Illinois. It would have been more manly for you to have said: "We want to turn out this Public Printer; we have no fault to find with him, but we want his place in order that we may put in it one of our own men; and we propose to change the law for that purpose by means of a rider upon an appropriation bill." That would have been the manly way, and that is almost the ground upon which the gentleman from Mississippi [Mr. SINGLETON] did put it.

But it remained for the gentleman from Ohio, [Mr. FINLEY,] and the gentleman from West Virginia, [Mr. WILSON,] without any evidence, upon mere suspicion, to get up and try to impugn the character of this gray-haired old man who, it may be said, has one foot in the grave. I admire the manliness of the gentleman from Mississippi, [Mr. SINGLETON,] far more than—I was going to say the cowardice of the gentleman from Ohio, [Mr. FINLEY,] and of the gentleman from West Virginia, [Mr. WILSON;] and I do not use the term in any objectionable sense.

Now, what is this amendment? It is merely a proposition to change the Public Printer.

Mr. WILSON. I beg permission to ask the gentleman whether he made any allusion to me just now?

Mr. CANNON, of Illinois. I did speak of the gentleman from West Virginia [Mr. WILSON] and said that I admired the courage of the gentleman from Mississippi, [Mr. SINGLETON,] who marches up bravely and says that he cannot place his finger on one dollar of misappropriation of the Public Printer, far more than I do the want of outspoken fairness on the part of the gentleman from West Virginia, [Mr. WILSON,] who seeks to do the same thing under cover that the gentleman from Mississippi does publicly and avowing it.

Mr. WILSON. I beg leave to say to the gentleman that if he means to intimate that I have acted improperly or dishonorably—

Mr. CANNON, of Illinois. Oh, no; not at all.

Mr. WILSON. I have attempted nothing under cover; what I do is done publicly and above board, and I am responsible for it.

Mr. CANNON, of Illinois. Certainly, there is no necessity for any excitement about this matter at all. I am not speaking of the gentleman in regard to his personal character; I am speaking of the manner and mode of the attack which he chooses to make upon an officer of the Government.

Mr. WILSON. I have simply read from republicans high in your party, their testimony and their estimate. If they are to be believed, there can be effected a saving of three hundred or four hundred thousand dollars in that department.

Mr. FINLEY rose.

Mr. CANNON, of Illinois. I decline to yield.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. CANNON, of Illinois. There has been much talk about the abuses of the Government Printing Office, the loose manner of keeping accounts, the chance to steal, the chance for property to walk away in the night-time, the want of accountability on the part of the Public Printer to Congress and the country. Why, gentlemen, you have investigated this office twice. All through the Forty-fourth Congress you investigated. During the last Congress you investigated until you made a book of nearly seven hundred closely printed pages. Did that investigation or either of them lead to a report to prevent any abuses? What amendment to the law have you made

or recommended changing the manner of keeping accounts by the Public Printer? What avenue of stealing have you shut up? What reform have you suggested? Where is it? Do you propose it in your report, or in either of your reports? Not at all.

Mr. FINLEY. I beg the gentleman's pardon, but—

Mr. CANNON, of Illinois. I do not yield.

Mr. FINLEY. The gentleman puts a question, and then declines to yield.

The CHAIRMAN. The gentleman from Ohio will please understand that the gentleman from Illinois does not wish to be interrupted.

Mr. FINLEY. All right.

Mr. CANNON, of Illinois. Do you report resolutions of impeachment against the present Public Printer or did you against the former Public Printer? Not at all. Did the gentleman from Ohio, when he made this report, place in it even a recommendation that the present Public Printer should be impeached? Not at all. Oh, no! The crimes for which impeachment would lie are to be intimidated by the opposition upon the floor of this House rather than pointed out and sustained by evidence. While I am a member of this or any other Congress, no man, let his politics be what they may, shall be blackened with my consent by intimation and insinuation. If you have anything against any office-holder, state it, prove it, and hold him responsible. If he is in your way, turn him out like men, and say you want the place.

The gentleman from Ohio, when he was upon the floor once before to-day, claimed that the republicans would not allow him to press this report for consideration. These republicans are awful fellows. According to the gentleman, though they were in a decided minority in the last Congress, they had power enough to prevent the other side for two whole months from doing what they wanted to do. Heavens! if a minority is so powerful what would we do if we had a majority?

This is the excuse that is made for not having the report considered and for not amending the law. Have you not every chance now under this proposed motion? Is not the way to amend the law open? I have before me the amendment which my friend from Mississippi is going to move. Does it propose any change in the method of keeping accounts—any reform whatever? It is printed in the RECORD of last Saturday morning. Now that you have every opportunity, where is the revision of your code touching this Printing Office which you have been saying needed revising? I find it not upon the page of the amendment. If you will read the amendment and read it intelligibly, read it in a few words, it would be: "Resolved, That Mr. Defrees be turned out; and resolved, That we elect one of our fellows to fill his place." That is all there is in it. If there can be stealing done under the law as it now exists, there can be stealing done under the law as you propose to amend it.

But, said my friend, the gentleman from Mississippi, [Mr. SINGLETON,] the President appoints this officer; and we want a man elected by the House, so that we can hold him responsible to the House, and if he does not do right can turn him out. I thought my friend was not happy in that argument, because I recollect that during my short career in Congress, while the democratic party has had control of this House in two Congresses—this being the third, there have been one of your journal clerks and two of your Doorkeepers, whom the President could not possibly appoint under the Constitution, whom you have had to muster out.

Mr. SINGLETON, of Mississippi. Will the gentleman allow me?

Mr. CANNON, of Illinois. Certainly.

Mr. SINGLETON, of Mississippi. We have been so busy following up the rascals of your party, members of the Cabinet and others, that we have not had time to look over our own House. The gentleman said a moment ago that in the reports on the subject of printing nothing was proposed to be done in regard to the Public Printer. Now, if he will turn back to the report made by Mr. Vance, he will find that we adopted a preamble and resolution directly condemning the Public Printer and asking the courts of the District of Columbia to take cognizance of the matter and punish him for his misdeeds in office. What more could we do?

Mr. CANNON, of Illinois. Was not the Public Printer impeachable?

Mr. SINGLETON, of Mississippi. You had as well go to his Satanic majesty with an impeachment against one of his imps as expect a republican Senate to sustain such a proceeding against one of its officers. [Laughter.]

Mr. CANNON, of Illinois. Ah, the gentleman, with his democratic House to sustain him, was called upon to place on record articles of impeachment if this officer was guilty of any impeachable offense.

Mr. SINGLETON, of Mississippi. When we undertook to prefer articles of impeachment against Mr. Seward, who acknowledged his sin, you will recollect how you filibustered and prevented us from doing so.

Mr. CANNON, of Illinois. Oh, what foolishness for a man having a majority of nearly two-thirds of his party to support him to come in and say, "The minority filibustered and would not let us do it," when you could depose the Speaker, when you could change the rules, when you could do anything and everything that a majority wanted to do! You can to-day change the rules; and do it if you want to. That excuse will not avail.

Mr. SINGLETON, of Mississippi. The gentleman "is not very happy" in that argument.

Mr. CANNON, of Illinois. I do not yield.

The CHAIRMAN. If the gentleman from Illinois will give the Chair an intimation when he yields and when he does not yield, the Chair will protect him in his rights.

Mr. CANNON, of Illinois. The gentleman said further, "we have been giving so much attention to the Cabinet officers and to the thieves in the republican party we have not had time to look after the democratic thieves." Well, when not looking after them in the House of Representatives, if you can catch one journal clerk and two Doorkeepers in two short Congresses, what in the name of heaven would you do if you went at it for a steady business? [Laughter.]

Mr. SINGLETON, of Mississippi. We would put them out whenever we found them to be doing wrong, as we did in the cases to which the gentleman has referred.

Mr. CANNON, of Illinois. Ever since I have been coming to Congress, a period of some six or seven years, I have been deluged and snowed under almost by circulars, by letters, by papers, said to emanate from a man by the name of Rives who used to print the Globe for Congress. I would not be able to swear where Rives lives; never saw him in my life, but have been told he roosts over about the Blue Ridge, whether in the district of the gentleman from West Virginia or not I do not know, but it does not make any difference. I will tell you what I do know, that when I turn to the tables showing the facts I find this wonderful statement to be there: that for the last seven years under the contract system of printing for Congress, from 1853 to 1860, inclusive, the cost of printing for Congress was \$5,200,000; the number of pages 361,000; cost per page, \$1.76; labor, \$2.75 per day. I find for seven years prior to 1878, and including 1878, this same printing cost \$4,370,000, over \$800,000 less than it did in the seven years I speak of under the contract system. I find further that there were 617,000 pages printed; that it cost seventy-five cents a page instead of \$1.76. In other words, for the last seven years prior to the year 1878 you did over twice the public printing for \$800,000 less money than you did it for the last seven years under the contract system, from 1853 to 1860. These are the facts and figures. I undertake to say it does not lie in the mouth of the other side with these facts staring them in the face to come here and talk about extravagance in the public printing.

Mr. SINGLETON, of Mississippi. Will the gentleman allow me one moment?

Mr. CANNON, of Illinois. I prefer not to yield; but, however, I will.

Mr. SINGLETON, of Mississippi. Just one word. The gentleman must recollect that in the Forty-fifth Congress an offer was made and a bill was introduced from the Committee on Printing, of which I was chairman, proposing to reduce the public printing \$175,000, according to the estimates made by the Public Printer himself, and that when it was moved as an amendment Mr. Hale, on that side of the House, rose and objected to it as not being in order, and it was ruled out, so we were thus prevented from saving that amount of money to the Treasury. The gentleman cannot have forgotten that.

Mr. CANNON, of Illinois. I was busy while the gentleman was making his statement and did not catch the drift of it, and hence will not attempt to answer it. I apprehend, whatever may have been the facts about the matter, the gentlemen seeking to place a rider on an appropriation bill to have it dragged through by the appropriation bill, or to have it drag the appropriation through, it was properly objected to. I do not recollect about the circumstances, however, so I cannot state anything about it. Nor is it material.

Before I leave this branch of the subject I desire to say a word about the constitutional power of the House of Representatives to elect a Public Printer. It may be that the House has the power to elect an officer who shall do the printing for the House; but I call attention to the amendment of the gentleman from Mississippi. It proposes the House shall elect a Public Printer, and that Public Printer shall do the printing not only for the House but also for the Senate, and, in addition thereto, for all the Departments—the Army, the Navy, the Treasury Department, the Post-Office Department, including all blanks for postmasters, and for the State Department—in fact, all the printing of every kind that is done for the Government. Now, he would do more work for the Departments than he would for the House, and, to my mind, he is clearly such an officer as the Constitution contemplates should be appointed by the President and confirmed by the Senate, as provided by the latter clause of section 2, article 2, of the Constitution, which is as follows:

The President * * * shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, * * * and all other officers of the United States, &c.

The gentleman from Mississippi finds his authority in the last clause of section 2, article 1, for this amendment, as follows:

The House of Representatives shall choose their Speaker and other officers.

Now, if you can enact a law making a printer an officer of the House and empower him to do all the printing for the Government, then the name of the officer determines the power of the House and not his duties; and in this way you could by law elect officers for the House of Representatives and call them officers of the House and empower them to do some service for the House, and in addition act as marshals, ambassadors, &c., thereby rendering utterly null the power of the President to appoint the officers of the United States.

My friend from Mississippi believes in a strict construction of the Constitution, and that is one of the cardinal doctrines of the democratic party. It is wonderful how the chance of lifting a hungry democrat into office liberalizes the minds of our friends in construing the Constitution. They should amend their platforms so as to favor a strict construction of the Constitution, except when there is a chance to get office by a liberal construction thereof.

Mr. Chairman, I now proceed to the other clause in this appropriation bill which elicits discussion. It is as follows:

For payment of the fees and expenses of United States marshals and their general deputies earned during the fiscal year ending June 30, 1880, \$600,000.

This appropriation is necessary on account of the refusal of the democracy to appropriate for these officers at the extra or special session, and they have been performing their duty since the 1st of July last without compensation. You will observe that the bill does not appropriate for special deputy marshals, a class of officers provided for by general law whose duty it is to assist in keeping the peace and to sustain the supervisors in preventing frauds at the election of members of Congress under certain conditions and restrictions; and, to use the words of the gentleman from Ohio in charge of this bill, "it," speaking of the Committee of Appropriations, "has failed or refused to appropriate any sum for special deputies."

The gentleman from Ohio [Mr. McMAHON] in charge of the bill, speaking for his party, admits that the Supreme Court has lately decided that the United States election laws are constitutional which provide for the appointment and payment of these special deputy marshals, and then says "that, although that court has decided the constitutionality of the law, when we come as legislators to appropriate money, it is our duty to say: 'Is this law constitutional; or, if constitutional, is it a good law, and are we bound to appropriate money for it?'" The gentleman also announces the willingness of his party to assume the responsibility of refusing to appropriate money to carry out these election laws.

As to payment for the service of the special deputy marshals already performed the gentleman cites section 3679 of the Revised Statutes, which provides—

That no Department of the Government shall expend in any fiscal year any sum in excess of appropriations, or involve the Government in any contract for the future payment of money in excess of appropriations—

and says this section prohibits the creation of any claim against the United States for service of special deputy marshals at congressional elections, unless the money is appropriated prior to such service.

In reply I have to say this same argument would deny the claim of marshals and their general deputies for compensation, unless money is appropriated prior to the performance of services by them. Section 780, Revised Statutes, provides that the marshal "may appoint general deputy marshals," while section 2021, Revised Statutes, provides "whenever an election at which Representatives in Congress are to be chosen is held," &c., "the marshal, on application of two citizens, shall appoint special deputy marshals, whose duty shall be," &c. Observe, the power to appoint general deputies is permissive, while the command to appoint special deputies is mandatory. Yet we are told by the gentleman from Ohio that we are bound to pay for the service of the general deputies, and that the services of the special deputies are no claim against the United States. I will state, however, that section 3679 of Revised Statutes does not apply to the services of either general or special deputies. Neither of them are appointed by any Department of the Government, and do not come in the scope of the section 3679. Section 2022 provides that the marshal and his general and special deputies shall keep the peace, &c., at a congressional election, while section 2031 provides the pay of special deputies shall be \$5 per day, while section 5521 provides that special deputy marshals for failure or refusal to perform their duties shall be subject to fine and imprisonment therefor.

The law is their warrant, and while that law remains unrepealed there is no power in the Government that can interfere with the performance of their duties, and the United States is bound for their payment; and this bill should be so amended as to pay all special deputy marshals for services heretofore performed.

Mr. Chairman, I now desire to inquire as to the animus of the democratic party in refusing to appropriate money to enforce these laws. These laws have been in force since 1871. They are laws of the United States, under which, in elections for members of Congress, the powers of the United States can be invoked to secure a fair election. Without these laws, in the performance of the most important act affecting the interests of the United States, the United States would be wholly dependent upon the State laws. They were enacted under the leadership of the republican party. To secure their repeal the democracy forced the extra session. To the same end you proposed to withhold the necessary supplies to support the Government unless the President would assent to their repeal. Failing in the coercion of the President, you then appealed to the country, and in the elections last fall were rebuked by the people. You denied the constitutionality of these laws. The Supreme Court held them to be constitutional. Defeated by the people, and set down on by the Supreme Court, you announce through your leaders that your refusal to vote money to enforce these laws nullifies them, and then declare you will not vote the money.

In other words you cannot repeal the law without the approval of the President. But the House and Senate or either of them can re-

fuse to appropriate and the law stands a dead letter on the statute-book, and then you ask the republicans and the people "What are you going to do about it?"

If these laws are fairly executed, and each freeman could deposit his ballot without intimidation and have it counted, you could not carry a solid South, and without a solid South you cannot elect a President.

The same is true as to New York. So by the proposed nullification of these laws you think you have nothing to lose and you may gain.

The cardinal doctrine of the ruling element in your party was and in spirit still is that the States may nullify a Federal law.

Secondly. That a State could secede at pleasure and thereby destroy the United States Government.

Thirdly. That the Federal Government was and is a mere creature of the States, without power to protect its citizens at home or perpetuate itself.

I grant you honesty of conviction and bravery in defense of those convictions. This only renders the situation more grave and perilous.

You were overcome but not convinced.

As the needle to the pole, so are you to your convictions when given power. For these doctrines you brought on the war, robbing the cradle and the grave, as you yourselves express it, in their defense. For these doctrines you opposed reconstruction. For these doctrines you opposed the constitutional amendments as a party both North and South.

Is there a man to-day who indorsed those doctrines and fought for them on the other side of the House that is willing to rise in his place and say that his convictions touching them are changed? For these doctrines you keep the South solid. For them thus you bulldoze and assassinate and proscribe and persecute. You glorify tissue ballots and clothe your magnificent manhood, which the world admired even in the defense of an unjust cause, in the garments of fraud and deceit. For them you commit frauds in New York, and sought to revolutionize Maine. And now under the lead of my supple colleague, Mr. SPRINGER, of Illinois, chairman of the Committee on Elections, you are ready to set the voice of the people at naught, and unseat WASHBURN of Minnesota, and seat his opponent, and ORTH of Indiana, and seat his opponent, and all that you may secure the votes of Minnesota and Indiana in the election of a President, in the event there is no election by the people, or if it suits your purpose not to count the electoral vote of a part of the States. You are ready to dare all things to come into possession of the Government.

The nullification of the Federal election laws is boldly avowed on this floor before the ink is hardly dry upon the record of the highest court in the land announcing their constitutionality, and all this to enable you to march over the highway of fraud to success. I have no hatred toward individual democrats. I would not wantonly wound the feelings of any man North or South; but I would protect every citizen everywhere in all his rights, including that highest of all privileges, the right to a free and untrammelled ballot and the right to have it counted. And when I see a great party deliberately refusing to enforce the law to insure a free ballot, I should be recreant if I did not cry aloud and spare not.

In conclusion I have to say the country views with alarm the prospect of the democratic party obtaining full control of the Government. From the very make-up of that party it cannot be trusted to guard and protect the results of the last twenty years, wrought under the lead of the republican party. Given the power, it would nullify the results of the war and make the Federal Government what it was twenty years ago—a mere thing without power to protect its citizens at home, and without force to perpetuate itself.

The spirit of the democratic party has its home not in the South alone, but as well in the North. It makes no difference whether it is the descendant of the Cavalier under the burning sun of the South, or the Puritan among the snow and ice of the North, the spirit of your party everywhere exerts the same fell influence upon men; under its lead fraud and force go hand in hand together to defeat the will of the majority. Republicans, the contest is upon us. It has already commenced; the notice in this debate and the action of the opposition upon this bill is a part of the contest. The fruits of the war and the progress made by the country under the theories and practice of the republican party are at stake. Let us acquit ourselves with energy and fidelity to principle and party. Let all minor differences as to who shall lead be accommodated. The majority in this as in all other cases should control. Victory waits upon us if we are worthy to receive her.

I now yield to the gentleman from Indiana, [Mr. BAKER,] my colleague on the Committee on Appropriations.

Mr. SPARKS. Will my colleague allow me to ask him what all of that has to do with this appropriation bill?

Mr. CANNON, of Illinois. I will answer the gentleman; it will take but a minute, and I hope it will not come out of the time of the gentleman from Indiana, [Mr. BAKER.] In this bill is an appropriation to pay marshals and general deputy marshals only. And your leader from the Committee on Appropriations opened the debate upon this bill by giving notice that your side of the House would not submit to an amendment to appropriate money to enforce the election laws, Supreme Court or no Supreme Court.

Mr. SPARKS. Mr. Chairman—

Mr. BAKER. I cannot yield further.

Mr. SPARKS. My colleague discussed the election contest of Donnelly against Washburn. What has that to do with this bill?

Mr. BAKER. I cannot yield further. I believe since I came into Congress there have been some eighty-four investigating committees organized by the party in the majority here. Of these eighty-four committees, two have been trying during five years to investigate the condition of the Public Printing Office. We are now in the last year of the presidential term of the present incumbent, and another presidential election is just at hand. Failing to find anything as the result of five years of investigation that would justify the turning out of the Public Printer, and conscious of the fact (because I take it it is an admission of that consciousness) that they will be unable either to come into the Forty-seventh Congress with a majority or to elect a President through whose acts they could obtain the control of the Public Printing establishment, they now try in this Congress, for the sole purpose of obtaining spoils which they despair of being able to obtain by the consent of the people to be expressed at the ballot-box next fall—we find the democratic party without a single valid reason which has been established, urging the decapitation of the Public Printer and the election of a democrat in his place, for the sole and only purpose of giving some pickings to the hungry horde of political bummers and camp-followers who have come up here from all over the country and are besieging our democratic friends on the other side of the Chamber to give them place and position. As was stated the other day by the gentleman from Cincinnati, [Mr. BUTTERWORTH,] and I was not surprised at it because he stated the truth, the democratic party is "an embodied hunger and an organized appetite." We must expect that wherever by fair means or foul they can get hold of any official position that will give them some public plunder their hands will be reached out for that purpose.

It is not my purpose, however, to spend any time in the discussion of that matter. I come now to the second obnoxious feature of this bill, and on that I propose to submit some remarks.

Mr. Chairman, the item in this bill for the deficiency for pay of marshals looks to the nullification of the whole body of laws relating to the supervision of national elections, by a willful refusal to appropriate any money for their enforcement. It seeks to assassinate the whole of the election laws by a political rider. It provides only for the payment of marshals and their general deputies. It is thus worded to prevent the payment of any special deputy marshals for election purposes. With more courage at the extra session the attempt was openly made to repeal these laws on the ground that they were unconstitutional and were measures born of the hates of the war. The country was informed that they were grievances of so intolerable a nature that supplies necessary to the existence of the Government should be withheld until an unwilling Executive should assent to bills for their repeal. So impatient was the hot haste that it was declared that "he who dallies is a dastard and he who doubts is damned." Now it is sought to so frame an appropriation bill that special deputy marshals employed in the execution of the election laws shall be denied their fees for services which they have performed. If a special deputy marshal having a warrant arrests a criminal at the polls on election day charged with a violation of a national statute touching elections he is denied his lawful fees. Why this attempt to nullify the law by refusing to vote money to enforce it? It is far more courageous and manly to fight openly to repeal an obnoxious law than to seek covertly to nullify it by refusing to vote an appropriation. Gentlemen mistake the understanding and temper of the American people who think that nullification is more tolerable than open resistance. The country will not be deceived. It will attribute your abandonment of open resistance to cowardice, and not to a conviction that your policy was wrong and sprang from bad partisan motives. It will attribute the withdrawal of your steering committee from public sight to the sinister purpose of misleading the people as to the mischievous objects you have in view.

It is sought to justify this nullification of the election laws upon two grounds: first, because Congress does not possess the constitutional power to legislate for the supervision of the election of Representatives; second, because if Congress does possess such power no necessity exists for such legislation. I shall only speak on the first question. That Congress ought to possess such power is manifest from the consideration that the people in each district have a direct and immediate interest that there shall be a free and fair election in every other district in the United States. Every member here in a measure represents and makes law for the whole country. It therefore concerns every citizen that no member shall sit here and engage in laying taxes and shaping the future of this Republic who is not chosen by a pure and peaceable ballot. It would be a serious, if not a fatal, defect in our system if the General Government had no power to guarantee and protect the purity of our representation.

Since the Supreme Court has affirmed the constitutionality of these laws it is sought by the democratic press to poison the public mind by the claim that the decision is partisan; that it is contrary to the doctrine of the framers of the Constitution; and that it inaugurates a new and dangerous policy looking to the overthrow of the just powers of the States. In these insidious assaults upon the just authority of the judgment of the court the democracy follows the policy which it has pursued, both on the battle-field and in the forum, to destroy the nationality of the Government of the United States. It will be my purpose to show that the Constitution, as it came from the hands

of its framers, gives to Congress full and complete power over the subject of the election of Representatives in Congress. In doing this I shall rely largely on the expressed opinions of those who framed and procured the adoption of the Constitution.

It has been argued that the legislation embodied in the Revised Statutes touching elections is unconstitutional on two grounds: first, because the Constitution does not prescribe the qualifications of electors, and hence that there are no national voters; and, second, because Congress has not the constitutional power to establish a system for the conduct of elections for Representatives. It must be conceded that if Congress has the power to make or alter all the regulations touching congressional elections, it must have the power to enact these provisions of the statute in controversy, as the greater includes the less. It will be my purpose to show that Congress possesses the power, whenever it chooses to exert it, to provide an entire electoral system for Representatives.

Under the Articles of Confederation the States had sole jurisdiction over the appointment of Representatives. They had the power, which was exerted by one of the States, to refuse to send Representatives to the Continental Congress. This was one of the seeds of dissolution existing under the confederacy which the framers of the Constitution undertook to remove. They undertook to form a more perfect Union, to establish a government of the people having within itself the power to perpetuate its own existence. They provided for the choice of Representatives by the people every two years, and prescribed who should be eligible as electors. The Constitution provides in article 1, section 2:

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

This provision fixes definitely who are electors, and their qualifications. The several States have prescribed the qualifications of electors for the most numerous branch of their State Legislatures. They have thus invested certain persons with the right of suffrage for certain State purposes, while this right is denied to the residue of the people. But being made voters for State purposes, the Federal Constitution expressly invests them with other electoral rights of a national character, namely, the right to vote for Federal Representatives. Now, if the persons who are made voters by State constitutions and laws possessed the right by being voters in the State to vote for Representatives in Congress, then the framers of the Constitution are chargeable with folly in prescribing who should be electors for Representatives. If the fathers had not thought this provision of the Constitution conferred some new and additional right, what folly to place it in the Constitution. That the framers of the Constitution considered it important to provide who should be voters for Representatives in Congress is apparent from the language employed in No. LII of the Federalist:

The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States would have been improper for the same reason, that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone.

Of what use would it be to "define and establish the right of suffrage" if Congress cannot protect the voter in its enjoyment?

The Federal Constitution having secured to the electors in the several States the right to vote for Representatives, Congress must have the power to guarantee and protect this right. The States are not required to enact laws and provide tribunals to enforce the rights conferred by and existing only under the Federal Constitution. The State governments are provided to protect and enforce State rights; while the Federal Government is established to protect national rights. But if it was a duty incumbent on the States to guarantee to each of its citizens the enjoyment of every right conferred by the Federal Constitution, still Congress would possess no method of compelling the States to secure this constitutional right to vote against denial or abridgment. It is contrary to sound principle to remit to the States the protection and enforcement of rights conferred by the Federal Constitution. It was upon this very rock that the Articles of Confederation so nearly made shipwreck of the Union. And notwithstanding the perils and solemn warnings of the past, the State-rights democrats of to-day would impel the nation on the same fatal rock. If Congress cannot guarantee and protect the citizen in the free and peaceable enjoyment of his constitutional right to vote, then the right is a mere glittering generality, dependent for its enjoyment upon the interests or passions of the party leaders controlling the States. Such is the modern doctrine of State rights—a doctrine which strikes a fatal blow at the power and supremacy of the nation. When the people of this country consent to surrender to the States the enforcement and protection of rights secured to them by the Federal Constitution, the dissolution of the Union cannot be long postponed. Those lately engaged in armed rebellion and their sympathizers are now employing the delusive cry of centralization to blind the people to the fatal tendency of the new State-rights conspiracy. The triumph of these doctrines under the specious guise of State rights and local self-government would be fatal alike to liberty and union. But the power of Congress to enact laws to protect and guar-

antee the rights secured by the Constitution is delegated to it expressly.

The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

These are not the only provisions of the Constitution conferring upon Congress the power to guarantee and protect the citizen in his right to vote for Representatives. The first clause of section 4, article I, of the Constitution confers this power. We copy it:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It has been strenuously argued that Congress cannot make or alter the regulations touching the times, places, and manner of conducting elections unless the States fail or refuse to make appropriate regulations therefor. This claim is shown to be indispensable both by the debates in convention on this clause of the Constitution and by the express language of the clause itself. The words "Congress may at any time by law make or alter regulations" touching the conduct of elections for Representatives are too clear and comprehensive to admit of doubt or debate. The power may be asserted by Congress at any time. Doubtless it was not contemplated that the power would be exerted by Congress unless an emergency arose which seemed to demand it. But Congress alone was made the judge at the time when and the extent to which it would legislate on this subject—whether it would provide exclusively for the election of Representatives, or exert only a portion of its power, leaving to the States a partial control of the elections.

It has been argued, too, that this clause of the Constitution does not confer upon Congress the power to enact a system of election laws to protect and guarantee to the citizen his right to vote and to provide the requisite officers and machinery to conduct the elections. By a specious process of reasoning it is sought to prove that if Congress can by its officers conduct elections for Representatives and protect and guarantee to the voter his right of suffrage, that Congress could also appoint officers to supervise the election of Senators by the State Legislatures. It is claimed that Congress could not provide officers to supervise the election of Senators, and that, by a parity of reasoning, it cannot provide for the supervision and conduct of the election of Representatives. There is, however, so little in common between an election by the people and by a legislative body that the same methods cannot be applied to each. The people cannot of their own authority hold an election; a legislative body can. Officers must be appointed, polling places prescribed, voting precincts established, boxes for ballots, poll-books, tally-sheets, returns, &c., provided before the people can participate in an election. The election officers must be clothed with power to pass on the qualifications of electors, as the body of the people have no power to do so. So also officers must be provided to protect the voters and the ballots. Without these and other things being provided in advance by the Government the people can hold no lawful election. But a State Legislature is a corporate body, having as an inseparable incident to its existence the exclusive power to determine who are its members and entitled to vote, and also to determine the methods of its own procedure. It possesses within itself and as a part of its own organism the means to protect itself against violence and fraud. It has as a part of its organism its own officers to receive, count, and declare its vote. If Congress should deprive a Legislature of its officers and substitute strangers in their place, it would cease to be an organized Legislature.

These considerations would seem to establish the conclusion that the constitutional provision, when applied to the election of Senators, does not and cannot have the same scope as when applied to the election of Representatives by the people. The scope of meaning to be given to a phrase or clause generally depends on the subject-matter to which it relates. As applied to the election of both Senators and Representatives, this clause of the Constitution was manifestly intended to confer on Congress so much power as was needful to enable it to provide for the election of Senators by the Legislature and of Representatives by the people. As it would destroy a Legislature to permit any other person or body than itself to determine who were to be its members or officers, it cannot be fairly argued that this clause of the Constitution confers any such power. It is alike fallacious to so construe this clause on the one hand as to enable Congress to destroy the State Legislatures, or to so construe it on the other hand as to deny to Congress the power to provide for an election by the people. Without spending further time on this line of discussion, I return to the real question, namely: Does this clause of the Constitution confer upon Congress the power to protect and enforce the right of the electors to vote for Representatives and to provide all the officers and appliances necessary to the full and complete enjoyment of this right? It seems plain that it was intended to confer on Congress the same power over the subject of elections as the States have. Such seems to me to be the obvious meaning of the provision. And that this is the true meaning is susceptible of proof in a variety of ways.

1. One of the mischiefs under the Articles of Confederation was that the States alone had the power to appoint Representatives in Con-

gress. It was the avowed purpose of the framers of the Constitution to remedy this mischief by withdrawing this power from the States.

2. It is contrary to all sound policy to create a system of government and deny it the power to preserve its existence, or to make its existence depend upon the pleasure of its members. No government can safely intrust the sole power of choosing its officers to another and perhaps hostile government. I should long hesitate to attribute such folly to the wise and far-seeing men who laid the broad foundations of the Republic.

3. The testimony of the fathers on this subject is abundant and uniform. It all conduces to prove that they meant to clothe Congress with complete power over the whole subject of congressional elections. Madison, Hamilton, and Jay, all great names, certainly equal in learning and solidity of judgment to the State-rights politicians now in Congress, and having participated in framing the Constitution, knowing its intent and meaning better, all agree that the Constitution does invest Congress with complete power over this subject. The necessity and propriety of so doing is discussed in a powerful and luminous manner in No. LIX of the *Federalist*.

I proceed to make some extracts therefrom:

I am greatly mistaken if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the means of its own preservation.

Again in the same number it is said:

Nothing can be more evident than that an exclusive power of regulating elections for the National Government in the hands of the State Legislatures would leave the existence of the Union at their mercy. They could at any moment annihilate it by neglecting to provide for the choice of persons to administer its affairs.

Again in the same number it is said:

If the State Legislatures were to be invested with an exclusive power of regulating these elections, every period of making them would be a delicate crisis in the national situation, which might issue in a dissolution of the Union, if the leaders of a few of the most influential States should have entered into a previous conspiracy to prevent an election.

The framers of the Constitution believed that they were giving Congress the power to provide for national elections when "the States should neglect to provide for the election of persons to administer its affairs" or when "the leaders of a few influential States had conspired to prevent an election." Neither neglect nor treason and conspiracy of the leaders of the States to prevent the election of persons to administer its affairs can annihilate the National Government. Why? Because Congress possesses the power, to quote the language of the *Federalist*, "to provide for the choice of persons to administer its (the nation's) affairs." The State-rights doctrine is that the States, and not the nation, possess this exclusive power. Such was not the doctrine of the fathers of the Republic. Threats have been made that supplies should not be voted unless the nation surrendered this great power without which the wise and patriotic men who formed the Constitution declared that "the existence of the Union would be entirely at the mercy of the States." The success of this doctrine means peaceable secession. It is fraught with more danger than the recent attempt to shoot the nation to death. War strikes at the nation's life in open day. No man can be deceived as to its meaning and purpose. Not so with the attempt to destroy the nationality of the Republic. The false and brazen clamor that the republicans favor centralization, Caesarism, and an empire, while the democracy seek only local self-government, may deceive and mislead some credulous but patriotic citizens. It will not deceive enough to enable its enemies to destroy the nation. This State-rights doctrine is a deadly poison, which, if it should penetrate the Constitution, would paralyze its powers and leave the Union to perish. This new conspiracy is more dangerous, because it is more insidious, than the treason and rebellion of 1861. By a different method it seeks the same object, namely, to prostrate the nation at the feet of the States. I warn the country against this dangerous dogma and against the men who uphold it. It is the last refuge from which the enemies of the Republic seek to annihilate the nation by sapping the foundation of its power.

A part of this conspiracy is the retention in the new code of rules of the power to put political riders on appropriation bills. The claim that this power is necessary in the interest of economy is shown to be a false pretense by the contest which went on for days to defeat any modification of the rules which would limit the right to change existing laws except as to amounts of money only. You still retain the power to coerce the Executive to approve obnoxious laws by placing them in appropriation bills. You still retain the power to degrade both the Senate and the Executive, as co-ordinate branches of the law-making power, by refusing appropriations except upon the condition of their agreeing to such provisions as you see fit to place upon appropriation bills. Your denial of power in the nation to protect the citizen in his rights as a voter at national elections, and your assertion of power to coerce the Executive under penalty of starving the Government to death, are simply new forms of the old treason which plunged the nation into the red sea of war.

I shall conclude what I have to say by quoting the opinions of the great and patriotic men whose matchless wisdom laid the foundations of the Republic. These opinions will, with their calm and sagacious reasons, overthrow the wicked dogmas of the modern democracy as to the power of the nation to control the election of members of Congress.

In the Virginia convention for ratifying the Constitution, on the 13th of June, 1788, the following occurred:

Mr. Monroe wished that the honorable gentleman who had been in the Federal convention would give information respecting the clause concerning elections. He wished to know why Congress had the ultimate control over the time, place, and manner of elections of Representatives, and the time and manner of that of Senators; and also why there was an exception as to the place of electing Senators.

Mr. Madison said: Mr. Chairman, the reason of the exception was that if Congress should fix the place of choosing the Senators it might compel the State Legislatures to elect them in a different place from that of their usual sessions, which would produce some inconvenience and was not necessary for the object of regulating the elections. But it was necessary to give the General Government a control over the time and manner of choosing the Senators to prevent its own dissolution. With respect to the other point, it was thought that the regulation of the time, place, and manner of electing Representatives should be uniform throughout the continent. Some States might regulate the elections on the principles of equality, and others might regulate them otherwise.

This diversity would be obviously unjust. Elections are regulated now unequally in some States, particularly South Carolina, which has a representation of thirty members. *Should the people of any State by any means be deprived of the right of suffrage, it was judged proper that it should be remedied by the General Government.* It was found impossible to fix the time, place, and manner of the election of Representatives in the Constitution. It was found necessary to leave the regulation of this, in the first place, to the State governments, as being best acquainted with the situation of the people, *subject to the control of the General Government* in order to enable it to produce uniformity and *prevent its own dissolution.* And considering the State government and General Government as distinct bodies, acting in different and independent capacities for the people, it was thought the particular regulations should be submitted to the former and the general regulations to the latter. *Were they exclusively under the control of the State governments the General Government might easily be dissolved.*

In the debate in the national convention on the 9th of August, 1787, when the question of the method of electing Representatives in Congress was under consideration, the following occurred:

Mr. Madison and Mr. Gouverneur Morris moved to strike out "each House" and to insert "the House of Representatives;" the right of the Legislatures to regulate the times and places, &c., in the election of Senators being involved in the right of appointing them; which was disagreed to.

A division of the question being called for, it was taken on the first part down to "but their provisions concerning," &c. The first part was agreed to *nem. con.*

Mr. Pinckney and Mr. Rutledge moved to strike out the remaining part, namely, "but their provisions concerning them may at any time be altered by the Legislature of the United States." The States they contended could and must be relied on in such cases.

Mr. GORHAM. It would be as improper to take this power from the National Legislature as to restrain the British Parliament from regulating the circumstances of elections, leaving this business to the counties themselves.

Mr. MADISON. The necessity of a general government supposes, that the State Legislatures will sometimes fail or refuse to consult the common interest at the expense of their local convenience or prejudices. The policy of referring the appointment of the House of Representatives to the people and not to the Legislatures of the States, supposes that the result will be somewhat influenced by the mode. This view of the question seems to decide that the Legislatures of the States ought not to have uncontrolled right of regulating the time, places, and manner of holding elections. It was impossible to foresee all the abuses that might be made of the discretionary power. Whether the electors should vote by ballot or *à viva voce*; should assemble at this place or at that place; should be divided into districts or all meet at one place; should all vote for all the Representatives, or all in a district vote for a number allotted to the district. These and many other points would depend on the Legislatures, and might materially affect the appointments. Whenever the State Legislatures had a favorite measure to carry, they would take care so to mold their regulations as to favor the candidates they wished to succeed. Besides, the inequality of the representation in the Legislatures of particular States would produce like inequality in their representation in the National Legislature, as it was presumable that the counties having the power in the former case would secure it to themselves in the latter. What danger could there be in giving a controlling power to the National Legislature? Of whom was it to consist? First, of a Senate to be chosen by the State Legislatures. If the latter, therefore, could be trusted, their Representatives could not be dangerous. Secondly, of Representatives elected by the same people who elect the State Legislatures. Surely, then, if confidence is due to the latter, it must be due to the former. *It seemed as improper in principle, though it might be less inconvenient in practice, to give to the State Legislatures this great authority over the election of the Representatives of the people in the General Legislature, as it would be to give to the latter the like power over the election of their Representatives in the State Legislature.*

Mr. KING. If this power be not given to the National Legislature, their right of judging of the returns of their members may be frustrated. No probability has been suggested of its being abused by them. Although this scheme of erecting the General Government on the State Legislatures has been fatal to the Federal establishment, it would seem as if many gentlemen still foster the dangerous idea.

Mr. Gouverneur Morris observed "that the States might make false returns and then make no provision for new elections."

Mr. Sherman did not know but it might be best to retain the clause, though he had himself sufficient confidence in the State Legislatures.

The motion of Mr. Pinckney and Mr. Rutledge did not prevail. The word "respectively" was inserted after the word "State."

On the motion of Mr. Read, the word "their" was struck out and "regulations in such cases" inserted in place of "provisions concerning them;" the clause then read, "but regulations in each of the foregoing cases may, at any time, be made or altered by the Legislature of the United States." This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether. Article 6, section 1, as thus amended—being now section 4 of article 1—was agreed to *nem. con.*

On the 21st of August, 1789, the constitutional amendments being under consideration in the House of Representatives, Mr. Burke, of South Carolina, said:

I move you, sir, to add to the articles of amendment the following:

"Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections of Senators or Representatives *except when any State shall refuse or neglect or be unable by invasion or rebellion to make such election.*"

Mr. Ames said he thought this one of the most justifiable of all the powers of Congress. It was essential to a body representing the whole community that they should have power to regulate their own elections, in order to secure a representation from every part and prevent any improper regulations calculated to answer party purposes only. *It is a solecism in politics to let others judge for them, and is a departure from the principles upon which the Constitution was founded.*

Mr. MADISON. If this amendment had been proposed at any time, either in Committee of the Whole or separately in the House, I should not have objected to the discussion of it; but I cannot agree to delay the amendments now agreed upon by

entering into the consideration of propositions not likely to obtain the consent of either two-thirds of this House or of three-fourths of the State Legislatures. *I have considered this subject with some degree of attention, and, upon the whole, am inclined to think the Constitution stands very well as it is.*

Mr. Smith, of South Carolina, said he hoped it would be agreed to; that eight States had expressed their desires on this head, and all of them wished the General Government to relinquish their control over the elections. The eight States he alluded to were New Hampshire, Massachusetts, New York, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina.

Mr. Carroll denied that Maryland had expressed the desire attributed to her.

Mr. FITZSIMMONS. The remark was not just as it respected Pennsylvania.

Mr. Sedgwick, of Massachusetts, moved to amend the motion by giving the power to Congress to alter the times, manner, and places of holding elections, provided the States made improper ones; for as much injury might result to the Union from improper regulations as from the neglect or refusal to make any. It is as much to be apprehended that the States may abuse their powers as that the United States may make an improper use of theirs.

Mr. Ames said that inadequate regulations were equally injurious as having none, and that such an amendment as was now proposed would alter the Constitution. It would vest the supreme authority in places where it was never contemplated.

Mr. Sherman observed that the convention were very unanimous in passing this clause; that it was an important provision, and if it was resigned it would tend to subvert the Government.

Mr. Madison was willing to make every amendment that was required by the States which did not tend to destroy the principles and the efficacy of the Constitution; he conceived that the proposed amendment would have that tendency; he was therefore opposed to it.

Mr. Tucker objected to Mr. Sedgwick's motion of amendment, because it had a tendency to defeat the object of the proposition brought forward by his colleague, [Mr. Burke.] *The General Government would be the judge of inadequate or improper regulations; of consequence they might interfere in any or every law which the States might pass on that subject. He wished that the State Legislatures might be left to themselves to perform everything they were competent to without the guidance of Congress.*

Mr. Goodhue hoped the amendment never would obtain. Rather than this amendment should take effect he would vote against all that had been agreed to. *His greatest apprehensions were that the State governments would oppose and thwart the general one to such a degree as finally to overturn it. Now, to guard against this evil, he wished the Federal Government to possess every power necessary to its existence.*

Mr. BURKE. I believe that many of those gentlemen who agreed to the ratification without amendments did it from principles of patriotism, but they knew at the same time that they parted with their liberties; yet they had such reliance on the virtue of a future Congress that they did not hesitate, expecting that they would be restored to them unimpaired as soon as the Government commenced its operations conformably to what was mutually understood at the sealing and delivering up of those instruments. It has been supposed that there is no danger to be apprehended from the General Government of an invasion of the rights of election. I will remind gentlemen of an instance in the government of Holland. The patriots in that country fought no less strenuously for that prize than the people of America; yet by giving to the States general powers not unlike those in this Constitution, their right of representation was abolished. That they once possessed it is certain, and that they made as much talk about its importance as we do; but now the right has ceased. All vacancies are filled by the men in power. It is our duty, therefore, to prevent our liberties from being fooled away in a similar manner.

Mr. Madison observed that it was the state governments in the seven united provinces which had assumed to themselves the power of filling vacancies, and not the general government; therefore the gentleman's application did not hold.

The question on Mr. Sedgwick's motion for amending Mr. Burke's proposition was lost. A vote was taken on Mr. Burke's motion by yeas and nays, which was rejected—yeas 23, nays 28.—*Annals of Congress*, vol. 1, pages 768 to 772, August 21, 1789.

Mr. CANNON, of Illinois. I now yield the remainder of my time to the gentleman from Pennsylvania, [Mr. WARD.]

Mr. WARD. I rise simply for the purpose of replying by facts and figures to what I consider the erroneous statements made the other day by my friend from Ohio, [Mr. FINLEY,] and especially with reference to one or two items in his statement in which he made any approach whatever to specific charges in this controversy about the Government Printing Office. The result of all the inquiry that has been made, the result of every investigation, has been to show that the particular public officers who at this time are under fire, to wit, the Public Printer and the foreman of the bindery, Mr. Roberts, have not only not been found guilty of any dereliction of duty or departure from the strict line of rectitude in the administration of their respective offices, but they have displayed a prudence and an economy and a business tact in the administration of the affairs of that vast establishment which entitles them, instead of partisan criticism and scandal in this House, to the commendation and respect of the Representatives of the people. I say this because I find that in the only two instances in which anything like figures or facts are given, the charges against them have been totally disproved.

I will not now stop to allude to the charge against Mr. Roberts in regard to purchases of paper. That charge has been sufficiently met by my friend from Connecticut, [Mr. HAWLEY,] and besides I have not time.

I come now to the matter of the wire-sewing machine, because I know where they are manufactured. The party who is at the head of that concern resides in my district; the store where they are sold is in the district of my colleague, [Mr. O'NEILL,] and the factory where they are made is also in his district. I say that in the purchase of these wire-sewing machines the Public Printer displayed a regard for the public interest and economy in the public service the absence of which would have shown him to be unfit for the position which he holds.

Now, what are the facts? The Public Printer's report, issued December 19, 1878, and covering the fiscal year ending June 30, 1878, explains clearly the reasons for the introduction of the wire book-sewing machines. On page 15 it states as follows:

Nine book-sewing machines have also been put in operation, by which books are sewed with wire instead of thread, and at greatly reduced cost.

To ascertain the economy in their use a daily record is kept of the work done on each machine, and contrasted with the cost of hand-sewing.

The following table shows the saving made the week ending on the 21st of last month, being about the same as several previous weeks:

Number of machine.	Character of work.	Hours.	Number of books.	Signatures.	Average per hour.	Pay received.	Cost if done by hand.
No. 8 ..	Revised Statutes	48	600	55,200	1,150	\$11 00	\$96 00
No. 4 ..	Agricultural Report	48	1,710	63,270	1,318	11 00	58 14
No. 1 ..	do	48	1,587	58,719	1,223	11 00	53 95
No. 2 ..	do	48	1,700	62,900	1,310	11 00	57 80
No. 7 ..	do	48	1,616	59,792	1,246	11 00	54 94
No. 5 ..	do	48	1,446	53,502	1,114	11 00	49 16
No. 9 ..	do	48	1,660	61,420	1,280	11 00	56 44
No. 3 ..	do	48	1,533	56,721	1,182	11 00	52 12
No. 6 ..	do	48	1,101	40,737	836	11 00	37 43
Total			12,353	457,061		99 00	515 98
Saving on the nine machines one week							99 00
Saving on the nine machines one week							416 98

Thus, in 52 weeks, there will be a saving of \$21,632 over the old method, should the machines be constantly at work.

The saving is still greater in sewing larger books, such as the CONGRESSIONAL RECORD and the Revised Statutes.

The result on the last edition of the Revised Statutes, being 15,000 copies, is as follows:

If sewed by hand	\$2,400
By the machines	300

At a saving of

In addition to this saving, the binding is more substantial than if done by the old method, as the book may be opened at any part without injury, which cannot be done when sewed with thread.

The edition of 300,000 volumes of the Agricultural Report if sewed—

By hand would amount to	\$8,214
By the machines	2,220

At a saving of

An improved method of pressing sheets after being printed and folded, by which at least \$5,000 per annum will be saved, has been adopted.

The foresight of the Public Printer is amply exemplified by the results. Since July, 1878, when these machines were first introduced, and covering the period of their experiment and trial, the total savings in favor of the machines over hand-work have amounted to \$22,676.14—more than \$1,000 per month for the whole time.

Mr. FINLEY. Will the gentleman yield a moment?

Mr. WARD. I would like to do so.

Mr. FINLEY. I yielded to the gentleman.

Mr. WARD. I know that; and I would like to return the compliment.

Mr. FINLEY. Are you willing to do so?

Mr. WARD. Yes, sir.

Mr. FINLEY. I wish to ask the gentleman this question: if these machines have saved that amount of money in the current fiscal year, why is it that the Public Printer has increased the number of employees?

Mr. WARD. I know that there is an increase of work, as explained by the gentleman from Connecticut, [Mr. HAWLEY.] Not only has the work of the extra session accumulated, but order after order, piled up almost mountain high, issues from this House to the Public Printer. We subject him to criticism and to penalties for not obeying our orders, and then condemn him for an honest effort to obey the directions we give him.

[Here the hammer fell.]

Mr. WARD. I would like about five minutes more.

Mr. McMAHON. I must object to any further extension of time. The gentleman can print the conclusion of his remarks.

Mr. WARD. I lost time by yielding to the gentleman's colleague, [Mr. FINLEY.]

Mr. FINLEY. I hope my colleague will withdraw his objection.

Mr. McMAHON. I tried my best to keep my colleague from interrupting. [Laughter.]

Mr. WARD. That is very hard to do. I do not wonder that the gentleman failed. I do not expect the gentleman from Ohio to succeed in that; but I do expect him to allow me to make up the time I lost in that way.

Mr. FINLEY. I hope my colleague will withdraw his objection.

Mr. McMAHON. Very well; let the gentleman go on for five minutes.

The CHAIRMAN. The Chair hears no further objection.

Mr. WARD. The number of wire book-sewing machines now in use in the Government Printing Office is thirteen, introduced from time to time as their efficiency and economy became apparent, the last two very recently. The total cost of all these machines has been \$20,000. And this remarkable economical result is exhibited, that these machines by their savings have paid for themselves in a few months, and the Government owns them absolutely "just as good as new."

During this fiscal year, to which the bill now under consideration applies, the capacity of these machines to "retrench expenditures"

is manifested more clearly. The savings by months during this period have been as follows:

1879:

July	\$1,176 43
August	1,586 45
September	1,086 17
October	1,580 30
November	1,460 59
December	2,604 42

1880:

January	1,887 73
February	1,833 07

13,215 16

During the above-named eight months the total expenditure for the wire-sewing machines was \$6,500, for four purchased.

The Public Printer has followed the example and has been guided by the experience of other governments as well as private enterprise. In France and England the economical labor-saving qualities of these wire-sewing machines have introduced them into the public printing offices, and have found ready use in such extensive and carefully-managed private establishments as those of McKibbin, New York; Altemus & Co., Philadelphia; Becktold & Co., Saint Louis; Cox & Co., of Chicago; and Hart, of Harrisburg.

Hon. Theodore W. Burdick, of Iowa, who, as a member of the Committee on Public Expenditures, had fully examined this question, in a speech in this House, on February 27, 1879, which will be found in CONGRESSIONAL RECORD, Forty-fifth Congress, third session, of March 5, 1879, said:

Another instance of charged extravagance on the part of the Public Printer rested on a purchase of certain wire book-sewing machines recently purchased for use in the Government Office from the manufacturers in Philadelphia. These are new machines and a new invention. Before making the purchase the prudence and caution of the Public Printer induced him to have set up in the office one of these machines and the same to be thoroughly tested and tried. After a thorough trial, the Public Printer becoming satisfied that the machine was labor-saving to an astonishing degree and completely successful, he ordered the purchase of nine machines at a cost of \$1,500 each. This purchase has been fully investigated. The manufacturers from Philadelphia were called before the committee. The testimony, instead of establishing the fact that the purchase of these machines was a useless and extravagant expenditure of money, showed the fact to be that each of these machines would fully pay for itself in one year by the saving it would effect in the bindery department. This is not an exaggerated statement. The testimony taken confirms it.

A correct account of the work done on these machines since their purchase has been kept. This account shows not only the amount and kind of work done, but it also shows the name of the operator of each machine, the amount paid such operator, and it is easy to estimate what the same work would cost if done by hand.

An exhibit prepared and sworn to, covering the period from October 10, 1878, to January 1, 1879, shows that these nine wire book-sewing machines effected a saving to the Government during two and one-half months of over \$3,500. This is such a striking example of apparent extravagance, yet of actual and great economy, that I ask attention to the testimony. The fact that \$13,500 was paid for nine book-sewing machines for the bindery might lead to the inference that it was an unnecessary outlay, in that it seems a large expenditure. The result shows that they do the work of fifty hands, and should not be dispensed with for any consideration. The testimony further shows that the machines do better work than can be done by hand, are easily and successfully operated, and do all kinds of work.

The Public Printer acted wisely, for the best interest of the Government, and is fully justified in the purchase of this machinery.

Now, Mr. Chairman, such being the merits of these marvels of inventive ingenuity, these wonders of American mechanism, saving to the Government their cost in this short time and leaving the machines as good as new, the absolute property of the Government without royalty or license, I appeal to the House whether the Public Printer would not have been sleeping while the thunders of the progress of the age were rolling around him if he had failed to avail himself of those labor-saving contrivances? If he had so failed, would he not have been to-day open to our criticism and our just condemnation because he had not been alive to the movement of the times, and because he had kept his eyes shut to the value of machinery which would have worked economy to the Government? In other words, would he not have been guilty of extravagance by refusing to avail himself of the best means within his reach for saving the public money and curtailing expenses?

Mr. COBB addressed the committee. [His remarks will be found in the Appendix.]

Mr. SINGLETON, of Mississippi. I think I have the floor; the gentleman from Indiana [Mr. COBB] yielded to me.

The CHAIRMAN. The Chair would like to understand to whom the gentleman from Indiana [Mr. COBB] yields the floor?

Mr. COBB. I thought I stated distinctly that I yielded to the gentleman from Mississippi, [Mr. SINGLETON.]

Mr. FINLEY. I understood the gentleman to yield to me.

The CHAIRMAN. The gentleman from Mississippi [Mr. SINGLETON] is entitled to the floor and will proceed.

Mr. SINGLETON, of Mississippi. I have but a word to say in addition to what I have already said. Under the law, as it was read by the gentleman from New York, [Mr. HISCOCK,] at the beginning of each year the Public Printer is required to submit to the Joint Committee on Printing his estimate of the amount of paper that will be needed in his office for that fiscal year. The Joint Committee on Printing examines his estimates, and unless we know that there is something wrong about them—and we are not expected to know very

much about it in fact—we direct him to advertise according to the law for bids for supplying that amount of paper for the year.

That was done at the beginning of this year. There were numerous bids sent in; I suppose twenty of them, perhaps fifty. The competition was very lively. After the bids were all opened and tabulated the Committee on Printing decided to whom of these parties the contracts for furnishing the paper should be awarded, giving them to the lowest bidders if there was no well-founded objection to their receiving them, such as the fact that any one of them had before furnished paper that was not suitable, or could not give proper security, &c. And after that we had nothing further to do with it.

Mr. ROBINSON. I understand that you approved the purchase of paper to the full amount estimated for.

Mr. SINGLETON, of Mississippi. Yes, sir; whatever amount was estimated to be necessary the Joint Committee on Printing has always approved.

Mr. ROBINSON. Then the Joint Committee on Printing have always recommended the call of the Public Printer for so much paper, and afterward indorsed the proposals and the purchase of that amount?

Mr. SINGLETON, of Mississippi. No sir, we did not call upon him for any amount of paper at all; that matter was with him. We asked him to furnish an estimate of what would be necessary, but we specified no amount ourselves, for that is a matter with which we had nothing to do. He submitted his estimate, and upon that, as I have said, we ordered him to advertise for bids; and when these bids were put in and tabulated we awarded the contracts to the lowest bidders.

Mr. EINSTEIN. You are on the Joint Committee on Printing?

Mr. SINGLETON. I am.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McMAHON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, and had come to no resolution thereon.

DAVIS'S POLARIS NARRATIVE.

The SPEAKER laid before the House a communication from the Secretary of the Navy, in reference to the printing of an additional number of copies of Admiral Davis's Polaris Narrative; which was referred to the Committee on Printing.

FUEL ALLOWANCE TO ARMY OFFICERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a petition for the repeal of the law in regard to the payment of officers of the Army for fuel; which was referred to the Committee on Military Affairs.

ENFORCEMENT OF INTERNAL-REVENUE LAWS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report of the Commissioner of Internal Revenue to the Secretary of the Treasury in reply to a resolution of the House of February 10, 1880, making inquiry for information tending to explain the necessity for the employment of armed men in the enforcement of the internal-revenue laws.

Mr. FRYE. I move that the communication, with the accompanying documents, be referred to the Committee on Ways and Means, and ordered to be printed.

The motion was agreed to.

CENTENNIAL CELEBRATION OF THE BATTLE ON GROTON HEIGHTS.

Mr. WAIT. I introduced yesterday a bill appropriating money for the centennial celebration of the battle of Groton Heights, Connecticut; and I also presented a memorial upon the same subject. I ask unanimous consent that they be printed in the RECORD as referring to a matter of national interest.

The SPEAKER. Does the gentleman ask to have printed a memorial or a bill?

Mr. WAIT. It is a memorial accompanied by a bill.

The SPEAKER. Which does the gentleman ask to have printed in the RECORD?

Mr. WAIT. I desire to have them both printed.

There was no objection, and it was so ordered.

The bill, with the accompanying memorial, is as follows:

The Groton Heights centennial committee, appointed by the Groton Monument Association and the towns of Groton, New London, Ledyard, and Stonington, in the county of New London, State of Connecticut, beg leave to represent to the Congress of the United States—

That they are appointed to make arrangements for the commemoration of the one hundredth anniversary of the last great battle of the American Revolution, before the surrender of the British forces at Yorktown, which took place at Fort Griswold, in the town of Groton, Connecticut, on the 6th day of September, 1781, known in history as the battle of Groton Heights and the massacre of Fort Griswold.

That their organization for this purpose has been so far recognized and encouraged by the State of Connecticut as to be awarded an appropriation of \$3,000 to aid in the proposed centennial commemoration.

That by additional appropriations and private subscriptions the committee hope to raise a sum sufficient to make the occasion worthy of our State and of the whole country,

That the massacre of Fort Griswold and the burning of New London and Groton were really occasioned by the Virginia campaign which resulted in the surrender of Cornwallis about six weeks afterward, as may be seen by the following correspondence of Sir Henry Clinton:

"On the 2d of September, while the American Army was marching through Philadelphia, Sir Henry Clinton sent a courier vessel to Yorktown with the following dispatch:

"Clinton to Cornwallis—in cipher—received 15th September.

"SEPTEMBER 2, 1781.

"Mr. Washington is moving an army to the southward with an appearance of haste, and gives out that he expects the co-operation of a considerable French armament. Your lordship, however, may be assured, that if this is the case, I shall either endeavor to reinforce the army under your command by all the means within the compass of my power, or make every possible diversion in your favor."—*Carrington's Battles of the American Revolution*, page 624.

And so it happened that a fleet of thirty-two vessels, under command of Brigadier-General Arnold, the traitor, set sail from New York on the afternoon of September 4, 1781, arrived off the harbor of New London on the morning of September 6th, landed in two divisions of eight hundred men each, one on either side of the river; that on the west side, under command of Arnold, burned the town of New London; that on the east side, under command of Lieutenant-Colonel Eyre, attacked Fort Griswold, then in command of Colonel William Ledyard, with a garrison of one hundred and sixty men, mostly farmers hastily gathered from the surrounding country, and after a loss of about two hundred British regulars and their two highest officers, stormed and carried the fort by superior numbers, killed Colonel Ledyard with his own sword after his surrender, massacred almost the entire garrison, burned the village of Groton, and stole away under cover of night, not daring to encounter the fury of the then awakened country.

In view of the fact that the scene of this tragedy of the Revolution is the property and is now in possession of the United States Government, and that the event itself is a part of the great campaign which culminated in the surrender of Cornwallis, the committee respectfully represent that this monument and this centennial should share in the nationality which is to be accorded to Yorktown.

That the battle-field of Groton Heights belongs to and is the property of the United States, and the committee respectfully ask permission for the use thereof at such times as may be necessary for the centennial services. Being a national possession, in which respect it differs from most if not all others where centennials have taken place, the committee respectfully ask Congress to contribute a portion of the expense necessary to make it worthy of the nation.

That Groton Monument, a granite structure of hewn stone one hundred and twenty-seven feet in height, was built, adjoining the scene of the massacre in the years 1826-'30 by an association formed for that purpose and authorized by the Legislature of the State of Connecticut, and the monument is still in charge of the Groton Monument Association.

That the monument needs repairs at the top, the sides and in the interior, and if not made soon it may crumble and decay. The stairway should be made safe and convenient, the outlook from the summit improved, and its general appearance, as it towers on the heights beside the thoroughfares by land and by water between New York and Boston, over which thousands are daily passing, should be made more in keeping with the event that it commemorates.

Therefore, the Groton Heights centennial committee respectfully ask the Congress of the United States to appropriate the sum of \$5,000 for repairing and preserving the Groton Monument, and the sum of \$5,000 to aid in the centennial commemoration at Fort Griswold on the 6th of September, A. D. 1881.

J. GEO. HARRIS, President,
JOHN J. COPP, Secretary,
And 36 others.

A bill (H. R. No. 5097) appropriating money toward the expense to be incurred in the centennial celebration of the battle on Groton Heights, and for other purposes.

Whereas the battle of Groton Heights was one of the closing events of the American Revolution, preceding the final surrender of the British forces at Yorktown, in Virginia, only one month and thirteen days, and is logically and historically connected with that great event; and

Whereas the State of Connecticut has already commenced preparations for the centennial celebration of this battle, the massacre attendant upon the capture of Fort Griswold, and the burning of New London, all scenes in the bloody drama of September 6, 1781; and

Whereas the people of the other States of the Union, proud of the part which their fathers took in achieving American Independence, and actuated by the feeling of a common brotherhood, must desire to unite with the people of Connecticut in paying a proper tribute to the patriotism, dauntless courage, and heroic sacrifice of the noble band of men who fought valiantly against superior numbers of British troops, and chose death rather than surrender their homes to the brutality and lust of the invaders: Therefore,

Be it enacted, &c., That the sum of \$5,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended by the centennial committee of the Groton Monument Association, under the direction of the Secretary of War, for the purpose of aiding to defray the expenses which will be incurred in celebrating the one hundredth anniversary of the battle and massacre at Fort Griswold, on Groton Heights, and the burning of New London, on the 6th day of September, 1781, in such manner as shall best fit the historical significance of that event, and be indicative of the present power, prosperity, and greatness of the United States as a nation.

SEC. 2. That the further sum of \$5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of thoroughly repairing the granite monument erected in 1826 on Groton Heights, and to be disbursed under the direction of the Groton Monument Association.

SEC. 3. That the centennial committee of the Groton Monument Association are hereby authorized to enter upon and use the battle-field on Groton Heights at such times and in such manner as may be necessary for the centennial services.

DEFICIENCY APPROPRIATION BILL.

Mr. CALKINS. I desire to inquire of the gentleman who has charge of the bill which we have just been considering in Committee of the Whole how long this general debate is to run.

Mr. McMAHON. I desire to state to the House that to-morrow, in moving to go into Committee of the Whole, I will also move to cut off debate—to limit it to five or ten minutes, or to one minute, so that we may proceed under the five-minutes rule. A pay-roll of at least \$3,000 a day is dependent upon this bill; and I think we ought to pass it promptly.

Many MEMBERS. That is right.

Mr. SPRINGER. I give notice that as soon as this bill is concluded I shall call up, and ask the House to consider, the contested-election case of Curtin vs. Yocum.

PENSION TO SOLDIERS OF THE WAR OF 1812.

Mr. DIBRELL, from the Committee on Pensions, reported back, without amendment, the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to inform Congress by what authority the Commissioner of Pensions is withholding pensions allowed soldiers in the war of 1812 under the act of 9th of March, 1878, for moneys paid them under former acts of Congress.

Mr. DIBRELL moved to reconsider the vote by which the resolution was adopted, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DONATION OF CONDEMNED CANNON.

Mr. BUTTERWORTH, by unanimous consent, introduced a bill (H. R. No. 5250) donating condemned cannon to the Fort Stephenson Park, Fremont, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OBSTRUCTIONS AT DELAWARE BREAKWATER.

Mr. MARTIN, of Delaware, by unanimous consent, introduced a joint resolution (H. R. No. 246) construing an act approved January 23, 1880, for the removal of obstructions from the harbor at the Delaware breakwater; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. ATKINS. I move that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ANDERSON: The petition of druggists of Abilene, Salomon, and Enterprise, Kansas, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. BOUCK: The petition of Henry J. Rogers and others, of Outagamie County, Wisconsin, against the reduction of the duty on paper—to the same committee.

Also, the petition of John Peslin and others, of Outagamie County, Wisconsin, of similar import—to the same committee.

By Mr. BRIGGS: The petition of Almon L. Sleeper and others, of Hillsborough County, New Hampshire, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. CARPENTER: The petition of L. J. Rice and others, of Boone, Iowa, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. CONGER: The petitions of John Kendall and 7 others, druggists of Winona, Minnesota, of similar import—to the same committee.

Also, forty-two petitions of druggists of Illinois, Iowa, Kentucky, Missouri, Michigan, Ohio, and Wisconsin, of similar import—to the same committee.

By Mr. COWGILL: The petition of the editor of the Dispatch, Kokomo, Indiana, for the abolition of the duty on type—to the same committee.

By Mr. DEUSTER: The petition of Robert Martin, of Milwaukee, Wisconsin, for reimbursement of moneys expended in purchasing certificate of location, locating, and improving one hundred and sixty acres of military bounty land—to the Committee on the Public Lands.

By Mr. DUNNELL: The petition of 20 citizens of Dresbach, Minnesota, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. GILLETTE: The petition of Hon. John A. Elliott and 90 others, business men of Des Moines, Iowa, for the passage of a bankrupt law—to the Committee on the Judiciary.

Also, the petition of James Callanan and 80 others, business men of Des Moines, Iowa, of similar import—to the same committee.

Also, the petition of M. E. Thorpe and 30 others, citizens of Lucas County, Iowa, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. HASKELL: The petition of citizens of Linn County, Kansas, for the passage of the bill to equalize bounties of soldiers of the late war—to the same committee.

By Mr. HATCH: The petition of 55 citizens of Putnam County, Missouri, for the passage of the Weaver soldier bill—to the same committee.

By Mr. HENDERSON: Resolutions of the board of supervisors of Lee County, Illinois, favoring the extension of any system of public works to insure and provide sufficient water for the safe navigation of the Mississippi River to Rock River and Lake Horicon—to the Committee on Commerce.

By Mr. HULL: The petition of citizens of Marion County, Florida, for an appropriation for deepening the entrance to Cumberland Sound between the States of Georgia and Florida—to the same committee.

Also, twenty-one petitions of citizens of the counties of Hernando, Marion, Sumter, Orange, Volusia, Alachua, Santa Rosa, Saint John's, Columbia, Jackson, Madison, Clay, Bradford, Hamilton, Putnam, and Suwannee, Florida; and also the petition of the executive and judicial officers of the State and members of the State Legislature, for an appropriation to deepen and otherwise improve the Saint John's Bar, at the mouth of Saint John's River, in the State of Florida—to the same committee.

By Mr. HUMPHREY: The petition of C. S. Ellison, editor of the Tribune, Eau Claire, Wisconsin, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. HUNTON: The petition of B. F. Grafton and H. O. Claughton, for the incorporation of the G Street Railway Company, Washington, District of Columbia—to the Committee on the District of Columbia.

By Mr. JONES: The petition of P. E. Edmondson, publisher of the Argus, Flatoma, Texas, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. KELLEY: The petition of printers, publishers, stereotypers, and type founders of Philadelphia, against granting the petition for the abolition of the duty on printing-type—to the same committee.

By Mr. McLANE: The petition of MacKellar, Smiths & Jordan and others, in behalf of American type founders, against abolishing the duty on type—to the same committee.

Also, resolutions of the Baltimore Board of Trade, favoring a reciprocity treaty with Canada—to the same committee.

Also, the petition of Shipley, Smith & Co., of Baltimore, Maryland, to have refunded taxes paid to the United States on an erroneous assessment—to the same committee.

By Mr. McMAHON: The petition of Isador Rohner, for a pension—to the Committee on Invalid Pensions.

By Mr. MILES: The petition of Andrew A. Osborne and other route agents, of Connecticut and Massachusetts, for an increase of salary—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLS: The petition of citizens of Bell County, Texas, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. NEWBERRY: The petitions of 71 citizens and of 65 citizens of Detroit, Michigan, for a bridge across Detroit River at Detroit—to the same committee.

By Mr. O'NEILL: The petition of the National Association of Bleachers and Dyers, for the removal of the prohibitory duty imposed upon chrome iron ore and bichromate of potash—to the Committee on Ways and Means.

Also, the petition of Henry A. Bovell and 24 others, druggists, of Philadelphia, Pennsylvania, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

Also, the petition of H. Everett, against the extension of the Herman Miller patents—to the Committee on Patents.

By Mr. PHELPS: The petition of Edwin F. Hendricks and 70 other soldiers, of New Haven and Hamden, Connecticut, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. DAVID P. RICHARDSON: The petition of soldiers of New York, for the equalization of bounties—to the same committee.

By Mr. RICHMOND: Papers relating to the claim of George W. Henderlite, for pay as collector of internal revenue for the eighth district of Virginia—to the Committee on Ways and Means.

By Mr. ROSS: The petition of F. W. Houghton, for a modification of the United States laws relating to seamen—to the Committee on Commerce.

Also, the petition of the Bulletin Company, of Plainfield, New Jersey, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. THOMAS RYAN: The petition of A. E. Buck and J. H. James, for the passage of the bill granting a pension to Mrs. E. S. Seeley—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: The petition of James Inman and 17 other soldiers, of Beaver County, Pennsylvania, against the passage of Senate bill No. 496—to the same committee.

Also, the petition of G. L. Eberhart and 22 other soldiers, of Beaver County, Pennsylvania, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. P. B. THOMPSON, JR.: The petition of George Denny, of Garrard County, Kentucky, for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. WILLIAM G. THOMPSON: The petition of Hans O. Olsen and others, for the payment of the public debt in legal-tender paper currency, &c.—to the Committee on Banking and Currency.

By Mr. THOMAS UPDEGRAFF: The petition of William P. Eno and 77 others, citizen of Iowa, for a law to compel railroad companies to clean and disinfect all cars in which live stock has been transported, before being returned to place of shipment—to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

By Mr. VAN AERNAM: Nineteen petitions of druggists of Chautauqua and Cattaraugus Counties, New York, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of 157 merchants, manufacturers, and consumers,

that the prohibitory duties now levied upon chrome iron ore and bichromate of potash may be removed—to the same committee.

By Mr. WARNER: The petition of Joseph Kemsy, of Monroe County, Ohio, and 15 others, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. WASHBURN: The petition of Peter Larsen and others, of Morrison County, Minnesota, for a post-route from Royalton to Ehn-dale, Minnesota—to the Committee on the Post-Office and Post-Roads.

Also, the petition of W. W. Satterlee, publisher of Liberty Blade, Minneapolis, Minnesota, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of Hon. George Huhn and others, of Minneapolis, Minnesota, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

Also, resolutions of the Chamber of Commerce of Saint Paul, Minnesota, in regard to the improvement of the harbor of Duluth—to the Committee on Commerce.

Also, memorial of the Chamber of Commerce of Duluth, Minnesota, asking for an appropriation of \$50,000 to improve the harbor of Duluth—to the same committee.

By Mr. WHITEAKER: Three petitions of publishers of Oregon, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petitions of publishers of Oregon, for the abolition of the duty on type—to the same committee.

By Mr. WHITTHORNE: A bill to establish a post-route from Newburgh to Voorhies Store, in Lewis County, Tennessee—to the Committee on the Post-Office and Post-Roads.

By Mr. WILBER: The petition of citizens of Burlington, New York, that the proceedings of Congress be published weekly in newspaper form and sent free to each family in the United States—to the Committee on Printing.

Also, two petitions of publishers of New York, for the abolition of the duty on type, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. CHARLES G. WILLIAMS: The petition of W. C. Brown & Co., publishers of the Express, Milton, Wisconsin, for the abolition of the duty on type—to the same committee.

Also, the petition of E. A. Egley, F. W. Starbuck, and Cart. M. Treat, publishers of Racine, Wisconsin, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. WRIGHT: The petition of John Burk and others, citizens of California, for the passage of a bill making lands held under Spanish grants subject to entry in the General Land Office—to the Committee on the Public Lands.

Also, the petition of citizens of Ishpenning, Michigan, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the same committee.

Also, the petition of Clinton Furbish and 27 others, citizens of Greenpoint, New York, of similar import—to the same committee.

IN SENATE.

WEDNESDAY, March 17, 1880.

Prayer by Rev. BYRON SUNDERLAND, D. D., of Washington, District of Columbia.

The Journal of yesterday's proceedings was read and approved.

QUORUM.

The VICE-PRESIDENT. There is evidently no quorum present. The Chair will not proceed with the morning business until a quorum shall appear.

Mr. SAULSBURY. I suggest that there be a call of the Senate.

The VICE-PRESIDENT. The roll will be called.

The Secretary proceeded to call the roll.

Mr. McMILLAN, (when Mr. WINDOM's name was called.) My colleague [Mr. WINDOM] I presume is engaged in his committee-room for a few moments, it is so near the hour of meeting. He will be here in a very few minutes, I am satisfied.

The Secretary concluded the call of the roll, and thirty-four Senators answered to their names.

Mr. COCKRELL. I was detained in committee-room, but was present in the Capitol, and am now present in the Senate Chamber.

Mr. SLATER. I desire to say that my colleague [Mr. GROVER] is detained at home on account of sickness in his family.

Mr. ANTHONY. I have the same apology as my friend from Missouri, [Mr. COCKRELL.] I was detained in committee. I am now here.

Mr. BLAINE. I was in committee, also.

Mr. INGALLS. I have been detained at a meeting of the Committee on Indian Affairs.

Mr. CAMERON, of Pennsylvania. I was in committee, also, and am now here.

Mr. BLAIR. I was detained on business at one of the Departments.

The VICE-PRESIDENT. A quorum is now present, and business will proceed.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a communication from the Chief of Engineers, United States Army, relative to the bill (H. R. No. 4928) to confirm the survey of the pueblo of San Francisco; which was referred to the Committee on Private Land Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MORRILL presented the petition of the representative committee of the Illinois yearly meeting of the Society of Friends, representing twelve hundred and sixty-one members, officially signed, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. BLAINE. I present the petition of Annie E. Gardiner, widow of John W. T. Gardiner, late a major on the retired list of the Army of the United States, praying to be paid for services rendered by her husband. I move that it be referred to the Committee on Military Affairs. It is purely a construction of the military law on which the claim arises.

The motion was agreed to.

Mr. RANDOLPH presented the petition of J. W. Burbridge & Co., during the late war residents of New Orleans, and Robert H. Montgomery, a British subject, praying to have their claim for the proceeds of sales of certain sugars alleged to have been taken by the officers of the United States, under the order of Major-General Butler, known as "General Orders, No. 91," at New Orleans, referred to the Court of Claims for adjudication; which was referred to the Committee on Claims.

Mr. GROOME presented the petition of Samuel H. Johnson, late private Company K, First United States Colored Troops, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. CONKLING presented the petition of Jacob Kern and others, of New Oregon, New York, soldiers in the late war, praying to be paid the difference between the value of gold and greenbacks at the time they were paid for their services as soldiers; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. HEREFORD, from the Committee on Claims, to whom was referred the bill (S. No. 816) for the relief of Theodore F. Hartridge and William G. Christopher, sureties on the official bond of Felix G. Livingston, collector of customs at Fernandina, Florida, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the letter of the Secretary of War, in answer to Senate resolution of March 4, 1878, communicating information concerning the data from which the positions of troops were added to the Government maps of the battle of Gettysburg, submitted a report thereon, accompanied by a bill (S. No. 1490) to complete the survey of the Gettysburg battle-field, and to provide for the compilation and preservation of data showing the various positions and movements of troops at that battle, illustrated by diagrams.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 813) to amend section 1402 of the Revised Statutes, relative to the appointment of assistant naval constructors, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 918) for the relief of certain volunteer officers of the Navy, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the petition of W. P. Burwell, praying compensation for certain tobacco lost and destroyed by the alleged wrongful and illegal action of the collector of customs at Richmond, Virginia, reported adversely thereon.

Mr. JOHNSTON. There is no bill accompanying the petition?

Mr. McMILLAN. No, sir.

Mr. COCKRELL. I ask that action be delayed on that case. There was a communication from the claimant which the committee did not have time to hear this morning, it having been presented just before the committee adjourned and after the meeting of the Senate. I should like action to be withheld.

Mr. McMILLAN. I withdraw the report then.

Mr. WITHERS. I was just going to move that the petition be recommitted.

The VICE-PRESIDENT. The report is withdrawn.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the bill (S. No. 378) for the relief of the heirs and legal representatives of Captain Lambert Wickes, asked to be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Claims; which was agreed to.

Mr. JONES, of Florida, from the Committee on Public Lands, to whom was referred the bill (S. No. 666) relating to the public lands of the United States, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. PLUMB, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 79) directing the Secretary of the Treasury to adjust and settle the accounts between the United States and the State of Florida, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. ALLISON, from the Committee on Finance, to whom was referred the bill (H. R. No. 2802) for the relief of the owner of the bark Grapeshot, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

ROGER A. PRYOR.

Mr. BAYARD. I am instructed by the Committee on the Judiciary, to which was referred the petition of Roger A. Pryor, formerly of Virginia, but now of New York, praying for the removal of his political disabilities, to report a bill for his relief. If there be no objection as it is a unanimous report, I believe, I ask for the present consideration of the bill.

The bill (S. No. 1489) to remove the political disabilities of Roger A. Pryor, of New York, was read twice by its title.

The VICE-PRESIDENT. The Senator from Delaware asks unanimous consent that the bill be considered at the present time. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present voting in favor thereof.

BILLS INTRODUCED.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1491) for the relief of John Sammis; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1492) to provide a permanent construction fund for the Navy, and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1493) to regulate the use and prevent the waste of Potomac water in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1494) to incorporate the Washington and Great Falls Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1495) for the relief of homestead settlers on the public lands of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FARLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1496) to establish a dead-letter office at the city of San Francisco; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. McPHERSON, it was

Ordered, That the papers in the case of Commander George A. Stevens be withdrawn from the files of the Senate and referred to the Committee on Naval Affairs.

On motion of Mr. WITHERS, it was

Ordered, That the petition and papers in the case of Mary Good be taken from the files of the Senate and referred to the Committee on Claims.

CHANGE OF REFERENCE.

Mr. McDONALD. I move that the Committee on Pensions be discharged from the further consideration of the bill (S. No. 1409) for the relief of James H. Woodard, and that it be referred to the Committee on Military Affairs. It was misreferred, and ought to have gone to the Committee on Military Affairs in the first instance.

The motion was agreed to.

PUBLIC BUILDING AT DENVER.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar, commencing at the point reached yesterday.

The bill (S. No. 1269) for the erection of a public building at Denver, Colorado, was announced as being the first in order upon the Calendar.

Mr. HARRIS. I understood that the bill was objected to by the Senator from Vermont [Mr. EDMUNDS] yesterday, and went over.

The VICE-PRESIDENT. The Chair did not so understand.

Mr. HARRIS. It was objected to by the Senator from Vermont just before the morning hour expired.

Mr. PADDOCK. It was not a formal objection, I think.

The VICE-PRESIDENT. The Senator from Vermont objected to it at that time, the morning hour having expired.

Mr. HARRIS. I asked the Senator from Vermont if I understood him as objecting to the bill, and if it went over, and he answered decidedly that he did. The Senator is not in his seat; and to end the question I now object.

The VICE-PRESIDENT. Objection being made, the Secretary will report the next bill on the Calendar.

Mr. JONES, of Florida. I will say to the Senator from Tennessee, if he will permit me, that the principle involved in this bill is a very important one, and it ought to be settled now, because it relates to

nearly every public building to be provided for at this session of Congress.

Mr. HARRIS. I desire to say that the very reason assigned by the Senator from Florida is the one upon which I interpose the objection. It is just such a question as cannot be properly considered and properly debated under a five-minute rule.

Mr. DAVIS, of Illinois, and others. There is no five-minute rule in regard to bills on the Calendar.

Mr. HARRIS. If we are proceeding under the Anthony rule, I certainly understand that there is a five-minute limitation on debate, as is distinctly stated on the face of the Calendar.

Mr. CONKLING. If the honorable Senator will pardon me, that applies to appropriation bills and not to the Anthony rule.

Mr. HARRIS. Will the honorable Senator look at the Anthony rule at the beginning of the Calendar? It answers better than I can answer.

Mr. CONKLING. I think the Senator makes pretty good answer.

Mr. HARRIS. I thought so.

Mr. CONKLING. I am clearly of that opinion, on reading the rule.

MARINE HOSPITAL AT MEMPHIS.

The bill (H. R. No. 2253) to provide for the construction of a marine hospital in the city of Memphis, Tennessee, was announced as being next in order upon the Calendar.

Mr. CONKLING. May I inquire what the jurisdiction between the State of Tennessee and the United States is to be touching the premises to be covered by the bill?

Mr. HARRIS. The bill itself will settle that question, I will state to the Senator from New York.

Mr. CONKLING. I am compelled to confess that to an apprehension so limited as mine, after the debate we have heard, the bill does not settle the question at all.

Mr. HARRIS. I say the bill must settle the question, or else it is settled by the general law upon the subject.

Mr. CONKLING. The bill preceding this provided for the purchase of a site and the erection of a public building, not for a marine hospital but for other purposes as well known to the Constitution. That bill contained a provision touching jurisdiction. One of the Senators from Colorado moved to strike out that provision, which, as I understand it, would leave that upon a footing with this bill. Thereupon a debate ensued repeatedly in the Senate, Senators expressing very conflicting views as to the effect of the general law, and as to the propriety of that particular statute. Now comes a bill on all fours, as I understand, with that bill as it would be with the amendment pending prevailing, and it is proposed without objection to pass to its consideration. Seeing as I do, no distinction between the two bills, I do not understand why the one can be debated in the morning hour or under the five-minute rule, or voted upon, more intelligently than the other.

I do not wish to interpose an objection to this bill; I am not aiming at that; but it seems to me that, as a distinguished judge not very accurately as I think observed, "equality is equity," and although I am not a Senator from Colorado I can hardly see why it is that the Colorado bill should be laid aside involving exactly this question, and this bill passed as if there was no question about it.

Mr. HARRIS. I am quite ready to agree with the Senator from New York that this bill does involve the same question, but so far as I am concerned, I am perfectly willing for the Senator from New York to propose any amendment imposing any rule as to the question of jurisdiction within the territory occupied by this proposed building. I shall interpose no objection to any amendment fixing the jurisdiction within that territory. I am quite prepared to consent to any amendment the Senator from New York, or any other Senator, may propose in respect to that matter.

Mr. TELLER. It is apparent that if any such amendment should be proposed it would lead to the same discussion that has been going on with reference to the preceding bill, and therefore I object to the consideration of this bill.

The VICE-PRESIDENT. The bill is objected to and goes over. The Secretary will report the next bill on the Calendar.

ELEVATOR AT INDIANAPOLIS.

The bill (S. No. 1280) for the purpose of erecting an elevator in the United States courts and Federal offices at Indianapolis, Indiana, was considered as in Committee of the Whole. It appropriates \$9,500 for the purpose of introducing an elevator into the United States courthouse and post-office, at Indianapolis, Indiana.

Mr. EDMUNDS. I am not opposed to the bill at all, but I should like in this connection to call the attention of the Committee on Public Buildings and Grounds to the value and desirability of having another elevator in the Senate wing of the Capitol, on the east side. If they shall consider it, I think they will be inclined to believe that it would be a very useful thing for all the committees of the Senate as well as for strangers coming to the ladies' gallery to have an elevator, for which there is a very appropriate place, in the eastern end of the Senate wing of the Capitol. Only calling their attention to it, I do not wish to delay this bill, but this is a good opportunity to say so. Then I should like to add that I hope if they recommend an elevator, that they will have it go in some other way than the saw-mill one that we now have.

Mr. KERNAN. I should like to inquire of some member of the Committee on Public Buildings and Grounds whether there is any particular reason for having an elevator in this public building at Indianapolis, or is it to be the general policy to put elevators in the public buildings all over the United States?

Mr. MORRILL. In most of the public buildings that have been erected for many years past elevators have been put. This is a building that has been constructed at Indianapolis, and it is several stories high. An elevator is asked for by the judges and by various officers who are accommodated in the building, and it seems to be almost indispensable that it should be granted. The evidence before the committee was very full and complete that there is a necessity for it.

Mr. McDONALD. I will state that this building contains the post-office, the revenue office, the pension office, and two court-rooms for the district and circuit courts. All these accommodations are in this one building, and it is a very great inconvenience at present to have to go up and down the stairways as the officers there have to do.

Mr. DAVIS, of Illinois. The elevator would be used for everything there except for the post-office.

Mr. McDONALD. Except the post-office, of course. That is on the first floor, but all others have to go up the stairways. If any building needs accommodation of this kind, it is this one.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCHOOL LANDS IN COLORADO.

Mr. HILL, of Georgia. I ask the Senate to take up and dispose of a resolution I offered several days ago authorizing the Secretary of the Senate to appoint an assistant Senate librarian. It is a small matter, and I want it disposed of. I suppose there will be no objection to it.

Mr. MORRILL. I hope the Senator will not ask that that be done until two or three more cases are gone through with on the Calendar.

Mr. HILL, of Georgia. Very well.

Mr. COCKRELL. I ask for the regular order on the Calendar.

The VICE-PRESIDENT. The next bill on the Calendar will be reported.

The next bill on the Calendar was the bill (S. No. 769) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands; which was read.

The VICE-PRESIDENT. This bill is reported favorably from the Committee on Public Lands with an amendment.

Mr. EDMUNDS. I see by the amendment reported by the committee that it involves quite a serious question, and it is one of those public measures that I think ought to give way to little personal claims. I think the bill had better go over.

The VICE-PRESIDENT. The bill is objected to and goes over.

Mr. TELLER. I ask the Senator if he will let the bill be passed over informally. I do not desire to detain the Senate with it now, but I ask that it may go over informally, for there is great reason why the bill should be passed. The Senator can look at it in the mean time.

Mr. EDMUNDS. Oh, yes.

The VICE-PRESIDENT. Is there any objection to the bill going over without prejudice?

Mr. EDMUNDS. If it will be still subject to an objection when reached again, I shall not object to that course.

Mr. TELLER. Certainly. I merely wish the Senator to understand the question.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

SAMUEL I. GUSTIN.

The next bill on the Calendar was the bill (S. No. 549) for the relief of Samuel I. Gustin; which was considered as in Committee of the Whole.

Mr. CAMERON, of Wisconsin. By mistake the Committee on Claims reported back the wrong bill in this case. There were two bills for the relief of Mr. Gustin pending before that committee, and by an oversight the bill which the Clerk has in his hands was reported instead of Senate bill No. 1198. I move that Senate bill No. 1198 be substituted for the bill which the Clerk has just read.

The VICE-PRESIDENT. The proposed substitute will be reported.

Mr. CAMERON, of Wisconsin. I do this so that Mr. Gustin may not be prejudiced.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Samuel I. Gustin the sum of \$1,129 for supplies furnished by him under contract made with Government officials to the Army of the United States.

Mr. EDMUNDS. Let us have the report read.

The Chief Clerk read the following report, submitted by Mr. CAMERON, of Wisconsin, February 12, 1880:

The Committee on Claims, to whom was referred the bill (S. No. 549) for the relief of Samuel I. Gustin, have had the same under consideration, and submit the following report:

This is a bill to pay Samuel I. Gustin for a quantity of wood used by United States troops near Macon, Georgia, in the year 1865.

General J. H. Wilson entered Macon, Georgia, on or about the 21st day of April,

1865, and on the 22d day of April, 1865, issued Special Field Orders No. 22, as follows:

"[Special Field Orders No. 22.]

"HEADQUARTERS CAVALRY CORPS,

"Macon, Georgia, April 22, 1865.

"It is hereby announced to the cavalry corps of the military division of the Mississippi that an armistice has been agreed upon between Lieutenant-General J. E. Johnston and Major-General W. T. Sherman, with a view to a final peace. The troops of the cavalry corps are ordered to refrain from further acts of hostility and depredations. Supplies of all kinds are to be contracted for, and foraging upon the country will be discontinued.

"The officers of the cavalry corps will enforce the strictest discipline in their commands. Guards will be established, private and public property respected, and everything done to secure good order.

"The brevet major-general commanding again takes just pleasure in commending the officers and men of the corps for their gallantry, steadiness, and endurance in battle and during the arduous marches to this place. He enjoins them to remember that the people in whose midst they are now stationed are their countrymen, and should be treated with magnanimity and forbearance, in hopes that, although the war which has just ended has been long and bloody, it may secure a lasting and happy peace to our beloved country.

"By command of Brevet Major-General Wilson.

"E. B. BEAUMONT,
"Major and A. A. G."

At the time Samuel I. Gustin had on his farm near Macon one hundred cords of wood. He also had a large amount of rails and other wood suitable for fuel. Between the 24th day of April and the 27th day of July 1865, it was used mostly by the troops for fuel.

About the same time, and after April 22, 1865, a building belonging to said Gustin was burned.

On the 27th day of July, 1865, Special Orders No. 3, Headquarters District of Columbia, were issued, appointing Lieutenant-Colonel J. H. Tompkins, Fourth Kentucky Mounted Infantry, and Captain John A. Roberts and Lieutenant George A. Patton, of the same regiment, a board to assess damages. This board called before it witnesses, both civil and military, and reported the amount due to Samuel I. Gustin as \$2,529, which included \$1,129 for the wood, rails, and other fuel used or destroyed by the United States troops, and \$1,400 as the value of the said building destroyed. This report was made after not only taking testimony but personal examination by the board, and was approved by Brigadier-General John T. Croxton, in command. On account of lack of funds it was not paid by the quartermaster, and never has been paid. The board, in calculating the amount of \$1,129, reduced all the fuel to cords, and calculated the amount due at the price at which the Army was purchasing similar fuel, at the time, under contracts.

The papers in this case were in 1867 sent to an attorney in Washington and lost, and have only within a short time been recovered.

"Proceedings of a board of survey held at Macon, Georgia, in obedience to the inclosed order.

"[Special Orders No. 3.—Extract.]

"HEADQUARTERS DISTRICT OF COLUMBIA,

"Macon, ———.

"II. A board of survey is hereby convened to examine into and assess damages sustained by citizens of this vicinity at the hands of United States troops. In each case the board will examine the premises carefully, take the testimony of witnesses, and report the nature of the damage fully; when possible, the troops committing the same, and whether the same was occasioned by the neglect or carelessness of the officers or was unavoidable.

"The board will be composed of the following officers, namely:

"Lieutenant-Colonel J. H. Tompkins, Fourth Kentucky Mounted Infantry.

"Captain John A. Roberts, Fourth Kentucky Mounted Infantry.

"Lieutenant George H. Patten, Fourth Kentucky Mounted Infantry.

"The board will convene at these headquarters at nine a. m. this morning.

"By command of Brigadier-General Croxton.

"W. A. SUTHERLAND,
"Captain and A. A. G."

"The board met pursuant to the above order. Present: Lieutenant-Colonel J. H. Tompkins, Fourth Kentucky Mounted Infantry; Captain John A. Roberts, Fourth Kentucky Mounted Infantry; Lieutenant George H. Patten, Fourth Kentucky Mounted Infantry.

"Samuel I. Gustin, (citizen,) being duly sworn, testifies that he has lost (or was destroyed) by United States troops the following property: Six hundred feet of fencing lumber, three thousand rails, one hundred cords of wood; also, one frame-building, with the machinery used for the manufacture of enameled cloth.

"Julius Peters, (citizen,) being duly sworn, testifies that the Fourth United States Cavalry made a road through Mr. Gustin's lands and destroyed a large quantity of rail-fencing from ten to twelve rails high.

"William Stinemetz, sergeant Company G, Fourth United States Cavalry, being duly sworn, testifies that since on or about the 24th day of April, 1865, the United States troops had been hauling wood from the lands of Mr. Gustin; has seen from four to six wagons hauling three or four days every week for two months; he is satisfied that over fifty cords of wood have been taken.

"Francis M. Seay, (citizen,) being duly sworn, testifies that on or about the 21st day of April, 1865, the enameled-cloth factory owned by Samuel I. Gustin, and valued at from \$2,500 to \$3,000, was burned by United States troops.

"Mrs. Francis M. Seay, being duly sworn, testifies that the enameled-cloth factory owned by Samuel I. Gustin was burned by Federal soldiers the day after General Wilson's command entered Macon.

"The board then proceeded to examine the premises, and, after carefully investigating the evidence, find that Samuel I. Gustin has been damaged by United States troops to the amount of \$2,529, and that said damage was unavoidable, except the factory; and no evidence can be had as to what command the soldiers belonged to that destroyed it.

"J. H. TOMPKINS,

"Lieutenant-Colonel Fourth Kentucky Mounted Infantry.

"JOHN A. ROBERTS,

"Captain Company D, Fourth Kentucky Mounted Infantry.

"GEORGE H. PATTEN,

"First Lieutenant Company D, Fourth Mounted Kentucky Infantry."

"Approved.

"JNO. T. CROXTON,

"Brigadier-General Volunteers."

It does not appear that the enameled-cloth factory owned by Mr. Gustin and for which he asks compensation, was destroyed pursuant to the order of any competent military authority, nor that its destruction was necessary to facilitate military operations. It does not certainly appear that it was destroyed by soldiers. It is probable that its destruction was the wanton and unauthorized act of soldiers. The board of survey was not able to ascertain by what troops it was burned. We cannot recommend any payment to be made for the destruction of said factory.

Ought compensation to be made for the wood, lumber, and rails used or destroyed by the United States troops?

On the 23d of April, 1865, General Wilson issued the order, already quoted, in which he directed that "supplies of all kinds are to be contracted for, and foraging upon the country will be discontinued."

On the 24th of April, 1865, the United States troops began hauling wood from the lands of Mr. Gustin; and they continued to haul wood therefrom, with from four to six teams, three or four days every week for about two months.

It does not appear that all the lumber, rails, and wood for which Mr. Gustin claims were used by the troops for fuel or for any other purpose.

One witness testified that the "Fourth United States Cavalry made a road through Mr. Gustin's lands, and destroyed a large quantity of rail-fencing, from ten to twelve rails high."

It does not appear that any of the property was taken or destroyed pursuant to the order of any military officer.

The finding of the board of review was "that Samuel I. Gustin had been damaged by United States troops to the amount of \$2,529, and that said damage was unavoidable, except the factory, and no evidence can be had as to what command the soldiers belonged to that destroyed the factory."

The items going to make up the aggregate of damages, \$2,529, were for the factory \$1,400, for rails, lumber, and wood, all reduced to cord-wood, \$1,129.

It is a pretty close question as to whether compensation should be made for the wood. We certainly would not recommend it had it been taken prior to the date of the order of April 23, 1865, but as it was taken after the promulgation of that order, and nearly all was actually used by the Army, we have concluded to recommend its payment.

We therefore report back the bill and recommend its passage.

Mr. CONKLING. Where was the theater of all this?

Mr. CAMERON, of Wisconsin. Macon, Georgia.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. EDMUNDS. It seems to me that this is a pretty doubtful case, to say the least of it. I should like to know, in the first place, why it does not fall within the jurisdiction of the commissioners of claims, who were in existence since the 11th of May, 1872, and terminated, I think, on the 10th of March, 1880. Perhaps the Senator reporting the bill can tell us why the claim could not have been adjudicated by that commission?

Mr. CAMERON, of Wisconsin. The papers were sent by the claimant, Mr. Gustin, to an attorney in this city for the purpose of having the case prosecuted before that commission. The attorney was a member of a firm of attorneys. One of the attorneys constituting that firm, and who had the papers in his possession, died, and the papers were never found until within the last few months. It was for that reason that the case was not presented to the southern claims commission.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. CAMERON, of Wisconsin. Certainly.

Mr. JONES, of Florida. Did this claim fall within the jurisdiction of the southern claims commission?

Mr. CAMERON, of Wisconsin. I think it did.

Mr. JONES, of Florida. The reason why I asked the question is because there are a great many claims of this kind which have not been taken jurisdiction of by that commission, that are yet outstanding, and are very meritorious, and I did not know whether Congress could act upon them or not.

Mr. CAMERON, of Wisconsin. The claimant supposed the claim did fall within the jurisdiction of that commission and he intended to have it prosecuted before the commission but failed to have it presented to the commission for the reason that I have stated. The reason is that the attorney who had the papers in his possession died and the papers were not recovered until within a few months last past.

Mr. EDMUNDS. I spoke of 1872 as the time since which the commission of claims had been in existence. It was created by the act of 1871, I see, instead of 1872—March 3, 1871, which provided that a commission should be organized—

And whose duty it shall be to receive, examine, and consider the justice and validity of such claims as shall be brought before them, of those citizens who remained loyal adherents to the cause and the Government of the United States during the war, for stores or supplies taken or furnished during the rebellion for the use of the Army of the United States.

So it is clear that this claim would fall within the jurisdiction of the southern claims commission if the person who claims for this damage had been a loyal adherent of the Government of the United States during the war. I do not see in the report—but very likely it is here somewhere—any statement that this gentleman was a loyal adherent of the Government of the United States. The Senator in charge of the bill can tell me whether the report contains anything on this subject or not.

Mr. CAMERON, of Wisconsin. No, the committee did not pass on that question. There was evidence placed before the committee to show that he was a loyal adherent of the Government during the war, but the committee looked upon the case like this: General Wilson took possession of Macon on the 21st day of April, 1865. On the next day he issued the proclamation which is quoted at length in the report and which has been read by the Secretary, in which he says:

Supplies of all kinds are to be contracted for, and foraging upon the country will be discontinued.

The officers of the cavalry corps will enforce the strictest discipline in their commands. Guards will be established, private and public property respected, and everything done to secure good order.

Subsequent to the promulgation of that order, I think two days after the promulgation of the order, General Wilson's command commenced hauling wood from the land of Mr. Gustin, and that wood was used by the Army. Without regard to the question whether he

was loyal or not, the committee were of the opinion that under the peculiar circumstances of this case he was entitled to be paid for the wood. He not only suffered loss from the destruction of his wood, but a building of his was burned. He asked compensation for that, but the committee found that they could not recommend that he be paid any compensation for the loss of that building. The committee state in the conclusion of their report:

It is a pretty close question as to whether compensation should be made for the wood. We certainly would not recommend it had it been taken prior to the date of the order of April 23, 1865, but as it was taken after the promulgation of that order, and nearly all was actually used by the Army, we have concluded to recommend its payment.

I have no doubt that if Mr. Gustin were a loyal adherent of the Government during the war, this claim would have been cognizable by the southern claims commission. Mr. Gustin understood that it was so cognizable. He forwarded the papers to an attorney in Washington and the papers were lost, as I have already stated. For that reason the claim was not presented to that commission. I agree with the committee that it is a pretty close case; but under the peculiar circumstances of the case the committee were of the opinion that he was fairly entitled to be compensated for this wood.

Mr. EDMUNDS. Well, Mr. President, the peculiar circumstances of the case are first that the committee is not able to find upon the evidence that this gentleman was a loyal adherent of the Government—

Mr. CAMERON, of Wisconsin. No.

Mr. EDMUNDS. Well, the committee does not find that he was.

Mr. CAMERON, of Wisconsin. We do not pass on that question. It is hardly a correct statement to say that we were not able to find such a fact from the testimony, because we did not consider that question.

Mr. EDMUNDS. Very well, then it does not appear upon this report that this gentleman was an adherent of the United States. That I think is a correct statement.

Mr. CAMERON, of Wisconsin. That is a correct statement.

Mr. EDMUNDS. The southern claims commission would have been obliged to try and decide the question whether he was a loyal adherent of the United States during the rebellion. This the committee avoid and do not find either way, so that we may assume for the purposes of this argument that he was not, because the Supreme Court of the United States in the days when they were thought to be more tender toward certain aspects of unpleasant affairs than some people suppose they are just now, held that every person residing within the rebellious territory was in point of public law and of public presumption engaged in hostility to the United States; and therefore in order to take a case out of that category affirmative proof must be made. Consequently, we must take it, for the purpose of deciding whether this claim shall be paid, that it does not make any difference whether this gentleman was on the side of the United States or was one of its enemies. Well, if the Senate is ready to take that ground—as very likely a majority of it is—very well; only we shall have it decided, because as the Senator from Florida says it covers a vast mass of cases of this character, the number nobody can count, and the class of cases of this character can be widened until the space between the Atlantic and the Pacific would hardly hold them. There is no doubt about that as to cases that were not brought before the southern claims commission for the reason that it was clear to those who had the claims that they could not prove the loyalty which was essential to their success; and there is also a vast class of cases that from one reason or another, where that question was open as here, were not presented. Here it is said the papers were lost. Well, it seems that enough evidence has been found readily accessible to get along with the loss of the papers. Why could not they have been found in order to present the case to the southern claims commission? Or was this gentleman so doubtful about his case that having sent it to an attorney in Washington and the papers being lost, he never took any more steps about it for the period of eight years?

Mr. CAMERON, of Wisconsin. I think I said that the papers were lost and were only found within a few months past, too late to present the case to the southern claims commission.

Mr. EDMUNDS. Very well. Now, then, what were the papers that were lost? All the papers that we have here are first a copy of a field order issued by General Wilson. I think that the papers in the archives of the Adjutant-General's office in the War Department would have shown the existence of that order during all this period of time; and any person having an interest in the question could get access to it at any moment of time. The next order is a headquarters proceeding of a board of survey. That also unquestionably existed in the public papers of the War Department all the time. So I am not quite able to see what papers it is that were lost and have been found. These two that I have referred to are the only papers mentioned or stated in the report as ever having existed.

But that is merely on the question of diligence whether this is such a case of accidental misfortune in presenting the claim to a competent tribunal as warrants Congress itself in interfering after the period of presentation has gone by. So passing that, now what is the exact nature of this case as reported by the committee? The committee say, as it appears in this report, that after a severe struggle which made it proper for the general officer to compliment the conduct of his troops, Macon, Georgia, was occupied or captured, what-

ever you call it. They were in the country of the enemy. It was necessary that the troops should have fuel. The general officer in command directed that all supplies and forage should be contracted for. These were not contracted for, so that they do not fall within that. It was an order then against pillage. That was one part of it. It was in another part of it an order that supplies should be contracted for. These supplies, if they may be so called, as I say were not contracted; but apparently under proper military authority of some kind, immediately after this, the troops commenced hauling wood and rails from this man's farm to supply their camp-fires to cook their pork and boil their coffee.

Now, I will suppose that this gentleman had been down to that moment and was then an enemy of the United States. Is the United States going to foot bills of that kind? We have even held, through resistance in this Chamber and through vetoes of the President of the United States which were always sustained, that in a State that was always on the side of the Union where a citizen's property had been damaged by the operations of war he had no just claim even upon the Government for compensation; his loss was one of the misfortunes of a time of war and disturbance of that peculiar kind. Now here is a case where the armies of the United States occupying the country of the enemy after a severe battle, have to get rails and fuel, such as they can find in the neighborhood, to supply their camp-fires, and it is proposed that these shall be paid for. Of course this is a small claim in and of itself; I am only speaking of the principle of it. If this principle is right, we may as well begin to issue more bonds just as rapidly as possible to raise the money necessary because we cannot give this thing to this man and not give it to every other man who was similarly circumstanced.

It does not appear to me that the order directing that all supplies should be contracted for changes the situation at all, because these things not having been contracted for, that part of the order did not apply. Then the order was that these rails should not be taken without a contract; put that construction upon it, if you will; where are you then? You say that the rails were either taken after that order by a modification or construction of it by competent authority, or were taken by the soldiers of the Army without competent authority—a mere damage, a case of pillage so to speak—not pillage for the purpose of doing the man an injury, but the taking of what was within reach for the Army for the use of the soldiers in building their fires.

Mr. President, it seems to me that this involves a very wide field; and if we do it in this case of course we must do it in all. We cannot grant favors, if you call them favors, to one man and not to others upon any just principle of proceeding in this body. I think that this is one of those bills that will bear a little investigation, and that it had better go over unless somebody wishes to speak about it; if anybody does, of course I do not wish to object at this moment.

Mr. HOAR. Mr. President, it seems to me that this report would be just on this ground; that if this had been a foreign war it would have been a duty the nation would have been bound in honor to make compensation under such circumstances.

Here was the case of an armistice. I have not before me at this moment the exact terms of the armistice between General Sherman and General Johnston, but undoubtedly it involved an engagement on the part of the generals of the two armies to desist from further acts of hostility against one another or against the territory which it was the object of the army under Johnston, certainly, to defend from acts of hostility. That army desisted from all offensive operations from that time, all acts of hostile force. In other words, the force which defended this man (supposing him not to have been a loyal citizen) against the Government of the United States desisted from his defense in consequence of the promise of the general commanding the Army of the United States that further hostile operations should cease with a view to a final peace. When the people of a city or a district submit in consequence of such a promise, especially a district which contains an army raised for the purpose of its defense, it seems to me that it is the duty of the Government to see that that promise is obeyed; and if it be violated by its military authorities, the citizen is ordinarily to be made good. I do not speak of such acts of wanton violence as cannot be prevented.

These supplies were taken for the use of the Army, the army under General Wilson, part of General Sherman's forces. Suppose the military authorities had contracted to compensate this man? If there had been a contract made and certified to, he would have been entitled to his pay, whether he was loyal or not loyal. The case is a little stronger, in my judgment, for a disloyal man under those circumstances because the honor of the Government was pledged to him by the circumstances. Here, after a proclamation on which the people of this district had submitted, after a convention made between the two forces that all hostilities should cease, late in the spring of 1865, the Army, for its necessities, took wood from this man's farm.

A board of officers were assembled, including Lieutenant-Colonel Tompkins and Captain Roberts and a lieutenant, who sat as a board to assess the value of what was taken, and a certificate was given that the Army had taken so much from this man's land. It seems to me he is entitled to it as much as if he had an express contract.

Mr. JONES, of Florida. It was not my intention to offer any opposition to this bill in what I said a while ago. I merely wished to suggest that there were many cases like the one before us in this,

that they were not brought to the consideration of the board designated by Congress to investigate them, for special reasons. Some of them, I think, were submitted to Congress and were not acted upon favorably. Now, Congress proposes to open the door for a large class of southern claims. This commission sat for years to investigate these claims, and it was provided by an act of Congress that they should be paid. I think that if a case presents itself now in which there are special equities showing that for no fault of the claimant his claim was not presented, it would be perfectly competent for Congress to afford him relief just as much as it was competent for Congress to provide for the large number that have already been paid. I think these claims rest upon a very different basis from that class the Senator from Vermont alluded to a while ago, because in them all I understand the element of loyalty is involved. He seems to think that by passing this bill all classes of claims will be opened up for consideration by Congress. In that I do not concur.

The VICE-PRESIDENT. The Chair understands the Senator from Vermont to object to the consideration of the bill.

Mr. EDMUNDS. In a minute I will. I will not object until I say a word.

It is very far, I think, from being clear that the point made by my friend from Massachusetts is a sound one. I do not understand that an armistice prevents the troops in an enemy's country from being supplied off that country.

It is stated in the report that the reason why this claim was not paid was on account of a lack of funds. According to my recollection, it was found several years after 1865 that the amount of funds to the credit of the War Department for all these purposes of the war was still enormous, embracing millions upon millions of money, out of which payments were constantly made for all sorts of things; and it went to such an extent that long after this period, as late as 1868 or 1870 Congress passed an act turning into the Treasury that unexpended balance of war funds to the credit of the War Department, which then amounted to millions of dollars. I may be mistaken in that recollection; but it is worth looking up.

Mr. CAMERON, of Wisconsin. All that the committee intended to say upon that point was that it appeared from the certificate of the quartermaster that he at that time did not have funds in his hands which he could use for the payment of this claim.

Mr. EDMUNDS. I do not see that certificate.

Mr. CAMERON, of Wisconsin. We did not include all the evidence in our report.

Mr. EDMUNDS. I hope the Senator will allow us to see that certificate. I do not see that particular certificate, which might be important. I see that on a blank day there was a board of survey, not to inquire into this particular case apparently, but to examine into and assess the damages sustained by citizens in this vicinity at the hands of the United States troops. It is then stated that Gustin himself swore:

Samuel I. Gustin, (citizen,) being duly sworn, testifies that he has lost (or was destroyed) by United States troops the following property: six hundred feet of fencing lumber; three thousand rails; one hundred cords of wood; also, one frame building, with the machinery used for the manufacture of enameled cloth.

Julius Peters, (citizen,) being duly sworn, testifies that the Fourth United States Cavalry made a road through Mr. Gustin's lands and destroyed a large quantity of rail-fencing from ten to twelve rails high.

Is it possible that the existence of an armistice prevents the military power from rightly and lawfully building a road through anybody's property in the country that it occupies? Would that be a breach of the armistice even? But whether it would or not, has any private citizen a right to complain or to appeal for damages or compensation for what he has lost by a military road being built across his premises?

The next witness states:

William Steinmetz, sergeant Company G, Fourth United States Cavalry, being duly sworn, testifies that since on or about the 24th day of April, 1865, the United States troops had been hauling wood from the lands of Mr. Gustin; has seen from four to six wagons hauling three or four days every week for two months; he is satisfied that over fifty cords of wood have been taken.

The next statement is about the burning of the enameled-cloth factory which I pass over:

The board then proceeded to examine the premises, and, after carefully investigating the evidence, find that Samuel I. Gustin has been damaged by United States troops to the amount of \$2,529, and that said damage was unavoidable, except the factory.

The factory the committee report against, if I correctly understand, so that we can leave that out. Thus the damage now proposed to be paid by this bill is reported by the board of survey as an unavoidable damage to the property of this citizen by these military operations. If that does not embrace the whole principle, I confess I am quite unable to understand what it is.

Now the bill may go over for consideration.

The VICE-PRESIDENT. The bill goes over.

Mr. HILL, of Georgia. Why pass it over after we have had it discussed? Why not take the vote?

Mr. EDMUNDS. There are several reasons. One is that I wish Senators to reflect upon it. I even wish the majority of the Senate to reflect on the question of the principle involved in this step. I am sure reflection will not hurt it.

Mr. HOAR. I wish the Senator from Vermont would allow this bill to pause a moment before it goes over. I wish to say a word.

Mr. EDMUNDS. Certainly.

Mr. HOAR. I trust the Senate will reflect upon the other point, which is, as it seems to me, not the one that has been discussed by the Senator from Vermont. I think there would be no report from the Committee on Claims, certainly not a unanimous one, in favor of any such doctrine as the Senator from Vermont has attacked. The point upon which this report rests is that these supplies were taken from a man dwelling in a district which had submitted itself, and whose military defenders had submitted themselves on the promise that the supplies taken after a certain time should be paid for.

The point on which this case rests, whether tenable or not, is this: whether in a district whose inhabitants had submitted themselves and whose military defenders had submitted themselves on a promise from the general in chief command in that district, authorized to bind the Government by such a promise by the rules of war, that all supplies taken after that time should be paid for, and should not be taken by force—whether a person from whose farm supplies were taken by the Army under such circumstances has a claim upon the honor of the Government for his pay. That is a serious question; that is the question. If the Senator from Vermont can satisfy the Senate that this case does not come within that principle, that is one thing. If he can satisfy the Senate that that principle is not sound, that is one thing. But he certainly does not help me in the discharge of my duties when he attacks the general policy of paying disloyal men for supplies taken for the support of the Army in the enemy's country when it was in rebellion. That is a different question.

Mr. EDMUNDS. Mr. President, the Senator from Massachusetts has stated a proposition of the public duty of keeping promises to which I should at first blush entirely agree; but unhappily for this case, so far as it is developed in this report, no such state of facts exists. It is not stated in the report that this man or any of his neighbors had submitted on a promise after the city had been captured, after what is stated in this report to have been such a battle as to require special thanks to the troops for the gallantry that they had displayed in it—

Mr. HOAR. Will the Senator from Vermont allow me to read the exact promise at some convenient time to him?

Mr. EDMUNDS. Well, read it now.

Mr. HOAR. This has the signatures of General Sherman and General Johnston:

In general terms—the war to cease; a general amnesty, so far as the Executive of the United States can command, on condition of the disbandment of the Confederate armies, the distribution of the arms, and the resumption of peaceful pursuits by the officers and men hitherto composing said armies.

Then General Sherman publishes this order:

The general commanding announces to the Army a suspension of hostilities, and an agreement with General Johnston and high officials which, when formally ratified, will make peace from the Potomac to the Rio Grande.

Perhaps that does not bind the general or the subordinate to desist from taking supplies for the Army by force. I shall be glad to hear the Senator from Vermont on that question if he is willing to speak.

Mr. EDMUNDS. I will not spend much time in speaking about it now because this case is to go over and other cases are entitled to be heard. I was only speaking of what the report showed, and that was a statement by the commanding general at this place that an armistice had been agreed upon, and that affirmative operations would cease, and that future supplies would be contracted for. The same military authority proceeded, it is stated in this report in this case, not to contract for these supplies, if you call them supplies, but as the board of survey says, unavoidable damage was done by the Army to the premises and property of this gentleman.

Mr. HOAR. That the committee did not report any pay for. It is only the supplies that they propose to pay for.

Mr. EDMUNDS. But the Senator is mistaken about that, because this "unavoidable damage" covers not only the destruction of the factory but the wood and the rails, &c., the \$1,129, and the \$1,400, and the something else, making \$2,529 altogether. That includes the factory as well as the damage done to the farm. The board of survey say that this damage was unavoidable, but they say "except the factory," so that the "unavoidable damage" that the board of survey speak of is the very damage which the committee report shall be paid for.

Mr. CAMERON, of Wisconsin. The committee do not so understand.

Mr. EDMUNDS. That is the way it reads.

Mr. CAMERON, of Wisconsin. I understand perfectly well how it reads, but it appeared that these rails, with this wood, were taken by the Army and used as fuel. It was necessary that the Army should have fuel, and in that sense the damage to Mr. Gustin was unavoidable—unavoidable for the reason that that perhaps was the only available fuel at that time. The Army was necessitated to have fuel. These rails were taken for fuel, and therefore it was unavoidable in that sense. It was not taken in a wanton spirit.

Mr. EDMUNDS. In a wanton spirit.

Mr. CAMERON, of Wisconsin. But not destroyed wantonly.

Mr. EDMUNDS. Let the bill go over.

The VICE-PRESIDENT. The Secretary will report the next bill on the Calendar.

COTTON CORDAGE IN THE NAVAL SERVICE.

The next bill on the Calendar was the bill (S. No. 1281) authorizing the Secretary of the Navy to introduce cotton cordage into the naval

service; which was considered as in Committee of the Whole. It proposes to authorize and direct the Secretary of the Navy to introduce into the naval service rope and cordage manufactured of cotton according to the process of Thomas W. Dunham, of Boston, to such an extent as will furnish a fair test of the value and efficiency thereof as compared with the kinds now in use.

Mr. CONKLING. Is there a report with that bill?

Mr. COCKRELL. I believe there is no written report.

The VICE-PRESIDENT. There is no written report.

Mr. COCKRELL. I propose an amendment that there shall be no claim on the part of this man against the Government at any time hereafter for royalty for the use of his process.

Mr. CONKLING. I will venture to ask of the Senator or of the committee reporting this bill why it is necessary by law to authorize and direct the Secretary of the Navy to test the tensile strength of cotton fiber twisted into a rope—that is all this means—and its endurance against the weather? Is it possible that the Secretary of the Navy has not authority without a special law to ascertain whether cotton rope is strong enough and durable enough to enter into the rigging of ships, without an act of Congress requiring it to be done; and the test to be made of ropes subjected to the process of a particular named individual? I take it for granted there is some reason, and I shall be very glad to know it, as I am uninformed myself in regard to it.

Mr. VANCE. Mr. President, this bill not only authorizes but directs the Secretary of the Navy to introduce this cordage; and as the process of the gentleman named in the bill is claimed to have removed all the objections to cotton cordage which have heretofore been urged, it is proposed to secure for it a trial. If the result should be satisfactory when the test is made by the Secretary of the Navy it will add to the uses of cotton, which is largely produced by one section of our country, and therefore add to the value of that staple. As it will have a tendency to increase the consumption of that product it is only right that the Secretary should be authorized to take this step without involving the Government in any unnecessary expense.

Mr. COCKRELL. I move to amend by striking out "and directed," in line 3.

The amendment was agreed to.

Mr. COCKRELL. Now I move to add to the bill:

Provided, however, That said Dunham shall have no claim whatever against the United States or any Department thereof, and shall receive no compensation on account thereof.

The amendment was agreed to.

Mr. ALLISON. I should like to ask the Senator in charge of this bill if the Secretary of the Navy is not already authorized under general laws to make such tests of cordage?

Mr. VANCE. I do not think there will be any necessity for the passage of the bill if the word "directed" is stricken out.

Mr. ALLISON. That is out now.

Mr. VANCE. I was not aware that it was out.

Mr. ALLISON. It has been stricken out on the motion of the Senator from Missouri, [Mr. COCKRELL.]

Mr. VANCE. I ask for a vote on that. I did not know any such amendment was adopted.

The VICE-PRESIDENT. The question will be again put when the bill shall come into the Senate.

Mr. VANCE. Very well.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. Will the Senate concur in the first amendment made as in Committee of the Whole to strike out in line 3, after the word "authorized" the words "and directed"?

Mr. VANCE. I hope the amendment will not be agreed to.

Mr. COCKRELL. I should like to know why we should compel the Secretary to do this? If he has authority, why does he refuse to do it? What is the necessity of forcing the Department to make this test?

Mr. VANCE. All I can say in reply to that is that the Secretary has been applied to, as I learn, to make this test, and he has not done so. If this word is stricken out he will probably continue not to do it and the whole object of the bill will be destroyed.

The VICE-PRESIDENT. The question is on concurring in the amendment.

The question being put, there were on a division—ayes 15, noes 25,

Mr. CONKLING. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. Having asked for the yeas and nays upon this question, I beg to occupy a moment in stating my reason for doing so and for voting for this amendment.

We listened yesterday to a brief but cogent dissertation from the senior Senator from Ohio [Mr. THURMAN] touching the impropriety of wasting the time of the Senate and doing such things as he thought tended to the degradation of the Senate. I believe he employed that phrase. Now, I humbly submit that nothing could well fall more clearly within the class of occupation here denounced by the Senator than bills at the instigation or in the interest of particular patentees or owners of processes, directing, ordering the different Departments of the Government to take steps with a view to introducing a particular patented article. That is what this bill means. We all know that, with or without a general law, the Secretary of the Navy has authority to make this test; nobody denies that. It is within

his discretion to do it; and as has been very frankly stated by the Senator from North Carolina the point of this proposed statute is to require him, to compel him, to order him to do it. Then what is to become of the interests and enterprises of all the other men in this vast country who have a process applicable to cotton to make it endure in all weather, or whatever the object of the process may be, and who have a process applicable to wood, to iron, to hemp, to flax, to all the other materials and productions, vegetable and otherwise, which enter into the economies of the nation? They are to come here too and ask for a bill directing a particular Department to make experiments and applications of the goods which they vend or the process which they own or the industry which they represent. I think that will hardly do.

As has been said, cotton is one of the great products of the country. A Secretary of the Navy would be blind indeed who needed to be told how desirable it would be to utilize cotton in cordage in the Navy; but if he does need to be told, he can be informed as he is of other things. He has full power and authority to make the examination, to apply the test, to ascertain its results, by means of the experts, of which he has a bevy around him in the employ of the Government; and this is a proposition to pick out this particular instance and order him to do that. Then, I submit, the Senate should entertain the idea of reviewing all the other processes which the Navy Department or the War Department or any other Department might properly test, pick them out one by one and direct what shall be done with them. I think it is improvident and unwise legislation. Therefore, I venture to ask for the yeas and nays.

The VICE-PRESIDENT. The morning hour has expired, and the Senate proceeds to the consideration of its unfinished business.

MOBILE BAY.

Mr. GORDON. Before the regular order is proceeded with, I should like to have an order made.

The VICE-PRESIDENT. The Chair will receive the proposition. On motion of Mr. GORDON, it was

Ordered, That the letter of the Secretary of War in reference to Mobile Bay be transmitted to the House of Representatives for its consideration.

THE GENEVA AWARD.

Mr. HOAR submitted an amendment intended to be proposed by him to the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award; which was ordered to lie on the table and be printed.

MAIL-TRANSPORTATION DEFICIENCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880, the pending question being on the amendment reported by the Committee on Appropriations, in section 1, line 21, after the word "service," to insert "or increase of trips;" so as to make the clause read:

During the remainder of the current fiscal year no further expediting of service or increase of trips on any postal star route shall be made.

Mr. BLAINE. I will not occupy three minutes. I merely want to restate the ground on which I shall vote not to concur with this amendment.

There has been some fault found and some scandal has arisen in regard to a few routes—I do not know how many there are; the chairman of the committee can tell me; but they are very few in number, whereas the entire number of star routes runs up toward eleven thousand. The injustice of this proposition is that pending an investigation into the irregularities or the frauds, if there be irregularities or frauds, of which I know nothing, in regard to eight or ten long routes, it is proposed here to suspend the ordinary, usual, admitted functions of the Post-Office Department respecting all the remainder of the eleven thousand star routes in the country for a period of three months next ensuing the passage of this bill. It strikes me that the legislation is uncalled for, that it is unjust, and that while, if there be irregularities or frauds in any of the routes, the power lies in the hands of the Government by withholding pay or other modes of prosecution to punish the offenders, the innocent in the other eleven thousand routes should not be made indiscriminately to suffer with the guilty and this amendment as proposed will make them do it. I shall vote against it.

Mr. DAVIS, of West Virginia. Mr. President, the committee thought it best that the words "or increase of trips" should be added, because it is in keeping with the whole bill. It is well known that the Post-Office Department have exceeded their authority. I say that after thought. Whether they have exceeded the law or not, is another question; but I say they have gone beyond the proper discretion of any Department.

Mr. TELLER. That is what the Senator means, I suppose, in saying they have gone beyond their authority.

Mr. DAVIS, of West Virginia. Yes.

Mr. TELLER. If they have gone beyond their authority they have violated the law.

Mr. DAVIS, of West Virginia. That has been argued a day or two, and I am sorry I referred to it, because I want to get the bill through

without much further discussion, and therefore I will not answer my friend from Colorado on that point.

But if this amendment is not agreed to, we ought to increase the amount appropriated in the bill, for there is already a deficiency, according to the Second Assistant Postmaster-General, of \$1,720,004, when the Sixth Auditor tells us it is about \$1,100,000. The committee and the Senate have passed upon an amendment appropriating \$1,100,000, which we believe will carry out the service as it now stands; but if it is allowed to be increased, the probabilities are that we shall have a further deficiency; and is the Senate ready to say that the Postmaster-General shall go on and make these increases now, after having expended more than a million dollars in addition to what he asked for at the beginning of the last session of the Forty-fifth Congress? Is he to be allowed at his discretion to continue to make at the end of this year a still further deficiency? If not, we ought to agree with the committee in this amendment. If we agree that the Postmaster-General may go on and increase the routes in the same proportion, we shall have two or three hundred thousand dollars more of a deficiency at the end of the year.

Mr. PLUMB. The trouble about the action of the committee is this: They came in first with a preamble saying that the Postmaster-General had unwisely and unlawfully exercised his discretion, but I understand the committee has backed out from the preamble.

Mr. DAVIS, of West Virginia. No, sir; not backed out.

Mr. PLUMB. Well, I will not insist on the term. If the Senator can suggest any term that is more appropriate to describe the action of the committee, I will adopt it. At all events, it practically amounts to that. The committee abandon the assertion that these things have been unlawfully done; but still after all there is an insinuation made that they have been unlawfully done, and whether unlawful or not there is a statement that there has been a gross abuse of discretion. The trouble about it, as I said yesterday, without quarreling with this statement at all, is that the committee now ratify all that the Postmaster-General has so unwisely done and extravagantly done, and then sit down and say what? That the Postmaster-General shall not do it any more in reference to a certain class of routes where the necessity actually exists at the present moment. You ratify that which the committee say has been unwisely done; and then, for the purpose of effecting some little saving, you say he cannot do it in reference to a small class of routes where there is now a necessity for an increase of trips.

Mr. DAVIS, of West Virginia. I ask the Senator whether he is now in favor of saying that the Postmaster-General did wrong, when his speech of yesterday was in the direction of encouraging the Postmaster-General and indorsing his action?

Mr. PLUMB. I am anxious to vote on this question, or the Senator from West Virginia would find out what I think about that. I object now to the committee making a scape-goat not of the parties on the routes wherein the extravagance has occurred but of the people on a class of routes where no extravagance has heretofore been exercised at all and from the very nature of things cannot be. The extravagance in all this service, if there be any, occurs in what is called the expedition. I am referring now to what the Senator from Vermont [Mr. EDMUNDS] said yesterday in reference to the striking out of the remainder of this paragraph covering the provision in regard to expediting mail routes. I will call his attention, as illustrating the cost of increase as compared with that of expedition, to one route which was referred to in the speech of the Senator from Kentucky, [Mr. BECK,] which was let at \$6,000 a year for a once-a-week service. Of course by increasing the trips to daily that route gets \$42,000 a year; but upon the increase of trips to seven times a week and the expedition combined the cost of the service went up to close to \$140,000 a year, and I am not certain but above that, but at any rate near \$150,000 a year. It is thus clear that the expedition costs three or four times as much as the increase of service costs. I do not say that that was not proper; I only speak of it to show that the increase of trips is not a branch of the service which involves extravagance.

Mr. EDMUNDS. Does the Senator mean to say that that is a fair test, that because a trip once a week is agreed upon at \$6,000 a year, if it is raised to twice a week the pay would be only \$12,000?

Mr. PLUMB. Certainly.

Mr. EDMUNDS. Does it fairly or reasonably follow that if the party is compelled to get more material to stock his route in order to make six trips a week rather than one, he can do it at the same rate that he did the other?

Mr. PLUMB. I understand that to be so.

Mr. EDMUNDS. I do not think that that follows by any means.

Mr. PLUMB. If it takes one horse to carry the mail once a week, I do not see why two horses could not carry it in the same length of time twice a week; and I do not see why the second horse or the second man to ride him should not be furnished for the same price as the first. I do not understand that the practice of the Department is different from what I have stated at all. But when you come to add to the speed then you do add to the number of horses necessary to carry it on one trip or on two trips or more, as the case may be, and to the number of men necessary to ride them where they are ridden or to the number of coaches in which the mail is carried where it is carried in coaches. So the increase of trips, which has been inserted by the committee, is in reference to a class of service that is economical, comparatively speaking, and is not extravagant. All

the trouble that has arisen under the large appropriations of money grows out of the expedition. I think, therefore, that the committee have commenced at the wrong end. For the purpose of saving money, for the purpose of setting their seal of condemnation upon the extravagance of the Post-Office Department, they now propose in the western section of the country that specimen of economy which comes just too late to be of service.

Mr. BECK. Mr. President, I have said so much on this question that I will only say one word more. The difficulty is not in the increase of trips for the next three months. It is that whenever an increase of trips is made it extends practically to the end of the contract term.

Mr. PLUMB. Let me ask the Senator from Kentucky a question right there. Does not the committee provide in section 2 that as to all service which the Postmaster-General may hereafter create on new routes, he can expedite there as much as he pleases and increase by as many trips as he pleases? Why the distinction between the service which he is to put on this year as compared with that which he has put on in the year last past?

Mr. BECK. The Senator from Kansas will observe that we propose to declare that during the remainder of the current fiscal year no further expediting of service or increase of trips in any postal star route shall be made; so that the \$100,000 given for new routes applies to what may be developed between now and the 1st of July as necessary for new service which will be let to the lowest bidder in open and fair competition.

The Senator from Kansas will also observe that one of the difficulties we have to contend with is that whenever a large number of new trips are added or expedition is granted the contractor comes and insists that good faith requires that that shall continue to the end of the contract term. Let me read for a moment what Mr. Salesbury, who is the largest contractor in the United States, said on that subject when the chairman of the sub-committee [Mr. WALLACE] put the question to him:

Question. In your letter you say something about the annulment of your contract after a month's notice; does your contract provide for that?

Answer. The contract provides that the Post-Office Department can annul any contract by giving a month's extra pay; but now, if you will let me state my case—

Q. Go on; we want you to state all there is about this. The committee want to hear your own statement about it.

A. Those of us who run such a great amount of mail certainly have some experience in business matters. The Government of the United States obliged us, when we bid for the contract, to give two sureties who own real estate, together with a certified check for 5 per cent. of the amount of our bids, conditioned that if the contract be awarded to us that we will execute a contract to perform the service for four years. Then when the contract is drawn it obliges us to give two more sureties to continue the contract four years. Now, then, what do we get from the Government? We have the good faith of our Government, of which we are a part. We have the long-accustomed usages of Congress that they will appropriate money each year to carry out these contracts for the term. We have the long-established usages of the Post-Office Department that they never do curtail these contracts or use the power which they have unless under extraordinary circumstances, such as building a railroad over certain lines or in a case where there is a mail service of once a week, for instance, on a slow schedule, and some man has that route who is not able or competent to put on the service that the Department and the Government require. Then they annul the contract and award it to some man who can do the work. That is the security that we have in return from the Government which justifies us in giving the heavy bonds that we do, and no business man would do it under any other conditions or under any other circumstances.

Q. Then I understand you to say that you do not regard the provision or regulation in the contract by which the contract can be annulled on one month's pay as a part of the contract?

A. That is what I understand, except under those peculiar circumstances which a contractor can always anticipate.

The meaning of all this is, and the complaint the contractors are making against the House bill is, "you gave us the expedition, required the extra service from weekly to daily; we have put on the needed stock; we have built the necessary stations; it is not fair to cut us down before the end of our contract time, because our bonds run for the four years." Everything runs for the four years; and they have had as much to do with the action of the committee as any other set of men, for there was justice in what they said. What do we here propose to say? As complaints are made, as an investigation is going on at the other end of the Capitol, we do not propose to cut down your present contracts, and we give \$100,000 more to provide for new routes, as to which it is admitted the laws are obeyed; but as the Postmaster-General has said he desires to make changes, we declare that there shall be no more increase of trips, or expedition, or anything else for the next three months until we see if we cannot amend the laws so that this business can be carried out fairly.

Suppose in the next three months an increase of trips is ordered on a hundred or a thousand routes, every contractor will come to us and say "I have a right to go on for four years;" and what is the result, if we have mismanagement in the Department, which I have no doubt we have; there would be no investigation going on but for the very general belief that that is the fact. Now, after we have given them all the money they want, and seek to disturb no existing relation, why should we put this power in their hands to abuse it for four years to come without giving Congress a chance to say what ought to be done to prevent a repetition of that condition of things? If it only applied to three months it would be a very small matter; but the Senator from Kansas will readily see under the argument of the contractors that they would have a right to come in with another claim, as they are doing now, that gross injustice was done if any

interference was had before the end of their contract term. Surely but little damage can be done in the next three months if we wait to see if new laws can be made or amendments to old ones secured that will make the Department conform more closely to what many of us think justice requires. That is all there is in our amendment.

Mr. PLUMB. There is a great deal of force in what the contractor testifying before the committee said about the disturbance of his contract after he had provided for the expense of carrying it out fully; but I know personally that the practice of the Department in regard to small contractors is not governed by considerations of that sort. I know that in my State a number of these contracts have been modified, some of them entirely abolished during the last twelve months. That became necessary, and the Department wisely exercised its discretion. In a great many other cases it has reduced the service from daily to semi-weekly, and in some from semi-weekly to weekly, by reason of the fact that railroads penetrated that section of the country, which changed the methods and manner of carrying the mails; but I have not heard of any contractor making complaint. It was part of his contract, it was part of his bond. He had no right to complain.

Of course the peculiar condition of things existing on the frontier is different. There men are required to have a large number of horses, to build stations, to dig wells, and to have other unusual appliances for carrying the mail, and they have a certain equity which for myself I am disposed to yield to. But I am speaking now of a class of men who do not contract with the Government in this way, a class of small contractors on short routes varying from 20 to 60 miles in length, where there has been heretofore no or practically no abuse—none that has ever been heard of—routes on which the Government spends only a small amount of money.

I called the attention of the Senate yesterday to the fact that the entire increase of service on star routes in my State last year was about \$11,000, or less than \$12,000, and I believe there has been no allegation made that in that case there has been any kind of abuse. I am speaking now about a class of people who are not served by the long routes, but have short routes where the Department has always exercised the discretion of cutting off the service entirely or increasing it at its will.

Mr. SAULSBURY. Mr. President, I do not think there is a very great deal of importance to be attached to the pending amendment of the committee, which the Senator from Kansas wishes to strike out. I apprehend that in the next three months there will not be any very great amount of increase of trips on established routes in the western country or in the older States. But the Committee on Appropriations having had to appropriate for deficiencies, have deemed it proper to put limitations and restrictions on the Postmaster-General as to his power to increase trips on existing routes or to expedite the routes; and I see no reason why the amendment proposed by the committee should not be adopted.

It has been regarded by the Senator from Kansas as a question affecting the Western States exclusively. It applies equally to the service in all the States of the Union, the older as well as the new. I do not apprehend that any very great amount of inconvenience will arise to the people in any section of the country in the next three months by their not being able to procure additional trips on any established route.

There has been considerable criticism of the Postmaster-General for the exercise of what he claims to be a discretion vested in him under the laws of the land. I have nothing to say against the Postmaster-General. I believe that he is an honest man, a man of integrity, and a man of character, and I have no criticism of him personally. I have a right, however, as a member of this body to express my opinion upon the question whether he has exercised wisely or unwisely the discretion which he considers to be vested in him by the statutes. I think the strongest argument against the exercise of that discretion is presented in the very bill which we are considering. At the last session of the last Congress we made an appropriation for the postal service based upon the estimates of the Department itself, and granted as I understand to the Post-Office Department all the money that was claimed or asked by the Postmaster-General for this particular service. Five million nine hundred thousand dollars was appropriated by Congress for what is usually termed star mail service; and yet we are met at the commencement of this session by a declaration of the Postmaster-General and his subordinates that the mails of the country will have to be stopped unless Congress comes up and gives them, according to one of the officials, \$1,700,000, and according to this bill based on the estimate of another \$1,100,000.

I apprehend there are but very few members of the Senate who have ever considered the existing state of circumstances but will be compelled to vote this money. We do not believe it to be right to stop the mails all over the country, as we are advised by the Postmaster-General will have to be done unless the money is appropriated; and, therefore, a demand is made upon us to vote the appropriation contained in this bill. To pass it is not a ratification of the action of the Postmaster-General, as is suggested by the Senator from Kansas; but we pass it because a necessity is laid upon us either to vote an appropriation of \$1,100,000 for the postal service or to have the mails all over this country suspended. I repudiate the idea that we are ratifying the exercise of that discretion which is claimed to be lodged in the Postmaster-General by so voting. On the contrary, the expres-

sions of opinion which have been heard in the Senate upon that question ought to exclude the idea that there is any disposition on the part of those who consider this an unusual exercise of discretion, or any purpose whatever on their part to ratify the exercise of this discretion by the Postmaster-General.

There is another question underlying this whole bill, and suggested rather by this condition of affairs: and that is whether the Executive Departments of this Government are or ought to be independent of Congress in reference to the expenditure of the public money. I listened yesterday to the Senator from Iowa [Mr. KIRKWOOD] with a great deal of pleasure, as I always do, but it seemed to me that the logical consequence of the views which he presented was that notwithstanding we make appropriations for a particular service, if there is discretion vested in the head of a Department, especially in the Post-Office Department, in reference to the performance of the duties of the Department, he may disregard the expressed will of Congress evidenced in the appropriations made for that particular service and go on of his own pleasure, and without any restraint, to administer the affairs of the Department independent of the appropriations. I do not say that there is not a discretion vested by provisions of law in the Postmaster-General with reference to expediting the mail service; I do not say that there is not any discretion vested in him to increase the service upon a particular line; but I do hold that when Congress has spoken, when Congress has appropriated a particular amount of money for a particular service, then the Postmaster-General is not at liberty to withdraw his eyes from the appropriations made and go on carelessly, recklessly, or indifferent to the will expressed by Congress in its appropriations, and increase the service at his own pleasure upon old lines or to establish new lines if he pleases, so as to exhaust the appropriation which Congress has made for the service within six months or eight or ten months of the year, and then suspend the whole mail service of the country unless Congress chooses to come up or is forced to come up by his action and make further appropriations for it.

I say that in construing the laws which vest him with discretion in reference to these subjects, he is bound always to look at the action of Congress in providing for the service. It is an unwise exercise of discretion if he simply looks to the power and authority conferred upon him by former statutes without looking to the action of Congress in making appropriations for the service. I do not desire in the Senate to criticise the action of the Postmaster-General or the action of his Department, for which I do not hold him wholly responsible, because it is well known that the head of a Department cannot absolutely control all the details of the Department. He must rely on subordinates to a certain extent. I say that the action of that Department has compelled Congress to appropriate money that it did not desire to appropriate for the postal service, and this bill before us now is an exaction from this Congress by the head of one of the Departments of this Government.

We heard a few days ago from the Senator from Minnesota [Mr. WINDOM] a disquisition upon the deficiency bills which were brought in at every term. He alleged that the democrats of the House had curtailed the appropriations for the Government, and had been so meager and parsimonious in their appropriations that the Departments had to come here and ask for deficiencies. The case before us illustrates the cause of those deficiencies very frequently. It is a disregard by executive officers of the will of Congress in reference to the expenditure of money for any particular branch of the service; and many of the deficiency bills to which reference was made by the Senator from Minnesota the other day were caused doubtless by the very same cause that has produced this: a disregard on the part of the executive officers of the expressed will of Congress in its appropriation bills.

Mr. President, I am not willing that the Congress of the United States shall be placed at the mercy of executive officers in reference to the payment of money. It is our duty to vote the proper appropriations, not only for the postal service, but for every other Department of the Government; and we ought to hold a check upon the executive officers, and not permit them to exercise unwisely and recklessly any discretion which has been necessarily vested in them by the laws of the land. In voting, therefore, for this bill, I disclaim that I am to be understood by that act as ratifying, in the language of the Senator from Kansas, the action of the Postmaster-General or the exercise of discretion which has been vested in him. I do no such thing; I vote for it from the necessity which he has placed on us rather than see the mails of the country suspended for three months, or three months and a half.

Mr. CALL. Mr. President, I am opposed to the amendment proposed by the committee in this case. I do not see that there is anything in the arguments that have been urged here which meet the special point made by the Senator from Kansas that the necessities of the mail service of the West require upon routes already established an increase of trips and perhaps of expedition. That is a power conferred upon the Department, and it ought to be conferred upon some Department of the Government because it is necessary for the interests of the public service.

The Senator from Kentucky in his clear and able argument has raised a question, not as to the personal integrity, not as to the honest and patriotic purpose of the administration of this Department, but the very grave question whether a Department disbursing thirty

or forty millions of public money annually shall be allowed to do it without any accuracy in its reports and estimates and without any control on the part of Congress as to what the amount of its expenditure shall be. He has presented the issue whether a Department of the Government is permitted under the existing law to make an estimate for a certain amount of money and exceed it by two million. On such a question thus stated there can be no just or proper difference of opinion. Beyond a doubt the great Departments of the Government, when appealed to furnish information as to the necessities of the public service in their Departments, must be held to some greater degree of accuracy than to come within two millions of the amount needed in a single year. There must be either an error of opinion or an error in the proper and economical administration of their Departments if they cannot do better. Without undertaking, therefore, to cast any degree of reflection upon those who administer the Post-Office Department, and conceding that there is nothing in this case to cast any reflection upon them except that there has been a grave mistake, a mistake which it concerns the proper administration of the Government to have rectified, I see myself in the laws as they stand that there is nothing to control the discretion of the Post-Office Department in this regard. The law is that they shall be required to accept the lowest bid on every route, however inadequate to the service to be performed, however unremunerative, however impossible to perform the service, and having accepted it, under the terms "expedition" and "increase of trips" they have a clear discretion to increase the compensation with an unlimited power to the contractor. This loose and absolute discretion in the disbursement of such a vast amount of the public money demands the application of a remedy; but does it follow from that that the interests of the public service in the great West, represented by Senators here who say to us that their people will be greatly injured by this restriction upon the increase of trips for the next three months, shall be jeopardized, that that injury shall be inflicted upon them? That is the special question presented by the amendment now pending.

In the discharge of my duties as a Senator I shall always pay a proper degree of respect and regard to Senators when they say that the interests of the public service in their States require that money shall be expended to a reasonable extent. I feel bound to give proper respect and deference to their wishes upon such a point. And while I concur in the absolute necessity of some legislation which shall make a law, where there is now none, to control the disbursement of one of the great Departments of the Government, I am entirely opposed to this amendment, and I see no connection between the necessity for our action and the infliction of a present injury for the next three months on those communities in the West where the routes demand an increase of the service. For that reason I shall vote against the pending amendment.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) Upon the pending amendment the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 28, nays 52; as follows:

YEAS—28.

Bailey,	Edmunds,	Johnston,	Ransom,
Bayard,	Farley,	Jonas,	Saulsbury,
Beck,	Garland,	Kernan,	Slater,
Cockrell,	Groome,	McDonald,	Vance,
Davis of Illinois,	Hamlin,	Morgan,	Voorhees,
Davis of W. Va.,	Harris,	Morrill,	Whyte,
Eaton,	Hereford,	Pryor,	Williams.

NAYS—32.

Allison,	Cameron of Wis.,	Ingalls,	Platt,
Baldwin,	Coke,	Jones of Nevada,	Plumb,
Blaine,	Dawes,	Kellogg,	Rollins,
Blair,	Ferry,	Kirkwood,	Sanders,
Booth,	Gordon,	McMillan,	Teller,
Burnside,	Hampton,	Maxey,	Vest,
Call,	Hill of Colorado,	Paddock,	Walker,
Cameron of Pa.,	Hoar,	Pendleton,	Windom.

ABSENT—16.

Anthony,	Conkling,	Lamar,	Sharon,
Bruce,	Grover,	Logan,	Thurman,
Butler,	Hill of Georgia,	McPherson,	Wallace,
Carpenter,	Jones of Florida,	Randolph,	Withers.

So the amendment was rejected.

The Chief Clerk read the next amendment of the Committee on Appropriations, which was, after the word "law," in section 2, line 4, to strike out the words "or increase the service upon existing routes other than those reduced by the first section of this act," and to insert in lieu thereof the following proviso:

Provided, That the Postmaster-General shall not hereafter have the power to expedite any contract either now existing or hereafter given to a rate of pay exceeding 50 per cent. upon the contract as originally let.

Mr. EDMUNDS. What does "expedite any contract" mean in the amendment, I should like to inquire, as distinguished from expediting the service?

Mr. BECK. I suppose the committee meant "to expedite the service under any contract."

Mr. EDMUNDS. Then I think it would be well to say "service," because "expediting a contract" is a very serious thing to do.

Mr. MAXEY. I move to insert after "expedite" the words "the service on," so as to read "power to expedite the service on any contract."

Mr. BECK. Say "the service under."

Mr. MAXEY. I accept that.

The PRESIDING OFFICER. The Chair hears no objection, and that modification will be made.

Mr. KIRKWOOD. I should like to ask the Committee on Appropriations whether this proviso is intended to apply to the star service only, or to the mail service generally on railroads and steamboats as well?

Mr. EDMUNDS. It applies to all legally, I should say.

Mr. KIRKWOOD. My own impression is that the language would apply to all mail service.

Mr. BECK. The chairman of the sub-committee, who has charge of the bill, being absent, I will say that I think it was intended only to apply to the star service. The Senator from Pennsylvania [Mr. WALLACE] is absent this morning.

Mr. KIRKWOOD. I wanted to learn whether the intention of the committee is that it shall be a continuing provision, and whether it is intended to apply to star service only, and if it were so intended why the distinction was made between the star service and railway and steamboat service.

Mr. EATON. I think I can make a suggestion to my friend that will render his criticism unnecessary. This provision must apply to the star service and nothing else. We should hardly give the Postmaster-General the power to increase 50 per cent. upon any of the great railroad routes of the country. We should hardly leave that with him. This gives him power to increase the routes to which the bill relates, to wit, the star service.

Mr. KIRKWOOD. But I understand that the Postmaster-General has now the right to expedite the service upon mail routes over railroads, under all the contracts.

Mr. EATON. If he has I shall be glad that this provision is here, so that he shall not increase it more than a certain per cent. if he has that power.

Mr. KIRKWOOD. What I want to come at is certainly in the provision. If it is intended to apply to all mail service, railway, steamboat, and star service alike, we ought to know it and express it. If it is intended to apply only to one kind of service, then I ask the committee to inform us of the reason why the distinction is made. That is the point I make.

Mr. DAVIS, of West Virginia. The Senator will recollect that the railway mail service is regulated by law. On all the railroads the service shall not exceed so much per mile as to the space, weight of mail, and speed to some extent.

Mr. KIRKWOOD. I understand that.

Mr. DAVIS, of West Virginia. There is an act regulating the transportation of mails upon the railroads, and this provision does not apply to railroads. Of course it may apply, but it was not intended to apply to railroads, because there is a law in existence which regulates them, and the Postmaster-General has to be governed by the law regulating the expense of the transportation of the mails by railway.

Mr. BECK. Will the Senator from Iowa allow me a single moment?

Mr. KIRKWOOD. Certainly.

Mr. BECK. In the absence of the chairman of the sub-committee, who had charge of the bill, I suggest that the proviso should read thus:

That the Postmaster-General shall not hereafter have the power to expedite the service under any contract.

Then add the words "for mail service"—

either now existing or hereafter given, to a rate of pay exceeding 50 per cent. upon the contract as originally let.

So as to make the meaning perfectly plain, whatever may be the effect of it.

Mr. KIRKWOOD. What does the Senator intend that to mean?

Mr. BECK. I desire it to apply only to the star routes.

Mr. KIRKWOOD. Will the Senator tell me why?

Mr. DAVIS, of West Virginia. The law, I think, regulates the service on the railways.

Mr. KIRKWOOD. I think the law regulates some things, but not all things. It regulates the price to be paid for railway mail service according to the speed and the weight and space, but it leaves with the Postmaster-General the right to either decrease or increase the speed of railway mail service as well as star service. It leaves him the right to expedite the railway mails, and if he does expedite them it fixes the rate which shall be paid for the expedition. The power to expedite the one or the other is just the same, as I understand.

Mr. DAVIS, of West Virginia. My friend will understand that there is a special appropriation (I have forgotten the amount now, but a few hundred thousand dollars) for special facilities for railroad mail service. The Postmaster-General has discretion, I believe, so far as that special appropriation is concerned, but to no greater extent than I recollect.

Mr. KIRKWOOD. Do I understand the Senator from West Virginia to say that it is not competent for the Postmaster-General to increase the rate at which the mails shall be carried, say, from New York to Washington over the time now provided by existing contracts?

Mr. DAVIS, of West Virginia. He is governed by law as I understand it. There is a special law regulating the railway mail service.

Mr. KIRKWOOD. He is governed by the law as to what? As to whether he shall expedite the time or not?

Mr. DAVIS, of West Virginia. Yes, sir; I understand that everything connected with the railroad service is regulated by law. The Senator from Michigan [Mr. FERRY] probably had something to do with the law and understands it better than I do. I will state that I am not very familiar with this bill, not having had it in charge. The chairman of the sub-committee who had the bill in charge is absent this morning, as the Senator from Kentucky has said. I think the Senator from Michigan is familiar with the law.

Mr. FERRY. What is the point?

Mr. DAVIS, of West Virginia. I think the Senator from Michigan understands the question as to the mail service upon railroads better than I do myself, for I think I have heard him talk on it.

Mr. FERRY. As to the method of payment?

Mr. KIRKWOOD. No; I will state the point to the Senator upon which I am seeking information. Here is a proviso that the Postmaster-General shall not hereafter have power to expedite the service. The question I put is whether the language used is intended to confine that prohibition to star service only or whether it is to apply alike to star service, railroad service, and steamboat service. I am informed by the organ of the committee that they intended to apply it only to star service, and I ask the reason why the distinction is to be made; why, if the Postmaster-General has the right to expedite railway mail service, he may not have the right to expedite star service as well? I am answered that he has not that power now; that the power to expedite service upon railways is regulated wholly by law. My understanding of it is that the compensation is regulated by law, by weight and speed, but that it still remains competent for the Postmaster-General to change the time upon railway contracts as well as upon star service contracts.

Mr. FERRY. The Senator from Iowa is correct. In that respect the law is not changed. The bill that was passed last year did not change the existing law in that particular. The Postmaster-General is authorized, as well for the railroad and steamboat service as for the star service, to expedite the service; so that if the amendment should be adopted it would apply generally.

Mr. PADDOCK. I should like to inquire of the chairman of the committee if this amendment is in the nature of general legislation to work a perpetual inhibition in respect of expediting the service, not only for the present year but for all the fiscal years that are to come hereafter? Is not that the object and scope of the amendment?

Mr. DAVIS, of West Virginia. The Senator from Nebraska addresses his question to the chairman of the committee. I would suggest that the Senator from Pennsylvania who had charge of this bill [Mr. WALLACE] is absent this morning. I am not so familiar with it as I would have been if I had had charge of it; but the Senator from Kentucky [Mr. BECK] was on the sub-committee, and he understands the matter very well. However, I will answer the Senator's question as I understand it. The intention of the amendment, as I understand, is that the discretion which the Postmaster-General now claims is to be checked, a limit is to be put upon it, to the extent of 50 per cent. of the amount hereafter to be expedited; that the expedition shall not go beyond that.

Mr. PADDOCK. It is, then, in the nature of a general legislative enactment upon an appropriation bill, making this inhibition a perpetual inhibition in respect of this particular matter?

Mr. DAVIS, of West Virginia. If it is a point of order that the Senator inquires about—

Mr. PADDOCK. It is a point of propriety rather than a point of order that I am speaking to, because we have heard the members of the committee say that there is an investigation proceeding, which is to continue until the end of the present fiscal year, in reference to all this matter, and they have provided that there shall be no increase of trips during the remainder of the present fiscal year. I suggest that it would be a logical thing to do, logical in reference to the position taken by the committee already in respect of increase of trips, that they should say that during the remainder of the current fiscal year there should be no expediting beyond the 50 per cent., and that any other attempt beyond that would be illogical and improper on such a bill as this.

Mr. DAVIS, of West Virginia. This bill is not in the nature, as the Senate has decided several times, of a general appropriation bill. In the consideration of one of the general appropriation bills not long since we had the question up whether or not a special bill of this kind could be termed a general appropriation bill.

Mr. PADDOCK. If that is true, my criticism has a better ground than it would otherwise have.

Mr. DAVIS, of West Virginia. I will say to the Senator that if that be true, then his criticism does not belong to this bill at all, because it is competent for the Senate to amend any bill, and the objection that could be made upon an appropriation bill as to the relevancy of an amendment would not apply to this, because this is in the nature of a general bill coming up. The Senator himself can move anything he deems proper to this bill, and if the Senate agree with him it will be in order, as I understand, to put it upon the bill. In connection with the public printing, for instance, as we understand the amount appropriated for that purpose is about exhausted, and perhaps within the next few days we shall neither have bills, nor Calendar, nor RECORD, the Committee on Appropriations propose

to offer an amendment to this bill looking to an appropriation to temporarily carry on the Printing Office. If this were a general appropriation bill such an amendment might be objected to, probably, but it is not in that nature, as I understand.

Mr. PADDOCK. Does the Senator assume that general legislation upon a deficiency bill is more proper than it would be upon a general appropriation bill? I apprehend that that is a very untenable position.

Mr. DAVIS, of West Virginia. This is not a general deficiency bill; it is to provide for a special deficiency.

Mr. PADDOCK. For that very reason I think this general legislation is out of place; and I think in order to be in logical accord with the concluding portions of the first section the provision ought to be made to terminate at the end of the present fiscal year; that is, that the same phraseology in respect to the inhibition as to expediting the service ought to be used, that has been used in reference to the increase of trips.

Mr. KIRKWOOD. Mr. President, I understand the Senator from Kentucky proposes to amend the proviso so that it shall read:

That the Postmaster-General shall not hereafter have the power to expedite the service under any contract for the star service either now existing or hereafter given, &c.

Is that the amendment of the Senator from Kentucky?

Mr. BECK. Will the Senator allow me to make a statement?

Mr. KIRKWOOD. Certainly.

Mr. BECK. I am entirely satisfied that the bill in all its provisions applies only to the star routes, and this particular provision was intended only to apply to star routes. The present law will be found in section 3961 of the Revised Statutes. It is short, and I will read it:

No extra allowance shall be made for any increase of expedition in carrying the mail unless thereby the employment of additional stock and carriers is made necessary, and in such case the additional compensation shall bear no greater proportion to the additional stock and carriers necessarily employed than the compensation in the original contract bears to the stock and carriers necessarily employed in its execution.

As that section had led to what we thought great abuses, and as the Postmaster-General himself had recommended in his report that it should be altered and modified and the power under it curtailed, we intended in this proviso to say that the Postmaster-General shall not have the power to expedite the service on any contract on star routes either now existing or hereafter created at a rate exceeding 50 per cent. upon the contract as originally let, so as to avoid the trouble of that section. We did not believe that we were dealing with the railroad service or with the steamboat service—the steamboat service being very small, however—not supposing that the Postmaster-General in dealing with such a provision would try to make a train run five miles an hour faster or seek to control the trains. We were dealing with the expedition given on star routes, to which alone this bill relates. That is the idea of the committee, as I understand.

Mr. KIRKWOOD. I was seeking for information, and sought to have the language made so plain that it would not cause trouble in construing it in the Post-Office Department. That I have succeeded in doing, if I understand the Senator from Kentucky to move to amend the proviso in the way indicated by me, confining it to the star service.

Mr. BECK. I shall therefore modify my amendment so as to make it as plain as I can, and move after the word "contract," in the seventh line, to insert the words "on star routes."

The PRESIDING OFFICER. The amendment of the Senator from Kentucky to the amendment will be reported.

The CHIEF CLERK. After the word "contract," in line 7, it is proposed to insert "on star routes;" so that the proviso will read:

That the Postmaster-General shall not hereafter have the power to expedite the service under any contract on star routes, either now existing or hereafter given, to a rate of pay exceeding 50 per cent. upon the contract as originally let.

Mr. KIRKWOOD. Then there will be no difficulty in construing the proviso.

The PRESIDING OFFICER. If there be no objection, that amendment will be made.

Mr. EDMUNDS. We had better take a vote. It involves a great deal. I do not wish to be considered, for one, as consenting to it.

The PRESIDING OFFICER. The Chair will submit the question to the Senate.

Mr. EATON. I hope my friend from Kentucky will not press the amendment, because it interferes with the bill itself.

Mr. KIRKWOOD. Allow me to finish my statement, and then I shall get out of the way.

Mr. EATON. I desire to say a word before my friend from Iowa finishes. The bill applies to star routes only. It has no reference to anything else. What is the title of the bill? It is "An act to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880." Everything that follows has absolute reference to star routes and to nothing else. Therefore, I say that is too clear and too plain to render it necessary to insert the words "star routes" on every other line of the bill. The bill has no reference to anything else, and cannot, unless by very forced construction, have reference to anything else.

Mr. BECK. One word. I will modify the amendment so far as to

strike out the words "on star routes" after the word "contract;" which will leave the proviso simply in this form:

That the Postmaster-General shall not hereafter have the power to expedite the service under any contract, either now existing or hereafter given, to a rate of pay exceeding 50 per cent. upon the contract as originally let.

I agree with the Senator from Connecticut as to the meaning of it, that it can apply only to star routes.

The PRESIDING OFFICER. The amendment to the amendment is withdrawn.

Mr. MAXEY. I only wish to say that the whole of this discussion is entirely unnecessary, because the slightest examination will show that chapter 10, beginning at section 3997 and ending at section 4005, covers especially railway mail service and contracts thereunder. The very wording of section 3961 shows that it refers to star contracts; and if the words "star service" were added to the proviso, it would necessarily carry with it the idea that as the prohibition extended to star routes the power existed as to other service, which is not the fact. Therefore, the words "star service" would injure the law rather than benefit it. I say to my friend the Senator from Kentucky and to the chairman of the committee, that it would be a dangerous thing to change the post-office law in that way. They have not got the right to expedite the service on railways now. This would by implication give it to them. But as the Senator from Kentucky has withdrawn his amendment, with the words "the service under" after the word "expedite" left in, the original amendment is, I think, in good shape.

Mr. KIRKWOOD. I profess no particular knowledge of the rules of legal construction; but my recollection is that a subsequent law always changes a pre-existing law if the two are in conflict. The sections of the Revised Statutes cited by the Senator from Texas are not mentioned in this proviso at all; but there is a general, broad declaration that the Postmaster-General shall not hereafter have the power to expedite any contract. I wish to ascertain what the purpose of the committee is, and if possible to have that purpose clearly stated, so that the Post-Office Department may not be involved in any difficulty in the construction of it hereafter.

The Senator from Connecticut states that the title of the bill will determine the question. Again I say I am very rusty in regard to the rules for the construction of statutes; but my impression is that the title of a law is not so authoritative as the language of the law itself, particularly where, as in acts of Congress, an act may cover half a dozen different subjects totally distinct from each other, if Congress so choose to enact.

Mr. EATON. My friend will permit me to say to him that the title of the bill is "An act to provide for a deficiency in the appropriations for the transportation of the mails on star routes," &c. It refers to that and nothing else, and is as binding as any other part of the act. If there were other things in the act, it would say "and for other purposes," and then I should agree that it would be very proper for us to make the amendment.

Mr. KIRKWOOD. The title of an act is usually the last thing settled, I understand. If we were to put in here a provision regulating the Territories, it would be competent to do so, and then to change the title in accordance with what we had done would be all right. What we may do with this title after we get through with the bill, we cannot tell yet. I was trying to construe the language as it is, to know what the language here meant, and I do say in the interest of the Department and of the public service, we ought not to leave it doubtful so that the Department may be embarrassed in giving a construction to it. If it is intended to be applicable solely to the star-route service, then I have only to say that so far as the State in which I live is concerned it will not affect us. We have railway communication in almost every county in our State; we have some star service there, but it is much less important. What the Senators from States not so highly favored in the way of railroads as we are may have to say about it, is for them and not for me to determine. I have done my duty in bringing the matter to the attention of the Senate, and I leave it with them to determine.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations as modified.

Mr. TELLER. Let it be reported.

The CHIEF CLERK. In line 4 of section 2, after the word "law," it is proposed to strike out the words "or increase the service upon existing routes other than those reduced by the first section of this act," and to insert:

Provided, That the Postmaster-General shall not hereafter have the power to expedite the service under any contract, either now existing or hereafter given, to a rate of pay exceeding 50 per cent. upon the contract as originally let.

The amendment, as modified, was agreed to.

Mr. BECK. I desire to offer an amendment as an additional section to the bill. I move to insert at the end of the bill the following:

SEC. 3. That the sum of \$50,000 be, and the same is hereby appropriated as aforesaid for the public printing, including the cost of printing the CONGRESSIONAL RECORD, it being a part of the deficiency for the current fiscal year.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

Mr. DAVIS, of West Virginia. It is understood by the Senate that the appropriation for printing is about exhausted, and probably by the end of this week we shall get neither bills nor RECORD unless some special provision is made for the Printing Office. Although the

deficiency is much larger than \$50,000, yet \$50,000 it is believed will run the Printing Office to a certain extent until the regular deficiency bill, which is now pending in the other House, may come over and we shall have an opportunity of acting upon it. The committee believed it important to keep the Printing Office in running order at least, and if not doing all the work, doing the most important work until the regular deficiency bill may pass.

Mr. SAULSBURY. I desire to ask the chairman of the committee whether we have had any response from the committee of the House which has that matter in charge? It suggests itself to me that while a bill is pending in the House to provide for a deficiency in the printing we ought not to meddle with that question, unless there has been some agreement between the respective committees of the two Houses to make an appropriation here on that subject, because we may attach to this bill an appropriation that will endanger its passage in the House. We are providing for a deficiency in the Post-Office Department, and we ought not to attach to this bill any measure which will delay its passage in the House for a single day under existing circumstances. If we now connect with it an appropriation to provide for a deficiency in the Printing Office we may put in jeopardy the very bill we have been providing for with reference to the Postal Department. I suggest to the Senator whether it is well to connect these two subjects together at present. I make the suggestion, not that I have any objection to a proper appropriation for the printing, if it is deemed advisable, but to call the attention of the committee to the difficulties that may embarrass this bill by adding the amendment proposed.

Mr. DAVIS, of West Virginia. It is due to the Senator from Delaware that I should say that we have had no consultation with the House committee on this subject. I understand the general fact to be—and the bill is on our tables—that the House propose to appropriate \$400,000 as a deficiency for the public printing, and they are now discussing that bill there. The Printing Office, I understand, asks for a larger sum than \$400,000, although the House have not consented to give above \$400,000. Believing that this bill will be much earlier passed and become a law than the bill now pending in the House, this \$50,000 is proposed to be added by your committee, believing that it will relieve the Printing Office from the present embarrassment. I should say to my friend from Delaware that if the committee of the House objects to the amendment they will refuse to agree to it, and in conference it will go out; but if the House committee believe it is wise and proper, of course it will remain. The Senate Committee on Appropriations believed it far better to add such an amendment here, thinking that probably this bill will be a week or two earlier in its passage than the other.

Mr. MAXEY. The bill which we have been considering for the last two or three days is one of very great importance to the country. There are radical differences of opinion in regard to this bill between the Senate and the House, which probably may throw it into conference. Those who desire the bill to pass as it has been amended so far by the Senate do not want it cumbered down or handicapped by anything that may probably delay or endanger its passage. I have no objection in the world to the amendment offered by the committee in and of itself; I think the chairman is right about it, because there is danger of stopping necessary printing. At the same time I do not want to put this amendment on the bill if there is any danger whatever of thereby endangering or delaying the passage of the bill into a law.

Mr. WHYTE. Mr. President, I approve very heartily of the proposition which has emanated from the Committee on Appropriations in the offering of this amendment to this temporary deficiency bill. I would state to the Senate that unless some action is taken very soon by the two Houses of Congress we shall have an entire stoppage of everything at the Printing Office. The Public Printer has already been compelled to furlough a large body of the employés. He has been compelled to stop work upon many of the books and documents which were being printed at that office under the order of Congress and to devote all the means that he can rake and scrape toward paying for the work upon the CONGRESSIONAL RECORD, which we cannot possibly do without. A cessation of the printing of the CONGRESSIONAL RECORD would certainly work the greatest inconvenience to the members of the two Houses in discharging their public duties. It is possible, as I have been informed by the Public Printer, that he may get through this week with the RECORD with the means that he has at his disposal to pay for the work, devoting it all in that direction; but if an appropriation is longer delayed he will have to stop; it will be absolutely impossible for him to continue to furnish the RECORD to us each morning as we require it.

The House Appropriations Committee has reported a deficiency bill, which includes \$400,000 for the public printing; but there are other measures connected with that bill which have given rise to great dispute. The result is that that bill "drags its slow length along," and there is no knowing when it may come from the other House into the Senate. It is therefore all-important to us that we shall provide some temporary means, by way of a deficiency of the character proposed by the Committee on Appropriations, to carry on the work on the CONGRESSIONAL RECORD until the larger deficiency bill comes from the other House. It is all-important—I submit it to Senators for their own convenience—that if they do not put an appropriation of this character upon this bill now they may find themselves on

Monday morning next without any RECORD to inform them of what has been going on in the other House on the preceding Saturday.

Mr. MAXEY. I will state to the Senator from Maryland, if he will pardon me, that I have just had a conversation with the chairman of the Appropriations Committee. As I stated before, I am in favor of this amendment. The only trouble I had was the fear that it might endanger the bill. I am quite sure, from what the chairman says to me, that there will be no danger of endangering the bill in which we are all—I, at least, am—so much interested. Therefore I shall not make any objection whatever to the amendment.

Mr. WHYTE. Then, if there is no objection to it, of course I shall not weary the Senate by any further discussion.

Mr. MAXEY. I am satisfied from what the chairman has said to me that there will be no trouble.

Mr. DAVIS, of West Virginia. The Senator from Texas rightly represents the conversation that took place between us. Both the Post-Office and printing appropriations are very important, and I do not think one ought to drag down the other. I am of the impression that they will help each other, and that this bill will become a law in a day or two.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky, [Mr. BECK.]

The amendment was agreed to.

Mr. DAVIS, of West Virginia. There is an amendment which I offered yesterday which if adopted will supersede the preamble. I offered it by direction of the committee. I hope the amendment will be adopted.

The PRESIDING OFFICER. The Senator from West Virginia proposes to amend the bill as follows:

The CHIEF CLERK. At the end of the bill it is proposed to add:

SEC. 4. Nothing in this act contained shall be deemed or construed as a ratification of any unlawful act or omission of any officer of the United States, or affect any proceedings therefor.

Mr. INGALLS. The Committee on Appropriations seem determined that the Senate shall present a bill of indictment against somebody in the passage of this act. Before voting upon this amendment I should be glad to have the chairman inform the Senate at whom this section is aimed, and what are the acts and omissions that are complained of, and who the parties are who are sought to be in this way covertly assailed. If the section is not aimed at somebody, it is useless. If it is aimed at the Postmaster-General, I believe it to be unjust. I should be very glad before being called upon to vote on it to know exactly what the purpose of the section is, who is sought to be affected by it, and what the meaning of it is.

Mr. DAVIS, of West Virginia. The Senator from Kansas has addressed his question to the chairman of the Committee on Appropriations. The Senator probably overlooked the fact that the Senator from Kentucky [Mr. BECK] now has the bill in charge, in the absence of the Senator from Pennsylvania, [Mr. WALLACE], who was chairman of the sub-committee. Therefore I will hand the question over to my friend from Kentucky, who will answer the Senator from Kansas.

Mr. INGALLS. I understand that the Committee on Appropriations are willing to make this trade with the Senate: if the Senate will agree to pass this section, then the Committee on Appropriations will omit asking any action upon the preamble. That is, if they cannot succeed in putting fangs in the head of the bill, they want to put a sting in the tail of it; for I suppose this means the same thing as the preamble.

Mr. BECK. I will answer the Senator. I am in favor of the preamble to the bill. I have spent a good deal of time in the last two days in endeavoring to show that the Postmaster-General and his Department have violated the law in spending money in excess of appropriations and in making contracts in excess thereof, and that in addition to that they have kept back facts which they ought to have told the committee when they asked for more money, and that there has been bad administration even when they were within the law. I may not have satisfied any other Senator but myself that that is the case, but I have endeavored to show that it is true. The Committee on Appropriations, however, determined that they preferred to have this section offered to the Senate in lieu of the preamble. The Senate can vote it down if they do not like it, and they can vote down the preamble if they do not like it. The country will understand whether the charges I have made against the action of the Post-Office Department are true or not. The laws are given, the conduct is admitted; and while the Senator from Kansas may think it is all right, and while he may approve it all, I am equally conscientious in disapproving it all, and I have given the reasons for so doing. That is all there is of that.

Mr. INGALLS. Then this section is intended—

Mr. BECK. This proposed section is the act of the Committee on Appropriations as a substitute for the preamble that I advocated.

Mr. INGALLS. And is intended to accomplish the same object—that is to say, the condemnation of the Postmaster-General for acts alleged to have been in violation of law?

Mr. BECK. It is intended to do just what upon its face it purports to do. I think he ought to be condemned, and his whole Department ought to be condemned. I think unless Congress is going to turn over all power over appropriations to the Executive Department, it is time we were condemning somebody. If the Postmaster-

General can stop all the mails of the country by an executive order and force us, under duress, to give him all the money he asks for or close the mails on 10,400 routes, it is time that something was said.

While I understand that the section proposed does not make any accusation against the Postmaster-General, it does say that this appropriation shall not relieve him of, nor is it intended to be an excuse for, any act of his that may be proved to have been illegal. There is a committee of investigation at the other end of the Capitol, as the Senator knows, which is looking into all these things. That committee believe that gross frauds have been practiced. They are now investigating them. We do not intend to pass this bill, sent to us from the House of Representatives, in such a form that the Postmaster-General or his advocates can go to the world and say that all the accusations at the other end of the Capitol are false. We give the money without any such suggestion; we leave that question open. If they ascertain in their investigation that frauds have been perpetrated, let them act; we say nothing about the consequence or the fact; we have avoided it altogether, so far as any suggestion of fraud is concerned. There being an investigation going on, we do not intend to pass the bill without saying that we leave all questions open that are now being investigated by the House.

That is all, as I understand it, that the committee desire to say in this amendment. If there is guilt and the committee of the House ascertain it, there is nothing in this bill to preclude action. The Senate is uncommitted. That was the argument before the Committee on Appropriations of the Senate. It may be right. The Senator from Arkansas [Mr. GARLAND] very well said that perhaps the preamble as originally reported contained an accusation of guilt, and if any officer of the Department came before us for trial the Senate might have by this preamble expressed an opinion beforehand. I saw and felt the force of that. I do not intend to express any opinion beforehand in regard to matters that are being investigated, and we thought we had carefully avoided it and contented ourselves by stating in the preamble the simple fact that the law had been violated.

Mr. FERRY. I should like to ask the Senator from Kentucky if the amendment now proposed is not an indirect implication that the Postmaster-General has violated the law, thus expressing an indirect opinion in advance?

Mr. BECK. It may be; but I would not do it by any indirection at all if I had my way; I know he has violated the law. The statutes said that he should not expend more money than we gave him. He has done it; he admits it.

Mr. FERRY. That may be the opinion of the Senator from Kentucky, and he seeks now to obtain an opinion of the Senate in accord with his own; but I take issue with him.

Mr. BECK. This is no expression of opinion here as to the action of the Postmaster-General.

Mr. WHYTE. It is a reservation.

Mr. BECK. It is a reservation of an opinion that we may give one way or the other after the facts are ascertained. It is saying that we will not anticipate the action of the House and declare that the investigation going on there has no foundation before that investigation is closed or its proceedings are made public. We give the money and reserve our opinion.

Mr. TELLER. I should like to ask the Senator from Kentucky, who is a lawyer, if this bill should pass without either the preamble or this amendment, and any proceedings were taken against the Postmaster-General, does he expect that that officer could plead this in his defense? Did anybody ever hear of such a proposition, that by the simple payment of money we declare that an offense against the law is condoned? In the first place, we cannot do it if we would. I think such a statement is unheard of in any body.

Mr. KIRKWOOD. I propose to offer an amendment to the amendment. I move to amend by inserting after the word "ratification" the words "or condemnation," and also to strike out the word "unlawful." The Secretary will please read the amendment as it would stand if amended as I suggest.

The CHIEF CLERK. After the word "ratification" it is proposed to insert "or condemnation," and to strike out the word "unlawful;" so as to read:

Nothing in this act contained shall be deemed or construed as a ratification or condemnation of any act or omission of any officer of the United States, or affect any proceedings therefor.

Mr. DAVIS, of West Virginia. Let the Secretary read that again; I think probably we can accept it.

The Chief Clerk again read the amendment as proposed by Mr. KIRKWOOD.

Mr. BLAINE. I should like to ask why put that in if it is not to have a bit of meaning either way? You are careful to put that in and then to insert that it shall not be construed to have any possible significance in any possible direction; but you insert it. It shall not be understood to ratify anything or confirm anything, or deny anything or assert anything, but still we must have it in. That is the way it strikes me. I submit to my honorable friend, whom I am always so glad to follow, that we have got a clean bill if you leave all that out.

Mr. DAVIS, of West Virginia. I think the bill will be cleaner and make some hands cleaner with it in. I think, as I catch it, that we accept the amendment on the part of the committee.

Mr. SAULSBURY. I am not in favor of that amendment. The

amendment offered by the Senator from Iowa, in my opinion, is to assert affirmatively that we approve of this exercise of discretion on the part of the Postmaster-General which has involved the Government in the expenditure of \$1,100,000. I am not in favor of it. I do not want to condemn the Postmaster-General unheard, but I am not here without knowing all the facts in this case to say that I approve or condemn. I am willing, so far as I am concerned, to leave out the whole section, but I am not willing by my vote to say that I approve of all that he has done.

Mr. KIRKWOOD. The Senator certainly misunderstands the force of the amendment offered by myself.

Mr. SAULSBURY. That may be.

Mr. KIRKWOOD. The amendment moved by myself, if passed, will say we neither approve nor condemn.

Mr. SAULSBURY. Any act that is done?

Mr. KIRKWOOD. Any act that is done.

Mr. SAULSBURY. The exercise of the discretion whereby he has involved the Government in an expenditure of \$1,100,000 I do condemn; and while I am willing to vote to provide for it, I do condemn, so far as my judgment is concerned, the exercise of that discretion on the part of the Postmaster-General. I am not willing, by my vote, to say here that I do not condemn it, because I do in my honest judgment believe that it was an unwise exercise of the discretion vested in one of the heads of the Executive Departments. I am willing to vote the money to provide for the deficiency which the exercise of his discretion has caused, but I am not willing to say by my vote here that I approve of the exercise of that discretion which has brought this trouble upon us. For that reason I shall vote against the amendment of the Senator from Iowa.

Mr. DAVIS, of West Virginia. I think my friend from Delaware misunderstands—

Mr. SAULSBURY. No, I do not.

Mr. DAVIS, of West Virginia. He says he does not. Then I have nothing more to say in that direction. I think as the amendment now stands, so far as this act is concerned, it does not ratify nor does it condemn. The very intention of it is that if proceedings should be had elsewhere this act shall not affect those proceedings, and we say that it shall not affect those proceedings.

Mr. KIRKWOOD. That is precisely the effect if my amendment be adopted.

Mr. JONES, of Florida. It seems to me that the amendment is a very sensible one. I understand this to be an appropriation for a deficiency created by the action of the Postmaster-General under the circumstances stated in this debate, and an implication of approval of his action might be drawn from the appropriation. The position of the Senator from West Virginia I think is clearly right. The object of the amendment of the Senator from Iowa is to do away with any imaginary implication which might be drawn either way from making this deficiency appropriation. It is neither an approbation nor a condemnation. There are no words of approval in it. It simply says we appropriate this money to supply a deficiency made necessary by the action of the Post-Office Department, which is undergoing investigation. The amendment says that by this appropriation we do not intend either to condemn or approve the action of the Department; that is it.

Mr. INGALLS. Would there be any ratification or condemnation if this section were not in?

Mr. JONES, of Florida. There might be by implication.

Mr. BLAINE. But very remote. I think my friend will see that it is hardly necessary for the Senate to put itself in an attitude—I do not know exactly how to characterize it, but in an attitude which is in a slight degree laughable. We have had a long debate here over the appropriation of \$1,100,000, made necessary because we did not appropriate enough in the regular appropriation bill.

Mr. DAVIS, of West Virginia. The Senator is mistaken.

Mr. BLAINE. That is all there is about it. It is simply because we did not appropriate enough money in the regular appropriation bill last year to carry out the regular estimates of the Post-Office Department; and now lest somebody should feel himself concluded, or excluded, or precluded, or deluded, we must put in something to assure the whole world that we do not ratify anything that has been done and we do not condemn anything that has been done! I submit to everybody on both sides of the Chamber that that is not a large-sized piece of legislation for the Senate of the United States to engage in, and the best thing we can do is to avoid such grotesque expressions as that and let the bill go. Let it have no more meaning than just this—"it hath this extent, no more"—that we are voting \$1,100,000 to carry on the postal service of the United States. That is all there is in it.

Mr. BECK. The Senator from Maine is a member of the Committee on Appropriations, and of course is assumed to know what the facts are. Instead of not voting enough in the regular appropriation bill, we voted every dollar that the Postmaster-General and his Department said was necessary for the service.

Mr. BLAINE. Yes; but they did not know.

Mr. BECK. They did not know how much they intended to give away for expedition and for routes not then provided for. They determined, therefore, to disobey Congress and to spend a million and a half or two million dollars more than they asked for; and now the Senator from Maine comes and says it is grotesque in us to tell the

Postmaster-General, "although you have done that, although you are under investigation now, we will not put a caveat in this bill to show that we are going to await the result of that investigation and see whether we will condemn or approve, and in the mean time withhold our opinion, giving the money asked for; although it was caused by the Post-Office Department expending more than Congress appropriated, although Congress gave you all that you asked."

Mr. FERRY. I desire to ask the Senator from Kentucky whether he has not guarded sufficiently against a repetition of that by the amendments which have been adopted by the Senate?

Mr. BECK. We have guarded against it in the future as far as we thought we could.

Mr. FERRY. Then why ask for the expression that is now pending? Why compel Senators to vote upon a proposition upon which there is a difference of opinion? The Senator from Kentucky takes one side; I take the other. He condemns the Postmaster-General; I do not. Here is a proposition to imply indirectly that the Postmaster-General has done wrong. I am not prepared to vote for that.

Mr. BECK. The Committee on Appropriations did not go so far as I did in reference to expressing an opinion, but simply reserved the question. What I wanted they did not care to vote upon, or perhaps they did not think it proper to vote upon, and as I said I confess when the Senator from Arkansas made his remarks yesterday I doubted somewhat the propriety of voting upon the preamble. This is an effort on the part of the committee to avoid that.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa.

Mr. KIRKWOOD. I thought that was accepted.

Mr. ALLISON. I think the amendment was accepted.

Mr. FERRY. That was accepted.

Mr. CONKLING. Nobody has power to accept that amendment.

The PRESIDING OFFICER. The Chair understood that objection was made; and the question is on agreeing to the amendment of the Senator from Iowa.

Mr. ALLISON. By unanimous consent it can be accepted.

Mr. BLAINE. Who moved the amendment?

Mr. CONKLING. The Senator from Iowa.

Mr. BLAINE. But who moved the amendment to which this amendment is to be attached?

Mr. CONKLING. The Senator from West Virginia.

Mr. BLAINE. He has perfect power to modify it.

Mr. DAVIS, of West Virginia. It is the amendment of the Committee on Appropriations.

Mr. BLAINE. Was the original amendment reported from the committee?

Mr. DAVIS, of West Virginia. It was reported by a majority of the committee. The Senator from Maine was not in this morning.

Mr. BLAINE. I remember now; I beg pardon. I was mistaken; but it was not a committee amendment that was considered in the session of the committee. It was one of those amendments to which we agree by passing around the hat. The Senator is right, but we had not an opportunity to consider that.

Mr. KIRKWOOD. Is my amendment still pending?

The PRESIDING OFFICER. The amendment of the Senator from Iowa is still pending. The question is on agreeing to that amendment to the amendment of the Senator from West Virginia.

Mr. KIRKWOOD. I think I had better call for the yeas and nays.

Mr. WHYTE. Let us take the vote by a division.

Mr. DAVIS, of West Virginia. I suggest to my friend to be content with a division.

Mr. KIRKWOOD. Let us take a division. I do not wish to be compelled to vote against the bill.

Mr. EATON. We might as well have the yeas and nays. If we are to have as foolish a thing as this put in the bill, I want it done on a call of the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 34; as follows:

YEAS—28.

Allison,	Cameron of Pa.,	Ingalls,	Paddock,
Anthony,	Cameron of Wis.,	Jones of Nevada,	Platt,
Baldwin,	Dawes,	Kellogg,	Plumb,
Blaine,	Ferry,	Kirkwood,	Rollins,
Blair,	Garland,	McMillan,	Saunders.
Booth,	Hamlin,	Maxey,	Teller,
Burnside,	Hoar,	Morrill,	Whyte.

NAYS—34.

Bailey,	Eaton,	Jones of Florida,	Slater,
Bayard,	Edmunds,	Kernan,	Vance,
Beck,	Gordon,	McDonald,	Vest,
Call,	Groome,	McPherson,	Voorhees,
Cockrell,	Hampton,	Morgan,	Walker,
Coke,	Harris,	Pendleton,	Williams,
Conkling,	Hereford,	Pryor,	Withers.
Davis of Illinois,	Johnston,	Ransom,	
Davis of W. Va.,	Jonas,	Saulsbury,	

ABSENT—14.

Bruce,	Grover,	Logan,	Wallace,
Butler,	Hill of Colorado,	Randolph,	Windom.
Carpenter,	Hill of Georgia,	Sharon,	
Farley,	Lamar,	Thurman,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from West Virginia.

Mr. TELLER. Let it be reported.

The PRESIDING OFFICER. The amendment will be again reported.

The CHIEF CLERK. It is proposed to add to the bill as an additional section the following:

Sec. 4. Nothing in this act contained shall be deemed or construed as a ratification of any unlawful act or omission of any officer of the United States, or affect any proceedings therefor.

Mr. TELLER. Mr. President, it must be apparent to everybody that that is the merest buncombe, if I may use the term without being offensive. It is not possible by any vote of ours to ratify any act of that kind, and we certainly are not charged with the power under the condition of affairs here presented to pass condemnation upon any of these acts. The Senate has not yet resolved itself into a body to try an impeachment. While it may in fact say, and does say, that we do not condemn anybody, yet the declaration is put there for the express purpose and the avowed purpose, as stated by one Senator, of showing that we disapprove of the action of the Post-Office Department. That may not be technically and strictly a violation of our constitutional authority; but nevertheless it amounts to that in principle. It is a declaration that we have tried this man and found him, so far as the public is concerned, wanting. It is purposely done for that. Senators may cover it up as they see fit, it is intended as a condemnation and a thrust at this Department, which I do not think it deserves, and which if I did think it deserved I would not commence now to pass upon in this way.

Is there any necessity for the amendment? If any proceedings are brought against the Post-Office Department or any officer, does anybody claim that he can plead this bill in bar? Will any lawyer stand here and say that it would be any defense to him? Is it any defense in morals or in law? I do not know that I ought to say it, but it strikes me that it is merely child's play for us to put it in the bill. It ought to be offensive to the good sense of the Senate, it seems to me, as I believe it will be to the country, to put such a thing in the bill. We do not ratify. Who said we did? Who supposes we can? Do we not assume that we have got the power to do it when we say we do not do it by this bill?

Mr. President, I am anxious that this bill shall pass; I am exceedingly anxious that this great service shall not be stricken down; but I will vote against this bill and go home and face my constituents on that vote before I will put myself upon the record as a lawyer to say that any act of mine in voting upon an appropriation bill can be taken as a ratification of any illegal conduct. I will not stultify myself in that way; and I will see the service stricken down before I will be a party to morally condemning a man who I believe has executed the law with the highest purpose and with the very highest end and for the greatest good of the greatest number in this country. It is an injustice that the Senate ought to be ashamed of. It is an injustice that the people will hold the Senate responsible for, and they will do that especially in the West, where they have derived the benefits of this service.

It is not an ordinary, trifling thing that you now seek to do. It is to traduce by the vote of the Senate and to slander, so to speak, one of the highest officers of this Government without any evidence. While the Senator from Kentucky says that he knows the officer has acted in violation of law, men on this floor equally as well versed in the law as he, equally as competent to judge, with a knowledge of as many facts, declare upon their convictions as Senators that he has not violated the law.

Mr. President, I do not propose to vote for any such thing, nor do I propose to be driven into voting for any such thing, although this bill may fail.

Mr. EDMUNDS. Mr. President, if this is child's play, as the Senator from Colorado says, then I am in favor of child's play. I do not think it is. It has been stated by the responsible organ of this body, or by members of that responsible organ, the Committee on Appropriations, that the expenditures and contracts already made by some officers of the Post-Office Department have exceeded the authority that the law reposed in them and are against the statute which commands that no officer of the United States shall involve the Government of the United States in any contract or responsibility beyond the means that Congress shall have already provided to execute and carry out that contract. I do not know whether that statement is correct or not. If it be correct, for one I do not intend to vote for any bill that shall operate as a condonation or ratification of any such illegal act. I have the impression that it is the Congress of the United States that makes laws for this country and disposes of the public money, and that it is the business of every Executive Department to obey the law, no matter whether it thinks that the public service may be better improved in some way by disobeying the law or not; and when Executive Departments can be taught—if they are not taught already; I make no comment on that—that it is their business to obey the law and follow it and not transcend it, there will be one of the reforms in the administration of this Government from forty years ago down to now that all the patriots and white-neck clothed gentlemen and everybody else in this country have been longing for and wishing for. That is my opinion.

I do not intend to pronounce any opinion upon the question whether there has been a violation of law or not; but I do intend to prevent anybody from saying that the effect of this statute, if passed, has

been a ratification of any illegal act or unjust discretion of anybody, and so an invitation to try it again. Therefore, Mr. President, I shall vote for this amendment.

Mr. CONKLING. I do not think, Mr. President, that the amendment proposed in behalf of the committee is objectionable on the grounds suggested by the Senator from Iowa; nevertheless, in the hope of expediting, not the star service, but the business of the Senate, I ask the committee to listen to an amendment which I have placed upon the table, and which I will offer if it answers the purpose. I move to strike out of the pending amendment all after the word "construed" and insert the words suggested.

The PRESIDING OFFICER. The Senator from New York proposes an amendment, which will be read.

The CHIEF CLERK. Strike out all after the word "construed," in the proposed section, and insert the following:

To affect the validity or legality of the act or omission of any officer of the United States, or to affect any proceeding therefor.

So as to make the section read:

Nothing in this act contained shall be deemed or construed to affect the validity or legality of the act or omission of any officer of the United States, or to affect any proceeding therefor.

Mr. CONKLING. The object of putting those words in lieu of the others, is to obviate an objection which I do not see, but which some other Senators do see. It is thought that the language employed by the committee carries with it some imputation upon somebody. I do not so understand that amendment; but certainly the words which I propose carry no imputation upon anybody. They simply, in colorless phrase, declare that it shall not be a part of the effect of this act to touch one way or the other the legality or validity of any of these proceedings, and I inquire of the Senator from Kentucky whether that will not answer his whole purpose and be acceptable to him?

Mr. BECK. In listening to the amendment offered and looking at the original proposition, I am unable to see any substantial difference, as the Senator from New York says; but the amendment offered by the Committee on Appropriations is a committee amendment, which the Senator from Pennsylvania [Mr. WALLACE] now absent had charge of. It was not what I thought ought to be done. The gentleman acting for the committee ought to speak for the committee. I can only say that I do not see any substantial difference.

Mr. CONKLING. Then I will ask the Senate to vote on this amendment in the hope of putting an end to this question; but before I sit down I venture to indulge in one remark.

I listened with a great deal of pleasure, as I always do, to my honorable friend before me while in picturesque and vivid phrase he told us about the benevolent, wholesome, missionary, commendable work of this star service. I believe it all. I make it a point always to believe everything that he says, even sometimes when it would not be so easy to believe it if I said it myself.

Mr. KIRKWOOD. To whom does the Senator refer?

Mr. CONKLING. I mean the Senator from Colorado, [Mr. TELLER,] and I wish now that my friend from Iowa calls attention to himself, to put him in the same category. I always make it a point to believe what either of these Senators says. But I also believe that there has been a great deal touching the star service so called, which does not seem wholesome to people quite as discriminating as we are and who know quite as much about it. I happen to be acquainted myself with a number of upright and discerning persons who, with a pretty large knowledge of what has been done in this regard, disapprove very much of it. Therefore, I think it not unreasonable that, in voting this deficiency, we should abstain from complicating ourselves at all with questions with which we have no practical concern at present. I shall vote for the bill with much more satisfaction with such an amendment as I have suggested myself, not meaning to impair at all the force of the words for which I propose it as a substitute.

Mr. DAVIS, of West Virginia. Will not the Senator from New York be kind enough to tell us the difference between his amendment and the other, and why he likes his better?

Mr. CONKLING. I will tell the Senator the difference, which difference does not prevail with me, but does, I discover, prevail with wiser and more discerning men. It is thought by the honorable Senator from Iowa [Mr. KIRKWOOD] that the words employed by the committee carry some imputation with them upon somebody. The same idea is shared by the honorable Senator from Kansas, [Mr. INGALLS,] who originally called attention to it. Therefore I propose to employ the more customary phrase, I think; I am sure it is more customary in the statutes of the State from which I come; the usual phrase there is, "that nothing in this act shall be deemed to affect one way or the other such and such things." Therefore, I say that nothing in this act shall touch in any way the question of the legality or the validity of any act, or of any omission of any officer of the United States, nor shall it affect any proceeding. That, I think, expresses clearly and fully the idea which the committee intended to convey in the proposed amendment, to which personally, I say frankly to the Senator from West Virginia, I see no objection; but as other Senators do see objection to it, I prefer a form of words inoffensive to them and equally effective for the purpose in view. Therefore I shall vote for the amendment I have offered. If it be the pleasure of the Senate to reject that amendment, for myself I shall vote for the committee's amendment, for I see no offense in it. At the same time I would rather have it in such form that other Senators, who can judge

quite as well and I presume better than I can judge, are satisfied with it also.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New York to the amendment proposed by the Senator from West Virginia.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from West Virginia, as amended.

Mr. TELLER. Now let it be read.

The Chief Clerk read as follows:

Nothing contained in this act shall be deemed or construed to affect the validity or legality of the act or omission of any officer of the United States, or to affect any proceeding therefor.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the preamble proposed by the Committee on Appropriations.

Mr. DAVIS, of West Virginia. I move that the preamble be stricken out.

The PRESIDING OFFICER. The preamble as proposed as an amendment by the committee.

Mr. INGALLS. The question comes first on the bill under the rules, and on the preamble last.

The PRESIDING OFFICER. The Senate is now in Committee of the Whole. The Chair understands the committee to have reported the preamble as an amendment to the bill.

Mr. DAVIS, of West Virginia. Now, Mr. President, I ask unanimous consent on the part of the committee to withdraw the preamble.

Mr. CONKLING. I have no objection to that; but the Senator need not do it. The bill is first to be voted on, I submit to the Chair, and last of all the preamble. When you come to the preamble, all that needs to be done is to abandon the preamble and it goes out.

Mr. DAVIS, of West Virginia. That is true; but I would prefer withdrawing it at once and have no further question about it.

The PRESIDING OFFICER. The Senator from West Virginia asks leave to withdraw the preamble. The Chair hears no objection, and the preamble is withdrawn.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BECK. The title ought to be amended by adding "and for other purposes," there being now included a deficiency for printing as well as for the Post-Office Department.

The PRESIDING OFFICER. The Senator from Kentucky moves to amend the title by adding "and for other purposes."

The amendment was agreed to.

TITLES AT HOT SPRINGS.

Mr. GARLAND. In pursuance of the notice I gave several days ago, I move that the Senate proceed to the consideration of House bill No. 4244, a bill to establish titles in Hot Springs, and for other purposes.

Mr. THURMAN. I gave notice some days ago that as soon as the appropriation bills then before the Senate were disposed of I should move to proceed to the consideration of the Geneva award bill. I should make that motion now, but I have become perfectly convinced that I shall facilitate the consideration of that bill by letting this Hot Springs bill be first taken up and got out of the way, either by being passed or defeated. At the same time I wish it understood that I shall feel it my duty if the debate on the Hot Springs bill shall threaten to be prolonged, which I trust it will not be, to move to postpone it in order to take up the Geneva award bill.

Mr. DAVIS, of Illinois. I am just as anxious to have the Geneva award bill taken up as the Senator from Ohio, but this Hot Springs bill ought to have precedence of anything else. There are but a few days in which we can consider it at all. It seems to me that there ought to be unanimous consent to take it up.

Mr. THURMAN. I have stated that I shall not oppose its being taken up, but I must give notice that if it is to produce a long debate I reserve the right to move to postpone it in order to take up the Geneva award bill.

Mr. WHYTE. I understand that the Hot Springs bill has already been taken up.

Mr. GARLAND. Not yet.

Mr. WHYTE. Let it be taken up by general consent.

The PRESIDING OFFICER. The Senator from Arkansas moves that the Senate now proceed to the consideration of the Hot Springs bill, so called.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes.

Mr. WHYTE. I now move that the Senate proceed to the consideration of executive business.

Mr. GARLAND. Before that motion is put let me make one suggestion.

Mr. WHYTE. I withdraw the motion.

Mr. GARLAND. I wish to state to the Senator from Maryland and to the Senate that while I do not object to going into executive ses-

sion at this late hour of the day, it should be remembered that we have but nineteen days after to-day to do anything in this Hot Springs business. The bill has to go back to the House to be acted on there. I hope the Senate will stay with me long enough to-morrow to get through with the bill.

EXECUTIVE SESSION.

Mr. **WHYTE**. I renew my motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and forty-six minutes spent in executive session the doors were reopened, and (at five o'clock and thirty-four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 17, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

FORFEITURE OF VESSELS FOR BREACH OF REVENUE LAWS.

Mr. **FERNANDO WOOD**. I ask unanimous consent to have taken from the Speaker's table and passed the bill (S. No. 939) to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws. I think there will be no objection to the bill. It passed the Senate unanimously, and was favorably acted upon by the Committee on Ways and Means on three or four different occasions.

The bill was read, as follows:

Be it enacted, &c., That no vessel used by any person or corporation as common carriers for the transaction of their business as such common carriers shall be subject to seizure or forfeiture by force of the provisions of title 34 of the Revised Statutes of the United States, unless it shall appear that the owner or master of such vessel at the time of the alleged illegal act was a consenting party or privy thereto.

Mr. **CONGER**. Who introduced this bill?

The **SPEAKER**. It is a Senate bill; and the gentleman from New York [Mr. **FERNANDO WOOD**] asks to have it taken from the Speaker's table.

Mr. **CONGER**. If it is for reference I have no objection.

Mr. **FERNANDO WOOD**. I ask the immediate consideration of the bill.

Mr. **CONGER**. I think it should go to a committee.

The **SPEAKER**. The gentleman from Michigan objects to immediate consideration.

Mr. **FERNANDO WOOD**. Then I ask that the bill be referred to the Committee on Ways and Means.

There being no objection, the bill was read a first and second time, and referred to the Committee on Ways and Means.

ORDER OF BUSINESS.

Mr. **SAPP**. As I shall be absent when the Committee on the Public Lands will be called, I ask consent to make some reports from that committee, to go on the Calendar.

COUNCIL BLUFFS, IOWA.

Mr. **SAPP**, by unanimous consent, reported back from the Committee on the Public Lands, with amendments, the bill (H. R. No. 1064) to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public use, a certain lake or bayou situated near said city; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

MARZEL ALTMAN.

Mr. **SAPP** also, from the same committee, reported back, without amendment, the bill (H. R. No. 1373) for the relief of Marzel Altman; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

JOHN R. TAGGERT.

Mr. **SAPP** also, from the same committee, reported back, without amendment, the bill (H. R. No. 1374) for the relief of John R. Taggart; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

SURVEYS IN CRAWFORD COUNTY, WISCONSIN.

Mr. **SAPP** also, from the same committee, reported back, without amendment, the bill (H. R. No. 4596) authorizing the survey of parts of certain townships in Crawford County, Wisconsin, and making an appropriation therefor; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

HENRY GEE.

Mr. **SAPP** also, from the same committee, reported back favorably the bill (H. R. No. 4034) for the relief of Henry Gee; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

TITLE TO ISLANDS, BEDS OF LAKES, ETC.

Mr. **SAPP** also, from the same committee, reported back favorably the bill (H. R. No. 4378) to transfer to the States the title to all islands, beds of lakes, (not navigable,) bayous, sloughs, ponds, &c., which at

the time all public lands were surveyed by the Government were meandered, with amendments; which were referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GOVERNMENT LAND, VINCENNES, INDIANA.

Mr. **SAPP** also, from the same committee, reported back the bill (H. R. No. 3742) to authorize the Secretary of the Treasury to sell certain real estate belonging to the United States, and vesting the title to certain other lands in the city of Vincennes, in the State of Indiana, and for other purposes, with amendments; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SOLDIERS' AND SAILORS' HOMESTEADS.

Mr. **SAPP** also, from the same committee, reported back adversely the bill (H. R. No. 1740) to amend section 2305 of the Revised Statutes, relating to soldiers' and sailors' homesteads; which was laid upon the table, and the accompanying report ordered to be printed.

SETTLERS ON PUBLIC LANDS.

Mr. **SAPP** also, from the same committee, reported back, with an amendment, the bill (H. R. No. 4227) for the relief of settlers on public lands.

Mr. **VALENTINE**. I ask, Mr. Speaker, that that bill be now considered. It is a very short one, although very important, and, in a few minutes, I think I can explain it to the satisfaction of the House.

Mr. **WHITTHORNE**. Let it be read.

The **SPEAKER**. The bill will be read.

Mr. **McMAHON**. I object to the consideration of the bill, and demand the regular order of business.

The **SPEAKER**. The regular order of business being demanded, the bill and amendments will be referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

METHOD OF SETTLING CLAIMS.

Mr. **TAYLOR**, by unanimous consent, presented a resolution directing the Speaker of the House to appoint a special committee to investigate the present method of settling claims under the act of July 4, 1864; which was referred to the Committee on the Judiciary.

PACIFIC RAILROAD.

Mr. **MANNING**. Mr. Speaker, I ask by unanimous consent to introduce a resolution for present consideration. I will remark when I introduced the same resolution the other day it provided the matters referred to should be inquired into by the Judiciary Committee. I thought that was the proper committee to which the resolution should be referred, but the gentleman from Michigan [Mr. **NEWBERRY**] objected because he thought it should go to the Pacific Railroad Committee. I agreed with him it should go there, and it is so provided in the body of the resolution.

Mr. **NEWBERRY**. I withdraw my objection, the reference having been changed.

The **SPEAKER**. The resolution will be read.

The Clerk read as follows:

Resolution to inquire into alleged contract between the Union Pacific and Central Pacific Railway Companies and the Pacific Mail Steamship Company.

Whereas it has been announced in the public press that a contract has been entered into by and between the Central Pacific Railroad Company and the Union Pacific Railroad Company on the one part, and the Pacific Mail Steamship Company on the other part, by the terms of which contract the Pacific Mail Steamship Company, in consideration of receiving \$1,320,000 annually for five years from the railway companies, binds itself to accept and charge such rates for freight and passengers as may be fixed by the railroad companies, and to collect the same from the commercial public; and

Whereas the effect of such a contract is directly prejudicial to the public interest and contrary to the public policy that controlled Congress in chartering the Union Pacific Railroad Company and in granting to both railway companies large subsidies in money and lands: Therefore,

Be it resolved, That the Committee on the Pacific Railroad be directed to inquire, specifically, whether such a contract exists, and to do so shall have power to send for persons and papers, and shall report what legislation is necessary to protect the public interests in the premises; and such committee may sit in vacation and report by bill or otherwise.

The **SPEAKER**. Is there objection?

Mr. **BREWER**. I demand the regular order of business.

The **SPEAKER**. That is equivalent to an objection.

Mr. **BREWER**. A similar resolution has passed the Senate ordering a like investigation. I do not see why we should go over the same ground at double expense.

CLAIMS AGAINST THE GOVERNMENT.

Mr. **YOUNG**, of Tennessee. Mr. Speaker, I rise to a privileged question. I desire to correct the Journal of Monday. On Monday I offered a resolution providing for the appointment of a joint committee to examine and report upon claims against the Government and moved its reference to the Committee on Rules. It was so referred by the Speaker, as appears by the RECORD; but by some means its entry upon the Journal was omitted. I now desire to have the entry made.

The **SPEAKER**. This seems to be a joint resolution.

Mr. **YOUNG**, of Tennessee. Yes, sir.

The **SPEAKER**. But it provides for the establishment of a House committee.

Mr. **YOUNG**, of Tennessee. Yes; and of a Senate committee also.

The **SPEAKER**. Then it should be a concurrent resolution.

Mr. YOUNG, of Tennessee. It also provides for an appropriation, which cannot be made without the signature of the President. I offered it under Rule XXIV, which provides:

1. Each Monday morning, during a session of Congress, all the States and Territories shall be called in their alphabetical order for bills, joint resolutions, and memorials of State and territorial Legislatures, and House resolutions, for reference, and, on this call only, resolutions of inquiry directed to the Heads of the Executive Departments shall be in order, to be submitted and referred to the appropriate committees, which shall report thereon to the House within one week.

The SPEAKER. A joint resolution is the same as a bill, and would have to go to the President for his approval.

Mr. YOUNG, of Tennessee. That is precisely what I want in that case.

The SPEAKER. Does the gentleman want the President's approval of the House committee?

Mr. YOUNG, of Tennessee. I cannot reach the matter in any other way except by the President's signature.

The SPEAKER. It would be a very unusual thing for the President of the United States to make a law in that way, but the Chair has no wish about it if the gentleman desires to have it referred to the Committee on Rules.

Mr. YOUNG, of Tennessee. The only reason that I presented the matter in this form is that there is no provision under the rules by which it can be offered at any other time than on Mondays.

Mr. SHALLENBERGER. I understand, for the purpose I have in view, the demand for the regular order is withdrawn.

The SPEAKER. This is the regular order. The gentleman has risen to a privileged question.

Mr. YOUNG, of Tennessee. I beg the gentleman's pardon. I will get through directly. There is no provision in the rules by which this resolution can be introduced at any other time, and therefore I was driven by necessity to avail myself of that call.

The SPEAKER. In order that the committee might make it a concurrent instead of a joint resolution?

Mr. YOUNG, of Tennessee. The committee can report it back in any form it sees proper. I want the subject acted upon in some way.

The SPEAKER. The resolution will be referred to the Committee on Rules.

Mr. REAGAN. I rise to make a privileged report.

Mr. BREWER. I demand the regular order.

OUACHITA RIVER IMPROVEMENT—EAST RIVER BRIDGE.

Mr. REAGAN. I have a privileged report from the Committee on Commerce. I send to the Clerk's desk two resolutions calling for information from the Departments which are reported back under the rule.

Mr. SHALLENBERGER. Has the demand for the regular order been withdrawn?

The SPEAKER. If it is withdrawn the Chair is bound to recognize the gentleman from Mississippi.

Mr. BREWER. I have not withdrawn the demand for the regular order.

The SPEAKER. The regular order is demanded, but the gentleman from Texas rises to make a privileged report.

The Clerk read as follows:

Be it resolved by the House of Representatives, That the Secretary of War be, and is hereby, requested and directed to furnish to this House a statement showing the amount of appropriations made within the past ten years for the survey and improvement of the Ouachita River; what amount has been expended, and in what manner, and for what purposes these expenditures have been made.

The resolution was agreed to.

The Clerk read the second resolution, as follows:

Resolved, That the Secretary of War be directed to transmit to this House any information in his Department in relation to the bridge now being erected over the East River at New York, and his opinion as to whether the said bridge is not an obstruction to commerce.

The resolution was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded, which is the morning hour.

Mr. McMAHON. I move to dispense with the morning hour for the purpose of considering the deficiency appropriation bill.

The SPEAKER. That requires a two-thirds vote.

The question was taken; and the House determined to dispense with the morning hour, two-thirds voting in favor thereof.

Mr. McMAHON. I move that the House now resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering the deficiency appropriation bill, and pending that I move that all general debate be limited to one minute.

Mr. GARFIELD. I ask the gentleman to allow some further time. I would want about thirty minutes myself. Let the gentleman say an hour and a half.

Mr. McMAHON. I desire to say to gentlemen on the other side that there is a pay-roll of \$3,000 or \$3,500 a day depending upon the passage of this bill. It has already been very fully discussed.

Mr. GARFIELD. I think the disposition on this side is to sit out the bill to-day. We have twice dispensed with the morning hour and I have no doubt we will get through with it to-day. But I ask the gentleman to allow us a little time for this final debate. It will save time when the bill comes to be considered by paragraphs; for

those who do not get in during the debate under the hour rule will otherwise take the time they want in the five-minutes debate.

Mr. McMAHON. I will modify the motion so that all general debate shall be limited to forty-five minutes; and I will say to the gentleman from Ohio if he desires to occupy thirty minutes he may have that time, and we will reserve fifteen minutes for this side.

Mr. GARFIELD. I do not like to agree to that for myself; for there may be others on this side who desire time, and I would not like to be a party to any agreement by which I should have the whole of the time allowed to this side.

Mr. BLOUNT. I suggest to the gentleman from Ohio [Mr. McMAHON] that he make it an hour.

Mr. GARFIELD. Let it be an hour and a half.

Mr. McMAHON. For the purpose of testing the sense of the House, I move that all general debate be limited to one hour.

Mr. HISCOCK. I move to amend the motion so as to make the time an hour and a half.

Mr. McMAHON. It ought to be understood in any arrangement to be made that one-half of the time is reserved for this side.

Mr. GARFIELD. Certainly.

Mr. McMAHON. I insist on my motion that all general debate be closed in one hour.

Mr. HISCOCK. And I have moved to amend so as to make the time an hour and a half.

The question being put on Mr. HISCOCK's amendment, there were—ayes 83, noes 74.

So the amendment was agreed to.

The motion limiting debate, as amended, was agreed to.

The motion that the House resolve itself into Committee of the Whole on the state of the Union was agreed to.

DEFICIENCY APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair, and resumed the consideration of the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The CHAIRMAN. By order of the House general debate on the pending bill is limited to one hour and a half, to be divided equally between the two sides of the House.

Mr. WEAVER. May it please the Chair, it will delight the party I represent to yield the time we may be entitled to to either the one side or the other in this discussion.

The CHAIRMAN. The Chair understands that the gentleman from Illinois, [Mr. HAYES,] who is entitled to the floor, will control the part of the time allotted to his side of the House.

Mr. HAYES. Mr. Chairman, I have listened with a great deal of interest to the discussion which has been called forth by the bill now under consideration, being aware at the very beginning of what the democrats were aiming to accomplish. It may be set down as a fact that when the democrats on this floor make such an outrageous onslaught upon any Department or bureau of the Government as they have made on the Government Printing Office they have some object in view other than merely to expose the frauds which they may allege have been perpetrated therein. It is not to be expected that they will always step forward and openly declare what this object is, although in the present case they have not hesitated so to do. What, then, is this object? It is none other than for the democratic majority in Congress to get control of the Government Printing Office; and the method by which this is to be accomplished is clearly set forth in the amendment offered on last Friday by the gentleman from Mississippi, [Mr. SINGLETON.] That amendment proposes to take from the President the power to appoint a Public Printer and to confer that power upon this House. In other words, it proposes to give the democratic majority in this House the power to turn out of office the present Public Printer, who is a republican, and to put in his place some man who is a democrat. This is the object of all this talk about mismanagement and fraud in the Government Printing Office.

These gentlemen want to get this office, with its fifteen hundred or two thousand employes, under their control. Such an office, with such a large number of employes, presided over by a republican when both Houses of Congress are democratic, is rather more than the average democratic Congressman can stand. He knows that he has a score or more of constituents whom he could put into that office if the democrats had control of it, and who would use all their influence to have him continued in his present position as a representative of the people. To those of us who know the greed of democrats for office, and who have observed the hundreds of democrats hanging around this Capitol during the past three years hungry from long fasting, it is not a matter of great surprise that the democratic majority here should seek to get control of this office. As a party measure it would be a great thing. It would furnish the democratic member an opportunity to fulfill the promises he made to some of his constituents during his last campaign. It would help him greatly in working up a sentiment in his district in favor of his return. Besides this, it would assist the great democratic party wonderfully in its efforts to elect a President next fall. All of these things come thronging to the minds of gentlemen on the other side when they think about get-

ting control of this office, and as they dwell upon them they become more fully determined to do everything in their power to bring about the desired change.

They say that a change is necessary, and are determined to effect one if possible; in fact, they determined upon a change in the Forty-fifth Congress. It was privately hinted to me several times by democratic members of that body that the democrats would have control of the Government Printing Office as soon as they got control of the Senate. Hence it was that, as soon as I entered upon my duties as a member of the Committee on Printing at the extra session about a year ago, I was met by something like half a dozen propositions for making some change in the management of that office. These propositions all had their advocates, and several hungry democrats hung around the Capitol for weeks urging their peculiar views upon members of Congress, and ready to take "any little crumbs of comfort" which might chance to fall to their lot when the change was effected. Nothing, however, has been done toward effecting this change until now, when this amendment is brought forward and sought to be attached to this appropriation bill. To show that a change is necessary the majority on this floor raise the cry of mismanagement and fraud; but this cry, as all have observed, is of a very vague and indefinite nature. The charges made are all general in their character. Search all the speeches which have been made upon the democratic side since this discussion began, and, while they are all full of abuse of the Public Printer and of allegations of mismanagement and fraud, you will nowhere find a single instance where the speaker has made a definite charge and substantiated it by facts.

Why, sir, the gentleman from Mississippi [Mr. SINGLETON] admitted that he could not put his finger on any one thing in the Government Printing Office and say that in that thing there had been any dishonesty or fraud; and the other democratic speakers might as well have admitted this, for their speeches all show that they have no more ability in this regard than the gentleman from Mississippi has.

But even supposing that there have been mismanagement and fraud in this office, why have not the democratic majority in Congress exposed them? The democrats have had control of this House for five years, and if the charges they make against this office be true, they are to blame for not showing them up and punishing the guilty parties. This office was one of the many things which they proposed to reform in the Forty-fourth Congress, and no sooner was that body organized than the House Committee on Printing was instructed to investigate it, and did investigate it. Now, if there was anything wrong in the management of that office, why was it not developed and proven by that committee, and corrected by this House? This House was overwhelmingly democratic then, and hence there could be no excuse, if wrongs existed, for not correcting them and guarding against their recurrence in the future by proper legislation. But the Forty-fourth Congress expired, and no action was taken by the democratic House, simply because they had discovered nothing to base any action upon.

Not content with what the Forty-fourth Congress had done, the democratic majority in the Forty-fifth Congress proceeded to investigate this office. And what did they find? Nothing to show that there was the least mismanagement or rascality, notwithstanding all the vast amount of blow and bluster that have been made by the gentleman from Ohio, [Mr. FINLEY,] who headed that investigation, and other gentlemen on that side. I have here, sir, a copy of the report of this committee. In this report I find both a majority and minority report. The minority report is signed by Messrs. Burdick, Keightley, BAKER, and BAYNE, and from it I take the following, which I wish the Clerk to read:

The undersigned, a minority of the Committee on Public Expenditures, regret that they cannot concur with the majority of the said committee, in the general conclusions by them reached and stated, in their report in the matter of the inquiry made in reference to the public printing and binding.

Further, the minority do not concur in the recommendations made by the majority for a change in the system and method now employed in executing the public printing.

The minority of the committee desire to herein respectfully state some of the reasons for their dissent.

The inquiry made by the sub-committee, of which the gentleman from Ohio [Mr. FINLEY] was chairman, has been protracted and of a character such as to detect and discover frauds and abuses, if any existed, had been practiced, or permitted, in the management and conduct of the Government Printing Office.

The sub-committee entered upon its investigations on the 30th day of March, 1878. Meetings were frequently held since that date, and various witnesses were called before the committee from different parts of the country, as well as persons connected with the Government Printing Office. Experts were employed to make careful and thorough examination of the books, records, and papers on file in the Government Printing Office. The testimony of such witnesses was taken, reduced to writing, and is voluminous.

From the inquiry made and testimony reported it appears that the Government Printing Office is thoroughly equipped with the most improved machinery and implements; that it possesses ample facilities for the execution of the public printing and binding.

Particular inquiry was made into the manner in which the work was done, whether the cost thereof was excessive or otherwise, and whether or not any abuses or irregularities existed or had been practiced in the conduct of the office.

From the testimony it conclusively appears that the public printing and binding is executed in a correct, compact, and handsome manner. The materials used have been of an excellent quality. Both in respect to style of workmanship and quality of materials used, general if not universal satisfaction has been given to the officers of the Government for whom the work has been executed.

Objection has been made to the present system of executing the public printing

on account of its alleged excessive cost. The minority of the committee have considered this objection, and have to say the cost of the public printing under the present system consists of what is paid to officers for salaries, to employees for wages, and for materials consumed. These items of cost are independent of what is paid for or invested in the building for an office, and the machinery, implements, and type it contains.

If the salaries of officers be unreasonably large, if the wages paid employees be exorbitant, if the prices paid for materials consumed be excessive, then it would follow that the cost of executing the public printing would be great. But, on the contrary, if the salaries be reasonable, wages moderate, and prices low, then, provided there be no abuses, but fidelity on the part of officers and employees, the cost of the public printing must be reasonable, if not moderate.

The minority of the committee think the testimony taken shows, and the facts to be, that the salaries paid are not exorbitant; that the wages paid employees are low indeed, and that the prices paid for materials are not unreasonable; that the discipline in the office is shown to be good. It will not be forgotten that the salaries paid to officers and the wages paid to printers and binders are fixed or limited by law.

The conclusion of the minority of the committee on this branch of the investigation is, that the cost of the public printing and binding is not excessive, but, considering the great pains taken in its execution, the manner in which the employees are paid, and the schedule of prices for labor fixed by law, the public printing and binding, under the present system, is executed at reasonable cost and expense.

From these statements it would not appear that extravagance prevailed in the management of the Government Printing Office, nor that the Government is paying more for its printing and binding than the same class of work could be obtained for if executed by contractors or private establishments.

The testimony taken does not, in the judgment of the minority of the committee, show a single instance of design on the part of the present Public Printer, who we think is with reasonable care and fidelity superintending the Government Printing Office, or any of his subordinates, to defraud the Government in any degree.

Now, sir, as I have said, this report is signed by Messrs. Burdick, Keightley, BAKER, and BAYNE, all high-toned, honest, and intelligent gentlemen; and it is to be supposed that if there had been such rascalities practiced in this office as the gentlemen on the other side assert, these gentlemen would not have discovered and exposed them? No one who is acquainted with these men would believe for a moment that they would seek under any circumstances to cover up fraud, or to shield any person from punishment who was guilty of it. If the charges made so freely are true, why do not the democrats, who have control of both Houses of Congress, take the matter up and have the guilty parties punished? The Constitution says that "the House of Representatives shall have the sole power of impeachment." If the Public Printer has done half the dishonest deeds charged against him he should be impeached, and every one on this floor knows that the democratic majority would impeach him if they thought they could make out a case against him. The very fact that they do not impeach him is proof sufficient that they have no faith in the charges made, and do not believe that there is enough evidence, even in the voluminous report of the gentleman from Ohio, [Mr. FINLEY,] to justify them in making the attempt.

But, sir, suppose we admit that there are frauds and abuses in this office, why, I ask, can they not be corrected just as well under the present system as under the one proposed by the gentleman from Mississippi? Whoever has charge of the Government Printing Office, whether he be appointed by the President or chosen by this House, must conduct that office in accordance with law. If the laws are not what they ought to be where rests the blame? The gentleman from Ohio in his speech the other day said this office had less safeguards around it than any other Department of the Government. If this be so Congress, and Congress alone, is to blame for it. Congress makes the laws which govern this establishment, and it can and ought to throw around it all the safeguards that are necessary. But let us look a moment at these laws and see if they are quite as loose as the gentleman would have us believe. According to these laws the Public Printer is appointed by the President, with the advice and consent of the Senate. He shall be a practical printer and versed in the art of book-binding. He shall give a bond in the sum of \$100,000, with approved sureties, conditioned that he shall faithfully discharge the duties of his office and properly account for all money and property that may come into his possession.

The money appropriated by Congress shall only be drawn from the Treasury by the Public Printer in installments, not exceeding at any one time two-thirds the amount of his bond, and for all money thus drawn he shall render a strict account and return proper vouchers for its disbursement or expenditure.

In addition to these provisions of law the Joint Committee on Printing of the two Houses have a general control of the public printing and the management of the Printing Office. This committee is required to fix the standards of paper used, to advertise for proposals for paper required, to open all proposals, to award contracts, and to give direction relative to the printing of the debates of Congress. Besides this the Public Printer is limited by law as to the price he may pay for composition and for time-work to printers and binders.

Now, sir, it would seem that these laws would furnish some little safeguard against the perpetration of frauds in this office. But if they are not all that is needed, let Congress enact other and more stringent ones. I do not care how strict these laws are made. I am no apologist for rascality or dishonesty of any kind. I want this office as well as every other office or bureau under this Government so guarded by proper legislation and supervision that it will be impossible for any one connected with it to perpetrate a fraud without

being detected; and Congress should not rest satisfied until this is done. But is it necessary, in order to accomplish this in the Government Printing Office, to strike down the present system in that office? I think not. Some change may be necessary in the laws relating to it, but that is all. The gentleman from Mississippi, [Mr. SINGLETON,] however, does not seem to look at it in this way. He thinks we must tear down this system in order to prevent fraud. He urges the adoption of his amendment because it provides for taking an annual inventory of the material and stock on hand, as by such an inventory, he says, we can save a vast amount to the Government each year. But all this can be provided for just as well under our present system as under the one he proposes. There is no necessity for revolutionizing the whole management of the Government Printing Office in order to accomplish a simple thing like this. If our laws, as they now are, are defective, let us change them, and then adopt such new legislation as may be necessary. This is the sensible and proper thing to do, and it is the thing which gentlemen on the other side will do if they are at all desirous of accomplishing the best results by the best means.

The gentleman from Ohio complains because the Government printing is costing so much. He says that our printing bill, if we pass the measure now before us, will amount to \$1,900,000 for the present year. This is all true, but who is to blame for such a large expenditure of money for printing? Whatever printing has been done has been done according to law. It has been ordered either by Congress or the Departments and the amount, as every member of Congress must know, is enormous. That office not only does the work ordered by Congress, but it also does the work for the Department of State, including books of instruction, blank-books and blanks for consuls throughout the world; the books, blanks, and blank-books for the Treasury Department, including the custom-houses, mints, sub-treasuries, and internal-revenue offices for all parts of the United States; for the Post-Office Department, including all the post-offices, numbering over thirty-nine thousand, the money-order offices, domestic and international; for the War Department, including the books and blanks for the Army of the United States, arsenals, depot quartermasters, Surgeon-General's Office, Signal-Office; for the Interior Department, including the land offices in all parts of the country, the Patent Office, Pension Office, and pension agents; for the Navy Department, including the Navy, navy-yards, Marine Corps, Naval Observatory, Nautical Almanac Office, and Hydrographic Office. In addition to all this class of work the Government Printing Office does the work for the Department of Justice, the Supreme Court of the United States, the supreme court of the District of Columbia, the Department of Agriculture, the Library of Congress, and the Court of Claims.

From the report of the Public Printer for the year ended June 30, 1879, I take the following, which shows the vast amount of work executed at the Government Printing Office during that year:

The first table shows the total number of blanks, pamphlets, and documents, blank-books, and miscellaneous volumes, printed and bound for the Executive Departments:

Department.	Blanks, envelopes, &c.	Pamphlets and documents.	Blank-books.	Miscellaneous binding.
Treasury	46,251,991	311,523	104,825	4,382
War	6,317,471	1,018,180	5,396	3,168
Navy	850,693	122,242	9,423	12,096
Interior	9,113,929	1,687,007	67,213	5,617
Post-Office	34,666,609	106,735	58,043	912
Agriculture	646,100	164,000	507	34
State	173,160	5,640	1,059	33
Judiciary	77,980	35,759	98	47
Total	98,097,933	3,451,086	246,564	16,289

The next table shows the number of copies of documents, &c., printed by authority of Congress, as well as on resolutions of the Senate and House, and miscellaneous printing done on requisitions from the Secretary and Clerk, respectively, the Librarian of Congress, and on private orders for extra copies of public documents made during the same time. The number of pages are for the documents only:

Printed for—	Blanks, envelopes, &c.	Pamphlets and documents.	Pages.	Blank-books.	Miscellaneous binding.
Congress	8,403,426	24,508	1,196		
Senate	1,402,733	19,776	9		
House	5,642,803	41,586	9		
Library of Congress	273,358	7,150	25		
Public Printer	395,739	2,200	137		
Private orders	196,709	24,879	6		
Total	7,714,653	15,250,312	110,749	677	9,987

RECAPITULATION.

Executive Departments ..	98,097,933	3,451,086	246,564	16,289
Congress	7,714,653	15,250,312	110,749	9,987
Total	105,812,586	18,701,398	247,241	26,276

As an evidence of the increase of the work in this office, the number of blanks printed this year exceeds those printed last year by 30,854,933, and the blank-books exceed those manufactured last year by 126,511.

The following table shows the cost of printing done for each and all of the various Departments of the Government for the same year:

Department.	Printing and paper for same.		Total cost of printing and paper.	Blank-books, binding, ruling, &c.	Aggregate cost of printing, paper, and binding.
	Printing.	Paper.			
State	\$5,836 89	\$2,458 60	\$8,295 49	\$7,686 10	\$15,981 59
Treasury	91,903 71	40,054 66	131,958 37	85,416 06	217,374 43
Interior	112,665 53	25,737 10	138,402 63	33,666 89	172,069 52
War	37,923 95	24,948 26	62,872 21	30,204 11	93,076 32
Navy	25,037 91	6,219 33	31,257 24	17,631 05	48,888 29
Judiciary	45,211 88	660 25	45,872 13	1,695 67	47,567 80
Agriculture	3,553 00	2,885 20	6,438 20	957 98	7,396 18
Post-Office	40,179 63	59,825 28	100,004 91	42,064 64	142,069 55
Public Printer	1,182 59	325 53	1,508 12	1,182 28	2,690 40
Library of Congress, (miscellaneous)	125 10	53 36	178 46	14,868 25	15,046 71
Total	364,220 19	163,167 57	527,387 76	235,373 03	762,760 79

The following table shows the actual expenditures for all work executed at the Government Printing Office during the same year:

For salaries, &c., in the office of the Public Printer	\$15,485 69
For the public printing	778,338 26
For paper for the public printing	301,603 60
For the public binding	422,242 24
For the Congressional Record	140,205 71
For lithographing, mapping, and engraving	52,019 11
For completing Catalogue of Library of Congress	3,725 02
For fire-escape ladders	2,244 00
For telephonic connection	147 86
Total	1,716,012 00

Now, sir, from these tables we see not only that our printing bill is large, but that the amount of work done is enormous. As every one knows, the size of our printing bills depends upon the quantity of work done. Hence, if we want smaller bills we must order less work, and I would say to the gentlemen on the other side who are complaining of our large printing bills, that they and their friends who have control of the two Houses of Congress have it in their power to make these bills as small as they please. Order less printing, hold fewer and shorter sessions, force no extra sessions, when you come to Washington come to legislate for the good of the country and not for party, make fewer political speeches to fill up the RECORD, stop consuming time by trying to attach political riders to appropriation bills, and then you will find that your printing bills will be reduced in size very materially.

But, Mr. Speaker, while the gentleman from Ohio is deprecating the size of our printing bills, he comes out as the champion of a scheme which, if once adopted by Congress, would greatly enlarge those bills instead of decreasing them as he seems so anxious to do. I find in the report from which he quoted so freely the other day a bill which he and the other democratic members of his committee recommend should be enacted into law, and which provides for letting out a large share of the Government printing to be done by the lowest bidder. In speaking of this bill these gentlemen use these words:

If enacted into law it will, in our opinion, remedy some of the evils found to exist, and effect salutary reforms in the administration of the public printing and binding.

Now, sir, I must beg leave to differ from these gentlemen in the opinion here expressed. I regard the proposition to put out the public printing, or any portion of it, to the lowest bidder as a proposition fraught with great evil and leading directly and surely toward extravagance instead of toward economy. It is true, sir, that there are to-day, as there always have been, a few men hanging about this city who are seeking for a job, and who can always make it appear that it would be greatly to the interest of the Government to get its printing done by contract. But it must be borne in mind that these men are interested parties. They are working for their own good. They want to induce Congress to tear down the magnificent printing office that we have established, for the simple reason that they may get an opportunity to do a portion of the printing which we now do ourselves. As an argument in favor of their scheme they tell us that we can get our printing done much cheaper if we let it out to the lowest bidder than if we do it ourselves. But, sir, is this true? I am inclined to think not. In fact, I know it is not, if our experience in the past is worth anything. We have tried the contract sys-

tem in the years of the past, and have found it much more expensive than the system we now have. I have here tables showing the cost of the printing and binding for Congress for seven years, under both the present and the old system, and to these tables I invite the attention of the gentleman from Ohio, believing that he will be greatly profited if he will give them a little careful study.

CONGRESSIONAL PRINTING.

Comparative statement showing the cost of the printing and binding for Congress the last seven years of the old or contract system with the past seven years under the present system.

OLD OR CONTRACT SYSTEM.

Period.	Cost of printing.	No. of pages printed.	Cost per page.	Average price per day paid for labor of printers and bookbinders.
1853-'54, 1st session 33d Congress.....	\$503,923 96	32,964	\$1 53	} \$2 73
1854-'55, 2d session 33d Congress.....	556,760 08	43,089	1 29	
1855-'56, 1st and 2d sessions 34th Congress.....	932,299 86	42,882	2 17	
1856-'57, 3d session 34th Congress.....	1,326,281 10	38,076	3 48	
1857-'58, 1st session 35th Congress.....	1,696,816 06	52,454	1 33	
1858-'59, 2d session 35th Congress.....	393,480 05	38,260	1 03	
1859-'60, 1st session 36th Congress.....	791,898 09	53,898	1 49	
Total.....	5,201,459 20	301,623	1 76	

PRESENT SYSTEM.

Period.	Cost of printing.	No. of pages printed.	Cost per page.	Average price per day paid for labor of printers and bookbinders.
1871-'72, 2d session 42d Congress.....	\$878,004 90	119,284	\$0 73	} \$3 75
1872-'73, 3d session 42d Congress.....	863,211 25	63,011	1 37	
1873-'74, 1st session 43d Congress.....	636,239 93	93,701	69	
1874-'75, 2d session 43d Congress.....	568,458 60	66,194	86	
1875-'76, 1st session 44th Congress.....	493,912 14	102,886	48	
1876-'77, 2d session 44th Congress.....	\$424,632 45	57,921	72	
1877-'78, 1st and 2d sessions 45th Congress.....	495,830 71	114,100	43	
Total.....	4,370,309 98	617,097	75	

* The sums in this column are taken from the Reports of the Superintendents of Public Printing.

† Includes printing ordered at previous sessions, but not completed at date of previous Annual Report of Superintendent of Public Printing.

‡ Average.

§ For nine months only.

These tables show that notwithstanding we printed more than double the number of pages during the last seven years of the present system than we printed during the last seven years of the old system, the cost was \$831,149.22 less under the former than under the latter. These figures are very instructive and should be carefully studied before we make up our minds to abandon our present admirable system and adopt the plan of getting our printing done by contract.

Having said this much, Mr. Chairman, I wish to notice some of the assertions made by the gentleman from West Virginia, [Mr. WILSON.] That gentleman in his speech of yesterday says that the Committee on Printing have come to the conclusion that the Government Printing Office is not managed in the interest of economy. This may be true as far as the majority on that committee are concerned, but it is not true of the minority.

Never, sir, since I have been a member of that committee have I, either in the meetings of that committee or elsewhere, expressed the opinion that I thought that office was not economically managed. It is true, sir, that I have not served on the Committee on Printing for any great length of time—only during the present Congress—but since I have been a member of it I have taken occasion to look into the workings of the Government Printing Office somewhat, and I stand here to-day to say that I believe that that office is as ably, honestly, and economically managed as any department of this Government. I look upon Mr. Defrees, the present Public Printer, not only as an honorable but as an able man, and I do not believe that he would condescend under any circumstances either to perpetrate fraud himself or to connive at it on the part of any one else. Not only this, but I protest against the efforts of the democratic majority of this House to get possession of the Government Printing Office by attempting to blacken the character of a high-minded and honorable public officer. If they have made up their minds to make a change in the management of this office, let them do it in a manly and honorable way, and not in the mean, underhanded, and despicable way they are now doing.

The gentleman asked me if I could not take the Government Printing Office and run it cheaper than it is now run. If I were to run it as a private enterprise I have no doubt I could run it much cheaper, just the same as I could run any department of this Government cheaper, by cutting down the wages of employes and compelling those employes to work ten instead of eight hours per day. Unless this were done I am not prepared to say that I could do any better in this regard than the Public Printer is now doing. I am aware, sir, that there are many persons hanging about this city who have made the assertion that they could do the Government printing at a much less figure than it now costs us. But this assertion is made by persons who are anxious to break down our magnificent printing establishment, hoping if they can do this to get a portion of the Government printing to do themselves. One of these men is Mr. Rives, to whom

the gentleman from West Virginia [Mr. WILSON] made reference in his speech of yesterday. It appears that this gentleman not only claims that he can do this work cheaper than it is now being done, but has actually made a proposition to do it for 90 per cent. of what we now pay, provided we give him charge of the Government Printing Office.

Now, sir, it may be that Mr. Rives can do this and at the same time, as he says, make money out of it. But he can do it only by cutting down the wages of his employes and by making his employes work ten hours a day instead of eight, as the employes at the Government Printing Office now do. It will be easy for him to run this establishment and make money out of it, even at his offer, if he will put his workmen upon starvation wages. But I cannot think the democrats in this House will favor a thing of this kind. The democracy have set themselves up as the especial champion of the laboring classes, and it would scarcely be consistent with their professions for their representatives upon this floor to deliberately turn this office over to a man who, they know, in order to live must oppress labor by starving the laboring-man.

The gentleman from West Virginia quotes from a certain letter, signed by Alfred Thomas and others, and says that if these gentlemen "are correct in their statement there is an egregious error in the accounts of Mr. Defrees, an error which this House ought to correct by changing the management of that department." The statement of these gentlemen is that during the months of April, May, and June last over one-half of the working force of the Government Printing Office was furloughed, and yet the amount paid out at the office was not diminished any of any consequence during those months. But, sir, this statement is easily explained. The figures referred to show the disbursements of the office, and the money paid out was paid out largely for work done during the preceding months. For instance, during the month of June there was paid out the sum of \$55,683.97, but of this amount \$23,948.58 were earned in May. For the month of April the amount paid out was \$61,052.67, but of this amount \$30,609.81 were earned during the month of March. I have in my hand a statement from the Public Printer, which will explain this whole matter, and which I wish to print as a part of my remarks.

In July, 1878, there was disbursed on account of pay of employes in the public printing, (see Public Printer's Report for 1879, page 29,) \$61,291.54. Of this amount \$20,178.11 was for labor performed in June, 1878, and was paid out of the appropriation for the year ending June 30, 1878, and \$41,113.43 was for labor performed in July.

Disbursed in August, 1878.....	\$55,979 41
Of the above amount there was earned—	
In July.....	\$14,864 19
In August.....	41,113 22
	55,979 41
Disbursed in September, 1878.....	56,677 40
Of the above amount there was earned in May, 1878, and paid out of the appropriation for 1878.....	5 08
In August.....	16,626 27
In September.....	40,146 05
	56,677 40
Disbursed in October, 1878.....	49,523 47
Of the above amount there was earned—	
In September.....	11,510 26
In October.....	38,013 21
	49,523 47
Disbursed in November, 1878.....	54,539 05
Of the above amount there was earned—	
In October.....	16,349 91
In November.....	38,189 14
	54,539 05
Disbursed in December, 1878.....	49,868 24
Of the above amount there was earned—	
In November.....	22,718 83
In December.....	27,149 41
	49,868 24
Disbursed in January, 1879.....	67,328 47
Of the above amount there was earned—	
In December.....	37,859 62
In January.....	29,468 85
	67,328 47
Disbursed in February, 1879.....	66,294 03
Of the above amount there was earned—	
In January.....	36,767 07
In February.....	29,526 96
	66,294 03
Disbursed in March, 1879.....	58,812 96
Of the above amount there was earned—	
In February.....	32,595 69
In March.....	26,217 29
	58,812 98
Disbursed in April, 1879.....	61,052 67
Of the above amount there was earned—	
In March.....	30,609 81
In April.....	30,442 86
	61,052 67
Disbursed in May, 1879.....	51,105 54
Of the above amount there was earned—	
In April.....	20,989 14
In May.....	30,116 40
	51,105 54

Disbursed in June, 1879	\$55,683 97
Of the above amount there was earned—	
In May	\$23,948 58
In June*	31,735 39
	55,683 97

In July, 1878, there was disbursed on account of pay of employés in the public binding, (see Public Printer's Report for 1879, page 37,) \$22,348.86, all of which amount was earned in said month.

Disbursed in August, 1878, \$23,675.62, all of which was earned in that month.
Disbursed in September, 1878, \$23,636.05, all of which was earned in that month.
Disbursed in October, 1878, \$26,716.19, all of which was earned in that month.
Disbursed in November, 1878, \$26,647.53, all of which was earned in that month.
Disbursed in December, 1878, \$26,360.07, all of which was earned in that month.

Disbursed in January, 1879	\$24,345 87
Of the above amount there was earned—	
In December	\$752 83
In January	23,593 04
	24,345 87

Disbursed in February, 1879	\$28,077 53
Of the above amount there was earned—	
In January	3,828 58
In February	24,248 95
	28,077 53

Disbursed in March, 1879, \$23,642.27, all of which was earned in that month.
Disbursed in April, 1879, \$24,056.23, all of which was earned in that month.
Disbursed in May, 1879, \$23,769.60, all of which was earned in that month.
Disbursed in June, 1879, \$11,045.10, all of which was earned in that month.

In July, 1878, there was disbursed, on account of pay of employés on the Congressional Record, (see Public Printer's Report for 1879, page 43,) \$14,850.48, all of which amount was for work performed in the month of June, 1878, and was paid out of the appropriation for 1878.

Disbursed in August, 1878	\$9,269 89
Of the above amount there was earned—	
In July	\$8,222 12
In August	1,047 77
	9,269 89

Disbursed in September, 1878, \$4,022.57, all of which was earned in the month of August.

Disbursed in October, 1878	\$1,276 10
Of the above amount there was earned—	
In September	\$1,114 10
In October	162 00
	1,276 10

Disbursed in December, 1878, \$156.00, all of which was earned in the month of November.

Disbursed in January, 1879, \$5,250.54, all of which was earned in the month of December, 1878.
Disbursed in February, 1879, \$7,285.46, all of which was earned in the month of January.

Disbursed in March, 1879	\$17,710 64
Of the above amount there was earned—	
In February	\$12,968 70
In March	4,741 94
	17,710 64

Disbursed in April, 1879, \$5,463.39, all of which was earned in the month of March.
Disbursed in May, 1879, \$11,457.11, all of which was earned in the month of April.

Disbursed in June, 1879	\$16,659 62
Of the above amount there was earned—	
In May	\$8,945 76
In June†	7,713 86
	16,659 62

In December, 1878, there was disbursed on account of pay of employés on the Catalogue of the Library of Congress, (see Public Printer's Report for 1879, page 48,) \$2,148.69. Of this amount \$678.80 was earned in November, and \$1,469.89 in December.

Disbursed in January, 1879, \$426.36, all of which was earned in that month.
Disbursed in March, 1879, \$321.65, all of which was earned in that month.
Disbursed in June, 1879, \$329.52, all of which was earned in that month.

Statement showing the amounts earned each month during the fiscal year ended June 30, 1879, by the employés on the public printing, public binding, Congressional Record, and Catalogue of the Library of Congress, respectively:

July, 1878:	
Public printing	\$55,977 62
Public binding	22,348 86
Congressional Record	8,222 12
	86,548 60
August, 1878:	
Public printing	57,641 49
Public binding	22,675 62
Congressional Record	5,070 34
	85,387 45
September, 1878:	
Public printing	51,656 31
Public binding	23,636 05
Congressional Record	1,114 10
	76,406 46
October, 1878:	
Public printing	54,363 12
Public binding	26,716 19
Congressional Record	162 00
	81,241 31

* This is the total amount earned by employés in the public printing during the month of June, 1879.

† This is the total amount earned by employés in the public binding during the month of June, 1879.

‡ This is the total amount earned by employés on the Congressional Record during the month of June, 1879.

§ This is the total amount earned by employés on the Catalogue of the Library of Congress during the month of June, 1879.

November, 1878:	
Public printing	\$80,807 97
Public binding	26,647 53
Congressional Record	156 00
Catalogue Library of Congress	678 80
	88,390 30

December, 1878:	
Public printing	65,009 03
Public binding	27,112 90
Congressional Record	5,250 54
Catalogue Library of Congress	1,469 89
	98,842 36

January, 1879:	
Public printing	66,235 92
Public binding	27,421 62
Congressional Record	7,285 46
Catalogue Library of Congress	426 36
	101,369 36

February, 1879:	
Public printing	62,122 65
Public binding	24,248 95
Congressional Record	12,968 70
	99,340 30

March, 1879:	
Public printing	56,827 10
Public binding	23,642 27
Congressional Record	10,205 33
Catalogue Library of Congress	321 05
	90,995 75

April, 1879:	
Public printing	51,432 00
Public binding	24,056 23
Congressional Record	11,457 11
	86,945 34

May, 1879:	
Public printing	54,064 98
Public binding	23,769 60
Congressional Record	8,945 76
	86,780 34

June, 1879:	
Public printing	31,735 39
Public binding	11,045 10
Congressional Record	7,713 86
Catalogue Library of Congress	829 52
	51,323 87

RECAPITULATION.

	Earned.	Disbursed.
1878—July	\$86,548 60	\$88,490 88
August	85,387 45	87,994 92
September	76,406 46	84,336 02
October	81,241 31	77,515 76
November	88,390 30	51,186 58
December	98,842 36	78,533 00
1879—January	101,369 36	97,351 24
February	99,340 30	101,657 02
March	90,995 75	100,486 94
April	86,945 34	90,572 29
May	86,780 34	86,332 25
June	51,323 87	84,318 21
	1,033,571 44	1,068,605 11

Deduct amount earned in May, 1878, printing	5 08
Deduct amount earned in June, 1878, printing	20,178 11
Deduct amount earned in June, 1878, Cong. Record	14,850 48
	35,033 67
	1,033,571 44

This table explains itself and needs no comment.

And now, Mr. Chairman, I wish to remark in conclusion that we ought to pass this bill as a simple appropriation bill without further delay. The Printing Office is in need of money to pay the workmen there employed. Already a large number of employés have been discharged because there was no money to pay them. These people, some of whom are widows with families depending upon them for support, have no other means of obtaining a livelihood than their labor in this office. Already some of these people are suffering for the want of food and other necessities which their labor would bring them if they could be again set at work. Let us, then, stop all discussion, strike down the amendment offered by the gentleman from Mississippi, and pass the bill without further delay.

I now yield to the gentleman from Ohio, [Mr. GARFIELD.]
Mr. GARFIELD. The discussion of this bill has concentrated upon two topics, the public printing and the election laws.

THE PUBLIC PRINTING.

On the subject of the public printing I shall take no time, except to say this: After one of the saddest histories in the experience of this Government with the old contract system, which broke down by the weight of its own corruption, it was developed and proved beyond any controversy that in the four years preceding the administration of Abraham Lincoln, out of the private profits on the public printing and binding, the sum of \$100,000 was contributed by the Public Printer for political purposes, mainly to carry the democratic elections in Pennsylvania; and that vast contribution did not exhaust the profits of the Public Printer out of the Government. This exposure destroyed the wretched contract system; and thereafter the Government itself assumed the responsibility of the work. At first the

Senate or the House of Representatives elected a printer, as they had a manifest right to do under the clause of the Constitution which gives each House the power to elect its own officers. But when, by and by, the office grew into a great national establishment, in which all the printing and binding for all departments of the Government was done, it became manifest that the Senate was exercising a power of appointment unwarranted by the Constitution; and in the year 1874, on the motion of Mr. Hale, of New York, a resolution was adopted by a two-thirds vote suspending the rules of the House and making in order, on a sundry civil service appropriation bill, an amendment to change the law and make the Printer an officer of the United States, to be appointed by the President and confirmed by the Senate. I had charge of that bill and voted for the amendment, as did nearly all my associates; and it was adopted by the almost unanimous vote of this House, both parties uniting in declaring that the old law was unconstitutional, and that experience had proved it unwise; republicans taking their share of responsibility for their own blunders and mistakes; all agreeing that the law ought to conform to the Constitution.

When the democratic party came into power in 1876, they amended that law by making it take effect immediately. We had made it take effect when a vacancy should occur in the office of Public Printer. In 1876 the law was so changed as to make it take effect immediately. And that passed by the general consent of both parties. The proposition now is to go back, and, in the face of our past experience, make a change in this law which will not affect in any way the question of economy, which will not change one iota of the machinery of the management of the public printing, and does not pretend to be in the direction of economy; but merely abolishes a constitutional office and creates an unconstitutional one; takes the appointing power out of the hands of the President and unlawfully places it in the hands of this House, merely to get some democrat into office. This is to be done for no public good, but to satisfy the demands of party hunger. I have no doubt that this amendment will be, as it certainly ought to be, ruled out of order, and I will waste no further words in discussing it.

THE ELECTION LAWS.

I will now call attention, during the short time left me, to what I consider a matter of far graver moment. My colleague, [Mr. McMAHON,] in his speech opening the discussion upon this bill, made the announcement in substance, and it remains uncontradicted and not protested against by any one on his side of the House, first, that "we have not hitherto made, do not in this bill, and will not in any future bill, make any appropriation whatever for supervisors or special deputy marshals, so far as they have to do with congressional elections." He asserts that it was not proper for any officer of the Government to appoint special deputy marshals when no appropriation had been made for that specific purpose.

Then further on he declares—I quote from his printed speech:

And I desire to say that because the Supreme Court of the United States has decided that the election law is constitutional by a sort of eight-by-seven decision—and I mean by that a division apparently according to party lines, (without impugning the good faith of any member of the Supreme Court, but to show how differently a legal question may appear to persons who have been educated in different political schools)—that although that court has decided the constitutionality of the law, that when we come, as legislators, to appropriate money it is our duty to say, is this law constitutional? or, if constitutional, is it a good law, and are we bound to appropriate money for it?

He undertakes, as will be seen, to throw contempt on that decision by styling it "a sort of eight-by-seven decision." I remind him that it is a seven-to-two decision, having been adopted by a larger number of the members of the court than the majority of the decisions of that tribunal. It is a decision of a broad, sweeping character, and declares that Congress may take the whole control of congressional elections, or a partial control, as they choose; that the election law as it stands on the national statute-book is the supreme law of the land on that subject.

LAW OF THE UNITED STATES ARE THE LAWS OF EVERY STATE.

More than that: the Supreme Court, not only in this case but in another recent case, has made a declaration which ought to be engraven upon the minds and hearts of all the people of this country. And this is its substance:

That a law of Congress interpenetrates and becomes a part of every law of every State of this Union to which its subject-matter is applicable, and is binding upon all people and covers every foot of our soil.

This is the voice of the Constitution. Now, therefore, under this decision the election laws of the United States are the laws of every State of this Union. No judge of election, no State officer or other person connected with any congressional election, no elector who offers his ballot at any such election can, with impunity, lift his hand or do any act against any of the provisions of these laws. They rest down upon congressional elections in every State like the "casing air," broad and general, protecting with their dignity every act and penetrating with their authority every function of congressional elections. They are the supreme law of the land on that subject.

CONGRESS THREATENS TO DISOBEY THE LAW.

But now a Representative, speaking for the democratic party in this House, rises, not with the plea which he could have made with some show of plausibility last year, that the law is unconstitutional and that therefore they would not enforce it—but, with a constitutional

law, declared so by the Supreme Court, covering him and filling the Republic from end to end, reaching everywhere and covering every foot of our soil where a congressional election can be held—he rises in his place and declares that the democratic party will not execute that law nor permit it to be obeyed.

We who are the sworn law-makers of the nation, and ought to be examples of respect for and obedience to the law—we, who before we took our first step in legislation, swore before God and our country that we would support the supreme law of the land—we are now invited to become conspicuous leaders in the violation of the law. My colleague announces his purpose to break the law and invites Congress to follow him in his assault upon it.

Mr. Chairman, by far the most formidable danger that threatens the Republic to-day is the spirit of law-breaking which shows itself in many turbulent and alarming manifestations. The people of the Pacific Coast, after two years of wrestling with communism in the city of San Francisco, have finally grappled with this lawless spirit, and the leader of it was yesterday sentenced to penal servitude as a violator of the law. But what can we say to Dennis Kearney and his associates, if to-day we announce ourselves the foremost law-breakers of the country and set an example to all the turbulent and vicious elements of disorder to follow us?

MANDATORY CHARACTER OF THE ELECTION LAW.

My colleague [Mr. McMAHON] tries to shield his violation of the law behind a section of the statutes which provides that no disbursing or other officer shall make any contract involving the expenditure of money beyond what is appropriated for the purpose. I answer that I hold in my hand a later law, a later statute, which governs the restrictive law of which he speaks, which governs him and governs the courts. It is the election law itself.

I invite attention briefly to its substance. Sections 2011 and 2012 of the Revised Statutes provide that upon the application of any two citizens of any city of more than twenty thousand inhabitants to have a national election guarded and scrutinized, the judge of the circuit court of the United States shall hold his court open during the ten days preceding the election. The law commands the judge of the court to do so.

In the open court from day to day, and from time to time, the judge shall appoint, and, under the seal of the court, shall commission two citizens of different political parties who are voters within the precinct where they reside, to be supervisors of the election. That law is mandatory upon the judge. Should he refuse to obey, he can be impeached of high crimes and misdemeanors in office. He must not stop to inquire whether an appropriation has been made to pay these supervisors. The rights of citizens are involved, and upon their application the judge must act.

Again section 2021 provides that on the application of two citizens the marshal of the United States shall appoint special deputy marshals to protect the supervisors in the execution of their duty. And the law is mandatory upon the marshal. He must obey it, under the pains and penalties of the law. What then? When the supervisors and special deputy marshals have been appointed they find their duties plainly prescribed in the law. And then section 5521 provides that if they neglect or refuse to perform fully all these duties enjoined upon them, they are liable to fine and imprisonment. They cannot excuse their neglect by saying, "We will not act because Congress has not appropriated the money to pay us." All these officers are confronted by the imperial command of the law—first to the judge and marshal to appoint, then to the supervisor and deputy marshal to act, and to act under the pains and penalties of fine and imprisonment. Impeachment enforces the obedience of the judge; fine and imprisonment the obedience of the supervisors and deputy marshals.

Now comes one other mandatory order: in the last section of this long chapter of legislation, the majestic command of the law is addressed both to Congress and the Treasury. It declares that there "shall be paid" out of the Treasury \$5 per day to these officers as compensation for their services. Here too the law is equally imperious and mandatory; it addresses itself to the conscience of every member of this House, with only this difference: we cannot be impeached for disobedience; we cannot be fined or locked up in the penitentiary for voting "no," and refusing the appropriation; we cannot be fined or imprisoned if we refuse to do our duty. And so, shielded by the immunity of his privilege as a Representative, my colleague sets the example to all officers and all people of deliberately and with clear-sighted purpose violating the law of the land.

Thus he seeks to nullify the law. Thus he hopes to thwart the nation's "collected will."

DANGER OF VIOLATING THE ELECTIONS.

Does my colleague reflect that in doing this he runs the risk of vitiating every national election? Suppose his lead be followed, and the demand of citizens for supervisors and marshals is made and refused because an appropriation has not been voted. Does he not see the possibility of vitiating every election, where fraud and violence are not suppressed and the law has not been complied with? Yet he would risk the validity of all the congressional elections of the United States. Rather than abandon his party's purpose he would make Congress the chief of the law-breakers of the land.

Mr. Chairman, when I took my seat as a member of this House, I took it with all the responsibilities which the place brought upon me;

and among others was my duty to keep the obligations of the law. Where the law speaks in mandatory terms to everybody else and then to me, I should deem it cowardly and dishonorable if I should skulk behind my legislative privilege for the purpose of disobeying and breaking the supreme law of the land. [Applause.]

The issue now made is somewhat different from that of the last session, but, in my judgment, it is not less significant and dangerous. I would gladly waive any party advantage which this controversy might give, for the sake of that calm and settled peace which would reign in this Hall if we all obeyed the law. But if the leaders on the other side are still determined to rush upon their fate by forcing upon the country this last issue—that because the democratic party happen not to like a law they will not obey it—because they happen not to approve of the spirit and character of a law they will not let it be executed—I say to gentlemen on the other side if you are determined to make such an issue, it is high time that the American people should know it.

THE SACRED CHARACTER OF THE LAW.

Here is the volume of our laws. More sacred than the twelve tables of Rome, this rock of the law rises in monumental grandeur alike above the people and the President, above the courts, above Congress, commanding everywhere reverence and obedience to its supreme authority. Yet the dominant party in this House virtually declares that "any part of this volume that we do not like and cannot repeal we will disobey. We have tried to repeal these election laws; we have failed because we had not the constitutional power to destroy them; the Constitution says they shall stand in their authority and power; but we, the democratic party, in defiance of the Constitution, declare that if we cannot destroy them outright by repeal, they shall be left to crumble into ruin by wanton and lawless neglect."

Mr. Chairman, I ask gentlemen on the other side whether they wish to maintain this attitude in regard to the legislation of this country? Are they willing to start on a hunt through the statutes, and determine for themselves what they will obey and what they will disobey? That is the meaning of my colleague's speech. If it means anything it means that. He is not an old Brandenburg elector, but an elector in this novel and modern sense, that he will elect what laws he will obey and what he will disobey, and in so far as his power can go, he will infect with his spirit of disobedience all the good people of this country who trust him.

THE DANGEROUS EXAMPLE OF LAW-BREAKING BY CONGRESS.

I ask gentlemen whether this is a time when it is safe to disregard and weaken the authority of law. In all quarters, the civil society of this country is becoming honeycombed through and through by disintegrating forces—in some States by the violation of contracts and the repudiation of debts; in others by open resistance and defiance; in still others by the reckless overturning of constitutions and letting "the red fool-fury of the Seine" run riot among our people and build its blazing altars to the strange gods of ruin and misrule. All these things are shaking the good order of society and threatening the foundations of our Government and our peace. In a time like this, more than ever before, this country needs a body of law-givers clothed and in their right minds, who will lay their hands upon the altar of the law as its defenders, not its destroyers. And yet now, in the name of party, for some supposed party advantage, my colleague from Ohio announces, and no one on his side has said him nay, that they not only have not in the past obeyed but in the future they will not obey this law of the land which the Supreme Court has just crowned with the authority of its sanction. If my colleague chooses to meet that issue, if he chooses to go to the country with that plea, I shall regret it deeply for my country's sake; but if I looked only to my party's interest, it would give me joy to engage in such a struggle.

The contest of last autumn made the people understand the tendencies of gentlemen on the other side. Now, this cool, calm, deliberate, assassination of the law will not be tolerated. We have had a winter to freeze out our passion, we have had a summer to thaw out our indifference, we have had the changing circles of the year to bring us around to order and calmness, and yet all the stars in their courses seem to have shed their influence on my colleague to fire him with a more desperate madness and drive his party on to a still sadder fate. [Applause on the republican side.]

I trust and believe that we may yet find some responses from the other side of the House that will prevent this course of procedure. If we do, I will gladly give away any party advantage for the sake of strengthening the foundations of law and good order. And I therefore appeal to gentlemen on the other side to prevent a disaster which their party leaders are preparing, not for themselves alone, but for our common country. I hope before this day is over we may see such a vote in this Chamber upon this bill as will put an end to this miserable business, and cast out of these halls the dregs of that unfortunate and crazy extra session. [Applause on the republican side.]

The CHAIRMAN. Ten minutes of the time allotted to that side of the House still remains.

Mr. GARFIELD. I will reserve the ten minutes to be used hereafter.

Mr. McMAHON. No; that cannot be done.

Mr. GARFIELD. Well, then, I will yield the ten minutes remaining to my friend from Michigan.

Mr. BURROWS. Mr. Chairman, it was not my purpose to engage in this discussion. To my mind, indeed, debate is useless. All appeal to the majority is futile. After listening to the remarkable declarations of the gentleman from Ohio [Mr. McMAHON] in the opening of this discussion, there can be no question but that it is the deliberate, deep-seated purpose of the democratic party to nullify such laws as they disapprove but cannot repeal.

You propose to permit this law requiring the appointment of special deputy marshals to stand upon the statute-book, enjoining upon the President the duty of executing such law, make him amenable to impeachment if he does not enforce it, and at the same time withhold from him the means to carry it into execution. United States marshals when properly applied to are charged with the duty of appointing special deputy marshals, but when that duty is performed and these deputies are appointed, you propose to withhold their compensation.

Now, sir, what is the meaning of all this? The gentleman from Ohio [Mr. McMAHON] expressly declares that it is the purpose of the democratic party not only to withhold the \$7,600 due the special deputy marshals of California for services rendered last fall, but it is their intention also not to appropriate a solitary dollar to carry out the election laws in so far as they provide for special deputy marshals in the great political contest of 1880. We are to elect a President of the United States, we are to fill every seat in this Chamber, and you decline to permit the use of special deputy marshals during this struggle. Why are you anxious to dispense with their services? Does the law enjoin upon special deputy marshals the commission of any wrong? What are their duties? Why, sir, they are required to aid and assist the supervisors in the verification of the registry list. The law enjoins it. The Supreme Court have pronounced that law constitutional. Yet the democratic party declare they will not appropriate a dollar for such inspection. Do you desire a fraudulent list? They shall attend at the time and place for the registration of voters and see that such registration is fair. The law requires it. The Supreme Court has declared it constitutional. Yet you say you will not appropriate a dollar for such a purpose. Do you desire an unfair registration? They shall attend at the registration when those unlawfully registered are marked for challenge. The law enforces this duty. The Supreme Court declares this constitutional, yet you decline to appropriate a dollar for that purpose. Do you desire illegal voters to go unchallenged? They shall be in attendance at the polls on election day. The law commands it. The Supreme Court of the United States pronounces such law constitutional. Yet you declare you will make no appropriation for such purpose? Do you object to their presence? They are to keep the peace at the polls on election day. The law compels it; and, although the democratic party at the extra session declared that there was no peace of the United States to be preserved, yet the Supreme Court affirms that there is a peace of the United States to be maintained, and that the United States may preserve the peace at the polls. Yet the democratic party will appropriate nothing for such a purpose. Do you want disorder at the polls? They are to protect and support the supervisors in the discharge of all their duty. The law requires it. The Supreme Court approves it. Yet you declare there shall be no appropriation for such a purpose. Do you want them unprotected?

They are to prevent fraudulent registration, fraudulent voting, and fraudulent counting by officers of elections. The Supreme Court of the United States declares all these provisions constitutional. Yet you will appropriate no money to prevent stuffing ballot-boxes or the dishonest counting of ballots. Do you desire a fraudulent vote? They are authorized to arrest the violators of law seeking to overthrow the will of the people. This is their duty under the law. This law is constitutional. Yet the democratic party decline to appropriate a dollar for such arrests. Do you want these criminals to go unarrested and unpunished? It looks like it.

In view of the declaration of the gentleman from Ohio, [Mr. McMAHON,] I have this to say in conclusion, and this only: that I believe this to be a part of the great scheme of the democratic party to obtain complete control of the Government. I believe it to be the determination of that party to seize this Government at all hazards, whatever may be the result of this fall's elections; that it is their purpose not only not to pay the expenses already incurred for special deputies, or make provision for such officers in the future, but should special deputies be employed without appropriation therefor, in any of the States in the approaching elections, the electoral vote of such State will not be counted.

Mr. UPDEGRAFF, of Ohio. If they can help it.

Mr. BURROWS. Yes, sir, if they can prevent it. The democratic majority has found its way into this Hall by the light of burning homes and blazing churches—over murdered but unburied dead, and its bloody foot-prints stain the very steps of this Capitol. By this means you have secured both branches of Congress. Now, the Presidency is to be attained. But how? Nullify the election laws, you say. Give us free fraud and no special deputy marshals to detect us in our crimes or arrest our criminals and we will carry States enough in the North to consummate our purpose. You are determined to hold both branches of Congress and secure the Presidency. Let me warn you, gentlemen, that if you adhere to this policy of nullification you will do neither. [Applause on the republican side.]

Mr. SPRINGER. The gentleman's words have no effect, coming

as they do from a party which holds the Presidency by having stolen the votes of two or three States in the Union. [Applause on the democratic side.]

Mr. HUMPHREY. Anybody who succeeds in stealing from the democratic party is entitled to a pension. [Laughter on the republican side.]

Mr. SPRINGER. Gentlemen who appropriated the benefits of the victory stolen at the last election are not the ones to rise up here and talk about honesty in elections.

Mr. WILBER. That only shows the democratic party was not smart.

Mr. WEAVER. Mr. Chairman, the third party commands peace in this Hall. [Laughter and applause.]

Mr. SPRINGER. I like to hear the other side begin to talk about honesty in elections, but I must confess I should like to hear the cry come from those who had not practiced fraud in the past.

Mr. REED. Just wait until the chairman of the Committee on Elections gets to work in his proper office.

Mr. McMAHON. Mr. Chairman, the gentlemen on the other side of the House should have arranged their programme a little better. The oily gentleman from Ohio, my distinguished colleague—

Mr. GARFIELD. I hope my friend is not now speaking autobiographically.

Mr. McMAHON. I am speaking of my colleague; the only gentleman from Ohio who deserves that appellation. He should have arranged his programme better. He should have had the gentleman who came behind him and those who preceded better trained, when he made his paternal appeal to the democratic party and the democratic members of the House, imploring them not to throw away all chance of the next presidential election by being such naughty boys. We were all touched by his great anxiety for our political welfare. But the other gentlemen offered such direct insults to members on this floor and to the democratic party as a party—and they are insults because they are base falsehoods—as to lead us to doubt the sincerity of all. Almost in the same breath in which my colleague appeals to us to abandon our position upon the question of deputy marshals of election, we are denounced by his associates as a majority who owe our seats to blood and whose footsteps into power are tracked in burning homes; yet we are invited to abandon our position, to take up our abode among republicans and to suck the dugs of the “wolves” on the other side of the House. [Applause on the democratic side.]

There was only one great man raised in that way, and I have not read of any other in history.

Mr. GARFIELD. I think they were twins, Romulus and Remus. [Laughter on the republican side.]

Mr. McMAHON. My colleague will allow me to correct him. Only one of them was great. History speaks only of Romulus as a “great” man.

Mr. HUMPHREY. Remus was there, though.

Mr. McMAHON. I wish in all good faith to ask my colleague from Ohio, who has read us all, and me particularly, a lecture, why it is that on every political proposition upon which he undertakes to alarm the country and lecture the democratic party we find that in the past he advocated the very propositions we now make and pursued the very course which he now pretends so much to reprobate? Why is it? Will my colleague look to the history of the republican party in the country, and particularly in the State of Ohio, with its long record of nullification on the question of the Dred Scott decision and the fugitive-slave law? [Laughter on the republican side.] Gentlemen on the other side are amused. Why? Do they object to my reference to those days? Is it because the republican party was then only in its infancy and that it pleads minority for what it did then? In those days actual resistance to the enforcement of the law was one of the cardinal points of the majority of the republican party, a policy we have never advocated nor practiced nor indorsed.

Or, do gentlemen claim that the great public men of their party in that day were unsound statesmen, dangerous to the country and enemies to the Government? The judgment of an impartial public would be to-day in favor of the republican leaders of twenty years ago in preference to those of to-day.

When the record of gentlemen has been so different in the past from their present position, on the questions of the effect of decisions of the Supreme Court, the supremacy of Federal law, and riders to appropriation bills, are we to look upon them as reformed statesmen? Does my colleague desire to appear in that rôle? Has my colleague seen the error of his ways? Has he become convinced that in those days he and his party was wrong? Are you willing, gentlemen, to admit that to the country now? Or are we to draw the proper conclusion that you can change your side as the necessities and emergencies of party demand? In 1860 the republican party was as powerful, as strong, as brainy, as full of great leaders, and as intent upon great purposes as it ever was in the history of this country; indeed, more so; for it had not then been debauched as it has been since by the unlimited possession of power; it had not been corrupted by the handling of millions or rather of thousands of millions of the public money without accountability except to itself. It was then a party for the equal rights of men; a party which a man might well respect although he might not agree with it in its aims

and purposes. In those days one of the corner-stones of the party was placed in the Chicago platform of 1860:

That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of powers on which the perfection and endurance of our political fabric depends; and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes.

A similar enunciation of doctrine to-day, by any democrat, would be denounced as hatred of the Federal Union and hostility to the Federal Government. Will you admit that in 1860 you were for the rights of the States because you possessed a majority of the State governments, and were not in possession of the Federal Government? Do you admit that you were wrong then but right now? I leave gentlemen to decide that before the American people. A party which can maintain both sides of the same important question, with equal vigor, depending only upon where its party interests may temporarily lie, is not well qualified for the position of monitor to any other party, nor are its teachings deserving of the attention of a serious people.

Mr. Chairman, the ingenuity with which our friends on the other side evade the discussion of all economical questions that look to the real interests of the people is remarkable. When the Belknap investigation was first ordered the cry went all over the country that the “rebel brigadiers” were assailing an honest Union soldier who had helped to put the rebellion down; and, although he was proven to have been guilty beyond all controversy, republicans did all in their power to protect him. This is only one instance in the past. When we have now under discussion the question of how much money shall be appropriated for the Printing Office—because the Public Printer has violated law in using up in eight months an appropriation intended for the whole fiscal year—when we discover that the appropriations for that department, if voted as the demands of the office now require, will make an increased expenditure of \$400,000 over former years, when charges of extravagance, inattention to public interests, squandering of the people's money are made, how are we met? Why the gentleman from Ohio [Mr. GARFIELD] rises, and, in his dilettant way, says that he will not waste any time on the discussion of the Printing Office. That seems to him to be only a matter of a few hundred thousand dollars to the American people! I suppose, in view of the history of his party, he considers such a deficiency a very small matter. Perhaps it is. But it is the mission of the democratic party at this time—and for that reason it has been kept in power—to look into the expenditure of the money of the people, no matter how small, and save wherever we can, no matter how small the sum may be.

This purpose of the democratic party to economize expenditures and expose the extravagance of the Administration cannot be evaded by side issues. It does gentlemen no good to undertake at this late day to flaunt the bloody shirt before the American people. It might do, Mr. Chairman, in the days when our people were distressed, when men were out of employment, when there was no work to do, when our manufacturing establishments were stopped, when every interest and industry in the country were paralyzed, as the result of the policy of the party of gentlemen on the other side. But now if men are out of employment it is simply because the exigency of the occasion authorizes them to demand an increase of 10 or 20 per cent. over the wages of hard times. I say to gentlemen on the other side when they come before the American people with that same worn-out, tattered, faded, bloody shirt, they mistake the temper of the American people. They will find that the people will put the seal of condemnation on that party which inaugurates these sectional discussions, tending to disturb the business of the country and to increase discord between the two sections.

The business of the country demands quiet, and the people will have peace. Who teach the rising generation that they should hate their fellow-countrymen? If you put into the hands of the boys of our day the speeches of republican politicians, they are taught that their natural enemies lie in the South, and the seeds of future civil wars are planted by designing politicians for a mere temporary party advantage. Is this statesman-like? Is this taking a broad view of the present needs of our country? Is it patriotic to foment divisions at home, to perpetuate sectional hatred, to weaken our country by intestine quarrels?

Oh, I wish there was a statesman upon the other side. [Laughter on the republican side.] I hope gentlemen will permit me to finish my sentence. I know that we are all apt to imagine ourselves to be statesmen, and therefore gentlemen rebel when I seem to take away the right from any of them. I was going to qualify my statement, if gentlemen had given me time. There are statesmen on the other side of the House. I am not disputing that proposition, either as to my friend from Maine, or my colleague from Ohio. I was about to say to you what kind of statesmen I wish you had on the republican side. I wish you had a statesman who was able to rise above fomenting all this petty political strife between the North and the South. I wish you had a statesman who would wave the banner of peace, as the President did, for a while, until resistance in his own party became too powerful. I wish there was one who could overlook the past and let this country prepare itself for the great difficulties through which it may have to pass in the next few years. They are difficulties growing out of our increasing greatness.

There are gentlemen on both sides of the House exceedingly anxious to pass decided resolutions on the subject of the interoceanic canal. It is proposed that we shall lay down on that subject a doctrine which may involve this country in an unequivocal assertion of its rights, and lead us no man can tell where. It is proper for us to consider the situation. Are we preparing ourselves, in fomenting civil discord at home, to proclaim the act of any foreign nation setting foot on any portion of the soil of this continent as a declaration of war?

What must the people and the rulers of other countries think when they see our so-called leaders, or those who claim to be such, endeavoring to keep alive sectional hate? If the people of this country want to learn any lesson rapidly it is that we are becoming not only the great power on this continent but a standing menace to the world. The success of our free institutions is a constant argument against the despotism of the Old World. Our products, our commerce, and our manufactures have almost brought Great Britain to her knees. Do you think, Mr. Chairman, that this can long be the case without forcing some combination against us? And is our country to be benefited by the appearance of division at home? Are we likely to have continued peace if we proclaim to foreign nations that we are divided; that one half of our people are against the Government; that there is no peace between the North and the South, even though the war has been over for fifteen years?

A party that foments and proclaims these internal divisions and troubles, and asserts that one-half of this country means to overthrow this Government, only invites an attack which some day sooner or later will come from the combined forces of foreign governments. In what position will we then be? Read the reports of your Government officers, and they will tell you that in Boston Harbor there is not a single gun which can keep out the iron-clads of Europe; that the harbor of New York is in the same condition; that there is not a harbor in the United States into which the iron-clads of Great Britain, of France, and of Spain cannot go and take possession of your cities.

In the midst of these possible dangers, in the midst of the prosperity of our country, in the midst of the increase of business, in the midst of a desire on the part of the people to bury all sectional issues, when we ought to be shouting pæans for our prosperity, and uniting in common energy that nothing shall retard it, the republican politician comes to the front with his shouts of hatred to the South, his denunciation of the democratic party as an enemy to the country, as intending to seize the Government by force, if not duly elected by the people; and as proof of his assertion and the propriety of his hate he points to the remarkable fact that his pet special deputy marshals of elections who controlled the polls in San Francisco are not to be paid the \$7,600 which is said to be due them.

The attempt to unsettle the confidence of the people is atrocious. If successful it would paralyze business everywhere. And the pretense that the democratic party intends to seize upon the Government under all circumstances comes with a bad grace from a party which robbed us once of our rights and seems disposed to do so again. Our submission to law is proven by the peaceful inauguration as President of one who was not actually chosen by the people.

Now, sir, there is nothing in this bill which in any way prevents the full execution of the election laws to their fullest extent; nothing to prevent general deputy marshals from doing duty at the polls; nothing to prevent a United States marshal from appointing as many general deputy marshals as he pleases at any future election, or to prevent the marshals or their general deputies from arresting on election day as many persons as they please and carrying them before commissioners where they can be tried. How, then, do we nullify these laws? We simply say that we will not give \$7,600 to pay your special deputy marshals in California because you had no authority to appoint them when no money was appropriated for that purpose. My colleague [Mr. GARFIELD] is the advocate of a very distinguished gentleman for the Presidency, [Mr. Sherman.] I violate no confidence in saying this, because he has gone upon the record in the public prints. Let me read to him, as a complete answer to a portion of his argument, from a celebrated document issued by his candidate for the Presidency since he has been Secretary of the Treasury. During the second session of the Forty-fifth Congress he sent a communication to us in which is to be found the following:

The seventh section of the act of July 12, 1870, (Statutes at Large, volume 16, page 251; Revised Statutes, section 3679,) provides that no department of the government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the government in any contract for the future payment of money in excess of such appropriations. Prior to that time acts of Congress had been passed which expressly or constructively imposed upon the executive department of the government duties involving the expenditure of money for which no appropriations had been made, and from the existence of those duties it was inferred that the power to incur the necessary debts also existed.

To cut off all such inferences and assumptions was the evident purpose of the section of law referred to. (See 14 Opinions Attorneys-General, page 109.)

I give that to the gentleman as a complete answer to his argument. He has claimed that when a marshal is called upon to appoint special deputy marshals he is bound to do so in compliance with the law, although no appropriation has been made for the purpose. I refer him to his candidate for the Presidency, who says that if no appropriation has been made for that purpose, then the duty imposed upon

the officer does not exist, and he is not liable for a failure to perform it.

The gentleman did me much honor in alluding to me as the leader of the House upon this bill, or as one of the leaders of the House. I confess that if I were to take to myself the estimate that gentlemen upon the other side put upon me just now I might entertain an improper idea of the position which I occupy on this floor. I make and have made no pretensions to leadership. I am assigned to the duty of pushing this bill through the House; and I am only authorized to speak for the committee so far as their actions allow.

I do not understand that I speak for anybody except in the official way that I represent the Appropriations Committee. I call my distinguished colleague's attention to the fact that in commenting upon what I said he left out a part of the sentence which he undertook to quote. I will read from the RECORD exactly what I did say:

We do not in this bill appropriate any money for special deputy marshals; and I doubt whether the democratic party ever will appropriate any money for such special deputies so long as the law stands in its present shape.

Did my colleague read that? He did not.

Mr. GARFIELD. I said to the Chair that I would print in full the passage referred to.

Mr. McMAHON. That is the whole passage.

Mr. GARFIELD. No, it is not all I am going to quote; I shall quote three or four times as much.

Mr. McMAHON. I appeal to the House as witnesses that all that I said upon this subject was—and I will read again from the RECORD:

We do not in this bill appropriate any money for special deputy marshals; and I doubt whether the democratic party will ever appropriate any money for such special deputies so long as the law stands in its present shape.

I hope the House will observe the care with which I expressed myself.

It would have been very easy for my colleague to have quoted me correctly. He could not read what I had said without seeing the qualification. It was a part of the same sentence. Why did he prefer not to quote me correctly? Why did he fail to quote the words "so long as the law stands in its present shape?" Does he prefer to have his speech go to the country representing me in the flaming way in which he put it instead of my own language?

Mr. GARFIELD. Will my colleague allow me? Everybody in the House knows that I said I would not stop to read the extract, but would print in full what I referred to, from the RECORD.

Mr. McMAHON. Why did not my colleague repeat on the floor what I had said?

Mr. GARFIELD. Everybody heard me say that.

Mr. McMAHON. I propose to hold the distinguished gentleman to a strict accountability when he builds the fabric of a whole speech upon something I have said. All I did say upon that particular point was what I have read; and if the gentleman's argument does not apply to that he had better "withhold his speech for revision" and leave the whole of it out.

Now, I want to say to the gentleman again that the fact that the Supreme Court of the United States has decided a particular law to be constitutional is no reason why Congress shall be denounced as a nullifier because it fails to appropriate money under that particular law. What did the Supreme Court decide? Merely that the election laws are constitutional; that it was within the ordinary power of Congress to pass such laws. Did the Supreme Court decide that they were good laws? Did it decide that it is the duty of Congress to appropriate money to carry them out? Did the court decide that they are laws which ought to be carried out? By no means. I call for the reading of anything in the Supreme Court decision putting any obligation upon us in regard to that matter.

I want to go a little further. My colleague says that we ought to appropriate money for this purpose in the future. It would not be proper on this bill; but if it was, how much? Five thousand dollars? Gentlemen will say that is not enough, and we are nullifiers still. Ten thousand dollars? They will say that is not enough, and we are still nullifiers. Twenty thousand dollars? They will say that is not enough, and we are nullifiers in spite of the amount voted. The fact is, we are always to be called nullifiers unless we meet the views of the republican party.

Congress, Mr. Chairman, holds it in its own power to say for what purposes it will appropriate the public money. We are the judges; the Constitution leaves it with us only. It would be very foolish for us to appropriate money for an unconstitutional law, because in attempting to carry it out the country would be involved in confusion. But there are plenty of laws upon the statute-book that are constitutional, for which Congress fails as a matter of fact to appropriate money. Now I do not speak for the democratic party and have not spoken for that party, having no authority to do so; but I repeat what I said before, that I doubt whether the democratic party ever will vote to pay \$5 a day to special deputy marshals so long as the law stands in its present shape.

Mr. GARFIELD. To save any question, if my colleague will allow me, I would like to ask him whether he is in favor of executing the election laws?

Mr. McMAHON. Let me read as an answer from my speech of the other day.

Mr. GARFIELD. If the gentleman could say "yes" or "no" it would make the matter very short.

Mr. McMAHON. Let me read again as my answer what my colleague failed to read when he was commenting upon my speech:

We do not in this bill appropriate any money for special deputy marshals; and I doubt whether the democratic party will ever appropriate any money for such special deputies so long as the law stands in its present shape.

Is the gentleman answered? That expresses my views.

Mr. GARFIELD. That merely expresses the gentleman's "doubt." I ask him whether he is in favor of carrying out the election law?

Mr. McMAHON. I have no hesitation in saying to the gentleman that so far as I am concerned, while the law stands in its present shape, I am not in favor of voting money for special deputies; but I will tell the gentleman something more in the same connection. Before this Congress adjourns gentlemen on the other side may be met with a proposition which will test their sincerity as to a modification of these laws. They may be met with a proposition to amend the law so that two deputy marshals may be appointed for each polling place—one to belong to each political party.

Mr. WEAVER. Three.

Mr. McMAHON. Wherever the greenbackers can make any showing, let them have one. [Laughter.] The proposition may be made that these two or three officers shall be appointed, not by the United States marshals, but by the judges of the courts of the United States.

Mr. CONGER. Will the gentleman then favor appropriations to pay them?

Mr. McMAHON. I want to get your side committed first; you are the refractory men as to the amendment of the law.

Mr. CONGER. Will the gentleman then favor appropriations to pay these officers?

Mr. CALKINS. Where a county has a democratic sheriff, I suppose the gentleman will also favor giving us half the deputy sheriffs.

Mr. McMAHON. A sheriff is not a political officer; a special deputy marshal, as we have found, is nothing more nor less than a mere political appointee and general party agent. He is only appointed for an election and then goes out of existence.

Now, when gentlemen on the other side are willing to give us a proposition like that, with a reduced pay and a reduced term of service, and ask us to appropriate money for these officers, we will meet them in the proper spirit and discuss the matter; but we want the change of the law and the appropriation to go together. But so long as gentlemen have and exercise the unlimited power to appoint in any city of twenty thousand inhabitants an unlimited number of United States special deputy marshals from the rough scum of the rabble, at \$5 a day, and for a period of ten days, and thereby debauch elections, so long they cannot expect us to put the money of the Government into their hands to be used for mere partisan purposes. You may call the election laws laws for the protection of the ballot-box. Under republican management they have been corruptly and wrongfully used.

Mr. GARFIELD. My colleague will remember that we offered last session to let the law be changed so that these officers should be appointed from the two parties. I distinctly held that out as a standing offer; and, so far as I am concerned, that "lamp still holds out to burn."

Mr. McMAHON. We may give the gentleman a chance to vote for such a proposition; and when I say "we" I mean "I," for I disclaim speaking for the democratic party. But that is a question for the future, and I want it tested in all fairness and sincerity. The immediate proposition we are considering is that whether we will vote \$7,600 to pay the special deputy marshals in California. Gentlemen on the other side say we ought to vote it. Who on that side say that it is a debt or obligation? What Department asks us to vote it? What Department is willing to assume the responsibility of having incurred that as a debt? No Department has asked us; and I appeal to my friend from California whether those men have not been paid out of private funds.

Mr. PAGE. No; they have not been paid.

Mr. McMAHON. On your honor?

Mr. PAGE. On my honor, so far as I know, they have not been paid. They were appointed with the distinct understanding there was no appropriation, and they have left it to the honor of the House to make the appropriation.

Mr. McMAHON. I want to say to the gentleman this House does not appropriate money on "honor;" it appropriates money under law, and only to meet obligations and debts. The gentleman admits in the very proposition he has made to us there is no legal obligation. It is simply a question of honor with the American Congress, the gentleman admits, that we shall take \$7,600 out of the Treasury to pay the expenses of a lot of republican or democratic dead-beats, hired to stand at the polls in the interest of the republican candidates for Congress. [Laughter and applause on the democratic side.] That is what it means; and that is all it does mean.

Mr. HUMPHREY. The honor of this Congress is to obey the law. Mr. McMAHON. There was no law authorizing this, because, as Secretary Sherman says in the letter I have already quoted, (and I want my friend to rub it well under his nose,) no Department can incur an obligation when no appropriation has been made for that specific purpose.

Mr. HUMPHREY. Who says that?

Mr. McMAHON. Secretary Sherman.

Mr. HUMPHREY. Secretary Sherman is not a member of this House.

Mr. McMAHON. He is not; but is not the gentleman from Wisconsin going to support Secretary Sherman for the Presidency?

Mr. HUMPHREY. That is a leading question. [Laughter.]

Mr. WILBER. It depends on whether he is nominated.

Mr. McMAHON. If I turn to that other man, who is running for a third term; if the gentleman will look to his message sent to Congress in June, 1876, he will find that he lays down the same law, that in the absence of an appropriation imperative executive duties cannot be performed.

Mr. HUMPHREY. I am for the third-term man, if you please. Certainly I am. And he will hold, as did Secretary Sherman, that when any obligation rests in this Congress, or any other body in the United States, which the law creates, they are to obey it and ask no questions.

Mr. McMAHON. The gentleman did not hear me when I read from Secretary Sherman, who takes just the opposite ground and says if the appropriation has not been made there can be no debt or obligation incurred. That he said at the time when he was looking to the business interests of the country, and not looking, as my friend is, to some political harangue. The only chance my friend will have then, if he wants to have a candidate to carry out his doctrine, is to drop the man who wants the third term and turn the cold shoulder to the Secretary of the Treasury, and give his support to the statesman from Maine, a pretty good man indeed, who does not seem to have a record on this point.

Mr. HUMPHREY. I will be as much pleased to vote for Mr. Sherman or Mr. BLAINE, or for Mr. Grant; for whoever we nominate we are going to elect.

Mr. McMAHON. How much time have I left?

The CHAIRMAN. Seventeen minutes.

Mr. McMAHON. I yield, then, the balance of my time to my colleague, Mr. WARNER.

Mr. WARNER. Mr. Chairman, the question raised in this bill is not whether laws are to be obeyed or violated, but whether, as legislators, we have the right to repeal or amend laws, or to direct how the revenues of the people shall be applied in the execution of the law. It is whether Congress has the right to say to what objects appropriations shall be directed, and whether, under any circumstances, it may withhold the appropriations of money from any object recognized by law, or from the execution of any law. The gentleman from Connecticut, [Mr. HAWLEY,] in his argument yesterday on this question, admitted that circumstances might arise which would justify shutting off supplies from an obnoxious law; but the argument of my colleague from Ohio, [Mr. GARFIELD,] if it leads to anything, is to the position that a law once placed upon the statute-books is there not merely to be appropriated for but is in itself a perpetual appropriation of revenue; that the whole body of laws on the statute-books are there, not as calling merely for annual appropriations for their execution, but in and of themselves are a perpetual appropriation of the revenues of the people, and consequently a perpetual levy of taxes. If that be the case, then why go through the form of passing an appropriation bill in this House? Why not, as was asked by a distinguished member of this House a century ago, why not let the President make his drafts at once upon the Treasury? I say all laws stand upon the statute-books subject forever to the condition of periodical appropriations to be made by Congress under the Constitution.

The public revenue, Mr. Chairman, is that part of the annual produce of a people devoted to public uses.

Who shall say how much or how little shall be so applied; they who produce it or they who spend it? Every free people that have ever inhabited the earth, whether Hellenic, Roman, or Saxon, have held in their own hands this control. It is a right older than constitutional governments, older than the English-speaking race. Liberty has stood its ground only when wedded to this right, and when and where the people have held and used this power. By it the Anglo-Saxon race gained and preserved its liberties on English soil, and with the first colony, brought it to this side of the Atlantic.

Story says of the first Plymouth colony:

There was also an early declaration that no taxes could be levied by the governor without the consent of the general assembly.

Not only was the assent of the general assembly necessary to the levying of taxes, but the same authority say:

When raised, they were to be applied to the appointment of the legislature.

And of the first Connecticut colony he says:

Among other things it was declared that no tax could be levied but by the general court.

This right was carried forward as a fundamental principle in the Constitution, which provides that "all bills for raising revenue shall originate in the House of Representatives." As early as 1797, Mr. Nicholls, a distinguished member of the House from Virginia, and a member of the State convention that adopted the Constitution, said:

The power of this House to control appropriations has been settled. It was indeed an absurdity to call a body a legislature, and at the same time deny them a control over the public purse. If it were not so, where would be the use of going through the forms of that House with a money bill? The Executive might as well draw upon the Treasury at once for whatever sums he might stand in need of. A doctrine like this would be scouted even in despotic countries.

Mr. Madison said:

The purse is in the hands of the representatives of the people. They have the appropriation of all moneys.

In the House of Representatives, February 25, 1797, Mr. Gallatin said he "conceived the power of granting money to be vested solely in the Legislature, and though, according to the opinion of some gentlemen (though not in his) the President and Senate could so bind the nation as to oblige the Legislature to appropriate money to carry a treaty into effect, yet, in other cases, he did not suppose there had been any doubt with respect to the power of the Legislature in this respect."

The exclusive power to originate revenue bills—which has always been construed to include appropriation bills—by express constitutional provision is given to the House, the immediate representatives of the people. The question has been often mooted whether to raise revenue includes also its application. But when we understand that the revenue raised is the part of the earnings of the people applied to purposes of government, that is, to public uses, it is by the plainest implication that the power that determines how much shall be so applied shall also determine how it shall be applied. It is for Congress alone to say not only—not merely—what taxes shall be levied, but how much money shall be appropriated for this object or that object, and how it shall or shall not be applied. All this is the business of Congress and not of the Executive.

De Lolme, in his Treatise on the English Constitution, says:

If any other persons besides the representatives of the people had a right to make an offer of the produce of the labor of the people, the executive power would soon have forgotten that it only exists for the advantage of the public.

In the reign of Henry IV, according to the same authority—

The house voted supplies to the Crown, but appointed treasurers of their own to see the money disbursed for the purpose intended, and required them to deliver in their accounts to the house; and from that period the supply was generally appropriated to specific purposes.

Not only was money appropriated for specific purposes, but in this case the House of Commons appointed its own treasurers to apply the money.

So late as 1861 Mr. Gladstone included all the chief financial propositions in one bill, thus depriving the House of Lords of the power of amendment in detail, and so carried it.

I say all the other constitutional guarantees the people of this country have are nothing compared with this one great right, so jealously guarded by the English Commons.

The veto of bills, then, on the ground that provisions are annexed directing how appropriations of money shall be applied, would be an assumption of power on the part of the Executive wholly inconsistent with the fundamental principles of our Government and of all free government. Congress alone has control of the purse. And it will be a sad day when the people of this country surrender that control or submit to executive dictation in the matters of appropriation.

Congress may, and it may be its duty not only to reduce both revenues and appropriations, but to withhold altogether an appropriation for the time being from an object deemed detrimental to public welfare. This is a constitutional right. It is a kind of reserved power vested in the representatives of the people, not wholly unlike the veto power in the hands of the President. Take the case before us. A majority in Congress have sought the repeal of certain laws; the President interposes his veto, as is his right; then, exercising its constitutional right, Congress withholds money from the specific object in controversy. For the time being the operation of the law is thereby suspended, or, to use the expression of another, that ship is grounded. The issue goes to the people; they alone can say whether taxes shall be levied and the money appropriated and the law put in operation again or be repealed. There is no revolution here; no semblance of revolution. There is no violation of law or of the oath of legislators. It is a constitutional way of reaching a solution of differences between co-ordinate branches of the Government. This view has been uniformly held by the most distinguished republican leaders until that party came in the minority in this House. And, by some, the doctrine was pushed even to unwarrantable extremes. Mr. Fessenden, in 1867, said:

The power of supply and the power of annexing conditions of supply have always gone together in parliamentary history, and their joint exercise has never been denounced as a case of revolution, or calling for revolution, or tending to produce revolution in any shape or form whatever. It is a power essential to the preservation of our liberties.

In 1866 the following provision was annexed to the diplomatic appropriation bill:

And no money shall be paid to the present minister resident at Portugal, out of any funds whatever, on account of further services in his office.

In the debate in the Senate on this provision in the bill, the following year, Mr. Sumner, than whom no one was more competent to speak for his party or to lay down the principles of constitutional government, said, (page 1501, Globe of February 18, 1867):

It will be remembered that during the last session Congress in its appropriation bill provided that nothing should be paid to the minister at that time in Portugal, under any appropriation bill or out of any fund whatever.

Now the question may arise whether Congress in taking that step went beyond the line of its constitutional duty. I take it nobody will suggest that it did. I believe one of the best principles—I might almost say one of the golden principles—of constitutional law—

I call special attention of the other side to this golden principle of constitutional law—

is that, the parliamentary power, having control of the purse, may in that way influence public policy in the appointment of officers.

This is surely high republican authority, although the last vote of the great statesman was given for the democratic candidate for President.

Mr. Fessenden said, (Globe, July 25, 1866, pages 3957, 3958:)

It is very right and very proper that, in a case that justifies it, Congress should exercise the power that it has, and that is, when a public officer is obnoxious and Congress is satisfied that retaining him in his place is injurious to the public interest or the public honor, it should exercise the power it has and refuse to appropriate for the payment of his salary whatever it may be. That is a power that Congress possesses, and in a proper case it is perfectly right for it to exercise it. It is a check that it has, that the Constitution intended it should have.

Mr. Davis, of Kentucky, said:

I agree with the Senator from Maine that, where a proper occasion arises, it is not only right but it may be the duty of Congress to make no appropriations to pay salaries.

In another part of the debate on the same question Mr. Sumner said:

The only question before us now is whether we can, so far as this minister is concerned, refuse all appropriations.

There I believe the rule is clear and absolutely beyond question. If it were not clear and absolutely beyond question, I think that Congress would be shorn of one of its best powers. It is no answer to say that it is a power that in our history has been rarely exercised, for the occasion for its exercise happily has been very rare; but Congress has exercised it now, and I submit that it is a power beyond question. It was a power, as the Senator from Maine has reminded you, recognized in English history. It was perfectly familiar to the framers of the Constitution of the United States, for it had been proclaimed in a work of authority which had been read at that time by all of our fathers. I hold in my hand the work of De Lolme on the British constitution, from which, with your permission, I will read a few words, for they seem to settle this constitutional question. I read as follows:

I give the part quoted from De Lolme by Mr. Sumner with his comments:

The King of England, therefore, has the prerogative of commanding armies and equipping fleets, but without the concurrence of his Parliament he cannot maintain them.

Then Sumner continues:

Just the same as our President has the power of commanding armies and of equipping fleets; but what can he do without the power of Congress?

De Lolme then goes on:

"He can bestow places and emoluments."

[Mr. SUMNER.] So can the President—

"but without his Parliament he cannot pay the salaries attending on them."

[Mr. SUMNER.] Is not the position of Congress in this regard at least as high as that of the British Parliament?

Then De Lolme says:

"In a word, the royal prerogative, destitute as it is of the power of imposing taxes, is like a vast body which cannot of itself accomplish its motion, or, if you please, it is like a ship completely equipped, but from which the Parliament can at pleasure draw off the water and leave it aground, and also set it afloat again by granting subsidies."

Then Mr. Sumner says:

Now, all that Congress proposes to do at this moment, so far as I understand, is, according to the language of this writer, to draw off the water and leave the ship aground.

This was quoted in part by the distinguished gentleman from Texas [Mr. MAXEY] at the extra session. This illustrates well the case before us. Congress refuses to appropriate money for special deputy marshals to control elections. The water is drawn off, and the deputy-marshals law is left for the time being aground.

Mr. CONGER. Do I understand the gentleman to argue that Congress has the right to withhold any or all appropriations and let the old Ship of State go down to the bottom?

Mr. WARNER. I will answer the gentleman's question by first quoting further from the opinions of distinguished members of his own party. In a debate on the Army bill, in the Thirty-fourth Congress, Mr. Wade, Senator from Ohio, taking more extreme ground, said:

Must the people's House of Representatives sit with their arms folded, and although the Constitution of the United States confers emphatically upon them the power to originate all revenue bills (which comprises the power to place these grants of money on such conditions as they see fit,) must they refrain from exercising their authority in an emergency like this? Is this the liberty of the American citizen, that the people's House, where there really is a representation of the people, where the wisdom of the fathers placed the taxing power, are leading to revolution by annexing a condition to the appropriation of the people's money, a most wholesome restraint, putting a curb in the mouth of the traitor who sits in the executive chair, now stimulating this country as fast as he can do it to civil war?

John P. Hale, of New Hampshire, said:

Mr. President, I understand this principle to be the great principle of English liberty incorporated in our Constitution, and it is the only resource by which the Parliament of Great Britain have held the king in check. If we surrender it we shall give our own Executive an arbitrary power unknown to the Constitution, and not vested in the King of England. It is the only principle that is left of popular government by which the supremacy of the popular will can be maintained in this country or in England, and if we give it up to-day, we may just as well give up the experiment.

Joshua R. Giddings spoke in the same way:

I take the position which I have always maintained here for myself, and which I am unwilling in the midst of passing events to leave unproclaimed on this floor, and that is that the people have a perfect, unlimited control of their own funds. We are the representatives of the people here. We are their agents, sent here to deal out their funds, and it is not for the Senate or for the Executive to say that we shall appropriate them for any object revolting to the proper sense of justice and propriety. I lay down this as a principle too old and too well understood to be disputed at this day.

Mr. Seward, recognized by all parties as a statesman of high rank, said :

Since the House of Representatives has power to pass such a bill distinctly, it has power, also, to place an equivalent prohibition in any bill which it has constitutional power to pass. And so it has a constitutional right to place the prohibition in the annual Army appropriation bill.

I grant that this mode of reaching the object proposed is in some respects an unusual one, and in some respects an inconvenient one. It is not, therefore, however, an unconstitutional one, or even necessarily a wrong one.

It is a right one if it is necessary to effect the object desired, and if that object is one that is in itself just and eminently important to the peace and happiness of the country or to the security of the liberties of the people.

Mr. Wilson, afterward Vice-President, went so far as to step even on the dangerous ground so bitterly condemned now by the other side of the House, and which I also in part condemn. Mr. Wilson says :

"The House of Representatives," says Mr. Madison, "cannot only refuse, but they alone can propose the supplies requisite for the support of the Government." This declaration is full, ample, complete. If the House can refuse the supplies requisite for the support of the Government, if it possesses this complete and effective weapon for obtaining a redress of every grievance and for carrying into effect every just and salutary measure, the occasion surely demands the full exercise of that power of the House ; and in its firm exercise, to use the words of Madison, it will be sustained by the consciousness of being supported in its demands by right, by reason, and by the Constitution.

But this doctrine of the redress of grievances involves different principles from those connected with the control of revenues and the direction of expenditures to or away from special objects.

The doctrine of the redress of grievances borrowed from England I do not indorse. I have heretofore declared that it is a doctrine that finds no place in our system of government. The President has no power to redress grievances. That power was never given to him. He has no powers but those which the people have intrusted to him, power to execute the laws. These powers the people can enlarge or abridge, or they can abolish the office altogether by amendments to the Constitution. On this point Judge Story has laid down, as I believe, the true doctrine. He says :

Strictly speaking, in our republican forms of government, the absolute sovereignty of the nation is in the people of the nation ; and the residuary sovereignty of each State, not granted to any of its public functionaries, is in the people of the State.

To ask a redress of grievances at the hands of the Executive is therefore an admission of weakness on the one hand, and a suggestion of power on the other that does not comport with the organic structure of our Government. Where the "divine right of kings" is acknowledged ; where the powers of government descend by inheritance through one person, and reside in a single head, the people, theoretically at least, possess only such rights and liberties as their ruler may graciously bestow on them, or they may compel him to recognize or secure to them, by refusing him money to carry on his government. There, the doctrine of redress of grievances is consistent and of practical force. King James II said :

I will make no concessions ; my father made concessions and he was beheaded.

But though James made no concessions, for his refusal he lost his throne. But where the people themselves are the source of all power this doctrine is inconsistent. The differences between our own and foreign governments, where inherited powers are recognized, are wide as the poles.

I hold, however, Mr. Chairman, that it is as much the duty of Congress when the law is once recognized to appropriate for it as it is for the Executive to administer the appropriation when made. On this point I agree with the eminent author of a recent able treatise on "Politics as a Science," Mr. Reemelin, of Cincinnati, when he says :

To refuse appropriations arbitrarily for partisan purposes, after its object is recognized by law, is dereliction of duty.

Government is entitled to support, as the same author says, "from the law-making as from the executive power. An appropriation is not an act of grace vouchsafed to the Executive ; it is the discharge of a duty." This principle has been recognized by all democratic leaders, from Jefferson and Jackson down.

But there may be circumstances when it would not only become the right but the duty of this House, exercising its functions as representatives of the people, to hold for them the control of their earnings and their revenues and to say whether they shall be appropriated for this object or for that, how much for one and how much for another. And I can conceive circumstances, Mr. Chairman, under which I would vote to withhold appropriations from the whole Army ; if, for instance, some usurper—some man in the presidential chair, some Caesar or Napoleon—should attempt to make use of it to overthrow the liberties of the people, turning it against the people themselves, I would then most assuredly draw off the water—that is, cut off the supplies—and leave him aground, anchor him as quick as it was possible to do it. And the people themselves under such circumstances, through their Representatives in Congress, would have the right to use this reserved power in self-defense. I say, too, when the people surrender this power they surrender free government.

While, therefore, I uphold the right of this House, as the immediate representatives of the people, to increase or diminish taxes, to increase or diminish appropriations, and to direct to what objects money appropriated shall be applied, and to withhold it from specific objects, if it shall see fit, I make a broad distinction between this right, between this exercise of power, and the right to refuse supplies for legitimate purposes ; for the necessary and proper objects of govern-

ment as a means of coercing a co-ordinate branch of the Government to give its assent to either the repeal or the enactment of a law. If Congress may rightly and constitutionally withhold appropriations necessary to support the executive department of Government in order to compel the Executive to concede some privilege, or concur in some measure, then it may withhold the means necessary to support the judicial department of the Government for the purpose of compelling judicial sanction of a law, or from the minority in Congress as a means of controlling their action. The logical conclusion to which such a doctrine leads is, that Congress, or one branch of Congress, has the constitutional power to subordinate to its own will a co-ordinate branch of the Government. Such doctrine, I maintain, was never taught by democrats recognized as leaders since the party had an existence. It is utterly opposed to all the settled principles of democratic government. To attempt to carry out such a doctrine would be revolution, or rather it would be nihilism scarcely less dangerous than that which hangs over Russia now.

On the other hand it will not do to say that a law once passed must necessarily be appropriated for each and every year thereafter for ever. Laws themselves are sometimes left to become obsolete. They may be perverted, or become obnoxious, or used as a means of tyranny. Or suppose a law is passed providing for a public building. Must Congress levy taxes and appropriate money for it every year, no matter what the reasons may be for stopping it ? There might be cases where vested rights come in, but there is no such question in the case before us.

Applying these principles to the bill before us, and believing as I do that every dollar appropriated for deputy marshals to go to the polls, as the law now stands—if money were appropriated for that purpose—would be used for partisan purposes, and not for the public good—used to corrupt the ballot and set aside the will of the people—I think the case is one, using the figure of De Lolme and Sumner, that justifies the drawing off of the water and leaving that law aground until the people decide the question. And I have no fears myself as to how they will decide this question when, divested of all other issues, it is clearly presented to them.

I do not propose to go over the ground or repeat the discussions of the extra session, but I cannot shut my eyes to the danger of permitting executive interference to penetrate to the ballot-box. That is the fountain-head of our system of government, and it must be left absolutely with the people. If they, acting in their sovereign capacity, cannot hold free and fair elections, then free government is a failure. I fear the encroachment of power there ; I am warned by the examples of history ; I am instructed by the admonition of the most far-seeing statesmen of the danger of relaxing constitutional safeguards. Macaulay utters a warning that it would be well to heed. He says :

As we cannot, without the risk of evils from which the imagination recoils, employ physical force as a check on misgovernment, it is evidently our wisdom to keep all the constitutional checks on misgovernment in the highest state of efficiency, to watch with jealousy the first beginnings of encroachment, and never to suffer irregularities, even when harmless in themselves, to pass unchallenged, lest they acquire the force of precedents.

Madison does the same when he says :

Since the general civilization of mankind I believe there are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations.

Patrick Henry said :

Show me that age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men, without a consequent loss of liberty.

And as indicating the marked decadence in the sentiment of the people—in the spirit of the age—as compared with a century ago, I give an extract from the Virginia Gazette, printed in 1769, which I fear has been almost lost to our history. I ask gentlemen to listen to an echo from Faneuil Hall, the old cradle of liberty, as reflected one hundred and eleven years ago from the home of Patrick Henry. I will call attention to the motto on the Gazette of that date : "Always for liberty and the public good." And on another copy of the same paper : "High Heaven to gracious ends directs the storms."

BOSTON, May 8, 1769.

Last Friday the freeholders and other inhabitants of this town, legally warned, met at Faneuil Hall and there made choice of the following gentlemen to represent them in the general assembly at the approaching session, the number of votes being 508 :

Hon. James Otis, Esq.....	502
Hon. Thomas Cushing, Esq.....	502
Mr. Samuel Adams.....	503
Mr. John Hancock.....	505

Previous to the above choice the following vote was passed, *nemine contradicente*, viz :

Voted, That the town, before they proceed upon the business of the day, do make, or order to be entered upon their records, the following declaration of their rights and freedom of their elections, viz :

The selectmen, having acquainted the town that they had waited on General Mackay, commander of His Majesty's forces quartered here, to inform him that the choice of persons to represent the town in the general assembly was coming on, and to claim in behalf of the town the full right of British freeholders and subjects upon so important an occasion, founded in the principles of the British constitution ; the selectmen having also acquainted the town that the general had declared that it was not in his power to march the troops out of the town upon this occasion, or any farther to comply with their claim than by confining the troops to their barracks, which he engaged to do. The town, though they receive this reply as a concession on the part of the general in favor of the justice of the claim, yet, as the meas-

ure of confining the troops in their barracks only, and not removing them out of town, is by no means adequate to the extent of their rights, they cannot proceed to the election without declaring their clear and full sense that the residence of an armed force in the town during an election of so great an importance is a gross infringement of their constitutional rights; at the same time protesting that their proceeding to an election under such circumstances is wholly from necessity, and not to be considered as a precedent at any time hereafter, or construed as a voluntary receding from the incontestable rights of British subjects and freeholders on so interesting an affair.

It was not long before this that Lord Bruce, in England, for uttering a single word by way of threat at an election, was marched up and down Westminster Hall in hose and doublet without his hat, and then sent to the Tower. "And fit it were," the old chronicler adds, "that these men (divers Yorkshire constables) for forestalling freedom of election and terrifying men with as much as a *reminiscar*, should go to the Tower."

In 1604 it was asserted in Parliament that the interference of a sheriff with an election would be tantamount to the disfranchisement of a town.

Mr. Chairman, in discussing this question I do not see the necessity or the pertinency of continually calling up the ghost of the war, as gentlemen seem so ready to do. Did the republicans of the North alone fight the battles of the war?

The two great parties in 1860, in the North, divided the people not unevenly, and, whatever opinions were held previously, when the war came on one sentiment animated all. I say all, for, although there were exceptions, they were few, even though some were noted. There were some on one side who said, "Let the erring brothers go," and on the other who opposed the war for the Union. But I say they were the exceptions. Democrats and republicans alike fell into ranks. Politics was for the time forgotten. What officer knew the politics of his men? And surely the democratic party gave to the country many of its most distinguished generals and other officers. Politics were not thought of in the Army. It was not talked about. What was it, I ask, that called forth the hardy manhood of the whole North? It was the deep conviction that with the Union broken asunder there would be an end of republican government on this continent. They knew that with two governments set up each must be strong to stand against the other. They knew the success of secession meant two despotisms—one over the grave of Washington, and one over the grave of Franklin.

It was to save the life of the Republic, to preserve free government, that democrats and republicans unitedly answered the call of President Lincoln. It was that noble sentiment, sunk deep in the hearts of all true soldiers, that supported them through the long years of the war; that sustained them in the hour of battle, on the weary march, in the midnight watch, and through the dreary hospital. Together they went to battle; together their blood flowed as from one fountain; together they met death, and together their bones lie mingled in common graves. The rich fruits of their sacrifices all now in common enjoy. And the time will come, must come, has come, I believe, when you gentlemen here who fought on the other side rejoice with us that the great Republic lives; that a common inheritance, left us by a common ancestry, was preserved. And I believe I but correctly reflect the general sentiment of the Army when I say that when the contest was ended, when the battles had all been fought and the fruits of the war secured, and when the graves of their fallen comrades were yet unturfed and every recollection of the conflict was fresh in their minds, that no soldier, had it been in his power, would then have added or wished to add one pang more to the sufferings that he so well knew had been endured by those who fought against him as well as by those who fought with him.

Such was the feeling between the men who composed the ranks of the great armies. Though fighting against each other, they were fighting over national issues and not as personal enemies. I have more than once seen a soldier, on a chilly night after a bloody struggle, deprive himself of his blanket to cover a wounded, dying enemy. These pictures will be the last, I hope, to fail from my recollections of the great war. In such deeds are founded the highest hopes of the future of our race. If after one of the great battles had been fought, some one, like Falstaff at Tewkesbury, who had shirked the dangers of the conflict, had come upon the field after the roar of the battle had died away to trouble and torture the dead and dying, how it would have stirred the wrath of an honorable soldier! How much more worthy a Christian people is it now fifteen years after the last shot was fired, and when almost a new generation of people have come upon the stage of life, to seek to open afresh old wounds and stir up old strifes for party gain. I stand as firmly as any man for the principles maintained by the war, and to secure the legitimate results of the war—the Union made perpetual, the extinction of slavery, and the equality of all citizens before the law. But I insist that the rights of the States and the rights of the people to local self-government were never intended to be assailed. The war was waged to save, not to destroy; to maintain and not to break down the safeguards of free government. This achieved, let the past be forgotten; in the future lie our hopes, when

The common sense of most shall hold a fretful realm in awe,
And the kindly earth shall slumber, lapt in universal law.

The CHAIRMAN. By order of the House general debate upon the pending bill is now closed. The Clerk will read the bill by paragraphs for amendment and discussion under the five-minute rule.

The Clerk read as follows:

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter stated, namely:

PUBLIC PRINTING.

For the public printing and binding and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for the Departments, and for lithographing, mapping, and engraving, \$400,000.

Mr. McMAHON. I offer the amendment which I send to the desk. The Clerk read as follows:

In line 11 strike out "\$400,000" and insert "\$300,000."

Mr. McMAHON. I desire to make a very brief statement to the House. The amount in the bill was agreed upon when the bill was first considered, about the 5th day of March, 1890. It was the amount which by the majority of the committee was thought to be necessary from that time. In whatever way this bill may be expedited it cannot well be signed before the last of this week, and cannot be law much earlier than next Monday, the 22d. If gentlemen will make the calculation, they will see that but eighty-six working days will remain to the close of the fiscal year. A pay-roll of \$3,000 a day, would amount in that period to about \$200,000; and if you allow \$50,000 or \$60,000 for paper in the mean time, you will have given the Public Printer an ample sum. And I wish to say further that the only way in which you can control the expenditures of this department is by limiting the amount of money you give to the Public Printer.

Mr. HISCOCK. I have but a single word to say upon this question. I had intended to move to increase this amount to \$450,000, but on reflection have concluded to stand by the amount in the bill as it now is.

I believe the statement made by my friend from Ohio is disingenuous. To start with, the pay-roll for the month of February has not been paid, and that for the month of March will not be paid until long after this bill has been signed, if it is signed at the period of time indicated by the gentleman from Ohio. Therefore it is necessary for us to make this appropriation for a period commencing certainly as early as the first day of March. I desire to make another suggestion with reference to this matter. My friends upon the committee, I think, or every one of them who has investigated this question, will agree with me that the monthly pay-rolls of this department amount to \$100,000. There is no dispute about that. From \$100,000 to \$150,000 a month are necessary to pay the force that is being employed there to-day, and during the discussion of this question no gentleman has been able to point to any portion of that force that might with propriety be discharged. Again, there is no sort of doubt but that the current expenses of the department will average from \$30,000 to \$40,000, perhaps will go as high as \$50,000 each month. Therefore, from now till the 30th day of June, there must of necessity be expended in this department the sum of at least \$450,000.

Mr. COBB. Will the gentleman permit me to suggest that the average pay-roll of the last fiscal year was little over \$55,000 a month?

Mr. HISCOCK. I am not discussing the question of what the pay-roll was for the past fiscal year. We have been discussing here at great length the increase in volume of labor which is being performed in that department to the present time. What we state is the amount which to-day is being expended on the pay-rolls there; and I ask any member of the sub-committee which has investigated that question to point to an employé in that service who can with propriety be discharged. The idea that this bill may be signed at a late period, that it may not be signed until one or two weeks hence, should have no bearing on that question, for the reason that the pay-roll is past due, and for the month of March is not expected to be paid until during the month of April.

The Appropriations Committee, by a majority vote, against a vote, I may say, of the gentleman who has charge of this bill, agreed upon the sum of \$400,000 as the proper amount to be put in this bill. I then stated, and I state now, I do not believe that is sufficient; and I believe we will be compelled to come in here and ask for a further and additional appropriation before this session of Congress is through to make good this deficiency. Therefore it is that I urge that the sum of \$400,000, the amount that is in the bill, should be retained there, and that the proposed amendment should not prevail.

Mr. FINLEY. I move to strike out the last word.

I only take advantage of the five minutes allowed me to answer a proposition which the gentleman from Connecticut [Mr. HAWLEY] made yesterday, and which I cannot consent to let go unanswered. The gentleman read from a document, which we found lying on our desks, purporting to be the speech of Hon. T. W. Burdick. This speech was lying yesterday on every gentleman's desk in this Hall, printed I should estimate at a cost of \$50 to \$100, because the type was all taken down. If it was not, the Public Printer was guilty of misconduct in not taking it down at the end of a year's time. Now, to set up that type and print that speech at somebody's expense must have cost from \$50 to \$100; and this expense has been incurred by somebody in order that this House might be furnished with answers to the arguments made against the Public Printer. Inquired of the man whose business it is to supply Records from the Public Printer when a reprint is wanted, and he said all he knew about it was that he understood Mr. Painter had ordered a number of Mr. Burdick's speeches.

But whoever ordered them, whether they were printed by the Government Printer himself at the public cost and distributed here, or whether Mr. Painter, the gentleman who sold to the Government Printer the wire book-sewing machines, took the extraordinary precaution to do this, I care not. The gentleman from Connecticut read from these speeches a table, to prove that in the seven years when the public printing was done by contract—

Mr. HISCOCK. May I ask the gentleman a question?

Mr. FINLEY. I do not wish to be interrupted during only five minutes. He read a table to show that in the seven years when the public printing was done by contract it cost more than it costs under the present system. Now, I want to say to the gentleman that he ought not to put his trust in wire book-sewing machine agents, for he may lean on a broken reed. This table is deceptive; it does not give the facts. Why? Take the seven years during which the printing was done under the contract system, and it will be found that during that time there were 453,770 more books printed than during seven years of the present system. Now, any printer will tell you that the cost of a book depends largely on the number printed. For instance, if but one copy of the Agricultural Report be printed, it might cost \$1,000; while if a thousand copies be printed it would cost only about twenty-five cents a copy. Now, 453,770 more books were printed during the seven years under the contract system than have been printed in seven years of the present system.

Again, take the number of bills printed. The "usual" number of bills printed during the contract system was only five hundred and eighty. Under the law as it now stands "the usual number" is nine hundred and twenty-five. Consequently it costs a great deal less per copy under the present system, because there are less copies printed. Under the contract system the usual number of documents was fourteen hundred; now it is nineteen hundred.

But there was one item included in the estimate which if taken out makes the difference and more too in cost between the two systems. I refer to the matter of lithographing and engraving. For instance, in the seven years under the contract system the lithographing and engraving, which is included in this account, amounted to \$1,000,000 more than under the seven years of the present system. But the lithographing and engraving has no business at all in the accounts on either side of the question. Why? Because under the present system the lithographing and engraving is done under a separate contract with lithographers and engravers, and the Public Printer has nothing whatever to do with it. Therefore, there is \$1,000,000 included in this estimate for lithographing and engraving in order to prove to gentlemen here that the printing is now costing a great deal less than it did under the contract system. I call attention to the following table:

Table showing the difference between the cost of printing for seven years under the contract and present systems.

Number of volumes printed under seven years' contract.....	4,690,081
Number of volumes printed under Government Office.....	4,236,311
Excess of volumes by contract.....	453,770
Cost of composition, press-work, and folding, Government Office.....	\$1,770,577 61
Cost of composition, press-work, and folding, contract.....	1,054,005 83
Cost Government Office over contract.....	716,571 78
Lithographing and engraving, contract.....	1,052,407 52
Lithographing and engraving, Government Office.....	110,738 28
Excess by contract.....	951,669 24
Cost of paper, contract.....	1,332,869 94
Cost of paper, Government Office.....	1,227,659 31
Excess by contract.....	105,210 63
Cost Department work, seven years, Government Office.....	2,685,034 72
Cost Department work, seven years, contract.....	412,321 06
Excess by Government.....	2,272,713 66

Mr. HAWLEY. I do not know who caused to be printed the copies of Mr. Burdick's speech which were distributed here. I estimate that if it was stereotyped it would cost probably a cent and a half or two cents a copy.

Mr. FINLEY. The gentleman says "if it was stereotyped." It was not stereotyped.

Mr. HAWLEY. I do not know whether it was stereotyped or not. I suggest that if the gentleman wants an investigating committee on this little bill of \$10 he should have it, although I should be inclined to say about it as Daniel Webster said about the national debt, that I would pay it myself.

The two speeches of Mr. Burdick were an admirable illustration of the truth and the facts in the case. For myself I will say that I voted for the minority report of the Hatcher investigating committee, but I referred yesterday to the speeches of Mr. Burdick as being a very excellent and instructive presentation of the case.

Now, it is not a matter of the slightest consequence who caused those speeches to be printed, unless the gentleman thinks that the public service was corrupted by their being printed. I presume Mr. Defrees paid for it, as furnishing a better presentation of the case than others could make here; certainly a better presentation than I can make. But enough for that.

It seemed to me that the impression was conveyed by what was said by the gentleman from Ohio [Mr. McMAHON] that the Committee on Appropriations had agreed upon the sum of \$300,000 for this item. On the contrary, it is the recorded vote of the committee that \$400,000 should be appropriated for this purpose.

It is not to be expected that in a three-minute or five-minute talk I can go again into all these items. Perhaps the discussion has continued long enough. I will say that the Committee on Appropriations, after a long inquiry into this subject, the Public Printer himself stating that he ought to have \$490,000 to carry out his obligations and perform his duties—the Committee on Appropriations decided that he could get along with \$400,000. My colleague on the committee [Mr. HISCOCK] has shown in what way this amount is needed. I hope the House will not reduce the amount for this item one dollar, for if they do it will only lead to another deficiency bill. The work to be done requires every dollar of this money and more too. And there is no sort of economy, when you have to pay a ten-dollar note, and you can make nothing by it, to pay only \$8 upon it.

Mr. HUNTON. I would ask the gentleman from Ohio [Mr. McMAHON] whether, if his amendment prevails, reducing the amount of this appropriation from \$400,000 to \$300,000, there will be enough appropriated to pay for publishing, among other things, the Agricultural Report.

Mr. FINLEY. I withdraw my *pro forma* amendment.

Mr. COBB. I renew the amendment and yield to the gentleman from Ohio, [Mr. McMAHON.]

Mr. McMAHON. I wish to answer a question which has been put to me from several sides of the House, whether if we appropriate \$300,000 it will be sufficient to publish the Agricultural Reports. I want to say to gentlemen of the committee that the estimated cost of printing the Agricultural Report is \$164,000, which is about \$25,000 or \$30,000 more than a similar number of copies of the same kind of book have cost within the last four or five years. Of that \$164,000 all has been paid according to the table furnished us by the Public Printer except \$16,000; only \$16,000 is necessary to finish the Agricultural Report.

One of my reasons for thinking that the amount asked by the Public Printer is too large is that his estimate to us, \$450,000, is the amount which he considered necessary to furnish the paper, composition, and printing for all the books that have been ordered by Congress up to the present day; and when I asked the question whether he could print half those within the present fiscal year he said, "No." Of course everybody knows that the bulk of this expenditure must go into the next fiscal year.

Mr. AIKEN. I would like to ask the gentleman a question at this point. It is very well known that during the last fifteen or thirty days the supply of Agricultural Reports at the folding-room has been greatly inadequate, has not equaled the demand by any means; yet it is also very well known that members desiring to get these books to send home to their constituents can go out into the highways of this city and buy them by the dozen. The gentleman says, moreover, that the appropriation for printing 300,000 copies of these documents was \$164,000, which would be about fifty-five cents apiece; yet in the streets of Washington I have been offered as many of these books as I wanted by the dozen at ten cents apiece; and the books thus offered are bound up and pasted in wrappers in precisely the same style as when they come from the folding-room. I desire to know whether the gentleman who has charge of this bill can enlighten us as to these irregularities?

Mr. HAWLEY rose.

Mr. COBB. I withdraw the *pro forma* amendment.

Mr. HAWLEY. I renew it. Mr. Chairman, I do not propose to discuss the propriety of printing three hundred thousand copies of the Agricultural Report. They have been ordered; and if the House does not desire that many to be printed let us revoke the order; but if it is to stand, let us give the money to have them printed.

The gentleman from South Carolina [Mr. AIKEN] says he can buy these documents below cost of second-hand dealers. Very well; let us have a committee of investigation and see who sell these public documents to dealers. I know for myself that I buy some from a second-hand dealer. There are some city members, I suppose, who have not a farmer among their constituents, and that may account for the way some of these reports get into the market. I concede that it ought not to be so. But I know that the agricultural members are constantly begging these documents of city members and are buying them of second-hand dealers. I repeat, if we do not want so many of these documents printed let us revoke the order; but while the order stands let us appropriate money to carry it out.

Mr. McMAHON. The gentleman does not seem to comprehend that only \$16,000 will be needed to complete the whole 300,000 copies.

Mr. HAWLEY. But the Public Printer estimates that \$490,000 will be required to complete the work already ordered.

Since I rose this morning I have received information concerning the mysterious developments in connection with the speeches of Mr. Burdick, of Iowa. Those speeches were printed from the stereotyped plates of the RECORD, according to the law by which anybody can go and obtain copies of public documents. I have here the receipted bill; and the amount is \$10.40, instead of the \$50 or \$100 of which the gentleman from Ohio spoke. [Laughter.]

Mr. HUMPHREY. I wish to make a single suggestion in reply to the remark of the gentleman from Connecticut [Mr. HAWLEY] that if we do not wish these reports printed, we should not appropriate for them. Some members have received their full quota of the 300,000 while others have received a very small number of copies; so that it would be very unjust if we should now refuse to appropriate enough money to print the whole number already ordered.

Mr. FINLEY. Will the gentleman from Connecticut tell us what receipt that is to which he referred?

Mr. HAWLEY. It is signed "W. A. Smith, for the Public Printer."

Mr. FINLEY. To whom?

Mr. HAWLEY. Oh, that is his business; under the law he had the right to have this done. I withdraw my *pro forma* amendment.

Mr. HISCOCK. I renew the amendment. Mr. Chairman, it appears (and I have not yet heard it disputed) that \$193,588.39 is necessary to be expended upon departmental printing. We all know the necessity for that work, and that it should be done. It has not been questioned that this work is required by the Departments. Now, the cost of the RECORD has been estimated by the Public Printer at \$90,000. I do not know that it will cost so much; but I have seen no table and have heard no argument tending to show that the actual cost will be much below these figures. It is estimated that there will be required for printing bills, reports of committees, and current printing of Congress \$59,272.78, making, in the aggregate, \$342,861.17, which, so far as I have heard, no gentleman on this floor has attacked or shown to be unnecessary. This is an expenditure that is required; and I have not taken into consideration the printing of any report.

I have not taken into consideration the printing of any public document, but this item as you have it in this bill allows for the sum of \$50,000.

Mr. McMAHON. Mr. Chairman, there seems to be some confusion in regard to the manner in which the Public Printer settles his accounts at the Treasury Department. My friend from New York talks about the departmental printing kept at the Treasury Department. The Government Printer settles his account on pay rolls and vouchers for materials, &c., and requisitions for paper. It makes no difference how much he charges the Departments for work. That is not reported to the Treasury Department, nor settled as a Department debt. He simply reports his pay-rolls and his expenditures for materials, including paper, ink, &c. Therefore, when you ascertain how much pay-roll he ought to have, how much paper he will need in addition to what he has on hand already paid for, then you will exactly know how much ought to be appropriated.

I wish to say in justice to the Committee on Appropriations, and I intended to say it in moving the reduction of this amount from \$400,000 to \$300,000, that I did not do so by authority of that committee. Probably I should not have done so, having charge of the bill, but as I have made investigation in regard to the amount of paper on hand, and into certain items furnished to me which were not given to me when I made my speech, but which are incorporated in the appendix to it as published in the RECORD, I became satisfied that \$400,000 was too much, and felt I would be wanting in my duty to the House if I did not make an effort to reduce it to \$300,000 and let the House take the responsibility of voting between \$300,000 and \$400,000 as it saw fit.

Mr. HISCOCK, by unanimous consent, withdrew his amendment.

Mr. BLOUNT. I feel it to be my duty as a member of the Committee on Appropriations to insist upon the adoption of the paragraph of the bill as reported from that committee. It so happens that the gentleman from Ohio has dissented from a majority of the committee, and it is his right, entertaining the views he does, to move to reduce the amount to \$300,000. This matter has been carefully considered by the Committee on Appropriations, detail after detail, and the majority of that committee agreed to report the amount which it is now proposed to reduce.

It is impossible, Mr. Chairman, and I shall not attempt it, to go into a discussion of all the details of the public printing in order to answer the various points raised by gentlemen on this floor. There is, in my opinion, a looseness in the system there. We are, as we all know, without any system in reference to the public printing. Sometimes the Committee on Printing report in favor of printing books, and sometimes it is done over the heads of the Committee on Printing. There is no system about it in the House. Then, again, when it gets down to the Printing Office, the orders of the House are not always executed. Heretofore they never have been. It runs through a period of several years. The appropriation for one year has been made to run through a period of several years. I presume there has been a larger amount of printing than usual, not ordered by this Congress, but ordered by previous Congresses, and the Public Printer, until we shall adopt some system to restrain him, is at liberty under the law to go on and print as he pleases. Until that is done it does seem to me, Mr. Chairman, we are entirely without remedy, however much of extravagance there may be in the Printing Office.

Now, sir, as to the matter of economy. Whether the democratic party of this House have in their past history reduced the expenses of the Government is without question. When the matter is investigated the response will come that millions of money have been saved to the Government of the United States by the action of the democratic party. It does not become us, however, to higgie because

from lack of system or any other cause, there may have been an unusual amount of appropriation required for Government printing. That does not go to the record we have made. I think it the duty of this House, unless there are reasons other than those which now appear, to adopt the report of the majority of the Committee on Appropriations. Gentlemen are anxious in regard to their Agricultural Reports. There are other documents they are anxious about. It does seem to me, sir, we might very well vote this appropriation, and do it with the distinct understanding that the Public Printer is not to return here to ask any additional deficiency. The issue has been made. We propose to give him money to finish up the work of this fiscal year, and it is in his discretion to withhold enough printing of documents to keep him within that appropriation. He has done it heretofore. There is printing for the Forty-third Congress; printing for the Forty-fourth Congress; and printing for the Forty-fifth Congress there to-day yet to be done. He has not found it necessary heretofore to go on and complete every order at once. It is his duty, therefore, to take notice that this appropriation means the finishing up of this fiscal year; that after he shall use the funds in his possession he shall not come to this House for another deficiency for this fiscal year. I regret very much after Congress sought to restrain the Public Printer by stating specifically the amount which was intended for each department and each bureau, the amount for the departments and the amount for Congress, he should have seen fit to treat the whole matter in his relations with the printing department without the slightest reference to those restrictions.

[Here the hammer fell.]

Mr. SINGLETON, of Mississippi. Mr. Chairman, as a member of the Appropriations Committee who voted to fix the amount for the deficiency in the Government Printing Office at \$400,000, I wish to give in a few sentences my reason for it. At the beginning of the year, as has been stated, we gave \$1,500,000 to the Printing Office. Of that amount there was given to the Departments specifically for their use \$743,000, not quite one-half of the amount. They have used of that amount—I mean of the amount appropriated for the Departments—in their printing \$475,000, leaving due to the Departments \$268,000. But the Public Printer, in order to do the current work and to carry on the publication of the books ordered, has used almost the entire balance appropriated to the Departments, together with that appropriated for carrying on the RECORD and the miscellaneous printing. It is true in this I do not think he has followed the law, but it is the practice, and has been the practice of that office for years past, to use this fund indiscriminately.

He should have notified, and I believe he did notify, us at the beginning of this session that the funds would be short; and he should have refrained from the printing of books or anything else until the new appropriation was made. But supposing that the practice heretofore made would be sanctioned by this House, not only was that appropriation for the miscellaneous printing and for books, &c., used, but it trenched upon the amount set apart for the several Departments, and from that fund \$193,000 has been used. And at the beginning of this month he has but \$75,000 on hand of that, although there was due to these several Departments this \$193,000. Now, we must pay that. The Departments cannot stop for the want of printing, and, although the Public Printer may have erred in this matter and may have done wrong, we are compelled, unless we stop the printing of the Departments, to replace this \$193,000. That is an item which has been charged against us, and we must provide for it or the Departments will not have the printing done.

Then, again, it will take, according to his estimates, \$90,000 for the printing of the RECORD for the remainder of this session of Congress. Do you propose to give that amount or do you propose by withholding it to stop the printing of the RECORD? One or the other is inevitable. You must give the money or the RECORD will not be printed. So, I say, we will have to provide for that \$90,000.

Then the amount necessary for miscellaneous printing is estimated at \$60,000. We must provide for this. If we order reports and bills and matters of that sort to be printed we must provide the fund to pay for it. The money must be there.

The Printer settles his account with the Treasury Department on his pay-rolls and accounts of material used, and when I was interrogated recently as to whether these pay-rolls could be duplicated and the Government thereby defrauded, I answered that I did not think that it could be done. There are two ways, and two ways only, in my judgment, in which this can be done. One is by collusion in the purchase of material which the Public Printer is authorized to buy, and by paying more for it than is absolutely necessary. There is no proof, to my mind, that he has done either to any great extent.

These amounts to which I have referred foot up in the aggregate \$340,000 of the deficiency. How are you going to get round it? That amount is required as I have shown for these several branches of the service and we must provide for it. The gentleman may laugh. He [Mr. COBB] has perhaps examined this matter and differs with me in the judgment which I have formed, but I propose to give my views without reference to what the opinions of other gentlemen may be. I give my own views, based upon the examination which I have myself made.

I have stated that these amounts foot up the sum of \$343,000. Now you have the books which have been ordered, and we propose to give \$57,000 for the balance of the fiscal year for that purpose. The

Public Printer wants \$100,000, yet we believe that \$57,000 will enable him to run through the next three months. This amount added to the \$343,000 makes the \$400,000 which it is proposed to appropriate in this bill, and it was upon that basis that the Committee on Appropriations agreed to provide this amount for the Printing Office, during the remainder of the current year. I do not apologize for any wrong done in that office, but I simply treat matters as I find them.

[Here the hammer fell.]

Mr. BAYNE. I am, no doubt, somewhat of an intruder in this debate, trenching upon the high prerogatives of the Committee on Appropriations, and for an outsider to step in and make a speech on the subject under consideration requires a degree of presumption for which, perhaps, I should make an apology. I nevertheless feel that, in consequence of the fact that I was a member of the Committee on Public Expenditures in the last Congress which investigated the Public Printer, it is my duty to say a word on this occasion lest my silence should be construed into acquiescence in the conclusion of the majority of that committee on that occasion. I feel that it is but just to vindicate the Public Printer against the charges which have been made on this floor against his management of that establishment and the innuendoes and insinuations against his good faith and integrity which are contained in the report of the majority of that committee, and which have been alluded to frequently by gentlemen on the other side, and made the text of the speech of the then chairman of the sub-committee, Mr. FINLEY, of Ohio.

I have not time to go into details, but I will call attention to just one or two things by way of example. The report charges that the manner of book-keeping in that establishment was totally unreliable, and the gentleman from Ohio [Mr. FINLEY] in his speech said that many of the accounts were kept on loose slips of paper which were permitted to lie on the desk, thus intimating to the House that these slips of paper might at any time become lost and the traces of the transactions of that department might not be obtainable. The evidence regarding that point is that these entries were made on slips of paper, and those slips of paper for the purpose of safe keeping were locked up in the safe, and that the clerk in that respect had departed from the rules that had hitherto prevailed in the department.

To sustain what I say I call attention to the following extracts from the testimony of Mr. Larcombe, (pages 263, 264:)

Question. Then you did not make the entries which appear on the debit side of the cash-book either at the time at which the sale was made or at which the money was paid?

Answer. No, sir.

Q. You made these entries at the time at which you made the deposit in the Treasury?

A. In every instance.

Q. Where did you keep the figures constituting the accounts from which you made these entries here?

A. I kept them on a paper which I keep in my safe. When a deposit was made, I made those entries which appear in this book.

Q. Then, if I understand you, you kept a record of all sums of money received from sales of waste paper, and all other accounts, not in this book but on a quire of paper?

A. I did, down to two years ago.

Q. And when you made a deposit of money in the Treasury you would at that time copy into this book from that quire of paper the amounts you had received?

A. I would enter in this book the items which appear there. I would add up the amounts and take the money to the Treasury and make a deposit.

Q. Would you enter here, at the time of making the deposit, all the items which appear here from the loose sheets of paper of which you speak?

A. Well, you may call them "loose sheets" if you like.

Q. Why did you not make the entries in a book?

A. Now I will tell you exactly why. I never had, mark you, one moment's instruction in book-keeping; never knew anything about book-keeping; I was brought up in a printing office. Now, I wanted, if any man paying any of these moneys desired to raise an inquiry about moneys paid in here by him, that I should be able to show a permanent record containing the amount of those moneys, a statement of what he paid them for, why he paid them, and the whole transaction up to the deposit of the moneys in the Treasury of the United States. That was an original idea with me.

Q. Why did you not make the entries at once in the book?

A. Because I wanted to do it in that way.

Q. Suppose that the loose sheets of paper had been lost?

A. They could not have been lost any more readily than would that book have been lost, because they were locked up in an iron safe.

Now hear what the report says on page 24:

In the mean time, until transferred to his cash-book, he frequently kept the account of this money on loose slips of paper or in his memory.

The evidence and the report placed side by side evolve all the commentary on the report that is needful to show its unreliability.

Another proposition was that money was retained in the hands of the Public Printer and not covered into the Treasury, intimating that the Public Printer or some of his subordinates were deriving advantages from having funds belonging to the Government in their possession. That is an unjust insinuation against the integrity of those officers. It is shown by the evidence that every dollar of the money coming into their hands was covered into the Treasury or was legitimately used for the purposes of that Department. There is not a scintilla of evidence in all the seven hundred pages of testimony that has been taken which indicates that the Public Printer or any subordinate in his office used any money belonging to the Government for any other than legitimate purposes. The evidence is that they paid it into the Treasury just as soon as they ought to pay it.

It is true there is much speculation as to what might have been done, but it is untrue to charge that anything wrong was done. The

gravest insinuation, however, will be found on page 23 of the report. Here it is:

FRAUDS IN THE MATTER OF POST-OFFICE BLANKS.

In the course of our investigation we were led to inquire into certain fraudulent transactions occurring under the former administration of the present Public Printer, John D. Defrees, by which it appears that the Government was defrauded out of large sums of money, estimated by one of the witnesses at \$250,000.

There is no subsequent qualification of this passage in the report which will take away its sting. Yet it is most unjust and unfair. What little connection Mr. Defrees had with it in no way involved his integrity. His name would not have been connected with it had it not been for one Carlisle, who never made drafts on his imagination in vain where he had an object to accomplish.

This man had been a Treasury agent in 1868, and had been deputed by the Postmaster-General to investigate alleged frauds in the purchase of paper and printing of blanks for the use of the Post-Office Department. He discovered frauds, and ascertained that the contractors had defrauded the Government out of considerable money. The matter was thoroughly sifted, and it was clearly shown that Mr. Defrees was in no way complicated in the frauds. This man, Carlisle, was put on the stand in the investigation by the sub-committee of which the gentleman from Ohio [Mr. FINLEY] was chairman. He was a ready witness, a willing witness. Under the skillful examination of the chairman of the sub-committee he said, on May 6, 1878:

Question. Could this fraud have been perpetrated without detection unless by collusion between the Government Printer or his chief clerk and these other parties?

Answer. It would have been impossible.

The next day, referring to the same subject, he said in reply to the question:

Question. I am aware of the answer which you gave yesterday, but the question as now stated is in a form different from that in which it was stated yesterday.

Answer. Those frauds could not have been successfully carried on had Mr. Defrees supervised the inspection and adjustment of the accounts as was required by the law.

This man had doubtless promised wonderful revelations. He was the sort of a man who always has a stock of revelations on hand. He made another discovery, so he swore: a deficit in the Public Printer's accounts of \$119,746.65. He so testified, January 23, 1879. Hear what he said:

By Mr. BURDICK:

Question. When were you last before the sub-committee investigating the Government Printing Office?

Answer. I think it was in June.

Q. Did you testify then?

A. Yes, sir.

Q. Did you present some exhibits then?

A. I did.

Q. Did they show a deficit in the accounts of the Government Printing Office?

A. Yes, sir.

Q. What amount of deficit did they show?

A. I forget the amount.

Mr. FINLEY. Look at it and answer.

The WITNESS. One hundred and nineteen thousand seven hundred and forty-six dollars and sixty-five cents.

Now listen to what he said the next day, January 24:

By Mr. BURDICK:

Question. Since the adjournment of the committee on yesterday have you re-examined any of the exhibits which you then submitted?

Answer. Yes, sir.

Q. Which one have you re-examined?

A. The one for the year ending September 30, 1875.

Q. Did you find any error or errors in it?

A. I found an error in it of \$100,000.

He had got down a good deal. See where he lands, however, under the ordeal of a cross-examination in the matter of a deficiency:

Question. As an expert, would you say that these amounts reported as a deficiency by these statements are a real deficiency in the accounts of the Public Printer?

Answer. I cannot say that they are.

There was no deficiency after all.

I have stated only a few instances, embracing the most serious and most definite charges, if there is anything definite in the whole business, for the purpose of showing their utter want of foundation.

The object of the inquiry was to do away with the present system of public printing and replace it with the contract system. The only frauds discovered during the long investigation of that committee, were perpetrated under the contract system. The history of the contract system bristles with frauds. While it is no doubt true that the present system is liable at times to abuses, it is certainly the best, and it is only necessary to keep an honest and capable man in charge of it to have it entirely successful. I am confident that the gentleman now in charge is both capable and honest.

[Here the hammer fell.]

Mr. FINLEY. I move to strike out the last word. I do so for the purpose of making a brief personal explanation.

Gentlemen around me say that in giving the cost of the speech of Mr. Burdick I said that it must have cost from \$500 to \$1,000. Gentlemen must see it is very evident that I could not have intended to make that statement. What I intended to say was that five hundred or one thousand copies of these speeches would cost from \$50 to \$100. I had it in my mind that there had been printed and distributed from five hundred to one thousand copies in this House; and any one must have known that I could not have intended to state the cost of that number of copies at \$500 or \$1,000. The gentleman from Connecticut

[Mr. HAWLEY] produced a receipt signed by Mr. Smith for the Public Printer. That same Mr. Smith told me yesterday, when these documents were printed and lying on our desks and I asked him who had ordered them, that the order had not been addressed to him and that they had not been paid for through him.

I withdraw the *pro forma* amendment.

The question being taken on Mr. McMAHON's amendment to strike out "\$400,000" and insert "\$300,000," it was not agreed to.

Mr. SINGLETON, of Mississippi. I now, under instructions from the Committee on Printing, offer the amendment of which I have heretofore given notice.

Mr. McMAHON. The question of order is reserved.

The CHAIRMAN. The question of order can be made after the amendment is read.

The Clerk read the proposed amendment as follows:

Add as a proviso to the pending paragraph the following:

Provided, That so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes," as is in the words following: "That so much of all laws or parts of laws as provide for the election or appointment of Public Printer be, and the same are hereby, repealed, to take effect from and after the passage of this act; and the President of the United States shall appoint, by and with the advice and consent of the Senate, a suitable person, who must be a practical printer and versed in the art of book-binding, to take charge of and manage the Government Printing Office from and after the date aforesaid; he shall be called the Public Printer, and shall be vested with all the powers and subject to all the restrictions pertaining to the officer now known as the Public Printer; he shall give bond in the sum of \$100,000 for the faithful performance of the duties of his office, said bond to be approved by the Secretary of the Interior," be, and the same is hereby, repealed: *Provided further*, That the House of Representatives shall elect some competent person, who shall be a practical printer, to take charge of and manage the Government Printing Office. The person so elected shall be deemed an officer of the House of Representatives, and shall be denominated Congressional Printer, and shall hold his office for two years and until his successor shall be elected; he shall give bond in the sum of \$100,000 for the faithful performance of the duties of his office, said bond to be approved by the Secretary of the Interior; he shall superintend the printing and binding of the Journals and such other documents as shall be ordered by each House of Congress, and shall superintend the execution of all the printing and binding for the respective Departments of the Government now required by law to be executed at the Government Printing Office, and shall, in all respects, be governed by the laws in force in relation to the Public Printer and the execution of the printing and binding; and the salary of said officer shall be \$3,400 per annum: *Provided further*, That as soon as practicable after the election of said Congressional Printer, he shall cause to be prepared a complete invoice of all the material, type, presses, leather, paper, utensils, fixtures, furniture, stock, horses, wagons, carriages, harnesses, and personal property of every description whatever under his charge and belonging to the Government; said invoice shall be verified by the oath or affirmation of the Congressional Printer, reported to Congress, and printed. And thereafter, at the beginning of each fiscal year, or as soon thereafter as practicable, he shall cause a new inventory of all of the said personal property then in his possession to be taken. Said inventory shall be verified by the oath or affirmation of the Congressional Printer, and published as a part of his annual report to Congress. This proviso to take effect from and after the date of its passage.

Mr. McMAHON. I am instructed by the Committee on Appropriations to raise the question of order on this amendment.

Mr. SINGLETON, of Mississippi. I ask the gentleman if he stated the Committee on Appropriations instructed him to make the point of order. I certainly understood the vote of the committee on that subject to be the indication of their desire that the amendment should not be placed upon this bill.

Mr. BLOUNT. I understand the matter as it has been stated by the gentleman from Ohio, that that gentleman was instructed to raise the point of order by a direct vote of the committee.

Mr. McMAHON. I ask the point of order for this reason: This is a bill providing for the immediate necessities of the Government. And I may say it is a bill providing for the immediate necessities of a large number of people who are dependent on its speedy passage. Therefore, without expressing any opinion on the merits of the bill the committee have instructed me at all events to resist its being attached to this appropriation bill.

I make the point of order that it does not come within Rule XXI; that it is not germane, and does not necessarily retrench expenditures.

Mr. GARFIELD. A single word in support of the point of order made by my colleague, [Mr. McMAHON.] This bill which we are now discussing is not even a general appropriation bill; it is a special deficiency bill. It does not come under the head of general appropriation bills; it is a bill for miscellaneous deficiencies. We have now reached the clause of the bill providing for deficiencies in the Government Printing Office. A proposition which creates an office and provides for the election of an officer is not germane to a mere appropriation to supply deficiencies; and on that score I think the point is well taken.

Mr. CLYMER. It is a good point.

Mr. GARFIELD. I ask attention to the fourth clause of Rule XXI of the new rules. Heretofore the rule was that it was not in order to offer any pending bill before the House as an amendment to another bill; that is, if an amendment identically the same with a bill pending before the House was offered to another bill, it was out of order. That rule was evaded by changing the text in some unimportant particulars by striking out a few words, so as to make it not identically the same bill, and therefore in order. To prevent that the Committee on Rules changed the rule so that it now reads:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

If gentlemen will turn to the report of the committee, submitted at the time they reported the proposed revision of the rules, they will find the reasons given for this change of the rules:

The last portion of Rule 48, to wit, "No bill or resolution shall, at any time, be amended by annexing thereto or incorporating therewith any other bill or resolution pending before the House," was adopted September 15, 1857, (first session Twenty-fifth Congress.) As then reported by the Committee on Rules, it contained after the word resolution, where it occurs the second time, the words "the substance of." These words were stricken out by a close vote, and the practice of the House has since permitted the substance of any bill or resolution pending before the House to be offered as an amendment or substitute for the pending proposition.

The committee believe the correct principle to be the proposition reported by the Committee on Rules in the Twenty-fifth Congress, excluding an amendment which contained the substance of any other bill or resolution pending before the House. The rules and practice of the House of Commons, from which this proposition was substantially taken, restricted the right of substituting one subject for another to motions for reading (that is, of proceeding to the consideration of) the orders of the day, thus giving the House an opportunity to select the particular subject it would first consider, and preventing the practical inconvenience that would result from public business being obstructed by substantive motions which had no connection with the orders of the day. Under the present rule "a bill or resolution pending before the House" may be moved as an amendment to a pending proposition, if germane, by simply changing a word or two in no sense important or material, thereby accomplishing indirectly what the rules prohibit doing directly, a species of parliamentary legerdemain that certainly ought not to be countenanced or permitted by a rule.

We have put in express language, in the rule, that the substance of a pending bill shall not be in order as an amendment. The gentleman from Mississippi [Mr. SINGLETON] now offers as an amendment almost the identical bill which he reported some time ago from the Committee on Printing, and which is pending before the House; certainly the amendment embraces the substance of that bill. I think on both of these grounds the amendment is not in order.

Mr. SINGLETON, of Mississippi. So far as my amendment is concerned, I do not regard it as being in substance the same as the bill to which the gentleman from Ohio [Mr. GARFIELD] refers. The principal object of my amendment is to change the superintendent of the Printing Office from "Public Printer" to "Congressional Printer." The bill which was reported from the Committee on Printing, and which is now upon the Calendar, proposes to give the election of this Congressional Printer to the Senate. The amendment which I have offered proposes to vest that power in the House. If that is not a material change, if the amendment is still substantially the same as the bill, then I must confess that I do not understand the import of terms and language.

Another thing; the bill which was reported from the Committee on Printing and which is upon the Calendar, and which the gentleman says is the same in substance as my amendment, proposes to pay the Public Printer an annual salary of \$3,500. The amendment that I have offered proposes to change that so as to reduce the amount of his salary. I admit that the change was made with the view of avoiding the very point of order which the gentleman now makes. I propose to treat this matter fairly and honestly. The change was made with that view. The election of the Congressional Printer is transferred by my amendment from the Senate to the House, and the salary is reduced \$100.

I confess that the other features of the amendment are the same as the bill; but the main features of the bill have been changed in the amendment. It occurs to me, therefore, that my amendment is not subject to the point of order made by the gentleman. It certainly is germane to the clause to which it is proposed as an amendment; I think that cannot be questioned. It is in the line of economy, because it reduces the expenditures of the Government—it reduces the salary of an officer. In other respects it is substantially the same as the bill that was reported from the Committee on Printing and is now upon the Calendar.

As to the point that this is merely a special appropriation bill, and that there is a necessity for its immediate passage, I think there is nothing in that which renders my amendment liable to the criticism of the gentleman. For these reasons I think the amendment is not subject to the point of order.

Mr. McMAHON. I would like to ask the gentleman this question: Is there in his amendment any other necessary reduction of expenditures except that of the salary of this officer?

Mr. SINGLETON, of Mississippi. It makes no other reduction. It leaves the law to stand as it now is; under this amendment all the duties now devolving upon the Public Printer under the law will devolve upon the new officer proposed by my amendment.

Mr. McMAHON. Then I would call attention to this fact: the salary of the Public Printer is not provided for in this bill. Therefore the thing upon which the gentleman proposes to hang his economy is a thing not in this bill. The salary of the Public Printer is provided for in another bill.

Mr. SINGLETON, of Mississippi. I know that the law provides for the payment to him of a salary of \$3,500.

Mr. McMAHON. That is in another appropriation bill.

Mr. SINGLETON, of Mississippi. It is the law of the land; it is not in an appropriation bill; it is the standing law of the land and we propose now to change it.

Mr. BUCKNER. I submit to the Chair that the third section of Rule XXI applies not to deficiency bills, but to what are known as the general appropriation bills of this House—twelve in number. Now, it would be exceedingly unfortunate, when we are appropriating money to supply a deficiency, if an amendment of this sort could

be introduced, getting up a discussion of a question like this, when it is important for the interests of the Government that the bill should pass as speedily as possible.

But there is another point to which attention has not been called. The rule requires that an amendment embracing legislation must, to be in order, "retrench expenditures." I hold that this means, according to the view taken by this House weeks ago, that the object shall be to "retrench expenditures," not that the amendment shall operate as a fraud upon the rule. The real purpose of the amendment should be not to reorganize any department of the Government, but to cut down expenditures. That should be clear to the House as the intention of the proposition, not merely subsidiary to it. The language of the rule is:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

The object, the purpose should be to "retrench expenditures." That is the meaning of the rule; and I hope it will be the construction given to it. The retrenchment of expenditures should be the primary, substantial purpose of the amendment.

Mr. FRYE. I desire to call the attention of the Chair to a single point. It is very important that rulings upon a new rule should be distinct and clear, so that we may understand their full force. The gentleman from Ohio on the other side [Mr. McMAHON] made the point of order that this amendment was not germane, and did not on its face retrench expenditures. The gentleman from Ohio [Mr. GARFIELD] made another point entirely distinct—that the amendment was not in order under clause 4 of Rule XXI. Now, if both points are regarded as pending at the same time, I simply desire that the Chair in ruling shall state distinctly upon which point he bases his ruling, so that there may be no confusion. It seems to me that the point of the gentleman from Ohio [Mr. McMAHON] is perfectly well taken—that the amendment is not germane. To this point the gentleman from Mississippi replies that the amendment retrenches expenditures on its face \$100.

The CHAIRMAN. Conceding that it does retrench expenditures, still the question whether or not it is germane remains.

Mr. FRYE. I was just coming to that. The reply of the gentleman from Mississippi answers only one-half of the proposition made by the gentleman from Ohio. It is entirely clear to me that the amendment is not germane. Now if that is clear to the chairman, I ask either that the gentleman from Ohio [Mr. GARFIELD] will withdraw his second point, and not ask a ruling upon it, or else that the chairman, in his ruling, will state distinctly upon which point he bases his decision.

Mr. GARFIELD. Of course the Chair is not obliged to rule on all the points raised. If he rules the amendment out upon one point, that will be sufficient. But I do not want to run the risk of not having points enough presented.

Mr. FRYE. But I do not want the Chair to rule the amendment out of order, and not say upon which point he does so. Nor do I wish him to rule it out because it is not germane, and take no account whatever of the other point of order, thus giving room perhaps for the inference that the other point was not well taken. I believe both are well taken.

Mr. GARFIELD. I have no doubt the Chair will give his reasons, whatever his ruling may be, one way or the other.

Mr. HOOKER. The amendment of my colleague from Mississippi has encountered two objections from the opposite side of the House. As I understand, the gentleman from Ohio [Mr. GARFIELD] has made the point that it is not germane to the subject-matter of the bill. The gentleman from Maine [Mr. FRYE] makes the further objection that, under the fourth clause of Rule XXI, no bill or resolution can at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

Mr. FRYE. No, sir; I was requesting the gentleman from Ohio [Mr. GARFIELD] to withdraw that point and raise it if it should become necessary at a later stage. I do not make it.

Mr. HOOKER. Then the only objection to the proposition of my colleague is that presented by the gentleman from Ohio, [Mr. GARFIELD,] that the amendment is not germane to the subject-matter, and falls under the provisions of the third clause of Rule XXI. If there is any proposition on the part of the gentleman from Ohio under the fourth clause of the rule, I would like to know it, so that I may reply to it.

Mr. GARFIELD. I withdraw that for the time being, reserving my right to renew it.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that when a point of order is made, it necessarily brings up for the consideration of the Chair all the reasons for and against the point of order.

Mr. McMAHON. I will say to my colleague [Mr. GARFIELD] that I do not appreciate the strength of his point of order, because this is not one of the regular appropriation bills, but is intended as a supplemental bill to fill out all the anticipated deficiencies for the present fiscal year.

Mr. HOOKER. I cannot yield to the gentleman further. Am I right in supposing that the only objection now presented to the consideration of the amendment of my colleague is that it is obnoxious

to the provisions of the third clause of Rule XXI because not germane to the subject-matter of the bill, and because it does not reduce expenditures?

As I understand the rule, Mr. Chairman, it is not subject to all the objections suggested by the gentleman from Ohio who, in his *omnium gatherum* style of disposing of questions, wanted to take every rule which he thought might be infringed by the amendment offered by my colleague from Mississippi, but who has now the modesty at least to withdraw one of the propositions, on the suggestion of his friend from Maine that it was not a proper one to make.

In reference to the one that is made I desire simply to say that certainly to a deficiency bill, not a general appropriation bill making appropriations, but to a deficiency bill which proposes to remedy certain appropriations which have been demonstrated to be insufficient for the purpose, made for the current year, where there is an appropriation for public printing of the House, such an amendment is germane. My colleague from Mississippi comes in with a proposition to dispense with the mode and method of printing now in use and adopt another which is more economical in style. That answers the question as to whether or not the amendment offered by my colleague from Mississippi is germane to the subject-matter of the bill.

It is not a general appropriation bill, but it is a deficiency bill proposing to remedy the insufficiency of the annual appropriation by amendment as to the mode and method in which this appropriation shall be disbursed, and is therefore under the rule, as it now stands, XXI of the new series of rules adopted by the House, subject for the consideration of the House as to what is the best method of applying the money which the Appropriations Committee proposes to appropriate. For doing what, Mr. Chairman? For carrying on the public printing of the House.

The CHAIRMAN. If the gentleman will allow the Chair to make a suggestion on that point.

Mr. HOOKER. Certainly.

The CHAIRMAN. That is the very question, whether the amendment of the gentleman from Mississippi makes any disposition whatever of any part of the money which this bill proposes to appropriate.

Mr. HOOKER. Very well, sir; on that suggestion I will say the amendment as introduced by my colleague proposes to change the method of doing the public printing, thus carrying along with it a proposition cognate to the item submitted by the Committee on Appropriations in this deficiency bill. When you use the term as to whether or not it is germane to the bill you mean, Mr. Chairman, as I understand it under ordinary parliamentary language, as to whether or not it is of that nature and order to make it cognate to the subject-matter of the bill itself. And in that sense and in that way I say this proposition to change the method of doing the public printing is germane to the subject-matter. In other words, it proposes it shall be done in a different way; and certainly that different way has been demonstrated, by more than one speech on this subject, to look toward the reduction of the public expenditures. Therefore the objection taken by the gentleman from Ohio, either as to the fact whether the amendment offered by my colleague from Mississippi is germane to the subject-matter or whether it looks to the other correlative proposition in this rule, that it shall look to the reduction of public expenditures, I say that it does both; I say it is germane to the subject-matter; that, in other words, the proposition of my colleague from Mississippi proposes to change the method of doing this public service different from that which this Appropriations Committee in this bill proposes, and at a cheaper rate. Therefore the objection raised by the gentleman from Ohio is neither good as to the one point nor the other.

The CHAIRMAN. The amendment submitted by the gentleman from Mississippi, [Mr. SINGLETON,] under instructions from the Committee on Printing, is objected to upon two grounds: first, that it is not germane to the subject-matter of the bill under consideration; and, secondly, that it is in substance the same as a bill heretofore reported by the Committee on Printing and now pending before the House.

Notice of this amendment was given several days since, and during the general debate in the Committee of the Whole the Chair was advised that a point of order would be raised against it; so that a reasonable opportunity has been afforded to examine the subject, and the Chair will now state the conclusions at which he has arrived.

In the absence of an express rule, the amendment would not be liable to a point of order upon the ground that it was inconsistent with, or not germane to, the subject under consideration, for, according to the common parliamentary law of this country and of England, a legislative assembly might by an amendment, in the ordinary form or in the form of a substitute, change the entire character of any bill or other proposition pending. It might entirely displace the original subject under consideration, and in its stead adopt one wholly foreign to it, both in form and in substance.

But ever since the 4th of March, 1789, this House has had a rule which changed the common parliamentary law in this respect, at least as to substitutes, and ever since 1822 as to amendments in any form. The Congress of the Confederation, in 1781, adopted a rule in the following words:

No new motion or proposition shall be admitted under color of amendment as a substitute for a question or proposition under debate until it is postponed or disagreed to.

The House of Representatives of the First Congress, on the 4th of March, 1789, adopted the following rule upon this subject:

No new motion or proposition shall be admitted under color of amendment as a substitute for the motion or proposition under debate.

It will be observed that each of these rules admitted amendments introducing new motions or propositions, if they were not offered as substitutes for the motion or proposition under debate. But in March, 1822, the House changed the rule of 1789, so as to make it read as follows:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

And in this form the rule has stood ever since, and now constitutes a part of the seventh clause of Rule XVI in the recent revision. The rule does not prohibit a committee reporting a bill from embracing in it as many different subjects as it may choose; but after the bill has been reported to the House no different subject can be introduced into it by amendment, whether as a substitute or otherwise.

When, therefore, it is objected that a proposed amendment is not in order because it is not germane, the meaning of the object is simply that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment, subject, of course, to the revisory power of the Committee of the Whole on appeal.

It is not always easy to determine whether or not a proposed amendment relates to a subject different from that under consideration, within the meaning of the rule; and it is especially difficult to do so when, as in the present instance, the amendment may, by reason of the terms it employs, appear to have a remote relation to the original subject.

The subject to which the bill now under consideration relates is very clearly set forth in its title. It is "a bill making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes." The appropriations "for other purposes" contained in the bill do not relate at all to any of the subjects embraced in the amendment, and therefore need not be noticed. The words "for other purposes" are used here, as they usually are, to embrace subjects outside of the main subjects to which the bill relates, and which are reported by the committee itself.

The bill relates to no other subjects than appropriations of money for the purpose stated, "to supply deficiencies in the appropriations for the service of the Government." One of the deficiencies which the bill provides for is in the Government Printing Office. But the bill carefully enumerates the items for which the appropriation is to be made, and the salary of the Public Printer is not among them.

The proposed amendment has no relation to the appropriation of money for any purpose. It neither increases nor diminishes the amount proposed to be appropriated by the bill; nor does it in any manner affect the expenditure of the money proposed to be appropriated by the bill. The salary of the Public Printer, for the current fiscal year, has already been provided for in full; and it does not appear that there is any deficiency on that account.

The amendment relates solely to the method of choosing a Public Printer; to the nature of the duties to be performed by him, and to the amount of his salary. As already stated, the original bill embraces none of these matters; and consequently none of these subjects are now under consideration. It seems quite clear, therefore, that the proposed amendment, if admitted, would introduce for consideration one or more new subjects, and is, for that reason, prohibited by the express language of the rule.

Under the rule, as it stood prior to 1822, the amendment, although on a subject different from that under consideration, would be in order, for it is not offered as a substitute for the bill or for the clause under consideration. But as already noticed the prohibition applies now as well to ordinary amendments as to substitutes.

Since the adoption of the rule in its present form there have been several decisions under it; and so far as the Chair has been able to discover, in every instance where an amendment proposed to introduce an entirely new subject it has been excluded. The Chair refers to the Journal of the House, Twenty-seventh Congress, first session, page 223, for a decision by Mr. Speaker White; Journal of the House, Thirtieth Congress, first session, page 737, a decision by Mr. Speaker Winthrop; Journal of the House, Thirtieth Congress, second session, a decision also by Mr. Speaker Winthrop; Journal of the House, Thirty-first Congress, first session, pages 1509 and 1510, a decision by Mr. Speaker Cobb.

Having disposed of the point of order upon the first ground presented, it is unnecessary to express an opinion upon the second ground, and the Chair prefers not to do so.

The fourth clause of Rule XXI provides that "no bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House." Where a proposed amendment differs in any respect from a bill or resolution pending before the House, it will always be more or less difficult to determine whether or not they are substan-

tially the same; and the Chair thinks he ought not to attempt to decide such a question unless it be absolutely necessary to do so.

The point of order is sustained, and the amendment is excluded.

The Clerk read as follows:

Treasury Department—

Mr. McMAHON. I am instructed to put under the head of Treasury Department the following amendment, which I send to the Clerk's desk to be read:

The Clerk read as follows:

On page 2, after line 12, insert the following:

"Internal revenue: For additional amount to pay salaries and expenses of agents and surveyors; for fees and expenses of gaugers, for salaries of storekeepers, and for miscellaneous expenses, being a deficiency for the fiscal year 1880, \$320,000."

Mr. McMAHON. As I have said, Mr. Chairman, I have been instructed by the Committee on Appropriations to insert this amount. The reason of this I will state to the House in as few words as possible. The Commissioner of Internal Revenue has succeeded to a certain extent by means not necessary now to recount in transferring a large number of illicit establishments in this country into regular distilleries, so that we had, for example, in the sixth North Carolina district in 1879 ninety-four distilleries regularly registered, while there were in 1878 only forty-two, and in 1880 in the same district we have two hundred and two. So in the fifth North Carolina district where we had but sixteen in 1878 and twenty-nine in 1879, we have seventy-four in 1880.

At the close of the last fiscal year, there having been appropriated a million and a half of dollars for this purpose for that fiscal year, the Commissioner of Internal Revenue applied to the Committee on Appropriations for a deficiency of \$150,000, and it was granted to him; so that the total appropriation last year amounted to \$1,650,000, out of which were expended \$1,646,506, leaving a small balance in favor of the office. But since that time, as I have already stated, a much larger number of legal distilleries have been started, requiring a much larger number of gaugers, storekeepers, &c. And in view of the growing business of the country, and particularly of this growing business which yields so large a revenue, especially in that section of the country where it has not heretofore yielded so much revenue, the Committee on Appropriations thought it proper that the full amount requisite for salaries for these gaugers and storekeepers and for incidental expenses should be given; and I think the calculation that was made brought it within \$2,000 of the amount we have recommended in this bill.

Mr. RYAN, of Kansas. I wish to ask the gentleman how much the committee allowed for the general service?

Mr. McMAHON. That is in a separate amendment, the amount being \$25,000.

I shall print with my remarks the statements in detail to which I have adverted. They are as follows:

Statement showing the number of registered grain distilleries in the following districts on the 1st day of January, 1877, 1878, 1879, and 1880.

District.	Number in 1877.	Number in 1878.	Number in 1879.	Number in 1880.
Second Alabama	3	1	2	2
Second Georgia	30	28	22	36
Fourth North Carolina	7	4	5	11
Fifth North Carolina	25	16	29	74
Sixth North Carolina	56	42	94	202
South Carolina	3	3	12	22
Fifth Tennessee	56	39	40	53
Fifth Virginia	6	5	4	4

Correct.

GREEN B. RAUM, Commissioner.

MARCH 8, 1880.

Appropriation for salaries, &c., of agents, &c., 1879.

Regular annual appropriation	\$1,500,000 00
Deficiency	150,000 00
Total	1,650,000 00

Expended thus:

Gaugers	576,424 28
Storekeepers	884,080 00
Internal-revenue agents	126,494 14
Distillery surveyors	6,616 68

Miscellaneous:

Adams Express Company	\$4,332 02
Distillery locks	3,421 83
Hydrometers	8,392 65
Internal-revenue record	2,452 82
Stationery	15,277 69
Telegraphing	1,860 96
District attorneys' accounts	9,638 95
Testing alcoholometer	220 00
Traveling expenses, (clerks)	1,094 34
Custody of distillery	572 50
Gauging rods	345 25
Scales, (P. O. and gold)	104 95
Boxes for hydrometers, &c	266 19
Freight on stationery	127 65
Sales of lands, &c	282 95
Rent, collector's office second New York	4,500 00

52,890 75

1,646,506 55

Appropriation for 1880.

Salaries of agents and subordinate officers, internal revenue.....	\$1,500,000 00
Expended in the period from July 1, 1879, seven months, to February 1, 1880, as per records in Office Internal Revenue:	
For storekeepers' and surveyors' and gaugers' salaries.....	\$581,910 00
For gaugers' fees and expenses.....	356,468 00
For revenue agents' salaries and expenses.....	79,209 00
For district surveyors, (estimated).....	4,000 00
Miscellaneous expenses.....	31,883 00
Accounts for gaugers' fees, &c., and sundry miscellaneous expenses during this period not yet presented, (estimated).....	5,000 00
Total for seven months.....	1,058,470 00
At the same ratio the expenditures for twelve months would be.....	1,814,520 00

The question being taken on Mr. McMAHON's amendment, it was agreed to.

Mr. CLYMER. I am directed by the Committee on Appropriations to offer the amendment which I send to the desk, to follow the amendment which has just been adopted.

The Clerk read as follows:

For additional amount to pay salaries and expenses for collectors of internal revenue, being a deficiency for the fiscal year 1880, \$25,000.

Mr. CLYMER. In explanation of the necessity of the adoption of this amendment I will state that we appropriated in the bill for this year the sum of \$1,800,000 to pay the salaries of collectors and the expenses of their office. At the time of the meeting of Congress there was but a balance of \$3,000 on hand, the rest of the appropriation having been distributed to the various collectors throughout the collection districts of the United States. The Commissioner of Internal Revenue says that the reason of the impending deficiency is this: that the increase of business throughout the country, making the collections much larger in amount, increases the pay of the collectors in nearly every district of the United States; for gentlemen will remember that the pay of collectors is a fixed sum, and then percentages of the amounts collected, and the amounts collected this year being much larger than formerly, it will require at least this additional sum to pay their salaries.

Again, for the convenience of the public the Commissioner has appointed at different localities, where there are not collection offices, agents for the sale of revenue stamps, giving them in most instances very moderate salaries, employing persons who have fixed employments in fixed places, as, for instance, cashiers of banks, and who require some additional sum to compensate them. The sub-committee were unanimous in recommending the adoption of this amendment.

The question being put on Mr. CLYMER's amendment, it was agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph:

Public buildings:

For the completion of the custom-house, court-house, and post-office building, and approaches, at Chicago, Illinois, including steps, grading, sidewalks, and paving, \$100,000.

Mr. BUTTERWORTH. I desire to offer an amendment to come in after the clause just read. I send it to the desk to be read.

The Clerk read as follows:

Insert at the end of line 47 the following:

For completing the custom-house and post-office building at Cincinnati, Ohio, \$150,000; said appropriation to be immediately available.

Mr. BLACKBURN. I make the point of order that that amendment is not in order.

Mr. BUTTERWORTH. I wish to ascertain from my friend from Kentucky to what rule this amendment is obnoxious.

Mr. BLACKBURN. To the third clause of the twenty-first rule.

Mr. BUTTERWORTH. I propose to speak to the point of order. I wish the gentleman to submit his objections to my amendment in regard to the question of order.

Mr. BLACKBURN. I do not propose to argue the point at all. It is so plain that I do not desire to say a word. The gentleman from Ohio can argue it if he pleases.

Mr. BUTTERWORTH. It does not appear to me so clear as it does to the gentleman from Kentucky.

Mr. BLACKBURN. I am willing to submit the point of order for the decision of the Chair without any argument from me.

Mr. BUTTERWORTH. I understand this is an appropriation bill providing for a deficiency; that it is not a regular appropriation bill; and hence that the amendment is not obnoxious to the third clause of the twenty-first rule. The erection of the post-office and custom-house building of Cincinnati was authorized years ago. The appropriation of last year was insufficient to provide material for prosecuting that work, and now the work has been suspended for some months by reason of a want of material.

Mr. BLACKBURN. I must ask the gentleman to confine himself to the point of order and not discuss the merits of the amendment.

Mr. BUTTERWORTH. I am confining myself to the point of order.

The CHAIRMAN. The gentleman is trying to show that there is a deficiency for the present fiscal year.

Mr. BLACKBURN. I only insist that he shall not travel beyond the point of order.

Mr. BUTTERWORTH. When I depart from that the Chair will no doubt call me to order.

Mr. ATKINS. There was not enough appropriated to complete the building, if that is a deficiency.

Mr. BUTTERWORTH. That is very true.

Mr. ATKINS. And it was not intended that that appropriation should complete the building.

Mr. BUTTERWORTH. I notice that there is in this bill an appropriation for the completion of the custom-house at Chicago. I suppose that comes in under the head of deficiency; whether that is enough to complete the building I do not know.

The granite for the custom-house in Cincinnati is procured in Maine, and until that is provided it is not possible to go on with the prosecution of the work. It was thought that the appropriation last year would be sufficient to keep the workmen constantly employed. It turns out that it was totally and wholly inadequate for that purpose. This appropriation is asked in order that the work provided for by law may be prosecuted; in other words, that the quarrymen in Maine may get out the stone and ship it to Cincinnati for the prosecution of the work on this building.

Now, there is no question that this is a proper thing to do; and a proper thing to do is in order through the instrumentality of the pending bill. I take it that the law authorized the Secretary of the Treasury to press the prosecution of the work on this building, and that appropriations are made for the purpose of furnishing the necessary material to do so.

Mr. BLOUNT. What law?

Mr. BUTTERWORTH. The law authorizing the construction of the building.

Mr. BLOUNT. What law is there authorizing the Secretary of the Treasury to press the construction of the building?

Mr. BUTTERWORTH. When I say "press" I mean that the work is to be prosecuted with all proper dispatch and speed, and that appropriations are made for the express purpose of insuring the speedy completion of the building. It is known that the Government is necessarily subjected to a large expense because the building is not completed. The Committee on Appropriations will bear me witness that the appropriation made last year was inadequate for the purpose. Unless this appropriation is made it is impossible to get the stone upon the ground in time to prosecute the work during the coming summer; unless this money is given now we cannot prosecute the work this year. Hence I insist that this is properly a deficiency. It is for the purpose of furnishing the material required in order that the work upon the custom-house building in Cincinnati may progress whenever the season shall have so far advanced that workmen can work upon the building.

Mr. BAILEY. Will not the same rule apply to all the public buildings of the country?

Mr. BUTTERWORTH. It is quite possible that it may.

Mr. EINSTEIN. Then let us have an amendment applying to all of them.

Mr. BUTTERWORTH. I do not object to that.

Mr. McMAHON. When the sundry civil appropriation bill comes in, all these buildings will be provided for.

Mr. BUTTERWORTH. I am afraid it will come in everlastingly too late.

The CHAIRMAN. Although the bill under consideration is not technically speaking a general appropriation bill, yet Rule 120 of the old series was always held to apply to bills of this character as well as to original appropriation bills. The difficulty with the amendment of the gentleman from Ohio [Mr. BUTTERWORTH] seems to be that it does not come from any committee having any jurisdiction of the subject. The right of individuals upon their own responsibility to offer amendments to appropriation bills has been very much restricted by the third clause of Rule XXI of the new rules. Without commenting upon that clause, the Chair holds that the amendment is not in order coming from an individual member of the House and not from a committee having jurisdiction of the subject-matter.

Mr. REED. Will the Chair permit me to call his attention to the first portion of the third clause of Rule XXI?

The CHAIRMAN. Certainly.

Mr. REED. That certainly implies that an amendment "in continuation of appropriations for such public works and objects as are already in progress" would be admissible. The custom-house at Cincinnati is a work already in progress, and by inference from the first portion of the third clause of section 21 it would be in order.

The CHAIRMAN. There is now a law making an appropriation for the work upon the Cincinnati custom-house and court-house for the present fiscal year. This bill is one making appropriations for deficiencies only. The amendment proposed by the gentleman from Ohio [Mr. BUTTERWORTH] is not to supply any actual deficiency, but to make provision for the completion of the work.

Mr. REED. And that is precisely what is provided for in the first part of clause 3 of Rule XXI.

The CHAIRMAN. The Chair thinks not, when moved as an amendment to a deficiency appropriation bill. If the bill under consideration were the sundry civil appropriation bill, a bill which properly relates to these subjects, the Chair would hold that such an amendment would be in order, although offered by an individual.

The Clerk resumed the reading of the bill, and read the following:

Coast and Geodetic Survey:
For the repairs and maintenance of the vessels used in the Coast and Geodetic Survey, \$10,000.

Miscellaneous:
For coal, wood, grates, grate-baskets and fixtures, stoves and fixtures, blowers, coal-hods, hearths, shovels, tongs, pokers, matches and match-safes for the Treasury Department, \$1,250.

For ice, ice-buckets, file-holders, book-rests, labor, clocks and repairs of the same for the Treasury Department, \$1,250.

Mr. ATKINS. By instruction of the Committee on Appropriations I move to amend by inserting after line 57 what I send to the desk.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized to employ one of the steamers of the revenue marine, now on the Pacific coast, for the relief of the officers and crews of the whaling-barks Mount Wollaston and Vigilant, now imprisoned in the Arctic Ocean; and such sum of money, not exceeding \$6,000, as may be necessary to properly strengthen and equip such steam-cutter and to carry out the object of this provision, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. ATKINS. As this amendment indicates, there are a couple of whaling vessels that have been imprisoned in the Arctic waters since last fall, not being able to get out on account of the ice. Their crews are supposed to be in very great danger. The Secretary of the Navy was applied to for a vessel to afford relief to these sailors; but he replied that he had no vessel suitable for those waters. The Secretary of the Treasury was called upon for one of the revenue cutters, of which I believe there are thirty-six; and he consents that one of them shall be designated for this purpose; but it will require some improvement of the prow and the stern, besides repairs of the rudder and rudder-posts. It is estimated by the Superintendent of the Marine Service that \$6,000 will be ample for these repairs. The vessel, if repaired, would be able to go into those waters and probably afford relief to those sailors, who, it is expected, when spring shall set in, will leave their vessels so that they may be rescued.

I will add that a vessel belonging to the United States Navy, the Jeannette, is also in those waters, with a crew of about fifty men—probably in the same condition as the crews of those whaling vessels. There are about eighty men on the whaling vessels, and about fifty on the Jeannette. I think the House ought not to hesitate a moment to make this little appropriation of \$6,000 to enable the Secretary of the Treasury to afford relief by sending out one of the revenue cutters.

The amendment was adopted.

The Clerk read as follows:

For transportation of officers of the Marine Corps, \$2,000.

INTERIOR DEPARTMENT—

Mr. McMAHON. On behalf of the Committee on Appropriations, I offer an amendment to come in under the head of "Interior Department."

The Clerk read as follows:

After line 69 insert:

Pensions:

For pensions for Army invalids, widows, minors, and dependent relatives, survivors of the war of 1812 and widows of the war of 1812, \$6,500,000; for pay and allowances for salary, fees for preparing vouchers, rent, fuel, light, and postage on official matter directed to the Departments and bureaus at Washington, \$15,000; for Navy pensions to invalids, widows, minors, and dependent relatives, \$140,000.

Mr. McMAHON. The appropriation here proposed has been made necessary by the act commonly known as the arrearages of pensions law; not for the purpose of paying those whose cases were embraced in the appropriation act of \$27,000,000, but to pay those whose cases have been allowed since the statute of limitations was repealed. The sum proposed to be appropriated is large, but it can only be paid out under law; and I think there is no opportunity for improper use of the money.

Mr. REAGAN. Will this amendment admit the payment of pensions to all soldiers of the war of 1812, or will those in the Southern States be excluded?

Mr. McMAHON. The committee propose simply that the money be appropriated, without any legislation in regard to the matter, and without attempting to control the Department in any ruling which it has made. That question was not brought to the attention of the committee; and if it had been, the committee probably could not have acted without subjecting the proposition to a point of order.

Mr. REAGAN. Would the gentleman object to an amendment making the provision apply, notwithstanding existing laws, to all those who would otherwise be entitled under the provisions of the pension act?

Mr. McMAHON. So far as I am concerned, undoubtedly; but I think gentlemen on the other side had better be consulted on that proposition. I will not object to the amendment.

Mr. REAGAN. Then I shall ask to amend—

Mr. McMAHON. One moment. Mr. Chairman, there has been a great deal of uneasiness manifested recently in regard to the pension-roll of the United States; but I think we may pass this bill, with this amendment, without much uneasiness. This is not a perpetual burden upon the American people. Many of the men who now receive pensions will undoubtedly pass away in the course of ten or twenty years. Besides, there is this consolation: in granting this money we know that we give it to a class of people who need it; we know that we are circulating the money of the country among the poorer class of our people. Although our pension-roll and the amount of expendi-

ture for pensions may appear large, I call the attention of gentlemen to the important fact that all the money we have expended in this country for pensions, from the foundation of the Government to the present time, will not reach \$500,000,000.

Mr. HOOKER. I desire to ask the gentleman a question.

Mr. McMAHON. Certainly.

Mr. HOOKER. I see that this bill of which the gentleman has charge proposes, as stated at the end, to appropriate \$665,530.50. Now I understand the Committee on Appropriations offer an amendment proposing to increase the aggregate amount to the extent of some \$7,000,000. I raise the point of order whether or not this is germane to the subject-matter of the bill.

The CHAIRMAN. The point of order is taken too late.

Mr. McMAHON. The question was not raised in time.

Mr. HOOKER. I raise the question of order.

The CHAIRMAN. The gentleman raises the question of order after the amendment is under consideration by the Committee of the Whole.

Mr. HOOKER. I could not do it until I obtained the floor. The gentleman from Ohio [Mr. McMAHON] took the floor as soon as he offered his amendment, and has not yielded it until now.

Mr. McMAHON. I do not think the gentleman was wide awake in making his point of order.

The CHAIRMAN. The amendment was read at the Clerk's desk, and that was the time to make the point of order. The Chair is obliged to recognize at any time a gentleman who rises to make a point of order.

Mr. HOOKER. Then I ask the gentleman from Ohio what the Committee on Appropriations meant by laying upon the tables of members a bill proposing an aggregate appropriation of \$665,000, and then offering an amendment to appropriate something like \$7,000,000?

Mr. McMAHON. I do not think it makes much difference on what bill an appropriation for the present fiscal year should come in.

Mr. HOOKER. Does the Chair rule the point of order comes too late?

The CHAIRMAN. The Chair rules the point of order comes too late.

Mr. HOOKER. I ask unanimous consent—

Mr. GARFIELD. I object, if it was not made in time.

The CHAIRMAN. Of course the Chair by unanimous consent would entertain the point of order, but the gentleman from Ohio objects it comes too late.

Mr. ATKINS. I think the remark the gentleman from Mississippi has made is a proper one to make, for it does look a little singular we should come in here with an appropriation bill, a deficiency appropriation bill, stating it appropriates only \$665,530.50, and then come forward with an amendment appropriating between six and seven millions of dollars. That enormous increase in one single amendment looks a little singular and needs explanation.

But the explanation is very simple, Mr. Chairman, and it is this: The Committee on Appropriations when this bill was drafted had not these statistics before them, or at least they did not have sufficient data to enable them to include this item, and as the committee were anxious to get this important deficiency bill into the House as soon as possible, it was reported without it. The sub-committee of the Committee on Appropriations was authorized to examine this matter and make their report to the general committee, which they did; and then the general committee authorized it to make this amendment to the bill when it came up for consideration. As the gentleman from Mississippi will see, it is a simple matter of dollars and cents with which the committee had to do.

Mr. HOOKER. And a great many dollars and cents.

Mr. ATKINS. A great many, I admit; but it is in pursuance of law which this Congress had passed. The Committee on Appropriations have simply reported the amount necessary under the estimate to execute the law now upon the statute-book.

Mr. McMAHON. As I said before, the total amount we have appropriated for pensions from the foundation of the Government, if I am correct in my figures, will not exceed \$500,000,000. I could lay my hands on a single act passed in the history of this Congress, within my recollection, voting money into the hands of people who did not need it as these people do, and I hope there will be a unanimous vote on this proposition.

Mr. BUCKNER. Is this amendment a deficiency of last year's appropriation, or is it for this fiscal year?

Mr. McMAHON. I will state to the gentleman when the estimates were made and the original appropriation bill was passed for this fiscal year, as I understand it, the bill had not been passed out of which this deficiency grew.

Mr. ATKINS. The Commissioner of Pensions reported an estimate for \$5,000,000, but applications came in for arrearages of pensions so fast that estimate had to be increased over a million and a half, creating the necessity for this large item.

The CHAIRMAN. It is impossible to hear at the desk what is going on between gentlemen. The rule requires gentlemen shall address the Chair.

Mr. ATKINS. I beg the Chair's pardon; I was explaining to the gentleman from Mississippi in reference to a point which he raised against the pending amendment.

Mr. REAGAN. I desire to have the amendment read again referring to pensions so we may know exactly what it is.

The amendment was again read.

Mr. REAGAN. I desire to call attention to the fact that this amendment is intended for the benefit of the soldiers of the war of 1812. By section 4616 of the Revised Statutes it is provided that no money on account of pensions shall be paid to any person or to the widow or children or heirs of any deceased person who, in any way, engaged in or aided or abetted the late rebellion against the authority of the United States. The persons intended to have the benefit of this law are persons who were too old to have participated in that contest; and, although they may have, in sympathy, participated with the people among whom they lived, the services which they rendered helped this country in a war which has been called the second war of independence with the like patriotism, with the like devotion of those who served in that war from other portions of the Union. Of these gallant men there are but few left; they are dying from age, infirmity, and many of them are in poverty. It seems to me they are all alike entitled to the bounty of the Government wherever they may happen to live, and that this amendment providing for this class of meritorious pensioners in one part of the country and denying relief to others in another part of the country ought to be so amended as to include all. If the gentleman will consent to make the provisions of his amendment apply to all these pensioners notwithstanding the section of the Revised Statutes which I have quoted, then I will gladly support it. If he shall refuse to do so, then I hope the whole proposition will be now defeated and come up hereafter in a separate bill so the judgment of this House can be better taken on it. Surely we will not pursue the aged and decrepit, those trembling on the verge of the grave, and deny them the bounty of the Government which they served in the days of its weakness and peril. There seems to be something in it so wrong, something so repulsive to our common sense of right and justice, it ought not to be asked for any unless justice is done alike to all. I have not time to prepare an amendment now, but I shall ask to offer one hereafter providing that all shall be paid notwithstanding the provisions of the section of the law to which I have referred.

Mr. HISCOCK. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOOKEE. Are you going to raise the point on what I am going to say on the bill?

Mr. HISCOCK. No, but on the amendment of the gentleman from Texas. My point is that the amendment is not germane; that while increasing the appropriation it changes existing law. I do not desire to discuss the merits of the bill. I do not desire to answer the suggestion of the gentleman from Texas, but it seems to me—

The CHAIRMAN. The gentleman has obtained the floor to make objection, but the amendment against which he makes his point of order has been under consideration for some time.

Mr. HISCOCK. I do not so understand.

The CHAIRMAN. The gentleman from Texas has not yet offered any amendment.

Mr. REAGAN. I will prepare it.

Mr. HOOKER. I desire to say in response to what has fallen from my friend, the chairman of the Committee on Appropriations, and the gentleman who has this bill in charge, that it does not seem to me to be proper in this House at this time in considering a bill, printed and laid on our table for some time and which proposes simply to make an appropriation in the nature of a deficiency in the sum of \$665,530.50, to ask the House now to amend that proposition by adding an appropriation in payment of arrearages of pension amounting to nearly \$7,000,000. And I say this is not proper for this reason, Mr. Chairman: By a single bill, which this House passed during this session of Congress, some thirty-two or thirty-three millions of dollars were voted, and probably the amount of appropriations for arrearages of pensions will altogether, before we get through with them, reach between sixty and seventy millions of dollars. If deficiencies have been incurred, I insist it is not proper they should go on this bill for this purpose, but that they shall wait an appropriation hereafter to be made by Congress for that particular purpose. In one single bill, sir, as I have said, passed by this House of Congress, some \$33,000,000 were appropriated for arrearages of pensions and appropriated, I believe, by the almost unanimous vote of gentlemen on this side of the House—without a dissenting voice, as I am told. I say, therefore, if there is a deficiency, and if there is money necessary to pay these pensions, let them wait a proper bill being reported by the Committee on Appropriations.

I regret, Mr. Chairman, that I rose too late in the judgment of the Chair and in the opinion of the gentleman from Ohio, who has this bill in charge, to make objection that the amendment proposed was not germane to the subject-matter of the bill. And, indeed, it was an amendment which seemed to be an addition to the bill so disproportionate to the object the committee had in view that I am surprised to hear either from the chairman or the gentleman having the bill in charge that you propose even to consider an amendment to add an expenditure of \$7,000,000 to a bill which simply proposes to supply deficiencies to the amount of some six hundred and odd thousand dollars. I say, therefore, that I do not think it proper that the committee should be called upon to pass upon the question, and if called upon to pass upon it at all, the Committee of the Whole should take the

responsibility of saying we will not allow any committee, whether the Appropriation Committee or any other committee, to present a bill and lay it on the desk for the consideration of members which proposes to supply deficiencies in the different departments of the Government, whatever sum may be necessary, and then incorporate an amendment in it amounting to \$7,000,000. In other words we ought to have a specific bill for this purpose. The bill appropriating this amount should be entirely separate. If there is a deficiency in the Treasury on account of appropriations already made for the payment of arrearages of pensions let that fact be presented in a separate bill and let it go upon that as a separate measure whenever it shall be presented. I do not wish to be understood that I will oppose any appropriation bill for pensions. On the contrary I have stood on this floor, and every southern man on this side of the House has stood on this floor, after the war waged in defense of the Union out of which the Government acquired a large area of territory from which was carved State after State—I say I have stood here on this floor for the general principle that all those men who have risked their lives in defense of this Government, and the widows of men who have lost their lives in defense of their country should be pensioned. And yet I have not been able to get that bill through the House or through the Senate. And still I am not disposed to deny to the men entitled to it what is sought by the amendment suggested by the gentleman from Texas, and I think it is right that the men who rendered services to the country shall be pensioned and that the widows of the men who fell should be supported. Still we have the right to ask that the pension shall be applicable as well to the soldiers of the Mexican war and to their widows as any others. [Applause.]

[Here the hammer fell.]

Mr. REAGAN. I now desire to offer my amendment.

Mr. HISCOCK. That is the amendment on which I desire to make the point of order.

The Clerk read the amendment, as follows:

Provided, That the provisions of this section shall extend to all pensioners of the United States referred to in this section, and that the provisions of section 4716 of the Revised Statutes shall not apply for the exclusion of any from the benefit of its provisions.

Mr. REAGAN. I hope the gentleman will not make the point of order on that.

Mr. HISCOCK. On this question of the point of order I make it without intending in any way to consider the questions already considered and the reasons urged why the provisions to which the gentleman from Texas has referred should be repealed. Now, sir, there has been legislation on this very subject. What it is I do not know; what I say is that it will be illy advised on an appropriation of this kind to attempt to change existing law and enact a new law without its having been properly considered by a committee and reported upon. Therefore it is that I make the point of order.

Mr. BLOUNT. Before that is submitted I desire to have read, and I think it is germane to this question, sections 5 and 6 of the law passed March 9, 1878, which repeals this section 4716.

The Clerk read as follows:

SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-rolls the names of all persons now surviving heretofore pensioned on account of service in the war of 1812 against Great Britain or for service in any of the Indian wars, and whose names were stricken from the rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government or who have in any manner encouraged the rebels," approved February 4, 1862; and that the joint resolution entitled "Joint resolution prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression," approved March 2, 1867, and section 4716 of the Revised Statutes of the United States, shall not apply to the persons provided for by this act: *Provided*, That no money shall be paid to any one on account of pensions for the time during which his name remained stricken from the rolls.

SEC. 6. That the surviving widow of any pensioner of the war of 1812, where the name of said pensioner was stricken from the pension-roll in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-roll the names of such persons as have taken up arms against the Government or who have in any manner encouraged the rebels," approved February 4, 1862, and where, under the existing provisions of law, said pensioner died without his name being restored to the roll, shall be entitled to make claim for a pension as such widow after the passage of this act: *Provided*, That no such arrearages shall be paid for any period prior to the time of the removal of the disability of the pensioner, as provided in section 5: *And provided further*, That under this act any widow of a revolutionary soldier who served for fourteen days or was in any engagement shall be placed on the pension-roll of the United States and receive a pension at the rate of \$8 per month.

SEC. 7. That all laws and clauses of laws in conflict with this act be, and they are hereby, repealed.

Approved March 9, 1878.

Mr. BLOUNT. I submit that relieves the difficulty my friend from Texas refers to.

Mr. DIBRELL. In answer to the statement of the gentleman from Georgia, I wish to say that the Commissioner of Pensions does withhold pensions under the act of February 19, 1861, except to soldiers who proved their loyalty; that on the question of letters which came to him as Commissioner of Pensions he has refused to pay them.

Mr. HISCOCK. I desire to make the point of order that the only thing which can properly be discussed is the point of order that has been made upon the amendment.

The CHAIRMAN. The question before the committee is simply as to the point of order.

Mr. ATKINS. I do not agree with the gentleman from New York [Mr. HISCOCK] that this amendment is liable to the point of order.

I believe it is just as germane to provide for the relief of the soldiers of the war of 1812, who have been relieved by law of their disability, as it is to provide for other pensioners; and I had just sent to the Library for the law on that point in order to have it read from the Clerk's desk just as my friend from Georgia [Mr. BLOUNT] had the law read. The law has relieved soldiers of the war of 1812 who labored under disabilities by the fourteenth amendment of the Constitution. Here is a proposition to appropriate \$6,650,000 to cover a supposed deficiency for the present fiscal year arising out of the arrears of pensions act. Now, sir, I would like any gentleman to show me how that proposition which is now before the committee is not as liable to the point of order as the proposition offered by the gentleman from Texas; for the proposition that he offers is in accordance with the law as far as that is concerned.

The CHAIRMAN. The Chair understands the proposition of the gentleman from Texas is to repeal certain laws. This is an important point of order coming up for decision for the first time, as the Chair thinks, under the new rules. The Chair would therefore like to call attention of gentlemen to the exact point and hear their views upon it, because the Chair is exceedingly anxious in making the first ruling under this rule to be correct.

The amendment proposed by the gentleman from Ohio [Mr. McMAHON] under instructions from the Committee on Appropriations does not change any existing law but makes an appropriation for a deficiency, whereas the amendment which the gentleman from Texas proposes does change existing law. The Chair therefore desires to call the attention of gentlemen to that difference between the amendments and to the new language, if the Chair may use the expression, of the third clause of Rule XXI in reference to the right of individual members on the floor to offer amendments.

Mr. REAGAN. May I say a word there?

The CHAIRMAN. The gentleman from Tennessee [Mr. ATKINS] was addressing the Chair on the point of order.

Mr. ATKINS. I desire only further to say that I am not familiar with the language of the new rule, but I hope the gentleman from New York [Mr. HISCOCK] will withdraw his point of order.

Mr. HISCOCK. I gave, I think, an excellent reason why I could not withdraw the point of order. The gentleman from Georgia has had read statutory provisions, by which it would seem to be clear that no such amendment as is proposed is necessary. The gentleman from Tennessee has been to the Library and comes here with some statutes which seem to make it necessary. The gentleman from Texas is of that view. Now, shall we waive the point of order without knowing what the law is; without knowing what amendments, if any, to the law are necessary? I say this is a sufficient excuse to me for insisting on the point of order without entering on any discussion of the merits of the proposition.

Mr. REAGAN. On the subject of the point of order I desire to say that the amendment I offer proposes simply to follow the amendment offered by the gentleman from Ohio, by the application of its provisions to all alike, notwithstanding the provisions of section 4716 of the Revised Statutes. But if the two sections of the act of 1878, read at the suggestion of the gentleman from Georgia, [Mr. BLOUNT,] are the law—and that I submit is a question that the Chairman himself may look at to determine if it is the law—then my amendment would not change existing law, and therefore would not be liable to the point of order made by the gentleman from New York.

I may to some extent have been influenced by understanding from members on this floor that notwithstanding the act of 1878 the Commissioner of Pensions refuses to permit the law to apply to that class of pensioners. What are his reasons for so doing I know not. Hence it was I offered the amendment that the provisions of the amendment offered by the gentleman from Ohio should apply to all notwithstanding the provision contained in the Revised Statutes. I do not know how that may influence the mind of the Chair, but I submit the Chair may look to the act of 1878 and see whether under that act it is the duty of the Commissioner of Pensions to place these pensioners upon the rolls. If so, my amendment would not change existing law, and is therefore relieved from the effect of the point of order.

A MEMBER. Do you propose to withdraw the amendment, that being the law?

Mr. REAGAN. Oh, no. If the point of order is made on the amendment and is sustained, I trust the gentleman from Ohio in the exercise of his judgment will withdraw his amendment, because I will say if this is simply to apply to pensioners of a certain class in one part of the country, and their claims are once satisfied, that makes it more difficult afterward to satisfy the claims of those in another portion of the country.

Mr. HISCOCK. The language of the rule is:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

It seems to me that excludes this amendment. If no law is changed, then there is no need for the provision which the gentleman from Texas has offered. If he proposes to change existing laws, then the amendment comes within the very letter of the clause I have read.

Mr. BUCKNER. If I understand correctly the effect of the amend-

ment which the gentleman from Texas desires to present, instead of diminishing it will increase expenditures very largely and will add largely to the pension-roll, on which there is already necessarily a large number of fraudulent cases. The amendment of the gentleman from Ohio is intended to provide for arrearages of pensions to Union soldiers, and the law as to pensions to Union soldiers gives what was not given to pensioners for the war of 1812—it gives pensions to dependent relatives.

Mr. REAGAN. If the gentleman will allow me, I will say that he misunderstands the amendment offered by the gentleman from Ohio, [Mr. McMAHON.] His amendment is limited exclusively to the soldiers of the war of 1812 and the widows of such soldiers, and has nothing to do with the soldiers of the late war.

Mr. ATKINS. The gentleman from Texas [Mr. REAGAN] is entirely mistaken. The amendment applies to the soldiers of the late war, and only to them.

Mr. REAGAN. Perhaps I did not hear it distinctly when it was read. Why were the soldiers of the war of 1812 referred to in that amendment?

Mr. ATKINS. I am speaking of the amendment offered by the gentleman from Ohio, [Mr. McMAHON.]

Mr. REAGAN. And that is the one I am speaking of.

Mr. ATKINS. It does not apply to the soldiers of the war of 1812 at all.

Mr. REAGAN. I ask that it be again read, for either I do not understand it or the gentlemen do not.

Mr. ATKINS. I wish to be understood that the amendment offered by the gentleman from Ohio is for the benefit of the soldiers of the late war, and not the soldiers of the war of 1812.

Mr. SPRINGER. I think it relates to soldiers of both wars.

Mr. REAGAN. Let it be again read.

The CHAIRMAN. The amendment will be again read.

The Clerk read the amendment of Mr. McMAHON, as follows:

For pensions for Army invalids, widows, minors, and dependent relatives, survivors of the war of 1812 and widows of the war of 1812, \$6,500,000.

For pay and allowance for salary, fees for preparing vouchers, rent, fuel, light, and postage on official matter directed to the Departments and bureaus at Washington, \$15,000.

For Navy pensions of invalids, widows, minors, and dependent relatives, \$140,000.

Mr. REAGAN. That is the amendment of the gentleman from Ohio.

The CHAIRMAN. The amendment offered by the gentleman from Texas [Mr. REAGAN] to the amendment of the gentleman from Ohio will now be read.

The Clerk read as follows:

Provided, That the provisions of this section shall extend to all pensioners of the classes referred to in this section, and that the provisions of section 4716 of the Revised Statutes shall not apply for the exclusion of any from the benefit of its provisions.

Mr. STEVENSON. I desire to ask the gentleman from Ohio, [Mr. McMAHON,] who has charge of this bill, to explain to the House just how this deficiency arose.

Mr. McMAHON. With the permission of the House I will do so.

The CHAIRMAN. There is a point of order pending.

Mr. McMAHON. I understand that.

Mr. CALKINS. Let the point of order be first decided.

Mr. McMAHON. Very well.

The CHAIRMAN. The Chair had hoped that he would not be called upon to rule upon the new part of the third clause of Rule XXI, without having the benefit of the views of such gentlemen upon the floor as desire to express them.

Mr. HISCOCK. Then I would suggest that the committee now rise if the Chair would prefer that the decision of the point of order be deferred.

The CHAIRMAN. The Chair does not ask that.

Mr. McMAHON. If the Chair would like to have further time to examine the point of order, I will move that the committee rise, although I would like to have this bill finished this evening.

The CHAIRMAN. The Chair does not ask the committee to rise upon his account, although he would prefer to hear the views of gentlemen upon this clause of the rule, because it is an important one.

Mr. McMAHON. Then I will not make the motion.

Mr. CLYMER. I move that the committee now rise.

Mr. McMAHON. I hope that will not be done. This is an unusually important bill. There are people out of employment who will continue so every day that we delay action upon this bill.

Many MEMBERS. Regular order.

The CHAIRMAN. The regular order is the question upon the motion of the gentleman from Pennsylvania [Mr. CLYMER] that the committee now rise.

The motion was agreed to; upon a division—ayes 106, noes 63.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, and had come to no resolution thereon.

Mr. SPRINGER. I ask consent to have printed in the RECORD an amendment which I propose to offer at the proper time to the pending bill in the Committee of the Whole.

Mr. HAWLEY. I hope there will be no objection to that; I want to see what the amendment is.

There was no objection, and it was so ordered.

The proposed amendment is as follows:

Amend the amendment by adding thereto the following:

For special deputy marshals of elections, the sum of \$7,600: *Provided*, That hereafter special deputy marshals of elections and general deputy marshals, for performing any duties in reference to any election, shall receive the sum of \$2 per day in full for their compensation; and that all appointments of such special deputy marshals or of general deputy marshals having any duty to perform in respect to any election shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the district judge, in the absence of the circuit judge, and not less than two nor more than three appointments shall be made for any voting precinct where such appointments are required to be made, and the persons so appointed shall be of different political parties, of good character, and able to read and write the English language, and shall be well-known residents of the voting precinct in which their duties are to be performed.

Mr. DIBRELL. I ask consent to have printed in the RECORD an amendment which I propose to offer.

There was no objection, and it was so ordered.

The proposed amendment is as follows:

Provided, That the Commissioner of Pensions shall not withhold a pension from any soldier or pensioner of the war of 1812 who was granted a pension under the act of Congress of 1871, and was dropped for charges of disloyalty and reinstated under act of 9th March, 1878, and their pensions shall be paid from 9th March, 1878.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed a bill (S. No. 1489) to remove the political disabilities of Roger A. Pryor, of New York; also, a bill (S. No. 1280) for the purpose of erecting an elevator in the United States court and Federal offices at Indianapolis, Indiana; in which the concurrence of the House was requested.

Mr. HOOKER. I move that the House now adjourn.

PUEBLO OF SAN FRANCISCO.

Pending the motion to adjourn,

The SPEAKER laid before the House a letter from the Secretary of War, relative to House bill No. 4928, to confirm the survey of the pueblo of San Francisco; which was referred to the Committee on Private Land Claims.

MRS. LAURA NICHOLLS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting papers in the Indian depredation claim of Mrs. Laura Nicholls; which was referred to the Committee on Indian Affairs.

SANDUSKY RIVER, OHIO.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the improvement of the Sandusky River below Fremont, Ohio; which was referred to the Committee on Commerce.

PATAPSCO RIVER, MARYLAND.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to an appropriation for the improvement of the Patapsco River, Maryland; which was referred to the Committee on Commerce.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CHITTENDEN, for three days.

The motion of Mr. HOOKER was then agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. WILLIAM ALDRICH: The petition of Albert W. Landon, publisher of the Humane Journal, Chicago, Illinois, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. ARMFIELD: The petition of J. J. Bruner, publisher of the Carolina Watchman, Salisbury, North Carolina, of similar import—to the same committee.

By Mr. BAKER: The petition of druggists of Plymouth, Indiana, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. BAYNE: Papers relating to the claim of James Millinger for pay for the use and destruction of his property by the United States forces during the late war—to the Committee on War Claims.

By Mr. BEALE: The petition of citizens of Accomack County, Virginia, against any appropriation for the improvement of the channel in Chincoteague Bay—to the Committee on Commerce.

Also, the petition of citizens of Northumberland County, Virginia, and of certain seamen, that a light-house be erected near the mouth of Great Wicomico River—to the same committee.

Also, the petition of citizens of Westmoreland County, Virginia, for a monument to Washington, and for a wharf to facilitate access thereto—to the Committee on Public Buildings and Grounds.

Also, the petition of Henry H. Brooks, for a pension—to the Committee on Invalid Pensions.

By Mr. BICKNELL: The petition of William McCoy and 78 others, citizens of Clarke County, Indiana, for the passage of the Reagan bill to regulate interstate commerce—to the Committee on Commerce.

By Mr. CALKINS: The petition of druggists of South Bend, Indiana, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. CAMP: The petition of Thomas Kirkpatrick, for balance of salary as consul at Nassau, New Providence, Bahama Islands—to the Committee on Appropriations.

By Mr. CLAFLIN: The petition of Francis Low, for payment of expenses incurred in erecting a building at Hilton Head for the United States—to the Committee on Claims.

By Mr. COLERICK: The petition of W. J. Hilligass and 150 others, citizens of Huntington County, Indiana, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. COVERT: The petition of Oliver Perry Smith, of Patchogue, New York, against compulsory pilotage—to the Committee on Commerce.

By Mr. CRAPO: The petition of W. S. Robertson, proprietor of the Monitor, Massachusetts, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. HORACE DAVIS: Resolutions of the Legislature of California, favoring the establishment of a dead-letter office at San Francisco—to the Committee on the Post-Office and Post-Roads.

By Mr. FIELD: The petition of Ann Little, for a pension—to the Committee on Invalid Pensions.

By Mr. GUNTER: The petition of citizens of Boone and other counties in Arkansas, for a donation of public lands in said counties to aid in the construction of the Little Rock, Harrison and Northwest Railroad—to the Committee on the Public Lands.

By Mr. HUNTON: The petition of the National Association of Bleachers and Dyers, for the reduction of the duty on chrome iron ore and bichromate of potash—to the Committee on Ways and Means.

By Mr. MAGINNIS: The petition of Woolfolk, McQuaid & La Croix, publishers of the Helena (Montana) Independent, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. MCKENZIE: The petition of S. Brooks, of Dixon, Kentucky, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. MORSE: Two petitions of leather merchants and tanners of the United States, for the removal of the duty on bark extracts—to the same committee.

Also, the petition of printers, publishers, stereotypers, and type-founders of the United States, against the reduction of the duty on printing-type—to the same committee.

By Mr. MONROE: The petition of the publishers of the Ice and Fish News, Sandusky, Ohio, for the abolition of the duty on type—to the same committee.

By Mr. NICHOLLS: Memorial of Hon. John F. Wheaton, mayor, and of the business men of Savannah, Georgia, asking that Tybee light-house, at the mouth of Savannah River, in the State of Georgia, be rebuilt—to the Committee on Commerce.

Also, a bill to appropriate \$50,000 to rebuild the light-house on Tybee Island, in the State of Georgia, and the sum of \$6,000 to build a dwelling-house for the keeper of said light-house—to the same committee.

By Mr. O'NEILL: A communication from the Vessel Owners and Captains' Association of Philadelphia, giving an example of the effects of compulsory pilotage—to the same committee.

Also, memorandum of marine insurance companies of New York, and agencies of marine insurance companies, against compulsory pilotage and favoring a reduction in rates of pilotage—to the same committee.

By Mr. PRICE: Memorial of the representative committee of the Illinois yearly meeting of the Society of Friends, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. JOHN S. RICHARDSON: The petition of J. D. McLucas, publisher of the Merchant and Farmer, of Marion, South Carolina, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. ROBESON: The petition of John H. Dialogue, for the consideration of certain accounts with the Navy Department—to the Committee on Naval Affairs.

By Mr. DANIEL L. RUSSELL: The petition of citizens of North Carolina, for the improvement of Lockwood's Folly River—to the Committee on Commerce.

Also, memorial of citizens of North Carolina, for the building of a coast canal from Lockwood's Folly to Cape Fear River, in North Carolina—to the same committee.

By Mr. STEPHENS: The petition of Bernard Rice, of Augusta, Georgia, for the payment of loss of property through the carelessness of Federal soldiers in October, 1865—to the Committee on Claims.

By Mr. WRIGHT: The petition of Dyer D. Lum and 30 others, citizens of Northampton, Massachusetts, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

By Mr. CASEY YOUNG: The petition of George W. Payne, for an extension of a patent for an improved cotton-gin—to the Committee on Patents.

IN SENATE.

THURSDAY, March 18, 1880.

Prayer by Rev. HENRY T. SHARP, of Alexandria, Virginia.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. HOAR. I rise to an amendment of the Journal. Last night, immediately after the taking up of the bill to establish titles in the Hot Springs, I asked and obtained unanimous consent to take up the bill for the distribution of the Geneva award that I might move an amendment thereto and have said amendment pending.

The VICE-PRESIDENT. The Chair understands from the Secretary that that was done by unanimous consent and was not upon motion, and he is not in the habit of journalizing such understandings.

Mr. HAMLIN. What is done by unanimous consent is not journalized.

Mr. HOAR. Is not the Journal of the Senate to show the fact that a certain matter was taken up for consideration, that an amendment was moved and is pending, merely because nobody objected to it? I think that a special reason why it should be done.

The VICE-PRESIDENT. Did the Senator offer an amendment or give notice of an amendment he intended to propose?

Mr. HOAR. Certainly I offered it.

Mr. GARLAND. The statement of the amendment appears on page 7 of to-day's RECORD.

Mr. HOAR. I am not talking about the RECORD; I am talking about the Journal. I do not understand that a unanimous consent to do something in the future is journalized. That is a matter which is merely binding upon the honor of the Senators who join in the unanimous consent. But this was a taking up of certain business for action.

The VICE-PRESIDENT. The present incumbent did not occupy the chair at the time. He understands from the Secretary that the amendment was received, the Senator stating that he intended to propose it.

Mr. HOAR. No, sir. My reason for calling the attention of the Chair to it is that it is erroneously stated in the RECORD. I distinctly moved to take up the bill for the distribution of the Geneva award in order that I might then move an amendment and have the amendment pending.

The VICE-PRESIDENT. The Chair now understands the Senator.

Mr. HOAR. I now move that the Journal be corrected accordingly.

The VICE-PRESIDENT. The Journal will be corrected so as to state the fact.

Mr. CAMERON, of Wisconsin. I rise to a correction of the Journal. I understood the Secretary to read that the bill (S. No. 549) for the relief of Samuel I. Gustin, on motion, was postponed until to-day. I understood that the bill was objected to by the Senator from Vermont, [Mr. EDMUNDS,] and under the operation of the Anthony rule went over.

The VICE-PRESIDENT. That is the understanding of the Chair. The bill was passed over regularly, and lost its place until another call of the Calendar.

Mr. CAMERON, of Wisconsin. It does not so appear in the Journal.

The VICE-PRESIDENT. The Chair is reminded that the bill was passed over without prejudice, the Senator from Vermont remarking that, having the privilege to object at any time, he would assent to the arrangement that it should be passed over without prejudice, so that it would come up on the regular call of the Calendar to-day.

Mr. CAMERON, of Wisconsin. The Chair refers to another bill, a bill in which the Senator from Colorado [Mr. TELLER] is interested, for the erection of a public building at Denver, I think.

Mr. TELLER. No; but the bill (S. No. 769) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, was the bill the Senator from Vermont said might pass over without prejudice, although I observe that in the Calendar printed this morning it has gone off the Calendar, thus losing its place.

Mr. HOAR. The Senator from Vermont said, "Let the bill go over." Therefore the Chair said, "Let the next bill on the Calendar be called," showing that the bill referred to by the Senator from Wisconsin lost its place upon the Calendar. Then the next bill was taken up, relative to cotton cordage in the Navy, and pending its consideration the morning hour expired and the Senate proceeded to the unfinished business. The Chair will observe that by looking at the middle of the sixth page of the RECORD.

The VICE-PRESIDENT. The Journal will be corrected in the way suggested.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from the Secretary of War, transmitting the petition of Colonel John E. Smith, Fourteenth Infantry, and other commissioned officers stationed at Fort Douglas, Utah Territory, praying for the repeal of the law in regard to payment by officers for fuel; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. VOORHEES. I present a petition which, being very brief, I will read:

To the Senators and Representatives in the Congress of the United States:

The undersigned, citizens of the city of Terre Haute, in the State of Indiana, would respectfully petition your honorable body to make an appropriation for the purpose of purchasing a lot and erecting thereon a suitable post-office building in said city.

We ask this in view of the fact that Terre Haute distributes the largest amount of mail matter of any city in the State except two and pays the largest amount of revenue to the Government of any city in the State.

James M. Allen, Hoberg, Root & Co.; Newton Rogers, P. Shannon, C. Y. Patterson, Charles Craft, B. W. Hanna, Wm. Mack, John E. Lamb, S. H. Potter, Albert J. Kelley, F. C. Donaldson, John W. Davis, A. B. Carleton, Wm. E. McLean, Ed. Seldemridge, C. W. Barbour, Cox & Fairbanks, Wm. C. Ball, Preston Hussey, H. Hulman, Samuel S. Early, Demas Deming, J. H. O'Boyle, Samuel Royce, Jno. G. Williams, W. B. Tuell, Thomas H. Nelson, H. H. Boudinot, D. W. Minshall, Sam. Magill, Havens & Geddes, John G. Shryer, N. Filbeck, W. B. Warren, Thomas B. Long.

The petition is signed by thirty-six of the most prominent citizens of Terre Haute. They represent men in every position of life, of great wealth, and high character. I call the especial attention of the Committee on Public Buildings and Grounds to this subject, to which committee I move the reference of the petition.

The motion was agreed to.

Mr. VOORHEES presented the petition of John W. Hoffman, praying the passage of Senate bill No. 1455, authorizing the President to appoint him a second lieutenant in the United States Army; which was referred to the Committee on Military Affairs.

Mr. KIRKWOOD. I present the petition of W. C. Smith and 59 other citizens of Marshall County, Iowa, who state that some twenty or more Indians of the Pottawatomie tribe located in Kansas are now and have been for some time living in Marshall County, Iowa. They own small tracts of land there, and are engaged in cultivating the land and trying to live a civilized life. They do not wish to go and live with the remnant of their tribe in Kansas, and wish to have their ratable proportion of the annuities payable to the tribe paid to them. The petitioners pray that that be done, and that any expense which may be incurred by the Government in consequence of granting their prayer may be taken out of the annuities to be paid to these Indians. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. ANTHONY. I present the petition of the Lippitt Woolen Manufacturing Company, C. H. Merriman, treasurer, of Manchester, Rhode Island, praying for the repeal of the prohibitory duties upon chrome iron ore and bichromate of potash; and a large number of other citizens join in the petition. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. PENDLETON presented the memorial of ten rectifiers and distillers in Hamilton County, Ohio, protesting against the passage of the bill (H. R. No. 4812) to amend the laws in relation to internal revenue; which was referred to the Committee on Finance.

Mr. CAMERON, of Pennsylvania, presented the petition of William S. Hansell & Sons, of Philadelphia, praying for the payment of an allowance recommended by the Quartermaster-General and the Third Auditor; which was referred to the Committee on Military Affairs.

Mr. CONKLING presented the petition of Henry F. Knapp, of New York, praying for an appropriation for the improvement of the Sandy Hook bar on a plan suggested by him; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I present, according to the leave given by the Senate the other day, the views of the minority of the Judiciary Committee on the bill (S. No. 1421) to make the crime of rape in the District of Columbia punishable with death, reported by the chairman of the committee, [Mr. THURMAN.] I ask that the views of the minority be printed.

The VICE-PRESIDENT. They will be received and printed under the rule.

Mr. BALDWIN, from the Committee on Commerce, to whom was referred the bill (S. No. 1230) to establish a port of delivery at Indianapolis, in the State of Indiana, submitted an adverse report thereon; which was ordered to be printed.

Mr. VOORHEES. I ask that the bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. McMILLAN, from the Committee on Commerce, to whom the subject was referred, reported a bill (S. No. 1497) to amend section 2630 of the Revised Statutes of the United States so that appraisers shall be authorized to act by deputy in certain cases; which was read twice by its title, and the accompanying letter of the Secretary of the Treasury was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1371) to authorize the Mississippi River Logging Company to construct and operate sheer-booms at or near Straight Slough, reported it with an amendment.

Mr. CALL, from the Committee on Patents, to whom was referred the bill (S. No. 846) for the relief of Ira Gill, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. JONES, of Florida, from the Committee on Public Buildings

and Grounds, to whom was referred the bill (S. No. 841) making an appropriation for the base and pedestal of a monument to the late Rear-Admiral Samuel Francis Du Pont, United States Navy, reported it with an amendment.

ARMY REGISTER.

Mr. ANTHONY, from the Committee on Printing, to which was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That 1,000 additional copies of the Army Register be printed for the use of the Senate.

NAVY REGISTER.

Mr. ANTHONY. I am also directed by the Committee on Printing, to which was referred the following resolution, to report it without amendment, and I ask for its present consideration:

Resolved, That 1,000 additional copies of the last edition of the Navy Register be printed for the use of the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. COCKRELL. I should like to ask the Senator if this is the usual number that has been printed?

Mr. ANTHONY. The usual number has been from five hundred to eight hundred, I think. The resolution now reported provides for printing a thousand copies. The cost will be less than \$100.

Mr. COCKRELL. Why is there any necessity for a larger number than usual?

Mr. ANTHONY. If the Senator desires, I will submit to an amendment reducing the number.

Mr. COCKRELL. No; I do not desire that. I simply want to know why we are to increase the number; that is all.

Mr. ANTHONY. It gives a little more to Senators. The edition was exhausted and many Senators have constant applications for the Navy Register.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1498) to grant an American register to a foreign-built ship for the purpose of scientific exploration; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1499) to provide for holding a term of the district court of the United States at Wichita, Kansas, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1500) for the relief of J. W. Newman, administrator of Jacob Newman, deceased, of Tennessee; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 94) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage duties; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HEREFORD, it was

Ordered, That the papers in the case of Charles B. Phillips be taken from the files of the Senate and referred to the Committee on Claims.

YAQUINA BAY, OREGON.

Mr. SLATER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to furnish the Senate with all data in the possession of the Department of Engineers of the United States respecting the entrance to Yaquina Bay, Oregon, showing the depth and width of the channel and the character of obstructions thereto, and particularly a copy of the report of Captain Woods of an examination and survey of the entrance of said harbor, made in December, 1879, by direction of the board of engineers for the Pacific coast.

POWER OF POSTMASTER-GENERAL.

Mr. KIRKWOOD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to inquire and report what is the power of the Postmaster-General under existing law: first, to modify existing contracts for carrying the mail over established routes by increasing or diminishing the number of trips over such routes or to annul the same; second, to require an increase or diminution of the speed at which the mail is carried by existing contracts; third, to contract for service on routes established by law on which service has not been provided; also the law or rules governing the change of compensation to be paid in all such cases; also the rule for service for special post-offices, with such changes in existing law in all or any of these matters as the committee may deem advisable, and that the committee have leave to report by bill or otherwise.

RIVERS IN MISSISSIPPI AND ALABAMA.

On motion of Mr. GORDON, it was

Ordered, That the Secretary of the Senate be directed to communicate to the House of Representatives for its consideration the letter of the Secretary of War and of the Chief of Engineers in reference to examinations of the Noxubee River, Mississippi, and Choctawhatchee River, Alabama.

COTTON CORDAGE IN THE NAVAL SERVICE.

The VICE-PRESIDENT. The Secretary will proceed, under the

order of the day, to call the Calendar of General Orders, commencing at the point reached when last under consideration.

The bill (S. No. 1281) authorizing the Secretary of the Navy to introduce cotton cordage into the naval service of the United States was announced as being the first in order upon the Calendar.

The VICE-PRESIDENT. The bill having been considered yesterday as in Committee of the Whole and reported to the Senate, the pending question is on concurring in the first amendment made as in Committee of the Whole, on which the yeas and nays have been ordered. The amendment will be reported.

The CHIEF CLERK. In line 3, after the word "authorized," the Senate, as in Committee of the Whole, struck out "and directed;" so as to make the bill read:

That the Secretary of the Navy be authorized to introduce into the naval service rope and cordage manufactured of cotton according to the process of Thomas W. Dunham, of Boston, to such an extent as will furnish a fair test of the value and efficiency thereof as compared with the kinds now in use: *Provided, however*, That said Dunham shall have no claim whatever against the United States or any Department thereof, and shall receive no compensation on account thereof.

Mr. VANCE. Mr. President, I trust that the amendment will not be concurred in. It will defeat the whole object of the bill. It is well known that heretofore ship cordage has not been manufactured out of cotton, on account of its liability to contract or expand upon exposure to the weather. Recent processes pretend to have remedied that defect by manufacturing it in such a manner, in combination with tar and pitch, as to prevent its expansion or contraction, and make it quite as solid as hempen cordage. If that is so, and it can be introduced into general use, it will have a tendency to reduce the price of ship cordage 50 per cent., and will, as I explained to the Senate yesterday, have a tendency to enhance the value of that staple.

The objection made to the bill yesterday was very proper, perhaps, that it required the particular process of some one individual. There is no intention to give any individual an advantage in the manufacture of this kind of cordage. There is no patent upon the process that I know of, and there is no possibility for a job in it that I can see. I will move, when the Senate shall have voted upon the amendment now pending, to strike out the words "according to the process of Thomas W. Dunham, of Boston," and insert the words "recent methods," which will give the Secretary of the Navy a fair opportunity of testing any method for the manufacture of cotton cordage with the improvements that have been made.

To strike out the words I have indicated would leave the law just as I apprehend it stands now, that the Secretary of the Navy could introduce this cordage into the Navy if he saw proper. The Secretary of the Navy, it will be remembered, is simply the guardian of the interests of the Navy, and he might well decline to test every invention that might be brought to his notice by any citizen of the United States; but Congress is the guardian of the whole country, and Congress, it seems to me, might well interfere and direct the testing of this improvement in the interest of one of the greatest staples of the Union, the greatest textile fabric in the world, and which constitutes a large portion of the industries and wealth of a great number of our people. Congress might well interfere and instruct the Secretary of the Navy to make a test which will not involve the Government in any great cost in favor of this method, and without specifying any individual or any particular process to be tested.

For these reasons I hope the Senate will not concur in the amendment offered by the Senator from Missouri.

Mr. CONKLING. Before the Senator from North Carolina takes his seat, I should like to make an inquiry. Has this subject ever been brought to the notice of the Navy Department?

Mr. VANCE. It has been. The honorable the Secretary of the Navy was before the committee when this bill was discussed, and it met his concurrence.

Mr. CONKLING. And may I inquire further, does the Secretary of the Navy refuse to make tests of the value of cotton cordage?

Mr. VANCE. As I remarked yesterday, I do not know that he has ever refused, but the parties who presented their petition have stated that they had requested him to make the tests, and he had not done so. I do not know that he has ever stubbornly refused.

Mr. CONKLING. I should like to inquire of the Senator whether he can speak of the fact itself? Has not the Secretary of the Navy caused tests to be made of cotton cordage?

Mr. VANCE. That I do not know; I am not informed as to whether or not that is the fact. I only know that the Secretary of the Navy was present when the petition on which is founded this bill was read before him and was discussed in his presence, and such a bill met his assent.

Mr. CONKLING. I do not know that tests have been made of cotton cordage, but I am informed that they have been.

Mr. EATON. I will state to my friend from New York that the Secretary of the Navy said to me nearly a month ago that he would cause those tests to be made. Whether he has so caused them to be made, I am not aware.

Mr. CONKLING. I think the Senator from Connecticut in very brief phrase furnishes all the commentary needed on this bill. The Senator from North Carolina says that cotton is one of the great staples of the country. It is so, undoubtedly. You know, sir, as I do, that cheese is one of the great productions of the country; and there are a great many men who believe that cheese can be so treated and prepared that it would be a most valuable addition to the ration in the

Navy and in the Army; that it could be made to endure all temperatures and all climates. Why do I not introduce a bill directing the Secretary of War and directing the Secretary of the Navy to put cheese, as a test, among the rations of the Army and the Navy? There are a great many eggs laid in this country, and there are people who believe that desiccated eggs and eggs treated otherwise would last eternally, for aught I know, and could be carried everywhere and kept fresh, and that they would be most valuable additions to the prepared food used by the Army and the Navy and in other branches of the public service. Why not have a bill directing one of those Departments to try the experiment of taking eggs around the world and seeing whether they would mellow, as wine does, or whether something else would happen; and so on to the end of the chapter?

I hope this amendment will be sustained, because if it is not, I conceive that it would be not only a license but an invitation and a sort of requirement of every member of this body, who knows anything about an industry which might be benefited in this way, to bring in a bill giving congressional direction to departmental officers to go on and experiment and test all of these various things to be eaten and employ an expert to examine all the various things to be used in the economy of the Government.

The VICE-PRESIDENT. The yeas and nays have been ordered, and the Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 20, nays 33; as follows:

YEAS—20.			
Allison,	Conkling,	Hoar,	Platt,
Baldwin,	Dawes,	Ingalls,	Rollins,
Blair,	Edmunds,	McMillan,	Saunders,
Cameron of Wis.,	Hamlin,	Morrill,	Teller,
Cockrell,	Hill of Colorado,	Paddock,	Windom.

NAYS—33.			
Anthony,	Garland,	Kernan,	Vance,
Bayard,	Gordon,	McPherson,	Vest,
Beck,	Hampton,	Maxey,	Voorhees,
Burnside,	Harris,	Morgan,	Walker,
Call,	Hereford,	Pendleton,	Williams,
Cameron of Pa.,	Hill of Georgia,	Randolph,	Withers.
Coke,	Johnston,	Ransom,	
Farley,	Jonas,	Saulsbury,	
Ferry,	Kellogg,	Slater,	

ABSENT—23.			
Bailey,	Davis of Illinois,	Jones of Nevada,	Pryor,
Blaine,	Davis of W. Va.,	Kirkwood,	Sharon,
Booth,	Eaton,	Lamar,	Thurman,
Bruce,	Groome,	Logan,	Wallace,
Butler,	Grover,	McDonald,	Whyte.
Carpenter,	Jones of Florida,	Plumb,	

So the amendment was not concurred in.

Mr. VANCE. I now offer the amendment of which I gave notice. In line 5, after the word "the," I move to strike out all to and including the word "Boston," in line 6, and insert "recent methods;" so that the bill will read:

That the Secretary of the Navy be authorized and directed to introduce into the naval service rope and cordage manufactured of cotton according to the recent methods, to such an extent as will furnish a fair test of the value and efficiency thereof as compared with the kinds now in use.

The amendment was agreed to.

The VICE-PRESIDENT. Shall the bill be engrossed and read the third time?

Mr. COCKRELL. Has the proviso added to the bill in Committee of the Whole been concurred in in the Senate?

The VICE-PRESIDENT. The question will be put separately upon concurring in that amendment if the Senator desires. The Chair was treating it as concurred in, no objection having been made.

Mr. COCKRELL. I do not care for a separate vote. I simply desire to know whether the Senate has concurred in the amendment which was added to the bill as in Committee of the Whole.

The VICE-PRESIDENT. The Chair declared yesterday when the bill came into the Senate that the amendments made as in Committee of the Whole would be concurred in unless objection was made. The amendment offered by the Senator from North Carolina and agreed to was made in the Senate this morning.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT subsequently said: The Chair wishes to call the attention of the Senate to the bill which passed a few moments since, authorizing the Secretary of the Navy to introduce cotton cordage into the naval service of the United States. An amendment was adopted which struck out the name of Thomas W. Dunham and inserted "recent methods." The proviso adopted does not apply to the bill in that shape. The proviso is:

Provided, however, That said Dunham shall have no claim whatever against the United States or any department thereof, and shall receive no compensation on account thereof.

The Chair suggests—

Mr. COCKRELL. Let it read "no person shall have any claim."

The VICE-PRESIDENT. By unanimous consent the bill will be so amended.

NATIONAL EDUCATIONAL ASSOCIATION.

The bill (S. No. 1282) to incorporate the National Educational Association was announced as being next in order upon the Calendar.

Mr. MORRILL. I desire to say that this bill was recommitted upon the suggestion of the Senator from Illinois [Mr. DAVIS] and my colleague, [Mr. EDMUNDS.] It is now made so as to confine the operations of the association as a corporation to the District of Columbia. Therefore, I suppose it will not meet with any objection. It is merely an educational association that prints once a year its proceedings, essays, and reports upon the various topics embraced in all branches of education. It is a modest and very useful association, and all it desires is to hold property to the amount of \$50,000 that parties propose to donate in order that it may publish its annual volume.

Mr. COCKRELL. I should like to ask the Senator from Vermont if these gentlemen have not the perfect legal and constitutional right to do without any act of Congress all they are asking Congress to authorize them to do?

Mr. MORRILL. No, sir—

Mr. COCKRELL. Why is there any necessity for congressional legislation?

Mr. MORRILL. The necessity arises from the fact that they want to hold this donation to the extent of \$50,000 to enable them to publish their annual volume. Certainly neither the Senator from Missouri nor any other Senator can have the slightest objection to the bill.

Mr. INGALLS. Does the Senator say that this is intended to operate solely in the District of Columbia?

Mr. MORRILL. As I said, the bill has been confined to the District of Columbia, according to the suggestions of my colleague and of the Senator from Illinois.

Mr. INGALLS. I presume the Senator is aware that there is a general incorporation act for the District providing that parties may incorporate here for the purposes stated by the act.

Mr. MORRILL. But this is not one of the purposes included in that act.

Mr. SAULSBURY. I rise to a point of order. Let the bill be read. We do not know what the bill is.

The VICE-PRESIDENT. The bill has not yet been read. It will be read.

The Chief Clerk read the bill.

Mr. CONKLING. From what committee does the bill come, if I may inquire?

The VICE-PRESIDENT. From the Committee on Education and Labor.

Mr. CONKLING. It is a bill the objects of which seem to me most useful, party-wise and otherwise. If the amount of education should be dispensed that is provided for in the bill, there would not be a democrat left in the country, I take it. [Laughter.] Therefore I should like to have it adopted; but I should think that one or two of the provisions were very broad indeed under any authority that I supposed Congress had. I think I shall venture to suggest that the bill lie over.

The VICE-PRESIDENT. The bill goes over for the day.

Mr. MORRILL. I hope the Senator from New York will not object to the bill. It was up once before.

Mr. CONKLING. Did the Senator report it?

Mr. MORRILL. Yes, and all the objections made by the Senator from Illinois and my colleague have been removed from the bill. It is reported unanimously by the Committee on Education and Labor. It is a mere trivial matter to allow this association to receive donations so that they can publish to the world in something besides the informal mode of newspaper reports a record of their proceedings. Any gentleman who has seen one of the six or eight volumes that they have published I am sure would not object. Among other documents there is a report of the president of Harvard University, another one by the president of Princeton College, and by various educators of the country, that are of exceeding great value. I cannot suppose that there can be any valid objection to the authorization that is proposed here of allowing these gentlemen who have been so usefully employed for many years to receive donations to enable them to publish their annual volumes without going around to beg a couple of thousand dollars from a gentleman here and another there, in order that they may distribute a correct account of their proceedings.

Mr. CONKLING. Mr. President, I withdraw the objection, at least for a moment, to enable myself to understand, by the aid of the Senator from Vermont, something about this bill. I wish to know if I am right in my understanding in these respects: The association is to be "the National Educational Association in and of the District of Columbia." Does the Senator understand that its operations are to be confined to this District?

Mr. MORRILL. I understand that so far as the holding of property is concerned, they will be entirely confined to this District. So far as the exercise of their corporate rights in that respect is concerned, they will be entirely confined to this District. I do suppose they would have a right to adjourn and hold a meeting in New York, as they have done at Saratoga, and at Chicago, and at various other places, merely for the purpose of listening to the report and discussing the various subjects that come up annually before the association.

Mr. CONKLING. I supposed that the Senator from Vermont understood the bill as he has now stated it. I am quite sure my understanding of it is as different from his as could well be, and I think if Senators will look at it they will find that it is a very different thing from that described by the Senator.

* In the first place it proposes to incorporate a large number of individuals of both sexes, who are named, and then to incorporate also "the officers and members"—not naming them—"of the association known as 'The National Educational Association,' and their successors." That is the first feature of it to which I call attention, that a large number of individuals named are to be incorporated, and then a large number of other unnamed individuals are to be incorporated, and then their unnamed successors, at any time hereafter to be, are incorporated. I submit to the honorable Senator from Vermont that that is a very wide scope of incorporation.

When they are incorporated the "association shall have power to make and amend its constitution, by-laws, and rules, consistently with law," and what else?

And to hold, by purchase, grant, gift, or otherwise, real or personal estate not exceeding \$50,000 in value.

That does not mean real or personal estate to be donated merely; it does not mean real estate to lie within the District of Columbia, but it means, I submit, real estate which may lie in Portland, Maine, or in Portland, Oregon, or anywhere between. It does not mean personal property to be used for educational purposes, but it means bank stock, insurance stock, choses in action, any sort of thing which is personal property or real estate. Whether if it were mixed property it would fall within this, would be a question; but certainly any personal property, no matter for what purpose held, no matter where held, would be within this permission if I understand the bill, and I make these suggestions subject of course to the better knowledge of Senators who have looked further at the bill.

Then it provides that twenty-five members out of all this multitude which no man can number—which is literally true because no man can ascertain from this bill how many persons there are among the officers and members of this other association named, and their successors—twenty-five of this unnumbered multitude of incorporators "shall constitute a quorum for the transaction of business." That I take it to mean "of all business," purchasing real estate, selling real estate, purchasing personal property, selling it, exchanging it, doing whatever may fall within the province of this permission.

And that said association shall meet and organize under this charter on the 1st Monday of July, 1880, and annually thereafter shall meet at such time and place as it may designate.

I think that that is not only an unusual charter, but at all events a charter of very different dimensions and very different capabilities from those indicated by the Senator from Vermont. I do not know of any instance in which an act of incorporation approaching this has been granted by Congress, and I certainly should not be willing to vote for it without an opportunity to look at it and to hear it discussed as it cannot be under the five-minute rule in the morning hour; and therefore, unless it specially accommodates the Senator personally, I should like to insist in my objection and let the bill lie over until we can understand something more about it.

Mr. HOAR. I should like to move an amendment if the objection can be withdrawn for a moment.

Mr. CONKLING. Certainly I withdraw the objection for the Senator.

Mr. HOAR. I move to add to the first section these words:

For the purpose of collecting and diffusing information in regard to the condition of education in the United States.

Mr. President, I do not know that I ever heard of this bill until it came up at this moment, but it seems to me that the bill is defective in not distinctly specifying the purposes of the incorporation; and when these are specified the law will take care of the rest. A corporation undertaking to do anything *ultra vires* is amenable to *quo warranto* or other proper process, and could be restrained or its charter vacated. I suppose that it is customary to incorporate certain persons named, their associates and successors. It is always the case in such corporations, and when they are incorporated their constitution and by-laws fix the method of becoming associates and the methods of transacting business.

Mr. CONKLING. I inquire of the Senator from Massachusetts, to whom I yielded, whether he understood me to direct attention to the fact that certain persons and their associates were incorporated?

Mr. HOAR. I did—associates and successors.

Mr. CONKLING. Then I was quite unfortunate in making myself understood. The feature of the bill in that behalf to which I called attention is this: that not only certain persons mentioned are incorporated, but that unnamed members and officers of another existing association and their successors are incorporated, if I read the bill aright. If the Senator from Massachusetts can lay his hand upon an instance in which we have incorporated people in that way by relation, first incorporating certain individuals and then incorporating all other individuals who might belong to some other association, and all their successors, I should like to see such an act. There may be one, but I never heard of it.

Mr. HOAR. It is hardly worth while to prolong discussion upon that point, because the difference between me and the Senator from New York is a difference in our understanding of the meaning of the language of the bill.

Mr. CONKLING. That may be.

Mr. HOAR. And certainly if the bill be so drawn, as it seems to the Senator from New York, as to bear the construction that he puts upon it, it ought to be amended by making it clear. I understand

this bill to mean that it incorporates certain persons, their associates and successors, persons named, and those who by the constitution and by-laws shall become members of the corporation and take in their associates; and it adds to that designation, which is the ordinary one, the description that these persons are in fact the officers and members of a certain existing association, which is an unincorporated voluntary association, as if it said "their associates and successors, persons holding real estate in the District of Columbia." But the difficulty can be easily removed by an amendment, if that is all.

Mr. BAILEY. I do not see any reason why the Senator from New York should object to the bill. It is simply doing what is done every day, for it is simply an act enabling persons to be incorporated and to have a corporate existence in the District of Columbia. It is not for business transactions, but simply for the purposes of education. As stated by the Senator from Massachusetts, these persons are made corporators by this bill in the language that is customary in bills of this character. This is the National Educational Association. The very name implies the object and purpose of the corporation, and there is no objection made to the amendment offered by the Senator from Massachusetts, which only makes more certain that which might before have been perhaps misunderstood. The object of the association is to promote the interest of education simply. I understand these gentlemen to be persons who are connected with educational institutions throughout the country.

Mr. HOAR. Will the Senator from Tennessee allow me to make a suggestion to him at this point? Why not strike out the words "the officers and members of the association known as 'The National Educational Association?'" That removes the objection.

Mr. BAILEY. There can be no objection to that. The bill will be just as complete without those words as with them. I do not suppose the Senator from Vermont [Mr. MORRELL] would have any objection to striking them out. However, I do not feel authorized to give consent, because it is his measure. I only speak of this point because I am connected with the Committee on Education and Labor, and gave to this bill in committee, as I give it here in the Senate, and will give it when it comes to a vote unless I see some reason why my action should change, my support.

As I was proceeding to say, this bill incorporates an association of men who are connected with educational enterprises, who meet year by year for the purpose of discussing matters of common interest to them and of interest to the whole country and of getting statistics and information and publishing them to the country. It is a society which has been useful in the past, and which, I think, will be useful in the future. It desires a corporate organization, because funds are needed for the purpose of paying the expenses of the organization and providing for the printing of documents, statistics, and facts, and these publications have been of value to the country in time past, and I have no doubt will continue to be so.

It is said that twenty-five members of this association shall constitute a quorum. That can certainly not be objectionable. If Congress should choose to provide that ten members may constitute a quorum, I imagine that there could be no objection to it. It is further provided that they shall meet annually, and that Congress shall at any time have power to alter, amend, abolish, or repeal this act, leaving the corporation at the absolute mercy and under the control of Congress for all time. I can see no reason why there should be hostility to the bill.

Mr. JONES, of Florida. Mr. President, I must confess that I do not know what power in the Constitution gives Congress authority to pass this bill. I should like to know—

Mr. BAILEY. What power have you over the District of Columbia?

Mr. JONES, of Florida. Exclusive legislation, but no right to go beyond and incorporate citizens of States. We have a right to legislate here just like the States have the power within their own jurisdiction, I admit; but the Legislature of the State of Tennessee I do not think would pretend to claim the right to incorporate a national educational society to ramify the whole Union and to hold property in any State of the Union as it may do under the second section of this bill.

It is said that the corporation may hold property to the value of \$50,000; but once you concede the question of power it may be increased to fifty millions. Here are a number of gentlemen whose States are designated not citizens of the District of Columbia. This is no local charter. W. P. Haisley, of Florida, another gentleman from Kentucky, another from Tennessee, another from Ohio, and so on, ramifying the whole Union, are incorporated as citizens of those States, invested with corporate power to hold property anywhere in the Union; it is true only to the extent of \$50,000.

Mr. BAILEY. Let me suggest to the Senator from Florida that this is a corporation that is to be organized and have its existence "in and of the District of Columbia," wherever the corporators may reside, and certainly the Senator from Florida will not contend that we cannot incorporate here persons who reside outside of the District.

Mr. JONES, of Florida. The second section is:

That the National Educational Association shall have power to make and amend its constitution, by-laws, and rules, consistently with law, and to hold, by purchase, grant, gift, or otherwise, real or personal estate not exceeding \$50,000 in value.

Where? Anywhere in the Union.

Mr. MORGAN. Cannot national banks hold property anywhere? Mr. JONES, of Florida. Where does the power come from to incorporate national banks?

Mr. MORGAN. The Supreme Court has recognized it.

Mr. JONES, of Florida. The power to regulate education is a very different power from the banking power. The Supreme Court of the United States has passed upon that question and has determined that the power to regulate commerce governs that, although I do not believe in the doctrine myself. Still the question of education has never been up, and while I am willing to go as far as any one in making concessions of land or anything else to the States for the purpose of education, I can never be brought to support a bill like this, which takes into the Federal authority the whole subject of regulations over education.

Mr. MORGAN. I would ask the Senator from Florida to point out in this bill any section or part of it that proposes to regulate education.

Mr. JONES, of Florida. Well, Mr. President, a great many things may be done though they are not named when the power is conceded. You concede the power and you say they may adopt a constitution and by-laws under which they may do anything they please under the general powers granted. It is hard to tell what they may not do. I cannot find in the Constitution, which simply gives to the National Legislature power to govern this District, any authority to pass this bill, and I shall vote against it.

Several SENATORS addressed the Chair.

The VICE-PRESIDENT. The Chair wishes to understand whether this bill is before the Senate.

Mr. TELLER. I understand it is objected to.

Mr. MORRILL. I understand the Senator from New York to insist on his objection, and while I am anxious to have the bill passed I admit that he objected.

The VICE-PRESIDENT. Will the Senator from New York please state whether he still objects. The Chair understood him to object to this bill and declared that it went over, but it has been discussed some time since.

Mr. CONKLING. I did object, Mr. President.

Mr. MORRILL. I ask the Senator from New York to allow the bill to go over without prejudice—I believe that is the language used—so that amendments may be presented to-morrow morning to obviate the objections which seem to prevail.

Mr. CONKLING. I withdrew the objection at the request of the Senator from Massachusetts meaning to renew it on the conclusion of his remarks.

The VICE-PRESIDENT. The Chair then understands the bill is not before the Senate. The Secretary will report the next bill on the Calendar.

LUCIEN KILBOURNE.

The next bill on the Calendar was the bill (S. No. 637) granting an increase of pension to Lucien Kilbourne; which was considered as in Committee of the Whole. It proposes to grant an increase of pension to Lucien Kilbourne, a private of the Eighth Regiment of Michigan Infantry Volunteers, equal to the special rate provided for the loss of an arm by amputation at or near the right shoulder.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NELSON LYON AND JEREMIAH S. JAMES.

The next bill on the Calendar was the bill (H. R. No. 2518) for the relief of Nelson Lyon and Jeremiah S. James; which was considered as in Committee of the Whole. It proposes to direct the Commissioner of Patents to correct the patent dated July 9, 1872, No. 128843, and erroneously granted to Joseph Barsaloux, Jeremiah S. James, and Nelson Lyon, as joint inventors, for an invention which was in fact made by Barsaloux as sole inventor, and of which, at the time of the issue of the patent, James and Lyon were assignees of the entire and exclusive right, title, and interest. The correction is to be made upon the face of the patent, or a certified copy thereof, and by proper certificate thereof appended thereto, and when corrected the patent is to show that the grant is to James and Lyon, jointly, their heirs and assigns, as assignees of Barsaloux. The patent when corrected is to be as good and valid as if it had been originally granted and issued in the corrected form. It is to run for the term of seventeen years from and after the 9th of July, 1872, but no person is to be held liable for an infringement prior to the date of the correction.

Mr. COCKRELL. Let the report be read.

Mr. SAULSBURY. We have no information as to the facts of the case. The report should be read so that the facts may be spread on the RECORD.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report submitted by Mr. PLATT February 16, 1880:

The Committee on Patents, to whom was referred an act for the relief of Nelson Lyon and Jeremiah S. James, (the same being the bill H. R. No. 2518,) having had the same under consideration, respectfully report:

The object of this bill is to correct a patent, and the facts upon which the correction is asked are as follows:

In 1871, Joseph Barsaloux invented a new and useful device called a metallic stiffener for boot and shoe heels, and, before applying for a patent, assigned an undivided two-thirds of his invention to Nelson Lyon and Jeremiah S. James, and thereupon, said Barsaloux, Lyon, and James made a joint application for a patent. In such application they were all described as joint inventors, when, in fact, Bar-

saloux should have been described as the sole inventor, and Lyon and James as assignees.

Upon such application the patent was issued to Barsaloux, Lyon, and James, dated July 9, 1872, No. 128843. At the date of issue Lyon and James had become the entire owners of the invention by virtue of an assignment from Barsaloux of his remaining interest made during the pendency of the application.

It is evident upon the proof in the case that the error in making the application for the patent resulted from the mistaken belief of the assignees that inasmuch as their interest had been obtained before the patent was applied for, it was proper and necessary for them to be described as joint inventors with said Barsaloux. The papers in the case were prepared by an attorney whose experience in such matters was limited.

It seems just and proper that the patent should be corrected and made valid for its unexpired term.

The committee, out of abundant caution, would recommend the following amendment: At the end of the bill add, "Provided, That nothing herein contained shall operate to invalidate the rights of any persons to whom assignments may have been made, or licenses granted under said letters-patent; but such assignments and licenses shall be as valid under said corrected letters-patent as they would have been had said letters-patent as originally granted been operative and valid," and that the bill thus amended be passed.

The Committee on Patents reported an amendment to add to the bill the following:

"Provided, That nothing herein contained shall operate to invalidate the rights of any persons to whom assignments may have been made or licenses granted under said letters; but such assignments and licenses shall be as valid under said corrected letters-patent as they would have been had said letters-patent as originally granted been operative and valid."

Mr. COCKRELL. I should like to know some reason for this. The original inventor made an assignment of this patent-right before the patent was granted, to these speculators. They bought it and paid for it. They were twenty-one years old and they ought to have known what they were doing. They got out a patent in their own names that they might have the benefit of it. I presume if the facts were developed and all the truth told, it would appear that their patent has been held to be invalid in the courts. The report of the committee does not disclose that fact. I presume that is the truth, however, that the courts have held that the patent granted to them gives them no exclusive right.

Mr. HOAR. Will the Senator allow me to make one suggestion to him?

Mr. COCKRELL. Certainly, with pleasure.

Mr. HOAR. The Senate passed, without a dissenting vote on that point, a law to enable everybody as of right to have done in the Patent Office what this bill seeks to allow these persons to do, as it is a mere correction of a mistake.

Mr. COCKRELL. Passed a law to do what?

Mr. HOAR. To have such a mistake corrected in the Patent Office.

Mr. COCKRELL. Then why this bill?

Mr. HOAR. Because that proposed law has not passed the House.

Mr. COCKRELL. The law has not become a law then!

Mr. HOAR. My point, Mr. President, is that the entire Senate, without a single dissent, agreed that it was proper, as a matter of course and as a matter of right, as a universal rule, to allow these things to be done in future.

Mr. COCKRELL. The Senate may have agreed to that just as it has agreed to several other things. I recollect very distinctly that the question of the retired list of the Army was frequently before the Committee on Military Affairs, and the first thing the committee knew and the first thing anybody in the Senate knew it had been increased one hundred. The committee had positively refused to act upon it. I do not believe that one Senator out of fifteen in the Senate knew when that became a law.

These parties are asking Congress to validate, to render effective, their private contract, which has doubtless proved invalid and ineffective. It is to give these men a right which they do not have to-day. That is the whole of it. They have lost their right, and this is to restore to them the exclusive right to this invention and take from the people of the country who have now the right to use it that right. It is to take it from the people at large and invest it in these patentees.

Mr. PLATT. Mr. President, I do not see how it is possible that an objection can be made to the correction of this patent upon any principle. This bill is not to extend a patent; and although it is possible that there may be in some quarters prejudice against patents, I do not see how even that can be brought to bear upon the question of correcting an erroneous recital in what the Government has attempted to grant to certain individuals. It seems to me that it does not differ from the ordinary case of validating a deed which has been defectively executed by having the attestation of only one witness instead of two, or by having been acknowledged before an officer who by the statute was not authorized to take the acknowledgment of deeds.

The simple facts are these: This man Barsaloux made this invention, a very useful invention, but one that is of not very great public importance. He was entitled to a patent. He did what hundreds of other inventors do; he assigned two-thirds of his invention to parties who purchased from him before the application was made. Then, instead of making the application as the statute requires, in the name of Barsaloux alone, they all thought it was necessary for them to join. They were mistaken; they were not informed of the law.

I do not see why any punishment should be visited upon these men for that mistake, which any man is liable to make who does not employ a skilled attorney to obtain a patent.

Mr. COCKRELL. Will the Senator permit me to ask a question?

Mr. PLATT. Certainly.

Mr. COCKRELL. What punishment is Congress visiting upon them? We are simply leaving them where they left themselves. Congress is not inflicting any punishment upon them. It is simply leaving them where they placed themselves by the advice of their own counsel and their own friends, and with which the Government has nothing to do.

Mr. PLATT. The Government undertook to give them a valid patent. It undertook to protect the rights of this inventor in the hands of these assignees; and now it is said that because a little mistake was made in the formal method of making application for this patent, what the Government undertook to do should not be validated. It seems to me like a punishment, and as I said to commence with, I cannot distinguish it from the case of a man who has purchased property, but the conveyance of it is defective by reason of some statutory informality in complying with the conditions upon which the deed should be executed.

Mr. KERNAN. I hope this bill will pass. The Government by its laws says that inventors shall be secured by a patent for seventeen years in the use of their inventions. These men by a mere ignorance of law themselves, an honest mistake on their part and a mistake of their attorney, had the patent issued in the wrong name. We surely ought to correct that, and let them have the residue of their time, which is only nine years to make them seventeen in all from 1872.

Mr. COCKRELL. Will the Senator from New York answer a question?

Mr. KERNAN. Certainly.

Mr. COCKRELL. What more right has Congress to interfere in regard to this contract between these parties than it would to interfere with a contract between a pre-emptor or homesteader on the public lands and a man to whom he had contracted to sell his right, where the courts had decided that the sale was a nullity?

Mr. KERNAN. I will answer. The Government intends to give the inventor the use of his invention for a certain time.

Mr. COCKRELL. So to the homesteader and the pre-emptor.

Mr. KERNAN. I take it that if the Government made an agreement for a consideration to give a man a patent for land, and by a mistake it was a void deed, it would correct the mistake. Here a mere mistake of an attorney, the parties being men who knew nothing about the law, caused the patent to be issued in a form that is erroneous. Now, we simply want to make it good, as equity would, for the rest of the term, to do just what the Government on the one hand and the inventor on the other intended to do when the patent was issued. I think it is simple justice to do it. The purpose is merely to reform the paper.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Patents.

Mr. KERNAN. That saves everybody's rights.

Mr. SAULSBURY. I ask the Senator whether any persons hold a right to use the patent for this article; and whether they will have to pay a commission to manufacture this article? I could see no objection to a mere correction of an error in the obtaining a patent, unless the rights of other parties have now intervened.

Mr. KERNAN. We have not heard the slightest objection to it from anybody. It only makes the patent valid for the rest of the term, according to the original intention.

Mr. COCKRELL. If that is the object, I suggest an amendment which will cover it perfectly, that if anybody has obtained rights he shall not be interfered with. I suggest this at the end:

Provided, That—

The VICE-PRESIDENT. Does the Senator propose to amend the committee's amendment?

Mr. COCKRELL. Yes, sir.

Mr. KERNAN. Let us first act on the committee's amendment.

Mr. COCKRELL. I think we had better amend it first. It now reads:

That nothing herein contained shall operate to invalidate the rights of any persons to whom assignments have been made or licenses granted under said letters.

Then I would add:

Or who may have been using or manufacturing the article provided for.

Mr. KERNAN. Men should not be allowed to manufacture it hereafter in violation of the patent because of a mere technical mistake like this. The bill is simply to correct an error. All persons who have used the invention are protected up to this time.

Mr. COCKRELL. They have not been protected up to this time, because you say the patent is void. Now, if men have invested their means in manufacturing these articles, and this patent is validated, those men lose what they have invested.

Mr. KERNAN. I am not aware that anybody has done so.

Mr. COCKRELL. We do know this—

Mr. KERNAN. Let me complete my answer. If a sharp fellow, getting some lawyer to find out and tell him "you can upset this patent," has gone to work using the invention, I would not protect him hereafter in doing it, he knowing that the real men ought to have their rights.

Mr. HOAR. The policy of the patent law now is wherever there is a defect in the specification the patentee goes to the Patent Office and has a reissue, and from that time forward his patent is good. That right is secured by general law. It does not make anybody a trespasser who was not a trespasser in the past. But the patent law

omits by accident to provide for the correction of such a mistake as this, where a man has assigned his patent before he takes it out. Instead of its being taken out in the name of the inventor it was taken out in this case in the joint names of the inventor and assignee; and now this bill proposes to do for that mistake just what the general law does for a mistake in a specification. Nobody is a trespasser for anything he has done; nobody can say "I intended to violate this patent" that he had practical notice of, because of a mere technicality and be protected in the future.

The VICE-PRESIDENT. The morning hour has expired, and the Senate proceeds to the consideration of its unfinished business.

TITLES AT HOT SPRINGS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes.

The bill was reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That it shall be the duty of the Secretary of the Interior within ten days after the passage of this act to transmit to the United States land office at Little Rock, Arkansas, the final report of the commissioners appointed under an act approved March 3, 1877, entitled "An act in relation to the Hot Springs reservation, in the State of Arkansas," together with the survey and map made by said commissioners, and accompanying their said report, which report and map show the award of titles to lands made by the commissioners under the provisions of said act; and shall instruct the United States land officers at Little Rock to allow the lots and lands awarded to individuals or associations on the Hot Springs reservation to be entered as hereinafter provided, and shall cause patents of the usual form used in the sale of public lands to be issued therefor, except in cases hereinafter to be specified; and it shall be the duty of the land officers at Little Rock to give thirty days' notice in the Little Rock and Hot Springs newspapers of the time when said lands will be subject to entry under the provisions of this act.

SEC. 2. That the right to have review of the decisions and adjudications in regard to claims by reason of improvements or occupancy made under sections 5 and 6 of the act of Congress of March 3, 1877, entitled "An act in relation to the Hot Springs reservation, in the State of Arkansas," by the commissioners provided for by and appointed under that act is hereby recognized, and shall belong to as of right, and may be exercised by, any claimant or occupant of any tract or parcel of land forming part of the land specified in section 3 of the said act, whose right to purchase such tract or parcel of land, or part of the same, has been either allowed or denied by the said commissioners, where his ground of complaint shall be an adverse decision as to his right to purchase.

SEC. 3. That any person deeming himself so aggrieved may exercise his right to have the action of the commissioners reviewed by filing a petition of complaint in the Court of Claims of the United States, containing a brief statement of his claim, as presented to the commissioners, and of the opposition, if any, made thereto, and of the action and adjudication of the commissioners thereon, and alleging that such action was erroneous and in denial of his rights in refusing to him the right to purchase the tract or parcel of land claimed by him, or part of it, and shall file as an exhibit therewith the original certificate, if any, granted to him. To which petition of complaint such papers as are therein referred to may be annexed as exhibits, and the prayer thereof shall be for a writ of *certiorari*, to be issued to the Secretary of the Interior of the United States, requiring him to send to and certify into the said court all the papers and evidences in regard to the said claim filed in his office in obedience to section 9 of the act aforesaid, or otherwise there, concerning such claim, and for citation to all parties named therein as having adverse interests, and to the Attorney-General of the United States, and that the matter be heard *de novo*, as to the facts and law, by the said court.

SEC. 4. That upon the filing of such petition of complaint, the writ of *certiorari* and citations shall be issued, being made returnable not more than sixty days after the date thereof, and the parties cited shall answer the petition within such time thereafter as by general rule for such cases the said court shall fix; and the cause shall then be heard *de novo*, upon the same evidence, and no other, as to the claimant's right to purchase, and in regard to adverse claims, upon which the commissioners decided.

SEC. 5. That every such petition of complaint must be filed within sixty days from and after the passage of this act, in default whereof all right of having review of any action of the said commissioners shall be forever barred; and until the expiration of said term of sixty days no patent shall be issued upon any certificate given and granted by the said commissioners, nor, after the expiration of said term, upon any certificate of right to purchase land as to which, in whole or in part, petition of complaint may have been filed, until final adjudication on such petition, and the making known such adjudication by the court to the Secretary of the Interior.

SEC. 6. That the adjudication and decision of the Court of Claims in every such case upon petition of complaint shall be in the last resort, final and absolute; and if in any respect the adjudication of the commissioners in any case shall be reversed, quashed, changed, altered, or modified, the court shall cause its clerk to issue to the party benefited thereby a new certificate, in lieu of that issued by the commissioners, and in the same form, upon which, if he purchase thereunder, patent shall issue to him; and the issuance of such certificate shall be a cancellation of the original; but if the adjudication of the commissioners shall in any case be at all points confirmed, upon certificate of such confirmation, given by the clerk, by order of the court, patent shall issue on the original certificate, if the party see fit to purchase thereunder.

SEC. 7. That like costs shall be allowed or taxed in cases in the Court of Claims under this act as are fixed for like services in other cases in the Court of Claims, to be taxed against one or the other party, in part or in whole, at the discretion of the said court, according to the rules that prevail in courts of equity; and persons filing petition of complaint shall at the same time file with the clerk of the court an undertaking to the United States with sureties to be approved of by said clerk, conditioned for the payment of all costs which they may in that proceeding be by the court condemned to pay, with such sureties as shall be approved as sufficient by the clerk of the court; and the court may at any time compel payment of costs by the party condemned to pay them during the progress or at the end of the suit by execution or attachment.

SEC. 8. That in cases where the commissioners have not adjudged to any person the right to purchase and enter land, and the Court of Claims shall adjudge such right, said court shall determine the amount to be paid by the claimant, taking as a basis the reduction fixed by this act.

SEC. 9. That any person, his heirs or legal representatives, in whose favor said commissioners or the said Court of Claims shall have finally adjudicated, shall have the sole right to enter and pay for the amount of land the commissioners may have adjudged him entitled to purchase, within twelve months next after the expiration of the thirty days' notice by the land officers required in section 1 to be given, in cases where no proceedings are had in the said Court of Claims, and in cases where proceedings are had in said court, within six months after the adjudication of said Court of Claims, and the issuance to such person of the certificate by the clerk of said court hereinafter provided for, by paying to the receiver of public moneys at the land office in Little Rock, Arkansas, 50 per cent. of the

assessed value of said land as placed thereon by said commissioners; and that such assessments be reduced to that extent; and that in any cases where any church or church association has been adjudged entitled to purchase land it may do so by paying \$5 per lot.

SEC. 10. That the certificates issued for condemned buildings by said commissioners be made receivable for the amounts named therein as so many dollars lawful money of the United States in the entry and purchase of the lands that may be sold in the Hot Springs reservation; and that such certificates be assignable, and when assigned in the presence of two subscribing witnesses, or the execution of the assignment thereof shall have been acknowledged before a court of record or clerk thereof, shall vest in the assignee the right to make such purchase and entry therewith; and in case the amount of the certificate presented and received at such land office shall exceed that necessary to make the purchase and entry desired, there shall be executed by the register and receiver, and delivered to the person from whom the same is received, a certificate giving the number of the original, the date and amount thereof, the balance due such person thereon, and the certificate thus issued shall be assignable and receivable in like manner as the original.

SEC. 11. That those divisions of the Hot Springs reservation, known as the mountainous districts, not divided by streets on the map made by the commissioners, but known and defined on the map and in the report of the commissioners as North Mountain, West Mountain, and Sugar Loaf Mountain, be, and the same are hereby, forever reserved from sale, and dedicated to public use as parks, to be known, with Hot Springs Mountain, as the permanent reservation.

SEC. 12. That whenever the town of Hot Springs shall procure elsewhere a suitable burying-ground and shall cause the bodies now buried in the cemetery lot, within the limits of said town, to be decently removed and reinterred, the title to said cemetery lot shall vest in the corporation of said town, to be held and used forever as a town or city park, and not otherwise.

SEC. 13. That the Secretary of the Interior is hereby authorized to designate as many as six lots from the unawarded grounds on the Hot Springs reservation for the use of the common schools of the corporation of the town of Hot Springs, as sites for school-houses, and the lots when so designated are hereby dedicated to the use of common schools, and shall be used, controlled, and managed by the common-school officials of the district in which they may be located for such purposes only.

SEC. 14. That the streets, courts, and alleys, and other thoroughfares of the town of Hot Springs, as surveyed, opened, or established by the commissioners and represented on the map of said town, and not included in the permanent reservation, be, and the same are hereby, ceded to the corporation of the town of Hot Springs for public use.

SEC. 15. That that portion of the Hot Springs reservation laid off into lots and blocks and forming part of the town site, but not awarded to any claimants, and not otherwise disposed of or reserved by this act, shall be sold at public auction to the highest bidder, at not less than its appraised value, to be made from time to time, at the discretion and under the direction of the Secretary of the Interior, and after public notice in the usual way in the sale of public lands; and the money arising from said sales, as well as any money paid in under section 9 of this act, shall be held as a special fund for the improvement and care of the permanent reservation at Hot Springs and of the Hot Springs Creek adjacent to and between the permanent reservations, and for the maintenance of free baths for the invalid poor of the United States, as provided by acts of Congress.

Mr. EDMUNDS. Let us hear the report, Mr. President.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. WALKER on the 27th of February, 1880:

The Committee on Public Lands, to whom were referred the bill (H. R. No. 4244) for the establishment of titles in Hot Springs and for other purposes, and also the letter of the Secretary of the Interior transmitting the report of the Hot Springs commissioners, submit the following report:

The committee have been anxious, in arriving at a conclusion in this matter, to reach, as far as could be, a result that would be final. The litigation about the Hot Springs has been long, tedious, vexatious, and costly. Above all things it seemed to the committee important to end this completely, if possible. But few complaints have been made to the findings of the commissioners under the act of March 3, 1877, as to the possessory right to lots; and the committee have thought it proper to give in these cases a review of the findings in some way that would not interfere at all with the disposal of the other lots. To this end they have provided for a *certiorari* in the Court of Claims to the Interior Department to bring up the records and papers of the commissioners there deposited for examination; and if, upon review, any of these findings are erroneous they are to be quashed; if not erroneous they are to be affirmed. The commissioners are out of office, and no appeal proper could well be provided for, if it were desirable to do so. The method adopted by the committee is plain, direct, inexpensive, and affords a remedy to those who may be aggrieved by any findings by the commissioners as to the right of possession under the act referred to.

Many complaints have been made as to the assessments fixed upon property by the commissioners. Of course the committee could not examine each case and determine as to this matter. But they have examined it in general; and while they find the commissioners valued property at its market value and price, and they could adopt no other rule, yet, in the peculiar condition of the property there, it has been deemed advisable to recommend a reduction of these assessments in gross. It is perfectly plain the Government never intended to make money out of the occupants on that land; in many cases it is the only estate of the occupants; they have held it under adverse circumstances for years, and their profits have been for the last few years only nominal. The gross assessments, \$223,000, taken from that place would well-nigh prostrate its business, and would in many cases break the occupants. The Government has been at some expense to inaugurate and carry out a plan to dispose justly of that property, and this expense should very properly be paid by the property itself, and beyond reimbursing the Government for its outlays in this behalf the committee think these assessments should not go. A reduction of 50 per cent. (one-half) upon the whole amount assessed will pay all these expenses and leave a surplus. And this reduction the committee think is fair and just, and have so provided in the bill.

The certificates issued by the commissioners for condemned property under the act of March 3, 1877, are of course to be paid at some time by the Government, and it is would require an appropriation and outlay of money. To avoid this, and to simplify the transaction, the committee think it better to take up these certificates as far as can be done in the payment of lots set apart to persons on preference right under that act, and they have so arranged it in the bill presented. In effect it is just the same to the Government, and it is more direct and expeditious, in that it does not require payment in money from the owner, and then waiting by him for the Government to take up his certificate with money.

With many conflicting interests at the Hot Springs, and almost as many different views urged and asserted before the committee, they have agreed on this plan, after long and anxious consideration, having before them all the time the equities of the people claiming property there under the act of March 3, 1877, and the rights of the Government as well. With a wish to do justice between all, and end this matter without further trouble and delay, the committee report this bill, believing its passage will secure the desired object.

Mr. EDMUNDS. I should like to hear this matter explained a lit-

tle. I do not see quite as clearly as the committee seem to do the fitness of this legislation.

In 1877 Congress passed an act which, just as the committee speak of this one, was designed to make a finality of the Hot Springs business. By the terms of that act it was made a finality, and Congress had nothing left to do about it as far as I remember that act of 1877. The title to this property had been decided to be in the United States after all sorts of cross litigation between various claimants and so on. Congress, therefore, was called upon to make provision for disposing of this property and attending to such equitable rights as might appear;—equitable I mean in the sense of morals, for I suppose there were no legally equitable rights. Accordingly the act of 1877 was passed which provided that the President by and with the advice and consent of the Senate should appoint three commissioners who, between the respective squatters on this property should decide conflicting claims and ascertain which among them (where there was any conflict) was the person who was best entitled to be allowed to purchase the land on which he had settled or occupied, at its value, that being ascertained, the law provided that such occupant might purchase it at its value and might have a certificate, or allowance in some form that I need not go into now, in respect of his improvements; that that commission should proceed to hear, try, and determine all these matters, report to the Secretary of the Interior, and that should be the end of it. That has been done.

The law having entirely exerted itself and performed its functions through these commissioners, it is proposed afterward to have a new trial for everybody that chooses to seek a new trial, and a review of the action of these commissioners by the Court of Claims on the theory that that will satisfy everybody, and then it will be final. Why should it be any more final than it is now? It is not stated in the report of the Committee on Public Lands that there is any just ground for believing that there has been any fraud or corrupt misconduct on the part of these commissioners or any of them. Nothing of the kind is hinted at. On the contrary the report states that the commissioners have made on the whole a very just and fair estimate of values and have decided on the whole (without going into particular cases) rightly. In some cases there are complaints. That undoubtedly is true. There probably never have been many instances in human affairs where when a tribunal has been constituted to decide on conflicting interests, one side or the other after the decision did not complain that it was erroneous. Now the committee say that in this case the complaints are few.

Is it right as a matter of principle—I am not now speaking of the details of this bill—is it right as a matter of principle for the Congress of the United States, in disposing of this property of its own, having once made a final provision for deciding everything that Congress thought it fit to have decided about it, and that decision having been made; is it right, I ask, on the complaint of anybody to reopen the thing, to provide for further trials in favor of dissatisfied claimants, and particularly when those claimants are not resting upon the ground of an absolute right, but are only resting upon the generosity of the Government which was exerted in the passage of the act of 1877, giving them the privilege of purchasing the land at its value, to the exclusion of others. That is the thing that puzzles me, I confess, and with great respect to the committee I speak of it in order that we may see the grounds and views upon which the committee go.

Then it is proposed in the next place that, instead of the United States Treasury being paid the value of this property of the United States by the people who wish to purchase it, the Treasury shall only be paid half the value, and that the tax-payers of the United States shall therefore part with just that much money or value for the benefit of particular settlers who have without any authority of law occupied these lands, and for the benefit of settlers who so far as they have made improvements have already been provided for. Of course I know how hopeless a thing it is to seek to protect the Treasury of the United States or the property of the people against a demand in favor of anybody who has got possession and is in the occupancy of any part of the public lands of the United States, or I might add perhaps any other part of its property. At the same time it is fit to call the attention of the Senate to it and to hear from the committee upon what ground it is of public justice, upon what ground it is of public propriety that the people of the United States who own this land shall be called upon to give half of its value to the people who have chosen to occupy it, and now wish to purchase it. That is the question. They are not obliged to purchase it.

Then, Mr. President, there are other matters about this bill that I should like to make some inquiry in regard to as it goes on. I notice one very peculiar phrase, that "as many as six lots," leaving no upward limit, are to be given away entirely to some purpose, I have forgotten what it is,—a very singular expression. There is no limit in that phrase, of course; the whole number may be given away that are unappropriated to the private people who wish to buy. All those lots that are unassigned to any claimant may be given away in the discretion of the Secretary of the Interior or Commissioner of the General Land Office or somebody. I do not wish to give away the property of the people in exactly that way; that is to say I do not wish to authorize the Secretary of the Interior to do it for me or for my constituents.

There are a good many other things that may be explained as we go on, which are somewhat singular about this bill; but the chief

thing that I shall be glad to have the honorable Senator from Arkansas, who I believe has charge of the bill, explain, is just now, first the principle upon which it is necessary that Congress, having in 1877 made a finality of this business and that finality having turned out, like the judgment of the Supreme Court or any other court, to be on the whole commendable, should now open it to further litigation, subject to anybody's claims, and particularly as those claims are not claims of right to property but are merely conflicting claims between people who have occupied this property without the authority of law. And then secondly upon what just principle it is that one-half of the value of this property is to be given to the persons who have occupied it.

Mr. WALKER. Mr. President, this is a question in which my colleague and myself, the Senators from Arkansas, do not think we have a greater interest than those representing other States. We wish to discharge our duty, and our duty alone. The facts and the law of the case are familiar to the Senate. The commissioners, as has been stated, have discharged their duty under the law. We do not make any attack on those commissioners or their action. Certain duties were assigned them, and I think they have faithfully performed the duties assigned to them.

I shall not go into the history of this Hot Springs litigation. There was a contest, as is known to the Senate, between various claimants for years, and it was finally decided by the Supreme Court of the United States against all of them, that none of the parties claiming these lands were entitled to any legal right in the lands in controversy; that the United States Government never had parted with its title. But right here permit me to say that when we look back to the decision made by the Supreme Court, it clearly appears that a strong right, an equitable right, or at least a moral right, existed in the case of certainly one of the claimants. When we look at that decision what do we find? That the reason why the Supreme Court did not decide in favor of the litigant to whom I have referred was not on account of any fault of himself or his ancestor or predecessor, but for the reason that a fault—I may term it so—was committed by an officer of the Government. The grant made to Rector and Hammond was made in accordance with law, but the officer of the Government failed to file the survey in the recorder's office, as required by law, and upon that ground the Supreme Court say the claimant was not entitled to the land. I will read for one moment from the decision as found in the Court of Claims Reports, volume 11, page 321:

But the claimant insists that this was not the fault of Hammond and Rector; that they did all they could do; and that the surveyor-general could not by neglecting his duty, namely, that of recording the survey and returning it to the recorder of land titles, deprive them of their just rights. But when the survey was made, the act of 1832 was not in existence; the laws then were, as the Attorney-General held them to be, that unsurveyed lands were not lands the sale of which were authorized by law; and as this doctrine was received and acted upon by the Land Department of the Government, we should not feel authorized at this late day to reverse it. And it is not shown that any further efforts were made to have the location perfected until after the passage of the act of 1832. If at any subsequent time it became the duty of the surveyor-general to return the survey to the recorder's office, no application for that purpose seems to have been made. A clear duty on his part could have been enforced by mandamus had he refused to perform it.

The whole burden of this decision is simply that the survey not having been filed in the office of the recorder of land titles the claim of Rector and Hammond failed. Here again:

In conclusion we feel bound—

It seems to be with reluctance—

In conclusion we feel bound to decide that none of the claimants are entitled to the lands in question. The claims advanced all depend on one or other of the titles which we have considered, and all are equally untenable. Whatever hardship, if any, may ensue from this declaration of the law of the case we have no doubt will be duly taken into consideration by the legislative department of the Government in dealing with the subject of the future disposition of those lands.

From this decision it would appear that had the plat of the survey been filed in the proper office of the Government, the title to these Hot Springs, hot water and all, would have vested in the original claimant of the property. I refer to this decision to show that there appears to be a good basis for the application here made for the reduction that is allowed by this bill.

And while on this point permit me to say that it is not the object of this bill nor of those who advocate it to leave the Government unremunerated. This bill of our committee goes upon a basis that the Government shall be repaid all the expenses it has been to in this business; even the seventy-two thousand and odd dollars expended for the commissioners is to be repaid. Seventy-two thousand and odd dollars is the amount, as I learn from the letter of the Interior Department, expended by the commissioners. It is the intention of this bill that that amount shall be paid back. It is the intention of this bill that the Government shall not suffer.

The assessment made upon individuals there who proved their right to purchase the property as adjudged amounts to \$223,000. We propose to require payment of half of that, \$111,500. The fact should be borne in mind that at the time when these people were least able to bear it, in 1876, a receiver was sent by the Court of Claims to take charge of the property and receive the rents. After deducting the expenses of that receivership we find that thirty-five thousand and odd dollars has been received by the Government and its agents. In addition to that condemned property has been sold amounting to \$1,800 or more. When you make these deductions and make a calcu-

lation of the certificates for condemned property, which certificates we propose to make legal tender for any of these lands, there is still a surplus to come to the Government from the sale of the lands notwithstanding the Government gets the hot-water reservation and the better portion of the tract. The receipts under this bill, with the other items I have named, will pay all expenses and still leave an amount coming to the Government.

It must be perpetually borne in mind that many of these parties purchased from one supposed to be the owner, and paid for the property which they now have to buy again from the Government. They believed that those from whom they bought had a legal right to the property, though it was in litigation. They acted upon that supposition and invested their money upon the presumption that they would receive a title from the owners who were contending; but the decision of the Supreme Court was against the parties contending for the property; and now they come and say: "We have been put to hardship; we have been put to trouble; we have paid for this property once; we ask a beneficent Government to make a reduction and say that one-half of those assessments shall be enough. We have paid once; we hope the Government will not ask us to pay again in full."

Upon the question of *certiorari* I have only a few words to say at this time. There are but a few parties who are dissatisfied with the decision of the commissioners. I do not look upon their action as being a finality. I do not see that these parties are prohibited by the act of 1877 from applying for further legislation. There is nothing that I can see in the act that tends in that direction. A few persons are dissatisfied, and only a few. The bill that came over from the House of Representatives made provision for an appeal to the district court of the United States for the eastern district of Arkansas; but your Committee on Public Lands thought that would tend too much to increase litigation, and therefore have proposed the plain, simple remedy of a writ of *certiorari* to be issued to the Secretary of the Interior where all the evidences in regard to the controversy are on file, and then all the papers connected with the particular claims for which a *certiorari* is sued out are to be sent to the Court of Claims and there the matter is to be heard and decided. There are but few of these cases. If parties have been injured is it not proper that the Court of Claims should have an opportunity to review the action of the commissioners and do justice to these parties?

I must confess, however, that as to this question of *certiorari* I have but little care. I think it much more important for the interest of these people who want to get a title to these lands, that there should be a reduction of the assessment and that the certificates for condemned property should be made legal tender for the purpose of paying for the lands; and beyond that the bill does not extend in that respect, it simply providing that these certificates shall be received in payment for the lands in the Hot Springs reservation.

There is a section authorizing the Secretary of the Interior to select six lots for public-school sites. It seems to me the Government under the circumstances can well afford to make this donation of lands for school purposes, and I can see no serious objection to it.

There are other gentlemen who are fully prepared to address the Senate on the subject. This is as much as I desire to say at present.

Mr. McDONALD. Mr. President, as this bill has come—

Mr. EDMUNDS. Before the Senator from Indiana proceeds, may I, with his permission, inquire whether we have the report of the commission, or a copy of it with a map or diagram which shows the number of lots, and how they lie, and so on?

Mr. GARLAND. On page 3 of the report of the commissioners (Senate Executive Document No. 21, Forty-sixth Congress, second session) the information is given.

Mr. EDMUNDS. Is there a map also in the possession of the Senate?

Mr. GARLAND. There is a map at the office of the Interior Department, and one at my room, but I do not think there is one here.

Mr. EDMUNDS. May I inquire at the same time—because the Senator from Indiana in the course of his remarks can probably explain that also—what proportion of those who are authorized to purchase fall within the category described by the Senator from Arkansas [Mr. WALKER] as being people who bought the lands from the persons who were the original claimants under the expectation that they had a legal title. He said there were a good many of each as I understood.

Mr. McDONALD. All of these parties, inasmuch as the act by which the commissioners made these assessments required them to take into consideration no claim of purchasers since the decision of the Supreme Court. It was only those purchasers who had purchased and were in possession at the time the Supreme Court decided that the property belonged to the United States, whose possessory rights were considered.

Mr. EDMUNDS. Those were purchasers under both the conflicting titles, were they not?

Mr. McDONALD. Under some prior title or claim of title.

Mr. EDMUNDS. There would be one purchaser under one prior title, and another under another.

Mr. McDONALD. Yes; under some prior claim of title.

Mr. EDMUNDS. Which stood in conflict.

Mr. McDONALD. Yes.

Mr. EDMUNDS. Now I should like to ask one thing more, and then I will not interrupt my honorable friend further, and that is, what

are these certificates that are spoken of that the bill provides shall be treated as money?

Mr. McDONALD. I will explain that.

Mr. EDMUNDS. What are the rights which under existing law these certificates now confer?

Mr. McDONALD. Mr. President, the report of the Senate Committee on Public Lands is made upon House bill No. 4244, and the committee reports a substitute for that bill. The Committee on Public Lands were not able to consider this matter in the light presented by the House bill, and while we were as anxious as the Senator from Vermont or any other Senator that there should be a final ending of this Hot Springs controversy and Hot Springs legislation, we were compelled to take up and consider the question because it had been sent to us by the Senate, the House having already acted as far as it was concerned upon the same matter.

The points that have been suggested by the Senator from Vermont relate, first, to the provision in the substitute reported by the Committee on Public Lands which provides for a review in the Court of Claims of the assessments made by the board of commissioners upon the same records and facts as those that were considered by the board of commissioners—a *certiorari* from the Court of Claims.

I do not suppose that any one hoped when the Hot Springs commission was organized that the three gentlemen, able and careful as they might be, would be able to take up all the controversies that were submitted to them under that law and so completely solve every one of them that there would be no dissatisfaction or even no injustice. So there were claims and complaints preferred to the Committee on Public Lands in regard to them; and while these were not many, and perhaps not very aggravated, yet they seemed to be of sufficient importance in the view of the committee to induce it to provide in some mode for a review of the decision of the board; and in providing a mode for some we saw no particular reason why we should limit it to any particular class. The right of review should of necessity be open to all who might see proper to seek that remedy, or no right whatever should be provided, because it was impossible for us to select and single out those who had made their complaints to us and close the door to those who had not come forward, on the assumption that they had no complaints to make.

The House bill that we were considering had authorized this kind of a review by a proceeding to be instituted in the district court of the United States for the district in which these lands are situated, which would have been a trial *de novo*, an entirely new proceeding, and would necessarily have had to drag its slow length along through the inferior court up to the superior court, and to the Supreme Court of the United States in any case where the amount involved was sufficient to finally vest that court with jurisdiction. It would have opened up again the whole question of inquiry as to testimony and everything of that sort. The Committee on Public Lands did not think best to recommend that proceeding, did not concur with the House bill upon that subject, and instead of that the provision that is incorporated in the substitute for a *certiorari* was introduced, and it embraces just that scope and no more, that those who feel aggrieved by the decision and judgment of the board of commissioners in regard to the assessment made of the value or of controverted questions of possessory right may have a review to that extent by taking their proceedings in the manner herein provided.

Then we came to the consideration of perhaps the most important question involved in this case, and that was as to how those parties should be treated who were in possession under titles that were claimed at the time of the decision of the Supreme Court of the United States by which the title was declared to be in the United States. The Supreme Court, in the decision that has been referred to, very clearly regarded them as standing in the light of occupying claimants, occupying claimants possessing strong equities, and while the Supreme Court could not award to them the legal title under the facts presented in the case, it did not pass the case from it without having very clearly indicated that they were not there entirely in the wrong as tort-feasors or wrong-doers, but that they were there as parties who believed they had rights, and that those rights when the legislative branch of the Government came to deal with this question would be considered and regarded.

In the act providing for this board of assessment, the Hot Springs commission, the commissioners were required to receive the application of all those who claimed possessory rights, and to award as they should find those facts to be. They were also required to make assessment of the value of the lands in the possession of those parties. The act provided that those persons who were thus in possession might become the privileged purchasers, and it was certainly in contemplation perhaps that no further legislation would be required. The board have made their assessment. They have filed their report with the Secretary of the Interior, designating such lots and parts of lots as they have found to have been in the possession of the various claimants and the extent of those possessory rights, and they have also made the assessment, under the law as they regarded it, of the value of the property thus in the possession of those parties. The aggregate value, as they find, of that property now is \$223,000. This property covers 699.80 acres, a little less than 700 acres. The whole quantity of land that has been laid off in lots on the entire reservation covers 1,270 acres, so that there is almost one-half of the town plat of the town of Hot Springs that is not embraced within these

claims. That is property which the United States has an unqualified right and claim to, both as to the title and as to the possession and as to everything that pertains to it.

The occupants upon the 699.80 acres that the commissioners have found have these possessory rights come forward and say that it is not right that the Government should exact from them the full measure of value of this property at its present cash price, valued on an average at something over \$300 per acre; that this value has been greatly given to it by their labor, by their settling upon it; that they went there not as trespassers, but as parties believing that they owned the property, having purchased from those who they understood were the true and lawful owners; that it is by their act as much as anything else that this property has been enhanced and made valuable as it now is, and they therefore ask of Congress that, in the spirit of the decision of the Supreme Court that had divested them of their title, there should be some reasonable deduction made from the present value of the property, and that some concessions be made to them on account of their labors and the improvements that they had put upon it by which the value of the property has been enhanced.

The House of Representatives in the bill before us had considered that same question and they had treated it in accordance with the usage of the Government in regard to what is known as town sites upon public lands, and therefore in their bill they had required these parties to pay a nominal sum. The second section of the House bill provided on that subject that these persons should be entitled—

to purchase, at any time within twelve months next after the expiration of the thirty days' notice by the land officers required in the preceding section to be given, by paying on every separate certificate of award covering a lot of one acre, or of any fraction of an acre, the sum of \$10; and on every separate certificate covering more than one acre but not over two acres, the sum of \$20; and on every separate certificate covering more than two acres but not over three acres, the sum of \$30; and so on at this rate, paying an additional \$10 on every additional acre or fraction of an acre covered by any certificate.

So that the bill which came to us from the House, treating this subject in analogy to the usages of the Government in regard to town sites located upon public lands that had not yet been surveyed, put the price down to \$10 an acre or thereabout. The valuation ascertained by the board of assessment was over \$300 an acre. So it will be seen that the House taking the view it did of this subject put it down to a nominal sum.

When the Committee on Public Lands of the Senate came to consider that question it thought it was but fair and right that as between the United States and these occupying claimants the present value of the land should be fairly divided, and therefore we report a provision to reduce the assessments—not undertaking to rate it per acre, but to reduce the assessments at the rate of 50 per cent., thus giving to the occupying claimants the benefit of the enhanced value of this property to the extent of 50 per cent. of its present value, and reserving to the United States the other 50 per cent. for its proprietary right. That gives to the United States on these seven hundred acres—for I shall treat it as in round numbers, that many hundred—a value of about \$159 per acre. Then it leaves the remainder of the property that has been thus laid off into town lots, and that is not within the permanent reservations to be hereafter sold at its present value, because all who have a right to claim any abatement in price on account of their labor and on account of having contributed to this enhanced value of the property have been provided for, and those who purchase hereafter will pay what the land is worth according to its appraisement.

That is the principle of the report of the Committee on Public Lands. The law that this bill supplements vested in the board of commissioners the power to go on and correct the town plat of the town of Hot Springs, to lay off additional streets, and to widen those already laid off, and to make certain changes and improvements upon the location and plat of the town. It also dedicated a certain portion of this reservation of four sections—for that is the whole amount of the reservation—to the public. It is known as the permanent reservation, embracing the Hot Springs proper and certain rights and privileges connected with those Springs. There were upon this permanent reservation improvements that had been put there by parties who have settled at Hot Springs and made improvements there. The principal hotel at the town of Hot Springs, the Arlington, was located, as it turned out afterward, upon this permanent dedication—this permanent reservation.

Again, in straightening the streets, in laying out the avenues, in improving the town, it became necessary to condemn and remove improvements that had been put there, buildings that were found to be within the street limits when the streets came to be thus changed and improved, so that the commissioners, the Government having by the act of 1877 in effect condemned these improvements, were directed to ascertain their value, because the Government could not take this private property for public use or condemn it or order it to be removed or destroyed for public considerations without paying the owners, and the land certificates that are spoken of here are the certificates issued by the commissioners to the owners of those improvements for the value of those improvements, thus condemned by the Government, for improvements that were found to be in the streets when the streets came to be straightened, or in the avenues when the avenues came to be opened. The Government claimed as a matter of course the proprietary right to all this property, and claimed therefore the right to make these streets and avenues where it pleased. Further, some por-

tions of the improvements were found to be on the permanent reservation that the Government had reserved permanently for the public use, and the act that these commissioners were executing directed them to ascertain what those improvements were worth that were thus removed or destroyed or taken out of the way, or condemned on the permanent reservation, and to issue to the owners thereof a certificate for their value.

Mr. EDMUNDS. What does the Senator mean by a certificate for their value? Is it anything more than a paper which states that the value of the building, or the fence, or whatever it is that is to be moved off or destroyed is so much?

Mr. McDONALD. Yes, sir; it is a recognition that A, to whom that certificate issues, was the owner of that building, that he had placed it there with his own money, and that it becoming necessary in the plan the Government had in regard to this property that it should be condemned, he should have this certificate for its value.

Mr. EDMUNDS. I do not understand the Senator yet, whether he means to say that the act of 1877 makes the certificate an obligation of the Government of the United States or anybody else to do anything, or whether it is merely the statement of a fact that a squatter on property that did not belong to him had constructed a building or a fence or something that the proprietor found it necessary to tear down.

Mr. McDONALD. The difference between the Senator and myself is that he calls these people squatters on property that did not belong to them; in my country occupying claimants who go upon property that they honestly believe they have a title to are regarded as the owners of their improvements. They are not termed squatters. The law recognizes that having gone there under a claim of title and made improvements, the improvements belong to them, and the ultimate owner of the fee cannot undertake to dispossess them of that property, although his title may be never so good, until he has made provision for the payment of these improvements.

Mr. EDMUNDS. What law is it the Senator is speaking of—the law of the United States or of Indiana?

Mr. McDONALD. The law of any honest people anywhere.

Mr. EDMUNDS. Then it is merely a moral law that we are speaking of.

Mr. McDONALD. I say this is property, recognized as property by law. I know of no State in which it is not so recognized. Does the Senator? I ask the Senator from Vermont if he knows of any State in which an occupying claimant of property under a color of title is not regarded as the owner of improvements that he puts upon it before the title has been pronounced against him?

Mr. EDMUNDS. I do not know of any State where the law is as the Senator now states it in that phrase. I do know of some States where the law is that if a possessor being expelled in an action of ejectment can show that he purchased the land for value believing that he had got a good title and had made improvements or betterments upon it, as they are called, the jury in assessing the damages for the ejectment may make a reasonable and equitable allowance to him so that justice will be done between the two parties.

In this case, what have we? Take the instance of some one who did purchase on what he supposed to be a good title—which I do not understand by any means to be everybody embraced in this bill, far from it; but there may be some; what is the provision? The bill provides, first, that a man who thus purchased under a mistake, believing he had a good title, shall have the land itself at half the value; second, that he shall be paid the full assessed value, instead of half, of the improvements that he has put upon it.

Mr. McDONALD. No, the Senator is mistaken.

Mr. EDMUNDS. I think not. And that the Senator regards as dealing with the property of the people of the United States in the way that it is our business to do.

Mr. McDONALD. The Senator is entirely mistaken. It is not often that he is mistaken, of course; but he is entirely mistaken now. These certificates do not issue to any man who retains the right to purchase the land on which the improvements were made. They only issue in favor of those who had made improvements before the decision of the Supreme Court had been rendered deciding that the Government owned the land, and those improvements were afterward found to be in the highway as laid out by these commissioners or on that part of the premises that is permanently retained from sale. As to the 699.80 acres that are found to have been in possession of other parties under circumstances which gave them certain possessory rights, there is not one single dollar of certificates issued for any improvement thereon, but the certificates are issued to those who had made improvements before, not those who have made them since, because all the improvements that have been made since the decision of the Supreme Court have been regarded just in the light that the Senator wants all these improvements regarded. He admits himself that where a party has purchased in good faith believing he had a title, his improvements are protected even in his State.

Mr. EDMUNDS. I did not say that, Mr. President.

Mr. McDONALD. You did not?

Mr. EDMUNDS. No, sir. If the Senator is to quote me on a matter of law, I wish he would quote me exactly as I stated it. I say that in the State of Vermont and in a good many other States there is a provision that when a person has a recovery against him in an action of ejectment and he can show to the court that he purchased

under a color of title and believing he had a good title, the extent that he has improved the land so that it is so much better for the owner than it was before shall be taken into the account in doing justice between them. That is a singular rule to apply to a case where these people now on these lands at the Hot Springs, and to justify a provision that to all of those who were not in the streets the land is to be given for half its value, the improvements being already theirs, on the Senator's theory, or to be allowed for in the same way as those that are in the streets. And so you are to pay what he calls the owner of the building—but he is not; he is only a person who has an equity for an allowance—you are to pay the man who has that property as it is called which is to be moved off or which in a good many of these cases the man himself moved right back on his lot and took his certificate as it is called, which is now to be turned into money. He moves his building back on to his lot; he has got his building, and his certificate, and his land, all three when this bill passes; and that the Senator says is the spirit of the betterment act!

Mr. McDONALD. Though he has employed a good deal of circumlocution, I do not see that the Senator has made it any plainer that the purchaser in good faith from one having color of title, or a person in possession of property in good faith under color of title, is to be protected in the improvements that he has made upon that property until the question of title is determined against him.

I am perfectly willing that the Senator's statement and mine shall both be made, and if there is any difference between them in principle—there is a good deal of difference in language—I cannot understand it.

Now, Mr. President, the act under which these assessments were made expressly provided that the commissioners should not assess any improvements that were made after the decision of the Supreme Court. It was simply the improvements that were made before the Supreme Court had determined this property to belong to the United States, and the valuation was made of just the kind of property I have already stated; that is, improvements that were found to be in the streets or avenues as the commissioners finally laid off the town off Hot Springs, or that were upon the permanent reservation that the Government retained permanently to itself. That is just what they were, and nothing else. We supposed that it was certainly in contemplation that all such claims as were for property actually condemned by the United States, property that had been put there by the parties in good faith and before they had any reason to suppose that the title they were improving under was not a good one, would be paid. The act under which these assessments were made did not make any particular provision for this payment. It did, however, direct the issuance of the evidence of that debt or claim.

Mr. EDMUNDS. Will the Senator be kind enough to read the statute?

Mr. McDONALD. I have not got it before me, but it shall be read.

Mr. EDMUNDS. Let us see exactly what it does say.

Mr. McDONALD. The statute authorizing these assessments can be readily referred to. The simple question, therefore, is whether in closing up this matter of the Hot Springs the Government will receive its own certificates as a part of the purchase price of property that these parties may purchase there; whether the amount which these commissioners, in the name of the Government, have said was the value of the property condemned on account of its being either in the streets, alleys, and avenues, or on the permanent reservation shall be received in making payment for that portion of the town of Hot Springs that it proposes to dispose of, either from the occupying claimants in payment of whatever they shall be required to pay, or from the purchase or entry by any other parties who may see proper to buy any lots outside of these claims.

But another objection has been suggested to this as being rather too free a use of the public property, and that is in the thirteenth section:

That the Secretary of the Interior is hereby authorized to designate as many as six lots—

Of course under this act he cannot designate any more than six. He may designate as many as six. I do not know whether it would be more definite if it was amended by saying "not to exceed six." I do not see any particular ambiguity in it as it stands now, and no latitude certainly beyond the six lots.

Mr. EDMUNDS. Would not twenty be "as many as six?"

Mr. McDONALD. I should think they would, but I would ask the Senator if he was designating these lots with authority to designate "as many as six," if he would designate any more than six?

Mr. EDMUNDS. That would depend in my judgment, if it was committed to me, upon what the public interest and generosity and so forth required. It would be a perfectly clear authority in point of law to give as many as I liked, not less than six.

Mr. McDONALD. My opinion is that in following the construction the Senator is inclined to give to this act, he would not give more than one lot.

Mr. EDMUNDS. I should feel obliged to give at least six, because the law commands that.

Mr. McDONALD. No, you may give that many, but that does not oblige you to give the whole six. If it would make it any more specific in the estimation of the Senator to say "not exceeding six," it is

very easy to insert that amendment. But what are these lots to be given for?

That the Secretary of the Interior is hereby authorized to designate as many as six lots from the unawarded grounds on the Hot Springs reservation for the use of the common schools of the corporation of the town of Hot Springs, as sites for school-houses, and the lots when so designated are hereby dedicated to the use of common schools, and shall be used, controlled, and managed by the common-school officials of the district in which they may be located for such purposes only.

As many as six lots for school sites. I understand this to mean not more than six. As many as six lots are to be designated in the town of Hot Springs; that is a town now which covers some twelve hundred acres of land. A little more than half of it is in the possession of these occupying claimants. The remainder the United States holds in absolute fee, has an entire right to. Whatever there is upon it of improvement or anything else belongs to the United States.

The bill authorizes the Secretary of the Interior to set apart certain lots which he may designate as sites for school-houses, not exceeding six. Six sites are to be set apart for school-houses in the town of Hot Springs. There is no private man in the United States engaged in managing his own affairs who in laying off a town of that size would not designate more lots than six for school purposes and think he was doing himself a benefit; yet it is carped at because it is proposed to authorize six sites for common schools in this town which covers twelve hundred and odd acres of ground.

Mr. EDMUNDS. I am very much obliged to my friend for saying it is carped at. That may be his way of looking at it, but I hope I shall not be disturbed at that measure of epithet. The Senator will pardon me if I ask, which I rose to do, how many sections of land are embraced in this Hot Springs reservation that were decided to belong to the United States, altogether?

Mr. McDONALD. Four sections.

Mr. EDMUNDS. In a township I believe, there are thirty-six sections generally, are there not?

Mr. McDONALD. Yes, sir.

Mr. DAVIS, of Illinois. Always.

Mr. EDMUNDS. I thought I would put it "generally," because it might be thought "carping" if I said "always." The State of Arkansas, when she came into the Union, had the sixteenth and thirty-sixth sections in each township granted to her for the use of schools, I presume.

Mr. DAVIS, of Illinois. She had the sixteenth anyhow.

Mr. McDONALD. She had the sixteenth.

Mr. EDMUNDS. Not the thirty-sixth?

Mr. McDONALD. Not the thirty-sixth.

Mr. EDMUNDS. But by some subsequent act?

Mr. McDONALD. No.

Mr. EDMUNDS. No matter; call it the sixteenth.

Mr. McDONALD. In the newer Western States the sixteenth and thirty-sixth sections have been granted. That was not done at the time Arkansas was admitted.

Mr. EDMUNDS. I think you will find that, and at rather a remote period, Arkansas has had liberal provision made; so that I hope the Senator will not think that it is a very small business on my part, in trying to protect the property of the people of the United States, or at least have it discussed, if I inquire a little how it happens that this sort of provision is to be made in disposing of four sections of land that have been decided after great expense to the Government to belong to the people. It is true it is a small business, but when the business of chaffing the Treasury comes to be divided into small ranges, it is necessary if you are going to resist at all that you shall resist in the same proportion. I do not say that this is part of that business; it is not designed as such I know; the Senator will give me leave to say that; but I must be allowed to suggest to him that he ought not really to consider that a reasonable inspection of the effect upon the people whose labor pays for everything of this kind is an improper method of dealing with the subject. I submit it to his consideration whether it is.

Mr. McDONALD. I have nothing to say to that. I do not think that the quantity of lands reserved in the State of Arkansas at the time of her admission into the Union for common schools or public schools has anything to do with this question at all. It was certainly not in contemplation when those reservations were made that the Government should reserve out perpetually from sale any part of these four sections. The four sections of land involved in this inquiry and to be settled and disposed of by us here have accidentally come into this condition not from any design on the part of the Government, for these lands could have been entered; there is no doubt about that; they could have been purchased—

Mr. DAVIS, of Illinois. At any time.

Mr. McDONALD. There was no reservation made. An accidental omission of a Government officer in reference to filing and recording the survey and location defeated these parties of their title.

Mr. DAVIS, of Illinois. It defeated Rector's entry.

Mr. McDONALD. He was the principal claimant.

Mr. DAVIS, of Illinois. He was the sole claimant, really.

Mr. McDONALD. It defeated his title; and years after we come to consider what we shall do with this property upon which this valuable medicinal spring is found. The sole center of attraction in all this thing is the fact that the spring is there. We should be in a very small business indeed if we were engaged in legislating on the

subject of that mountain gorge if it was not for the spring that has been developed not by the United States but by the people who have congregated there for the purpose of enjoying the benefits of its waters and who have settled there and developed it. If it was not for that we should have nothing of this here at all.

The United States has come to be the proprietor, for that is just its condition at present, of these four sections, on which these remarkable springs are found, where the people have entered into the mountain gorges there and settled as best they could, have built up a little town and are struggling along to maintain themselves. When the Government as the proprietor of these four sections comes to make some disposition of them, I do not think there is any wasteful extravagance on our part, representing the Government, in making some reasonable and suitable provision for school sites in that town, independent of the thirty-sixth section, or the sixteenth, or any other section that may have been granted to the State generally. In that town, in that locality, I do not think it is very wasteful extravagance to make suitable provision for designating school-house sites out of these four sections of land.

If there is any difficulty about the provision of this bill being ambiguous as to the number, it is very easy to correct that. I know of no one who is more apt in using language for that purpose than my distinguished friend from Vermont, and he is always ready to do it, too. So it did seem to me, when he was commenting upon this provision as if it was leaving some wonderfully latitudinous discretion to the Secretary of the Interior, by which he might absorb almost the whole of this reservation in school-house sites or under pretense of school-house sites, that he certainly understood what the committee meant clearly and distinctly; and if our meaning has not been couched in terms that could have prevented any quibble over it, it is easy to correct it. Therefore, when I said "carped at," I, of course, meant no personal disrespect to the Senator at all, but it did seem to me that in place of making the criticism he did upon the terms of the bill it would have been more in the line of his course here as a legislator to have suggested an amendment to the section referred to.

Mr. President, I have said all on this subject that I desire to say. I do not think that the Government will be a loser on any principles of equity and justice if this bill shall become a law. These people who have settled there and have established their possessory rights are required to pay about \$150 an acre for land that the Government a long time ago would have parted with for a dollar and a quarter an acre; and it would be very willing to part with it for a dollar and a quarter an acre to-day if it was not for the hot springs and the improvements and the enhanced value that has been given to that property by its public development, in which the Government has taken no part except to assert its claim and gather in the control of the property. Now, having that control, it seems to me that it would more comport with the dignity of the Government to act with reasonable generosity toward those people than to insist that they shall pay for all the enhanced value of the land to which they themselves have contributed so much.

Mr. EDMUNDS. I should like to hear the statute of 1877 read, if anybody can find it.

Mr. GARLAND. Here is the statute. I will hand it to the Senator. Mr. EDMUNDS. The Senator in charge of the bill could no doubt have read in a moment the provision about the certificates and what they amount to; though I think I have found it in the ninth section:

That it shall be the duty of said commissioners, without delay, to file in the office of the Secretary of the Interior the map and survey herein provided for, with the boundary-lines of each claim clearly marked thereon, and with each division and subdivision traced and numbered, accompanied by a schedule, showing the name of each claimant, and of each lot or parcel of land, the appraised value thereof, numbers to correspond with such claim upon the map; also all of the evidence taken by them respecting the claimants' possessory right of occupation to any portion of the Hot Springs reservation and their findings in each case; also their appraisal of each tract or parcel of land, and the improvements thereon; and it shall be the duty of said commissioners to issue a certificate to each claimant, setting forth the amount of land the holder is entitled to purchase, and the valuation fixed thereon, and also showing the character and the valuation fixed upon the improvements of said tract or parcel of land, and to issue a certificate or certificates to all persons whose improvements are condemned, as herein provided, showing the value of said improvements.

That is the provision for the certificates.

Mr. McDONALD. That, you see, provides for the issuance of certificates for the condemned improvements separate from the others. One is a certificate entitling them to enter so much land at the appraised value; the other is a certificate for the value of the improvements that have been condemned as therein provided. Provision is made in the preceding section of the act for condemning property on the streets and avenues as laid off by the commissioners, and for condemning that upon what is called the permanent reservation.

Mr. EDMUNDS. This is what the law says:

And it shall be the duty of said commissioners to issue a certificate to each claimant setting forth the amount of land the holder is entitled to purchase and the valuation fixed thereon and also showing the character and the valuation fixed upon the improvements of said tract or parcel of land.

If that does not mean and read that to every claimant who has any improvement upon the land that he claims, there shall be a certificate which states the value and character of that improvement, then I confess that I am carping again, and quite unable to understand the English tongue, so familiar to the distinguished Senator from Indiana. Then it proceeds to add—

And—

A new clause—

to issue a certificate or certificates to all persons whose improvements are condemned, as herein provided, showing the value of said improvements.

So that as it reads there are two classes or kinds of certificates. How much they would differ when they came to be drawn up, I do not know; but every claimant, the statute says, is to have a certificate of the valuation of his improvement upon the land that he claims distinct from a statement of the value of the land. Then it adds that every person whose improvement is condemned shall also have a certificate as herein provided, showing the valuation of the condemned improvements. The provision reported by the committee appears to cover every species of certificate of the value of improvements.

Mr. McDONALD. There is just where the Senator is mistaken. Section 10 of the substitute reported by the committee is as follows:

That the certificates issued for condemned buildings by said commission be made receivable, &c.

Mr. EDMUNDS. How many are there of those?

Mr. McDONALD. Just as many as there were buildings condemned.

Mr. EDMUNDS. I mean not only in quantity, in the number of the buildings, but in respect of the total amount of money that the United States has got to pay for these certificates. That is what it comes to.

Mr. GARLAND. Seventy-four thousand dollars, according to the report of the commissioners.

Mr. McDONALD. The bill here deals with the certificates issued for the condemned buildings, and nothing else.

Mr. EDMUNDS. Of course it is "carping" to point it out, but anybody can see that the act of 1877, which professed to make an end of this business, did not provide for paying anybody for these condemned buildings. I admit that it would be open to Congress, as the Senator from Arkansas says, as it is to do anything in respect of disposing of the public property, to make provision to pay for them.

I am told that in a large number of these instances of what are called condemned buildings because they wanted to put streets where they were, and straighten them, &c., the condemned building was by the very man who professed to own it moved right back on to his claim, and he has a certificate for a building that he has got himself, or if it has been sold he has bought it off at a nominal price because his neighbors would not bid against him, or because it was not worth anything to anybody but him. If this be the fact, as I am told it is, I say it is unjust to make the people of the United States pay that man in dollars for the improvement that he has still got himself, and has moved on to his property. I am sure the Senator from Indiana will agree with me about that.

It is open to serious question how far we ought to go about that particular branch of this subject, saying nothing of the other considerations that have been named. I have been told,—I do not know that it is true, but that is my information,—that you have a certain hotel there called the Arlington, I believe. I do not know the name of it, but some hotel there.

Mr. GARLAND. That is on ground that belongs to the United States.

Mr. McDONALD. That is on the permanent reservation.

Mr. EDMUNDS. If Senators will only be good enough to hear me a minute, I will tell my story. I may have got the name of the hotel wrong, but I have been told that some hotel, by whatever name it may be called, or whomever it belongs to, under the authority of this act, or the supposed authority of this act, has been leased for ten years to persons who were the claimants of the hotel, who built it or bought it of somebody who did build it, at a nominal rent of a thousand dollars a year, and that these commissioners have also issued under the provision of the statute that has been referred to, to the same persons a certificate for, I think \$30,000, or a very large amount, perhaps \$20,000. I think it was \$30,000 I was told, certainly a very large amount. That was for condemning that hotel, and there it stands occupied by the very same men now under a lease for a thousand dollars, a nominal rent, and we are to give them the \$20,000 or \$30,000 of condemned certificates, and they have got the property besides.

I have been told of other instances, two or three, probably more, where in straightening a street, a frame-house would be appraised at what it was supposed to have cost, \$1,000 or \$2,000, and condemned as they call it, a certificate issued stating this house thus condemned must be taken out of this street, and is worth \$1,500, or whatever the sum is. Then the proprietor of the house immediately buys it of the commissioners at public sale. I am not speaking of frauds, I am speaking of the actual transaction, no fraud about it. That is the way it goes. They put it up at auction to get the building out of the street. Who will bid? The neighbors do not want to bid against the proprietor, although he has got the certificate in his pocket, on the theory of my friend from Indiana, which is worth just so many dollars. He bids \$5, hitches a yoke of oxen, or a couple, or a dozen, as the case may be, to the side of the building, and slides it back to the rectified alignment. This bill passes; he has got the money, the building, and everything else.

I know this is really "carping," when you take a patriotic, and liberal, and generous view of the business, but at the same time I am not able to see that it is quite just to tax the people to accomplish that sort of thing. I know how perfectly useless it is to talk about such a bill from this one consideration, that it is coming of late apparently

to be impossible that anything shall be finally decided and disposed of by the Congress of the United States. We establish a Court of Claims and provide that everybody falling within a certain range of claimants may sue the United States there, just as they could sue an individual in the courts. Men do it, and they get beaten, as individuals sometimes will when they have private suits. The next step is to appear in the Senate of the United States or in the House of Representatives and proceed to ask us (and we are almost always eager and willing to do it) to retry, either on the old evidence or the new, either upon the law or the fact or both, that case, and decide it in favor of the claimant. If we happen to retry it, as we frequently do, and decide it against him, do you suppose that is the end of it? Not by any means. He will only wait for another Congress or another session, when the *personnel* of the Senate or the House of Representatives is changed a little and people have forgotten that it has been once or twice decided already, and it comes again. The same with the decisions of the Supreme Court of the United States and a thousand times more than with our own decisions, made with a full understanding of the whole case and as the great tribunal of the people, standing perfectly impartial. A decision is made in another Congress. We are urged, and I think with great respect that we do it too frequently, to open the whole thing, begin anew, raise new equities, make new dispositions; and when that is about to be accomplished somebody who is dissatisfied or wishes to gain more or give less appeals to us again and it is again here. Now, that is this case.

The act of 1877 did provide confessedly for a complete disposition of this subject, and that disposition in substance was this: The property belonging to the United States, and there being conflicting claimants against each other, one claiming under one title that turned out to be bad, and another under another that turned out to be bad, the United States owning it all, still these conflicting claimants should have their conflicts adjusted by commissioners of the United States, and they should be allowed to purchase at a fair valuation the property that they had occupied. When I used the term "squatter" I did not use it in any offensive sense. I use it in the great democratic sense of "squatter sovereignty," that was so popular in this country at one time, and it is no offense to anybody that I know of. The occupant is to purchase it. That law is considered; it is discussed; it is investigated, the whole subject, by the Committee on Public Lands, I think it was, of this body, the very same committee that makes this report, and after due criticism and investigation and discussion it is passed into a law. It proceeds. There is not quite time enough for these commissioners within the first limit of the law to accomplish this quasi-judicial duty. The time is extended. At last they have accomplished it, and as the committee report, they have accomplished it as well as anybody could expect, justly and fairly on the whole, making errors no doubt as we do, as we may now, as the courts do, but they have done it.

The next step is exactly what I have been trying to call the attention of the Senate to as an unwise thing. The next step is to come again, to open the subject for further litigation in one instance, and then to change the whole basis of the act of 1877 in respect of what is called the equity of these occupants. It may be if this had been a case *de novo* I should have been quite willing to give these lands to those gentlemen who occupy them, at half their value; but we have once considered it completely, and have determined deliberately that this disposition should be made, and it has been made. Rights have become settled and fixed; undoubtedly changes of ownership in the mean time would go on in the community; and yet for the benefit of somebody or everybody, as the case may be, (probably it will not work very equally at that now,) all this thing is to be changed, and half the valuation is to be taken.

Mr. President, I am sorry that I cannot see my way clear to do that thing. The sooner the Senate of the United States takes up the notion that it is not to be a body in the nature of a permanent committee of safety to whom every dissatisfied person whose case has been decided once, twice, or thrice is to come again, making it our duty to open and continue to try over and over again the subjects that we have once impartially disposed of, the sooner a great public benefit will result to the Government of this country, I think, in a great many ways.

My duty is done, Mr. President. I will not waste your time and that of the Senate, who are impatient, to look closely at some of the details of this bill. As I say, my duty about it is done.

Mr. BLAINE. Mr. President, I do not profess to be familiar with the terms either of the bill as it passed the House or of the amendment of the Committee on Public Lands which is now before the Senate. The Senator from Vermont has referred to a case of which I have some familiar knowledge, as exhibiting a great outrage, as his language might be interpreted to mean, upon the United States. That is the case of the Arlington Hotel, at which, when an invalid, I had the pleasure and benefit of staying for nearly a month. The great hardship that the United States and the great wrong that these men get the advantage of lies just in the simple fact that they built an expensive, commodious, and elegant hotel at an expense, there said, and I should so judge from its size and conveniences, of \$75,000. Without any disrespect to the previous accommodations, it may be said to have been the first hotel of what is called a first-class character that was erected there.

When the title was adjudged to belong to the United States, these

men found themselves without any property. Their hotel was on land that belonged confessedly to the United States. Of course they made no resistance, and could make none. When we were passing a bill to settle that portion of the domain that lay outside of the permanent reservation—for this hotel is on the permanent reservation, which the United States is never going to part with, and very properly—the question remained whether this should be an absolute, a heartless, and a cruel confiscation, and a great inconvenience beside to the public. We agreed then, the Senator from Vermont growling a little over it, that these men might actually occupy an acre of ground in the heart of the Ozark Mountains, in Arkansas, at the cheap rate of \$1,000 a year ground rent. I should like to know where in many Southern, or Western, or Eastern States an acre of ground is worth a thousand dollars a year ground rent outside of a large city. Yet all the United States had to give these men was the simple acre of ground, more or less, and I believe less, that they are occupying with that hotel and its appurtenances; and the United States, as I said, rather grudgingly told them, "You can only have it at that rate for ten years," and then the hotel, which cost double or treble when prices were higher what it might be built for now, is to be theirs no longer.

Mr. McDONALD. We have the right to terminate the lease at any time.

Mr. BLAINE. We have the right, but there was an implied promise that they should occupy it for ten years, and the United States is usually very faithful in observing those promises.

Mr. McDONALD. The law expressly provides that the lease may be determined at any time.

Mr. BLAINE. That I say is the implication, and that implication is good to them.

Mr. EDMUNDS. How does the Senator get the implication?

Mr. BLAINE. That they might pay a thousand dollars a year. Ten years was the utmost put in as a limit beyond which the Government did not go at all. I believe there is an absolute dispossession to take place at the end of ten years. Am I not right?

Mr. McDONALD. Yes, sir; the lease terminates absolutely in ten years.

Mr. BLAINE. It absolutely terminates in ten years, and may be terminated to-morrow.

Mr. EDMUNDS. So it may be terminated to-morrow; but the Senator says there is an implication that it may not be.

Mr. BLAINE. Oh, well, when the United States gives a limit of ten years of that kind, even reserving the power, it is a power which I repeat is not often exercised until the ten years are up. I think probably the Senator from Vermont might be willing to exercise it, but I do not think he would find many with him. Therefore, these men hold it for ten years and are entitled to it for ten years by equity, whether by law or not.

The Senator from Vermont presents it as an extraordinary case that when the United States shall turn those men out, neck and heels, and take the property which cost them \$75,000, which it is worth, I understand from the Senator from Arkansas, \$28,000 should be allowed for damages, in equity or under the betterment law, as we say down in Maine. That is an extraordinary outrage!

I do not know whether this bill is a wise mode of settling the case or not. I do not know as yet whether I shall vote for it. When I came back from a tarrying of a month there I was very strongly persuaded that the best mode of settling the Hot Springs controversy that could possibly be adopted was what I shall state, if the Senate will indulge me for a moment. The United States there own four sections of land, twenty-five hundred and sixty acres. The title was decided to vest in them. It is a very remarkable spot. It is in the heart, as I said before, of the Ozark Mountains. It has these very extraordinary springs upon it, springs which are beneficial to a larger class of human ailments than probably any other springs in the wide world, and in the opinion of many competent medical men, both of Europe and America, the most valuable springs for medical treatment to be found anywhere in the world. The United States, I think, have wisely resolved that the title to those springs shall always remain in the Government. I believe it would have been a wise thing never to have parted with, I believe it would be a wise thing not now to part with, a solitary inch of the land there, but let those who come in and those who are now holding by possessory, or squatter, or equitable right, or what not, pay a permanent ground rent, and we should derive from that an annual revenue for the improvement and beautifying and upbuilding of that great sanitarium. What would readily come by way of revenue from that source would go a great way. I suggested that to the honorable Senator from Vermont, whose legal opinions we are all glad to follow. He may now forget it, but he told me, and I then ceased to agitate the question, that he did not see exactly how that could be done, that the United States should be the landlord to a lot of ground-renters. But as the United States owned the entire four sections of land, I did not, in my unsophisticated horse-sense view of things, see any difficulty in letting permanent leases, for nine hundred and ninety-nine years, if you choose, be given to men on a ground rent. The equitable value of that mode of adjustment would have been that it would not have affected injuriously any present holder, it would not have oppressed any man, and the ground rent, even at a very low percentage upon the absolute value of the property, its salable value, would have made a very considerable revenue, and one continually from year to year increasing.

I do not think the United States out of a great beneficial institution to so many as that would prove, ought to seek to make money, nor do I think at the same time that the United States ought to be called upon to pay money to keep up a watering-place in any way; but let the one hand wash the other, as we say in country phrase; let the property secure its own revenue; and let that revenue be judiciously expended from year to year in the necessary roads and bridges and sewerage and mountain paths and what not that might be required there; in the improvement of free baths for anybody who might choose to use them. I think very great good would have come out of it, and I think now that would have been a much easier settlement and one much more easily made by every person who holds there under color of title.

While I was at the springs, I will say here parenthetically, I think I talked with a hundred persons who are interested, possibly more; I talked to large crowds of men who came to see me about it; and I did not hear one person, from the largest claimant to the smallest claimant, white or colored, say that that would not be to them a God's blessing; that they could take that land and hold it for a small ground-rental, 3 per cent. if you choose, upon its estimated value, or 2 per cent. Three per cent. would not have proved oppressive, for it would have continued increasing in value, and the revenue would have been no oppression whatever to the holder; the revenue would have been a very valuable income for a purpose which I do not see now any mode that is to be provided for except to rent it to individual enterprise. The trouble about individual enterprise is that the United States has already resolved not to part with the title in the springs. I presume the United States can put those springs up at auction and get \$1,000,000 to-morrow for them; I presume more. I am told that one of the claimants to this suit, when it was decided in favor of the United States, had a standing offer from parties who had largely been interested in Saratoga, to pay him a million cash for the property if his title was verified by the Supreme Court. But the title has gone into the United States; and if the United States shall now simply sit down and make no provision and do nothing toward the improvement of that great and valuable property, and will not sell the property which individual capital would so soon take up and so rapidly improve, I think its great value is about half sacrificed, and I think the settlement we are making here to-day is having no regard whatever to the great object in which the whole people of the United States may be said to be interested.

This is an easy mode, or I presume designed to be an easy mode, by its generous equity, if I may use that phrase, of adjusting the claims of the individual settlers there; but the bill, I am sure, does not go far enough, and does not take within its scope and object that which is of far greater consequence and far greater and more outreaching value to the people than the mere settlement of the rights of the squatters. I would rather give it to them, if something cannot be done that will tend to improve and make accessible, on an easy and free basis to the people of the United States, the great value of those waters.

Mr. GARLAND. Mr. President, as the objections urged by the Senator from Vermont [Mr. EDMUNDS] go to the entire bill and every feature of it, I might just as well say now all that I expect to say in regard to this measure or any measure pertaining to this object, for if we pass through his objections there will not be much difficulty in the way of settling upon the bill in some shape or other.

I will begin where the Senator from Maine [Mr. BLAINE] left off. The bill before the Senate does not contain anything but fixing the titles to the lots at Hot Springs in individuals. The act of the 3d of March, 1877, the perfection and the completion of which act this bill now seeks to effect, had that object in view. The question of the improvement of the permanent reservation and the giving of the water to the public in the best possible shape is not now before the Congress, and cannot be, in virtue of the act of 1877, until these private claims are determined in some way.

That the Senate may understand me, I repeat that the question as to what the Government will do with the reservation upon which are all of the hot springs is not before Congress, and cannot be at this time, for until the Government settles the title to the outer part of the property in individuals, she is in no attitude to say just exactly what is the value of what she has there, where it lies, its compass, its length, its breadth, and its depth, if you please. What the Government will do with that will be no particular concern to me, any further than what it may do with the navy-yard at Brooklyn, or the fort at Niagara, or any other piece of public property in any other State. The immediate question at hand is what shall we do now to perfect and carry into execution the objects of the act of 1877.

Going backward instead of forward, let me commence with the Arlington Hotel property, and I wish Senators to pay attention to this particularly. I could disregard very well, and so could the committee, all the talk upon this subject because there is nothing before the Senate in a legal or parliamentary shape about it. The report of the commissioners, which is elaborate, does not make any mention specifically of that subject, and all the trouble about that in the mind of the Senator from Vermont, comes from the "They Say," which is notoriously the biggest liar the world ever heard of. I will venture the assertion that he has not got the statement of any responsible man upon that subject. Who it is or where it is he does not state, but he says he has heard somewhere, in the air or round about Washington City, or somewhere else, something of the sort.

The law of 1878 directed the lease of this Arlington property, and not merely the Arlington property but other property there, with this proviso:

That said leases shall in no way prejudice any legal right that any person or persons may have acquired, under the act hereby revived and contained, to any improvements on said ground.

That is the express proviso in the act that makes the lease for the Arlington property and these other properties. Rugg & Co. were the lessees of this property, and they have a certificate for twenty-odd thousand dollars, for the property was condemned, because it was standing right over a hot-water spring, and therefore in the reservation. They are entitled to it, because the law says that the lease shall not affect their right to the condemned property or the improvements upon it. This lease is within your grasp now; you can tear it to pieces; you can destroy it, if you please. As the Senator from Maine has well said, it is only the sum of \$1,000 a year. But not only the Arlington Hotel but other property is mentioned here.

The commissioners make no report of that fact. Why? Because they recognized the force of the law which declared that these people were entitled to this condemned property, the certificate for which they hold, just as much as I am entitled to my property a mile and a half further off. So the Senator from Vermont is making a shadow and fighting it. That is the law which stands in the face of these men, and they are just as much entitled to the amount of that certificate as any one else who has any obligation of the Government.

I want, as my colleague does, to be perfectly fair about this matter. We have had trouble enough with it. If the Senate can fix it any better, I say amen. If any one now has any doubt about the Arlington property, I wish to know it before I proceed further, for I shall have no more to say on this proposition after I get through with the remarks that I am now making.

The Senator from Vermont also found a ghost in reference to the certificates of appraisement for property, and the certificates generally for condemned property. I will explain to the Senate how that is upon the face of the report of the commissioners. After stating that they had the property surveyed and laid off and a map of it made, the commissioners say:

Seventh. Maps in sections, showing the several claims as nearly as possible as originally made by the claimants. These claims were imperfectly described in the petitions, and the plats filed with them were inaccurately drawn in many instances, but with sufficient certainty to enable the commission by the aid of personal inspection, by surveys, and by testimony, to fix their true location upon the ground.

It was impossible to put these claims upon the general map. The number of certificates issued for the right to purchase land is six hundred and forty-seven. These certificates have been issued from books provided for that purpose with stubs, upon which, in addition to the substance of the matter contained in the certificate, is a receipt from the claimant or his agent or attorney.

Each certificate of the appraised property says that the person holding the certificate has preference to buy at the appraised value, and here is a list appended of those. Keep those separated from the other certificates. This is a certificate which a man holds to a particular lot; he presents it to the land officer to show that he is entitled to buy it at that price. That is all there is of it; so there is no Jack-in-the-lantern in that. Now we come to the other certificate:

The number of certificates for condemned buildings is one hundred and seventy-two—

That is separate now from the appraised certificates, you see—

And the amount covered by them is the sum of \$74,696.

There is the list of those on pages 14 and 15 of the report. The certificate for this condemned property under the act of the 3d of March, 1877, is based upon that construction of the statute, it has been read already, that the commissioners should condemn this property and have it removed from the reservation and fix a value thereon, and give the party owning the property a certificate therefor. The commissioners say they have done that, and they have a stub to each of these certificates upon their books and a receipt from the person to whom issued, his agent or attorney. There the law of 1877 stops. Tell me what that valuation was had for? Tell me what that certificate was given for? Was it to make thumb-papers out of by those who held them? Was it to make paper to plaster their walls with? It was given for the purpose, some day or other, of the United States in a general settlement, taking them up at their face value.

Mr. KIRKWOOD. What has become of the property, the buildings?

Mr. GARLAND. The commissioners make no report of what has become of the property condemned.

Mr. McDONALD. They were authorized to sell it at public auction.

Mr. GARLAND. They were authorized, of course, to sell it, but what has been done I do not know any more than the Senator from Vermont, who has heard certain reports about it. I am now arguing the law of the case upon the facts as made public to the Senate and to the world by the commissioners in their report.

I hope the Senate has noted carefully the distinction between the two sets of certificates. That is the important point. The act of the 3d of March, 1877, stops when it says the commissioners shall issue a certificate, evidently the Senators and Members meaning that further legislation would have to be passed by Congress to settle this matter. It leaves the door open for further legislation, because that act does not say what shall be done with those certificates.

Now we come to this bill, and here we propose what shall be done in our judgment and in the judgment of the Committee on Public Lands. Keep in your minds that here is an obligation upon the Gov-

ernment. She has got to meet it some time or she has got to repudiate it. Which shall she do? If she pays it, what is the difference between paying it now, by letting these persons take it up in these lands, or after awhile? It is simply swapping from the left hand to the right, and from the right hand back to the left. The simple proposition presented by the bill is whether those who hold \$74,000 in certificates may enter land with them, so that we shall not have to make any appropriation hereafter to take them up.

The commissioners' report makes no statement as to these persons taking the houses off the land by oxen, or steers, or something else, and selling the same property and buying it back, and all that rigmarole that somehow or other found its way into the head of the Senator from Vermont. It would be impossible in the nature of things to provide for issuing warrants or certificates of this sort without allowing a chance to some one to take advantage of the market for them, to profit by them, perhaps at the loss of others. That has been the case under the acts of Congress allowing the issue of soldiers' bounty warrants and under all acts permitting scrip or warrants of any kind to be issued. Notwithstanding all the talk in that regard, I have had nothing laid before me, and I am satisfied the committee has not in any tangible way, to show that any person has profited by fraud or otherwise in reference to certificates issued in good faith. Now, will Congress leave them open to be paid hereafter, or pay them now by allowing them to be a set-off in the hands of persons who may enter these lands with them? I think the latter is the most correct and the least expensive way of settling the transaction.

I wish the Senate to keep in mind always the difference between the two sets of certificates, one for the appraisement of land, upon which the persons have the preference in the right to purchase; and the other the certificates for condemned property which the Government contemplated in passing the act of March 3, 1877, to pay at some time. That is all there is of that.

The next point to be considered is the propriety of allowing a review in some form to persons who consider themselves aggrieved by the finding of the board of commissioners. I was not in the Senate when the act of March 3, 1877, was passed, but taking it for granted that it is true, as the Senator from Vermont says is the meaning of the act, that it was intended to be a finality, yet we see by the very face of the act itself that it is not a finality. A board of commissioners go down to exercise the functions of judges, the functions of a court, to decide questions of law and fact; that is, the question of law as to the possessory right under this gratuity of the act of the 3d of March, 1877, which must be established of course upon fact. These commissioners take the testimony and they adjudicate. Some persons say "we are aggrieved with the finding; it is wrong in this particular case." The bill says, "Very well, you may go into the Court of Claims with a *certiorari* upon that very record, and if there is error established the finding shall be set aside; if there is no error found, it is to be permanent."

This had to be so because the records have been brought from Hot Springs and are now deposited in the Interior Department and the commission is out of office. There is no appeal allowed from the Court of Claims. They are here at the seat of Government, just exactly where the records are. It is a direct proceeding; no witnesses are brought here, no person but the parties. The United States has its day in court, if it wants to make any objection to any contest, and the question then becomes a pure question of law upon the facts revealed by these records. Is this finding correct? That under the bill is circumscribed within a certain time. In the mean while as to the other lots the law is enforced by the Interior Department; the land offices go forward and enforce it and permit citizens to purchase, and thus close up this business. Now, where is the great damage, where is the great evil to result to the Government from it? It is very questionable under this form of government of ours whether any board of commissioners should be clothed with absolute power, without some authority somewhere to review their findings upon such important matters.

Mr. KIRKWOOD. Is there any question in the Senator's mind as to whether unless we disturb their finding it can be disturbed otherwise, or will it be final? Suppose we do not disturb their finding?

Mr. GARLAND. That the Senator from Iowa may understand me I will state that whenever Congress washes its hands of this matter, and the Department washes its hands, and these lands, or lots, or blocks go into the possession of any persons under certificates or patents, the courts are open, as they should be in any other case of a patent, for inquiry as to fraud, mistake, or anything of that sort. This proceeding, if the Senator from Iowa will consider for a moment, does not go to that extent. It simply asks for a review upon the very record itself, and nothing more, to see whether or not the three commissioners have decided properly upon the state of the facts in reaching what is known and recognized as a right of occupancy under the act of 1877. The delay will not exceed ninety days, and we are informed that it will not probably exceed twenty or twenty-one cases. Some of the parties desire to have these findings opened. It is a small right to be accorded to them. The right of appeal is a very dear one, especially to all practicing lawyers, in this country. This bill cuts all of us out of it as a matter of course, because it is in the Court of Claims, and we are not permitted to practice there.

Now, let me say a word as to the situation of the parties upon this property. There is a great error existing in the minds of many people

in reference to that, which I wish to remove now if I can, so far as the Senate is concerned. The Senator from Vermont used and somewhat indiscriminately at times the word "trespassers," and at other times the word "squatters." There is neither trespasser nor squatter on the Hot Springs reservation, and that is what I wish now to make clear, if I can, to the mind of the Senate. John C. Hale propounded a claim to the quarter-section upon which the Hot Springs are located, based upon the pre-emption act of 1814, before the register and receiver of the proper land office, and after taking his proof they divided, one deciding that Hale had made out his pre-emption claim and the other deciding that he had not. The heirs of Belding propounded their claim to the property under the pre-emption act of 1830, as amended by the act of 1832. The Belding heirs received a certificate of entry under the order and direction of A. H. H. Stuart, when he was Secretary of the Interior. Rector was asserting his claim under the act of February 17, 1815, to a little more land than one hundred and sixty acres, that is two hundred arpents, which was one hundred and seventy acres, and which went beyond the boundary of the quarter section of Hale when it was surveyed. Under the laws of Arkansas, certificates of entry are made the foundation of actions in court. You may eject upon them, and you may maintain your possessory right upon them. The statute of Arkansas in 1853 extended the same benefit to the New Madrid certificate, one of which Rector had in his pocket.

These three claimants were contending for this property under these general acts that I have stated, for over twenty years in the Departments and in the courts. A trespasser or a squatter is one who goes upon lands without any title or any color of title. All three of these persons had as good color of title as color of title can be made, because when you go beyond the mere boundary line of color of title you come to title itself. A color of title is simply a title apparently good upon its face but which when examined is not a title. That is all the legal definition there is of color of title.

Gaines maintained actions of ejectment upon his certificate and they were affirmed by the Supreme Court. Rector maintained actions and they were sustained by the courts. And yet it would be a most cruel abuse of language to say that these men were trespassers or that they were squatters upon the public domain, because as far back as the case of *Carroll vs. Safford*, in 3 Howard, afterward affirmed in *Witherspoon vs. Duncan*, 4 Wallace, and again reaffirmed in the case of *Stark vs. Starrs*, in 6 Wallace, it was held that, although the patent had never issued the right to a patent once vested is equivalent to it as respects the Government dealing with the public lands. The patent had never issued; the case was not as one of individual property; and yet the Senator from Vermont talks about these people being trespassers or squatters! In the celebrated case that came from California of *Whitney vs. Frisbie*, Judge Miller went very far in turning the law from the old construction of the Departments and courts as to pre-emption. He went so far as to say that where a man held a certificate of entry or purchase he was not a trespasser or a squatter in any sense of the word.

Now, what does all this teach? That the Government of the United States stood by for twenty years and saw this going on, and never interposed to stop it until by the act of 1870 she agreed to put herself in the Court of Claims to contest the right to this property. During this time no less a person than Reverdy Johnson gave two opinions as Attorney-General that Rector was entitled to a patent for this land; and at last when it was rejected by the court it was upon a worse than technicality, that the recorder of land titles failed to note and record his survey, as my colleague has stated—a doctrine that a party loses his rights when he has done all he can or should do under the law, because some mere ministerial officer fails to do his duty—a doctrine never before known or enforced in a court of equity from Lord Bacon to Judge Bartlett in Arkansas.

The Senator from Vermont, who is versed in the legal lore of the country and the proceedings of the Departments, says that Rector and these men were squatters. No less a man than A. H. H. Stuart ordered a certificate of entry for Gaines, representative of the Belding heirs. Pending this litigation Gaines, Rector, and Hale agreed among themselves to a kind of partition of the property that each could hold undisturbed by the other, and during the holding of these thirds, if I may so call them, many persons rented, some from Hale, some from Gaines, and some from Rector. The persons so holding as renters sometimes would not pay their rent, and proceedings to put them out by ejectment, and there were actions for forcible entry and detainer. Where there was a recovery the cases were carried to the supreme court of Arkansas, and it decided every time that the persons who had given these leases were entitled to do that; and yet the landlords were trespassers and squatters, according to the Senator from Vermont!

When the decision was made by the Supreme Court of the United States in 2 Otto, which was delivered in the spring of 1876, the Supreme Court held that because neither of these three claimants had ever yet perfected his entry and pending the prosecution of those equities the act of the 20th of April, 1832, came in, which was a reservation and cut them all off from perfecting them, and that made the property vest in the United States; but all this time we stood by and saw these persons there on these lands in that condition, upon which children and children's children had been born and raised, and the Government never took it upon herself to eject them or put them out. Even

after the decision of the Supreme Court in 1876 she did not put them out, but she kindly took them by the hand by the act of 1877, and said, "We will recognize you here; as you know, we have permitted you to stay here, and stay here under color of title, and now we will give you equity," and that is the equity that this commission was sent down to adjudicate and to determine.

Before the board these parties and all persons who had improvements there, thinking that they came within the purview of the act, appeared and presented their claims, and they were adjudicated. Here is the list of the adjudications, the prices and all affixed. The sole question, the Senate will bear in mind, under the act of 1877, was whether any person had the right of occupancy previous to the decision of the Supreme Court and up to it; but no one should come in after that decision, which was delivered in the spring of 1876.

The commissioners have found; they have adjudicated; certain persons want their adjudications reviewed and all want what is contained in the other sections of the bill—that is, a reduction of the assessments.

Mr. KIRKWOOD. Can the Senator say how many persons desire to have a rehearing; how numerous they are?

Mr. GARLAND. I have stated that my information and that of my colleague is that there are not exceeding twenty or twenty-one who desire a review as provided here.

Mr. KIRKWOOD. Will the Senator answer me another question, whether in case a review was allowed, that fact would probably induce others, who are now, perhaps, reasonably well satisfied, to ask for a review?

Mr. GARLAND. I would answer the Senator very cheerfully, but I have no information on that subject at all, and I suppose if this bill were kept here for the next three months we should not get any more information on that point than we have at present.

These few want a review; all of them desire a reduction of the assessment which brings me now to the other feature of this bill.

There is no charge that the commission assessed this property in an exorbitant manner or for an exorbitant sum in itself. What I mean by that is, that I take it for granted from all the information we have that every piece of property they have assessed is worth the amount assessed upon it. That is true; and I have no doubt that if that property were put up at public auction the great majority of it would go far beyond the assessment put upon it by the commissioners. Their assessments range from one thousand seven hundred and odd dollars down as low as \$10 per lot, averaging, as the Senator from Indiana has shown, \$318 an acre, to one-half of which we propose to reduce the price.

Mr. DAVIS, of Illinois. Is the Senator very much interested in retaining the portions of the bill which allow a review?

Mr. GARLAND. I intend to say a word upon that before I finish.

Mr. DAVIS, of Illinois. I think there can be no objection to the rest of the bill.

Mr. GARLAND. I will answer that a little further on.

Mr. DAVIS, of Illinois. I simply throw out that suggestion, so that if the bill passes over until to-morrow it can be considered.

Mr. GARLAND. I have intended to allude to that before I finish, but I have my attention directed to another matter now. I will allude to that point before I conclude.

It is true that this property is worth more than it has been assessed at. I am speaking now in the market sense of the word. But looking at the act of 1877, and looking at all the circumstances connected with this case which I have attempted to detail here, can any one say that the Government intends to make money out of the occupants of these lands whose rights she has already recognized by the passage of the act of 1877 and recognized by acquiescence for nearly as long a time as I have lived in this world? She found the occupants there on the ground and she dealt with them thus kindly. The occupants have held that property, as the report of the committee says, under adverse circumstances for several years past, receiving but nominal, if any, profits from it.

There have been several terrible devastating fires there, as has been made known by petitions which have come before the Senate heretofore. These have in many instances swept away everything many of them had. One hundred and fifty-nine dollars an acre for ground is more than the United States ever received before, especially when she starts the public domain at a dollar and a quarter an acre. She sold this property at a dollar and a quarter an acre to Gaines. She sold it for a tract of land injured by earthquake in 1815 to Rector; he got it through his assignor, Langlois. Now she is to get, if these assessments are reduced as proposed, \$159 per acre. What is the theory upon which that is based? The assessments are over \$300 an acre. What is the theory upon which they are reduced? It is this: Out of accommodation to the occupants the United States has sent these commissioners there to appraise this land; they were to deal with the occupants as honestly and fairly and sympathetically as could be done. The Government said "Very well; we have expended and shall expend in all \$100,000 or \$200,000 to enforce our rights in this reservation, but we must not take that money out of the general Treasury; we shall take it out of you." If the Government is made whole in this respect, I think she ought not in conscience to ask any more. The reduced assessments proposed in this bill, 50 per cent., leave a surplus, including the receipts of the receiver and the money from other sources that she gets there, of from two to three thousand dollars in the Treasury,

not counting the value of her own buildings that she has there, which added to that surplus would leave her under any state of the case six or seven thousand dollars clear profit. I prefer, as my colleague did, and as the Committee on Public Lands did, that there should be a surplus; and there are a few little fragments of expense yet to come in, which have not been counted, but the whole of them will not aggregate over \$1,000 or \$1,200.

That is the theory on which the assessments go. The value attached to this property these people have made themselves by their own improvements upon it; and while it is a large thing financially to those people, many of whom had been born to believe they had as good right to that property as I have to the coat on my person now, it is a mere pittance to the Government. Nobody is taxed to pay it; no person loses a cent. The argument I have heard from the Senator from Vermont on that point amounts to nothing. Not a citizen of the United States loses a cent by this; and the Government has several thousand dollars surplus from the property after giving these persons this little benefit which the bill proposes.

The House bill cuts the price down to \$10 a lot. In fairness and justice I thought that was improper. Although I would be very glad to see the Government donate the property to these occupants, I did not think it proper and fair that the Government should be the loser in the operation, and if she comes out whole upon the transaction, I do not think in fairness and justice any person can complain. It is an important matter to these people; it is a mere drop in the bucket to the Government.

The Senator from Vermont finds another great difficulty in the way. He thinks that the General Government should receive benefits from all its lands. This bill does not ask Congress to give any lands to the State of Arkansas. There is no claim of that sort. The State of Arkansas is not asking for it; but citizens of Arkansas come and ask you for this favor or gratuity, if you call it so, and many of these citizens are persons from the various States of the Union—New York, New Jersey, Massachusetts, and elsewhere. Hot Springs is now the most cosmopolitan town in the world for its size. I ask the Senate in all sincerity and in all conscience if this is exorbitant, if this is an outrage either upon justice or fairness when you are trying to deal out equity to these people?

Now, as to the question asked me by the Senator from Illinois. Recognizing in the terms of the act of 1877 that there was a disposition to make the proceeding final as near as possible, (although as I stated before I was not in the Senate when that was passed,) and recognizing a fact outside of that action, which is as old as the law can possibly be, that it is to the public benefit that there should be an end of litigation, I have more reason probably than any other man in public life to desire that there should be an end to this litigation and to this trouble. For eighteen years, long before I was in the Senate I was connected with the litigation in reference to the Hot Springs, and I know every foot of this land and can go blindfolded now I believe over every inch of the ground that is talked about. The place itself I love, and there I believe I am loved; indeed this ground is my second home. Hence the feeling I manifest on the subject.

Those persons who desire a review of the finding of the commissioners are constituents of my colleague and myself. They gave good reasons for this desire. We did not consider that we had a right to turn a deaf ear to them, and we have inserted a provision giving a review. We are not tenacious about it if the Senate in its wisdom sees proper to take that from the bill. The Senate may in its wisdom refuse the rest of the bill, and we must submit. We will make no contest for this review by *certiorari*. It can injure no one; but if a stubborn fight is to be made upon it, rather than endanger the bill and keep the question open, we will yield, as we do on all occasions, complacently to the will of the Senate; but we ask you at any rate to give these occupants the benefit of these reduced assessments, and take up these certificates and end this matter. With me, I hope it is ended forever.

Mr. DAVIS, of Illinois. I would suggest that the Senate pass this bill over until to-morrow, and we may look at these sections in the mean time and see if there is any change needed. Some gentlemen want to go into executive session now anyhow.

Mr. VEST. I move that the Senate proceed to the consideration of executive business.

Mr. DAVIS, of Illinois. That will do it.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-five minutes spent in executive session the doors were reopened, and (at five o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 18, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

RICHMOND AND SOUTHWESTERN RAILWAY COMPANY.

Mr. BEALE, by unanimous consent, introduced a bill (H. R. No. 5251) to authorize the Richmond and Southwestern Railway Com-

pany to build bridges across the Pamunkey and Mattaponi Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

UNITED STATES COMMERCIAL COMPANY OF VIRGINIA.

Mr. RICHMOND, by unanimous consent, introduced a bill (H. R. No. 5252) to authorize the United States Commercial Company of Virginia to do business in foreign countries; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PRINTING FOR COMMITTEE ON ELECTIONS.

Mr. SPRINGER. I am directed by the Committee on Elections to offer the following resolution:

Resolved, That the views of the minority of the sub-committee of the Committee on Elections in the contested-election case of Donnelly vs. Washburn be printed for the use of the committee, and that the cost of such printing be paid out of the contingent fund of the House.

I will state that the fund for printing reports of this kind is exhausted, and the Public Printer has declined to print any further matter for the committee unless the House will make a special order to pay for the printing out of the contingent fund. The committee is now being delayed in its investigations by the failure of the Public Printer to comply with the orders of the committee. This printing will not cost more than \$50.

Mr. KEIFER. There is no objection.

Mr. NEWBERRY. Is this the unanimous request of the committee?

Mr. SPRINGER. It is, undoubtedly.

There being no objection, the resolution was considered and adopted.

THEOPHILUS P. CHANDLER.

Mr. LINDSEY, by unanimous consent, reported back from the Committee on Claims, without amendment, the bill (S. No. 22) for the relief of Theophilus P. Chandler; which was referred to the Committee of the Whole House, and the accompanying report ordered to be printed.

COMMANDER GEORGE A. STEVENS.

Mr. MORSE asked unanimous consent that the papers in the case of Commander George A. Stevens be withdrawn from the files of the House and referred to the Committee on Foreign Affairs.

The SPEAKER. If there be no objection that order will be made, and the papers will be referred accordingly, not to come back on a motion to reconsider.

There was no objection.

JOHN D. M'KIM.

Mr. WEAVER, by unanimous consent, introduced a bill (H. R. No. 5253) granting a pension to John D. McKim; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. BRENTS, by unanimous consent, introduced a bill (H. R. No. 5254) amending section 4414 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SETTLERS WITHIN RAILROAD WITHDRAWALS.

Mr. BRENTS also, by unanimous consent, introduced a bill (H. R. No. 5255) to secure the rights of settlers on lands within railroad withdrawals; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SAPP, for three weeks after to-day, on account of important business.

INTEROCEANIC CANAL.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Navy, in reply to a resolution of the House calling for all information and correspondence, not hitherto published, in possession of the Navy Department, touching the interoceanic canal; which was referred to the Select Committee on Interoceanic Ship-Canal, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WARNER. I call for the regular order.

Mr. McMAHON. For the purpose of proceeding with the deficiency appropriation bill, I move that the morning hour be dispensed with.

The question being taken, there were—ayes 126, noes 12; two-thirds voting in the affirmative.

So the motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. McMAHON. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the deficiency appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, (Mr. CARLISLE in the chair,) and resumed the consideration of the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The CHAIRMAN. The question is upon the point of order made against the amendment proposed by the gentleman from Texas, [Mr. REAGAN.]

Mr. STEVENSON. I would like an answer from the gentleman from Ohio [Mr. McMAHON] to the question I put to him last evening.

Mr. McMAHON. Do I understand that the question of order is pending?

The CHAIRMAN. There is nothing really before the committee now except the question of order.

Mr. STEVENSON. Mr. Chairman, what is pending now?

The CHAIRMAN. Nothing but the point of order.

Mr. BUCKNER. The gentleman from Texas who raised the question is not now in his seat.

The CHAIRMAN. The gentleman from Texas offered the amendment, but the gentleman from New York [Mr. HISCOCK] made the point of order against it. The Chair was pausing, as he saw the gentleman from Texas [Mr. REAGAN] was not in his seat.

Mr. BUCKNER. I move the matter be passed over informally for the present.

The CHAIRMAN. If there be no objection, the Chair will reserve the point of order for the present until the gentleman from Texas is in his seat.

Mr. STEVENSON. I simply desire to ask the gentleman from Ohio for some explanation as to how this deficiency has arisen in regard to pensions.

Mr. McMAHON. Mr. Chairman, anticipating the question of the gentleman from Illinois, I have made a little more thorough examination than I was prepared to present to the House yesterday. This deficiency arose in the following way: On the 27th of January, 1879, we passed the general appropriation bill for pension purposes for the fiscal year ending June 30, 1880; that is, for the present fiscal year. The amount appropriated in that bill was altogether \$29,366,000. Two days prior, however, Mr. Chairman, to the passage of this general pension appropriation bill, we had passed the bill known as the bill for the arrearages of pensions, to wit, on the 25th day of January, 1879. In that bill no appropriation of money was made to meet the arrearages provided for. On the 3d day of March, however, 1879, just before we adjourned, we passed what is known as the arrearage pension appropriation bill, in which we appropriated for arrearages of pensions, for all claims which had been allowed prior to the 1st of January, 1879, the sum of \$25,000,000; and then, as a deficiency for the current fiscal year of 1879, we appropriated \$1,800,000 in addition to the money appropriated for that year. The committee will observe at once, Mr. Chairman, that when we passed the appropriations for 1880 it was impossible to include in that bill the increased expenditure of money which would arise out of the passage of the arrearage bill and of the other bills appropriating money for the payment of those arrearages.

I want the committee to understand that the \$25,000,000 we appropriated for arrearages of pensions was an appropriation in the nature of back pay on all claims which had been allowed prior to the 1st of January, 1879, and that we are not now appropriating any money to meet any deficiency, as I understand it, prior to that date.

But, Mr. Chairman, we repealed the statute of limitations on applications for pensions, and we established something of a new rule in regard to the time at which the pension should date. Under this new law the Pension Office has been flooded with new applications, and every application which successfully passes through the Pension Department has attached to it not only the allowance of so much a month from the time of the allowance forward, but of so much a month back to the time when the pension under our new law dates. It is to meet these new applications and arrearages accruing under them this \$6,500,000 is to be voted.

In reading the amendment at the table, in the peculiar way in which the law is framed, it seemed all the money was appropriated for the purpose of paying invalids of the war of 1812; whereas if it is read properly it would be discovered the provision for the war of 1812 is simply as to a class and not words of limitation covering the total amount appropriated.

Mr. HISCOCK. Let me suggest—

Mr. McMAHON. Not now. I will read the original clause in the pension bill:

For pensions for Army invalids, widows, minors, and dependent relatives—

Now I am reading it right as one class—

survivors of the war of 1812, and widows of the war of 1812, \$28,400,000.

Mr. REAGAN. I desire to ask the gentleman whether the surviving soldiers or the widows of soldiers of the war of 1812 would get anything under this bill?

Mr. McMAHON. Unquestionably.

Mr. REAGAN. There is no law in existence which gives them arrears of pension.

Mr. McMAHON. I think not.

Mr. REAGAN. This only provides for arrears of pension.

Mr. McMAHON. I beg the gentleman's pardon; it provides for arrears of pension and it provides for quarterly payments as well. The arrears of pension fall under the law which we passed on the 25th day of January, 1879, and the committee is doing nothing in this bill but appropriating money to carry out the express provisions of the statute; and gentlemen thoroughly misunderstand the object of this

appropriation in this bill if by its passage one dollar of arrearages is voted to any one who is not entitled to it by laws already passed.

Mr. REAGAN. Can you inform us what proportion in this would go to the soldiers of the war of 1812 and their widows?

Mr. McMAHON. I think the chairman of the committee can answer that question, and I will yield to him for that purpose.

Mr. REAGAN. I have partly predicated the question on what the gentleman from Tennessee said, which seems to be correct, that this applies alone to arrearages of pension and has nothing to do with the pensions of the war of 1812. I now ask the gentleman the question how much of this \$6,500,000 would go to the pensioners of the war of 1812, or their widows?

Mr. ATKINS. Mr. Chairman, the amendment of the gentleman from Ohio [Mr. McMAHON] offered yesterday grows out of the arrearages of pensions act. A small per cent. does apply to the soldiers of the war of 1812, but it is all in consequence of the arrearages act. I stated that yesterday. Six hundred thousand dollars out of this sum will pay the arrearages of the soldiers of the war of 1812.

If my colleague on the committee will allow me while I am up—

Mr. McMAHON. Certainly, sir.

Mr. ATKINS. I will make one statement. The amendment offered by the gentleman from Texas [Mr. REAGAN] yesterday proposed to reinstate those soldiers of the war of 1812 who were put on the roll by virtue of the act of 1871, but who have since been stricken from the roll in consequence of alleged disloyalty, or in cases where, according to the Department, sufficient testimony has been adduced before the Commissioner to strike them from the roll on account of disloyalty. Now, those soldiers only amount to the number of six, and I think the honorable gentleman from New York [Mr. HISCOCK] ought not to object to the amendment offered by the gentleman from Texas, but will allow these six men to be put back upon the roll, even although they may have testimony that they were disloyal after their restoration by the act of 1871.

I will state further that I am assured by some gentlemen this testimony which has been brought forward against some of these men can be overturned. I had a conversation this morning with the Commissioner of Pensions, and I think there will be no objection, so far as the Department is concerned, to that being done.

Mr. DIBRELL. Let my amendment be adopted and it will cover that very thing.

Mr. REAGAN. Have your amendment read and perhaps I will withdraw mine.

Mr. ATKINS. These men are now upon the roll. They were restored by the act of 1878, and they were on the roll up to 1871, but were dropped on account of alleged disloyalty between 1871 and 1878.

Mr. BURROWS. Is it not a fact that these six men are now restored to the roll?

Mr. ATKINS. Yes, sir.

Mr. BURROWS. But their pay is withheld.

Mr. ATKINS. That is so.

Mr. BURROWS. Because they obtained some \$300 apiece by virtue of unjust restoration, and so pension is withheld until that amount can be liquidated.

Mr. ATKINS. That is true.

Mr. BURROWS. If they did get on the rolls by reason of perjured testimony, ought this money to be paid to them.

Mr. ATKINS. I do not say that.

Mr. DIBRELL. There is no proof the testimony was perjured. I have a case here in my desk where a man was restored to the roll and on the mere letter of a lady was dropped.

Mr. BURROWS. I understand they are all restored, but their pay is withheld.

Mr. ATKINS. That is it.

Mr. BURROWS. Because under the erroneous restoration money was improperly paid, and so it is withheld until that amount can be liquidated.

Mr. DIBRELL. I now ask to have the amendment read.

The CHAIRMAN. The Chair will state that no other amendment is now in order until the question of order made on the amendment offered by the gentleman from Texas is decided.

Mr. DIBRELL. I hope that the amendment will be read for information at all events.

The CHAIRMAN. The amendment proposed by the gentleman from Tennessee can be read, and the gentleman from Texas can then withdraw his amendment if he desires to do so.

The Clerk read as follows:

Provided, That the Commissioner of Pensions shall not withhold a pension from any soldier or pensioner of the war of 1812 who was granted a pension under the act of Congress of 1871, and was dropped for charges of disloyalty and reinstated under act of 9th March, 1878, and their pensions shall be paid from 9th March, 1878.

Mr. HISCOCK. I make the same point of order on that amendment.

Mr. REAGAN. I withdraw the amendment I offered.

Mr. DIBRELL. Then I offer my amendment.

Mr. HISCOCK. I make the same point of order on that, and I suggest that it is in effect a private bill. Simply for the purpose of giving private relief.

Mr. DIBRELL. I would like to say a word upon the propriety of the measure rather than upon the point of order pending, because I do not think the amendment is subject to the point of order.

Mr. HISCOCK. There certainly is neither more nor less of it than giving private relief to certain individuals not of course named in the law.

The CHAIRMAN. That is the case with every pension bill.

Mr. HISCOCK. But this is purely a private relief bill.

Mr. SIMONTON. I rise to make an inquiry of the Chair. What is the point of order of the gentleman from New York?

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] has not stated any ground for raising the question of order but one. But the point of order having been made against the amendment, the Chair will of course decide it under the rules of the House.

Mr. DIBRELL. I insist, when this Congress during the present fiscal year has voted more than \$60,000,000 for pensions, the point of order should not now be made on a bill that simply proposes to do justice to six old soldiers who have been stricken from the rolls and who are now between eighty and ninety years of age, the whole amount involved not being more than \$3,000. I think it would be very illiberal in Congress to refuse to do justice to these men, and I hope the House will not sustain any objection to that being done. There are only six of them that are in this position, and it is an outrage, when we are voting more than \$60,000,000, without a word of opposition, to the pensioners of the country, that these six old men should be denied the benefits of this provision.

I do not object to the ruling of the Commissioner of Pensions in this matter. He may have probably done what he considered right. He is an honorable gentleman I have no doubt. But he or his agents acted merely on the letter of a woman—as I showed before the Committee on Pensions—alleging one of these pensioners was disloyal, although he had proved by witnesses and his own oath that he was loyal. And now by the act of 1878 after he was restored they propose to dock him of two or three years' pay which he drew before he was dropped from the roll on the charge of disloyalty.

Mr. MCGOWAN. I wish to ask the gentleman from Tennessee [Mr. DIBRELL] a question. Does he not know that nearly a score of men were restored to the pension-rolls previous to the law of 1878 who swore to their loyalty, and who were afterward discovered to have been disloyal? Does he not know that a number of them had been officers in the confederate army, and their commissions were found in what is known as the rebel archives and they were stricken from the rolls by reason of that discovery?

Mr. DIBRELL. I do not. That is the first intimation I have had of anything of the kind.

Mr. MCGOWAN. I can produce the record. The written statement of the Commissioner of Pensions to that effect is on record.

Mr. DIBRELL. Does the gentleman refer to soldiers of the war of 1812? My amendment only applies to them.

Mr. MCGOWAN. I refer to soldiers of the war of 1812. I mean precisely what I have said.

Mr. DIBRELL. I do not think the gentleman can show it. I do not believe the facts are as he has stated them.

Mr. MCGOWAN. I can bring you the statement of the Commissioner of Pensions to the effect I have stated.

The CHAIRMAN. The question is simply as to the point of order. Does any gentleman desire to address the Chair upon that question?

Mr. CALKINS. Would it be in order to ask that the Clerk read the section of the law proposed to be modified by this amendment?

The CHAIRMAN. The gentleman asks that the law of 1878 be read.

Mr. CALKINS. I ask that the law which is proposed to be modified be read.

The CHAIRMAN. That is the act of 1878, as the Chair understands.

Mr. CALKINS. I ask also that the amendment proposed by the gentleman from Texas [Mr. REAGAN] be read.

The CHAIRMAN. The amendment proposed by the gentleman from Texas has been withdrawn and the amendment now offered is one offered by the gentleman from Tennessee, [Mr. DIBRELL.]

Mr. CALKINS. That is of the same purport, as I understand it. I ask this that the House may be advised as to the point of order.

The CHAIRMAN. The Clerk will read the provision in the law of 1878.

The Clerk read as follows:

SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the names of all persons now surviving heretofore pensioned on account of service in the war of 1812 against Great Britain or for service in any of the Indian wars, and whose names are stricken from the rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-roll the names of such persons as have taken up arms against the Government or who have in any manner encouraged the rebels," approved February 4, 1862; and that the joint resolution entitled "Joint resolution prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression," approved March 2, 1867, and section 4716 of the Revised Statutes of the United States, shall not apply to the persons provided for by this act: *Provided*, That no money shall be paid to any one on account of pensions for the time during which his name remained stricken from the rolls.

Mr. CALKINS. Before section 6 is read I ask whether the amendment of the gentleman from Tennessee applies also to section 6 of the act?

The CHAIRMAN. The Chair thinks the amendment has no reference to section 6.

Mr. CALKINS. I ask that the amendment offered by the gentleman from Tennessee be now read.

The Clerk read as follows:

Provided, That the Commissioner of Pensions shall not withhold a pension from any soldier or pensioner of the war of 1812 who was granted a pension under the act of Congress of 1871, and was dropped for charges of disloyalty and reinstated under act of 9th March, 1878, and their pensions shall be paid from 9th March, 1878.

Mr. CALKINS. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CALKINS. My inquiry is whether the gentleman offering this amendment reports it by instructions from his committee or whether it is an amendment offered by the gentleman as a member of the House?

The CHAIRMAN. The Chair understands the amendment is offered by the gentleman himself and not under instructions from a committee.

Mr. CALKINS. I desire to say but one word. It occurs to me that as the section is materially modified by the amendment, the amendment is liable to the point of order which is being urged against it. But I do not want to take up time in discussing it, the amendment, as it seems to me, being on its face so clearly liable to the point of order.

Mr. SIMONTON. I think this amendment is not liable to the point of order. It certainly changes no existing law. It is intended to correct a construction given by the Commissioner of Pensions to a statute, which construction is that under the act of 1878 he has a right to withhold the pensions of those who were stricken from the rolls after their names had been placed thereon under the act of 1871. It does not change any existing law, but corrects what is deemed to be an erroneous ruling by the Commissioner upon a statute. It cannot be a change of existing law; it is merely an application of the very principles of the law as it now stands.

Mr. HISCOCK. If it changes no existing law, then there is no need for the amendment.

Mr. SIMONTON. Ah!

Mr. HISCOCK. The whole proposition is covered by that statement. If it does change existing law, then it is subject to the point of order which I have made, and which is the same point of order that I made yesterday against the amendment of the gentleman from Texas, [Mr. REAGAN.]

Mr. SIMONTON. The gentleman from New York [Mr. HISCOCK] says that if it changes no existing law then there is no need of it. Suppose that the Commissioner construes a law wrongfully.

Mr. HISCOCK. Does the gentleman say that the Commissioner has wrongfully construed the law?

Mr. SIMONTON. Suppose he has done so; then there may be a necessity for a legislative interpretation of the law, and we have the right to make that legislative interpretation without changing the law.

The CHAIRMAN. But would it not change the law from this time on?

Mr. SIMONTON. Not at all. If the Commissioner is compelled hereafter to act according to the law, and has not been doing so heretofore, that is not a change of the law; it is merely a legislative construction of the law; that is all.

The CHAIRMAN. The fifth section of the act of 1878, after providing for the restoration to the pension-rolls of the soldiers of the war of 1812 who had been dropped for disloyalty, goes on to provide—

That the joint resolution entitled "Joint resolution prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression," approved March 2, 1867, and section 4716 of the Revised Statutes of the United States, shall not apply to the persons provided for by this act: *Provided*, That no money shall be paid to any one on account of pensions for the time during which his name remained stricken from the rolls.

Now, as the Chair understands it, the Commissioner of Pensions holds that if a person who otherwise would have been dropped from the rolls under the previous acts of Congress wrongfully received any part of his pension during the time he should have been so dropped, and is now restored to the rolls by reason of this act, then under the act the Commissioner is authorized to withhold or deduct from his pension the amount which he wrongfully received during the time he should have been dropped. Whether that is a correct construction of the statute or not, the Chair is not prepared to give a positive opinion. At any rate it is the construction which has been put upon it by the officer designated by the law to administer it.

The effect of the amendment of the gentleman from Tennessee [Mr. DIBRELL] if adopted will be to change that law; or perhaps, to state it properly, it will change the construction of that law so as to prevent the Commissioner of Pensions from charging to these persons who have been restored such money as they may have wrongfully received during the period when they should have been dropped.

The Chair has been informed by the Commissioner of Pensions that this amendment if adopted would affect but five or six persons; still it would change the law as respects a number of persons whether five or six or more. The Chair therefore thinks that it will change the law, within the meaning of the rule; because undoubtedly if the amendment be adopted the Commissioner of Pensions will hereafter be required by the express letter of the law to do what he has not been heretofore required to do by the express letter of the law.

Then this amendment is not offered by the instruction of a committee, nor does it retrench expenditures in any one of the three ways provided by the new clause of the rule. That is, it does not retrench

expenditures by "the reduction of the number and salaries of the officers of the United States;" it does not retrench expenditures by "the reduction of the compensation of any person paid out of the Treasury of the United States;" and it does not retrench expenditures by "the reduction of amounts of money covered by this bill." It is not, therefore, such an amendment as an individual member can offer, except upon the instruction of his committee.

Mr. SPARKS. The only point is, does it change the law?

The CHAIRMAN. The Chair thinks it does.

Mr. SPARKS. It certainly changes the ruling under the law; but does it change the law?

The CHAIRMAN. The Chair thinks it does change the law, because without this amendment the proviso of the act of 1878 is a prohibition upon the Commissioner of Pensions paying to any person who has been restored to the pension-rolls his pension during the time when he ought to have been dropped from the roll. Under the law as it now stands, when the Commissioner of Pensions discovers that he has paid to a person his pension during the time when he otherwise would have been dropped from the rolls, he simply charges it up to that person, and puts him upon identically the same footing as all other persons who did not receive pension during such time as they were dropped from the rolls.

Mr. HAWLEY. Which is the general practice.

The CHAIRMAN. Which the Chair understands is the general practice, not only in reference to this class of pensioners, but to all pensioners under the law. The Chair therefore sustains the point of order.

Mr. REAGAN. I move to amend the amendment of the gentleman from Ohio by reducing the amount \$1,000,000. I desire to call attention to the fact that we have here a bill which as reported from the committee proposed to appropriate for certain deficiencies, amounting to \$665,530.50. An amendment comes in afterward proposing to appropriate an additional \$600,000, making something over \$1,200,000. Now we are confronted by an additional amendment, which was sprung upon the House without having been printed so as to notify us that it was intended, an amendment appropriating \$6,500,000, making the bill grow by the amendments of the committee from \$665,000 to \$7,765,000. This amendment is for "pensions for Army invalids, widows, minors, and dependent relatives, survivors of the war of 1812 and widows of the war of 1812, \$6,500,000," with some other appropriations, making the amount of the amendment something like \$7,000,000.

Now, as explained by the gentleman reporting the bill, this amendment appropriating \$6,500,000 for pensions is designed to supplement the appropriation of about \$27,000,000 made by the last Congress for arrears of pension. This large appropriation is explained as supplemental to that appropriation for arrears of pension; but the language "arrears of pension" is not in this amendment. In lieu of such language, somehow or other the expression has got in referring to surviving pensioners of the war of 1812, and widows of such pensioners. Why they come in, how they are to be benefited, under what recommendation from the Department they are to be benefited, upon what rule of reason or law they are to be benefited, is not exactly apparent to me, and has not been made so by the gentleman reporting the bill.

During the last Congress we passed an appropriation of \$27,000,000 which was to be added to the pensions of soldiers already receiving their pensions. It was passed under very peculiar circumstances. I think I have the right to refer to what occurred upon the floor of the House—that democrats urged other democrats to vote for it, to be ahead of the republicans with the "soldier claim," because the Senate would defeat it; and republicans urged republicans to vote for it to be ahead of the democrats with the "soldier claim" because the Senate would defeat it. I do not like to speak with disrespect of that body which out-demagogued the House, for it was a great undertaking under the peculiar facts of the case. It was using the industries and money of the country as counters in political gambling for the votes of the people. Sir, the time cannot be long delayed when the property and the industries of this country will demand that they shall cease to be gambled with as a means of securing political favor.

Now, here comes another proposition modestly proposing to appropriate \$6,500,000 for the same class of soldiers; and it does not even mention that it is for arrears of pensions. This amendment came here with no notice; and this House ought to reject it. The proposition ought to come before the House upon its merits, with notice, so that we can see whether we are to go on in this career of squandering the public money in order to buy political favor with any class of people in this country.

I make these remarks for the purpose merely of calling attention to the nature of this proposition, the circumstances under which it comes here, the objects for which it comes, and the wording of the amendment, which was calculated to mislead, which at least did mislead entirely one of so poor judgment as myself as to its objects. I hope the whole amendment will be rejected. Let it come before the House when it can be fairly considered.

[Here the hammer fell.]

Mr. HAWLEY. Mr. Chairman, the amendment offered by the gentleman from Ohio, under instructions from the Committee on Appropriations, had in view no special class of pensioners—no more those entitled to arrears than any other. It is intended to supply some six or seven million dollars in order that the Department may go on and pay all lawful demands for pensions.

Mr. REAGAN. Would the gentleman give the details? That is what we want.

Mr. HAWLEY. Wait a moment. All lawful demands for pensions can be paid out of this money. The question is asked, why is this needed? It is needed for a great variety of reasons. There are many more applications for pensions than there used to be because of the arrears bill, which, of course, increases the amount to be expended, so that it is correct to say, when we are asked "why this necessity?" that it is due to the arrears act in part. But it is not to be charged to that alone; it is due to a great many things. There are changes in the law which swell the general demand for pensions, and the money appropriated is not sufficient to meet that general demand. There is no discrimination, no partiality in this amendment. It is to supply all demands for pensions, and in this debate the discussion of the arrears law is not in order any more than the discussion of the first pension law that the Government ever passed, or any law pensioning soldiers of the war of 1812, or of the Mexican war, or of the Indian wars. Among the demands which make this necessity the arrears pension bill comes. Am I not right?

Mr. REAGAN. I did desire to know the reason for this, but the gentleman has still failed to give it. Just give us the details; let us know what the Department says as to whom it goes.

Mr. HAWLEY. The details are to be found in the several hundred thousand pension claims, and I could not give them in a week.

Mr. REAGAN. But the gentleman, as a member of the Committee on Appropriations, could have given us the estimates of the Department to show what it was for.

Mr. ATKINS. I gave them yesterday.

Mr. HAWLEY. I believe they were given yesterday by the gentleman from Tennessee, chairman of the Committee on Appropriations.

Mr. ATKINS. I gave them to the gentleman yesterday.

Mr. REAGAN. I do not remember.

Mr. ATKINS. If you examine the RECORD you will find it.

Mr. HAWLEY. The amendments submitted by the gentleman from Ohio follow, in general, the language of the statute. It would have been a little trifle clearer if the words "and for" had been in the law; "for pensions for Army invalids," &c. Let us put in the preposition "for" and see how clear it is. "For pensions for Army invalids," that is, all Army invalids, "for widows, for minors, for dependent relatives, for survivors of the war of 1812, and for the widows of the war of 1812." That is what it is for.

Mr. McMAHON. Insert the word "included."

Mr. HAWLEY. Or the word "included" ought to be inserted.

Mr. REAGAN. I wish to say I have understood from the gentleman from Ohio this was mainly for arrears of pensions. Then why not mention arrears?

Mr. HAWLEY. That is the largest blank to be filled; but all these things come in and there is not enough to pay the whole general account.

Mr. REAGAN. Why not make the act so it shall read "for arrears of pension?" How can you use it for arrears unless you say so?

Mr. HAWLEY. Arrearage pension is not in the nature of an ordinary claim against the Government. It has merged itself since the passage of that bill into the general pension claim. There is not any more need of specifying that than of specifying a pension for the loss of a leg or arm or anything of that sort. All the specifying that is needed is made in this amendment, which is in the language of the general statute.

Mr. REAGAN. I withdraw my amendment by consent of the House.

Mr. ATKINS. The gentleman will allow me a word before withdrawing his formal amendment.

Mr. REAGAN. Certainly.

Mr. ATKINS. The gentleman seems to think no estimate has been made at all for this appropriation. I stated yesterday as plain as language would allow me that the Commissioner of Pensions had stated in his report there would be a deficiency for this year of \$5,000,000 for these Army invalid pensions, &c., which I will read:

And there will be a deficiency in the pension appropriation for the current year, as nearly as can now be estimated, as follows: \$5,000,000, Army pensions; \$30,000, Navy pensions, which should be provided for in order that the pensions for the June quarter may be promptly paid.

I stated that yesterday in the remarks I then made. This estimate has been on the gentleman's table ever since the 1st day of December last, and yet he says he has not seen the estimate.

Mr. REAGAN. As my friend from Tennessee helped to mislead me, he ought not to blame me for it now. If he will look at his remarks, he will find that he did not make the statement in the language of the report from which he has just now quoted; but he stated that this was for arrears of pension. I have from the reading of the amendment supposed in some way the pensioners of the war of 1812 were concerned. I have been trying to find this morning how far they were interested in this; and it was because I was trying to correct the part of it which related to the soldiers of the war of 1812 when the gentleman corrected me and said there was nothing about the pensioners of the war of 1812.

Mr. ATKINS. The gentleman stated that the entire proposition related to pensions for the war of 1812, and I denied that.

Mr. McGOWAN. What is the question before the House?

The CHAIRMAN. The pending question is on the *pro forma* amendment to the amendment moved by the gentleman from Texas.

Mr. REAGAN. I withdraw it by consent of the committee.

The CHAIRMAN. The question then recurs on the amendment of the gentleman from Ohio, [Mr. McMAHON.]

Mr. STEVENSON. I move to strike out the last word, and I will yield my time to the gentleman from Ohio.

Mr. McMAHON. Mr. Chairman, I scarcely know how to take the drift of the remarks of the gentleman from Texas, for, if I were to take the record of the past, I should suppose he was chiefly desirous of criticising the Committee on Appropriations, because he says we came in with a bill for \$600,000, that we then increased it to \$1,200,000, and now propose to increase it to \$7,500,000.

I ask what difference it makes to him or the House if these appropriations are proper appropriations to be made, and why he has seen fit to criticise the Committee on Appropriations because they have endeavored to put into one bill provision for all the immediate necessities of the Government? He says we come in with an appropriation for these pensions of \$6,000,000 which no one had time to consider, but which bill is brought and laid on our tables suddenly. That comes with a bad grace from the chairman of the Committee on Commerce, who annually rises in his place with appropriations to the extent of six and eight millions of dollars and moves to rush them through under a suspension of the rules—bills relating to matters which none of us know anything about, and a majority of which are not open to any consideration or discussion on the part of the House. It comes, I say, with a bad grace from that gentleman to make the criticism he has this morning.

Mr. REAGAN. It never has been done, but the bill, on the contrary, has been printed and laid for weeks on the tables of gentlemen.

Mr. McMAHON. And that is all we know about it. It was there, but we had no opportunity for discussion; none of the views of the minority on any bill. All we had to do was to go it blind and swallow it whole. Many a steal was put through this House under that bill.

Mr. REAGAN. Never got one for \$27,000,000 or for \$6,500,000 on it.

Mr. McMAHON. I wish to say in answer to that—

Mr. HISCOCK. Does the gentleman say this is a steal?

Mr. McMAHON. I do not yield to the gentleman from New York. I wish to say to my colleague from the State of Texas on this side of the House there is no steal in this, and I am sorry to hear it from him. And when he talks about the motives others have in passing these bills I want him to look into his own conscience and probe it and see whether he is not appealing to some latent prejudice somewhere else.

Now, Mr. Chairman, this is a law upon the statute-books which we have passed. It was passed by a two-thirds vote. I want to know now if the gentleman advocates the not carrying out of that law. I want to know if he wants to go before the country and say although we have passed a law which has been on our statute-books for a whole year, we will not appropriate money to carry it out. Because you have said these men shall have this, and they shall be entitled to it—

Mr. REAGAN. The gentleman has been instructing me in the last few days that we have the right to vote against appropriations under a bad law. [Laughter.]

Mr. McMAHON. Exactly; but did I not draw the distinction before this House that when Congress failed to appropriate money it had a right to determine whether the law was a good law or a bad law? But this is a very different thing. The pension of the Union soldier is a debt which the Government of the United States owes to him. It is a debt which, when he files his application in the Pension Office and when it is allowed, becomes as obligatory on the Government of the United States as the payment of any other obligation of the Government.

Mr. REAGAN. I recognize that as fully as the gentleman from Ohio; but this is not a pension.

Mr. McMAHON. I beg the gentleman's pardon, there is not a dollar in this bill but what goes for pensions under the law.

Mr. REAGAN. This is for arrearages of pensions.

Mr. McMAHON. It simply fixes when that pension shall date. It says it shall date from the time when he was wounded or when he died. I wish to ask the gentleman now does he pretend when the Government of the United States owes a soldier a pension it shall only give him the pension from the time he comes in to apply for it? I wish to say the true way is to give it to him from the time that he was wounded in the United States service.

And we all know in our private experience that many of the most deserving pensioners failed to apply for pensions until extreme want compelled them; and that some of the best men now on the rolls were among these later applicants who were only recently pensioned. I am surprised to hear my colleague from the State of Texas make this statement and use the arguments that he has used here to-day.

Mr. REAGAN. If there will not be more surprise when the people get awake to the fact that we are squandering the public money in this way, then I shall be surprised.

The question was taken on the amendment of Mr. McMAHON.

The committee divided; and there were—ayes 137, noes 18.

So the amendment was agreed to.

Mr. SAMFORD. I wish to give notice that I will ask for a ye-and-nay vote in the House on that amendment.

The Clerk proceeded to read as follows:

INTERIOR DEPARTMENT.

Office of the Auditor of Railroad Accounts:
For traveling and incidental expenses of the office, \$750.

Stationery:
For stationery for the Interior Department and its several bureaus, \$5,000.

Mr. CONVERSE. I desire to offer an amendment to that section.
The Clerk read as follows:

Insert after line 74 the following:
For the expenses of the commission on the codification of existing laws relating to the survey and disposition of the public domain, and for other purposes, \$15,000: *Provided*, That said commission shall make its final report upon all the public lands of the United States on or before the 1st day of January, A. D. 1881.

Mr. McMAHON. I hope my colleague will not press that now. It is a matter that the Committee on Appropriations is now considering, and I make the point of order upon the amendment.

Mr. CONVERSE. What is the point of order?

Mr. McMAHON. It is that the amendment increases expenditures, and that this is not properly a deficiency; besides that it is now being considered by the Committee on Appropriations.

Mr. CONVERSE. I will say to my colleague that this is a deficiency, and it is not an increase of the expenditures either.

It will be recollected that under a law of last year a commission was raised consisting of five persons to codify the land laws, and also to examine and report to this House some measures for the proper classification and sale of the public lands. This commission has been at work since last June. The sum of \$20,000 was appropriated for their payment and necessary expenses. The commission is authorized to exist for a period I think of one year from the time of appointment. The appropriation, as I am informed, has run out.

The commission have already prepared the measures they recommend in relation to the public lands themselves, but as to the codification of the laws no report has been made. The commission is now engaged in codifying those laws preparatory to making their report, a most important part of their work. It will be remembered that the expenses of this commission are comparatively trifling. There are only two of them that are paid out of the appropriation, and they are paid only \$10 a day. One of these gentlemen has a large practice which would yield him three or four times the amount he receives as a member of this commission. If he should be obliged to stop now in his work and a delay should intervene of three or four months, he could not afford to return to the discharge of this public business, at the end of that time, at the still greater sacrifice of his private business. The work is being done, the codification is being made, and this appropriation ought to be made now so that the work may go continuously forward and be completed as speedily as possible. I hope the amendment will prevail.

The CHAIRMAN. What has the gentleman from Ohio to say as to the question of order?

Mr. CONVERSE. My statement is this: That the amendment provides for a deficiency. The original appropriation was insufficient for the purpose for which the commission was raised.

The CHAIRMAN. But the Chair understands the gentleman to state the commission was to exist for one year, and this amendment provides for its continuance till the 1st of January, 1881.

Mr. CONVERSE. I will withdraw that portion of the amendment, and ask the appropriation without it if that is objectionable.

The CHAIRMAN. The gentleman can offer his amendment in any form he pleases.

Mr. CONVERSE. Then I offer the amendment without the proviso.

Mr. McMAHON. I desire to ask my colleague a question bearing upon the point of order. I wish to ask him whether the original law did not provide for the survey of only a portion of the public lands, whereas he would have that system now extended to all the public lands, according to the wording of his amendment?

Mr. CONVERSE. There was no survey provided originally. The commission was simply authorized to codify the laws and make a classification of the public lands. The classification has already been accomplished, and the report in relation to that has been made to the House.

Mr. McMAHON. But there is something there about including all the other public lands.

Mr. CONVERSE. That is withdrawn.

The CHAIRMAN. The gentleman from Ohio has modified the amendment so as to omit that part. Does the gentleman from Ohio [Mr. McMAHON] still make his point of order against the amendment?

Mr. BLOUNT. Let the amendment be read as it has now been modified.

The Clerk read as follows:

For the expenses of the commission on the codification of existing laws relating to the survey and disposition of the public domain, and for other purposes, \$15,000.

Mr. BLOUNT. I do not understand that that is a deficiency at all. The CHAIRMAN. The Chair desires to understand whether after the explanation made by the gentleman from Ohio and his modification of the amendment the point of order is still urged.

Mr. BLOUNT. I do urge the point of order and insist that this is not a deficiency at all. There is no law requiring this work to be accomplished within the year. There was a sum of money appropriated

for the purpose of commencing the work and it is not absolutely required to be finished during the year. This, therefore, is not a deficiency. If the law required this to be done within the year and the fund was exhausted, then it would be in the nature of a deficiency.

Mr. CONVERSE. Does the gentleman state that the law does not require the work to be done within a year?

Mr. BLOUNT. That is my recollection.

Mr. CONVERSE. The gentleman is mistaken. By the law, as I understand, the commission exists for one year. An appropriation of \$20,000 was made. And I will state to my friend this commission has been obliged not only to pay its traveling expenses out of that sum, but to pay for taking testimony, amounting to seven or eight hundred pages, and to pay also for a very considerable portion of its printing. The appropriation is insufficient for the completion of this work of codifying the land laws, which I consider as important as any work before this House. There are now more than three thousand acts relating to the public lands, scattered through nearly a hundred years of legislation, till even the very best lawyers are scarcely able even with protracted research to hunt out and ascertain with certainty the present condition of the land laws. There is no more important work than the codification of these land laws, and it ought to be done at once.

The CHAIRMAN. If it be a fact that the existing law requires the work of the commission to be done within a year, of course this amendment in its present form does not change the existing law, and therefore is not liable to the point of order. The Chair, of course, will accept the statement of the gentleman from Ohio unless the contrary be shown.

Mr. CONVERSE. The commission exists for only twelve months. And I will state further that this additional appropriation will cover all the expenditures of the commission; there will be no future appropriation necessary to complete this important work.

The CHAIRMAN. Then the point of order is overruled; and the question is upon the amendment proposed by the gentleman from Ohio, [Mr. CONVERSE.]

Mr. ATKINS. I would inquire of the gentleman how large this work will be?

Mr. CONVERSE. The final report will contain three or four hundred pages.

Mr. ATKINS. Has the gentleman investigated the subject so as to be satisfied that the money heretofore appropriated has all been expended upon this work?

Mr. CONVERSE. I have been so informed by the chairman of the commission, and I have no doubt about it.

Mr. ATKINS. And there is an actual deficiency of \$15,000 to complete the work?

Mr. CONVERSE. There is an actual deficiency to complete the work. The entire commission is united in urging that this appropriation be made now, so that they can go forward with the work while they have the clerks engaged in it. If they are obliged to drop out for three or four months it would be a great while before they could get in working shape again. Indeed it is doubtful if we could obtain the services of all the members of this commission after an enforced delay of three or four months.

Mr. BLOUNT. Has the whole \$20,000 heretofore appropriated been expended?

Mr. CONVERSE. I am so informed by the chairman of the commission.

Mr. BLOUNT. And now they have no funds at all?

Mr. CONVERSE. I understand so.

Mr. MAGINNIS. I will ask the gentleman if the object of this appropriation is simply to make a codification of the land laws, or is it proposed to expend it in printing reports and getting up expensive maps, already covered by other maps, for the purpose of sustaining the theories of certain gentlemen in regard to the public lands, which theories I think are erroneous?

Mr. CONVERSE. It will not embrace the publication or the making of any maps. I understand that the work is now all done except the codification of the laws, the collection and annotation of the decisions of the courts relating to the public lands, under the statutes heretofore existing or now in force, and also the decisions of the Commissioner of the Land Office and the Secretary of the Interior on the same subject.

Mr. MAGINNIS. That is all very right and proper.

Mr. CONVERSE. The volume which the commission is now engaged upon is the codification of the laws in relation to public lands, the decisions of the district and circuit courts of the United States, and also the decisions of the Land Department relating to the several questions that have from time to time come before those tribunals since the organization of the Government.

Mr. ATKINS. Without the appropriation now asked for would not the work be incomplete; would not the work of this commission be to a great extent a failure?

Mr. CONVERSE. As I regard it, the work already accomplished by the public land commission is important and valuable, but of far less value than that now in progress and which is to be continued to completion under this appropriation. This is a most important work, important to every lawyer and to every man in the United States.

Mr. BLOUNT. I am not prepared to say anything now in regard to the merits of this proposition. It is unusual to bring forward a

measure in this way without some examination as to the manner in which the money heretofore appropriated for the purpose has been expended. It was regarded by the Committee on Appropriations at the time the appropriation was made that \$20,000 would cover all expenses, and the amount was given upon the estimate furnished the committee. In view of the importance of codifying the land laws of the United States, I wish, so far as I am personally concerned, to waive any objection to the adoption of this amendment at this time, although I do object as a general proposition to appropriations being made in this way, without any examination on the part of those who propose the amendments.

Mr. McMAHON. I desire to call the attention of my colleague [Mr. CONVERSE] to the wording of his amendment, which reads "For the expenses of the commission for the codification of the laws." It does not say for what expenses.

Mr. CONVERSE. That is the name of the commission. The style of the commission is "for the codification of the laws and for other purposes."

Mr. McMAHON. I would like to have the expenditure limited according to the statement which has been made by the gentleman on this floor; that it is to complete the codification of the laws.

Mr. CONVERSE. I will make that modification; and I will modify the amendment still further so as to make it read "\$15,000 or so much thereof as may be necessary for the purpose."

Mr. McMAHON. It should read: "Necessary for the completion of the codification of the land laws."

Mr. CONVERSE. I am satisfied to modify the amendment in that way.

The amendment, as modified, was adopted.

The Clerk resumed the reading of the bill and read the following

POST-OFFICE DEPARTMENT.

Money-order office:

For seven additional clerks for service in the money-order office, namely, two of class 4, one of class 3, one of class 2, and three at \$900 per annum, from the passage of this act until June 30, 1880, a sufficient sum is hereby appropriated.

Office of First Assistant Postmaster-General:

For additional clerks in post-offices, \$10,000.

For purchase of letter-balances and scales, \$2,500.

To provide for increased pay of certain route-agents, who may be promoted to be postal-car clerks, to make their pay equal to that of postal-car clerks, \$5,000.

Office of Second Assistant Postmaster-General:

For mail-route messengers, \$10,000.

For additional postal-car clerks, \$15,000.

Mr. BLACKBURN. I am instructed by the Committee on Appropriations to offer the amendment which I send to the Clerk's desk, to come in after that portion of the bill just read.

The Clerk read the amendment, as follows:

That the sum of \$35,000, or so much thereof as may be necessary, of the appropriation for stamped envelopes and wrappers for the fiscal year ending June 30, 1880, may be used for the purchase of post-office envelopes required for use during the said fiscal year.

The amendment was adopted.

The Clerk read the following:

STATE DEPARTMENT.

For extra clerk hire and copying, \$2,000.

Mr. SINGLETON, of Mississippi. I am instructed by the Committee on Appropriations to offer the amendment which I send to the Clerk's desk, to come in after that portion of the bill which has just been read.

The Clerk read as follows:

To enable the Secretary of State to purchase the manuscript of the revised consular regulations prepared by A. B. Wood, chief of the consular bureau in the Department of State, and approved by the Secretary of State, for such sum, not exceeding \$2,000, as shall seem to him a fair price for the work, and to use for the payment of such purchase the appropriation already made by the act of Congress of January 27, 1879, for the expenses of editing and revising the consular regulations.

The amendment was adopted.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For furniture and repairs of same, \$1,500.

UNITED STATES FISH COMMISSION.

Propagation of food-fishes:

For continuing the work connected with the propagation of food-fishes, \$15,000.

Fish-hatching steamer:

For supplying the fish-hatching steamer authorized by and constructed under the act of March 3, 1879, with the necessary fish-hatching machinery and other furniture, \$12,500, or so much thereof as may be necessary; and the Secretary of the Navy is hereby directed to place the vessels of the United States Fish Commission on the same footing with the Navy Department as those of the United States Coast and Geodetic Survey.

EXECUTIVE OFFICE.

For contingent expenses of the Executive Office, including stationery therefor, \$1,000.

MISCELLANEOUS.

Southern claims commission:

That the sum of \$800, or so much thereof as may be necessary, is hereby authorized to be transferred from the appropriation for contingent expenses of the southern claims commission, made under act of June 21, 1879, (see Statutes, volume 21, page 29,) to be available for paying the salaries and traveling expenses of the agents of said commission.

Mr. ATKINS. By instructions of the Committee on Appropriations I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 122 insert the following:

And the sum of \$1,200, or so much thereof as may be necessary, of the unex-

pending balance of any appropriations heretofore made for the support of the southern claims commission is hereby reappropriated for the payment of a clerk, who may be appointed by the Secretary of the Treasury, at the rate of \$100 per month, to complete the records of the said commission, and care for the same, under the supervision of the Treasury Department.

The amendment was adopted.

The CHAIRMAN. The Clerk will now read the amendment reported by the Committee on Appropriations, to come in at the end of the bill.

The Clerk read as follows:

Department of Justice:

For the payment of the fees and expenses of United States marshals and their general deputies, earned during the fiscal year ending June 30, 1880, \$600,000.

Mr. HISCOCK. I move to amend the amendment by inserting after the word "general" the words "and special;" so that the appropriation will be for the payment of general and special deputies.

It is not my intention to take very much time in the discussion of this amendment; but there is one point which has been so insisted upon by gentlemen on the other side that I must offer a remark or two upon it. The gentleman who has charge of this bill [Mr. McMAHON] and the gentleman from Indiana, [Mr. COBB], members of the Committee on Appropriations, have, in discussing this bill, insisted that the amendment I have offered is in effect in conflict with the provision of law forbidding the expenditure of money which has not been previously appropriated. I desire to call attention to the fact that the \$600,000 which the committee propose to appropriate to pay marshals and their general deputies is to pay fees which have been already earned and for which no appropriation had been made. It will be remembered that we adjourned at the extra session without making any appropriation for this branch of the service. The gentleman from Ohio pleads against the amendment I offer that it is improper and illegal to make it in the face and eyes of the statute which he has read. When the statute applies to the \$600,000 he proposes to appropriate, if it applies to the amendment I have offered, I urge that all fees of both general and special deputies are earned by minor officers; they are not earned under contracts made by any branch of the Government; this money is not to carry out a contract. The proposed appropriation is for services of officers set in motion by law which have been earned in pursuance of statute, and not under a contract, and earned without the violation of any appropriation law or of any general statute.

When gentlemen upon the other side say that they vote against this amendment, and are uninfluenced by or will not obey the decision of the Supreme Court of the United States, a serious question arises of the propriety of their action, and I desire to make it clear and emphatic. There is no legal excuse for rejecting the amendment, in view of the decision of the Supreme Court. In the last session the other side resisted the payment of these fees—let the appropriation go over because riders would not be accepted; they demanded in effect that the Federal election laws should not be executed by the United States because of their unconstitutionality. The Supreme Court has passed judgment upon that question, and now the "pale-eyed priest from prophetic cell" comes not forth to lead the democracy; her oracles are dumb; no longer does she obey the voice of the Supreme Court of the United States, but the voice of Mississippi, where we all know elections are conducted in the most quiet and peaceable manner. The voice of Mississippi is heard announcing that "this Congress when it will, will obey the decision of the Supreme Court." Other and new prophets have arisen in Cincinnati, Baltimore, New York City, prophesying if the operation of the Federal election laws is not defeated democracy is lost.

I ask gentlemen on the other side to be frank and fair. It will be as well for you. If you are not, you will deceive no one. Do not plant yourself on the untenable doctrine that the payment of these fees is forbidden by any existing law, for, as I have shown in the very amendment offered by the committee, you propose to provide an appropriation of \$600,000 to pay fees which have been already earned, and which stand upon the same footing. You propose to authorize the payment of marshals and general deputies for services which they have performed during the last fiscal year. Let the fact be recognized that it is in obedience to the men of the cities I have named, in obedience to the voice of the State of Mississippi, that your position is taken in defiance of the decisions of the United States Supreme Court, and all because a faithful execution of the Federal election laws prevents fraud and insures an honest vote and an honest count.

[Here the hammer fell.]

Mr. McMAHON. Mr. Chairman, when we had the "star-route" appropriation under consideration, the three gentlemen on the other side who most distinguished themselves in favor of adhering to the amount of money that had been appropriated during any fiscal year for a particular purpose were my modest friend from New York, [Mr. HISCOCK], my friend from Connecticut, [Mr. HAWLEY], and my friend from Illinois, [Mr. CANNON]—all members of the Committee on Appropriations. We remember how my friend from Connecticut denounced the conduct of the Second Assistant Postmaster-General in connection with the star service; in what emphatic language he said that Mr. Brady had been guilty of violation of law which might lead to his impeachment. Indeed, he was so impressive upon that occasion that the reporter forgot to get down the exact words which the gentleman did use.

Mr. HISCOCK. Does the gentleman mean the words that I used?

Mr. McMAHON. Oh, no.

Mr. HISCOCK. My words were taken down, and I have nothing to take back.

Mr. McMAHON. The words of the gentleman from Connecticut, it would appear, were not taken down; and, therefore, in quoting them I am compelled to rely upon my memory. But I desire to read the language of the gentleman from New York [Mr. HISCOCK] upon that same question:

But I desire to say to the gentleman from California, and to all gentlemen who have taken the ground that the Post-Office Department has not violated law, that they have misconceived the spirit of the statute; they not only misconceive the spirit of the statute, but the letter of the statute also.

Mr. HISCOCK. I desire to inquire of my friend from Ohio whether the very \$600,000 covered by the amendment which he offers on behalf of the committee is not to pay fees which have been already earned?

Mr. McMAHON. In part.

Mr. HISCOCK. Substantially all.

Mr. McMAHON. In part only; I beg the gentleman's pardon.

Mr. HISCOCK. When the gentleman says "in part" he covers the whole ground and the whole principle.

Mr. McMAHON. The amendment applies only to the fiscal year ending June 30, 1880. But the point I want to make is this: heretofore whenever appropriations have been made for carrying out the election laws the appropriation has always been specific for that purpose; the estimates were sent to us in that form. Now, we all know that in this case no specific appropriation and no general appropriation was made for this purpose. I want to know whether gentlemen on the other side understood that the Post-Office Department could not run without a specific appropriation covering the full year? If, for example, we discover that the auditor of railroad accounts cannot examine the books of the Pacific railroads for the purpose of ascertaining how much money is coming to the United States Treasury because there is no appropriation available for that purpose; if the "fish-hatching steamer" cannot be fitted out; if this Government cannot be run in any of its Executive Departments unless appropriations are made therefor, I want to know why gentlemen on the other side claim that special deputy marshals of election, mere political agents, can be employed without any appropriation for that purpose, and that a debt against the Government is thus created?

Mr. HASKELL. I wish to ask the gentleman whether, when the democratic party failed to appropriate money for the marshals of the United States, it was their intention to stop the judiciary of the United States and hold it in abeyance until they saw fit to set it running again?

Mr. McMAHON. That is an awful question, Mr. Chairman. I say no. [Laughter.] In putting that amendment on that bill they simply wanted when you were getting money for the courts you should also take your medicine for the election laws. [Laughter.]

Mr. HASKELL. You failed to appropriate money for the courts; you adjourned without appropriating it. The argument you have used goes to show you meant to stop the judiciary of the United States unless—

Mr. McMAHON. I beg the gentleman's pardon; we passed the bill twice for the payment of the fees of marshals, but your Executive vetoed it.

Mr. HASKELL. You adjourned without making the appropriation.

Mr. McMAHON. We could not stay here all the year to accommodate you; and did not.

Mr. ATKINS. The President vetoed the bill.

Mr. McMAHON. Of course he vetoed it twice, may be three times.

The CHAIRMAN. The gentleman's time has expired.

Mr. SPRINGER and Mr. PAGE rose.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. PAGE. I move to strike out the last word.

The CHAIRMAN. Further amendment is not in order.

Mr. SPRINGER. I understand the proposition offered by the gentleman from Ohio is an original proposition and not an amendment to any particular section of the bill.

The CHAIRMAN. The Committee on Appropriations through the gentleman from Ohio, in reporting this bill back to the House a second time, reported along with it the amendment already read.

Mr. SPRINGER. There may be two amendments to that, being a part of the original text.

The CHAIRMAN. It is not a part of the original text, but is an amendment pending before the committee.

Mr. SPRINGER. Then no further amendment is in order.

The CHAIRMAN. Not until this is disposed of.

Mr. SPRINGER. I ask the gentleman from New York to withdraw his amendment; and I will renew it.

Mr. HISCOCK. The gentleman from California [Mr. PAGE] made the amendment.

Mr. PAGE. I made no amendment.

The CHAIRMAN. The gentleman from New York moved to amend by adding the words "and special" after the word "general." On that amendment debate is exhausted.

Mr. SPRINGER. I ask the gentleman to withdraw it, and I will renew it.

Mr. HISCOCK. Debate has not been exhausted.

The CHAIRMAN. No amendment is in order and no debate is in order until this amendment is disposed of.

Mr. SPRINGER. I ask the gentleman to withdraw it, and I will renew it.

Mr. HISCOCK. I withdraw it for that purpose.

Mr. SPRINGER. I rise for the purpose of stating that I have prepared an amendment which I think will meet this view of the question. As I have sent it to the Clerk's desk, I ask it to be read.

Mr. HISCOCK. I do not understand that amendment is offered now.

Mr. SPRINGER. Of course not, but I give notice at the proper time I will offer it.

The CHAIRMAN. Only one amendment to the amendment can be pending.

Mr. SPRINGER. I now ask it be read as a part of my remarks.

The Clerk read as follows:

Amend the amendment by adding thereto the following:

For special deputy marshals of elections, the sum of \$7,600: *Provided*, That hereafter special deputy marshals of elections and general deputy marshals, for performing any duties in reference to any election, shall receive the sum of \$2 per day in full for their compensation; and that all appointments of such special deputy marshals or of general deputy marshals having any duty to perform in respect to any election shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the district judge, in the absence of the circuit judge, and not less than two nor more than three appointments shall be made for any voting precinct where such appointments are required to be made, and the persons so appointed shall each be of different political parties, of good character, and able to read and write the English language, and shall be well-known residents of the voting precinct in which their duties are to be performed.

Mr. SPRINGER. I will state this is the amendment which appears in the RECORD this morning and which I gave notice I would offer.

Mr. BUCKNER. I rise to a point of order.

Mr. FRYE. Strike out those limiting, qualifying words "of good character" as it will be difficult to find them on that side. [Laughter.]

Mr. SPRINGER. Those words were put in to meet the case which occurred in the city of Philadelphia at the last presidential election when, by the proof offered before one of the committees of Congress, it was shown those who were appointed were the very worst characters which could be found in that city. I desire to avoid that in the future.

Mr. O'NEILL. I want to tell the gentleman—

Mr. SPRINGER. I cannot yield.

Mr. O'NEILL. I want to tell him how ignorant he is in reference—

Mr. SPRINGER. I have only five minutes, and I cannot yield to the gentleman from Pennsylvania. I desire to state that when I can offer this amendment I will do so, and that I have been authorized by the Committee on Elections to submit this as an amendment to the amendment now pending. The committee have directed me to submit this, but in doing so the Committee on Elections desires it to be understood that it does not bind individual members, but that when the measure comes up it may be that some will support it and some will vote against it. Now this proposed amendment meets everything which seems to be desired by the gentleman from New York, and more. It provides in the future that the number of these deputy marshals at elections shall be limited to not less than two or more than three. It provides that they shall be of different political parties, of good character, and able to read and write in English, and that they shall be well-known residents of the precinct in which the election is to be held.

Mr. CONGER. Is that an attack on the German citizens?

Mr. McMAHON. I will say to the gentleman from Michigan that I doubt if he has ever seen a German who could not read.

Mr. SPRINGER. The Germans who vote the democratic ticket know how to read and write in English. I now withdraw the amendment in order that the gentleman from New York may again offer it.

Mr. PAGE. I renew the amendment of the gentleman from New York, and desire to say a word only in reference to it. If this amendment is adopted it will enable the disbursing officers of the Government to pay the deputy marshals that were appointed at the election in California in September last. These men, Mr. Chairman, were appointed in accordance with the existing law. The democratic party as well as the republican party in California last year believed, I think, generally that the United States law should be invoked for the protection of its citizens on election day. There were four parties in California last year, and three parties had candidates in the field for Congress.

It is well known to the people of this country that there was danger to be apprehended on election day and for several days prior to the election last fall in California. It is also well known that the leader of one of the political parties assailed the head of one of the other contending parties with an attempt to commit murder, neither belonging to the republican or democratic party. But the inflammable condition of affairs in the State of California ten days prior to the day of election rendered it necessary that the authorities should take every possible precaution in their power in order to protect the people from what seemed likely to be a source of trouble growing out of that election, and with a view that there should be a peaceable and fair election. The military of the city of San Francisco and of the State of California were employed to guard one of these parties who was confined in the county jail for an assault with intent to murder; and numbers of workmen paraded the streets threatening that they

would take this party from the jail; and all this occurred about election time. Now, I say that it was right and necessary that the law-abiding people of that State without regard to party should invoke the power of the General Government if necessary for the protection of this people and for the purpose of securing a fair and free election.

On turning to your election laws I find it is provided that the United States marshals at the request of two citizens must appoint deputy marshals for the purpose of seeing that there should be a fair election held and also for the purpose of preserving the peace at the polls. Now, I ask my friend from Ohio in charge of this bill if he believes that the marshals did right in appointing these deputy marshals and if he believes it right that this House should pay the debt. The gentleman asked me yesterday, and I have no doubt that he was serious in his question, if these marshals in California had not been already paid. I know of no sum out of which they could have been paid. I do not think the gentleman seriously believes that the republican party paid the expense incurred under the law. I do not believe that the democratic party or any other party paid the bill, but I do say that it was an expense created exactly in accordance with law, and that the best citizens of that State without regard to party believed it right to have the marshals appointed as a precautionary measure, if for no other purpose. They would have been derelict in their duty if they had not complied with the law appointing the marshals when required to do so. And these appointments were made, and these marshals performed the service, in order to provide that the election in San Francisco and Oakland should be fair and free, and I do hope that this measure of justice will not be defeated here.

I hope that the House, without any objection, will pay these one or two hundred marshals—I do not remember the exact number, but the amount ranges from \$20 to \$40 each, and I hope that the payment will not be delayed. I do not know the exact amount.

Mr. HISCOCK. Seven thousand six hundred dollars in the aggregate.

Mr. PAGE. And it does not seem possible that that side of the House would refuse to pay these men who were appointed under the law of Congress; that you will now withhold the necessary appropriation for paying these men what they are entitled to under the law.

And let me say to the gentleman from Ohio that the legality of their appointment can no more be questioned than the legality of the general marshals that were appointed by the marshal himself. If it was wrong for him to retain in his employment the general marshals it was wrong then, perhaps, for him to have appointed these extra marshals. But it was no more unlawful in the one case than in the other, because you had made no appropriations to pay the general deputies and no appropriations to pay the marshal his salary, and it was just as lawful for the marshal of California to appoint these marshals on election day as it was to retain under his control the general marshals.

[Here the hammer fell.]

Mr. WRIGHT. I want to ask the gentleman from California a question.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. O'NEILL rose.

The CHAIRMAN. Debate on the pending amendment is exhausted. The gentleman from Illinois [Mr. SPRINGER] renewed the amendment and made a speech and the gentleman from California opposed it.

Mr. PAGE. The gentleman from Illinois withdrew the amendment and I renewed it.

The CHAIRMAN. Then the gentleman from Pennsylvania is entitled to five minutes.

Mr. O'NEILL. I do not think I want five minutes to defend Philadelphia or Philadelphia elections or the officers who conduct the Philadelphia elections.

During the session of last summer I gave this House what I thought was a very clear view of the conduct of the marshal of the eastern district of Pennsylvania and a defense of the special marshals who had been appointed by him. Now I want to say what hurts the gentleman from Illinois [Mr. SPRINGER] and the democratic party in this House and the democratic party all over this country is this, that Philadelphia is radically a republican city and that you cannot repress its republicanism. And I want to say in reply to the gentleman's slur on the marshal and his conduct there that the democratic Senate of the United States sent a committee of investigation to Philadelphia, that that committee investigated the democratic side of the case, and came back ashamed of itself and afraid to return to Philadelphia to examine republicans who would have come before it and told it the honest truth. It never dared to go to the city of Philadelphia to carry on this investigation.

And if gentlemen will look over the records of the Senate they will see what was done in executive session in regard to the reappointment of the marshal of that district. Marshal Kerns, a gentleman of the highest integrity in his official conduct, was unanimously confirmed by the democratic Senate in executive session, which thus indorsed his acts as marshal.

Mr. RANDALL, (the Speaker.) How does the gentleman know the confirmation was unanimous?

Mr. O'NEILL. I know it from having heard it.

Mr. RANDALL, (the Speaker.) Ah!

Mr. O'NEILL. I know there are no secrets that are not told out of the executive session of the Senate, and so does the Speaker of this House.

Mr. RANDALL, (the Speaker.) I want to know the gentleman's authority for the statement he made that the nomination was confirmed unanimously.

Mr. O'NEILL. I give it as spoken on the streets of this city—just in the same way as we always get information of what is done in executive session.

Mr. FORT. And did not the committee report unanimously?

Mr. O'NEILL. I was about to state that. Every member of the House knows that we hear everything that occurs in the executive session of the Senate relative to confirmations.

Mr. SPRINGER. I call the gentleman to order.

Mr. O'NEILL. The committee reported unanimously to the Senate and the confirmation was unanimous.

Mr. SPRINGER. I call the gentleman to order. The gentleman has no right to refer to the proceedings of the Senate in this House, and especially to proceedings of the Senate in executive session, which are secret.

Mr. SPARKS. Unless he can tell us the means by which he knows it.

Mr. O'NEILL. I have referred to that, and my reference has gone into the RECORD.

Mr. SPRINGER. I insist on the question of order.

The CHAIRMAN. The Chair does not understand there is any rule of the House or any rule of parliamentary law which prevents the gentleman from referring to proceedings at the other end of the Capitol; although he is prevented from criticising or calling in question the proceedings there or alluding by name to the gentlemen who participated in those proceedings. The proceedings of the other branch are constantly alluded to in this House.

Mr. SPRINGER. But the gentleman is attempting to state the proceedings of a secret session of the Senate.

The CHAIRMAN. He is stating the result of the proceedings as he understands it.

Mr. SPRINGER. And I state further I made no attack on Marshal Kerns.

Mr. O'NEILL. But you made an attack on the great republican city of Philadelphia.

Mr. SPRINGER. In that, too, the gentleman is wrong.

Mr. O'NEILL. I will say further in reference to this confirmation, it was opposed strongly by certain democrats. But, sir, the democratic Senator from the State of Pennsylvania rose above party feeling and showed himself superior in his action to the democrats who sought to pull down this respected official, Marshal Kerns. And he permitted that confirmation to be made in the Senate, because he knew there was no cause for rejecting him, as he had simply discharged his duty conscientiously.

Mr. SPARKS. My colleague only attacked the republican party of Philadelphia, not the city.

Mr. O'NEILL. He attacked the citizens of Philadelphia who are republicans and who will remain republicans.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'NEILL. I have been interrupted a great deal.

Mr. RANDALL, (the Speaker.) I desire to say but a few words. I do not want by silence to have it understood that I am of the opinion that there was any occasion whatever for United States marshals at the election to which reference has been made. On the contrary, I assert that there was no occasion for them, and the very gentleman alluded to, who was the officer that appointed them, stated subsequently under oath that there was no occasion for them.

Nor do I want by silence to have it understood that the men who were so appointed were of that character of citizens who were entitled to be selected for that particular service. I want to say further, notwithstanding the gentleman's allegation that this officer was recently confirmed by a unanimous vote of the Senate, that he was confirmed over my written protest.

Mr. O'NEILL. That only shows the manner in which Senator WALLACE performs his duty toward a gentleman who was worthy of his support.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. O'NEILL] is not entitled to the floor.

Mr. RANDALL, (the Speaker.) I yield the remainder of my time to the gentleman. [Laughter.]

Mr. O'NEILL. I am much obliged to the gentleman. I want to say something more for the instruction of the democratic party of this House and of the country [laughter] relative to elections in the city of Philadelphia. It is but a few years since republicans by hundreds and thousands were driven from the polls in Philadelphia. That continued until the city of Philadelphia became a republican city, until we were enabled to elect a mayor of the city of Philadelphia and to have a police force that knew how to perform its duty; until we passed a few years ago (and I aided in its passage through this House) the very law under which special deputy marshals are appointed to serve at elections. We wanted a police force and United States marshals at our elections to give the great republican city of Philadelphia an opportunity to express its real sentiments at the polls, and which it had been obliged to express before that time upon election days time and again through blood and the most fearful riots

ever known in this country, instigated by the desire of the democrats to keep possession of that city if they could.

Mr. SPRINGER. The gentleman entirely misrepresents me when he says that I attacked the people of Philadelphia. I simply referred to certain special deputy marshals appointed for the elections in that city, who were proved by the evidence before a committee of Congress to have been in several instances persons of the most disreputable character, some of them keepers of bawdy houses, others of them convicts, others of them jail-birds, and others vagrants and tramps who had no visible means of support whatever. They have been proven to be persons of that character by a committee of Congress, and nobody has come to their defense. It was such persons that I attacked and no other. I did not say a word against the good people of Philadelphia. Those persons do not represent even the republican party of Philadelphia.

Mr. O'NEILL. The gentleman says that was proved; it was by *ex parte* testimony.

Mr. SPRINGER. It was not by *ex parte* testimony. It was in open committee, where the witnesses were subjected to cross-examination.

Mr. O'NEILL. And the committee laughed in their sleeve while that testimony was being taken.

Mr. SPRINGER. I do not see the laugh in the record; but I see evidence of the fact that some of those persons were of the most disreputable character.

Mr. SPARKS. And they were selected "to give the republicans of Philadelphia a chance."

Mr. O'NEILL. The Senate committee never returned to Philadelphia to give these men a chance to defend themselves. I was obliged to bring into this House and put into the RECORD as a part of my speech in April last the affidavits of a number of these men whose characters had been assailed before the Senate committee.

Mr. SPRINGER. So much was proved by the testimony that it was not necessary to return to that city in order to heap up proof upon proof.

Mr. O'NEILL. At all events the gentleman who appointed those men has been confirmed by a democratic Senate as marshal.

Mr. RANDALL, (the Speaker.) Such action could not have occurred in a democratic House.

Mr. O'NEILL. No, not by a democratic House; but by a democratic Senate.

Mr. HAWLEY. I raise the point that this debate is not in order.

The CHAIRMAN. The point of order is well taken; debate has been exhausted upon the pending amendment.

Mr. FINLEY. I move to amend by striking out the last three words.

The CHAIRMAN. No such motion is in order because an amendment to the amendment is already pending.

Mr. PAGE. I desire to withdraw temporarily the amendment which the gentleman from New York first offered and which was renewed by me; and I wish to yield—

Mr. FINLEY. We object to the withdrawal.

The CHAIRMAN. The gentleman from California [Mr. PAGE] cannot yield, because he has not the floor.

Mr. HISCOCK. He withdraws the amendment.

The CHAIRMAN. Objection is made to the withdrawal. The question is upon the adoption of the amendment offered originally by the gentleman from New York [Mr. HISCOCK] and renewed by the gentleman from California.

Mr. HISCOCK. I trust that there will be no objection to the temporary withdrawal of this amendment, to the end that one or two more gentlemen may speak on the question.

Mr. WRIGHT. If you want debate on it, let it be general.

Mr. HISCOCK. We shall not restrict it.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] has given notice of an amendment to be offered as soon as this question is disposed of. That amendment will present substantially the same question, at least in one of its forms. The amendment of the gentleman from New York will be read.

The Clerk read as follows:

After the word "general" insert the words "and special;" so that the amendment will read:

"For the payment of the fees and expenses of United States marshals and their general and special deputies, earned during the fiscal year ending June 30, 1880, \$600,000."

Mr. GARFIELD. We may as well have tellers on this question.

The CHAIRMAN. If there be no objection, the Chair will appoint tellers.

There was no objection, and Mr. McMAHON and Mr. HISCOCK were appointed.

The committee divided; and the tellers reported—ayes 105, noes 124.

So the amendment to the amendment was not agreed to.

Mr. SPRINGER. On behalf of the Committee on Elections I now offer the amendment of which notice has been given.

The amendment was read, as follows:

Amend the amendment by adding thereto the following:

For special deputy marshals of elections, the sum of \$7,600: *Provided*, That hereafter special deputy marshals of elections, and general deputy marshals, for performing any duties in reference to any election, shall receive the sum of \$2 per day in full for their compensation; and that all appointments of such special deputy marshals or of general deputy marshals having any duty to perform in respect to any election shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the dis-

strict judge, in the absence of the circuit judge, and not less than two nor more than three appointments shall be made for any voting precinct where such appointments are required to be made, and the persons so appointed shall be of different political parties, of good character, and able to read and write the English language, and shall be well-known residents of the voting precinct in which their duties are to be performed.

Mr. HISCOCK. I desire to make a point of order on that amendment.

Mr. KEIFER. I also wish to make a point of order.

Mr. McMAHON. I hope gentlemen on the other side will not make points of order upon this. We had a promise yesterday from the other side that something of this kind would be accepted. My colleague [Mr. GARFIELD] said that the lamp was still burning.

Mr. HISCOCK. I make a point of order on the amendment. I suppose it will hardly be claimed that this amendment can be offered under the clause of the rule which we have had under discussion:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

I suppose the proposition is offered—

The CHAIRMAN. It comes from a committee, as the Chair understands.

Mr. HISCOCK. It comes from a committee. Now, the first point I make is based upon the proviso of Rule XXI:

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, &c.

I submit that the subject-matter of this amendment has never been confided to the Committee on Elections, and that committee has no jurisdiction of it by any order of this House. It can only acquire jurisdiction under the order and direction of the House.

The next point I make is based upon this language of the rule:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

1. To the election of members: to the Committee on Elections.

I submit that the clear intent of this language is that the province of the Committee on Elections shall be limited to questions concerning the election of members to this House; that it is not competent for that committee, even under the direction of the House, to take jurisdiction of a general election law making provision for the future election of members; that the whole jurisdiction of this committee is confined to the investigation of subject-matters relating to the election of members already claiming seats here—that their jurisdiction does not extend beyond that.

Mr. KEIFER. The points of order have been well stated by the gentleman from New York, [Mr. HISCOCK.] I wish to call attention to a bill introduced by the gentleman from Illinois [Mr. SPRINGER] and referred to the Committee on Elections, and I will say that this amendment is in substance that bill. I agree that it is not in precisely the same language, but in every sense it is in substance that bill. I take pleasure in sending a copy of the bill to the Chair.

Now I wish to say if this be not true—if it be controverted by the gentleman from Illinois—if he claims that this proposed amendment is not in substance the bill now before the Committee on Elections, then the point made by the gentleman from New York is sound—that this subject-matter referred to in the amendment was never before the Committee on Elections. It was never referred to that committee if it did not get there by virtue of the reference of the bill of the gentleman from Illinois.

In terms the proposed amendment contains more than the bill that was referred. It contains in addition an appropriation, but in its subject-matter it proposes to change existing law in relation to the special deputy marshals and their mode of appointment. The objection must go, of course, to the whole amendment. If the amendment simply proposed to pay these special deputy marshals in the State of California, the objection would not be good, and I think I am safe in saying that no objection would be made, at least on this side of the House, to such an amendment. That amendment would be entirely in order, because this is a deficiency made in accordance with law. I know it is that sort of deficiency that my colleague [Mr. McMAHON] undertakes to say the Congress of the United States ought not to make good. But, Mr. Chairman, while I do not characterize that utterance of my colleague, I wish to characterize the conduct of the Congress of the United States in refusing to make appropriations which are in exact accordance with the mandates of law. It is not cowardly to refuse, but it is doing that which will be denominated before the country and the world dishonest not to appropriate money to pay a debt which has been contracted in exact accordance with law.

I understand, Mr. Chairman, that my point of order must go to the whole of this proposed amendment; and I wish to have it distinctly understood the gentleman can make proper appropriations but in this way. He cannot change existing laws. We do not wish either to have a repetition of what we have had in the early days of this Congress.

Mr. SPRINGER. The gentleman from Ohio, who has just taken his seat, makes the point of order, first, that the subject-matter of this amendment has not been before the Committee on Elections; and, secondly, that the subject-matter of it is before the Committee on Elections, and for that reason is not in order.

Mr. KEIFER. The gentleman will understand me: I say that it is not before the Committee on Elections unless it gets there by virtue of a bill which the gentleman has introduced; and if it does get

there by virtue of that bill, then he can only report in accordance with the subject-matter contained in that bill. If it is not in accordance with that, then it should be ruled out upon that ground.

Mr. SPRINGER. A bill is pending before the Committee on Elections, as appears by the RECORD, concerning the election of Representatives in Congress. It is not necessary to look into that bill any further as to the subject-matter of this amendment. The subject-matter of the election of Representatives in Congress is now before that committee. Therefore on that ground the point of order is not well taken.

The next question is, whether it is in substance the bill pending before the Committee on Elections. In order to be in substance the same it must in terms or words sufficiently plain represent the substance of that bill. It does not do so, and the gentleman cannot pretend that it does.

The bill before the committee contains three sections, one in relation to supervisors of election, another in reference to deputy marshals of election, and the third in reference to arbitrary arrests by such marshals of election, so that the substance of the bill is not embraced in the pending amendment nor in the language of that bill. The subject of deputy marshals is covered, but it is entirely different in its provisions.

As to the point made by the gentleman from New York [Mr. HISCOCK] that the Committee on Elections did not properly have jurisdiction of this subject, that question has already been adjudicated by the reference of the bill to that committee. If the gentleman thought the reference was improper, it was his right at the time the reference was made to move a different reference; but the House having referred this bill all questions as to whether it is properly there or not have been adjudicated by the House. But independently of that, I hold that under the rule all questions relating to the election of Representatives in Congress properly should be referred to the Committee on Elections. As to the point made by the gentleman from New York, I do not think it is well taken from the fact that, under the rule, it is provided—

That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Does this provision retrench expenditures? It reduces the compensation of deputy marshals of election from \$5 a day to \$2 a day. It reduces their number from being unlimited to not less than two nor more than three in each district where they are required to be appointed. So in both respects, in the reduction of the number of officers and the amount of their pay, it does retrench expenditure by its terms. Then, being germane to this bill as an appropriation to supply a deficiency, which this bill in its title purports to refer to, and making that appropriation on the condition that hereafter the pay of such marshals shall be reduced in amount and they shall be reduced in the number, it comes entirely within the rule under every feature of it.

Mr. HISCOCK. Mr. Chairman, I suppose these rules are not intended for a snare, and I suppose a fair and liberal construction is to be put upon them. I do not suppose, if a bill is introduced to the House and by mistake or if because the gentleman from Illinois was not carefully watched a bill was referred to his Committee on Elections over which it had no jurisdiction, the fact that it was sent there in that way would bring it within the proviso which is added to this third clause of Rule XXI. The language of the proviso is:

Provided, It shall be in order to further amend such bill on the report of the committee having jurisdiction of the subject-matter of such amendment.

"Having jurisdiction" under these rules. Here is a code of law for us, a code of law which is to guide us, which is to guide this House. It is in fact its chart of government. The point is whether under the rules the committee has jurisdiction of the subject-matter. Now, turn back to Rule XI, and this subdivision has special reference to Rule XI in reference to the powers of committees when it says what subjects may be considered under this proviso.

Turning back to Rule XI and the language is that—

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

1. To the election of members.

The rule refers to election of members of this House, not members of a future Congress. We all understand the jurisdiction of the Elections Committee. We all understand what jurisdiction it was intended to confer on that committee. And I say that the language used here, the word "jurisdiction" in this subdivision of Rule XXI, refers to the jurisdiction as it is referred to and defined in Rule XI, which confers jurisdiction upon the different committees of this House.

So far as the question of fact which has been referred to by the gentleman from Ohio on this side of the House is concerned, I do not know in reference to that; but this is the first time I have ever understood that any bill on this subject had been referred to that committee. I understand the gentleman from Ohio to say this is not in substance the bill referred to the committee, or it was not a bill which would carry the jurisdiction of this amendment or of the subject-matter of this amendment to that committee; but the point which I insist upon, and the vital point here, is the language of this subdivision No. 3 of Rule XXI. It speaks with reference to the jurisdiction as it is laid down and defined in Rule XI, where the juris-

tion and powers of the various committees of the House over subject-matters referred to them is defined, and not with reference to a jurisdiction which may be conferred by a special reference. Upon the question which the gentleman from Mississippi has discussed I shall spend no time, because under the intimation of the Chair I understand that the vital point in his mind is that I have discussed.

Mr. ROBESON. Mr. Chairman, it strikes me that the important point in this case is whether the Election Committee has jurisdiction of the subject-matter of this amendment or not.

The CHAIRMAN. The Chair thinks the point of order turns upon that question.

Mr. ROBESON. Yes, sir; turns upon that point. I find by Rule XI that all proposed legislation on subjects relating to the election of members shall be referred to the Committee on Elections. What does that mean? This, and this only: by the Constitution this House is the "judge of the elections, returns, and qualifications of its members." In the discharge of that function this House has created a committee which it calls its Committee on Elections, and to them are referred all the questions growing out of the controversies which are involved in these particular elections.

Mr. SPRINGER. Will the gentleman allow me a question?

Mr. ROBESON. Certainly.

Mr. SPRINGER. Rule XI, which the gentleman from New Jersey [Mr. ROBESON] has just quoted, provides that all "proposed legislation" shall be referred to the several committees thereafter named, &c., and then provides that all proposed legislation in reference to the elections of members shall be referred to the Committee on Elections. This is not a contested-election case.

Mr. ROBESON. I admit it.

Mr. SPRINGER. Now if we look to the jurisdiction of the Judiciary Committee we find that it relates to judicial proceedings, to civil and criminal law. Should this bill, therefore, go to the Committee on the Judiciary? Not at all. It does not relate to any of the subject-matters referred to in the rule prescribing the duties of that committee and it can only go to the Committee on Elections under the rule.

Mr. ROBESON. I was about to state a general proposition, when the gentleman interrupted me, that "all proposed legislation shall be referred to committees named in the preceding rule," as follows: "Subjects relating to the election of members, to the Committee on Elections." Now my point is that that committee was organized for the consideration of the election of members after they get into this House with reference to contests in regard to their seats, and that the committee does not naturally and generally have charge of the subject-matter of the laws which regulate, and are for the future to regulate, those elections. I say that is so, first, because that committee is organized under that clause of the Constitution which gives to this House the power to which I have referred; second, because the practice has always been so; third, because all subjects relating to civil and criminal law are under this rule referred to another committee, and that division of the rule which refers subjects relating to civil and criminal law to the judiciary is the special and last provision on this subject, and takes the general subject-matter from the Committee on Elections and gives it to the Committee on the Judiciary by that direct assignment, excluding all inference of language which would take it to the Election Committee. So much for the general proposition. Since then it seems that the Committee on Elections has not generally the jurisdiction of this subject-matter.

Now, there still remains on the gentleman's side—and I wish to state it fairly—this argument: that this subject-matter has been referred to his committee by the reference of a bill on the subject which is before the committee. I say now that if my first proposition be true that generally the committee have no charge of the matter, then the special reference of that bill to them carries with it nothing but the bill and their action on it, and gives them no charge of the subject for any other purpose nor clothes them with power under this rule which belongs to another committee. Their jurisdiction is not general, but is confined to their special action on that bill alone. It is given to them subject always to the general rule of this House, and extends no further than the special reference. I do not care to detain the Chair further upon this point. I know that a suggestion of it to the distinguished gentleman who occupies the chair is sufficient to set his acute and judicial mind to the calm and full consideration and decision of the question, and I am content to rest on his decision of this matter when his mind has been once directed to it.

Therefore I will not detain the House at all upon that subject-matter. But I trust the Chair will discriminate in his ruling, if he admits this amendment, between the questions whether he admits it on the general proposition that the committee have charge, or upon the proposition that the subject-matter has been specially referred to it by the reference of the bill; because it is exceedingly important now, when these rules are crystallizing into law for the future government of this House, to let us understand whether, when this rule says that all questions relating to the civil and criminal law shall go to the committee organized for considering the laws, they are to be divided up and assigned to every committee whose mere name may suggest an analogy with the subject-matter.

Mr. CONGER. It is only because of my desire that in the first construction of these rules they shall be made to conform to their general intent, that I make any remarks at all. I think I may call the atten-

tion of the Chair to the very wide range which this question involves. I ask his attention to paragraph 32 of Rule XI. Rule XI says:

All proposed legislation shall be referred to the committees named in the preceding rule as follows, namely: Subjects relating.

In paragraph 32 of Rule XI, where the matters within the jurisdiction of the eight committees named are stated, the chairman will see among other things that are referred to those committees on expenditures in the different Departments—the Department of State, the Treasury Department, the War, Navy, Post-Office, and Interior Departments, the Department of Justice, and on Public Buildings—the proper application of public moneys.

Now, here is a question involved in this very bill—the proper application of public moneys whether to special or to general deputy marshals. A little variation in the ruling would give to the Committee on Expenditures in the Department of State the whole of this question that is in dispute.

The CHAIRMAN. Will the gentleman from Michigan allow the Chair to suggest that the thirty-second clause of Rule XI seems to apply to investigations as to the proper application of moneys already appropriated? This amendment proposes to make a specific appropriation for the special deputy marshals.

Mr. CONGER. It is now making this appropriation, and that involves the proper application of it when made. But I have merely referred to that. I refer to another point provided for in that same clause 32, "the reduction or increase of the pay of officers." Another is "the abolishment of useless offices," which is one of the very objects of this amendment, as claimed.

Now if a member of one or the other of those committees instructed by his committee should offer an amendment in regard to the abolishment of useless offices, under the construction claimed by the gentleman from Illinois that he has the right here under the other clauses of the rule, his committee having the subject-matter of the amendment under control, that could not possibly be ruled out in my opinion; and so of several of these things. The provision is so distinct that those committees shall have charge of those particular subjects that if they report amendments here under the ruling which is asked because some matter of the election of members is involved, or the attendance of marshals at an election of members, the Chair will see how very far and how very wide such a ruling would open the door for every committee and any committee to interfere and get in amendments under that rule.

I submit, Mr. Chairman, that that was not at all the intention of the rule. The intention of the rule undoubtedly was that in a general deficiency bill or other appropriation bill of this kind a committee having special charge of that part of the expenditure to which the bill related might offer an amendment to it, as, for instance, the Military Committee in regard to a deficiency in the Army appropriations, the Committee on Naval Affairs in regard to a deficiency for carrying on the naval service of the country, the Committee on Foreign Affairs in regard to some expenditure in a deficiency bill making appropriations for carrying out our foreign relations. I think such a ruling can be made as shall give full scope to what I conceive to have been the object of this amendment, to permit the committees who are familiar with and understand the wants of the departments of the service, committed under the rules to their charge, to come in and say in this deficiency or in this appropriation bill—for I take it for the purpose of this discussion these are the same—for the naval service, for the military service, or for public buildings, matters committed to their examination, brought under their supervision, require in their judgment this additional appropriation to be made, and they offer their amendment as being the committee to supervise and have the jurisdiction of that subject-matter.

I have no doubt that the Chair will consider all these propositions, and I have no doubt about the correct ruling of the Chair if all the propositions are presented to his mind. My only object is that we may start right under these new rules. What I have said has been without special reference to this particular matter, but that the ruling, as the Chair has already suggested, under the new rules may be such that it shall be consistent, uniform, and capable of being maintained on principle and on a strict construction of all the rules together. It is for that reason I have ventured to call the attention of the Chair to the manner in which other committees might continually, in connection with the matters referred to them, introduce under that rule amendments and claim the right to introduce them if the construction be as claimed by the gentleman from Illinois.

Mr. KEIFER. I simply wish to add a word or two to what I have already stated. I am induced to do it by the intimation of the Chair that on one point I suggested the Chair differed from me. As has already been said, I regard the ruling on this question as a very important one, not for to-day or perhaps for this session or for this Congress, but for the future Congresses. I wish to state again what I tried to state in the first instance: that is, if the Committee on Elections had the subject-matter of this amendment referred to it by reason of the reference of the bill offered by the gentleman from Illinois, [Mr. SPRINGER,] and if we gave that committee jurisdiction to report upon this question at all or jurisdiction to consider the question at all, then it was because the amendment itself was in substance the same as the bill.

Now I have invited the attention of the Chair to the consideration of the bill. The analysis of the amendment will show that it per-

tains generally to an alteration of an existing law relating to the appointment of special deputy marshals. Is not that the substance of the bill of the gentleman from Illinois, [Mr. SPRINGER?] If it is not, then the committee which this morning undertook to instruct its chairman to report an amendment to this House was doing a vain thing and one outside of its jurisdiction.

Let me repeat: if that bill gave jurisdiction to the Committee on Elections over this matter, then it was because it contained the substance of this amendment. If the amendment contains the substance of the bill, then we can come logically, I think, to the conclusion that it is not in order under the fourth clause of Rule XXI, which prohibits the introduction by way of amendment of "the substance of any other bill or resolution pending before the House." That is all I desire to say on this point of order.

Mr. HISCOCK. One single further suggestion. The proviso of the third subdivision of Rule XXI is as follows:

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Now let us look for a moment at the amendment.

For special deputy marshals of elections, the sum of \$7,600.

That much I concede is germane to the bill under consideration. Let us then look at the proviso of the amendment, the vicious part of it, to which objection is made. It reads:

Provided, That hereafter special deputy marshals of elections, and general deputy marshals, for performing any duties in reference to any election, shall receive the sum of \$2 per day in full for their compensation; and that all appointments of such special deputy marshals or of general deputy marshals having any duty to perform in respect to any election shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the district judge, in the absence of the circuit judge, and not less than two nor more than three appointments shall be made for any voting precinct where such appointments are required to be made, and the persons so appointed shall be of different political parties, of good character, and able to read and write the English language, and shall be well-known residents of the voting precinct in which their duties are to be performed.

That is a proposition to enact a law for the future. The point I make is that the enactment of a law regulating elections in the future, and which may run for all time, is certainly not germane to this bill under the proviso which I have read of the third subdivision of Rule XXI.

Mr. McMAHON. I am very sorry that our friends on the republican side of the House have with such unanimity interposed their points of order. After what was said yesterday by the gentlemen whom we all acknowledge upon either side to be the leader of that side of the House, I thought that a proposition to amend these election laws would be met with favor by gentlemen upon that side. But it seems now that with a great degree of unanimity they have taken the opposite tack, and now interpose a point of order upon which I propose to speak.

The committees of this House obtain jurisdiction of a bill, or of the subject-matter of a bill, either because of the nature of questions pending before them, or by the reference in open House of a particular bill to them. Now, the Committee on Elections was a very proper committee to which to refer the bill which my friend from Illinois [Mr. SPRINGER] presented here as a bill pending before his committee. The second section of that bill provides that section 2021 of the Revised Statutes shall be amended by adding thereto the following:

Provided, That all applications for the appointment of special deputy marshals, as provided in this section, shall be submitted to the court, and before any appointments of such deputy marshals, or of any general deputy marshals, having any duty to perform in respect to any election, the court shall cause a notice of such application to be served on the candidates for Representatives in Congress, in the voting precinct where the appointments are to be made, representing the three different political parties casting the greatest number of votes in said precinct at the election next preceding for Representatives in Congress; and appointments of such marshals shall hereafter be made only by the court for each voting precinct where such appointments are required by law to be made, and an equal number of appointments for each voting precinct shall be made on the recommendation of each of such candidates; and each person so appointed shall be a resident of the voting precinct where his duties are to be performed.

The point I make is this: that the introduction and reference of this bill in open House without objection to the Committee on Elections gave that committee jurisdiction of the subject-matter of regulating the method of electing members of Congress. But I need not insist upon the committee having jurisdiction of the whole subject-matter. I will only insist upon its having jurisdiction according to the express terms of the bill. In the second section of the bill I find that it is proposed to amend the method of appointing special deputy marshals at elections. Therefore there can be no earthly doubt that the Committee on Elections would be authorized to report to this House any bill upon the subject-matter of either the first or the second section of that bill, because it has been referred to that committee by the House.

But getting jurisdiction of the first and second sections of this bill imposes no obligation on the Committee on Elections to report that bill back to the House in the exact shape in which it was introduced by my friend from Illinois. The very object of referring the bill to the committee was that they should consider it—should see whether it was well matured, and if not, should mature it and put it in shape.

Now, as I understand, they have considered the bill and have concluded to report in lieu of the precise bill as introduced the substance of it or something like it. They have jurisdiction to do that. They

have the right to report their amendment, as they have done, because it is based upon the express provisions of a bill which was referred to them in open House without objection.

Now, let me come to the second proposition. My friend from New York [Mr. HISCOCK] admits that it is in order and germane upon this bill to move to appropriate \$7,600 for the payment of special deputy marshals at elections. When that amendment was offered without qualification nobody raised the point of order, but we voted upon it. Now my friend from Illinois comes in and states that he is instructed by the Committee on Elections—to do what? To offer a further amendment to the pending bill. The gentleman from Illinois moves to insert \$7,600 for the pay of special deputy marshals. My friend from New York admits this to be germane; but then the committee—

Mr. HISCOCK. Now, let me call attention to this language in the proviso of the rule:

Having jurisdiction of the subject-matter of such amendment, which amendment being germane to the subject-matter of the bill.

Now does the gentleman claim that this amendment providing that hereafter deputy marshals shall be appointed in a particular manner—that this chapter of legislation attached to the appropriation of \$7,600 is germane to the pending bill?

Mr. McMAHON. I do. I do so in all honesty and sincerity; and I will state why. In the first place, what is the character of the whole bill now pending before the House? It is a bill to provide for deficiencies in the service for the fiscal year ending June 30, 1880. If this Congress should vote this appropriation of \$7,600, it will be for a supposed deficiency arising in the current fiscal year. Hence the appropriation of \$7,600 is germane to the subject-matter of the bill. Now, what is under consideration in this particular clause? The pay of United States marshals and their general and special deputies. That is the question under consideration. Shall we pay them not only the fees they have earned, but those they may earn? For this appropriation is to run until the 1st day of next July.

Mr. HISCOCK. It is perfectly clear that nothing can be earned by them before that time.

Mr. McMAHON. Why not? A member of this House may die; there may be a special election ordered; the money may be needed for that purpose; and it could be used for that purpose. There is one thing which my friend has overlooked in this discussion from the beginning to the end—that this appropriation is not only for the payment of fees already earned, but for the whole fiscal year, including more than three months yet to come.

Now the amendment, being germane, proposes what? To retrench expenditures; and I suppose no gentleman on the other side of the House will for a moment contend that it does not retrench expenditures. It proposes to limit the number of deputies that may be employed at any polling place to three—

Mr. CONGER. Does the gentleman doubt that it will increase very largely the number of deputy marshals in places where otherwise they would not be called for?

Mr. McMAHON. It does not require them to be appointed.

Mr. CONGER. But if each party is to choose deputy marshals, will it not naturally and necessarily increase very largely the call for these officers all over the country where now they are not called for?

Mr. McMAHON. But, Mr. Chairman, the gentleman will understand this amendment reduces the pay of these deputies from five to two dollars a day, besides providing that no more than three shall be employed at any one polling place. We know that now, not only under the law as properly construed, but under the practice, more than three may be employed.

Mr. CONGER. Not at one polling place.

Mr. McMAHON. Yes, sir; at one polling place.

Mr. CONGER. No.

Mr. McMAHON. You may employ a hundred under the present law at one polling place.

Mr. CONGER. There is no example of that kind.

Mr. SPRINGER. Oh, yes. There is an example of seven hundred and forty appointed in the city of New Orleans in 1876; thirty-five hundred in the State of Louisiana; and in one congressional district in Missouri, represented by the gentleman from Missouri, [Mr. FROST,] seven hundred and twenty deputy marshals were appointed.

Mr. McMAHON. I do not care to hinge my argument on this point of order upon the practice, I base it upon the right under the law, to appoint as many deputy marshals for a polling place as the marshal sees fit.

Now, I say that the amendment is eminently in the interest of economy because it limits the number of deputies at any one polling place to three, and reduces their pay from \$5 a day to \$2 a day. If my friend from Illinois had adopted the suggestion I threw out yesterday he would also have limited the number of days during which these men are to be employed. I think it a mistake that his amendment does not contain such a limitation, but in that it is liberal to gentlemen on the other side. I hope those gentlemen will withdraw their points of order and let us have something like a fair vote.

Mr. CONGER. The gentleman is now speaking to the merits of the amendment. I insist that he shall speak to the point of order or else that we shall have an opportunity to go into the merits.

Mr. McMAHON. I want to know, Mr. Chairman, whether it is out of order to appeal to gentlemen to withdraw their points of order?

The CHAIRMAN. The gentleman has the right to make such an appeal, but not to discuss the merits of the question.

Mr. McMAHON. I now make that appeal to every member on that side who has raised a point of order.

Mr. CONGER. And every member refuses to withdraw the point of order. I think I have the right to speak for the whole crowd. [Laughter.]

Mr. McMAHON. Where is my distinguished colleague from Ohio, [Mr. GARFIELD?] The "lamp" is still burning, I understand. We "vile sinners" are anxious to return.

Mr. HISCOCK. Mr. Chairman, the gentleman from Ohio—

Mr. ROBESON. The lamp is still burning and the gentleman from Ohio can still come in.

Mr. McMAHON. Why does the gentleman extinguish the lamp when the sinners are ready to return?

The CHAIRMAN. The gentlemen will save time by confining themselves to the pending point of order.

Mr. McMAHON. I have used all my efforts to get gentlemen on the other side to withdraw their point of order, and therefore now refer the matter to the Chair.

Mr. CASWELL. Mr. Chairman, I desire only a moment. There is still a point of order which it seems to me has not been made. Perhaps it has been partly covered by the gentleman from New York. I do not regard this as coming within Rule XXI, or that it is material whether it retrenches expenditures or not. My point is it is foreign to the subject-matter under consideration. It introduces a new subject. This is not one of the general appropriation bills. It is a deficiency bill. A deficiency bill is to supply the funds necessary under the law of Congress as it exists, to administer the Government until the end of the fiscal year.

Here is a new subject introduced. The gentleman from Illinois proposes to change the entire system of appointing deputy marshals; to provide an entirely different system of appointment; that they shall be made by the judges of the court instead of by the marshals themselves. I invite the attention of the Chair to Rule XVI, to the latter part of clause 7, which reads "And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment." The amendment of the gentleman from Illinois introduces a new subject. It has no reference to a deficiency bill, but it proposes to change the mode of appointing deputy marshals. It is entirely different from the subject-matter under consideration. Rule XXI is not applicable, but Rule XVI is, which would exclude in this case as in any other the introduction of a matter different from that under consideration.

Mr. SPEER. Mr. Chairman, I presume no gentleman who did me the honor to listen to what I had to say in the discussion on Rule XXI will pretend, for one moment, I am in favor of riders on appropriation bills; but the House, in its superior wisdom, saw fit to adopt this Rule XXI and it is upon the construction of that rule this question of order has arisen.

Now, that rule contains this proviso, "That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures."

The question is first, has the Committee on Elections jurisdiction of the subject-matter of this amendment? I contend that it has. In the first place, sir, this bill has been referred to that committee. The reference itself is an adjudication by the authority of this House of the propriety of that reference. It is an adjudication of the question of jurisdiction, and that adjudication being final, that committee has jurisdiction of the subject-matter.

Sir, it needs only the most casual reference to the terms of the bill to see that the subject-matter of the bill and the amendment is the same. "All applications for appointment of special deputy marshals, &c." In order to obviate the effect of that proposition gentlemen will have to assume the position here that the Committee on Elections is limited to the terms of the bill which is referred to it. That is not true. It is not sound parliamentary law. Having jurisdiction of the subject-matter, the Committee on Elections can make such report as seems to them best on the subject; and they have accordingly instructed their chairman to report this amendment to the pending appropriation bill.

But, sir, aside from the question of reference, has not the committee jurisdiction of this question? Is it not properly referred to that committee? To return to Rule XI, we see it there provided that—

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

1. To the election of members: to the Committee on Elections.

Does this bill relate to the election of members? But gentlemen say that refers to contests now pending before the House. That I understand was the proposition of the gentleman from New York. Will that gentleman contend there can be any such thing as proposed legislation about a contest that is already pending? Can you propose a law about a contest before this House unless you propose an *ex post facto* law relating to that contest?

Mr. HISCOCK. I have seen that done.

Mr. SPEER. Well, but the gentleman will not say it was right or parliamentary. It would be highly improper to do so, and yet the gentleman is forced to that position to sustain his argument.

Mr. ROBESON. Will the gentleman permit me to make a statement?

Mr. SPEER. Yes, sir.

Mr. ROBESON. If "proposed legislation" is to govern the Committee on Elections, then it will not have control of anything but "proposed legislation."

Mr. SPEER. Not at all.

Mr. ROBESON. Certainly, for that governs the whole subject-matter. Then how does this get before them?

Mr. SPEER. That question I am not discussing.

The logic of the gentleman's argument would be that the Committee on Elections could not decide contested-election cases at all. I say that would be the logic of it. The mistake in the gentleman's argument is that he takes the old rule as the basis of it instead of the new rule.

The old rule to which he refers is as follows:

It shall be the duty of the Committee of Elections to examine and report upon the certificates of election or other credentials of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question and be referred to them by the House.

That was the old rule. But the language of the new rule is:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

1. To the election of members.

Now, this is proposed legislation; it touches the election of members; it has been referred by an adjudication of this House to the Committee on Elections, and therefore it properly comes before the House in the manner presented by that committee.

Mr. HAWLEY. Mr. Chairman, that is entirely a novel construction of that rule. We have for the first time here heard that there was to be any change whatever in the jurisdiction of the Committee on Elections. I never heard an intimation of that fact before. Now, I hold that the fact that the bill is in the hands of the Committee on Elections is by no means conclusive of its rightful jurisdiction.

If the bill upon its face shall appear to them belonging more properly to any other committee, the presumption of course is against that jurisdiction, and we must recur to the manner of the reference. If at the time of the reference, notwithstanding the apparent impropriety of that reference, the House had an understanding of the question, and referred it distinctly to this or any other committee, then we should be concluded against questioning its jurisdiction. But here we find a bill proposing to change the permanent statutes of the United States which regulate and govern the election of members of Congress, in the hands of a committee which has never from the organization of the Government had anything to do but to inquire into the certificates and manner of election of members of that particular House, whether they were rightfully or wrongfully elected—trying a personal issue between a man out and a man in. The committee never had any other jurisdiction; but the manner of electing and certifying and all that, according to the general statute, went to the hands of the Judiciary Committee.

Now, sir, I hold, therefore, the question of that committee having jurisdiction is just as much open to the Chair, on this point being raised, as it would have been open to the House when the reference was originally made. The Chair must take knowledge of the fact that thousands and thousands of bills are referred here just as rapidly as the Clerk can read and refer them, by the chance words which may happen to catch his eye on the back of the bill. If, for instance, a bill providing the ways and means for improving the navigation of the Mississippi River should happen to be referred to the Committee on Ways and Means, that reference in the hearing of the House would not control the question of jurisdiction. The bill belongs to the Mississippi River Committee. If a question concerning elections happens to get to the Committee on Elections it does not follow by any means that committee has jurisdiction of it. For, as I said, the committee has never concerned itself with making amendments to these general statutes, but only in deciding what I may call personal issues between men claiming seats.

Mr. SCALES. Mr. Chairman, if I understand this proposition it is that a bill has been referred to the Committee on Elections by this House in accordance with its rules. I understand that committee have considered that bill, and they have reported back to the House their action in the way prescribed by the rules in the shape of an amendment to a bill now pending before this Committee of the Whole.

Now, sir, will the chairman of the Committee of the Whole undertake to decide that the House was wrong when it saw fit to refer that question to the committee? If so, it involves us in a difficulty which cannot well be remedied. This bill is referred to the Committee on Elections. It is the duty of that committee to consider and to report, and they have reported in accordance with that duty; but if you say now they did not have jurisdiction of the matter, then you deprive any committee of the power to make or propose the amendment which the Committee on Elections have deemed necessary. That committee has submitted that amendment and it was the only committee that could do it. No other committee can make it, because it is not to be presumed that the House has referred the same subject-matter to more than one committee, and having referred this subject to the Committee on Elections, it is more than probable that it will not be found before any other committee.

Now, if the report of this Committee on Elections is ruled out, the probability is, indeed it is almost certain, that the Committee of the Whole will lose whatever benefit there is in the amendment.

Now, will the chairman of the Committee of the Whole House say he will override the action of the House, and bring on this difficulty which could be avoided if we abide its action? I care not whether the reference was considerably or inconsiderately made. It does not matter. It was the action of the House; it was committed by the House; it has been reported back, and this committee must abide by it. If the chairman says the reference was improperly made, he will deprive the committee of the power of making this amendment, however anxious we might be to do it.

Will the Chair do that? Does the Chair feel that he has the authority under the rules of the House to do that? Would it not be better for the Chair to say—and I hope the Chair will not consider me as dictating what he should say, but simply as presenting my views in my own way—the House having decided, its action shall stand. It may be that if the House had taken no action, and this was an original question, the decision of the Chair would be different; but since the House has acted, with all due deference, it does occur to me the Chair is concluded by it. I feel sure the amendment ought to and will be admitted.

Mr. REED. I desire to make a suggestion upon the question of order, although it may seem to have been pretty thoroughly exhausted by what has already been said. If I understand the object of the amendment which changed the rule to its present shape, it was that the House might in all these matters of amendment have the benefit of the peculiar experience of the committees which might submit them; and therefore the House very carefully used the language which was employed in the present rule as it now stands, namely, that the amendment must be proposed, not by a committee to whom a bill in substance of the same character was referred, but by a committee having jurisdiction of the subject-matter.

Now, I submit to the Chair that under the third and fourth clauses of Rule XXI there results this dilemma: if this be a bill in substance like the amendment which is offered, and therefore giving jurisdiction to the Elections Committee of the subject-matter, then the amendment must be obnoxious to the fourth clause of the rule. The fourth clause must rule it out as being a bill in substance like the amendment which is offered.

The CHAIRMAN. Does the gentleman not confound the word "substance" and the word "subject-matter?" May not two bills relate to the same subject-matter and yet be very different in substance?

Mr. REED. Yes, they may; but if it be a bill which gives of itself, *ipso facto*, jurisdiction to the committee of the subject-matter, then it must be a bill which in substance is like the amendment, because you cannot give a committee jurisdiction by giving it power over a bill which is not in substance like this, but simply relates to the subject-matter in general. Suppose it was a bill referred to the committee which related to the business of elections and not to deputy marshals at all. In a certain broad sense that might give jurisdiction of a subject-matter relating to the election of members. But if it is claimed that jurisdiction over the subject-matter of this amendment is given by the reference of this bill, then it must be because the amendment is in substance like the bill itself. And if that is so, then it is ruled out by the fourth clause of the rule.

But what I contend is that the object of the House in establishing this rule was to guard us against amendments that were offered by committees that had no general jurisdiction of the subject; in other words, it was intended the amendment should have the sanction of a committee which by its training and its consideration generally of the subject was specially fitted to guard the House against the disasters which result from inchoate and inconsiderate legislation as placed upon appropriation bills; for I am bound in discussing this matter to suppose the democracy in offering this amendment had some good and wise reason for it. It would be parliamentary to suppose so at least.

Mr. SPRINGER. In that respect you are quite right.

The CHAIRMAN. The Chair is anxious not to make any erroneous ruling upon these new parts of the rules, because, as has been said, such rulings may be regarded as precedents hereafter. Therefore the Chair has listened longer than he otherwise would have done to the discussion of this question.

The first part of this amendment, which proposes to make an appropriation of \$7,600 to pay special deputy marshals of elections, would have been in order if offered by any individual member on the floor, because it provides for a simple deficiency and changes no existing law.

Therefore, it is the latter part of the amendment alone to which the objection seems to be urged. There are three, perhaps four, committees of the House to which this subject-matter might have been referred, not improperly, the Chair thinks. It might have been referred to the Committee on the Judiciary, because it relates to the courts of justice and to the proceedings in the courts. It might have been referred to the Committee on the Revision of the Laws, because it relates to a change of part of a certain statute. It might have been referred to the Committee on Elections, as it was in fact, because it affects the manner of electing members of Congress. Or perhaps it might have been referred to the Committee on Expendi-

tures in the Department of Justice, because it relates to a reduction of the number and salaries of the officers who are appointed under that Department.

But the House has selected the committee to which it would refer this subject-matter, to wit, the Committee on Elections. Now, it seems that the chairman of the Committee of the Whole on the state of the Union would be assuming a very grave responsibility if he were to determine that the House had selected the wrong committee out of these four, and perhaps others, and that he would hold that the committee to which the House had referred the subject-matter had not jurisdiction over it. If the House had not acted at all, then of course it would be incumbent upon the Chair to decide according to the best of his judgment to which one of these committees this subject-matter belongs. But no such case as that is presented, and the Chair is bound to hold that the Committee on Elections has jurisdiction of the subject-matter to which this amendment relates. That presents the question whether the amendment is the same in substance as the bill which that committee has before it.

As the Chair stated a moment ago, two bills may relate to the same subject-matter and yet be very different in substance. The Chair thinks that is the case here. The subject-matter to which the bill referred to and the amendment now pending relate, is the appointment of special deputy marshals by the courts, whose duties pertain to elections for members of this House; but the provisions contained in the two are quite different. For instance, the bill contains no provision in reference to the salary of these officers. It provides that before they shall be appointed notice shall be given to the candidates for Congress, and it contains a great many other provisions upon the subject, which are not contained at all in this amendment.

The Chair therefore thinks that the Committee on Elections has jurisdiction of this subject-matter by the express order of the House, if not by the rules of the House; and that the proposed amendment is not in substance the same as the bill which has been handed to the Chair. The Chair therefore overrules the point of order.

Mr. HISCOCK. Does the Chair pass upon the other point, that the amendment is not germane to the subject-matter of the pending bill?

The CHAIRMAN. The Chair will state his conclusion upon that point. By the universal practice of this House, both in the House and in the Committee of the Whole, an amendment when offered is treated as an entirety. In pursuance of this practice the Chair, but a few moments ago, was about to sustain the point of order raised against an amendment offered by the gentleman from Ohio, [Mr. CONVERSE.] Thereupon the gentleman modified his amendment so as to take out of it that portion which made it subject to the point of order.

Treating the pending amendment as an entirety, the Chair is of opinion that it is germane to the bill, because, as already stated, the first part of it relates purely to a deficiency. The latter part of it is connected with the first part, inasmuch as it provides for the compensation hereafter of the same officers for whose compensation for past services provision is made in this bill. It does not, like the amendment passed upon yesterday, bring entirely new subjects before the Committee of the Whole. It brings before the committee simply an appropriation for a deficiency, and in connection with that appropriation a reduction of the number and the amount of salary of the officers for which this very appropriation is made.

Mr. HISCOCK. Then am I to understand the Chair to hold that if an amendment in one feature is germane to the subject-matter of the bill to which it is offered, and not germane in its other features, nevertheless the whole amendment is in order?

The CHAIRMAN. The Chair does not so decide at all. The Chair would decide without the slightest hesitation, if the latter part of this amendment had no reference whatever to the subject-matter to which the first part relates, that the whole amendment would be out of order. The Chair would not divide the amendment, but would exclude it entirely.

Mr. CONGER. As the amendment is capable of division, under the rule a separate vote may be demanded upon the different parts of this amendment?

The CHAIRMAN. Of course.

Mr. CONGER. Then I shall ask for a division of that amendment.

The CHAIRMAN. The gentleman has that right, the amendment containing two distinct propositions.

Mr. WEAVER. Mr. Chairman—

Mr. KEIFER. The amendment is now debatable.

The CHAIRMAN. It is.

Mr. WEAVER. I understand that the gentleman presenting the amendment now pending will consent to have incorporated in it what I send to the Clerk's desk.

The CHAIRMAN. The mover of the amendment can modify it if he sees proper.

Mr. WEAVER. Then I ask the Clerk to read the modification which I understand the gentleman will accept.

The Clerk read as follows:

And when there are three or more political parties having separate tickets to be voted for at any election, three deputy marshals shall be appointed as above provided, no two of whom shall belong to the same political party.

Mr. SPRINGER. I have no objection to that, and will accept it as a part of my amendment.

The CHAIRMAN. The question is upon the amendment as modified; and debate is now in order.

Mr. CONGER. I ask for a division of the amendment.

The CHAIRMAN. The Chair has stated that a division of the amendment has been called for; and the Clerk will read the first part of the amendment.

The Clerk read as follows:

For special deputy marshals of elections, the sum of \$7,600.

Mr. CONGER. I ask for a separate vote on that first.

The CHAIRMAN. The gentleman is entitled to that.

Mr. McMAHON. If we vote upon the first proposition will not debate be cut off on the whole proposition?

The CHAIRMAN. The amendment is offered as an entirety; but if it contains two or more distinct propositions a separate vote can be demanded upon each proposition.

Mr. McMAHON. Debate upon the amendment is now exhausted?

The CHAIRMAN. There has been no debate proper upon the amendment.

Mr. McMAHON. If we proceed now to vote upon the first proposition, will debate upon the second proposition be cut off?

The CHAIRMAN. Certainly.

Mr. GARFIELD. Do I understand the Chair to hold that the vote on one branch of the amendment would cut off debate upon the second branch?

The CHAIRMAN. The Chair thinks it would. It is all one amendment; and if there is to be any debate upon it, it should take place before any vote is taken.

Mr. GARFIELD. Mr. Chairman, I desire to offer an amendment to the second branch—

The CHAIRMAN. That is not in order.

Mr. SPRINGER. I will hear the gentleman's amendment; perhaps I will accept it.

Mr. GARFIELD. It is to strike out all after the words "in the absence of the circuit judge," where they occur in the last line of the RECORD print, page 39. I speak for nobody but myself, but I will vote for the amendment if all following these words be struck out.

A MEMBER. What is the effect?

Mr. SPRINGER. I cannot accept that amendment.

Mr. GARFIELD. I do not ask the gentleman to accept it. This is not a contract.

The CHAIRMAN. The Chair will state to the gentleman from Ohio [Mr. GARFIELD] that the Committee on Appropriations has reported back this bill, recommending the adoption of an amendment making an appropriation of \$600,000 to pay marshals and their general deputies. To that amendment the gentleman from Illinois has proposed an amendment. Therefore not only an amendment, but an amendment to the amendment, is now pending; and at present no further amendment is in order under the rules.

Mr. GARFIELD. Would it be in order to offer a substitute for the whole amendment of the gentleman from Illinois?

The CHAIRMAN. That can be done.

Mr. GARFIELD. Then I offer as a substitute the amendment of the gentleman from Illinois, with these modifications: inserting \$5 a day instead of \$2 a day, and omitting everything after the words "in the absence of the circuit judge."

The proposed substitute was read, as follows:

And for special deputy marshals of elections, the sum of \$7,600: *Provided*, That hereafter special deputy marshals of elections and general deputy marshals, for performing any duties in reference to any election, shall receive the sum of \$5 per day in full for their compensation; and that all appointments of such special deputy marshals or of general deputy marshals having any duty to perform in respect to any election shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the district judge, in the absence of the circuit judge.

Mr. COX. Mr. Chairman, I am opposed to the original amendment, to the amendment to the amendment, and to any possible substitute of the gentleman from Ohio. I oppose every form of recognition of these supervisors or deputy marshals. I opposed the bill by which originally these men were placed around our polls. I have seen them sometimes, when acting in conjunction with the municipal and State authorities, behave well. On the other hand, I have known occasions when, according to testimony which I cannot doubt, they have behaved ill; for instance, in the city of Philadelphia, where monstrous frauds were committed, as the evidence will show—where twenty thousand fraudulent voters were registered; while in New York—

Mr. O'NEILL. The gentleman's assertion in regard to Philadelphia has been utterly disproved time and again.

Mr. COX. I supposed that my friend from Philadelphia was asleep; but if he is very anxious I will read him a little chapter from the report of a committee that examined this subject fully:

At the last election in Philadelphia—

That is the election in 1876—

It appears from the testimony the registration was from twenty-five to thirty thousand excessive. In the city of Philadelphia, with a population of about eight hundred thousand, the registration of last year was over one hundred and eighty-six thousand, while in the city of New York, with a population nearly 50 per cent. greater, the registration was but one hundred and eighty-three thousand.

The fact of the excessive registration in Philadelphia becomes more apparent when it is known that over twenty thousand of the names registered were successfully attacked, and the names stricken off or marked with a red cross.

Mr. O'NEILL rose.

Mr. COX. Now let the gentleman sit down.

The CHAIRMAN. The gentleman from New York declines to yield to the gentleman from Pennsylvania.

Mr. COX. My friend from Philadelphia has never indulged in any unparliamentary conduct or language toward me. Therefore I excuse his former interruption if he will only sit down now.

Mr. O'NEILL. I will sit down until the gentleman again states something that I know not to be a fact.

Mr. COX. The gentleman has no right to interrupt me until I get through my five minutes. I will put the "red cross" on him if he does not conform to the rules. [Laughter.]

Let me read further from the same report:

And it is a matter of no little surprise that over nine-tenths of the names thus attacked in court were so attacked by democratic petitions. According to the evidence, the courts to which those petitions were returned were engaged for a month previous to the election in trying those cases alone; and but for want of time very many more names would have been stricken off, ninety petitions which had been returned not having been reached in the investigation by the courts.

This was all substantiated by testimony. But in New York—so often abused here by reckless and ignorant people, [laughter]—only fifteen hundred complaints were filed, and three hundred persons arrested. According to the testimony of Supervisor Davenport, men were frightened away from the polls by the advertisement of their names. Of the three hundred men arrested, 90 per cent. were allowed to vote as legal voters after a fair trial by the United States court. That was because in that election in New York there was, for the sake of peace and safety, an arrangement between the State, the municipal, and the Federal officers to act in concert in keeping the peace, and to have, if possible, a fair election. But in Philadelphia it was all rottenness—fair-seeming outside, but inside "full of dead men's bones." They literally voted dead men, though sometimes a dead man's vote was challenged because he had not been buried in the proper precinct!

I am only amazed and surprised to hear my friend from Philadelphia making a merit of this thing in the City of Brotherly Love. The red cross has been used by associations for better purposes, and the red-cross knight has borne his banner without shame or fraud upon other fields.

I am opposed to recognizing this Federal supervision over our elections. I voted against this bill in 1871-1872 because I knew it was unconstitutional. [Laughter on the republican side.] Ay, smile; crackle your thorns under a pot. The Supreme Court had said there was no such thing as a Federal election, only a State election; and, sir, for one I will not place the Supreme Court as now packed, partisan and demoralized, above the popular branch of the Legislature of this country. [Loud applause on the democratic side.]

Mr. KEIFER. Mr. Chairman, on the merits of this bill which we have been considering for many days I have not undertaken to occupy a moment's time. I would not take the short time allotted to me under the rules but for the fact that I think we are again launching ourselves upon the issue which divided this House and divided the country and concentrated the interests of this country all through the extra session of this Congress.

The amendment proposed to the substitute by my distinguished colleague from Ohio [Mr. GARFIELD] may be entirely unobjectionable in form and in terms, but, Mr. Chairman, to me it is wholly objectionable, because it comes here in the form of a rider to an appropriation bill, and a mere deficiency bill at that. While I may feel bound to vote for it if I think it is the best we can get, especially after the Chair has ruled such an amendment is in order, yet I wish here distinctly to protest against it.

I am not particularly surprised that the gentleman from New York [Mr. COX] undertook to set himself up against the Supreme Court of the United States and at his undertaking, by his *ipse dixit*, to say, that a solemn, well, and carefully considered decision of that most august body of this country is wrong. I was not surprised to hear him say that. Mr. Chairman, I was not surprised to hear the general applause coming from that side of the House when they responded to that statement. The decision of the Supreme Court remains, however, the supreme law of the land under the Constitution.

That Supreme Court of ours he says is partisan in its character; packed is the word he uses. Who packed that court? Turn to the character of those men; read it; read the record they have made in all their life-time—each one of them—and you will see how utterly reckless and false this statement was. I might say their lives would give the lie to such a charge as that. The source of the charge need not be considered.

I desire, Mr. Chairman, to say one thing further, in reference to a remark made by my colleague from Ohio [Mr. McMAHON] who has charge of this bill on the floor. He undertook to state to the committee a day or two ago that while the Supreme Court decided these election laws were constitutional, yet that court did not decide the law was a good one. Of course he made that statement without having read the opinion of the Court. I have not time here, in the limit allowed me, to go into that opinion. I hold it in my hand. There are some grand views stated there in the opinion of Justice Bradley, who spoke for the majority of the Court. Unless there is objection, I will insert an extract or two as part of my remarks.

The Court say in the recent case of *Ex parte Seibold et al.*, in speaking of governmental power, that—

In exercising the power, however, we are bound to presume that Congress has done so in a judicious manner; that it has endeavored to guard as far as possible

against any unnecessary interference with State laws and regulations, with the duties of State officers, or with local prejudices. It could not act at all so as to accomplish any beneficial object in preventing frauds and violence, and securing the faithful performance of duty at the elections, without providing for the presence of officers and agents to carry its regulations into effect. It is also difficult to see how it could attain these objects without imposing proper sanctions and penalties against offenders.

And in another place Justice Bradley, in the opinion, says:

Without the concurrent sovereignty referred to, the National Government would be nothing but an advisory Government. Its executive power would be absolutely nullified.

Why do we have marshals at all if they cannot physically lay their hands on persons and things in the performance of their proper duties? What functions can they perform if they cannot use force? In executing the process of the courts must they call on the nearest constable for protection? Must they rely on him to use the requisite compulsion and to keep the peace while they are soliciting and entreating the parties and bystanders to allow the law to take its course? This is the necessary consequence of the positions that are assumed. If we indulge in such impracticable views as these, and keep on refining and re-refining, we shall drive the National Government out of the United States, and relegate it to the District of Columbia, or perhaps to some foreign soil. We shall bring it back to a condition of greater helplessness than that of the old confederation.

The argument is based on a strained and impracticable view of the nature and powers of the National Government. It must execute its powers or it is no Government. It must execute them on the land as well as on the sea, on things as well as on persons. And to do this, it must necessarily have power to command obedience, preserve order, and keep the peace; and no person or power in this land has the right to resist or question its authority so long as it keeps within the bounds of its jurisdiction. Without specifying other instances in which this power to preserve order and keep the peace unquestionably exists, take the very case in hand.

Let me read a single extract more on the power of the Government and its duty:

It is argued that the preservation of peace and good order in society is not within the powers confided to the Government of the United States, but belongs exclusively to the States. Here again we are met by the theory that the Government of the United States does not rest upon the soil and territory of the country. We think that this theory is founded on an entire misconception of the nature and powers of that Government. We hold it to be an incontrovertible principle that the Government of the United States may, by means of physical force—

Note the words, gentlemen—

by means of physical force exercised through its official agents, execute on every foot of American soil the powers and functions that belong to it. This necessarily involves the power to command obedience to its laws, and hence the power to keep the peace to that extent.

A power that gentlemen on the other side deny—the power to keep the peace at elections, if you please, the place of all others where it should be maintained.

I might pursue this further, but I will not. It is sufficient for me to say the Supreme Court of the United States has not only said this legislation which has proved good whenever executed was constitutional but it has in effect pronounced it a good, wise, and wholesome law. This law ought to have been executed with a stronger arm and firmer hand than it has been. Now that the Supreme Court have held all these election laws to be clearly within the purview of the Constitution of the United States and that it is right in principle, it becomes our duty to appropriate money to pay for its execution, and especially is this so since a debt has been contracted on the faith of the law. The democratic party can hardly afford to persist in refusing to pay officers chosen under a constitutional act of Congress and who have in good faith performed their duty on the faith of it. No party can afford to be thus faithless to its duty.

[Here the hammer fell.]

Mr. FINLEY rose.

Mr. McMAHON. Are there not three amendments pending?

The CHAIRMAN. The Chair understands the gentleman from Ohio, [Mr. GARFIELD,] to propose a substitute which has not been sent to the Clerk's desk in writing.

Mr. GARFIELD. Oh! yes, Mr. Chairman, it has been read.

Mr. McMAHON. Then further debate is not in order.

The CHAIRMAN. The Chair does not understand this to be a substitute. It is simply a proposition to strike out certain words in the amendment of the gentleman from Illinois.

Mr. GARFIELD. That is a substitute which I sent to the Chair.

The CHAIRMAN. The gentleman, then, offers this as a substitute?

Mr. GARFIELD. Yes.

Mr. McMAHON. The gentleman offers it as a substitute and changes the compensation from two to five dollars per day.

Mr. GARFIELD. That is the only change, except leaving out the last four or five lines.

Mr. COX. Is further debate in order on the substitute?

The CHAIRMAN. As the gentleman from Ohio has the floor, and the gentleman from New York has already once spoken, he is not now entitled to be heard.

Mr. COX. I did not rise to debate, but to ask whether debate is in order on the substitute.

The CHAIRMAN. Debate is exhausted, if gentlemen are discussing the amendment. The rule allows five minutes' discussion for and five minutes against the amendment.

Mr. FINLEY. Five minutes have been exhausted against it, but not one minute in favor of it.

The CHAIRMAN. The gentleman from New York made a speech—

Mr. FINLEY. Against it.

The CHAIRMAN. And the gentleman from Ohio made a speech—

Mr. FINLEY. Against it, and I want to say now a few words in favor of it.

The CHAIRMAN. Let the Chair understand now, and state this proposition so that there will be no question hereafter about it. Two speeches have been made upon the substitute, and the debate now for ten minutes longer is on the amendment offered by the gentleman from Illinois.

Mr. FINLEY. Now I desire to say in the five minutes that I have a few words in reference to the marshals employed in the last presidential election. In that election there were employed 11,615 special deputy marshals, of which number 10,874 were placed in democratic precincts as shown by the report of the Attorney-General.

Now, I want to say that I am in favor of this amendment, protesting as I always have and always will against the appointment of these special marshals as a partisan outrage; protesting against a law that has been used and abused constantly for partisan purposes. I will vote for the amendment of the gentleman from Illinois for the reason that it is a step in the direction for protecting ourselves from the outrages which we are powerless to prevent in these appointments. When I look into the report of the Attorney-General and analyze it in connection with testimony relating to the kind of men used in those precincts for partisan purposes, I feel inclined to do anything that I can by my voice and vote to procure a fair election at the polls and to procure relief from the political hummers appointed by the republican party and paid out of the Federal Treasury.

The gentleman from Pennsylvania, who seems to be so particularly tender whenever anything is said about the politicians of his State, passed an encomium a moment ago on some of the leading politicians there. Now, Mr. Chairman, I know nothing of the politicians of the State of Pennsylvania, excepting what I find in the newspapers. I do occasionally see something about them there—and a case in point: I find that a large number of the prominent republican politicians of that State are now under indictment for attempting to bribe and purchase the Legislature. One of these gentlemen, W. H. Kemble, president People's Bank of Philadelphia and a republican ex-treasurer of state, came into open court the other day and plead guilty to having gone into the Legislature and attempted to bribe the members.

But he talks about the marshals in his district. Why, Mr. Chairman, of the seven hundred marshals employed in Philadelphia in the last election I find, from a report of a committee of the other House, that thirteen of them were convicted of crimes, such as murder, burglary, shooting with intent to kill, &c. Two of them were keepers of houses of prostitution, two were keepers of low doggeries, and the whole lot of them, every one of them, was an active working republican at the polls who wore the badge on his breast of a special deputy marshal. [Laughter.]

I will give the gentleman the names of some of his constituents and probably he will remember them. One of them is Philip Madden. He was a special deputy marshal at the polls who had been convicted of highway robbery and served two terms in the penitentiary. [Laughter.] Francis McNamee, of the Seventh ward, had been arrested five different times for different crimes, some of them as high as burglary. Daniel Redding, who also wore the badge upon his breast, had been tried for murder, and he was the gentleman that the testimony shows had voted no less than eight times in one day. He was an active working republican and wore the marshal's badge on his breast.

Michael Slavin, marshal Fifth ward, is described as "a thief and notorious repeater." J. Roberts, marshal sixteenth division, had been a policeman in the City of Brotherly Love. He had blocked up the polls and arrested citizens who went there to vote, and he had a beautiful record. He had been keeping a house of prostitution and had there a lot of republican policemen that were paid out of the Federal Treasury for keeping the peace at the polls!

I have not time in the five minutes allowed to give a history of the savory reputations of the gentleman's constituents for whom he pleads so strongly on the floor of this House. But all the way through it was shown that the republican policemen at the polls assisted these worthy marshals to keep democrats away from the polls.

Now, under the amendment of the gentleman from Illinois there can be a mitigation of that kind of outrage in this: that instead of five hundred or six hundred republican marshals, appointed at the polls, as in some cases—for instance, one precinct in Georgia had one hundred and three, one in Missouri had several hundred—instead of that number paid out of the Federal Treasury, every one of them a republican and a partisan, we can under the amendment of the gentleman from Illinois have a decent number of decent people to attend to the duties.

[Here the hammer fell.]

Mr. DAVIS, of California. I wish to say a few words in addition to what was said by my colleague in reference to the election in California, the appointing of these marshals, and the character of the men who were selected. It is scarcely necessary for me to say to this House now, after what has been in the public prints during the last few weeks, anything with reference to the nature of the disturbances there. It is hardly necessary for me to call the attention of the House to the fact that within a year past California has been the theater of a social convulsion, resulting in the adoption of a new constitution at a special election held less than a year ago, and under circumstances of peculiar interest and excitement, when political feeling

ran high and the whole population from one end to the other of the State was excited on the subject.

Following immediately on that election came the campaign of the fall. Party feeling ran high, partisanship was red-hot all over the State. Charges and mutual recriminations were indulged in until at last, as you well know, it terminated in bloodshed in the very streets of San Francisco.

Under those circumstances is there any man on this floor who will tell me that there was no need of special care and prudence and a special watch over the polls? Then at this very critical juncture came the necessity for a re-registration of all our voters. The statute passed by the last Legislature required, previous to this election, a re-enrollment of all our voting population. This registration in the precincts began in the midst of all this turmoil and disturbance. Under those circumstances came the appointment of these marshals. Then followed the election; and look at the prize there was at stake. Under our new constitution every officer in the State had been deposed from office, and the ticket we voted at San Francisco was a ticket two feet in length, and containing eighty-four or eighty-five names. With a political prize like this held out you can imagine what was the inducement to fraudulent registration, and crowding men to the polls that were not entitled to come there.

It is a well-known fact that thousands and thousands of names were rejected from the poll-lists of men who endeavored to get upon the registry. After the election, the number of voters had been so large that in some of the precincts of San Francisco it took five or six days of steady work, day and night, to count the vote. These are the circumstances under which these men were appointed. It has been insinuated they were paid by the republican party. I challenge any man to offer the slightest shadow of proof for that statement. I have no hesitation in saying that the charge is absolutely false. And I will say the body of men appointed there were as honorable, upright citizens as ever did police duty in any part of the United States. I ask gentlemen before they vote against this proposition to pay these men employed to carry out the law of the United States and to preserve the peace at that critical juncture—I ask them to consider what will be the effect on the State of California if Congress refuses to give these men their just dues, earned at a juncture like that.

Mr. SIMONTON. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SIMONTON. Is the substitute of the gentleman from Ohio open to amendment?

The CHAIRMAN. One amendment may be offered to that substitute.

Mr. SIMONTON. Then I offer as an amendment to the substitute what I send to the desk.

The Clerk read as follows:

Strike out "\$5" and insert "\$2;" and after the word "judge" insert "and not less than two nor more than three appointments shall be made for any voting precinct where such appointments are required to be made, and the persons so appointed shall be of different political parties; and if there are more than two political parties having tickets to be voted for, no two of said deputy marshals shall be appointed from the same party. And the persons so appointed shall be persons of good character, able to read and write the English language, and shall be well-known residents of the voting precinct in which their duties are to be performed."

Mr. CONGER. That is the original proposition.

The CHAIRMAN. The Chair thinks it is substantially the same thing, but it is offered as an amendment to the substitute.

Mr. CONGER. Marshals of three political parties were provided for by the modification of the amendment of the gentleman from Illinois, [Mr. SPRINGER,] and this is virtually restoring the original proposition.

The CHAIRMAN. There is no doubt about that; but the Chair cannot rule it out on that account.

Mr. SPRINGER. Is the amendment of the gentleman from Tennessee [Mr. SIMONTON] now before the committee?

The CHAIRMAN. It is.

Mr. HERR. I desire to oppose the amendment.

Mr. SPRINGER. I rise to support it.

Mr. SIMONTON. I will yield my time to the gentleman from Illinois, [Mr. SPRINGER.]

The CHAIRMAN. The Chair will first recognize the gentleman from Illinois, to support the amendment, after which he will recognize the gentleman from Michigan, [Mr. HERR.]

Mr. SPRINGER. I regret that the gentleman from Ohio [Mr. GARFIELD] should so soon have retreated from the position which he took in this House yesterday.

Mr. GARFIELD. I have not retreated from it at all.

Mr. SPRINGER. The gentleman says he has not retreated.

Mr. GARFIELD. Not at all.

Mr. SPRINGER. I will read from the RECORD to show whether the gentleman has retreated or not. The gentleman said—

We offered last session to let the law be changed so that these officers should be appointed from the two parties. I distinctly held that out as a standing offer; and, so far as I am concerned, that "lamp still holds out to burn."

Now that gentleman comes in with a substitute and proposes to leave out the very portion of my amendment which provides that these officers shall be appointed from different political parties. Is not that true?

Mr. GARFIELD. If the gentleman will allow me, I will say that I am entirely willing to put that in. I had not in the moment allowed

me the time to prepare carefully the whole amendment. The part to which I objected and which I wanted to get stricken out was that part which limited us to three marshals to keep the peace in a precinct where there might be a riot of several thousand persons.

Mr. SPRINGER. Then the gentleman should have moved to strike out "three" and insert "as many as the court may deem necessary."

Mr. GARFIELD. Very well, but I will not take your three-marshal proposition.

Mr. SPRINGER. It seems to be difficult to frame a proposition to which the gentleman will agree.

Mr. GARFIELD. Restricting the number of marshals to three for a whole voting precinct was never a part of any proposition suggested by the other side yesterday, or accepted by us on this side. That is what I objected to.

Mr. SPRINGER. If the gentleman desired to remedy that, it was his province to move an amendment as to the number.

Mr. GARFIELD. I am willing to do so now.

Mr. SPRINGER. The gentleman did not do so, but moved an amendment in regard to the manner of appointment only of these marshals.

Mr. McMAHON. If the gentleman will permit me, I will say to my colleague from Ohio [Mr. GARFIELD] that he seems to forget that the law is not interfered with at all which permits general deputy marshals to be present at the polls; and under the statute they may be appointed to an unlimited number.

Mr. GARFIELD. Not under this amendment. This amendment limits the number to three, of general and special deputies. The point I make against the amendment as it stands is that in all cases of doubt, danger, and disturbance the Government of the United States can have but three officers empowered to keep the peace against a riot, however large.

Mr. SPRINGER. I will say to the gentleman from Ohio that I have no objection to leaving to the discretion of the court the power to appoint a sufficient number in each precinct to keep the peace at the polls. I desire a free and fair expression of the popular will at every poll. The democratic party desires such free and fair expressions of the people's will at every poll in the United States.

Mr. REED. It must be a recently-born desire.

Mr. SPRINGER. And any one who asserts that the democratic party desires to commit or permit fraud at any poll in the United States asserts that which is not true and which is not supported by the history of the democratic party in the past.

I ask the members of the democratic party on this floor, I ask the republicans on the other side of this House, to support this amendment, or the substance of it, in order that this vexed question of deputy marshals at the polls may be settled by this House in such manner as to give satisfaction to all the people of this country, and to take the subject out of the discussions of political parties.

We all say that we desire fair and free elections. Gentlemen on the other side must understand that it is not fair to surround the polls with an unlimited number of their own partisans, paid out of the Treasury of the United States, for the purpose of electioneering in behalf of their own party candidates. You know that is not fair. I ask you to remedy it. You can remedy it by voting for this amendment. If you do not remedy it, but contend for the right to surround all the polls with your own paid partisans in order to electioneer for your party candidates, you will be asking for that which you know is not right, and which should not be sustained by the law.

[Here the hammer fell.]

Mr. HERR. Mr. Chairman, I had not intended to take any part in this debate, and I should not do so now were it not for a peculiar feature that seems to attend this bill, as it has all similar bills since I have been a member of this House.

When my friend from Mississippi [Mr. SINGLETON] sought to strike down one of the old officers of this Government, he attempted to do so by attaching a rider to this bill, and seemed perfectly satisfied that his reason for doing so was complete when he could say that in Andy Johnson's time the republicans did just as mean a thing. [Laughter.] That was the very acme of his argument.

Not a rider has been put on an appropriation bill by the majority of this House that has not been defended by the democrats upon the ground that "you republicans have done just the same mean thing." And yesterday when the gentleman from Ohio [Mr. McMAHON] who has charge of this bill sought to clinch the matter beyond all doubt, he stated as a reason why he and his party have the right to violate the law and refuse appropriations for marshals who have done their duty, "you republicans once violated law; you did not enforce the fugitive-slave law." So it has ever been. It seems that the highest idea of legislation that democrats can get is to try to imitate the meanest measures we republicans have ever passed. [Laughter.]

Why, Mr. Chairman, it would be refreshing to me to have these gentlemen introduce one bill here upon which they could stand up and say before the House, "we are in favor of this bill because it is right, because the interests of the country demand it," and not have to resort to the argument that in some unguarded moment the republican party had done something just as bad. Has it come to this, that the democratic party of this country has no higher idea of legislation than to follow and imitate our mistakes? Is it true that the meanest things we have ever done seem to a democrat to be directly in the line of retrenchment and reform? [Great laughter.]

Mr. WARNER rose and attempted to interrupt.

Mr. HERR. I hope the gentleman from Ohio will not interrupt me, for he has the ability to speak longer and oftener on any subject without exhausting either the subject or himself than any man I ever saw. [Laughter.]

Mr. Chairman, there are before the country great questions that this Congress ought to be at work upon. We have been here three months and a half and only a single general appropriation bill has been reached. Our river and harbor bill still sleeps in committee. The great question, what shall be done with the Indian tribes and their reservations, is still unsolved. The question of interstate commerce, which has agitated this country from end to end, is still unsettled. Our friend from New York [Mr. WOOD] has in his charge undisposed of one of the most important financial measures yet introduced into this Congress. I refer, sir, to the funding bill; and I say to the gentlemen who live on the seaboard, "You ought to be here with some measure that the men from the West, who are not familiar with the subject, can support, providing for the restoration of our commerce to the oceans of the world." But nothing of the kind has yet been proposed.

Yet, sir, with all these questions and many others demanding immediate attention, we cannot have presented here a little bill to make up deficiencies without a week being frittered away on this kind of profitless discussion. I say, Mr. Chairman, it is time that this Congress should go to work and do some of the business for which we were sent here.

I should leave this subject right here but for a "sneer" which fell from the lips of our democratic friend from Ohio, [Mr. McMAHON,] in reference to the "bloody shirt." I was sorry to hear him refer to that. The effect was not great. I have heard that sneer before. It is twenty years old. I was in Ohio during the war and well remember how the party he represents was in the habit of sneering at that same shirt when the blood on it was yet fresh and new, and when it was the only winding-sheet of so many of the brave soldiers who went down to death that the nation might live, and these same gentlemen have been sneering at this "bloody shirt" from that time until now.

Mr. WEAVER. Did the gentleman get any farther south than Ohio?

Mr. HERR. No, sir; I was not in the service. Mr. Chairman, unfortunately, Ohio had so many rascally copperheads within her borders at that time that she was compelled to keep some of her best men at home to take care of those fellows in the rear. [Great laughter.]

[Here the hammer fell.]

Cries all over the House: "Go on!" "Go on!"

Mr. HERR. No, gentlemen; I will take no more time.

Mr. WARNER. The gentleman from Michigan is exhausted; now let us have a vote.

Mr. BUCKNER. Mr. Chairman—

The CHAIRMAN. Till one of the proposed amendments is disposed of, no further amendment is in order. The question is upon the amendment of the gentleman from Tennessee [Mr. SIMONTON] to the substitute proposed by the gentleman from Ohio, [Mr. GARFIELD.] The gentleman from Ohio has modified his substitute as the Clerk will read.

Mr. SIMONTON. Has the gentleman the right to modify his substitute?

The CHAIRMAN. He has; but, as the Chair now understands, he does not propose to do so.

Mr. SIMONTON. If the gentleman modifies his substitute, I desire a like privilege with reference to my amendment.

The CHAIRMAN. Any gentleman offering an amendment has a right to modify it before a vote is taken.

Mr. SIMONTON. If the gentleman from Ohio proposes to modify his proposition, I would like to modify my amendment, so that it may come in properly in connection with his.

The CHAIRMAN. The gentleman from Ohio has made no modification in his amendment, although at one time he proposed to do so.

Mr. EWING. I hope my colleague [Mr. GARFIELD] will be permitted to make such modification as he desires.

The CHAIRMAN. The gentleman has a perfect right to modify the substitute if he wishes to do so.

Mr. EWING. He can have unanimous consent if necessary, as he seems to be anxious to have non-partisan deputy marshals.

Mr. GARFIELD. I have written out a modification in the form of an additional clause.

The CHAIRMAN. The Clerk will report the substitute as now modified.

The Clerk read as follows:

For special deputy marshals of elections, the sum of \$7,600: *Provided*, That hereafter special deputy marshals of elections and general deputy marshals, for performing any duties in reference to any election, shall receive the sum of \$5 per day in full for their compensation; and that all appointments of such special deputy marshals or of general deputy marshals having any duty to perform in respect to any election shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the district judge in the absence of the circuit judge; said special deputies to be appointed in equal numbers from the different political parties.

Mr. GARFIELD. I modify the substitute further by striking out

the words "and general deputy marshals," as the amendment ought to relate to special deputies only.

Mr. SPRINGER. I object to that modification.

The CHAIRMAN. The gentleman has the right to modify his own substitute.

Mr. FIELD. I desire to call the attention of the gentleman from Ohio to one point. The provision is that in the absence of the circuit judge these officers shall be appointed by the district judge.

Mr. GARFIELD. Yes, sir.

Mr. FIELD. I suggest that the words "of the district" be inserted.

Mr. GARFIELD. Very well; I modify the amendment further by inserting after "district judge" the words "of the district."

The amendment of Mr. SIMONTON to the substitute of Mr. GARFIELD was read, as follows:

Strike out "\$5" and insert "\$2;" and after the word "judge" insert:

And not less than two nor more than three appointments shall be made for any voting precinct where appointments are required to be made; and the persons so appointed shall be of different political parties; and if there are more than two political parties having tickets to be voted for, no two of said deputy marshals shall be appointed from the same party. And the persons so appointed shall be persons of good character, able to read and write the English language, and shall be well-known residents of the voting precinct in which their duties are to be performed.

Mr. KEIFER. I should like if we are going to vote on the amendment of my colleague [Mr. GARFIELD] to have the Clerk read that substitute as it would be if adopted.

The CHAIRMAN. That has just been done.

Mr. KEIFER. I understood the Clerk to read what is to be stricken out of the original amendment; but I should like to have the amendment read as it will be if adopted.

The CHAIRMAN. The Clerk will again read the substitute offered by the gentleman from Ohio as it now stands, and the Chair asks that gentleman to observe whether the changes have been made according to his desire.

The amendment was read.

The CHAIRMAN. The Chair understands the gentleman from Tennessee to modify his amendment so as to make it come in at the end of the substitute as originally offered.

Mr. SIMONTON. Before the word "said" and after the word "judge."

The question recurred on Mr. SIMONTON's amendment to Mr. GARFIELD's substitute.

The committee divided; and there were—ayes 105, noes 103.

Mr. GARFIELD demanded tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. SIMONTON were appointed.

The committee again divided; and the tellers reported—ayes 117, noes 114.

So the amendment to the amendment was agreed to.

Mr. SPRINGER. I desire to restore the words "and general deputy marshals having any duty to perform at any election," wherever they occur in the original text. I desire the general deputy marshals having any duty to perform at any election shall be subject to the same appointment as special deputy marshals and limited to the same number.

Mr. GARFIELD. You cannot change it now.

Mr. CANNON, of Illinois. What is the difference between general and special deputy marshals?

Mr. SPRINGER. These general deputies are to perform their duty over the whole State. Now at the last election in the State of South Carolina several hundred deputy marshals were appointed who went into all parts of the State and raided around for the pretended purpose of enforcing these laws. I desire those general deputy marshals shall be subject to the same appointment as special marshals and in the same number. I desire to restore those words, therefore.

The CHAIRMAN. The question then is on the amendment to the amendment of the gentleman from Illinois.

Mr. FINLEY. Let us have that substitute, as amended, read.

Mr. GARFIELD's substitute, as amended, was then read.

Mr. CONGER. I ask for a division on the amendment.

The CHAIRMAN. On what?

Mr. CONGER. First on the proposition to appropriate \$7,600.

The CHAIRMAN. That is not the question now before the committee. The question before the committee is the amendment proposed by the gentleman from Illinois to insert the words "general deputy marshals" in this amendment which has just been read.

Mr. HISCOCK. I suggest to the gentleman from Illinois the effect of conferring on the judge the power to appoint general deputy marshals is simply to take it from marshals in all cases.

Mr. SPRINGER. Where it speaks of general deputies having any duty to perform at any election in the State.

Mr. HISCOCK. The duty the general marshal would have to perform would be in the execution of process. When it comes down to the question of supervising elections, he is not charged with the same duties as the marshal himself. From that fact of executing process he becomes a deputy marshal.

Mr. SPRINGER. If the gentleman will put in words prohibiting general deputies having any duties to perform in reference to elections, very well.

Mr. KEIFER. Have they now?

Mr. SPRINGER. I have understood that in 1876 in the State of

South Carolina, all over that State, general deputies were appointed to go into precincts where under law special deputies could not go.

Mr. HISCOCK. General deputies have power to execute process, and they may be called upon to preserve the peace; but as general deputies they have no power whatever over elections.

Mr. SPRINGER. I understood it was construed differently. It will do no harm, however, to put it in.

Mr. HISCOCK. The effect of the amendment will be to change the appointing power of deputy marshals.

Mr. KEIFER. Is it open to the point of order?

The CHAIRMAN. It has been under discussion for ten minutes and the point of order comes too late.

Mr. BUCKNER. I move the committee rise.

The committee divided; and there were—ayes 98, noes 64.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, and had come to no conclusion thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the following title:

An act (H. R. No. 4376) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 637) granting an increase of pension to Lucien Kilbourn; and

An act (S. No. 1281) authorizing the Secretary of the Navy to introduce cotton cordage into the naval service of the United States.

The message also transmitted for the consideration of the House a letter of the Secretary of War in reference to Mobile Bay.

REVISED RULES.

Mr. BLACKBURN. I am directed by the Committee on Rules to submit the following report amending the rules of the House, and ask that the same be printed in the RECORD, and also in the usual form. I also give notice that I will call the same up to-morrow for action.

There was no objection, and it was ordered accordingly.

The report is as follows:

The Committee on Rules ask leave to report certain amendments to the rules made necessary by a clerical and sundry typographical errors, and also by reason of amendments made in the Committee of the Whole House on the state of the Union to the report of the Committee on Rules submitting "revised rules," which amendments were not at the time supplemented by other amendments making other rules conform to and in harmony with such amended rules.

The amendments proposed are as follows:

After the words "select committee," in line 3 of clause 2, Rule XIII, insert the following words:

"The Committee of the Whole House on the state of the Union, the House Calendar, or the Committee of the Whole House, according to its character."

Strike out the word "ordered," in line 2, clause 1, Rule XVII, and insert in lieu thereof the word "seconded."

After the word "debate," in line 3, clause 1, Rule XVII, insert the following words:

"Except the hour authorized in clause 3, Rule XIV."

After the word "submit," in line 12, of same clause and rule, strike out the letter "a" and insert the word "one."

After the word "instructions," in line 16, same clause and rule, insert the words "and without debate."

After the word "names," in line 2, clause 1, Rule XXII, strike out the words "and the reference or disposition to be made thereof," and insert in lieu thereof the words "thereon, and the same shall be referred to the committee having jurisdiction of the subject-matter thereof."

After the word "propositions," in line 1, clause 3, Rule XXIII, insert the words "directly or indirectly;" and after the word "people," in line 2, of same clause and rule, strike out the semicolon and insert in lieu thereof a comma.

In clause 1, Rule XXIV, line 7, after the word "only," insert the words "House resolutions and;" and in line 9, of same clause, after the word "resolutions," insert the words "of inquiry."

Strike out all after the word "Union," in line 4, clause 6, Rule XXIV.

Add to Rule XXXIV, after the word "consent," the following proviso:

"Provided, That the persons embraced in clause 2, Rule XXXVI, shall be admitted to the marble-room on the south of the Hall of the House under such regulations as the Committee on Rules may from time to time prescribe."

POST-OFFICE DEFICIENCY BILL.

Mr. BLOUNT. I ask unanimous consent to take from the Speaker's table the bill making appropriations to supply deficiencies for the Post-Office Department. I do not remember exactly the number of the bill, and ask that the Senate amendments thereto be printed, and that the bill be referred to the Committee on Appropriations.

There was no objection, and it was ordered accordingly.

Mr. CONGER. I move that the House adjourn.

POST-ROUTE BILL.

Mr. MONEY, from the Committee on the Post-Office and Post-Roads, by unanimous consent, reported a bill (H. R. No. 5256) to establish post-routes; which was read a first and second time, ordered to be printed, and recommitted to the same committee.

ORDER OF BUSINESS.

Mr. CONGER. I move the House adjourn.

Mr. McMAHON. I desire to notify the House that I shall call up for consideration to-morrow morning the deficiency appropriation bill and move to suspend private business for the purpose of considering it.

WITHDRAWAL OF PAPERS.

On motion of Mr. CLARK, of New Jersey, the papers in the case of Nathaniel G. Smith, previously referred to the Committee on Claims, were referred to the Committee on the Post-Office and Post-Roads.

TRANSPORTATION OF UNITED STATES MAILS.

Pending the motion to adjourn,

The SPEAKER, by unanimous consent, laid before the House a letter from the Postmaster-General, transmitting the report of all fines imposed upon and deductions made from the pay of contractors for transporting the mails of the United States for the years 1875, 1876, and 1879; which was referred to the Committee on Expenditures in the Post-Office Department.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relating to an investigation respecting certain lands in Washington City belonging to the United States; which was referred to the Committee on Public Buildings and Grounds.

And then, on motion of Mr. CONGER, (at four o'clock and thirty-six minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. WILLIAM ALDRICH: The petition of Marder, Luse & Co., type-founders, of Chicago; Illinois, against the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of James W. Stone and 40 others, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. BARBER: The petition of Dr. W. S. Pearce, of Waukegan, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. BAYNE: The petition of George S. Hays and others, citizens of Pennsylvania, that Congress grant lands to actual settlers under the homestead laws and provide sufficient money for an outfit, to be secured by mortgage to the United States—to the Committee on the Public Lands.

By Mr. BENNETT: The petition of 68 citizens of Northern Dakota, that the bill organizing the Territory of Pembina be amended by changing the name to North or Northern Dakota, and when so amended that it pass—to the Committee on the Territories.

Also, the petition of 110 citizens of Northern Dakota, of similar import—to the same committee.

By Mr. BICKNELL: The petition of Charles L. Hoover and 19 others, druggists and manufacturers of medicines in New Albany, Indiana, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. BOUCK: The petition of G. K. Whitney and others, of Winnebago County, Wisconsin, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. BREWER: A paper relating to the pension claim of John Bartow—to the Committee on Invalid Pensions.

By Mr. BRIGHAM: The petition of printers, publishers, and others, of New York and elsewhere, against the removal of the tariff upon type—to the Committee on Ways and Means.

By Mr. CABELL: The petition of P. Bouldin, A. Anderson, and R. H. Glass & Son, of Danville, Virginia, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. CALKINS: The petition of S. E. Douglass, of Porter County, Indiana, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. CONGER: The petition of H. C. Knill, of Port Huron, Michigan, of similar import—to the same committee.

By Mr. CONVERSE: The petition of C. Hills and 38 others, citizens of Delaware County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of Joseph Carman and 21 others, and of A. B. Elliott and 120 others, citizens of Fayette County, and of A. J. Case and 37 others, citizens of Delaware County, Ohio, for a law to prevent fluctuations and unjust discriminations in freights—to the Committee on Commerce.

By Mr. COVERT: The petition of the National Association of Bleachers and Dyers, for removal of the duty on chrome iron ore and bichromate of potash—to the Committee on Ways and Means.

By Mr. COX: The petitions of Thiteheuer & Glastaeter and other printers, publishers, stereotypers, and type-founders, of New York City, and of the employes of Farmer, Little & Co., of New York City, against the reduction or abolition of the tariff duty on type—to the same committee.

Also, the petition of the publishers of the *Eco d'Italia*, New York City, for the abolition of the duty on type—to the same committee.

By Mr. DICK: The petition of Seth Hoagland and 10 others, citizens of Mercer County, Pennsylvania, that the Agricultural Department be made a Cabinet bureau—to the Committee on Agriculture.

Also, the petitions of E. Jewell and 15 others; of J. L. Moore and 8 others, and of W. D. Burnett and 28 others, citizens of Mercer County, Pennsylvania, against discriminations by railroads—to the Committee on Commerce.

Also, the petitions of Nelson Boylan and 29 others; of Thomas Bagnall and 7 others, and of E. Jewell and 14 others, citizens of Mercer County, Pennsylvania, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of W. C. Wygant and 33 others, soldiers of Crawford County, Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. DICKEY: The petition of L. Evansline and 106 others, citizens of Clermont County, Ohio, of similar import—to the same committee.

Also, the petition of Maddox, Hobart & Co., of Cincinnati, and 9 other distillers and rectifiers, of Ohio, against certain provisions of the bill to amend the revenue laws relating to distilled spirits—to the Committee on Ways and Means.

By Mr. EVINS: The petitions of P. H. Riley, of Edward Bailey, and of A. M. Howell, of Glenville, and of L. M. Grist, of the Enquirer, Yorkville, South Carolina, for the abolition of the duty on type—to the same committee.

Also, the petitions of James A. Hoyt and others, and of J. C. Bailey, of Greenville, South Carolina, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. EWING: The petition of John G. Cornwell and others, of Middleport, Ohio, for the defeat of the bill (S. No. 496) providing for the examination and adjudication of pension claims—to the Committee on Invalid Pensions.

Also, the petitions of John W. Free and other officers and soldiers of the United States volunteers; also of John G. Cornwell and other soldiers and sailors of United States volunteers, for the passage of a law equalizing bounties—to the Committee on Military Affairs.

Also, the petitions of Charles V. Clark and others, citizens of Gallia County, and of T. H. McKnight and others, citizens of Meigs County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of Charles V. Clark and others, of Gallia and Meigs Counties, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. FISHER: The petition of soldiers of Huntingdon County, Pennsylvania, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. HAWK: The petition of the Western Wholesale Drug Association, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. HAYES: The petition of Norton & Co. and 9 others, citizens of Lockport, Illinois, against the reduction of the duty on paper—to the same committee.

Also, the petition of certain distillers in the first Ohio district, in regard to the revenue bill now before the Committee on Ways and Means—to the same committee.

By Mr. HOOKER: The petition of citizens of Cincinnati, for a revision of the revenue laws relating to certain articles—to the same committee.

Also, the petition of Charles S. Brown, of Jackson, Mississippi, and T. W. Tarrant, of Galveston, Texas, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. HUNTON: The petition of citizens of Warren County, Virginia, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. HURD: The petition of Daniel Brown and others, of Wood County, Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of C. M. Canfield and others, of Fulton County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of Andrew Welton and others, of Wood County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of James Timmons, of Wood County, Ohio, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

Also, the petitions of B. L. and D. E. Peters, and of James Timmons, of Wood County; of H. F. Paden and P. Knerr, of Sandusky County, and of C. H. Coy, of Toledo, Ohio, for the abolition of the duty on type—to the same committee.

Also, the petition of H. A. Pratt and others, against the further introduction of the French metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. JAMES: The petition of J. C. Sprague and others, of Ogdensburg, New York, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. JONES: The petition of Allen & Crozier, of Burnett, Texas, for the abolition of the duty on type—to the same committee.

By Mr. JOYCE: The petition of citizens of Vermont, that Josephus D. Lathrop be paid arrears of pension alleged to be justly due his late wife—to the Committee on Invalid Pensions.

By Mr. LADD: The petitions of 100 soldiers and citizens, of 60 soldiers and citizens, and of 71 soldiers, of Aroostook County, Maine, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which soldiers of the late war were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. MCGOWAN: The petition of E. H. Lathrop and 225 soldiers of the late war, of Barry County, Michigan, for the passage of the bill (H. R. No. 3955) providing for the equalization of bounties—to the same committee.

By Mr. MCKENZIE: Joint resolution of the Kentucky Legislature, for the benefit of soldiers of the late war—to the Committee on War Claims.

By Mr. McLANE: The petition of E. D. Morgan & Co., Moses Taylor & Co., and others, against changing the tariff on sugar—to the Committee on Ways and Means.

Also, the petition of Baird & Butts, of Baltimore, Maryland, for the abolition of the duty on type—to the same committee.

Also, resolutions of the city council of Baltimore, Maryland, asking for an appropriation for continuing the work on Fort Carroll—to the Committee on Military Affairs.

By Mr. MONROE: The petition of W. M. Crandall and 28 other soldiers, citizens of Ohio, for the passage of House bill No. 2480—to the same committee.

Also, the petition of E. L. Burge and 64 other soldiers, citizens of Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. MORSE: The petition of merchants and citizens of Buffalo, New York, and vicinity, for reciprocal trade with Canada and Newfoundland—to the Committee on Ways and Means.

By Mr. NEWBERRY: The petition of the publisher of the Public Leader, Detroit, Michigan, for the abolition of the duty on type—to the same committee.

Also, the petition of 46 citizens of Northville, Michigan, for a bridge across the river at Detroit, Michigan—to the Committee on Commerce.

By Mr. O'NEILL: The petition of manufacturers and dealers in sheet-metal and metal goods, manufacturers and dealers in paints, oils, and varnishes, in Philadelphia, against the extension of the Harman Miller patents—to the Committee on Patents.

By Mr. OSMER: The petitions of Mr. McCormack and 24 others, and of Daniel Haworth and 11 others, for the passage of House bill No. 269, relating to the homestead laws—to the Committee on the Judiciary.

By Mr. PHISTER: The petition of John W. Zoller, of Robertson County, Kentucky, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. ROTHWELL: The petition of J. T. Plunkett, of Brunswick, Missouri, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. STARIN: The petition of 8 citizens and ex-soldiers of Montgomery County, New York, against the passage of the sixty-surgeon pension bill—to the Committee on Invalid Pensions.

By Mr. STEVENSON: The petition of N. Patterson, of Ellsworth, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. AMOS TOWNSEND: The petition of citizens of Ohio, for the passage of a bill to create a department of manufactures, mechanics, and mines—to the Committee on Education and Labor.

By Mr. WASHBURN: The petition of W. H. Grant, president of the Snake River Transportation Company, to appropriate \$10,000 for the improvement of the Snake River in Minnesota—to the Committee on Commerce.

By Mr. WELLS: The petition of type-founders, printers, and others, of Saint Louis, Missouri, and elsewhere, against the reduction of the duty on type—to the Committee on Ways and Means.

By Mr. WHITEAKER: The petition of M. V. Brown and other publishers, of Albany, Oregon, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. WILBER: Three petitions of publishers of New York, for the abolition of the duty on type—to the same committee.

By Mr. FERNANDO WOOD: The petition of type-founders and printers of New York, against reducing the duty on type—to the same committee.

By Mr. WRIGHT: The petition of L. McCarty and 83 others, citizens of Sioux City, Iowa, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

IN SENATE.

FRIDAY, March 19, 1880.

Prayer by Rev. A. W. PITZER, D. D., of the city of Washington. The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting a communication from the Chief of Engineers, covering a report of Major W. H. H. Benyaurd, Corps of Engineers, upon a survey and proposed improvement of the mouth of Red River, Louisiana, with four maps showing the present and former conditions of the navigation in that locality; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Interior, transmitting, in compliance with a resolution of the Senate of the 11th instant, certified copies of patents issued to Indian tribes in the Indian Territory and of applications for lands in that Territory by railroad companies or corporations, and the action thereon by his Department; which was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting a communication from the Commissary-General of Subsistence, representing the absolute need of six clerks in his office in addition to those estimated for, for the fiscal year ending June 30, 1881, to effect the disposal of claims now on file in a reasonable time, should Congress not establish some tribunal to which they can be referred for settlement; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting, in connection with the report of Captain A. N. Damrell, Corps of Engineers, upon the survey of the harbor of Mobile, transmitted on the 13th instant, a communication of the Chief of Engineers, covering a report with accompanying map from the Board of Engineers for river and harbor improvement, to which the report of Captain Damrell was referred for consideration; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented the petition of Mrs. Dora Stark, wife of Theodore O. Stark, formerly Dora Lambeth, and Fanny Lambeth Randolph, widow, formerly Fanny Lambeth, surviving heirs of the estate of W. M. Lambeth, both residents of the city of New Orleans, Louisiana, praying that their claim against the United States for property taken during the late war be referred to the Court of Claims for adjudication; which was referred to the Committee on the Judiciary.

Mr. ANTHONY. I present the petition of Susan B. Anthony, praying for relief from political disabilities. The petitioner complains that while Congress has passed many acts for relieving men from political disabilities, it has not passed any act for relieving a woman from her political disabilities. She asks that the same attention be paid to her petition as though her name were Samuel, instead of Susan. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. JONES, of Florida, presented a petition of citizens of Marion County, Florida, praying for the deepening of the entrance to Cumberland Sound to the depth of twenty-one feet at low-water; which was referred to the Committee on Commerce.

Mr. MCPHERSON presented the petition of the National Association of Bleachers and Dyers, Moses Pierce president, praying for a reduction of the prohibitory duties on bichromate of potash; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on Patents, to whom was referred the bill (S. No. 915) for the relief of Edgar Huson, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. JONES, of Florida, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 826) for the relief of several persons impressed into the United States naval service, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. PLATT. The Committee on Pensions, to whom were referred the petition of Mrs. Britania W. Kennon, widow of Commodore Beverly Kennon, praying an increase of pension, and the bill (S. No. 871) granting a pension to Mary W. Jones, have had the same under con-

sideration, and have directed me to report a bill for a public act to cover these and similar cases.

The bill (S. No. 1501) to restore pensions in certain cases was read twice by its title.

REPORT OF ENTOMOLOGICAL COMMISSION.

Mr. WHYTE. I am instructed by the Committee on Printing, to which was referred a resolution for printing six thousand extra copies of Bulletin No. 5 of the United States entomological commission, to report it favorably with an amendment striking out the words, "the House of Representatives concurring." The cost being less than \$500 it can be a Senate resolution simply. I ask its present consideration.

By unanimous consent, the Senate proceeded to consider the following resolution:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed, with necessary illustrations, at the Government Printing Office, 6,000 extra copies of Bulletin No. 5 of the United States entomological commission on the subject of the chinch-bug; 3,000 copies for the use of the House, 2,000 for the use of the Senate, and 1,000 copies for the use of the Department of the Interior.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported from the Committee on Printing, striking out the words "the House of Representatives concurring."

The amendment was agreed to.

The resolution, as amended, was agreed to.

BILLS INTRODUCED.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1502) for the relief of certain pre-emptors in the State of Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1503) authorizing the Legislature of the State of Oregon to provide for the completion of the Oregon and California Railroad; which was read twice by its title, and referred to the Committee on Railroads.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1504) refunding to the University of Notre Dame du Lac, of Saint Joseph County, in the State of Indiana, the sum of \$2,334.07 in gold coin, that being the amount paid on certain imported articles, &c.; which was read twice by its title, and referred to the Committee on Finance.

Mr. COKE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1505) for the disposition of certain stocks, and accrued interest thereon, belonging to the Prairie band of Pottawatomie Indians, temporarily invested for their benefit under authority of act of Congress approved March 3, 1875; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1506) to authorize persons who have entered homesteads on the public lands which have been abandoned or for any reason canceled to make a new entry, also to require mistakes of description in making homestead entries to be corrected; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1507) to provide for the allotment of lands in severalty to the united Peorias and Miamies of the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1508) for an appropriation of money to close the slough at the confluence of the Minnesota and Mississippi Rivers; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 95) providing for the ascertainment and payment of the claim of the legal representatives of Walter H. Stevens, deceased; which was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENT TO A BILL.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

On motion of Mr. WHYTE, it was

Ordered, That the petition and papers in the case of Mary Good be taken from the files and referred to the Committee on Pensions.

On motion of Mr. COCKRELL, it was

Ordered, That the papers in the case of Thomas B. Wallace be taken from the files of the Senate and referred to the Committee on Claims.

NATIONAL EDUCATIONAL ASSOCIATION.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar of General Orders, commencing at the point reached yesterday.

The CHIEF CLERK. The bill (H. R. No. 2518) for the relief of Nelson Lyon and Jeremiah S. James.

Mr. BAILEY. The bill (S. No. 1282) to incorporate the National Educational Association, reported by the Senator from Vermont [Mr. MORRILL] from the Committee on Education and Labor, was considered yesterday morning and the Senator from New York [Mr. CONKLING] objected to it. I think with some amendments proposed the

bill will not be objectionable to any Senator. I ask unanimous consent that the amendments I propose may be read. I think they will satisfy every Senator.

The VICE-PRESIDENT. The bill was passed over without prejudice and comes up as a matter of right this morning.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1282) to incorporate the National Educational Association.

Mr. BAILEY. In section 1, line 26, after the word "associates," I move to strike out the words "the officers and members of the association known as The National Educational Association."

The VICE-PRESIDENT. The pending amendment is one proposed by the Senator from Massachusetts, [Mr. HOAR,] which will be reported.

Mr. MORRILL. I think the Senator from Massachusetts will withdraw the amendment he proposed.

Mr. HOAR. I withdraw it.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. COCKRELL. How is this the first bill on the Calendar?

The VICE-PRESIDENT. It is the first bill on the Calendar this morning. It was passed over without prejudice yesterday. The pending question is on the amendment of the Senator from Tennessee, [Mr. BAILEY.]

Mr. GORDON. I move that the Senate proceed to the consideration of executive business.

Mr. DAVIS, of West Virginia. I have no objection to the motion but the Senator from Georgia will notice that the Senators from Arkansas who have charge of the unfinished business are not present at this moment.

Mr. GORDON. I withdraw the motion temporarily.

Mr. DAVIS, of West Virginia. I will ask the Senator from Georgia whether the Senators from Arkansas have been consulted in regard to an executive session at this time?

Mr. GORDON. I am satisfied they would consent to a short executive session. I do not think it will require a very long one; but I will wait until the Senators from Arkansas come in.

ADJOURNMENT TO MONDAY.

Mr. WHYTE. I move that when the Senate adjourn to-day it be to meet on Monday next.

The question being put, it was declared that the ayes appeared to prevail.

Mr. HOAR and Mr. COCKRELL called for the yeas and nays.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The motion is agreed to.

TITLES AT HOT SPRINGS.

Mr. GORDON. After consultation with my friend from Arkansas, [Mr. GARLAND,] I suggest that if the Senate will consent to take up the Hot Springs bill and proceed with it at once instead of using the time on the Calendar, I shall be very glad to have that matter go on, and then I will move at the end of that for an executive session. I move therefore to lay aside the Calendar of Pending Orders, and proceed with the consideration of the unfinished business of yesterday.

Mr. GARLAND. I will state in support of that motion that I am satisfied we can finish the Hot Springs bill in half an hour.

The VICE-PRESIDENT. The question is, shall the pending order be laid aside for the purpose of moving that the Senate now proceed to the consideration of the Hot Springs bill.

The motion was agreed to.

The VICE-PRESIDENT. The Senate proceeds to the consideration of its unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes, the pending question being on the amendment reported by the Committee on Public Lands to strike out all after the enacting clause of the bill and to insert a substitute.

Mr. DAVIS, of Illinois. I move to strike out from section 1 to section 8, inclusive, of the substitute reported by the Committee on Public Lands. The first section simply authorizes these proceedings to be transmitted to the officers at Little Rock. That is being done by the Secretary of the Interior now. The other sections that I have moved to strike out really authorize a new trial of the adjudications of the Hot Springs commission in the Court of Claims.

Although, I think, as a general proposition, there ought to be an appeal in all cases, yet it ought to have been provided for by the law that created the commission, if it was to be allowed. This has not been done. We know of but very few complaints in that direction. The proceedings of the commission have been approved as a general thing. There are said to be a few persons who are not satisfied. It would be astonishing, owing to the infirmity of men, if the commissioners had not made some mistakes. All bodies make mistakes, no matter whether they are lawyers or laymen.

Mr. WHYTE. Or judges.

Mr. DAVIS, of Illinois. Or judges, as my friend from Maryland very appropriately says. I am satisfied that this provision for a review should be stricken out. When it is ascertained that a review can be had in the Court of Claims, this matter of the Hot Springs will not be ended for years; and I believe it is for the interest of the people there and for the interest of the United States that the litigation

should be settled and ended. The commissioners have decided who are entitled to purchase lands and who are not.

I therefore move to strike out those sections. There would then remain but two general provisions in the bill of any importance. One is that the purchase-price of these lots shall be reduced 50 per cent.; the other is that the certificates which were issued for condemned property, amounting to \$74,000, shall be received as money in the purchase of these lots. I am satisfied that the Government does not want to make money out of the Hot Springs reservation. The payment of the large assessment is I think uncalled for. The bill as it passed the House put the price at \$10 an acre. The Committee on Public Lands of the Senate have fixed the amount at a reduction of 50 per cent. on the commissioners' valuation.

I move to strike out all the sections of the committee's amendment from 1 to 8, inclusive.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Illinois to strike out from the substitute reported by the Committee on Public Lands the first eight sections.

Mr. GARLAND. I wish to utter but a word. We have said all that we care to say in reference to this matter; the Senate is in possession of the whole case; we thought it best to give these parties a review; but if the Senate after having heard the discussion, disinterested as they are, consider it best to strike out those sections, we have nothing to say.

The amendment to the amendment was agreed to.

Mr. DAVIS, of Illinois. I presume that renders necessary certain amendments in section 9.

Mr. CONKLING. Before the Senator offers those amendments, will he be kind enough to tell me whether the substitute as now amended gives any recourse to those who complain of hardship under the past adjudication?

Mr. DAVIS, of Illinois. None at all. It receives the adjudication of the board as final. There are but very few cases of complaint with it.

Mr. CONKLING. I ought to say to the Senator that of the communications which have come to me on this subject, and there have been a number, none have been so earnest, none have complained so bitterly of anything as of cases of individual hardship growing out of what has already been done. I ought rather to have said this before the vote was taken; I did not; therefore I venture to say so to the Senator now.

Mr. DAVIS, of Illinois. The Senator from Arkansas [Mr. WALKER] who reported the bill will move certain amendments rendered necessary by the amendment just agreed to.

Mr. WALKER. Eight sections of the substitute reported having been stricken out, it becomes necessary that it should be further amended. I move in line 2 of section 9, after the words "in whose favor," to strike out the words "said commissioners or the said court of claims shall have finally adjudicated," and insert the words "the commissioners appointed under the acts of Congress of 1877 and 1878 relative to the Hot Springs of Arkansas have adjudicated;" so as to read:

That any person, his heirs or legal representatives, in whose favor the commissioners appointed under the acts of Congress of 1877 and 1878 relative to the Hot Springs of Arkansas have adjudicated, shall have the sole right to enter and pay for the amount of land the commissioners may have adjudged him entitled to purchase within twelve months next after the expiration of the thirty days' notice, &c.

The amendment to the amendment was agreed to.

Mr. WALKER. In line 6 of section 9, after the words "expiration of the," I move to strike out the words "thirty days' notice by the land officers required in section 1 to be given, in cases where no proceedings are had in the said Court of Claims, and in cases where proceedings are had in said court, within six months after the adjudication of said Court of Claims, and the issuance to such person of the certificate by the clerk of said court hereinafter provided for," and insert the words "twenty days' notice required by the tenth section of the act of Congress of March 3, 1877, to be given."

Mr. DAVIS, of Illinois. I would suggest to make it read simply "at the expiration of the notice," without saying "twenty days."

Mr. WALKER. Very well.

The VICE-PRESIDENT. The amendment to the amendment will be so modified.

The amendment to the amendment was agreed to.

Mr. WALKER. In section 10, line 9, after the words "or clerk thereof," I move to strike out the words "shall vest in the assignee the right to make such purchase and entry therewith," and to insert "the land officers in like manner shall receive them from the assignee in payment of lands purchased by himself or others;" so as to read:

And that such certificates be assignable, and when assigned in the presence of two subscribing witnesses, or the execution of the assignment thereof shall have been acknowledged before a court of record or clerk thereof, the land officers in like manner shall receive them from the assignee in payment of lands purchased by himself or others.

The amendment to the amendment was agreed to.

Mr. WALKER. At the end of section 10, I move to add:

And in all cases where such certificates are issued the register of the land office shall certify on the original certificate taken up the number of lots purchased therewith and the price thereof.

The amendment to the amendment was agreed to.

Mr. DAVIS, of Illinois. In section 13 the Senator from Vermont [Mr. EDMUNDS] yesterday objected to this phraseology:

That the Secretary of the Interior is hereby authorized to designate as many as six lots from the unwarded grounds on the Hot Springs reservation for the use of the common schools of the corporation of the town of Hot Springs.

I move to strike out the words to which he objected, "as many as," so as to make it read, "to designate six lots."

Mr. McDONALD and Mr. WALKER. Say "not exceeding six lots." Mr. DAVIS, of Illinois. I think it would be best to have it read, "designate six lots."

Mr. McDONALD. That number may not be necessary.

Mr. DAVIS, of Illinois. It is necessary. It strikes me we had better say "six lots."

The VICE-PRESIDENT. What is the phraseology agreed upon? Mr. DAVIS, of Illinois. I move to strike out the words "as many as," so as to read, "to designate six lots." Certainly six lots are needed for public schools in a town of the present and prospective size of Hot Springs.

The amendment to the amendment was agreed to.

Mr. PLUMB. I wish to move an amendment to section 13 of the substitute reported by the committee. At the end of section 13 I move to add:

The Secretary of the Interior is also authorized to convey to the Baptist church of Hot Springs, whose church edifice was destroyed by fire, a suitable lot of ground, not exceeding one-eighth of an acre, from that portion of the Hot Springs reservation laid off into lots and blocks and forming part of the town site, but not awarded to any claimant and not otherwise disposed of by this act; said conveyance to be on consideration of the payment of a sum equal to \$10 per acre for said lot.

The amendment to the amendment was agreed to.

Mr. DAVIS, of Illinois. There is a formal amendment necessary to section 15 that I should like to have made. It says:

Any money paid in under section 9 of this act.

Of course it ought to be section 1 of this act now.

The VICE-PRESIDENT. That amendment will be made. The numbering of the sections will be changed of course to correspond. The question is on the amendment reported by the Committee on Public Lands as a substitute for the bill as amended.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended.

Mr. TELLER. I do not know that I ought to interfere in this matter. If the Senators from Arkansas, who are directly interested in it, are satisfied, perhaps I ought not to object; but I understand there are very serious complaints made by people who claim to have rights in this land of great hardship that has been done to them by the action of the commission. It does seem to me that the sections stricken out were really valuable sections and ought to have been left in the bill. They certainly could work no great hardship. The Senator from Illinois [Mr. DAVIS] says the result of them will be to continue the controversy. It ought to be continued until it is properly settled and these people get their rights. It will not continue it any longer in Congress. I doubt whether this will be the final end of it in Congress. I presume it will appear here at every session for a number of years yet. It has been here ever since I have been in the Senate.

I do not believe the objections are well founded to the sections that allow a review in this case. I do not know anything about it personally, but I have a general knowledge that there is a great deal of complaint; and the whole trouble in this case in my judgment arises from the United States Government attempting to set apart a piece of land and control it because it has a spring on it. The entire principle is wrong; and we should have saved a good deal of money and a great deal of time, and the people of that section would have been infinitely better off, if the Government had allowed the first man that got there to take it. That ought to be the rule in reference to valuable springs or valuable lands. The man who has the enterprise to go and put his claim on the land in accordance with law ought to take it. But that has not been done. Here are people who have gone there, built houses on this ground, laid claim to the ground or alleged a right to take it at a moderate rate, and they say the commission have misjudged their rights. It does seem to me that it is but fair to allow an appeal or a review by *certiorari*. There can be no wrong done to anybody by it; there may be great wrong if it is not allowed. Of course, if the Senators from that State think justice will be done by the bill as it is, I shall not make any particular objection.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole?

Mr. McDONALD. If the bill passes without the provision for a review I have no doubt it will substantially meet the case. The claimants will be willing to take the land at the price here fixed—one-half the actual value as appraised by the commissioners. If there are any errors in the decision of the commissioners, this bill of course does not cut off entirely the people aggrieved. While we leave the question of further controversy open, as a matter of course we shall have controversy and litigation; but if it is understood that this is to be regarded as substantially a final adjustment, it will be so, because I am satisfied there has been no very great injustice done by the commissioners in their action. While we thought it better in committee to allow a review, it has been decided by the Senate to pass the bill in the form it is now amended. Probably the shortest way is to let the bill pass as it now stands.

Mr. CONKLING. May I ask the Senator from Indiana why the

committee reported those sections giving an opportunity to correct errors?

Mr. McDONALD. I have already stated that there were some complaints made before us by parties that the awards had not been in all respects right and just, and we thought it right to give them a chance to have the matter reviewed.

I will state further that these complaints are not of such a character as in my judgment should prevent this from being a finality if the Senate see proper to rest it where it will rest if the bill pass in the present form. On the other hand, if any of these parties shall still come forward with complaints, it may be in the power of Congress to do something for them hereafter if they present a good case. The Senator from Vermont [Mr. EDMUNDS] said yesterday that the legislation of 1877 was intended to be a finality.

Mr. TELLER. I should like to ask the Senator from Indiana how he can say that this matter can come here again? This, as I understand, is the complaint on the part of these people that the commissioners have misunderstood their rights. Now, by this bill the land passes absolutely to somebody, the commissioners having adjudged it perhaps to the wrong persons. How can these men come here unless they come and seek a moneyed consideration at the hands of Congress? How can they be set right if they have been wronged by the commissioners?

Mr. McDONALD. I will state to the Senator one way in which I think it may be done. If parties do not accept these awards, if they do not take their title under this bill in case it becomes a law, I do not see anything to prevent them from coming forward and specifically setting forth their claims. That has not been done now. If, on the other hand, they do accept this as a finality, then as a matter of course as to all who do thus accept it the case is closed; they become the owners of the property on the terms provided in this bill. But if they do not see proper to take it, if they have been so wronged that the provisions of this bill and the terms of it impose injustice on them, they will find a way of letting us know it. If their claims have not been properly regarded by the Hot Springs commission, as a matter of course they will not accept this provision, and they will be here again with their clamor.

Mr. TELLER. I do not understand that these complaints are made by people who say that the Government is getting something, but there is a controversy between occupying parties. There is where the trouble comes in. That is the complaint I have heard more about than anything else, that the commissioners misjudged the rights of the parties who are occupying. But, as I said before, if the Senators who have more knowledge on this subject than I have are satisfied, I shall not interpose.

Mr. INGALLS. Mr. President, having been on the ground covered by this bill about two years ago when the Senator from Maine [Mr. BLAINE] who spoke yesterday was there, I know something about the value of this property, and I think, in response to what the Senator from Colorado has said, that the people of Hot Springs ought to be very well contented with the provisions of this bill, as amended by the Senator from Illinois. I understand that the commissioners have appraised property there at the value of \$223,000, which it is proposed to reduce 50 per cent., making the amount that is to be paid to the United States Government \$111,000. From my knowledge of that property, I venture to say that there can be a thousand men found in this country who would be glad to give a million dollars in cash for what we propose to sell for \$111,000. I have no doubt about it.

But there is one other point that I desire to call the attention of the Senator from Arkansas to, and that is this: While I think the United States Government ought not to be a speculator upon this property, and that it ought not to seek to make money out of it, I am convinced that the Government ought not to lose anything by this disposition of the property. I understood yesterday by the remarks of the Senator from Arkansas who had the bill specially in charge that there were condemned property certificates amounting to about seventy-four or seventy-five thousand dollars. The expenses of administering this trust, as the same Senator said, have been about \$75,000 more, making an aggregate of \$150,000. Now, as these property certificates are to be received as money in the payment of this assessed valuation, which is \$111,000, there is a deficit of about \$45,000 upon the showing the Senators themselves have made.

Mr. McDONALD. That deficit is made up and more than made up by the receipts the Government has already drawn from that source.

Mr. INGALLS. Of what do those consist?

Mr. McDONALD. I do not know exactly the various items.

Mr. WALKER. The amount of the assessed value of the property is two hundred and twenty-three thousand and odd dollars. The half of that is \$111,500. The cost of the commission is \$72,000 and over. The condemned property is seventy-four thousand six hundred and odd dollars. There has been a sale of condemned property to the amount of \$1,800, which the Government has received. In addition to that, I call the attention of the Senator from Kansas to the fact that in 1876, under the order of the Court of Claims, a receiver was appointed who received \$46,000 in rents from these people. When you put together the \$111,500, the \$1,800 of condemned property, and the rents collected after paying all the expenses of the receivership, about \$36,000, we find that there is still a balance coming to the Government upon the basis that we lay down in this bill. I hope the Senator understands it that in addition to this amount to be paid in for the

property, \$111,500, \$46,000 has been taken from these people, and in addition to that the Government retains thirty thousand five hundred dollars' worth of condemned property—the Arlington Hotel and the bath houses erected there.

Mr. INGALLS. Of course the Senator does not intend to have it understood that this \$46,000 of rents was taken out of the people. If it had not been paid to the Government it would have been paid to somebody else.

Mr. McDONALD. It was revenue derived by the Government.

Mr. INGALLS. But that of course is diminished by the expense of administering that trust, whatever it was. There must have been some expense.

Mr. WALKER. We take out the expenses of administering the trust, \$36,000, and still there is a balance left.

Mr. INGALLS. The Senator of course will understand that I am not opposing the bill, for I am in favor of its passage; but I think those who are insisting that this is any hardship on the people of Hot Springs are not talking strictly in accordance with the facts, for I am advised that in many cases since this has been settled, lots that had been appraised at \$400 have already been sold as high as \$4,000, and in several instances where lots have been appraised at small valuation, they have been leased at a larger rent per annum than the assessed value of the property. If they get the assessed valuation reduced 50 per cent., it appears to me there ought to be no complaint about the amount they are called upon to pay nor any special solicitude about obtaining the right of review.

Mr. McDONALD. Mr. President, as stated by the Senator from Arkansas the Government by this bill will receive, in addition to what she has already received in the way of rentals, all that she has expended upon the Hot Springs reservation in any way; and in addition to that she has over six hundred acres in that part of the Hot Springs reservation that is laid off as a part of the town of Hot Springs yet to sell. Over six hundred acres of the land are yet to be sold, and are to be sold at their appraised value, and if property has gone up very much as has been suggested by the Senator from Kansas, the Government will get the benefit of that enhanced value on this property that she holds free from any claims, that is already laid off in town lots and will be put into market just as soon as this matter can be settled.

Then in addition to that the Government has retained as a permanent reservation over twelve hundred acres of that plat of land. Out of the four sections the Government still retains about one-half as a permanent reservation, and will under this arrangement receive back from the occupying claimants and from the rents she has already had every dollar that she has expended and will have the lots in over six hundred acres of land to sell at the enhanced price.

Now we do not say in our bill that this is oppressive; I do not regard it as oppressive to the people of Hot Springs—those persons who had sought to be the purchasers of this property. I do not think the bill oppressive to them, but they thought that it was quite onerous. They were very anxious that the House bill should pass that gave them the right to purchase this property at \$10 an acre. They thought that was enough for them to pay, but we did not think so. We thought that, as to the property they had improved, it was fair and just and honest to give them one-half of its present value and require that they should pay the other half into the Treasury of the country. That is what we thought in committee, and that is the purpose of this bill; and in doing that we were careful to see that the United States would in this way, with what she had already received in rentals, be reimbursed for every dollar she had put upon the property in any way. Then she has this large amount yet that she will utilize hereafter I have no doubt by the sale of these lots, and when she thus realizes on them, in my opinion, she ought not to put the money into the general Treasury but she ought to put it upon the reservation—the twelve hundred acres that she has there yet and the springs that she has forever dedicated for the health of the country. There is where she ought to put it—not be speculating upon it but put it there at that place where it can give the only national benefit that it is capable of giving to the afflicted.

Mr. TELLER. The Senator from Kansas evidently misunderstands my objection. I did not object to anything in the bill or the lack of anything in the bill on the ground that the Government was not dealing generously with these people, and I do not find any fault in any particular with that; but I spoke of the striking out of the provision by which a man who had not been allowed by this commission to have the benefit of this generous action might have that decision of the commission reviewed. Now, it does not make very much difference to the man concerning whose title the commission adjudicated, by saying he had not any at all; if they said to a man "you cannot buy anything," it does not make any difference to him whether the land is sold at twenty-five cents on the dollar or fifty cents. It was for the saving of that class of men's rights that I spoke, men who were precluded from having the benefit of this benefaction, if it is one. But, as I remarked before, as it seems to be satisfactory to the committee and the Senators concerned, I will say nothing about it.

Mr. MAXEY. I have heard about this Hot Springs trouble ever since I have heard about anything. It has been a white elephant in the Land Office, among the people of Arkansas, in the Supreme Court, and in Congress, and was the prolific source of a shot-gun war for many years. Now, this bill appears to be satisfactory to the Sena-

tors from Arkansas, and I do hope and trust the bill will pass and let us get rid of the question.

Mr. PLUMB. I sympathize entirely with the sentiment expressed by the Senator from Texas that this should be a finality; but I think I see in the last part of the last section of this bill the seeds of a great deal of legislation yet to come. It is provided in that section:

And the money arising from said sales, as well as any money paid in under section 9 of this act, shall be held as a special fund for the improvement and care of the permanent reservation at Hot Springs and of the Hot Springs Creek adjacent to and between the permanent reservations, and for the maintenance of free baths for the invalid poor of the United States, as provided by acts of Congress.

While it may seem a little ungracious to criticize that provision, I venture to say that if this money or any money is to be of any benefit to the invalid poor of the United States, it will be because Congress devotes a great deal of time to legislation on the subject of how they shall get it, and so on, and we shall have the matter before us at every session of Congress from now on until the end of time, and it will be a source of a great deal of expense, and it will ultimately come to be, I have no doubt, a Hot Springs bureau and general sanitarium, for which perhaps an amendment to the Constitution or something of that kind will be needed. We shall get into the business of healing the sick. Without saying anything as to the propriety of the Government getting into that business by way of competition with the various schools of medicine in the country, I can imagine, as anybody else readily can, that it will be a subject of a great deal of expense.

In committee, for one, when this subject was first considered, I said unreservedly that I preferred to give this entire reservation to the State of Arkansas. I am of that mind now. No regulation that Congress can or will provide in its cumbersome way of doing business, will ever result in giving any more benefit to the poor sick people of the United States, from these springs than private competition will do.

In the next place, while I have not any doubt, and am not permitted to doubt that these springs contain great medicinal qualities that are of very great benefit to some classes of invalids, I believe there are within the limits of the same State, and in the same direction, other springs equally as valuable. It is not long since I was solicited by a gentleman to ask Congress to prevent the acquisition by private parties of the title to the Eureka Springs, in Carroll County, Arkansas. It was stated to me by him, and also by the Senator from Arkansas, near me, [Mr. WALKER,] that the springs there had proved to be of great value, and poor people had come from all parts of the country to the number of thousands; they were there in wagons and tents to avail themselves of the benefits of those springs; and now some fellow, without the fear of the sick people before his eyes, had proposed to homestead the particular piece of ground on which the springs were located. The aid of Congress was sought to be invoked by this communication, to prevent the consummation of that, said to be, wrong.

I was myself at first rather impressed with that idea and proposed to assist in interposing; but on consideration of the subject I concluded on the whole that it might just as well pass into the hands of some man who would appreciate the advantages of it enough to induce him to make the advantages of it as widely applicable as possible in order that he might derive a revenue from it. So there are springs in Colorado, there are springs all over the country possessing more or less medicinal qualities. People differ about their relative merits, of course. The fact is that unless the Government is going into the business generally and is going to take under its control all these places where the sick may be healed by the application of that which is natural to the place it might just as well let the Hot Springs go along with the rest; to use a homely western phrase, let the tail go with the hide. The Government owns a great many of these springs all over Colorado; it owns probably a hundred, which some day will come into more or less note as places of resort for people who are ailing. The Hot Springs will be only one of a great many. Of course, if the Government is going into this business there, it might as well take them all under its protecting wing, and not make an exception of this and beautify this one, and make this one the subject of legislation and of regulation, leaving all the others to take care of themselves in the hands of whoever may come to own them under the land laws of the United States.

In pursuance of this idea that I have expressed, and which I have always entertained, that this should not be made the subject of Government control, I move to strike out all after the word "sales," in line 9 of section 15, to the end of the section, and insert "shall be paid into the Treasury of the United States."

If the Senator from Arkansas proposes to me that the money shall be given to the State of Arkansas or anybody else, I say as a matter of economy that would be a wise way of disposing of it. It would be better now to give this money to the State of Arkansas for that purpose, or to do any other thing with it, than to put it absolutely in the Treasury of the United States, to be the subject of future disposition, with legislation for the regulation, beautifying, and general management of this sanitarium.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. PLUMB. Will the bill then be subject to amendment?

The VICE-PRESIDENT. Of course further amendments in the Senate will be in order. The question now is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE-PRESIDENT. The question now is on the amendment of the Senator from Kansas, [Mr. PLUMB,] which he will please state.

Mr. DAVIS, of Illinois. I sincerely hope that the amendment of the Senator from Kansas will not prevail.

Mr. PLUMB. I move to strike out all after the word "sales," in line 9 of the last section, as follows:

As well as any money paid in under section 9 of this act, shall be held as a special fund for the improvement and care of the permanent reservation at Hot Springs and of the Hot Springs Creek, adjacent to and between the permanent reservations, and for the maintenance of free baths for the invalid poor of the United States, as provided by acts of Congress.

And in lieu thereof to insert:

Shall be paid into the Treasury of the United States.

Mr. DAVIS, of Illinois. The section now provides that the money arising from these sales shall be used as a special fund for the improvement of the permanent reservation at Hot Springs and to maintain free baths. It is not a question of whether the State of Arkansas is going to get this reservation. Congress has decided in passing the act of March 3, 1877, to preserve these sections as a permanent reservation for the benefit of the people of the United States. It did not purpose to give them to Arkansas. We do not want any other disposition of this money except to improve the baths there, and also to allow them to be given for the use of invalids, and to beautify and adorn the town.

There is a great difference between the Hot Springs and the small springs all over the United States. The Hot Springs is one of the most remarkable places in the world. In their medicinal qualities those springs are very remarkable; they were thirty or forty years ago. I know persons who went to the Hot Springs nearly doubled up with the rheumatism thirty years ago, when it was almost impossible to get there, when some sort of conveyance had to be improvised from Little Rock to take them to the Hot Springs, and after they had been there six months were cured, permanently cured. I myself was in the Legislature of Illinois in 1843 with a gentleman who was nearly doubled up with the rheumatism, and it was with great difficulty that he could be got on the boat at Saint Louis. I was present at the time he undertook the passage to Little Rock. I saw him six months afterward when he was permanently cured.

I do believe it is the wise policy to preserve these springs as a permanent reservation, as a great sanitarium for this country. The time may come when we shall want to establish a marine hospital there, or some sort of hospital for the poor of the country; and who would talk now of giving these springs to the State of Arkansas? I have great faith in the State of Arkansas, but I would not give them to the State of Arkansas. I would rather cut off my right finger than to give them to Arkansas or anybody else. I want them to be preserved perpetually for the use of those who need their medicinal properties.

Mr. PLUMB. In saying what I did about giving these springs to the State of Arkansas, I only referred to it incidentally, for that point is not practically before the Senate. I only spoke of it as one disposition that might be made. I think it would be better to have the control in the State of Arkansas than in the United States. Nor do I care to advertise these springs unnecessarily either by the United States or otherwise; but if the Senator from Illinois had been acquainted with the country west of the Missouri River I think I could call his attention to some springs there of great merit.

Mr. DAVIS, of Illinois. These are known to be great, and have been for thirty or forty years.

Mr. PLUMB. Other springs have great reputations in their way considering the time they have been occupied.

Mr. DAVIS, of Illinois. When they come here we will talk about them.

Mr. PLUMB. They belong now to private parties. The Las Vegas Springs in Colorado are highly spoken of, and remarkable cures are said to have been effected there. The logic of this is that the Government shall own all these places. I think it desirable to get rid of this matter as a mere question of economy.

Mr. CALL. I merely want to say one word. I hope the amendment moved by the Senator from Kansas may not be adopted. I agree heartily with the Senator from Illinois.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Kansas.

The amendment was rejected.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. MAXEY. I move to proceed to the consideration of Senate bill No. 98. I will state to the Senate that I do not desire to proceed with the bill to-day, but it is an important bill, which I gave notice of some time ago, and I wish to call it up in order that it be left as the unfinished business.

Mr. MORRILL. I hope the Senator from Texas will allow the unfinished business of the morning hour to progress far enough to have the bill that was under consideration disposed of. It probably will not take five minutes.

Mr. HOAR. The motion of the Senator from Texas is not understood on this side of the Chamber.

The VICE-PRESIDENT. He asked the Senator to take up and consider at this time a bill, the title of which will be read.

The CHIEF CLERK. "A bill (S. No. 98) to provide for the settlement of accounts with certain railway companies."

Mr. McDONALD. I see that the Senator from Ohio [Mr. THURMAN] is not present this morning and I feel, therefore, that it will be my duty—I know it was his purpose if he was here—to insist that the Geneva award bill be made the special order after the disposition of the bill which has just passed the Senate.

Mr. DAWES. I thought that was understood to be the arrangement. I hope the Senator from Texas will not antagonize it.

Mr. McDONALD. I feel compelled to antagonize the motion of my friend from Texas by a motion to take up the Geneva award bill.

Mr. HOAR. I desire to call the attention of the Senator from Texas to the fact that that was certainly the understanding with the Senator from Arkansas [Mr. GARLAND] when he got up the Hot Springs bill; and the Senator from Arkansas actually took the floor on the Geneva award bill.

Mr. MAXEY. I was not aware that I was to be met by that difficulty. I desire to say that this is a very important bill which I want disposed of. It has been in committee long enough. I do not want to interfere with the Geneva award bill or anybody else's rights; and now, if it be satisfactory to the Senate, I give notice that when the Geneva award bill is through with I shall ask the Senate to take up this bill and dispose of it. I think that will be satisfactory.

Mr. McDONALD. If the morning business is over, I move—

Mr. MORRILL. No, there was a bill pending in the morning hour. The VICE-PRESIDENT. The Senator from Indiana is occupying the floor.

Mr. McDONALD. Unless some Senator has some special matter of the morning hour which he wants considered, I move that the morning business be considered closed.

The VICE-PRESIDENT. The Chair does not understand the Senator.

Mr. McDONALD. I move to take up what is known as the Geneva award bill. When that is taken up and becomes the special order, I am perfectly willing it shall be laid aside until Monday.

Several SENATORS. That will do.

The VICE-PRESIDENT. Then the question is on laying aside the pending order, which is the Anthony rule. The question is on that motion.

The motion was agreed to.

GENEVA AWARD FUND.

The VICE-PRESIDENT. The Senator from Indiana now moves that the Senate proceed to the consideration of the Geneva award bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award.

Mr. MAXEY. Just one moment. I am perfectly willing to have the Geneva award bill taken up and disposed of, but so soon as that is done I hope the friends of that bill will aid me in getting up the bill to which I have called attention.

Mr. GARLAND. I have the floor on the Geneva award bill.

The VICE-PRESIDENT. The Chair recognizes the Senator from Arkansas.

Mr. GORDON. With the consent of the Senator from Arkansas, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and twenty-eight minutes spent in executive session the doors were reopened; and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 19, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

PILOTAGE COMMISSION.

Mr. O'NEILL, by unanimous consent, presented a resolution of the Philadelphia Board of Trade, praying Congress to enact a law for the appointment of a commission to be composed of men conversant with maritime affairs, for the purpose of considering and reporting what general laws can be framed in relation to pilotage as will be suitable for all the waters of the country; which was referred to the Committee on Commerce.

INTERNAL REVENUE.

Mr. CARLISLE, from the Committee on Ways and Means, reported back a bill (H. R. No. 4812) to amend the laws relating to internal revenue, with sundry amendments thereto; which was read a first and second time, recommitted to the Committee on Ways and Means, and ordered to be printed.

CRAFTS J. WRIGHT.

On motion of Mr. DAVIS, of Illinois, by unanimous consent, the bill (S. No. 752) granting an increase of pension to Crafts J. Wright, was taken from the Speaker's table, referred to the Committee of the Whole House, and ordered to be printed.

CHINESE IMMIGRATION.

Mr. WRIGHT. I desire to submit at this time a report from the Committee on the Depression of Labor, in the form of a resolution, and ask that the same may go to the Public Calendar, and that the report be printed. There is also a minority report which I ask may take the same course.

The SPEAKER. The resolution will be read.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby requested to give notice to the Chinese government that it is the desire of the Government of the United States that the clauses of the treaties between the two governments, which allow and permit immigration of the subjects and citizens of the two countries, be abrogated and annulled.

Mr. FRYE. Is that a report from a committee?

The SPEAKER. It is a majority report.

Mr. WRIGHT. There is also a minority report, which the gentleman from Indiana [Mr. COWGILL] will submit, and I ask that the minority report be printed, to accompany the majority.

Mr. CONGER. Both of these reports go to the House Calendar, as I understand.

The SPEAKER. They do when presented. The gentleman from Indiana, who is to submit the minority report, does not appear to be in his seat.

Mr. WRIGHT. I ask for him and in his name that the minority report be filed, and that it be printed to accompany the majority report, and that both be referred to the House Calendar.

Mr. FRYE. I would like to inquire what committee that is from.

The SPEAKER. It is from the Committee on the Depression of Labor.

Mr. MARTIN, of North Carolina. There are three reports from that committee.

There being no objection, the majority and minority reports were referred to the House Calendar, and ordered to be printed.

Mr. WRIGHT. I am also instructed by the select committee to inquire into the causes of the depression of the industries of the country to report the resolution which I send to the desk for reference to the Committee on Printing.

The Clerk read as follows:

Resolved, That 5,000 copies of the majority and minority reports of the select committee to inquire into the causes of the depression of the industries of the country and especially labor, on the question of Chinese immigration, be printed for the use of the House.

Mr. CONGER. I object to that. The question of Chinese immigration was not referred to that committee. Let the report be printed in the ordinary way. We can tell better after seeing it if we need five thousand copies of it.

Mr. WRIGHT. The gentleman from Michigan raised an objection when the testimony was reported, and when I asked the permission of the House to have additional copies printed he had that resolution sent to the Committee of the Whole, and there it lies. Now I merely ask that additional copies of the report and not of the testimony be printed.

The SPEAKER. Does the gentleman from Michigan object to the introduction of the resolution? It goes to the Committee on Printing, under the law.

Mr. CONGER. I have no objection to that.

The resolution was referred to the Committee on Printing.

REPORTING AND PUBLICATION OF DEBATES OF CONGRESS.

Mr. SINGLETON, of Mississippi. I rise to make a privileged report from the Committee on Printing. I am instructed by the committee to report back, with an adverse recommendation, the bill (H. R. No. 2657) to prohibit the reporting or publication at the public expense of the debates of Congress. I move that the bill be laid upon the table, and that the accompanying report be printed.

The motion was agreed to.

Mr. SINGLETON, of Mississippi. I am also instructed by the Committee on Printing to report back, with an adverse recommendation, petitions from citizens of the State of New York, asking that the proceedings of Congress be printed in newspaper form, to be sent free of charge to every family in the United States. I ask that the report of the committee be read.

The report was read, as follows:

The Committee on Printing, to whom were referred seven petitions from citizens of New York, asking that the proceedings of Congress be printed in newspaper form, to be sent free of charge, to every family in the United States, have considered the same, and report thereon that although they have not been able to obtain from the Public Printer an estimate in regard to the probable cost of such a publication, they feel assured that it would cause an immense outlay of public moneys, aggregating hundreds of millions of dollars annually.

They therefore report back said petitions adversely, and ask to be discharged from the further consideration of the subject.

Mr. SINGLETON, of Mississippi. The New York Herald estimates that the cost would be about \$4,000,000 a day.

The petitions were laid on the table, and the accompanying report ordered to be printed.

REPORTS OF UNITED STATES FISH COMMISSION.

Mr. SINGLETON, of Mississippi, also, from the Committee on Printing, reported back, with amendments, the Senate concurrent resolution to print 3,000 copies of each of the five volumes of the reports of the United States Fish Commission.

The concurrent resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring.) That 3,000 sets of the five volumes of the reports of the United States Fish Commission be printed from the stereotype plates, of which 1,000 shall be for the use of the Senate, 1,500 for the use of the House of Representatives, and 500 for the use of the Commissioner of Fish and Fisheries.

The amendments proposed by the committee were read, as follows:

1. In lines 4 and 5 strike out "1,000" and insert "700."
2. In lines 5 and 6 strike out "1,500" and insert "1,800."

The amendments were agreed to.

The resolution, as amended, was agreed to.

REPORT ON ROCKY MOUNTAIN LOCUSTS, ETC.

Mr. SINGLETON, of Mississippi. I am also instructed by the Committee on Printing to report back, with a favorable recommendation, the House concurrent resolution for printing the report of the United States Entomological Commission on the Rocky Mountain Locust.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed with necessary illustrations, at the Government Printing Office, 10,000 copies of the second report of the United States Entomological Commission on the Rocky Mountain Locust and other injurious insects: 5,000 copies for the use of the House, 3,000 copies for the use of the Senate, and 2,000 copies for the use of the commission.

Mr. SINGLETON, of Mississippi. This provides for printing exactly the same number of copies as we printed of the first volume.

The resolution was agreed to.

REPORTS OF GEOLOGICAL AND GEOGRAPHICAL SURVEY.

Mr. SINGLETON, of Mississippi. I am also instructed to report back, with a favorable recommendation, the concurrent resolution of the Senate for the printing of the final reports of the Geological and Geographical Survey of the Territories.

The Clerk read the resolution, as follows:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed at the Government Printing Office, for the use of the Department of the Interior, 1,500 copies each of volumes 4 and 12, and 1,200 copies each of volumes 3, 8, and 13 of the final reports of the Geological and Geographical Survey of the Territories, in quarto form, with the necessary illustrations, uniform with the edition ordered by Congress.

Mr. SINGLETON, of Mississippi. I desire to say one word. There are now in the Interior Department a number of odd volumes and this is simply to make up the sets so that they can be distributed among the colleges and institutions of the several States.

The resolution was agreed to.

REPORT ON COTTON-WORM.

Mr. SINGLETON, of Mississippi. I am also instructed by the Committee on Printing to report back, with a favorable recommendation, the Senate concurrent resolution for the printing of additional copies of Bulletin No. 3 of the United States Entomological Commission on the Cotton-Worm.

The resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 10,000 additional copies of Bulletin No. 3 of the United States Entomological Commission on the Cotton-Worm: 6,000 copies for the use of the House, 3,000 for the use of the Senate, and 1,000 for the use of the Department of the Interior.

The resolution was agreed to.

WAGES IN PRINTING OFFICE ON LEGAL HOLIDAYS.

Mr. SINGLETON, of Mississippi. I am also instructed by the Committee on Printing, to whom were referred a memorial of the employees of the Government Printing Office and a letter of the Public Printer, relative to pay for legal holidays, to report a joint resolution providing for payment of wages to employees in the Government Printing Office for legal holidays.

The joint resolution was read.

Mr. BLOUNT. I object to the consideration of the joint resolution at this time.

The SPEAKER. It is not a privileged report and the gentleman from Georgia objects.

Mr. SINGLETON, of Mississippi. I understand that it is not a privileged report. Let it go to the Calendar for consideration.

Mr. BLOUNT. It does not belong to the Calendar.

Mr. SINGLETON, of Mississippi. I withdraw the report.

CORRECTION OF RECORD.

Mr. FIELD. In the RECORD I am put down as suggesting that the words "of the district" be inserted in the substitute offered by the gentleman from Ohio, [Mr. GARFIELD.] I made no such suggestion. What I did suggest was this, that instead of the district judge of the district having the authority in the absence of the circuit judge, it should be the district judge assigned to that duty by the circuit judge in accordance with the provisions made for the appointment of supervisors. I am by what has been printed in the RECORD made to suggest what I believe to be an incongruity and which I endeavored to correct.

REPORTS OF CLARENCE KING.

Mr. SINGLETON, of Mississippi, from the Committee on Printing, reported back adversely the joint resolution (H. R. No. 50) providing for the printing of 1,200 copies of the reports of Clarence King; which was laid on the table, and the accompanying report ordered to be printed.

RILEY'S REPORT ON GRASSHOPPERS.

Mr. SINGLETON, of Mississippi, from the same committee, also reported back adversely the letter of the Secretary of the Interior, inclosing a communication from Professor C. V. Riley, chief of the United States entomological commission, recommending the publication of an edition of 30,000 copies of his report on grasshoppers; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM KERR.

Mr. HAWLEY, by unanimous consent, introduced a bill (H. R. No. 5257) for the relief of William Kerr, late private Company I, Fifth Regiment Connecticut Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INTEROCEANIC CANAL.

Mr. TUCKER. I ask consent to have printed in the RECORD an amendment which I propose to offer to the resolution concerning the interoceanic canal.

Mr. CONGER. Let it be referred to that committee; perhaps the committee will adopt it.

Mr. TUCKER. The committee has already reported on the subject, and the amendment is one which I propose to offer when I have the opportunity.

There was no objection, and it was so ordered.

The amendment is as follows:

Amend first resolution:
In seventh line strike out word "concerns" and insert "political institutions or systems of government."
In ninth and tenth lines strike out "acquisition in any other way" and insert "otherwise."
In tenth and eleventh lines strike out "is a" and insert "are."
In fourteenth line, after word "doctrine," insert "and in other more recent declarations."
In fifteenth line strike out "an" and insert "the."
In sixteenth line, after word "safety," add "of the United States."
Substitute for second and third resolutions:
2. That, in accordance with the foregoing declaration of public policy, based upon the clear and indisputable right of self-preservation and the importance of perpetuating the republican institutions established by the Constitution of the United States, and especially in view of the necessity of free and unrestricted water transit for persons and produce between the Atlantic and Pacific States of the Union, it is a paramount interest of the people of the United States that no canal, railroad, or other artificial communication across the isthmus connecting the North and South American continents, for the transfer of vessels and cargoes from the Caribbean Sea to the Pacific Ocean, whether the same be built or constructed at Panama, Nicaragua, or elsewhere, should be in the possession or under the control or government of any European or other foreign power, which would imperil this vital interest of the people of this country; and while recognizing the right of other nations of the world to this interoceanic highway for universal commerce, the United States will insist that by reason of its proximity to them, and of its importance as a water-way between the States of the Union, the interests of commerce must yield to the right of national safety; and it is therefore the duty of Congress to declare that, whether it be constructed by foreign governments or by corporations deriving their being and authority from foreign governments, the United States will assert and maintain their right to see that nothing shall be done in the premises which shall not fully secure a free and unrestricted commerce and intercourse by means of such interoceanic highway between the States of the Union in time of public war, as well as of peace; and the United States cannot admit the right of any government, by treaty or otherwise, to grant to any other foreign power, or to any corporation created or authorized by any foreign power, any privilege, right, or authority in respect to such interoceanic highway as will be inconsistent with their peace and security, and with a free commerce and intercourse among the States of the Union.
3. That the President be requested to take necessary and proper steps, to carry into effect the foregoing declarations of public policy.

HENRY M. SHREVE.

Mr. DAVIS, of Missouri, from the Committee on Claims, reported back, with a favorable recommendation, the bill (H. R. No. 2477) for the relief of the heirs of Henry M. Shreve, deceased; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MINING DÉBRIS IN SACRAMENTO RIVER.

Mr. BERRY, from the Committee on Mines and Mining, reported the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be requested to furnish this House, for the use of the Committee on Commerce and the Committee on Mines and Mining, the report of Colonel G. H. Mendall, United States engineer in California, relating to the effect of mining debris in the Sacramento River and its tributaries.

ORDER OF BUSINESS.

Mr. TOWNSEND, of Ohio. I have been instructed by the Committee on Commerce to report to the House certain bills and ask that they be placed upon the Calendar.

Mr. ATKINS. I object.

Mr. TAYLOR. I ask consent to have taken from the Speaker's table—

Mr. TOWNSEND, of Ohio. I call for the regular order.

EVENING SESSIONS FOR PRIVATE CALENDAR.

The SPEAKER. The regular order is the morning hour, and to-day being Friday—

Mr. MILLS. I have a resolution pending in relation to holding

night sessions for the purpose of considering business on the Private Calendar. That resolution has laid over one day under the rule, and I now call it up for consideration.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That on and after Monday, the 15th instant, the House of Representatives shall hold evening sessions every evening, beginning at 7.30 p. m., for the consideration of the Private Calendar; and all bills shall be disposed of in the order in which they stand upon the same.

Mr. MILLS. I move to amend the resolution by striking out "15th" and inserting "22d."

Mr. WILLIS. Let it be made to read "every alternate evening."

Mr. MILLS. Let us get through with the Private Calendar.

The SPEAKER. If there is no objection the resolution will be before the House for consideration.

Mr. BLOUNT. I object.

Mr. MILLS. Is it not a privileged question?

The SPEAKER. It is not a question of privilege.

Mr. MILLS. But having laid over one day under the rule, is it not my privilege to call it up?

The SPEAKER. There is no rule on that subject.

Mr. MILLS. The Chair so stated when I offered the resolution.

The SPEAKER. The Chair stated that it might lie over; but the Chair does not recollect that he said the resolution was a privileged matter. It is always within the power of the House to take a recess any day.

Mr. MILLS. At what time will the resolution be in order, so that I may have a vote of the House upon it?

The SPEAKER. It would not come up at any time in that way; it might be brought before the House by a suspension of the rules.

Mr. RYAN, of Kansas. It can be taken up now by unanimous consent.

The SPEAKER. The Chair has so stated.

Mr. MILLS. Is there any rule under which I can obtain a vote of the House on this resolution?

The SPEAKER. There is a rule providing that the House may on any day by a majority vote determine to take a recess. This resolution does not have any privilege attached to it. The Chair will ask consent of the House that it be taken up.

Mr. FRYE. By the new rules the motion for a recess is made a motion that is always in order.

The SPEAKER. It is; and the gentleman can reach his object in that way. Is there objection to considering at this time the resolution which has been read?

Mr. BLOUNT. I object. I am opposed to night sessions any way.

ORDER OF BUSINESS.

Mr. McMAHON. I move to dispense with the morning hour.

Mr. MILLS. I hope the House will do nothing of the sort; we should dispose of business on the Private Calendar.

Mr. BRIGHT. Pending the motion of the gentleman from Ohio [Mr. McMAHON] I move that the House go into Committee of the Whole on the Private Calendar.

The SPEAKER. That motion is not now in order.

Mr. COX. I ask the attention of my friend—

The SPEAKER. Debate is not in order.

Mr. COX. I wish to state to the House, if I can have its attention, that the Committee on the Census—

The SPEAKER. That subject is not before the House.

Mr. COX. I ask unanimous consent.

The SPEAKER. The motion of the gentleman from Ohio, [Mr. McMAHON,] which is now pending, is equivalent to an objection.

Mr. McMAHON. The business in which the gentleman from New York is interested would not be in order in the morning hour at any rate.

The SPEAKER. It would not.

Mr. COX. There ought to be unanimous consent to take up this subject; otherwise the business of the Census Office will have to stop.

Mr. BRIGHT. I rise to a parliamentary inquiry. If the morning hour should be dispensed with, will not the motion to go into Committee of the Whole on the Private Calendar be in order later in the day?

The SPEAKER. The plan adopted last Friday was first to move to dispense with the morning hour; then a motion was made to dispense with the consideration of private business. Under the new rules, both motions require a two-thirds vote.

The motion of Mr. McMAHON to dispense with the morning hour was agreed to, two-thirds voting in favor thereof.

Mr. MILLS. I move that at the close of the session to-morrow (it is agreed, I understand, that the session of to-morrow shall be for discussion only) a recess be taken until Monday night for the purpose of considering at that time the Private Calendar.

The SPEAKER. That motion is not in order, because the only recess that could be taken at the close of to-morrow's session would be a recess until Monday morning. The motion of the gentleman from Texas would carry the recess beyond the time fixed for the regular meeting of the House on Monday.

Mr. McMAHON. I understand that the gentleman from New York wishes to bring to the attention of the House something with reference to a conference report.

The SPEAKER. Has the gentleman from New York a conference report?

Mr. COX. No, sir; but I wish to make a statement.

The SPEAKER. The gentleman from New York asks consent to make a statement touching census legislation.

A MEMBER. For how long?

Mr. COX. Only a moment.

The SPEAKER. The Chair hears no objection to the gentleman's occupying one minute.

Mr. COX. I desire to say that the Senate has sent to us a bill affecting in many respects the taking of the census. The Superintendent of the Census is now awaiting action upon this bill. Several weeks have passed since it came to us. The Census Office is anxious to have this matter under way. The Committee on the Census have instructed me to report back the Senate bill with a recommendation of disagreement as to many of its features, but agreement as to the essential urgent features. If the House will give us twenty or perhaps ten minutes on this subject we can have a committee of conference and put this matter in shape for the taking of the tenth census.

The SPEAKER. A conference committee could not be appointed until the Senate had disagreed to the House amendments.

Mr. COX. I think I could get that done to-day.

The SPEAKER. The gentleman from New York asks unanimous consent to report from the Census Committee the bill which he has indicated.

Mr. ALDRICH, of Rhode Island. I would like to hear the amendments read.

The SPEAKER. The bill is not yet before the House. The gentleman from New York, on behalf of the Committee on the Census, asks consent that he may be allowed to report the bill with the amendments at this time.

Mr. McMAHON. Before unanimous consent is given, I want some distinct understanding as to the time this is to occupy.

Mr. BLAND. I think this had better wait until the appropriation bill is disposed of.

The SPEAKER. Does the gentleman from Missouri object?

Mr. BLAND. I do.

The SPEAKER. That ends the matter.

Mr. McMAHON. I move to dispense with the consideration of private business for to-day.

The motion was agreed to; two-thirds voting in favor thereof.

DEFICIENCY APPROPRIATION BILL.

Mr. McMAHON. I move that the House now resolve itself into Committee of the Whole House on the state of the Union to resume the consideration of the deficiency appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, (Mr. CARLISLE in the chair,) and resumed the consideration of the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. SPRINGER] to amend the substitute of the gentleman from Ohio [Mr. GARFIELD] as amended. The amendment will be read.

The Clerk read as follows:

After the words "special deputy marshals" in the second line of the substitute insert the words "and general deputy marshals;" and in the fifth line, after the words "special deputy marshals," insert the words "or of general deputy marshals."

Mr. CALKINS. As I understand, the pending amendment is to the substitute offered by the gentleman from Ohio [Mr. GARFIELD] as amended by the amendment adopted on motion of the gentleman from Tennessee, [Mr. SIMONTON.]

The CHAIRMAN. That is correct. The Clerk will report the substitute as it would read if amended.

The Clerk read as follows:

For special deputy marshals of elections, the sum of \$7,600: *Provided*, That hereafter special deputy marshals of elections, for performing any duties in reference to any election, shall receive the sum of \$5 per day in full for their compensation; and that all appointments of such special deputy marshals having any duty to perform in respect to any election shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the district judge of the district in the absence of the circuit judge.

And not less than two nor more than three appointments shall be made for any voting precinct where such appointments are required to be made; and the persons so appointed shall be of different political parties; and if there are more than two political parties having tickets to be voted for, no two of said deputy marshals shall be appointed from the same party. And the persons so appointed shall be persons of good character, able to read and write the English language, and shall be well-known residents of the voting precinct in which their duties are to be performed; said special deputies to be appointed in equal numbers from the different political parties.

Mr. CALKINS. I desire to ask the Chair whether this is open now to debate. Debate has not been closed by the House as I understand it.

The CHAIRMAN. There was some desultory debate on this proposition yesterday afternoon, but no regular debate under the five-minute rule. The Chair thinks, therefore, five minutes for this amendment and five minutes against it ought to be allowed.

Mr. CALKINS. I desire to oppose the amendment.

Mr. SIMONTON. I desire to support it.

The CHAIRMAN. The Chair will first recognize a gentleman in support of the amendment.

Mr. SPRINGER. Is the question pending on my amendment to the amendment of the gentleman from Ohio as amended?

The CHAIRMAN. It is; and the gentleman from Tennessee has been recognized to discuss the amendment.

Mr. SPRINGER. After the gentleman has concluded I desire to submit a modification.

The CHAIRMAN. Does the gentleman desire to submit a modification of his own amendment?

Mr. SPRINGER. Yes, sir; of the amendment pending.

The CHAIRMAN. Then the gentleman had better make that modification now before the debate proceeds.

Mr. WARNER. Of course; let the modification first be made.

Mr. SPRINGER. I send to the Clerk's desk a modification of my amendment, and desire only one minute to explain the changes made, which are simply to make it conform to some requirements of the statute.

The CHAIRMAN. The gentleman's amendment before the committee does nothing more than insert the words "general deputy marshals" after the words "special deputy marshals." Now, that amendment which the gentleman has offered he has a right to modify.

Mr. SPRINGER. I do not desire to modify that amendment.

The CHAIRMAN. Then the gentleman cannot do it now.

Mr. SPRINGER. I desire to move this as a modification of my other amendment, in case these are voted down.

The CHAIRMAN. That is not in order now.

Mr. SIMONTON. Mr. Chairman, I trust the substitute as amended by my amendment will be incorporated in the bill and become the law of the land.

Sir, I regard the Federal election laws as hurtful and dangerous, though they have been declared constitutional by the proper tribunal. It is not every constitutional measure that is wise or beneficial or worthy to remain on the statute-book. The election laws are, in my judgment, dangerous innovations on the system of government our fathers gave us; they are calculated in their nature and do disarrange and destroy the nicely adjusted balance of power between the States and the Federal Government. These election laws are violative of all the honored precedents of this country in the matter of elections for nearly a century. And as they stand now, they confer on the Administration and its partisans a power to control elections, and consequently to perpetuate its reign indefinitely, that is simply monstrous, and it seems to me a wonder that a free people, alive to the dangers that threaten their liberties, permit them to remain on the statute-book a single day un repealed.

Indeed the Representatives of this House, who are the exponents of the popular will of the Republic, since the 18th of last March have repeatedly passed an act repealing these election laws, placing the elections back just where our fathers put them, under the guardianship and protection of the people and local authorities, where a long experience has shown to be the safest and most sacred place, freest from frauds and corruptions; but these acts, thus repealing the election laws, have uniformly met the executive veto, and the will of the people thus voiced in legislative acts has again and again been annulled. The republican party, that has contended for keeping on the statute-book these unholy laws, has not dared to do so without expressing a willingness to correct some of their worst deformities. From the President down they have professed a willingness to amend and alter, so as to deprive them of what even they must admit to be unfair and dangerous operations. I desire, for one, to put these professions to the test of sincerity. And besides it is always wise and prudent to modify and make less objectionable and less dangerous that which we cannot remove altogether. If an apple were in my keeping that I could not rid myself of, and yet I might remove the worst of its reeking and offensive corruption and deodorize the remainder, it would be folly not to do so. And though I would most gladly remove entirely the dangerous power conferred in these Federal election laws by repealing them outright since we cannot do this, as past experience has shown, I shall vote to cut off as much of this dangerous power as I can and shield as far as I may be able the ballot-box and the purity of elections from the power of corrupt and debauched partisans, and from the absolute control of a party and an Administration whose past history shows them to be reckless and defiant, and unscrupulous of the methods and means by which they retain possession of power.

Mr. CALKINS. Mr. Chairman, a word first to those on this side of the House who have substantially agreed with me against all political riders on appropriation bills. I announce now that even though a political rider meet my views, and would be supported otherwise by me, I never will vote for a political rider upon an appropriation bill. I never will vote for a bill if I can see any other way out of it which has upon it a political rider, let that come from whichever side of the House it may.

In the next place, sir, a spirit of fairness, a spirit of justice, leads me to say that were a single and substantive principle contained in the amendment presented to the House as an amendment to the election laws, or standing alone, it would meet my hearty approval and support. That part of it which provides that the deputy marshals shall be appointed by the courts and from opposite political parties would meet my approval, my idea having been so admirably pre-

sented by the gentleman from Ohio, namely: I am willing to surrender a party advantage for the good of my country.

I am opposed to another feature of the amendment which limits deputy marshals to three. In my judgment, if we are to continue the system at all, marshals ought to be continued in sufficient numbers to do some good; and to cut the number down to three simply and solely destroys them on election day from doing good or rendering useful service to their country. I say to my republican friends that, in whatever shape it may come, standing upon principle, you cannot support a political rider on a bill of this kind.

In the next place, presented as it is, it cannot meet the views of any one who believes it is the constitutional right and duty of the Government to furnish protection on election day, as well as all others, to the people. For, Mr. Chairman, these laws have no horror to the peaceable, quiet, and law-abiding men of the country. To every man who is in the peace of the State and of the United States, these election laws present no bugbear. It is only to the criminal classes, it is only to the men who want to override all that is good, all who love order, that these election laws present this bugbear which gentlemen on the other side speak of. I, sir, am one who in peace am a peace man, and in war a war man; and when this country is at peace, I want officers enough, no matter from where or whence they come, to protect the peace of election day, as well as of all others.

This amendment, Mr. Chairman, although presented by the chairman of the committee of which I am a member, did not meet my views there except in reference to one particular which I have announced, that I am willing to surrender any party advantage for the good of my country. When presented in that light, and that alone, it shall meet my hearty support.

[Here the hammer fell.]

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Illinois to the amendment of the gentleman from Ohio as amended.

Mr. HISCOCK. May I ask the gentleman from Illinois a question?

Mr. WHITTHORNE. Let my friend from Illinois withdraw his amendment and I will renew it.

Mr. SPRINGER. I will withdraw the amendment.

Mr. WHITTHORNE. Mr. Chairman, I would like to have the attention of the House, and particularly of my democratic colleagues, upon this proposition. I shall vote for the pending proposition, and in doing so do not concede or mean to concede anything from the position I have heretofore held of the right of Congress, the representatives of the people to withhold appropriations to the execution of laws they believe to be either unconstitutional, unwise, or unjust.

But, Mr. Chairman, the attention of my democratic friends for one moment. We find these laws upon the statute-books. If they are not modified the administrators of the republican party in the coming presidential and congressional elections can appoint *ad infinitum* deputy marshals throughout the country. And in doing so if we believe that they will use them for partisan advantage or for partisan purposes they can so conduct the election as to secure a majority of the next House, and by securing that majority provide payment for all the marshals and deputy marshals they may choose to appoint. That brings me to a practical question, and I say here in looking forward now at this moment to the responsibility which may rest upon me and every member of this House during the months of January and February next, when we shall determine who has been fairly, legally, and constitutionally elected President of the United States, and when the distinguished, if I may call him the conservative, member of the republican party [Mr. GARFIELD] comes forward and tenders to the House a compromise on this question, and that compromise, as we have amended it, provides that we shall have a fair and impartial election next November—I say we owe it to ourselves and to the country, its peace and future harmony, to accept the modification and enact it into a law, and let us have under it a peaceful and impartial election. In doing so, we abandon no principle, but govern ourselves by the practical difficulties which we find in our way.

Mr. Chairman, I have been taught by the logic of events if nothing else; I have been taught in this country that for remedying vicious legislation there are but two appeals under the laws and the Constitution. The first is an appeal to the courts of the country, and the second is an appeal to the ballot-box. Grant, if you please, the courts have declared the law to be unconstitutional. We have our reserved right of withholding appropriations as the representatives of the people as the remedy. We have, second, the ballot-box to which we can appeal. Take good care—I appeal to the lovers of the country—take good care that we have a fair, impartial election, and I stand here in view of my responsibility and my position as a representative of the people, and say that whoever is elected, fairly and impartially elected, shall be inaugurated by my vote, come from whatever quarter he may. That is all I ask. That is all that should be granted.

Mr. REED. Mr. Chairman, I do not propose for my part to reply to the expressions of affection of the gentleman from Tennessee for his country. I find the gentlemen on the other side have followed Mrs. Malaprop's advice on that subject, and have about all of them begun their love for their country with a little judicious hatred. I remember how during the last session of Congress some fifty gentlemen on the other side of the House, with striking unanimity and without so much as a smile as they looked into each others' counte-

nances, declared that these supervisors and marshals laws were all unconstitutional. And yet the Supreme Court of the United States has declared them to be constitutional. I do not mention this in any spirit of reproach to these fifty democratic gentlemen. I only mention it to show how little constitutional law our Supreme Court actually knows. [Laughter.]

But I do not intend to revive that ancient discussion, although it seems as if no democrat was able to talk upon this subject without bringing it up as a sort of memorial of last year's fight. I purpose to confine myself to this interesting compromise, which, as the gentleman from Tennessee says, has been amended after it was made. Now, Mr. Chairman, I object to this amendment, and I object to it upon principle. I say in the first place that we have no right to put such a political measure upon an appropriation bill, and upon that position I believe this side intend to stand.

I say, secondly, that if you are going to put any legislation on this bill, this is the last thing that should be permitted. It is right as the law now is to direct the judge of the circuit court to appoint supervisors, one from one party and one from another, because the supervisors occupy a judicial position; but there is no argument which justifies bringing in politics to the execution of the law. Nor is there anything which justifies dragging the judges of the courts into the active execution of the law.

I say this is in violation of every principle of a decent form of government. The party that is in power is responsible for the execution of the laws, and should have the control of the appointments to execute the laws. Nor is it right or just to make the circuit judges appoint executive officers. The law says that the marshal and his general deputies shall execute the law; and it is proposed here to take out of the hands of the marshal the appointment of the very officers upon whom he is to depend for such execution. And they call this providing for the peace and tranquillity of the country!

Have any of those gentlemen in their own States ever proposed that the democratic sheriff shall be controlled in the appointment of his deputies to oversee the preservation of peace? No, they never have. Their sole purpose and object is to weaken laws which are wise, salutary, sensible, and conducive to the best interests of the country; and they themselves know what their motive is. Their motive is to enable them to trample down the safeguards which are going in the next election to preserve the peace and the rights of the people and of the country, and with my consent they never shall do it. I do not believe that we mean to accept any such infamous crippling of the laws of the country, especially as those laws have received the sanction and support of the highest tribunal of the land.

I am perfectly willing to admit that the democratic party is consistent in its attitude toward the Supreme Court. From its earliest history it has opposed that great tribunal. There never was but one exception, and that was when the Supreme Court decided in favor of the constitutionality of the infamous fugitive-slave law. That is the only aberration, and they are determined by consistent uniformity to make up for that temporary aberration. [Applause from republican side.]

[Here the hammer fell.]

Mr. BUCKNER rose.

Mr. SPRINGER. I withdraw the amendment.

Mr. BUCKNER. I renew it.

Mr. SPRINGER. I desire to withdraw the amendment that the whole proposition may be voted on.

Mr. CONGER. I object.

The CHAIRMAN. The amendment cannot be withdrawn, objection being made. The question is on the adoption of the amendment proposed by the gentleman from Illinois, [Mr. SPRINGER,] and renewed by the gentleman from Tennessee, [Mr. WHITTHORNE,] to the substitute proposed by the gentleman from Ohio [Mr. GARFIELD] as amended.

Mr. HOOKER. I ask that the amendment be again reported.

The amendment was read, as follows:

After the word "elections," in the second line, insert "and general deputy marshals," and after the word "marshals," in the fifth line of the amendment, insert "or of general deputy marshals."

The question being taken on the amendment, there were—ayes 88, noes 84.

So the amendment to the substitute was agreed to.

Mr. BUCKNER. I move to amend by striking out "two" and inserting "two and a half."

I offer this amendment that I may have the opportunity of entering my protest against some of the political heresies that have been asserted on this floor, in the discussions on this bill. Mr. Chairman, it has been asserted here that because the Supreme Court of the United States has decided the election law to be constitutional, therefore this Congress is not only bound to make the appropriation which is asked for, and to go back upon what we have done heretofore, believing this law not only unconstitutional but impolitic and injurious to the best interests of the country, but that we are bound as members of Congress to admit that that decision of the Supreme Court has such obligatory power that Congress is divested of all control over the subject, and that we must simply obey its behests. The Supreme Court having decided it to be constitutional, it is claimed that it is not only of binding authority upon all the district and United States courts and the executive officers for the administration

of the laws, but that it is, I suppose, obligatory on the President as well as us; that it is obligatory and binding upon this Congress; and that a tribunal appointed by the Executive and confirmed by the Senate is paramount in authority over all, and that we must all bow when they speak, and that no one can utter a word of dissent from their opinion. That has been the doctrine that has been assumed here, and which has been to some extent yielded even by gentlemen on this side.

I am opposed to this amendment simply because it is an apparent concession to that pestiferous and dangerous idea that seems to have got hold of this side of the House as well as that. I deny that because the Supreme Court has decided the election law constitutional we are under any obligation to change our opinions or our action to carry it out in any form whatever.

Mr. SCALES. Will the gentleman allow me to ask him a question?

Mr. BUCKNER. I have hardly time to yield.

If I were a judge of a United States circuit or district court or a State court and held the opinion I do upon this subject that this law is unconstitutional, I should, holding an authority subordinate to that tribunal, whatever my own opinions were, bow in submission to the decision of the Supreme Court. But when it comes to be a question between this Congress and a coequal and co-ordinate department of this Government, then I say to bow to it is to yield to this tribunal, irresponsible to anybody, appointed by the President and confirmed by the Senate, authority to control all the departments of the Government and make them paramount to every other power in it.

A MEMBER. And wholly irresponsible to the people.

Mr. BUCKNER. Yes; as my friend suggests, and as I thought I had said, wholly irresponsible to the people, holding their offices for life. It may be packed, as has been charged here, for the accomplishment of a certain purpose, and when that is done, we are told that we are not only bound to carry out its behests, but that its decisions bind every department of the Government as well as all inferior officers. Do democrats recollect the doctrines maintained by the democratic party years ago, and carried out by that immortal patriot and hero, General Jackson? If he had held to that doctrine, if the democratic party of that day had held the doctrine now urged here, the old Bank of the United States would now be in existence, or there would be another like it in its place. And why? Because the Supreme Court of the United States of that day—not a packed tribunal, as is charged against this one; not composed of men who in their decisions at one time upon an electoral commission had gone to the very extreme verge of State rights, and at another time had gone to the very extreme of consolidation or centralization of the powers of this Government—I say that the Supreme Court before the days of Jackson had decided that the United States Bank was constitutional.

What did he say when it was charged against him that he did not regard the decision of the highest judicial tribunal of the country? He said that he was sworn as they were to support the Constitution, and to support it as he understood it, and not as others construed it to mean.

There is this broad distinction to be made on this question: that all tribunals subordinate to the Supreme Court, State as well as national; all inferior officers, marshals and other executive officers, are bound by the decisions of that court. But when it comes to the legislative department of the Government we are just as free to exercise our own opinions upon any question that they have decided, and to act upon our opinions, as if they had made no decision at all or had decided in some other way. In other words, they have no binding and obligatory authority over us any more than the opinions of the supreme court of the State of Ohio, or of Missouri, or of Delaware.

[Here the hammer fell.]

Mr. HAWLEY. There are some propositions stated by the gentleman from Missouri, [Mr. BUCKNER,] to which I yield a very hearty assent. I hold that the legislative branch of the Government is responsible to the Constitution and the country and to itself, and has the right to an honest difference of opinion with the Supreme Court. I bow to those decisions with the very highest respect. They are given by learned, able men, as far as possible removed from the temptations of political life, and their judgments are given after elaborate arguments by able counsel.

But when I come to vote here as a sworn legislator, having taken an oath to support the Constitution, after listening to all that the Supreme Court has said, I do claim the right to vote if necessary against the judgment of that court. I can readily specify instances where any man with a respect for human liberty and free government would do the same.

I never cared what the Supreme Court of the United States decided about the fugitive-slave law. There was not power enough in the world to make me move a hand or foot in support of that law or to vote a dollar for its execution, never! I fall back upon my rights as a legislator, as a member of an independent branch of this Government.

But these are very serious questions. It is not for a legislator lightly to take that ground. If gentlemen on the other side hold honestly that the election laws of this country are in moral enormity like the fugitive-slave law, then let them say so and decline to enforce them. Let them bring in a bill to repeal those laws; let them fight them if they can. Let them make their issues in a manly way and go before the country. If the election laws are their *bête noire*,

their black enemy of the human race, let them say so. Mine was the fugitive-slave law. Let them go before the country on that proposition; I have no objection to that.

But I did not get up to argue the merits of this question. I got up because I have finally become entirely worn out with indignation against this outrage of political legislation upon a bill which is really a bill of charity and mercy. There are about thirty items in this appropriation bill, every one of them needed to-day for the public service. Some of them are for the payment of honest debts; debts as honest as your note or my note becoming due to-morrow. All these appropriations are now needed. It is an appropriation bill for immediate deficiencies; for instant wants, such as cannot wait for the ordinary deficiency appropriation bill. There are a thousand people who are to-day out of work for want of these very appropriations.

Mr. TOWNSHEND, of Illinois. I would ask the gentleman if he did not—

Mr. HAWLEY. I do not want to be interrupted now. The public service is suffering for want of this money. The public service is suffering because the work cannot go on in the Government Printing Office; that is but one of the many items.

And yet we are put to the torture and torment here of a fierce political debate, in which the passions of gentlemen on both sides of the House are aroused; and that confounded debate is jammed right into the middle of a business relating to charity and mercy. I say it is an outrage upon all the forms of legislation. Mr. Chairman, I will not endure it; I will not vote now for a change or amendment of any of the election laws. I will vote against every political amendment which has been proposed or which may be proposed, whether the amendment of the gentleman from Ohio [Mr. GARFIELD] or of anybody else. And I will not vote for any appropriation bill that has in it any clause proposing a change or repeal of the election laws. [Applause on the republican side.]

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Missouri, [Mr. BUCKNER.]

Mr. BUCKNER. I withdraw it.

Mr. McMILLIN. Mr. Chairman, I move to amend by adding to the amendment the following:

And provided further, That such deputy marshals shall not receive pay for a longer period than three days for any election.

Mr. Chairman, I think this amendment should prevail. I believe with others who have spoken here in the doctrine that there should be no Federal interference in elections. Either we are capable of self-government or we are not. If we are not capable, our system is a failure. If we are, we need no hands of ex-convicts, unscrupulous partisans, and political adventurers surrounding the ballot-box to spy into it, like a gang of envious eunuchs around the oriental harem. [Laughter.] I believe for one that we should have no such espionage. I have voted and will vote again for the repeal of these laws outright. They are anti-republican, and should be repealed. Men on both sides of this Chamber have lauded to the skies, and justly, the independence of the three different branches of the Government—the executive, the legislative, and the judicial. But what is the effect of these election laws? They destroy this independence and give complete control of the other branches to the judicial department of the Government, by permitting the judiciary to control elections. I hear one ask how?

It results in this way: the President appoints the judge; the judge appoints the supervisors; and they control the elections and thereby elect the President and Congress. Where is the boasted independence? Can there be any doubt in a sane man's mind as to what must be the result of such a course? Can there be doubt that it tends directly and inevitably to centralization and despotism? These election laws are but the cap-sheaf of Federal interference through the judiciary. For one, I think we have had enough of it.

But we find these laws on the statute-book; we are not able to repeal. As legislators, it behooves us to do the next best thing possible. If we cannot repeal them as we desire, let us cheapen their enforcement and strike off by amendment all the obnoxious features we can. It is time, as I have stated, that we should have no interference in elections; but if we are to have it, let us have as little of it as possible, and pay supervisors for a shorter time than ten days. My amendment, if it passes, will save the Government thousands of dollars every year. I hope it will be adopted, and that hereafter we will not have to pay deputy marshals for ten days' service in connection with every election.

Mr. HOOKER. Mr. Chairman, I rise to oppose the amendment. I had not intended to speak on this general subject. When I look at the bill as reported from the committee I do not find one word or one syllable upon the subject either of making or of refusing appropriations for special deputy marshals at elections. The bill as reported by the gentleman from Ohio [Mr. McMAHON] contained no such proposition. On the contrary, it was a deficiency bill intended to pay to the marshals of the courts of the United States fees which in great part had already been earned by them. When the gentleman from Connecticut [Mr. HAWLEY] says that we are thrusting a political discussion into the very heart of this bill, which is intended to pay honest debts, I can only say that the heat of the political discussion seems to have sprung up on the opposite side. It was not proposed by the bill as reported to say anything upon the subject of special deputy marshals; but the bill does propose in terms to appropriate a certain

amount out of the Treasury for the purpose of paying marshals of the courts in the discharge of their ordinary functions.

I have no hesitancy, therefore, in opposing the amendment offered by my respected friend from Tennessee, [Mr. McMILLIN;] and I regret that the gentleman from Illinois [Mr. SPRINGER] should have seen fit to offer any proposition looking to this question; it seems to me it would have been best to let the bill of the committee go through without amending it. When we come to the consideration of the question whether or not appropriations shall be made for the payment of special deputies to superintend elections, it will be time enough to consider and determine what we shall do. This bill has no such proposition in it; and the question arises alone upon the proposition which has been, I think, indiscreetly offered by my friend from Illinois, [Mr. SPRINGER.] But I never avoid any question. With reference to the laws providing for the appointment of supervisors by the Federal judges and for the appointment of deputies by the marshals to superintend elections, I have no hesitation in saying that in my judgment those laws have done more to corrupt elections than to insure a proper exercise of the elective franchise.

Whether you appoint a swarm of special deputies by the action of the marshals, or appoint but two or three by the action of the court, you are interfering with the great cardinal power of the States to conduct, control, and supervise their elections. I shall not consent now or at any time, so far as I am concerned, to any proposition which looks to sustaining these officers, who are, in my judgment, unwisely attempting to influence and control the elections in the States. This bill did not propose any such thing; the question is only presented in the amendment. As I understand, we are upon the record as opposed to appropriations designed for this purpose. I go one step farther. I dissent *toto caelo* from the proposition reiterated in this House, first on one side and then on the other, that the House of Representatives, the immediate representatives of the people, constituting with the Senate the legislative department of the Government, have under our system no power in analogy to that which exists in the English House of Commons. I say that, as the immediate representatives of the people, we hold the purse-strings of the nation, and they can only be unloosed by our vote. This power under our system of government can never be surrendered without surrendering one of the most important powers by which our English ancestors, through their representatives in the House of Commons, maintained the freedom of the people, and by which alone we can be enabled to preserve the liberties of our people against the encroachments of other departments of the Government.

[Here the hammer fell.]

Mr. EWING. I ask the gentleman from Illinois to withdraw his amendment.

Mr. SPRINGER. The question pending is on the amendment of the gentleman from Tennessee.

Mr. EWING. Then I ask the gentleman from Tennessee to withdraw his amendment and I will renew it.

Mr. McMILLIN. I will withdraw it on that understanding.

Mr. CONGER. I object to its withdrawal.

The CHAIRMAN. Objection being made the amendment cannot be withdrawn.

Mr. HAWLEY. Gentlemen can fix up their compromise to suit themselves; I desire to have nothing to do with it.

The committee divided; and there were—ayes 93, noes 15.

So the amendment to the amendment was agreed to.

Mr. EWING. I move to strike out the last word of the pending amendment.

Mr. Chairman, these election laws having been declared to be constitutional by the Supreme Court of the United States must be so treated *pro tempore*. I say *pro tempore*, because the public mind in this country will never accept as final a decision on a disputed question of constitutional law when the decision is obtained by a party division of that tribunal. Such a decision, so reached, is lasting only as a melancholy instance of the fact, of which the action of certain judges in the electoral commission three years ago convinced the people, that the fires of partisanship burn beneath the ermine just as fiercely as under the jackets of the people.

But for the time being this Federal election code must be treated as constitutional. I do not mean that because of this decision we as Representatives must vote any sum of money which may be demanded, or any sum of money at all, for the execution of laws which we believe to be vicious and dangerous to the liberties of the people. We have two paths open to us: we may amend those laws by stripping them of their partisan features. That is the proposition of compromise coming from the distinguished gentleman from Ohio, [Mr. GARFIELD.] Shall we on our side accept it; or shall we rather walk the perilous edge we trod at the extra session? Shall we stand on our right as representatives of the people and guardians of their liberties and their treasure to withhold the money needed to execute this vicious legislation, a course warranted by many precedents, and vindicated in every generation among the noblest names in American political history? Let me remind my democratic friends, and especially those from the South, that, while the republican leaders were able in other days to call public opinion in the North to their support in withholding appropriations from laws they believed to be mischievous, the democracy have not been successful in following their example. We should be taught by the lessons of recent elec-

tions that we must place ourselves in our action here not only beyond the reach of candid objections, but also high above the cavil and clamor and misrepresentation which comprise the political capital of the republican party.

A decided majority of the people of the North are tired of the republican party. They would gladly give it some wholesome discipline as a minority party. It would do it good, and might after a while fit it to hold power again. That party knows the state of the public mind toward it. It has been taught by repeated elections that it has lost the confidence of the majority of the northern people, and that it must hold its relaxing grasp of power not by seeking popular judgment on its measures but by evading it. Condemned by public opinion, it has yet held on and on and on to power. How? By the clamor about "rebel brigadiers," by the lie that the people of the South mean to renew opposition to our constitutional Government, if not openly by secession, then secretly by nullification. If we now refuse to strip these laws of their partisan character; if we choose rather to exercise that extreme though often-acknowledged right of the Representatives of the people to refuse appropriations for the execution of bad legislation, we will hear the cry of "Nullification!" go up in the next campaign from every hilltop and valley in the North. We will find ourselves cut off from that appeal to the sober judgment of dissatisfied republicans on which we may rely with confidence, if their reason be not swallowed up and lost in sectional passion.

I appeal to my democratic friends to take this compromise now and extract the fang from these bad laws; and when they shall have ceased to be weapons of party advantage we will soon be able by common consent to sweep them from the statute-books, and to return to "the old paths, where is the good way." [Applause on the democratic side.]

[Here the hammer fell.]

Mr. HAWLEY. There is no compromise coming from us. We do not intend to have any compromise. [Laughter on the democratic side.]

Mr. McMAHON. You want them just as they are.

Mr. HAWLEY. We repudiate all compromises. I spit upon, scorn, and excrete all compromise.

Mr. McMAHON. I hope the gentleman from Ohio [Mr. GARFIELD] will be sent for.

The CHAIRMAN. The gentleman from Ohio is not on the floor. Gentlemen must preserve order. The Sergeant-at-Arms will see that gentlemen take their seats and preserve order on the floor.

Mr. WILLIAMS, of Wisconsin. Mr. Chairman, I have no fault to find with gentlemen on the other side of the Chamber. Their purposes are logical and their action consistent. But, sir, in my humble judgment, if the counsels of gentlemen on this side the Chamber for whom I have unbounded respect were or are to be followed, then that side will gain in this two or three days' struggle what they failed to accomplish at the three months' extra session of Congress. In saying this, I desire to accord to all who differ with me the same independence of judgment and action that I claim for myself. For one I desire no compromise and will vote for no amendment of this radical character to these laws, however attenuated or sugar-coated it may be. I will not do it either on or off from an appropriation bill until I am prepared to vote to sweep these laws bodily from the statute-book.

Sir, I am not so much concerned at this time about the manner or the agency by which the attempt has been made to enforce these laws in the past as I am, and as I believe the country is, in the manner in which they have been trampled down in outrage, in blood, and in death! A history which during the last five years has shocked Heaven as it should shame mankind! And until such things or evils shall be prevented, if they cannot be repressed, I think it no time for the republican party to stand here or elsewhere lamenting the past, making overtures for the future, or splitting hairs over this kind of amendment.

Mr. SPRINGER. Will the gentleman allow me to ask him a question?

Mr. WILLIAMS, of Wisconsin. I cannot yield if it is to come out of my time. I have heard it suggested by several gentlemen on this side of the House that if we were to fall into a minority then these laws modified by the proposed amendment might be a good thing for us. Mr. Chairman, I prefer to plan for victory rather than for defeat. When the question before this country is a question of enforcing or nullifying constitutional laws the republican party has no business to be in a minority. On such a question triumph is its duty and victory its right. [Laughter on the democratic side.]

Laugh, gentlemen, if that is your best and only response. Where duties are to be performed of a political character, or where elections are to be supervised or inspected, there I can well understand why both political parties should be represented; but when it comes to the execution of the law, where force is to be applied if need be, and where the executive, be he President, governor, sheriff, or constable, is responsible, then to talk about a double-headed President, a double-headed governor, or a double-headed sheriff or constable—you might as well talk about a double-headed commanding general on the battle-field!

Why, only look at it, Mr. Chairman: a deputy marshal of one party, backed by his friends, trying to make an arrest at an election poll, and a deputy marshal of another party, backed by his friends, trying

to prevent it. Sir, whoever originates or develops that plan should, in my humble judgment, take out a patent for the best device ever concocted by mortal man for inaugurating election riots of the fiercest and bloodiest kind! And when you here increase the number by ten or more, I fear you have but added to the size of the mob ready to be led to the fray by political officials, who in turn would do things, when thus backed, they would never dare to do if left to their individual responsibility.

I need not remind gentlemen that party strife is to run high in this country during the next eight months, perhaps higher, fiercer, bolder, and more dangerous than ever before. Is this a time for a party or an administration charged with the enforcement of the laws to bate one jot or tittle of the constitutional power. For one, Mr. Chairman, I desire to hear no more about compromise of any kind. Compromise is not what gentlemen on the other side mean. They mean to weaken, break down, and nullify these laws. That is what they have virtually said time and again they would do. That is what they mean to do. Sir, I desire to see marshals appointed with great care; let them be men of character and courage; then let them go to the polls and fairly and fearlessly execute these laws, backed if need be by the whole power of the Government, and then for the faithful performance of their duties let them be held to a strict accountability by the country, and if need be before the courts.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Ohio.

Mr. EWING. I withdraw the *pro forma* amendment.

Mr. THOMPSON, of Kentucky. I renew the amendment. Mr. Chairman, I did not expect to take any part in the debate which has been going on in regard to these election laws; but as in reference to all these matters we judge by comparison rather than in any other way, and as I found it necessary to examine the laws of the various States in the preparation of a bill which I offered at the extra session and which was an effort to eliminate all of us from the troubles of the extra session and pass a law agreeable to the compromise which I understand the gentleman from Ohio [Mr. GARFIELD] to propose but which has been spurned by the gentleman from Connecticut [Mr. HAWLEY]—I say from an examination of similar laws in the various States I have found that in nearly every State in this Union the necessity has been recognized which is provided for in the amendment of the gentleman from Illinois, that officers of elections shall be equally divided between the parties then contesting before the country. It is the same nearly all over the country.

Mr. MITCHELL. Will the gentleman allow me to ask him a question? Does he not refer to executive officers? Does he refer to peace officers?

Mr. THOMPSON, of Kentucky. Yes, sir.

Mr. MITCHELL. I deny that in regard to the State of Pennsylvania. The law of that State requires the constables to be present on election day to preserve the peace.

Mr. THOMPSON, of Kentucky. I have not yielded any portion of my time to the gentleman from Pennsylvania. I did yield to a question. I would state the law of Pennsylvania if I had time, because I am familiar with it as well as the laws of the other States. I know the gentleman cannot successfully contradict my statement that many of the States, and republican States at that, have found it necessary that the officers of the election shall be equally divided as near as may be between the different parties in the State, so that fairness at the election polls may be secured. Not only that, sir, but as has been suggested by a gentleman, in order that they may watch each other and see that fairness is done.

Upon the subject of the payment of these officers, after having examined the laws of nineteen States of this Union on this subject, that these very officers that this law proposes in every congressional election shall serve for ten days, and some of them without any limit, as in the case of the supervisors, if I recollect aright, the deputy marshals being limited to ten days, at a compensation of \$5 a day—I say, after an examination of the laws of these nineteen States, there is not a single one of them, so far as I have been able to find, which provides for paying any such officer that amount of compensation or allowing them to serve any number of days exceeding four or five, which increased time applies only to officers of registration and not peace officers; and in nine-tenths of those that I have examined the service of those peace officers of elections is limited to a single day, and that the day of the election.

And I say to the gentleman from Ohio [Mr. GARFIELD] who has proposed the compromise, which his party seems to spurn and to repudiate, that his State only allows officers to serve on election day and does not pay them exceeding the amount of one and a half dollars a day. The act reducing the amount from \$2 a day was passed in 1862, and has stood there, according to my reading of the law, ever since. They have no supervisors and no deputy marshals appointed there by the State authority. The county officers and the township officers are charged with the duty of holding the elections as provided by the law; and in Cincinnati, the great metropolis of that State, there is no change from the ordinary State law, as far as I can find and so far as I am advised.

And so it is with the other States. If you go to Michigan you will find there that the first registration law that has been passed, so far as I have been able to ascertain, only pays the registrars for three days' service at the outside and \$2 a day for their services, and the

judges and inspectors of elections are paid one and a half dollars a day, and they are limited to one day's service.

I ask, if fairness in elections is all that is desired, why it is that when the National Government comes and puts forth its hand to interfere with elections in States—why it becomes necessary in order that those elections may be administered fairly and honestly that her officers shall be given such an extreme limit of time, and why the public Treasury shall be drained to this extent in order that the State law may be only aided in its administration?

A gentleman spoke of Pennsylvania a moment ago and alluded to Philadelphia. These laws were adopted in 1869 by the republican party of Pennsylvania and were modeled, I suppose, after the infamous registration laws of the South which drew their inspiration from the necessities of carpet-bag rule and stifled the voice of the people. But in Philadelphia they limited the time of service of these registrars, supervisors, or overseers, as they are called there, to five days, and their pay to \$2 a day.

The republicans have full control in that State; all the officers of election are appointed by them; they appoint as many as they want, yet they leave the keeping of the peace to the ordinary officers, the constable, and that too without pay. If he can keep the peace without pay at an exciting State election, why is it necessary to spend, as was done in 1876, \$150,000 out of the public Treasury on deputy marshals and supervisors alone, especially when the officers in charge have sworn it was wholly unnecessary, that they have already nine republican officers at each poll, and no democrat to connive at, much less perpetrate, a fraud. The election in Philadelphia does not cost the State of Pennsylvania or the city over \$10,000, yet the Government pays one hundred and fifty thousand to have it supervised, against the evidence of republican officers that it is wholly unnecessary. In one district in Saint Louis seven hundred republican deputy marshals were appointed at one election. This would make \$35,000, being enough to control any ordinary election by fraud. Why not follow the economical example the States have set us; limit the time and pay of these officers until there is no inducement to fraud, until the party in power cannot draw its campaign funds out of the public Treasury as the republican party has since 1872. They took two hundred and thirty-five thousand in 1874, and two hundred and eighty-five thousand in 1876. They may, unless we check them by some modification of the law, take a million this year and spend it in bribery to make Grant President. The question now is a question of economy as well as securing, if not a repeal of the law, a lessening of the power and opportunity to do wrong under it. We want to repeal it all; we believe it, in spite of the Supreme Court, unconstitutional. Unable to repeal it, we will modify and strip it of its partisan character and of its most objectionable features, especially the power under it to rob the Treasury. I am opposed to paying the deputy marshals in California anything. They had notice by our action last year we would not pay them, but rather than defeat this bill limiting their number and days of service and demanding that good men from both parties be appointed, I yield to necessity, and while not getting all I want, take all I can get.

The compensation, &c., of officers in certain States are as follows:

Ohio: No registration law. Trustees of towns act as judges of election. Town clerk and such other clerk as they select as clerks, and they serve on election day only as election officers, and their pay is \$1.50 per day, to which it was reduced by act of April, 1862, from \$2. (Revised Statutes, volume 1, page 532. See also Statutes of Ohio, volume 1, by Sawyer.)

Connecticut: A judge of the election is annually elected. He, together with the assessor and collector, constitute board of electors. (Nixon's Digest, page 260, section 22.) Their pay is \$3 per day. (Ibid, page 279, section 115.) Their election service, the day of election.

Illinois: Register's fees, \$2 per day; service, two days. (Statutes of 1873, chapter 46, section 145, page 563.) Special constables may be appointed to keep the peace at the polls at \$2 per day. Judges and clerks get \$3 per day.

New York: Inspectors, same as judges, are allowed only \$2 per day. (Revised Statutes, volume 1, page 454, section 7. Ibid, section 217.) Inspectors have power to appoint electors to help preserve order; no compensation provided for. (Ibid, page 438, section 32.)

Indiana: Township trustee appoints two electors to act with him as judges; he is inspector. (Statutes of Indiana, by Davis, volume 1, page 437.) Pay, excused from working one day on road, and if not liable to work, seventy-five cents.

Iowa: Three judges of election in each precinct, appointed by the board of supervisors, two clerks, one the township clerk, and the other chosen by the judges of election. Constable to attend and preserve order; if he does not attend judges appoint one or more specially.

Maryland: Three judges, two clerks; day of election. Judges keep the peace. (Revised Code of Maryland, 1878, pages 44-46.)

Kentucky: Two judges and clerk, one sheriff; serve on election day; pay \$2 per day. (General Statutes, page 392.)

Kansas: Township trustee and two justices of the peace judges; in cities, councilmen of the ward, three in number, are judges and shall appoint two clerks; free from arrest. (Page 419.)

Delaware: Judges and clerks; \$4 per day. (Laws of Delaware, revised code, 1874, page 760.) Presiding officer to keep the peace; justices, collectors, and constables to attend. In Wilmington the mayor and aldermen perform these duties. (Ibid, page 104, sections 6 and 7.) Inspector and assessor elected; inspector, judge, and two others chosen; two clerks. (Ibid, page 119, sections 11-14.) Inspector's pay, \$5 per day. (Ibid, page 760.)

South Carolina: (Revised Statutes, page 33, section 35.) Mayors and clerks of general elections receive \$2 per day. Time limited to three days.

North Carolina: Officers are four judges and one registrar; registrar has fees—ten cents for copying each old name, twenty cents for each new one added. One day allowed him in which to correct lists Saturday preceding election.

Michigan: Township clerk, assessor, and alderman of each ward are the inspectors of election. (Compiled Laws of 1871, page 112.) Inspectors keep order, and are paid \$1.50 per day. (Ibid, page 290, section 95, sub-section 1.) Registrars, by act of 1859, page 132, section 2, (after 1859,) have three days to perform their work. In

cities the aldermen are registrars; in townships, supervisors, treasurer, and clerk of the township; pay, \$3 per day, to be paid by city. (Ibid, page 149, section 27.) Minnesota, (Statutes of Minnesota, revision of 1866, page 54, section 2.) Supervisors of townships are judges of elections; town clerk, and some person of the opposite party appointed by the judges, are clerks. City council in all cities except Saint Paul and Rochester appoint in each city three judges. In Saint Paul aldermen act as judges, and appoint two clerks, (section 5.) Four days to correct their lists; \$2 per day, (page 56, section 8.)

Maine: Aldermen in cities perform duties of supervisors; time, three days before election.—Wardens preside at wards. (Amendment to constitution of 1834.)—(Revised Statutes of 1871; applies to cities of over one thousand voters.) In smaller places the time is more limited; in town, to election day; pay, \$1.50 per day. (Revised Statutes, 80, section 75.) Assessors act as judges, &c.

Pennsylvania: One judge and two inspectors are the officers; pay, \$1.50 per day, except Philadelphia, where it is \$2. (Brightly's Purdon's Digest, volume 1, page 541, section 7.) Assessors make up and correct lists; compelled to attend at elections; give information; pay, \$1. (Ibid, 544, section 13.) Inspectors correct lists day of election. (Ibid, 549, section 46.) Overseers in Philadelphia appointed by common pleas court; namely, three on application of ten citizens. (Ibid, 563, section 247.) Time, five days. (Ibid, 576, section 216.) Constables to attend and preserve the peace (no pay provided) at the polls.

Vermont: No registration law. First constable presides; (Gen. Stats., 1862, page 38, section 9.) receives ballots; counts in conjunction with town clerk, selectmen, and justice of peace as are present, who also decide on qualifications. (Ibid, 40, section 18.)

Rhode Island: Town councils control registration lists and are paid \$1 per day for their services. (R. S., page 77, sections 8 and 10.)

[Here the hammer fell.]

Mr. FRYE. I have had no purpose since the beginning of this debate to discuss this pending question. I had not proposed to talk about it or to vote in relation to it in any way. But in the discussion this morning, and in the absence of the gentleman from Ohio, [Mr. GARFIELD,] the gentleman from Tennessee [Mr. WHITTHORNE] made the statement very distinctly that this proposition now pending was a compromise offered by the gentleman from Ohio, [Mr. GARFIELD.] The gentleman from Ohio [Mr. EWING] also, in the absence of the gentleman from Ohio, [Mr. GARFIELD,] made virtually the same statement when he said that this was an olive-branch held out to the other side by the distinguished gentleman from Ohio. And on our own side, in one or two instances, still in the absence of the gentleman from Ohio, the idea has been held out here that this is a proposition offered by the gentleman from Ohio as a compromise. I repeat it, in the presence of that gentleman, who is now here. I say, Mr. Chairman, that the grossest and gravest injustice has been done to the gentleman from Ohio in these assertions. He never offered this to the House as an olive-branch; he never offered it as a compromise. He never went any further than to offer an amendment to the amendment offered by the gentleman from Illinois, [Mr. SPRINGER.]

Mr. RANDALL, (the Speaker.) Will the gentleman from Maine allow me to ask a question?

Mr. FRYE. Certainly.

Mr. RANDALL, (the Speaker.) Did not the gentleman from Ohio, [Mr. GARFIELD,] who is now in his seat and can answer for himself, at the last session state that he thought these special deputy marshals should be divided between the two parties?

Mr. McMAHON. He said so to me the day before yesterday.

Mr. FRYE. I will not undertake to answer for the gentleman from Ohio as to what he said.

Mr. SPARKS. I thought you had undertaken to answer for the gentleman from Ohio.

Mr. FRYE. I will not undertake to answer for the gentleman from Ohio as to what he said or did in the extra session. I am only speaking of what was said here to-day and during this discussion and since that amendment has been pending. I say the gentleman from Ohio has not offered this as a compromise. The statements of the gentleman from Tennessee [Mr. WHITTHORNE] and the gentleman from Ohio [Mr. EWING] to that effect would mislead the country. This proposition came from the gentleman from Illinois, [Mr. SPRINGER,] and the only amendment offered by the gentleman from Ohio [Mr. GARFIELD] was an amendment proposed to improve the amendment which the gentleman from Illinois had offered. No man on this side, as I understand it, proposes to offer an amendment or to accept an amendment, or that an amendment or that a compromise or anything else shall be adopted or accepted on this appropriation bill, whatever they may propose when distinct and independent legislation is offered.

Mr. WHITTHORNE. The gentleman from Maine [Mr. FRYE] does me an injustice in his statement of what I said. I said I advised my friends to accept the proposition or compromise tendered by the conservative gentleman from Ohio, as amended by my friend from Tennessee, [Mr. SIMONTON.] I did no man an injustice, and I beg to assure my friend I had no such intention.

Mr. FRYE. I misunderstood the gentleman, then. I wish to say I do not feel called upon to defend the gentleman from Ohio. I simply desired to state in his presence and hearing, he having been absent till this moment, what had been said or done on the floor of the House.

Mr. McMILLIN. Does the gentleman from Maine deny that in the amendment offered by the gentleman from Ohio, yesterday, was this clause:

Said special deputies to be appointed in equal numbers from the different political parties.

Does the gentleman deny that?

Mr. FRYE. It was an amendment offered to the amendment of the gentleman from Illinois.

Mr. McMILLIN. Did the gentleman from Ohio not offer it?

Mr. FRYE. Undoubtedly. The RECORD will show that.

Mr. THOMPSON, of Kentucky. I withdraw the *pro forma* amendment.

Mr. RANDALL, (the Speaker.) I renew the *pro forma* amendment. The issue between the two sides has been very much narrowed during the discussion to-day. This law is on the statute-book; many of us believe that it is unconstitutional. The effect of the amendment proposed by the gentleman from Illinois [Mr. SPRINGER] is to take in part from that law a partisan administration of its provisions. It has been distinctly asserted on the other side by several who have addressed the House this morning that they will not be satisfied with any compromise or with any change of the existing law in these respects.

Mr. HAWLEY. On an appropriation bill. Appoint Monday next for the consideration of this matter, and discuss the election laws all next week if you choose, and we will be with you.

Mr. McMAHON. The gentleman does not control that side of the House.

Mr. RANDALL, (the Speaker.) We are ready to meet that issue. We say that if special deputy marshals are to be used at elections, whatever may be the opinion as to the constitutionality of such a law, those officers should be divided between the two or three political parties contending at such election. We say that when we come to vote the money to carry out such law we will not vote it to be used for any partisan purposes.

Mr. ROBESON. Will the gentleman allow me to ask him a question?

Mr. RANDALL, (the Speaker.) We want the money to be used for no party ends whatever, but only for the purpose of carrying out the act which is on the statute-book, but which you declare it to be your purpose to administer as has been heretofore done.

Mr. ROBESON. Will the gentleman allow me to ask him a question right there?

Mr. RANDALL, (the Speaker.) Certainly.

Mr. ROBESON. The gentleman says "for no party end." Did not the gentleman from Ohio [Mr. McMAHON] stand here ten minutes ago and say that he did this for a party end, that they would take this now for the advantage which they could get from it, and afterward, having obtained that vantage-ground, they would sweep all the law from the statute-book? [Applause on the republican side.]

Mr. RANDALL, (the Speaker.) In answer to the gentleman—

Mr. ROBESON. I accept that issue.

Mr. RANDALL, (the Speaker.) One moment; I have the floor.

Mr. ROBESON. I beg pardon.

Mr. RANDALL, (the Speaker.) In answer to the gentleman, allow me to say that I take no one man's word on this side of the House. I take the acts of the party who have the officers to execute this law in contradistinction to the words of anybody. You have administered this law in an outrageous and unjustifiable manner. [Applause on the democratic side.]

Mr. REED. Not so.

Mr. RANDALL, (the Speaker.) And in endeavoring to modify that law here to-day we do no more than to ask that it shall be made to exercise its powers upon all alike, and that those who administer the law shall be drawn from the great body of the people, without reference to party associations or affiliations. [Renewed applause on the democratic side.]

The friends of the gentleman from Ohio [Mr. GARFIELD] assert that he did not take the position during the extra session of this Congress which it has been said he took. I ask to have read what the gentleman proposed as an amendment to this very bill and what he said at the time.

Mr. TOWNSHEND, of Illinois. And I wish to have read in connection with that what the gentleman said when he offered his amendment.

Mr. HAWLEY. We know what he said, and a great many of us would say the same thing.

The CHAIRMAN. The Clerk will read what has been sent up by the gentleman from Pennsylvania, [Mr. RANDALL.]

The Clerk read as follows:

Mr. GARFIELD. I modify the substitute further by striking out the words "and general deputy marshals," as the amendment ought to relate to special deputies only.

Mr. SPRINGER. I object to that modification.

The CHAIRMAN. The gentleman has the right to modify his own substitute.

Mr. FIELD. I desire to call the attention of the gentleman from Ohio to one point. The provision is that in the absence of the circuit judge these officers shall be appointed by the district judge.

Mr. GARFIELD. Yes, sir.

Mr. FIELD. I suggest that the words "of the district" be inserted.

Mr. GARFIELD. Very well; I modify the amendment further by inserting after "district judge" the words "of the district."

Mr. RANDALL, (the Speaker.) I ask the Clerk now to read the last two lines of the amendment offered by the gentleman from Ohio, [Mr. GARFIELD.]

The Clerk read as follows:

Said special deputies to be appointed in equal numbers from the different political parties.

Mr. TOWNSHEND, of Illinois. Now let the paragraph be read which I had marked.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. RANDALL] has expired, and the Chair recognizes the gentleman from Ohio, [Mr. GARFIELD.]

Mr. TOWNSHEND, of Illinois. I ask the gentleman from Ohio [Mr. GARFIELD] to allow to be read the passage I have marked, not to be taken out of the gentleman's time.

Mr. GARFIELD. Let it be read.

The CHAIRMAN. The Chair will not take it out of the gentleman's time.

The Clerk read as follows:

Mr. GARFIELD. It is to strike out all after the words "in the absence of the circuit judge," where they occur in the last line of the RECORD print, page 39. I speak for nobody but myself, but I will vote for the amendment if all following these words be struck out.

Mr. FINLEY. That was on yesterday.

Mr. TOWNSHEND, of Illinois. It was.

Mr. GARFIELD. We are equals here, each having rights equal to every other, and nobody having any authority to bind any but himself. With that preface, I will speak for myself.

The first object which I try to keep before my mind in legislation is to be right. And on this question of the election laws, during the long and heated session of debate last summer, in which all sorts of accusations were made against them by gentlemen on the other side, there was made but one lodgment in my mind of a just criticism upon them. There was one charge made by the other side, and in so far as it was true I consider it a just objection to the law. It was that the law had been used, or was capable of being used, to fill election precincts with men of one party whose time might be employed at the public expense for party electioneering purposes.

I say in so far as that law can be so used to that extent it is unjust; and at all times and on all proper occasions I have declared, and I now declare myself, willing to modify the law so that the alleged abuse cannot take place. [Applause on the democratic side.] That I say for myself, and will continue to say it. No other valid objection to this law was, in my judgment, made by anybody during the last session of this Congress or since.

Now, what has happened? In the first place on this side we objected and do still object, with entire unanimity, to riders on appropriation bills.

Mr. TOWNSHEND, of Illinois. Yes; but you said yesterday that you would vote for this as a rider.

Mr. GARFIELD. I hope the gentleman from Illinois will "possess his soul in patience." We did all in our power to prevent any rider; but the rider was ruled in order. What then? I hold it always to be my duty to help make a pending measure as decent and harmless as possible, and then we can and doubtless will vote against its final adoption because it is a rider. Yesterday, distinctly disclaiming the right to speak for anybody but myself, I offered a substitute for the proposed amendment, by providing that the special deputy marshals having their fair pay at \$5 a day should be appointed by the courts, and equally from the political parties, so as to prevent the only evil that could be justly complained of. I will vote to substitute that for the pending proposition, if I vote alone on either or both sides of the House. [Applause on the democratic side.]

But what has been done? Gentlemen on the other side not only did not accept my substitute but voted it down, and substituted for it a proposition containing these provisions: First, that the compensation of these deputy marshals shall be cut down to \$2 a day; second, that there shall never be more than three of them in any one election precinct; and, third, that they shall not be employed more than three days, even though the registration under the law of the State lasts ten days. Now, what does this mean? It means that under the pretense of enforcing the election law for scrutinizing and guarding the polls, though there may be a thousand rioters around the polls seeking to break up the election, yet there shall be but three men empowered to keep the peace of the United States against the mob. In other words, the pending amendment proposes to make this law a notice in advance to the mob to come and overwhelm the keepers of the peace and make hell, rather than order, reign and rule at our national elections. If this were a part of the best bill in the world, I would not vote for it, because it cuts the vitals out of the law and makes its enforcement an impossibility.

But if you will take the naked proposition that I offered, I will vote for it as a substitute, if I vote alone. I will vote for it as a betterment of the pending amendment, though I say again that it is not proper to put it on an appropriation bill; it is altogether improper. But when an amendment is pending I will vote for the betterment of it. I did not offer my substitute as a compromise. On the question of what I believe just and right I make no compromise anywhere; but I do believe that it strengthens the election law to free it from every ground of charge that it is partisan or can be used for merely partisan purposes. I want the law to insure, so far as law can do it, fair, honest, and peaceable elections, and I want it for no other purpose.

[Here the hammer fell.]

The CHAIRMAN. The question is upon the amendment of the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL, (the Speaker.) I withdraw the *pro forma* amendment. I would like to ask the gentleman from Ohio [Mr. GARFIELD] whether his understanding of the law is that the special deputy marshals have anything to do with the registration.

Mr. GARFIELD. Yes, sir; in every State where a registration is required by the law.

A MEMBER. The supervisors of election attend to the registration.

Mr. GARFIELD. Yes, sir; the supervisors have charge of scrutinizing the registration, but the special deputy marshals are by law ordered to protect the supervisors in the execution of their duties; and the protection should go with the scrutiny.

Mr. McLANE. That is not in the election law.

Mr. RANDALL, (the Speaker.) I am not sure, but I think the gentleman from Ohio is mistaken.

Mr. GARFIELD. Oh, no; the language is specific.

Mr. REED. The language of the law defining the duties of the marshal and his deputies is that they shall "preserve order at such places of registration and at such polls."

Mr. HISCOCK. I read from section 2022:

The marshal and his general deputies, and such special deputies, shall keep the peace and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat.

Mr. CALKINS. Mr. Chairman, it was stated by the gentleman from Pennsylvania [Mr. RANDALL] that this side of the House had objected to the proposition in all its features. I offered to interrupt him at the time to say I had expressly stated that whenever this proposition was presented as a sole substantive proposition it would have my hearty support.

Mr. RANDALL, (the Speaker.) I did not hear the gentleman's speech; but I heard enough. I heard the echo and the response to the sentiment uttered by the gentleman from Connecticut.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania.

Mr. RANDALL, (the Speaker.) I withdrew it.

The CHAIRMAN. If there be no objection the amendment will be regarded as withdrawn.

There was no objection.

Mr. McLANE. As was said by the gentleman from Pennsylvania, [Mr. RANDALL] the issue in this debate has very much narrowed. There is now no longer any such question at issue as was made by the gentleman from Connecticut [Mr. HAWLEY] distinguishing between the original bill and a rider to an appropriation bill. The subject before the committee for consideration is the appropriation bill, and the amendment of the gentleman from Ohio, on my right, is an amendment to this appropriation bill. It is, therefore, the appropriation bill prepared, reported, and perfected in pursuance of the rules of this House, and the gentleman from Ohio has well explained, whatever might be his opinion as to the propriety of legislating in this manner, he felt it to be his duty to make the proposition embraced in the bill as reasonable as he could.

Now, whatever may be the differences of opinion here, however unwilling some gentlemen on this side of the House may be to accept these supervisors and marshals and deputy marshals under these election laws, or however resolute may be the determination of gentlemen on that side to admit of no amendment at all to these laws as they now exist, or to agree to any compromise whatever on this question, and however much compromise may be repelled and despised by gentlemen on that side, the issue is nevertheless a compromise as it is presented in the pending amendment. And as the gentleman from Ohio [Mr. GARFIELD] on his side is willing to take the marshals in equal numbers from the parties engaged at the polls, so the gentleman from Ohio [Mr. EWING] on this side has avowed his willingness to accept such an arrangement and such an adjustment, and the other gentleman from Ohio on this side, who reported the bill, [Mr. McMAHON,] concurs in the same view of the question.

I, for one, do not feel I subordinate in any degree my opposition to the election laws as a whole as well as in detail, if I also take that compromise. I recognize perfectly well that the law has been adjudicated to be a constitutional law, and I am perfectly at liberty to think of the court as the gentleman from New York thinks of the court, yet it is not less my duty to respect the mandate of the court and accept its adjudication of questions arising under these laws, whether it be a bad court or not, whether it be a court entitled to my confidence and respect or not.

And this is certainly not the place for me to declare my opinion as regards the partisan character of that court. I want to say that, maintaining my own opinion of the court and of the law, and leaving to all others their opinion of the court and the law, I am at perfect liberty to denounce the law as vicious and inexpedient and unnecessary, although it may be constitutional. A law that is vile and vicious in its details may yet be a constitutional law. The powers of this Government are express, and it is within the power of Congress, in exercising perfectly legitimate power, to pass a law odious and tyrannical and deserving of the scorn of every freeman in the country. And, for one, I believe the election law to be just such a law. And the gentleman from Ohio well said when he listened to this debate that he could not resist the appeal which was made that this law, although constitutional, was believed to be capable of abuse, capable of being prostituted to partisan purposes, and his colleague on this side of the House said he thought it his duty to do all in his power to take away from the law these odious features; and I for one shall co-operate with him to my utmost to take away from that law its bad features, although I may not be able at this time to repeal it altogether. Thus a point of compromise is reached between those who have heretofore sustained and those who have heretofore opposed

the law as it now exists. Conceding its constitutionality—that is, conceding the adjudication of questions arising under it by the Supreme Court—its inexpediency, its partisan and tyrannical character, remain, and I feel perfectly justified in offering every possible opposition to its execution and in exerting my utmost effort to change and modify its odious features. If these efforts are properly met by gentlemen on the other side, I feel an obligation resting upon me to yield what is necessary to meet an adjustment which will render possible the execution of the law. If no such adjustment is secured, then various questions might be adjudicated arising under the law; and however much these particular adjudications might be respected by me when individually encountered, I would continue my opposition to the law as earnestly and as uncompromisingly as if its constitutionality had not been adjudicated by the Supreme Court, for its inexpediency and vicious partisan character remain intact to render it odious and hateful.

[Here the member fell.]

Mr. CONGER. Mr. Chairman, we stand to-day it seems just where we stood for three months and more than three months last spring. The democrats on that side of the House are determined to put on even a deficiency appropriation bill the worst and most objectionable riders which have ever been proposed. Notwithstanding the decision of the Supreme Court, which took away a part of their argument during the extra session, the democrats to-day stand in their places and assert that they will not be bound by the decision of the Supreme Court. We do not expect them to be. Past experience would not warrant us in the belief they would be bound by the decision of the Supreme Court.

A gentleman representing another party in part here, says that beneath the ermine the fires are still burning of political partisanship and political hate. Why should gentlemen who can make such expressions, yield any respect to the decision of the highest tribunal of the country?

But, sir, it is a gratification to me to see that under the leadership of the Speaker of this House, under a leadership which controlled his party and held them together with a hand of steel for two months of the last session of the last Congress and for three months of the extra session of this Congress, that that leadership is relaxing, that that hand of steel is opening, that the Speaker tells his followers to-day they are at liberty to give up the assertion of their rights and put political riders on appropriation bills; that they are at liberty to give up their assertion that these election laws were unconstitutional; and more than that, were infamous. This astute leader of the democratic party rises in his place and tells his followers they were all wrong, as we said they were all wrong, and as he heard the country say they were all wrong during the three months of the extra session. Now the cry goes up save yourselves who can, scatter, divide, take a compromise coming from the gentleman from Ohio. Do anything, as the other gentleman from Ohio said, to escape what he feels burdening his shoulders to-day with the condemnation of the American people.

So, sir, I do not wonder that the counsels of the democracy are disorganized. I do not wonder that the leader of the democracy is compelled to tell his followers, "We will not only admit the election laws were right and constitutional and proper, but if we can get a little political advantage in the execution of these laws, it is right and proper for the great democracy 'to go back' upon its entire record and accept the laws modified for their purposes."

The exhibition is remarkable. If it were not serious it would be laughable. If it were not for the great veneration I have for the Speaker of the House; if it were not that I look forward with some anxiety to the high hopes he entertains of administering all the laws, I could treat this as a little comedy, as a little by-play—this performance here of the head of his party to-day. Is it in effect that hereafter he hopes to control all the officers in the execution of these election laws, that he tells his followers to-day that they had better let them remain until they get into his hands? Did he mean not only to direct the appointment of the marshals, but appoint all of the other officers and bring the whole paraphernalia of the marshals service to the support of the democratic party? Why, I ask, this change of front in the midst of battle?

Mr. SPRINGER. We keep marching on. [Laughter.]

Mr. McMAHON. I have an amendment to offer.

The CHAIRMAN. There is now pending a *pro forma* amendment of the gentleman from Maryland.

Mr. McLANE. I withdraw the *pro forma* amendment.

Mr. McMAHON. I propose an amendment to strike out all after the appropriation of \$7,600 and insert the following words, which are taken from the RECORD.

The CHAIRMAN. That is not in order at this time unless it be offered as a substitute.

Mr. McMAHON. I offer it in the nature of a substitute.

Mr. SPRINGER. It is made to amend the substitute by striking out all after the word "provided."

The CHAIRMAN. The committee have just put in all of that by vote. Mr. SPRINGER. Oh no; that part inserted by the committee is lower down. The modification here is to strike out all after the word "provided;" or rather to incorporate the word "provided," and let the amendment remain as suggested by the gentleman from Ohio.

Mr. PAGE. Do I understand the Chair to say it is in order to introduce that at this time?

The CHAIRMAN. It is in order as an amendment to the proposed substitute.

Mr. COX. Is it in order to oppose that amendment?

The CHAIRMAN. The amendment proposed has not yet been read, and nobody has advocated it. It will be in order after it is read and advocated.

Mr. McMAHON. I ask that the amendment be read.

The Clerk read as follows:

Strike out all after the word "provided," and insert as follows:

That hereafter special deputy marshals of elections, for performing any duties in reference to any election, shall receive the sum of \$5 per day in full for their compensation; and that all appointments of such special deputy marshals shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the district judge in the absence of the circuit judge; said special deputies to be appointed in equal numbers from the different political parties.

Mr. McMAHON. I think the committee will bear me witness that having charge of this bill I endeavored to shut off debate at the earliest possible moment, and that I sought to prevent the political debate which my friend from Connecticut deprecates, but which was inaugurated by my colleague, the distinguished gentleman from Ohio, [Mr. GARFIELD.]

Mr. HAWLEY. The gentleman is mistaken. We do not deprecate debate; we rather court it on this subject.

Mr. McMAHON. There is no accounting for gentlemen's taste who like pickles. If the gentleman is pleased, we are. I assert that my colleague [Mr. GARFIELD] inaugurated it. Time was given him for discussion when I tried to close debate. He came in with a prepared speech, endeavoring to place us in a false position. I undertook to reply in my feeble way. In the course of that argument, repudiating the interpretation the gentleman had put upon my speech, I said we desired a modification of the election laws; that, if constitutional, they were not good laws; that if they were modified we might vote money in the future for the purpose of carrying them out. Thereupon my colleague from the State of Ohio said to me on the floor that he had offered a proposition to appoint these marshals, by the court, from all parties at the last session, and that—

While the lamp holds out to burn,
The vilest sinner may return.

And that the lamp was still burning, and he was ready to modify them. We acted on his words. We took it as an offer of compromise in good faith.

Mr. HASKELL. You did not come back.

Mr. McMAHON. We did, but you repudiated us. Your stalwart men shout, "No compromise!" We acted on my colleague's offer, made on Wednesday last. The Committee on Elections met next morning and agreed upon the amendment, now pending, of my friend from Illinois, [Mr. SPRINGER], who brought it into the House and offered it under the rules, as he had a right to do. We thought when the offer contained in this amendment was made to gentlemen on that side it would be accepted. But it seems to be objectionable in various ways, especially in limiting the number of deputies who may be appointed.

The amendment I have just now offered, which I hope our friends on this side will accept without dissent, as well as gentlemen on the other, is precisely the amendment of my colleague from the State of Ohio, [Mr. GARFIELD], offered yesterday in the House, without the crossing of a *t* or the dotting of an *i*, which proposition he has always said he will support, and which he has just now said he will vote for "if no other man does."

Mr. BURROWS. Will the gentleman allow me to ask him a question?

Mr. McMAHON. If it is not to come out of my time.

Mr. BURROWS. Suppose on the morning of election you want to appoint deputy marshals and the judge is one hundred miles away, or in the middle of the afternoon there is a threatened disturbance, what are you going to do?

Mr. SPRINGER. The law makes provision for that.

Mr. McMAHON. I will answer the question of the gentleman from Michigan. Suppose a marshal of the United States under the present law lives a hundred miles away and there is disturbance on election day, what are you going to do? The marshals are no more convenient than the judges. The gentleman himself will see there is nothing in his objection. The amendment provides for that contingency as well as the existing law. Now, we want, as the Speaker has very well said already, anything that looks to an amendment of these laws to go hand in hand with the appropriation for carrying them out. It should be in the nature of a compromise. It is not right for gentlemen on the other side to say to us, "vote this money, and we will amend the law hereafter." That amendment may never come; it certainly would not come until after the next congressional election.

Mr. CONGER. Is not the money going to these marshals?

Mr. McMAHON. If you incorporate this provision, you will have a proper ground to go upon to ask us to give you appropriation hereafter.

Mr. CONGER. But none of this money goes to pay the marshals in the future.

Mr. McMAHON. This goes to pay a past obligation, I admit; or what is supposed to be an obligation.

Mr. ROBESON. Do I understand the gentleman to say for himself

and his party that if this amendment should be voted on the bill they would stand committed to vote the money needed for the payment of special marshals always in the future?

Mr. McMAHON. I will vote, so far as I am concerned, and I can only speak for myself, all the money that in my judgment will be properly needed to carry out the law.

Mr. ROBESON. Ah!

Mr. McMAHON. Does the gentleman want me to vote on his judgment? Certainly he would not be so unreasonable. To do so I would have to be made over, and surrender my constituency to some one they did not elect. I can only vote on my own judgment; and my responsibility in the exercise of that is of equal weight, or ought to be, with that of any other gentleman. My constituents sent me here to exercise my own judgment. And I can only say to gentlemen that I will exercise it fairly.

Mr. Chairman, let us close this debate as soon as possible. I want this bill to go through as quickly as possible and to be passed to-day. I sympathize with the gentleman from Connecticut [Mr. HAWLEY] in his energetic remarks that it is really an act of charity not to delay any longer. Its delay is keeping \$3,500 a day out of the pockets of a hard-working and needy class of this community, and depriving many worthy people of employment. I hope it will pass without delay, and I wish to say to gentlemen on the other side that I thought it cruel when they voted unanimously to enter upon a political discussion which has brought on all these delays and entanglements.

Mr. VALENTINE. Strike out your riders and we will pass the bill.

Mr. McMAHON. The gentleman from Ohio, [Mr. GARFIELD,] the leader on that side of the House, the acknowledged leader—and I say to gentlemen that they will find it would have been well for them to have learned from him instead of fighting him here—said that this was a law which had been misused. The gentleman said that in his seat, and after a solemn protest from his party against his proposition for a compromise and amendment of the law.

Mr. CONGER. The gentleman did not say there had been such a thing as an abuse of the law, but that there might be.

Mr. McMAHON. The gentleman from Ohio said it might have been abused in the past, and that it was certainly capable of abuse. He made an open confession, as he has frequently done before, that the law is not fair, and should be amended. He said so just now. Vote him down, if you want to do so; vote down the man whose intellect and honesty has compelled him to make this admission. Who stands higher in your ranks than he does? And do you object to doing a fair thing because it is a "rider"? Where would it be more appropriate than on just such a bill as this? Upon his honest admission that these election laws are not fair and should be amended we will go to the country; and that there may be no mistake about our position we will, on this side, adopt the amendment of my honorable colleague, [Mr. GARFIELD,] and modify these election laws only in the very way he has pointed out they should be. Certainly no fairer proposition could be made; and on that we will go to the country.

Mr. COX. I am for all riders on bills to repeal the bad rider legislation of republicanism. I use that term republicanism in its petty party sense, and not in its nobler meaning. There never was on our statute-book a meaner instrument for the purposes of tyranny, to torture free suffrage, than this law under discussion. The gentleman from Ohio, [Mr. GARFIELD,] confessed this, when he confessed it to be a partisan measure.

Mr. GARFIELD. What does the gentleman say?

Mr. COX. That the gentleman from Ohio—meaning you—said that there was a lodgment in your mind—a lodgment—

Mr. GARFIELD. That is right.

Mr. COX. That the worst feature of this election law happened to be—that it was charged and used for partisan purposes.

Mr. GARFIELD. Charged and capable of being used. That is what I said.

Mr. CLYMER. Let that stand.

Mr. COX. I will let that stand. It is all I want.

Now, a law of this kind is proposed to be repealed or at least modified. Our friends on this side, with a good deal of suavity and in the spirit of "compromise," which I would like to share, if I could, have tendered the very proposition of the gentleman from Ohio, *in haec verba*—the gentlemen on that side understand Greek. [Laughter.] And yet when anything of that kind is tendered, gentlemen like the member from Connecticut [Mr. HAWLEY] get red in the face in howling "no compromise."

Can we believe in the sincerity of gentlemen on that side about any compromise? Would they carry out even the suave proposition made by the gentleman from Ohio and accepted by some on this side?

Mr. HAWLEY. You desire to repeal the whole of it.

Mr. COX. I never disguised that; and all the salt and sanctity of the opposition cannot long save it. Gentlemen, in the language of Shakespeare, may

With devotion's visage,
And pious action, * * * sugar o'er
The devil himself.

[Laughter.]

But that cannot save them from deep damnation in the end.

The gentleman from Ohio [Mr. KEIFER] yesterday, in answering what I said about the Supreme Court, intimated, in a speech that was

mazy with misty rhetoric and flimsy logic, about falsehoods and lies, &c., that we were bound to obey the Supreme Court decision as the supreme law of the land. No, sir; that is not our duty. General Jackson at least did not think he was bound by the opinion of the Supreme Court; not on the United States Bank charter. When the court decided it to be constitutional he vetoed the act. The Supreme Court can bind no tribunal except its subordinate courts.

Mr. GARFIELD. Had the Supreme Court decided that President Jackson should not veto the bank bill?

Mr. COX. They had decided that the creation of a United States bank was constitutional.

Mr. GARFIELD. But not that the President should not veto the bill.

Mr. COX. General Jackson swore by the Eternal that he would not sign any such moneyed franchise, even if they thought it were constitutional. That oath has eternized him in the democratic heart and mind. He defied the Supreme Court. He held that it had its own functions, and by a stronger reason Congress is at least coequal and co-ordinate if not superior to its creature, the court. The Supreme Court has no power over Congress in these legislative matters.

Does my friend from Ohio remember the fugitive-slave law?

Mr. GARFIELD. Yes, and the Dred Scott decision, too.

Mr. COX. And the Dred Scott decision. Would he have voted here to carry out the Dred Scott opinion by legislation, or the fugitive-slave law by voting money for slave-catchers? No! I ask him to answer that question, he who is so sincere. Would any of you gentlemen have voted money to carry out by appropriations the fugitive-slave law after the Supreme Court decided it to be constitutional? You are dumb!

Mr. HAWLEY. I said here on the floor, before the gentleman came in, that there was no power on earth that could force me to move hand or foot to carry out that law.

Mr. COX. You are only one man, though a very great one.

Mr. HAWLEY. How many do you want on the floor at once?

Mr. COX. I have no doubt there are some divided sentiments on that side. But to come back to the Dred Scott decision and the fugitive-slave law. Does it lie on the part of gentlemen to talk about obeying the decisions of the Supreme Court of the United States as supreme law, binding Congress? Do I not remember when processions came from the district of my friend from Ohio, [Mr. GARFIELD,] Did they not meet in Cleveland in the "peeled stick" convention, all armed and ready to resist the authority of the United States? Do I not remember when the State authorities were arrayed against its execution; when men were arrested and when arms were provided and war was imminent; when gentlemen of the "Reserve" moved through the streets of Cleveland singing the Marseillaise through their noses? [Laughter.] I remember that they defied the law in spite of supreme courts. And would those partisans then have voted money to carry out that law? No! Yet they now pretend to reproach us for having our independent opinion on this subject, notwithstanding the same tribunal, on a subject kindred, in which liberty is shackled and free voting hindered, harassed, and suppressed.

[Here the hammer fell.]

Mr. HERBERT. One thing I want to say—

The CHAIRMAN. Debate has been exhausted upon the pending amendment.

Mr. HARRIS, of Virginia. I move to strike out the last word.

The CHAIRMAN. That is not in order. An amendment to an amendment is now pending, and must be withdrawn or disposed of before any other amendment is in order.

Many MEMBERS. Let the amendment to the amendment be read.

The CHAIRMAN. The Clerk will now read the amendment proposed to the pending substitute.

The Clerk read as follows:

Strike out all after "\$7,600" and insert:
Provided, That hereafter special deputy marshals of elections for performing any duties in reference to any election shall receive the sum of \$5 per day in full for their compensation; and that all appointments of such special deputy marshals shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the district judge in the absence of the circuit judge; said special deputies to be appointed in equal numbers from the different political parties.

Mr. McMAHON. It is to be observed that the appropriation of \$7,600 is still included in the substitute.

Mr. GARFIELD. We will have to vote separately on the money part, on the demand of the gentleman from Michigan, [Mr. CONGER.]

Mr. HARRIS, of Virginia. I ask to have read a bill which I offered in the House, and which is so much better guarded than the proposition of the gentleman from Ohio, that I think he will accept it.

The CHAIRMAN. The pending amendment is one offered by the gentleman from Ohio, [Mr. McMAHON.]

Mr. HARRIS, of Virginia. Let my bill be read.

The CHAIRMAN. Is there objection to reading the bill referred to? Several members objected.

The CHAIRMAN. Objection is made, and the question is upon the amendment to the substitute.

The question was taken; and the amendment to the substitute was agreed to upon a division—ayes 106, noes 53.

The CHAIRMAN. The question is now upon the substitute as amended.

Mr. RANDALL, (the Speaker.) I would like to offer a further

amendment; to add that which I send to the Clerk's desk, and which is a portion of the amendment of the gentleman from Tennessee, [Mr. SIMONTON.]

The Clerk read as follows:

And the persons so appointed shall be persons of good character, able to read and write the English language, and shall be well-known residents of the voting precincts in which their duties are to be performed.

Mr. RANDALL, (the Speaker.) I think the amendment I have offered and just read is right. If we are to have marshals we ought to have intelligent men.

Mr. SPRINGER. I hope that amendment will be adopted.

Mr. RANDALL, (the Speaker.) I hope the other side will accept this amendment. If we are to have marshals at all we ought to have intelligent men, men who are able to read and write, for they are to scrutinize figures, to see that additions are correct, and generally to see that no fraud is committed on paper or through the window.

Mr. KEIFER. Does the gentleman think that special deputies have anything to do with scrutinizing the election returns?

Mr. SPRINGER. Yes, the registration lists.

Mr. KEIFER. Oh, I think not.

Mr. RANDALL, (the Speaker.) This amendment should be adopted on the broad principle of getting the best men to perform this duty.

Mr. KEIFER. That is another thing.

Mr. GARFIELD. I think one effect of the amendment of the gentleman will be that in portions of the country where the majority of the voters are colored men, if the reading-and-writing qualification is required, you might not be able to get a sufficient number of persons to do the work. I am not willing to put anything in the law that will have that effect.

Mr. RANDALL, (the Speaker.) Mr. Chairman, I am glad to know that the colored people of the South are being educated. There is a great improvement in that respect, and I do not believe that there is a voting precinct in a southern city where you cannot secure colored men who can read and write the English language. Let us do justice to the South in that particular.

Mr. GARFIELD. The requirement seems to me unnecessarily restrictive.

Mr. FORT. I suggest to the gentleman from Pennsylvania that if his amendment is to prevail, to which I have no objection, the word "moral" should be inserted before the word "character."

Mr. RANDALL, (the Speaker.) I accept that modification.

Mr. BAYNE. Mr. Chairman, it seems to me that the amendment of my colleague [Mr. RANDALL] would in the most necessitous cases defeat the execution of the law. If the deputy marshals are to be selected from the particular election district in which they are to operate, then, when a large number may be required at any particular point to suppress a riot and preserve the peace, the force would be inadequate. The object of that amendment obviously is—

Mr. RANDALL, (the Speaker.) My experience is that these officers generally make the riot. They did in a part of my district.

Mr. BAYNE. It has been repeatedly said here that these officers have occasioned riots. It has been repeatedly said that in Philadelphia men of bad character have been appointed deputy marshals—burglars, highwaymen, men who kept saloons and other improper places. But it should be borne in mind that that portion of the republican party was the only portion that was intimately acquainted with the democratic party, and consequently able to detect frauds, to know repeaters, and to prevent imposition on the ballot-box. [Laughter.] It should also be borne in mind that two democratic Senators, [Messrs. McDONALD and GARLAND,] who were on the sub-committee that investigated this matter, have stated in a letter addressed to Hon. WILLIAM A. WALLACE, who had sent to the sub-committee all the testimony taken, that Marshal Kerns's conduct on election day was not censurable in view of the duties imposed upon him by law, and their judgment was that those duties were neither vindictively nor illegally performed. They said that the objections to him were purely political, and they recommended the confirmation of his reappointment.

Mr. Chairman, viewed in its relation to the enforcement of the laws, the amendment dividing the deputy marshals between the political parties should not be adopted. As a matter of diplomacy, however, perhaps as a matter of politics, it might be very well to adopt it. For if it should become a part of the law, and the democratic party should have the prospect before it of getting one-half of the deputy marshals at \$5 a day, these election laws now so obnoxious to that party, now regarded by that party as unconstitutional and dangerous to the liberties of the people, would soon lose their terrors and meet with the approbation of that party. These election laws embody a great stride in national progress; they are active factors in working out our national existence. If we can ingratiate them into the favor of the democratic party, it might be wise to do so even at some expense.

I venture to say that if we enable the democratic party to get the offices and the fees, you will hear nothing more about the unconstitutionality of these laws. The offices and the emoluments will overcome all scruples.

So, I say, as a matter of diplomacy, as a matter of good management by the republican party in securing the acceptance of these laws by the democratic party, it might be a good idea to adopt the amendment of the gentleman from Ohio. I think, however, such advantages are overborne by weightier considerations. One is, that the

party in power should administer the Government, and not the minority. Another is, that it would give a partisan character to the officers of the law. If a riot should occur, it would be quite likely that democratic deputy marshals would sympathize with their party friends, and under such circumstances it would be but natural that republican deputies should stand by their friends. In that aspect of the matter, it would often be impossible to fairly execute the laws. Leave the whole responsibility, however, in the hands of the party in power, whichever it may be, and it will be found that this sense of responsibility will lead to the best attainable results.

[Here the hammer fell.]

Mr. RANDALL, (the Speaker.) Mr. Chairman, I desire to modify my amendment. I am appealed to by some members, who say that in some of the election divisions there are colored people who cannot read and write, and also by many gentlemen who, having German constituents, say that this requirement of reading and writing the English language might interfere with the appointment of Germans. I do not think there is much in the objection, yet I wish unanimity, and I therefore modify the amendment by striking out the words "able to read and write the English language," leaving the requirement that these officers must be men of good moral character and must also be well-known residents of the election district in which they are appointed. I would like to have the amendment read as now modified.

Mr. CANNON, of Illinois. The gentleman will allow me to suggest cases may arise in a precinct, a riot being in progress and great excitement, that it would be desirable to have peace officers not acquainted in the precinct and not partaking of the local prejudices or excitement, and it might be difficult to find parties in the particular precinct who would be competent to act.

Mr. SPRINGER. There is no election precinct in the United States where there are not enough honest men to act as peace-officers. I ask for the reading of the amendment as modified.

The CHAIRMAN. As soon as the committee comes to order, the amendment as modified will be read.

Mr. SPRINGER. And I ask gentlemen to note it as it is read.

The Clerk read as follows:

And the persons so appointed shall be persons of good moral character and shall be well-known residents of the voting precincts in which their duties are to be performed.

Mr. BUTTERWORTH. I desire to suggest to the gentleman from Pennsylvania this modification to his amendment: that instead of using the word "character," it shall read "that these shall be persons of good repute and able to read and write."

Mr. RANDALL, (the Speaker.) I have left out the words "to read and write."

Mr. SPRINGER. Let the gentleman from Pennsylvania accept that.

Mr. RANDALL, (the Speaker.) I want the man who is appointed to come up to the requirements of a good moral character in the community in which he is to act.

Mr. BUTTERWORTH. That is true; and the language I suggest will carry out that purpose better than the language now contained in the amendment. As the gentleman refuses to accept it, I move to strike out the word "character," and in lieu thereof to insert "of good repute."

Mr. RANDALL, (the Speaker.) Repute is one man's opinion of another and does not accomplish the purpose I seek.

Mr. BUTTERWORTH. Mr. Chairman, I move to strike out the word "character" and insert "repute;" and I desire to say a word on that amendment. I wish to make it clear and practical. As it is now it is simply farcical to provide these persons shall be of good moral character. A man's character is really what he is, and it is somewhat difficult to determine what is his moral character.

Mr. RANDALL, (the Speaker.) The court can do that.

Mr. BUTTERWORTH. One moment, if you please. To appoint a man of good repute in his neighborhood, who is esteemed and respected by his fellow-citizens as an upright citizen, is what this law demands. The other expression is chimerical and ridiculous; you do not find it in the law anywhere. Good repute is the language of the statutes everywhere. Now, I wish to perfect this law, and for that reason I suggest it as an amendment, and for no other reason, as I desire to make the provision thoroughly practical.

Mr. HOOKER. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOOKER. Is this amendment just moved in order?

The CHAIRMAN. The Chair thinks the amendment is not in order at this stage of the proceedings, because there is an amendment to the amendment pending.

Mr. HOOKER. I object, then, to the reception of the amendment.

Mr. SPRINGER. Let us have the question, then.

Mr. FRYE. I wish to ask the gentleman from Ohio a question; his five minutes are not all up.

Mr. BUTTERWORTH. Certainly.

Mr. FRYE. I ask whether or not, in the opinion of the gentleman from Ohio, it is in order for the republican party to undertake to amend this political proposition when it is, no doubt, the purpose of that party, or nine-tenths of them, to vote against any proposition containing any clause whatever in the nature of a rider upon an appropriation bill?

Mr. BUTTERWORTH. I will answer my friend frankly. I believe

in amending and perfecting every measure submitted to this House, although I may in the end vote against it. If it is to become a law I desire to see it freed from every possible objection, if that can be accomplished.

The CHAIRMAN. The question is on the adoption of the amendment proposed by the gentleman from Pennsylvania.

Mr. HOOKER. Let the amendment be read.

The amendment was again read.

Mr. YOUNG, of Ohio, rose.

The CHAIRMAN. Debate is exhausted.

Mr. YOUNG, of Ohio. I cannot understand the rule which gags a man when he has something to say. [Laughter.] I have as much right to speak as the gentleman from Pennsylvania.

The CHAIRMAN. Debate is exhausted on this amendment under the rule.

Mr. RANDALL's amendment was agreed to.

Mr. SPRINGER. This now, I believe, is the modified substitute for the proposition I offered on yesterday.

The CHAIRMAN. It is.

Mr. SPRINGER. Have I now the right to accept this for the proposition I then offered?

The CHAIRMAN. The gentleman who offered the amendment not yet voted on has the right to modify it by accepting this in its place.

Mr. CONGER. But this has been amended.

The CHAIRMAN. It has not.

Mr. CONGER. Oh, yes; this has been amended.

The CHAIRMAN. The gentleman's proposition has not been amended and he proposes now to accept this in lieu of his.

Mr. CONGER. The gentleman's proposition was amended.

The CHAIRMAN. No, sir; this is a proposed substitute.

Mr. CONGER. The RECORD will show differently.

The CHAIRMAN. The Committee on Appropriations reported a proposition to the House which was ordered to be printed and recommended. That contained no appropriation for marshals at all. When the Committee on Appropriations reported it back to the House, it did so with a proposed amendment making an appropriation of \$600,000 to pay the marshals and their general deputies. To that proposition the gentleman from Illinois offered an amendment appropriating \$7,600 to pay special deputy marshals of elections with a certain proviso. For that amendment, the gentleman from Ohio [Mr. GARFIELD] offered a substitute and on that the committee has been acting ever since, not having touched yet the amendment of the gentleman from Illinois.

Mr. CONGER. The Chair will remember that the gentleman from Illinois offered a further amendment to the amendment of the gentleman from Pennsylvania. Therefore there was an amendment pending, and an amendment to the amendment.

The CHAIRMAN. That is so.

Mr. CONGER. This has been amended, and the amendment is still pending to the amendment of the gentleman from Illinois. Therefore he cannot accept that proposed amendment and cannot make it a substitute for anything which has already been amended by the committee. And I submit that if I have an amendment which I have offered, I have a right to vote on it.

The CHAIRMAN. As a matter of course, and if the gentleman has any other amendment pending to the amendment of the gentleman from Illinois, he has the right to vote upon it.

Mr. CONGER. There is an amendment, as the RECORD will show.

The CHAIRMAN. The Chair will not differ with the gentleman as to the facts. There is now pending before the Committee of the Whole on the state of the Union an amendment in the form of a proposed substitute for the amendment of the gentleman from Illinois. Now the gentleman from Illinois proposes (his amendment not having been acted on at all) to accept this proposed substitute in lieu of it.

Mr. CONGER. He might, of course, but for the fact that there is pending another amendment other than his own, and for which he has no right to accept any other amendment.

The CHAIRMAN. But the gentleman from Illinois accepts the amendment to that portion of his amendment which he himself introduced and which is pending.

Mr. CONGER. But the other amendment is entirely a different proposition and how can he accept a substitute for that?

Mr. SPRINGER. My amendment will be still subject to amendment.

Mr. CONGER. How can he prevent a vote on the other amendment?

The CHAIRMAN. He cannot prevent a vote upon it, but he can accept an amendment proposed in lieu of his own proposition. Then the question is on the adoption of the proposition as amended, and that of course has to be determined by the committee.

Mr. CONGER. If he accepts or if he could accept that amendment, therefore, there would be still pending that original amendment which has been undisposed of.

The CHAIRMAN. What is it?

Mr. CONGER. It is the amendment to the gentleman's original proposition.

The CHAIRMAN. But he proposes to accept that. If he agrees to it he accepts it as a modification of his original proposition of course.

Mr. CONGER. But I say there is another amendment that is pending even in that case.

Mr. SPRINGER. If I have accepted this amendment, it is still the pending amendment.

Mr. CONGER. The Chair, however, will observe from the RECORD that the amendment to which I refer, under the ruling of the Chair, is still pending.

The CHAIRMAN. The Chair desires to be right about this matter, and hopes the gentleman will state the exact point.

Mr. HAYES. There is no amendment to Mr. SPRINGER's amendment?

The CHAIRMAN. Not at all.

Mr. KEIFER. Do I understand the gentleman from Illinois accepts what has been proposed in lieu of his own amendment?

The CHAIRMAN. That is what he proposes to do, but the gentleman from Michigan insists he has no right to do it. Of course it is understood that he cannot accept it so as to make it a part of the bill. It is still open for the action of the committee.

Mr. KEIFER. I give notice that if he accepts that amendment I will make the point of order against it.

Mr. VAN VOORHIS. I desire to ask whether in the judgment of the gentleman from Illinois the election laws would be constitutional if his amendment was adopted?

Mr. MCMAHON. Mr. Chairman, I call for a vote on the pending proposition.

Mr. SPRINGER. If I can have ten minutes, I would like to answer the gentleman from New York.

The CHAIRMAN. The Chair desires to rule correctly on this, and if he is mistaken he desires to be put right.

Mr. CONGER. In response to the desire of the Chair to be placed right on this matter, I find on page 30 of the RECORD this statement:

The CHAIRMAN. The Chair will state to the gentleman from Ohio [Mr. GARFIELD] that the Committee on Appropriations has reported back this bill, recommending the adoption of an amendment making an appropriation of \$600,000 to pay marshals and their general deputies. To that amendment the gentleman from Illinois has proposed an amendment. Therefore not only an amendment, but an amendment to the amendment, is now pending; and at present no further amendment is in order under the rules.

The CHAIRMAN. But if the gentleman will look further on in the course of the proceedings, he will find the Chair rules under the peculiar practice of this House, which is different from the general parliamentary law, that notwithstanding the fact there was an amendment pending and an amendment to the amendment in the ordinary form, still the substitute might be pending at the same time, and thereupon the gentleman from Ohio [Mr. GARFIELD] offered this substitute.

Mr. FIELD. I move to strike out the last word.

I am one of those who will not vote to put political riders on appropriation bills. I am also one of those who will vote to perfect proposed amendments, even although I may ultimately vote against them. One objection to these political riders is that they are almost always crude; and I think every proposition that has been submitted here is a crude proposition, ill-considered, and not adapted to the existing state of the law.

The law is that the circuit court, on the application of two citizens, where there are cities of twenty thousand inhabitants and upward, shall be open for ten days preceding an election; that supervisors shall be appointed by the circuit judge; that if for any cause the circuit judge cannot act he may designate a district judge within his circuit, who shall act in his place. The proceedings are of record in the circuit court.

In regard to marshals, the provision is that two citizens may apply to the marshal for the appointment of special deputies, and that general deputies and special deputies shall perform the duties in reference to elections, and general deputies are appointed by the marshal himself.

Now, look at this amendment. I agree that special deputy marshals should be appointed by the court. I agree that they should be persons of different political parties. I agree they should be intelligent persons of good repute, and I think, as they have warrants in the English language in their hands, they should be able to read and write the English language.

But if you are to put the authority for the appointment of special deputy marshals in the courts you ought to put it in the same court, as has the authority for the appointment of supervisors. What, then, is the amendment? It is that the circuit judge shall act if he be present, but if he be absent the district judge of the district shall act in the appointment of special deputy marshals. What is the provision in regard to supervisors? That the circuit judge shall act if he can; but if for any cause, by reason of absence or otherwise, he cannot act, then not necessarily the district judge of the district, but a district judge within the circuit assigned by the circuit judge to the performance of that duty, shall in place of the circuit judge appoint supervisors, and this is a proceeding in the circuit court. Under this amendment the appointment of special deputy marshals in the absence of the circuit judge becomes of record in the district court, if it is of record anywhere, while the appointment of supervisors, whether by the circuit judge or by the assigned district judge, is in the circuit court; and thus a different district judge in a different court may have the appointment of one, and not of the other.

Mr. RANDALL, (the Speaker.) Both courts are open to the public.

Mr. FIELD. There is no provision that the district court shall be

open ten days before the election. There is a provision that the circuit court shall be open. But if the district judge is to act in the appointment of special deputy marshals, there is no provision that he shall keep his court open or be in attendance.

Take another consideration to show the incongruity and ill-considered character of this proposition. As the law is now, the marshal makes the appointment of special deputy marshals on the application of two citizens. But this is a provision that the court or district judge shall appoint special deputies; but it is not said whether he shall appoint on application of two citizens or without any application. It is not clearly made the duty of either judge to act at all.

Mr. RANDALL, (the Speaker.) It is said the judge shall appoint, not the court.

Mr. FIELD. There is nothing in the provision from which any lawyer can certainly tell whether such a district judge in the appointment of special deputy marshals shall act on his own volition merely or upon the written application of two citizens, or whether he acts as judge of the district court or as a mere person designated to act. No statute is expressly repealed; implied repeals are not favored, and the provision may be cumulative or it may not be.

Then take the provision as to general deputies appointed by the marshals. It is said that for the purpose contemplated in this amendment they must be appointed by the court. If this be so, then a general deputy appointed by the marshal will not be able to execute a warrant in which a violation of the election laws is charged. But this cannot be so.

The truth is, these election laws in some respects need amendment; but they need well-considered amendments, adapted to other provisions, and they ought to be incorporated in an independent bill reported under the authority of some committee.

Mr. VAN VOORHIS. I oppose the amendment.

Our friends on the other side, who all during the extra session and up to the present time denounced the election laws as unconstitutional, come to the conclusion all at once when they get half of the marshals that the law is all right. Now, sir, for one I am opposed to the amendment of the gentleman from Massachusetts; I am opposed to anything here except to vote to pay these marshals whom we owe the money that we owe them. Let your rider go until some more appropriate time.

For my part, I am not here now to perfect an election law. I am not going to say whether I would at the proper time favor this measure or any other concerning the election laws. I am opposed to everything that looks to a repeal of the law or a modification of it upon this bill. What we have to do and ought to do is to pay the marshals a debt we owe them, and which we ought to have paid in the early part of the session.

Look for a moment at the singular attitude of gentlemen on the other side. They sustain their position first by nullifying the law. I ask our friends of the other side what act of Congress will you obey if you will not obey this? Upon whom are the acts of Congress binding if not upon the men here who make the laws? What right have you to discriminate what acts of Congress you will live up to and what you will disobey? It seems to me we must obey the laws as we find them on the statute-book, as Congress made them, or else we cannot ask anybody anywhere to obey them.

The other ground which gentlemen on the other side take is that they will nullify the decisions of the courts. Why, sir, there has been nothing since this debate began but swearing at the court on the part of the democratic lawyers in the House. They go before the court and argue their causes there, and are treated by the court with respect, and then they come into this House and denounce the court in unmeasured language.

Mr. COBB. Will the gentleman yield to me for a question?

Mr. VAN VOORHIS. No, sir. They remind me of the lawyer in Allegany County, New York, who, if he got beaten in a cause, would go to the tavern, drink whisky, and swear at the court. Now, our friends do not drink whisky, of course, [laughter,] but they swear at the court, and we have heard nothing from them but swearing at the court since this debate began. These gentlemen who repudiate the acts of Congress also repudiate the decisions of the court. No statute and no decision can restrain them.

The first thing they did in the extra session was to trample under foot the supreme court of what they called a sovereign State. The question came up here as to who was entitled to a certain seat in this House for the State of Florida. The democratic majority of this House repudiated the judgment of the supreme court of that State, which established the title of a certain gentleman to a seat in this House by evidence as plain and irrefragable as the demonstration of the forty-seventh proposition of Euclid; and they seated a man who was not elected.

What happened a few days later, under the inspiration of the doctrines of the majority on this floor? A gentleman of the democratic party down in the State of Kentucky, who had had a decision rendered against him which he did not like, repudiated the decision and showed his contempt for the court by shooting to death one of the judges. The principle upon which he acted was precisely that upon which the democratic party here acts in denouncing everywhere the Supreme Court when its decisions are not in accordance with their opinions or wishes.

[Here the hammer fell.]

The CHAIRMAN. Debate upon the pending amendment has been exhausted.

The *pro forma* amendment was withdrawn.

The CHAIRMAN. The gentleman from Michigan [Mr. CONGER] has demanded a division of the question upon the pending amendment. The Clerk will read the first clause upon which the vote will first be taken.

The Clerk read as follows:

For special deputy marshals of election, the sum of \$7,600.

Mr. RICHARDSON, of South Carolina. I move to amend by striking out "\$600." I desire to call the attention of this House and of the country to the change and the unaccountable change of front presented by the republican party upon the question now under consideration. All during the extra session of this Congress there was but one key-note to their cry. They charged upon the democratic party that we were opposed to free and fair elections. All during this Congress up to to-day we have heard that cry made and reiterated by almost every speaker upon that side of the House. According to republican ideas the democracy were opposed to free and fair elections and the republican party were its champions; and to secure free and fair elections they wanted the deputy marshals and supervisors at the polls.

Now what do we behold? We upon this side of the House are saying to the republican party that we want nothing but free elections; that we are willing, since the Supreme Court has decided the election laws to be constitutional, that you shall have deputy marshals at the polls, and we ask only that they shall be non-partisan.

We have not objected to law. It is a mistake to suppose that this side of the House has objected so much to the constitutionality of the law as to the partisan execution of it. We have now a proposition before this body under which you can have all the deputy marshals you want; we do not limit you to three. We have said, "Take them, but give to each political party a fair representation of them. Strip them of their partisan character and we are ready to vote for them."

What are the excuses we now hear presented by the republican side of the House for refusing to vote for this measure? Do we hear now from that side of the House any more that they want free and fair elections? Not a bit of it. But we are told that they are opposed to this proposition, some because it is a compromise and they are opposed to all compromise, and others tell us that they are opposed to it because we ask that they shall be appointed by the judges and not by the marshals of the United States. Now, gentlemen may think they can deceive the country; but I tell them that the sham is too thin, it is too plain, and the country will see which side of the House really wants fair and free elections.

We on this side of the House are charged with resisting the decisions of the Supreme Court. I deny that we do or wish to do it; we as good citizens accept the decisions of the Supreme Court, and we now propose to stand upon them and frame the laws we pass in accordance with those decisions.

Let me say one word in reference to what dropped from my distinguished friend from Ohio, [Mr. EWING.] He is mistaken if he thinks it is necessary to appeal to the Representatives of the South and ask them to stand by this proposition which guarantees to us free and fair elections. Give us but a chance to have non-partisan marshals and supervisors at the polls and when you come to the test you will find the members from the South almost to a man voting for that measure.

Mr. TYLER. Mr. Chairman, if the proposition were legitimately before the House so to amend the election laws that the special deputy marshals should be selected from the different political parties it would have my approval and vote, but the proposition is not properly here. The bill under consideration has been well termed the "immediate deficiency bill." Immediate, because it is demanded to meet pressing wants of the Government; that the Government Printing Office may again be set in full operation; that tens of thousands of claims pending in the Pension Office may be examined and adjudicated; that other deficiencies in the various Departments enumerated in the bill may be supplied. Now the plain and imperative duty of Congress is to pass a bill untrammelled with riders, making appropriations for these immediate and urgent wants of the Government. Instead of so doing the democratic party, which has a majority in both Houses of Congress, brings in this bill with a rider upon it proposing to make radical changes in the election laws, and in substance declaring that the bill shall not pass unless these changes are made. There can be no question about the purpose of the bill and amendments.

By the omission in this deficiency bill of any provision for the payment of special deputy marshals who have served at elections during the last fiscal year we are, of course, to understand that it is the determination of the majority in this House never to pay those officers of the Government. Were there an intention ever to pay them, naturally, provision to that effect would be made in this bill. But the remarks of the gentleman who reported the bill [Mr. MCMAHON] relieve us of all doubt upon this subject, that the democratic party never would appropriate money for this purpose.

Now I only wish to say that by the decision of the Supreme Court in the Maryland case it is declared that the authority of the National Government in elections of Representatives and presidential electors is paramount to that of the States, and that Congress has full power

and authority given it by the Constitution to vest in the circuit courts the appointment of supervisors of elections, and that marshals have equal authority to appoint special deputies to assist them in preventing frauds at such elections. This decision only establishes what seemed plain before, and I trust it will remain as the law of this Government as long as the Republic endures.

But, Mr. Chairman, these election laws are not only constitutional, but they are eminently wise and just, for they are designed to prevent frauds at Federal elections, which are the very fountains of our national life. If evils have sometimes crept in under them, as has doubtless been the case, they have shut out evils an hundred-fold greater and maintained the purity of the ballot-box, when without them elections would have been such only in name. It is of small importance to the people of my State whether these laws exist or not except as they relate to the welfare of the whole country, but in districts that cover great cities they are of the highest importance, and therefore deserve the support of all parties and all men. I speak in no spirit of partisanship. These considerations are above all parties, or rather, they are considerations that should govern all parties that desire the maintenance and perpetuity of our republican government and institutions.

Then what justification or excuse is there for withholding from the deputy marshals payment of the fees already earned by them during the past year, and what excuse is there for declaring that they shall not in the future be paid? There is, there can be no justification and no excuse that will be accepted by the American people. And I say to the party in power in this House that as you withhold payment from these officials, so the people in the coming election may withhold power from you. They are lawful officers of the Government, appointed for wise purposes, bound to perform their duties under penalty of fine and imprisonment, and Congress has no more right to refuse to pay them the money they have earned and which is their due than it would have to refuse payment of the salaries of the judges of the Supreme Court because that court had rendered a decision to which the majority in this House was opposed.

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina, [Mr. RICHARDSON.]

Mr. RICHARDSON, of South Carolina. I withdraw it.

Mr. GARFIELD. Mr. Chairman, I want to say a single word in reply to what has been said by the gentleman on the other side. I would like to ask that gentleman how long he has been in the calm mind that makes him and his party willing to obey the Supreme Court. What began this discussion only four days ago? It was the declaration that whatever the Supreme Court might say, the House of Representatives had the right to judge whether the law was constitutional or not. Doubt was expressed whether the democratic party ever would pay these deputies the fees already earned. And now the gentleman rises as though meekly, quietly, trustingly, they had been in favor of carrying out the law since the Supreme Court announced it constitutional. I am glad they are ready to do that to-day. If I had understood that to be the situation several days ago I should have had no need to make my strictures about the purpose to disobey the law after it has been declared a part of the "supreme law of the land" by the highest judicial tribunal.

I do not wish to delay the vote on this question; I am as anxious as anybody to get at the vote. I hope we shall vote for the pending proposition, though we abate no jot or tittle of our opinions on the question of riders.

Mr. RANDALL, (the Speaker.) This matter is all in a nutshell. We find upon the statute-book a law which in its administration does the greatest injury and wrong to a large body of the American people. We want to ameliorate that statute. We want to have justice done to that party to which I claim to belong. Therefore we occupy the position that while we are not able to wipe out all the offensive and injurious features in this legislation, we will remove as many of them as we can at one time.

Mr. GARFIELD. I simply wanted to correct the history of the matter. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The Chair cannot take the vote while gentlemen are calling out in this way.

Mr. PAGE. I move, *pro forma*, to amend the amendment by striking out \$7,600 and inserting \$8,000. I do this for the purpose of replying briefly to the remarks of the gentleman from South Carolina, [Mr. RICHARDSON.] The gentleman says that in the South they have always been in favor of a "free and fair election." Now, in looking over the Congressional Directory I find that in one of the districts of Mississippi there were something over four thousand votes polled for the sitting member against twenty-one "scattering votes." Does the gentleman call that a "free election?" I find that in two districts in the State of Georgia there were less than four thousand votes polled against about twenty "scattering votes." That is the "fair and free election" that the gentleman from South Carolina talks about.

Mr. SINGLETON, of Mississippi, rose.

Mr. PAGE. I cannot be interrupted.

Mr. SINGLETON, of Mississippi. As the gentleman has referred to my State, he ought to allow me a remark.

The CHAIRMAN. The gentleman from California declines to be interrupted.

Mr. PAGE. What is the reason there was no republican running against the gentleman in the State of Mississippi? Because there is

no "fair and free election" in that State; and the gentleman knows it. Mr. Chairman, in the fourth district of Mississippi, represented by the gentleman, [Mr. SINGLETON,] 4,650 votes were cast for him, against 21 "scattering votes," though at a former election 15,000 republican votes were polled! In the district represented by the gentleman from Georgia [Mr. BLOUNT] that gentleman received between three and four thousand votes against 160 scattering votes. These are the "free and fair elections" which the gentleman from South Carolina says that side of the House has always been in favor of! "Free and fair elections!" [Laughter.]

Mr. SINGLETON, of Mississippi. I want to answer the remark of the gentleman from California [Mr. PAGE] touching my district.

A MEMBER. It is not needed.

Mr. SINGLETON, of Mississippi. In 1876 the republicans in my district put up as a candidate their strongest man; and after a full canvass had been made, finding that he could not beat me, he withdrew. Then they put up another gentleman; and I beat him 10,000 votes. At the next election, the republicans in my district were so well satisfied they could bring forward no man to beat me that I had no opposition at all. [Laughter and applause.]

Mr. PAGE. Does such a thing occur in the North? It never does. In the North republican candidates are run in every district.

Mr. RICHMOND. Because they have strength up there.

Mr. STEVENSON. I move that the committee rise for the purpose of closing debate.

Mr. COOK. I ask the gentleman from Illinois to withdraw that motion until I can be heard for a few moments in reply to the speech of the gentlemen from California, [Mr. PAGE.]

The CHAIRMAN. The Chair understands the gentleman from Illinois withholds his motion for the present.

Mr. COOK. Mr. Chairman, I wish to state that the republican party in the State of Georgia held a convention in the city of Atlanta and resolved to put up no candidates themselves but to support whatever independent candidate should come out against the democratic party. They acted on that policy.

Mr. HOUK. Because a republican candidate could not be protected. [Laughter on the republican side.]

Mr. COOK. Nothing of the sort. I ran against a gentleman who lives in the city of Washington, who has lived here for ten years, who was then and is to-day a clerk in the Post-Office Department. [Laughter on the democratic side of the House.] He canvassed my district, went into every county in it—

A MEMBER. And lives here?

Mr. COOK. Yes, sir; he lives here and is a clerk in the Post-Office Department. [Laughter.] He spoke in my town in the presence of two thousand colored people, and was as uninterrupted in his speech as I am here to-day. I beat him 6,400 votes. He was in the county on the day of the election. He is a worthy, clever, gentleman. He is now a Federal office-holder. He was a captain in the United States Army. He remained in my State until 1868 and then came to Washington and was employed in the Post-Office Department. He was furloughed here for two months [laughter] and went into my district, spoke in my town, and canvassed the entire district from county to county.

Mr. CONGER. And came back alive. [Laughter on the republican side.]

Mr. COOK. He came back badly beaten to resume his clerkship in the Post-Office Department. [Laughter on the democratic side.] He was beaten 6,400 votes at that election although he was supported by the republican party with funds. He said my district had never been canvassed and if the republicans would only give him money he would go down there and canvass it. The republicans did give him the money and he did go down there and canvass the district, going into every county, but as I have already said I beat him 6,400 votes. At the last election the republican executive committee came to the conclusion there was no use of running any candidates; and that is the reason why my colleagues, Mr. STEPHENS and Mr. BLOUNT, as well as myself, had no opposition.

Mr. HOUK. Will the gentleman explain why it was that districts in Georgia where in former elections 20,000 and 30,000 votes had been polled, in 1878 the vote fell down to 2,000 and 3,000? Why was that?

Mr. COOK. Republicans gave up the contest, as they said from experience there was no use of running any candidates against us as they were largely defeated when they did their best.

Mr. HOUK. Why was this if not because of violence—

The CHAIRMAN. Gentlemen must preserve order. Debate is exhausted on the pending amendment.

Mr. HOUK. I was only following the example of bulldozing on the other side.

Mr. STEVENSON. I now move that the committee rise for the purpose of closing this debate.

The CHAIRMAN. Debate is exhausted, and the pending question is on the amendment to the amendment proposed by the Committee on Appropriations.

Mr. STEVENSON. Then I withdraw my motion.

Mr. CONGER. I demand a division of the question.

The CHAIRMAN. A division of the question being demanded, under the rules, the vote will first be taken on that part of the amendment which proposes to appropriate \$7,600 to pay the marshals.

Mr. CONGER. Let it be read.

The CHAIRMAN. Is there objection?

Mr. SPRINGER. I object. We all know what it is.

The amendment was agreed to.

The CHAIRMAN. The question now recurs on the second part of the amendment, which will be read.

The Clerk read as follows:

Provided, That hereafter special deputy marshals of elections for performing any duties in reference to any election shall receive the sum of \$5 per day in full for their compensation; and that the appointments of such special deputy marshals shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the district judge in the absence of the circuit judge. Said special deputies shall be appointed in equal numbers from the different political parties; and the persons so appointed shall be persons of good moral character and shall be well-known residents of the voting precinct in which their duties are to be performed.

Mr. SAMFORD. Is it too late to give notice I shall call the yeas and nays in the House?

The CHAIRMAN. Notice given here would have no effect whatever in the House.

The committee divided; and there were—ayes 91, noes 5.

The CHAIRMAN. No quorum having voted, the Chair will order tellers and appoint Mr. SPRINGER and Mr. CONGER.

The committee again divided; and the tellers reported—ayes 121, noes 29.

So the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose, and a message was received from the Senate, by Mr. BURCH, its Secretary, announcing the passage of a bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes, with amendments in which concurrence was requested.

It further announced the Senate communicated to the House a letter of the Secretary of War to the Chief of Engineers, in reference to the examinations of the Noxubee River, Mississippi, and Choctaw-hatchee River, Alabama; and also a letter of the Secretary of War, transmitting, in connection with the report of Captain A. N. Damrell, Corps of Engineers, a communication of the Chief of Engineers covering the question of the report, with accompanying map, from the board of engineers for river and harbor improvement, to which the report of Captain Damrell was referred for consideration.

DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The question is on the adoption of the amendment as amended:

The amendment was agreed to.

Mr. McMAHON. I now move that the committee rise and report the bill as amended to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union having had under consideration the deficiency bill, had directed him to report the same back to the House with sundry amendments thereto.

Mr. McMAHON. Mr. Speaker, I demand the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

Mr. McMAHON moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The first amendment will now be read. Does the gentleman desire a separate vote on each amendment?

Mr. McMAHON. No, take them all in a bunch.

Mr. HAWLEY. No, we desire to have a separate vote on some of them.

The SPEAKER. Does the gentleman desire a separate vote on each amendment?

Mr. McMAHON. I suggest that gentlemen designate the amendments on which they desire to have a separate vote.

The SPEAKER. The Chair would be glad if gentlemen would designate which they desire a vote on.

Mr. CONGER. It is impossible to tell at this time, for in the hurry of the consideration of this bill it would be difficult to designate now what particular amendment we desire to vote upon. Let the amendments be all read, and we will then indicate on which we desire a separate vote.

The SPEAKER. The Chair will cause all of the amendments to be read, and will ask gentlemen to indicate on which they desire a separate vote.

The amendments reported from the Committee of the Whole House on the state of the Union were severally read and agreed to without a division except the following, on which a separate vote was asked:

DEPARTMENT OF JUSTICE.

For the payment of fees and expenses of United States marshals and the general deputies appointed during the fiscal year ending June 30, A. D., 1880, \$600,000.

Mr. McMAHON. That is an amendment offered by the committee and which was amended in the Committee of the Whole, and therefore I suppose that the amendment ought to be incorporated with this as it is all one amendment.

The SPEAKER. The remainder of the amendment will be read.

The Clerk read as follows:

For special deputy marshals of elections, the sum of \$7,600: *Provided*, That hereafter special deputy marshals of elections for performing any duties in reference to any election shall receive the sum of \$5 per day in full for their compensation, and that the appointments of such special deputy marshals shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties or by the district judge in the absence of the circuit judge, such special deputies to be appointed in equal numbers from the different political parties; and the persons so appointed shall be persons of good moral character and shall be well-known residents of the voting precinct in which their duties are to be performed.

Mr. HISCOCK. I demand a division of that question.

Mr. McMAHON. I claim that it cannot be divided under the provisions of the rules.

Mr. CONGER. There are two distinct propositions in that amendment; one appropriates money and the other relates to the performance of duty. I hold that it is subject to division under the rules.

The SPEAKER. The Chair thinks there is nothing in the rule which warrants such construction on an amendment from Committee of the Whole. It is to be determined by the former parliamentary practice and the decisions of the House in similar cases; which decisions seem to have been uniform.

Mr. CONGER. But there never has been a decision of the Chair that an amendment to be voted on, which is capable of division, shall not be divided on the demand of a member.

The SPEAKER. The Chair has always understood the contrary in regard to amendments reported from the Committee of the Whole.

Mr. CONGER. It may be that is another iniquity in these rules which we have not hitherto discovered.

The SPEAKER. The decision is not based on either present or former rule. The words of present and former rule are substantially the same, and the meaning of the words in both exactly the same. The decision has its basis on former parliamentary decisions under present and former Speakers, and appears as the undisturbed practice of the House.

The Clerk will read the paragraph in the Digest.

The Clerk read as follows:

An amendment reported from the Committee of the Whole as an entire amendment is not divisible. (Journals 1, 28, page 1061; 1, 29, pages 366, 642; 1, 30, page 1059; 2, 30, page 574.)

The SPEAKER. The Chair rules that an amendment reported from the Committee of the Whole is not divisible.

Mr. CONGER. I would like to have the rule of the House read which says a question shall be divided on the demand of any member.

The SPEAKER. What has been read are rulings in regard to an amendment coming into the House from the Committee of the Whole.

Mr. CONGER. It is so with all the amendments.

The SPEAKER. None of them could be, nor was any amendment divided which was reported from the Committee of the Whole to the House in reference to the bill under present consideration.

Mr. CONGER. But this was divided and voted on separately.

The SPEAKER. That was in Committee of the Whole, and the equities of the rule alluded to have been, as it were, satisfied by the action in Committee of the Whole.

Mr. CONGER. The others were voted on separately.

The SPEAKER. In the Committee of the Whole; but they come into the House as amendments of the committee, and under the practice of the House and the uniform decisions of former Speakers an amendment of the Committee of the Whole is not divisible.

Mr. CONGER. I ask that the rule may be read.

Mr. SPRINGER. There are certain occasions on which the division of a question cannot be demanded; as on the question of the engrossment and third reading of a bill the various propositions contained in the bill cannot then be divided. So on the final passage of the bill. So when an amendment is reported from the Committee of the Whole; the Committee of the Whole recommending that amendment, we must concur with the committee in that recommendation, or non-concur. We cannot take part and reject part of the recommendation of a committee.

Mr. CONGER. I ask the Clerk to read clause 6 of Rule XVI of the rules which have just been adopted by this House.

The Clerk read as follows:

On the demand of any member, before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain.

Mr. CONGER. Now, I, as a member of the House, demand that there shall be a division of this proposition, because the question may be divided so that one being taken away, a substantive proposition will remain. Each is a distinct proposition, and I ask for a separate vote upon each.

The SPEAKER. The Chair rules that an amendment reported from the Committee of the Whole must be voted upon in its entirety, and is not divisible.

Mr. CONGER. And I appeal from the decision of the Chair.

Mr. SPRINGER. I move to lay that appeal on the table.

The question being taken on Mr. SPRINGER's motion to lay the appeal on the table, there were—ayes 110, noes 77.

Mr. CONGER. I consider this ruling upon this point so important that I desire the yeas and nays.

The SPEAKER. The Chair thinks that the better course.

The question being put on ordering the yeas and nays there were ayes 47.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. PRICE. May I ask a parliamentary question?

The SPEAKER. The Chair will hear.

Mr. PRICE. Does the Speaker decide that a measure containing two separate propositions— [Cries of "Regular order!"]

The SPEAKER. The Chair wishes to hear the gentleman's question.

Mr. PRICE. I think I might be allowed half a minute to ask a question.

The SPEAKER. The Chair will listen.

Mr. PRICE. Does the Speaker decide that a question containing two distinct propositions is not divisible on the demand of a member?

The SPEAKER. The Chair decides, and he has the practice of the House as his authority for doing so, that an amendment coming from the Committee of the Whole is not divisible; that is, an amendment coming from the Committee of the Whole must be voted upon in its entirety.

Mr. PRICE. Does it make any difference whether it comes from a Committee of the Whole or from any other source?

The SPEAKER. It does. The decision of the Chair is that an amendment coming from the Committee of the Whole House on the state of the Union as this does must be voted on in its entirety. The Chair cannot recall to his memory any decision different from the one he now makes.

Mr. PRICE. Will the Chair allow me one moment further? [Cries of "Regular order!"]

The SPEAKER. Certainly. The Chair is quite willing to hear, although he is clear in his judgment upon this point.

Mr. PRICE. The question is one of very considerable importance and I think I might be listened to for a moment. I wish to say there is no manual of parliamentary law from Mansfield down to this day that does not distinctly set forth this principle, that any measure containing two distinct propositions shall be divided upon the demand of a member.

The SPEAKER. The Chair takes as his authority the uniform practice of the House that an amendment coming from the Committee of the Whole is not divisible. He ruled accordingly. From his ruling the gentleman from Michigan appealed and that appeal the gentleman from Illinois has moved to lay on the table. Upon the motion to lay the appeal on the table, which is not debatable, the yeas and nays have been ordered.

Mr. BURROWS. Simply a word.

The SPEAKER. The Chair will hear the gentleman.

Mr. BURROWS. I desire to read from Wilson's Digest of Parliamentary Law, page 12, section 77, as follows:

An amendment reported from the Committee of the Whole as an entire amendment is not divisible.

The SPEAKER. The Chair has caused to be read a decision by the House which he made the groundwork of his own ruling.

Mr. CONGER. I desire to say that the Chair has shifted from my position— [Cries of "Regular order!"] Gentlemen may wait; I will stand here till to-morrow morning, if the Chair will hear me.

The SPEAKER. The motion to lay on the table is not debatable.

Mr. CONGER. I desire to state that I made one point of order which the Chair has not ruled upon, but has ruled upon another.

The SPEAKER. The Chair has ruled that an amendment coming from the Committee of the Whole is not divisible, the point in dispute; and there have been repeated decisions by the House to that effect.

Mr. CONGER. I made a point of order on paragraph 6 of Rule XVI.

Mr. DAVIS, of North Carolina. Is it in order to discuss a point of order after the Chair has decided it?

The SPEAKER. It is not, except upon appeal; and the motion having been made to lay the appeal upon the table, it is not debatable.

Mr. DAVIS, of North Carolina. Then I call for the regular order.

The SPEAKER. The regular order is the call of the yeas and nays on the motion to lay on the table the appeal from the decision of the Chair. But the Chair always desires to hear—

Mr. CONGER. It is due to myself that I should state that I asked the ruling of the Chair on paragraph 6 of Rule XVI, which ruling the Chair has not given at all.

The SPEAKER. The Chair thinks that the gentleman himself and the gentleman from New York [Mr. Hiscock] called for a division of the question on the amendment as reported from the Committee of the Whole, and the Chair ruled that the amendment was not divisible. From that decision the gentleman appealed, and the gentleman from Illinois [Mr. SPRINGER] moved to lay the appeal on the table, upon which question the yeas and nays have been ordered.

Mr. THOMAS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. Has not the Chair already decided this question by allowing a part of the amendment to be read, and then announcing that unless there was objection it would be considered as adopted?

The SPEAKER. They were separate amendments. The gentleman is not well informed on the point.

Mr. THOMAS. Then for the purpose of being better informed, I desire to further inquire—

The SPEAKER. The Chair did not intend any reflection upon the gentleman by the remark he made.

Mr. THOMAS. Very well; that is all right. I want to be informed, and hence I make the inquiry. If this is composed of two separate and substantive propositions, I want to know by what right and under what rule the Speaker holds there cannot be a separate vote upon each proposition?

The SPEAKER. The Chair rules that an amendment reported from the Committee of the Whole House is not divisible, and the Chair calls attention to the following from the Journal of the House of the first session Twenty-ninth Congress, pages 365 and 366:

On motion of Mr. Bowlin, the House again resolved itself into Committee of the Whole House on the state of the Union; and, after some time spent therein, the Speaker resumed the chair, and Mr. Tibbatts reported that the committee having, according to order, had the state of the Union generally under consideration, particularly the said joint resolution No. 5, had directed him to report the same to the House with an amendment.

The House proceeded to the consideration of the said resolution, the question being on agreeing to the amendment reported from the Committee of the Whole House on the state of the Union.

The previous question was moved by Mr. Price, and seconded; and the main question was ordered and stated, namely, Will the House agree to the said amendment reported from the Committee of the Whole House on the state of the Union? When

A division of the question was demanded by Mr. Thurman, so as to take the question on each branch of the resolution separately.

The Speaker stated that in conformity with the usual practice of the House the amendment was divisible, and was about proceeding to put the question on striking out the original resolution and inserting the first branch of the amendment, when

Mr. Boyd raised the question of order, that, as the said amendment was reported from the Committee of the Whole House as an entire and distinct proposition, it could not be divided.

The Speaker decided against the point of order raised by Mr. Boyd.

From this decision Mr. Boyd appealed.

And the question being put, Shall the decision of the Chair stand as the judgment of the House?

It was decided in the negative.

So the decision of the Chair was reversed.

And the question was accordingly put, Will the House agree to the amendment as reported from the Committee of the Whole House on the state of the Union?

And decided in the affirmative—yeas 172, nays 46.

The yeas and nays being desired by one-fifth of the members present, &c.

Mr. HISCOCK. Do I understand that there has been no change in the rule since that decision was made?

The SPEAKER. Substantially none that the Chair is advised of. The language of the old and the new rules is substantially the same and the meaning exactly the same.

The question was upon the motion to lay on the table the appeal by Mr. CONGER from the decision of the Chair; and being taken, there were—yeas 167, nays 49, not voting 76; as follows:

YEAS—167.

Armfield,	Dickey,	Ladd,	Sanford,
Atherton,	Dunnell,	Lewis,	Sawyer,
Atkins,	Einstein,	Lounsbery,	Scales,
Bachman,	Ellis,	Manning,	Shelley,
Baker,	Evins,	Martin, Benj. F.	Simonton,
Beltzhoover,	Ferdon,	Martin, Edward L.	Singleton, O. R.
Berry,	Finley,	Martin, Joseph J.	Slemons,
Bicknell,	Ford,	Mason,	Smith, A. Herr
Blackburn,	Forney,	McKenzie,	Smith, William E.
Bland,	Frost,	McKinley,	Speer,
Bliss,	Frye,	McMahon,	Springer,
Blount,	Garfield,	McMillin,	Starrin,
Bouck,	Geddes,	Miles,	Steele,
Brewer,	Gibson,	Mills,	Stevenson,
Briggs,	Godshalk,	Monroe,	Stone,
Browne,	Goode,	Morrison,	Talbot,
Burrows,	Gunter,	Morse,	Taylor,
Butterworth,	Hammond, N. J.	Morton,	Thompson, P. B.
Cabell,	Harris, Benj. W.	Muldrow,	Tillman,
Calkins,	Harris, John T.	Murch,	Townshend, R. W.
Cannon,	Hatch,	Myers,	Tucker,
Carlisle,	Hawley,	New,	Turner, Oscar
Carpenter,	Hazelton,	Nicholls,	Updegraff, J. T.
Clafin,	Henderson,	Norcross,	Upson,
Clardy,	Henkle,	O'Connor,	Vance,
Clark, John B.	Henry,	O'Neill,	Waddill,
Cobb,	Herbert,	O'Reilly,	Wait,
Coffroth,	Herndon,	Orth,	Warner,
Colerick,	Hooker,	Pacheco,	Washburn,
Converse,	Hostetler,	Persons,	Weaver,
Cook,	Houk,	Phelps,	Wellborn,
Covert,	House,	Phillips,	Wells,
Cox,	Hull,	Phister,	Whitthorne,
Cravens,	Hunton,	Pierce,	Williams, C. G.
Culberson,	Hurd,	Poehler,	Williams, Thomas
Davis, Horace,	Hutchins,	Reagan,	Willis,
Davis, Joseph J.	Johnston,	Reed,	Wilson,
De La Matyr,	Kenna,	Richardson, D. P.	Wood, Fernando
Deering,	Kimmel,	Richardson, J. S.	Wright,
Deuster,	King,	Robertson,	Young, Casey
Dibrell,	Kitchin,	Rothwell,	Young, Thomas L.
	Klotz,	Ryan, Thomas	

NAYS—49.

Aldrich, William	Daggett,	James,	Sherwin,
Anderson,	Davis, George R.	Jones,	Thomas,
Balton,	Dwight,	Joyce,	Thompson, Wm. G.
Barber,	Errott,	Lindsey,	Tyler,
Bayne,	Farr,	McCold,	Updegraff, Thomas
Belford,	Fisher,	Neal,	Valentine,
Bingham,	Fort,	Newberry,	Van Aernam,
Blake,	Gillette,	Overton,	Voorhis,
Bowman,	Hammond, John	Page,	Wood, Walter A.
Brigham,	Hawk,	Rice,	Yocum,
Camp,	Hayes,	Robeson,	
Caswell,	Hiscock,	Russell, Daniel L.	
Conger,	Humphrey,	Russell, William A.	

NOT VOTING—76.

Acklen,	Dick,	Knott,	Robinson,
Aiken,	Dunn,	Lapham,	Ross,
Aldrich, N. W.	Elam,	Le Fevre,	Ryon, John W.
Bailey,	Ewing,	Loring,	Sapp,
Barlow,	Felton,	Lowe,	Shallenberger,
Beale,	Field,	Marsh,	Singleton, Jas. W.
Boyd,	Forsythe,	McCook,	Smith, Hezekiah B.
Bragg,	Hall,	McGowan,	Sparks,
Bright,	Harner,	McLane,	Stephens,
Buckner,	Haskell,	Miller,	Townsend, Amos
Caldwell,	Hellman,	Mitchell,	Turner, Thomas
Chalmers,	Hill,	Money,	Uerner,
Chittenden,	Horr,	Muller,	Van Voorhis,
Clark, Alvah A.	Hubbell,	O'Brien,	Ward,
Clymer,	Jorgensen,	Osmer,	White,
Cowgill,	Kaifer,	Pound,	Whiteaker,
Crapo,	Kelley,	Prescott,	Wilber,
Crowley,	Ketcham,	Price,	Willits,
Davidson,	Killinger,	Richmond,	Wise.

So the appeal was laid on the table.

The following pairs were announced by the Clerk:

Mr. ROBINSON with Mr. KNOTT.

Mr. THOMAS TURNER with Mr. MCGOWAN.

Mr. KEIFER with Mr. CLARK, of New Jersey.

Mr. DUNN with Mr. SAPP.

Mr. BUCKNER with Mr. PRICE.

Mr. HILL with Mr. HERR.

Mr. LE FEVRE with Mr. MCCOOK.

Mr. WHITEAKER with Mr. HASKELL.

Mr. SINGLETON, of Illinois, with Mr. FORSYTHE.

Mr. CALDWELL with Mr. HARMER.

Mr. CLARK, of New Jersey, with Mr. CHITTENDEN.

Mr. MULLER with Mr. MILLER.

Mr. EWING with Mr. KETCHAM.

Mr. WISE with Mr. HALL.

Mr. BRAGG with Mr. LORING.

Mr. CLYMER with Mr. HUBBELL.

Mr. SPARKS with Mr. WHITE.

Mr. CHALMERS with Mr. VAN VOORHIS.

Mr. HARMER with Mr. DAVIDSON.

Mr. CALDWELL with Mr. ALDRICH, of Illinois.

Mr. O'BRIEN with Mr. CHITTENDEN.

Mr. JORGENSEN with Mr. BEALE.

Mr. BOYD with Mr. CLARK, of New Jersey.

Mr. RYON, of Pennsylvania, with Mr. MITCHELL.

Mr. ELAM with Mr. DICK.

Mr. WARD with Mr. AIKEN.

Mr. FELTON with Mr. KELLEY.

Mr. CLARK, of New Jersey, with Mr. OVERTON.

Mr. RICHMOND with Mr. PRESCOTT.

Mr. URNER with Mr. McLANE.

Mr. CRAPO with Mr. ROSS.

Mr. CROWLEY with Mr. MONEY.

During the announcement of the foregoing pairs, when the pair of Mr. KEIFER with Mr. CLARK, of New Jersey, was announced,

Mr. OVERTON said: Mr. Speaker, I supposed I was paired with the gentleman from New Jersey, [Mr. CLARK.] I desire to vote.

Mr. GARFIELD. If the gentleman, under a misunderstanding, declined to vote, his vote ought to be received.

The SPEAKER. The Chair will recognize the gentleman from Pennsylvania [Mr. OVERTON] immediately after the announcement of pairs is concluded. These pairs as read had better be carefully watched, because several gentlemen appear to be paired with more than one gentleman, and the gentleman from New Jersey [Mr. CLARK] appears to be paired with three gentlemen.

The announcement of pairs was resumed and concluded.

Mr. MCMAHON. I desire to state, in justice to the gentleman from New Jersey, [Mr. CLARK,] that he told me last evening, when starting for home, that he was paired with the gentleman from Pennsylvania, [Mr. OVERTON.]

Mr. OVERTON. The gentleman from New Jersey [Mr. CLARK] met me last evening, and requested me to pair with him for to-day until the gentleman from Ohio [Mr. KEIFER] should leave. In refraining from voting upon this roll-call, I did not know that the gentleman from Ohio had left. The pair between him and the gentleman from New Jersey now operates.

Mr. SPRINGER. Then the gentleman from Pennsylvania [Mr. OVERTON] is entitled to vote.

The SPEAKER. The Chair will recognize the gentleman from Pennsylvania under the circumstances. In the opinion of the Chair he ought to be allowed to vote.

Mr. OVERTON's name was called; and he voted "no."

Mr. CALKINS. I have been paired with the gentleman from Missouri, [Mr. SAWYER.] Forgetting that the pair had run out, I did not vote. I see the gentleman in his seat.

The SPEAKER. Has the gentleman from Missouri voted?

Mr. CALKINS. He has.

The SPEAKER. The Chair thinks the gentleman from Indiana [Mr. CALKINS] should be allowed to vote. [Cries of "All right."]

The name of Mr. CALKINS was called, and he voted "ay."

Mr. SPRINGER. I suggest that the list of pairs, as read, had better be revised, so it may not appear that some gentlemen are paired two or three times.

Mr. CONGER. I hope the pairs will be recorded as they have been read. I insist that they shall be entered in the Journal in that way.

The SPEAKER. A member cannot be paired with more than one member.

Mr. CONGER. That is not the fault of the record.

Mr. SPRINGER. These discrepancies are evidently the result of mistake.

Mr. CONGER. I think it would be well—

The SPEAKER. The Chair does not think it is well that gentlemen should appear as being paired two or three times.

Mr. SPRINGER. There has been no intention, of course, on the part of any gentlemen to put on the record a pair that was not authorized. I hope the necessary corrections will be made.

The result of the vote was announced as above stated.

The question recurred on the amendment reported from the Committee of the Whole House on the state of the Union.

Mr. HISCOCK demanded the yeas and nays.

The yeas and nays were ordered.

Mr. BROWNE moved the House do now adjourn.

The motion was disagreed to.

The question was taken; and it was decided in the affirmative—yeas 115, noes 107, not voting 70; as follows:

YEAS—115.

Atherton,	Dickey,	Ladd,	Shelley,
Atkins,	Ellis,	Lewis,	Simonton,
Bachman,	Evins,	Manning,	Singleton, O. R.
Belford,	Finley,	Martin, Benj. F.	Slemmons,
Beltzhoover,	Forney,	Martin, Edward L.	Speer,
Berry,	Frost,	McMahon,	Springer,
Bicknell,	Geddes,	McMillin,	Steele,
Bland,	Gibson,	Mills,	Stevenson,
Bliss,	Goode,	Morrison,	Talbot,
Blount,	Gunter,	Morse,	Taylor,
Bouck,	Hammond, N. J.	Muldrow,	Thompson, P. B.
Bright,	Harris, John T.	Murch,	Tillman,
Butterworth,	Hatch,	Myers,	Townsend, R. W.
Cabell,	Henkle,	New,	Tucker,
Carlisle,	Henry,	Nicholls,	Upton,
Clardy,	Herbert,	O'Connor,	Vance,
Clark, John B.	Herndon,	O'Reilly,	Waddill,
Cobb,	Hostetler,	Persons,	Warner,
Coffroth,	House,	Phelps,	Weaver,
Colerick,	Hull,	Phillips,	Wellborn,
Cook,	Hunton,	Phister,	Wells,
Covert,	Hutchins,	Poehler,	Whitthorne,
Cravens,	Johnston,	Reagan,	Williams, Thomas
Culbertson,	Kenna,	Richardson, J. S.	Willis,
Davis, Joseph J.	Kimmel,	Robertson,	Wilson,
Davis, Lowndes H.	King,	Rothwell,	Wood, Fernando
De La Matyr,	Kitchin,	Samford,	Wright,
Deuster,	Klotz,	Sawyer,	Young, Casey.
Dibrell,	Knott,	Scales,	

NAYS—107.

Aldrich, N. W.	Deering,	Jones,	Russell, Daniel L.
Aldrich, William	Dunnell,	Joyce,	Russell, W. A.
Anderson,	Dwight,	Lindsey,	Ryan, Thomas
Armfield,	Einstein,	Marsh,	Shallenberger,
Baker,	Errett,	Martin, Joseph J.	Sherwin,
Ballou,	Farr,	Mason,	Smith, A. Herr
Barber,	Ferdon,	McCold,	Smith, William E.
Bayne,	Field,	McKenzie,	Starin,
Bingham,	Fisher,	McKinley,	Stone,
Blackburn,	Ford,	Miles,	Thomas,
Blake,	Fort,	Monroe,	Thompson, Wm. G.
Bowman,	Frye,	Morton,	Townsend, Amos
Brewer,	Garfield,	Neal,	Turner, Oscar
Briggs,	Godshalk,	Newberry,	Tyler,
Brigham,	Hammond, John	Norcross,	Updegraff, J. T.
Brown,	Harris, Benj. W.	O'Neill,	Updegraff, Thomas
Burrows,	Hawk,	Orth,	Valentine,
Calkins,	Hawley,	Osmer,	Van Aernam,
Camp,	Hayes,	Overtun,	Voorhis,
Cannon,	Hazelton,	Pacheco,	Wait,
Carpenter,	Henderson,	Page,	Washburn,
Clafin,	Hiscock,	Pierce,	Williams, C. G.
Conger,	Hooker,	Reed,	Willits,
Converse,	Houk,	Rice,	Wood, Walter A.
Cowgill,	Humphrey,	Richardson, D. P.	Yocum,
Davis, George R.	Hurd,	Robeson,	Young, Thomas L.
Davis, Horace	James,	Robinson,	

NOT VOTING—70.

Acklen,	Davidson,	Ketcham,	Richmond,
Aiken,	Dick,	Killinger,	Ross,
Bailey,	Dunn,	Lapham,	Ryon, John W.
Barlow,	Elam,	Le Fevre,	Sapp,
Beale,	Ewing,	Loring,	Singleton, J. W.
Boyd,	Felton,	Lounsbery,	Smith, Hezekiah B.
Bragg,	Forsythe,	Lowe,	Sparks,
Buckner,	Gillette,	McCook,	Stephens,
Caldwell,	Hall,	McGowan,	Turner, Thomas
Caswell,	Harner,	McLane,	Uerner,
Chalmers,	Haskell,	Miller,	Van Voorhis,
Chittenden,	Hellman,	Mitchell,	Ward,
Clark, Alvah A.	Hill,	Money,	White,
Clymer,	Horr,	Muller,	Whiteaker,
Cox,	Hubbell,	O'Brien,	Wilber,
Crapo,	Jorgensen,	Pound,	Wise.
Crowley,	Kaifer,	Prescott,	
Daggett,	Kelley,	Price,	

So the amendment was concurred in.

Mr. MCMAHON moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

Mr. CONGER. Pending that motion, I move the House do now adjourn, and on that motion I demand a division.

Mr. McMAHON. If we do not pass this bill to-night we cannot do so until next week, as to-morrow has been set apart for debate only, no business whatever to be transacted.

The House divided; and there were ayes 34, noes not counted.

So the House refused to adjourn.

The motion to reconsider was laid on the table.

The bill, as amended, was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time.

Mr. McMAHON demanded the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. McMAHON moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CAMP. Under subdivision 6 of Rule XXI, must not the yeas and nays be taken on the passage of the bill?

The SPEAKER. The yeas and nays are ordered.

The question was taken; and it was decided in the affirmative—yeas 111, nays 104, not voting 77; as follows:

YEAS—111.

Atherton,	Field,	Lewis,	Shelley,
Atkins,	Finley,	Manning,	Simonton,
Bachman,	Forney,	Martin, Benj. F.	Singleton, O. R.
Beltzhoover,	Frost,	Martin, Edward L.	Slemons,
Berry,	Geddes,	McMahon,	Speer,
Bicknell,	Gibson,	McMillin,	Springer,
Bland,	Gillette,	Mills,	Steele,
Bliss,	Goode,	Morrison,	Stevenson,
Blount,	Gunter,	Morse,	Talbot,
Bouck,	Hammond, N. J.	Muldrow,	Taylor,
Bright,	Harris, John T.	Murch,	Thompson, P. B.
Cabell,	Hatch,	Myers,	Tillman,
Clardy,	Henkle,	New,	Townshend, R. W.
Clark, John B.	Henry,	Nicholls,	Tucker,
Cobb,	Herbert,	O'Connor,	Upson,
Coffroth,	Herndon,	O'Reilly,	Vance,
Colerick,	Hostetler,	Persons,	Waddill,
Cook,	House,	Phelps,	Warner,
Covert,	Hull,	Phillips,	Weaver,
Cravens,	Hunton,	Phister,	Wellborn,
Culbertson,	Hutchins,	Poehler,	Wells,
Davis, Joseph J.	Johnston,	Reagan,	Whitthorne,
Davis, Lowndes H.	Kenna,	Richardson, J. S.	Williams, Thomas
De La Matyr,	Kimmel,	Robertson,	Willis,
Dibrell,	King,	Rothwell,	Wilson,
Dickey,	Kitchin,	Samford,	Wright,
Ellis,	Klotz,	Sawyer,	Young, Casey.
Evins,	Ladd,	Scales,	

NAYS—104.

Aldrich, N. W.	Davis, Horace	James,	Russell, Daniel L.
Aldrich, William	Deering,	Jones,	Russell, W. A.
Anderson,	Dunnell,	Knott,	Ryan, Thomas
Armfield,	Dwight,	Lindsey,	Shallenberger,
Ballou,	Einstein,	Marsh,	Sherwin,
Barber,	Errett,	Martin, Joseph J.	Smith, A. Herr
Bayne,	Farr,	Mason,	Smith, William E.
Bingham,	Ferdon,	McCoid,	Starin,
Blackburn,	Fisher,	McKenzie,	Stone,
Blake,	Ford,	McKinley,	Thomas,
Bowman,	Fort,	Miles,	Thompson, W. G.
Brewer,	Frye,	Monroe,	Townsend, Amos
Briggs,	Garfield,	Morton,	Turner, Oscar
Brigham,	Godshalk,	Neal,	Tyler,
Burrows,	Hammond, John	Newberry,	Updegraff, J. T.
Butterworth,	Harris, Benj. W.	Norcross,	Updegraff, Thomas
Calkins,	Hawk,	Osmer,	Valentine,
Camp,	Hawley,	Overton,	Van Aernam,
Cannon,	Hayes,	Pacheco,	Voorhis,
Carpenter,	Hazelton,	Page,	Wait,
Caswell,	Henderson,	Pierce,	Washburn,
Clafin,	Hiscock,	Reed,	Williams, C. G.
Conger,	Hooker,	Rice,	Willits,
Converse,	Houk,	Richardson, D. P.	Wood, Walter A.
Cowgill,	Humphrey,	Robeson,	Yocum,
Davis, George R.	Hurd,	Robinson,	Young, Thomas L.

NOT VOTING—77.

Acklen,	Daggett,	Ketcham,	Richmond,
Aiken,	Davidson,	Killinger,	Ross,
Bailey,	Deuster,	Lapham,	Ryon, John W.
Baker,	Dick,	Le Fevre,	Sapp,
Barlow,	Dunn,	Loring,	Singleton, J. W.
Beale,	Elam,	Lounsbury,	Smith, Ezekiah B.
Belford,	Ewing,	Lowe,	Sparks,
Boyd,	Felton,	McCook,	Stephens,
Bragg,	Forsythe,	McGowan,	Turner, Thomas
Browne,	Hall,	McLane,	Urner,
Buckner,	Harmer,	Miller,	Van Voorhis,
Caldwell,	Haskell,	Mitchell,	Ward,
Carlisle,	Heilman,	Money,	White,
Chalmers,	Hill,	Muller,	Whiteaker,
Chittenden,	Horr,	O'Brien,	Wilber,
Clark, Alvah A.	Hubbell,	O'Neill,	Wise,
Clymer,	Jorgensen,	Orth,	Wood, Fernando.
Cox,	Joyce,	Pound,	
Crapo,	Keifer,	Prescott,	
Crowley,	Kelley,	Price,	

So the bill was passed.

The Clerk announced the following additional pairs:

Mr. HUTCHINS with Mr. DWIGHT.

Mr. CARLISLE with Mr. BROWNE.

Mr. LOUNSBURY with Mr. BAILEY.

The vote was then announced as above recorded. [Applause on the democratic side.]

Mr. McMAHON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table. The latter motion was agreed to.

DEFICIENCY PRINTING BILL.

Mr. ATKINS. I ask unanimous consent to introduce at this time, from the Committee on Appropriations, a bill for the purpose of appropriating \$100,000 to carry on the printing for the different Departments of the Government. The bill which has just been passed, providing among others for a deficiency in the printing, will take some time to pass the Senate; and the \$50,000 appropriated in the star-service bill may not pass the House for some days yet. Therefore I ask that the present bill be considered. The Public Printer informs me that he will have no money on hand after Monday next to do the public printing. I therefore ask unanimous consent for its present consideration.

Mr. PAGE. I will object.

Mr. ATKINS. Then I will withdraw the bill, as the gentleman from California [Mr. PAGE] objects.

Mr. PAGE. Very well; you have an appropriation of \$50,000 in the star-service bill; why do you not bring that in?

Mr. ATKINS. I do not hear what the gentleman says.

Mr. BURROWS. I move that the House do now adjourn.

PUBLICATION OF CONGRESSIONAL DEBATES.

Mr. SINGLETON, of Mississippi. I ask unanimous consent that the bill (H. R. No. 2657) to prohibit the reporting and publication of the debates and proceedings of Congress at public expense, reported adversely this morning from the Committee on Printing, be recommitted to the Committee on Printing.

Mr. BURROWS. I insist on the motion to adjourn.

DEFICIENCY PRINTING BILL.

Mr. PAGE. At the request of friends on this side of the House I will withdraw my objection to the present consideration of the bill introduced by the gentleman from Tennessee.

Mr. BURROWS. Then I withdraw the motion to adjourn.

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. ATKINS, from the Committee on Appropriations, reported a bill (H. R. No. 5258) appropriating money for the public printing; which was read a first and second time, and referred to the Committee of the Whole on the state of the Union.

Mr. ATKINS. I now move that the House resolve itself into the Committee of the Whole on the state of the Union to consider the bill (H. R. No. 5258) appropriating money providing for the public printing.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair,) and proceeded to consider the bill.

Mr. HAWLEY. Cannot we pass that bill by unanimous consent?

Mr. RANDALL, (the Speaker.) It is now in the Committee of the Whole on the state of the Union, and it will take but a few moments to pass it in committee.

The CHAIRMAN. The House is now in the Committee of the Whole on the state of the Union for the purpose of considering a deficiency appropriation bill. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. No. 5258) to appropriate money providing for the public printing. *Be it enacted, &c.*, That the sum of \$100,000 be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated to continue the public printing: *Provided*, That the entire sum appropriated to supply the deficiency in the appropriation for the public printing and binding, and for paper for the public printing, including the cost of printing of debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for the Departments, and for lithographing, mapping, and engraving for the present fiscal year, shall not exceed the sum of \$400,000.

The CHAIRMAN. If there be no objection, this bill will be reported to the House with a favorable recommendation.

Mr. SAMFORD. Is this in addition to the \$400,000 already appropriated for this purpose?

Mr. ATKINS. No, sir; it will be taken out of that.

Mr. SAMFORD. I know that is the object of the bill, but if we pass this bill as an independent proposition, I do not see how it will qualify the other.

Mr. ATKINS. It does qualify the other, because it provides that the total amount expended shall not exceed \$400,000.

I move that the committee now rise and report the bill to the House. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. No. 5258) appropriating money for the public printing, had directed him to report the same to the House with the recommendation that it do pass.

Mr. FINLEY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FINLEY. I desire to know whether it would be in order to move to suspend the rules as to the calling of the yeas and nays on the passage of the bill.

The SPEAKER. The Chair will cause the sixth clause of the twenty-first rule to be read. The Chair a few moments ago, when

the yeas and nays were demanded by members under the clause of the rule just read, recognized the right of calling the yeas and nays because a sufficient number of members were on the floor asking the yeas and nays without regard to the rule stated.

The Clerk will now read the sixth clause of Rule XXI.

The Clerk read as follows:

6. Upon all general appropriation and revenue bills, and bills for the improvement of rivers and harbors, the yeas and nays shall be taken on the passage of such bills in the House and entered upon the Journal.

The SPEAKER. The Chair thinks this hardly comes within the scope of a general appropriation bill.

Mr. CONGER. That would rule out appropriation bills or tariff bills.

The SPEAKER. The question did not arise on the deficiency bill to-day, because there was a sufficient number of members on the floor to call the yeas and nays, more than one-fifth of the number who voted on the preceding vote.

Mr. CONGER. This appropriates \$10,000?

The SPEAKER. That is not the rule.

Mr. HAWLEY. I suggest that by unanimous consent we waive that point—

The SPEAKER. It can be waived by unanimous consent.

Mr. HAWLEY. And not raise it in this case.

Mr. SPRINGER. It only waives the question.

Mr. CONGER. But the rule provides that the yeas and nays must be called.

The SPEAKER. The gentleman from Michigan is mistaken as to his suggestion. There is nothing in the rule about \$10,000. That was voted down in the Committee of the Whole.

Mr. CONGER. I hope the bill will be passed by unanimous consent without the yeas and nays, so that the Chair may not at present make a decision.

The SPEAKER. The Chair has not made a decision. On the passage of the deficiency bill the Chair did not rule on that point, because there were more than one-fifth of the members up, and that number had the right to demand the yeas and nays. This question, however, was raised then; but the yeas and nays being ordered under another rule it was not necessary to decide they should be called under this rule.

Mr. CONGER. If it should be decided bills of this class are not general appropriation bills, coming under Rule XXI, then this bill might have all kinds of riders attached to it.

Mr. SPRINGER. Let the bill be passed by unanimous consent without the yeas and nays being called. I hope there will be no objection to that.

The SPEAKER. The Chair would prefer that the House should put a construction upon that rule. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

The SPEAKER. The Chair states that by unanimous consent the yeas and nays have not been called on this bill, and the Chair reserves any decision in regard to the construction to be put on the sixth clause of Rule XXI.

Mr. ATKINS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table. The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CONGER. I move that the House do now adjourn.

Mr. PAGE. I would like to inquire of the Chair what to-morrow's session is for?

The SPEAKER. For debate only in Committee of the Whole on the state of the Union on the funding bill.

Mr. PAGE. No business to be transacted?

The SPEAKER. No business to be transacted and no votes to be taken.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KEIFER, until the 26th instant, on account of important business;

To Mr. MILES, for ten days; and

To Mr. MORTON, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. BLACKBURN, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of Harriet Jones, there being no adverse report thereon.

ORDER OF BUSINESS.

Mr. COX. I would like to have the attention of the House for five minutes. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. COX. The Chair promised to recognize me.

The SPEAKER. The Chair has recognized the gentleman; but the regular order being demanded, the Chair has no volition. The regular order is the motion to adjourn.

The motion to adjourn was agreed to; and accordingly (at five o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ANDERSON: The petition of L. R. Yates, of Hiawatha, Kansas, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. BAKER: The petition of Benjamin L. Davenport and 64 others, citizens of Elkhart, Indiana, against the repeal or modification of the present duty on paper—to the same committee.

By Mr. BERRY: The petition of John T. Campbell and others, of California, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. BOUCK: The petitions of citizens of Wisconsin for the establishment of post-routes from Bear Creek to Union Bridge, and from De Pere to Rosecrans, Wisconsin—to the Committee on the Post-Office and Post-Roads.

By Mr. BRENTS: Two petitions of publishers of Oregon and Washington Territory, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. BUCKNER: A bill to survey the Missouri River between the mouth of Taque and Charette Creeks, in Warren County, Missouri—to the Committee on Commerce.

By Mr. BUTTERWORTH: The petition of Charles Wells and 100 others, type-founders, publishers, and printers, against the removal of the duty on type—to the Committee on Ways and Means.

By Mr. GEORGE Q. CANNON: The petition of Marder, Luse & Co., type-founders of Chicago and San Francisco, of similar import—to the same committee.

By Mr. CARPENTER: The petitions of William W. Barnes and others; of J. C. Hillyer and 12 others, and of J. L. Ruick and 24 others, ex-soldiers of O'Brien County, Iowa, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. ALVAH A. CLARK: Papers relating to the claim of Nathaniel G. Smith, to be relieved from accounting for certain funds of the Government of which he was robbed while a postmaster—to the Committee on the Post-Office and Post-Roads.

By Mr. COVERT: The petition of Thomas H. Todd, of Long Island City, New York, for the abolition of the tariff on printing-type—to the Committee on Ways and Means.

By Mr. COX: The petition of Andrew Lantz, of New York City, to be reimbursed expenditures made in recruiting and organizing the Fifty-eighth New York Volunteers—to the Committee on War Claims.

By Mr. DEERING: The petition of P. V. M. Pool, druggist, of Carpenter, Iowa, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. DUNELL: The petition of R. French and 40 others, citizens of Minnesota, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. ERRETT: The petition of soldiers of Allegheny County, Pennsylvania, against the passage of the bill providing for the examination and adjudication of pension claims—to the Committee on Invalid Pensions.

Also, the petition of soldiers of Allegheny County, Pennsylvania, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. FORT: The petition of H. W. Yates and others, citizens of Illinois, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of Hiram Farmer and others, of Illinois, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. GARFIELD: Memorial of the Ordnance Company, Norman Wiard, superintendent, proposing an already tested, cheap, and ready solution of the ordnance problem; showing how to save the Government \$54,258,000 in the cost of armament of fortifications; proposing to furnish guns of greater efficiency as well as of required power such as have heretofore been deemed impossible of attainment; proposing an easy and cheap way to secure sixteen hundred powerful guns at a cost of \$1,000,000 within six months, &c.—to the Committee on Military Affairs.

By Mr. GEDDES: The petitions of E. A. Parrish, R. C. Adrian, and 250 others, citizens (late soldiers) of Tuscarawas County, and of Charles Johnston and others, citizens (late soldiers) of Coschocton County, Ohio, against the passage of the sixty-district bill—to the Committee on Invalid Pensions.

By Mr. GILLETTE: The petitions of L. P. Sherman and 85 others, of J. H. Hatch and 81 others, and J. G. Rounds and 90 others, citizens and business men of Des Moines, Iowa, for the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. HERBERT: The petition of James A. Scott, publisher of the Advance, Montgomery, Alabama, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. HILL: The petitions of W. Wrede and 100 others, of F. Duck and 100 others, of John Mason and others, of J. W. Berry and 100 others, citizens of Defiance and Williams Counties, and of Casper Kahl and 100 others, citizens of the sixth district of Ohio, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of the greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. JOSEPH J. MARTIN: The petition of the publisher of the Falcon, Elizabeth City, North Carolina, that materials used in making paper be placed on the free list, and for the reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. MCKENZIE: The petitions of J. M. Nicholls and Charles W. Fischer, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. MCKINLEY: The petitions of A. M. McGregor, of the publishers of the Ohio Volks Zeitung, of the Shreve Journal, of T. E. Peckinpugh, of W. S. Potts, and of R. E. Watson, of Ohio, for the abolition of the duty on type—to the same committee.

Also, the petition of A. McGregor, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of citizens of Stark County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of citizens of Stark County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. MORSE: The petition of Benjamin Burgess & Sons and others, for a change in the tariff on sugar—to the Committee on Ways and Means.

By Mr. OVERTON: The petition of H. B. Kilborn and 34 other Union soldiers, of Bradford County, Pennsylvania, against the passage of the sixty-surgeon bill—to the Committee on Invalid Pensions.

By Mr. PHILIPS: Two petitions of citizens of Missouri, of similar import—to the same committee.

By Mr. PIERCE: The petition of citizens of Erie County, New York, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. THOMAS RYAN: The petition of Union soldiers of Kansas, against the passage of the sixty-surgeon bill—to the Committee on Invalid Pensions.

By Mr. SCALES: The petition of John H. Ferree and others, that prohibitory duties now levied upon chrome iron ore and bichromate of potash may be removed—to the Committee on Ways and Means.

By Mr. STEELE: The petition of A. M. Powell and others, of similar import—to the same committee.

By Mr. THOMAS: The petition of R. A. Edmondston and others, citizens of Alexander County, Illinois, for the passage of the bill introduced by Mr. DAVIS, of Missouri, for the improvement of the Mississippi River near Cape Girardeau, Missouri—to the Committee on Commerce.

Also, the petition of O. J. Smith, of Chicago, Illinois, publisher of the Chicago Express, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. P. B. THOMPSON, JR.: The petition of citizens of Mercer County, Kentucky, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. WASHBURN: The petition of J. S. Pillsbury, governor of Minnesota, and 200 others, citizens of Minneapolis, Minnesota, against the repeal of the duty on paper—to the Committee on Ways and Means.

By Mr. FERNANDO WOOD: The petition of distillers and importers of New York, for the passage of House bill No. 4812—to the same committee.

Also, the petitions of druggists of Oswego and Rochester, New York, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

Also, the petition of printers and publishers of New York, against reducing the duty on type—to the same committee.

By Mr. WRIGHT: The petition of George A. Lord and 103 others, citizens of Cambridge, Massachusetts, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

By Mr. THOMAS L. YOUNG: The petition of Maddox, Hobart & Co. and others, in relation to the tax on spirits in bond—to the Committee on Ways and Means.

Also, the petition of Thomas Digon and others, for the passage of the bill (H. R. No. 4327) for the creation of a department of mechanics, manufactures, and mines—to the Committee on the Judiciary.

Also, the petition of Colonel A. L. Anderson, late of the United States Army, for legislation to enable him to be placed on the retired list of the Army—to the Committee on Military Affairs.

CHANGES OF REFERENCES.

Changes of references of petitions were made, under the rule, as follows:

The petition of W. B. Wedgwood, vice-chancellor of the National University—from the Committee on Appropriations to the Committee on Education and Labor.

The petitions of Eban B. Grant and others; of Bernard McCormick and 6 others; of C. J. Poore and 122 others, citizens of Michigan; of citizens of Colville, Washington Territory, and of citizens of Washington Territory—from the Committee on Appropriations to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 20, 1880.

The House met at twelve o'clock m., Mr. BLACKBURN in the chair as Speaker *pro tempore*.

Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The SPEAKER *pro tempore*, (Mr. BLACKBURN in the chair.) The Clerk will read a letter received from Mr. Speaker RANDALL.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 19, 1880.

SIR: I expect to be absent from the House of Representatives during tomorrow's (Saturday's) session, and in consequence herewith name and appoint you, under power given me by the rules of the House, to act as Speaker in my stead for that day.

Your obedient servant,

Hon. J. C. S. BLACKBURN,

Member of House of Representatives.

SAM. J. RANDALL.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Journal will not be read this morning, the session of to-day having been assigned for debate only on the refunding bill. The Journal will be read on Monday next.

REFUNDING BILL.

Mr. FERNANDO WOOD. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. COVERT in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. No. 4592) to facilitate the refunding of the national debt. The gentleman from Georgia [Mr. FELTON] is entitled to the floor.

Mr. FERNANDO WOOD. I ask the gentleman from Georgia to yield to me for a moment.

Mr. FELTON. I yield to the gentleman.

Mr. FERNANDO WOOD. I desire to make some corrections of the CONGRESSIONAL RECORD in the remarks I made in Committee of the Whole on this bill when it was formerly under consideration.

On page 19 of the RECORD of March 5, line 25, first column, what is printed \$5,000,000, should be \$500,000.

On line 27, what should read \$250,000, is printed \$2,500,000.

On line 29, what should read \$3,500,000, is printed \$30,000,000.

On line 37, what is printed \$10,000,000, should read \$1,000,000.

I desire that these corrections should be made. I further state that on page 9 of the pamphlet edition of the speech the same errors in the original issue of that edition were made, which I desire also to be considered as corrected.

[The speech to which these corrections refer is printed on page 1313.]

Mr. FELTON. At the proper time I shall introduce a substitute for the pending bill. I send it to the Clerk that it may be read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be authorized and required to redeem any bonds of the United States which may become redeemable during the years 1880 and 1881, to the amount of the gold and silver coin now in the Treasury which may be in excess of 25 per cent. of the outstanding United States notes, using said excess of gold and silver coin for the redemption of said bonds.

SEC. 2. The Secretary of the Treasury is hereby required, six months after the above-mentioned amount of bonds is redeemed, and semi-annually thereafter, to redeem said remaining bonds to the amount of the gold and silver coin which may be in the Treasury at the time in excess of 25 per cent. of the outstanding United States notes.

SEC. 3. The Secretary of the Treasury is hereby required to purchase silver bullion to the amount of \$4,000,000 per month with lawful money of the United States: *Provided*, Said bullion can be purchased at par with said lawful money; and the Secretary of the Treasury is required to have the bullion so purchased coined into standard dollars as now provided by law.

SEC. 4. The Secretary of the Treasury is hereby forbidden and prohibited from issuing hereafter any interest-bearing bond for the purpose of funding or refunding the national debt or any part thereof.

Mr. FELTON. Mr. Chairman, one of the most important questions which will engage the attention of this Congress will be the refunding of the public debt, or at least so much of it as has not already been provided for. When the refunding acts of July 14, 1870, and January 20, 1871, were passed by Congress the national debt was so enormous, and the financial condition of the country was so uncertain as to well-nigh close the mouths of those who are opposed to all

refunding systems and processes. Under these acts bonds for refunding purposes were authorized to the amount of \$1,500,000,000. Of this amount there have been issued \$1,395,345,950, leaving available for future refunding operations \$104,654,050.

We must confess that the refunding process up to this time has resulted in an annual saving to the Government in the interest charge of \$19,900,846. But the interest at this time on this refunded debt of \$1,395,345,950, even at the reduced rates of interest, amounts to \$61,738,838 per annum, and this immense annual drain upon the labor of the country has been by the act of refunding settled irrevocably for many years upon the tax-payers.

Now we are informed by the Secretary of the Treasury that ways and means must be provided to meet maturing bonds in 1880 and 1881, amounting to \$782,071,700, as follows:

December 31, 1880, six percents	\$18,415,000
June 30, 1881, six percents	254,392,550
May 1, 1881, five percents	508,440,350
July 1, 1881, six percents	823,000

The Secretary of the Treasury recommends "that authority be given at the present session of Congress to issue, sell, and dispose of at not less than par in coin 4 per cent. bonds of the description set forth in the act of July 14, 1870, and refunding certificates of the description set forth in the act of February 26, 1879, with like qualities, privileges, and exemptions to the extent necessary to redeem the bonds thus falling due as above described."

In opposing the suggestion and recommendation of the honorable Secretary of the Treasury, permit me to say the whole country recognizes the validity and binding force of this national debt. There is no disposition among the wealth-producing classes to repudiate directly or indirectly our national obligations. No patriot will entertain for one moment a proposition which, if consummated, would disturb the moral and business relations of this country for unnumbered generations. For the Government to prove recreant to its pledges and act in bad faith toward its creditors would tend more to unsettle and destroy all legal and moral obligations among the people—those obligations which bind men to men, and which bind the citizen to the government—than war with all its desolating and demoralizing influences could accomplish. Civilized society is based upon confidence in our fellow-men, and the government which repudiates its debts must expect its example to influence its entire mass of citizenship—undermining the very pillars upon which society is resting and entailing upon posterity a stain never to be erased. It is wonderful how bad faith on the part of a government in all ages of our civilization has affected the subjects and citizens of that government. There are innumerable instances in European history where governments have annihilated a portion of their public indebtedness, and not one which did not act most injuriously upon the great body of the people.

Representative government is the exponent of the people represented. Congress is or should be simply the mouth-piece of the people, and only out of the fullness of the great national heart should it speak. The mere suggestion that repudiation is possible in this country would demonstrate a state of public morals that would be alarming to the American patriot.

We are morally as well as legally obliged to pay the bonded debt of this country. The credit of the United States must be preserved at all hazards, because with nations, as with individuals, "a good name is more to be desired than riches," and we cannot sacrifice reputation and honor by sacrificing those who have trusted the Government.

We must meet these maturing bonds, and I think love of country and a due regard for the interest of the people require that we make arrangements to cancel them at the time their payment comes within the option of the Government or as soon thereafter as the surplus revenues of the country will permit.

This debt is now within our reach; it is payable, and I am opposed to placing it beyond our control for the next twenty years and postponing its final settlement for the next forty or fifty years. I am unchangeably opposed to making this debt a perpetual burden upon the tax-payers of this country, entailing upon this and coming generations obligations which can and should be discharged now.

There is no disguising the fact that this entire funding system, or rather this proposition to refund the public debt, looks to the perpetuity of that debt. There is a class of moneyed men in this country who long have manipulated the counsels of the nation, whose pecuniary gains and profits are to be subserved by the perpetuity of this immense funded debt. They have persuaded themselves that their individual interest, which is totally disconnected with the labor of the country, is the collective interest of our struggling, sweating, producing multitudes found in our factories, mines, workshops, and especially found on our farms throughout our widely extended country. These men, whose entire annual incomes are derived from interest on dead capital, capital which disappeared in our war expenditures, and which interest is now simply a drain upon labor, are attempting to perpetuate this drain by blinding the producing classes to the evils of a great national debt.

In perpetuating this debt they perpetuate the money power or the power of accumulated capital which now controls the politics, the prices of commodities, the wages of labor, the relative strength of sections, and every movement and enterprise which advances or re-

tards the growth and prosperity of the United States. This money power for the last few years has exerted an incalculable influence in this country. It has entered our political conventions, our legislative halls, dictated platforms for parties, disposed of our public securities, regulated the volume and character of our currency, and held a graduated scale of values over the productions and property of forty millions of American citizens. It is wrong to continue such a power in this country, to strengthen and confirm class rule where we should labor to equalize and elevate all classes. It is wrong to encourage and continue this great fount of evil until everything in this country is tinged with the aristocratic spirit—until all is privilege, proscription, monopoly, association, and corporation.

Debt is an unmeasured evil. To the individual it is an incubus, destroying all the springs of human happiness, all generous effort, making life's pathway hopeless, and exposing to temptations which drown men's souls in perdition.

National debt is equally or more destructive in its tendencies and pernicious in its effects—possibly with this difference, a national debt is a "society which is in debt to a part of itself," and the general result is, that a part of this society is impoverished to enrich the creditor part.

The interest on this national debt of ours is a continual drain upon the labor of the country, sapping the profits of our industries and blocking the educational and commercial enterprises of our people.

Since 1870 we have refunded to an amount which, at the reduced rates of interest, amounts to an annual drain for years of some \$60,000,000, and when the entire interest-bearing debt shall have been refunded in 4 per cent. bonds, we will have an annual interest charge of about \$72,000,000, and this reduced rate of interest will in forty years amount to \$2,880,000,000, and in fifty years, the time advocated by some members of Congress for these bonds to run, the interest will amount to \$3,500,000,000.

This immense sum of money is to come from the labor of this country, and that only to discharge the interest on a principal nearly two-thirds as large, which must also be finally canceled by the hard earnings of labor.

Now add this annual drain for interest to the estimated expenditures exclusive of the sinking fund and you have an annual expenditure of \$223,000,000, which amount multiplied by forty, the number of years contemplated by this refunding scheme, and you have the sum of \$8,920,000,000, and if multiplied by fifty, the time suggested by some, even at the rate of 3½ per cent. you have the incalculable sum of from ten to eleven billions of dollars to be extracted from the labor of this country within the time specified.

If there should be no war, no increased extravagance, no multiplied sinecures, no augmented appropriations, this is the amount which must be raised by taxation within the next fifty years and at the above-mentioned rate of interest—all this exclusive of the principal of the national debt.

We are told that the country will increase in wealth, and these figures should not alarm us. Macaulay, in defending the national debt and funding system of England, says of its opponents:

They made no allowance for the effect produced by the incessant progress of every experimental science and by the incessant efforts of every man to get on in life. They saw that the debt grew, and they forgot that other things grew as well as the debt. They greatly overrated the burden; they greatly underrated the strength by which the burden was to be borne.

Would it not have been well for this distinguished historian and men who sympathize in his views instead of speculating as to the weight and burden a nation can bear with progressing industries, to turn their attention to the possible removal of that weight and burden. Instead of testing the capacity of a country to bear taxation, rather seek to lessen and equalize taxation. The question in view of these startling figures just announced is not whether the United States can grow in wealth with this burden resting upon the shoulders of its laboring population, but rather how much faster would these States develop, what richer rewards would labor enjoy, and how much more equally would wealth be distributed.

What is taxation? The annual income of a government consists of the united produce of its agriculture, manufactures, and commerce. Taxes are a certain proportion of the annual income levied for the public service. In other words, they are a certain proportion of the income of the laborer, the farmer, the merchant, and manufacturer, abstracted for the use of the Government. The portion of income the different classes can appropriate to this purpose without creating national poverty and misery is limited. If taxation be carried beyond this limit, the necessities of life of the laboring classes will be abridged; the profits of trade and agriculture will be so far reduced that capital will diminish or cease to be employed or transferred to countries where it will be more productive. If the amount of money abstracted from our producing classes by taxation could remain in their hands, then the incomes of producers would be increased, the profits of the farmer, merchant, and manufacturer would be augmented, their capital increased, and the means of creating employment extended. Tax-paying is nothing more or less than the industrious giving a portion of their produce for the maintenance of government. In this case of refunding the national debt, it is compelling the industrious to give nearly eighty millions' worth of their produce per annum for the maintenance of the bondholders.

The continuance of the debt at this time means the perpetuity of

the debt. It has been boldly avowed by some of the advocates of this scheme that their object is to perpetuate this interest-bearing debt, as it would afford in this country a safe investment for the savings of the people. Where is the nation that ever adopted the funding system which has to any considerable extent ever diminished its public debt; which has not gone on increasing that debt; which has not on trivial occasions borrowed money and encouraged extravagance; which has not found therein an incentive to war and territorial aggrandizement, a stimulant for centralized powers and the curtailment of the liberties of the people?

In England, from the Conquest to the accession of Charles II there was no national debt. They paid their way. In the reign of William III the national debt commenced. England's distinguished statesmen had been attracted to the funding system by the example of Holland. "On the 15th of December, 1692, the House of Commons resolved itself into a committee of ways and means. Somers took the chair. Montague proposed to raise a million by way of loan; the proposition was approved, and it was ordered that a bill should be brought in. The details of the scheme were much discussed and modified; but the principle appears to have been popular with all parties. The moneyed men were glad to have a good opportunity of investing what they had hoarded. The landed men, hard-pressed by the load of taxation, were ready to consent to anything for the sake of *present ease*. On the 20th of January the bill was read a third time, carried up to the Lords by Somers, and passed by them without any amendment." By this memorable law new duties were imposed on beer and other liquors, and these additional taxes were mortgaged for the payment of the loan.

Thus the funding system or mortgaging of taxes was favorably considered and the debt has gone on increasing in the aggregate until in 1879 the debt of Great Britain and Ireland amounted to £730,000,000 and the debt of the whole empire was about £966,250,000.

The interest on the permanent debt of Great Britain and Ireland has during the present century amounted to more than *two thousand millions of pounds*. This coupled with the other annual expenditures has pushed taxation to its limits in that kingdom; has and is driving hundreds of thousands of its producing classes as emigrants to other countries; has for all time saddled upon the industries of England a moneyed aristocracy controlling its legislation, owning its real estate, its stocks, and consols.

The hope of paying this debt has long departed from the mind of every English laborer, and every English aristocrat is prepared with a plausible argument to show that a great national debt is a great national blessing.

These facts and inferences apply to all the European governments. Spain, with its national debt of £500,000,000, now bankrupt and prostrated; Austria owing £386,000,000; Italy, £400,000,000; Russia, an interest-bearing debt of £420,000,000. The practice of funding has gradually enfeebled every State which has adopted it, and I would inquire if it is likely that in the United States alone a practice which has brought either weakness or desolation into every other country should prove altogether innocent. Is it probable that the system of borrowing money and refunding for an almost indefinite time, which in all other countries has established a "money power" which has tyrannized over and enslaved the laboring classes, should discriminate in favor of this Federal Government? The continuance of this debt will for forty or fifty years longer divert that amount of capital from the productive industries of the country. We must increase our agricultural and manufactured products. We must multiply our markets. We must provide for an ever-growing population. We must enrich the finest domain that ever blessed a people. Let us not then lock up in non-productive bonds this immense capital.

The continuance of this debt will for forty years longer exempt this vast capital from State and municipal taxation, thus increasing the burdens of labor. To-day your farmer must pay an *ad valorem* tax to the State government upon his agricultural implements. That humble home where nestles the virtue, the patriotism, the strength, and glory of your Government is taxed, with all its surroundings; but your millionaire, who invests his fortune in your securities and never contributes a dollar to the wealth of the country, lives exempted from the necessity of supporting the State and municipal governments which protect his life and property.

To continue this debt is to continue for forty years longer the miserable revenue systems which now oppress our people. In addition to the tariff upon imported articles of consumption, which is oppressive in many of its details and should be modified, you lay your heavy hand upon our own industries, especially upon our agricultural industries, by taxing whisky and tobacco. To collect these unjust revenues you cover the country with a swarm of hungry officials who incite riot and strife, who frequently arrest the innocent and subject them to innumerable annoyances and heavy personal expense. These outrageous revenue laws can never be repealed so long as this national debt remains. We have labored diligently to reduce appropriations, and have succeeded in some measure, but with the single exception of the reduction of the tax on manufactured tobacco, where is the burden that has been lightened or the duty that has been remitted? I boldly assert that we cannot, to any considerable extent, reduce taxation. These burdens must continue, and the holders of these bonds, for whose benefit the tax is levied, will continue to impose it upon our agricultural industries.

This debt is a national irritant. It is a sectional irritant. It is not only held almost entirely in our great northern money centers, but it is a constant reminder of sectional war. Why did you wisely decide to strike from your flags the names of the battle-fields of the late war? Because they would remind us of strife and fraternal bloodshed. Because their continuance would tend to transmit to the next generation memories which should be buried with this generation.

We want no sectional irritant. We must have a union of hearts. We must be one in fact as we are in name. This sectional estrangement is blasting this beautiful land. Nature designed us to be an indivisible Union. We are linked together for all time, and to continue this sectional irritant now means that we intend to make it an hereditary irritant. Its continuance makes perpetual the national banking system. This banking system is founded upon this debt. The funding and banking systems mutually sustain each other; they are inseparable, and you cannot strike down the one until you cancel and discharge the other. These banks, as the embodiment of the money-power, have instigated all the measures of contraction of the currency which have crushed labor in this country. They are rapidly becoming in this Government the power which is greater than the Government. Their continuance means the continuance of a centralized money influence, which will spread more extensively from year to year its destructive agencies through all the political machinery of the Government, and which will in the end hazard, if it does not destroy, the liberties of the people.

In 1871, when refunding of the national debt commenced, these banks held nearly four hundred millions of the 5 and 6 per cent. bonds, and from that date to the present time they have held more than one-fifth of the interest-bearing debt of the United States. One of these banks in New York last year, by handling 4 per cent. bonds, is said to have paid 120 per cent. dividends and carried half a million to its surplus account. Here is their power. Here is their connection with this debt.

The Comptroller of the Currency says in his last report: "The credit of the Government is now such that it is not improbable that before the 4 per cent. bonds mature the present debt may be refunded into 3½ per cent. bonds." Here is the intimation that when thirty years elapse this debt must be continued indefinitely for the benefit of this moneyed corporation, or made perpetual, so as to fasten for all time upon our people this corrupting agency.

There is a provision in the present bill which intimates that this refunding scheme is looking to the continuance of this banking system. From and after the 1st day of July, 1880, the 3½ per cent. bonds authorized by the act are to be the only bonds receivable as security for national-bank circulation; that is, the bonds having the longest time to run and which, from their low rate of interest, will be least likely to excite popular objection. Reconcile the people to the system by the flattering unctious that they pay a low rate of interest to enable these corporations to coin fortunes; remove the prejudice against banks by removing opposition to a national debt!

The Comptroller also, quoting the language of a former Secretary of the Treasury, says, "these banks will be a firm anchorage to the Union of States." They can only anchor the States to a centralized aristocracy destructive of all liberty. These banks anchor the States to this Union! Yes, sir, like the piratical craft, with its black flag and heavy guns, bearing down upon a rich, unarmed East Indian, as soon as the Ishmaelite of the high seas comes within grappling distance of that rich freight the grappling-irons are fastened into its sides and it is held *firmly* until robbery, plunder, and spoliation have done their work, and then the despoiled ship is left to float away a helpless and worthless thing, the sport of wind and wave. So these banks will anchor the States to this Union; they will thrust their political and monetary influences into the sides of these States and hold them steady until their labor and productions, their lands and houses—all their wealth—become a sacrifice acceptable to this money power.

This national debt is Pandora's box, from which already proceed unnumbered evils, political and social, public and private, and these must increase in number as they multiply their power for mischief.

If refunding was necessary, of course I would support the measure which contemplates the lowest rate of interest. I have no doubt a bond of 3½ per cent. can be sold by the Government. The present premium upon the 4 per cent. bonds and the immense profits made by the national banks in disposing of them, and the great readiness with which the certificates were sold, all prove that a bond as provided for in the committee's bill can be sold at par. Even if that bond was made a five-forty bond instead of a twenty-forty bond, the supply would not equal the demand for safe and permanent securities.

But, sir, I am opposed to every description of an interest-bearing debt in this Government. An interest-bearing debt always takes the form of a permanent loan, and a permanent loan, I repeat, is nothing but a mortgage upon the wealth and industry of the country. It is the only form of indebtedness by which heavy and durable incumbrance can be laid upon the country.

It may be asked, what would the Government do in times of war or when sudden and unexpected emergencies demanded large and unprovided-for expenditures? I answer, I would meet those expenditures by using the *credit* of the Government, without interest. I would do as this Government did during the late civil war—meet the necessities of the Government by issuing legal-tender United States

notes. You sent your agents to Europe to sell your interest-bearing bonds and you received in payment therefor your own paper currency. You sold your bonds to the citizens of this country and received in payment your legal-tender notes. You met every demand upon the resources of the country with these notes. You paid your soldiers with these notes. You purchased your ordnance and commissary stores with these notes. You met your entire civil and military lists of expenditures with this paper currency. It was the promise of the Government to pay, without interest, that carried you successfully and triumphantly through the late war. That flag floats there above your head to-day the emblem of a great nation in response to the power of the *greenback*.

It was valuable because it was the pledged faith of the nation, and it was especially in demand because it was by act of Congress a legal tender for all dues both public and private. Your Supreme Court decided that it was a constitutional act which made these notes a legal tender, and I am persuaded that while it remains an incorruptible court it will never reverse that decision.

Whence comes this clamor against our paper currency, that Congress has no constitutional power in time of peace to recognize as a legal tender that which the Constitution permits and authorizes as such in times of war? Where is the constitutional authority for saying that Congress can make nothing but gold and silver a legal tender either in peace or war? States are prohibited from making "anything but gold and silver coin a tender in payment of debts;" but the Federal Government in all matters relating to finance is sovereign within constitutional limitations, and to "coin money and regulate the value thereof" is clearly one of its granted powers.

No, sir, it is the legal-tender character of the United States notes which keeps them at par with gold and silver; abrogate that character and the advocates of the proposition know that their wish to render them worthless becomes an accomplished fact; they know that it is equivalent to their retirement, that it is a practical contraction of the currency to the extent of \$346,000,000, a contraction which drives the laboring-man back to beggary, cripples all our industries, arrests all enterprise, and throws a cloud over the future of our country.

What did this Government gain by the creation of this enormous interest-bearing debt? For, as I have stated, the success of the Government was achieved by its paper currency, and not by its bonds. What benefits have accrued to the country? I answer, you have built up a moneyed class to feed and fatten on the laboring class. You have exposed the legislation of the country to the corrupting influences of this moneyed class. You have diverted millions of capital from the productive industries of the country, and converted that capital into a stationary and inactive investment fund. You have also established a banking system by these bonds which is ruinous to our industries through their power to expand or contract the volume of the currency.

You demonetized silver and made gold a single standard of values in response to the clamor of these bondholders, thereby bringing on a panic in our financial affairs which impoverished the world to the amount of unnumbered billions.

All this you have accomplished because you did not rely during the conduct of the war upon the *credit* of the Government *without interest*.

Having created this bonded debt, what shall we do with it? Pay it. When? Now as far as we are able, and the whole as soon and as rapidly as the resources of the Government will permit. In what kind of money will you pay this debt? In coin, as the law requires. How?

First. By cutting off all unnecessary expenditures of the Government. We must never forget that it is the excess of revenue above expenditure which is the only real sinking fund by which public debts can be discharged. The increase of the revenues and the diminution of expenses are the only means by which this sinking fund can be enlarged. We must remember that the payment of a great debt like this implies self-denial, retrenchment, and economy. Extravagant salaries must be reduced; sinecure positions must be abolished; the swarm of idle officials about these two Houses of Congress must be put to work or sent home. The multitudes which crowd the Government Departments must be taught that more work and less pay are the requirements of the future. We must have no more roving commissions, no more itinerant committees for investigation, which committees are frequently created to provide for clerks, messengers, reporters, and traveling expenses for pleasure-seekers. We must have no more subsidies; no more arrearages of pensions or bills for the equalization of bounties. Economy must be practiced everywhere, until this mortgage upon the income of the Government is satisfied.

Second. By the unlimited coinage of standard silver dollars. The Director of the Mint reports that the total production of the precious metals in this country for the year 1879 was \$79,712,000, of which \$38,900,000 was gold and \$40,812,000 silver. He also says that on the 31st of last October there was in the country coin and bullion to the amount of \$481,691,069, of which only \$126,009,537 was silver. He also says that by the 30th of next June the metallic circulation of this country will have swollen to over \$600,000,000.

Now, I submit that a country producing this vast metallic treasure every year, and with mines which promise to be inexhaustible for generations to come, should find no difficulty in discharging at ma-

turity a debt of \$782,000,000 in coin. The great obstacle is not a scarcity of the precious metals, but an unwillingness on the part of the Government, moved and instigated by the money power, to recognize silver on a debt-paying equality with gold.

The remonetization of silver has been a wonderful factor in the revival of business throughout the country. Conjoined with the large influx of gold from Europe, it has sent joy and gladness throughout the land. It has brightened homes which were enshrouded in darkness. It has lifted some of our industries out of the "slough of despond," and started the whole nation once more in the race for wealth and power.

Did I not hear it asserted on this floor during the Forty-fourth Congress that if silver was remonetized all the gold in the country would be driven out by the baser metal, silver? But the very moment you *retouched and revived* the old coin, like a magnet of immense attractive power it drew gold from the four quarters of the earth, and emptied it in your coffers. Did I not hear it asserted that if you remonetized silver that your bonds would come back from Europe, and the credit of the Government would sink below par? But the moment the dollar of "our fathers" was rescued from the grave where the bondholders had buried it, your bonds advanced in price, and the four percents could not supply the demands in Europe and the United States. False prophets! How can they have the effrontery to croak their evil predictions now that honest men are asking for the unlimited coinage of silver? We are told by these croakers that the free coinage of silver would soon reduce its current value to its bullion value, and thus establish a single silver standard, and that to prevent this it is necessary for the Government to hold in its vaults the great body of silver coin.

Now, I submit that it is the *debt-paying* value of silver which constitutes its current or money value and not its commercial value which will keep it on an equality with gold. So long as the law-making power of the United States decrees that a silver dollar of 412½ grains is equivalent to the gold dollar in discharging a debt of one hundred cents, so long will this dollar of the Constitution, this dollar of "our fathers," be on an equality with gold. Then coin it to the extent of your mint capacity. Then, if necessary, increase your mint capacity so that all the silver bullion which can be purchased by the Government may be converted into coin by which we can cancel our national indebtedness. There never was a greater fraud perpetrated upon the productive classes of any country than the demonetization of silver by the American Congress, and I hope and believe that by its complete restoration to the position assigned it in the Constitution the silver dollar will yet be the great coin which will free us from debt, elevate and enrich our laboring classes, and make our vast territory the happy and prosperous home of millions of freemen. Why should we wait for an international agreement on a common ratio between gold and silver? Why should we wait for all countries to establish a bimetallic money when our commercial and agricultural resources not only authorize and capacitate us to be a "law unto ourselves," but in some measure to dictate financial laws to the civilized world. I repeat, coin this silver in unlimited quantities, and for every \$10 or the multiple thereof thus coined issue your certificate, and therewith pay this debt, or if the bondholder prefers it, let him have the coin represented by this certificate. Then require the Secretary of the Treasury to exchange legal-tender notes for silver bullion so long as it can be purchased at or below par. I am willing to admit that resumption of specie payments is nominally a success and we must maintain it. The country is pleased with the fallacious thought that we have a convertible currency, and we must not interfere with the pleasing reflection. But since resumption commenced one year ago we are informed by the Secretary of the Treasury that only \$11,256,678 of United States notes have been presented for redemption. The people care nothing for specie; they would rather have the simple promise of the Government to pay than to be weighted down with gold and silver. But we must sustain this nominal resumption; preserve this equality, this imaginary convertibility; and so long as bullion can be purchased at par with legal-tender notes so long is the equality of the two maintained, and resumption of specie payments is a successful experiment.

Again, let the Secretary of the Treasury be required to use the surplus gold and silver coin now accumulated in the Treasury and that which may hereafter accumulate there for the purchase of these bonds. We are informed that at this time there is gold and silver coin and bullion in the United States Treasury to the amount of \$225,133,558. Of this sum let 25 per cent. of the outstanding legal-tenders, or \$56,000,000, remain in the Treasury for redemption purposes, and that will enable us at this time to apply \$139,000,000 of this specie toward the cancellation of this funded debt. We are told that specie to the amount of 40 per cent. of the United States notes must be retained for the redemption of those notes; but I submit that, in view of the fact that only about eleven millions were needed during the last twelve months for redemption, there is no probability that a run will be made upon the Treasury for many generations to come to the amount of 25 per cent. of our legal-tenders. No, sir, there should not be an idle dollar or a surplus dollar in the Treasury of the United States. An idle dollar in a free, representative government is worse than an idle brain; surplus money there is worse than a thousand inactive hands. It becomes a "corruption fund" capable of incalculable mischief, and besides is a tangible demonstration of oppression

and fraud on the part of the Government toward the tax-payers. Hoarding gold and silver when we owe \$1,996,414,905 and paid interest last year to the amount of \$101,453,118!

I assert, sir, that this maturing debt can all be discharged within the next ten years. The great increase of our revenues over the estimates, as submitted by the Secretary, and the probability that they will continue to increase as the country grows under the present prosperity, authorizes us to assert that from the excess of revenues over our expenditures under an economical administration of the Government we can cancel this debt without increasing taxation or without inflation of our paper currency beyond an equality with gold and silver.

Instead of reducing interest only 1 and 2 per cent., which is valuable and desirable, and making that a plausible excuse for perpetuating this debt, I desire to wipe out all this interest, amounting on these maturing bonds to over \$40,000,000 per annum, and apply the money thus saved to the extinguishment of the remaining portion of the national debt. Thus within the next quarter of a century the present generation can settle its own accounts, adjust and balance its books, and transmit this splendid estate of liberty and wealth, of power and intelligence, unencumbered to its posterity.

The dream of ancient empire never conceived the power and glory of such a government as this. Cyrus, Alexander, and Augustus Caesar are all dwarfed when their thrones are compared with this heritage of popular liberty. Modern European nations, with their dismembered territory, their distant provinces, their vast standing armies, their pauper population, their intolerable burdens, their effete political systems, their fully developed resources, having no future, they all, separately and collectively, shrink beside this last western home of civilization. Like the sun coming out from his eastern chambers and prepared in strength and beauty to run his race, so this country is preparing for its future. We have only witnessed the dews and clouds of its morning hours. We are upon the threshold of the inner temple. Our posterity are to reap the promised rewards. Let us labor for those who are to come after us, and as money is one of the grand agencies in building and garnishing this home of unborn millions, let us take the capital now invested in these bonds and put it to work among the people in mines, in factories, in workshops, in railroads, in ships, in grain and cotton fields, in schools and colleges, in all the thoroughfares of business, and thus make our country all that enlightened statesmanship could suggest, all that an intelligent patriotism could seek after or desire.

Mr. FRYE. While following to-day immediately the gentleman from Georgia, [Mr. FELTON,] it is not for the purpose of undertaking to reply to his argument. There are many things in the very able speech which he has just made that excite my earnest commendation. I congratulate him upon his fidelity to governmental integrity, upon his eloquence, and able recognition of the fact that a nation must be a nation of integrity if it expects its public men to be men of integrity. I congratulate the gentleman from Georgia also that he is almost although not altogether a hard-money man. I congratulate him, too, that he is almost persuaded to be a republican, although not quite.

I purpose rather to reply, to a certain extent, to the able speech of the distinguished chairman of the Committee on Ways and Means, [Mr. FERNANDO WOOD,] delivered in this House a few days since. I do not join issue with the gentleman's argument so far as it is strictly confined to the pending bill. I recognize him as the leader of that side of the House, as the chairman of the Committee on Ways and Means. I recognize him, too, as a hard-money democrat, a very remarkable species in modern days; but I also recognize the fact that while his speech was sound almost entirely, yet he found it absolutely necessary, as a democrat and the leader of that side of the House, to scatter through it democratic poison.

I do not join issue with the gentleman from New York on the bill which, under the instructions of the Committee on Ways and Means, he has reported to this House so far as its main features are concerned. In the proposition to issue a 3½ per cent. bond, payable in twenty years, I concur with the majority of the committee.

I was originally in favor of the first proposition of the gentleman from New York [Mr. FERNANDO WOOD] to issue a 3½ per cent. bond, payable in fifty years. I believe that a bond like that would be eagerly sought as a means of making permanent investment of idle capital, and that it could be floated easily at par. The whole amount to be invested would not be over \$500,000,000, and the payment of that amount, it seems to me, might well and reasonably be postponed even to the extent of fifty years. But we were overruled by the committee, and for reasons which the gentleman from Georgia has, to a certain extent, given to this House to-day.

Many gentlemen on the committee are opposed to perpetuating, as they call it, the debt of the United States; opposed to binding upon the people a burden which will last for fifty years. They drew vivid, beautiful, and refreshing pictures of the magnificent prosperity of our country, of the humming wheels of industry, of the busy men and women, of the great iron and steel works, of expanding railroads and so on, assuring us that with this superabundant prosperity, within less than thirty years, the whole debt would inevitably be paid.

I believe that the picture of prosperity which they drew is undoubtedly a true one. And, oh! it is refreshing to see certain gentlemen drawing these beautiful pictures of the country under resumption, who painted such horrible daubs of dismay, destruction, despair, and

death but a month or six weeks before resumption took place, prophetic of what was to happen if there ever should be such a thing in fact as resumption. I recognize with joy this renewed prosperity of the country; I am glad to see it back again; I hope it will stay. But does history justify any such sanguine predictions? What do these gentlemen think? Do they suppose that the balance of trade will be in our favor for thirty successive years? Does the gentleman from Georgia [Mr. FELTON] suppose that there is to be an Irish famine every year for thirty years? Does he suppose that there are to be short crops in Europe for thirty years? Does he suppose that God will smile upon this country, and give us abounding crops every year for thirty years? Does he suppose that there are to be no panics, no business depressions, no hard times within the next thirty years? Does he suppose that even if prosperity lasts there are to be no extraordinary expenditures in this great Republic induced by this good fortune? Are there to be no wars and no rumors of wars?

Is the old ship of state to enjoy calm seas and favorable winds? Are there to be no rocks, no lee shores, and no tempests?

It seems to me that history warrants no such conclusion, and I believe that in fifty years from to-day, whether we continue prosperous or not, we shall find that it would have been a safe thing to have funded five hundred millions of our present debt at 3½ per cent. interest. Yet, yielding to the gentlemen on the committee, I gave up that proposition, and submitted to and voted for the one contained in the pending bill. Yet the gentleman from Georgia says that the bill ought not to be passed. Why not? Because the rate of interest is too high? No; he agrees that the rate of interest, 3½ per cent., is right. But he contends the bill ought not to be passed because we ought not to postpone the payment of this debt twenty years. Why, Mr. Chairman, are we to pay this debt in twenty years? Is it possible for us to pay it in twenty years, and relieve the people from burdens which the gentleman from Georgia so earnestly prays they may be relieved from? No man hopes for that unless you resort to that crazy scheme of setting the printing-presses to work and paying the debt in irredeemable paper money.

Mr. KELLEY. Will the gentleman pardon a brief question? Are we not now paying the debt at a rate which would extinguish it in a great deal less than twenty years, and without "setting the printing-presses to work?"

Mr. WARNER. In less than ten years.

Mr. KELLEY. Less than twenty years, I put it.

Mr. FRYE. The gentleman from New York [Mr. FERNANDO WOOD] in his carefully prepared speech says, that during the period from 1875 to 1879, inclusive, we have increased the debt. If that is true, I ask how long it will take to pay the national debt?

Mr. KELLEY. That is not an answer to my question. I aver that at the rate at which we have paid that debt in this fiscal year, when people are not especially complaining of heavy taxation, it will disappear in fifteen years.

Mr. FRYE. Mr. Chairman, I have no doubt it is true that if the rate at which we have been paying the public debt within the last six months should be continued for twenty years, it will pay the debt. But is there a man on this earth so crazy as to believe that the prosperity of the last six months is to last for twenty years?

Mr. KELLEY. Will not the payments of this fiscal year diminish the permanent interest fund more than \$3,000,000 and give us that amount of money with which to buy bonds next year?

Mr. FRYE. But does not the gentleman know that already the balance of trade is changing? Is the famine to last next year? Are the short crops in Europe to continue?

Mr. KELLEY rose.

Mr. FRYE. I am not putting these questions to the gentleman.

Mr. KELLEY. I thought you were. I rose to answer them.

Mr. FRYE. As I am progressing in my speech I am answering very much that I have heard the gentleman say heretofore. I like the sanguine spirit of the gentleman. He has received new light within the last year and a half; and it is a glorious light; it makes his face shine now like that of an angel though a year and a half ago in the light of approaching resumption it looked like that of the devil. [Laughter.]

Mr. KELLEY. Because all my prophecies have been confirmed. With the stoppage of the cancellation of greenbacks and the remonetization of silver the period of depression is ended and our prosperity has made a "boom" throughout the world. The greenbackers and the silver men have redeemed the country. [Applause.]

Mr. BUTTERWORTH. Have they increased the number of bushels of corn to the acre or the number of potatoes to the hill?

Mr. FRYE. Mr. Speaker, I am inclined to think I will not undertake now to reply to the gentleman from Pennsylvania. The gentleman from Georgia, as I was saying, insists that this debt must be paid before; that you must not put off the payment for twenty years. He forgets that ten years from now we have bonds becoming redeemable, which we can take care of with our surplus revenue until the twenty-year bonds become redeemable; and it will occupy our full time and the full extent of our resources to do this.

But, Mr. Chairman, it seems to me there is another proposition in this bill which ought to be amended. I believe an original proposition of mine was that there should be provided a short bond with which to bridge over the ten years between now and the time when the 4½ per cent. bonds are redeemable. That proposition commended

itself to the committee; and this bill provides for a short bond to take care of about \$250,000,000. This is a short bond redeemable after two years. The rate of interest which it seemed to me this bond should bear was 4 per cent. Why 4 per cent. when the other bonds are to bear 3½ per cent? Because it is well known to all financiers, I believe—it is argued by them all, at any rate—that a long bond at 3½ per cent. is better than a short bond at the same rate of interest. I think the gentleman from New York recognizes this principle of finance in his speech which I have before me.

Now, sir, if we could sell a 3½ per cent. twenty-year bond at par and no more, can we sell for refunding purposes a 3½ per cent. two-year bond? I believe not; I am afraid not; and therefore I would desire to see that short bond amended and made a 3.65 or 4 per cent. Another thing, Mr. Speaker. Our bill, as I believe it is reported to the House, restricts the Secretary of the Treasury to exchanging these bonds. I believe that ought not to be. I believe it will absolutely prevent his success in refunding with these short bonds at any rate, and he ought by an amendment to the bill to have the right to sell and buy others with the proceeds of the sale.

Mr. CARLISLE. Will the gentleman allow me to correct him on that point?

Mr. FRYE. Yes, sir.

Mr. CARLISLE. According to my construction of this bill the Secretary of the Treasury will not be permitted to sell any of these bonds for money before the maturity of the outstanding bonds which are to be refunded, but during that time can only exchange on certain terms specified in the bill. But after the maturity of the outstanding bonds he can sell these bonds for money, and with that money redeem the matured bonds.

Mr. FRYE. I may be wrong, but my recollection is that he is only authorized to exchange. If the gentleman is correct, it still seems to me that he ought to be empowered to sell and anticipate the time when they would become redeemable.

Mr. CARLISLE. I will not interrupt the gentleman further.

Mr. FRYE. In other particulars I do not know that I have any disagreement with the Committee on Ways and Means in relation to this bill which has been reported. I shall vote for the bill; I shall vote for it in the belief that it will prove a success, and that the bonds within the coming two years will be refunded at this low rate of interest.

And, sir, I believe this country in the next one hundred years will not see a time when the rate of interest will be lower than 3½ per cent. There is, sir, a "hard-pan" in interest as well as in everything else, and I believe when we struck 3½ per cent. we struck that "hard-pan." I am aware, sir, that England puts its consols upon the market bearing 3 per cent. interest, but I am not aware they ever sold one of them at par except one single issue of a very small amount, and I believe the interest to-day costs England at least 3½ per cent. I am aware that France put upon the market 3 per cent. bonds, but I am equally aware they sold down to sixty cents on the dollar, and that the average rate of interest to-day is at least 5 per cent. on French bonds, counting the discount. We can improve on France, but I shall be entirely content if in this matter of interest we stand side by side with England.

I desire now, Mr. Speaker, especially to call attention to portions of the speech—and it is an exceedingly able one—of the gentleman from New York [Mr. FERNANDO WOOD] where I do join issue with him. On page 6 of his printed speech, which I have before me, he gives a table showing the amount of unmatured interest-bearing bonds outstanding; and then, right at the bottom of the table he says:

The total debt, less cash in the Treasury, on January 1, 1880, was \$2,011,798,504.

Then he adds, and I want these words to be marked:

It will be seen that there has been no reduction of the debt in the past five years, both the debt and the interest charge having been increased; this has not been caused by any extraordinary demands upon the Treasury.

Again, further down:

But, from erroneous policy or some other cause, the national obligations have been increased, although the rate of taxation has been rigidly adhered to.

Now, what does the gentleman from New York mean by that? Does he mean a play upon the words "debt" and "bonded debt"? Does he mean that the people of this country shall be deceived by that play upon words.

Mr. FERNANDO WOOD. Does the gentleman desire an answer at this time?

Mr. FRYE. I do not. Does not the gentleman know that the debt of the country has been decreased every year since 1866—that there is not one single year the debt has not been decreased? There may have been times when the bonded debt of the country has been increased. I admit it. How could you sell \$95,000,000 of bonds for resumption purpose without increasing the bonded debt? But your money drawn from them was in the Treasury of the United States, and your net debt was no more.

He does not say the bonded debt of the country has increased, but "the debt of the country has increased within the last five years." I have received four letters within a week from my district, asking whether it was true, as the gentleman from New York stated, that the debt of the United States has been increased during the last five years, that is, from 1875 to 1879. Why, Mr. Speaker, I said a moment ago that the debt has been decreased every year since we started

upon its payment, and I will print the table in my speech, taken directly from the Secretary's books, conclusively showing this:

Statement showing the amount of the principal of the public debt, (exclusive of accrued interest,) less cash in the Treasury, from its highest point, August 31, 1865, to March 1, 1880; with the annual reduction thereon.

Date.	Amount.	Reduction.
August 31, 1865.....	\$2,756,431,571 43	.....
June 30, 1866.....	2,636,036,163 84	\$120,395,407 59
June 30, 1867.....	2,508,151,211 69	127,884,952 15
June 30, 1868.....	2,480,853,413 23	27,297,798 46
June 30, 1869.....	2,432,771,873 09	48,081,540 14
June 30, 1870.....	2,331,169,956 21	101,601,916 88
June 30, 1871.....	2,246,994,068 67	84,175,887 54
June 30, 1872.....	2,149,780,530 35	97,213,538 32
June 30, 1873.....	2,105,462,060 75	44,318,469 60
June 30, 1874.....	2,104,149,153 69	1,312,907 06
June 30, 1875.....	2,090,041,170 13	14,107,983 56
June 30, 1876.....	2,060,925,340 25	29,115,829 88
June 30, 1877.....	2,019,275,431 37	41,649,908 88
June 30, 1878.....	1,999,382,280 45	19,893,150 92
June 30, 1879.....	1,996,414,905 03	2,967,375 42
March 1, 1880.....	1,977,995,433 81	18,419,471 22
Total.....	.....	778,436,137 62

Reference to this table shows that there has been a reduction from 1875 to 1879, inclusive, and these are the years referred to by the gentleman from New York. There has been a decrease of \$93,626,265, up to March 1, 1880, from the date the gentleman named, 1875, and up to February 1, of \$112,045,737.

Again he says in the same statement "there have been no extraordinary expenditures during that time." I say to the gentleman from New York that there have been extraordinary expenditures, and I give here a table showing that there have been about \$19,000,000 of extraordinary expenditures during that time covered by his statement:

Extraordinary expenses during the fiscal years from 1875 to 1879, inclusive.

1875:	
Awards to British claimants.....	\$1,929,819 00
Payment of interest on 3.65 bonds of District of Columbia.....	154,554 64
Payment of indebtedness of District of Columbia.....	1,300,000 00
Home for Disabled Volunteer Soldiers.....	911,505 12
Persons suffering from overflow of the Mississippi River.....	160,034 33
Persons suffering from the ravages of the grasshoppers.....	141,947 36
Observation of the transit of Venus.....	70,964 43
Special distribution of seeds to sufferers from grasshopper ravages.....	30,000 00
1876:	
Payment of interest on 3.65 bonds of District of Columbia.....	212,945 36
1877:	
Western and Atlantic Railroad of Georgia.....	199,038 58
Payment of interest on 3.65 bonds of District of Columbia.....	501,649 61
1878:	
Tribunal of arbitration at Geneva.....	47,446 16
Payment of interest on 3.65 bonds of District of Columbia.....	501,607 63
1879:	
International bimetallic commission.....	37,067 99
International exhibition at Paris.....	50,027 31
Awards under convention between the United States and Peru.....	150,397 35
Awards to Great Britain by the Fisheries Commission.....	5,500,000 00
Arrears of pensions.....	5,373,000 00
Sinking fund of Pacific railroads.....	328,078 21
Completion of Washington Monument.....	50,983 07
Education of the blind.....	250,000 00
Redemption of District of Columbia securities.....	342,714 73
Total.....	18,243,780 78

Now, I believe the people of this country are entitled to the facts. They are not to be bothered or deluded with this "debt and bonded debt," this play upon words, this trifling with terms. A debt is a debt whether it is "bonded" or "unbonded;" and the debt of the country is precisely as I now have stated it.

Again, I wish to call the attention of the country to page 8 of the gentleman's speech, where he thinks the Secretary of the Treasury is considerably confused about the amount of bonds sold for resumption purposes. He gives a table showing the amount sold and cost of the same and the interest of the same, making the whole interest and the cost a certain sum; and on page 9, where he sums up his remarkable conclusions, "there has been \$6,000,000 of the legal-tenders redeemed"—the gentleman from Georgia [Mr. FELTON] says \$11,500,000—"which it has cost \$13,408,744 to redeem. This was an expensive operation."

I am exceedingly surprised that so distinguished a gentleman as the leader of the democratic side and chairman of the Committee on Ways and Means should permit that to go out to this country as a statement of facts. "Six millions of legal-tenders have been redeemed at a cost of thirteen and a half millions of dollars." Then, says the gentleman, "Is not this an expensive operation?" Why, the gentleman further on in his speech says "resumption is a fixed fact." Further on he says "resumption was a necessity." Further on he finds himself "entirely in accord" with resumption. Further on he says that "no man wants gold." Why? "Because he knows he can get it." Ah, there is the secret. I say to the gentleman from New York if it cost \$13,000,000 to redeem \$6,000,000 the moment men knew that they could get it they did not present their bills for redemption

because the bills were better than the gold and more convenient for their purposes. But suppose that there had been only \$13,000,000 in gold in the Treasury for redemption purposes, does he suppose it would have cost only \$13,000,000 to redeem \$6,000,000? Why the thirteen millions would have been drawn in a single day. Every man would have wanted gold, because it was not.

Why, sir, that \$13,000,000 has brought to this country the magnificent condition and the extraordinary prosperity of to-day. That is what resumption has accomplished. That \$13,000,000 has made the greenback of the country receivable at par in every great commercial center in all the wide world. That has brought about to a large extent the present financial standing of the country at home and abroad. That \$13,000,000 has brought about this equalization between gold and silver, national bank notes, and greenbacks. And is it a heavy price to pay? Does the gentleman think it has cost too much? Is he willing to concede that all the magnificent prosperity of this country which has resulted from this has cost too dearly?

Mr. WARNER. Will the gentleman allow me to ask him a question?

Mr. FRYE. I cannot yield for a question now.

Mr. WARNER. I would simply like to ask the gentleman if this is the whole cost of resumption, this \$13,000,000?

Mr. FRYE. That is what the gentleman from New York gave to be the cost up to the present time, including interests and all. He states the costs and says "the Secretary is confused," and that as a matter of fact over \$105,000,000 of bonds were sold for resumption purposes. I point him to page 74 of the Finance Report of 1879. Then I ask him to take the provisions of the first section of the resumption act, and what does he find? He finds that the Department is required to coin, as soon as practicable, small silver for the redemption of fractional notes; and having no surplus revenues with which to buy the silver, there were sold at once 5 per cent. bonds in the amount of \$15,215,500. In 1876 an additional amount of \$2,278,650 was sold, making in all \$17,494,150. Subsequently there were sold to accumulate coin for the redemption of United States notes, of 4½ per cent. bonds \$65,000,000, and of 4 per cent. bonds \$30,500,000, including \$5,500,000 rendered necessary by the depletion of cash in the Treasury on account of payment of the Halifax award. This would make the amount of bonds sold under the resumption act \$112,994,150; but of the amount sold for coin with which to redeem the legal-tender notes there were but \$95,500,000, and of this \$5,500,000 was made necessary by the Halifax award payment, as before stated, a mistake of only ten millions of dollars made by the chairman of the Ways and Means Committee!

I wish to call the attention of the House to another point made by the gentleman. He says:

For the purpose of strengthening the public credit at the commencement of the war and giving confidence to those who were disposed to become Government creditors, a so-called "sinking fund" was established, which was immediately disregarded, even by those who had created it, and which has been irregularly complied with since.

That is in the letter true; in the spirit, not so. The payments on the debt have met the requirements of this sinking fund and exceeded them by \$300,000,000. The amount of the sinking fund January 1, 1880, computed with reinvestment at 6 per cent. per annum upon the total of the debt since January 1, 1866, would be \$472,243,621, while the amount actually paid on the debt is nearly \$800,000,000. Now, if that is not a compliance with the requirements of the sinking fund in spirit, and more, too, then I do not understand what compliance may be.

Again—now for a little of the gentleman's democratic poison—he says:

The Finance Report of 1865 states that the average interest on \$1,725,000,000 of the debt was 6.62 per cent. The management of the public debt from that period has not been the best that could have been devised.

That may be. I am inclined to think that an omnipotent power perhaps might have devised a better way. But hear the conclusion:

There has not been a stable policy founded on principles of enlightened statesmanship.

And yet in the same speech, coming from the Committee on Ways and Means, with a full chance of the completest investigation, the gentleman says:

It is evident that the United States has far greater natural resources to meet its obligations than Great Britain or any other nation.

And that, too, notwithstanding four years of the most dreadful war that ever visited any land on this earth and a debt in 1865 of almost \$3,000,000,000, and no "stable," "enlightened" policy financially. And the gentleman further says:

She stands even now in the beginning of her national existence as the creditor nation of the world. All that is necessary to maintain supremacy is wisdom, caution, and good faith.

What a position to be attained to by this young Republic, which, according to the gentleman, has had no stable and enlightened financial policy. Again:

Our credit is firmly established on the best basis. It is recognized and admitted by timid and conservative investors in public funds who hazard nothing at any time and under no inducements.

Again:

The rate of 3½ per cent., which is proposed, is a conservative proposition. As to its feasibility of successful accomplishment I have no doubt.

And yet that has been accomplished without any stable or enlightened financial policy on the part of this Government!

Why, Mr. Speaker, I cannot allow this opportunity to pass without calling the attention of the gentleman from New York and the country to our marvelous financial history of the last twenty years; nor without claiming that a success unparalleled in the world's experience is largely due to the patriotism, fidelity, and steadfastness of the republican party. Like a rock it has stood firmly against the waves of folly, inflation, and repudiation, saving from their overflow the financial integrity of the nation.

What does the record show? During the last democratic administration, under the act of December, 1860, Treasury notes were issued and sold to the amount of \$10,010,900, at a rate of interest from 6 to 12 per cent., nearly five millions of them at 12 per cent. Other offers were received ranging from 15 to 36 per cent., and refused. Under the act of February, 1861, a loan of twenty-five millions of United States sixes, on twenty years' time, was offered, about eighteen and a half millions sold at a fraction over eighty-nine cents on the dollar, and the balance withdrawn.

"So low had the credit of the Government fallen that the Secretary of the Treasury, in January, 1861, suggested to Congress, as a financial resource, that the several States be asked, as security for the repayment of any money the Government might find it necessary to borrow, to pledge the deposits received by them from the Government under the act for the distribution of the surplus revenues in 1836; the Secretary believing that a loan contracted on such a basis of security, superadding to the plighted faith of the United States that of the individual States, could hardly fail to be acceptable to capitalists."

Before March, 1861, seven States had seceded; a confederate government had organized; their president and vice-president had been elected; their congress had convened; an army had been raised; General Twiggs had surrendered United States troops in Texas; and a democratic President of the United States had impotently yielded, by the declaration that under our Constitution there was no power in Congress or elsewhere to coerce a seceded State. March 4, 1861, the republican party came into possession. Into possession of what? Of a disorganized, dismembered Republic, with its forts, arsenals, navy-yards, soldiers, mints, custom-houses, and post-offices, seized by an enemy, without any efficient army, with its little navy scattered to the four corners of the earth, and with this bankrupt Treasury. But it was equal to the occasion. It raised a mighty army; equipped, supplied, and kept it in the field for four years; built and manned a navy great enough to blockade the whole southern coast.

During the war it expended more than \$4,000,000,000 obtained by taxing a willing people and borrowing from a cautious public. In 1862 unpaid soldiers in the field and unpaid requisitions on the table of the Secretary of the Treasury compelled it to resort to the dangerous expedient of issuing legal-tender notes. Then followed the acts of February and July, 1862, and of March, 1863, providing for the issue of four hundred and fifty millions of the well-known "greenbacks." Rapid depreciation followed, and the greater the depreciation the greater the necessity for more. What should be done? There was a beaten path trodden by the world before. It was easy to take that, and the temptation was fearful to set again the printing presses at work and make the money so much required. But the republican party, with a sagacity such as the world had never seen before and a courage no nation or party had ever manifested, stopped, called a halt, and enacted into law its solemn declaration—

Nor shall the total amount of United States notes issued or to be issued ever exceed \$400,000,000, and such additional sum, not exceeding \$50,000,000, as may be temporarily required for the redemption of the temporary loan.

This declaration, made in the midst of distress, necessity, and almost overwhelming temptation, was the citadel of the financial integrity of the Republic, and the assaults upon it have been frequent and fierce. There have been foes without always, sometimes weak friends within. The democratic party, denouncing the issue of these notes when they were necessary to save the life of the nation, with a strange inconsistency has clamored at its gates for more when peace had been secured and safety made certain. An army of greenbackers, with banners, has assailed it. With ranks recruited from weak, vacillating, and disappointed republicans, swollen to respectability in numbers by the unprincipled followers of a false light called democracy, it has made assault after assault. At one time there was weakness within the walls, and timid counsels threatened its overthrow, but shortly weakness succumbed to strength and timidity gave way before courage. Every assault from without has been repelled, every danger from within averted, and the financial integrity of the country has been preserved. The danger has passed, and now even a time-serving democracy shouts vigorously for hard money—so vigorously that the gentleman from Iowa [Mr. WEAVER] charges it with treachery, and threatens its destruction.

The "greenback" worth almost as much as gold the day it was first issued, gradually sinking in value until it fell to thirty-eight cents on a dollar, through the fidelity, sagacity, and courage of the republican party has appreciated until to-day it is receivable at par with gold in every great commercial center of the world. This achievement is without a parallel in history. Fearful of the effect upon our credit of the issue of paper money with no provision for its redemption, the light of experience disclosing only repudiation in

the end, the republican party in Congress, February 22, 1862, wisely enacted what is now section 3694 of the Revised Statutes:

SEC. 3694. The coin paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct.

Third. The residue to be paid into the Treasury.

This was virtually a promise to pay interest on our bonds in coin, and to provide for the gradual extinction of the principal in the same. This law, wise and healthy as it was, has met with a like experience to that of the limitation upon the issue of legal-tender notes. It has been reviled, execrated, and fiercely denounced. Piteous appeals have been made in behalf of the greenback, "the savior of our liberties;" charges hurled at us that we have dishonored them by refusing ourselves to receive them for customs dues; specious pleas entered in every hamlet in the land that we, with the same hand that scattered them abroad, branded them with disgrace; anathemas proclaimed from every platform against us as the father who sends his own child into the world and stamps upon his brow the infamy of illegitimacy.

Legislative attempts to destroy the validity of this statute have been frequent, by requiring the receipt of legal-tender notes for customs dues, by authorizing the payment of interest on the public debt in the same, by an unlimited issue of irredeemable paper money for the payment of both principal and interest of the debt, by every strange scheme that could emanate from the disordered brains of crazy men. They seemed to forget or recklessly to ignore the fact that this law was a vital part of every such contract entered into by our Government after its enactment; that a disregard of its provisions would be *bold* and disgraceful repudiation. The republican party never forgot, but earnestly and persistently stood by the law, maintained through good report and ill report, through prosperity and adversity, through flush times and through panics, that the financial integrity of the nation should be preserved, that its contracts should be kept, that its promises should be redeemed in both letter and spirit. Its success is evidenced by section 3694, in our Revised Statutes, the law enacted in 1862, not an *i* dotted nor a *t* crossed, changed, or modified; in no respect other than it may be held to be modified by the resumption act.

The repeal of this law during the war would have destroyed our credit and given success to the enemies of the Government. Its repeal or essential modification since the war would have dishonored us in the eyes of the world and made our vast expenditure of blood and money a mere wicked waste. Thanks to an overruling Providence, to the patriotism of our people, to the valor of our soldiers, and to the sagacity of our statesmen, the war ended, peace was restored, and the Republic preserved. Then we at once looked to our financial condition. The war had been long, its demands upon the energies and resources of the people fearful, the expenditures enormous, the strain upon the public credit terrible. We balanced the books and found, August 31, 1865, our debt as follows:

Four percents.....	\$618,127 98
Five percents.....	269,175,727 65
Six percents.....	1,291,736,439 33
Seven and three-tenths percents.....	830,000,000 00
	\$2,381,530,294 96
Debt not bearing interest.....	463,119,331 60
Total.....	2,844,649,626 56
Less cash in the Treasury.....	88,218,055 13
Net debt.....	2,756,431,571 43

Annual interest charge..... 150,977,697 87

This was the highest point of indebtedness reached, and was a sum total, well calculated to dismay the people and seriously disturb our creditors.

To give courage to the former and restore confidence to the latter was the first problem to be solved. The republican party determined to accomplish both, by commencing at once to pay the debt, and under their auspices the Government applied to this purpose the surplus revenues, and made the following reductions:

Fiscal year.	Reduction.	Fiscal year.	Reduction.
1866.....	\$120,395,407 59	1874.....	\$1,312,907 06
1867.....	127,884,952 15	1875.....	14,107,953 56
1868.....	27,297,798 46	1876.....	29,115,829 88
1869.....	48,081,540 14	1877.....	41,649,908 88
1870.....	101,601,916 88	1878.....	19,893,150 92
1871.....	84,175,887 54	1879.....	3,967,375 42
1872.....	97,213,538 32	1880, to February 1.....	26,423,015 45
1873.....	44,318,469 60		
		Total reduction.....	786,439,681 85

This served its purpose. The people grew stronger and more hopeful, the holders of American securities more confident, and the legal-tender notes gradually appreciated. They were worth in July, 1864, thirty-eight cents on a dollar; in July, 1866, sixty-six cents; in July, 1867, seventy-one cents; in July, 1869, seventy-three cents; in July,

1870, eighty-five cents. But the enemy during all this time was sowing tares; his sappers and miners were continuously at work to destroy the credit of the United States. Of course this was not their avowed purpose, but it was the inevitable tendency of their operations. They were undoubtedly inspired by a blind determination to overthrow the republican party, and, Samson-like, seemed to ignore the fact that the means adopted would topple over this magnificent temple, burying them beneath its ruins.

In the early days of the war the democratic party began to appeal to prejudice and ignorance and arouse hostility to the United States securities because they were not taxed. Attempt after attempt was made to impose a tax upon them. The Constitution, as expounded by Chief-Justice Marshall in 1819, (see *McCulloch vs. The State of Maryland*), clearly "left no power to the States, by taxation or otherwise, to retard, impede, burden, or in any manner control the operations of the constitutional laws enacted by Congress to carry into effect the powers vested in the National Government," and there had been since an unbroken line of decisions to the same end. But to save the public credit harmless against these attacks the republican Congress was obliged to reaffirm in statutes this constitutional exemption. It did so twice in 1862, again in 1863, twice in 1864, twice in 1865, again in 1870. And section 3701 of the Revised Statutes—"all stocks, bonds, Treasury notes, and other obligations of the United States shall be exempt from taxation by or under State or municipal or local authority"—is a monument to the folly of the opposition and to the determined purpose of the republican party to strengthen the credit of their country. The right on the part of States and municipalities to tax the national obligations would enable them to cripple the Government in time of war; might make power weakness, turn victory to defeat. No nation can allow it, and no patriotic citizen ought to desire it.

From 1867 onward there was a vigorous warfare waged against the gold character of the bonds, principal and interest. Again a republican Congress came to the rescue of our imperiled credit, and in March, 1869, to strengthen and establish it, enacted into law these provisions, now contained in section 3693 of the Revised Statutes:

The faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligations has expressly provided that the same may be paid in lawful money or other currency than gold and silver. * * * The faith of the United States is also solemnly pledged to make provision at the earliest practicable period for the redemption of the United States notes in coin.

From that day the assaults upon this statute, in Congress and out, by democrats, greenbackers, nationalists, and fusionists, have been constant, but the law still stands as a witness to republican fidelity to principle. The nation was receiving the benefit of this fidelity in an improved credit, so that its legal-tender notes in July, 1870, were worth eighty-nine cents; and, relying upon this improved credit, a republican Congress, July 14, 1870, and January, 1871, passed the acts for the refunding of the bonded debt at a lower rate of interest, known as "the funding acts," under which the 5 per cent. bonds coming due next year were issued; also authorizing the issue of two hundred million 4½ per cent. bonds, redeemable after fifteen years, and seven hundred millions of 4 per cent. bonds, redeemable after thirty years. It was further provided that these bonds should not be sold for less than par in coin.

The transactions under these acts I will come to before I close. From this time to 1875 the legal-tender notes were fluctuating between eighty-two and ninety-two, and a republican Congress determined that good faith required their payment; therefore, January 14, 1875, they passed and the President approved "An act to provide for the resumption of specie payments."

SEC. 3. * * * And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than \$50.

From that day, to January, 1879, this law has been the point of attack. Every conceivable combination has been formed against it; new parties sprang into existence whose only platforms were opposition to it; State campaigns have been run with this the only issue and it entered largely into the last presidential contest. It has been discussed in Congress without limit, in State Legislatures, in town-houses, in school districts, all over the country. It was boldly declared that it would bring swift ruin upon the country; that the "bloated bloodhounds of Wall street" would make a run upon the Treasury and, in the twinkling of an eye, deplete it of its hoarded gold, bringing bankruptcy upon the nation; that our refunding operations would be paralyzed, and our credit destroyed.

It has been fiercely denounced as "the robber resumption act," "the thief from the poor," "the iron heel of despotic power." It has been charged that it was enacted at the demand of the rich, in their interests, to make them richer, the poor man poorer. In these Halls and from every platform in the land it had been proclaimed that "it would stop the wheels of business," "it would close every forge and put out every furnace fire," "it would seal up every open-mouthed mine," "would stop every revolving mill-wheel," "would make every honest toiler a tramp." So fierce and noisy was the cry that it

frightened the whole democratic party into the "soft-money" ranks, made the venerable "bullionists" forget gold, their idol for fifty years, and turn devoutly to the worship of paper gods, made the knees of timid republicans tremble and shake like Belshazzar's at the feast. Scores of bills for the repeal or modification of this law have been introduced into Congress, and car-loads of speeches denouncing it have been made, printed, and scattered over the country. Once an act for its repeal passed the House. Amid all the din, the confusion, the babel of tongues, the noise and war of democrats, greenbackers, nationalists, communists, and demagogues, the main body of the republican party stood by their guns, and on January 1, 1879, the resumption provided for by law, became resumption in fact, as silently as the stars move in their orbits.

Where is the national bankruptcy, the run upon the Treasury, the depletion of its gold, and what now of the paralysis which was to strike refunding? The records of the Treasury Department show that the amount of coin paid out in redemption of legal-tender notes from January 1, 1879, to December 31, 1879, is \$11,456,536; but during the same period legal-tenders were received in payment of customs dues to the amount of \$109,467,456. It may also be stated that during the same period the Treasury paid out on account of coin obligations more than \$250,000,000 in legal-tender notes. This has been done by consent, not by law, because resumption made the greenback as good as gold, while in form it was more convenient for use. There are millions more of gold in the Treasury now than there were on the day of resumption, and there is to-day before the Committee of Ways and Means a bill requiring the Secretary of the Treasury to devote a part of it to the purchase of bonds.

As to the influence of resumption upon refunding, the information from the Treasury Department shows that it was most beneficial. During the eight years previous to resumption the Government had been able to sell for refunding purposes only \$500,000,000 of five percents, \$185,000,000 of four and one-half percents, and about \$175,000,000 four percents. Then came specie payments, and in the three and a half months following January 1, 1879, there were sold \$540,000,000 of 4 per cent. bonds and certificates.

Where is the widespread ruin? Where are the silent forges, the fireless furnaces, the motionless mill-wheels, the honest toilers turned to tramps?

Why, the whole aspect of the country was changed by resumption. Confidence was restored, timid capital recovered its courage, depressed business became active and elated, sluggish discontent gave way to buoyant happiness, adversity yielded to prosperity, the silent forges became noisy, the fireless furnaces were lighted, turning the darkness of night into the light of day, and the honest tramps became busy toilers. There are those so blind they will not see, but the wayfaring man, though a fool, need not err in the signs of the times. The stock lists, the bond quotations, the dividends declared, the new enterprises started, are sure indications of a renewed life and activity. In my own city of 20,000 inhabitants the manufacturing stocks alone have increased in value, since January, 1879, nearly \$3,000,000. Iron has doubled in value, and steel rails have gone from \$45 a ton to \$85, and yet the railroad companies have ordered over a million of tons the last year. From 1868 to 1873 the average annual area of wheat in this country was in round numbers twenty million acres; last year, thirty-three millions; of corn, from 1868 to 1873, thirty-four millions; last year, fifty-two millions; and the increase in oats, rye, and barley equally great. From 1868 to 1873 the balance of trade against us was two hundred and seventy-eight and a half millions, while last year the balance in our favor was \$269,333,000. From a reliable paper I quote the following table, as a comparison of a few articles of export of 1873 with that of 1879:

Articles.	1873.	1879.	Gain.
Breadstuffs	\$69,024,059	\$210,255,528	\$141,331,469
Provisions	30,436,642	116,858,650	86,422,008
Living animals.....	2,033,447	11,754,359	9,721,208
Refined sugar.....	1,142,824	6,164,024	5,021,208
Total			242,496,589

In 1868 we were doing business on an irredeemable currency, and were therefore unable to compete with foreign manufacturers. Let us compare the export of a very few manufactured articles of 1868 with the exports of 1879, as follows:

Articles.	1868.	1879.	Gain.
Agricultural implements.....	\$673,381	\$2,933,388	\$2,260,007
Copper and brass, manufactured	496,369	3,031,924	2,535,555
Cotton, manufactured.....	4,871,054	10,853,950	5,982,896
Iron and steel, manufactured.....	5,491,306	12,766,294	7,274,988
Leather, copper, and lead, manufactured.....	607,105	6,800,070	6,192,964
Oils	19,752,142	25,999,862	16,247,719
Tallow	2,540,227	6,934,940	4,394,713
Total			44,915,718

The railroads tell the same story, and the exchanges repeat it. I quote from the New York Tribune of March 1:

Railroads continue to report very satisfactory gains in gross earnings. Among the largest proportionate gains reported since January 1 are \$198,000, or 140 per cent., on the Saint Louis and San Francisco; \$276,000, or 82 per cent., on the Missouri, Kansas and Texas; \$95,000, or 60 per cent., on the Burlington, Cedar Rapids and Northern; \$301,000, or 58 per cent., on the Iron Mountain; \$252,000, or 50 per cent., on the Chicago and Alton; \$186,000, or 38 per cent., on the Atchison, Topeka and Santa Fé; \$355,000 on the Milwaukee and Saint Paul; \$359,000 on the Philadelphia and Reading; and \$246,000 on the Louisville and Nashville, each 37 per cent., and \$306,000, or 35 per cent., on the Wabash Pacific.

The exchanges at New York for the month of February, 1880, were larger by 55 per cent. than in February, 1879, and the increase in amount of stock transactions has been smaller than the increase in other exchanges. At Boston, during three weeks of February, the exchanges amounted to \$212,000,000, against \$140,000,000 in 1879, a gain of 52 per cent.; at Philadelphia, for the same period, the gain was 63 per cent.; at Chicago, 51 per cent.; at Milwaukee, 55 per cent.; at Pittsburgh, 68 per cent.; at Saint Louis, 43 per cent.; at Baltimore, 26 per cent.; and at New Orleans, 25 per cent. At other minor places the increase in transactions was also large.

But, Mr. Speaker, why need I say more in this direction? Prosperity has surely come, and, if we are wise, has come to stay.

I recur now to the refunding act of July, 1870, and call the attention of the House to the operations under it as further evidence of the wisdom of the republican Congress in strengthening the public credit. No action was taken under this law until March, 1871, when Secretary Boutwell invited subscriptions. Before the 1st of August he sold for coin at par or exchanged for outstanding six percents about \$75,000,000 of the five percents authorized by the refunding act. He then made arrangements with associated bankers by which he sold during the remainder of his term of office \$125,000,000, making, in all, \$200,000,000 sold by him.

Secretary Richardson continued substantially the arrangement made by his predecessor, and sold, in round numbers, \$120,000,000 of the same kind of bonds. Secretary Bristow succeeded Mr. Richardson, and sold the balance of the five percents authorized, being, in round numbers, \$180,000,000. Secretary Morrill succeeded Mr. Bristow, and made a contract for the sale of the \$300,000,000 of 4½ per cent. bonds authorized by the refunding act, under which he sold during his term of office \$90,000,000. Under this same contract Secretary Sherman, who succeeded Mr. Morrill, sold \$95,000,000 of the same bonds. In all these transactions up to this point the ½ of 1 per cent. provided by law for the payment of expenses in refunding was used in paying commissions and other expenses appertaining to the issue of the bonds. Secretary Sherman also sold of 4 per cent. bonds for refunding \$710,345,950; but of the ½ of 1 per cent. allowed for expenses and commissions there still remains unexpended about \$1,100,000.

It may be further stated that in some of the transactions interest was paid for a period not exceeding three months both on the bonds issued and the bonds redeemed. No exact amount of the so-called "double interest" paid can be stated, but the Department is satisfied that it does not exceed ¼ of 1 per cent. on the amount of bonds refunded. None was paid on the first \$75,000,000 sold by Secretary Boutwell, nor on the amount sold by Secretary Bristow, and on the four percents sold by Mr. Sherman a premium of ¼ of 1 per cent. was secured on \$150,000,000, thus compensating in part for the extra interest paid. During all the negotiations, whenever calls were made in advance of subscriptions a corresponding saving was effected in the amount of interest thus paid, and these calls were made to the extent sometimes of thirty or forty million dollars.

The expenses incurred in refunding since 1870 may therefore be stated as follows:

Amount of bonds issued.....	\$1,395,345,950 00
Appropriation authorized of ½ of 1 per cent.....	\$6,976,729 75
Balance unexpended.....	1,100,000 00
Amount expended.....	5,876,729 75
Add a liberal estimate of amount of extra interest paid	10,000,000 00
Total.....	15,876,729 75

Or, say, in round numbers \$16,000,000, which I am confident will more than cover every expense involved in the refunding transactions. The total saving in interest on account of refunding the debt from 1871 to June 30, 1880, will be \$52,139,560.50. The saving in interest by reason of reductions of the principal of the public debt between August 31, 1865, and June 30, 1879, is \$527,486,549.18, making a total saving by reduction and refunding, not including the large reductions by purchases made during the fiscal year 1880, of \$579,626,109.68. The present annual saving in interest by refunding is \$19,900,846.50.

After this refunding, February 1, 1880, the debt of the United States was as follows:

4 per cent. bonds, including certificates.....	\$740,845,950 00
4½ per cent. bonds.....	250,000,000 00
5 per cent. bonds.....	506,495,350 00
6 per cent. bonds.....	270,345,550 00
3 per cent. Navy pension fund.....	14,000,000 00
Total.....	1,781,686,850 00

Brought forward	\$1,781,686,850 00
Debt not bearing interest	394,510,095 96
Debt on which interest has ceased	12,002,445 26
Interest due and unpaid	3,330,628 65
Interest accrued	12,996,489 62
	2,204,526,509 49
Deduct cash on hand	203,742,268 57

Net debt 2,000,784,240 92
 The annual interest being less than \$83,000,000, in place of the annual interest of 1865 of \$150,977,697.

The 6 per cent. and the 5 per cent. bonds are all redeemable at the option of the Government during this and next year, amounting to a little more than \$776,000,000. To redeem these, the Committee of Ways and Means have reported the bill under consideration and have expressed the opinion that it can be easily accomplished. I certainly hope they may be right. If they are, the annual interest will be reduced to a little over \$65,000,000.

What a magnificent financial achievement! When has it been paralleled in the world?

A bond bearing a lower rate of interest than 4 per cent. has never been sold at par in any country, yet our four percents are at a premium of 7 per cent. I call attention to the rates in England and France, as shown by these tables.

It will be seen that while the English consols are three percents, they always sold at a discount; that the debt of England in 1878 was a little over \$3,800,000,000; "the annual interest and cost of management" were \$142,063,756; so that the interest must have exceeded 3½ per cent.

But, Mr. Speaker, I should not do justice to the republican party if I should stop with this magnificent record. Its eye was not single to the reduction of the debt, to the strengthening of our credit, to the refunding at a lower rate of interest. It never forgot the people, nor was unmindful of the burdens they were bearing, and it commenced at the earliest possible moment the lightening of them, as will appear by this table:

TABLE No. 1.—Statement showing estimated reduction in internal-revenue receipts arising from reduction in taxes to June 30, 1879.

Date of act.	Annual reduction.	Years to 1879.	Total reduction to 1879.
July 13, 1866	\$65,000,000	13	\$845,000,000
March 2, 1867	40,000,000	12	480,000,000
February 3, 1868	23,000,000	11	253,000,000
March 31, 1868, and July 20, 1868	45,000,000	11	495,000,000
July 14, 1870	68,500,000	9	616,500,000
June 6, 1872	20,651,000	7	144,557,000
Total			2,834,057,000

There has also been a reduction in duties, as will appear in the following table:

TABLE No. 2.

Comparative summary of the values of imported commodities entered for consumption in the United States, with the amounts of duty received on the same, during the fiscal years ended June 30, from 1867 to 1879, inclusive.

Fiscal year.	Value of free commodities.	Value of dutiable commodities.	Total value of free and dutiable commodities.	Amount of duty collected.	Average ad valorem rate of duty on—	
					Dutiable.	Free and dutiable.
1867	\$39,103,605 00	\$361,125,532 50	\$400,229,137 50	\$168,503,749 58	46.667	42.101
1868	29,071,796 00	329,661,309 30	358,733,095 30	160,532,778 78	48.698	44.687
1869	41,499,601 78	372,756,641 51	414,256,243 29	176,557,583 72	47.219	42.561
1870	46,743,760 69	406,131,904 99	452,875,665 68	191,513,974 45	47.063	42.293
1871	59,162,460 46	459,597,057 86	518,759,518 32	202,446,673 32	43.946	38.936
1872	61,177,600 98	512,735,287 38	573,912,888 36	212,619,105 45	41.352	36.944
1873	199,886,874 80	484,746,861 27	684,633,736 07	154,929,041 74	38.072	26.956
1874	180,117,061 45	415,748,692 65	595,865,754 10	160,522,284 63	38.530	26.883
1875	167,955,004 42	379,795,113 48	547,050,117 90	154,554,982 55	40.617	28.201
1876	156,868,347 06	324,024,925 96	480,293,273 02	145,178,602 75	44.744	30.156
1877	181,528,251 47	298,989,239 93	480,517,491 40	138,428,343 44	42.885	26.684
1878	171,144,273 38	297,083,409 48	468,227,682 86	127,195,158 90	42.754	27.127
1879	162,827,622 03	296,742,214 94	459,569,836 97	133,393,435 90	44.874	28.975
Total			6,434,924,493 77	2,146,377,715 30		

In the matter of reduction of tariff duties it will be seen from table No. 2 that the rate of duty on all goods imported, free and dutiable, has decreased since the year 1868 from 44.687 per cent. to 28.975 per cent. Assuming that the same amount of goods had been imported with the rate of duties fixed at the rate existing in 1868, the total amount collected would have been \$2,875,574,308.18, or \$729,196,592.88 more than was actually collected.

From table No. 1 it will be seen that the total reduction in internal-revenue receipts arising from reduction of taxes to June 30, 1879, is \$2,834,057,000; making a total reduction of customs and internal-revenue dues of more than \$3,500,000,000. In other words, had there been no reduction of taxes, and other conditions remaining the same, the people would have paid this latter sum as taxes to the Government during the period in question in addition to what they have actually paid. This amount would be sufficient to wipe out the present public debt and leave a surplus of \$1,500,000,000.

Now, Mr. Speaker, let me summarize. The record shows that in 1860 the rate of interest for Government loans was 12 per cent.; that the amount required could not be obtained for that; that the republican party, in 1861, came into possession of a dismembered nation and a bankrupt Treasury; carried on to a successful issue a four years' war; expended more than \$4,000,000,000; in 1865 found the restored Republic owing about \$2,800,000,000, \$400,000,000 of which were legal-tender notes, greatly depreciated, and still more to depreciate; legislated from time to time to strengthen the credit of the country; to the same end, for several years, paid that debt at the rate of one hundred millions a year, the whole amount paid to the present date being about \$800,000,000; provided for refunding at a lower rate of

interest and for the resumption of specie payments; refunded the whole debt refundable; resumed specie payments; so appreciated the legal-tender notes that they are at a premium; so strengthened the national credit that the bonds of the United States bearing 4 per cent. interest are at a premium of 7 per cent.; that the Committee of Ways and Means insist that the balance of the debt can be easily refunded at a rate of 3½ per cent.; reduced the annual interest on the debt from one hundred and fifty-one millions to about eighty-four; took every step in these directions, from the first day of the war to now, in the face of a determined opposition; never retraced a step, though the temptations to do so were almost overwhelming, though hard times, panics, and popular clamor lashed them fearfully in the face; at the same time reduced the burdens the people were bearing by repealing in revenue taxes alone from July, 1866, to July, 1872, over \$262,000,000, saving the people to the present time from the payment of nearly \$3,000,000,000.

This is the glorious financial record of the republican party, and, sir, almost in the presence of the history itself, I dare declare that no party, no nation in the whole wide world, from the day of its creation to now, can show its parallel, and yet the gentleman from New York says, "The management of the public debt since 1865 has not been the best that could have been devised. There has not been a stable policy founded on principles of enlightened statesmanship."

"The figures given in the following table, relative to the loans of 1793-1817, inclusive, are based upon information derived from a somewhat similar table originally published in McCulloch's Treatise on Taxes and the Funding System, London, 1852, and republished in the appendix to an essay of William Newmarch, on the Loans raised by

Mr. Pitt, which essay appeared in the London Statistical Journal for September, 1855. The figures relating to the loans of 1847-1856 are

derived from Sir Stafford Northcote's Twenty Years of Financial Policy, pages 94, 265, 278, 288."

Debt of Great Britain.

Year.	Stock issued, (£=£5.)	Money raised on stock issued, (£=£5.)	Annual interest on stock, (£=£5.)	Average dis- count on sale of stock.	Average inter- est realized by investors.	Kind of stocks.
				Per cent.	Per cent.	
1793.....	\$31,250,000	\$22,500,000	\$950,000	28.	4.22	3 per cent. consols.
1794.....	78,350,000	64,550,000	3,000,000	17.6	4.65	3 per cent. consols; 4 per cent. with long annuity.
1795.....	277,700,000	210,450,000	10,650,000	24.2	5.06	Do.
1796.....	284,700,000	213,800,000	11,350,000	24.9	5.31	3 per cent. consols; 5 per cent. with long annuity.
1797.....	145,100,000	73,100,000	4,650,000	49.6	6.36	3 per cent. consols; 4 per cent. with long annuity.
1798.....	178,100,000	90,000,000	5,500,000	49.5	6.11	3 per cent. consols; long annuity.
1799.....	109,350,000	62,500,000	3,250,000	42.8	5.20	3 per cent. consols.
1800.....	145,200,000	92,500,000	4,350,000	36.3	4.70	Do.
1801.....	279,750,000	172,050,000	8,850,000	38.5	5.14	Do.
1802.....	151,750,000	115,000,000	4,550,000	24.2	3.96	3 per cent. consols, with long annuity.
1803.....	80,000,000	50,000,000	2,550,000	37.5	5.10	Do.
1804.....	90,100,000	50,000,000	2,700,000	44.5	5.40	3 per cent. consols.
1805.....	197,700,000	107,600,000	5,700,000	45.6	5.30	Do.
1806.....	149,400,000	90,000,000	4,450,000	39.8	4.94	Do.
1807.....	91,850,000	61,000,000	2,900,000	33.6	4.75	Do.
1808.....	68,450,000	60,000,000	2,950,000	12.3	4.92	
1809.....	110,850,000	97,650,000	4,750,000	11.9	4.86	
1810.....	99,050,000	81,550,000	3,800,000	17.7	4.66	Three percents.
1811.....	146,200,000	120,000,000	5,950,000	17.9	4.96	3 per cent. consols, with long annuity.
1812.....	203,700,000	139,350,000	7,400,000	31.6	5.31	3 per cent. consols; five percents.
1813.....	468,650,000	293,800,000	16,150,000	37.3	5.50	3 per cent. consols, with long annuity.
1814.....	123,450,000	92,500,000	4,250,000	25.1	4.59	
1815.....	354,450,000	225,650,000	12,900,000	36.3	5.72	3 per cent. consols; four percents.
1816.....	15,000,000	15,000,000	450,000	0.	3.	
Totals.....	3,881,000,000	2,600,550,000	134,000,000	33.	5.15	
February, 1847.....	40,000,000	35,800,000	1,800,000	10.5	3.35	
April, 1855.....	80,000,000	70,100,000	2,400,000	12.4	3.42	Three percents.
February, 1856.....	25,000,000	22,500,000	750,000	10.	3.33	Do.
May, 1856.....	25,000,000	23,177,500	750,000	7.3	3.24	Do.
Totals.....	4,051,000,000	2,752,127,500	139,100,000	32.1	5.05	

In 1793 the total funded and floating debt of Great Britain was \$1,239,372,170, the interest on which, at the several rates of 3, 3½, 4, and 5 per cent., amounted annually to \$48,556,190. In 1817 the total debt, including exchequer bills, had reached the sum of \$4,196,910,725, carrying an annual interest of \$157,959,635. In 1857 the amount of the funded debt, exchequer bills and exchequer bonds, was \$4,040,543,610, the annual interest upon which was \$142,750,195. The total debt had diminished in 1875 to \$3,876,741,930, with an annual charge for interest and cost of management of \$135,472,400; while in 1878 there appeared a slight increase, the amount of the debt being then \$3,888,907,980, with interest and cost of management equaling \$142,063,756.

The following table in reference to the French loans of 1870-71-72 has been compiled from data given in the May, 1877, number of the Bulletin de Statistique et de Legislation Comparée:

Date of loans.	Rate of interest.	Amount of loans (1 f.=19.3 cents.)	Amount received for each \$100 of loans.	Total amount re- ceived from loans. (1 f.=19.3 cents.)	Rate of interest realized to in- vestors.
					Per cent.
August 12, 1870.....	3	\$256,241,635	\$60.60	\$155,282,431	4.95
June 20, 1871.....	5	536,444,639	82.50	442,566,827	6.06
July 15, 1872.....	5	799,121,557	84.50	675,257,715	5.92
Total.....		1,591,807,831		1,273,106,973	

The consolidated debt of France on January 1, 1879, amounted to \$3,972,407,312.44, and was bonded as follows:

5 per cent. bonds.....	\$1,383,494,048 00
4½ per cent. bonds.....	166,412,351 11
4 per cent. bonds.....	2,330,480 00
3 per cent. bonds.....	2,420,270,433 33
Total.....	3,972,407,312 44

None of these bonds sold at par, and some of the three percents sold as low as sixty cents on the dollar.

Mr. WARNER. Before my friend takes his seat I would like to ask one question, which he can answer by "yes" or "no." Is he not in favor of executing faithfully the sinking-fund law?

Mr. FRYE. If we can pay the debt faster than that, I do not see any objection to it.

Mr. WARNER. Is not the sinking-fund law an obligation of the Government?

Mr. FRYE. It is an obligation of the Government which I recognize as binding. But if the Government can go further and pay nearly 50 per cent. more annually than the sinking fund calls for, I think by so doing that fund will be fully and completely met in spirit.

Mr. WARNER. But does not the gentleman know that if the sinking fund is executed the matured debt would all be paid within thirteen years?

Mr. FRYE. I have already trespassed upon the time belonging to another gentleman, and must do so no further.

Mr. JONES. Mr. Chairman, whatever difference of opinion there may be respecting the measures of financial policy contemplated by the bill under consideration, all will agree that their importance is such as to demand our first and most serious consideration.

In any condition of the Government financial legislation in its nature is of vital importance. Money is the life-blood of civilization, and its equal and uniform circulation is as essential to equity and prosperity as that of the natural blood to health and enjoyment of life. It pervades every governmental function and permeates the entire body-politic. Whatever affects it reaches every condition and interest in society.

On the 1st day of February, 1880, our national indebtedness aggregated \$2,188,191,000, a sum quite equal to one-sixth of the entire stock of gold and silver in the world.

To provide for the payment of this immense debt consistently with the national faith, and yet distribute its burdens equitably and so as to have them rest as lightly as possible upon the productive industries of the country, is the paramount problem in American politics. In our endeavors to solve it in the interest of the whole people we cannot guard too well against empiricism on the one hand and temporizing conservatism on the other, and yet bring to the subject that courageous surrender of the mind which the gravity of the duty demands. Fortunately for the country the questions involved in the proposed legislation received appropriate consideration and treatment by the Forty-fourth Congress, as will be seen by reference to the Report of the Silver Commission, volume 1, page 1:

IN THE SENATE OF THE UNITED STATES,
March 2, 1877.

Mr. JONES, of Nevada, from the monetary commission created under the joint resolution of August 15, 1876, submitted the following report:

The commission created under the joint resolution of August 15, 1876, submit the following report:

The resolution creating the commission and defining its duties was as follows:

"Resolved by the Senate and House of Representatives, That a commission is hereby authorized and constituted, to consist of three Senators, to be appointed by the Senate; three members of the House of Representatives, to be appointed by the Speaker; and experts, not exceeding three in number, to be selected by and associated with them, with authority to determine the time and place of meeting, and to take evidence, and whose duty it shall be to inquire—

"First, Into the change which has taken place in the relative value of gold and silver; the causes thereof, whether permanent or otherwise; the effects thereof upon trade, commerce, finance, and the productive interests of the country, and upon the standard (of) value in this and foreign countries;

"Second, Into the policy of the restoration of the double standard in this country; and, if restored, what the legal relation between the two coins, silver and gold, should be;

"Third, Into the policy of continuing legal-tender notes concurrently with metallic standards, and the effects thereof upon the labor, industries, and wealth of the country; and

"Fourth, Into the best means for providing for facilitating the resumption of specie payments."

The commission as organized consisted of Messrs. John P. Jones, Lewis V. Bogy, and George S. Boutwell, of the Senate; Messrs. Randall L. Gibson, George Willard, and Richard P. Bland, of the House of Representatives; Hon. William S. Groesbeck, of Ohio, and Professor Francis Bowen, of Massachusetts. George M. Weston, of Maine, was appointed secretary.

The sessions of the commission were held in the city of New York until the assembling of Congress in December last. They have since been held in the city of Washington.

Immediately after the creation of the commission circulars were issued to bankers, publicists, and commercial men in this country, and to eminent financial authorities in Europe, and (through the State Department) to the representatives of the United States in foreign countries. These circulars contained interrogatories which were intended to elicit the widest possible information upon all topics covered by the resolution of August 15, 1876. The chambers of commerce in the leading cities in this country were invited to furnish, and did furnish, lists of the persons most likely to be able to give information.

A large number of persons appeared before the commission, who were orally examined. In addition numerous written papers from various sections of this country were received in answer to the circulars of the commission. These papers, as well as the oral testimony taken down by stenographers, are reported herewith.

Our ministers abroad have exhibited a patriotic and intelligent zeal in collecting official and other information in the countries to which they are accredited. The documents which they have furnished are very valuable, and some of them not attainable except through official applications. Some of our ministers have added able and interesting original papers. All these documents and contributions are herewith submitted.

The commission are much indebted to the Secretary of State for his prompt and courteous co-operation in facilitating their communication through his Department with our ministers abroad. They are also indebted to the Bureau of Statistics, which promptly and courteously furnished all the information asked for.

Several gentlemen in Europe, eminent as financial authorities, have addressed communications to the commission, which are among the submitted papers. One of these gentlemen, M. Cernuschi, appeared personally before the commission and furnished important and valuable information, which will be found in the reported testimony. The thanks of the country are due to him and to the other distinguished citizens of foreign nations who have made these disinterested efforts in the elucidation of a question important to the welfare of mankind.

It thus appears that the commission in purpose and work embraced finance in its widest range. And surely the thanks of the country and of mankind are due the commissioners for the very able, exhaustive, and disinterested investigation and elucidation of the questions covered by the resolution creating the commission. And certainly the information obtained and the conclusions reached could not be more strongly commended to the consideration and acceptance of their countrymen.

Germany and the United States demonetized silver in 1873. * * * Manifestly, the real reason for the demonetization of silver was the apprehension of the creditor classes that the combined production of the two metals would raise prices and cheapen money unless one of them was shorn of the money function. In Europe this reason was distinctly avowed.—*Report of Monetary Commission*, page 4, volume 1.

Such is the language of the commission. It is bold, direct, and unequivocal. The information furnished is of the most important character. It establishes two propositions:

First. Demand and supply, the exclusive factors of value, govern money value. And hence, whatever diminishes supply or prevents its increase benefits the creditor classes and money-holders by raising the purchasing power of money and augmenting the value of credits. On the contrary, whatever diminishes demand or increases supply benefits the debtor and wealth-producing classes by raising prices and diminishing the value of credits. Classes naturally take sides in accordance with their interests.

Secondly. The dangerous influence which the creditor classes and money-holders exercise upon financial legislation.

To these forces the commission refers the origin and success of the scheme of demonetization soon after the discovery of gold in California and Australia.

At that time gold promising the more abundant yield was selected for demonetization. The creditor classes and those having fixed incomes boldly demanded it in order, as they frankly avowed, to protect themselves against the anticipated rise in general prices. Under their appeals several nations in Europe, notably Germany and Austria, in 1857 demonetized gold. It is probable that the movement in that direction would have become universal in Europe but for the resistance of France. It was changed, at least as early as 1865, into a movement for the demonetization of silver. * * * But this change from demonetizing gold to demonetizing silver was more of form than of substance. The object aimed at by both was through a disuse of one of the money metals to protect the creditor classes and those having fixed incomes against a fall in the value of money and a rise in general prices. This is the pith and marrow of the monetary discussions of the last twenty-five years.—*Report of Monetary Commission*, page 15, volume 1.

Yes, and it is the pith and marrow of the money question of to-day. The same motives and interests actuate creditors in demanding the demonetization and abandonment of paper money as influenced them in demanding the demonetization of gold or silver, one or the other, as fluctuating supply affected their interests. The cause is clear, the reason plain. Whatever diminishes the demand for money by supplying its uses and taking its place checks its rise and diminishes its value.

In the language of the commission:

It is the limitation of the quantity of money, without any reference to the cost of its production, that regulates the value of each unit of money, whether fiat or metallic. In the case of fiat money, the limitation is imposed by law. In the case of metallic money, it is imposed by nature. The effect of limitation upon the value of money is precisely the same in both instances. In the one case the limitation is regulated by the wisdom and justice of man; in the other, it is regulated by the variable and uncertain obstacles which nature opposes to the production of the metals. The value of money, of whatever kind, is measured by the cost of obtaining it after it has been produced, and not by the cost of its production, and this value is indicated by the general range of prices.—*Report of Monetary Commission*, volume 1, page 35.

The hard-money theory that nothing but gold and silver can be money photographs a dismal future for mankind.

The gold yield of Australia and California was at its maximum in the five years ending with 1856. The aggregate production of both metals was also at its maximum during the same period. Since then the combined annual production of the two metals, instead of augmenting, has diminished.—*Ibid.*, volume 1, page 14.

It is true that new sources of supply may be discovered, but it is improbable that new sources equally prolific will ever be discovered, and it is only barely possible that they will be discovered and made available within any near period. It has been said that, "unlike agriculture, there is but one crop in a mine;" and it may also be said that the greater the number of mines and gold-fields worked out, the less chances there are of finding new ones.—*Ibid.*, page 15.

An increasing value of money and falling prices have been and are more fruitful of human misery than war, pestilence, or famine. They have wrought more injustice than all the bad laws which were ever enacted.—*Ibid.*, page 10.

If metallic money becomes insufficient, by reason of demonetization of either of the precious metals, or from any cause, one of two things must happen:

The commercial, industrial, and numerical progress of mankind must be arrested, and if the decrease of money shall be a continuing one and cover a long period of time it must end in an absolute check to progress and possibly the destruction of existing social and political institutions. Or, what is most probable, relief would be sought in an extension and perpetuation of existing systems of inconvertible money, which owe their origin to the pressure of expanding population and commerce against the restrictive bounds of a stationary and perhaps declining aggregate supply of the two metals.

A shrinkage of money and falling prices always have had and always must have a tendency to concentrate wealth, to enrich the few and to impoverish and degrade the many. This tendency is subtle, active, and portentous throughout the world to-day.—*Ibid.*, pages 24, 25.

The alternative thus presented is

INCONVERTIBLE PAPER MONEY.

It is the horn of the dilemma to which the logic of events has brought us, and on which hang not only the existing social and political institutions of our country, but the hopes of freedom and equality throughout the world. Thanks to the commission for the issue so sharply, so plainly defined; and since there is no other escape from the inexorable logic of demand and supply, surely the philanthropist and patriot will not hesitate to explore the alternative in all phases and bearings.

This is what the commission did, and after the most thorough, philosophic, and exhaustive investigations, reached the conclusions expressed in the following passages of the report, volume 1, page 9:

There can never be practically two money standards whose units of account differ in value in any country at the same time. It is all-important that the value of the standard should be unchanging. It is not important that the material which represents the value should be unchanging. It is of little consequence of what the material consists, if it be portable, divisible, and indestructible, or, if destructible, that it can be replaced with facility. There should never be any hesitation in changing the material of money for the purpose of maintaining its value undisturbed.

This passage embraces two fundamental and vital propositions:

First. There cannot be two money standards differing in value; in other words, if there be two differing in uses, or the one based on the other, the superior absorbs and controls the inferior, and by its own volume exclusively regulates value, and hence bank-notes and Treasury notes not full tender do not affect the value of money. They produce contractions and expansions at the bidding of the superior, but in their subservience to their superior, are always guarded against any diminution of this power. Upon this point I repeat the language of the commission, volume 1, pages 6 and 7:

The two metals together fill but scantily the measure of the money needs of the world, and they can only fill it upon the condition that both are money in the fullest sense; and nothing is such money if it be restricted in its legal-tender function.

Prices, notwithstanding the use of banking expedients and credits, governed by the volume of money.

On pages 36, 37, 38, and 39 this subject is elaborated by the commission. Volume 1, page 36:

It is sometimes maintained that a compensation can be made for a shrinkage in the volume of money by an increase of such banking expedients as checks, bills of exchange, and clearing-houses. These expedients are now resorted to, and, because profit is found in their use, always will be availed of to the utmost possible extent. It is manifest, therefore, that, whatever the proportion or percentage they bear to the volume of money, it cannot be increased except through an increase in that volume. And it is as manifest that, when the volume of money is diminished, these expedients must diminish, and prices must fall in a corresponding ratio. Money is the primary and governing force, whose functions cannot be suspended by any device whatever, and whose volume or existence does not depend on banking expedients, while these expedients grow out of money and could not exist without it.

This proposition is so plain and so universally attested by experience that it is deemed unnecessary to add further in its demonstration. Its importance, however, cannot be overrated. It accounts for the partiality of the creditor classes and those controlling money for bank and Treasury notes without the legal tender, and their abhorrence for fiat or full legal-tender paper money. Secure behind the "obstacles which nature opposes to the production of the mines," if they can only maintain the metallic basis, decreasing volume assures their triumph and rule.

EFFECTS OF A DECREASING VOLUME OF MONEY.

While the volume of money is decreasing, even although very slowly, the value of each unit of money is increasing in corresponding ratio, and property is falling in price.—*Report of Monetary Commission*, volume 1, page 53.

It is estimated by the commission, as a consequence of increase of demand in excess of supply, that from 1809 to 1848 money increased in value 145 per cent. Volume 1, page 55:

A loan of money made in 1809, if repaid in 1848, would have been repaid with an addition of 145 per cent. in the purchasing power of principal and interest, besides all the interest paid. Those who have loaned money to this Government since 1861 have already received nearly as much in the increased value of their principal as

in interest, and all the probabilities are, in respect to the 4 per cent. thirty-year national bonds now being negotiated, if they are redeemed in gold, that more profit will be made by the augmentation in the value of principal than through interest. Indeed, the signs of the times are that the bonds of a country possessing the unbounded resources and stable institutions of the United States, payable in gold at the end of thirty years without any interest whatever, would, through the increase of the value of that metal, prove a most profitable investment. * * * A shrinking volume of money transfers existing property unjustly, and causes a concentration and diminution of wealth.

The second proposition embraced in the passage quoted from page 9 is so fundamental and pivotal and so vehemently decried and furiously denounced as humbuggery by the creditor classes as to deserve special consideration.

"We are apt to believe what we most desire to believe." The creditor classes will naturally seek to persuade themselves and convince others that the proposition is fallacious, for if its truth be established they will be stripped of pretense and forced to avow the real motive of their opposition to paper money, or else yield to the cause of justice and humanity. The proposition assumes that the money material is not of itself money, but becomes such only when indued by law with the functions of money. It discards the theory that money is wealth. It accepts as true the views of the inconvertible-paper or fiat-money school, which are very fairly stated by the commission:

The views of this school are that utility, accompanied by limitation of quantity, is the basis of exchangeable value. That this utility may either depend upon such intrinsic qualities as would render the thing possessing them valuable to man in isolation as well as to man in society, or upon such intrinsic, artificial qualities which society may confer upon any article, however intrinsically valueless, by endowing it with the power of performing the money function. That the evident fact that this function does not inhere in and cannot be conferred on any article so as to make it either valuable or useful to man in isolation, while it is essential to the very existence of society demonstrates that money value is not derived from the useful, intrinsic qualities of the material upon which the money function may be conferred. They also call attention to the facts that the usefulness to the individual of any article depends solely upon the intrinsic qualities which it may possess, and is not at all diminished by its existence in unlimited quantity, but that money, on the contrary, becomes entirely useless unless its quantity be limited. They conclude from these facts that the money value of the material of which money is composed rests solely upon the purely artificial and extrinsic qualities conferred upon it; that this value is inseparable from society, and grows out of its need of and demand for an instrument of valuation and exchange.

They maintain that money is not in itself wealth, but a set of counters for computing and exchanging wealth, or, as was said by Bishop Berkeley, "A ticket entitling to power and fitted to record and transfer this power;" and that "it is of little consequence what materials the tickets are made of."—*Report of Monetary Commission*, volume 1, pages 40, 41.

Such are the views of the greenback party. The argument may be reduced to a syllogism: Things equal in uses are equal in value. Articles endowed with equal money functions are equal in monetary uses. Therefore, paper and metal of equal legal tender are equal in monetary value.

Mr. Justice Strong, of the Supreme Court, delivering the opinion of the court in the legal-tender cases, (12 Wallace, page 543,) uses the following language:

Making the notes legal-tenders gave them a new use, and it needs no argument to show that the value of things is in proportion to the uses to which they may be applied.

The views of the metallic school are stated by the commission with equal fairness.

The especial merits claimed for this system are, that its workings are entirely automatic, that the money value of the commodities upon which it is based depends upon their useful intrinsic qualities and is measured by the average cost of their production, and that their volume depends upon the yield of mines, and not upon the caprice of legislation. They claim that the province of the Government is not to create money, but to coin it, and thereby give to it the best authentication of purity and weight.—*Report of Monetary Commission*, volume 1, page 39.

This theory rests upon two fundamental propositions:

First. Money is of itself wealth; and

Second. That it is limited to the wealth of the mines.

These propositions, if true, involve the gravest considerations.

It needs no argument to show that society cannot exist without money, and it is equally plain that those who own and control money govern society; so that those who own and control the mines hold the key to the power that rules all nations, and are themselves virtually the masters of mankind. This cold-blooded theory assumes that nature denies the creative power to man, as something above his capabilities, especially those of the masses of mankind, but has indued gold and silver with this divine creative attribute, and hid them in the recesses of the earth, to enrich and ennoble the lucky finder, and to give him power and dominion over the earth and all things therein. This doctrine is doubtless pleasing to those who have gold and silver, and whose credits and incomes entitle them to gold and silver. It subjects labor and wealth in all other forms to their pleasure, not to say caprice. It teaches that the natural tendency of civilization is to a moneyed aristocracy, the perfection of political science. This may be delightful to those who expect to be of the aristocracy, but appalling, indeed, to those whom it condemns to drudgery, penury, and want. After careful investigation and thorough examination of the arguments in support of this theory, the commission reached the conclusion stated on page 29, volume 1:

The demand for the precious metals as commodities is believed by many to be still essential to their general and ready acceptance as money. If this is true, it is a misfortune. The happiness and prosperity of the world, if not wholly dependent upon, are largely influenced by, the steadiness of the value of money, which cannot exist without steadiness in its volume. The demand for the precious metals as commodities is fitful and irregular, and always affects the volume of money in the most injurious direction—that of decreasing it. History shows that a deficiency of money is more probable and more to be feared than an excess, and this deficiency

is caused in a great measure by the insidious and constant encroachments upon the precious metals of other demands for them than as money. When the magnitude of the world's interests and equities, which rests on steadiness in the value of money, is contrasted with the comparative unimportance of the uses of the metals as commodities, it becomes apparent that the subjection of the value of money to disturbance from the demands for gilded signs and looking-glasses, for bangles and breastpins, is an evil which the benefits derived from such uses but poorly compensate.

This argument to a fair and unprejudiced mind is overwhelming and conclusive; but to a mind obscured by prejudice or biased by interest it may be as "sounding brass and tinkling cymbal." "A man convinced against his will is of the same opinion still;" and it is felt that there is but little hope of reaching the head or heart of one who cannot or will not understand the difference between the tool and the uses served by it. It certainly requires no argument to show that the tools which serve equally the highest uses of which either is capable are always equal in value, the lesser uses being merged in the greater. Who would contend that a horse is unserviceable for the plow because not suitable for the turf? Who could think that the woodman's ax is unserviceable and valueless because the metal of which it is composed is not capable of being used as a surgeon's knife? But, driven from the field of argument, the votaries and myrmidons of Mammon arrogate to themselves the prerogative of defending the views and purposes of their opponents. They are always sure to make them so extravagant as to render them ridiculous. They proclaim aloud that fiat money has no basis, and is therefore valueless; whereas, like gold and silver coin, it rests on the obligation of the Government to receive it in payment of all public dues and the fiat of the Government making it a legal tender in payment of private debts, without which gold and silver would cease to be money.

The basis is broad indeed, covering the present and prospective wealth (including gold and silver) of the people of the United States. It is the credit of the Government, co-extensive with the demand of the Government upon the people for support, and with the people's need for a medium of exchange. It anticipates the revenues of the Government, and, like bonds, is bottomed on taxes. In the case of bonds the Government collects the taxes and pays the creditor. In case of fiat money the holder collects the taxes and pays himself. The bonds bear interest. Fiat money by its serviceableness as a medium of exchange supports itself, thus relieving the people of the taxes necessary to carry the bonds, and at the same time furnishes them a circulating medium equal to gold and equally serviceable as a medium of exchange, and thereby saving to the people the wealth which they would otherwise have to give for a medium of exchange. Experience attests what reason demonstrates. The first \$60,000,000 issued by the Government during the war, and made of tender equal with coin, maintained par throughout the war. The act of May, 1878, modifying and virtually repealing the resumption act of 1875, fixes permanently in the volume of money \$346,000,000 of our present greenback circulation.

In the language of the chairman of the Committee on Banking and Currency, [Mr. BUCKNER,] "it cannot be withdrawn, redeemed, or destroyed."

"THUS FAR GREENBACKS CONQUER."

From the 1st day of January, 1879, it became absolute money—that is, a legal tender in all payments; since which time it has commanded a slight premium over gold owing to its greater convenience, its uses being equal. Thus, by a single act of Congress, \$346,000,000 of our national indebtedness was virtually extinguished and \$346,000,000 of money equal to gold added to the wealth of the nation. Contraction was partially arrested, and as a legitimate consequence the country has experienced corresponding benefits.

During the year 1879, the Treasury received more than \$40,000,000 of gold and silver in exchange for absolute fiat money; and yet it is trash, and those who advocate it lunatics!

The question here thrusts upon the mind, Why not profit by experience, yield to the demands of patriotism, monetize the credit of the people, and extinguish instead of refunding any part of the national indebtedness?

[Aside: The creditors will not let us; it would ruin our party.]

The pretense that it would be repudiation can avail nothing, for recent experience shows that the creditors will not only receive it, but greatly prefer it, even to coin—especially silver. Besides, if issued and placed in the Treasury, coin in exchange for it would accumulate much faster than it would be required to accommodate capricious creditors. Certainly the Government can enter the market and purchase the bonds, just as any bank in Europe or America might. Of this there can be no doubt. And such being undeniably the case, there cannot possibly arise any trouble between the bondholders and the Government. The bonds are in the market and being sold daily.

Sir, this pretense is too transparent to hide the mighty power that will scruple at no pretext and hesitate at nothing that will serve to obstruct or baffle any attempt to utilize the credit of the nation for the benefit of the whole people.

Why, sir, if the Government were to monetize its credit and pay off its indebtedness, the effect on credits and incomes would be much greater than if Australia and California were to open anew their mines and add two billions to the volume of gold and silver. Interest prompts the contest, and its magnitude gives gauge of the desperate struggle. It is not enough to overcome resistance; the motive for it must be extinguished.

But the creditor classes insist that Congress cannot constitutionally make anything but gold and silver a tender in payment of private debts. If this be true, what a powerful fortress for them! For if the power be annihilated, then the control of the money volume is in their own hands. This is indeed a momentous question, for without this power we can hardly be esteemed an independent nation.

It is one of the admitted advantages of our present system of irredeemable paper that it shelters us from the recurring demands for gold by the Bank of England. The London revolution of 1866, when one of the banking-houses (Overend & Gurney) went down with liabilities of \$90,000,000, was scarcely felt here. With a currency of gold, or paper convertible into gold, we should feel instantly every change in Europe, and especially in England.—*Report of Silver Commission*, volume 1, page 115.

In the *Hipburn-Griswold* case, (8 Wallace, 615,) Chief-Justice Chase delivering the opinion of the court:

It is not doubted that the power to establish a standard of value by which all other values may be measured, or, in other words, to determine what shall be lawful money and make a legal-tender, is in its nature and of necessity a governmental power. It is in all countries exercised by the government. * * * Making the notes legal-tenders gave them a new use and it requires no argument to show that the value of things is in proportion to the uses to which they may be applied. (Supreme Court United States, 12 Wallace, p. 543; 12 Wallace, p. 567; Justice Bradley concurring.) I do not say that this is a war power, or that it is only to be called into exercise in times of war; for other public exigencies may arise in the history of a nation which may make it expedient and imperative to exercise it. But of the occasion when, and of the times how long, it shall be exercised and enforced, it is for the legislative department of the Government to judge. Feeling sensibly the judgments and wishes of the people, that department cannot long (if it is proper to suppose that within its sphere it ever came) misunderstand the business interests and just rights of the community. (Page 569.)

It would be sad, indeed, if this great nation were now to be deprived of a power so necessary to enable it to protect its own existence, and to cope with the other great powers of the world. No doubt foreign powers would rejoice if we should deny the power. No doubt foreign creditors would rejoice. They have from the first taken a deep interest in the question. But no true friend to our Government, to its stability and its power to sustain itself under all vicissitudes, can be indifferent to the great wrong which it would sustain by a denial of the power in question, a power to be seldom exercised, certainly; but one, the possession of which is so essential, and it seems to me, so undoubted.—*Report of Silver Commission*, volume 1, page 104.

The actual and legal money of the United States is now, and has been since 1862, paper issued by the Government. It owed its origin to exigencies growing out of civil war, and to the belief that it was necessary for the preservation of the Government. The law authorizing its issue has been decided by the highest judicial tribunal to be warranted by the Constitution. It owes its value to the demand of the population of the country for money, and not to the indefinite promise to redeem it in coin.—*Ibid.*

After a careful review of all the authorities the Secretary of the commission (Mr. Weston) sums up the conclusions reached on page 187, volume 1, as follows:

There must be admitted to be some hazards in making the concession which the precedent of the legal-tender paper of the civil war, and the decision of the Supreme Court thereupon compel to be made, that exigencies may arise when it will be "necessary and proper" for Congress, in order to execute its expressed powers, to force the currency of paper by law. Whatever the hazards may be, there is no escape from them. It is, however, true that the exigency which existed in the only case which has occurred of the exercise of this power, was real, and that the patriotic motives and high intelligence of those who determined that the necessity for it existed are unquestionable. For the future it will moderate if it does not wholly dispel alarms, to remember that sentiment of justice and of respect for private rights are nowhere so strong in this country as among the masses of the people, and that while they have often been the victims they have never been the perpetrators of frauds by means of monetary legislation. * * * If Congress can demonetize silver it can demonetize gold, or both gold and silver, and can monetize any substance or any form of paper. Narrowing money to gold is for the intended although really doubtful advantage of creditors.

No clamor was raised, no remonstrance was heard when Congress exercised this power in the interest of creditors by demonetizing silver, thereby decreasing the volume and increasing the value of money, but now when this same power is invoked to replenish, supply, and restore the equilibriums between the creditor classes and those having fixed incomes on the one hand, and the debtors and the wealth-producing classes on the other, unable to deny the authoritative force and conclusiveness of the decision of the Supreme Court, they have not hesitated to assail the Republic in its very vitals by traducing and denouncing the Supreme Court, charging that it was packed after the decision in the *Hipburn-Griswold* case (8 Wallace) so as to secure the final and conclusive decision rendered in the legal-tender case, (12 Wallace.) Notwithstanding the act of Congress providing for an additional member in the Supreme Court was passed more than six months before the decision in the first instance, and notwithstanding the further fact that Mr. Justice Grier, who concurred in that decision, resigned soon after it was rendered and thus created a vacancy, that was filled as in ordinary cases.

If the Supreme Court be not exempt a member of Congress cannot expect to escape vituperation and anathema, and the public must expect that no means will be spared to baffle, divide, evade, obscure, deceive, mislead, or divert the people. Every guise in partisanship will be assumed, every pretense worn, and every pretext plied.

The people will be told that money in itself is wealth, and therefore an equivalent in wealth for debt; and therefore it would not be just to compel creditors to receive paper money which of itself is valueless.

This intrinsic-value sophism was exploded by Dr. Franklin, in his reply to the English Board of Trade, in 1769. He said:

Gold and silver owe their value chiefly to the estimation in which they happen to be held among the generality of nations. That their intrinsic value was not so great as that of iron, a metal in itself capable of many more benefits to mankind. What makes three pence of silver pass for six? Even here in England it is indebted to the legal tender for a part of its value.

This is indeed very simple; yet many minds, because of custom, do not readily understand it.

A familiar example:

The market value of 412½ grains of silver is eighty-three cents; in money value one hundred cents. Whence comes the difference? Unquestionably it is the obligation of the Government which money implies—to receive it at one hundred cents in payment of dues. This obligation would be as potent to raise one grain of silver to one hundred cents. The value is derived not from the material, but from the money function which the Government confers upon it. It cannot be unjust to the creditor, because the Government is bound to make it good to him in the taxes and revenues of the Government. The Government to the extent of its liabilities is the creditor of the whole people; and surely no just-minded man will complain that he receive of his debtors what his creditors will receive of him. But obstinacy appeals to precedent, French assignats and confederate currency being shining lights; and yet how little worth. Analysis discovers the absence of credit, the substance of money.

Were this Government to pass a law making confederate money receivable in payment of all Government dues and a legal tender in all payments it would be at par with gold before the morrow's sunset. But "sophistry cleaves close to hide sin's rotten trunk." Conceding the existence of the authority in the Government and its potential capabilities, our opponents decry against its exercise, assuming that it is fraught with the greatest perils to society, because of the want of virtue and intelligence among the masses of the people. Its exercise in Russia, Germany, and England creates no distrust and excites no alarm, because these are monarchical and aristocratic governments, securely fortified against abuses of the power. We accept the issue. We assert that nowhere in the world are sentiments of justice and respect for private rights so strong as among the masses of the American people.

Sir, are we not the only example in ancient or in modern times of man's capability of conquering without enslaving his brother? Our Government rests on the virtue and intelligence of the people. Every element of disintegration has been eliminated. Pessimists may croak, fanatics rave, and ambition machinate, but the love and valor of the great masses of the people, whom it blesses and protects, will preserve and transmit it to succeeding generations. No government is as solid in its foundations or assured in its existence and perpetuation as ours. Our future is, indeed, auspicious. A wonderful destiny awaits us. Stretching from ocean to ocean, comprising two billion acres of land of unrivaled fertility, varied in climate and boundless in the elements of national wealth and power, our country is destined soon to occupy toward Europe the position of superiority now and so long held by her toward her mother country, Asia. We must needs have financial autonomy. Our increasing population and expanding commerce require the supply of money to be in equal step with demand. Our credit is equal to the requirement; shall we monetize it and meet the demand, or shall we longer continue subject to the demand for gold by the Bank of England, and leave our wealth-producing classes still a prey to foreign and domestic syndicates? The danger of abuse is chimerical. The creditor classes are benefited by increasing demand and diminishing supply. As already shown, credits (bonds) have increased in value 100 per cent. since 1861, thus doubling the wealth of the holders, besides the interest paid. It is estimated by the commission that future bonds will augment more in value than in interest. Therefore creditors will oppose any issue of money. Add to their forces the law-makers. The past certainly is not calculated to excite fears that Congressmen are apt to vote pay back. As money shrinks in volume their pay increases in value.

The influence may not be acknowledged, but it will be felt. Add the entire official corps, State and Federal, and we have an array of forces potent surely to resist supply. On the other hand, debtors will be interested in promoting supply and diminishing demand, whereby the weight of their debts will be diminished. Diminishing supply and increasing demand have often driven them to bankruptcy and ruin, but they have rarely impressed financial legislation. Such are the forces for and against. Between them we have the great body of the people holding the scales. Their only interest is in steadiness of volume, which cannot be maintained without equilibrium between demand and supply. How simple, how natural the equipoise; creditors and debtors acting and counteracting—the people, whose only motive is Equity, holding the scales.

Sir, the question recurs with emphasis, shall we monetize the national credit and extinguish the national indebtedness as the bonds fall due, relieving the people of taxes and furnishing them a circulating medium equal to gold? Or will we, turning our backs on those who sent us hither, and to whom we are indebted for honor and place, refund and perpetuate the national debt augmenting in value, and make our constituents beasts of burden to carry the baggage of European and American millionaires?

The issue is plain, the alternative unavoidable. Can we, dare we hesitate?

Mr. ORTH. Mr. Chairman, the American Congress is to-day considering the proposition whether our Government is now able to refund the public debt at an interest not exceeding 3½ per cent., and a large portion of our people maintain the affirmative of the proposition.

The honorable chairman of the Committee on Ways and Means, Mr.

WOOD, in addressing the House a short time since, affirmed his belief in our ability to refund at a lower rate, namely, 3 per cent., citing the example of England, who rarely paid over 3 per cent. interest, although she never made any considerable payment of the principal, and added, "It is evident that the United States has far greater resources to meet its obligations than Great Britain or any other nation."

The contrast between our national credit to-day with what it was in 1860, only twenty years ago, is one which should bring pride and joy to every patriotic heart. It is full of food for thought, rich in its lessons of experience, and eminently worthy the attention of the American people.

What does such contrast present? The democratic party in 1860 was in full possession of every department of the Government, and had been so for thirty years, with the exception of a brief interval. The nation was then in a state of profound peace, without any public debt worthy of the name, and with no demands upon the Treasury beyond the ordinary expenses of the Government. Congress in December of that year authorized a public loan, under which Treasury notes amounting to about \$10,000,000 were negotiated at a discount which compelled the Government to pay a rate of interest ranging from 6 to 12 per cent. About four millions of this loan was negotiated at 10 per cent., and five millions of it at the extraordinary and ruinous rate of 12 per cent. To speak it plainly, so miserably and inefficiently were the affairs of the Government then managed that this great nation, with all its vast resources, was literally without credit and practically bankrupt.

How stands it with us to-day? Although an exhaustive and terrible war has intervened, calling daily for its millions to meet the public exigency and deranging almost every branch of productive industry, our national credit is higher than at any other period in our history. Our bonds are not only rapidly taken at 4 per cent. interest, but command a premium even at this low rate, while the honorable gentleman from New York, [Mr. FERNANDO WOOD,] who, from his ability, his age, and his experience in public affairs, is justly regarded as the leader of his party in this House, assures us that our debt can readily be refunded at the low rate of 3½ per cent. interest. These remarkable facts fully attest the wisdom, the integrity, and ability with which the republican party has managed the financial affairs of the Government.

The result of this management is seen in the rapid reduction of the principal of our debt, which, on the 31st of August, 1865, amounted to the enormous sum of \$2,845,907,626, but which, on the 1st of January, 1880, had been reduced to the sum of \$2,011,798,504, a reduction without a parallel in the history of any nation, followed by an equally gratifying reduction in the rate of our interest.

While much has been accomplished much yet remains to be done. The money required for the extinction of so much of the debt as has already been paid has come from the labor of our people; the balance of our indebtedness must be extinguished in like manner. Our daily revenues are within a fraction of a million of dollars, and after meeting all the various obligations of the Government there remains to us an annual surplus of about \$70,000,000, to be used from time to time in the payment of the remaining principal of the debt and in prosecuting such wise and practical measures as will result in the development of the country and affording such facilities to our people as will enhance the value of their labor. Such enhancement is equivalent to a practical reduction of taxes. Prominent among these facilities, within the ability as well as within the undoubted power and authority of the Government, is that of the improvement of our rivers and harbors, and, intimately connected therewith and as part of the system, the construction of lines of water communication between our rivers and lakes.

The question of cheap transportation, especially of our agricultural products, from the inland portions of the country to the seaboard is one which is now largely attracting the attention of our people and rapidly pressing for a practical solution.

The magnitude of the interests involved in this question affecting the present and future welfare of the millions of our citizens engaged in agricultural pursuits demand early and careful consideration on the part of the National Government, which alone has the authority and ability to provide adequate protection and encouragement for those interests.

Upon the prosperity of agriculture depends largely, if not entirely, the prosperity of other pursuits. Without markets for his surplus products, or without avenues to reach such markets the husbandman toils in vain. To provide these avenues is one of the plainest duties of the Government, because the very magnitude of the undertaking places it beyond the reach of private enterprise, or if left to private enterprise will result in combinations which completely regulate and control, at their own option, the price of products and reduce their value to a point which affords a bare subsistence beyond the actual cost of production.

Competition is not to be expected among individuals and corporations where combination always results to their advantage at the expense of the producer, who is unable to protect himself against "pools" and "rings" formed for the purpose of enriching themselves at his expense.

Transportation is either by railways or by water. When by the former, even if honestly and fairly managed, it exceeds the latter mode in cost not less than 20 or 25 per cent. This large percentage should be saved to the producer, and therefore, whenever transpor-

tation by water can be secured and made available, the duty of thus securing it is so self-evident as to admit of no argument.

The experience of the commercial world has long since demonstrated that transportation by water is not only the cheapest in itself, but that it also creates a competition which most effectively prevents the exorbitant charges to which so large a portion of the country is now inevitably subjected.

Take as an instance in illustration of this position the article of corn, so extensively produced in my State. The rates at this time established by the railroad companies for transporting it thence to "tidewater" is equal to twenty-five cents per bushel. The market price for "May corn" in New York is about fifty-four cents per bushel, so that the railroad companies are most magnanimously consenting to a pretty equal division with the farmer of the money realized from the sale of this important cereal, and thus putting into their coffers by means of these combinations nearly one-half of his year's labors for carrying his products to market.

This unjust condition of affairs results from the fact that no healthy competition exists, or ever will exist, under the present system of railroad monopoly, of "pooling freights," and of combinations which no sense of justice and fair dealing and no legislative enactment is strong enough to overcome or destroy.

This is an evil which ought not much longer be endured, a grievous wrong which should be remedied as speedily as possible. So far as regards a very large and important portion of our country, nature has pointed out and almost furnished an ample remedy for the removal of a large portion of this burden now borne by our people. I refer to the Mississippi River and its numerous tributaries, and to our chain of lakes, the former affording an outlet to the South, and the latter affording equally an outlet to the North. These great waterways need comparatively but small sums of money, judiciously and scientifically expended by the National Government, to give thousands of miles of cheap transportation for the products of the people inhabiting this most fertile part of the Republic.

This Congress has already initiated a project for the improvement of the Mississippi River commensurate with the vast interests involved and the almost incalculable benefits to result from its completion. This action of the Government must be followed by similar improvements of its most important tributaries; and also, wherever the same is practicable, by improvements which will connect the waters of the Mississippi with those of the lakes.

A proposition is now before the Committee on Railways and Canals for consideration, asking for an appropriation of money sufficient to test by actual survey the practicability of constructing a ship-canal or channel of water transportation between Toledo on the Lake and Lafayette on the Wabash River, one of the great tributaries of the Mississippi, and I feel a reasonable assurance that the proposition will receive favorable action on the part of the committee, and also of this House.

What, then, is fully comprehended in this proposition? The city of Fort Wayne is in the immediate vicinity of the "divide"—the line whence flow to the northeast the waters of the Maumee to the Lake—and those of the Wabash southwest to the Ohio and Mississippi Rivers. By the course of these two rivers, the Maumee and the Wabash, nature has marked out for man the true route for this contemplated improvement. It will pass through five counties in the State of Ohio and seven counties in the State of Indiana, and if we add to these twelve only the counties adjoining them in both States as being directly interested in this improvement, we have thirty-three rich and populous counties, forming an area almost equal to the average of the States forming this Union. This large extent of country thus to be benefited, with its present and rapidly increasing population and development, gives to this contemplated canal a national character and importance deserving of national recognition and encouragement. It will form a most important part of the general system of water communication and transportation which is now claiming public attention, and will soon demand Government aid, liberally bestowed, in adapting it to the rapidly increasing agricultural and commercial interests of the great Mississippi Valley. Not alone to that valley, for it will be a connecting link between the waters flowing to the Gulf of Mexico and those flowing to the Gulf of Saint Lawrence, giving to the surplus productions of the large and fertile valleys of the Wabash and Maumee the advantages of both a northern and southern market.

The friends of this measure present no chimerical scheme. They are not indulging in a mere Utopian dream; they have faith in its practicability, a faith founded upon reason and the fitness of things. It has the hearty support of practical business men; of merchants, manufacturers, and agriculturists, and of experienced and intelligent civil engineers, all of whom have given the matter much thought and whose best judgment favors the undertaking. We ask in its behalf the friendly aid of the National Government; and as no one State or single locality is alone to be benefited by the work, so no State or particular locality should be called upon or would have the ability from its own resources to undertake a work of such magnitude. Its beneficent results would to a great extent be felt by the entire nation; and hence the nation should undertake its construction. It is too late to entertain or express doubts as to the power or the ability of the National Government to do this work; and in no more substantial and enduring manner can the aid of the Government be

given to the people than in the construction of works of internal improvement like the one under consideration. The first step to be taken is to gather information as to the practicability of the work and its commercial importance when completed; and this can best be done by a complete survey conducted under the auspices of the Government; and from the report of such survey, such gathering of facts and statistics, the public mind can judge for itself whether it would be the part of wisdom to embark in the enterprise. We submit that this much is due to the opinions and judgment of the thousands of our citizens immediately interested and who have asked this at our hands. I trust therefore that during our present session a sufficient appropriation may be voted to enable the Government by actual survey to collect and report to us at a subsequent session the data upon which alone a correct judgment may be formed for our future action.

In close connection, and as part of the scheme already foreshadowed, is the further improvement of the Wabash River, whose navigable waters are reached at Lafayette, the southern terminus of the proposed water-route from Toledo, and for which improvement an appropriation will doubtless be made during this session of Congress. Forty years ago, before the era of railroads, the entire transportation of this rich valley was upon its waters. Merchandise of all descriptions, from Pittsburgh, Cincinnati, and Louisville, and groceries from New Orleans, for the various points on its banks in the States of Indiana and Illinois, thus reached their destination, and this river, too, was then the only outlet for the various agricultural productions of the valley seeking a market. The Wabash then presented a busy scene of trade and commerce, and this, by judicious legislation, can be made to reappear with largely increased and constantly increasing proportions. The building of railroads, the neglect of river improvements by the National Government, and the consequent and inevitable increase of the danger of navigation, resulting from such neglect, forced the trade into other channels. The rapidly increasing settlements in the Wabash Valley since that period, and its equally rapid increase of agricultural productions, now demand additional facilities for reaching a market. The railroads crossing this valley in all directions, besides furnishing a most expensive and almost ruinous mode of transportation, are unable to furnish sufficient transportation for the growing wants of the people.

With the construction of a canal or channel of sufficient dimensions to accommodate the trade of the Wabash and Maumee Valleys from Lafayette to Toledo you open up an avenue of transportation leading to both a northern and southern market for an amount of farm products which in the not distant future will require means of transportation far beyond that which can be furnished by any present or prospective railroad facilities. The improvement of the navigation of the Wabash from Lafayette to its mouth follows as a necessary part of this contemplated project, in order to give an outlet to such productions as may seek a southern market or a transit to and across the ocean by way of the Mississippi River, whose permanent improvement has, as I trust, become a part of the settled policy of the Government, and especially so since the removal of its bars at the Gulf seems to be an accomplished fact.

In point of dollars and cents as compared with the importance and value of commerce attracted to its waters, the cost of improving the Wabash River would be a mere bagatelle. The main thing required to furnish steamboat navigation for a large portion of the year would be the removal of sand-bars usually formed at the mouths of its tributaries. When these bars are once removed and a channel formed, it would be kept open by the passage of boats or at most but a slight annual expenditure would be required to prevent their subsequent formation. Such an improvement would give six months of uninterrupted navigation to the Wabash and create an impetus to commerce and production almost beyond the anticipations of the most sanguine. The broad acres of this matchless valley would teem with an energetic and industrious people, laboring with hope, because cheap transportation will secure to them the fruits of their daily toil.

Mr. STEVENSON. Mr. Chairman, on the 20th day of February last I introduced into this House and had referred to the Committee of Ways and Means, where it is now pending, the following bill:

A bill to place certain articles imported and used in the manufacture of paper, and unsized printing-paper used exclusively for newspapers, pamphlets, and magazines, on the free list.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the 1st day of July, A. D. 1880, all unsized printing-paper used exclusively for newspapers, magazines, pamphlets, and books, and all soda-ash and impure carbonate of soda imported, to be used in the manufacture of paper, shall be admitted free of duty.

SEC. 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

I avail myself of the courtesy of the gentleman from Maine [Mr. FRYE] to call the attention of the House to the provisions of this bill, and to urge its passage. I regard it as an important measure, not only to publishers, but to all classes of our people. It is a fact known to us all, sir, that within a few months past there has been an unprecedented advance in the price of the materials mentioned in the bill. Upon printing-paper the advance has been nearly 60 per cent., and enormously large upon the raw materials entering into the manufacture of paper. This advance cannot be the result of natural laws, cannot be the result of the ordinary laws of supply and demand. Mr. Chairman, but for the vicious principle of protection underlying

our commercial system the sudden fluctuations in the price of these articles would be impossible. They are the inevitable result of the falsely called "American system," which seeks to foster one branch of industry at the expense of all others. The discussion upon this measure will not have been wholly in vain if it but has the effect of calling the attention of the country to some of the iniquities of our tariff legislation. More exciting topics have unfortunately been permitted to engross public attention, but I trust the day is not far distant when the question of tariff reform, of such vital interest to our people, will receive the attention to which it is so justly entitled.

As I have suggested, Mr. Chairman, in the ordinary course of trade, such a sudden advance in the price of the articles mentioned in this bill would be impossible. The cause must be looked for elsewhere. The only explanation, sir, lies in the fact that combinations have been formed by manufacturers for the purpose of realizing enormous profits out of the manufacture of these articles. With competition cut off, "protected" by law, the manufacturers are enabled to effect combinations, securing a rapid rise in prices, to the end that they may be enriched and the people plundered. Can any reason be assigned for the increase of nearly 60 per cent. upon the price of paper within a few months? The fact that a combination has been entered into by paper manufacturers to double their profits at the cost of the consumer affords the correct, the only explanation. By our tariff laws, under the guise of "protecting American industry," we create and foster monopolies.

What is the pretext upon the part of the manufacturers for this advance? The only one assigned is the increased price of the raw materials entering into the manufacture of paper, resulting from the high duties imposed upon such materials. A sufficient answer to this is to be found in the fact that upon the articles mentioned the tariff has undergone no change for years. The increased price of paper is in no sense the result of the cause assigned by the manufacturers; it is to be found only in the combinations designed to affect the price.

But, sir, if the reason assigned by the manufacturers be indeed the true one, then by the passage of this bill the cause will be removed by placing the raw materials used in the manufacture of paper upon the free list. Let it be borne in mind that while the passage of this bill will relieve an important business industry from the burdens resulting from monopoly, it will in no considerable degree affect the revenues of the Government. It will be remembered that the tariff upon the larger portion of the articles mentioned in the bill is simply prohibitory. A protective tariff is necessarily prohibitory. To adequately "protect," it is indispensable that competition in trade should be prohibited.

I will be pardoned, Mr. Chairman, for calling the attention of the House to the views expressed by some of the leading public journals upon this question. This feeling is but an earnest of that which will be aroused throughout the country when the glaring injustice and robbery of our tariff system is properly understood.

The Journal, a leading paper of Ohio, in a recent issue, says:

The heavy and unprecedented advance in paper is, in our opinion, wholly unnecessary and unjustifiable. It injuriously affects almost every person in the country of the age of ten years and upward, and it is oppressive to publishers, and especially to publishers of newspapers. Already some of the leading newspapers of the country have been compelled to advance the price of their publications; and if the price of printing-paper continues to advance, or even if it remains at its present price, nearly all of the weekly papers of the country will be compelled, in self-defense, to put up the rates of subscription.

This is a general and almost universal grievance, and an unnecessary grievance at that. Congress can remedy it in less than two weeks. A joint resolution suspending indefinitely the duties on raw materials entering into the manufacture of paper should be passed by Congress. That will test the sincerity of the professions of American manufacturers. And if this should not have the effect to reduce the price of paper within reasonable limits, then let another resolution be passed suspending the duty on foreign paper.

We have always been and are now in favor of giving the preference to American manufacturers; but when men deliberately combine to take advantage of our practically prohibitory paper tariff, and to thereby amass fortunes at the expense of the publishing interest and the reading public, we hold that a time has arrived when relief should be asked in such a tone as will command the attention of our national legislators.

In a late issue the Chicago Tribune, in discussing the advance in paper, says:

Ninety to 95 per cent. of the "raw material" of news print used in the West consists of straw or basswood pulp, and we had not heard of any particular failure of the grain crop last season to occasion a "scarcity" of straw, nor has basswood visibly become scarce or dear. That excuse for the action of the paper combination won't wash any more than the nonsensical one of a "great increase in the demand for paper," which is simply untrue.

The New York Journal of Commerce of February 20 says:

The American press is almost but unanimous in demanding the abolition or decided reduction of the duty on foreign printing-paper. Protectionist and free-trade journals for once agree in this. The common misfortune of high-priced paper made them comrades if not friends. To this unanimity the Cincinnati Gazette is the only remarkable exception. That paper opposes the relief that would be so welcome to its contemporaries. It would still prohibit the importation of paper by retaining the tariff rate designed for that purpose, though it does concede the expediency of abolishing or reducing the duty on paper-manufacturing ingredients and chemicals.

The leading organ of the South, the Courier-Journal, of Louisville, Kentucky, says:

It is perfectly apparent that the paper-makers have no earthly excuse for raising the price of print papers 70 per cent., except that they want to make more money. To gratify their greed for gain they are levying, under the sheer pretense of "protecting American industry," an enormous tax on book and newspaper pub-

fishers, which is in effect a tax on knowledge and an obstruction to its acquisition. This is one of the manifold barbarities of the protection system, and to call it a barbarous system is to use a very mild term. We say, Let this fight against rings of this kind be waged to the bitter end. That protective tariff has too long proven a hindrance to American prosperity, and the whole high-tariff system must go.

At a recent meeting of the newspaper publishers of New Orleans the following resolution was adopted:

Resolved, That the Representatives of Louisiana in Congress be, and they are hereby, earnestly requested to use their influence to have the duty on printing-paper, chemicals, and materials used in the manufacture thereof removed or materially reduced.

In addition to these, Mr. Chairman, there is now pending before the General Assembly of the State of New York the following preamble and resolution for adoption:

Whereas a combination has been organized and does exist among the paper manufacturers of this country by which the price of printing-paper has been advanced some 40 per cent. without any just reason: Therefore,

Resolved, That our Senators and Representatives in Congress be requested to vote in favor of the passage of the bill now pending to remove the duty on paper imported into this country to be used in printing books and newspapers.

Now, sir, the extracts and resolutions I have read, and to which many hundreds of others of like import might be added, indicate in unmistakable terms the deep feeling existing upon this subject. It is idle to suppose that the book and newspaper publishers alone are affected by the combinations to which I have referred. The burdens resulting from these combinations must of necessity eventually fall upon the shoulders of the people. In this as in all other cases where monopolies are encouraged by a prohibitory tariff, the consumer is the sufferer. The effect of such combination is to impair and in many cases to cripple an important—in fact, one of the most important of our business enterprises. It has, sir, appropriately been called “a tax on knowledge.” Upon the country press it is peculiarly oppressive. It is with the greatest difficulty that the publication of many of our weekly newspapers is continued under the burdens resulting from this monopoly. Publication must at once be suspended or the cost of material met by increasing the price of subscription. The latter course, even when practicable, but illy compensates for the additional outlay by the publisher.

The tax imposed by this prohibitory tariff upon the publisher eventually falls upon the reader. In this we see the “beauties of protection.” The great curse of a protective tariff, Mr. Chairman, is that by cutting off competition it makes such combinations against the people possible. It is through the instrumentality of the country press that the masses of our people, far removed from the great centers of population, receive their information. To them their weekly newspaper is a welcome, an indispensable visitor. Sir, the channels of intelligence to the people should be unobstructed. Whoever seeks to lessen the facilities for “the diffusion of useful knowledge among mankind,” to cut off the primer or periodical from the hearth-stone of cottage or hovel, is a public enemy.

Upon the intelligence of the people rest our hope for the preservation of republican government. If the people are educated, intelligent, virtuous, then is our Government safely anchored. To the end, Mr. Chairman, that the channels through which light and knowledge reach the people may be broadened rather than narrowed, I urge upon the House the passage of this bill.

In conclusion, Mr. Chairman, a single word as to two other bills now pending: the one introduced by my colleague, [Mr. MORRISON,] reducing the duty upon sugar; the other by the gentleman from Kentucky, [Mr. MCKENZIE,] placing salt upon the free list. It is impossible to overestimate the importance of these measures. The tariff upon these necessities of life should be removed at once and forever.

If this Congress, sir, will but pass the three bills to which I have referred, it will have taken an advance step on the line of true reform, and will entitle itself to the gratitude of a tax-burdened people.

Mr. HAWK. Mr. Chairman, upon careful examination of the bill under consideration we believe its provisions are wholesome and its tendency toward economy.

Our national finances being at the present in a most satisfactory condition it would appear to be the part of wisdom to take every possible advantage of our prosperous condition in our coming funding operations. It will be found by an examination of the late report of the Secretary of the Treasury that, from December, 1880, to July, 1881, inclusive, we have maturing the following amount of debt for which provision must be made, namely:

Maturing December 31, 1880, at 6 per cent. interest.....	\$18,415,000
Maturing June 30, 1881, at 6 per cent. interest.....	254,392,550
Maturing July 1, 1881, at 6 per cent. interest.....	823,800
Maturing May 1, 1881, at 5 per cent. interest.....	508,440,350
Total.....	782,071,700

By careful computation of the interest upon this sum at the given rates it will be found to average 5.35 per cent. The bill under consideration proposes to fund the foregoing indebtedness by authorizing the Secretary of the Treasury to issue bonds in an amount not exceeding \$500,000,000, bearing interest at the rate of $3\frac{1}{2}$ per cent. per annum, redeemable, at the pleasure of the United States, after twenty years, and payable forty years from the date of issue; and also notes in the amount of \$200,000,000, bearing interest at the rate of $3\frac{1}{2}$ per cent. per annum, redeemable at the pleasure of the United States after two years, and payable in ten years from the date of issue; but pro-

hibits the redemption in any one fiscal year of more than \$40,000,000. It will thus be seen that the saving to the Government will be the difference between 5.35 per cent. (the present average rate) and 3.50 per cent., the proposed rate per cent. of the new bonds and notes, which would be 1.85 per cent., or \$14,468,326.45 per annum—an amount of saving quite sufficient to enlist the earnest efforts of Congress. It is believed that the option of the Government in this arrangement is quite sufficient, and under it no oppression is likely to come to our resources or business interests.

I am not of those, Mr. Chairman, who believe in the policy of a low rate per cent. on an interminable bond something after the English plan. Should the present bill become a law, then, as compared with the English debt, our rates of interest are certainly very satisfactory. Governments, like individuals, should arrange to pay their debts as rapidly as their resources permit. The English system is mentioned as worthy of precedent; but it is submitted that our Government and that of England, although organized alike for the protection of the citizen in his rights, have many points of difference. In fact, in this country each citizen whether high or low is entitled to the same consideration before the law. The people constitute the government, and before this tribunal alone will an appeal lie. No other power is supreme; no co-ordinate courts or forces can claim any rights whatever in the presence of this august body of sovereigns—this court of final appeal in all departments of our Government. No question as to the “divine right of kings” or special privileges of the peerage can intervene in the decision of questions of public policy here. The independent citizen-creditor has a right to expect the payment of the debts of his Government the same as from a just and honest individual with whom a contract has been made. We must not thus early in our national history, with our immense resources at command and our comparatively light debt upon us, attempt to interminably perpetuate it for any purpose whatever.

I believe it to be a wise policy to retain to the Government a liberal option; and the provisions of this bill are thought to be ample in this respect. Care should be observed that no more rapid payment of the debt should be permitted than the commercial and general business interests of the country appear to justify. It is believed that payment should be made as rapidly as possible without overtaxation.

We have referred to our indebtedness as comparatively light, and that we may in this statement be the better understood we herewith present a table showing the indebtedness of France and England in comparison with that of the United States. The compilation is taken from the latest obtainable information upon the subject and is as follows:

France.....	\$4,695,600,000 00
Great Britain and Ireland.....	3,888,907,980 00
United States, (March 1, 1880).....	1,995,112,221 17

It will thus be seen that our debt is not burdensome in comparison with that of the other nations mentioned. While our resources are fully one-third of the whole, our debt is only a little more than one-sixth of the aggregate of the three. It may be of interest to note the debt per head in these countries. It is as follows:

France.....	\$127 23
Great Britain and Ireland.....	114 62
United States, (at 46,000,000 population).....	43 50

By the foregoing it will be seen that with our national debt in such satisfactory condition and our ever-increasing resources, we cannot justify authorizing the issue of an interminable bond; there is no necessity for such a step.

It is not my intention, Mr. Chairman, to discuss at great length our funding operations. Much valuable information will be presented to the country upon this subject during the continuance of this debate. I shall confine my remarks more especially to a general examination of our national finances, and to recommendations and suggestions from various sources upon our financial system, and hope thus to be able to assure and encourage the country in its commendable determination to keep good the promises made in the dark hours of its peril by the honest payment of the debt created for its preservation. In the prosecution of funding our debt the greatest care should be preserved that no taint of bad faith cause the least surmise of repudiation in any manner whatever, directly or indirectly. Nations, like individuals, in order to prosper, must be strictly honest. If our splendid fabric survive the storm of the coming centuries it must be strong in its determination to stand firmly by its promises. It was hoped the discussion of the national finances had subsided until a few weeks since the country was freely treated to the peculiar views and opinions of several honorable members of the House upon this subject. Judging by some of the arguments and theories presented by gentlemen upon this floor it would be a fair inference that much of our political history has been written in vain, especially that portion which relates to fixing some rule of action by which our reputation for national honesty and integrity is to be kept intact. It is not, however, our purpose to discuss these questions from the stand-point of what has been said by members of Congress at this session. We desire to call the attention of Congress and the country to some of the recommendations of the present Administration with reference to our finances.

At the opening of the present session of Congress we were startled

by the recommendations contained in the annual report of our heretofore sagacious Secretary of the Treasury, and more especially by the following recommendations and suggestions to Congress contained in the President's late message, to wit:

I would, however, strongly urge upon Congress the importance of authorizing the Secretary of the Treasury to suspend the coinage of silver dollars upon the present legal ratio. The market value of the silver dollar being uniformly and largely less than the market value of the gold dollar, it is obviously impracticable to maintain them at par with each other if both are coined without limit. If the cheaper coin is forced into circulation it will, if coined without limitation, soon become the sole standard of value, and thus defeat the desired object, which is a currency of both gold and silver, which shall be of equivalent value, dollar for dollar, with the universally recognized money of the world.

The retirement from circulation of United States notes, with the capacity of legal tender in private contracts, is a step to be taken in our progress toward a safe and stable currency, which should be accepted as the policy and duty of the Government and the interest and security of the people. It is my firm conviction that the issue of legal-tender paper money based wholly upon the authority and credit of the Government, except in extreme emergency, is without warrant in the Constitution and a violation of sound financial principles. The issue of United States notes during the late civil war with the capacity of legal tender between private individuals was not authorized except as a means of rescuing the country from imminent peril. The circulation of these notes as paper money for any protracted period of time after the accomplishment of this purpose was not contemplated by the framers of the law under which they were issued. They anticipated the redemption and withdrawal of these notes at the earliest practicable period consistent with the attainment of the object for which they were provided.

The people of the country feel alarmed and annoyed at the unlooked-for reopening of this perplexing question. The great mass of our business men and those engaged in manufacturing regret that at the present, when all our material interests are just beginning to feel the touch of new life, called into existence by the abundance of our crops and production of every kind and the, for us, fortunate foreign demand for our surplus, this subject should, through the suggestion of congressional legislation, be again precipitated, with all its accompanying feelings of uncertainty, upon the country. We believe it to be a safe policy to cease the agitation of this question, and thereby prevent the feverish, unsettled feeling that must unavoidably grow out of any proposed change in existing laws.

We have now a most convenient and satisfactory currency, at par for all practical purposes with the circulation of the civilized world, and of uniform value in our local commercial transactions. This being the case any effort to make it better would appear a work of supererogation. It is urged in that portion of the message just quoted that it would be sound policy for Congress to "authorize the Secretary of the Treasury to suspend the coinage of silver dollars upon the present legal ratio," the minimum being \$2,000,000 per month. A reason for this suspension of the coinage is given "that the market value of the silver dollar is uniformly and largely less than the market value of the gold dollar;" hence it is argued it will be impossible to maintain the circulation of the two metals at one and the same time. This, it is claimed, is a most fatal defect in our financial system, and indeed it appears to be such, in theory at least. To correct this discrepancy in the value of the coins of the two precious metals two principal plans have been suggested and ably argued by the special champions of each. The one advocates the stoppage entirely of the coinage of the silver dollar, and the other proposes an increase in the value of such dollar by adding an amount of metal sufficient to make it equal in value with the gold dollar.

We desire, Mr. Chairman, to examine this question from another stand-point and present a few thoughts differing, in some degree at least, from either of the suggestions made with reference to it. An examination of the recent report of the Director of the Mint to the Secretary of the Treasury reveals the fact that the purchasing power of gold has advanced 16.2, while that of silver has declined but 2.1 since 1870. We quote as follows from the report of the Director:

The results of a comparison of the price of each article in subsequent years with its price in 1870, added and averaged for each year, afford an indication of the general rise or fall of prices; that is, the purchasing power of money in this country for each of the ten years:

Fiscal years ending—	Comparative purchasing value of gold with its like value in 1869-70, as measured by the prices of United States exports.	Comparative purchasing value of silver.
1870.....	\$1 00	\$1 00
1871.....	95.5	95.7
1872.....	95.4	96.15
1873.....	93.8	92.8
1874.....	91.7	89.1
1875.....	99.8	94.8
1876.....	1 08.2	98.2
1877.....	1 06.3	95.7
1878.....	1 12.7	1 00.0
1879.....	1 16.2	97.9

For the purpose of testing fully and carefully the figures of the foregoing statement, we give below a further statement from the re-

port of the Director, compiled from tables of prices in Europe. It is as follows:

Similar tables of prices in Europe, combined with those of American exports, show the following comparative purchasing power of gold and silver for the last ten years:

Years.	Purchasing value (measured by commodities) of—	
	Gold.	Silver.
1870.....	\$100	\$100
1871.....	97.9	98.9
1872.....	95.4	95.3
1873.....	94	92.9
1874.....	95.6	92.9
1875.....	101.8	96.8
1876.....	103.8	94.2
1877.....	104.3	93
1878.....	109.2	96.9
1879.....	115.3	97.1

In view of the foregoing the question is forcibly presented whether it would not be wise, should a change be thought advisable in existing laws, to adopt some plan for bringing the purchasing power of gold down to that of silver, inasmuch as silver has been, as shown by the statements just quoted, for many years the more stable of the two metals, its depreciation only showing the trifling amount of from 2.1 to 2.9, while, as will be seen, the advance fluctuation in gold is shown to be from 15.3 to 16.2 during the last decade.

The question is, shall the dollar of the more stable character be brought up to the one of the greater fluctuation, or, on the contrary, shall the one showing the greater range of difference in value be brought down to the more stable standard? It would be the part of fair dealing and statesmanship to decide the matter in a candid, honest, business-like manner, and this admits of but one answer to the question: the metal of the lesser variation should certainly remain, and the other be brought to it, in case it is deemed best to re-adjust values in our circulating medium. We deprecate the necessity of reference to this matter *in toto*; but since the discussion is presented to the country, it becomes our duty as legislators to divest our minds of all prejudice and approach the consideration of the subject with a desire for the accomplishment of the greatest permanent good.

The bringing the value of the gold dollar down to its purchasing power in 1870 would appear to be eminently just in case it be deemed best to bring the metals to something near an equal valuation by legislation, and would work far less injury to the business interests of the country than to bring the silver dollar up to the gold value, either by increasing the amount of metal in such dollar by demonetization or further limitation and restriction of the coinage. It is very difficult to determine how or where this leveling-down process could possibly affect the business interests of the country in the least. Our coins are measured in foreign commercial transactions by their bullion value largely, if not entirely; hence our foreign trade could in no sense be unfavorably affected. The question of recoinage of either of the metals is one that involves many delicate points of adjustment, and chiefly influences domestic trade and commerce.

It could not certainly affect anything unfavorably except it be existing contracts, and those only in remote or limited degree unless, indeed, in recoinage, it should be deemed necessary to increase the amount of bullion in the coins, thus adding to their value by enhancing their purchasing power, and making it more difficult to procure them for the payment of debts. This would be a clear case of discrimination against the debtor classes. It might be answered that legislation favoring the debtor would certainly discriminate against the creditor, a power no more to be assumed by the Legislature than that of favoring any other class in any of the various fields of legislation.

We doubt very much, Mr. Chairman, the wisdom of any change at this time in existing laws upon this subject, but should it be deemed best to make changes, this would appear to be a most opportune time for a "leveling down" to the extent of bringing the coinage of the country to near the same value, in view of the rapid advance in the purchasing power of gold since much of the indebtedness, public and private, has been created.

The ability to sustain, practically, a bimetallic currency is not so difficult. The proposition that with a difference in value in the coins of the precious metals it is utterly impossible to maintain a bimetallic currency being true, then can only monometallic circulation be sustained, for the reason that was the value of the two dollars, gold and silver, now so arranged as to be equal, it would be an utter impossibility to keep it so, critically considered, (for this question must be considered upon some fixed principle,) because any small percentage of difference in value, from whatever cause, of sufficient amount to justify transporting or hoarding either metal after a new coinage adjustment would cause the more valuable to disappear, thus necessitating new coinage for the purpose of again readjusting values in order to prevent practically a monometallic currency; nor, indeed, is it possible to foresee the end of this recoinage policy for readjustment

of values. Usually the fluctuations in the comparative values of the metals are so gradual that contracts are not materially affected; and this is one of the strong points in favor of permitting trade and business interests generally to adjust themselves to currency conditions so far as variations in value are concerned. It is believed that far less disturbance would be produced by such a course than in case of the changes being brought about by arbitrary enactment.

It would indeed be difficult to predict that in case of a recoinage of the silver dollar which should contain an increase of bullion it might not from various causes, within a few years or months, become so valuable as to be bought up for exportation, and in this way force quite as much as in present conditions monometallism upon the country.

Mr. Chairman, this is certainly an eminently proper time to let the agitation of these questions severely alone. The logic of events will solve this coinage problem more effectually and satisfactorily than is possible by legislative enactment. It is more than probable that the old ratio between the two metals of from 15½ or 16 to 1 is as nearly correct as could be arranged by an international congress upon this subject. This having been established as the relative values of these two metals by long usage and the requirements of internecine traffic, it would certainly be wise not to disturb it except for most potent reasons. Practical experience is a powerful factor in the solution of all these intricate problems, and the statesman should bow to old naturally established usages with reverence.

I certainly do not wish to be understood as opposing an international conference upon this subject of readjustment of values; but it is very desirable that caution, moderation, and candor be carefully observed in the consideration of this important question. Nor do we deem it wise to increase or diminish the present volume of silver coinage. Two millions per month will give us but twenty-four millions per year—one hundred and twenty millions in five years, and two hundred and forty millions in ten years—certainly not an exorbitant amount; and it is reasonable to suppose that the legitimate and proper use of this metal will tend to its rapid appreciation in value. Should it be urged that silver is too cumbersome a metal with which to transact the business of the country, we answer that we do not use the metals, either gold or silver, in our commercial trafficking to great extent, except in the smaller transactions. They are chiefly valuable as substantial, available, rapidly convertible reserves upon which to base commercial transactions and against which to draw checks and drafts. It is submitted whether silver for the purposes enumerated is not a most excellent and substantial foundation upon which to base credit, whether of the citizen or nation.

It is said silver does not circulate; that it is left in the vaults of the Treasury, and the people do not want it. We answer that the same conditions apply to gold and its use as a medium of exchange. Yet no one will doubt the necessity of having a rapidly and readily convertible commodity upon which may be based checks and certificates with which to transact the business of the country; neither will any person question the peculiar adaptability of the precious metals to this necessary purpose. Private contracts can be made for payment in either or both metals, and neither debtor nor creditor suffer in the least; but when no stipulation is made, let all understand that either or their equivalent may be used.

If haste can be made very slowly in the consideration of this question, we feel assured that nothing can be lost in trusting to the logic of events for a full, complete, and satisfactory settlement of coinage differences.

The message referred to contains a recommendation to Congress for legislation favoring "the retirement of the circulation of United States notes with the capacity of legal tender in private contracts" as "a step to be taken in our progress toward a safe and stable currency, which should be accepted as the policy and duty of the Government, and the interest and security of the people."

Mr. Chairman, we utterly fail to understand that there is the least necessity for this retirement of our greenbacks. Certainly no evil effects are perceptible at present in our business conditions from the presence of this circulation; and in our judgment no good and sufficient reason has been presented for its retirement, nor do we know of any that would warrant in the slightest this action at the present. As a compromise, it has been suggested that it is desirable that the greenback be stripped of its legal-tender quality; that could this be done our system would be greatly benefited. It is argued that taking away the legal-tender capacity of the greenback currency would not affect its value. This proposition is, however, hard to understand. Its chief value consists in constituting a circulating medium performing all the functions of money, with a debt-paying power equal with the precious metals, and in addition to this admirable and useful function it provides a substitute for gold and silver to the national banks for the redemption of their notes, for which purpose, if stripped of its legal-tender powers, it could not be used, and there must of necessity spring up an extra demand upon the precious metals. It is always safe to have more than one resource, or even two, at command in an emergency. Let there come a panic from any cause whatever with a purely gold currency, and it at once disappears. It would not be so easy to hoard both gold and silver in case of such a condition of affairs; and it would be still more difficult to lock up with them a full legal-tender paper currency. With these three performing the full functions

of money, it does not require a financier to perceive the immense advantage to be derived from this treble standard in place of a single one when a stringency in the money market is imminent.

We, then, have the greenback currency with its legal-tender qualities unimpaired performing important offices in our financial system.

First. It aids the Government in the resumption of specie payment by preventing a run of the national banks for specie in case of panic.

Second. It adds to the debt-paying ability of the country, public and private, by preventing the hoarding of legal-tender, debt-paying money of the people by the few, who may in case of panic hold their capital uninvested in agricultural, manufacturing, or other pursuits for the development of the resources of the country, but who see to it that their means are held well in hand for the purpose of profiting by the necessities of these pursuits.

Third. It may be used in all transactions and for all purposes for which metallic money is used as a circulating medium, and being limited in amount it can easily be maintained at par with the precious metals, and is much more convenient for the ordinary purposes of traffic. Neither has there at any time been the least lack of confidence among the people in the stability and usefulness of this currency for all their necessary requirements.

Here, then, we have use, stability, (because of easy convertibility,) multiplicity of resource in case of emergency, and the unbounded confidence of the people in its present condition, all in favor of its powers being continued. It is submitted that it is difficult to imagine a greater array of argument in its favor. True it was originally issued under the extreme demands of dire necessity, while the national life was in imminent peril; but this is no argument if the people are satisfied with it that its benefits may not be continued to them in times of peace, especially if well guarded from overissue. Then, where is the necessity of this currency, performing all the functions of money and really of great benefit to the country, as we have seen, being shorn of a portion—and we do not know but entirely—of its power? For we can but believe this is the first step in the programme for its final retirement.

Where the danger of permitting the present conditions to remain until there appears to be some necessity for changing existing laws upon the subject? There certainly can be no cause for alarm at the present. It is urged in a clause of the message just quoted that this kind of circulation is not warranted by the Constitution. We answer, it will be quite time enough to think of retiring this valuable accession to the strength of our financial system when this question shall have been passed upon by a judicial tribunal of competent jurisdiction. Let us not mar or destroy this splendid financial fabric with which we are so well satisfied until we shall have learned by some practical test or theory of government that another can be erected which shall be more satisfactory, or that the present arrangement is dangerous to our happiness and perpetuity.

There is another phase of this financial discussion that may be properly considered in this connection, and this is our national-banking system. It has come to be a necessity to this country that there be maintained, for the purposes of effecting exchanges, some system of banking. Ninety per cent. of the business of the country is done by checks and drafts on balances. Our national-banking system was organized in 1863, and by the report of the Comptroller of the Currency, December, 1879, we find that the number of banks organized and in operation in June, 1879, was 2,048, with a capital in round numbers of \$455,000,000 and deposits of over \$713,000,000.

Up to 1863 the business of the country was done by banks organized under State laws upon State and other stocks, much of which was of a precarious character. By the State laws under which these banks were organized they were made banks of issue, and a very great proportion of these issues were made with not even the nominal support of the precarious stocks mentioned. Each State Legislature enacted the necessary laws for the government and control of these banks as to their issues and other powers, and as a consequence there was no uniformity in either the volume or value of the paper circulation. Our exchanges were effected with great difficulty, and in fact with much loss to portions of the country, owing to the difference in value of the issues of the banks operating under these different State laws. The great volume of traffic between the rapidly developing West and the eastern seaboard cities, then as now necessitated a vast amount of exchange in the transaction of business between the sections; and did the same discrepancy exist now as was sometimes the case then, before the inauguration and perfection of our present admirable system, the tax upon our western production would be a burden to which the people would not submit. It will be remembered that under the old *ante bellum* State system the difference between the value of the circulation of our western and seaboard States was at times as great as from 15 to 20 per cent., and the western merchant, forced to submit to this difference, had as a matter of self-preservation to add this to the price of his purchases, thus taxing the western consumer to a vastly greater extent in maintaining the old State system than has ever been the case under our present plan. The foregoing was not, however, the chief objection to this old democratic plan of banking, although this was so obviously wrong, viewed from our present enlightened position, that it is

useless to think of the people again submitting to such wholesale robbery.

The insecurity of the bills of these State institutions in the hands of the people, caused by the precarious nature of the stocks upon which their issues were based, was the cause of great loss to the holders and created a panic in 1857 that almost paralyzed the whole business of the country, bringing trade and commerce to a sudden and disastrous stagnation. It is said that the panic of that year cost the State of Illinois alone \$6,000,000. Surely, with the history of that trying period, and in fact the whole banking system prior to 1863, so fresh in the memory of the people, we do not care to try such an experiment again. The advantages of our national banking system as now organized are so markedly in contrast with those of the old State plan that there can certainly be no question as to which is the better. Nor do we believe it to be a wise policy to destroy our present arrangement unless a markedly better, more constitutional, and legal one can be substituted for the same. We have been calling the attention of the country to the old democratic manner of transacting business, that we may the more effectually show the wisdom of republican methods; and we think it not unreasonable that the people should be asked to compare the past with the present, and we appeal to them to be careful how they remand this important matter to the hands of those whose record is a standing monument of folly and lack of business sagacity. We submit that while the loss of the vast sums mentioned was a direct tax upon the people, no man ever lost a farthing by the national bank circulation, nor is it possible for any person to lose anything on account of the issues of these banks. The matter of difference, however, is whether the Government shall issue directly the paper circulation of the country, or shall such issue be made through banking corporations based upon the bonds of the Government as securities for such circulation.

During the year 1862 and 1863, while the war of the rebellion was at its height and the credit of the Government was being taxed to its utmost by the constant draft upon its resources, Congress, by acts of February 25 and July 11, 1862, and March 3, 1863, authorized the issue of what was called legal-tender notes, the volume of which issue has fluctuated from time to time as the requirements of trade and commerce appeared to demand, and amounted on the 28th day of February, 1880, to the sum of \$346,681,016. In the discussions in Congress at the time of the first issue of these legal-tender notes it was claimed that such an issue could only be justified by the most urgent necessity, and that such necessity was then upon the country no person for a moment doubted in the least. These issues have been decided by the Supreme Court of the United States as unconstitutional, but afterward constitutional and admissible, and allowable as a necessity and sustainable upon this theory. Waiving all questions as to the constitutionality of the power of Congress to authorize the issue of paper money in times of peace, a question concerning which there can be but one opinion, let us examine for a moment the proposition to supersede national-bank circulation with greenback issues. Should this be done we would be benefited to the extent of 4 per cent. on \$342,210,867, the amount of the national-bank circulation January 31, 1880, provided an equal amount of interest-bearing bonds was called in and canceled. The amount of such interest would be \$13,688,434.68. At 3½ per cent., as proposed by the bill under consideration, the amount would be \$11,977,380.34. This sum is certainly of sufficient magnitude that it should be saved to the Government, and at first thought it appears that this amount would be clear gain to the Treasury. A candid view of the subject develops the fact that in taking out of existence this amount of national-bank circulation there is taken from the taxable property of the country the said sum of \$342,210,867, and by so doing a greater burden must be added to the visible property of the people, and let us see what this tax amounts to in 1878, the last year for which we can find a compilation. It is as follows:

United States tax.....	\$6,727,232
State and local tax.....	8,056,533
Total.....	14,783,765

It will certainly not be argued or maintained by any person that the Government can tax its own indebtedness. This proposition is so utterly preposterous that it needs no demonstration; and it is certainly unsafe to permit a State of the Union to do that which would ultimately destroy the Government by the final destruction of its credit. It is unquestionably true that our greenback issue is only an issue of certificates of Government indebtedness, which, by agreeing not to increase beyond a certain amount and by keeping a percentage of coin in reserve, is kept at par with the precious metals. This greenback issue must then, being no more nor less than an evidence of indebtedness of the Government, be non-taxable under all laws and decisions upon the subject. In the event of the retirement of the national-bank circulation and issuing Government notes in its place, we would relieve the country from interest to the amount of from \$12,000,000 to \$14,000,000, and add to the burdens of our industries a taxation of almost \$15,000,000, by retiring the aforesaid amount, \$342,210,867, of taxable capital and supplying in its stead an equal amount of non-taxable capital. It may be said these national banks pay no more than their proportion of tax with private banks. This may be true; but it is submitted that by retiring their circulation

the interest upon their bonds would be assured without the taxation, while it must be plain that by continuing these banks in existence and making the bonds a basis upon which to issue bank-stock, they are indirectly made taxable. A further issue of paper circulation by the Government would also necessitate the hoarding in the Treasury, in coin, for redemption purposes of at least 33 per cent. of such issue; which, if the same be made to cover the present outstanding issue of the national banks, would amount to the sum of \$114,070,289. This amount is the least that, according to the rules and experience of safe banking, would be necessary to maintain the aforementioned issue of paper at par and prevent our credit from becoming disastrously affected in the markets of the world. No statesman or party can afford in the least during times of peace and prosperity to enact or advocate laws affecting in any manner unfavorably the credit of the nation.

The necessity of maintaining the credit of the country untarnished cannot be too strongly presented or sacredly guarded, and must be particularly manifest when it is remembered that the Government is and must of necessity for years to come be engaged in funding its indebtedness as the same shall become due, and which it is impossible at the moment to discharge. Any decrease in value in our securities or increase in interest paid must finally come from the productive industries of the country. We claim for the republican party the honor of placing national credit upon such a basis as to enable the Government to borrow unlimited sums of money at an unprecedented low rate of interest.

We have, too, the spectacle of leading democrats upon the other side now advocating funding our obligations falling due in a short time at the very satisfactory rate of 3½ per cent. interest per annum, and this, too, in view of the loud protests of the democratic party by the enunciations of their platforms and orators—only a little more than a year ago, that the credit of the Government was not such as to warrant the presumption that it was possible to resume specie payments. Surely the world does move—when the Bourbon democracy, driven by the logic of events and the persistent patriotic efforts of the republican party, is now through its leaders upon this floor found advocating these low-funding projects as a result of specie resumption and as a consequence of the established credit of the nation.

It has been stated upon this floor that national banks are robbers of the people; that vast sums of money are made to their stockholders and, that they are crushing out the legitimate business of the country. This is hard to comprehend. If indeed these banks are so very profitable, why do not our people organize them more generally all over the country? The franchises of national banks do not constitute a monopoly. National banking is practically free; any five citizens or greater number may engage in this lucrative business, may organize one or more of these institutions provided always that they can procure the money with which to purchase the necessary Government bonds. It may be said it is difficult to get a sufficient amount of capital together to purchase the requisite bonds. It is submitted upon this point that the same argument applies in organizing any business requiring capital, such as merchandising or manufacturing. By organizing these banking associations all over the country almost every citizen could become a sharer in these lucrative institutions. A general investment in Government bonds and national-bank stocks would also increase the circulation of the country, and it is suggested that those of our friends who think there is lack of circulation could in this way very properly and legitimately, not to say philanthropically, increase the *per capita* circulation, add to the taxable property of the country, and at the same time become direct sharers in this lucrative business. The shares of these banking institutions are divided in such manner that any person may purchase them at about \$100 each, thus placing the holding such stock within the reach of almost every person. Such increase of the circulation would be brought about upon a perfectly legitimate and safe basis, and without the slightest increase of the obligations of the Government, which, it must be borne in mind, would not be the case were greater volume of greenback issue resorted to; unless, as before stated, a corresponding amount of interest-bearing indebtedness should be immediately canceled.

It must not be forgotten that the only way by which an organized government can procure its necessary revenues is by the taxation of its people, and this is the only means for providing funds for the payment of its accumulated indebtedness as well as the payment of current expenses.

Governments are not, neither should they be, organized for the purpose of conducting mercantile, commercial, or other business for the purposes of profit. These are the special prerogatives of the citizen. The prime object of the banding together of communities under forms of government is not that they may organize for the purpose of concentrating the powers of commerce, traffic, and trade, but that the citizen may be the more secure in the enjoyment of his life, liberty, and property, the first great natural rights of man. As well argue that the Government being its own bank of issue, and the people being satisfied therewith, therefore the people would be as well satisfied with the manufactures of cloth, iron, or any other necessity of the country by the Government; hence, the people being content, the Government should do all the manufacturing and mercantile business of the country and take these also out of the hands of monopolies that are robbing the people by the accumulation of profits. It is, however, hardly presumable that any gentleman upon this floor, who has read history, would dare have the temerity to advocate this wholesale

return to paternal government. It has been argued by some men of national reputation that governments can by the enactment of a law create value to their circulating medium. This, however, is not true. No argument is needed to disprove a proposition so manifestly absurd and unreasonable.

Could it be demonstrated that organized government can "flat" value into its issue, then it is submitted that the greater the issue the more value in the country, and the proposition would naturally follow that the issue of this value should be unlimited. But it is utterly useless to think of such an absurd theory. The only way by which the nation can pay its debts honestly is by taxing its people, and in this manner raise the money to pay them. It is submitted in this connection that any decrease in our reputation for national honesty and integrity must in the end affect our credit unfavorably and increase the burdens of the people.

I believe the consideration of financial measures should be divested of every other matter. No appeal should be made in any manner whatever to prejudices of any kind; no class of citizens should be appealed to as a class in order to force through any measure of a financial character without the most mature and deliberate consideration of the subject.

Ex-soldiers, as a class, have rights under the Government that must be sacredly guarded; but they must not be used by cunning, designing parties by permitting themselves and their interests to be dragged into and made a factor in the discussion of the national finances. By all means pay these gallant defenders of the nation in her hour of peril every cent to which they are entitled. Parcel out the public domain to them. Provide liberal pensions for the unfortunate, the widows and orphans of the nation's defenders; equalize their bounties as contemplated by the bill for that purpose introduced by the gentleman from Ohio, [Mr. FINLEY.] Provide homes for the wounded and unfortunate on a grand scale if need be, but do all this by direct grant and taxation, and not by dragging them and their interests into and complicating them with financial legislation in passage of which there is no hope and less necessity.

Mr. Chairman, these views and suggestions are presented with a full desire to do justice to the business interests of the country. I know these questions will enter somewhat into the discussions of the coming political campaign and I have thought best to present them to the House and country that the necessity may be made apparent of not tampering with existing laws upon the subject of our national finance. We have all the legislation necessary at present for the good of the business of the country, and any tampering with the finances will tend to disturb business and affect contracts unfavorably. The policy of letting "well enough alone" is the correct one, during the present session of Congress certainly, if not indeed for many sessions to come.

Surely, Mr. Chairman, in view of our splendid financial condition, it is wise and statesmanlike to at least make the effort to save to our Treasury all in our power. We believe the refunding bill now under consideration to be a measure the provisions of which are worth testing. No evil can result from it, and we may venture to hope that much good will accrue to the people. As a matter of sagacity the republican party should take advantage of the credit of the country produced by the management of its finances under its administration of affairs, and reap the rich harvest of reputation for honesty in the management of the national finances which it has in past years sown and to which it is justly and properly entitled.

Mr. MILLS. Mr. Chairman, there are two opposing theories in reference to the effects produced by public debts. The adherents of one maintain that a public debt is a public blessing; that it is so much added to the national wealth; that it facilitates exchanges, stimulates trade, promotes agriculture, and encourages every species of industry; that it brings prosperity and power to a nation, and makes it independent and self-supporting in war as well as in peace. All these advantages, so incalculable in their value, flowing directly from a funded debt, it follows, as they maintain, that it should be the constant care of a wise statesmanship to preserve and perpetuate its existence to the remotest posterity.

The adherents of the opposing theory as stoutly maintain that a public debt is a public burden; that it is a cunningly devised scheme of the rich and powerful to enslave the masses for the greater and more rapid enlargement of their own fortunes; that through its influence the burdens of taxation are shifted from the shoulders of the wealthy to the shoulders of the poor, and in such manner as to transfer, under its deceitful disguises, the earnings of labor to the coffers of the wealthy; that it creates and supports a vast money power, whose existence is a constant menace to popular government; that it is the parent of national banks and indirect taxation; and that through their pernicious results the laboring population is continually rendered poorer, and a large portion of them reduced to pauperism and crime. Holding these opinions, duty to the people, whose welfare is imperiled, demands as they maintain, that its extinguishment should be as rapid and their deliverance as thorough and complete as the constitutional powers of Congress can make it.

What course, therefore, any of us shall take upon the bill reported by the committee to refund the debt falling due in the present and ensuing year, and to draw on posterity for its payment, will depend in a great measure upon the opinions that each may hold as to the wisdom of the one or the other of these two opposing theories.

National debts, wherever they exist, are the products of war. It is a singular fact that notwithstanding the vast monument of funded debt that rests to-day upon the shoulders of the civilized world, we search in vain on all the pages of ancient history for any traces of its existence. It is unknown to history anterior to the seventeenth century. When we remember that all history is one continued recital of deeds of arms, of marches and counter-marches, of victories and defeats, of blotting the maps and drawing anew the boundaries of empire, of tearing down and erecting dynasties—when we remember that man has been busy through all his existence in hunting down his fellow and slaying him as a sacrifice to propitiate the smiles of power, we are overwhelmed with wonder that it never entered into the mind of king, prince, potentate, or power to invoke to his aid this most powerful auxiliary. The knowledge of its wonderful power was concealed from man from the dawn of creation through all the darker ages, to be revealed in the blaze of the civilization of more modern times. To the statesmen and the philanthropists of these later years Heaven has reserved the priceless boon of conceiving the great idea and developing it into a powerful engine of fiscal administration. To them belongs all the glory and all the honor for having discovered and perfected this wonderful engine of state-craft that so rapidly, so noiselessly, so effectually, so remorselessly condemns without crime to unrequited toil the generation now living and all the generations that are to come from the womb of the future. [Applause.]

The wise men who founded and administered governments in the earlier ages of the world provided in times of peace for the expenditures of war. The Jews, Egyptians, Assyrians, Medes, Persians, Greeks, Romans, and all the peoples that followed them hoarded treasures in their national coffers in times of peace to be expended when the exigencies of war required it. Violent and reprehensible as were too often the methods practiced under their policy, yet it had one redeeming feature, wholly unknown to the funding system, it laid its exactions at the door of the opulent and powerful, while the funding system clandestinely, surreptitiously, stealthily lays all its crushing burden upon the shoulders of the weak and powerless.

A bonded public debt is a plant of vigorous growth. It flourishes in all countries and climes. We find it in all the governments of Europe, in Asia, in all the countries of South America, in Mexico, in every State of the American Union. In 1848 the public debts of the civilized world were \$8,000,000,000. In 1870, only twenty-two years afterward, only the life of a generation, only a breath in the existence of a nation, the public debts of the civilized world had increased to \$19,000,000,000. In this short space of time France increased her debt eighteen hundred millions, Italy twelve hundred millions, Austria nine hundred millions, Germany six hundred millions, Spain five hundred millions, and the United States twenty-eight hundred millions.

This enormous mortgage takes from the earnings of the laboring people of the world \$785,000,000 annually to pay interest to its owners; \$785,000,000 of taxation laid upon the clothing that wraps the bodies of the poor, \$785,000,000 of taxation laid upon the food that sustains human life, \$785,000,000 extracted from the poor toiling people of the world, is a denial to that extent of the satisfaction of the wants, the comforts, and necessities of life. The governments that have created these debts, and laid these burdens upon the shoulders of the poor, take for their annual support three thousand millions more. Mr. Fenn, in his work on the public debts of the civilized world, said that in 1870 the debts and investments of the civilized world were over \$30,000,000,000, and at the rate at which they were growing they would by the year 1900 reach \$75,000,000,000. Then he overwhelmed us with the startling interrogatory: What then shall be the issue? The solution of this question is a subject that commends itself to every statesman. What is to be the issue? We can all answer it in the light of history. Increased taxation on labor, increased accumulation of wealth in the hands of the few, increased corruption in Government, increased destitution and suffering among the masses, increased pauperism and crime.

In the creation and retention of this vast funded debt, which presses like a mountain upon the shoulders of our people, all the salutary lessons of our fathers have been disregarded. They have warned us time and again to shun the dangerous rock; they have admonished us time and again that a public debt is a burden whose weight and proportions no power of mathematics can measure. The Continental Congress, as soon as peace with Great Britain was secured—a Congress composed of the same men who framed and gave to us the Constitution of the United States and founded the system of civil liberty which we now enjoy—called upon the States to invest them with power to lay duties upon imports, and urged them to levy upon themselves specific taxes to be set apart and pledged to the payment of the public debt within a period "not exceeding twenty-five years." In the spring of 1783 they called again upon the States for more power to lay duties and again earnestly urged the States to cede to the General Government their public lands to be sold to pay bounties due to the soldiers and to meet the claims of the public creditors. If there were no harm resulting from a public debt, why these urgent appeals for its extinguishment? In the language of Mr. Jefferson, in reference to a bill reported to Congress imposing taxes in 1812 to meet the expenditures of that war, "it was a dashing proposition." Think of those poor people, prostrated by a protracted and desolating war,

their country laid waste on every side by marching armies, with a debt resting upon them equal in amount to the value of all their property, real, personal, and mixed; a country barely able to rise and stand upon its feet to receive the crown of victory. Think of the Congress of the General Government asking the States to tax themselves and give them power to tax the people again in imposing duties upon imports. Think of it and ask yourselves, why were they so earnest, so urgent, so importunate? What was the urgent necessity that induced the States to heed that appeal and pour into the lap of the Confederation the vast areas of their public lands? What great cause stirred the heart of the old Commonwealth of Virginia to respond to that call and cede to the General Government that vast empire of the Northwest, now grown into so many great States and the homes of so many happy and prosperous people? In the language of the appeal of Congress, it was "to hasten the extinguishment of the public debt."

Mr. Madison tells us that a public debt is a public curse, and worse in a republic than in any other form of government.

Mr. Hamilton, in his celebrated report, says:

It should be a fundamental maxim in the system of public credit of the United States that the creation of a debt should always be accompanied with the means of extinguishment.

He tells us that the payment—not the retention, but that the payment of a public debt is the only means of making public credit immortal. But the statesmanship which has conducted this country since the war does not seek the immortality of the public credit, but the immortality of the public debt, that capitalists and corporations and bankers and bondholders may riot in an immortality of spoliation and robbery levied upon the laboring masses of the country.

Mr. Gallatin told Mr. Jefferson, in some comments on his message in 1803, that one of three things had to be done: either taxation must be increased, or expenditures reduced, or the payment of the public debt retarded; and of these three he would not consent to the latter. He would not consent to the continuance of the public debt beyond the time when it could be paid. He would increase the taxes. He would reduce the expenditures, but he would not retard the payment of the public debt.

Mr. Jefferson, in his message of December, 1802, characterizes the public debt as a "moral canker" from which he anxiously looks forward to the emancipation of our posterity. It was but \$80,000,000 at that time. It was small, but he knew how easy it would be to inflame that canker and make it spread all over the body-politic upon which it had fastened. He and all our revolutionary fathers looked forward to 1808, the period of twenty-five years, from 1783, for the extinguishment of our national debt. But, alas! when 1808 arrived the additions had been greater than the diminutions, as is usually the case with national debts, and the debt was found still to be \$57,000,000. The war of 1812 coming on, it amounted to \$127,000,000. The old father and founder of our system of government became alarmed, and his alarm increased with the debt; and, though in retirement, he addressed a letter, in 1813, to the chairman of the Committee on Ways and Means of this House, urging upon him to bring before the House and press upon Congress the duty of paying that debt within the lives of the then living generation. I beg to commend the lessons of wisdom in that letter to my honorable friend, the chairman of the present Committee on Ways and Means. If these words were wise then they are much wiser to-day. The burden and the dangers of the public debt are eighteen times greater to-day than they were then; and the wisdom of this warning should fall with eighteen times more emphasis upon our ears than it did upon those who heard it then. I will read a few extracts from this letter:

It is a wise rule and should be fundamental in a government disposed to cherish its credit, but at the same time to restrain the use of it within the limits of its faculties, "never to borrow a dollar without laying a tax on the same instant for paying the interest annually, and the principal within a given term; and to consider that tax as pledged to the creditors on the public faith." On such a pledge as this, sacredly observed, a government may always command, on a reasonable interest, all the lendable money of their citizens, while the necessity of equivalent tax is a salutary warning to them and their constituents against oppression, bankruptcy, and its inevitable consequence, revolution. But the term of redemption must be moderate, and at any rate within the limits of their rightful powers. But what limits, it will be asked, does this prescribe to their powers? What is to hinder them from creating a perpetual debt? The laws of nature, I answer. The earth belongs to the living, not to the dead. The will and the power of man expire with his life, by nature's law.

In seeking then for an ultimate term for the redemption of our debts, let us rally to this principle and provide for their payment within the term of nineteen years at the farthest.—Volume 6, pages 136, 137.

Again, in the same year, he wrote to the chairman of the Committee on Ways and Means:

We must raise, then, ourselves the money for this war, either by taxes within the year, or by loans; and if by loans, we must repay them ourselves, proscribing forever the English practice of perpetual funding; the ruinous consequences of which, putting right out of the question, should be a sufficient warning to a considerate nation to avoid the example.—Volume 6, page 197.

He writes again to the same gentleman, in the same year:

At the time we were funding our national debt, we heard much about "a public debt being a public blessing;" that the stock representing it was a creation of active capital for the aliment of commerce, manufactures, and agriculture. This paradox was well adapted to the minds of believers in dreams, and the gulls of that size entered *bona fide* into it.—Volume 6, page 239.

To Mr. Monroe, then in Mr. Madison's Cabinet, he wrote in 1815, in which, while he readily admits that funding on specific redeeming

taxes enables a nation to anticipate in war the resources of peace, he says:

The misfortune is, that in the mean time we shall plunge ourselves in unextinguishable debt, and entail on our posterity an inheritance of eternal taxes, which will bring our Government and people into the condition of those of England, a nation of pikes and gudgeons, the latter bred merely as food for the former.—Volume 6, page 400.

To Mr. Gallatin, minister to France, he writes in 1815:

Put down the banks, and if this country could not be carried through the longest war, against her most powerful enemy, without ever knowing the want of a dollar, without dependence on the traitorous classes of her citizens, without bearing hard on the resources of the people or loading the public with an indefinite burden of debt, I know nothing of my countrymen.—Volume 6, page 498.

To John Taylor, of Caroline, he wrote in 1816:

Funding I consider as limited, rightfully, to a redemption of the debt within the lives of a majority of the generation contracting it; every generation coming equally, by the laws of the Creator of the world, to the free possession of the earth he made for their subsistence, unencumbered by their predecessors, who, like them, were but tenants for life.

And I sincerely believe, with you, that banking establishments are more dangerous than standing armies; and that the principle of spending money to be paid by posterity, under the name of funding is but swindling futurity on a large scale.—Volume 6, pages 605-608.

To William H. Crawford, Secretary of the Treasury, in 1816, he writes:

No earthly consideration could induce my consent to contract such a debt as England has by her wars for commerce, to reduce our citizens by taxes to such wretchedness, as that laboring sixteen of the twenty-four hours, they are still unable to afford themselves bread, or barely to earn as much oatmeal or potatoes as will keep soul and body together.—Volume 7, page 7.

Again, in 1816, he writes to Mr. Kerchival:

I am not among those who fear the people. They and not the rich are our dependence for continued freedom. And to preserve their independence, we must not let our rulers load us with perpetual debt. We must make our election between *economy and liberty, or profusion and servitude*. If we run into such debts as that we must be taxed in our meat and in our drink, in our necessities and our comforts, in our labors and our amusements, for our callings and our creeds, as the people of England are, our people, like them, must come to labor sixteen hours in the twenty-four, give the earnings of fifteen of these to the Government for their debts and daily expenses; and the sixteenth being insufficient to afford us bread, we must live as they now do, on oatmeal and potatoes; have no time to think, no means of calling the mismanagers to account, but be glad to obtain subsistence by hiring ourselves to rivet their chains on the necks of our fellow-sufferers. Our landholders, too, like theirs, retaining indeed the title and stewardship of estates called theirs, but held in trust for the Treasury, must wander, like theirs in foreign countries, and be contented with penury, obscurity, exile, and the glory of the nation. This example reads to us the salutary lesson that private fortunes are destroyed by public as well as by private extravagance. And this is the tendency of all known governments. A departure from principle in one instance becomes a precedent for a second, that second for a third, and so on till the bulk of the society is reduced to be mere automatons of misery, to have no sensibilities left but for sinning and suffering. Then begins, indeed, the *bellum omnium in omnia*, which some philosophers, observing to be so general in this world, have mistaken it for the natural instead of the abusive state of man. And the forehorse of this frightful team is public debt. Taxation follows that, and in its turn wretchedness and oppression.—Volume 7, page 14.

To Governor Plumer in 1816, he writes:

I place economy among the first and most important of republican virtues, and public debt as the greatest of the dangers to be feared. We see in England the consequences of the want of it, their laborers reduced to live on a penny in the shilling of their earnings, to give up bread, and resort to oatmeal and potatoes for food; and their landholders exiling themselves to live in penury and obscurity abroad, because at home the government must have all the clear profits of their land. In fact, they see the fee-simple of the island transferred to the public creditors, all its profits going to them for the interest of their debts. Our laborers and landholders must come to this also, unless they serenely adhere to the economy you recommend.—Volume 7, page 19.

Again, in 1816, he writes to ex-President John Adams:

What do you think of the present situation of England? Is not this the great and fatal crash of their funding system, which, like death, has been foreseen by all but its hour, like that of death, hidden from mortal prescience? It appears to me that all the circumstances now exist which render recovery desperate. The interest of the national debt is now equal to such a portion of the profits of all the land and the labor of the island as not to leave enough for the subsistence of those who labor. Hence, the owners of the land abandon it and retire to other countries and the laborer has not enough of his earnings left to him to cover his back and to fill his belly. The local insurrections, now almost general, are of the hungry and the naked who cannot be quieted but by food and raiment. But where are the means of feeding and clothing them?—Volume 7, page 40.

In a letter to Hon. Edward Everett, in 1822, he says:

I have long considered the present crisis of England and the origin of the evils which are lowering over her as produced by enormous excess of her expenditures beyond her income. To pay even the interest of the debt contracted she is obliged to take from the industrious so much of their earnings as not to leave enough for their backs and bellies. They are daily, therefore, passing over to the pauper list, to subsist on the declining means of those still holding up, and when these also shall be exhausted, what next?

Andrew Jackson, in his inaugural address, in 1829, says:

The unnecessary duration of a national debt is incompatible with real independence.

So deeply was he impressed with the fearful consequences that follow the continuance of public debts that he waged relentless war against it and its offspring, the national bank. His tenure of the Chief-Magistracy was distinguished by the double victory that annihilated both the debt and the bank. In his message to Congress in 1833 he says:

If Providence permits me to meet you in another session, I shall have the high gratification of announcing to you that the national debt is extinguished. I cannot refrain from expressing the pleasure I feel at the near approach of that desirable event.

Mr. Calhoun said in his place in the Senate:

My aversion to a public debt is deep and durable. It is in my opinion pernicious, and is little short of fraud on the people.

Mr. Ingham, Secretary of the Treasury, in one of his reports, says:

Whatever the considerations of public policy that have made the rapid extinguishment of the public debt a favorite object of the nation, it is known that the public creditor regards it, individually, as a hardship to be paid off.

Mr. McLane, Secretary of the Treasury, in one of his reports, says:

It will be a proud day for the American people when to all those noble characteristics which have rendered their career so memorable among nations they shall add the rare happiness of being a nation without debt.

From the beginning of the debt to its close there was no time when it exceeded one hundred and twenty-seven millions, yet when it was paid in 1835 it had cost the people of the United States four hundred and thirty-one millions. Mr. Jefferson tells us at one time it had been "juggled" from forty-three up to eighty millions. Juggling is one of the familiar features in the family of that name. Our present debt was juggled in 1869 from thirteen hundred and seventy-one millions to two thousand and forty-nine millions. The English funded debt was juggled between 1793 and 1816 from sixteen hundred and forty-five millions to twenty-nine hundred and thirty-three millions. This is one of the prominent benefactions it always bestows, and I doubt not if we could ascertain the history of all the public debts in the world we would see the brand upon all their foreheads.

Mr. Jefferson tells us when we were funding our revolutionary debt we heard a great deal about a public debt being a public blessing. We heard the same when we were funding our present debt. The English heard the same when they were funding theirs. But whenever and wherever it has been heard "it is the bugle blast of a robber band."

Mr. Chairman, we have heard to-day the republican party extolled to the skies by the gentleman from Maine for the wisdom it displayed since the war in the management of the finances. Whatever of praise or censure is due belong to that party, for they have had continued control of the Government. It was a republican administration that negotiated the bonds. It was their administration that appointed the agent who sold them. They are bound by his acts and utterances as much as by those of Mr. Chase, who appointed him. In speaking for the Administration and his party, he says:

We lay down the proposition that our national debt, made permanent and rightly managed, will be a national blessing.

The funded debt of the United States is the addition of \$3,000,000,000 to the previously realized wealth of the nation. It is three thousand millions added to the available active capital. To pay this debt would be to extinguish this capital and to lose this wealth. To extinguish this capital and lose this wealth would be an inconceivably great national misfortune.

In the above clear statement of the proposition, as the agent of the Administration, he was pleading with the capitalist, and opening the way for an alliance between him and the republican party. The overtures were accepted and the union consummated. Here is what he says to the manufacturers:

The maintenance of our national debt is protection. The destruction of it by payment is bondage again to the manufacturers of Europe.

It is hardly necessary to say that the manufacturers were won by this frank avowal of their cause in their contest with the people whom they were prostrating by high tariff legislation.

Here is what he says to the national bankers:

That is not a hazardous opinion which declares that in less than twenty years our national bank note circulation will be \$1,000,000,000. * * * The currency that sixty-one millions of people, unequaled in industry and untrammelled in enterprise, will require, has got to have the basis of a national debt. There is no other foundation for it to stand on that will impart to it at once security and nationality.

He urges the repeal of the income tax, says "it should be scornfully abandoned, and that, too, right speedily and forever." That "indirect and not direct taxation should be the order of the day." He maintains that "there is no just way of discharging a national debt except by apportioning the interest to generation after generation in perpetuity." Whatever else may be said of the doctrines taught by the agents of Mr. Chase, their courage and boldness would have done honor to any highwaymen that ever infested the road. There are gems of wisdom and statesmanship in these utterances for which the gentleman failed to give the proper credit to his party to-day. Jay Cooke, the agent of the Administration, lays down the doctrine of the capitalist, the manufacturer, and the national banker, that the national debt is a national blessing. He does not dodge the question as some of our statesmen do who profess to hate the public debt while bringing before Congress and urging the passage of a bill to refund the debt and throw it upon future generations that its blessing may be perpetuated. He boldly comes out of his hiding-place, boldly declares the virtue of legislative robbery, and stands by it as a fearless champion of the highway.

Now, sir, I desire to read from another distinguished leader of the republican party, and one of the strongest advocates of manufacturing monopoly in the United States. I read from a speech made by my colleague, Judge KELLEY, in 1867:

Mr. Chairman, within an hour of the opening of the present session I introduced the following resolution, which was adopted without dissent:

"That the Committee of Ways and Means be instructed to inquire into the expediency of immediately repealing the provisions of the internal-revenue law whereby a tax of 5 per cent. is imposed on the products of the mechanical and manufacturing industry of the country."

On the succeeding Monday, having in the mean time examined the report of the Secretary of the Treasury, I submitted the following:

"Resolved, That the war debt of the country should be extinguished by the generation that contracted it is not sanctioned by sound principles of national economy, and does not meet the approval of this House."

Here was a square issue made between Jefferson, Madison, Hamilton, Gallatin, Jackson, Calhoun, and all the fathers on one side, and the representatives of the capitalist, the national banker, and the manufacturer on the other. And what was the result? It was that Congress, under the control of that party so highly eulogized to-day, did scornfully abandon the income tax, and that right speedily. They did repeal the tax that was imposed on the two thousand millions of capital invested in manufactures, and upon which forty thousand persons realized a net profit of over 40 per cent. They did repeal the tax imposed upon the five thousand millions invested in railroads that brought to its owners a net annual income of one hundred and eighty-five millions. They did repeal all tax upon the less than three hundred thousand persons who had a net annual income of over \$800,000,000. They released over two hundred millions of annual revenues to the wealthy; but what act of generous kindness did they do toward that vast army of laborers who eat their daily bread by the sweat of their brow—the thirty-eight millions of people that had no income, that made only a support, and nothing more? They increased their taxes.

Why were these taxes on wealth given away? It was to prevent the payment of the public debt. If they had all been retained as firmly as the taxes on the poor man's food and clothing we would have been to-day without a dollar of national debt; but the manufacturer did not want the national debt paid, because the \$100,000,000 that the laboring people had to pay for its interest was levied on foreign goods they had to buy, and its price fixed the price of the domestic manufacturer's goods, and the people had to pay both, and their wealth was released from taxation. Why should not the national debt be to them a national blessing? The capitalist did not want the debt paid. So he was exempted from paying any taxes on his bonds and income, how did it injure him? If it were paid, where was he to find a safe and profitable investment for his large wealth? Who is to "seal up his eyelids and steep his senses in forgetfulness" when he lays down at night with his money scattered all over the country among bankrupt and absconding debtors? Now his vast wealth is safely invested, and he has a mortgage decreed by law upon all the labor of all the people and all the civil and military power of the Government held in readiness to collect and pay his quarterly interest. Will any one suppose that Mr. Vanderbilt, with his thirty millions of United States bonds, paying him an annual interest of twelve hundred thousand dollars, desires to see the public debt paid? Would a man whose monthly income was \$100,000 for interest due on his bonds want to see these bonds paid? Would he not be likely to exert a powerful influence upon Congress to hold and prolong the debt, and keep the necks of the toilers bent under the burden from which he received such enormous benefits? No one is astonished that the stockholders of national banks clamor for the retention of the national debt. It is a very natural thing for them to praise the bridge that carries them safely over. Their very existence is bound up in the public debt. They live with the public debt and expire with the public debt. National debts and national banks are two monsters through whose veins flows the blood of but one life.

If the debt is paid, as Jay Cooke says they have no basis to stand upon. Standing upon the debt "they have," in the language of Mr. Jefferson, "the regulation of the safety-valves of our fortunes to condense and explode them at their will." Under their dominion, as he says, "the country is abandoned to the avarice and jugglings of private individuals to regulate according to their own interests the quantum of circulating medium for the nation, to inflate by deluges of paper the nominal prices of property, and then to buy up that property at one shilling on the pound, having first withdrawn the floating medium which might endanger a competition in purchase." In 1820 the banks had control of our circulation, and contracted it fearfully, and what was the result? Let the old father and founder of American democracy answer. He says:

This State [Virginia] is in a condition of unparalleled distress. The sudden reduction of the circulating medium from a plethora to all but annihilation is producing an entire revolution of fortune.

No wonder that he said "bank paper must be suppressed, and the circulating medium must be restored to the nation, to whom it belongs."

No wonder that he said that the bank mania "is raising up a moneyed aristocracy in our country which has already set the Government at defiance."

No wonder that he said, "If we suffer the moral of the present lesson to pass away without improvement by the eternal suppression of bank paper, then indeed is the condition of our country desperate."

No wonder that he said, "Interdict forever to both the State and National Governments the power of establishing any paper bank."

No wonder that he said "their object is to enrich swindlers at the expense of the honest and industrious part of the nation."

No wonder he says, "Let us be allured by no projects of banks, public or private, or ephemeral expedients, which, enabling us to gasp and flounder a little longer, only increase by protracting the agonies of death."

No wonder he said in 1815, "The Government is now issuing Treas-

ury notes for circulation, bottomed on solid funds, and bearing interest. The banking confederacy will endeavor to crush the credit of these notes; but the country is eager for them, as something they can trust to, and so soon as a convenient quantity of them can get into circulation, the bank-notes die."

Sixty-five years have passed since that utterance was penned, but the banking confederacy are as determined to-day to crush the credit of the Treasury notes as they were then. They clamor for the legal-tender quality—the compulsory debt-paying power—to be taken away from them, that they may drive them back into the Treasury and compel them to capitulate at discretion. They know when they have taken the legal tender from the Treasury note they have disarmed their enemy on the field, and he must give up the fight. If the Treasury note is retired, then the bank-note will take its place, and we will soon have Jay Cooke's one thousand millions in circulation, and more than a thousand millions of debt retained, refunded from generation to generation "in perpetuity" for them to stand on.

Capitalists, bankers, and manufacturers have always been the warm advocates, the fast friends of a public debt. General Jackson charged the United States Bank, when seeking a renewal of its charter in 1832, with the employment of every means in its power to defeat the payment of the public debt. He said it did not hesitate to use its funds to control the press. Are they not spending ten times the money to-day to control the press that they did then. How many presses to-day in the United States are controlled by banking and manufacturing monopolies? They are to-day and always have been in league, offensive and defensive.

In 1837, after the debt was paid, when we had no taxes save duties on imports and the revenues of the Government were more than were necessary for its expenses, the representatives of the toiling people of the United States found themselves overmatched by the combined forces of the manufacturers and bankers, and a law was passed that took from the coffers of the Government \$37,000,000 and gave it to the States, and some of the States actually gave back the money *per capita* to their citizens.

In 1841, while Congress was discussing a bill to borrow \$12,000,000 on Government bonds, another bill was lying upon their table and receiving the same support as the loan bill that provided for the distribution of over \$3,000,000, the proceeds of the sales of the public lands, among the States.

What did all this mean? The manufacturers preferred to give back the money in the Treasury to the people rather than reduce the tariff and give up the profits it gave them in raising the prices of their commodities. It mattered not what the Treasury lost, they retained their spoil, and the bankers were willing to give away the treasures of the Government that it might create a bonded debt for the new bank to stand upon, which they were creating but which expired on a presidential veto. It is not a matter to excite one's special wonder that the moneyed aristocracy are found proclaiming the great source of blessings that a public debt bestows; nor is it a matter of profound astonishment that when the war was over their representatives with such haste demanded the repeal of taxes on wealth from which the Government was receiving over two hundred millions annually. But how does the debt affect the laboring people? Are those that toil in the great hive of our industries benefited? What has indirect taxes, the favorite of the moneyed aristocracy, accomplished? What is indirect taxation? It is taxation levied on food, clothing, and the implements of labor. Direct taxes are taxes levied on wealth. One is laid upon the rich, the other upon the poor. The direct taxes were all repealed; the other is left to us and has been increased. Indirect taxation is one of the most insidious instrumentalities for the spoliation of a whole nation that the ingenuity of man could invent. While the system itself is unjust in its manifest inequality that is the least objection to it. It concentrates rapidly the national wealth into a few hands and leaves suffering and distress to the masses. If the duty on an article were 100 per cent. and ten millions were imported the Government would receive ten millions. That would be an exorbitant tax. But if a hundred millions of the same article were manufactured and sold at the same price the people who bought and consumed all over the country would pay a hundred millions to the home manufacturer. This system of taxation soon makes a millionaire of one and a mendicant of the other.

No nation on earth, I care not what may be its resources, can for a number of years support the taxation required by a large public debt and high tariffs, with its circulating medium in the control of corporations, without entailing great suffering and distress among the masses of its people. They are three powerful causes conspiring together, and in constant and sleepless activity, to gather into the hands of a few all the annual earnings of labor. This system of depletion and concentration continued for a long time reaches a point of exhaustion when a large element of the population feel intense suffering for the want of food and clothing. Then the foundations of civil society are upheaved, and wealth, sensitive to its weakness, begins its intrigues for a stronger government, a government that leans for repose upon a powerful military establishment. The people of the United States have felt the pang of suffering, but there are keener pangs and a deeper destitution yet to be felt by a large part of the population if the triumvirate of public debt, high tariff, and national banks are to be continued for any considerable time. The tariff itself takes from the earnings of the people not less than twelve

hundred millions annually; and national banks, as they expand and contract, swindle and defraud the people to even a greater extent. No free government can exist where great wealth is in the hands of the few and the masses of the people are reduced to poverty. A great American statesman tells us that a distribution of pecuniary power is as essential to the preservation of free government as a distribution of political power. And this is no new doctrine. Sir Francis Bacon said, three centuries ago:

Above all things, good policy is to be used, that the treasure and moneys in a State be not gathered into few hands; for otherwise a State may have a good stock and yet starve; and money is like muck—no good unless it be spread.

John Taylor, of Caroline, a distinguished statesman of Virginia in the early dawn of the Republic, in a work on the principles of government tells us:

A free form of government cannot last if heavy taxes continue till the poverty of the payers and the wealth of the receivers have separated the nation into two orders far apart.

If the people of the United States desire to remain free, to enjoy happiness, and to control their government for their own well-being, they must destroy excessive indirect taxation, extinguish the public debt as rapidly as possible, and as rapidly as possible take control of their circulating medium. They must see to it that taxation levied on necessary articles of daily consumption is reduced to the lowest possible figure, and a just and reasonable share of the burdens of government is imposed upon the capital and income of the wealthy classes. A system of revenue that exempts the wealthy from taxation is unjust and ruinous in the extreme; but when it goes further, and loads foreign goods with heavy taxes in order to raise the price to the poor of all the necessities of life, stealthily and indirectly taking from them all their earnings, and reducing them eventually to pauperism, it is sinful and wicked.

Let us see how the wealth of this country has been concentrated by indirect taxation. In 1860 the nine Eastern States where the capital is held that controlled our manufactures and currency had one-third of the people and one-third of the national wealth. In 1861 the country had foisted upon it the present excessive tariff, and in 1870 the census showed the nine Eastern States had retained their proportion of population, one-third, but they had gained one-half of the wealth. They had five billions of values more than their proportion. The masses in these States were as poor as in the other portions of the country. It was the few who had gained the great wealth.

On the 21st of May, 1878, Mr. Burchard, of Illinois, then a member of this House, delivered a speech in this Hall, from which I extract the following:

A New York paper, the *Monetary World*, publishes the following:
NEW YORK MILLIONAIRES.

No street in the world, except possibly in London, represents in the short space of two miles and a half anything like the enormous aggregate of wealth represented by Fifth avenue (New York) residents between Washington Square and Central Park. We give hap-hazard a few names:

Mr. Rhinelander.....	\$3,000,000
Marshall O. Roberts.....	5,000,000
Moses Taylor.....	5,000,000
August Belmont.....	8,000,000
Robert L. and A. Stuart.....	5,000,000
Mrs. Paron Stevens.....	2,000,000
Amos R. Eno.....	5,000,000
John Jacob and William Astor.....	60,000,000
Mrs. A. Stewart.....	50,000,000
Pierre Lorillard.....	3,000,000
James Kernochan.....	2,000,000
William H. Vanderbilt.....	75,000,000
Mrs. Calvert Jones.....	2,000,000
Mrs. Mary Jones.....	2,000,000
Mr. James Gordon Bennett.....	4,000,000
Mr. Fred. Stevens.....	10,000,000
Mr. Louis Lorillard.....	1,000,000

Total..... 248,000,000

Surely this wealth accumulated and held by eighteen families ought to pay its proportional share of the governmental expenses.

Here are eighteen families who have \$248,000,000, not one dollar of which contributes anything to the support of the Government. They all live upon one street; there are others on other streets of that city who count their wealth by millions, but there is not a laborer in that great city of a million of people who does not contribute as much to support the Government as the wealthiest in that list. The wealth that is gathering in the hands of a few is not only large, but enormous. We were told a few days ago that a distinguished lady from the East attended a reception at the White House with \$800,000 of diamonds on her person, accompanied by two policemen and a detective. Is this republican simplicity? Is it not coming events "casting their shadows before?" When a million of dollars may be expended in personal adornment will any one tell us at this day that such vast wealth is not dangerous to the state? Then why did our fathers declare in all the early constitutions of government that perpetuities and monopolies were contrary to the genius of a free people and prohibit them? Why was entailment forbidden by them in all the early charters of government they formed for us? Why were laws written upon the statute-books providing for the distribution among children of decedents' estates? If concentrated wealth is not dangerous to free governments these were acts and utterances of supreme folly. The distinguished chairman of the Com-

mittee of Ways and Means, [Hon. FERNANDO WOOD,] in an interview published in one of the papers of his city, says:

The great danger to our institutions does not lie in any attempt to subvert the Government by force of arms, nor in sectional controversy or strife, nor in violence of party conflict, but does lie in the erection of mammoth syndicates and monopolies who are aggregating into the hands of the few the products of industry of the many, and who by the money power thus created will reduce and conquer the State governments as well as the Federal Government. Already some of these interests are making Senators and members of the House of Representatives, and it will not be long before they will make a President of the United States.

I cordially agree with him that the danger to our institutions lies in the creation of a powerful money class. But its control in the enactment and enforcement of laws must at last lead to force for its support. Its influence will be exerted to gather into their coffers all that can be extorted by law from the products of labor. There will be no limit to their lust for gold. They will find Representatives in these Chambers obsequious to their will, or they will put them here. In the name of liberty they will enslave the masses to satisfy the greed of their masters. In the name of patriotism they will destroy the country, and, boasting of their superior learning and civilization, they will sink the land into a night of barbarism.

Now, Mr. Chairman, we have seen what classes have been benefited by national debts. But there is a large class in this country whose interests are affected and we should see whether they are benefited or not. Are the laboring people of the United States benefited? Is the toiler in the shop, in the field, and on the farm benefited, when he is compelled to pay 100 per cent. duty on the woolen coat that protects him in the chilling winds of winter as he goes forth to labor to make up the money necessary to pay the interest to the bondholder? Is he benefited when he has to pay 65 and 70 per cent. on the sugar that goes into his coffee in order to make up the interest that goes to the capitalist? Is he benefited when he has to pay 100 per cent. on the wool hat he puts on his head when he goes out to toil for the scanty subsistence he can get by his labor? Please tell me where this great army of toilers is benefited by a national debt, the interest on which is thus extorted from them?

We have a lamp by which our feet are guided in solving that inquiry. The people from whom came our ancestors that crossed the waters to this continent have enjoyed this inestimable blessing for two hundred years. How has it affected them? What voice does the toiling people of Great Britain send over to us as their verdict upon their national debt? With the advent of the house of Orange, as my friend from Georgia [Mr. FELTON] has told you, the national debt of England began its existence. It was a mere bagatelle when William of Orange mounted the throne. It was but sixty millions when he left it. But history tells us that no prince that ever sat upon the throne of Great Britain ever felt so keenly the truth of that utterance which Shakespeare put into the mouth of Henry IV, "uneasy lies the head that wears a crown."

He was a foreigner, supported by foreign bayonets, without a party attached to his person. When he arrived there one-half of the people were questioning his title, and the other half were warring against his prerogatives. The whole country was quivering with convulsions under his feet. Scotland was hesitating whether she would welcome him with a salutation or a blow. Ireland was in open war and throwing her gauntlet at his feet bade him welcome to the arbitrament of battle.

He listened to the sweet siren voice of the charmer and threw the influence of the Crown in support of the policy of building up a national debt, to bind, as they told him, the ligaments of a powerful moneyed class to his throne to support it as it reeled and staggered in the throes of revolution. Scarcely had it existed a dozen years when the Bank of England, the result of taxation and of oppression, came forth like a monster from its loins. It was then we heard that a national debt was a national blessing, that it was a godsend to the people, that it was a mine of gold, that it was so much added to the national wealth by the magic influence of national credit, and all such flippant fallacies as those. Ah! Mr. Chairman, it was a "godsend" to one class; it was a godsend to the capitalists who had millions gathered together. It took the tax-gatherer from their doors and bade him go forth not with a blessing as of old to the lost sheep of the house of Israel, but to go forth and lay heavy exactions upon the poor toiling millions of her industrious peasantry; to tax their shirts, their drawers, their socks, their shoes, their hats, the beds on which they slept, the implements with which they labored, even the winding-sheets in which they were wrapped when they died, and the very spade that dug their graves where they were laid in their last repose. But not one dollar did they take from the great aggregated wealth of the capitalists. It was a "godsend" to the capitalists, but it was a devil-send to the poor peasants of that ill-governed land.

We have heard the financial policy of Great Britain extolled by the distinguished chairman of the Committee on Ways and Means, [Mr. FERNANDO WOOD.] And he pays a tribute to Sir Robert Walpole for having performed wonders in the way of refunding the national debt of Great Britain from a higher into a lower interest debt.

Mr. Chairman, there were two great premiers in Great Britain in different times. There was one named Pitt and there was one named Walpole. Their policies were as divergent as honesty from dishonesty. Walpole ruled Great Britain by making the throne great in defiance of its people. Walpole ruled Great Britain with gold. Pitt ruled Great Britain with the aspiration of making the English people a proud,

powerful, and happy nation. Pitt made the peasantry of Great Britain potent; Walpole made them powerless. Pitt wielded the Parliament by appeals to their patriotism; Walpole to their pockets. It was the tireless aim of Pitt to secure Englishmen in all their ancient rights, and Walpole to make the throne omnipotent in its claim of prerogatives.

Pitt held the helm of Great Britain from 1800 until he died, during the war of Napoleon Bonaparte, shortly after the battle of Austerlitz. When Pitt came into the control of the administration of Great Britain did he sell any bonds? Did he fund any debt? What was his record? He laid an income tax of 10 per cent. upon the wealthy capitalists of Great Britain. And what did Mr. Gladstone tell us in 1853 was the result of that policy? It was that Pitt paid all the expenses of the government, all its civil lists, all its war expenditures in that tremendous contest with Napoleon Bonaparte, perhaps the greatest the world ever saw until within the last few years in our own country. He did all this and had left every year seven million pounds sterling to apply to the reduction of the debt which Walpole and his predecessors had entailed upon the nation through their bad administration. Through the income tax and other taxes he paid all the expenditures of the great war, did not fund a dollar, and had \$35,000,000 in excess every year. Mr. Gladstone in submitting his budget to the Parliament of Great Britain in 1853 said that it was "a most remarkable fact." It is a remarkable fact, and one that should commend itself to the consideration of our statesmen to-day. That debt went on growing year by year until in 1835, the year that our debt was extinguished, it amounted to \$3,800,000,000. From November 5, 1688, to March 31, 1877, the British people had paid in interest on their debt \$12,572,263,345, while they had paid at the same time toward the reduction of its principal \$17,142,502,925. The whole sum paid during that time amounted to \$30,014,771,370.

Mr. BARBER. Will the gentleman allow me to ask him a question? Mr. MILLS. Certainly.

Mr. BARBER. Do I understand the gentleman to say that the national debt of Great Britain was not increased by the Napoleonic wars?

Mr. MILLS. Mr. Gladstone says that from 1806 to 1815 under Pitt, it was not increased; that is, he said that the annual expenditures of the war during that time were paid, besides all ordinary expenditures of government and \$35,000,000 surplus.

Mr. BARBER. Does not the gentleman know that Lord John Russell, in discussing that question of the acts of Mr. Fox and Mr. Pitt, says that Mr. Pitt placed an everlasting burden on the industry of England?

Mr. MILLS. I leave that question with Mr. Gladstone and the gentleman from Illinois. I have not now time to discuss it. I have quoted from him his exact words which he submitted to the Parliament of Great Britain, and they were not questioned at the time by any one of its members.

This debt went on growing. It rose and fell like the tides of the sea, but like the sea its vast volume still remains.

It rose from 1835 to 1837.

It fell from 1837 to 1839.

It rose from 1839 to 1842.

It fell from 1842 to 1847.

It rose from 1847 to 1849.

It fell from 1849 to 1854.

It rose from 1854 to 1857.

It fell from 1857 to 1875.

It rose from 1875 to 1877.

It is \$10,000,000 to-day larger than it was in 1835, notwithstanding the fact that the people of Great Britain have paid in that time on that debt \$5,000,000,000; notwithstanding the vast amount which they have paid on that debt during the two centuries of its existence, a sum nearly as great as all the property, real, personal, and mixed, owned by all the people of the United States to-day. Our total wealth is not over forty or forty-two billions of dollars, and they in 1877 had paid on their debt over thirty billions.

One English writer tells us in his work that all the money borrowed by England has been paid five times over, in the shape of interest, without one jot of progress toward ultimate relief; but another one in his book takes a much more cheerful view of the subject; thinks if all future wars could be avoided and rigid economy practiced the debt might be paid in seven hundred years. How I do love a man of a cheerful and hopeful heart! How often his smiles kindle daylight in our bosoms when we are ready to sink into a night of gloom and despair. That declaration revived my drooping spirit like the warm breath of summer would the despondent spirit of a mariner floating in ice fields in an arctic winter. Two hundred years in the past and seven hundred in the future are but nine hundred years in all, and that is but a trifle to give in exchange for such incalculable benefits as syndicates, corporations, stock-jobbers, and gamblers confer upon the government in quieting the refractory elements in Parliament and making the throne immovable in every storm of state. If they have paid thirty thousand millions in the two centuries that have passed, will some mathematician tell me how much they will have paid when the year of jubilee shall come, when liberty shall be proclaimed throughout the land, and the trumpet shall sound the glad notes of deliverance; when the captive shall go out from captivity and return again to the land of his fathers.

It has filled her poor-houses with paupers, her penitentiaries with criminals, and her whole land with the deepest distress. Mr. Gibbon tells us:

It has gone on grinding the people to powder until one in every twenty of them is reduced to the necessity of begging for a subsistence.

He might as truthfully have added it has imposed a yearly burden of \$74,000,000 upon those descending to pauperism to support those who have already reached it. She paid for the support of her paupers from 1849 to 1879 over \$2,000,000,000. An English writer referring to "the appalling mass of pauperism" asks from whence it arises? and says it is from a vicious system of taxation that takes three-fifths of all the revenues by customs and excises levied on articles of general consumption. He tells us that customs and excises are the father and mother of British pauperism. Paradoxical as it may seem, the national wealth of Great Britain has increased in an equal ratio with national pauperism. The great army of laborers have risen early and retired late, have toiled from dawn till dark, and have created a vast amount of wealth; but their earnings ran into the coffers of the capitalists and fundholders just as the rain-drops run into the sea. How many mouths have dried with hunger, how many backs have shivered with cold, how many destitute have gone without shelter, how many bosoms have grown heavy with sighs, how many eyes have poured their griefs in unavailing tears while this vast sum was being taken from the poor to swell the treasures of the bondholders, the eye of God alone hath seen.

In 1847 the public debt of Great Britain was owned by 275,839 persons; of that number 2,089 persons owned fifteen hundred millions or nearly one-half of the whole amount. Each one of them owned \$750,000, and each received an annual interest on his bonds of \$30,000. Of the one hundred and fifty millions of interest paid by the people one hundred and fifty-two persons received \$45,000,000, or three hundred thousand each. Of thirty-three million people in Great Britain only one million are land-owners, and four-fifths of those mere lot-owners in towns and cities. A thousand persons own nearly one-half of the British Kingdom. Ireland is owned by twelve thousand non-resident proprietors, and three hundred of them own one-third of it. Is there anything in the condition of England to-day that invites us to imitate that policy that has concentrated all her wealth in the hands of her aristocracy? Is there anything in the condition of Ireland that charms us to that policy? From 1841 to 1871 she drove more than eight millions of her subjects away from her dominions to hunt homes in other lands. Her statesmen are to-day devising ways to get rid of the suffering poor, whom they have persecuted and driven to desperation, by heartless, and cruel legislation. Do we desire to reach the same condition? If we do, refund and continue the exactions of this enormous debt, and the system of taxation and currency that stand upon it. If we do not, then let us extinguish this debt as rapidly as we may, and with it will fall corporation control of our currency, and corporation control of our taxation.

Seeing that a national debt is a great national evil; seeing that it is to the interest of the great body of the laboring people of the country that its exactions should be terminated as speedily as possible, the question remains for us to consider can we pay this debt? How can we pay it? Can we pay it speedily? I see no reason why the whole of this debt should not be paid in twenty years. I see no reason for making these bonds run for forty or fifty years, as was originally designed. Why should we make them payable in forty years if we can pay them in a shorter time? Can we? Let us see. The speech of my friend from New York, the chairman of the Committee on Ways and Means, tells us accurately what the revenues of the Government are. He tells us that the Secretary of the Treasury estimates that the revenues of the Government for this year will be \$288,000,000, its expenditures \$264,000,000. But the gentleman from New York assures us that the Secretary underestimated the revenues by a large amount. The revenues have already, on the 1st day of February, exceeded by \$27,000,000 the receipts of last year. In the last two months they were more than they were in the first five. They are still increasing. Hence my friend from New York estimates, and probably underestimates, that by June 30, 1880, the receipts of the Government will be \$355,000,000. He further shows you that after all the interest charges and all the ordinary expenses of the Government have been met, \$71,000,000 can be applied to the payment of the principal of these bonds. There is no question about that. I think it will be \$75,000,000, for it is still increasing. This being the case, if we can apply \$71,000,000 on the 30th of next June to the payment of our bonds we can apply the same amount by June 30, 1881. I take that as the time at which all our bonds mature, as most of them do mature in June and July, 1881. Hence I start from that point with my calculation. The 5 and 6 per cent. bonds to be provided for June 30, 1881, will be about \$650,000,000. The committee in their bill propose that \$200,000,000 of the fives and sixes shall be provided for by a two-ten year bond and that \$450,000,000 shall be provided for by a twenty-fourty year bond, all bearing 3½ per cent. interest.

Mr. BUCKNER. Five hundred million dollars.

Mr. MILLS. Five hundred million dollars, provided we do not take into consideration the amount of the principal which I am now supposing will be paid before that time. I take it for granted that our revenues will continue for ten years as high as they are to-day. What is the basis of this estimate? Before the income tax was repealed the revenue derived from the same system of taxation we have to-

day, leaving out incomes and all these other taxes except customs duties and excises, was \$350,000,000. The present tariff, with a few unimportant modifications and the present excise law, with the miscellaneous taxes, brought us \$350,000,000. Now, can we not get the same amount of revenues for the next ten years from these two sources? Why not? Since 1873 our population has increased four or five millions. Taxation is levied on consumption and consumption is increased in proportion to the increase of population. That is one consideration. Another factor in the problem is that consumption is increased in proportion to the capacity of the people to make purchases to satisfy their wants, and this is in proportion to the money in circulation among them.

I saw a very intelligent monetary article in one of the New York papers some time ago, in which it was stated that the actual circulation of the United States had increased within the last eighteen months \$200,000,000. The national banks have increased their circulation, I presume, seventeen or eighteen million dollars.

Mr. BUCKNER. Twenty million dollars.

Mr. MILLS. About \$20,000,000. The coinage of silver has increased the circulation; \$75,000,000 in gold has come across the Atlantic and been distributed through the country in the purchase of supplies. Now, nine-tenths of our taxes being derived from levies on articles going into consumption, the revenue must increase in proportion to the increase of population and the increased capacity of that population to make purchases to supply their wants. Hence, I take it our revenues will go on increasing gradually for the next eight or ten years, provided we do not have a panic, and I see no occasion for anything of that kind; and if we should, its effect would only be temporary. Now, I will take as the basis of my calculation not the present revenue but something below that. I will make the calculation that our revenue will be \$300,000,000, instead of \$355,000,000, as it undoubtedly will be the present year. I will estimate that the ordinary expenses of the Government will be \$150,000,000, as the Secretary estimates. Thus we would have a surplus of \$150,000,000 annually to apply to the interest and principal of the public debt.

Now, taking the annual payment of \$150,000,000 on these bonds, how long will it take to pay them? I have a calculation here; and in it I embrace the 4½ per cent. bonds that mature in 1891. That will then give us \$900,000,000 of bonds. I provide by my plan that the Government shall sell \$300,000,000 of Treasury notes bearing 3½ per cent. interest payable in 1888, 1889, and 1890. That is all I would refund. With the proceeds of the sale of these three hundred millions, not to be sold at less than par and as much above it as we can get—I take it we will without any difficulty sell them at par; that is the basis upon which our bonds are predicated—with the three hundred millions we will extinguish all of the 6 per cent. bonds and enough of the five percents to bring them down to \$350,000,000. We will then have our debt \$350,000,000 of 5 per cent. bonds, \$250,000,000 of 4½ per cent. bonds, and \$300,000,000 of 3½ per cent. Treasury notes. The debt, to be sure, is still \$900,000,000. Its interest, however, is changed from \$85,063,432 to \$73,063,432. That is the interest we are required to keep up on the whole national debt; that is, which we are required to pay for the first year on the whole debt; but of course the interest diminishes as the principal diminishes. We will first commence paying the fives. Seventy-three million sixty-three thousand four hundred and thirty-two dollars being required to meet the interest on the whole national debt for the year ending June 30, 1882, the sum of \$76,936,568 may then be applied to the payment of that amount of the fives. On the 30th of June, 1883, after paying the interest on the whole debt remaining, we may apply \$80,733,396, the next year \$84,822,565, and so on. On the 30th of June, 1886, the fives are all paid, and \$75,123,102 of the four-and-a-halves purchased. On the 30th of June, 1888, the four-and-a-halves are all purchased, and \$25,159,079 applied to the payment of the three-and-a-half Treasury notes. And thus continuing to apply the surplus of the \$150,000,000, after paying interest on the whole debt on the 30th of June, 1891, all the Treasury notes are paid, and the whole debt of \$900,000,000 extinguished, with a surplus of over fifty-six millions.

By the plan of the committee only two hundred millions can be paid in the next ten years. But to that it is answered they can purchase them and save the high rate of interest we are paying. If \$150,000,000 are annually applied under the bill proposed by the committee, they will have to purchase the whole \$900,000,000 at a premium. Under my plan we only purchase the four-and-a-halves due in 1891. Let us see how they compare.

By the committee's bill we pay—

Principal	\$900,000,000
Interest	528,000,000
5 per cent. premium	45,000,000
	1,473,000,000

By the plan I propose we will pay—

Principal	900,000,000
Interest	543,000,000
5 per cent. premium on four-and-a-halves	12,500,000
	1,455,500,000

On the score of economy my plan is cheaper by eighteen millions than that of the committee. But that is the smallest objection I have to their bill. If the revenues instead of falling fifty millions

should only fall twenty-five per annum for the next ten years from the present figures, then we would pay the debt in 1887. If the revenues should remain as they are to-day for ten years, we will pay the debt in 1886. With the promising prospects before us, is it not an act of folly, if not a crime, to retain this debt for forty years? If Congress, unwisely as I think, shall determine to refund these bonds as the committee propose, what are we going to do with the surplus revenues now in our coffers and continually coming in? Leaving out of the question the payment of any portion of this debt out of money now in the Treasury, the incoming revenues in ten years will pay the \$900,000,000. I asked that question of the Secretary of the Treasury, "What are you going to do with this money if you go on refunding these bonds for forty years?" He said he would buy bonds in the market or else decrease taxation. The chairman of the committee said, "That would be a better way," and I said, "And thus perpetuate the debt." He promptly said no, he would apply it to the sinking fund. But if the money is to be applied to the sinking fund, why not pay the bonds without refunding? Why refund and then purchase at a premium? The chairman and the Secretary let the cat out of the wallet when they proposed to reduce taxation; and that undoubtedly is the policy, to reduce internal revenue and retain the debt. It is vain for us to indulge the hope that after we refund these bonds into others running forty years we may then purchase them at a less figure than we can now pay them at their present rate of interest. If these bonds are placed beyond our power to call and pay, the premium will soon rise so high that the Government will find itself cornered. The Secretary told us the other day that the holders were making corners on him now. With the bonds maturing next year, do you think the national banks will stand by with unconcern and see undermined their foundations? Do you think the large bondholders, like Vanderbilt with his thirty millions in bonds, will let you destroy the only safe paying investment for his large wealth? Do you think the manufacturing confederacy will remain neutral, and lose this most effective agency for the retention of high prohibitory tariffs?

No, sir; you will find in a short time that the price of your bonds will be so high that it will cost you more to buy than it would have done to let them remain even at 5 and 6 per cent. interest. I beg this House to understand, and the people to understand, that the moneyed confederacy do not intend this debt shall be paid if it is in their power to prevent it. The first step is to get these bonds beyond the power of the Government to call and pay and get them within their own control. The next step will be to raise the premium and embarrass the Government in every possible way, so that it will cease its efforts to purchase. In the mean time, the representatives of their interests in Congress will tell us it is unwise to pay such prices for the bonds, let the people retain their money, reduce taxation, and give back your surplus revenues. Pass this bill, and another will follow on its heels in quick succession to reduce internal-revenue taxation. Mark you, not the tariff, but internal revenue. It does not lie in the power of forty millions of people to touch that accursed robbery. But when the capitalists, bankers, and bondholders find they must give up the debt or internal taxes, they will give up that which is least advantageous to them. The internal taxes do not affect their interests. It was only retained to make sure the interest when the debt was so large and its interest so great that high tariffs standing on tip-toe did not meet their demand. As soon as it is found that the debt can be retained, its interest paid, the banks secured, and high tariffs preserved, the internal taxes on whisky and tobacco may go.

How feelingly they will talk of the burden of taxation when they come and ask for the repeal of internal revenues. Pass this bill and you will soon pass the other, and all your means of paying the debt will then be gone. Then you will have the debt perpetuated until we are all dead, and the same arguments which are being made here to-day will be made here to the next generation. The same sophistries to which you have listened our children will listen and our grandchildren and our great-grandchildren, and, sir, this debt will go on for two hundred years, as it has in Great Britain, and be greater at the end of that period than it is to-day; and in every neighborhood the poor-house and the prison will stand as monuments of our folly.

Let us to-day resolve that we will hold our taxes as they now stand, and add to it a tax on incomes and apply them as fast as possible to the extinguishment of the debt. Let us imitate the patriotism and wisdom of Pitt, and lay the income tax and make the large wealth of this country contribute to its support. Is there any good reason why it should not? Why should all the burdens of government fall upon the shoulders of the poor? Why should taxation on consumption alone pay all the expenses of supporting this vast fabric of government? Great Britain has had a tax on incomes ever since 1850. Most of the governments of Europe have the same. Why should the immense wealth in this country be exempted? Here is a very inviting field before us, from which it seems to me we might glean a little. In 1866 there were 460,170 persons, who had incomes amounting to \$966,358,599. In 1867 the exemption was raised to \$1,000, and the number of persons fell to 266,135, and they had incomes \$813,968,333. In 1868 there were 276,661 persons, who had incomes amounting to \$806,006,476. In 1869 there were 272,843 persons, who had incomes amounting to \$819,907,392. In 1870 there were 275,661 persons, who had incomes amounting to \$806,006,476.

These were in the main the same persons, and their incomes—their net earnings—for the five years amounted to \$4,128,665,195. Ought

we not to require this vast wealth to contribute its just share to support the Government?

Mr. MCKENZIE. What was the greatest amount collected as income tax in any one year?

Mr. MILLS. About \$72,000,000.

Now, if the tax had been kept on these incomes and on capital invested in manufactures we would not have had a dollar of indebtedness to-day. Let us keep the revenues we have and add to them the income tax and pay the debt as fast as we can. And as fast as we can, let us emancipate our people from the dominion of debt, excessive indirect taxation, and national banks, that are so rapidly concentrating the wealth of the country in the hands of the few and endangering the very existence of free institutions. So great has the aggregation of wealth already become that to-day it threatens to take possession of the Government. We already hear in every direction that we want a stronger government—a government whose frown will awe into silence every breath of complaint—a government whose powerful arm will hold a distressed and persecuted people quiet, make them starve with a smile and expire in decency and order—a government so strong that no indignant public opinion can shake its corrupt and wicked administration.

It is not a government made strong by the powerful support of a moneyed aristocracy that we want; it is not a government made strong by the iron arm and despotic will of a military chieftain that we need; it is not a government so strong in gold and steel that it may reply to all the complaints of its suffering citizens with a blow; but a government that feels its greatest strength when it reposes on the popular will and draws all its support from the filial affection of the citizen. [Applause.] That government whose statesmen diligently seek the public good as the highest aim of their ambition will never find an hour so dire that it must needs covet some other strength to steady and support it as it reels and totters in the throes of popular convulsion. It is not a strong government but a just government that we want. Let us give the people wise and beneficent laws; let comforts—the just reward of labor—diffuse themselves through all the land, and their magic spell will secure the domestic tranquillity and repel the enemy from the gates when gold, like a recreant, flies the field. Let us as faithful Representatives so discharge the high trusts committed to us that the Republic will suffer no detriment at our hands; that the land shall increase in wealth, in prosperity, and in a contented and numerous people. Let us leave open to them every avenue to their individual improvement and remove every impediment in the path of their progress upward and onward. Let us secure to them the enjoyment of every reward that labor offers as an inducement to toil. Then the Government will feel its greatest strength as it confidently leans for support upon all the arms and heads and hearts of its people. [Applause.]

Mr. BARBER. Mr. Chairman, I would like to have the courtesy of the committee for a moment. As I understand the remarks of the gentleman from Texas he sought to impress us with the idea that, during the Napoleonic war, Pitt did not increase the national debt of England. Now I wish to read a brief extract bearing upon this point, from the lips of Charles James Fox by Lord John Russell. He writes:

Yet in this supposed inviolability of the sinking fund, working at compound interest, consisted the whole merit and originality of Mr. Pitt's measure. As to the boast that this measure would prevent the debt ever rising, during war, to the height it had previously done, facts have converted these rosy tints of eloquence into the somber colors of national incumbrance. The American war left this country charged with a debt of two hundred and fifty millions; Mr. Pitt's French war left it indebted to the amount of eight hundred millions. Some advantage was derived by stock-jobbers from the weekly purchases of the commissioners of the national debt, but the nation required every year larger loans and had to pay an additional bonus to the lenders.

Mr. MILLS. In response to that I will read what Mr. Gladstone says on the same subject, in his speech on the income tax in April, 1853. Mr. Gladstone says:

Now, every one of us is aware of the enormous weight and enormous mischief that have been entailed upon this country by the accumulation of our debt; but it is not too much to say that it is demonstrated by the figures that our debt need not at this moment have existed if there had been resolution enough to submit to the income tax at an earlier period. This test of my assertion I think you will admit is a fair one: I begin by putting together the whole charge of government and war, together with so much of the national debt as had accrued before 1793, so as to make (if I may so express myself) a fair start from 1793. The charge of government and war, together with the charge of debt incurred before 1793, amounted, on the average of the six years down to 1798, to £36,030,000 a year; the revenue of that period, with all the additional taxes that were laid on, amounted to £20,626,000 a year. There was, therefore, an annual excess of charge above revenue—charge for government, for war, and for debt contracted before 1793, but not including the charge of debt contracted since 1793—of no less than £15,404,000.

Now the scene shifts. In 1798 Mr. Pitt just initiates the income tax, and immediately a change begins. In the four years, from 1799 to 1802, the charge for the same items that I have mentioned, which had been £36,000,000, rose to £47,413,000 a year; but the revenue rose to £33,734,000 a year, and the excess for those four years was diminished by nearly £2,000,000 a year; instead of an annual excess of £15,404,000 over revenue, it was £13,689,000. But next look to the operation of the tax, both direct and collateral, from 1806 to 1815, during the very time when our exertions were greatest and our charges were heaviest. The average annual expenses of war and government, from 1806 to 1815, together with the charge upon the debt contracted before 1793, were £65,794,000; but you had your income tax in its full force, with your whole financial system invigorated by its effects, and the revenue of the country now amounted to £63,790,000; while the deficiency in actual hard money, which during the war represented something like double the amount in debt, owing to the rate at which you borrowed, instead of being £15,404,000 a year, as it was in the first period, or £13,689,000 a year, as it was in the second period, was only £2,004,000 a year, from 1806 to 1815.

Such was the power of the income tax. I have said there was a deficiency annually of £2,004,000, but it is fair for you to recollect, and it is necessary in order

fully to present to you the fact I want to place in clear view, that out of the \$65,794,000 of charge which I have mentioned, about \$9,500,000 were due for charge of debt contracted before 1793; so that if you compare the actual expense of government, including the whole expense of war from 1806 to 1815 with your revenue when you had the income tax, it stands thus before you: that you actually raised \$7,000,000 a year during that period more than the charge of government, and the charge of a gigantic war to boot. That I must say is to my mind a most remarkable fact.

[During Mr. MILLS's speech the following occurred:

Mr. MILLS. I see that my time is going fast, and I would like the consent of the House for a short extension of time.

The CHAIRMAN. The gentleman from Texas [Mr. MILLS] has seven minutes remaining.

Mr. MILLS. I want to discuss this bill particularly, and I ask the House to give me a little more time. My friend from Minnesota, [Mr. DUNNELL,] who will follow me, can have all the time that he wants.

Mr. LOWE. I move that the time of the gentleman be extended.

Mr. DUNNELL. Extended indefinitely?

Mr. MILLS. I will want but fifteen or twenty minutes.

Mr. LOWE. I move that the time of the gentleman be extended twenty minutes.

There was no objection.]

Mr. DUNNELL. Mr. Chairman, the Secretary of the Treasury, in his annual report in December last, called the attention of Congress to the fact that certain bonds of the Government would become payable upon the demand of the holders, December 31, 1880, and that certain other bonds would be redeemable at different dates in 1881. Those which are so payable in 1880 amount to \$18,415,000. The Secretary said that these bonds, the loan of February 8, 1861, maturing December 31, 1880, can probably be provided for from the surplus revenues. Bonds to the amount of \$182,605,550, authorized by acts of July 17 and August 5, 1861, are redeemable June 30, 1881, and bonds to the amount of \$71,787,000, authorized by act of March 3, 1863, are redeemable June 30, 1881. Also, bonds to the amount of \$823,800, authorized by act of March 2, 1861, are redeemable July 1, 1881. All the above bonds amount in the aggregate to \$273,631,350, and bear an interest of 6 per cent.

In addition to the foregoing securities, there will be redeemable May 1, 1881, 5 per cent. bonds to the amount of \$508,440,350. These last were authorized by acts of July 14, 1870, and January 20, 1871. The total of these bonds, being all the 6 and 5 per cent. bonds of the Government now unpaid, is \$782,071,700. Taking from this sum the \$18,415,000 which are to be provided for from the surplus revenues, there remain \$763,656,700 to be taken care of, either by payment in whole or in part or some process of refunding.

The Committee on Ways and Means have been charged with the duty of preparing for the consideration of the House a bill providing for refunding these maturing bonds. Every patriot in the country would rejoice if we had the money with which to redeem these obligations of the Government and so relieve the people from their present taxation. As this beneficent result cannot now be attained, it certainly will be deemed wise to refund them on the most favorable terms possible, or such a portion of them as cannot be met by the surplus revenues of the Government prior to the dates when the bonds are redeemable. If these bonds could be paid within two, three, or even four years by the revenues, it would be far better to continue to pay the 6 and 5 per cent. interest on them than refund for a long time at 4 or 3½ per cent. It is unreasonable, however, to suppose that even one-half of this amount could be paid in the longest time named.

Before alluding to the bill under consideration it may be proper, in this place, to give the suggestions of the Secretary of the Treasury, made in his last report. He said:

It is respectfully suggested that authority be given at the present session of Congress to issue, sell, and dispose of, at not less than par in coin, 4 per cent. bonds of the description set forth in the said act of July 14, 1870, and refunding certificates of the description set forth in the act of February 26, 1879, with like qualities, privileges, and exemptions, except as hereinafter stated, to the extent necessary to redeem the bonds falling due on or before July 1, 1881, above described, and to use the proceeds for that purpose.

It is hoped that the advancing credit of the country will enable the Secretary to sell such bonds and certificates at a premium, but it seems better to maintain the general conditions of the 4 per cent. bonds rather than to undertake to sell a bond at lower interest. The 4 per cent. consol is now universally known. The rate of interest is as low as will generally maintain the bond at par, and the premium will measure its advance above par at favorable periods. The certificates should bear the same rate and be sold on the same terms as the bonds. It is important that the authority granted should include the power to refund, from the passage of the act at the present session, and to prepay the excess of interest on the bond to be refunded prior to its maturity. The present is believed to be an exceptionally favorable time for such refunding.

These suggestions are:

First. That the bonds and certificates to be issued are to be four percents.

Second. That the Secretary be authorized to sell the bonds and certificates and with the proceeds purchase the maturing bonds or pay them at maturity.

The Secretary, in his conference with the Committee on Ways and Means, modified the second suggestion above, drawn from his annual report, for he said in reference to the sale of bonds for money:

It will not be wise for us to sell them for the money with the uncertainty as to our being able to use that money in buying an equal amount of outstanding bonds not yet matured; and if you were to authorize that, we should necessarily have to increase the public debt. We might not be able to use the money.

The committee after mature deliberation decided to report the bill now under discussion. It provides:

First. That the Secretary of the Treasury may issue bonds to the

amount of \$500,000,000, which shall bear interest at the rate of 3½ per cent. per annum, redeemable at the pleasure of the United States after twenty years, and payable fifty years from date of issue.

Second. That he may also issue notes in the amount of \$200,000,000, bearing interest at the rate of 3½ per cent. per annum, redeemable at the pleasure of the United States after two years, and payable in ten years from the date of issue; but not more than \$40,000,000 of said notes shall be redeemed in any one fiscal year.

Third. That he may issue certificates of deposit to an amount not exceeding \$50,000,000, fixing the rate of interest to be allowed thereon at 3½ per cent. per annum for one year, after which interest shall cease; and the said certificates shall be convertible at the option of the holder, when presented in sums of \$50 or multiples thereof, into the coupon or registered bonds authorized by this act.

By these three provisions, the Secretary may issue bonds and certificates to the amount of seven hundred and fifty millions. The bonds, as already stated, maturing in 1880 and 1881 amount to \$782,071,700, and for the conversion of which into securities bearing a lower rate of interest, this bill is now before us. The annual interest now paid upon the \$782,071,700 is \$41,839,898. The annual interest which these new bonds will call for, will be \$26,250,000. The annual interest which will be saved by the operation of this bill will be \$15,589,898. Assuming that the surplus revenues will wholly absorb the difference between the \$782,071,700 of the bonds to be met and the \$750,000,000 herein provided for, the annual interest charge after this exchange of the 3½ per cent. bonds and certificates for the 5 and 6 per cent. bonds has been consummated will be but \$68,183,881 over against the annual interest charge August 31, 1865, of \$150,977,617.

Here will be a reduction in the annual interest charge since September 1, 1865, of \$82,792,736. These figures will find a place in our financial statements, if this bill shall pass and be executed. The interest-bearing debt will be \$1,765,577,000, instead of \$2,381,530,294 as it was August 31, 1865. The thoughtful patriot will rejoice over this result.

A national debt is not a blessing. To a republican government it is an abiding curse. Indeed it is a curse to any government. No party or administration, as I believe, will have an indorsement of the American people which does not seek some annual reduction in this debt. This reduction, however, must not come, except in pursuance of policies and methods absolutely honest.

We are now, as a government, reaping a rich reward, because its Administrations since the war have kept to fulfillment every letter in our financial pledges.

I here insert a table to sustain some of my foregoing statements:

Year.	Total interest-bearing debt.	Annual interest charge.
1865, August 31	\$2,381,530,294 96	\$150,977,617 87
1866, July 1	2,332,331,207 69	146,068,196 29
1867	2,245,067,387 66	138,892,451 39
1868	2,202,088,737 69	135,459,398 14
1869	2,162,060,522 39	135,523,098 34
1870	2,046,455,722 39	118,784,969 34
1871	1,934,626,750 00	111,949,330 50
1872	1,814,794,100 00	103,988,463 00
1873	1,710,483,950 00	98,049,804 00
1874	1,738,930,750 00	98,796,004 50
1875	1,722,676,300 00	96,855,690 50
1876	1,710,635,450 00	95,104,260 00
1877	1,711,888,500 00	95,160,643 50
1878	1,794,735,650 00	94,654,472 50
1879	1,797,643,700 00	83,773,778 50

The question which the Committee on Ways and Means first met was, whether the bonds contemplated in this bill could be exchanged for the bonds to be taken up if they were to be 3½ per cent. As the bill provides for an adjustment of the difference in interest from the time of the offered exchange and maturity, the simple question was whether the bonds of the United States to the amount of five hundred millions could be sold at par bearing 3½ per cent. interest, redeemable after twenty years and payable after forty. The readiness with which the 4 per cent. bonds were sold; the eagerness with which the people sought the new 4 per cent. certificates of deposit; the premium at which the four percents sold; the premium at which they are now quoted; the fact that these bonds are the only ones which the United States can possibly put upon the market before 1891, and not then unless a war intervene; the evident existence in the country of large amounts of trust funds, which, as experience has shown, seek permanent and safe investment; the many assurances which bankers and others competent to judge gave, brought the committee to the opinion that no higher rate of interest than 3½ per cent. need be paid.

It is not certain, I admit, that these securities at the rate of interest fixed can be used as we propose, nor was it certain that the 4 per cent. bonds could be sold. More or as much uncertainty was felt then as now. Certainly the four percents did not absorb all the trust funds in the country, as was apparent when the last sales were made. I entertain the opinion that when Congress has passed this bill, the four percents will reach a premium of 9 per cent. at least, and then investors can do better by seeking the bonds which this bill will provide than any other class of our national securities. The bonds to be issued are to be offered in exchange for the five and six percents till their maturity, and if the exchange is not completed prior to the

maturity of the old bonds, then the new bonds are to be sold and the proceeds used in the purchase of the old bonds not exchanged.

Aside from moneys which may be called trust funds, there are large amounts of money in the country which the owners thereof do not care to invest in active business enterprises. They are in many instances persons who, retiring from business, seek investments which shall be free from needed supervision and consequent anxiety. Such parties prefer a bond of the Government, though it bear a low rate of interest, to any other security. At no time in our national history has our credit been so good as now. Fidelity to pledges, made during and since the war, has largely contributed to this result. This credit was caused in part by a return to specie payments. Resumption not only was a fulfillment of money promises made during the war, but it made the large volume of paper money in circulation equivalent in commercial value to the coin of the Constitution. Resumption, whether begun too soon or too late, whether reached by precisely the best methods or not, could not fail to strengthen our national credit, and will not now, while sustained, fail to bring forward for permanent and safe investment much money which, if it has not been hoarded, has been employed in transactions but poorly remunerative and so employed till the full credit of the Government was reached.

While the returning prosperity in business may keep in active circulation and venture the great bulk of the acquired wealth of the people, yet no inconsiderable fraction of this wealth will withdraw from hazards which prosperity always begets and seek security. In the midst of the wildest speculations, there are a few at least who then instinctively retire from business, and all the more readily inquire for a place where they may safely lodge their money. We should not forget that the value of the annual productions of all the industries of the United States is so large that the ability to invest in such securities as this bill contemplates, is much greater than we might suppose.

A full year will be given in which the bonds provided for in this bill are to be offered in exchange for the 5 and 6 per cent. bonds. These bonds are not to be sold for money till after the maturity of the bonds to be taken up. If this exchange cannot be effected by a 3½ per cent. bond, it will be in time when Congress meets in December next to authorize a 4 per cent. bond. Haste is not needed; nor can it be urged except on the assumption that the times are more favorable now than they will be next year.

The questions, Mr. Chairman, which this bill presents are not many, and are very simple. We have bonds maturing in 1880 and 1881, bearing 5 and 6 per cent. interest. Shall they remain to be reduced from year to year by the surplus revenues, which the Secretary of the Treasury judges will be \$50,000,000 each year if there be no unlooked-for changes and no marked modifications in the revenue laws of the country, or shall these bonds be refunded with 3½ per cent. bonds, and the Government then use the \$50,000,000 in the purchase of the outstanding 4½ per cent. bonds, which are redeemable September 1, 1891, and are in amount \$250,000,000? I do not hesitate to declare my opinion that the latter course is the preferable one. The public-debt statement for February, made March 1, confirms me in this opinion. I will here make it a part of my remarks. The reduction in the public debt for the month of February, as will be seen by the official statement, was over \$5,500,000, notwithstanding the fact that over \$6,000,000 were paid out during the month on account of pensions. The total revenues during the month were larger than those ever received before during the month of February under the present revenue laws. The receipts from customs during the month amounted to \$16,800,000, while in the corresponding month of 1879 they amounted to only \$10,800,000. The receipts from internal revenues last month were over \$8,750,000 while in February, 1879, they amounted to more than \$1,000,000 less.

The following is the official public-debt statement for February:

Coin bonds:		
6 per cent. bonds.....	\$208,948,000	
5 per cent. bonds.....	501,418,900	
4½ per cent. bonds.....	250,000,000	
4 per cent. bonds.....	738,062,000	
Refunding certificates.....	1,883,850	
Navy pension fund.....	14,000,000	\$1,770,212,850
Debt bearing no interest:		
Debt on which interest has ceased, (matured).....		16,823,135
Legal-tenders.....	346,742,271	
Certificates of deposit.....	11,485,000	
Fractional currency.....	15,631,311	
Gold and silver certificates.....	19,452,520	
		393,311,102
Total.....		2,174,347,067
Accrued interest.....		17,116,787
Total debt.....		2,191,463,854
Cash in Treasury.....		196,351,653
Debt, less cash in Treasury.....	1,995,112,201	
Decrease during February.....	5,672,019	
Decrease since June 30, 1879.....	32,095,635	
Current liabilities:		
Interest due and unpaid.....	3,662,288	
Debt on which interest has ceased.....	10,823,135	
Interest thereon.....	897,003	
Gold and silver certificates.....	19,452,520	
United States notes held for redemption of certificates of deposit.....	11,485,000	
Cash balance available March 1, 1880.....	150,631,706	
Total liabilities.....		196,351,653

Available assets:	
Cash in Treasury.....	\$196,351,653
Bonds issued to Pacific Railroad Companies, interest payable in lawful money:	
Principal outstanding.....	64,623,572
Interest accrued and not yet paid.....	646,235
Interest paid by United States.....	45,651,155
Interest repaid by transportation of mails, &c.....	13,656,910
Balance of interest paid by United States.....	31,994,243

At no time since the foundation of the Government has it been free from some debt. The national debt January 1, 1791, was \$75,463,476. This had a very gradual reduction, though increasing some years, till January 1, 1812, when it was \$45,209,737. From this point it increased till January 1, 1816, when it was \$127,334,933. The revolutionary war was the chief cause of the original debt, and the war of 1812 with Great Britain was the cause of the increase. From 1816 it decreased till 1836, when it was but \$37,513. From this time it increased till January 1, 1843, when it became \$20,601,226; July 1, 1843, it was \$32,742,922; July 1, 1851, it amounted to \$68,304,796. This increase is chargeable to the Mexican war. This debt was annually lessened till 1857, when it was \$28,699,831, and from this year it was annually increased till July 1, 1861, when it was \$76,455,239. As no part of this increase can be charged to the war of the rebellion, there was a larger increase of the national debt from 1857 to 1861 than during any similar period of peace since the foundation of the Government. It is no wonder that the war of 1812 and the Mexican war increased the public debt, and the wonder is that they did not make larger increases. History does concede that our financial affairs were conducted with marked ability during these two wars. It remains to be seen what reasons history will give for the large increase of the public debt during the administration of President Buchanan. From July 1, 1861, to July 1, 1865, the debt increased from \$76,455,239 to \$2,756,431,571. It is not necessary to say that this enormous debt was that part of the money expenditure made to preserve the Union and which remained unpaid when the rebellion was brought to an end. From the close of the war in 1865 to this hour the Government has been exerting all her energies so to manage and reduce this large debt that the public credit might be fully restored; that business might be brought back to normal channels and prosperity; that taxation might be reduced to the minimum of burden, and that the promissory notes of the Government made necessary by the exigencies of war, and for that reason alone declared constitutional, might become, as they now have, honest representatives of the promised gold and silver of the Constitution.

I insist, Mr. Chairman, that the Government during this period has achieved great financial success. The interest-bearing debt has been reduced from \$2,381,530,294 to \$1,770,212,850, or \$611,317,444. If we add to this the aggregate amount of interest-money paid since July 1, 1865, which has amounted to \$1,708,595,985, we shall have \$2,319,913,429 as the sum total paid on the debt and interest on the debt. When we consider that we have paid \$1,708,595,985 of interest, while we have reduced the principal but \$611,317,444, we shall see no beauty in a national debt, but find in it the certain elements of a grievous burden. Should we add to the \$2,319,913,429—the aggregate debt reduction and interest paid—the net ordinary expenditures of the Government for the same period, which have been \$3,299,921,125, aside from the interest on the public debt, we have \$5,619,834,654 as the sum total of our expenditures during these fifteen years. These figures should warn us against policies tending to perpetuate this vast burden. They should rather impel us to measures calculated annually to reduce the burden and end it within the least possible period of time. To the consummation of this great good every party and every section should struggle.

Though the bonded debt has had a reasonable reduction, yet the reduction in the annual interest charge has been very great. As already stated, it has fallen from \$150,977,697 to \$83,773,778 on July 1, 1879, and if this bill should pass and go into full execution the annual interest charge will be but \$68,183,881. This fact in our financial situation is full of promise; it is a just cause of congratulation; and it has, in part, been secured by refunding operations. The secured credit of the Government, its honesty, its fidelity to promises made during and since the war, have conspired to this grand result. The people have sustained these measures and policies. They will continue to do so, no matter how loudly the few may complain and however severely the few may criticize. The people love good results. They care less about methods, provided they are honest, and nothing about the theories of pretenders in finance.

The Government has a small debt besides the bonded debt. I will not stop to enumerate the items, but here insert the following table, which will show the aggregate debt each year since 1865, interest-bearing and non-interest-bearing, less cash in the Treasury:

1865, August 31.....	\$2,756,431,571 43	1873.....	\$2,105,462,060 75
1866, July 1.....	2,636,036,163 84	1874.....	2,104,149,153 69
1867.....	2,508,151,211 69	1875.....	2,090,041,170 13
1868.....	2,480,853,413 23	1876.....	2,060,925,340 25
1869.....	2,432,771,873 09	1877.....	2,019,275,431 37
1870.....	2,331,169,856 21	1878.....	1,999,392,280 45
1871.....	2,246,994,068 67	1879.....	1,996,414,905 03
1872.....	2,149,780,530 35		

The cash in the Treasury July 1, 1879, was \$249,080,167. It has been stated in this debate that the bonded debt increased in 1878 about \$83,000,000 over the debt in 1877. That is true; but it is very proper to state the reasons. Bonds to this amount were issued for

resumption purposes. This issue did increase the bonded debt, but the money received for the bonds was put into the Treasury, and there remains. Whether all this cash should now be kept in the Treasury to give security to resumption is not a question which this bill suggests or one which I deem it necessary to consider. It is, however, my opinion that some of this cash could be used in payment of a portion of the maturing bonds for which this bill makes provision and in no manner endanger resumption. How much of it could be so used, I am not prepared to say. Not enough of it should be removed to put in the least jeopardy the end for which it was put there. The business prosperity of the country which now makes glad every portion of it, should not have the least check. The slightest shadow of danger in this direction would work an injury which five times the cash in the Treasury could not mend.

Let me here ask attention to the fifth section of the bill under consideration. It provides that from and after the 1st day of July, 1880, the $3\frac{1}{2}$ per cent. bonds, authorized by the first section of the bill shall be the only bonds receivable as security for national-bank circulation. The amount of bonds on deposit with the Treasurer of the United States to secure the circulation of national banks at the close of business March 9, 1880, was \$362,843,050. Of this, \$132,518,000 are four percents, payable in 1907, and \$37,316,950 in four-and-a-half percents, payable in 1891. The balance consists of five and six percents. For the redemption of these and others of like denomination, this bill is now before us. When the three-and-a-half percents contemplated by this bill shall take the place of the five and six percents now held by the banks, the annual interest on the bonds which will then be held by the banks, if remaining the same in amount, will be \$12,735,266.

The national banks in 1871 paid national and State taxes to the amount of \$18,509,973, and in 1877, \$15,731,877. For the last two years they have paid not less than in 1877. These figures disclose the interesting fact that while these bonds held by the national banks give complete security for every dollar issued by the banks, the banks themselves actually pay out in the shape of taxes an amount larger than the interest on the bonds. When we consider this fact, we shall see the extreme folly of withdrawing the national-bank notes which are taxable, and putting in their place Treasury notes which are not taxable. This folly will appear all the more supreme when we reflect that the Government must pay the interest on all its outstanding bonds, whether held by the banks or by private parties.

The history of the loans of the United States from 1776 is instructive as well as interesting. The loans authorized by the Continental Congress amounted to \$49,000,000, but the amount received was only \$8,536,517. The rate of interest was 5 per cent. and in one instance 4 per cent. The securities sold at par. The loans negotiated in Holland from 1790 to 1794 were 5 per cent., and the securities sold at an average of ninety-six cents. During the next five years other small 6 per cent. loans were effected at par. In 1795 a $4\frac{1}{2}$ per cent. loan was negotiated at par; in 1800 an 8 per cent. loan was authorized, the notes selling at a very small premium. The securities which were issued during the next twelve years were 6 per cent., and sold at par. Those negotiated in 1814 were 6 per cent., and sold at eighty cents. The first bonds of the Government which were sold for more than one cent premium were authorized in 1848, bearing 6 per cent. interest, payable quarterly or semi-annually. The bonds sold at a premium of three and one-half cents. Those issued between 1848 and 1861 were generally 6 per cent., selling at par. The securities issued by the Government up to 1861 were largely denominated Treasury notes, stocks, certificates, and stock certificates. The aggregate amount received on all loans from 1776 to 1861 was but \$509,074,402. If we consider that the revolutionary war, the Indian wars, the war of 1812, and the Mexican war were all carried on during this period, we shall wonder at the inexpensiveness of the earlier governmental operations. The fathers were economical, and when a debt was incurred they made haste to reduce it. They had no arguments in favor of a perpetual national debt. They were known to the world as opposed to such a policy. We have not departed from their lessons, and I trust we never shall.

When the war of the rebellion was ended, the Government at once commenced the reduction of the debt which it had been compelled to create. Its achievements I have already stated. The reduction has gone on from year to year. The people will not forget it, and will not forgive the party in power which fails to continue the reduction.

If the bill before us becomes a law and the bonds can be disposed of, the bonded debt of the Government will be as follows: \$250,000,000 of four-and-one-half percents, redeemable September 1, 1891; \$740,845,950 four percents, redeemable July 1, 1907; \$500,000,000 three-and-one-half percents, redeemable in 1900; and \$200,000,000 of Treasury notes, $3\frac{1}{2}$ per cent., redeemable in two years and payable in ten; and \$50,000,000 of certificates of deposit. These five great classes of bonds will constitute our debt. The interest upon these, as already stated, will be \$68,183,881, while the interest upon the bonded debt at the close of the war was \$150,977,617.

Mr. Chairman, thus far in what I have said I have spoken from no partisan stand-point. I did not suppose the discussion on this bill would be partisan in its character. I could not anticipate any reason why it should take that turn. It is a simple business proposition for the Government of the United States to entertain. The discussion of this question, legitimately conducted, does not go back of the present

hour. It has no business with anything except the simple, naked proposition whether or not we shall make provision for these maturing bonds; and, if we are to make provision for them, how, or in what manner, at what rate of interest, and for how long a time. If we are to make no provision for them, as the eloquent gentleman from Georgia [Mr. FELTON] suggests, then it is for us to canvass carefully, if we legislate wisely, the revenues we are to have or how much money we shall have with which to take care of these maturing bonds.

I have said in the remarks which I have already made that there is no party in this country that asks for the perpetuation of the public debt. The policy of the party to which I belong, has been against it from the time that it took hold of the Government. Not a session has been held since the close of the war, in which a reduction of the national debt has not been in contemplation. I am glad that the democratic side of the House favors the reduction of the national debt. I am heartily glad of it. Only I say, Mr. Chairman, let that reduction be made by honest methods.

The gentleman from Texas [Mr. MILLS] says he takes it for granted that during the next ten years we shall have such and such revenues. Is it wise to legislate on mere assumptions? Is it wise for me to give a vote to-day on an assumption that for ten years to come the revenues are to be what they are to-day? Certainly not. The views of the gentleman from New York [Mr. FERNANDO WOOD] do not harmonize with that line of argument. We are to meet the question like business men. Shall we let these bonds run on at 6 and 5 per cent. and take the chances of reducing the volume or paying them in full, or shall we put them into bonds bearing a lower rate of interest? Suppose we have sixty-one millions of surplus revenues, as the gentleman from Texas says; that we have refunded these bonds; it will not deny us the privilege of using those sixty-one millions in the purchase of outstanding $4\frac{1}{2}$ per cent. bonds. We can use every dollar of surplus revenues in the reduction of our bonded debt just as well if this quantity now under contemplation be put into three-and-a-half percents as though we allowed that portion to run on at 5 and 6 per cent.

The gentleman from Texas has talked about the debt of Great Britain. There is no advocate here of British policy on this floor. There is no man inside of the republican party that has ever declared a national debt a national blessing. There is nothing in our history that should educate the people of this generation into a national-debt theory. Our forefathers were wonderful men. No sooner had the revolutionary war closed than they commenced the reduction of their debt; and no matter what administration has been in power, the reduction of the existing debt has been one of our crowning national virtues. It has entered into our national history, and England to-day in her best journals and in the strongest language commends to the world the financial history and the financial record of the United States of America. The republican party has no record in conflict with our national history. It has proudly presented its financial record to the people and they have indorsed it. We do not avoid the fullest investigation; we are for an honest administration of the Government and the annual reduction of the national debt.

We have had, Mr. Chairman, all along in our national history able men at the head of the Treasury—Hamilton and Gallatin and Rush—

Mr. HAWLEY. Wolcott, of Connecticut.

Mr. DUNNELL. And Walker, who managed our finances during the Mexican war with consummate ability; and since him Guthrie and Chase. History always sets things right. I am not called upon to defend any man. But when the history of the present times shall be written by a thoughtful posterity, the name of John Sherman will be found among the names of these great Secretaries of the Treasury.

I say this not as a republican, for I do not think it is necessary to discuss the question from that stand-point. The gentleman from Texas [Mr. MILLS] has referred to the English debt. I agree with him that the English debt has borne down and is bearing down the English people. We want no such burden upon the energies of the American people. But the gentleman made one singular statement, that it is the business of governments in time of peace to hoard money for the time of war.

Mr. MILLS. No, sir. I said ancient governments did it, and I condemn it.

Mr. DUNNELL. I did not hear the condemnation come in.

Mr. MILLS. I said it was wrong and reprehensible, but that it was better than the funding system.

Mr. DUNNELL. Mr. Chairman, I do not believe this Republic will ever adopt the policy of hoarding money in the time of peace for a time of war.

Mr. MILLS. And it ought not.

Mr. DUNNELL. War ought not to enter into our governmental policy. When war comes, where, Mr. Chairman, should be our strength in this country?

Mr. WEAVER. In the greenback.

Mr. DUNNELL. Where is our strength to-day in the world? It is in our grand credit. It is in our credit, Mr. Chairman, which to us is not only a pillar of strength but a source of great national glory. The gentleman from Iowa [Mr. WEAVER] says: "In the greenback." Why was there strength in the greenback? Because it was the promise of a government which was entitled to public credit, because it was

issued for the public defense and for that end authorized by the Constitution, and declared constitutional by the Supreme Court of the United States.

But a word more and I will close. I admired the eloquent language of the gentleman from Georgia, [Mr. FELTON,] language that did his heart and head much credit. He says: Let us stand by the national debt to its full payment—let us stand by all the pledges of the Government in letter and spirit. He pleads for the extinction of this debt. So do I. He follows one line in reaching the grand result, and I follow another. Now, if I were certain, Mr. Chairman, that our revenues would enable us to take care of these maturing bonds within two, three, or four years, I would let them stand unrefunded and take care of them by degrees. But it is demonstrable that it is better to refund these bonds at a 3½ per cent. rate, and then use the fifty millions which the Secretary thinks we may have in decreasing the funded debt, in the purchase of other outstanding bonds; that we shall use the money to better account after the refunding processes have been entered into, than to let these bonds remain at their present high rate of interest and attempt their extinction by the surplus revenues.

I have said that I thought some of the cash in the Treasury might be used; I do not know whether it could or not. It is very easy to make declarations here and to give opinions. I cannot say just what percentage of the present volume of money in the Treasury is needed to keep resumption safe. The gentleman from New York would not hazard resumption in the slightest degree. Yet that matter, it was agreed in the committee, should come before the House in a separate bill. Therefore I have said that resumption was not necessarily connected with or involved in a legitimate discussion of this bill.

I will not longer occupy the time, further than to say that in my opinion we have great reason, as the representatives of the people, to congratulate them upon the present financial outlook. We have a restored credit; we have returning prosperity; we have our debt in such a shape that we can grapple it and handle it. The burden by way of annual taxation has been so much reduced that the debt has largely ceased to be the burden which it was soon after the war.

I believe that in legislation it is better to cling to the existing condition of things than to legislate under anticipated adverse conditions. The gentleman from Texas is full of fear. Foreboding has taken possession of him. He is considering with a great deal of anxiety the posterities that are to follow him. If we can pay \$50,000,000 annually upon our national debt, as he says we can, the gentleman from Texas, if he lives to the ordinary period of human life, will see this debt completely wiped out. I hope and expect to live to see the consummation of the grand result. The gentleman from Pennsylvania [Mr. KELLEY] says it will be done in fifteen years or less. If our surplus revenues in the years immediately to come shall be \$50,000,000 with a Congress in session each year to tell the Secretary what to do with those funds, how are we to be damaged because of those surplus revenues? We can order him to dispose of them in the purchase of outstanding bonds. We run no risk by this legislation. We do not put off a day the final extinguishment of the national debt. We shall save \$15,000,000 a year in interest money if this bill passes and is put into successful operation. Adding this saving to the \$50,000,000 which the gentleman says we shall have, we have \$65,000,000. Let that \$65,000,000 do its work year by year, and the gentleman from Texas may think less of posterity and look forward to the day when he can raise his voice in a grand acclaim, in a national thanksgiving that the great debt which the salvation of the Union made necessary has been extinguished by the generation that saw it created.

Mr. LADD. Mr. Chairman, that portion of the interest-bearing debt of the United States redeemable in 1881 it is proposed by this bill to refund in part in forty years, at the rate of 3½ per cent. interest, free from all taxation.

This proposition, if the refunding of more bonds is deemed necessary, has advantages, could we be assured it would be honestly carried out by those in power, as it will save nearly 2 per cent. on seven hundred and sixty-three millions maturing on which we now pay an average interest of 5.33 per cent.

The distinguished chairman of the Committee on Ways and Means [Mr. FERNANDO WOOD] has very clearly presented the proposition to the committee. For his able speech on this bill he deserves the thanks of the whole country, and while I differ with him as to the expediency of refunding any more of our maturing debt I can appreciate his learned efforts in behalf of economy. But he fails to impress me with the importance of refunding the maturing debt when it is clearly within the power of the Treasury to pay the whole amount, without disturbing the relations of debtor and creditor, by using present and anticipating, without much expense, future receipts, and thereby saving a large part of the interest to be paid and the tempting influence to fortune making by those in power. According to his showing a 3½ per cent. bond can be disposed of at par. Of this fact there can be no question. Admitting the shameful abuse of the power heretofore given to the present Secretary of the Treasury for refunding, which has cost the country (as estimated by the honorable chairman of the Committee on Ways and Means) the enormous sum of \$115,500 more than it should have cost, I regret to say he has failed to represent that the whole system of refunding is obnoxious to the charge of fraud, corruption, and money-making by the ring in power and highly dangerous to our institutions. I believe the refunding of

our maturing bonds means a continuance of our present expensive banking system with all its objectionable surroundings.

The bill provides as follows:

SEC. 5. From and after the 1st day of July, 1880, the 3½ per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national bank circulation.

The bondholder and bank owner are copartners. They are one concern. They represent one house. They pledge their bonds for currency or they withdraw them as the ebb and flow of the tide of self-interest may dictate. I am opposed to the whole system, for I believe that all our financial troubles had their origin in the large bonded debt, which is wielded by this unholy copartnership exclusively for the benefit of the different copartners. Here let me say no party is responsible for my views; neither do I believe any party can live in this country on past recollections, any more than a starving family can on a book of heraldry. I propose a change. I am for a reform in reducing our bonded debt, believing it is now in our power so to do in a manner safe to all by utilizing our present revenue and anticipating that that is to come into the Treasury.

The bonds that it is now proposed to refund, most of them, have been refunded once before, the operation of which contributed in producing the great financial crash of 1873.

Freighted in this bonded ship we find—

First. The national banks striving for the exclusive right to issue all the currency.

Second. The non-taxable bondholder striving to continue himself and his posterity as dead-heads.

Third. The opponents of silver striving for an exclusive gold currency, in order to appreciate their money or that that can demand gold.

Fourth. The friend of an expensive government. In this all the others can heartily combine, as they pay but a nominal tax.

All of these interests are represented by honorable men, men of wealth, who are clever fellows and highly respectable; socially, perhaps, our superiors. But can we consistently listen to their appeals when so much want and suffering exists at home which calls upon our manhood for the maintenance of equal legislation?

Mr. Chairman, I propose in the remarks I make on this bill, if in order, to speak of the various interests which are involved, all of which affect the people whom I have the honor to represent.

If it is manifestly for the interest of the bondholder to continue the class legislation which has so unjustly discriminated against the industrial classes, it is equally our interest, now that it is in our power, to pay our maturing debt as speedily as possible, and thereby force before it is too late a change in legislation in the interest of economy and industry, which can only be done by keeping the Treasury reasonably short by ignoring all refunding schemes.

We who advocate a change in the interest of the people must not be discouraged in our efforts by the magnitude of the questions involved nor the power and influence brought to oppose our efforts. We must bear in mind a mighty force is entrenched behind those in power, with instrumentalities at hand never before trusted to humanity. Years of class legislation, enacted under the garb of patriotism, can only be met and changed by the combined influence of all now opposed to the republican party. Differences must be buried for the attainment of the one great object—the saving of the Republic.

To be sure our efforts for material progress and reform are now supported by many active minds of a large class of honest thinkers of all parties, but, unfortunately, not all working in harmony. Those who worship the financial theories of the past, and those who with larger hope think mankind should increase the material called money to correspond with the increased production consequent upon the introduction of machinery, may have many a hard battle to fight before they can work in harmony together.

The patriot now is he who by conciliation can bring most laborers into the field now ripe for the harvest. Let me admonish all who desire a change in the interest of the people not to be captious as to what tools the volunteer in this cause brings to the work. The most powerful motor that actuates mankind is enlightened selfishness, and if this is cultivated in the future by the producers as zealously as by the bankers in the past a speedy change is inevitable. Those who have rapidly acquired fortunes by the class legislation of the past twenty years have, quite naturally perhaps, conceived the idea that the Government should be conducted by and in the interest of wealth. But they may also have acquired too great confidence in their ability to maintain our Government as a republic with the present tendency toward centralization. Those who think that prosperity consists in an unjust and unequal distribution of property by class legislation, which has developed into individual extravagance and display of wealth, must be brought to their senses by the producing classes assuming the charge of future legislation.

The country now calls for a halt in such legislation; it calls for a scrutiny into the causes that have produced the business wrecks which have occurred in all leading industries from the Saint John's to the Rio Grande, from the Atlantic to the Pacific; wrecks of business industries, business men, and all those high notions of political integrity which have made us all we are as a nation. No temporary alleviation caused by short crops in Europe can divert the American mind from the producing causes of our unparalleled sufferings, soon

to return if the causes that have produced them in the past be not removed. Let us look at the spectacle that such legislation presents. On the one side the unplesant picture of wealth easily obtained developing into regal expenditures, follies, and wickedness. On the other, distress, poverty, and ruin, starvation, suicide, broken constitutions, and broken hopes, to say nothing of crimes and all the heart-rending scenes of suffering consequent thereupon. While the effect, unhappily still continuing, of our past legislation has unquestionably been to increase the wealth and power of the rich and make the laborer still poorer and more dependent, the feature that ought to excite most apprehension and alarm for the safety of our institutions is that the middling classes, the embodiment of enduring qualities, the class that so conspicuously controlled the earlier administrations, are fast disappearing and giving place to extremes of wealth and cringing poverty.

I call your attention to the statistics of failures in the United States for the years 1874, 1875, 1876, 1877, 1878, and nine months of 1879. Number of failures, 47,332; amount of failures, \$1,053,525,147, amounting to more than half our public debt.

My limited time will not permit me to allude to the alarming increase of insanity, pauperism, and crime, which will be shown by the census soon to be taken, and which can be attributed to faulty legislation. I will, however, quote from one of our able editors a statement made the latter part of 1878 as to the condition of Maine in this regard:

The change that has taken place in the moral condition of our people during the last eighteen years is no less striking and alarming than that which has been wrought in their physical and material condition. Eighteen years ago there were 153,000 scholars in our public schools. Last year there were but 130,000. In 1860 there were but 42 criminals sentenced to our State prison. Last year there were 83 criminals sentenced to the State prison. In 1860 there were but 40 criminals sentenced to our county jails. Last year 164 were so sentenced. In 1860 there were but 208 patients in our insane asylum. Last year there were 416. In 1860 there were less than 500 indictments for crime by the grand juries of the State. Last year there was the enormous number of 3,261 indictments found by the grand juries of Maine against her citizens. What a record! One in forty of all our voters indicted as criminals in our courts! Look to our own city. In 1860 there were but 824 paupers in Bangor, supported at an expense of less than \$7,000. Last year 1,685, supported at an expense of over \$26,000. One in eleven of our entire population recorded on our pauper list!

Real estate, depressed from causes of which I shall speak hereafter, and by an exorbitant taxation consequent upon relieving the bondholder from public burdens or making him a dead-head in our financial estimates, has declined in value from 40 to 60 per cent., and in some localities has become entirely worthless; and the condition is not improving except in those localities where wealth accumulates so rapidly as to require a larger area to display its follies and the extravagance connected therewith.

The governing classes alluded to, to retain power and a continuance of their prerogatives, have submitted to the class who live by hanging on "princes' favors," who flourish "where low-bowed baseness wafts perfume to pride," until peculations, robberies from Government, from banks, from communities and individuals, have become fashionable, and may soon become of importance enough to call for organization into joint-stock companies in order to be controlled. I cannot forbear to allude here to a certain class of teachers, who were formerly powerful for good, who have joined hands with corruption and justify themselves with the old maxim of the weak voluptuary, "Whose bread I eat, his song I sing."

The Commercial Advertiser (New York, January 6, 1880) makes the following remarkable statement:

The rumored additions to the great fortunes identified with Wall street from the successful speculation of 1879 are enormous in amount. These are some of the estimates: Added to the Vanderbilt estate, \$30,000,000; to the wealth of Jay Gould, \$15,000,000; to the wealth of Russell Sage, \$10,000,000; Sidney Dillon, \$10,000,000; James R. Keene, \$2,000,000; to the First National Bank, \$2,000,000; to Drexel, Morgan & Co., \$2,000,000, and to three or four other great speculators, \$3,000,000, giving a total of profits of \$80,000,000 to about ten or twelve estates in a single year.

I also quote the remarks of a distinguished clergyman of Boston:

We have had enough of these colossal men, made rich out of the industry of the poor and weak—such men as Blaine, who walks into a convention with \$70,000 of railroad bonds in his pocket, saying, "Obey me! Blaine and Maine are one!" Cameron with millions obtained from the Government, saying to Pennsylvania, "Make my son senator," and Pennsylvania obeys; Tom Scott holding a bill of sale of half the legislators of the States through which his roads pass, who slaps his pocket and cries, "By this I conquer!" President Garrett, carrying in the hollow of his hand the Assemblies of West Virginia and Maryland, exclaiming with Richelieu, "I am the State!" What has been the example of these giants of finance? How have they helped the cause of morality and religion? Like the mantle of charity, their gold covers a multitude of sins. They shine by its glitter rather than by their virtue. Vanderbilt gives \$20,000 to a church out of twenty millions derived from watered stock, and erects a brazen statue, which an obsequious Methodist bishop was found willing to dedicate. A. T. Stewart, crushing out thousands of honest merchants to aggrandize himself, has a church to his honor when dead, that he would not go into when living! Let men look with distrust on the oppressors of the poor—on ill-gotten wealth. Public opinion, which makes law and is more powerful than law—let it scout such men from society and brand them with its heaviest condemnation.

Who are the productive forces? Who is it that digs the mines, produces the gold and iron, makes the machinery, weaves the cloth, raises the grain, builds our dwellings, makes the paper, prints the book? The workingman! By whom are these monopolists, corporations, the whole royal class of idlers, the stockholders and dividend-drawers, supported? By the workingman, the miner of Pennsylvania, the railroadman of the West, the cotton hand of the South, the mill hand of the North.

This is only a true picture of the condition of society in the United States. The industrial classes, the owners of the farm, mill, and shop, have a class to fight which can be best described in the following

language of Burke in his description of the conquest and subjection of India by Clive and Hastings, a century or more ago:

Animated with all the avarice and all the impetuous ardor of youths, they roll in, one after another, wave after wave; while nothing presents itself to the view of the unhappy natives, except an interminable prospect of new flights of voracious birds of passage, with appetites insatiable for food, which is continually wasting under the attacks. Every other conqueror, Arab, Tartar, or Persian, has left behind some monument either of royal splendor or of useful benevolence; England has created neither churches nor hospitals nor schools nor palaces. If to-morrow we were expelled from Hindostan, nothing would remain to indicate that it had been possessed, during the inglorious period of our dominion, by any better tenants than the orang-outang or the tiger.

This dark picture of the English rule in India clearly illustrates the condition of the industrial classes who have suffered eighteen years of republican rule in this country—a rule, which they have been able to maintain in consequence of a divided opposition and the skillful kindling of fires which should have been extinguished by our civilization.

Centuries, with all their countless changes in the condition of mankind, have not and cannot change the heart of man, which was made in him by his Creator; the same overruling tendency of his nature consequent upon the cultivation of avarice remains a fixed but deplorable fact in the law of his creation, and a warning to all wise statesmen to legislate to protect the weak from the aggressions of the strong.

OUR BONDED SHIP MAKES A SUCCESSFUL VOYAGE WITH THE NATIONAL BANKS.

Our system of banking upon national bonds was inaugurated as a war measure mainly for the purpose of making a market for our bonds; and they unquestionably performed in a large degree this duty to the Government in the amount of bonds they absorbed to bank upon and as fiscal agents for the Government in the sale of bonds; but all this was done at a very great expense to the people and a large profit to the bondholders, as the large fortunes accumulated manifestly prove.

The national-bank act of February 28, 1863, superseded by the act of June 3, 1864, to provide a national-bank currency secured by a pledge of the United States bonds, provided that for every dollar of United States bonds placed with the Treasurer at Washington ninety cents of national-bank currency shall be issued to each banking association, which draws the interest on these bonds while hypothecated to the Government for currency circulation. When those banking associations went into operation—a majority of them June 3, 1864—greenbacks, lawful money, were worth 210.7 for the coin dollar. There were four hundred millions of greenbacks then in circulation and forty-eight millions of fractional currency. The decline in currency and lawful money up to this time consequent upon the suspension by the banks of specie payment and the provision of law limiting the money power of the greenback was as follows:

January, 1862.....	102
January, 1863.....	145
January, 1864.....	155
June 3, 1864.....	210
January, 1865.....	216

The controverted question between parties as to what caused this large decline in our legal-tender money I will not discuss at this time; for the purpose of my present argument it is enough for me to show the profit the banks made which went into operation in 1863, 1864, and 1865. They purchased their bonds with lawful money to bank upon at an average price of fifty-three or fifty-eight cents in coin on the dollar, making from 16 to 20 per cent. in coin, besides interest on their bonds in gold and interest for all loans made, which could not have been less than 17 per cent. each year on their entire capital. Coin was worth in greenbacks—January, 1866, 140; January, 1867, 134; January, 1868, 138; January, 1869, 135.

March, 1869, (section 3693, Revised Statutes,) the following act was passed:

The faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver.

It will be seen that all the lawful money then issued, including the national-bank currency, and all property, both real and personal, and all debts and mortgages in the United States were valued in a currency worth 135.6 for every coin dollar, and was changed by this act into coin, subjecting the holders to a loss of 35.6 cents on each dollar. Who derived the benefit from this change of the standard of value by law?

First ascertain how much we owed March, 1869, when the standard was changed by law from lawful money to coin, and then we can measure the loss that the Congress which was elected in 1868 subjected us to, and we shall also have a base of calculation to determine the loss sustained by the country at large:

Public debt (\$390,236,788 being legal tender and fractional currency).....	\$2,588,452,213
National bank currency in circulation January 1, 1869.....	299,629,322

Amount..... 2,888,081,535

This vast sum was changed by law from lawful money then worth 135.6 for each one hundred cents in coin.

It would necessarily take thirty-five and one-half cents more on each dollar to pay our outstanding debt which amounts to \$1,025,269,934, which is the price paid to holders of United States bonds as a gratuity.

THE VALUATION OF 1870.

The true value of real and personal estates was \$30,068,518,507; 25 per cent. of which is \$10,523,980,877; which is the true amount of loss consequent upon the change of the standard of value made by law in 1869.

I will not follow farther our legislation in this regard. The appreciation of the greenback from this time until the equalization of our currency, which occurred in 1879, is a chapter in our history fraught with too many disasters to business industries and surrounded by too many sickening details of partisan strife, which may in the end culminate in a change of our institutions by the threatened installation of a stronger government.

The difference between the two theories of currency reform is simply this: one side believes that equalization of our currency could only be reached by shrinkage of the volume of the currency and values of property, real and personal; the other side, that with the maintenance of law as to existing contracts, payment of bonds according to law and legal enactments, making lawful money receivable for custom dues and for interest on bonds, the full volume of money then issued could have been maintained; that the unemployed labor alone for six years caused a larger loss than the whole amount of currency then in existence; that this idle labor, if employed, would have produced an amount of wealth that would have brought us more speedily to equalization of the currency, and that, too, without disaster. This theory seems to me to be true, judging from the improvement consequent upon the formation of the greenback party, which occurred in 1876, and which, with the help of those having kindred views, has had a far-reaching influence upon legislation, in preventing a continued shrinkage of our currency. Nothing but this influence forced upon Congress the act of May 31, 1878, preventing the retiring of any more legal-tender notes, and providing that when redeemed they should be reissued. This act exists to-day and cannot be changed. We defy the money power to make the attempt. They reply: "We will let well enough alone;" which means, "we will wait until we get the power."

The same influences contributed to the passage of the act of February 28, 1878, providing for the coinage of not less than two millions a month of standard silver dollars.

These two acts, so persistently opposed by the republicans, have restored confidence and prepared the public for the improvement that has already occurred; fortunately for our prosperity our increased exports consequent upon short crops in Europe has assisted us out of our difficulties.

BALANCE OF TRADE.

The excess of exports over imports of merchandise, stated in specie values, was as follows:

Month ended January 31, 1880.....	\$11,817,477
Month ended January 31, 1879.....	25,893,554
Seven months ended January 31, 1880.....	148,198,036
Seven months ended January 31, 1879.....	175,518,009
Twelve months ended January 31, 1880.....	237,341,003
Twelve months ended January 31, 1879.....	297,633,315
In all for 1879 and 1880.....	534,974,408

This large balance in our favor indicates that we are indebted chiefly to the producers and to the misfortune of Europe for our improved financial condition. The larger part of this came back to us in our bonds. The Secretary of the Treasury, who claims the credit of this, had about as much to do with bringing about equalization of our currency and improved times as Columbus had to do with the eclipse of the sun, which he played off on the savages of the island of Hayti to induce them to bring out their treasures or he would darken the world.

The expansion of 1879 settles all controversy as to which theory, expansion or contraction, we must attribute our present improved financial condition. I quote from the Boston-Herald an article on

ONE YEAR'S EXPANSION.

The expansion of American currency during the year 1879 is by far the largest sound inflation that ever in any twelvemonth stimulated the growth of business throughout the United States. The official figures are still incomplete on some points, but it is possible to reach a fairly accurate measurement of the unparalleled increase. The imports of gold rank first in both amount and uncommonness.

The addition to the stock of gold in the country stands by our reckoning as under estimate of gold expansion in 1879:

Net imports into United States.....	\$74,556,191
Production of United States.....	36,000,000
Total increase.....	110,556,191

The silver dollar claims the third place as an expander of the currency. We have not seen an official statement of the coinage, but the amount minted in the twelvemonth runs very close to \$27,300,000. Of this supply \$16,463,235 passed into the vaults of the Treasury, leaving a sum of \$10,836,765 added to the active circulation. There was also an increase of about \$2,500,000 in the amount of silver certificates outstanding. Thus the inflation of silver aggregated \$29,800,000 for the year. Counting silver and gold together, the direct and indirect increase of the metallic currency reached a total of \$140,356,191. There was also an increase of \$18,633,362 to the amount of national-bank currency. The greenbacks remained at \$346,681,616, but the changes in the amounts held by the Treasury operated as a substantial addition

of \$5,018,989 to the outstanding issue of Treasury notes. We summarize below the total expansion from all sources during the year:

Expansion of the currency in 1879:	
Increase of gold.....	\$110,556,191
Increase of silver dollars.....	29,800,000
Increase of national-bank notes.....	18,633,362
Practical increase of greenbacks.....	5,018,989
Total expansion of year.....	164,013,542

CURRENCY.

What is the legal-tender Treasury note which we propose to substitute? The obligation of the nation issued direct as a lawful money, untrammelled by the machinery of corporations, whose existence is solely for profit at an enormous expense to industry. Let us look at the cost of the national-bank currency. Three hundred and sixty millions of bonds pledged for circulation, interest at 5 per cent., \$18,000,000; less 1 per cent. paid for same on a circulation of \$335,134,504, total, \$3,351,345; actual cost to the country, \$14,648,655. This result may be increased or lessened a trifle by the lessening of the capital or circulation and by adding the expense of maintaining the machinery of the banking act by the United States Treasury.

The argument often used to justify the continuance of the national-bank system as to the large amount of taxes they pay on deposits and for State, county, and town taxes is entirely fallacious. At no time in the past have banks been allowed to exist without paying State, county, and town taxation, and it is fair to presume that a tax-ridden people will not relieve capital, organized or unorganized, without assessing on it a share of the public burdens. The Comptroller of the Currency says "the rate of taxation imposed on the deposits and capital of State banks and private bankers is precisely the same as that imposed upon national banks." State banks are prohibited from issuing circulation by a 10 per cent. tax. I know it is urged that bank managers are safe custodians of the power to issue money and can best know the wants of the business community as to the quantity of circulation needed by the people. This I deny. Again, that it would not be expedient or wise to trust Congress to authorize the issue of a non-interest-bearing bond or legal-tender Treasury note for the convenience of the people; but it would answer to trust them to issue to the largest amount an interest-bearing bond, to run thirty or forty years, and to make it non-taxable as it passes from father to son. Such arguments are hardly worth answering, manifestly used to deceive the unthoughtful. If Congress can safely issue paper obligations, to become a lasting and weighty burden on all property and industry, surely it can be trusted to issue, when the exigency requires, the Treasury note to meet the temporary wants of maturing debt, to say nothing about the wants of the people for a circulating medium.

The President and Secretary of the Treasury now recommend the retirement and deprivation of legal-tender functions to the legal-tender notes, really to force upon the country the national-bank currency which can be extended legally to the amount of all bonds issued.

The venerable Peter Cooper in his letter of thanks to Senators BECK, COKE, and MORGAN says:

It seems hardly credible that any man with the opportunities for observation possessed by Senator BAYARD should now stand upon the floor of the Senate and advocate a bill the design of which is to destroy \$346,000,000 more of the money with which the people do business and pay their debts, or that any man should be so exacting as to wish to legally compel debtors to procure gold coin to discharge all this burden of debt. Whatever may have been the result of the destruction of the people's money in the past, to destroy the balance of the legal-tender notes now would increase disaster fourfold. It rejoices me to find men of your intelligence, gentlemen, raising their voices against this iniquitous scheme.

Senator BECK says in reply:

I agree fully with you in the opinion that it would be a public misfortune to have all the debt-paying currency of the country under the control of the national banks; with the unlimited power they have to expand and contract their issues, the business of the country would soon be at their mercy.

I had so many things to notice, when I spoke, that I failed to make as clear as I ought the fact that the resolution for the passage of which your New York friends are so clamorous degrades the United States notes far below the national-bank notes; indeed, maintains them only as a debased currency for the benefit and protection of the banks!

Hon. JOHN M. BRIGHT, in his able speech, February 14, says:

The House will pardon a glance at a few of the Secretary's inconsistencies. He claims the glory of his forced resumption; yet he denounced its incalculable evils. He opposed making legal-tender notes receivable for custom duties; yet he receives them for customs. He opposes the remonetization of the silver dollar; yet he boasts its accumulation in the Treasury as an auxiliary to resumption. He and his friends claim that his policy brought prosperity to the country; yet he forgets that the heavens dropped fatness on the land. He claims that he brought greenbacks up to par with gold; yet he recommends to Congress that their tender quality in the payment of private debts should be stricken out, so that it would cease to be lawful money. And after his work of funding, contraction, forced resumption, and consequent financial ruin of one hundred thousand of good business men and the forging of financial fetters for an enslaved posterity, yet he now finds that the people do not want his hoarded coin and prefer the greenbacks in their business transactions. After blundering through a long financial experience he is brought to the knowledge of the fact that greenbacks used for all purposes as coin need no redemption.

OUR BONDED SHIP MAKES A SHORT VOYAGE IN THE INTEREST OF AN EXCLUSIVE GOLD CURRENCY AND MEETS WITH A HEAVY GALE.

The question of remonetization of silver is unavoidably connected with refunding of our maturing bonds. Two parties exist in this country of about equal strength as to the expediency of fully remonetizing silver; the wise statesman would take this question into consideration before determining the practicability of extending our national debt by the issue of long bonds.

SILVER

as a money metal escaped the attacks of avarice for thousands of years, with the exception, that of Great Britain, (sixty-four years ago), who from enlightened selfishness demonetized silver for her home business, but continued it in her Indian empire, where commerce required its continuance. Until a recent date her influence had not produced any change in Europe. We have every assurance that those governments of Europe which have been unmindful of the interests of their people under her influence are fast retracing their steps and will soon return to their former condition in regard to the utilization of silver as a money metal.

Our Constitution impliedly made silver one of the money metals by prohibiting the States from making anything but gold and silver coin a legal tender. The avarice of the bondholder of the United States who has controlled legislation has set up a new standard of value, and has imposed on the country in addition to the great wrong of 1869 an additional burden. Silver is now demonetized, the metal in which the laws of 1869, 1870, and 1871 provided the bonds should be paid, and of the standard of fineness fixed by the law of 1837; thus making an exclusive gold standard. As the amount of coin existing by law fixes the value of all property and the value of all industry, by striking down silver—about half the coin of the world—you lessen values just in proportion as you lessen the material that the law obliges you to measure them by. To restate this: reduce the money metal one-half, you double the purchasing power of that that you retain, and this for the exclusive benefit of those having it or the paper that by law can call for it in payment. This is the true inwardness of all legislation for the demonetization of silver, which was so slyly accomplished by the few words smuggled into the Revised Statutes February 12, 1873:

The silver coin of the United States shall be a legal tender at their nominal value for any amount not exceeding \$5 in any one payment.

I have not time further to allude to this monstrous cheat. Suffice it to say by this legislation 20 per cent. profit was to be made by the holders of our funded debt. For the consideration of those who may differ as to what money is, allow me to quote authorities as to the utility of having it in increased quantities in order to promote prosperity:

The two greatest events which have occurred in the history of mankind have been directly brought about by a successive contraction and expansion of the circulating medium of society. The fall of the Roman Empire, so long ascribed to ignorance to slavery, heathenism, and moral corruption, was in reality brought about by a decline in the silver and gold mines of Spain and Greece.

And, as if Providence had intended to reveal in the clearest manner the influence of this mighty agent on human affairs, the resurrection of mankind from the ruin which these causes had produced was owing to the directly opposite set of agencies being put in operation. Columbus led the way in the career of renovation; when he spread his sails across the Atlantic, he bore mankind and its fortunes in his bark.

The annual supply of the precious metals for the use of the globe was tripled; before a century had expired the prices of every species of produce were quadrupled. The weight of debt and taxes insensibly wore off under the influence of that prodigious increase; in the renovations of industry the relations of society were changed; the weight of feudalism cast off; the rights of man established. Among the many concurring causes which conspired to bring about this mighty consummation, the most important, though hitherto the least observed, was the discovery of Mexico and Peru.—*Sir Archibald Alison, History of Europe.*

When the various states of Europe suddenly determined to have a gold standard and took steps to carry it into effect, it was quite evident that we must prepare ourselves for great convulsions in the money market, not occasioned by speculation or any old cause which has been alleged, but by a new cause with which we are not sufficiently acquainted, and the consequences of which are very embarrassing.—*Disraeli, (Lord Beaconsfield), speech at Glasgow, November 19, 1873.*

To annul the use of either of the metals as money is to abridge the quantity of circulating medium, and is liable to all the objections which arise from a comparison of the benefits of a full with the evils of a scanty circulation.—*Alexander Hamilton, Report on the Mint.*

The public indebtedness of the civilized world to-day probably stands between \$25,000,000,000 and \$30,000,000,000 of American money. The volume of private debts, including the capitalized value of fixed charges—loans, annuities, &c.—is vastly greater. Nearly the whole of this body of obligations is payable, interest and principal, (where the principal sum is to be paid), in money. The question whether the supply of money shall increase or decrease is, then, the question whether the burden of these more or less permanent charges shall be diminished or enhanced.—*F. A. Walker, Money, 1878.*

B. F. Nourse, of Boston, a leading banker, writes Hon. G. F. HOAR in the New York Tribune:

Merchants, bankers, manufacturers, and other thoughtful business men of the classes who best and most practically understand all the causes of depression arising from past excesses in production, trade, use of credit, and all other causes contributing to the existing condition of distress are awakened to recognize that, when all due allowance is made for these multifarious and weighty causes, there has been one cause of depression mightier and weightier than all others, operating with resistless and accelerating force since 1873—the demonetization of silver, which then beginning in Germany has since become general throughout Europe.

Mr. BLAINE says in his speech delivered in the United States Senate February 7, 1878:

The destruction of silver as money and establishing gold as the sole unit of value must have a ruinous effect on all forms of property except those investments which yield a fixed return in money. These would be enormously enhanced in value, and would gain a disproportionate and unfair advantage over every other species of property. If, as the most reliable statistics affirm, there are nearly seven thousand millions of coin or bullion in the world, not very unequally divided between gold and silver, it is impossible to strike silver out of existence as money without results which will prove distressing to millions and utterly disastrous to tens of thousands.

Happily we have a partial remonetization of silver, brought about after a desperate fight with the money power. Happier still shall we be when reason shall return to us as a nation, tempered with that high sense of honor to all classes, so that if the sweat of the brow of our

toiling millions must pay a debt double what it should have been, made so to enrich a favored class, we, countrymen, can say to those wont to cluster around our frugal board—those who are soon to take our place in the Government and in the battle of life—if we must leave you a debt to pay, large indeed and hard to be borne, it is payable in a coin of the legal value of 1870, the material of which is accessible, even abundant, and within the reach of your industry.

TAXATION.

But no matter what course your legislation may take, it will avail nothing to relieve the people without rigorous laws for equalizing taxation. Increase money *per capita*, double the circulating medium, if you please; it will in the end be a failure. The laws of trade, as sure as the laws of gravitation, will in time pass all the money from him who pays the taxes to him whose wealth is untaxed. No legitimate business is now profitable enough in this country to exist for any time burdened by the present taxation levied as it is.

Our industry, as statistics show, is but 3 per cent. per annum. If one-half of our wealth, as is estimated now, escapes taxation, sixty-six years will pass all real and movables from the tax-payer into the hands of the non-tax-payer.

When you have apportioned to wealth, the crystallized labor of the past, its legitimate share of public burdens, you have laid the cornerstone of all permanent improvement. To do this you can join hands with him whom you may now differ with politically. He who is for reform by equalizing taxation and by reducing expenditures, and thereby lightening the burdens imposed on labor and industry by our Government, is one of our party. If we, perchance, may have some advanced ideas of currency reform worthy of attention, we must remember they should be based on his fundamental principles of reform, which alone can lead to permanent prosperity.

If we represent the light, the reformer represents the pyramid which towers above the rocks; united we can become the instrument to guide the ship of state into the safe harbor of equal rights, equal burdens and a renovated constitution.

REFUNDING THE DEBT REDEEMABLE IN 1881.

The able speech of the distinguished chairman of the Committee on Ways and Means should be read by every voter in the United States. The criticism he has given us of the proceedings of the Secretary of the Treasury, as to the faults and errors of the administration of his Department, in his intercourse with the bankers of the United States, leads me to ask this question in all honesty: Can we have a Secretary—has God Almighty created a man able to cope with the combined shrewdness of the world, which has culminated in the modern word *syndicate*?

I quote the statement of the Hon. FERNANDO WOOD, in his speech of March 4, showing the cost of refunding and the parties most benefited by the same.

It is certain that circumstances of some kind have not only enabled the Government to obtain loans at 4 per cent. per annum interest, but also to have enabled a few parties to amass enormous fortunes in the operation. I cannot with any approach to accuracy estimate the total profits that have been realized in these transactions. The total amount of 4 per cent. bonds issued is about \$740,000,000. These were sold at par and a half per cent. commission allowed to the purchasers, netting to the Government 99½ per cent. upon the amount sold.

The account, therefore, stands thus:

Present market value, at 107 per cent., on \$740,000,000	\$831,800,000
\$740,000,000 4 per cent. bonds, netting 99½	736,300,000

Making a profit to the holders and loss to the Government of 115,500,000

Is it not a proper subject of inquiry as to who has made this profit and what relation the parties bear to the Government? Of course, as these bonds have been distributed in many different quarters, it would be impossible to ascertain the history of each. We must do the best we can. Fortunately we are not left in the dark as to the principal purchaser.

The following statements of the First National Bank of New York will furnish enough data upon which to conjecture the method by which the \$740,000,000 bonds have been disposed of.

The following is the official report of the condition of the First National Bank of New York, June 14, 1879:

Report of the condition of the First National Bank of New York, at the close of business June 14, 1879.

RESOURCES:	
Discounts and time loans	\$2,081,959 06
Overdrafts	964 52
United States bonds	129,152,740 40
Other stocks and bonds	1,034,747 09
Premiums	535,708 71
Specie	\$1,382,434 31
Legal-tenders and bank notes	2,086,165 00
Due from Treasurer of the United States	7,250 00
Exchanges	1,334,880 71
Due from banks	404,165 31
Demand loans	4,187,620 38
	9,382,515 71
	142,188,635 09

LIABILITIES:	
Capital	500,000 00
Surplus	1,000,000 00
Profits	579,018 88
Circulation	45,000 00
Deposits, banks	\$3,423,084 92
Deposits, individuals	3,532,460 25
	11,955,545 17
Due Treasurer of the United States	128,109,071 04
	142,188,635 09

By this report it will be seen that on the 14th of June, 1879, with a capital of only a half million dollars, this bank owed the Government \$128,109,071, and held bonds of the United States for \$129,152,740.

These were very large sums of both debits and credits for so small an institution to deal in. I know that it is said that the bonds are not delivered until paid for, and that this apparent mammoth operation is simply a fiction of book-keeping. If this is really so, the fact remains that by some inexplicable advantage a small private banking institution, the property of three men, has obtained the facilities for the holding of enormous sums of the Government bonds by which they have acquired immense profits.

The following is the circular of this bank issued to its correspondents on the 7th of October, 1879:

"To our correspondents.

"FIRST NATIONAL BANK,
"New York, October 7, 1879.

"DEAR SIRS: With much satisfaction we hand you herewith statement, condensed from the report of this bank to the Comptroller of the Currency, under date of October 2, and invite its comparison with our previous reports.

"It exhibits the final liquidation of our large transactions with the Treasury Department in the 4 per cent. loan, the last payment upon which was made on September 30:

Our direct subscriptions for the four percents from January 1 to the close of the loan footed \$208,500,000, the cost of which was... \$209,584,893 82
Add to this the balance at credit of the Department on 1st January..... 19,757,948 50

And our payments to the Treasury during the nine months aggregated..... 229,342,842 32

All of which has been completed without loss or error.

We may add that the total amount of United States bonds of all issues sold and delivered by this bank from January 1 to October 1, inclusive, was..... 341,732,450 00
Called bonds purchased during same period..... 181,300,550 00

Making amount of United States bonds passing through our hands within these dates..... 523,033,000 00

"The above figures embrace a total of \$284,385,600 four percents, of which \$208,500,000 were taken directly from the Government and \$75,885,600 were purchased by us in the market and represent original subscriptions made by others.

"We find, also, going back to the introduction of the loan, that we have sold in all \$400,449,050 out of the entire issue of \$737,157,050 four percents.

"Respectfully,

"GEORGE F. BAKER, President."

From this statement it will be seen that this bank boasts that out of the total amount of 4 per cent. bonds issued up to that time (\$737,157,050) it had sold \$400,449,050, or over one-half, and that the total amount of United States bonds it had handled in nine months amounted to \$523,033,000.

There is no instance in the history of this or any other government where anything like this has occurred. Neither the Bank of England nor the Rothschilds have held relations with either or all of the governments of Europe by which they had the privilege and consequent profits of negotiating so large an amount of government bonds within the same time.

DEBT REDEEMABLE IN 1881.

May 1, 1881, five percents.....	\$508,440,350
June 30, 1881, six percents.....	254,392,530
July 1, 1881, six percents.....	823,800
Total.....	763,656,700

The surplus revenue last year was about twenty-five millions. The increasing revenue consequent upon improvement in business cannot fall short of seventy-five millions this year. The amount of coin on hand for resumption purposes is at least one hundred and sixty-five millions. Calling 25 per cent. the amount necessary to be held as a reserve for continual redemption of greenbacks, which amounts to eighty-five millions, we have left eighty millions of idle money now in the Treasury. So that the debt can be reduced by May 1, 1881, to about six hundred millions, which remains to be provided for. Now, to pay this six hundred millions—

First. Issue Treasury notes—one hundred millions—payable yearly for six years, redeemable at the pleasure of the Government;

Second. Institute an income tax upon non-taxable property, or on all incomes over \$1,000;

Third. Remonetize silver, which will give a great impetus to all business;

Fourth. Lessen the expenditures of Government in every Department 10 per cent., excepting interest on public debt. This can be done without injury to any one if the assessments for political purposes, which it is understood amount to 10 per cent. of the salaries of all in the employ of the Government, are discontinued.

Without the payment of your debt as it matures, years of extravagant expenditure will come. It is certain that there will be a surplus of revenue. One of two things will result from the refunding bill under consideration, if adopted: The tariff and internal taxation will have to go or be increased—yes, wild expenditure will have to come. Are you prepared for either?

A wise course, it seems to me, is to pay the maturing debt. After this relieve industry by repealing all internal taxation, and modify the tariff on imports in a manner for the benefit of all.

Mr. Chairman, what were we sent here for? What do the people expect? Is it our farmers, producers, and laborers who ask for a continuance of a system so fraught with danger, so gilded by tempting extravagance? I beg of you leave no room to doubt as to the course you will pursue. Let our motto be, "Lead us not into temptation."

The republican orator, when he looks at the record of his party in the matter of a magnificent bonded debt, can well exclaim, "What a mighty achievement!" What country can present so vast a record in so short a time of the subjection of so great a nation to bonded wealth—extraordinary both for the power of those who could impose

the burden and for those who have been educated so nobly to bear it. Truly, it is a development of a holy patriotism, born of the love of country at an epoch when that country was governed by equal laws, equal rights, and equal taxation.

Will not the wail that comes to us from the toiling millions of England, Ireland, Germany, France, Spain, Russia, and Austria be heeded to stop this grand scheme of oppression, and imitation of the dynasties of Europe? Must we wait until every hearth-stone sends up its warning voice from this broad land, "Thus far shalt thou go, and here shall thy proud waves be staid?"

In conclusion let me say, the utterances of republican leaders that something is wanting to strengthen our existing institutions is but the wail of a departing dynasty, who begin to feel they have not the voice of the people to sustain them. They feel that their rule by class legislation is passing away. They who escape public burdens by a system of legal robbery must know that soon they will be brought to appreciate the power of the people, now so forcibly reminded that the price of liberty is eternal vigilance.

We have already reversed the engine. We have changed the direction of the ship of state. We have fixed the policy that the legal-tender notes shall not be withdrawn. This will revive business now developing in the great centers, soon to extend to the circumference. The next wave of the popular voice will revive commerce, which will once more spread its wings on every ocean, when our young men can "go down to the sea in ships and do business on the great waters."

Welcome the day when we can announce no more bonds shall be issued! Welcome the day when we can say taxation shall and must be reduced and be made equal! Welcome the day when the industrious laborer can say the closing years of the nineteenth century have brought with them an abundant civilization, with instrumentalities for the distribution of the comforts of life among those whose labor has made this the golden age of the American Republic!

Mr. SAMFORD. Mr. Chairman, there are \$764,000,000 of Government bonds maturing within the next fifteen months, some of them bearing interest at 5, others at 6 per cent. The bill under consideration, known as the bill of the distinguished gentleman from New York, [Mr. FERNANDO WOOD,] provides for refunding these bonds at 3½ per cent. instead of the present high rate, and further provides that \$200,000,000 of them shall be payable within the next ten years, the remainder to be payable at the end of forty years, the Government having the option of paying them after twenty years. There was a contest between the honorable gentleman who reports this bill, and the Secretary of the Treasury, as to whether the rate of interest should be 4 per cent., as recommended by the Secretary, or 3½, as contended for by the gentleman, [Mr. FERNANDO WOOD.] There can be no question that as between the two propositions, the latter is vastly better for the tax-payers, and the gentleman from New York is entitled to the gratitude of the country for his victory. As between the two propositions, and as between the bill and the present status of the debt, with its high rate of interest, I shall, of course, favor the bill, because its annual saving will be large, over both the others. But I hope we may obtain something better than either of the three, as I will try to demonstrate before I conclude.

But before addressing myself to the particular measure under discussion, I shall briefly indulge in some general remarks, somewhat foreign perhaps, to a literal consideration of this measure, for the reason that under the rules of the House, it is a difficult matter for any member, except those who constitute the two leading committees, to obtain an hour for the expression of his views.

Many of us on this floor represent constituencies composed largely of agricultural producers and consumers, and therefore the real *tax-paying class* of the country. And while I believe we are in a majority here, yet the minority, who represent tax-consuming constituencies, by a species of sophistry, succeed year after year, by so mystifying all financial questions, and by artful appeals to partisanship, in spite of justice and right, in keeping the yoke of bondage on honest effort and honest toil.

Mr. Chairman, I have no sympathy with a senseless communistic clamor against fairly acquired wealth. An indiscriminate and wild denunciation of fortunate possessors of money, is not only illogical, but contemptible, and can find applause only from the thoughtless and irresponsible, whose favors will be unsubstantial and fleeting. But even if they were more lasting, I have no ambition to win honors gained by arts like these. I have no desire to be popularized by a course so questionable in its methods, so regardless of right and justice, so thoughtless, as to be almost if not quite criminal. To the man who has successfully battled and won in the affairs of life I have no word of unjust condemnation. On the contrary, he has my esteem, admiration, and commendation. But, sir, I do abhor and detest that species of legislation which under the forms of law wring substance from one class of citizens for the benefit of another. Indeed, such legislation is nothing more or less than legalized robbery, and that, too, of the most vicious kind, in that the *majesty of the law* is invoked to inflict the wrong upon the victimized citizen.

Now, sir, the financial policy of this Government for the past fifteen years has not only been in the interest of money-lords, and *exclusively* so, but that policy has been absolutely dictated in *all of its detail* by them and their agents, and by ways so artful and shrewd, that while the toiling masses of the people have felt the burden and experienced the oppression, they have been unable to see, *much less prevent*, the

agencies of their great wrong; and by the legislation which has been enacted in this House, where they had a right to expect protection, they have been fleeced out of their earnings, and had them transferred to the coffers of others, until we have in this country presented, the spectacle of mammoth fortunes for the few, accreted by a systematized pilfering from the many, which foreshadows only evil to the institutions of the country.

This concentration of wealth in the hands of a few, has naturally banded its possessors together, in alliances defensive against legislative attack, and offensive for greater aggrandizement. The logic of such combination is to create great corporations, so that the agencies for the promotion of the common design may be more effective in one executive head, whose body shall be without a soul, yet nevertheless immortal. Thus concentrated, it shapes legislation and controls the Government. It is a *rapid* but steady ingraftment upon our body-politic of those evils incident to primogeniture and entailment, which for long years our wise men have been endeavoring to uproot from American soil. Its tendency is to dwarf individual enterprise, activity, and effort in the accursed shadow of great corporations; and its final result will be to destroy individual right and individual liberty, in order to aggrandize the interests of wealth as represented in the persons of these quasi citizens.

Sir, the cardinal principle of our Government is the protection of individual freedom, to provide barriers against tyranny. This was once thought to be a vital question in legislation, but merchandise, and commerce, and speculation have congregated wealth, which has demanded protection, in proportion to its growth, until, by degrees, it has absorbed the attention of the law-making power, has ingrafted upon the statute-book pains and penalties, as refined and severe as the veriest Shylock could ask, and, by a transition illogical but natural, tutored the mind of the statesman to believe that *all laws* should be in the interest of money, and capital, and corporate rights. Hence in these latter days the interests of money, of capitalists, of property rights, have been advanced by legislation, if need be, at the expense of great wrong, unjust exaction, and total disregard of the just demands of the unfortunate citizens whose only offense is poverty.

Sir, I need not elaborate the sinuous methods by which the money-changers of this country have dragged an unrepresented people into a bondage, as complete as the Israelitish bondage to Pharaoh. Step by step, "here a little and there a little," they have steadily moved on, by congressional enactment, to the mortgaging of the resources, and muscle, and toil, of this land, "to have and to hold to them their heirs and assigns forever."

"Money brings leisure, leisure brings thought, and thought brings power," while poverty brings toil, toil brings weariness, and weariness brings sleep, and while the man of toil has slept the bondholder has *thought and schemed* in the dead hour of night, and spun from his busy brain the "new ropes that were never occupied," with which to bind the sleeping Samson. Some day he may awake and give fearful point to the illustration by completing the parallel. While I may not elaborate, yet a momentary glance at these methods may not be altogether unprofitable, even though it shall serve no other purpose than to remind the people of the devotion of the republican party to *all their interests*.

Having procured a bond to be authorized, forever free from taxation, *protected but not taxed*, requiring all the officers and agencies of law to protect them, but furnishing *not one cent* to support its expensive machinery, and requiring the customs revenues of the country to be devoted, first, to payment of the interest in coin, the bondholder bought it at far less than its face value, about forty cents on the dollar.

Being thus provided with an estate, rich in golden results for himself and his children after him, before the din of battle had been hushed, before the black clouds of war had disappeared from the horizon, while other men were gathering together the fragments which escaped the wreck of war, he lost no time, but hastened by constitutional amendment, to place the sanctity of his bond beyond the reach of question, safe from all contingency, in the fundamental law of the land, where it can never be disturbed, and never will be, for *every officer* of this Government, from the President to the lowest constable, before entering in office swears to sustain his bond, so help him God.

Notwithstanding these bonds were payable in greenbacks in their face, in effect, yet greenbacks were at a discount, and though the Government had the option of so paying them at that time; with a stealthy tread the bondholder glided along the corridors, and into the committee-rooms of this Capitol, and with his soft, winning eloquence persuaded a republican Congress to enact a law early in 1869 providing that—

None of the interest-bearing obligations not already due, shall be redeemed or paid before maturity, unless at such times United States notes are convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin.

Mark you, according to law and the contract, these very bonds we are now considering could have been paid in greenbacks, but for this iniquitous law. But the bondholder was as "wise as a serpent" and harmful as a devil, and he knew that a subsequent Congress could repeal this law. He did not feel safe. His gyves and fetters were not sufficiently fastened on the limbs of toil.

What next? These bonds were payable in dollars, as I have said, and greenbacks were legal dollars, but greenbacks were below the value of the coin dollar, and were liable, in their very nature, never to be worth more, and would likely often be worth less than coin. The people's Representatives (God save the mark) again responded to the insatiate maw of greed, which like "the daughter of the horse-leech, continued to cry *give, give*," and allowed bonds payable in greenbacks, to be exchanged for bonds payable in their face in coin, thus securing them against repeal of law. While a servile republican Congress and President were thus prostituting the methods of legislation to the sordid demands of a moneyed oligarchy, a republican Supreme Court was declaring that greenbacks were legal tender, and good enough pay for the produce of the farmer and the wages of the laborer. But the law was passed, and \$1,395,000,000 of bonds payable in currency were exchanged for bonds payable in coin. It would seem, in all conscience, that this was enough. But no; hardly had the ink dried which contained the unrighteous provision requiring coin to be paid, before the gold-bug, which was sucking the life-blood of labor, struck down, by methods so dark, so stealthy, and so unholy that to this day the hand that did it is unknown, the money capacity of silver, and left, so far as they could, the toiling men and women and children of this and coming generations to coin their sweat and brawn and blood into gold, that a privileged few might "dress in purple and fine linen, and fare sumptuously every day."

By these various methods, under the strict letter of the law, an advantage was given to the money-owner by appreciating his property to the amount of not less than \$500,000,000, which he could never have had under the original contract. This extra burden was saddled on the industries of the country by the republican party.

And now, after securing with greenbacks two billions of untaxable bonds at less than half their face, interest payable in coin; after amending the Constitution to the effect that they should never be "questioned;" after setting apart the customs revenue as a special fund for the payment of the interest; after changing these bonds payable in currency for bonds payable in coin; after destroying the money value of a large part of the coin by demonetizing silver which increased the value of gold, they capped the climax of such infamous class legislation by a *contraction of the currency*, for the sole purpose of enhancing the purchasing power of money, and by that act alone doubled the value of money, doubled the value of the bonds, by doubling the purchasing capacity of money, notwithstanding such an unrighteous act strewn the land with the wrecks of fortunes, dissolved families, desolated firesides, destroyed human hopes, and involved honest effort in remediless ruin. Amid all this "hopeless anguish" of a people "steeped to the lips in misery," whose only "wealth was want," the bondholder reveled in luxurious ease, provided by congressional enactment.

Not simply the bondholder was thus favored, all capital was protected. Great corporations brought to bear their money power, and special privileges were accorded them; gigantic subsidies in money were freely granted, and millions of acres of the public domain were given them with a prodigal hand. Consolidated capital in factories was protected to the extent, good judges assert, of a thousand millions per annum by unjust tariff laws. From this grasp, from these avaricious clutches *there seems to be no escape*. Why, sir, becoming satisfied that from the Committee on Ways and Means no bill would be reported to the House, looking to the relief of the people from the unholy and unrighteous extortion of tariff duties, I sought to secure it, by referring bills looking to tariff reform, to a committee I had assurance would report them. This was the only hope, and I knew, and this House knew, that if these parliamentary tactics should fail, all effort for any relief was defeated. Notwithstanding one of those bills was to take the tariff from printing-paper and type, and therefore in the interest of dissemination of knowledge and information, it was ingloriously defeated, mainly by republican votes, and the bills were sent to the Ways and Means Committee, where no more mention will be made of them among men. They were sent "to the tomb of the Capulets," and no cenotaph even, will attest the fact they ever lived or died.

Mr. Chairman, other bills have been introduced in this House providing measures of relief; among others, financial bills. I do not mean those which, with all respect for their authors, seek the enactment into law, of the wild vagaries of fiat money, though even they should be reported for action; for it is political cowardice to *smother* any bill, and I am ready at any time to record my vote on any bill, and against it, if I consider it unwise. I refer to bills of financial soundness, against which nothing can be urged except that they are not in the interest of capital exclusively. They have gone into the Committee on Banking and Currency, where "they sleep the sleep that knows no waking."

But I am told that the country is prospering, that all business is booming. That is measurably true, thanks to a democratic law remonetizing silver, and to a kind Providence which has given us "the early and the latter rain," and gave to the people a modicum of prosperity, in spite of the burdens of taxation and the artfulness of capital. But let the balance of trade turn against us for one twelvemonth, as it will do sooner or later, and the present appearances of prosperity may be dissolved as mist in the morning. But suppose it shall continue for a series of years, and the people shall continue to make

good crops and find ready markets, is that any reason why they should have injustice practiced, because they are able to stand it? Is that any reason why the public debt should be kept up for the sake of furnishing "a safe deposit place for the capital of this country," as the honorable author of the funding bill announces? Or, as he stated in another part of his exhaustive speech, that there may be an investment for "those who have surplus wealth, which they wish to secure against loss."

Ay, sir, these are the real reasons for these long bonds, and the distinguished gentleman was candid enough to admit it. "A safe place for capital," "secure against loss." Land, and houses, and merchandise, and farming and various enterprises, are all too unsafe for the surplus cash of the capitalist. And yet from these unsafe investments must come the money to pay the gold demanded by these "safe" investments. Why cannot this surplus capital, accumulated in a large measure from interest on Government bonds untaxed, go into the various industries of the land and help develop its wealth? Oh, no, that would require exertion and possibly a little work from its possessor, who prefers to put it in this "safe deposit" and live the life of luxurious ease, rather than risk it in enterprises, which would give employment to labor and add new impulse to all the channels of industry.

The man who buys a stock of goods risks his money, in the ventures of trade; the mechanic who builds a house risks his money and labor in performing the contract; the man who has the house built risks having paying tenants; they who delve in the caverns of the earth for gold and silver and copper and iron and coal, risk their all to obtain a livelihood for dependent wife and children; the manufacturer, the miller, the blacksmith, the artisan, all risk in the effort to improve their worldly condition; the farmer who puts his money in land and stocks, in labor and the implements of husbandry, risks the wind and flood and drought and blight. Every industry in the land is a risk, except the favored bondholder, who gets his return with each recurring season without a shadow of doubt. Fire may consume houses, taxation may absorb land, hard times may demolish the profit and principal of merchandise, and disaster may destroy crops, but from any or all of these misfortunes, the holder of a Government bond is absolutely safe, and yet we are told by the distinguished gentleman from New York, [Mr. FERNANDO WOOD,] that we must have a long bond that, among other reasons, surplus capital may have a "safe deposit" "secure from loss."

Mr. Chairman, it would weary the committee, for me to elaborate the kindred ideas which are suggested in the discussion of the public debt of this country, but I have no doubt in my own mind, that it is the settled and determined aim of the money power, to prevent for all time, the material reduction, much less extinguishment, of the interest-bearing debt of the Government. It is too "safe" a place of deposit for capital. In their view a "national debt is a national blessing." Hence we see in this House that all manner of appropriation is advocated by the champions of the money interest; hence they view with complacency vast increase of pensioners, whether just or unjust, because they desire the revenues of the Government to be absorbed, so that nothing may be left to pay off the bonds. No matter to them how much is squandered, their interest is safe (that is all they want) from the customs dues.

True, the gentleman who reports this bill announces, that "it is our duty to relieve the people of such an enormous and unnecessary load, at the earliest practicable moment," and I will do him the justice to say, that I have no reason to doubt his sincerity, but he forthwith advocates a bill looking two ways at once, a reduction of interest and a long bond.

Now, I asserted that the financial managers of the Government, who are the representatives of the bondholders, do not intend to allow an extinguishment of the bonded debt. Let the figures speak for themselves. The bonded debt in 1873 amounted to \$1,695,805,950, while in 1879 it reached the sum of \$1,887,716,110. During the twelve years preceding and including 1879, there was paid interest to the amount of \$1,363,448,846—and still the bonded debt increased in six years nearly \$200,000,000. When such golden harvests as these are reaped, it is no wonder the debt is desired to be permanent, and a "safe deposit."

During these years there was no letting up of taxation, no diminution of revenue returns. On the contrary there was a rigid, ay, almost a vicious exaction of tax, and a golden stream flowed annually into the Treasury, in volume amounting to \$300,000,000.

Do I object to the reduction of the rate of interest to 3½ per cent.? No, sir, I thank the gentleman from New York for the concession, which he has virtually wrung from the Secretary, and from the money power, that a 3½ instead of a 4 per cent. bond can be floated at par. For if these bonds should run forty years, as is possible under the bill, and as they will run, by this saving of ½ per cent., he will save on the \$700,000,000 during the forty years, simple interest to the amount of \$140,000,000. This is a great point gained, and for that act he deserves much honor.

His proposition to require \$200,000,000 to be paid from current revenue is also a step in the right direction, but here it seems to my crude understanding, that he falls into that "overcautiousness," with which he charged the Secretary.

He has shown that there lies, in his own language, "in the Treas-

ury, \$73,537,748 idle and useless," exclusive of \$86,670,250 held for resumption purposes. And yet he arranges his table thus:

January 1, 1880, amount of bonds to be redeemed.	\$764,000,000
Probable amount to be paid from revenues the present year	20,000,000

Leaving amount to be refunded	744,000,000
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Why not, at once, apply the \$73,537,748 now idle and useless in the Treasury, to the payment of these bonds, and reduce the amount to \$690,462,252 to be redeemed instead of \$744,000,000? That would be an annual saving of nearly \$2,000,000 at 3½ per cent. A business man would do this "as quick as lightning," and the gentleman says, "what is wise for an individual is wise for a government."

Suppose an individual should have outstanding interest-bearing notes, and should, at the same time, keep locked up in his safe, money lying "idle," and that, too, after he had made liberal estimates for all demands known, and contingent, would not such a course be the height of folly? If "what is wise for an individual is wise for a government," the converse is true: what is folly practiced by an individual, is equally foolish when practiced by a government.

But, again, the honorable gentleman informs us that there is also lying in the Treasury "\$86,670,254 in coin, for resumption purposes." This money was obtained largely, if not wholly, by selling bonds bearing 4 or 4½ per cent. Hoarded for resumption purposes! Now, sir, I know I venture on doubtful ground. The question will be considered absurd by some, and be answered by a toss of the head or a shrug of the shoulders from others. But still I ask it: Why keep that sum idle? Why pay annually on that sum, even at 3½ per cent., over \$3,000,000? I can see the necessity for individuals and private corporations to keep a reserve in coin, to inspire confidence in their ability to redeem their paper. But a great government, with limitless and illimitable resources, with boundless areas of public domain, with a busy, active, aggressive population of over forty millions in numbers, whose business annually aggregates billions, whose faith is pledged to the payment of its debts, does not need to place itself in the position required of individuals in order to keep its notes of issue at par. Why, sir, if an individual, even, owned a hundred thousand dollars' worth of property of such kind as that all men could see it, and was known and acknowledged by all men to be upright, honest, and honorable, his note for \$10,000 would be taken at par, even if he did not have on hand a dollar in cash, much less would it be necessary for him to retain constantly by him 25 per cent. in cash of his indebtedness. Is this true? Every man knows it is. Why, then, is this great and rich Government required to do more? Even Mr. Sherman says in his report—

That actual resumption commenced, at the time fixed by law, without any material demand for coin.

And the gentleman from New York, [Mr. FERNANDO WOOD,] who is as high authority in financial matters as the Secretary, assured us that—

It is evident that the public confidence in the solvency and credit of the Government was so great that no other security was required to effect resumption or maintain it afterward.

Many men, of conceded wisdom in other things, thought several years ago that the way for the Government "to resume" was "to resolve to resume." And resumption would be as fixed a fact to-day, in the absence of so much coin in the vaults of the Treasury, as if they were loaded down with it. Tell me why the holder of a ten-dollar greenback bill, would have less "confidence in the solvency and credit of the Government" if its bonded interest-bearing debt were decreased \$86,000,000, than he would if that amount of coin lay idle, at a cost of \$3,000,000 per annum. As the liability of the debtor diminishes, the value of outstanding obligations should increase. And the holder of national currency knows that it does. In the case of private bankers, laws required a reserve to be kept on hand to redeem their notes, among other reasons, lest bad investments should be lost and redemption be hazarded; for the purpose of immediate exchange, for transmission to other localities, and the like, and provided penalties against defalcations and abscondings. But the revenues and resources of the Government are liable to no such contingencies. Nothing short of the strain of war can affect its ability to pay, and if that should come, in any proportions, a small reserve fund would amount to nothing. There was no "material demand," says the Secretary, at the commencement of resumption; there is certainly less now. And a very few millions kept on hand, say ten million, would supply any demand that would be made. There is a law on the statute-book which will inspire all the confidence which coin on hand would afford, an act which authorizes the Secretary of the Treasury "to use any surplus revenues from time to time in the Treasury not otherwise appropriated, and to issue, sell, and dispose of" bonds bearing 5 per cent. interest, which, in the language again of the gentleman from New York, [Mr. FERNANDO WOOD,]—

Would command all the coin required at twenty-four hours' notice. Certainly this is an abundant resource to meet any possible contingency that could arise in any emergency.

I think so too. If the law itself will not inspire the confidence necessary to maintain resumption, a single practical execution of it would. Therefore I argue that at least \$76,000,000 of the idle reserve fund can

be safely used, without jeopardizing resumption, to the extinguishment of that amount of bonds. The account would then stand, after deducting the acknowledged surplus, as I have shown, \$690,462,252. Deduct of the resumption fund \$76,000,000, leaving amount to be refunded \$614,462,252, instead of the gentleman's figures of \$744,000,000; a difference of in round numbers \$130,000,000, making a yearly saving, at 3½ per cent. per annum, of \$4,550,000, and a saving during the forty years these bonds will run of the enormous sum of \$182,000,000. It does seem to me that statesmanship, honor, and duty demand of us to save the tax-payers of this country this crushing and unjust burden. Impressed with these views, nearly a year ago—June 16, 1879—I introduced a bill to carry into effect this very idea. This House referred it to the Committee on Ways and Means, where "it has rested" ever since. I offer it as an amendment to the pending bill, and sincerely hope it may be adopted.

Mr. Chairman, the gentleman from Minnesota, who has just taken his seat, very forcibly asks whether it is not better to fund the matured bonds in three-and-a-half percents in long bonds, and take the annual surplus revenue, estimated by the Secretary at \$50,000,000, and buy up 4½ per cent. bonds? and answers the question in the affirmative. I would agree with him but for two reasons: I do not think it necessary to refund but a small amount of these bonds; and, secondly, I have no faith that the annual surplus will be so applied. If a provision could be incorporated in this bill, which could insure that course, then I say it would be wise to adopt his view in regard to the small balance we cannot now pay.

But let us look further and see if any other deduction can be made from the large sum, unnecessary to be refunded. Of the bonds under discussion we find a part of them were issued as follows:

Authorizing act.	Rate of interest.	Date of maturity.	Amount
	<i>Per cent.</i>		
February 8, 1861.....	6	December 31, 1880..	\$18,415,000
July 17 and August 5, 1861.....	6	June 30, 1881.....	182,005,550
March 3, 1863.....	6	June 30, 1881.....	71,787,000
March 2, 1861.....	6	July 1, 1881.....	823,800
			273,631,350

The promise to pay these bonds, in *their very face*, is as follows:

The United States of America are indebted unto _____, _____ dollars, redeemable after 31st day of December, 1880, with interest from _____ to _____ inclusive, at 6 per cent. per annum, payable the first days of January and July each year. This debt is authorized by act of Congress approved _____, 18—.

So it will be seen, in round numbers, that \$270,000,000 of the bonds we are asked to fund in other long bonds, are payable a year hence in *dollars*. In *coin* dollars? Who says so? "Tis not so nominated in the bond." Greenbacks are *legal dollars*. The Supreme Court has said so. It matters not that the Supreme Court was packed, as is charged, to render that decision. Such a packing was done in the interest of capital. Let the decision "hew to the line, no matter where the chips may fall."

If greenbacks are dollars, then the bond is *satisfied*, the contract is literally complied with, when greenbacks are paid on it. The bondholder has no legal right to ask more, and God knows he has no *moral* right. It is simply robbery of the tax-payer to give him more. I have high authority for this just construction of the law; no less authority than John Sherman himself, who is now the lawyer of the bondholders in their avaricious game of grab. In the Senate, December 17, 1867, he said, in regard to these bonds:

The law does not expressly provide that the principal is payable in coin, but does provide that the "interest shall be paid in coin," thus raising the implication that the principal may not be.

It is a well-known canon of construction, "*expressio unius, exclusio alterius*," and therefore the expression of interest payable in coin, excludes the idea of the principal being so paid.

Again, in the face of the greenback note, it is provided that it shall be receivable for all debts, public and private, except for duties on imports and interest on the public debt. Language cannot be plainer. The principal of these bonds is neither duties on imports, nor interest on the public debt, and therefore not excepted. But hear Mr. Secretary Sherman again:

Duties on imported goods and interest on the public debt are excepted from the legal-tender clause. This implies that the principal of the debt is not excepted.

And in a published letter of his in 1868 he sets the seal of his condemnation on the false cry of repudiation in this emphatic language:

Your idea that we propose to repudiate or violate a promise when we offer to redeem the principal in legal-tenders is erroneous. I think the bondholder violates his promise when he refuses to take the same kind of money he paid for the bonds.

The bondholder "violates his promise when he refuses to take" greenbacks. "Let him put that in his pipe and smoke it." Do not call me a repudiationist when I vote as John Sherman spoke.

Ah, but it is said previous Government loans, payable in dollars, were paid in gold, therefore these bondholders had a right to expect the same. I call on Mr. Sherman again to answer this special pleading. It may be unpleasant for him to do it, in view of his present intimate friendship for bankers who hold these bonds, but he must do it. In the Senate in 1867 he said:

The construction drawn from the payment of previous loans in gold is answered by the fact that the act under which the loan was issued expressly declares—

Mark you, his language—

expressly declares that a note shall be lawful money as well as gold, and shall be receivable in payment of public debts.

He says, "*in payment of public debts*;" and the bond is "a public debt."

There is, there can be, there ought to be, no escape from this inexorable logic, and *never shall be* by my vote. Nearly fifteen hundred millions of bonds were legislated by a republican Congress out of this dilemma by the cruel refunding act of July 17, 1870, and these \$270,000,000 are all that were left "out in the cold," and the bill now before us proposes, by its provisions, to take them into the ark of a "safe deposit," as old Noah's hand took in the wearied dove.

Now, if you pay off these with greenbacks, the figures will then stand:

Amount, after deducting idle money in the Treasury,	
in round numbers	\$614,000,000
Pay in greenbacks, and deduct	270,000,000
Leaving balance	344,000,000

But where will you get the greenbacks? Print them. Print them, if need be, on the same presses you printed the bonds. When I say this, I am set down by the bondholder as a lunatic, and am answered that a statute on the books prohibits a larger issue than \$346,000,000 in greenbacks. Then modify the law. The Congress which passed that law cannot bind this Congress. The very authority to issue by this Congress, *ipso facto*, modifies the prior law. But to issue greenbacks is unconstitutional, they say. The Congress of 1861 did not think so. The Supreme Court, the tribunal of last resort, says differently, and the memories of other days, at least, which cluster around that august tribunal entitle it to some attention. "They have decided the act constitutional as a war measure," I am told, the decision does not say so. If it did, the bonds were war bonds and until they are liquidated the war necessity exists. Both were born amid the same scenes, rocked in the same cradle, together attained manhood, and arm in arm should descend the western slope, and lie down in the same grave.

Indeed, it might be argued (I merely suggest, without indorsing such an argument) that it would be unconstitutional for Congress to prohibit by statute the issuance of enough greenbacks to pay these bonds. The fourteenth amendment declares, the validity of the bonds shall not be questioned. If the "validity" of a debt is "questioned," by the debtor placing himself, voluntarily in a condition in which he cannot pay, the case *might arise*, when these bonds matured, that the bondholder could say, "pay me my debt." If the Government should reply, "I have no gold or silver with which to pay you, and my law forbids me to issue greenbacks," why could not the bondholder reply, "your fundamental law forbids you from impairing my rights, and the very law authorizing my bonds recognized your power to issue greenbacks to pay them; under that law you issued them, which you have subsequently destroyed; I demand their reissue, that I may be paid?" If he has any logic in his demand, then the creditor has no right to demand a currency which the debtor has not equal right to force him to take. There may, or may not, be reason in this position. It occurs to me in passing, and I mention it. I stand on the decision as it is.

It is objected, even if we have the power, that \$270,000,000 would inflate the currency, force a redundancy, destroy values, and would be vicious financial legislation. Of course it would inflate to that extent, but it is quite another question whether that amount would create a redundancy, in view of the fact that England has a *per capita* circulating medium, of about \$20, and France has about \$35 *per capita*, with a smiling prosperity blessing her people, while the United States has only about \$17 *per capita*, and boundless forests, prairies, and mines to be developed.

Now, I know that wise financiers assert, that in England and the United States, bills of exchange, checks, and commercial devices, operate to increase their circulating medium, to a parity *per capita* with that of France, where such devices are not used to any appreciable extent. However that may be, these European countries cover small areas of territory, have dense populations, commercial facilities are on every hand, while the United States have vast areas of thinly populated sections, remote from banks, bills of exchange, and the like. Mines and agricultural fields are on every hand, needing only *capital* to turn them into enormous national wealth. But inviting as they may be, enterprise and labor sit disconsolate and paralyzed, with piteous, pleading eyes to Wall street, which riots in speculation and revels in *cent. per cent.* on blocks of stocks, and gilt-edged bonds. The volume of the currency is so completely within the control of the Vanderbilts, and Keenes, and Jay Goulds, and John Shermans, that they expand or contract it as they become bulls or bears. Bulls to toss the unwary into bankruptcy, and bears to squeeze the life out of labor.

But if you are afraid of *inflation*, gentlemen, substitute this \$270,000,000 for national-bank notes, and stop the interest on the bonds on which they are based. What do you say to that? That will not increase the currency. I am after stopping the interest on that amount of bonds; an interest of \$9,450,000 per annum at 3½ per cent. Give me your answer. Ah, you want the banks to furnish an adjustable volume, in accordance with the demands of trade, "the law of supply

and demand." Well, let us see; we have \$346,000,000 of greenbacks, about \$360,000,000 of national-bank notes, making \$706,000,000 in all. You say that is right. Add these \$270,000,000 to the greenbacks and we have \$616,000,000, leaving \$90,000,000 margin for the banks to adjust with. You certainly do not desire to bring the whole down to \$616,000,000; if not, you still have an adjusting leverage. You therefore have no excuse. The only aim is to give the money power into the hands of the bankers and money men, to aggrandize themselves and their children, at the expense of the toiling men and women of the country; and Congress is confidently relied on to furnish immunity to the plunderers by nefarious and heartless legislation. Well, it may do it, and likely will, but when it does it will add another chapter to the great crime of *cruel legislation*, which may rejoice the heart of money lords and ladies, but will not be forgotten, or forgiven, by the outraged victims, "neither in this world nor the world to come."

Now, the gentleman from New York [Mr. FERNANDO WOOD] admits that we can pay \$200,000,000 in ten years out of the ordinary revenues. Deduct that amount from \$344,000,000, the amount left, if my views are adopted, and we have only \$144,000,000 remaining. What shall be done with that sum? I think the ordinary surplus revenue, with any economy, would pay that sum in ten years, too. But suppose not; the sums which I have shown can be paid amount to \$420,000,000; this at 3½ per cent. interest amounts to \$14,700,000, which sum can be annually appropriated to the payment of this remainder, and in ten years the whole sum will be wiped out. And instead of paying annually \$19,040,000 on \$544,000,000 for ten years, and owing the principal at the end of that time, we can be rid of it forever.

Mr. Chairman, I have discussed this question at far greater length than I intended. Indeed I expected to indulge mainly in general reflections, but the interest attaching to the consideration of these figures has led me on unconsciously. I would now desist but for a proposition asserted by the distinguished gentleman who fathers this bill, which demands a moment's attention, as I think it is the real honest reason for refunding these bonds at all. We are told by him:

As the country grows richer, which it is now doing to an unparalleled extent, the demand for registered bonds will become so great that the total remaining debt will not be large enough to meet the requirements for this purpose alone.

This sounds to my ears like a very strange doctrine. To say the least, it is a candid confession of capitalists. But it is entirely in keeping with their theory of legislation that Congress should provide a "safe deposit," "permanent in its character," where rich men can place their money, have it free from all taxation, and its interest payable as *certainly* as the Government shall stand. I deny that we should provide, by legislation, for such "safe deposits" where capital has no risks. Such places should be broken up, as fast as it can be honestly and honorably done, that the surplus money of the rich, like the penny of the poor man, shall be driven out into the channels of industry, to infuse life into enterprise and trade, to take its share of *risk*, in developing the unbounded resources of the country, and sharing in the burdens of government. If the capitalist is unwilling to risk his money in the enterprises of skill and labor, let him live on his *principal*, and not suck subsistence from the effort and toil of other men. The "debt will not be large enough to meet" such demand, indeed! And I suppose the representatives of the people must satisfy such a demand by providing registered bonds to be paid by the people! I am against such a doctrine, *now and forever*.

Mr. Chairman, for twenty years there has been an unbroken line of financial legislation in favor of wealth; *look one time*, gentlemen, to the claim of the poor. It is the "poor in spirit" who are promised the kingdom of Heaven; you seem to think that the poor in body must, also, expect relief only beyond the grave.

Mr. FERNANDO WOOD. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. COVERT reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. No. 4592) to facilitate the refunding of the national debt, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HALL, for two days, on account of important business.

Mr. FERNANDO WOOD. I move that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BAYNE: The petition of Robert E. Ballard, for the passage of a bill granting relief to certain citizens of Allegheny County, Pennsylvania—to the Committee on War Claims.

By Mr. BEALE: The petition of citizens of Accomac County, Virginia, for an appropriation to clean out a channel in Chincoteague Bay—to the Committee on Commerce.

By Mr. BRENTS: The petition of the publisher of the *Intelligencer*, Washington Territory, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. DIBRELL: The petition of Joshua Beck, for compensation

for stores furnished the United States Army during the late war—to the Committee on War Claims.

By Mr. ELAM: The petitions of A. J. Bogel; of S. A. Alston; of A. Pike and others, and of T. C. Lewis, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. FRYE: The petitions of C. G. Cottrell and others; of H. O. Gray and others; of L. B. Sargent and others, and of E. Wirder & Sons and others, of Maine, ship-owners, for the repeal of the compulsory pilotage laws—to the Committee on Commerce.

By Mr. R. W. TOWNSHEND: The petition of Isaac Smith and other citizens, of Wayne County, Illinois, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which soldiers were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. THOMAS UPDEGRAFF: The petitions of citizens of Iowa for the equalization of bounties—to the same committee.

Also, two petitions of citizens of Iowa, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of Selden Candee and 50 other citizens, of Clayton County, Iowa, for a law compelling railroad companies to disinfest cars in which live stock has been conveyed before returning them to places of shipment—to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

By Mr. VOORHIS: Resolutions of the Legislature of New Jersey, in relation to the soldiers, sailors, and marines of the Mexican war—to the Committee on Pensions.

By Mr. WRIGHT: The petition of James Hammel and 35 other citizens of Lyons, Nebraska, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

IN SENATE.

MONDAY, March 22, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 16th instant, a statement of appropriations, amounts drawn from the Treasury by requisition, and balances on account of improvement of the Tennessee River, from July 1, 1863, to March 16, 1880; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers relative to the bill (S. No. 1439) to confirm the Stratton survey of the pueblo of San Francisco, and the bill (H. R. No. 4928) to confirm the survey of the pueblo of San Francisco, and suggesting a certain amendment thereto, and a copy of telegram from the commanding general military division of the Pacific in reference to the same subject and in favor of the passage of the bills; which was referred to the Committee on Private Land Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. JOHNSTON presented a memorial of H. L. Pelouze & Son, of Richmond, Virginia, type-founders, remonstrating against the abolition of the duty on printing-type; which was referred to the Committee on Finance.

Mr. DAVIS, of West Virginia, presented the petition of George W. Haines, publisher of the *Spirit of Jefferson*, at Charlestown, West Virginia, praying for the passage of a bill placing wood and straw pulp, soda-ash, and other chemicals used in the manufacture of paper, on the free list, and reducing the duty on printing-paper, &c.; which was referred to the Committee on Finance.

Mr. WITHERS presented the petition of B. Anderson and others, praying that an increase of pension be allowed to Peter Johnson, late a private of Company I, Eleventh Massachusetts Volunteers; which was referred to the Committee on Pensions.

Mr. HARRIS presented the petition of James Mackenzie, attorney, of Washington City, praying for equality of taxation and for compensation in respect to the public improvements in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CAMERON, of Wisconsin, presented the following memorials of the Legislature of Wisconsin; which were referred to the Committee on Commerce:

A memorial in favor of an appropriation to restore the Oconto River, from the city of Oconto to its mouth, to a navigable condition, to straighten and shorten its channel, and protect its mouth;

A memorial in favor of an appropriation for the harbor at Manitowoc;

A memorial in favor of an appropriation to reopen the channel of Wolf River, in Northern Wisconsin; and

A memorial in favor of the more adequate improvement of Port Washington Harbor.

Mr. CAMERON, of Wisconsin, also presented a memorial of the Legislature of Wisconsin in favor of the passage of a law regulating the sale of patent rights; which was referred to the Committee on Patents.

Mr. ROLLINS presented the petition of S. Annie Estabrook, widow of the late Captain George W. Estabrook, praying that a pension be allowed her and her children; which was referred to the Committee on Pensions.

Mr. DAVIS, of Illinois. I present six petitions, signed by 230 citizens of the following named towns in Illinois: Dundee, Saint Charles, Huntley, Burlington, Marengo, and Hampshire, praying Congress to pass a law prohibiting the sale of food prepared and manufactured from unwholesome fats, to prevent what is being palmed off on an unsuspecting public as butter. I commend the subject of these petitions to the chairman of the Committee on Agriculture. These citizens all live in the northern portion of Illinois, and are engaged in the production of butter, and they believe that this subject should receive the consideration of Congress. Whether it is proper to do so or not, I hope that the Committee on Agriculture will make a report on the subject at an early day. I move that the petitions be referred to that committee.

The motion was agreed to.

Mr. HOAR. I present a resolve of the Legislature of Massachusetts relating to the jurisdiction of courts of the United States over municipal corporations. I send it to the desk to be read.

The resolution was read, ordered to be printed, and referred to the Committee on the Judiciary, as follows:

COMMONWEALTH OF MASSACHUSETTS.

In the year 1880. Resolution relating to the jurisdiction of the courts of the United States over municipal corporations.

Resolved, That whereas it has been proposed in the Congress of the United States to repeal the existing laws conferring jurisdiction upon the courts of the United States in suits brought by the municipal corporations, citizens of one State against citizens of another State, and also in suits brought by individual citizens of one State against municipal corporations composed of citizens of another State; and

Whereas joint resolutions have been adopted by some of the States of this Union requesting their Senators and Representatives in Congress to urge the enactment of such laws as may be necessary to prevent the exercise of jurisdiction by the courts of the United States in proceedings by mandamus against municipal corporations in the several States to compel the levy and collection of taxes wherewith to satisfy judgments rendered by such courts: it is declared to be the deliberate judgment of this Legislature:

That the laws passed by Congress under the Constitution of the United States conferring jurisdiction upon the courts of the United States in controversies between citizens of different States, to the end that justice may be administered free from the influence of local interests and prejudices, are wise enactments and ought to be preserved in their integrity.

That municipal corporations, being composed of individual citizens, and having power to contract obligations with other corporations and with individual citizens in the several States in this Union, there exists no reason for making any discrimination between them and individual citizens, so far as it regards the exercise of jurisdiction by the courts of the United States.

That enactments annulling or impairing the jurisdiction of the courts of the United States so far as relates to past contracts are abhorrent to natural justice, since they deprive parties of important remedies for enforcing such contracts, to which they were entitled, and upon which they relied in making such contracts.

That municipal corporations being composed of individual citizens, and having power to make contracts with other citizens, to hold them amenable to the jurisdiction of the courts of the United States, upon writs of mandamus issued to compel the levy and collection of taxes wherewith to satisfy judgments rendered by such courts, is not an interference with State rights, since in such cases such courts do not seek to control the officers of such corporations in the discharge of their duty as State officers, but simply as trustees invested with a power in trust to be exercised for the benefit of creditors entitled by contract to the execution of such powers. And his excellency the governor is hereby requested to transmit a copy of this resolution, with the preamble, to each of our Senators and Representatives in Congress for their earnest consideration and action.

House of representatives, March 3, 1880, passed; sent up for concurrence.

GEO. A. MARDEN, Clerk.

Senate, March 8, 1880, concurred.

S. N. GIFFORD, Clerk.

Mr. BLAIR presented the petition of the Exeter (New Hampshire) Woman's Christian Temperance Union, officially signed, and also the petition of citizens of Dover and Nashua, New Hampshire, praying for a commission of inquiry concerning the alcoholic liquor traffic; which were referred to the Committee on Finance.

Mr. PADDOCK presented the petition of numerous citizens residing in the Niobrara Valley, Nebraska, praying that the United States grant to each male Indian one hundred and sixty acres of land, with the necessary stock and agricultural implements; that the Indian tribes be placed under the protection of the laws of the United States and made amenable thereto, and also that they be placed under the management of the War Department; which was referred to the Committee on Public Lands.

Mr. WINDOM. I present the petition of W. H. Campbell and 52 other route agents in the employ of the postal service of the United States, praying Congress for the passage of an act authorizing a reclassification of the employes in that branch of the railway mail service. They state numerous facts showing the inequality of the present classification, and give reasons why it should be reconstructed and changed and the salaries of all those employes increased. I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. INGALLS presented the petition of Levy Anderson, late private Company A, Seventh Regiment Kansas Volunteers, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of N. W. Barnett, a citizen of Kansas, praying for an increase of pension of those who have lost one arm or one leg in the service of the United States to \$36 per month; which was referred to the Committee on Pensions.

Mr. WILLIAMS presented the petition of John Jones, of Casey County, Kentucky, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of numerous citizens of Kentucky, members of the Legislature of that State, praying for the erection by the Federal Government at Paducah, in that State, of a suitable building to be used for a court-house, post-office, and custom-house; which was referred to the Committee on Public Buildings and Grounds.

Mr. ALLISON presented a petition numerous signed by merchants and manufacturers of Davenport, Iowa, praying for the passage of a national bankrupt law; which was referred to the Committee on the Judiciary.

Mr. COCKRELL. I present the petition of the Saint Joseph Daily Gazette, a leading democratic paper of Northwest Missouri, the Saint Joseph Herald, a leading republican paper, and the Saint Joseph Daily News, praying a reduction of the duty on certain articles used in the manufacture of paper. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the petition of William H. Harrison, of Virginia, praying that his claim for compensation for the use and occupancy of his property by the United States troops during the late war be referred to the Court of Claims for adjudication, reported adversely thereon, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 724) referring the claim of John W. Robinson, of Hinds County, Mississippi, to the Court of Claims, reported adversely thereon, and the bill was postponed indefinitely.

Mr. DAVIS, of Illinois, from the Committee on the Judiciary, to whom was referred the bill (S. No. 808) to secure service of process in United States courts in certain cases, reported adversely thereon, and the bill was postponed indefinitely.

Mr. THURMAN. I am instructed by the Committee on the Judiciary, to which was referred the bill (S. No. 688) to provide for the appointment of a marshal for the middle district of Alabama and a district attorney for the northern district of Alabama, to report it adversely. As the Senator from Alabama [Mr. MORGAN] who introduced the bill is not in his seat, I ask that it be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. THURMAN. I am instructed by the same committee, to which was referred a resolution of the Legislature of Nebraska in favor of such legislation as will forever prohibit the payment of Southern war claims, to report it to the Senate with the statement that the resolution is in the precise form of two other resolutions that have been received by the Senate and which the Senate has decided are not the proper subjects of reference to a committee. It is a simple resolution of instruction to the Senators and Representatives from that State. The committee ask to be discharged from its consideration, and that it be laid on the table.

The report was agreed to.

Mr. McDONALD, from the Committee on the Judiciary, to whom was referred the bill (S. No. 12) to authorize the States of Ohio, Indiana, and Illinois, respectively, to commence and prosecute suits against the United States in the Supreme Court of the United States, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 708) to authorize the State of Illinois to commence and prosecute suits against the United States in the Supreme Court of the United States, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 319) for the relief of Robert Habersham, George Patten, and John L. Villalonga, or their executors or administrators, reported adversely thereon.

Mr. HILL, of Georgia. I do not know anything about the bill, but I think it had better go on the Calendar.

Mr. McDONALD. Very well.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. McDONALD, from the Committee on the Judiciary, to whom was referred the bill (S. No. 320) for the relief of William Battersby, reported adversely thereon; and it was postponed indefinitely.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes; and

A bill (H. R. No. 5258) appropriating money providing for the public printing.

The message also announced that the House had passed the concurrent resolution of the Senate for the printing for the use of the Department of the Interior of 1,500 copies each of volumes 4 and 12 and 1,200 copies each of volumes 3, 8, and 13 of the final reports of the Geological and Geographical Survey of the Territories.

The message further announced that the House had passed the concurrent resolution of the Senate for the printing of additional copies of bulletin No. 3 of the United States entomological commission on the cotton-worm.

The message also announced that the House had passed the resolution of the Senate for the printing of 3,000 copies of each of the five volumes of the reports of the United States Fish Commission, with amendments; in which amendments it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution for the printing of 10,000 copies of the second report of the United States entomological commission on the Rocky Mountain locust and other injurious insects; in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED.

Mr. DAVIS, of West Virginia. The bill which has just come from the House relating to the public printing being one requiring immediate attention, I ask that it be referred at this time to the Committee on Appropriations.

The VICE-PRESIDENT. The Chair will lay before the Senate both bills for reference.

The bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes; and the bill (H. R. No. 5258) appropriating money providing for the public printing, were severally read twice by their titles, and referred to the Committee on Appropriations.

SENATOR FROM LOUISIANA.

Mr. HILL, of Georgia. I am instructed by the Committee on Privileges and Elections to report the following resolutions:

1. *Resolved*, That, according to the evidence now known to the Senate, WILLIAM P. KELLOGG was not chosen by the Legislature of Louisiana to the seat in the Senate for the term beginning on the 4th day of March, 1877, and is not entitled to sit in the same.

2. *Resolved*, That Henry M. Spofford was chosen by the Legislature of Louisiana to the seat in the Senate for the term beginning on the 4th of March, 1877, and that he be admitted to the same on taking the oath prescribed by law.

I am also instructed by the same committee to submit a report in support of the resolutions. I ask that it be printed.

The VICE-PRESIDENT. The report will be printed under the rule.

Mr. HILL, of Georgia. A minority report I understand is to be made by the Senator from Massachusetts, [Mr. HOAR.]

Mr. HOAR. I am instructed by the minority of the Committee on Privileges and Elections to submit their views in writing. They are very brief, only about ten sentences, and I desire to have them read.

The VICE-PRESIDENT. They will be reported.

Mr. HILL, of Georgia. I have no objection to the reading of the minority report, but I suppose if one is read the other should be read also.

Mr. HOAR. The Senator will do as he pleases about that, of course. I desire to have mine read if the Clerk will read it.

Mr. HILL, of Georgia. I have no objection myself to the reading of both reports; but I think if one report is read and goes into the RECORD, the other should accompany it.

Mr. EATON. The majority report had better be read first.

Mr. HILL, of Georgia. The majority report should be read first, and the other afterward.

Mr. HOAR. As my report is now presented, the disposition I asked should be made of it first.

Mr. HILL, of Georgia. I have a motion to make in relation to both reports. It was understood that the majority and minority reports should go together.

Mr. HOAR. I have now the floor. I desired to submit the views of the minority. I did submit them and ask to have them read. If the Senate wants to have them both read, it can so order.

Mr. CONKLING, (to Mr. HOAR.) Why not read the views of the minority yourself? You have that right.

Mr. HOAR. I will read them myself. The views of the minority are as follows:

VIEWS OF THE MINORITY.

The undersigned, a minority of the Committee on Privileges and Elections, to whom was referred the memorial of Henry M. Spofford, claiming the seat now occupied by WILLIAM PITT KELLOGG, submit the following as their views:

On the 30th day of November, 1877, the Senate passed the following resolutions: "Resolved, That WILLIAM PITT KELLOGG is, upon the merits of the case, entitled to a seat in the Senate of the United States from the State of Louisiana for the term of six years, commencing on the 4th of March, 1877, and that he be admitted thereto on taking the proper oath."

"Resolved, That Henry M. Spofford is not entitled to a seat in the Senate of the United States."

The party majority in the Senate has changed since Mr. KELLOGG took the oath of office in pursuance of the above resolution. Nothing else has changed. The facts which the Senate considered and determined were in existence then as now. It is sought, by mere superiority of numbers, for the first time to thrust a Senator from the seat which he holds by virtue of the express and deliberate final judgment of the Senate.

The act which is demanded of this party majority would be, in our judgment, a great public crime. It will be, if consummated, one of the great political crimes

in American history, to be classed with the rebellion, with the attempt to take possession by fraud of the State government in Maine, and with the overthrow of State governments in the South, of which it is the fitting sequence. Political parties have too often been led by partisan zeal into measures which a sober judgment might disapprove; but they have ever respected the constitution of the Senate.

The men whose professions of returning loyalty to the Constitution have been trusted by the generous confidence of the American people are now to give evidence of the sincerity of their vows. The people will thoroughly understand this matter, and will not be likely to be deceived again.

We do not think proper to enter here upon a discussion of the evidence by which the claimant of Mr. KELLOGG's seat seeks to establish charges affecting the integrity of that Senator. Such evidence can be found in abundance in the slums of great cities. It is not fit to be trusted in cases affecting the smallest amount of property, much less the honor of an eminent citizen, or the title to an object of so much desire as a seat in the Senate. This evidence is not only unworthy of respect or credit, but it is in many instances wholly irreconcilable with undisputed facts, and Mr. KELLOGG has met and overthrown it at every point.

GEORGE F. HOAR.
ANGUS CAMERON.
JOHN A. LOGAN.

Mr. HILL, of Georgia. As the Senator from Massachusetts has persisted in reading the report of the minority, I think it but due to the country that I should also read the report of the majority, so that the two reports may go into the RECORD together, because there is nothing the majority so much desire as a thorough comprehension of this whole case by the people of the United States, and that, indeed, is all we ask. I will, therefore, proceed to read as a part of my remarks the report of the committee.

It is as follows:

The Committee on Privileges and Elections, to which was referred the memorial of Henry M. Spofford, claiming to be entitled to the seat in the Senate from the State of Louisiana now occupied by WILLIAM P. KELLOGG, ask leave to submit the following report:

On the 7th day of November, 1876, an election was held in the State of Louisiana for a governor and members of the Legislature. In March, 1877, WILLIAM P. KELLOGG presented credentials signed by Stephen B. Packard, claiming to be governor, and certifying that said KELLOGG had been duly elected to the seat in the Senate for the term beginning on the 4th of March, 1877, by the Legislature chosen at said election. In October, 1877, Henry M. Spofford presented credentials signed by Francis T. Nicholls, claiming to be governor, and certifying that said Spofford had been duly elected to the same seat by the Legislature chosen at said election. These several credentials were referred by the Senate to the Committee on Privileges and Elections. On the 26th of November, 1877, a majority of the committee reported that the committee had investigated the issue, and that KELLOGG on the merits was entitled to the seat. A minority of the committee reported that the committee had not fully investigated the issue, but had refused to do so, and asked that the credentials of both contestants be recommitted with instructions to complete the investigation. The Senate refused to recommit, adopted the majority report, and KELLOGG was admitted to the seat on the 28th of November, 1877.

On the 21st day of March, 1879, Henry M. Spofford presented his memorial to the Senate, complaining that he was denied the privilege of producing important testimony on the former hearing, alleging that much evidence of bribery and corruption by said KELLOGG in procuring his pretended election had been since discovered, and asking that the case "be re-examined, to the end that justice may be done."

This memorial was referred to this committee, and the Senate, subsequently to that reference, ordered and authorized the committee to take testimony by the whole committee or by sub-committee, with full power to send for persons and papers, and to do all things necessary and usual in such cases.

The committee have faithfully executed this order of the Senate.

The memorialist and the sitting member appeared before the committee in person and by counsel. On the 5th of June, 1879, the full committee commenced the examination of witnesses in this city. The examination was continued in November and December by a sub-committee in the city of New Orleans, and was again resumed by the full committee in this city, and was continued until both parties announced they had no further testimony to offer. Nearly one hundred and fifty witnesses have been examined, and over twelve hundred printed pages of testimony have been taken and are herewith reported to the Senate, with the conclusions of law and fact at which the committee have arrived.

In the opinion of your committee the evidence now for the first time fully taken clearly and abundantly establishes the following facts:

I. That said WILLIAM PITT KELLOGG, then holding the office of governor of the State of Louisiana and pending the canvass in said election of 1876, did conspire with divers persons, and in aid of such conspiracy did fraudulently use the influence and power of his office of governor, to prevent a fair, free, and legal election in said State, to the end that he might procure from the commissioners of election the return of a Legislature a majority of whose members should be of the republican party and presumed to be favorable to his election to the Senate.

II. That, having failed in this, said WILLIAM PITT KELLOGG, still holding the office of governor, did conspire with divers persons, and in aid of such conspiracy did fraudulently use the influence and power of his office of governor, to change the result as returned by the commissioners of election, to the end that he might procure through false certificates of election the organization of a pretended Legislature a majority of whose members should be of the republican party and supposed to be favorable to his election to the Senate.

III. That said WILLIAM PITT KELLOGG did conspire with divers others to prevent, and by force, through the Metropolitan police, aided of the Army of the United States, did prevent, the lawfully elected members of the Legislature, and especially those of the democratic party, from assembling in the halls of the senate and house of representatives in the State-house of the said State of Louisiana; and did, by threats, by the use of money, by the promise of offices, and by other corrupt practices, compel and induce to assemble in said halls, respectively, a mob of his co-conspirators against the will of the people of Louisiana, many of whom had not been elected, and some of whom had been neither elected nor certified, to the end that he might procure a pretended Legislature for the inauguration of Stephen B. Packard as governor, who, he well knew, had not been elected, and from which mob he might procure the form of his own election to the Senate, and which pretended election he knew such pretended governor would certify.

IV. That said WILLIAM PITT KELLOGG having thus corruptly procured the assembling of a body of persons pretending to be a Legislature, in which were included persons not elected, and from which had been forcibly excluded persons who had been elected and certified as members, did, by bribery, by the use of money and the promise of offices, and by other corrupt practices, induce said body of persons to go through the form of choosing him to a seat in the Senate of the United States.

V. That said WILLIAM PITT KELLOGG, well knowing that the facts now proven to exist did exist, did falsely represent that no such facts existed or could be proven, seeking thereby to induce a majority of the committee, without taking the evidence which has now been taken, to make a report declaring his title to the seat, and with intent to induce a majority of the Senate to admit him to the seat so fraudulently claimed.

VI. That to prevent the discovery of the bribes, frauds, and corruptions now

proven to exist the said WILLIAM PITT KELLOGG did procure a large number of the persons comprising said pretended Legislature to be appointed to public offices of profit in the custom-house at New Orleans and elsewhere as inducement not to disclose the truth. That after other persons, officers and members of said pretended Legislature, had freely and voluntarily admitted under oath their knowledge of said bribes and corruptions, and had been summoned to appear as witnesses before your committee and were under the protection of the Senate, said WILLIAM PITT KELLOGG did, by bribery and corrupt practices, induce such witnesses to testify falsely that they had not made such admissions, or that if they had made them they were not true.

The committee realize the severity of these conclusions, but they are more than justified by the evidence. In view of their severe character, however, the committee are unwilling to confine this report to a simple announcement of their findings, but will incorporate in the report itself a portion of the abundant evidence which establishes their correctness.

As illustrative of the evidence in support of the first conclusion before stated your committee will here refer to the following facts:

1. In 1876 F. J. Stokes was the parish judge of Grant Parish, appointed by KELLOGG. One Ward was the supervisor of registration for said parish, also appointed by KELLOGG. Before the registration was completed Ward hid his books and came to New Orleans and represented to KELLOGG that he "was bulldozed and driven from the parish." KELLOGG asked Stokes how the parish was. Stokes replied that "whenever the people of the parish was voting the democrats carried the parish." KELLOGG said, "If the people there don't want an election we will throw the parish out."

Stokes testifies most positively that the bulldozing pretext was false, and that the whole thing was fixed up to throw the parish out because it was democratic. He says "there was no bulldozing there at all."

In answer to the direct question, "Was there any real danger to him (Ward) in staying there, (in the parish)," Stokes said, "not a solitary particle; there was no danger to any man in the parish, if he staid there and behaved himself. They treated him (Ward) very quietly and nicely as long as he staid in the hill country, and they paid his bills up there in the hill country." The hill country was the strong democratic portion of the parish.

Evidently to make a case of apparent fairness for the sitting member, Jewett testified that "KELLOGG handed him a letter directing Ward to return to the parish." This letter he gave to Ward "about the 1st of November." In reply to this Judge Stokes testified that "he (Ward) never started back. It was no calculation to have him start. In the first place to have started on the 1st of November he could not have gotten there. He told KELLOGG at the time that the only way to the mouth of Red River was to take a stage." "He (Ward) actually did not go back." One fact puts the truth of this evidence of Stokes beyond possible doubt. Ward was allowed to remain in New Orleans until after the time for completing the registration under the law had expired, and then the pretended order to return was given him.

Thus defrauded, the people of the parish held an election without registration, and the democrats carried the parish but it "was thrown out."

2. By the election laws of Louisiana the registration of voters was required to be completed nine days before the election. The law also required that when the registration was closed the books of registration from the several parishes should be sent to the chief registrar's office in New Orleans.

In this election of 1876 the books of registration, at least of the several wards in the city of New Orleans, were sent to the custom-house instead of to the office of the chief registrar. Peter Williams was the chief clerk and acting registrar of voters in 1876. Without his knowledge or consent an order by telegraph was sent out to the supervisors of registration in his name ordering the books to be sent to the custom-house. To this order the name of Williams was forged by Blanchard, KELLOGG's clerk. Williams adds, "In the morning when I came to the office I expected to find the books there, but I did not, and I went down then to the custom-house and found the books there, and found them erasing names from them."

"Q. Who were erasing the names?"

"A. The supervisors and their clerks."

"Q. That was at the custom-house?"

"A. At the custom-house, sir."

There is no denial by any one of this bold and shameless fraud and forgery. It is shown by various witnesses that the "supervisors and their clerks" were erasing names from these registration books during the night, and that a large number was erased, chiefly of democrats. One of the republican candidates for the Legislature from the Seventh ward of New Orleans (Moore) himself struck off "a large number of registered democratic voters."

As illustrative of the evidence which shows the correctness of the second conclusion announced above, the following facts are cited:

1. Henry Houser was a member of the Metropolitan police force, and was stationed as the night watch at Governor KELLOGG's house. A few days after the election he saw Blanchard, Jewett, Anderson, and Packard frequently at KELLOGG's house at night. They often entered from the rear way. Witness frequently saw Blanchard and Jewett writing in one of the rooms up stairs. They would come about seven or eight o'clock and remain from eleven to twelve. They had papers which looked like election papers. He heard KELLOGG concede that the election for the house of representatives had gone democratic, and Blanchard told witness they were working on the election returns, and his understanding from them was that they were seeking, by throwing out parishes and working on the returns, to change the result and make it republican. They were thus engaged until after Packard's inauguration. This witness is strongly corroborated in several particulars, not only by conceded facts but also by the witnesses called to rebut his testimony.

2. There can now be no reasonable doubt that the scheme to reverse the verdict of the ballot-box was hatched at these clandestine night meetings at KELLOGG's own house, and the plan for carrying out the scheme under the false pretext of violence and intimidation was here begun by these conspirators, of whom KELLOGG was the chief. The frauds resorted to to change the result of the election in the Seventh ward of New Orleans are now for the first time fully disclosed. This result, changing three votes from the democrats to the republicans in the house, must be added to the many heretofore known and admitted.

"The returns from the parishes showed that Nicholls, the democratic candidate for governor, had a majority over Packard, the republican candidate for the same office, of 8,010 votes. By the exercise of the unlawful powers already pointed out and by the frauds now proven, this majority was changed to a majority in favor of Packard of 3,426 votes."

"The evidence shows, and it is admitted by Mr. KELLOGG, that Perkins, democrat, had a majority for senator in the twelfth senatorial district; he beat Weber, republican, largely, but the returning board gave the latter a certificate of election. Meredith, democrat, had a majority over Hamlet, republican, for the senate, for the eighteenth senatorial district; the returning board gave Hamlet the certificate. Sandford, democrat, beat Blunt, republican, for the senate, in the twenty-second senatorial district; the returning board gave Blunt the certificate."

"In Ouachita Parish Preard and Taylor, democrats, beat Barrington and Brewster, republicans, for the house of representatives, as the parish returns show, but the returning board gave the republicans certificates of election. In East Baton Rouge Parish Du Pré, Williams, and Young, democrats, beat Bird, Holt, and Lane, republicans, for the house of representatives; the returning board gave the certificates of election to the republicans. In La Fayette Parish Marshall T. Martin, democrat, beat Fernest Martin, republican (these were brothers) for the house of representatives; the republican received the certificate of election."

"In West Feliciana Parish McGee and Ryland, democrats, beat Swazie and Early, republicans, for the house of representatives; the republicans, however, received certificates of election. In Morehouse Parish Washburn and Hammond, democrats, beat Shelton and Blair, republicans, for the house of representatives, but the certificates of election were given to the republicans. In De Soto Parish, Pitts and Means, democrats, beat Long and Johnston, republicans; the latter received certificates of election. The returning board refused to count any returns from the parishes of Grant and East Feliciana; the returns were thrown out absolutely. The parish returns show that Lyons and Porter, democrats, were elected from East Feliciana, and Randolph, democrat, was elected from Grant Parish."

"The parish returns show that the democrats were elected in each instance above mentioned, and Mr. KELLOGG admits that they received majorities. (See his statement made to the committee on 13th of November, 1877.)"

Of the eighty-three persons who were said to be in the joint convention which elected KELLOGG nineteen are positively shown not to have been elected, but were fraudulently given certificates. Seventy-nine were necessary to make a quorum. The "work on the election returns" at KELLOGG's house was evidently effective, and bore fruit through the returning boards, one and sometimes two of whose members attended these clandestine night meetings. Mr. Stevens, a member of the Nicholls senate, was seized and held by force and was counted as present against his protest, to enable this Packard senate to go through the farce of a contest and to seat two outsiders named Baker and Kelso, who were not elected by the people.

The evidence in support of the third conclusion is furnished by the witnesses of both contestants. It is easy to understand that such a body of men so fraudulently assembled could not be kept together by a sense of duty or other legitimate means. Accordingly the state-house which they had seized and in which they were gathered was barricaded and surrounded with troops and the members were kept in their halls day and night. Orders were given by the pretended officers of the Legislature, and especially on the day of election, to keep members present by force. Some who were absent in spite of these precautions were fraudulently personated as present, and others were allowed to record their votes the next day. But many of the members were impecunious. "They needed money to meet their necessities; they had to live and wanted to be helped from time to time as their money gave out." Louis J. Souer, who figures prominently in all these frauds in behalf of KELLOGG, and who was a member of the lower house, advanced "out of his own money" about \$3,000, much of which he admits was never returned. John A. Walsh and other accommodating witnesses and friends of KELLOGG also advanced money. These advances were called loans made on warrants or vouchers. It is impossible to mistake the meaning of such testimony. What Souer calls loans are spoken of by other witnesses very differently, who say these advances were bribes, but they were to be called loans if any question should arise about their character. The testimony given by the witnesses introduced by KELLOGG himself is overwhelmingly convincing that force, fraud, and bribery were all needed to keep this motley crowd of conspirators against the people of Louisiana in their barricaded den of iniquity.

In support of the fourth conclusion the evidence is equally convincing, for after all these frauds to cheat the voters, to change the returns, and to force an assemblage, KELLOGG was in danger of losing the prize. Warmoth testifies: "There was a bitter fight for the Senatorship, not so much on my part, although I was spoken of, but between KELLOGG and Pinchback." The witness himself "was a dark horse," thinking may be neither could be elected, and the honors would fall on him. "My eyes," he adds, "were not altogether blind to that contingency." Even after KELLOGG was nominated he thought it was absolutely necessary for him to get all the votes in order to be admitted to the seat.

Thus both to secure the nomination and the election the field for bribery and other corrupt practices was enlarged. KELLOGG now added threats also. He declared if he was not elected he would disband the concern and turn them all over to the Nicholls government!

Quite a number of witnesses have testified directly and positively that they saw KELLOGG pay money to different members to vote for him for Senator.

A large number are shown to have admitted they received money for voting for KELLOGG, and many of these admissions were made under oaths taken voluntarily and without inducement. The evidence establishing direct bribery, with money, of a large number of the members is simply crushing. If a tithe of this evidence is credible there can be no escape from the conclusion that KELLOGG secured his election by direct and unblushing bribery. Offices under the Federal Administration were also promised to secure the same result, and how faithfully these promises were fulfilled is unmistakably disclosed in the evidence.

The evidence referred to in support of the four first conclusions before announced can leave no doubt in any rational mind of the correctness of the fifth conclusion, as to the reasons which urged the sitting member so earnestly to oppose a full investigation on the former hearing of this case. If such investigation had been made, as it was once ordered by the Senate and resolved by the committee, and the evidence now before us had been taken, it would be doing violence to all possible respect for the United States Senate to suppose the sitting member could have been declared entitled "on the merits" to take a seat in this body. It was indispensably necessary to conceal the facts to discover any merit in his title.

In support of the sixth conclusion the evidence is, if possible, still more convincing.

On the 5th day of May last, the Senate directed this committee to investigate the charges made by the memorialist. It is significant that this order was adopted by the Senate only after the most earnest and persistent opposition from the sitting member himself. The passage of this order by the Senate to take testimony dates the beginning of efforts by the sitting member and his assistants to suppress evidence, which your committee believe were never exceeded in energy and varied devices.

The following special dispatches from Washington City appeared in the Times newspaper, of New Orleans, on the 13th and 16th days of May, respectively:

"WASHINGTON, May 12, 1879.

"In view of the interest the leading republicans and the administration take in the result of the contest for KELLOGG's seat, it is certain that any republican who can be shown to have worked against him at home will stand a slim chance of any recognition from Hayes, or the next administration if it be republican. KELLOGG is playing his hand for all it is worth, and don't intend to have any fire in the rear if he can help it."

"W. H. R."

"WASHINGTON, May 15, 1879.

"Everything is not lovely in republican circles in Louisiana, in fact, quite the reverse. There are said to be some people in the party who are not helping the Hon. WILLIAM PITT KELLOGG as they ought, and one of them holds a high position in the custom-house."

"The party and the President are both rallying to the assistance of the Hon. W. P. KELLOGG with some solidity, and the republican in Louisiana who refuses to actively aid in this contest may make up his mind to go to the rear if KELLOGG wins or the next administration is republican."

"Hon. John Sherman and Attorney-General Devens have signified their willingness to aid KELLOGG in this contest all they can, and some of the custom-house rolls are very likely to be revised pretty soon."

"W. H. R."

There can be no doubt as to the intent of this notice, and the evidence discloses with striking clearness the effect. It should be remembered, in this connection, that the frauds which were to be investigated could only, in their nature, be

proven by those who were either members or officers of the pretended Packard legislature, and by those who were permitted to have free access to it, and by others who were in KELLOGG's confidence at the time the frauds were committed. All others were excluded by bayonets from this barricaded mock legislature thus conspiring to defraud the people its members pretended to represent. They were plainly notified of the consequences which they must expect, both from this Administration and the next, who would dare reveal what they knew of these frauds or who failed actively to prevent such revelation.

The rewards were as unstinted as the threats were positive. The examination by this committee began the 5th of June. During this month of June there were thirty-nine of the members of this Packard mob of KELLOGG conspirators holding Federal offices, nearly all in the custom-house at New Orleans, which constituted about one-half the number claimed to be present at the time of KELLOGG's election. Thirty-nine so employed appear by the testimony before your committee. Other statements have been made to the public increasing the number of said Packard legislature so employed to fifty-six.

The object of these appointments is not left by the evidence to conjecture. The evidence is direct, positive, unimpeached, and undisputed that the object was to prevent revelations against KELLOGG.

H. T. Brown testified that Morris Marks (revenue collector, and who was one of KELLOGG's most active supporters) said to witness in June or July: "I cannot take care of any of my friends now while this fight is going on about KELLOGG. I have to appoint a set of G—d d— curs and hounds to keep them from squealing on KELLOGG."

Morris Marks was present during the investigation by the sub-committee in New Orleans, was actively at work for KELLOGG, was himself a witness in behalf of KELLOGG, and did not deny this statement of Mr. Brown.

Similar statements and allusions frequently occur in the evidence, and they are overwhelmingly corroborated by many facts. Witnesses were appointed to offices immediately before they were to testify, and were also appointed promptly after they had testified satisfactorily to KELLOGG. Witnesses who were clearly convicted of perjury and false swearing before this committee were appointed to places plainly as rewards for such perjury and false swearing. Witnesses who were proven to have made admissions that they knew KELLOGG was not elected, or that his election was corrupt, and threatened to reveal what they knew if they were not given offices, promptly received the offices, and as promptly testified that KELLOGG was elected, and by the fairest means possible! The instances of this use of the public offices to hush witnesses, to procure witnesses, and to reward witnesses are as numerous as they are disgraceful. Your committee do not believe such shameful civil-service degradation can be found in the annals of any civilized people. It is pregnant evidence of all the charges of fraud and corruption against the sitting member. It cannot be supposed that such means were employed to maintain a title which was good "on the merits." It cannot be doubted that such means were employed only to maintain a title which was secured by fraud, and which could only be retained by perjury. Your committee are not authorized to say, and will not say, that the President and certain of his Cabinet were willing parties to this corrupt use of the public offices, but they feel constrained to say that if they had been willing parties they could not have been more accommodating and compliant to the sitting member.

The evidence clearly reveals another very striking and unusual method of using the public offices. Those who held the offices were not only themselves faithful to their chief and his title "on the merits," in their own testimony, but they were active and vigilant to make others so. They ceased not to travel and labor in behalf of the sitting member, to the utter neglect of their public duties and without any cessation of their pay from the public Treasury.

Several members and officers of the body which pretended to elect KELLOGG admitted, as the evidence shows, voluntarily, that there was no quorum present, that absent members were falsely personated, that the roll as made up was false, and that KELLOGG had used bribery and corrupt means to secure his election. The memorialist, knowing the character of all these people who were parties to this enormous fraud, resorted to the natural precaution to have their statements reduced to writing and sworn to before venturing to summon them as witnesses. That such affidavits had been made, and that a number of those who made them had been or would be summoned to Washington as witnesses in behalf of the memorialist became known to the sitting member's vigilant sentinels in the custom-house. One employé of the custom-house came on to Washington in advance of the witnesses, among other things "to arrange with KELLOGG" for certain of the witnesses. A notorious detective also came on in advance and registered in this city under an assumed name. This detective testified that he was sent by an officer in the custom-house to watch the counsel of the memorialist, and to aid KELLOGG. Your committee do not rely on the character of this witness to establish his credit. His very service for KELLOGG was discrediting. Like most of the witnesses in this case he is only entitled to credit as his statements are corroborated, and many of his statements are most strikingly corroborated, and much that he said is shown by others to be true. The officer in the custom-house who is charged to have employed this detective was known to be very influential with the witnesses. He took the same train with the witnesses on their departure from New Orleans for this city. He traveled with them the entire distance; he exhorted the witnesses on the way to stand by their party; he telegraphed notice to KELLOGG of the time they would arrive in Washington; and he remained with them, ate with them, and slept with them until the examination here closed. It is shown, too, that from the time this investigation was ordered by the Senate until its close in this city an active telegraphic correspondence was going on between the sitting member and his assistant here and the collector of customs himself in New Orleans. The telegrams are in cipher and are herewith reported to the Senate. They most clearly relate to the witnesses and are pregnant with all the evidence of fraud, collusion, and corruption.

The witnesses arrived in Washington about ten o'clock p. m. on the 4th of June, and their examination by this committee was to commence the next morning. Whatever arrangements, therefore, were necessary to be made with or ratified by the sitting member, to induce them to deny the affidavits they had made in New Orleans, had to be completed during that night and before the meeting of this committee the ensuing morning. Accordingly the employés of the custom-house, and the detective who came in advance from New Orleans, and several others already in Washington in the Government's employ and KELLOGG's service, met the witnesses at the depot on their arrival. The detective swears that five of the witnesses were conducted by him, under previous arrangement, to KELLOGG's office after midnight. He says the witnesses were afraid of prosecution if they denied their sworn statements made in New Orleans, and that to relieve this fear some law was read to them to the effect that they could not be indicted for such denial. Being satisfied on this point the witnesses were willing to contract and the detective says did receive and accept from KELLOGG money and promises of offices during his senatorial term, and in consideration thereof did pledge themselves to disavow the memorialist who had called them as witnesses on the faith of their sworn statements, and to testify in all respects in favor of the sitting member. Thomas Murray did not attend this night conclave. He only of the witnesses was faithful to his statements made in New Orleans. He refused to accept the bribes offered him to do so. He and the detective both testified that such bribes were repeatedly urged upon him in increasing amounts. Refusing persistently to accept all offers to testify falsely, he was then offered money not to testify at all. He was urged to disobey the summons of this committee and escape into Canada where he was to be well maintained until the investigation was closed, and he should receive a telegram in the words "The Union forever" by which he was to understand he

could safely return. All these offers he refused and did appear and testify, under the frowns of his comrades, to the truth of his previous statements.

Another witness, Milton Jones, accepted the bribe but hesitated to commit the perjury. In his stress he begged the counsel of the memorialist not to require him to testify, because he would be compelled to swear falsely, under the influence of "big money." Because of this earnest appeal he was not sworn by the memorialist. This witness was asked by KELLOGG, through his faithful detective, to return the money—the price of the perjury he had thus avoided committing—but he refused to return it. Subsequently he was called by the sitting member before the sub-committee in New Orleans and made to execute his criminal bargain. Other devices were employed by the sitting member to suppress truth and establish falsehood. Those who refused to swear falsely were assailed as untrue to their party and social ostracism itself was visited upon them. Schemes were contrived to entrap them into inconsistent admissions. Witnesses who thought it legitimate to make and to swear to false statements were called to impeach the credibility of those who refused to imitate their example. Detectives were actively engaged, under friendly professions, in efforts to involve the memorialist in like bribes and frauds with those so abundantly proven upon the sitting member—all of which your committee cheerfully report not only failed, but recoiled heavily on the sitting member. Witnesses were diligently trained to believe that the election of KELLOGG from the Senate would be the defeat of the republican party in the nation and in Louisiana; that such defeat would render it impossible for any republicans to live in the State, and that perjury was a virtue when committed for the success of the republican party! All these facts and very many more of like kind will be found in the testimony herewith reported to the Senate.

That such is the testimony was not denied before your committee either by the sitting member or his able counsel. Indeed, it could not be denied without denying the plain language of very many witnesses. But it was earnestly insisted before your committee by both the sitting member and his counsel that this testimony would not justify the conclusion that the sitting member was not entitled to the seat in the Senate for two reasons; and first because, they alleged, the witnesses ought not to be believed.

Two grounds are urged for disbelieving the witnesses, (1) because they were contradicted, and (2) because they were impeached as not entitled to credit on account of bad character.

The contradictions were almost exclusively by witnesses who were parties to the crimes proven. To illustrate: If a witness testified positively that he saw money paid to a member for his vote, the implicated member was called to contradict this by testifying he did not receive money for his vote. Under this rule few criminals would be found guilty. It frequently happened, too, that the implicated member had previously and frequently admitted, and often under oath, that he did receive money for his vote. So he contradicted himself as well as the witnesses. It will be seen from the evidence, too, that these contradicting witnesses had often been provided with offices or other consideration after they made the admissions they were called to contradict, and others were promptly appointed to offices in the ever-accommodating custom-house after they had faithfully made the contradictions.

Your committee attach little, if any, weight to such contradictions. In our view they are often strangely confirmatory of the witnesses in chief.

Besides, many of the material frauds proven are not disputed at all, and some are even admitted, because they were of a character which did not admit of contradiction. This is especially true of the frauds resorted to to prevent a fair election by the people—to change the result as returned by the commissioners of election, and the force and frauds employed to assemble and keep together the pretended Packard legislature.

Let us then proceed to consider the allegation that the testimony should not be believed because the witnesses were impeached on account of general bad character. Some few of the witnesses were not so impeached at all, and why they were not impeached your committee do not understand, since the impeaching resources of the sitting member seemed to be exhaustless. As it is, however, the testimony which is unimpeached and uncontradicted is ample, not only to justify but to require the adoption of the resolutions herewith submitted. But your committee do not find it necessary to rest their conclusions solely on this unimpeached and uncontradicted evidence.

We admit that a great number of the witnesses called on both sides were of very bad character, not only for truth but for any other virtue, and if their credibility depended solely upon character they ought not to be believed. But the rules of law furnish safe guides in weighing this evidence.

The accomplice of a criminal is necessarily of bad character, for he is a criminal himself. If he is not to be believed because he is an accomplice, and therefore of bad character, then an accomplice in no case ought to be allowed to testify. But in spite of bad characters they are often the only accessible witnesses and their evidence is often most satisfactory. Were it otherwise, those criminals would often be safest whose crimes were greatest.

In the case before us nearly all the witnesses examined were the accomplices of KELLOGG in the crimes and frauds which resulted in his pretended election to the Senate. They were all conspirators against the people of Louisiana. The very fact that they were criminals and accomplices in this conspiracy furnished the most conclusive proof of bad character. No other proof was needed to establish such bad character. The conspirators were surrounded with troops by order of their chief—KELLOGG himself—by his power as governor, and the Army was employed to protect them day and night from intrusion by people worthy of credit by reason of good character. Being faithless in their very assembling to all good people, the chief chance of redress for good people was in the natural hope they would become faithless to each other, and reveal the frauds, bribes, and corruptions which cemented them for evil. These revelations appear in the evidence, and your committee do not doubt would far more abundantly appear if the Federal Administration would withdraw the patronage which has purchased the silence and perjury of so many of the gang.

All the facts and circumstances of corroboration required by the rules of evidence to accompany the testimony of accomplices abundantly and most remarkably sustain the witnesses who testified to the frauds, bribes, and corrupt practices upon which we have based our conclusions, and the impeaching witnesses are themselves most strikingly discredited by such facts and circumstances. Indeed, your committee do not hesitate to affirm that much of the evidence must be believed because the corroborations which accompany and surround it make it impossible that it can be false.

The sitting member insisted upon conducting much of the examination in his own behalf, and this privilege was accorded him. In the style of his questions and the conduct of his cause he often exhibited most striking corroboration of the witnesses who were testifying of his guilt. The corroborations brought out by himself not only occurred in his cross-examinations of the witnesses called by the memorialist, but also in his examinations of witnesses called by himself to impeach or contradict the witnesses of the memorialist.

Your committee are unable to see how an impartial legal mind can read the evidence taken and doubt the guilt of the sitting member upon every charge which has been made against him, notwithstanding so many of the witnesses must be admitted to be disreputable.

But the sitting member through his very able counsel also insisted, with great earnestness and skill before your committee, that the Senate, at a former session, having "after and upon evidence going to the merits of the case" declared that KELLOGG was "upon the merits of the case entitled to the seat," this decision is final and conclusive, and cannot now be re-examined and reversed. This was the first and chief position on which the title of the sitting member was made to rest.

Your committee have fully considered the question thus presented, and cannot doubt the correctness of the conclusions at which they have arrived.

Stated in the light of the facts now known, and herewith reported to the Senate, this position would read thus: that though the sitting member was not in fact chosen by the Legislature of Louisiana, and though the body of men alleged to have elected him was assembled through fraud, was held together by force, and was controlled by bribery and corruption, and all this was accomplished by a conspiracy to defraud the State and people of Louisiana, of which conspiracy the sitting member was himself the chief, yet the Senate having decided in ignorance and by the suppression of these facts that the sitting member was entitled on the merits to the seat, the Senate is compelled to allow him to retain the seat, after full knowledge that every fact was assumed to exist when he was admitted is and was false and untrue. The reply to such a position is sufficiently furnished in the statement of the position itself. But your committee will not rest the argument here, and will consider it in the light of precedent and law. Counsel for the sitting member says:

"If, therefore, this committee and the Senate shall set aside this judgment on the merits, it will present to the country and the world a spectacle not seen before in the century of our national existence just closed."

We might justly reply to this that this case, in the facts now proven, already presents to the country and the world a spectacle not before seen in this century or any previous century of this or any other nation. We trust such a spectacle will never again be presented, and that it must not be, it ought to be now condemned by all men, and especially by this Senate. If it shall be understood that seats once procured in this body by any means, however false and fraudulent, which bad men may employ cannot be taken away, this Senate may soon be largely composed of members not chosen by the Legislatures of the States. Successful frauds will displace the positive requisition of the Constitution in the elections of Senators. A case without precedent cannot be decided by precedent. Fraud has certainly become a powerful agent in our politics, but we are not willing to admit it has yet become the supreme law, above review and beyond remedy. But while no case like this was ever before presented for decision, yet principles have been announced in other cases which will furnish some guide to a proper determination of this question.

In the case of Bright and Fitch, in the Thirty-fifth Congress, the rehearing asked was refused because "all the facts and questions of law involved were as fully known and presented to the Senate on the former hearing as they were then presented in the memorial of the Legislature asking a rehearing." It was held that in such a case the judgment first rendered by the Senate "was final, and precluded further inquiry into the subject."

In the Butler and Corbin case, in the Forty-fifth Congress, the report of the minority of the Committee on Privileges and Elections correctly stated that no allegation was made "that testimony was before excluded which ought to have been admitted, or that testimony was admitted which ought to have been excluded; no request by either party to produce testimony had been denied, and no pretense that testimony then offered and excluded can now be produced. The jurisdiction is the same, the parties are the same, the subject-matter of contest is the same, the facts are the same, and the questions of law are the same." The report further said: "If, on the former hearing, Mr. Corbin had been denied the privilege of introducing material facts which he offered to produce, if he presented material facts now which were then unknown, if all the facts and questions of law now known and presented were not then as fully known and presented, the undersigned will not undertake to say his petition for a rehearing ought not in justice and right to be gravely heard and considered on the merits." The Senate adopted these views, though it is a significant fact that a large and intelligent minority of the Senate voted to unseat Mr. BUTLER and to admit Mr. Corbin when not a single new fact or question of law had been presented or offered.

Your committee freely admit that a decision rendered on the merits ought not to be afterward reviewed and reversed on light or even doubtful grounds. In the courts the familiar rule is that new evidence to authorize a reversal "ought to be material and such as would probably produce a different result." In this case your committee are willing to apply a much stronger test, though there is no reason why a stronger should be required. Let us adopt and apply the rule so strongly and forcibly expressed by a distinguished member of this Senate in the following language:

"The Senate would do manifest injustice were it hastily and without the most plain and most manifest reason to reverse a decision that had been made seating a Senator on this floor. The case must be extremely strong that would justify such a proceeding. All that I am free to admit; but to say that the technical rule of *res adjudicata* that applies to courts of justice applies in this Chamber on a question of this kind is to confound all distinctions and to disregard all the laws of this body."—*Congressional Record*, May 7, page 24.

Let us now apply this rigid rule to the present case.

1. On the former hearing not a single witness was examined. Some admissions were made by the parties and some reports of investigations by congressional committees not on the issues involved in this contest "were agreed to be considered in evidence as far as they were pertinent." This was done only to narrow the field of investigation.

On this hearing nearly one hundred and fifty witnesses have been examined, making over twelve hundred printed pages of testimony of the most material and controlling character.

2. On the former hearing the memorialist begged and pleaded for the privilege of having witnesses called and examined on five points not covered by the admissions and reports above referred to, and by which witnesses he alleged he could prove, among other things, the direct personal complicity of the sitting member in glaring frauds in the pretended Legislature which elected him. All these appeals were refused by the majority of the committee, although an investigation had been previously ordered by the Senate and resolved upon by the committee, and the investigation was suddenly closed, against the protest of the memorialist and a minority of the committee.

On the present hearing the witnesses have been examined and the complicity of the sitting member in the frauds alleged has been most convincingly established.

3. On the former hearing there was no evidence and no opportunity to produce evidence showing conspiracies, bribes, and other corruptions by the sitting member to procure a fraudulent Legislature and to control the members thereof in his own election to the Senate. On the present hearing such conspiracies, bribes, and corruptions of the most startling, unblushing, and unparalleled character have been positively testified to by numerous witnesses; and these bribes and corruptions have been shown to extend to the witnesses in the case in the very face of the Senate.

Your committee could multiply the features of contrast between the former and the present hearing in this case, but we forbear.

Under the most technical rule of *res adjudicata* there is not a court in civilized Christendom which would hesitate to review and reverse a judgment so utterly unauthorized and unjust; and surely it cannot be contended that the Senate can have less power than a court to annul such a decision. Conceding, then, for the argument, that the Senate in passing upon contests for seats in this body acts as a court and that the technical rule of *res adjudicata* applies to decisions rendered in such cases, do courts not re-examine, review, and reverse their decisions? Are not appeals, writs of error, motions for new trials, and bills of review familiar to us all? The Senate in considering such cases in the first instance is not bound by the forms of proceedings in the courts. We have no declarations, no complaints, no bills in chancery, nor pleas, demurrers, answers, and joinder of issue in the Senate. If the

Senate proceeds to original judgment without the pleadings known to the courts, may not the Senate also proceed to review, re-examine, and reverse such judgments when good cause is shown, without resorting to the processes which in such cases are known to the courts? If the Senate is a court, then, if the facts in a given case are such as would require the vacation of a judgment if rendered by a court, surely the Senate would also be authorized to vacate such judgment. The exclusion by the court of material testimony on the first hearing, the discovery of new and material evidence since the hearing, the existence of frauds, forgeries, bribes, and perjuries in procuring the first judgment are all well-known grounds, on either one of which courts by some of the methods of proceeding, will review and reverse such judgments. All these grounds are shown by the evidence and the records of this Senate to exist in extraordinary clearness, force, and repeated abundance in the case we are now considering. Is the Senate by being likened to a court to be bound by decisions which a court would vigorously vacate and annul?

But the attempt to apply to the Senate the technical rule of *res adjudicata* as it obtains in the courts is a palpable sophistry and not an argument. In the correct and forcible language of Senator TRIMBULL before quoted, "it confounds all distinctions and disregards all the rules of this body."

In cases where the contestants claim to represent the same State government, and the issue between them is one of informality or irregularity or non-compliance with the statutory provisions, there would be some show of reason for the application of this doctrine. In such cases there ought to be an end of litigation in the Senate as well as in the courts. A wise policy would certainly require in such cases the principle if not the rule of *res adjudicata*. It is to such cases the authorities cited by the eminent counsel for the sitting member were intended to apply.

But the questions involved in the present case rise immeasurably above such issues. They are not questions of regularity, but of authority. They are not questions of discretion, but of duty. They exist more between the State of Louisiana and this Senate than between the contestants. In their nature these questions are not merely judicial, but political in the highest sense.

The Constitution says: "The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof." Can a man sit as a member of this Senate who was not chosen by the Legislature of his State? But suppose, in ignorance of the fact that he was not so chosen, the Senate is induced to declare him entitled to the seat "on the merits" after investigation, does such erroneous decision supplant the Constitution and give him a title after the mistake becomes known?

Let us suppose an impossible case: Suppose a majority of this Senate should for any purpose, partisan or otherwise, seat a man in this body who they knew was not chosen by the Legislature of his State; would any future Senate be compelled to continue such person in the seat? Would not such continuance be as criminal as the original admission? Will any man pretend that a plain constitutional provision can be superseded by a mistaken decision of this Senate? If the sitting member was not chosen by the Legislature of Louisiana, every hour he sits on this floor, after that fact is known, is a violation of the Constitution. It is a question of obedience to the Constitution. Can any power estop this Senate? Can the Senate estop itself from obeying the Constitution? Can the Senate estop itself from inquiring *toties quoties* whether he was chosen by the Legislature? Can it be so estopped by its own erroneous decision on a former hearing?

In cases like the one now before us, your committee do not hesitate to adopt the language employed by those eminent constitutional lawyers, Mr. Collamer, of Vermont, and Mr. Trumbull, of Illinois, in the Fitch and Bright case, in 1859. They said:

"The power of the Senate to judge of the election and qualification of its own members is unlimited and abiding. It is not exhausted in any particular case by once adjudicating the same, as the power of re-examination and correction of error and mistake, incident to all judicial tribunals and proceedings, remains with the Senate in this respect, as well to do justice to itself as to the States represented or to the persons claiming or holding seats. Such an abiding power must exist to purge the body from intruders; otherwise any one might retain his seat who had once wrongly procured a decision of the Senate in his favor by fraud or falsehood, or even by papers forged or fabricated."

In the light of the evidence now before the Senate the sitting member was admitted by a wrongly procured decision of the Senate in his favor by means quite as criminal as those stated in the last paragraph quoted, since the means employed by him to secure his pretended election included conspiracies, bribes, and perjuries, often repeated, and the knowledge of which was vigorously suppressed on the former hearing. He was not chosen by the Legislature of Louisiana. He was chosen by a body of men who conspired with him to defeat the will of the State, and who excluded by force the members elected by the people in order that the conspirators might be enabled to accomplish their work.

The primary authority to determine what is the Legislature of a State is and must be the State herself. When the State determines that question for herself it is determined for all the world. In case there are two governments, or two bodies, each claiming to be the true government or the true Legislature of the State, and the State has not determined the controversy, the duty may devolve upon others, and in this case upon this Senate to adjudge that question *pro hoc vice*.

In January, 1877, a portion of the members elected by the people united with others not elected and seized the State-house, by co-operation with the sitting member, who was then acting as governor, even barricaded in the building, which was surrounded with troops, and refused to permit other elected members to be admitted into the building. The barricaded persons called themselves the Legislature, and the excluded members met in St. Patrick's Hall and called themselves the Legislature. This was the condition of things when the sitting member presented his credentials to this Senate and asked to be admitted to a seat on this floor. He was not admitted, but his credentials were referred to the Committee on Privileges and Elections. Before the committee took any action whatever, the issue thus raised between these two rival bodies was settled by the State. It was decided that the body which assembled and organized in St. Patrick's Hall was the true Legislature of the State. This decision was accepted by all the people of Louisiana and by all the departments of her government, by the President and House of Representatives, and by the circuit and district courts of the United States, and finally by all the persons who composed the body which seized the State-house.

The latter, which had been known as the Packard legislature, disbanded, leaving not a resolution or act or other thing which has ever been recognized as authoritative or which has been claimed to be valid save only the pretended election of the sitting member to this Senate, and this single act has been recognized only by this Senate.

The former body, which had been known as the Nicholls legislature, performed all the functions of a Legislature from the beginning, passed laws which are obeyed by all the people and enforced by all the courts. All the persons who had been elected left this pretended Packard legislature and took their seats in the Nicholls legislature, and those who had not been elected admitted they were not elected without even a contest, and went home, or into the custom-house or some other Federal office.

The regular Legislature thus organized, composed of all the members elected by the people, chose the memorialist to the seat he is now claiming. The election was free, regular, legal, and without taint of corruption of any kind and his credentials are in due form. Of a Legislature which was composed when full, senate and house, of one hundred and fifty-six members the memorialist received over 140 votes. Since the former hearing in this case the supreme court of Louisiana has also decided that the officers of the Packard government had in January, 1877, no

official status, and that no acts performed by them at that time, though purporting to be performed *virtute officii*, could have the force and effect of official acts. (*State ex rel. Lissou vs. Peck*, 30 Annual Reports, 280.) And in addition to all this the evidence now taken shows that the Packard legislature which pretended to elect the sitting member was in fact as well as in law not a Legislature, but was a body of men assembled by fraud, held together by force, and controlled by bribery, with the aid and in the interest of the sitting member. Thus the facts, the law, the integrity of this Senate, and the voice of a too long defrauded State of this Union unite in demanding the passage of the following resolutions, which your committee now submit for adoption by the Senate, to wit:

1. *Resolved*, That according to the evidence now known to the Senate WILLIAM PITT KELLOGG was not chosen by the Legislature of Louisiana to the seat in the Senate for the term beginning on the 4th day of March, 1877, and is not entitled to sit in the same.

2. *Resolved*, That Henry M. Spofford was chosen by the Legislature of Louisiana to the seat in the Senate for the term beginning on the 4th day of March, 1877, and that he be admitted to the same on taking the oath prescribed by law.

Mr. CONKLING. Is the report signed?

Mr. HILL, of Georgia. No, sir; but it is the report of six members of the committee. I move that the resolutions presented, together with the majority and minority reports, and the testimony taken in the case, be printed.

The VICE-PRESIDENT. All reports are printed under the rule.

Mr. HILL, of Georgia. I give notice now, as I think Senators can sufficiently understand this case in one week, that, unless some person shall desire it to be called up sooner, I shall call the matter up for action on Monday next after the morning hour, and will seek to continue action until its final disposition.

Mr. BAILEY. I suggest to my colleague that he withhold the notice until the reports and evidence shall be printed. There has been some delay in the printing recently, and it may be some days before the reports can be printed.

Mr. HILL, of Georgia. That is a very wise suggestion, but I will say to my friend, the Senator from Tennessee, that it so happens in this case that both reports will be printed in the RECORD, and the Senate will see them to-morrow morning.

Mr. BAILEY. The evidence will not be printed.

Mr. HILL, of Georgia. The evidence is already printed, and I suppose it will be laid before the Senate.

Mr. CAMERON, of Wisconsin. I think only fifty copies have been printed for the use of the committee.

Mr. BAILEY. A limited number was printed for the use of the committee.

Mr. HILL, of Georgia. If there should turn out to be any delay, I will certainly give the Senate ample time to study the case, because there is nothing I so much desire as that the Senate shall understand it.

Mr. HOAR. I suppose the motion which has been made is debatable.

The VICE-PRESIDENT. The report itself will be printed under the rules, without a motion.

Mr. HOAR. The motion is to print the report, with certain evidence accompanying it, for the use of the Senate.

The VICE-PRESIDENT. That is debatable.

Mr. HILL, of Georgia. I have no objection to debate.

Mr. HOAR. Mr. President, I wish in discussing this question of the evidence, and in order to show to the Senate the importance of adopting the order for printing the evidence which has been referred to, to point out very briefly in connection with the report which has been read how little from that report, without an examination of the evidence, the Senate can understand of the true merits of this case; and I wish to do it by calling attention to two illustrations, in regard to which I should be glad to have the attention of the members of the Senate, if any of them have been impressed by the extraordinary document which the Senator from Georgia has read. I will take for convenience the first and the last of the points which the Senator from Georgia made as attacking and affecting the integrity of Mr. KELLOGG, the member now sitting in the Senate from the State of Louisiana. The Senator stated as a correct statement of evidence—

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. BAILEY. I rise to a point of order. I believe it is not in order to discuss the question.

The VICE-PRESIDENT. The report will be printed under the rules; but the Senator from Georgia accompanies it with a motion to print also the evidence, which is a debatable question, on which the Senator from Massachusetts has the floor.

Mr. HOAR. The Senator from Georgia stated that Mr. KELLOGG, then governor of the State of Louisiana, was a conspirator to an attempt to throw out the vote of a certain parish in the election for the Legislature, and he stated that the person whose duty it was to make the registry in that parish made a statement which he knew, and which Mr. KELLOGG must have known, under the circumstances, was false, that there was what he described as bulldozing going on, whereas the report asserts that it was a peaceable, quiet, and orderly proceeding, and nothing of the kind had taken place.

The judge, who fled from that parish while the registry was in progress, was a brave officer of the Army of the United States. Something happened to occasion his discontinuance of the process of taking the registry. What was it? That occurrence is related by the very witness upon whom the Senator from Georgia bases his entire report on that point; and what was it? When the registry had gone a little

way a person presented himself for registration whom the judge declared, in the performance of his official duty, not capable to be registered; and thereupon a committee of the democrats of that parish waited upon that judge and informed him—this is the language of the testimony which I have here—that they required that he should register that man. On his demurring, the statement again was made that he must register him; and their manners were as quiet as the manners of anybody who

Ever scuttled ship or cut a throat.

What parish was it in which, on that significant communication, the judge of the election abandoned his occupation? It was Grant Parish, in which within two years had taken place the notorious Colfax massacre, in which within two years had lain for days unburied in the sun the bodies of thirty-seven republicans, each shot to death in the back of the head. The fragrance of those unburied bodies had scarcely left the atmosphere. That was the comment that lent significance to the action of this committee of democrats who waited on the judge of election and informed him what they had determined he must do, what they had determined he was required to do. That little circumstance the committee do not see fit to advert to.

Mr. McDONALD rose.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. McDONALD. I should like to inquire how this matter takes precedence of the special order?

Mr. HOAR. I am showing the importance of printing. It is a question of privilege relating to the seat of a Senator—a question of the very highest privilege.

That is the first of the points which this committee make. Now let me come to the last one, and I should like to have the attention of every lawyer, of every Senator belonging to the majority of this body, who expects to deal with this question as with all other questions under the sanction of his official oath and under the responsibility of his personal honor.

The report asserts that when the witnesses for Spofford came to Washington to be examined before this committee they were taken after midnight to Mr. KELLOGG's room at Willard's Hotel; that there arrangements were made with them by which they agreed to testify falsely when they appeared before the committee, and that sums of money were paid them. That is contradicted by every one of the men concerned. Upon whose testimony does it rest? It rests on the sole, unsupported, unconfirmed testimony of a man by the name of Barney Williams, a man who has been once imprisoned as a thief at Ship Island, once imprisoned at the Dry Tortugas, who had his head shaved and was drummed out of the confederate army for larceny when he was a soldier there, and had the same thing happen to him after he deserted into the Union Army. And it is upon that testimony that it is sought to reverse the deliberate, considerate judgment of the Senate of the United States in regard to the highest object of personal and public ambition on earth—a title to a seat on this floor.

Not only is that the character of the witness on whom the committee, page after page, in their report have undertaken to base this finding, but he was contradicted by evidence which showed that it was utterly impossible that his statement could be true. Gentlemen not connected with this case, of high character and standing, were guests in Mr. KELLOGG's room at the time it was asserted that he bribed six witnesses in succession, and paid them the cash. These men were present in the room. One of them had his bedroom adjoining, a member of the other House, who testified that it was utterly impossible that such a thing could have happened. The man testified at what door he took these men in after midnight, and at what door he took them out; and the clerk at the hotel said that that door is always closed at an early hour, and that he knows it could not have been open that night, and that thing could not have happened. The watchman patrolling that entry testified that he knew no such men went in and that no such men went out.

The witness testified that in addition to the bribery there was a carousal, a sending for champagne, and a drinking bout. The waiters who waited upon that room in the morning and in the night both testified that nothing of the kind could have happened. This act, the first act in American senatorial history, criminal as we have declared it in our minority report as the act would be if consummated, finds its fitting comment in the character of this head-shaven horse-thief, on whose testimony the principal charge is based.

Mr. HILL, of Georgia. Mr. President, I am gratified with one result already accomplished. The Senator from Massachusetts, in making his minority report, failed to consider the facts, and based his case purely on a legal proposition. I am glad that at the first skirmish he has been routed from that, and finds it necessary to precipitate or attempt to precipitate a discussion of the facts. The Senator will find himself that in doing so he is jumping, as we familiarly say, out of the frying-pan into the fire. There is no discussion which we will so cheerfully meet as that. And the two instances which the Senator selects now are striking. In relation to the first conclusion at which the committee have arrived, that the sitting member conspired to prevent a fair election in the State of Louisiana by throwing out votes, he says the evidence shows that the people demanded that a certain voter should be registered—

Mr. CAMERON, of Wisconsin. Not the people but the democratic committee.

Mr. HILL, of Georgia. Have it anybody you please.

Mr. CAMERON, of Wisconsin. No, but we will have it just what the facts show it was. You say the people; we say that the evidence is that it was a democratic committee.

Mr. HILL, of Georgia. Very well; I will take it just as my friend says it is. But here is the fact: Stokes, unfortunately for the gentlemen, came before the sub-committee at New Orleans and explained that whole matter, and said there was not a particle of intimidation; that the issue over the registration of a boy twenty-one years old was settled long before this man fled from the parish. That is what Stokes swears unconditionally, and Stokes is not disputed. Stokes was the parish judge and he says it was settled long before and that there was no bulldozing and no attempt to bulldoze.

But the gentleman is not satisfied with that. He goes behind and says there was violence in that parish two years before. Well, that is characteristic of this case; that is characteristic of all the issues which have been made about the Louisiana election from the beginning; for all the bribes, for all the corruption, for all the frauds that we could prove in that election by the sitting member and his assistants the reply has always been "intimidation and violence;" and they have gone back not as the law requires to the day of election or to the beginning of the registration, but they have gone back one year, two years, and in some cases five years.

Mr. HOAR. Will the Senator permit me to say that he misstates my point? My point is that when that committee waited on that judge and informed him that he must discharge his official duties according to their fancy, the proceedings and murders of the two years before gave a terrible meaning and significance to that act.

Mr. HILL, of Georgia. I have stated that—

Mr. HOAR. That is my point.

Mr. HILL, of Georgia. The gentleman's statement will still get him deeper into deep water. The testimony to which he refers was not taken by this committee. He must refer to some testimony taken by a congressional committee previously. Let it be so. My reply is that Stokes, the judge of the parish, came before the committee and proved that that testimony was not true. So the gentleman is left without his prop there.

Mr. HOAR. Stokes was not the judge.

Mr. HILL, of Georgia. Stokes was the judge of Grant Parish. I say he was the witness. He was a competent witness.

Mr. HOAR. The Senator from Georgia will pardon me.

Mr. HILL, of Georgia. I will not give way for these interruptions. Now I am talking about the facts. There was a dispute over the registration of a boy twenty-one years old, upon which witnesses were produced in a previous examination to get up a charge of bulldozing and intimidation. Judge Stokes, who was the judge of Grant Parish, appointed by Governor KELLOGG himself, came before this committee and stated that there was no truth in it, that there was no bulldozing, that the boy was requested to be registered and was registered; and Stokes says so far from there being any danger or any bulldozing in that parish, that the people in the hill country, which was a largely democratic portion of the parish, not only treated Ward nicely and kindly but absolutely paid his bills. Did that bulldoze him?

But they have gone back to borrow from former massacres, as they say, intimidations which they say affected the election of 1876, and in some cases they have gone back as far as five years. That is not the law, and that is not the fact. Still the gentlemen can use that argument for other purposes. I have no doubt if the gentlemen were driven to that resort they could very easily prove that the disturbance in the country during Noah's flood produced a terrible revolution, and if it had not occurred the democrats would not have carried the election in Louisiana in 1876, and I have no doubt that under the evidence in this case they could have proved it by some witnesses! So there is nothing in that. But we will meet the gentlemen on that. The testimony is to be printed and will show for itself, and if the Senator from Massachusetts has read the testimony, his statement is remarkable; if he has not read it, I know he will be exceedingly astonished with his own statement when he does read it.

He says, further, that the second point, that is bribery of the witnesses in this city, is proven solely by the *ex parte* testimony of Barney Williams, and then he proceeds to give a description of Barney Williams. He says his head was shaved once, he was arrested in some island, he was convicted of various crimes. Well, Mr. President, I will say for Barney Williams—I am not under any obligation to him—that a great many of the crimes charged against him were proven before this committee to have been committed by another Barney Williams. Barney brought the certificates of the judge himself that as to certain crimes he was charged with they related to another Barney Williams and not to this Barney Williams. There were various other things in regard to him. But that point is immaterial.

Now, I want to deal fairly with the honorable Senators on the other side, and I will say to them frankly that if the bribery of these witnesses rested solely on the testimony of Barney Williams I would not believe it. Will that do them? If the bribery of witnesses in this city rested solely on the testimony of any witness, Barney Williams or any other, I would not believe it. If a single one of the facts proven in this case rested solely upon some of the witnesses who testified to them, I would not believe it. Some of the witnesses, however, are undisputed; some of the testimony is unimpeached; and it is very material, too.

I will say to the Senator, moreover, that he is not only incorrect, but remarkably incorrect, when he makes the mistake of saying that the evidence of this bribery rests solely upon the testimony of Barney Williams. It does not rest solely upon the testimony of Barney Williams, nor with me even chiefly upon the testimony of Barney Williams. The committee is fair enough to say to the sitting member, and to say to the Senate in the report, that the testimony of Barney Williams as well as that of many other witnesses is entitled to credit only to the extent that it is corroborated; that it is not entitled to credit because of character, but it states the fact that this testimony is remarkably corroborated, and I will give the Senator the benefit now, in advance, of another admission. I will say that I myself had serious doubts, in fact, I was inclined not to attach the slightest importance to the testimony of Barney Williams until testimony was introduced here in Washington by the sitting member to rebut it. The sitting member has, unwittingly, introduced testimony here of his own witnesses who I think are entitled to no more credit than Barney Williams, except that they testified for the sitting member, and therefore he is bound by them.

But, sir, when I come to discuss this case on the facts, I will put the testimony of that bribery more upon other witnesses than upon Barney Williams, and largely and chiefly upon the testimony introduced by the sitting member himself. I tell the Senator from Massachusetts now that I will show that the testimony of the sitting member's own witnesses so strongly corroborates that of Barney Williams that he himself will be surprised. The truth is, either Barney Williams swore the truth or several witnesses produced by the sitting member swore falsely. There is no way to conclude that the testimony of the sitting member's own witnesses is true, unless you admit that Barney Williams swore the truth.

I am not going into that discussion now; it is not necessary, and I do not care to prolong this debate. I think that the Senate will entertain this discussion better when the testimony is known to the Senate, and I do not think it is proper to discuss the question now. We have not the testimony before us. Gentlemen can get up here and say anything, and the gentlemen who are most to be suspected are those who are so anxious to precipitate a debate now before the testimony is known, for I assure them it is their best chance. They have no chance on earth to sustain this case except before the testimony is understood. We on our side are perfectly willing and prefer to wait until the Senate is familiar with the evidence. We do not think it ought to be discussed before. We do not think the country will give any credit to what I am saying or what the other side have been saying this morning. They will say that perhaps we are as bad as the witnesses if we undertake to convince people what the testimony is before we ourselves know what that testimony is, and before it is printed and laid before the Senate.

I think, therefore, that the gentlemen have been unfortunate in precipitating this debate so earnestly and so quickly. I cannot see any good to be accomplished by it. It cannot influence the Senate, it cannot influence the country, because the Senate is under a duty, and the country will have the discretion of waiting until the testimony is known; and in the light of the testimony we will judge this case. I have no desire to bring the Senate to an unjust judgment. I confess here now frankly that my convictions rely mainly on the testimony which was introduced by the sitting member on many of these points. It was marvelous to me how that testimony made that credible which before was to me incredible. I admit the story of Barney Williams of itself was startling, was improbable; I was not disposed to charge it home to the sitting member as true; but when he undertook to rebut it, and when he employed the means he did to rebut it and brought in witnesses who testified to certain facts, and above all I give the Senator fair notice now that those witnesses who were called to testify as to the rear entrance to Willard's Hotel and as to who was in the sitting member's room and the transactions that occurred there that night while they were there, do in a most remarkable manner prove the truth of many things that Barney Williams said, and without them I should not have believed Barney Williams.

Mr. President, I think this discussion is wholly improper. The gentleman has made a report; the committee have made a report; the gentleman has made a speech; I have made another; and as this motion is unnecessary anyway, I will withdraw it.

Mr. CARPENTER. I wish to ask the Senator from Georgia a question. Was there any testimony before the committee, or do the committee find the fact to be, that at the session of the Senate which passed upon KELLOGG's case and decided that he was entitled to the seat on the merits, that decision was affected by any fraud or perjury practiced by Mr. KELLOGG upon the Senate?

Mr. HILL, of Georgia. The committee charges this, I will say to the Senator; and it is better to wait until he sees the report—

Mr. CARPENTER. I should like to know now.

Mr. HILL, of Georgia. The committee charges that these facts were known to the sitting member to exist at the time he insisted that the Senate should pass on the question without making the investigation.

Mr. CARPENTER. Then the only charge of fraud against him is suppressing—

Mr. HILL, of Georgia. That is it.

Mr. CARPENTER. There is no allegation, then, in the report and

no proof before the committee showing that any act of fraud was practiced upon the Senate itself when that decision was made?

Mr. HILL, of Georgia. No, sir.

Mr. CARPENTER. I take it the Senator will concede that Mr. KELLOGG's title cannot be affected by any bribes he may have committed this session.

Mr. HILL, of Georgia. I do; I shall meet the question.

Mr. BLAINE. Will the honorable Senator permit me to ask him a question? If he withdraws the motion to print the testimony and then postpones the discussion of this case until the testimony is printed, when does he expect us to proceed with the discussion?

Mr. HILL, of Georgia. I understood from the Chair that the testimony would be printed as a matter of course.

The VICE-PRESIDENT. The Chair said the report would be printed as a matter of course. The testimony is not printed as a matter of course; it requires a motion.

Mr. HILL, of Georgia. I want the testimony printed, and if that is the case I renew the motion. I simply say that I think discussion now is improper; and I will say to the Senator from Wisconsin, [Mr. CARPENTER,] whose great ability as a lawyer I so cheerfully recognize, that I concede the legal proposition he has laid down as to bribes committed since the admission to the Senate of the sitting member. I go further. In my judgment, bribes committed since his election do not of themselves authorize the vacation of his seat, but would be ground for expulsion. I grant that. But the testimony in this case became material, first, because there is shown by the bribes he has committed since a persistent effort, as we thought, to conceal the corruptions that existed before the election and by which the election was procured, and thereby they became important. Again, upon the familiar proposition that if he would be guilty of corruption in order to bribe the witnesses, it would be a very strong presumption that he would not hesitate to bribe members of the Legislature; and in that light it was very strong.

Mr. CARPENTER. I believe the rule of law is that for the purpose of raising a presumption to sustain the principal charge you may show, by decisions of some States, even in Massachusetts I believe, that the defendant had committed the same offense or a similar offense prior to the time charged; but I have never heard before that you can establish the former offense by proving a subsequent one.

Mr. HILL, of Georgia. I say to the Senator very frankly that I shall meet him fairly on the legal proposition that this testimony of bribes and corruptions since his election is only to be considered material by the Senate as it enlightens the judgment of the Senate upon the bribery committed before the election. That is as far as the Senator can ask me to go; I am giving the Senator now the proposition. We concede that the proof of bribes and corruptions since his election is only entitled to be considered by the Senate as it becomes evidence to their minds of the truth of the charges of bribery committed before the election and in procuring his election. I do not care to go into the whole question, but I state that fairly, and I know it is as fully stated as the Senator himself could ask.

Mr. CARPENTER. Allow me to put a question?

Mr. HILL, of Georgia. Certainly.

Mr. CARPENTER. If John Smith is indicted for larceny in 1877 and is on trial for that offense, can you introduce evidence tending to show that he committed larceny the next year for the purpose of showing that he did it before also?

Mr. HILL, of Georgia. I concede you could not.

Mr. CARPENTER. That rule only applies to Senators, and not to horse-thieves, then!

Mr. HILL, of Georgia. The Senator will understand that the rule has no application in this case; and, with all due deference to my friend, it is a sophistry to attempt to make it appear so. The testimony was not taken upon that rule. The Senator is at sea because he does not understand the testimony.

Mr. CARPENTER. Will the Senator allow me to invoke his aid to get me ashore?

Mr. HILL, of Georgia. I will.

Mr. CARPENTER. If the object of that testimony was not to show that KELLOGG was so accustomed to bribery this year that he probably did it two years before, what was the object of taking that testimony?

Mr. HILL, of Georgia. I do not want to be pressed into this discussion; but there is no better evidence that a criminal in court committed the crime with which he stands charged than his efforts to suppress the testimony and the discovery of the testimony that he did it. The Senator knows that significance; and that is the rule upon which this testimony was admitted, not the one which the Senator so adroitly states. The Senator will be as candid as I am; the proof is not that he committed another offense—for we are not trying KELLOGG now for the bribery of witnesses here; that could only be upon a proposition to expel; we are trying him for bribes committed before, and by which he procured his election. But does the Senator deny that testimony of efforts to suppress that bribery, of efforts to cover up those corruptions committed before his election, is not admissible as evidence that he did commit them? He is too good a lawyer to deny that proposition. He knows that the subsequent conduct of a criminal after he is charged with an offense is admissible; for instance, after a man has committed murder the fact that he flies, the fact that he bribes a witness who saw the murder committed not

to testify, the fact that he resorts to any method to suppress the discovery of his guilt, is admissible in all courts and regarded as the very highest evidence of guilt. The Senator knows it, and the Senator's ingenuity, invoked so hastily, to apply a rule to this testimony which does not belong to the testimony and to ignore the rule so familiar to that Senator which does belong to the testimony, is but another illustration of the stress to which gentlemen are driven; for when a Senator with his great skill and his great legal learning resorts to such an artifice in order to apply a rule which does not apply and prevent the application of a rule which does apply, the case must be in a bad way.

I say, then, that when the Senator comes to understand this testimony, when he comes to understand these points, he will not insist on the rule which he has just now suggested. Truth can wait until the testimony is printed. A just judgment in this case can afford to wait until the testimony is printed. If you want to get a judgment that is not just, I do not blame you for discussing it now; I do not blame you for pitching in headforemost, as we say, without consideration and without knowing the facts. Wait; wait till you hear the testimony; wait till you understand the case; wait till the legal rules that do apply to this testimony are discussed. Then if the Senate has not the courage to declare the judgment rendered by this committee, the very stones ought to cry out.

Mr. CARPENTER. Will the Senator allow me to ask him one question more?

Mr. HILL, of Georgia. Certainly.

Mr. CARPENTER. I want to get ready to understand this case when it comes up.

Mr. HILL, of Georgia. It takes the Senator long to understand the case. I do not blame him, for I do not think he does. I think he can understand it readily when he has the testimony all before him.

Mr. CARPENTER. The Senator from Georgia has no right to assume that every Senator is as sharp as himself. He might bear with us, let us feel our way from the start, so as to get at what the committee was really about. We do not clearly see. Now, the question I want to ask him is this: Suppose the Senate should read all this testimony and come to the conclusion that Mr. KELLOGG had bribed himself through and had been elected by forgery, and perjury, and bribery, &c., &c., and should decide on passing a formal resolution that Mr. KELLOGG was not entitled to his seat and that Mr. Spofford was entitled to the seat in the Senate; would there be anything in the way of Mr. KELLOGG's coming back here at the next session of Congress with a memorial charging that Mr. Spofford had bribed all the witnesses who appeared at this session of Congress and that the testimony was all false, and establishing a new case on which the Senate would have to adjudicate again and might decide that after all KELLOGG was entitled to the seat?

Mr. HILL, of Georgia. That question is answered in the report, as the Senator would have heard if he had attended to its reading. He only convinces me by the question that he did not attend to the reading.

Mr. CARPENTER. I did not hear it all; I was not in the Chamber all the time.

Mr. HILL, of Georgia. Now the Senator calls on me to enlighten him. He says that he is groping in darkness, which is very manifest, and he wants me kindly to take him—

Mr. CARPENTER. Hold out your hand and lead me ashore.

Mr. HILL, of Georgia. My hand! There is no light in that. That will not guide even a misguided friend like the Senator from Wisconsin. If he wants light, it is within his reach; light which will take him out of all darkness; light which will show him the truth incontrovertible. That light is the evidence.

Mr. CARPENTER. Does that settle the question of law?

Mr. HILL, of Georgia. Certainly there is no law without facts. Every lawyer knows that you must know the facts before you can raise questions of law or decide questions of law.

Mr. CARPENTER. Then the jurisdiction of the Senate to pass upon the question again depends on how strong a case it may be?

Mr. HILL, of Georgia. The decision by the committee is that where the parties had offered to give evidence and were not allowed to do it, and that evidence is shown to be material, that evidence is such as to change the result, if that evidence is such as leads the committee to believe that if the Senate had had that evidence before it it would not have rendered the judgment at all, that leads the committee to believe that the sitting member was not in truth elected by a Legislature, it is not only the power but the duty of the Senate to receive it; but of course the committee lay down the limitations within which that can be done.

Mr. CARPENTER. How many times can it be done?

Mr. HILL, of Georgia. We say in the report—

Mr. CARPENTER. How often?

Mr. BLAINE. Once a year? [Laughter.]

Mr. HILL, of Georgia. I of course wish to be courteous to the Senator and to his friends; but the Senator's questions are all answered when he reads this report. As far back as 1859 that question was answered by the able report made to this Senate by Collamer, of Vermont, and Trumbull, of Illinois, which is quoted.

Mr. TELLER. Was that adopted?

Mr. HILL, of Georgia. It was not; but I commend it to your attention.

Mr. CAMERON, of Wisconsin. Trumbull and Collamer made a minority report, which was not adopted by the Senate.

Mr. HILL, of Georgia. Certainly, and they give the reason why, because they said in that case there was no evidence, no fact, and no question of law—

Mr. HOAR. Will the Senator allow me?

Mr. HILL, of Georgia. Let me get through. No question of law was brought to the attention of the Senate on the rehearing that was not before the Senate on the original hearing. That point was distinctly raised.

Mr. HOAR. The Senator will pardon me. Mr. Bayard said in these words, "we are precluded from entering upon a consideration of the facts."

Mr. HILL, of Georgia. Mr. Bayard's words are quoted by this committee in the report they have rendered.

Mr. HOAR. Some of them.

Mr. HILL, of Georgia. I suppose they were not as mellifluous but quite as true when made by Mr. Bayard as they are when quoted by the Senator from Massachusetts—quite as much so. The words of Mr. Bayard are familiar to this committee. I repeat they are quoted in the report of this committee; they are relied upon by this committee. This committee stood upon them in the Butler-Corbin case; this committee stand upon them now; and whenever the Senate shall bring this case within the case of Bright and Fitch, we will take great pleasure in voting with the gentleman.

I thought it was an easy matter to enlighten my friend from Wisconsin; indeed I thought he was a self-illuminating individual, and I think he is. I think he does himself great discredit when he calls upon anybody for light, but as he does call for light I insist that the Senator shall wait for the evidence and wait for the case, and then we will discuss it; and though I admit the powers of the gentlemen on the other side, very great powers in handling law, they cannot alarm us because our strength is in our cause, not in ourselves.

Mr. THURMAN. Mr. President, it seems to me that this is a very extraordinary scene, to be debating this question before the report has been printed, before we have seen what is the evidence, and that to the exclusion of a great public measure that was taken up and is the unfinished business of to-day. I move to lay the motion on which the present debate is now pending upon the table.

The VICE-PRESIDENT. The Senator from Ohio moves that the motion of the Senator from Georgia lie on the table.

Mr. KELLOGG. Mr. President—

The VICE-PRESIDENT. The motion is not debatable. The question is on the motion of the Senator from Ohio.

The motion was not agreed to; there being, on a division—ayes 15, noes 30.

Mr. KELLOGG. Mr. President, nothing but the extraordinary circumstances that exist would justify me in asking the attention of the Senate even for a few moments, and I promise the Senate that I will not occupy much of their time.

In what I have to say regarding the motion to print this evidence I wish to refer to two or three points connected with the evidence that have been discussed. I feel justified in doing this not only by the fact that the Senator from Georgia has done the unprecedented thing of reading his own report before the Senate and predicating some, at least, of his allegations against me upon evidence that he alleges exists in the record and that I deny as existing in the record, but because the Senator from Georgia, before any evidence was taken in this case, declared publicly and privately that he intended to drive me from the Senate and made it distinctly apparent that he had already prejudged the case. He is my judge. It is the Senator from Georgia who was chairman of the sub-committee at New Orleans; it is the Senator from Georgia that, before the committee, when my case was being considered in November, 1877, told the committee that he would prove that I had manipulated the returns and had interfered in connection with protests before the returning board. It was the Senator from Georgia who came on the floor of the Senate and moved to recommit the report made by the Committee on Privileges and Elections in my favor, asserting that he had evidence in his possession to establish the fact of my illegal interference with the sessions of the returning board. All this appears in the record. It was the Senator from Georgia that sent to the Secretary's desk and had read a telegram, dated at New Orleans and signed H. L. Smith, saying, (in substance,) "We have discovered evidence that inculpates KELLOGG in connection with the returns before the returning board"—a telegram which, as I have stated in public two or three times, and I challenge contradiction, was paid for to the amount of \$300 and which was false in every line and word. That the Senator's statement in this regard was utterly without foundation is proven by the fact to which I now call the special attention of the Senate, that there cannot be found in the volume of evidence of twelve hundred pages taken before this committee one iota of testimony showing that I participated directly or indirectly in the making of any protest, in the manipulating of any returns, or that I had any connection, directly or indirectly, with the action of the returning board further than as stated on the original hearing of this case and the evidence in regard to which was all of record when the Senator made his assertion.

The Senator from Georgia asserted that he would prove that I went through a side door with affidavits and influenced or sought to influence the returning board to make returns in favor of members of the Leg-

islature, and he asked the Senate to send that report back to the Committee on Privileges and Elections in 1877 for reconsideration, and he said, as reported in the RECORD, page 773:

I state these facts to show that while this charge has been long known, while it was made when the committee first met, while it has been before the committee all the time, and while it was in what lawyers call the pleadings, made up to lay the foundation for the evidence, the evidence itself in various forms is coming to us constantly.

I assert—and the Senator cannot deny it—that though they raked the slums of New Orleans, though they brought perjured witnesses almost without number before the committee, they were never able to produce one word, not one syllable, not one letter of evidence to substantiate these allegations. This assertion of the Senator's that I improperly influenced the returning board forms one of the "five points" upon which Mr. Spofford asked that the case might be reopened; and let me say here that, except upon one single point of those five points, and that in reference to the third ward of the parish of Orleans, there is not within that volume of twelve hundred pages of testimony one line or one syllable of evidence in substantiation of any one of these assertions, and not a particle of evidence was introduced in support of the particular allegation so pointedly and repeatedly made by the Senator from Georgia.

The Senator from Georgia has come before the Senate with his report containing carefully selected extracts from the testimony, and he has read them in a shrill voice in order that the Senate and the country might be precluded from a further knowledge of the testimony than what is contained in his report, until the effect of it, prejudicial to me, has operated here and elsewhere, knowing that the Senate, so to speak, is a pulpit with a huge sounding-board, and that every word here uttered goes to the uttermost ends of the land. I stand here to tell the Senator that more than one-half of the allegations he has thus made are not sustained by even the slightest fragment of testimony, and the Senate will so find when they come to examine the record. He scarcely opens his mouth but out a blunder flies.

Let us see. He said Stokes, the witness examined before that committee in New Orleans, was parish judge of Grant Parish. Stokes was appointed parish judge in 1875 and staid in the parish about two years. But as he himself admits he was not in the parish when Ward, the supervisor, left; he ceased to exercise the functions of parish judge some time before; and in reply to Senator CAMERON's cross-examination he further admitted that he was not there during the election and of his own knowledge knew nothing about it; yet this man is the only witness who testified before the committee here or in New Orleans touching my alleged participation in protests or election returns or action of supervisors in any parish of the State.

All Stokes swears to in this record on this point is about a finger's length of printed matter, and I am going by way of illustration to read it to the Senate, and it is a plain proposition I now make, that that is the only iota of evidence on this point in the whole twelve hundred pages taken by the committee. Let us see what this man Stokes swears to. He admits in his evidence here and in New Orleans that he has been out of employment for three years; a dissatisfied republican who was brought here by Mr. Spofford and Mr. Cavanac, paid while the committee were in New Orleans, and paid here, trotted backward and forward, and paid his mileage and per diem. I read now from his testimony, page 669:

Question. What was the trouble in that parish?

Answer. He [Ward, the supervisor] claimed that he had been bulldozed and driven out of the parish. He left surreptitiously, and nobody knew that he had gone. He had hidden his books, and there was no election except what they held of their own accord. He told the governor—

He had before said that he took Ward in to see me—

He told the governor what he had done, and he said that if the people there didn't want an election we will throw the parish out. The governor said that.

On cross-examination he said:

Q. State what took place when you and Ward went in there to see the governor.
A. I have stated it. He said that he had been bulldozed and driven out of the parish.

Q. What else was said?

A. Governor KELLOGG said if the people did not want an election he would throw out the parish.

Q. What else was said?

A. The governor told me to go with Mr. Ward and see Blanchard or Jewett.

Q. Which did you see?

A. When we first went in, Mr. Jewett; a few moments afterward Blanchard came in.

Q. State the conversation you had in there.

A. It was the same as I have told you now.

Q. You may repeat the conversation.

A. He told Governor KELLOGG that he had been bulldozed and driven out of the parish.

I assert that Stokes's is the only particle of evidence there is in the whole record taken by the committee in reference to all this stuff. Why did they not bring Ward if Stokes, as he says, took Ward in to me and Ward said he had been driven out of the parish, and I said "If they do not want any election there, we will throw out the parish?" Why did they not call Ward, so we could cross-examine him? The real facts are, and it is in the record, that I gave Ward a written order to go back to the parish, and he was in fact furnished with money to return and hold the election. Grant Parish was thrown out; there were no returns from it made by the returning board. It had been the scene of the Colfax massacre referred to so effectively by the Senator from Massachusetts, a massacre that we may have a little discussion about when the proper time comes. I am thankful

for the opportunity thus afforded me to show the Senate and I will show the American people just what occurred in that parish in 1873 and on whose heads rests the responsibility of that hecatomb of corpses that were piled up in Colfax court-house in that horrible, atrocious massacre.

I have said that the Senator from Georgia went as chairman of the sub-committee to New Orleans. I have said that he heralded his going by declaring that he intended to drive me from the Senate. The sub-committee arrived there on the 17th day of November, and the first day they tried to get evidence in reference to my alleged manipulation of the returning board, but not one fragment of evidence could they obtain. Afterward they brought up a man named Miller, but he testified so squarely against what they wanted that they at first refused to pay him. About three o'clock in the afternoon of the second day, it was apparent from manifestations around me that a columbiad was to be fired. The door opened and they brought in a Polish Jew spy, saturated with the fumes of whisky and tobacco, offensive for a distance of several feet around him. All the clothes he had on would not have sold for fifty cents. They brought that besotted Jew and seated him at the end of the table, and they began to gather around and I knew the grand crisis had come. They were determined to have something at last. The Senator from Georgia sat himself in front of Barney Williams and told Barney to tell his story.

Mr. President, I will not go into that story except to say that in substance it amounted to this: that I had employed him—a man who admitted that he was a stranger to me until he presented himself to me here at this door—that I employed him to go to the depot and watch for the arrival of the witnesses from New Orleans; that he went there day after day for three or four days—he says every night—to see that the witnesses had come, though his own evidence showed he arrived only the night before them. At last they came, and on the night of their arrival he took the five witnesses from the Philadelphia Hotel, where they stopped, down F street to the back entrance of Willard's Hotel, took them up the back way into my room about twelve o'clock at night; that there was any quantity of champagne, cigars, and cognac already furnished. The witness every now and then would say to Senator HILL, "I wish I had some of that cognac now; it was good cognac, Mr. Senator. I cannot speak so good English as you, Mr. Senator; but I wish I had some of that cognac now." Then he would add, "I am afraid I will be hurt or lose my pension for what I say to-day." "Oh, never mind, Barney; go right along; just tell all about it," the Senator from Georgia would consolingly reply. "But I will lose my pension that I am trying for." "Oh, no you won't, Barney," the Senator said, "We will take care of that!"

And then this witness went on and swore that in the presence of nine men I gave \$500 apiece in new \$100 bills so stiff that they would not bend to these five witnesses, and we all at last broke up about daylight in the morning, and he and the witnesses went home with a grand hurrah and the exclamation that they would "Give it that old rebel in the neck!"

Mr. President, the Senator from Georgia sat with nostrils dilated and eyes flashing, and swallowed these chunks of perjury with manifest delight, and when I demanded an immediate investigation into the character of this man—for it was unknown to me—I was told, "After a while you shall have a chance,"—very kindly, too—"and as soon as you produce your witnesses we will go into it; but I think we had better adjourn now." This for effect. Scatter these seething lies broadcast all over the North, and everywhere; after a while we will listen to your refutation. On several occasions, when witnesses had made the most damaging and transparently untruthful statements in regard to me on direct examination, the watch of the Senator from Georgia would indicate that it was time to adjourn before a proper cross-examination could be had. When Barney's examination in chief closed the first day, by direction of the Senator from Georgia he was remanded to the custody of the assistant sergeant-at-arms for the protection of his precious life, and all the time the committee remained in New Orleans, except a day or two, he was lodged and fed at the public cost with an assistant sergeant-at-arms detailed as *valet de chambre*.

Everybody laughed, everybody derided the testimony, except the Senator from Georgia. An ex-democratic recorder came to me that night and said: "Governor, I do not think very much of your party, but when they bring such men as Barney Williams to malign you, this is too ridiculous altogether; and if you want, I will go before the committee and swear that that man has been impeached before my court repeatedly and cannot be believed on oath." So the next morning I summoned that judge, and information reached me constantly from democrats as well as republicans, from the former especially, of the infamous character of the man. Four recorders swore that his evidence had been repeatedly impeached before their courts. The man who guarded Williams when he was serving out a sentence of six months with ball and chain for larceny at Ship Island identified him. One of the officials of the Jewish church swore that he went on his bail when arrested for larceny until his patience tired out; and he testified, as did Judge Gastinel, that he saw Barney when he was tarred and feathered and drummed through the streets of New Orleans by the confederates with his head shaved and divided into quarters and one side of his beard shaved; that he was again

ignominiously punished under Butler and sent to Ship Island on Dry Tortugas for horse-stealing.

The Senator from Georgia said there was a certificate produced by Barney from a judge that another Williams than Barney had been tried before him, but this certificate had no reference whatever to the charges and convictions we proved against Williams. That certificate was put in evidence gratuitously by Barney to show that there was a case where it had been said he was convicted of a felony and when, as he asserted, it was another man. He never even tried to rebut our evidence that he had been convicted of larceny, had had his head shaved, and had been repeatedly impeached before courts.

I shall endeavor to show when we come to discuss the entire case where that evidence has been revised, where in some portions material statements have been omitted. I shall refer to the Senator from Illinois and the Senator from Wisconsin and the Senator from Massachusetts and ask them if certain proceedings did not occur before the committee and if certain statements were not made which do not appear of record, and I will endeavor to show that the record is not accurate in some respects. I will also endeavor to show what this public prosecutor who boasts in a recent letter that came under my notice, published I think in the Savannah News, that when he acted as Senator he always acted not according to his preferences but according to his stern idea of equal justice, has done to malign me personally; what he has done to try and make a case unfairly against me and to forestall public opinion. The spectacle to-day witnessed has proved the latter if nothing else.

Barney Williams, forsooth! Mr. Merrick in his brief on behalf of Mr. Spofford had not the effrontery even to allude to him, and nothing but the malevolence of the Senator would cause him to rest as he did a large portion of his report upon that man's evidence. He was contradicted by every witness, by every person that he named from first to last, and by circumstantial facts stronger than any evidence. Why, I would almost be willing to accept what Barney Williams said as true if the Senator from Georgia will produce in the city of New Orleans, of two hundred thousand inhabitants, and from among all the ten thousand Jews of that city, one reputable citizen who will here or elsewhere say, even upon his honor as a gentleman, that, knowing Barney Williams, he would believe him under oath. And this is the man who is brought here to traduce me. I manipulated witnesses! What is to be said of those who brought Barney Williams into that room on the second day of the session of that sub-committee? What is to be said of those who put him in charge of the Sergeant-at-Arms and paid his bills, when before he testified he had not money enough to buy a poor cigar or a five-cent drink of whisky? What is to be said of those who have since he testified set Barney Williams up in a small business in New Orleans? When the Senator from Georgia, confronted with the proof of this man's infamy, says that he does not rest this allegation of my bribing those witnesses upon the testimony of Barney Williams while his whole report says the contrary he is really pleading the baby act. That is what he is doing.

Mr. President, there is not an iota of evidence anywhere in this record, I assert it again, not a line, that he can torture from any witness and before any fair or impartial man into a corroboration of Barney Williams's testimony, while it is absolutely and overwhelmingly refuted by every man mentioned in connection with it. It is too scandalous; it is too preposterous. I did not believe that even the malignity of the Senator from Georgia would go so far as to bring up the testimony of Barney Williams and make it the basis of a large portion of his report.

I have sat day after day, Senators, and week after week, and I have seen the Senator from Georgia bring up affidavits, not always affidavits, but copies of affidavits, sworn statements, or what purported to be copies of sworn statements, and after proving by a witness that there was an original somewhere in existence, that this was substantially a copy of the original, he ruled that it be admitted and incorporated into the record as evidence against me. In one case, nay, in two cases, I fortunately could bring the man before the sub-committee, and he swore that that alleged statement of his was a forgery, and proved it, I think, even to the unwilling conviction of the Senator from Georgia himself, for he promptly dropped his cross-examination. Upon these alleged sworn statements, I assert, alleged copies of sworn statements signed by the initials of the man purporting to have made them alone, and upon the evidence of a notary, that he had sent the document that looked like a substantial copy of this, and he believed it to be, to another notary to be sworn to—upon that sort of evidence alone documents have been admitted in the record to establish bribery against me, and I, not my contestant, have been compelled to search for the man whose statements were thus to be used against me, and put him on the stand before the sub-committee as my witness. If I had not been able to find him that copy of an alleged existing original, not lost, or otherwise unattainable, would have been cited as original evidence against me. It still remains in the printed proceedings, printed twice, though traversed by the man alleged to have executed it.

That is the kind of fairness I have had, not in one case only nor in two but in many instances, as I will show in due time from the record. I assert as a fact established by the testimony that every affidavit admitted in evidence in New Orleans against me either forged or paid for, I have proved by one at least of the parties to the contract, the original written contract under which these affidavits were

taken, that money was promised and paid by Mr. Spofford's agents to trump up these *ex parte* affidavits, and of the four thus obtained I showed that one was a bald, undisputed forgery, and two others were of men not known to me and not members of the Legislature, though they were represented as such to the notary who qualified them.

The Senator from Georgia may say those affidavits were ordered stricken out. They were ordered stricken out three or four days after they were admitted in evidence and after I had proved the forgery of one of the accompanying documents and had contradicted the other. Then the Senator may further say he did not know that those men were not members of the Legislature when he admitted their affidavits in evidence as declarations of co-conspirators against me. Unfortunately, the notary who produced those documents explicitly stated to the Senator that they were not the affidavits of members of the Legislature, yet as such the chairman ordered them to be admitted in evidence, and they remain printed in the record to-day, though constructively stricken out.

I will undertake to say that not since the foundation of this Government, nor in the annals of any legislative body, have justice and fair-play been so outraged as in the efforts of the Senator from Georgia to besmirch me and obtain a pretext for seizing possession of the seat I hold in this Senate.

In saying as I have done early in these remarks that nowhere in this volume of twelve hundred pages can it be shown that I in any manner, directly or indirectly, interfered with the protests or acts of supervisors of elections, I do not forget that a man named Kelly, of Richland Parish, examined before the Potter committee, testified that I had something to do with his protest. I am aware, too, that the Senator from Georgia will probably refer to a portion of this evidence that was offered in evidence before this committee. I will simply say in passing that the evidence of this man Kelly was taken before the Potter committee when he had previously sworn before the Morrison committee that I had nothing to do with his protest; and the protest he made, which is printed in evidence, is entirely different from anything which any one even insinuates I suggested to him. I had no opportunity to cross-examine this witness. Why did not the contestant call him before the sub-committee and give me that chance, instead of dragging in his statement, which he himself has contradicted, by a side window?

As a matter of fact, the parish Kelly served in was returned democratic by the returning board, and a democratic member was seated from that parish, and took no part in my election. Now I defy the Senator from Georgia to find a line of evidence, even in the evidence taken by other committees, except this.

I was about to say I would agree to risk my seat (but I see the Senator from Georgia who sat here but just now has left his chair) if the Senator from Georgia will put his finger on one iota of evidence in the twelve hundred pages of the volume before us, or of any of the many volumes of evidence of both Houses of Congress bearing on Louisiana affairs, in any manner connecting me with interference with protests or acts of the supervisors or the decisions of the returning board, save as I have referred to.

Somebody has been mistaking this evidence most wofully. I want to state it once more, (for I see the Senator from Georgia sitting now nearer me than he was some time before,) that there is not one particle of evidence in all the twelve hundred pages of this volume, or in any other evidence taken before either House of Congress, in substantiation of the one especial point of the five points on which Mr. Spofford asked that this case be reopened, except the evidence of this man Kelly, of Richland, to whom I have alluded, and in regard to the protest from that parish, and no new evidence at all in reference to the other four points, except some hearsay testimony in reference to the seventh ward of the city of New Orleans, which evidence had nothing to do with me; but its introduction enabled me to make my case stronger by bringing up the sworn certificate of the democratic committee (a self-constituted returning board) that the three republican candidates from that ward were duly elected.

There are several points made by the Senator from Georgia in his report which I would like to refer to now, but will forbear. One, however, occurs to me. He refers to a matter where he alleges that one Peter Williams swore that his name was affixed to a telegram without his consent. Why, if my memory serves me, Williams admitted that he authorized the signing of his name to telegrams concerning the election, and it is in evidence that the register of votes, the superior officer of Williams, was cognizant of the intention and object of the telegram referred to. This telegram had reference to a matter concerning the registration, and before the election; a matter that concerned and involved the official duties of Governor Hahn, the register of votes, and was a matter that I could not possibly have had any connection with, and there is not the slightest evidence in the record that I had even knowledge of it, nor indeed had I.

Upon the question of bribery I have nothing more now to say, except that every member of the Legislature, twenty-six or twenty-seven in number, who testified before the committee, and every person in a condition to know, came before the committee and swore positively and unqualifiedly that he never received any consideration whatever or knew of any member of the Legislature or any other person having received any consideration whatever to vote for me or to secure my election as United States Senator.

I may inquire right here, why if all this mass of evidence referred

to by the Senator from Georgia was in existence and so easily obtainable, why was it not produced when my credentials were lying on your table, Mr. President, during the year of 1877? Why, when a joint resolution was passed by the Nicholls legislature a few days after the Packard government disappeared authorizing the appointment of a committee (upon which my present colleague served) to investigate every branch of my government specifically in regard to all matters connected with the administration of the executive department during the past four years, why were not these facts brought out? The statute punishing bribery could have been invoked for a full year after I was elected—for nine months after my opponent got full possession of the State machinery, and while my credentials were pending here in the Senate.

With gentlemen so much interested in finding something against me during the summer of 1877, prodding around and raking every department of my government, searching even my letter-books and private documents left in the executive office, why was not this alleged grave crime earlier brought to light? There was their expert, telegraphing up here, sending the telegram that I referred to some time since, which the Senator from Georgia had read from the desk when my case was pending, and upon which he sought to have a snap judgment rendered against me and to have my case returned to the committee upon the ground that they had discovered new evidence inculcating me in connection with the returning board.

Upon that committee, as I have said, was my colleague. Why is it that they have not been able in the full fruition of their investigation to produce before the sub-committee or this committee sitting here one iota of evidence in regard to any of these allegations except the overwhelmingly refuted testimony in reference to the matter of bribery? Why is it that during all that time when the Packard government had been overthrown by revolution, when the wreck was drifting in every direction, when many of the members of the Legislature were turned helpless into the street, when they were dissatisfied with what they regarded as their abandonment by their party, when they were derided, persecuted, and some of them threatened with indictment for past official acts, some of them even being put in jail on one pretense or another—why during all that year, when my credentials were pending, were not my opponents able, with all their five investigating committees, with all the inducements they had to besmirch me, why were they not able to find evidence enough to go before a grand jury set up and arrayed, I will not say packed, with a view to do that, and prefer some charge against me which would serve to hang an indictment upon? Some of the local democratic papers were all the time urging: "See that KELLOGG is indicted; it will aid us in preventing his being admitted to the Senate." During all these months, why were they not able to find sufficient evidence to make at least a *prima facie* case against me? Simply because there was no case to be made?

No, sir, the first evidence they ever secured was under the fifteen-hundred-dollar contract, the original of which I was enabled to produce in evidence, by which Mr. Spofford's agents agreed to pay \$1,500 for the "necessary evidence" to support his case. The evidence discloses that a legislative committee meeting the two democratic members in a notary's office in New Orleans, without notifying the republican member, succeeded in getting two or three poor colored men before them with a view to obtaining from them sworn *ex parte* statements that they had been bribed to vote for me. Every one of these men subsequently came before the committee and swore positively that they were not bribed and knew of none who had been bribed to vote for me.

One word more and I have done. Mr. President, I bethink me that a good deal is said about the employment of members of the Legislature in the custom-house. Nothing has been said about the money paid to witnesses for the purpose of procuring evidence against me. Nothing has been said about the contestant's own witnesses, one of whom at least swore positively that he received money to vote for Mr. Spofford and knew of others who had. There is no word of that, but there is a resolution reported that he be admitted, though that resolution was negated by a solemn vote of the Senate nearly three years ago.

But it is said that the custom-house has been packed with the members of the Legislature who voted for me. I will not undertake to be accurate, but I will state that a majority of the members of the Legislature who were sworn before the committee and who were the most seriously inculcated (if it can be said that they were inculcated at all, even indirectly) were not in the custom-house. They were men who came from the parishes; one of them is in the Legislature now, and is not and never has been in the Federal service. One or two of them were members of the recent constitutional convention, reputable men and men of property. I will not pretend to be certain without examining the record, but I state broadly that there have not been at any one time more than eighteen or twenty of all the members of the Legislature among the hundred and fifty or hundred and sixty employees of the custom-house of New Orleans. From the emphasis that has been put on this point by the Senator from Georgia, one would suppose that there was a quorum there.

I do not care to go into that further now than this simple statement. Go to the evidence taken before the Teller committee, a committee of the Senate, and take the evidence in this case that we are

discussing, and you will see that in every instance, with scarcely an exception, these men were put in the custom-house because they had no place wherein to lay their heads. They were ostracized and driven from their homes, and they were compelled to seek refuge in that great metropolis, and the kindly hand of the Federal Government in some instances was extended to them to save them from suffering and from starvation. In every case for their political opinions they were driven from their parishes by their political adversaries.

Mr. President, I said in the outset that my only excuse for thus troubling the Senate was that the action of the Senator from Georgia is evidently a personal attack upon me. If, sir, I have so bad a record, is it not passing strange that there has not been some evidence of it before, and that when I left the executive department of Louisiana with all the evidence, record and otherwise, that I left behind me, and when there was a manifest ability and undoubted inclination to prosecute me, that there was not some prosecution set on foot? Sir, I am willing to compare my character, morally or otherwise, with that of the Senator from Georgia. And if it comes to be a matter of moral or personal courage, the bitterest enemy I have in his own State of Georgia, I am quite sure, would not fail to concede that I stand immeasurably his superior.

Mr. THURMAN. Mr. President, if we can have a vote, I shall not say a word.

The VICE-PRESIDENT. The question is on the motion of the Senator from Georgia that the testimony in this case be printed.

The motion was agreed to.

REPORT ON FISH AND FISHERIES.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the concurrent resolution of the Senate for printing 3,000 sets of the five volumes of the reports of the United States Fish Commission; which were referred to the Committee on Printing.

REPORT ON ROCKY MOUNTAIN LOCUST.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed with necessary illustrations at the Government Printing Office, 10,000 copies of the second report of the United States entomological commission on the Rocky Mountain locust and other injurious insects; 5,000 copies for the use of the House, 3,000 copies for the use of the Senate, and 2,000 copies for the use of the commission.

ADDITIONAL PETITIONS AND MEMORIALS.

Mr. WHYTE presented a joint resolution of the General Assembly of Maryland, in favor of an appropriation for deepening the channel between Kirby's Landing and Spry's Landing in Chester River, Maryland; which was ordered to lie on the table and be printed.

He also presented a joint resolution of the General Assembly of Maryland, in favor of an appropriation by Congress for the construction of a light-house at Fort Bar, in Patapsco River, Maryland; which was ordered to lie on the table and be printed.

Mr. McPHERSON presented a joint resolution of the General Assembly of New Jersey, in favor of the passage of an act granting pensions to the soldiers, sailors, and marines of the Mexican war; which was referred to the Committee on Pensions.

Mr. PADDOCK presented the petition of 200 citizens of Nebraska, who were soldiers in the late war, praying for the passage of what is commonly known as the equalization bounty bill; which was referred to the Committee on Military Affairs.

Mr. MAXEY presented a petition of citizens of Delta County, Texas, praying such an amendment of the patent laws as will make the manufacturer or vendor of patented articles alone responsible for infringements; which was referred to the Committee on Patents.

Mr. McMILLAN presented a letter from the Secretary of War, transmitting copy of report of C. F. Allen, of the Corps of Engineers, in relation to closing up the slough at the confluence of the Minnesota and Mississippi Rivers; which was referred to the Committee on Commerce.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. No. 1192) to authorize the city of Winona to construct, operate, and maintain a wagon-bridge across the Mississippi River at Winona, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 828) extending the privileges of sections 2990 to 2997, inclusive, of the Revised Statutes of the United States to the port of Saint Louis, in the State of Missouri, submitted an adverse report thereon.

Mr. COCKRELL. I ask that the bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee, which will be printed.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. No. 829) extending the provisions of section 2997 of the Revised Statutes of the United States to the ports of Kansas City and Saint Joseph, in the State of Missouri, submitted an adverse report thereon.

Mr. COCKRELL. Let that be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee, which will be printed.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. No. 856) extending the provisions of section 2997 of the Revised Statutes of the United States to the port of Omaha, in the State of Nebraska, submitted an adverse report thereon.

Mr. PADDOCK. I ask that the bill be placed upon the Calendar. The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee, which will be printed.

Mr. WHYTE, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 405) to incorporate the Suburban Railway Company of Washington, in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BAILEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 303) for the relief of George Hollingsworth, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. COKE, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. No. 1509) to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same; which was read twice by its title.

Mr. COKE. It is very important that this bill should be acted upon at the earliest possible day, and I give notice that I shall call it up after the morning business is transacted on Thursday. Early action upon the bill is necessary to avert an Indian war in that region, and it is the desire of the Interior Department that the bill be acted upon.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the petition of Franklin Rives, praying that a contract for publishing the debates of Congress may be awarded to him in accordance with his proposition, asked to be discharged from its further consideration; which was agreed to.

SMITHSONIAN REPORT.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the following concurrent resolution, reported it without amendment:

Resolved by the Senate, (the House of Representatives concurring.) That 10,500 copies of the Report of the Smithsonian Institution for the year 1879 be printed, 1,000 copies of which shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,500 copies for the use of the Smithsonian Institution.

The resolution was agreed to.

EULOGIES ON SENATOR HOUSTON.

Mr. RANSOM. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. No. 91) relating to the memorial addresses delivered on the occasion of the passage of resolutions in the Senate and House of Representatives commemorative of the honorable George S. Houston, late a Senator of the United States, to report it with an amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported from the Committee on Printing with an amendment, to strike out all after the resolving clause and to insert:

That 12,000 copies of the proceedings connected with the funeral of and eulogies delivered in the Senate and in the House of Representatives upon the late George S. Houston be printed, 8,000 for the use of the House of Representatives, and 4,000 for the use of the Senate; and that the sum of \$500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay for the expense of procuring a portrait of the late Mr. Houston, under the direction of the Secretary of the Treasury.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Printing.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution to print the eulogies delivered in the Senate and House of Representatives upon the late George S. Houston, a Senator from the State of Alabama."

BILLS INTRODUCED.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1510) for the relief of E. P. Drew; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1511) to amend the act approved September 27, 1850, creating the office of surveyor-general of Oregon, providing for the survey and making donations to settlers of the public lands in Oregon, and also the act amendatory thereof, approved February 14, A. D. 1853; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1512) for the relief of Eli Wright and John B. Meigs, volunteers in the military service of the United States in the Indian wars in Florida; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McPHERSON (by request) asked, and by unanimous consent

obtained, leave to introduce a bill (S. No. 1513) for the relief of Commodore Donald McNeill Fairfax, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1514) to enable the Commissioner of Agriculture to test the practicability of manufacturing sugar on a large scale from the sorghum or Chinese sugar-cane; which was read twice by its title, and referred to the Committee on Agriculture.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1515) to increase the pension of Hiram C. Shouse; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1516) establishing the Territory of Pembina and providing a temporary government therefor; which was read twice by its title, and referred to the Committee on Territories.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1517) to authorize an increase of pension to Stephen Fairchild; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1518) for the relief of John B. Lowry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1519) to amend an act entitled "An act to provide additional regulations for homestead and pre-emption entries of public lands;" which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT TO A BILL.

Mr. KIRKWOOD submitted an amendment intended to be proposed by him to the bill (H. R. No. 2524) in relation to the importation of classical antiquities and ancient coins and medals; which was ordered to lie upon the table and be printed.

GENEVA AWARD FUND.

Mr. THURMAN. I call for the regular order.

The VICE-PRESIDENT. The Senate proceeds to the consideration of its unfinished business, being the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award. The bill is before the Senate as in Committee of the Whole, and the Senator from Arkansas [Mr. GARLAND] is entitled to the floor.

Mr. THURMAN. I ask unanimous consent, as it is entirely too late for the Senator from Arkansas to proceed to-day, that the bill be laid aside informally in order that the Committee on Appropriations may take up a little appropriation bill they have and which will pass this afternoon.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

PRINTING DEFICIENCY.

Mr. DAVIS, of West Virginia. Mr. President, it is well known that the Printing Office has about exhausted the amount allotted it for printing and that there is nearly a stand-still there. The House has passed a bill appropriating \$100,000 for part of the deficiency in the Printing Office. The Committee on Appropriations have considered it and report it back to the Senate and ask unanimous consent that it be now passed. There is nothing in the bill but an appropriation of \$100,000 for printing, and I judge there will be no objection to it from any source. I send the bill to the Chair.

The PRESIDING OFFICER. (Mr. CORKRELL in the chair.) The Committee on Appropriations report back favorably the bill (H. R. No. 5258) to appropriate money providing for the public printing, and ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. ANTHONY. I should like to have the latter clause of that bill read.

The Chief Clerk read as follows:

Provided, That the entire sum appropriated to supply the deficiency in the appropriation for the public printing and binding, and for paper for the public printing, including the cost of printing of debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for the Departments, and for lithographing, mapping, and engraving for the present fiscal year, shall not exceed the sum of \$400,000.

Mr. ANTHONY. Is that intended to inhibit Congress from making a larger appropriation? I do not know what other object it can have, and I do not see how that can have any force.

Mr. BLAINE. It is not expected to have.

Mr. ANTHONY. For Congress to order printing and withhold appropriations of the money needed to cover it, seems to me a kind of economy that is not very commendable. We provide that the deficiency shall not exceed \$400,000; then we go on and order five hundred thousand dollars' worth of printing. Do we expect the Public Printer to pay for it out of his own pocket? I do not see the use of that provision.

Mr. DAVIS, of West Virginia. The Senator makes no motion?

Mr. ANTHONY. No, sir; I leave it in charge of the committee. I call attention to the fact.

Mr. DAVIS, of West Virginia. The Senator from Rhode Island has been for many years a member of the Committee on Printing and for a large portion of that time its chairman. He knows better probably than any other member of the Senate what the Printing Office will require, and he knows also that he has it in his power in connection with the committee of which he is a member to have the printing come within the \$400,000 if he thinks proper to do so. I do not know whether it is proper it should be so or not; but I do know it can be done if the Senator and the Committee on Printing believe it ought to be done. I am not now expressing an opinion whether or not \$400,000 is sufficient; but I do know this fact: If the Senator thinks that is the full amount that ought to be appropriated, the printing can be kept within it.

Mr. ANTHONY. The Committee on Printing have tried to restrain the printing within the bounds of appropriations, but have been voted down by the Senate under the lead of the Senator from West Virginia. We have reported propositions restricting the printing of Agricultural Reports, and the Senator from West Virginia, who stands at the door of the Treasury like the angel with the flaming sword at the Garden of Eden, drops his weapon to a military salute the moment the Agricultural Report comes up. The Agricultural Report that I understand is coming will take more than half that appropriation itself.

Mr. DAVIS, of West Virginia. I acknowledge, as the Senator well knows, that I have a weak spot when agriculture is touched. He has put it very well indeed; but I want to remind him that fully half the people of this country are engaged in agriculture, and they have a right to be heard. In my opinion the appropriation for that Department is far less than it ought to be. I think the printing of its reports ought to be carried to the fullest extent. I have no scruples upon that matter; and I think the Senator from Rhode Island, for whom I have the highest respect, and I never shall disagree on the printing of Agricultural Reports and on encouraging, in any proper manner that Congress can do, the fostering of agriculture. I believe that great interest has been too long neglected, and my opinion is now that Congress should give it more attention, and I hope it will; and the Senator from Rhode Island, I trust, will aid us in our efforts in that regard.

Mr. WHYTE. Mr. President, the clause which has been read is inserted merely as a premonition that inasmuch as the Committee on Appropriations of the House had inserted a deficiency of \$400,000 in the bill which is now lying upon the President's table, it was to be distinctly understood that this \$100,000 was only to be an advance of that \$400,000.

Mr. BLAINE. On account.

Mr. WHYTE. On account, precisely. It was an anticipated payment of part of the \$400,000 which is contained in the general deficiency bill, and I think it very well to leave it there because the Public Printer asked for \$490,000 as a deficiency, and the House of Representatives only gave him \$400,000. He had it "Fifty-four, forty, or fight," and they compromised on "forty-nine," which was done about Oregon some years ago. So that it is a very proper clause to insert in this bill as a matter of notice.

Mr. ANTHONY. My object is accomplished. I wished to call the attention of the Senate to the absurdity of limiting the appropriation, and then ordering work to be done that exceeds it.

Mr. PLATT. Mr. President, I should like to make an inquiry. I understand that a House bill is here appropriating \$400,000 for the public printing for the residue of the fiscal year. That bill of course is to go to the Committee on Appropriations. Now, if we pass this bill do we put it out of the power of the Committee on Appropriations, if they should think that \$400,000 ought to be increased to \$450,000; to recommend that increase to the Senate?

Mr. DAVIS, of West Virginia. Oh, no! of course not.

Mr. BLAINE. Certainly not.

Mr. DAVIS, of West Virginia. It will be in the power of Congress to appropriate what sum they think proper.

Mr. BLAINE. This is really embodying in the bill a little monition which might have been left to my honorable friend, the chairman, to state to the Senate. It is lumbering up the statute-books with what ought only to have appeared in the RECORD. That is all there is to it.

Mr. ALLISON. But I think there is a great deal of force in what the Senator from Connecticut says. Here is a bill appropriating \$100,000 for public printing and at the tail of it they say that all public printing, mapping, lithographing, &c., for this fiscal year shall not exceed \$400,000.

Mr. THURMAN. Read it.

Mr. ALLISON. I will read the proviso.

Provided, That the entire sum appropriated to supply the deficiency in the appropriation for the public printing and binding and for paper for the public printing, including the cost of printing of debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for the Departments, and for lithographing, mapping, and engraving for the present fiscal year, shall not exceed the sum of \$400,000.

There is a statutory provision—

Mr. BECK. You have got it wrong.

Mr. ALLISON. I have read it.

Mr. BECK. Allow me to make a suggestion. On last Friday the House passed an appropriation of \$400,000 for public printing in full of the deficiency.

Mr. ALLISON. Yes.

Mr. BECK. And after that bill was passed, believing it would

take some time because of the number of other things in it, they passed this bill in a few moments, and desiring not to leave room for saying that they were passing \$500,000, they put in this proviso in order to have it understood that the \$100,000 was part of the \$400,000.

Mr. BLAINE. My honorable friend from Iowa does not exactly state the meaning as he reads the proviso. He says that the amount of printing thus described shall not exceed that. It does not say so at all; it says that the amount appropriated shall not exceed that.

Mr. ALLISON. Undoubtedly.

Mr. BLAINE. This merely binds Congress to only appropriate \$400,000 though they may order a million dollars' worth of work.

Mr. ALLISON. Undoubtedly.

Mr. BLAINE. Now, if we do this on the 22d day of March, and on the 25th thereof put in another bill of subsequent date, what purpose in the world is subserved by the proviso? It is of no value as it stands. It is of no value. I would strike it out; but as there is great haste to get the \$100,000 in order to prevent the Public Printer violating the law every day, as he has been doing now for the last fortnight, let us take the bill rather than get into a cavil with the House about a proviso which at best has no meaning at all.

Mr. ALLISON. I think I shall move to strike out the proviso. ["No!" "No!"]

Mr. BLAINE. That is only for delay.

Mr. ALLISON. I intend to make that motion in order that I may be further understood. The Senator from Connecticut makes the criticism that this is an implied inhibition upon the Senate when the second bill comes up here to increase the appropriation if in our discretion and judgment we see proper to increase it.

Mr. DAVIS, of West Virginia. Does my colleague on the committee understand that the deficiency bill was passed previous to this bill by the House?

Mr. ALLISON. It has passed the House, but it has not yet passed the Senate. I do not care whether this provision is struck out or remains in, except that if it remains there can be no public printing without a substantial repeal of it by increasing the appropriation hereafter.

Mr. BLAINE. Of course not.

Mr. THURMAN. Will my friend allow me to call attention to one matter? I do not understand this proviso as attempting to prevent Congress from making whatever appropriation may be necessary for the printing we may hereafter order. It only provides that the amount appropriated for the deficiencies and for certain other purposes, shall not exceed \$400,000. It does not by any means prevent our appropriating just as much as we may please for work we may hereafter order.

Mr. ALLISON. I do not know that it does. I understand the proviso to be a limitation upon the total amount that shall be expended for printing during this fiscal year. If it is not intended as a limitation, it has no meaning whatever. The law says that no public printing shall be done, except as money is appropriated for that purpose. Therefore this is intended, if it is intended for anything, to confine our printing to the amount limited here, to wit, \$400,000.

Mr. BECK. The whole thing is in a nutshell. The House in a bill they passed last Friday, in which there were many other items, some of them pretty complicated, as to United States marshals and deputies, &c., appropriated \$400,000 for public printing. They believed there were items of that bill which would cause some discussion in the Senate, and it might be delayed, and the Public Printer could not afford to wait, and therefore they passed this bill giving \$100,000, and only desired to say that this is part of the \$400,000 they voted in the deficiency bill.

Mr. ALLISON. Now, allow me to ask the Senator if, when that bill comes over here—

Mr. BECK. It is here and before the committee now.

Mr. ALLISON. I mean when it is considered here. I ask the Senator frankly, if he thinks we can fairly, if we pass this bill now, add \$50,000 to that bill if we believe in our judgment \$50,000 more is wanted for printing?

Mr. BECK. We can add a million. We can say to-day we will give no more and we can give double to-morrow. The bill that passes to-morrow repeals *pro tanto* the one that passes to-day. The House has merely expressed a judgment for the time being, and only desired to say that this \$100,000 is not in addition to the \$400,000, but is to be a part of it. The Senate can reverse its action and so can the House, as we all know, at any minute, and so can our committee. All we desire now is to pass this appropriation of \$100,000 so as to allow the printing to go on, and we can settle the other questions afterward.

Mr. EATON. I should like to say only a word to my friend from Iowa. I hold in my hand the bill in which \$400,000 is appropriated, and I desire to say to him and to the Senate that after consulting the Public Printer I am informed that he had his conference with the House committee, and he agreed that for the sum of \$400,000 he had no doubt the printing deficiency in the printing bureau would be all filled up. Now, with that fact known to the House committee, it is not to my mind at all surprising that they put the proviso upon this appropriation of \$100,000, and I think we had better pass the bill as it is, because the House committee and the Public Printer agreed upon the sum of \$400,000 as being sufficient.

Mr. ANTHONY. The Public Printer has no idea of the capacity of this body and the other House of Congress for talk. The gift of

continuance is very widely diffused among us, and he does not know what amount of printing we may order nor to what limits the CONGRESSIONAL RECORD may swell. This bill seems to me to be in the way of the amendment of a bill that is not before us.

Mr. EATON. I beg to say to my friend that there was taken into consideration the voluminous record on Fitz-John Porter. [Laughter.]

Mr. ANTHONY. However, I make no objection. I do not care about it.

The PRESIDING OFFICER. Does the Senator from Iowa make a motion to strike out?

Mr. ALLISON. No, sir; I do not insist on the motion.

The bill was ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. WHYTE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and sixteen minutes spent in executive session the doors were reopened, and (at five o'clock and fifty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, March 22, 1880.

The House met at twelve o'clock m.

The Journal of Friday and Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories, beginning with the State of Alabama, for the introduction of bills and joint resolutions for printing and reference, not to come back upon a motion to reconsider. Under this call joint and concurrent resolutions and memorials of State and territorial legislatures may be presented for reference. Resolutions calling for departmental information are also in order for reference, to be reported back within one week.

STATE OF ALABAMA. ELEVATOR IN COURT-HOUSE, MOBILE, ALABAMA.

Mr. FORNEY (for Mr. HERNDON) introduced a bill (H. R. No. 5259) to make an appropriation for the purpose of introducing an elevator into the United States court-house and post-office at Mobile, Alabama; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MILITARY RESERVATIONS IN CALIFORNIA.

Mr. BERRY introduced a bill (H. R. No. 5260) to restore the lands included in Fort Redding and Fort Crook military reservations, in the State of California, to the public domain, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM A. COWLES.

Mr. PHELPS introduced a bill (H. R. No. 5261) for the relief of William A. Cowles, of New Haven, Connecticut, late an assistant engineer in connection with the survey of the territory of the United States west of the one hundredth meridian by Lieutenant Wheeler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES W. COOPER.

Mr. PHELPS also introduced a bill (H. R. No. 5262) granting a pension to Charles W. Cooper, of Hamden, in the State of Connecticut; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IRISH EMIGRANTS ON SHIP CONSTELLATION.

Mr. PHELPS also introduced a bill (H. R. No. 5263) providing for the free passage of Irish emigrants on the return voyage of the ship Constellation, now about to sail from the United States to Ireland with provisions for the relief of the starving peasantry of that island; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

REVISION OF TARIFF AND INTERNAL-REVENUE LAWS.

Mr. PHELPS also introduced a bill (H. R. No. 5264) providing for a commission to revise the laws relating to customs duties and the internal revenue of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 5265) to revise and amend sections 2503, 2504, and 2505 of title 33 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

W. H. REYNOLDS.

Mr. DAVIS, of Illinois, introduced a bill (H. R. No. 5266) for the relief of W. H. Reynolds; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE F. BICKNELL.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. No. 5267) for the relief of George F. Bicknell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ILLINOIS RIVER.

Mr. SINGLETON, of Illinois, introduced a bill (H. R. No. 5268) extending the operations of the Light-House Board over the Illinois River, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE L. KEY.

Mr. BICKNELL introduced a bill (H. R. No. 5269) for the relief of George L. Key; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSIONS TO SOLDIERS OF 1812, ETC.

Mr. BICKNELL also introduced a bill (H. R. No. 5270) extending the provisions of "An act amending the laws granting pensions to the soldiers and sailors of the war of 1812, and their widows, and for other purposes," approved March 9, 1878; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

RAILROAD LAND GRANT TO IOWA.

Mr. WEAVER presented a memorial and joint resolution of the Legislature of the State of Iowa, relative to securing to that State the patents for certain lands granted to said State to aid in the construction of a certain railroad; which was referred to the Committee on the Public Lands.

Mr. WEAVER. I ask that this resolution be read at the Clerk's desk and printed in the RECORD.

The SPEAKER. The Chair cannot submit at this time the request for printing in the RECORD. It will have to be made later in the day.

AARON DOTY.

Mr. DEERING introduced a bill (H. R. No. 5271) for the relief of Aaron Doty, of Clarksville, Iowa; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DISTRIBUTION OF CURRENCY UNDER NATIONAL-BANK ACT.

Mr. PRICE introduced a bill (H. R. No. 5272) to amend the national-bank act in reference to distribution of currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WILLIAM H. FERRIN.

Mr. PRICE also introduced a bill (H. R. No. 5273) for the relief of William H. Ferrin, late first lieutenant Company D, Thirty-ninth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY J. GRAVES.

Mr. THOMPSON, of Iowa, introduced a bill (H. R. No. 5274) for the relief of Henry J. Graves, late private Company E, Eighth Regiment Iowa Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DARIUS M. SEAMAN.

Mr. CARPENTER introduced a bill (H. R. No. 5275) granting a pension to Darius M. Seaman, of Ontario, Storey County, State of Iowa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WIDOWS AND MINOR CHILDREN OF DEAD PENSIONERS.

Mr. CARPENTER also introduced a bill (H. R. No. 5276) to provide for the payment of pensions to their widows and minor children upon the death of pensioners totally disabled from wounds received in the service; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STARR & HOWE.

Mr. HASKELL introduced a bill (H. R. No. 5277) for the relief of Starr & Howe; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

YOST HARBAUGH.

Mr. THOMAS TURNER (by request) introduced a bill (H. R. No. 5278) for the relief of Yost Harbaugh; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NAVY-YARD, ALGIERS, MISSISSIPPI RIVER.

Mr. GIBSON introduced a bill (H. R. No. 5279) to establish a navy-yard and depot of supplies on the Mississippi River at Algiers, or at some point between Algiers and Port Eads; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MARINE HOSPITAL, NEW ORLEANS.

Mr. GIBSON also introduced a bill (H. R. No. 5280) to establish a marine hospital at or near New Orleans, and for other purposes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

REDUCTION OF TAX ON DISTILLED SPIRITS.

Mr. GIBSON also introduced a bill (H. R. No. 5281) to reduce the tax on distilled spirits to fifty cents on each proof-gallon; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ABOLITION OF TAX ON TOBACCO.

Mr. GIBSON also introduced a bill (H. R. No. 5282) to abolish the tax on tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ABOLITION OF TAX ON BANK CHECKS, ETC.

Mr. GIBSON also introduced a bill (H. R. No. 5283) to abolish the tax on bank checks, bank deposits, and on matches, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RECORDS OF LAND OFFICE AT NEW ORLEANS.

Mr. KING introduced a bill (H. R. No. 5284) to provide for the restoration of the records of the land office at New Orleans, Louisiana; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN G. WALKER.

Mr. KING also introduced a bill (H. R. No. 5285) for the relief of John G. Walker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PREVENTION OF FLOODS, LOWER MISSISSIPPI.

Mr. KING also introduced a joint resolution (H. R. No. 247) relative to the prevention of floods in the Lower Mississippi Valley; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Subsequently, on motion of Mr. KING, by unanimous consent, the joint resolution was ordered to be printed in the RECORD. It is as follows:

Joint resolution relative to the prevention of floods in the Lower Mississippi Valley.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in view of the impending and destructive floods in the Lower Mississippi Valley, threatening immediate disaster and destruction to the commercial and agricultural interests and welfare of hundreds of thousands of citizens and of millions of property, the Secretary of War be, and he is hereby, authorized and directed to expend, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000, or as much thereof as he may deem expedient, to prevent said destructive floods of the Mississippi River.

PHEBE A. DENSMORE.

Mr. LINDSEY introduced a bill (H. R. No. 5286) granting a pension to Phebe A. Densmore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON AND GREAT FALLS RAILWAY COMPANY.

Mr. MURCH (by request) introduced a bill (H. R. No. 5287) to incorporate the Washington and Great Falls Railway Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LIGHT-HOUSE AT FORT BAR, PATAPSCO RIVER.

Mr. HENKLE presented joint resolutions of the General Assembly of Maryland, asking for the erection of a light-house on Fort Bar in the Patapsco River; which was referred to the Committee on Commerce.

DISTRICT OF COLUMBIA STOCK-YARD, ABATTOIR, ETC., COMPANY.

Mr. TALBOTT introduced a bill (H. R. No. 5288) to incorporate the District of Columbia Stock-Yard, Abattoir, and Rendering Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LIGHT-HOUSE AND FOG-BELL ON BLOODY POINT SHOALS.

Mr. TALBOTT also presented a joint resolution of the Legislature of the State of Maryland, petitioning Congress to erect a light-house and fog-bell on Bloody Point Shoals, Chesapeake Bay; which was referred to the Committee on Commerce.

DREDGING OF CHESTER RIVER, MARYLAND.

Mr. TALBOTT also presented a joint resolution of the Maryland Legislature, asking for an appropriation for dredging Chester River, in the State of Maryland; which was referred to the Committee on Commerce.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. CLAFLIN introduced a bill (H. R. No. 5289) to establish a uniform system of bankruptcy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JURISDICTION OF UNITED STATES COURTS.

Mr. ROBINSON presented resolutions adopted by the Legislature of Massachusetts, relating to the jurisdiction of the courts of the United States over municipal corporations; which was referred to the Committee on the Judiciary.

INCREASE OF PENSIONS.

Mr. RUSSELL, of Massachusetts, introduced a bill (H. R. No. 5290) to increase pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOONER M. C. CAMERON.

Mr. HERR introduced a bill (H. R. No. 5291) to permit the registration of the schooner M. C. Cameron as an American vessel; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRANCH LYON.

Mr. WASHBURN introduced a bill (H. R. No. 5292) granting a pension to Branch Lyon, late private of Company C, Twelfth Regiment Massachusetts Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SHIP ISLAND, RIPLEY AND KENTUCKY RAILROAD.

Mr. MONEY introduced a bill (H. R. No. 5293) granting public lands in alternate sections to the State of Mississippi to aid in the construction of the Ship Island, Ripley and Kentucky Railroad; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

POSTAGE ON SECOND-CLASS MAIL MATTER.

Mr. MONEY also introduced a bill (H. R. No. 5294) regulating rates of postage on second-class mail matter at letter-carrier offices; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MISSISSIPPI VALLEY AND SHIP ISLAND RAILROAD COMPANY.

Mr. CHALMERS introduced a bill (H. R. No. 5295) to aid the Mississippi Valley and Ship Island Railroad Company to construct a line of railroad in the State of Mississippi; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

ALVIN A. AYERS.

Mr. PHILIPS introduced a bill (H. R. No. 5296) for the relief of Alvin A. Ayers, of Polk County, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DUTY ON OPIUM, MORPHIA, ETC.

Mr. BRIGGS introduced a bill (H. R. No. 5297) to increase the duty on opium, morphia and its salts, and on opium prepared for smoking, and to provide an internal-revenue tax on opium prepared within the United States for smoking; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EZRA STRAW.

Mr. FARR introduced a bill (H. R. No. 5298) granting a pension to Ezra Straw, of Ellsworth, Grafton County, New Hampshire; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LISETTA W. SPAULDING.

Mr. FARR also introduced a bill (H. R. No. 5299) granting a pension to Lisetta W. Spaulding; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELECTRA A. EGBERT.

Mr. BLAKE introduced a bill (H. R. No. 5300) granting a pension to Electra A. Egbert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH HEARSEY.

Mr. BLAKE also introduced a bill (H. R. No. 5301) granting a pension to Elizabeth Hearsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS AND SAILORS OF MEXICAN WAR.

Mr. BLAKE also presented a joint resolution of the Legislature of the State of New Jersey, in relation to the soldiers, sailors, and marines of the Mexican war; which was referred to the Committee on Pensions.

AMENDMENT OF PENSION LAWS.

Mr. CHITTENDEN introduced a bill (H. R. No. 5302) to amend an act entitled "An act to increase pensions in certain cases," approved June 18, 1874; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN COWAN.

Mr. RICHARDSON, of New York, introduced a bill (H. R. No. 5303) granting a pension to John Cowan, chaplain Sixth New York Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SLOOP-YACHT AMERICA.

Mr. O'REILLY introduced a bill (H. R. No. 5304) authorizing the changing of the name of the sloop-yacht America; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HELEN S. MEADER.

Mr. O'REILLY also introduced a bill (H. R. No. 5305) for the relief of Helen S. Meader; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOUIS HINN.

Mr. STARIN introduced a bill (H. R. No. 5306) for the relief of Louis Hinn, late private of Company I, Fourteenth Regiment New York Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB A. CONOVER.

Mr. MCCOOK introduced a bill (H. R. No. 5307) for the relief of Jacob A. Conover; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

LOUISE MITCHELL.

Mr. MCCOOK also introduced a bill (H. R. No. 5308) granting a pension to Louise Mitchell, daughter of Major-General O. M. Mitchell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROCEEDS OF MINERAL LANDS.

Mr. SCALES introduced a joint resolution (H. R. No. 248) in regard to the sale of mineral lands and the application of the proceeds to the payment of the public debt; which was read a first time by its title.

Mr. SCALES. I ask that the joint resolution be read in full.

The joint resolution was read the second time in full, referred to the Committee on Ways and Means, and ordered to be printed.

ALLEGED FRAUDS IN INDIAN SERVICE.

Mr. SCALES also submitted the following resolution; which was referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be instructed to report to this House the corruptions, frauds, and malpractices, if any, on the part of the inspectors, agents, employes, or other persons connected with the Indian service at the agencies or elsewhere in said service, the places where committed, and how many, if any, have been removed or otherwise punished for such offenses.

WALTER D. PLOWDEN.

Mr. MARTIN, of North Carolina, introduced a bill (H. R. No. 5309) granting a pension to Walter D. Plowden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALARY OF PRESIDENT OF UNITED STATES.

Mr. ATHERTON introduced a bill (H. R. No. 5310) fixing the salary of the President of the United States; which was read a first time by its title.

Mr. ATHERTON. Let the bill be read in full.

The bill was read the second time in full.

Mr. ATHERTON. I ask that the bill be referred to the Committee on Public Expenditures.

The SPEAKER. The appropriation for the President's salary is made in the legislative, executive, and judicial appropriation bill, which is reported by the Committee on Appropriations.

Mr. CONGER. I think the bill should go to the Committee on Ways and Means.

The SPEAKER. The Committee on Appropriations would seem to be the more appropriate committee.

Mr. CONGER. But this changes the law in regard to appropriations.

The SPEAKER. It reduces the salary. The Chair thinks it has no place with the Committee on Ways and Means. The gentleman from Ohio asks that the bill be referred to the Committee on Public Expenditures.

Mr. ATKINS. It seems to me the proper reference would be to the Committee on Appropriations.

The SPEAKER. Under the rule, the Chair thinks the bill should go to the Committee on Appropriations. But the Chair recognizes the gentleman from Ohio [Mr. ATHERTON] to move whatever reference he desires, and that gentleman moves that it be referred to the Committee on Public Expenditures. If there be no objection, it will be so referred.

Mr. ROBESON. I understand the ruling of the Chair to be that the bill goes to the Committee on Public Expenditures by unanimous consent.

The SPEAKER. The gentleman introducing the bill has the super-scription on the bill "to the Committee on the Revision of the Laws." But the Chair understood the gentleman to intimate from his place that he desired the reference to be to the Committee on Public Expenditures.

Mr. ATHERTON. After considering the matter, I thought that was a more appropriate reference.

The SPEAKER. And if there be no objection it will be so referred.

Mr. ROBESON. By unanimous consent.

The SPEAKER. By action of the House, if there be no objection.

Mr. ROBESON. It can be referred in that way by unanimous consent notwithstanding the rule.

The bill was referred to the Committee on Public Expenditures, and ordered to be printed.

ADDITIONAL ROOMS IN POST-OFFICE DEPARTMENT.

Mr. ATHERTON also introduced a bill (H. R. No. 5311) providing for additional rooms in the Post-Office Department; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MASON CITY SALT COMPANY.

Mr. YOUNG, of Ohio, introduced a bill (H. R. No. 5312) for the relief of the Mason City Salt Company; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LOUIS COPP.

Mr. MCMAHON introduced a bill (H. R. No. 5313) for the relief of Louis Copp; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PETER GRUB.

Mr. FINLEY introduced a bill (H. R. No. 5314) for the relief of the heirs of Peter Grub; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. H. W. NICHOLS.

Mr. FINLEY also introduced a bill (H. R. No. 5315) granting a pension to W. H. W. Nichols; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN KATON.

Mr. HURD introduced a bill (H. R. No. 5316) granting a pension to John Katon, of Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. C. LEWIS.

Mr. HURD also introduced a bill (H. R. No. 5317) for the relief of C. C. Lewis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. SARAH B. FRANKLIN.

Mr. DICKEY introduced a bill (H. R. No. 5318) for the relief of Mrs. Sarah B. Franklin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHRISTOPHER BLAIR.

Mr. DICKEY also introduced a bill (H. R. No. 5319) granting a pension to Christopher Blair, of Clermont County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIMON B. ELLIS.

Mr. DICKEY also introduced a bill (H. R. No. 5320) for the relief of Simon B. Ellis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN CAHILL.

Mr. DICKEY also introduced a bill (H. R. No. 5321) granting a pension to the heirs of John Cahill, minors at the date of his death; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL V. B. STRIDER.

Mr. DICKEY also introduced a bill (H. R. No. 5322) for the relief of Samuel V. B. Strider, of Chillicothe, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM M'DONOUGH.

Mr. DICKEY also introduced a bill (H. R. No. 5323) granting a pension to William McDonough, of Clermont County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES CLINE.

Mr. DICKEY also introduced a bill (H. R. No. 5324) granting a pension to Charles Cline, of Clinton County, Ohio; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BRIDGE ACROSS THE COLUMBIA RIVER, OREGON.

Mr. WHITEAKER introduced a bill (H. R. No. 5325) authorizing the construction of a bridge across the Willamette River, between the city of Portland and the city of East Portland, in Multnomah County, State of Oregon; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES K. STURTEVANT.

Mr. WHITEAKER also introduced a bill (H. R. No. 5326) granting a pension to James K. Sturtevant; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DUTY ON QUININE.

Mr. KELLEY introduced a bill (H. R. No. 5327) to impose a duty of 10 per cent. on sulphate of quinine; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN C. GEYER.

Mr. WRIGHT introduced a bill (H. R. No. 5328) for the relief of John C. Geyer, Fifty-fifth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIJAH JOHNSON.

Mr. WRIGHT also introduced a bill (H. R. No. 5329) granting a

pension to Elijah Johnson, of Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. RACHEL T. ABBOTT.

Mr. WRIGHT also introduced a bill (H. R. No. 5330) granting a pension to Mrs. Rachel T. Abbott, of Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI ARNOLD.

Mr. WRIGHT also introduced a bill (H. R. No. 5331) granting a pension to Levi Arnold; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M'DONALD.

Mr. WISE introduced a bill (H. R. No. 5332) granting an increase of pension to John McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DELAWARE AND SCHUYLKILL RIVERS—LEAGUE ISLAND NAVY-YARD.

Mr. HARMER introduced a bill (H. R. No. 5333) to utilize the dredging of the Delaware and Schuylkill Rivers and the improvement of League Island navy-yard, Philadelphia; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MARY STEINMAN.

Mr. COFFROTH introduced a bill (H. R. No. 5334) granting a pension to Mary Steinman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK O'DONNEL.

Mr. O'CONNOR introduced a bill (H. R. No. 5335) for the relief of Patrick O'Donnel, of Charleston, South Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COAST LINE NAVIGATION, CAPE FEAR TO GULF OF MEXICO.

Mr. O'CONNOR also introduced a joint resolution (H. R. No. 249) relating to the establishment of an inland coast line of ship navigation, continuing from Cape Fear River to the Saint John's River and the Gulf of Mexico, and authorizing surveys and estimates of the cost of improving the natural water-courses for the extension of such a line; which was read a first and second time, (the first reading being in full on request of Mr. O'CONNOR,) referred to the Committee on Commerce, and ordered to be printed.

COMMODORE DONALD M'NEILL FAIRFAX.

Mr. WHITTHORNE introduced a bill (H. R. No. 5336) for the relief of Commodore Donald McNeill Fairfax, of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. TAYLOR introduced a bill (H. R. No. 5337) to amend section 4693 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. BRITT.

Mr. TAYLOR also introduced a bill (H. R. No. 5338) granting a pension to James M. Britt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY CATHERINE TRUSLER.

Mr. TAYLOR also introduced a bill (H. R. No. 5339) granting a pension to Mary Catherine Trusler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILEY GARDNER.

Mr. TAYLOR also introduced a bill (H. R. No. 5340) granting a pension to Wiley Gardner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM WILLIAMS.

Mr. TAYLOR also introduced a bill (H. R. No. 5341) to restore to the pension-roll William Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

B. F. YEAGER.

Mr. TAYLOR also introduced a bill (H. R. No. 5342) granting a pension to B. F. Yeager; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN GARLAND.

Mr. TAYLOR also introduced a bill (H. R. No. 5343) to remove the charge of desertion against John Garland from the record in the Adjutant-General's Office; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID N. MORTON.

Mr. TAYLOR also introduced a bill (H. R. No. 5344) to remove the

charge of desertion against David N. Morton from the record in the Adjutant-General's Office; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PLEASANT W. FORTNER.

Mr. TAYLOR also introduced a bill (H. R. No. 5345) to remove the charge of desertion against Pleasant W. Fortner from the record in the Adjutant-General's Office; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALVIN TAYLOR.

Mr. TAYLOR also introduced a bill (H. R. No. 5346) to remove the charge of desertion against Alvin Taylor from the record in the Adjutant-General's Office; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NICHOLAS TAYLOR.

Mr. TAYLOR also introduced a bill (H. R. No. 5347) to remove the charge of desertion against Nicholas Taylor from the record in the Adjutant-General's Office; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PETER WOLFENBORGER.

Mr. TAYLOR also introduced a bill (H. R. No. 5348) to remove the charge of desertion against Peter Wolfenborger from the record in the Adjutant-General's Office; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MICHAEL ELLIOTT.

Mr. TAYLOR also introduced a bill (H. R. No. 5349) to remove the charge of desertion against Michael Elliott from the record in the Adjutant-General's Office; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GENERAL A. TAYLOR.

Mr. TAYLOR also introduced a bill (H. R. No. 5350) to remove the charge of desertion from the record against General A. Taylor; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANK WHITE.

Mr. TAYLOR also introduced a bill (H. R. No. 5351) to remove the charge of desertion against Frank White from the record in the Adjutant-General's Office; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES Q. ANDERSON.

Mr. TAYLOR also introduced a bill (H. R. No. 5352) to remove the charge of desertion from the record against James Q. Anderson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES MARKLAND.

Mr. TAYLOR also introduced a bill (H. R. No. 5353) to remove the charge of desertion against James Markland from the records in the Adjutant-General's Office; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. POLLY W. COTTON.

Mr. HOUK introduced a bill (H. R. No. 5354) for the relief of Mrs. Polly W. Cotton, of Scott County, Tennessee; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN C. FRENCH.

Mr. UPSON introduced a bill (H. R. No. 5355) for the relief of John C. French; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES A. DICKEY.

Mr. TYLER introduced a bill (H. R. No. 5356) granting a pension to James A. Dickey, late of Company I, Third Regiment Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB WEAVER.

Mr. CABELL introduced a bill (H. R. No. 5357) for the relief of Jacob Weaver, of the county of Floyd, State of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARY WEAVER.

Mr. CABELL also introduced a bill (H. R. No. 5358) for the relief of Mrs. Mary Weaver, of the county of Floyd, State of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SALE OF PATENTS.

Mr. HUMPHREY presented memorial of the Legislature of the State of Wisconsin, for passage of law regulating sale of patents; which was referred to the Committee on Patents.

FRAUDULENT SALES OF PATENT-RIGHTS.

Mr. BOUCK presented memorial of the Legislature of the State of

Wisconsin, for the passage of a law preventing fraud in the sale of patent-rights; which was referred to the Committee on Patents.

APPROPRIATION FOR THE HARBOR AT MANITOWOC.

Mr. BOUCK also presented memorial of the Legislature of the State of Wisconsin, for an appropriation for the harbor at Manitowoc, Wisconsin; which was referred to the Committee on Commerce.

CHARLES A. LUKE.

Mr. CAMPBELL introduced a bill (H. R. No. 5359) for the relief of Charles A. Luke, of Arizona; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ASSAY OFFICE, NEW MEXICO.

Mr. OTERO introduced a bill (H. R. No. 5360) to establish an assay office in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

FRANKLIN BENEDICT.

Mr. OTERO also introduced a bill (H. R. No. 5361) granting a pension to Franklin Benedict, an employé in the Quartermaster's Department; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM E. FRALEY.

Mr. OTERO also introduced a bill (H. R. No. 5362) granting a pension to Hiram E. Fraley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENITENTIARY IN WYOMING TERRITORY.

Mr. DOWNEY introduced a bill (H. R. No. 5363) to provide for the completion of the penitentiary in Wyoming Territory; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

RECLAMATION OF DESERT LANDS.

Mr. DOWNEY also introduced a bill (H. R. No. 5364) to authorize the assignee to make final proof of the reclamation of desert lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for the introduction of bills and joint resolutions for reference and printing has now been concluded. The Chair will recognize gentlemen who were not in their seats when their States were called for the introduction of bills for reference.

WILLIAM MUMFORD.

Mr. FORSYTHE introduced a bill (H. R. No. 5365) granting a pension to William Mumford, late a private Company G, One hundred and twenty-third Regiment Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE ARNOLD.

Mr. DUNNELL introduced a bill (H. R. No. 5366) granting a pension to George Arnold; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOCATING PUBLIC LANDS IN IOWA.

Mr. DEERING presented the memorial and joint resolution of the General Assembly of the State of Iowa, relative to locating lands by the several counties of the State; which was referred to the Committee on the Public Lands.

CHANNEL BETWEEN LAKES SUPERIOR AND HURON.

Mr. VAN AERNAM presented a joint resolution of the Legislature of the State of New York, in relation to the early completion of the improvement of the channel between Lakes Superior and Huron, and urging an appropriation therefor; which was referred to the Committee on Commerce.

EDWIN T. PARKER.

Mr. HAWLEY introduced a bill (H. R. No. 5367) granting a pension to Edwin T. Parker, Company E, Second New Hampshire Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. STONE.

Mr. STONE introduced a bill (H. R. No. 5368) granting a pension to John B. Stone, late a private in Company D, First Regiment Michigan Engineers and Mechanics Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHESTER F. HART.

Mr. ANDERSON introduced a bill (H. R. No. 5369) granting a pension to Chester F. Hart, Company E, First Regiment Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM GRISWOLD.

Mr. MCCOID introduced a bill (H. R. No. 5370) granting a pension to William Griswold under laws granting pensions to soldiers of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ENOCH JACOBS.

Mr. BUTTERWORTH introduced a bill (H. R. No. 5371) for the relief of Enoch Jacobs, of Mount Airy, Hamilton County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF OCONTO RIVER, WISCONSIN.

Mr. POUND presented a memorial of the Legislature of the State of Wisconsin, for an appropriation to restore the Oconto River, from the city of Oconto to its mouth, to a navigable condition, to strengthen and shorten its channel and protect its mouth; which was referred to the Committee on Commerce.

IMPROVEMENT OF WOLF RIVER, WISCONSIN.

Mr. POUND also presented a memorial of the Legislature of Wisconsin, for an appropriation to reopen the channel of Wolf River in Northern Wisconsin; which was referred to the Committee on Commerce.

JAMES M'DONALD.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 5372) granting a pension to James McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. A. THOMAS.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 5373) for the relief of A. A. Thomas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DAY INSPECTORS OF CUSTOMS.

Mr. O'NEILL introduced a bill (H. R. No. 5374) fixing the compensation of day inspectors of the customs at \$4 per day; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CLAYTON-BULWER TREATY.

Mr. ELLIS introduced a joint resolution (H. R. No. 250) requesting the President to notify the government of Great Britain of the abrogation of the Clayton-Bulwer treaty; which was read a first time by its title.

Mr. ELLIS. I ask that the joint resolution be read in full.

The joint resolution was read the second time in full.

Mr. ELLIS. I move that the joint resolution be referred to the Committee on Foreign Affairs.

Mr. CONGER. I think the resolution should go to the Committee on the Inter-oceanic Canal. It has reference to the matters committed to that committee.

Mr. ELLIS. I do not understand the Select Committee on the Inter-oceanic Canal has usurped all the functions of the Foreign Affairs Committee. This is a joint resolution requesting the President to notify a foreign power of the abrogation of a treaty. The building of the inter-oceanic canal is a question subsidiary and secondary to that matter and merely incident to it. This is a matter for the consideration of the Committee on Foreign Affairs.

The SPEAKER. It is a question for the House to determine. The gentleman from Louisiana moves that the joint resolution be referred to the Committee on Foreign Affairs. The gentleman from Michigan moves, in amendment, that it be referred to the Committee on the Inter-oceanic Ship-Canal.

Mr. CONGER. I ask that the joint resolution be again read.

The joint resolution was again read.

The SPEAKER. The question is on the amendment of the gentleman from Michigan, to refer this joint resolution to the Committee on the Inter-oceanic Ship-Canal.

Mr. GARFIELD. Who makes that proposition?

The SPEAKER. The gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. That committee is now considering the whole subject, and this joint resolution should be referred to it.

Mr. KING. I think the resolution should properly go to the Committee on the Inter-oceanic Canal.

The SPEAKER. Debate is not in order, but the Chair has allowed one gentleman on each side to be heard. It is a question for the House to determine.

The question being put on Mr. CONGER's amendment, there were—ayes 72, noes 74.

Mr. CONGER and Mr. KING called for tellers.

Tellers were ordered; and Mr. CONGER and Mr. ELLIS were appointed.

The House again divided; and the tellers reported—ayes 84, noes 71. So the amendment was agreed to; and the joint resolution was referred to the Select Committee on the Inter-oceanic Ship-Canal, and ordered to be printed.

IMPROVEMENT ON ECLIPSE COTTON-GIN.

Mr. YOUNG, of Tennessee, introduced a bill (H. R. No. 5375) to provide for the extension of letters-patent for an improvement upon the Eclipse cotton-gin; which was read a first time, referred to the Committee on Patents, and ordered to be printed.

INTERNATIONAL CONVENTION AS TO INTER-OCEANIC CANAL.

Mr. YOUNG, of Tennessee, also introduced a joint resolution (H. R. No. 251) requesting the President to call an international convention of representatives from this Government and the republics of

South America to take into consideration the policy or expediency of an inter-oceanic ship-canal; which was read a first time by its title.

Mr. YOUNG, of Tennessee. I desire that the resolution may be read in full, in order that the question of its proper reference may be intelligently determined, either by the Speaker or the House.

The joint resolution was read in full the second time, as follows:

Resolved by the Senate and House of Representatives of the United States, &c., That it is the sense of this Congress that the political complications and conflict of national interest and jurisdiction likely to grow out of the construction of a water-way across the Isthmus which connects the American continents are of so dangerous a character as to greatly outweigh any advantages which are likely to result from such connection, either to the republics of North and South America or the nations of Europe, and that no interest of the people of the United States requires any such work; and therefore it is the duty of this Government to discourage an undertaking so much calculated to disturb our peaceful relations with other governments and fraught with so much peril to our future safety and well-being.

Resolved, That the President of the United States be requested, through our diplomatic agents, to confer with the governments of our sister republics of South America upon the American policy in respect to measures likely to bring us and them in conflict with European powers, and that he be authorized to call an international convention of representatives from this Government and the republics of South America to take into consideration the policy and measures which should be adopted for mutual safety and protection against any political influence which the governments of Europe may in any manner attempt to exercise in the affairs of American governments.

Mr. YOUNG, of Tennessee. In view of the character of the resolution on this subject already reported to the House by the Committee on Inter-oceanic Canals, I think it proper for this one to be referred to the Committee on Foreign Affairs. The resolution in respect to a proposed inter-oceanic canal heretofore reported by the gentleman from Louisiana [Mr. KING] states a conclusion antagonistic to the spirit of the resolution which I offer, and it is hardly probable that the committee from which that resolution was reported will adopt one of a different character. I therefore think it better that we should have the views of another committee upon the important question involved.

The SPEAKER. It is a question for the House to determine.

Mr. CONGER. I will move that the joint resolution be referred to the select Committee on the Inter-oceanic Ship-Canal.

Mr. KING. I ask that the joint resolution be again read.

The joint resolution was again read.

Mr. KING. I move that the joint resolution be referred to the Committee on the Inter-oceanic Ship-Canal.

The SPEAKER. The gentleman from Michigan has already made that motion.

Mr. KING. It relates to precisely the same question as the joint resolution voted on a moment ago.

Mr. ROBESON rose.

The SPEAKER. Debate is not in order. The Chair, however, will hear the gentleman if there be no objection.

Mr. ROBESON. It is a question of order I wish to present. I desire to know if this resolution is referred to the Committee on the Inter-oceanic Canal, whether it is done under Rule XI or not?

The SPEAKER. It will be done by the vote of the House.

Mr. ROBESON. Or whether this is a motion to suspend Rule XI? I find in that rule this proposition: that all subjects relating to the relations of the United States with foreign nations shall be referred to the Committee on Foreign Affairs. Does that rule govern this House or does it not? And if it is a rule, can it be suspended without a two-thirds vote? Here is a proposition which goes to the whole relations of our Government, not only with South America but with all European governments; a proposition which looks to our governmental influence all over the world. It includes not only our relations in regard to this canal across the Isthmus, but it relates to the attitude we are to stand in along with all the other nations on the American continent toward the monarchical governments of Europe.

The SPEAKER. The Chair desires to say to the gentleman from New Jersey that limited debate only is admissible.

Mr. ROBESON. I desire to present the question of order which I have stated.

Mr. SINGLETON, of Illinois. I ask for the reading of the order of the House appointing this Select Committee on the Inter-oceanic Ship-Canal.

The SPEAKER. The order of the House has been sent for.

Mr. FERNANDO WOOD. I would like to call the attention of the gentleman from New Jersey to the distinction between this case and the case he refers to under the rule. As I understand, this proposition involves not only a question relating to our foreign affairs, but also in addition a question relating to a subject which has been referred to a select committee. That branch of our foreign affairs which relates to this canal has been referred to a special committee. It is a question therefore for the House to decide to which committee this joint resolution shall be referred. The rule which the gentleman from New Jersey refers to relates to a question which is not susceptible of division; to a case where there can be no doubt, as in the case of a tariff proposition, where it should go under the rule.

In regard to a question of this character, which combines two elements, not only the one relating to foreign affairs but one which is a subject within the jurisdiction of a select committee, in my judgment it is a question for the House to determine.

The SPEAKER. The Chair has already sent for the resolution of the House creating the special committee. It will be here in a moment, and will then be read for the information of the House.

Mr. KENNA. While the Chair is waiting for that order I would like to submit one observation in connection with the point of order raised by the gentleman from New Jersey, [Mr. ROBESON.] As I understand it the rules of the House which prescribe the manner in which subjects shall be referred to committees has always been construed to prescribe the manner in which the Speaker, acting in a mere ministerial capacity, shall make such reference without the formal action of the House. I do not understand that any rule has been adopted which would prevent the majority of the House making such reference as the majority might desire.

Mr. ROBESON. On the point of order—

Mr. SINGLETON, of Illinois. I believe I have the floor; I am waiting merely to hear the order read which authorizes the creation of this special committee.

Mr. REAGAN. While we are waiting for that order, I would like to ask to have read again the joint resolution introduced.

The joint resolution was again read.

The SPEAKER. The resolution will now be read authorizing the appointment of the select committee.

The Clerk read as follows:

Mr. KING, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives. That a select committee of eleven members be hereby appointed, whose duty it shall be to examine into the subject of the selection of a suitable route for the construction of an interoceanic ship-canal across the American Isthmus; that all petitions, memorials, resolutions, bills, and reports on such canal or other mode of facilitating communication between the Atlantic and Pacific Oceans, be referred to this committee, and that they have authority to report to this House, at any time, such resolution as may be best adapted to secure such communication between said oceans."

Mr. ROBESON. There are two things which I wish to avoid this morning. The first is the reference to a wrong committee, in violation of the rule and of most evident propriety, of a proposition which properly belongs to the Committee on Foreign Affairs. The second is, the bringing up for decision this question of order, which I understand is now under discussion in the Committee on Rules, before it comes properly before the House for consideration and discussion. And as it will be observed, from the reading of the joint resolution now introduced, that it embraces two resolutions, the first of which refers directly to the subject of an interoceanic canal, if I comprehend it correctly from the reading; and a second which calls upon the President to have a conference of the American States and governments to determine our general policy toward the governments of Europe.

The one resolution may, by a strained construction of the order authorizing the appointment of the select committee, be sent to the Committee on Interoceanic Canal. The other beyond question and controversy belongs to the Committee on Foreign Affairs. I therefore move to divide the resolutions, and to refer the first to the Committee on Interoceanic Canal and the second to the Committee on Foreign Affairs under the rule which would take it there under its character.

The SPEAKER. Even adopting the construction which the gentleman from New Jersey [Mr. ROBESON] seeks to place on the rule the Chair thinks it is perfectly competent for the House to refer this joint resolution to the Committee on an Interoceanic Canal. The resolution authorizing the appointment of that committee was introduced by unanimous consent; the rules were practically suspended at the time the resolution was adopted. The resolution provided that all bills, joint resolutions, and memorials relating to the subject of an interoceanic canal should be referred to the Select Committee on an Interoceanic Canal. The Chair therefore thinks that even under the construction stated by the gentleman from New Jersey it is competent for the House to refer this joint resolution to the Select Committee on an Interoceanic Canal in preference to the Committee on Foreign Affairs, all rules which might interfere having been practically suspended when that select committee was authorized.

In the decision of the point of order the Chair is not necessitated to decide whether Rule XI is or is not, as a general proposition, suspended by permitting the House to express its views in regard to the reference of matters which from time to time may come before the House. Whenever that question shall come up directly, the Chair will be prepared to decide, and the Chair thinks the decision will be in the direction of allowing the House to control the reference of matters which it is called upon to consider to such committees as the majority may see fit. Any exercise by the Chair of the power to refer a subject to a particular committee, in violation of or in opposition to the wish of the majority of the House, would, as the Chair has heretofore said, be a tyrannical exercise of power.

Mr. ROBESON. Whenever that question comes up we will be ready to discuss it.

The SPEAKER. The Chair has not decided the question although he has expressed his views what would be proper under such circumstances.

Mr. ROBESON. But I desire to call the attention of the Chair to this proposition. The resolution agreeing to the select committee on an interoceanic canal has been read; under that resolution the committee was constituted solely for the purpose of considering subjects relating to the selection of a proper route for an interoceanic canal across the Isthmus and nothing else. It has no power in reference to international relations and complications which might arise out of

the attitude of our Government toward other governments; no relation to the repeal or modification of treaties; no relation to our attitude toward Europe and the monarchies of the Old World; no relation to our allied position with other republics, or to our independent position as the dominant and responsible government of this continent.

The SPEAKER. Is the gentleman speaking to a point of order?

Mr. ROBESON. Yes, sir. I direct the attention of the Chair distinctly to the point that the resolution under which the committee on the subject of the interoceanic canal was organized refers only to subjects relating to the selection of a proper route for that canal. The charter of their power as a select committee has this extent, no more, and every general term in the reference of subjects to them is restrained by this limitation.

Mr. YOUNG, of Tennessee. Mr. Speaker, as there has already been some discussion upon the question of reference, perhaps the House will hear me for a moment.

The SPEAKER. As discussion has been had upon the other side, the gentleman from Tennessee will be heard.

Mr. YOUNG, of Tennessee. I desire to say but a few words, and will detain the House only a moment. I shall have no objection, so far as I am concerned, to referring this resolution to the Committee on Interoceanic Canals, for I wish to have no contest with my friend from Louisiana, [Mr. KING,] but that committee has already agreed upon a resolution very widely different from this one, the tone and spirit of which I cannot indorse, because, in my judgment, it is likely to lead to serious trouble.

It seems to me that we are hurrying with inconsiderate haste to a position fraught with danger, and from which in the end we may be compelled to recede. Judging from the tone of the President's recent message on this subject and that of the resolution reported by the gentleman from Louisiana, [Mr. KING,] we are about to declare war against the whole world, and if this declaration is to be made, I would prefer that the question should be considered by that committee of the House most properly chargeable with so grave a duty. The Committee on Foreign Affairs, it occurs to me, is the proper one to deal with the question. Besides this, the resolution which I introduce not only has reference to a canal across the Isthmus but to the shaping of an American policy toward European powers, and when we undertake so important a matter as this I think we should do so carefully and cautiously, and invite to our aid and co-operation all of our sister republics who are equally interested with us in this question. I therefore prefer that the resolution be referred to the Committee on Foreign Affairs.

Mr. KING. I am a member of the Committee on Foreign Affairs as well as of the select committee on the interoceanic canal. There is no war about this matter. We are only looking to the protection of our national rights and interests.

The SPEAKER. The Chair entertains the amendment to refer the resolution to the Committee on the Interoceanic Ship-Canal.

Mr. BUCKNER. I move the reference of the resolution to the Committee on Foreign Affairs.

The SPEAKER. That is the motion of the gentleman introducing the resolution. The gentleman from Michigan [Mr. CONGER] and the gentleman from Louisiana [Mr. KING] (the Chair recognizes the latter gentleman as making the motion, because he is chairman of the Committee on the Interoceanic Canal) desire the reference of the resolution to that committee. This proposition comes in as an amendment. If the House desires to send the subject to the Committee on Foreign Affairs it will reach that end by voting down the motion of the gentleman from Louisiana, [Mr. KING.]

Mr. CONGER. Will the Chair allow me one word on the point of order?

The SPEAKER. Certainly.

Mr. CONGER. This resolution refers only to the possibility of a canal being constructed through some one of the South American republics, on their territory. Inasmuch as the question of location would go to the Committee on the Interoceanic Ship-Canal, it seems to me eminently proper that the House should first have the recommendation of that committee on this point. Routes which are not at all embraced within the territory of any South American republic are being considered before that committee, and will be considered by the House. If the determination should be one way this resolution would have no possible effect upon the action of the House (if it should follow the committee) in reference to a proposed canal across other territory. Let that question be first settled; and then this may be a proper matter to be sent to the Committee on Foreign Affairs.

Mr. ROBESON. The second portion of this resolution does not refer to that canal at all; it refers to our relations with foreign governments generally.

The SPEAKER. The question of reference is for the House to determine. The Chair rules that the amendment is in order.

Mr. ROBESON. Let me ask one question of order. In disposing of this matter, is not the House governed by the rule that the question of reference to a standing committee shall be put before the reference to a select committee?

The SPEAKER. That is the order prescribed in the second clause of Rule XIII, to which the Chair will of course conform, his attention being called thereto and demand made for such preference under rule stated.

Mr. ROBESON. The question will then be put first on the motion to refer to the Committee on Foreign Affairs?

The SPEAKER. It will.

The question being put, it was decided in the affirmative—ayes 118, noes 30.

So the joint resolution was referred to the Committee on Foreign Affairs.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 3258) authorizing the Secretary of the Interior and the Secretary of War to employ additional clerks for this fiscal year to expedite the settlement of pension applications, and for other purposes; and

An act (H. R. No. 3968) for the relief of certain actual settlers on the Kansas trust and diminished-reserve lands in the State of Kansas.

ATLANTA, GEORGIA, A PORT OF DELIVERY.

Mr. HAMMOND, of Georgia, by unanimous consent, introduced a bill (H. R. No. 5376) to constitute Atlanta, in the State of Georgia, a port of delivery; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

INMATES OF NATIONAL SOLDIERS' HOMES.

Mr. DEUSTER introduced a bill (H. R. No. 5377) for the protection of the inmates of National Soldiers' Homes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF PORT WASHINGTON HARBOR.

Mr. DEUSTER also presented a memorial of the Legislature of the State of Wisconsin, for the more adequate improvement of Port Washington Harbor; which was referred to the Committee on Commerce.

CHARLES DRUCE.

Mr. BARBER, by unanimous consent, introduced a bill (H. R. No. 5378) granting a discharge to Charles Druce and removing the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COLLECTION OF CUSTOMS.

Mr. FERNANDO WOOD, by unanimous consent, introduced a bill (H. R. No. 5379) to amend the laws relating to the collection of revenue from customs; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

INTEROCEANIC SHIP-CANAL.

Mr. KING. I move the reconsideration of the vote by which the joint resolution of the gentleman from Tennessee [Mr. YOUNG] was referred to the Committee on Foreign Affairs. A select committee has been constituted to take into consideration the subject of an interoceanic ship-canal.

The SPEAKER. That question is no longer before the House.

Mr. KING. But there was no reconsideration of the vote upon the reference.

The SPEAKER. The spirit of the rules provides that bills and resolutions introduced under this call shall not come back upon a motion to reconsider.

Mr. CARLISLE. Besides, the gentleman did not vote with the majority.

Mr. KING. I move to reconsider the vote by which the resolution was referred to the Committee on Foreign Affairs.

Mr. ROBESON. I move to lay that motion on the table.

The SPEAKER. The Chair does not entertain the motion to reconsider. He thinks that bills and resolutions introduced under this call cannot come back upon a motion to reconsider, and should not be subject to a motion to reconsider.

Mr. ROBESON. That is the provision of the rule.

The SPEAKER. This joint resolution has been disposed of, and to entertain now a motion to reconsider would be in violation of the spirit of the rules, which the Clerk will read.

The Clerk read as follows:

Clause 2, Rule XVIII. No bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, shall be brought back into the House on a motion to reconsider.

Mr. KING. This does not embrace that class of subjects.

The SPEAKER. The motion to reconsider, if carried, would bring the joint resolution back into the House.

Mr. HARRIS, of Virginia. I ask whether the action of the House is complete until the motion to reconsider is made.

The SPEAKER. The Chair thinks there would be no end to the proceedings of Monday if a member were allowed to move to reconsider any or every vote of reference of a bill to a committee.

Mr. HARRIS, of Virginia. That was for the Committee on Rules to consider.

The SPEAKER. The Chair thinks the rule bears the construction he gives to it. The same vote which referred the bill would lay the motion to reconsider on the table, and it would be an unnecessary proceeding.

Mr. HARRIS, of Virginia. If the motion had been made by the mover to reconsider and lay upon the table would the Chair have entertained it?

The SPEAKER. The Chair would not on Monday under the call of States for bills for reference, the House having expressed its decision by a majority vote.

Mr. KING. But no quorum voted.

The SPEAKER. To allow motions to reconsider might occupy all the day.

Mr. KING. I do not think the power of the House is exhausted. I wish to call the attention of the Chair to the fact there was not a quorum voting.

The SPEAKER. The question of a quorum is made too late. The Chair does not think it is a fair construction of the rules existing now that a gentleman can move on Monday when a bill is introduced for reference to enter a motion to reconsider, because on a motion to reconsider he might have an hour's debate, if the original motion of reference was debatable, and that would soon exhaust the whole of Monday with a few bills. Monday has been set apart for the introduction of bills and joint resolutions for reference. The decision of the Chair is in exact accordance with the old rule and the practice under it.

INTEROCEANIC SHIP-CANAL.

Mr. BAYNE. I submit the following resolution, and move its reference to the Committee on Foreign Affairs.

The Clerk read as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the project now attracting general attention, of constructing an interoceanic canal at Panama, Nicaragua, or some other suitable point in the American Isthmus, with private capital and for commercial purposes only, is worthy of high commendation; and if such project has any rival or rivals which threaten a raid on the Treasury of the United States in the interest of jobbers, neither the prostitution of the so-called Monroe doctrine, nor any other false appeal to the patriotic sentiments of the people of the United States, should prevent the approbation of the former, or the condemnation of the latter.

Resolved. That the United States, recognizing the obligation of international law in its transactions with the weakest as well as the strongest nations of the world, fearing none and desiring to do right by all, and having peaceful relations with all, which it sincerely desires to maintain, deprecates and denounces any measure or scheme calculated to infringe upon or disturb such conditions. While it will jealously guard its rights and interests, it will regard its treaty-making power as entirely adequate to secure these ends until some failure shows the contrary.

Resolved. That if, in the opinion of the President, it be necessary to take any steps to thoroughly assure and protect the rights and interests of the United States in relation to the proposed canal, he is requested to negotiate such treaties as will effect this purpose.

The joint resolution (H. R. No. 252) was read a first and second time.

Mr. KING. I move to refer that to the Committee on the Interoceanic Canal.

The SPEAKER. The motion of the gentleman from Pennsylvania is to refer to the Committee on Foreign Affairs, a standing committee of the House.

Mr. KING. I raise again the question that this should go to the Committee on the Interoceanic Canal. That committee was authorized to discuss and examine into the subject of the selection of a suitable route for the construction of an interoceanic ship-canal across the Isthmus. Now, sir, in the discussion of the subject how can you divide the proposition to build such a canal through foreign territory from the proposition to consider the international relations growing out of that question? This is a project for the construction of a work through a foreign State, through foreign territory; and when this House authorized this committee to be created it was aware of that fact and voted the whole subject should go to that committee for consideration. Now, gentlemen have proposed here resolutions mixed in their character, so that the proposition to build the canal and the foreign relations which will be developed thereby come under the same resolution. How can you divide them? It is perfectly clear the entire subject belongs to the Committee on the Interoceanic Canal. The House has repeatedly so ruled; and I now move the reference of this pending proposition to that committee.

The SPEAKER. The vote will first be taken on the reference to the standing committee.

Mr. BAYNE. I should like to say one word in reply to the statement of the gentleman from Louisiana. The resolution authorizing the creation of the Committee on the Interoceanic Canal—

Mr. BUCKNER. Is this debate in order?

The SPEAKER. Only by consent.

Mr. BUCKNER. I object to debate on it.

Mr. BAYNE. I wish to speak to the point of order more particularly which has been raised by the gentleman from Louisiana. He seems to think all resolutions relating to the subject should go to his committee.

Mr. KING. I did not raise any point of order, but moved the reference of this resolution to the Committee on the Interoceanic Canal.

The SPEAKER. The Chair will entertain the motion, but will first submit the motion to refer to a standing committee.

Mr. SINGLETON, of Illinois. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SINGLETON, of Illinois. It is whether the resolution creating the Select Committee on the Interoceanic Canal did not suspend the rule giving preference to any standing committee? The reference of a proposition is nothing but a question of what is its subject. The subject determines where the resolution should go. The reference of the resolution is determined just as soon as the Chair decides what is the subject of the resolution.

Now, this resolution clearly bears a relation to the interoceanic canal. That is a subject which the committee have been considering. They have had eminent men before them for a month or two months, and are still carefully examining the subject. Now, it is proposed to reflect upon the action of that committee unheard, by taking from them the subject embraced in the resolution which has been presented to-day, and giving it to another committee.

The SPEAKER. The Chair heretofore suggested that the resolution creating this committee was by unanimous consent. It is for the House to determine.

Mr. BAYNE. I want to say a word in reply to the statement made by the gentleman from Illinois. The resolution creating the Special Committee on the Interoceanic Ship-Canal undoubtedly goes the whole length. It was intended to vest in that committee the power to select a site, to locate the canal, and perhaps to take all steps which may be necessary for its construction except the actual appropriation of money for that purpose. That is a matter which will come in afterward. My resolution, however, contemplates not that the Committee on Interoceanic Ship-Canal shall consider that matter but that the Committee on Foreign Affairs shall consider it, and that private capital, wherever it comes from, whether put in by people of our own country or from abroad, shall have the privilege of constructing the canal. And to encourage that, I want this resolution to go to the Committee on Foreign Affairs, and for that committee to inquire into the matter as to whether or not it is the best method for the treaty-making power of the United States to make such arrangements as will secure the rights and interests of the United States, and shut down on appropriations of money or on any job in the way of constructing this canal.

Mr. REAGAN. I voted to refer the resolution of the gentleman from Louisiana [Mr. KING] and the resolution of the gentleman from New Jersey [Mr. ROBESON] to the Committee on Foreign Affairs because they related to our foreign relations, but I must vote to refer the resolution of the gentleman from Tennessee [Mr. BAYNE] to the select committee on the Isthmus canal because it relates to that canal.

Mr. SINGLETON, of Illinois. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SINGLETON, of Illinois. I desire to know whether it has not been the constant practice of the Chair to determine from the subject-matter of the bill or resolution to what committee it should be referred? Whether, for instance, if it was a bill appropriating money it should not go to the Committee of the Whole House on the state of the Union, or to the Committee on Appropriations, as the case may be, and whether that has not been heretofore the constant practice of the Chair?

The SPEAKER. The Chair has already decided the point of order. He will entertain the motion to refer to the Committee on the Interoceanic Ship-Canal, but submits the question of reference first to a standing committee under the rule. The motion of the gentleman from Pennsylvania is to refer it to a standing committee. The question will first be taken on that.

The House divided; and there were—ayes 92, noes 25.

Mr. KING demanded tellers.

Tellers were refused; only 14 members voting therefor.

So the motion to refer to the Committee on Foreign Affairs was agreed to.

ARREARAGES OF PENSIONS.

Mr. COFFROTH introduced a bill (H. R. No. 5380) to amend the act granting arrears of pensions approved January 25, 1879; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHANGE OF REFERENCE OF A BILL.

On motion of Mr. KIMMEL, by unanimous consent, the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill (H. R. No. 2485) to provide for the construction of a marine hospital in the city of Baltimore, Maryland; and the same was referred to the Committee on Epidemic Diseases.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. CLAFLIN. I ask that the bill I introduced this morning in reference to bankruptcy proceedings be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The bill is as follows:

A bill to establish a uniform system of bankruptcy throughout the United States.

DEFINITIONS.

SECTION 1. *Be it enacted, &c.*, In addition to the definitions contained in the first section of the Revised Statutes, words and phrases in this act shall mean as follows, unless inconsistent with the context:

"Bankrupt," one who has been so adjudged; "time or date of bankruptcy," or "bankruptcy" with reference to time, the time when the petition for adjudication was filed; "register," the register to whom the cause has been referred, or any one acting in his stead; "court," the district court in which the proceedings are pending, including the register; "judge," the judge of said court, not including the register; "clerk," the clerk of said court; "property," whatever passes to an assignee in bankruptcy, and all books, deeds, and writings relating thereto; "assets," all such property and its proceeds; "transfer," any payment, gift, sale, or other mode of disposing of or parting with property, or the possession of property absolutely or conditionally; "debt," any debt, demand, or liability provable in bankruptcy; "creditor," any one who owns such a debt, demand, or liability, and his duly authorized attorney or proxy; "secured creditor," a creditor who has security for such debt upon the property of the bankrupt of a nature to be assignable under this act, or who owns such a debt for which some indorser, surety, or

other person, secondarily liable for the bankrupt, has such security upon the bankrupt's property; "trader" shall include all merchants, all who make it their business or a part of their business to buy or sell lands, goods, chattels, bills, bonds, notes, stocks or shares, manufacturers, warehousemen, bankers, brokers, builders, contractors, shipwrights, publishers, inn-keepers, livery-stable keepers, and all artisans who buy the materials for their business on credit.

COURTS OF BANKRUPTCY.

SEC. 2. The several district courts of the United States and of the Territories and the supreme court of the District of Columbia are constituted courts of bankruptcy within their several territorial limits.

SEC. 3. The jurisdiction conferred upon courts of bankruptcy shall extend to all adjudications of bankruptcy, to all causes, questions, and controversies arising out of any claim or demand by creditors to share in the assets of the bankrupt; to the ascertainment, adjustment, liquidation, marshaling, ranking, and disposition of all liens, charges, priorities, and specific claims on said assets; to all claims of the bankrupt to exemptions; to the bankrupt's discharge; to compositions, and to all matters and things to be done, under and in virtue of the bankruptcy, by the bankrupt or the assignee, or by any creditor who has proved his debt.

SEC. 4. Said courts, as courts of bankruptcy, shall be always open, and their powers and jurisdiction may be exercised in a summary manner, as well in vacation as in term time, and in chambers as in court, and shall include the power to compel obedience to all lawful orders and decrees in bankruptcy by process of contempt and other remedial process as fully as circuit courts may now do in equity; full power over costs, and other usual powers of courts of equity. And said courts may sit for the transaction of business in bankruptcy (when no jury is required, to be present) at any place within the district, first giving reasonable notice of the time and place of holding any such special session.

SEC. 5. In case of a vacancy in the office of district judge in any district, or in case any district judge shall, from sickness, absence, or other disability, be unable to act, the circuit justice or judge of the circuit in which such district is included may make, during such disability, absence, or vacancy, all necessary rules, orders, and decrees in bankruptcy, and cause the same to be entered, or issued, as the case may require, by the clerk of the district court.

SEC. 6. The district judge may, by consent of the parties interested, certify any point or question of law arising in bankruptcy to the circuit court for the same district, to be there heard and determined.

SEC. 7. The circuit court of each district, and the supreme court of each Territory, shall have a general superintendence and jurisdiction of all controversies and questions arising in the district court of such district or Territory sitting in bankruptcy, whether the powers and jurisdiction of a circuit court have been conferred on such district court or not, and, except when special provision is otherwise made, may, upon the certificate of the district judge, as before provided, or upon bill, petition, or other proper process of any party aggrieved, hear and determine the case as in a court of equity; and said court shall be deemed always open for this purpose; and the case may be heard by the circuit justice or the circuit judge, or both, in court or in chambers, and in term time or vacation. When a question comes up by certificate, as aforesaid, the district judge may sit at the hearing with the circuit justice or judge. In districts which are not within any organized circuit of the United States, the powers and jurisdiction of a circuit court in bankruptcy may be exercised by the district judge.

SEC. 8. The final judgment, decree, or order of the circuit court having jurisdiction, in all matters, questions, and controversies properly arising in the courts of bankruptcy, as such, in whatever mode they may be tried, shall not be reviewed by the Supreme Court, excepting upon a certificate of division of opinion between two of the justices of said circuit court.

PLENARY SUITS.

SEC. 9. The several district and circuit courts shall each have, concurrently with the courts of the States, jurisdiction of all suits at law or in equity, as distinguished from proceedings in bankruptcy, brought by an assignee in bankruptcy, in whatever district appointed, against any person, for any cause of action, or for the recovery of any debt, damages, or property vested in or claimed by him as such assignee, or by any person claiming an adverse interest against such assignee.

SEC. 10. The court of bankruptcy may direct that any debt, demand, or property claimed by the assignee shall be sued for in the appropriate court of the State.

SEC. 11. Appeals may be taken from the district to the circuit courts in all cases in equity, and writs of error may be allowed from the circuit to the district courts in cases at law such as are mentioned in the last section, when the amount in dispute exceeds \$500; but no such appeal or writ of error shall be taken or allowed unless it is claimed, and notice thereof given to the clerk of the district court, to be entered with the record of proceedings, and also to the adverse party within ten days after the entry of the decree or judgment sought to be reversed, nor unless the appellant or plaintiff in error shall give bond, and comply with the other provisions of law relating to appeals and writs of error, respectively.

Such appeal, or writ of error, shall be entered in the clerk's office of the circuit court, whether in term time or vacation, within twenty days after the same is claimed, and thereupon the cause shall be deemed to be pending in said circuit court.

If the appellant or plaintiff in error fails to make entry within the time aforesaid, the appeal, or writ of error, shall be declared abandoned upon the petition of the adverse party, and notice to the appellant, or plaintiff, or his attorney of record, unless the circuit court or one of the justices thereof, shall, for cause shown, grant further time.

If such appeal or writ of error is waived in writing by the party taking the same at any time before a decision thereon, proceedings may be had in the district court as if no such appeal or writ of error had been taken or sued out.

SEC. 12. The Supreme Court shall have like appellate jurisdiction of the suits mentioned in section 9 as in other civil actions; but no appeal or writ of error shall be taken or allowed unless it is claimed, and notice thereof given to the clerk of the circuit court and to the adverse party, within ten days after entry of the decree or judgment sought to be reversed. Such claim of appeal, or for a writ of error, shall be deemed to be abandoned, unless the required bond to the adverse party, duly approved, is filed with the clerk of the circuit court within sixty days after the entry of said decree or judgment, and unless the record upon the appeal or the writ of error, as the case may be, is transmitted to the clerk of the Supreme Court for entry in said Supreme Court within ninety days after the entry of said decree or judgment.

REGISTERS.

SEC. 13. The circuit courts, two justices concurring, shall appoint within each district of their respective circuits such number of registers in bankruptcy as may be necessary for the due transaction of the business therein, not exceeding in any State one-half the number of members of Congress from that State. No person shall be eligible as a register unless he has been for at least five years a counselor of the courts of the United States or of one of the States.

Registers may be removed from office by the district judges of their respective districts; and the number of registers in any district may be from time to time diminished or increased within the limit above mentioned, as occasion requires.

SEC. 14. The register shall hold meetings, hearings, and examinations at such places and times as they shall determine, subject to any order by the judge, which times and places shall be so designated as to afford the greatest practicable facility to the suitors in bankruptcy, and shall be conformed as well as may be to the sessions of the courts of probate or other courts of the State.

SEC. 15. The registers acting in the several cases before them shall have all the powers of a master in chancery to whom a cause has been referred in equity, and may represent and act for the judge in holding meetings and conducting in chambers all administrative business or any business specially committed to them; but they shall not have power to decide a disputed adjudication, nor to issue an injunction or warrant of arrest, nor to commit for contempt. Registers may act for each other in all cases. All the acts of the registers shall be subject to review by the judge.

SUPERVISORS.

SEC. 16. There shall be appointed, for each judicial circuit, by the circuit court, sitting in any district of the circuit, two justices concurring, one supervisor in bankruptcy, whose duty it shall be to examine personally into the administration of bankruptcy proceedings under this act, throughout the circuit for which he is appointed, by registers, clerks, and assignees; to call the attention of such officers to any matters which, in his judgment, would facilitate the speedy and economical settlement of cases in bankruptcy; to report to the district court in each district within the circuit any failure on the part of any assignee promptly to discharge the duties devolving upon him under this act; to move the court for action against any delinquent assignee; and to make within the first twenty days of January, April, July, and October in each year, to the circuit court in each district within the circuit for which he is appointed, a report of his doings during the preceding three months, and of the manner in which bankruptcy proceedings are being conducted in said district, with suggestions, if any occur to him, by which the administration of bankruptcy proceedings within the district may be made more efficient and economical. The supervisor shall visit and inspect the office of every clerk and register within his circuit as often as once in every three months.

SEC. 17. Copies of the quarterly reports of supervisors shall be sent by the clerk of the circuit court, in each district, to the district judge of the district, and to the Attorney-General of the United States.

SEC. 18. All the books, accounts, and records of clerks of district courts, and of registers and assignees, shall be always subject to the examination of the supervisor in bankruptcy of the circuit, at his request.

SEC. 19. Supervisors may be removed from office by the court by which they were appointed.

SALARIES, ETC., OF SUPERVISORS AND REGISTERS.

SEC. 20. Supervisors and registers, duly appointed and acting under this act, shall receive yearly salaries at the rate of \$3,000, payable quarterly from the Treasury, as judges are now paid. They shall also, in like manner, be reimbursed from the Treasury for their necessary office and traveling expenses: *Provided*, That the items thereof shall be verified upon oath, and shall be examined in detail, and approved in the case of registers by the district judge, and in the case of supervisors by two judges of one of the circuit courts within the circuit for which they are appointed.

ENTRY AND CLERK'S FEES.

SEC. 21. Every party, debtor or creditor, petitioning for adjudication in bankruptcy, shall, at the time of filing such petition, pay \$50 into the registry of the court, and \$10 to the clerk. Every assignee shall pay into the registry 1 per cent. of the gross amount of money realized from the assets in excess of \$500.

The clerk shall report to the Secretary of the Treasury of the United States the sums paid from time to time into the registry under this section, and transfers of all such sums received during each calendar month shall be made from the registry of the court to the Treasury of the United States, by proper orders and certificates, within ten days after the expiration thereof.

SEC. 22. The clerk shall be paid for a copy of any paper filed in the court of bankruptcy by the party ordering the same the fees now prescribed by law for other copies, except that for copies duly ordered for the use of the register the clerk shall not be paid. The clerk shall also be paid ten cents for each notice which he shall be required to send, and the actual expense of printing and publishing, necessarily incurred in any case and approved by the court. He shall make no charge for filing papers, entering orders or decrees, making dockets, or receiving or paying out money in any case in bankruptcy.

OATHS.

SEC. 23. Any oath required by this act, excepting upon a hearing in court, may be taken before a judge or clerk of a court of record of a State, or of the United States, a register in bankruptcy, a commissioner of the circuit court or a notary public, if taken within the United States; and before a minister, consul or vice-consul of the United States, if taken in a foreign country. The fee for the oath, and the certificate thereof, and preparing the statement of debt, shall be fifty cents: *Provided*, That no fee shall be paid to a Federal judge or register.

USE OF THE MAIL.

SEC. 24. The provisions of the fifth and sixth sections of the act, entitled "An act establishing post-roads, and for other purposes," approved March 3, 1877, for the transmission of official mail matter, are hereby extended to judges, clerks, supervisors, and registers, in respect to bankruptcy business, the envelopes of such matter, in all cases, to bear appropriate indorsements containing the official designation of the officer transmitting the same, with a statement of the penalty for their misuse.

RULES.

SEC. 25. Subject to the provisions of this act, the Supreme Court shall have the like power to make and prescribe rules, forms, and modes of proceeding in bankruptcy, as they now have in relation to suits and proceedings in equity.

RECORDS.

SEC. 26. The proceedings in all cases of bankruptcy shall be deemed matters of record, but the same shall not be required to be recorded at large, but shall be carefully filed, kept, and numbered in the office of the clerk of the court, and a docket only, or short memorandum thereof, shall be kept in books to be provided for that purpose, which shall be open to public inspection.

WARRANTS.

SEC. 27. At any time before or within three months after the adjudication, upon proof being made, by affidavit to the satisfaction of the judge, that any bankrupt or person against whom proceedings in bankruptcy are pending is about to leave the district, and that his departure will hinder, impair or delay the proceedings therein, the judge may issue his warrant to the marshal, directing him to arrest said bankrupt, or supposed bankrupt, and him safely keep until he shall give bail or recognizance in a sum to be specified in said warrant for his appearance from time to time, as required by the court, and for his obedience to all lawful orders of the court in said proceedings.

The judge may at any time, after adjudication and before the assignee is chosen, in any case, upon the application of the bankrupt or of any creditor, issue a warrant to the marshal, requiring him to take possession of the property of the bankrupt, and keep the same safely for the assignee, when appointed.

He may issue a like warrant to seize and keep the property of any person against whom proceedings in bankruptcy are pending, and before adjudication, upon satisfactory evidence by affidavit that he is about to remove, conceal, or transfer his property in fraud of his creditors or of this act.

SEC. 28. The judge may appoint a receiver before adjudication, or before the assignee is chosen, when there appears to be a necessity therefor.

INJUNCTIONS.

SEC. 29. The circuit and district courts of the district wherein any involuntary proceedings in bankruptcy are pending, may before adjudication, by injunction, restrain any person from intermeddling with the property of the supposed bankrupt. The judge in bankruptcy shall have the like power in respect to the supposed bankrupt.

Said courts may likewise restrain creditors from prosecuting actions to final judgment contrary to this act, or may permit such actions to proceed for such purposes and under such restrictions and limitations as shall be found just.

HEARINGS.

SEC. 30. All hearings and examinations in bankruptcy shall, unless otherwise ordered by the judge, be oral, and the register shall report the substance of the evidence, if so requested. When the bankrupt is examined the court may, if the importance of the case seems to require it, order a sworn stenographer to be employed, at the expense of the estate, to take down the evidence. In any hearing or examination a party interested may employ a stenographer, who shall be duly sworn; and the court may, afterward, for cause shown, order the necessary expense of his employment, or some part thereof, to be paid out of the assets.

TIME.

SEC. 31. In all cases in which any particular number of days is prescribed by this title, or shall be mentioned in any rule or order of court, or general order which shall at any time be made under this title, for the doing of any act or for any other purpose, the same shall be reckoned, in the absence of any expression to the contrary, exclusive of the first and inclusive of the last day, unless the last day shall fall on a Sunday, Christmas day, or on any day appointed by the President of the United States as a day of public fast or thanksgiving, or on the 4th of July, in which case the time shall be reckoned exclusive of that day also. The filing of the petition for adjudication shall be deemed the commencement of proceedings under this act.

VOLUNTARY BANKRUPTCY.

SEC. 32. Any person residing within the jurisdiction of the United States, owing debts provable under this act exceeding the amount of \$300, may apply, by petition, to the judge of the judicial district in which such debtor has resided or carried on business for the six months next preceding the time of filing such petition, or for the longest period during such six months, setting forth his place of residence and of business, his indebtedness to said amount, his willingness to surrender all his estate and effects for the benefit of his creditors, and his desire to obtain a discharge under this act.

He shall annex to, or file with, his petition, a schedule containing a full and true statement of all his debts and liabilities, exhibiting, as far as possible, the name and residence of each creditor, and if unknown, the fact to be so stated; the nature, amount, and consideration of each debt and liability, and where contracted, and of any mortgage, pledge, lien, charge, collateral, or other security given for the payment of the same.

He shall, in like manner, annex or file an inventory, containing an accurate statement and description of all his estate assignable under this act, and of the cash value thereof, and of all incumbrances thereon, and of all which he claims as exempt.

The schedule and inventory shall be verified by the oath of the petitioner. SEC. 33. The filing of such a petition, as last aforesaid, shall be an act of bankruptcy, and shall be conclusive evidence of the petitioner's indebtedness to the requisite amount, and of his inability to pay; and upon the filing thereof, the clerk of the court shall, under the directions of the court, special or general, adjudge such petitioner to be a bankrupt, designate a register to have charge of the cause, and appoint a time and place for the first general meeting of the creditors of said bankrupt for the proof of debts, and the choice of an assignee or assignees, before the judge or before said register, and give notice of such adjudication and meeting, and of the purposes thereof, by publication in one or more newspapers, to be designated by the judge, having regard to the circumstances of the case, and by mail to all known creditors of the petitioner; and the notice to creditors shall state the facts aforesaid, and the names and residences of the creditors, and amounts due them, so far as known. Said meeting shall be held not less than ten nor more than sixty days after adjudication.

If a bankrupt dies after adjudication, the proceedings may go forward as if he had lived.

INVOLUNTARY BANKRUPTCY.

SEC. 34. Any person residing and owing debts, as aforesaid, who, after the passage of this act, departs from the State, District, or Territory of which he is an inhabitant, with intent to defraud his creditors, or, being absent, remains so with like intent, or conceals himself to avoid arrest or the service of legal process issued or feared, or makes a fraudulent transfer of his property or conceals or removes the same to avoid process, or with intent to defraud his creditors procures or suffers judgment against him, or gives a warrant to confess judgment, or judgment note with like intent, or who, having been arrested in any civil action, fails or neglects to give bail, or in some other mode to procure his discharge, for twenty days, or fails to dissolve an attachment laid upon his property in a civil action for a like period, or fails for sixty days to satisfy a final judgment or decree rendered against him for the payment of money, or who, being a trader, has suspended and not resumed payment of his commercial paper or open accounts, made, passed, or contracted in the course of his business, for a period of thirty days after the same were payable, or who, being insolvent, makes a preference to any creditor as hereinafter defined, or makes an assignment for the benefit of existing creditors, with or without preferences, shall be deemed to have committed an act of bankruptcy, and may be adjudged bankrupt by any court of bankruptcy wherein he might have been made bankrupt on his own application, upon a petition filed in such court by three or more of his creditors whose debts, which would be provable at the first meeting under this act, amount in all to not less than \$250; or, if his creditors are less than twelve in number, by not less than one-fourth in number of his creditors, having debts to said amount: *Provided*, Such petition is brought within a period of three months after the act of bankruptcy has been committed. When such act consists of a transfer of or attachment or lien upon property of the bankrupt, such period shall not be deemed to expire until three months from and after the recording, registering, or docketing of the deed, writing, transfer, judgment, or attachment relating thereto, whenever by law such recording, registering, or docketing is required or permitted, or from the notorious, exclusive and continuous possession by the creditor, or other person dealing with the bankrupt, of the personal property which is the subject-matter of such alleged act of bankruptcy.

SEC. 35. In involuntary cases it shall be no objection to the jurisdiction of the court that the debtor has removed from the United States since the act of bankruptcy was committed, provided the petition is brought in a district in which he might have filed his petition at the time of his removal.

SEC. 36. Upon a petition being filed by creditors for adjudication, and cause shown by affidavit, in the petition or otherwise, the court, if satisfied with the proof, shall grant an order of notice to the debtor, requiring him to show cause thereon at a court of bankruptcy to be held before the judge not less than ten days thereafter. Such order shall contain a copy of the petition, or shall state the substance thereof, and be served not less than five days before the return day, as process is served in other civil actions; and the order shall require notice by publication as therein directed, if the debtor is not found and has no usual place of abode within the district. The cause shall proceed and be tried summarily and as speedily as may be after due service has been made to the satisfaction of the judge. The debtor may,

on the day when he is bound to appear, demand a trial by jury, which shall then be had at the first convenient opportunity, and the judge may summon a jury for such purpose if the urgency of the case appears to justify it.

Any creditor of the supposed bankrupt may be admitted as a co-petitioner by filing with the clerk, at any time before the hearing, notice that he wishes to be so admitted, or may be admitted by the court during the hearing. Any person interested to defeat the petition may be admitted to defend.

If the issue is found against the petitioners the petition shall be dismissed; but it shall not be dismissed for want of prosecution or by consent of parties, unless the judge is satisfied that the parties consenting are the only parties interested, or that the acts of bankruptcy have not been committed, or that no interests of creditors can be prejudiced by such dismissal; and to ascertain these facts notice may be required by publication, or the debtor may be required to file a schedule of his creditors, and notice may be given them by mail, or otherwise, as the judge may direct.

SEC. 37. If the debtor shall make default, or if upon the trial the issue shall be decided against him, he shall be adjudged a bankrupt, and shall file within five days thereafter the schedule and inventory above required to be filed by petitioners for the benefit of the act. If he has not appeared in person or by attorney, such notice to file the schedule and inventory shall be given him as the court may order, before he shall be deemed guilty of contempt. If he fails to file these papers in due time, the petitioning creditors shall cause them to be prepared according to the best of their information, and file the same. Upon such filing, in either case, or upon the order of the judge, the first meeting shall be called, and further proceedings shall be had as in cases of voluntary bankruptcy.

FIRST MEETING—CHOICE AND QUALIFICATION OF ASSIGNEES.

SEC. 38. At the first meeting of creditors the clerk shall make return of the notices published and given, and if they are insufficient the register shall adjourn the meeting, and the defects of notice shall be supplied. When due notice has been given the meeting shall be held, and the creditors may prove their debts and choose one or more assignees of the estate of the debtor, the choice to be made by the greater part in value, and not less than one-third in number, of the creditors voting; but creditors shall not vote upon privileged or contingent debts, nor shall a creditor who has received an unlawful preference prove or vote on any debt, unless he shall surrender his preference to the register for the use of the assignee; nor any secured creditor, unless he shall in like manner surrender his security, or unless the register shall find that the excess of his debt above his security must be at least a certain sum, in which case he may vote on that amount.

SEC. 39. Every assignee shall qualify within ten days after his election by giving bond to the United States in such sum and with such sureties as shall be satisfactory to the court, conditioned for the faithful performance of his duties, which shall be filed with the records of the case, and may be prosecuted from time to time in the name and at the charge of any person injured by a breach of the condition thereof; joint assignees may give joint or several bonds, as they shall elect. If any assignee shall fail so to qualify within the time aforesaid he shall be deemed to have declined the trust.

POWERS OF COURT IN RESPECT TO ASSIGNEES.

SEC. 40. The judge may refuse to confirm an assignee; or may add assignees to those chosen; he may remove an assignee for cause, after hearing; he may punish, as for contempt, an assignee who disobeys a lawful order of the court; he may fill all vacancies in the office of assignee caused by death, resignation or otherwise, if he finds that the vacancy needs to be filled. The register may appoint an assignee when there is a failure to elect one, and no objection is made to his exercising such power.

COMMITTEE OF DIRECTION.

SEC. 41. The creditors at the first meeting may, if they please, by a vote such as is required for the choice of an assignee, elect a committee of three persons, whether creditors or not, subject to the approval of the court, who shall be called the committee of direction, whose duty it shall be to advise the assignee in the disposal of the assets, the admission of debts, payment of claims having priority, declaration of dividends and the settlement of the estate in all respects, with a view to the best interests of the creditors; and all sales made, suits brought or acts done by him in good faith, with their written consent, or that of the major part of them, shall be, *prima facie*, deemed expedient and proper; but all such acts shall be subject to the supervision, control, and direction of the court. In case of a neglect or failure to elect such a committee, the court may, at any time, appoint one, if found expedient, upon the application of not less than one-third in value of the creditors whose debts have been proved.

SEC. 42. No action or advice, nor the failure to act or advise on the part of the committee of direction, shall affect the title or right of any one dealing with or sued by the assignee, nor shall it be given in evidence, excepting in the court of bankruptcy, and when the conduct or fees of the assignee or the settlement of the estate is in question therein.

TITLE VESTED IN ASSIGNEES.

SEC. 43. When an assignee has been duly appointed and qualified, there shall vest in him, for the purposes of this act, all the property and estate of every kind, except as hereafter provided, which the bankrupt had at the commencement of the proceedings, including everything of value which he could then by any means have sold, assigned, or conveyed, or which might have been taken on execution upon any judgment against him; all his interest in any patents, patent-rights, or copyrights; all rights in action arising from contract, or from the unlawful taking or detention of or injury to his property; all powers which he might have exercised for his own benefit; all books, deeds, or writings relating to the above-mentioned property; all property conveyed by him in fraud of his creditors; and the assignee shall have the right to avoid any transfer which the creditors of the bankrupt or any of them might by any way or means have then avoided; and the estate in his hands shall not be subject to any liens, charges or incumbrances which, for want of record or otherwise, would not then have been valid as against the creditors of the bankrupt or any of them; and every attachment, levy, seizure, garnishment, charge or lien existing upon the property of the bankrupt, by virtue of any judgment, process, or proceeding against him by any creditor or creditors, at law or in equity, entered, levied, or laid within three months before the bankruptcy, such period to be reckoned as herein provided in relation to acts of bankruptcy, shall be dissolved by such adjudication and appointment, and the money or property in the hands of any officer arising from such levy or seizure shall be the property of the assignee: *Provided*, That all the legal and taxable costs and charges of the creditor and officer in respect to any such levy, attachment, judgment, or seizure, or in the suit in which it was levied or laid, incurred in good faith, shall be a first lien upon the property affected thereby, and the court of bankruptcy shall have power to ascertain the amount of such costs and charges, and to order their payment out of such property before or after the assignee shall be put in possession thereof as shall seem most just and expedient.

EXEMPTED PROPERTY—ALLOWANCES TO BANKRUPTS.

SEC. 44. There shall be excepted and exempted out of the property mentioned in the preceding section, and shall be set apart by the court of bankruptcy, for the use of the bankrupt, the necessary and proper wearing apparel of the bankrupt, and that of his wife and children; his uniform, arms, and equipment as a soldier in the service, past or present, of the Army of the United States, or the militia; such other property as is or may be exempted from attachment, seizure, or levy by the laws of the United States; and such other as was so exempted by the laws

of the State in which the bankrupt was domiciled when the proceedings in bankruptcy were begun, not exceeding, in the case of traders, the value of \$500. And the court may allow the bankrupt a sum of money not exceeding \$500 for his support pending the proceedings, if his circumstances require it.

He shall also be allowed reasonable wages for services rendered his estate at the request of his assignee, and the usual fees for his attendance as a witness when required to attend for his own examination, or in any other matter, excepting at the hearing on the question of his discharge.

DUTIES OF BANKRUPT.

SEC. 45. The bankrupt shall, at the request of the assignee and at the expense of the estate, make and execute any instruments, deeds, and writings which may be proper to enable the assignee to possess himself fully of all the assets vested in him, and do all acts which may be reasonably required by the assignee or ordered by the court in the due settlement of his estate. He shall attend the first meeting of creditors, and such other meetings as he may be duly notified to attend.

EXAMINATIONS.

SEC. 46. The bankrupt shall, when required by the court, at any time before his application for a discharge, attend before the register or a commissioner, to be designated by the court, for examination by the assignee or by creditors touching his trade and dealings, his property and debts, and all matters which may affect the settlement of his estate in bankruptcy.

Upon cause shown by affidavit the court may summon the wife of the bankrupt, or any person suspected of having any assets of the bankrupt in his possession, or to have knowledge of anything material whatsoever relating to the assets or dealings of the bankrupt, to appear and submit to an examination in like manner. If the bankrupt's wife fails to attend after due notice, the bankrupt shall not be entitled to a discharge, unless he proves to the satisfaction of the court that he was unable to procure her attendance.

POWERS, ETC., OF ASSIGNEES.

SEC. 47. A copy of the adjudication and of the record of the assignee's appointment shall be conclusive evidence of his title and powers as to all the matters aforesaid, and of his right to demand, receive, sue for, and recover the assets and to set aside frauds; and this whether he is chosen at the first meeting or appointed by the judge or register, or fills a vacancy. As soon as conveniently may be after the assignee qualifies, the judge or register shall give him a certificate of his appointment, under his hand and the seal of the court, and such certificate shall likewise be conclusive evidence, as aforesaid.

SEC. 48. The assignee shall have the like remedy to recover all the estate, debts, and effects in his own name as the debtor would have had if the decree in bankruptcy had not been rendered. If at the time of the bankruptcy an action is pending in the name of the debtor for the recovery of a debt or other thing which might or ought to pass to the assignee by the assignment, the assignee shall, if he requires it, be admitted to prosecute the action in his own name, in like manner and with like effect as if it had been originally commenced by him. And if any suit at law or in equity, in which the bankrupt is a party defendant, is then pending which in any way concerns the creditors, the assignee may defend the same in the same manner and with the like effect as it might have been defended by the bankrupt.

SEC. 49. No suit pending in the name of the assignee shall be abated by his death or removal; but upon the motion of the surviving or remaining or new assignee, as the case may be, he shall be admitted to prosecute the suit in like manner and with like effect as if it had been originally commenced by him.

SEC. 50. No person shall be entitled, as against the assignee, to withhold from him possession of any books or account of the bankrupt, or claim any lien thereon.

SEC. 51. The assignee shall immediately give notice of his appointment by publication at least once a week for three successive weeks in such newspaper or newspapers as shall be designated by the court, due regard being had to their general circulation in the district, or in that part of the district in which the bankrupt and his creditors shall reside, and shall, within six months, cause the certificate of his appointment to be recorded in every registry of deeds or other office within the United States where a conveyance of any lands owned by the bankrupt ought by law to be recorded.

SEC. 52. The assignee shall, as soon as may be, after receiving any money belonging to the estate, deposit the same in some bank in his name as assignee.

SEC. 53. When it appears that the distribution of the estate may be delayed by litigation or other cause, the court may direct the temporary investment of the money belonging to such estate in securities to be approved by the judge or register, or may authorize it to be deposited in any convenient bank upon such interest, not exceeding the legal rate, as the bank may contract with the assignee, to pay thereon.

SEC. 54. The assignee, under the direction of the court, may submit any controversy arising in the settlement of demands against the estate, or of debts due to it, to the determination of arbitrators, to be chosen by him and the other party to the controversy, and under such direction may compound and settle any such controversy, by agreement with the other party, as he thinks proper and most for the interest of the creditors.

SEC. 55. The judge may, in his discretion, for cause shown, and upon notice and hearing, direct the receiver or assignee to take possession of the property, and carry on the business of the debtor, or any part thereof, under the direction of the judge, when, in his judgment, the interest of the estate as well as of the creditors will be promoted thereby, but not for a period exceeding twelve months from the time the debtor shall have been declared a bankrupt: *Provided*, That such order shall not be made until the judge shall be satisfied that it is approved by a majority in value of the creditors. When a composition is offered before the appointment of an assignee, the judge may make such order in respect to the continuance of the business by the debtor, with or without supervision, or by a receiver, as shall seem to him expedient, and for the interest of all parties.

SEC. 56. Unless otherwise ordered by the court, or the committee of direction, the assignee shall sell the property, whether real or personal, at public auction, in such parts or parcels, and at such times and places, as shall be best calculated to produce the greatest amount with the least expense. All notices of public sales under this act by any assignee or officer of the court shall be published once a week for three consecutive weeks in the newspaper or newspapers to be designated by the court, which, in his opinion, shall be best calculated to give general notice of the sale. And the judge, on the application of any party in interest, shall have complete supervisory power over sales by assignees, including the power to set aside the same and to order a resale, so that the property sold shall realize the largest sum. And the court may, in its discretion, order any real estate of the bankrupt, or any part thereof, to be sold for one-fourth cash at the time of sale, and the residue within twelve months, in such installments and bearing such interest as the court may direct, and secured by proper mortgage or lien upon the property so sold.

SEC. 57. It shall be the duty of every assignee to keep a regular account of all moneys received or expended by him as such assignee, to which account every creditor shall, at reasonable times, have free access.

SEC. 58. Whenever it appears to the satisfaction of the judge that the title to any portion of an estate, real or personal, which has come into possession of the assignee, is in dispute, the judge may, upon the petition of the assignee, and after such notice to the claimant, his agent, or attorney, as the court shall deem reasonable, order it to be sold, under the direction of the assignee, who shall hold the funds received in place of the estate disposed of; and the proceeds of the sale shall be considered the measure of the value of the property in any suit or controversy between the parties in any court. But this provision shall not prevent the recovery

of the property from the possession of the assignee by any proper action commenced at any time before the court orders the sale.

SEC. 59. No suit, either at law or in equity, shall be maintainable in any court between an assignee in bankruptcy and a person claiming an adverse interest, touching any property or rights of property transferable to or vested in such assignee, unless brought within two years from the time when the cause of action accrued for or against such assignee. This provision shall not in any case revive a right of action barred at the time when an assignee is appointed.

DEBTS.

SEC. 60. The following debts and liabilities, and no others, shall be provable in bankruptcy: All debts absolutely due by the bankrupt at the commencement of the proceedings, with any interest which would have been recoverable thereon at that date, or with a rebate of interest upon such as were not then payable, and do not bear interest by the terms of the contract; all damages suffered by reason of the rejection by the assignee of a lease, as hereinafter provided; all demands for or on account of any goods or chattels wrongfully taken, converted, or withheld by the bankrupt, to the amount of their value, with interest; all unliquidated damages arising out of any contract or promise, express or implied; the amount of all such demands and damages, and of all equitable debts, to be assessed in such mode as the court shall direct; all taxable costs incurred in good faith by a creditor before the bankruptcy, in an action to recover a provable debt, may be added to the proof thereof; all costs then taxable against a plaintiff who shall become bankrupt upon a cause of action which would pass to the assignee, and which the assignee declines to prosecute after notice. If judgment is obtained upon a provable debt pending the proceedings, the debt and costs to the time of bankruptcy may be proved, as if no judgment had been obtained. If the bankrupt shall be bound as drawer, indorser, surety, bail, or guarantor upon any bill, note, bond, specialty, or contract, or for the debt of another, the creditor may prove the same at any time after the liability shall become fixed, and before the final dividend shall be declared. In all cases of contingent debts and contingent liabilities contracted by the bankrupt, and not herein otherwise provided for, the creditor may make claim therefor and have his claim allowed, with the right to share in the dividends, if the contingency shall happen before the order for the final dividend; or he may apply to the court seasonably before such final order, to have the value of the debt or liability ascertained and liquidated, which shall then be done in such manner as the court shall direct, and he may prove for the amount so ascertained. If the court shall find such debt or liability incapable of valuation, a decree to that effect shall be entered upon the record.

LEASES, RENTS.

SEC. 61. The bankrupt shall not be entitled to the benefits, nor be bound by the covenants or engagements, of any lease held by him at the time of his bankruptcy, but such lease shall be deemed to be surrendered, so far as he is personally concerned. The assignee may decline the lease at any time, notwithstanding that he may have endeavored to sell the same, or have exercised acts of ownership in respect thereto: *Provided*, That the landlord or any creditor may, in writing, require him to elect, within twenty days after such notice, whether to accept or decline the same, and the failure to accept within such time shall be deemed a declination. When a lease is declined, the landlord may have any damages he shall suffer thereby assessed, as the court shall direct, and prove the amount as a debt in the bankruptcy. Such declination shall not affect any right of the assignee to deal with fixtures belonging to the bankrupt.

PREFERRED CREDITORS.

SEC. 62. Any person who, after the passage of this act, has accepted a preference, having reasonable cause to believe that the same was made or given by the debtor contrary to any provisions thereof, shall not prove any debt or claim against the estate of the debtor, nor receive any dividend therefrom, until he shall first surrender to the assignee all property, money, benefit, or advantage received by him or for his benefit under such preference.

SURETIES.

SEC. 63. Any person liable as bail, surety, guarantor, or otherwise for the bankrupt, who shall have paid the debt, or any part thereof, in discharge of the whole, shall be entitled to prove such debt, or to stand in the place of the creditor, if the creditor has proved the same, although such payments shall have been made after the proceedings in bankruptcy were begun. And any person so liable for the bankrupt and who has not paid the whole of such debt, but is still liable for the same, or any part thereof, may, if the creditor fails or omits to prove such debt, prove the same, in the name of the creditor, if known, if not, in his own name, and the court shall see that the dividend is so paid as to diminish the original debt.

SECURED CREDITORS.

SEC. 64. A secured creditor shall prove only for the excess of the debt after deducting the value of his security, to be ascertained by agreement between him and the assignee, or by a sale or appraisal thereof, to be made in such manner as the court shall direct; or the creditor may surrender such property to the register or assignee, and be admitted to prove his whole debt. If the value of the property exceeds the sum for which it is so held as security, the assignee may release to the creditor the bankrupt's right of redemption therein on receiving such excess; or he may sell the property, subject to the claim of the creditor thereon; and in either case the assignee and creditor, respectively, shall execute all deeds and writings necessary or proper to consummate the transaction. If the property is not so sold, valued, appraised, or surrendered, the creditor shall not be allowed nor required to prove any part of his debt. If, however, such creditor shall have sold the property in good faith, in accordance with the terms of his contract, he may be admitted as a creditor for the excess of his debt, after giving credit for what he has received, and so much more, if anything, as he would have received if a sale or valuation had been made in accordance with this act.

SEC. 65. When the bankrupt, at the time of adjudication, is liable upon any bill of exchange, promissory note, or other obligation, in respect of distinct contracts, as a member of two or more firms carrying on separate and distinct trades, and having distinct estates to be wound up in bankruptcy, or as a sole trader, and also as a member of a firm, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof and receipt of dividend in respect of such distinct contracts against the estates respectively liable upon such contracts.

SET-OFF.

SEC. 66. In all cases of mutual debts or mutual credits between the parties, the account between them shall be stated, and one debt set off against the other, and the balance only shall be allowed or paid, but no set-off shall be allowed in favor of any debtor to the bankrupt of a claim, in its nature not provable against the estate, or of a claim purchased by or transferred to him after the filing of the petition, or within three months before such filing, if purchased with a view to such set-off, and with knowledge, or notice, that the future bankrupt is insolvent, or has committed an act of bankruptcy.

PROOF OF DEBTS.

SEC. 67. Debts offered for proof must be verified by a statement in writing, under oath, and signed by the deponent, setting forth the demand, the consideration thereof, whether any and what securities are held therefor, and whether any and what payments have been made thereon; and that the sum claimed is justly due from the bankrupt to the claimant. Such oath shall be made by the claimant, tes-

tifying of his own knowledge, unless he is absent from the United States, or prevented by some other good cause from testifying, in which case the demand may be verified by the attorney or authorized agent of the claimant testifying to the best of his knowledge, information, and belief, and setting forth his means of knowledge. The statement shall be delivered or sent by mail to the register.

SEC. 68. If the proof is satisfactory to the register, it shall, if offered at the first meeting, be declared admitted; if after the first meeting, he shall deliver or send it to the assignee, who shall examine the same and compare it with the books and accounts of the bankrupt, and shall register the names of creditors who have proved their claims, the time of each proof, and the amount and nature of the debt, in a book which shall be open to the inspection of all the creditors. The court may require or receive further pertinent evidence either for or against the admission of any debt.

SEC. 69. The court may suspend the proof of any debt offered at the first meeting, if it entertains doubts of its validity, or may admit it, for the purposes of the meeting, at less than the amount claimed, if the doubt affects the amount only.

REVISION OF PROOFS.

SEC. 70. The court may, on the application of the assignee, or of any creditor, or of the bankrupt, or without any application, examine upon oath the bankrupt, or any person tendering or who has made proof of a claim, and may summon any person capable of giving evidence concerning such proof, or concerning the debt sought to be proved, and may reject, modify, or expunge all claims and proofs, according to the justice of the case.

SEC. 71. Any one aggrieved by the action of the register allowing, disallowing, or expunging a debt offered for proof, or any part thereof, may, in his application to the judge for a review of such action, demand a trial by jury, if the claim is one which would between solvent parties be triable in that mode; and if he shall not demand a jury, the other party may do so at the time of entering his appearance. Such trial shall be had in the circuit or district court, whichever has or will soonest have a jury in attendance. If in the district court, all rulings of law may be reviewed by the circuit court by writ of error if the sum in dispute exceeds \$500. If the dispute is tried by the judge and exceeds that amount, his decision may be reviewed by the circuit court under its supervisory power. The decision of the circuit court in any case shall be final.

SEC. 72. All creditors whose debts are duly proved and allowed shall be entitled to share in the bankrupt's property and estate *pro rata*, except as provided in the following section.

PRIVILEGED DEBTS.

SEC. 73. The following claims shall have priority and be first paid in full in their order: First. The 1 per cent. upon the gross assets for the use of the United States, as provided in section 21. Second. The costs and charges of the proceedings, including the entry fee of \$60, when not paid by the bankrupt, and all costs duly charged against the assets. Third. Debts, taxes, and assessments due to the United States which have been proved. Fourth. Debts, taxes, and assessments made under the laws of the State where the proceedings are pending and debts due such State, when by the laws thereof such debts have priority against insolvent debtors. Fifth. Wages due any workman, clerk, or servant of the bankrupt for labor performed within six months before the bankruptcy, not exceeding \$50. Sixth. Debts due to any person who by the laws of the United States is entitled to priority. And nothing in this act contained shall interfere with the assessment and collection of taxes by the authority of the United States or of any State.

SEC. 74. The court may at any time, after the adjudication, order payment, in whole or in part, of privileged debts, according to their rank, without formal declaration of a dividend.

ACCOUNTS OF ASSIGNEES.

SEC. 75. Immediately upon the expiration of six months from the time of his appointment, or earlier, if practicable, the assignee shall file in the clerk's office an account of his receipts and payments, and a statement of the situation of the estate, and a list of all debts proved since the first meeting, with the names and residences of the creditors. He shall at the same time file a duplicate of the account and statement with the register. Thereupon a second meeting of creditors shall be called, if the court thinks it expedient to call one, or if the assignee or any creditor requests it, at which the account shall be examined by the creditors and be passed upon by the register, and debts which have been proved may be re-examined, after notice to the proving creditor, as heretofore provided. Such meeting shall be notified by the clerk to all known creditors, with a summary statement of the matters to be considered thereat. If a meeting is not asked for or thought necessary, a hearing shall be had upon the said account, of which notice shall be given, by publication or otherwise, or without notice, as the court shall order. Similar proceedings shall be had at the end of every six months until the estate is fully settled.

SEC. 76. The assignee shall be allowed, from the assets in his hands, all his necessary disbursements and a reasonable compensation for his services, having regard to the circumstances of the case, not exceeding the rate of compensation allowed for similar services by the courts of the State in which the proceedings are pending.

DIVIDENDS.

SEC. 77. Whenever, after the settlement of any assignee's account, there are funds applicable to a dividend, the court shall order a dividend to be declared, reserving, however, sufficient funds to meet all claims which, by reason of their nature, or the distant residence of the creditor, or other sufficient reason, have not been proved and allowed: *Provided*, That a final settlement of the estate shall not be delayed for the proof of contingent liabilities which the creditor has not required the court to value, unless the judge shall make a special order to that effect. The assignee shall prepare a dividend sheet in duplicate, and file one copy thereof in court, and shall notify and pay the creditors in such mode as the court shall order.

UNCLAIMED DIVIDENDS.

SEC. 78. Dividends which remain unclaimed for six months after the final dividend has been declared shall be then paid by the assignee into the registry of the court, and the court shall take all reasonable means to cause their payment to the creditors entitled thereto, and dividends remaining unclaimed in the registry for the space of six years shall be paid into the Treasury of the United States.

PREFERENCES, AND FRAUDS ON THE ACT.

SEC. 79. Any debtor who, being insolvent or in contemplation of insolvency or bankruptcy, shall procure any part of his property to be taken, attached, or sequestered on legal process, or shall, directly or indirectly, assist in the recovery of any judgment against him, or make any payment or transfer of his property, with a view to prefer any creditor or person having any claim against him or who is under any liability for him, shall be deemed to have made a fraudulent preference; and if the same shall have been made within three months before the debtor's bankruptcy, and the person receiving such preference or to be benefited thereby, or his agent, shall have reasonable cause to believe that a fraud on this act was intended, the preference shall be voidable by the assignee, who may recover the property or its value from such creditor or other person: *Provided*, That when a creditor has been preferred and afterward in good faith gives the debtor further credit, without security of any kind, for money or goods which are used in the debtor's business, the amount of such new credit remaining unpaid at the bankruptcy may be deducted from the amount which would otherwise be recoverable from the preferred creditor.

If any such debtor as aforesaid, within the period aforesaid, shall do any of the things above mentioned with intent to prevent the property dealt with or affected

from coming to his assignee in bankruptcy, or to defeat, delay, impair, hinder or evade the operation of this act, the person dealing with such debtor, or any one acting for such person, having reasonable cause to believe that a fraud on this act was intended, the assignee may recover the property or its value from such person.

The fact that a transfer was not made in the ordinary course of the debtor's business shall be *prima facie* evidence of fraud on his part, and of a reasonable cause of belief thereof by the other party.

The period of three months shall be reckoned in the same manner as is herein provided in respect to acts of bankruptcy.

If a debtor shall, directly or indirectly, pay money or transfer property to an attorney at law, for services to be rendered him in bankruptcy, beyond a reasonable retainer, and thereafter becomes bankrupt, such payment shall be a preference, and the assignee may recover the amount by summary process.

PROTECTION OF BANKRUPT.

SEC. 80. No creditor whose debt is provable shall be allowed to prosecute to final judgment any suit at law or in equity therefor against the bankrupt, until the question of the debtor's discharge shall have been determined; and any such suit or proceedings shall, upon the application of the bankrupt, be staid to await the determination of the court in bankruptcy on the question of the discharge: *Provided*, There is no unreasonable delay on the part of the bankrupt in endeavoring to obtain his discharge: *And provided also*, That if the amount due the creditor is in dispute, the suit, by leave of the court in bankruptcy, may proceed to judgment for the purpose of ascertaining the amount due, which amount may be proved in bankruptcy, but execution shall be staid until the time aforesaid.

SEC. 81. No bankrupt shall be liable during the pendency of the proceedings in bankruptcy to arrest in any civil action, unless the same is founded on some debt or claim from which his discharge in bankruptcy would not release him.

DISCHARGE.

SEC. 82. The bankrupt may, not less than six nor more than eighteen months after the adjudication, apply to the court for a discharge from his debts. If all his debts do not exceed \$2,000, or if no debt has been proved against his estate, he may apply after sixty days. A hearing on the application shall be had by the judge, if convenient, and, if not, by the register, after notice by mail to all known creditors, and by publication in one or more newspapers, as the court may direct.

SEC. 83. It shall be a valid objection to the bankrupt's discharge that he has done anything which is made criminal by this act; or has given an illegal preference which has not been surrendered; or, being a trader whose annual transactions exceed \$5,000, has failed to keep proper books of account; or that he has without valid excuse failed to obey any order of the court.

SEC. 84. The hearing shall be conducted like other hearings under this act and be subject to like revision. All creditors whose debts would be barred by the discharge shall be entitled to be heard and to examine the bankrupt, who shall be personally present, unless prevented by some cause satisfactory to the court. No formal pleadings shall be required, but record shall be made of any charges of fraud or other allegations made in opposition to the discharge.

SEC. 85. If upon the hearing and trial it shall be found that the bankrupt has conformed to his duty under this act, and has done nothing which should operate to prevent his discharge, the same shall be granted, and a certificate thereof shall be given him, under the seal of the court, in substance as follows, but which may be varied as the circumstances of any case may require:

DISTRICT COURT OF THE UNITED STATES,

District of ———:

Whereas ——— has been duly adjudged a bankrupt under the Revised Statutes of the United States, title "Bankruptcy," and appears to have conformed to all the requirements of law in that behalf, it is therefore ordered by the court that said ——— be forever discharged from all debts and claims which by said title are made provable against his estate, and which existed on the ——— day of ———, on which day the petition for adjudication was filed by (or against) him; excepting such debts, if any, as are by law excepted from the operation of a discharge in bankruptcy.

Given under my hand and the seal of the court at ———, in the said district, this ——— day of ———.

[SEAL.]

—————, Judge.

The certificate, or an authenticated copy thereof, or of the order for a discharge, shall be conclusive evidence of the fact and regularity of the discharge, and of the jurisdiction of the court granting the same, and may be pleaded in bar by a simple averment that it was granted on the day of its date.

SEC. 86. A discharge duly granted shall release the bankrupt from all provable debts, excepting such as were created by his fraud or embezzlement, or by his defalcation as a public officer, or while acting as a trustee, assignee in bankruptcy, or in some other fiduciary character; and excepting such as were not described in his schedule or some amendment thereof in season for effectual proof, with the name of the creditor, if known to the bankrupt, unless the creditor had notice or actual knowledge of the bankruptcy. The discharge shall likewise release the bankrupt from all collateral covenants and promises in respect to debts or the security for debts which are discharged.

SEC. 87. No discharge shall release or discharge any person liable for the same debt for or with the bankrupt as partner, joint contractor, indorser, surety, or otherwise.

REVIEW OF DISCHARGE.

SEC. 88. The order granting a discharge may be reviewed and annulled by the judge in bankruptcy of the same court, within two years after it is passed, upon the written application of any creditor or creditors whose debts, amounting to not less than \$250, would be barred thereby, upon due notice and hearing, and satisfactory evidence that such order was obtained by fraud or perjury, or that the bankrupt failed to surrender all his unexempt property, or influenced the action of any creditor in respect to said discharge or to a composition by any payment or promise contrary to law, and that such fraud, perjury, or illegal act was not known to said creditors in season to be availed of in opposition to such discharge.

NEW PROMISE.

SEC. 89. Every promise, covenant, undertaking, and security given by any bankrupt, whether before or after his discharge, to pay a provable debt or any part thereof, notwithstanding his discharge, shall be void, unless some new and valuable consideration is given therefor.

PARTNERS.

SEC. 90. When two or more persons residing and owing debts, as aforesaid, who are or have been partners in trade, become insolvent before the final settlement of their joint affairs, they, or any two or more of them, may be jointly adjudged bankrupt upon the petition of said partners, or any of them, due notice being first given to such as do not join in the petition; and upon evidence that any of said respondents are not insolvent the petition shall, as to him or them, be dismissed. And such partners, or any two or more of them, who shall have committed acts of bankruptcy, may be jointly adjudged bankrupt, upon the petition of creditors and proceedings thereon as hereinbefore provided for individual debtors. Such petition, in either case, may be brought in any district where a petition by or against either of the partners might be brought; and the court shall have power to cause notice to be served on such as are without the district in such mode as it deems best; and the court in which the first petition is filed shall have exclusive jurisdiction of the case, unless the judge of said court shall decide that one of the other districts will

be more advantageous and convenient for the parties interested, in which case the court of the latter district shall have the conduct of the proceedings. This rule shall apply to individual debtors proceeded against in more than one district as well as to partnerships.

SEC. 91. All the creditors of the firm, and the several creditors of each partner, may prove their respective debts. The assignee shall be chosen by the joint creditors, and all the joint and separate property shall vest in him upon his qualification. He shall keep separate accounts of the joint estate, and of the separate estate of each partner, and after deducting out of the whole amount received by the assignee the whole of the expenses and disbursements, the net proceeds of the joint stock shall be appropriated to pay the creditors of the copartnership, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors. If there is any surplus of the separate estate of any partner, after the payment of his separate debts, with interest to the time of payment, such surplus shall be added to the joint stock for the payment of the joint creditors; and if there is any surplus of the joint stock after payment of the joint debts, with like interest, the same shall be appropriated to and divided among the separate estates of the several partners according to their respective right and interest therein, and shall be applied to the payment of their separate debts, respectively. The certificate of discharge shall be granted or refused to each partner as the same would or ought to be if the proceedings had been against him alone. In all other respects the proceedings by or against partners shall be conducted in the like manner as if they had been commenced and prosecuted by or against one person alone.

CORPORATIONS.

SEC. 92. The provisions of this title shall apply to all moneyed, business, or commercial corporations and joint-stock companies, and upon the petition of any officer of any such corporation or company, duly authorized by a vote of a majority of the corporators at any legal meeting called for the purpose, or upon the petition of any creditor of such corporation or company, made and presented to the court having jurisdiction and in the manner provided in respect to debtors, the like proceedings shall be had and taken as are provided in the case of debtors. All the provisions of this title which apply to the debtor, or set forth his duties in regard to furnishing schedules and inventories, executing papers, submitting to examinations, disclosing, making over, secreting, concealing, conveying, assigning, or paying away his money or property, shall in like manner, and with like force, effect, and penalties, apply to each and every officer of such corporation or company, in relation to the same matters concerning the corporation or company, and the money and property thereof. All payments, conveyances, and assignments declared fraudulent and void by this title when made by a debtor, shall in like manner, and to the like extent, and with like remedies, be fraudulent and void when made by a corporation or company. Whenever any corporation by proceedings under this title is declared bankrupt, all its property and assets shall be distributed to the creditors of such corporation in the manner provided in the title in respect to natural persons. But no allowance or discharge shall be granted to any corporation or joint-stock company, or to any person or officer or member thereof.

SEC. 93. Whenever a corporation created by the laws of any State, whose business is carried on wholly within the State creating the same, and also any insurance company so created, whether all its business shall be carried on in such State or not, has had proceedings duly commenced against such corporation or company before the courts of such State for the purpose of winding up the affairs of such corporation or company, and dividing its assets ratably among its creditors, and lawfully among those entitled thereto, prior to proceedings having been commenced against such corporation or company under the bankruptcy laws of the United States, any order made, or that shall be made by such court, agreeably to the State law, for the ratable distribution or payment of any dividend of assets to the creditors of such corporation or company, while such State court shall remain actually or constructively in possession or control of the assets of such corporation or company, shall be deemed valid, notwithstanding proceedings in bankruptcy may have been commenced and be pending against such corporation or company.

COMPOSITION.

SEC. 94. At any time after a debtor has been adjudged bankrupt, and has filed his schedule and inventory, he may file in the clerk's office of the court of bankruptcy a proposal for a composition with his creditors. Such proposal shall not be considered unless it provides for the payment in cash of all debts, costs, and charges entitled to priority by this act, and for a payment of at least 15 per cent. to the general creditors, of which, at least, one-third shall be cash, and the remainder shall be amply secured, by indorsement or otherwise, in a mode to be stated in said proposal.

SEC. 95. Upon the filing of such a proposal, the court shall order a hearing before the register upon the issue of the acceptance or rejection thereof, of which hearing the clerk shall send notice by mail, post-paid, to all known creditors of the debtor, at least ten days before the time appointed therefor, of the substance of the said proposal. Until said hearing, the assignee, or, if no assignee has been chosen, the register, or some person to be designated by the court, shall be the custodian of all the books of account and other writings and papers of the debtor which can be of use in deciding said issue, including copies of his schedule and inventory, and the same shall be open at all reasonable times to the examination of the creditors, and of any agent, accountant, attorney, or committee, duly acting for the creditors, or any of them.

SEC. 96. At the hearing, the debtor shall be personally present, and may be examined by any creditor, and by the register and assignee, concerning all matters pertinent to the issue.

All other pertinent evidence may be given; and the debtor may, at any time before the hearing is closed, offer a written modification of his proposal, more favorable to the creditors than that originally proposed; but not one which is, or can be, less favorable; and such modified proposal shall thenceforward be considered the proposal.

SEC. 97. After the evidence is closed, the hearing shall be adjourned for not less than two nor more than four weeks, and if at or before the adjourned hearing the debtor shall file with the register, or in the clerk's office, the written assent to said proposal, signed by at least one-third in number and three-fourths in value of all his known creditors, or their attorneys for such purpose specially authorized, the same shall be forthwith reported to the judge in the mode before provided in respect to hearings, together with the opinion of the register thereon. No assent shall be signed by any creditor before the first hearing, and any which has been so signed shall not be counted; nor shall any creditor having priority, or who has received a preference, be counted; nor a secured creditor, except for the excess of his debt, to be ascertained as the court may prescribe. Demands for unliquidated damages shall be assessed under the direction of the court before the acceptance of the proposal, but need not be counted unless assessed before the adjourned hearing. The judge shall appoint some convenient time, not more than thirty days after said report is filed, for a hearing of all parties interested, and shall confirm said proposal if the same appears to have been duly assented to, and is, in the opinion of the court, beneficial for the creditors, and not unjust to any one. If the only valid objection to said proposal is the insufficiency of the security for the deferred payments, the court may affirm it upon satisfactory security being given. Upon such acceptance, the money for the cash payments shall be forthwith paid into the registry of the court, with a list of the creditors, and of the amount due to each; and shall be paid out to said creditors as other moneys are paid out of the registry. And if there are deferred installments, evidence shall be furnished to the satisfaction of the court that the same have been all duly and properly secured, as provided in the order; and, thereupon, the court shall grant a discharge to the

debtor, which shall release him from his provable debts, with the exceptions applicable to an ordinary discharge in bankruptcy, and with the further exception of payments upon said composition; and the debtor's property remaining undisposed of shall revert to him, *ipso facto*, upon the granting of the discharge, unless some special order shall be made to the contrary.

SEC. 98. If the payments are not made and securities given before the expiration of thirty days from the order of acceptance of the composition, the case shall proceed in bankruptcy; and in such case the assignee may recover all moneys which shall have been paid to any creditors and which should have been paid into court, or so much thereof as may be necessary to put all creditors upon a just and equal footing, by summary proceedings in the court of bankruptcy against the creditors, jointly, who have received such preference, or against such as can be found, and are able to respond; and for this purpose, creditors without the district may be served with notice or process, as the judge may direct.

SEC. 99. The court of bankruptcy shall have and retain jurisdiction over a compounding debtor to enforce the payment of the composition before or after the discharge, and over assignees; and other officers having any of his property in their possession or control; and the district and circuit courts shall have jurisdiction concurrently with the State courts of all suits against indorsers, sureties, or others bound for such payments, and upon the property so bound, in all matters pertaining to such composition.

CRIMES.

SEC. 100. From and after the passage of this act if any person who shall be adjudged bankrupt shall, after or within three months before his bankruptcy, and in contemplation or apprehension thereof, secrete, conceal, retain, or remove any of his property, or any book, deed, writing, or document relating thereto; or alter, mutilate, or falsify any such book, deed, writing, or document; or conceal from his assignee or omit from his inventory any property hereinbefore required to be stated therein, or make therein any willfully false valuation, or place any false debt upon his schedule with intent, in each of the above-mentioned cases, to defraud his assignee or his creditors in bankruptcy; or if he shall, in case of any person having to his knowledge proved a false or fictitious debt against his estate, fail to disclose the same to his assignee within one month after coming to the knowledge thereof; or shall make any payment, or give any advantage, or the promise of either, to any creditor, with intent to affect the proceedings in bankruptcy or composition; or shall attempt to account for any of his property by fictitious losses or expenses; or shall, within the period aforesaid, and in contemplation or apprehension aforesaid, obtain on credit from any person any money, goods, chattels, or other thing of value, with intent not to pay for the same according to his undertaking; or with intent, by the means thus acquired, to prefer a creditor or commit any fraud on this act, or to increase his assets in bankruptcy, or to affect the proceedings therein; or shall pledge, pawn, or dispose of otherwise than in the due course of his trade any goods or chattels which he shall have obtained on credit and which remain unpaid for at the time of his bankruptcy, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment, with or without hard labor, for a period not exceeding three years.

SEC. 101. Any person who shall knowingly and fraudulently present any false or fictitious or substantially exaggerated debt or claim for proof against the estate of a bankrupt, or use such false, fictitious, or exaggerated claim in composition, whether personally or by an agent, proxy, or attorney; any agent, proxy, or attorney who shall knowingly offer or use the same; any creditor of a bankrupt who shall knowingly receive any money or thing of value, or the promise of any, as a consideration for any act or forbearance to act in respect to the choice of an assignee, or the acceptance of a composition, or the discharge of a bankrupt, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding \$2,000, or imprisonment not exceeding two years, or by both.

SEC. 102. Any person who shall knowingly and corruptly make any false oath in, or in relation to, any proceedings in bankruptcy, shall be deemed to have committed perjury.

SEC. 103. If an assignee shall fraudulently and corruptly either embezzle, appropriate to his own use, spend or transfer any of the assets in his charge to the injury of the creditors, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$5,000, or imprisoned not more than two years, or both.

SEC. 104. This act shall take effect as to the appointment of registers and supervisors and the promulgation of rules upon its passage, and shall go into full operation on the — day of —, and no officer shall be deemed to have earned any salary excepting from and after said last-mentioned day.

LOCATING PUBLIC LANDS IN THE STATE OF IOWA.

Mr. DEERING. I ask by unanimous consent to have printed in the RECORD a joint resolution of the Legislature of the State of Iowa relating to the location of lands by certain counties, upon which subject a bill has been already introduced by me and now pending before the Committee on the Public Lands.

There was no objection, and it was ordered accordingly.

The resolution is as follows:

Joint resolution and memorial relative to locating land by the several counties of this State.

Whereas there is a large amount of land due the several counties of this State from the United States in lieu of swamp lands sold by the General Government; and

Whereas there are no United States lands in the State of Iowa upon which the counties of this State can locate the land scrip due them from the General Government: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be, and are respectfully, requested and urged to use all lawful means to procure the passage of an act by the Congress of the United States authorizing the location of the land scrip due the several counties of this State upon any Government lands open to public entry in any other State or Territory of the United States.

LORE ALFORD,
Speaker of the House.
FRANK T. CAMPBELL,
President of the Senate.

Approved March 17, 1880.

I hereby certify that the foregoing is a true and correct copy of the original joint resolution on file in this office.

JAS. HULL,
Secretary of State of the State of Iowa.

FORT RIPLEY RESERVATION.

Mr. WASHBURN. I ask unanimous consent to take from the Speaker's table at this time the bill (H. R. No. 1153) to restore to the public domain a part of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes, in order to concur in the Senate amendments thereto.

The SPEAKER. That is a motion to go to business on the Speak-

er's table, and will require unanimous consent. Is there objection to the present consideration of the bill? The Chair hears none. The Clerk will read the Senate amendments.

The Clerk read as follows:

On page 1 strike out all after "except," in line 4, down to and including the word "and," where it occurs the second time in line 11.

Also on page 1, line 22, to strike out the words "that part of."

Also on page 2, at the end of line 12, to insert:

"And provided further, That the Secretary of the Interior shall, prior to offering any quarter section, half quarter section, or quarter quarter section whereon are situate any public buildings or improvements, erected or made by the Government, cause the said tracts with the improvements thereon to be appraised by three disinterested persons, and upon his approval of such appraisal shall dispose of said tracts at not less than the appraised value."

Mr. WASHBURN. I move to concur in the Senate amendments.

The Senate amendments were concurred in.

The SPEAKER. If there be no objection, the title as amended by the Senate will be concurred in.

The Clerk read as follows:

An act to restore to the public domain the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes.

The amendment was agreed to.

Mr. WASHBURN moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SINGLETON, of Mississippi. I move to dispense with the morning hour for the call of committees for reports, in order that the House may proceed to the consideration of the consular and diplomatic appropriation bill.

The SPEAKER. Before putting that motion the Chair, if there be no objection, will recognize several gentlemen for requests they desire to make.

Mr. SINGLETON, of Mississippi. Very well.

HENRY J. CHURCHMAN.

On motion of Mr. TAYLOR, by unanimous consent, the bill (S. No. 475) granting a pension to Henry J. Churchman was taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions.

HEIRS OF PETER GRUBB.

On motion of Mr. FINLEY, by unanimous consent, the Committee on Pensions were discharged from the further consideration of the memorial of the heirs of Peter Grubb, who furnished supplies for the United States during the revolutionary war, and the same was referred to the Committee on War Claims.

KIMBERLY BROTHERS.

Mr. KITCHIN. I am instructed by the Committee on Expenditures in the Navy Department to report back to the House for present consideration the bill (H. R. No. 3290) for the relief of Kimberly Brothers. I desire to put this bill on its immediate passage. I hope no gentleman will object. It is a matter of very great importance, almost a matter of life and death to the complainants.

Mr. GARFIELD. Is that a private bill?

The SPEAKER. It is.

Mr. GARFIELD. I object to its present consideration.

MOBILE BAY.

The SPEAKER, by unanimous consent, laid before the House the following communication from the Senate:

IN THE SENATE OF THE UNITED STATES,
March 17, 1880.

Ordered, That the letter of the Secretary of War in reference to Mobile Bay be transmitted to the House of Representatives for its consideration.

The communication and accompanying papers were referred to the Committee on Commerce, and ordered to be printed.

SURVEY OF MOBILE HARBOR.

The SPEAKER also laid before the House the following communication from the Senate:

IN THE SENATE OF THE UNITED STATES,
March 19, 1880.

The Vice-President laid before the Senate a letter from the Secretary of War, transmitting, in connection with the report of Captain A. N. Damrell, Corps of Engineers, on survey of the harbor at Mobile, Alabama, transmitted on the 13th instant, a communication of the Chief of Engineers, covering copy of a report with accompanying map from the board of engineers for river and harbor improvements to which the report of Captain Damrell was referred for consideration.

Ordered, That it be transmitted to the House of Representatives.

The communication and accompanying papers were referred to the Committee on Commerce, and ordered to be printed.

EXAMINATION OF NOXUBEE RIVER, ETC.

The SPEAKER also laid before the House the following communication from the Senate:

IN THE SENATE OF THE UNITED STATES,
March 18, 1880.

Ordered, That the Secretary of the Senate be directed to communicate to the House of Representatives, for its consideration, the letter of the Secretary of War and of the Chief of Engineers in reference to examinations of the Noxubee River, Mississippi, and the Choctawhatchee River, Alabama.

The communication and accompanying papers were referred to the Committee on Commerce, and ordered to be printed.

JACQUES CLAMORGAN AND PETER PROVENCHER.

The SPEAKER also laid before the House the following communication from the Senate:

IN THE SENATE OF THE UNITED STATES,
March 6, 1880.

Resolved, That the House of Representatives be respectfully requested to transmit to the Senate for examination in reference to the claims therein mentioned, now pending before the Senate, certain letters from the Secretary of the Interior addressed to the Speaker of the House of Representatives, and by him submitted to the House on the 13th day of May, 1874, and described in the House Journal of that date as "letters in relation to private land claims of Jacques Clamorgan and Peter Provencher."

The SPEAKER. These requests of the Senate have been usually granted. If there be no objection this request will be granted.

Mr. CONGER. If a committee of the House is examining the question, the papers should not, perhaps, be taken from them till they report them back.

The SPEAKER. The Chair caused this resolution to be placed in the hands of the chairman of the Committee on Private Land Claims, who returned the answer he did not know of any objection to granting the request of the Senate. However, it might as well go to that committee, so that they may act on the subject. The Chair therefore would prefer that the communication should be referred to the Committee on Private Land Claims.

The communication was referred to the Committee on Private Land Claims.

PACIFIC MAIL STEAMSHIP CONTRACT.

Mr. MANNING. The gentleman from Mississippi [Mr. SINGLETON] yields to me that I may present the preamble and resolution which I send to the desk, to inquire into an alleged contract between the Union Pacific and Central Pacific Railway Companies and the Pacific Mail Steamship Company. I submitted this resolution formerly, but it was objected to. The objections made heretofore have now been withdrawn.

The preamble and resolution were read, as follows:

Whereas it has been announced in the public press that a contract has been entered into by and between the Central Pacific Railroad Company and the Union Pacific Railroad Company on the one part, and the Pacific Mail Steamship Company on the other part, by the terms of which contract the Pacific Mail Steamship Company, in consideration of receiving \$1,330,000 annually for five years from the railway companies, binds itself to accept and charge such rates for freight and passengers as may be fixed by the railroad companies, and to collect the same from the commercial public; and

Whereas the effect of such a contract is directly prejudicial to the public interest and contrary to the public policy that controlled Congress in chartering the Union Pacific Railroad Company, and in granting to both railway companies large subsidies in money and lands: Therefore,

Be it resolved, That the Committee on Pacific Railroads be directed to inquire, specifically, whether such a contract exists, and to do so shall have power to send for persons and papers, and shall report what legislation is necessary to protect the public interests in the premises; and such committee may sit in vacation and report by bill or otherwise.

Mr. CONGER. Let that go to a committee to be reported upon.

The SPEAKER. The gentleman from Michigan objects.

Mr. CONGER. I have no objection to the resolution going to a committee to be reported on.

Mr. MANNING. What I desire is that the committee shall be instructed to inquire into this alleged contract.

Mr. CONGER. Let the Committee on Pacific Railroads report such action as is necessary on this subject.

The SPEAKER. The Chair thinks this resolution belongs to the Committee on the Judiciary.

Mr. MANNING. I thought that was the proper reference. It was objected to, however, by gentlemen belonging to the Committee on Pacific Railroads. And rather than permit such an iniquitous proceeding as this not to be investigated I agreed the matter should go to that committee.

Mr. CONGER. Let the resolution be referred to that committee.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] objects to the consideration of the resolution at this time, but does not object to its reference.

Mr. MANNING. I do not understand how it can be referred. I ask by the resolution that the committee to which it is proposed to refer it shall be authorized to investigate certain alleged facts.

The SPEAKER. The committee can report back the resolution and recommend its adoption by the House.

Mr. MANNING. It does seem to me that gentlemen on the other side should not object to this resolution, which proposes an investigation into a transaction which is not only against public policy but is also criminal in its character because it is a conspiracy. If the gentleman from Michigan [Mr. CONGER] wants to object to an investigation of this kind, let him do so.

Mr. CONGER. I do not object to it; but I want a committee to examine the subject and to report that such an investigation is necessary.

Mr. MANNING. This is the third time the resolution has been introduced and each time objected to, and the objection afterward withdrawn.

The SPEAKER. The gentleman from Michigan objects to the consideration of the resolution in the House until the Committee on Pacific Railroads shall have first considered the subject and asked for its adoption.

Mr. MANNING. That is precisely what the resolution calls for;

that the Committee on Pacific Railroads shall investigate and report to this House what shall be done.

Mr. CONGER. Let the resolution be referred to the committee.

Mr. MANNING. I suppose that is one way of killing the resolution.

The SPEAKER. Does the gentleman consent to its reference?

Mr. MANNING. Yes; I will take any course which may secure the investigation of the merits of the case.

The resolution was accordingly referred to the Committee on Pacific Railroads.

KIMBERLY BROTHERS.

Mr. KITCHIN. I understand that the gentleman from Ohio [Mr. GARFIELD] withdraws his objection made some time since to my reporting a bill from the Committee on Expenditures in the Navy Department to be referred to the Committee of the Whole on the Private Calendar.

Mr. GARFIELD. I have no objection to its being referred to the Calendar.

The bill (H. R. No. 3290) for the relief of Kimberly Brothers was accordingly referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

ORDER OF BUSINESS.

Mr. ATHERTON. I was not in my seat the other day when the Committee on Public Buildings and Grounds was called. I now ask consent to report from that committee two bills relating to public buildings so that they may go on the Calendar with the bills reported at that time relating to public buildings.

There was no objection.

PUBLIC BUILDING IN ALTOONA.

Mr. ATHERTON, from the Committee on Public Buildings and Grounds, reported, as a substitute for the bill H. R. No. 2035, a bill (H. R. No. 5331) to provide for the purchase of a suitable site and the erection of a public building in the city of Altoona, Pennsylvania; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING IN SAINT JOSEPH, MISSOURI.

Mr. ATHERTON also, from the same committee, reported, as a substitute for House bill No. 2665, a bill (H. R. No. 5332) to provide for the erection of a public building in the city of Saint Joseph, in the State of Missouri; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

INTERNATIONAL SHEEP AND WOOL SHOW.

Mr. SHALLENBERGER. I ask unanimous consent that Senate bill No. 1229 be taken from the Speaker's table for consideration at this time. It is a small bill, but one of public interest, to which I think there will be no objection. It is a bill to authorize and direct the Commissioner of Agriculture to attend, in person or by deputy, at the international sheep and wool show to be held in the Centennial buildings, Fairmount Park, Philadelphia, in September, 1880, and to make a full and complete report of the same, and for other purposes.

The SPEAKER. The bill will be read.

The bill was read.

The first section directs the Commissioner of Agriculture to attend, in person or by deputy, the international sheep and wool show to be held in the Centennial buildings, Fairmount Park, Philadelphia, in September, 1880, and to make a full and complete report of the same.

The second section provides that all sheep and wool which shall be imported for the sole purpose of exhibition at this international show shall be admitted without the payment of duty or customs fees or charges, under such regulations as the Secretary of the Treasury may prescribe, but all sheep and wool which shall be sold in the United States, or withdrawn for consumption therein at any time after such importation, shall be subject to the duties, if any, imposed on like imports by the revenue laws in force at the date of importation.

Mr. HOOKER. Ought not that bill to be referred to the Committee on Ways and Means?

Mr. SHALLENBERGER. I desire to state that a bill identically the same in words as this bill has been unanimously reported to this House by the Committee on Agriculture and is now on the Calendar. I would also say that the exact phraseology of the second section of this bill has already passed this House on two different occasions, with the assent of the Committee on Ways and Means. I have consulted with the chairman of the Committee on Ways and Means [Mr. FERNANDO WOOD] and with several other members of that committee, in regard to the second section of this bill, and they approve it. I therefore ask for its immediate consideration and passage. Time is a very essential element in this matter. The officials in charge desire to correspond with our consuls at foreign ports, and it is important that provision be immediately made for the admission, free of duty, of sheep and wool for this international show to be held at Philadelphia. The members of the Committee on Agriculture and the members of the Committee on Ways and Means are unanimously in favor of this bill, as I am informed. I therefore hope there will be no objection to it.

There being no objection, the bill was taken from the Speaker's table, read three several times, and passed.

Mr. SHALLENBERGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WALLACE W. SCREWS.

Mr. SAMFORD, by unanimous consent, reported back from the Committee on Claims, with a favorable recommendation, the bill (H. R. No. 3749) for the relief of Wallace W. Screws, of Montgomery, Alabama; which was referred to the Committee of the Whole House, and the accompanying report ordered to be printed.

SAMUEL A. LOWE.

Mr. SAMFORD also, by unanimous consent, reported back from the same committee, with a favorable recommendation, the bill (H. R. No. 937) for the relief of Samuel A. Lowe; which was referred to the Committee of the Whole House, and the accompanying report ordered to be printed.

COLUMBUS, GEORGIA, A PORT OF DELIVERY.

Mr. PERSONS, by unanimous consent, introduced a bill (H. R. No. 5383) to constitute Columbus, in the State of Georgia, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Several members called for the regular order.

The question being put on the motion of Mr. SINGLETON, of Mississippi, that the morning hour of to-day be dispensed with, there were—ayes 91, noes 54.

Mr. PRICE called for tellers.

Tellers were ordered; and Mr. SINGLETON, of Mississippi, and Mr. THOMAS TURNER were appointed.

The House divided; and the tellers reported—ayes 114, noes 45.

So (two-thirds voting in favor thereof) the morning hour was dispensed with.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. SINGLETON, of Mississippi, from the Committee on Appropriations, reported back, without amendment, the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes, and moved that the same be referred, with the accompanying report, to the Committee of the Whole House on the state of the Union.

Mr. GARFIELD. I reserve all points of order on the bill.

The motion to refer the bill to the Committee of the Whole House on the state of the Union was agreed to.

Mr. SINGLETON, of Mississippi. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill just reported.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. CONVERSE in the chair) and proceeded to the consideration of the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes.

Mr. BLOUNT. I ask unanimous consent that the first reading of the bill be dispensed with.

There being no objection, it was ordered accordingly.

Mr. SINGLETON, of Mississippi. Mr. Chairman, the bill under consideration is a copy of the consular and diplomatic appropriation bill of last year, except in a few small items which I will presently explain. The reasons why we have made no material changes are these: In the first place gentlemen on this floor are continually making charges against the Appropriations Committee of a desire to monopolize the business of other committees and to exercise their functions. Hence when we have endeavored to reduce the salaries of some of our legations and to some extent reorganize and reform our diplomatic relations, it has been charged on the one hand that we were trenching upon the duties and privileges of the Committee on Foreign Affairs, and upon the other that we were attempting to ingraft new legislation upon appropriation bills. To some extent the first charge is well founded, but it grew out of the fact that the committee on federal relations either did not agree with us as to the necessity of any changes or did not desire to enter upon the work of reform. Under this bill we have confined ourselves to appropriating what is necessary to conduct the system as it is with the hope that the said committee will find time and inclination to investigate our diplomatic and consular system and suggest the needed reforms.

The second charge of new legislation upon an appropriation bill is true, but after the long practice of all parties on this subject it is very late in the day to make such an objection. Not only this House—I mean the republican side of it—but the Senate, on both sides, have urged this objection vehemently to any change in the salaries of our diplomatic representatives, and although this House has on several occasions insisted upon certain reductions, yet the Senate has uniformly refused to concur in our action, and in the end this House has been compelled to recede. Not wishing again to be placed in this humiliating attitude, we have appropriated for the salaries after the old rate, awaiting the pleasure of the Committee on Foreign Relations to suggest and carry into effect such changes as to them shall seem proper.

As to the consular system, it is the opinion of your committee that it

should be encouraged and enlarged rather than curtailed and crippled. Our country is now suffering from overproduction in agriculture and manufactures, and what we most need and should secure at any reasonable cost is a market for our surplus products. And while we have not been entirely inactive in relation to the extension of our commerce, other nations have been making vigorous efforts to control the markets of the world. We cannot remain listless and idle spectators of this progress and improvement in other countries and leave our own to lag behind. The last decade has marked great improvement in our foreign trade. A few years ago our imports largely exceeded our exports, showing a system of depletion and consequent exhaustion; but the last year showed a balance of trade in our favor of more than \$250,000,000, and this year it is hoped it will be still larger.

Our consular system, which relates mainly to commerce and our material interests, ought to be fostered and encouraged. Upon an examination of the figures in the Fifth Auditor's report for 1879 it will be found that the system paid all its expenses for that year and in addition turned over to the United States Treasury \$131,390.92, all of which of course is a tax upon commerce, and tends to delay and embarrass it. While this amount paid into the Treasury is an item of importance, yet it is believed if it were used and employed in extending and enlarging our commerce, it would pay tenfold that amount by giving new markets to our people for the disposal of the surplus fruits of their labor.

There is no reason why we should not compete successfully for the trade of all nations. It is true that our merchant marine, under the idiotic system of compelling our ship-owners to buy vessels at a ruinous rate from American builders, has almost disappeared from the ocean; but it is hoped this evil will soon be remedied, and again American bottoms will transport American products to all the markets of the world.

While therefore it is the opinion of at least a portion of your committee that a reduction in our diplomatic service might be advantageously made, yet they are equally well convinced that an extension of our consular system judiciously made would greatly improve and benefit our material interests.

I stated there were but few changes made in the bill, and I do not propose to dwell on them at any length. The first is an item of \$20,000, not in the last appropriation bill, which has been set apart for the purpose of paying *chargés d'affaires ad interim* and secretaries of legation while acting in the capacity of ministers when vacancies occur or the ministers are absent from their posts. It has been the custom for many years to make this appropriation, but at the last session of Congress, although the House voted it, when the bill went to the Senate this item was stricken out and no appropriation was made for these officers.

This House has never willingly sanctioned a change of that kind. We have always believed that if these secretaries of legation are called upon to perform the duties of ministers they should be paid a reasonable compensation for their services. Our ministers are allowed two months' leave of absence from their posts during the year, and one month's absence is allowed for traveling from the United States to their posts or from them to their homes, during which time it becomes the duty of these secretaries of legation to perform all the functions of a minister. This system entails but a small loss upon the Government, as the secretary of legation gets but one-half the minister's salary while he is performing this duty. We thought it but right and just they should be paid for services thus rendered, and have provided, in accordance with the estimate of the Secretary of State, for their payment the sum of \$20,000.

In the second place, at the solicitation of the Secretary of State, we have given five new clerks to consuls at different points, namely, at Calcutta, at Melbourne, at Beirut, at Fayal, and Naples, and at the same time we withheld a clerk from the consul at Ottawa; so that we have provided for clerkships for only four of these consulates, at a salary not exceeding \$1,500 per annum, amounting in all to \$6,000.

It is very important they should have these clerks as we believe. At Calcutta there is a consular court, and quite an amount of business done. Very recently an American, who had committed some offense, or was charged with some offense on board of a vessel outside of the jurisdiction of the provincial government, was arrested and taken before the court of the provincial government in Calcutta, and was there tried and convicted. It was deemed at the time a misstep on the part of the provincial government, and the end of it has been that the man was demanded by the American Government and brought home and is now in charge of the officers of our Government and will have to stand his trial before the proper tribunal.

At Melbourne we have given a clerk with a salary not to exceed \$1,500. Melbourne is the capital of Australia, with a population of two hundred thousand, and the area of Australia is only one-sixth less than that of all Europe. We have considerable commercial relations with that country, and many of our people go there for the purpose of entering the gold diggings, and it is necessary there should be a clerk to our consul at that point, as his labors are onerous.

Then we come to Beirut, in Syria, on the eastern end of the Mediterranean Sea, which is a landing-place for visitors who wish to go to the Holy Land. A great many Americans land there. We have at present no extensive commerce with it, but hope in time to see it greatly improved. There is a consular court there for the protection of our citizens, and we have given a clerk to that consulate.

We have allowed a clerk at Fayal, in the Portuguese dominions, and one at Naples, neither of which is a great commercial point; but at Naples we have a great many American travelers. Nearly all the Americans going to Italy stop at Naples, and we often find complications springing up which make it necessary our citizens should be protected. So we have given the consul at Naples a clerk.

We have added to the contingent expenses of last year for all the consuls abroad \$10,000. We appropriated \$115,000 the past year. It was not sufficient, as has been demonstrated to us. The Secretary estimated for \$140,000, but we deemed it unnecessary to give him that amount. We have added to the \$115,000 of last year \$10,000, making the amount \$125,000 for the next fiscal year.

We have also added \$10,000 to the sum appropriated last year for taking care of our seamen abroad. We have already spent \$53,000 for this laudable purpose, which commends itself most strongly to our sense of justice. We gave \$50,000 last year, which was insufficient, and we propose to give \$60,000 this year. And while I am talking to you to-day, Mr. Chairman, there are two or three of our vessels closed in by the ice in the Arctic regions, and the proposition passed the Committee on Appropriations a few days ago setting apart funds that one of our revenue-cutters should be put in order and sent to rescue these seamen. Disasters to our shipping have been great the past year, and hence the necessity of a liberal appropriation. They are brave, hardy men, and go into the service for the purpose of extending our commerce and we believe wherever they can be found, whether shipwrecked by storm or frozen in by ice, their interests and their wants should be considered and they should be protected from suffering as far as can be done by this Government. The appropriation for this purpose has been increased from \$50,000 to \$60,000.

Again, the Secretary of State recommended that we appropriate \$500 for inclosing the cemetery at Smyrna where some of our American citizens are buried. This cemetery seems to be turned out, no attention having been paid to it, and we deemed it right and reasonable to give this amount. These, then, are the amounts added to the appropriation bill of last year, aggregating the sum of \$46,500.

I have thus given the points of difference between the bill of last year as it became a law and the present bill. While your committee have in this instance, as in all others, had an eye to strict economy, yet it has endeavored by a small increase of expenditure to improve our consular system, to protect our seamen abroad, and pay to our secretaries of legation a fair compensation for services while acting in the capacity of ministers.

It is hoped this bill will meet with favor from the House and that a protracted discussion will be avoided.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. SINGLETON, of Mississippi. Certainly.

Mr. McMILLIN. How many new clerks of legations does this provide for?

Mr. SINGLETON, of Mississippi. Only four. Leaving out Ottawa, where we have dispensed with the clerk, we have given five but making really an increase of only four.

Mr. McMILLIN. Could they not be dispensed with?

Mr. SINGLETON, of Mississippi. I think not, sir. We examined the matter carefully, and think it very important to grant this additional force at the points named.

Mr. MONROE. Mr. Chairman, a characteristic of our age is the disposition to question the value of existing systems and institutions. This tendency is a wholesome one, and it is productive only of good when it is restrained and tempered by an honest desire to preserve whatever in established institutions has real worth. The hatred of shams and of hurtful privilege has a grand mission in the world, and it does excellent work in the cause of the people when it does not flame so high as to destroy the good with the evil. The spirit of inquiry has overtaken the diplomatic service of civilized nations; and this, too, must be subjected to the test of utility. Is there any good reason for maintaining what are called diplomatic relations between different countries? May not this branch of the public service be wholly abolished? Or, if not this, may it not be immensely reduced? May not one minister abroad, at some central court, do all that is now done by a dozen? As special envoys in addition to the regular force are often appointed when grave international difficulties arise, are not these all that we need, and can we not in ordinary times dispense with diplomatic agents altogether? Cannot the foreign offices of different governments settle disputed questions by corresponding directly with each other? Do we need any better instrument of diplomacy than the telegraph? Is not the lightning, hastening from capital to capital over the ocean cable, the best envoy extraordinary? Will not electricity enable us to dispense with foreign ministers; or, at least, to get along with cheap ones? In a word, is not the whole diplomatic system of the world a worn-out contrivance to secure places of honor and profit for the few at the expense of the many? These are some of the questions which are asked, and they must be satisfactorily answered by those who would retain in its essential features the present method of conducting negotiations between governments.

I may say, at the outset, that the question in dispute is not whether particular ministers have been able and faithful, or otherwise, in the discharge of their duties. If Smith has been indolent at one capital, if Brown has been stupid at another, if Jones has traded in the honor

of his country at a third, that only proves that the Government was unfortunate in the choice of its agents, and not that the service to which they were appointed is useless. The question is not whether these men were meritorious ministers, but did the office which they undertook to fill afford noble opportunities to do good work for their country and for mankind? If inefficient and unfaithful officers are to be taken as evidence that the department to which they belong is unnecessary and injurious and should be abolished, then no branch of this or any other government can be defended. But no one proposes to act upon this principle in any other direction than that of our diplomacy. There have been bad judges; but we do not propose to abolish the judiciary. There have been idle, useless, and unworthy members of Congress; but no one on that account ever suggests that the country could get along without the National Legislature. It is evident that the issue to be discussed is not what is the character of officers, but what is the nature of the service? Is the service in itself necessary and useful, or the opposite? The question is not even whether at all or most of our foreign legations remarkable or extraordinary events occur in the course of any particular year. It will be sufficient to show that there is always enough common and useful work to do, and that extraordinary events are at all times liable to occur at any legation. The prudent commander stations his picket-guards at every point around his lines during the night even though his experience may have been that danger has commonly approached upon only one point, and often not at all. Our foreign ministers are the sentinels of the Republic. It would be better to keep all these at their places even if much of the time they had no useful work to do—which, however, is not the case—rather than that in a single instance some great danger should steal in upon us unforwarned.

It will hardly be denied that there is in the nature of things a presumption in favor of diplomatic intercourse between nations. In general there are the same reasons for maintaining diplomatic relations between governments that there are for maintaining social relations between individuals. The man who takes pains to become acquainted with his neighbors, to receive and return their visits, to remove misunderstandings, and to live pleasantly with them will find his advantage in this when occasions arise—and they will arise—in which general good feeling is indispensable to him. On the other hand, the sullen and unsocial man is left to fight the battle of life alone, and will often find that battle too hard for him. It is evident that the same principle is in large degree applicable to nations. The sending a minister abroad and receiving one in return is in itself a social and friendly act. It removes suspicion; it allays prejudice; it puts nations in easy relations with each other; it prevents misunderstandings, and is both a cheaper and more thorough defense against hostile attack than fleets and armies, for it removes the very causes by which hostile attacks are produced.

Again, it is worth remarking that the practice of the civilized world is in favor of a system of diplomacy. The united testimony of all nations that have any considerable rank must be held to be worth something. At the present time there is no nation of respectable standing among the powers of the earth that will consent to remain unrepresented at the capital of any other important country. Indeed, there is no tendency whatever among the governments of the world to dispense with their representatives abroad. Is it supposable that all these countries misunderstand their own true interests? No one who has been a reader of history will have failed to observe the value of the mere presence in a foreign country of a minister of sense and right feeling in preventing injurious and irritating occurrences. The eminent Montague Bernard, professor of international law in the University of Oxford, who was a member of the Joint High Commission held a few years since in this city, says in a volume of published lectures:

How many misunderstandings have been prevented, how much of cordiality and mutual esteem has been kept up, how often the sharp edges of a correspondence have been softened and disagreeable communications robbed of their sting by the mere presence of a man of temper and judgment who has been careful to live on a friendly footing with the ministers with whom he has to deal—of a man, in short, not unfit for his place.

It has been often noticed that in the absence of a minister there is less restraint upon those who, for any reason, are unfavorably disposed toward his country. When a foreign minister is present a certain respectful kindness is felt toward him as one who in his single person represents perhaps a great people and has come confidently to claim the hospitality of strangers. There is something in his very position which challenges gentleness and forbearance. In his presence the orators and the presses moderate their appeals to passion and prejudice against the government from which he is accredited. When he comes men lower their voices, suspend or qualify criticism, and put on hospitable looks as they do for a guest at their firesides. When two nations both need the favor of a third for commercial, political, or other purposes, the one which for any reason happens to be unrepresented has often in consequence been put to great disadvantage.

We have a notable example of this in our own recent history. At the outbreak of the late civil war, the British Queen's proclamation of neutrality, which furnished the text for all the subsequent diplomatic differences between England and America, was published on the 13th of May, 1861. Our minister, Mr. Adams, with full instructions from his Government how to avert this and other unfavorable

action, arrived in London on the 15th of the same month. That proclamation, which was the source of so many of our woes, was issued two days before his arrival, although he was expected and arrangements had already been made at the foreign office for his reception. What reason can be given for this haste? After a delay of so many weeks from the commencement of hostilities in this country, there would seem to have been no difficulty in a delay of forty-eight hours longer. The real explanation undoubtedly is that Lord John Russell found it more convenient and comfortable to issue the proclamation before the arrival of the American minister. Had he been in London he would have asked for delay, for an opportunity to be heard and to make known the views of his Government, and ordinary diplomatic courtesy would have demanded that his request should be granted. He would have brought to the foreign office his earnest and convincing logic, fortified by principle and precedent, and Lord Russell would have been subjected to the embarrassment of hearing and answering his arguments before he should act. The British minister was not wholly uncommitted. The commissioners of the Confederate States had already gained his ear. As early as the 4th of May those commissioners, Messrs. Yancey, Mann, and Rost, had been received by Lord Russell in a way which he chose to designate as unofficial, and had made their argument ably and skillfully. That they had made a strong impression upon his mind is evident from a letter which he wrote soon after to Lord Lyons, then in Washington, in which he says that one of the points which they made was the difference between the North and the South as to a protective tariff. They stated that the United States Government had already imposed duties which would exclude British manufactures, whereas the southern people, being almost wholly agricultural, should their independence be recognized and achieved, would open their ports to free trade with England. One may pardon a British minister for finding such an argument interesting and convincing. When Mr. Adams arrived he had to contend, first of all, with this strong bias in the mind of the minister with whom his correspondence must be conducted. It is difficult to resist the conclusion that the painful disadvantage which our Government so long labored under in its relations with England grew principally out of the fact that Messrs. Yancey, Mann, and Rost were eleven days ahead of Mr. Adams in getting a hearing. No one can be blamed for what occurred in that time of anxious uncertainty, but it is easy now to see that Mr. Adams should have been in London by the first or middle of April. Had that been so, the Queen's proclamation would probably never have been issued.

Another instance of the disadvantage to which we have been put for the want of representation is of great interest to the country at the present moment. I think it was some time in the year 1876 that we decided to dispense with the United States mission to the Republic of Colombia. We did this from motives of economy and because we thought it unnecessary to keep up diplomatic intercourse with a nation of such inferior rank. For most of the time in the years 1877 and 1878 we had no minister in that country. During the year 1878, on the earnest representation of New York merchants that the business interests of our people in Colombia are too important to be left without the protection of a minister, we again appropriated the money to send one there, and he was subsequently sent. But in the mean time some things had happened in that country which we had had no share in, and which are now attracting general attention. It is a suggestive fact that the period during which we chose to vacate our representation in Colombia almost exactly coincides with the period of greatest French activity in preparation for the construction of an interoceanic canal. During that time Lieutenants Wyse and Reclus, distinguished officers of the French navy, completed their surveys of the route between Panama and the Gulf of Limon. On the 20th of March, 1878, the concession of the Colombian government to Lieutenant Wyse was signed by President Parra. Our new minister did not reach Bogota until early in the following September, nearly six months after this important contract was consummated.

The concession which was granted is the one which was afterward sold to that eminent French citizen whom we all delight to honor, M. de Lesseps. It is now generally held that this concession, which is in its terms an exclusive monopoly, may become the basis for an interoceanic canal company organized and established under French laws, and as such entitled to the protection of the French government. As an immense carrying-trade between our Atlantic and our Pacific coasts would naturally pass through such a canal when constructed, the American people are now discussing the question whether they can consent to permit even any risk of subjecting interests which can only be computed by hundreds of millions to the varying policy, the views of self-interest, the changes of ministry, or possibly the revolutions of a foreign government. We are now waking up and asking, When did all this happen? how did our French neighbors gain this advantage? who has blundered? what are we to do about the matter? I do not attempt to discuss the question how important this issue may be to us. I only say that if it is dangerous to our interests that a company should be formed under the laws of France to construct an interoceanic canal across the Isthmus, and if it was a mistake to allow the preparatory steps to be taken for the organization of such a company, then it was also a mistake not to have kept constantly at Bogota a capable and well-informed minister who could have asserted our right to be heard, and who could have protested

against any measures unfavorable to our interests at a time when the protest would have been less likely to produce bad feeling than it now will, after the enterprise has made such progress.

This mistake of going unrepresented in Colombia was the less excusable because years since we had made one almost exactly like it with a result which should have prevented its repetition. More than thirty years ago our Government thought Nicaragua of so little importance that it sent no minister to that country, although Great Britain was always, and actively, represented there. What was the result? Some of us can remember how, in 1848, the people of our commercial cities were startled by receiving the news that England had taken possession of the town of San Juan and was extending its protectorate over the whole Mosquito coast. As San Juan was at the Atlantic terminus of the proposed canal through Nicaragua, the people of the United States were not pleased with this act of Great Britain. A diplomatic quarrel followed, which did not cease until the Clayton-Bulwer treaty was ratified, some time after which the Mosquito coast was restored to the protection of Nicaragua.

In our time, when so large a part of the world travels and intercommunication between nations is so general, events are constantly occurring in all commercial countries, whether great or small, which render the presence of a minister necessary for the protection of the property, the liberty, and even the life of his countrymen. In the multiplicity and hurry of business in our modern life, there is often hasty action in cases affecting personal rights by the authorities of commercial ports and by the inferior magistrates and judges or even higher officials of government. Hence we not unfrequently hear of the hasty seizure of a ship, the unlawful confiscation of a cargo, the arrest of citizens on insufficient grounds, the drafting of naturalized citizens of one country into the army of their native country, or the shipping of paupers and criminals from one country to another to be relieved of their presence. Cases like these cannot be inquired into and settled by the authorities of a country thousands of miles distant. They are cases which will not admit of delay. Before remonstrance can come from a remote government, either no remonstrance will be needed or an irreparable wrong will be done. Questions like these which are now constantly arising, and will arise more and more frequently as the intercourse of business is multiplied and extended, demand the constant presence and active attention of a diplomatic representative; and a minister abroad is as much needed to secure right conduct from his own countrymen as to furnish them protection. Citizens who travel often need to be reminded of their duty, as well as to receive sympathy and assistance. They do not always treat with proper respect the laws, regulations, and usages of other countries. In such cases a good minister will be just and impartial. He will demand that his countrymen abroad shall perform their duties as well as enjoy their rights. In this way he commands respect in the country where he resides as well as in the country from which he comes; and by discouraging unlawful conduct and unreasonable expectations in the citizens of both, removes those causes of irritation which often result so disastrously.

The fact that at the present day there are international questions arising in most countries, which make the presence of a minister indispensable, is well illustrated in the experience of our own diplomatic corps. We have examples of this in Switzerland, one of the smallest, and in Great Britain, one of the most powerful of the countries of the world, in both of which our representatives have found it necessary to guard against the unwarranted shipping of paupers to our shores and in both of which questions of citizenship have often required attention.

We have another example in the laborious and delicate service rendered by our ministers in Berlin. In one or two instances I have seen intimations in the press that the legation at that capital had nothing to do. Such a view of the case can spring only from a want of proper information. Of the thousands of Germans who come to this country and in good faith become naturalized citizens, intending to make America their home and the home of their posterity, many subsequently return to the Fatherland to visit relatives or to look after their property interests. Some of these find it necessary to remain a considerable time. The laws of Germany are very severe in regard to military service and its authorities are very jealous of attempts to evade it. Hence, under these laws and under our treaties with Germany, questions constantly arise, which the inferior authorities sometimes decide adversely to the citizen. The liability to this is increased by the fact that some Germans who have been naturalized in this country left Germany to avoid military service, or were even deserters from it. There are even some cases of those who have attempted to evade this service by the use of fraudulent papers of naturalization. All this begets suspicion on the part of magistrates and a disposition to apply the most rigorous rules of evidence.

Thus it happens that many Germans claiming to be citizens of the United States are, sometimes justly and sometimes unjustly, condemned to the military service or fined for having previously failed to perform it. Hundreds of these persons apply to the American minister for assistance, and ask him to intercede with the minister of foreign affairs for their relief. Our diplomatic correspondence shows that almost daily applications of this kind are made to the American legation in Berlin, either in writing or by personal visit. The labor thus thrown upon our representative and his assistants is constant and immense. He must investigate every one of these cases thoroughly,

for the most important interests depend upon the judgment which he may form. He must take the greatest care to furnish protection to all genuine American citizens, and he must be equally careful not to take measures to absolve those who are not such citizens from their proper obligations to their government. When there is satisfactory evidence that the applicant has been unjustly treated, the minister must apply to the Government to have him relieved. This good work has been constantly going on for years past, and great numbers of American citizens have thus been protected in their newly acquired rights. That the requests of our representatives for the relief of their fellow-citizens have almost always been granted is alike creditable to their conscientious thoroughness in investigation and to the candor and fairness of the German government. Mr. George Bancroft, Mr. Bancroft Davis, and Mr. Bayard Taylor during his too short term of service, had, each of them, a large amount of this patriotic labor to perform in behalf of their fellow-citizens. Mr. Davis mentions thirty-five cases in one dispatch and eighty-six cases in another which he deemed of special interest and which did not include the ordinary callers at the legation for advice and assistance. It is evident that a day should never be allowed to pass at the American legation in Berlin without some person being present authorized and qualified to investigate cases of this kind.

Another chapter of our diplomatic history, which shows how indispensable a minister may be, is found in the services of Mr. Washburne in Paris during the Franco-German war and the rule of the Commune. During this period of danger and alarm, he had first of all to protect all American citizens, whether native or naturalized, in person and property. This he successfully accomplished. Next, the government of North Germany, together with several smaller states, requested him to take in charge thirty thousand German citizens, who had been left in Paris when that city was declared to be in a state of siege. With the approval of his own government, he accepted the responsible trust. On the 28th of August, 1870, an order was issued by the governor of Paris expelling this multitude of helpless citizens from France. Their distress was unspeakable. A large portion of them were destitute, and although there were able-bodied men among them, the women and the children, the invalids and the aged constituted the large majority. Mr. Washburne had to provide a safe conduct for all these beyond the French lines; he had to seek out the destitute, and relieve their wants; and he had to protect all against the suspicion and the rage of excited Frenchmen. As soon as it was known that the interests of German citizens were in his care, they came in crowds to his legation. On one occasion more than five hundred had gathered at his door before seven o'clock in the morning, and in some days there were not less than twenty-five hundred or three thousand persons in waiting. Many Germans, without cause and on mere suspicion, were arrested and thrown into prison. These he visited, inquired into the facts, and secured their release. During this period, he worked every day from twelve to eighteen hours, and remained at the railroad depot until midnight to superintend the departure of the Germans, and to provide for cases of destitution that had been overlooked. So successful was he in the performance of these responsible and burdensome duties that he was able to say at the close that there had been very little loss of life or property on the part of either German or American citizens. He did a noble work for his country and for mankind. He has thrown the light of his courage and philanthropy over the dry routine of the diplomatic service. Most appropriately, both Secretary Fish and Count Bismarck, each in behalf of his own country, thanked him in words of heartiest approval.

Instances are not infrequent where a diplomatic representative has by prompt and judicious personal effort, at some moment of sudden irritation, saved his country from a foolish, expensive, and murderous war, or from grave complications threatening war. One such service as this to a nation more than repays all the expense of its representation abroad for a century. Facts are what are wanted in illustration of this, and I cite two or three from the history of our own country. The first which I shall mention fell in large part under my own observation. On the 7th of October, 1864, the United States war steamer *Wachusett* and the confederate steamer *Florida* lay peacefully together in the harbor of Bahia. The following night Captain Collins, of the *Wachusett*, steamed alongside of the *Florida*, when her officers and crew were mostly ashore, towed her out to sea, and conveyed her to our own coast. This was no doubt one of the grossest violations of the rights of a friendly neutral power of which we have any account. It was between nations what it would be between individuals if a man should pursue his enemy into the house of a friend and attack him there. The people of Bahia were, of course, greatly excited; cannon from the forts, though without effect, opened fire upon the retreating disturber of the peace. An angry mob filled the streets. They attacked the United States consulate and dishonored its coat of arms. There was wild talk of reprisals, of seizing American cargoes, and burning American ships. The news of the outrage reached Rio de Janeiro, the capital of the country, on the night of the 13th. The next morning scenes of angry excitement occurred in that city similar to those in Bahia, except that there was no hostile demonstration against the consulate. A cabinet council was called early in the morning, which had been together but a short time when the conclusion was already reached to send to the minister of the United States his passports, accompanied by a letter of indignant remonstrance demanding immediate reparation. At this crisis the energetic and patriotic Ameri-

can minister, General Webb, did just what was needed to extricate his country from a very awkward situation.

Having heard some rumor of the cabinet council, he went in pursuit of it, and having found it, with friendly abruptness broke into the circle of angry ministers just in time to prevent hostile action. He frankly told them that what had occurred at Bahia was an outrage; that our Government would promptly disapprove it; that those engaged in it would be punished; that an ample apology would be made by the United States to the insulted sovereignty of Brazil, and that a man-of-war would be sent to the harbor of Bahia to salute the Brazilian flag. This commendable course had the desired effect, and an amicable adjustment of difficulties was soon effected. By this single act General Webb paid for his own salary and the salaries of all his predecessors in Brazil. It is not pleasant to reflect upon what might have happened if we had had no minister in that country. For want of a tranquilizing assurance that ample and speedy reparation would be made, the popular indignation might have gone so far that American shipping or other property might have been injured. Then the pride of our own people would, in turn, have been wounded, and differences would have arisen which it might not have been easy to arrange. No doubt the United States is a much stronger country than Brazil, but at that time we had by no means brought our civil war to a conclusion, and Brazil, though not a first-class power, has a sovereign of character and ability; has large resources, and a considerable degree of spirit and discipline. Such an enemy at such a time might have proved to be no small addition to our embarrassments.

The next case of this kind of which I will speak occurred in Japan, and threatened to involve us in hostilities with China. In 1874 the Japanese government fitted out a naval expedition against Formosa, a dependency of the Chinese Empire. The American steamer *New York*, belonging to the Pacific Mail Steamship Company, and several prominent American citizens, were then in the service of the Japanese government. It was arranged that this force should be a part of the expedition. Our minister to Japan, Mr. Bingham, whose eloquent voice some of us have often heard upon this floor, addressed to the government of Japan a note of earnest remonstrance against such use of an American vessel and American citizens against a power with which the United States was at peace, and asked that they should be detached from the expedition. This request was complied with, and we were thus saved from a serious disturbance of our friendly relations with China. It may be said that China is a nation which we should have no reason to fear; but the commerce of our country with China is very great, and it could not be interrupted without injury to the general prosperity.

One more instance of the great usefulness of the regular diplomatic service in averting the interruption of friendly relations is furnished in the negotiations between this country and Great Britain in regard to what were known as the "Alabama claims." It has been said that as here was a question of the first magnitude it had to be settled by special commissioners, and not by ordinary diplomatic representatives. Now, I take pleasure in admitting that the special members of the Joint High Commission rendered invaluable service to both countries; but there is also abundant evidence, in the first place, that the treaty of Washington never could have been adopted without the services of Sir Edward Thornton, the British minister to this country; and in the second place, that it could never have been carried out but for the services of General Schenck, the American minister in London. Of course General Schenck and Sir Edward Thornton were themselves members of the Joint High Commission and had their full share in the labors of all its sessions. As to the special usefulness of Sir Edward Thornton in securing the adoption of the treaty, it has now come to be generally understood that Earl Grey and the other English members of the commission relied fully upon him in forming their opinions as to what the temper of the American people would bear and what the American Government would accept. He had been several years in this country; he had carefully studied the questions in debate; he had often exchanged views with our President and Ministers of State; and he had read our newspapers and become acquainted with our people. It was a plain dictate of common sense, and none knew it better than Lord Grey and his associates, that such a man would better understand what was acceptable to Americans than any special commissioner who had just set foot upon our soil. Sir H. L. Bulwer states in his testimony before a parliamentary commission that the reason why Earl Derby and Lord Clarendon failed in the earlier attempts to settle the difficulties with the United States was that they undertook to make treaties without availing themselves of the knowledge of our country acquired by the British minister in Washington; and hence they were always proposing something which our Government would not entertain.

But Lord Granville was now the minister for foreign affairs, and he had made up his mind not to repeat the mistakes of his predecessors. Hence the special commissioners came to Washington under an inspiration which led them to assign a prominent part to their envoy here in the negotiation of the new treaty. Not less important were the services afterward rendered by our minister in England, General Schenck, in saving the treaty from being repudiated by the British cabinet. On the 15th of December, 1871, the "Alabama case," which had been prepared by Mr. Bancroft Davis, and which contained an

argument in favor of what were known as the "indirect claims," was laid before the tribunal, which then first assembled at Geneva. About a month later great dissatisfaction began to be expressed in England, accompanied by heated discussions in the press and in Parliament that the "indirect claims" had been included in the American case. On the 3d of February, 1872, the British ministry officially announced that they had not expected that the "indirect claims" would be presented at Geneva, and that they could not consent to have those claims considered. The irritation between the two countries growing out of this difference of opinion as to the scope of the treaty continued to increase until the early part of May. At the close of a conference of several hours on the evening of the 9th of May Lord Granville said to General Schenck as they parted that, while he did not wish to utter anything like a menace, he did not think that the chances for an agreement between the two countries were favorable. General Schenck replied that he was of the same opinion. That night, General Schenck tells us, he could not sleep. He was pained beyond measure that the only fruit of so much negotiation should be failure, accompanied by increased bitterness and hostility.

The next morning he resolved to make one effort more. He commenced writing a rapid but clear and vigorous restatement of the position of our Government in regard to the "indirect claims." Learning that a cabinet meeting was in progress he resolved not to wait its conclusion, but called upon Lord Granville at the foreign office and delivered to him so much of the paper he was preparing as had been copied and afterward furnished him with the rest. It was this statement of our minister, presented by him in person with an earnest expression of his desire to save the treaty—a desire which Lord Granville fully shared with him—that induced the British cabinet to postpone unfavorable action and to continue their representation at Geneva. It was a moment when the right word heartily spoken saves nations from years of calamity. Early in June General Schenck delivered to Mr. Adams, then on his way to Geneva, a memorandum in regard to the "indirect claims," which was made the basis for the settlement of that troublesome question in the tribunal. On the 15th of June, 1872, the tribunal reassembled at Geneva, and on the 27th of that month all serious difficulties between the two countries were removed by the decision of the tribunal that the "indirect claims" should be wholly excluded from its consideration. Thus through the judicious and unremitting effort of our regular representative to England the treaty of Washington was saved, an event for which not only England and America but all mankind have reason to be thankful.

I must not close these remarks without briefly calling the attention of the House to one great body of information which we have in the Government libraries upon the general question I have discussed—the usefulness of the diplomatic service. I refer to the numerous and voluminous reports upon this subject from committees of the British Commons. I am far from accepting the authority of even the greatest British statesmen upon all points. As an American I should expect their opinions upon many questions to be molded by a strong bias in favor of the institutions and usages to which they are accustomed. But upon one question they are excellent authority; they do understand what will contribute to the material greatness and prosperity of England. That they understand that, the wonderful history of their country is the best evidence. They make that a study, and are constantly testing all branches of their public service by that standard. This inquiry into the usefulness of the diplomatic service and the possible methods of improving it was not first raised by us. It has been vigorously prosecuted in England for nearly half a century. Successive committees of the House of Commons have been appointed to investigate this subject, take testimony, and make report. Before these committees have testified all those who by ability and long service were best qualified to furnish information. The most experienced diplomatic representatives of Great Britain, the ministers of foreign affairs, the under secretaries, and their subordinates of the foreign office have all brought their contributions of knowledge to the investigations of these committees. This laborious and discriminating accumulation of the results of enlightened experience must go for something with us, must be worthy of our study. I have been at the pains to examine with care nearly two thousand pages of these reports upon the diplomatic service, as they are found in the English Blue Book. I have endeavored to ascertain what conclusions that might be instructive to us are fairly established by these investigations. Omitting such as are of less importance or are left doubtful, I mention a few which are pertinent to our inquiries in this country.

In the first place, we have in these volumes the concurrent testimony of a large number of the best men of England to the great value of the diplomatic service as a means of preserving peace. Many illustrations of this are given which time will not permit me to quote. Indeed, the truth of this proposition is assumed in a large portion of the evidence as being well established. The Earl of Malmsbury declares that the great object of the diplomatic profession is the maintenance of peace, and that if it does not accomplish this it is substantially useless.

Again, there is a general agreement among witnesses in these volumes as to the advantage of the diplomatic service to commerce. Sir Rutherford Alcock, who was so long British envoy in China, attributes the enormous development of British trade in that country to

the combined influence of the diplomatic and consular services. From passages containing opinions similar to this in regard to other countries I quote one at length because it treats of an incidental point of some interest to us—the question how far the importance of a foreign mission in any country is to be measured by the amount of trade with it. The passage is contained in the testimony of Hon. Edward Hammond, for many years permanent under secretary of state. The chairman of the committee questions him as follows:

I gather from your remarks that there is a very large amount of attention paid to commercial interests in our foreign missions, and I should like to ask you whether you do not think that the relative importance of foreign missions may be fairly measured by the extent of the trade existing with this country?

To this question Mr. Hammond replies:

No; I cannot agree with that necessarily. There may be a small amount of trade with a foreign country, but political questions may arise in that foreign country which, though they would not interfere with the commercial interests of the country as regards that foreign country, might, if insufficiently known, have a very important and prejudicial bearing upon the commerce of this country generally. That is the purport of the answer which I gave the other day. What I mean to say is this, that nothing can happen in Europe which disturbs the peace of Europe without more or less interfering with the industry of this country; and I have illustrated that by reminding you that the civil war in America paralyzed entirely a very large and important industry of this country; and, in fact, all the commercial interests in the country are still more or less suffering from the effects of that civil war, and yet we had nothing to do with it.

I remark, in the next place, that I find no trace in these reports to the House of Commons of any tendency to substitute direct correspondence between two countries for diplomatic representation. There is not the slightest intimation that foreign missions can be dispensed with or reduced in number or quality. On the contrary, there is a great weight of testimony in favor of relying upon the local knowledge and increasing the responsibility of ministers abroad. On this point I quote the interesting statement of one of the most accomplished diplomatists of England, Sir H. L. Bulwer, to whose opinion I have already referred. He says:

In my view we have got into very grave difficulties by not making our ministers of late years sufficiently responsible; and if you like I will give you two or three instances. Take the American affairs. When Lord Derby came into office he was certainly desirous, if possible, to reconcile the two countries. What would a sensible man, unfettered by bad advice, have done in that case? Why, supposing that it had been Lord Palmerston, he would have written to the head of the mission at Washington and he would have said, "Well, I want to make up these matters with the United States, if I can, but I do not choose to make any proposition that will not be accepted; go and have a talk with the minister for foreign affairs there, and see what it is that would be accepted, and give me your opinion." Well, I venture to say, knowing something of that country and its people, that I could have gone to the minister of foreign affairs at Washington, and have come away with a perfectly clear idea in my own mind as to the sort of proposition that would succeed, and the sort of proposition that would not; and therefore the responsibility would have been thrown on me as to the course that the government at home could adopt; but it would have been giving a great deal of power to me, as minister, and showing a great reliance on the minister at Washington. Instead of doing that, Lord Derby, apparently without consulting our representative in the United States, makes a proposition of his own, which, directly it gets to the United States, is refused, and it was certain to be refused, because he said our government will give this, and will not give that; and anybody who knows anything of negotiation knows that directly you say what you will not give, that becomes at once the important point in the mind of the person that you are dealing with, particularly in a country like America; and therefore the thing which Lord Derby said he would not give arose into supernatural importance in the minds of the Americans, and became the cause of all the differences that we had afterward. Then Lord Clarendon came into office; a negotiation was going on with Mr. Johnson here; I ventured, as I stated to the House of Commons at the time, to express an opinion to Lord Clarendon that it was unwise to settle the question here with Mr. Johnson; first, because the question could only be settled at Washington; and, in the next place, because he was dealing with an administration that was going out on a matter which another administration that was coming in would have to decide upon. The proper course, then, would have been, in my opinion, to have referred the matter to Washington, and left it to be settled at Washington, giving instructions to our minister; and, above all, giving him orders not to assent to any treaty which would be refused by the Senate. What was the objection to that course? None; but that you would give a greater power to the person at Washington than was liked by the foreign office; the consequence was, that our minister at Washington had not the power, though he saw that it would not be accepted by the Senate, to prevent a treaty signed by our government going up there, and both countries became compromised in a manner which might easily have been avoided.

One of the subjects which are most thoroughly investigated in these parliamentary reports is the possible effect of the telegraph upon the diplomatic service. Upon this question all the distinguished gentlemen who testified before the committees agree in the opinion that the use of telegraphic dispatches increases rather than diminishes the necessity for representatives abroad of ability, tact, and quick intelligence. Some of the prominent diplomatists and statesmen who express this opinion are Lord Stratford de Redcliffe, Earl Cowley, Lord John Russell, Hon. Edmund Hammond, Sir H. G. Elliott, and Earl Clarendon. These gentlemen assert that the telegram being necessarily brief, incomplete, often transmitted in cipher, and always liable to error in transmission, leaves more to the judgment of the minister than the extended written dispatch, and increases both his labor and his responsibility. I quote two or three passages as examples of this mass of evidence.

The following question and answer I find in the testimony of Sir H. G. Elliott:

There seems to be an idea that the use of the telegraph diminishes the work of the head of a mission; do you think that it increases it or diminishes it?—I am sure it increases it; I do not think that that admits of a question.

In reply to the inquiry whether the necessity for diplomatic agency has been diminished by telegraphs Lord John Russell says:

No; of course one has to think of these matters, as there has been a great change; but they rather seem to me to increase the necessity for diplomatic agency. For-

merly a minister, such a man as Mr. Canning, considered all the contingencies of a case and all the arguments that might be used; and he wrote a long dispatch explaining clearly all those matters, which formed an instruction to the minister, so that the minister was obliged to go and speak to a foreign minister. He had his brief in his hand, and could speak from that brief; but now he asks a question or instructions in a few words, and we send him from the foreign office an answer in a few words. He is obliged to supply, therefore, a great deal more than a minister abroad formerly was obliged to supply.

The testimony of Earl Clarendon is equally explicit. The following question is addressed to him by the chairman of the committee:

With regard to the effect of the telegraph on the relations of the foreign office with the missions abroad, does your lordship think that the responsibility of our ministers and ambassadors at the different courts is so much diminished that it would be for the benefit of the country to put in those posts men of less weight, and men less well paid than at present?

To this Earl Clarendon replies as follows:

No, I do not think that the telegraph has made any such changes desirable; you must remember that a telegram is a condensed dispatch. I have had more trouble sometimes in writing a telegram than in writing a dispatch; as I say, it is condensed. The minister or ambassador must give, as far as he can, all that has led to the facts that he narrates, and that he sends by the wire, and afterward he has to develop his telegram by the first messenger or the post. I do not see that it diminishes his labor the least in the world, and the answers that he gets from the foreign office are more or less concise, too, and it requires, perhaps, more judgment, more discretion, to act upon a telegram than when an instruction is fully set out in a dispatch.

So much I have thought it proper to offer to the House as to the results of English experience in regard to the value of the diplomatic service. Whether we do or do not accept these results in all particulars, we can at least study them with profit.

I have thus presented, though but imperfectly, some of the advantages of a well-conducted diplomatic service. It would seem to be reasonably evident that an able and upright representation abroad allays irritation where it exists, prevents the commission of unfriendly acts, protects citizens in life, liberty, property, and rights of citizenship, advances commerce, secures political advantages, preserves peace, maintains the dignity and social rank of the nation, and wins friendly consideration from all civilized powers. Upon these grounds, setting a high estimate upon the value of the diplomatic service of my own country, I would extend rather than reduce it at the present time. It is, no doubt, in many ways imperfect and includes some inefficient members. But it is on the whole a sound and effective instrument of national advancement. I would remove its defects and give it larger scope. I would send ministers to several points where we are now wholly unrepresented. I would willingly have voted for larger appropriations than are contained in the bill now before the House. But believing this bill to be, under the circumstances, the best that we can get, I shall cheerfully support it. I hope it may pass the House without any reduction of the amounts appropriated in it.

Mr. HOUSE. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes, and had come to no conclusion thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed without amendment the bill (H. R. No. 5258) making appropriation of money to provide for the public printing.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TOWNSEND, of Ohio, for four days, on account of important business; and

To Mr. FORT, for five days.

JOHN H. MYER AND WILLIAM L. HAYES.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, relating to the loss of personal effects of John H. Myer and William L. Hayes, of Company F, Sixth Cavalry; which was referred to the Committee on Military Affairs.

PUEBLO OF SAN FRANCISCO.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relating to a bill for the survey of the pueblo of San Francisco; which was referred to the Committee on Private Land Claims.

ADDITIONAL CLERKS IN THE OFFICE OF THE COMMISSARY-GENERAL.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to additional clerks in the office of the Commissary-General of Subsistence of the United States Army; which was referred to the Committee on Appropriations.

RETIRED OFFICERS, UNITED STATES ARMY.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the number, rank, pay, &c., of retired officers of the United States Army; which was referred to the Committee on Military Affairs.

And then, on motion of Mr. MCKENZIE, (at four o'clock and twelve minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. WILLIAM ALDRICH: The petition of Bernhart Brothers & Spindler, type-founders, against the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. ATHERTON: The petitions of W. B. Hubbell and 182 others, and of C. W. Greene and 148 others, citizens of Muskingum County, Ohio, against the repeal of the duty on paper—to the same committee.

Also, the petition of Glesner & Gilbert, of Zanesville, Ohio, against repealing the duty on type—to the same committee.

Also, the petition of the State board of charities of Ohio, for the prevention of the introduction into the United States of infirm and insane paupers from foreign countries—to the Committee on Foreign Affairs.

Also, resolutions of the Ohio State Association of Mexican War Veterans, that pensions be granted to soldiers of that war—to the Committee on Pensions.

By Mr. ATKINS: The petition of the Western Wholesale Drug Association, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. BAKER: The petition of the publishers of the Record, Middleburgh, Indiana, for the abolition of the duty on type, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

By Mr. BICKNELL: The petition of B. F. Dyson and 16 others, of Harrison County, Indiana, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, papers relating to the construction of a public building at New Albany, Indiana, for a post-office, United States courts, and internal-revenue offices—to the Committee on Public Buildings and Grounds.

By Mr. BLAND: The petition of Charles S. Seaman, of Eminence, Missouri, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. BOWMAN: The petition of John R. Poor and others, of Massachusetts, that lands be granted to Indians in severalty, &c.—to the Committee on Indian Affairs.

By Mr. BREWER: The petition of Robert Garner, E. Harris, and 22 others, citizens of White Lake, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of H. A. Wycoff, E. Harris, and 22 others, citizens of White Lake, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. BURROWS: The petition of D. W. Swan and others, soldiers of the United States Army engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. CALDWELL: The petition of Eli D. Watkins, for increase of pension—to the Committee on Invalid Pensions.

By Mr. DIBRELL: The petition of Daniel Kaylor, for relief from loss by a contract for a post-office building at Chattanooga, Tennessee—to the Committee on Claims.

Also, the petition of members of the bar of Chattanooga, Tennessee, that a United States court be held at that place—to the Committee on the Judiciary.

By Mr. DUNN: Two petitions of publishers of Arkansas, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. FINLEY: The petition of L. W. Charters and others, for the passage of the bill for the equalization of bounties—to the Committee on Military Affairs.

By Mr. FRYE: The petition of S. G. Haskell and others, of Deer Isle, Maine, ship-owners, for the repeal of the compulsory pilotage laws—to the Committee on Commerce.

By Mr. GARFIELD: The petition of Thomas Griswold and 30 others, citizens of Ashtabula County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the same committee.

Also, the petitions of R. W. Griswold and 27 others, and of Eugene Chase and 102 others, citizens of Ashtabula County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. HAWLEY: The petition of M. F. Scanlan, publisher of the Connecticut Catholic, Hartford, Connecticut, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of the publishers of the Journal, Palladium, Register, and Union, New Haven, Connecticut, for the abolition of the

duty on type, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the same committee.

Also, the petition of the Grand Lodge of Good Templars of the State of Connecticut, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

Also, the petition of Peter Ehalt, for a pension—to the Committee on Invalid Pensions.

By Mr. HISCOCK: The petition of soldiers of Roxbury, Connecticut, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of druggists of Syracuse, New York, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. HOUK: The petition of the Lenoir (Tennessee) Manufacturing Company and others, for the removal of the prohibitory duties now levied upon chrome iron ore and bichromate of potash—to the same committee.

By Mr. HUBBELL: The petition of Melvin W. Scott and 83 others, citizens of Newaygo County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of Melvin W. Scott and 83 others, citizens of Newaygo County, and of O. S. Cowley and 27 others, citizens of Mecosta County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. HUMPHREY: Memorials of the Legislature of Wisconsin, for the improvement of the harbor of Port Washington, and for the improvement of the harbor of Manitowoc—to the same committee.

Also, memorial of the Legislature of Wisconsin, for an increase and change of mail service in Door County, Wisconsin—to the Committee on the Post-Office and Post-Roads.

By Mr. LADD: The petition of soldiers of the Aroostook or north-eastern boundary war of 1839, State of Maine, to be placed on the pension-roll—to the Committee on Pensions.

By Mr. BENJAMIN F. MARTIN: Papers relating to the claim of William M. Morrison against the Otee and Missouria Indians—to the Committee on Indian Affairs.

By Mr. MCCOID: The petition of soldiers of Lebanon, Iowa, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. MONEY: Seven petitions of publishers of Mississippi, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. MORSE: The petition of John B. Manning and others, citizens of Buffalo, New York, for reciprocal trade with Canada and Newfoundland—to the Committee on Foreign Affairs.

Also, resolution of the General Assembly of Massachusetts, approving the proposed act of Congress granting a pension to certain soldiers and sailors of the Mexican, Black Hawk, Creek, and Florida wars—to the Committee on Pensions.

By Mr. MYERS: The petition of Thomas A. Cobb and 230 others, ex-Union soldiers, of Boone County, Indiana, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. NEAL: The petition of F. C. Sands and 13 others, soldiers of the late war, of Ross County, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of Webster, Thomas & Co., of Adelphi, Ohio, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. NEW: The petition of citizens of Indiana, for the adjudication and payment of the Morgan raid claims—to the Committee on War Claims.

By Mr. NEWBERRY: The petition of citizens and soldiers, that the soldiers of the United States Army engaged in the late war be paid the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. ORTH: The petition of L. R. Thompson & Son, of La Fayette, Indiana, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. OSMER: The petition of J. M. McCormick and 27 others, for the repeal of the national banking act and the issue of legal-tender notes—to the Committee on Banking and Currency.

Also, the petitions of J. Schadt and 15 others, and of J. B. Snyder and 31 others, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, the petition of F. W. Smith and 114 others, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of F. W. Smith and 112 others, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Warren County, Pennsylvania, against the further introduction of the French metric system in any of the Departments of the Government—to the Committee on Coinage, Weights, and Measures.

Also, the petitions of F. W. Smith and 111 others, and of Abram Stanford and 113 others, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

By Mr. PHELPS: The petition of W. A. Cowles, for compensation for injuries received while in the service of the United States as an assistant engineer in connection with the geological survey of Lieutenant Wheeler—to the Committee on Claims.

By Mr. PHILIPS: The petition of citizens of Lexington, Missouri, for an appropriation to protect the harbor at that place—to the Committee on Commerce.

By Mr. PHISTER: The petition of George M. Clinger and 19 other soldiers of Mason County, Kentucky, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of George W. Pritchard and 63 others, of Carter County, Kentucky, that a pension be granted Robert F. Rice—to the same committee.

By Mr. POEHLER: The petition of W. H. Campbell and 52 other mail-route agents, for a reclassification and to establish the salaries of persons employed as route-agents—to the Committee on the Post-Office and Post-Roads.

By Mr. PRICE: The petition of merchants and manufacturers of Davenport, Iowa, for a national bankrupt law—to the Committee on the Judiciary.

By Mr. ROBINSON: The petition of Crane & Co. and others, of Berkshire, Massachusetts, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. JAMES W. SINGLETON: The petition of Clark Hardin and 200 others, citizens of Brown County, Illinois, for an appropriation for the improvement of the La Moine River in said county—to the Committee on Commerce.

By Mr. SPRINGER: The petition of George H. Sanford, of Petersburg, Illinois, for the passage of the act providing for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of citizens of Cass County, Illinois, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. STEVENSON: The petition of W. H. Leslie, of Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of citizens of Frankfort, Kansas, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. STONE: The petition of W. Cummings and 17 others, citizens of Allegan County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of W. Cummings and 16 others, citizens of Allegan County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. TAYLOR: Papers relating to the pension claim of Serafina T. Palmer—to the Committee on Invalid Pensions.

By Mr. P. B. THOMPSON, JR.: Papers relating to the claim of the trustees of the Baptist church at Crab Orchard, Kentucky—to the Committee on War Claims.

By Mr. RICHARD W. TOWNSHEND: The petition of W. N. Ayers, druggist of Elizabethtown, Illinois, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. VALENTINE: The petitions of A. W. Ladd, publisher of the Boone County News, Alton, and of Hendershot & House, publishers of the Thayer County and Belvidere Sentinels, at Hebron and Belvidere, Nebraska, for the abolition of the duty on type—to the same committee.

By Mr. WAIT: The petition of William R. Bennett and others, for pay for occupation and destruction of property in Florida during the late war by Federal troops—to the Committee on War Claims.

By Mr. WASHBURN: A bill making an appropriation for the improvement of the Mississippi River at Saint Cloud, Stearns County, Minnesota—to the Committee on Commerce.

By Mr. WEAVER: The petitions of Joshua O. Daniel and 51 others, of Lambertville, New Jersey; of M. S. Kendall and 21 others, of Winooski, Vermont; of E. M. Holden and 86 others, of Erie County, New York; of Herman A. Eldred and 21 others, of Johnson County, Texas; of T. W. Foster and 18 others, of Little Falls; of Ephraim Bates and 5 others, of Green Prairie; and of Frank Ward and 18 others, of Little Falls, Minnesota; of William Eckhardt and 36 others, and of John Olinger and 15 others; of T. E. Cooney and 65 others, of Camden Centre, and of Martin Van Blarcom and 35 others, of Girard, Michigan; of G. W. Pearsall and 49 others, of Cowdersport, and of Wellington Peeler and 21 others, of Northumberland County, Pennsylvania; of John Hammer and 28 others, of Elk County; of Joseph Pittman and 18 others, of Oak Valley; of H. Rogers and others, of Bone Springs; and of J. F. Ordway, of Wichita, Kansas, for the

passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petitions of A. Fletcher and 46 others, of Lucas County; of O. D. Nichols and 17 others, of Knoxville; of William E. Brown and 17 others, of Oak Springs; of Emory Clark and 35 others, of Riceville; of E. Lovejoy and others, of Des Moines; of J. J. Wilcox and 19 others, of Bloomfield; of William Horton and 9 others, of Moorhead, and of George R. Aulthouse and others, of Moorhead, Iowa, of similar import—to the same committee.

Also, the petition of Jacob Paden, of Moorhead, Iowa, and 21 others, for the repeal of the national-banking laws, and that the Government issue currency—to the Committee on Banking and Currency.

Also, the petition of O. J. Smith, of Chicago, Illinois, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. WELLS: The petition of wholesale grocers of Saint Louis, Missouri, against any change in the sugar tariff which violates the *ad valorem* principle and which discriminates against the importation of raw sugar of any class—to the same committee.

By Mr. WHITEAKER: The petition of the publishers of the Coos Bay News, for the abolition of the duty on type—to the same committee.

By Mr. WILLIS: The petition of Goddard & Co. and 26 others, wholesale grocer firms, of Louisville, Kentucky, for a uniform rate of duty on all sugars below No. 13 Dutch standard—to the same committee.

By Mr. WRIGHT: The petition of O. C. Hodgson and 50 others, citizens of Detroit, Michigan, and of John O. Daniel and others, of Bucks County, Pennsylvania, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

By Mr. YOCUM: Three petitions of citizens of Centre County, Pennsylvania, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, two petitions of citizens of Centre County, Pennsylvania, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Mifflin County, Pennsylvania, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of citizens of Ansonville, Pennsylvania, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, the petitions of citizens of Potter Township and of Union Township, Center County, Pennsylvania, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petitions of citizens of Mifflin County, Pennsylvania, for the defeat of Commissioner Bentley's sixty-district bill—to the Committee on Invalid Pensions.

By Mr. CASEY YOUNG: The petition of Maddux, Hobart & Co. and other merchants of Cincinnati, and of A. Baccaro & Co. and 46 other merchants of Memphis, Tennessee, for certain changes in the revenue laws—to the Committee on Ways and Means.

Also, the petition of A. D. Hunter and others, citizens of Shelby County, Tennessee, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

IN SENATE.

TUESDAY, March 23, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. EDMUNDS. I present the petition of Thomas McBride, by his counsel, Mr. Mandeville, setting forth, according to his view of it, an extraordinary state of things in the Territory of Utah respecting the exclusion of what are called Gentiles from settling and taking up lands there, by the location of a large number of city and town sites by the territorial authorities, spreading over almost all the little oases in the Territory, and having no inhabitants, but excluding settlers. The petitioner sets forth the history and application of that in a very interesting way; and while I do not ask that the petition be printed in the RECORD, because it costs too much, I think the statements are such as ought to command everybody's attention. I move, therefore, that the petition be referred to the Committee on Public Lands and be printed, not in the RECORD, but as a short document of the Senate.

The motion was agreed to.

Mr. ROLLINS presented the petition of Mrs. Lizzie W. Owen, of the city of Washington, daughter of the late General George Wright, brigadier-general of volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. ALLISON presented a joint resolution of the General Assembly of Iowa, in favor of the passage of a bill authorizing the location of land scrip due the several counties of that State upon any Government lands open to public entry in any other State or Territory of the United States; which was referred to the Committee on Public Lands, and ordered to be printed.

He also presented a joint resolution of the General Assembly of Iowa in favor of the passage of a law securing to the State of Iowa the patents for certain lands granted to that State to aid in the construction of certain railroads; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. McPHERSON presented a memorial of the Legislature of New Jersey, in favor of an appropriation by Congress to improve the harbors for vessels on the coast of New Jersey, and especially the harbor within Absecon Inlet, at Atlantic City, in that State; which was referred to the Committee on Commerce.

Mr. WALLACE presented a memorial of the Philadelphia Board of Trade, remonstrating against the reduction of duties on iron ore, wrought scrap-iron, and steel rails; which was referred to the Committee on Finance.

He also presented the petition of citizens of Crawford County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

He also presented the petition of citizens of Crawford County, Pennsylvania, praying such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

He also presented the petition of citizens of Crawford County, Pennsylvania, praying for the establishment of a department of agriculture; which was referred to the Committee on Agriculture.

Mr. RANDOLPH presented resolutions adopted by the Farmers' Club, of Middlesex County, New Jersey, in favor of the establishment of a national board of agriculture; which were referred to the Committee on Agriculture.

Mr. CONKLING presented the petition of the Brotherhood of Labor, praying for the passage of an act incorporating them under the name and style of "Lincoln Lodge, No. 2;" which was referred to the Committee on the District of Columbia.

Mr. PLUMB presented the petition of John C. Fursten and others, citizens of Kansas, praying for the passage of the bill (S. No. 1502) for the relief of certain pre-emptors in the State of Kansas; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which were referred the bill (S. No. 199) for the relief of Catharine I. Gillis and the bill (H. R. No. 2377) for the relief of Catharine I. Gillis, to report the same with the expression of our opinion, and our reasons for that opinion in writing, that the bills ought not to pass. I ought to say perhaps that some part of the written report may not state the precise views of the committee as it respects a process of reasoning about a matter of law, but the committee all concur for one reason or another in being of opinion that the bills ought not to pass. I am requested, however, by some Senator—I have forgotten whom—to ask that the bills be placed on the Calendar, and so I do.

The VICE-PRESIDENT. The bills will be placed on the Calendar with the adverse report of the committee.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred the petition of Robert P. Wilson, late captain in the Fifth United States Cavalry, praying to be restored to his former rank and position in the Army, submitted a report thereon, accompanied by a bill (S. No. 1520) to restore Robert P. Wilson, late captain of the Fifth United States Cavalry, to his former rank and position in the Army.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the Committee on Naval Affairs, to whom was referred the petition of Stephen A. McCarty, late lieutenant-commander United States Navy, praying the passage of a law authorizing the President to restore him to his former position in the Navy, submitted a report thereon, accompanied by a joint resolution (S. R. No. 96) authorizing the President of the United States to reappoint Stephen A. McCarty a lieutenant-commander in the Navy.

The joint resolution was read twice by its title, and the report was ordered to be printed.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (S. No. 1404) to provide for issuing patents for public lands claimed under the pre-emption and homestead laws in cases where the claimants have become insane, reported it with amendments.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (H. R. No. 5089) directing the issue of a duplicate check to Elizabeth D. Thomas, a pensioner of the United States, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1504) refunding to the University of Notre Dame du Lac, of Saint Joseph County, in the State of Indiana, the sum of \$2,334.07 in gold coin, that being the amount paid on certain imported articles, &c., reported it with amendments.

He also, from the Committee on the Judiciary, to whom was referred the bill (S. No. 508) for the organization of a secret service bureau in the Treasury Department, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. HAMPTON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. No. 283) for the relief of Willis N. Arnold, to report it back with a recommendation that the committee be discharged from the further consideration of the bill, and that the case be referred to the Court of Claims.

Mr. THURMAN. In regard to referring a case to the Court of Claims I think that is a matter that usually is considered by the Senate. It does not pass as a matter of course upon the recommendation of a committee. Let the bill go on the Calendar with that recommendation, and let it come up for action in regular order.

The VICE-PRESIDENT. The bill will be placed on the Calendar. Mr. WILLIAMS. To the Committee on Indian Affairs were referred the following bills:

- A bill (S. No. 775) for the relief of John Hensley;
- A bill (S. No. 776) for the relief of Daniel E. Moor;
- A bill (S. No. 777) for the relief of James P. Lindsley;
- A bill (S. No. 778) for the relief of A. J. Henson;
- A bill (S. No. 779) for the relief of E. C. Fuller;
- A bill (S. No. 780) for the relief of R. Vaughn;
- A bill (S. No. 781) for the relief of J. H. Baker;
- A bill (S. No. 782) for the relief of L. W. Vaughn;
- A bill (S. No. 783) for the relief of James Martin & Brothers;
- A bill (S. No. 784) for the relief of John W. Cadwell;
- A bill (S. No. 785) for the relief of C. W. Cooper;
- A bill (S. No. 786) for the relief of William M. Hardin; and
- A bill (S. No. 927) for the relief of William Beddo.

I am instructed by the committee to report that they have expended great labor in collecting the facts and examining the law in these cases. These claims have all been investigated and allowed by the Commissioner of Indian Affairs. The proof upon which each case was allowed is filed with it, and the law and precedents governing all the cases are filed herewith in a brief marked W. In the opinion of the committee the claims are just and should be paid, but the subject-matter belongs properly to another committee, each bill being a direct appropriation of money out of the Treasury; and for the further reason that most of these bills have been introduced by members of the committee itself. I am instructed to report them back and ask to be relieved from their further consideration, with the request that they be transferred with the accompanying papers to the Committee on Claims.

I will state that upon these bills I have been a sub-committee and have expended a great deal of labor in collecting the proof and precedents and examining the law, and it is all filed in a written brief in these cases. I make this statement in order that the Committee on Claims may act upon them without the trouble and labor of a re-examination.

There are two other bills which were referred the other day to the Committee on Indian Affairs, a bill (S. No. 1238) for the relief of Nathan Butler, of Minneapolis, Minnesota, and a bill (S. No. 1246) for the relief of Field & Hill, which I am also directed to report back with the same recommendation.

The VICE-PRESIDENT. The Senator from Kentucky moves that the Committee on Indian Affairs be discharged from the further consideration of the bills named and that they be referred to the Committee on Claims.

Mr. HOAR. I should like to ask the Senator, as the bills have been once referred to his committee, and there has been a full discussion of them and a full consideration of them, why the committee should not favor us with their opinion upon the matter?

Mr. WILLIAMS. I will say to the Senator from Massachusetts that the reasons are assigned in the written report I have made. These bills were all introduced by members of the Committee on Indian Affairs.

Mr. HOAR. Will the Senator permit me to make one additional statement before he replies to my suggestion?

Mr. WILLIAMS. Certainly.

Mr. HOAR. I presume there are probably more than a thousand memorials and bills before the Committee on Claims already. I do not know the exact number, but there are a great many hundreds at any rate. I suppose I shall be justified by the chairman of the Committee on Claims in the statement that a claim now referred to that committee cannot possibly be disposed of during the present Congress. Therefore to refer a bill now to the Committee on Claims is practically to say that no action will be taken upon it during the life of the present Congress; it would have to be introduced again and referred again two years hence. I hope, therefore, the Senate will act upon the bills reported by the Senator from Kentucky.

Mr. WILLIAMS. I will say in answer to the Senator that it did not so strike the Committee on Indian Affairs. We have examined the authorities, the precedents, and collected all the testimony and filed a brief in the cases; but as the bills provide for a direct appropriation of money out of the Treasury, and for the further reason that the bills themselves were introduced by members of that committee, the change of reference is desired. With the exception of myself, I believe every member of that committee has introduced some one of

these bills, and as the committee felt a delicacy to report upon their own bills they thought it best that they should ask to be relieved from their further consideration, and that they, together with the papers and proof, succinctly arranged in a brief in the cases, should be referred to the Committee on Claims. I think that committee would have no difficulty in the world in investigating the cases with this aid. I think the committee could report them back to-morrow. The last two bills which I report back are for the direct appropriation of money out of the Treasury.

Mr. CAMERON, of Wisconsin. I desire to inquire of the Senator from Kentucky if those two bills and the other bills which he has reported back might not properly be considered by the Committee on Indian Affairs?

Mr. WILLIAMS. I think not. It was the opinion of the committee, the bills being a money claim and providing for the appropriation of so much money out of the Treasury, that they properly belonged to the Committee on Claims.

Mr. CAMERON, of Wisconsin. Are they claims arising out of Indian depredations?

Mr. WILLIAMS. Yes, sir; all of them are claims of that kind, and all of them have been adjudicated and allowed by the Commissioner of Indian Affairs.

Mr. CAMERON, of Wisconsin. Are they or are any of them chargeable to the Indian annuities?

Mr. WILLIAMS. No, sir. That is the trouble; we think it requires an act of Congress. There is a general law which requires that, even where they are paid out of the annuities, the money shall not be paid except by act of Congress. That law I have filed among the papers accompanying the bills.

Mr. CAMERON, of Wisconsin. I am aware of that; but I supposed the Committee on Indian Affairs would be more familiar with all questions affecting the Indian annuities than the Committee on Claims.

Mr. COKE. I will state to the Senator from Wisconsin that the Committee on Indian Affairs exercises jurisdiction over all claims that seek satisfaction out of Indian annuities or trust funds which have been administered by the Indian Department, but where a bill provides for an appropriation out of the national Treasury they regard it to be such a claim against the Government as should go to the Committee on Claims.

Mr. WILLIAMS. All these bills are of that sort. They are not for depredations committed by Indian tribes who have annuities in the hands of the Government; they are for depredations by tribes who have none. Under the general law and under the numerous precedents cited in the brief filed with the bills, it is clearly the duty of the Government to pay these claims.

The VICE-PRESIDENT. The Committee on Indian Affairs will be discharged from the further consideration of the bills, and they will be referred to the Committee on Claims.

Mr. PADDOCK. Some time ago I introduced a bill authorizing the appointment of a commission to investigate all these claims. I inquire if that bill is with those now referred to the Committee on Claims; and if not, what has become of it?

Mr. WILLIAMS. No, sir; there are other bills in the hands of the committee, not among those reported back to the Senate which have been referred to the Committee on Claims. Several bills are still before the committee, and the bill providing for the appointment of a commission is still before the Committee on Indian Affairs.

Mr. PADDOCK. I desire to avail myself of this opportunity to invite the special attention of the committee to that bill. It is a very important bill; it covers all the questions that are connected with Indian depredations, and should be considered by the committee at an early day.

Mr. WILLIAMS. The committee is fully aware of its importance, and have retained the control of it for the purpose of investigating it.

Mr. GARLAND, from the Committee on the Judiciary, to whom were referred the bill (H. R. No. 385) to amend the act entitled "An act for the relief of Robert Erwin," and the bill (S. No. 350) to amend the act entitled "An act for the relief of Robert Erwin," reported them adversely, and with a recommendation that they be indefinitely postponed.

Mr. HILL, of Georgia. I ask that they go on the Calendar.

Mr. GARLAND. At the request of the Senator from Georgia, I consent that the bills go upon the Calendar.

The VICE-PRESIDENT. The bills will be placed upon the Calendar with the adverse report of the committee.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1154) for the relief of the legal representatives of William O. Redden, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. WITHERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1521) granting a pension to David W. Combs; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1522) for the relief of W. P. Burwell; which was read twice by its title.

Mr. JOHNSTON. I desire to say in connection with this bill that the same party who applies for this relief has had presented a memorial, which is before the Committee on Claims. I should be very glad if the committee would act upon the bill, instead of the memorial, so that in case of an adverse report it can go on the Calendar. I move that the bill be referred to that committee.

The motion was agreed to.

Mr. HOAR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1523) to prevent fraudulent claims against the United States, and to discourage speculation therein; which was read twice by its title.

Mr. HOAR. I ask leave of the Senate to make a single statement in reference to the bill which I have introduced; it will take but a moment.

The Revised Statutes of the United States, section 3477, provide that—

All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof.

This statute was manifestly intended to break up the practice of speculating in claims against the Treasury of the United States, to prevent the sale of any such claim, whether absolute or conditional, or of any interest therein, and especially to prevent the acquisition of contingent interests in such claims by attorneys or claim agents with a view of prosecuting them against the Treasury.

This statute seems to be almost wholly unknown to the public; it seems to be unknown to some members of this body. There is now in my hand for consideration a bill which has been referred to the Committee on Claims, reciting that whereas some dozen different named persons had each a separate claim against the United States growing out of a separate cause of action, amounting in the aggregate to many thousands of dollars, and whereas they have each assigned it to a person named in the bill, therefore be it enacted that the assignee be entitled to receive from the Treasury of the United States the amount which those claims aggregate. I had yesterday a letter from a widow residing in the city of Boston, stating that she was interested in a claim against the Geneva award fund, amounting to about \$5,000, which was her only property, which had descended to her from an estate of a deceased person of whom she was one of the next of kin, and that the executor of that estate had assigned that claim to a person engaged in prosecuting the necessary legislation for its allowance from the Treasury, who was to receive 50 per cent. of its entire value for the prosecution. Now, I undertake to say that the services of all persons put together, outside of Congress, engaged in procuring legislation on any theory in regard to the disposition of the Geneva award fund have not been worth ten cents to any person interested in the accomplishment of either result. Those claims, whether determined in one way or another, whatever result Congress shall come to, will find on each side able and efficient advocacy from the members of the Senate or the House. This proposed statute which I have introduced proposes to add to the prohibition of the Revised Statutes and to the declaration that such claims are void a penalty upon the assignee.

Mr. TELLER. I should like to inquire of the Senator if the bill will cover the case where parties make contracts with collectees. I find that is a very great evil.

Mr. HOAR. If the Judiciary Committee approve the general purpose of the bill they can remedy that.

The VICE-PRESIDENT. The bill will be referred to the Committee on the Judiciary.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1524) for the relief of F. X. Coincon; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1525) for the relief of F. X. Coincon; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALLISON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1526) appropriating money for the erection of a penitentiary in the Territory of Dakota; which was read twice by its title, and referred to the Committee on Territories.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1527) to repeal section 5176 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Finance.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. McDONALD, it was

Ordered, That the papers in the case of George McDougall be taken from the files and referred to the Committee on Claims.

On motion of Mr. WITHERS, it was

Ordered, That the petition and papers of Robert D. Thornburn be taken from the files of the Senate and referred to the Committee on the Judiciary.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers in the case of William Bowen be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. PLATT, it was

Ordered, That George Marshall have leave to withdraw his papers on file with the Secretary of the Senate.

AMENDMENT TO A BILL.

Mr. WITHERS submitted an amendment intended to be proposed by him to the post-route bill; which was referred to the Committee on Post-Offices and Post-Roads.

TOWN SITES IN UTAH TERRITORY.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate:

1. Whether a patent issued to Thomas McBride on the 26th day of September, 1877, for one hundred and sixty acres of land near Grantsville, in the Territory of Utah, and whether such patent has been canceled; and if so, on what facts and grounds and the date thereof;
2. What number of incorporated cities in the Territory of Utah have been reported to the General Land Office, and the reported population of each, the number of acres of land in each city, the number of patents for land granted in each city, with the acreage thus patented; also the number of entries or patents which have been canceled by the Land Department upon complaint of any municipal officer in Utah that such entries or patents cover land within the limits of an incorporated city;
3. Whether there are any facts within his knowledge tending to show that these incorporated cities, or any of them, have been organized with the intent to prevent persons desiring to settle in Utah from obtaining any of the public lands within the corporate limits thereof;
4. Whether there has been in the Interior Department, heretofore, any discrimination in issuing patents for public lands in these so-called cities of Utah, in favor of Mormons and against other persons;
5. That said Secretary transmit to the Senate copies of all papers in the homestead entry of Samuel L. Baker, No. 2065, the homestead entry of Thomas McBride, No. 381, and in the cash entry of James A. Williamson, No. 378, all from the United States land office at Salt Lake City, Utah Territory.

NATIONAL EDUCATIONAL ASSOCIATION.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar of General Orders under the standing order of the day.

The bill (S. No. 1282) to incorporate the National Educational Association was announced as being first in order upon the Calendar, and its consideration was resumed, as in Committee of the Whole.

The VICE-PRESIDENT. Sundry amendments have been proposed to the bill by the Senator from Tennessee, [Mr. BAILEY,] which will be reported in their order.

The CHIEF CLERK. In section 1, line 26, after the word "associates," it is proposed to strike out the words "the officers and members of the association known as the National Educational Association."

The amendment was agreed to.

The CHIEF CLERK. The next amendment is to insert at the end of section 1 the words:

For the purpose of collecting and diffusing information in regard to education in the United States, and for no other purpose.

The amendment was agreed to.

The CHIEF CLERK. The next amendment is in section 2, line 4, after the word "estate," to insert "in the District of Columbia;" so as to read:

SEC. 2. That the National Educational Association shall have power to make and amend its constitution, by-laws, and rules, consistently with law, and to hold, by purchase, grant, gift, or otherwise, real or personal estate in the District of Columbia, not exceeding \$50,000 in value.

The amendment was agreed to.

The CHIEF CLERK. The next amendment is at the end of section 2, to add:

For the purpose mentioned in the first section of this act.

The amendment was agreed to.

Mr. COCKRELL. I simply desire to state, without consuming the time of the Senate, that I am opposed on principle to the wisdom and the policy of this class of legislation. I do not believe that Congress has the power to enact legislation of the character of this bill. I do not believe, if it had the power, it would be wise or judicious to exercise it in special cases of this kind. If the gentlemen named desire an incorporation of this character, ample provision is furnished under the laws of the District of Columbia authorizing the incorporation of companies in the District.

Mr. CONKLING. Has the Senator that statute before him?

Mr. COCKRELL. I have not the statute. I will have it in a moment. Ample provision is made—

Mr. INGALLS. I can call the attention of the Senate to the statute.

Mr. COCKRELL. I yield with pleasure.

Mr. INGALLS. There is ample power under the law of Congress as it now exists in regard to acts of incorporation in the District of Columbia for this association to incorporate themselves if the objects and purposes are what they have been stated to be by the Senator from Vermont, [Mr. MORRILL.] Section 545 of the laws relating to the District of Columbia is as follows:

Any three or more persons of full age, citizens of the United States, a majority of whom shall be citizens of the District, who desire to associate themselves for benevolent, charitable, educational, literary, musical, scientific, religious, or missionary purposes, including societies formed for mutual improvement or for the

promotion of the arts, may make, sign, and acknowledge before any officer authorized to take acknowledgment of deeds in the District, and file in the office of the recorder of deeds, to be recorded by him, a certificate in writing, in which shall be stated—

What is then provided? So that under the statute that now exists there is full power for these persons to associate themselves, and thus prevent the statute-book from being lumbered with special acts of incorporation.

Mr. MORRILL. Let me call the attention of the Senator from Kansas to the provision which he has just read. It provides that the majority of such an association shall be residents of the District of Columbia.

Mr. INGALLS. That is a very wholesome provision and is intended to guard against the very mischief that this bill is open to. The object should be to provide that the incorporators shall be citizens of the District, and not to allow persons from different States in the Union to come here and obtain special privileges by act of Congress, and obtain the possession of property that shall thereby become exempt from taxation, because I believe if this bill is passed the property that these incorporators acquire will immediately be exempt from taxation on the ground that it is held for educational and literary and benevolent purposes. There is to-day a larger per cent. of property in the District of Columbia held for these purposes now exempt from taxation than in any other portion of the territory of the United States. It is invidious; it is pernicious and unjust.

Mr. COCKRELL. I thank the Senator from Kansas for his suggestions in regard to the law. There is no question on that point. These parties have adequate remedy for all they ask, under the general laws of the District. Now they come to Congress for what purpose? Not for the naked legal authority to transact the business they propose, but to give flavor, significance, importance to their object—a special incorporation. I say the history of these special incorporations by Congress will not justify Congress in repeating them. We have had a National Capital Life Insurance Company, I believe the title of it is, and we have had that matter back in Congress year by year, a subject of continual controversy.

For the benefit of my friend from Tennessee, [Mr. BAILEY,] who is so anxious that this bill shall pass, I desire to call his attention to an act which was passed in 1860, in the days of the true democracy, when the democratic party controlled this Senate. It is "An act to incorporate the United States Agricultural Society." I call the attention of the Senator and of my brother democratic Senators to what was done on that occasion, which they will find on record. It was a bill almost precisely similar to this, with a name from each of the States of the Union, to get up a national agricultural association. It came to the Senate; and the name of every person was stricken out of it who was not a resident of the District of Columbia, and the democratic Senate of 1860 refused positively to grant a charter of incorporation to a company of this character, and all such names being stricken out it was left:

That William W. Corcoran, Benjamin B. French, Benjamin Ogle Tayloe, Ben. Perley Poore, and John A. Smith, their associates and successors—

All of whom were residents of the district of Columbia. I say it has been against the practice and usage of the Senate to grant this kind of an act of incorporation; and if there is any principle on earth that is democratic it is true for the democracy. On this question I desire the yeas and nays.

Mr. BAILEY. I cannot for my life understand the opposition this bill, which is certainly for a very laudable purpose, has aroused on the part of the Senator from Kansas and the Senator from Missouri. It is a bill to incorporate certain persons as a National Educational Association. They are citizens of the United States who are already associated together without a corporate existence for purposes connected with the education of the youth of the country. These are but the representatives of the school-masters of the country, three hundred thousand or more in number, of whom ten thousand are constituents of the Senator from Missouri, for more than ten thousand schoolmasters are employed to-day in the common schools of that great State. They desire to be incorporated in order to make their association more efficient. They ask no privileges. They simply ask that they may be endowed with the capacity to hold property to the amount of \$50,000 for the purpose of their association, to enable them to gather facts and statistics and information upon matters connected with educational interest and publish them to the country. And I may say here that we have an educational bureau in connection with the Government of the United States, which has been certainly of some value to the people of these United States, and the most valuable adjunct of that educational bureau is the very association of which I am now speaking.

These gentlemen have been in the habit of assembling from year to year, sometimes in the city of Washington, sometimes elsewhere, and discussing the methods of teaching adopted in the different States of the Union or abroad, and bringing to the attention of their fellow-teachers all the improvements and all the suggestions of the most matured minds and the best educators everywhere.

It is said that this is objectionable because some of these people live without the District of Columbia. They are citizens of the United States, and they have an interest in the affairs of the District of Columbia. They certainly should not be excluded because they do not live in this District. The Senator from Kansas need but go

back to the records of the State of Kansas to find that the corporations of that State of every kind are endowed with corporate existence by the Legislature who sent him here, and in many instances, perhaps the majority, the incorporators are not citizens of his own State.

Mr. INGALLS. What is the statement the Senator makes?

Mr. BAILEY. I simply say it is the common practice of the Legislatures of the several States to create corporations whose incorporators are not altogether citizens of the State, or a majority of whom may not be its citizens.

Mr. INGALLS. We have a general incorporation law in Kansas, under which the persons desiring those privileges are required to organize.

Mr. BAILEY. Yes; but under the general law that exists in the District of Columbia with respect to these organizations a majority of the incorporators must be citizens of the District of Columbia or residents of the District of Columbia. Under that law these persons cannot be organized as a corporation; and it is to relieve them of this embarrassment and this difficulty that Congress is appealed to and asked to enact this law. Where is the harm in it? What wrong can be done?

The Senator from Kansas says that it will encumber the statute-book. The Senator from Missouri says it is antidemocratic. I have never known, Mr. President, that the democratic party was opposed to the cause of education. I do not believe it to-day. I believe that the members of the democratic party are much interested in the subject of education; and certainly the great democratic States of the South—I include my own, the State of Tennessee—are interested in it, and interested because they feel the necessity of providing education for all the youth of the country.

I trust, Mr. President, the objections which have been made will not be sufficient in the estimation of Senators to defeat the bill.

Mr. INGALLS. Before the Senator sits down I wish to ask him a question, if he will allow me.

Mr. BAILEY. Certainly.

Mr. INGALLS. What is the necessity of having incorporators named who reside outside of the District of Columbia, if the object and purpose of this measure has been properly stated by the Senator from Vermont? Three men can organize as well as one hundred. They can hold property under that statute, and can exercise all the powers and privileges that are conferred by this bill. Why is it necessary, therefore, that one hundred or two hundred men should be selected when under this law three men can acquire all the privileges they desire?

Mr. BAILEY. Certainly, three persons can acquire the privilege, but it would be a privilege that belonged to the three.

Mr. INGALLS. No; they can hold and enjoy real estate.

Mr. BAILEY. These are representatives of the school interest in every State in the Union, I believe, and almost every Territory. The persons who are here named as incorporators are gentlemen who are in the habit of meeting once or more yearly for the purpose of comparing opinions and views for the purpose of bringing into a common stock the information they have.

Mr. INGALLS. It is not necessary they should be named as incorporators in this bill to enable them to meet in the city of Washington.

Mr. BAILEY. Not certainly for them to meet in the City of Washington, but it is surely necessary that their names shall be mentioned in the bill in order that they may be incorporators as they desire; in other words, if you refer them to the laws of the District of Columbia they cannot become incorporators, and will have nothing to do with the management and the guidance and control of the affairs of their own association. But it is desired to give this interest in every part of the country a voice; to make citizens of Kansas and of Tennessee, as well as of Vermont and of Massachusetts, interested in this great matter, to take part in this association. It is a matter of great national interest, of national importance. It concerns, as I conceive, every child in the country; it is of interest to every school-master in the country. As I stated a while ago three hundred thousand and more men are interested in this. It is a great interest. They are among the most intelligent and cultured of our people; they are certainly doing a work that is not second in importance to the work that is being done to-day by the Senate of the United States.

Mr. HEREFORD. Mr. President, the Senator from Tennessee [Mr. BAILEY] commenced his remarks by asking the question, What harm can come from the passage of this bill? It seems to me that the first question that should address itself to the mind of a Senator when a bill is proposed to be passed is this, What power, what right under the Constitution have we to pass the bill? Now I ask the Senator from Tennessee to turn over and read the whole of the Constitution of the United States and place his hand upon one provision of it that authorizes the passage of such a bill as this. It is true the Constitution provides that "the Congress shall have power to promote the progress of science and useful arts," but it limits the manner in which that shall be done; the power is—

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

Why, Mr. President, this character of bills coming before this body and the other House is a matter of modern origin. They come now almost every day, asking the organization of companies for every conceivable purpose.

Mr. BAILEY. May I ask if Congress has not power, as the Legislature for the District of Columbia, to enact laws providing for the creation of corporations in the District of Columbia?

Mr. HEREFORD. Certainly.

Mr. BAILEY. The Senator from Kansas says the law already exists.

Mr. HEREFORD. Certainly Congress has that power. Every one who has spoken on the subject has conceded that power to Congress; and Congress alone has the whole power over the District of Columbia. It may incorporate any number of the citizens of the District of Columbia for the purpose designated in this bill.

But the question which arises and which has been propounded to the Senator before is, what power has Congress to incorporate the citizens of any and of all the States and Territories outside of the District of Columbia for such a purpose as this? That is the question that arises in this case. Strike out the names of those who do not live in the District of Columbia, and there is no objection to the bill except the objection that there is no necessity for it, because you have a general law on that subject applicable to the District of Columbia.

Then this bill provides further:

And whenever called upon by any Department of the Government shall investigate and report upon any educational subject without compensation for such services.

Immediately connecting this incorporated company with the Government. I presume the first thing that will take place they will ask us to print their reports. So this thing has been widening and extending for the last ten or fifteen years until it is certainly time for us to stop and reflect and see where we are going in this direction. Individuals who cannot get such special privileges from their own States are every day coming to Congress and asking these special privileges. Let them confine themselves to their States and to their Territories, and if we want to incorporate companies like this let us confine them to citizens of the District of Columbia.

The Senator from Tennessee has not answered the question, where, from what portion of the Constitution he gets the power for Congress to incorporate the citizens of any or all the States for such a purpose as this, to form an incorporated company for educational purposes composed of citizens outside of the District of Columbia? Where?

Mr. BAILEY. I take it for granted that the Legislature of the State which the gentleman represents on the floor of the Senate has the power to incorporate, if it should be disposed to do so, citizens of the State of New York and grant them certain rights and certain privileges within the territorial limits of the State of West Virginia. So I do not see any difficulty whatever in this case.

Mr. HEREFORD. The Senator from Tennessee must be too good a lawyer not to know the difference between the powers of the Constitution of the United States and the powers of the constitution of a State. We, under the Constitution of the United States, have no powers, except those expressly delegated. The condition of the States under their constitutions is very different; so decided by all the courts. They have all the power that has not been delegated to Congress.

Mr. HARRIS. Congress has the same power in the District.

Mr. HEREFORD. Certainly; Congress has the same power in the District. If it can do this, there is no company that it cannot incorporate for any purpose whatever; there is no limit to its power.

Mr. BAILEY. I will ask the Senator from West Virginia if, in his opinion, Congress has not the power to organize such a corporation as this within the District of Columbia? Where is the objection?

Mr. HEREFORD. Provided you confine it to citizens of the District of Columbia.

Mr. BAILEY. Then the objection is that these corporators are not all of them citizens of the District of Columbia.

Mr. HEREFORD. That is the objection that has been made to it all the time, from the first.

Mr. JONES, of Florida. Why use the term "national"?

Mr. BAILEY. Simply to designate the character of the association. It is for the purpose of gathering information from every part of the United States; it is for the purpose of gathering statistics and facts and publishing them; and let me say to the Senator now that the proceedings of this very association are being published to-day. Many of them have been adopted by the Bureau of Education, and are being published and sent forth broadcast through the land. Let me say another thing; they are not only welcomed but they are sought after in every part of this country; they are sought after by the superintendents of the boards of State education; they are sought after by the presidents and professors and tutors in the colleges; they are sought after by the common-school masters; they are being sought after by the pupils in the schools themselves.

This association has been doing good, is doing good, and will do good. Whether the Congress of the United States shall choose to incorporate it or not, it will continue to do good, for the enterprise, the energy, the devotion of these men to the cause in which they are so much interested is so great that they will not cease from their efforts because the Congress of the United States may choose to say "we will refuse to you a charter of organization and refuse to you the conveniences and advantages which would flow from it."

The objection that this is an unconstitutional act simply because some of the corporators live outside of the District of Columbia, it seems to me has so little in it that I do not choose to say a word about it.

Mr. HOAR. Mr. President, when the Constitution conferred upon Congress the power of governing the District of Columbia I take it the framers of that instrument did not contemplate the government of a city in a desert. They expected that this ten miles square, with the three cities which it would contain, would be filled with such a population as would make up the capital of a great, free, enlightened nation; that it would be the place of residence of its public men, Representatives and Senators of States, judges of its national courts, men charged with its judicial, legislative, and executive functions; and they expected that Congress would provide for and would promote such enterprises as belonged and would as civilization progressed belong to such a capital. Washington left abundant evidence of his expectation, Jefferson left abundant evidence of his expectation that Congress would deal with the District of Columbia in that spirit. Washington selected a site for a national university; Jefferson urged the establishment of such a university to be resorted to by the entire people at the national charge.

Now, Mr. President, if in the capital of any State in this country it was found convenient for a national agricultural society, for an American academy of arts and sciences, for a national medical society, for a national educational society like this, or for any other association for the improvement of art, or learning, or science in any of its branches, we should set down the people of that State as churlish and barbarous who should refuse to grant them an incorporation and should refuse to include, if that association desired, the names of members from all parts of the country or from all parts of the world. If the city of Washington does not want this association, let these parties apply to the State of Massachusetts, and her Legislature will grant them the incorporation, not confining it to citizens of that State. She could not live as a member of a nation made up of an aggregate of enlightened States if she should refuse. Now, have we not the constitutional authority to do for Washington what the State of Massachusetts can do for Boston and the State of Rhode Island for Providence? The ornaments of this city are not its structures of granite or marble; they are its libraries, its schools, its learned societies, the men of fame and of education and of attainment and of high character who collect here and form a part of its society.

I, therefore, find, Mr. President, in the authority to govern the capital city of the United States the power to create such instrumentalities and such conveniences as are necessary for the carrying on of such enterprises as properly belong to a capital city. Here the presidents of the various universities and colleges of the country and other learned men desire to select Washington as the seat of their association and as the place for their annual meeting. In order to do that conveniently, it is necessary that they should have a little fund properly invested which will pay for the expense of their publications and perhaps provide them with a place of meeting. If they honor Washington by such a request, cannot Congress do for Washington and in Washington what the Legislature of any other State would do for its principal city?

Mr. MAXEY. Mr. President, the Constitution of the United States declares that "the Congress shall have power to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States." Congress, therefore, becomes the legislature of these ten miles square, with exclusive powers in all cases whatsoever. Hence whatever legislative powers may be exercised by the Legislature of a State, Congress can exercise for the District of Columbia. If, then, the Legislature of a State could incorporate such a company, Congress can incorporate this company; and thus it occurs to me that the constitutional point made by the Senator from Missouri is not well taken. The point made by the Senator from Kansas it occurs to me is not well taken, because the act to which he referred requires the majority of the stockholders or incorporators to live within the District of Columbia. If a State Legislature has the power to incorporate this or any other company and embrace in the articles of incorporation citizens of other States, a majority if you please, Congress has that power. It is only necessary to look at the grants to incorporated companies in any State of this Union, and you will find that citizens of other States are made part of the incorporators by their acts.

It will be borne in mind—and on this point I call the attention of gentlemen to the Madison papers—that in most if not all of the original drafts of a constitution which was presented to the committee of eleven there was a clause authorizing Congress to establish a university, and when the report of the committee of eleven was made and that question came up and it was suggested that there was no provision made for incorporating a university, the remark was made that the power was complete in the grant of exclusive legislation over the ten miles ceded for the capital. I believe that remark was made by Mr. Sherman. There was not a single dissenting voice to this remark when it was made in that convention; and certainly those men knew what powers they intended to confer.

Then the only question left in my judgment is, is this a wise thing to do? If it be, if the effect of this will be to educate the educators all through the United States—and that is the great purpose and object—by educating the teachers you thus educate the children of this country, black and white, all through this great land, we shall have done a good thing. Sir, I am a common-school man; I believe

in common schools and I believe in educating teachers to educate children; and if this will aid in the accomplishment of that great object it is a thing that is entirely constitutional in itself, beyond all question in my judgment, and it is the right thing to do.

Mr. CONKLING. Mr. President, the object of this bill is so commendable and so much to be respected that even seeming to object to it at any stage requires an explanation. The other day when it was presented I made some observations in the nature of objections, thinking then and thinking now that they were well grounded. The bill as it came from the committee enabled the corporators to hold property, real or personal, anywhere and everywhere as I understood it, and nowhere did the bill confine the objects of the corporation to the prosecution of educational purposes or interests. I did not feel quite sure that almost any sort of business might not be carried on under the bill as it was at first proposed. Now, the honorable Senator from Vermont [Mr. MORRILL] by amendments has confined the franchise to hold property to the District of Columbia, and he has narrowed the scope of the bill to the purpose of education.

The objection made to it now by the Senator from West Virginia, [Mr. HEREFORD], if I understand him, is that it transcends the Constitution because it does not require the incorporators to be resident within this District. I can hardly see a foundation for that objection. If it be a good one, the general incorporation act now on the statute-book is unconstitutional. Why? Because that act provides that three or more persons, a majority of whom shall be residents of the District of Columbia, may incorporate themselves. I need not remind the Senator from West Virginia that that is wholly, specifically I might say, a legislative declaration that a portion of the corporators need not be residents of the District: *Expressio unius est exclusio alterius*. So that if the Senator be right in supposing that a condition precedent to the power of Congress touching the institution of a corporation in this District is that the members of that corporation, all of them, must reside in the District, his objection would be fatal to the statute to which I have called attention.

Mr. HEREFORD. The Senator will allow me to say that the fact that the act allows that would not be an answer to the argument of unconstitutionality.

Mr. CONKLING. No, it would not, and perhaps my reference to the statute requires or seems to require an explanation. The force of the argument derivable from the statute is this: Having been on the statute-book a number of years; having received, as it must have done, the sanction of both Houses of Congress and of the Executive; never, that I know of, having been challenged in any court or any other forum, it is, I think, persuasive and instructive to the point that a large body of persons, enlightened in this regard, have thought it competent and within the Constitution. It is for that reason that I cite it, although, as the Senator from West Virginia well says, if the argument is a sound one the fact that such a statute exists would not refute it.

The object then, Mr. President, seems to be to enable persons, a majority of whom do not reside in this District, to become corporators. Sympathizing entirely with all that has been said as to the motives for this legislation, and wishing entirely to promote all the ends in view, it seems to me that had I been going to draw a bill to effect the purpose now announced, I should have preferred simply an enactment that in this case the provisions of this general statute requiring a majority of the corporators to live in the District should not apply. The advantage of such a statute, it seems to me, would be twofold. First, it would be very simple and brief; second, this incorporation would become subject to the presumably well-matured provisions of a general act which is established and understood.

The Senator from Wisconsin [Mr. CARPENTER] makes a remark to me which evidently he does not expect me to repeat to the Senate, and, therefore, I forbear to mention it, although it is a very suggestive remark and in the line of my argument at this moment, which is that the advantage of a general statute of incorporation is that presumably it is matured carefully and likely to be understood; and that argument has induced many of the States to put an end to special charters and by general law to provide for incorporations. Such is the practice and the law in my own State; such a Senator on my right has announced that it is in his; and such I think will be found to be the tendency and judgment of recent times. Here is a general statute sufficient and applicable in all respects of which we have heard, except that the Senator from Vermont says, and says justly, it requires a majority of the incorporators to reside in the District. Now, if for reasons which have been assigned, this individual case is exceptional in that behalf, a very simple mode, it seems to me, would be to declare by act of Congress that in this instance a majority need not reside in the District, to waive that particular condition. But that was matter of consideration for the committee; and the committee having considered it, I beg to say that I do not make this suggestion by way of criticism but simply for what it is worth; and I do not think that if such a bill was proposed, having the same effect that this bill will have, namely, to enable persons not resident here, in numbers larger than a minority, to enter into this incorporation, it would thereby transcend the Constitution or warrant us in voting against it for that reason.

Mr. HOAR. Mr. President—

The VICE-PRESIDENT. The morning hour has expired.

Mr. HOAR. I beg leave before this matter goes over to make one

observation in connection with what has been said by the Senator from New York, which I think perhaps will satisfy him that it is better to have a special statute in this instance. It would be necessary to qualify the general law not only in the matter he has suggested but in other respects. This corporation desires and expects to be limited to a very small amount of property, instead of being left, as the general law leaves it, indefinite. That would be another necessity for a special enactment. Moreover, this corporation offers and consents to perform certain public duties of investigation and inquiry gratuitously at the demand of the Government; so that it would require to modify the general law in these three particulars if the substance of this bill is preserved in all of them.

Mr. MORRILL. I hope the Senator from Arkansas will allow the vote to be taken at this time.

Mr. GARLAND. If a vote can be taken I shall yield. Otherwise I must claim the floor.

Mr. MORRILL. I do not desire to discuss the bill further. As I have frequently said, its sole purpose is to authorize this association to receive donations so that they may publish their annual volume of proceedings.

Mr. GARLAND. I shall proceed, I believe. I see several Senators appear to be claiming the floor.

Mr. MORRILL. I do not understand that any one desires to prolong the discussion.

Mr. JONES, of Florida. I wish to say a few words.

Mr. GARLAND. I will proceed.

The VICE-PRESIDENT. The Senator from Arkansas is entitled to the floor on the unfinished business.

AMENDMENT TO A BILL.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (S. No. 1509) to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same; which was ordered to lie on the table and be printed.

GENEVA AWARD FUND.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award, the pending question being on the amendment submitted by Mr. HOAR, on the 17th instant, to strike out all after the enacting clause and in lieu insert:

That an act approved June 23, 1874, entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain," be, and the same hereby is, revived, re-enacted, and continued, all the provisions thereof to take effect from and after the approval of this act, except as changed or modified by this act.

SEC. 2. That the number of judges for said court shall be three, and the agreement of two of the judges shall be necessary to decide any question arising before said court.

SEC. 3. That the judges of the court hereby re-established shall convene and organize in the city of Washington as soon as practicable after their appointment; and the court so organized shall exist eighteen months; and all claims provable under this act shall be verified and filed with the clerk of said court within six months from its organization, or they shall be held to be waived and barred. And should it be found impracticable to complete the work of the said court, before the expiration of the said eighteen months, the President may, by proclamation, extend the time of the duration thereof to a period not more than twelve months beyond the expiration of the said eighteen months; and in such case all the provisions of this act shall be taken and held to be the same as though the continuance of the said court had been originally fixed by this act at the limit to which it may be thus extended.

SEC. 4. That such court shall consider and allow all claims properly proved, and not heretofore adjudicated directly resulting from damage done on the high seas by confederate cruisers during the late rebellion, including vessels and cargoes attacked and taken on the high seas, or pursued by them therefrom, although the loss or damage occurred within three miles of the shore, which claims shall be considered as claims of the first class; and shall also consider and allow as a second class claims for the payment of premiums for war risks, whether paid to corporations, agents, or individuals, after the sailing of any confederate cruiser; in determining which it shall be the duty of the court to deduct any sum in any way received by or paid to the claimant in diminution of the amount paid for any such premium, so that the actual loss only shall be allowed.

SEC. 5. That the judgments rendered by said court under this act shall be paid by the Secretary of the Treasury out of the money paid to the United States pursuant to article 7 of the treaty of Washington, and the interest accruing therefrom, not expended in payment of claims heretofore proved and allowed under the provisions of said original act, and the act extending the time for the filing of claims thereunder, and of expenses under this act.

SEC. 6. That judgments rendered in the first class shall be first paid. If the sum of money remaining after provision for expenses and the judgments, with interest, in cases of the first class so unappropriated shall be insufficient to pay the claims of the second class in full, they shall be paid *pro rata*.

SEC. 7. That if after payment with interest at 4 per cent. of judgments rendered in the first and second classes and the expenses under this act, there shall remain sufficient of the said money, 10 per cent. in addition to the compensation provided for in the said original act and in this act shall be paid therefrom by the Secretary of the Treasury in lieu of freight upon the value of whaling-vessels and outfits as found by said court. If after payment of the said judgments and expenses and the said 10 per cent. any of said money shall remain, it shall be thus paid as additional interest upon judgments which were rendered under the original act and judgments of the first class rendered under this act, at such rate per cent., not exceeding 2 per cent. per annum, as it shall prove sufficient for.

SEC. 8. That this act shall not be construed as in any way renewing, extending, or continuing any of the commissions or appointments of judges or officers of the said court of commissioners of Alabama claims issued and made by virtue of said original act.

SEC. 9. That all moneys necessary for the payment of the salaries of the judges

and officers authorized by this act, and for the lawful expenses of the said court hereby re-established, are hereby appropriated out of any moneys in the Treasury not otherwise appropriated; all of which shall be reimbursed out of the said unexpended moneys before any of the judgments rendered under this act shall be paid.

Mr. GARLAND. Mr. President, there has been a great deal of literature put forth in the Congress of the United States, in the newspapers, and in the law periodicals of the country on the subject of the Geneva award for several years last past; so much so in fact that the subject has become somewhat threadbare. Hence at this late day no one in the Senate can complain if there is not much attention paid to the discussion of it by any member of this body. Nevertheless, the main question is one of very great importance in itself, and it involves some very intricate questions of law and public policy which never grow old, and which retain their interest all the time; and to those at least who are accustomed to look into such matters mental pleasure is experienced by considering them.

The distribution of the Geneva award, it has occurred to me for a long time past, should have been regulated by imposing on the Attorney-General of the United States the duty of filing in some court a bill in the nature of a bill of interpleader, calling upon all parties who considered themselves interested in that fund to propound their claims and have them adjudicated. Among the many propositions that have been offered in both Houses with regard to the distribution of the fund, I believe Judge Poland, of Vermont, did introduce a bill of that kind in the lower House; but after much discussion the act of 1874 was passed, which to a certain extent disposed of the matter, and under which a portion of the fund was distributed. On all hands, however, it is now considered better that the Congress of the United States in disposing of the balance of the fund should graft, so to speak, upon that act and continue proceedings as far as may be under it, at the same time not committing ourselves to any provision in that act, as it has been claimed on this floor by some Senators heretofore we ought to do. That was only a distribution of part of the fund. It was like the case of a person paying money into a court when his duty to do so was controverted, but waiving the question as to his duty he paid so much into the court to be administered as might be found proper, reserving all rights as to the balance as to how that should be administered and what course it should take. So the act of 1874, while it disposed of so much of the fund as was then distributed, left the question open; at least we are not estopped by it as to the balance of the fund. Now, a balance remains of about \$9,500,000, and the question is, what shall be done with that?

In order to ascertain distinctly what shall be done with it it is important to know exactly how we got hold of the fund—the circumstances and the facts connected with that money finding its way into the Treasury of the United States. My opinion is that when all these facts are known, when the whole transaction is made manifest to the minds of Senators, there cannot be much doubt left as to what should be done with it. We may have our wishes and our preferences as to what we would like to do with it; but those who examine the subject carefully will, I think, conclude that at last there is a pure, naked, legal question lying at the bottom of the whole matter, and that our duty is a plain one. I hold that under the way and manner according to the facts in which we got hold of this fund we are not at liberty to enter into the field of charity or to explore the ground of mercy or of compassion; but we are compelled under the stern written law of the award itself to distribute it in a certain way.

As has been stated repeatedly and as is a fact now known to the country, this money came into our Treasury as the result of the want of the exercise of due diligence on the part of Great Britain in preventing the confederate cruisers from arming themselves and departing from her ports and committing depredations upon the property of the United States and its citizens. There was a dispute on that point between Great Britain and the United States. In order to settle that dispute amicably and not go to war it was determined that it should be arbitrated. A commission for this purpose was formed under the treaty of Washington which sat at Geneva to consider the whole subject. When the commission was organized it proceeded under three rules which were recognized by the treaty and which I will now read to the Senate. I take them from Mr. Cushing's work on the treaty of Washington, pages 22, 23:

In deciding the matters submitted to the arbitrators it is provided that they shall be governed by certain rules, which are agreed upon by the parties as rules to be taken as applicable to the case, and by such principles of international law, not inconsistent therewith, as the arbitrators shall determine to have been applicable to the case, which rules are as follows:

A neutral government—

England was neutral between the United States and the Confederate States, then a recognized belligerent, during the war:

A neutral government is bound—

First, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

There we have the programme, so to speak, by which this high commission was to proceed, and the light by which it was to be guided in arriving at a conclusion as to how much money should be paid for this want of due diligence on the part of Great Britain, if any should be established. The commission met under these rules. A call was then made for the claims under these three rules that were to be adjudicated by the commission. I have made a memorandum of the different claims that were put forward and their dates: claims national and private were laid before the arbitrators. The national or governmental claims are in this order:

First. For the destruction of vessels and property belonging to the Government.

Second. National expenses in the pursuit of the cruisers.

Third. Loss in transferring the American commercial marine to the British flag.

Fourth. Prolongation of the war and additional expenses in carrying on the war and suppressing the rebellion.

These were the national or governmental claims for losses as asserted before the high commission. The private claims—and mark you they were kept distinct all the time—were:

First, for the destruction of vessels and property of individuals;

Second, the damages or injuries growing out of the destruction of vessels; and

Third, the enhanced payment of insurance, or rather the war premiums.

The Senate must keep in mind throughout this entire discussion that this was the declaration which was filed by the United States on the part of herself for her national or governmental losses and on the part of her citizens for their individual losses. Debate followed, and an adjournment was had. The commission on due consideration excluded damages as to what? As to the prolongation of the war, as to transferring American commerce, and also as to the enhanced payment of insurance or the war premiums. That was the solemn adjudication of the commission after they had had this matter debated and after an adjournment and due consideration had upon the proposition; and that was published to the world.

I will remark here, Mr. President, that throughout the annals of jurisprudence, within my knowledge at least, an abler presentation and a more powerful argumentation of the claims of the United States or of any government was never presented than was presented by the counsel of the United States in urging these very matters that were excluded by the commission. Indeed there is no treatise on the subject of damages that has ever fallen under my observation which can compare in power and force and logic with the debate on the part of the counsel for the United States on these propositions before that commission.

The tribunal, however, determined to exclude everything except, in the language of their opinion, the direct losses growing out of the destruction of vessels and their cargoes by the insurgent cruisers. If the Government lost her property by those acts, of course the Government was entitled to compensation, the same as were individuals. There, within a smaller compass than your hand, the commission put its entire conclusions. The commission limited its inquiries to what we call now the incaptured cruisers, the Florida, the Alabama, and the Shenandoah after she left Melbourne, with the four tenders that belonged to the Alabama and the Florida. As to all the other cruisers, whatever depredations they may have committed on the high seas, they were exculpated and no losses as to them were allowed.

Article 11 of the treaty of Washington bound the two governments to abide by this submission, and they submitted everything that was in dispute in reference to these matters to the commission. Another article, the seventh, required the arbitrators to state separately their conclusion as to each vessel. The various claims were presented fully by the United States; counter claims were presented by the British government, as the treaty authorized; and the whole matter was thus laid before the commission on the submission.

Now, Mr. President, presenting it not directly in the order in which it comes—but it comes in here very well—I wish to refer to what was said by the agent of the United States Government in presenting the case for his Government. In doing it he said this, which is very important I think in this investigation:

It thus appears that these computations—

That is, the computations in the statement he was presenting—

show the entire extent of all private losses, which the results of the adjudication of this tribunal ought to enable the United States to make compensation for.—*Third volume Geneva Papers*, page 579.

The Senate will observe the expression, "these computations show the entire extent of all private losses, which the results of the adjudication of this tribunal ought to enable the United States to make compensation for," not "to make compensation to the United States herself," but "to place the money in the hands of the United States that she may make compensation for the private losses." That is the language of the agent of the United States in submitting his computation to the tribunal to pass upon.

Before going further on that branch of the subject I wish to read what Mr. Cushing says in his work upon the exclusion of the national losses, and he heads this portion of his book: "Decision of the arbitrators respecting national losses," and Mr. Cushing, like the Senator from Massachusetts who addressed the Senate so well and so ably

the other day, [Mr. HOAR,] is not pleased with the finding of the high commission upon these points; but that is not the question now for us to deal with. We are not the high commission. Let us keep that in mind as we progress. We are to dispose of a certain estate sent to us by the high commission. That is our duty. I am not so sure but what I would concur, if it were an original question, with the Senator from Massachusetts as well as with Mr. Cushing upon the impropriety or illegality of some of their findings, but nevertheless they found as they did and sent the fund to us stamped and impressed with a certain character. Mr. Cushing says:

It will be taken for granted that in the interval between the 15th and 19th of June communications by telegraph passed between the respective agents and their governments, and consultations took place between the counsel of both sides and the respective agents, either orally or in writing, and with more or less formality among the arbitrators, the result of which was announced by Count Sclopis as follows:

"The arbitrators do not propose to express or imply any opinion upon the point thus in difference between the two governments as to the interpretation or effect of the treaty, but it seems to them obvious that the substantial object of the adjournment must be to give the two governments an opportunity of determining whether the claims in question shall or shall not be submitted to the decision of the arbitrators, and that any difference between the two governments on this point may make the adjournment unproductive of any useful effect, and, after a delay of many months, during which both nations may be kept in a state of painful suspense, may end in a result which it is to be presumed both governments would equally deplore, that of making this arbitration wholly abortive. This being so, the arbitrators think it right to state that after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations; and should, upon such principles, be wholly excluded from the consideration of the tribunal in making its award, even if there were no disagreement between the two governments as to the competency of the tribunal to decide thereon. With a view to the settlement of the other claims, to the consideration of which by the tribunal no exception has been taken on the part of Her Britannic Majesty's government, the arbitrators have thought it desirable to lay before the parties this expression of the views they have formed upon the question of public law involved, in order that, after this declaration by the tribunal, it may be considered by the Government of the United States whether any course can be adopted respecting the first-mentioned claims which would relieve the tribunal from the necessity of deciding upon the present application of Her Britannic Majesty's government."

That was the enunciation by Count Sclopis of the decision of the commission. When that decision was published and came to this country it was accepted by the State Department by the instruction of the Executive as being satisfactory, and the investigation proceeded then purely and simply upon the private losses and the losses which the Government herself may have sustained if she had any property in vessels destroyed by the inculpated cruisers.

The consideration of this subject has given me considerable trouble. I did not at first know, and I have not yet been able to ascertain, why it was that the commission did reach this conclusion; but at last I have some kind of a lingering idea that perhaps the British government—or, if not the British government, perhaps the high commission itself, with that important trust in its hands—did not attach the importance to what were called "belligerent rights" that the Confederate States attached to them at the time they were accorded and that sometimes the United States attached to them, but not always pursuing and enforcing them in the most consistent manner. My impression is that the commission said in effect, "We are unwilling to establish the precedent that because seceding provinces," as they are called in the European world—not rebellious States—"may win two or three important battles and may maintain armies in the field successfully for a few years, they may be put upon the plane of belligerent rights accorded as ordinarily accepted and understood in the law of nations," and I think I find the explanation in Phillips's Jurisprudence, written in reference to this very particular subject of the belligerent rights accorded to the Southern States when they were at war with the General Government. After discussing the question generally Mr. Phillips comes down to this particular instance, and says:

In the first place, it will become necessary to decide whether the seceding province is to be recognized as a belligerent or not. This is, as we have already seen, a question of fact which must depend upon the military possibilities of the case. But its affirmative decision, whether right or wrong, is far from possessing the significance which has sometimes been absurdly attributed to it. It binds the recognizing State to nothing whatever. It is in fact considered as an international transaction, a mere nullity. Correctly understood it is nothing but a public notice that the recognizing State has formed a certain judgment concerning certain facts, and that its public servants are therefore to be held exempt from personal responsibility in acting accordingly. It means no more than this: These men are at war for a purpose with whose justice we have nothing to do; but we are of opinion that they have shown a strength and a determination which entitle them to be treated as a belligerent power, or in other words, as a combatant body whose chance of success is so good that they may fairly call upon all men who are not their enemies to stand aside and let them fight it out.

There is the simple proposition, clearly and forcibly stated, as to what "belligerent rights" meant, internationally speaking, which were accorded to the Confederate States by the United States. It was simply, so far as the outer world was concerned, "hurrah" for one and "well done" for the other. When the Prize Cases came up in 2 Black our Supreme Court got upon its high stilts and adjudicated this a public war—a war, so far as the world was concerned, as regarded between the United States and any independent power. They continued that as far as the case of Mrs. Alexander's cotton in the second volume of Wallace's Reports; but when we were drawing a long breath South and hoped we were going to be delivered at last upon that notion, in applying the doctrine to particular cases it

was not enforced according to that theory. "Belligerent rights" were construed to mean something else, to mean what Phillips in his work says they mean, simply in transactions internationally as meaning nothing but "we will stand aside and permit you to fight it out."

When these statements were propounded to the commission at Geneva the representatives of those five governments there represented saw that it would never do for them to incorporate such a principle in international law as an encouragement to provinces and states to revolt, and they said, "We award you nothing further than the losses that actually occurred from the neutral failing to stand up and see a fair fight; we will not allow you to pay for your wounded honor or your wounded pride; we will not pay you for the prolongation of the war and the money you spent in hunting down these cruisers; the scales of justice are not broad enough and strong enough to weigh such considerations, and we will limit ourselves to the three rules and what we understand to be belligerent rights according to international law."

Upon this matter further on page 158 of Mr. Cushing's work where he attacks the decision of the tribunal upon this proposition, he says:

Now, the capture of private property on the seas, it cannot be denied, is one of the methods of public war. Whether such capture be made by letters of marque, or by regular men-of-war, is immaterial; in either form it increases the resources of one belligerent, and it weakens those of the other.

These are the national losses, or, as the British government insists, the indirect losses inflicted by neglect or omission to discharge the obligations of neutrality.

In deciding that such losses—that, in general, the national charges of war—cannot, by the law of nations, be regarded as "good foundation for an award of compensation or computation of damages between nations," the tribunal in effect relegated that question to the unexplored field of the discretion of sovereign states.

My recollection is that when the Johnson-Clarendon treaty came before the Senate the great speech of Mr. Sumner was directed against it because it had not protected the very ideas which this commission excluded in their consideration of the matter, and which ideas were "relegated to the unexplored field of the discretion of sovereign states." That is to say, "You may war as much as you please, but we will not make them, the damages thereby done, the subject-matter of compensation"—or "computation of damages," as Mr. Cushing calls it—"between nations."

The arbitrators, assuming that, pursuant to the command of the treaty, they are to be governed by the three rules and the principles of international law not incompatible therewith, proceed to lay down the following prefatory positions, namely—

They have so often been used in the debate that I shall not repeat them. Then on page 164 Mr. Cushing says:

EFFECT OF THE AWARD.

In reflecting on this award, and seeking to determine its true construction, let us see, in the first place, what it actually expresses either by inclusion or exclusion.

The award is to the United States, in conformity with the letter of the treaty, which has for its well-defined object to remove and adjust complaints and claims "on the part of the United States."

But the history of the treaty and of the arbitration shows that the United States recover—

Now, mark this—

recover, not for the benefit of the American Government as such, but of such individual citizens of the United States as shall appear to have suffered loss by the acts or neglects of the British government.

She does not recover as a government and for the government, but she recovers for her citizens, in her name as trustee for those citizens however obnoxious and objectionable the term may be to some gentleman.

It is, however, not a specific trust legally affected to any particular claim or claimants, but a general fund to be administered by the United States in good faith, in conformity with their own conceptions of justice and equity, within the range of the award.

The range of the award is small, its compass is diminutive indeed.

The tribunal does not afford us any rules of limitation affecting the distribution of the award, unless in the declaration that "prospective earnings," "double claims" for the same losses, and "claims for gross freights, so far as they exceed net freights," cannot properly be made the subject of compensation,—that is to say, as against Great Britain.

Nor does the tribunal define affirmatively what claims should be satisfied otherwise than in the comprehensive terms of the award, which declares that the sum awarded is "the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to the consideration of the tribunal, conformably to the provisions contained in article VII of the aforesaid treaty."

We have seen what claims were preferred to the tribunal; first, four items of national losses, second, three items of private losses. They exclude in their decision everything except the direct losses for the destruction of vessels and their cargoes by the three cruisers named and the four tenders of the two first. That is the language of Mr. Cushing who acted so important and so prominent a part in all these proceedings. The question now is what is "the range of the award."

Here let us go back a little further. After correspondence with our Government, Mr. Davis, the agent for the United States, said to this tribunal this:

The agent of the United States is authorized to say that consequently the above-mentioned claims—

That is those which were excluded—

will not be further insisted on before the tribunal by the United States, and may be excluded from all consideration in any award that may be made.

There was an absolute abandonment by the agent of the United States, after corresponding with his Government, as to the claims

which were excluded, and the president of this commission announced that as the decision final upon that subject.

Now, we have the finding of the commission; and let us retrace our steps to get fully at the private-losses question that came before the commission. How did these private losses come there? In what way? On the 25th of October, 1862, Mr. Secretary Seward sends to Mr. Minister Adams papers to be laid before Earl Russell as to depredations of piratical vessels built in British ports, and says:

The President wishes them laid before Earl Russell in order to obtain redress for national and private losses or injuries sustained.

That is the first step; that is the beginning of the presentation of private claims, which is done by the Secretary of State of this Government.

In February, 1863, Mr. Seward sends to Mr. Adams a memorial of the New York Mutual Insurance Company for losses sustained by depredations; and on the 19th of February Mr. Adams laid them before Earl Russell. September 22, 1865, the State Department published a circular showing how private claims were to be made out and offering to present those claims. In September, 1871, the same Department says it will present all such claims to the arbitrators.

Mr. President, what was the purpose of that? What was the purpose of publishing a circular to the world showing exactly the form of procedure by which the claims were to be presented to the tribunal at Geneva, unless it was in order to collect them for the claimants? "The national losses are ruled out now, but we accord so much for these private losses or the losses of the Government and private persons holding property in some destroyed vessel or destroyed cargo," says the Geneva tribunal.

That is not all. December 5, 1870, the then President of the United States, General Grant, in his message to Congress advised the settling of these claims by the United States, so that the Government might own and control them. If the argument of the Senator from Vermont [Mr. EDMUNDS] and the Senator from Massachusetts [Mr. HOAR] be good, the Government now owns them and always did own them; they belong to the Government absolutely; but here is the Chief Executive recommending that the Government buy them. Although it is said by the Senator from Vermont he was not a great constitutional lawyer, yet he was surrounded and advised and influenced by great constitutional lawyers and great publicists of the day, who would compare with those of any country, and he advised Congress that they should settle these claims in order that the Government might control them.

Mr. HOAR. Will the Senator from Arkansas allow me to ask him if Congress did not take the opposite view and refuse to comply with the request?

Mr. GARLAND. That is very probably true, but that does not affect the question at all, so far as I can see. Those may have been the views of Congress. We are now discussing the character of these claims as recognized in the light of history at that time when they were being presented to the tribunal for consideration and what character the tribunal itself put upon them.

The letter of Mr. Fish, of December 8, 1871, to our counsel at Geneva as to committing the Government against any allowances was his own private act, in order to have the distribution free and open here in this country, because he says there may be duplicate claims presented there and they had better come here, where the proof can be had readily, to dispose of the fund.

But the tribunal made its award. According to the ordinary action of arbitrations, they split the difference and gave a sum in gross for the private losses, including the Government losses, where the Government had any proprietary interest in ships and cargoes that were destroyed by the inculpated cruisers. The commission did this for what reason? Because they did not desire to make themselves a mere board of assessors, which they could have done under the treaty, or a mere board of auditors to compute accounts and render judgment separately on each case. They awarded a sum to this Government, saying that upon this character of losses we find in gross so much, which shall settle all these claims, and if the United States is not satisfied with that she "must be relegated to that unexplored field of the discretion of sovereign States."

Then the fund comes here impressed with this character, and it is not in the power of human language to change it; and I do not know, so far as I am concerned, what better business the General Government can be at than protecting her individual citizens who pay her taxes and fight her battles for her. The Rustomjee case, from which I shall read in a few minutes, proceeds on the idea that because the Queen of England, (who, as some recent writer has said, is more for ornament than use anyhow,) in that complicated machinery, the British Government, is too dignified a person to pay the poor Chinaman who was the plaintiff the money to which he was entitled, because she cannot be sued, therefore the United States cannot be recognized as an agent or trustee to collect money for her citizens. As much stress has been laid on this case of Rustomjee, it will be almost amusing to see what little connection it has with this kind of transaction, and if there is anything to be deduced from it you can deduce the strongest kind of argument—I admit it is but a remote parallel—in favor of the position that the bill now before the Senate rests upon.

By a treaty between the Queen of England and the Emperor of China—

I read from first Queen's Bench Division, as it is termed, page 487—

By a treaty between the Queen of England and the Emperor of China, the Emperor agreed to pay to the British government the sum of \$3,000,000 on account of debts due to British subjects from certain Chinese merchants, who had become insolvent, being largely indebted to British merchants. The money having been received by the British government—

Held, that a petition of right would not lie by one of the British merchants to obtain payment of a sum of money alleged to be due to him from one of the Chinese merchants.

And it is a wonder that any lawyer ever thought otherwise; but applied here what does it mean? It means simply that these claimants of this fund, these private losers, the owners, or those who paid them as for a total loss, the insurance companies, cannot possibly sue the United States, or the President if you run out the analogy. Of course that is so; but if it be true it is a stronger reason why Congress should come to the relief of these parties, and not seize this money and hold it from them because they cannot sue the Government. Between individuals that would be no less than robbery. Congress standing as the repository of the conscience of the nation, as equity will never suffer a trust to fail for the want of a trustee, must, holding this money in trust, establish a trustee to disburse the money. And it is not a happy thought at this day and time, this Government having been founded upon and for individual rights, to say that you will turn them away because they have no remedy. Governments less solicitous of the rights of their citizens than ours have provided ample remedies in their courts against themselves. I am not so sure but what Brownson was correct when he said the difference between a barbarian government and a republic was that in a republic the public wealth, the common wealth, that is the government, was a trust for the public, for all the people, and a barbarian government was held by the officers for their own benefit regardless of the people, and that the distinction did not lie between a barbarian government and a republican government in the mere advancement of arts and sciences, &c.

I am not willing to write myself down for one as consenting to the doctrine that this Government affords no protection to these people simply because they have not a strictly legal right or a technical legal remedy. Now let me read a little of the language of the judges in the case of Rustomjee:

The notion that the Queen of this country in receiving a sum of money in order to do justice to some of her subjects, to whom injustice would otherwise be done, becomes the agent of those subjects seems to me really too wild a notion to require a single word of observation beyond that of emphatically condemning it.

That will do for that country.

In like manner to say that the sovereign becomes the trustee for subjects on whose behalf money has been received by the Crown appears to be equally untenable.

That is the language of the chief-justice. The other judges, Blackburn and Lush, both follow in the same strain in disposing of the case and giving their views upon it. But pray tell me what application that case has here? Has not your Congress established a Court of Claims in which individuals can sue the Government? Is not the Government the agent of the captured and abandoned property fund for people entitled to it? It will not do in this day and time to shelter ourselves behind the idea that this Government cannot become an agent, a trustee.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question? Do I understand that either of the members of the committee of which the honorable Senator is part insist that it is not obligatory upon the Government of the United States to distribute this fund among some of the various claimants who have set up claims to it?

Mr. GARLAND. I do not understand that to be asserted.

Mr. JONES, of Florida. The question then I understand to be as to the power of the Government to distribute the fund between these claimants.

Mr. GARLAND. I understand that some members of the committee, a part of the committee, repudiated the idea that this fund comes here charging a trust on the part of this Government. That is the point I am now trying to analyze, if I can.

I shall read no more from the Rustomjee case. The Senate understands it. It is based upon ideas and theories (and the very language used shows it) of a government resting upon different principles and different ideas from ours; ideas which were exploded and rooted out forever in the very formation and beginning of anything like government on the territory of this country.

This fund comes charged in this way, for the private losers of vessels and cargoes, either the original owners or the persons who paid as insurers as for a total loss; and if the Government repudiates that obligation through any legislation of Congress, she might just as well say she will never sue on a marshal's bond for the benefit of Smith, Brown, or anybody else. She is a trustee, an agent, when she brings her suit and permits her name to be used for the recovery of money against any of her officers on a bond. When she permits her name to be used to cancel a patent alleged to have been illegally issued she becomes the agent and trustee of the person for whose benefit she sues.

The next question is, according to the theory of the bill before us, are the insurance companies who paid as for a total loss entitled to participate in this fund? The Senator from Illinois, [Mr. DAVIS,] I think, made that so clear that it is not necessary for me to do more than

refer to it, and I will not detain the Senate upon that proposition. I beg leave, however, to read from 2 Parsons, on marine insurance:

It is a universal rule, that all rights, claims, and interests, which are indissolubly connected with the property insured, pass to the insurers by an abandonment of the property, so far as the same belonged to the assured and to the extent of the interest covered by the policy; as right to contribution for general average; all claims for negligence or any misconduct causing injury to the property, as for collision, or for injury to goods; or for any indemnity from a foreign government. And the same rule applies where the government of the country to which the parties belong grants letters of reprisal to obtain satisfaction from a foreign government for illegal captures; the underwriters who have paid for losses occasioned by such captures are entitled to the benefit of the fund accruing from the reprisals.

That is note 5. In note 4 reference is made to the cases of—

Comegys vs. Vasse, 1 Pet., 193; *Russell vs. Union Ins. Co.*, 4 Dall., 421, per *Washington, J.*; *Gracie vs. New York Ins. Co.*, 8 Johns., 237. And in *Rogers vs. Hosack*, 18 Wend., 319, it was held that the *spes recuperandi* passed by the abandonment, although the loss had not been actually paid by the underwriters.

Note 5 refers to—

Randal vs. Cockran, 1 Ves. Sen., 98.

And all those cases which the Senator from Illinois discussed when he had the floor.

I read next from page 494 of the same volume; I prefer to read from a commentary, because the author comments on the decided cases in the notes, which Senators can refer to if they desire:

As the insurers not only acquire by abandonment all the interests in the subject-matter of the insured, but all his rights of action connected with it, so the insured must concur in whatever measures are necessary to the full benefit and advantage of the interests and rights transferred to him. They may use his name in all actions where it is necessary, and may claim whatever compensation or contribution the insured could claim against other persons. And as the insurers become owners of the property abandoned to them, they have all the actions and remedies of an owner for any torts, as barratry or others, committed after their ownership began.

Various authorities to this point are here cited. And to the same extent also is the opinion of Attorney-General Hoar, (13 Opinions, p. 182); and indeed there is no opinion to the contrary.

The result is simply this, nothing more, that the insurers became, as the civil law expresses it—which doctrine we have incorporated in our own system of equity jurisprudence without dotting an *i* or crossing a *t*, or making any change at all—subrogated to the rights of the original owners, and that subrogation carries the right to the particular thing as well as all other rights necessary to enforce that right.

I read next from Dixon on Subrogation, page 151:

The right of subrogation exists in favor of an insurer who has been subjected to liability and made payment on a policy of insurance, on the happening of the loss, to all actions against the person by whose negligence or wrong the loss was caused.

In a case before the King's Bench, Lord Mansfield said: "Every day the insurer is put in the place of the insured. In every abandonment it is so. The insurer uses the name of the insured."

Referring to this case of *Mason vs. Sainsbury*, 3 Douglas, page 63, and commenting on that, the author goes on to say:

"When such an equity exists," said the court, "the party holding the legal right is conscientiously bound to make an assignment, in equity, to the person entitled to the benefit; and if he fails to do so, the *cestui que trust* may sue in the name of the trustee, and his equitable interest will be protected. In regard to the right of the insurance company to sue in the name of the assured, we think the cases fully affirm the position, that by accepting payment of the insurers the assured do implicitly assign their right of indemnity from a party liable to the assured. It is in the nature of an equitable assignment, which authorizes the assignee to sue in the name of the assignor for his own benefit; and this is a right which a court of law will support and will restrain and prohibit the assignor from defeating it by a release." It is observable that the court fully sustains the doctrine of subrogation by operation of law.

Mr. JONES, of Florida. Will the honorable Senator permit me to ask him a question in connection with that proposition? It is whether if any of those destroyed vessels had been taken into a confederate port, and, according to the course of the admiralty in a prize court of the confederacy, had been condemned and sold for value instead of having been burned, the honorable Senator thinks in that case the right of subrogation would have attached?

Mr. GARLAND. Very early after the war the vice-chancellor of England, in a case where the United States Government was trying to get hold of money the confederacy had deposited in England for war purposes, held that the United States was some sort of an heir, he did not exactly say an heir at law, of the Confederate States, and took everything that actually belonged to the Confederate States over there. The particular proposition that the Senator from Florida puts forth is one that is controverted in law. My own opinion is that, according to the belligerent rights accorded in the doctrine of Phillips on Jurisprudence, it would not have changed the attitude one particle. However, as Sir Roger de Coverly, I believe, said, that is a subject on which gentlemen may very well differ. But we are discussing the case now in hand. We have an actual case here and not a supposed case; that is, that this fund has been procured in a certain way and after certain events that have transpired known to the history of the country, and it is not worth while to go out of the actual facts to bring in a case of supposition.

The fund has come to us with this character and with these legal limitations and restrictions surrounding it. The question is, shall the fund be disbursed according to this bill reported from the Judiciary Committee to the losers of these vessels and cargoes and those persons who paid insurance thereon? All other questions are ruled out of the case. That is the absolute law of the case. Of course the Senate can get around that; the Senate can avoid it; Congress may

avoid it through prejudice or through caprice or through main strength and awkwardness, if you choose. That that is the law there cannot be the possibility of doubt. It is as plain in my judgment as any proposition ever enunciated to the mind of man, as plain as the fingers of my hand before me.

Will Congress execute this legal right, or will it set itself up to take in the unexplored field of charity or mercy to find some object worthy of the bestowal of this fund.

One Senator said some time since that these insurance companies had already gone into the Treasury up to their armpits. What in the name of common sense and in the name of Heaven has that to do with the legal right of the case? Another Senator said and other persons have said that the insurance companies made much money off these transactions. What has that to do with the legal proposition at the bottom of this case?

There may be an analogous response to that. The Senator from Vermont, who rests on that proposition to some extent, has his law library insured for \$10,000, we will say. A fire burns up that law library. He makes his proof and applies for payment to the insurance company. Why, say the company, that is all right, but we give you a fee down here of \$20,000, in one case in this section of the country; we give you another fee of \$20,000 in another section; and \$10,000 elsewhere—\$50,000 in all; and you ought to be ashamed of yourself for asking for this compensation. What would be the response of the Senator from Vermont to that? The expression upon the countenance of Hamlet when he saw his father's ghost, would be composure compared with his. We have here simply a question of legal right. If you avoid the legal right, let me ask you who is entitled to this compensation any more than the persons who lost vessels and cargoes and the persons who paid for the losses according to the range of the award as Mr. Cushing has said? It is enough for Congress to know that this is what the law requires, and that is the guide at last for legislatures and courts. The ideas of mere charity or mercy, or morals, are varied and variant all the time. They are as numerous, they are as varied in the human bosom as the tints upon the rainbow. No, Senators, there is no fixed idea by which you can regulate them.

Here, then, are these losses provided for by this commission; losses of owners who have been paid by insurance companies who are subrogated to their claims. That is the whole of it. There is nothing else about it, notwithstanding all the volumes accompanying this Geneva award.

I have said that the Government of the United States presented to the British government and to the Geneva tribunal the claims of individuals. Indeed the individual losers could not present their claims except through their Government.

The Senator from Massachusetts [Mr. HOAR] read a statute showing that the citizen could do this only by and through his Government. Now he does it, and we are told that the Government cannot be a trustee; this is inconsistent if nothing more.

Mr. President, I have stated briefly the general features of this bill. If there is a surplus of the fund left it would be right and proper, I admit, to pay all persons, if you can get at them, in proper degree and proper manner, who suffered in consequence of the depredations of these cruisers. But pay those first who have a legal right. That, it seems to me, is the only proper way to enforce the finding of the commission. If it be true that this fund comes to us as a trust fund, as Mr. Cushing says, and charged and expressed in this way, it is our bounden duty under every consideration to execute that trust and disburse the money accordingly.

I wish to read to the Senate for a few moments some of the bright visions that Mr. Cushing conceived about the wonders that had been effected by this tribunal and some of the splendid hopes that he built upon its work notwithstanding he objected and he criticised with some severity the finding of the commission, as appears in the record. He says:

What, then, it may be asked, have the United States gained by the treaty of Washington, and by the arbitration?

We have gained the vindication of our rights as a government; the redress of the wrong done to our citizens; the political prestige in Europe and America, of the enforcement of our rights against the most powerful state of Christendom; the elevation of maxims of right and of justice into the judgment-seat of the world; the recognition of our theory and policy of neutrality by Great Britain; the honorable conclusion of a long-standing controversy and the extinction of a cause of war between Great Britain and the United States; and the moral authority of having accomplished these great objects without war, by peaceful means, by appeals to conscience and to reason through the arbitrament of a high international tribunal.

That war, the great curse and scourge of mankind, will utterly cease because of the present successful instance of international arbitration nobody pretends. Questions of national ambition or national resentment,—conflicts of dynastic interest,—schemes of territorial aggrandizement, nay, deeper causes, resting in superabundant population or other internal facts of *malaise*, misery, and discontent,—will continue to produce wars to the end of time.

We, Great Britain and the United States, have in this matter shown that even a question affecting, or supposed to affect, national honor, may be settled by arbitration; and if we have not effected the establishment of international arbitration as the universal substitute for war, we have co-operated to prove by our example that the largest possible questions between contending governments are susceptible of being settled by peaceful arbitration. As Lord Ripon truly says, in so doing we have taken a great step in the direction of the dearest of all earthly blessings, the blessing of peace.

We have seen that Mr. Cushing said in the early part of this work

that this fund was awarded to us in trust for the benefit of claimants. We have seen what high hopes he built upon the work of the commission in the interest of peace in the civilized world. Now, I have to say that if this Congress or any other Congress disregards this arbitration, casts it aside and says that we will set up an arbitrary rule and distribute this fund as we see proper, outside of the compass of the award, these splendid visions and bright hopes are gone forever and we shall never have another international arbitration to settle disputes of this kind. If the bill is not correct upon its general principles, we have no right to this money at all and had better send it back to England, for we hold it under false pretenses, as it would be characterized among individuals.

Mr. DAWES. Mr. President, I do not expect to say anything new upon this subject. I hope to make clear the reasons which will govern my vote. By the treaty of Washington the *United States* endeavored to obtain a redress of grievances against *Great Britain*. It was the *nation* which complained against the *nation*. The language of the treaty is explicit. It starts out with words which do not admit of doubt or misconception.

Whereas differences have arisen between the Government of the United States and the government of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the "*Alabama* claims":

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims, which are not admitted by Her Britannic Majesty's government, the high contracting parties agree that all the said claims growing out of acts committed by the aforesaid vessels, and generically known as the "*Alabama* claims," shall be referred to a tribunal of arbitration to be composed of five arbitrators, to be appointed in the following manner, that is to say, &c.

The "differences" are between the "governments." Out of these differences had grown "claims," but the treaty says that they were "claims on the part of the *United States*." "In order," says the treaty, "to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims," no others, was this arbitration entered into.

Now, what "claims" did the two nations thus negotiate over? They grew "out of the acts of several vessels," and are "generically known as the *Alabama* claims." Every "difference," "complaint," or "claim," therefore, growing out of the acts committed by the "several vessels" thus classed which the *Government* of the United States had or could properly make against the *government* of Great Britain were submitted to this arbitration.

The result was to be a "full, perfect, and final settlement of all the claims hereinbefore referred to." Of course as these were grievances, complaints and claims on the part of the *United States*, the United States could stipulate what should settle them. The claims of others, even of its own citizens, this Government could not settle without their consent. It might withhold its aid in their enforcement but it could not settle them. They would still exist, and every other means would remain open for their enforcement.

Now, these grievances, complaints, and claims on the part of the United States were manifold, but they were all embraced in a single formula.

THE FAILURE OF GREAT BRITAIN IN ITS DUTY TO THE UNITED STATES AS A NEUTRAL NATION.

In this alleged failure by Great Britain lay all "differences, complaints, and claims on the part of the United States" submitted by the two nations to arbitration.

If there had been no failure by Great Britain there could be no complaint by the United States, whatever injuries a citizen of the one may suffer at the hands of a subject of the other. A subject of Great Britain may sink the ship of a citizen of the United States on the ocean, or the citizen may rob the subject in the streets of New York, and so long as there is no failure of the duty which the one nation owes to the other each sufferer is remitted to the ordinary remedies for redress. It becomes plain, therefore, why this was a controversy between the nations and not between or on account of individuals.

The injuries suffered by the United States because of the failure in neutral duty on the part of Great Britain were various and widely differing in character. This failure had enabled subjects of Great Britain to fire upon the flag of the United States, to build, arm, and equip in the ports of Great Britain vessels of war for the use of those making war upon the United States, and to inflict upon a nation at peace with her other injuries in the destruction of the property of peaceable citizens upon the high seas entitled to the protection of the flag of their country. For all these injuries and many more following directly and indirectly from this failure of duty by the government of Great Britain the United States made "complaints," claimed redress. How was that redress to be secured? It might have been by war; but both nations preferred a higher and nobler method, that of peaceful arbitration.

It is obvious that many of these injuries thus inflicted by Great Britain on the United States could not be compensated in money. No one can calculate the money value of an insult to the flag. Nor could any one audit and add up in dollars and cents the equivalent of a breach of neutral obligations on the part of one nation toward another. So far as that breach works the destruction of the property of the private citizen which the nation was bound to protect, the

measure of the loss is the value of the property destroyed. But the national grievance is not so measured. It may include the destruction of property, but is not measured by it. Security for the future is of infinitely more importance than indemnity for the past. Both were sought for by this arbitration.

But to obtain the largest possible security for the future the United States gave up much of the indemnity for the past originally claimed. This was competent, for it was the nation seeking its own redress as well as its own security in which are involved those of the citizens as well. Whether the United States gave up too much of past injury for future security gained, matters not to the question under discussion. As the "grievances," "complaints," and "claims," were all made by the United States upon Great Britain, it was entirely competent for it to give them all up for advantages in the future deemed an equivalent. How, when the security for the future had been attained at this cost, this nation shall treat those suffering citizens whose misfortunes have entered into the price of these attainments for the future, can safely be left to that sense of justice which ever pervades this nation.

At whose cost among its own citizens the nation has achieved the immeasurable good that will come to it from the Geneva award, the nation itself will not be slow to discern, nor will it hesitate to do them justice. This is its prerogative. The grievances of every kind belonged to the nation and so did the award. Those citizens who suffered in its attainment will be first taken care of. But bounties, largesses, and gains must come after indemnity.

Now, in order to obtain the advantages in the future of the three "new rules" governing neutral nations the United States was obliged in the submission itself to admit their application to past injuries, and thus deprive itself of a large part of its claim for pecuniary compensation. The nation deemed the "new rules" of more value to it than the money sacrificed to obtain them. That was for it to decide, and the people think the decision a wise one. But when the nation faces the citizen whose loss was thus turned to its great gain, quite other considerations should control the administration of justice to him.

Both governments so interpreted the treaty while the arbitration was pending and after it was concluded. While it was pending, and when it came well nigh to fall through from fear on the part of Great Britain lest the United States having got the three "new rules" which were hereafter to govern neutrals adopted, would still insist on a money indemnity for the indirect damages sustained, Mr. Schenck, representing our Government, writing to Earl Granville, representing the British government, expressly interpreted the treaty which he had himself helped make in accordance with the view of it here taken. These are his words:

In the conversation we had yesterday and which was resumed this morning, you stated to me that Her Majesty's government have always thought the language proposed by them in the draught article as it stands sufficient for the purpose of removing and putting an end to all demand on the part of the United States, in respect to those indirect claims which they put forth in their case at Geneva, and to the admissibility of which Her Majesty's government have objected, but that there were those who doubted whether the terms used, were explicit enough to make that perfectly clear, and to prevent those same claims from being put forward again.

I concurred with you in your view as to the sufficiency of the language used in that clause of the proposed article, and which the Government of the United States had accepted, and I repelled the idea that anybody should think it possible that the Government of the United States, if they should yield those claims for a consideration in a settlement between the two countries, would seek to bring them up in the future, or would insist that they were still before the arbitrators for their consideration. I am now authorized in a telegraphic dispatch received to-day from Mr. Fish, to say that the Government of the United States regards the new rule contained in the proposed article as the consideration for, and to be accepted as a final settlement of the three classes of the indirect claims put forth in the case of the United States to which the government of Great Britain have objected.

He indignantly repels the idea that the United States, having "yielded those claims for a consideration in a settlement between the two countries, would seek to bring them up in the future, or would insist that they were still before the arbitrators for their consideration." He goes further and quotes Mr. Fish as authority for saying that certain language our Government had offered for the purpose of removing a doubt which in his mind never existed, "as the consideration for and to be accepted as a final settlement of the three classes of indirect claims."

There never ought to have been a doubt entertained after these two authoritative statements by our Government to that of Great Britain pending the arbitration that our Government, for what was deemed by it a sufficient consideration, gained by itself, had by its own strong hand and for its own future profit settled and barred the very claims now before Congress called the war premiums. How can it be said that the Government had settled and barred the claim of a citizen who was no party to the proceeding? Did it mean to take away any private remedy which the citizen might have upon any person who had directly or indirectly inflicted an injury which could be redressed in money?

I take it not. That remedy exists to-day for what it is worth, the treaty notwithstanding. But the treaty did "settle and bar" all claim the United States could have on Great Britain for that breach of neutrality which resulted in those injuries. And the citizen could never afterward seek redress, if entitled to any, from the British government through our Government. Our Government had received its consideration for all such claims, and had agreed that that con-

sideration so received by it should be their settlement. Thenceforth it had only to deal with its own citizens on principles of justice.

What shall be the measure of justice, and how and to whom it was to be meted out, Congress, who could alone speak for the Government, was to be expressly left without trammel or limitation. Mr. Fish expressly instructed the counsel at Geneva:

In the discussion of this question and in the treatment of the entire case you will be careful not to commit the Government as to the disposition of what may be awarded or what may be recovered in the event of the appointment of the board of assessors mentioned in the tenth article of the treaty. It is possible that there may be duplicate claims for some of the property alleged to have been captured or destroyed, as in the cases of insurers and insured.

The Government wishes to hold itself free to decide as to the right and claims of insurers upon the termination of the case. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government without commitment as to the mode of distribution. It is expected that all such commitment will be avoided in the argument of counsel.

The form of the award discloses that the arbitrators themselves so understood the treaty under which they were acting:

The tribunal * * * awards to the United States the sum of \$15,500,000 in gold as the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to the tribunal, &c.

Mr. Gladstone defended the treaty in Parliament after the award was made upon the same ground. He there said:

No claims of individuals have been submitted to arbitration in relation to the Alabama. What was submitted to arbitration was entirely a question between the two governments.

Mr. Cushing, leading counsel for the United States at Geneva, when he came home wrote a book upon the proceedings there, putting the award on the same ground:

The award is to the United States in conformity with the letter of the treaty, which has for its well-defined object to remove and adjust complaints and claims "on the part of the United States." But the history of the treaty and of the arbitration shows that the United States recover not for the benefit of the American Government as such, but of such individual citizens of the United States as shall appear to have suffered loss by the acts or neglects of the British government. It is, however, not a special trust legally affected to any particular claim or claimants, but a general fund to be administered by the United States in good faith in conformity with their own conceptions of justice and equity, within the range of the award.

After the award was paid, Congress created a tribunal to distribute it and asserted the power of directing to what class of sufferers it should be paid. The Government has paid the decrees of that tribunal, and thereby approved the principles of its action. Those principles are broad enough to cover the undistributed balance of the award, now amounting to more than \$10,000,000. If they were sound as to part of it they are sound as to all of it. These are the principles laid down by that court as governing and controlling the distribution of this award. In one case they say:

Has he [the petitioner] such a right? He had a right of property in the ship which the Alabama destroyed, and he lost it without any act on the part of the Government of the United States which could give him redress against it. The Government of the United States was not obliged to claim from Great Britain payment of the loss, but acted in that regard according to its sovereign pleasure. It did not succeed in obtaining payment of the whole of the claims presented, and the most careful investigation of the proceedings at Geneva has failed to show what claims were included in the award and what excluded therefrom. The award was made in favor of the Government and not in favor of the claimants. The Government thus vindicated the national honor, but it did not assume to pay any particular class of claimants nor any particular claim. Having obtained the money by its own act and at its own cost, it had the right to prescribe the terms on which the distribution should be made. It certainly had the power to exclude certain claimants and to include others more meritorious.

In another they go further:

The reclamation made upon Great Britain was made by our Government in its capacity of sovereign, and not as a mere representative of private interests, and the indemnity received has been paid to the United States as a government. The fund is now in the Treasury entirely under the control of Congress, invested as directed by Congress, and was so when the act constituting this court was passed. Congress might have refused to pass any act providing for the indemnification of citizens; it might have retained the whole fund; it did appropriate such part of the funds as it judged just and right to be distributed among certain classes of claimants therefor. After the payment of the amount of our judgments, as provided by law, it may still retain the balance remaining, or it may provide for a further distribution among other classes of claimants. But in so doing it will dispose of its own; of money held in the Treasury of the Government free from all restraints except those which ought to influence any sovereign power, under the circumstances.

Thus it appears that the language of the treaty itself, the construction put upon it by those who assisted in making it while representing our Government pending the arbitration, the instructions by our Government to counsel and their argument before the tribunal, the language of the award, the statement of the leading counsel since his return, the statement in Parliament by the prime minister who bound England to the treaty, and the avowed principles upon which the award has been in part distributed by a court created for that purpose by act of Congress, all agree that this was an arbitration between nations of claims made by one nation upon another for indemnity for injuries suffered by that nation from a failure in its duty by the other; that the nation sought for and obtained great gain and security for the future by the sacrifice of a large part of the claim it could otherwise have made in money; that the money result of the arbitration thus obtained, the nation declared beforehand it would only receive and it did receive it "without commitment as to the mode of distribution" and "free from all restraints except those which ought to influence any sovereign power under the circumstances."

The highest court of England in the oft-quoted case of *Rustomjee vs. The Queen*, a case of their own, arising since the Alabama award,

has announced the same principle. It was a much stronger case than ours, for there was nothing but money treated of in that case, "debts due to British subjects from certain Chinese merchants who had become insolvent."

By treaty between the Queen of England and the Emperor of China the Emperor agreed to pay and did pay to the British government \$3,000,000 on account of those debts, and Rustomjee, one of the creditors, brought his action for his share of it, claiming that it had been received for his use. The case was decided against him in all the courts on the ground that the money was received by the sovereign to be distributed solely according to her sense of justice. The court of appeals used this language:

We assent, upon full consideration, to the reasoning of the judges in the court below. The making of peace and the making of war, as they are the undoubted so they are, perhaps, the highest acts of the prerogative of the Crown. The terms on which peace is made are in the absolute discretion of the sovereign. If Captain Elliott did (to use the words of the petitioner) promise that the Queen would compel the Chinese government to pay these claims when terms of peace were arranged, if Sir Henry Pottinger did promise that these claims should be insisted on and should be paid, they both exceeded their authority, and promised what they had no power to perform or to pledge the Queen to perform. The Queen might or not, as she thought fit, have made peace at all; she might or not, as she thought fit, have insisted on this money being paid her. * * * We do not say that under no circumstances can the Crown be a trustee; we do not even say that under no circumstances can the Crown be an agent; but it seems clear to us that in all that relates to the making and performance of a treaty with another sovereign the Crown is not, and cannot be, either a trustee or an agent for any subject whatever.

We do not, indeed, doubt that on the payment of the money by the Emperor of China there was a duty on the part of the English sovereign to administer the money so received according to the stipulations of the treaty, but it was a duty to do justice to her subjects according to the advice of her responsible minister; not the duty of an agent to a principal, or of a trustee to a *cestui que trust*.

The London Times saw more clearly than do some Senators the application of these principles to the distribution of the Geneva award, for, commenting on this case editorially, that paper said:

Similar principles, in different terms, would apply to such an indemnity as we paid to the United States, and it would follow, therefore, that the money was paid to the Government of the United States, not in the mere capacity of a trustee for individuals, but as the sovereign authority of the nation. * * * Congress, accordingly, is perfectly within its competence in considering how the surplus shall be appropriated.

I cannot, Mr. President, resist the conclusion to which I am thus led, that the Geneva award belongs to the United States, and no citizen can maintain a claim of right to it, and that a broad and high sense of equity and justice to all who suffered by England's fault should alone govern its distribution. It was awarded to us as *indemnity*; it should be distributed as *indemnity*. There can be no *indemnity* where there has been no loss. Before no just tribunal can he claim indemnity who has suffered no loss. The insurance companies can have no standing in such a court, for they made great gains, not losses, out of the very fault of England for which she paid this indemnity to the United States, and the longer she persisted in that fault the more enormous were their gains. They trafficked in this neglect of England for which she paid the money. And now they want the money in addition to the great gains that traffic yielded. They took the blood and demand the blood-money too.

The real nature of the business upon which these insurance companies entered and upon which they base their claim to this money, by subrogation to the rights of the insured, and which resulted in such enormous gains, is so clearly stated by the London Times in the editorial already alluded to that I venture to quote it:

Where a ship was fully insured, of course the owners received their compensation at the time from the underwriters, and they cannot be paid over again. But the underwriters also received their compensation, for they insured the vessel at war risks; and the additional premium, not merely on the particular ship which was lost, but on the numerous other ships insured on the same favorable terms, must be regarded as having secured them against loss. They agreed, in fact, for the payment of certain premiums, to run the risk of the very disaster which happened to any such vessel, and they must, therefore, be regarded as having insured themselves against the consequences. To pay further compensation to them would, in this instance, also be paying them twice over.

What a perversion of the language of the award this would be!

The tribunal award to the United States the sum of \$15,500,000 in gold as the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to the tribunal.

If the insurance companies are to add this money to the gains they made out of England's violation of neutrality, how misspent were the energies of counsel at Geneva reported by Mr. Davis to his Government when the result was attained! This is what they thought they were doing:

We devoted our energies toward securing such a sum as should be practically an indemnity to the *sufferers*. Whether we have or have not been successful can be determined only by the final division of the sum.

Nobody can mistake who the *sufferers* are. And nothing can be more true than that the final distribution here spoken of, to be determined by Congress, will also determine in precisely the manner here indicated whether those who labored at Geneva "have or have not been successful." If these *sufferers*, whoever they may be, shall be indemnified, they will have achieved a success. But if the insurance companies shall be permitted to add this money to the gains they made out of war risks, then will the counsel at Geneva have achieved a signal failure and the nation a lasting reproach.

Whoever has suffered a loss by the default of England in regard to her duty as a neutral, whether that loss was given up by his Government "in consideration" of gains to itself in the future, or whether that loss entered into the money calculation of the arbitrators in addi-

tion to security for the future thus purchased with it, such sufferer has a claim upon the balance of this award before all others.

I can find no basis for the claim of the insurance companies beyond the actual loss by them sustained in their business. They claim to be subrogated to all the rights of the insured whose losses they have paid, and insist they are entitled, in the shoes of such insured, to enforce such rights for their own use. But if there is any truth in what has been said, no citizen has any right to this fund. It was paid to the United States, and is to be distributed by the United States according to its sense of justice, "without committal as to the mode of distribution," and "in conformity with their own conceptions of justice and equity within the range of the award."

If, then, no individual has any right to this money, then the insurance companies can be subrogated to none. Besides, the money was paid by England for its own default as a neutral. The insurance companies did not insure against that default, but against the destruction of the vessels by rebel cruisers. That destruction was one of the consequences of that default, but not the default itself. So the destruction insured against was one thing, and the default as a neutral another broader and far more comprehensive thing, for which England expressed her regret, conceded the "new rules," and paid the money.

In addition to all this, the insured could not themselves have recovered anything of the cruisers which destroyed their ships; for the destruction itself was an act of war, for which the citizen who suffers has no remedy. An action might as well have been maintained against the commander of the Army of the Potomac by the citizen whose grain had been trodden out and destroyed in the march to Richmond. The claims of the insurance companies seem, therefore, to me as baseless in law as in justice. I shall therefore support that bill which calls into the court of distribution only those and all those who are actual sufferers from the default of England—those who lost by the cruisers "exculpated" by the "new rules," and those compelled to pay enhanced premiums because of the presence on the ocean of confederate steamers, put afloat through British negligence.

Mr. KERNAN obtained the floor.

Mr. McPHERSON. Will the Senator yield for an executive session?

Mr. KERNAN. Certainly.

Mr. McPHERSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-eight minutes spent in executive session the doors were reopened, and (at four o'clock and fifty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 23, 1880.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D., of Washington, District of Columbia.

The Journal of yesterday was read.

AMENDMENT OF JOURNAL.

Mr. CONGER. I find on page 24 of the RECORD of this morning, under the head "Amendment of Revised Statutes," a bill introduced by the gentleman from Illinois [Mr. TOWNSHEND] to revise and amend sections 2503, 2504, and 2505 of title 33 of the Revised Statutes of the United States; which sections, by looking at the Revised Statutes, it will be found embrace thirty pages—the entire tariff laws of the United States, as to the classification of articles. It appears that the reference of the bill, instead of being made to the Committee on Ways and Means, as it ought to have been, was by some mistake, as I think, made to the Committee on the Revision of the Laws. The Chair has ruled on that so often—

The SPEAKER. The House has ruled on it. The Chair has not ruled.

Mr. CONGER. The Chair has ruled that matters relating to the tariff go to the Committee on Ways and Means.

The SPEAKER. The Chair submitted that question and the House acted on it.

Mr. CONGER. The House did not act on this reference yesterday.

The SPEAKER. The House did not in this instance, although it witnessed the reference.

Mr. CONGER. As I have frequently stated to the Chair, the Chair uniformly assenting, the trouble is that bills are sometimes introduced, entitled bills to amend certain statutes, mentioning their number, without saying to what subjects they relate. The referring of a bill in this way to a committee without anybody, the Chair or anybody else, knowing what the subject-matter was I have frequently stated was not the better way at least of introducing bills.

Mr. TOWNSHEND, of Illinois. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. There is no proposition, so far as I know, before the House for consideration.

The SPEAKER. The Chair is willing to listen to a gentleman who states that a bill has been improperly referred.

Mr. TOWNSHEND, of Illinois. What motion does the gentleman from Michigan make?

The SPEAKER. The Chair does not yet know.

Mr. TOWNSHEND, of Illinois. I object to any debate unless there is a proposition before the House.

Mr. GARFIELD. I move to correct the Journal, so that the bill shall be referred to the Committee on Ways and Means.

Mr. CONGER. That was the proposition I was about to make.

Mr. MILLS. Is it intended to move to correct the Journal by putting upon it a false statement?

The SPEAKER. The gentleman from Ohio may move to amend the Journal; but the Chair thinks the Journal is correct. It is impossible for the Chair to know what is embraced in a bill which in its title only alludes to certain sections of the Revised Statutes by their number.

Mr. TOWNSHEND, of Illinois. I wish to say a word.

Mr. CONGER. I had not finished my remarks.

Mr. TOWNSHEND, of Illinois. I am willing to hear what the gentleman has to say further, but I shall desire to say something in reply.

Mr. CONGER. I was proceeding to state that this point has been frequently brought to the attention of the House before, and the Chair has said from his place heretofore that it would be proper that a bill should state the subject to which it relates, so that both the Chair and members of the House might see it had the proper reference. This bill had not a proper statement of its subject in its title.

The SPEAKER. It had not, except by reference to the numbers of certain sections of the Revised Statutes.

Mr. CONGER. And I wish to say, while I desire to cast no reflection on the Chair—of course the Chair could not tell any more than any member what was in that bill—while the rule as it would be enforced by the Chair, unless the House ordered otherwise, would take this bill evidently and unquestionably to the Committee on Ways and Means, yet the lack of any statement in the title of the matter to which the bill related of course left the Chair or any member unable at the time to know what the reference should be; but the rule should execute itself; and when a bill is introduced in that way, and wrongly referred, if upon knowing the subject-matter of it the Chair would have referred it under the rule to a committee or else have submitted the question of its reference to the House, then the correction should be made when the Journal is read next morning. I do not say it needs any motion. I do not say that would be the proper way. I am merely submitting this proposition to the Speaker in regard to this bill or any other whether when it appears there has been an improper reference—the Chair having the control of the Journal—whether it is not competent for the Chair to correct the reference?

The SPEAKER. The Journal is correct.

Mr. CONGER. It is not correct under the rule. The reference was not made under the rule.

Mr. TOWNSHEND, of Illinois. I desire to be heard on this question.

The SPEAKER. The Chair will listen to the gentleman.

Mr. TOWNSHEND, of Illinois. When the House proceeded to the call of States yesterday for the introduction of bills, and the State of Illinois was called, I rose from my seat and in the open House, as I had a right to do as a member from that State, offered the bill of which the gentleman from Michigan has been speaking. The bill in its title clearly discloses what its purpose was. It was to revise and amend the sections mentioned in title 33 of the Revised Statutes. That bill, sir, in open House, without objection from any quarter, was referred to the Committee on Revision of the Laws, in my judgment a proper committee, under the rules of the House, for its consideration.

I have no doubt that those who are opposed to a revision of the tariff could easily have called to mind what that bill was aimed at when the Clerk, in a clear, loud, and distinct voice, read to this House that it was "A bill to revise and amend sections 2503, 2504, and 2505 of title 33 of the Revised Statutes." The bill was properly introduced, it has been properly referred, and is now properly before the Committee on the Revision of the Laws. No mistake was made by me, and I am satisfied no gentlemen here can accuse any one in this House of having made a mistake in the matter.

And so far as the question is concerned of reconsidering the reference, I wish to say to the gentleman from Michigan [Mr. CONGER] that the Chair, on yesterday, made a ruling clear and distinct, and capable of no misunderstanding whatever. I will read that ruling. When a certain joint resolution had been introduced, and referred to the Committee on Foreign Affairs, the gentleman from Louisiana [Mr. KING] moved to reconsider the reference, so that the joint resolution might be referred to the Committee on the Inter-oceanic Ship Canal. The Speaker of this House refused to entertain the motion. This is his language:

The SPEAKER. The Chair does not entertain the motion to reconsider. He thinks that bills and resolutions introduced under this call cannot come back upon a motion to reconsider, and should not be subject to a motion to reconsider.

The Chair then directed the Clerk to read from clause 2 of Rule XVIII, the following:

No bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, shall be brought back into the House on a motion to reconsider.

The SPEAKER. The Chair will state to the gentleman from Illi-

nois that that is still his judgment, and that this matter cannot be reached by a reconsideration.

Mr. TOWNSHEND, of Illinois. Very well, that is all I want.

Mr. REED. I certainly hope that there may be some way to reach this matter. We come here every Monday for the purpose of presenting bills and joint resolutions for printing and reference, and it is to be presumed that every member will have the bill he presents referred to an appropriate and suitable committee. Everybody in this House knows that the Committee on the Revision of the Laws—

Mr. TOWNSHEND, of Illinois. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. My point of order is that the gentleman from Maine is discussing a question which the Chair has decided, and which is already disposed of.

The SPEAKER. The Chair has decided that this matter cannot be reached by a motion to reconsider, because the Chair holds now as he did yesterday that a motion to reconsider the reference of a bill introduced on Monday is not admissible.

Mr. FERNANDO WOOD. I desire to ask a question of the Chair.

The SPEAKER. The gentleman will state it.

Mr. FERNANDO WOOD. I would like the Chair to tell this House what remedy any committee of this House may have, when by inadvertence a bill which should properly go to that committee has been improperly referred to another committee? If a bill giving in its title simply the number of a section of the Revised Statutes, which it proposes to amend or change, is referred by inadvertence to the wrong committee, is there any remedy?

Mr. TOWNSHEND, of Illinois. Allow me to state to the gentleman from New York that this bill was not referred by inadvertence.

Mr. FERNANDO WOOD. I am speaking to the Chair, not to the gentleman from Illinois.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] has made a motion.

Mr. GARFIELD. My motion is to amend the Journal.

Mr. TOWNSHEND, of Illinois. The gentleman said that he moved to correct the Journal.

Mr. GARFIELD. If so, then I change my motion and move to amend the Journal.

The SPEAKER. The gentleman from Maine [Mr. REED] has been recognized by the Chair as being entitled to the floor.

Mr. REED. I say that I sincerely hope that some way out of this difficulty may be found. Here seems to be a proposition referred to a committee, which committee every man in this House must recognize to be one to which that proposition would not have been referred had the House been possessed of a knowledge of the subject of the bill so referred. It seems to me that as a matter of good faith among members this thing should not be permitted, if the House can in any way prevent it.

In regard to this very class of bills or propositions the House has two or three times discussed the matter and determined it by an overwhelming majority. I do not purpose to say that this matter was smuggled in this way, nor do I purpose to use any offensive language in regard to it, because that would not be parliamentary; but it does seem to me to be perfectly plain, from the way in which the matter was brought in, without the House having any knowledge of the subject of it, what was the purpose and object of it.

Now, this ought not to be, and there should be some suitable and proper way of remedying it. It seems to me that every member ought to act with some special reference to the rules of the House, or when he does not do so, he should at least call the attention of the House to the fact that he is not doing so.

Mr. TOWNSHEND, of Illinois. I wish to reply. I have already stated that this bill was introduced in my right as a member of this House, and that it was referred to the Committee on the Revision of the Laws. I was glad to hear the gentleman from Maine [Mr. REED] say that he did not desire to say this bill was smuggled into the House; for if he had used such a term, parliamentary or unparliamentary, I should have denounced it upon my personal responsibility as willfully false.

A MEMBER. He ought to have used that term.

Mr. REED. And I should have replied that it would not make the slightest difference to me or any other member of the House.

Mr. TOWNSHEND, of Illinois. It might not make any difference to the gentleman to have been accused of falsehood; but men of honor would know the meaning of the word, and it would make a difference to them.

Mr. WILBER. I wish to ask the gentleman one question. When he introduced this bill, why did he not have it referred to the Committee on Ways and Means?

Mr. TOWNSHEND, of Illinois. Because I believed that the Committee on the Revision of the Laws had jurisdiction over it, and that it would be a better committee for the interests of the people to consider that bill than the Committee on Ways and Means.

Mr. WILBER. One other question. Does the gentleman think that if the House had known the substance of the bill it would have consented to that reference?

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] has

moved to amend the Journal. The gentleman will state in what manner.

Mr. GARFIELD. I desire to say a word. The Journal of the House carries with it the authoritative orders of the House. The language of the Journal is within the power of the House as to what it shall be. I move that our Journal be so amended that its authoritative language shall declare that this bill goes to the Committee on Ways and Means. When that declaration is made, it goes there.

The SPEAKER. The Chair desires to say, nevertheless, that the Journal is correct.

Mr. GARFIELD. I am not raising that question. I do not, blame the Chair or the journal clerk, for each of these officers has done his duty. The plain fact of this case (and I measure very carefully what I say) is this: every man on this floor knows that there are at least one hundred and forty members every one of whom would have objected to the proposed reference of the bill had its purpose been known.

Mr. TOWNSHEND, of Illinois. Was it not read by the Clerk?

Mr. GARFIELD. And because members did not know its purpose, because they assumed that bills introduced under the call of Monday were introduced and referred in accordance with the rules, because of the general good faith that we exercise toward each other, the reading of the bill was not demanded. A manifestly improper reference, improper in the judgment of this House, was made; and our only direct means of correcting it is by such a motion as I have made.

Mr. CARLISLE. I desire to ask the gentleman from Ohio a question—not so much with reference to this particular matter as with regard to the general practice of the House. It is admitted, I believe, on all sides that the Journal as it records the proceedings of yesterday with reference to this bill is absolutely correct. Now, if it be competent in this instance to change that Journal upon a motion to amend it, will it not be equally competent in any other instance to change it upon a motion to amend it?

The SPEAKER. That, however, is a question for the House.

Mr. CARLISLE. If, for instance, a bill voted on yesterday in this House had been rejected, and if the proceedings upon that bill had been recorded correctly in our Journal, would it be competent for a gentleman on the floor of the House, upon the reading of the Journal this morning, to move to amend it so as to show that the bill did not pass?

The SPEAKER. Does not the gentleman think it is within the power of a member to move to amend or correct the Journal?

Mr. MILLS. Not so as to make it state a falsehood.

Mr. CARLISLE. Not when it changes the result of the action of the House.

The SPEAKER. That is a matter for the House.

Mr. GARFIELD. The House is the custodian of its own Journal and can make it read as it pleases. I move to make it read as I have suggested.

Mr. REAGAN. I wish to say a word in relation to the motion made by the gentleman from Ohio, [Mr. GARFIELD.] If the reference of a bill which has been referred under the rules of the House, and the reference correctly recorded in the Journal, can be changed upon a motion to amend the Journal, this is but another mode of reconsidering that reference. In this case the bill having been openly and fairly introduced, read, and referred, and a motion not being admissible to reconsider the reference in order to bring the bill again before the House, the proposition is made to overcome the difficulty by a motion to correct the Journal so as to change the reference as correctly recorded. The motion of the gentleman from Ohio involves simply a method of reconsidering the formal legal act of this House, and in my judgment cannot be entertained. On the other point, while it may be the Committee on Ways and Means may have the right to consider questions of this kind, if it so happens that this House can get no relief from the existing condition of things by the agency of that committee and a bill is fairly put before another committee by which we may hope to get some action, it is for the House to maintain the action of the House in its own interests and the interest of the public.

Mr. MILLS. The Constitution of the United States requires each House to keep a journal of its proceedings. It requires each House to make a correct statement of what is done in the House; and it is not in the power of this House to destroy that record when it is made without in the same act destroying to that extent the Constitution. I remember reading the discussion on the celebrated expunging resolution when General Jackson was censured for his conduct at New Orleans, while a military commander at that post in the war of 1812. I remember the democratic party when they came into power desired to expunge from the record the vote of censure which had been placed upon him in the Senate; but after that matter was thoroughly discussed the ablest men in the Senate on the democratic side admitted that body had no power to mar that record, and the conclusion of the whole matter was that they drew black lines around the order of censure voted upon him by the Senate, and wrote in the margin of the Journal that that was expunged by order of the Senate. And, sir, that record stands to-day. The record which was made by the Senate of the United States voting a censure upon General Jackson stands to-day as a part of the record of the United States.

I admit, sir, we have the power to correct a mistake; and the Journal and the RECORD when they recite a fact that did not occur—we have a right to compel them, in obedience to the Constitution, to

recite that fact as it did occur. But have we the right, have we the moral power or the legal power, to make our record recite a falsehood? The records have no moral power; they cannot state a falsehood.

Mr. REED. Will the gentleman from Texas permit me a word? I submit this is not a record until it has been approved by the House.

Mr. MILLS. It is a record of yesterday's proceedings.

Mr. REED. It is not a record until it is approved to-day.

Mr. MILLS. That the Chair has decided: that you cannot get the control of it even by a motion to reconsider. It has passed from your jurisdiction. It is the record of the transactions of this House, and the motion now is to make your record recite a falsehood, to recite things which did not occur, and to impart to the record the moral responsibility which attaches to the man to make the record recite a falsehood. There can be no moral accountability in that inanimate object on your desk, but there is a moral accountability in the bosom of every man who regards the truth, that he ought not to tell a lie himself or make another do it.

Mr. WILSON. I desire to know whether it is competent to move to discharge the Committee on the Revision of the Laws from the further consideration of the subject?

The SPEAKER. It is not. The Journal is before the House for approval.

Mr. BLACKBURN. I desire to make a parliamentary inquiry. This bill was yesterday, by order of the House, referred to the Committee on the Revision of the Laws. Would the Chair hold that a motion to reconsider the action of the House in that regard to-day was in order?

The SPEAKER. The Chair stated on yesterday he would not. He made then a decision on that point.

Mr. BLACKBURN. And, sir, it is in the light of that decision I now ask this question: Whether it would be in order for a member of this House to-day to move to reconsider the action of the House in the reference of this bill to the Committee on the Revision of the Laws? How is it competent to attain the very same identical end by moving, not to reconsider, but to amend the Journal? Is it in order to move to amend a journal, which no man on this floor dares to say is not exactly correct? Is there a single statement made here in that Journal as read from that Clerk's desk this morning that any member of this House dares to impeach or impugn? If that Journal be correct, where can you find any warrant for a motion to move its amendment?

The SPEAKER. Under the parliamentary rule.

Mr. BLACKBURN. No, sir. Will the chairman *ex officio* of the Committee on Rules, now Speaker of this House, undertake to say it ever was the intent or purpose of that rule, or any other rule that ever was adopted by any deliberative body on earth, to allow a motion to amend a thing which the mover of the motion admits himself does not permit amendment? If the Journal be correct there is no amendment that can be made.

Mr. TOWNSHEND, of Illinois. The Journal is correct.

Mr. BLACKBURN. And I will submit to the Chair—I will not undertake to characterize the effort that is being made by the submission of the motion by the gentleman from Ohio—but I will undertake to speak of the results and challenge contradiction. There is no result to follow the adoption of the motion of the gentleman from Ohio, except by indirection, to accomplish what the Chair has already ruled he has no right to do by methods of direction. This is not a natural method to pursue. The gentleman from Ohio sees in the ruling of the Chair yesterday that he is very properly precluded from the motion to reconsider the action of the House, deliberately taken, in sending the bill introduced by the gentleman from Illinois to the Committee on Revision of the Laws. Now, unable to get over that ruling and that action of the House, he seeks by a motion unknown, and I undertake to say never before submitted to any parliamentary or deliberative body on earth, and by a process of indirection, to accomplish that which under the rule, as carefully construed, he has not the right to reach.

Mr. HAYES. I would like to ask a single question.

The SPEAKER. This is a simple question, so far as the Chair is concerned.

Mr. HAYES. I want to ask is not the Journal as it stands now correct? Does it not record the proceedings of yesterday accurately and exactly as they occurred?

The SPEAKER. The Chair has anticipated the statement of the gentleman from Illinois on that point.

Mr. HAYES. If this is answered in the affirmative, I want to ask how it is possible to correct the Journal if it is now correct in itself? And is not the only way to reach this question to move to discharge the Committee on Revision of the Laws from the further consideration of this matter in order to refer it to another committee?

Mr. TOWNSHEND, of Illinois. But the Chair has decided that that motion is not in order.

The SPEAKER. The Chair thinks that issue is not now before the House.

Mr. CANNON, of Illinois. The Journal, as I understand it, is to record truly what takes place. It is read the next legislative day for correction provided it does not state the truth. For instance, if my vote is recorded wrong, I can rise in my place and have it corrected as I actually cast it. This Journal does speak the truth, as admit-

ted by everybody. Then there is only one way to change it, and that is to inquire—not intimating that there has been fraud—but to inquire whether there has been fraud practiced upon the House. If so, that fraud goes to the bottom and vitiates the entry, and it can be vacated for that reason and no other.

Mr. TOWNSHEND, of Illinois. Does anybody charge that there has been fraud?

Mr. CANNON, of Illinois. If there is absence of fraud, then I understand the record does speak the truth; and if the House were to amend it, here and now, then we amend it and make it state something that is not the truth. It strikes me that in the absence of fraud the record must stand.

The SPEAKER. The Chair desires to say, or rather to repeat what he has already said, that the Journal is correct as to what actually occurred on yesterday. Whether the House may see fit to change that record as it appears in the Journal and make it incorrect is not for the Chair to determine. But the only question for the Chair to determine is whether it is right to entertain a motion to amend the Journal in the manner suggested, and on that point he desires the Clerk to read—

Mr. FINLEY. I desire to ask a question. Has the Chair a right to entertain a motion the effect of which would be to falsify the record?

The SPEAKER. The issue as stated by the Chair is the question whether the motion to amend the Journal can be made? The adoption or rejection of such amendment is a question for the House to determine and is not a question for the Chair to determine.

Mr. PHISTER. In other words, the Chair says the House ought not to so amend the reference as to make the Journal state a falsehood.

The SPEAKER. The Chair has not said that, but confines himself to the question whether he has the power to refuse to entertain a motion made by a member, when the Journal is under consideration, to amend the same. But the Clerk will read.

The Clerk read as follows:

A motion being made to amend the Journal of the House, while that Journal is passing under the judgment of the House for correction, the chairman decided that, should a motion to amend the Journal be laid upon the table, the Journal does not accompany it.

The SPEAKER. The Chair submits a case in point, which is the celebrated New Jersey case, and the Clerk will read also the preceding portion, on which the said decision was based.

The Clerk read as follows:

At twelve o'clock, meridian, John Quincy Adams, the chairman, called the members to order.

The Journal of yesterday was read; when

Mr. Wise, of Virginia, moved the following resolution:

Resolved, That the Journal of yesterday be amended by inserting the following paper, to wit—

The SPEAKER. It is not now necessary to read further.

Mr. NICHOLLS. I desire to ask the Chair if the motion of the gentleman from Ohio [Mr. GARFIELD] to amend the Journal is not tantamount to a motion to reconsider?

The SPEAKER. That the Chair has nothing to do with. The Chair has stated his views as to that.

Mr. NICHOLLS. I move to lay the motion of the gentleman from Ohio on the table.

Mr. FINLEY. I ask that the motion of the gentleman from Ohio be reduced to writing.

The SPEAKER. The gentleman from Georgia moves to lay the motion of the gentleman from Ohio on the table.

Mr. TOWNSHEND, of Illinois. What is the motion of the gentleman from Ohio?

The SPEAKER. The gentleman from Ohio moves to amend the Journal so as to refer the bill introduced by the gentleman from Illinois yesterday to the Committee on Ways and Means; the Journal now stating, and correctly, that the bill was referred to the Committee on the Revision of the Laws.

Mr. TOWNSHEND, of Illinois. I desire to make a parliamentary inquiry. Is not the motion of the gentleman from Ohio simply a motion in another form to reconsider the reference of the bill?

The SPEAKER. That is a question for the House. The question for the Chair was whether he would entertain the motion. He has entertained it, and the gentleman from Georgia moves to lay the motion on the table.

Mr. NICHOLLS. And upon that motion I ask for the yeas and nays.

Mr. SINGLETON, of Illinois. Does not the rule require that an amendment shall be in writing?

The SPEAKER. This is a motion.

Mr. SINGLETON, of Illinois. But it is a motion to amend. Does not the rule require that such a motion shall be in writing so that the House should know what the amendment is?

The SPEAKER. The amendment proposed is to strike out "Revision of the Laws" and insert "Ways and Means."

Mr. SINGLETON, of Illinois. We do not know whether it is a motion to correct an error, or a motion to falsify the record, until we have its precise words.

The SPEAKER. The Chair thinks he has stated the proposition clearly.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 117, not voting 57; as follows:

YEAS—118.

Aiken,	Dickey,	Ladd,	Simonton,
Armfield,	Dunn,	Le Fevre,	Singleton, J. W.
Atherton,	Elam,	Lewis,	Singleton, O. R.
Atkins,	Ellis,	Lowe,	Slemmons,
Beale,	Field,	Manning,	Smith, William E.
Berry,	Finley,	McKenzie,	Sparks,
Bicknell,	Forney,	McLane,	Speer,
Blackburn,	Frost,	McMahon,	Springer,
Bland,	Geddes,	McMillin,	Steele,
Blount,	Gibson,	Mills,	Stevens,
Bouck,	Goode,	Money,	Stevenson,
Buckner,	Gunter,	Morrison,	Talbot,
Cabell,	Hammond, N. J.	Muller,	Taylor,
Caldwell,	Hatch,	Myers,	Thompson, P. B.
Cannon,	Henkle,	New,	Tillman,
Carlisle,	Henry,	Nicholls,	Townshend, R. W.
Chalmers,	Herbert,	Norcross,	Turner, Oscar
Clark, John B.	Herndon,	O'Connor,	Turner, Thomas
Cobb,	Hill,	O'Reilly,	Upson,
Colerick,	Hooker,	Persons,	Vance,
Converse,	House,	Phillips,	Waddill,
Cook,	Hull,	Phister,	Warner,
Cravens,	Hunt,	Poehler,	Wells,
Culberson,	Hurd,	Reagan,	Whiteaker,
Davidson,	Hutchins,	Richardson, J. S.	Whitthorne,
Davis, Joseph J.	Jones,	Robertson,	Williams, Thomas
Davis, Lowndes H.	Kimmel,	Robinson,	Willis,
De La Matyr,	King,	Samford,	Young, Casey.
Deuster,	Kitchin,	Sawyer,	
Dibrell,	Knott,	Shelley,	

NAYS—117.

Aldrich, N. W.	Dunnell,	Killinger,	Russell, Wm. A.
Aldrich, William	Dwight,	Lapham,	Ryan, Thomas
Bachman,	Einstein,	Lindsey,	Shallenberger,
Bailey,	Farr,	Marsh,	Sherwin,
Baker,	Felton,	Martin, Joseph J.	Smith, A. Herr
Ballou,	Ferdon,	Mason,	Smith, Hezekiah B.
Barber,	Fisher,	McCoid,	Starin,
Bayne,	Forsythe,	McCook,	Stone,
Beltzhoover,	Frye,	McGowan,	Thomas,
Bingham,	Garfield,	McKinley,	Thompson, Wm. G.
Blake,	Godshalk,	Miller,	Tyler,
Bowman,	Hall,	Monroe,	Updegraff, J. T.
Boyd,	Harmer,	Morse,	Updegraff, Thomas
Brewer,	Harris, Benj. W.	Neal,	Urner,
Brigham,	Haskell,	Newberry,	Valentine,
Browne,	Hawk,	O'Neill,	Van Aernam,
Butterworth,	Hawley,	Orth,	Van Voorhis,
Calkins,	Hayes,	Osmer,	Wait,
Camp,	Hazelton,	Overton,	Ward,
Carpenter,	Heilman,	Page,	Washburn,
Caswell,	Henderson,	Phelps,	Wilber,
Claffin,	Hiscock,	Pierce,	Williams, C. G.
Clymer,	Horr,	Pound,	Willits,
Coffroth,	Houk,	Price,	Wilson,
Conger,	Hubbell,	Reed,	Wise,
Cowgill,	Humphrey,	Rice,	Wood, Fernando
Crowley,	James,	Richardson, D. P.	Wood, Walter A.
Daggett,	Jorgensen,	Robeson,	
Davis, George R.	Joyce,	Ross,	
Deering,	Kelley,	Russell, Daniel L.	

NOT VOTING—57.

Acklen,	Davis, Horace	Klotz,	Ryon, John W.
Anderson,	Dick,	Loring,	Sapp,
Barlow,	Errett,	Lounsbury,	Scales,
Belford,	Evins,	Martin, Benj. F.	Townsend, Amos
Bliss,	Ewing,	Martin, Edward L.	Tucker,
Bragg,	Ford,	Miles,	Voorhis,
Briggs,	Fort,	Mitchell,	Weaver,
Bright,	Gillette,	Morton,	Wellborn,
Burrows,	Hammond, John	Muldrow,	White,
Chittenden,	Harris, John T.	Murch,	Wright,
Clardy,	Hostetler,	O'Brien,	Yocum,
Clark, Alvah A.	Johnston,	Pacheco,	Young, Thomas L.
Covert,	Keifer,	Prescott,	
Cox,	Kenna,	Richmond,	
Crapo,	Ketcham,	Rothwell,	

So the motion to lay Mr. GARFIELD's motion on the table was agreed to.

After the second roll-call,

Mr. DAVIS, of California, said: I desire to vote.

The SPEAKER. Did the gentleman from California answer to his name on either roll-call?

Mr. DAVIS, of California. I was in the House.

The SPEAKER. If the gentleman did not answer on either roll-call he cannot now vote under the rule.

The Clerk announced the following pairs:

Mr. RYON, of Pennsylvania, with Mr. MITCHELL.

Mr. HAMMOND, of New York, with Mr. COVERT.

Mr. DUNN with Mr. SAPP.

Mr. KEIFER with Mr. CLARK, of New Jersey.

Mr. RICHMOND with Mr. PRESCOTT.

Mr. SINGLETON, of Illinois, with Mr. MILES.

Mr. CRAPO with Mr. KENNA.

Mr. FORT with Mr. O'BRIEN.

Mr. SCALES with Mr. ERRETT.

Mr. DICK with Mr. BLISS.

Mr. MORTON with Mr. COX.

Mr. KETCHAM with Mr. EWING.

Mr. EVINS with Mr. TOWNSEND, of Ohio.

Mr. MARTIN, of West Virginia, with Mr. WHITE.

Mr. HARRIS, of Virginia, with Mr. ANDERSON—on this vote.

Mr. SINGLETON, of Illinois. I desire to say that I am paired only on political questions with Mr. MILES.

Mr. NEW. I desire to state that my colleague from Indiana, Mr. HOSTETLER is absent on account of sickness.

Mr. DUNN. I ask the Clerk to read the condition on which I am paired with the gentleman from Iowa, Mr. SAPP. I am not paired on this question as I understand, and have voted.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
March 17, 1880.

We agree to pair from and after this date until April 10, 1880, on all yeas-and-nay votes of a political character on which the democratic and republican parties shall be opposed; provided that this pair shall not operate to prevent a quorum of the House.

The above is correct.

P. DUNN, Arkansas.

W. S. SAPP, Iowa.

The result of the vote was then announced as above recorded.

Mr. TOWNSEND, of Illinois. Would it be in order to move to reconsider the last vote and to move to lay that motion to reconsider on the table?

The SPEAKER. It would.

Mr. TOWNSEND, of Illinois. Then I make that motion.

Several MEMBERS. Withdraw the motion.

Mr. CONGER. I call for the yeas and nays on the motion of the gentleman from Illinois, [Mr. TOWNSEND.]

The yeas and nays were ordered.

Mr. TOWNSEND, of Illinois. I withdraw the motion to reconsider and lay on the table.

Mr. CONGER. I make the point that it is too late for the gentleman to do that.

The SPEAKER. The yeas and nays have been ordered on that motion.

Mr. AIKEN. Will the Chair state what is the question before the House?

The SPEAKER. It is to lay on the table the motion to reconsider the vote by which the proposition of the gentleman from Ohio [Mr. GARFIELD] was laid on the table. In other words, it is what is termed the clinching motion, one conclusive in its effect if adopted.

Mr. CONGER. And those who wish to reconsider would vote "no;" against laying on the table, I understand. [Laughter.]

The SPEAKER. The gentleman is very well able to answer that question for himself.

The question was taken; and there were—yeas 119, nays 123, not voting 50; as follows:

YEAS—119.

Aiken,	Dickey,	Le Fevre,	Singleton, O. R.
Armfield,	Dunn,	Lewis,	Slemmons,
Atherton,	Elam,	Lowe,	Smith, William E.
Atkins,	Evins,	Manning,	Sparks,
Beale,	Field,	McKenzie,	Speer,
Berry,	Finley,	McLane,	Springer,
Bicknell,	Forney,	McMahon,	Steele,
Blackburn,	Geddes,	McMillin,	Stevens,
Bland,	Gillette,	Mills,	Stevenson,
Blount,	Goode,	Money,	Talbot,
Bouck,	Gunter,	Muldrow,	Taylor,
Buckner,	Hammond, N. J.	Myers,	Thompson, P. B.
Cabell,	Harris, John T.	New,	Tillman,
Caldwell,	Hatch,	Nicholls,	Townshend, R. W.
Cannon,	Henkle,	Norcross,	Tucker,
Carlisle,	Henry,	O'Connor,	Turner, Oscar
Chalmers,	Herbert,	O'Reilly,	Turner, Thomas
Clardy,	Herndon,	Persons,	Upson,
Clark, John B.	Hill,	Phillips,	Vance,
Cobb,	Hooker,	Phister,	Waddill,
Colerick,	House,	Poehler,	Warner,
Converse,	Hull,	Reagan,	Weaver,
Cook,	Hunt,	Richardson, J. S.	Wellborn,
Cravens,	Hurd,	Robertson,	Wells,
Culberson,	Hutchins,	Robinson,	Whiteaker,
Davidson,	Johnston,	Samford,	Whitthorne,
Davis, Joseph J.	Jones,	Sawyer,	Williams, Thomas
Davis, Lowndes H.	Kitchin,	Shelley,	Willis,
Deuster,	Knott,	Simonton,	Young, Casey.
Dibrell,	Ladd,	Singleton, J. W.	

NAYS—123.

Acklen,	Caswell,	Hall,	Martin, Joseph J.
Aldrich, N. W.	Claffin,	Harmer,	Mason,
Aldrich, William	Clymer,	Harris, Benj. W.	McCoid,
Anderson,	Coffroth,	Haskell,	McCook,
Bachman,	Conger,	Hawley,	McGowan,
Baker,	Cowgill,	Hawley,	McKinley,
Ballou,	Crowley,	Hayes,	Miller,
Barber,	Daggett,	Hazelton,	Mitchell,
Bayne,	Davis, George R.	Heilman,	Monroe,
Beltzhoover,	Davis, Horace,	Henderson,	Morse,
Bingham,	Deering,	Hiscock,	Neal,
Blake,	De La Matyr,	Horr,	Newberry,
Bowman,	Dunnell,	Houk,	O'Neill,
Boyd,	Dwight,	Hubbell,	Orth,
Brewer,	Einstein,	James,	Osmer,
Briggs,	Farr,	Jorgensen,	Overton,
Brigham,	Felton,	Joyce,	Pacheco,
Browne,	Ferdon,	Kelley,	Page,
Burrows,	Fisher,	Killing,	Phelps,
Butterworth,	Forsythe,	Klotz,	Pound,
Calkins,	Frye,	Lapham,	Price,
Camp,	Garfield,	Lindsey,	Reed,
Carpenter,	Godshalk,	Marsh,	Rice,

Richardson, D. P.	Smith, A. Herr	Updegraff, Thomas	Wilber,
Robeson,	Smith, Hezekiah B.	Urner,	Williams, C. G.
Ross,	Starin,	Valentine,	Willits,
Russell, Daniel L.	Stone,	Van Aernam,	Wilson,
Russell, Wm. A.	Thomas,	Voorhis,	Wise,
Ryan, Thomas	Thompson, W. G.	Van Voorhis,	Wood, Fernando
Shallenberger,	Tyler,	Ward,	Wood, Walter A.
Sherwin,	Updegraff, J. T.	Washburn,	

NOT VOTING—50.

Bailey,	Errett,	King,	Richmond,
Barlow,	Ewing,	Loring,	Rothwell,
Belford,	Ford,	Lounsbury,	Ryon, John W.
Bliss,	Fort,	Martin, Benj. F.	Sapp,
Bragg,	Frost,	Martin, Edward L.	Scales,
Bright,	Gibson,	Miles,	Townsend, Amos
Chittenden,	Hammond, John	Morrison,	Wait,
Clark, Alvah A.	Hostetler,	Morton,	White,
Covert,	Humphrey,	Muller,	Wright,
Cox,	Keifer,	Mureh,	Yocum,
Crapo,	Kenna,	O'Brien,	Young, Thomas L.
Dick,	Ketcham,	Pierce,	
Ellis,	Kimmel,	Prescott,	

So the motion to reconsider was not laid on the table.

The following pair was announced:

Mr. HOSTETTLER (instead of Mr. EVINS) with Mr. TOWNSEND, of Ohio.

The question recurred upon the motion to reconsider.

Mr. CONGER. Upon that motion I call for the yeas and nays.

Mr. TOWNSEND, of Illinois. I withdraw the motion to reconsider.

Mr. ROBINSON. And I renew it.

The SPEAKER. The point now arises whether the motion to reconsider has passed into the possession of the House.

Mr. REED. If the gentleman from Massachusetts [Mr. ROBINSON] cannot renew it, that would seem to indicate that the gentleman from Illinois [Mr. TOWNSEND] has no right to withdraw it.

Mr. TOWNSEND, of Illinois. I desire to read the rule on that point.

The SPEAKER. The Chair will hear it.

Mr. TOWNSEND, of Illinois. It is clause 2 of Rule XVI, and is as follows:

When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

Mr. GARFIELD. A decision has been had; the House has decided not to lay the motion to reconsider on the table.

The SPEAKER. The Chair would consider that the vote of the House against laying on the table the motion to reconsider is a procedure on the part of the House to consider the motion to reconsider, and in a vital sense is a proceeding upon that subject. Therefore, if objection be made to the withdrawal, the Chair would rule that the motion to reconsider is in possession of the House. A decision by the Chair to the contrary would be unusual and unjust to the House, because a majority of the House by a yeas-and-nays vote have indicated a purpose to proceed with the motion to reconsider to its conclusion.

Mr. WILBER. I object to its being withdrawn.

Mr. TOWNSEND, of Illinois. Does the Speaker decide that I have no right to withdraw the motion to reconsider?

The SPEAKER. The Chair decides that the vote of the House upon laying on the table the motion to reconsider was a proceeding and decision upon the subject which is vital to the subject itself. The Chair decides that the motion to reconsider is in the possession of the House. The House has proceeded to consider it, and the Chair has not now the power to take from the majority of the House the opportunity to carry out its wish in that respect.

Mr. BLACKBURN. Let me make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLACKBURN. Not making any point upon the decision of the Chair relative to the right of the majority of the House to proceed with this matter, I desire to inquire whether the ruling of the Chair imposes upon the gentleman from Illinois, against his protest, the necessity of making the motion to reconsider the action of the House.

The SPEAKER. The motion is in the possession of the House.

Mr. BLACKBURN. Has not the gentleman from Illinois—

The SPEAKER. He has not control of the motion after he makes it and action been had thereon by the House.

Mr. BLACKBURN. Will the Chair allow me to state the question?

The SPEAKER. Certainly.

Mr. BLACKBURN. I know that the gentleman from Illinois no longer has control over the motion, by reason of the last vote of the House.

The SPEAKER. The Chair coincides in that view.

Mr. BLACKBURN. But has he not the right under the rule to withdraw his motion and leave it to any other member of the House to make the motion if he wants to?

The SPEAKER. The gentleman from Illinois was advised by other members to withdraw the motion at the only time when he really possessed the right to do so.

Mr. BLACKBURN. Mr. Speaker, does not the rule of this House, not yet three weeks old, give to any member the right at his pleasure to withdraw any motion that he makes "before a decision or amendment?"

The SPEAKER. It does not if the House has proceeded to consider the motion.

Mr. BLACKBURN. I would be obliged if the Speaker would have the provision of that rule read for the information of the House.

The SPEAKER. The gentleman from Illinois has read it.

Mr. TOWNSEND, of Illinois. Let it be read by the Clerk.

Mr. FINLEY. Would it be in order to postpone this matter to a day certain?

The Clerk read the second clause of Rule XVI, as follows:

When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

Mr. BLACKBURN. Let me say one word further.

The SPEAKER. Certainly.

Mr. BLACKBURN. Under clause 2 of Rule XVI, which has just been read by the Clerk, a member making a motion has the right at any time after debate but before decision or amendment to withdraw that motion. The gentleman from Illinois made two motions which are recognized under the rules and practice of this House. He made a motion to reconsider the action of the House, and a motion to lay that first motion on the table. Upon the second motion the vote was taken by yeas and nays, and it has been decided in the negative. No vote has been taken, no decision has been had, no amendment has been made upon the first or primary motion of the gentleman from Illinois, which is to reconsider the action of the House. Now I submit not only to this House but to the Chair that there never was a rule couched in plainer language. It is not possible by the employment of language to define more clearly any right than the right of the gentleman from Illinois to withdraw now the motion to reconsider is defined. I admit that the question is in the possession of the House.

The SPEAKER. If it is that is the end of it.

Mr. BLACKBURN. But under the clear and explicit provisions of the second clause of Rule XVI, I deny that it is in the power of the Chair to force the gentleman from Illinois, against his protest, to stand upon the record of this House as moving to reconsider the late action of the House.

The SPEAKER. The Chair does not "force" the gentleman from Illinois in any respect.

Mr. BLACKBURN. Who will stand as the mover of the motion to reconsider?

The SPEAKER. The House stands as responsible for its action.

Mr. BLACKBURN. Whose name will appear?

The SPEAKER. The whole point is in a nutshell. It turns on the question whether this motion is in the possession and under the control of the gentleman from Illinois, or in the possession and under the control of the House. The Chair thinks that a vital vote has been taken on the consideration of the proposition, and therefore rules that the motion is in possession of the House.

Mr. SAMFORD. Will the Chair allow me to make an inquiry?

The SPEAKER. Certainly.

Mr. SAMFORD. I do not understand the rule to say that no member can withdraw a motion in the possession of the House after the House has proceeded to consider it; it says he may withdraw it before a decision is reached.

The SPEAKER. And there has been in this case a vital vote upon the proposition itself. That has established the status of the matter in the House.

Mr. SAMFORD. But the vote has been taken not on the motion to reconsider, but upon the motion to lay on the table.

Mr. TOWNSEND, of Illinois, and Mr. McLANE addressed the Chair.

Mr. SAMFORD. Have I not the floor?

The SPEAKER. The Chair is listening to the gentleman from Alabama.

Mr. SAMFORD. Now, the motion upon which a decision has been reached is the motion to lay on the table, not the motion to reconsider. Therefore there has been no decision upon the motion of the gentleman from Illinois to reconsider. He cannot, of course, withdraw the motion to lay on the table, because a decision has been reached on that.

The SPEAKER. There has been a proceeding and the yeas and nays taken on it.

Mr. SAMFORD. But the rule does not say, with all respect to the Chair, that a member shall not have the right to withdraw a motion when there has been a proceeding, but has the right to withdraw it at any time before decision has been had on it?

The SPEAKER. There has been a vote and a decision on this question, which carries it into the possession of the House.

Mr. SAMFORD. Not on this.

The SPEAKER. The House refused to lay on the table the motion to reconsider, thus leaving it before the House.

Mr. SAMFORD. Precisely.

The SPEAKER. If the Chair ruled otherwise, he would rule in opposition to a vote of the House.

Mr. ROBESON. Is not this the point, Mr. Speaker? It does not say decision on the merits of the question, but decision of the proposition—some action proposed in regard to the thing and some decision of the House on it. Now, action has been proposed and the House has decided it.

The SPEAKER. The point is a simple one, as the Chair has stated before, and it is whether this proposition is in possession and under the control of the gentleman from Illinois or in possession and under the control of the House. The Chair has decided that it is in the possession of the House. [Cries of "Regular order!"]

Mr. TOWNSHEND, of Illinois. Mr. Speaker, the rule explicitly says, unless there has been a decision or amendment to the motion, the mover shall have the privilege to withdraw it. There has been no decision on the motion to reconsider. There has been no amendment of the motion to reconsider. Now, do I understand the Speaker to decide I have not the right to withdraw this motion?

The SPEAKER. The Chair decides this motion is under the control of the House.

Mr. TOWNSHEND, of Illinois. And that I have no right to withdraw it?

The SPEAKER. It has been objected to.

Mr. TOWNSHEND, of Illinois. Then, with all due respect to the Chair, I take an appeal from that decision.

Mr. GARFIELD. I desire to make a single suggestion to the gentlemen to see if they do not recognize the justice of the ruling of the Chair in regard to this matter. At the moment when the gentleman offered to withdraw his motion to reconsider, the gentleman from Massachusetts [Mr. ROBINSON] rose to ask to renew it.

The SPEAKER. But the Chair did not entertain it.

Mr. GARFIELD. I know the Chair did not entertain it.

Mr. TOWNSHEND, of Illinois. And the gentleman from Massachusetts did not have the power to make it.

Mr. GARFIELD. He did; because he voted with you in the affirmative.

Mr. ROBINSON. I made the motion in accordance with my vote.

Mr. GARFIELD. He did; and I wish to show the House, in half a minute, the injustice of the ruling gentlemen on the other side ask the Speaker to make. If the gentleman from Illinois could have withdrawn his motion to reconsider, then the gentleman from Massachusetts, or any other man in the House who voted with the prevailing side, could have renewed it. Why? Because a vote had intervened, and after a vote has intervened, nobody could make the motion to reconsider.

Mr. SPRINGER. It could have been made any time within two days.

Mr. GARFIELD. If the gentleman from Illinois can do that thing he proposes, he cuts out every other man in the House from the right to do what he himself offered to do.

Mr. TOWNSHEND, of Illinois. Will my friend allow me?

Mr. GARFIELD. Therefore the Speaker's decision is just.

Mr. TOWNSHEND, of Illinois. I insist on being heard. [Cries of "Order!"]

The SPEAKER. The appeal will be read.

Mr. TOWNSHEND, of Illinois. In reply to the gentleman from Ohio I beg leave to say this: If the gentleman from Massachusetts stood in the attitude I stood in, having voted in favor of laying the motion to amend on the table, if he had the same right to make the motion I had, then I insist he still retains that right after my motion is withdrawn; and I will refer to the rules which clearly show that any time on the first or second day after the motion has been introduced any one voting in the affirmative has the right to make the motion to reconsider.

The SPEAKER. The Chair declined to entertain that motion as proposed by the gentleman from Massachusetts because he considered that would be a duplication of motions.

Mr. WARNER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARNER. Before voting on this question I wish to ask the Speaker whether a motion to reconsider and a motion to lay that motion upon the table are two distinct motions or essentially one.

The SPEAKER. They are two motions, because the latter being decided by a yea-and-nay vote in the negative, the question then recurs on the other motion which is coupled with it.

Mr. WARNER. The question turns then upon whether they are two distinct motions and can be voted on separately.

The SPEAKER. They can be, and are in this instance, separate. That is equity as well as common sense. Although coupled together, they are two motions—the motion to reconsider and the motion to lay upon the table—and the motion to lay upon the table being decided in the negative, does not decide the question in reference to the other motion.

The appeal will be read.

Mr. ALDRICH, of Illinois. I move to lay the appeal on the table.

The SPEAKER. The Clerk will now read the appeal as submitted by the gentleman from Illinois.

The Clerk read as follows:

The Speaker having ruled that the gentleman from Illinois had not the right to withdraw his motion to reconsider the last vote, I appeal from such decision.

The SPEAKER. That is not the decision of the Chair, the Chair submits. The Chair will state what his decision was. The Chair decided that by the action of the House this motion was in the possession of the House, and under the control of the House, and not within the control or in the possession of the gentleman from Illinois. The Chair thinks it is necessary to repeat these remarks.

Mr. KNOTT. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KNOTT. Do I understand the Speaker to state he did not rule that the gentleman from Illinois had no right to withdraw his motion? A MEMBER. Without his consent.

The SPEAKER. The Chair rules this: That the motion having been voted upon, and the opinion of the House having been expressed upon the issue involved in the proposition, that it is now in the possession of the House and not in the power of the gentleman from Illinois to withdraw such motion.

Mr. KNOTT. The Chair rules then—

Mr. REAGAN. Then the decision of the Chair amounts to a refusal to withdraw—

The SPEAKER. One at a time.

Mr. KNOTT. I have the floor. I ask, did the Chair rule that the gentleman from Illinois had not the right to withdraw his motion?

The SPEAKER. The Chair rules that he has not in this case without the consent of the House, and objection has been made.

Mr. KNOTT. If that is the ruling of the Chair why does not the appeal of the gentleman from Illinois cover it?

The SPEAKER. The appeal is stated very properly, but the Chair desired to express again to the House his views thereon.

Mr. BLACKBURN. I rise to a parliamentary inquiry.

Mr. GARFIELD. I move to lay the appeal of the gentleman from Illinois on the table.

Mr. BLACKBURN. I am on the floor for the purpose of making a parliamentary inquiry, and the gentleman from Ohio has no right to take me off the floor to submit a motion.

Mr. ALDRICH, of Illinois. I made the motion to lay the appeal on the table before the gentleman from Kentucky got the floor.

The SPEAKER. The Chair is willing to hear what may be said on this question.

Mr. BLACKBURN. I am asking now as to a matter altogether different from that decision.

The SPEAKER. The Chair is willing to hear the gentleman.

Mr. BLACKBURN. Whether it was in order for the gentleman from Illinois to move to lay upon the table the motion to reconsider a vote which had just been tabled. I read from the Digest of this House, which applies as well to the revised rules as to the old rules, page 302; and I refer to the Journals of the third session of the Twenty-third Congress, page 334, to the first session of the Thirty-third Congress, page 357, where it was decided that a motion to reconsider a vote laying a motion to reconsider upon the table is not in order. If entertained it would lead to inextricable confusion by piling up motion on motion to reconsider.

The SPEAKER. That point has not been raised in this connection.

Mr. BLACKBURN. I submit whether the gentleman from Illinois has a right to make the motion that has been voted on, and whether it was competent for the Chair to entertain it—

The SPEAKER. The Chair can only decide one point at a time. He will hereafter examine that point if it arises whether it be a good one or not. The House has acted on the motion, and thereby allows it. The gentleman now moves to lay on the table the appeal from the decision of the Chair, taken by the gentleman from Illinois.

Mr. MCKENZIE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 152, nays 83, not voting 57; as follows:

YEAS—152.

Acklen,	Daggett,	Klotz,	Robeson,
Aiken,	Davis, George R.	Lapham,	Robinson,
Aldrich, N. W.	Davis, Horace	Lewis,	Ross,
Aldrich, William	De La Matyr,	Lindsey,	Russell, Daniel L.
Anderson,	Deering,	Marsh,	Russell, Wm. A.
Bandman,	Dunnell,	Martin, Joseph J.	Ryan, Thomas
Bailey,	Dwight,	Mason,	Shallenberger,
Baker,	Einstein,	McCook,	Simonton,
Ballou,	Elam,	McGowan,	Smith, A. Herr
Barber,	Farr,	McKinley,	Smith, Hezekiah B.
Bayne,	Ferdon,	McLane,	Smith, William E.
Beltzhoover,	Field,	McMahon,	Starin,
Bingham,	Fisher,	Miller,	Stone,
Blake,	Forsythe,	Mitchell,	Talbot,
Blount,	Frye,	Monroe,	Thomas,
Bowman,	Garfield,	Morse,	Thompson, W. G.
Boyd,	Geddes,	Muldrow,	Tyler,
Brewer,	Godshalk,	Neal,	Updegraff, J. T.
Briggs,	Hall,	New,	Updegraff, Thomas
Brigham,	Harmer,	Newberry,	Urner,
Browne,	Harris, Benj. W.	Nicholls,	Valentine,
Burrows,	Haskell,	Necross,	Van Aernam,
Butterworth,	Hawk,	O'Connor,	Voorhis,
Calkins,	Hawley,	O'Neill,	Van Voorhis,
Camp,	Hayes,	Orth,	Wait,
Cannon,	Hazelton,	Osmer,	Ward,
Carpenter,	Heilman,	Overton,	Warner,
Caswell,	Henry,	Pacheco,	Washburn,
Chittenden,	Hiscock,	Page,	Wellborn,
Claffin,	Horr,	Persons,	Wilber,
Clymer,	Houk,	Phelps,	Williams, C. G.
Coffroth,	Hubbell,	Pierce,	Williams, Thomas
Conger,	Humphrey,	Pound,	Willits,
Converse,	Hurd,	Price,	Wilson,
Cowgill,	Jorgensen,	Reed,	Wise,
Crowley,	Joyce,	Rice,	Wood, Fernando
Culberson,	Kelley,	Richardson, D. P.	Wood, Walter A.
	Killinger,	Robertson,	Young, Casey.

NAYS—83.

Armfield,	Dibrell,	Jones,	Singleton, J. W.
Atherton,	Dickey,	Kitchin,	Singleton, O. R.
Atkins,	Ellis,	Knott,	Slemmons,
Beale,	Evins,	Ladd,	Sparks,
Berry,	Finley,	Le Fevre,	Springer,
Bicknell,	Forney,	Lowe,	Steele,
Blackburn,	Frost,	Manning,	Stevenson,
Bouck,	Gillette,	McKenzie,	Taylor,
Buckner,	Goode,	McMillin,	Thompson, P. B.
Cabell,	Gunter,	Mills,	Tillman,
Caldwell,	Hammond, N. J.	Money,	Townshend, R. W.
Chalmers,	Hatch,	Muller,	Tucker,
Clardy,	Henkle,	Myers,	Turner, Oscar
Clark, John B.	Herbert,	O'Reilly,	Turner, Thomas
Cobb,	Herndon,	Philips,	Vance,
Colerick,	Hill,	Phister,	Waddill,
Cook,	Hooker,	Reagan,	Weaver,
Cravens,	Hull,	Richardson, J. S.	Whiteaker,
Davidson,	Huntton,	Samford,	Whitthorne,
Davis, Joseph J.	Hutchins,	Sawyer,	Willis.
Davis, Lowndes H.	Johnston,	Shelley,	

NOT VOTING—57.

Barlow,	Felton,	Loring,	Sapp,
Belford,	Ford,	Lounsbury,	Scales,
Bliss,	Fort,	Martin, Benj. F.	Sherwin,
Bragg,	Gibson,	Martin, Edward L.	Speer,
Bright,	Hammond, John	McCoid,	Stephens,
Carlisle,	Harris, John T.	Miles,	Townsend, Amos
Clark, Alvah A.	Henderson,	Morrison,	Upson,
Covert,	Hostetler,	Morton,	Wells,
Cox,	House,	Murch,	White,
Crapo,	James,	O'Brien,	Wright,
Deuster,	Keifer,	Poehler,	Yocum,
Dick,	Kenna,	Prescott,	Young, Thomas L.
Dunn,	Ketcham,	Richmond,	
Errett,	Kimmel,	Rothwell,	
Fwing,	King,	Ryon, John W.	

So the appeal from the decision of the Speaker was laid on the table.

Before the result of the vote was announced,

Mr. McLANE said: I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McLANE. Is it in order to have the question stated before the vote is announced?

The SPEAKER. The motion before the House on which the yeas and nays have been called is the motion to lay on the table the appeal of the gentleman from Illinois [Mr. TOWNSHEND] from the decision of the Chair. The form of stating the question on an appeal is, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. GARFIELD. The "ayes" upon this vote sustain the Chair's decision.

Mr. McLANE. Will the Chair permit me to state the question decided by the Chair as I understood the Chair to state it?

The SPEAKER. The Chair stated in substance this: that the opinion of the Chair was that the motion of the gentleman from Illinois [Mr. TOWNSHEND] was in possession of the House; that the House had by a vote taken possession of it.

Mr. McLANE. One word more. The Speaker's statement was that the House had taken possession of the motion by refusing to lay the motion to reconsider on the table?

The SPEAKER. That is correct.

The Clerk announced the following additional pairs:

Mr. HENDERSON with Mr. MORRISON.

Mr. LORING with Mr. BRAGG.

Mr. SHERWIN with Mr. WRIGHT, for two weeks, including to-day.

Mr. FELTON with Mr. STEPHENS.

Mr. MITCHELL. I desire to state that I am paired with Mr. RYON, of Pennsylvania, but with the express understanding that we were not to be considered paired on tariff questions. I say this with reference to this vote and the former one.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the motion to reconsider.

Mr. TOWNSHEND, of Illinois. I move to lay that motion on the table.

Mr. GARFIELD. That motion has already been made and voted on and is not in order.

The SPEAKER. Under what rule does the gentleman from Illinois claim the privilege to repeat the motion to lay on the table?

Mr. GARFIELD. That very motion has been voted down and it cannot be entertained over again.

Mr. TOWNSHEND, of Illinois. There has been intervening business and I apprehend the motion to lay on the table is now in order.

The SPEAKER. What has intervened has been an appeal from the decision of the Chair, and the Chair does not think that an appeal is intervening business in such a sense as to permit the duplication of the motion to reconsider. The House has laid the appeal on the table and the question now recurs on the motion to reconsider.

Mr. CONGER. Upon that motion I demand the yeas and nays.

Mr. SIMONTON. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 36, noes 126.

Mr. MCKENZIE. I call for the yeas and nays on the motion to adjourn.

On the question of ordering the yeas and nays, there were ayes 22.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered and the motion to adjourn was not agreed to.

Mr. WILSON. I desire to make a parliamentary inquiry.

The SPEAKER. The Chair will hear it.

Mr. WILSON. And in that connection I desire to make a remark or two, with a view, if I can, to solve this trouble, that we may go on with the business of the House. The Speaker, this morning, immediately upon the Journal being read, inquired if there were objections to approving the Journal of yesterday.

Mr. CONGER. I call for the regular order.

The SPEAKER. The gentleman from West Virginia has risen to make a parliamentary inquiry. The Chair will hear him.

Mr. WILSON. The gentleman from Michigan surely cannot object to my making a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON. The point is this: when the question is propounded by the Speaker whether the Journal shall be approved or not, suppose one gentleman rises in his seat and objects, is it not usual for the Speaker to take the sense of the House whether the Journal shall be approved or not?

The SPEAKER. The Chair has ruled that it is competent for any member to move to amend the Journal and has cited the cases which establish his ruling in that respect.

Mr. WILSON. Suppose I object to approving the Journal of yesterday, would it be competent then for the Speaker to submit to the House the question whether the Journal shall be approved or not?

The SPEAKER. The Chair usually submits the question in this shape: "If there be no objection the Journal of yesterday stands approved."

Mr. WILSON. Suppose I rise in my place and object to approving the Journal for the reason there was some improper reference of a bill on yesterday, would not that bring the question directly before the House? Would it not then be proper for the Speaker to submit the question whether my objection should prevail or not?

The SPEAKER. That is in substance what is now being considered by the House.

Mr. WILSON. Would not that bring before the House directly the question whether the reference should be changed? I am in favor of changing the reference and with that view make the inquiry.

If it be now competent for me to do so, I object to approving the Journal of yesterday for the reason there was an improper reference of that bill on yesterday. I ask that my objection be submitted to the House.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] has demanded the yeas and nays on the motion to reconsider.

Mr. GARFIELD. Let us try if we cannot settle this without the yeas and nays. I presume gentlemen will have no objection to a reconsideration.

Mr. SPRINGER. I move that this question be postponed until to-morrow morning that we may go on with the consular and diplomatic appropriation bill.

The SPEAKER. This is a motion of higher privilege.

Mr. SPRINGER. What is it?

The SPEAKER. The motion to reconsider. The gentleman can move to postpone the motion to reconsider.

Mr. SPRINGER. Rule XVI, clause 4, is as follows:

4. When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question, (which motions shall be decided without debate,) to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order.

Mr. FINLEY. And your motion is to postpone the motion to reconsider?

Mr. SPRINGER. That is my motion, in order that we may now proceed to the consideration of the consular and diplomatic appropriation bill.

The SPEAKER. The Chair entertains the motion to postpone.

Mr. SPRINGER. I think that after the House has slept upon this question for one night, members will come here to-morrow morning with the belief that they cannot amend the Journal in the manner proposed by the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. GARFIELD. It is this: If the Journal of yesterday's proceedings be not approved at all, as it has not yet been approved, will not all references made yesterday, all entries in that Journal be unofficial and unauthorized?

Mr. SPRINGER. It has frequently happened that we do not approve the Journal for several days.

Mr. GARFIELD. I ask the question of the Chair. It is this: Until this Journal be approved by the House, is it officially a record of the proceedings of the House? And I ask gentlemen if they wish that there shall be no official record of the proceedings of the House yesterday?

Mr. McMILLIN. It is a *prima facie* record.

The SPEAKER. The Chair would ask the gentleman from Ohio to state his question again.

Mr. GARFIELD. When a question is raised about approving the Journal, and the Journal is not approved by the House, as this has not been, is the record of the proceedings of the House yesterday, which

was read from the Clerk's desk this morning, our official record at all?

The SPEAKER. The Chair thinks it is competent for the House to postpone the consideration of the motion to reconsider.

Mr. GARFIELD. I do not object to the entertaining of that motion. But I say that so long as the House does not approve its Journal of yesterday's proceedings, so long that Journal is not our official record at all.

The SPEAKER. The Chair will not decide that point now; the question may properly come before the House hereafter.

Mr. TOWNSHEND, of Illinois. The Journal was approved this morning.

The SPEAKER. Objection was raised to the approval of the Journal.

Mr. SPRINGER. I would like to ask a question of the gentleman from Ohio. It is whether it has not frequently happened that the question of approving the Journal has been postponed until a later period than the day after the proceedings which it records?

Mr. GARFIELD. Oh, yes.

Mr. SPRINGER. And we can do that now.

Mr. GARFIELD. I think we had better not.

Mr. SPRINGER. I move to postpone this matter until to-morrow.

The SPEAKER. To what time to-morrow?

Mr. SPRINGER. Until after the morning hour.

Mr. TUCKER. I hope we will not postpone it. We have been at it now for nearly three hours; let us finish it.

The question was taken upon the motion to postpone; and upon a division there were—ayes 53, noes 118.

Before the result of the vote was announced,

Mr. SPRINGER called for the yeas and nays.

The yeas and nays were not ordered, there being but 24 in the affirmative, not one-fifth of the last vote.

So the motion to postpone was not agreed to.

The SPEAKER. The question recurs on the motion to reconsider the vote by which the proposition of the gentleman from Ohio [Mr. GARFIELD] to amend the Journal of yesterday's proceedings was laid on the table; upon which motion the gentleman from Michigan calls for the yeas and nays.

Mr. THOMAS TURNER. I rise to a parliamentary inquiry; I have never before made one.

The SPEAKER. The gentleman will state it.

Mr. THOMAS TURNER. It is admitted that the Journal as read this morning is correct of the proceedings of the House yesterday. Now, if by indirection and a motion to correct the Journal you can repeal the legislative action of yesterday, why can we not to-morrow morning come back here and if we have a majority repeal this action of to-day.

The SPEAKER. That is in the nature of an argument. The question is upon ordering the yeas and nays upon the motion to reconsider.

The yeas and nays were ordered.

Mr. THOMAS TURNER. I give notice that I will to-morrow morning move to correct the Journal of to-day's proceedings, if this motion is carried out. [Laughter.]

Mr. SAMFORD. This controversy involves a proper construction of the rules. I understood the Speaker at the commencement of this difficulty to-day to refer to a decision which was made by Mr. John Quincy Adams as sustaining the point that a point of order against a motion to amend the Journal made the succeeding day is not well taken.

The SPEAKER. That was not the decision; it was the entertainment of a motion.

Mr. SAMFORD. Precisely. Now, I desire to ask this question: whether on that very day of that decision of Mr. Adams the House did not reverse that decision of the Chair?

The SPEAKER. The House entertained the motion nevertheless, and it has gone into the record as a guide for all subsequent Houses.

Mr. TOWNSHEND, of Illinois. The House decided that the Speaker was wrong in entertaining the motion.

Mr. SAMFORD. I am addressing the Chair now. I would inquire of the Chair if on that occasion there was not an appeal from the decision of the Chair that such a motion was in order, and did not the House sustain that appeal and reverse its decision?

The SPEAKER. The Chair thinks not.

Mr. SAMFORD. I will send up the record. I would inquire of the Chair whether the ruling of the Chair or the decision of the House on that occasion determines the question?

The SPEAKER. The House decided—

Mr. SAMFORD. If the House reversed the decision of Mr. Speaker Adams—

The SPEAKER. He was not Speaker; he was in the chair temporarily for the purpose of organizing the House.

Mr. SAMFORD. Well, he made a ruling which the House reversed. Now, I would inquire which was the proper construction of the rule?

The SPEAKER. The Chair thinks that the decision of the House referred to did not touch the question of the submission by the temporary chairman of the proposition to amend the Journal.

Mr. SAMFORD. Very well; with due respect for the Speaker, I ask to have the record read.

The Clerk read as follows:

The yeas and nays being desired by one-fifth of the members present, those who voted in the affirmative are, &c.

The House having thus refused to lay the resolution on the table—

The SPEAKER. The House refused to lay the resolution on the table.

Mr. SAMFORD. That is not the part of the record I ask to be read. Here is what I allude to. Mr. Wise, of Virginia, moved to amend the Journal by inserting something. Mr. Dromgoole, after the Chairman had held that it was in order to make such a motion, raised the point of order that a motion to amend the Journal could not be made. After the Chair had decided that it was in order to make such a motion, Mr. Dromgoole appealed from the decision of the Chair. The question was put to the House and the House reversed the decision of the Chair.

The SPEAKER. The gentleman will find on examination that one decision was as to whether the motion to lay on the table the proposition to amend the Journal would carry the Journal with it.

Mr. SAMFORD. No, sir; I beg the pardon of the Chair.

The SPEAKER. Will the gentleman be kind enough to read the portion to which he refers?

Mr. SAMFORD, (reading:)

Mr. Dromgoole reduced the question of order which he had just propounded to the Chair to writing, as follows:

"Mr. Wise, of Virginia"—

Here is the motion—

"moved to amend the Journal by inserting thereon a paper presented on yesterday by Mr. Randolph which the House refused to enter on the Journal. Mr. Dromgoole made a point of order that it is not in order under color of amending the Journal to propose to insert said paper; the decision of yesterday being still in force."

The Chairman decided that the point of order or appeal as reduced to writing was not in order or could not be moved, inasmuch as it did not recite the motion of Mr. Wise.

From this decision Mr. Dromgoole again appealed to the House.

The SPEAKER. The Chair thinks that is on the merits of the amendment of the Journal, not on the question of admitting the motion to amend the Journal.

Mr. SAMFORD, (reading:)

And the question was put, "Shall the decision of the Chair stand as the judgment of the House?" and passed in the negative—yeas 105, nays 114.

The SPEAKER. That relates to the matter of the amendment and not to the question of admitting the motion to amend. Then there was the additional point raised whether the motion to lay on the table carried with it the Journal?

Mr. SAMFORD. That is at another place.

The SPEAKER. That is at another point. But the Chair thinks there was no controversy about the propriety of submitting a motion to amend the Journal—only as to the propriety of the matter of the amendment proposed.

Mr. SAMFORD. The Chair will find that the question decided by the House on that occasion is identically the same as that presented here.

The SPEAKER. The motion to lay on the table the proposition to amend the Journal was entertained and the House voted on it.

Mr. SAMFORD. No, sir.

The SPEAKER. The Chair will with permission of the House cause to be published in the RECORD the whole proceedings bearing upon this case and the Chair's comments thereon, and also the proceedings in a similar case which was decided in the House July 8, 1846.

The proceedings are as follows:

FRIDAY, December 13, 1839.

At twelve o'clock meridian, John Quincy Adams, the chairman, called the members to order.

The Journal of yesterday was read; when

Mr. Wise, of Virginia, moved the following resolution:

"Resolved, That the Journal of yesterday be amended by inserting the following paper, to wit:—"

The said resolution being read,

Mr. Dromgoole submitted a question of order, as follows: "Is the motion of Mr. Wise in order, as it effects, by putting on the Journal, the very thing the House yesterday refused to spread on the Journal?"

The chairman decided the motion of Mr. Wise to be in order.

From this decision Mr. Dromgoole appealed to the House.

And, after debate,

Mr. Davis, of Indiana, moved that the subject do lie on the table.

Mr. Briggs here inquired of the Chair if the subject was laid on the table would the motion of Mr. Wise, with the paper recited in it, appear on the Journal?

The Chair decided that according to all precedent it would appear on the Journal.

From this Mr. Dromgoole appealed to the House.

In the course of the debate which ensued the Chair made a decision, from which Mr. Mercer appealed to the House, and stated his appeal in the following words: "A motion being made to amend the Journal of the House, while that Journal is passing under the judgment of the House for correction, the chairman decided that, should a motion to amend the Journal be laid upon the table, the Journal does not accompany it."

And on the question, shall the decision of the Chair "that, should the motion to amend the Journal be laid on the table, the Journal does not accompany it," stand as the judgment of the House?

It passed in the affirmative.

The question was then put on the motion made by Mr. Davis, of Indiana, that the motion made by Mr. Wise to amend the Journal do lie on the table,

And passed in the negative—yeas 102, nays 120.

The House having thus refused to lay the resolution on the table,

The question recurred on the appeal of Mr. Dromgoole from the decision of the Chair, that the motion of Mr. Wise was in order.

Mr. Petrikin moved the previous question; when Mr. Dromgoole reduced the question of order, which he had first propounded to the Chair, to writing, as follows:

"Mr. Wise, of Virginia, moved to amend the Journal by inserting thereon a paper presented on yesterday by Mr. Randolph, which the House refused to enter on the Journal. Mr. Dromgoole made a point of order, that it is not in order under color of amending the Journal to propose to insert said paper, the decision of yesterday being still in force."

The Chairman decided that the point of order or appeal, as reduced to writing, was not in order, or could not be moved, inasmuch as it did not recite the motion of Mr. Wise.

From this decision Mr. Dromgoole again appealed to the House.

And the question was put, Shall the decision of the Chair stand as the judgment of the House?

And passed in the negative—yeas 105, nays 114.

The decision of the Chair was reversed, when

The question recurred on the question of order and appeal moved by Mr. Dromgoole, and as by him reduced to writing, when

A motion was made by Mr. Underwood, that the whole subject do lie on the table.

And the question being put,

It passed in the affirmative.

And the Chair has caused the Journal Clerk to prepare the following *résumé* of the action had on this subject in said Congress, and under the authority given by the House the same is inserted, namely:

1. That the motion of Mr. Wise to amend the Journal was in order.
2. That if the subject was laid on the table the motion of Mr. Wise, with the paper recited in it, would appear on the Journal.
3. That if the motion to amend the Journal be laid on the table the Journal did not accompany it.
4. That the appeal first taken by Mr. Dromgoole was not in order, inasmuch as it did not recite the motion of Mr. Wise.

The House on appeal decided:

1. That if the motion to amend the Journal was laid on the table the Journal did not accompany it.
2. The House refused, by yeas 102, nays 120, to lay the motion to amend the Journal on the table.
3. The House decided, by yeas 105, nays 114, that the appeal of Mr. Dromgoole from the decision of the Chair that Mr. Dromgoole's first appeal was not in order because it did not recite the motion of Mr. Wise to be in order.

The question then being on the first appeal taken by Mr. Dromgoole from the decision of the Chair, On motion of Mr. Underwood the whole subject was laid on the table without division, thus sustaining the decision of the Chair that the motion of Mr. Wise to amend the Journal was in order, and the resolution as proposed by him appears in full in the Journal of that day's proceedings. (See Journal, first session Twenty-sixth Congress, pages 27 and 28.)

WEDNESDAY, July 8, 1846.

The Journal of yesterday having been read, Mr. Tibbatts moved "to correct the same by omitting all proceedings in relation to the call of the House moved by Mr. Dromgoole, following the decision of the Speaker upon the resolution offered by Mr. McKay, requiring absentees to render excuses for their absence whenever they shall next appear in the House."

And, after debate,

The previous question was moved by Mr. Barclay Martin and seconded, and the main question was ordered and stated, namely: Shall the Journal be corrected as proposed by Mr. Tibbatts? when

Mr. Brockenbrough raised the question of order that the Journal of yesterday was made up in accordance with the Constitution of the United States and was true in point of fact, and being true could not be altered unless shown to be untrue.

The Speaker overruled the point of order on the ground that the Constitution does not specify the manner in which the Journal shall be kept, and the House has the control thereof, and may judge what are and what are not proceedings.

From this decision of the Speaker Mr. Brockenbrough appealed, And the question being put, Shall the decision of the Chair stand as the judgment of the House?

It was decided in the affirmative.

The question recurred upon the main question, namely: Shall the Journal be corrected?

And being put,

It was decided in the negative—yeas 55, nays 101.

So the House refused to amend the Journal.

The SPEAKER. The question is on the motion to reconsider the vote by which the House, on the motion of the gentleman from Georgia, [Mr. NICHOLLS,] laid on the table the motion of the gentleman from Ohio [Mr. GARFIELD] to amend the Journal. On this question the yeas and nays have been ordered.

Mr. FROST. Would it be in order now to move an adjournment?

Mr. GARFIELD. That motion has just been voted down.

The SPEAKER. The motion to adjourn has been voted down.

Mr. FROST. But there has been intervening business.

The SPEAKER. There has been no intervening motion, the Chair thinks.

The Clerk proceeded to call the roll. When four names had been called

Mr. THOMAS TURNER said: I desire to vote intelligently on this question. I will ask whether the Speaker decided—

The SPEAKER. No debate is in order during the roll-call; and four names have been called.

Mr. THOMAS TURNER. Unless we understand the question we cannot vote intelligently.

The SPEAKER. That is a matter for the gentleman himself. [Cries of "Regular order!"]

Mr. THOMAS TURNER. If by a motion to correct the Journal we can change the legislative action taken upon a bill yesterday, can we not to-morrow by a motion to correct the Journal of to-day change the action we may now take?

The SPEAKER. The motion is to amend the Journal, not to correct it.

The question was taken; and it was decided in the affirmative—yeas 123, nays 111, not voting 58; as follows:

YEAS—123.

Acklen,	Crowley,	Kelley,	Richardson, D. P.
Aldrich, N. W.	Daggett,	Killing,	Robeson,
Aldrich, William	Davis, George R.	Klotz,	Ross,
Anderson,	Davis, Horace,	Lapham,	Russell, Daniel L.
Bachman,	De La Matyr,	Lindsey,	Russell, Wm. A.
Bailey,	Dunnell,	Marsh,	Ryan, Thomas
Baker,	Dwight,	Martin, Joseph J.	Shallenberger,
Ballou,	Einstein,	Mason,	Smith, A. Herr
Barber,	Farr,	McCoid,	Smith, Hezekiah B
Bayne,	Ferdon,	McCook,	Starin,
Belford,	Fisher,	McGowan,	Stone,
Bingham,	Forsythe,	McKinley,	Thomas,
Blake,	Frye,	Miller,	Thompson, W. G.
Bowman,	Garfield,	Mitchell,	Tyler,
Boyd,	Godshalk,	Monroe,	Updegraff, J. T.
Brewer,	Hall,	Morse,	Updegraff, Thomas
Briggs,	Harmer,	Muller,	Urner,
Brigham,	Harris, Benj. W.	Neal,	Valentine,
Browne,	Haskell,	Newberry,	Van Aernam,
Burrows,	Hawk,	O'Neill,	Voorhis,
Butterworth,	Hawley,	Orth,	Van Voorhis,
Calkins,	Hayes,	Osmer,	Wait,
Camp,	Hazleton,	Overton,	Ward,
Carpenter,	Hiscock,	Pacheco,	Wilber,
Caswell,	Horr,	Page,	Williams, C. G.
Chittenden,	Houk,	Phelps,	Willits,
Claffin,	Hubbell,	Pierce,	Wilson,
Clymer,	Humphrey,	Pomd,	Wise,
Coffroth,	James,	Prie,	Wood, Fernando
Conger,	Jorgensen,	Reed,	Wood, Walter A.
Cowgill,	Joyce,	Rice,	

NAYS—111.

Aiken,	Dibrell,	King,	Shelley,
Armfield,	Dickey,	Kitchin,	Simonton,
Atherton,	Dunn,	Knott,	Singleton, J. W.
Atkins,	Elam,	Ladd,	Singleton, O. R.
Beale,	Ellis,	Le Ferre,	Slemons,
Berry,	Finley,	Lewis,	Sparks,
Bicknell,	Forney,	Lowe,	Speer,
Blackburn,	Frost,	Manning,	Springer,
Bland,	Geddes,	McKenzie,	Steele,
Blount,	Gillette,	McLane,	Stevenson,
Bouck,	Goode,	McMillin,	Talbott,
Bright,	Gunter,	Mills,	Taylor,
Cabell,	Hammond, N. J.	Money,	Thompson, P. B
Caldwell,	Harris, John T.	Muldrow,	Tillman,
Cannon,	Hatch,	Myers,	Townshend, R. W.
Carlisle,	Henry,	New,	Tucker,
Chalmers,	Herbert,	Nicholls,	Turner, Oscar
Clardy,	Herdson,	O'Connor,	Turner, Thomas
Clark, John B.	Hill,	O'Reilly,	Upson,
Cobb,	Hooker,	Persons,	Vance,
Colerick,	House,	Phillips,	Waddill,
Converse,	Hull,	Phister,	Warner,
Cook,	Hunton,	Reagan,	Whiteaker,
Cravens,	Hurd,	Richardson, J. S.	Whithorne,
Culberson,	Hutchins,	Robertson,	Williams, Thomas
Davidson,	Johnston,	Robinson,	Willis,
Davis, Joseph J.	Jones,	Samford,	Young, Casey.
Davis, Lowndes H.	Kimmel,	Sawyer,	

NOT VOTING—58.

Barlow,	Felton,	Martin, Benj. F.	Scales,
Beltzhoover,	Field,	Martin, Edward L.	Sherwin,
Bliss,	Ford,	McMahon,	Smith, William E.
Bragg,	Fort,	Miles,	Stephens,
Buckner,	Gibson,	Morrison,	Townsend, Amos
Clark, Alvah A.	Hammond, John	Morton,	Washburn,
Covert,	Heilman,	Murch,	Weaver,
Cox,	Henderson,	Norcross,	Wellborn,
Crapo,	Henkle,	O'Brien,	Wells,
Deering,	Hostetler,	Poehler,	White,
Denster,	Keifer,	Prescott,	Wright,
Dick,	Kenna,	Richmond,	Yocum,
Errett,	Ketcham,	Rothwell,	Young, Thomas L.
Evins,	Loring,	Ryon, John W.	
Ewing,	Lounsbury,	Sapp,	

So the vote was reconsidered.

The following additional pairs were announced from the Clerk's desk:

Mr. WELLBORN with Mr. DEERING.

Mr. WASHBURN with Mr. POEHLER, on all votes taken to-day.

Mr. HOSTETLER with Mr. TOWNSEND, of Ohio.

Mr. KETCHAM with Mr. EWING.

Mr. DEUSTER with Mr. HEILMAN, for this afternoon.

Mr. FELTON with Mr. STEPHENS.

Mr. GARFIELD. I now demand the previous question on my motion.

Mr. MCKENZIE. I move to strike out the word "amend" and insert the word "falsify."

Mr. SPRINGER. I desire to know whether the question now is not to lay on the table the motion of the gentleman from Ohio to amend?

The SPEAKER. The Chair thinks it is on the motion to amend the Journal.

Mr. SPRINGER. I beg the gentleman's pardon, the House laid upon the table the proposition to amend. We have reconsidered the vote by which we laid that on the table. Does not the question recur now on the motion to lay on the table the gentleman's motion to amend?

The SPEAKER. Upon reflection the Chair thinks the gentleman is correct, and the question recurs on the motion of the gentleman from

Georgia, as the House has reconsidered the motion to lay upon the table.

Mr. SPRINGER. What becomes of the motion to lay on the table—the motion of the gentleman from Ohio, [Mr. GARFIELD?]

The SPEAKER. It comes up now.

Mr. SPRINGER. Then the pending question is on the motion of the gentleman from Georgia [Mr. NICHOLLS] to lay upon the table the motion to amend of the gentleman from Ohio, [Mr. GARFIELD.]

The SPEAKER. That is the pending motion.

Mr. BLAND. I rise to know what the proposition of the gentleman from Ohio is.

The SPEAKER. The Chair will cause the Journal record to be read of the motion of the gentleman from Ohio.

The Clerk read as follows:

Mr. GARFIELD moved to amend the Journal by striking out the words "Revision of the Laws" and inserting "Committee on Ways and Means."

The SPEAKER. The question recurs on the motion of the gentleman from Georgia to lay upon the table the motion of the gentleman from Ohio to amend.

Mr. MCKENZIE. And I move to strike out the word "amend," and insert the word "falsify."

Mr. BLAND. Is the motion of the gentleman from Ohio to correct the record? Is it not, on the contrary, a motion to change the proceedings of the House of yesterday?

The SPEAKER. The motion is to amend the Journal.

Mr. BLAND. What were the proceedings of the House? Was that bill referred yesterday to the Committee on the Revision of the Laws, or was it referred to the Committee on Ways and Means? Was it not referred to the Committee on the Revision of the Laws?

The SPEAKER. It was.

Mr. BLAND. This then is to take it from that committee and refer it to another committee.

The SPEAKER. That is a matter for the House. The effect of the vote of the House is for the House itself to consider in voting.

Mr. BLAND. I wish to make a further parliamentary inquiry, and it is this: whether to take a bill from a committee of the House to which the House yesterday referred it and to refer it to another committee is any amendment of the Journal of yesterday's proceedings, and whether on the contrary it is not a proceeding to change and not to correct the record of yesterday's proceedings?

The SPEAKER. The Chair has already expressed an opinion thereon. It is now for the House to determine.

Mr. GARFIELD. It does both; it amends the record and changes the reference.

Mr. PHISTER. If it be in order, I move to refer this entire subject to the Committee on the Judiciary.

The SPEAKER. If the House should reach a stage of proceedings when the amendment of the gentleman from Ohio is before the House the motion to refer might be entertained.

Mr. TOWNSHEND, of Illinois. This I conceive to be an important question. It is not simply a technical one; but the question really is whether we are to have any reduction of the tariff or not. That is the issue now before the House. That being the fact, I desire the House distinctly to understand what is the question before it.

The SPEAKER. The Chair thinks the House well informed.

Mr. TOWNSHEND, of Illinois. If the proposition of the gentleman from Georgia is sustained all will understand that a vote in that direction is in favor of repealing the duty on printing-paper, on salt, and on other articles. I wish—

The SPEAKER. The gentleman from Illinois is not in order. The motion of the gentleman from Georgia is not debatable. The question is to lay on the table the amendment of the gentleman from Ohio.

Mr. FINLEY. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. ROBERTSON. Can this House, Mr. Speaker, do indirectly what it cannot do directly?

The SPEAKER. The House itself is the judge of that.

Mr. KITCHIN. I move the House do now adjourn.

The House refused to adjourn.

Mr. AIKEN. I hope the Speaker will state the question. It seems to be quite mixed. [Laughter.]

The SPEAKER. The pending question is on the motion of the gentleman from Georgia [Mr. NICHOLLS] to lay upon the table a motion to amend the Journal of yesterday's proceedings made by the gentleman from Ohio, [Mr. GARFIELD,] and on that motion the yeas and nays have been ordered.

The question was taken; and it was decided in the negative—yeas 111, nays 120, not voting 61; as follows:

YEAS—111.

Aiken,	Cabell,	Davidson,	Gunter,
Armfield,	Caldwell,	Davis, Joseph J.	Hammond, N. J.
Atberton,	Cannon,	Davis, Lowndes H.	Harris, John T.
Atkins,	Carlisle,	Dibrell,	Hatch,
Beale,	Chalmers,	Dickey,	Henry,
Berry,	Clardy,	Dunn,	Herbert,
Bicknell,	Clark, John B.	Elam,	Herndon,
Blackburn,	Cobb,	Finley,	Hill,
Bland,	Colerick,	Forney,	Hooker,
Blount,	Converse,	Frost,	House,
Bouck,	Cook,	Geddes,	Hull,
Bright,	Cravens,	Gillette,	Huntton,
Buckner,	Culberson,	Goode,	Hurd,

Hutchins,
Johnston,
Jones,
Kitchin,
Knott,
Ladd,
Le Fevre,
Lewis,
Lowe,
Manning,
McKenzie,
McLane,
McMillin,
Mills,
Money,

Muldrow,
Myers,
New,
Nicholls,
O'Connor,
O'Reilly,
Persons,
Phillips,
Phister,
Reagan,
Richardson, J. S.
Robertson,
Robinson,
Rothwell,
Samford,

Sawyer,
Shelley,
Simonton,
Singleton, J. W.
Singleton, O. R.
Slemmons,
Sparks,
Speer,
Springer,
Steele,
Stevenson,
Talbot,
Taylor,
Thompson, P. B.
Tillman,

Townshend, R. W.
Tucker,
Turner, Oscar
Turner, Thomas
Upson,
Vance,
Waddill,
Warner,
Weaver,
Whiteaker,
Whitthorne,
Williams, Thomas
Willis,
Young, Casey.

NAYS—120.

Acklen,
Aldrich, N. W.
Aldrich, William
Anderson,
Bachman,
Bailey,
Baker,
Ballou,
Barber,
Bayne,
Belford,
Bingham,
Blake,
Bowman,
Boyd,
Brewer,
Briggs,
Brigham,
Browne,
Burrows,
Butterworth,
Calkins,
Camp,
Carpenter,
Caswell,
Chittenden,
Clafin,
Clymer,
Coffroth,
Conger,

Cowgill,
Crowley,
Daggett,
Davis, George R.
Davis, Horace
Dunnell,
Dwight,
Einstein,
Farr,
Ferdon,
Fisher,
Forsythe,
Frye,
Garfield,
Godshalk,
Hall,
Harmer,
Harris, Benj. W.
Haskell,
Hawley,
Hayes,
Hazelton,
Hiscock,
Horr,
Honk,
Hubbell,
Humphrey,
James,
Joyce,

Kelley,
Killinger,
Klotz,
Lapham,
Lindsey,
Marsh,
Martin, Joseph J.
Mason,
McCook,
McGowan,
McKinley,
Miller,
Mitchell,
Monroe,
Morse,
Muller,
Neal,
Norcross,
O'Neill,
Orth,
Osmer,
Overton,
Pacheco,
Page,
Phelps,
Pierce,
Pound,
Price,
Reed,
Rice,

Richardson, D. P.
Robeson,
Ross,
Russell, Daniel L.
Russell, W. A.
Ryan, Thomas
Shallenberger,
Smith, A. Herr
Smith, Hezekiah B.
Starin,
Stone,
Thomas,
Thompson, Wm. G.
Tyler,
Updegraff, J. T.
Updegraff, Thomas
Urner,
Valentine,
Van Aernam,
Voorhis,
Van Voorhis,
Wait,
Ward,
Wilber,
Williams, C. G.
Willits,
Wilson,
Wise,
Wood, Fernando
Wood, Walter A.

NOT VOTING—61.

Barlow,
Beltzhoover,
Bliss,
Bragg,
Clark, Alvah A.
Covert,
Cox,
Crapo,
De La Matyr,
Deering,
Deuster,
Dick,
Ellis,
Errett,
Evins,
Ewing,

Felton,
Field,
Ford,
Fort,
Gibson,
Hammond, John
Heilman,
Henderson,
Henkle,
Hostetler,
Jorgensen,
Keifer,
Kenna,
Ketcham,
Kimmel,
King,

Loring,
Lounsbery,
Martin, Benj. F.
Martin, Edward L.
McCoid,
McMahon,
Miles,
Morrison,
Morton,
Murch,
Newberry,
O'Brien,
Poehler,
Prescott,
Richmond,
Ryon, John W.

Sapp,
Scales,
Sherwin,
Smith, William E.
Stephens,
Townsend, Amos
Washburn,
Wellborn,
Wells,
White,
Wright,
Yocum,
Young, Thomas L.

So the House refused to lay on the table the amendment of the Journal proposed by Mr. GARFIELD.

The Clerk announced the following pair:

Mr. ALDRICH, of Rhode Island, is paired with Mr. SLEMONS after this vote.

The vote was then announced as above recorded.

Mr. MCKENZIE. Mr. Speaker, I desire now to amend—

Mr. GARFIELD. I demand the previous question on my motion.

Mr. FINLEY. I move to postpone indefinitely the motion of the gentleman from Ohio.

The SPEAKER. That motion would not be in order pending the demand for the previous question.

Mr. MCKENZIE. I moved to amend the motion of the gentleman from Ohio before the previous question was demanded.

Mr. FINLEY. I desire to give notice that I shall move to indefinitely postpone this matter when it is in order to make that motion.

Mr. MCKENZIE. I move to amend the motion of the gentleman from Ohio.

Mr. GARFIELD. I have demanded the previous question on my motion.

The SPEAKER. The gentleman from Kentucky was recognized to submit an amendment to the motion.

Mr. GARFIELD. Then I demand the previous question on his amendment and mine.

The SPEAKER. The gentleman from Kentucky will state his motion.

Mr. MCKENZIE. I move to amend the motion of the gentleman from Ohio by striking out the word "amend" and inserting the word "falsify."

Mr. GARFIELD. I demand the previous question.

Mr. THOMAS TURNER. Is not that a fact?

Mr. PHISTER. I move to refer the motion of the gentleman from Ohio with the amendment of my colleague to the Committee on the Judiciary; and if it is in order I desire to make a few remarks upon the subject.

The SPEAKER. It is not in order because the previous question has been demanded. But the Chair will submit the motion of the gentleman from Kentucky.

Mr. WRIGHT. I move that the House do now adjourn.

Mr. PHISTER. Do I understand that the Chair entertains my motion to refer to the Committee on the Judiciary?

The SPEAKER. The Chair entertains the motion under the latter portion of the first clause of Rule XVII, which provides—

That it shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

Mr. PHISTER. Have I the floor on my motion?

The SPEAKER. Not pending the demand for the previous question.

Mr. GARFIELD. What is the motion?

The SPEAKER. The motion is to commit the motion, with the amendment of the gentleman from Kentucky, to the Committee on the Judiciary.

Mr. GARFIELD. What! commit a motion?

The SPEAKER. That is the old rule and practice of the House.

Mr. GARFIELD. But suppose I would move to adjourn, and somebody moves to commit that?

The SPEAKER. That affects the time during which the House will sit.

Mr. McMILLIN. We are resorting to new methods any way.

Mr. GARFIELD. A resolution or a bill can be committed, but not a motion.

The SPEAKER. The Clerk will read the former rule of the House. The Clerk read as follows:

47. Motions and reports may be committed at the pleasure of the House.

The SPEAKER. There is nothing in the new rule to preclude that.

Mr. GARFIELD. What is the meaning of the word "motion"? Suppose I move to postpone this bill till some day next week, and somebody moves to commit that motion to postpone to the Judiciary Committee.

The SPEAKER. The Chair thinks the motion of the gentleman from Kentucky is made in good faith, because it is a question on which the House might desire to have a judicial judgment.

Mr. GARFIELD. The gentleman from Kentucky has made a motion to commit my motion to the Committee on the Judiciary. Suppose I now rise and move to commit his motion to the Committee on Ways and Means, and somebody else gets up and moves to commit my motion to some other committee; and so on *ad infinitum*, without limit, motions to commit motions will never end. Motions to commit must be about bills or resolutions.

The SPEAKER. But the motion of the gentleman from Kentucky is rather in the nature of an amendment in the second degree.

Mr. PHISTER. The proposition of the gentleman from Ohio is to amend the Journal of yesterday by having it recite what did not take place; that is, by having it recite that a bill offered by the gentleman from Illinois [Mr. TOWNSHEND] was referred to the Committee on Ways and Means, when by the actual action of this House yesterday it was referred to the Committee on the Revision of the Laws?

The question as to the power of this House to thus alter its record the day after its proceedings have occurred is one of very great importance. It soars above the question whether we shall have an increase or diminution of the tariff. It is a question of the sanctity of our records. What matter our proceedings if they be not correctly recorded, or if the record of the actual proceedings can be altered by a motion next day so as to recite different proceedings? It is therefore an important question to have it determined by the deliberate action of this House, after it has been considered by the Judiciary Committee, the law committee of the House, whether we have any such power.

This motion is made in good faith in order that there may be no precipitate or hasty action on the motion of the gentleman from Ohio, which, it seems to me, will set a very dangerous precedent. It is made in order that our powers may be carefully considered. If it is contemplated in one light that on a motion to amend the Journal of yesterday we can have a different reference of a bill from what was made yesterday, that is an important question. If it is contemplated in the light that by a motion to amend the Journal we can have the Journal record what did not take place yesterday, or proceedings different from those that did take place, that is a higher and more important question.

In support of the proposition I make I refer to what took place—although I have not had an opportunity to read the proceedings myself—when John Quincy Adams, Speaker *pro tempore*, made the ruling to which the Speaker has referred.

The SPEAKER. That is referred to in the Digest.

Mr. PHISTER. When he made that ruling and it was reversed—

The SPEAKER. It was not reversed.

Mr. PHISTER. On an appeal from his decision it was, as I understand, reversed by the House, and then the whole question was referred to the Committee on the Judiciary to determine the power of the House. There is that precedent in favor of the proposition I now make; and upon that proposition I demand the yeas and nays.

Mr. MILLS. Would it not be in order to move that the committee be instructed to report this back to the House?

Mr. GARFIELD. I desire to say a single word on the point which has been raised.

Mr. WRIGHT. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WRIGHT. I made a motion to adjourn some time ago.

The SPEAKER. The gentleman was not on the floor. The floor was held by another gentleman.

Mr. WRIGHT. I am on the floor now.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] is on the floor. The Chair will recognize the gentleman from Pennsylvania [Mr. WRIGHT] to make the motion to adjourn at the proper time.

Mr. GARFIELD. I entirely sympathize with the statement of the gentleman from Kentucky [Mr. PHISTER] that there are important questions involved here. If this is a matter in which the only thing the House had to do was to act as a scrivener and merely say the writing on the Journal was correct, then what these gentlemen say would be true. And I know there is some force in the way the question presents itself to the minds of some gentlemen here when they say I have made a motion to recite on the Journal what did not in fact take place. I appreciate the force of that. But I want to state to gentlemen the meaning of this motion, that they may see what I did intend by it.

Here is a judge who has just delivered his judgment; but it has not been recorded. Before he has recorded the judgment he finds out that somebody has deceived him, that the attorneys, one or the other of them, have deceived him on some matter of fact. He vacates the judgment before it is recorded. He does not allow it to be recorded, but he enters the judgment as it ought to be.

Mr. KNOTT. Will the gentleman answer me one question?

Mr. GARFIELD. In a moment.

Mr. KNOTT. I prefer that the question should be put right here.

Mr. GARFIELD. Very well.

Mr. KNOTT. Suppose the judgment had been recorded, would the judge strike it out?

Mr. GARFIELD. I think not. I think a bill of review or something of that kind would be got up. Now this our judgment has not been recorded. The journal clerk has not made our record; we make it.

Mr. PHISTER. Will the gentleman allow me to ask him a question?

Mr. GARFIELD. I will in a moment. The journal clerk reads to us merely what he proposes as our record; and if it be approved by us it becomes our record. If we do not approve it, he cannot make a record for us. What has happened here in this case? The Clerk read to us this morning a record of yesterday's transactions. That record as he read it showed that this House had been deceived, and had allowed a thing to be done not according to its rules, and not according to its desire in the case. Now the House has only this remedy by which to correct the deception and to protect itself; that is, to strike from the record the improper reference, and make it up in such a manner that it will show the wish and judgment of this House.

Mr. TOWNSHEND, of Illinois. Will the gentleman let me ask him a question?

Mr. GARFIELD. I yield to the gentleman from Kentucky [Mr. PHISTER] for a question.

Mr. PHISTER. Suppose that proceedings in court actually took place on yesterday and the Clerk has reduced them to writing, could the judge upon a motion to correct the record permit those proceedings to be reversed?

Mr. GARFIELD. Provided he found he had been deceived and defrauded, as is true in this case.

Mr. TOWNSHEND, of Illinois. Will the gentleman now allow me to ask him a question?

Mr. GARFIELD. Certainly.

Mr. TOWNSHEND, of Illinois. Does the gentleman insinuate or intend to assert that by the introduction of this bill from my seat here as a Representative from the State of Illinois, and having it referred to the Committee on the Revision of the Laws, I have attempted to practice a deception or fraud on this House?

Mr. GARFIELD. I do not intend to insinuate anything; but I say to the gentleman that he did deceive the House. [Loud applause.]

Mr. TOWNSHEND, of Illinois. I say to the gentlemen on the other side—

Mr. GARFIELD. And I am here to use the only power in my hands to correct his deception. And I do not think he will try it again, or any other gentleman here. That is the meaning of this whole business. [Renewed applause.] Now, has any other gentleman any question to ask?

Mr. TOWNSHEND, of Illinois. I have a question, and I desire to answer you.

Mr. GARFIELD. I will allow you to ask any question you desire.

Mr. TOWNSHEND, of Illinois. I will answer you—

Mr. GARFIELD. Ask your question.

Mr. TOWNSHEND, of Illinois. I desire in the first place to assert here—

Mr. GARFIELD. Ask your question.

Mr. TOWNSHEND, of Illinois. I will put my question in my own fashion.

Mr. GARFIELD. I have the floor, and if you have any question to ask, put it.

Mr. TOWNSHEND, of Illinois. I will put a question to you.

Mr. GARFIELD. Very well, put it.

Mr. TOWNSHEND, of Illinois. When the State of Illinois was

called yesterday I rose to my feet and offered a bill. The title of that bill is to this effect, that certain sections of title 33 of the Revised Statutes be revised and amended. That bill was referred to the Committee on the Revision of the Laws in the open House.

Mr. GARFIELD. Not in an open manner.

Mr. TOWNSHEND, of Illinois. It was in the open House. The Clerk read the title in a loud and clear tone from that desk. That bill, by the action of this House, was referred to the Committee on the Revision of the Laws. Now, I ask the gentleman if he means to insinuate or to assert that by that action I have attempted a deception upon this House?

Mr. HAZELTON. He has answered that already.

Mr. GARFIELD. I will answer the gentleman directly. Not less than ten times within the last two weeks—

Mr. TOWNSHEND, of Illinois. Answer my question.

Mr. GARFIELD. I will answer it in my own way. Not less than ten times within the last two weeks have different gentlemen tried to get the question of the tariff in some form sent to some other committee than the Committee on Ways and Means, and the House has always refused to do it, and, as the gentleman well knows, the House has recently adopted a rule, which I hold in my hand, that provides—

Mr. TOWNSHEND, of Illinois. I ask the gentleman—

Mr. GARFIELD. A rule that provides that all proposed legislation relating "to the revenue and the bonded debt of the United States shall be referred to the Committee on Ways and Means." Now, knowing that rule, knowing the repeated action of the House, the gentleman from Illinois under the cover of figures, the numbers of sections, in a title to his bill which explains nothing, which did not even allow the Speaker to know what it was, as he could not know—for had the Speaker known it he would have been compelled by this rule to have sent that bill to the Committee on Ways and Means, and had any man of the one hundred and forty men on this floor known what the bill was he would then and there have objected to the reference—and the gentleman well knowing that state of mind in this House, knowing the rule, and knowing the ruling which had been given by the Speaker, put in a bill, under the cover of Arabic numerals, so that nobody knew what it was. [Renewed applause.]

Mr. TOWNSHEND, of Illinois. Mr. Speaker, as the gentleman has failed to answer my question, I desire to say in reply that the bill introduced by me could be easily understood by any intelligent gentleman on this floor who is familiar with the statutes; especially might it be understood by those watchful gentlemen, those vigilant agents of the protectionists of this country, who occupy seats on the other side of the House. What was the title of the bill? It was "A bill to revise and amend sections 2503, 2504, and 2505 of title 33 of the Revised Statutes of the United States." If the gentleman, a member of the Committee on Ways and Means, is willing to confess ignorance, is willing to assert he did not know that title 33 related to the tariff, then it is a question for him to settle between himself and the people who have sent here a man of such ignorance.

Mr. GARFIELD rose.

Mr. TOWNSHEND, of Illinois. I do not yield now.

The SPEAKER. The gentleman from Illinois cannot be interrupted without his consent.

Mr. GARFIELD. I do not ask to interrupt him. I yielded to him; and I do not take it back.

Several MEMBERS, (to Mr. GARFIELD.) You took your seat.

Mr. TOWNSHEND, of Illinois. I wish to say in justification that the only complaint which has been alleged against me or this bill is that I did not write upon the title of the bill the word "tariff." This is all that is alleged.

Now, Mr. Speaker, in regard to my motives in sending the bill to the Committee on the Revision of the Laws, I knew well—because I know the gentleman from Ohio and I know the majority of the Committee on Ways and Means—I knew that you might as well put a bill in favor of revising the tariff into the fire and reduce it to ashes as to send it to that committee. What further do I know? That the Committee on Ways and Means, or a majority of them, have not been seeking to prepare business for legislation, but have during this session been suppressing bills, smothering bills. They have been seeking to prevent an expression of a majority of the people as represented in this House. My purpose was to send that bill to a committee which would make a report to this House, so that a majority of the people's Representatives on this floor might have an opportunity to express their views. That is the long and short of my motive. My object was to send the bill to a committee which will not smother it, which will not suppress the bill, which will give to the majority of the Representatives of the people an opportunity to say whether the people shall longer be bound hand and foot as mere hewers of wood and drawers of water to the tariff monopolists of this country.

The SPEAKER. The gentleman from Ohio demands the previous question.

Mr. GARFIELD. I wish—

Mr. HASKELL. Will the gentleman yield to me for a moment?

Mr. GARFIELD. Yes, sir.

Mr. SINGLETON, of Illinois. Is a substitute in order?

The SPEAKER. The gentleman from Ohio has demanded the previous question.

Mr. SINGLETON, of Illinois. Can he demand the previous question and then surrender that demand for a half-hour speech?

The SPEAKER. Gentlemen were settling a personal controversy; and on that account the Chair entertained the discussion.

Mr. SINGLETON, of Illinois. If a substitute is in order, I move as a substitute for the motion to amend the Journal that the Journal be now approved.

Mr. PHISTER. Does the Chair decline to entertain my motion?

The SPEAKER. On the contrary, the Chair has repeatedly said that he did entertain it.

Mr. PHISTER. I understood the Chair to say just now that the gentleman from Ohio moved the previous question.

The SPEAKER. On the various motions.

Mr. PHISTER. My motion was first.

The SPEAKER. The question will first be taken on the motion of the gentleman from Kentucky, [Mr. PHISTER.]

Mr. TOWNSHEND, of Illinois. Only one word further. I wish to know whether the gentleman has, as I have been informed by others, accused me by his language here this afternoon of a willful desire to deceive this House. [Laughter on the republican side.]

Mr. GARFIELD. Well, the English language is tolerably plain and my voice is tolerably good. I think everybody understands my attitude on that subject. I ask to have read from the New York World my answer.

Mr. TOWNSHEND, of Illinois. I desire to answer the gentleman. [Cries of "Regular order!"]

Mr. GARFIELD. I have sent my answer to the desk in print and I want it read. [Cries of "Read!" "Read!"]

Mr. TOWNSHEND, of Illinois. I now rise to a question of personal privilege.

Mr. GARFIELD. I have the floor. I have sent up my answer to be read from the Clerk's desk.

Mr. TOWNSHEND, of Illinois, (to Mr. GARFIELD.) No, sir; you cannot shift the responsibility. I propose to hold you responsible. I desire to answer. I simply yielded the floor to him to answer me.

The SPEAKER. Gentlemen must be seated and order must be preserved. For what purpose does the gentleman from Illinois rise?

Mr. TOWNSHEND, of Illinois. I have the floor and only yielded to the gentleman to hear his answer.

Mr. GARFIELD. I am answering his question and send my answer to the Clerk's desk to be read.

Mr. TOWNSHEND, of Illinois. I have the floor and wish to reply to him.

The SPEAKER. The gentleman has asked a question of the gentleman from Ohio.

Mr. TOWNSHEND, of Illinois. I hold the floor and propose to reply to him.

The SPEAKER. Hear his answer.

Mr. TOWNSHEND, of Illinois. I have heard his answer.

Mr. GARFIELD. I ask my answer be read. [Cries of "Read!" "Read!"]

The Clerk read as follows:

THE PROTECTIONISTS OUTWITTED.
[Special dispatch to the World.]

WASHINGTON, March 22.

Mr. TOWNSHEND, of Illinois, very cleverly outwitted the anti-reform tariff men and the Ways and Means Committee of the House to-day by getting a tariff bill referred to the Committee on the Revision of the Laws, of which he is a member. His bill bore a very simple title, proposing to amend a section of the Revised Statutes, and when the title was read no one, not even CONGER, [loud laughter,] suspected the real purpose of the bill, which was to admit, free of duty, salt, paper, printing machinery and types, and all chemicals entering into the composition of paper. Heretofore all efforts to refer tariff bills to committees, other than that on Ways and Means, have met with formidable opposition by the republicans and democratic protectionists, together with that other class of democrats who prefer not even indirectly to vote a lack of confidence in the leading committee of the House. To-night the tariff reformers are rejoicing over the success of TOWNSHEND's scheme, while the protectionists and those averse to any change in the tariff laws at this session are correspondingly perplexed. There is no doubt that the Committee on the Revision of the Laws will favorably report Mr. TOWNSHEND's bill at the earliest opportunity, and as the desire has been all along simply to get some tariff proposition before the House, it will matter little now whether or not the Ways and Means Committee does anything at all this session.

Mr. CONGER. I desire to know what paper that is. [Laughter on the republican side.]

The CLERK. The New York World.

Mr. CONGER. I should like to have some gentleman say who sent that off last night. [Laughter on the republican side.]

Mr. TOWNSHEND, of Illinois. I do not propose that the gentleman from Ohio shall shift the responsibility between him and me upon the correspondent of the New York World. I wish to say to the gentleman from New York that if he insinuates here— [Laughter on the republican side.]

Mr. GARFIELD. Has the gentleman got any weapons now? Is this a serious business? Let us understand it.

The SPEAKER. The gentleman from Ohio must not interrupt the gentleman from Illinois.

Mr. TOWNSHEND, of Illinois. I wish the gentleman to understand that he cannot under the cover of monkey-shines escape the responsibility which rests on him. I wish him to understand that I am his peer as a Representative upon this floor; and here, before this House, I say to him that if he insinuates [laughter on the republican side] that I have been guilty of deception here, I desire to say to him that he has been guilty of willful and deliberate falsehood. [Applause on the democratic side.] I do not expect him and other gen-

tlemen, who perhaps have the same sentiment as himself with regard to matters of courage, to answer me in any other way than by derision; but I desire him to understand that I stand here upon my responsibility as a representative of the people and say to him that, under the circumstances which I have here related, I brand his charge as willfully and deliberately false. [Applause on the democratic side.]

Mr. GARFIELD. After that indecent exposure of his person and his mind I have no more to say. [Laughter and applause on the republican side.]

The SPEAKER. The pending motion is on the motion to commit, and the gentleman from Ohio demands the previous question.

The previous question was seconded and the main question ordered.

Mr. PHISTER. I demand the yeas and nays on my motion to refer to the Committee on the Judiciary.

The yeas and nays were ordered.

Mr. BUCKNER. I move the House do now adjourn.

The House divided; and there were—yeas 51, noes 128.

So the House refused to adjourn.

The question recurred on Mr. PHISTER's motion.

The question was taken; and it was decided in the negative—yeas 106, nays 125, not voting 61; as follows:

YEAS—106.

Armfield,	Dickey,	King,	Shelley,
Atherton,	Dunn,	Kitchin,	Simonton,
Atkins,	Elam,	Knott,	Singleton, J. W.
Berry,	Ellis,	Ladd,	Singleton, O. R.
Bicknell,	Finley,	Le Fevre,	Smith, William E.
Blackburn,	Forney,	Lewis,	Sparks,
Bland,	Forsythe,	Lowe,	Springer,
Blount,	Frost,	Martin, Edward L.	Steele,
Bouck,	Geddes,	McKenzie,	Stevenson,
Bright,	Goode,	McLane,	Talbot,
Buckner,	Gunter,	McMillin,	Taylor,
Cabell,	Hammond, N. J.	Mills,	Thompson, P. B.
Caldwell,	Harris, John T.	Money,	Tillman,
Carlisle,	Hatch,	Muldrow,	Townsend, R. W.
Chalmers,	Henkle,	Myers,	Turner, Oscar
Clardy,	Henry,	New,	Turner, Thomas
Clark, John B.	Herbert,	Nicholls,	Upson,
Cobb,	Herndon,	O'Connor,	Vance,
Colerick,	Hill,	Persons,	Waddill,
Converse,	Hooker,	Phillips,	Warner,
Cook,	House,	Phister,	Whiteaker,
Cravens,	Hull,	Reagan,	Whitthorne,
Culbertson,	Hunton,	Richardson, J. S.	Williams, Thomas
Davidson,	Hurd,	Robertson,	Willis,
Davis, Joseph J.	Hutchins,	Rothwell,	Young, Casey.
Davis, Lowndes H.	Johnston,	Samford,	
Dibrell,	Jones,	Sawyer,	

NAYS—125.

Acklen,	Crowley,	Klotz,	Ross,
Aiken,	Daggett,	Lapham,	Russell, Daniel L.
Aldrich, William	Davis, George R.	Lindsey,	Russell, W. A.
Anderson,	Davis, Horace	Marsh,	Ryan, Thomas
Bachman,	Dunnell,	Martin, Joseph J.	Shallenberger,
Bailey,	Dwight,	Mason,	Sherwin,
Baker,	Einstein,	McCoid,	Smith, A. Herr
Ballou,	Farr,	McCook,	Smith, Hezekiah B.
Barber,	Fardon,	McGowan,	Starin,
Bayne,	Feld,	McKinley,	Stone,
Beale,	Fisher,	McMahon,	Thomas,
Belford,	Frye,	Miller,	Thompson, W. G.
Bingham,	Garfield,	Mitchell,	Tyler,
Blake,	Godshalk,	Monroe,	Updegraff, J. T.
Boyd,	Hall,	Morse,	Updegraff, Thomas
Brewer,	Harner,	Neal,	Urner,
Briggs,	Harris, Benj. W.	Norcross,	Valentine,
Brigham,	Haskell,	O'Neill,	Van Aernam,
Browne,	Hawk,	Orth,	Voorhis,
Burrows,	Hawley,	Osmer,	Van Voorhis,
Butterworth,	Hayes,	Overton,	Wait,
Calkins,	Hazelton,	Pacheco,	Ward,
Camp,	Hiscock,	Page,	Wilber,
Cannon,	Horr,	Phelps,	Williams, C. G.
Carpenter,	Houk,	Pierce,	Willits,
Caswell,	Hubbell,	Pound,	Wilson,
Chittenden,	Humphrey,	Price,	Wood, Fernando
Claffin,	James,	Reed,	Wood, Walter A.
Clymer,	Jorgensen,	Rice,	Wright,
Coffroth,	Joyce,	Richardson, D. P.	
Conger,	Kelley,	Robeson,	
Cowgill,	Killinger,	Robinson,	

NOT VOTING—61.

Aldrich, N. W.	Ewing,	Slemons,
Barlow,	Felton,	Speer,
Beltzhoover,	Ford,	Stevens,
Bliss,	Fort,	Townsend, Amos
Bowman,	Gibson,	Tucker,
Bragg,	Gillette,	Washburn,
Clark, Alvah A.	Hammond, John	Weaver,
Covert,	Heilman,	Wellborn,
Cox,	Henderson,	Wells,
Crapo,	Hostetler,	White,
De La Matyr,	Keifer,	Wise,
Deering,	Kenna,	Yocum,
Deuster,	Ketcham,	Young, Thomas L.
Dick,	Kimball,	
Errett,	Loving,	
Evins,	Lounsbury,	
	Scates,	

So the motion to commit was not agreed to.

When the Clerk had completed the list of names of those who failed to respond on the first call,

Mr. BOWMAN said: Mr. Speaker, I desire, if it be in order, to have my name recorded. I was in my seat each time when the names were called.

The SPEAKER. The Chair cannot ask such permission after the second call of the roll.

Mr. BOWMAN. But I was in my seat when both lists of names were called, and did not observe when my name was reached.

The SPEAKER. Under the rules of the House the power to vote is exhausted when the last name is called on the second call of the roll.

Mr. DAVIS, of California. I am paired with my colleague, Mr. BERRY, on this vote, but I observed when the Clerk read the names of those voting that his name was recorded as having voted. If he voted, I ask that I be allowed to vote. I think, however, his name is recorded by mistake.

The SPEAKER. It is hardly possible that the gentleman voted if he was paired.

Mr. WARNER. I do not think that he has been here for two hours. Mr. CLARK, of Missouri. He has not been in the House for a considerable time, to my knowledge.

Mr. KELLEY. Then his name should be withdrawn.

The SPEAKER. That cannot be done without the consent of the gentleman himself, as his name appears in some way to have gotten upon the roll.

Mr. WILLIS. He left about twenty-five minutes ago, saying that he was going home.

Mr. CLARK, of Missouri. He left the House before this vote was taken.

The SPEAKER. Then some one must have answered to his name. Mr. DAVIS, of California. Then I ask that I be allowed to vote.

The SPEAKER. The gentleman from California asks, in view of the fact that his colleague with whom he was paired is recorded as having voted, that he also be allowed to vote.

Mr. REAGAN. If the gentleman from California did not vote on the idea that he was paired, he should have the right to vote now.

The SPEAKER. The gentleman from California did not vote because he was under the impression that he was paired.

Mr. SPARKS. There is no doubt that the vote of the gentleman's colleague should be withdrawn or that he himself should be allowed to vote. But as it is reported that the gentleman has not been here at all during the roll-call, his name should certainly be withdrawn, as there is evidently a mistake in the roll.

Mr. PAGE. I desire to say in behalf of my absent colleague [Mr. BERRY] that I am satisfied he was not in the House when his name was called, and that the record of his vote is an error.

Mr. BLOUNT. The gentleman from California can vote by unanimous consent.

Mr. REAGAN. I hope unanimous consent will be given to him for that purpose.

Mr. SPARKS. The gentleman from California should be permitted under the circumstances to cast his vote.

Mr. FROST. Would it be in order to move to amend the record by inserting the gentleman's name?

The SPEAKER. The gentleman claims the right to vote on the ground that he was paired with his colleague, Mr. BERRY, who is recorded as having voted; and the Chair thinks under the circumstances that he should be allowed the same privilege.

Mr. HUMPHREY. I desire to ask the gentleman from Missouri how he could amend the record if the gentleman from California is not present, or permitted to say how he will vote?

Mr. FROST. I wish the gentleman to vote; I wish to facilitate his voting.

Mr. DAVIS, of California. Before voting I desire to state I am satisfied that my colleague is not here, and that the answer to his name was by some mistake; but under the circumstances I will vote "no."

Mr. KENNA. My pair has been announced during the roll-calls today with Mr. CRAPO, of Massachusetts, who is absent. I desire now to say that I should not have voted to so amend the record of yesterday as to make it state that anything occurred which did not occur, or that anything did not occur which did occur. The record states precisely what took place, and I should therefore have voted on this proposition in the line of sustaining the absolute veracity of the record.

Mr. FINLEY. I desire to move to dispense with the reading of the names.

The following additional pairs were announced by the Clerk:

Mr. NEWBERRY is paired with Mr. SPEER.

Mr. ALDRICH, of Rhode Island, is paired with Mr. SLEMONS.

The vote was then announced as above recorded.

Mr. McLANE. I rise for the purpose—

The SPEAKER. The previous question is pending.

Mr. McLANE. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. McLANE. I desire the Clerk to read the ninth rule.

The Clerk read as follows:

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be: First, those affecting the rights of the House, collectively, its safety, dignity, and the integrity of its proceedings.

Mr. McLANE. The question I desire to raise is on the obligation of the House to maintain the integrity of its proceedings. That not only excludes the motion of the gentleman from Ohio, [Mr. GARFIELD,] to amend the proceedings, and make them something that they were not, but it puts on this House the obligation to make the proceedings what they ought to be. When a bill is presented here through the petition-box, or on the call of States on Monday, it must be referred in conformity with the rules; and where a bill is presented to repeal this or that section of the Revised Statutes which relates to the revenue laws, the only reference of that, under the rule, should be to the Committee on Ways and Means, and it matters not whether it be an act of the individual member in making the reference, or of the Speaker. The Speaker might very well inadvertently refer a bill, as was done yesterday; or the individual member might inadvertently refer a bill through the petition-box.

Whether it be a reference by the Speaker or the individual member, if it be an improper reference in conflict with the rules, when that fact is revealed after reading the Journal, it is the duty of the House to send that bill where it ought to go under the rule. [Cries of "That is right!"] If the House fail in this duty, the committee to whom the bill has been improperly referred should report it back for a proper reference, and the rules expressly provide for such a contingency in the case of bills referred through the box, when the reference does not appear in the Journal.

Now, when the Journal was read to-day, it appeared that the bill presented by the gentleman from Illinois to amend certain sections of the Revised Statutes was referred in due course to the Committee on the Revision of the Laws. There was no vote of this House. The gentleman from Illinois made no motion—the Journal shows no motion of the gentleman from Illinois to refer that bill. The bill went by direction of the Speaker, or may be by direction of the Clerk, following the indorsement on the back of the bill, perhaps. At all events, the entry is made upon our Journal that it was referred to the Committee on the Revision of the Laws. Now, under our rule that is not a proper reference; and when this fact is revealed on the reading of the Journal, in my judgment, it is a question of privilege for any member of this House to move the proper reference. I now rise to make that point, and move that the Committee on the Revision of the Laws be discharged from its further consideration and be instructed to report that bill back to the House, and that it be referred to the Committee on Ways and Means.

Mr. GARFIELD. That will settle the whole business in one vote.

The SPEAKER. Does the gentleman yield for that purpose?

Mr. TOWNSHEND, of Illinois. I would like the ruling of the Chair upon that point.

Mr. GARFIELD. Would not the question of privilege come in over my motion?

The SPEAKER. Not, the Chair thinks, over the execution of the previous question, which has been ordered.

Mr. GARFIELD. I am willing to have my motion postponed in order that we may have a vote on the question of privilege submitted by the gentleman from Maryland, if the House wants to settle this matter summarily; but not so as to give up my right.

The SPEAKER. The gentleman from Ohio says he is willing by consent to waive his rights until the judgment of the House can be tested whether the proposition of the gentleman from Maryland is privileged.

Mr. TOWNSHEND, of Illinois. I object to the gentleman from Ohio withdrawing the demand for the previous question.

The SPEAKER. The previous question has been ordered; but the gentleman from Ohio expressed his willingness, which the Chair communicates to the House, that he would waive his rights under the previous question until the sense of the House could be taken on the question whether the proposition of the gentleman from Maryland is privileged.

Mr. TOWNSHEND, of Illinois. I object to that proposition.

Mr. GARFIELD. If it is a question of privilege it cannot be set aside by an objection.

The SPEAKER. The Chair has not ruled whether it is a question of privilege, nor, if it is, whether it has a right to be presented now when the previous question is operating. The Chair will cause the rule to be read.

The Clerk read as follows:

RULE XVII.

PREVIOUS QUESTION.

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection.

The SPEAKER. The question of order is whether the previous question, having been ordered on the pending question as authorized by the rule just read, can now be interrupted by the operation of Rule IX, which relates to questions of privilege; the gentleman from Maryland drawing the attention of the Chair to the clause of the rule which says, "and the integrity of its proceedings." The Chair consid-

ers that would be a solution of the difficulty, but he is not clear that that question of privilege can be raised at this time as against the operation of the previous question which the House has ordered.

Mr. McLANE. With great deference to the Chair, I have no doubt the question can be raised. The only question of doubt would be whether it can take the place of another question which is under the operation of the previous question.

The SPEAKER. The gentleman from Ohio has expressed his willingness to waive his rights under the operation of the previous question, and the gentleman from Illinois objects to his doing so.

Mr. HOOKER. I desire to say in reference to what the gentleman from Maryland has presented as a question of privilege that the ninth rule is primarily a rule which refers to the rights of the House. On yesterday, when the bill was introduced by the gentleman from Illinois, the question arose as to what committee it should be referred to. That was a question of privilege affecting the rights of the House.

Mr. McLANE. No question arose as to the reference of the bill.

Mr. HOOKER. That question always arises. It was in the power of the House under the old rules, and I apprehend it is in the power of the House under these new rules, and that decision has already been made to refer any proposition to any committee. There was an illustration of this only the day before yesterday in the Senate when a question wholly foreign to the question of Territories was referred, on the motion of a Senator, to the Committee on Territories. So on the motion of a member of the House who introduces a bill the House has the right upon that motion to refer it to any committee, and the power of the House is not constrained by the provision in the rules that subjects of a particular nature shall be referred to this committee or the other.

Ordinarily a bill goes to a committee which has the subject-matter under consideration to which the bill relates. But the House may order a bill or resolution to go to any committee. Therefore the motion of the gentleman from Ohio to correct what was done on yesterday cannot be properly made in the form in which he makes it. He might have made a motion to reconsider or he might have moved that the Committee on the Revision of the Laws be required to report the bill back, and that it be referred to the committee to which its subject-matter belonged. But the House has the power on motion to refer any question to any committee. Therefore, when the gentleman from Illinois made this motion it was his right to do it, and it was the duty of the Chair to refer it to the committee he moved, unless some member objected.

Mr. REAGAN. I wish to make this remark that the question of privilege, as presented by the gentleman from Maryland, is based on the idea that the House has violated its rules and done wrong. If we have done so it appears to me that the proper course would be to go back to the point where the wrong was committed and correct it.

The SPEAKER. The gentleman from Maryland bases the question of privilege which he presents on the words of the rule "integrity of its proceedings." The Chair thinks that that question primarily presented might have involved a question of privilege, but the Chair is not called upon now to decide whether it is a higher question than the execution of the previous question that has been ordered by the House; but the Chair is quite willing to submit the question to the House whether this does involve a question of privilege and has a right to come in now.

Mr. SPRINGER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. Is it competent to submit a question of privilege to the House?

The SPEAKER. In disputed questions the Chair often does so.

Mr. TOWNSHEND, of Illinois. The Chair ought first to decide the question.

The SPEAKER. No; because if the Chair decided it, the House would be excluded from any decision of it except upon an appeal from the decision of the Chair.

Mr. REAGAN. Allow me to make this remark in the interest of justice; if we have done wrong shall we perpetuate it under the color of a question of privilege?

The SPEAKER. That is a question for the House to determine. The gentleman will notice that the Chair avoids a decision whether this is a question of privilege and whether as such it properly can be entertained now, and submits that question to the majority of the House, to whose judgment the Chair always gives obedience.

Mr. TOWNSHEND, of Illinois. I object to the submission of the question to the House.

Mr. WILBER. What right has the gentleman to object?

Mr. SPRINGER. I would inquire of the Chair if it is now competent for the House to vote down the motion made by the gentleman from Ohio [Mr. GARFIELD] upon which the previous question is operating, and then whether it would be in order for the gentleman from Maryland [Mr. McLANE] to move that the Committee on the Revision of the Laws be discharged from the further consideration of this bill and be instructed to report it back to the House immediately, in order that the House might again pass upon the question of reference?

Mr. McLANE. Can I not now move to reconsider the vote ordering the main question?

Mr. GARFIELD. I think the Speaker has hit the true settlement of this whole business. He says, and truly, that he has the right to submit to the House whether the proposition offered by the gentleman from Maryland [Mr. McLane] is such a question of privilege that the House will now consider it. Now, if we vote that it is such a question of privilege we can decide the matter at once and all the other proceedings will fall. If that should fail, then my motion will be still pending.

Mr. SPRINGER. Is not this question really a reflection upon a member of this House? If it involves a question of the right and dignity of this House, why does it not involve the further question whether a member of this House has violated its privileges?

The SPEAKER. The Chair does not think that question is raised at all.

Mr. SPRINGER. I think we are going too far; and therefore I hope the House will vote on the motion of the gentleman from Ohio, [Mr. Garfield,] and vote it down, and then the Chair can entertain a motion to instruct the Committee on the Revision of the Laws to report the bill back.

Mr. REAGAN. If the House votes that this is a question of privilege, it will undoubtedly stultify itself in regard to its action of to-day.

The SPEAKER. That is a question for the House. The Chair refuses to decide that this is a question of privilege entitled to come in now and suspend the execution of the order of the main question. But the Chair is always governed by the majority of the House and will submit the question to the House. The Chair will cause the Clerk to read from the Manual upon the subject of questions of privilege.

The Clerk read as follows:

"A matter of privilege arising out of any question, or from a quarrel between two members, or any other cause, supersedes the consideration of the original question, and must be first disposed of." [According to the practice, not finally disposed of, but the House shall proceed to such immediate measures as it may think proper.]

Whenever the Speaker is of the opinion that a question of privilege is involved in a proposition, he must entertain it in preference to any other business. [Such opinion, of course, being subject to an appeal.] And when a proposition is submitted which relates to the privileges of the House, it is his duty to entertain it, at least to the extent of submitting the question to the House as to whether or not it presents a question of privilege.

The SPEAKER. The Chair desires to state that this is the unbroken practice of the House from the Nineteenth Congress. In obedience to the requirements of that decision the Chair is bound not only to entertain a question of privilege when raised, but if he has doubts on the subject he is bound to submit the question to the House.

Mr. HAWLEY. Will the Chair allow me a question?

The SPEAKER. Certainly.

Mr. HAWLEY. The question of privilege suggested by the gentleman from Maryland [Mr. McLane] is the identical question, and no other, which the House already has before it. It is simply the same question in another form.

The SPEAKER. It may be; but the responsibility is with the House.

Mr. CANNON, of Illinois. One word.

The SPEAKER. Certainly.

Mr. CANNON, of Illinois. If this question of privilege is well taken, and the House sustains the gentleman from Maryland [Mr. McLane] in this question of privilege, then it at once renders unnecessary any further proceedings, for under this question of privilege the House will make its action conform to its rules without any conflict whatever. Therefore it takes the other question out of the way and makes it unnecessary.

Mr. CONVERSE. I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONVERSE. I understand that the House on yesterday—because the Speaker is simply the mouth-piece of the House, and what is declared from the Speaker's chair is simply the orders of the House—I understand that yesterday the House ordered this bill in question to be committed to the Committee on the Revision of the Laws and that order has been executed.

Now, will a change of the minutes of yesterday bring back from a committee that bill thus in its possession and under its control and leave it in possession of the House? That is the question. Certainly it will not. The only way to reach that question is by a motion to reconsider the action of the House on yesterday referring that bill to the committee, or its equivalent, by rescinding the order of the House sending it to that committee. You may change the Journal as much as you please and it does not effect the object which gentlemen seek. The bill has passed from the possession of the House, and no correction of the Journal will bring it back.

Mr. BARBER. I would like an answer by the Chair to that parliamentary inquiry.

The SPEAKER. The Chair has ruled already on that point.

Mr. McLane. The question of privilege which I present does not apply merely to this particular case, but to all similar proceedings generally. It applies to every case that can occur. Gentlemen know very well that this is not the only bill which has been improperly referred. I know myself of three or four very important bills which

have been referred either through the box or by the journal clerk, under the direction of the Speaker, to committees to which the rules would not carry them. This point is made now because the subject has been made one of importance. My proposition is a solution for this case and for every other case where, through inadvertence, negligence, or fault of any kind, an improper reference has occurred.

It has been suggested that the proposition might seem to be a reflection either upon the member who introduced the bill or upon the Speaker. It is neither the one nor the other, but is the simple and natural way of maintaining the integrity of our proceedings in conformity with our rules and avoiding confusion and conflict between the several committees of the House, confining each to its appropriate duties.

I want to say to the House that I took pains before presenting this question of privilege to ascertain that the Journal does not show that this bill was referred upon the motion of any member, and that no vote was taken by the House, and the House is only committed in the sense that it is responsible for the reference as directed by the Speaker or as made by the journal clerk, with or without the indorsement on the bill itself. Such erroneous or improper references, though correctly stated in the text of the Journal, are to be corrected by the House just as errors in the Journal itself should be corrected by the House. Thus can the House preserve the integrity of its proceedings, and maintain that integrity without dependence upon its own committees, whose duty it is to report back to the House all questions improperly referred under the rules.

Mr. CONVERSE. My friend from Maryland will allow me to suggest that no motion is necessary in order to make an order of the House referring a bill. I claim, as the gentleman does substantially, that the only way this question can be reached is by a motion to reconsider the action of the House, or to rescind its action on yesterday. That is the substance of the gentleman's motion, though not the form of it.

The SPEAKER. In reply to the gentleman from Ohio [Mr. Converse] the Chair desires to have read a part of the second clause of Rule XVIII.

The Clerk read as follows:

No bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, shall be brought back into the House on a motion to reconsider.

The SPEAKER. The Chair submits to the House the question whether the proposition of the gentleman from Maryland [Mr. McLane] presents a question of privilege and should be entertained by the Chair.

Mr. KNOTT. As that question probably requires some deliberation, I move that the House do now adjourn.

The question being taken, there were—ayes 81, noes 118.

Mr. KNOTT. I call for the yeas and nays.

The yeas and nays were ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate, (the House of Representatives concurring,) That 10,500 copies of the report of the Smithsonian Institution for the year 1879 be printed; 1,000 copies of which shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,500 copies for the use of the Smithsonian Institution.

The message also announced that the Senate had passed a joint resolution of the following title; in which the concurrence of the House was requested:

A joint resolution (S. R. No. 91) to print the eulogies delivered in the Senate and House of Representatives upon the late George S. Houston, a Senator from the State of Alabama.

AMENDMENT OF THE JOURNAL.

The question was taken on the motion to adjourn; and there were—yeas 91, nays 121, not voting 80; as follows:

YEAS—91.

Acklen,	Dickey,	Knott,	Simonton,
Armfield,	Elam,	Ladd,	Singleton, O. R.
Atherton,	Ellis,	Lewis,	Smith, Ezekiah B.
Atkins,	Finley,	Lowe,	Smith, William E.
Beale,	Forney,	McKenzie,	Sparks,
Bicknell,	Forsythe,	McMillin,	Springer,
Blackburn,	Geddes,	Mills,	Steele,
Blount,	Gillette,	Morse,	Stevenson,
Cabell,	Goode,	Muldrow,	Taylor,
Caldwell,	Gunter,	Myers,	Thompson, P. B.
Carlisle,	Hammond, N. J.	New,	Tillman,
Clardy,	Hatch,	Nicholls,	Townshend, R. W.
Clark, John B.	Henry,	O'Connor,	Turner, Oscar
Cobb,	Herbert,	Persons,	Turner, Thomas
Colerick,	Herndon,	Philips,	Vance,
Converse,	Hill,	Phister,	Waddill,
Cook,	House,	Reagan,	Warner,
Cravens,	Hull,	Richardson, J. S.	Whiteaker,
Culbertson,	Hurd,	Robertson,	Whitthorne,
Davidson,	Hutchins,	Rothwell,	Willis,
Davis, Joseph J.	Johnston,	Samford,	Wise,
Davis, Lowndes H.	Jones,	Sawyer,	Young, Casey.
Dibrell,	Kitchin,	Shelley,	

NAYS—121.

Aiken,	Conger,	Killinger,	Roas
Aldrich, N. W.	Cowgill,	Klotz,	Russell, Daniel L.
Aldrich, William	Crowley,	Lapham,	Russell, William A.
Anderson,	Daggett,	Le Fevre,	Shallenberger,
Bachman,	Davis, George R.	Lindsey,	Sherwin,
Bailey,	De La Matyr,	Marsh,	Smith, A. Herr
Baker,	Dunnell,	Martin, Edward L.	Starin,
Ballou,	Dwight,	Martin, Joseph J.	Talbot,
Barber,	Farr,	Mason,	Thomas,
Bayno,	Ferdon,	McCoid,	Thompson, Wm. G.
Belford,	Field,	McCook,	Tucker,
Bingham,	Fisher,	McGowan,	Tyler,
Blake,	Frye,	McKinley,	Updegraff, J. T.
Bouck,	Garfield,	McLane,	Updegraff, Thomas
Bowman,	Godshalk,	McMahon,	Upson,
Boyd,	Harner,	Mitchell,	Urner,
Brewer,	Harris, Benj. W.	Monroe,	Valentine,
Briggs,	Harris, John T.	Neal,	Van Aernam,
Brigham,	Haakell,	Norcross,	Voorhis,
Bright,	Hawk,	O'Neill,	Van Voorhis,
Brown,	Hawley,	Orth,	Wait,
Burrows,	Hayes,	Osmer,	Ward,
Butterworth,	Hiscock,	Overton,	Wilber,
Calkins,	Horr,	Pacheco,	Williams, C. G.
Camp,	Houk,	Phelps,	Willits,
Cannon,	Hubbell,	Pierce,	Wood, Fernando
Carpenter,	Humphrey,	Price,	Wood, Walter A.
Caswell,	James,	Reed,	Wright,
Clafin,	Jorgensen,	Rice,	
Clymer,	Joyce,	Richardson, D. P.	
Coffroth,	Kelley,	Robinson,	

NOT VOTING—80.

Barlow,	Evins,	King,	Robeson,
Beltzhoover,	Ewing,	Loring,	Ryan, Thomas
Berry,	Felton,	Lounsbery,	Ryon, John W.
Bland,	Ford,	Manning,	Sapp,
Bliss,	Fort,	Martin, Benj. F.	Scales,
Bragg,	Frost,	Miles,	Singleton, J. W.
Buckner,	Gibson,	Miller,	Slemons,
Chalmers,	Hall,	Money,	Speer,
Chittenden,	Hammond, John	Morrison,	Stephens,
Clark, Alvah A.	Hazelton,	Morton,	Stone,
Covert,	Heilman,	Muller,	Townsend, Amos
Cox,	Henderson,	Murch,	Washburn,
Crapo,	Henkle,	Newberry,	Weaver,
Davis, Horace	Hooker,	O'Brien,	Wellborn,
Deering,	Hostetler,	O'Reilly,	Wells,
Deuster,	Hunton,	Page,	White,
Dick,	Kelley,	Poehler,	Williams, Thomas
Einstein,	Kenna,	Pound,	Wilson,
Errett,	Ketcham,	Prescott,	Yocum,
	Kimmel,	Richmond,	Young, Thomas L.

So the House refused to adjourn.

Mr. KING, Mr. PAGE, and Mr. HAZELTON asked to record their votes.

The SPEAKER. The Chair, under the rules, cannot submit the question to the House.

The following additional pairs were announced from the Clerk's desk:

Mr. MONEY with Mr. STONE.

Mr. MILLER with Mr. MULLER.

Mr. HUNTON with Mr. CHITTENDEN.

Mr. WILLIAMS, of Alabama, with Mr. RYAN, of Kansas.

Mr. WILSON with Mr. ROBESON.

The SPEAKER. The question now before the House to determine is whether the proposition of the gentleman from Maryland [Mr. McLANE] presents a question of privilege under Rule IX. [Cries of "Vote!" "Vote!"]

Mr. SIMONTON. I ask that proposition be reported.

The Clerk read as follows:

Resolved, That the Committee on the Revision of the Laws be discharged from the further consideration of House bill No. 5265, and that the same be referred to the Committee on Ways and Means.

The SPEAKER. The Chair submits whether that is a question of privilege.

Mr. MILLS. Is it in order to move to lay that upon the table?

The SPEAKER. The Chair submits to the House whether it is a question of privilege. He has not yet permitted it to come before the House, but merely submits whether it contains a question of privilege or not. If the House determines it does contain a question of privilege, then the Chair will recognize the gentleman to make the motion to lay upon the table.

The House divided; and there were—ayes 105, noes 22.

Several MEMBERS. No quorum.

The SPEAKER. No quorum has voted; but the Chair will order tellers.

Mr. SPARKS. I move the House do now adjourn.

Mr. BLACKBURN. And I move that when the House adjourns to-day it adjourn to meet day after to-morrow at twelve o'clock m.

The SPEAKER. There is no quorum voting, the point having been raised there was no quorum; and therefore, while the motion of the gentleman from Illinois to adjourn is in order, the motion of the gentleman from Kentucky, in the absence of a quorum, is not in order. The Chair will appoint tellers on the proposition.

Mr. BLACKBURN. I will not submit my motion until a quorum has been announced.

The SPEAKER. The question is on the motion to adjourn.

Mr. BLACKBURN. Pending that, I move that when the House adjourns to-day it adjourn to meet at twelve o'clock m. day after to-morrow.

The SPEAKER. The gentleman will remember the point has been made there was no quorum on the last vote.

Mr. BLACKBURN. It is the duty of the Chair to appoint tellers and ascertain whether a quorum is present or not.

The SPEAKER. That is what the Chair tried to do. The motion to adjourn is in order, although there may be no quorum; but the Chair cannot entertain in the absence of a quorum the motion of the gentleman from Kentucky to adjourn over.

Mr. KNOTT. The Chair cannot tell whether a quorum is present or not.

The SPEAKER. The Chair is governed by the last vote, on which a quorum did not appear, and the point was raised there was no quorum.

Mr. KNOTT. How does the Chair know that since then a quorum has not come in?

The SPEAKER. If a quorum shall vote on the motion to adjourn and it is decided in the negative, then it will be known whether a quorum is present or not.

Mr. BLACKBURN. I think I am entitled to press my motion. The Chair has no right to assume a quorum is not present.

The SPEAKER. The Chair must go back to the last vote.

Mr. BLACKBURN. Then it is the duty of the Chair to order tellers and see whether a quorum is present or not.

The SPEAKER. That the Chair did, but a motion was made to adjourn by the gentleman from Illinois, a motion which was in order although a quorum was not present.

Mr. BLACKBURN. My motion is to ascertain whether there is a quorum. I have grown accustomed to the Chair's rulings to-day and will yield to them.

The SPEAKER. The Chair cannot entertain a motion to adjourn over a regular sitting in the absence of a quorum. The Chair himself suggested, and it is due to the Chair the gentleman from Kentucky should state it, that tellers would be ordered.

Mr. BLACKBURN. It is not the first time the gentleman from Kentucky has found himself at variance with the Chair.

The SPEAKER. The Chair is always under review by the House, whatever his decisions may be. If they are wrong, the House can overturn them.

Mr. GARFIELD. I rise to a parliamentary question. If the House adjourns, does this come up to-morrow?

The SPEAKER. It will come up; but there will be two Journals to be approved.

Mr. BLACKBURN. I rise to a parliamentary inquiry. Will both Journals be amenable to motions to amend or rather to falsify what actually did take place?

The SPEAKER. The Chair will decide points of order as they rise.

Mr. BLACKBURN. I am raising one now.

The SPEAKER. The gentleman from Illinois has moved the House do now adjourn.

Mr. BLACKBURN. Does the Chair overrule my attempt to fix a date to which this House shall adjourn?

The SPEAKER. The Chair simply rules this, that it is not in the power of the House in the absence of a quorum to change the order of sittings from day to day.

Mr. FERNANDO WOOD. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. FERNANDO WOOD. The point of order that I make is that in the absence of a quorum, under the rules of the House, but two motions can be made—one for a call of the House, and the other to adjourn.

Mr. BLACKBURN. And I make the point under the sixteenth rule that the motion to fix the day to which the House shall adjourn at any time, and at all times, under all rules, takes precedence of the motion to adjourn.

Mr. FERNANDO WOOD. Not without a quorum.

The SPEAKER. In the absence of a quorum that motion could not be entertained.

Mr. BLACKBURN. Has there been any legal ascertainment of the fact that there is no quorum present in the House?

The SPEAKER. There has been upon the vote just taken.

Mr. BLACKBURN. I deny that there has been any ascertainment of the fact, as far as the question of adjournment is concerned.

The SPEAKER. The Chair announced that there were on the last vote 105 in the affirmative and 22 in the negative, when the point was raised that no quorum had voted, and the Chair suggested the propriety of appointing tellers.

Mr. BLACKBURN. I stand prepared to grant there was no quorum on a certain motion. There is a motion now pending, which is to adjourn, and the Chair has no authority for concluding that no quorum will vote on that motion. But whatever the arbitrary conclusions of the Chair may be, or might be, I say that under the provisions of that sixteenth rule there is no condition of circumstances known to this body in which the motion to fix a day to which this House shall adjourn does not take precedence of the motion to adjourn.

The SPEAKER. The Chair rules that this House has not the power to adjourn over a regular sitting, provided by the rules, by less than a quorum, but the House can, with less than a quorum, vote to adjourn.

Mr. BLACKBURN. Has that question ever been reached?

The SPEAKER. It is the constant practice of the House.

Mr. BLACKBURN. Has this House failed to-day to furnish a quorum on the motion to adjourn?

The SPEAKER. Not on the motion to adjourn, for that motion has not yet been submitted; but the gentleman will remember that less than a quorum can adjourn. The gentleman will also remember that on the preceding motion a quorum was not present and a further count was asked, and the Chair announced the fact, and suggested tellers.

Mr. BLACKBURN. But that absence of a quorum was not developed on a motion to adjourn.

The SPEAKER. The practice of the House will determine the point; but the Chair will submit the following from the Digest:

But when less than a quorum is present no motion can be entertained except to adjourn, or for a call of the House.—*Journal*, 1, 29, p. 356, and *Const.*, 1, 5, 8.

The Constitution of the United States in article I also provides:

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

[Cries of "Regular order!"]

The SPEAKER. The regular order is on the motion to adjourn.

Mr. SPARKS. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 92, nays 78, not voting 122; as follows:

YEAS—92.

Acklen,	Frost,	Lowe,	Sawyer,
Armfield,	Frye,	Marsh,	Simonton,
Atkins,	Garfield,	McCook,	Singleton, O. R.
Beale,	Geddes,	McKenzie,	Smith, William E.
Blackburn,	Gillette,	McLane,	Sparks,
Cabell,	Goode,	McMahon,	Springer,
Caldwell,	Hammond, N. J.	McMillin,	Stevenson,
Calkins,	Harris, Benj. W.	Mills,	Taylor,
Carlisle,	Hatch,	Muldrow,	Thompson, P. B.
Clardy,	Hazleton,	Myers,	Tillman,
Clark, John B.	Henkle,	New,	Townsend, R. W.
Colerick,	Henry,	Nicholls,	Turner, Oscar
Converse,	Hernon,	Page,	Turner, Thomas
Cravens,	Horr,	Persons,	Updegraff, J. T.
Culbertson,	House,	Phillips,	Vance,
Davidson,	Hull,	Phister,	Waddill,
Davis, Joseph J.	Hutchins,	Pound,	Wait,
Davis, Lowndes H.	Kelley,	Reagan,	Warner,
De La Matyr,	King,	Reed,	Whiteaker,
Dibrell,	Kitchin,	Robertson,	Wilber,
Ellis,	Ladd,	Robinson,	Williams, C. G.
Finley,	Le Fevre,	Rothwell,	Wilson,
Forney,	Lewis,	Samford,	Young, Casey.

NAYS—78.

Aiken,	Coffroth,	Humphrey,	Shallenberger,
Aldrich, William	Conger,	Jones,	Sherwin,
Bachman,	Cook,	Joyce,	Smith, A. Herr
Baker,	Cowgill,	Klotz,	Talbot,
Ballou,	Daggett,	Lindsey,	Thomas,
Barber,	Davis, George R.	Mason,	Thompson, Wm. G.
Bayne,	Dunnell,	McGowan,	Tyler,
Belford,	Dwight,	McKinley,	Upson,
Blake,	Farr,	Mitchell,	Urner,
Bouck,	Ferdon,	O'Neill,	Valentine,
Bowman,	Field,	Osmer,	Van Aernam,
Brewer,	Fisher,	Overton,	Van Voorhis,
Briggs,	Godshalk,	Pacheco,	Voorhis,
Brigham,	Hall,	Phelps,	Ward,
Burrows,	Hawk,	Pierce,	Wise,
Camp,	Hawley,	Price,	Wood, Fernando
Cannon,	Hayes,	Rice,	Wood, Walter A.
Carpenter,	Hiscock,	Ross,	Wright.
Caswell,	Houk,	Russell, Daniel L.	
Clymer,	Hubbell,	Russell, W. A.	

NOT VOTING—122.

Aldrich, N. W.	Clark, Alvah A.	Gibson,	Kimmel,
Anderson,	Cobb,	Gunter,	Knott,
Atherton,	Covert,	Hammond, John	Lapham,
Bailey,	Cox,	Harmer,	Loring,
Barlow,	Crapo,	Harris, John T.	Lounsbury,
Beltzhoover,	Crowley,	Haskell,	Manning,
Berry,	Davis, Horace	Heilman,	Martin, Benj. F.
Bicknell,	Deering,	Henderson,	Martin, Edward L.
Bingham,	Deuster,	Herbert,	Martin, Joseph J.
Bland,	Dick,	Hill,	McCoid,
Bliss,	Dickey,	Hooker,	Miles,
Blount,	Dunn,	Hostetler,	Miller,
Boyd,	Einstein,	Hunton,	Money,
Bragg,	Elam,	Hurd,	Monroe,
Bright,	Errett,	James,	Morrison,
Brown,	Evins,	Johnston,	Morse,
Backner,	Ewing,	Jorgensen,	Morton,
Butterworth,	Felton,	Keifer,	Muller,
Chalmers,	Ford,	Kenna,	Murch,
Chittenden,	Forsythe,	Ketcham,	Neal,
Clafin,	Fort,	Killinger,	Newberry,

Norcross,	Robeson,	Starin,	Wells,
O'Brien,	Ryan, Thomas	Steele,	White,
O'Connor,	Ryon, John W.	Stephens,	Whitthorne,
O'Reilly,	Sapp,	Stone,	Williams, Thomas
Orth,	Scales,	Townsend, Amos	Willis,
Poehler,	Shelley,	Tucker,	Willits,
Prescott,	Singleton, J. W.	Updegraff, Thomas	Yocum,
Richardson, D. P.	Siemons,	Washburn,	Young, Thomas L.
Richardson, J. S.	Smith, Hezekiah B.	Weaver,	
Richmond,	Speer,	Wellborn,	

So the motion to adjourn was agreed to.

Pending the announcement of the above vote,

Mr. CONGER said: I rise to a point of order, whether under paragraph 1 of Rule I this question of the amendment of yesterday's Journal would come up before the amendment of the Journal of to-day?

The SPEAKER. The Chair will decide that question when it arises.

The Clerk announced the following pairs:

Mr. MARTIN, of Delaware, with Mr. BOYD.

Mr. WELLBORN with Mr. DEERING.

Mr. PAGE with Mr. KING.

Mr. HURD with Mr. BUTTERWORTH.

Mr. BRIGHAM with Mr. SHELLEY.

Mr. NEAL with Mr. DICKEY.

Mr. HARMER with Mr. ELAM.

Mr. LAPHAM with Mr. KNOTT.

Mr. O'CONNER with Mr. CROWLEY.

Mr. COBB with Mr. UPDEGRAFF, of Iowa.

Mr. BAILEY with Mr. HERBERT.

Mr. HOOKER with Mr. HASKELL.

Mr. RICHARDSON, of South Carolina, with Mr. RICHARDSON, of New York.

Mr. WHITTHORNE with Mr. BROWNE.

Mr. ATKINS with Mr. CANNON, of Illinois.

Mr. STEELE with Mr. NORCROSS.

Mr. MARTIN, of North Carolina, with Mr. GOODE.

Mr. BLOUNT with Mr. MONROE.

Mr. CLAFLIN with Mr. WILLIS.

Mr. GUNTER with Mr. STARIN.

Mr. ATHERTON with Mr. ANDERSON.

The vote was then announced as above recorded.

And accordingly (at six o'clock and eight minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. COFFROTH: The petition of David Flynn, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. GEORGE R. DAVIS: The petition of Norman S. Barnes, for arrears of pension—to the same committee.

By Mr. DEUSTER: The petitions of Solomon Swenger, to be refunded taxes improperly assessed and collected from him, and to be refunded the amount paid for revenue stamps that were lost—to the Committee on Claims.

By Mr. DICK: The petitions of D. E. Pearce and 26 others, and of D. E. Pearce and 25 others, citizens of Butler County, Pennsylvania, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of D. E. Pearce and 25 others, citizens of Butler County, Pennsylvania, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of D. E. Pearce and 25 others, citizens of Butler County, Pennsylvania, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. FORSYTHE: The petition of soldiers, citizens of Illinois, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of soldiers, citizens of Illinois, for the passage of a law equalizing bounties—to the Committee on Military Affairs.

By Mr. GARFIELD: The petition of the publisher of the Idaho Enterprise, Oxford, Idaho, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of Theophile T. Allain and 36 others, colored citizens of Louisiana, against the reduction of the duty on sugar—to the same committee.

By Mr. GIBSON: The petition of citizens of Louisiana, for the relief of the New Orleans, Opelousas and Great Western Railroad Company of Louisiana—to the Committee on Pacific Railroads.

By Mr. HENRY: The petitions of 109 citizens of Cambridge and of 55 citizens of Dorchester County, Maryland, that the town of Cambridge be made a port of entry—to the Committee on Commerce.

By Mr. HERR: The petitions of T. R. Denison and 190 others, and of H. W. Sage & Co. and others, that the channel be deepened at the mouth of the Saginaw River harbor—to the same committee.

Also, the petition of druggists of East Saginaw, Michigan, for the

removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of Joseph Robinson and others, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of Mason R. Merritt and others, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. HUNTON: The petition of Dr. F. L. Galt, for the removal of his political disabilities—to the Committee on the Judiciary.

Also, papers relating to the claim of Thomas Strider for balance due him for work done on the National Cemetery, Winchester, Virginia—to the Committee on Claims.

By Mr. JOHNSTON: The petition of Pickrell & Brooks, to authorize their claim for pay for tobacco seized by United States officials to be referred to the Court of Claims for adjudication—to the Committee on the Judiciary.

By Mr. JORGENSEN: The petition of A. M. Cowan and others, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. KELLEY: The petition of John Hatfield, for pay for services as veterinary surgeon during the late war—to the Committee on War Claims.

By Mr. LINDSEY: Papers relating to the claim of Charles Gordon for pay for services as an employé of the House of Representatives from May, 1848, to May, 1851—to the Committee on Claims.

By Mr. MCKENZIE: A paper relating to the claim of Captain Elisha Baker, of Muhlenburgh County, Kentucky—to the Committee on Military Affairs.

By Mr. MYERS: The petition of J. H. White and others, citizens of Hancock County, Indiana, for the adoption of certain amendments to the patent laws—to the Committee on Patents.

By Mr. OVERTON: The petition of James B. Passmore and 20 others, citizens of Bradford County, Pennsylvania, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of the same parties, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

By Mr. POEHLER: The petition of E. A. Mitchell, publisher of the Independent, Zumbrota, Minnesota, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. SPRINGER: Memorial of Seth Driggs, asking for an adjustment of claims against Venezuela, held by United States citizens—to the Committee on Foreign Affairs.

By Mr. STEPHENS: Memorial of the American Metrological Society and others, signed by 2,000 scientists from all sections of the Union, embracing the professors and faculty of several of the most prominent universities and colleges of the United States, recommending the adoption of the metric system of weights and measures, and especially the passage of the bill reported by the Committee on Coinage, Weights, and Measures upon that subject, which is now pending in the House—to the Committee on Coinage, Weights, and Measures.

Also, papers relating to the claim of Mrs. Caroline Clark for pay for property destroyed by United States forces during the late war—to the Committee on War Claims.

By Mr. P. B. THOMPSON, JR.: The petition of citizens of Kentucky, for a post-route between Hustonville and Liberty, Kentucky—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS UPDEGRAFF: Three petitions of liquor dealers of Dubuque, Iowa, for the amendment of the revenue laws relating to the tax on spirits—to the Committee on Ways and Means.

By Mr. URNER: The petition of Patrick Griffin and 13 others, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. VAN AERNAM: The petition of O. D. Baldwin, of Fredonia, New York, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. VOORHIS: Resolution of the Legislature of New Jersey, favoring an appropriation for the improvement of Absecon Inlet—to the Committee on Commerce.

By Mr. WASHBURN: Memorial of the Chamber of Commerce of Duluth, Minnesota, for an appropriation of \$30,000 to make an examination and preliminary survey of a line of slack-water navigation connecting Lake Superior and the Mississippi River and Red River of the North—to the same committee.

By Mr. WHITEAKER: The petition of citizens of Linn County, Oregon, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. WISE: The petition of Alexander Waltonbough and 46 others, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. YOCUM: The petition of citizens of Mifflin County, Pennsylvania, for the equalization of bounties—to the same committee.

IN SENATE.

WEDNESDAY, March 24, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens of Cameron County, Pennsylvania, and a petition of citizens of Centre County, Pennsylvania, praying such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which were referred to the Committee on Patents.

He also presented a petition of citizens of Union, Centre County, Pennsylvania, praying for the establishment of a department of agriculture; which was referred to the Committee on Agriculture.

He also presented a petition of citizens of Centre County, Pennsylvania, praying for the passage of a bill regulating interstate commerce; which was referred to the Committee on Commerce.

Mr. WITHERS. I present the petition of N. M. Mitchell and others, of "the Centennial Manual Labor Industrial Arts Institute, to encourage and promote education and industry among certain citizens, and for other purposes," the object of which seems to be to request an appropriation on the part of Congress in aid of their enterprise to educate and improve the condition of the colored citizens of the South. The petition has received the indorsement of various prominent and distinguished citizens, including the President, his Cabinet, members of the Supreme Court, and members of the Senate and House. I move that it be referred to the Committee on Education and Labor. The motion was agreed to.

Mr. HOAR presented the petition of Elizabeth E. Swan and others, heirs of Daniel Hayward and citizens of Massachusetts, praying for an extension of the patent of Daniel Hayward for the manufacture of India rubber; which was referred to the Committee on Patents.

Mr. HAMLIN presented the petition of Ellen M. Godfrey, widow of James A. Godfrey, late captain Company G, Thirteenth Maine Volunteers, praying that a pension be granted to herself and child; which was referred to the Committee on Pensions.

Mr. WILLIAMS presented a memorial of the Louisville Board of Trade, in favor of improving the navigation of the Mississippi River and its tributaries, and also for the establishment of better postal communication by steamships between the United States and the states of South and Central America and the West Indies; which was referred to the Committee on Commerce.

Mr. BLAINE. I present the petition of Alfred Watts and 66 others, citizens of Thomaston, Maine, asking an inquiry into the legality of the bridge now being erected between the cities of New York and Brooklyn. The original act of Congress which gave permission for the construction of that bridge contained a proviso that the said bridge should be so constructed as not to obstruct, impair, or injuriously modify the navigation of the river. They have got some wires stretched across it now, and it is found that all vessels that have spars or masts of a height of one hundred and twenty feet are unable to pass under it; and that really embraces the great majority of the shipping—ships and barks and brigs and large schooners. That channel is the common highway between the New England States and New York and New Jersey.

These petitioners, who come from one of the largest commercial towns, the largest in ship-owning I think of any town in the United States *per capita*, whose business is almost entirely navigation, and all others engaged in it are feeling already very great alarm as to the possible and permanent effect of that structure.

I know nothing myself of the facts other than as embraced in the petition, which comes from a very high source. I ask that it may be referred to the Committee on Commerce. It is a subject that I am sure should be inquired into before it gets too far for remedy, if it be not already too far.

The VICE-PRESIDENT. The petition will be referred to the Committee on Commerce.

Mr. EDMUNDS presented the petition of teachers and older pupils of the Orleans Liberal Institute, Glover, Vermont, Henry Babcock, principal, praying that Congress will take active measures for the early adoption of the metric system of weights and measures; which was referred to the Committee on Finance.

Mr. WALLACE presented a petition of citizens of Clearfield County, Pennsylvania, a petition of citizens of Lycoming County, Pennsylvania, and a petition of citizens of Bucks County, Pennsylvania, praying for the establishment of a department of agriculture; which were referred to the Committee on Agriculture.

He also presented a petition of citizens of Bucks County, Pennsylvania, a petition of citizens of Clearfield County, Pennsylvania, and a petition of citizens of Lycoming County, Pennsylvania, praying for such an amendment of the patent laws as will protect innocent users of patented articles against prosecution as infringers; which were referred to the Committee on Patents.

He also presented a petition of citizens of Bucks County, Pennsylvania, a petition of citizens of Clearfield County, Pennsylvania, and a petition of citizens of Lycoming County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust

discriminations in charges for transportation; which were referred to the Committee on Commerce.

Mr. GROOME presented the petition of Julia M. Hudson, widow of the late Surgeon Edward Hudson, United States Navy, praying that she be granted the pension usually allowed to the widows of surgeons, together with arrears; which was referred to the Committee on Pensions.

Mr. BURNSIDE presented the petition of Charles W. Tibbetts, of Providence, Rhode Island, late of the First Regiment Rhode Island Dragoons, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. TELLER presented the memorial of Madison Bagby, C. W. Smith, and other citizens of Boulder County, Colorado, remonstrating against the passage of the bill submitted by what is known as the land commission, to provide for the survey and disposal of the public lands of the United States; which was referred to the Committee on Public Lands.

Mr. WHYTE presented a joint resolution of the General Assembly of Maryland, urging upon Congress the passage of a law making an appropriation for the establishment of a light-house and fog-bell on Bloody Point Shoals, in Chesapeake Bay; which was referred to the Committee on Commerce.

Mr. EDMUNDS presented a memorial of Ellen H. Sheldon, Sara A. Spencer, Caroline B. Winslow, M. D., Joseph Taber Johnson, M. D., C. B. Purvis, M. D., Susan A. Edson, M. D., and others, asking for the enactment of a law for the punishment of the crime of rape in the District of Columbia; which was referred to the Committee on the District of Columbia.

FINANCIAL STATISTICS.

Mr. DAVIS, of West Virginia. I present a petition from citizens of

Piedmont, West Virginia, which I ask leave to read, and then I shall make a few remarks upon it:

To the honorable Senate and House of Representatives in Congress assembled:

Your petitioners, respectfully believing that the business interests of the country would be best served by no action on the part of Congress on the money or currency question and that the condition of the country and state of the finances are good at this time, and it is feared that any legislation upon the part of Congress would have an injurious effect upon the present and anticipated prosperity of the country which is largely due to the present confidence in our financial condition.

We respectfully ask that Congress will take no action at this session that will affect either greenbacks or silver.

This petition to Congress is signed by more than fifty of the most active and best business men of the little town of which I am a citizen. I fully agree with the signers of this paper when they ask that Congress let the currency and coinage laws alone. They tell us that they fear any action of Congress relating to the amount of paper currency or coinage of silver will have a bad effect on business and the general prosperity of the country, and that they believe that our present and anticipated prosperity is largely owing to the confidence of the people, and that Congress will let the financial question alone. I except the funding of the 5 and 6 per cent. bonds due next year into a low-interest-bearing debt.

We now have more paper money than any nation in the world. The following table, prepared by H. C. Burchard, Director of the United States Mint, giving the population, also the paper, gold, silver circulation, and the amount *per capita* of the leading nations of the globe, shows that we have many millions more paper circulation than any nation in the world, and that, estimating our population at forty-seven million, we have more paper money *per capita* than any country, the Netherlands only excepted:

From report of H. C. Burchard, Director of United States Mint, page 127.

Countries.	Year.	Population.	Paper.	Specie.				Total paper and specie.	Circulation per capita.		
				Gold.	Silver, full legal tender.	Silver, limited tender.	Total.		Paper.	Specie.	Total.
United States	1879	47,000,000	\$633,943,799	\$305,750,497	\$45,206,200	\$76,250,155	\$427,206,852	\$1,111,150,651	\$14 55	\$9 09	\$23 64
Great Britain	1871	31,628,338	6209,148,875	648,619,043		93,376,168	711,995,211	921,144,086	6 61	22 50	29 11
Germany	1875	42,727,360	229,596,220	328,168,462	113,288,000	101,651,957	543,108,419	772,704,639	5 38	12 71	15 09
Sweden	1876	4,429,713	11,680,000	118,000,000		3,120,000	18,120,000	29,800,000	2 64	4 09	6 73
Norway	1875	1,806,900	10,300,000	110,000,000		1,200,000	11,200,000	21,500,000	5 70	6 20	11 90
Denmark	1870	1,912,142	18,900,000	120,000,000		4,263,000	24,863,000	43,763,000	9 88	13 00	22 88
Netherlands	1869	3,579,529	73,230,000	20,000,000		380,000	77,980,000	151,210,000	20 46	21 78	42 24
France	1876	36,905,788	466,755,000	733,400,000	366,700,000	59,144,850	1,625,999,850	1,625,999,850	12 65	31 41	44 06
Belgium	1876	5,336,185	58,419,000	110,000,000	55,438,000	8,562,000	174,000,000	232,419,000	10 95	32 60	43 55
Switzerland	1870	2,759,854	21,300,000	60,000,000	30,000,000	4,700,000	94,700,000	116,000,000	7 72	34 31	42 03
Greece	1870	1,457,894	12,890,000	14,500,000		3,000,000	7,500,000	20,390,000	8 85	4 80	13 65
Austria	1869	35,904,435	322,938,854	43,200,000	27,360,000		70,560,000	393,498,854	9 00	1 96	10 96
Italy	1871	26,801,154	135,000,000	17,000,000		20,000,000	37,000,000	172,000,000	5 04	1 38	6 42
Russia	1876	86,952,347	587,907,562	108,000,000	2,500,000		110,500,000	698,407,562	6 76	1 27	8 03
Spain	1870	16,222,814	133,795,000	130,000,000	40,000,000	730,000,000	720,000,000	233,795,000	2 08	12 33	14 41
Portugal	1875	4,745,024	29,529,000	70,000,000	15,000,000		85,000,000	114,529,000	6 22	18 00	24 22
Mexico	1871	9,276,079	1,500,000	110,000,000	40,000,000		150,000,000	51,500,000	16	5 39	5 55
Colombia	1870	2,551,311	1,895,343	700,000	4,000,000		4,700,000	6,595,343	65	1 59	2 24
Peru	1876	2,699,945	13,098,820	62,085	1,819,933		1,882,018	14,980,838	4 85	6 97	11 82
Brazil	1872	10,108,291	91,000,000					91,000,000	9 00		
Canada	1871	3,602,321	29,047,742	26,291,285		14,000,000	10,291,285	39,339,027	8 06	2 86	10 92
Australia	1879	2,600,000	21,604,936	145,000,000		15,000,000	165,000,000	71,674,936	8 31	19 23	27 54
Japan	1874	33,623,319	143,000,000	130,000,000	110,000,000		140,000,000	183,000,000	4 25	1 18	5 43
Turkey		31,669,147	100,000,000					100,000,000	3 16		
Total		446,699,890	3,306,480,151	2,685,691,372	808,912,133	415,248,130	3,909,851,635	7,216,331,786	7 40	8 75	16 00

^a Estimated.

^b Banker's Magazine.

^c Includes 8,500,000 trade-dollars.

^d Estimated from coinage and bank reserve, imports and exports.

^e American Almanac.

^f Annex to Report of the French Chamber of Deputies.

^g Bank reserve.

^h Nominal.

ⁱ Economist.

^j Report of Silver Commission.

^k Suspended specie payment.

^l Includes limited tender.

The above table shows that the United States has in round numbers nearly \$634,000,000 of paper money, which is more than the following nations have:

Great Britain has in round numbers	\$209,000,000
Germany	229,000,000
Sweden	11,000,000
Norway	10,000,000
Denmark	18,000,000
Netherlands	73,000,000
Belgium	58,000,000
Switzerland	21,000,000
Total	629,000,000

These eight nations, including two of the leading nations of Europe, have less paper money than we have.

The table also shows that if we add paper and specie together we have less *per capita* than some nations, but more than an average of the twenty-four leading nations named. The average of paper and specie *per capita* of the twenty-four nations in the table is \$15.93; the United States has \$23.64.

The following table exhibits a statement of the number of State

banks, the amount of their circulating notes, and the amount of specie they held at different periods from 1784 to 1861 in United States:

Years.	No. of banks.	Circulation.	Specie.	Years.	No. of banks.	Circulation.	Specie.
1784....	3	\$2,000,000	\$10,000,000	1844....	696	\$75,167,646	\$19,898,269
1790....	4	2,500,000	9,000,000	1845....	707	89,680,711	41,241,242
1796....	24	10,500,000	16,500,000	1846....	707	105,552,427	42,012,095
1800....	28	10,500,000	17,500,000	1847....	745	105,519,766	35,132,516
1811....	89	28,100,000	15,400,000	1848....	751	128,506,091	46,369,765
1815....	208	110,000,000	17,000,000	1849....	782	114,743,415	43,619,368
1820....	308	44,863,344	19,820,240	1850....	824	121,366,526	45,379,345
1830....	330	61,323,898	22,114,917	1851....	879	155,165,251	48,671,048
1834....	506	94,839,570		1853....	750	146,073,780	47,138,592
1835....	704	103,692,495	43,937,625	1854....	1,208	204,689,207	59,410,253
1836....	713	140,301,038	40,019,594	1855....	1,307	186,952,223	53,944,546
1837....	788	149,185,890	37,915,340	1856....	1,398	195,747,950	59,314,063
1838....	829	116,138,910	35,184,112	1857....	1,416	214,778,822	58,349,838
1839....	840	135,170,995	45,132,673	1858....	1,422	155,208,344	74,412,832
1840....	901	106,968,572	33,105,155	1859....	1,476	193,906,818	104,337,818
1841....	784	107,290,214	34,813,958	1860....	1,562	207,102,477	83,394,537
1842....	692	83,734,011	28,440,423	1861....	1,601	202,005,767	87,674,507
1843....	691	58,563,608	33,515,806				

It will be seen from the preceding table that the larger amount of paper money in circulation at any time between 1784 and 1861 was in 1857, when it was \$214,778,822. We now have about \$650,000,000 paper money, which is more than three times as much as at any time previous to the late war. Our population in 1860 was about thirty-one millions; it is now estimated at forty-seven millions, which is an

increase of about 50 per cent. Our paper money has increased since 1860 more than 300 per cent.

The national-bank currency is now increasing at the rate of more than a million a month. I present a table comparing the population and the paper and specie circulation *per capita* in the United States, Great Britain, Germany, and France:

Statement showing the population and the paper and specie circulation per capita in the United States, Great Britain, Germany, and France.

Countries.	Year.	Population.	Paper currency.	Specie.	Total.	Circulation per capita.		
						Paper.	Specie.	Total.
United States	1850	23,200,000	\$155,165,251	\$154,000,000	\$309,165,251	\$6 69	\$6 64	\$13 33
United States	1860	31,400,000	207,102,477	275,000,000	482,102,477	6 60	8 75	15 35
United States, November 1.	1879	47,000,000	683,862,434	481,691,069	1,165,553,503	14 55	10 25	24 80
Great Britain		209,148,875	711,995,211	921,144,086	6 61	22 50	29 11	
Germany		229,596,220	443,108,419	672,704,639	5 38	10 37	15 75	
France		466,755,000	1,159,244,850	1,625,999,850	12 65	31 41	44 06	

This table shows that our paper money now is more than four times as much as in 1850 and more than three times as much as in 1860, and that we have three times as much gold and silver now in the country as in 1850 and fully 60 per cent. more than in 1860. According to the Finance Report (page 12) coinage of gold for fiscal year 1879, \$40,986,912; coinage of silver for fiscal year 1879, \$27,227,500; total, \$68,214,412. This is an increase of between five and a half and six millions per month, and during the present fiscal year the average coinage is about the same. The national-bank currency is increasing at the rate of fully a million per month, which, added to the coinage

of gold and silver, makes an increase of money for circulation of about seven millions per month, which is a substantial increase, or, as some call it, an inflation of our money for circulation of between eighty and ninety millions per year. Surely this ought to satisfy even the greenbackers.

I append a table which will show our paper circulation for the last three years taken from the 1879 report of the Comptroller of the Treasury. The following table exhibits, by denominations, the amount of national-bank and legal-tender notes outstanding on November 1, 1879:

Denominations.	1879.			1878.	1877.
	National-bank notes.	Legal-tender notes.	Aggregate.	Aggregate.	Aggregate.
Ones	\$3,567,200	\$19,320,302	\$22,887,502	\$24,652,750	\$28,606,915
Twos	2,092,498	18,938,365	21,030,863	22,915,066	26,883,428
Fives	97,911,820	61,611,033	159,522,853	145,116,015	146,444,048
Tens	109,736,240	71,711,318	181,447,558	168,908,071	161,459,711
Twenties	72,652,160	68,793,773	141,445,933	131,785,709	126,290,995
Fifties	21,324,900	24,853,045	46,177,945	47,658,995	52,363,815
One-hundreds	26,911,600	31,428,180	58,339,780	58,331,470	58,976,670
Five-hundreds	641,500	22,446,500	23,088,000	31,159,000	35,956,000
One-thousands	283,000	22,828,500	23,111,500	33,794,500	34,340,500
Five-thousands		3,250,000	3,250,000		
Ten-thousands		2,500,000	2,500,000		
Add for fractions of notes not presented or destroyed	13,586		13,586	11,561	10,800
Totals	335,134,504	347,681,016	682,815,520	667,333,137	671,372,882
Deduct for legal-tender notes destroyed in Chicago fire		1,000,000	1,000,000	1,000,000	
Totals	335,134,504	346,681,016	681,815,520	666,333,137	670,372,882

I think we had better "let well enough alone" and have no legislation upon the currency or the coinage question this year.

I move that the petition be referred to the Committee on Finance. The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (S. No. 1109) for the relief of Anthony Lawson, submitted an adverse report thereon; which was ordered to be printed.

Mr. JOHNSTON. I ask that that bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. No. 627) for the relief of workmen employed in the construction of Poverty Island light-house, Lake Michigan, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. CAMERON, of Pennsylvania. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (S. No. 201) for the relief of Somerville Nicholson, to report it with an amendment, and submit a report thereon. I move that the report and the evidence before the court-martial, including the statement of Captain Nicholson, be printed.

The motion was agreed to.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 1322) for the relief of Thomas J. League, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HARRIS, from the Committee on Claims, to whom was referred the bill (S. No. 814) for the relief of Henry M. Shreve, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. GROOME, from the Committee on Claims, to whom was re-

ferred the bill (S. No. 896) for the relief of Cyprian T. Jenkins, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. DAVIS, of Illinois, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1493) defining the duties of reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distributing of said reports, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. DAVIS, of Illinois. The Committee on the Judiciary have instructed me to report back the concurrent resolution of the General Assembly of Missouri instructing her Senators and Representatives to secure certain legislation relative to the copyright of the reports of the decisions of the Supreme Court of the United States. The resolution was referred to the Committee on the Judiciary, and im- providently referred, because it is nothing but an instruction to the Senators and Representatives from that State upon certain subjects therein embraced. The Senate has taken action upon two or three resolutions of a similar character. The committee therefore ask to be discharged from the further consideration of the resolution, and that it lie on the table.

The VICE-PRESIDENT. The resolution will lie upon the table.

Mr. THURMAN, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3989) to remove the political disabilities of William B. Taliaferro, of Virginia, reported it without amendment.

Mr. McPHERSON. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (H. R. No. 237) directing the Secretary of the Navy to organize a board to inquire into the present condition of the double-turreted monitors and the propriety and cost of completing the same, to report it with an amendment. I wish to say in connection with this report that it relates to a matter which it is exceedingly important shall be acted upon quickly in.

order to enable us to make an appropriation for the purpose if the joint resolution shall pass at the present session of Congress. I shall ask the Senate to consider the joint resolution on Friday morning.

The VICE-PRESIDENT. At what time?

Mr. McPHERSON. During the morning hour.

REPORT ON SHEEP HUSBANDRY.

Mr. ANTHONY. The Committee on Printing, to which was referred the joint resolution (H. R. No. 68) to authorize the printing of 13,000 copies of the Report on Sheep Husbandry, have instructed me to report back the same favorably, without amendment, and to ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1528) granting an increase of pension to Allen Buckner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1529) to provide for the payment of bounty to certain discharged soldiers of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALLISON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1530) for the relief of the heirs or legal representatives of Samuel H. Moer; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1531) granting a pension to Mary and Annie Plunkett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. JOHNSTON submitted an amendment intended to be proposed by him to the bill (H. R. No. 5256) to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ASSISTANT SENATE LIBRARIAN.

The VICE-PRESIDENT. Concurrent and other resolutions are now in order.

Mr. HILL, of Georgia. I ask the Senate to take up and dispose of a resolution which I offered some time ago to authorize the appointment of an assistant librarian for the Senate.

The VICE-PRESIDENT. The Secretary will report the resolution called for by the Senator from Georgia.

The Chief Clerk read the following resolution, reported by Mr. HILL, of Georgia, from the Committee to Audit and Control the Contingent Expenses of the Senate, on the 9th instant:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to appoint an assistant librarian for the Senate, at a salary of \$1,440 per annum, payable monthly, being the same amount of salary paid to assistant librarians of the House of Representatives.

Mr. COCKRELL. Does that resolution come within the provisions of the Anthony rule?

The VICE-PRESIDENT. It does not. It is in the morning hour, however.

Mr. COCKRELL. I object to it.

Mr. HILL, of Georgia. Can one objection carry it over?

Mr. ALLISON. The Anthony rule does not operate in regard to it.

The VICE-PRESIDENT. It does not require unanimous consent. The resolution is before the Senate.

Mr. HILL, of Georgia. I desire to have read at the Secretary's desk a letter from the Secretary of the Senate on the subject of the resolution.

The VICE-PRESIDENT. The letter will be reported.

Mr. CONKLING. Mr. President, may I inquire, for information, the morning business being concluded, does not the Anthony rule operate?

The VICE-PRESIDENT. It does. The Chair has called the order of "concurrent and other resolutions."

Mr. CONKLING. Was this resolution introduced this morning?

The VICE-PRESIDENT. It was not; it was submitted several days since.

Mr. COCKRELL. Does it then come within the rule?

The VICE-PRESIDENT. It comes under the head of "concurrent and other resolutions."

Mr. FERRY. Is not the resolution on the Calendar?

Mr. COCKRELL. It is on the Calendar, having been reported several weeks since, and it is like any other business that has been reported and placed on the Calendar. I insist on my objection.

Mr. CONKLING. I suppose the order of "concurrent and other resolutions" to be for the introduction of concurrent and other resolutions.

Mr. HILL, of Georgia. I hope the Senate will dispose of the resolution this morning. It will take but a few moments. There is no use of its lying here undisposed of.

The VICE-PRESIDENT. The Chair thinks the consideration of the resolution is strictly in order.

Mr. HILL, of Georgia. I ask that the letter of the Secretary of the Senate be read.

The Chief Clerk read as follows:

OFFICE OF SECRETARY OF THE UNITED STATES SENATE,
Washington, February 25, 1880.

SIR: I respectfully submit for the consideration of your committee the propriety of an increase of the force in the library of the Senate by the appointment of an assistant librarian. The force now employed there consists of the librarian and a laborer. In the event of the absence of the librarian, from sickness of himself or the dangerous illness of any member of his family, the library is necessarily left in the sole charge of the laborer, whose duty it is to attend to the menial services of that department.

The business of the library is constantly increasing, and the duties of the librarian becoming more laborious and important by the enlargement of the number of its volumes and the greater demand upon its shelves by Senators. When a call is made for a book it is when there is immediate use for it, hence the prompt attention is required by one familiar with the location of the different volumes. This is especially the case in the midst of the discussion of important questions.

Respectfully,

JOHN C. BURCH,
Secretary United States Senate.

Hon. B. H. HILL,
Chairman of the Committee to Audit and Control
the Contingent Expenses of the Senate.

Mr. HILL, of Georgia. I will state to the Senate that the matter was before the Committee on Contingent Expenses, every member of which is very much opposed to increasing the force unless where it is absolutely necessary. No man is more opposed to an increase of force than I am, but after fully considering the matter we thought this addition ought to be made. The House of Representatives has a librarian, two assistant librarians, and two messengers. The Senate has but one librarian and a laborer.

A SENATOR, (in his seat.) And he a colored man.

Mr. HILL, of Georgia. And he a colored man. That is all. There is but one white man in the Library of the Senate. It sometimes happens that it is indispensable that there should be an assistant there. The Secretary of the Senate says that it is absolutely needed; and I think if the House has a librarian, two assistant librarians, and two messengers, making five in its library, the Senate librarian ought to have at least one assistant. The Secretary says, moreover, that the business is constantly increasing and accumulating. Although we were very much opposed to increasing the force, the committee finally concluded unanimously that this resolution ought to pass. I reported it not of my own motion, but by the instruction of the committee.

Mr. COCKRELL. Will the Senator permit me to ask him a question?

Mr. HILL, of Georgia. Yes, sir.

Mr. COCKRELL. How long has the present force been doing duty in the Library?

Mr. HILL, of Georgia. I really do not know; but I have received information from the Secretary of the Senate that the business has increased very much, and that it has become important to have an assistant. The country has been growing, the business of Congress has been increasing, as the Senator knows. It has become necessary to increase the force of every department of the Government. Business has increased in all the Departments. The Senator's idea would prevent any increase of force, clerical or otherwise, at any time.

We are just as much opposed to increasing the force as my friend from Missouri; but we are informed by the proper officer of the Senate that it is absolutely necessary in this case, and the committee have fully considered it and concluded that it is necessary. We have put the salary at the very lowest rate, that of a messenger, it being only \$1,440. I submit the matter to the Senate and abide their judgment. I ask a vote upon the resolution.

Mr. EDMUNDS. I do not think that what may be the practice of the House of Representatives throws a great deal of light upon this topic. It is just possible that the House of Representatives, having come down from a corrupt republican administration, as it is sometimes called, found itself with a large excess, an unnecessary number, of officers about the library; and then it might be said—although that would not be respectful, and so I will not say it—that it would require more librarians in the lower branch of Congress than in the upper one for a great many reasons; so I think we may dismiss any comparison between the House and the Senate, because there is not any common test.

Now, how does this matter stand? Down to the 4th of March, 1879, about a year ago, when the books were about as numerous as they are now, there was no difficulty with the librarian that the Senate then had in getting a book that was there on a moment's notice. The books were so systematized, and classified, and arranged, and catalogued, and indexed, and all means of instant reference to books and documents were so perfect, that the thing went on without the slightest difficulty that ever I heard of. If other gentlemen were unfortunate in getting books or documents that they wanted, I was not, and I of course had very frequent occasion to send for them.

This I suppose is one of the fruits, speaking seriously, of the change of experienced and valuable officers of this body, depending upon political considerations. Without any disrespect to the present gentleman in charge there, no matter how accomplished and intelligent he may be, no matter how fit he may be to be a Senator, or a judge, or a governor, or whatever may be the greatest and best office in the country, it was not to be expected that until after some years, when he gets the run of the thing, he could do as well as his predecessor,

all other things being equal. That is perfectly true; and so I am not blaming him; but it is one of the consequences, if this thing is necessary at all, of departing from the time-honored usage of the Senate about such matters. Of course those who dance must pay the fiddler; but how much it will add to the advantage of Senators to have two new men instead of one, I do not quite know.

I do not think myself that there will be any great difficulty now (except the intrinsic one that I have spoken of and that adding one more will not help an atom) in getting books. If the librarian comes to his place at nine o'clock in the morning, as some Senators are obliged to do, to attend to his business, in a little while he can get so accustomed to the arrangement and knowledge of where the books are that he will get on famously; but if the office is to be considered as a kind of honorable sinecure, or one that is only to be visited from twelve o'clock, when the session of the Senate begins, down to four o'clock, when it adjourns, and then the gentleman in charge understands that his work is done and that he has no other duty or responsibility until to-morrow at twelve o'clock, then it will not get on very well. But how adding another man, which was never found necessary before when everything went well only a year ago, comes now to be suddenly necessary, I confess I cannot understand. The increase of books has not been great in the last year plainly.

That is all I wish to say. Of course I do not expect to prevent the passage of this unnecessary resolution, as I think it is. It having been reported by a responsible committee, undoubtedly a majority of the Senate will agree to it. I only wished to put in my humble objection to this method of increasing the force of the Senate.

Several Senators addressed the Chair.

The VICE-PRESIDENT. Before proceeding further with this matter the Chair would like to have the point of order involved in it settled by the Senate, as the question is liable to arise any morning. The Chair never supposed that the Anthony rule overruled the eighth standing rule of the Senate, which provides that—

If any portion of the morning hour shall remain after the call for resolutions, the presiding officer shall lay before the Senate in their order resolutions and concurrent resolutions introduced on any prior day, and the same may be proceeded with, but not beyond the expiration of the morning hour, unless by the unanimous consent of the Senate.

What is known as the Anthony rule provides:

That at the conclusion of the morning business for each day the Senate will proceed, &c.—

Terminating in these words:

And this order shall commence immediately after the call for concurrent and other resolutions, and shall take precedence of the unfinished business and other special orders.

If the construction to be placed upon this were that immediately after the call simply for the presentation of concurrent and other resolutions the Anthony rule attaches, then there will never be any time whatever for the consideration of the Calendar of concurrent and other resolutions; it can never be considered except by unanimous consent. The Chair supposes that the rules should be construed together, that they may operate harmoniously, and that the standing rule of the Senate should stand, leaving the resolution of the Senate known as the Anthony rule to operate in subordination to it.

Mr. COCKRELL. Then would it not be the duty of the Chair to call the resolutions in their order upon the Calendar, and not have them taken up on the suggestion of Senators?

The VICE-PRESIDENT. It would be if the point were made, as a matter of course. That point never has been insisted upon. If any Senator makes that point the resolutions must be called in their order.

Mr. CONKLING. I had supposed that the one rule meant that concurrent and other resolutions were to be called as petitions and memorials are called, the rule there referring to the introduction of concurrent and other resolutions. Then I had supposed that a resolution lying on the table the Senate might proceed to consider, before entering upon business under the Anthony rule, by a motion, if a majority of the Senate should so decide. But the Senator from Georgia called for this resolution, and then without a vote of the Senate it was deemed in order. It was only to that point that I ventured to make my suggestion. I supposed that if "concurrent and other resolutions" which have lain over are called for at any stage, they should be taken up in their order, being on the Calendar; and I did not suppose that it was within the power of the Senator from Georgia, or any other Senator, to rise and call up, merely upon his individual statement, a resolution which had lain over, and make it in order by that process.

Mr. ANTHONY and Mr. HILL, of Georgia, addressed the Chair.

The VICE-PRESIDENT. The Chair would like to have the views of Senators upon this question and have the practice settled, as this question may arise any morning.

Mr. ANTHONY. It seems to me that if the special rule does not override the standing rule, it is inoperative altogether, because by the standing rule the unfinished business has to come up at one o'clock. The special rule provides that "this order shall commence immediately after the call for concurrent and other resolutions, and shall take precedence of the unfinished business and other special orders." It certainly overrides the standing rule in taking precedence of the unfinished business. This is merely a temporary order to last only until the Calendar is concluded. I do not know but that resolutions

could be called up in their order under this rule. It provides for the consideration of the Calendar, and the resolutions are upon the Calendar. I do not see that the resolutions might not be properly called up before the bills. Although of course the special rule should be construed in harmony with the standing rules, yet when there is a direct contradiction between them it seems to me that the latest expression of the will of the Senate should prevail. I make this suggestion with great respect to the Chair.

The VICE-PRESIDENT. Will the Senator permit the Chair to inquire of him then, when may the Calendar of concurrent and other resolutions be considered?

Mr. ANTHONY. I say I do not see why the resolutions should not commence the call when this order prevails; but at all events, if they do not as has not been the habit, when the Calendar is completed then this rule ceases to operate, and we go back upon the old rule.

The VICE-PRESIDENT. What is known as the Anthony rule relates only to bills, and does not affect resolutions at all.

Mr. FERRY. If the Senator from Rhode Island will allow me, I will suggest that the Calendar would be reached after the morning hour expires, in the absence of a special order or unfinished business, so that there would be no prohibition to going to bills and resolutions on the Calendar; the special rule would simply apply for the morning hour. It strikes me, with due deference to the ruling of the Chair, that as the Anthony rule has been adopted to facilitate business, it overrides any rule that is in conflict with it; otherwise there is no force to the rule.

The VICE-PRESIDENT. The Chair will submit the question to the Senate in this form: Does what is known as the Anthony rule supersede that part of the eighth standing rule of the Senate which provides that—

If any portion of the morning hour shall remain after the call for resolutions, the presiding officer shall lay before the Senate, in their order, resolutions and concurrent resolutions introduced on any prior day.

As many as favor that proposition will say "ay;" those opposed "no," [putting the question.] The ayes have it.

Mr. CONKLING. Then the resolution is not before the Senate.

Mr. HILL, of Georgia. Do I understand that the resolution is now before the Senate?

The VICE-PRESIDENT. Under the expression of the Senate the Chair would rule not.

Mr. HILL, of Georgia. Then I move to postpone the Calendar and take up the resolution. Let us dispose of it.

The VICE-PRESIDENT. The Senator from Georgia moves to postpone the pending and prior orders for the purpose indicated by him. First, will the Senate postpone the pending orders?

Mr. ANTHONY. Can that be done by a majority vote?

The VICE-PRESIDENT. The Chair thinks that it may.

The question being put, there were on a division—ayes 24, noes 13; no quorum voting.

Mr. DAVIS, of West Virginia. There is evidently a quorum present.

Mr. INGALLS. Let us have another division.

Mr. DAVIS, of West Virginia. It is hardly worth while to call the yeas and nays; that would take time. I think if the Chair will take another division there will be a quorum voting.

The VICE-PRESIDENT. The Chair will put the question again on the motion of the Senator from Georgia.

The question being again put, there were on a division—ayes 30, noes 15.

The VICE-PRESIDENT. Prior orders are postponed. The Senator from Georgia now moves that the Senate proceed to the consideration of the resolution which has been read.

The motion was agreed to; and the Senate resumed the consideration of the resolution reported by Mr. HILL, of Georgia, from the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. DAVIS, of West Virginia. Mr. President, it is a fact that for a number of years previous to this session and probably during this session the number of employés of the Senate has been increased gradually. When you compare 1860 with the present time, I think the employés are now about double what they were in 1860. At this session there has been some increase, the Senate knows why. I believe the only increase that has taken place during this session has been to accommodate our friends on the opposite side of the Chamber.

So far as the Contingent Expenses Committee, of which I am a member, is concerned, I believe that not a single appointment has been recommended by that committee other than this one at this session; indeed the number of employés of the Senate as a whole has been to some extent reduced by the action of the committee and the concurrence of the Sergeant-at-Arms.

In this particular case, after considering the subject pretty thoroughly and looking into it closely, the Committee on Contingent Expenses came to the conclusion that this assistant librarian ought to be appointed for this reason especially: If the librarian is sick or out of his place from any cause whatever, there is no one to take charge of the library except a colored messenger, who is a very good man I have no doubt. It does not make any difference whether he is a colored man or a white man; but there is only a messenger there; and if from any cause whatever the librarian has to be away, from sickness or otherwise, there is no one in the library who has charge

of the books or who can give a book or send a book to any Senator who asks for it. When the question was considered it was believed by the Committee on Contingent Expenses that it was absolutely necessary in this case, though we hope to be able at the end of the session, when things are perfected that are now thought of by the Sergeant-at-Arms and the Secretary, to decrease the gross number of employes. I believe such will be the result.

Mr. CONKLING. Mr. President, the Senator from Georgia who reported this resolution remarked that there was but one white man about the library, and then he said something about a black man or black men—

Mr. HILL, of Georgia. Allow me, I said nothing about a white man or black man. I do not think those words were used by me. I said there was one librarian who had no assistant but one laborer. Somebody in his seat said, "and he a colored man," of course to show, I supposed, the difference between the condition of the Senate and the House. I do not suppose the gentleman who made that suggestion to me wanted to raise the question of white or black in this connection. I am sure I did not.

Mr. CONKLING. The Senator from Georgia does not surprise me, I overheard that he does surprise another Senator, by rising here and declaring that he did not say anything about a white man or black man. I have no doubt that the Senator is sincere in his denial; and yet the whole Senate heard him, if it listened, state that there was one librarian and a laborer who was a black man, that there was only one white man in the library. That the Senator said; and I will refer him to the RECORD when it comes to be printed.

Mr. HILL, of Georgia. I will say to the Senator that when I was making my remarks I did not know whether the laborer was a white man or a black man, a colored man, or what, but I remarked that there was but one officer there and he was the librarian and that there was one laborer. Somebody remarked "and he a colored man." I may have repeated it and I may have said there was then a white man because for the first time I had that information. Why the Senator from New York should desire to make the point, I do not know. I can only say that when I reported the resolution I did not know the color of anybody connected with the library.

Mr. CONKLING. It is just possible that if the Senator from Georgia will allow the Senator who has the floor to make the remark he rose to make, he will find out the point. And as to what the Senator said, I refer him to the RECORD; I do not want to have any question of recollection with the Senator from Georgia.

I rose to say that before the 4th of March, 1879, when this Senate library was managed as has been I think truly stated by the Senator from Vermont, there was a colored man in the library who was soon afterward displaced. He was a black man, rather unusually black. I knew him well and know him well now. He was a thoroughly intelligent man, and the Senate lost nothing from his color, in respect of his service. He knew where the books were to be found and could produce them promptly when called for. He was displaced; and whatever may be the color of those who have come since, I take occasion to say not only that while this man was there the library of the Senate was diligently and sufficiently administered, but that this man was remarkably intelligent, faithful, and prompt in his ministrations.

Mr. EDMUNDS. I shall call for the yeas and nays on the adoption of this resolution.

Mr. COCKRELL. I desire simply to say that the reasons given for this increase of force are not to my mind at all satisfactory. I do not believe that it is the duty of the Government, of the tax-payers of the country, to provide in advance a man to wait in the library of the Senate to do duty there in the event of the sickness or the absence of the librarian, or in the event that some member of his family should be sick and he should be called away. "Sufficient unto the day is the evil thereof." I do not think there is any sufficient justification for this increase.

The VICE-PRESIDENT. The resolution having been twice read, is before the Senate as in Committee of the Whole.

The resolution was reported to the Senate without amendment.

Mr. HOAR. Mr. President, if this resolution is to pass, I move to amend it by inserting after the words "assistant librarian" the words "who shall attend upon the floor of the Senate during its legislative sessions as directed by the Library Committee of the Senate."

The Senate ought to have a small collection of books—certainly the RECORD and the Globe, the debates of the Senate and the House, and the Journals of the Senate and House—present upon the floor, with the constant attendance during the ordinary legislative sessions of the Senate of a person who is skillful enough to find any subject or matter or speech which is required to be referred to in the course of debate. Any member of the Senate who has been a member of the other House will agree that that arrangement in the House is one of the most convenient things for facilitating the business done there which is provided. There is a little library containing some four or five hundred volumes only, but containing a set of the congressional debates and journals and the reports of the Supreme Court of the United States, which can be reached at half a minute's notice if any member of the House during his speech desires to refer to any such thing. To get the same convenience here we have to send by a page to the Senate library, somewhere in the inaccessible recesses of the upper story.

The VICE-PRESIDENT. Will the Senator repeat his amendment? Mr. HILL, of Georgia. I suggest to the Senator from Massachusetts on reflection that he ought not to offer that amendment. The object we have in having an assistant librarian will be largely defeated by it, I fear.

Mr. HOAR. The Senator does not observe that my amendment gives the Library Committee of the Senate the power to direct this to be done as they shall deem the convenience of the Senate requires. It does not make an absolute obligation for this person always to be here. My amendment is "who shall attend upon the floor of the Senate during its legislative sessions as directed by the Library Committee of the Senate."

Mr. DAVIS, of West Virginia. Say "if directed."

Mr. HILL, of Georgia. Or "when directed." I will say to the Senator from Massachusetts that there is a resolution now which has been referred to the Committee to Audit and Control the Contingent Expenses of the Senate, upon which we have not acted, the very purpose of which is to accomplish what he proposes, and more. It is to supply to the Senate an officer, similar to the one well known in the House, who is said to be very useful there. We have not yet acted upon that resolution, there is such an aversion to increasing the force.

Mr. HOAR. What is this man to do? The only statement I have heard of any duty or any necessity for this additional employe is that an officer who has charge of the library and who has messengers now, at least one, under his control, should have some skillful person there if his family happen to be sick or he happens to be sick himself—

Mr. HILL, of Georgia. I cannot hear the Senator very well.

Mr. HOAR. The only suggestion of a duty for this officer which has been made in my hearing—I did not hear all that the Senator from Georgia said—is that the present librarian may have, if he happens to be sick hereafter or his family happen to be sick, somebody to do his duties in his absence. What this man is to do when the present librarian of the Senate is attending to his duties, as he is presumed to be most of the time, has not been suggested.

Mr. HILL, of Georgia. The necessities for this officer were laid before the committee in a letter from the Secretary of the Senate in which he stated that if on account of sickness of the librarian or sickness in his family or from any cause he was required to be absent, the business is now stopped.

Mr. HOAR. What is this man to do if the librarian or his family are not sick?

Mr. HILL, of Georgia. He is to aid the librarian. He is to be assistant librarian.

Mr. HOAR. Has the librarian any need of such an officer when he is there himself?

Mr. HILL, of Georgia. We have stated that he does need him, I was going on to say, not only when the librarian is absent, but the Secretary states that the volume of business of the Senate and of the library has so increased that this assistant is necessary often even when the librarian himself is there, and is needed in the library.

Now, I say to the Senator that we are considering in committee the very measure he proposes to accomplish by his amendment to this resolution, and I would prefer that he should not encumber this resolution with it. This officer is declared by the Secretary of the Senate to be necessary in the library, not only when the librarian is not there—for when the librarian is not there his presence is indispensable—but when the librarian is there he frequently needs this assistant, and it is important that he should be in the library. I trust therefore that the Senator from Massachusetts will not press the amendment. I think it can be reached in another way.

Mr. DAWES. The need of some such arrangement as is suggested by my colleague, I think, is so apparent that there cannot be any opposition to it when it is called to the attention of those Senators who have not experienced the convenience of the arrangement the other House has. I hope that some arrangement by the Committee on Public Buildings and Grounds will be made for just such a sub-library as is suggested, and that is one reason for the appointment of this man.

I shall vote for this resolution, hoping that it will lead to such a result as has been suggested by my colleague. Even if it were not brought about by that means, still it will contribute very much to relieve us from the difficulty we experience in sending for the books and documents we need. While we have been debating this resolution two pages have come in with half a cart-load of reports that would be within reach of us if my colleague's idea were carried out, so that any Senator could go and get the particular book he wanted without any such trouble as that which I have witnessed while we have been debating this very resolution. All of that would have been saved; and an assistant librarian, such as they have in the House, is just what is needed for that purpose.

Mr. HOAR. Mr. President, I shall adhere to my amendment, which simply authorizes the Library Committee, a committee composed of Senators, to direct this officer to be in attendance here, if they see fit. I do not think it is any answer to the obvious reasonableness and propriety of that suggestion to say that the Secretary of the Senate thinks this man may be wanted up-stairs when the family of the principal librarian are sick or when he is sick himself. In such a case the application would be made to the Library Committee, and they would relieve the man from his attendance.

Mr. MORRILL. Mr. President, it is obvious that this amendment

of the Senator from Massachusetts cannot be of any practical value until we can have some room to store the library for which this assistant librarian is to be authorized.

Mr. HOAR. If the Senator from Vermont will pardon me—

Mr. MORRILL. Allow me to finish what I have to say. I desire to say that until the number of committees of this body shall be largely reduced, there is not any other room but the Marble Room where this library could be accommodated. The special and other committees of this body have been so multiplied that it is impossible now to furnish all with committee-rooms, and I know of no place, unless it is the Marble Room, where this library could be put.

Mr. DAWES. I should like to ask my friend from Vermont, my colleague upon the Committee on Public Buildings and Grounds, if there is not precisely the same relative room in the Senate that there is in the House, exactly the same place to put it here that there is to put it in the House, where it is accessible to every member, and during any debate there any member goes in while any one is speaking and finds the book he wants and brings it out himself.

Mr. MORRILL. Of course if you choose to curtail the amount of lobby and ante-rooms, a library of these books could be placed in one of the ante-rooms; but until that is done I do not see that there is any practical use for this assistant librarian. Certainly he could not move from this Chamber to the present library with any more expedition than one of our pages. I shall therefore vote against the whole proposition.

Mr. HOAR. Such a collection of books as I suggest will be amply accommodated at the end of either of the cloak rooms against the wall which separates them from the main entrance to the Senate Chamber. It is only a few shelves that are necessary for that purpose; there is plenty of room. Putting up shelves of eight or ten inches in depth will answer the purpose; and the object of having a librarian present is that he may receive personal directions from Senators who desire to have a particular passage in a debate found promptly instead of having to be communicated with by a page.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Massachusetts, [Mr. HOAR.]

The amendment was agreed to.

Mr. EDMUNDS. Now let us hear the resolution as amended.

The VICE-PRESIDENT. It will be read as amended.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to appoint an assistant librarian for the Senate, who shall attend upon the floor of the Senate during its legislative sessions as directed by the Committee on the Library, at a salary of \$1,440 per annum, payable monthly, being the same amount of salary paid to assistant librarians of the House of Representatives.

Mr. KERNAN. I cannot concur in voting for this additional officer, and I simply want to state in one word why. In my judgment a librarian, with an intelligent man to aid him, is all that is necessary. With this force we have got along heretofore, and I think we can hereafter.

Mr. CARPENTER. I move to amend the resolution by striking out the words "being the same amount of salary paid to assistant librarians of the House of Representatives." I do not want it to appear that we are doing this because the House have done it.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Wisconsin.

Mr. HILL, of Georgia. I have no objection to striking that out. The amendment was agreed to.

The VICE-PRESIDENT. Shall the resolution be engrossed and read a third time?

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 31, nays 22; as follows:

YEAS—31.

Allison,	Davis of Illinois,	Ingalls,	Randolph,
Bailey,	Davis of W. Va.,	Jonas,	Ransom,
Bayard,	Dawes,	Jones of Florida,	Slater,
Burnside,	Farley,	Kellogg,	Vance,
Butler,	Hampton,	Lamar,	Walker,
Call,	Harris,	McDonald,	Williams,
Cameron of Wis.,	Hereford,	McPherson,	Withers.
Coke,	Hill of Georgia,	Pryor,	

NAYS—22.

Beck,	Ferry,	Maxey,	Vest,
Booth,	Garland,	Morrill,	Wallace,
Carpenter,	Hamlin,	Platt,	Whyte,
Cockrell,	Kernan,	Rollins,	Windom.
Conkling,	Kirkwood,	Saunders,	
Edmunds,	McMillan,	Teller.	

ABSENT—23.

Anthony,	Eaton,	Johnston,	Plumb,
Baldwin,	Gordon,	Jones of Nevada,	Saulsbury,
Blaine,	Groome,	Logan,	Sharon,
Blair,	Grover,	Morgan,	Thurman,
Bruce,	Hill of Colorado,	Paddock,	Voorhees.
Cameron of Pa.,	Hoar,	Pendleton,	

So the resolution was ordered to be engrossed and read a third time. The resolution was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 1153) to restore to

the public domain a part of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes.

The message also announced that the House had passed the bill (S. No. 1229) to authorize and direct the Commissioner of Agriculture to attend, in person or by deputy, the international sheep and wool show, to be held in the Centennial buildings, Fairmount Park, Philadelphia, in September, A. D. 1880, and to make a full and complete report of the same, and for other purposes.

NATIONAL EDUCATIONAL ASSOCIATION.

The VICE-PRESIDENT. The Secretary will now proceed with the call of the Calendar of General Orders under the standing order of the day.

The bill (S. No. 1282) to incorporate the National Educational Association was announced as being first in order upon the Calendar, and its consideration was resumed.

The VICE-PRESIDENT. The question is, Shall this bill be engrossed for a third reading?

Mr. COCKRELL. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CARPENTER. Mr. President—

Mr. BAYARD. I should like to have the bill as amended read before we vote. I have been absent during the course of the debate.

The VICE-PRESIDENT. The bill as amended will be reported, and then the Chair will recognize the Senator from Wisconsin.

The Chief Clerk read the bill as amended.

Mr. CARPENTER. Mr. President, if there is any subject over which Congress ought to be careful in its legislation, it is in creating corporations. Of all the corporations proposed to be created, so far as I know or ever heard of, I think the one authorized by this bill is the most remarkable.

The first section names a great many persons and says they shall be a corporation, with a certain name, "in the District of Columbia, for the purpose of collecting and diffusing information in regard to education in the United States, and for no other purpose." There is no doubt that Congress has full power, under that clause of the Constitution which gives it exclusive legislation over the District of Columbia, to do anything it pleases to promote education in this District. It has the same power that a State Legislature has over the same subject in the State. But the bill shows upon its face that the location of the corporation is put in the District of Columbia for a blind, and that the purpose of the corporation is to carry on a business not connected with the District of Columbia, and so the encroachment on the Constitution is the more dangerous because it is dishonest. If it were proposed by Congress to establish a corporation of the United States to attend to education in New York, Massachusetts, or any other State, I presume every one would concede that it was unconstitutional. No matter how important the subject of education may be, it is not a subject committed to this Government, and unless committed by express words or by reasonable implication we have no control over it, we have no right to further it, to hinder it, or to do anything whatever in regard to it. To establish a corporation, therefore, which is to take charge of or do anything whatever in connection with education in the States, is entirely beyond our jurisdiction.

Nor does it make any difference that the corporation is located, or, as a lawyer might say, that it has its *habitat*, in the District of Columbia, if its purpose and object is one not given to us by the Constitution. If this read "for the purpose of collecting and diffusing information in regard to education in the District of Columbia," no matter what might be said in regard to other provisions of the bill, it would be clearly within our power, so far as that is a subject of legislation.

Mr. BLAINE. The honorable Senator does not pretend that that was the construction given to the Constitution by its own framers?

Mr. CARPENTER. I do not pretend anything about it; I assert that it was and is the construction given to it by all good lawyers.

Mr. BLAINE. On what ground, then, did General Washington recommend the establishment of a national university for the diffusion of education and knowledge?

Mr. CARPENTER. I do not know that the framers of the Constitution had anything to do with that recommendation of General Washington.

Mr. BLAINE. He was one of the framers, a pretty large framer. He had a pretty large hand in it, and he was surrounded by the men who framed it—

Mr. CARPENTER. I will get through in a moment, if you please, and then give you the floor.

Mr. BLAINE. I do not want it.

Mr. CARPENTER. I would rather the Senator would make his speech on his own account than on mine.

The purpose of this bill is set out in the bill itself. It is "to collect and diffuse information in regard to education," not in the District of Columbia, but in the United States. Now, precisely what is meant by "collecting and diffusing information in regard to education," I do not understand. These corporations are not to educate anybody; they are not to educate pupils; they are not to educate teachers. They are "to collect and diffuse information in regard to education." The only question which I should suppose was fairly committed to this corporation under that provision—and a very im-

portant, though not very difficult question—is: Is education a good thing to have? That would be “information in regard to education.” It would not educate anybody, because everybody knows that much already.

The second section is that they may hold real estate in the District of Columbia. Why is that restriction that they shall hold real estate in the District of Columbia? If we have power to establish a national college, a national university, why restrict them to property in the District of Columbia? Is it not apparent from the very phraseology of this bill that it is an attempt on the part of its friends to crowd upon the Constitution, to pretend to locate the corporation in the District of Columbia and to give it jurisdiction and powers throughout the United States and that on a subject not committed to the Federal Government?

If it were in regard to commerce or in regard to any other Federal subject, there would be no objection; but the subject of education is as much excluded from the powers of Congress as the subject of religion. One is expressly excluded, and the other is excluded by the tenth amendment to the Constitution which says we shall have no powers except those which are granted by the instrument; and when you pass an act looking to education in the States you have no warrant for it except to say that it will be useful to do it. Well, if Congress has power to pass any law which it believes would be useful in its operations to the people of the United States, there is an end of the question and there is an end of the restrictions which the Constitution places upon our power.

The third section provides “that twenty-five members of the National Educational Association shall constitute a quorum for the transaction of business.” The second section provides that they may make their own constitution, by-laws, &c. The only specific duty imposed upon this corporation is enough to make a practical man stagger:

And whenever called upon by any department of the Government shall investigate and report upon any educational subject.

And considering that nothing that is very valuable is obtained in this world for nothing, as a practical commentary upon this bill, its framers add to this clause the words: “without compensation for such services.” If anybody supposes that this Government is to be enlightened by a corporation which is to do this without pay then, I am satisfied that the millennium has come or is fast coming and will soon come after this bill becomes a law.

Indeed, Mr. President, in every view of it that I can take, the bill in the first place is unconstitutional, totally beyond our power to pass, and in the next place it is a burlesque upon the charter of a corporation.

Mr. HOAR. Will the Senator from Wisconsin allow me to ask him whether the act founding the Smithsonian Institution is unconstitutional?

Mr. CARPENTER. I have not any particular opinion on that subject, never having thought of it or investigated it.

Mr. HOAR. It occurred to me that possibly in forming the opinion he has now expressed the Senator might have considered that question.

Mr. CARPENTER. It is a very easy thing to justify any action that Congress wants to take, if it is a sufficient justification to say that Congress has done such a thing. I do not know where would be the limit of our power if we can first do a thing and then the next day justify doing it because we did it the day before.

As to the constitutionality of the bill in regard to the Smithsonian Institution, I have nothing to say. I have had no connection with that subject; I never thought of it, and never examined it, and have no opinion to express upon it. If I had any, I should give it cheerfully. But as to this bill, which on its very face declares that this corporation, although to be located in the District of Columbia, is for the national interest of education—education throughout the United States—I pronounce it unconstitutional.

The VICE-PRESIDENT. The morning hour has expired. The Senate proceeds to the consideration of the unfinished business.

Mr. MORRILL. I hope the Senate will consent to take the vote upon this bill. I do not desire to discuss it in the least.

The VICE-PRESIDENT. Is there unanimous consent that this bill be further considered at this time?

Mr. WHYTE. Regular order.

The VICE-PRESIDENT. The regular order is demanded, which is the consideration of the unfinished business.

GENEVA AWARD FUND.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award, the pending question being on the amendment submitted by Mr. HOAR on the 17th instant.

Mr. KERNAN. Mr. President, the tribunal of arbitration, under the treaty of Washington, awarded \$15,500,000 as compensation for the liabilities incurred by Great Britain for injuries committed by rebel cruisers. The amount of this award was paid by Great Britain to the Government of the United States. The tribunal decided that Great Britain was in fault, and that by the law of nations she was liable to make compensation for the property of American citizens destroyed by the cruisers Alabama and Florida and their tenders, and the Shenandoah after she left the port of Melbourne.

As is well known, claims to a large amount owned by uninsured parties, whose vessels or merchandise had been captured or destroyed by these cruisers, were presented to and considered and allowed by the tribunal. There is no dispute that these claims constituted a part of the damages awarded; and without serious opposition they have been paid by the United States, out of the money awarded and received, to the uninsured claimants.

The claims of the insurers who had insured vessels and cargoes, which were destroyed by the three cruisers, against war risks, and paid the insurance to the owners, were also presented to the tribunal. These claims were allowed by the tribunal, and made a part of the amount awarded against Great Britain. These insurers have not received anything on account of their claims; and one of the important questions involved in the measure under consideration is whether these insurers of vessels and cargoes destroyed by the three cruisers, who paid the owners as upon a total loss, are entitled to receive the amount they paid out of this money awarded against and paid by Great Britain to the United States Government.

The majority of the committee report in favor of providing for the payment out of this money of the claims of the insurers to the amounts paid by them to the owners on account of the vessels and cargoes destroyed by the three cruisers for which Great Britain was held liable.

I am of the opinion that these insurers stand precisely in the shoes, occupy the position as to the money awarded which the insured owners would have occupied had they not been insured. If this be so, the insurers have a legal right to the payment of their claims out of this fund as clear as that of the uninsured owners who have been paid. I admit they have not a legal remedy to coerce the United States to pay over the money to them, but I insist that they occupy a position which by the rules of law applicable to the facts of the case give them a right to payment of their claims out of the fund before any portion of it is distributed to claimants whose claims were rejected as invalid by the tribunal which made the award.

Sir, I insist that where property insured is damaged, captured, or destroyed, and the insurer pays the insured owner as for a “total loss,” the insurer is by law placed in the exact position he would occupy had the insured owner assigned by the most perfect assignment to him the property and all chances and rights of obtaining remuneration or indemnity for the loss. This is the law in England, and this is the law in this country, and it has been settled by the adjudications in both countries for years.

I beg leave to call the attention of Senators to the decision of the United States Supreme Court in the case of *Comegys vs. Vasse*, found in 1 Peters, page 193. This case was decided in 1828. I will first read the head-note by the reporter:

The law gives to the act of abandonment to underwriters, when accepted, all the effects which the most accurately drawn assignment would accomplish. The underwriter then stands in the place of the insured, and becomes legally entitled to all that can be recovered from destruction.

I know it is claimed that this means only that which can be recovered from the property or the proceeds of the property; but I will show that this court and other courts mean no such thing. Mr. Justice Story, who delivered the opinion in this case, at page 214, says:

By the act of abandonment, the insured renounces and yields up to the underwriter all his right, title, and claims, to what may be saved; and leaves it to him to make the most of it, for his own benefit. The underwriter then stands in the place of the insured, and becomes legally entitled to all that can be rescued from destruction. This is the language of the elementary writers, and is fully borne out by Mr. Marshall and Mr. Park, in their treatises on insurance. (Marshall on Insurance, book 1, article 14; Park on Insurance, chapter 9, pages 238, 279.)

“Where,” says Mr. Marshall, “as in case of capture, the thing insured, and every part of it, is completely gone out of the power of the insured, it is just and proper that he should recover at once, as for a total loss, and leave the *spes recuperandi* to the insurer, who will have the benefit of a recapture, or of any other accident, by which the thing may be recovered.” Mr. Park uses equally strong language; he says “the insured has a right to call upon the underwriter for a total loss, and, of course, to abandon as soon as he hears of such a calamity having happened; his claim to an indemnity not being at all suspended by the chance of a future recovery of part of the property lost; because by the abandonment that chance devolves upon the underwriters.” It is very clear, that neither of these learned writers meant to confine these remarks to cases where the specific property itself, or its proceeds, were restored; for the whole current of their reasoning, in the context, goes to show that whatever may be afterward recovered or received, whether in the course of judicial proceedings or otherwise, as a compensation for the loss, belongs to the underwriters.

I read further what was decided in this case in 1 Peters from the head-note by the reporter:

It is clear, that the right to compensation for damages and injuries, to which citizens of the United States were entitled, and which, under the treaty with Spain, were to be the subjects of compensation, passed by abandonment to the underwriters upon property, which had been seized or captured.

The right to indemnity for an unjust capture, on the sovereign; whether remediable in his own courts, or by his own extraordinary interposition, or grants upon private petition, or upon public negotiation; is a right attached to the ownership of the property itself, and passes by cession to the account of the ultimate sufferer; and is afterward assignable to the person to whom it had been ceded.

The language of the court in its opinion in the case is substantially what is embodied in the head-notes, that every right or chance of indemnity against the loss, whether from the property or its proceeds, or from a foreign government by negotiation, passes to the insurer who paid for the property captured or destroyed. And where, as in the case under consideration, the government of the party injured presented his claim to a foreign government alleged to be in fault for payment, and a tribunal is constituted by the two governments to decide upon the validity of the claim, and it is decided that the claim

is well founded and the amount is paid by the government in default to the government of the party on whose behalf the claim was made, surely that government is legally and morally bound to pay over the money to the party who was the legal owner of the claim collected and on whose account it was paid.

By the act of 1874, Congress decided that the uninsured owners whose property was destroyed by the three cruisers were by law and justice entitled to payment out of this fund. By the same rules the insurers who paid owners of insured property destroyed are as matter of legal right entitled to payment from this fund.

Mr. JONES, of Florida. Does the honorable Senator contend that there is a distinction between the case of a legal and an illegal capture? The case in *1 Peters* was clearly a case of an illegal capture, as I understand.

Mr. KERNAN. That is a very long case; I have read it all through. All I ask of as good a lawyer as my friend from Florida is that he examine that case and the authorities therein cited, and he will be satisfied, I think, that the settled law is that where the citizen of one country by the omission to perform its duty according to the law of nations by a foreign government has suffered a direct loss by the destruction of his property, if his own government does what it rightfully may, calls on the foreign government to indemnify the citizen for the property destroyed and the foreign government responds by payment for the loss to the government of the citizen wronged, the latter or his legal representative is in law and equity the owner and entitled to receive from his government the money that is paid over. It was the right and duty of his government to present his claim. If it does so, and it is allowed and paid, his own government cannot rightfully then say to him, "We will keep this money, or give it to others." No, sir; it should be paid to those, whether uninsured owners of, or insurers who have paid for the property captured or destroyed, on account of whom the money was received from the foreign government.

In the case under consideration the United States Government presented the claim of the insurers who had paid for property destroyed; and also presented the claims of others to a tribunal which by treaty it was stipulated should give a final judgment on all the claims. That tribunal decided that Great Britain was liable for the destruction by these three cruisers of the property of citizens of the United States. The claims of the insurers of property destroyed which they had paid for were presented and proved before the tribunal; the counsel for Great Britain conceded these insurers were by law entitled to indemnity and payment if the owners would have been had they not been insured. The American Government at the same time presented the claims of the war-premium claimants to the tribunal and urged their validity. But the tribunal decided expressly that Great Britain was not liable by the law of nations for these claims, these indirect losses, and "excluded them," in the language of the record, from examination and computation in arriving at the sum awarded. I say it will not do for our Government to receive the money under that award, to take the value of the property destroyed, claimed by and allowed on account of uninsured owners, and claimed by and allowed on account of insurers who had paid for it to the insured owners, and then turn round and say to the insurers "we will not pay any of this money to you, although we have received it on account of and for your claims; but we will give it to war-premium claimants" who were held by the tribunal to have no valid claim against Great Britain, and on account of whose claims not a penny was included in the sum awarded and paid to the United States Government.

Of course every lawyer in this country has great respect for the opinion of Chancellor Kent. Chancellor Kent, in the third volume of his *Commentaries*, at page 319, says:

In case of abandonment as for a total loss the insurer stands in the place of the insured and takes the subject to himself with all the chances of recovery and indemnity.

This is from a modern edition, the twelfth. If gentlemen will look at the notes to that edition they will find the cases showing a uniform current of decisions in accordance with this settled rule of law. I also call attention to the statement of the law on this subject by Mr. Webster, a great lawyer. In discussing the very questions which we have under consideration he said:

There is no more universal maxim of law and justice throughout the civilized and commercial world than that an underwriter who has paid a loss on ship or merchandise to the owner is entitled to whatever may be received from the property. His right accrues by the very act of payment. And if the property or its proceeds be afterward recovered, in whole or in part, whether the recovery be from the sea, from captors, or from the justice of foreign states, such recovery is for the benefit of the underwriter.

Now, let it be borne in mind that I do not dispute that there is power in the Government of the United States to say "We will pay this just as we please and to what party we please; we will not give it to the parties whose claims we presented and urged and which were allowed and paid." But I deny that the United States Government can rightfully do this. No gentleman, in my opinion, can examine the case and doubt that the amount of the award was based on an allowance by the tribunal of the claims of the individual owners of property which was uninsured and destroyed by the three cruisers and the claims of the underwriters who had insured property destroyed by these cruisers and paid the owners for it. Therefore I say, no matter whether the insurers could have sued Great Britain or not or whether they had any sort of proceeding against her to enforce payment or

not, the United States Government claimed that she was in fault; that she contributed to these losses by neglecting her duty as a neutral to the United States which were at war with the Confederate States; that she permitted their cruisers to be fitted out in her harbors, and allowed them to go forth upon the ocean to commit these depredations. We claimed that she was liable by the law of nations to satisfy not only the wrongs done the United States as a government by the destruction of its property by these cruisers, but that she was bound to pay the losses which fell upon our citizens by the destruction of their property by these cruisers. Great Britain was bound to do a duty which she did not perform. The tribunal so held as to these three cruisers. But the tribunal allowed no damage and no award of money was made except for what was done by these three cruisers and the tenders of two of them. From 1862-'63 on, our Government assumed the responsibility of sending to the British government the claims for the losses of the uninsured and of the insurers who had paid the losses of their assured. The parties furnished claims for their losses in detail with the necessary evidence. Our Government called upon them to do so that they might be laid before the authorities of Great Britain for settlement and payment prior to the treaty, and before the tribunal after it was constituted for adjudication and payment. The United States Government in presenting these private claims of her citizens and insisting upon their payment was acting in the line of its duty to have justice done to its citizens who could look to it alone to enforce justice in their behalf from Great Britain. If the parties whose private claims were paid by Great Britain to the Government of the United States do not receive the money, they do not get justice. Which government is in fault? Certainly not that of Great Britain.

I hold in my hand a circular issued in 1865 by the Secretary of State of the United States calling upon all citizens who had been injured by the action of foreign governments to present their claims. It says among other things:

It is proper that the interposition of this Government with the foreign government against which the claim is presented should be requested in express terms, to avoid a possible objection to the jurisdiction of a future commission on the ground of the generality of the claim.

The circular gives rules where vessels were destroyed or their cargoes, as to the character of evidence that ought to be furnished. Thereafter, in 1871, the treaty was made under which the Geneva tribunal was organized to settle all the claims public and private, public claims of the United States Government and private claims of individuals. The State Department sent out another circular in 1871 after the treaty was made, quoting a part of the language of the treaty which I will read, that we may see whether we, the United States Government, can rightfully or with honor now turn around upon the parties who did furnish their claims and put them in the hands of the Government to be presented to the tribunal, whether this Government can now, after the claims have been presented and have been adjudicated to be valid claims against Great Britain by the law of nations, and have been included in the amount of the award which has been paid over, say "we will not pay the money to you insurers of property destroyed and paid for by you and whose claims were allowed and paid to us; we will not pay you, you are rich—you made money in your business as insurers;" but we will use the money to pay claims of other parties which Great Britain by the tribunal was held not to be liable for, and which claims the tribunal rejected. I ask the Secretary to read the circular which I send to the desk.

The Chief Clerk read as follows:

DEPARTMENT OF STATE,
Washington, September —, 1871.

SIR: I have to acknowledge the receipt of your letter of the — instant and its inclosures.

In reply, I inclose a copy of the treaty concluded with Great Britain on the 8th of May last and general instructions as to the proof of claims prepared for the use of claimants in the absence of rules by the tribunal which may pass upon the claims.

In the absence of rules and in anticipation of the action of the tribunal, this Department cannot assume to determine what claims it may or may not be proper to prefer under the first eleven articles of the treaty, nor to direct what form or extent of proof will be necessary to establish them, nor the effect of insurance upon the question of right to compensation. It will present to the tribunal at Geneva, to be taken into account in estimating the sum to be paid to the United States, "all" claims growing out of the acts committed by the several vessels which have given rise to the claims generically known as the "Alabama claims," which may be presented to the Department in time to enable it to do so. Persons desiring to lodge claims in the Department for that purpose are requested to do so without delay, in such form and sustained by such proofs as they may be advised or think proper to rest their claims upon, as the time for presenting the case of the United States expires on the 16th day of December next.

I am, sir, very respectfully, your obedient servant,

HAMILTON FISH,
Secretary.

Mr. KERNAN. You will observe that claimants are called upon, invited, notified to present claims to the Secretary of State after this treaty was made. What claims? In the language of the treaty, as quoted in this circular—

All claims growing out of the acts committed by the several vessels which have given rise to the claims generically known as the Alabama claims.

And the Government, in its capacity as the Government of the United States, had received from its citizens the claims of uninsured owners of property destroyed, and of insurers of property destroyed which they had paid for to the owners. How were these claims treated by our Government? As claims that the Government was to exact payment of, and then put the money in the Treasury and not pay it

over to the claimants? No, sir; they were treated as claims which our Government had a right to exact from Great Britain on account of property destroyed by the cruisers, for the benefit of uninsured owners and of insurers who had paid for that which they had insured.

The President of the United States, in his message of December 5, 1870, before the treaty, recommended to Congress that there should be a settlement made with the owners of these claims. His language is:

So that the Government shall have the ownership of the private claims, as well as the responsible control of all the demands against Great Britain.

Our Government had claims in her own right; there were also private claims; and the President, to facilitate negotiations, suggested that the Government should buy the private claims, settle with the owners of them, and get all the claims in its own hands as owner, so that the Government could deal with the government of Great Britain as owner of them all; and yet now it is said, and said with great sincerity I doubt not, that the Government can do with this money just as it pleases. I admit it can as a matter of mere power, for the Government cannot be prosecuted in a court except by its own consent. Congress did not see fit to purchase these claims of the owners. On the contrary, it invited its citizens to send them in that they might be urged for payment by Great Britain. Payment for whom? Payment through the Government to the parties who actually and legally owned the claims.

Now, I ask the attention of Senators to what our agent and counsel did before the tribunal. You will find what I refer to in the first volume of the papers relating to this transaction at Geneva. At the close of the case made for the United States by their counsel, an argument of great clearness and power, at page 185, top-paging, the counsel say—what?

The claims as stated by the American commissioners may be classified as follows:

1. The claims for direct losses growing out of the destruction of vessels and their cargoes by the insurgent cruisers.

That is one class. That would include cases where a United States Government vessel or property was destroyed by the cruisers; also claims by uninsured owners of property destroyed by the cruisers, and also the claims of insurers, underwriters who had paid the owners for their property which had been insured and destroyed by the cruisers.

What were the other classes? Because I wish to show what the tribunal awarded upon and what were the claims rejected and excluded. The other claims presented by the United States to the tribunal were, (I read from the same page above referred to:)

2. The national expenditures in the pursuit of those cruisers.
3. The loss in the transfer of the American commercial marine to the British flag.
4. The enhanced payments of insurance.
5. The prolongation of the war and the addition of a large sum to the cost of the war and the suppression of the rebellion.

The above fourth class covers what are called claims for war premiums—claims of parties who insured their property against the war risks, but whose property was not destroyed or captured by the cruisers.

The representatives of our Government presented these claims. They stated that they furnished the evidence in all its detail of the various claims, and they asked an award in gross or of a round sum; and on what ground did they ask this? Was there any idea suggested that the money which was awarded in the gross sum for the destruction of a vessel was to be put into the Treasury and kept? Not at all; they stated to the tribunal why they made this request. I read from the printed case. They there say that—

They earnestly hope that the tribunal will exercise the power conferred upon it to award a sum in gross to be paid by Great Britain to the United States.

For the treaty provided that the tribunal might, if it held Great Britain liable, award the amount to be paid in gross, or send it to a board of assessors to ascertain and report the amount in detail. Our commissioner asked them earnestly to award a sum in gross to the United States to cover all the claims allowed; and they state the reason. I continue from the printed case:

The injuries of which the United States complain were committed many years since. The original wrongs to the sufferers by the acts of the insurgent cruisers have been increased by the delay in making reparation. It will be unjust to impose further delay and the expense of presenting claims to another tribunal if the evidence which the United States have the honor to present for the consideration of these arbitrators shall prove to be sufficient to enable them to determine what sum in gross would be a just compensation to the United States for the injuries and losses of which they complain.

There were two classes of claims, those which belonged to the Government for the destruction of any property owned by the Government, and also the private claims, where they say the original wrong to the sufferers by the act of the cruisers was enhanced very much by the long delay and that it was a hardship to make them wait any longer.

Mr. JONES, of Florida. Will the Senator allow me a question? I desire to know whether he thinks a citizen of one country can have any claim against another political power, or even against his own sovereign, for a capture of his property on the high seas according to the law of nations?

Mr. KERNAN. My notion is that an act of war gives the citizen no right; but the United States and Great Britain in this whole matter proceeded upon the theory that the latter had committed no act of war against the United States. She would not have conceded that she was a belligerent of ours and paid damages. The whole matter proceeds on the assumption that she was a neutral, that she

neglected certain duties she as a neutral owed us, we being a belligerent engaged in war with others, and that her neglect enabled the other belligerent power to do the act of war for which we could have no reparation by the law of nations from this other belligerent. If my friend, who is able and whom I respect so much, and whose judgment I respect, will look into the arguments before the tribunal he will find that they were all based on duties of England as a neutral and her omission to fulfill them. I am not going to take time to argue with him, but if he will examine he will find that when England and France were at war in the last century England complained that the United States, which was a neutral, did not do its duty, and allowed cruisers to be fitted out and aided in our ports, and to escape and to be used as French cruisers, which preyed on British commerce. She claimed the United States were liable for the damages done by these French cruisers to the property of her citizens, and the treaty of 1794 made provision for ascertaining and paying these damages. This was done. Mr. Adams cites this to the British government in his letters about these claims before the treaty. The claim of Great Britain against the United States in 1794 was not for an act of war, but for our neglect of our duty as a neutral, she being at war with France. The position and claims of the United States out of which the treaty of 1871 arose were the same—Great Britain maintained against the United States in 1794—in each case the party complained of was a neutral and held responsible because she was a neutral.

When interrupted I was proceeding to show how our Government proceeded at Geneva. Ours is an honest, honorable Government, and does not mean to cheat anybody and get money by false pretenses. If you look at volume 7 of the Geneva papers, page 116, you will find we presented "claims on behalf of the Government of the United States." You will find among them claims for indemnity for prolonging the war, claims for loss by the transfer of the American commercial marine to the British flag. You will also find that our representatives made and laid before the tribunal a detailed statement of "expenses incurred by the United States in fitting out vessels to cruise for the Alabama, Florida, and other insurgent cruisers." These were claims made by the United States as a nation.

The tribunal decided that these claims could not be recovered. They were rejected. Our representatives also presented the claims of private parties. In this same volume 7, page 3, we find:

List of the claims filed with the Department of State, growing out of the acts committed by the several vessels, which have given rise to the claims generally known as the Alabama claims.

Then follow to the end of the volume the claims of private parties—of the uninsured owners, of the insurers, and also at page cccxxiii, the "claims for increased war premiums, paid by owners to protect themselves against the capture of their property by the several insurgent cruisers," all presented on behalf of owners with no suggestion to any one that if we got the money the Government would not pay it to the parties in whose name and for the destruction of whose property it had urged this claim and received the award.

So it is plain and clear, I submit, that the United States Government presented these private claims of the uninsured owners and of the insurers who stood exactly where the owners would have stood if they had not been insured for and on behalf of these claimants. They were pressed as such upon the consideration of the tribunal, and not as claims owned by the United States. What did the tribunal hold? The tribunal held that none of the claims except those for direct losses embraced in the first class above mentioned could be allowed, and rejected those embraced in the other four classes. Early, before the tribunal entered upon the investigation of the details of claims, they rejected the third, fourth, and fifth classes, those for the loss of our commerce, for the war premiums, for the enhanced expenses of the war. They did, then, entertain the second class, which was for the national expenses in pursuing the cruisers; but you will find that afterward and before the award was agreed upon or made they excluded the second class entirely as they had the third, fourth, and fifth classes.

The question arose first as to the three following classes of claims presented by the representatives of the United States, namely:

- First, The losses in the transfer of the American commercial marine to the British flag;
- Second, The enhanced payments of insurance; and
- Third, The prolongation of the war and the addition of a large sum to the cost of the war and the suppression of the rebellion.

These are the classes of claims numbered above 3, 4, and 5.

The decision of the tribunal will be found in its proceedings in volume 4, pages 19 and 20, of Papers Relating to the Treaty of Washington. They there state as follows:

This being so, the arbitrators think it right to state that, after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations, and should, upon such principles, be wholly excluded from the consideration of the tribunal in making its award, even if there were no disagreement between the two governments as to the competency of the tribunal to decide thereon.

They excluded the war-premium claims. They did it when our counsel had urged everything they could in their favor. They adjourned over for a day or two; and thereupon, our commissioners having consulted this Government as to what should be done after the tribunal had stated what was their individual and collective

judgment as to the law of nations, that these were not claims that could be allowed. Mr. Bancroft Davis stated as follows, (see same, volume 4, page 21:)

The declaration made by the tribunal, individually and collectively, respecting the claims presented by the United States for the award of the tribunal, for, first, the losses in the transfer of the American commercial marine to the British flag; second, the enhanced payments of insurance; and third, the prolongation of the war and the addition of a large sum to the cost of the war and the suppression of the rebellion, is accepted by the President of the United States as determinative of their judgment upon the important question of public law involved.

The claims for war premiums the tribunal expressly rejected and excluded, and not one penny was given by the award for or on account of any of these claims. Later, and before the award was made, the tribunal announced to the commissioners of the two governments that they had also excluded and rejected the second class of claims, namely, "the national expenditure in the pursuit of these cruisers." That left for them to award only money for the destruction of property owned by the United States or owned by individuals, according to the rules of law.

We laid before the tribunal the claims made by the uninsured owners of property destroyed by the three cruisers and claims by insurers who had paid the insured owners for property destroyed by the three cruisers. What did the counsel of the British government say then before the decision? What did they say to the tribunal in reference to the claims that we are asked now to refuse to pay to the insurers? I will read a single sentence on page 385, volume 2, from the argument of the counsel for Great Britain:

The American insurance companies, who have paid the owners as for a total loss, are, in our opinion, entitled to be subrogated to the rights of the latter, according to the well-known principle that an underwriter who has paid as for a total loss acquires the rights of the assured in respect of the subject-matter of insurance. This principle was explained and acted on in the well-known English cases of *Randall vs. Cochran*, 1 Ves. Sen., 98, and the *Quebec Fire Insurance Company vs. Saint Louis*, 7 Moore, P. C., 286, and is well recognized by the courts of America.

Now, Mr. President, we have come down precisely to this state of facts: These claims were made on behalf of the uninsured owners and the insurers during the war by our representative, Mr. Adams, laying them before the proper British officers, saying "the United States will feel bound to claim and insist that you shall pay the damages these parties have sustained. We hand you now in the day of it a statement of the claim of the uninsured owner or insurer, and shall insist that the claim be paid. Then, by treaty, the two governments established later a tribunal to decide all claims made. The United States Government presented claims on behalf of the United States and on behalf of private parties. We went before that tribunal, having called on our citizens to furnish at their own expense the evidence of their claims to be laid before the tribunal. The tribunal reject every claim except the claims for direct injuries, and make no award for any other claims. The British counsel concede what I have argued to-day from our own law-books—that the insurer stood precisely in the shoes of the owner whose property had been destroyed and which he paid for. The tribunal made an award of a gross sum, not for the reason sometimes claimed, but for the reason on which this was asked by the counsel for the United States, and because we had furnished evidence that was satisfactory as to details and amounts. These private claimants had suffered by delay, and it was properly urged they ought not to be put to the expense of establishing their claims before another tribunal or be further delayed in receiving payment of their claims. The tribunal finally decided to reject the claims of the United States for expenditures incurred in pursuit of the cruisers. I will not stop to read the decision. They decided to make an award of a gross sum, as will be seen in the fourth volume, page 44. They directed Mr. Staempfli, one of their number, to prepare synoptical tables of claims, with a view of arriving at the amount to be awarded in gross. A synoptical table of the amounts was presented to the board. The following is a copy of this table, found in volume 4, page 44, of the papers and proceedings:

Estimate of Mr. Staempfli for the determination of a sum in gross.

	After the last American table.	British allowance.	Mean.
Amount of claims	\$14,437,000	\$7,074,000	\$10,905,000
Expenditure in pursuit	6,735,000	940,000	Struck out.
Prospective profit and interruption of voyage. }	4,009,100	Struck out as such but for wages	588,000
		25 per cent. on the value of vessels	400,000
			11,893,000
Round sum			12,000,000

This table appears in the proceedings of the tribunal of the 2d of September, 1872. In the proceedings of the same day, on page 46 of volume 4, is another table footing at \$10,121,044. In these two tables no interest was included. The tribunal decided to allow interest on the claims. Adding interest and the amount, taking either of these tables,

would be about fifteen and a half millions, and they agreed upon an award for that sum on the 2d of September, the day on which these tables were before them and entered in their proceedings.

Now, I submit that it is demonstrable from the proceedings that the claims for which the award was made, and without which we should have had but a trifling amount awarded, were, first, the value of the property destroyed, which was uninsured, and second, the amount which was claimed by insurance companies which had paid the insured owners of property destroyed as for a total loss.

The tribunal rejected the claims for war premiums; and yet we are asked to refuse to pay the claimants whose claims were allowed and paid and give the money to the war premium claimants whose claims were rejected. In my judgment we cannot in accordance with law or equity do this. I cannot give a vote to take the money from those (whether they are rich or poor) on account of whose property destroyed this money was awarded and paid by England to the United States Government, and give it to parties whose claims on the British government were rejected as invalid by our own tribunal. When we depart from the rules of law applicable to the case and the subject-matter, and attempt to distribute this money according to our notions of the needs of claimants or the hardships of particular cases, we abandon the only just and safe guide we have for the proper distribution of this money. My judgment is that the logic of this case is precisely this: either this money should be kept in the Treasury for the common benefit of the people of the United States, or it should be paid to the owners of property uninsured which was destroyed, and to the insurers of property destroyed by the three cruisers who paid the owners of such property as for a total loss. These insurers are by law entitled to payment as clearly as were the uninsured owners who have been paid. Then if there is any of the fund left it can be distributed to the sufferers by the other cruisers than the three or such others who suffered indirect damage, as Congress shall direct. But to decide that we will not pay the parties who have a legal right to the fund for the destruction of whose property it was received, that we will not pay these insurance companies the money that we received on their claims, is in my judgment a violation of the legal and moral duty of this Government. We will occupy an awkward position if we decide that we will not pay this money to parties whose claims were allowed by the tribunal, and we will give it to parties whose claims were rejected as invalid. The Government of the United States ought not to occupy such a position before the world.

I admit these claimants cannot compel the Government to pay over to them; but is there not a duty on the Government—a duty in morals as well as a duty resting on it by the rules of law—to distribute this fund to the parties entitled to it by law? Mr. Cushing, whose opinion is better than mine—Mr. Cushing, one of the counsel for the United States at Geneva, wrote a letter in October, the award having been made in September, 1872, a copy of which I have in my hand, and what were his views in reference to the duty of our Government and to whom this money should go? He had aided in the argument of the case; he knew all about our side of it, for he was one of the leading counsel. I will only read a portion of his letter:

In the case of the "Alabama claims," however, the United States will have in their hands a definite sum of money awarded against England by the tribunal of arbitration, and paid over by England to the United States for distribution among the parties interested, according to the award of the tribunal.

2. In the matter of the "Alabama claims" the agent and counsel of the United States presented to the tribunal detailed schedules and estimates of the claims of American citizens on account of captures by confederate cruisers fitted out in or dispatched from ports of Great Britain in violation of public law, setting forth the names of vessels captured and the names of parties interested, whether owners of ship, freight, or cargo, or officers and seamen, or insurers, and asserting the responsibility of Great Britain in the premises.

He then says:

The tribunal, in the first place, adjudged Great Britain to be guilty in respect to all captures made by the Alabama and the Florida and their tenders, and by the Shenandoah after her departure from Melbourne.

The tribunal, in the second place, examined and scrutinized the schedules and estimates of individual losses presented by the United States, and on the inspection thereof awarded a sum in gross which they conceived to be sufficient (and which I think is sufficient) to afford a just indemnity to the injured citizens of the United States.

This gross sum will, within the year, be paid by Great Britain to the United States, with interest on any delay. It will be received and held by the United States as a trust fund, to be distributed among the parties interested, conformably to the tenor and spirit of the award of the tribunal; and the Government will be bound to make such distribution promptly and justly, by the moral force of its duty of good faith to England, and its obligations to fulfill the stipulations of the treaty of Washington.

There is no contingency, uncertainty, or doubt in all this. You and the other parties in interest may, I do not hesitate to say, rest assured of the honor and good faith of the Government of the United States in this respect, with just as much of certitude as in the payment of the gold bonds of the Government.

This is the language of the counsel acting for the Government, writing to an interested party right after the award, saying to him, "we presented a list of all private claims, the uninsured whose property was destroyed, the insurers who paid for property destroyed, and others; the tribunal scrutinized the tables of these losses, and awarded a sum sufficient to pay the claims held valid, and you need not be afraid; the honor of the Government is a guarantee that a distribution in accordance with the award will be made, and not to parties whose claims against Great Britain were held by the tribunal to be unfounded and rejected."

Reference has been made to the case of *Rustomjee vs. The Queen*, which it is claimed is an authority in favor of the proposition that

the United States Government may rightfully distribute this money received from Great Britain to whom it pleases. I will not trouble the Senate by a detailed statement of the case. It was decided in 1876, and is reported in 1st Law Reports Q. Bench, 1875, 1876. It appeared that Rustomjee was a British subject. When the war broke out between China and Great Britain he was a creditor of a Chinese guild or corporation for a considerable sum. By the war all means of collecting his debt was destroyed. In and by the treaty of peace Great Britain exacted and China paid to the government of Great Britain a sum of money to satisfy the debts of Rustomjee and other British subjects. Rustomjee had not been able to get his pay; and he instituted the action by a petition of right against the Queen to enforce payment by the judgment of the court. The court held that the action or proceeding was not maintainable against the Queen. Cockburn, C. J., states these facts in his opinion: "A debt was incurred by one of the members of that guild to the present suppliant, and his ordinary remedy to get this paid would have been by the proceedings established by the existing law of China against the cohong. War broke out between this country and China; the cohong was abolished; and the remedy which the British subjects, the present suppliant among them, would have had under the former state of things was swept away."

In the treaty of peace it was stipulated that there should be paid to Her Majesty's government a certain amount to make good these claims. This amount had been paid by China. Rustomjee had applied for payment and did not get it. He then brought what they call a petition, something in the nature of a writ of right, to compel payment by a judgment of the court. The court decided that the proceeding to enforce payment by a judgment against the Queen could not be sustained; that she was not a trustee in the sense that a suit would lie against her; she was not an agent in that sense. But the court does not decide or intimate that it would be right or just for Her Majesty's government not to pay the money over to the parties on account of whom it was paid by China. The members of the court, while holding there was no remedy in the courts against the Queen or the British government to enforce payment, say it was the duty of the government to pay the money to the parties for and on account of whom it was received from China. Chief-Justice Cockburn says:

It comes simply to this, that Her Majesty, in order to enable her to see that justice is not done to her subjects, stipulates for the payment into her hands of a sum of money. The distribution of that must be left to Her Majesty's discretion. No petition of right has ever been held to be applicable to such a case. To my mind it is utterly inconsistent with all the constitutional theories of the prerogative of the Crown to suppose that Her Majesty can be coerced by a petition of right into doing that justice which, I am quite sure, it will require no petition of right to obtain, if the facts and the merits of the case were such as to induce the government to believe that the claim was a just one. At all events, I think the petition of right will not lie, and that that is perfectly clear upon all the principles which have ever been applied to petitions of right, and all the precedents which have hitherto existed in courts of law.

Justice Blackburn says a little more pointedly:

I think there is a moral claim that it be given to the right person, which must be investigated in the manner in which Her Majesty is pleased to direct, and the ministers who direct it would probably be responsible in Parliament if they did it unjustly.

How "unjustly?" If they do not pay the money to the party on account of whose demand it was exacted and received from China. The other, Justice Lush, says:

No doubt a duty arose as soon as the money was received to distribute that money among the persons toward whose losses it was paid by the Emperor of China; but then the distribution, when made, would be, not the act of an agent, accounting to a principal, but the act of the sovereign in dispensing justice to her subjects. For any omission of that duty the sovereign cannot be held responsible. The responsibility would rest with the advisers of the Crown, and they are responsible to Parliament and to Parliament alone.

It seems to me that this case furnishes high authority that while the petition of rights would not lie, while the court could not give judgment for and enforce payment of this money which the Queen's government had received on account of these debts from China to the subject, yet that there was a moral duty resting on the government to do justice by paying the money to the party on account of whose debt or claim it had exacted it from China by negotiation and treaty. I insist that this same duty rests upon the United States Government, and that it fails in doing justice if it does not perform this duty. I have read with care the able argument of the Senator from Massachusetts, [Mr. HOAR.] He concedes that as the committee put the case their bill is right; but I understand the point he makes is this, that Great Britain did not do any act; it was merely an omission to do a duty, and that for such an omission the citizens of the United States had no enforceable claim on the British government. I concede that; but I insist that when our Government does its duty to its own citizens, and, as it rightfully may, calls on the British government to pay the damages which our citizens have sustained by that omission, and the British government consents that if they were guilty of that omission of duty they would pay such damages as a tribunal should find against them, and the tribunal having found that they were guilty of that omission and that by the law of nations they were liable to pay for property of our citizens destroyed by the cruisers, and the amount of such damages is paid to the United States Government, this Government cannot rightfully refuse to pay the money received to the parties for and on account of whose just and legal claim it was paid by the British government and received by ours. Conceding the argument of my friend, the United States cannot now with justice

or honor say to these claimants, for and to satisfy whose demands the money was awarded and paid: "Great Britain was not liable to you; true, we have got the money from her for the damages sustained by the destruction through her fault of your property, but we will not pay it to you." The other part of the proposition was that Great Britain was not liable for the destruction of the property of our citizens, because that was an act of war by the Confederate States; and neither the United States nor its citizens could recover damages for an act of war.

Mr. HOAR. Would it be unpleasant for the Senator from New York to allow me to ask him a question?

Mr. KERNAN. Certainly not. I am speaking about what the Senator said, and I will hear him with the greatest pleasure, because I may be wrong in stating his position.

Mr. HOAR. My point, which the Senator states, was this precisely, not that from a foreign omission of a public duty of government no liability arose, but that from a foreign omission of a public duty of government no liability arose to a citizen of another State wronged; that in the language of Mr. Adams in delivering his decision the only omission was of the diligence due, and that diligence was solely due to the sovereignty of this nation. Then I further said that this being declared a thing for which no citizen could have a claim, although his damage might measure the claim of his nation, when our nation presented it, when the counsel argued it, when the tribunal awarded it, when Great Britain resisted it, when Great Britain paid it, when we accepted it, each of those public acts was with the distinct and emphatic protest, we demand this, we award this, we pay this, we take this with the distinct declaration that no citizen has any interest in it whatever, and that we do not ask it because any citizen has any interest, but solely as a national claim and as a thing due to the nation and not to the citizen.

Mr. KERNAN. Allow me to suggest that I do not so understand the facts.

Mr. HOAR. That is the argument, whether the Senator agrees to it or not.

Mr. KERNAN. As I understand from the proceedings before the tribunal our counsel asked for a gross sum instead of sending it to a board of assessors, not because it was a claim of our Government, and it had a right to take the money as its own, but in their own language "the original wrongs to the sufferers by the acts of the insurgent cruisers have been increased by the delay in making reparation," and it is a great hardship, they further say, to send them before another tribunal.

There was nothing said to the tribunal or to Great Britain by the counsel of the United States to the effect that our Government claimed the amount to be awarded as its own property, and did not intend to distribute the same justly to the parties whose claims had been presented to and allowed by the tribunal. I have called attention to the claims as presented to the tribunal: first, public claims on behalf of the United States for pursuing war cruisers and for other national expenses and losses to the amount of many millions, and then claims for damages and losses, presented on behalf of private citizens, stating in detail each party's name and the details of his loss. These were certainly presented to the tribunal as private claims and not as claims owned by the United States.

Great Britain and the world understood that the money received for these private claims was to be paid by the United States to the parties owning them. Mr. Cushing and our other representatives so understood; and although these real owners have no tribunal to enforce their demands as courts enforce judgments, the honor and justice of the Government of the United States will protect them from wrong. If my friend's argument is right, then all this money should have remained in the Treasury. Why have we paid the uninsured owners? Was it a mere act of charity or was it because it was an act of justice and good faith on the part of the Government? If you have paid them as an act of justice based upon their legal right, then you should pay these insurers who paid for and became the legal owners of the claims and of every right and chance of reclamation and of indemnity, and whose claims were presented in their names to the tribunal, allowed as just and included in the amount of the award.

The only logic of the argument of my friend from Massachusetts would be to say that no one can have any of this money except as a gratuity. There would have been no award by the arbitrators that Great Britain should pay anything to this Government upon any such theory as is proposed here. They rejected every national claim. They rejected your claim for the increased expenses of the war; they rejected your claim for the expense of sending out vessels to pursue these cruisers. The tribunal decided that the direct damages done to the property of individuals should be paid by Great Britain. She had violated her duty as a neutral to the United States and her citizens, and they made an award, substantially, at all events, based upon the amount of these private claims. As my friend [Mr. BAYARD] well says to me, the terms of the treaty never recognized national reclamation.

Mr. President, I shall spend no time in answering the argument that there are people who are needy and poor, and therefore ought to have the money, and that the insurance companies should not have their own, because it is said they are rich. If there is to be a gratuity given to sufferers let it be out of the Treasury of the United

States, or out of this money, if you please, after those who show a legal title to it have been paid. These stand precisely in law and in morals where the uninsured owners who have been paid stood. Let these insurance companies receive that which is their own, and then if there is a surplus we may give it, I concede, without any reproach, to whomsoever we think most deserving.

I am through, Mr. President, except to say that I hope each Senator will look at this question for himself. If he thinks, as I do, that we should distribute this money according to the rules of law applicable to property that comes thus into our hands, it will go to those whose claims were approved and allowed by the tribunal, and any surplus then, without injustice, may go to those whose claims were not allowed by the tribunal.

Mr. WILLIAMS. I move that the Senate proceed to the consideration of executive business.

Mr. CARPENTER. Will the Senator withhold the motion a moment to allow me to submit a resolution calling for certain information?

Mr. WILLIAMS. Yes, sir.

EAST FLORIDA CLAIMS.

Mr. CARPENTER, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to communicate to the Senate, if not incompatible with the public interest, any correspondence not heretofore published between the United States and Spain in relation to the fulfillment by the United States of the requirements of the ninth article of the treaty of 1819, between the United States and Spain.

EXECUTIVE SESSION.

Mr. WILLIAMS. I renew my motion.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Kentucky moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifty-four minutes spent in executive session the doors were reopened, and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 24, 1880.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D., of Washington, District of Columbia.

ORDER OF BUSINESS.

The SPEAKER. The question before the House is the question of privilege raised by the gentleman from Maryland [Mr. McLANE] as to Monday's Journal.

Mr. TOWNSHEND, of Illinois. Is it not in order first to read the Journal of yesterday?

The SPEAKER. The Journal of yesterday relates exclusively to the matter of the correctness of the Journal of Monday. The question which the Chair submitted to the House on yesterday was the question whether the proposition of the gentleman from Maryland contained a question of privilege. As many as are of opinion that the proposition of the gentleman from Maryland contains a question of privilege under that clause of the rule which relates to the integrity of the proceedings of the House will say "ay."

Mr. BLACKBURN. Has the Chair ruled upon the point of order that comes up under the first clause of the first rule defining the duties of the Speaker?

The SPEAKER. The Chair has not as yet ruled on anything.

Mr. BLACKBURN. I understood the gentleman from Illinois [Mr. TOWNSHEND] to raise that point of order. If he does not, I do.

The SPEAKER. The Chair entertains the point of order. The gentleman will state it.

Mr. BLACKBURN. I ask the Clerk to read the first clause of the first rule.

The Clerk read as follows:

1. The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the members to order, and on the appearance of a quorum, cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.

Mr. BLACKBURN. Now the point of order that I make is that this is a new legislative day, as distinct from yesterday. The House did not take a recess on yesterday but adjourned. This is a new legislative day; and under the first clause of the first rule defining the duties of the Speaker it is declared that he—

shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting—

That portion of the rule has been complied with—

immediately call the members to order, and on the appearance of a quorum—

and there has been no point that there is not a quorum here. That has been assumed—

on the appearance of a quorum, cause the Journal of the proceedings of the last day's sitting to be read—

It is not the Journal of the day before yesterday. It is the Journal

of the proceedings of yesterday, which was an independent, separate legislative day—

having previously examined and approved the same.

I take it for granted that the Speaker has complied with the last portion of that clause, and that he has examined and approved the Journal of the proceedings of yesterday. And the point I make is that that clause of the rule will not be observed or obeyed unless the Speaker now causes the Clerk to read a Journal of the proceedings of yesterday.

The SPEAKER. The Chair states that the Journal of Monday has not yet been disposed of—

Mr. GARFIELD. Will the Chair allow me to make a remark?

The SPEAKER. The Chair will hear the gentleman.

Mr. GARFIELD. I call the attention of the House to the fact that the Speaker and the House are now engaged in the process of executing that very order of the rule as to the Journal; and until that order is executed—which is certainly about the Journal of a previous day, and a little more previous than the Journal of yesterday—until that order is executed, no other order of any kind can be executed.

Mr. BLAND. I desire to submit a question to the Chair.

The SPEAKER. The gentleman will state it.

Mr. BLAND. How does the House know what took place yesterday until the Journal is read? How can we assume anything as to the business of yesterday until the Journal is read?

The SPEAKER. The Chair thinks it would be the proper and consistent course to dispose of the Journal of the former day before the House takes up yesterday's Journal.

Mr. KNOTT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KNOTT. I find that by Rule I it is made the duty of the Speaker to approve the Journal. The question I ask is, under what rule the House is required to approve the Journal?

The SPEAKER. That is in the nature of a repetition of the issue of yesterday as to the point of order whether any member of the House has a right to move to amend the Journal. The Chair has not the power to deprive the House of the right to correct its Journal; and that right has never been questioned. Uniformly after the reading of the Journal the Chair says: "If there be no objection, the Journal of yesterday stands approved."

Mr. HUTCHINS. As far as I am able to ascertain, there is no rule requiring the approval of the Journal by the House. That is merely the custom of the House. There is no rule which requires it, nor is there any rule which can be interpreted into anything of the kind.

The SPEAKER. There never was a rule that required that in terms, but it is an unbroken parliamentary practice.

Mr. HUTCHINS. But there is an express rule that the Journal of the proceedings of the last day's sitting shall be read. If I can understand language we cannot proceed here at all under the rule and in order until yesterday's Journal has been read.

The SPEAKER. Under that view of the case, what becomes of the Journal of the former day?

Mr. HUTCHINS. It may never be approved. There is nothing in the rule which requires it.

Mr. BLACKBURN. I desire to deal in entire fairness with this case. I do not understand the Chair has yet announced his decision on the point of order.

The SPEAKER. The Chair has not announced any decision.

Mr. BLACKBURN. Then I call the attention of the Chair to the peculiar phraseology of the first clause of the first rule. It does not treat of journals as we are in the habit of employing the term here in the House; but it is expressly careful in defining the matter that shall be read immediately to this House. It is a history of the "proceedings of the last day's sitting," not of the last legislative day. In my short experience in Congress I have seen a Journal cover three or four days; that is, there was no Journal read during the three or four or five or six days that constituted one legislative day. I have seen one legislative day reach from one week well into another week; and all the calendar days combined furnished but one Journal, that is, a Journal of the one legislative day. But this rule is more particular, more careful. It admits of no misconception or misapprehension. It says the Speaker shall "immediately call the members to order, and on the appearance of a quorum cause the Journal of the proceedings of the last day's sitting to be read." There is a reason for that particularity; there is logic in that rule. This House cannot tell what it is to do to-day unless it knows what it did yesterday. The question that the Chair is about to submit to the House for its decision comes up as unfinished business—to be disposed of to-day—from yesterday's proceedings.

Mr. ROBESON. Will the gentleman allow me to ask him a question?

Mr. BLACKBURN. Certainly.

Mr. ROBESON. I would ask the gentleman whether this would not be true, even conceding his position to be correct: after the Journal of yesterday is disposed of the Journal of the day before yesterday would come up as unfinished business?

Mr. BLACKBURN. Unquestionably?

Mr. ROBESON. What difference would it make, then?

Mr. BLACKBURN. That is the only status it holds in this House; unfinished business coming over from yesterday. There is not power

enough in this House, as long as these rules are in force, to excuse the Speaker from causing the Journal of the proceedings of yesterday to be read by the Clerk right now, in order that this House may know, and know officially, what it was engaged in doing yesterday. You have no guide before you, you have no record, no chart, by which to travel until that is done. You cannot tell whether this motion which the Speaker was about to submit to this House for determination was ever pending yesterday or not, until the Journal of yesterday's proceedings is read. And when that Journal of yesterday's proceedings shall be read to-day, it may appear that there are inaccuracies in it, that there are errors in it, or, perhaps, that there are omissions which need to be supplied. We cannot tell until the Journal is read. I would like for the Chair to tell me whether he knows that there has been any Journal of yesterday's proceedings prepared at all or not? If he does, there is not a member on this floor who does know or can know.

Mr. TOWNSEND, of Illinois. Ask him the direct question.

Mr. BLACKBURN. I would like to ask the Speaker whether he has complied with the last portion of the first clause of this rule: whether he has "examined and approved" the Journal?

Mr. MCKENZIE. How do we know that there was any such question pending yesterday?

Mr. BLACKBURN. I have said that no man in this House does know or can know; and the Speaker is not allowed to know that such a question was pending before the House yesterday or is pending to-day, until the Journal of yesterday's proceedings has been read. When this rule has been complied with, and the Journal of yesterday's proceedings has been read, then it may be that there will be found corrections to be made in it before we can accept it and proceed.

But let us go one step farther and see what an anomaly would be produced. Suppose that my view is not the correct one; suppose that the plain English of this rule means nothing. Suppose it shall be accepted and declared that it is impossible for the English language to be employed so as to make the rule plain enough to guide the proceedings in this House; for that must be the conclusion, if I am not correct.

Mr. FERNANDO WOOD. Will the gentleman allow me a question?

Mr. BLACKBURN. In one moment I will, with much pleasure. Suppose that I am in error, and that it is in order now to proceed to the consideration of the unfinished business of yesterday without this House having ever heard read the Journal of its work of yesterday, without the House knowing that it has any such Journal; suppose that the further consideration of that business of yesterday takes up all of this day as it took up all of yesterday and all of this week, as it may well do, I ask you when you will find the opportunity and where will you find the warrant of authority to have the Journal of yesterday's proceedings read at all? It is not admissible to read it on any other day than to-day, and if it is not read to-day you never can read it properly while this Congress lasts. From now until the 4th day of March next you never will have authority to read the Journal of yesterday's proceedings unless you read it right now.

Mr. FERNANDO WOOD. I desire to ask the gentleman from Kentucky a practical question. I assume that the gentleman desires to extricate the House from its present dilemma at the earliest possible moment.

Mr. BLACKBURN. Provided it can be done in a fair and legitimate manner.

Mr. FERNANDO WOOD. Undoubtedly; and I assume that the House never does anything in its collective capacity but in a fair and honorable way. I want to understand what the gentleman means. Does he mean to say that the Journal of yesterday's proceedings has precedence in its presentation to the House for its approval over the Journal of the proceedings of the day before yesterday?

Mr. HAYES. That is it.

Mr. FERNANDO WOOD. I want to know whether as a practical proposition the gentleman simply desires that the Journal of yesterday's proceedings shall first be acted upon by the House before the House proceeds to act upon the Journal of the proceedings of the preceding day, about which we had such difficulty yesterday. I want to know what the gentleman desires.

Mr. BLACKBURN. Now, Mr. Speaker, if the gentleman is through with his question I will answer. I mean to insist that the plainest rule of this House shall not be violated. I do not mean to say that the reading of yesterday's Journal takes precedence of the reading of the Journal of the day before. I mean to say that the rule was complied with when the Journal of Monday was read yesterday morning. I mean to insist that the rule shall be complied with right now and the Journal of yesterday read. Then I grant you after that is disposed of the work that was being done and the question that was being decided or discussed relative to the disposition that should be made, after reading of the Journal of day before yesterday, comes up as unfinished business for this House to determine.

Mr. FERNANDO WOOD. That is precisely the question I desired to propound to the gentleman from Kentucky.

Mr. BLACKBURN. And that is precisely my answer.

Mr. FERNANDO WOOD. I think it entirely immaterial, therefore, whether we act now upon the Journal of yesterday or the Journal of the previous day, so that the question pending when the House adjourned yesterday—the question of privilege which the Speaker had submitted to the House—shall then be determined. If that is so I am satisfied.

Mr. BLACKBURN. Now, Mr. Speaker, I have but to add—

Mr. SHALLENBERGER. May I ask the gentleman from Kentucky a question—

Mr. BLACKBURN. Yes, sir.

Mr. SHALLENBERGER. A question in the shape of a proposition?

Mr. BLACKBURN. Well, I hope it is not a speech, for I have just yielded for one.

Mr. SHALLENBERGER. Not at all; I think the point which the gentleman from Kentucky has made is a good one. I agree with him that under Rule I we are likely to get into a very deep entanglement, because the proceedings of to-day may conclude without the approval of the Journal of Monday. The contest may continue to-morrow and the next day; a week or two weeks, or a month may roll up upon us without the approval of last Monday's Journal.

Now, I want to make just one proposition, which I think will unravel this great difficulty. The more I examine the question the more strongly I am inclined to the opinion that we cannot correct the Journal of Monday, because it is correct in reciting proceedings which actually occurred; but we can entertain a question of high privilege, the question presented by the gentleman from Maryland, [Mr. McLANE,] after the reading and approval of the Journal of Monday, not before. Now, I say to the House and to the Speaker, let us withdraw the point made by the gentleman from Ohio in regard to amending the Journal; let us take the Journal as it stands and approve it. Then let us entertain, as a question of high privilege, involving the integrity of the proceedings of this House, the proposition of the gentleman from Maryland, and dispose of it on its merits.

Mr. CARLISLE. Let me say to the gentleman—

Mr. BLACKBURN. I have not yielded, except for a question.

Mr. SHALLENBERGER. One further point, with the gentleman's permission. I say that we can read and approve the Journal, and immediately thereafter the Speaker can submit to the House the proposition of the gentleman from Maryland as to whether this is a question of privilege under Rule IX, which, as I hope, proposes that the Journal of to-day shall recite the reversal of a procedure on Monday, had in violation of rule and against the known judgment of the House, and which does affect its dignity and the integrity of its proceedings.

Mr. BLACKBURN. But the gentleman is mistaken in his premises. Nobody has ever decided that this is a question of privilege.

Mr. SHALLENBERGER. I say the Speaker can put that question to the House after the Journal has been approved.

Mr. BLACKBURN. But if I may be permitted to express an opinion, (and it will be found upon inquiry to be pretty well founded,) the Speaker of this House has no idea that this is a question of privilege.

Mr. SHALLENBERGER. I take it that the House under Rule IX can say that it is a question of privilege, or it is not.

Mr. McLANE. The Speaker has submitted that question.

Mr. BLACKBURN. Now, Mr. Speaker, I am sure the gentleman from Pennsylvania will admit that I have yielded to him liberally; I can yield no further.

Mr. BARBER. Mr. Speaker, what is the question before the House?

The SPEAKER. The gentleman from Kentucky is making a point of order, and the Chair is listening to his statement.

Mr. BLACKBURN. Now, there is just one point more to which I wish to call attention. For the conflicts or embarrassments or dilemmas into which this House has gotten itself, and from which the gentleman from New York says he doubts not I would very gladly aid in extricating the House, I am not responsible in the slightest degree.

Mr. DAVIS, of North Carolina. Will the gentleman allow me a question?

Mr. BLACKBURN. Certainly.

Mr. DAVIS, of North Carolina. Is there any rule of this House which requires that the Journal shall be approved at all by the House?

Mr. BLACKBURN. No, sir. I am coming now to one point to which I wish to call the attention of the Speaker and the House. The rule declares that the Journal of the proceedings of the last day's sitting shall be read immediately after the members are called to order, a quorum being present. It does not require that the Journal shall be approved except by the Speaker; it requires that he shall first examine and approve it; then it requires that it shall be read by the Clerk. It does not require that it shall be approved by the House; it may or may not be. That Journal of day before yesterday may stand here unapproved for the rest of this Congress for aught I can tell. The Journal of the last day's session of each Congress never is approved. It is not necessary, in fact. It is not required by the rule that the Journal of day before yesterday shall ever be approved; but it is imperatively demanded by the rule that the Journal of yesterday shall be read and read right now.

Mr. ROBESON. Still I would like to ask the gentleman a question, and I shall confine myself to the question.

Mr. BLACKBURN. I will yield in a moment. I will answer the gentleman from Pennsylvania, and say now, for one, I never will agree to stultify myself by admitting that the question pending here is a question of privilege, or entitled to any such consideration at the hands of this House. I now yield to the gentleman from New Jersey.

Mr. REED. I desire to say in reference to the point of order—

Mr. BLACKBURN. If the gentleman from Maine will permit me, I have yielded to a question from the gentleman from New Jersey, and then I shall have done.

Mr. REED. Certainly.

Mr. ROBESON. I was merely going to ask whether he answered my other question, which was, whether the Journal of the proceedings of day before yesterday would come up immediately as unfinished business? I appeal to him as a member of the Committee on Rules and an experienced parliamentarian to inform my ignorance whether there is anything in the rules or parliamentary practice which would prevent its coming up naturally and necessarily immediately after this question of the Journal of to-day is disposed of.

Mr. BLACKBURN. I will answer the gentleman and say it is not my province nor am I required to rule on a question which has never yet presented itself. If I were in the chair I would answer. I beg the gentleman to believe, in the point I have submitted, the only distinction I am seeking to draw, after having called attention to the imperative character of the plain language of the rule, is the distinction that the rule itself makes between the reading of a Journal and the approval of a Journal.

Mr. FERNANDO WOOD. Let me ask you a question right there.

Mr. BLACKBURN. Certainly.

Mr. FERNANDO WOOD. I ask whether the reading of the Journal, no objection being made to the Journal, it does not then stand approved by the House?

Mr. BLACKBURN. Certainly it does.

Mr. FERNANDO WOOD. That is all.

Mr. BLACKBURN. Was the Journal of day before yesterday ever read? That is all the rule required. It was approved by the Speaker. The Journal of day before yesterday was approved.

Mr. FERNANDO WOOD. It was objected to by the gentleman from Michigan.

Mr. BLACKBURN. I admit all that. All the point I make, and the only point, is this: the Journal of the day before yesterday was read, and that ended the mandate of this rule. The Journal of yesterday has not been read and the rule will not be complied with until it is read. Then it is a matter outside of this rule as to whether the Journal of day before yesterday or the Journal of yesterday, either one or both, ever shall be approved.

Mr. REED. My judgment is opposed to the point of order made by the gentleman from Kentucky, for the reasons which were given by the gentleman from Kentucky himself. He declares that we cannot proceed with to-day's business until we know what took place yesterday. How much more can we not proceed with to-day's business until we know what took place the day before yesterday?

Mr. BLACKBURN. The Journal has been read.

Mr. REED. The point is just this: that Journal is not the Journal of the House and does not contain the proceedings of day before yesterday until it has been approved by this House and become the record of the House.

Mr. BLACKBURN rose.

Mr. REED. And furthermore, Mr. Speaker, if I can be allowed to make my point, the very principle for which the gentleman from Kentucky contends will lead to just the opposite conclusion. And for this reason it is a question of privilege under the rules (speaking not strictly according to the received definition of the word privilege) that the Journal of the proceedings of the preceding day shall be read, but it was equally the rule yesterday that the Journal of day before yesterday should be read and approved.

Mr. BLACKBURN. No.

Mr. REED. And it is only one privileged motion unfinished which takes the place of another privileged motion which has not yet been reached. That is certainly logical and sensible according to every principle of parliamentary law.

Mr. BLACKBURN. In one word—

Mr. REED. I will listen to the gentleman.

Mr. BLACKBURN. Will the gentleman point me to any provision of any one of the forty-five rules in this revision which requires the Journal to be approved by the House at all?

Mr. REED. I say to the gentleman that in no parliamentary body on the face of the earth has it ever been doubted that that body had a right to control and the right to approve its own Journal; and whether it be in the rules or not everybody knows that it is a principle of parliamentary law too plain to be disputed and too clear to be contradicted.

The SPEAKER. The Chair desires to say—

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. REED. I will answer the question of the gentleman.

Mr. McMILLIN. I understand the gentleman to say that we cannot proceed until we know what the Journal of the day before yesterday's proceedings contained.

Mr. REED. Not at all; I was only repeating the argument of the gentleman from Kentucky. Let him defend it.

Mr. McMILLIN. Then how could we know what it was on which you were voting yesterday?

Mr. REED. I guess we could find out if we tried—most of us.

The SPEAKER. The rule on this subject has remained as a rule of this House, unchanged, since 1789.

Mr. REED. If you will permit me I will refer the gentleman from Kentucky to the second section of the twenty-fourth rule:

On all days other than Monday as soon as the Journal is read and approved.

That does not refer to the approval of the Speaker, because it is

the approval which comes subsequent to the reading of the Journal, and must be by the House.

Mr. BLACKBURN. What rule has the gentleman referred to.

Mr. REED. The twenty-fourth rule; the first line of the second clause of that rule and first word of second line.

Mr. BLACKBURN. I hope the gentleman from Maine will not take his seat yet.

Mr. REED. No; I will retain the floor.

Mr. BLACKBURN. I want to talk to him a little.

Mr. GARFIELD. Will the gentleman yield to me for a moment?

Mr. BLACKBURN. No; the gentleman has yielded to me.

Mr. REED. I will yield to the gentleman from Ohio.

Mr. GARFIELD. The gentleman from Kentucky has called for the reading of the rule in regard to the approval of the Journal. The gentleman from Maine has read the rule named, in which a distinct provision for the reading of the Journal is made, and I wish to read Rule No. 1, not printed in our revised rules of the other day, but a rule which the gentleman will acknowledge. It is found on page 7 of the Digest of this House, being the Constitution of the United States, section 5 of article 1.

Each House shall keep a Journal of its proceedings—

Not the clerk shall keep a Journal, but each House shall keep a Journal of its proceedings. Now, for our convenience we direct a clerk whom we employ and call the journal clerk to do the writing for us; but when that writing has been presented to the House, under the rule of the Constitution the House proceeds to "keep" that Journal according to its manner by approving or disapproving; and therefore under the Constitution of the United States, which is the paramount rule of this House, we are now proceeding to keep the Journal of Monday, and we have not yet kept it and it never has been kept until we decide the question raised about it on yesterday.

Mr. LAPHAM. Now will the gentleman yield to me to make a point?

Mr. REED. I will yield to the gentleman from Kentucky at his request.

Mr. STEELE. I should like to ask the gentleman from Ohio a question.

The SPEAKER. Does the gentleman yield?

Mr. REED. I am afraid the gentleman from North Carolina will "mix things up." [Laughter.]

Mr. STEELE. The gentleman from Ohio stated, as I understood him, that under the Constitution of the United States each House kept the Journal of its proceedings, and must do so.

Mr. GARFIELD. Shall keep it.

Mr. STEELE. Shall do so. Then I understand the requirement is the House shall keep a Journal of its proceedings, but not of what it did not do.

Mr. REED. That is as old as the hills.

Mr. STEELE. It is old but very true, like a great many other things.

Mr. GARFIELD. The House determines that.

Mr. STEELE. It is the point of all, and no subterfuge can get over it.

Mr. REED. The House may judge what are and what are not "proceedings"—Journal 1, 29, page 1047.

Mr. BLACKBURN. The gentleman from Ohio [Mr. GARFIELD] anticipated me in reading that clause of the Constitution of the United States. I had already marked it here to present it with my compliments to the gentleman from Maine.

Mr. REED. Thank you, sir.

Mr. BLACKBURN. Now, if the gentleman from Maine, as well as the gentleman from Ohio will look at that very fifth section of the first article of the Constitution which the gentleman from Ohio has read, and will pause and scan it closely, he will find a very proper rebuke for his work of yesterday. The Constitution in that section declares that each House shall keep a Journal of its proceedings. It nowhere permits, much less does it command, that it shall mutilate, falsify, or destroy its Journal.

Mr. REED. I submit to the gentleman from Kentucky that that is not on the point of order but on the merits.

Mr. BLACKBURN. The gentleman from Maine quoted elaborately from his store of parliamentary learning, and said he wanted to know where any authority could be found for the position I took. If the gentleman will look at a standard work known as Cushing on the Law Practice of Legislative Assemblies—

Mr. REED. It is by no means a standard work of American parliamentary law on very many points.

Mr. BLACKBURN. It is a work on the law and practice of deliberative assemblies recognized the world over, and is an American book.

Mr. REED. It treats mostly of English proceedings.

Mr. BLACKBURN. It is an American book and stands without parallel or peer in the estimation of parliamentarians in this country. If the gentleman pleads in bar his testimony on the character of the work, I suppose I must submit and agree that there is no authority that I or any other man can offer.

Mr. REED. I leave it to the fitting audience, though few, capable of judging of such matters, whether the gentleman from Kentucky belongs to that number or not.

Mr. BLACKBURN. The gentleman means to be selfish and to exclude everybody but himself.

Mr. REED. No; I mean to include the most learned men on your side, among whom I intend to include the gentleman from Kentucky.

Mr. BLACKBURN. I accept the gentleman's explanation. Cushing says in section 329:

If any mistake or omission occurs in the entries of the Clerk and it is taken notice of or pointed out on the same day it may be corrected either by the order of the House or by the Clerk himself without any order—

The Clerk is in absolute possession and control of the Journal—but if the mistake or omission is not discovered until afterward it ought not to be corrected without the order of the House, upon the report of a committee appointed to investigate the subject.

I quote further from section 418:

The Journal is to be kept or made up in the first instance by the Clerk alone who is the sworn recording officer of the assembly subject only to the control of the assembly itself and not to the control of the presiding officer—

Mr. REED. That is so.

Mr. BLACKBURN.

Or of any other member; though in cases of difficulty and importance the form of the entry has been settled—

By what? The motion of a member and the vote of the House? No, sir—

Though in cases of difficulty and importance the form of entry has been settled by a committee appointed for the purpose.

And in no other way.

Mr. REED. Will the gentleman permit me to ask him a question?

Mr. BLACKBURN. Certainly.

Mr. REED. Does the gentleman from Kentucky say the Journal of the proceedings of the House is its Journal without the approval of the House?

Mr. BLACKBURN. I say that so far as parliamentary law or the rule of the House goes, that approval is not needed. And I cite in support of that assertion a fact which is stronger than any argument that the gentleman from Maine, or I, or any other man may offer, that there never was a legislative assembly on this continent, and never will be one until the end of time, where that rule, if rule there be, is not violated. On the 4th day of next March this House will have a Journal made up. That Journal will never be approved while time and eternity run their course. The last day of every Congress goes, with the Journal of its proceedings, unread and unapproved; yet it is as binding a Journal as that of any other day's session. It goes unapproved because there is no subsequent day's sitting at which it can be either read or approved.

But we have drifted away from the point. The point I submit is that under the first clause of Rule I, the Speaker after calling the members to order shall, on the appearance of a quorum, cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.

Mr. REED. I submit to the gentleman from Kentucky that he is using up all of my time.

Mr. BLACKBURN. I yield the floor back to the gentleman; and if I am fortunate enough to get the floor again I shall be happy to return the compliment by yielding to the gentleman from Maine a portion of my time if he desires it.

Mr. LAPHAM. Will the gentleman from Maine yield to me for a question?

Mr. REED. Yes, sir.

Mr. LAPHAM. The question I desire to ask is this: Why is it that the rule requires the Journal to be read to the House?

Mr. REED. In order that the House may approve of it, as provided in Rule XXIV, or disapprove of it, as it pleases. There would be no sense in reading the Journal to the House unless the House is to do something about it. And I say the universal practice of this House from the very first has been that the Journal shall be read and approved by the House. Day in and day out gentlemen rise and ask to have the Journal corrected before being approved.

To doubt or forget this is the most singular case of absence of memory or inattentiveness that has ever fallen under my observation.

Mr. GARFIELD. Read this rule of the Senate.

Mr. REED. And I beg leave to read from the rules of the Senate, as throwing light upon this subject. I read the last clause of the first rule:

And when any motion shall be made to amend or correct the same (the Journal) it shall be deemed a privileged question and proceeded with until disposed of by the Senate.

I present that merely as showing the opinion of the parliamentarians who prepared that rule, and the custom of legislative bodies in this country.

I do not find it necessary to reply to anything that has been said with regard to Cushing. I believe the quotations will be found to sustain my views entirely and completely.

Mr. WARNER. Will the gentleman allow me to ask him a question?

Mr. REED. I shall be happy to answer a question for the gentleman.

Mr. WARNER. As I understand the gentleman from Maine, he takes the ground that the Journal of Monday must be approved before the Journal of yesterday can be read.

Mr. REED. Precisely.

Mr. WARNER. Granting that the House has control of the Jour-

nal and may correct it, it has the entire control of the Journal of its proceedings?

Mr. REED. Yes.

Mr. WARNER. Does it follow that the Journal of Monday's proceedings must be approved by the House when the question is raised before the Journal of yesterday's proceedings can be read?

Mr. REED. Yes; by reason of the first clause of Rule I, which has been read by the gentleman from Kentucky, [Mr. BLACKBURN,] and for the reasons insisted upon by him.

Mr. NEWBERRY. I desire to call the attention of the House and of the gentleman from Kentucky [Mr. BLACKBURN] to a practical decision which was made by him as Speaker *pro tempore* in this House last Saturday. I read from the RECORD of Saturday's proceedings.

The House met at twelve o'clock m., Mr. BLACKBURN in the chair as Speaker *pro tempore*.

Then the RECORD proceeds to state that the Speaker *pro tempore* caused to be read a letter from Mr. Speaker RANDALL. Then there is this:

The SPEAKER *pro tempore*. The Journal will not be read this morning. * * * The Journal will be read on Monday next.

Mr. BLACKBURN. Why?

Mr. NEWBERRY. No matter why. The rules had not been suspended, unless the Speaker *pro tempore* suspended them himself on his own motion.

The SPEAKER. The character of business for Saturday was determined by unanimous consent.

Mr. BLACKBURN. Out of kindness to the gentleman from Michigan [Mr. NEWBERRY] I want to save him from a mistake that may be awkward for him. On Saturday last, by unanimous consent, the Journal was not read, as on every day when no legislative proceedings are to be had.

Mr. NEWBERRY. How did the House know on Saturday that any such proceedings had taken place on Friday without the Journal was read? I want a practical answer to that question.

Mr. BLACKBURN. Will the gentleman allow me to ask him a question?

Mr. NEWBERRY. Certainly.

Mr. BLACKBURN. Was the gentleman in the House on Saturday?

Mr. NEWBERRY. Whether I was or not, the House was in session.

Mr. BLACKBURN. I want a direct answer, because it is a practical question.

Mr. NEWBERRY. No; I was not.

Mr. BLACKBURN. If the gentleman had been in his seat he would have heard the occupant of the chair announce that by unanimous consent the Journal of yesterday's proceedings would not be read, the House having met for debate only.

Mr. NEWBERRY. That is not the record. The RECORD says:

The SPEAKER *pro tempore*. The Journal will not be read this morning, the session of to-day having been assigned for debate only.

It does not say that by unanimous consent it was not read.

Mr. BLACKBURN. One word.

Mr. NEWBERRY. All right.

Mr. BLACKBURN. If the gentleman will look a little further into the RECORD he will find that he is still in error and has made another blunder. On Wednesday the House ordered, and the order was entered on the Journal which was read Thursday, that there should be no business transacted during the session of Saturday.

Mr. NEWBERRY. The reading of the Journal is not business; it is merely a record of the proceedings of the House from day to day; and the Speaker *pro tempore* cannot avoid the practical results of his decision in that way.

Mr. BLACKBURN. "The Speaker *pro tempore*" does not seek to avoid it at all, but he calls the attention of the House to the fact that an order was entered on Wednesday, and on Thursday the Journal was read giving the House that information. "The Speaker *pro tempore*," while seeking to avoid no responsibility for any of his decisions, simply expresses his regret at being unable to enable the gentleman from Michigan [Mr. NEWBERRY] to see so plain a point.

Mr. GARFIELD. How could we know on Saturday morning that the agreement of a former day to have nothing but debate on Saturday had not been rescinded on Friday? Nothing but the reading of the Journal of the proceedings of Friday could have made it officially known that the former order was not rescinded. According to the argument of my friend from Kentucky the full reading of the Journal of the preceding day was necessary to make it sure that the order of the House was still in force, that there should be nothing but debate on Saturday.

Mr. BLACKBURN. I will answer the gentleman, and say that I never knew before—

Mr. GARFIELD. That is your argument.

Mr. BLACKBURN. No; it is my argument which you are trying to pervert as you tried yesterday to pervert the Journal of the proceedings of the day before.

Mr. GARFIELD. No; let me state. The gentleman has made an argument that we cannot proceed at all until we know officially from hearing the Journal read what may have been the order of the day before.

Mr. BLACKBURN. I say—

Mr. GARFIELD. And I say how could he or the House on Satur-

day last have known but that all their orders about adjournment over and about a session for debate only might have been rescinded, and that it was the duty of the House to go on with the consideration of the appropriation bill or something else on Saturday last, if his argument is good, unless he had caused to be read the Journal of the proceedings of the day before?

Mr. BLACKBURN. As to the questions propounded or the criticisms that the two gentlemen have sought to pass I do not think they stand in need of any answer, certainly that of the gentleman from Ohio does not, for the answer is too plain. In the first place the rule under which we are now considering this point of order declares that these proceedings are to be had upon each legislative day, each day when legislative business is to be transacted. That was not the case last Saturday.

A MEMBER. How did you know that?

Mr. BLACKBURN. That question has been asked twice; I will try to answer it once. We knew it because an order had been entered on Wednesday and was read to the House on Thursday morning as a part of the Journal. Even if it had been rescinded it would not and could not have mattered on Saturday, because there was no business to be done on Saturday; it was so stated from the Chair, and was so accepted by the House by unanimous consent.

The gentleman from Maine [Mr. REED] suggests that probably "the gentleman from Kentucky" who happened to be occupying the chair did not then anticipate this debate. I reply that the occupant of the chair needed not to have anticipated this debate; but I did not anticipate the strait to which the other side of the House would find itself reduced this morning in trying to violate the first clause of our first rule, now only three weeks old—ignoring its plainest provisions and undertaking to put it beyond the power of the Speaker or of the House itself to have the Journal of yesterday's proceedings read at all.

Mr. NEWBERRY. If that is the rule, why was it not enforced in this House on Saturday?

Mr. BLACKBURN. It was fully complied with.

Mr. NEWBERRY. If the gentleman did not direct the reading of the Journal of the preceding day he did not comply with the rule.

Mr. BLACKBURN. I am not responsible for the incapacity of the gentleman to understand either the rule or my remarks. I say that Rule I was complied with on Saturday. The two months' debate that we had upon the rules ought certainly to have sufficed to have taught everybody in the House by the mere process of absorption something about the rules.

Mr. NEWBERRY. If the gentleman from Kentucky is satisfied with the position into which these rules have brought the House, so that it is absolutely in a dead-lock and can do nothing under the rules, I give him full credit.

Mr. ATKINS. I would like to know who has the floor?

The SPEAKER. The Chair desires to say that by the Constitution of the United States this House is required to keep a Journal of its proceedings. In accordance with the rule adopted in 1789, (the practice under which has been unbroken,) the House each morning approves the Journal of the proceedings of the prior day's session. The Chair puts the question in this form: "If there be no objection, the Journal of the prior day's proceedings will stand approved." That has been the practice under the old rule; and the new rule is in language on this point the same as the rule adopted in 1789.

The first clause of Rule XXIV, which has been alluded to by the gentleman from Maine, [Mr. REED,] regulates the business of Monday, and states distinctly that the Journal shall be approved. The Chair thinks it is in accord with the uniform practice in all legislative bodies that the Journal shall be approved. It is also the rule of the Senate—

Mr. CONGER. The second clause of Rule XXIV says, "On all other days than Monday, as soon as the Journal is read and approved."

The SPEAKER. The approval of the Journal on other days, as well as on Mondays, is not provided for by mere implication, but by the direct terms of the rule.

Mr. CONGER. The two clauses taken together provide for the approval of the Journal on every day of the week.

The SPEAKER. That is the view of the Chair. He therefore thinks it is not only in accordance with the practice, but is obligatory upon the House each legislative day to take action on its Journal. In submitting this morning the questions of privilege, first as to Monday's Journal, which came before the House for its determination on the point whether it involved a question of privilege or not, the Chair based his action upon Rule IX, which states that "questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings," and provides in the last clause that such questions "shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess."

Here is a question submitted to the House for its determination as a question of privilege, relating to the Journal of Monday—a Journal prior to that which would be read under the construction which the gentleman from Kentucky puts upon Rule I. But it matters not whether the Journal of yesterday's proceedings be read now or not, for the reason that if read the question of privilege as to a prior day's Journal would immediately come up, and the House must dispose of the Journal of its proceedings in the order of date. The Chair there-

fore thinks that it is really not a matter of consequence whether the Journal of yesterday's proceedings be read now or not. If read, the question will immediately come up on the prior day's Journal.

Mr. BLACKBURN. Do I understand the Chair to rule that the Journal of yesterday's proceedings shall or shall not be read?

The SPEAKER. The Chair is entirely willing to leave that to the House. The Chair has expressed his reason for the opinion that the question as to the prior day's Journal must first be disposed of.

Mr. REAGAN. Let us see whether we cannot reach a disposition of this whole subject.

Mr. BLACKBURN. Not until the Journal is read or until the Chair refuses to allow it to be read.

The SPEAKER. The Chair did not refuse anything of the kind.

Mr. TOWNSHEND, of Illinois. I rise to a parliamentary question.

The SPEAKER. The Chair has recognized the gentleman from Texas.

Mr. REAGAN. I wish to submit a proposition. When the question of order was made by the gentleman from Michigan it was announced by the Speaker that the Journal did state what had taken place.

The SPEAKER. The Chair is unable to hear the gentleman from Texas.

Mr. REAGAN. When the Journal was read on yesterday a question was made on the correctness of the Journal by the gentleman from Michigan. The Speaker announced the Journal did recite what had occurred. The object of making the question was to secure a different reference of the bill from that which appeared to have been made on the Journal. Now, then, the whole trouble came from the effort on the question of order for the correction of the Journal and changing the reference of a bill. I submit there is an easy way, a parliamentary way, out of the trouble, and I simply desire to state what I think it is, to see whether the House will not accept it. We have now come back by our proceedings to the motion submitted by the gentleman from Ohio to correct the Journal.

Mr. GARFIELD. No, sir; the motion of the gentleman from Maryland is the one before the House. It supervened above mine.

Mr. REAGAN. That question and the question submitted by the gentleman from Maryland. If the gentleman from Maryland will withdraw his question of privilege, and the gentleman from Ohio will withdraw his motion and let it stand there, then a resolution can be introduced, when in order, to secure a different reference of this bill and place the subject under the control of the House in a parliamentary way.

The SPEAKER. The Chair is uncertain when such resolution would be in order under the construction of the gentleman. It might be done by unanimous consent.

Mr. REAGAN. Of course, Mr. Speaker, I am submitting a way by which we can get out of this difficulty.

The SPEAKER. The gentleman had better accompany it with a request for unanimous consent.

Mr. REAGAN. If it can be done only by consent, we have this way: we can vote down the privileged question and the motion of the gentleman from Ohio, if he does not see proper to withdraw it, and let some gentleman interested in the matter introduce a resolution and let us control it in a parliamentary way.

Mr. CONGER. After the decision of the Chair on this question, and after having submitted to the House whether the proposition of the gentleman from Maryland is a privileged question, and the vote having been ordered on it, I think Rule IX clearly requires that the House shall first decide whether this be a question of privilege before any other question is taken. If the House does decide it is a question of privilege, then, under Rule IX, no other proceeding can be had.

Mr. HUTCHINS. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HUTCHINS. I ask the gentleman to speak louder. I cannot hear a word he says.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Michigan is on the floor.

Mr. SPRINGER. What is now before the House? Has the Chair disposed of the point of order raised by the gentleman from Kentucky?

The SPEAKER. The Chair will submit that question to the House, whether the Journal of yesterday's proceedings shall first be read.

Mr. SPRINGER. I desire that question settled now because the gentleman from Michigan is proceeding to discuss the merits.

Mr. CONGER. If the gentleman from Illinois could only keep his seat for a moment it would gratify me, and I believe all the rest of the House. [Laughter.]

Mr. SPRINGER. I should be most happy to gratify the gentleman from Michigan, for one who stands on his feet all the time should take his seat. [Laughter.]

Mr. CONGER. Yes; that is more agreeable to the House. [Laughter.]

Mr. SPRINGER. It is more agreeable to the gentleman from Michigan.

Mr. CONGER. I admit it is hard on the gentleman from Illinois. I should be preferred to him at any time. [Laughter.]

Mr. SPRINGER. I am sorry I cannot hear the gentleman; I should like to hear what he said.

Mr. CONGER. Now, if I may be allowed to proceed—

Mr. SPRINGER. What is it?

Mr. CONGER. I said it was an awful reflection on the gentleman from Illinois that the House should prefer me to him. [Laughter.] Mr. SPRINGER. That is the severest remark the gentleman could have made—that it was a serious reflection upon the House he should be preferred to me. [Laughter.]

Mr. CONGER. Mr. Speaker, might I proceed? [Laughter.]

The SPEAKER. The gentleman from Michigan has the floor.

Mr. CONGER. If the proposition of the Chair in submitting this question of privilege to the House be proper—and no one disputes it—and the House having already ordered the yeas and nays to be voted on that question, which has been submitted and is now pending, I claim that under Rule IX while that proposition is before the House in that shape no motion or proceeding is in order except a motion to fix a day to which the House shall adjourn, to adjourn or—

Mr. HUTCHINS. Mr. Speaker, I call the gentleman from Michigan to order.

Mr. CONGER. I say that no motion or proceeding is in order—

Mr. HUTCHINS. I call the gentleman to order.

The SPEAKER. The gentleman will state the point of order.

Mr. CONGER. Now we will hear my friend, Mr. HUTCHINS.

Mr. HUTCHINS. I call the gentleman to order for the reason that he speaks now of a proceeding of this House which he assumes occurred on yesterday. Now, I do not know that any such proceeding ever took place, nor do any of the members of this House who might have happened to be absent on yesterday. No Journal has been read for the information of the members.

Mr. CONGER. The previous question was called on yesterday, and the yeas and nays were ordered on the question of privilege.

Mr. HUTCHINS. We have no means of knowing that.

The SPEAKER. The Chair thinks the gentleman from Michigan has the right to state his case in his own way.

Mr. HUTCHINS. I have no doubt of that; but I simply state that the gentleman is alleging as a fact a matter which took place here yesterday and in reference to which we have no record.

Mr. CONGER. I simply answer that by quoting the language of the gentleman from Kentucky: That every gentleman of ordinary sense in this House is expected to remember what did occur here on yesterday. [Laughter.]

Mr. HUTCHINS. The gentleman from Michigan appears to have the best memory of any man on earth, for he remembers what did not occur on Monday. [Laughter.]

Mr. CONGER. Now I have got past that corner. [Laughter.]

I was saying, Mr. Speaker, that having entertained the question of privilege, and the same having been submitted to the House, and the House having so far entertained it as to order the vote by yeas and nays on it, that Rule IX, in my judgment, applies here, and provides that no other motion is in order except the propositions contained in that rule, which are to fix the day to which the House shall adjourn, to adjourn, or to provide for a recess. If that be under the ruling of the Chair a proper decision, I object to any other proceeding than the submission of this privileged question to the House, and object to any other motion or proceeding than those specifically mentioned in this rule.

Mr. SPARKS. Mr. Speaker, it seems to me that there is a plain and satisfactory way provided here under the rules for the settlement of this question.

Rule I provides that—

The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the members to order, and on the appearance of a quorum, cause the Journal of the proceedings of the last day's sitting to be read.

Now, sir, there is no mistaking that; it is plain and explicit. Further than this we find that Rule XXIV requires the approval of the Journal; but it does not follow (and that is the point I make here) that the Journal should be approved on the day it is read. But in regard to reading the Journal the rule is imperative, and I do not think it is a question that the Speaker should submit to the House, but is a question purely addressed to the Chair. The Journal being read. Then the question raised on the Journal of the preceding day arises, and I take it for granted that that question must be settled prior to any approval of the Journal of to-day. When the Journal of to-day is read the question necessarily arises as to the order of business, and that order, it seems to me, would be first a determination of the question raised on the Journal of yesterday.

Mr. BLOUNT. I rise to a parliamentary inquiry. I would like to know what question is before the House, whether it be the point of order raised by the gentleman from Kentucky or the question of privilege of the gentleman from Maryland.

The SPEAKER. The point of order made by the gentleman from Kentucky.

Mr. BLACKBURN. I was going to ask whether my point of order was not the pending question. Now, I have but this word to say: I am not raising the question as to where precedence will be given when this Journal has been read. That is a question that comes up after the Journal of yesterday shall have been read and approved, and it will then be time enough, and not until then, to determine whether motions to correct the Journal of the day before or motions to correct the Journal of yesterday shall take precedence one of another. My point is this: the Journal of yesterday's proceedings must be read, and read now.

Mr. REED. Read for what? For action or not?

Mr. BLACKBURN. The gentleman cannot switch me off again. I am insisting upon a ruling on this point of order, and it is simply a point of order and one on which the Chair is called to rule.

I only desire the House to know that I sever these two questions. I am not insisting by my point of order that when the Journal of yesterday is read a motion to amend it will take precedence of a motion to amend the Journal of the day before. I am simply insisting that the Journal of yesterday be read now.

Mr. REED. Does not the gentleman intend to take that ground?

Mr. BLACKBURN. Then the question will come up whether a motion to amend the Journal of the day before yesterday or a motion to amend the Journal of yesterday takes precedence.

Mr. SPARKS. I am on the same line as the gentleman from Kentucky; and I desire to ask him whether or not he concedes the point that when the Journal of yesterday is read, which we are now insisting upon shall first be done, the question will then first recur on the approval of the Journal of the day before yesterday?

Mr. BLACKBURN. I will not concede that.

Mr. SPARKS. I am willing to concede that.

The SPEAKER. It is an accepted parliamentary rule, governing all legislative bodies, and is a practice of the House, that the House shall regulate the manner of its proceedings. The Chair therefore submits the question whether the Journal of yesterday shall first be read. As many as are in favor of the proposition that the Journal of yesterday shall now be read will say "ay."

Mr. SPRINGER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. GARFIELD. The gentleman from Illinois cannot rise to a question of order when the House is dividing on a question of order.

Mr. SPRINGER. But I rise to a point of order on that very question.

The SPEAKER. The Chair will hear.

Mr. SPRINGER. The fourth clause of Rule I provides that the Speaker—

Shall sign all acts, addresses, joint resolutions, writs, warrants, and subpoenas of, or issued by order of the House, and decide all questions of order, subject to an appeal by any member.

The SPEAKER. The gentleman would not want the Chair to decide a question about which he had a doubt and about which he wanted an expression of the House. He would surely not prevent the Chair from such submission of the question.

Mr. SPRINGER. I desire the Chair to decide the point of order under the rule, subject to the right of any member to appeal from his decision. The Chair may submit whether a particular question is a question of privilege or not, but the Chair cannot submit a point of order for the decision of the House. The Chair must himself decide it first.

The SPEAKER. The Chair states distinctly he is in doubt on this point and chooses to submit the question. He is here by the will of the House and submits this question to the decision of the House.

Mr. SPRINGER. The House can only decide upon an appeal from the Speaker's decision. I insist that the Speaker must first decide this question.

Mr. BLAND. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. If the House votes that the Journal of yesterday shall not be read, will it then be in order to bring before the House anything that is a part of the proceedings of yesterday?

The SPEAKER. If the House votes that the Journal of yesterday be not read, the next question will be the question of privilege presented by the gentleman from Maryland, [Mr. McLANE.]

Mr. BLAND. But after the House has refused to order the record of yesterday's proceedings to be read how can we know what is upon that record, the House having voted that it shall not be read?

The SPEAKER. That is for the House to determine. The question submitted to the House is whether the Journal of yesterday's proceedings shall be now read.

Mr. TOWNSHEND, of Illinois. There has been objection to submitting that question to the House without a decision of the Chair.

The SPEAKER. The Chair asks the instruction of the House, and there is nothing in the rules to prevent him from doing so.

Mr. CHALMERS. I do not know that I understand the proposition correctly. I have prepared a statement of what I understand to be the question and desire to have it read.

The Clerk read as follows:

Whenever on the reading of the Journal it appears that any bill has been referred to a committee when in the opinion of any member it would have been referred to another committee if the attention of the House had been directed to such reference by the title of the bill, then it shall be a question of privilege to move that such reference may be changed before the Journal is approved.

Mr. CHALMERS. Is that the effect of the motion?

The SPEAKER. The Chair cannot rule upon a paper in that form. As many as are in favor of the Journal of yesterday being now read will say "ay."

Mr. BLACKBURN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SPRINGER. Before the roll-call proceeds I make the point of order that it requires a vote of two-thirds to suspend the rule requiring the Journal to be read.

The SPEAKER. That point does not arise until after the vote shall have been taken.

Mr. SPRINGER. And I make the point of order that a motion to suspend the rules cannot be entertained except on the first and third Mondays of each month and during the last six days of the session.

The SPEAKER. There is no motion to suspend the rules.

Mr. SPRINGER. It requires a motion to suspend the rules to dispense with the reading of the Journal.

The SPEAKER. The Clerk will proceed with the roll-call.

The question was taken; and there were—yeas 115, nays 127, not voting 50; as follows:

YEAS—115.

Aiken,	Ellis,	Lewis,	Shelley,
Armfield,	Ewing,	Lounsbury,	Simonton,
Atkins,	Finley,	Lowe,	Singleton, J. W.
Beale,	Forney,	Manning,	Singleton, O. R.
Berry,	Forsythe,	Martin, Edward L.	Sparks,
Blackburn,	Frost,	McKenzie,	Springer,
Bland,	Geddes,	McLane,	Steele,
Blount,	Gibson,	McMahon,	Stevenson,
Buckner,	Gillette,	McMillin,	Talbot,
Cabell,	Goode,	Mills,	Taylor,
Caldwell,	Gunter,	Money,	Thompson, P. B.
Carlisle,	Hammond, N. J.	Morrison,	Tillman,
Chalmers,	Hatch,	Muldrov,	Townsend, R. W.
Clardy,	Henry,	Muller,	Tucker,
Clark, John B.	Herbert,	Myers,	Turner, Oscar
Cobb,	Herdson,	New,	Turner, Thomas
Colerick,	Hill,	Nicholls,	Upson,
Converse,	Hooker,	O'Connor,	Vance,
Cook,	House,	O'Reilly,	Waddill,
Cravens,	Hull,	Persons,	Warner,
Culberson,	Huntton,	Philips,	Weaver,
Davidson,	Hutchins,	Phister,	Whiteaker,
Davis, Joseph J.	Jones,	Poehler,	Whitthorne,
Davis, Lowndes H.	Kenna,	Reagan,	Williams, Thomas
Deuster,	Kimmel,	Richardson, J. S.	Willis,
Dibrell,	King,	Robertson,	Wilson,
Dickey,	Kitchin,	Rothwell,	Young, Casey.
Dunn,	Knott,	Samford,	
Elam,	Ladd,	Sawyer,	

NAYS—127.

Aldrich, N. W.	Crape,	Joyce,	Robinson,
Aldrich, William	Crowley,	Kelley,	Ross,
Bachman,	Daggett,	Ketcham,	Russell, Daniel L.
Bailey,	Davis, George R.	Killinger,	Russell, W. A.
Baker,	Davis, Horace	Klotz,	Ryan, Thomas
Ballou,	Deering,	Lapham,	Shallenberger,
Barber,	Dumell,	Lindsey,	Smith, A. Herr
Bayne,	Dwight,	Marsh,	Smith, Ezekiah B.
Beltzhoover,	Einstein,	Mason,	Starin,
Bicknell,	Errett,	McCold,	Stone,
Bingham,	Farr,	McCook,	Thomas,
Blake,	Ferdon,	McGowan,	Thompson, W. G.
Bouck,	Field,	McKinley,	Tyler,
Bowman,	Fisher,	Miller,	Updegraff, J. T.
Boyd,	Frye,	Mitchell,	Updegraff, Thomas
Brewer,	Garfield,	Monroe,	Urner,
Briggs,	Godshalk,	Morse,	Valentine,
Brigham,	Hall,	Neal,	Van Aernam,
Browne,	Harmer,	Norcross,	Voorhis,
Burrows,	Harris, Benj. W.	O'Neill,	Van Voorhis,
Butterworth,	Haskell,	Osmer,	Wait,
Calkins,	Hayley,	Overton,	Ward,
Cannon,	Hawes,	Pacheco,	Washburn,
Carpenter,	Hellman,	Page,	Williams, C. G.
Caswell,	Henderson,	Phelps,	Willits,
Claffin,	Hiscock,	Pierce,	Wise,
Clymer,	Horr,	Pound,	Wood, Fernando
Coffroth,	Houk,	Price,	Wood, Walter A.
Conger,	Hubbell,	Reed,	Wright,
Covert,	Humphrey,	Rice,	Yocum,
Cowgill,	James,	Richardson, D. P.	Young, Thomas L.
	Jorgensen,	Robeson,	

NOT VOTING—50.

Acklen,	Evins,	Le Fevre,	Sapp,
Anderson,	Felton,	Loring,	Scales,
Atherton,	Ford,	Martin, Benj. F.	Sherwin,
Barlow,	Fort,	Martin, Joseph J.	Smith, William E.
Belford,	Hammond, John	Miles,	Speer,
Bliss,	Harris, John T.	Morton,	Stephens,
Bragg,	Haw,	Murch,	Townsend, Amos
Bright,	Hazleton,	Newberry,	Wellborn,
Chittenden,	Henkle,	O'Brien,	Wells,
Clark, Alvah A.	Hostetler,	Orth,	White,
Cox,	Hurd,	Prescott,	Wilber.
De La Matyr,	Johnston,	Richmond,	
Dick,	Keifer,	Ryon, John W.	

So the House refused to require the reading at this time of the Journal of the proceedings of yesterday.

The following pairs were announced:

Mr. RYON, of Pennsylvania, with Mr. MITCHELL until the 25th instant, unless both parties return before that time.

Mr. DUNN with Mr. SAPP until the 10th of April on all yea-and-nay votes of a political character on which the democratic and republican parties shall be opposed, provided the pair shall not operate to prevent a quorum of the House.

Mr. KEIFER with Mr. CLARK, of New Jersey, until Friday of next week, on all political questions.

Mr. SINGLETON, of Illinois, with Mr. MILES on political questions.

Mr. PRESOTT with Mr. RICHMOND.

Mr. SHERWIN with Mr. WRIGHT.

Mr. BELFORD with Mr. LE FEVRE.

Mr. FORT with Mr. O'BRIEN.

Mr. MORTON with Mr. COX.

Mr. DICK with Mr. BLISS.

Mr. MARTIN, of North Carolina, with Mr. SCALES.

Mr. ACKLEN with Mr. FELTON.

Mr. HAMMOND, of New York, with Mr. STEPHENS.

Mr. SMITH, of Georgia, with Mr. WILBER on all political and tariff questions on yea-and-nay votes, not to affect a quorum.

Mr. ORTH with Mr. JOHNSTON.

Mr. SPEER, for to-day, with Mr. NEWBERRY.

Mr. LORING with Mr. BRAGG.

Mr. MARTIN, of West Virginia, (who is at his room sick,) with Mr. HAWK.

Mr. ATHERTON with Mr. ANDERSON.

Mr. EVINS with Mr. TOWNSEND, of Ohio.

Mr. SINGLETON, of Illinois. I am announced as paired with Mr. MILES on all political questions. Not regarding this as a political question, I have voted.

The result of the vote was then announced as above stated.

Mr. KNOTT. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. KNOTT. My point of order is that the reading of the Journal is peremptorily demanded by the rules, which cannot be set aside except by unanimous consent.

The SPEAKER. The Chair has already stated that by universal practice all parliamentary bodies have the power to regulate the manner of their proceeding. The House has just expressed its opinion in relation to the reading of the Journal of yesterday's proceedings, and the Chair overrules the point of order of the gentleman from Kentucky [Mr. KNOTT] in obedience to the views of the House just expressed.

Mr. TOWNSHEND, of Illinois. I think the same question was raised some time ago by some gentleman who desired to have the reading of the Journal dispensed with, and I understood the Chair then to decide that it was not in order to dispense with the reading of the Journal.

The SPEAKER. The Chair has always held that under the rules the Journal must be read and approved. Sometimes in the experience of the Chair it has been waived; but that has always been when there was no conflict.

Mr. TOWNSHEND, of Illinois. Does the Chair say that it is competent for the House to dispense with the reading of the Journal without unanimous consent?

The SPEAKER. It has been occasionally done by unanimous consent; but in this case there is a controversy.

Mr. TOWNSHEND, of Illinois. The point made by the gentleman from Kentucky is that unanimous consent is necessary.

The SPEAKER. This is not a proposition to dispense with the reading of the Journal.

Mr. McLANE. I call for the regular order.

The SPEAKER. The regular order is the question raised by the gentleman from Maryland [Mr. McLANE] as a question of privilege.

Mr. McLANE. I ask that the resolution may be read.

Mr. YOUNG, of Tennessee. I wish to make a parliamentary inquiry. If the House should sustain the motion of the gentleman from Maryland, by which this is declared to be a question of privilege—

The SPEAKER. The proposition of the gentleman from Maryland will not be voted on first.

Mr. YOUNG, of Tennessee. I know that; but in order for us to vote intelligently, I want to know what will be the effect of that motion if carried.

The SPEAKER. If the House should decide it to be a question of privilege, it will come up in the manner presented by the gentleman from Maryland, and then the Chair will recognize the gentleman from Texas [Mr. MILLS] to move to lay it on the table, in accordance with his purpose indicated yesterday.

Mr. MILLS. If that proposition is now pending, I make my motion.

The SPEAKER. That is not the question now pending.

Mr. YOUNG, of Tennessee. If the proposition of the gentleman from Maryland be sustained, would it be competent to move to refer the measure in controversy?

The SPEAKER. A motion to commit would be in order.

Mr. YOUNG, of Tennessee. To commit to what committee?

The SPEAKER. To a standing or to a select committee. The Chair thinks that for an intelligent understanding of the proposition of the gentleman from Maryland it had better be read.

Mr. BLACKBURN. I ask from what will it be read?

The SPEAKER. From the paper the gentleman sends up to be read. Mr. BLACKBURN. It is not to be read from the Journal of yesterday.

Mr. GARFIELD. That is not necessary. The gentleman would have the right to modify it at any rate.

Mr. McLANE. I have just sent my proposition to the Clerk's desk.

Mr. BLACKBURN. I rise to a parliamentary inquiry. What is before the House?

The SPEAKER. The Chair will cause to be read whatever the gentleman from Maryland presents. The Chair is not advised as to the nature of the proposition.

Mr. BLACKBURN. I reserve any point of order upon it.

Mr. BLAND. I wish to make a parliamentary inquiry. I want to know by what authority this resolution is to be read.

The SPEAKER. By the authority of a majority of the House that declared a moment ago that they would consider this subject.

Mr. BLAND. The Journal of yesterday has not been read, and we do not know that this resolution was before the House yesterday. There is no authority to read the resolution or to act upon it.

The SPEAKER. This resolution, as the Chair is advised, is not the same as that introduced by the gentleman yesterday.

Mr. THOMAS TURNER. What right has the gentleman to introduce it now?

The SPEAKER. The Chair has yet to hear the resolution read.

Mr. HUTCHINS. I make the point of order that the gentleman from Maryland has not at this stage the right to offer a resolution.

The SPEAKER. A question of consideration as to priority having been raised, the House has practically decided by a majority vote that it will first consider what relates to the Journal of Monday, and then proceed to the reading of the Journal of Tuesday.

Mr. BLACKBURN. That has not been voted on.

The SPEAKER. That is the practical result.

Mr. BLACKBURN. I ask the Speaker to state whether anything has been voted on except a proposition in the nature of instructions submitted by the Chair to the House, for the Chair's own guidance, as to whether the Journal of yesterday should be read or not.

The SPEAKER. The House has directed the Chair not to cause to be read the Journal of yesterday at this time. Immediately then, by consequence of that vote, comes up the question of privilege on the approval of Monday's Journal.

Mr. BLACKBURN. Then I raise a point of order and ask to be allowed to state it. If the Journal of yesterday's proceedings had been read, the rule would provide what should be the regular order. Now, according to the construction which the Chair gives to the vote of the House (in which I do not concur) the House has decided that the Journal of yesterday shall not be read.

The SPEAKER. Shall not now be read.

Mr. BLACKBURN. Now I call for the regular order; and under the second clause of Rule XXIV the regular order is the morning hour for the presentation of reports of committees.

The SPEAKER. The Chair overrules the point of order.

Mr. TOWNSHEND, of Illinois. I make this point of order—

Mr. CONGER. I call for the reading of the resolution.

Mr. TOWNSHEND, of Illinois. This House cannot officially know what transpired yesterday. In other words, yesterday forms a hiatus until the Journal of yesterday's proceedings has been read.

The SPEAKER. The House by a majority vote refused to allow the reading of the Journal of yesterday's proceedings.

Mr. REED. There is one exception to that, and I think the gentleman from Illinois remembers it. [Laughter.]

Mr. TOWNSHEND, of Illinois. The point of order I make is this: that unless the Journal is read, this House cannot officially know what has transpired yesterday. Therefore no proceedings can be based on the action of yesterday.

The SPEAKER. The Chair overrules the point of order on the ground that the House knew what it was doing when it gave its vote. [Laughter.]

Mr. DAVIS, of North Carolina. The rule provides that the Journal of the previous day's sitting shall be read. I desire to know whether that rule can be dispensed with except in the usual way.

The SPEAKER. The House has given a construction to the rule, and one which binds the Chair; for the House has refused by a direct vote to have the Journal of yesterday read.

Mr. DAVIS, of North Carolina. Can the House, except by a suspension of the rules, dispense with that rule requiring the reading of yesterday's Journal?

The SPEAKER. This House has the power, in one way or the other, either by expressing its opinion in the manner it did or through the agency of an appeal, to put its interpretation and construction upon the rules, and that interpretation and construction, when given, is binding upon the Chair.

Mr. ROBESON. Has not the Chair decided the question of order?

The SPEAKER. It has.

Mr. HUTCHINS. I demand the floor. I had the floor before the gentleman from New Jersey.

The SPEAKER. Does the gentleman from New York rise to a point of order?

Mr. HUTCHINS. I mean to say the only effect of the last resolution is to suspend the reading of the Journal.

The SPEAKER. Temporarily.

Mr. HUTCHINS. To suspend its reading. We passed over that. We proceeded to the regular business.

The SPEAKER. The proposition of the gentleman from Maryland will now be read.

Mr. BLAND. I rise to a parliamentary question, whether that resolution is unfinished business coming over from yesterday or a proposition now introduced.

The SPEAKER. The question of the approval of the Journal of Monday comes over and the House has by a vote directed it to be first acted upon.

Mr. BLAND. Come over from when, Mr. Speaker?

The SPEAKER. From yesterday.

Mr. ROBESON. That is the question the House has decided.

Mr. BLAND. There is nothing to show that. The Chair does not know that.

The SPEAKER. The Chair thinks he does know it.

Mr. BLAND. Will the Speaker submit that question to the House, as he has been in the habit of submitting questions, whether that resolution did come over or not?

The SPEAKER. The Chair has no actual, positive knowledge, but he does decide that the question of the approval of Monday's Journal does come over to be first considered by order of the House.

Mr. BLAND. I appeal from the decision of the Chair.

Mr. McLANE. I have the floor.

The SPEAKER. The gentleman has, but there is an appeal taken.

Mr. GARFIELD. The gentleman cannot appeal from the decision of the House. The House has just decided that question.

The SPEAKER. Such appeal would be the House appealing from its own decision. [Laughter.]

Mr. WARNER. It appeals from itself to the Speaker.

Mr. BLAND. I appeal from the ruling of the Speaker in submitting that resolution as coming over from yesterday.

Mr. CALKINS. The gentleman cannot appeal under a parliamentary inquiry.

Mr. ROBESON. Let us have the regular order.

Mr. THOMAS TURNER. I move the House adjourn. I am going to have this House brought back to the regular order of business. [Laughter.]

The SPEAKER. The motion of the gentleman is that the House do now adjourn.

Mr. McLANE. I did not surrender the floor except to points of order.

Mr. THOMAS TURNER. I demand a division on the motion to adjourn.

The House divided; and there were—ayes 33, noes 121.

Mr. THOMAS TURNER demanded tellers.

Tellers were not ordered.

Mr. THOMAS TURNER demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. THOMAS TURNER. I move, then, that the House take a recess until half past seven o'clock this evening, so it may come back here in good humor and retrace its foolish steps.

The House divided; and there were—ayes 22, noes 119.

So the House refused to take a recess.

Mr. MILLS. I move to lay on the table the proposition of the gentleman from Maryland.

The SPEAKER. The first question will be whether the proposition presented is a question of privilege.

Mr. MILLS. And I move to lay that on the table.

The SPEAKER. That is submitted to the House.

Mr. CHITTENDEN. I rise to a parliamentary inquiry.

The SPEAKER. The proposition of the gentleman from Maryland will be read, and the Chair will then submit the question of privilege.

The Clerk read as follows:

Whereas the House being of opinion that the reference of the bill No. 5265 to the Committee on the Revision of the Laws was incorrect in its reference: Therefore,

Resolved, That the said committee be discharged from its further consideration, and that the same be referred to the Committee on Ways and Means.

The SPEAKER. The question is, does this present a question of privilege?

Mr. KNOTT. Is that now before the House?

The SPEAKER. It is. The question presented is whether this under Rule IX, which provides for "the integrity of the proceedings of the House," presents a question of privilege.

Mr. KNOTT. What became of the resolution offered on yesterday? I understand that when the House adjourned yesterday there was a question of privilege pending on a resolution offered by the gentleman from Maryland.

Mr. GARFIELD. I demand the yeas and nays on the pending question.

Mr. KNOTT. I believe I have the floor. I understand that on yesterday there was a question of privilege pending on the resolution offered by the gentleman from Maryland.

The SPEAKER. The resolution was not before the House on yesterday because the House did not determine whether it was a question of privilege or not.

Mr. KNOTT. Will the Speaker allow me?

The SPEAKER. Certainly.

Mr. KNOTT. I say on yesterday when the House adjourned the question of privilege raised by the gentleman from Maryland [Mr. McLANE] was pending. Now, I ask what has become of that resolution?

The SPEAKER. That resolution was read to the House for information on yesterday as stated by the gentleman.

Mr. McLANE. And now it has been modified to some extent.

The SPEAKER. The first question presented was as to whether it contained a question of privilege.

Mr. KNOTT. I ask the Speaker, does the Journal of yesterday show that that resolution was simply read for information?

The SPEAKER. It was not before the House by right.

Mr. KNOTT. Then how can the question of privilege be raised on it if it is not before the House?

The SPEAKER. That relates to the subject-matter. Whether the subject-matter of the resolution is a question of privilege or not is for the House to determine.

Mr. GARFIELD. It was not reduced to writing on yesterday or read from the desk, as I understand. It was simply suggested as a matter to be offered at some time in the controversy.

Mr. SPRINGER. The resolution was read yesterday to the House.

Mr. GARFIELD. The gentleman made a motion on yesterday and at a subsequent time offered to reduce it to writing.

Mr. KNOTT. Mr. Speaker—

Mr. SPRINGER. I beg the gentleman's pardon; it was read.

Mr. KNOTT. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. KNOTT. If the resolution was pending on yesterday is it not unfinished business to-day?

The SPEAKER. The question of the approval of the Journal is in the nature of unfinished business, and the gentleman from Maryland on yesterday rose and stated the motion which he claimed was a question of privilege. That question on yesterday was undetermined by the House. It comes up now as the unfinished business.

Mr. GARFIELD. I ask for the yeas and nays.

Mr. BLOUNT. I understand that the gentleman from Maryland has withdrawn the resolution.

Mr. SPRINGER. Is this question debatable.

Mr. McLANE. I have a right to make my explanation.

Mr. FINLEY. I ask the gentleman from Maryland to yield to me for a moment.

Mr. McLANE. The gentleman from Ohio has stated that the resolution which has just been read from the Clerk's desk was not read on yesterday.

Mr. GARFIELD. I did not notice that it was read on yesterday.

Mr. McLANE. It was read as a verbal notice of the question of privilege. Later on some gentleman on this or the other side of the House asked to have it read. It was read and is printed in the RECORD, and if gentlemen refer to the RECORD they will find the text of the resolution, as reduced by me to writing, printed on page 28 of this morning's RECORD. I will read:

Mr. SIMONTON. I ask for the reading—

Mr. BLAND. Mr. Speaker—

The SPEAKER. The gentleman from Maryland has the floor.

Mr. McLANE. I decline to yield.

Mr. BLAND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman cannot do that while the gentleman from Maryland occupies the floor, unless he yields the floor or desires to call him to order.

Mr. BLAND. Then I call the gentleman to order for the purpose of making a parliamentary inquiry.

The SPEAKER. The gentleman will state wherein the gentleman from Maryland is out of order.

Mr. BLAND. He is out of order in reading from a record which the Chair has decided cannot be read.

The SPEAKER. The gentleman appears to be reading from what is known as the CONGRESSIONAL RECORD, which is not subject to the approval of the House.

Mr. SIMONTON. I wish to inform the gentleman from Maryland that I am not on the other side of the House. I still remain on this side; he is the one who has crossed over.

Mr. McLANE. I referred to the gentleman as sitting on that side when he called for the reading of the resolution. Now, Mr. Speaker, I desire to read again to the House that resolution, as it was read yesterday for its information, but which I have now modified and had read to the House in its modified form:

Resolved, That the Committee on the Revision of the Laws be discharged from the further consideration of House bill H. R. No. 5265, and that the same be referred to the Committee on Ways and Means.

Now, that resolution was read yesterday for the information of the House, and I submit as a question of privilege that inasmuch as a bill that had been referred or committed—

Mr. THOMAS TURNER. May I inquire if that was not the resolution offered by Mr. SIMONTON, and not by the gentleman from Maryland, which is printed on page 28 of the RECORD?

Mr. BLOUNT. The RECORD says so.

Mr. SIMONTON. No, the RECORD says that it was read at my request.

Mr. McLANE. It was read for the information of the House.

Mr. FINLEY. Will the gentleman from Maryland yield to me for a question?

Mr. McLANE. Not now.

Mr. FINLEY. I merely wish to ask a question for information.

Mr. McLANE. When I have made my own statement I will answer the gentleman with pleasure.

I submit to the House as a question of privilege that the Journal being read and giving to the House the information that that bill had been referred to the Committee on the Revision of the Laws, and inasmuch as it was a bill which, under the rules, approved by the judgment of this House, should go to the Committee on Ways

and Means, and as a motion to reconsider the reference of any bill which had been referred was not in order and could not be entertained under the rules of this House—that when the Journal of the House was read and when it appeared an improper reference had been made, quite independently of how that improper reference was made, whether by an individual, or by the Speaker, or by the Clerk, it was the right of the House and the duty of the House, before approving the Journal, to execute its rules by directing the proper reference.

Mr. TOWNSHEND, of Illinois. I desire to ask the gentleman a question.

Mr. McLANE. I will hear it.

Mr. TOWNSHEND, of Illinois. If it be decided to be a question of privilege to change the reference of this bill, would it not be a question of privilege for any other gentleman to move to change the reference of any other bill which has been referred? If this be decided a question of privilege, may not my friend from Florida as a question of privilege move to refer to the Committee on Ways and Means any other bill which has been otherwise referred?

Mr. McLANE. The very point I made, Mr. Speaker, was that the rules of this House do not permit the reference of a bill to be reconsidered where the bill has been referred or committed; and the House will perceive that if the House did permit a reference to be reconsidered, any bill might be brought here, referred by being put into the box or by being indorsed on the back by the member presenting it, then reconsidered and brought before the House for consideration, without going to a committee at all.

The House has forbidden that. The House has provided by rule what class of bills shall go to particular committees. The Journal of its proceedings is read; and the gentleman from Kentucky [Mr. BLACKBURN] does not say, and I take it no other man will say, the reading of the Journal and its approval by the Speaker is an approval by the House, whatever difference of opinion we may have as to whether the Journal of yesterday should be read before the Journal of the day before has been read. I admit the Journal of yesterday and the Journal of the day before must be approved by this House; the Speaker approves it himself before he has it read to the House; that is the ordinary routine of business, and by the new rule he is required to approve it before it is read. Under the old rule it was read without the approval of the Speaker, but the approval of the Speaker by the new rule is given to it before it is read. That was deemed wise and judicious as a rule of the House in regard to making up its Journal. But no man supposes it takes away from the House its right to approve the Journal after it is approved by the Speaker and read at the desk by the Clerk. And the practice of the House under the new rule is precisely what the practice was under the old rule. The Journal is read, having been approved by the Speaker; then the Speaker allows it to stand approved by the House, unless objection is taken.

Well, if a gentleman rises to take exception to the Journal of the day before yesterday just as the gentleman from Michigan [Mr. CONGER] rose to take exception to it, the Journal is in this position, that it has been approved by the Speaker and read to the House, but not approved by the House. And before it is approved by the House I submit as a question of privilege that it is my right to have the bill referred according to the rules, and not as indicated by the indorsement of the member presenting it. I do not admit that the presentation of the bill was accompanied with the unanimous consent of the House to the improper reference.

Now, I find a bill which has been referred not in accordance with the rules. I am not to go into an inquiry to ascertain how this improper reference was made. I am not called upon to take any part as between the gentleman from Ohio [Mr. GARFIELD] and the gentleman from Illinois, [Mr. TOWNSHEND]; and I think it would be unworthy of me to be deterred in doing my duty in a parliamentary line of procedure because this or that disagreeable personal incident has been injected into our proceedings, or because some gentlemen choose to raise the issue of the tariff or any other economical question.

Mr. BLOUNT. I would like to ask the gentleman from Maryland a question.

Mr. FINLEY. I have been waiting for some time for the gentleman from Maryland to yield to me for a question.

Mr. BLOUNT. Then I yield to the gentleman from Ohio, [Mr. FINLEY.]

Mr. McLANE. I would not be doing myself justice if I did not make an explanation of why I have submitted this question before I occupy myself with questions which gentlemen may desire to address to me. I am doing my duty when I explain why it is I submit this question of privilege; and I do not propose to say a word more than that. I consider it absolutely necessary to explain my own proceeding, inasmuch as the Journal of the day before yesterday is now before us, having been read and not having been approved by the House. Now, I am not willing to approve the Journal of the day before yesterday as it stands. I find upon it a reference of a bill to the Committee on the Revision of the Laws—

Mr. MORRISON. And was not that reference made?

Mr. SIMONTON. How do you know it was wrongly made?

Mr. McLANE. I shall not say it was wrongly made. I shall concede to my honorable friend before me that it was made in pursuance of the current rule of the House; but until the House approve the Journal the reference is not conclusive—

Mr. ATHERTON. I desire to ask the gentleman a question right there.

Mr. McLANE. Let me answer first the questions which have already been addressed to me. There is a rule of the House that bills may be introduced by members on Monday, and sent to the Clerk's desk for reference, the reference being then made by the Speaker and the Clerk acting under the direction of the Speaker of this House at the time of presentation, and not, in my judgment, by the vote. That reference was actually made; and that is why I could not vote for the proposition of the gentleman from Ohio, who would so amend the Journal as to show that the reference was not made. I think that reference was made; but I submit to the House that that reference was improperly made, and not in conformity with the rule of this House. That is the point I make.

Mr. ATHERTON. If the privileges of the House were not abused in any way, how is it claimed that any question of privilege now comes in here?

Mr. McLANE. My answer to that, whether satisfactory or not, is very simple. My answer is that this House has prescribed for itself certain rules of proceeding. It is its duty to enforce all those rules, to maintain the integrity of its proceedings and the collective privileges of its members. If the Clerk, or the Speaker, or an individual member by his individual indorsement causes a reference of a bill to be entered on the Journal which is an improper reference under our rules the House should direct a proper reference before approving the Journal.

Mr. HUTCHINS. Can an individual member refer a bill?

Mr. McLANE. Surely not.

Mr. HUTCHINS. Then why did you say so?

Mr. McLANE. I did not say so.

Mr. HUTCHINS. That is what you said—"if an individual member refers a bill."

Mr. McLANE. The gentleman does not understand me. A word of explanation will suffice. An individual member introduces a bill, either through the petition-box or by sending it to the desk on Monday, and indorses upon it a reference.

Mr. HUTCHINS. In this case the member introduced a bill in the open House, and it was read; the record shows that it was read, and the House referred it to a committee.

Mr. McLANE. That is all right. We are not at issue on the fact of presentation, but I contend that the reference was not then made by the House.

Mr. BLOUNT. I would like to ask the gentleman—

Mr. McLANE. Let me first answer the gentleman from New York, [Mr. HUTCHINS.] We are not at issue on the fact of presentation in the House.

Mr. HUTCHINS. Then let us keep to the fact. If the gentleman will argue on the facts, he will come back and say that he is all wrong.

Mr. McLANE. I am willing to adhere to the facts. The gentleman from New York says, that although the indorsement on the bill might have been by a member, yet the actual reference was made by the House.

Mr. HUTCHINS. That is so.

Mr. McLANE. So it was, in so far as the officers of the House acted. When they act they are supposed to act for the House. But the gentleman from New York fails to notice the gist of this whole question. It is that when our Journal is read to us and we find that we are not willing to let the action of the officers of the House be our action, we so resolve. That is all there is in this question; and it is the only mode of maintaining the collective privileges of members of this House or the integrity of its proceedings.

The Speaker and the Clerk have made a reference in conformity with the indorsed reference, and when the Journal is read and no objection is taken to it, the reference by the Speaker and the Clerk is the reference of the House.

Mr. BLOUNT. I would like to ask the gentleman from Maryland [Mr. McLANE] a question right here. It will not divert him at all from his argument, for it is right in the line of it. Rule XIX cites in detail questions of privilege. It reads:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

Mr. McLANE. That is the point.

Mr. BLOUNT. Now I ask the gentleman if that language covers the proposition he now makes, to wit, that the wrong reference of a bill is a question of privilege?

Mr. McLANE. That is the point of objection and the only point of objection which I can conceive in this case; that the words "integrity of its proceedings" go to—what shall I call it? Some say fraud.

Mr. CARLISLE. Will the gentleman allow me to say upon that point a word?

Mr. McLANE. Certainly.

Mr. CARLISLE. I submit to my friend from Maryland that the phrase "integrity of its proceedings" means simply the unity, the completeness, and the truth of the proceedings of the House. When the proceedings of the House, as recorded by the Clerk under the direction of its presiding officer, do truthfully and correctly show what actually occurred, there can be no question of privilege about it.

Mr. McLANE. Very well.

Mr. CARLISLE. But when a gentleman arises in his place on this

floor and says that according to his recollection of the transaction the proceedings as recorded do not show the truth of the transaction, then a question of privilege is raised under Rule IX of the House, and under no other circumstances whatever. I submit that to my friend from Maryland, as a lawyer, as being the true construction of Rule No. IX.

Mr. McLANE. If that narrow construction is given to the words "integrity of its proceedings," then no correction—

Mr. CARLISLE. Yes, I admit that a correction can be made.

Mr. McLANE. No correction of an erroneous reference is possible. Now I submit to the gentleman from Kentucky that if he will give his attention to the whole body of these rules he will find how pertinent is the point made here to a bill introduced in the House. When we come to a bill in the petition-box, of which we get no knowledge at all from the Journal—

Mr. TOWNSHEND, of Illinois. There is no such thing as putting a bill in the petition-box.

Mr. McLANE. Pardon me.

Mr. TOWNSHEND, of Illinois. Petitions go into the box.

Mr. McLANE. Petitions accompanied by bills, and praying the adoption of such bills. The gentleman from Illinois [Mr. TOWNSHEND] ought not to forget that that was the first ruling in this Congress, and the petition-box has been crammed with bills going through that box to the committees of the House under the rules of the House.

Mr. TOWNSHEND, of Illinois. Not under the new rules—under the old rules.

Mr. McLANE. Yes, under the new as under the old. Now in the new rules you will find a provision that when any motion or proposition of any kind put into the box has been improperly referred, there is an obligation imposed upon the committee to report it back for proper reference.

Mr. HUTCHINS. But this bill was never put into the box at all.

Mr. McLANE. I am aware of that. A bill introduced upon the floor of the House goes upon the Journal, and the House has knowledge of it—has power to make the proper reference if an improper one has been made. But the House has no knowledge of a bill that goes into the box; and therefore these new rules have provided that when a bill does go into the box and is improperly referred, the committee to which it has improperly gone shall bring it back to the House.

Mr. BLACKBURN. Let me correct the gentleman. The rule makes no such provision. The rule does provide for a petition or memorial going through the box. A bill is not a petition.

Mr. McLANE. I am talking of a bill accompanied by a petition, a petition praying for the passage of a bill.

Mr. BLACKBURN. I beg the gentleman to bear in mind that the revised rules do not contemplate the reference of bills through the box to committees.

Mr. McLANE. The gentleman from Kentucky will pardon me—the old and new rules are alike on this point. With all deference to him as chairman of the Committee on Rules, not *ex officio* but *de facto*—

Mr. BLACKBURN. The gentleman is mistaken again. I have not that distinguished honor. I am the last-named democratic member of the committee.

Mr. McLANE. Nevertheless, the gentleman was *de facto* chairman of that committee, so far as the passage through the House of these new rules are concerned. It was under the gentleman's auspices that these new rules were adopted.

Mr. BLACKBURN. I accept that responsibility; but I know the gentleman from Maryland cherishes the same prejudice that I do against the term *de facto*.

Mr. McLANE. Well, as we live in days when we have no other than *de facto* authority, I should be very unreasonable to have any prejudice against it.

Mr. CONGER. I wish to ask the gentleman from Kentucky whether Rule XXI does not provide that the only way in which post-route bills and bills for the improvement of rivers and harbors can be introduced is through the petition-box.

Mr. BLACKBURN. There are those excepted bills, but that is a mere quibble. The gentleman from Michigan knows that that does not apply here. There are certain bills allowed to go through the petition-box like petitions or memorials, but no bill of a general legislative character or purport is permitted to find its way to a committee through that box. The exception noted by the gentleman from Michigan does not affect this rule at all.

Mr. CONGER. But the gentleman knows that last session hundreds of bills were referred in that way.

Mr. BLACKBURN. That was under the old rule, not under the present rule.

Mr. CALKINS. Under the present rule is there any prohibition against other bills passing through the box as they did during the extra session?

Mr. BLACKBURN. There is no permission given, and there is what amounts to an express prohibition by the naming of the bills excepted from the general rule—post-route bills and river and harbor bills. These only are allowed to go through that box.

Mr. CALKINS. During the extra session there was a provision in the rules that bills relating to post-routes and to rivers and harbors should be referred through the box; there was, then, a class of excepted bills; yet other bills were referred through the box. My point

is that there is now no provision in the rules whereby other bills may not go through the box, if accompanied by petitions.

Mr. BLACKBURN. No bill can go through the petition-box unless it belongs to the excepted classes just referred to. If the gentleman will look at the rule he will find that express provision is made for the introduction of bills whether by individual members or by committees. A committee may bring in a bill framed or predicated upon a petition or memorial. Express provision is made for the introduction of bills by an individual member or by a committee. An exception is made in regard to the classes of bills alluded to by the gentleman from Michigan, [Mr. CONGER,] which for the convenience of the House and to save printing are allowed, as none others are allowed, to pass through the petition-box.

Mr. CALKINS. I appreciate the point the gentleman makes. The present rules provide as he states; but I fail to see the difference between the old rules and the new in that regard. The old rules and the new substantially agree on this subject; and we all know that under the old rules bills accompanied by petitions went into the petition-box.

Mr. BLACKBURN. The only point I make is that no member of this House can get any bill before any committee, whether standing or select, if it shall not belong to one of those excepted classes, unless he introduces it here in open House and it is so referred.

Mr. CALKINS. I understood the gentleman but dissented from him, because I do not understand the rules as he interprets them.

Mr. McLANE. I shall not occupy the time of the House any further. I make the point to the House the Journal of day before yesterday on being read, having been approved by the Speaker and read to the House in pursuance of the first rule, reveals to me the reference of a certain bill to the Committee on the Revision of the Laws which I think under the rules of this House ought to go to the Committee on Ways and Means. I believe it to be my privilege before I approve that Journal to see a proper reference is made. It applies no more to this than to a multitude of cases which can occur. I do not choose to sit here and see a reference made which I know to be an improper reference under the rule, with no relief except what may come from the committee to which that bill has been improperly referred. I care not whether the reference results through the negligence of the officers of the House, through the design of the officers of the House, through the inadvertence of the officers of the House, it is my right and privilege to move the reference of the bill as the rules require; and, sir, that is the only point I make.

Mr. ROBESON. Will the gentleman permit me before he sits down?

Mr. McLANE. Yes, sir.

Mr. ROBESON. This is a question of privilege, and it must come under Rule IX or not at all. Now, then, any question affecting the rights of this House collectively clearly is a question of privilege under that rule; for that is the express language of the rule. It is the right of this House, as a House collectively, when it intrusts its action to an individual agent, to have its rules properly conformed to by the agent who acts for it. There are two kinds of proceedings here. One kind is submitted to the consideration and the action of the House. When the House considers and acts upon business, that closes it out except under formal reconsideration. But there is another kind of proceedings of the House which, for the sake of convenience, is allowed to go in the first instance and without investigation, according to the direction given by the person who introduces it. If under the action intrusted to an individual acting in the first instance such proceeding has been taken as does not conform to the rules of the House, then it concerns the House collectively to see that its rules are conformed to by the individual intrusted to act for them; or that, if he desires a different action, he submits it to the House. Therefore it is a question of high privilege in this House that its *pro forma* action, which it submits to its confidence, not in the honor but in the judgment of individual members, shall be made right when the question comes up.

Mr. TOWNSHEND, of Illinois, rose.

Mr. ROBESON. I suggest nothing against the honor of the gentleman from Illinois. I do not believe he did anything which was liable to censure as a dishonorable act. I believe he had a mistaken idea of the effect of the rules of this House, and that he used an indistinct and uncertain rule to accomplish a purpose which this House did not mean he should use it for, and that he acted under this authority to proceed, in the first instance, in a way to commit the House in the first instance to his own mistake, and now, he having acted under a false idea of the rules, against the real will and intention of the House, and ignoring the true meaning of its rules, it is a question of the highest privilege, concerning the action of the whole House and its rights as a House collectively, that its collective action, now acting affirmatively on the subject, shall rectify the individual mistake of the gentleman from Illinois when acting as its agent, and make that action conform to its own idea of its own rules. Thus there is a high privileged question, to the end that the House collectively has the right to rectify the wrong position in which it was put by its action under the individual action of the gentleman from Illinois.

Mr. MILLS rose.

Mr. FINLEY. The gentleman from Maryland said he would yield to me.

Mr. McLANE. Certainly I will.

Mr. MILLS. The Chair has recognized me.

Mr. FINLEY. I desire to call—

Mr. MILLS. There are two gentlemen to whom I have promised to yield the floor.

Mr. FINLEY. Before the gentleman from Maryland takes his seat, I desire to call his attention to the point of order I make, and it is this: When the gentleman on yesterday submitted his proposition to the House, the gentleman from Ohio [Mr. GARFIELD] demanded the previous question, which was seconded, and the Speaker then expressed a doubt as to whether he could entertain the proposition of the gentleman from Maryland pending the demand for the previous question, which had been ordered. I read from the remarks of the Speaker:

The Chair considers that that would be a solution of the difficulty, but he is not clear that the question of privilege can be raised at this time against the operation of the previous question, which the House has ordered.

That was the status of this case yesterday. Then my colleague [Mr. GARFIELD] undertook to withdraw his demand for the previous question, to which the gentleman from Illinois objected; and in that condition of the case we quit yesterday. I will raise the point of order when the gentleman from Maryland gets through, that no proposition can be put pending the demand for the previous question. If the gentleman desires to discuss that, I will only ask him the question.

Mr. MILLS. Will the gentleman from Maryland yield to me for a few moments?

Mr. McLANE. I promised to yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, the gentleman from Maryland yields to me for a moment.

Mr. McLANE. I did not understand that I was expected to answer the question propounded by the gentleman from Ohio; but I wish to say to him that the point he makes to-day was made on yesterday, that I could not present this question before the House, the previous question having been demanded. If the gentleman will refer to the RECORD, he will find that the proposition was read for information, in order that the Speaker might decide whether it superseded the demand for the previous question or not. The Speaker declined to decide the question and submitted it to the House as to whether it presented a question of privilege or not, and the House voted upon it.

Now, if the gentleman had read the RECORD a little further on, he would have found that no quorum voted on that question, and the House then adjourned; so that the question is now pending.

Mr. FINLEY. If the gentleman will allow me a word further, as I understand it, the Speaker did not decide that this question of privilege had precedence of the previous question. That question the Speaker said he would decide, but it has not yet been decided, and the question that the Speaker would now put is as to the question of privilege. Now, I raise the point that the previous question being demanded precludes the gentleman from Maryland from offering his resolution.

Mr. McLANE. But I submit to the gentleman that that point in our proceedings has already been passed, and the House has voted on the question.

Mr. FINLEY. But not as to whether it had precedence of another privileged motion—

Mr. McLANE. Certainly, as to whether the House would entertain the motion as a question of privilege rising beyond the demand for the previous question, and the House voted, ayes 105, noes a small number—I do not remember exactly. At all events the point was made that no quorum had voted, and shortly afterward the House adjourned.

Mr. ATHERTON. How can we find that out unless we have the Journal?

Mr. McLANE. The RECORD of yesterday shows that this was read for information.

Mr. FINLEY. I read from a document which purports to be a CONGRESSIONAL RECORD. [Laughter.]

Mr. SPRINGER. Mr. Speaker—

Mr. McLANE. The reason I yield is because I understand that I am proceeding by consent, and that when I close the previous question is pending.

The SPEAKER. The Chair thinks this question should be properly discussed.

Mr. SPRINGER. I desire to explain in as brief a time as possible why this question is not one of privilege. And in order that it may be understood I desire the Clerk to read from the Journal the proceedings of Monday last, in reference to the introduction of the bill by my colleague from Illinois.

The Clerk read as follows:

By Mr. TOWNSHEND: A bill (H. R. No. 5265) to revise and amend sections 2503, 2504, and 2505 of title 33 of the Revised Statutes of the United States—to the Committee on the Revision of the Laws.

Mr. SPRINGER. Now, I desire to have read the text of the bill which my colleague introduced on that occasion.

The Clerk read as follows:

Be it enacted, &c., That sections 2503, 2504, and 2505 of title 33 of the Revised Statutes of the United States be revised and amended so that the duty on salt, printing-type, printing-paper, and the chemicals and materials used in the manufacture of printing-paper, be repealed, and that said articles be placed on the free list.

Mr. SPRINGER. Now this is the bill which was referred under the rules of the House to the Committee on the Revision of the Laws.

Mr. CONGER. Let me correct the gentleman. There is no such committee.

Mr. SPRINGER. On the Revision and Codification of the Laws.

Mr. CONGER. Not even that.

Mr. SPRINGER. Then what is it? [Laughter.]

Mr. CONGER. The Revision and Codification of the Statutes of the United States. [Laughter.]

Mr. FINLEY. It ought to be the Laws of the United States.

Mr. SPRINGER. Well that is a nice point. The statutes were formerly laws, but are now disregarded it seems.

I desire now to present this question to the House, and ask its judgment, whether it was not competent for the House on Monday last on a motion to refer this bill to a different committee to have referred it to the Committee on the Revision and Codification of the Statutes of the United States?

Mr. SINGLETON, of Illinois. Will the gentleman allow me a question?

Mr. SPRINGER. Certainly.

Mr. SINGLETON, of Illinois. If the committee report this bill back to the House, has not the House the power to recommit it to another committee?

Mr. SPRINGER. Certainly.

Mr. SINGLETON, of Illinois. If they never report it back to the House no harm is done. If they do report it back, the House can do as it pleases in reference to it, either by recommitting it, or rejecting the recommendation that may accompany it from the committee reporting it?

Mr. SPRINGER. Certainly, so I understand.

Now, in order to show I was not in error, as suggested by the gentleman from Michigan, in speaking of this committee, I will state that the Committee on the Revision of the Laws is the one named in the rule, as will be found in Rule X of the revised rules of this House, page 7; from which it will be seen that I was right before.

Now, I recur to the question whether it was not competent for the House on Monday last to have referred this bill to the Committee on the Revision of the Laws or whether a majority of this House when the bill is again reported to the House may not refer it to any other committee the majority of the House may determine. The Speaker has ruled over and over again that the question as to the submission of a bill is for the judgment of the House, and when the House has decided that question it is the decision of the House as to the proper committee. Now, then, there can be no doubt of that question. This bill under the rules of the House was referred to the Committee on the Revision of the Laws. Can this bill then be taken from that committee by a motion to discharge the committee from its further consideration and commit it to another committee without a suspension of the rules? That is the question. I maintain that it cannot be taken from this committee. The bill has gone from the House. The House under its rules has adjudicated the question of reference and placed the bill in the hands of this particular committee, and if the Clerk has done his duty that committee has it now, and if there had been a morning hour might have reported it back to this House this morning, having jurisdiction of it by the action of the House under the rules of the House.

Mr. NEW. I desire to ask the gentleman a question.

Mr. SPRINGER. I will hear it.

Mr. NEW. I wish to ask the gentleman from Illinois a question. Is it his opinion that the word "revision," as used in the designation of the Committee on "Revision of the Laws," has the same meaning or is in any way a synonym for the word "amendment?"

Mr. SPRINGER. I will answer the gentleman's question. That would be a very proper argument to present to the House when the bill was referred why it should be referred to another committee. But this bill provides for the revision and amendment of the tariff laws, and if the Committee on the Revision of the Laws was a proper committee in the judgment of this House to which the bill might be or should be referred, the committee would have jurisdiction of it after its reference.

Mr. NEW. The gentleman has not answered my question. It is this: Is the word "revision" synonymous with the word "amendment?"

Mr. SPRINGER. Of course not; but the bill contains both terms—both "revision" and "amendment."

I recur to the question again whether, if this bill was properly referred under the rules of the House to the Committee on the Revision of the Laws, as the House had a right to refer it, and if that was done in open session, when any gentleman could have raised a question as to how it should be referred if he had desired, the title having been read and indicating the object of the bill to be to amend and revise certain sections of the Revised Statutes, it can now be a question of privilege to change the reference. It was competent for any gentleman to call for the reading of the bill, and upon the reading of it he would have found the bill had reference simply to the revision and amendment of the law as to the duty on salt, paper, and printing-type, and of materials that enter into the manufacture of paper. Then it would have been proper for any gentleman to move a different reference. That was not done, but under the rules of the House the bill went to the Committee on the Revision of the Laws. Now, having gone there, does the question of getting it away from that committee involve "the dignity," the "safety," or the "integrity of the proceedings" of this House?

Mr. REED. Yes.

Mr. BLACKBURN. The gentleman from Maine says yes.

Mr. REED. I do.

Mr. SPRINGER. Where in the reference of this bill was our safety involved? Where was our dignity involved? Where was our integrity or the integrity of the proceedings of this House involved?

Mr. REED. It is utterly impossible to furnish eyes to people who do not have them.

Mr. SPRINGER. I say the proceedings of the House on Monday not having violated the dignity or offended against the safety or destroyed the integrity of our proceedings, we cannot reach this bill except by a motion on Monday to suspend the rules and discharge the Committee on the Revision of the Laws from its consideration, thus bringing it back to the House and then referring it to another committee; or by waiting until the Committee on the Revision of the Laws shall report it back to the House and then immediately on their report being submitted any gentleman may rise and move a reference of the bill to the Committee on Ways and Means and the majority of the House can then control the matter. Any other movement would be revolutionary and would destroy entirely that harmony which has prevailed heretofore in the administration of our rules and set a precedent for overriding the plainest provisions of parliamentary law, which I trust this House for the sake of accomplishing a purpose will not do.

[Here the hammer fell.]

Mr. McLANE. I yield five minutes to the gentleman from Kentucky, [Mr. OSCAR TURNER.]

Mr. CALKINS. Will the gentleman from Maryland allow me to ask him a question?

Mr. MILLS. I desire to know how much time the gentleman from Maryland is entitled to.

Mr. GARFIELD. He is speaking by unanimous consent.

The SPEAKER. The Chair is not restricting debate.

Mr. GARFIELD. The debate is running by unanimous consent.

Mr. McLANE. The reason I have any time, I believe, is that it was the understanding I should move the previous question. I am now yielding the time I have in that way to gentlemen to the extent of my hour.

Mr. OSCAR TURNER. I desire to occupy a few moments only. We have been engaged in the consideration of this question now ever since yesterday morning, and we seem to be no nearer a conclusion than when we first commenced it. In fact there seems to be so much excitement created on this floor that we are getting deeper into the entanglement and confusion.

What I rose to say was simply this: I desire we should progress with the public business and proceed to the consideration of the pending appropriation bill and get rid of this question. I will concede, and I suppose every fair-minded man will concede, that there is a majority on this floor who would have given a direction to this bill different from that which the gentleman from Illinois gave it. There is no question, if their attention had been drawn to it, a majority of the House would have sent the bill to the Committee on Ways and Means. But it took a different course. Now why should we consume all this time in discussion when there is a division in sentiment and both parties seem disinclined to yield to the other and resort to all sorts of parliamentary tactics to delay a decision of this question?

What will you gentlemen who are in favor of a protective tariff gain if you change the reference of this bill? What will you lose if it remains where it has gone? When the Committee on Revision of Laws report it back to this House it will then be in possession of the House, and a motion to refer it to the Committee on Ways and Means will then be in order. Then I appeal to gentlemen of the majority on the other side who are protective-tariff men, why not let the question be settled by leaving the bill where it has gone, and in this way put an end to this question, so that we can proceed with the business of the House? You yield nothing; you lose no privilege. It will be in the power of the majority, when the committee reports the bill back to the House, to refer it to any other committee they please; and if the committee never reports it back, then that will be the end of it. I believe in yielding to the majority, whenever there is a majority in this House upon any question, provided they proceed in accordance with the rules. I for one do not like to obstruct legislative action. Although I am opposed to a protective tariff, and will go as far as any man to give relief to the people by modification of tariff duties, and have introduced some bills for that purpose, I believe the majority ought to control. When they have duly deliberated upon any question let them answer to their constituents. I have made these suggestions solely to bring about a settlement, that we may get rid of this question without a violation of our rules and with due regard to the correctness of the record.

Mr. McLANE. I now yield to the gentleman from Texas, [Mr. MILLS.]

Mr. MILLS. The true germ of this controversy lies much deeper than any gentleman has yet sounded in his argument. Why all this tempest about the reference of a bill? During the seven years I have had the honor to occupy a seat on this floor, I have never before witnessed such a scene. I have repeatedly known bills referred to committees, and when those committees came to consider them, they determined they had been improperly referred to them, and accordingly they brought the bills back into the House for the proper reference. I never before have seen such an upheaval of the waters as

we have witnessed here yesterday and to-day. Let us pause and ask why?

This is not a question in regard to the Committee of Ways and Means and the Committee on the Revision of the Laws, as to the prerogatives of the one or the other of those committees. There is something that lies deeper than that. What is it? There are two committees in this House, one of which is so organized that a bill reducing taxation upon the people of the United States will be reported by that committee back to this House for consideration. The other committee is so organized that it would bury such a bill so deep that the trump of the resurrection will not wake it. On the one side the effort is to get this bill into a committee that will bring it back into the House for consideration. The effort on the other side is to get it into a committee where it will be irretrievably buried forever. That is the controversy.

Now, cannot the gentlemen of the majority, who oppose cutting down the duties on the woolen shirts that warm the bodies of the poor toiling laborers of this country, come up like men and vote to keep the tariff there, when the bill comes into the House? Cannot those who want to keep the duties amounting to 120 per cent. on iron, with which the laborer toils for his daily subsistence, come up like men and vote to keep that taxation on that labor when the bill comes back here? Do they want to keep the high duties on trace-chains, axes, hoes, and other implements made of iron? Why do they fail to meet that question like men? Because they want to put the question on a false issue before the people of the United States; to say that they are contending simply for regularity of proceedings in this House. That is all. They do not want to face the music and vote on questions of that sort and tell the toiling people of this country that they have voted to take off the taxes on wealth, on incomes, on capital invested in manufactures that pay a profit of over 40 per cent. per annum, and pile it all upon consumption, upon that which the poor eat and drink and wear. That is the issue before us. One committee will bring this bill before the House; the other committee will bury it.

We have heard a great deal about dishonor. Why, sir, a member of this House had a right to refer this bill to a committee which was friendly to its consideration, if the rules of the House granted him that right. He asked it and the House so referred it. Mr. Speaker, it does seem to me that the extreme sensitiveness about honor which we have witnessed upon this floor ought to make gentlemen feel some compunctious visitations of conscience when they deliberate upon a proposition laid upon your table to make the record of the American Congress utter a falsehood. Is it a question of privilege of the American Congress that its record should be made to utter a falsehood.

This is not a Government friendly to privilege. From the foundation of the Government to the present time it has been a favorite cry of the people of the United States, "down with privileges; equal rights to all men, and exclusive privileges to none." We are told that it is a question of privilege, by the machinery of this House, to stifle the investigation of questions of taxation, and to keep the bodies of the toiling people of the United States prostrated in the dust.

Mr. MORRISON. And to make our record lie.

Mr. McLANE. I now yield five minutes to the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. KELLEY. I have listened to this nearly two days' discussion with wonder, because the question to my mind has seemed to be so simple as to preclude a diversity of opinion. It is a question of good faith, and, to accept the language of the gentleman from Texas, one of honor. The rules of this House specify in plain language the committees to which bills shall be referred. Among them is the following:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

2. To the revenue and the bonded debt of the United States, to the Committee on Ways and Means.

That rule is a law binding as any other part of the law that members swear to maintain, and is binding on the conscience of members. Yet we have the gentleman whose action is under consideration saying, as his remarks appear in the RECORD, that he gave the reference of a tariff bill—for he and not the House referred it—to the Committee on the Revision of the Laws for the express purpose of evading the law as embodied in the rule I have quoted.

Mr. TOWNSHEND, of Illinois. Do I understand the gentleman to say—

Mr. KELLEY. I will quote the gentleman's language. He said:

My purpose was to send that bill to a committee which would make a report to this House, so that a majority of the people, &c.

Mr. TOWNSHEND, of Illinois. I repeat that statement.

Mr. KELLEY. Sir, a committee may have been constituted in a manner satisfactory to the majority of this House or unsatisfactory to a majority of its members. But in neither event are members relieved from allegiance to the law. At the end of this Congress that committee can be reconstituted. Elections for the popular branch of Congress give the people opportunity to revise our policy once in two years; and gentlemen may trust to the law and bide their time. But for a member of this House to evade the law and claim and boldly proclaim that he did it because a committee of the House had not been constituted to his taste is to violate the law and assign an unholy reason for the act.

Mr. McLANE. I yield three minutes to the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY. Mr. Speaker, I do not seek the floor for the purpose of entering upon a general discussion of the merits of the question; but I submit there is no court of record in the country so humble that it has not the right to correct its own record when it has been led into gross error—I will not say through fraud, but through simple mistake. Suppose that judgment has been entered in a wrong case, or that a wrong case has been struck off the docket through similarity of names, the court will go back and correct its record. So I say the Congress of the United States with all its great powers has the right of an ordinary court of justice to make its record read as it ought to read.

But I may waive the point of amending or correcting the record. I place myself upon the highest grounds of privilege. This House has been led into a great mistake—into a violation of its own rules. I, as one member, if I stood alone, have the right to call upon the House to conform to its rules in a matter of so great importance. If I can offer an amendment to the motion of the gentleman from Maryland, I desire to do so now. Can I offer it, Mr. Speaker, at this time?

The SPEAKER. The Chair thinks not.

Mr. HAWLEY. Then I give notice that I shall do so whenever the opportunity may arise; and the gentleman from Maryland kindly says to me that, if he can, he will give me that opportunity.

The SPEAKER. The proposition of the gentleman from Maryland is not before the House, and hence not open to amendment.

Mr. HAWLEY. But the gentleman says I may give notice of my proposition.

Mr. McLANE. Let it come in, and the previous question can operate upon both.

The SPEAKER. The question of privilege must first be disposed of favorably.

Mr. HAWLEY. I ask that my proposition be read as part of my remarks for the information of the House.

The Clerk read as follows:

That in referring on Monday to the Committee on the Revision of the Laws the bill for the revision and amendment of sections 2503, 2504, and 2505 of title 33 of the Revised Statutes of the United States, the House acted under a misapprehension of the character of the bill and in contravention of the rules; and it hereby discharges said committee from the further consideration of said bill and refers it to the Committee on Ways and Means.

Mr. McLANE. I yield to the gentleman from Ohio, [Mr. FINLEY.]

Mr. FINLEY. When the gentleman from Maryland [Mr. McLANE] yesterday had his proposition read for information the previous question was operating. I now make the point of order that pending the operation of the previous question the Speaker cannot stop the proceedings of the House to put a proposition whether something else is a question of privilege or not. In other words, pending the operation of the previous question the vote cannot be delayed in order that the Speaker may submit to the House whether some other matter is a question of privilege. Upon this subject I send to the Clerk's desk to be read remarks which I find in a document called the CONGRESSIONAL RECORD—remarks purporting to have been made by the Speaker of this House.

The Clerk read as follows:

The SPEAKER. The question of order is whether the previous question, having been ordered on the pending question as authorized by the rule just read, can now be interrupted by the operation of Rule IX, which relates to questions of privilege; the gentleman from Maryland drawing the attention of the Chair to the clause of the rule which says, "and the integrity of its proceedings." The Chair considers that would be a solution of the difficulty, but he is not clear that that question of privilege can be raised at this time as against the operation of the previous question which the House has ordered.

The SPEAKER. The gentleman from Maryland bases the question of privilege which he presents on the words of the rule "integrity of its proceedings." The Chair thinks that that question primarily presented might have involved a question of privilege, but the Chair is not called upon now to decide whether it is a higher question than the execution of the previous question that has been ordered by the House; but the Chair is quite willing to submit the question to the House whether this does involve a question of privilege and has a right to come in now.

Mr. FINLEY. Now, the Chair said yesterday that he was not called upon to decide whether the proposition presented was a higher question or not. I make the point of order that it is not a higher question than the previous question, and that the Chair cannot interrupt the operation of the previous question by submitting to the House a proposition as to whether something else is a question of privilege or not.

The SPEAKER. The gentleman has not read the entire proceeding—

Mr. McLANE. The point of order is not made now, but is to be made later.

The SPEAKER. The gentleman is using the point of order in the nature of an argument.

Mr. McLANE. And he has consumed his three minutes. I yield the balance of my time to the gentleman from Ohio on my left.

The SPEAKER. The Chair desires to read his own remarks further on. If the gentleman from Ohio had read further on he would have found the position of the Chair entirely consistent. The Chair will read:

The Chair submits to the House whether it is a question of privilege. It is not yet permitted to come before the House, but he merely submits whether it contains a question of privilege or not.

Mr. WARNER. My only difficulty on this question of privilege turns on the point made by the gentleman from New Jersey [Mr. ROBESON] and the gentleman from Illinois, [Mr. SPRINGER.] It is this: was the reference of this bill to the Committee on the Revision of the Laws made in pursuance of the rules? That is, could it have been so referred under the rules either by the Speaker or by a majority of the House itself? If it could be or was so referred, then it was not in contravention of the rules, but in order under the rules; and in that case this question cannot be now one of privilege. But if, on the other hand, the reference was in contravention of the rules and would have required a two-thirds vote of the House, or, it being the fourth Monday, unanimous consent, to suspend the rules in order rightly to make that reference, then this is clearly a question of privilege. And I should like very much, if it be in order, to have the ruling of the Speaker on that very question; that is, whether the bill in question rightly could have been referred under the rules to the Committee on the Revision of the Laws.

The SPEAKER. The Chair will now submit the question whether the proposition of the gentleman from Maryland is privileged.

Mr. McLANE. But I demand the previous question.

Mr. FINLEY. I rise to a point of order.

The SPEAKER. The gentleman from Ohio is holding the floor by permission of the gentleman from Maryland.

Mr. FINLEY. But I rise to a point of order.

The SPEAKER. The gentleman cannot make a point of order in the time of another gentleman who yielded to him for debate.

Mr. FINLEY. I make the point of order—

The SPEAKER. The gentleman from Maryland has demanded the previous question.

Mr. McLANE. I wish to modify my proposition.

Mr. FINLEY. I make the point of order on the gentleman's proposition.

The SPEAKER. The proposition is not before the House. The question before the House is whether the proposition he asks to present involves a question of privilege.

Mr. FINLEY. On this I make the point of order that the Chair cannot submit that to the House pending the operation of the previous question.

The SPEAKER. The Chair thinks the House has voted several times in a manner to instruct him to submit it in the manner the Chair has stated.

Mr. McLANE. Read for information, Mr. Clerk. [Cries of "No!"]

The SPEAKER. The gentleman from Ohio has demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 135, nays 98, not voting 59; as follows:

YEAS—135.

Aldrich, N. W.	Davis, George R.	Killinger,	Ross,
Aldrich, William	Davis, Horace	Klotz,	Russell, Daniel L.
Bachman,	De La Matyr,	Lapham,	Russell, W. A.
Bailey,	Deering,	Lindsey,	Ryan, Thomas
Baker,	Dunnell,	Marsh,	Shallenberger,
Ballou,	Dwight,	Mason,	Smith, A. Herr
Barber,	Einstein,	McCoid,	Smith, Hezekiah B.
Bayne,	Errett,	McCook,	Starin,
Beltzhoover,	Farr,	McGowan,	Stone,
Bicknell,	Ferdon,	McKinley,	Talbot,
Bingham,	Field,	McLano,	Thompson, Wm. G.
Blake,	Fisher,	McMahon,	Tyler,
Bowman,	Frye,	Miler,	Updegraff, J. T.
Boyd,	Garfield,	Mitchell,	Updegraff, Thomas
Brewer,	Gibson,	Monroe,	Upton,
Briggs,	Godshalk,	Morse,	Urrer,
Brigham,	Hall,	Murch,	Valentine,
Browne,	Harris, Benj. W.	Neal,	Van Aernam,
Burrows,	Haskell,	New,	Van Voorhis,
Butterworth,	Haw,	Norcross,	Voorhis,
Calkins,	Hawley,	O'Neill,	Wait,
Camp,	Hayes,	Osmer,	Ward,
Cannon,	Henderson,	Overton,	Warner,
Carpenter,	Henry,	Pacheco,	Washburn,
Caswell,	Hiscock,	Page,	Williams, C. G.
Chittenden,	Horr,	Phelps,	Willits,
Claffin,	Houk,	Pierce,	Wilson,
Clymer,	Hubbell,	Pound,	Wise,
Coiffroth,	Humphrey,	Price,	Wood, Fernando
Conger,	James,	Reed,	Wood, Walter A.
Cowgill,	Jorgensen,	Rice,	Wright,
Crapo,	Joyce,	Richardson, D. P.	Yocum,
Crowley,	Kelley,	Robeson,	Young, Thomas L.
Daggett,	Ketcham,	Robinson,	

NAYS—98.

Aiken,	Colerick,	Forsythe,	Jones,
Armfield,	Converso,	Frost,	Kenna,
Atkins,	Cook,	Geddes,	King,
Beale,	Cravens,	Goode,	Kitchin,
Berry,	Culberson,	Gunter,	Knott,
Blackburn,	Davidson,	Hammond, N. J.	Ladd,
Bland,	Davis, Joseph J.	Harris, John T.	Lewis,
Blount,	Davis, Lowndes H.	Hatch,	Lounsbery,
Buckner,	Deuster,	Henkle,	Lowe,
Cabell,	Dibrell,	Herbert,	Manning,
Caldwell,	Dickey,	Herndon,	McKenzie,
Carlisle,	Dunn,	Hill,	McMillin,
Chalmers,	Elam,	House,	Mills,
Clardy,	Ellis,	Hull,	Morrison,
Clark, John B.	Finley,	Hunton,	Muldrov,
Cobb,	Forney,	Hutchins,	Myers,

Nicholls,
O'Connor,
O'Reilly,
Persons,
Phillips,
Phister,
Reagan,
Richardson, J. S.
Robertson,

Rothwell,
Samford,
Sawyer,
Shelley,
Simonton,
Singleton, J. W.
Singleton, O. R.
Slemmons,
Sparks,

Springer,
Steele,
Stevenson,
Taylor,
Tillman,
Townsend, R. W.
Tucker,
Turner, Oscar
Turner, Thomas

Vance,
Waddill,
Weaver,
Whiteaker,
Williams, Thomas
Willis,
Young, Casey.

NOT VOTING—59.

Acklen,
Anderson,
Atherton,
Barlow,
Belford,
Bliss,
Bouck,
Bragg,
Bright,
Clark, Alvah A.
Covert,
Cox,
Dick,
Evins,
Ewing,

Felton,
Ford,
Fort,
Gillette,
Hammond, John
Harmer,
Hazelton,
Hellman,
Hooker,
Hostetler,
Hurd,
Johnston,
Keifer,
Kimmel,
Le Fevre,

Loring,
Martin, Benj. F.
Martin, Edward L.
Martin, Joseph J.
Miles,
Money,
Morton,
Muller,
Newberry,
O'Brien,
Orth,
Poehler,
Prescott,
Richmond,
Ryon, John W.

Sapp,
Scales,
Sherwin,
Smith, William E.
Speer,
Stephens,
Thomas,
Thompson, P. B.
Townsend, Amos
Wellborn,
Wells,
White,
Whitthorne,
Wilber.

So the motion was agreed to.

The following additional pairs were read from the Clerk's desk:

Mr. HEILMAN with Mr. POEHLER.

Mr. WELLBORN with Mr. THOMAS.

Mr. JONES with Mr. JOYCE.

Mr. HARMER with Mr. WHITTHORNE.

The SPEAKER. The proposition of the gentleman from Maryland has been declared by a vote of the House to be a question of privilege.

Mr. McLANE. I desire to have read the modified proposition, and then to demand the previous question.

Mr. BLACKBURN. I demand a division of the question. Let it be read.

The SPEAKER. The proposition which the House has declared by its vote to be a question of privilege will now be read by the Clerk.

The Clerk read as follows:

Whereas the House being of opinion that the reference of House bill No. 5265 to the Committee on the Revision of the Laws was incorrect under its rules, doth resolve that the said committee be discharged from its further consideration and the same be referred to the Committee on Ways and Means.

Mr. BLACKBURN. I demand a division of the question.

The SPEAKER. In what part?

Mr. BLACKBURN. First in reference to discharging the Committee on the Revision of the Laws, to which this bill has already been referred.

The SPEAKER. The Chair thinks he knows the point at which the gentleman from Kentucky wishes to stop.

Mr. BLACKBURN. Read the resolution and I will name where I desire the division to be made. If the Clerk will read, I will indicate the place where I ask a division.

The preamble and resolutions were again read.

Mr. BLACKBURN. That question, Mr. Speaker, is certainly susceptible of division into three parts. First I demand a separate vote on the preamble to the resolution, which declares the reference to be improper; then I demand a separate vote on that part of the proposition which discharges the Committee on Revision of the Laws from further consideration of this matter; and I also demand a separate vote on the concluding portion of the motion, referring the matter to the Committee on Ways and Means.

Mr. MILLS. In order that the House may understand correctly what is to be voted upon, I ask for the reading of Mr. TOWNSEND'S bill.

Mr. BLACKBURN. I desire to reserve a further point of order to this effect, that the discharge of a committee of this House from the consideration of a bill is not a privileged question.

The SPEAKER. The Chair will decide that question when it is presented. The Chair recognizes the right of division of this question.

Mr. MILLS. And I ask that the bill be read.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. No. 5265) to revise and amend sections 2503, 2504, and 2505 of title 33 of the Revised Statutes of the United States.

Be it enacted, &c., That sections 2503, 2504, and 2505 of title 33 of the Revised Statutes of the United States be revised and amended so that the duty on salt, printing-type, printing-paper, and the chemicals and materials used in the manufacture of printing-paper be repealed, and that said articles be placed on the free list.

The SPEAKER. The Chair recognizes the gentleman from Maryland to demand the previous question.

Mr. SPRINGER. I desire to ask the gentleman to yield a moment to me, in order to offer an amendment to his motion, to strike out from his resolution the "Committee on Ways and Means" and insert the "Committee of the Whole House on the state of the Union," so that we may have the sense of the House on that question as to whether this shall be referred to the Committee of the Whole or to the Committee of Ways and Means.

Mr. McLANE. I decline to yield for an amendment.

Mr. SPRINGER. Let the matter go to the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Maryland demands the previous question.

Mr. BLACKBURN. And pending that, I move that the House do now adjourn.

Mr. SPRINGER. I ask the gentleman to yield to me for a moment before the previous question is seconded, to allow that amendment to be inserted.

Mr. McLANE. I decline to yield. [Cries of "Regular order!"]

The SPEAKER. The regular order is the motion to adjourn.

The House divided; and there were—ayes 65, noes 125.

Mr. BLACKBURN, and Mr. SINGLETON of Illinois, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 64, nays 164, not voting 64; as follows:

YEAS—64.

Armfield,	Ellis,	Knott,	Singleton, J. W.
Berry,	Frost,	Lounsbery,	Slemons,
Blackburn,	Goode,	Lowe,	Springer,
Bland,	Gunter,	Manning,	Steele,
Cabell,	Hammond, N. J.	Martin, Edward L.	Taylor,
Caldwell,	Hatch,	McKenzie,	Thompson, P. B.
Carlisle,	Henkle,	McMillin,	Townsend, R. W.
Chalmers,	Henry,	Mills,	Turner, Oscar
Clardy,	Hill,	Muldrov,	Turner, Thomas
Clark, John B.	Hooker,	Myers,	Vance,
Cravens,	Honse,	O'Connor,	Waddill,
Davis, Joseph J.	Hull,	Persons,	Warner,
Davis, Lowndes H.	Huntton,	Phillips,	Weaver,
Dibrell,	Hurd,	Phister,	Whiteaker,
Dunn,	Mutchins,	Rothwell,	Willis,
Elam,	Kitchin,	Sawyer,	Young, Casey.

NAYS—164.

Aiken,	Crapo,	Kelley,	Robertson,
Aldrich, N. W.	Crowley,	Kenna,	Robinson,
Aldrich, William	Culberson,	Ketcham,	Ross,
Atkins,	Daggett,	Killinger,	Russell, Daniel L.
Bachman,	Davidson,	Kimmel,	Russell, William A.
Bailey,	Davis, George R.	Klotz,	Ryan, Thomas
Baker,	Davis, Horace	Ladd,	Samford,
Ballou,	De La Matyr,	Lapham,	Shallenberger,
Barber,	Deering,	Lewis,	Shelley,
Bayne,	Deuster,	Lindsey,	Simonton,
Beltzhoover,	Dickey,	Marsh,	Singleton, O. R.
Bicknell,	Dunnell,	Mason,	Smith, A. Herr
Bingham,	Dwight,	McCoid,	Smith, Hezekiah B.
Blake,	Einstein,	McCook,	Sparks,
Blount,	Errett,	McGowan,	Starin,
Bouck,	Ewing,	McKinley,	Stevenson,
Boyd,	Farr,	McLane,	Stone,
Brewer,	Ferdon,	McMahon,	Talbot,
Briggs,	Field,	Miller,	Thompson, Wm. G.
Brigham,	Fisher,	Mitchell,	Tillman,
Bright,	Forney,	Monroe,	Tucker,
Browne,	Forsythe,	Morrison,	Tyler,
Buckner,	Frye,	Morse,	Updegraff, J. T.
Burrows,	Geddes,	Neal,	Updegraff, Thomas
Butterworth,	Godshalk,	New,	Upson,
Calkins,	Hall,	Nicholls,	Urner,
Camp,	Harris, Benj. W.	Norcross,	Valentine,
Cannon,	Harris, John T.	O'Neill,	Van Aernam,
Carpenter,	Haw,	O'Reilly,	Voorhis,
Caswell,	Hawley,	Overton,	Van Voorhis,
Chittenden,	Hayes,	Pacheco,	Wait,
Clafin,	Henderson,	Page,	Ward,
Clymer,	Herbert,	Phelps,	Washburn,
Cobb,	Herdon,	Pierce,	Williams, Thomas
Coffroth,	Hiscock,	Pound,	Willits,
Colerick,	Horr,	Price,	Wise,
Conger,	Houk,	Reagan,	Wood, Fernando
Converse,	Hubbell,	Reed,	Wood, Walter A.
Cook,	Humphrey,	Rice,	Wright,
Covert,	James,	Richardson, D. P.	Young, Thomas L.
Cowgill,	Jorgensen,	Richardson, J. S.	

NOT VOTING—64.

Acklen,	Fort,	Loring,	Ryon, John W.
Anderson,	Garfield,	Martin, Benj. F.	Sapp,
Atherton,	Gibson,	Martin, Joseph J.	Scales,
Barlow,	Gillette,	Miles,	Sherwin,
Beale,	Hammond, John	Money,	Smith, William E.
Belford,	Harmer,	Morton,	Speer,
Bliss,	Haskell,	Muller,	Stephens,
Bowman,	Hazelton,	Murch,	Thomas,
Bragg,	Heilman,	Newberry,	Townsend, Amos
Clark, Alvah A.	Hostetler,	O'Brien,	Wellborn,
Cox,	Johnston,	Orth,	Wells,
Dick,	Jones,	Osmer,	White,
Evins,	Joyce,	Poehler,	Whitthorne,
Felton,	Keifer,	Prescott,	Wilber,
Finley,	King,	Richmond,	Williams, C. G.
Ford,	Le Fevre,	Robeson,	Wilson.

So the House refused to adjourn.

The Clerk announced the following additional pairs:

Mr. BEALE with Mr. YOCUM, for the day, on the tariff question.

Mr. STEPHENS with Mr. ACKLEN.

Mr. JONES with Mr. JOYCE, on all questions for the remainder of the day.

Mr. ROBESON with Mr. WILSON.

The result of the vote was then announced, as above recorded.

The SPEAKER. The gentleman from Maryland [Mr. McLANE] demands the previous question on his resolution. As many as are in favor of ordering the previous question will say "ay."

Mr. SINGLETON, of Illinois. I move that the proposition of the gentleman from Maryland be referred to the Committee on the Revision of the Laws. I believe this is in order under the rules. It is provided in clause 2 of Rule XVII—

It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

The SPEAKER. The Chair will entertain the motion of the gentleman from Illinois to commit. The question is on the demand for the previous question.

Mr. MILLS. Would the motion to lay the resolution on the table have precedence of the demand for the previous question?

The SPEAKER. That motion is in order before or after the previous question shall have been ordered.

Mr. MILLS. Then I move to lay the proposition of the gentleman from Maryland on the table.

The SPEAKER. The question is on the demand for the previous question.

Mr. KNOTT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KNOTT. Does the motion to lay on the table take precedence of a vote on the demand for the previous question?

The SPEAKER. It is in order before or after the ordering of the previous question.

Mr. KNOTT. I prefer to have the sense of the House tested on that question before the previous question is ordered.

Mr. MILLS. Then make that motion.

Mr. KNOTT. I move to lay the resolution on the table.

The question being put on the motion to lay the resolution on the table, there were—ayes 72, noes 107.

Mr. MCKENZIE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 98, nays 137, not voting 57; as follows:

YEAS—93.

Aiken,	Dibrell,	King,	Sawyer,
Armfield,	Dickey,	Kitchin,	Shelley,
Atkins,	Dunn,	Knott,	Simonton,
Bailey,	Elam,	Ladd,	Singleton, J. W.
Baker,	Ellis,	Lewis,	Singleton, O. R.
Ballou,	Finley,	Lounsbery,	Sparks,
Barber,	Forney,	Lowe,	Springer,
Bayne,	Forsythe,	Manning,	Steele,
Beltzhoover,	Frost,	McKenzie,	Taylor,
Bicknell,	Geddes,	McMillin,	Thompson, P. B.
Bingham,	Goode,	Mills,	Tillman,
Blake,	Hammond, N. J.	Morrison,	Townsend, R. W.
Blount,	Harris, John T.	Muldrov,	Tucker,
Bouck,	Hatch,	Myers,	Turner, Oscar
Boyd,	Henkle,	Nicholls,	Turner, Thomas
Brewer,	Cobb,	O'Connor,	Upson,
Briggs,	Colerick,	Persons,	Vance,
Brigham,	Converse,	Hill,	Waddill,
Bright,	Cook,	Hooker,	Weaver,
Browne,	Cravens,	House,	Whiteaker,
Buckner,	Culberson,	Hall,	Williams, Thomas
Burrows,	Davidson,	Huntton,	Willis,
Butterworth,	Davis, Joseph J.	Hurd,	Young, Casey.
Calkins,	Davis, Lowndes H.	Hutchins,	
Camp,	Deuster,	Kenna,	

NAYS—137.

Aldrich, N. W.	Davis, George R.	Ketcham,	Ross,
Aldrich, William	Davis, Horace	Killinger,	Russell, Daniel L.
Bachman,	De La Matyr,	Kimmel,	Russell, W. A.
Bailey,	Deering,	Klotz,	Ryan, Thomas
Baker,	Dunnell,	Lapham,	Shallenberger,
Ballou,	Dwight,	Lindsey,	Smith, A. Herr
Barber,	Einstein,	Marsh,	Smith, Hezekiah B.
Bayne,	Errett,	Martin, Edward L.	Starin,
Beltzhoover,	Ewing,	Mason,	Stevenson,
Bicknell,	Farr,	McCoid,	Stone,
Bingham,	Felton,	McCook,	Talbot,
Blake,	Ferdon,	McGowan,	Thompson, Wm. G.
Bowman,	Field,	McKinley,	Tyler,
Boyd,	Fisher,	McLane,	Updegraff, J. T.
Brewer,	Frye,	McMahon,	Updegraff, Thomas
Briggs,	Garfield,	Miller,	Urner,
Brigham,	Gibson,	Mitchell,	Valentine,
Bright,	Godshalk,	Monroe,	Van Aernam,
Browne,	Hall,	Muller,	Van Voorhis,
Burrows,	Harris, Benj. W.	Neal,	Voorhis,
Butterworth,	Haakell,	New,	Wait,
Calkins,	Hawk,	Norcross,	Ward,
Camp,	Hawley,	O'Neill,	Warner,
Cannon,	Hayes,	O'Reilly,	Washburn,
Carpenter,	Heilman,	Osmer,	Williams, C. G.
Caswell,	Henderson,	Overton,	Willits,
Chittenden,	Henry,	Pacheco,	Wilson,
Clafin,	Hiscock,	Phelps,	Wise,
Clymer,	Horr,	Pierce,	Wood, Fernando
Coffroth,	Houk,	Price,	Wood, Walter A.
Conger,	Hubbell,	Reed,	Wright,
Cowgill,	Humphrey,	Rice,	Young, Thomas L.
Crapp,	James,	Richardson, D. P.	
Crowley,	Jorgensen,	Robeson,	
Daggett,	Kelley,	Robinson,	

NOT VOTING—57.

Acklen,	Bragg,	Fort,	Johnston,
Anderson,	Clark, Alvah A.	Gillette,	Jones,
Atherton,	Covert,	Gunter,	Joyce,
Barlow,	Cox,	Hammond, John	Keifer,
Beale,	Dick,	Harmer,	Le Fevre,
Belford,	Evins,	Hazelton,	Loring,
Bliss,	Ford,	Hostetler,	Martin, Benj. F.

Martin, Joseph J.
Miles,
Money,
Morse,
Morton,
Murch,
Newberry,
O'Brien,

Orth,
Page,
Pound,
Prescott,
Richmond,
Ryon, John W.
Sapp,
Sales,

Sherwin,
Slemmons,
Smith, William E.
Speer,
Stephens,
Thomas,
Townsend, Amos
Wellborn,

Wells,
White,
Whithorne,
Wilber,
Yocum.

So the motion to lay the resolution on the table was not agreed to. The Clerk announced the following additional pair:
Mr. ROBESON with Mr. REAGAN, for the remainder of the day.
Mr. WILSON. I move that the House do now adjourn.
Mr. SINGLETON, of Illinois. I renew my motion to refer the resolution of the gentleman from Maryland to the Committee on the Revision of the Laws.

The SPEAKER. The question is on the motion that the House do now adjourn.

The question being put, there were—ayes 44, noes 102.

Mr. MCKENZIE. I call for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 30, noes 124; the affirmative not being one-fifth of the whole vote.

Mr. MCKENZIE. I call for tellers on the yeas and nays.

Tellers were ordered; and Mr. MCKENZIE and Mr. McLANE were appointed.

The House divided; and the tellers reported ayes 39.

So (further count not being called for) the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 74, nays 143, not voting 75; as follows:

YEAS—74.

Armfield,
Berry,
Blackburn,
Bland,
Bright,
Cabell,
Caldwell,
Carlisle,
Chalmers,
Clardy,
Clark, John B.
Colerick,
Cook,
Cravens,
Davis, Joseph J.
Davis, Lowndes H.
Dibrell,
Dunn,
Elam,

Ellis,
Finley,
Forney,
Frost,
Goode,
Hammond, N. J.
Hatch,
Henkle,
Herbert,
Hill,
Hooker,
House,
Hull,
Huntton,
Hurd,
Hutchins,
Kitchin,
Knott,
Ladd,

Lewis,
Lounsbury,
Love,
Manning,
McKenzie,
McMillin,
Mills,
Morrison,
Muldrow,
Myers,
O'Connor,
Phillips,
Phister,
Poehler,
Rothwell,
Samford,
Sawyer,
Simonton,
Singleton, J. W.

Singleton, O. R.
Slemmons,
Springer,
Taylor,
Thompson, P. B.
Townshend, R. W.
Tucker,
Turner, Oscar
Turner, Thomas
Vance,
Waddill,
Warner,
Weaver,
Whiteaker,
Willis,
Wilson,
Young, Casey.

NAYS—143.

Aiken,
Aldrich, N. W.
Aldrich, William
Atkins,
Bachman,
Bailey,
Baker,
Ballou,
Barber,
Bayne,
Beltzhoover,
Bicknell,
Bingham,
Blake,
Blount,
Bouck,
Bowman,
Brewer,
Briggs,
Brigham,
Browne,
Burrows,
Butterworth,
Calkins,
Camp,
Cannon,
Carpenter,
Caswell,
Claffin,
Clymer,
Cobb,
Coffroth,
Conger,
Converse,
Cowgill,
Crapo,

Crowley,
Culberson,
Daggett,
Davis, George R.
Davis, Horace
De La Matyr,
Deering,
Dunnell,
Dwight,
Einstein,
Errett,
Ewing,
Farr,
Felton,
Ferdon,
Field,
Fisher,
Frye,
Garfield,
Godshalk,
Hall,
Harris, Benj. W.
Harris, John T.
Hawley,
Hayes,
Hellman,
Henry,
Herndon,
Hiscock,
Horr,
Houk,
Hubbell,
Humphrey,
James,
Jorgensen,

Kelley,
Kenna,
Ketcham,
Killingham,
Kimmel,
Klotz,
Lapham,
Lindsey,
Marsh,
Martin, Edward L.
Mason,
McCoid,
McCook,
McKinley,
McLane,
McMahon,
Miller,
Mitchell,
Monroe,
Morse,
Muller,
New,
Nicholls,
Norcross,
O'Neill,
O'Reilly,
Osmer,
Overton,
Pacheco,
Page,
Persons,
Phelps,
Pierce,
Pound,
Price,
Reed,

Rice,
Richardson, D. P.
Richardson, J. S.
Robertson,
Robinson,
Ross,
Russell, William A.
Ryan, Thomas
Shallenberger,
Shelley, Hezekiah B.
Smith, Hezekiah B.
Spark,
Starr,
Stevenson,
Stone,
Talbot,
Thompson, Wm. G.
Tillman,
Tyler,
Updegraff, J. T.
Upson,
Valentine,
Van Aernam,
Voorhis,
Van Voorhis,
Wait,
Ward,
Washburn,
Williams, Thomas
Willits,
Wise,
Wood, Fernando
Wood, Walter A.
Wright,
Young, Thomas L.

NOT VOTING—75.

Acklen,
Anderson,
Atherton,
Barlow,
Beale,
Belford,
Bliss,
Boyd,
Bragg,
Buckner,
Chittenden,
Clark, Alvah A.
Covert,
Cox,
Davidson,
Deuster,
Dick,
Dickey,
Evins,

Ford,
Forsythe,
Fort,
Geddes,
Gibson,
Gillette,
Gunter,
Hammond, John
Harmer,
Haskell,
Hazelton,
Henderson,
Hostetler,
Johnston,
Jones,
Joyce,
Keifer,
King,
Le Fevre,

Loring,
Martin, Benj. F.
Martin, Joseph J.
McGowan,
Miles,
Money,
Morton,
Murch,
Neal,
Newberry,
O'Brien,
Orth,
Prescott,
Reagan,
Richmond,
Robeson,
Russell, Daniel L.
Ryon, John W.
Sapp,

Scales,
Sherwin,
Smith, A. Herr
Smith, William E.
Speer,
Steele,
Stephens,
Thomas,
Townsend, Amos
Updegraff, Thomas
Urner,
Wellborn,
Wells,
White,
Whithorne,
Wilber,
Williams, C. G.
Yocum.

So the motion to adjourn was not agreed to.

The following additional pairs were announced:

Mr. URNER with Mr. FORSYTHE.

Mr. SMITH, of Pennsylvania, with Mr. YOUNG, of Tennessee, for the remainder of this day.

Mr. BOYD with Mr. STEELE until seven o'clock p. m.

Mr. WILSON with Mr. WEAVER for the remainder of the day.

Mr. DICK with Mr. O'NEILL for the remainder of the day, except as to a quorum.

Mr. DAVIDSON with Mr. BOWMAN.

Mr. GEDDES with Mr. WILLIAMS, of Wisconsin, except as to a quorum.

The result of the vote was then announced as above stated.

Mr. REAGAN. I ask to be excused from further attendance at this day's session.

There was no objection, and leave was granted accordingly.

Mr. BLACKBURN. I move that when the House adjourns to-day it be to meet on Friday next.

The question was taken; and upon a division there were—ayes 38, noes 98.

Mr. BLACKBURN. I make the point of order that no quorum has voted.

Tellers were ordered; and Mr. BLACKBURN and Mr. McLANE were appointed.

The House again divided; and the tellers reported that there were—ayes 9, noes 113.

Mr. BLACKBURN. I make the point of order that no quorum has voted.

The SPEAKER. In the absence of a quorum but two motions are in order—a motion to adjourn and a motion for a call of the House.

Mr. McLANE. I rise to make a motion to adjourn. We may each have our own way of carrying on this war. As the usual hour of adjournment has come, I am not disposed to be kept here all night by any obstructionist, and I move that the House now adjourn.

Mr. BLACKBURN. I am glad the obstructionist has surrendered.

Mr. PAGE. Will this matter come up to-morrow as unfinished business?

Mr. BLACKBURN. That will be determined to-morrow.

The SPEAKER. The Chair will decide that question when it arises.

The question was taken on the motion of Mr. McLANE; and upon a division there were—ayes 92 noes 85.

Before the result of the vote was announced,

Mr. CONGER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 84, nays 109, not voting 99; as follows:

YEAS—84.

Aiken,
Armfield,
Atkins,
Beale,
Blackburn,
Bland,
Bright,
Cabell,
Caldwell,
Carlisle,
Chalmers,
Clardy,
Clark, John B.
Colerick,
Cook,
Cravens,
Culberson,
Davis, Lowndes H.
De La Matyr,
Dibrell,
Elam,

Ellis,
Felton,
Field,
Finley,
Forney,
Gibson,
Goode,
Gunter,
Hammond, N. J.
Hatch,
Henkle,
Henry,
Herbert,
Hill,
House,
Hull,
Huntton,
Hutchins,
Kitchin,
Knott,
Ladd,

Lounsbury,
Lowe,
Manning,
Martin, Edward L.
McKenzie,
McLane,
McMillin,
Mills,
Muldrow,
Muller,
O'Connor,
O'Reilly,
Persons,
Phillips,
Phister,
Poehler,
Richardson, J. S.
Robertson,
Rothwell,
Samford,
Sawyer,

Shelley,
Simonton,
Singleton, J. W.
Slemmons,
Smith, Hezekiah B.
Sparks,
Springer,
Taylor,
Thompson, P. B.
Tillman,
Townshend, R. W.
Tucker,
Turner, Oscar
Turner, Thomas
Upson,
Vance,
Waddill,
Warner,
Whiteaker,
Williams, Thomas
Willis.

NAYS—109.

Aldrich, N. W.
Aldrich, William
Bachman,
Bailey,
Baker,
Ballou,
Barber,
Bayne,
Beltzhoover,
Bingham,
Blake,
Bouck,
Brewer,
Briggs,
Brigham,
Browne,
Burrows,
Butterworth,
Calkins,
Camp,
Carpenter,
Caswell,
Claffin,
Clymer,
Coffroth,
Conger,
Converse,
Crapo,

Crowley,
Davis, George R.
Deering,
Dunnell,
Dwight,
Einstein,
Errett,
Ewing,
Farr,
Ferdon,
Fisher,
Frye,
Garfield,
Godshalk,
Harris, Benj. W.
Hawley,
Hayes,
Herndon,
Hiscock,
Horr,
Houk,
Hubbell,
Humphrey,
Jorgensen,
Kelley,
Kenna,
Ketcham,

Killingham,
Kimmel,
Klotz,
Lapham,
Lindsey,
Marsh,
Mason,
McCoid,
McCook,
McGowan,
McKinley,
McMahon,
Miller,
Mitchell,
Morse,
New,
Nicholls,
Norcross,
O'Neill,
Osmer,
Overton,
Pacheco,
Page,
Phelps,
Pierce,
Pound,
Price,
Reed,

Rice,
Richardson, D. P.
Robinson,
Ross,
Russell, Daniel L.
Russell, W. A.
Ryan, Thomas
Shallenberger,
Starr,
Stevenson,
Stone,
Talbot,
Thompson, Wm. G.
Tyler,
Updegraff, J. T.
Van Aernam,
Van Voorhis,
Voorhis,
Ward,
Washburn,
Willits,
Wise,
Wood, Walter A.
Wright,
Young, Thomas L.

NOT VOTING—99.

Acklen,
Anderson,
Atherton,
Barlow,

Belford,
Berry,
Bicknell,
Bliss,

Blount,
Bowman,
Boyd,
Bragg,

Buckner,
Cannon,
Chittenden,
Clark, Alvah A.

Cobb,	Harmer,	Money,	Speer,
Covert,	Harris, John T.	Monroe,	Steele,
Cowgill,	Haskell,	Morrison,	Stephens,
Cox,	Hazelton,	Morton,	Thomas,
Daggett,	Heilman,	March,	Townsend, Amos
Davidson,	Henderson,	Myers,	Updegraff, Thomas
Davis, Horace	Hooker,	Neal,	Urner,
Davis, Joseph J.	Hostetler,	Newberry,	Valentine,
Deuster,	Hurd,	O'Brien,	Wait,
Dick,	James,	Orth,	Weaver,
Dickey,	Johnston,	Prescott,	Wellborn,
Dunn,	Jones,	Reagan,	Wells,
Evins,	Joyce,	Richmond,	White,
Ford,	Keifer,	Robeson,	Whitthorne,
Forsythe,	King,	Ryon, John W.	Wilber,
Fort,	Le Fevre,	Sapp,	Williams, C. G.
Frost,	Lewis,	Scales,	Wilson,
Geddes,	Loring,	Sherwin,	Wood, Fernando
Gillette,	Martin, Benj. E.	Singleton, O. R.	Yocum,
Hall,	Martin, Joseph J.	Smith, A. Herr	Young, Casey.
Hammond, John	Miles,	Smith, William E.	

So the motion to adjourn was not agreed to.

The following additional pairs were announced from the Clerk's desk:

Mr. WILLIAMS, of Wisconsin, with Mr. GEDDES.

Mr. FROST with Mr. VALENTINE.

Mr. COBB with Mr. UPDEGRAFF, of Iowa.

Mr. DAVIS, of North Carolina, with Mr. CANNON.

Mr. YOUNG, of Tennessee, with Mr. SMITH, of Pennsylvania.

Mr. SINGLETON, of Mississippi, with Mr. DAGGETT for the remainder of the day.

Mr. DAVIS, of California, with Mr. BERRY until eight o'clock this evening.

Mr. KING with Mr. WAIT for the remainder of the day.

Mr. DEUSTER with Mr. HEILMAN for the remainder of the day.

Mr. COWGILL with Mr. MYERS until eight o'clock this evening.

The result of the vote was announced as above stated. [Cries of "Regular order!"]

The SPEAKER. The question recurs on the motion of the gentleman from Kentucky, that when the House adjourns it adjourn to meet on Friday next.

Mr. PAGE. That has been voted down.

The SPEAKER. There was no quorum voting upon the question. As a quorum has since appeared the Chair submits the question again.

Mr. SPRINGER. I think we might agree now to have one vote to-morrow, which shall settle all this question, and then adjourn. [Cries of "No!" "No!"]

Mr. FIELD. I ask to be excused from attendance for the remainder of the legislative day.

Mr. BLACKBURN. We have no objection, if the gentleman does not pair.

The SPEAKER. The gentleman desires to be excused on account of sickness.

Mr. MCCOOK. I call attention to the fact that no objection was made on this side when the gentleman from Texas [Mr. REAGAN] made a similar application.

Mr. BLACKBURN. And there is no objection now.

There being no objection, leave of absence was granted to Mr. FIELD for the remainder of the legislative day.

The question being put on the motion that when the House adjourns to-day it adjourn to meet on Friday next, there were—ayes 2, noes 89; no quorum voting.

The SPEAKER. The Chair will order tellers.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GARFIELD. Did the gentleman from Illinois [Mr. SPRINGER] offer a proposition that the vote be taken some time to-morrow?

Mr. SPRINGER. I did; but the proposition was not accepted.

Mr. GARFIELD. What was the proposition?

Mr. SPRINGER. Speaking only for myself, I proposed that we settle this matter by one vote to-morrow, and adjourn now.

Mr. GARFIELD. I am willing.

Mr. BLACKBURN. I have objected. [Cries of "Regular order!"] The question was taken; and there were—yeas 5, nays 126, not voting 161; as follows:

YEAS—5.			
Cook,	Muller,	Rothwell,	Taylor.
Davis, Lowndes H.			
NAYS—126.			
Aldrich, N. W.	Cabell,	Dibrell,	Herndon,
Aldrich, William	Caldwell,	Dunnell,	Hill,
Atkins,	Calkins,	Dwight,	Horr,
Bachman,	Camp,	Einstein,	Honk,
Bailey,	Carlisle,	Elam,	House,
Baker,	Carpenter,	Ewing,	Hubbell,
Ballou,	Caswell,	Farr,	Hull,
Barber,	Clafin,	Ferdon,	Humphrey,
Bayne,	Clymer,	Fisher,	Hunton,
Beltzhoover,	Coffroth,	Forney,	Kelley,
Bingham,	Colerick,	Frye,	Kenna,
Blake,	Conger,	Garfield,	Ketcham,
Bouck,	Converse,	Godshalk,	Killingier,
Brewer,	Crapo,	Hall,	Kimmel,
Briggs,	Crowley,	Harris, Benj. W.	Klotz,
Brigham,	Culbertson,	Ladd,	Lapham,
Burrows,	Davis, George R.	Hawley,	Lowe,
Butterworth,	Deering,	Hayes,	

Marsh,	Osmer,	Shallenberger,	Van Aernam,
Mason,	Pachece,	Shelley,	Van Voorhis,
McGowan,	Persons,	Simonon,	Voorhis,
McKenzie,	Phelps,	Slemmons,	Ward,
McKinley,	Pierce,	Sparks,	Warner,
McLane,	Pound,	Starrin,	Webb,
McMahon,	Rice,	Stevenson,	Willis,
Miller,	Richardson, D. P.	Stone,	Willits,
Mitchell,	Robinson,	Talbot,	Wise,
Muldrow,	Ross,	Thompson, Wm. G.	Wood, Walter A.
New,	Russell, W. A.	Tillman,	Wright,
Nicholls,	Samford,	Tucker,	Young, Thomas L.
O'Connor,	Sawyer,	Turner, Oscar	
O'Neill,		Updegraff, J. T.	

NOT VOTING—161.

Acklen,	Errett,	Lewis,	Sapp,
Aiken,	Evins,	Lindsey,	Scales,
Anderson,	Felton,	Loring,	Sherwin,
Armfield,	Field,	Lounsbury,	Singleton, J. W.
Atherton,	Finley,	Manning,	Singleton, O. R.
Barlow,	For,	Martin, Benj. F.	Smith, A. Herr
Beale,	Forsythe,	Martin, Edward L.	Smith, Hzekiah B.
Belford,	Fort,	Martin, Joseph J.	Smith, William E.
Berry,	Frost,	McCold,	Speer,
Bicknell,	Geddes,	McCook,	Springer,
Blackburn,	Gibson,	McMillin,	Steele,
Bland,	Gillette,	Miles,	Stephens,
Bliss,	Goode,	Mills,	Thomas,
Blount,	Gunter,	Money,	Thompson, P. B.
Bowman,	Hammond, John	Monroe,	Townsend, Amos
Boyd,	Hammond, N. J.	Morrison,	Townsend, R. W.
Bragg,	Harmer,	Morse,	Turner, Thomas
Bright,	Harris, John T.	Morton,	Tyler,
Browne,	Haskell,	Murphy,	Updegraff, Thomas
Buckner,	Hatch,	Myers,	Upson,
Cannon,	Hazelton,	Neal,	Urner,
Chalmers,	Heilman,	Newberry,	Valentine,
Chittenden,	Henderson,	Norcross,	Vance,
Clardy,	Henkle,	O'Brien,	Waddill,
Clark, Alvah A.	Henry,	O'Reilly,	Wait,
Clark, John B.	Herbert,	Orth,	Weaver,
Cobb,	Hiscock,	Overton,	Wellborn,
Covert,	Hooker,	Page,	Wells,
Cowgill,	Hostetler,	Philips,	White,
Cox,	Hurd,	Phister,	Whiteaker,
Cravens,	Hutchins,	Poechler,	Whitthorne,
Daggett,	James,	Prescott,	Wilber,
Davidson,	Johnston,	Reagan,	Williams, C. G.
Davis, Horace	Jones,	Reed,	Williams, Thomas
Davis, Joseph J.	Jorgensen,	Richardson, J. S.	Wilson,
De La Matyr,	Joyce,	Richmond,	Wood, Fernando
Deuster,	Keifer,	Robertson,	Yocum,
Dick,	King,	Robeson,	Young, Casey.
Dickey,	Kitchin,	Russell, Daniel L.	
Dunn,	Knott,	Ryan, Thomas	
Ellis,	Le Fevre,	Ryon, John W.	

So the motion to adjourn over was disagreed to.

The following additional pairs were announced from the Clerk's desk:

Mr. REED with Mr. MILLS on all questions during the day.

Mr. WILLIAMS, of Alabama, with Mr. RYAN, of Kansas, on all political questions calling for a ye-and-nay vote during this day.

Mr. ARMFIELD with Mr. OVERTON on all political questions for five days but not to break a quorum.

Mr. FINLEY with Mr. MORSE for the remainder of the day.

Mr. NORCROSS with Mr. GUNTER.

Mr. BRIGHT with Mr. LINDSEY on all questions on the tariff to-day.

Mr. VANCE with Mr. RUSSELL, of North Carolina, until eight o'clock to-night.

Mr. MCCOOK with Mr. HUNTON for to-day.

Mr. MANNING with Mr. FIELD for this legislative day.

Mr. JORGENSEN with Mr. GOODE for to-day.

Mr. ROBERTSON with Mr. PAGE for to-day.

Mr. RICHARDSON, of South Carolina, with Mr. BROWNE for the rest of this day.

Mr. BLACKBURN. No quorum has voted; and I save that point.

Mr. NICHOLLS. I move the House do now adjourn.

The SPEAKER. That is in order although there may be no quorum present.

Mr. CONGER demanded a division.

The House divided; and there were—ayes 88, noes 45.

Mr. CAMP demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 69, nays 70, not voting 153; as follows:

YEAS—69.			
Bailey,	Ewing,	Lowe,	Singleton, J. W.
Beale,	Forney,	McKenzie,	Slemmons,
Blackburn,	Hall,	McLane,	Sparks,
Butterworth,	Harris, Benj. W.	McMillin,	Springer,
Cabell,	Hatch,	Miller,	Taylor,
Caldwell,	Henkle,	Muller,	Thompson, P. B.
Carlisle,	Hill,	Nicholls,	Tillman,
Chalmers,	Hooker,	O'Connor,	Townsend, R. W.
Clardy,	Honk,	Philips,	Tucker,
Clark, John B.	House,	Phister,	Turner, Oscar
Colerick,	Humphrey,	Poechler,	Turner, Thomas
Converse,	Hutchins,	Rice,	Updegraff, J. T.
Cravens,	Ketcham,	Richardson, D. P.	Upson,
Culbertson,	Kimmel,	Robinson,	Waddill,
Davis, Lowndes H.	Kitchin,	Rothwell,	Willis.
De La Matyr,	Knott,	Samford,	
Dibrell,	Ladd,	Sawyer,	
Ellis,	Lounsbury,	Simonton,	

NAYS—70.

Aldrich, N. W.	Caswell,	Hayes,	Pierce,
Aldrich, William	Clymer,	Herndon,	Pound,
Bachman,	Coffroth,	Hiscock,	Price,
Baker,	Conger,	Horr,	Ross,
Ballou,	Crapo,	Hubbell,	Russell, W. A.
Barber,	Crowley,	Kelley,	Shallenberger,
Bayne,	Davis, George R.	Kenna,	Starin,
Beltzhoover,	Deering,	Klotz,	Stevenson,
Blake,	Dunnell,	Marsh,	Talbott,
Blount,	Einstein,	Mason,	Thompson, W. G.
Bouck,	Farr,	McCold,	Van Aernam,
Brewer,	Ferdon,	McGowan,	Van Voorhis,
Briggs,	Fisher,	McKinley,	Voorhis,
Brigham,	Frye,	New,	Washburn,
Burrows,	Garfield,	O'Neill,	Willits,
Calkins,	Godshalk,	Osmer,	Wood, Walter A.
Camp,	Hawk,	Persons,	
Carpenter,	Hawley,	Phelps,	

NOT VOTING—153.

Acklen,	Evins,	Loring,	Shelley,
Aiken,	Felton,	Manning,	Sherwin,
Anderson,	Field,	Martin, Benj. F.	Singleton, O. R.
Armfield,	Finley,	Martin, Edward L.	Smith, A. Herr
Atherton,	Ford,	Martin, Joseph J.	Smith, Hezekiah B.
Atkins,	Forsythe,	McCook,	Smith, William E.
Barlow,	Fort,	McMahon,	Spoer,
Belford,	Frost,	Miles,	Steele,
Berry,	Geddes,	Mills,	Stevens,
Bicknell,	Gibson,	Mitchell,	Stone,
Bingham,	Gillette,	Money,	Thomas,
Bland,	Goode,	Monroe,	Townsend, Amos
Bliss,	Gunter,	Morrison,	Tyler,
Bowman,	Hammond, John	Morse,	Updegraff, Thomas
Boyd,	Hammond, N. J.	Morton,	Urner,
Bragg,	Harmer,	Muldrow,	Valentine,
Bright,	Harris, John T.	Murch,	Vance,
Browne,	Haskell,	Myers,	Wait,
Buckner,	Hazelton,	Neal,	Ward,
Cannon,	Heilman,	Newberry,	Warner,
Chittenden,	Henderson,	Norcross,	Weaver,
Claffin,	Henry,	O'Brien,	Wellborn,
Clark, Alvah A.	Herbert,	O'Reilly,	Wells,
Cobb,	Hostetler,	Orth,	White,
Cook,	Hull,	Overton,	Whiteaker,
Covert,	Huntton,	Pacheco,	Whitthorne,
Cowgill,	Hurd,	Page,	Wilber,
Cox,	James,	Prescott,	Williams, C. G.
Daggett,	Johnston,	Reagan,	Williams, Thomas
Davidson,	Jones,	Reed,	Wilson,
Davis, Horace	Jorgensen,	Richardson, J. S.	Wise,
Davis, Joseph J.	Joyce,	Richmond,	Wood, Fernando
Deuster,	Keifer,	Robertson,	Wright,
Dick,	Killinger,	Robeson,	Yocum,
Dickey,	King,	Russell, Daniel L.	Young, Casey
Dunn,	Lapham,	Ryan, Thomas	Young, Thomas L.
Dwight,	Le Fevre,	Ryon, John W.	
Elam,	Lewis,	Sapp,	
Errett,	Lindsey,	Scales,	

So the House refused to adjourn.

The following additional pairs were announced from the Clerk's desk:

Mr. BLOUNT with Mr. MONROE for the remainder of the day.

Mr. AIKEN with Mr. WARD.

Mr. YOUNG, of Ohio, with Mr. WARNER.

Mr. ATKINS with Mr. LAPHAM.

Mr. STONE with Mr. COOK.

Mr. CLAFFIN with Mr. BLAND.

Mr. MULBROW with Mr. DWIGHT, for to-day after six o'clock p. m.

Mr. RUSSELL, of North Carolina. I ask to vote.

The SPEAKER. Has the gentleman been called twice and not responded?

Mr. RUSSELL, of North Carolina. There is no objection.

The SPEAKER. The Chair cannot entertain it.

Mr. BLACKBURN. I object.

The vote was then announced as above recorded.

Mr. ALDRICH, of Rhode Island. I move that there be a call of the House.

The SPEAKER. The motion is in order.

The motion was agreed to.

The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Acklen,	Clark, Alvah A.	Gillette,	Lapham,
Aiken,	Cobb,	Goode,	Le Fevre,
Anderson,	Cook,	Gunter,	Lewis,
Atkins,	Covert,	Hammond, John	Lindsey,
Bailey,	Cox,	Hammond, N. J.	Loring,
Baker,	Cravens,	Harmer,	Lowe,
Barlow,	Daggett,	Harris, John T.	Manning,
Belford,	Davis, Horace	Haskell,	Martin, Benj. F.
Beale,	Deuster,	Hazelton,	Martin, Edward L.
Berry,	Dick,	Heilman,	Martin, Joseph J.
Bicknell,	Dickey,	Henry,	McCook,
Bingham,	Dunn,	Herbert,	McLane,
Bliss,	Dwight,	Hostetler,	McMahon,
Blount,	Elam,	Houk,	Miles,
Boyd,	Errett,	Huntton,	Mills,
Bragg,	Evins,	Hurd,	Mitchell,
Bright,	Felton,	James,	Money,
Browne,	Field,	Johnston,	Monroe,
Buckner,	Forsythe,	Jorgensen,	Morrison,
Burrows,	Fort,	Joyce,	Morse,
Calkins,	Frost,	Keifer,	Morton,
Cannon,	Geddes,	Ketcham,	Muldrow,
Chittenden,	Gibson,	Kimmel,	Murch,
Claffin,			

Myers,	Richmond,	Stone,	Whiteaker,
Neal,	Robeson,	Townsend, Amos	Whitthorne,
Newberry,	Ryon, John W.	Turner, Thomas	Wilber,
Norcross,	Sapp,	Updegraff, Thomas	Williams, C. G.
O'Brien,	Scales,	Upton,	Wilson,
O'Reilly,	Sherwin,	Wait,	Wise,
Orth,	Singleton, J. W.	Ward,	Wood, Fernando
Overton,	Singleton, O. R.	Warner,	Wright,
Prescott,	Smith, A. Herr	Weaver,	Yocum,
Reagan,	Smith, Hezekiah B.	Wellborn,	Young, Casey
Reed,	Steele,	Wells,	Young, Thomas L.
Richardson, D. P.	Stephens,	White,	

Mr. NICHOLLS. I move that the House do now adjourn.

The SPEAKER. It will be proper first to announce the result of the call, after which the Chair will recognize the gentleman from Georgia to submit his motion.

Mr. DAVIS, of North Carolina. I desire to make an inquiry whether it is competent for me at this time to give an excuse for my colleague, [Mr. SCALES,] who is confined to his room by sickness.

The SPEAKER. One hundred and fifty members have answered to their names—more than a quorum.

Mr. NICHOLLS. I move that the House do now adjourn.

The House divided; and there were—ayes 56, noes 41.

Mr. CAMP. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 46, nays 66, not voting 180; as follows:

YEAS—46.

Blackburn,	Felton,	Ladd,	Springer,
Bouck,	Ford,	Lowe,	Thompson, P. B.
Butterworth,	Forney,	McMillin,	Tillman,
Caldwell,	Hall,	Nicholls,	Townsend, R. W.
Chalmers,	Hill,	O'Connor,	Turner, Oscar
Clardy,	Hooker,	Phister,	Turner, Thomas
Converse,	Houck,	Poehler,	Upton,
Davis, Lowndes H.	Hull,	Robertson,	Vance,
De La Matyr,	Humphrey,	Rothwell,	Waddill,
Dibrell,	Hutchins,	Russell, Daniel L.	Willis,
Ellis,	Killinger,	Samford,	
Ewing,	Kitchin,	Sawyer,	

NAYS—66.

Aldrich, N. W.	Crowley,	Kelley,	Rice,
Aldrich, William	Culberson,	Kenna,	Ross,
Bachman,	Davis, George R.	Klotz,	Russell, W. A.
Ballou,	Deering,	Marsh,	Shallenberger,
Barber,	Dunnell,	Mason,	Smith, Hezekiah B.
Bayne,	Einstein,	McCold,	Starin,
Beltzhoover,	Farr,	McKinley,	Stevenson,
Bowman,	Ferdon,	Miller,	Talbott,
Briggs,	Fisher,	New,	Updegraff, J. T.
Camp,	Frye,	O'Neill,	Van Aernam,
Carpenter,	Garfield,	Osmer,	Van Voorhis,
Caswell,	Godshalk,	Pacheco,	Voorhis,
Clymer,	Harris, Benj. W.	Page,	Washburn,
Coffroth,	Hawley,	Persons,	Willits,
Conger,	Hayes,	Pierce,	Wood, Walter A.
Crapo,	Herndon,	Pound,	
	Hiscock,	Price,	

NOT VOTING—180.

Acklen,	Dick,	Knott,	Ryan, Thomas
Aiken,	Dickey,	Lapham,	Ryon, John W.
Anderson,	Dunn,	Le Fevre,	Sapp,
Armfield,	Dwight,	Lewis,	Scales,
Atherton,	Elam,	Lindsey,	Shelley,
Atkins,	Errett,	Loring,	Sherwin,
Bailey,	Evins,	Lounsbury,	Simonton,
Baker,	Field,	Manning,	Singleton, Jas. W.
Barlow,	Finley,	Martin, Benj. F.	Singleton, Otho R.
Beale,	Forsythe,	Martin, Edward L.	Slemmons,
Belford,	Fort,	Martin, Joseph J.	Smith, A. Herr
Berry,	Frost,	McCook,	Smith, William E.
Bicknell,	Geddes,	McGowan,	Sparks,
Bingham,	Gibson,	McKenzie,	Speer,
Bland,	Gillette,	McLane,	Steele,
Bliss,	Goode,	McMahon,	Stevens,
Blount,	Gunter,	Miles,	Stone,
Boyd,	Hammond, John	Mills,	Taylor,
Bragg,	Hammond, N. J.	Mitchell,	Thomas,
Brewer,	Harmer,	Money,	Thompson, Wm. G.
Brigham,	Harris, John T.	Monroe,	Townsend, Amos
Bright,	Haskell,	Morrison,	Tucker,
Browne,	Hatch,	Morse,	Tyler,
Buckner,	Hawk,	Morton,	Updegraff, Thomas
Burrows,	Hazelton,	Muldrow,	Urner,
Cabell,	Heilman,	Muller,	Valentine,
Calkins,	Henderson,	Murch,	Wait,
Cannon,	Henkle,	Myers,	Ward,
Chittenden,	Henry,	Neal,	Warner,
Claffin,	Herbert,	Newberry,	Weaver,
Clark, Alvah A.	Horr,	Norcross,	Wellborn,
Clark, John B.	Hostetler,	O'Brien,	Wells,
Cobb,	Houk,	O'Reilly,	White,
Cokerick,	Hubbell,	Orth,	Whiteaker,
Cook,	Huntton,	Overton,	Whitthorne,
Covert,	Hurd,	Phelps,	Wilber,
Cowgill,	James,	Philips,	Williams, C. G.
Cox,	Johnston,	Prescott,	Williams, Thomas
Cravens,	Jones,	Reagan,	Wilson,
Daggett,	Jorgensen,	Reed,	Wise,
Davidson,	Joyce,	Richardson, D. P.	Wood, Fernando
Davis, Horace	Keifer,	Richardson, J. S.	Wright,
Davis, Joseph J.	Ketcham,	Robeson,	Yocum,
Deuster,	Kimmel,	Robinson,	Young, Casey
	King,		Young, Thomas L.

So the motion to adjourn was not agreed to.

The Clerk announced the following pairs:

Mr. ROBINSON with Mr. SPARKS until eight o'clock to-day.

Mr. FROST with Mr. VALENTINE.

Mr. BREWER with Mr. CABELL until eight o'clock to-day.

Mr. DAVIDSON and Mr. BOWMAN, withdrawn, and Mr. ERRETT is paired with Mr. DAVIDSON.

Mr. MCKENZIE with Mr. McLANE for the remainder of the day.

Mr. HAWK with Mr. HENKLE.

Mr. BAILEY with Mr. MULLER.

Mr. TAYLOR with Mr. HOUK.

Mr. SPEER with Mr. NEWBERRY.

The result of the vote was then announced as above recorded.

Mr. BLACKBURN. Mr. Speaker, no quorum having voted on the call of the yeas and nays, I now ask that proceedings under the call of the House be proceeded with.

The SPEAKER *pro tempore*, (Mr. CLYMER in the chair.) That would be the regular order, to proceed with the call, and the doors will now be closed.

Mr. TALBOTT. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TALBOTT. My point of order is that under the preceding roll-call a quorum was present. Now, can there be any other call of this House without a majority vote?

The SPEAKER *pro tempore*. The point of order is overruled. The House has ordered the call, and the fact of a quorum appearing does not vitiate the prior order of the House.

Mr. SPRINGER. Mr. Speaker, there has been as yet no order of the House to arrest members absent without leave. I desire, therefore, to submit the following resolution:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House, and that the Speaker issue his warrant therefor.

The motion was agreed to.

Mr. NEW. Mr. Speaker, I do not know what may be the effect, but I desire to announce that my colleague, Mr. HOSTETLER, is absent and not able to be in attendance to-night on account of sickness.

The SPEAKER *pro tempore*. That statement will be in order when the name of the gentleman's colleague is called.

Mr. VAN VOORHIS. I move that the list of absentees be called over. Since the last call some gentlemen have come in and some have gone out. Those who come in ought not to be arrested. Those who have gone out should be arrested. [Laughter.]

The SPEAKER *pro tempore*. The list of absentees is now being prepared with a view to ascertain who are absent without the leave of the House.

Mr. ATHERTON. At the special request of Mr. ANDERSON, of Kansas, I agreed to pair with him during the day. I am paired with him on all questions, and he is absent in accordance with that agreement.

The SPEAKER *pro tempore*. The Chair has no connection with those proceedings. The order of the House must be executed.

Mr. ATHERTON. I cannot vote if the gentleman from Kansas [Mr. ANDERSON] is not here to vote; and I ask that I be excused from further attendance during the session of to-day. [Cries of "No!" "No!"]

Mr. KELLEY. We want the pleasure of the gentleman's company.

Mr. ATHERTON. I am very fully convinced that my request will not receive unanimous consent.

The SPEAKER *pro tempore*. The Chair agrees with the gentleman.

Mr. ATHERTON. I therefore withdraw it.

Mr. SPRINGER. Under the rules of the House I believe it is now in order, before the warrant issues, for excuses to be presented.

The SPEAKER *pro tempore*. The roll of absentees will now be called, and those for whom no adequate excuses are offered will be sent for under the order of the House.

The Clerk proceeded to call the list of absentees.

Mr. ACKLEN: No excuse offered.

Mr. AIKEN: No excuse offered.

Mr. ATKINS.

Mr. DIBRELL. My colleague [Mr. ATKINS] has just recovered from a severe spell of sickness; I move that he be excused.

The motion was agreed to.

Mr. BAILEY: No excuse offered.

Mr. BAKER: No excuse offered.

Mr. BELFORD: No excuse offered.

Mr. BICKNELL: No excuse offered.

Mr. BINGHAM: No excuse offered.

Mr. BLISS: No excuse offered.

Mr. BOYD: No excuse offered.

Mr. BRAGG: No excuse offered.

Mr. BRIGHT: No excuse offered.

Mr. BROWNE: No excuse offered.

Mr. BUCKNER: No excuse offered.

Mr. BURROWS: No excuse offered.

Mr. CALKINS: No excuse offered.

Mr. CANNON, of Illinois: No excuse offered.

Mr. CHITTENDEN: No excuse offered.

Mr. CLAFLIN: No excuse offered.

Mr. CLARK, of New Jersey: No excuse offered.

Mr. COBB: No excuse offered.

Mr. COOK: No excuse offered.

Mr. COVERT: No excuse offered.

Mr. COX: No excuse offered.

Mr. CRAVENS: No excuse offered.

Mr. DAGGETT: No excuse offered.

Mr. DAVIS, of California: No excuse offered.

Mr. DEUSTER: No excuse offered.

Mr. DICK: No excuse offered.

Mr. DICKEY: No excuse offered.

Mr. DUNN: No excuse offered.

Mr. DWIGHT: No excuse offered.

Mr. ELAM.

Mr. ELLIS. My colleague, Judge ELAM, is just recovering from a very severe illness, and left the House an hour ago, suffering from a relapse, and is now very sick. I move that he be excused.

The motion was agreed to.

Mr. EVINS: No excuse offered.

Mr. FINLEY: No excuse offered.

Mr. FORSYTHE: No excuse offered.

Mr. FROST: No excuse offered.

Mr. GEDDES: No excuse offered.

Mr. GIBSON: No excuse offered.

Mr. GILLETTE: No excuse offered.

Mr. GOODE: No excuse offered.

Mr. GUNTER: No excuse offered.

Mr. HAMMOND, of New York: No excuse offered.

Mr. HAMMOND, of Georgia: No excuse offered.

Mr. HARMER: No excuse offered.

Mr. HARRIS, of Virginia: No excuse offered.

Mr. HASKELL: No excuse offered.

Mr. HAZELTON: No excuse offered.

Mr. HEILMAN: No excuse offered.

Mr. HENRY: No excuse offered.

Mr. HERBERT: No excuse offered.

Mr. HOSTETLER.

Mr. NEW. I now move that my colleague, Mr. HOSTETLER, be excused, on the statement I have already made. He is confined to his room by sickness and is unable to be in attendance.

The motion was agreed to.

Mr. HOUK: No excuse offered.

Mr. HUNTON: No excuse offered.

Mr. HURD: No excuse offered.

Mr. JAMES.

Mr. GARFIELD. I know that Mr. JAMES went away quite ill an hour ago. He is in feeble health, and I move that he be excused.

The motion was agreed to.

Mr. JOHNSTON. No excuse offered.

Mr. JORGENSEN. No excuse offered.

Mr. JOYCE.

Mr. BAYNE. Mr. JOYCE left a short time ago, saying he was so unwell he could not remain. I move that he be excused.

The motion was agreed to.

Mr. KETCHAM: No excuse offered.

Mr. KIMMEL: No excuse offered.

Mr. LAPHAM: No excuse offered.

Mr. LE FEVRE: No excuse offered.

Mr. LEWIS: No excuse offered.

Mr. LINDSEY: No excuse offered.

Mr. LORING: No excuse offered.

Mr. LOWE: No excuse offered.

Mr. MANNING: No excuse offered.

Mr. MARTIN, of West Virginia.

Mr. KENNA. My colleague, Mr. MARTIN, is confined to his room by sickness. He was paired all day yesterday and to-day, and is confined to his bed to my knowledge. I move that he be excused.

The motion was agreed to.

Mr. MARTIN, of Delaware: No excuse offered.

Mr. MARTIN, of North Carolina: No excuse offered.

Mr. McLANE: No excuse offered.

Mr. McMAHON: No excuse offered.

Mr. MILES: No excuse offered.

Mr. MILLS: No excuse offered.

Mr. MITCHELL: No excuse offered.

Mr. MONEY.

Mr. CHALMERS. My colleague, Mr. MONEY, as is well known to the House, has been very ill for nearly three weeks, and is now in feeble health. I move that he be excused.

The motion was agreed to.

Mr. MONROE: No excuse offered.

Mr. MORRISON: No excuse offered.

Mr. MORSE: No excuse offered.

Mr. MULBROW: No excuse offered.

Mr. MURCH: No excuse offered.

Mr. NEWBERRY: No excuse offered.

Mr. NORCROSS: No excuse offered.

Mr. O'BRIEN: No excuse offered.

Mr. O'REILLY: No excuse offered.

Mr. ORTH: No excuse offered.

Mr. OVERTON: No excuse offered.

Mr. PRESCOTT: No excuse offered.

Mr. REED: No excuse offered.

Mr. RICHARDSON, of New York: No excuse offered.

Mr. RICHMOND: No excuse offered.

Mr. ROBESON: No excuse offered.

Mr. RYON, of Pennsylvania: No excuse offered.

Mr. SCALES.

Mr. DAVIS, of North Carolina. My colleague, Mr. SCALES, has been confined yesterday and to-day to his room by sickness, and is unable to be here. I move that he be excused.

The motion was agreed to.

Mr. SHERWIN: No excuse offered.

Mr. SINGLETON, of Illinois.

Mr. STEVENSON. I move that my colleague, Mr. SINGLETON, be excused.

The question being put on Mr. STEVENSON'S motion, there were—ayes 36, noes 12.

So the motion was agreed to.

Mr. TOWNSHEND, of Illinois. I desire to say that it is well known to the House that Mr. LAPHAM, of New York, is an aged gentleman, and his health is such as would not justify his being here to-night.

Mr. DUNNELL. I venture to say that the gentleman from New York [Mr. LAPHAM] does not want to be excused on account of ill health.

Mr. PAGE. Or old age either.

Mr. DUNNELL. Or old age, or feebleness; he wants no such excuse.

Mr. O. R. SINGLETON: No excuse offered.

Mr. A. HERR SMITH: No excuse offered.

Mr. STEPHENS.

Mr. CONGER. I move that Mr. STEPHENS be excused.

There was no objection.

Mr. STONE: No excuse offered.

Mr. TYLER: No excuse offered.

Mr. THOMAS UPDEGRAFF: No excuse offered.

Mr. URNER: No excuse offered.

Mr. WAIT: No excuse offered.

Mr. WARD: No excuse offered.

Mr. WARNER: No excuse offered.

Mr. WEAVER: No excuse offered.

Mr. WELLBORN: No excuse offered.

Mr. WELLS: No excuse offered.

Mr. WHITE: No excuse offered.

Mr. WHITEAKER: No excuse offered.

Mr. WHITTHORNE: No excuse offered.

Mr. WILBER: No excuse offered.

Mr. CHARLES G. WILLIAMS: No excuse offered.

Mr. WILSON: No excuse offered.

Mr. WISE: No excuse offered.

Mr. FERNANDO WOOD: No excuse offered.

Mr. WRIGHT: No excuse offered.

Mr. YOCUM: No excuse offered.

Mr. CASEY YOUNG: No excuse offered.

Mr. THOMAS L. YOUNG: No excuse offered.

Mr. CABELL. I did not notice when the name of Mr. MARTIN, of Delaware, was called. It is well known that he has no colleague here who can answer for him, and on account of age and his many infirmities I think he should be excused. [Laughter.]

The SPEAKER *pro tempore*. Does the gentleman make any motion?

Mr. CABELL. I do not.

Mr. LOUNSBERY. I think that my colleague [Mr. O'REILLY] should be excused. He has been absent from the Hall but a few minutes. He left the Hall in order to obtain some refreshments, and coming back to the door he was taken into custody by the Sergeant-at-Arms. I move that he be excused and admitted to the Hall.

Mr. PAGE. I hope not.

Mr. HAWLEY. Oh, no.

Mr. HAYES. He must be brought before the bar of the House.

Mr. DUNNELL. Let him be brought in and give his own excuse.

Mr. LOUNSBERY. I withdraw the motion.

Mr. BUTTERWORTH. I would inquire what is before the House? A MEMBER. The gentleman from Ohio himself. [Laughter.]

Mr. BUTTERWORTH. The best thing that has been before the House for a month. But I wanted to inquire of the Chair what is the question before the House in connection with the pending call of the House?

The SPEAKER *pro tempore*. The House is waiting for the Sergeant-at-Arms to report with absent members.

Mr. OSMER. I move that all further proceedings under the call be dispensed with.

The motion was not agreed to.

Mr. OSMER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. OSMER. Would a motion to adjourn be now in order?

The SPEAKER *pro tempore*. When the House is in its present condition there are but two motions in order, one a motion to adjourn, and the other a motion to dispense with all other proceedings under the call.

Mr. OSMER, (at eight o'clock p. m.) I move that the House now adjourn.

The SPEAKER *pro tempore*. That motion is in order.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 35, noes 43.

So the motion to adjourn was not agreed to.

The Sergeant-at-Arms appeared at the bar, having in custody the following members, in obedience to the order of the House: Mr. HERBERT, Mr. RICHMOND, Mr. O'REILLY, Mr. DAVIS of California, and Mr. BINGHAM.

The SPEAKER *pro tempore*. Mr. HERBERT, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. HERBERT. Mr. Speaker, I did not know that I was subject to arrest until I reached the door of the House on my return. When I attempted to get into the House I was arrested. My only excuse is that I went off to get my dinner. I came back as soon as I got it.

Mr. HUMPHREY. I move that the gentleman be excused.

Mr. CHALMERS. I desire to know how the gentleman voted on the proposition to adjourn.

The SPEAKER *pro tempore*. That question is hardly in order.

Mr. CHALMERS. It might determine my vote upon excusing the gentleman.

Mr. HERBERT. I voted to adjourn.

The motion of Mr. HUMPHREY to excuse Mr. HERBERT was agreed to; there being—46 in the affirmative, 1 in the negative.

The SPEAKER *pro tempore*. Mr. RICHMOND, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. RICHMOND. I have an excuse, but whether it is a very good one or not I am unable to say; that will rest in the judgment of this House. My case is a little different from that of the gentleman who just rendered his excuse. He says he was not aware that he was arrested until he came here. I am very well assured that I was not arrested until I reached the House. I have been paired for the last ten days with the honorable gentleman from New York, [Mr. PRESCOTT.] Knowing that my presence would be of no avail so far as legislation was concerned, I absented myself for the purpose of getting my dinner. As soon as I did so I returned, merely as a spectator to observe the proceedings of this honorable body.

Mr. UPDEGRAFF, of Ohio. I move that the gentleman be excused.

The motion was agreed to there being ayes 51, noes not counted.

The SPEAKER *pro tempore*. Mr. O'REILLY, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. O'REILLY. I voted three times to adjourn before I left. I went to get my dinner, and returned as soon as I could. I was at the door about half a minute after the doors were closed. This is the only excuse I have to offer.

Mr. LOUNSBERY. I move that the gentleman be excused.

The motion was agreed to; there being—ayes 46, noes not counted.

The SPEAKER *pro tempore*. Mr. DAVIS, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. DAVIS, of California. Being paired, and therefore unable to participate in legislative proceedings, I went to get my dinner. On my return, I was arrested at the door of the House.

Mr. DAVIS, of North Carolina. I move that the gentleman be excused.

The motion was agreed to; there being—ayes 40, noes not counted.

The SPEAKER *pro tempore*. Mr. BINGHAM, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. BINGHAM. Mr. Speaker, having been in the House from twelve o'clock to-day until half past six, I paired with the gentleman from Alabama, Mr. SHELLEY, until eight o'clock, simply for the purpose of going to dinner. I returned of my own volition.

Mr. BAYNE. I move that the gentleman be excused.

Mr. SPRINGER. We ought to make an example of somebody.

Mr. TALBOTT. Inasmuch as Pennsylvania needs "protection," I move to excuse the gentleman.

The motion was agreed to; there being—ayes 43, noes 18.

The Sergeant-at-Arms appeared at the bar, having in custody the following members, in obedience to the order of the House: Mr. MARTIN, of Delaware, and Mr. MURCH.

The SPEAKER *pro tempore*. Mr. MARTIN, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. MARTIN, of Delaware. I have the honor to be the chairman of a sub-committee of the Committee on the District of Columbia. I have been endeavoring for quite a while to get a meeting of that sub-committee but have been unable to obtain a quorum. I had appointed to-night for such a meeting and had invited to the consultations of the committee the engineer commissioner of the District. I left the Hall about half past six o'clock to get some refreshments in order that I might meet the committee at half past seven o'clock. Precisely at that time I was within the Capitol.

Mr. LOUNSBERY. I move that the gentleman be excused.

The motion was agreed to; there being—ayes 35, noes not counted.

The SPEAKER *pro tempore*. Mr. MURCH, you have absented your-

self from the sitting of the House without its leave. What excuse have you to offer?

Mr. MURCH. I have been much broken in my rest for the last two nights; and about four o'clock this afternoon, having a severe headache, I went to my room and lay down. Waking a short time ago I observed a light in the cupola and returned to the House. I was not arrested until I came into this door.

Mr. CONGER. I move the gentleman be excused.

Mr. NICHOLLS. I move he be fined a greenback dollar.

A MEMBER. You mean a fiat dollar.

The House divided; and there were—ayes 44, noes not counted.

So Mr. MURCH was excused.

The Sergeant-at-Arms appeared at the bar, having in custody the following members, in obedience to the order of the House: Mr. LEWIS and Mr. HENRY.

The SPEAKER *pro tempore*. Mr. LEWIS, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. LEWIS. I left here sick and came back as soon as I felt better, without being notified by anybody. I was not arrested.

Mr. SPRINGER. I move the gentleman be excused.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. HENRY, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. HENRY. I remained here until about six o'clock in the evening, and then left for the purpose of getting something to eat as well as getting my mail at my hotel. I reached here just as the door was closed, and was denied admittance.

Mr. TALBOTT. I move my colleague be excused.

Mr. CONGER. No one in this part of the Hall has heard the excuse given by the gentleman from Maryland.

The SPEAKER *pro tempore*. That is the fault of the House.

Mr. CONGER. We do not know whether he confesses his absence without rendering any excuse for it.

The SPEAKER *pro tempore*. The gentleman will state his excuse again.

Mr. HENRY. I stated that I remained here until about six o'clock. I had had nothing to eat since breakfast. I went to my hotel to dine and to get my mail, which was there. I returned almost immediately and reached the Capitol and came to the door of the House shortly after it was closed.

Mr. TALBOTT. I move that my colleague be excused.

The motion was agreed to.

Mr. SIMONTON. I do not like to put gentlemen to inconvenience, but there is a rule of the House prohibiting smoking. The atmosphere becomes disagreeable when we have to stay here all night.

Several members seconded the motion.

Mr. SIMONTON. I ask the rule be enforced.

The SPEAKER *pro tempore*. The Clerk will read the rule.

Mr. CONGER. This is an attempt to withdraw the Sergeant-at-Arms from his duty. He has been sent to arrest members and should not be recalled to arrest members for smoking. He is fulfilling the order of the House now.

The Clerk read as follows:

7. While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

The SPEAKER *pro tempore*. The Sergeant-at-Arms and Doorkeeper will see that the rule is enforced.

Mr. O'CONNOR. I move the House do now adjourn.

The House divided; and there were—ayes 40, noes 50.

Mr. CAMP demanded the yeas and nays.

The yeas and nays were not ordered.

So the House refused to adjourn.

Mr. PAGE. Is it in order to have the roll again called to see whether a quorum is present or not?

The SPEAKER *pro tempore*. The gentleman may move to dispense with all further proceedings under the call, and that is the only motion now in order, the motion to adjourn having just been voted down.

Mr. O'CONNOR. I move that the House take a recess until twelve o'clock to-morrow.

The SPEAKER *pro tempore*. During proceedings under a call of the House a motion for a recess is not in order.

The Sergeant-at-Arms appeared at the bar, having in custody, in obedience to the order of the House, Mr. ACKLEN.

The SPEAKER *pro tempore*. Mr. ACKLEN, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. CAMP. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CAMP. I desire to know what penalty is imposed upon members where the House fails to excuse them?

The SPEAKER *pro tempore*. That is for the House to determine.

Mr. SINGLETON, of Illinois. I rise to inquire whether the House is now proceeding under the call of the House?

The SPEAKER *pro tempore*. It is.

Mr. SINGLETON, of Illinois. Then I move to dispense with all further proceedings under the call. And I desire to say this, that the House has no right to call upon us to come here at an unreasonable hour of the night. [Laughter.] And I say further, Mr. Speaker, that the members of this House have the privilege of the eight-hour rule. We have served here to-day for eight hours already, and I think we are entitled to be discharged and to be able to obtain our needed rest. I therefore move to dispense with all further proceedings under the call.

The SPEAKER *pro tempore*. The Chair would suggest that it would be proper to dispose first of the case of the gentleman from Louisiana, now at the bar of the House by its order, after which the Chair will entertain the motion of the gentleman from Illinois.

Mr. SINGLETON, of Illinois. Then I insist on my point of order. I say it is out of order, and there is no rule which requires any man in the service of this country to come here at such an unreasonable hour of the night, unless, of course, he is in the military service of the country and his services are needed to oppose an enemy; and if we are here now to oppose an enemy, as perhaps we are, then I am ready and willing to stay here with the Speaker until morning.

The SPEAKER *pro tempore*. The gentleman from Louisiana will proceed.

Mr. ACKLEN. Mr. Speaker, I desire to say that—

Mr. BAYNE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BAYNE. I wish to know if it would be in order to reconsider now the vote by which the gentleman from Illinois was excused? [Laughter.]

The SPEAKER *pro tempore*. It is within the jurisdiction of the House to determine that. The Chair hopes the gentleman from Louisiana will be permitted to proceed with his excuse.

Mr. ACKLEN. Mr. Speaker, a few moments ago, while in the room of the Committee on Commerce attending to some business, Mr. Hill, one of the deputy sergeants-at-arms, notified me that my presence here was wanted, and I immediately came to the House.

Mr. EINSTEIN. Mr. Speaker, I hope we will have order in the House. I would like to hear the excuses that gentlemen make, but we are entirely unable to do so, owing to the confusion.

Mr. ACKLEN. I say that I was engaged in business in the room of the Committee on Commerce.

Mr. VAN VOORHIS. What kind of business?

Mr. ACKLEN. If the gentleman will permit me to proceed, I will make a proper excuse.

Mr. VAN VOORHIS. I have no doubt of it.

The SPEAKER *pro tempore*. It is not in order to interrupt the gentleman while making his excuse.

Mr. ACKLEN. I respectfully ask to be excused on the ground that I was up in the room of the Committee on Commerce attending to business, and when notified that I was wanted here I came at once to the House.

Mr. RUSSELL, of Massachusetts. I move that the gentleman from Louisiana be excused.

The House divided; and there were—ayes 46, noes not counted.

So (no further count being demanded) the motion was agreed to.

Mr. SPRINGER. I presume my colleague's motion is now in order, that further proceedings under the call be dispensed with.

A MEMBER. No quorum is present.

The SPEAKER *pro tempore*. It is not necessary that a quorum should be present for that purpose.

The motion to dispense with the further proceedings under the call was not agreed to.

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is being executed by the House.

Mr. RICHMOND. Has the morning hour expired? [Laughter.]

The SPEAKER *pro tempore*. The Chair will say to the gentleman from Virginia that the morning hour has not yet commenced.

Mr. KITCHIN. What is before the House now?

The SPEAKER *pro tempore*. The House is waiting for the execution of its order.

Mr. EINSTEIN. As I notice several members of the House in the galleries, I would like to inquire if the Sergeant-at-Arms has used due diligence in bringing members to the bar of the House?

The SPEAKER *pro tempore*. It is to be presumed the Sergeant-at-Arms is discharging his duty.

Mr. BUTTERWORTH. I desire to make an inquiry of the Chair. Suppose a member who is absent from the House without its permission succeeds in getting into the House without the knowledge of the Sergeant-at-Arms—runs the pickets, as it were—I ask if he should not be brought to the bar of the House to render an excuse for his absence.

The SPEAKER *pro tempore*. Unquestionably.

Mr. BUTTERWORTH. I desire to state, though I do not desire to take up in any way the rôle of an informer, that our brother-member, Mr. STEELE, of North Carolina, has succeeded in evading the vigilance of the Sergeant-at-Arms, and getting on the floor of the House—

A MEMBER. It is evidently a steal. [Laughter.]

Mr. BUTTERWORTH. In contravention of the rule. I submit, in all candor, that that gentleman should be brought to the bar of the House to answer for his absence.

The SPEAKER *pro tempore*. The Chair will state that he is informed the name of the gentleman from North Carolina is not on the list furnished to the Sergeant-at-Arms.

Mr. BUTTERWORTH. I am acting on information furnished to me by the gentleman from North Carolina himself. For my own part I am willing to excuse him.

Mr. RICHMOND. I move to amend the record in that particular. I was present when the honorable member from North Carolina represented to the Sergeant-at-Arms he had been absent for three hours; but the Sergeant-at-Arms, on referring to the list furnished him, said that Mr. STEELE's name was not on that list. It appears the gentleman was absent without permission of the House and I think he ought to render an excuse as well as those who were absent for a much shorter period of time.

The Sergeant-at-Arms appeared at the bar and said: Mr. Speaker in obedience to the order of the House I have in custody at its bar Mr. STEELE. [Laughter.]

The SPEAKER *pro tempore*. Mr. STEELE, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. STEELE. Mr. Speaker—

Mr. SHELLEY. I rise to a question of order. I ask that gentlemen be seated.

The SPEAKER *pro tempore*. The point of order is well taken. Gentlemen will please be seated.

Mr. ATHERTON. I hope this proceeding will be conducted with proper gravity.

Mr. STEELE. Following the example of one of the most distinguished Representatives of the people, from the city of Brooklyn in the State of New York— [Cries of "Name!"]

Mr. STEELE. Here is the gentleman's seat, [pointing to it.]

Mr. BLACKBURN. The gentleman means Mr. CHITTENDEN.

Mr. STEELE. That is exactly whom I mean; but I desire at the same time to observe the rules of parliamentary decorum and call no man's name. Following that gentleman's example and desiring this House should hear precisely what excuse I have to render to enable me to escape the very grave charge laid at my door, I shall ask the permission of the House to take my perch up at the Clerk's desk. [Laughter.]

Mr. BLACKBURN. You have that right, under the rule.

Mr. CONGER. Not until he purges himself of the charge upon which he now stands at the bar.

The SPEAKER *pro tempore*. Does the gentleman from Michigan object.

Mr. CONGER. I do, unless the Chair decides the gentleman is not in contempt of the House.

The SPEAKER *pro tempore*. If the gentleman from Michigan insists on his objection the Chair would have to so decide.

Mr. CONGER. I do not insist on it. [Cries of "Take your perch!"]

Mr. STEELE, (from the Clerk's desk.) Mr. Speaker, what I shall say on this occasion—

Mr. O'NEILL. No man knows. [Laughter.]

Mr. STEELE. Will be in the nature of what the law calls a confession and avoidance. I was absent, but the Sergeant-at-Arms in his good nature, and having made really an honest mistake, gave me permission to enter without going through the form of an arrest and an answer at the bar of the House.

And now, sir, I beg to say that

When chapman billies leave the street,
And drouthy neighbors meet,
As market days are wearin' late,
And folk begin to tak the gate;
While we sit bousing at the nappy,
And gettin' fou and unco happy—

I was not in that condition, I wish it to be distinctly understood. [Laughter.]

We think na on the lang Scots miles,
The mosses, waters, slaps, and stiles,
That lie between us and our hame,
Where sits our sulky sullen dame,
Gathering her brows like gathering storm,
Nursing her wrath to keep it warm.

Mr. SINGLETON, of Illinois. I would like to inquire what the gentleman has in the tumbler which he holds up in the view of the House.

Mr. STEELE. That is what is called in your country "Adam's ale." [Cries of "Go on!" "Go on!"] I can give you more if you want it.

The SPEAKER *pro tempore*. The gentleman from North Carolina will proceed.

Mr. STEELE. In order.

The SPEAKER *pro tempore*. Yes, in order.

Mr. SINGLETON, of Illinois. After prayers, is not the reading of the Journal in order? [Laughter.]

The SPEAKER *pro tempore*. The gentleman from North Carolina will proceed.

Mr. STEELE. Well, believing that what I shall say is quite as good as anything we shall be likely to hear on this solemn occasion, I think I will proceed. If it was original I would not have so much confidence in it. I wish everybody to understand that it is a quotation:

This truth fand honest Tam o' Shanter,
As he frae Ayr ae night did canter,
(And Ayr, wham ne'er a town surpasses
For honest men and bonny lasses.)

O Tam! hadst thou but been sae wise
As ta'en thy ain wife Kate's advice!
She tauld thee weel thou wast a skellum,
A blethering, blustering, drunken bellum;
That frae November till October,
Ae market day thou wastna sober;
That ilka melder, wi' the miller
Thou sat as lang as thou hadst siller;
That every naig was ca'd a shoe on,
The smith and thee gat roaring fou on.

Ah, gentle dames! it gars me greet
To think how many counsels sweet,
How mony lengthen'd, sage advices,
The husband frae the wife despires!

* * *
Think! ye may buy the joys owre dear—
Remember Tam o' Shanter's mare.

The SPEAKER *pro tempore*. The gentleman will now report to the Sergeant-at-Arms.

Mr. SINGLETON, of Illinois. I move that the substance in that tumbler be analyzed.

The SPEAKER *pro tempore*. That motion is not in order.

Mr. ATHERTON. I move that the gentleman from North Carolina [Mr. STEELE] be excused.

The motion was agreed to; upon a division—ayes 55, noes not counted.

Mr. SINGLETON, of Illinois. I move that all further proceedings under the call be dispensed with.

The motion was not agreed to.

Mr. BERRY (at eight o'clock and fifty-five minutes p. m.) moved that the House adjourn.

The motion was not agreed to; upon a division—ayes 55, noes 64.

Mr. TALBOTT. I move that the House now take a recess until to-morrow morning at ten o'clock.

The SPEAKER. That motion is not in order.

The Sergeant-at-Arms then appeared at the bar of the House, and reported that in obedience to the order of the House he had taken in custody and now produced at the bar of the House Mr. FORSYTHE.

The SPEAKER. Mr. FORSYTHE, you have been absent from the sitting of the House without its leave. What excuse have you to give therefor?

Mr. FORSYTHE. The only excuse I have to give is that I was very unwell, and have been since yesterday; really not able to be in the House to-day. I remained here until five o'clock, and then prevailed upon a very clever gentleman of the high-tariff persuasion to pair with me. Believing that it would be more conducive to my health and comfort to be at my own room, I left the Hall.

Mr. STEVENSON. I move that my colleague [Mr. FORSYTHE] be excused.

The motion was agreed to.

Mr. SINGLETON, of Illinois. I have a proposition to submit which I think ought to harmonize this matter. It is that the committee to whom was referred the bill which has created all this controversy be instructed to report to this House within ten days. When the bill comes before the House it will be within the control of the majority, and can be recommitted, or any other disposition can be made of it which the majority may desire. [Cries of "Regular order!" "Regular order!"] Very well, gentlemen; I mean to be heard. You may raise your voices as much as you please, but I will be heard upon this matter. I say that we have frittered away the time of this House unnecessarily. [A voice: "Louder!"] I am not a jackass as you are. [Laughter.] I say to the Chair and this House that we are wasting time.

The SPEAKER. Will the gentleman state his motion.

Mr. SINGLETON, of Illinois. I desire simply to say but a word or two. We are wasting time; we have been frittering away our time upon a matter which can be settled in a few minutes.

The SPEAKER. The Chair decides that the motion made by the gentleman from Illinois [Mr. SINGLETON] is not in order. The House is now executing an order for a call of the House, and no motion is in order except such as may relate to that call, or a motion to adjourn.

Mr. SINGLETON, of Illinois. I think I have no disposition whatever to take up the time of the House unnecessarily.

The SPEAKER. The Chair understands that.

Mr. SINGLETON, of Illinois. I rose simply to make a suggestion which I think should harmonize all feeling here. If I am not permitted to do it I will take my seat in obedience to the decision of the Chair.

Mr. BLACKBURN. I move that when this House adjourns it adjourn to meet on Saturday next at one o'clock.

Mr. GARFIELD. That motion is not in order during a call of the House.

Mr. CAMP. So far as appears, there is no quorum present.

The SPEAKER. The only way, in the opinion of the Chair, to reach such a motion would be to dispense with further proceedings under the call. According to the practice prevailing heretofore, when the House has ordered a call, the only motions admissible are such as relate to the call and a motion to adjourn, the latter motion being allowed because less than a quorum can adjourn.

The Sergeant-at-Arms appeared at the bar, having in custody, in obedience to the order of the House, Mr. BICKNELL.

The SPEAKER. Mr. BICKNELL, you have absented yourself from

the sitting of the House without its leave. What excuse have you to offer?

Mr. BICKNELL. I have not any.

Mr. BAYNE. I move that the gentleman be excused.

The motion was agreed to.

Mr. SINGLETON, of Illinois. I renew my motion to dispense with further proceedings under the call.

Mr. PAGE. That motion has just been voted down.

The SPEAKER. There has been intervening business. A member has been excused by a vote of the House.

The question having been put,

The SPEAKER said: The yeas appear to have it.

Mr. SINGLETON, of Illinois, called for a division.

The question being again taken, there were—ayes 7.

Mr. SINGLETON, of Illinois. How many, sir?

The SPEAKER. Seven.

Mr. SINGLETON, of Illinois. An unfortunate number! [Laughter.]

A further count was not insisted upon; so the motion of Mr. SINGLETON, of Illinois, was not agreed to.

Mr. SINGLETON, of Illinois. While we are waiting for the Sergeant-at-Arms, I move that the House take fifteen minutes for repose.

The SPEAKER. The motion for the House to take "a repose" is not known to the rules. [Laughter.]

Mr. EWING. I move that the House do now adjourn.

Mr. GARFIELD. Does my colleague couple that motion with any proposition to take a vote to-morrow at any fixed hour?

Mr. EWING. I do. It would give me pleasure to have this question brought to a vote to-morrow as early as possible.

Mr. BLACKBURN. The gentleman speaks for himself alone.

Mr. EWING. I speak for myself, as the gentleman does for himself when he addresses the House.

Mr. GARFIELD. If it can be agreed that we shall have a vote on the pending question at a given time—

Mr. BLACKBURN. No such agreement can be had, except by unanimous consent, and that will not be given in the next twelve months.

Mr. EWING. I think the gentlemen on the other side may rely on having action to-morrow morning upon this question, with the aid of gentlemen on this side.

Mr. GARFIELD. Will the gentleman repeat his statement?

Mr. EWING. I merely wish to assure my colleague that in my opinion there are many gentlemen on this side who wish to have this question (which is regarded by a very large number here as somewhat frivolous) disposed of and brushed away as quickly as possible to-morrow morning.

Mr. GARFIELD. That is the way we feel here; but what assurance can the gentleman give for his side of the House?

Mr. EWING. I can give no further assurance.

Mr. EINSTEIN. I would remind the gentleman from Kentucky [Mr. BLACKBURN] that "he who dallies is a dastard, and he who doubts is damned." [Laughter.]

Mr. BLACKBURN. Yes, I see before me one who deserved that damnation long ago.

Mr. PAGE. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and there were—yeas 67, nays 73, not voting 152; as follows:

YEAS—67.

Beale,	De La Matyr,	Knott,	Samford,
Berry,	Dibrell,	Ladd,	Sawyer,
Bicknell,	Ellis,	Lewis,	Simonton,
Blackburn,	Ewing,	Lounsbury,	Slemmons,
Bouck,	Felton,	Lowe,	Sparks,
Boyd,	Ford,	Martin, Edward L.	Steele,
Cabell,	Forney,	McKenzie,	Stevenson,
Caldwell,	Hall,	McMillin,	Thompson, P. B.
Chalmers,	Hatch,	Murch,	Tillman,
Clardy,	Henry,	Myers,	Townshend, R. W.
Clark, John B.	Hill,	O'Connor,	Turner, Oscar
Colerick,	House,	O'Reilly,	Turner, Thomas
Converse,	Hubbell,	Phillips,	Upton,
Culberson,	Hull,	Phister,	Vance,
Davidson,	Hutchins,	Poebler,	Waddill,
Davis, Joseph J.	Killinger,	Robertson,	Willis.
Davis, Lowndes H.	Kitchin,	Rothwell,	

NAYS—73.

Aldrich, Nelson W.	Conger,	Herbert,	Rice,
Aldrich, William	Cowgill,	Herndon,	Robinson,
Bachman,	Crapo,	Hiscock,	Ross,
Ballou,	Crowley,	Humphrey,	Russell, William A.
Barber,	Davis, George R.	Kelley,	Shallenberger,
Bayne,	Davis, Horace,	Kenna,	Shelley,
Beltzhoover,	Deering,	Klotz,	Starin,
Bingham,	Dannell,	Mason,	Talbot,
Blake,	Einstein,	McCoid,	Thompson, Wm. G.
Bowman,	Errett,	McGowan,	Updegraff, J. T.
Brewer,	Farr,	McKinley,	Van Aernam,
Briggs,	Fardon,	Miller,	Van Voorhis,
Brigham,	Fisher,	New,	Voorhis,
Butterworth,	Frye,	O'Neill,	Washburn,
Camp,	Garfield,	Osmer,	Willits,
Carpenter,	Godshalk,	Pacheco,	Wood, Walter A.
Caswell,	Harris, Benj. W.	Pierce,	
Clymer,	Hawley,	Pound,	
Coffroth,	Hayes,	Price,	

NOT VOTING—152.

Acklen,	Finley,	Manning,	Scales,
Aiken,	Forsythe,	Marsh,	Sherwin,
Anderson,	Fort,	Martin, Benj. F.	Singleton, J. W.
Armfield,	Frost,	Martin, Joseph J.	Singleton, O. R.
Atherton,	Geddes,	McCook,	Smith, A. Herr
Atkins,	Gibson,	McLane,	Smith, Hezekiah B.
Bailey,	Gillette,	McMahon,	Smith, William E.
Baker,	Goode,	Miles,	Speer,
Barlow,	Gunter,	Mills,	Springer,
Belford,	Hammond, John	Mitchell,	Stephens,
Bland,	Hammond, N. J.	Money,	Stone,
Bliss,	Harmer,	Monroe,	Taylor,
Blount,	Harris, John T.	Morrison,	Thomas,
Bragg,	Haskell,	Morse,	Townsend, Amos
Bright,	Hawk,	Morton,	Tucker,
Browne,	Hazelton,	Muldrow,	Tyler,
Buckner,	Heilman,	Muller,	Updegraff, Thomas
Burrows,	Henderson,	Neal,	Urner,
Calkins,	Henkle,	Newberry,	Valentine,
Cannon,	Hooker,	Nicholls,	Wait,
Carlisle,	Horr,	Norcross,	Ward,
Chittenden,	Hostetler,	O'Brien,	Warner,
Clafin,	Houk,	Orth,	Weaver,
Clark, Alvah A.	Hunton,	Overton,	Wellborn,
Cobb,	Hurd,	Page,	Wells,
Cook,	James,	Persons,	White,
Covert,	Johnston,	Phelps,	Whiteaker,
Cox,	Jones,	Prescott,	Whitthorne,
Cravens,	Jorgensen,	Reagan,	Wilber,
Daggett,	Joyce,	Reed,	Williams, C. G.
Deuster,	Keifer,	Richardson, D. P.	Williams, Thomas
Dick,	Ketcham,	Richardson, J. S.	Wilson,
Dickey,	Kimmel,	Richmond,	Wise,
Dunn,	King,	Robeson,	Wood, Fernando
Dwight,	Lapham,	Russell, Daniel L.	Wright,
Elam,	Le Fevre,	Ryan, Thomas	Yocum,
Evins,	Lindsey,	Ryon, John W.	Young, Casey
Field,	Loring,	Sapp,	Young, Thomas L.

So the House refused to adjourn.

The following additional pairs were announced from the Clerk's desk:

Mr. VALENTINE with Mr. FROST.

Mr. MCKENZIE with Mr. McLANE on all questions except motions to adjourn.

The Sergeant-at-Arms appeared at the bar, having in custody, in obedience to the order of the House, Mr. AIKEN, Mr. WARNER, Mr. COBB, Mr. CANNON of Illinois, Mr. DICKEY, Mr. GEDDES, Mr. HARRIS of Virginia, Mr. MITCHELL, and Mr. WELLBORN.

The SPEAKER. Mr. AIKEN, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. AIKEN. None; but I was hungry and went home to get my dinner.

Mr. O'CONNOR. I move my colleague be excused.

The House divided; and there were—ayes 71, noes not counted.

So the motion was agreed to.

Mr. SINGLETON, of Illinois. I move that all the gentlemen be excused. I think the hour is an unseasonable one, and the House knows it. These gentlemen for that reason ought to be excused. [Laughter.]

The SPEAKER. The Chair cannot entertain the motion, as the Sergeant-at-Arms is at the bar with members in custody under the order of the House. He is now proceeding in receiving the excuses from the members in custody why they have absented themselves from its sitting.

Mr. SINGLETON, of Illinois. I rise to a question of order. I move that all the gentlemen before the House be excused. If one gentleman on motion can be excused, why may not all the gentlemen who are arraigned at the bar also be excused?

The SPEAKER. Because the rule and practice provide that gentlemen brought to the bar of the House shall each give his excuse for further action of the House.

Mr. SINGLETON, of Illinois. I move then to suspend the rules.

The SPEAKER. That motion is not in order. Mr. WARNER, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. WARNER. I have no excuse, except that I was paired on the motion to adjourn with my colleague, Mr. YOUNG, and supposing the House was about to adjourn I went to dinner.

Mr. LOWE. I move the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. COBB, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. COBB. About five o'clock this afternoon, not feeling well, I paired and went to dinner.

Mr. O'NEILL. I move the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. WELLBORN, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. WELLBORN. I have no excuse.

Mr. BAYNE. I move that the gentleman be excused. [Laughter.]

The motion was agreed to.

The SPEAKER. Mr. CANNON you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. CANNON, of Illinois. I do not know that I have been absent from the House without its leave. The fact is that between four and five o'clock this afternoon I paired with Mr. DAVIS, of North Carolina, until eight o'clock, and went to dinner. Belonging to a committee that has leave to sit during the sessions of the House, at eight o'clock I went on duty with a sub-committee of that committee, and from that time until within ten minutes ago I have been with that committee.

Mr. DAVIS, of North Carolina. I move the gentleman be excused.

Mr. NICHOLLS. I move, in addition, he be allowed to print the balance of his remarks. [Laughter.]

Mr. VAN VOORHIS. If he belongs to a committee that has the right to sit during the sessions of the House, he needs no excuse.

Mr. CANNON, of Illinois. Nevertheless, I wish my excuse to be placed on record.

The motion was agreed to.

The SPEAKER. Mr. DICKEY, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. DICKEY. I was paired about five o'clock with my colleague, Mr. NEAL, and supposing the House would soon adjourn, I went home. Further than that, I supposed to-morrow morning I would have the right to move to amend the Journal to show that I was present. [Laughter.]

Mr. ATHERTON. I move my colleague be excused.

The motion was agreed to.

The SPEAKER. Mr. GEDDES, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. GEDDES. My apology is this: I have never before been absent from my seat on a vote of this House. About six o'clock I paired with a gentleman on the other side.

Mr. BLACKBURN. I move the gentleman be excused without an excuse.

Mr. GEDDES. I object. Besides, I was in ill-health, and being paired I left feeling perfectly secure, as I had voted two full days on the tariff question and was satisfied with my record and did not expect to ask any amendment of it. [Laughter.]

Mr. DAVIS, of North Carolina. I move that the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. HARRIS, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. HARRIS, of Virginia. The roll was being called about five o'clock. I voted, and believing that no business would be transacted thereafter, and not feeling well, I paired with Mr. JAMES, of New York, and left the House.

Mr. HAWK. I move that the gentleman from Virginia be excused.

The motion was agreed to.

The SPEAKER. Mr. MITCHELL, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. MITCHELL. The only excuse I have for being here in the House instead of being at home in my room, where I desired to remain, is the fact that my landlord not knowing I was at home, gave a wrong excuse to the Sergeant-at-Arms, who made his appearance, and though I objected I was unable to resist. In obedience to his order, which I understand to be under the direction of this body, and I hope therefore that nothing serious will be done with him for it, [laughter,] I came up here. I have further to state, however, that I have been paired for several days with the gentleman from Pennsylvania, [Mr. RYON.] When I left I supposed the House would soon adjourn.

Mr. BAYNE. I move that the gentleman be excused.

The motion was agreed to.

The Sergeant-at-Arms appeared at the bar of the House, having in custody, in obedience to its order, the following members: Mr. FROST, Mr. JORGENSEN, Mr. KING, and Mr. WHITEAKER.

The SPEAKER. Mr. FROST, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. SINGLETON, of Illinois. Mr. Speaker, upon the great principles of the democratic party— [Laughter.]

The SPEAKER. That point is not in order.

Mr. SINGLETON, of Illinois, (to a member.) Do not pull my coat tail! [Great laughter.]

The SPEAKER. The gentleman is not in order.

Mr. SINGLETON, of Illinois. I say, sir, upon the great principles of the democratic party, of the greatest good to the greatest number, I move that all the gentlemen be excused. [Laughter.]

The SPEAKER. The Chair cannot entertain that motion. The gentleman from Missouri will proceed.

Mr. FROST. Mr. Speaker, I am very glad now to have an opportunity at last to catch the Speaker's eye. [Laughter.] I have not been long a member of this House, but since I have been here I in common with my colleagues have entertained an ambition to catch the Speaker's eye; and therefore I wish to state that I am gratified beyond measure to have this opportunity of expressing myself and to make the acquaintance of the Speaker. [Great laughter.]

And I wish further to state that I would never have been absent

from this sitting of the House had it not been in obedience to an invitation [laughter]—

A MEMBER. From whom?

Mr. FROST. In obedience to an invitation of the gentleman from Louisiana to meet the Speaker at the other end of the Avenue, I went there for the purpose of meeting the Speaker of this House, and therefore I clad myself in festal array. [Great laughter.] But arriving there, and finding the guests assembled but the host not in, for he was here doing his duty—I allude to the gentleman from Louisiana, [Mr. KING,] and the Speaker. But—[cries of "Louder!"]—but one of the gentleman suggested that the gentleman from Kentucky—

Mr. BLACKBURN. I protest against the gentleman alluding to me. [Laughter.]

Mr. FROST. I refer, if I may be allowed to name the gentleman, to Mr. BLACKBURN, from Kentucky, who was also expected to be a member of that party, but was not present, and therefore we were obliged to wait. [Laughter.] And as soon as we found that neither the Speaker nor Mr. BLACKBURN would be there, we returned here to the House to enjoy their society. [Great laughter.] I desire now, Mr. Speaker, to express my great regret that I have been wanting in anything of respect to this House. I took care to pair with a high-tariff man before I left. [Laughter.] I hope, therefore, all things considered, that the House will excuse me.

Mr. HATCH. I move that the gentleman be excused.

Mr. BLACKBURN. I desire to amend that motion by providing that he shall apologize for the dress in which he appears before the House to-night. [Laughter.]

The motion of Mr. HATCH was then agreed to.

Mr. FRYE. It is lucky for the gentleman from Missouri that the gentleman from Kentucky was not there.

Mr. BLACKBURN. The gentleman from Kentucky is always where he belongs.

The SPEAKER. Mr. JORGENSEN, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. JORGENSEN. I am paired with Mr. GOODE, of Virginia, who is absent on account of illness; and having some friends from Virginia to entertain I hardly thought the business of the House would be interfered with on account of my absence.

Mr. HAYES. I move that the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. KING, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. KING. I had an engagement to meet some friends, and went down to make my apologies to them.

Mr. NICHOLLS. I move that the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. WHITEAKER, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. WHITEAKER. I am very well aware of the fact which the Speaker has stated—

Mr. VAN VOORHIS. I move that the gentleman be excused.

The motion was agreed to.

Mr. WHITEAKER. The House has taken my speech by title. [Laughter.]

Mr. EWING. With a view to a prompt disposition of the business of this House, I move that it do now adjourn.

Mr. CONGER. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 74, nays 80, not voting 138; as follows:

YEAS—74.

Beale,	Ellis,	Lounsbery,	Slemons,
Berry,	Ewing,	Lowe,	Smith, Ezekiah B.
Bicknell,	Felton,	Martin, Edward L.	Sparks,
Blackburn,	Ford,	McGowan,	Springer,
Bouck,	Forney,	McKenzie,	Steele,
Cabell,	Frost,	McMillin,	Stevenson,
Caldwell,	Hall,	Murch,	Thompson, P. B.
Chalmers,	Hatch,	Myers,	Tillman,
Clardy,	Henry,	O'Connor,	Townsend, R. W.
Clark, John B.	Hill,	O'Reilly,	Turner, Oscar
Colerick,	House,	Phillips,	Turner, Thomas
Converse,	Hubbell,	Phister,	Upson,
Culberson,	Hull,	Poehler,	Vance,
Davidson,	Hutchins,	Robertson,	Waddill,
Davis, Joseph J.	Killing,	Rothwell,	Wellborn,
Davis, Lowndes H.	Kitchin,	Samford,	Whiteaker,
De La Matyr,	Knott,	Sawyer,	Willis.
Dibrell,	Ladd,	Simonton,	
Dickey,	Lewis,	Singleton, J. W.	

NAYS—80.

Aldrich, N. W.	Camp,	Dunnell,	Herndon,
Bachman,	Cannon,	Einstein,	Hiscock,
Ballou,	Carpenter,	Errett,	Horr,
Barber,	Caswell,	Farr,	Humphrey,
Bayne,	Clymer,	Fardon,	Kelley,
Beltzhoover,	Coffroth,	Fisher,	Kenna,
Bingham,	Conger,	Frye,	Klotz,
Blake,	Cowgill,	Garfield,	Mason,
Bowman,	Crapo,	Godshalk,	McCold,
Brewer,	Crowley,	Harris, Benj. W.	McKinley,
Briggs,	Davis, George R.	Hawley,	Miller,
Brigham,	Davis, Horace	Hayes,	Mitchell,
Butterworth,	Deering,	Herbert,	Neal,

New, Nicholls, O'Neill, Osmer, Pacheco, Page, Persons,	Pierce, Pound, Price, Rice, Robinson, Ross, Russell, W. A.	Shallenberger, Shelley, Starin, Talbot, Thomas, Thompson, W. G. Updegraff, J. T.	Valentine, Van Aernam, Van Voorhis, Voorhis, Washburn, Willits, Wood, Walter A.
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NOT VOTING—133.

Aeklen, Aiken, Aldrich, William Anderson, Armfield, Atherton, Atkins, Bailey, Baker, Barlow, Belford, Bland, Bliss, Blount, Boyd, Bragg, Bright, Browne, Buckner, Burrows, Calkins, Carlisle, Chittenden, Clafin, Clark, Alvah A. Cobb, Cook, Covert, Cox, Cravens, Daggett, Deuster, Dick, Dunn, Dwight,	Elam, Evins, Field, Finley, Forsythe, Fort, Geddes, Gibson, Gillette, Goode, Gunter, Hammond, John Hammond, N. J. Harmer, Harris, John T. Haskell, Hawke, Hazelton, Heilman, Henderson, Henkle, Hooker, Hostetler, Houk, Hunton, Hurd, James, Johnston, Jones, Jorgensen, Joyce, Keifer, Ketcham, Kimmel, King,	Lapham, Le Fevre, Lindsey, Loring, Manning, Marsh, Martin, Benj. F. Martin, Joseph J. McCook, McLane, McMahon, Miles, Mills, Money, Monroe, Morrison, Morse, Morton, Muldrow, Muller, Newberry, Norcross, O'Brien, Orth, Overton, Phelps, Prescott, Reagan, Reed, Richardson, D. P. Richardson, J. S. Richmond, Robeson, Russell, Daniel L. Ryan, Thomas	Ryon, John W. Sapp, Scales, Sherwin, Singleton, O. R. Smith, A. Herr Smith, William E. Speer, Stephens, Stone, Taylor, Townsend, Amos Tucker, Tyler, Updegraff, Thomas Urner, Walt, Ward, Warner, Weaver, Wells, White, Whitthorne, Wilber, Williams, C. G. Williams, Thomas Wilson, Wise, Wood, Fernando Wright, Yocum, Young, Casey Young, Thomas L.
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So the House refused to adjourn.

The Clerk announced the following pair:

Mr. HARRIS, of Virginia, with Mr. JAMES.

The result of the vote was then announced as above recorded.

The Sergeant-at-Arms appeared at the bar, having in custody, in obedience to the order of the House, the following members: Mr. WARD, Mr. GUNTER, Mr. RICHARDSON of New York, Mr. STONE, and Mr. ORTH.

The SPEAKER. Mr. WARD, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. WARD. I remained here till half past six o'clock, and then, having an engagement, I paired with Mr. AIKEN, of South Carolina, and left.

Mr. MARTIN, of Delaware. I move that the gentleman be excused. The motion was agreed to.

The SPEAKER. Mr. GUNTER, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. GUNTER. I have no excuse further than this: I remained here till half past five o'clock. I then paired with Mr. NORCROSS, of Massachusetts, and went home to get my dinner, and did not return until a few moments ago, having learned that the House was in session.

Mr. BERRY. I move that the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. RICHARDSON, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. RICHARDSON, of New York. I remained here till six o'clock. On the motion to adjourn, on which the yeas and nays were being taken at that time, I voted to adjourn, and, supposing that others would do the same, I left before the vote was declared.

Mr. BERRY. I move that the gentleman be excused.

Mr. CONGER. I hope not, if the gentleman voted to adjourn and left.

The motion of Mr. BERRY was agreed to.

The SPEAKER. Mr. STONE, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. STONE. The only excuse I have is that I have a sick child, and about six o'clock paired with General COOK, supposing the House would adjourn soon.

Mr. MARTIN, of Delaware. I move that the gentleman be excused.

The motion was agreed to.

Mr. STONE. I ask that I be excused from further attendance at the sitting of the House this evening.

There was no objection.

The SPEAKER. Mr. ORTH, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. ORTH. I am paired with General JOHNSTON, and went to dinner.

Mr. SINGLETON, of Illinois. I move that the gentleman be excused.

The motion was agreed to.

Mr. MARTIN, of Delaware. The call of the roll on the last vote having developed the fact that there is a quorum present, I move that all further proceedings under the call be dispensed with.

Mr. SPARKS. And I move that the House now adjourn.

The SPEAKER. The motion to adjourn is one of higher privilege.

The question was taken upon the motion of Mr. SPARKS; and it was not agreed to.

Mr. SINGLETON, of Illinois. I desire to inquire whether by the action of this House the morning hour has been dispensed with? [Laughter.]

The SPEAKER. The Chair can answer that question in the negative. Mr. MARTIN, of Delaware. I now call for the regular order.

Mr. SINGLETON, of Illinois. And I call for the regular order, which is the morning hour.

The SPEAKER. The regular order is the motion of the gentleman from Delaware, that all further proceedings under the call be dispensed with.

Mr. MARTIN, of Delaware. On that motion I call for the yeas and nays.

Mr. CONGER. While there are members present in the custody of the Sergeant-at-Arms it is proper that they should be allowed to give their excuses.

The SPEAKER. The Chair will receive the report of the Sergeant-at-Arms.

The Sergeant-at-Arms appeared and stated that in obedience to the order of the House he had taken into custody Mr. GOODE, of Virginia, whom he now produced at the bar of the House.

The SPEAKER. Mr. GOODE, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. GOODE. I attended the session of the House all day to-day until six o'clock. At that hour, not feeling very well, I paired with my colleague, Mr. JORGENSEN, and went to my room. The only apology I have to make to the House for not returning earlier is that I believed the issue between the two sides had been sufficiently intensified by the wrangle which we had had for two days on points of order; and I thought there was good sense enough on both sides of the House to avoid a night session like this.

Mr. MARTIN, of Delaware. I move that the gentleman be excused. The motion was agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Delaware [Mr. MARTIN] that all further proceedings under the call of the House be dispensed with. On that motion the gentleman calls for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there was 1 in the affirmative.

Mr. MARTIN, of Delaware. I will not call for any further count. [Laughter.]

The yeas and nays were not ordered.

Mr. TALBOTT. I call for the regular order.

The SPEAKER. The regular order is the execution of the call of the House which has been ordered.

Mr. STEVENSON (at ten o'clock and thirty minutes p. m.) moved that the House adjourn.

The question was taken by a *viva voce* vote; and before the result was declared,

Mr. STEVENSON called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 34 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 72, nays 80, not voting 140; as follows:

YEAS—72.

Berry, Bicknell, Blackburn, Bonck, Cabell, Caldwell, Chalmers, Clardy, Clark, John B. Colerick, Converse, Culbertson, Davidson, Davis, Joseph J. Davis, Lowndes H. De La Matyr, Dibrell, Dickey,	Ellis, Ewing, Ford, Forney, Frost, Goode, Gunter, Hall, Hatch, Henry, Hill, House, Hull, Hutchins, Killing, Kitchin, Knott, Ladd,	Lewis, Lounsbery, Lowe, Martin, Edward L. McGowan, McKenzie, McMillin, Murch, Myers, O'Connor, O'Reilly, Phillips, Phister, Poehler, Robertson, Rothwell, Samford, Sawyer,	Simonton, Singleton, J. W. Slemons, Smith, Hezekiah B. Sparks, Springer, Steele, Stevenson, Thompson, P. B. Tillman, Townsend, R. W. Turner, Oscar Turner, Thomas Vance, Waddill, Wellborn, Whiteaker, Willis.
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NAYS—80.

Aiken, Aldrich, N. W. Bachman, Baker, Ballou, Barber, Bayne, Belzhoover, Bingham, Blake, Bowman, Briggs, Brigham, Butterworth, Camp, Cannon, Carpenter, Clymer, Coffroth, Conger,	Cowgill, Crapo, Crowley, Davis, George R. Davis, Horace Deering, Dunnell, Errett, Farr, Ferdon, Fisher, Frye, Garfield, Godshalk, Harris, Benj. W. Hayley, Hayes, Herbert, Herdon, Hiscock,	Humphrey, Kelley, Kenna, Klotz, Kurtz, McCoid, McKinley, Miller, Mitchell, New, Nicholls, O'Neill, Osmer, Pacheco, Page, Persons, Pierce, Pound, Price, Rice,	Richardson, D. P. Robinson, Ross, Russell, W. A. Shallenberger, Shelley, Starin, Talbot, Thomas, Thompson, Wm. G. Updegraff, J. T. Upson, Valentine, Van Aernam, Voorhis, Van Voorhis, Ward, Washburn, Willits, Wood, Walter A.
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NOT VOTING—140.

Acklen,	Dwight,	Ketcham,	Robeson,
Aldrich, William	Einstein,	Kimmel,	Russell, Daniel L.
Anderson,	Elam,	King,	Ryan, Thomas
Armfield,	Evins,	Lapham,	Ryon, John W.
Atherton,	Felton,	Le Fevre,	Sapp,
Atkins,	Field,	Loring,	Scales,
Bailey,	Finley,	Manning,	Sherwin,
Barlow,	Forsythe,	Marsh,	Singleton, O. R.
Beale,	Fort,	Martin, Benj. F.	Smith, A. Herr
Belford,	Geddes,	Martin, Joseph J.	Smith, William E.
Bland,	Gibson,	McCook,	Speer,
Bliss,	Gillette,	McLane,	Stephens,
Blount,	Hammond, John	McMahon,	Stone,
Boyd,	Hammond, N. J.	Miles,	Taylor,
Bragg,	Harmer,	Monroe,	Townsend, Amos
Brewer,	Harris, John T.	Morrison,	Tucker,
Bright,	Haskell,	Morton,	Tyler,
Browne,	Hawke,	Muldrow,	Updegraff, Thomas
Buckner,	Hazelton,	Muller,	Urner,
Burrows,	Heilman,	Neal,	Wait,
Calkins,	Henderson,	Newberry,	Warner,
Carlisle,	Henkle,	Norcross,	Weaver,
Caswell,	Hooker,	O'Brien,	Wells,
Chittenden,	Horr,	Orthon,	White,
Clafin,	Hostetler,	Overton,	Whitthorne,
Clark, Alvah A.	Houk,	Phelps,	Wilber,
Cobb,	Hubbell,	Prescott,	Williams, C. G.
Cook,	Hunton,	Reagan,	Williams, Thomas
Covert,	Hurd,	Reed,	Wilson,
Cox,	James,	Richardson, J. S.	Wood, Fernando
Cravens,	Johnston,	Richmond,	Wright,
Daggett,	Jones,		Yocum,
Deuster,	Jorgensen,		Young, Casey
Dick,	Joyce,		Young, Thomas L.
Dunn,	Keifer,		

So the motion to adjourn was not agreed to.

The Sergeant-at-Arms appeared at the bar, having in custody the following members, in obedience to the order of the House: Mr. HAMMOND, of Georgia, Mr. HOUK, and Mr. DAGGETT.

The SPEAKER. Mr. HAMMOND, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. HAMMOND, of Georgia. Mr. Speaker, I attended the sitting of the House from the beginning of the session this morning until six o'clock. I then went home. I have been unwell for a week, and am so now.

Mr. GOODE. I move the gentleman be excused.

The motion was agreed to.

Mr. HAMMOND, of Georgia. If it be in order, I ask to be excused for the remainder of the evening.

There being no objection, leave of absence was granted to Mr. HAMMOND, of Georgia, for the remainder of the evening.

The SPEAKER. Mr. HOUK, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. HOUK. Mr. Speaker, I came here this morning as I have been in the habit of doing. I believe this is the first time I have missed a roll-call when in the city. I remained in this Hall until half after six o'clock. I voted for adjournment. I had no idea in the world that the House would be so stubborn as to vote contrary to the way I did; but, as a matter of precaution, I paired with my colleague, Mr. TAYLOR. I went to my quarters and went to bed, not feeling very well. While there I overheard some gentleman making the impertinent inquiry whether I was in or not. My landlord replied that I was not, that I had not come to dinner and he did not know where I was. But I felt great anxiety in regard to the proceedings of this House; and although the turnout which had been engaged to convey me to this place had left, I rose, put on my attire, saw a street car, but was not willing to wait for it, started, beat it, and am here.

Mr. TAYLOR. I move that the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. DAGGETT, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. DAGGETT. I do not know that I have any excuse worth mentioning except the weakness of having reposed too much confidence in the opinion of older members, who gave me their assurance that there would be no night session. I paired with the gentleman from Mississippi, [Mr. SINGLETON.]

Mr. BRIGGS. Mr. LAPHAM is paired with him.

Mr. DAGGETT. I paired with him; and he is a stalwart democrat, who I believe never voted a republican ticket, who lives in a State where school-houses are seventy-seven miles apart. [Laughter.] I thought I was doing the republican party some service in taking him temporarily from the floor.

Mr. VAN VOORHIS. I move that the gentleman be excused.

The motion was agreed to.

Mr. BUTTERWORTH. I move that further proceedings under the call be dispensed with.

The motion was not agreed to.

Mr. TAYLOR. I move that the House do now adjourn.

The question being taken, there were—yeas 51, noes 57.

Mr. TAYLOR called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 72, nays 76, not voting 144; as follows:

YEAS—72.

Aiken,	Ford,	Lowe,	Singleton, J. W.
Berry,	Forney,	Martin, Edward L.	Slemmons,
Bicknell,	Frost,	McGowan,	Smith, Ezekiah B.
Blackburn,	Goode,	McKenzie,	Sparks,
Bouck,	Hall,	McMillin,	Springer,
Cabell,	Hatch,	Murch,	Steele,
Caldwell,	Henry,	Myers,	Stevenson,
Clardy,	Herbert,	O'Connor,	Taylor,
Clark, John B.	Hill,	O'Reilly,	Thompson, P. B.
Colerick,	Houk,	Persons,	Tillman,
Converse,	Hubbell,	Philips,	Townsend, R. W.
Davis, Joseph J.	Hull,	Phister,	Turner, Oscar
Davis, Lowndes H.	Hutchins,	Poehler,	Turner, Thomas
De La Matyr,	Kitchin,	Robertson,	Vance,
Dibrell,	Knott,	Rothwell,	Waddill,
Dickey,	Ladd,	Samford,	Wellborn,
Ellis,	Lewis,	Sawyer,	Whiteaker,
Ewing,	Lounsbury,	Simonton,	Willis.

NAYS—76.

Aldrich, N. W.	Crowley,	Humphrey,	Richardson, D. P.
Bachman,	Culberson,	Jorgensen,	Robinson,
Baker,	Davis, George R.	Keena,	Ross,
Ballou,	Davis, Horace	Klotz,	Russell, W. A.
Barber,	Deering,	Mason,	Shallenberger,
Bayne,	Dunnell,	McCoid,	Shelley,
Beltzhoover,	Einstein,	McKinley,	Talbot,
Blake,	Errett,	Miller,	Themas,
Bowman,	Farr,	Mitchell,	Thompson, W. G.
Briggs,	Ferdon,	New,	Updegraff, J. T.
Brigham,	Fisher,	Nicholls,	Upson,
Camp,	Frye,	O'Neill,	Valentine,
Carpenter,	Garfield,	Osmer,	Van Aernam,
Clymer,	Godshalk,	Pacheco,	Van Voorhis,
Coffroth,	Harris, Benj. W.	Page,	Voorhis,
Conger,	Hawley,	Pierce,	Ward,
Cowgill,	Hayes,	Pound,	Washburn,
Crapo,	Hiscock,	Price,	Willits,
	Horr,	Rice,	Wood, Walter A.

NOT VOTING—144.

Acklen,	Deuster,	Kelley,	Richmond,
Aldrich, William	Dick,	Ketcham,	Robeson,
Anderson,	Dunn,	Killing,	Russell, Daniel L.
Armfield,	Dwight,	Kimmel,	Ryan, Thomas
Atherton,	Elam,	King,	Ryon, John W.
Atkins,	Evins,	Lapham,	Sapp,
Bailey,	Felton,	Le Fevre,	Scales,
Barlow,	Field,	Lindsey,	Sherwin,
Beale,	Finley,	Loring,	Singleton, O. R.
Belford,	Forsythe,	Manning,	Smith, A. Herr
Bland,	Fort,	Marsh,	Smith, William E.
Bliss,	Geddes,	Martin, Benj. F.	Speer,
Blount,	Gibson,	Martin, Joseph J.	Starrin,
Boyd,	Gillette,	McCook,	Stephens,
Bragg,	Gunter,	McLane,	Stone,
Brewer,	Hammond, John	McMahon,	Townsend, Amos
Bright,	Hammond, N. J.	Miles,	Tucker,
Browne,	Harmer,	Mills,	Tyler,
Buckner,	Harris, John T.	Money,	Updegraff, Thomas
Burrows,	Haskell,	Monroe,	Urner,
Calkins,	Hawke,	Morrison,	Wait,
Cannon,	Hazelton,	Morse,	Warner,
Carlisle,	Heilman,	Morton,	Weaver,
Caswell,	Henderson,	Muldrow,	Wells,
Chalmers,	Henkle,	Muller,	White,
Chittenden,	Herndon,	Neal,	Whitthorne,
Clafin,	Hooker,	Newberry,	Wilber,
Clark, Alvah A.	Hostetler,	Norcross,	Williams, C. G.
Cobb,	Houk,	O'Brien,	Williams, Thomas
Cook,	Hunton,	Orthon,	Wilson,
Covert,	Hurd,	Overton,	Wise,
Cox,	James,	Phelps,	Wood, Fernando
Cravens,	Johnston,	Prescott,	Wright,
Daggett,	Jones,	Reagan,	Yocum,
Davidson,	Joyce,	Reed,	Young, Casey
	Keifer,	Richardson, J. S.	Young, Thomas L.

So the House refused to adjourn.

The following additional pair was announced from the Clerk's desk: Mr. DAVIDSON with Mr. REED.

The Sergeant-at-Arms appeared at the bar, having in custody, in obedience to the order of the House, Mr. DEUSTER, Mr. WISE, Mr. TUCKER, Mr. BROWNE, Mr. ROBESON, Mr. CARLISLE, Mr. MILLS, Mr. CALKINS, Mr. WILLIAMS of Wisconsin, Mr. HOOKER, and Mr. HEILMAN.

The SPEAKER. Mr. WISE, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. WISE. My apology to the House is this: About noon I had two gentlemen from my district visiting me. I made an agreement to meet them at my room at nine o'clock.

Mr. O'NEILL. I move the gentleman be excused.

Mr. WISE. The House has not yet heard my excuse. I discharged my duty to my friends from Somerset County, and then returned to the House.

The motion was agreed to; and Mr. WISE was excused.

The SPEAKER. Mr. DEUSTER, you have absented yourself from the sitting of the House without its leave; what excuse have you to offer?

Mr. SPRINGER. I move the gentleman from Wisconsin be allowed to speak in his native tongue. [Laughter.]

Mr. DEUSTER. Mr. Speaker, I have no doubt I could offer a better excuse in my native tongue than I could do now. After I wit-

nessed the minority of this House enacting the celebrated comedy of Shakespeare's "Love's Labor Lost" during the whole afternoon, I felt so drowsy I left and wanted to see my wife. [Great laughter.]

Mr. SPRINGER. I move my colleague be excused.

The motion was agreed to.

The SPEAKER. Mr. TUCKER, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. BLACKBURN. As the gentleman from Wisconsin was allowed to employ his own native dialect, and as the gentleman from Virginia has no tongue of his own, I move he be allowed to be heard by counsel. [Laughter.]

The SPEAKER. The motion is not in order.

Mr. RICHMOND. I move my colleague be allowed to print his remarks. [Laughter.]

Mr. TUCKER. I am obliged to the gentleman from Kentucky and my colleague; but I have a native tongue though it is not as available as that of the gentleman from Kentucky. [Laughter.] After the spirit of '76, of which I have partaken to-day, I yield to my friend from New Jersey to make my excuse. [Laughter.]

Mr. HUMPHREY. I move the gentleman be excused.

The House divided; and there were ayes 66, noes not counted.

So the motion was agreed to.

The SPEAKER. Mr. ROBESON, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. ROBESON. The only excuse I have, Mr. Speaker, and gentlemen of the House, is that before I left I was paired with the distinguished gentleman from Texas, [Mr. REAGAN,] and, as he was excused by a vote of the House, I had an idea (a very foolish one to be sure) that he being excused by the House, possibly I might be put upon the same level, under the idea that things which are equal to the same thing are equal to one another. [Cries of "Oh, no!"]

If that is not sufficient I still have an excuse, and it is this: Before I left a motion was made to adjourn, and I thought that having wasted all day in enacting what my friend has called the great comedy of Shakspeare, "Much Ado about Nothing," the good sense of the House would lead them to adjourn; and I so expressed myself to a gentleman who asked, "Are you going away?" I said "Yes; I have great confidence in the good sense of the House of Representatives." "Yes," said my friend, "but the gentleman from the seventh district of Kentucky has the floor, and you cannot rely upon his good sense." [Laughter.] Being new here and not having the experience of older members with regard to the characteristics of the gentleman from the seventh district of Kentucky and those who follow him, I left in perfect confidence, relying on the good sense of this House that they would no longer follow him in his wild-goose chase.

Mr. BLACKBURN. And he got the goose. [Laughter.]

Mr. ROBESON. No; I was deceived, [laughter;] I thought the gentleman would exhibit that good sense for which he ought to be remarkable, [laughter,] but I find his folly is as strong as the spirit of his own State and as deep as its own waving blue-grass. [Laughter.]

In real excuse, I beg to say I went from this House, paired, when I supposed it ought to have adjourned, and the very moment I received official notice—and I speak for myself and all those who were with me—at the very moment we received official notice that the House desired our presence, we came at once, and came to stay. [Laughter.]

Mr. CLYMER. I move the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. BROWNE, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. BROWNE. I secured a pair with some gentleman whose name I am not able to mention [laughter] for the purpose of accepting an invitation to dine with the gentleman from New Jersey, [Mr. ROBESON,] and I preferred to dine at his table to sitting here in the House. That is the fact about it.

Mr. BAYNE. I move the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. CARLISLE, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. CARLISLE. Mr. Speaker, I remained in the House from twelve o'clock until some time after six, voting on every roll-call. Then I left to get my dinner. After dinner I made some inquiry, and as the Journal had not yet been read, I presumed I would be able to get here in time for that.

Mr. UPDEGRAFF, of Ohio. I move the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. MILLS, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. MILLS. We read in the Book of our holy religion that Christ dined with publicans and sinners. In humble imitation of His example I went to-day to dine with a republican and a sinner [laughter] in the hope while I was dining with him that I would get him to amend his record. I dined with my distinguished friend, Mr. ROBESON, but I am not able to say whether I have succeeded in getting him to amend his record or not.

Mr. UPDEGRAFF, of Ohio. I move the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. CALKINS, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. UPDEGRAFF, of Ohio. I move the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. WILLIAMS, you have absented yourself from the sitting of the House without its leave. What excuse have you to offer?

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, I had the toothache. Judge GEDDES very kindly paired with me, and I went straight to the dentist's and got my tooth filled. Then I went home and got my dinner, and afterward went across the street with my wife to make a call, and returned to the House when informed that the Sergeant-at-Arms desired my presence here. I, like a man, wanted to hide and not come; but my wife said that I ought to come, and I came, like a fool, and found myself under arrest. [Laughter.] Now, Mr. Speaker, between the Sergeant-at-Arms and the toothache and the tariff I do not know what will become of me; and if it were not for the great regard I have for the Speaker, for the rules of this House, and for parliamentary law I should not care. I am willing, however, under all the circumstances, to drop this matter if the House will grant me leave of absence. [Laughter.]

Mr. POUND. I move the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. HOOKER, you have absented yourself from the House without its leave. What excuse have you to offer?

Mr. HOOKER. I beg to say, Mr. Speaker, that I have this excuse: I have been trying for two days to get the floor. I have been trying for two days to catch the angle of the Speaker's eye. I have been fishing for it for a couple of weeks without being able to reach it. I think both the Speaker and the Sergeant-at-Arms have made a mistake, so far as I am concerned, for I have been here and have been answering to my name all the evening.

The SPEAKER. The Sergeant-at-Arms enumerated the gentleman among the members brought in under arrest.

Mr. HOOKER. I beg to say that the Sergeant-at-Arms, like the Speaker, made a mistake.

The SPEAKER. The Chair desires to say that it was not his mistake. The gentleman from Mississippi will be discharged.

The SPEAKER. Mr. HEILMAN, you have been absent from the House without its leave. What excuse have you to offer?

Mr. HEILMAN. Da Wir nichts thaten ging Ich und kaufte mir Eisenbahn Billette um nach Haus zu gehen auf zehn Tage Urlaub. [Great laughter.]

The SPEAKER. The gentleman's excuse seems to be a good one. [Laughter.]

Mr. UPDEGRAFF, of Ohio. I move that the gentleman be excused. [Laughter.]

The motion was agreed to.

The SPEAKER. The Chair desires to state that he has received a letter by the hands of the Sergeant-at-Arms from the gentleman from Tennessee, Mr. BRIGHT, who is detained at home by sickness and asks that the House will grant him leave of absence to-night.

Mr. CLYMER. I move that leave of absence be granted to the gentleman.

The motion was agreed to.

The SPEAKER. The Chair also desires to state that the gentleman from New Jersey, Mr. SMITH, who has been ill in bed for a week past, and who is only just able to leave his room, asks to be excused for to-night.

There was no objection, and it was ordered accordingly.

The SPEAKER. The Chair is requested also to ask that the gentleman from Illinois, Mr. HAWK, be excused for to-night for the reason that he had to leave the House in time to take the last car to reach his home. It is well known to the House that the gentleman has lost a limb, and I hope there will be no objection to excusing him.

There was no objection, and it was ordered accordingly.

Mr. SPARKS. I move that the House do now adjourn.

Mr. ROBESON. We have been brought here and have come to stay.

The SPEAKER. The Chair also has a letter from Mr. WILSON, of West Virginia, in which he states that he is at home suffering from a violent cold and from neuralgia. He asks to be excused.

There was no objection.

Mr. NICHOLLS. It occurs to me this prolonged session of the House is resulting in no good. I therefore move to adjourn.

Mr. SPARKS. I made that motion.

The SPEAKER. Before the gentleman from Illinois [Mr. SPARKS] addressed the Chair the Chair had recognized the gentleman from Georgia [Mr. NICHOLLS] to make that motion.

Mr. NICHOLLS. When we come back to-morrow morning we can settle this question; and if the House will now adjourn I for one promise not to engage to-morrow in anything like filibustering or anything that will delay the business of the House.

Mr. GARFIELD. What is the proposition of the gentleman from Georgia?

The SPEAKER. The gentleman from Georgia makes a statement that if the House shall now adjourn he, the member speaking, will come here to-morrow to resist all dilatory motions.

Mr. NICHOLLS. I call for the yeas and nays on my motion to adjourn.

Mr. ROBESON. Is it in order to move that that motion lie on the table?

The SPEAKER. It is not.

The yeas and nays were ordered.

The question was taken; and there were—yeas 79, nays 76, not voting 137; as follows:

YEAS—79.

Aiken,	Dibrell,	Lounsbery,	Samford,
Berry,	Dickey,	Lowe,	Sawyer,
Bicknell,	Ellis,	Martin, Edward L.	Simonton,
Blackburn,	Ewing,	McGowan,	Singleton, J. W.
Bouck,	Ford,	McKenzie,	Sparks,
Brewer,	Forney,	McMillin,	Springer,
Cabell,	Frost,	Murch,	Taylor,
Caldwell,	Goode,	Myers,	Thompson, P. B.
Carlisle,	Hall,	Neal,	Tillman,
Caswell,	Hatch,	Nicholls,	Townsend, R. W.
Clardy,	Henry,	O'Connor,	Tucker,
Clark, John B.	Herbert,	O'Reilly,	Turner, Oscar
Colerick,	Hill,	Persons,	Turner, Thomas
Converse,	Hooker,	Phillips,	Upson,
Culberson,	Hull,	Phister,	Vance,
Davidson,	Hutchins,	Poehler,	Waddill,
Davis, Joseph J.	Killing,	Richardson, J. S.	Wellborn,
Davis, Lowndes H.	Kitchin,	Robertson,	Whiteaker,
De La Matyr,	Knott,	Rothwell,	Willis.
Denster,	Ladd,	Russell, Daniel L.	

NAYS—76.

Aldrich, N. W.	Conger,	Herndon,	Richardson, D. P.
Aldrich, William	Cowgill,	Hiscock,	Robinson,
Bachman,	Crowley,	Horr,	Ross,
Baker,	Davis, George R.	Houk,	Russell, W. A.
Barber,	Davis, Horace	Humphrey,	Shallenberger,
Bayne,	Deering,	Jorgensen,	Shelley,
Beltzheover,	Dunnell,	Kenna,	Talbot,
Bingham,	Einstein,	Klotz,	Thomas,
Blake,	Errett,	Mason,	Thompson, W. G.
Bowman,	Farr,	McCold,	Updegraff, J. T.
Briggs,	Ferdon,	McKinley,	Valentine,
Brigham,	Fisher,	Miller,	Van Aernam,
Brown,	Frye,	Mitchell,	Van Voorhis,
Calkins,	Garfield,	New,	Voorhis,
Camp,	Godshalk,	O'Neill,	Ward,
Cannon,	Harris, Benj. W.	Osmer,	Washburn,
Carpenter,	Hawley,	Pound,	Willits,
Clymer,	Hayes,	Price,	Wise,
Coffroth,	Helman,	Rice,	Wood, Walter A.

NOT VOTING—137.

Acklen,	Felton,	Lindsey,	Scales,
Anderson,	Field,	Loring,	Sherwin,
Armfield,	Finley,	Manning,	Singleton, O. R.
Atherton,	Forsythe,	Marsh,	Siemons,
Atkins,	Fort,	Martin, Benj. F.	Smith, A. Herr
Bailey,	Geddes,	Martin, Joseph J.	Smith, Hezekiah B.
Ballou,	Gibson,	McCook,	Smith, William E.
Barlow,	Gillette,	McLane,	Speer,
Beale,	Gunter,	McMahon,	Starin,
Belford,	Hammond, John	Miles,	Steele,
Bland,	Hammond, N. J.	Mills,	Stephens,
Bliss,	Harmer,	Money,	Stevenson,
Blount,	Harris, John T.	Monroe,	Stone,
Boyd,	Haakell,	Morrison,	Townsend, Amos
Bragg,	Hawk,	Morse,	Tyler,
Bright,	Hazelton,	Morton,	Updegraff, Thomas
Buckner,	Henderson,	Muldrow,	Urner,
Burrows,	Henkle,	Muller,	Wait,
Butterworth,	Hostetler,	Newberry,	Warner,
Chalmers,	House,	Norcross,	Weaver,
Chittenden,	Hubbell,	O'Brien,	Wells,
Clafin,	Hunt,	Orth,	White,
Clark, Alvah A.	Hurd,	Overton,	Whitthorne,
Cobb,	James,	Pacheco,	Wilber,
Cook,	Johnston,	Page,	Williams, C. G.
Covett,	Jones,	Phelps,	Williams, Thomas
Cox,	Joyce,	Pierce,	Wilson,
Crapo,	Keifer,	Prescott,	Wood, Fernando
Cravens,	Kelley,	Reagan,	Wright,
Daggett,	Ketcham,	Reed,	Yocum,
Dick,	Kimmel,	Richmond,	Young, Casey
Dunn,	King,	Robeson,	Young, Thomas L.
Dwight,	Lapham,	Ryan, Thomas	
Elam,	Le Fevre,	Ryon, John W.	
Evins,	Lewis,	Sapp,	

So the motion was agreed to.

During the call of the roll,

Mr. HOOKER (who had voted "no") said: I am so earnestly appealed to by the recalcitrant members of the House, Mr. BLACKBURN of Kentucky, Mr. WARNER of Ohio, and Mr. SPRINGER of Illinois, and having been here during this prolonged sitting, and not having missed a vote, that in obedience to their wish I change my vote now from "no" to "ay."

The result of the vote was then announced as above recorded; and accordingly (at twelve o'clock and fifteen minutes a. m., Thursday, March 25) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: Memorial of William Harvey, claiming to have been the first to discover the power of steam, and asking an appro-

priation by Congress to support him in his old age—to the Committee on Manufactures.

By Mr. AINSLIE: The petition of A. Leland, publisher of the Teller, Lewiston, Idaho Territory, that materials used in making paper be placed on the free list, for a reduction of the duty on printing-paper, and for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. NELSON W. ALDRICH: The petition of John O. Waterman and others, for the removal of the duty from chrome iron ore and bichromate of potash—to the same committee.

By Mr. ATKINS: The petition of Smith & Stegall, for the amendment of the revenue laws relating to the manufacture of spirits—to the same committee.

By Mr. BICKNELL: The petition of the Iron Molders' Union, No. 187, of New Albany, Indiana, for the creation of a department of manufactures, mechanism, and mines—to the Committee on Manufactures.

By Mr. BREWER: The petitions of H. S. Hilton, publisher of the Clinton Republican, Saint John's, Michigan, that materials used in making paper be placed on the free list, for a reduction of the duty on printing-paper, and for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. BRIGGS: The petition of citizens of New Hampshire, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of New Hampshire, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. CALDWELL: A bill to establish a post-route from Tompkinsville to Martinsburgh, Kentucky—to the Committee on the Post-Office and Post-Roads.

By Mr. CLYMER: The petition of 20 citizens of Berks County, Pennsylvania, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of 20 citizens of Berks County, Pennsylvania, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of 21 citizens of Berks County, Pennsylvania, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. COVERT: The petition of F. P. Norton and 79 others, citizens of Suffolk County, New York, for the passage of the bill to abolish compulsory pilotage—to the Committee on Commerce.

By Mr. DWIGHT: The petition of George M. Post, of Havana, New York, and 36 others, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of Forest City Grange, No. 288, of Ithaca, New York, for the passage of a bill making the Commissioner of Agriculture a Cabinet officer—to the Committee on Agriculture.

By Mr. ELLIS: The petition of George H. Vinton, of New Orleans, Louisiana, against the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. FORT: The petition of S. F. Hoster, W. S. Torbet, and others, citizens of Illinois, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, the petition of the Lacon Woolen Mill Company and others, for the reduction of the tariff on chemicals used in manufacturing woolen fabrics—to the Committee on Ways and Means.

By Mr. GARFIELD: The petition of S. J. Smith and 29 other citizens, manufacturers of paper, of Conneaut, Ohio, against the reduction of the tariff on paper—to the same committee.

By Mr. HUMPHREY: Memorial of the Legislature of Wisconsin, for a law to protect fisheries in the fresh waters of the United States—to the Committee on Agriculture.

Also, resolution of the Legislature of Wisconsin, for the improvement of Fox and Wisconsin Rivers—to the Committee on Commerce.

By Mr. JAMES: The petition of Robert M. West, for a pension—to the Committee on Pensions.

Also, the petition of H. F. Canfield and others, of Louisville, New York, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. KNOTT: The petition of Ellen H. Sheldon, Sara A. Spencer, Caroline B. Winslow, M. D., Joseph T. Johnson, M. D., C. D. Purvis, M. D., Susan A. Edson, and others, for the enactment of a law making the crime of rape in the District of Columbia punishable with castration—to the Committee on the Judiciary.

By Mr. MAGINNIS: Two petitions of citizens of Montana, against any change in the public-land laws—to the Committee on the Public Lands.

Also, the petition of citizens of Montana, for a military road from Western Montana to Eastern Idaho—to the Committee on Military Affairs.

Also, the petition of the publishers of the Yellowstone Journal, Miles City, Montana, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. MILLER: The petition of Michael Quirk, for increase of pension—to the Committee on Invalid Pensions.

Also, the petition of Michael Quirk, for arrears of commutation for artificial limbs—to the same committee.

Also, the petition of citizens of Jefferson County, New York, that pleasure-yachts be subject to an inspection fee of only \$5—to the Committee on Commerce.

By Mr. MITCHELL: The petition of G. W. Douglass and 17 others, late Union soldiers, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of citizens of Fairfield, Pennsylvania, for the passage of a bill making the Commissioner of Agriculture a Cabinet officer—to the Committee on Agriculture.

Also, the petition of citizens of Lycoming County, Pennsylvania, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of citizens of Lycoming County, Pennsylvania, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. MORSE: The petition of William H. Latham, for an honorable discharge as an acting volunteer lieutenant in the Navy—to the Committee on Naval Affairs.

By Mr. NEWBERRY: The petition of 20 citizens of Utica, Michigan, for a bridge at Detroit—to the Committee on Commerce.

By Mr. OSMER: The petition of M. B. Dunham and 114 others, for an appropriation for the improvement of Allegheny River—to the same committee.

By Mr. HEZEKIAH B. SMITH: The petition of Henry Clay, against the passage of Senate bill No. 496, providing for the examination and adjudication of pension claims—to the Committee on Invalid Pensions.

Also, the petitions of Henry Clay and of James Chaffey and 20 others, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. STEELE: The petition of William Reedy & Co., of Lincolnton, North Carolina, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. STEVENSON: The petition of Israel Zinser, of similar import—to the same committee.

By Mr. TUCKER: The petition of the Virginia Agricultural Society, for a law creating an agricultural department under the Government of the United States—to the Committee on Agriculture.

By Mr. TYLER: The petition of A. B. Carpenter and 100 others, citizens of Caledonia County, Vermont, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. URNER: The petition of W. H. Bell and 75 others, colored citizens of Maryland, that the unclaimed bounty of colored soldiers be appropriated for the education of colored students, and that a portion be given to Storer College, Harper's Ferry—to the Committee on Education and Labor.

By Mr. WHITEAKER: The petition of the publisher of the Inland Empire, The Dalles, Oregon, for the abolition of the duty on type—to the Committee on Ways and Means.

IN SENATE.

THURSDAY, March 25, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

Mr. EDMUNDS. To-morrow being Good Friday, I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. DAVIS, of West Virginia. There is a great deal of work before the Senate.

Mr. WHYTE. But to-morrow is Good Friday.

Mr. KERNAN. Allow me to make a suggestion. We adjourned over a day to commemorate a good man of our own country. Now let us adjourn over the day on which the Christian world commemorates the death of the Saviour of mankind. That is my reason for favoring the motion.

Mr. DAVIS, of West Virginia. I make no opposition to the motion. The motion was agreed to.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting a communication from the Chief of Engineers, United States Army, presenting the importance of geographical and topographical surveys of the territory of the United States west of the Mississippi River, together with an estimate of an

appropriation of \$75,000 to defray the expenses of such surveys for the year 1880-'81; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin, presented a memorial of the Legislature of Wisconsin, in favor of the enactment of a law to protect the fishing interests in fresh-water lakes and their tributaries; which was referred to the Committee on the Judiciary.

He also presented a joint resolution of the Legislature of Wisconsin, relating to the improvement of the Wisconsin and Fox Rivers; which was referred to the Committee on Commerce.

Mr. McMILLAN. I present a communication from the Secretary of the Interior, transmitting a letter of the Commissioner of Indian Affairs, addressed to myself, relative to the condition of the funds due to the Sioux Indians of Minnesota prior to and at the time of the Sioux outbreak in that State. The communications contain information in regard to a bill now before the Committee on Claims. I move that the papers be referred to that committee.

The motion was agreed to.

Mr. WITHERS presented the petition of the Virginia State Agricultural Society, praying that the importance of the agricultural interest may receive recognition by Congress, and that the Commissioner of Agriculture be given a place in the Cabinet; which was referred to the Committee on Agriculture.

Mr. DAVIS, of Illinois, presented a petition, signed by 187 ex-soldiers and citizens of Maine, praying for the passage of a law to pay soldiers the difference between the value of greenbacks and gold at the time of their payment; which was referred to the Committee on Finance.

Mr. MORRILL presented a petition of citizens of Caledonia County, Vermont, praying such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

He also presented a petition of citizens of Caledonia County, Vermont, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 1202) for the relief of Hiram S. Town, postmaster of the city of Ripon, in the county of Fond du Lac, in the State of Wisconsin, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 496) providing for the examination and adjudication of pension claims, reported it with amendments.

Mr. JONES, of Florida, from the Committee on Public Lands, to whom was referred the bill (S. No. 92) for the relief of Morgan's Louisiana and Texas Railroad and Steamship Company, reported it with an amendment.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 1293) to provide for the erection of a public building at Asheville, North Carolina, reported it without amendment.

REPORT ON FISH AND FISHERIES.

Mr. ANTHONY. The Committee on Printing, to which were referred the amendments of the House of Representatives to the concurrent resolution of the Senate for printing the reports of the United States Fish Commission, have instructed me to report back the same, and recommend concurrence in the amendments of the House. I ask for present consideration.

There being no objection, the Senate proceeded to consider the amendments of the House of Representatives, which were, in lines 4 and 5 of the resolution, to strike out "1,000" and insert "700," and in lines 5 and 6 to strike out "1,500" and insert "1,800;" so as to make the resolution read:

Resolved by the Senate, (the House of Representatives concurring), That 3,000 sets of the five volumes of the reports of the United States Fish Commission be printed from the stereotype plates, of which 700 shall be for the use of the Senate, 1,800 for the use of the House of Representatives, and 500 for the use of the Commissioner of Fish and Fisheries.

Mr. PADDOCK. I understand that the amendments of the House of Representatives do not reduce the number of reports to be printed, but only change the apportionment.

Mr. WHYTE. I will state to the Senator from Nebraska that the change is only in the distribution between the Senate and the House of Representatives.

The amendments were concurred in.

BILLS INTRODUCED.

Mr. DAVIS, of West Virginia, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1532) for the relief of Martha J. Coston; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1533) authorizing the Secretary of the Treasury to issue an American register to the bark Annie Johnson; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1534) for the relief of John H. W. Riley, of California; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FARLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1535) granting an increase of pension to Rebecca E. Haskin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENDLETON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1536) to construe and define "An act to cede to the State of Ohio the unsold lands in the Virginia military district in said State," approved February 15, 1871; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1537) for the relief of A. A. Thomas; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1538) authorizing the closing of the accounts of the late Rear-Admiral A. H. Foote, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1539) providing for the erection of a building at Jefferson City, Missouri, for the use and accommodation of United States courts and other Government offices; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

INTERSTATE COMMERCE.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 97) providing for a commission to consider and report what legislation is needed for the better regulation of commerce among the States; which was read the first time by its title.

Mr. CAMERON, of Pennsylvania. I ask that the joint resolution be read at length at the desk.

The VICE-PRESIDENT. The resolution will be read at length.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That a commission is hereby constituted, to consist of three Senators, to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker, and three commissioners, to be appointed by the President, who shall sit during the recess, and inquire generally into the conditions that will most favorably affect the transportation of the commerce among the States carried by land and water routes, securing thereby to the people the required facilities at the lowest charges with the greatest certainty and economy in time, and that will avoid and prevent any unjust discrimination, unnecessary burdens or impediments in its transportation, in order to ascertain whether these conditions can be secured by legislation by Congress, and, if so, in what particulars and by what measures, and report their recommendations to Congress at its next session; that said commission shall have power to send for persons and papers, to administer oaths, and examine witnesses; shall have power to appoint and employ one clerk and two stenographers, to be paid such usual compensation as shall be fixed by the Secretary of the Treasury, and each commissioner appointed by the President shall receive a compensation of — dollars per diem while engaged in the performance of his duties, and his actual reasonable expenses; and the sum necessary therefor is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. CAMERON, of Pennsylvania. Mr. President, late in the last Congress I introduced a joint resolution of a like character with this, which was referred to the Committee on Commerce, but owing to the want of time no action was taken upon it. The one which I now offer differs from the other in two respects: First, in extending the scope of the investigation by the commission; and, secondly, in the number constituting the commission and the method of their appointment.

The relation of the National Government to the interstate and internal commerce of this country is attracting a large share of the public attention. From the peculiarity of our dual form of government and the division of power between Congress and the States practical difficulties have arisen and will come to the surface in the control and management of many interests. Interests which for a time are local and clearly within the province of State management in time assume such proportions and affect the general interests of the country so thoroughly that they in fact lose the characteristic of local and become of national interest.

This is true of our internal commerce and of its transportation. For many years such commerce was confined mainly to the States in which it had origin, but the internal commerce of this nation has increased to such enormous proportions, estimated in value at over \$53,000,000,000 annually, and in its transportation it is carried through so many States, that all characteristics of locality are lost, and what is purely State or local commerce is fast losing its proportion to that of the interstate commerce. A very small proportion of the products of the soil, of the forest, of the mines, of manufactures is consumed in the States that produce them. The grains, meats, tobacco, &c., of the great West go eastward and to foreign countries for consumption. The cotton, rice, tobacco, and sugar from the South supply largely the world's demand for these productions. The lumber of the West and South is carried to all parts of the country. The anthracite and bituminous coals of Pennsylvania are consumed all the way West and beyond Omaha, and they go to the South and East, and are finding their way to foreign countries. The iron ores of Michigan, of Missouri, of Virginia and New York find customers in other States. The

iron and steel of Pennsylvania is used in all parts of the country. The manufactures of the East, of the South, of the Middle States, and of the West are interchanged throughout all parts of the country. So that this internal commerce must be looked upon as national. It deserves and properly demands that its interest shall be thoroughly understood and properly encouraged and protected by the National Government.

The laws regarding commerce that now exist on your statute-books are of necessity the product of growth; they must be adapted from time to time to the changing condition, wants, and necessities of such commerce. Congress at an early date in our history as a Government, when conveyance by water was the principal means by which the then existing commerce could be transported, legislated to meet the wants of the people, at that time scattered as they were along our sea-coast, on the banks of the rivers of our eastern coast, and to some extent on the great rivers of the West, and on the northern lakes, and we have laws regulating the coastwise and lake service, protecting navigation on our rivers, and large outlays of money have been made by every Congress to improve the harbors and secure to the people the use of the rivers by removing impediments to and obstacles in the way of their safe navigation.

Further than this, Congress at an early date recognized its duty to the people in building a great thoroughfare in the national road to furnish facilities to the people for the transportation of their productions between the East and the then West, and to open access to the cheap lands beyond the Alleghenies. The extension of this system of roads was stopped by the introduction of the railroad.

It is acknowledged to be one of the first duties of all governments to provide such ways both by land and water and to regulate their use. When the power to improve water-courses, to build canals and railways, is delegated by the Government to another party, that party becomes in fact but the agent of the Government in the performance of a high duty, and for such purposes the sovereign power of eminent domain is given to them. The situation in this country is peculiar. It was but natural that the framers of our Constitution should have recognized the duty of the Government they were about to establish in this respect, and therefore they fully provided in that instrument all the powers necessary for Congress to absolutely control—and this in entire independence of the States—the coastwise and lake service and the navigation of the rivers, because they were the natural ways, and the only ways at that time that were thought practicable for the transportation of the commerce of the nation, both internal and foreign. The possibilities of the canal and the railway were at that time unknown.

But the fortunate use by the framers of our national Constitution of the broad and general language in which they conferred upon Congress power to regulate commerce among the States—a power which when it exercises becomes by that fact exclusive—has brought within its scope not only the instrumentalities of commercial intercourse then known, but all which the necessities and genius of the race should for all time to come invent and develop; and thus the railway and the canal, as highways of interstate intercourse, have come to be as legitimately within the commercial power of the National Government as the rivers, the lakes, and the seas.

But, as you are aware, the system of transportation by canal and railway came into use at a later date. Congress could not comprehend their possibilities or influence over the traffic of the country, nor how rapidly the railway would develop its usefulness. The building of railways and canals was thus left to the States. The gradually opening West with the promise of its fertility and the inducements to emigrants to settle there produced the canals between the States of New York, Pennsylvania, and Maryland which led those States to construct, or aid in the construction of, the canals to connect their chief cities on the Atlantic coast with the western lakes and rivers, that the promised prize of trade with the West that was to be might be secured to such cities.

When the railway was first introduced into this country, about a half a century ago, its profitable use was thought to be limited to the largest centers of population and traffic. The ability of the railway to attract population and create traffic and wealth in a new and partially developed country was not understood; nor was their future ability to successfully compete in cost of transportation with the sea-coast or lake service or transportation by river or canal thought to be in the range of the possible. The railway was regarded as the luxury of a settled country, and it was many years before their beneficial influence on new countries was understood. Such being the case, they could not be considered as of national interest, any more than any great local improvement is a benefit to the whole country. It was then but natural that the railway should become the subject of State legislation and State control. The railways for many years were thus local in their influence and operations, and no one could foresee how near the future was when they would more thoroughly bind the country together than the rivers or the lakes or the extended sea-coast; nor how thoroughly dependent the nation would be on their use for its development, for the happiness, the prosperity of the people, for the transportation of their surplus productions, for the articles of their consumption, for their comforts, their necessities, and for their luxuries.

The Senate will thus note the anomaly presented: that while to Congress is assigned the exclusive control of the transportation of

the commerce of the nation by the sea-coast, by lake, by river, and its duty to provide all necessary safeguards to protect and facilitate the movement of such commerce, on the basis of a national duty, which in principle should cover all means by which such commerce is transported, yet to the States was left the necessity of providing and controlling the canal and the railway, the latter of which, the railway, has become the controlling avenue on which the people of this country mainly depend for the transportation of their persons and property—a responsibility which the General Government should have assumed in place of the States, if the framers of the Constitution could have looked but a little more than three-quarters of a century into the future.

The rapid growth and development of the railway system in this country is familiar to every Senator. I need not trouble you with the statistics showing the number of miles of railway now built, the tonnage carried, the character and value of this tonnage, the number of persons carried, the capital cost represented by the railways built, the decreased charges and cost of transportation due to increased facilities, increased traffic, enlarged experience, &c., nor detail the miles of railway built in the different States and their peculiar traffic, nor attempt to describe the different lines or combinations of roads which reach and extend themselves all over the country. But I would rather call your attention to this subject more generally. The railways of this country are rapidly losing all traces of their local character by connections. The railways of every State reach the borders of adjoining States, where they again come into connection with the systems of those States, and thus the railways of all the States in this country become connected and form in place of separate State systems a grand national system.

This great national system is being rapidly extended to every center of population, is being pushed through every part of our wide domain, thereby uniting the North and the South, and the eastern coast with the western. By this power of penetration the railway becomes infinitely more valuable to the nation than the long sea-coast, either on the Atlantic or the Pacific, or the great rivers and lakes.

To those who have watched the growth and development of the railways in this country, it is not strange that the larger corporations have absorbed other roads within their States, nor that they have acquired control of, or influence over, railways in other States. As there are great commercial centers in this country, the connection of these centers by lines of railway, under one influence, was the natural result. Such control, when wisely exercised, has been for the public benefit. It has enabled the influential corporations in such lines to improve the condition and increase the facilities of roads that would otherwise have been unable to make improvements in their physical and financial condition, or furnish such facilities as were needed by the people. It has given homogeneity to the management, and the result has been less cost for management, greater ability to perform the highest service, and greatly lessened the cost of transportation, and, as a consequence, the rates charged the public for the services performed have been very much decreased.

It has been largely due to such facilities thus acquired by such control and influence that the population of the great West has been so rapidly increased; that Territories have been made into States, and that the surplus productions of the West have been carried to the great markets at prices which paid the producer, encouraged the building up of the new States in population, and thereby created wealth, and which has added so largely to the development and wealth of the nation. It has been through the railways, and largely due to this formation of great lines of railways extending from the Atlantic seaports to the western centers of trade, that our country was enabled during the last three years to export its immense surplus productions and by low prices take the markets of the Old World.

Who can properly measure the influence such great combined lines of railway have had in enabling the people of this country to reduce their indebtedness at home and in foreign countries; to encourage the employment of labor in all its various branches? Of what immense advantage have these lines of railway been to the General Government in enabling it to carry out successfully the plan of redemption of specie payments and in paying off and refunding its indebtedness at a lower rate of interest. In all the elements of our present prosperity the force of the influence of these great combined railway lines has been a most important factor. I have no hesitation in asserting broadly that the present status of the country, its credit, its financial position, and its prosperity has been largely due to the facilities secured to the country by the great combined lines of railway between the East and the producers of the West, South, and Southwest. And further, I have but noted the influence of the railways now built. If they have had such marked influence on the prosperity of the country in the past, what must be the influence in the future of lines yet to be constructed?

It is true there are now over eighty thousand miles of railway in this country; but to furnish the facilities the country will require for its further development this number should be duplicated. Every year must increase the number of miles, and thus every year the problem of the relation of their management to the interests of the country becomes more intricate and more difficult of solution.

It is not strange that when the railway systems of the States suddenly, as it were, found that by their union with the systems of adjoining States they became an integral part of the system of the whole

country, the advantages of such combination and formation of great lines become patent; nor is it strange that large and often increasing outlays of money were made for the purpose of constructing connecting and branch roads thought to be necessary to complete the influence of such lines; nor is it strange that when these lines between the east and western centers were perfected that rivalries should have arisen between them. There had been a sudden awakening to a knowledge of their power and their possibilities, and before the representatives of the lines could fully understand their new position, or appreciate their responsibilities they were involved in a serious contest, which continued for some years, for traffic at prices irrespective of any proper governing principle. Such a contest between such powers—for powers they were—was, of course, demoralizing to trade and destructive of values in all railway property.

To put a stop to a course thus destructive, one that was doing the country no good and that was rapidly affecting the credit of the railway companies, as well as doing great injury to the great numbers of people of all grades and conditions in society who had invested in the shares and securities of these companies, the hard earnings which constituted their dependence for their comforts and living—I say that, to put a stop to such destructive rivalry, many of these companies agreed with each other that war should cease, that they would fix reasonable rates and provide for such a division of the traffic between them as the laws of business would indicate to be their proper proportion. Such agreements are now in operation in different parts of the States.

The demoralization of rates alluded to naturally affected all business unfavorably. The people felt there was something wrong and that injustice was done them. On the other hand they feared that through the agreements between the roads they would be charged unfair prices, and that the healthful benefits of competition would be denied them. From the unfortunate condition of war between the roads and from their recent agreements have arisen many grave charges against the management of railways. Appeals to rectify the evils, as charged, have been made to State Legislatures, and Congress has been asked to interfere for the protection of the interests of the people.

It is believed that the power of railway managers to disturb the proper currents of business and importance of localities, by their ability to fix their own rates, should be curtailed or placed within proper limits, and in this belief I fully concur. Charges have been made that the railway companies have discriminated against the interests of the citizens of the States from which their charters have been obtained, in favor of the citizens of other States, and counter-charges, or protests, have been made from the other side that States have, or should have, no right to interfere with the natural workings of transportation, by imposing regulations of any kind that would prevent the people of other States receiving the advantages of their position as centers of traffic and of competition, and that, so far, it is against the constitutional principle of free trade between the States and across the States.

Charges have been made that the railway companies have given preference by various means to certain shippers in rates, facilities, &c. Charges have been made that the tendency to consolidate railway companies and the formation of great lines under one influence is dangerous to the interests of the people. Many fear that in the near future the great majority of the lines of railway in this country will be under the control of speculators whose only interest will be the immediate profit they may realize. It is strongly urged that owing to the defective laws in many of the States the rights of share and loan holders are not properly protected, that railways no longer furnish a safe medium for investors, and that the tendency of the management of the whole system, as it now has existence under State governments, is not for the interests of the people of the country; that from the uncertainty that prevails this will be more so in the future as to the safety of investments in railway companies; that the facilities required by the country for its development will not be provided; that the rates for transportation of persons and property will be much higher than they would be under proper regulations.

I might have named many of these charges that have been freely made and strongly believed in that the country is not receiving and will not in the future receive all the benefits it is fairly entitled to from the present management of the railway system by the States. I do not propose to express any opinion about the justice of any of these statements or charges. But there is enough in them to warrant the Congress of the United States in having the whole subject thoroughly examined.

But as connected with the evils of railway management much of it is affected by the transportation by sea, by canal, by lake, and by river. They are an essential element in the rivalry and in fixing prices, so that no examination can be complete or satisfactory unless it embraces the whole question of the transportation of the internal or interstate commerce of the nation.

Bearing in mind all these considerations I have suggested, the importance of an early investigation into the whole subject is evident. If any legislation be had it is important that such laws should be put into operation as soon as practicable. I need not say more to impress on the minds of Senators the importance of the railway system and other transportation of this country, nor the wisdom of their taking, at this time, into serious consideration the relation which all the great

avenues by which all the internal commerce of this country is carried, bear to the public interests, in order that the Senate may ascertain what, if any, legislation is required to secure to the people of the country the greatest possible benefits in the use of these avenues of transportation.

I have endeavored to trace the growth of these systems of transportation, more particularly of the railways, the steps by which it emerged from being dependent upon local support to carrying the bulk of the products of the nation; the difficulties that naturally grew out of this new status which it now occupies; the attempted cure for any evils that arose from the rivalries of the main lines by an agreement among the lines. I have enumerated the major part of the charges that have been made against the management of the railways in their relation to the public.

You have thus before you a condensed statement of a very important question. The problem to solve is a very difficult one. It will not do, as has been attempted, to legislate on one or more grievances. The question must be treated broadly, with a full understanding of all the facts in the case.

A commission as proposed in the resolution will have before them the anomalous fact of the Congress of the United States controlling the navigation of the sea-coast, of the rivers, of the railways in the Territories and the unoccupied public lands, and of the lakes; and the States the railways and the canals within the States; the great internal commerce of the country being thus subject to the control of Congress on the one hand and of thirty-eight States on the other. They will have to examine what relation these highways of transportation should sustain to the General Government to produce the best results to the country at large, and whether, under our mixed form of government, such proper relation is practicable by legislation.

They will have to examine into the operations of the whole subject of the transportation of the internal commerce of the nation by the present avenues, and ascertain what evils exist, what unnecessary burdens are placed on such commerce, and what legislation will cure such evils and relieve the people of such burdens. It will be for them to take into consideration what legislation, if any, will harmonize the interests of the States and those of the General Government in the railways and canals; what legislation, if any, will give greater confidence to capitalists in their securities, will more fully protect the rights of shareholders in their property, and of the people in the use of the railways and canals, lakes, rivers, and sea-coast service.

It is not a question for present discussion what laws should be passed, but rather to obtain the facts and secure a report from a competent commission charged with an examination of these important questions, which will cover in what particulars and by what measures, if any, such result as contemplated in the resolution can be secured, and their recommendations in the premises.

As I said before, these questions are discussed by the people, the press, and the Legislatures, and it is proper that if by legislation good can be accomplished, Congress should have the benefit of the recommendations of a commission consisting, as provided in the resolution, of three Senators, three members of the House of Representatives, and three gentlemen appointed from the mass of the people, appointed by the President, who would bring the benefit of large practical experience and observation on these questions.

If such a commission are unable to devise legislation that would work for good the country should know it, and then the people and the Legislatures of the States will then endeavor to devise means to reach a solution as fair as may be.

I cannot say that I have much expectation of any favorable solution; and I say this with some practical knowledge of the difficulties in the way. And, further, I am satisfied no one has yet given sufficient attention to the whole question to enable them to devise a comprehensive answer to the questions involved in the resolution. The commission is, therefore, the first step in any practical result, and therefore this resolution is submitted to your favorable judgment.

I move that the joint resolution be referred to the Committee on Commerce.

The motion was agreed to.

DISTRIBUTION OF INDIAN TREATIES.

Mr. CAMERON, of Wisconsin, submitted the following concurrent resolution:

Resolved by the Senate of the United States, (the House of Representatives concurring.) That the Secretary of the Interior be, and he is hereby, authorized to distribute, from the number now in his possession, one copy of the revised Indian Treaties to each State and territorial library, and one copy to each designated depository of public documents in the United States.

The VICE-PRESIDENT. Does the Senator from Wisconsin ask for the present consideration of the resolution?

Mr. CAMERON, of Wisconsin. I do not ask for present action.

Mr. EDMUNDS. I doubt very much whether that can be done by a concurrent resolution. The law places the copies in the custody of the Secretary of the Interior and directs a particular mode of distribution. I doubt whether the Senate and House together can authorize him, unless by law, to do what is proposed.

Mr. CAMERON, of Wisconsin. My attention was called to the matter in this way: I applied to the Secretary of the Interior for a copy of the volume containing the Indian treaties, for the purpose of sending it to the State library of my State. He called my attention to the statute, which in his opinion did not authorize him to

furnish such a copy. He had the resolution which I have offered prepared, and sent it to me with a communication. The resolution can lie over and I will call it up at the next meeting of the Senate.

The VICE-PRESIDENT. The resolution will lie on the table, subject to the call of the Senator from Wisconsin.

ASSISTANT SENATE LIBRARIAN.

Mr. COCKRELL. I desire to enter a motion to reconsider the vote by which the Senate yesterday passed the resolution authorizing the appointment of an assistant librarian for the Senate.

The VICE-PRESIDENT. That motion will be entered.

Mr. CAMERON, of Wisconsin. Was not the resolution passed upon a call of the yeas and nays?

Mr. COCKRELL. No, sir. The motion is in order or I should not have made it. I called for the yeas and nays and they were taken upon the engrossment and third reading of the resolution, but not upon the passage of it. We all voted for the passage of the resolution so far as the record is concerned.

THOMAS LUCAS.

Mr. INGALLS. During my absence from the Senate a few days ago, on the call of the Calendar a bill (S. No. 152) for the relief of Thomas Lucas was passed over on the objection of the Senator from Vermont, [Mr. EDMUNDS,] as I was not present to explain it. I suppose under the custom of the Senate a bill ought not to lose its place on the Calendar, and if it does, I will ask unanimous consent that the bill may be taken up now. The reason I do so is that the beneficiary of the bill is exposed to great hardship in consequence of the failure of the Senate to act. The bill is very brief, can be readily explained, and I am quite sure the Senate will be glad to pass it if they hear the explanation.

Mr. MORRILL. Let it go on the Calendar as the first bill for Monday morning.

Mr. INGALLS. The Senator from Vermont suggests that the bill take its place on the Calendar as the first bill on Monday morning, under the Anthony rule. If that will be agreeable I shall assent to the suggestion.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas that the bill stand first on the call of the Calendar Monday morning next?

Mr. COCKRELL. I object.

Mr. INGALLS. The bill was passed over during my absence on the suggestion of the Senator from Vermont, as I was not present to explain it.

Mr. BLAINE. The Senator from Missouri will lose no right to make an objection after the Senator from Kansas explains the bill.

Mr. INGALLS. I merely ask that it may take its place on the Calendar, to be called on Monday morning under the Anthony rule.

Mr. COCKRELL. Let the bill be reported.

Mr. BLAINE. I will state to the Senator from Missouri that he will not lose his right to object then. An objection will be in order after an explanation of the bill is given.

Mr. COCKRELL. I understand that; but I want to know what the bill is.

The CHIEF CLERK. A bill (S. No. 152) for the relief of Thomas Lucas.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. COCKRELL. I do not object to it.

The VICE-PRESIDENT. The request is granted.

JESSE F. PHARES.

Mr. HEREFORD. I have a similar request to make. During my necessary absence from the Senate a few days ago, a bill (S. No. 1185) granting a pension to Jesse F. Phares was passed over. I ask that the same order be made in that as in the preceding case.

The VICE-PRESIDENT. Is there objection to the request of the Senator from West Virginia? The Chair hears none and the bill will stand No. 2 on the Calendar, to be called Monday morning.

INTERNATIONAL EXHIBITION OF 1883.

Mr. KERNAN. I hope that the bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883, will be reached on the next regular call of the Calendar. I wish to give notice to Senators that if the bill is not reached before Tuesday next I shall ask that it be taken up at that time and considered. A great many people are anxious that the bill should be disposed of. I call attention to it now in order that I may have an opportunity to move to take the bill up not later than Tuesday next during the morning hour, or immediately after the morning hour, and have it considered.

UTE INDIANS IN COLORADO.

Mr. COKE. I gave notice a few days ago that I should call up this morning the bill (S. No. 1509) to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same. I find, however, that it is impracticable to get the bill acted on to-day. I

rise now to give notice that on Monday morning, after the morning hour, I shall ask that all pending orders be laid aside in order that that bill may be considered. The bill is a very important one. It involves the agreement recently made between the executive department of the Government and the confederated bands of Ute Indians in Colorado. The chiefs and head-men of the Ute Indians are now here waiting for the action of Congress. In view of the importance of the bill I shall appeal to the Senate on Monday morning to take it up and proceed with its consideration.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (S. No. 1509) to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same; which was ordered to lie on the table, and be printed.

LAND PATENTS OF INSANE CLAIMANTS.

Mr. PADDOCK. The bill (S. No. 1404) to provide for issuing patents for public lands claimed under the pre-emption and homestead laws in cases where the claimants have become insane ought to be passed immediately. I understand that there is a case in Minnesota where, if relief is not given, the time will soon expire within which the person can make his proofs. It will not take two minutes to pass the bill. I ask unanimous consent that the Senate proceed to the consideration of the bill.

Mr. EDMUNDS. Let the bill be read at length.

Mr. COCKRELL. I ask for the Calendar. We have a large number of cases upon the Calendar reported from the various committees, and it is infinitely better for the orderly discharge and disposition of business that we should proceed with the Calendar. We have adopted a rule to consider the Calendar, and I hope the Senate will go on with the Calendar.

The VICE-PRESIDENT. The Calendar will be proceeded with in order.

Mr. PADDOCK. I hope the Senator from Missouri will withdraw his objection under the circumstances. It is important that the bill should pass—

Mr. COCKRELL. Let me say one word to the Senator; it will save time. I am the kindest-hearted man in the world, I think, but it is utterly useless to make appeals to me when the committee of which I am chairman is behind me demanding that its bills and other bills shall be considered. Now, give us all an equal chance. The bills have been reported; they are upon the Calendar; let us dispose of them in an orderly and methodical way. I cannot withdraw my objection.

NATIONAL EDUCATIONAL ASSOCIATION.

The VICE-PRESIDENT. The pending bill on the Calendar is the bill (S. No. 1282) to incorporate the National Educational Association, which has been considered for several sittings. The pending question is, Shall the bill be engrossed and read the third time? upon which the yeas and nays have been ordered.

Mr. BLAINE rose.

Mr. TELLER. If this bill can be voted on shortly I shall not object to its consideration, but otherwise I am going to object to it.

Mr. BLAINE. Then I will not say a word.

Mr. TELLER. If anybody wants to say anything, I shall not object at present.

Mr. BLAINE. I will say only a very few words, especially as I do not see the honorable Senator from Wisconsin [Mr. CARPENTER] in his seat. When this bill was up yesterday that Senator made some remarks which struck me as being of a character that ought not to go at least without answer, if not contradiction. One particular declaration arrested my attention at the time. The honorable Senator, who is known throughout the country as an able lawyer, and therefore his words are taken as having weight on any question of law or Constitution, made the declaration:

No matter how important the subject of education may be, it is not a subject committed to this Government, and unless committed by express words or by reasonable implication we have no control over it, we have no right to further it, to hinder it, or to do anything whatever in regard to it.

Further he said:

If this read "for the purpose of collecting and diffusing information in regard to education in the District of Columbia," no matter what might be said in regard to other provisions of the bill, it would be clearly within our power, so far as that is a subject of legislation.

He objected to diffusing information in regard to education beyond the District of Columbia, and the Senator, with an air of absolute conclusiveness, pronounced it to be wholly beyond the constitutional power of Congress to do it. I stated at the time that some of the notable framers of the Constitution of the Union did not take the same view as the honorable Senator from Wisconsin. Twice in General Washington's annual messages to Congress he recommended a national university. He said:

Among the motives to such an institution, the assimilation of the principles, opinions, and manners of our countrymen, by the common education of a portion of our youth from every quarter, well deserves attention. The more homogeneous our citizens can be made in these particulars, the greater will be our prospect of permanent union; and a primary object of such a national institution should be the education of our youth in the science of government.

He goes on and gives a great many reasons for it; and yet the honorable Senator from Wisconsin makes the declaration I read just now,

in the very face of the fact that Congress for the last thirty years has been largely aiding in maintaining an institution which does not stop even at diffusing knowledge among the citizens of the United States; which does not stop at the District of Columbia, where he says we are wholly stopped; it does not even stop at all the Territories of the Union, including the States thereof, but its object is the "diffusion and increase of knowledge among men;" and I think within the last thirty years we have given a very large sum to the Smithsonian Institution for that special object.

I merely rose to say that the remark of the honorable Senator from Wisconsin was not, in my judgment, good law or good Constitution, and it certainly is not in accordance with the practice of the Government ever since its foundation.

I hope the bill will pass.

Mr. INGALLS. I offer an amendment, to come in at the close of section 2 of the bill:

Which property shall not be exempt from taxation.

I suppose the Senator from Vermont has no objection to that.

Mr. MORRILL. I have none at all.

The amendment was agreed to.

The VICE-PRESIDENT. The question is, Shall the bill be engrossed for a third reading? upon which the yeas and nays have been ordered.

The yeas and nays were taken; and resulted—yeas 31, nays 17; as follows:

YEAS—31.

Allison,	Cameron of Pa.,	Hill of Georgia,	Platt,
Anthony,	Cameron of Wis.,	Kernan,	Pryor,
Bailey,	Dawes,	Kirkwood,	Rollins,
Blaine,	Ferry,	McMillan,	Saunders,
Booth,	Hamlin,	McPherson,	Slater,
Burnside,	Hampton,	Maxey,	Vest,
Butler,	Harris,	Morrill,	Williams.
Call,	Hill of Colorado,	Paddock,	

NAYS—17.

Bayard,	Eaton,	Jones of Florida,	Vance,
Beck,	Farley,	Jones of Nevada,	Whyte.
Cockrell,	Hereford,	Pendleton,	
Coke,	Ingalls,	Plumb,	
Davis of W. Va.,	Jonas,	Teller,	

ABSENT—28.

Baldwin,	Garland,	Lamar,	Sharon,
Blair,	Gordon,	Logan,	Thurman,
Bruce,	Groome,	McDonald,	Voorhees,
Carpenter,	Grover,	Morgan,	Walker,
Conkling,	Hoar,	Randolph,	Wallace,
Davis of Illinois,	Johnston,	Ransom,	Windom,
Edmunds,	Kellogg,	Saulsbury,	Withers.

So the bill was ordered to be engrossed for a third reading.

The bill was read the third time, and passed.

NELSON LYON AND JEREMIAH S. JAMES.

The next bill on the Calendar was the bill (H. R. No. 2518) for the relief of Nelson Lyon and Jeremiah S. James, the consideration of which was resumed as in Committee of the Whole.

Mr. PLATT. There was an amendment reported by the Committee on Patents.

The VICE-PRESIDENT. That amendment was agreed to when the bill was formerly under consideration.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY LEGGETT.

The next bill on the Calendar was the bill (S. No. 985) granting a pension to Mrs. Mary Leggett, which was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Mary Leggett, widow of Robert Leggett, late lieutenant-colonel of the Tenth Connecticut Volunteers, to date from September 18, 1874.

Mr. COCKRELL. I move to strike out "to date from September 18, 1874," and insert "from the passage of this act," unless there is some good reason for the back pension.

Mr. INGALLS. Such has been the uniform custom of the committee. I do not know what the particular circumstances are in this case.

Mr. PLATT. I would suggest to the Senator from Missouri that he vary his amendment to say "subject to the provisions and limitations of the pension laws," which I believe is the usual form. Will that be satisfactory?

Mr. COCKRELL. The universal rule of the Committee on Pensions, as I understand, has been to make all pensions granted by act of Congress commence from the date of the passage of the act.

Mr. PLATT. Certainly, and the amendment which I suggest would have that effect, and it is the usual language employed in pension bills, "subject to the provisions and limitations of the pension laws."

Mr. KIRKWOOD. That produces precisely the effect the Senator from Missouri wants.

Mr. COCKRELL. I will agree to strike out "to date from September 18, 1874," and insert in lieu thereof "subject to the limitations and provisions of the pension laws."

The VICE-PRESIDENT. The amendment will be so modified. The amendment was agreed to. The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT BONDS.

The next bill on the Calendar was the bill (S. No. 1148) to amend an act entitled "An act authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia to redeem certain funded indebtedness of said District," approved June 10, 1879; which was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments. The first amendment was, in line 10, after the word "bonds," to strike out:

Provided, The amount of both the registered and coupon bonds so issued shall not exceed the amount of \$1,200,000; and that the Secretary of the Treasury,

And in lieu thereof to insert:

Upon the terms and conditions and in the manner provided in said act; and the Secretary of the Treasury.

So as to read:

That the act entitled "An act authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia to redeem certain funded indebtedness of said District," approved June 10, 1879, be, and the same is hereby, so amended as to authorize the commissioners of said District to issue registered bonds as well as coupon bonds upon the terms and conditions and in the manner provided in said act; and the Secretary of the Treasury be, &c.

The amendment was agreed to.

The next amendment was, in line 19, after the word "District," to strike out "in the redemption of the said funded indebtedness of said District," and to insert:

At not less than their par value, in the redemption of the said funded indebtedness of said District: *Provided*, That the amount of both the registered and coupon bonds so issued or exchanged, with those already issued under said act, shall not exceed the amount of \$1,200,000, as provided in said act of June 10, 1879.

The amendment was agreed to.

Mr. COCKRELL. Now, I should like to hear some explanation of this bill.

Mr. HARRIS. I ask the Secretary to read chapter 17 of the Statutes of the Forty-sixth Congress, first session, being the act of June 10, 1879, which will explain the whole matter.

The Chief Clerk read as follows:

An act authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia to redeem certain funded indebtedness of said District.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioners of the District of Columbia be, and they are hereby, authorized to prepare, execute, and deposit with the Secretary of the Treasury of the United States bonds of the District of Columbia, bearing interest not exceeding 5 per cent. per annum, and payable twenty years after date, to the amount of not more than \$1,200,000, the proceeds to be used only for the redemption of funded indebtedness of said District or of the late municipal corporations of Washington and Georgetown which became due January 1 and March 1, 1879, or those now existing and payable at pleasure, for the redemption of which the sinking fund of said District may not provide. Said 5 per cent. bonds shall be in such form and denominations as the Secretary of the Treasury shall approve, and shall be numbered consecutively and registered in the office of the auditor of said District, and also in the office of the Register of the Treasury of the United States, in such manner as the Secretary of the Treasury may direct, and shall bear the seal of the District of Columbia: *Provided*, That this act shall not be construed to make the Government of the United States liable for either the principal or interest of said bonds, or any part thereof.

Said bonds shall be sold by the Secretary of the Treasury to the highest bidder upon public tender, but for not less than their par value, after being advertised for one week in two daily newspapers in the city of Washington and two in the city of New York. The bids shall be opened by the Secretary of the Treasury and the awards approved by him. The money realized from the sale of said bonds shall be paid out by the Secretary of the Treasury only for the purposes named in this act.

SEC. 2. That the provisions of all acts conflicting herewith, and the acts or parts of acts authorizing said commissioners of the District of Columbia to issue bonds to redeem certain bonds of said District falling due January 1st and March 1st, 1879, no bonds having been issued thereunder, are hereby repealed.

Approved June 10, 1879.

Mr. HARRIS. The only object of this bill is to authorize the Secretary of the Treasury to issue, as the purchasers or takers of this loan may prefer, either registered or coupon bonds. It does not change the act of 1879 in any other respect.

I will state further that at the time a portion of this loan was taken it was the opinion of the Treasury Department, the opinion of the banker taking the loan, and the opinion of the commissioners of the District of Columbia that under the act of the 10th of June they had a perfect right to issue either registered or coupon bonds; but recently the Treasury Department has decided that the power does not exist under the act of 1879, and hence the necessity for this bill.

Mr. DAVIS, of West Virginia. I ask the Senator in charge of this bill what is the rate of interest at which these bonds are issued?

Mr. HARRIS. The rate of interest fixed by the act of the 10th of June is 5 per cent. The question was debated by the Senator from West Virginia himself and others at the time the act of June last was under consideration, and the Senate then determined to fix the rate of interest on these bonds at 5 per cent.

Mr. DAVIS, of West Virginia. Not exceeding 5 per cent.

Mr. HARRIS. Not exceeding 5 per cent. The bonds, so far as they have been sold at all, have sold for a premium up to this time; and the only object of this bill is to authorize registered as well as coupon bonds, either, as the taker of the loan may prefer.

Mr. DAVIS, of West Virginia. I ask the Senator whether the full amount of bonds has been issued?

Mr. HARRIS. Oh, no; they may have been prepared to be issued, but they have not been sold and taken.

Mr. DAVIS, of West Virginia. Inasmuch as the rate of interest has very materially changed since the passage of the law, does he not think the bonds could be sold for par at a less rate of interest than 5 per cent.? At the time of the passage of the law the Senate will recollect that 4½ per cent. was the lowest interest the Government had put any great amount of its bonds at. Since then it is known that 4 per cent. bonds have sold at a premium, and to-day the 4 per cent. bond of the Government, I believe, is selling at between 106 and 107. If all these bonds have not been issued, I ask the Senator whether he thinks they could be marketed at a less rate than 5 per cent.? If so, it is the duty of those having charge of the subject to see that a lower rate is secured. Under the law I see the interest is not to exceed 5 per cent., so that it may be four-and-a-half or some other rate. I submit it to the Senator from Tennessee for his own consideration.

Mr. ALLISON. May I ask the Senator from Tennessee a question? Mr. HARRIS. Certainly.

Mr. ALLISON. These bonds I understand are not exempt from local taxation; or are they?

Mr. HARRIS. I know of no statute of exemption.

Mr. ALLISON. That, I submit, will account for the difference in the rate of interest.

Mr. HARRIS. There is another reason that will account for the difference: The credit of the District of Columbia is not quite equal, in my judgment, to that of the United States, and the District of Columbia has not heretofore been able, and I fear it will never be able, to borrow money exactly on the same terms as the United States can borrow money. But I do not think it would be wise at this time to change the rate of interest, inasmuch as these bonds are prepared bearing the rate of 5 per cent. interest, and the commissioners of the District of Columbia and the Secretary of the Treasury recommend the passage of this bill, and neither recommends any change in the rate of interest for the remaining bonds.

Mr. DAVIS, of West Virginia. The Senator of course does not understand me as opposing the bill. What I said was more in the nature of a suggestion. The question the Senator from Iowa asked is a very important one. Did I understand the chairman of the District Committee to answer it?

Mr. HARRIS. I do not know of any exemption.

Mr. DAVIS, of West Virginia. So these bonds are taxable as other property in the District. That would make a material difference, of course.

Mr. ROLLINS. There is no provision exempting these bonds from taxation; and there is a proviso in the law that perhaps affects the value of the bonds in the market. I refer to a proviso in these words:

Provided, That this act shall not be construed to make the Government of the United States liable for either the principal or interest of said bonds, or any part thereof.

Mr. BLAINE. That puts 1 per cent. on the rate. It had better be left at 5.

Mr. DAVIS, of West Virginia. I submit to my friend from Maine that I only made a suggestion. The law itself provides that the rate shall not exceed 5 per cent., and it is in the power of the commissioners now, if in their judgment the loan can be negotiated at 4½ per cent., to do so.

Mr. ROLLINS. This proviso undoubtedly causes an extra rate of interest of at least 1 per cent. We pay at least 1 per cent. more interest on these bonds than we should have to pay if this proviso was not in the original act. Congress insists on keeping it there, and of course the District has to pay a larger rate of interest in consequence.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARTHUR W. IRVING.

The next bill on the Calendar was the bill (S. No. 1072) granting a pension to Arthur W. Irving; which was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Arthur W. Irving, late a bugler in Company C, One hundred and fourth Regiment New York Volunteers.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. CALL on the 16th of February, 1880:

[To accompany bill S. No. 1072.]

The Committee on Pensions, to whom was referred the bill (S. No. 1072) granting a pension to Arthur W. Irving, respectfully report as follows:

That this case was before the Forty-fifth Congress, and that the Committee on Invalid Pensions of the House of Representatives of that body submitted the following report:

"The Committee on Invalid Pensions, to whom was referred the petition of Arthur W. Irving, asking for pension as bugler in Company C, One hundred and fourth Regiment New York Volunteers, have had the same under consideration, and ask leave to submit the following report:

"It appears from the evidence on file that the soldier was passed into the service

after two rigid examinations, and was then sound in every respect, and free from rheumatism especially. That he was attacked with typhoid fever and sent to hospital, and that it resulted in rheumatism, which has continued to grow gradually worse, until it has become chronic and produced a permanent stiffening and curvature of the spine, and is now wholly disabled from earning his living by manual labor. The evidence is conclusive that the soldier was sound when he entered the service, that he contracted his disease in the service of the United States and in the line of his duty, and that his disease has become chronic. The committee therefore report back said petition with the accompanying bill, and recommend its passage."

Your committee, after a careful examination of the testimony presented, would concur in the above report and recommend the passage of the bill.

Mr. COCKRELL. I ask some Senator on the Pension Committee if the Commissioner of Pensions rejected this application?

Mr. KIRKWOOD. The Senator from Florida [Mr. CALL] had charge of the case.

Mr. CALL. I understand the application was rejected by the Commissioner of Pensions.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

EGBERT OLCOTT.

The next bill on the Calendar was the bill (S. No. 235) granting an increase of pension to Egbert Olcott; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to grant an increase of pension to Egbert Olcott, formerly colonel of the One hundred and twenty-first New York Volunteers, equal to the special rate provided for the loss of both hands or both feet, or the sight of both eyes, by act of Congress approved June 17, 1878.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL M. APPEL.

The next bill on the Calendar was the bill (S. No. 1075) to authorize Dr. Daniel M. Appel, of the United States Army, to receive pay for discharging the duties of physician to the Mescalero Apache Indian agency, New Mexico; which was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

L. H. HERSHFIELD & BROTHER.

The VICE-PRESIDENT. The morning hour has expired.

Mr. MORRILL. The next bill on the Calendar is a House bill that it will not take two minutes to pass, it having received the unanimous report of the Committee on Finance; and it is one of those cases which I think ought to have early action. I ask unanimous consent that the next bill on the Calendar may be considered at the present time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3559) for the relief of L. H. Hershfield & Brother. It authorizes the Secretary of the Treasury to cause to be issued to L. H. Hershfield & Brother, bankers, of Helena, Montana, or their order, a duplicate check for \$2,476.81, which check shall be paid out of the Treasury in lieu of check No. 1578 issued to L. H. Hershfield & Brother, in payment for bullion bar No. 1034, by Russell B. Hamson, assayer in charge of the United States assay office at Helena, Montana Territory, and payable by the assistant treasurer of the United States at New York, which check was lost in transmission. L. H. Hershfield & Brother are to execute a good and sufficient bond in double the amount, in manner and form prescribed by section 3646 of the Revised Statutes in case of checks not exceeding in amount \$1,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND PATENTS OF INSANE CLAIMANTS.

Mr. PADDOCK. I now renew my request that the Senate proceed to the consideration of Senate bill No. 1404. I think it will not take more than five minutes to pass the bill; and there is a very urgent case indeed in Minnesota which calls for prompt action.

Mr. BLAINE. Under the restriction that it may be objected to at any time?

Mr. PADDOCK. Certainly.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1404) to provide for issuing patents for public lands claimed under the pre-emption and homestead laws in cases where the claimants have become insane.

Mr. PADDOCK. In line 15 the word "should" should be changed to "shall."

Mr. KIRKWOOD. There are amendments of the committee which should be first disposed of.

The VICE-PRESIDENT. The amendments of the committee will be disposed of in their order.

The amendments reported from the Committee on Public Lands were, in line 5, after the word "laws," to strike out "may or shall have become insane at" and insert "have become insane or shall hereafter become insane before;" and in line 19, after the word "of," to strike out "citizenship" and insert "an affidavit of allegiance by the applicant in certain cases;" so as to make the bill read:

That in all cases in which parties who regularly initiated claims to public lands as settlers thereon according to the provisions of the pre-emption or homestead laws, have become insane or shall hereafter become insane before the expiration of the time during which their residence, cultivation, or improvement of the land claimed by them is required by law to be continued in order to entitle them to make the

proper proof and perfect their claims, it shall be lawful for the required proof and payment to be made for their benefit by any person who may be legally authorized to act for them during their disability, and thereupon their claims shall be confirmed and patented, provided it should be shown by proof satisfactory to the Commissioner of the General Land Office that the parties complied in good faith with the legal requirements up to the time of their becoming insane, and the requirement in homestead entries of an affidavit of allegiance by the applicant in certain cases as a prerequisite to the issuing of the patents shall be dispensed with so far as regards such insane parties.

The amendments were agreed to.

Mr. PADDOCK. In line 15 I move to strike out the word "should" and insert "shall;" so as to read "shall be shown."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SETTLERS ON OSAGE LANDS.

Mr. PLUMB. I ask the Senate to proceed to the consideration of the second order of business succeeding the one which was last reached on the Calendar, and I desire to give this reason for preferring the request at this time: This is a bill which passed the House at the extra session; it is one which concerns very nearly a large number of people in my State, and it is important that it should pass now. I expect to be absent unavoidably next week. I should not ask this if the Senate were to be in session to-morrow, because it would then be reached in regular order. I ask that the Senate proceed to the consideration of House bill No. 2326.

Mr. THURMAN. I cannot consent to give way the Geneva award bill, which is the unfinished business.

Mr. PLUMB. I think it will not take longer than to read the bill.

Mr. THURMAN. Well, it had better come up on Monday.

Mr. INGALLS. My colleague is to be absent next week.

Mr. PLUMB. I expect to be absent unavoidably next week, or I should not prefer the request at this time.

Mr. THURMAN. Well, let the bill be read for information.

The Chief Clerk read the title of the bill (H. R. No. 2326) for the relief of settlers upon the Osage trust and diminished-reserve lands in Kansas, and for other purposes.

Mr. THURMAN. That will take time.

Mr. PLUMB. I do not see any reason why it should.

Mr. THURMAN. I have heard several Senators say they wanted to understand that bill, and I do not think they can do it in ten minutes.

Mr. PLUMB. Then I will make a request which I have no doubt will be acceptable. I do not care to test the sense of the Senate upon the bill now, in view of the statement of the Senator from Ohio, because I do not want to get into a debate now to make any delay. I therefore ask that when this bill shall be reached at the next call of the Calendar or the succeeding call of the Calendar it may be passed without prejudice, remaining at the head of the Calendar during next week.

The VICE-PRESIDENT. The Chair hears no objection.

Mr. WITHERS. I cannot consent to that—to take the bill up in advance and place it at the head of the Calendar.

Mr. CONKLING. The Senator from Virginia will allow me to suggest that I am sure he will not object to the request that the Senator from Kansas makes now. He asks if the bill is reached during his absence that it may stand until he returns.

Mr. WITHERS. I misunderstood the request entirely.

The VICE-PRESIDENT. The Chair hears no objection to the request of the Senator from Kansas.

LEAVENWORTH MILITARY PRISON.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent to take up Senate bill No. 1319. This is a bill which was referred to the Military Committee by the Secretary of War and passed the committee unanimously; and within a day or two I have had a letter from General Pope, who has command of the prison at Fort Leavenworth, asking for speedy action on the bill. Therefore I ask that it be taken up at this time.

Mr. THURMAN. Let that bill be read for information.

The Chief Clerk read the bill (S. No. 1319) authorizing the Secretary of War to expend the profits growing out of the manufacture of articles at the military prison at Leavenworth, Kansas, for the improvement of facilities for manufacture at said prison.

Mr. THURMAN. If a vote can be taken on the bill without any discussion, I will agree that the Geneva award bill may be laid aside informally; but if there is to be any discussion I must insist on the regular order.

Mr. CAMERON, of Pennsylvania. I do not believe there will be any discussion, as I think the necessity of the bill is evident.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which provides that all moneys which have accrued or may hereafter accrue from the labor or from the proceeds of sales of articles produced by the labor of the prisoners confined in the military prison at Fort Leavenworth, Kansas, may be applied to the support and maintenance of the prison and expended under the orders of the Secretary of War without further appropriation by Congress.

Mr. DAVIS, of West Virginia. I should like to know what the amount of money involved is.

Mr. CAMERON, of Pennsylvania. About \$7,000 at this time; an

accumulation of profits from the labor of the convicts at the prison. It cannot now be made use of. They want to make use of it for prison purposes to increase their facilities.

Mr. DAVIS, of West Virginia. Mr. President—

Mr. CAMERON, of Pennsylvania. If this bill is going to make any discussion, I shall have to withdraw it at present.

Mr. DAVIS, of West Virginia. No, I do not think it will make any discussion; but if the Senator wants it to go over, very well.

Mr. CAMERON, of Pennsylvania. No, I should like to have it passed now.

Mr. DAVIS, of West Virginia. While I make no objection to this bill, yet it is a bad practice to allow money to be used under a reappropriation without its going properly into the Treasury; and as a rule I shall object to that kind of appropriation. It ought to go regularly into the Treasury and be appropriated specifically.

Mr. BECK. Entertaining the same views that the Senator from West Virginia does, believing that all these moneys ought to go into the Treasury and be properly appropriated, I shall oppose the bill. I desire to say here that for the last twelve years our struggle has been all the time to require the sales of public property to be accounted for by all the Departments, and all the money that was received to go into the Treasury and be placed in the annual estimates submitted to Congress by the Secretary of the Treasury. We succeeded at last in requiring that to be done, and it is now done regularly. The Committee on Appropriations have a bill now ready to lay before Congress, with the consent of the Secretary of the Treasury, requiring that that shall be done everywhere, and that there shall be no permanent appropriations except so far as the sinking fund and interest on the public debt and two or three other things are concerned. This in a very small way is just the breaking down of the rule that we have been trying to establish, and that we propose to enforce in the bill changing from permanent to annual appropriations, which is to come before Congress in a few days. If it is done here it will be done somewhere else; all such things begin in a small way. If we allow this to be done here, it will be done everywhere else. There can be no possible harm in requiring all the sales made to be accounted for and the money reappropriated, so that we shall know exactly what is sold, what it brings, how it is sold, and how the money realized is to be used. I shall object to the consideration of this bill.

The VICE-PRESIDENT. The Senate has given consent that it be now considered. It is now before the Senate. Does the Senator from Kentucky submit any motion?

Mr. BECK. No, I will make no motion; but I call the attention of the Senate to the fact that while this is not very large in itself as to the amount, it is just as vicious in principle as if it involved millions. It is by these little insignificant things that the principle we have sought to establish is undermined all the time. I shall only reserve the right to call for the yeas and nays, and vote against the bill.

Mr. THURMAN. I fear there is going to be a discussion of this bill. I call for the regular order.

GENEVA AWARD FUND.

The VICE-PRESIDENT. The regular order is demanded.

Mr. EATON. I move that the Senate now proceed to the consideration of executive business.

Mr. PADDOCK. Mr. President—

The VICE-PRESIDENT. The motion is not debatable.

Mr. PADDOCK. I simply ask the Senator to withdraw his motion for a moment until the Senator from South Carolina may report a bill.

Mr. EATON. Certainly.

Mr. BLAINE. I thought the honorable Senator from Ohio was intending to insist upon the consideration of the Geneva award bill.

Mr. THURMAN. I objected to laying the Geneva award bill aside unless it was to take a vote on the bill of the Senator from Pennsylvania, but I saw it would give rise to a discussion, and therefore I called for the regular order. In regard to the motion of the Senator from Connecticut, unless there is some Senator who wishes to speak on the Geneva award bill, I shall not antagonize that motion, because of the reason that he has stated to me of a somewhat pressing necessity for an executive session.

Mr. BLAINE. If there is not a gentleman indicating a desire to speak on the Geneva award bill—of that the Senator from Ohio is better advised than I, for I have no advice on the point—why not have a vote on it?

Mr. THURMAN. We cannot have a vote on it now.

Mr. BLAINE. It is not in my power to promote the consideration of the bill, but if the Senator from Ohio who has charge of it permits it to drift in this way, it will never come to a vote.

Mr. DAVIS, of Illinois. The Senator from Indiana [Mr. McDONALD] wants to speak on it and he is absent. The Senator from Vermont [Mr. EDMUNDS] wants to speak on it, I think.

Mr. THURMAN. I have something to say upon the amendment offered by the Senator from Massachusetts, [Mr. HOAR,] and until I shall have had that opportunity I cannot consent to a vote. I shall be willing to vote as quick as anybody, but I am sick and tired of insinuations that the delay of this bill is occasioned by the Judiciary Committee or by me.

Mr. BLAINE. I have made no insinuations of any kind whatever. Now, the Senator from Ohio will perceive that this bill, which has been probably more elaborately discussed than any bill that has been

before Congress for twenty years, seems to be the one bill upon which the Senate is never called upon to vote, and it does drift. As I said before, I do not lay the fault at any man's door in particular, but it does drift in a most remarkable manner. The design originally announced of having this bill through the Senate in season to have it considered in the other House begins to look, and very soon will look, as if it were an impossibility. It is for the Senator from Ohio to say whether it shall be an impossibility or not.

SOLDIERS' REUNION IN NEBRASKA.

Mr. HAMPTON. I ask leave to make a report at this time. The Committee on Military Affairs, to whom was referred the joint resolution (H. R. No. 218) granting the use of artillery, tents, and so forth, at the soldiers' reunion to be held at Central City, Nebraska, have instructed me to report it without amendment, and I ask for its immediate consideration.

Mr. COCKRELL. I must object to that.

The VICE-PRESIDENT. Objection is made to the present consideration of the joint resolution.

INTERNATIONAL CELEBRATION OF 1883.

Mr. EATON. I renew my motion that the Senate proceed to the consideration of executive business.

Mr. KERNAN. I wish to ask the Chair a question. Is there any bill pending on the Calendar now before the Senate?

The VICE-PRESIDENT. The unfinished business is the consideration of the Geneva award bill.

Mr. KERNAN. But I wish the Senate to notice that the bill next in the regular call of the Calendar is Senate bill No. 1160. I ask that it be taken up and its title read so that it may be the Calendar bill for Monday. Two bills that have been passed over have been ordered ahead of this for Monday. I think this bill ought to take its proper place.

The VICE-PRESIDENT. The first bill on the Calendar on the next call is the bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883.

Mr. KERNAN. That will stand at the head of the Calendar on Monday?

The VICE-PRESIDENT. It would, except for the two bills that were preferred this morning.

Mr. KERNAN. I think the gentlemen in charge of those bills will not object to my request, as I did not object to theirs. As this bill is now next in order and has been pending a good while, I hope they will allow it to be taken up to-day so that it may stand before those two. I hope the Senators will yield to that. The gentlemen say they have no objection to that. I ask that it be taken up now and read by its title and then the Senator from Connecticut can make his motion.

The VICE-PRESIDENT. The title will be read.

The Chief Clerk read the title of Senate bill No. 1160.

Mr. ALLISON. That will be subject to objection on Monday, of course.

The VICE-PRESIDENT. Certainly.

Mr. EATON. I renew my motion.

The VICE-PRESIDENT. The Senator from Connecticut moves that the Senate proceed to the consideration of executive business.

The motion was agreed to.

Mr. CONKLING. Pending the execution of the order closing the doors, may I ask what is the first bill to be taken up on Monday?

The VICE-PRESIDENT. Under the Anthony rule?

Mr. CONKLING. Yes, sir.

The VICE-PRESIDENT. The bill just reported.

SUPREME COURT REPORTS.

On motion of Mr. CAMERON, of Wisconsin, the vote by which the bill (H. R. No. 1493) defining the duties of reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distributing of said reports, was yesterday postponed indefinitely, was reconsidered and the bill was placed on the Calendar with the adverse report of the Committee on the Judiciary.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After three hours and forty minutes spent in executive session the doors were reopened, and (at five o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 25, 1880.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D., of Washington, District of Columbia.

ORDER OF BUSINESS.

The SPEAKER. On yesterday the question arose whether the Journal of the prior day's proceedings should be read, and the Chair submitted the question to the House. The House made a decision thereon under a ye-a-and-nay vote. A like question is presented to-day, in the

opinion of the Chair, as on yesterday as to procedure in the same respect, and the Chair will submit the question to the House touching the Journal of yesterday's proceedings. The Chair thinks this is just, equitable, and right, so that the House should again have to-day an opportunity of expressing by its vote its judgment as to the reading at this time of the Journal of yesterday in the same manner as the House expressed its opinion on yesterday as to the Journal of the preceding day.

Mr. BLACKBURN. I rose to make the point of order that the Journal of yesterday's proceedings should now be read. That will bring up the very point the Chair proposes to submit to the House.

Mr. DAVIS, of North Carolina. I desire to make an inquiry of the Chair.

The SPEAKER. The Chair will hear it.

Mr. DAVIS, of North Carolina. Is not that in effect submitting to the House the question whether they will suspend the first rule?

The SPEAKER. The Chair ruled yesterday that it was not, on the ground that the House possesses the right to control the manner of its proceeding.

Mr. DAVIS, of North Carolina. The House, then, has the right to suspend any rule by a majority vote.

The SPEAKER. The House puts a construction and an interpretation on a rule. The House yesterday put an interpretation on the two rules, Rule I and Rule IX, as to the Journal of the prior day, which construction was an instruction to the Chair in that respect.

Mr. HAYES. Was that action of the House a decision covering all such cases, or did it apply merely to the Journal of Tuesday?

The SPEAKER. That decision related to the Journal of Tuesday's proceedings. A similar decision to-day would relate of course to the Journal of the proceedings of yesterday.

Mr. BLAND. I would inquire whether or not the rule provides that the Speaker shall decide all points of order subject to an appeal to the House; and if the House has not the right to have the opinion of the Speaker upon the construction of any rule, and if that construction does not meet the views of the House the proper remedy is an appeal from the ruling of the Speaker?

The SPEAKER. It has never been anywhere denied that the Speaker is the voice of the House, and must execute the wish of the House.

Mr. BLAND. My point is whether or not the House has not a right to have from the Speaker a construction of the rules. The rules provide that the Speaker shall decide all points of order; it is not a question for the House. If the House shall differ from the Speaker, then his construction can be corrected by an appeal to the House. I call for the reading of the rule on that point.

The Clerk read clause 4 of Rule I, as follows:

He shall sign all acts, addresses, joint resolutions, writs, warrants, and subpoenas of, or issued by order of the House, and decide all questions of order subject to an appeal by any member, on which appeal, no member shall speak more than once, unless by permission of the House.

Mr. BLAND. Now I consider it the duty of the Speaker under that rule to decide the point of order whether by the rule it is not required that the Journal of the proceedings of the House of the preceding day be read before the House proceeds to any business. If any member dissents from the opinion of the Chair he will have a right to appeal.

The SPEAKER. The Chair entertains a different view of his duty from that expressed by the gentleman from Missouri, [Mr. BLAND.] The Chair repeats that he is the servant of the House, the voice of the House, and conforms to its directions.

Mr. BLAND. There is the plain rule, requiring the Speaker to decide points of order. He may submit other questions to the House, but I think the rule contemplates that the Speaker shall first give his opinion for the information of the House upon the construction of a rule.

The SPEAKER. The Chair takes the instruction of the House and proceeds in harmony therewith.

Mr. BLACKBURN. I rose for the purpose of making the point of order that I made yesterday, that under the first clause of Rule I the only business now in order is the reading of the Journal of yesterday's proceedings.

Mr. FERNANDO WOOD. If the gentleman will yield to me, I desire to submit a proposition to the House.

Mr. BLACKBURN. I will yield to the gentleman.

Mr. FERNANDO WOOD. During my experience in this House I have on more than one occasion, probably twenty times, seen the House involved in a difficulty similar to the present one; and I have also always seen, after each side has struggled for a certain period, the difficulty amicably adjusted, and the transaction of the proper business of the House resumed.

Now, in view of the experience of the past two days' sessions, I think the time has arrived when the members of this House as sensible men, desirous of prosecuting their legislative labors, should pause and come to some amicable adjustment of this question. It is after all but a technical difficulty, a technical difficulty which of itself is probably of little practical importance as affecting any result. Yet it appears to me one of great magnitude so far as it operates to delay the business of Congress.

I therefore submit this proposition to the House, to both sides of the House, because upon this question I state here sincerely and dis-

tinctly that I hold a position not entirely in accord with that of either side of the House. I think this matter is susceptible of amicable adjustment, by which both sides can maintain their rights and the House can retain its integrity and its dignity. My proposition is that the Journals of Monday, Tuesday, and Wednesday be now approved, and that immediately thereafter, and without debate, the House will proceed to vote upon the following resolution:

Resolved, That the Committee on the Revision of the Laws be discharged from the further consideration of House bill No. 5265, and that said bill be referred to the Committee on Ways and Means.

It does appear to me that by the adoption of this proposition we will accomplish all that we can accomplish if we continue the proceedings of yesterday through the entire session of to-day. The Journals of the preceding days of this week will be approved, and the House will be brought to a direct vote upon the proposition as to what reference this bill shall have; the bill being remanded back to the House, and the House then voting upon its reference. It appears to me that gentlemen on neither side of the House can object to my proposition.

Mr. BLACKBURN. Does that proposition carry with it the reservation of the right to a division of the question?

The SPEAKER. That would be regulated by the rules.

Mr. FERNANDO WOOD. I suppose that under the rules there are two distinct propositions in the resolution—first to discharge the committee, and secondly to make a different reference; but I hope the gentleman from Kentucky will not embarrass the proposition by asking for any division whatever.

Mr. BLACKBURN. I have no disposition to embarrass that proposition or to delay the work of this House. The only point for which I and those with whom I have been acting have been struggling from the first was to protect the Journal of this House from alteration or mutilation. When that is secured, and the integrity of that Journal is guaranteed, I have no further fight to make. It is now simply a question whether the Journals of Monday, Tuesday, and Wednesday shall in their natural and regular order be approved and this proposition of the gentleman from New York be then voted upon immediately without debate, or whether the cart shall be put before the horse by first voting upon this resolution and then by an anomalous process going back and approving the Journals. This is a technicality upon which I do not propose to delay this House by any contest. I think the gentleman's proposition is eminently correct and fair; and I am entirely content with it. I speak only for myself, for I have no right to speak for anybody else.

Mr. HISCOCK. I wish to make a parliamentary inquiry. Will a two-thirds vote be necessary to carry the last proposition of the gentleman from New York?

The SPEAKER. This proposition, the Chair supposes, if adopted, is to be agreed to without dissent.

Mr. HISCOCK. Then I understand that a majority vote will be all that will be necessary to carry the proposition.

Mr. TOWNSHEND, of Illinois, obtained the floor.

Mr. BLAND. If the gentleman from Illinois will yield to me a moment I wish to inquire whether the gentleman from New York will admit one amendment?

Mr. TOWNSHEND, of Illinois. I prefer not to yield now. Let me first get through what I have to say.

Mr. Speaker, I approve of the proposition offered by the gentleman from New York. I think it will bring about a satisfactory result—satisfactory, at least, to those gentlemen with whom I have been associated on this floor. I therefore hope that when the question comes before the House there will be no dilatory motion interposed, that there will be no further delay in reaching a final vote upon this question. I regard the proposition as eminently fair and proper.

Mr. Speaker, before taking my seat I desire to say something further. The questions which have heretofore been to some extent involved in the motion of the gentleman from Maryland [Mr. McLANE] have entirely disappeared. A naked proposition concerning the tariff on salt, printing-paper, and type will soon be before the House stripped of all other questions whatever, technical or otherwise—a simple, plain, square proposition as to whether the bill introduced by me and which has been by the action of this House sent to the Committee on the Revision of the Laws shall remain there until reported for action in the House, which that committee is very likely to do, or whether it shall be sent to the Committee on Ways and Means and forever put to sleep by that committee.

I would say, Mr. Speaker, that those who have been opposed to this bill have endeavored to interject into this controversy side issues, questions which in my judgment ought never to have been brought in. Yet I can easily perceive why such issues have been thrown in here. It has been done in order to lead into ambush gentlemen on this floor who conscientiously are in favor of the passage of the bill that I have introduced.

Mr. ALDRICH, of Rhode Island. Mr. Speaker, is debate in order?

The SPEAKER. The Chair thinks that the gentleman from Illinois ought to be allowed under the circumstances to make his statement in his own way.

Mr. TOWNSHEND, of Illinois. I hope, Mr. Speaker, I shall not be interrupted. I am perfectly willing to be asked any question after I am through by any gentleman on either side. But I hope I shall be permitted first to finish my remarks.

Mr. BREWER. If the debate is to be extended I shall object.

The SPEAKER. The gentleman has not indicated to the Chair that he desires any extended debate.

Mr. BREWER. A suggestion that the gentleman made seemed to me to imply that.

Mr. TOWNSHEND, of Illinois. I am simply speaking in explanation of my own position and in advocacy of the proposition introduced by the gentleman from New York. I will say, as my attention has been very kindly called to it in a side remark by my friend from Michigan, [Mr. BURROWS,] that I have no desire here to say anything that will excite or anger any gentleman. I know that I am sensitive when any reflection is cast upon the integrity of my motives. I confess that I am sensitive under any imputation upon the motives governing my public or private actions. Mr. Speaker, I would not respect any man who is not sensitive when his honor or integrity is assailed. He who would not resent an unjust imputation upon the integrity of his motives, or is callous to a charge of having acted in bad faith or done that which will not admit of the most explicit explanation, is a man unworthy of the fellowship of the better class of gentlemen who occupy seats on this floor. He is one who is only fitted for companionship with the base and the degraded.

I may have shown too much warmth, but it was only because of the rectitude of motives and a consciousness in my own heart I was innocent of any charge of impropriety, and because I had been brutally and unjustly assailed. Under these circumstances I was provoked to resent the imputation in the language which I employed on last Tuesday, and which I am perfectly willing to say here I have not a single word or syllable to retract, but propose to stand by my utterances on that occasion.

What is the charge which has been brought against me? Am I charged with having brought in a bill for the purpose of subsidizing some overgrown monopoly? Am I charged with bringing in a bill here under false colors, which would give from the national Treasury the public funds to a private individual, by which I might possibly gain profit? No, sir. The bill I have brought in has been read at the Clerk's desk. Does it embrace a revision of the large number of pages of the Revised Statutes which the gentleman from Pennsylvania said involved the tariff laws? There are only three articles touched in that bill. One is to relieve salt from taxation; another is to relieve from tax all printing-paper and materials entering into its manufacture; and the other is to relieve all printing-type from taxation and place said articles on the free list. That is what there is in the bill. It is simply to relieve the poor man's bread from an onerous burden and to relieve knowledge from taxation. That is all there is in that bill.

Mr. FRYE. Will the gentleman yield to me a moment?

Mr. TOWNSHEND, of Illinois. Not now.

Mr. FRYE. Then I call the gentleman to order and demand the regular order shall be proceeded with. The gentleman is discussing the question of the tariff. I understood him to rise to a matter personal to himself.

The SPEAKER. The Chair accorded to the gentleman from Illinois (under the circumstances, having introduced the bill in controversy) the floor in order that he might have an opportunity of placing himself in such manner as he might see fit before the House. That is all. A point of order is made against the gentleman, and he must speak to the subject of the proposition.

Mr. TOWNSHEND, of Illinois. I am addressing myself as closely as I can to it, and I was simply endeavoring to show my motives in bringing this bill before the House, and the propriety of my friends on this side agreeing to the proposition of the gentleman from New York, so that we may have a square vote on this bill. I hope my friends will bear with me, because I do not wish to say anything that will be unfair to any one on either side, but I wish to put the matter in a fair, just, and intelligent manner before the House and country.

On last Tuesday I was sought to be assailed through a correspondent of the New York World. The article which was then read at the desk was presented as an indictment against me for bringing in and having referred this bill. I allude to this article:

THE PROTECTIONISTS OUTWITTED.
[Special dispatch to the World.]

WASHINGTON, March 22, 1880.

Mr. TOWNSHEND, of Illinois, very cleverly outwitted the anti-reform tariff men and the Ways and Means Committee of the House to-day by getting a tariff bill referred to the Committee on the Revision of the Laws, of which he is a member. His bill bore a very simple title, proposing to amend a section of the Revised Statutes, and when the title was read no one, not even CONGER, suspected the real purpose of the bill, which was to admit, free of duty, salt, paper, printing machinery and types, and all chemicals entering into the composition of paper. Heretofore all efforts to refer tariff bills to committees other than that on Ways and Means have met with formidable opposition by the republicans and democratic protectionists, together with that other class of democrats who prefer not even indirectly to vote a lack of confidence in the leading committee of the House. To-night the tariff reformers are rejoicing over the success of TOWNSHEND's scheme, while the protectionists and those averse to any change in the tariff laws at this session are correspondingly perplexed. There is no doubt that the Committee on the Revision of the Laws will favorably report Mr. TOWNSHEND's bill at the earliest opportunity, and as the desire has been all along simply to get some tariff proposition before the House, it will matter little now whether or not the Ways and Means Committee does anything at all this session.

A gentleman on this floor made the inquiry "who had caused that dispatch to be sent to the New York World;" and I have seen it stated in some paper that I had inspired the dispatch mentioned, or

had something to do with sending it. I wish to state that I never met the correspondent of the New York World but once in my life of which I have any recollection whatever, and that was something like a month and a half ago, when he called on me to know what was the nature of the bill I had introduced relating to the election of President and Vice-President of the United States. That is the first and last time I ever met that gentleman to know him. I will say further, I have no recollection of mentioning that bill to any one until the day the attack was made on me, save to one or two gentlemen who were of my Committee on the Revision of the Laws, and then only incidentally, without any desire to boast of it; nor did I in any manner seek or desire that any newspaper correspondents should give me credit for what I had done. As the New York World has been alluded to, and as I shall base my remarks hereafter on the point which has been raised therein, I desire the Clerk to read the extract I have marked.

The Clerk read as follows:

The evidence furnished in the House yesterday that Mr. GARFIELD reads the World promptly and carefully is very gratifying to us. It would be still more gratifying, however, if with it came proof to show that Mr. GARFIELD lays to heart the lessons which he finds in the World. But he was far from giving us such proof yesterday. When Mr. TOWNSHEND, of Illinois, dealt with the tariff before the House by its number, as the apostle dealt with the beast in the Apocalypse, he had a right to assume that Mr. GARFIELD would know what he was talking about. How otherwise are bills to be known than by their numbers? Mr. TOWNSHEND's bill was read by its title, as all other bills are read. It was not requisite, nor would it have been decent, for Mr. TOWNSHEND to proclaim, for the edification of his ignorant fellow-members, by sound of trumpet, that his resolution referred to the tariff. It referred to the title under which the tariff is printed in the statutes. If men who support the tariff understand the tariff, how is it that they do not know the place of the tariff among our statutes? It was the business of the protectionists, and very specially of the members of the Ways and Means Committee, of which Mr. GARFIELD is a shining ornament, to know what the title of the tariff is. Mr. GARFIELD and his coadjutors have nobody but themselves to blame if the monopolists whom they represent have been caught napping by a resolute reformer, and their attempt to prevent the opening of the question of tariff reform by falsifying the record of the House is more objectionable, not only than anything of which they pretend to accuse Mr. TOWNSHEND, but than anything done even by Mr. GARFIELD heretofore in the House.

Mr. TOWNSHEND, of Illinois. This is an editorial in that paper of yesterday. Now, Mr. Speaker, when I was interrupted by my friend from Maine, I desired further to remark that none but the most reckless prevaricator, none but a person entirely destitute of truth would insinuate that I could in any possible manner put dishonest money in my purse by the passage of the bill which has been presented. The bill will operate mainly in the interest of the weak and of the poor, of those who are unable to reward me pecuniarily. It is not a bill to subsidize some powerful monopoly; its purpose is to destroy monopoly. The only reward that I can ever have hereafter for the action I have taken is the consciousness that I have faithfully endeavored to discharge my duty. And while that might be regarded as an insignificant consideration to those who have grown wealthy under the tariff laws, I desire to say, Mr. Speaker, that I value it more highly than I would the most splendid jewel in the crown of England's Queen.

Now, the question before the House finally will be whether the bill which I introduced shall be taken from the Committee on the Revision of the Laws and referred to the Committee on Ways and Means. But before we reach that question there is one which I desire to discuss; it is that which relates to bringing that bill into the House and asking its reference to the Committee on Revision of Laws. I have done nothing unusual, nothing inadmissible by the rules and practice of the House, nothing that will not be justified after the most careful and searching scrutiny of any fair-minded man on or off this floor. What have I done? I have introduced that bill into this House. Can any man on this floor question my right on Monday to introduce a bill as a member of this body, holding, as I do, equal authority here with the oldest or the youngest member? When I presented and sent, after the call of my State for bills, that one to the Clerk's desk, I had a right to do so. I then asked that it be referred to the committee already mentioned. This is the right, Mr. Speaker, that is exercised by every gentleman on this floor. I clearly have the right to request the bill be sent to the committee that I preferred, in order that it might be perfected and reported. The question then remained as to whether the bill should be given to the committee desired by me, and it was referred by those having authority to the Committee on the Revision of the Laws. It was done in the open House, and no member made any objection whatever.

But it is said I gave no indication in the title of that bill as to the subject-matter of it except by numerals, and that is the gravamen of the charge which has been made against the bill and against me for so drawing it. In response to that, Mr. Speaker, let me say that I have done nothing unusual in this respect. The title of the bill was "to revise and amend sections 2503, 2504, and 2505, title 33 of the Revised Statutes of the United States." Gentlemen say that they did not recognize what was the nature of that bill when the title was read from the Clerk's desk. That is no fault of mine; it is a reflection upon their intelligence. There are gentlemen on this floor whose whole official duty, or nearly their entire duty, is concentrated in the business arising under title 33 of the Revised Statutes. The ordinary member is aware, or ought to be aware, of the fact that title 33 relates only to customs duties, and yet it is confessed by gentlemen on the Ways and Means Committee that they knew nothing of the nature of the bill by its title. If the gentlemen on that committee are capa-

ble of dealing with questions of the tariff they certainly ought to remember the title of the law under which they are acting. Here was a bill relating exclusively to title 33, and which title relates only to the tariff, and yet they openly state that they did not know the nature of the bill, and therefore did not object to its reference to the Committee on Revision of Laws.

Now, it has also been stated here and repeated that the bill should state by its title the substance of the law affected, and that it was an unusual method of procedure not to indicate its subject-matter in the title, and that therefore I have been guilty of practicing deceit by bringing in a bill here which failed to comply with that condition. It is spoken of by some gentlemen with holy horror as an unprecedented, an improper thing for me to do. Is it wrong to simply describe the act I desire to repeal by the enumeration of the sections and the title of the statutes to which it relates? If it is, the wrong has grown into such a frequent practice that it is now an unwritten rule. I hold in my hand ninety-seven bills introduced into this present Congress, every one of them having a title upon them exactly of the same nature as the title I put on the tariff bill which has provoked all this discussion. Ninety-seven bills into this Congress have been introduced by gentlemen on both sides of the House, and if you examine the titles you will find the same description exactly as that made by me in the title of the bill which I introduced.

Mr. CONGER. Were they all referred to the appropriate committees?

Mr. TOWNSHEND, of Illinois. I hope the gentleman will not interrupt me until I finish my statement.

Mr. CONGER. I only desire to know whether the bills to which the gentleman refers were all appropriately referred.

Mr. TOWNSHEND, of Illinois. I will meet that question as I proceed. I will say now, however, and demonstrate it hereafter, that they were not all properly referred. Ninety-seven times during this session has the House permitted this to be done, and yet a howl is raised against me for doing this same thing this one time. And why? Because my bill would remove the tax from the poor man's salt, and the tax on paper and type in the interest of the dissemination of knowledge.

Mr. Chairman, the bills to which I have referred are here in my possession. I will read the title of some of them. About the first one that I lay my eyes on is one to which I wish to call special attention on account of some remarks made by a friend of mine on the other side in debate yesterday. I refer to the gentleman from Pennsylvania, [Mr. KELLEY.] He knows well that I have great personal regard for him and nothing but good-will toward him. I have always respected him for his eminent abilities, and respected him for his integrity of character and for his desire to deal justly with all men. When the gentleman on yesterday criticised with some severity the action I am charged with in presenting this bill and having it referred to the Committee on the Revision of the Laws, I must confess that I was surprised; for when I saw my venerable and venerated friend rise from his seat, I thought, as he is generally so full of the milk of human kindness, that he would view my action in the light of fair dealing and justice. But I soon found that he intended to indulge in unfair and unkind criticism upon my conduct.

I was sorry afterward that I was not more mindful of what perhaps would have saved me from the castigation which he indirectly inflicted upon me. I felt then that I should have gone to my friend before he rose from his seat and stated that there was no "pig-iron" in this bill, but that it was entirely for the benefit of the poor and suffering of his own and other districts. Had I done this, I believe instead of indulging in such criticisms of my actions he would have risen from his seat and called me blessed for endeavoring to accomplish so humane a purpose.

Mr. KELLEY. Will the gentleman allow me to respond now to that insinuation.

Mr. TOWNSHEND, of Illinois. Wait until I have finished.

Mr. KELLEY. I would like to make a response now to that.

Mr. TOWNSHEND, of Illinois. I cannot yield now to the gentleman.

Mr. VALENTINE. I desire to ask whether this is proceeding by unanimous consent?

Mr. TOWNSHEND, of Illinois. I have the floor by recognition of the Speaker. I desire to follow in the footsteps of the gentleman from Pennsylvania, [Mr. KELLEY.] I have a bill introduced by him on the 9th December last—

Mr. VALENTINE. I rise to a question of order. I desire to know if the gentleman from Illinois is proceeding by unanimous consent?

The SPEAKER. The gentleman from Illinois was allowed to make, as it were, a personal statement. The Chair thinks he should make that personal statement in his own way.

Mr. VALENTINE. Is the gentleman entitled to the floor to keep all other members off it?

The SPEAKER. The Chair will read the following from the Digest:

When unanimous consent has been given for a personal explanation the member cannot be interrupted by a single objection. When the privilege (of making personal explanation) is given, the member must confine his remarks to the matter upon which he has been criticised, and in regard to which he has asked consent to make a personal explanation.

Mr. VALENTINE. Was unanimous consent asked and obtained?

The SPEAKER. There was no objection, and the gentleman from Illinois has been proceeding for some time.

Mr. VALENTINE. I know that; but I want to find out under what rule he is proceeding.

The SPEAKER. Under the rule and practice of the House which permit personal explanations, and because the gentleman from New York [Mr. FERNANDO WOOD] yielded the floor for such explanation. Mr. TOWNSHEND, of Illinois. I was about to remark that being a young member and looking for guidance in the drafting of bills and other legislative action, I felt I would be warranted in following the example of one who has for so long shown his skill in drafting bills. I have discovered that my friend from Pennsylvania [Mr. KELLEY] has introduced many bills into this House; and among them I find one which I will now read. If this House finds any ground for unkind criticism of me it should not forget that I have in this particular followed closely in the footsteps of the gentleman from Pennsylvania. Let me read the title of the bill he brought in on the 9th day of December last:

To amend section 2981 of the Revised Statutes of the United States.

No member was informed by that title whether the section related to the judiciary or the revenue.

Mr. KELLEY rose.

Mr. TOWNSHEND, of Illinois. I ask the gentleman not to interrupt me.

That is one of the bills introduced by the gentleman from Pennsylvania to which the gentleman gave no clearer title indicating its character than I gave to the bill which has provoked so much discussion.

Mr. KELLEY. Give me the number of that bill.

Mr. TOWNSHEND, of Illinois. It is No. 2552. I will allow the gentleman to take the bill, [sending it to Mr. KELLEY.]

Mr. KELLEY. I am obliged to the gentleman.

Mr. TOWNSHEND, of Illinois. That is not the only bill the gentleman has brought into this Congress of which the title does not indicate the purpose for which the bill was brought in except in numerals. I have here bill No. 3943, introduced by that gentleman on the 26th day of last January. The title of that bill, introduced by the gentleman from Pennsylvania, long after these new rules were under discussion in the House, reads as follows:

To amend sections 3694 and 3695 of the Revised Statutes.

Can any man on this floor tell me now to what those sections relate? I apprehend gentlemen who have positions on committees having jurisdiction over those sections could immediately answer me what the bill related to. I will pass this bill also to the gentleman from Pennsylvania.

I hold in my hand two bills presented by my friend from New York, [Mr. FERNANDO WOOD,] the chairman of the Committee on Ways and Means, and the titles of those bills are of the same description as the title of my bill. The title of one of them is:

To amend section 2505 of the Revised Statutes.

That is all there is in the title. I will not stop to enumerate others.

My friend from Minnesota, [Mr. DUNNELL,] of the Committee on Ways and Means, and my friend from Virginia, [Mr. TUCKER,] and Mr. FRYE, of Maine, and other members of this House have brought in bills of the same character. I wish to say before leaving this batch of bills that the gentleman from New York [Mr. STARIN] introduced a bill the title of which you will find upon examination is word for word and figure for figure the same as the title of the bill I introduced. It is a bill to amend the same sections and the very same title. Such has been the frequent practice in all former Congresses as well as in this.

Mr. VALENTINE. Where was that bill sent to? Was it not sent to the committee to which it ought to go under the rules?

Mr. FRYE. Was it not sent to the Committee on Ways and Means?

Mr. TOWNSHEND, of Illinois. I propose now to answer the question so anxiously asked from that side of the House. Gentlemen, when they are driven from the position that no deception is practiced by not mentioning in the title of the bill the exact character of the law that is to be repealed, fall back on this position: that the bills with titles of this description which were introduced were referred to the committees to which they belong. That is what I know my friend from Pennsylvania [Mr. KELLEY] would answer, that he referred those bills to the committee to which they belong.

Mr. KELLEY. That is the answer I shall give when you permit me.

Mr. TOWNSHEND, of Illinois. I shall candidly do him the justice, then, of anticipating his answer; and I want to address myself to that question as bearing on the very question before the House. A gentleman brings in a bill here. What is the first question he asks himself? It is: "To what committee shall I ask that this bill be sent?" Following his own judgment he says: "I will send this bill to the Committee on the Judiciary," for instance. He sends it there. It is his opinion that it belongs to the Judiciary Committee. But is there a member on this floor who has never found in his own experience or in the experience of others that mistakes in judgment have been made in giving direction to bills? It is often very difficult to determine to what committee a bill especially belongs. Indeed, we often find that bills are of a nature which will admit of reference to any one of several committees. Upon this point I desire to have read an extract from the remarks of the gentleman from Kentucky, [Mr. CARLISLE,] I will have it read, because I regard him as the peer, if not the

superior, of any one here or elsewhere upon American parliamentary law and practice.

The Clerk read as follows:

Therefore, it is the latter part of the amendment alone to which the objection seems to be urged. There are three, perhaps four, committees of the House to which this subject-matter might have been referred, not improperly, the Chair thinks. It might have been referred to the Committee on the Judiciary, because it relates to the courts of justice and to the proceedings in the courts. It might have been referred to the Committee on the Revision of the Laws, because it relates to a change of part of a certain statute. It might have been referred to the Committee on Elections, as it was in fact, because it affects the manner of electing members of Congress. Or perhaps it might have been referred to the Committee on Expenditures in the Department of Justice, because it relates to a reduction of the number and salaries of the officers who are appointed under that Department.

Mr. TOWNSHEND, of Illinois. I wish now to call the attention of the House to some of these bills that I hold in my hand, the most casual reading of which will show any one that they were referred to improper committees; bills, too, entitled in the same manner that my bill was entitled. The first is a bill introduced by the gentleman from Nevada, [Mr. DAGGETT.] The simple title of that bill is "A bill to amend section 2326, title 32, of the Revised Statutes." The bill relates alone to the jurisdiction of the courts in mining cases. What did he do with that bill? All will concede that the bill properly belongs to the Committee on the Judiciary, because it relates to the jurisdiction of the courts. But what did he do with it? He sent it to the Committee on Mines and Mining. Did any gentleman on this side of the House get up here and accuse him of practicing a deception upon this House because he preferred to refer that bill to the Committee on Mines and Mining, instead of the Committee on the Judiciary?

I have in my hand another bill, one introduced by the gentleman from New York, [Mr. VAN AERNAM.] It is a bill entitled "A bill to amend section 4693 of the Revised Statutes." That is all there is of the title. To what does the bill relate? It relates to the subject of pensions, and in my judgment should have gone to the Committee on Invalid Pensions. But what did my friend from New York do with it? Did he send it to the Committee on Invalid Pensions? No, sir; he sent that bill, relating to the subject of pensions, to the Committee on the Judiciary. Did any man on this floor rise in his place and arraign him on a charge of deception for having sent his bill to a wrong committee, because he perhaps preferred the Judiciary to that of the Pension Committee?

I will not waste further time of the House by enumerating the large number of other bills which I hold in my hand, and which as clearly belong to committees other than those to which they were sent.

I come now to another point, which I know is in the minds of some of these gentlemen here. It is whether I did not send the bill I introduced to the Committee on the Revision of the Laws rather than to the Committee on Ways and Means, because I did not wish to place it in the care and keeping of that committee. A word or two on that question, and I will be done.

Before answering that question, I desire to say that many members on this floor agree with me in judgment that this bill can very properly be sent to the Committee on the Revision of the Laws as well as to the Committee on Ways and Means. The duty of the Committee on the Revision of the Laws is to revise the laws. What is the meaning of the word "revise?" Refer to Worcester's Dictionary and you will find the meaning to be this: "To review with a view to correction and amendment." That is part of the definition of "revise." Now, in order to avoid the accusation of having practiced a deception on this House, I took the precaution not to rely alone on the definition of the word "revise," but in the very title of my bill I advertised this House of the fact that I desired not only to revise the sections of the statutes referred to but to "amend" them, as the title of the bill will show. If the Committee on the Revision of the Laws has no authority to amend the laws, why did no gentleman object to sending that bill to that committee? It is a principle of parliamentary practice, fundamental in its nature, that bills in their preparatory stages should be intrusted to friendly hands; in other words, that the preparation of bills should be first intrusted to friendly committees in order that they may be perfected for the final action of the legislative body.

Mr. DUNNELL. Will the gentleman allow me a question?

Mr. TOWNSHEND, of Illinois. Not now; wait till I get through. What was the first question which confronted me when I brought in that bill? I knew as well as I know that I am standing here that if I sent that bill to the Committee on Ways and Means it would be buried forever. I knew as well as I know anything that if I brought in that bill and sent it to the Committee on Ways and Means I would be sending it to a graveyard in which has been buried every bill in this Congress seeking reform in the tariff. Again I ask, what was the question with me? It was this: Shall I send this bill to that tomb of all bills upon this subject, or shall I put it in the possession of a committee that will not strangle it, that will not suppress it? I am one of those who believe that the Committee on the Revision of the Laws has the right, under the rules of this House, to consider just such a bill as this, and therefore, in order that the bill might live and be reported back to this House for the action of the majority of the representatives of the people, I asked that it should be sent to a friendly committee, and the House, not I alone, sent it there.

I know that bills touching the tariff have been sought to be sent to other committees, but the House has refused in two or three instances to grant the privilege, and sent them to the Committee on

Ways and Means. But, sir, because this House by false pretenses, or one technical pretext and another, has been led to send certain bills to that graveyard, should that deter me from using all legitimate and proper parliamentary expedients to save the life of tariff-relief bills by sending them to friendly committees?

Mr. FERNANDO WOOD. Mr. Speaker, I submit that the gentleman from Illinois is abusing the privilege for which he was accorded the floor. He has no right to make these gratuitous and unfounded comments upon the Committee on Ways and Means.

The SPEAKER. The gentleman from Illinois must confine himself to—

Mr. FRYE. Confine himself to what?

Mr. TOWNSHEND, of Illinois. Allow me to answer the remark of the gentleman from New York, [Mr. FERNANDO WOOD.]

Mr. BRIGGS. I rise to a question of order. I wish to know whether the gentleman has the right to assail a committee of this House by a charge of "false pretenses."

The SPEAKER. The gentleman has not that right. He is proceeding under consent granted, as the Chair has stated, for explanation of a personal character.

A MEMBER. Let him go on with his confession.

Mr. TOWNSHEND, of Illinois. One word in answer to the criticism made in regard to my views about the Committee on Ways and Means. Bills of this character have been before that committee for months, and no action has been reached upon them, and we have been informed that the committee not long ago decided not to change the tariff laws. I say that the conduct of the committee justified me in fearing that if my bill were sent to the Committee on Ways and Means it would be buried, and buried forever. Therefore I exercised what I believe to be my privilege and asked this House to refer the bill to the Committee on the Revision of the Laws. The House by its own act sent the bill to that committee. It was done in a fair and open manner. It was done in the same manner in which ninety-seven bills with titles using the same character of description that I have on my table were sent to committees during the present Congress. And I found on examination that such has been the practice in all Congresses of the past, or at least in all those Congresses of which the record has been examined by me.

In conclusion, Mr. Speaker, I want to say to my friends on this side of the House that the question now submitted is not one with regard to my own conduct; it is not a technical question as to whether the one or the other committee has the more rightful jurisdiction over this question. All such questions have disappeared from the issue. The result of our proceedings has brought us at last what we have so long coveted, a square vote upon the question whether there shall be free printing-paper, whether there shall be— [Cries of "Order!"]

Mr. FRYE. I call the gentleman to order.

Mr. TOWNSHEND, of Illinois. I hope that my friends on this side— [Renewed cries of "Order!"]

The SPEAKER. The gentleman from Illinois will suspend.

Mr. TOWNSHEND, of Illinois. I will merely say in conclusion that I desire this proposition shall be adopted and that— [Loud cries of "Order!"]

The SPEAKER. The gentleman will suspend.

Mr. KELLEY obtained the floor.

Mr. BLAND. Before this debate proceeds, I desire to ask the gentleman from New York [Mr. FERNANDO WOOD] whether he will allow to be added to his resolution one more proposition upon which we can have a separate vote. I take it every member desires to express himself distinctly by a yea-and-nay vote on this question. My proposition is—

Mr. KELLEY. I believe I have the floor.

Mr. BLAND. I submit this proposition for the consideration of the gentleman from Pennsylvania [Mr. KELLEY] and others, that there be added to the resolution of the gentleman from New York a provision that the Committee on Ways and Means be instructed to report the bill back within three weeks, so that each member of the House may vote directly upon the proposition. Let all these propositions be voted upon, and that will settle this question.

The SPEAKER. The Chair has recognized the gentleman from Pennsylvania, [Mr. KELLEY.] For what purpose does the gentleman rise?

Mr. KELLEY. For the purpose of replying, as I was promised I should have the opportunity of doing, to the personal allusions to me made by the gentleman from Illinois, [Mr. TOWNSHEND.]

The SPEAKER. How much time does the gentleman want?

Mr. KELLEY. I would like the same freedom in this respect the gentleman had, because my good faith was impugned by him. [Cries of "No objection!"]

The SPEAKER. The Chair thinks that the gentleman from Pennsylvania should be allowed reasonable time.

Mr. TOWNSHEND, of Illinois. I hope my friend from Pennsylvania will be allowed all the time he desires.

Mr. KELLEY. An appeal was made to me directly for an explanation of my action in presenting bills.

Mr. SIMONTON. Does this proceed by unanimous consent?

The SPEAKER. The gentleman from Illinois proceeded by consent to make a personal explanation. Now the gentleman from Pennsylvania states that he was reflected upon by remarks of the gentleman from Illinois in that personal explanation, and asks time to reply.

Mr. TOWNSHEND, of Illinois. I wish to say that I do not think it necessary for the gentleman to have unanimous consent. I think he has the right to be heard on the proposition before the House. I hope he will be permitted to go on.

Mr. SIMONTON. The gentleman from Illinois referred to other gentleman in the course of his remarks. Is each of these to have an hour for debate? I do not want to object, but—

The SPEAKER. The Chair understood that the gentleman from Pennsylvania wanted but three minutes.

Mr. KELLEY. No, sir, I did not ask for three minutes. I could not in three minutes repeat what the gentleman from Illinois said about me.

Mr. FRYE. I think you might reply to it in less time.

Mr. KELLEY. I ask to be permitted to go on without limitation. I cannot tell how long it may be necessary to occupy. I want to refer to what the gentleman said. I want to examine the bills presented by me which the gentleman has exhibited as presenting him an example which he was proud to follow. I cannot tell just how long I may take. Whether I shall permit questions will depend on the time allowed me. [Cries of "Go on!"]

Mr. CLARK, of Missouri. I hope the gentleman will be allowed to proceed.

Mr. KELLEY. Mr. Speaker, I desire first to thank the gentleman from Illinois for the opportunity he has afforded me of saying what I am about to say, and to reciprocate all he said touching the matter of mutual esteem. Until this transaction came to light there were few gentlemen on this floor for whom I had a higher personal regard, with no more intimate relations than existed between us, but I must confess that the coming to light of the matter now under consideration has changed my feelings from warmth to coolness and inquiry. Let me first refer to these bills the reference of which by me the gentleman says he accepted as an example. I desire to premise that until the adoption of the new rules there was no rule except that of general good faith requiring the reference of bills to particular committees. Good faith demanded either such a title to the bill as should give notice of its character or such a reference as should carry it to the committee charged with the business to which it referred. These bills were submitted under the old rules, and there might in the absence of a specific rule have been excuse or apology if I had failed to send them to the right committee. But, sir, the new rules, not yet a month old, and in maturing which we spent so many weeks, I might say months, give a specific lawful direction to every bill. These rules are part of the law and members of this House are bound by the oath they have taken to submit to and maintain them.

Now what is in the very forefront of these rules, just adopted after so much deliberation?

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

1. To the election of members: to the Committee on Elections;
2. To the revenue and the bonded debt of the United States: to the Committee on Ways and Means.

Can language be plainer than this? Is there a school-boy of nine in any of our families who on reading that provision would not know that to refer a bill touching the revenues to any other committee than that on Ways and Means was a violation of the law of the land? And I apprehend the general legislative intelligence of the gentleman is quite equal to that of the general lads of the country of nine years of age. [Laughter.]

I have said these bills, Mr. Speaker, were introduced before the new rules were adopted; but let me add they were referred as the new rules require. No one complains of the title of the gentleman's bill as it stands alone; the complaint is against the title coupled with the fact that he referred it to a committee which he avers he knew under the rules it should not be sent to. There is the distinction between his bill and those I presented and referred to the Committee on Ways and Means. Let me prove this. The bill of January 26 proposes that so much of section 3694 of the Revised Statutes as provides that the interest on bonds which have been or which may hereafter be held and which have been or may hereafter be canceled under the provisions of section 3695 of said statutes be repealed, &c. To what committee was it referred? To the Ways and Means—the committee charged with the consideration of the revenues and the bonded debt of the country. The bill of December 9 was also referred to the Committee on Ways and Means. And what are its provisions? That section 2981 of the Revised Statutes be amended so as to read as follows: That whenever the proper officer of the customs shall be duly notified of a lien on freight, or imported goods, wares, or merchandise in his custody, he shall, before delivery of such goods, &c. Does not the text of these bills show my loyalty to the rules; the principles of the old and the text of the new? And how can any man having his wits about him plead them as a precedent for such a fraud as, in my opinion, is involved in the matter now under consideration?

Sir, if it be honorable for gentlemen to give a false designation to a bill, I mean to refer it to a committee from which its reference is prohibited by the rules of the House, we must, as matter of self-protection, have every bill read. The designation of a committee is a matter of honor and fidelity to the body of members as well as to the law. When a bill is sent to the Clerk's desk by a member of this House

and its title is not given by reference to its provisions, the committee to which it is proposed to refer it is accepted on the honor of the proposer, which is pledged that his reference is to the committee to which the rules require it to go; and if that honorable pledge be violated, we will have to expand Monday into Tuesday, and possibly into Wednesday, in order to have all bills read at the desk to see whether any member is practicing artifice to get a bill to an inappropriate committee.

Now, sir, what was the bill of the gentleman? He says it was to give people cheap salt and cheap paper. Was it only this and nothing more? Its title declared it to be a bill to revise and amend sections 2503, 2504, and 2505 of the Revised Statutes. That was its title, and it carried with it jurisdiction over the entire tariff system. It confided to the Committee on the Revision of the Laws the work of revising and amending the tariff of the United States, interwoven as its provisions are with every industrial interest of the country, with the capital embarked in every species of productive industry, and with the wages of every laborer employed in any of its infinitely diversified branches.

Mr. TOWNSHEND, of Illinois, rose.

Mr. KELLEY. The gentleman would not permit me to interrupt him, and what was sauce for a poor goose may be sauce for as sturdy a gander as he. [Laughter and applause.] I beg him to let me proceed.

Mr. TOWNSHEND, of Illinois. I wish to correct my friend, that is all. He misrepresents my bill.

Mr. KELLEY. I decline to yield.

Mr. TOWNSHEND, of Illinois. I do not wish to interrupt the gentleman, but I wish to correct him.

Mr. KELLEY. I wanted to do that with you, and you would not permit me. I have quoted the title of your bill.

Here are the Revised Statutes. I find section 2503 on page 459, and I find section 2505, concluding near the foot of page 489, the bill included just thirty pages, in which provisions of a line or less than a line often contain the law under which some particular industry has adjusted itself to the trade of the country and the world. A more sweeping bill was never introduced on this floor than that of the gentleman, or one more vital to the poor people who use school books and who read cheap newspapers and toward whom the gentleman's pretended sympathies gush out in his remarks on this floor.

Now, sir, I affirm that the gentleman's bill went to promote the interests of three classes of people that are protected by agencies un-repealable by Congress and more potent than any statute can give.

First, newspapers. You can not have a New York paper printed in Belgium where the cheapest papers and types are to be had. It must be printed in New York, and you cannot have a paper in the small towns on our Western frontiers printed elsewhere than at home, where they can get the local news of the day and the current advertisements. Gentlemen engaged in this industry came to us to talk of paper.

Mr. NICHOLLS. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. NICHOLLS. My point of order is that the gentleman from Pennsylvania has no right to go into the discussion of the merits of the bill presented by the gentleman from Illinois, in making a personal explanation.

The SPEAKER. The Chair thinks the gentleman from Pennsylvania has no right to discuss the merits of the bill.

Mr. FINLEY. If we are going to accept this compromise it had better be done at once, in order that we may proceed to the consideration of the appropriation bills.

Mr. KELLEY. I have only two other points on which I wish to speak. The gentleman spoke of bills having been referred by "mistake." Does he pretend that he referred this bill by mistake?

Mr. NICHOLLS. I insist upon my point of order.

The SPEAKER. The Chair thinks the gentleman is going beyond the question of personal explanation.

Mr. KELLEY. No, sir.

The SPEAKER. The Chair made the same restriction on the gentleman from Illinois.

Mr. KELLEY. When I say "no, sir," I only submit respectfully that I am not going beyond what has been said by the gentleman from Illinois. He spoke of the Committee on Ways and Means, and I am simply responding.

The SPEAKER. That is not in controversy.

Mr. KELLEY. Yes, sir, he assailed that committee. He charged it with indifference to the interests of the people. He charged it with smothering bills in the committee, while I am ready to stand here and affirm that no committee of this House is working more laboriously, more conscientiously, or more beneficently for the interests of the country.

Mr. FINLEY. Mr. Speaker—

Mr. KELLEY. He spoke of that committee as being a graveyard for bills—

Mr. FINLEY. Mr. Speaker, I do not desire to be discourteous—

Mr. KELLEY. I was simply proceeding to say in response to the remark of the gentleman from Illinois—

Mr. FINLEY. I do not desire to be discourteous, but the gentleman rose to a question of personal privilege.

Mr. KELLEY. I stated that I desired to answer the personal statements contained in the remarks of the gentleman from Illinois.

Mr. FINLEY. My point is this, that the gentleman rose to a question of personal privilege. Now, I claim that we are spending valuable time here and if we are going to settle this compromise matter let us do it at once in order that we may get to work.

Mr. KELLEY. I hope I will be allowed five minutes' time.

Mr. TOWNSHEND, of Illinois. I hope the gentleman from Pennsylvania will be allowed to proceed.

Mr. KELLEY. I only want five minutes. In view of the charge made by the gentleman from Illinois, that the Committee on Ways and Means is a graveyard for bills, he asked what, under these circumstances, was the question for him. I will answer the gentleman's question. The question for him was what does the rule which I have sworn to maintain require at my hands. That was the sole question before him, and when he answered that question in such a way as to permit him to violate a plain and peremptory rule he made what I trust may prove to be the gravest mistake of his life. He reached a conclusion, he said, which justified him in fearing that if he sent the bill to the Committee on Ways and Means, as the law required, it might not be treated as he wished. Sir, no gentleman has the right to violate the law of the land. No gentleman has the right to put every member of this House on the watch as to the purpose and character of every bill he may introduce.

Mr. McMILLIN. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. I say this cannot be perverted into a channel for the castigation of any member.

Mr. KELLEY. I have not castigated him. He made an attempt to castigate me.

Mr. McMILLIN. I admit he has not done it, but the gentleman is attempting to do it. That cannot be done.

Mr. KELLEY. Is it manly to castigate an old man like me and not permit him to reply to the boy who attempted it?

Mr. McMILLIN. If the old man complains of any improper action on the part of boys the best way for him to resent it is to set them a good example.

Mr. KELLEY. Do you believe that if a man be fairly challenged to discussion, and his motives be assailed, as mine were, when the House was told that if I had been assured the bill did not touch pig-iron I would have been sweet and courteous—[laughter]—do you believe challenges of that kind are not to be responded to? Is it chivalry, is it honor, is it manhood to prevent a reply?

Mr. McMILLIN. Manhood! Mr. Speaker, [laughter and cries on the republican side of "Oh!"] manhood, sir, on this floor is the observance of its rules. [Applause and laughter on the republican side.]

Mr. KELLEY. So I say. I cry amen to that just remark. [Applause on the republican side.]

Mr. McMILLIN. In support of my point of order I wish to say when a gentleman rises to a personal explanation—

Mr. CONGER. I object to more than one gentleman attacking the gentleman from Illinois.

Mr. McMILLIN. When the gentleman from Pennsylvania obtains the floor for the purpose of making a personal explanation, he must confine himself to what has been said concerning him, and cannot go outside of that.

The SPEAKER. The Chair thinks that is a correct construction.

Mr. KELLEY. I would like to ask the gentleman from Tennessee [Mr. McMILLIN] himself whether he believes the suggestion that the fact that it did not touch pig-iron would have swayed my judgment was not something to be replied to—such a suggestion?

The SPEAKER. That is not the point of controversy.

Mr. KELLEY. It was an aspersion thrown on my character as a man.

The SPEAKER. The gentleman from Pennsylvania will please to confine himself to the matter of personal explanation.

Mr. KELLEY. When I find, according to the view of the gentleman from Tennessee, that I may not reply to personal assaults, I am at a loss to know what is regarded as personal.

Mr. McMILLIN. I want to set myself right with the gentleman from Pennsylvania. [Cries of "Regular order!"] There is no man in the world who would more reluctantly interpose to prevent any member on this floor from setting himself right before the country than I. That was not my purpose. But when the gentleman wandered from what pertained to himself, I made the point of order.

Mr. FERNANDO WOOD rose.

Mr. BLAND. I now desire to offer my amendment.

The SPEAKER. The Chair has recognized the gentleman from New York, [Mr. FERNANDO WOOD.]

Mr. HERR. I rise to a question of personal privilege. I rise on account of a remark of the gentleman from Illinois in reply to a gentleman who is absent from the House, which did him great injustice. And I wish to say to the Chair also that I desire to call the attention of the gentleman from Illinois directly to some difficulties which I have in the matter to which he has referred and which I should like to hear explained.

Mr. TOWNSHEND, of Illinois. What gentleman from Illinois does the gentleman refer to?

Mr. HERR. I refer to you, and to what you said of the gentleman from New York, [Mr. STARIN.]

Mr. TOWNSHEND, of Illinois. Mr. STARIN is here, and came to my desk a moment ago.

Mr. HERR. He was not here when the gentleman from Illinois attacked him. [Cries of "Regular order!" and "Give him ten minutes!"]

The SPEAKER. The gentleman from New York [Mr. FERNANDO WOOD] is on the floor.

Mr. FERNANDO WOOD. It is very obvious from the character of this debate that it is wandering very widely from the disposition which has been manifested on both sides of the House to remove from this House all further trouble growing out of this question. Therefore I renew my proposition that the three Journals now unapproved be approved, and that the House shall be brought directly to the resolution that the bill referred to be taken from the Committee on the Revision of the Laws and referred to the proper committee under the rules, the Committee on Ways and Means.

Mr. CONGER. I demand the regular order.

Mr. BLAND. I object to the consent being given which is asked by the gentleman from New York until I have my proposition read.

The SPEAKER. Does the gentleman from New York yield to have the proposition of the gentleman from Missouri read?

Mr. FERNANDO WOOD. I do.

Mr. CONGER. I demand the regular order, and ask for a vote on seconding the demand for the previous question.

Mr. BLAND. I object to any proposition being entertained until that is read.

The SPEAKER. The Chair thinks the gentleman's objection comes in after the question has been considered.

Mr. FERNANDO WOOD. I desire to ask the Chair whether any gentleman on either side of the House objects to this proposition.

Mr. VALENTINE. I do.

The SPEAKER. The Chair thinks the proposition is before the House by consent. Nobody objected to it on its being read.

Mr. CONGER. The proposition had never been sent to the Chair, and I submit that the Chair cannot make any such ruling. I stood here demanding the regular order.

The SPEAKER. The Chair understood the gentleman from Michigan in demanding the regular order to refer to seconding the demand for the previous question on the proposition of the gentleman from New York.

Mr. CONGER. Oh, that can only be by unanimous consent, of course. The Chair will not disagree with me as to that. I demand now the regular order, which is the question pending yesterday on the proposition of the gentleman from Maryland, [Mr. McLANE.]

Mr. FERNANDO WOOD. As I understand the position of the matter, my proposition is before the House by unanimous consent.

Mr. CONGER. I deny that it is before the House by unanimous consent. It never has been sent to the Chair.

Mr. FERNANDO WOOD. I call the previous question on the adoption of my resolution.

The SPEAKER. The Chair thinks the proposition was fully discussed by the gentleman from Illinois, [Mr. TOWNSHEND,] and subsequently, in a measure, by the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. CONGER. The gentleman from Illinois rose to a personal explanation and interrupted any opportunity of submitting the question of unanimous consent to the proposition of the gentleman from New York. I object. And, if the Chair pleases, if it is to be held that the mere statement of a proposition, without unanimous consent being asked from the Chair, implies consent, then hereafter we must all be on our guard to object the very moment a member presents a proposition.

The SPEAKER. The proposition was in the nature of a motion.

Mr. CONGER. The gentleman required unanimous consent to make such a motion. It has not yet gone to the Chair.

Mr. PAGE. The gentleman from New York holds it in his hand yet.

Mr. FERNANDO WOOD. I asked unanimous consent of the House to submit a proposition. The gentleman from Kentucky [Mr. BLACKBURN] yielded to me and the House permitted me to submit a proposition which has been discussed for two hours.

Mr. CONGER. If it be necessary to prevent the proposition being entertained, I object now.

Mr. FERNANDO WOOD. It is too late.

Mr. CONGER. No, it is not too late.

Mr. FERNANDO WOOD. I demand the previous question on the proposition which I have submitted.

Mr. CONGER. How can the previous question be demanded on one proposition, when the pending question is the demand of the previous question on another proposition?

Mr. McLANE. I ask the gentleman from New York [Mr. FERNANDO WOOD] to allow me to call his attention—

Mr. FERNANDO WOOD. I will yield for a question, not for debate.

Mr. McLANE. I am not going to debate. Not asking a question, I want to say to the gentleman from New York [Mr. FERNANDO WOOD] that I understood the proposition he offered was to be accepted by consent. I want to ask him to take the trouble to inquire whether the resolution now pending is not itself unanimously accepted. I appeal to the gentleman from Kentucky [Mr. BLACKBURN] to know if he is not willing to close this matter by the adoption of the pending resolution?

Mr. BLACKBURN. Coupled with the condition contained in the

proposition of the gentleman from New York [Mr. FERNANDO WOOD] that the Journals of Monday, Tuesday, and Wednesday stand approved.

Mr. McLANE. I have no objection to that. With the permission of the gentleman from New York I desire the attention of the House for one moment. The pending resolution is found on page 27 of today's RECORD. That resolution has already been declared to be a question of privilege.

The SPEAKER. So declared by the House.

Mr. McLANE. Only by unanimous consent can anything now take its place. I submit to the gentleman from New York that the House is ready to adopt the pending resolution almost by unanimous consent; simply having the Journals of the proceedings of Monday, Tuesday, and Wednesday approved. Why should we again involve ourselves in a debate upon a so-called compromise?

Mr. FERNANDO WOOD. The proposition of the gentleman from Maryland [Mr. McLANE] is separate and distinct from mine in very many respects. But be that as it may, I submit that this is the only way in which both sides of the House can maintain their positions and this House again resume its duties in the legislation of the country. I therefore demand the previous question on the adoption of my proposition.

Mr. CONGER. I make the point of order that the House was proceeding to divide upon seconding the demand for the previous question upon a privileged proposition submitted by the gentleman from Maryland, [Mr. McLANE.] I object to the proposition of the gentleman from New York, [Mr. FERNANDO WOOD,] as I have done from the beginning, and I demand the regular order.

Mr. FERNANDO WOOD. It is too late for the gentleman to object.

Mr. CONGER. Well, we will try whether there is any virtue in the rules of the House.

Mr. BLAND. The gentleman from Michigan [Mr. CONGER] says that the House was dividing on some question. I have heard no question stated from the Chair this morning.

Mr. YOUNG, of Tennessee. As nobody else seems to want to say anything just now, I would like to make a few remarks. [Laughter and cries of "Go on!"]

Mr. FERNANDO WOOD. I hope the Chair will state the question.

Mr. YOUNG, of Tennessee. Am I recognized?

Mr. ATHERTON. On what subject do you propose to speak?

The SPEAKER. The point involved is whether the proposition of the gentleman from New York [Mr. FERNANDO WOOD] is before the House.

Mr. PAGE. How did it come before the House?

The SPEAKER. The Chair supposed by consent.

Mr. PAGE. I know a dozen men on this side of the House who were ready to object to it.

Mr. CONGER. There has been no proposition submitted to the House by the Chair. The gentleman from New York [Mr. FERNANDO WOOD] rose in his place and said that he had a proposition for a compromise which he would make, and which he proposed to offer. He made some remarks about it before he read it; then he read it and made some remarks afterward; but he never sent it to the Chair, and the Chair has not submitted it to the House, nor has the Chair asked consent of the House. The Chair has already stated that it requires unanimous consent.

Mr. BLAND. If the gentleman from New York [Mr. FERNANDO WOOD] will allow my amendment I will not object.

The SPEAKER. The Chair will cause the notes of the reporter to be read, so that the House may understand the condition of this proposition.

Mr. CONGER. I desire to add that while the gentleman was talking about his proposed resolution, the gentleman from Illinois [Mr. TOWNSHEND] asked leave to make some remarks, and the gentleman from New York [Mr. FERNANDO WOOD] waited for his remarks. The moment the gentleman from New York renewed his proposition, I called for the regular order. Now, I submit that there cannot be before the House a proposition, merely because there has been an offer of a proposition of compromise, which requires unanimous consent before it is sent to the Chair, and before the Chair has asked the House for that unanimous consent. It cannot be that such a proceeding will preclude me or any other member from withholding his assent from a proposition which requires unanimous consent. There must not be, there cannot be, that kind of a catch upon the House. The proposed compromise of the gentleman from New York is worse than the other proposition, about which we have been disputing, if it can be so.

The gentleman from Maryland [Mr. McLANE] demanded the previous question on a privileged proposition. While that demand was pending, other matters arose and have continued until the present time. The Chair at the time said that the pending question was the demand of the previous question upon the privileged proposition. Now, can any other proposition come in except by unanimous consent?

The SPEAKER. It is a question whether unanimous consent was granted or not.

Mr. CONGER. I desire to say to the Chair that members around me heard me say here this morning that whenever that proposition came up, so that there could be objection to it, I should object. There are a dozen of men here who have been waiting for my objection; and I say to the Chair that I intended to object.

The SPEAKER. The Chair is not going to take any "catch." The Chair is not familiar with the exact phrase which the gentleman used; but the Chair will not take any undue advantage.

Mr. CONGER. I do not refer to the Chair at all.

Mr. FERNANDO WOOD. When the House met this morning the gentleman from Kentucky [Mr. BLACKBURN] rose to a point of order with reference to the reading of the Journal. I immediately asked the gentleman to yield to me that I might submit a compromise proposition to the House. The gentleman did so. My proposition was read. Opportunity was given to every gentleman on the other side of the House to object. No gentleman did object. On the contrary, several gentlemen on this side and one or two upon the other side assented to it. The gentleman from Illinois asked me to yield the floor.

Mr. PAGE. Will the gentleman indicate any one on this side of the House who assented to it?

Mr. FERNANDO WOOD. It is immaterial whether there were all or a few.

Mr. PAGE. Can the gentleman designate any one?

Mr. FERNANDO WOOD. I yielded to the gentleman from Illinois by his personal request, he intimating to me that he intended to support the proposition.

Mr. TOWNSHEND, of Illinois. Which I did.

Mr. FERNANDO WOOD. He went on to make a speech for which I am not responsible. [Laughter.] He was replied to by the gentleman from Pennsylvania, [Mr. KELLEY,] a member of the Committee on Ways and Means. Several other gentlemen interposed. The gentleman from Michigan [Mr. CONGER] himself rose and made some statement to the House, but did not object. The proposition was before the House for its consideration and for its discussion. It was discussed, and it could not have been discussed had any gentleman objected, or if it had not been properly before the House for determination. I therefore hold that after two hours' discussion of this proposition the House should be brought to a vote upon it, so that we may resume our legislative duties. I demand the previous question.

Mr. YOUNG, of Tennessee. I desire to put to the Chair a parliamentary question.

Mr. BLAND. Mr. Speaker—

Mr. YOUNG, of Tennessee. I hope the gentleman will not interrupt me.

Mr. BLAND. I rise to a point of order.

Mr. YOUNG, of Tennessee. I desire to make a parliamentary inquiry.

The SPEAKER. One gentleman rises to a parliamentary inquiry, and the other to a point of order. The Chair recognizes first the point of order, and will afterward entertain the parliamentary inquiry of the gentleman from Tennessee.

Mr. CONGER. I have made a point of order and I ask the decision of the Chair upon it.

The SPEAKER. The Chair will then suspend all other recognitions.

Mr. CONGER. I ask that in furtherance of my point of order Rule IX be read by the Clerk.

Mr. FINLEY. As the gentleman from Michigan [Mr. CONGER] has discussed the point of order, I want to say one word in reply. This morning the House was in a condition to proceed with the transaction of business by a virtual compromise or settlement of our difficulties, which would have been satisfactory to all. Now, if the gentleman from Michigan desires to throw in a fire-brand and prevent the transaction of legislative business, the responsibility must rest on his head if for some time to come we should continue in the condition in which we have been for two days past.

Mr. CONGER. In furtherance of my point of order I desire to have read Rule IX declaring what are questions of privilege, and then I wish read clause 2 of Rule XVI.

Mr. FERNANDO WOOD. Mr. Speaker—

The SPEAKER. The gentleman from Michigan has risen to a point of order.

Mr. FERNANDO WOOD. But a point of order on something that is not before the House.

The SPEAKER. Does the gentleman from New York say that his proposition is not before the House?

Mr. FERNANDO WOOD. As I understand, the point of order relates to the question of privilege that was presented by the gentleman from Maryland, [Mr. McLANE,] which is not now before the House. My proposition of compromise is before the House.

The SPEAKER. That is the proposition to which, as the Chair understands, the point of order relates and on which the gentleman from Michigan desires to speak.

Mr. FERNANDO WOOD. I did not so understand.

Mr. CONGER. In support of my point of order, I submit in the first place that the House has decided the proposition of the gentleman from Maryland [Mr. McLANE] to be a question of privilege on the submission by the Chair to the House. This, then, is a question of privilege not only by the submission of it by the Chair to the House, but by the decision of the House itself. The gentleman from Maryland demanded the previous question upon it. Mr. Speaker, if you will look into the RECORD you will find that according to the repeated declaration of the Chair the pending question was on second-

ing the demand for the previous question. I refer to page 33 of the RECORD of this morning:

The SPEAKER. The Chair recognizes the gentleman from Maryland to demand the previous question.

The SPEAKER. The gentleman from Maryland demands the previous question. Mr. BLACKBURN. And pending that I move that the House do now adjourn.

Then follow various other motions. Further on, upon the same page, I read from the language of the Speaker:

The SPEAKER. The gentleman from Maryland [Mr. McLANE] demands the previous question on his resolution. As many as are in favor of ordering the previous question will say "ay."

Mr. SINGLETON, of Illinois. I move that the proposition of the gentleman from Maryland be referred to the Committee on the Revision of the Laws. I believe this is in order under the rules.

The SPEAKER. The Chair will entertain the motion of the gentleman from Illinois to commit. The question is on the demand for the previous question.

Now, Mr. Speaker, that being the situation, Rule IX provides:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

Now, Rule XVI, clause 2, reads as follows:

When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

In regard to the proposition of the gentleman from New York, whatever the proposition was from that gentleman, Rule XVI, paragraph 2, says positively it shall be stated by the Speaker, or, if in writing, be read aloud by the Clerk, and the Speaker shall cause it to be read aloud before being adopted, and it shall then be in possession of the House. Now the gentleman claims because he spoke about it, because he read it, because he commented upon it, it was in possession of the House for members to object to it or not. My point of order is, under the rule we should go on and second the demand for the previous question, and nothing else is in order except by unanimous consent. I object to anything else being in order except the vote on the previous question.

The SPEAKER. The Chair will cause the Clerk to read the discussion which occurred this morning when the gentleman from New York presented the proposition.

The Clerk read as follows:

Mr. BLACKBURN. I rose for the purpose of making the point of order that I made yesterday, that under the first clause of Rule I the only business now in order is the reading of the Journal of yesterday's proceedings.

Mr. FERNANDO WOOD. If the gentleman will yield to me, I desire to submit a proposition to the House.

Mr. BLACKBURN. I will yield to the gentleman.

Mr. FERNANDO WOOD. During my experience in this House I have on more than one occasion, probably twenty times, seen the House involved in a difficulty similar to the present one; and I have also always seen, after each side has struggled for a certain period, the difficulty amicably adjusted and the transaction of the proper business of the House renewed. Now, in view of the experience of the past two days' sessions I think the time has arrived when the members of this House, as sensible men desirous of prosecuting their legislative labors, should pause and come to some amicable adjustment of this question. It is after all but a technical difficulty, a technical difficulty which of itself is probably of little practical importance as affecting any result, yet it appears to me one of great magnitude so far as it operates to delay the business of Congress.

I therefore submit this proposition to the House, to both sides of the House, because upon this question I state heresincerely and distinctly that I hold a position not entirely in accord with that of either side of the House. I think this matter is susceptible of amicable adjustment, by which both sides can maintain their rights and the House can retain its integrity and its dignity. My proposition is that the Journals of Monday, Tuesday, and Wednesday be now approved, and that immediately thereafter and without debate the House will proceed to vote upon the following resolution:

"Resolved, That the Committee on the Revision of the Laws be discharged from the further consideration of House bill No. 5265, and that said bill be referred to the Committee on Ways and Means."

It does appear to me that by the adoption of this proposition we will accomplish all that we can accomplish if we continue the proceedings of yesterday through the entire session of to-day. The Journals of the preceding days of this week will be approved, and the House will be brought to a direct vote upon the proposition as to what reference this bill shall have, the bill being remanded back to the House, and the House then voting upon its reference. It appears to me that gentlemen on neither side of the House can object to my proposition.

Mr. BLACKBURN. Does that proposition carry with it the reservation of the right to a division of the question?

The SPEAKER. That would be regulated by the rules.

Mr. FERNANDO WOOD. I suppose that under the rules there are two distinct propositions in the resolution: first, to discharge the committee, and secondly to make a different reference; but I hope the gentleman from Kentucky will not embarrass the proposition by asking for any division whatever.

Mr. BLACKBURN. I have no disposition to embarrass that proposition or to delay the work of this House. The only point for which I and those with whom I have been acting have been struggling from the first was to protect the Journal of this House from alteration or mutilation. When that is secured, and the integrity of that Journal is guaranteed, I have no further fight to make. It is now simply a question whether the Journals of Monday, Tuesday, and Wednesday shall in their natural and regular order be approved and this proposition of the gentleman from New York be then voted upon immediately without debate, or whether the cart shall be put before the horse by first voting upon this resolution and then by an anomalous process going back and approving the Journals. This is a technicality upon which I do not propose to delay this House by any contest. I think the gentleman's proposition is eminently correct and fair, and I am entirely content with it. I speak only for myself, for I have no right to speak for anybody else.

Mr. HISCOCK. I wish to make a parliamentary inquiry. Will a two-thirds vote be necessary to carry the last proposition of the gentleman from New York?

The SPEAKER. This proposition, the Chair supposes, if adopted, is to be agreed to without dissent.

Mr. HISCOCK. Then I understand that a majority vote will be all that will be necessary to carry the proposition.

Mr. TOWNSEND, of Illinois, obtained the floor.

Mr. BLAND. If the gentleman from Illinois will yield to me a moment, I wish to inquire whether the gentleman from New York will admit one amendment?

Mr. TOWNSEND, of Illinois. I prefer not to yield now. Let me first get through what I have to say.

Mr. Speaker, I approve of the proposition offered by the gentleman from New York. I think it will bring about a satisfactory result—satisfactory at least to those gentlemen with whom I have been associated on this floor. I therefore hope that when the question comes before the House there will be no dilatory motion interposed, that there will be no further delay in reaching a final vote upon this question. I regard the proposition as eminently fair and proper.

Mr. FERNANDO WOOD. After that this discussion proceeded without any objection.

Mr. HAWLEY. I make a parliamentary inquiry. I do it with a view to a better understanding of the proposition of the gentleman from New York, and, I will say frankly, with a view of removing my own possible doubts in order to accept it. I am inclined to do it, but I wish to be satisfied on two points. The question of privilege was raised, the gentleman from Maryland claiming that when a Journal was read disclosing what in the opinion of the House was a gross error a correction of that upon the spot was a question of privilege, and the House so decided. Does that decision of the House remain untouched by this arrangement?

Mr. FERNANDO WOOD. By the terms of the proposition, I will say in reply to the gentleman from Connecticut, the Journal will stand of record as it did.

Mr. HAWLEY. My only question was whether any arrangement here would set that aside.

Mr. FERNANDO WOOD. It touches none of the Journals. They are all to be approved.

Mr. HAWLEY. One other question. My question was addressed to the gentleman from New York as to his understanding of the proposition. I understand by his reply the Journals are to be considered and approved in the order of the days. Is that so?

Mr. FERNANDO WOOD. Undoubtedly, although that is immaterial.

Mr. YOUNG, of Tennessee. I arise, Mr. Speaker, to make a parliamentary inquiry, and I hope gentlemen will not interrupt me while I am making it.

The SPEAKER. The gentleman from Tennessee [Mr. YOUNG] will state his parliamentary inquiry.

Mr. YOUNG, of Tennessee. I desire some information from either the Speaker or the House, which I believe can only be had by a parliamentary inquiry. I hesitate, however, somewhat to make it, for I shall necessarily have to preface it with something of a speech, and I am afraid some high-tariff gentleman on one side or the other of the House will say I am trying to practice another fraud on the House, and then, according to the prevailing custom here, I should have to hold him personally responsible. [Laughter.] I cannot state my proposition in a single breath and I hope, therefore, that gentlemen will not grow impatient and hurry me too much, and that I shall not be interrupted by points of order. I am not seeking recognition by the Speaker for the purpose of making a speech under the guise of submitting a parliamentary inquiry, nor of raising a point of order as I have sometimes seen gentlemen do. I want light on this subject both for my own and the benefit of the House, for after three days of heated discussion participated in by most of the recognized orators and statesmen of this body [laughter] the matter under consideration has become more obscure than it was when we started.

It seems to me that the longer we discuss it the less we know about it. [Laughter.] At the commencement of the discussion a few of us who had done all the little listening that it was deemed necessary to do at all had some glimmering comprehension of the different intricate questions of parliamentary law involved, but now, so far as I can see, we are totally in the dark, and it is important, therefore, that we should be enlightened a little before we go any further. I must again ask gentlemen not to be impatient. I am not a very fast man, and will have to go slow. [Laughter.] I will make my preliminary remarks as brief as possible, state some propositions necessarily connected with it, and then propound my question. This discussion has already, in my judgment, been most needlessly and unreasonably protracted, and it is, I think, quite time it was ended, so that the public business may be proceeded with, in order that Congress may adjourn some time previous to the period fixed by law for its reassembling. The discussion has not only been too long and too angry, as I think, but has been useless and unprofitable, except in so far as it has established some facts that perhaps needed to be proven, though many of us, I think, had a pretty strong suspicion of their existence before. One of these facts, which it is quite evident has been very clearly demonstrated, is that all of the republican and a few of the democratic members of this House are opposed to any change in our present schedule of tariffs or system of supplying the revenues of the Government.

If it has heretofore been thought necessary by gentlemen in favor of tariff reform to keep up the contest in order to demonstrate this fact they can now very properly allow it to end, as there can be no longer any reasonable doubt upon that point. The line has been distinctly drawn, and we know precisely where every gentleman stands. It must be apparent by this time to the advocates of tariff reduction

that no legislation can at present be had upon that subject, and that it is neither wise nor politic to continue the effort longer.

This discussion has served the further purpose of demonstrating most conclusively the marvelous ability of the committee which we charged with that duty, to construct a code of parliamentary laws for the government of this House. We gave them a summer's recreation at a fashionable watering-place for the purpose of revising and codifying the old rules, and as the product of their labors they have given us a system of rules that absolutely stops all legislation in one week after their adoption. [Laughter.] Saratoga does not seem to have been a favorable location for law-givers to perform their work. [Laughter.]

Mr. BLACKBURN. We were not at Saratoga at all.

Mr. YOUNG, of Tennessee. Then you were somewhere else, and your work was badly done, wherever you were.

Mr. BLACKBURN. It is not the fault of the rules, but of their wrong construction. The rules are right, and I defend them.

Mr. YOUNG, of Tennessee. My friend, the gentleman from Kentucky, [Mr. BLACKBURN,] says it is not the fault of the rules that we have gotten into this trouble, but of the wrong construction which has been given them. I tell him, however, that the fault is justly chargeable to both these things. It would, it seems to me, have been a very easy thing for gentlemen of such ability as those who compose the Committee on Rules to have given us a code so simple in their construction that the Speaker would not have been called upon to ask the aid of the House in their proper interpretation.

Everybody knows the consummate ability of our Speaker as an apt and ready expounder of parliamentary law, (for in that respect he has few, if any, superiors,) and that if the duty of construing the rules had been directly imposed upon him he could and would without hesitation have given them a correct interpretation. But instead of that being done, they have been presented to us in a form so uncertain and doubtful as to allow the Speaker to refer them to the House for a sort of legislative or, more properly speaking, political construction, instead of a judicial one, which he as the Speaker of the House should have put upon them himself, and then if everybody was not satisfied an appeal might have been had.

The SPEAKER. The Chair desires to state—

Mr. YOUNG, of Tennessee. I have a question which I desire to ask before concluding.

The SPEAKER. The Chair wishes to interpose a ruling on a point which was just submitted by the gentleman from Tennessee [Mr. YOUNG] in the course of his remarks:

The Speaker may, in order to settle the future practice of the House under a certain state of circumstances, submit a question for its decision.—*Congressional Globe*, 1, 26, p. 226.

This is in accordance also with Cushing, from whose *Law and Practice of Legislative Assemblies* the Chair submits the following extracts:

285. In Parliament, the presiding officer of the lords is the lord chancellor, who unless he is at the same time a peer of the realm, is not a member of the house, and has no right to speak or vote. In the commons, the presiding officer is always a member, who being duly elected to the office by the house, is denominated the speaker, in Latin, *prolocutor*. The appellation of speaker is probably derived from the principal function exercised by this important officer, in the earliest periods of parliamentary history, and perhaps at the time when the whole Parliament sat together. The chief business of the speaker originally was to express the will of the commons, and to speak for them, in all the proceedings of the Parliament in which they were allowed or required to participate; the ascertaining of what their will was being doubtless, at that period, attended with little or no difficulty, and therefore a very subordinate and unimportant branch of the speaker's duty. In modern times, though the speaker still remains in some sense the formal mouthpiece of the house, the duty of presiding over its deliberations and ascertaining its will has become the principal and much the most important of all his functions.

288. The functions of the speaker of the House of Commons are somewhat different from those of the lord chancellor, as presiding officer of the House of Commons. The latter, though he presides in a deliberative assembly, is invested with no more authority for the preservation of order than any other member; and, if not himself a member, his office is limited to the putting of questions and other formal proceedings. The lord chancellor, if he is not a peer, may address the house and participate in the debates as a member; but as his opinion is liable to be questioned like that of any other peer, he does not often speak to points of order. If a peer, he votes with the other members; if not, he does not vote at all. There is no casting vote in the lords; if the house is equally divided the motion fails, and a record thereof is accordingly made on the journal, with the words accompanying that in such cases, *semper proæmitur pro negante*.

290. The functions of the speaker of the House of Commons are thus summed up by a late English writer: "The duties of the speaker of the House of Commons are as various as they are important. He presides over the deliberations of the house, and enforces the observance of all rules for preserving order in its proceeding; he puts all questions and declares the determination of the house. As 'mouth of the house,' he communicates its resolutions to others, conveys its thanks, and expresses its censure, its reprimands, or its admonitions. He issues warrants to execute the orders of the house for the commitment of offenders, for the issue of writs, for the attendance of witnesses, for the bringing up of prisoners in custody, and, in short, for giving effect to all orders which require the sanction of a legal form. He is, in fact, the representative of the house itself, in its powers, its proceedings, and its dignity. When he enters and leaves the house, the mace is borne before him by the sergeant-at-arms; when he is in the chair, it is laid upon the table and at all other times when the mace is not in the house it is with the speaker and accompanies him upon all state occasions." The duties of the presiding officers of our legislative assemblies are substantially the same as here described.

Mr. YOUNG, of Tennessee. The House by a majority vote has construed two or three of these rules, but, as always happens when legislative bodies undertake to construe as well as to make laws, the construction was a wrong one. Everybody in this House knows that the

second clause of the first rule imperatively requires the reading of the Journal of the preceding day every morning and that there is no warrant or authority in any subsequent rule for dispensing with it in the manner it has been done, yet a majority of the House decided that this requirement need not be complied with. Every lawyer in the House knows that the question of privilege presented by the gentleman from Maryland [Mr. McLANE] is an absurdity both in its theory and in the effect of its practical application, and yet the House sustained it. These were mere political and not judicial rulings.

An effort was made by my colleague [Mr. HOUSE] during the recent discussion upon the rules to supply by an amendment which he offered a defect which was even then clearly manifest to many gentlemen on this floor; but mainly by the efforts and influence of the Committee on Rules his purpose was defeated. Had that amendment been adopted, as it should have been, the three days consumed in this profitless discussion might have been devoted to needed legislation, and under its operations the question here presented could have been satisfactorily disposed of in five minutes.

I would not be surprised, Mr. Speaker, if the best disposition we could make of this entire matter would be to commit it all, along with the revised rules, to the Committee on Rules, with leave to take another trip to Long Branch next summer and see if they cannot by some means get into a straight line this tangled parliamentary thread, so that when we come back here next winter a bill can be referred to the proper committee without three days of discussion. [Laughter.] I think this course is the best we can pursue, unless there is some foundation for a rumor gaining credence in the House, and for a strong suspicion which is beginning to steal over my own mind, that these rules in their present shape are the result of a combination or conspiracy between the gentleman from Ohio [Mr. GARFIELD] and the gentleman from Kentucky, [Mr. BLACKBURN.] They are both accomplished and fascinating orators, and the House is always delighted to hear them. Now, people do say, and I do not know but that I have some such belief myself, that these two gentlemen gave us this system of vague, indefinite, and uncertain rules for the sole purpose of having an opportunity to discuss them, and the pleasure of instructing the House in their hidden mysteries; for certainly nobody else understands them, and even they differ in the construction which they give them.

Now, Mr. Speaker, the question I desire to ask is this: if the bill offered by the gentleman from Illinois [Mr. TOWNSEND] should be allowed to remain with the Committee on the Revision of the Laws and should be reported to the House for its favorable action, could it not upon a point of order be referred by the Speaker to any other committee?

The SPEAKER. It could not.

Mr. YOUNG, of Tennessee. Then I subside. [Laughter.]

Mr. HAWLEY. I wish to make one further parliamentary inquiry. We are much nearer the end of this matter than my friend from Tennessee indicates. I would like to be satisfied on this point alone, and I think it will go far toward ending this discussion. Will a majority vote on the McLane—pardon me—proposition suffice?

Mr. CARLISLE. I would suggest to the gentleman from Connecticut that that proposition is all on one side. It does not approve the Journals of the House, which is the matter in controversy on this side.

Mr. BLACKBURN. Will my colleague allow me?

The SPEAKER. The point of order is whether this proposition is or is not before the House.

Mr. FERNANDO WOOD. That is one question.

The SPEAKER. And when that is disposed of—

Mr. BLACKBURN. I do not desire to delay the decision of the Chair at all, but in justice to the gentleman from Maryland and in response to the question of my colleague from Kentucky, I wish to say the gentleman from Maryland has accepted the suggestion to insert in his proposition the words "the Journals of Monday, Tuesday, and Wednesday, in their order as made up, shall be read and approved."

Mr. CARLISLE. Of course I understand that the proposition is not pending before the House.

Mr. BLACKBURN. I am not on the point of order now and do not desire to delay the decision of the Chair—

The SPEAKER. The Chair desires to state what he understands to be the present condition of this subject. The gentleman from Kentucky [Mr. BLACKBURN] was recognized on a point of order and immediately yielded to the gentleman from New York, [Mr. FERNANDO WOOD,] who offered a proposition which the gentleman from New York stated, and subsequently advocated. The gentleman from New York then yielded to the gentleman from Illinois, [Mr. TOWNSEND,] who made certain remarks personal in their character.

Mr. HAWLEY. Personal!

The SPEAKER. The gentleman from Pennsylvania replied, and thereafter, or at some time during these proceedings, the gentleman from Missouri [Mr. BLAND] asked the gentleman from New York if he would yield to an amendment to his proposition. The gentleman from New York replied that he would not yield to have it voted upon but that he would yield to have it read for information.

There is no record, as far as the Chair sees, of an objection during the proceedings to which the Chair has alluded; and the Chair stated in reply to the gentleman from New York [Mr. HISCOCK] that a majority would carry the proposition, the Chair assuming that it was

before the House. But the Chair never has yet deprived a member of a right which he alleged on his word that he meant to exercise by his objection; and the House will bear out the Chair in saying that he has over and over again said he would traverse any proceeding when a member rose in his place and said on his word that he meant to object. The Chair, therefore, in this instance, the gentleman from Michigan [Mr. CONGER] objecting, feels it obligatory on him to recognize that fact, and rules that the proposition of the gentleman from New York [Mr. FERNANDO WOOD] is not before the House.

Mr. McLANE. I beg to offer a modification of the pending proposition— [Cries of "Regular order!"] I have a parliamentary right to offer it, and it is one which I think will receive the consent of the House.

Mr. MILLS. What is the proposition?

The SPEAKER. The Chair has not yet heard it.

Mr. CONGER. In order that there may be no question about questions which might be objected to under the rule being objected to, I ask that the Chair in submitting any proposition shall state if it is open to objection.

The SPEAKER. The Chair supposes the gentleman wants to reserve his right to objection.

Mr. CONGER. Yes.

The SPEAKER. The Chair reserves the right of the gentleman.

Mr. McLANE. I send the modification I propose to the desk.

The Clerk read as follows:

After the word "resolved," in the resolution, insert "that the Journals of Monday, Tuesday, and Wednesday shall be read for approval in their order."

Mr. McLANE. It is suggested to me that Monday's Journal has been read. Let it read "of Tuesday and Wednesday."

Mr. GARFIELD. Let us now hear how it will all read if the resolution be thus modified.

The Clerk read as follows:

Whereas the House being of opinion that the reference of House bill No. 5265 to the Committee on the Revision of the Laws was incorrect under its rules, doth *Resolve*, That the Journals of Tuesday and Wednesday shall be read for approval in their order, and that the said committee be discharged from its further consideration; and that the same be referred to the Committee on Ways and Means.

Mr. MILLS. Now I desire to submit another amendment to the proposition, to add the following, to come in after the words "Committee on Ways and Means:"

With instructions to report the same back to this House.

Mr. BLAND. That is in substance the same as my amendment. I ask the gentleman from Maryland to yield to me for a moment.

Mr. CONGER. I wish to inquire whether it is proposed that that resolution shall be adopted as a whole, or whether it is to be divided?

Mr. TOWNSHEND, of Illinois. I had risen to make the same inquiry.

The SPEAKER. If the previous question should be called and sustained on the resolution of the gentleman from Maryland, [Mr. McLANE], the Chair would then decide the point whether it is susceptible of division under the rule. The Chair does not desire to answer that inquiry until the point arises.

Mr. CONGER. Then I desire to ask this further question—

Mr. McLANE. Mr. Speaker, the previous question has been demanded.

The SPEAKER. The Chair desires to listen to anything that may conduce to a proper understanding.

Mr. CONGER. I wish to inquire whether the gentleman from Maryland can modify his resolution after the House has come to a decision upon the other proposition?

The SPEAKER. The House has not come to a decision upon the proposition. If the Chair correctly remembers—and he wants any one to correct him if he does not state correctly the matter as it occurred—the gentleman from Maryland, the House having decided it was a question of privilege, submitted his proposition. The gentleman from Kentucky [Mr. KNOTT] then moved to lay the resolution on the table. That was voted down. That threw the proposition open, and enabled the gentleman from Maryland to modify it.

Mr. CONGER. This is the question I desire to submit to the Chair, if the Chair will bear with me. The Chair submitted the former proposition of the gentleman from Maryland—different in words and language from this—to the House to decide whether that proposition as read involved the question of privilege. The House decided that the subject-matter was a question of privilege; but the House might want to change the phraseology of the resolution, and its decision that the subject-matter was a question of privilege would not debar it from doing that.

Mr. DAVIS, of North Carolina. I desire to make a parliamentary inquiry.

The SPEAKER. There is one now pending. The Chair will hear the gentleman from North Carolina in a moment.

Mr. CONGER. I desire to make one further inquiry, and the answer to it may relieve me of all my embarrassment in the matter. Does this change in the language of the resolution have any effect on the decision of the House that this is a question of privilege?

The SPEAKER. The Chair thinks not. That is a matter of record and was before the House as a privileged question, and thus open to an amendment germane to the resolution. The Chair cannot overturn the vote of the House.

Mr. CONGER. Then I have no particular objection.

Mr. SPARKS. I suggest to the gentleman from Maryland [Mr. McLANE] that he amend the resolution by inserting "Monday;" otherwise the Journal of Monday would not be approved.

The SPEAKER. The Chair thinks so; but the Chair thinks the Journal of Monday need not be read again. It might be as well to insert Monday in the resolution, although the Journal of that day need not be read again.

Mr. MILLS. I desire to offer an amendment.

The SPEAKER. The gentleman will have that opportunity if the House votes down the demand for the previous question.

Mr. BLAND. I have been on the floor half a dozen times. Does the Chair recognize me?

The SPEAKER. The Chair has recognized the gentleman three times, and the gentleman has spoken as often.

Mr. BLAND. But always recognized somebody else before I could get through with my remarks. I desire to have read an amendment, and then to ask that the gentleman from Maryland [Mr. McLANE] yield for it to be considered as before the House.

The SPEAKER. The Chair thinks the gentleman should have opportunity to have his amendment read.

Mr. GARFIELD. Let it be read in the hearing of the whole House, once for all.

Mr. MILLS. And we want it voted on.

The Clerk read as follows:

Add to the resolution the following:

And that the Committee on Ways and Means report back said bill, or a bill of the same import and substance, to the House within three weeks from this date.

Mr. GARFIELD. I object to that.

The SPEAKER. Does the gentleman from Maryland [Mr. McLANE] yield for that amendment?

Mr. McLANE. I do not.

The SPEAKER. The question, then, is upon seconding the demand for the previous question.

The previous question was seconded and the main question ordered.

Mr. McLANE moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The pending proposition will be read as it is now before the House.

The Clerk read as follows:

Whereas the House being of opinion that the reference of House bill No. 5265 to the Committee on the Revision of the Laws was incorrect under its rules, doth *Resolve*, That the Journals of Tuesday and Wednesday shall be read for approval in their order, and that the said committee be discharged from its further consideration, and that the same be referred to the Committee on Ways and Means.

Mr. DAVIS, of North Carolina. That was amended by inserting "Monday."

The SPEAKER. Monday's Journal has been read but not approved.

Mr. GARFIELD. We will settle that question as soon as this passes.

Mr. FINLEY. I rise to a point of order, that the proposition is divisible, and I call for a division.

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBURN] has already given notice that he will demand a division of the question.

Mr. DAVIS, of North Carolina. It was understood that "Monday" was to be inserted in the resolution.

The SPEAKER. That is not material. The Chair will state the operation of this: If this resolution shall be adopted, the first question will be on the approval of the Journal of Monday, which has already been read. The next question will be on the reading and approval of the Journal of Tuesday; next, on the reading and approval of the Journal of Wednesday; and next on the proposition to discharge the Committee on the Revision of the Laws, and its reference to the Committee on Ways and Means.

Mr. BLACKBURN. That is all right.

The resolution, as modified, was then adopted.

Mr. McLANE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The first question is on approving the Journal of Monday's proceedings, as read on Tuesday last.

Mr. GARFIELD. I move the Journal of Monday be approved.

The motion was agreed to.

The SPEAKER. The next business is the reading of the Journal of Tuesday.

Mr. SPRINGER. I ask unanimous consent that the reading of the Journals of Tuesday and Wednesday be dispensed with.

The SPEAKER. The Chair thinks that should not be done. The proceedings of the last two days show that such a proposition should not be agreed to. The Chair has always objected to dispensing with the reading of the Journal when proposed. It is the right of any member on the floor to object to dispensing with the reading of the Journal, and when no member asserts that right the Chair usually interposes his own objection.

The Clerk then proceeded to read the Journal of the proceedings of Tuesday last; which, being read, was approved.

The Clerk then proceeded to read the Journal of the proceedings of yesterday, (Wednesday.)

Mr. NICHOLLS. I am recorded as not voting yesterday on the

first motion of the gentleman from Ohio [Mr. EWING] to adjourn. While none of my votes yesterday were in the line of filibustering, I did vote in the affirmative on that motion to adjourn, and I ask that the Journal be so corrected.

The SPEAKER. The Journal will be amended as indicated.

The amendment of the Journal was agreed to, and the Journal as amended was approved.

Mr. MULBROW. I understand that under the rules pairs are to be announced at the conclusion of roll-calls. I was paired on yesterday after six o'clock with the gentleman from New York, [Mr. DWIGHT,] but neither the Journal nor the RECORD shows that there was such a pair.

The SPEAKER. The Journal does not record pairs.

Mr. MULBROW. The pair was handed in to the Clerk, and I ask that the correction be made in the RECORD.

The SPEAKER. The correction will be made.

Many MEMBERS. Regular order!

The SPEAKER. The question now before the House is upon that portion of the resolution.

Mr. CONGER. Was not the resolution adopted as a whole?

The SPEAKER. It was, but it was distinctly understood that the effect of adopting it would be to require a vote on the proposition contained in the resolution to discharge the Committee on the Revision of the Laws, and to refer to the Committee on Ways and Means.

Mr. CONGER. But I asked the Chair distinctly whether there would be a separate vote on the different parts of the resolution, and nobody demanded that.

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBURN] and other gentlemen had made a demand for a division of the question.

Mr. CONGER. That should have been made on the parts as they came along.

The SPEAKER. Several gentlemen made the demand.

Mr. MCMAHON. The resolution was only adopted as a line of procedure.

Mr. CONGER. I ask that the resolution be read.

The SPEAKER. The resolution will be read.

Mr. PAGE. Mr. Speaker, what did we vote on before?

The SPEAKER. The Chair thinks the House voted what should be its proceeding touching the subject in controversy; and the House is acting in pursuance of that; for the Journal of Monday has been approved, and the Journals of Tuesday and Wednesday read and approved.

Mr. CONGER. That had to be after the adoption of the resolution.

Mr. TOWNSHEND, of Illinois. Now the question is on the adoption of the resolution by subdivision.

The SPEAKER. The Chair thinks that the questions are on the parts of the resolution offered by the gentleman from Maryland, [Mr. McLANE.]

Mr. CONGER. Let the resolution be read.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas the House—

Mr. FERNANDO WOOD. Let me ask whether this is the resolution which the House has adopted?

The SPEAKER. This is the resolution that the House adopted as a manner and mode of procedure touching the subject in controversy before the House.

Mr. FERNANDO WOOD. Under the question of privilege of yesterday.

Mr. TOWNSHEND, of Illinois. What is the question now before the House?

The SPEAKER. Whether the Committee on the Revision of the Laws shall be discharged. The resolution being divisible the vote will first be taken on the first division of the resolution, then on the second division of the resolution, then on the preamble, if a separate vote be desired on each.

Mr. CONGER. Let the resolution be read.

The Clerk read as follows:

Whereas the House, being of opinion that the reference of House bill No. 5265 to the Committee on the Revision of the Laws was incorrect under its rules, doth Resolve, That the Journals of Tuesday and Wednesday shall be read for approval in their order, and that the said committee be discharged from its further consideration and that the same be referred to the Committee on Ways and Means.

Mr. PAGE. Now, what was the vote?

Mr. CONGER. I ask that the record of the vote be read.

The SPEAKER. What record?

Mr. CONGER. The Journal.

Mr. CRAPO. Mr. Speaker, was that resolution adopted?

The SPEAKER. The resolution was adopted, but there was a distinct understanding that these questions should be voted on. The Chair thinks there can be no controversy about that.

Mr. CONGER. There is this controversy. I asked the Chair, the last thing before the vote, whether the resolution was to be divided?

The SPEAKER. And what did the Chair say in reply?

Mr. CONGER. The Chair said that when the question arose he would decide it.

The SPEAKER. That reply was not whether it was to be divided, but whether it was divisible, and the Chair declined to rule on the latter suggestion.

Mr. CONGER. No, sir. I asked whether the resolution was to be voted on in the separate divisions of it. The RECORD will show—

The SPEAKER. The Chair knows perfectly well what he said. He said he would decide the point of order whether the resolution was divisible when it arose.

Mr. CONGER. I ask that the Journal may be read.

The SPEAKER. And that very statement looked to the submission of the resolution in all its parts to a further vote of the House. If the questions embraced in the resolution were not to be submitted, there was no occasion for the Chair to make that remark. Before this resolution was voted on the gentleman from North Carolina [Mr. DAVIS] suggested that the word "Monday" should be inserted in the resolution so as to cover the Journal of that day. In reply to that suggestion the Chair said:

The Chair will state the operation of this. If this resolution shall be adopted, the first question will be on the approval of the Journal of Monday, which has already been read. The next question will be on the reading and approval of the Journal of Tuesday; next on the reading and approval of the Journal of Wednesday; and next on the proposition to discharge the Committee on the Revision of the Laws, and then on the reference to the Committee on Ways and Means.

Mr. CONGER. Then, Mr. Speaker, what did we vote upon?

The SPEAKER. The House voted upon the resolution as a direction of procedure.

Mr. CONGER. And adopted it.

Mr. MCMAHON. In pursuance of the resolution the House has voted twice upon the question of approving the Journal.

The SPEAKER. Not only has the House voted twice, but, on motion of the gentleman from Georgia, [Mr. NICHOLLS,] one of the Journals has been amended.

Mr. CONGER. Of course we could not by the adoption of the resolution approve Journals which had not been read.

The SPEAKER. If the adoption of the resolution carried with it the approval of the Journals, why did the House subsequently without dispute vote on those questions? The adoption of the resolution did not carry with it the approval of the Journals, for those questions were to be voted on; then, to be consistent, the other questions involved, providing for the discharge of the Committee on the Revision of the Laws and reference to the Committee on Ways and Means, should be voted on.

Mr. CONGER. It said they should be read for approval, and the resolution was adopted, and then they were read for approval.

The SPEAKER. They were read and a vote taken on approval, and one of the Journals was amended on the motion of the gentleman from Georgia.

Mr. CONGER. Of course; and will the Chair state to this House whether the resolution was adopted?

The SPEAKER. The resolution was adopted, as the Chair thinks, as a direction of procedure, and under that a vote was taken on the Journals in order of their date, and one of the Journals was amended, and the same consistency should require a vote on the latter branches of the resolution.

Mr. WHITE. May I ask—

The SPEAKER. In addition to the consistency of it, that was the absolute understanding in the House.

Mr. TOWNSHEND, of Illinois. That was the absolute understanding.

Mr. WHITE. May I ask the Chair by what right he says that resolution was passed as an order of procedure?

The SPEAKER. The right of judgment.

Mr. CLYMER. The Speaker expresses the whole judgment of the House.

Mr. WHITE. When I voted for that resolution I voted for it with the understanding the instant it was passed the Committee on the Revision of the Laws was discharged from the further consideration of the bill in dispute.

The SPEAKER. The Chair does not take away from the gentleman his right of construction.

Mr. WHITE. Very well, then.

The SPEAKER. But he does not agree that he must be ruled by that construction.

Mr. CLARK, of Missouri. And that is a good point.

Mr. WHITE. I insist the resolution admits of but one construction.

The SPEAKER. Does the gentleman make the point of order?

Mr. WHITE. I do raise the point of order.

The SPEAKER. The Chair respectfully overrules it.

Mr. HERR. I asked distinctly whether this resolution was to be voted on in separate parts.

The SPEAKER. The Chair said it was to be.

Mr. HERR. There is no doubt about it. Now let us have straight, square, fair play.

Mr. CLYMER. That is right.

Mr. HERR. Let us have it right through.

Mr. GARFIELD. I think I understand what led to this conclusion. The proposition of the gentleman from New York, a copy of which I have—

The SPEAKER. That proposition was ruled out.

Mr. GARFIELD. It said distinctly that the Journals of Monday, Tuesday, and Wednesday be read and approved, and that immediately thereafter and without debate the House proceed to vote upon the following resolution about discharging one committee and reference to another. Now, that was the proposition of the gentleman from

New York. In strict terms, literally, the proposition of the gentleman from Maryland, which was adopted, does accomplish the whole thing, but I think the House generally, or a good many of them, had in their minds it was like the same proposition the gentleman from New York had offered, and they expected a vote. And, in view of that expectation, I think they ought to have it. I am not willing to take any advantage of technicality, and, therefore, I think we ought to have a vote.

Mr. BLACKBURN. Will the gentleman yield to me a moment?

Mr. GARFIELD. Certainly.

Mr. BLACKBURN. I do not mean to criticize but, on the contrary, to commend the fair suggestion of the gentleman from Ohio. But I desire, Mr. Speaker, to protect some members of this House from the implied imputation of having been misled or having made a blunder. They have not done it. I will not undertake to cavil about the technical construction to be given to the motion on which the House voted; but I appeal to the record. On that we must all stand at last to vindicate the view which the Chair has just taken as to the status of this matter. Not only was it understood by the gentleman from Maryland and the gentleman from New York and the gentleman from Ohio and myself and the Chair that this was simply to determine the mode or method of procedure, but I did, sir, demand on yesterday and renewed that demand to-day, and the record shows both, that there should be a division of the question into three parts.

The SPEAKER. The record shows that was your demand on yesterday.

Mr. BLACKBURN. Yes, sir; and that demand of mine for a separate vote on the three subdivisions is pending this instant before this House. There never would have been consent given except on that condition. The gentleman from Ohio is right on the broad, square equities. There is no dispute of that, and can be none among gentlemen; but on the sharpest technical construction that can be given I have the right to demand on the record the three separate subdivisions.

The SPEAKER. The gentleman will indicate the divisions.

Mr. GARFIELD. Technically he has not, but equitably he has.

Mr. BLACKBURN. Now, Mr. Speaker, I say further that the Chair has ruled correctly that the vote upon the preamble is to be taken last. That is regulated by the rule.

The SPEAKER. That is the practice.

Mr. BLACKBURN. The rule and the practice determine it.

Mr. CONGER. I desire to say that whatever the understanding—[Cries of "Vote!" "Vote!"] Gentlemen have not often seen me get down by that kind of proceeding. [Laughter.] The gentlemen spoke of what the understanding on that side of the House was. I warned my friends here, and I addressed the Chair, so that we should know positively whether that demand for a division went into this resolution and whether it was pending; and, if so, it should have been put on as a part of the resolution itself when the resolution was before the House, and before it was passed.

But it was not demanded, and the resolution was passed as a whole.

The SPEAKER. The proposition of the gentleman from Maryland was pending, as the RECORD of yesterday will show, and a division was demanded thereon.

Mr. CONGER. Then the vote should have been taken on the parts of the resolution while it was pending, and not after it has been passed and disposed of. No gentleman on this side of the House, I venture to say, thought that that resolution could do anything else than what appears on its face—namely, that the bill was improperly referred, and to discharge the committee from the consideration of it and place it in the hands of the Committee on Ways and Means, where it belongs. Now there is no dispute here but what it is a "horse." The only question is whether it is a Trojan horse or not, and we find it to be a Trojan horse. I warned my friends here on this side that there was something concealed in this proceeding which they did not anticipate, and I asked the Chair if we were to vote on the proposition as a whole, or if it was to be divided. The Chair decided that he would determine that question when it arose.

The SPEAKER. The Chair thinks it is hardly fair for the gentleman to tack his mistake on to the Chair.

Mr. CONGER. If there was to be a separate vote the Chair should then have announced it to the House before we voted and adopted the resolution as an entirety. Now, my friends on this side of the House may see how easily they can be misled and how innocent they are. [Laughter.]

The SPEAKER. The Chair protests against that character of remark, so far as he is involved.

Mr. HAWLEY. I wish to contribute to a settlement of this if I can. I do not desire to see any ill feeling. The moment it passed, finding some republicans were going off to get their lunch I warned them that there was to be a subsequent vote. I went to the cloak-room and the door but a dozen men had gone off and lost their vote, for the important vote was to come up. Then I struck men who had the other understanding—I cannot name them—but they were the leading men of the House who thought the whole thing was settled. Now, obviously, on the face of the gentleman's resolution there is a complete and final settlement of it, but a large portion of the House had the best reason in the world not to understand it in that way. Now, I say, let us have a vote.

Mr. BLACKBURN. That is right. [Cries of "Vote!" "Vote!"]

Mr. PRICE. Let me say a word on this subject. I do not propose to be classed among the grammarians and linguists of the House, but the Chair will observe and the House will observe that the language of that resolution covers two points and only two. First, that the Journal shall be read for approval, which has been done, and next whether that bill shall go from one committee to another. Both of these things are in the resolution just as strong and as plain as the English language can make them. When I voted for that resolution I concluded that was a settlement of the whole question. We have read the Journal for approval, and we have passed the resolution, and I think that is the end of it.

The SPEAKER. The question now recurs upon the resolution—Mr. TOWNSHEND, of Illinois. Let the first branch of the resolution to be voted on be read.

The Clerk read as follows:

Resolved, That the Committee on the Revision of the Laws be discharged from the further consideration of the bill H. R. No. 5265.

Mr. BLACKBURN. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 143, nays 100, not voting 49; as follows:

YEAS—143.

Aldrich, N. W.	Crowley,	Humphrey,	Price,
Aldrich, William	Daggett,	James,	Rice,
Anderson,	Davis, George R.	Jones,	Richardson, D. P.
Bachman,	Davis, Horace	Jorgensen,	Robertson,
Bailey,	De La Matyr,	Joyce,	Ross,
Baker,	Deering,	Kelley,	Russell, Daniel L.
Ballou,	Dunnell,	Kenna,	Russell, W. A.
Barber,	Dwight,	Klotz,	Ryan, Thomas
Bayne,	Einstein,	Ladd,	Ryon, John W.
Belford,	Errett,	Lapham,	Shallenberger,
Beltzhoover,	Ewing,	Lindsey,	Smith, A. Herr
Bicknell,	Farr,	Marsh,	Smith, Ezekiah B.
Bingham,	Felton,	Martin, Edward L.	Starin,
Blake,	Ferdon,	Mason,	Stone,
Bonck,	Field,	McCoid,	Talbot,
Bowman,	Fisher,	McCook,	Thomas,
Boyd,	Ford,	McGowan,	Thompson, W. G.
Brewer,	Frye,	McKinley,	Tyler,
Briggs,	Garfield,	McLane,	Updegraff, J. T.
Brigham,	Gibson,	McMahon,	Updegraff, Thomas
Browne,	Godshalk,	Mitchell,	Van Aernam,
Buckner,	Hall,	Monroe,	Van Voorhis,
Burrows,	Harmer,	Morse,	Voorhis,
Butterworth,	Harris, Benj. W.	Murch,	Wait,
Calkins,	Haskell,	Neal,	Ward,
Camp,	Hawk,	New,	Warner,
Cannon,	Hawley,	Newberry,	Washburn,
Carpenter,	Hayes,	Norcross,	White,
Caswell,	Hazelton,	O'Neill,	Williams, C. G.
Chittenden,	Heilman,	O'Reilly,	Willits,
Claffin,	Henderson,	Orth,	Wise,
Clymer,	Henry,	Osmer,	Wood, Fernando
Coffroth,	Hiscock,	Pacheco,	Wood, Walter A.
Conger,	Horr,	Page,	Wright,
Cowgill,	Honk,	Pierce,	Young, Thomas L.
Crapo,	Hubbell,	Pound,	

NAYS—100.

Aiken,	Dunn,	Le Fevre,	Singleton, J. W.
Atherton,	Elam,	Lewis,	Singleton, O. R.
Atkins,	Ellis,	Lounsbury,	Slemmons,
Berry,	Finley,	Lowe,	Sparks,
Blackburn,	Forney,	Manning,	Speer,
Bland,	Forsythe,	Martin, Joseph J.	Springer,
Blount,	Frost,	McKenzie,	Steele,
Bright,	Geddes,	McMillin,	Stevens,
Cabell,	Gillette,	Mills,	Stevenson,
Caldwell,	Goode,	Morrison,	Taylor,
Carlisle,	Gunter,	Muldrow,	Thompson, P. B.
Chalmers,	Hammond, N. J.	Myers,	Tillman,
Chardy,	Harris, John T.	Nicholls,	Townshend, R. W.
Clark, John B.	Hatch,	O'Connor,	Tucker,
Cobb,	Herbert,	Philips,	Turner, Oscar
Colerick,	Herndon,	Phister,	Turner, Thomas
Converse,	Hill,	Poebler,	Upson,
Cook,	Hooker,	Reagan,	Vance,
Cravens,	Honse,	Richardson, J. S.	Waddill,
Culbertson,	Hull,	Rothwell,	Weaver,
Davidson,	Hurd,	Samford,	Wellborn,
Davis, Joseph J.	Hutchins,	Sawyer,	Whiteaker,
Davis, Lowndes H.	Johnston,	Scales,	Williams, Thomas
Deuster,	King,	Shelley,	Willis,
Dibrell,	Kitchin,	Simonton,	Young, Casey.

NOT VOTING—49.

Acklen,	Hammond, John	Money,	Sherwin,
Armfield,	Henkle,	Morton,	Smith, William E.
Barlow,	Hostetter,	Muller,	Townsend, Amos
Beale,	Huntton,	O'Brien,	Urner,
Bliss,	Keifer,	Overton,	Valentine,
Bragg,	Ketcham,	Persons,	Wells,
Clark, Alvah A.	Killinger,	Phelps,	Whitthorne,
Covert,	Kimmel,	Prescott,	Wilber,
Cox,	Knott,	Reed,	Wilson,
Dick,	Loring,	Richmond,	Yocum.
Dickey,	Martin, Benj. F.	Robeson,	
Evins,	Miles,	Robinson,	
Fort,	Miller,	Sapp,	

So the portion of the resolution discharging the Committee on the Revision of the Laws from the further consideration of the bill was agreed to.

During the roll-call,

Mr. ROBESON said: I am paired with Mr. WILSON, of West Vir-

ginia. I believe if he were here he would vote "ay" with me, but in his absence I prefer to let the pair stand without voting.

Mr. BLISS, (who had voted "ay.") I withdraw my vote, being paired with Mr. DICK, of Pennsylvania.

Mr. UPSON. I listened for the calling of my name, but did not hear it. I desire to vote.

The SPEAKER. The gentleman's name has been called twice.

Mr. UPSON. I was listening to hear my name called, and not hearing it I rose and asked the Chair if my name had been called.

The SPEAKER. The Chair did not hear the gentleman. He thinks, under the circumstances stated, the gentleman should have the right to vote.

Mr. FISHER. I object; because the gentleman from California [Mr. PAGE] last night, under similar circumstances, did not hear his name called and was not allowed the privilege of voting.

The SPEAKER. The statement of the gentleman from Texas [Mr. UPSON] is that in the confusion he did not hear his name called, and that after the next name had been called he rose and asked if his name had been called. The Chair thinks the gentleman rose at the proper time to maintain his right, and the Chair recognizes his right to vote. This is not done by unanimous consent.

Mr. PAGE. Last night I desired to have my name called, but the Chair refused.

The SPEAKER. The Chair refused because the gentleman from California asked unanimous consent to vote, which the rule prohibits.

Mr. PAGE. I think not; but I have no objection to the vote of the gentleman from Texas being recorded.

Mr. UPDEGRAFF, of Ohio. Mr. Speaker, by inadvertence the Clerk called the name of the gentleman from Texas [Mr. UPSON] before mine, instead of in the usual order. The Clerk recalled the error and afterward again called the name of the gentleman from Texas. It was doubtless by this change in the regular order of the names that the mistake was made.

The SPEAKER. How does the gentleman from Texas vote?

Mr. UPSON. I vote "no."

Mr. DIBRELL. I ask that the latter portion of clause 7 of Rule XIV be read.

The Clerk read as follows:

During the session of the House no member shall wear his hat or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

The SPEAKER. The officers of the House, the Doorkeeper and Sergeant-at-Arms, will see to the enforcement of this rule.

Mr. DIBRELL. In having the rule read I had reference more particularly to gentlemen going to the Clerk's desk during the roll-call.

Mr. AIKEN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. AIKEN. It is whether any gentleman has the right during any roll-call to stand in front of the Chair and announce the fact that he is paired.

The SPEAKER. He has not.

Mr. AIKEN. That has been permitted more than once during this roll-call.

The Clerk announced the following additional pairs:

Mr. WHITTHORNE with Mr. KETCHAM.

Mr. TOWNSEND, of Ohio, with Mr. EVINS.

Mr. FORT with Mr. O'BRIEN.

Mr. MORTON with Mr. COX.

Mr. DICK with Mr. BLISS.

Mr. MARTIN, of North Carolina, with Mr. SCALES.

Mr. KILLINGER with Mr. KIMMEL.

Mr. MARTIN, of West Virginia, with Mr. ACKLEN.

Mr. BEALE with Mr. YOCUM on all questions for this day.

Mr. HENKLE with Mr. URNER for to-day.

Mr. ROBINSON with Mr. KNOTT. Mr. ROBINSON would vote "ay" and Mr. KNOTT would vote "no."

Mr. HUNTON with Mr. REED on all questions during March 25 except where it is necessary to vote to make a quorum.

Mr. ROBESON with Mr. WILSON for to-day.

Mr. VALENTINE with Mr. PERSONS.

Mr. MILLER with Mr. MULLER until Monday.

Mr. LORING with Mr. BRAGG.

Mr. MONEY with Mr. OVERTON.

Mr. DUNN with Mr. SAPP until April 10 on all political questions on which the democratic and republican parties shall be opposed, the pair not operating to prevent a quorum.

Mr. KEIFER with Mr. CLARK, of New Jersey, on all political questions until Friday of next week.

Mr. SMITH, of Georgia, with Mr. WILBER, from the 24th instant, for eight days, on all questions of finance, politics, and the tariff, reserving the right to vote to make a quorum.

Mr. SHERWIN with Mr. WRIGHT for two weeks.

Mr. COVERT with Mr. HAMMOND, of New York.

Mr. SINGLETON, of Illinois, with Mr. MILES on all political questions except to make a quorum, from the 20th instant, during the leave of absence granted to Mr. MILES.

Mr. NICHOLLS. My colleague, Mr. PERSONS, is absent on account of sickness in his family.

Mr. NEW. My colleague, Mr. HOSTETLER, is sick and unable to attend.

Mr. WRIGHT. It has been announced that I am paired with Mr. SHERWIN. We happen to agree on this question, and I have voted "ay."

Mr. HAWK. My colleague, Mr. SHERWIN, is absent sick at his room. A gentleman just now informs me that a dispatch has been received from Mr. SHERWIN, and that he has gone to his own home.

The result of the vote was then announced as above recorded.

The SPEAKER. The question recurs on the next part of the resolution, which the Clerk will read.

The Clerk read as follows:

And that the said bill (H. R. No. 5265) be referred to the Committee on Ways and Means.

Mr. GARFIELD. The vote on the preamble will come last?

The SPEAKER. It will.

Mr. CLARK, of Missouri. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. If the House now refuses to commit this bill to the Committee on Ways and Means, what will be its status?

The SPEAKER. The Chair would say that "sufficient unto the day is the evil thereof."

Mr. WARNER. Suppose the motion to refer this bill to the Committee on Ways and Means is lost; is the bill then before the House?

The SPEAKER. The Chair will answer any question when it arises, but not before.

The question was taken; and there were—yeas 142, nays 90, not voted 60; as follows:

YEAS—142.

Aldrich, N. W.	Crowley,	James,	Robinson,
Aldrich, William	Daggett,	Jones,	Ross,
Anderson,	Davis, George R.	Jorgensen,	Russell, Daniel L.
Bachman,	Davis, Horace	Joyce,	Russell, William A.
Baker,	De La Matyr,	Kelley,	Ryan, Thomas
Ballou,	Deering,	Kenna,	Ryon, John W.
Barber,	Dunnell,	Klotz,	Shallenberger,
Bayne,	Dwight,	Ladd,	Smith, A. Herr
Belford,	Einstein,	Lapham,	Smith, Hezekiah B.
Beltzhoover,	Errett,	Lindsey,	Starin,
Bicknell,	Ewing,	Marsh,	Stephens,
Bingham,	Farr,	Martin, Edward L.	Stone,
Blake,	Felton,	Mason,	Talbot,
Bouck,	Ferdon,	McCoid,	Thomas,
Bowman,	Field,	McCook,	Thompson, W. G.
Boyd,	Fisher,	McGowan,	Tucker,
Brewer,	Frye,	McKinley,	Tyler,
Briggs,	Garfield,	McLane,	Updegraff, J. T.
Brigham,	Gibson,	McMahon,	Updegraff, Thomas
Browne,	Godshalk,	Mitchell,	Van Aernam,
Buckner,	Gunter,	Monroe,	Van Voorhis,
Burrows,	Hall,	Morse,	Voorhis,
Butterworth,	Harmer,	Murch,	Wait,
Calkins,	Harris, Benj. W.	New,	Ward,
Camp,	Haskell,	Newberry,	Warner,
Cannon,	Hawk,	Norcross,	Washington,
Carlisle,	Hawley,	O'Neill,	White,
Carpenter,	Hayes,	O'Reilly,	Williams, C. G.
Caswell,	Hazelton,	Orth,	Willits,
Chittenden,	Heilman,	Osmer,	Wise,
Clafin,	Henderson,	Pacheco,	Wood, Fernando
Clymer,	Hiscock,	Pierce,	Wood, Walter A.
Coffroth,	Horr,	Price,	Wright,
Conger,	Houk,	Rice,	Young, Thomas L.
Cowgill,	Hubbell,	Richardson, D. P.	
Crapo,	Humphrey,	Robertson,	

NAYS—90.

Aiken,	Dunn,	Knott,	Singleton, O. R.
Atherton,	Elam,	Le Fevre,	Slemmons,
Atkins,	Ellis,	Lewis,	Sparks,
Berry,	Finley,	Lounsbery,	Speer,
Blackburn,	Forney,	Lowe,	Springer,
Bland,	Forsythe,	Manning,	Stevenson,
Blount,	Geddes,	McKenzie,	Taylor,
Bright,	Gillette,	McMillin,	Thompson, P. B.
Cabell,	Goode,	Muldrow,	Tillman,
Caldwell,	Hammond, N. J.	Myers,	Townsend, R. W.
Chalmers,	Harris, John T.	Nicholls,	Turner, Oscar
Clardy,	Hatch,	O'Connor,	Turner, Thomas
Clark, John B.	Henry,	Phister,	Upson,
Cobb,	Herbert,	Poehler,	Vance,
Colerick,	Herndon,	Reagan,	Waddill,
Converse,	Hill,	Richardson, J. S.	Weaver,
Cook,	Hooker,	Rothwell,	Wellborn,
Cravens,	House,	Samford,	Whiteaker,
Culberson,	Hull,	Sawyer,	Williams, Thomas
Davidson,	Hurd,	Scales,	Willis,
Davis, Joseph J.	Johnston,	Shelley,	Young, Casey.
Davis, Lowndes H.	King,	Simonton,	
Dibrell,	Kitchin,	Singleton, J. W.	

NOT VOTING—60.

Acklen,	Fort,	Miller,	Reed,
Armfield,	Frost,	Mills,	Richmond,
Bailey,	Hammond, John	Money,	Robeson,
Barlow,	Henkle,	Morrison,	Sapp,
Beale,	Hostetler,	Morton,	Sherwin,
Bliss,	Hunt,	Muller,	Smith, William E.
Bragg,	Hutchins,	Neal,	Steele,
Clark, Alvah A.	Keifer,	O'Brien,	Townsend, Amos
Covert,	Ketcham,	Overt,	Urner,
Cox,	Killing,	Page,	Valentine,
Deuster,	Kimmel,	Persons,	Wells,
Dick,	Loring,	Phelps,	Whitthorne,
Dickey,	Martin, Benj. F.	Philips,	Wilber,
Evins,	Martin, Joseph J.	Found,	Wilson,
Ford,	Miles,	Prescott,	Yocum.

So the second portion of the resolution was adopted.

The following additional pair was announced:

Mr. PHILIPS with Mr. PAGE.

The SPEAKER. The question is now upon agreeing to the preamble of the resolution, which will be read.

The Clerk read as follows:

Whereas the House being of opinion that the reference of House bill No. 5265 to the Committee on the Revision of the Laws was incorrect under its rules.

Mr. KENNA. Mr. Speaker, as a number of members have voted on the question of changing this reference on account of their convictions of what the rules of the House require, I ask for the yeas and nays on the preamble in order that the record may be complete.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 82, not voting 70; as follows:

YEAS—140.

Aldrich, William	Crapo,	Humphrey,	Price,
Anderson,	Crowley,	James,	Rice,
Bachman,	Daggett,	Jones,	Richardson, D. P.
Bailey,	Davis, George R.	Jorgensen,	Robinson,
Baker,	Davis, Horace	Joyce,	Ross,
Ballou,	Deering,	Kelley,	Russell, Daniel L.
Barber,	De La Matyr,	Kenna,	Russell, W. A.
Bayne,	Dickey,	Klotz,	Ryon, John W.
Belford,	Dunnell,	Ladd,	Shallenberger,
Beltzhoover,	Dwight,	Lapham,	Smith, A. Herr
Bicknell,	Einstein,	Lindsey,	Smith, Hezekiah B.
Bingham,	Errett,	Marsh,	Starin,
Blake,	Ewing,	Martin, Edward L.	Stone,
Bouck,	Farr,	Mason,	Talbot,
Bowman,	Felton,	McCoid,	Thomas,
Boyd,	Ferdon,	McCook,	Thompson, W. G.
Brewer,	Field,	McGowan,	Tucker,
Briggs,	Fisher,	McKinley,	Tyler,
Brigham,	Ford,	McLane,	Updegraff, J. T.
Bright,	Frye,	McMahon,	Updegraff, Thomas
Browne,	Garfield,	Mitchell,	Van Aernam,
Buckner,	Godshalk,	Monroe,	Van Voorhis,
Burrows,	Gunter,	Morse,	Voorhis,
Butterworth,	Hall,	Murch,	Wait,
Calkins,	Harner,	Neal,	Ward,
Cannon,	Harris, Benj. W.	New,	Warner,
Carlisle,	Hawk,	Noncross,	Washburn,
Carpenter,	Hawley,	O'Neill,	White,
Caswell,	Hayes,	O'Reilly,	Williams, C. G.
Chittenden,	Hazelton,	Orth,	Willits,
Claffin,	Henderson,	Osmer,	Wise,
Clymer,	Henry,	Pacheco,	Wood, Fernando
Coffroth,	Hiscock,	Phelps,	Wood, Walter A.
Conger,	Horr,	Pierce,	Wright,
Cowgill,	Houk,	Pound,	Young, Thomas L.

NAYS—82.

Aiken,	Dunn,	Manning,	Speer,
Atherton,	Elam,	McKenzie,	Springer,
Atkins,	Forney,	McMillin,	Steele,
Berry,	Forsythe,	Mills,	Stevenson,
Blackburn,	Frost,	Muldrow,	Taylor,
Blount,	Geddes,	Myers,	Thompson, P. B.
Cabell,	Goode,	Nicholls,	Tillman,
Caldwell,	Hammond, N. J.	Phister,	Townsend, R. W.
Clardy,	Harris, John T.	Reagan,	Turner, Oscar
Clark, John B.	Hatch,	Richardson, J. S.	Turner, Thomas
Cobb,	Herbert,	Robertson,	Upson,
Colerick,	Herndon,	Rothwell,	Vance,
Converse,	Hill,	Samford,	Waddill,
Cook,	Hooker,	Sawyer,	Weaver,
Cravens,	House,	Scales,	Wellborn,
Culbertson,	Hull,	Shelley,	Whiteaker,
Davidson,	Johnston,	Simonton,	Williams, Thomas
Davis, Joseph J.	Kitchin,	Singleton, J. W.	Willis,
Davis, Lowndes H.	Le Fevre,	Singleton, O. R.	Young, Casey.
Deuster,	Lounsbery,	Slemmons,	
Dibrell,	Lowe,	Sparks,	

NOT VOTING—70.

Acklen,	Gibson,	Loring,	Reed,
Aldrich, N. W.	Gillette,	Martin, Benj. F.	Richmond,
Armfield,	Hammond, John	Martin, Joseph J.	Robeson,
Barlow,	Haskell,	Miles,	Ryan, Thomas
Beale,	Heilman,	Miller,	Sapp,
Bland,	Heakle,	Money,	Sherwin,
Bliss,	Hostetler,	Morrison,	Smith, William E.
Bragg,	Hubbell,	Morton,	Stephens,
Camp,	Hunton,	Muller,	Townsend, Amos
Chalmers,	Hurd,	Newberry,	Urner,
Clark, Alvah A.	Hutchins,	O'Brien,	Valentine,
Covert,	Keifer,	O'Connor,	Wells,
Cox,	Ketcham,	Overton,	Whithorne,
Dick,	Killing,	Page,	Wilber,
Ellis,	Kimmel,	Persons,	Wilson,
Evins,	King,	Philips,	Yocum.
Finley,	Knott,	Poehler,	
Fort,	Lewis,	Prescott,	

So the preamble was adopted.

The following pairs were announced at the Clerk's desk:

Mr. HUBBELL with Mr. KNOTT for the remainder of the day.

Mr. HEILMAN with Mr. POEHLER for to-day.

Mr. RYAN, of Kansas, with Mr. ELLIS.

Mr. PHILIPS with Mr. PAGE.

The result of the vote was announced as above stated.

Mr. McLANE moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The bill in controversy will now go to the Committee on Ways and Means under the instructions of the House.

ADJOURNMENT OVER.

Mr. MARTIN, of Delaware. Mr. Speaker, to-morrow being Good Friday, a day regarded by a good many people all over the world as one of peculiar solemnity, I therefore move that when the House adjourns to-day it be to meet on Saturday next at twelve o'clock.

The motion was disagreed to.

Mr. O'NEILL. I move the House do now adjourn.

Mr. ROBESON. If the gentleman from Delaware will make it Monday, perhaps it will carry.

Mr. MARTIN, of Delaware. Very well, then, I will move that when the House adjourns to-day it be to meet on Monday next.

The motion was disagreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had agreed to the amendment of the House to the resolution of the Senate providing for the printing of 3,000 sets of five volumes each of the reports of the United States Fish Commission. The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 235) granting an increase of pension to Egbert Olcott;

An act (S. No. 1404) to provide for issuing patents for public lands claimed under the pre-emption and homestead laws, in cases where the claimants have become insane;

An act (S. No. 1282) to incorporate the National Educational Association;

An act (S. No. 1148) to amend an act entitled "An act authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia to redeem certain funded indebtedness of said District," approved June 10, 1879;

An act (S. No. 1075) to authorize Dr. Daniel M. Appel, of the United States Army, to receive pay for discharging the duties of physician to the Mescalero Apache Indian agency, New Mexico;

An act (S. No. 1072) granting a pension to Arthur W. Irving; and

An act (S. No. 985) granting a pension to Mrs. Mary Leggett.

The message further announced that the Senate had passed, without amendment, a bill and joint resolution of the following titles:

An act (H. R. No. 3559) for the relief of L. H. Hersfield & Brother; and

Joint resolution (H. R. No. 68) to authorize the printing of 13,000 copies of the Report on Sheep Husbandry.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House was requested, a bill of the following title:

An act (H. R. No. 2518) for the relief of Nelson Lyon and Jeremiah S. James.

CENSUS.

Mr. THOMPSON, of Kentucky. I ask, Mr. Speaker, by unanimous consent to submit a report from the Committee on the Census.

The SPEAKER. The Chair is advised it is an important matter which should be reported and acted upon immediately.

Mr. THOMPSON, of Kentucky. I desire to present this privileged report and demand the previous question.

Mr. ALDRICH, of Rhode Island. I shall object, unless the amendments are printed.

Mr. THOMPSON, of Kentucky. No; the amendment strikes out certain sections of the Senate bill.

Mr. ALDRICH, of Rhode Island. Then I object.

STAR POSTAL SERVICE.

Mr. BLACKBURN. The Committee on Appropriations, by way of partial report, submit, for the purpose of having printed for the use of the House, all the testimony which has been taken by the subcommittee charged with inquiring into the cause of the deficiency in the star postal service.

Mr. CALKINS. Let me ask the gentleman from Kentucky whether the committee has yet closed its labors on that subject?

Mr. BLACKBURN. It has not; but in order that the House may inform itself of the question which will be presented by the amendments of the Senate to the House bill making appropriation to supply the deficiency for that service, it is proposed to have the testimony taken by that committee in the possession of members in print.

The SPEAKER. The committee has the right to report at any time. Mr. BLACKBURN. This is a report in part. It is as the Chair states; the committee have the right to report at any time.

Mr. CALKINS. I desire to ask the gentleman from Kentucky whether he supposes it is fair and right the testimony should be published for the use and action of the House when the investigation is still unfinished?

Mr. BLACKBURN. I will answer the gentleman, and say that the Committee on Appropriations simply desire to take no advantage of the House. This testimony is already in print; it is in print, however, for the use of the committee. There are only a few copies. If the House does not want to have it printed for its own use and information, the Committee on Appropriations is entirely content.

Mr. CONGER. Is that all of the testimony?

Mr. BLACKBURN. Yes; all of the testimony taken up to this time.

Mr. CONGER. Has all the testimony on the subject been taken?

Mr. BLACKBURN. No; the committee has no idea of stopping the testimony. If the House wants all the testimony which has been taken, now in print for its own use, that is the proposition made by the committee. If it does not, the Committee on Appropriations will be entirely content, for it has the testimony already in print for its own use.

Mr. CALKINS. I desire to say that while I have no objection to the testimony being printed, still at this time it is not exactly right to the parties under investigation to have the testimony printed and acted on by the House before that investigation has been completed.

Mr. BLOUNT. I wish to say that testimony is mostly of those who are being investigated.

Mr. CALKINS. I do not hear the gentleman.

Mr. BLOUNT. Nearly all the testimony which has been taken so far is that of the parties who are being investigated and complaining. So, therefore, no injustice is done to them.

Mr. CALKINS. What is complained of is that the House should be called upon to act on testimony which is incomplete and where the parties have not been fully heard.

Mr. BLACKBURN. I ask for a vote on my motion to print the testimony.

The motion was agreed to.

ENROLLED BILLS.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 1229) to authorize and direct the Commissioner of Agriculture to attend, in person or by deputy, the international sheep and wool show, to be held in the Centennial buildings, Fairmount Park, Philadelphia, in September, A. D. 1880, and to make a full and complete report of the same, and for other purposes; and

An act (H. R. No. 5258) appropriating money to provide for the public printing.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. EVINS, until Saturday, April 3, on account of important business;

To Mr. OVERTON, for five days, on account of sickness in his family;

To Mr. WHITTHORNE, for ten days, on account of important business;

To Mr. WILBER, for eight days, on account of important business;

To Mr. SHERWIN, for five days;

To Mr. KILLINGER, for one week;

To Mr. HELLMAN, for two weeks from to-morrow;

To Mr. PIERCE, for five days, on account of important business;

To Mr. LORING, for ten days;

To Mr. EINSTEIN, for ten days, on account of important business;

To Mr. WRIGHT, for two weeks from Monday; and

To Mr. PERSONS, for to-day.

WITHDRAWAL OF PAPERS.

The Clerk read the following:

Mr. STONE asks leave to withdraw from the files of the House the papers in the case of Enos Johnson; Mr. WADDILL in the case of Samuel M. Pharris; and Mr. DE LA MATYR in the case of Charles O. Wood.

CONTESTED-ELECTION CASE.

Mr. SPRINGER. I desire to state that I had intended to call up the contested-election case of Curtin against Yocum on Tuesday last, but owing to the condition in which business has been for the last two days I was unable to do so. I wish to give notice now that I will call up that case on Tuesday next after the morning hour.

Mr. ATKINS. I presume that will be a question of consideration.

DES MOINES RIVER LANDS, IOWA.

Mr. CONVERSE, by unanimous consent, from the Committee on the Public Lands, reported back, with an amendment, the bill (H. R. No. 1067) to quiet titles of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes; which, with the accompanying report, was ordered to be printed, and placed on the House Calendar.

And then, on motion of Mr. O'NEILL, (at four o'clock and forty-two minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BRIGGS: The petition of citizens of New Hampshire, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. CALKINS: The petition of A. Reynolds and others, citizens of White and Carroll Counties, Indiana, against the removal of the duty on paper—to the Committee on Ways and Means.

By Mr. CARPENTER: The petition of citizens, ex-soldiers of the Union Army, of Sioux Rapids, Iowa, for an equalization of bounties—to the Committee on Military Affairs.

By Mr. CASWELL: The petition of Amos Lowe and 35 others, citizens of Dane County, Wisconsin, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of Thomas Noon and 36 others, of Dane County, Wisconsin, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. CONVERSE: The petition of Brown Brothers, druggists, of Ohio, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. CRAVENS: The petition of Stephen E. Lamar, H. T. Haley, and others, of the Third Arkansas Cavalry, for the removal of the charge of desertion, and for payment for their services—to the Committee on Military Affairs.

By Mr. HORACE DAVIS: The petition of J. Bertz and others, to be refunded taxes illegally assessed and collected from them—to the Committee on Ways and Means.

Also, the petition of wholesale druggists of San Francisco, California, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. GILLETTE: The petition of T. R. Ballard and 36 others, citizens of Christian County, Illinois, for the passage of the bill (H. R. No. 4910) providing for the payment of the public debt—to the same committee.

By Mr. GODSHALK: The petition of citizens of Pennsylvania, for the equalization of the pensions of soldiers of the war of 1812—to the Committee on Pensions.

By Mr. HENKLE: The petition of Alexander Maseley, executor of William D. Maseley, formerly naval contractor, for relief—to the Committee on Naval Affairs.

By Mr. MANNING: Papers relating to the claim of Maggie Barron, Henry P. Gorman, and Walter Gorman, for property taken by the United States Army—to the Committee on War Claims.

Also, the memorial of Alex. P. Stewart, chancellor of the University of Mississippi, the professors of said university, and others, for the appropriation of \$50,000 to enable a committee of entomologists to investigate the habits and ravages of all insects which prey upon the cotton-plant, and the most practicable means of destroying them—to the Committee on Appropriations.

By Mr. MORTON: The petition of the American Chamber of Commerce for a national bankrupt law—to the Committee on the Judiciary.

By Mr. WILLIAM A. RUSSELL: The petitions of William W. Sylvester and others, of J. W. Fisher and others, of Joshua Baker and others, and of L. R. Beebe and others, for the amendment of the pilotage laws—to the Committee on Commerce.

By Mr. WHITEAKER: The petition of citizens of Oregon, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Oregon, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. WILSON: The petition of Benjamin Wilson, for the passage of a resolution providing for the appointment of a special committee to ascertain and report upon the propriety of referring quartermaster and commissary claims against the Government to some other tribunal—to the Committee on Rules.

By Mr. WRIGHT: The petition of Alonzo McDermott and 95 others, citizens of Illinois; of George Smith and 345 others, citizens of Houtzdale, Pennsylvania; and of William L. Goddard, W. B. Stone, and 98 others, citizens of Chicago, Illinois, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on the Public Lands.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 26, 1880.

The House met at twelve o'clock m. Prayer by Rev. SAMUEL DOMER, pastor of Saint Paul's English Lutheran church, Washington, D. C.

The Journal of yesterday was read and approved.

SATURDAY SESSION FOR DEBATE.

Mr. FERNANDO WOOD. I ask unanimous consent that to-morrow's session may be set aside for debate on the funding bill—no question to be taken.

Mr. SINGLETON, of Mississippi. I object until we get through with the appropriation bill now pending.

ORDER OF BUSINESS.

Mr. SINGLETON, of Mississippi. I move now to dispense with the morning hour, with a view to proceed with the consideration of the consular and diplomatic appropriation bill in Committee of the Whole.

The House divided; and there were—ayes 58, noes 25.

Mr. BRIGHT demanded tellers.

Tellers were ordered; and Mr. SINGLETON, of Mississippi, and Mr. BRIGHT were appointed.

The House again divided; and the tellers reported—ayes 66, noes 30.

Mr. BRIGHT. I make the point of order that no quorum has voted.

Mr. BUCKNER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 121, nays 81, not voting 90; as follows:

YEAS—121.

Aiken,	Denster,	King,	Scales,
Aldrich, William	Dibrell,	Knoit,	Shallenberger,
Armfield,	Dunn,	Ladd,	Shelley,
Atherton,	Dwight,	Le Fevre,	Singleton, J. W.
Bachman,	Elam,	Lounsbury,	Singleton, O. R.
Bayne,	Felton,	Martin, Edward L.	Smith, A. Herr
Beltzhoover,	Field,	McCook,	Smith, Hezekiah B.
Blackburn,	Forney,	McKenzie,	Smith, William E.
Bland,	Frye,	McMahon,	Sparks,
Blount,	Garfield,	Mitchell,	Speer,
Bouck,	Hall,	Money,	Starin,
Boyd,	Hammond, N. J.	Monroe,	Steele,
Briggs,	Harris, John T.	Newberry,	Stone,
Browne,	Hayes,	Nicholls,	Thompson, W. G.
Buckner,	Hazelton,	Norcross,	Tillman,
Butterworth,	Henry,	O'Neill,	Townshend, R. W.
Cabell,	Herbert,	Orth,	Turner, Oscar
Camp,	Herridon,	Osmer,	Valentine,
Caswell,	Hill,	Persons,	Van Aernam,
Chittenden,	Horr,	Phister,	Waddill,
Clafin,	Houk,	Poehler,	Wait,
Clymer,	Hubbell,	Pound,	Warner,
Conger,	Hull,	Price,	Whiteaker,
Converse,	Hurd,	Reagan,	Williams, Thomas
Cook,	Hutchins,	Richardson, J. S.	Willits,
Cowgill,	James,	Robertson,	Wise,
Cravens,	Johnston,	Ross,	Wood, Fernando
Daggett,	Jones,	Ryan, Thomas	Young, Casey.
Davis, Horace	Joyce,	Ryon, John W.	
Davis, Joseph J.	Kenna,	Samford,	
Davis, Lowndes H.	Kimmel,	Sawyer,	

NAYS—81.

Aldrich, N. W.	Coffroth,	Henderson,	Russell, W. A.
Anderson,	Colerick,	House,	Siemons,
Atkins,	Culbertson,	Humphrey,	Stephens,
Baker,	Davidson,	Hunton,	Stevenson,
Ballou,	Davis, George R.	Kelley,	Talbott,
Belford,	De La Matyr,	Ketcham,	Thomas,
Berry,	Deering,	Klotz,	Thompson, P. B.
Bicknell,	Dunnell,	Lapham,	Turner, Thomas
Bingham,	Ellis,	Lindsey,	Tyler,
Blake,	Errett,	Lowe,	Updegraff, J. T.
Bliss,	Farr,	Mason,	Updegraff, Thomas
Bowman,	Ferdon,	McCoid,	Upson,
Brewer,	Ford,	McGowan,	Urner,
Bright,	Geddes,	McLane,	Vance,
Burrows,	Godshalk,	Muldrow,	Ward,
Caldwell,	Goode,	Neal,	Washburn,
Carlisle,	Harris, Benj. W.	New,	Wellborn,
Carpenter,	Haskell,	O'Connor,	Yecum.
Clardy,	Hatch,	Reed,	
Clark, John B.	Hawk,	Robinson,	
Cobb,	Hawley,	Rothwell,	

NOT VOTING—90.

Acklen,	Fort,	McMillin,	Russell, Daniel L.
Bailey,	Frost,	Miles,	Sapp,
Barber,	Gibson,	Miller,	Sherwin,
Barlow,	Gillette,	Mills,	Simonton,
Beale,	Gunter,	Morrison,	Springer,
Bragg,	Hammond, John	Morse,	Taylor,
Brigham,	Harnier,	Morton,	Townsend, Amos
Calkins,	Heilman,	Muller,	Tucker,
Cannon,	Henkle,	Murch,	Van Voorhis,
Chalmers,	Hiscock,	Myers,	Voorhis,
Clark, Alvah A.	Hooker,	O'Brien,	Weaver,
Covert,	Hostettler,	O'Reilly,	Wells,
Cox,	Jorgensen,	Overton,	White,
Crapo,	Keifer,	Pacheco,	Whitthorne,
Crowley,	Killinger,	Page,	Wilber,
Dick,	Kitchin,	Phelps,	Williams, C. G.
Dickey,	Lewis,	Phillips,	Willis,
Einstein,	Loring,	Pierce,	Wilson,
Evins,	Manning,	Prescott,	Wood, Walter A.
Ewing,	Marsh,	Rice,	Wright,
Finley,	Martin, Benj. F.	Richardson, D. P.	Young, Thomas L.
Fisher,	Martin, Joseph J.	Richmond,	
Forsythe,	McKinley,	Robeson,	

So (two-thirds not voting in favor thereof) the morning hour was not dispensed with.

The Clerk announced the following pairs:

Mr. KILLINGER with Mr. ACKLEN.

Mr. EVINS with Mr. TOWNSEND, of Ohio.

Mr. BRAGG with Mr. LORING.

Mr. MARTIN, of West Virginia, with Mr. HUBBELL on all political questions.

Mr. ROBESON with Mr. CHALMERS on this question. If Mr. CHALMERS were present, Mr. ROBESON would vote "no."

Mr. BRIGHAM with Mr. TAYLOR on Friday, Saturday, and Monday.

Mr. BOUCK with Mr. McKINLEY on all political questions from the 26th March.

Mr. SINGLETON, of Illinois, with Mr. MILES on all political questions, except to make up a quorum, from and after the 20th instant, during the leave of absence granted to Mr. MILES.

Mr. COVERT with Mr. HAMMOND, of New York.

Mr. SHERWIN with Mr. WRIGHT.

Mr. ARMFIELD with Mr. OVERTON on all political questions for five days.

Mr. SMITH, of Georgia, with Mr. WILBER.

Mr. MULLER with Mr. MILLER until Monday.

Mr. DUNN with Mr. SAPP on all yeas-and-nay votes of a political character on which the democratic and republican parties shall be opposed.

Mr. KEIFER with Mr. CLARK, of New Jersey, on all political questions until Friday.

Mr. RICHMOND with Mr. PRESCOTT.

Mr. HOSTETLER with Mr. HORR.

Mr. PAGE with Mr. WILLIS.

The result of the vote was then announced as above recorded.

Mr. BRIGHT. I call for the regular order.

PERSONAL EXPLANATION.

Mr. ROBERTSON. It appears from the CONGRESSIONAL RECORD that the gentleman from Tennessee [Mr. YOUNG] propounded yesterday the following parliamentary inquiry:

If the bill offered by the gentleman from Illinois [Mr. TOWNSEND] should be allowed to remain with the Committee on the Revision of the Laws and should be reported to the House for its favorable action, could it not upon a point of order be referred by the Speaker to any other committee?

The following appears as the answer of the Chair:

The SPEAKER. It could not.

I did not at the time hear the answer of the Chair to that parliamentary inquiry. Had I done so I would have voted in an entirely different way from what I did. I was under the impression that under the rules should the Committee on the Revision of the Laws bring back this bill with a favorable report, a motion to discharge the committee or to recommit to another committee would have been in order. In order to avoid further controversy over this matter I voted as I did. Had I known, however, that that committee bringing in that bill with a favorable report, a motion to recommit to another committee would have been out of order, or that the bill would have been under consideration in this House, I would have been very far from voting as I did. For if a favorable report from that committee would have brought up the question of reducing the tariff as proposed in that bill I would have voted for the bill, because I am not a protectionist. I do not desire to be considered in that category; and I would have voted "no" instead of "ay" on the proposition of the gentleman from Maryland, [Mr. McLANE.]

Mr. McLANE. I wish to ask the gentleman from Louisiana by what right he gives any such significance to that vote?

Mr. ROBERTSON. I give it that significance because I was under the impression that—

Mr. SCALES. I rise to a question of order. All this is out of order. Mr. McLANE. I for one utterly repel the idea of there having been any such significance in the vote.

Mr. FERNANDO WOOD. I concur with the gentleman from Maryland in denying that it had any such significance.

Mr. ROBERTSON. I speak merely for myself, and beg leave to differ in opinion from the gentlemen.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded, which is the call of committees for reports of a private nature.

Mr. SCALES. I rise to make a privileged report from the Committee on Indian Affairs.

The SPEAKER. The Chair would suggest to the gentleman from North Carolina to delay making that report for the present. His proposition relates to public business, and the House has refused to dispense with the morning hour for private business. The Chair will recognize the gentleman hereafter.

The morning hour begins at thirteen minutes to one o'clock; and this being Friday, the morning hour of to-day is for reports from committees of a private nature. There comes over in this morning hour a bill undisposed of under the old rules. The Chair will cause the title of the bill to be read.

WILLIAM G. BUDLONG.

The Clerk read the title of the bill, as follows:

A bill (H. R. No. 2030) for the relief of William G. Budlong.

Mr. CONGER. Is that bill on the Calendar anywhere?

The SPEAKER. It is pending in the morning hour under the old rule.

Mr. KNOTT. I make the point that the old rules have no existence now. If it is held that this bill is pending under the old rule, then we would be proceeding under two sets of rules, although one set has been expressly abrogated by the adoption of the other.

The SPEAKER. This is a bill in the morning hour, reported before the new rules were adopted. It was being considered in the morning hour; and the Chair is unaware how any other status can be given to the bill under the circumstances except by disposing of it.

Mr. KNOTT. If under the new rules—

The SPEAKER. And the House has already adopted that course in regard to a bill of a public character, which was in the morning hour of a day other than Friday. This is in exact harmony with the action of the House on that occasion.

Mr. KNOTT. I appeal to the rules of the House—not to what the House may have done, whether right or wrong. If the rules provide that the bill now before the House shall go to one of the Calendars, it should go there, so that the morning hour of to-day shall not be

occupied by its consideration. We are not acting under the old rules of the House, because they have been abrogated.

The SPEAKER. We are not acting under the old rules. This bill is actually in the morning hour undisposed of.

Mr. KNOTT. And being in the morning hour, it must go to a Calendar under the new rules.

The SPEAKER. It came in as a bill reported in the morning hour for consideration under the old rules, and was considered for thirty minutes or more. The Chair will cause to be read the resolution offered by the gentleman from Ohio [Mr. GARFIELD] and adopted by the House in reference to the business of the House under the new rules. The Chair thinks that resolution will cover this question.

Mr. VANCE. This bill was already reported and had been considered in the morning hour before the new rules were adopted.

The SPEAKER. The Chair has stated that fact; that the bill was reported and was considered for some length of time. The Chair, however, will be influenced by the resolution which was adopted by the House on motion of the gentleman from Ohio, [Mr. GARFIELD.] The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That the foregoing rules, just adopted as a substitute for all existing rules of the House, shall take effect and be in force from and after the hour of noon on Monday next, on which day, after the reading of the Journal, the Speaker shall present to the House the calendars provided for in these rules, on which shall be entered in proper order all the measures now pending before the House or the Committee of the Whole: *Provided*, That in carrying these rules into effect no standing committee shall be abolished, nor the number of the same decreased, during the present Congress; nor shall any existing special order be set aside.

Mr. KNOTT. I submit that this is not a special order, and the resolution just read has no pertinence at all to the point I make.

The SPEAKER. The Chair is at a loss to know where the bill should go. It is certainly in the morning hour now.

Mr. KNOTT. It evidently should go to the appropriate calendar; if a private bill it should go to the Private Calendar, and if a public bill it should go to the Public Calendar.

The SPEAKER. That applies to reports of committees made after the new rules were adopted.

Mr. KNOTT. I respectfully call the attention of the Speaker to the language of the resolution just read, which requires the Speaker to cause calendars to be prepared in accordance with the new rules, upon which are to be bills, &c., according to their character.

The SPEAKER. This is unfinished business in the morning hour coming over from a former Friday. The Calendar has been made up in the manner set forth in the rules under the order of the House. This bill remains in the morning hour of Friday as unfinished business.

Mr. KNOTT. I understand that; but I maintain that the resolution which has just been read provides that the Speaker of the House shall have calendars prepared upon which shall be placed bills classified according to their character. If the Calendar has not been made in accordance with the direction of the resolution, then it has been made up erroneously and should be corrected.

The SPEAKER. It has not been made up erroneously, because this bill was reported from a committee and was under consideration in the morning hour of a Friday, before the calendars were ordered to be made under the new rules.

Mr. BLAND. Has not this bill been considered since the adoption of the new rules?

The SPEAKER. It has not been; but the House has considered a public bill pending in the morning hour of a day other than Friday and coming over under like circumstances. The Chair thinks that the action of the House in that case should influence him as to this case.

Mr. VANCE. This bill was reported, considered in the morning hour of a Friday, and when the morning hour expired it went over to the next private bill day, to come up in the morning hour, with the distinct understanding that the gentleman from Rhode Island [Mr. BALLOU] should be entitled to the floor upon it.

The SPEAKER. That was the understanding in the House.

Mr. BREWER. I move to lay the bill on the table.

The SPEAKER. The gentleman from Rhode Island [Mr. BALLOU] is on the floor. Does he yield for that motion?

Mr. BALLOU. I do not.

The SPEAKER. The Chair thinks that the action of the House on a public bill in the morning hour of a day other than Friday was in exact accord with the proposed proceeding upon a private bill in this morning hour.

Mr. KNOTT. The point of order, as I understand it, was not made in that case.

The SPEAKER. The Chair rules that this bill has no other status than that of a bill under consideration in the morning hour. The Chair knows of no authority by which he can take this bill out of the morning hour and order it to be placed upon the Private Calendar.

Mr. ALDRICH, of Rhode Island. Cannot an arrangement be made by unanimous consent that this bill shall be considered to-day immediately after the morning hour?

Mr. BALLOU. Mr. Speaker, I believe I am entitled to the floor.

Mr. HARRIS, of Virginia. I desire to call the attention of the Chair and of the House to the Calendar of the Committee of the Whole on the state of the Union in order to show that a bill has been placed on that calendar which should not be there, but which should be on another calendar.

The SPEAKER. The Chair does not want to have that matter interposed here during the morning hour. The Chair will recognize the gentleman from Virginia [Mr. HARRIS] at another time for that purpose. The gentleman from Rhode Island [Mr. BALLOU] is entitled to the floor on the pending bill and will proceed.

Mr. BALLOU. Mr. Speaker, it will be remembered that the bill No. 2030, with report, for the relief of William G. Budlong, was taken up and read on Friday, March 5, and further consideration prevented by the expiration of the morning hour, since which time private-bill day has been superseded by other business. With the feeling which exists against the extension of patent rights, both here and elsewhere, a few words of explanation may be necessary in relation to this bill for the relief of Mr. Budlong, and why it should be recommended by the committee. The fact that petitions are received and referred to a committee for relief presupposes that there may be some cases entitled to a favorable consideration, so far at least as to present their claims to the Commissioner of Patents for his decision, even though the general rule be adverse, and thus ascertain by the testimony of those interested whether a reasonable remuneration has been received for the time, ingenuity, and expense bestowed, with a just regard always to the public interest. If there are no such cases, then it seems like an imposition upon the committee, and a mockery to applicants, to keep up the form of adjudication upon evidence and just principles at so great an expense of money and waste of time, when the whole matter is prejudged and without chance of repeal or change.

I cannot think the opposition to extension arises from any disposition to be unjust to inventors or to underestimate their labors, but rather from the impositions of sharpers and speculators and dealers in patent-rights whose inventive powers consist only in extorting money from innocent purchasers of patented articles. Against all such let there be the most stringent laws. But the real inventor who is entitled to a patent is a public benefactor and should be protected and encouraged. Very few such obtain any adequate compensation for the sacrifices they make and the benefits they confer. All the improvements in the arts, all the comforts and luxuries of life which we possess over the preceding generations we owe to inventors. The laborer that once toiled from morning till night, for the little which his own hands could do, can now sit in his chair and watch the machine that will accomplish for him ten times as much, improved in quality almost as much as in amount; and the farmer can now plow and sow and reap and mow without other fatigue or labor than guiding his horses from the easy seat of the carriage created by the inventor. The poor enjoy to-day luxuries which monarchs could not purchase fifty years ago, and the world grows rich and is blessed by the inventive genius of man. Let us be careful to discriminate between the mere speculator in patent rights who lives upon others' labor and the ingenious inventor who labors that others may live. The relief which is asked in this bill is for the latter and not the former, for an enterprising mechanic, an ingenious inventor, who has given years of time and all his surplus earnings after supporting his family, taking portions of the night as well as leisure hours in perfecting a machine which would save human labor and be a blessing to the community by making a necessary article in common use cheaper and better for all. But it takes time and money to introduce even a good thing to the knowledge and appreciation of the world, two things, unfortunately, which Mr. Budlong had not to spare, and the death of a friend, who was ready to assist him, and the change of the material used, to which the patent was first adapted, from wood to metal, (rendering a reissue with more perfect specifications necessary,) and the general depression of business, have thus far prevented him from so introducing it as to receive any pecuniary benefit, and without extension the fruits of his years of toil and sacrifice and expense will pass to other hands without any personal remuneration to himself.

Mr. Budlong has perfected his machine, which is all his own, and now for the first time that he is able by the aid of friends to introduce it to the public, he finds his patent is about to expire. The committee therefore, believing that this is in some respects an exceptional case, and that it is eminently just and right that the inventor should have an opportunity to present his case to the Commissioner, and thus possibly to obtain some reward for his labors, commend the passage of this bill to the favorable consideration of the House.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. SMITH] for ten minutes.

Mr. SMITH, of New Jersey. Mr. Speaker, as a member of the Patent Committee, I beg to offer a few remarks on this case. No man has more sympathy with inventors than myself. American mechanics and inventors have done more since my remembrance to bring the world from the old ruts and sloughs of pernicious habits or modes of doing business than had been in any other five hundred years of the world's history of which I have any knowledge. I will not detain you by attempting to enumerate the many improvements and discoveries, revolutionizing the old modes of doing business and adding so much to our comforts. We cannot do too much for inventors. We cannot do too much to encourage them to go on with the great work so well started. We must not for one moment imagine we are doing making improvements. The unseen, unknown future has an endless amount and variety of improvements calling loudly to us for an introduction to our people and our world. Let us withhold no encourage-

ment from those who are willing to enlist in the great work of bringing them out. This business of extending patents by act of Congress is not for the interest of inventors, but directly opposed to them. I have never known an extended patent by act of Congress that did not overlay or interfere with some other inventor's device or improvements, thereby robbing him of the just fruits of his toil and labor. These extended patents usually find their way into the hands of speculators.

The paper-pulp extension is an illustration, monopolized by a few wealthy manufacturers, who oblige the poor printer and publisher to pay about three cents per pound extra for his paper, and it is wonderful to see how tamely the newspapers submit to that great fraud. The sewing-machine is another illustration. The patent eye-pointed needle monopolized the sewing-machine in this country twenty-eight years, though there were many hundreds of patented improvements made during the first half of the life-time of this unjust monopoly. Some of them were very essential to the eye-point patent, and in fact it could never have been a success without them. Still the eye-point patent held them all in abeyance, thereby robbing these inventors of their just rights to it. For twenty-five years the poor seamstress was compelled to pay about \$40 dollars more for her machine than she would have done but for this monopoly, but it made a batch of millionaires and only robbed a few million poor sewing girls and a few hundred honest inventors. I could mention many others, but the history of one of these swindles is the history of all of them. The object of patent laws was to advance, to promote the arts, and not to retard or put back.

The result of these extensions by act of Congress has been to retard the arts every time, everywhere, and can have no other effect. I oppose this extension for the very reason that it is antagonistic to the interest of inventors and a gross wrong to the masses of the people. If my position be erroneous I hope gentlemen of more experience and knowledge upon this subject will correct me.

It was well understood by inventors who took out patents under the seventeen-year law that seventeen years was to be the entire life-time of their patent. They did their work knowing what they were to receive for it when the contract would expire, the bond be over.

It is all wrong, and not in accordance with our institutions, to allow anybody to monopolize any device or invention for a great length of time. We are a fast people; ours is a fast country. We cannot afford to give up a patentable invention to any man or body of men for one quarter of a century. I have taken out many patents myself and consider seventeen years long enough for me; and I even think that fifteen years would be better. Real inventors only require a chance to ply their vocation.

From all the information I can get in regard to this case it is like this: This man invented a machine for pegging boots and shoes and driving wooden pegs. This machine proved worthless. It was probably found that some part of this machine could be made to cover some ground occupied by a later inventor who had brought out a useful machine. Grant this extension and you rob him of his just rights and damage the public by withholding superior machines from the market.

We must take away these extended devices; we must give the inventors of our country a clear, open track, and you will see in the next fifty years improvements far eclipsing anything in the last fifty years, for the reason that to-day we have the tools; then we had comparatively none.

I hope and trust this bill will not pass.

Mr. BALLOU. I yield twenty minutes to the gentleman from Pennsylvania, [Mr. WARD,] my colleague on the committee.

Mr. WARD. Mr. Speaker, I am prepared to follow fully my colleague on the committee, the gentleman from New Jersey, [Mr. SMITH,] in opposing as a rule the extension of patents which have enjoyed a life of seventeen years under the act of Congress. I believe with the distinguished Senator from Massachusetts, [Mr. HOAR,] a member of the Senate Committee on Patents, that as a rule the enjoyment of a period of seventeen years should terminate the exclusive privilege of a patent. But because I believe in that rule, because I consider it salutary and wise, for that very reason when there is presented a case possessing circumstances and incidents which remove it beyond the reason of the rule, I am willing to take it up and consider it carefully, fairly, and judicially; and if in my judgment it is entitled to be brought into this House I am ready to join in reporting it with a favorable recommendation. I have no prejudice whatever that will prevent me from giving such a case candid consideration and fair judgment. And that is precisely the nature of the case that we have presented to us to-day upon the report of my colleague on the committee, the gentleman from Rhode Island, [Mr. BALLOU.]

The inventor here is a poor man; and his case should not be prejudiced by the sentiment of hostility to monopolies to which my colleague on the committee, the gentleman from New Jersey, has endeavored to appeal. I am as much opposed to monopolies as he is. I am against extending patents for the benefit of any man or any corporation that has enjoyed the fruits of the exclusive privilege provided by our patent laws. I will go with the gentleman from New Jersey to the extreme limit in enacting laws that shall protect the innocent infringer, the user of a machine or article purchased in open market without knowledge of the infringement of any patent. I

would protect such an one by the strongest legislative enactments against suits and penalties at the instance of the patent-pirates who infest this country. But while I am opposed to monopolies, while I am in favor of protecting the innocent user, I am at the same time in favor of encouraging the poor inventor and developing the beneficent intention which lies at the bottom of the patent laws of this country—the encouragement of inventive genius and the promotion of the sciences and the arts.

What is the case here? A poor man in the State of Rhode Island invents this machine. The evidence produced by him before the committee concurs with the personal knowledge of the gentleman from Rhode Island [Mr. BALLOU] in establishing the fact that up to the present time this inventor has been utterly without return or recompense for his invention. He has made nothing out of it; he has not realized a copper as the result of his labor. He has not been lacking in diligent use of the talent committed to him. Through good report and evil report, through storm and through trial he has held on to this invention, and has not parted with it to any monopoly that would be enabled by its capital and power to crush out the innocent users of these machines. He comes here to-day, not only poorer than when he started, having invested and lost all his means in the prosecution of this enterprise, but he comes here after years of diligent labor extending through the whole period, until his patent is about to expire. Now, just as day is beginning to break for him, just as he is upon the borders of this promised land, when people are ready to come forward and assist him, he comes here and asks—what? That Congress shall absolutely extend his patent? Nothing of the sort; but that we shall open the door for him so that he may go before the Commissioner of Patents and submit to the scrutiny of this officer the question whether or not he has been diligent through these years that have gone by, and whether he has received any remuneration for his invention. This proceeding is to take place not in a closet, not without notice, but after the Commissioner, under the rules of the Department, has given world-wide advertisement through all the organs to which people interested in these matters generally look for information—has advertised this man's application for extension so that all persons interested may come forward and say, if anything they have to say, why the application should not be granted.

There is no gentleman upon this floor, there is not a man in this country, who can contradict the absolute correctness of the statements I make—that this invention has been valuable, that this man has been faithful to his trust, but that he has realized nothing. With these facts established—and they cannot be gainsaid—what is to be said against granting this application? What is the objection to permitting this man to go to the Patent Office and submit his application for an extension? Nothing but the argument which my friend from New Jersey has used, that this poor man shall be crushed out because some overgrown monopoly has used its power improperly and has levied tribute upon the public in a burdensome and oppressive manner.

I am not here to attempt any eulogium upon the patent system of this or any other country. Gentlemen here are as well informed on that topic as I am. Suffice it to say that the history of inventive genius in this country and in the Old World is but the reflex of the progress and civilization of the age. I need not allude to the great achievements in the diffusion of knowledge and intelligence by the printing-press and through the various electrical inventions which have from time to time been perfected, nor to the conquering of space and the populating of empires through the railroad and steamship. Agriculture also must lay its tribute at the feet of the inventor. Invention has simplified husbandry in every stage of its progress, and the four hundred million bushels of wheat produced annually in the United States would be an impossible product but for these agencies. It has been well said:

Invention, system, capital, brains, are factors for success in most things in these days. The United States is supplying not only England, but Belgium, the Netherlands, and France, with bread at the present time, because the American inventor, comprehending the needs of the farmer, has supplied him with machinery to do the work of human hands.

Mr. Speaker, take a picture last year, for example:

Ride over those fertile acres of Dakota, and behold the working of this latest triumph of American genius. You are in a sea of wheat. On the farms managed by Oliver Dalrymple are thirteen thousand acres in one field. There are other farmers who cultivate from one hundred and sixty to six thousand acres. The railroad train rolls through an ocean of grain. Pleasant the music of the rippling waves as the west wind sweeps over the expanse. We encounter a squadron of war chariots, not such as once swept over the Delta of the Nile in pursuit of an army of fugitive Israelites, not such as the warriors of Rome were wont to drive, with glittering knives projecting from the axles to mow a swath through the ranks of an enemy, to drench the ground with blood, to cut down the human race, as if men were noxious weeds, but chariots of peace, doing the work of human hands for the sustenance of men. There are twenty-five of them in this one brigade of the grand army of one hundred and fifteen, under the marshalship of this Dakota farmer. A superintendent upon a superb horse, like a brigadier directing his forces, rides along the line, accompanied by his staff of two on horseback. They are fully armed and equipped not with swords, but the implements of peace—wrenches, hammers, chisels. They are surgeons in waiting, with nuts and screws, or whatever may be needed.

This brigade of horse artillery sweeps by in echelon—in close order, reaper following reaper. There is a sound of wheels. The grain disappears an instant, then reappears; iron arms clasp it, hold it a moment in their embrace, wind it with wire, then toss it disdainfully at your feet. You hear in the rattling of the wheels the mechanism saying to itself, "See how easy I can do it!"

An army of "shockers" follow the reapers, setting up the bundles to ripen before thrashing. The reaping must ordinarily all be done in fifteen days, else the

grain becomes too ripe. The first fields harvested, therefore, are cut before the ripening is complete. Each reaper averages about fifteen acres per day, and is drawn by three horses or mules.

The reaping ended, thrashing begins. Again memory goes back to early years, to the pounding out of the grain upon the thrashing-floor with the flail—the slow, tedious work of the winter days. Poets no more will rehearse the music of the flail. The picture for February in the old Farmer's Almanac is obsolete. September is the month for thrashing, the thrasher doing its six hundred or seven hundred bushels per day, driven by a steam-engine of sixteen horse-power. Remorseless that sharp-toothed devourer, swallowing its food as fast as two men can cut the wirebands, requiring six teams to supply its demands! And what a cataract of grain pours from its spout, faster than two men can bag it!

The latest triumph of invention in this direction is a straw-burning engine, utilizing the stalks of the grain for fuel.

In another great agricultural product the following evidence has been presented to the Patent Committee of this House from a reliable source, namely:

The six great corn States of the Union are, I think, Illinois, Iowa, Missouri, Indiana, Ohio, and Kansas. They produce more than half the corn raised in the country. Now, of what inestimable value is that one machine, the corn-sheller, to those communities! Those States, by the census of 1870, had 1,775,000 persons engaged in agriculture. It would require the entire farming community of those States to sit astride bar-shovels and handles of frying-pans one hundred days out of the three hundred and sixty-five to shell their corn by the old process. Take the crop of last year—1,500,000,000 bushels of corn. The entire population of the United States—every man, woman, and child, every individual of the 40,000,000 of us—would be obliged to spend the entire six working days of the week and till noon of Sunday to shell the crop by the old process. I do not know what would become of the country, Mr. Chairman, if we had to go back to those old times.

I need not allude to those achievements in this direction which have made our country illustrious. But while the gentleman from New Jersey was making his plea for the poor sewing girl, and depicting the oppressions of the sewing-machine monopolies, I could not help being carried back in my mind to the condition of the sewing girl before the sewing-machine was invented; and I will refer the gentleman from New Jersey to an argument upon this question which I had not expected to submit, but which he will find in Hood's poetical works, under the title of "The Song of the Shirt." I commend to him this picture of the former condition of the sewing girl:

With fingers weary and worn,
With eyelids heavy and red,
A woman sat in unwomanly rags,
Plying her needle and thread—
Stitch! stitch! stitch!
In poverty, hunger, and dirt;
And still with a voice of dolorous pitch
She sang the "Song of the Shirt!"

Seam, and gusset, and band,
Band, and gusset, and seam—
Work! work! work!
Like the engine that works by steam!
A mere machine of iron and wood,
That toils for Mammon's sake
Without a brain to ponder and craze,
Or a heart to feel—and break!

Mr. NICHOLLS. Will the gentleman let me ask him a question?

Mr. WARD. Certainly.

Mr. NICHOLLS. I desire to know from what authority the gentleman reads. [Laughter.]

Mr. WARD. I read from Tom Hood's "Song of the Shirt."

Mr. NICHOLLS. Good authority, sir.

Mr. McKENZIE. Is it the "bloody shirt?" [Laughter.]

Mr. WARD. It is not.

Mr. NICHOLLS. So much the better.

Mr. WARD. Whatever may be said in opposition to these sewing-machines, I say here to-day plainly if these sewing-machines were here asking an extension of any patent I would be opposed to it. As I am at present informed of the profits of these sewing-machine companies, I would be opposed to giving them any further exclusive privilege in that line; but when my colleague from New Jersey [Mr. SMITH] attempts to influence and prejudice this question by an appeal like that which he has made this morning, I reply to him that whatever may be said against the patent systems of this country and of other countries, in the main the world has been the gainer by them. It may be true that some people have made money. I admit it. I would rather see wealth reaped as the reward of toil of brain and wear of sinew than see it follow the hazard of the die in the gambling dens of speculation or see it in the golden shower which falls, unwrought for, from the bounty of an ancestor. I believe the men who toil and work in this world, and in this country especially, should reap the reward of their labors; and if they get rich I am glad of it. I am ready whenever a case like this comes up to give it fair and unprejudiced consideration, and according to my best judgment, uninfluenced by anything but the merits of the case, and to act on it as the circumstances seem to require.

Mr. BALLOU. I yield to the gentleman from Ohio, [Mr. KEIFER.]

Mr. KEIFER. I offer an amendment to the bill which I understand is not objected to by the friends of the measure.

The Clerk read as follows:

Add to the bill the following:

And provided further, That no prior assignee or purchaser of an interest, legal or equitable, in said patented invention shall acquire any interest therein by virtue of an extension of said patent under this act.

Mr. KEIFER. A single word, Mr. Speaker. It is rarely proper to extend a patent or to pass a bill authorizing the extension of a patent which has run for the period of seventeen years, as this patent

has. It was originally patented in 1863, to date from some period in 1862. I am informed in this case, however, this man claims still to be the owner of that patented interest; that he never parted with it. Yet men are often mistaken; and it turns out after we pass a bill here through grace, and not because of any right, in order to reward some person who has shown great genius in inventing something that is valuable to the general public or something that is useful, it turns out, I say, that assignees who have acquired interest under that patent when the extension has been granted have acquired the entire interest, and the man in whose favor the bill has been passed is a mere name under which the extension has been obtained and under the law has no interest in it whatever.

The records of the Patent Office will show that almost all these patents, where extensions have been granted, do not, at the time, belong to the patentees; and when we have gotten through with the bill in favor of the original inventor we find that we have passed a law simply for the purpose of benefiting those who control monopolies and control patents—persons who are entitled to no grace at our hands at all. I do not concede we do anything on this question as a matter of right; but with this amendment which I have proposed I shall be satisfied with the passage of this bill.

Mr. BALLOU. I will yield now to the gentleman from Connecticut, after which I shall demand the previous question.

Mr. HAWLEY. Mr. Speaker, I had no thought or desire of saying anything on this question and do so now only on the suggestion of my friend from Rhode Island, resulting from my making some inquiries in the matter and because I am acquainted with Mr. Budlong, a very respectable man and an excellent machinist, who makes this application. I share in the general prejudice against renewing a patent after it has had seventeen years of life. If there be anything good in it people are apt to find it out as a general rule. But there are exceptions to all these rules. I knew this man as a very industrious man and of excellent private character, and that character he has maintained since he went to Rhode Island. He has saved all he could from his valuable work as a machinist and expended it in perfecting this invention, to the amount of \$15,000. He has never made a dollar from it and is out that much. He owns, as he swears here—and I would believe him without his oath—the entire patent to-day. He was interrupted by the war. Of course, there was not much attention paid to those affairs at that day; and his services as a mechanic were extremely valuable to him and he devoted his time to mechanical work. He has now assurance of capable men they will assist him in putting this machine on the market. They are satisfied of its excellence. He has improved it from time to time. It is not in the shape it was eighteen years ago. Now he asks he may go to the Department and have a chance to save himself on his machine, owning the whole of it, having expended \$15,000 on it, and never having made a dollar. While I am exceedingly jealous of all renewals I think from my knowledge of the man and the circumstances this should be an exception. I am willing to give him another chance.

Mr. BROWNE. I wish to make a single inquiry of the gentleman having charge of this bill. I would like to know why it is that, after fifteen years of trial, the inventor, if this be a valuable machine, has been unable to realize anything from it? That is an important question, with me at least, in determining how I shall vote on this question.

Mr. BALLOU. Before calling the previous question, I shall endeavor to answer the question of my friend from Indiana. The reason why this has not been introduced is because the patent was first obtained during the war, when everything was in an excited condition. The patentee was a poor man. He was not able to do anything other than to support his family at that time. After the war he had not the means. But a friend came to his assistance, and was ready to aid him. Just as he was about ready to proceed his friend died. Then there was a change in the machine, or method for which the machine was patented, (which was made for wood especially,) to use metal instead. Then Mr. Budlong was obliged to adapt his machine to meet this change. It had not been introduced, but still metal was used instead of wood for pegging boots and shoes, and it was necessary that he should accommodate his machine to that change. Then the machine was perfected so as to use metal instead of wood. But a new application was made to perfect the papers in the case. That was in 1876. From 1873 to that time the depression in business kept him from being able to introduce his machine. Now it is perfected, though it has never been used by anybody. It is entirely owned by Mr. Budlong, who is a poor man. He has spent the best portion of his life in perfecting it, has devoted all his leisure hours to its perfection, and it has cost him, reckoning his labor and time, at least \$15,000.

As I have said, he is a poor man and has received nothing whatever from it. He now asks that he may have the privilege of going before the Commissioner of Patents to see if he can have the privilege of extending it for seven years. The Committee on Patents believe it to be an exceptional case, and they think that it is just and right that the inventor who has spent so much time and so much money should have the benefit of his invention, which will be a blessing to him as a remuneration for his long years of labor; and I hope that this House will do what I believe to be just and right in this case. I hope the bill will pass; if possible, unanimously. I now demand the previous question on the bill and amendment.

The previous question was seconded and the main question ordered. The SPEAKER *pro tempore*, (Mr. HARRIS, of Virginia, in the chair.) The question is on the amendment of the gentleman from Ohio. Mr. HOUSE. We cannot hear what the question is here. The SPEAKER *pro tempore*. The Clerk will read the amendment. The Clerk read as follows:

It is proposed to add to the bill the following:
And provided further, That no prior assignee or purchaser of an interest, legal or equitable, in said patented invention shall acquire any interest therein by virtue of the extension of such patent under this act.

The amendment was agreed to.

The question recurred on the engrossment and third reading of the bill.

The House divided; and there were—ayes 53, noes 53.

Mr. McKENZIE demanded the yeas and nays.

The yeas and nays were ordered.

Mr. KNOTT. I ask for the reading of the engrossed bill.

Mr. TOWNSHEND, of Illinois. What is the pending question?

The SPEAKER *pro tempore*. The pending question is on the engrossment and third reading of the bill.

Mr. McKENZIE. Then I withdraw the demand for the yeas and nays, as we understood here the question was on the passage of the bill.

The SPEAKER *pro tempore*. There being no objection, the demand for the yeas and nays is withdrawn.

There being some misapprehension the Chair will again put the question to the House on the engrossment and third reading.

The House divided; and there were—ayes 67, noes 53.

Mr. SPARKS. I demand tellers.

Tellers were ordered; and Mr. SPARKS and Mr. BALLOU were appointed.

The House again divided; and the tellers reported—ayes 81, noes 73. So the bill was ordered to be engrossed and read a third time.

Mr. BALLOU. I demand the previous question on the passage of the bill.

Mr. KNOTT. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. KNOTT. I make the point of order that the previous question operated only on the third reading, and not on the final passage of the bill, and that the morning hour has now expired.

The SPEAKER *pro tempore*. The Chair sustains the point of order, and the bill goes over.

Mr. TOWNSHEND, of Illinois. The morning hour has expired—

Mr. GARFIELD. But the demand for the previous question is pending.

Mr. McMAHON. That makes no difference; it has not yet been ordered.

Mr. BLACKBURN. The morning hour expired before the demand was made.

The SPEAKER here resumed the chair.

Mr. TOWNSHEND, of Illinois. I make the further point that the bill has already occupied two days in the morning hour.

The SPEAKER. That point is not well taken. It would make no difference though it occupied many days, being here under old rule.

Mr. TOWNSHEND, of Illinois. But the previous question has not been seconded.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House resolve itself into Committee of the Whole on the Private Calendar.

Mr. SINGLETON, of Mississippi, rose.

The SPEAKER. Pending the motion of the gentleman from Tennessee [Mr. BRIGHT] the gentleman from Mississippi [Mr. SINGLETON] moves that the consideration of private business to-day be dispensed with. That requires a two-thirds vote.

Mr. KNOTT. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KNOTT. As I read the rules a majority can refuse to go into Committee of the Whole on the Private Calendar.

The SPEAKER. To-day is Friday.

Mr. KNOTT. I understand that; but cannot a majority of the House, under the rule, refuse to go into Committee of the Whole on the Private Calendar?

The SPEAKER. The House can refuse to go into Committee of the Whole House.

Mr. KNOTT. Let the rule be read.

The SPEAKER. The Clerk will read the third paragraph of clause 6 of Rule XXIV.

The Clerk read as follows:

3. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days.

Mr. BRIGHT. I call for the reading of Rule XXVI, which governs the operation of the rule which has just been read.

The Clerk read as follows:

PRIVATE BUSINESS.

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a two-thirds vote of the members present and voting.

Mr. BRIGHT. I also ask that the first clause of Rule XXVIII be read.

The Clerk read as follows:

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month after the call of States and Territories shall have been completed, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session.

Mr. KNOTT. Now the question I desire to ask the Chair is whether the motion of the gentleman from Tennessee [Mr. BRIGHT] can be defeated by a majority of the House?

The SPEAKER. The Chair thinks the House can refuse to go into the Committee of the Whole on the Private Calendar.

Mr. KNOTT. Then if a majority of the House refuses to go into Committee of the Whole on the Private Calendar will it not be in order to move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding with the consideration of the consular and diplomatic appropriation bill?

The SPEAKER. The gentleman from Mississippi, [Mr. SINGLETON,] however, rose, and the Chair recognized him for the supposed purpose to move to suspend the rules so as to set aside the consideration of private business.

Mr. SINGLETON, of Mississippi. If the Chair will permit me, I wish to say that I did not make that motion, nor did I intend to make it. I rose to give notice that if the House should refuse to go into the Committee of the Whole on the Private Calendar, I should then move that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. DUNNELL. As I understand, there is but one motion now pending—that of the gentleman from Tennessee.

The SPEAKER. Rule XXVI, requiring a two-thirds vote to suspend the consideration of private business on Friday, was inserted in the House, not by the Committee on Rules; and there seems to be an incongruity between this and the other rule which has been read. In the absence of any motion to dispense with the consideration of private business the Chair submits the motion of the gentleman from Tennessee, [Mr. BRIGHT,] that the House shall now resolve itself into Committee of the Whole for the consideration of the Private Calendar. If that should be voted down, then the Chair, as at present informed, would submit a motion that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. O'CONNOR. Does the Chair rule or not that that motion would require a two-thirds vote?

The SPEAKER. The Chair will not rule until occasion requires.

Mr. O'CONNOR. As I understand, the pending motion is that the House resolve itself into Committee of the Whole on the Private Calendar.

The SPEAKER. The motion is that the House resolve itself into Committee of the Whole, the object being to consider business on the Private Calendar. If the House should refuse to consider private business the Chair would then submit the proposition to proceed to public business.

Mr. PAGE. If the motion is made to go into Committee of the Whole on the Private Calendar, is it not in order to raise the question of consideration, and would not that question of consideration be determined by a majority of the House?

The SPEAKER. This is in effect a question of consideration of the Private Calendar.

Mr. O'CONNOR. I submit that under Rule XXVI private business on this day has the precedence over any other business of the House; and that business cannot be dispensed with except by a two-thirds vote of the House.

You will remember, Mr. Speaker, after we had passed Rule XXIV, when we came to XXVI the gentleman from Minnesota [Mr. DUNNELL] moved to amend what had been reported by the Committee on Rules by inserting the clause that requires a two-thirds vote of this House before Friday can be used for any other business; and that amendment was adopted.

The SPEAKER. Suppose a majority of the House refuses to proceed to the consideration of private business, would the gentleman say the House could not proceed to other business, or must the House in such event immediately adjourn?

Mr. CONGER. No, sir. I contend that the motion made by the gentleman from Tennessee to proceed to business on the Private Calendar cannot be negatived except by a two-thirds vote.

The SPEAKER. If a majority of the House should not be willing to proceed to the consideration of business on the Private Calendar that would leave the House, according to the construction of the gentleman from South Carolina, with no power to proceed to the consideration of any other business except by a two-thirds vote.

Mr. BRIGHT. I am aware, sir, that these rules are new and have not received as yet a full construction by the Chair or by the House. I beg leave to submit this view of the construction of the rules in relation to private business:

I understand the rule to be that Friday of each week shall be set apart for the consideration of private business. That has become one of the standing rules of the House. That rule I understand to be imperative upon the House, requiring the House to proceed to the consideration of private business on Friday of each week.

Mr. GARFIELD. Suppose the majority of the House say they will not proceed to the consideration of private business.

Mr. BRIGHT. The view I was presenting is, that if this be one of the standing rules of the House it is imperative upon the House to proceed in order under it. As a matter of course the question must be submitted to the House whether it will go into Committee of the Whole on the Private Calendar. And suppose that the House by a majority vote shall refuse to go into Committee of the Whole on the Private Calendar; that would not relieve the House of its duty, that would not suspend a standing rule of the House which would be still operating upon it, and which requires the House to proceed to the consideration of business on the Private Calendar, except in accordance with a provision made by the House for its own government, that is, a two-thirds vote before it can proceed to the consideration of any other business. That is the point I make, even if my motion shall be voted down.

The SPEAKER. The equity of this case is clear, that it was intended by the adoption of the amendment to the rules offered by the gentleman from Minnesota [Mr. DUNNELL] that a two-thirds vote should be required to dispense with private business on Friday. The Chair thinks, however, that thereby an incongruity was produced in the rules. The Chair is at a loss to know what remedy there is, when the motion to go into Committee of the Whole on the Private Calendar is entertained and a majority of the House votes down that motion. However, that case may not arise, and gentlemen may be anticipating trouble needlessly.

Mr. BRIGHT. I understand the ruling of the Chair to be that a majority may refuse to go into Committee of the Whole on the Private Calendar.

The SPEAKER. The Chair will repeat what he stated. The equity of the case plainly looks to the extent of requiring a two-thirds vote to dispense with the consideration of private business on Friday. But the Chair is at a loss to know, in case a motion is made to go into Committee of the Whole on the Private Calendar and voted down, what remedy there would be.

Mr. BRIGHT. By any other course the Chair will see how easily he would be pushed to the wall by the general rules of the House.

The SPEAKER. The report of the Committee on Rules was harmonious on this subject until amended by the House.

Mr. BRIGHT. When a motion is made to proceed to other business than private business on Friday, then the general rule becomes operative which requires a two-thirds vote to dispense with the consideration of private business on Friday. The proposition now submitted is not for a suspension of the rules, but before the House can proceed in opposition to this rule a two-thirds vote will be required. That is the point I make.

The SPEAKER. There is another rule which gives any member the right to raise the question of consideration. If a majority of the House shall proceed to consider any particular business, then the next business in order is to be proceeded with. The House may say to-day that it will not proceed to the consideration of business on the Private Calendar, and then the Chair would be left to entertain a proposition to proceed to the consideration of the business next in order.

Mr. BRIGHT. I maintain that the consideration of any other business to-day would be subject to the point of order, that unless the general order for to-day shall be suspended by a two-thirds vote the House cannot proceed to the consideration of other business.

The SPEAKER. How can the Chair make the House go into Committee of the Whole for consideration of business on the Private Calendar, if a majority of the House, according to third paragraph of clause 6, Rule XXIV, shall refuse to do so?

Mr. BRIGHT. Then the House would vote to repudiate the rules it has made for its own government.

The SPEAKER. There is an incongruity in these two rules.

Mr. McLANE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McLANE. I want to ask the Chair whether, in case the House shall refuse to go into Committee of the Whole on the Private Calendar under Rule XXIV, it will not be obliged immediately, under Rule XXVI, to proceed to the consideration of private business on the House Calendar?

The SPEAKER. The House Calendar is made up of public bills.

Mr. McLANE. Pardon me; the point I make is this: The honorable gentleman from Tennessee [Mr. BRIGHT] has moved that the House resolve itself into Committee of the Whole on the Private Calendar. It is manifestly competent for the House under Rule XXIV to refuse to go into Committee of the Whole on the Private Calendar. But when the House shall have done so, then Rule XXVI will come into operation, and by that rule, unless a two-thirds vote shall relieve the House from it, we must go on with private business in the House. That is the point I make.

The SPEAKER. The Chair will cause to be read clause 9 of Rule XVI.

The Clerk read as follows:

At any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

The SPEAKER. If the House shall refuse now to go into Commit-

tee of the Whole on the Private Calendar, then clause 9 of Rule XVI might become operative.

Mr. NEWBERRY. I ask for the reading of the third paragraph of clause 6 of Rule XXIV.

The SPEAKER. That has already been read.

Mr. NEWBERRY. I did not hear it read; I will not ask for it to be read again.

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into Committee of the Whole House for the consideration of business on the Private Calendar.

Mr. DUNNELL. Mr. Speaker, this rule was amended on my motion when the new rules were before the House for consideration. The Committee on Rules had reported a rule providing that every Friday should be set apart for the consideration of private business unless otherwise ordered by a majority vote. This was amended so as to require a two-thirds vote. Now my point is that to-day is absolutely set apart by the rule of the House for the transaction of private business unless otherwise ordered by a two-thirds vote. If the House by a two-thirds vote should say, "We will not enter upon the consideration of private business to-day," then it will be competent for any gentleman to move to go on with other business. The gentleman from Mississippi [Mr. SINGLETON] can then make a motion to proceed with the consideration of the diplomatic and consular appropriation bill.

But, Mr. Speaker, it will be remembered that in the debate which was had when this rule was amended it was insisted by others as well as myself that Friday should be as absolutely protected for private business, unless a two-thirds vote should otherwise order, as the other days of the week are protected for public business, unless it should be dispensed with by a two-thirds vote. I can see no conflict at all.

Mr. HARRIS, of Virginia. If a majority of the House should vote against going into Committee of the Whole, does the gentleman then propose to go on in the House with the Private Calendar?

Mr. DUNNELL. Certainly.

Mr. HARRIS, of Virginia. What would we do with a bill making an appropriation of money? It could not be considered in Committee of the Whole.

Mr. NEWBERRY. I ask for the reading of another portion of the rules which seems to me to settle this question. I refer to the last paragraph of the sixth division of Rule XXIV.

The Clerk read as follows:

On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days.

Mr. HARRIS, of Virginia. If Rule XVI be construed literally in the manner for which gentlemen contend there would be no morning hour on Friday, because literally the rule provides that "Friday in every week shall be set apart for the consideration of private business." That says nothing about a morning hour; and if you adopt a literal construction, then immediately after the reading of the Journal on Friday it would be in order to move that the House resolve itself into Committee of the Whole to proceed to the consideration of the Private Calendar.

Mr. GARFIELD. The morning hour on Friday, being for private reports, is for "private business."

Mr. HARRIS, of Virginia. Rule XVI makes no exception of the morning hour. The language is:

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a two-thirds vote of the members present and voting.

Mr. GARFIELD. The language just read shows that the morning hour of Friday as well as the rest of the day is to be devoted to private business.

Mr. BLAND. I desire to call attention to this point: that there is in the rules a very apparent distinction between the right of an individual member and the right of a majority of the House. For instance, the morning hour having begun, the call of committees for reports can be demanded by any member; it is a right given to him under the rules. The call of committees for reports can only be dispensed with by a motion to suspend the rules so as to dispense with the morning hour. But no individual member can demand as his right that the House shall go into the Committee of the Whole. That requires a vote of the majority of the House; it is a right pertaining to the majority, not to any individual member. Hence, when a majority of the House refuses to go into Committee of the Whole, the rule applies that other business shall then be in order.

Mr. GARFIELD. I see that the language of the rule needs a little rectification, so as to obviate a seeming contradiction; but I think there is no real contradiction. A motion to suspend the rules and go into Committee of the Whole on public business does undoubtedly require on Friday a two-thirds vote. But that is not the proposition now pending. The present motion is to go into Committee of the Whole for the consideration of private business. A majority vote of the House can carry this motion; but a majority vote can also refuse to go into Committee of the Whole on private business. If not, we should be in this very singular predicament—that less than a majority of the House could put the House into Committee of the Whole by a vote, for instance, of forty in the affirmative against seventy in the

negative. There never was a rule which said that upon a vote forty members could carry a motion affirmatively over seventy members voting the other way. That is an absurdity which nobody ever thought of. The meaning of the rule is therefore this: that if a motion to go into Committee of the Whole on the Private Calendar does not receive a majority vote it fails; and then the House is at liberty by the vote of a majority to proceed with other business. There are two ways of getting around private bills: one is by a two-thirds vote suspending the rule; and the other by two motions and two votes; one to refuse to go to private bills; and the other to go to public bills; and that is what we are doing now.

Mr. BRIGHT. Mr. Speaker, adopting the argument of the gentleman from Ohio, it is very easy to perceive by a construction of the rule he would defeat the very object of the rule and the very object of the policy which has been provided for in the rule. Suppose a majority of the House refuses; he insists that would operate as an avoidance of the two-thirds rule; and in that way he would in fact nullify the two-thirds rule, making it nugatory and of no avail whatever. Then what protection is there this day? The protection which was intended has failed. As a matter of course, we must look to some interpretation which will reconcile the apparent conflict. Suppose a majority does refuse. That majority vote does not suspend the rules requiring a two-thirds vote to take up other business. When the Speaker finds he is confronted by these two apparent inconsistencies in the rule, what is to be the prevailing opinion, what the construction which is to be given to it? It is and ought to be as the Speaker has already admitted and ruled, that the law itself being imperfect, equity should obtain and require in fact a two-thirds vote to deprive the Private Calendar of this day which has been solemnly dedicated to it by the rule.

Mr. ROBINSON obtained the floor.

Mr. BUCKNER. Is debate in order?

The SPEAKER. On the point of order.

Mr. BUCKNER. That will come up hereafter.

The SPEAKER. The point of order is hardly pending.

Mr. BUCKNER. There is no question before the House.

Mr. ROBINSON. If the Chair has decided the point of order I do not wish to take up the time of the House.

The SPEAKER. The Chair has not decided; for the condition of affairs anticipated has not yet arrived.

Mr. ROBINSON. It seems to me, Mr. Speaker, there are certain suggestions which ought to be made right here and now. When we take this matter into consideration, (and I do not quite agree with the conclusions of the gentleman from Ohio, Mr. GARFIELD,) why, in the first place, was this clause adopted to the twenty-sixth rule? We all remember that it was the suggestion of the gentleman from Minnesota. The Committee on Rules had provided that the determination of the precise question now before the House should be by a majority vote. That was their report. We had adopted the third clause of Rule XXIV, leaving it to the majority of the House to determine that vote. The House then proceeded to Rule XXVI, and upon the reading "that Friday in every week shall be set apart for the consideration of private business unless otherwise determined by a majority of the House," a motion was carried to amend it so as to require a two-thirds vote to change that direction. What, then, was the purpose of the House? It was unmistakably by that vote to devote Friday to private business unless a two-thirds should otherwise direct. That was the deliberate will and expression of the House on this rule. The House acted advisedly on the matter and after debate.

Now, sir, in what shape are we practically? That is what the Speaker wants us to touch upon. If one motion is carried in order, as the gentleman from Ohio has said, to avoid private business—if one motion is made that is to set aside private business, it will require two-thirds to carry it; but if another motion is made which is in the same direction and to the same purpose, then the two-thirds rule does not operate. The House, I submit, did not intend to put into the rules such an absurdity as that. The House did intend, we all say, to require a two-thirds vote to set aside private business on Friday. There is not any higher law than the rules of the House, which determine the practice in the consideration of business. When the gentleman from Ohio says it requires a majority to settle it, he must find that determination in the rules; and the rules say that one more than a third only is necessary to keep private business before the House on Friday.

The SPEAKER. Will the gentleman allow the Chair to interrupt him?

Mr. ROBINSON. I shall be glad.

The SPEAKER. The Chair said the equity of the rules read ran to require the consideration of private business except when suspended by a two-thirds vote; and the Chair said also he did not know in what condition the House would find itself in case the motion made by the gentleman from Tennessee to proceed to the consideration of the business of the Private Calendar was voted down in the House by a majority vote.

Mr. ROBINSON. That is the precise point, and I have but one more statement to make. In anticipation of what may be the result of the vote, we all say that if one more than a third of this House voting determines to retain private business here to-day, it shall stay. That was the purpose of the rule. Now, I say if upon the vote we find one more than a third here say we shall go into the Commit-

tee of the Whole, then by force of that rule that vote is carried although a majority has not so voted.

Mr. WHITE. I understand this is the question before the House: Does it require a two-thirds or a majority vote to defeat the motion made by the gentleman from Tennessee, [Mr. BRIGHT.] That is the practical question now before the House.

Now, Mr. Speaker, if this motion had been made prior to the adoption of the new rules, there would have been no difficulty about it. I hold in my hand the old rule; it reads as follows:

Friday in every week shall be set apart for the consideration of private bills and private business in preference to any other, unless otherwise determined by a majority of the House.

The SPEAKER. The old rule simply gave the private business preference on Friday.

Mr. WHITE. Very well; it was only necessary to have a majority vote against the motion to proceed to consider private business. Now, when this report of the Committee on Rules was before the House for consideration, I rose in my place and offered to amend by inserting the old rule, and the gentleman from Kentucky [Mr. BLACKBURN] having the matter in charge antagonized the proposition, and remarked substantially that it was intended by this legislation to change the old rule in some respects. In what respect? In respect to a majority vote.

Now, the word "majority" was put in for the instruction of the House to relieve them from the two-thirds vote which was necessary by an old rule of April 26, 1828, either to proceed to or dispense with private business on Friday or Saturday. Such was the decision upon that rule. Subsequently the rule was changed, in May, 1874, by the insertion of the word "majority," and thereafter the majority of the House had control of the motion to proceed to private business on Fridays. Now, the word "majority" was left out designedly from the new rule pending before us. Consequently, I apprehend that the last clause of Rule XXIV and Rule XXVI are to be construed, as the lawyers say, in *pari materia*; that is, they are to be construed together, and when so done are entirely consistent and define a clear line of action for the House.

What is the last clause of this Rule XXIV?

On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days.

That is a rule imperative on the Chair. It is followed by Rule XXVI, which declares that—

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a two-thirds vote of the members present and voting.

What did the House mean when it changed the rule? What does this two-thirds provision mean? It means that the last clause of Rule XXIV and Rule XXVI are to be construed together, and to defeat a motion to go into the Committee of the Whole on the Private Calendar there must be a two-thirds vote against it. If it does not do that, what is the situation which confronts us? Suppose the motion submitted by the gentleman from Tennessee is defeated, and the gentleman from New Jersey moves to proceed to the consideration of public business, will the Speaker attempt to decide that a majority motion will carry it? Suppose I rise in my place and present the point of order that a majority alone have voted for it, and two-thirds not having voted for the motion it cannot prevail. In the face of this rule will the Speaker decide that a majority alone carries the motion as against private business? I apprehend not. There is such a thing as attending to private business in a manner other than in the Committee of the Whole. But the intention of the rule of calendars was that private bills should be considered by being placed on a "private calendar" and taken up on Fridays. Hence I fancy the reasonable construction of the rules for taking up private business is that the latter clause of Rule XXIV, which is, "It shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar," shall be construed together with Rule XXVI, which says, "Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a two-thirds vote of the members present and voting."

Thus you have a clear, consistent order of procedure in that a two-thirds vote is necessary to defeat the motion to consider business on Friday.

Mr. ROBESON. Mr. Speaker, there seems to be an inconsistency in the rules upon this subject. If there be, they are to be construed in accordance with the principles which govern the construction of this in common with every statute and body of laws. The inconsistency seems to consist in this: That by a clause of the twenty-fourth rule it seems to be provided that, as it will require a motion to go into the Committee of the Whole for private business, which motion will be decided by a majority, a majority may defeat the consideration of private business to-day. But by the twenty-sixth rule it seems to be quite as clearly and quite as strongly provided that it shall require a two-thirds vote to defeat the proceeding of the House to business on the Private Calendar.

Now, if we are to continue these two rules, the first principle of construction is that the whole body of rules is to be construed together, and all contradictory parts to be reconciled if possible. But it seems

to be impossible to reconcile the provisions of these rules, because there is no other mode of conducting private business on Friday except in the morning hour and in the Committee of the Whole, because all the private business is by the rules either in the morning hour or in the shape of bills on the Calendar in Committee of the Whole, which the House itself cannot get charge of until it goes into the Committee of the Whole. If that be true, then it seems impossible to reconcile these two rules, because if you can refuse to go into committee by a majority vote under the twenty-fourth rule, you defeat the positive requirement of the twenty-sixth rule, which requires a two-thirds vote to keep the House from private business to-day. But if it be impossible to reconcile them, then another principle of construction comes in, and that is that the last provision shall govern, and that the last provision is to be considered as the final and decisive action of the House on the subject, and as an amendment governing everything going before it and repealing the effect of every inconsistent provision; and that when it provides that two-thirds are required, it expresses the construction of the House of its previous provision.

Mr. WARNER. When adopted on the same day and on the same vote?

Mr. ROBESON. Yes.

Mr. WHITE. How does the gentleman dispose of Rule XXVI.

Mr. ROBESON. I say it governs, because it was adopted subsequently to the last clause of Rule XXIV, with the last clause of Rule XXIV before the House and the House acting thereon and saying in effect we will not submit this to a majority but it shall require a two-thirds vote. This is a principle on which all statutes and all bodies of laws must be construed where they are absolutely inconsistent.

Mr. WHITE. Then we agree.

Mr. NEW. Will the gentleman from New Jersey allow me to ask him a question?

Mr. ROBESON. I yield to the gentleman for a question.

Mr. NEW. Does the gentleman from New Jersey say that if Rule XXVI instead of being a separate rule was a clause of section 6 of Rule XXIV, there would then be any difficulty in construing that part of the section; and if not, how can the fact that it is a rule and found in a different part of the text of the rules create any difficulty? The rules constitute but one act. Shall not, therefore, what is contained in Rule XXVI be construed with what we find in clause 3 of section 6 of Rule XXIV just the same as if it was a part of section 6?

Mr. WHITE. That is right.

Mr. ROBESON. What I said was that Rule XXVI provided that a two-thirds vote should be necessary to set aside the consideration of private business, and that that was the final action of the House and was in irreconcilable opposition to the clause of Rule XXIV, because an affirmative motion to go into the Committee of the Whole and the clause of Rule XXIV provides in effect that that part of the machinery of getting to private business might be stopped just there by a majority refusing to go into committee, and would thus nullify Rule XXVI, unless an affirmative motion can be carried by less than a majority.

The SPEAKER. The Chair will submit the motion of the gentleman from Tennessee, [Mr. BRIGHT.]

Mr. ROBESON. I rise to make a parliamentary inquiry. Suppose the motion of the gentleman from Tennessee [Mr. BRIGHT] should be withdrawn and the regular order should then be demanded, will not Rule XXVI carry the House just where the gentleman from Tennessee wants it to go—that is, to the consideration of private business, or does it require the motion to go into committee?

The SPEAKER. Still it will require a motion. The Chair does not know how the chairman of the Committee of the Whole House could be got into the chair of the committee unless a motion was made and agreed to by the House to go into the Committee of the Whole House.

Mr. ROBESON. Then it requires a majority vote to go into Committee of the Whole.

The SPEAKER. It does.

The question being taken on Mr. BRIGHT's motion that the House resolve itself into Committee of the Whole House, there were—ayes 80, noes 58.

So (no further count being called for) the motion was agreed to.

PROPOSED ADJOURNMENT OVER.

Mr. WHITE. I move that when the House adjourns to-day it be to meet on Monday next.

Mr. PRICE. That is very good, when the gentleman from Pennsylvania [Mr. WHITE] has just got back, after having been away for ten days.

Mr. WHITE. Oh; I can stand that. I am responsible to my constituents for my action here.

The SPEAKER. The Chair cannot entertain that motion at present, the House having determined to go into Committee of the Whole.

PRIVATE CALENDAR.

The House accordingly resolved itself into Committee of the Whole, Mr. McLANE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of business on the Private Calendar. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. No. 3262) granting a pension to Harry E. Williams.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Harry E. Williams, late hospital steward of the One hundred and thirty-sixth Regiment Pennsylvania Volunteers, and pay him a pension from the 26th day of January, A. D. 1863, the date of his discharge, at the rate allowed by existing laws to disabled private soldiers of the late war of the rebellion, for injuries sustained and disability incurred by the said Harry E. Williams while in the service of the United States, and in the line of his duty in the said war of the rebellion.

Mr. O'CONNOR. I rise to a question of order. The last time the House was in Committee of the Whole on the Private Calendar another and a different bill from that which has just been read had been read to the House and was under consideration—I refer to the bill which stands at the head of the Calendar, the bill (H. R. No. 2798) for the relief of L. Madison Day.

The CHAIRMAN. The Chair can only proceed under the existing rules of the House. By the existing rule the Chair is required to have read to the committee the first bill on the Calendar. That bill has now been read.

Mr. O'CONNOR. It is not the first bill on the Calendar that has just been read.

The CHAIRMAN. The Chair would say to the gentleman from South Carolina that, although it is not the first bill on the Calendar, it is the bill which when the committee last rose was pending.

Mr. SPARKS. The point made by the gentleman from South Carolina is that the bill which he has indicated was pending when the House was last in Committee of the Whole; that the committee stopped at that point.

The CHAIRMAN. Nevertheless, unless the unfinished business is now considered, it might never be considered. The Chair therefore rules the first bill to be considered is the bill that was unfinished when the committee last rose.

Mr. O'CONNOR. The bill for the relief of L. Madison Day was read to the Committee of the Whole, and the committee rose on the reading of that bill.

The CHAIRMAN. The Chair would ask the gentleman from South Carolina to listen to the reading of the fourth clause of Rule XXIII.

The Clerk read as follows:

4. In Committees of the Whole House, business on their calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to the consideration of any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House.

The CHAIRMAN. The Chair would ask the gentleman from South Carolina to make his motion or objection in terms of the rule which has just been read, because the Chair has no discretion, under the rulings in the House, since the adoption of the new rules. The House has uniformly disposed of the business as it was left unfinished under the old rule.

The Chair desires to state to the Committee of the Whole the condition of business. When the committee was last in session the pending bill was the bill (H. R. No. 3098) immediately preceding the bill which has just been read. It will now be for the committee to decide whether it will dispose of that business or take up the first bill on the Calendar.

Mr. O'CONNOR. When the House was last in the Committee of the Whole on the Private Calendar it had under consideration the bill which is now at the head of the Calendar, the bill for the relief of L. Madison Day. The bill was read to the House, and before the report could be read to the House the gentleman from Pennsylvania [Mr. WHITE] moved that the committee rise, and that motion was agreed to. The House subsequently adopted an order to hold a session on the Wednesday evening following for the purpose of considering pension bills alone on the Private Calendar. But that did not interfere with the order of business on Friday. This is the first Friday the House has resolved itself into Committee of the Whole on the Private Calendar since the bill I refer to was under consideration.

The CHAIRMAN. The gentleman from South Carolina will take note of the statement of the Chair that the bill which has just been read was the bill before the committee on last objection day. If the Chair does not take note of that fact, none of the bills to which objection was made would ever be considered.

Mr. O'CONNOR. The bill I refer to was before the committee on last consideration day, and there has been no Friday devoted to private business since.

The CHAIRMAN. The Chair is not dealing with the last consideration day, but the last objection day; and he proposes to bring to the consideration of the committee every bill which was objected to. The Chair is obliged to take this course of proceeding unless otherwise directed by the committee.

Mr. BRIGHT. This is a matter of the construction of the rule. Under the old rules there were two calls of the Private Calendar—one for consideration and one for objection. The new rules have entirely done away with the call of the Private Calendar for objection. There is no calendar before the committee now, nor can there be one, except for consideration in the regular order of the bills as they stand upon the Calendar.

The CHAIRMAN. The Chair has no hesitation at all in saying to the committee that he will now submit the question upon the bill.

Mr. RANDALL, (the Speaker.) One moment. It seems to me that this matter can be unraveled very easily and properly. It is true that this bill came up for consideration upon objection day, and now comes up naturally as unfinished business. In the mean time, the rules of the House have been changed so as to require that all bills on the Private Calendar shall be considered in their regular order, not subject to objection. This bill, coming up now as unfinished business, naturally is the one to be first considered to-day, and when it shall have been disposed of the committee will then go to the top of the Calendar and consider the bills in their order as they stand upon the Calendar. That is an equitable mode of disposing of the matter.

The CHAIRMAN. That is what the Chair intended to do.

Mr. BURROWS. And in that way all the bills will be reached in their order.

Mr. BUCKNER. It seems to me that this difficulty grows altogether out of a misapprehension of the facts, not of the rules, connected with this case.

The CHAIRMAN. Does the gentleman rise to a point of order?

Mr. BUCKNER. I do.

The CHAIRMAN. What is it?

Mr. BUCKNER. My point of order is that the gentleman from South Carolina [Mr. O'CONNOR] is right, and that the bill for the relief of L. Madison Day, at the beginning of the Calendar, is the bill to be first considered to-day. The record will show that that bill was under consideration on the last consideration Friday. It is true that by a special order of the House an evening session was devoted to the consideration of pension bills, and when the committee rose on that evening the bill which has been read was pending.

The CHAIRMAN. That point of order has already been made by the gentleman from South Carolina, and the Chair has decided it.

Mr. O'CONNOR. If in order, I move that the committee now proceed to consider the first bill on the Calendar.

The CHAIRMAN. The Chair is perfectly willing to submit that motion to the committee.

The motion of Mr. O'CONNOR was agreed to.

L. MADISON DAY.

The committee accordingly proceeded to consider the first bill on the Private Calendar, being a bill (H. R. No. 2798) for the relief of L. Madison Day; reported from the Committee on Claims by Mr. O'CONNOR.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,400 to L. Madison Day, of Louisiana, that being the amount of purchase-money received by the United States from said Day for a parcel of land in the city of New Orleans, condemned as the property of Judah P. Benjamin, the title to which was invalid and defective.

Mr. BREWER. I call for the reading of the report.

The report was read, as follows:

The Committee on Claims, to whom was referred the petition of L. Madison Day, of Louisiana, have had the same under consideration, and report thereon as follows, namely:

This is an application to Congress by petitioner to be repaid the purchase price of certain real estate purchased by him from the United States at a judicial sale, the title to which was defective, and has wholly failed, and the purchaser evicted from the property.

This case has heretofore been before Congress and has been four times successively favorably reported upon, (twice in the Senate and twice in the House,) with accompanying bills for the payment of the claim, but which failed for want of time. (Senate Committee on Claims, report No. 339, first session Forty-fourth Congress; House Judiciary Committee, report No. 308, first session Forty-fourth Congress; Senate Committee on Claims, report No. 595, second session Forty-fifth Congress; House Committee on Claims, report No. 55, third session Forty-fifth Congress.)

It appears from the evidence in the case, and is stated in the reports of the various committees, that in 1865 two squares of ground, in the parish of Jefferson and State of Louisiana, were seized and libeled under the confiscation act of 17th July, 1862, in the district court of the United States for the eastern district of Louisiana, as the property of Judah P. Benjamin. A motion was issued and an order of publication made in one of the newspapers in New Orleans, citing and admonishing all persons whatsoever who had or pretended to have any right, title, or interest in or to the property libeled to appear at a specified time and show cause, if any they had, why the property should not be condemned according to the prayer of the libel; and no one having appeared, a default was entered and a *pro confesso* taken against all persons whatsoever, and the court, after regular proceedings and after finding and declaring in the decree that the said two squares of ground were the property of Judah P. Benjamin, condemned the same as forfeited to the United States and ordered them to be sold.

It also appears that after the condemnation and order of sale of the two squares of ground, but before the sale, the United States district court for the eastern district of Louisiana made and entered of record, under the eighth section of the act of Congress of July 17, 1862, (12 U. S. Stat., 592,) authorizing the United States district courts to establish such form of decree and to direct such deeds to be executed and delivered to the purchasers, at sales under said act, as should vest good and valid titles to the property sold in the purchasers, a general order, requiring the marshal in all cases of the sale of real estate to cause all mortgages resting on the property condemned and ordered to be sold to be canceled, and to annex the certificate of the recorder of mortgages to the deeds given to the purchasers, showing the erasure and cancellation of the same. (See Supreme Court Record, Day vs. Micou, page 38.)

It further appears that at the time of the seizure, condemnation, and sale of the said two squares of ground there was a mortgage for \$10,000, with interest, on one of the said squares of ground, but of the existence of which petitioner had no knowledge at the time of the sale.

It also appears that the marshal, at the time of the sale of the said two squares of ground, publicly announced that all mortgages, if any, resting on the property, would be canceled and annulled, and the certificate of the recorder of mortgages

showing the cancellation would be annexed to the deeds of the purchaser, and that petitioner, relying on the faith of the proceedings, order of court, and declaration of the marshal, purchased the two squares of ground, and that he paid for the one mortgaged as aforesaid the sum of \$5,400, and that he afterward received the marshal's deed with the certificate of the proper officer attached showing the erasure and cancellation of the Benjamin mortgage, and that it was from this certificate alone that petitioner had the first intimation or information of the existence of any mortgage on the property at the time of the sale. (Supreme Court Record, Day vs. Micou.)

That some time after the delivery of the deed as aforesaid, and the payment of the purchase price, the heirs of the mortgagee instituted suit in the proper State court to foreclose the mortgage, and the court decided that notwithstanding the proceedings on the part of the United States, which were set up and relied upon as a bar to the action, the property was liable to the mortgage, and a decree of sale was made by the State court. An appeal was taken by petitioner from the judgment enforcing the mortgage against the property to the supreme court of Louisiana, which affirmed the judgment of the lower court, and a writ of error was there prosecuted to the Supreme Court of the United States, which affirmed the judgment of the supreme court of the State, and petitioner was evicted from the property which he had purchased, as already stated, from the Government, free from incumbrance and with a clause of warranty in the deed.

The sole and only question, then, is as to the right of petitioner to a return of his money by reason of the failure of the title and his eviction from the property.

And it does seem that after so many favorable reports, and after fully considering the justness of the claim, if ever there was a case in which a party was entitled to a return of his money, this is that case. It is a case in which petitioner has received nothing for his money, and where the Government has parted with nothing of any value for the money which it received through its officers and agent from petitioner.

Now, on the broad principles of equity and justice, petitioner is clearly entitled to a return of his money; for the Government no more than an individual can have any right to retain money received without consideration and on representations and a warranty of title which have wholly failed.

In the cases of *United States vs. State Bank and Merchants' Bank vs. United States*, (6 Otto, 30, 36,) the rules of law applicable to individuals were applied to the United States by the Supreme Court, and it was held that the United States, like an individual, must refund money received without consideration given for the same, and which, according to natural justice and equity, ought to be refunded. Now, according to the principle of these decisions, the right of petitioner to a return of his money is clear and unquestionable; for surely the Government cannot, according to the principles of natural justice and equity, be said to have any right to retain money received for property to which it had no title and from which the purchaser has been evicted by the decision of its own highest court; for "a vendor" (says the Supreme Court of the United States, in *Allen vs. Hammond*, 11 Pet., 72) "is bound to know that he actually has that which he professes to sell."

And many other courts have recognized and enforced the same principle, on the ground that it was a legal fraud for a party, even through honest mistake, to represent that he had that which he did not own, and to sell and convey the same as his, and that the purchaser who relied on and was misled by the representation was entitled to be fully relieved and indemnified as to all the consequences of the purchase. (*Hart vs. Swaine*, L. R., 7 Chan. Div., 42; *Bowling vs. Pollock*, 7 Mon., 32; *Flynn vs. Campbell*, 6 Mon., 286; *Smith vs. Roberts*, 23 Ala., 312; *Jones vs. Clifford*, L. R., 3 Chan. Div., 779; *Schofield vs. Templer*, John. (Eng.) Ch., 166.)

In *Hart vs. Swaine*, L. R., 7 Chan. Div., 42, where a vendor represented land as freehold, and sold and conveyed the same as such, and received the purchase-money, but the purchaser afterward, for the first time, discovered that the property was really copyhold, and the vendor alleged that he made the representation believing it to be true: Held, that assuming he had made the representation *bona fide*, the vendor had committed a legal fraud; that the sale must be set aside, and the purchase-money repaid with interest, and that the vendor must pay all the expenses which the purchaser incurred in consequence of the purchase.

And in *Bowling vs. Pollock*, 7 Mon., 32, where a vendor through honest mistake represented that he had the legal title to certain property, and thought he was selling, and the purchaser supposed he was buying, the same, the court said: "This turns out to be entirely untrue. The thing supposed to be bought and sold was not there, or any part of it. This was a clear mistake, and no fraud is imputed to the parties. What, then, ought to be the effect of that mistake? The principle that the chancellor will vacate contracts on the ground of mistake is too familiar to need either proof or illustration."

It is, therefore, seen that the Government was bound to know that it actually had that which it had declared and adjudged, through its own court, to be its own property, and which it undertook to sell and convey to petitioner free from incumbrance and with a warranty of title.

And as the Supreme Court of the United States, in *Day vs. Micou*, 18 Wall., 156, decided that this property, which the Government had declared was its own, and undertook to sell and convey to petitioner, free from incumbrance, and with a warranty of title, was subject to the mortgage which the Government had caused to be erased and canceled, and the certificate of erasure annexed to the deed given to the purchaser, and the purchaser evicted from the property, the Government is, on the plainest principles of common right and justice, bound to restore to petitioner the purchase price.

For *indebitatus assumpsit*, as is well said by the court of appeals of New York, lies in all cases where the defendant has in his hands money which, *ex æquo et bono*, belongs to the plaintiff. (79 N. Y., 582, 64 lb., 319.)

And all the authorities hold that money paid without consideration, or upon a consideration which has failed, may be recovered back. (*Swire vs. Francis*, Law Rep. 3, Appl. Ca., part 1, page 106; 53 N. Y., 286; 72 N. Y., 582.)

And "the powers of a chancellor reach far enough to afford relief for a failure of consideration from whatever cause." (*White & Tud., L. C. in Eq.*, vol. 2, part 1, page 986, 4th Amer. ed.)

For the Government, then, to keep money obtained without consideration, and on false representations and a warranty of title which has wholly failed, would be intolerable injustice.

It matters not that the court may have been mistaken in supposing that it had authority under the statute to condemn and order the property to be sold free of mortgage. And it matters not that the marshal, in selling the property free of mortgage and warranting the title, was but acting under and in pursuance of the mistaken and erroneous orders of the court.

For the Government, by accepting the proceeds of the sale, ratified and adopted all the acts and representations of its agents in and through which the money was obtained, as is fully shown and sustained by all the authorities cited in the reports of the different committees.

The Judiciary Committee of the House, in their report (through Mr. McCrary) No. 308, first session of the Forty-fourth Congress, on the claim of memorialist, says:

"Your committee are further of the opinion that the United States cannot rightfully keep the purchase-money paid by the claimant, and now in the Treasury, for the reason that the same was paid under a mistake, and for property which the United States had no right to sell or convey.

"The Government, through its agents, undertook to sell Mr. Day property which it did not own and had no right to sell. It attempted, through said agents, to make a conveyance of the property, but the conveyance was void, and passed nothing of any value.

"Before the invalidity of the sale was discovered by either party, the purchase-money, less costs, had been paid into the Treasury.

"The officers and agents of the United States represented that they had power and authority to condemn, sell, and convey the said property, and the United States ratified and adopted their acts and representations by receiving the proceeds of the sale and covering the same into the Treasury.

"The rules of law, that a subsequent ratification of an act done as agent is equal to a prior authority, and that the receipt of the proceeds of an unauthorized sale is a ratification and adoption thereof, are so well understood as to require no more than a mere statement of them.

"And it is equally well settled that the law upon this subject applies to the act of the sovereign ratifying the act of its officers. In *Buron vs. Denman*, 2 Exchequer R. 188, Baron Parke, in giving the opinion, after stating the rule as between individuals, adds: 'Such being the law between private individuals, the question is, whether the act of the sovereign, ratifying the act of one of its officers, can be distinguished. On that subject I have conferred with my learned brethren, and they are decidedly of opinion that the ratification of the Crown, communicated as it has been in the present case, is equivalent to a prior command.'

"And in *Secretary of State of India vs. Sahaba, 13 Moore's P. C. C.*, it is said: 'If there had been any doubt upon the original intention of the Government, it has clearly ratified the acts of its agent, which, according to the principle of the decision in *Buron vs. Denman*, is equivalent to a previous authority.'

"In *Fremont vs. United States* (2 Court of Claims R. 476) it is distinctly held that the rule by which the principal is bound by a subsequent ratification of the unauthorized acts of an agent 'is as applicable to the contracts and obligations of the United States as to those of individuals.' And the same rule is laid down in other cases decided by the same court.

"In *Reeside vs. United States* (2 Court of Claims R. 29) it is said: 'It is the settled rule of this court, and the principle upon which it was established, to administer the same law between the Government and a claimant which is administered between ordinary suitors.'

"In *Elwell vs. Chamberlain* (31 N. Y., 619) the court, in reference to a principal taking the benefit of a bargain by his agent, says:

"They cannot be permitted to enjoy the fruits of the bargain without adopting all the instruments employed by the agent in bringing it to a consummation.

"The plaintiffs, therefore, stand in the same position as if they had made the representation or authorized it to be made."

And the above views of the Judiciary Committee on memorialist's claim are quoted and adopted by the House Committee of Claims in their Report No. 55, third session Forty-fifth Congress.

And:
"These views of the Judiciary Committee (says the Senate Committee on Claims in their report, [by Mr. CAMERON, of Wisconsin,] No. 505, second session Forty-fifth Congress, on petitioner's claim) are so consonant with reason and justice, and so well sustained by the whole current of authority, that it is impossible that they can be otherwise than correct.

"For 'where the principal ratifies a sale made by the agent, by receiving its fruits, he is thereby bound by the agent's representations.' (Wharton on Agency, section 174; *Oaks vs. Turquand*, L. R. 2 H. L. 325; *Doggett vs. Emerson*, 3 Story, 700; *Kibbe vs. Hamilton Ins. Co.*, 11 Gray, 163.)

"If a principal accept, receive, and hold the proceeds or beneficial results of a contract, he will be estopped from denying an original authority or a ratification. (*Bolton vs. Hillersden*, 1 Ld. Raym., 224; *Thorold vs. Smith*, 11 Mod., 72; *Byrne vs. Doughty*, 13 Geo., 46; *Johnson vs. Smith*, 21 Conn., 627.)

"Where the proceeds of a sale are taken, this is an adoption of the sale. (*Brewer vs. Sparrow*, 7 B. & C. 310; *Byrne vs. Morris*, 4 Tyr., 455.)

"And an adoption of the agency in part is an adoption *in toto*, as the law does not permit a principal to adopt an agent's unauthorized act so far as it is beneficial and reject the residue. By adopting part he becomes bound by the whole. (1 Comst., 433; 10 N. Y., 325; *Story Agency*, sect. 250; 33 Barb., 610; 34 N. Y., 30, 88; 38 Barb., 534; 8 Pick., 56; 19 Pick., 300; 23 Vt., 565; 14 N. Hamp., 145.)"

"In *Vesie vs. Williams*, 8 How., 134, 157, the court says:
"If a principal ratify a sale by his agent, and take the benefit of it, and it afterward turn out that fraud or mistake existed in the sale, the latter may be annulled, and the parties placed *in statu quo*.

"The principal in such case is profiting by the acts of the agent, and is hence answerable *civiliter* for the acts of the agent, however innocent himself of any intent to defraud.

"Was the purchaser deceived, and has the vendor adopted the sale made by deception, and received the benefits of it? For, if so, he takes the sale with all its burdens.

"Whatever the previous authority of the agent, (says *Wilde, B.*, in *Udell vs. Atherton*, 7 H. & N., 172,) whatever the principal's own innocence, he must, as it seems to me, adopt the whole contract, including the statements and representations which induced it, or repudiate the contract altogether.

"Wherever an agent makes a contract on behalf of his principal, whether with or without authority, the principal cannot approbate and reprobate the contract. He must adopt it altogether, or not at all; he cannot at the same time take the benefit which it confers and repudiate the obligation which it imposes. (*Bristowe vs. Whitmore*, 9 House Lords, C. 391, per Lord Kingsdown.)"

"In *Buron vs. United States*, (6 Court of Claims R. 171, 197-199,) where the Secretary of the Treasury retained and refused to pay over a small portion of a judgment of the Court of Claims under the captured and abandoned property act, on the ground that a sufficient amount had not been deducted for expenses, and the Government was sued for said balance, and the defense was that the Government was not liable to be sued for the acts of a public officer, the court said:

"This case we think distinguishable clearly from those which spring from the tort or laches of a public officer. It arises, not from the wrongful act of the Secretary, but from the continuous withholding by the defendants of the money of the claimants. It is an action founded upon ratification—the strongest ratification known to the law—where the principal comes into court still holding that which his agent took. It belongs to a class where the law regards the principal as having done and still continuing to do that which the agent did.

"The Government is not liable like the ordinary principal for the negligence and mistakes of its agents, and their authority is limited and defined by law, and the law is notice to all the world. But that defense cannot prevail where the Government adopts and ratifies the mistake, or receives and accepts the benefit of the unauthorized act."

"Therefore it does not lie in the mouths of the defendants in this suit to say that their Secretary's act was illegal, and that they are not responsible for unlawful acts because their Secretary acted in their name and strictly on their behalf and they have retained the money which he withheld, &c."

The Government cannot therefore either at law or in equity be heard to say that its officers and agents had no legal right or authority to sell the property free of mortgage and with warranty. It is estopped to deny the authority and warranty of the title in the deed by the receipt of the price. By accepting the proceeds of the sale it became as fully bound for all the acts and representations of its officers in consummating the sale as if it had previously and expressly authorized the acts and representations to be made. The receipt of the money was an adoption of all the acts and means used in procuring it; for the Government no more than an individual can take the proceeds and benefit of an unauthorized transaction without making itself liable for all the acts and misrepresentations by which the money

was obtained, because the receipt of the proceeds of an unauthorized transaction is, according to all the authorities, a full ratification and adoption of all the means used, and of all the instruments employed, and of all the misrepresentations made in consummating the transaction.

The Government is therefore in law, as well as in equity, bound to return the purchaser his money, as the same was obtained without consideration and on representations and a warranty of title which have failed. For the Government to keep money obtained without consideration and on representations and a warranty which have failed would be intolerable injustice.

And as petitioner took nothing by his purchase, and the Government parted with nothing of any value, it would be illegal, inequitable, and unconscionable for the Government to keep money thus wrongfully obtained.

Besides, the court was expressly authorized and empowered by the statute (12 U. S. Stat., 592, sec. 8) "To make such orders, establish such forms of decree and sale, and direct such deeds and conveyances to be executed and delivered by the marshal thereof, where real estate shall be the subject of sale, as shall fully and efficiently effect the purposes of this act, and vest in the purchasers of such property good and valid titles thereto."

It is, therefore, seen that the court, under this provision of the statute, had a general authority and discretion conferred upon it by the act; and the petitioner, who was a *bona fide* purchaser, (*Cole vs. Johnson*, 53 Miss., 25; *Green vs. Biddle*, 8 Wheat.,) had a right to presume that the court had properly exercised the discretion and apparent authority, vested in it under the statute, in making the general order requiring the marshal, in all cases of the sale of real estate under the act, to cause all mortgages resting on the property sold to be canceled and to annex the certificate of erasure to the deeds given to the purchasers. (See *Cole vs. Johnson*, 53 Miss., 94; *Gaines vs. Kennedy*, 53 Miss., 104, 109, and foregoing authorities.)

The Government is therefore bound by the acts of the court under the authority aforesaid; and the validity of its acts, as far as the Government is concerned and the liability of the Government arising from the same, cannot be made to depend on the degree of wisdom or skill which may have accompanied the exercise of the general power and discretion vested in the court.

"And," (says the Senate Committee on Claims in their Report No. 505, second session Forty-fifth Congress, on petitioner's claim,) "where a public officer is held out as having authority to do an act, or is empowered in his capacity as a public officer or agent to make the declaration or representation for the Government, and which is relied on as the ground of relief, the Government is bound by the acts and declarations of the agent." (*Lee vs. Munroe*, 7 Cranch, 366, 368; *Story's Agency*, sec. 307a; 12 Court of Claims R. 24-5.)

"For," as is well said by the Court of Claims, (*McKee vs. The United States*, 12 Court of Claims R. 527-8; *Thompson's case*, 9 *ib.*, 187-196,) "where a statute expressly defines the power of an officer it is notice to all the world; but where a statute confides a discretion to an officer, a party dealing with him in good faith may assume that the discretion is properly exercised." And where a discretion is conferred on an officer and a contract is made in which he has exercised that discretion, the validity of the contract cannot be made to depend on the degree of wisdom or skill which may have accompanied its exercise. (*United States vs. Speed*, 8 Wall., 72, 83; 14 Pet., 448; 12 Wheat., 19; 6 Ell. & B., 377; 25 Eng. L. & Eq., 114; 1 Wheat., 459.)

Undoubtedly, then, the purchaser had a right to rely on the warranty and the representations of the Government through its own officers, the court and the marshal, that the property was to be sold free of mortgage, and was under no obligation to inquire for himself as far as the Government was concerned. He was in possession of the Government's own declaration, through the court and the marshal, that the property was to be sold free of mortgage, if any such there was, and had a right to rely on that representation without inquiry. (*Boyce Ex'rs vs. Grundy*, 3 Pet., 210, 218; *Mead vs. Burin*, 32 N. Y., 275; *Brown vs. Rice's Adm.*, 26 Gratt., 474; *Young vs. Harris*, 2 Ala., 108; *Parham vs. Randolph*, 4 How., (Miss.), 435, 451.)

"For," no man can complain that another has too implicitly relied on the truth of what he has himself stated." (*Rynell vs. Sprye*, 1 D. M. & G., 660, 710, per Lord Cranworth, L. J.; *Rawlins vs. Wickham*, 3 D. & J. 318; *Smith vs. Mining Company*, L. R. 2 Eq., 264; *Brown vs. Rice's Adm.*, 26 Gratt., 474.)

There is no foundation, then, for any excuse or even a plausible pretext for not repaying petitioner his money.

The doctrine of *caveat emptor*, but which is not recognized or enforced in Louisiana, and which only applies even in the common-law States to the acquisition of the title, and does not apply to the equitable claim of a purchaser to be reimbursed on the failure of the title, (55 Miss., 338,) has not even one grain of sand on which to repose in a case like this.

The acts and declarations of the agents and officers of the Government, in selling the property free of mortgage and warranting the title, precludes the Government from such a defense. And the Government, by accepting the proceeds of the sale and covering them into the Treasury, has ratified and adopted the acts of its officers in making the sale. For the Government cannot be permitted to take the fruits and benefits resulting from the act of its officers and repudiate the obligations which the transaction imposes. By accepting the proceeds of the sale the Government was profiting by the acts and means used in procuring the money, and is hence held, according to all the authorities, as we have seen, to have adopted and ratified the whole transaction.

The defense of *caveat emptor* is, therefore, destitute of all foundation. It has never been applied in any case where there was any misrepresentation respecting the title.

In *Preston vs. Frye*, 38 Md. R., 222, where a trustee sold property under a decree representing the title to be good, but which the purchaser afterward discovered was defective, the court, even after the final ratification of the sale, annulled the sale, and ordered the purchase-money to be refunded.

And in *Lawrence vs. Cornell*, 4 John. Ch., 542, where an officer sold property representing that the same was free of mortgage when it was not, Chancellor Kent ordered that the incumbrances should be removed by the application of so much of the proceeds of the sale as might be necessary for that purpose, so as to make good to the purchaser an unincumbered estate, according to the terms of his purchase. (S. P., 2, Harr. & Gill, 176, 177.)

And in *Davis et al. vs. Railroad*, 1 Wood's C. C. R., 661, where a receiver was in possession of mortgaged premises under foreclosure proceedings in a State court, and was dispossessed by the marshal under a decree in bankruptcy by a United States court, and the property was sold by the assignee in bankruptcy free of the mortgage, it was held, on a bill filed by the receiver against the assignee in bankruptcy and the purchasers, that the sale must be set aside and the purchase-money restored to the purchasers.

"This," (says the court in the above case, page 666) "is clearly the justice of the case, and, in my judgment, the law is not contrary thereto."

And where the title fails for want of jurisdiction and authority in the court to make the order of sale under which the property is sold, the purchaser is entitled to a return of the purchase price. (*Morgan vs. Hammett*, 23 Wis., 41; *Davis et al.*, trustees, vs. Railroad, 1 Wood's C. C. R., 661; *Bell vs. Craig*, 52 Ala., 215, 217; *Bland vs. Bowie*, 53 Ala., 153, 162; 6 Allen, 549, 550; 13 Gray, 564; 8 Humph., 328; 38 Me., 47, 51.—Senate Committee Claims report, No. 505, second session of the Forty-fifth Congress.)

And the reason is that, as the sale is void, the purchaser has taken nothing by his purchase, and the title which it was intended should pass has not been divested, and hence the purchase-money belongs *ex aequo et bono* to the purchaser.

In *Schwinger vs. Hickock* (53 N. Y., 280) it was held that a purchaser under an

execution which was void could recover the money back from the plaintiff in execution.

And in *Newdigate vs. Davy* (1 Ld. Ray., 742) it was held that the plaintiff could recover (in an action for money had and received) from the defendant money which he had received and which had been paid over to him under a void authority; that is, under the sentence of a court which had no jurisdiction whatever over or in respect of the subject-matter. (See *Chitt. Cont.*, 947, 11th ed.) So money paid on a judgment which is afterward reversed or vacated may be recovered back. (11 Met., 248; 10 Wend., 345; 13 S. & R., 292; 1 Harr. & J., 400; 24 Wend., 32; 2 Day, 153; 72 N. Y., 582.)

And a purchaser at a judicial sale in Louisiana can always recover back the purchase price, unless he has expressly bought at his own risk and peril and excluded his right of recovery by a stipulation of *non-warranty*. (*Huss vs. Neville*, 3 Louisiana Annual R., 327; *Scott vs. Featherston*, 5 Ib., 314.)

In *Morgan vs. Hammett*, (23 Wis., 41), where a probate judge, through mistake and error of law, supposed he was incompetent to grant an order of sale by reason of his having been of counsel for some of the parties in interest, and transferred the case to the circuit court, which made an order of sale under which the property was sold, it was held, on a bill filed to set aside the sale for want of jurisdiction and authority in the circuit court to make the order of sale, that the sale was void, and that the purchaser "surely should be repaid the money he had advanced upon it."

In *Bell vs. Craig*, (52 Ala., 215), the court, in reference to a void sale and the right of the purchaser to the purchase price, says:

"If the sale was void the purchase-money was not assets in the hands of the administrator-in-chief. (*Petit vs. Petit*, 32 Ala., 288.) It belonged *ex æquo et bono* to the purchaser. Neither the administrator *de bonis non* nor the creditors or heirs of the intestate had any claim or right to it."

In *Bland vs. Bowie*, (53 Ala., 152, 162), although it was considered that sales of lands of a decedent made under an order of the probate court are judicial sales, to which the maxim *caveat emptor* applies in all its rigor, yet the court said:

"We do not doubt that it is competent for the purchaser, at any time after he discovers that the proceedings for the sale are void, to resort to a court of equity to compel the heir or devisee to elect a ratification or the rescission of the contract of purchase. If the purchase-money has been paid and distributed to the heirs, or applied by the personal representatives to the payment of debt, a court of equity would compel a conveyance of title from the heirs, if they could not successfully impeach the fairness of the sale." (*Bell vs. Craig*, 52 Ala., 215.)

And where a purchaser at a judicial sale fails to obtain a valid title to the property, and the purchase-money has gone to pay a debt of the owner, or has discharged an incumbrance on the land, the purchaser is entitled to be repaid the amount of his purchase before the owner or his heir can recover the land or free it from the equitable claim of the purchaser to be reimbursed the amount of the purchase price. (*Sands vs. Lynham*, 27 Gratt., 304; *Hudgins vs. Hudgins*, 6 Gratt., 320; *Valle's Heirs vs. Fleming's Heirs*, 29 Mo., 152; *Shoyer vs. Nickell*, 55 Mo., 269; *Evans vs. Snyder*, 64 Mo., 516; *McLaughlin's Admin'r vs. Daniel*, 8 Dana, 182; *Bentley vs. Long*, 2 Stro. Eq., 43; *Howard vs. North*, 5 Texas, 315; *Grant vs. Lloyd*, 12 S. & Mar., 191; *Mocklee vs. Gardner*, 2 Har. & G., 176, 177; *Petty vs. Clark*, 5 Pet., 481, p. 53, Miss. 95, 102, 104, 105.) Senate Committee on Claims Report No. 505, second session Forty-fifth Congress.

Now, the principle of all these cases is incompatible and wholly irreconcilable with the idea of any right in the Government to retain money for which it has given no consideration.

And they show too clearly to admit of any doubt or controversy that the doctrine of *caveat emptor* only applies to the acquisition of the title, and does not apply to the equitable claim and right of a purchaser at a judicial sale to be reimbursed the purchase price when the title fails in consequence of the sale being void. For it is contrary to natural right and justice that one man should be enriched at the expense of another, or that one man should keep another man's money where he had neither parted with any right nor given him anything whatsoever in return for his money.

Now, the petitioner took nothing by his purchase, because the Government, according to the decision of the Supreme Court of the United States, had nothing to sell, had nothing which it could sell and convey in the way and manner in which the property was sold to the petitioner. The Government has therefore obtained the money of petitioner without any equivalent, and is in law, honor, and justice bound to restore the same; and it will not do for a great government to resort to any merely technical pretext or unjust defense for an excuse to keep the money of a citizen when it has given him nothing whatever in return for his money.

Justice in such a case rises superior to and overshadows all other considerations. Hence, there is nothing in the suggestion that the money was paid through error of law, and cannot, therefore, be recovered back. For if there was any error of law in the manner in which the property was sold, it was the error of the court alone, which had the sole power under the statute of saying and directing how the property which it condemned as forfeited to the United States should be sold and disposed of, and is not, therefore, an error for which the purchaser is in any way responsible. The purchaser relied, as he had a right to do, on the action of the court and the representations and warranty respecting the title. (See Senator JONES's (of Florida) report, No. 329, first session Forty-fourth Congress, page 2; 53 Miss. R., 95.)

The mistake, then, (as is said by the Senate Committee on Claims, in their report, No. 505, second session Forty-fifth Congress), must be treated as the mistake of the Government and not as the mistake of the purchaser, or, at least, it must be regarded as a mistake which was contributed to and superinduced by the mistake and misrepresentations of the agents of the Government, and who had an apparent authority and discretion in the matter.

And where a party has made a mistake to which the other has by his acts contributed, even unintentionally, the contract will be rescinded. (*Torrence vs. Bolton*, Law Reports, 14 Eq., 124; *Fane vs. Fane*, L. R., 20 Eq. Ca., 698; *Torrence vs. Bolton*, L. R., 8 Ch. Appls., 118.)

And more especially will a court of equity grant relief against a mistake of law where the mistake was in any way or manner induced or contributed to by any misrepresentation of the law by the other party. (*Wheeler vs. Smith*, 9 How., 55; *Schofield vs. Templer*, John. (Eng.) Ch., 116; *Jordan vs. Stevens*, 51 Me., 78, 83; *Id.*, 140, 142; *Snyder vs. May*, 7 Harris, 238; *Ex parte James in re Condon*, L. R., 9 Ch. Appls., 614; *Evarts vs. Strodes*, adm., 11 Ohio, 488; *Brown vs. Rice's Adm.*, 26 Gratt., 470-1; *Hart vs. Swaine*, L. R., 7 Chan. Div., 42; *Cooper vs. Phibbs*, L. R., 2 H. L. Ca., 149; *Weeks Appl.*, 90 P. F. Smith, 425; 51 Ala., 154; *Kerr on F. & Mist.*, 400; *Bispham's Pr. Eq.*, sect. 188, p. 242; *Pomeroy on Sp. Perf. of Cont.*, sect. 377, p. 321.)

For (says the Senate Committee on Claims, Report No. 505, second session Forty-fifth Congress) even an innocent misrepresentation of law as well as a misrepresentation of fact entitles the party who is misled by such misrepresentation to relief both in equity and at law.

In *Evarts vs. Strodes*, adm., 11 Ohio, 488, and *Drew vs. Clarke, Cooke's* (Tenn.) R., 374, 380, it was held that: "Where a contract is executed under a mistake in point of law, which mistake is produced by the representations of one of the parties, the other may be relieved as well as if the mistake was as to a matter of fact." (S. P., 31 Conn., 517.)

In *Jordan vs. Stevens*, 51 Me., 78, 83, it is well said: "And there would be still stronger reasons for granting relief in such a case if the party from whom the property had been obtained had been led into his mistake of the law by the other party." (*Sparks vs. White*, 7 Humph., (Tenn.), 86; *Fitzgerald vs. Peck*, 4 Littell, (Ky.), 27. See also *Freeman vs. Curtis*, 51 Me., 140.)

And in *Brown vs. Rice's Adm.*, 26 Gratt., 467, 470-71, it is distinctly and clearly shown that a court of equity will relieve for a mistake brought about by a misrepresentation of the law.

And in *Snyder vs. May*, 7 Harris R., 238, the court emphatically says: "Whatever doubts may exist in regard to the power of a court of equity to correct the mistake of a party to a contract in matter of law, there can be no question that such mistake is the subject of correction where it is produced by the representation of the opposite party." (2 Barr, 122; *Drew vs. Clarke, Cooke*, 374.)

In *Fane vs. Fane*, L. R. 20 Eq. Ca., 698, where a father, through honest mistake of law, represented to his son that he had a power under a settlement to charge portions in favor of his younger children (but which were, in fact, already charged) and would give that power up if the son would make a settlement, it was held that the son, who relied on the representations, was entitled to have the resettlement set aside on account of the misrepresentation and mistake.

In *ex parte James in re Condon*, L. R., 9 Ch. Appls., 614, where a party on the demand of trustees in bankruptcy paid over money, which he had received on execution against the bankrupt, under a mistake of law as to their right to the same, (he supposing from the demand being made that they had a legal right to it,) it was held that he was entitled to recover back the money.

In *Wheeler vs. Smith*, 9 How., 55, where an executor through honest mistake and misapprehension of law represented to the heir, on being asked his opinion, that the will was legal and valid, (that this was the opinion of all the lawyers he had consulted, and was his opinion,) and that in the event of a suit, which he wished to avoid, and which would be attended with trouble, delay, and expense, the will would be sustained, but that if he wanted a sum of money he could have it by way of settlement and compromise, relief was granted from a release by the heir to the executor for \$25,000, notwithstanding the heir had stated to the executor that in his opinion the will was illegal, and that in case of suit it would ultimately be so declared, but that he supposed he would have to consider the will legal and valid, and accept the offer.

This case, therefore, illustrates in a high degree the extent to which a court of equity will go in granting relief where the party's conduct has been mainly determined by the misrepresentation of the law through innocent mistake and misapprehension of the other party.

And where the mistake of law is mutual, but attributable to the agent of the party seeking to take advantage of it, equity will relieve. (*Green vs. Morris, &c.*, 1 Beas. Ch., 165; *Woodbury, &c., vs. Charter Oak Insurance Company*, 31 Conn., 517; *Fane vs. Fane*, L. R., 20 Eq. Ca., 698; 2 Bibb, 322.)

And where parties deal with each other under a mutual mistake as to their respective legal rights, (the one supposing that he has the legal right and the other that he has none,) and the one parts with nothing and the other acquires or takes nothing by his purchase, equity will relieve. (*Bingham vs. Bingham*, 1 Ves. Sen., 127; *Hitchcock vs. Giddings*, 4 Price Ex., 135; L. R., 1 Ch. App., 53; *Earl Beauchamp vs. Winn*, L. R., 6 H. L., 223, 234; *Jones vs. Clifford*, L. R., 3 Ch. Div., 790-792; *King vs. Doolittle*, 1 Head, (Tenn.), 77, 86.)

In *Stewart vs. Stewart*, 6 Cl. and Fin., 968, Lord Cottenham, in reference to *Bingham vs. Bingham*, 1 Ves. Sen., 126, in which the defendant had sold to the plaintiff an estate which was, in fact, already his, but which both parties, under a mutual mistake of law, believed to belong to the defendant, (and in which the master of the rolls decreed repayment of the purchase-money, saying it was a plain mistake,) said:

"That if it were necessary to consider the principle of that decree it might not be easy to distinguish that case from any other purchase in which the vendor turns out to have no title. In both there is a mistake, and the effect in both is that the vendor receives and the purchaser pays money without the intended equivalent."

And in *Champlin vs. Layton*, 1 Ed. Ch., 471, 475, it was held that a contract entered into under a mutual misconception of legal right, amounting to a mistake of law in the contracting parties, by which the object and end of the contract, according to its intent and meaning, cannot be accomplished, is as liable to be set aside or rescinded as a contract founded in mistake of matters of fact. (S. P., 51 Miss., 520.)

And in *Lawrence vs. Beaubien*, 2 Ball. (S. C.) R., 623, it was held, in an elaborate and well-considered opinion, that a mutual mistake in both parties as to the law was ground for relief from the obligation of a contract by which one party acquired nothing, and the other neither parted with any right or suffered any loss, and which *ex æquo et bono* ought not to be binding.

At pages 647, 648 of the above case, Mr. Justice Johnson well and forcibly says: "If this proposition is to be considered with reference to the rules of morality, there could be no diversity of opinion about it. The plaintiff seeks in this action to recover that which of natural right belongs to the defendant. It is a universal principle, founded in reason, that no one is entitled to have or retain that which *ex æquo et bono* belongs to another; a principle found in every code, and circumscribed in its application only by positive rules founded in the conveniences and necessities of mankind; and, when rightly understood, says Sir Henry Finch, the very maxims and principles of the positive law will yield to it, as to a higher and more perfect law. (Finch's Law, book 1, ch. 3.)"

And it is now settled in England that a common mistake of a matter of law inducing an agreement will modify its effects in equity as applied to the true state of the law, upon the same principle as a common mistake upon a matter of fact; and that a court of equity will grant relief against an agreement made under such circumstances. (*Re Saxon, &c.*, 2 John. & Hem., 408, 412; *Stone vs. Godfrey*, 5 De G. M. & G., 76; *Chitty on Cont.*, 1041, 11th ed.; *Earl Beauchamp vs. Winn*, L. R., 6 H. L., 223, 234.)

Indeed, there is no case to be found in the books where a party, as in this case, took nothing by his purchase, and the other parted with nothing of any value, has a court of equity ever refused relief. And this more especially where the purchaser was induced to make the purchase through the mistake and misrepresentation of the law and facts by the other party.

Where a vendor intends to sell, and the vendee to purchase, a subsisting title, but which in fact does not exist, a payment of the purchase-money (says the Supreme Court of the United States) "would be a payment without the shadow of consideration; and no court of equity is believed ever to have sanctioned such a principle." (*Allen vs. Hammond*, 11 Pet., 71.)

For a mutual mistake as to the legal title of the vendor is ground for relief. (*Flyne vs. Campbell*, 6 Mon., 286; *Bowling vs. Pollock*, 7 Mon., 32; *Smith vs. Robertson*, 23 Ala., 312; *Irick vs. Fulton*, 3 Gratt., 193.)

And it is now well settled that a mistake is as good a ground for relief in equity as fraud. (*Torrence vs. Bolton*, L. R., 14 Eq. Ca., 124, 132, 134; *Lord St. Leonarda on Vendors and Purchasers*, 14th ed., 120; *Daniel vs. Mitchell*, 1 Story R., 190.)

And in a case of a mutual or common mistake as to title, although there is no fraud, a court of equity will relieve. (*Jones vs. Clifford*, L. R., 3 Chan. Div., 779; 10 Vt., 570; 31 Vt., 383.)

For a court of equity can relieve against the consequences of a mistake of law as well as against mistakes in fact. (*Stone vs. Godfrey*, 5 D. M. & G., 76; *In re Condon*, L. R., 9 Chan., 609; *Rogers vs. Ingham*, L. R., 3 Ch. Div., 357; *Re Saxon, &c.*, 2 John. & Hem., 408, 412; *Broughton vs. Hutt*, 3 De G. & J., 510.)

Mellish, L. J., in *Rogers vs. Ingham*, L. R., 3 Ch. Div., 357, says: "I think that no doubt is as was said by Lord Justice Turner, this court has power (as I feel no doubt it has) to relieve against mistakes in law as well as against mistakes in fact; that is to say, if there is any equitable ground which makes it, under the particular facts of the case, inequitable that the party who received the money should retain it."

* *Stone vs. Godfrey*, 5 D. M. & G., 70.

Indeed, a court of equity always relieves when "the court is of opinion that it is unconscientious for a person to avail himself of the legal advantage which he has obtained." (Torrance vs. Bolton, Law Reports, 8 Ch. Appls., 124; 4 Dana, 309, 314, 318; 3 B. Mon., 513; 1 Met. (Ky.), 153; 2 ib., 226, 238; 51 Me., 143; 11 Ohio, 488; 21 ib., 127; 3 My. & K., 99; 19 Texas, 303; 2 McCord, Ch., 455; 1 Hills, Ch., 251; 6 Harr & J., 500; 1 Ed. Ch., 471; 2 Bail. (S. C.), 623; 1 St. Eq., secs. 1384, 1387, 1389, and foregoing authorities.)

"And where the result of denying relief (says Judge Story) will be to give the other party an unconscionable advantage, and the fact of such misapprehension is admitted or proved to the entire satisfaction of the court, it would be strange if it were not a sufficient ground for equitable interference. The denial of relief in such cases would seem to be at variance with the long-established doctrines of equity, and a reproach to the law itself." (St. Eq. Jur., sec. 138c. See also 7 Geo., 67; 19 Conn., 548; 21 Conn., 139; 31 Geo., 120, 121.)

And while every man, as is usually said, is presumed to know the law and is usually bound as if he had such knowledge, whether he has it or not, yet it is now well settled, by the best-considered cases both in England and America, that there is no absolute rule which conclusively presumes such knowledge as a fact, where that fact is important. (Black vs. Ward, 27 Mich., 191; Regina vs. Mayor, &c., L. R., 3 Q. B., 628; Martindale vs. Falkner, 2 Com. B., 719; Jones vs. Randall, Cowp., 38, 40, per Lord Mansfield.)

In Black vs. Ward, 27 Mich., 191, the court, in a well-considered opinion, says: "In Regina vs. Mayor of Tewkesbury, L. R., 3 Q. B., 628, this supposed maxim was very clearly explained, and it was held that, where an actual knowledge was in question, the legal presumption could not apply."

Blackburn, J., uses this language: "From the knowledge of the fact that Blizard was mayor and returning officer, was every elector bound to know as matter of law that he was disqualified? I agree that ignorance of the law does not excuse. But I think that in Martindale vs. Falkner, 2 C. B., 719, Maule, J., correctly explains the rule of law. He says: 'There is no presumption in this country that every person knows the law; it would be contrary to common sense and reason if it were so.'"

In Jones vs. Randall, Cowp., 38, 40, Lord Mansfield said: "As to the certainty of the law, * * * it would be very hard upon the profession if the law was so certain that everybody knew it; the misfortune is that it is so uncertain that it costs much money to know what it is even in the last resort."

And Mr. Kerr, in his Treatise on Fraud and Mistake, page 406, expressly says that the presumption that every man knows the law is rebuttable and may be disproved, the same as a presumption in regard to a matter of fact. See also 2 Bailey, (S. C.), 623; 18 Wend., 423; 2 Barb. Ch., 505, that an allegation of mistake of law is capable of investigation and proof.

And it is now too well settled, both by adjudged cases and text-writers, to admit of any doubt or controversy that the maxim *ignorantia legis*, &c., is not of universal application in equity, but is subject to many well-recognized qualifications and exceptions. (Jordan vs. Stevens, 51 Me., 78; ib., 140, 143; 51 Ala., 151, 154; 19 Texas, 303, 309; 29 Vt., 239; Miss. R., 520; 3 Duer, 318, 324; Bispham's P. Eq., sec. 187, p. 241, 2d ed., and foregoing authorities. See also 8 Wheat., 174; 1, Pet., 14.)

In Moreland vs. Atchison, 19 Tex., 309, 310, the court well and admirably says: "The general rule, it has been truly said, is justified by considerations of public policy; and yet so harsh a rule, founded upon a presumption so arbitrary, ought to be modified in its application, by every exception which can be admitted without defeating its policy."

Even Chancellor Kent, who stated the general rule very broadly in Shotwell vs. Murray, 1 J. Ch., 512; and Lyon vs. Richmond, 2 J. Ch., 51, but the decisions in which turned upon other distinct grounds, so far changed and modified his opinions in the subsequent case of Storrs vs. Baker, 6 J. Ch., 166, as to admit that there were exceptions to the general rule. He said: "It is rarely that a mistake in point of law, with full knowledge of all the facts, can afford ground for relief," and that "ignorance of law, with knowledge of the fact, cannot generally be set up as a defense."

Now this modified and guarded language of the learned and distinguished chancellor shows very clearly that he did not consider the rule of universal application, but that it was subject to some exceptions. (4 Dana, 316; 2 Bailey R., 631.)

"That every man must be presumed to know the law," said Mr. Justice Campbell in Benard vs. Fiedler, 3 Duer, 318, 324, "is indeed a necessary rule in the administration of criminal justice, but its application to bar a civil right is not demanded by any reasons of public policy, and in many cases is a resort to a fiction, not for the purpose of promoting but of defeating justice. Hence courts of equity have long struggled against the doctrine, and have excepted many cases from its operation."

And Chancellor Walworth in Hall vs. Reed, 2 Barb. Ch., 500, 505, said: "And courts have sometimes granted relief against mistakes of law, where it could be done without injuring the rights of those who were ignorant of any such mistake when their rights occurred."

And where the contract of the parties, through a common mistake of law as to the legal effect of the language used, fails to embody their real agreement and understanding, a court of equity will relieve. (Murray vs. Beekman, 9 Paige, 189; 67 N. Y., 283, 290; Everts vs. Strode, 11 Ohio, 480; 2 Curtis, 277; 4 J. J. Mar., 225; 1 Beas. Ch., 165.)

"And" (says a great jurist and a learned court, in concluding their review of all the cases) "we think it creditable to the courts and to the profession that with all the zeal which has been sometimes manifested, to make the law excluding relief, in cases of equity, in every case of pure mistake of law, absolute and inflexible, the sense of justice has steadily withstood the refinements of logic on the one hand and the blind love of formal symmetry upon the other. We trust the principle that courts of equity feel compelled to grant relief upon the mere ground of the misapprehension of a clear rule of law, which has so long maintained its standing among the fundamental rules of equity jurisprudence, is yet destined to afford the basis of many wise and just decrees, without impugning the general rule that mistake of law is presumptively no sufficient ground of equitable interference." (St. Eq. Jur., sec. 138f; 51 Miss., 520.)

In re Saxon, &c., 2 John & Hem., 412, the court said: "A question has sometimes arisen how far this court can interfere to rectify a mistake of law, but having regard to all the authorities, and especially to Stone vs. Godfrey, I have no doubt of the jurisdiction."

"And there are many cases to be found" (says Lord Chelmsford, Law Rep. 6 H. L., 234) "in which equity upon a mere mistake of the law, without the admixture of other circumstances, has given relief to a party who has dealt with his property under the influence of such mistake."

And it has been repeatedly held by many courts in elaborate and well-considered opinions, that a mere error of law, where the law was doubtful and not well settled, entitled the party mistaken or uninformed as to his legal rights to relief. (Lamont vs. Bowley, 6 Har. & J., 526, 525; Cumberland Coal Company vs. Sherman, 20 Md., 152-3; 51 Me., 140; 1 Dess., 437; 19 Texas, 303; 1 Beas. Ch., 165; Bispham's P. Eq., 188, page 243; 14 Conn., 123.)

And in *ex parte* Ogle L. R., 8 Ch. Appls., 715, Lord Justice James said: "That it would be impossible, without hardship and injustice, such as no court is bound to inflict, to make a trustee personally answerable for money which has been bona fide paid by him under a misapprehension of the law; which misapprehension was really occasioned by the language of the Legislature."

Now the principle of this and the above decisions is very applicable to this case, where the whole difficulty and cause of the mistake on the part of the court in ordering the property sold free of mortgage arose from the obscurity of the words of

the statute. For the statute provided that the proceedings, under the same, should be *in rem*, and the Supreme Court of the United States has frequently held that they were solely *in rem*. (Miller vs. United States, 11 Wall., 268; Tyler vs. Defrees, 11 Wall., 345; Confiscation Cases, 20 Wall., 104; Semmes vs. United States, 1 Otto, 26.)

And it had also been settled by a long course of decisions both in England and America, that a purchaser under a decree *in rem* took an absolute title to the property, free from the claims of all persons whatsoever—mortgagees as well as everybody else. (Castrique vs. Imrie, Law Rep., 4 H. L., 414; Scott vs. Sherman, 2 Wm. Bl., 977; Hughes vs. Cornelius, 2 Shower, 233; Williams vs. Amroyd, 7 Cranch, 432; Gelston vs. Hoyt, 3 Wheat., 318; 3 Sum., 600; 42 Me., 444; 20 Vt., 85; 35 Miss., 17; 4 La. R., 84; 4 Sandf. Ch., 126.)

And the reason was that all the world were parties or might have been parties if they had seen fit to come in and assert their claims, and if they failed and neglected so to do, they were forever concluded by the decree. Scott vs. Sherman, 2 Wm. Bl., 977, per Mr. Justice Blackstone and foregoing authorities.

And it had also been considered, for nearly three hundred years, that the mortgagee of property which was forfeited to the Crown must make his demand for the money at the exchequer, and not upon the land. (Sir Rowland Haward's case, Goldsborough's R., 137, Pl. 41.)

And in *Syndics vs. Nicholson*, 4 La. R., 85-6, Judge Porter, in a well-considered opinion, emphatically said:

"By the mortgage every one who could have asserted a right to or in the property libeled was a party to the suit, and the judgment, consequently, is a complete bar to all rights which could have been exercised there. The settled principles of law give to the judgment *in rem* the authority of the thing judged against all parties to it, that is, against all the world who had a claim to assert on the property. These principles must govern this case, be the consequences what they may."

But the Supreme Court in Day vs. Micon decided that notwithstanding the proceedings under the statute were *in rem*, the mortgage, which had been erased and canceled under the order of the court, could be enforced against the property; and hence the law, as to the effect of a proceeding *in rem* under the statute, was found not to be what it had for a long time been supposed it was.

The mistake of the court, then, cannot be said to be the mistake of a well-settled principle of law, so as to bar a purchaser who was injured by the mistake from equitable relief, as the whole difficulty and mistake was occasioned by the obscurity and uncertainty as to the meaning and effect of the language of the statute.

And in Harney vs. Charles, 45 Mo., 157, the supreme court of Missouri held that where an error of law was in part contributed to by the court, the party mistaken was entitled to equitable relief from the consequences of the error. This case is, therefore, a decisive authority in favor of the relief sought by petitioner, as the whole error was not only contributed to, but was actually committed by the court itself, in ordering the property to be sold free of mortgage. See also 41 Ga., 71; 41 Ga., 60.

It would therefore be highly inequitable as well as unjust to visit the consequences of the mistake and error of the court upon the purchaser.

We do not understand the law to be (say both of the Senate committees in their reports on petitioner's claim) that if a court of equity, or any other tribunal, orders and directs the sale of specific property, supposing that it has the right to make such order, and intending to convey a valid title, that if it is made to appear that the court was mistaken, either as to law or fact, so that the purchaser gets nothing by his purchase, it will not refund the purchase-money. See Senate Com. on Claims, (through Senator Jones, of Florida,) Report No. 389, first session Forty-fourth Congress; Senate Com. on Claims, (through Senator Cameron, of Wisconsin,) Rep. 505, second session Forty-fifth Congress.

And says the Senate Committee on Claims, in their report) the right of petitioner to relief is still more clear (if such a thing were possible) by the law of Louisiana.

The Civil Code of Louisiana, article 1846, (Voor. ed., p. 346, paragraph 3.) declares that error of law can never be alleged as the means of acquiring, though it may be invoked as the means of preventing, loss, or of recovering what has been given or paid under such error.

Undoubtedly under this express provision of the Louisiana Code the petitioner would be entitled to relief even if there had been no mistake and no misrepresentation on the part of the Government through its own court.

For the Federal Government recognizes in all its departments the statutes of the several States and the construction given to them by the State courts as constituting rules of decision, except where the Constitution, treaties, and statutes of the United States otherwise expressly provide. (3 Dall., 344; 6 Pet., 291; 13 Pet., 45; 7 How., 1; 11 How., 297; 13 How., 361; 20 How., 1; 22 How., 352; 4 Wall., 203; Rev. Stat. U. S., 136, sec. 721.)

It is therefore manifest that the Louisiana law alone must govern in this case, and not the law of any other State; for there is no such thing as a common law of the United States. In Wheaton vs. Peters, 8 Pet., 653, the court says:

"It is clear there can be no common law of the United States. There is no principle which pervades the Union and has the authority of law that is not embodied in the Constitution and laws of the Union. The common law can be made a part of our Federal system only by legislative adoption. When, therefore, a common-law right is asserted, we must look to the State in which the controversy originated."

There being, then, no common law of the United States, and no such law in Louisiana, and no statute of the United States applicable to the case, petitioner most unquestionably would be entitled to a return of his money under the above provision of the Louisiana law, even if the error of law had been one of his own instead of the error of the court.

But there is another conclusive ground under the Louisiana law (and which, as we have just seen, must govern this case) which entitles the memorialist to the relief sought, and that is, that a purchaser at a judicial sale in Louisiana who is subsequently evicted is entitled to recover back the purchase price.

The Civil Code of Louisiana, article 2621, (page 473, Voor. ed.) is as follows:

"The purchaser, evicted from property purchased under execution, shall have his recourse for reimbursement against the debtor and creditor; but upon the judgment obtained jointly for that purpose, the purchaser shall first take execution against the debtor, and upon the return of such execution no property found, then he shall be at liberty to take out execution against the creditor."

And in Louisiana the law imposes and attaches a warranty, as a legal consequence, to all sales, judicial as well as conventional, without any stipulation to that effect; and a purchaser at a judicial sale, even if he knows there is danger of eviction at the time of the purchase, can recover back the purchase price unless he has expressly bought at his own risk and peril, and excluded his right of recovery by a stipulation of non-warranty. (13 Louisiana Annual R., 331; 7 ib., 361; 9 ib., 297; 10 ib., 137, 139; 3 ib., 327; 5 ib., 314.)

In Scott vs. Featherston (5 Louisiana Annual Reports, 314) the court, in answer to the objections that the purchaser at a judicial sale was aware of the dangers of eviction when he purchased (the property being then in litigation) and that he, therefore, took the risk and was not entitled to warranty and a return of the price, said:

"To these propositions we cannot assent. The sheriff's sale to Collier is in the usual form, and carries with it, of course, the usual warranties of such instruments. The knowledge which purchasers have of the danger of eviction does not deprive them of the right of claiming the return of the price after the eviction has taken place. The right exists in all cases, unless the party evicted, knowing the

danger of eviction, took the property without warranty and at his peril and risk." (C. C. 2481; C. P., 711.)

And this rule is founded on the express provisions of the Civil Code, "and on the moral maxim of the law," "that no one ought to enrich himself at the expense of another." (Civil Code, arts. 2505, 1965, Voor. ed.)

And the same rule is recognized in the common law.

In *Valle's Heirs vs. Fleming's Heirs*, 29 Mo., 157, the court well says:

"The maxim of the common law, '*nemo debet locupletari ex alterius incommodo*,' is one of those general principles of natural equity which receive at once, without examination or discussion, the approbation of every cultivated and well-regulated mind."

It is therefore manifest that petitioner under the Louisiana law is entitled to a return of his money. And it is equally manifest that the Louisiana law alone must govern the case. Indeed, it has not even been pretended or suggested by any one but that petitioner, under the Louisiana law, is entitled to a return of his money, and that the Louisiana law must govern the case, as there is no common law of the United States and no common law of Louisiana, and no statute of the United States applicable to the case. And this view of the case is clearly and distinctly taken and maintained in all the reports of the different committees.

The right of petitioner, therefore, to a return of his money is clear and unquestionable.

And not only is petitioner entitled to a return of his money under the Louisiana law, but he is entitled to its return in any and every other view of the case.

As to the pretense that petitioner had constructive notice of the mortgage, that is a matter which can furnish no excuse or reason to the Government for not repaying petitioner his money, as the doctrine of constructive notice is wholly inapplicable as between vendor and vendee. (*Parham vs. Randolph*, 4 How., (Miss.) 435, 451; *Young vs. Harris*, 2 Ala., 113; *Brown vs. Rice's Adm.*, 26 Gratt., 474; 6 Paig., 203; 6 Yerg., 108; Senate Com. on Claims rep., No. 505, second session Forty-fifth Congress.)

But even if the petitioner had been aware of the defectiveness of the Government's title, the Government would be bound to make its warranty of the title good—bound to refund the purchase price. For it is well settled:

"If the vendor contract to deduce a good title to the premises sold, it affords no reason for his not performing that contract that the purchaser was aware, at the time of the sale, that the title was defective." (*Chitty on Cont.*, 430, 11th ed., and note; *Burnett vs. Wheeler*, 7 M. and W., 364; *Swan vs. Drury*, 22 Pick., 485.)

In *Carpenter vs. Bailly*, 17 Wend., 244, the court, after a most careful and thorough examination of the authorities, said:

"Where a man buys a piece of land and covenants for a conveyance in general terms, the presumption is that he expects the title, and the grantor should be required to give him a perfect title."

In *Swan vs. Drury*, 22 Pick., 485, Wilde, J., says:

"The agreement was to convey the farm, which must be construed as an agreement to convey a good title free from all incumbrances, and parol evidence to show that the purchaser at the time of the contract was aware that the farm was subject to a mortgage was rejected, as it constituted no defense to the action."

And to the same effect are the following authorities: 2 Rich., 364; 13 N. Hamp., 167; 2 Hen. & Munf., 164.

In *Hill vs. Hobert*, 16 Me., 164, there was a contract to make and execute "a good and sufficient deed to convey the title to the premises," and this was held not to be performed unless a good title to the land passed by the deed.

Shepley, J., in the above case, well says:

"The rule in equity is clear and well established requiring a perfect title to be made, unless the contrary has been agreed. A person is never supposed to be desirous of purchasing a lawsuit or a title attended with doubt and vexation, instead of one upon which he can quietly repose."

And where the contract stipulates for the conveyance of the land or estate or for the title to it, performance can be made only by the conveyance of a good title. (*Sug. V. & P.*, 430 in note, 11th ed.)

It is therefore seen that it will not do to say that the Government could only seize, condemn, and sell Judah P. Benjamin's interest, whatever that might be, subject to the mortgage, and that petitioner got all the Government could sell. For the right of petitioner to relief does not depend upon what the Government could do, but upon what it undertook and assumed to do.

Had the Government sold only such right and interest in the property as Benjamin possessed, subject to the mortgage, as a matter of course petitioner would have no claim whatever for a return of his money; but the Government did no such thing, as fully appears from all the reports and the judicial record of the proceedings which is filed in the case. Now, it not only fully appears from said reports and proceedings that the two squares of ground were seized and libeled as the property of Judah P. Benjamin—it not only appears that a default was entered and a *pro confesso* taken after due and legal notice to all parties in interest to appear and defend their rights in the property seized (and which default was a judicial admission and establishment by the record of all the facts charged in the libel (*Miller vs. United States*, 11 Wall., 301, 303, 304; 12 Minn., 221; 6 Fost., 247; 6 J. Ch., 565; 18 Iowa, 469; 13 Ohio St., 354; 22 Iowa, 32.) but the court expressly found and declared in the judgment of condemnation (Supreme Court Rec., 31-2) that the two squares of ground were the property of Judah P. Benjamin and accordingly ordered that the two squares of ground, and not merely any interest which Judah P. Benjamin might have had in the same, should be sold, and that the two squares of ground themselves were, in pursuance of said order, sold and conveyed to petitioner, to have and to hold the same to him and his heirs forever.

Indeed, it has been repeatedly held by the Supreme Court of the United States that the property was divested out of the former owner and vested in the Government by the decree of condemnation, and that when the Government sold the property it sold it as its own, and did not sell it as property in which the former owner had any interest or concern. (*Semmes vs. United States*, 1 Otto, 26; *Confiscation Cases*, 20 Wall., 112, 113.)

Now, whilst all this did not, according to the decision of the Supreme Court in *Day vs. Micou*, preclude the mortgagees from enforcing their mortgage against the property, yet it most assuredly precludes the Government from saying that it did not condemn and sell the property itself to petitioner. Besides, the deed from the Government is a deed to the property itself, the two squares of ground, with a warranty of the title, and the Government, by accepting the proceeds of the sale, has ratified and adopted the whole transaction, and is bound to make the warranty of the title good; bound to return the purchase price, as the law will not allow a party, as we have seen, to take the proceeds of even an unauthorized transaction and repudiate the obligation which the transaction imposes.

But the most unfounded of all the pretenses that have been suggested for not repaying petitioner his money is the covert insinuation or suggestion that the Supreme Court has decided against petitioner's right. Now, the Supreme Court has done no such thing, as the right of petitioner to be repaid his money was in no way or manner presented or involved in the case before that court.

The sole and only question in the case before the court was as to the right of the mortgagees to enforce the mortgage against the property which the Government had sold to petitioner free from incumbrance and with a warranty of the title. And as the court held that the mortgage was enforceable against the property, notwithstanding the judicial proceedings of the United States against the same, the judgment enforcing the mortgage was a judgment of eviction, and the right of petitioner to the relief he seeks results from the eviction. The judgment of the Supreme Court is, therefore, the highest evidence of the right of petitioner to the relief which he asks, as it shows the failure of the title and the eviction of the purchaser.

And there are many cases, as shown in the Senate committee's report, in which the Government has refunded the purchase price of property where the Government had no title or the title had failed. (Senate Committee on Claims rep., No. 505, second session Forty-fifth Congress, page 13.)

Your committee, while unanimously concurring to report favorably upon this claim, in view of the special circumstances developed in its proof, they do not wish their action to be understood in the light of a precedent, in all cases, for holding the Government responsible for defects in the titles of marshals or other executive officers of the Government.

Your committee are, therefore, clearly of opinion that as the Government, through its officers, sold and conveyed the property itself to petitioner free from mortgage and with a warranty of the title, but which title was defective and has wholly failed, and the purchaser has been evicted from the property, the Government is, on every principle of law, justice, and in good conscience, bound to return to petitioner the purchase price; and accordingly report the accompanying bill and recommend the passage of the same.

During the reading of the report, and before its conclusion, Mr. BREWER said: I called for the reading of the report. So far as I am concerned I do not want to hear any more of it read.

Mr. WHITE. Go ahead with the reading; I want to hear it.

The Clerk resumed the reading of the report.

Mr. BARBER. The remainder of this report is devoted entirely to a brief of the legal questions involved. I suggest that the reading of the remainder of the report be dispensed with.

Mr. SPARKS. I object to that.

Mr. WHITE. No gentleman has a right to withdraw my objection to dispensing with the reading of the report.

The Clerk resumed the reading of the report.

Mr. TOWNSHEND, of Illinois. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. My point of order is that the hour allotted to the gentleman submitting this report has expired.

Mr. BROWNE. That point is well taken, I think.

Mr. PRICE. And I hope the Chair will sustain it.

The CHAIRMAN. The Chair does not understand that the hour rule runs against a report of a committee. The further reading of the report can be waived by unanimous consent.

Mr. WHITE. I called for the reading of the report and I want it read. We are just approaching a very interesting portion of the report and I do not think the reading of it should be omitted.

Mr. BROWNE. I move that the committee now rise.

The motion was not agreed to.

The Clerk resumed the reading of the report.

Mr. HAWLEY. I ask unanimous consent to dispense with the further reading of this report. It covers twenty octavo printed pages, and a fourth of it is still left to be read. I ask that the reading of the remainder of the report be dispensed with.

Mr. BUCKNER. I object.

The Clerk resumed the reading of the report.

Mr. WHITE. I move that the committee now rise. This bill will come up the next time we go into Committee of the Whole on the Private Calendar.

Mr. O'CONNOR. I hope that motion will not be agreed to.

Mr. BROWNE. The reading of the report is nearly completed; let us have all of it.

Mr. WHITE. I ask that the further reading of the report be dispensed with.

Mr. FISHER. I object; let us have the whole of it now.

Mr. BELTZHOVER. I also object.

The Clerk then resumed and concluded the reading of the report, as above.

Mr. O'CONNOR. I regret, Mr. Chairman, that the patience of the Committee of the Whole has been so sorely taxed, as has been apparent from the manifestations on all sides, in consequence of the extreme length of this report. I am not disposed to press the further consideration of the case at this moment if the impatience of members extends to such a degree that they desire the committee shall rise. But, Mr. Chairman, as the case is now before the Committee of the Whole, I will ask that it be considered and acted upon—that we come to a vote upon it. It is a very simple case, though it has been very elaborately argued in the report. If the committee will bear with me I will make a very brief statement which will place the matter beyond the possibility of controversy in the mind of any lawyer upon this floor.

Mr. HERBERT. Will the gentleman yield for a motion that the committee rise?

Mr. O'CONNOR. I prefer to have the bill acted upon now.

Mr. Chairman, this is the fifth report which has been made on this case; and the report which I have had the honor to submit to the House passed the Committee on Claims without a single dissenting voice. The case is simply this: In the year 1865 the United States Government under the confiscation act of July 17, 1862, libeled two squares of ground in the city of New Orleans, Louisiana, as the property of Judah P. Benjamin, and issued a monition to the whole world calling upon all parties who claimed or proposed to set up any interest in this property to come forward by a designated day and set forth whatever right, title, or interest they might have therein. The day specified in the monition came around, and the district court of the United States of Louisiana condemned and forfeited this property to the United States Government.

Subsequently, under the act of July 17, 1862, and the authority conferred by that act, the district court of Louisiana passed an order

requiring the marshal, the executive officer of the Government, before he sold any property which was condemned and forfeited under this act of the United States, to have erased, canceled, and removed from the record any incumbrance or lien whatever upon such property, in order that the marshal might make a complete and valid title to the purchaser thereof. Under that order the marshal proceeded; and upon the day of sale he arose at the auction and announced to be sold two squares of ground in the city of New Orleans; he did not announce as for sale the interest of Judah P. Benjamin therein. The Government of the United States sold two squares of ground as its property, sold the specific thing, so announced it, and the marshal proclaimed at the sale that he would give to the purchaser thereof a good and valid title, would deliver to him a title deed in which should be incorporated a certificate from the recording officer of deeds in Louisiana that any mortgage or lien upon that property was erased and canceled. The marshal proceeded to sell, and the property was knocked down to L. Madison Day for the sum of \$5,400. The marshal handed to Day the deed, and in the body of it was incorporated a certificate from the recorder of mortgages that a mortgage for \$10,000 held by one Micou upon the square of ground is hereby erased and canceled. That deed with that certificate incorporated therein was handed by the marshal to Mr. Day, and Day paid his money.

What next? When Day had come into possession of the property he spent \$4,000 in order to put it in a condition to be a habitation for his family, making the property cost him over \$9,000. He remained in possession from 1865 until 1872, when Mr. Micou, the holder of the mortgage which had been erased and canceled by the recorder of mortgages and the certificate of cancellation of which had been incorporated in the title deed held by Mr. Day, filed proceedings for the foreclosure of his mortgage in the State court of Louisiana; and the court decided that the title which Mr. Day held was not a good title superior to the right of Mr. Micou, the mortgagee. An appeal was taken from that to the Supreme Court of the United States, and Day was evicted by the decree of foreclosure in favor of Micou, mortgagee.

Mr. HOUSE. Will the gentleman allow me to inquire how that mortgage was canceled?

Mr. O'CONNOR. It was canceled by the recorder of mortgages for the parish and city of New Orleans, Louisiana.

Mr. HOUSE. Did the recorder pay the mortgagee his money?

Mr. O'CONNOR. No, sir; he did not pay the money; but we have nothing to do with that. What has Mr. Day to do with that? I ask you as a lawyer if you had bought that property, and the lawyer who examined the title for you had said there was no mortgage standing upon record against it, would you come back upon the lawyer if a mortgage canceled upon record should prove not to have been paid?

Mr. HOUSE. Was not the mortgage recorded?

Mr. O'CONNOR. Certainly; but Day never saw the mortgage. Day says the certificate of the recorder had been canceled.

Mr. HOUSE. Was not the mortgage recorded?

Mr. O'CONNOR. Certainly.

Mr. HOUSE. Was not that record notice to the world under the laws of Louisiana?

Mr. O'CONNOR. So was the cancellation and erasure notice to the world.

Mr. BELTZHOVER. Will the gentleman allow me to ask a question?

Mr. O'CONNOR. Certainly.

Mr. BELTZHOVER. At this sale by the Government there were two squares of ground sold. For one this man paid \$5,400, and on that there was a mortgage of \$10,000.

Mr. O'CONNOR. Yes, sir; and that property he lost.

Mr. BELTZHOVER. How much did he pay for the other square, and how much is it worth, or how much did he sell it for?

Mr. O'CONNOR. There was no evidence before the Committee that Day bought anything but one square of ground.

Mr. BELTZHOVER. Oh, yes! Your report on page 2 shows that there were two squares sold; it is stated specifically that this man purchased two squares, and that the one for which he paid \$5,400 was lost by reason of the foreclosure of the mortgage. Now, I want to know what he paid for the other, and how much it was worth, or how much he sold it for.

Mr. O'CONNOR. I will state that has nothing to do with the case.

Mr. BELTZHOVER. It has.

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Pennsylvania?

Mr. O'CONNOR. Certainly.

Mr. BELTZHOVER. If I understand this case the gentleman has in his way the rule of *caveat emptor* and he wants to get around it by appealing to the equities. If this gentleman in purchasing two squares made enough on the one he retained to cover this \$5,400, then he has no equity.

Mr. O'CONNOR. But he has not; there is no proof of that.

Mr. WILLITS. Do you know he has not?

Mr. O'CONNOR. That question was never submitted to me, as a matter of fact, but that has nothing to do with the case, Mr. Chairman.

Mr. BUCKNER. I understand, then, the United States to have decided the mortgage to be satisfied and canceled.

Mr. O'CONNOR. And canceled.

Mr. BUCKNER. I want to ask whether under the law giving the

court power to carry out this confiscation—whether upon such proceeding of confiscation the court had power to do that thing.

Mr. O'CONNOR. The claimant here has nothing to do with the power of the court. Whether the court has power to do it or not is the same to him.

Mr. BUCKNER. The court has no power except what it has under authority of law. If it went beyond that, then the purchaser must look out.

Mr. O'CONNOR. When the Government ratifies the act of the court, and receives the purchaser's money, I should like to ask the gentleman how in equity or good conscience he can claim that the Government should hold the money. It is justifying robbery.

Mr. HAMMOND, of Georgia. Will the gentleman permit me to ask him a question?

Mr. O'CONNOR. I will.

Mr. HAMMOND, of Georgia. Is there any evidence the United States got this money?

Mr. O'CONNOR. Certainly it has; it is in the Treasury to-day.

Mr. HAMMOND, of Georgia. The report does not state it. How was that mortgage canceled? Who got the money when the mortgage was satisfied?

Mr. O'CONNOR. They got the property. The United States libeled the property and condemned it.

Mr. HAMMOND, of Georgia. But the mortgagee did not pay.

Mr. O'CONNOR. The mortgagee got the property, when he sold subsequently and when he evicted Day.

Mr. HAMMOND, of Georgia. He did not get this money.

Mr. O'CONNOR. The United States got this money, and he, Day, got nothing for it.

Mr. HAMMOND, of Georgia. The Government undertook to close out that mortgage.

Mr. O'CONNOR. No; it did not. The court did nothing but undertake to condemn and sell this property as the property of Judah P. Benjamin.

Mr. HAMMOND, of Georgia. But listen to my question: The Government undertook to cancel the mortgage of the mortgagee, who was no party to the record?

Mr. O'CONNOR. Certainly.

Mr. HAMMOND, of Georgia. Did not the claimant know that necessarily was void?

Mr. O'CONNOR. No; he did not.

Mr. HAMMOND, of Georgia. Then he was a fool.

Mr. O'CONNOR. That is the very thing before Congress; that is the equity of his case.

Mr. BARBER. Allow me to answer the gentleman's question.

Mr. O'CONNOR. Certainly.

Mr. BARBER. The court was proceeding on the theory it had the right to seize and condemn this real estate in precisely the same way it would seize and condemn a bale of cotton; that the publication of its monition was a notice to all the world that upon the failure of the mortgagee to appear and assert his rights in answer to that monition he would be in default and his rights cut off by the decree of *pro confesso*.

Mr. WILLITS. Was that order of the court of discharge perfected?

The CHAIRMAN. Does the gentleman yield?

Mr. O'CONNOR. I yield the floor to the gentleman for a question, but I should much prefer the House would allow me to get through with the statement of my case.

Mr. WHITE. Will the gentleman yield to a motion to rise?

Mr. O'CONNOR. No, sir; let me get through with my statement of my case, and, then, if any gentleman desires to ask me a question, I will be glad to answer it.

I was saying, Mr. Chairman, the rule of *caveat emptor* cannot and does not apply in this case. I would ask the House to bear in mind that when the Government sold this property it did not advertise to sell the right, title, and interest of Judah P. Benjamin; but it had condemned and forfeited the property and sold the specific property itself and the authorities are complete in law and in equity that no party can undertake to sell to anybody a thing to which he has no title or right, and then claim to keep the money he has got thereby, and which he unjustly retains in his possession.

Mr. WILLITS. I should like to ask the gentleman a question.

Mr. O'CONNOR. Certainly.

The CHAIRMAN. Does the gentleman yield to the gentleman from Iowa?

Mr. O'CONNOR. Certainly; but one at a time.

Mr. THOMPSON, of Iowa. I would like to ask the gentleman from South Carolina whether the committee had before them the process issued to the marshal, by virtue of which this property was sold?

Mr. O'CONNOR. Yes, sir; all the proceedings are printed in the transcript of the record from the Supreme Court in the case of Day and Micou. They are in the papers at the Clerk's desk. I would also state to the House that the proof in the case shows by witnesses who were produced in Louisiana that the \$5,400 for which this property was sold was the full market value of it.

Mr. THOMPSON, of Iowa. Then I would like to ask the gentleman another question—whether in any report heretofore made by any committee they have quoted the laws of Louisiana as establishing the right of the petitioner to recover; and whether it is his position that

the laws of Louisiana could give or take away any right named in an act of Congress alone?

Mr. O'CONNOR. No, sir.

Mr. THOMPSON, of Iowa. Then can the State of Louisiana by any statute of the State take away the right of a party under an act of Congress when the proceedings have been entirely under and by virtue of the act of Congress?

Mr. O'CONNOR. That is perfectly irrelevant here. Under the code of Louisiana the law is conclusive as to the right of the party.

Mr. THOMPSON, of Iowa. No, sir; the law of the land has given this petitioner the right.

Mr. O'CONNOR. The Supreme Court of the United States has decided that the mortgage was a standing mortgage in spite of its cancellation. The Government of the United States levied on the property and it was sold by the marshal, and the Government has the money in its vaults. By what right of equity can it keep it?

Mr. THOMPSON, of Iowa. But I am not speaking of the equities of the case, sir. You may show quite an equitable case, but does it help the equities of the case to quote a law of Louisiana as between parties or citizens purchasing under the United States?

Mr. O'CONNOR. Certainly; because in the United States courts the laws of the State where cases arise are for that case the laws for that court.

Mr. THOMPSON, of Iowa. Yes; but only as to the practice; not to rights and remedies.

Mr. O'CONNOR. I beg the gentleman's pardon; even as to the substantive proposition involved, the law of Louisiana is the only law. There is no common law of the United States. There is no statute law of the United States by which this case can be governed. [Cries of "You are right!"]

Mr. WILLITS. Will the gentleman yield to a question?

Mr. O'CONNOR. Yes, sir.

Mr. WILLITS. Was there attached to this marshal's deed a certificate of the proper officer showing the erasure and cancellation of this mortgage?

Mr. O'CONNOR. There is, and it is at the Clerk's desk among the papers.

Mr. WILLITS. That was a discharge in accordance with the order of the court, was it?

Mr. O'CONNOR. Yes, sir; the order of the court.

Mr. WILLITS. What evidence have we that was not a proper discharge?

Mr. O'CONNOR. The Supreme Court has so decided.

Mr. WILLITS. But the Supreme Court did not decide that.

Mr. O'CONNOR. It did decide this, that the mere notice to the parties, that the monition of the court did not oblige them to come in and cut off their remedies under the mortgage.

Mr. WILLITS. But the Supreme Court did not give a valid discharge to the mortgage.

Mr. O'CONNOR. But the court ordered the mortgage to be canceled, vacated, or satisfied, if you please.

Mr. WILLITS. Who signed the discharge?

Mr. O'CONNOR. It was signed by the recorder of mortgages in Louisiana.

Mr. WILLITS. At whose behest?

Mr. O'CONNOR. By order of the United States court.

Mr. WILLITS. That does not appear here.

Mr. O'CONNOR. It does appear.

Mr. WILLITS. What part?

Mr. O'CONNOR. Under the order of the district court of the United States at Louisiana.

Mr. WILLITS. There is nothing in the report which would indicate that it was anything but the discharge of the party holding the mortgage.

Mr. O'CONNOR. No, sir; discharged by order of the district judge of the district of Louisiana.

Now, Mr. Chairman, I have a few words more to say.

Mr. HUTCHINS. I wish to ask the gentleman a question.

Mr. O'CONNOR. Certainly.

Mr. HUTCHINS. I wish to ask whether the deed conveying the title of the Government contained a warranty of title.

Mr. O'CONNOR. It simply recited this, and if the gentleman and the House will listen to me they will see I am perfectly right. It is simply a conveyance to L. Madison Day, his heirs and assigns, forever, and under the law of Louisiana those words carry a warranty with them. I have authorities piled Pelion on Ossa showing that at a judicial sale, under the law of that State, a title simply reciting a conveyance "to A B and his heirs and assigns forever" carries with it a warranty.

Mr. ATHERTON. Does that doctrine in Louisiana or anywhere else apply to a judicial sale?

Mr. O'CONNOR. Yes, sir; under the civil code of Louisiana it is expressly applicable. The law provides that a purchaser evicted from property purchased under execution shall have his recourse for reimbursement against the debtor and creditor.

Mr. ATHERTON. Please refer me to the authority.

Mr. HAMMOND, of Georgia. Will the gentleman from South Carolina allow me to ask him a question in that same connection?

Mr. ATHERTON. Let the gentleman from South Carolina first give me the reference I have asked for.

Mr. O'CONNOR. The gentleman will find it on page 17 of my report:

The Civil Code of Louisiana, article 2621, (page 473, Voor. ed.) is as follows: "The purchaser, evicted from property purchased under execution, shall have his recourse for reimbursement against the debtor and creditor; but upon the judgment obtained jointly for that purpose, the purchaser shall first take execution against the debtor, and upon the return of such execution no property found, then he shall be at liberty to take out execution against the creditor."

Mr. HUTCHINS. Will the gentleman from South Carolina permit me to call his attention to what is stated in the report? The report certainly sets out, page 2, that this party had purchased the property "from the Government, free from incumbrance and with a clause of warranty in the deed."

Mr. O'CONNOR. Yes, sir; and the clause of warranty to which I alluded is the clause which under the laws of Louisiana is a warranty.

Mr. HUTCHINS. But is it in the deed?

Mr. O'CONNOR. Yes; because in the deed the words "heirs and assigns forever" carry a warranty according to the laws of Louisiana.

Mr. PHILIPS. Will the gentleman permit me to ask him a question?

Mr. O'CONNOR. Yes, sir.

Mr. PHILIPS. What have the provisions of the civil code of Louisiana, referred to by the gentleman, to do with the case when the whole mode of procedure and the character of the deed to be made by the marshal in proceedings under this statute of confiscation are prescribed in express terms by the Federal statute itself? This is a proceeding under the United States statute.

Mr. O'CONNOR. To what portion of the statute does the gentleman refer?

Mr. PHILIPS. I read from 12 United States Statutes at Large, page 591, section 8:

That the several courts aforesaid shall have power to make such orders, establish such forms of decree and sale, and direct such deeds and conveyances to be executed and delivered by the marshals thereof where real estate shall be the subject of sale as shall fitly and efficiently effect the purposes of this act and vest in the purchasers of such property good and valid titles thereto.

Mr. MITCHELL. I rise to a question of order. There is so much confusion in the Hall it is impossible to hear.

The CHAIRMAN. The committee will come to order.

Mr. WHITE. As it is manifest the bill cannot be passed to-day, I move that the committee rise.

Mr. O'CONNOR. I have the floor and do not yield for that motion.

The CHAIRMAN. The gentleman from South Carolina will proceed.

Mr. WHITE. Am I not recognized?

The CHAIRMAN. The gentleman is not recognized to make the motion, as the gentleman from South Carolina is on the floor.

Mr. O'CONNOR. I believe, Mr. Chairman, I have stated all the facts that are necessary to enable the House to come to a decision upon this bill. I only desire to say, in conclusion, that there is not a code upon the civilized globe which would uphold a doctrine that would justify the Government of the United States any more than an individual in selling to a party that which it did not have, which it did not possess, taking from him his money and holding that money in its vaults.

Mr. Chairman, this is a fraud upon the purchaser, no more and no less, and if this House should sanction it by voting down the bill for the relief of L. Madison Day, they will vote it down without the sanction of any recognized principle in law or morals in any code upon earth. I move that the bill be laid aside, to be reported to the House.

Mr. HAMMOND, of Georgia. Mr. Chairman, I desire to address the committee upon this case, but I do not wish to occupy its time now if it be more agreeable to the committee to rise. I am informed, however, that if the committee should rise now, on the next day for the consideration of private business the reading of the report can be forced upon the committee again by one member calling for its reading. [Cries of "No!" "No!"]

The CHAIRMAN. The report has been read and the bill is now under consideration.

Mr. ELLIS. I am satisfied the bill cannot be disposed of this evening and if the gentleman from Georgia will yield to me I move that the committee rise.

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Louisiana to make that motion?

Mr. HAMMOND, of Georgia. I am willing to yield for that motion; but gentlemen around me say that we had better go on and finish the bill.

Mr. ELLIS. It will take you longer than you think.

The CHAIRMAN. The gentleman from Georgia will proceed or yield to the gentleman from Louisiana.

Mr. HAMMOND, of Georgia. I yield to the gentleman to make his motion to test the sense of the committee.

Mr. ELLIS. Then I move that the committee do now rise.

The question being put; there were—ayes 50, noes 60.

So the committee refused to rise.

Mr. HAMMOND, of Georgia. I had not known that this case was to be before the Committee of the Whole House to-day until the reading of the report was nearly half through. It arrested my attention by reason of what I regarded as the strange legal position on which it is bottomed.

The case plainly stated is this: A man, at a judicial sale, bought a piece of property, took an ordinary deed in which there is not one word looking to warranty, and now comes and says the doctrine of *caveat emptor* does not apply to him and the Government should pay back the proceeds of that sale. Not having known, as I have said, that the case was coming up, I cannot do more than simply draw upon my memory for familiar authority upon the proposition. I have before me 9 Wheaton's Reports in the Monte Allegre case, and at page 645 I read:

Nor can the marshal, or auctioneer, while acting within the scope of their authority, be considered, in any respect whatever, as warranting the property sold. The marshal, from the nature of the transaction, must be ignorant of the particular state and condition of the property. He is the mere minister of the law, to execute the order of the court; and a due discharge of his duty does not require more than that he should give to purchasers a fair opportunity of examining and informing themselves of the nature and condition of the property offered for sale.

Mr. O'CONNOR. Will the gentleman allow me to ask him a question?

Mr. HAMMOND, of Georgia. Certainly.

Mr. O'CONNOR. Does that case apply to this, where the marshal proclaimed at the sale that he would sell the property free from incumbrance and with a warranty title?

Mr. HAMMOND, of Georgia. The gentleman says this case is taken out of the rule by reason of certain facts, to wit: that the court undertook by its order to confiscate a mortgage over which it had no jurisdiction under the statute, a mortgage belonging to a party who had no notice of the proceeding; and that because the court passed that void judgment, and its marshal said at the sale "I intend to execute that void judgment," therefore the law is changed.

Mr. O'CONNOR. Was it just for the Government, then, to ratify that sale and hold the money?

Mr. HAMMOND, of Georgia. I will answer the whole argument of the gentleman. The Government has ratified nothing. The doctrine of ratification applies only between principal and agent; and a marshal selling property at a judicial sale is in no sense the agent of the Government.

Mr. VAN VOORHIS. Will the gentleman yield to me for a question?

Mr. HAMMOND, of Georgia. I will.

Mr. VAN VOORHIS. Suppose that the judgment on which this sale was made had been reversed on appeal; would this applicant then have had any right to the money he paid?

Mr. HAMMOND, of Georgia. No; not a particle.

Mr. VAN VOORHIS. He gets his title under a judgment, and that judgment is appealed from. The United States cannot sustain the judgment and it is reversed and rendered void. Would not restitution be ordered?

Mr. HAMMOND, of Georgia. No. The whole doctrine of this report is that there was a warranty when in fact there was none; that the marshal conducting the sale was the agent of the United States when in fact he was not such agent. The foundation falling, the superstructure must fall.

Now, I want to call attention to another fact. The gentleman concedes here that if this man's mortgage had never come up against the property then they would have been satisfied with the sale.

Mr. O'CONNOR. The applicant would then have had no claim.

Mr. HAMMOND, of Georgia. He would have had no claim but for the fact that the mortgage came up against him, you admit. By the very case which the gentleman cites, but does not quote, he would have then been exactly in the same situation as to title. The wrong he complains of is eviction from the property. This very decision holds that he had no title under the sale, even apart from that mortgage, and that the eviction was a necessity. I read from the case of *Day vs. Micon*, 18 Wallace, cited in the gentleman's report. I never read it until to-day, since the reading of this report commenced. Mr. Justice Strong delivered the opinion of the court. He said:

Most of the questions in this case were settled adversely to the claims of the plaintiff in error by our decision of *Bigelow vs. Forrest*, 9 Wallace R. We then determined that under the act of Congress of July 17, 1862, known as the "confiscation act," and the joint resolution of the same date explanatory thereof, only the life estate of the person for whose offense the land had been seized was subject to condemnation and sale. We also determined that nothing more was within the jurisdiction or judicial power of the district court, and that consequently a decree condemning the fee could have no greater effect than to subject the life estate to sale. This in effect disposes of the case.

So they decided, before coming to the question of mortgage at all, that the party had no rights in the land. Why? Because there was a decree against the fee, when the court had no jurisdiction over the fee. It is exactly as if the marshal had levied upon the fee when he had no right to levy upon anything but the life estate; and in that case, as every lawyer knows, the life estate would not pass.

A MEMBER. The fee would not pass.

Mr. HAMMOND, of Georgia. Neither the fee nor the life estate would pass. The marshal must sell what he levies upon. If the thing he advertises and sets up for sale does not pass, then nothing else passes. That is well understood by every man who has investigated the matter of sheriffs' and marshals' sales.

It is replied here that by virtue of some law in Louisiana a purchaser at an ordinary judicial sale, out of which he acquires no title, and from the land purchased at that sale he is evicted, may come upon the plaintiff or the defendant and get back his money. They say that

is the law there. I do not know whether it is so or not. But assume it to be so, how is the United States bound by that State law? The United States is bound by the common law of England and by the statutes of the Congress of the United States. It has naught to do with the law of the several States except where by congressional action those State laws are made part of the laws of the United States, such as our practice act and things of that character.

It is replied here that the United States cannot honestly keep this money. Why not? It said to the man, "I propose to sell the property of Judah P. Benjamin. There is the record; you can go and examine whether I have a good judgment against it or not. I propose to sell it free from incumbrance. You can look at the State's records and you will find a mortgage on it. Look in my records and you will find that the mortgage is in favor of a man who is not a party to my record. You know that it is a mere *brutum fulmen* to talk about canceling his claim; he is not before me."

Now the man under those circumstances buys the property, is evicted from it, and then comes into court and says, "I want my money back." Why? "Because I was foolish enough to pay it for property to which I could not acquire a title."

Now, the law says that you must take care when you are buying; you must examine and see if there is a valid judgment; see if the defendant has a title. If you do not see that he has one, then you must take all the chances.

Another point: Suppose this property had been worth \$100,000. I do not know how much it was worth. It appears to have been considered good security for \$10,000, because there was a mortgage on it to that amount. This man bought the property for \$5,400. I have no doubt he thought he was making a splendid speculation out of a man who went away from his country and left his property. He took his chances, as every purchaser does.

If you adopt the doctrine of this bill, then the United States will have to pay back all the money received for lands sold in South Carolina at tax sales. The United States Supreme Court has held that as to the surplus of the money received at those sales, over and above the taxes, the Government was the trustee for the real owner of the land; but it held on to the taxes.

If the principle of this bill is right the United States ought also to pay back the taxes. What is more, they ought to hold themselves liable as on a warranty of the title to every man who bought at one of these void tax sales and pay him the value of the land from which he has been evicted. That is the inexorable logic of this report. I have no more to say.

Mr. OSMER. Will the gentleman answer one question?

Mr. HAMMOND, of Georgia. Certainly.

Mr. OSMER. As I understand the gentleman predicates his proposition upon the common law of England. But I would remind him that in Louisiana the Code Napoleon prevails. I desire to know whether the gentleman has taken note of the difference in the rule of law pertaining to titles in this respect?

Mr. HAMMOND, of Georgia. I will answer the gentleman in this way: It would be improper for me to pretend that I understand anything about the peculiar law of Louisiana on this subject; I do not; I have never investigated it in regard to this proposition. But I take the report as stating it most strongly in favor of the claim which that report supports; and the report only makes a case between an ordinary plaintiff and defendant—the case of a purchaser at an ordinary judicial sale.

Mr. O'CONNOR. No, sir; this is an extraordinary case.

Mr. HAMMOND, of Georgia. Very well; call it extraordinary. I call all judicial sales ordinary cases. But here is the point: by what authority, by what dictum in the books, can you establish a rule of liability in favor of a purchaser at a judicial sale in Louisiana—a rule to bind money of the United States in the Treasury; to bind Congress to put its hands in there, take out the money and deliver it over to a man who under the common law and United States statutes has no right to it?

Mr. O'CONNOR. Will the gentleman allow me to ask him one question?

Mr. HAMMOND, of Georgia. Certainly.

Mr. O'CONNOR. I ask the gentleman to answer me this simple question, not as before a court which is to decide according to technical rules of procedure, but as before the American Congress sitting as a high court of equity: It being admitted that the Government of the United States has now in its Treasury \$5,400 of this man's money for which it has given him nothing, for which it gave him a piece of paper which has proved to be void, upon what principle of law, moral or otherwise, can the gentleman contend that the Government of the United States has a right to hold that money?

Mr. HAMMOND, of Georgia. I will answer the gentleman's question by a denial of his proposition. The United States did give *Day* something. It gave him authority to take all he could get under that sale—neither more nor less—accompanied by possession.

Now, the gentleman bases his inquiry upon the ground of some special equity. I am pleased to be able to answer him in the language of the Supreme Court on that proposition. The same plea was set up in this case of the Monte Allegre, from which I have already quoted:

The appellant had it, therefore, in his power to obtain the same information with respect to the condition of the tobacco, if he had thought it worth while to give

himself the trouble. So that whatever loss he has sustained is attributable solely to his own negligence, without the fault or misconduct of any one; and the law will not, and ought not, to afford him redress.

So much for the law. I read farther on in the same opinion:

The principle, if well founded, cannot depend upon the contingency whether or not the proceeds shall happen to remain in court until the defect in the article sold is discovered.

In that case it was said "this money is impounded in a court of justice; I bought at your sale under your decree; I got no title; are you going to turn my money over to the plaintiff when you gave me no title? I admit that if you had paid over the money I could not get it back; but you have it still in your custody. I ask you to take the money and hand it back to me, and leave matters *in statu quo*." The court negated that demand. It said:

If the proceeds are liable, they ought to be followed into the hands of the owner after distribution; and if they cannot be reached, the remedy ought to be *in personam*. Such is the end to which the doctrine must inevitably lead, if well founded. But it is presumed no one would push it so far.

The Supreme Court in 1824 could not imagine that the Congress of the United States in 1880 would support a bill on any such ground.

The language of the court is:

There is no rule in courts of equity to sanction what is now asked for on the part of this appellant.

Mr. O'CONNOR. Mr. Chairman, as I intend to reply in this case before the vote is taken, I yield now to the gentleman from Louisiana, [Mr. ELLIS.]

Mr. ELLIS. I desire to speak upon this case, but my lungs are in such condition that I can hardly make myself heard this evening. I would therefore prefer that the committee rise.

Mr. REED. Before the committee rises, I would like to ask the gentleman from South Carolina [Mr. O'CONNOR] what the value of this property was, provided there had been a good title.

Mr. O'CONNOR. The gentleman will find by the transcript of the proceedings in the case of Day vs. Micou that witnesses who were examined upon this point proved that \$5,400 was the full market value of the property, free of all incumbrance, at the day of sale.

Mr. REED. Notwithstanding there was a mortgage of \$10,000?

Mr. O'CONNOR. It was sold free of the mortgage of \$10,000. Besides, Mr. Day actually paid out of his pocket over \$4,000 for repairs upon the property.

Mr. BARBER. The mortgage was *ante bellum*.

Mr. O'CONNOR. The mortgage had been given before the war.

Mr. REED. When was the valuation taken?

Mr. O'CONNOR. At the time of the sale by the United States marshal—at the time Day bought.

Mr. GIBSON. I move that the committee rise.

Mr. HAWLEY. I ask unanimous consent that the long report which has been read this evening may not be published in the RECORD, as it will simply encumber its pages.

The CHAIRMAN. That is a matter for the House to determine.

The motion of Mr. GIBSON that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McLANE reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar, and particularly a bill (H. R. No. 2798) for the relief of L. Madison Day, and had come to no conclusion thereon.

ENROLLED BILLS.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 68) to authorize the printing of 13,000 copies of the Report on Sheep Husbandry; and

An act (H. R. No. 3559) for the relief of L. H. Hershfield & Brother.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. TALBOTT moved that when the House adjourns to-day it adjourn to meet on Monday next.

The House divided; and there were—ayes 71, noes 46.

Mr. ALDRICH, of Illinois, demanded the yeas and nays.

The yeas and nays were ordered.
The question was taken; and it was decided in the negative—yeas 56, nays 73, not voting 163; as follows:

YEAS—56.

Bachman,	Gibson,	Ladd,	Robeson,
Bicknell,	Goode,	Lapham,	Russell, W. A.
Blake,	Gunter,	Le Fevre,	Shelley,
Bowman,	Hall,	Mason,	Slemmons,
Brown,	Harris, Benj. W.	McKenzie,	Smith, A. Herr
Carpenter,	Hawk,	McLane,	Talbot,
Coffroth,	Hawley,	Mills,	Tucker,
Culberson,	Henderson,	Mitchell,	Voorhis,
Davis, George R.	Henry,	Norcross,	Weaver,
Deering,	Herbert,	O'Neill,	Wellborn,
De La Matyr,	House,	Osmer,	White,
Ellis,	Johnston,	Persons,	Whiteaker,
Ferdon,	Keller,	Phillips,	Willits,
Forney,	Kimmel,	Richardson, D. P.	Wise.

NAYS—73.

Aiken,	Barber,	Bright,	Cobb,
Aldrich, William	Bayne,	Barrows,	Colerick,
Atherton,	Blount,	Cabell,	Conger,
Atkins,	Bone,	Cannon,	Converse,
Ballou,	Brewer,	Chittenden,	Cook,

Cravens,	Hill,	Poehler,	Thompson, P. B.
Davis, Horace	Houk,	Price,	Thompson, W. G.
Davis, Joseph H.	Hull,	Reagan,	Tillman,
Davis, Lowndes H.	Hurd,	Reed,	Townsend, R. W.
Dibrell,	Hutchins,	Richardson, J. S.	Turner, Oscar
Dunnell,	Jones,	Robertson,	Turner, Thomas
Dwight,	Kenna,	Robinson,	Updegraff, J. T.
Farr,	Lindsey,	Rothwell,	Updegraff, Thomas
Field,	Martin, Edward L.	Sawyer,	Upton,
Fisher,	McMillin,	Shallenberger,	Urner,
Ford,	Monroe,	Singleton, O. R.	Waddill.
Frye,	Myers,	Smith, Hezekiah B.	
Hammond, N. J.	New,	Steele,	
Hatch,	O'Connor,	Thomas,	

NOT VOTING—163.

Acklen,	Dickey,	Knott,	Ryan, Thomas
Aldrich, N. W.	Dunn,	Lewis,	Ryon, John W.
Anderson,	Einstein,	Loring,	Samford,
Armfield,	Elam,	Lounsbery,	Sapp,
Bailey,	Errett,	Lowe,	Scales,
Baker,	Evins,	Manning,	Sherwin,
Barlow,	Ewing,	Marsh,	Simonton,
Beale,	Felton,	Martin, Benj. F.	Singleton, J. W.
Belford,	Finley,	Martin, Joseph J.	Smith, William E.
Beltzhoover,	Forsythe,	McCoid,	Sparks,
Berry,	Fort,	McCook,	Speer,
Bingham,	Frost,	McGowan,	Springer,
Blackburn,	Garfield,	McKinley,	Starn,
Bland,	Geddes,	McMahon,	Stephens,
Bliss,	Gillette,	Miles,	Stevenson,
Boyd,	Godshalk,	Miller,	Stone,
Bragg,	Hammond, John	Money,	Taylor,
Briggs,	Harmer,	Morrison,	Townsend, Amos
Brigham,	Harris, John T.	Morse,	Tyler,
Buckner,	Haskell,	Morton,	Valentine,
Butterworth,	Hayes,	Muldrow,	Van Aernam,
Caldwell,	Hazleton,	Muller,	Vance,
Calkins,	Heilman,	Murch,	Van Voorhis,
Camp,	Henkle,	Neal,	Wait,
Carlisle,	Herndon,	Newberry,	Ward,
Caswell,	Hiscock,	Nicholls,	Warner,
Chalmers,	Hooker,	O'Brien,	Washburn,
Cladin,	Horr,	O'Reilly,	Wells,
Clarid,	Hostetler,	Orth,	Whitthorne,
Clark, Alvah A.	Hubbell,	Overton,	Willber,
Clark, John B.	Humphrey,	Pacheco,	Williams, C. G.
Clymer,	Hunton,	Page,	Williams, Thomas
Covett,	James,	Phelps,	Willis,
Cowgill,	Jorgensen,	Phistor,	Wilson,
Cox,	Joyce,	Pierce,	Wood, Fernando
Crapo,	Kelley,	Pound,	Wood, Walter A.
Crowley,	Ketcham,	Prescott,	Wright,
Daggett,	Killinger,	Rice,	Yocum,
Davidson,	King,	Richmond,	Young, Casey
Deuster,	Kitchin,	Ross,	Young, Thomas L.
Dick,	Klotz,	Russell, Daniel L.	

So the House refused to adjourn over.

Pending the call the following pairs were read from the Clerk's desk:

Mr. SCALES with Mr. ERRETT.

Mr. WILLIAMS, of Alabama, with Mr. RYAN, of Kansas.

Mr. DAVIDSON with Mr. BRIGGS.

Mr. JORGENSEN with Mr. BEALE.

Mr. SAMFORD with Mr. ALDRICH, of Rhode Island.

Mr. HENKLE with Mr. URNER.

Mr. HOOKER with Mr. POUND.

Mr. NEWBERRY with Mr. KING.

Mr. PAGE with Mr. KNOTT.

Mr. GARFIELD with Mr. CLYMER.

Mr. VANCE with Mr. WARD.

Mr. CLAFLIN with Mr. WILLIS.

Mr. BLACKBURN with Mr. BELFORD.

Mr. SIMONTON with Mr. DICK.

Mr. BUTTERWORTH with Mr. HERNDON until Monday next, except when the question of a quorum shall be involved.

The vote was then announced as above recorded.

EAST RIVER BRIDGE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the erection of a bridge over the East River, New York; which was referred to the Committee on Commerce.

GEOGRAPHICAL AND TOPOGRAPHICAL SURVEYS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to geographical and topographical surveys; which was referred to the Committee on Appropriations.

CONTRACTS FOR TWINE, ETC.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Postmaster-General, relative to the term for which the contracts for twine, wrapping-paper, &c., are made; which was referred to the Committee on the Post-Office and Post-Roads.

COAST SURVEY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with law a report of expenditures on account of United States Coast and Geodetic Survey for the fiscal year ending June 30, 1879; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

CHANNEL, ROCK ISLAND RAPIDS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to widening the channel of the Rock Island Rapids; which was referred to the Committee on Commerce.

MINING DÉBRIS, SACRAMENTO RIVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting report relative to the effect of mining *débris* in the Sacramento River; which, on motion of Mr. CONVERSE, was referred to the Committee on Mines and Mining.

GEORGE WILLIAMS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting additional papers concerning the claim of George Williams; which was referred to the Committee on Military Affairs, and ordered to be printed.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

Mr. DE LA MATYR, for two days, on account of important business;
Mr. HERR, for two weeks from to-morrow, on account of sickness in his family; and
Mr. GODSHALK, until April 6, on account of important business.

STEVEN POWERS.

On motion of Mr. UPSON, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Steven Powers.

And then, on motion of Mr. CONGER, (at five o'clock and twenty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ANDERSON: The petitions of Burke & Beckworth, publishers of the Western Homestead, Leavenworth; of S. S. Prouty, publisher of the Union, Junction City; of A. G. Stacey, publisher of the Herald, Salina; of T. Hughes, publisher of the News, Marysville; of George P. Christie, publisher of the Sun, Hiawatha; of Beck & Shiner, publishers of the Recorder, Holton; and of Clardy & Co., publishers of the Agriculturist, Wamego, Kansas, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. BREWER: The petition of G. G. Bird, J. W. Anderson, and 100 others, citizens of Oakland County, Michigan, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of E. Foster, William Casement, and 100 others, citizens of Oakland County, Michigan, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. BUTTERWORTH: The petition of J. D. Wells, relative to the stamp tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

Also, the petition of type-founders of Cincinnati, Ohio, against the abolition of the duty on type—to the same committee.

Also, the petition of Atter, Pinkard & Co. and 20 others, manufacturers and wholesale dealers in boots and shoes, of Cincinnati, Ohio, for the appointment of a commission, to be composed of representative business men, to prepare for the consideration of Congress a form for a bankrupt law—to the Committee on the Judiciary.

Also, a statement relating to the reduction of the duty on chrome iron ore and bichromate of potash—to the Committee on Ways and Means.

By Mr. CROWLEY: The petition of Goodrich & Billinger and others, of Tonawanda, New York, for the improvement of the Saginaw River, Michigan—to the Committee on Commerce.

By Mr. HORACE DAVIS: The petition of Newbaner & Co. and others, of San Francisco, California, manufacturers of matches, against the abolition of the stamp-tax on matches—to the Committee on Ways and Means.

By Mr. DEERING: The petition of 46 Union soldiers of Howard County, Iowa, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

By Mr. DEUSTER: The petition of Charles Schmidt, assistant cashier of the Second Ward Savings-Bank, of Milwaukee, Wisconsin, for the passage of the bill (H. R. No. 3436) regarding the taxation of savings-banks—to the Committee on Banking and Currency.

By Mr. DICK: The petition of A. R. Peats and 26 others, citizens of Crawford County, Pennsylvania, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of A. R. Peats and 28 others, citizens of Crawford

County, Pennsylvania, that the Department of Agriculture may be made a Cabinet bureau—to the Committee on Agriculture.

By Mr. FARR: The petition of William A. Berry and 64 others, farmers, merchants, mechanics, of Grafton County, New Hampshire, against the repeal of the duty on paper—to the Committee on Ways and Means.

By Mr. HASKELL: The petition of the editor of the Journal, Lawrence, Kansas, for the abolition of the duty on type—to the same committee.

Also, the petition of N. W. Barrett, for the passage of certain pension bills—to the Committee on Invalid Pensions.

Also, the petition of citizens of Franklin County, Kansas, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. McMILLIN: The petition of A. T. and J. K. P. Gilliland, Dr. A. A. Strange, Dr. Jesse Heard, and 51 others, citizens of Clay County, Tennessee, for relief to producers of tobacco against discriminations of France, Spain, Italy, and Austria—to the Committee on Foreign Affairs.

By Mr. O'BRIEN: The petition of the American Chamber of Commerce of New York City, for the establishment of a mint in that city—to the Committee on Public Buildings and Grounds.

By Mr. REAGAN: The petitions of 22 citizens of Lee County, Texas, and of 60 citizens of Scott County, Indiana, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petitions of 53 citizens of Steuben County, Indiana, and of 23 citizens of Lee County, Texas, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

By Mr. ROSS: Resolutions of the Legislature of New Jersey, favoring the granting of pensions to soldiers of the Mexican war—to the Committee on Pensions.

Also, the petition of ship-owners and others, for the repeal of the compulsory pilotage laws—to the Committee on Commerce.

By Mr. SPEER: The petition of H. D. Martin and others, citizens of Hall and White Counties, Georgia, for a post-route from Gainesville, via Tesentee Post-Office and Argo, to Cleveland, Georgia; and of Y. J. Thomason, for a post-route from Dahlonga, via Porter's Springs, to Chestoe, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. P. B. THOMPSON, JR.: A paper relating to the pension claim of George W. Waddle, of Kentucky—to the Committee on Invalid Pensions.

By Mr. TYLER: The petition of A. B. Carpenter and 100 others, citizens of Caledonia County, Vermont, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. WEAVER: Resolution of the Legislature of Iowa, relative to locating lands by the several counties of that State—to the Committee on the Public Lands.

By Mr. YOCUM: The petition of citizens of Center County, Pennsylvania, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

Also, the petition of citizens of Clearfield County, Pennsylvania, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Clearfield County, Pennsylvania, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of citizens of Clearfield County, Pennsylvania, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. THOMAS L. YOUNG: Two petitions of citizens of Ohio, for the creation of a department of manufactures, mechanics, and mines—to the Committee on the Judiciary.

Also, the petition of C. Wells and others, against the reduction of the tariff on type—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 27, 1880.

The House met at twelve o'clock m. Prayer by Rev. SAMUEL DOMER, pastor of Saint Paul's English Lutheran church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. SINGLETON, of Mississippi. I demand the regular order.

Mr. SCALES. I rise to make a privileged report.

The SPEAKER. The Chair recognizes the gentleman.

Mr. SCALES. I desire to make a report from the Committee on Indian Affairs in reference to resolutions referred to them calling for departmental information.

Mr. SINGLETON, of Mississippi. I move to dispense with the morning hour with a view to proceeding in Committee of the Whole with the further consideration of the consular and diplomatic appropriation bill.

The SPEAKER. The Chair will entertain the motion of the gentleman from Mississippi in a moment. The gentleman from North Carolina, chairman of the Committee on Indian Affairs, has a proposition which is recognized under the rules as being in order at any time, it being the report of that committee on resolutions referred to it calling for departmental information. Of course if the gentleman from Mississippi insists upon his motion to suspend the rules the Chair will first submit that question to the House.

Mr. SCALES. If the gentleman will permit me for a moment I think he will not object, as it will take but an instant to dispose of this.

Mr. ATKINS. Is not Monday set apart for that character of business?

The SPEAKER. The gentleman makes this report in accordance with the rules from the Committee on Indian Affairs.

Mr. BREWER. I demand the regular order.

Mr. ATKINS. If the House does not address itself to the consideration and discussion of the appropriation bills we will be here until August.

Mr. SCALES. Mr. Speaker, this is the third time I have endeavored to make this report from the committee.

FRAUDS CONNECTED WITH INDIAN AGENCIES.

The SPEAKER. The Chair thinks that the gentleman from North Carolina should be allowed to make this report. It is simply a resolution calling for information, and he is entitled to report at any time under the rules. The Chair will immediately thereafter recognize the gentleman from Mississippi. This report is made in accordance with the same privilege which the Committee on Printing possesses, and which the gentleman from Mississippi is familiar with. The Clerk will read the report.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be instructed to report to this House whether there have been, since July 1, 1877, any frauds or corrupt practices on the part of any of the inspectors, agents, employes, or any other persons connected with the Indian service at the agencies or elsewhere in said service, and, if any, to report the places where committed, the nature of the offense, and whether any have been removed or otherwise punished for said offenses.

The resolution was adopted.

UTE INDIAN OUTBREAK.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be directed to transmit to this House at an early day a copy of the testimony taken by Generals Hatch and Adams, special agents of that Department, touching the late outbreak of the Ute Indians in the State of Colorado.

The resolution was adopted.

PURCHASE OF BONDS BY TREASURY DEPARTMENT.

Mr. FERNANDO WOOD. I rise to make a privileged report from the Committee on Ways and Means calling for information from the Treasury Department.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be directed to furnish this House with a detailed statement of the amount of bonds purchased by the Treasury between the 1st of January, 1844, and the 1st of January, 1859, setting forth the date and amount of each purchase, the rate of interest borne by the bonds then purchased, with the date of the maturity thereof, and the total premium, exclusive of accrued interest, paid on each purchase, and its rate per cent.

The resolution was agreed to.

PERSONAL PRIVILEGE.

Mr. HUTCHINS. I rise to a question of personal privilege affecting the dignity of this House and the integrity of its proceedings.

The SPEAKER. The gentleman will state it.

Mr. HUTCHINS. I find in the New York Evening Post, printed last evening, an article headed "A Cowardly Congress." That article, after referring to the action of the gentleman from Illinois [Mr. TOWNSEND] in causing the reference of the bill affecting legislation upon laws providing for the collection of import duties to the Committee on the Revision of the Laws instead of to the Committee on Ways and Means, to which it should have been appropriately referred, as the article alleges, goes on to say:

If the House of Representatives had determined to go to work in a direct and honest way in the matter, all that was needed was the adoption of a resolution directing the committee to report forthwith one of the tariff bills, say the sugar bill.

Here is a direct charge that this House is working in an indirect and dishonest way because it does not adopt a resolution directing that committee to report a tariff bill.

The SPEAKER. Does the gentleman consider that a question of privilege?

Mr. HUTCHINS. Undoubtedly; it is a question affecting the dignity and integrity of the proceedings of the House, and I regard it as a question of the very highest privilege that can be raised.

Mr. BURROWS. I rise to a point of order. That is not a question of privilege.

Mr. HUTCHINS. I have a note from the Clerk of this House in relation to the introduction and adoption of resolutions—

Mr. BURROWS. I insist that that is not a question of privilege. The SPEAKER. The Chair does not see that the gentleman has so far indicated a question of privilege. It appears to be a question of free speech.

Mr. HUTCHINS. I claim that it is a question of privilege, and of the very highest kind.

Mr. BURROWS. I insist upon my point of order.

Mr. HUTCHINS. I hope the gentleman will not interrupt me. I hope he will allow me to proceed. He has been heard on this floor many times, and this is the second time I have asked to be heard. Now, I claim the right to be heard on this question. I was proceeding to say that I have a note here from the Clerk of this House—

The SPEAKER. The Chair cannot see that this is a question of privilege under the rule.

Mr. HUTCHINS. I hope the Chair will permit me to proceed, and I will indicate that this is a question of the very highest privilege.

The SPEAKER. The gentleman will conform to the rules of this House.

Mr. HUTCHINS. Certainly I will.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] rose to a question of order. The Chair will hear the gentleman.

Mr. BURROWS. I make the point of order that under the rules the question stated by the gentleman from New York is not a question of privilege.

Mr. HUTCHINS. I only want to make one statement. That as the rules of the House are now constituted it is impossible to introduce such a resolution except by unanimous consent.

The SPEAKER. The Chair is of opinion that the point of order made by the gentleman from Michigan is well taken; that the gentleman from New York has not stated anything which up to this time amounts to a question of privilege. It is not to a question of personal privilege to which the gentleman rose.

Mr. HUTCHINS. Is this not a matter affecting the dignity of this House? I am anxious to vote on the bills referred to. If I am allowed to do so I will introduce a resolution calling upon the committee to report. [Cries of "Regular order!"]

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Mississippi [Mr. SINGLETON] is recognized to move that the morning hour be dispensed with, and he states his object to be to bring up the consular and diplomatic appropriation bill.

Mr. SINGLETON, of Mississippi. I desire also to add the motion that when the House resolves itself into Committee of the Whole on the state of the Union all general debate on the pending bill be closed in one and a half hours.

The SPEAKER. The gentleman had better first move to dispense with the morning hour, and to do this a two-thirds vote of the House is required.

Mr. SINGLETON, of Mississippi. I will make the motion at the proper time.

The question being put on the motion to dispense with the morning hour, there were—ayes 73, noes 56.

So (two-thirds not voting in favor thereof) the morning hour was not dispensed with.

The SPEAKER. The morning hour begins at nineteen minutes past twelve o'clock, the business of the morning hour being the call of committees for reports to be appropriately referred and printed.

CHARLES B. SHIRLEY.

Mr. HENRY, from the Committee on Accounts, reported back the petition of Charles B. Shirley for \$2,063.88, for services rendered the House of Representatives, and allowed heretofore by the Committee on Accounts; and moved that the Committee on Accounts be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

Mr. DUNNELL. This being a report of a private nature, is it in order under this call?

The SPEAKER. Reports of a private nature are in order on any day in the morning hour, but reports of a public nature are not in order on Friday.

The motion of Mr. HENRY was agreed to.

MILEAGE OF MARSHALS.

Mr. PHILIPS, from the Committee on Expenditures in the Department of Justice, reported back, with amendments, the bill (H. R. No. 426) to regulate the mileage of marshals, and for other purposes; which was referred to the Committee of the Whole on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

WAGES ON HOLIDAYS IN GOVERNMENT PRINTING OFFICE.

Mr. SINGLETON, of Mississippi, from the Committee on Printing, reported a joint resolution (H. R. No. 253) providing for payment of wages to employes in the Government Printing Office for legal holidays; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

EXPENSES OF PUBLIC PRINTING AND BINDING.

Mr. SINGLETON, of Mississippi, also, from the Committee on Printing, reported back, with a favorable recommendation, the bill (H. R. No. 447) to reduce the expenditures of the public printing, and for other purposes.

The SPEAKER. The gentleman from Mississippi will please take notice there is no report accompanying this bill, as required under the rule. The rules require there should be a report in writing accompanying every bill reported.

Mr. SINGLETON, of Mississippi. There is a report prepared and I will hand it in. I thought I had sent it with the bill.

The bill was referred to the Committee of the Whole House on the state of the Union, and the accompanying report was ordered to be printed.

STATUE ON SUB-TREASURY BUILDING, NEW YORK.

Mr. GEDDES, from the Committee on the Library, reported, as a substitute for House bill No. 4917, granting permission to the Chamber of Commerce of New York to erect a statue on the sub-treasury building, in the city of New York, a bill (H. R. No. 5384) with the same title; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

THE CENSUS.

Mr. THOMPSON, of Kentucky, from the Joint Select Committee on the Census, reported back, with amendments, the bill (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879, and moved that the bill be recommitted, and, with the amendments and accompanying report, printed.

The SPEAKER. With reference to this census bill the Chair thinks the House after the morning hour had better fix some time for its consideration.

Mr. CONGER. Let the report be withdrawn for the present.

The SPEAKER. Does not the gentleman from Kentucky [Mr. THOMPSON] desire the immediate action of the House on this bill?

Mr. THOMPSON, of Kentucky. Yes, sir. The only trouble about it is there is a gentleman on the floor who objects and I cannot get the bill before the House except by unanimous consent.

Mr. CONGER. When reported during the morning hour it goes on the Calendar.

Mr. DUNNELL. The bill will certainly provoke debate.

The SPEAKER. All that the gentleman from Kentucky asks at present is to have the amendments printed and the bill and amendments recommitted.

Mr. CONGER. That might be done.

The motion of Mr. THOMPSON, of Kentucky, was agreed to.

RIGHTS OF WOMEN CITIZENS.

Mr. FRYE. I am instructed by the Committee on Rules to report a resolution providing for the appointment of a special committee on the political rights of women citizens, and to move that it be placed on the House Calendar.

Mr. CONGER. Let it be read.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives. That the Speaker appoint a special committee of nine members, to whom shall be referred all memorials, petitions, bills, and resolutions relating to the rights of women citizens of the United States, with power to hear the same and report thereon by bill or otherwise.

The resolution was referred to the House Calendar.

CLAIMS AGAINST THE UNITED STATES.

Mr. O'CONNOR, from the Select Committee on Reform in the Civil Service, reported, as a substitute for House bill No. 1513, a bill (H. R. No. 5385) providing for the judicial ascertainment of claims against the United States; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the House Calendar.

Mr. GARFIELD. I would inquire if there is anything in that bill which would render it subject to a point of order on account of containing an appropriation?

The SPEAKER. If there is, it would be subject to the point of order when taken up for consideration.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. BICKNELL, from the Select Committee on the state of the law respecting ascertainment and declaration of result of election of President and Vice-President, reported back, with a favorable recommendation, the joint resolution (H. R. No. 223) amending the Constitution as to the election of President and Vice-President; and the same was placed on the House Calendar, and the accompanying report ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. BREWER, from the Select Committee on the Alcoholic Liquor Traffic, reported, as a substitute for House bill No. 2387, a bill (H. R. No. 5386) providing for the appointment of a commission on the subject of the alcoholic liquor traffic; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

Mr. BOUCK. I desire to submit the views of the minority and ask to have them printed with the majority report.

There was no objection, and it was so ordered.

CINCINNATI CONGRESSIONAL ELECTION.

Mr. GARFIELD. I would inquire if the Select Committee to Investigate the Late Congressional Election in Cincinnati has reported? The SPEAKER. It was called, but no report was submitted.

Mr. GARFIELD. It has been a long time since the committee was appointed.

Mr. CARLISLE. If I may be allowed to do so I will state that the manuscript of the testimony was sent to the Public Printing Office to be printed for the use of the committee, and the printing was almost completed when the difficulty occurred in regard to the appropriation for the public printing.

Mr. FRYE. I would inquire of the gentleman if there is any necessity for making any report at all?

Mr. CARLISLE. I think there is.

RELIGIOUS BOOKS IN THE CHINESE LANGUAGE.

Mr. TUCKER. I am instructed by the Committee on Ways and Means to report back, with a favorable recommendation, the bill (H. R. No. 4424) to admit free of duty Bibles and other religious books in the Chinese language for gratuitous distribution by religious and missionary societies. It is the unanimous report of the committee, and if there be no objection I would like to have it considered now.

Mr. GARFIELD. Under the rule it cannot now be considered.

The SPEAKER. The rule requires that all reports from committees during the morning hour shall be referred to their appropriate calendars.

The bill was accordingly referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

WILLIAM S. KIMBALL & CO.

Mr. TUCKER, from the Committee on Ways and Means, reported a bill (H. R. No. 5387) to refund certain taxes illegally assessed against and collected from William S. Kimball & Co. and others; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

WILLIAM J. POLLOCK.

Mr. KELLEY also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1534) for the relief of William J. Pollock, late collector of internal revenue of the second district of Pennsylvania; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM D. MARTIN.

Mr. GARFIELD, from the same committee, reported a bill (H. R. No. 5388) for the relief of William D. Martin, of Bedford County, Virginia, and for refunding to him certain taxes upon brandy swept away and destroyed by a flood; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

SAMUEL HARPER.

Mr. CONGER, from the same committee, reported, as a substitute for House bill No. 4187, a bill (H. R. No. 5389) for the relief of Samuel Harper; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

DUTY ON BARLEY MALT.

Mr. MORRISON, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4585) fixing the rate of duty on barley malt at twenty-five cents per bushel; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. MORRISON also, from the same committee, reported back, with amendments, the bill (H. R. No. 4911) to amend the statutes in relation to immediate transportation of dutiable goods; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

IRON MOUNTAIN BANK, MISSOURI.

Mr. MORRISON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3155) for the relief of the Iron Mountain Bank, of Saint Louis, Missouri; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MRS. MARGARETTA BENDER.

Mr. MORRISON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3902) to refund to Mrs. Margaretta Bender certain money paid by her into the United States Treasury to compromise a violation of the revenue law by her insane husband; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. THOMPSON.

Mr. CARLISLE, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 346) for the relief of William H. Thompson; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ALEXANDER SMILEY.

Mr. MILLS, from the same committee, reported a bill (H. R. No. 5390) for the relief of Alexander Smiley; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

WILLIAM R. WILMER.

Mr. PHELPS, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 301) for the relief of William R. Wilmer; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

W. J. TAPP & CO.

Mr. PHELPS, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4622) for the relief of W. J. Tapp & Co.; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. POWELL.

Mr. PHELPS, from the same committee, reported a bill (H. R. No. 5391) for the relief of William H. Powell; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

REMOVAL OF TOBACCO IN PROCESS OF MANUFACTURE.

Mr. DUNNELL. I am directed by the Committee on Ways and Means to report back without amendment the bill (H. R. No. 196) authorizing the removal of tobacco in process of manufacture, and to ask its reference to the Public Calendar.

Mr. GARFIELD. I raise the question whether this bill should not go to the Private Calendar?

The SPEAKER. The Chair will examine the bill.

Mr. GARFIELD. I will state my reason for making this point. I think it important to us to have a ruling now. I understand that the bill makes no appropriation.

The SPEAKER. The Chair is informed that it does not make an appropriation.

Mr. GARFIELD. But that, as I understand, is no reason why it should go to the Public Calendar, if the bill is itself of a private nature. Being private, whether it contains an appropriation or not, it should go to the Private Calendar.

The SPEAKER. The Chair would like to ask the gentleman reporting this bill whether it does not change a public law in relation to the manner of collecting the revenue.

Mr. DUNNELL. It does.

Mr. GARFIELD. I understood from the gentleman that the bill was for the relief of some particular persons.

The SPEAKER. As the point of order is made, the bill might as well be read. Gentlemen will see that the inquiry just put by the Chair bears directly upon the question where the bill should go.

The Clerk read the bill, as follows:

Be it enacted, &c., That Jacob Charles Appleby and George W. Helme, composing the commercial firm of Appleby & Helme, of New York, be, and are hereby, authorized to remove, in bulk, packages, from their factory at or near Spotswood, in the third district of New Jersey, cut tobacco and snuff, in process of preparation for sale, to their factory in the second district of New York, to be there packed into the form of packages and stamped as is prescribed by law: Provided, That such removal shall be made under permit and supervision of the Commissioner of Internal Revenue, as is provided for the removal of snuff and tobacco in process of manufacture.

The SPEAKER. The Chair thinks that this bill should go to the Committee of the Whole House on the state of the Union. Rule XXIII, clause 3, provides that—

All motions or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, * * * shall be first considered in a Committee of the Whole.

And Rule XIII, section 1, clause 1, provides that—

First. A Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character, directly or indirectly appropriating money or property.

Mr. GARFIELD. There is no doubt that the bill should go to the Committee of the Whole. The only question I raise is as to which of the Calendars it should go to, because there are two Committees of the Whole.

The SPEAKER. The Chair thinks this is a bill relating to the revenue laws. The provision of the rule read a moment ago would seem to require that such bills should go to the Committee of the Whole House on the state of the Union.

Mr. GARFIELD. This bill in no way affects the revenue.

The SPEAKER. It changes the revenue laws.

Mr. GARFIELD. No; it simply grants to particular parties certain privileges.

The SPEAKER. It is a change of general law because the general law makes no such exception.

Mr. GARFIELD. This is entirely a friendly controversy—

The SPEAKER. The Chair so understands.

Mr. GARFIELD. A friendly controversy for the purpose of settling the practice under the rule; and I think the question is important. The Chair is undoubtedly right in holding that as the bill relates to the application of the revenue laws it must go to the Committee of the Whole.

The SPEAKER. If it did not change the existing law on this subject it would be unnecessary to introduce such a bill.

Mr. GARFIELD. But it only changes the existing law as to two persons, constituting a firm; it grants to them certain privileges, and puts them under certain restrictions. This bill, if passed, will not be a law to anybody in the world but this firm. It is rather a bill of privileges to this firm, making, it is true, an exception as to them in reference to the law. But the whole question is as to the fitness of this firm for having this privilege. The bill therefore becomes, I think, a private one, and should go to the Committee of the Whole on the Private Calendar for the reason that it is essentially a private bill, affecting only a single business firm.

The SPEAKER. Does it not change a public law relating to the collection of the revenues of the Government? The Chair thinks it does. The rules seem to require that all such business ought to go to the Committee of the Whole on the state of the Union. The rules go further, and give absolute preference to a motion to go into Committee of the Whole House on the state of the Union for the consideration of such business at any time after the morning hour.

Mr. GARFIELD. If the Chair will allow me a word further before ruling finally—

The SPEAKER. The Chair will listen before he decides.

Mr. GARFIELD. I wish to say that I reported a few minutes ago a bill to pay out of the Treasury \$42 to a distiller in Virginia who had complied exactly with the internal-revenue law and the regulations of the Department in reference to his brandy or whisky, which had been swept away by flood. The bill provided that the tax to this extent should be refunded. We thereby change the existing internal-revenue law—

The SPEAKER. Does the existing internal-revenue law provide for such exemption?

Mr. GARFIELD. It becomes necessary to change the law as to this man; but the bill is private; and I had it referred to the Committee of the Whole on the Private Calendar.

Now, here is a bill which changes the provisions of the laws in relation to one firm—grants them privileges. I think that is as much a private bill as the one I introduced.

The SPEAKER. It changes public law.

Mr. TUCKER. Let me say in relation to the remark the gentleman made just now, there is no provision of the internal-revenue law by which the Executive Department could remit or refund that sum; and that is the reason this firm comes to Congress for relief.

The SPEAKER. There is a provision of the internal-revenue laws which allows the refunding of taxes improperly collected.

Mr. TUCKER. Yes; in certain cases; but not in such a case as this. It is, therefore, a private claim under the general revenue laws.

The SPEAKER. The Chair has no wish about this matter further than that the proper course should be pursued.

Mr. CONGER. I think, Mr. Speaker, this point will settle the case. Suppose this goes to the Committee of the Whole House on the Private Calendar and a motion is made to extend that provision to all other manufacturers of a like character; which might be very well done.

The SPEAKER. Such amendment being germane.

Mr. CONGER. Then to extend the provision to all other manufacturers of that kind; and that would make it a general law by one single amendment.

The SPEAKER. It might be amended by striking out the name and making it general in its character. Then it would be too late to raise the point that it was a public and not a private bill.

Mr. FRYE. I agree entirely with the Speaker; and will illustrate it by this point. Suppose there was a general law which said a certain rate of tax should be imposed on the tobacco raised in this country, and the Committee on Ways and Means reported an amendment to it excepting that raised by the gentleman from Wisconsin. Clearly that would be a general bill, and should go to the Public Calendar.

The SPEAKER. This changes public law.

Mr. DUNNELL. I have no choice myself; but there is one point I desire to suggest. My idea is this does not at all affect or change the revenue laws. The bill simply affects the status of an individual firm under the general law.

The SPEAKER. And does it not change existing public law in favor of this party?

Mr. DUNNELL. I think not.

The SPEAKER. Why, then, introduce it?

Mr. GARFIELD. It confers a privilege on one firm.

The SPEAKER. The terms privilege and exception as used in debate here seem to be synonymous.

So the bill and accompanying report were referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

J. HENRY RIVES.

Mr. FRYE, from the Committee on Appropriations, reported a bill (H. R. No. 5392) for the relief of J. Henry Rives, collector for the fifth Virginia district; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

ROBERT STODART WYLD.

Mr. FRYE also, from the same committee, reported a bill (H. R.

No. 5393) for the relief of Robert Stodart Wyld; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

PENSIONS.

Mr. GEDDES. I rise to make an inquiry. Under the call, I notice the Select Committee on the Payment of Pensions was not called. I desire to inquire whether it would be in order to call for that committee now.

The SPEAKER. The Chair thinks it should be called. It was not called because it was not on the printed list. The committee has but recently been provided for.

Mr. GEDDES. I ask, then, to have it called.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. GEDDES] to report.

Mr. GEDDES, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, reported back, as a substitute for House bill No. 4652, a bill (H. R. No. 5394) to organize a court of pensions; which was read a first and second time, and, with the accompanying report, ordered to be printed.

The SPEAKER. Does this bill involve the appropriation of any money, or is it in any way a tax upon the people?

Mr. GEDDES. I presume it is, sir.

The SPEAKER. Then it will have to go to the Committee of the Whole House on the state of the Union.

Mr. GEDDES. I have no objection to that reference.

The bill was referred to the Committee of the Whole House on the state of the Union.

Mr. THOMAS. Mr. Speaker, I desire to present the views of the minority, accompanied by a substitute, in order that they may accompany the report of the majority of the committee.

The SPEAKER. The views of the minority will be referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. FRYE. But there is a substitute accompanying that minority report.

The SPEAKER. The views of the minority, together with the substitute they recommend, will accompany the majority report and be printed, so that when the subject comes up for consideration the substitute will be in shape to be moved to the original proposition.

COAST SURVEY.

Mr. ATKINS. I am instructed by the Committee on Appropriations to report back the report of the Superintendent of the Coast and Geodetic Survey for the year ending June 30, 1879, and move its reference to the Committee on Commerce.

Mr. REAGAN. I desire to suggest, Mr. Speaker, that the Committee on Commerce never has had any control of that subject. Heretofore the Committee on Appropriations have had charge of the Coast and Geodetic Survey.

The SPEAKER. Does the gentleman from Texas move to amend the reference?

Mr. REAGAN. Yes, sir, if necessary.

The SPEAKER. The Chair thinks the Committee on the Public Lands might be the proper one to which this should go.

Mr. REAGAN. I will move to amend the reference if necessary.

The SPEAKER. It is necessary, because the gentleman from Tennessee reports this from the Committee on Appropriations for reference to the Committee on Commerce.

Mr. ATKINS. I think that the gentleman from Texas had better let this go to the Committee on Commerce. That is a very painstaking committee, and the matter will have full and proper consideration before that committee.

Mr. REAGAN. That is a subject which has never yet been before the Committee on Commerce, and that committee would have no power in reporting it back to make any appropriations for continuing the service. Appropriations for that purpose have been made by the Committee on Appropriations in a regular bill, and the Committee on Commerce will have no power over it except to report it, and then let the Committee on Appropriations take charge of it, or to report it back and let it go to the Calendar in the Committee of the Whole.

The SPEAKER. The Coast Survey matters have generally been before the Committee on Appropriations.

Mr. REAGAN. There is no other committee which can so efficiently deal with the subject, and I think it should go to the Committee on Appropriations.

Mr. BLOUNT. The whole question of the Coast and Geodetic Survey rests entirely upon appropriations. There has been no legislation in reference to it.

The SPEAKER. The Chair knows of no general law on this subject.

Mr. BLOUNT. It seems to me it should go to the Committee on Appropriations.

Mr. REAGAN. I think if it is desirable to continue that survey, then it should go to the Committee on Appropriations. I know of no way better than to allow it to remain with that committee.

Mr. BLOUNT. I ask for the reading of the letter from the Secretary of the Treasury.

The SPEAKER. The letter of the Secretary of the Treasury on this subject will be read.

The Clerk read as follows:

TREASURY DEPARTMENT, December 12, 1879.

SIR: In compliance with section 4690 United States Revised Statutes, I have the honor to transmit herewith for the information of the House of Representatives a report addressed to this Department by Carlisle P. Patterson, Superintendent of the Coast and Geodetic Survey, showing the progress made in the survey of the Atlantic, Gulf, and Pacific coasts during the year ended June 30, 1879, and accompanied with a map illustrating the general progress made in that work.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

Mr. REAGAN. I am constrained to believe that the gentleman from Tennessee had better allow that to go to his own committee. It can be dealt with by no other committee. It cannot be efficiently dealt with by the Committee on Commerce, and even if reported by that committee there will be no way of getting it before the House except by unanimous consent. I understand it is a work of great importance, and there is no committee that can get that subject before the House except the Committee on Appropriations.

Mr. ATKINS. The Superintendent of the Coast Survey desired the reference of this matter to the Committee on Commerce.

Mr. REAGAN. It may be that he has some views which he desires the Committee on Commerce to examine. The difficulty is this: The work is one which, if it is deemed important to prosecute, the appropriations to that end must be annually made. If made at all they can only be made by the Committee on Appropriations.

The SPEAKER. They are usually made in the sundry civil bill.

Mr. BLOUNT. I think, if my colleague will permit me—

Mr. ATKINS. Certainly.

Mr. BLOUNT. I think that heretofore that whole service has been based on appropriations, and that the officer in charge of it desires legislation in order to give permanency to it, and that is probably his reason for desiring it to be sent to the Committee on Commerce.

Mr. REAGAN. But the money to carry it on must come through the Committee on Appropriations.

Mr. ATKINS. The Superintendent did not give me his reasons, but the report ought to be printed any way.

The SPEAKER. It is a very important report.

Mr. ATKINS. And whatever committee it goes to should have it printed.

Mr. BLOUNT. I think it had better be printed and recommitted to the Committee on Appropriations. It contains information which the committee needs in making appropriations for another year.

Mr. ATKINS. It should either go to the Committee on Commerce or the Committee on Appropriations, one or the other, I am indifferent which. But let it be printed.

Mr. REAGAN. Then I move that it be printed and recommitted to the Committee on Appropriations.

The motion was agreed to.

MILITARY QUARTERS, FORT LEAVENWORTH.

Mr. ATKINS also, from the Committee on Appropriations, reported back that committee a letter from the Secretary of War, transmitting estimates for company quarters at Fort Leavenworth, Kansas, with the recommendation that said committee be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs.

There was no objection, and it was ordered accordingly.

WRITS OF ERROR IN TERRITORIAL COURTS.

Mr. KNOTT, from the Committee on the Judiciary, reported back favorably the bill (S. No. 905) in relation to writs of error to the supreme courts of the Territories in capital cases; which was ordered to be printed, and referred to the House Calendar.

Mr. REAGAN. I desire to ask how the Committee on the Judiciary is reached at this time in the call?

The SPEAKER. The Chair desires to state to the gentleman that under the old rules the last call of committees had proceeded until about the middle of the list was reached, and under the new rules the Chair continued the call from that point to the end of the list of committees as placed under old rules, after which the call will proceed in accordance with the new rule.

COMPENSATION OF OFFICERS OF UNITED STATES COURTS.

Mr. KNOTT. I am also directed by the Committee on the Judiciary to report back the House resolution to appoint a committee to investigate the present system of compensation of clerks and other officers of the United States courts, with a substitute therefor, and to move that the resolution and substitute be referred to the House Calendar.

Mr. CONGER. That resolution, as I understand, makes an appropriation of money. It should go to the Committee of the Whole on the state of the Union.

Mr. KNOTT. The resolution does not require an appropriation. It provides that the expenses shall be paid out of the contingent fund of the House already appropriated.

The SPEAKER. If the resolution takes money out of the contingent fund it should go to the Committee of the Whole. The Chair recently so decided when this point was made and insisted upon.

Mr. BLOUNT. Let the resolution be read.

The resolution was read.

Mr. GARFIELD. That goes to the Committee of the Whole.

The SPEAKER. It goes to the Committee of the Whole on the state of the Union.

UNITED STATES SUPERVISORS OF ELECTIONS, ETC.

Mr. KNOTT also, from the Committee on the Judiciary, reported back, with amendments, the bill (H. R. No. 2142) to regulate the number and pay of United States supervisors of elections and special deputy marshals appointed under sections 2012 and 2021 of the Revised Statutes, and moved that the bill and amendments, with the accompanying report, be referred to the House Calendar, and printed.

Mr. CONGER. That bill makes an appropriation, as I understand.

Mr. KNOTT. The bill makes no appropriation at all.

The bill and amendments, with the accompanying report, were referred to the House Calendar, and ordered to be printed.

Mr. KNOTT. I ask that the minority of the committee may have the privilege of filing a report to accompany the report of the majority.

The SPEAKER. The minority will have that privilege, if there be no objection.

PRACTICE IN UNITED STATES COURTS.

Mr. KNOTT also, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (H. R. No. 4140) regulating the practice in United States circuit and district courts as to the time and manner of instructing juries and arguing the cause; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ROGER A. PRYOR.

Mr. KNOTT also, from the same committee, reported a bill (H. R. No. 5395) to remove the political disabilities of Roger A. Pryor, of New York; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS L. HARRISON.

Mr. KNOTT also, from the same committee, reported a bill (H. R. No. 5396) to remove the political disabilities of Thomas L. Harrison, of Mobile, Alabama; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS H. SMITH, SR.

Mr. KNOTT also, from the same committee, reported a bill (H. R. No. 5397) to remove the political disabilities of Francis H. Smith, sr., of Virginia; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

S. BANA.

Mr. KNOTT also, from the same committee, reported a bill (H. R. No. 5398) to remove the political disabilities of S. Bana, of Virginia; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILBURN B. HALL.

Mr. KNOTT also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4486) to remove the political disabilities of Wilburn B. Hall, of Georgia; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM B. ISAACS & CO.

Mr. HARRIS, of Virginia, from the Committee on the Judiciary, reported a joint resolution (H. R. No. 254) *in re* claim of William B. Isaacs & Co.; which was read a first and second time.

Mr. HARRIS, of Virginia. This joint resolution refers this claim to the Court of Claims for adjudication. The Speaker will decide to which Calendar it should go, whether the House Calendar, the Committee of the Whole on the state of the Union, or the Private Calendar.

The SPEAKER. What is the wish of the committee?

Mr. HARRIS, of Virginia. The committee express no wish. The bill makes no appropriation of money.

Mr. BREWER. The joint resolution it seems to me should go to the Private Calendar. It appears to be for the relief of individuals.

The SPEAKER. The Chair thinks this is a private bill and that it should go to the Committee of the Whole on the Private Calendar.

Mr. HARRIS, of Virginia. I ask also that the report of the last Congress in this case, with the accompanying documents, be printed as the report of the committee.

The SPEAKER. The Chair is advised that this case was on the Private Calendar in the last Congress.

Mr. BUCKNER. Where there is no appropriation, does the Chair rule that the joint resolution goes to the Private Calendar?

The SPEAKER. This takes money out of the Treasury of the United States.

Mr. BUCKNER. As I understand it takes no money out of the Treasury. Like the bills reported a few moments ago from the Committee on the Judiciary, relieving individuals of disabilities, I think this belongs to the House Calendar rather than to the Private Calendar.

The SPEAKER. The House Calendar is for public bills only.

Mr. BUCKNER. For public bills only? I thought the Private Calendar was for private bills that required an appropriation.

The SPEAKER. There are but few private bills that do not require an appropriation. However, all private bills go to the Private Calendar. The Chair will cause Rule XIII to be read.

The Clerk read as follows:

There shall be three calendars of business reported from committees, namely:

First. A Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character, directly or indirectly appropriating money or property;

Second. A House Calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property; and

Third. A Calendar of the Committee of the Whole House, to which shall be referred all bills of a private character.

Mr. HARRIS, of Virginia. I think the joint resolution should be referred to the Committee of the Whole on the Private Calendar.

The joint resolution was accordingly referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES GREEN.

Mr. HARRIS, of Virginia, from the same committee, reported a bill (H. R. No. 5399) for the relief of James Green, of Alexandria, Virginia; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

TRADE WITH INSURRECTIONARY STATES.

Mr. HOUSE. I am instructed by the Committee on the Judiciary to report back with an adverse recommendation the bill (H. R. No. 324) to declare the legal effect of permits granted by the President of the United States to purchase products of the insurrectionary States.

The SPEAKER. The bill will be laid upon the table, and the accompanying report will be printed.

Mr. GARFIELD. Does not the rule require that this bill shall go to a calendar?

The SPEAKER. If any member demands it, it will be placed on a calendar. The practice has been, where a committee reports a bill adversely, to lay it upon the table immediately; but it is competent for any member to claim the right to have the bill placed upon a calendar so that it may be considered by the whole House.

Mr. GARFIELD. What I wanted to say is, that if any member wants to save this bill the only way he could do so would be to demand that it be placed upon a calendar.

The SPEAKER. The committee in effect moves, as it were, that the bill be laid upon the table. It is competent, however, for any member of the House to claim as his individual right that the bill be placed upon a calendar in order that it may be considered by the whole House, with the disadvantage only of the opinion of the committee that it should be defeated.

Mr. GARFIELD. And the silence of the House in this case is construed into agreeing to the adverse report of the committee?

The SPEAKER. It is.

Mr. GARFIELD. I have no doubt that is all right.

Mr. ROBINSON. I would inquire of the Chair whether, if the House shall lay this bill upon the table to-day, any member will have the right hereafter to ask that it be placed on a calendar?

The SPEAKER. The Chair would say not, except by motion to reconsider, and thus bring it before the House again.

The bill was accordingly laid on the table, and the accompanying report ordered to be printed.

W. H. BROWN.

Mr. HOUSE. I am instructed by the Committee on the Judiciary to report back the petition of W. H. Brown, of Alabama, praying that interest improperly paid by him be refunded; and to move that the committee be discharged from its further consideration and that the same be referred to the Committee on Claims.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. BLOUNT. Has the morning hour expired?

The SPEAKER. It has.

Mr. BLOUNT. Then I call for the regular order.

MINING DÉBRIS, SACRAMENTO RIVER.

The SPEAKER. The Chair desires unanimous consent that the letter from the Secretary of War relative to the effects of mining *débris* in the Sacramento River, which was referred on yesterday to the Committee on Mines and Mining, be printed for the use of said committee.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. HUNTON. I ask permission to introduce a joint resolution for action at this time. I think there will be no objection to it.

Mr. SINGLETON, of Mississippi. I must call for the regular order. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding with the consideration of the consular and diplomatic appropriation bill. Pending that motion I move that all general debate upon the bill be closed at three o'clock to-day.

The motion to limit debate was agreed to.

The question recurred upon the motion to go into Committee of the Whole.

Mr. CONGER. I ask consent that Senate bill No. 142 be taken from the Speaker's table and referred to the Committee on Ways and Means.

The SPEAKER. The gentleman from Mississippi [Mr. SINGLETON] has already declined to yield to the gentleman from Virginia, [Mr. HUNTON.]

Mr. CONGER. Very well; I will not ask it.

Mr. SINGLETON, of Mississippi. I will yield to the gentleman from Virginia if it gives rise to no debate.

The SPEAKER. The Chair thinks it would be fair to permit one gentleman on each side to ask consent for a proposition.

ROBERT L. MARTIN.

Mr. HUNTON, by unanimous consent, introduced a joint resolution (H. R. No. 255) for the relief of Robert L. Martin; which was read a first and second time.

The joint resolution grants leave to Robert L. Martin to withdraw from the files of the House the papers and proofs filed by him before the southern claims commission in support of his disallowed claims.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN M. MCCLINTOCK.

Mr. CONGER. I ask unanimous consent that Senate bill No. 142 be taken from the Speaker's table and referred to the Committee on Ways and Means.

There was no objection; and accordingly the bill (S. No. 142) for the relief of John M. McClintock was taken from the Speaker's table, read a first and second time, and referred to the Committee on Ways and Means.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. O'CONNOR, for one week from and after Monday next;

To Mr. ORTH, for ten days from Tuesday next, on account of important business; and

To Mr. COWGILL, for ten days from Tuesday next, on account of important business.

NELSON LYON AND JEREMIAH S. JAMES.

Mr. VANCE. I ask unanimous consent to have taken from the Speaker's table the bill (H. R. No. 2518) for the relief of Nelson Lyon and Jeremiah S. James. This bill has passed both Houses, but the Senate has made an amendment, to which we make no objection, and in which we desire concurrence.

There being no objection, the bill was taken from the Speaker's table and the amendment of the Senate read, as follows:

Add to the bill the following:

Provided, That nothing herein contained shall operate to invalidate the rights of any persons to whom assignments may have been made or licenses granted under said letters; but such assignments and licenses shall be as valid under said corrected letters-patent as they would have been had said letters-patent as originally granted been operative and valid.

The amendment was concurred in.

Mr. VANCE moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES KING.

On motion of Mr. CLAFLIN, by unanimous consent, the bill (S. No. 1044) granting a pension to James King, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. BLOUNT. I call for the regular order.

The question being taken on the motion of Mr. SINGLETON, of Mississippi, that the House resolve itself into Committee of the Whole House on the state of the Union, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. CONVERSE in the chair) and resumed the consideration of the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes.

The CHAIRMAN. On this bill the House has ordered that general debate terminate at three o'clock this afternoon. The gentleman from Kentucky [Mr. BLACKBURN] is entitled to the floor.

Mr. BLACKBURN. Mr. Chairman, unless the bill now under consideration shall be very materially modified and changed in many of its features, I shall not give it my support. I am very well aware of the fact that it is an unpalatable task for a member of any committee of this House, especially of the Committee on Appropriations, to offer opposition and interpose objections to any measure reported from the committee to the House with a recommendation for passage. My objections to this bill will appear by the amendments that I shall offer as we proceed with the consideration of the bill under the operation of the five-minute rule. In my judgment this is a crude bill. I do not mean to reflect upon those gentlemen who, as the sub-committee of the Committee on Appropriations, have had the bill in charge, have put it in shape, and offered it to the House for acceptance. But I

think this bill was very fairly described by the gentleman from Mississippi [Mr. SINGLETON] having it in charge, the chairman of the sub-committee that prepared it. In the very opening sentences of his speech that gentleman denominated it a "copy of the consular and diplomatic appropriation bill last year." The consular and diplomatic appropriation bill of last year was a copy of the corresponding bill of the year before, and we have the high authority of the gentleman holding this measure in charge for the statement that this is a copy of the bill which made appropriations for the present fiscal year.

I think it will be found as we progress with the consideration of the bill that there are changes which should be made, that there are amendments which should be ingrafted upon the bill, that there are defects in our diplomatic and consular system which address themselves to this House for remedy and correction. Proceeding to call the attention of the House *seriatim* to the objections which may be urged, I will first undertake to correct the statement inadvertently fallen into, I am sure, by the gentleman having the bill in charge, to the effect that your consular system is self-supporting. I find in the speech of the gentleman, as reported in the RECORD of the 23d instant, this statement:

Upon an examination of the figures in the Fifth Auditor's report for 1879 it will be found that the system paid all its expenses for that year and in addition turned over to the United States Treasury \$131,390.92.

It will be seen that the gentleman refers to the report of the Fifth Auditor as applicable to the consular system. Mr. Chairman, if you will take the receipts of the United States Treasury for consular fees for the year ending June 30, 1879, as reported by the Register of the Treasury, you will find the amount \$449,610.48. From passport fees the amount received was \$21,380. But passport fees are not to be credited to your consular system; they belong rather to the legations, and are properly to be credited to your diplomatic service. But giving the consular system the benefit of this credit, you received from these sources, according to the report of the Register of the Treasury which lies before me, for the year ending June 30, 1879, the sum of \$470,990.49. I grant that the Fifth Auditor's report shows \$682,901.18; but the report of the Register of the Treasury exhibits the precise amount of money received from these sources by the Federal Treasury. I find that the consular expenses for the year were \$462,870.02; consular contingencies, \$119,681.51; miscellaneous, (contingent expenses,) \$29,358.23.

So, sir, you find instead of it being a self-sustaining system it falls short, according to the official data which are furnished you by the Register of the Treasury, to an amount between one and two hundred thousand dollars. If this serves to show anything it goes to prove that your consular system itself, as a system, is defective.

Now, Mr. Chairman, I do not mean to be regarded as one who would strike down or impair that consular service. The criticisms which I am disposed to pass upon this bill do not reach to that system except as to its defects. I believe the consular system of this country is well calculated to extend its commerce, to build up its trade, to bring us into closer contact with foreign powers, and to furnish us with those markets abroad which we so sadly need for the productions which we ourselves have to send to consumers. My criticisms are upon the defects of that consular system, as I will proceed to show.

This is a bill with two purposes. It provides for the maintenance of the diplomatic as well as the consular service. Against the diplomatic feature of the bill I do not stand opposed. I do not believe that it is the part of wisdom, that statesmanship would suggest or fair dealing would prompt the employment of that description of demagoguery which would cripple the diplomatic service by a reduction of its salaries or a curtailment of its pay. If this Government is to be represented in foreign courts by ministers plenipotentiary and envoys extraordinary I trust I will be the last man who will seek to abridge or curtail the compensation they are now receiving.

My objection goes further; it goes deeper. I do not believe, sir, that this Government has any interest that is to be protected or promoted by the maintenance of the diplomatic system for which it now expends nearly half a million of money annually at foreign courts in Europe. I rather agree with the opinions expressed by men whose experience was far greater than my own, whose opportunities for observation, whose chances to measure correctly the results as compared with the cost far exceed any that I may boast. I agree most fully, sir, with the sentiments expressed by a distinguished Senator from the State of Ohio [Mr. Wade] as far back as 1867, when he declared in the Senate Chamber:

Here let me say, if I could have my own way about it, I never would have a resident minister abroad. I would abolish the whole of them. I do not think they are of any kind of importance to us. I do not think they do any good in our relations with Europe. There may be barbarous nations with which we have communications where a resident minister all the time may be of some service; but with those nations of Europe with whom we are in constant communication, having treaties well understood with each other, there is no more need for, and no more importance to be attached to, a resident minister than there is to have such agents sent by these States to each other.

I do not believe, sir, that it is within the power of any member of this House to point to a single instance within the last decade where the interests of the American people have either been promoted or protected by the presence of a foreign minister at any foreign court. I refer now to the speech made by my colleague on the Committee on Appropriations from Ohio, [Mr. MONROE.] It was a fair, eminently

fair, scholarly, admirable presentation of the side of the case which he had espoused, dealing with the issues involved with that fairness for which he is so justly proverbial, but still the victim of a bias probably coming down to him and clinging to him from the days of his own worthy service in the interest of his country abroad. He sought to refer us to an instance wherein material advantages had resulted to the country when what were known as the Alabama claims were under discussion and the sharp issue presented between the government of Great Britain and our own in reference to the former's responsibility and liability under the neutrality laws. I find that in that effort he quotes with approval the distinguished services rendered by the then resident minister of the United States accredited to the English court, and in order to be exactly accurate I read from the gentleman's own speech. He tells us:

It was a moment when the right word heartily spoken saves nations from years of calamity. Early in June General Schenck delivered to Mr. Adams, then on his way to Geneva, a memorandum in regard to the "indirect claims," which was made the basis for the settlement of that trouble—some question in the tribunal. On the 15th of June, 1873, the tribunal reassembled at Geneva, and on the 27th of that month all serious difficulties between the two countries were removed by the decision of the tribunal that the "indirect claims" should be wholly excluded from its consideration.

Why, sir, the gentleman from Ohio, just preceding this sentence, had told us of the brusque manner in which the American minister had broken in upon the English authorities in council to enter a protest to save us from probable complications with that government which might result in war, claiming credit for the service thus rendered by the American minister. With that fairness which always characterizes his utterance, he admits himself the difficulty was avoided, the trouble was adjusted, understanding was secured only when the very point, and the only point in issue upon which the foreign minister resident at the court of Saint James had been wasting all his energy and concentrating all his powers, was decided against us absolutely and *in toto*. The only serious cause of grievance or difficulty ever found pending before that Geneva tribunal was the single question as to whether the American Government's claim for indirect damages should be allowed. It was that, and that alone, to which that foreign minister had directed his attention. A decision was reached. It was adverse to us so far as results and consequences are concerned according to the candid admission of the gentleman from Ohio, and we stood precisely where we would have stood if we had never been furnished with a minister at that court. Why, sir, who is there around me here who does not know that this Government to-day has but four first-class foreign ministers, namely, to Great Britain, to France, to Germany, and to Russia, and is there a gentleman here on this floor who does not know that two of these missions have been vacant, one by resignation and the other by absence for about one-half of the present year? Who is there around me who will undertake to say, where is the man who is bold enough and reckless enough to declare that this Government has suffered one whit by reason of these vacancies? No, sir; those offices have moved on just as smoothly, your relations have been preserved as pleasantly, and your affairs conducted just as satisfactorily as though no one had ever been accredited to either of these missions.

Why, sir, with the aid of the marine telegraph bringing these foreign capitalists into momentary intercourse and contact with your State Department, you have no earthly need, no imaginable use for the minister resident at any continental power to be found in Europe. But even if you had, even if exigencies might arise, if circumstances did or should exist, I beg you to cast your eye back over the foreign records of your history for the last decade, and tell me whether you have derived any advantage thereby? Does trouble occur with the Spanish power—if so, the minister resident is ignored, and Cushing, of Massachusetts, sent as a special envoy to accommodate your differences. Are you likely to be involved in war with Great Britain over the asserted and unadjusted claims which grew into such large and measureless proportions as the consequences and results of your late civil war? If so, it is not your minister resident but a tribunal of arbitrators to be convened at Geneva which must take these matters into hand. Do you find yourself to-day, sir, threatened with international complications with the Chinese Empire? Answering yes, I ask you what have you done, what disposition have you made of your resident minister Seward? Have you intrusted to his keeping the issues which are involved? On yesterday or on the day before nominations were made by the President to the Senate in the other wing of this building to appoint a commission of three men to go there and adjust these issues and compromise these troubles. No, sir; I defy the advocates of the diplomatic service to name one instance.

A MEMBER. And Mexico.

Mr. BLACKBURN. And Mexico might be cited as another example, for it does but prove the rule to which I challenge any gentleman on this floor to offer a single exception. But, Mr. Chairman, if in all of this I shall be in error, if the best interests of this country do demand the maintenance of the diplomatic service and if it is absolutely essential that service shall be maintained and supported, denying any purpose to cripple it by a reduction of appropriations, I do most emphatically insist that this bill should provide some effective limitation upon the abuses that exist in the service and in our practice under the sanction of existing laws. I cannot for the life of me see the equity of allowing a foreign minister of this Govern-

ment to draw his fixed and separate salary and then, by way of perquisites, or as our Army friends would term it "commutation," be allowed also a salary *in transitu*, an instruction salary.

There is not a foreign minister accredited from this Government to any power that does not draw his instruction salary, and that instruction salary amounts to payment for thirty days while he is being coached or presumed to be coached at the Department of State in the matter of the obligation and the duties to be devolved upon him. I cannot see the necessity for this, and I do not believe that any American minister ever sailed or steamed out of one of our ports bearing his credentials to a foreign power who ever carried to it more information as to the routine of duties devolving upon him there than he might have learned in thirty minutes time from the sheerest novice to be found in the limits of your capital. But, sir, this is not the main abuse which may be practiced under the existing law. The law allows that each minister may be absent from his post of duty for a period not exceeding sixty days in any one year. And it matters not whether you count by the calendar or the fiscal year. You would have simply to change the dates in order to make visible the abuse to which I refer.

I say, under existing laws, allowing each minister to be absent sixty days from his post each year, allowing him in addition to that time such number of days as may be necessary for him to reach home from the court to which he is accredited, and then piling up the additional number of days which may be necessary for his return from his home to the scene of his duties—I say that you can have every minister of your Government absent eight months every year, whether it be a fiscal or a calendar year. You have thirty days to come home and thirty days to go back. You have sixty days to stay. You may use those last four months in the conclusion of the current fiscal year or calendar year and take the first four months in the succeeding year; and a continuous absence of eight months out of twelve is perfectly competent and attainable under the law as you have it now, with no abatement of salary, but a promotion by way of increase of salary; the minister receiving full pay all the time, and the subordinate officer, whether he be a *chargé d'affaires* or whether he be a secretary of legation, receiving increased pay in his absence.

Mr. BLOUNT. Will my colleague on the committee permit me to ask him a question?

Mr. BLACKBURN. Yes, sir.

Mr. BLOUNT. I ask the gentleman if it has ever actually happened that any minister has taken leave of absence for eight months out of the twelve?

Mr. BLACKBURN. I will answer my colleague, and say that if public reports are to be credited, which passed for months and months unchallenged, you have a foreign minister at the court of one of the first-class powers of Europe who has been absent at least more than half that time from his post of duty during the current year—more than half of eight months. And during the summer of 1873 there was nobody at the court of St. Petersburg.

I do not complain of this; for if I was to complain and say that damage had resulted or loss accrued I would destroy my own final objection to this feature of the bill, in which I declare that an absence of eight months, or an absence of twelve months in every year, in my humble judgment would not militate against the interests of this country at all if applied to all these ministers. But, sir, however that may be, if this House is determined to keep up that diplomatic service and maintain that diplomatic system, it does seem to me that there should be some limitation put, which the law has not as yet imposed, upon the matter of absenteeism from the post of duty by at least withholding pay during such protracted absence, in order to protect the service itself, as well as the Treasury of the Government, from a double payment for service that in both instances is but supposititious.

But it is not as to the diplomatic feature but rather as to the consular feature of this bill that I desire to address the House. It is that which in my judgment is the important question. I do not believe, I cannot bring myself to believe, that this bill has been as carefully considered and as thoroughly digested as it should have been, if indeed we want to promote the interests of the country that are wrapped up in and held by the consular representatives abroad.

I hold in my hand a memorandum I have made touching the rates of pay and compensation that seem to me to involve discrepancy. I have exhausted all reasonable, all legitimate, methods of inquiry. I have sought information from the members of the sub-committee having this bill in charge, and, failing them, I called from the Department of State before the bar of the Committee on Appropriations one of its own accredited officers, to ask him to tell me why it was that the very highest graded consular agents of this Government abroad, receiving the highest rates of salary, appeared by the report of the Register of the Treasury to have been assigned to duty to those posts where the very smallest quantum of fees was received, and, so far as returns to the departments of the country were concerned, the smallest imaginable amount of business was transacted.

I find here, sir, that at Bangkok we have a consul whose salary is \$3,000 a year, whose contingent expenses are \$956.85 a year; and I find that all the returns made from that port by way of fees or revenues—

Mr. HISCOCK. What place did the gentleman mention?

Mr. BLACKBURN. Bangkok, in Siam.

Mr. HISCOCK. Is the consul there not a judicial officer?

Mr. BLACKBURN. He has judicial functions, as have many. If the gentleman from New York desires, I will go into the record to show what judicial service this officer renders.

Mr. HISCOCK. The statute points that out.

Mr. BLACKBURN. If required, I will go into the record furnished me here to show the judicial services he renders. They amounted to less than the judicial services rendered by any magistrate or justice of the peace in any magisterial district in the United States.

Mr. HISCOCK. I do not desire to indicate the course the gentleman should pursue in his argument. I simply wish to have the House informed what duties this consul had to discharge.

Mr. BLACKBURN. I am trying to tell the gentleman. He receives \$3,000 a year, and his contingent expenses are \$956.85. The fees received from that office, the gross revenues that we get from it, amount to the enormous sum of \$420.97.

I find that at Beirut, in Turkey, we have a two-thousand-dollar salaried consul. The contingent expenses of that office are \$478.60. The fees received from it for the last fiscal year amount to \$107.70. And here in this very bill that lies before me is asked and provided another clerk, making the second one to the consul at that port—a second consular clerk for the consul at Beirut when he has one already.

Mr. SINGLETON, of Mississippi. With the consent of the gentleman—

Mr. BLACKBURN. Certainly.

Mr. SINGLETON, of Mississippi. The gentleman must have very contracted ideas of the duties and importance of these consulates, if he supposes that the amount of fees should govern the compensation of the consuls. There are many of them where the fees are very insignificant, but it is important we should have consuls in those countries where many of our people travel from time to time, and it is often necessary that they should receive assistance and protection. The amount of fees is not a fair standard by which to judge of the importance of a consulate.

Mr. BLACKBURN. I doubted not what would be the reply; I have grown used to that response. When I made this same inquiry of the gentleman from Mississippi [Mr. SINGLETON] in charge of this bill in the committee-room, and asked him to furnish me with an explanation of these apparent discrepancies between outlay and return, his answer was that he did not know, that it was so stipulated in the bill of last year. And when the official of the State Department came before that committee, and I plied him with the same question, his answer was that it was provided in the bill of last year. I replied to him that it was also provided in the bill of year before last. And when I asked for a more explicit answer of the official of the Department, he replied that the consular fees under the consular system had not been regauged and remodeled.

Now, I find that the consul at Cairo in Egypt receives a salary of \$4,000; he is allowed for contingent expenses \$482.70, while the gross aggregate of fees is \$298.75. Another clerk is wanted by that poorly paid and overworked foreign representative of this country. I find at Canton, China, that the salary of the consul is \$3,500; contingent expenses, \$913; gross aggregate of fees, \$459. I find that the consul at Clifton, in Canada, is to receive \$1,500 salary and \$303 contingent expenses; while the gross receipts are \$200. I find that the consul at Cork, Ireland, is provided with a salary of \$2,000, with \$364.66 for contingent expenses; while the gross revenue is \$493.08. I find that for Goderich, in Canada, there is provided \$2,000 for the salary of the consul and \$343.56 for his contingent expenses, while the gross revenue is \$380.50.

I find in the bill now pending before this committee a matter that I take it my friend from Mississippi will correct. I find that he provides a clerk for the last-named consulate when there is no consul at all provided for the place.

Mr. BLOUNT. I would like to ask my colleague on the Committee on Appropriations if he would lay down as a rule that fees should be the basis of the salaries of consuls?

Mr. BLACKBURN. I will answer my colleague on the committee by saying that until somebody can be found, some member of the sub-committee having this bill in charge, or until a search-warrant will develop a man in the Fifth Auditor's Office, the financial officer of the State Department, or in the Department itself—something we have up to this time been unable to discover—somebody who can give some other criterion or measure by which we are to gauge the business of a port, I accept this as the only one to be taken.

Mr. SINGLETON, of Mississippi. The gentleman says that we propose to provide a consular clerk for a port where there is no consul. Where is that?

Mr. BLACKBURN. I will give it to you in a moment, [examining the bill.] I say that at Goderich, in Canada—

Mr. SINGLETON, of Mississippi. Goderich?

Mr. BLACKBURN. Yes; at Goderich, in Canada, the gentleman provides for a consular clerk, but forgets to provide in his bill for a consul. I doubt not that the clerk would answer just as well.

In lines 48, 49, and 50 of this bill I find "for salaries of the second secretaries to the legations at Great Britain, France, and Germany, at \$2,000 each, \$6,000." Now the gentleman in charge of this bill may know (I do not, and after careful examination I have failed to discover) what duty, if any, these second secretaries of legation have

to perform at these three courts. I do know that when a very prominent American statesman represented this Government in late years at the court of Paris he had his son acting as second secretary of legation, under the very provision and appropriation to which I now allude. And I know that that appointment had to be canceled because amid his multitudinous and multifarious duties that second secretary of legation, the son of Mr. Washburne, found time to engage as a promoter and joint proprietor of a circus company that was advertised at every street corner in the city of Paris.

Mr. SINGLETON, of Mississippi. With the consent of the gentleman, I want him to point out where in this bill we have provided a clerk for a consul without the consul.

Mr. BLACKBURN. If the gentleman will hold still I am coming to it.

Mr. ROBESON. Before the gentleman leaves the subject I want him to give me five minutes.

Mr. BLACKBURN. I hope the gentleman does not want it out of my time.

Mr. SINGLETON, of Mississippi. I ask the gentleman to give me that information now.

Mr. BLACKBURN. I will give it to you.

Mr. SINGLETON, of Mississippi. I have no doubt your corrections of this bill will be like many other corrections you have endeavored to make.

Mr. BLACKBURN. If the gentleman is at all sensitive about corrections of that sort, I hope he will prove less so when I come to criticize his arithmetic. And in order to illustrate to this House exactly the crudities of which I complain, I will call attention to page 4 of the bill, where I find a mathematical inaccuracy. I find, beginning at line 81, the following:

For salaries of consuls, vice-consuls, commercial agents, and thirteen consular clerks, \$304,600, namely.

And he then proceeds to give the particulars. Now, if the gentleman will take his rules of addition and apply them to this portion of the bill, he will find that instead of \$304,600 it amounts, under the law, taking the bill as he has arranged it and as he has copied it, to \$303,500.

Mr. SINGLETON, of Mississippi. That is really a "mare's-nest."

Mr. BLACKBURN. Yes; and the gentleman will find another in a minute.

Mr. SINGLETON, of Mississippi, rose.

Mr. BLACKBURN. I decline to be interrupted for a speech.

Mr. SINGLETON, of Mississippi. Just one word.

Mr. BLACKBURN. The gentleman can take his own time when I am done.

Now the gentleman may cover \$1,000 of this mistake of \$1,100 in plain simple addition by declaring that five of these consular clerks are receiving \$1,200 instead of \$1,000 a year. That I know to be true; and I am willing to believe that the gentleman knows it; but if he does he knows that it is not by warrant or authority of law but in absolute contempt and defiance of law.

Mr. SINGLETON, of Mississippi. What is that statement?

Mr. BLACKBURN. That five of these consular clerks who are receiving \$1,200 instead of \$1,000 a year are receiving it in the face of the express provision of the statute here before me—are receiving it by no warrant or semblance of authority of law. The gentleman can only cover \$1,000 of this arithmetical error of \$1,100 by taking into his estimate this illegal payment given to these consular clerks.

Mr. SINGLETON, of Mississippi. Will the gentleman have the magnanimity to allow me to say one word?

Mr. BLACKBURN. If the gentleman will give me back my time.

Mr. SINGLETON, of Mississippi. The gentleman may speak all day, so far as I am concerned.

Mr. BLACKBURN. I yield to the gentleman.

Mr. SINGLETON, of Mississippi. I have not counted up these figures myself; the addition was done by a clerk, and it is possible that when you add up the whole amount appropriated for salaries of consuls, vice-consuls, commercial agents, and clerks, there may be an error of \$1,000, more or less, as the gentleman says. But it will be seen upon examination of the bill that every single salary is fixed, and whether the aggregate be more or less, it does not affect the interests of the Government at all, for none of these officers can draw more than the amount fixed for them respectively by law. That is all I wish to say.

Mr. BLACKBURN. I would have said all that for the gentleman. Now, if he will turn to page 10 of his own bill he will find at line 236 this provision:

For allowance for clerks at consulates, \$55,500, as follows.

I grant that the bill does provide that amounts not exceeding certain sums shall be paid for salaries. I take it the House has a right to conclude when those rates of salary are given that they are those upon which we are passing. If this be true the gentleman has made another arithmetical error, and this time a larger one than the first. The bill provides, "for allowance for clerks at consulates, \$55,500," and proceeds to name them. I have taken the trouble to tabulate these items; and I find at the rates of pay stated the amount required will be \$58,500, instead of \$55,500.

Mr. SINGLETON, of Mississippi. That shows this only—

Mr. BLACKBURN. I do not know what it does show.

Mr. SINGLETON, of Mississippi. The salaries are not to exceed a cer-

tain amount. We fix the amount \$55,500 as the limitation beyond which the Secretary of State shall not go. He is bound to use no more than that sum for this purpose. There are no big salaries paid to any of these clerks, as the gentleman knows. We provide that the Department shall not expend beyond a certain sum, and we do not appropriate the extreme amount which the full payment of all the salaries might require. This is like all the other discoveries that the gentleman makes.

Mr. BLACKBURN. Well, I only regret, Mr. Chairman, that the gentleman in charge of this bill has not made some discovery which would have enabled him to throw some light upon it when interrogated either by members of his own committee or by other members of the House.

Mr. SINGLETON, of Mississippi. I think my explanation is satisfactory to everybody else, though the gentleman may not be satisfied.

Mr. BLACKBURN. I am content. I find, Mr. Chairman, a difference in the rates of pay allowed to interpreters at consulates. I find those rates ranging from \$3,000 down to \$750. Vainly did I inquire as to the necessity for this discrepancy. The nearest that I could come to any satisfactory solution of the allowance of \$3,000 to the interpreter to the Turkish legation and \$2,500 to the interpreter to the legation at Japan was predicated upon the religious bias of the gentleman having the bill in charge. It appeared that the additional amount was given in the way of donation to two gentlemen who are missionaries in those two countries.

Now, there is one abuse existing under this consular system which I am sure every member of this House will agree should be corrected. Under the law, wherever the salary of a consul does not exceed \$1,500 and the fees of his office aggregate \$3,000 per annum, he is entitled to such proportion of those fees as will raise the salary to \$2,000 a year. The fees collected by a consul, subject only to this limitation which I have stated, must of necessity be accounted for and turned over to the Treasury of the United States; but the fees collected by consular agents belong to the agents under such limitations as the President of the United States may prescribe. The practical result (and no man will venture to question or deny it) is to turn over to the consular agent for division, which division the law itself contemplates and provides for, with the consul the fees which the agent shall collect. How many consuls do you imagine will busy themselves to sit up late of nights to collect fees which naturally flow into a consular office when they are simply to transfer them to the coffers of the Federal Treasury? But if they will turn them over to consular agents they are collected by the agents; the Federal Treasury never hears of it; they are pocketed by the agent and by the consul.

Now, sir, this is the practical working. It is the result. And those consular agents are appointed—how? They are appointed by the President on the recommendation of the consul. The consul makes out a list of agents he wants, seeing to it, I apprehend, he makes it sufficiently large to absorb every dollar of revenue which can be reached by a process direct or indirect and divert it from its course to the vaults of the Federal Treasury.

Mr. HISCOCK. Will the gentleman yield to me for a moment?

Mr. BLACKBURN. Certainly.

Mr. HISCOCK. Do you know of any such abuse?

Mr. BLACKBURN. Yes, sir.

Mr. HISCOCK. Please point it out.

Mr. BLACKBURN. I do it right here. I show it in this very quotation I have made. Take, sir, the report of the Register of the Treasury, and then take the report of the Fifth Auditor which I hold in my hand, and in the discrepancy in the revenue of the consular service of the country you will find exactly the answer to your question. The Fifth Auditor's report which the gentleman from Mississippi quoted on this floor the other day does show the revenues of the consular service of this country; but it took the report of the Register of the Treasury to show how much of those revenues passed into the pockets of the consular agent. That is the answer.

Mr. HISCOCK. Do I understand the gentleman to say he knows of any instance in which the duties which could be discharged by consuls have been devolved on consular agents for the purpose of pocketing the fees in this way?

Mr. BLACKBURN. Yes, sir.

Mr. HISCOCK. Give an instance.

Mr. BLACKBURN. I answer the gentleman in these very words, for neither he has the disposition nor I the time to engage in a quibble; I answer the gentleman and tell him that, unless that report of the Register of the Treasury be a forgery or that report of the Fifth Auditor be a fraud, there was received by consuls and consular agents during the fiscal year ending June 30, 1879, \$548,665.05. There were turned in and reported to the Treasury of this Government but \$470,990.49; and \$21,380 of that ought to come off, because it came from passport fees which belong to your diplomatic and not to your consular service at all.

Mr. HISCOCK. May I inquire whether that might not all occur when consular agents were appointed to discharge duties where a consul could not discharge them, and therefore the fees received were received by the consular agent in full for doing the work?

Mr. BLACKBURN. I do not know what in the providence of God might not happen under a loose-jointed system like this diplomatic and consular one of ours.

Mr. HISCOCK. The point I wish to make, and if I take up too

much of your time you shall have further time granted from our side—

Mr. BLACKBURN. I have no disposition to detain the House longer than is absolutely necessary.

Mr. HISCOCK. The point I make is this: these consular agents where they were appointed were appointed to discharge the duties which could not be discharged by the consul; and, as a matter of course, they received the fees in full satisfaction for the service they rendered; and there is, therefore, nothing in this report which shows those services have been devolved on them when they could have been discharged by the consuls themselves.

Mr. SINGLETON, of Mississippi. Before the gentleman proceeds further, I wish to settle that point on the clerkship to which he has referred.

Mr. BLACKBURN. I am coming to that consulate directly.

Mr. SINGLETON, of Mississippi. Then do it.

Mr. BLACKBURN. The gentleman is as impatient in reference to this debate as he was impatient to thrust this bill before this House. The sub-committee on appropriations were named on the 9th day of December. I know the gentleman's proverbial industry and energy, but it is hardly fair to presume he got to work before the 10th, and yet on the 14th of that month this bill, with all its deformities clinging to it, was thrust printed into the Committee on Appropriations for its approval.

Now, sir, I find here on page 11 a list beginning at the head of that page of probably twenty consular posts established, not one solitary one of which is to be found in the Revised Statutes of this country. The gentleman may answer and say the proposition was to strike out others and insert these. If he does, I hazard nothing in asserting to this House, neither he, nor I, nor any other member of the Committee on Appropriations, nor any other member of this House is possessed of one atom of information as to the motives which prompted the change or the advantages which are to accrue from it.

But more, I find that this bill provides for one hundred and sixty-three consuls. That is sixteen less in number than the Revised Statutes now allow, and I wish the gentleman who has been so lavish of his questions would now undertake to play the reverse rôle and answer some of mine. I find this bill provides for one hundred and sixty-three consuls, and the Revised Statutes provide for one hundred and seventy-nine, and yet I find that this bill appropriates \$11,000 more money than the Revised Statutes provides for thirteen more consuls than this bill carries. Now, may be the gentleman is cognizant of that fact; and if he is, I trust that he will, when he comes to be heard, explain that discrepancy to us. There was a consulate at Goderich, in Canada, which was abolished and staid abolished—one of the defects in copying the consular and diplomatic bills prior to last year.

Mr. SINGLETON, of Mississippi. Do I understand the gentleman to say that the consulate was retained?

Mr. BLACKBURN. If the gentleman will give me a chance I will try to say what I mean.

Mr. SINGLETON, of Mississippi. But I ask the question, and I hope the gentleman will answer it.

Mr. BLACKBURN. I will answer the gentleman if he will but take his seat and give me the chance, and I will tell him. I say that the consulate at Goderich, in Canada, was abolished. I say that the diplomatic and consular bill of 1878 reinstated it, and I say that this bill perpetuates it; at least for one year more continues it. And I do not believe that I hazard much in saying that no member of the sub-committee having this bill in charge will undertake to explain to this House what necessity there ever was for a consulate at Goderich, or for its re-establishment since the day of its abolition.

Mr. SINGLETON, of Mississippi. I understood you to say there was no consulate there.

Mr. BLACKBURN. I say that the consulate was abolished. And I say that it was reinstated without an assignment of any reason or necessity for it, or a single excuse why it should be done; and I say the gentleman from Mississippi stands here to-day without any more excuse for the re-establishing of that consulate, by an opinion even from the State Department as to its merits, than he has to offer for the twenty or more new consulates to be found on page 11 of his bill, which are outside of the Revised Statutes.

I find further that the gentleman appropriates in this bill the sum of \$3,850, on page 13, "for rent of court-house and jail, with grounds appurtenant, at Yeddo, or such other place as shall be designated." I find that in line 293 of the same bill he has already appropriated "for rent of prison for American convicts in Japan, \$750."

Does the gentleman want more than one prison established in Japan? Or was it a crudity into which he fell in making the two appropriations for the same purpose, and to be expended in the same way and in the same country?

I find further, on page 14, he appropriates the sum of \$5,000 "to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes." Did not the gentleman know that the sum of \$669.65 was all that was expended under that act and for that purpose during the last fiscal year?

In addition, he appropriates, in the very last clause of his bill, "for allowance to widows or heirs of deceased diplomatic and consular officers for the time that would be necessarily occupied in making

the transit from the post of duty of the deceased to his residence in the United States, \$5,000."

Did not the gentleman know that in the three years past but \$1,666.89 has ever been expended in that direction? Gentlemen all know that just as in the case of the accredited foreign representative or consul-general to Mexico, and in the instance of Mr. Bayard Taylor, when minister at Berlin, these expenses are always met by a special act of Congress, and that they have no business in the general diplomatic bill. In three years' time the sum of \$1,600 has been used for that purpose, and yet the gentleman inserts here, in one clause of his bill, for the next fiscal year, to meet this, the sum of \$5,000.

And so, sir, you might go through the whole bill; and I cannot in all the examination that I have given to his bill find a single limitation imposed upon abuses that may be or have been practiced under the existing law, and this, too, by way of answer to my colleague on the committee from the State of New York. I do not charge that these abuses exist beyond the showing of the official reports illustrating a discrepancy between the Fifth Auditor's Office and the Register of the Treasury's office, but I did undertake to say, and I undertake to repeat it now, that there are abuses which are practicable under existing law, whether in the diplomatic or consular service.

Mr. HISCOCK. The gentleman will allow me to interrupt him at this point. As I understand the law, where there is no consulate a consular agency may be established.

Mr. BLACKBURN. Oh, no!

Mr. HISCOCK. That is the practical working of the law.

Mr. BLACKBURN. I speak of the law as it stands on the statute-book.

Mr. HISCOCK. But that is the practical working of the law. The officers may receive the fees which may be collected at those places in compensation for their services. Those fees have to be collected, and therefore arises this discrepancy.

[Here the hammer fell.]

Mr. BLACKBURN. I wish to add that I have no factions fight against this bill, but I have a series of amendments which I desire to offer when we reach the clauses to which they are applicable.

The CHAIRMAN. The gentleman's time has expired.

Mr. OSCAR TURNER. As my colleague [Mr. BLACKBURN] represents the minority of the committee I think his time should be extended to permit him to give any information he may desire to lay before the committee.

Mr. SINGLETON, of Mississippi. The gentleman can publish his remarks. We have but half an hour remaining for general debate.

Mr. BLACKBURN. I have never committed my remarks to writing in my life. Does the gentleman object?

Mr. SINGLETON, of Mississippi. I do, unless the time allowed for debate is extended.

Mr. BLACKBURN. I am glad the objection comes from the quarter it does.

Mr. SINGLETON, of Mississippi. If the time for general debate can be extended I have no objection to the gentleman proceeding, or, so far as I am concerned, he can proceed anyhow.

Mr. ROBESON. I hope the gentleman from Kentucky will be permitted to complete his speech.

Mr. MONROE. At the end of my hour I was kindly allowed five minutes to complete a few sentences I desired to utter, and I hope the same indulgence will be extended to my colleague on the committee, the gentleman from Kentucky.

There was no objection.

The CHAIRMAN. The gentleman from Kentucky will proceed.

Mr. BLACKBURN. I wish to say in conclusion I would not have entered a protest against the passage of the bill in its present shape had it not been I would otherwise have gone upon the record as approving and indorsing from the stand-point of a member of the committee which has reported that bill a measure which in my deliberate judgment is faulty in many respects and fails to carry upon its face the salutary checks and limitations which should be enacted and ingrafted upon it, in order to prevent even the possibility of abuses that are to-day entirely attainable and practicable under the law.

I do not intend, sir, to dwell longer upon this. I am willing to confess, and I do confess, that there are numbers of clauses to be found in this bill, and multitudes of its provisions, the necessity and advisability or reason of which I am totally ignorant of. I simply desire in that connection to protest my want of blame or responsibility. I have not had the opportunity of advising myself which was given to the members of the sub-committee that drafted and prepared the bill. But they will bear me witness that I have failed to appropriate no opportunity to get information from them, from the State Department, the Fifth Auditor's Office, or wherever else one might reasonably expect to find it.

The consular system of this country needs to be revised; it needs to be enlarged; it needs to be encouraged. I am perfectly willing to take the amount appropriated in this bill in the aggregate, and expend it, every dollar, upon the perfection and the extension of that valuable commercial agency, the foreign consular representation of this Government. But, sir, the bill itself is some \$48,000 in excess of the consular and diplomatic bill of the present fiscal year. I have pointed or have sought to point out to the House what appeared to me to be many of its crudities which should be scanned closely, and corrected and remedied, if such shall be the pleasure of the House.

In the five minutes' debate which shall occur, when amendments are in order, I will submit a series of amendments, not one of which, as I will challenge every member upon this floor to question, shall look to crippling but rather to the perfection and the extension of the consular system that we maintain, and none of them shall look either to the reduction of salary, the abridgment of compensation, or the abolition of your diplomatic system.

That should come from the Foreign Affairs Committee of this House. It is not the work of the Committee on Appropriations to undertake to abolish a thing that has existed for a century, a system that has come down to you through the ages, whose usefulness has been impaired, whose very essence, in my judgment, has been destroyed by reason of the progress and advancement that science has been making within the past half century.

But, sir, I do desire to protest that it is not American, neither is it republican, in its instincts or in its teaching to copy the pageantry and mimicry of royalty by seeking to foist into foreign courts the tinsel representatives of an effete practice, thereby serving only to play the rôle of the shoddy on limited allowance, in imitation of monarchical governments that rest for their maintenance not upon popular approval nor individual right, but are propped only by arbitrary power and the bayonet that ever surround the throne of tyranny. Sir, I have but to add that if it be the purpose of this Congress to practice that retrenchment so often and so long promised, there can be found no place more fit in which to apply the pruning-knife than in this tinselled frippery, that is but the merest and most meaningless of shams. Abolish your diplomatic pageantry, and it will not be the first time that effete and pretentious European royalty has been shocked and startled by practical American simplicity. To this it must and will come at last.

Mr. SINGLETON, of Mississippi. I yield ten minutes to the gentleman from Georgia, [Mr. BLOUNT.]

The CHAIRMAN. The gentleman from Mississippi failed to reserve the portion of his time which he did not himself occupy.

Mr. BLOUNT. I think that makes no difference according to the practice of the House.

Mr. ATKINS. Before the gentleman from Georgia commences his remarks I suggest that it might be well to extend the time for this general debate that it may occupy the balance of this day. I do not think anything else will be done to-day.

Mr. BLOUNT. Let us go on under the order which has been made.

Mr. ATKINS. How long does the gentleman wish to speak?

Mr. BLOUNT. Only ten minutes.

Mr. ATKINS. Very well.

Mr. BLOUNT. I would not have one word to say in relation to the bill now before the House but for the speech which the gentleman from Kentucky [Mr. BLACKBURN] has just delivered. Of fifteen members of a committee, gentlemen of intelligence, who have bestowed laborious care on the matters presented to this House, that gentleman alone seems to dissent from the provisions of the bill; and he appears to put his fourteen colleagues in the attitude of simply copying the old consular and diplomatic bill and recommending that to this House.

Now, sir, in relation to this service I desire to say, in the first place, whatever errors there may be in this bill as to the salaries of ministers or of consuls this Committee on Appropriations are not responsible for them. The gentleman refers to the Revised Statutes as setting forth the salaries of these ministers and consuls, and then turns to this bill to show the contradiction existing between it and the provisions of the law prescribing those salaries, ignoring, or perhaps not having had his attention called to, the fact that those very salaries are not fixed by the Revised Statutes; that they have all been revised and rearranged since the revision of the statutes, by what is known as the Orth bill, in the Forty-third Congress.

The very instance he mentioned, of the consul at Goderich, Canada, the gentleman will find, if he will turn to the Orth bill, is provided for in that bill. And so with regard to many other instances in which the gentleman has charged the gentleman from Mississippi, [Mr. SINGLETON,] and through him the Committee on Appropriations, with being guilty of gross blunders.

It will be remembered by those who have been in this House continuously since the Forty-third Congress that the Committee on Foreign Affairs, from which such legislation should come, has never submitted any proposition for revising these salaries. Although that is the committee specially charged with our foreign intercourse, and is composed of able and intelligent men, the members of that committee have never discovered the defects of which the gentleman from Kentucky [Mr. BLACKBURN] now complains, and I undertake to say that many of his difficulties will disappear when we come to discuss this bill by paragraphs.

These being fixed by law, an attempt was made in the Forty-third Congress to reduce them, which attempt failed on account of a disagreement with the Senate, not only with the republican but the democratic members of that body. From the very hour when the democratic party came into possession of this House, it has been found that their own party at the other end of the Capitol was not in harmony with them in relation to the reduction of these salaries. I think the gentleman from Mississippi [Mr. SINGLETON] has done well in saying to the Committee on Appropriations that it would be useless to undertake this revision now, and that we had better take these

salaries as fixed by law, ascertain the amounts, insert them in a bill, and bring that bill before this House.

Time and again has this question of the salaries both of ministers and consuls been assailed in this House, and by none more so than the distinguished gentleman who is now at the head of the Committee on Foreign Affairs, [Mr. COX.] But he himself has never, nor has any member of his committee ever, proposed any reduction of those salaries.

The gentleman from Kentucky [Mr. BLACKBURN] in his comments upon the fees of consuls, in reply to a question which I asked him whether or not he would take the fees as the basis of a rigid rule by which he would fix the salaries of consuls and consular agents, answered that until some one else gave him some reason for some other rule he should adhere to that one. And so he arraigns this bill and arraigns the Committee on Appropriations because no one has informed him of any other rule.

Now, if the gentleman will read sections 4079, 4081, 728, 5280, and 1213 of the Revised Statutes he will find that provision is made there in many instances for consuls for judicial labors at ports where the burdens growing out of the service are far greater than those from which the amount of consular fees are obtained. So when the Forty-third Congress came to investigate this question they found the very difficulty which the gentleman from Kentucky complains of confronting them. They found that there were peculiar reasons applying to these cases. So I say that neither the gentleman from Kentucky nor the Committee on Appropriations can undertake to say that they are familiar with our foreign service in all its details.

As the consular service affects especially the commercial relations of this country, it should be handled delicately. We should not rush forward precipitately when the Committee on Foreign Affairs stands aloof from it, and when nothing has come from the State Department or from any source which would give us particular information to enable us to consider this whole subject in all its details. It certainly has not been considered in that way by the Committee on Appropriations. And because forsooth there may be unquestionable difficulties presented to the mind of the gentleman from Kentucky, I think the House had rather not take that as a reason for following him, but will rather presume from the action of this Government in its foreign intercourse, and from the fact that the several Committees on Foreign Affairs of our preceding Houses have failed to recommend any changes in this regard, that the Committee on Appropriations might not be as well informed as they ought to be to justify them in undertaking to make changes in this service. For that reason the persons having this matter especially in charge have accepted the service as it stands.

In my judgment it would be wholly improper for this House to undertake, without the recommendation of any committee, to disturb this law in one jot or one tittle. I remember when the subject of these salaries, after having been carefully considered, was reported to this House by the distinguished gentleman from Indiana [Mr. ORTH]—I remember that there sat on this side of the House and on that side many gentlemen of ability who examined this bill in all its particulars, and it was passed through this House almost without a dissenting voice.

Mr. SINGLETON, of Mississippi. I would like to ask one question.

Mr. BLOUNT. Certainly.

Mr. SINGLETON, of Mississippi. I would like to ask the gentleman from Kentucky [Mr. BLACKBURN] whether the appropriation to carry out our neutrality acts has not been contained in our appropriation bills for the last three or four years, and whether the gentleman himself has not voted for it without making any objection?

Mr. BLACKBURN. I will answer that in one word. The appropriation bills for the last three years have contained that provision; and that I take it is the reason why it is found in this bill, for the one bill is copied from the others. I have no doubt I voted for it, for it was when I was not a member of the Committee on Appropriations, and was following blindly the Committee on Appropriations and voting for copied bills, without any information as to their effect. That is the very thing which this morning I have endeavored to protect the members of this House against, who are not members of the Committee on Appropriations.

Mr. SINGLETON, of Mississippi. The gentleman admits that he voted for that provision from time to time, and has just now discovered that it is wrong.

Mr. BLACKBURN. I voted for it just as others in this House would have voted for this bill upon its being presented and recommended by the gentleman from Mississippi, without knowing anything about it.

Mr. SINGLETON, of Mississippi. One word. The Secretary of State has asked \$15,000 for the purpose of carrying out the provisions of the neutrality act. Some years the amount required for this purpose is more and some years less. Expenditures of this kind vary from year to year. For instance, for the relief of shipwrecked seamen the amount required the year before last was thirty to forty thousand dollars, last year \$60,000, and this year the amount will be even more. We cannot estimate to the very dollar the amount necessary for these contingent expenses; it is utterly impossible it should be done.

Mr. BLACKBURN. Will the gentleman tell me what the expenditure for this purpose was last year?

Mr. SINGLETON, of Mississippi. The gentleman read the amount to the House to-day, and I did not contradict him.

Mr. BLACKBURN. I know that I called on the gentleman to furnish to the House information which he did not seem to possess.

Mr. SINGLETON, of Mississippi. Well, if I did not furnish it, it was because I found the gentleman needed more help than I could give him. [Laughter.]

The CHAIRMAN. Ten minutes of the time allowed for general debate remain.

Mr. BLOUNT. As other gentlemen desire to speak, I will not occupy further time.

Mr. ROBESON. Mr. Chairman, I do not belong to the Committee on Appropriations; and I am not in any way responsible for this bill either in system or detail. In the absence of investigation and discussion on the general subject, I am not prepared to say that no better system of diplomatic representation could be provided than we now have, but I am ready to affirm that the men who now occupy and have in the past occupied prominent positions in our diplomacy have well deserved all the compensation they have received from the public Treasury. For the proof of my assertion I point to the records of American history, and I challenge contradiction when I say that the American diplomatic service from the commencement of our Government has been as respectable and as successful as any that the civilized world has known, and that it has contributed more than our people are apt to realize to the progress of our Government and to the safety of our institutions.

It was to an American minister in France that we owed that interposition of her government which consummated the Independence of the American colonies. To an American minister abroad we owed the acquisition of Florida and of Louisiana with the great States and Territories which have been carved out of them. To the American ministers in France and in England during our civil war we were indebted for the fact that foreign interference did not complicate the miseries of that great struggle and expose the fair fields of the whole country to the desolation and danger which follow in the track of foreign invaders.

This much, Mr. Chairman, I am constrained to say on the general subject; but I would not have risen at this time but for the slighting allusion of the gentleman from Kentucky to one distinguished name. Certainly, Mr. Chairman, in all the records of our diplomatic history there appears no nobler career than that which Mr. Washburne fulfilled while he was the American minister in Paris. He was charged with extraordinary duties, and we all know how he fulfilled them under extraordinary circumstances in a way to earn the gratitude and challenge the admiration of civilized Europe. When the war between Germany and France broke out there were gathered in the capital of imperial France the *élite* of European diplomacy.

Their roll glittered with historic names, and was rich with the blazonry of arms and orders. They represented the spirit, were clothed with the dignity, charged with the duties, and invested with the powers, of civilized Europe. Amid them all the unpretending name and simple character of the American minister were not then likely to attract the attention of the thoughtless or the proud. But during the year which followed France and Paris became the theater of scenes which commanded the attention of the world and tried the qualities of all who were present or had part in them. When that year was passed there was but one name on all that lofty roll which seemed to be written in letters of living light, but one figure which stood boldly out to challenge the respect and command the admiration of the world, the embodiment of the liberal views of our Government and of the comprehensive civilization of our people. The American minister was at once the representative of liberty and of law, of progress and civilization. Amid the fierce convulsions, where were dissolved and lost the influences of human reason, the securities of government, and the bonds of civil society, he alone remained, the sole representative guardian and protector of religion and of humanity. The forms, the traditions, the courtesies, the securities of diplomatic intercourse were swept away amid the wild confusion, but he supplied forms by actions, traditions by ideas, courtesies by kindness, securities by courage, until he seemed to stand before the nations amid the wreck of governments and the ruins of society as the sole representative of Christian civilization, while the *élite* of European diplomacy were dwarfed and belittled before the stature, life-size, of American manhood.

That, Mr. Chairman, is a period of which all Americans are justly proud—a period which opened the eyes of civilized Europe to our character and rightful influence among the nations of the earth; and I could not hear any, even the slightest, reflection upon the career of Mr. Washburne while he was our representative in Paris without rising to spread upon the record of the American Congress my appreciation of his services, not only to both the governments and peoples which he there represented, but to civilization and to humanity. [Applause.]

Mr. BLACKBURN. The gentleman from New Jersey [Mr. ROBESON] surely will be fair enough not to seem to put me in any false position by making it appear that I was making any attack upon the then minister to Paris. I did not refer to him either in terms of approbation or censure.

Mr. ROBESON. I understood the gentleman to say that Mr. Washburne, while minister to Paris, had employed a son as under-secretary of legation, and at the same time permitted him to be the agent of a traveling circus.

Mr. BLACKBURN. No, sir; what I said was this: Not seeking to reflect upon the then minister to Paris in any way but to demonstrate to the House the utter absurdity of a second secretary of legation, because of the absence of any duty, I said that the then minister of Paris had his son employed as his second secretary of legation, and that amid his multitudinous duties as such second secretary the son found opportunity to engage as one of the published promoters, managers, and directors of a saw-dust performance commonly known and denominated a "circus;" and that in consequence of this fact he was very summarily dismissed as second secretary of legation. That statement I think the gentleman will not question.

Mr. ROBESON. I do not question anything the gentleman deliberately says. From my personal knowledge of him as well as from the experience of the last week, I will say I believe he would never "falsify the record" a hair's breadth upon any matter. All I said was because I thought his remarks were made with the idea of a little depreciating the service of Mr. Washburne while minister to France.

Mr. BLACKBURN. Now, Mr. Chairman, would it be any more fair, and I put it to the gentleman from New Jersey on his candor, for him to so construe what I said as to conclude that I did not want to promote the chances of that distinguished gentleman for the impending republican presidential nomination than it would be for me, in the light of his eulogium, to say I was disposed to infer that the gentleman from New Jersey did want to make him the republican candidate?

Mr. ROBESON. I desire, in answer to what the gentleman has said, to say that I have no political or personal relations with the distinguished gentleman from Illinois to whom he has referred. I have only recited a proud episode in the history of our country.

Mr. BLACKBURN. I frankly admit I do not want him nominated.

Mr. ROBESON. I can only say that a suggestion reached my mind, which the gentleman himself might not have intended, that our minister at the court of St. Cloud had failed of something in his glorious career in Paris, and I could not refrain from making the answer I have made.

Mr. BLACKBURN. On the contrary, I stated he was a credit to the country.

Mr. ROBESON. And I have taken these five minutes to set that matter right if it needed it, and to warn the gentleman and his associates that there is a large body of American citizens who are jealous of the name of Washburne, and who will feel deeply any injustice toward any one who bears it.

Mr. SINGLETON, of Mississippi. I demand the regular order of business.

The CHAIRMAN. The time fixed for general debate has now closed, and the bill will be read by paragraph for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated for the service of the fiscal year ending June 30, 1881, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

For salaries of envoys extraordinary and ministers plenipotentiary to Great Britain, France, Germany, and Russia, at \$17,500 each, \$70,000.

Mr. ORTH. I move to strike out the last word.

It is not my purpose, Mr. Chairman, to enter upon a defense of the diplomatic system of this Government, a system coeval with our history, and which has met and still meets with the approval of the best judgment of the country. Such has been the case under every administration from that of Washington to the present hour. Nor do I believe that this system so interwoven with our history, so thoroughly connected with our intercourse with the civilized nations of the earth, is at all likely to be disturbed or materially changed. But inasmuch as the gentleman from Georgia [Mr. BLOUNT] has alluded to the action of the Forty-third Congress in reference to our consular system and my connection with it, I feel that I am called upon to state in a few words the action of the Forty-third Congress in regard to this system, and especially so as I perceive from the debate here to-day that there is quite a misconception in reference to our consular system, both generally and its details.

Prior to the Forty-third Congress the Secretary of State had called the attention of Congress to the necessity of a thorough reorganization of that system. At that time I had the honor to be the chairman of the Committee on Foreign Affairs; and the duty of examining these recommendations devolved on that committee. I gave the matter considerable attention with all the light I could obtain both from the State Department and the Fifth Auditor of the Treasury. The result was the passage by this House without a dissenting voice, and the passage of the same bill in the Senate without a dissenting voice, of the system which now obtains, after a most thorough examination and equally thorough discussion. The system then revised and established made radical changes, increasing salaries at certain points, decreasing them at others. It readjusted the salaries of persons then holding consular positions, and thus enlisting to some extent the interest of their friends in both Houses of Congress. Opposition was therefore naturally expected, but so favorably was the revision then regarded that it encountered no opposition in either House.

The distinguished gentleman from Kentucky labors under a misapprehension when he lays down as a rule that the salary of a consul should be measured by the amount of fees received by him as such

consul. We have representing us abroad two classes of consuls: the first judicial and the second commercial. Judicial consuls are sent by us to the non-Christian countries of the world, such as Turkey, Siam, China, Japan; and in those countries the duties are almost exclusively of a judicial character. Hence, we pay, for instance, to the three consuls in the Barbary States \$3,000 a year salary; whereas the consular fees in all the Barbary States, if I recollect aright, are probably less than \$500. Why do we pay those salaries? In order to command legal talent commensurate with the duties of the office. What are those duties? Whenever an American is called by business or pleasure to these states or to any non-Christian city, such as Cairo in Egypt or Constantinople in Turkey, and has some difficulty with a resident subject of such non-Christian country, such American citizen goes for protection to his "judicial" consul, and the consul is authorized to open and hold a consular court, having in attendance the proper executive officers similar to like officers in our courts, and he renders his judgment, and it is just as effectual as any judgment rendered by the courts in this District of Columbia.

The gentleman from Kentucky has referred to the consulate at Bangkok, in Siam, as having an unusually large salary. This would be so if you were to measure the salary by the amount of fees he receives, but it is not the purpose of his office nor that of any other "judicial" consul merely to collect commercial fees, but mainly to exercise judicial functions for the protection of the lives and liberties and property of American citizens in those countries.

The CHAIRMAN. The gentleman's time has expired.

Mr. HAWLEY. I trust there will be no objection to my yielding my time to the gentleman from Indiana to conclude what he has to say.

The CHAIRMAN. The Chair hears no objection.

Mr. BLACKBURN. As the gentleman has already been interrupted, would it interrupt him further if I would ask him a question?

Mr. ORTH. No, sir.

Mr. BLACKBURN. Does not the gentleman know that under the bill now before the House and under the consular bill of the last year there were many consuls of this country abroad serving on salaries of \$1,500 or \$2,000 where the fees from their offices amounted to thirty or forty thousand dollars per year? If the gentleman does not I can refer him to some.

Mr. AIKEN. I would like to ask whether we are proceeding now under the five-minute rule?

The CHAIRMAN. We are now proceeding under the five-minute rule. The Chair will state that he recognized the gentleman from Connecticut [Mr. HAWLEY] who yielded his five minutes to the gentleman from Indiana, [Mr. ORTH.]

Mr. AIKEN. As this has been done without objection I shall not object now, but hereafter I shall object.

Mr. ORTH. In response to the question of the gentleman from Kentucky I will say to him that I am aware of the fact he states. I am aware, also, that the trade and commerce of this country with foreign governments is continually changing. I remember this instance: I think probably in 1870 the consulate at Aix-la-Chapelle, in Germany, was one of the second class of European consulates while Barmen and Crefeld were merely consular agencies in the vicinity, being towns of but little manufacturing importance. Now, these conditions are exactly reversed. Barmen and Crefeld are manufacturing towns of increased importance, while Aix-la-Chapelle has simply a consular agency.

Our "commercial" consuls, if I may be allowed to use that term, are again divided into those which are called "salaried" and those which are "fee" consuls. Salaried consuls are generally at those points where large fees are collected, or at sea-ports, where our shipping interests require consular attention and protection.

It is within the memory, Mr. Chairman, of many members of this House when the consul at Liverpool, under the old system, received in fees a larger amount than the salary of the President of the United States. That excess has all been remedied, and now at all the large consulates, even where the fees collected amount to from five to twenty-five or thirty thousand dollars, we have "salaried" consuls, with salaries ranging from fifteen hundred to six or seven thousand dollars. A few consulates under the bill of the Forty-third Congress—and I do not think it has been changed by this—are "salaried" at points where fees are less than \$1,000, but generally where the fees received are less than \$1,000 the consul retains the fees for his services. A consulate but recently established at a point where American enterprise and industry is beginning to seek a new market or a more extended field of operations may pay for the first few years only a nominal compensation, but will gradually increase in importance, with a like increase in consular duties and consular fees. I remember the consulate at Budapest, in Hungary, filled recently by a friend of mine, now deceased, was worth probably only about \$240 during the last year. I have no question that inside of five years that remote consulate on the Danube will become worth, by increased commercial intercourse with that interesting country and equally interesting people, from one thousand to fifteen hundred dollars, and will then pass from the "fee" to the "salaried" consulates under our present laws.

Again, the gentleman from Kentucky has talked to us about the "consular agents" and their disposition and their opportunities for defrauding the Government of the United States. What is a "con-

sular agent?" The gentleman from Kentucky has not informed this House. I presume he has a clear perception of it, but if so he has not left a clear impression upon the House. For illustration, let me remark that there is a consulate at the town of A. Twenty miles distant therefrom is the town of B, where there is a manufacturing establishment with which some enterprising American merchant may desire to do business in the way of purchasing and importing its manufactured goods. The consul at A is not able to attend to it conveniently, or his other duties may engross all his time, and therefore he appoints a person to act as his "consular agent" at the town of B, who attends to the particular business growing out of that special manufacturing establishment, but all the papers go from the consul or agent at B to the consul at A, and thence to the proper custom-house, the Secretary of State and the Secretary of the Treasury; and there is no more opportunity of defrauding the Government at the hands of any consular agent than there is at the hands of any "feed" or "salaried" consul. Charges of fraud are easily made, but in many cases exist only in imagination. Our consular system has been remarkably free from any just charge of peculation or wrong-doing, and needs the fostering care of the Government because it, more than any other agency, is best calculated to extend and increase our commercial relations with the world.

[Here the hammer fell.]

Mr. TOWNSHEND, of Illinois. I desire to renew the amendment.

Mr. Chairman, I did not hear all of the remarks of my friend from Kentucky, [Mr. BLACKBURN,] and therefore cannot pass judgment upon his positions with reference to this bill. I have risen for the purpose of controverting one assertion of the gentleman from Indiana [Mr. ORTH] as to the necessity of maintaining the diplomatic service. I am one of those who believe that the necessity for the diplomatic missions, so far as this country is concerned, has entirely passed away. I am in favor of enlarging and making more efficient the consular system, for I believe that all the necessity we have for agents abroad can be accomplished through the consulates.

The duties of the diplomatic officers relate mainly to political affairs, while that of the consulates appertain to commercial relations between this and foreign countries. Now, the immensely productive resources of this country clearly demonstrate that we should omit no means to open the way for our surplus products into every market of the world. For the purpose of protecting and extending our commerce with foreign nations it is necessary that we should employ consular and commercial agents. In looking over our consular service I find room for improvement. I believe we can greatly advance the material interest of this country by an enlargement of this service, and I shall be willing to follow the lead of any one who is able to devise methods for its efficiency. Every agriculturist, mechanic, and manufacturer is interested in the extension of our foreign commerce and the efficiency of our consular service.

But, sir, the diplomatic service can only be useful for political purposes. The ocean that divides us from the old countries and the dissimilarity of our institutions with those of Europe, Asia, or Africa, render it entirely unnecessary that we should interpose or be concerned in the political affairs of those countries. Our peace, happiness, and prosperity will be more effectively promoted by an avoidance of diplomatic relations with the nations of those continents. With this in view, I did, on the 7th of January last, introduce into the House a resolution instructing the Committee on Commerce to inquire into the expediency of reporting a bill for our action which will abolish all our diplomatic missions and their expensive appendages. Because of the lack of time that committee has not yet been able to perfect a measure for that purpose. Had it not been for some remarks of the gentleman from Indiana [Mr. ORTH] in advocacy of the necessity of that branch of the public service I would not have participated in this debate. Of what advantage are envoys extraordinary and ministers resident to us? Read their communications to the State Department and tell me what of any value do you find which was not anticipated by the metropolitan press long prior to the arrival of those dispatches.

Any one of the great dailies of New York gives us all the important political and commercial events of the nations of Europe and, indeed, of the known world during the preceding day.

The intelligent thought of this country has long seen the absurdity and the wasteful expenditure of public money to maintain played-out politicians in their flunkysim and disgusting struggles for the privilege of precedent and social distinction in Europe.

Electricity has placed our Secretary of State within twenty-four hours' communication with every court in Europe. Diplomatic representatives were needless during the days of travel by sailing-vessels and slow coaches, and, indeed, I have no doubt are necessary among imperial governments to-day, but the diplomatic institution of this country is at variance with common sense and democratic governmental theory. In fact it has been tolerated and maintained mainly because of the power of custom.

In all countries where the people share in the government a strong antagonism exists to the useless expenditure of money on this effete institution. If this service should be dispensed with no difficulty will be experienced in arranging treaties or other important commercial or political transactions with foreign governments through the agency of special commissioners; but in ordinary political matters

I apprehend our consulates will be found capable of guarding our political as well as commercial interests. Indeed, most of our treaties with foreign governments have been negotiated by special envoys.

In bringing this subject before Congress I simply obeyed the teachings of the fathers as well as the result of my own study of the subject. Washington, Jefferson, Gallatin, and Livingston left it as an injunction to us that we should avoid all participation in European political affairs, and withdraw as soon as practicable our foreign ministers. In 1842 Mr. John Quincy Adams introduced a similar resolution to that of my own: and Benton, in his great work, urged that this subject should be taken up and pressed to final success. The time has now arrived to consummate this object.

My friend from Indiana has read the history of our country to little purpose if he has not learned from the teachings of our ablest statesmen of the past that a time would come when the progress of science and art would find the means for superseding and dispensing with this useless and expensive service. It was the opinion of Washington that we should avoid having any relations with the complicated political affairs of Europe. It was the opinion of Mr. Gallatin in his day that we should entirely dispense with every foreign minister abroad. It was the opinion of Mr. Livingston and others whom I will not stop to enumerate.

Mr. BLOUNT. And how many were there on the other side?

Mr. TOWNSHEND, of Illinois. Now when we have the judgment of men like Washington, and Gallatin, and John Quincy Adams, and Thomas H. Benton, and find to-day the foreign mission service is but an asylum for played-out politicians, and that it costs the people of this country, already bending beneath heavy taxation, \$400,000 annually, it is time for us, as we are all advocates—at least on this side—of an economical administration of the Government, to dispense with this unnecessary service. This would curtail the entire expenditures of the consular and diplomatic service at least one-third.

[Here the hammer fell.]

Mr. MCCOOK. I desire to suggest that it would be an act of charity to the gentleman from Illinois to retain the law as it now is.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. TOWNSHEND, of Illinois. I did not hear the remark of the gentleman from New York. I should like to hear what the gentleman had to say. [Cries of "Regular order!"]

Mr. MCCOOK. What I said was, it would be an act of charity to the gentleman from Illinois to retain the existing system in the event of the democratic party coming into power.

Mr. MORTON. Is the gentleman from Illinois aware that the great burden to which he refers as resting upon the people of the United States for the support of its diplomatic representatives at all the nations of the world amounts to less than one cent *per capita*?

The CHAIRMAN. The time of the gentleman from Illinois has expired. The gentleman from Ohio [Mr. MONROE] has been recognized.

Mr. MONROE. I rise to oppose the *pro forma* amendment.

I desire to notice one point made by the distinguished gentleman from Kentucky [Mr. BLACKBURN] in the speech which he delivered this afternoon. I waited until now because I had myself been so generously treated by the House in regard to time that I did not like to interrupt the gentleman from Kentucky. The point is one of very great interest in the diplomatic history of our country.

The gentleman remarked that our minister in London, General Schenck, succeeded in reconciling the English Government to his views by giving up the very question in issue. I think my friend will discover on looking over the diplomatic correspondence of the period that he is mistaken on that point. The question at issue between our Government and that of Great Britain, was not so much that our nation demanded money for indirect claims. Our Government said repeatedly through its Secretaries of State and ministers that it had no anxiety about pecuniary compensation for indirect losses; but what it did want and thought of importance to this country and to all countries was, that the question whether a nation should be held responsible for indirect claims should go before the Geneva tribunal and be decided. The demand of our Government was that that question should be submitted to that tribunal, and should be there determined. That was the object our Government was aiming at; and all our diplomatic correspondence shows that General Schenck understood that perfectly well.

But the difficulty was the English government were somehow suspicious of us. They did not want that question submitted. They were afraid it would be made an excuse for some immense award of many millions of money. Now, the good office which General Schenck performed for his country at that crisis was this, that by his manliness, by his frankness, by his great ability, by his frequent conferences with Lord Granville, then English minister for foreign affairs, he succeeded in getting the confidence, as between man and man, of the British minister. He did a work which could never have been done except by a minister residing in London and constantly meeting in friendly social intercourse the members of the British cabinet. The important point was to have this great question decided, because General Schenck and the Government he represented believed there was no country in the world at the present day that would profit more by the doctrine that civilized governments are not responsible for indirect losses than would the United States.

As a matter of fact the decision of the Geneva tribunal on this question was worth a great deal more to this broad commercial land of ours than any amount of British gold could have been. The decision that was made by that tribunal is to-day as satisfactory as it could be on that question. What General Schenck feared and what America feared was that the English government would withdraw its representation at the Geneva tribunal when this question of indirect claims was submitted there; but he succeeded in winning the confidence of that government and holding them to the work prescribed by the treaty of Washington; and thus that treaty, with all its beneficent consequences, was saved for our country and for mankind.

[Here the hammer fell.]

Mr. NICHOLLS. I desire to offer an amendment.

The CHAIRMAN. There is an amendment pending.

Mr. TOWNSHEND, of Illinois. I withdraw my *pro forma* amendment.

Mr. BLACKBURN. I renew it, and I ask the gentleman from Georgia [Mr. NICHOLLS] to bear with me a moment. I find that I am a second time called upon to enter a disclaimer. I certainly did not intend, and I here repeat it, by any reference that I made to the want of any necessity for second secretaries of legation, as illustrated in the case of the second secretary of legation of Mr. Washburne when minister at Paris, to reflect in any wise upon that gentleman. And I certainly was as far from intending by anything I said to-day to detract from the fairness or the candor or to impeach or impugn the scholarly character of the speech made by the gentleman from Ohio [Mr. MONROE] the other day in advocacy of this bill. I surely had no purpose in anything I said to reflect upon the then minister to London, General Schenck. I am aware of the well-earned prominence that that gentleman attained by reason of his ability during the stormiest era of his country's history. I would not under any circumstances, and especially under the circumstances that surround him now, utter one word that would be calculated to derogate from the position which he has fairly earned. Everybody acknowledges his prominent and eminent abilities.

I meant simply, by my reference to that transaction connected with the Geneva award, to which my friend from Ohio [Mr. MONROE] had adverted, to demonstrate the utter uselessness of this foreign diplomatic service; to show that it was there stated, and frankly and fairly stated, that the best efforts of one of the ablest men that within the last half century has represented this Government at the court of Saint James were expended upon an issue that involved the admission or rejection of what were known as the indirect claims to the Geneva tribunal. The American Government insisted that these indirect claims for damages should be considered; the British government denied the legitimacy of those claims. The exertions of General Schenck were directed to that issue. I doubt not he did all that any representative could have done to secure their consideration. But the stubborn fact still stares us in the face that he failed; and the adjustment of our difficulties was only had when every one of those indirect claims was excluded from consideration.

Now, while I am on the floor, I want to answer a question propounded to me by the gentleman from Mississippi, [Mr. SINGLETON,] which in the confusion occasioned by the multiplicity of questions by which I was then encompassed I failed to answer. The gentleman asked me what consular clerk had been appointed to a port for which no consul was provided by this bill. I will answer him and tell him that it is the port of Collingwood, Canada.

Mr. SINGLETON, of Mississippi. Then you have changed your ground.

Mr. BLACKBURN. No, sir; I have changed nothing.

Mr. SINGLETON, of Mississippi. You said Goderich.

Mr. BLACKBURN. If the gentleman will permit me I will state that the consulate at Goderich had been abolished, but in the consular and diplomatic bill of 1878 it was provided for, but no provision was ever submitted to this House for its re-establishment. I said it was contained in this bill without any reason assigned for it.

I said there was a consulate to which a clerk was accredited and whose salary was provided for by law, but this bill provided for no consul at that place. I now tell the gentleman that that port is Collingwood, Canada. Now, if the gentleman will take the Congressional Directory for the Forty-sixth Congress and turn to page 144 he will find that in obedience to the act of Congress approved June 20, 1864, thirteen consular clerks have been appointed, which number the gentleman recognizes and provides for in the bill now under consideration. One of those clerks is Mr. Gustavus Goward, and he is the consular clerk at Collingwood, Canada. But the bill of the gentleman does not provide for any consul at that place, and presents the anomaly of a consular clerk without a consul.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACKBURN. I withdraw the *pro forma* amendment.

Mr. NICHOLLS. I am instructed by the Committee on Foreign Affairs to offer a substantial amendment.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

The President is authorized to appoint as counselor of legation, to serve without compensation, any fit person who shall have previously served as secretary of legation of the United States.

He may appoint fit persons as attachés of legation, who shall serve without compensation. Any such appointee shall, under the control of the Secretary of State, be subject to the direction of the chief of the mission where he shall be employed. Such appointments are subject at any time to revocation by the President.

The CHAIRMAN. Where does the gentleman propose to have his amendment come in?

Mr. NICHOLLS. I desire to offer it as a separate clause. It does not seem to apply to any particular part of the bill.

The CHAIRMAN. The Chair would suggest that it might come in after line 11 of the bill.

Mr. NICHOLLS. Very well; I offer it as an independent clause, to come in after line 11.

Mr. BLOUNT. I desire to reserve all points of order on this amendment.

Mr. ATKINS. I make the point of order now that the amendment changes existing law, and does not reduce expenditures. I admit that it does not increase them, but certainly it does not diminish them.

Mr. BLOUNT. I hope the gentleman from Tennessee [Mr. ATKINS] will allow me to reserve the point of order. This amendment, I understand, comes from the Committee on Foreign Affairs; and I hope my colleague [Mr. NICHOLLS] will be heard upon it.

Mr. ATKINS. I make the point.

Mr. NICHOLLS. The counsel whose employment this amendment would authorize will receive no compensation beyond the position which the appointment may give. Our information is that a number of gentlemen resident in foreign countries would be glad to receive appointments of this sort, and would be of great assistance to our ministers resident. I think there can be no objection to the proposition. It involves no cost to the Government. It is a proposition to add to the efficiency of the service without any increased expense.

Mr. ATKINS. The amendment is subject to a point of order.

Mr. BLOUNT. Does this amendment come from the Committee on Foreign Affairs?

Mr. NICHOLLS. It does; I am instructed by that committee to report it.

Mr. BLOUNT. Is it a unanimous report?

Mr. NICHOLLS. Yes, sir.

Mr. ATKINS. I withdraw the point of order.

Mr. SINGLETON, of Mississippi. Mr. Chairman, I should have been very glad to have had the privilege of responding to the gentleman from Kentucky [Mr. BLACKBURN] during the progress of the general debate; but I was so unfortunate as to reserve no time to myself, and therefore I must take advantage of the five-minute debate to reply as rapidly as I can. The gentleman in the course of his remarks stated that though we have no consul at Goderich yet we allow for a clerk there.

Mr. BLACKBURN rose.

Mr. SINGLETON, of Mississippi. The gentleman may not have meant to say this; but I think the notes of the reporters will show that he did say it. I state as a fact that at Goderich we have provided for no consul and no clerk. I ask the gentleman to point out, if he can, any part of the bill where there is any such provision. Then the gentleman makes the same criticism as to Collingwood, that while there is no consul there we have provided for a clerk.

Mr. BLACKBURN. The gentleman surely does not want to misrepresent me.

Mr. SINGLETON, of Mississippi. I do not.

Mr. BLACKBURN. Does not the act of June 20, 1864, provide for thirteen consular clerks to be appointed and assigned by the President? And I find that one has been assigned to Collingwood.

Mr. SINGLETON, of Mississippi. Let the gentleman take the bill and see whether we have provided for such a clerk. The bill was what the gentleman criticized.

Mr. BLACKBURN. Here is provision in the bill for salaries for thirteen consular clerks. Now cannot the President under the law of 1864 assign a clerk to Collingwood?

Mr. BLOUNT. Mr. Chairman, what is the question before the House?

Mr. SINGLETON, of Mississippi. There is no clerk allowed in this bill at any such place as Collingwood. The gentleman, by the blunders into which he fell in the course of his speech, reminds me very much of a man who coming to a turbid stream pitches in and flounders around without knowing where he is going to land.

Mr. BLOUNT. I submit that the question which the gentleman is discussing is not now before the committee; we shall reach that part of the bill after a while.

Mr. SINGLETON, of Mississippi. I hope the gentleman will allow me to manage this matter in my own way.

Mr. BLOUNT. I must hold the gentleman to the rules. My colleague [Mr. NICHOLLS] offered an amendment upon which I have reserved a point of order; and now the gentleman is passing off upon another subject.

Mr. SINGLETON, of Mississippi. The gentleman, considering the range he takes in debate, is very technical all at once. [Laughter.]

Mr. BLOUNT. I insist on my point of order against the amendment of my colleague. I submit that it does not retrench expenditures and changes existing law.

The CHAIRMAN. The Chair is of opinion that the amendment is subject to the point of order.

Mr. ORTH. I move to amend by striking out the last word.

Mr. SINGLETON, of Mississippi. Mr. Chairman, have I been taken from the floor?

The CHAIRMAN. The gentleman from Mississippi occupied his five minutes, and the gentleman from Indiana [Mr. ORTH] has been recognized.

Mr. ORTH. Mr. Chairman, the gentleman from Kentucky, [Mr. BLACKBURN], in discussing the provisions of this bill prior to the close of the general debate, referred to the amount of \$4,000 appropriated as salary for the agent and consul-general at Cairo, Egypt, and complained that this is a most exorbitant salary to be paid at a point where the Government receives probably \$200 or \$300 for fees. This statement, if unexplained, would leave upon the mind of the House a wrong impression. The agent and consul-general at Cairo is the only officer of that character in the employ of this Government. He is emphatically *sui generis*. He exercises quasi diplomatic functions at the court of the Khedive in Egypt, and his diplomatic powers are of such importance that, instead of his receiving merely a salary of \$4,000, it would comport better with the dignity of this Government and of the position to place him upon an equality, in respect to pay, with a minister resident, because he possesses the diplomatic power of a minister resident. He is not a consul in any just sense of that term. I hold in my hand the Consular Regulations prepared and issued by the State Department, and here upon the first page, in the second paragraph, it will be found that he is designated as "agent and consul-general," and who enjoys, as I have said, a quasi diplomatic position, so far as the Sublime Porte may consent thereto. He must be a person of more than ordinary capacity, and hence we pay him \$4,000.

Now, then, the gentleman complains again that this bill provides for paying "an agent at Collingwood." If there is any officer at all there I would understand him to be known as a "commercial agent." A commercial agent is a different officer from that of consul, whether feed or salaried, commercial or judicial. He is a person specially appointed by the President to attend to a special duty at a particular place. He is appointed by the President without the consent of the Senate. He exercises his duty without having received from the government of the country in which he exercises his functions an "exequatur" authorizing him to discharge his duty at that particular place. Such, doubtless, is the "commercial agent" at Collingwood, in Canada. Under the Constitution the President is authorized to appoint ambassadors, ministers, and consuls. The only question coming before Congress is a question of payment of their salaries. You may refuse to appropriate money for a minister at St. James or St. Cloud, but the President can send them and keep them there without reference to the question of payment of salary. Congress does not create these officers. We simply provide for their salaries. And even if we do not pay them the President's power to appoint them still remains under the Constitution.

[Here the hammer fell.]

By unanimous consent, the *pro forma* amendment was withdrawn. The Clerk read as follows:

For minister resident and consul-general at Bolivia, \$5,000.

Mr. BELFORD. I move to strike out \$5,000 and in lieu thereof to insert \$7,500, and I should like to state in reference to this—

Mr. SINGLETON, of Mississippi. I rise to a point of order on that amendment. It is not in order, as it changes the law and increases the amount.

The CHAIRMAN. The point of order is well taken.

Mr. BELFORD. I move then to strike out the last word. I offer that amendment, Mr. Chairman, because I desire to call the attention of the House to a few facts in reference to the Bolivian mission. In 1875 the minister resident at Bolivia was allowed \$7,500, and I believe he was allowed that amount in 1876. Then that mission was dropped from the law. In 1878 it was restored and the minister's salary was fixed at \$5,000. It seemed to me only an act of justice he should receive the same salary accorded prior to 1876. I find in this bill the ministers resident at Belgium, Netherlands, and Sweden and Norway are each allowed the sum of \$7,500. A citizen of my State has lately been appointed to that post by the President, and I should like to see him get a salary sufficient to cover his wants.

Mr. SINGLETON, of Mississippi. I should be glad to gratify my friend personally, but I cannot consent to it.

Mr. MCCOOK. There is a better reason than the one stated by the gentleman from Colorado for increasing the salary of the minister at Bolivia to \$7,500. In the Forty-fifth Congress, Mr. Hewitt, who had charge of this bill—

The CHAIRMAN. There is no question before the committee.

Mr. MCCOOK. Then, I move to strike out the last two words. In the Forty-fifth Congress, Mr. Hewitt was on the committee that had charge of this same bill, making appropriations for the fiscal year ending June 30, 1879, and delivered a speech in regard to it. While personally I differ with many things he said, yet that speech evidently was made after a careful study of our whole diplomatic and consular system, and is exhaustive of this question. He there, it seems to me, antagonizes almost everything which has been said to-day by my friend from Kentucky, who appears unable to find any good in it. Mr. Hewitt did not hesitate to criticize, but he certainly was not disposed to destroy, a system that, whatever its faults, has many and unquestioned merits.

In regard to this Bolivian mission, he gave reasons why it should

be restored to its former rank in language so clear and convincing that I will quote it, as much better than anything I can say myself; and it applies with equal force to other missions:

Therefore the Committee on Appropriations not only did not strike out any South American mission, but they inserted two missions which had been left out before; the one to the United States of Colombia, where we have a commerce amounting even now to \$10,000,000 per annum, and the other to Bolivia, where the mission was discontinued some years ago.

The reason for inserting the mission to Bolivia I should like to have understood. Bolivia has no sea-port; it has communication with the ocean, but no port through which traffic can be carried on; it is, in fact, cut off from the Pacific Ocean by the Andes chain of mountains, through which it has no practicable pass; but it has an outlet through the Amazon River; and a contract has been made by the Brazilian government with an American firm of contractors to construct a railway two hundred miles in length around the falls of the Madeira, a branch of the Amazon River, which will allow the products of that vast country, the ancient seat of the Aztec civilization, to come down the Amazon and pass out into the general markets of the world.

That opening is confided to American hands. Thousands of our enterprising people are already there or on their way to engage in the execution of this great undertaking. This work will be put through, and the men whom we send will need protection. That class of men are the men who always develop the trade and the resources of a country, and will pour its volume into American channels, if they can be adequately protected. Hence we inserted this mission to Bolivia.

Possibly the reason assigned there may make no impression on this present House of Representatives; but it seems to me, speaking in part for the commerce of the great city of New York and of the country, there is some good reason, at all events, why our diplomatic and consular system should be elevated to and maintained at the rank to which its importance entitles it.

[Here the hammer fell.]

Mr. SINGLETON, of Mississippi. I propose that the committee now rise—

The Clerk continued the reading of the bill, as follows:

For minister resident accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua, to reside at the place that the President may select in either of the states named, \$10,000.

For minister resident and consul-general to Hayti, \$7,500.

Mr. BLOUNT. I understood the gentleman from Mississippi to make a motion that the committee rise.

The CHAIRMAN. The Chair did not understand the gentleman as submitting such a motion.

Mr. NEAL. I offer the following amendment:

After line 31 insert "for minister resident to Portugal, \$5,000."

Mr. SINGLETON, of Mississippi. Mr. Chairman, it is evident that we cannot get through this bill to-day, especially in view of the statement made by the gentleman from Kentucky that he will offer a number of amendments, and I move, therefore, that the committee rise.

Mr. BLACKBURN. It is Saturday, and within a few moments of four o'clock. I hope, therefore, the motion will be agreed to.

Mr. SPARKS. I hope the committee will not rise. We spent three months to adopt the rules—

Mr. BLACKBURN. How long would it take the gentleman to learn the rules?

Mr. SPARKS. I never will learn them, or anybody else with sense. [Laughter.]

Mr. NEAL. I hope I will be allowed to proceed for a few moments before the committee rises.

It will be observed that in line 36 a *chargé d'affaires* is appointed to Portugal. My object in offering the amendment is to change the rank of that officer and make him a minister resident.

A MEMBER. And increase his pay.

Mr. TOWNSHEND, of Illinois. Does not the gentleman know that Egypt is not a sovereignty?

Mr. NEAL. I am not speaking of Egypt but of Portugal. If the gentleman had listened to me he would have known it. We are represented at that court by Benjamin Moran, one of the most accomplished gentlemen in the diplomatic service of the United States. He has been in that service continuously for thirty-five years.

Mr. BLOUNT. I did not hear the amendment offered by the gentleman from Ohio, but I desire to reserve the point of order upon it.

Mr. NEAL. Very well.

Mr. BLOUNT. There was so much confusion that I was unable to make the point at the time the amendment was read.

Mr. NEAL. I would be very glad if gentlemen will listen to what I have to say. Having had at one time the honor of representing this country in a consular capacity, I know something of the subject of which I speak.

This gentleman, now *chargé d'affaires* at Lisbon, as I have said, is one of the most accomplished diplomatic officers in the service of the United States and has had an experience of thirty-five years. He is not, Mr. Chairman, a "played-out politician," as the gentleman from Illinois charges all our diplomatic officers are.

Mr. TOWNSHEND, of Illinois. I did not include all; I spoke of a great many.

Mr. NEAL. The only object I have in view in offering this amendment is, that this officer of our Government may occupy a position at the court of Portugal commensurate with the dignity and power of our country. Every minister, I believe, without exception, at that court ranks our representative. Even the representatives of the smallest states of Europe and South America rank him, and it is because in my opinion the United States should be represented in that court by an officer holding at least the rank of minister resident, that

he may not be humiliated himself and that Americans visiting there may not have their pride of country mortified, as well as because it is an act of justice to this most accomplished officer, that I offer this amendment. It will add nothing to the expense to our Government, but will simply place our representative on a plane of equality with not the great powers of Europe, but the secondary states of the civilized world. I therefore offer this amendment, and hope it will be adopted.

Mr. SINGLETON, of Mississippi. I hope no change will be made in the bill. I know as soon as there is an amendment adopted changing the rank that there will be no end to amendments, and the next thing will be to increase the salaries.

Mr. BLOUNT. I made the point of order on this amendment, as will be remembered, shortly after the gentleman began his remarks.

The CHAIRMAN. The gentleman will indicate his point of order.

Mr. BLOUNT. My point is that it changes existing law and that it increases expenditures.

Mr. McMILLIN. The gentleman who offered the resolution agreed to the reservation of points of order.

The CHAIRMAN. The point of order is well taken.

The Clerk resumed the reading, as follows:

For minister resident and consul-general to Liberia, \$4,000.

For chargé d'affaires *ad interim* and diplomatic officers abroad, \$30,000.

Mr. McMILLIN. I hope my amendment to strike out lines 34 and 35 of the bill will prevail. It reduces the bill, and saves to the people of this country \$20,000 next year.

The consular and diplomatic bill of last year contains no such provision as this. Upon inquiring of the gentleman in charge of this bill I find that the House included such a clause in the bill of last year, but that the Senate struck it out. And hence there was no appropriation of that kind made. There has been no showing to this House that there is an exigency now which did not exist last year, demanding increased appropriation. There is no complaint that there was any detriment to the diplomatic service of last year by reason of the failure to appropriate for these purposes. Hence I think it should be stricken out. I know our consular service is of vast importance, but I do not agree with some gentlemen who have spoken on this subject with reference to the importance of our diplomatic service. We could prune it down and save half a million a year and not injure the service a particle.

Last year, it will be remembered, it was thought there was to be trouble that could not be averted in Europe. I speak of the threatened rupture between Russia and England.

What was the condition of our diplomatic service then? At that time we had no minister to England. Mr. Welch had resigned and come home. We had none in Russia; Mr. Stockton was at home. We had none in Germany; Mr. Bayard Taylor, who represented us there so honorably, was dead. Our minister to Belgium, Mr. Goodloe, was sick and absent. Our minister to Italy was sick in Florence and not at the post of his service. I do not speak of these things for the purpose of charging any dereliction on the part of our ministers, but simply to show that our diplomatic service can be dispensed with without injury. Notwithstanding all of these vacancies the world moved on all the same and they were not missed. And now the Committee on Appropriations propose here to make an additional appropriation of \$20,000 for a matter for which we made no appropriation last year. Is it right for us to do it? Is it proper, in consideration of the burdens under which our people rest? It is a fact that the Government of the people of the United States costs more *per capita* than that of any people on earth. Even the combination of church and state in other countries does not make their taxes and the cost of maintaining them as great as ours.

A MEMBER. How was it prior to 1860?

Mr. McMILLIN. Prior to 1860 democrats ruled the country and ran it cheaper.

I hope the amendment to strike out lines 34 and 35 will be adopted. [Here the hammer fell.]

Mr. SINGLETON, of Mississippi. I wish to say it has never been the voluntary desire nor the vote of this House that there should not be made an appropriation of that kind. Under the law as it exists, the secretaries of legation in the absence of the ministers are required to perform all the functions of these diplomatic officers, and by law they are entitled to receive for their services one-half amount of salaries paid to ministers they represent, but only during the period of such services.

In the last Congress this House inserted a provision to that effect in the appropriation bill as it went to the Senate. There was a difference between the two Houses in amount of about \$80,000 or \$90,000. In the way of compromise it was agreed by the members of the committee of conference on the part of the House that the Senate should strike out whatever seemed best to them in order to divide the difference between the two Houses. The Senate, therefore, rather than strike other matters which they deemed of more importance in the bill, struck that out. That was the only reason why it was not retained. This House agreed to the report of the committee of conference and thus it was that this appropriation failed in the last appropriation bill.

Mr. McMILLIN. I wish to ask the gentleman whether any calamity befell the country on account of that appropriation being stricken out?

Mr. SINGLETON, of Mississippi. Of this I cannot speak, but I am inclined to the opinion that it would be an act of gross injustice on the part of a great government like ours to require these secretaries of legation to perform all the duties and take upon them all the functions of a minister, incurring of course additional expense, and then refuse to pay them.

Mr. BLOUNT. I ask my colleague on the committee to state whether this appropriation is not made under the law?

Mr. SINGLETON, of Mississippi. There is a law upon the statute-book declaring that they shall be paid one-half the amount of the salaries of these ministers while performing their duties. The ministers are allowed two months' absence every year from their posts. Some person must perform these duties. It is thrown upon the secretaries of legation by law, and the same law provides that these secretaries shall have one-half the amount of salaries paid the ministers. Would it be just and honest in our Government to refuse to pay them the salaries thus provided?

Mr. McMILLIN. Let it be done by a separate bill so we may have an opportunity of scrutinizing it.

Mr. HISCOCK. I wish to ask my colleague on the committee, the gentleman from Mississippi, whether there will not be in a deficiency bill an item to cover the sum of \$20,000 stricken out last year?

Mr. SINGLETON, of Mississippi. We owe them some amount by reason of our failure last year to make an appropriation, and there is no doubt in my mind that in law and in equity they are entitled to receive these salaries.

Mr. HOUSE. I hope the gentleman having the bill in charge will make the motion that the committee rise.

Mr. SINGLETON, of Mississippi. I prefer that we should take a vote on the pending amendment.

Mr. NEAL. I move to strike out the last word.

In addition to the reasons given by the gentleman from Mississippi for retaining this item of appropriation, there is another which is quite as important in my estimation. It is this: in all countries where we have simply ministers resident or *chargés d'affaires*, there are no secretaries of legation, and in the absence of the diplomatic representatives consuls are required to discharge their duties. This imposes an additional and often an onerous duty upon them, for which they are entitled to a reasonable compensation. This compensation is fixed, either by law or the order of the Department of State, at an amount equal to the consular salary for the same period of time.

Taking all these circumstances into consideration, it appears to me this appropriation is a very just and proper one. It cannot be improperly or illegally drawn from the Treasury. If there is no law providing for the salaries of these officers *ad interim*, they cannot have it. But if there is, and they discharge the duties, in the end they will have it, whether we make the necessary appropriation or not, because that sense of justice which lives in the heart of every American will ultimately drive Congress to provide for the payment of the services rendered by these, generally the most meagerly paid of all our public servants.

I withdraw the *pro forma* amendment.

The question being taken on Mr. McMILLIN's amendment, there were—ayes 5, noes 50.

Mr. McMILLIN. A quorum has not voted.

Mr. SINGLETON, of Mississippi. The gentleman will not insist on the point that a quorum has not voted if he be permitted to reserve the right to have a vote on his amendment in the House.

Mr. RANDALL, (the Speaker.) That cannot be done except by agreement.

Mr. McMILLIN. A quorum did not vote, and I have demanded tellers unless I can have a vote on my amendment in the House.

Mr. McKENZIE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes, and had come to no resolution thereon.

FUEL FOR ARMY OFFICERS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the repeal of the law in regard to the payment by Army officers for fuel; which was referred to the Committee on Military Affairs.

PENSIONERS UNDER ACT OF MARCH, 1878.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in response to a resolution of the House, transmitting a report in relation to certain pensioners under the act of March 9, 1878; which was referred to the Committee on Invalid Pensions.

THE WYANDOTTE INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, recommending an appropriation of \$23,105.51 for fulfilling treaty obligations with the Wyandotte tribe of Indians; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HUBBELL, for one week from Monday next, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. BLACKBURN asked, and obtained, unanimous consent to withdraw from the files of the House papers in the case of Mary Gibson; no adverse report.

Mr. HATCH, from the Committee on Invalid Pensions, to whom had been referred the request of Mr. AIKEN for leave to withdraw from the files of the House the petition of C. S. McDaniel, an invalid soldier of the Mexican war, reported the same back with a recommendation that the request be granted.

There was no objection, and the request was accordingly granted.

FRANKLIN S. WHITNEY.

Mr. MCCOOK, by unanimous consent, introduced a bill (H. R. No. 5400) for the relief of the estate of Franklin S. Whitney, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM M'COUGHTRY.

Mr. MCKENZIE, by unanimous consent, introduced a bill (H. R. No. 5401) granting a pension to William McCoughtry, of Union County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TENTH CENSUS.

Mr. THOMPSON, of Kentucky. I desire to enter now a motion to reconsider the vote by which the Senate bill No. 885, to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879, reported this morning, with amendments, from the Committee on the Census, was recommitted to that committee.

The SPEAKER. The motion to reconsider will be entered upon the Journal.

PATENT LAWS.

Mr. DEERING, by unanimous consent, presented the following joint resolution of the Legislature of Iowa; which was referred to the Committee on Patents, and ordered to be printed in the RECORD:

Joint resolution requesting the members of the House of Representatives and Senators from Iowa, in Congress, to endeavor to procure such modification of the patent laws as will relieve innocent parties from prosecution for using patented devices.

Be it resolved by the General Assembly of the State of Iowa:

First. That our Representatives and Senators in Congress, from Iowa, are hereby requested to use all the influence in their power to procure such a modification of the patent laws of the United States as will relieve innocent parties using patented devices from liability to prosecution, and limiting prosecutions for infringement of our patent laws to manufacturers and vendors of articles which may be infringements of patents.

Second. *Resolved.* That the secretary of state is hereby instructed to send a copy of the foregoing resolution to each of our Senators and Representatives in Congress as soon as practicable.

LORE ALFORD,
Speaker of the House.
FRANK T. CAMPBELL,
President of the Senate.

Approved, March 22, 1880.

JNO. H. GEAR.

State of Iowa:

I hereby certify that the foregoing is a complete copy of the original joint resolution on file in my office.

Witness my hand and the great seal of the State, this 24th day of March, A. D. 1880.

[SEAL.]

JAS. HULL,
Secretary of State.

Mr. COOK. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BERRY: The petition of the publishers of the Courier and of the Record, Crescent City, California, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. BLACKBURN: Papers relating to the construction of a public building at Frankfort, Kentucky—to the Committee on Public Buildings and Grounds.

By Mr. CAMPBELL: The petition of Gideon J. Tucker, publisher of the Democrat, Prescott, Arizona Territory, that materials used in making paper be placed on the free list, for a reduction of the duty on printing-paper, and for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. CLARDY: The petition of the Belcher Sugar Refining Company, Edward J. Gay & Co., and others, for the passage of a law fixing a uniform duty on all sugar below No. 13 Dutch standard in color—to the same committee.

By Mr. DAVIDSON: The petition of T. J. Moore and others, citizens of Florida, for an appropriation for the improvement of the Aucilla and Wacissa Rivers—to the Committee on Commerce.

By Mr. ELLIS: The petition of the Union Soldiers' Association of New Orleans, Louisiana, for the appointment of a committee to investigate the New Orleans custom-house and other Federal offices in that city—to the Committee on Reform in the Civil Service.

By Mr. FORD: The petition of David Miller and others, for the repeal of the internal-revenue laws and for the issue of more money—to the Committee on Ways and Means.

By Mr. HAWK: The petition of A. M. Green, of Mount Carroll, and of A. W. Brayton, of Mount Morris, Illinois, druggists, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. HURD: The petition of James M. Osborn, of Sandusky, Ohio, for the abolition of the duty on type—to the same committee.

By Mr. KEIFER: The petition of Harris Munger and 45 others, of Greene County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of Harris Munger and 55 others, of Greene County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. MCCOID: Memorial of the Iowa Legislature, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of the Dubuque (Iowa) Veteran Corps, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of druggists of Mount Pleasant, Iowa, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. NEWBERRY: The petition of H. G. Blanchard, that the name of the propeller T. M. Bradbury be changed to Florence Minerva Dickinson—to the Committee on Commerce.

By Mr. O'CONNOR: Memorial of 500 freedmen, depositors in the Freedman's Savings and Trust Company's branch bank at Norfolk, Virginia, for the passage of the bill to return to the freedmen of the South their savings deposited with the Freedman's Savings and Trust Company—to the Committee on Ways and Means.

By Mr. O'NEILL: Memorial of the Philadelphia Board of Trade, urging the retention of the present duties on iron ore, wrought scrap-iron, and steel rails, and that the protection of the iron and steel interests of the United States should be placed upon an impregnable basis—to the same committee.

By Mr. ORTH: The petition and resolution of 300 soldiers, of Fountain County, Indiana, for the equalization of bounties, the passage of the Weaver soldier bill, and a grant of one hundred and sixty acres of land to every soldier, his widow, or children—to the Committee on Military Affairs.

By Mr. OSMER: The petition of William A. Mead and 20 others, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of William A. Mead and 17 others, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of William A. Mead and 20 others, for the passage of a law making the Commissioner of Agriculture a Cabinet officer—to the Committee on Agriculture.

By Mr. PHILIPS: Resolutions of the County Grange of Cooper County, Missouri, of similar import—to the same committee.

By Mr. PHISTER: The petition of George A. Gilbert and others, Union soldiers of Lewis County, Kentucky, for a law granting pensions to Union soldiers who were imprisoned by the enemy for six months and over—to the Committee on Invalid Pensions.

By Mr. REED: The petition of B. H. Whitney and others, of Sebago, Maine, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of the same parties, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. STONE: The petition of the editors of the Journal and of the News and Reporter, Muskegon, Michigan, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. J. T. UPDEGRAFF: The petition of Samuel Thomas, Leander Davis, and 57 others, citizens of Belmont County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. WELLS: The petition of Belcher Sugar Refining Company and others, for the passage of a law fixing a uniform duty on all sugar below No. 13 Dutch standard in color—to the Committee on Ways and Means.

By Mr. CHARLES G. WILLIAMS: The petition of B. J. Curtis, editor of the Temperance Herald, Milton, Wisconsin, for the abolition of the duty on type—to the same committee.

By Mr. WALTER A. WOOD: The petition of residents of Rensselaer County, New York, soldiers of the United States Army, engaged in the late war, for the early passage of a law providing for the payment of the difference between the value of greenbacks, in which they were paid for their services, and the value of gold at the time of payment—to the Committee on Military Affairs.

IN SENATE.

MONDAY, March 29, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.
The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, covering copy of report of Captain A. N. Damrell, Corps of Engineers, upon an examination made in compliance with the requirements of the river and harbor act of March 3, 1879, of Charlotte Harbor, Florida; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a report from the Quartermaster-General advocating the repeal of the law in regard to payment by officers of the Army for fuel and the restoration of the allowance of fuel as it existed before the passage of the act; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting, in compliance with a resolution of the Senate of February 19, 1880, a report of the names of clerks and other persons employed in the Post-Office Department during the fiscal year ended June 30, 1879, showing the time that they were actually employed, and the sums paid to each; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from the Secretary of War, transmitting a letter from Colonel George P. Buell, Fifteenth Infantry, protesting against the reinstatement in the Army of John W. Eckles, late captain Fifteenth Infantry, as contemplated by the bill (S. No. 1378) for the relief of John W. Eckles; also, copy of General Court-Martial Orders, No. 59, series of 1877, promulgating the sentence of dismissal of Captain Eckles; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also presented the petition of several citizens of Kelly's Corners, New York, who were soldiers in the late war, praying for the passage of what is known as the equalization bounty bill; which was referred to the Committee on Military Affairs.

Mr. KERNAN presented the petition of Roswell F. Cook, of Ilion, New York, praying an extension of his patent for an improvement in breech-loading fire-arms; which was referred to the Committee on Patents.

Mr. KIRKWOOD. I have here a joint resolution of the Legislature of the State of Iowa, directed to the Senators and Representatives from that State. It requests them to use all the influence in their power to procure such a modification of the patent laws of the United States as will relieve innocent parties using patented devices from liability to prosecution, and limiting prosecutions for infringement of our patent laws to manufacturers and vendors of articles which may be infringements of patents. I understand that the orderly mode of proceeding in regard to a resolution of this kind is to have it laid on the table.

The VICE-PRESIDENT. The resolution will be received and laid on the table.

Mr. KIRKWOOD. I desire, however, to ask the chairman of the Committee on Patents, as this is a matter in which the people of my State feel a deep interest, whether that committee is likely soon to report to the Senate any bill, either from the House or originating here, in relation to the subject of the resolution which I have just presented.

Mr. KERNAN. I will state, in answer to the inquiry of the Senator, that there is a bill which has passed the House and was referred to the Committee on Patents of the Senate on that subject. One or two bills were introduced here on the same subject and referred to that committee. Many petitions in favor of some bill of that kind are also before the committee, and certain parties from various States immediately asked to be heard and we have heard them, and I believe closed the hearing, and the committee intends and desires to take the subject up now and make a report at the earliest day.

Mr. ROLLINS presented the petition of M. S. Sargent and others, citizens of Belknap and Carroll Counties, New Hampshire, praying that a suitable appropriation be made by Congress for the improvement of the navigation of Lake Winnepesaukee, in that State; which was referred to the Committee on Commerce.

He also presented the petition of A. A. Woolson and others, of Lisbon, New Hampshire, and the petition of S. W. Rollins, of Meredith, New Hampshire, praying for the removal of the United States circuit and district courts from Exeter to Concord, in that State; which were referred to the Committee on the Judiciary.

Mr. LOGAN presented a petition of citizens of Davis Junction, Illinois, praying for the passage of a law which will prevent the sale of oleomargarine for butter; which was referred to the Committee on Agriculture.

He also presented a petition of citizens of Kane and other counties of Illinois, praying for the passage of such legislation as will pre-

vent the manufacture of oleomargarine; which was referred to the Committee on Agriculture.

He also presented a petition of citizens of Pella, Wise County, Texas, a petition of citizens of New York, a petition of citizens of Illinois, and a petition of citizens of Missouri, all of whom were soldiers in the late war, praying for the passage of what is known as the equalization bounty bill; which were referred to the Committee on Military Affairs.

He also presented a petition of merchants, manufacturers, and consumers of chrome iron ore and bichromate of potash in the States of Massachusetts, Ohio, Georgia, New Jersey, New York, Rhode Island, and New Hampshire, praying that the prohibitory duties now levied upon these articles may be removed therefrom; which was referred to the Committee on Finance.

He also presented the petition of Arthur Irving, an inmate of the National Home for Disabled Volunteer Soldiers, at Dayton, Ohio, late a bugler in Company C, One hundred and fourth Regiment of New York Volunteers, praying for a pension; which was referred to the Committee on Pensions.

He also presented a petition of boot and shoe dealers of Chicago, Illinois, praying for the passage of a national bankrupt law; which was referred to the Committee on the Judiciary.

He also presented the petition of James Fairman, of Chicago, Illinois, praying that honorably discharged soldiers be given a medal of silver valued at \$1 each; which was referred to the Committee on Military Affairs.

He also presented the petition of George C. Quick, of Centralia, Illinois, formerly of Captain C. Millis's Company of Mounted Rangers, in the Black Hawk War, praying for the passage of a special act of Congress granting him a pension; which was referred to the Committee on Pensions.

Mr. JONES, of Florida, presented the petition of C. A. Wilber and others, citizens of Alachua and Marion Counties, Florida, praying for an appropriation by Congress for the improvement of Cumberland Sound; which was referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin. I present a memorial of the Legislature of Wisconsin, relating to the improvement of the Mississippi River and its tributaries, and as the memorial refers to a matter which is exciting much interest in Minnesota and Wisconsin, and as the memorial is brief, I ask that it be read.

The VICE-PRESIDENT. The memorial will be reported at length. The memorial was read, and referred to the Committee on Commerce, as follows:

*To the honorable the Senate and House of Representatives
of the United States of America:*

The memorial of the Legislature of the State of Wisconsin respectfully represents:

Whereas the improvement of the Upper Mississippi River and its tributaries, by regulating the volume of water, and thereby improving the navigation of said river and tributaries in certain seasons of the year, is essential to the commercial interest of States bordering upon said river;

Whereas by the report of General H. G. Wright, Chief of Engineers, made to Hon. Alexander Ramsey, Secretary of War, dated February 6, 1880, such regulation of the volume of water can be accomplished by means of dams and reservoirs on the headwaters of said river and tributaries by the appropriation of a reasonable sum of money;

Your memorialist therefore respectfully asks that such sum of money be appropriated for that purpose as the Secretary of War may deem advisable to commence and carry on said improvements during the present year.

His excellency, the governor of Wisconsin, is hereby requested to transmit a duly authenticated copy of this memorial to each of the Senators and Representatives in Congress from this State.

ALEX. A. ARNOLD,
Speaker of the Assembly.
THOMAS B. SCOTT,
President pro tempore of the Senate.

STATE OF WISCONSIN,
State Department.

To all to whom these presents shall come:

I, Hans B. Warner, secretary of state of the State of Wisconsin, do hereby certify that the foregoing has been compared by me with the original in this office, and that the same is a true copy thereof, and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed my official seal, at the capital, in the city of Madison, this 22d day of March, in the year of our Lord 1880.

[SEAL.]

HANS B. WARNER,
Secretary of State.

Mr. McMILLAN presented additional evidence in regard to the claim of Nathan Myrick against the Sioux Indians for subsistence and clothing supplied them previous to the Indian outbreak and massacre in 1862; which was referred to the Committee on Claims.

Mr. ANTHONY presented the petition of the Fletcher Manufacturing Company, of Providence, Rhode Island, signed by William Ames, agent, and many others, merchants, manufacturers, and consumers interested in and using chrome iron ore and bichromate of potash, praying that the prohibitory duties now levied upon those articles may be removed therefrom; which was referred to the Committee on Finance.

Mr. WALLACE presented a petition of citizens of Corry and vicinity, Erie County, Pennsylvania, praying for such legislation as will prevent fluctuation in freights and unjust discrimination in transportation charges; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Erie County, Pennsylvania, praying for such an amendment of the patent laws as will

protect innocent users of patented articles against prosecution as infringers; which was referred to the Committee on Patents.

Mr. COKE presented the petition of Solado Grange, No. 1, Texas, numbering 170, signed by A. J. Rose, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which was referred to the Committee on Commerce.

He also presented the petition of Solado Grange, No. 1, Bell County, Texas, numbering 170, signed by A. J. Rose, and a petition of citizens of Burnet County, Texas, praying for such an amendment of the patent laws as will protect innocent users of patented articles against prosecution as infringers; which were referred to the Committee on Patents.

Mr. PADDOCK presented a memorial of citizens of Nebraska who were soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Belvidere, Nebraska, who were soldiers in the late war, praying to be paid the difference between the value of gold and greenbacks at the time they were paid for their services as soldiers; which was referred to the Committee on Finance.

Mr. ALLISON presented a joint resolution of the Legislature of Iowa, requesting the members of the House of Representatives and Senators from Iowa in Congress to endeavor to procure such a modification of the patent laws as will relieve innocent parties from prosecution for using patented devices; which was referred to the Committee on Patents.

Mr. BUTLER presented the petition of James A. Clark, A. S. Worley and 36 other citizens residing in the valley of the Savannah River, praying Congress for an appropriation to improve the navigation of that river; which was referred to the Committee on Commerce.

He also presented the petition of J. H. Carter, of Edgefield, South Carolina, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. EATON presented the petition of the American Chamber of Commerce, praying the passage of a bill for the appointment of a commission to inquire into and report upon the present tariff laws; which was referred to the Committee on Finance.

Mr. SLATER presented the petition of F. M. Ish, E. S. McComas, and 27 others, citizens of Union County, Oregon; the petition of T. M. Draper and 17 others, citizens of Clackamas County, Oregon, and the petition of W. S. Linville and 46 others, citizens of Polk County, Oregon, praying for an appropriation of \$240,000 for the improvement of the entrance to Yaquina Bay, in that State; which were referred to the Committee on Commerce.

Mr. CONKLING presented a resolution adopted by the Board of Trade of Buffalo, New York, praying for an appropriation by Congress of \$30,000, or such sum as will be sufficient toward paying for an immediate examination and preliminary survey of a line of slack-water navigation connecting Lake Superior with the Mississippi and Red Rivers by the route indicated in an accompanying report; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 4429) to amend an act entitled "An act to incorporate the National Fair Grounds Association," reported it with an amendment.

Mr. PRYOR, from the Committee on Claims, to whom was referred the bill (S. No. 1340) for the relief of Charles E. Gunn, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the petition of the Brotherhood of Labor, of Washington, District of Columbia, praying for an act of incorporation, have instructed me to report it back adversely, there being a general law under which the parties can be incorporated if they desire to be incorporated.

The VICE-PRESIDENT. The committee will be discharged from the further consideration of the petition.

Mr. WHYTE. I am instructed by the Committee on Printing, to whom were referred certain resolutions of the Chamber of Commerce of the State of New York suggesting the propriety of monthly publications of reports of consuls representing the United States in various countries, to report them back and ask that the committee be discharged from the further consideration of the subject, because of the fact that it would require the re-establishment of the Bureau of Statistics in the State Department to carry out the requests of the memorialists, and therefore this committee think it properly belongs to the Committee on Foreign Relations to make the inquiry and recommend any legislation that may be necessary.

The VICE-PRESIDENT. The Committee on Printing will be discharged from the further consideration of the resolutions, and they will be referred to the Committee on Foreign Relations.

Mr. FARLEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 1419) authorizing the Postmaster-General to adopt a uniform canceling-ink and stamping-pad, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. EATON, from the Committee on Appropriations, to whom was

referred the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, reported it with amendments.

COMPLETION OF WASHINGTON MONUMENT.

Mr. JONES, of Florida. I am directed by the Committees on Public Buildings and Grounds of the Senate and House of Representatives, acting jointly, to report a concurrent resolution relating to the completion of the Washington Monument, and I ask that it be placed on the Calendar.

The concurrent resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring.) That the Committees on Public Buildings and Grounds of the Senate and of the House of Representatives, acting jointly, be instructed to examine whether or not further legislation is required, and what additional appropriations will be necessary, in relation to the foundation and completion of the Washington Monument; what time it will take to finish the same; whether or not any contracts have been made for materials or otherwise, and, if any have been made, their character and amount; whether any changes of the original plan or design have been authorized, adopted, or are desirable, and to what extent; together with an estimate of the ultimate cost of the completed structure, and report thereon, by bill or otherwise, to the Senate and the House of Representatives, on the second Monday of December next.

BILLS INTRODUCED.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1540) for the relief of Thomas Snell; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1541) for the relief of Stephen Powers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1542) for the relief of Roswell F. Cook; which was read twice by its title, and referred to the Committee on Patents.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1543) to aid the Mississippi Valley and Ship Island Railroad Company to construct a line of railroad in the State of Mississippi; which was read twice by its title, and referred to the Committee on Railroads.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1544) to authorize the commissioners of the District of Columbia to sell certain real estate, and for other purposes; which was read twice by its title, and, with the accompanying letter of the District commissioners, referred to the Committee on the District of Columbia.

Mr. JONAS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1545) for the relief of J. W. Burbridge & Co. and Robert H. Montgomery; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1546) granting a pension to P. B. Perry, sr.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1547) to provide for the opening of direct trade between the States of the Mississippi Valley and Brazil, via the West Indies, and to authorize and establish a steamship mail service and express thereto; which was read twice by its title.

Mr. COCKRELL. I have been requested by one of my constituents, an able lawyer, Colonel Samuel C. Reid, to introduce this bill. I do so without ever having read it, and without being committed for or against any of its provisions. I move the reference of the bill to the Committee on Commerce.

The motion was agreed to.

Mr. FARLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1548) to reimburse the city and county of San Francisco for street improvements in front of property of the United States in said city; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1549) to authorize the Willow Springs Distillery Company to use a certain building in the city of Omaha, Nebraska, for the rectification of distilled spirits; which was read twice by its title, and referred to the Committee on Finance.

Mr. WILLIAMS asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 98) construing the act of Congress granting pensions to soldiers and seamen of the war of 1812; which was read twice by its title, and referred to the Committee on Pensions.

REPORT ON ZOOLOGY.

Mr. LOGAN submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed at the Government Printing Office, with the necessary illustrations, 5,000 copies of the Report on Zoology, volume 14, of the final reports of the United States Geological Survey of the Territories by F. V. Hayden; 3,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,000 for the Department of the Interior.

SPANISH-AMERICAN CLAIMS COMMISSION.

Mr. WALLACE. Some weeks ago I introduced a resolution asking for information in regard to certain claims before the American and

Spanish commission. That information has been furnished and is found in Executive Document No. 86. I move the reference of that document to the Committee on Foreign Relations with instructions to make such recommendations to the Senate as they may deem proper under the circumstances.

The motion was agreed to.

UTE INDIANS IN COLORADO.

Mr. ALLISON and Mr. TELLER submitted amendments intended to be proposed by them respectively to the bill (S. No. 1509) to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same; which were ordered to be printed.

Mr. COKE. I gave notice at the last meeting of the Senate that I should call up this morning Senate bill No. 1509 and ask for action upon it. The honorable Senator from Iowa has proposed amendments to that bill which were shown to me this morning. They are of great importance, and I think there should be some little time to consider them before they are acted upon. I therefore shall not ask that the bill be taken up for action this morning, but give notice that on Wednesday, after the morning hour, I shall ask the Senate to lay aside all pending orders and take up the bill for action. The honorable Senator from Colorado [Mr. TELLER] desires to be heard upon this bill, and if it will suit him as well to make his speech this morning I shall be glad to have the bill taken up this morning for that purpose.

Mr. TELLER. I think the bill ought to be taken up as soon as possible, because if this matter is to be settled by the passage of the bill it ought to be done at once, and if it is not, it ought to be known at once. I desire to submit my views upon the bill, and some features connected with Indian affairs. I am prepared to do so at any time, I do not care whether it is this morning or at any other time. Whenever the Senate is prepared to allow me to proceed, I am ready to submit my views upon the questions involved.

Mr. COKE. It would be satisfactory to the Committee on Indian Affairs if the Senator from Colorado should be allowed to proceed this morning. The committee would be glad to hear his views before there is another meeting, and before the amendments proposed by the Senator from Iowa are considered.

The VICE-PRESIDENT. The Chair hears no formal motion in regard to the matter.

Mr. COCKRELL. I call for the regular order. I hope we shall proceed with the Calendar.

The VICE-PRESIDENT. The regular order is the Calendar of General Orders.

Mr. COKE. Then I make the request that the bill be taken up for the purpose of hearing the Senator from Colorado after the morning hour.

Mr. THURMAN. I have no objection whatever to hearing the Senator from Colorado this morning provided his remarks will not extend much beyond half past one.

Mr. TELLER. I am not willing to commence a discussion of the bill and be limited. I have not detained the Senate very much usually. This is a matter of a good deal of importance to the people of the country and of especial importance to the people of Colorado; and I should not be willing to say I would conclude my remarks in an hour. I might and I might not.

Mr. THURMAN. I have only one word to say. The Senate must have observed that at least once or twice a week some Senator feels moved by the spirit to get up and complain of the Judiciary Committee or its chairman for not pressing the Geneva award bill. I have got tired of that myself, and therefore I do not feel quite at liberty to lay that bill aside unless there is some very extraordinary reason for doing so.

Mr. COKE. The Senator will allow me to say that there is a very extraordinary emergency requiring us to take action on this bill. It is urged by the Secretary of the Interior, and is absolutely necessary in order to prevent serious Indian complications. Early action is desired, and it is very important that early action should be had.

Mr. THURMAN. Then let the bill be taken up now, and let the Senator from Colorado proceed at this time. If it is of such importance it had just as well supersede the morning business as to supersede the regular order for the day.

Mr. TELLER. I should like to say that as far as I am concerned I will proceed when the bill comes up here at any time. I am not asking to have the bill taken up now or to be heard now. When the bill comes up I shall be ready to proceed with my remarks.

Mr. THURMAN. I understand that the Committee on Indian Affairs is very anxious to have the views of the Senator from Colorado now. I move to postpone all previous orders and take the bill up, so that the Senator from Colorado can go on with his remarks.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio.

Mr. COCKRELL. I desire to know whether that motion is properly in order under the rules, without unanimous consent.

The VICE-PRESIDENT. The Chair holds that it is a motion to postpone the pending order, and a majority can do that. Such has been the practice of the Senate.

Mr. COCKRELL. I have no disposition to antagonize either the

measure proposed by the Committee on Indian Affairs or the measure in charge of the Senator from Ohio, but I do think that we ought to have some time for the consideration of the large number of bills reported from our committees and placed upon the Calendar. We have selected about an hour each day for the consideration of those cases, that is, after the expiration of the morning business and prior to half after one o'clock. That is certainly a small time to give to so many cases. We can during the residue of the day dispose of the bill of the Senator from Ohio and the Ute Indian bill. I hope that the Senate will not set aside the Calendar of General Orders now to take up any other bill.

Mr. THURMAN. I withdraw my motion and will let the Senate vote whether they will take the bill up and lay the Geneva award bill aside or whether they will proceed with the Geneva award bill. I shall insist on proceeding with the Geneva award bill at the expiration of the time fixed for the consideration of the Calendar.

The VICE-PRESIDENT. The motion of the Senator from Ohio is withdrawn.

ORDER OF BUSINESS.

Mr. CONKLING. Will the Senator allow me to ask him a question?

Mr. THURMAN. Certainly.

Mr. CONKLING. There are several Senators I may state who mean to address the Senate upon the Geneva award bill. Does the Senator happen to know whether either of them is ready to proceed this morning?

Mr. THURMAN. I supposed from the way we have been pressed that everybody was ready to speak or vote or do anything else in regard to the Geneva award bill. I cannot imagine why there has been such a great pressure unless gentlemen are ready for everything.

Mr. CONKLING. For one I am ready to vote. Still I know there are several Senators who mean to address the Senate upon the Geneva award bill; two of them are present now; and I think it would inconvenience them to be driven to it to-day. I mention that to the Senator for whatever it may be worth in the arrangement to be made.

Mr. McPHERSON. If the Senator will yield to me a moment I will make a suggestion. There appears to be an indisposition to go on with the Ute Indian question this morning and I suggest that the Senate take up House joint resolution No. 237, which provides for a board of survey upon the iron-clad monitors that are now under construction by the Government. In this connection I should like to state that unless we act upon the joint resolution very quickly, we shall not have sufficient time to have the survey of those vessels made in time to make an appropriation at this session of Congress for their completion. It seems to me very important that we should dispose of that question, and I think we can dispose of it this morning before the expiration of the morning hour.

Mr. COCKRELL. The joint resolution is on the Calendar?

Mr. McPHERSON. It is on the Calendar.

Mr. KIRKWOOD. My recollection is that on Thursday of last week, before we adjourned, there were several matters upon the Calendar specially assigned for this morning. One or two of them I know are pension cases. They do not involve so much money as the Geneva award, nor are they perhaps as important to the public at large as the joint resolution alluded to by the Senator from New Jersey, but they are of great importance to the individuals.

Mr. McPHERSON. This is a matter of great public importance.

Mr. KIRKWOOD. Yet I think we cannot do anything that really is of more importance than to see to it that the men who suffered for us during the war and who are now suffering because they have not received their dues are cared for as well. One of these cases is from West Virginia, which I know was assigned specially for consideration this morning. I shall protest against anything taking precedence of it, and I would interpose any objection under the rules, if I knew what the rules were, to prevent anything from taking its place this morning.

Mr. McPHERSON. I hope that no matter of a personal kind, particularly pension cases that we can act upon at any time, will be allowed to intervene before the consideration of this important public measure.

Mr. KIRKWOOD. We can act upon them any time if other things do not take their place; but these cases have been specially assigned for this morning, and why should they now be displaced?

Mr. BAYARD. I would say that I really believe the joint resolution which the Senator from New Jersey proposes to take up will not occupy fifteen minutes of the time of the Senate. It simply provides for a board of survey to ascertain whether certain iron-clad vessels should be completed or not. It is not a question of the expenditure of a dollar; it is simply a preliminary survey to obtain information whether an expenditure would be warranted. It is therefore a matter that I am sure the Senate would accept from the hands of the committee under the recommendation of the Navy Department. It is purely a question of raising a board of survey to give us the basis for a proper appropriation to complete or to sell and get rid of these iron boats now resting in the yards unfinished. It will not require fifteen minutes I think after the joint resolution is taken up.

Mr. McPHERSON. I will say to the honorable Senator from Delaware that I wish to submit some remarks on the question, which will probably consume half an hour; but I hope to have the question disposed of before the expiration of the morning hour. I move to proceed to the consideration of the joint resolution.

Mr. KIRKWOOD. Is that motion in order under the action taken on Thursday?

Mr. INGALLS. By special agreement, made at the suggestion of the Senator from Vermont, [Mr. MORRILL,] the bill (S. No. 152) for the relief of Thomas Lucas was placed at the head of the Calendar for action this morning. I ask that that bill be now taken up for consideration.

Mr. KERNAN. The Senator from Kansas will remember that after that was done, and during the morning hour when Senate bill No. 1160 was reached, I asked that it should stand at the head of the Calendar in place of the other bills which were to come up. The bill of which I speak was reached during the morning hour just as it was about expiring. I understood that my proposition was assented to, and that bill hence does stand now at the head of the Calendar, the other two being next to it. I did not object to the other two bills being placed at the head of the Calendar, although I saw it might drive Senate bill No. 1160 over the morning hour to-day. I hope that this bill which stands at the head of the Calendar in reference to the centennial celebration of 1883 may keep its place. I think, if my friend from New Jersey will allow us to occupy the morning hour with the Calendar, that very likely there will be time after the morning hour to get the joint resolution he moves taken up, and we shall make more progress and proceed more satisfactorily than to spend so much time each morning trying to get bills taken up in the morning hour which are not reached on the Calendar. I hope therefore this bill will keep its place on the Calendar. I appealed to the gentlemen interested in the other two bills, and this was taken up, its title read, and it was understood, as the Chair answered when my colleague inquired, that it would stand first on the Calendar; and it was so understood by us all.

Mr. INGALLS. The question is whether the first or the last agreement of the Senate shall stand. If the Chair will refer to page 49 of Friday's RECORD containing the proceedings of Thursday last, he will find that I requested that the bill for the relief of Thomas Lucas might go on the Calendar as the first bill for Monday morning, at the suggestion of the Senator from Vermont, [Mr. MORRILL,] The Senator from Missouri [Mr. COCKRELL] objected, but subsequently withdrew his objection. The Vice-President then said:

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. COCKRELL. I do not object to it.

The VICE-PRESIDENT. The request is granted.

The agreement to which the Senator from New York [Mr. KERNAN] refers was made subsequently to this. Whether it would displace it or not is a question I suppose of legal interpretation, something like the interpretation of a will, whether the first or the last declaration of the testator should stand.

Mr. KERNAN. It will be found on page 53 of the same RECORD that this occurred:

Mr. EATON. I renew my motion that the Senate proceed to the consideration of executive business.

That was just after the report made by the Senator from South Carolina [Mr. HAMPTON] on the soldiers' reunion in Nebraska, and at the close of the legislative business for the day.

Mr. KERNAN. I wish to ask the Chair a question. Is there any bill pending on the Calendar now before the Senate?

The VICE-PRESIDENT. The unfinished business is the consideration of the Geneva award bill.

Mr. KERNAN. But I wish the Senate to notice that the bill next in the regular call of the Calendar is Senate bill No. 1160. I ask that it be taken up and its title read so that it may be the Calendar bill for Monday.

I supposed that by the reading of the title then it would stand first, its consideration having been commenced.

Two bills that have been passed over have been ordered ahead of this for Monday. I think this bill ought to take its proper place.

Then the Chair ordered it ahead of those bills unless we could get it up on Thursday:

The VICE-PRESIDENT. The first bill on the Calendar on the next call is the bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883.

Mr. KERNAN. That will stand at the head of the Calendar on Monday?

The VICE-PRESIDENT. It would, except for the two bills that were preferred this morning.

Mr. KERNAN. I think the gentlemen in charge of those bills will not object to my request, as I did not object to theirs. As this bill is now next in order and has been pending a good while, I hope they will allow it to be taken up to-day so that it may stand before those two. I hope the Senators will yield to that. The gentlemen say they have no objection to that.

One of the gentlemen was here and so answered. I do not know whether the Senator from Kansas was in or not.

I ask that it be taken up now and read by its title, and then the Senator from Connecticut can make his motion.

The VICE-PRESIDENT. The title will be read.

The Chief Clerk read the title of Senate bill No. 1160.

I appealed to the gentlemen whose bills had lost their place on the Calendar, as I did not object to their bills coming back, that they allow the title of this bill to be read so that it should stand first for to-day; and it was done. That is all I wish to say about it.

The VICE-PRESIDENT. The Calendar as arranged is in accordance with the understanding of the Chair and the Secretary.

Mr. McPHERSON. In order that we may proceed with the con-

sideration of something, and not waste all of the morning hour in idle discussion, I withdraw my motion to consider House joint resolution No. 237, with the notice that I shall renew the motion immediately after the morning hour.

INTERNATIONAL EXHIBITION OF 1883.

The bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883, was announced to be first on the Calendar.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

Mr. KERNAN. I ask that as the amendments are reached in the reading of the bill they be acted upon.

The VICE-PRESIDENT. The Chair hears no objection to that order.

The first amendment reported by the Committee on Finance was, in section 6, line 1, after the word "shall," to strike out "report" and insert "submit," and in line 2, after the word "Congress," to insert "for their consideration;" so as to read:

SEC. 6. That the said commission shall submit to Congress for their consideration at the first session after the appointment of commissioners, as herein provided, a suitable date for opening and closing the exhibition; a schedule of appropriate ceremonies for opening and dedicating the same; the requisite custom-house regulations for the introduction into this country of any articles from foreign countries intended for exhibition, and such other matters as in their judgment may be important.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment was, in section 8, line 6, after the word "President," to insert "if after due examination he shall deem the preparations adequate," and after the word "shall," in line 13, to strike out "invite all foreign nations to take part in the said exhibition, and appoint representatives to" and insert "in behalf of the Government and people commend the exhibition to all foreign nations who may be pleased to take part therein;" so as to make the section read:

SEC. 8. That whenever the President of the United States shall be informed by the governor of the State of New York that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control of the grounds and buildings by the corporation herein provided for, the President, if after due examination he shall deem the preparations adequate, shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and close, and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commission, for publication in their respective countries, and shall in behalf of the Government and people commend the exhibition to all foreign nations who may be pleased to take part therein.

The amendment was agreed to.

The next amendment was, in section 9, after the word "purpose," in line 9, to strike out the residue of the section in the following words:

And it shall be lawful for any municipal or other corporate body, existing by or under the laws of the United States or of any State, to subscribe and pay for shares of said capital stock, and.

The amendment was agreed to.

The next amendment was, in section 11, line 1, after the word "the," to insert "first meeting of the," and in line 2, after the word "called," to strike out "together;" so as to read:

SEC. 11. The first meeting of the shareholders shall be called at the same time and in the same manner as provided for in the last section, and shall proceed to the election of twenty-five from their number, or from the members of the commission, who, when elected, shall, if not already so appointed, be *ex officio* members of said commission, and who, together with the executive officers of said commission, shall constitute a committee of finance.

The amendment was agreed to.

The next amendment was, in section 13, line 7, after the word "designate" to insert "by due public notice;" so as to read:

SEC. 13. That the officers of said commission and the members of said committee of finance shall hold their respective positions for the term of one year from the day of their election, before the expiration of which time and for each year during which the commission shall exist a new election shall be held at such time and place as said commission shall designate by due public notice, and in the mode following, to wit: The members of the committee of finance shall first be elected by the shareholders, immediately after which the commission shall proceed to the election of its officers.

The amendment was agreed to.

The next amendment was, in section 14, line 9, before the word "meeting," to strike out "annual."

The amendment was agreed to.

The next amendment was, in section 15, line 2, after the word "of," to insert "the amount actually paid in upon;" so as to read:

SEC. 15. That the corporation hereby created shall have authority to issue bonds not in excess of the amount actually paid in upon its capital stock, and secure the payment of the same, principal and interest, by mortgage upon its property and income, present and prospective.

The amendment was agreed to.

The next amendment was, in section 16, after the word "prepared," in line 3, to insert "at the cost of said commission," and in line 12, after the words "United States," to strike out "currency" and insert "notes;" so as to read:

SEC. 16. That it shall be the duty of the Secretary of the Treasury of the United States, as soon as practicable after the passage of this act, to cause to be prepared,

at the cost of the said commission, in accordance with a design approved by the United States international commission and the Secretary of the Treasury, a sufficient number of certificates of stock to meet the requirements of this act; and any person found guilty of counterfeiting, or attempting to counterfeit, or knowingly circulating false certificates of stock herein authorized, shall be subject to the same pains and penalties as are or may be provided by law for counterfeiting United States notes.

The amendment was agreed to.

The next amendment was, in section 17, line 6, after the word "duty," to insert "then;" so as to read:

SEC. 17. That as soon as practicable after the said exhibition shall have been closed, it shall be the duty of said corporation to convert its property into cash, and, after the payment of all its liabilities, to divide its remaining assets among its stockholders, *pro rata*, in full satisfaction and discharge of its capital stock. And it shall be the duty then of the United States international commission to submit, in a report to the President of the United States, the financial results of the international exhibition.

The amendment was agreed to.

Mr. KERNAN. At the request of some of the promoters of this matter, I offer the following amendment, to come in the second section at line 25, after the word "O'Donohue:"

Charles Place, John A. Hardenbergh, Douglass Taylor, Peter Bowe, Stephen Hoe, Edward Cooper, Oswald Ottendorfer, Edward L. Carey, John Bigelow, Patrick O'Reilly, Calvert Vaux, Gustave H. Schwab, John Riley, Thomas J. Carleton, Frederick W. Whittemore.

Mr. THURMAN. This bill proposes two commissioners from each State and each of the Territories and from the District of Columbia.

Mr. EDMUNDS. If the Senator from Ohio will allow the names of corporators to be settled as the Senator from New York proposes, then his question will come up.

Mr. THURMAN. It is on the amendment that I want to speak.

Mr. EDMUNDS. I thought it was on another point.

Mr. THURMAN. I want to show that there are quite enough names in this bill. There are thirty-eight States, nine Territories, and the District of Columbia, making forty-eight in all. Twice forty-eight would be ninety-six commissioners. Then there is a provision for alternates for them. Letting the alternates alone there are ninety-six commissioners. Then there are already in the bill, as near as I can tell by running over it hastily, about one hundred and twenty more names. That makes over two hundred names; and now it is proposed to add, I do not know how many more.

Mr. KERNAN. I will count them.

Mr. THURMAN. Mr. President, I do not pretend to be wise in the creation of such a scheme as this; but it strikes me, and I say it with great deference to those who have studied it, and those who know much more about it than I do, that this thing is already so cumbersome that it never can succeed as it ought to do if the bill be adopted in this way. Here is not only provision for two hundred and odd commissioners, to say nothing of the alternates, but then come the stockholders, who are expected to subscribe to the amount of \$12,000,000 in shares of \$10 each, and they are to elect a finance committee, and so you are to have, first, this body of commissioners; second, a finance committee; third, an executive committee; and fourth, the great body of stockholders who seem to have no function at all except to pay their money and vote for members of the finance committee. That seems to be all they have to do. It does seem to me, Mr. President, though it may be owing to my ignorance, that this is not a wise thing to do.

I wish to say now, once for all, that in my judgment the only way to make such a thing a perfect success is to appoint a very few men, the best men you can get for this purpose, and pay them a good and sufficient salary to enable them to devote their whole time to it. Then you may have some hope of success. But with all this ornamentation and paraphernalia of two commissioners from each State and two from each Territory and two from the District of Columbia, and then a set of honorary gentlemen who are already named here, it does seem to me that it is more likely to break down of its own weight than to be a success.

While I am up, for I do not propose to say a word more about this bill, I desire to say that I shall want my friend from New York, before he requires us to vote on this bill, to tell me where he gets the power of Congress to create this corporation.

Mr. KERNAN. Mr. President, I do not intend to consume time on this bill. I was not a member of this body when the bill was passed providing for a centennial celebration and exhibition at Philadelphia—

Mr. THURMAN. Will the Senator pardon me now? I do not wish to be understood as opposing the celebration in New York. I should be really glad to see it take place and to see it a magnificent success.

Mr. KERNAN. Gentlemen from the city of New York who take an interest in this matter brought me this bill prepared. They are anxious to have a creditable celebration and international exhibition of arts and manufactures on behalf of the people of the United States. They realize what I am certain of, that it must be done without calling upon the public Treasury, and the bill is framed carefully so that the expense shall be borne by those who do take an interest, who have consented, as I am told, to have their names put in the bill. The commissioners from other States are not expected probably to take much part or spend much time in raising money. These gentlemen named in the bill expect to be able to raise through their influence and weight of character money enough from stockholders to provide for a creditable celebration and exhibition. They do not expect to have a small body of men paid salaries to do it. As I understand, they expect, with the exception of some clerk hire, and so forth, that the labor shall be done gratuitously; at any rate, the stockholders will control that matter.

I was informed—others may know better—that experienced gentlemen from other States who had acted in the celebration and exhibition at Philadelphia advised as to this bill, and they thought that they had provided by this bill a much better bill than the law under which the Philadelphia international exhibition was held, and under which if it becomes a law there will be less conflict than arose under that law—in this bill commissioners and a finance committee elected by the stockholders controlling the action of the commission and acting in harmony.

This bill was referred to a sub-committee of the Committee on Finance. One of the gentlemen on it was the Senator from Pennsylvania, [Mr. WALLACE,] who has had considerable information and experience in reference to the exhibition held, under a former law enacted by Congress, at Philadelphia a few years ago, and he reported this to the committee with certain amendments, and the committee were of opinion that the bill before the Senate should be passed. Intelligent parties ask for its passage. If the exhibition is a failure it will be their failure, and I think they, from their character and intelligence and the influence they have with men of means, will make the exhibition proposed a success.

As to the power, I have seen bills creating corporations passed here, and some passed before I came here, which required a much more questionable exercise of power than this. This is for a purely national purpose. It is to be done at the expense of those who promote it. It simply gives them a corporate existence for a purpose, and only while that purpose is being carried out, which no State can well accomplish. This bill gives to the exhibition a national character, which it ought to have. I think the power results from various provisions of the Constitution—the commercial clause, the authority to promote the general welfare. I do not think there is any serious trouble on the question of the power of Congress to create a corporation like this for a national purpose, for a purpose that can not be accomplished by a State corporation.

I have favored this bill on the advice of gentlemen in whom I have confidence. They prepared the bill and the committee have amended it in some particulars. The Government is not to furnish any money. I trust, therefore, that these parties will have the opportunity of trying to do what they say and I believe they can do under this bill for a purpose that the American people will certainly sympathize with and will be glad to have succeed.

We have stricken out everything which implies any pecuniary liability on the part of the Government. These gentlemen wish to proceed, and the fact that they are numerous is an indication that they want to get a large body of men of means from the various business houses and firms in New York as commissioners, they consenting, that they may have their influence to raise the money and make this a success. They want the commissioners of other States, that they may have representatives from those States. I think in every such matter you must have a large number, and they are all controlled in the expenditure of money by the votes of the men who subscribe it and pay it.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from New York.

Mr. THURMAN. I am not going to make a speech; I only want to say to my friend that I hope he will stand by the old interpretation of the fathers upon the words "to provide for the common defense and promote the general welfare" of the United States, and hold, as they did, that they did not create a substantive power at all. It is not a substantive, independent power conferred upon Congress; but Congress has only the power to provide for the common defense and general welfare of the United States in the mode that is provided; that is, according to the other powers that are conferred upon Congress by the Constitution.

It is one of the most fatal doctrines that ever crept into the interpretation of the Constitution, and tends more to centralization than anything else, to say that Congress has a general substantive power to provide for the general welfare, for that would be a power wholly without limitation.

Mr. KERNAN. I follow my friend, in whom I have so much confidence, in strict notions about the powers of the Government; but I am not afraid to vote for this bill. We have power to let our people celebrate a great event for the whole country by giving them permission to do it for a couple of years.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from New York.

The amendment was agreed to.

Mr. COCKRELL. I do not think that section 7 is quite well enough guarded. I should like to have it distinctly understood that there is no obligation on the part of the United States for anything connected with this commission or celebration.

Section 7 now reads:

SEC. 7. That no compensation for services shall be paid to said commission, its officers or agents, from the Treasury of the United States, and the United States shall not be liable for any expenses attending such exhibition, or accruing by reason of the same.

I hope the Senator from New York will accept a substitute which I offer for that section.

Mr. KERNAN. Allow me a moment before that is read, to ask the Senator to read what is on the top of page 11 of the bill.

Mr. COCKRELL. I saw that; I have read the whole bill. I move as a substitute for section 7 the following:

That the United States shall not in any manner or under any circumstances be liable for any of the acts, doings, proceedings, or representations of the said commission, its officers, agents, servants, or employees, or any of them, or for the services, salaries, labors, or wages of said officers, agents, servants, or employees, or any of them, or any subscription to the capital stock, or for any certificates of stock, bonds, mortgages, or obligations of any kind issued to aid the commission, or for any debts, liabilities, or expenses of any kind whatever attending such commission or exhibition, or accruing by reason of the same.

Mr. KERNAN. I supposed this language in section 16, at the top of page 11, would be sufficient:

But nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim by the United States international commission for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said commission.

If that is not sufficiently guarded, I do not know what could be.

Mr. EDMUNDS. I think the amendment of the Senator from Missouri is a great improvement upon the provision of the section he refers to, but I think it would be better to have that amendment come in at the end of the bill, striking out the provision that is in the middle of it.

Mr. COCKRELL. I have no objection to striking out section 7 and inserting my amendment at the end of the bill as a section to be correctly numbered.

Mr. KERNAN. I make no objection.

Mr. EDMUNDS. Let it come last, so that like the codicil of a will it will be the very last and most important.

There are so many questions about this bill, Mr. President, in respect of power and adjustment, &c., that I do not think it is one of the bills which we can properly consider under the five-minute rule that we are proceeding under about short bills. While I entirely agree with what the Senator from Ohio has said with respect to the desirability of having an exposition of this kind, not only as a great celebration as the Senator from New York very properly calls it, but as a means of communicating to people of other nations information of the resources, the manufactures, and the mineral products of the people of the United States and of promoting international harmony and international communication and a knowledge on the part of our people of what other nations are doing in industrial arts, and while therefore I am heartily in favor, as far as I can constitutionally be, of this scheme, yet it is desirable for the good of everybody that it shall be most carefully scrutinized so that every person may understand it alike and know exactly what it means. There are a great many things that raise questions of doubt, not only in my mind but in that of sundry Senators about me, and therefore I suggest that the bill go over with the expectation, which I should cheerfully aid in, of having it taken up in regular course at the earliest opportunity now that attention is drawn to it, for consideration.

Mr. THURMAN. At half past one the Geneva award bill comes up. If we are still on the Centennial bill, it will be the unfinished business for to-morrow in the morning hour, will it not?

The VICE-PRESIDENT. It will be called first in order on taking up the Calendar.

Mr. KERNAN. I ask Senators to look at it, for I want it perfected, and I want it acted on as soon as I can.

Mr. EDMUNDS. Very well.

The VICE-PRESIDENT. The Senate proceeds to the consideration of its unfinished business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 2518) for the relief of Nelson Lyon and Jeremiah S. James.

The message also announced that the House had passed a joint resolution (H. R. No. 255) for the relief of Robert L. Martin; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 1153) to restore to the public domain the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes;

A bill (S. No. 1229) to authorize and direct the Commissioner of Agriculture to attend, in person or by deputy, the international sheep and wool show, to be held in the Centennial buildings, Fairmount Park, Philadelphia, in September, A. D. 1890, and to make a full and complete report of the same, and for other purposes;

A bill (H. R. No. 5258) appropriating money to provide for the public printing;

A bill (H. R. No. 3559) for the relief of L. H. Hershfield & Brother; and

A joint resolution (H. R. No. 68) to authorize the printing of 13,000 copies of the Report on Sheep Husbandry.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 255) for the relief of Robert L. Martin was read twice by its title, and referred to the Committee on Claims.

VENEZUELAN COMMISSION.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States, communicating, in compliance with a resolution of the Senate of January 29, 1880, information in relation to the awards of the mixed commission organized under the treaty of April 25, 1866, between the United States and Venezuela; which was ordered to lie on the table, and be printed.

AGREEMENT WITH UTE INDIANS.

Mr. HILL, of Colorado, submitted an amendment intended to be proposed by him to the bill (S. No. 1509) to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same; which was ordered to lie on the table, and be printed.

GENEVA AWARD FUND.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award, the pending question being on the amendment submitted by Mr. HOAR on the 17th instant.

Mr. MCPHERSON. I move that the unfinished business and all prior orders be laid aside for the purpose of considering at this time the joint resolution (H. R. No. 237) directing the Secretary of the Navy to organize a board to inquire into the present condition of the double-turreted monitors and the propriety and cost of completing said vessels.

Mr. THURMAN. I hope that will not be done. That will displace the Geneva award bill, and I do not know when I shall be able to get it up again. If there is any Senator now ready to speak on the Geneva award bill, let him speak; I shall be very glad to hear him. If there is not, then the bill can by unanimous consent be laid aside informally, and then the Senator from New Jersey can get up his matter.

Mr. MCPHERSON. Then I ask that the Geneva award bill be laid aside informally.

Mr. THURMAN. But before that is done I have a motion to make in respect to the bill, and then I wish to inquire whether there is any one prepared to take the floor. As I understand, the pending question is on the amendment offered by the Senator from Massachusetts, [Mr. HOAR.]

The VICE-PRESIDENT. The Chair so remembers.

Mr. THURMAN. I move to strike out of that amendment the words beginning with the word "and," in line 8 of section 4, down to the end of that section, and I ask that the words be reported.

Mr. HAMLIN. I wish to make an inquiry here, for the purpose of ascertaining whether the motion which the Senator from Ohio proposes to submit will be in order.

Mr. THURMAN. Why is it not in order to move to amend an amendment?

Mr. HAMLIN. I think it is in the third degree.

Mr. THURMAN. How?

Mr. HAMLIN. The Senator from Ohio reports the bill, as I understand it; the Senator from Indiana [Mr. McDONALD] proposes an amendment—

Mr. THURMAN. He has never offered his.

Mr. HAMLIN. Ah!

Mr. THURMAN. The Senator from Indiana had an amendment, which was laid on the table and printed.

Mr. HAMLIN. Very well; then the Senator's motion is in order.

Mr. THURMAN. There is no doubt about that.

Mr. HAMLIN. I thought the amendment of the Senator from Massachusetts [Mr. HOAR] was an amendment to an amendment.

Mr. THURMAN. Not at all.

The VICE-PRESIDENT. Will the Senator from Ohio state the amendment again in order that the Secretary may get it correctly?

Mr. THURMAN. I move to strike out all after the semicolon in line 8 of section 4, to the end of that section.

The Chief Clerk read the matter proposed by Mr. THURMAN to be stricken out of Mr. HOAR's amendment, as follows:

And shall also consider and allow, as a second class, claims for the payment of premiums for war-risks, whether paid to corporations, agents, or individuals, after the sailing of any confederate cruiser; in determining which it shall be the duty of the court to deduct any sum in any way received by or paid to the claimant in diminution of the amount paid for any such premium, so that the actual loss only shall be allowed.

Mr. THURMAN. I wish to state in a word the object of this amendment that I offer, and not to argue it. I move to strike out these words from the amendment of the Senator from Massachusetts in order to present the distinct point, and to present it not in connection with anything else but the sole and distinct point whether a majority of the Senate is willing to provide for the payment of war premiums. War premiums were expressly excluded by the Geneva tribunal. They were not only excluded, but they were not insisted upon by our Government. Not one single dollar, not one penny was ever awarded to us in respect of enhanced insurance or war premi-

ums. Everything of that sort was expressly excluded; not excluded by implication but expressly excluded, so that for the enhanced rates of insurance, or war premiums as they are called, this Government has never received one penny, and I want the Senate to vote, if I can get them to do it, upon that single distinct proposition. Let us go on step by step and find out for what we will provide, and if we can by elimination get at what we are willing ultimately to provide for, perhaps that mode of procedure to arrive at a decision is the best mode we can adopt.

I make these remarks now so that the gentlemen who are in favor of allowing war premiums, what are called the war-premium men, may have full notice of the effect of the motion which I have made to amend the amendment of the Senator from Massachusetts and let them address themselves to that subject when they see fit to address the Senate.

Mr. HAMLIN. Before the Senator takes his seat I wish to understand clearly his proposition. I understand the argument of the Senator distinctly; but I wish to inquire of him if what were known as the vessels destroyed by the exculpated cruisers, and provision for which as I understand is contained in the bill reported by the committee after certain others are taken care of, were not equally excluded by the tribunal at Geneva?

Mr. THURMAN. Certainly they were.

Mr. HAMLIN. That is all.

Mr. THURMAN. Undoubtedly they were; and if there were no more money in the Treasury of the United States than would pay those whose losses were provided for by the Geneva tribunal, I for one, would say, when you have paid them, there stop. But there are likely to be several millions more than is necessary to pay those whose losses were made the foundation of the adjudication at Geneva. Then the question is, what shall Congress do with that money? Shall it return it to Great Britain, or shall it dispose of it? I have reasons, which when I come to speak on this subject I may take the trouble to state, why I do not believe we are under any moral obligations to return a dollar of the award to Great Britain. What, then, are we to do with it? Are we to keep it in the Treasury to use it as part of the general resources of the Treasury in defraying the expenses of Government, or are we to make some disposition of it which shall help to alleviate the losses of the men who suffered in the war? I think we ought to do the latter.

And then comes a question between two classes, between the war-premium men and the men who lost their property by what are called the exculpated cruisers. Has either one of them priority over the other? In my judgment they are both subordinate to the first class provided for in the bill reported by the Judiciary Committee, that class upon whose losses, and upon whose losses alone, the award was made. But there is a surplus after all are paid whose claims procured the money for us. Then is there any priority, or ought there to be, between the war-premium men and the men whose property was destroyed by the exculpated cruisers? I think there ought to be. I think one class has precedence over the other in the strength of its claim upon the generosity of the Government. I think that those whose property was destroyed by the exculpated cruisers stand in a better light, not demanding, but asking of the Government to alleviate their losses, than do the men who simply paid enhanced rates of insurance.

Mr. CONKLING. Will the Senator allow me to interrupt him a moment?

Mr. THURMAN. With great pleasure.

Mr. CONKLING. If I am right in my understanding of a fact, touching which the Senator answers the Senator from Maine, [Mr. HAMLIN,] his answer concedes too much, I suggest to him, and is calculated to mislead those who listen for information. The Senator from Maine asked the Senator from Ohio whether those who suffered from the exculpated cruisers were not equally excluded by the Geneva tribunal, and the Senator from Ohio answered in the affirmative. I do not so understand it, and I will state, if I may be allowed, my understanding for his correction.

War premiums, enhanced rates of insurance, were denominated "consequential damages," and they so figured in the American case. What did the tribunal decide? That it had no jurisdiction whatever of such claims; in other words, that they were not embraced within the treaty. Am I not right? That no jurisdiction, no power whatever to deal with them was conferred by the treaty upon the tribunal. Coming now to the case of the exculpated cruisers, what did the tribunal decide? Not that they had no jurisdiction, not that the subject was foreign entirely to the tribunal; but they adjudged as matter of fact touching certain named cruisers that no recovery could be had in respect of them, but it was mere matter of fact. Varying the facts, varying the dates, the cruisers would not have been exculpated. In other words, it was part of the matter before the tribunal, and nothing stands in the way of these claimants, except a finding upon the question of fact, whereas in respect of the other claim, to wit, for enhanced insurance, they found that upon any conceivable state of facts it was not within the treaty.

I may not make clear to the Senate or to the Senator the distinction which arises in my mind; but it seems to me the Senator from Ohio could make it so clear as not to require him to admit that so far as the action of the tribunal is concerned, these two classes of claims stand upon a par. If they do, I have been perpetually misled.

Mr. THURMAN. Mr. President, I have not before me at this moment the proceedings of the Geneva tribunal. I am not absolutely certain, speaking from recollection alone, whether the war premiums were among the classes of claims that the Geneva tribunal decided that it had no jurisdiction to consider.

Mr. CONKLING. My recollection is distinct that they were.

Mr. THURMAN. That is my impression and I should have said unhesitatingly that they were if a Senator had not said a day or two ago in his speech that they were not, and that they were excluded afterward, not upon the ground of the want of jurisdiction but upon the ground that they did not come within any of the three rules or the principles of international law applicable. But there should be no trouble about that.

I have said that I think those who lost their property by the exculpated cruisers have a better claim upon the generosity of this Government or upon its moral sense than the war-premium men. Indeed I have never been able for one single moment to see how any man could stand better because he had insured his property in an insurance company and there paid for the insurance an enhanced rate than does the man who was his own insurer, who did not insure at all, and therefore was his own insurer, as the American phrase is.

Mr. BLAINE. Where do these two claims come in conflict or comparison? Where does the honorable Senator from Ohio see any conflict between these two?

Mr. THURMAN. A most marked conflict in all the propositions proposed here by way of amendments to the Judiciary Committee bill. Every one of them provides for the payment of these war premiums as premiums paid to insurance companies.

Mr. BLAINE. But how does any advocate of paying the war premiums say or imply that that claim is better than somebody's claim who lost his ship?

Mr. THURMAN. When the vote comes the Senator will find men who will vote for the war premiums, and will not vote a dollar to pay for losses by the exculpated cruisers. If he does not know it now, he will find it out before he gets through. This is not the first time we have had this subject in the Senate, and I know very well that there are Senators who think that the war-premium men ought to be paid, and that those who suffered by the exculpated cruisers ought not to be paid at all, or else that they ought to come in in subordination as a third class after the war-premium men are paid. My argument is addressed to that. I say just exactly the reverse is the truth. Those who sustained losses by the exculpated cruisers have a better equity, a better claim on our generosity or our sense of justice, if you call it so, than those who paid war premiums. Besides that, what a field does this thing of paying war premiums open up? Why did these men pay war premiums? Would they have carried on their business if they could not pay the war premiums and make a profit? And if they charged war premiums on the cost of their goods and then made profit on them when they sold them to the people of the United States, it is the people of the United States that paid the war premiums and not the merchants. I should like some one to explain why that is not so.

Mr. BLAINE. Will the honorable Senator allow me to explain it to him now?

Mr. THURMAN. Any time. I should rather the Senator would take the floor and go on. I did not get up to make a speech.

Mr. BLAINE. I did not get up to make a speech, either; but as the Senator has put that question and asked an explanation, I should like to give it.

While the honorable Senator must be credited with a very extensive knowledge of law, I doubt whether he has as accurate a knowledge of, or practical experience in, navigation as some others. The honorable Senator says that all the men had to do who paid a war premium was to charge it in and it was finally paid by the consumer. Now, to show how utterly fallacious that statement is, let me give the actual facts.

Here are two ships side by side at Liverpool or any foreign port. One flies the British flag; one the American. They are competitors for trade to any port on the surface of the globe. When the American ship has to pay a large premium for insurance against war risk, does the honorable Senator, as a practical business man, say that the merchant who has freight to send will agree to pay that much more than the English ship is charging? And yet he tells us here that all the American owner had to do was to charge it in.

Mr. DAWES. And charge it in the same market.

Mr. BLAINE. Certainly. The American ship not only had to pay that and get no extra consideration therefor, but even after it paid the insurance it did not stand upon a par with the British ship. If the honorable Senator from Ohio were a merchant in Liverpool, instead of a Senator in America, and if he had a great freight to dispatch to a distant part of the globe, he would have argued in this way: "Even if I send it on this ship and insure my freight, I am liable to lose my property, because this ship may be taken by a confederate cruiser and never reach her port; but if I send it on an English ship, with the flag of England floating over her, no confederate will touch her, and therefore my freight will go straight through." And there stood the American owner, not doing as a great many other Americans did, (with whom I will find no fault,) not seeking a refuge under the British flag, as so many Americans did—these men of whom we speak now were the men who adhered to the flag, and who, if there be a sentiment of nationality or patriotism in standing out boldly and

risking everything, they themselves exhibited it. Why, they said: "We will go down and lose this ship and all we have got rather than sail under any other flag than the American flag, and we will pay these heavy risks, and we will keep this flag floating, and we will incur all the dangers; we will share and share alike in the perils of those that are on shore fighting for nationality and for victory;" and in that way the American ship-owner was bled to death. I have a letter from one who had a ship in the harbor of Buenos Ayres, and a cargo was to be dispatched to Portland, Maine, and its shipper said: "I cannot afford to send by you, even upon insurance, because the confederate cruisers are so thick that I am not sure you will reach there, and although you will insure my freight and give me better rates, yet I am compelled to send by the English vessel, because I know she will not be disturbed."

In the face of facts like these, everywhere patent and everywhere admitted, the honorable Senator from Ohio says that all the men who paid a war-risk had to do was to charge it into his freight, to charge it over to the consumer!

The honorable Senator from Ohio ought to know that not only in this case but in all cases the navigation interest is the one which receives no protection from the Government of the United States. The man who builds and sails a United States vessel in the foreign trade derives and receives no advantage whatever in any manner, in any direction, either in peace or in war; and in war he was literally trampled out because of his devotion to the flag and his determination to uphold it.

Now, as to the distinction between those who will vote for the war premiums and refuses to vote for those who lost at the hands of ex-culpated cruisers, I have not met such an one. The Senator says there are a great many on the floor. If there be, I do not know any of them. I thought I knew something of the *personnel* of the vote. I do not make any assertion about it; but I have never yet met one in conversation who was not willing to make a distribution to those who were actual losers.

And while I am on the floor, just for a few minutes, I wish to say another thing. We hear a great deal about the computation that was made and about what was taken into the account, and what were the items rendered in the Geneva award. I certainly should not wish to say a word against the very respectable gentlemen from the different nations who composed that tribunal; but we learn from Mr. Staempfli, I believe it was, the Swiss commissioner, that Great Britain had put in a little memorandum of account admitting about \$7,000,000 of liabilities, that we had put in a larger account, claiming some twenty-two or twenty-three millions liability. Mr. Staempfli went up into a high mountain in Switzerland for six or eight weeks, or less or more—I have forgotten what the period was—to make this calculation; and after he had taken all the elements that were before him into account, what result did he produce? He produced exactly the result that an Ohio or a Maine farmer would have produced in a dispute between neighbors. Chalking on the barn door he split the difference. Said he, "England has admitted about seven millions, and the United States have claimed between twenty-two or twenty-three millions; I think it is about fifteen or fifteen and a half millions," and he came in with that calculation, and in my judgment there never was anything in the whole process but an old-fashioned chalking on the barn door.

Mr. THURMAN. Mr. President, I do not know whether Mr. Staempfli was accustomed to keep a chalk-mark on a barn-door or a cellar-door; but it is very certain that we have nothing in the record of that proceeding which shows that any such homespun mode was adopted in getting at this award. As to that, however, I do not care one way or the other; but as to the claims in respect of which the award was made, it is simply impossible for anybody in this wide world to deny what is the truth. After the claims for consequential damages had been thrown out, after it had been decided that the tribunal would not even consider them, after our Government had expressly withdrawn them all or nearly all, after the tribunal had decided that in respect to certain vessels Great Britain was liable and in respect to the rest she was not liable, then the claims which remained and which were the subject of this ciphering on a barn-door, as the Senator supposes, were the only claims in respect to which an award was made. There is no getting around that. It is just as plain as that two and two make four, and no rhetoric, no eloquence, nothing can rub out that plain, naked fact.

Now, Mr. President, in respect to the war-premium men, I have heard the same argument which the Senator from Maine has so strongly presented to-day, again and again and again whenever this subject has been up in the Senate; but he does not answer my point, at least he certainly does not to my satisfaction, and I do not think that he will be found to have answered it to anybody's satisfaction who will think over this subject and who will ascertain the facts. He says that because British ships could carry goods, therefore the American ship-owners who paid war risks, enhanced premiums of insurance, were trampled out of existence. If they were trampled out of existence, how is it that they have their claims here? If they did not carry on the business, if the American flag did not float over the high seas, if there were no American ships which were insured and paid war risks and the cargoes of which paid war risks, how comes it that there is this mighty class of war-premium men, far outnumbering all the other classes put together? It is because they were not

driven off the sea; it is because their business was not struck down. Their profits may have been lessened, it is true, but if it had not paid profit they never would have carried on the business. Here is one of them, for instance, who paid war premiums on a vessel; she was lost or she was not lost. Suppose her to have been lost on her tenth trip, her nine trips have brought profit to the man quite sufficient to indemnify him for all the war premiums or enhanced rates of insurance he has paid. But the naked fact remains that they did carry on their business; and are the people of this country so stupid, are they so devoid of business tact, that year after year and year after year they carried on this business, paying these war risks and losing all the time? No, Mr. President, that cannot be.

But again, the Senator says that British ships brought the goods and no war risks were required to be paid on them, and hence the goods went all in British bottoms. Does he forget the coasting trade? Does he not know that from Nova Scotia all the way around to the most southern border of Texas no British ship could carry a pound of freight between American ports, and the same way on the Pacific coast? And were none of our coasting vessels lost? Were none of them taken by confederate cruisers? If the Senator will look over the list, he will find more than one. Here was protection to navigation; here is the greatest protection, considering the extent of this country, to navigation that ever was given by any country on the face of the earth except Great Britain with her colonies spread all over the earth. It will not do to say that there has been no protection given to American commerce or to American navigation.

Mr. MCPHERSON. Will the honorable Senator permit me to ask him a question?

Mr. THURMAN. Certainly.

Mr. MCPHERSON. How did it affect the coasting trade when all the southern ports were blockaded?

Mr. THURMAN. Why—

Mr. BLAINE. Does the honorable Senator from Ohio find many of these claims for losses in the coasting trade?

Mr. THURMAN. I think I can show a good many of them if the Senator will go over the list with me.

Mr. BLAINE. The amount is very small, I think.

Mr. THURMAN. It may not be very large. The answer to the question of my friend from New Jersey is that there was plenty of commerce, plenty of trading without the blockade. What was the blockade? There was a blockade of divers ports. There were many that were not blockaded that our coasting vessels could get into, but that the British could not get into.

Mr. BLAINE. The honorable Senator will teach me something that I should be glad to have him inform me on if he will tell me what those ports were that our ships were blockading and which American vessels in the coasting trade were in the habit of going into and coming out of?

Mr. THURMAN. I did not say that; the Senator entirely misunderstood me. I did not say American vessels could go into a port that was blockaded.

Mr. BLAINE. What port in the Confederate States, except where it was opened and had the Union flag flying in, did the coasting trade avail anything to the owners of American vessels?

Mr. THURMAN. That will do. The Senator has stated it well enough. We had the American flag flying a good deal. Did it not fly at Fortress Monroe? Did it not fly at Norfolk? Did it not fly at Wilmington after the fall of Fort Fisher? Did it not fly at Port Royal? Did it not fly at New Orleans? Did it not fly at Mobile?

Mr. BLAINE. Does the honorable Senator intend to say that at Cape Fear River and at Port Royal there was anything of trade going on except that which was connected with the military operations of the Government—any trading in the ordinary sense in which we speak of trade? Does the honorable Senator mean to say that?

Mr. THURMAN. I say that millions and millions of property went from New Orleans. Whether it all was got out honestly or not I do not pretend to say.

Mr. BLAINE. A great deal went from New Orleans honestly, and a great deal, I suppose, as the Senator intimates, may have gone out dishonestly; that I know nothing about. There was a great deal that went out honestly; and if the Senator will pardon my long interruption I will give him one instance that may convey to him a little of the hardship which he thinks was no hardship at all on American vessels. I knew a vessel built in the Kennebec Valley, where I reside, a large vessel, when cotton freights were beginning to go out a little from New Orleans, and when British ships could go in and out without fear of molestation, and it cost the owner of that vessel \$5,000 in gold coin for insurance to put his ship in New Orleans sailing in ballast. That is but a single instance. He had to pay \$5,000 in gold coin to these very insurance companies which the honorable Senator from Ohio thinks are so much in need of relief.

Now, I want to correct another remark of the honorable Senator. He says that the fact that vessels kept afloat is a proof that they were engaged in a profitable traffic. Does not the honorable Senator know enough about navigation to know that a ship-owner or ship-master will keep his ship afloat rather than he will let it rot in the harbor, if he does not make a dollar; that by so doing he is giving employment to sailors, he is in various ways conducing to the prosperity of the country, and is benefiting himself, rather than to allow his ship to rot at the wharf.

Mr. EATON. Even if he loses largely he will do it.

Mr. BLAINE. Certainly. That is true of many other branches of trade, as every gentleman knows, besides navigation. The honorable Senator from Ohio forgets also that from the time the danger set in of the confederate cruisers until it was gone by, nearly nine hundred thousand tons of American shipping, and the best of it too, large ships, took refuge under the British flag. They would not take the hazard, they would not pay the 25, 30, 35, and 40 per cent. insurance, and have their profit all knocked out, and they chose rather to haul down the flag of the United States and run up the flag of a foreign country; and they did it.

I say I am not here finding fault with them or criticising them. I am only pleading the cause of those men who, against all trial and all temptation and against all fear of loss, boldly and defiantly sailed their ships throughout the entire period of the war under the protection of the American flag, believing, as they did every day that they put by a receipt for insurance paid, that it was a claim against the government of Great Britain which the great Government which they were serving would in the end enforce. There was not a ship-master along the Atlantic coast that did not believe in his heart every time he paid a premium on a policy of insurance that that would be made good to him after the war was over; and the faithfulness with which all these receipts are now produced, the regularity with which they were filed, the very indorsements on their back, show that they put confidence in the Government of the United States.

And when the honorable Senator from Ohio says that those claims were withdrawn, and that that deprives them of all right to a share in this fund, I ask him who put forward those claims? It was the Government of the United States. It certainly does not then become the Government of the United States, represented in one of its great departments on this floor, to cast a doubt or throw suspicion or discredit on those claims. It stood before the world arguing their equity and their justice, and when it withdrew them did so in order that settlement might the more easily be made with Great Britain, which was important not only to the navigation interest, but to all the interests of this great country; and the generosity of the policy which the honorable Senator from Ohio is now advocating consists in pushing forward these poor ship-owners that were bled to death during the war and offering them up in expiation as a sacrifice that all other interests of this country might go free, and have peace with Great Britain at their expense.

That is the position in which the honorable Senator put these claims. They were withdrawn for the purpose I have named, and there never was a more honorable obligation incurred in this world than the United States incurred then. It said in effect to these ship-owners "if we insist on these claims, we shall have trouble with Great Britain; we withdraw them for the sake of peace, but we will make them good to you out of the fund which we specially instructed our commissioners should never be accepted with any specific mode of distribution attached. Leave it to us to deal with it as shall seem just and equitable in our judgment." That, sir, was in effect the assurance which the United States gave to these ship-owners, and it should now redeem its promise.

Mr. THURMAN. Mr. President, if I were a betting man, which I am not, I would give longer odds than ever were given on the race-course that there will not be a Senator who will speak in favor of this Judiciary Committee bill that the Senator from Maine will not stick his speech right in the center of the speech of the Senator who is speaking, and do it more than once. I do not complain of it, although it is a very bad habit. It is a very bad habit to thrust one's speech right into the midst of another speech and break the whole chain of the argument.

Mr. BLAINE. The Senator said he was not going to make a speech.

Mr. THURMAN. I was not going to make a speech; I was answering something that had been said by the Senator from Maine. I was very anxious for the Senator from Maine to take the floor and make his speech. I did not care how earnestly he spoke; I did not care how much he extolled the patriotism of the men who paid war premiums and the like and who sailed the flag. I did not care how much he did that; I supposed that the Senate would in the end come to decide this matter upon the plain and naked principles of law upon which the case depends.

Now, sir, this is getting to be very rambling for the Senator goes off from one point to another as the ideas happen to come into his mind. He says that I do not know much about navigation or I would know that the ship-owners would rather lose their ships than let them rot at the wharf instead of going to sea. Well, if that was the case, I do not see precisely where their patriotism, about which the Senator has spoken with such fervor, comes in. A while ago these ships sailed the ocean with the Stars and Stripes at the mast-head out of patriotism. They would not pull down the old flag—not they. It was just to show that flag on the broad seas and in the face of all enemies, out of pure patriotism, that they made it float on the high seas. Now, the Senator says that was not it at all; it was because they would rather lose their ships than have them rot at the wharves—a mere matter of profit and loss—better run out and run the risk of being taken by a confederate cruiser and being destroyed than to await the certain destruction of rotting as an old hulk at the wharf. If that is not taking patriotism out of the argument, I do not understand what it is.

But, Mr. President, what does the Senator say to the man who freighted the ship? He had no goods to rot at the wharf; he did not buy goods in Liverpool or London or Havre or Bordeaux, because he wanted to keep them from rotting at the wharf; he did not freight an American ship with goods that he had purchased, or goods that he had sent out, to keep them from rotting at the wharf. No, the American merchant that did that did it because there was money in it as he believed, and he would have stopped it the moment he found there was not money in it.

But, Mr. President, pray what better is a man who, as I said before, has paid a war risk to an insurance company than the man who owned his ship and had no insurance at all? Will some one tell me that? If a ship sailed and was captured by an exultant cruiser, this bill of the Judiciary Committee proposes to pay the owner, that she shall have her claim; the amendment of the Senator from Indiana proposes that the owner shall have his claim upon this fund. If I understand—I confess, however, that I do not understand it—the amendment of the Senator from Massachusetts, he proposes that that man shall be paid for his loss. But now take the case of an uninsured ship that was not captured by a confederate cruiser, that upheld the flag, that carried the Stars and Stripes always at the mast-head, that would not for a moment think of surrendering the American commerce to the English people. Take that ship; she made her trip and she made it safely. The man who owned her did not insure. The men who owned the goods with which she was freighted did not insure them. She came in safely. Now will the Senator from Maine tell me why the man who owned that ship should not be paid war-premium risks? He was his own insurer. Shall not the man who freighted that ship be paid war-premium risks too? He was his own insurer. Why should he not stand on just as good a foundation as the man who went to an insurance company and took out a war risk? Nobody I think can say that one ought to be allowed and the other to be excluded; and yet plenty of that commerce went on where men took out no insurance either on vessel or cargo, and neither was ever captured by the confederate cruisers, and who carried the flag at the mast-head all the time, and did just as much to sustain American commerce on the high seas as did any men who were insured, however great may have been the war risk.

But it was not my purpose, Mr. President, to go into any large discussion to-day. I have been drawn into it. I should not have spoken five or ten minutes (I only intended to explain my amendment) but for the remarks of the Senator from Maine, and I do not complain of them. I have only now to say that the Senator from Illinois desires to speak on this bill, but is not prepared to do so to-day; and if there is any other Senator on either side who wishes to speak, I hope he will proceed.

Mr. BLAINE. I desire to say a few words before the honorable Senator dismisses the bill, if it is to be put aside to-day.

Mr. THURMAN. I am perfectly willing. I only wished to say that when every one who is prepared to speak to-day has spoken, then I hope the Senator from Illinois will take the floor, and that the discussion will proceed to-morrow, and that some day this week we shall come to a vote on this bill.

Mr. BLAINE. I do not rise to occupy any time or to go into any elaborate argument, but only to answer the legal conundrum which the honorable Senator from Ohio puts. He wishes to know why a man who sailed his ship without insurance, if she went through all safe, is not just as much entitled to some indemnity for a loss which she did not make as the man who had a loss actually incurred. I think that conundrum answers itself. We are here—we are here to indemnify somebody. The honorable Senator thinks it is indemnity to give money to an insurance company that made profits and had no loss. We are here to indemnify somebody, and the honorable Senator thinks it is indemnity to give it to a ship-owner who sailed his ship with profit and met no loss, and he asks, why not?

Mr. THURMAN. I want a moment. If I caught the Senator's remark aright, it would import that nobody asked war premiums unless the ship or freight that was insured was lost.

Mr. BLAINE. Oh, no; I do not say any such thing. I said the honorable Senator—and I will endeavor to state him with perfect candor and fairness—put this legal conundrum, that here was a ship-owner who sailed his ship without insurance, and she went through all safe; nothing happened to her; and she got her freight and made her profits; and now he says why should not that man be paid just as well as the man who incurred a loss by paying a large war premium.

Mr. THURMAN. And whose ship and freight also went through safe.

Mr. BLAINE. Here two soldiers go into the Army, and they are both clean-limbed, strong, able-bodied young men, and they are standing side by side in the regiment, and they incur precisely the same risk, but one gets his leg shot off and the other comes out whole in body and perfect in health; and the honorable Senator from Ohio says, "Why in the world give a pension to that man who got his leg shot off when this one right alongside took just as much risk as he did and ought to have just as much pay." There is just as much sense and consistency in the one argument as there is in the other. The honorable Senator will excuse me for saying so. I think the analogy would hold good under the pressure of logic. In other words, I think the honorable Senator is confused, as far as my observation goes, upon

it throughout on the whole of the application of the Geneva award. Probably he did not hear what I said on that point, and that is that this money is to indemnify somebody. I submit to the Senator that when you come to indemnify a man, he must show a loss. I never heard of a man asking to be indemnified for a profit. Yet here is a proposition to indemnify insurance companies for what they made; and the honorable Senator says that the owner of a ship that sailed the seas over without danger or peril or loss or delay, that went through smoothly and promptly as though no war had been raging, has as much right to indemnity as the man who incurred loss by piling mountain high charges against his account in the premiums he paid for insurance.

I will advise the Senator of another thing which probably he does not know as well as my friend from Connecticut and I who live on the coast. The old rule was that a man who had an interest in fourteen ships in time of peace could afford to sail them without insurance, because the insurance being about 7 per cent. and fourteen times seven in round numbers making one hundred he was his own insurer, and the chance was that if a man was rich enough to own fourteen or fifteen—my honorable friend from Connecticut knows how that was—the man who owned the whole or a piece of many vessels never insured; but the man who put his all in one vessel or in two would be ruined by a loss. The honorable Senator from Ohio can make that calculation very well.

I submit, therefore, that his whole argument is against the poor owner of a single ship or two ships and applies only in behalf of those who owned a sufficiently large number of ships to make the general possibility of loss on the same plane on which insurance companies themselves could afford to underwrite. Am I not right?

Mr. THURMAN. Totally wrong.

Mr. BLAINE. That is exactly the experience, and I can bring every ship-master in America to sustain me in that position. The honorable Senator, when he brings in men of the class of which he speaks, will find that they were men of capital, who could afford to take the risk, and if there was an exception it should be treated as an exception.

But I am not here, Mr. President, arguing against paying any man a loss which he can trace to the appearance of confederate cruisers on the surface of the ocean. I am here arguing for the sufferers by the exultant cruisers just as earnestly as I argue for the war-premium men. I am here arguing for insurance companies just as earnestly as the honorable Senator can do it—not as ably, but as earnestly—if he will put in the same condition that I put in in behalf of these others, namely, that the insurance company shall show that it was a loser. Any person or company or corporation that will come forward and prove a loss resulting from and directly traceable to the confederate cruisers that made navigation so dangerous and so losing a business—every one that can prove a loss is entitled in equity at the hands of the United States to be taken into consideration on the same basis; and those, I submit in conclusion, who cannot prove a loss are here under a pretense that seems almost ridiculous; for what can be more absurd than indemnifying a man for the profits he made.

Mr. THURMAN. Mr. President, now the Senator from Maine has laid down a principle that I venture to tell him he will not stick to. The end of this week will not take place before he will back right out. I say it with due respect to him. He says he will not pay anybody but those who incurred loss, and he will put the man who paid war premiums on the same footing with the insurance company. I understand him to say, on the same broad principle of justice. So far as each of them sustained loss, so far shall each of them be indemnified, no further. How do you get at the insurance company to find whether it sustained loss or not? How did your bill of 1874 get at it? It got at it by saying that an insurance company should only claim for what it had paid, if after a full exhibit of all its business it appeared that the insurance company had lost money on its whole business. Will the Senator apply that to a man who paid war premiums and require him to furnish an exhibit of all his business to see whether upon his whole commerce and trade he made or lost money, and then if he did not lose, say that he shall have nothing for his war premium claims? No, the Senator will not do that. And yet that is just what he does in respect to the insurance companies. He says to the insurance companies, although it is a lawful business, although it is a business without which commerce could scarcely be carried on, although it is a business that every commercial nation has fostered since the first policy was ever underwritten, although it is a business that commercial men cherish as absolutely essential to the commerce of the world—he says you have sustained no loss unless upon a full balance-sheet of all your business about which you received war risks it appears that you have paid more than you received.

Then, when it comes to the question of the merchants who paid war risks, or when it comes to the question of the ship that paid war risks the Senator will not apply any such doctrine as that. Here is a ship that paid war risks, and it made nine successful trips, and made more than ten times perhaps the value of the ship. On the tenth trip it was lost. The Senator pays for the whole ship; he will not call for any balance-sheet to see whether in the nine trips that it made when it escaped the confederate cruisers it did not make nine times the amount of the value that was lost when it was taken on the tenth voyage. He will not have anything to do with that.

Here is a merchant who shipped goods and paid war premium risks upon them, and made money nine trips and on the tenth trip his goods

were captured, and though his profits on the other nine ventures were five times or ten times or twenty times as much as the losses on the tenth venture, the Senator will not require him to make any exhibit of his balance-sheet at all, and pay him only in case the profit and loss account on the ledger shows that he has lost. The Senator not only pays war premiums upon the goods that were lost, but he pays war premiums on the nine cargoes of goods that were not lost. That is what the Senator proposes, and that is the claim of the war premium men.

The Senator will never stand up to that doctrine of indemnity which he has just now announced. I grant there should be indemnity, but if you apply one rule of indemnity to the case of the insurance companies, I want to know why you shall not apply the same rule throughout?

Mr. BLAINE. I should be perfectly willing to apply the rule as far as it is practicable; but I submit one further observation, that these insurance companies which the Senator says are essential to commerce—and I admit he is correct in that—according to his theory were not pursuing their business at all. Insurance implies risk. These men took their risk in the legitimate pursuit of their business, but according to the honorable Senator's theory they did not run any risk at all, for he says to them, You may go forward, insure these ships at a high rate, running as high sometimes as 40 per cent., and receive it all from these poor navigators, and then for every loss you make we will collect it all back again from Great Britain, and in the end will pay it to you, and therefore you have not taken a bit of risk; you have not only got your average chance of large profits, but the United States Government is going to stand by you and collect again and pay into your coffers all the possible losses that might occur to you on your risks. I beg the honorable Senator's attention to that—"all the premiums that are paid in to you on ships that are not lost are clear profit; as the boys in the printing office say, 'clean fat'; and wherever there is a vessel lost on which you have got to pay out something to the owner, we will stand behind you and pay that back out of the award which we will get from Great Britain." I submit that the honorable Senator is not confining the insurance companies to their legitimate business, for insurance implies risk. I am not going into a legal argument.

Mr. THURMAN. No, I think not.

Mr. BLAINE. I am not going into that, for I might make as many mistakes as the honorable Senator does about navigation. And as to the doctrine of subrogation, the honorable Senator from Massachusetts, [Mr. HOAR,] if ever a case was demonstrated in this world, demonstrated that that doctrine did not apply in this case, and I wish the honorable Senator from Ohio to wrestle with him on that issue. I will not stop to show the little defects of knowledge which the honorable Senator may have about navigation as to a man making ten times the value of a ship in nine trips, which caused a little smile on the face of my friend from Connecticut, and caused a smile on the face of any man who ever smelt salt water. The honorable Senator evidently does not know anything about this question on the practical side of it, and is attempting to apply certain legal principles to it that have not any more application than they have to the Kingdom of Heaven, whose laws of justice they offend.

Mr. THURMAN. I do not pretend to know as much about navigation as a Maine man does.

Mr. BLAINE. Evidently not.

Mr. THURMAN. Evidently not; and I never knew anybody who did. [Laughter.] The gentlemen from that State have an exclusive knowledge upon that subject because they build so many ships. When their pine woods give out I do not know but their knowledge may decrease. But that is not the question here at all. The Senator, I imagine, has heard of such a thing as the right of subrogation.

Mr. BLAINE. I heard it all demolished the other day by the Senator from Massachusetts.

Mr. THURMAN. The Senator did not hear it demolished at all. If the Senator ever gets to be a judge he will learn to hear both sides, and when he has heard both sides he will find that it is not in the slightest degree demolished or even touched by what he supposes to have been its demolition.

Mr. President—

[At this point Mr. THURMAN was seized with sudden illness and compelled to discontinue his remarks.]

Mr. EATON. Mr. President, the affliction under which my friend from Ohio labors is such that I ought to ask the Senate to lay aside the consideration of the pending matter, though it is of great public importance. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. (Mr. CAMERON, of Wisconsin, in the chair.) The Senator from Connecticut moves that the Senate proceed to the consideration of executive business.

Mr. DAVIS, of West Virginia. One moment, if my friend from Connecticut will allow me. It was, I think, understood by the Senator from Ohio that at the expiration of the colloquy between himself and the Senator from Maine, if no other gentleman wanted to speak upon the bill now pending, it should be laid aside informally and another matter taken up in which my friend from New Jersey [Mr. McPHERSON] is concerned. I submit to the Senator from Connecticut whether we had not better take up the subject in which the Senator from New Jersey is concerned.

Mr. EATON. I will withdraw my motion for that purpose.

Mr. ALLISON. If this matter is to be laid aside, I understood that the Senator from Colorado [Mr. TELLER] should have the floor upon a matter of pressing moment relating to the Ute Indians, and I trust, if the pending business is postponed, that question will be considered, as it must be considered within the next few days and finally disposed of.

Mr. McPHERSON. I desire to say to the honorable Senator from Iowa that the Senator from Texas, who has charge of that matter, gave notice that he would call it up on Wednesday morning after the morning hour, and therefore I did not suppose I should be interfering at all with the consideration of that. It will only take a short time to dispose of the matter which I wish to bring before the Senate, not over half an hour all told.

Mr. ALLISON. I have no wish to interfere with the Senator from New Jersey. I only desired to express a wish that the matter relating to the Ute Indians may be considered at an early moment and finally disposed of, at least on Wednesday.

Mr. McPHERSON. The Senator from Texas has already asked for Wednesday.

Mr. ALLISON. If that is the understanding, I have no objection. The PRESIDING OFFICER. The Geneva award bill is informally laid aside.

DOUBLE-TURRETED MONITORS.

Mr. McPHERSON. I move to take up House resolution No. 237.

Mr. EATON. I desire to say to my friend from New Jersey that I think it likely that resolution will elicit a good deal of discussion, aside from his own remarks.

Mr. McPHERSON. I do not think it will, for the very reason that the committee are unanimous in their report of the resolution. I think there will be no question in the Senate, as the committee are unanimous.

Mr. EATON. I will give way to my friend to make the remarks he desires, but at the conclusion of them I shall ask for an executive session.

Mr. McPHERSON. For the information of my friend from Connecticut I will only say that the Committee on Naval Affairs are entirely unanimous in their report, and will ask the favorable action of the Senate on House resolution No. 237; but as a member of that committee I wish to give my reasons only and will be very brief.

The PRESIDING OFFICER. Is there objection to taking up the measure referred to by the Senator from New Jersey? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 237) directing the Secretary of the Navy to organize a board to inquire into the present condition of the double-turreted monitors and the propriety and cost of completing said vessels.

Mr. ANTHONY. I understand that after the Senator from New Jersey has concluded his remarks there will be an opportunity for a reply to them.

Mr. McPHERSON. I know no reason why there should not be.

Mr. ANTHONY. I understood from the Senator from Connecticut that he would insist on his motion at the conclusion of the remarks of the Senator from New Jersey. I think there will probably be some reply to the remarks of the Senator from New Jersey.

Mr. EATON. I am very anxious, as my friend from Rhode Island knows, for an executive session. There is some public business that I desire to bring forward. However, let my friend from New Jersey go on, and if gentlemen desire to answer him now I shall not object.

Mr. McPHERSON. I ask, then, for the reading of the resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate as in Committee of the Whole, and will be read.

The Chief Clerk read as follows:

Resolved, &c., That the Secretary of the Navy be, and he is hereby, directed to organize a board, to consist of not less than five nor more than seven officers of the United States Navy, selected at his discretion from the active and retired list, none of whom shall be of a lower grade than captain, which board shall be organized immediately after the passage of this resolution, and shall be charged with the duty of thoroughly examining in person the double-turreted monitors, with a view of determining, first, whether it is to the interest of the Government to complete said vessels, to wit, the Puritan, the Monadnock, the Amphitrite, and the Terror; second, if so, whether it is to the interest of the Government to complete them according to the existing plans, models, and agreements; third, if any change is demanded in order to make said vessels more efficient as war vessels, to inquire into the extent and character as well as cost of such modifications, and also inquire into any other fact material to each of these questions; and of all which they will make report to the Secretary of the Navy, who shall at once transmit the same with his opinions thereon to Congress.

Mr. McPHERSON. Mr. President, certain memorials were referred to the Committee on Naval Affairs of the Senate asking for an appropriation of money by Congress for the completion (now partially completed) of the four double-turreted monitors, to wit: the Amphitrite, Terror, Puritan, and Monadnock; and the Committee on Naval Affairs, without further explanation, reported back to the Senate a resolution authorizing and directing the Secretary of the Navy to organize a board of survey, to consist of competent naval officers, whose duty it shall be to examine said vessels and determine and report to Congress whether they shall be completed or broken up. The good judgment of the committee, as expressed in the terms of the resolution, have no doubt been already rendered apparent to the Senate by reason of facts disclosed in the investigation of this subject by the

Committee on Naval Affairs of the House of Representatives, and found in Report No. 787, Forty-fifth Congress, second session; but I cannot justify myself as a member of the Committee on Naval Affairs of the Senate, or satisfy the persistent, oft-renewed demand of the public that our Navy be speedily put in a condition for offensive and defensive operations, by simply reporting from the committee a resolution for further delay, without giving my reasons therefor.

It seems unnecessary for me to say that the people who pay the taxes, even if they cannot regulate the disbursements, have at least the right to know how and to what extent they are squandered.

The records of the Navy Department show that the expenditures for and on account of the Navy, commencing June 30, 1865, down to the close of the fiscal year ending June 30, 1877, was \$416,785,272.01. This vast amount represents only the money expenditure, to which must be added millions (cost to Government) of accumulated material sold or traded away, which never found its way into the public Treasury.

The naval administration seems to have been a prodigy of wastefulness, ignorance, and indolence; no plan or estimate could be trusted, no law was obeyed, no check was enforced. The vessels which the liberality of Congress had enabled the Government to build, and which had never been out of the harbors, were wantonly destroyed and others built (by favorite contractors) which were not only unfit for sea, but would go down at their moorings. For all this vast expenditure of money, Hon. B. W. HARRIS, (a distinguished republican, and therefore a competent witness,) member of the Naval Committee of the House of Representatives, tells us we have only this to show.

We quote from his report:

The vessels constituting the Navy of the United States in February, 1879, as appears by the last Navy Register, were 142 in number. Of these 67 were steam sea-going vessels of war of all classes; 22 were sea-going sailing-vessels of war of all classes; 24 were iron-clads for coast and harbor defense; 2 were torpedo-vessels, and the remaining 27 were tugs, dispatch-boats, &c.

To know the actual strength of our Navy we must ascertain the present condition and capacity for war purposes of each one of these vessels, and it would be most unwise in the committee and in Congress to allow themselves to be misled as to our naval strength by the number of vessels whose names appear in the Register. Small as the number of our naval vessels is as compared with the other navies of the world, in real fighting power the Navy is infinitely smaller, and it is time Congress and the country should face the fact and provide the remedy.

The committee have made careful investigation into this subject, and have used all the means within their reach to ascertain the present condition of each of these vessels, its character, usefulness, and capacity for war purposes, and now lay their information and conclusions before the House. The information here presented may be *unwelcome and humiliating*, but national honor and safety alike demand that the plain truth be told, to the end that the people may be able to judge whether Congress has done or is doing its duty in providing adequately for the national defense and for maintaining the honor of the American name.

The steam-vessels of the Navy are divided into four classes, as first rates, second rates, third rates, and fourth rates.

The first-rates are five in number. These were originally fine vessels, and the equals of any of their class in the world; but they must now be classed as obsolete and as practically out of use as vessels of war. We class them as *non-combatants*. Longer to retain the Niagara (one of the five) on our Naval Register is worse than useless; it is a deception, besides being a waste of public money; and the same may be said of many of the other vessels classed as naval vessels on the Register.

The report further states:

We have, then, of the twenty-seven second-rate steam-vessels:	
Fit for sea	9
Under repair	2
Awaiting repair	3
Disabled on account of yellow fever	1
A mere store hulk	1
Worthless and to be sold	7
On the stocks unfinished, worthy of completion	1
Rotten on the stocks and worthless	3
Total	27

THIRD-RATE STEAM-VESSELS.

The Register gives the list of twenty-nine third-rate steam-vessels.

Of these six are laid up in ordinary, worthless for naval purposes, and should be sold or broken up to save the expense of their care.

Six are deemed worthy of repair, and are undergoing repair or laid up awaiting repair.

Two are antiquated paddle-wheel steamers of obsolete type and expensive in use. They have little, if any, value for strictly naval purposes.

The remaining fifteen vessels are all comparatively small cruising vessels, the largest being less than one thousand tons burden. They are, however, good vessels of their class, and probably as good as any of their size. They are not generally of great speed and are not heavily armed. They perform excellent service in time of peace, but would not do us great credit in time of war with any really naval power.

FOURTH-RATE STEAM-VESSELS.

The six vessels of this class borne upon the Register are really of no account as vessels of war.

Such are substantially the facts in relation to our sea-going steam-vessels of war—our Navy proper—for offensive naval warfare.

SAILING-VESSELS.

The Register contains the names of twenty-two sailing-vessels of all classes.

These old worthies of a past age can no longer serve their country in war. Their cost for care and preservation is greater than their usefulness can justify, and their names should disappear from the Navy, some of them to reappear in new vessels worthy of themselves and of their country. Only five of them are now in condition to navigate the ocean.

IRON-CLADS.

The Register gives the names of twenty-four iron-clads belonging to the Navy, only fourteen of which are reported to be in condition for effective service. They are all fourth-rates and carry only two guns each; all smooth-bores of fifteen inch caliber. There is not a single rifled gun on our iron-clad fleet afloat, as we understand it.

The four iron-clad double-turreted monitors, whose merits we are

now considering, are on this list and Mr. HARRIS's report in respect of them says:

They have been for a long time under contract and large sums of money have been expended in rebuilding them of iron. The sum estimated for their completion is also very large. They are the following, viz:

Amphitrite, at Wilmington, Delaware, by Harlan & Hollingsworth; Miantonomah, at Chester, Pennsylvania, by John Roach; Monadnock, at Mare Island, California, by Burgess & Co.; Terror, at Philadelphia, Pennsylvania, by Cramp & Sons; Puritan, at Chester, Pennsylvania, by John Roach.

Counting 2 torpedo-boats, 27 tugs, and small vessels scarcely worthy of mention in a computation of efficient vessels for naval purposes, we find the whole number of vessels in our Navy to be 142, of which number only 48 are capable of firing a gun, and of these 5 are old obsolete sailing vessels.

Considering that in thirteen years of profound peace, ending June 30, 1877, there has been expended on account of the Navy over four hundred millions of dollars, is it not disagreeable and humiliating to contemplate that to-day the United States Government in respect of efficient naval equipment is practically bankrupt?

It is proper here to say that an outraged and indignant people found no relief from this culmination of vices in the Government until their faithful agents in the House of Representatives ended at once, to use a mild phrase, this era of unparalleled extravagance. In proof of this, we need only say that the democratic House of Representatives for the four fiscal years commencing June 30, 1876, and ending June 30, 1880, appropriated but little over fourteen millions per year, and by an arbitrary rule of law stopped the system of barter so long enjoyed, and required the expenditures to be kept within the limit of appropriations.

In order to show how the liberality of the nation has been made fruitless by the evils in administration, it will only be necessary to follow the history of these four double-turreted iron-clad monitors. The statements we make touching the construction of these vessels is obtained from unimpeachable record testimony, from which quotations are made.

AMPHITRITE.

The only evidence, except receipts for payment, that any formal agreement ever existed for the construction of this vessel is found in the letter of I. Hanscom, Chief of Bureau of Construction and Repair of the Navy Department, dated September 24, 1874, and addressed to the Harlan and Hollingsworth Company, Wilmington, Delaware. It reads thus:

GENTLEMEN: Your proposition to perform all the labor necessary to put in place an iron-clad monitor in accordance with plans and specifications you have submitted to us * * * for the sum of \$135,000 is received and accepted.

We find nothing in the records of the Department previous to this acceptance of an alleged proposal explaining how this proposal came to be made, or that any proposal ever was made.

To state it plainly: Your proposition, to do certain undescribed work, at your own price, without soliciting competition as the law prescribes, and in accordance with your own plans and specifications, without first determining whether a vessel built upon such a plan would sink or swim (see Puritan) is received and accepted. This sum represented only the cost of labor—all material to be furnished by the Government.

TERROR.

The original agreements (with Cramp & Son) for putting in frame this iron-clad monitor for the sum of \$135,000 (exclusive of material to be furnished by the Government) were substantially the same.

PURITAN.

The original agreements for putting in frame the iron-clad Puritan for the sum of \$155,000 * * * were identical in form with those first mentioned. The contractor was to receive a certain sum, but what the Government was to receive was left almost entirely to his discretion. The proposition, in writing, on the part of the contractor to perform certain undescribed or inadequately described work; and the information, in writing, on the part of the Department that said proposal was accepted is all the records of the Navy Department reveal in the nature of a contract touching the construction originally of the Amphitrite, Terror, and Puritan.

In like manner on April 5, 1875, a second agreement with the same contractor was concluded by the Department for additional work on the Amphitrite—all material to be furnished by the Government; and for labor alone the contractor was to receive the sum of \$155,000.

In like manner on April 5, 1875, a second agreement with the same contractor was concluded by the Department for additional work on the Terror—all material to be furnished by the Government; and for labor alone the contractor was to receive the sum of \$155,000.

In like manner on April 7, 1875, a second agreement with the same contractor was concluded by the Department for additional work on the Puritan—all material to be furnished by the Government; and for the labor alone the contractor was to receive the sum of \$207,000.

MONADNOCK.

The initial proceedings (all the records show) for the construction of the Monadnock will be found in the following letter of I. Hanscom, Chief of Bureau of Construction and Repair, Navy Department, dated October 19, 1874:

Monadnock—Thomas F. Rowland, contractor.

NAVY DEPARTMENT, BUREAU OF CONSTRUCTION AND REPAIR,

October 19, 1874.

SIR: Your proposition of the 24th ultimo to perform all the labor necessary to put in frame "the hull of an iron-clad monitor, in accordance with your drawings

and specifications," that is to say, erect the frame, garboard-strakes, keelsons, floors, deck-beams, stanchions, &c., "making the structure complete in all respects, except the riveting, in readiness to receive the internal and external plating; also in readiness for the internal fittings, deck-plating, side armor, &c.; to take down the same and to mark, pack, and ship it to the United States navy-yard, Mare Island, California, for the sum of \$135,000," is received.

This proposition is accepted, with the mutual understanding that the work to be performed by you embraces stem and stern posts, the intercostal plates, with all necessary passages for water-courses and ventilation, all ledges and carlings for hatches, deck-pipes, and turrets, for turret-beds and shafts, all work for propeller-shaft connected with the frame of the vessel, and all other work, except the internal and external plating.

To paint with metallic paint or red lead all work requiring the same composing the frame of the vessel, or the repairing the Monadnock, double-turreted monitor. The iron that you will furnish for this work will be the best quality charcoal-iron, and have a tensile strength of sixty thousand pounds per square inch, for which the Government will pay by delivering to you three pounds of old or scrap iron for each pound of new iron used.

The entire work above mentioned to be completed and all the parts shipped as above provided within four months from this date, it being further understood as a part of this agreement that you will send a suitable and skilled person to California to give the proper instructions and superintend the erection of the structure when it arrives there, such person to be paid by you.

Please signify your acceptance of this proposition.

Very respectfully, your obedient servant,

Mr. THOS. F. ROWLAND,

Green Point, New York.

I. HANSCOM,

Chief of Bureau.

No intimation is anywhere given (but the contrary asserted) that proposals were invited for the construction of this vessel. In short, this contractor was authorized in accordance with his own drawings and specifications, carrying into effect, at the Government expense, his own ideas of naval architecture—to construct at his own price a war vessel for the United States Navy. Reference to the agreement will show that it provided for the taking apart, marking, packing, and shipping this vessel to Mare Island navy-yard, California. Upon the arrival of the parts at California the Navy Department invited proposals for certain described work to be performed, and Phineas Burgess being the lowest responsible bidder, the work was given to him under a form of agreement possessing all the attributes of a legal contract, including bonds for the faithful performance on the part of the contractor. This and a subsequent contract made with Phineas Burgess appears to have been the first, last, and only legal contract made by the Navy Department touching the construction of these four monitors.

The contracts with Phineas Burgess bore date severally September 18, 1875, for \$22,350, and October 2, 1875, for \$216,900 for labor alone—all material to be furnished by the Government.

The claim on the part of the contractors that the terms and conditions of the several contracts before stated touching the construction of these four iron monitors have been fulfilled appears to be verified by the action of the Navy Department in auditing and paying the bills, although certified to by an officer who was not within three thousand miles of the work.

The work having been performed and money paid, it is therefore idle, at this late day, to discuss the forms and methods by which it was accomplished, except to advise the Senate of the utter recklessness and disregard by the Navy Department of all proper safeguards for the protection of the Government in respect of plans and specifications, and want of vigilance of supervision in laying the foundation of ships of war, which when completed would cost the Government many millions of dollars. This fact, so apparent, should of itself be influential, if not absolutely decisive, in causing the Senate to withhold appropriations of money for the completion of these monitors until it can be intelligently ascertained how, if at all, it can be safely and profitably applied.

In this connection the committee beg leave to call attention to the fact that with the exception of the Puritan, of which mention will hereafter be made, not one of these monitors has ever been examined by a competent, or any, board of naval officers in respect of their efficiency when completed.

But there are yet other contracts to be considered. On March 3, 1877, contracts, so called, were made by the Navy Department for work to be done by the bureau for the completion of and fitting, exclusive of machinery, of these four iron-clads, amounting in the aggregate to millions of dollars. Each of these contracts contained a provision that no portion of the money should be paid until appropriated by Congress. As there was no money appropriated by Congress subject by law to be applied to payments for work done under the contracts made subsequent to March 1, 1877, these contracts were suspended by the present Secretary of the Navy on March 16, 1877, and the order of suspension has not been revoked.

The honorable Secretary of the Navy, in his annual report of the 30th of November, 1877, says:

I deemed it best to suspend these contracts, inasmuch as I regarded them as not authorized by law, and to submit to Congress to decide whether they shall be recognized or canceled; and, if these vessels are to be completed, in what manner it shall be done. Finding no present appropriation applicable to the purpose I do not regard the Department as possessing any discretionary power in reference to them, except to see that the interest the Government has in them is properly protected.

PURITAN.

The wisdom of the present honorable Secretary of the Navy in suspending the said contracts of the 3d of March, 1877, is sufficiently demonstrated in the reports of the three several boards of survey upon the Puritan, which may be classed thus:

The board of naval officers, of which Rear-Admiral Mulany was president, consisting of two naval officers, three naval constructors, and three engineers, was convened at Chester on the 12th of June, 1877, by order of the Secretary of the Navy, dated the 7th of June.

1877. The date of their report is August 21, 1877. They made the most searching examination and inquiry into all the requirements of the vessel that could be obtained, and after deducting 37 per cent. from the thickness of the armor plating originally intended, wholly at the expense of the military efficiency of the vessel, it was found the actual weight of the vessel when completed would leave the gunwale half an inch under water. It will thus be seen that the very careful and elaborate calculation on the actual vessel by a competent board shows the *Puritan* to be a total failure.

The second board for the examination of the *Puritan*, of which Commodore Stevens was president, consisted of one naval officer, two engineers, and two naval constructors. Their report substantially confirms that of the first board, condemning the vessel, and is mainly directed to showing how the weights might be reduced, but, as we have already stated, wholly at the expense of the military efficiency of the vessel.

The third examination, by order of the Secretary of the Navy, at the request of Hon. W. C. WHITTHORNE, the accomplished chairman of the House Committee on Naval Affairs, was made by John Lenthall, naval constructor, and B. F. Isherwood, chief engineer United States Navy. No one acquainted with the record of these officers can question their ability in their respective stations.

These distinguished officers were instructed to report their professional opinions and judgments upon the following points:

Were such plans and specifications properly drawn, and at proper time, and so as, first, to secure an efficient and complete vessel of war of that class; and, second, so as to guard and protect the interest of the Government; and, third, will said vessel, built according to original plans and specifications, or subsequent changes made therein, prove an efficient one?

They say:

We have the honor to state that after a careful examination of all the documents and evidence available on the subject, in making which we have been afforded every facility by the bureaus of the Navy Department, we respectfully submit the following report:

This highly interesting and instructive report will be found in full in the records of the Navy Department; but in order to complete the chain of evidence we copy their conclusions:

There only remains for us to say, in answer to the questions specifically asked by the honorable chairman of the Naval Committee of the House of Representatives, that our professional opinions and judgments are—

First. Neither plans nor specifications were drawn for the construction of the new *Puritan*; nor were any measures adopted to ascertain whether, when built, she would sink or swim. The failure or success of a first-class national iron-clad was thus put to the hazard of mere chance.

Second. This vessel, as far as constructed, and if finished as contemplated, is a total failure; nor can any changes now practicable make her efficient—meaning by that term, equality with foreign iron-clads of the same size and type.

Third. No measures were taken to protect the Government interest, either in the cost of building the vessel, or in securing efficiency for her when built. Uninvited proposals were made by the contractor, in the absence of plans, specifications, or any definition of the kind, quantity, or quality of work to be done, to build an undescribed vessel for a stipulated round sum of money; and such proposals were at once accepted without inquiry, competition, or any provisions guarding the interest of the Government. The general statement that the new *Puritan* was to be like a smaller class of vessels was far from being sufficient to either indicate the details of construction or to measure the quantity of work. Such a statement, in fact, only showed that the two classes of vessels were to be of the same type; and no competent person would have allowed the commencement of a national iron-clad of such dimensions and cost without the study and preparation of every part; nor would any officer of the Government, careful of its interests, have contracted for such a vessel except after a public competition.

The manner in which the new *Puritan* was built is a flagrant exhibition of gross ignorance and culpable carelessness.

Respectfully submitted by your obedient servants,

JOHN LENTHALL,
Naval Constructor United States Navy.
B. F. ISHERWOOD,
Chief Engineer United States Navy.

The original *Puritan*, of which nothing is left save the miserable abortion which now bears her name, was designed in 1862 by John Ericsson, who was also the contractor for her construction; was a formidable iron monitor 341 feet in length, 50 feet in breadth, and 22 feet in depth. She had two turrets 24 feet in inside diameter, with a turret-shell 15 inches thick, entirely of iron, and a pilot-house 12 inches thick, also of iron. The side-armor was laminated, and composed of six iron plates each 1 inch thick, re-enforced additionally with iron stringers 4½ inches thick, inserted in an oak backing 27 inches thick. This thickness of armor and backing was maintained from stem to stern. She carried four sixteen-inch guns.

This vessel was received, under an act of Congress, in an unfinished state, and by House of Representatives Executive Document No. 280, of the second session of the Fortieth Congress, it appears there had been paid for her, up to the time of her reception, \$1,974,622.93.

On November 29, 1873, Mr. Thomas Rowland, the well-known builder of iron ships, at Brooklyn, proposed to the Navy Department to complete the *Puritan*, hull, machinery, and all appurtenances, ready in every respect for service, increasing the depth one foot, and substituting iron beams and decks, for the sum of \$353,000, receiving in addition the old material left after completion.

On February 3, 1876, the old *Puritan* was towed to the works of John Roach, at Chester, Pennsylvania, by order of I. Hanscom, chief of bureau, dated January 29, 1876, which directs that the *Puritan* be turned over to John Roach for the purpose of being rebuilt by him at his yard at Chester, Pennsylvania, "which please have done;" this order was addressed to Captain C. H. Wells, United States Navy, commandant navy-yard, League Island.

Strange as it may seem, in March following, Mr. Roach, although we can find no order on the records authorizing it, began to break up the vessel, and his bill for that labor is dated September 2, 1876, and amounts to \$6,000, being for cutting up one thousand tons of iron at \$6 per ton, or six hundred and sixty tons less than the weight put in the vessel in the hull and side armor alone.

Additional light is thrown upon this question by the following order of I. Hanscom, chief of bureau, dated February 5, 1876, to Edward Hartt, naval constructor, and the report of Constructors Hartt, Fernald, and Hoover, to said Hanscom, dated February 14, 1876, to which is added a summary by Lenthall and Isherwood:

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
February 5, 1876.

SIR: A board consisting of yourself as senior officer, and Naval Constructor Frank L. Fernald and Assistant Naval Constructor John B. Hoover, is hereby appointed to examine the hull of the iron-clad steamer *Puritan*, and ascertain the merits of that vessel, and recommend what, in the opinion of the board, should be done to insure her the necessary displacement to carry four fifteen-inch guns, or their equal in turrets, and have a protection in armor-plating equal to fourteen inches of solid iron. Draught of water to be not over seventeen feet, with thirty-six-inch freeboard; and to have steam power sufficient to propel her twelve knots for at least twelve consecutive hours, and carry coal for six days' full steaming; forty-two hundred and six tons being the present displacement, the board will estimate the cost, in addition to the materials which may arise from the hull if broken up, to complete the vessel for sea.

Very respectfully, your obedient servant,
Naval Constructor EDWARD HARTT, U. S. N.,
Bingham House, Philadelphia, Pennsylvania.

I. HANSCOM,
Chief of Bureau.

PHILADELPHIA, PA., February 14, 1876.

SIR: In obedience to your order on the 5th instant, we have examined the hull of the iron-clad *Puritan*, and submit the following report:

We find the iron portion of the hull nearly completed; side armor on; all of the main-deck and a portion of the berth-deck laid, (both of which are very badly decayed); boilers in, and, as far as we are enabled to judge, about two-thirds of the weight of the engines on board; also several of the blowers and blower-engines and part of the turret-gear. Her draught of water in this condition is ten feet forward and eighteen feet ten inches aft, with a displacement to this draught of about twenty-nine hundred and sixty tons.

We estimate the weight yet to go on board to complete her for sea according to present plan, at about nineteen hundred tons, including stores, making a total displacement of forty-eight hundred and sixty tons, which will require a mean draught of twenty feet eight inches, or thereabout, leaving a freeboard of only sixteen inches, with a surplus displacement of about four hundred and sixty tons. It is therefore impossible to increase the thickness of side armor to fourteen inches, and to add another turret with two fifteen-inch guns, with ammunition for the same, and to provide room for the necessary number of men to work the extra guns, and also storage for additional provisions, stores, &c., corresponding thereto, without making very extensive changes in the original design and construction of the present hull at a very large expense.

The extreme length of the *Puritan*, (three hundred and thirty-two feet,) together with her heavy draught of water, small armament, and limited defensive power, preclude the possibility of her being, if even completed as originally designed, an efficient vessel for harbor defense or for other war purposes; and it is unreasonable to suppose that, if the necessary alterations were made in order to enable her to carry the additional weights, she would draw less water, have more speed, or be handier in her movements.

We are therefore constrained to believe that it is inexpedient to expend any more money upon this vessel, but that it is for the best interest of the Government to rebuild her, and to use such portion of the old material as may be found suitable.

It is our opinion that the dimensions of a vessel, to meet the requirements contained in your letter, should be about two hundred and eighty feet long, sixty feet wide, and twenty feet deep from top of main-deck plating (at side) to base-line, and to have a displacement of at least six thousand tons, to a draught of eighteen feet, and to be similar in design to the *Terror* and class, now rebuilding, but of increased structural strength, in order to carry heavier armor.

We estimate the cost of such a vessel, exclusive of the material in the present hull as it lies, and also exclusive of the armament and stores of all kinds, but otherwise ready for sea, at \$1,395,000.

We are, respectfully, your obedient servants,

EDWARD HARTT,
Naval Constructor.
F. L. FERNALD,
Naval Constructor.
JOHN B. HOOVER,
Assistant Naval Constructor.

Naval Constructor ISALAH HANSCOM,
Chief of Bureau Construction and Repair, Washington, D. C.

From the foregoing order of Mr. Hanscom, dated the 5th of February, 1876, to a board of naval constructors, it appears that not until about fourteen months after the agreement to build the new *Puritan* were measures taken to ascertain whether the old unfinished *Puritan* could be completed with solid side-armor fourteen inches thick and steam machinery sufficient to propel her at twelve knots per hour for at least twelve consecutive hours, carrying coal for six days' full steaming, and mounting four fifteen-inch guns in two turrets. Mr. Hanscom, it will be observed, required in this vessel a thickness of fourteen inches for the side-armor, while the much larger vessel he was then building by her side, to supersede her, was to have only twelve inches thickness of side armor.

In the foregoing report of the board of naval constructors, dated February 14, 1876, made in response to Mr. Hanscom's order of February 5, 1876, it is stated that the old *Puritan*, completed as originally intended, would have a freeboard of sixteen inches, but could not carry the additional weights proposed by Mr. Hanscom; the board therefore condemned her, and recommended the building of a new vessel that would meet the requirements in the above order of Mr. Hanscom. By a singular coincidence this board recommends for the new vessel then before them the identical length, breadth, depth, and displacement to a specified draught of water of the new *Puritan*, for which Mr. Hanscom had made a contract about fourteen months previous, and whose construction had so far progressed that large bills had been presented and paid for labor alone.

The length, two hundred and eighty feet, which the board suggests for the new *Puritan*, is twenty feet more than that proposed by Mr. Roach, in his original offer of December 3, 1874, and is precisely the length of the new vessel then actually in process of construction. And more singular still, this board recommends a depth of vessel exactly the same as that to which the new *Puritan* had been increased, long after her building had commenced and previous to this time, just as though the suggestions had

been furnished to the board for this occasion. Such coincidences cannot be accidental, and must have been designed to meet special purposes, which seem to be the endorsement of the new vessel, with its covert alterations, and the condemnation of the old one.

Touching the requirements of Mr. Hanscom in his letter of instructions dated February 5, 1875, the board, in their reply, say: "It is unreasonable to suppose that if the necessary alterations were made, in order to enable her to carry the additional weights, she would draw less water, have more speed, or be handier in her movements." To this the board might have added, they were absurd.

The above stinging criticism on the methods employed without color of law, to condemn the old and contract for the new Puritan, is taken bodily from the most excellent report of Messrs. Lenthall & Sherwood.

The work, ordered by the Department, and contracted for, to be performed by John Roach, as per letter of I. Hanscom, Chief of Bureau, dated April 7, 1875, marked *explicit*, addressed to John Roach, esq., Chester, Pennsylvania, and the answer to this letter by John Roach, dated April 10, 1875, is treated as *repairs* (Hon. B. W. HARRIS'S

report also calls it repairs) to the double-turreted monitor Puritan, meaning, of course, the old Puritan. Except to continue longer the deception, and in inference to that kind of fear which always brings murder out, we can scarcely conceive the propriety of such a course. Acting, however, according to the letter of record testimony, we call it *repairs*, although the new Puritan was commenced at the keel, and contains only such portions of the old vessel as have been generously bestowed on the Government, and proceed upon the light given to compute the cost of the present Puritan to the Government, if completed, under all of Mr. Roach's agreements.

Original cost of Puritan, under repairs, \$1,974,622.01; repairs settled for to date, with John Roach, \$491,030; cost of completion under Roach contracts of March 3, 1877, \$1,621,342; making a total cost of \$4,086,994.01 for a vessel which three competent boards of naval officers tell us, if completed in accordance with original plans and specifications, will not float.

WHITTHORNE REPORT, No. 112.

STATEMENT D.—Statement of destruction of ships and disposition of proceeds, &c., since July 1, 1871.

(The amount of proceeds does not include the materials retained by the Government and used in navy-yards and rebuilding ships.)

Name of vessel.	Original cost.	Appraised value.	When condemned.	Names of officers composing board of condemnation.	Cost of destruction.	Amount of proceeds.	Disposition of proceeds.	Materials disposed of.		Advertised or not.
								To whom—	Amount and price.	
Amphitrite	\$1,156,323 82	Not on file.	Not condemned.	No board..	\$9,455 99	\$28,782 60	Used in building new Amphitrite.	Harian, Hollingsworth & Co.	1,644,720 lbs. iron, at 1½ c	\$28,782 60 Not.
						24,068 80	Used in building Puritan and Miantonomoh	John Roach..	1,375,360 lbs. iron, at 1½ c	24,068 80 Not.
						23,951 20	do	do	1,368,640 lbs. iron, at 1½ c	23,951 20 Not.
Miantonomoh ..	1,310,773 08	do	do	do	24,667 61	24,304 00	do	do	1,388,300 lbs. iron, at 1½ c	24,304 00 Not.
Puritan	1,974,622 93	do	do	do	6,000 00	16,777 60	do	do	958,720 lbs. iron, at 1½ c	16,777 60 Not.
						16,346 40	do	do	334,080 lbs. iron, at 1½ c	16,346 40 Not.
						23,984 42	do	do	1,370,538 lbs. iron, at 1½ c	23,984 42 Not.
						4,000 00	do	do	Hulk sold to John Roach	4,000 00 Not.
						43,328 91	do	do	2,240,000 lbs. iron, at 1½ c	43,328 91 Not.
						24,345 23	do	do	235,938 lbs. iron, at 1½ c	24,345 23 Not.
Terror	1,016,071 18	do	do	do	13,504 72	8,000 00	Used in building new Terror.	W. Cramp & Sons.	1,391,156 lbs. iron, at 1½ c	8,000 00 Not.
						22,775 20	do	do	Hulk sold to W. Cramp & Sons.	22,775 20 Not.
							do	do	1,301,440 lbs. iron, at 1½ c	

The committee recommend that no money be appropriated by Congress for the completion of these monitors under contracts now made or to be made, until the efficiency of said vessels, when completed, shall have been ascertained by a competent board of naval officers appointed by the Secretary of the Navy for that purpose and the report thereon submitted to Congress.

To carry into effect this recommendation the committee ask the concurrence of the Senate in the following House resolution:

Joint resolution directing the Secretary of the Navy to organize a board to inquire into the present condition of the double-turreted monitors, and the propriety and cost of completing said vessels.

Resolved, &c., That the Secretary of the Navy be, and he is hereby, directed to organize a board, to consist of not less than five nor more than seven officers of the United States Navy, selected at his discretion from the active and retired list, which board shall be organized immediately after the passage of this resolution, and shall be charged with the duty of thoroughly examining in person the double-turreted monitors, with a view of determining, first, whether it is to the interest of the Government to complete said vessels, to wit, the Puritan, the Monadnock, the Amphitrite, and the Terror; second, if so, whether it is to the interest of the Government to complete them according to the existing plans, models, and agreements; third, if any change is demanded in order to make said vessels more efficient as war-vessels, to inquire into the extent and character as well as cost of such modifications, and also inquire into any other fact material to each of these questions; and of all which they will make report to the Secretary of the Navy, who shall at once transmit the same with his opinions thereon to Congress.

Mr. BLAINE. I am very sure, Mr. President, that the Senate does not desire that the long-time controversy over the administration of the Navy Department shall be fought again here. I do not rise to traverse the various statements made by the honorable chairman of the Naval Committee; only I desire to say that the committee of which he is the head did not in any wise agree with him in the presentation of facts which he has just made. They would not, as a committee, agree to make that statement to the Senate; they would not agree to stand upon it before the country.

I do not doubt the honorable Senator from New Jersey states conscientiously what his own views are; I state as conscientiously that I differ from him in the detail of facts; I differ from him in their application. We agree, however, upon the necessity of the passage of the joint resolution, because the main object to be attained is in some way to utilize the vast expenditure that has already been made upon these iron-clads. Upon that we can agree; upon that the committee are unanimous. When it comes to a statement of facts the honorable Senator makes it upon his individual responsibility and not as the organ of the Naval Committee.

With that statement I am willing to let the matter rest and have the joint resolution passed.

Mr. MCPHERSON. I wish to say in answer to the statement of the honorable Senator from Maine that I do not present my views as the report of the committee. On the contrary, the report of the committee had been made some days since. The action of the committee was simply to report back the joint resolution without any further explanation.

The honorable Senator will remember that we had referred to us as a committee certain petitions of the State of California praying for the completion of the iron-clad monitor Monadnock; we had the petitions of certain contractors praying for an appropriation of money for the completion of others of these iron-clad vessels, or at least for some disposition by Congress of the vessels, that they might not be encumbered with them in their ship-yards. As a member of that committee I cannot consent to come into the Senate and report back a joint resolution for a longer delay in answer to petitions praying for an appropriation without some kind of explanation. The honorable Senator will not fail to remember that the joint resolution now before the Senate, which I in common with other members of the committee have asked the Senate to adopt, provides for a delay until a board of competent naval officers may be organized by the Secretary of the Navy—for what purpose? For the purpose of determining whether these four vessels, of which the resolution speaks, are to be completed or not; whether they have been properly commenced; whether the plans and specifications have been drawn by any naval officer who was competent to draw them, or whether the Government had been sufficiently advised as to the propriety of their completion. I submit that I, for one, cannot return them a resolution delaying longer an appropriation, as an answer to their payer, without giving some reason.

I have taken up the case of the Puritan and I have shown the report of three boards of survey, one called the Mulany, one the Stevens board, and, finally and last, a board consisting of two, I suppose, of the most competent naval officers in this or any other country in their respective stations; I speak of John Lenthall and B. F. Isherwood. These officers declare that one of the four vessels, the only one upon which there has ever been a board of survey, is a total and absolute failure. For one I cannot consent to the completion of three other vessels commenced in the same manner—commenced upon the proposition of some contractor upon plans and specifications furnished

by himself, as the records show. The Senator will understand me; I say as the records show. I submit that it would not be prudent on the part of the Senate or on the part of Congress to make an appropriation of money for the completion of three vessels until we know whether those vessels when completed would sink or swim.

Mr. FARLEY. I should like to ask the Senator from New Jersey a question. The object of the joint resolution, I understand, is for the purpose of ascertaining the fact whether these vessels will be seaworthy or whether they are worth completing. I understand that there is no opposition to the passage of the resolution, and the very object of the Senator would be accomplished if the commission were appointed. I do not understand the Senator from Maine is opposing the resolution.

Mr. BLAINE. Of course the honorable Senator from California knows that the Naval Committee is unanimous in favor of the joint resolution. In so far as the chairman of the committee was debating any point, it was not a point at all relative to the passage of the resolution. It was a point, as I have already said, which really emptied upon the Senate floor all the controversies of the last six years about the naval administration.

Mr. FARLEY. I understand the point.

Mr. BLAINE. And I object to it; it will do no good. I desire furthermore to say, with the utmost respect for the naval officers both of the engineer corps and the corps of construction, that I do not believe it is a possible thing to construct in a private ship-yard any vessel that they will not criticize and from a sort of professional zeal attempt to depreciate. Therefore, when the honorable Senator brings up the judgment of Mr. Lenthall and of Mr. Isherwood I am willing to concede their professional eminence, but at the same time I am frank to say that I do not believe they would be impartial judges about the construction of a naval vessel built in any other way than by the regular red-tape requirement.

Mr. MCPHERSON. Were the naval board an impartial board?

Mr. BLAINE. The honorable Senator is asking me to go into a lot of matter which does not pertain to this resolution at all.

Mr. MCPHERSON. Ah, but the Senator criticised my remarks. The honorable Senator says that the Committee on Naval Affairs do not agree with the chairman of the committee in this report. I claim that it is not a report, that it is not simply an expression of opinion upon my part, but based upon facts taken from the record.

Mr. BLAINE. I was not disputing at all the right of the honorable Senator to present his views.

Mr. MCPHERSON. I wish now to answer the honorable Senator from California. He asks me if the Naval Committee are not agreed upon the joint resolution. I say most assuredly we are agreed so far as the terms of the resolution are concerned, but for one I cannot consent to accept from his State, the State of California, a memorial praying for an immediate appropriation of money by Congress for the completion of the Monadnock, and then send back to the people of the State of California a resolution which, instead of appropriating money for the purpose, provides for a further delay; and perhaps, I say quite possibly and even probably, we shall not get a report from this board in time to make an appropriation of money during this session.

Therefore I ask the honorable Senator from California if he is ready and willing as one member of the Naval Committee and in answer to a memorial from his own State to throw back to his State simply a resolution providing for a further delay without giving the facts upon which that delay is based?

Mr. FARLEY. I have no objection to the Senator from New Jersey stating his reasons for the passage of the joint resolution.

Mr. MCPHERSON. I have done so.

Mr. FARLEY. And I see no objection now to the passage of the resolution by any Senator. It was understood in the committee, and I do not think there is any question about it, that this resolution would bring about an investigation of these vessels for which an appropriation is sought.

Mr. MCPHERSON. Has it not already been done?

Mr. FARLEY. Then what objection has the Senator got to the passage of the joint resolution?

Mr. MCPHERSON. I do not object to the passage of the resolution.

Mr. FARLEY. Then let us vote on it.

Mr. MCPHERSON. If the honorable Senator from Maine would sit down we would have a vote in five minutes, but if he undertakes to criticize a speech I make here, based on facts, I shall have to take the floor as long as he does.

Mr. BLAINE. The honorable Senator from New Jersey is exactly in the attitude in which the expected heir found his uncle. The old gentleman had his own way, but he did not exactly have his own way in having it. The honorable Senator gets his own way with the resolution, but he is not exactly satisfied in the way he gets his way. He would like the Naval Committee to submit a large amount of argument, which does not have the slightest effect in the world in expediting the process of the resolution. He would like a long discussion upon that which has not any virtue in it whatever, and which is only raking over the embers of a fire that is burnt out and which, if the honorable Senator will permit me to say, has not got a blaze in it, nor so much as smoke.

Mr. MCPHERSON. I do not understand that I am resurrecting an

old matter that has been entirely burnt out. So far as I am concerned, as a member of the Senate or as a member of the Naval Committee of the Senate, I have never had this subject-matter referred to me before, and most assuredly it has never come to the notice of that committee before. But when the Senate of the United States refer to a committee of its own body certain material upon which it desires a report, and the committee, in answer to memorials also that were referred to it asking for an appropriation of money, report back a resolution of delay, then I cannot for one consent to go before the country or to come into the presence of the Senate without giving my reasons why I vote for the resolution and voted to report it to the Senate. I have no disposition to bring matters that have been long ago burnt out before the attention of the Senate; but I do most unqualifiedly object to saying to the people of the State of California, to the one hundred and one people who have sent their memorials here, to the persistent call and demand of the public for the completion of these monitors—I do most certainly object to answering that appeal by merely voting for a resolution of delay; and that is what the honorable Senator from Maine is disposed to do. It is about the only subject that comes before the Senate in which he can interpose a speech by which the public shall be informed that he does not avail himself of the opportunity; but this does not appear to be upon his side of the question.

Mr. ANTHONY. Mr. President, I am not prepared specifically to refute the allegations made by my friend from New Jersey, but my recollection of the circumstances under which these vessels were ordered is sufficiently vivid to make me confident that all such as are unfavorable to the late administration can be contradicted, explained, or disproved. It is sufficient that the constructors, some of them certainly, are quite ready to complete the ships on the contracts and specifications and conditions, and if the vessels do not fulfill these conditions they will forfeit their compensation and their bonds. In reply to the complaint that the vessels were contracted for on the specifications of the contractors, I say of course they were, those specifications being approved by the Department. The contractors were the most accomplished naval constructors in the country; they were required to furnish vessels of a certain capacity, power, armament, and speed. Of course no contractors, no mechanics would undertake this except on specifications that they approved. There were but few establishments that were capable of undertaking these structures. One was given to each that had the means of completing the work. They entered into the contract, and they are ready, or some of them are—I do not know but some of them may have been bankrupted by the failure of the Government to fulfill its stipulations—some of them are ready to fulfill them, and to render the vessels to the Government, and if they do not float, if they do not sail, if they do not fight, then they forfeit their contract.

The PRESIDING OFFICER. (Mr. HARRIS in the chair.) The question is on agreeing to the amendment of the Committee on Naval Affairs, in line 6 of the joint resolution to strike out the words "none of whom shall be of a lower grade than captain."

Mr. ALLISON. I should like to have some reason given why the amendment should be proposed. It seems to me that if one-third of what the Senator from New Jersey says be true, these officers who are to make this investigation ought to be at least of the rank of captain.

Mr. MCPHERSON. It was deemed necessary to strike out from the joint resolution those words, so that if there were not a sufficient number of naval officers of the grade of captain, those of a lower grade may be competent to serve.

The amendment was agreed to.

Mr. COCKRELL. I should like to ask the Senator from New Jersey one or two questions. How long has it been since there was work done on these vessels?

Mr. MCPHERSON. I think there has been no work done on them since the 4th and the 16th of March, 1877. The contracts of the 3d of March, 1877, were suspended by the Secretary of the Navy on the 16th of March, 1877, and the order of suspension has not been revoked. Therefore there has been no work done upon them. The joint resolution provides simply a board of survey to determine whether the other three vessels are like or unlike the Puritan, which has been already decided to be a total failure by three competent boards. It is also intended to ascertain whether there can be any changes made in the Puritan that might make her an efficient war vessel and one that it will be for the interest of the Government to complete. In other words, it is to be a board of survey to take into consideration all the facts, the present condition of the vessel, the actual vessel, and by certain plans and estimates to see whether they can be finished to make them efficient war vessels. We think the joint resolution covers the whole ground.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

Mr. EDMUNDS. Let the joint resolution be read at length the third time.

The joint resolution was read the third time at length.

The PRESIDING OFFICER. The question is: Shall the joint resolution pass?

Mr. EDMUNDS. I should like to ask whether this inquiry is not

within the competence of the executive department of the United States without a law for it. The thing that strikes me as open to question is the tendency that the joint resolution implies on the part of Congress to go into the detail of administrative government, which I do not think our organization is the best one possible for. I know it is getting to be a pretty strong habit, but for one I wish to be considered as on the other side of that thing except in some extreme emergency.

As I understand the law the executive department of the United States has complete authority to do everything that the joint resolution directs to be done. It is true that the joint resolution itself commands this to be done, but it commands the performance of a merely executive inquiry which seems to imply that the persons in charge of the executive department of the Government of the United States in this particular branch of the public service are either incapable of understanding what it is fit to do and we must require them to do it, or that they are unwilling to do what is fit to be done, knowing that it ought to be done, and we then compel them to do it by something in the nature of an edict.

I know that this joint resolution is not singular; we are running into this habit all the time; but for one, unless it is made to appear that there is an extreme public emergency and that the Secretary of the Navy and the President of the United States, neglectful of their duties, will not do what ought to be done in an administrative way about this administrative question, and therefore we are called upon to act, I should not wish to be a party to this method of legislation, of Congress continually assuming to go into administrative questions instead of holding public officers to a general and strict account in respect of the way in which they perform or agree to perform their public duties.

The joint resolution was passed.

EXECUTIVE SESSION.

Mr. WHYTE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty minutes spent in executive session the doors were reopened, and (at four o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, March 29, 1880.

The House met at twelve o'clock m. Prayer by Rev. A. W. PITZER, D. D.

THE JOURNAL.

The Journal of Saturday last was read.

Mr. ALDRICH, of Rhode Island. Mr. Speaker, I find upon examination of the RECORD of the proceedings of Saturday that the gentleman from Kentucky [Mr. THOMPSON] entered a motion to reconsider the vote by which Senate bill No. 885, to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879, was recommitted to the Select Committee on the Census and ordered to be printed; and the Speaker made the announcement that the motion to reconsider would be entered on the Journal. I would like to inquire whether the motion to reconsider was so entered?

The SPEAKER. The Chair was mistaken. Under the new rules the Chair finds that the motion was not admissible. Under the old rules it was, hence the recognition. The Chair thinks the bill should be considered by the House at an early day.

Mr. ALDRICH, of Rhode Island. But the motion to reconsider was not in order.

The SPEAKER. It was not admissible; but the Chair thinks that the House owes it to the importance of the subject to give it an early consideration, and will recognize at any time any gentleman representing the Census Committee who desires to bring the bill up.

Mr. COX. Before this matter is disposed of—

The SPEAKER. The Chair suggests to the gentleman in charge of the bill that after the call of States is concluded, he had better ask the House to fix an early day for the consideration of that bill.

Mr. CONGER. I desire to call attention to the Journal. On page 11 of yesterday's RECORD I find that the House passed on Saturday a joint resolution granting leave to Robert L. Martin to withdraw from the files—

Mr. COX. Before we pass from the census bill, I would like my colleague on the committee [Mr. THOMPSON, of Kentucky] to have a hearing.

The SPEAKER. That matter has passed from consideration. The gentleman from Michigan [Mr. CONGER] desires to correct the Journal, as the Chair understands.

Mr. CONGER. I find that a joint resolution for the relief of Robert L. Martin was on Saturday last introduced by unanimous consent, read three times, and passed. As appears by the report in the RECORD, it "grants leave to Robert L. Martin to withdraw from the files of the House papers and proofs filed by him before the southern

claims commission in support of his disallowed claims." The existing law forbids the withdrawal of papers of this kind. When the resolution was acted on I supposed it provided for a simple withdrawal of papers before a committee of the House, under the usual rule. But the resolution goes further and allows the withdrawal of proofs which have been before a court of the United States, and which by law should remain as a part of the records. Of course no one here thought about it. I do not know in what way to reach the matter; but I will give notice of a motion to reconsider.

The SPEAKER. The gentleman had better do that after the call of States to-day.

Mr. CONGER. I merely call the attention of the Speaker to the matter so that we may see what is the proper way to reach such a case.

The SPEAKER. The Chair will recognize the gentleman to enter the motion immediately after the call of States.

Mr. HUNTON. I desire to state that the motion to reconsider was made and laid on the table.

Mr. CONGER. I understand not.

Mr. HUNTON. It was made. I do not know whether it was entered or not.

The SPEAKER. The Chair is advised by the journal clerk that the motion to reconsider was not entered; and the Chair is informed that it does not appear in the CONGRESSIONAL RECORD.

Mr. HUNTON. Well, then, the record was omitted by accident; the motion was certainly made.

Mr. CONGER. I desire to give notice of the motion to reconsider.

The SPEAKER. The Chair will recognize the gentleman after the call of States to-day.

Mr. THOMPSON, of Kentucky. Mr. Speaker, on Saturday evening I made a motion to reconsider the recommitment of the bill in regard to the census. No objection was made by anybody to entering that motion; and it was entered under what seems to have been unanimous consent of the House. Certainly the motion could be entered by unanimous consent.

The SPEAKER. The Chair did not ask unanimous consent, but allowed the gentleman to enter the motion to reconsider as though it was a right belonging to him. On examination this morning, the Chair finds that the motion was not admissible. He will, however, co-operate with the gentleman in any way to bring the bill before the House as early as possible.

Mr. COX. There is no doubt, under the second clause of Rule XVIII, that we cannot make this motion to reconsider. All that we can do is to ask the House at the conclusion of the call of States to-day to take up this census question and dispose of it.

The SPEAKER. The Chair thinks there will be no difficulty about that.

Mr. ALDRICH, of Rhode Island, rose.

Mr. COX. Does the gentleman from Rhode Island object?

Mr. ALDRICH, of Rhode Island. I do.

The SPEAKER. If there be no further correction the Journal will stand approved. The Chair hears none. This being Monday, the first business in order is the call of States and Territories—

Mr. CONGER. Before that business begins, as the motion to reconsider is privileged, I desire to enter that motion.

The SPEAKER. The Chair will recognize the gentleman after the call of States shall have been completed. The practice has been to let nothing interfere with the call of States on Monday except a correction of the Journal, and the Chair thinks the practice had better be kept up.

REQUEST FOR UNANIMOUS CONSENT.

Mr. MCGOWAN. Before going to the morning hour, I ask by unanimous consent, Mr. Speaker, to submit a report at this time. I have the misfortune to sit on the rear row of seats; and, although I was in my seat during the call of committees, I did not hear my committee when it was called, and I now ask to submit a report from that committee.

The SPEAKER. Under the practice the Chair cannot submit requests for unanimous consent before the call of States for bills and resolutions.

Mr. MCGOWAN. I will ask for unanimous consent after the morning hour, then.

BILLS, ETC., FOR REFERENCE.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories, commencing with the State of Alabama, for the introduction on leave of bills and joint resolutions for reference to their appropriate committees not to be brought back on a motion to reconsider. Under this call joint resolutions and memorials and resolutions of State and territorial Legislatures are in order, and also resolutions calling for executive information, for reference to appropriate committees.

STATES REPUBLICAN IN FORM.

Mr. HERBERT. I introduce, Mr. Speaker, by request, not having had time to consider it fully, joint resolution (H. R. No. 256) providing and defining the manner of guaranteeing to each State a republican form of government.

The joint resolution was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES A. CROWNOVER AND OTHERS.

Mr. CRAVENS introduced a bill (H. R. No. 5402) for the relief of James A. Crownover, John Crownover, Frank M. White, George S. Geiger, and John Ivey, late soldiers of Company F, Third Arkansas Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEGAL REPRESENTATIVES OF JOHN A. BUCHANAN.

Mr. CRAVENS also introduced a bill (H. R. No. 5403) for the relief of the legal representatives of John A. Buchanan, late a private of Company F, Third Arkansas Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

H. C. WILLSON.

Mr. BERRY introduced a bill (H. R. No. 5404) to pay the claim of H. C. Willson, of Tehama County, California; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HOMESTEAD SETTLEMENT.

Mr. BERRY (by request) also introduced a bill (H. R. No. 5405) to prevent obstructions to pre-emption and homestead settlement of the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LIEUTENANT FREDERICK A. RICH.

Mr. PHELPS introduced a bill (H. R. No. 5406) granting a pension to Lieutenant Frederick A. Rich, Company B, Twenty-first Regiment Connecticut Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SCOTT.

Mr. PHELPS also introduced a bill (H. R. No. 5407) granting an increase of pension to John Scott, of Portland, in the State of Connecticut, late a private in Company K, Twentieth Regiment of Connecticut Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SYLVESTER ROOT.

Mr. HAWLEY introduced a bill (H. R. No. 5408) granting a pension to Sylvester Root, Company E, Twenty-seventh Massachusetts Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ACCOUNTS OF LATE REAR-ADMIRAL A. H. FOOTE.

Mr. HAWLEY also introduced a bill (H. R. No. 5409) for the relief of the late Rear-Admiral A. H. Foote, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

AMENDMENT OF RULES.

Mr. HAWLEY also submitted the following amendment to the rules; which was referred to the Committee on Rules:

No bill or joint resolution shall embrace more than one subject, and matters directly and properly connected therewith, which subject shall be expressed in the title thereof, and a bill proposing to repeal or amend a section or sections of the Revised Statutes shall recite the number of such section or sections, and also the language of said section or sections if so amended.

UNLOADING OF GUANO-VESSLS.

Mr. WAIT introduced a joint resolution (H. R. No. 257) relating to the unloading of vessels with cargoes of guano from foreign ports and places; which was read a first and second time.

Mr. WAIT. I move that joint resolution be referred to the Committee on Commerce.

Mr. CONGER. I think it relates to revenue, and should go to the Committee on Ways and Means.

Mr. WAIT. The gentleman is mistaken in regard to its having anything at all to do with the revenue.

Mr. CONGER. It changes revenue laws, although the matter referred to is not dutiable.

Mr. WAIT. If the gentleman from Michigan will only reflect for a moment he will see that the proper committee to which this should be referred is the one indicated by me, the Committee on Commerce.

Mr. CONGER. This provides for going from a port of entry to another place, and that is a change of the revenue laws. There is no duty involved, it is true, but what comes in free under the revenue laws is as much a matter of revenue law as what is dutiable. But if the gentleman from Connecticut has any particular choice in the reference of this joint resolution, I will not object.

Mr. WAIT. Mr. Speaker, guano is brought into this country in both American and foreign bottoms. It comes into the country free from duty. It is prepared in mills scattered along our coast as a fertilizer, and is used as a fertilizer very extensively in this country, especially in those States where cotton is grown. The manufacture of this article produces an offensive odor that compels the manufacturers to resort to islands on the coast, so that the residents of towns and cities will not be annoyed with the offensive smells. This bill should be referred to the Committee on Commerce, and not, as my friend from Michigan urges, to the Committee on Ways and Means. No duty is collected, and this resolution does not in reality change any revenue laws.

Mr. CONGER. The object of the joint resolution may be all right, but I have only suggested that, as it changes revenue laws, its ref-

erence should be to the Committee on Ways and Means, and not to the Committee on Commerce; but I do not insist upon it.

Mr. WAIT. I prefer it should go to the Committee on Commerce. The joint resolution was referred to the Committee on Commerce, and ordered to be printed.

MILITARY AND AGRICULTURAL COLLEGE, GEORGIA.

Mr. BLOUNT introduced a bill (H. R. No. 5410) to authorize the Secretary of War to deliver to the governor of the State of Georgia, as a loan, one hundred and fifty stand of light breech-loading rifles, with accouterments therefor, for the use of the Middle Georgia Military and Agricultural College, at Milledgeville, Georgia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ATLANTA AND MACON, GEORGIA, PORTS OF DELIVERY.

Mr. BLOUNT also introduced a bill (H. R. No. 5411) to designate the cities of Atlanta and Macon, Georgia, as ports of delivery; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GEORGE A. WILSON.

Mr. BOYD introduced a bill (H. R. No. 5412) for the relief of George A. Wilson, of Peoria, Illinois; which was read a first and second time.

Mr. BOYD. I ask the reference of that bill to the Committee on Military Affairs.

Mr. CONGER. This is one of a class of cases which is always referred to the Committee on War Claims—cases arising under a war in which the United States has been engaged.

Mr. BOYD. This bill, in the last Congress, was introduced and referred to the Committee on War Claims, and they reported it back with the recommendation that it be referred to the Committee on Military Affairs. I hope there will be no objection to that reference in this case.

The SPEAKER. The rule clearly defines the reference in this case. Rule XI provides "that claims arising from any war in which the United States has been engaged shall be referred to the Committee on War Claims," which would seem to be the appropriate reference in this case.

Mr. MCCOOK. I will simply call the attention of the gentleman from Illinois to the fact that there is now pending before the Committee on Military Affairs a bill in reference to extending the provision of the law which has about expired, covering all cases of the class to which this bill refers.

Mr. BOYD. If it be the appropriate reference I shall not object of course, although I would prefer it should go to the Committee on Military Affairs for the reason stated.

The bill was referred to the Committee on War Claims, and ordered to be printed.

ALBERT A. NORTH.

Mr. BOYD also introduced a bill (H. R. No. 5413) for the relief of Albert A. North; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OZIAS HART.

Mr. BARBER introduced a bill (H. R. No. 5414) for the relief of Ozias Hart, a soldier of the war of 1812; which was read a first and second time, with the accompanying papers referred to the Committee on Pensions, and ordered to be printed.

LIABILITY OF STEAMERS, ETC., FOR CERTAIN DEBTS.

Mr. BARBER (by request) also introduced a bill (H. R. No. 5415) to make ships, steamers, tug-boats, schooners, and vessels engaged in commerce and navigation between ports of different States, and also between ports of the United States and foreign ports, liable for certain debts contracted by their owners, part owners, masters, clerk, steward, or other agent, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

R. M. YONTZ.

Mr. COLERICK introduced a bill (H. R. No. 5416) granting a pension to R. M. Yontz, late a private in Company I, One hundred and twenty-sixth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM T. PATE & CO.

Mr. NEW introduced a bill (H. R. No. 5417) for the relief of William T. Pate & Co.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MODIFICATION OF PATENT LAWS.

Mr. PRICE presented a joint resolution of the General Assembly of the State of Iowa, asking for a modification of patent laws, so as to exempt from penalty all persons except manufacturers and vendors; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

LIMITING DEBATE IN COMMITTEE OF THE WHOLE.

Mr. PRICE also submitted the following:

Resolved, That in the judgment of this House the fifth paragraph of Rule XXIII clearly forbids the continuation of debate on any bill in Committee of the Whole House after general debate has been closed by order of the House, except the five minutes on each side of the legitimate and bona fide amendments, and that pro-

forma amendments are in violation of said rule, and should not be entertained by the Chair; and the Committee on Rules be, and it is hereby, directed to so amend said Rule XXIII as to accomplish the object of this resolution.

Mr. PRICE. I ask its reference to the Committee on Rules.

Mr. CONGER. That seems to be accompanied with instructions to the committee.

Mr. PRICE. It simply relates to the construction of the rule in question.

The SPEAKER. The Chair views this as in the nature of a proposition to amend the rule, accompanied, however, with instructions to the committee.

Mr. PRICE. The object is to get a report from the committee on the subject-matter of the resolution.

The SPEAKER. It is not, however, in the usual form to attain that end. This is in the nature of instructions, not from the House but from an individual member, to the Committee on Rules, and is not in order if objection is made, except for reference.

Mr. PRICE. But if the House adopts the resolution it would then be an instruction to the committee, and its adoption would greatly facilitate the business of the House. I don't think anybody will object to it.

Mr. CONGER. I feel impelled to object to the resolution in its present form.

Mr. PRICE. If my friend from Michigan objects I shall lose all confidence in our ability to get through the business of this session in any reasonable time.

The SPEAKER. Objection being made, the resolution can only be before the House for reference.

SOLDIERS' MONUMENT AT M'GREGOR, IOWA.

Mr. UPDEGRAFF, of Iowa, introduced a joint resolution (H. R. No. 258) authorizing the Secretary of War to deliver to the authorities of the city of McGregor, Clayton County, Iowa, four abandoned cannon and carriages for the soldiers' monument in said city; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PEORIAS AND MIAMIES IN INDIAN TERRITORY.

Mr. HASKELL introduced a bill (H. R. No. 5418) to provide for the allotment of lands in severalty to the united Peorias and Miamies of the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES C. RUDD.

Mr. MCKENZIE introduced a bill (H. R. No. 5419) for the benefit of James C. Rudd, of Owensborough, Kentucky; which was read a first and second time.

Mr. MCKENZIE. This bill provides for an appropriation of money for the rent of a post-office building. I do not know whether it should go to the Committee on the Post-Office and Post-Roads or to the Committee on Appropriations.

The SPEAKER. It will be referred to the Committee on Appropriations.

The bill was referred to the Committee on Appropriations, and ordered to be printed.

ROBERT RAY.

Mr. CALDWELL introduced a bill (H. R. No. 5420) granting a pension to Robert Ray, of Hawesville, Hancock County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF MISSISSIPPI LEVEES.

Mr. ROBERTSON introduced a bill (H. R. No. 5421) to provide for the raising, strengthening, and rebuilding of the levees on the Mississippi River, to protect said banks from caving, to permanently locate and deepen the channel of said river, and for other purposes; which was read a first and second time, referred to the Committee on Levees and Improvements of the Mississippi River, and ordered to be printed.

MONROE DOCTRINE.

Mr. ROBERTSON also introduced a joint resolution (H. R. No. 259) reaffirming and applying the Monroe doctrine; which was read a first and second time.

Mr. CONGER. Let that be referred to the Committee on the Inter-oceanic Canal.

The SPEAKER. The joint resolution will be read.

The joint resolution was read.

The SPEAKER. To what committee does the gentleman from Louisiana desire to have the joint resolution referred?

Mr. ROBERTSON. I leave it to the Chair.

The SPEAKER. The Chair thinks it should go to the Committee on Foreign Affairs.

Mr. KING. I move that it be referred to the Committee on the Inter-oceanic Ship-Canal.

The motion was agreed to; and the joint resolution was referred to the Select Committee on the Inter-oceanic Ship-Canal, and ordered to be printed.

HORACE BROWN.

Mr. LADD introduced a bill (H. R. No. 5422) granting a pension to Horace Brown, Second Maine Battery; which was read a first and

second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXTRA WAGES TO SEAMEN.

Mr. REED introduced a bill (H. R. No. 5423) amending section 4582, relating to extra wages to seamen upon their discharge by mutual consent in foreign ports; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FREEMAN N. HALL.

Mr. MURCH introduced a bill (H. R. No. 5424) granting a pension to Freeman N. Hall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CUSTOMS REVENUE.

Mr. McLANE submitted the following resolution; which was read, and referred to the Committee on Ways and Means:

Resolved, That the Secretary of the Treasury be requested to report to the House of Representatives the rate of duty upon the importations into the United States for the last five years which would, in his judgment, upon each article so imported, have yielded the maximum amount to the Treasury; and the said rate of duty so ascertained shall be expressed as an *ad valorem* per cent. duty, with the corresponding specific duty.

FREDERICK JOHNSON.

Mr. HENKLE introduced a bill (H. R. No. 5425) granting a pension to Frederick Johnson, minor child of Frederick Johnson, late a soldier in the One hundred and forty-sixth Regiment of New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGET DAVIS.

Mr. HENKLE also introduced a bill (H. R. No. 5426) granting a pension to Bridget Davis, widow of John Davis, late a private in Company K, of the Eighth Regiment of Maryland Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DRAWBACKS.

Mr. MORSE introduced a bill (H. R. No. 5427) to amend the law relating to drawbacks; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM R. BOAG.

Mr. FIELD (by request) introduced a bill (H. R. No. 5428) for the relief of William R. Boag, of Boston, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MAILS BETWEEN SAINT LOUIS AND EAST SAINT LOUIS.

Mr. STONE introduced a bill (H. R. No. 5429) to authorize the Postmaster-General to make a contract with the Saint Louis Bridge Company and Tunnel Railroad to carry the mails between East Saint Louis, Illinois, and the union depot at Saint Louis, Missouri; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

POSTAL SERVICE.

Mr. STONE also introduced a bill (H. R. No. 5430) to amend section 3949 of the Revised Statutes of the United States, relative to the postal service; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

HOMESTEAD SETTLERS IN MICHIGAN.

Mr. NEWBERRY presented a joint resolution of the Legislature of the State of Michigan, relative to the due protection of settlers under the homestead laws of the United States in certain counties in the State of Michigan; which was referred to the Committee on the Public Lands.

TREE CULTURE.

Mr. DUNNELL introduced a bill (H. R. No. 5431) to amend the tree-culture law so as to require claimants thereunder to make proof of their compliance with legal conditions from time to time; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GEORGE D. MOORE.

Mr. MANNING introduced a bill (H. R. No. 5432) authorizing the transfer of the claim of the heirs at law of George D. Moore, deceased, from the Treasury Department to the Court of Claims, with power to said court to hear and determine the said claim *de novo*; which was read a first and second time.

Mr. MANNING. I move that the bill be referred to the Committee on the Judiciary.

Mr. CONGER. Is not that a war claim? I ask that the bill be read. The bill was read, as follows:

Whereas the heirs at law of the late George Dudley Moore, of Noxubee County, in the State of Mississippi, claim to be entitled to receive from the Government of the United States \$—, the proceeds of the sale of one hundred and twelve bales of cotton seized by one Harrison Johnston as the assistant special agent of the Treasury Department of the United States, in the said county of Noxubee, on or about the 15th day of August, 1865, as cotton belonging to the United States, which said cotton was sold by and the proceeds paid into the Treasury Department; and

Whereas the said George Dudley Moore in his life-time filed his claim in the Treasury Department under the fifth section of the deficiency appropriation bill

"for the fiscal year ending June 30, 1872, and for former years, and for other purposes," approved May 18, 1872, which said claim was pending and undetermined at the date of said Moore's death; and

Whereas the heirs at law of said Moore—no administration having ever been taken out on said Moore's estate, and no part of said claim having ever been paid—have filed their claim in the Treasury Department asking that the proceeds of said cotton be paid to them: Now, therefore,

Be it enacted, etc., That the claim of the heirs at law of said George D. Moore be, and the same is hereby, transferred from the Treasury Department to the Court of Claims, with power to said court to hear and determine the same *de novo*.

SEC. 2. That should said court determine that one hundred and twelve bales of cotton, or any part thereof, belonging to said George Dudley Moore was seized by the agent or assistant agent of the Treasury Department unlawfully after June 30, 1865, then judgment shall be rendered by it for the proceeds of said one hundred and twelve bales, or such part thereof as came into the Treasury of the United States, without interest.

SEC. 3. That the Secretary of the Treasury be, and is hereby, authorized to pay off and discharge such judgment, if any, as may be rendered by said Court of Claims in behalf of said heirs at law against the United States Government, out of any money in the Treasury not otherwise appropriated.

SEC. 4. That all evidence on file with the claim of George Dudley Moore, or his heirs at law, in the Treasury Department shall be competent evidence, to be considered by the Court of Claims, and that either the Government or the claimants may present their evidence within such time and under such regulations as the Court of Claims may prescribe.

Mr. CONGER. I move to amend the motion to refer so as to refer the bill to the Committee on War Claims.

Mr. MANNING. I do not know why it should go to the War Claims Committee. It seems clear to me that the Committee on the Judiciary is the proper committee to consider this bill, and therefore I have asked that it go there.

Mr. CONGER. This is one of a class of cases which the War Claims Committee have under consideration.

The question was taken upon the amendment of Mr. CONGER; and upon a division there were—ayes 66, noes 69.

Mr. CONGER. I ask for the yeas and nays on my motion.

The yeas and nays were ordered, there being 40 in the affirmative; more than one-fifth of the last vote.

Mr. MARTIN, of Delaware. I ask that the bill be again read.

The bill was again read.

Mr. CONGER. I ask that the preliminary paragraph of Rule XI, together with the twenty-eighth paragraph of the same rule, be read.

The Clerk read as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

28. To claims arising from any war in which the United States has been engaged: to the Committee on War Claims.

Mr. MANNING. Is it in order to speak now to this matter of reference?

The SPEAKER. The Chair will recognize the gentleman for a brief statement, the gentleman from Michigan [Mr. CONGER] having had read the rule, which is in the nature of an argument.

Mr. MANNING. That is the reason I wanted to know if I should be heard.

The SPEAKER. Debate is not in order under the rule, but the Chair will hear the gentleman, as the gentleman from Michigan [Mr. CONGER] has been heard.

Mr. MANNING. I have asked that this bill be referred to the Committee on the Judiciary for the reason that when that committee shall come to consider the merits of the bill they will necessarily have to look into the history of the case as it has been developed in the Treasury Department. A claim against the United States was preferred by the heirs at law of George Dudley Moore. They presented evidence in support of their claim, and the Government introduced evidence to show that the seizure of one hundred and twelve bales of cotton was a proper one. Upon the issue joined the Secretary of the Treasury decided adversely to the claim of the heirs at law of George Dudley Moore.

Now, when the Committee on the Judiciary shall come to consider this bill (I have in the preamble of the bill recited the character of the case somewhat) if the committee shall decide that it has properly been disposed of adversely to the claims of George Dudley Moore on the merits of the questions involved, of course it will report adversely on the bill I have introduced. Any committee which may be charged with the consideration of this bill will be met at the very outset with legal questions to be disposed of. I do not suppose that the Committee on War Claims is the proper committee of this House to consider and dispose of legal questions.

I take it that if this case shall go to the Court of Claims, the gentleman from Michigan [Mr. CONGER] would be content with whatever judgment that court might pronounce in the case, presided over as it is by a republican judge. No harm will be done the Treasury of the United States if the Court of Claims shall pronounce judgment in the case.

Mr. CONGER. One word only; I will not detain the House long. Ever since the Committee on War Claims was established all this class of claims has been referred to them. I venture to say there are lawyers on that War Claims Committee who, from their constant attention to this subject, are better posted on the law regarding these claims than any other committee of the House. Besides that, the Committees on War Claims of former Congresses have been, and that committee in this Congress is, considering just what they will report to this House in regard to this class of claims. The rule provides that this bill shall go to the Committee on War Claims, which committee

is now considering this subject. To divide up these matters and send some of them to other committees would certainly be wrong. I hope this bill, which is purely a war claim, will be referred to the committee having charge of this subject.

The question was taken; and there were—yeas 121, nays 75, not voting 96; as follows:

YEAS—121.

Aiken,	Crapo,	James,	Rothwell,
Aldrich, N. W.	Daggett,	Johnston,	Russell, W. A.
Aldrich, William	Davis, George R.	Jorgensen,	Ryan, Thomas
Anderson,	Davis, Horace	Joyce,	Ryon, John W.
Atherton,	Deering,	Kelifer,	Shallenberger,
Bachman,	Deuster,	Kelley,	Smith, A. Herr
Ballou,	Dickey,	Le Fevre,	Sparks,
Barber,	Dunnell,	Mason,	Stevenson,
Bayne,	Dwight,	McCoid,	Stone,
Bicknell,	Errett,	McCook,	Thompson, P. B.
Bingham,	Farr,	McGowan,	Thompson, Wm. G.
Blake,	Felton,	McMahon,	Tillman,
Bland,	Ferdon,	Mills,	Tyler,
Blount,	Field,	Mitchell,	Updegraff, J. T.
Bouck,	Fisher,	Monroe,	Valentine,
Boyd,	Ford,	Morton,	Van Aernam,
Brewer,	Forsythe,	Neal,	Van Voorhis,
Briggs,	Garfield,	New,	Voorhis,
Brown,	Geddes,	Norcross,	Wait,
Burrows,	Hall,	O'Neill,	Ward,
Butterworth,	Hammond, John	Osmer,	Warner,
Carpenter,	Harris, Benj. W.	Pacheco,	White,
Chittenden,	Hawk,	Page,	Williams, C. G.
Clafin,	Hawley,	Pound,	Willits,
Cobb,	Hayes,	Price,	Wise,
Coffroth,	Hazelton,	Reed,	Wood, Walter A.
Conger,	Henderson,	Rice,	Yocum,
Converse,	Hiscock,	Richardson, D. P.	Young, Thomas L.
Cook,	Houk,	Richardson, J. S.	
Cowgill,	House,	Robeson,	
Cox,	Humphrey,	Robinson,	

NAYS—75.

Armfield,	Finley,	Martin, Edward L.	Singleton, O. R.
Atkins,	Forney,	McKenzie,	Siemons,
Beale,	Frost,	McLane,	Smith, Hezekiah B.
Blackburn,	Goode,	McMillin,	Steele,
Bliss,	Gunter,	Money,	Townsend, R. W.
Cabell,	Hammond, N. J.	Morrison,	Tucker,
Carlisle,	Harris, John T.	Myers,	Turner, Oscar
Chalmers,	Hatch,	Nicholls,	Turner, Thomas
Clardy,	Henkle,	Persons,	Upon,
Clark, John B.	Herbert,	Phelps,	Vance,
Colerick,	Herndon,	Phister,	Waddill,
Cravens,	Hill,	Poehler,	Weaver,
Culbertson,	Hull,	Reagan,	Wellborn,
Davidson,	Hunton,	Robertson,	Whiteaker,
Davis, Joseph J.	Jones,	Samford,	Williams, Thomas
Davis, Lowndes H.	Kenna,	Sawyer,	Willis,
Dibrell,	Lewis,	Scales,	Wood, Fernando
Dunn,	Lowe,	Shelley,	Young, Casey.
Elam,	Manning,	Singleton, J. W.	

NOT VOTING—96.

Acklen,	Ellis,	Knott,	Prescott,
Bailey,	Evins,	Ladd,	Richmond,
Baker,	Ewing,	Lapham,	Ross,
Barlow,	Fort,	Lindsey,	Russell, Daniel L.
Belford,	Frye,	Loring,	Sapp,
Beltzhoover,	Gibson,	Lounsbury,	Sherwin,
Berry,	Gillette,	Marsh,	Simonton,
Bowman,	Godshalk,	Martin, Benj. F.	Smith, William E.
Bragg,	Harmer,	Martin, Joseph J.	Speer,
Brigham,	Haskell,	McKinley,	Springer,
Bright,	Heilman,	Miles,	Starin,
Buckner,	Henry,	Miller,	Stephens,
Caldwell,	Hooker,	Morse,	Talbot,
Calkins,	Horr,	Muldrow,	Taylor,
Camp,	Hostetler,	Muller,	Thomas,
Cannon,	Hubbell,	Murch,	Townsend, Amos
Caswell,	Hurd,	Newberry,	Updegraff, Thomas
Clark, Alvah A.	Hutchins,	O'Brien,	Urner,
Clymer,	Ketcham,	O'Connor,	Washburn,
Covert,	Killinger,	O'Reilly,	Wells,
Crowley,	Kimmel,	Orth,	Whitthorne,
De La Matyr,	King,	Overton,	Wilbur,
Dick,	Kitchin,	Philips,	Wilson,
Einstein,	Klotz,	Pierce,	Wright.

So the motion of Mr. CONGER was agreed to; and accordingly the bill was referred to the Committee on War Claims, and ordered to be printed.

Mr. CLARK, of Missouri. My colleague, Mr. PHILIPS, is detained at home by sickness.

Mr. BOUCK. I have voted upon this question, understanding that the gentleman from Ohio [Mr. McKINLEY] with whom I am paired would, if present, vote as I have voted—"ay."

The following pairs were announced from the Clerk's desk:

Mr. LOUNSBURY with Mr. BAILEY.

Mr. MILLER with Mr. MULLER.

Mr. O'CONNOR with Mr. BOWMAN for one week from to-day on all political questions and questions involving the tariff.

Mr. TOWNSEND, of Ohio, with Mr. EVINS.

Mr. KNOTT with Mr. LAPHAM.

Mr. SMITH, of Pennsylvania, with Mr. HENRY on all political questions until further notice.

Mr. LORING with Mr. SPEER for one week from to-day.

Mr. WHITTHORNE with Mr. KETCHAM.

Mr. FORT with Mr. O'BRIEN.

Mr. DICK with Mr. KLOTZ.

Mr. MARTIN, of North Carolina, with Mr. KITCHIN.

Mr. SMITH, of Georgia, with Mr. WILBER.

Mr. KILLINGER with Mr. ACKLEN.

Mr. HARMER with Mr. MARTIN, of West Virginia.

Mr. EINSTEIN with Mr. CLARK, of New Jersey.

Mr. ORTH with Mr. WILSON.

Mr. PIERCE with Mr. SIMONTON.

Mr. CALDWELL with Mr. HEILMAN for two weeks from the 25th instant; Mr. CALDWELL reserving the right to substitute for himself any other member upon his side, and to vote in all cases to make a quorum.

Mr. SINGLETON, of Illinois, with Mr. MILES.

Mr. COVERT with Mr. HAMMOND, of New York.

Mr. RICHMOND with Mr. PRESCOTT until further notice.

Mr. ARMFIELD with Mr. OVERTON.

Mr. SHERWIN with Mr. WRIGHT.

Mr. SAPP with Mr. DUNN.

Mr. BRIGHAM with Mr. TAYLOR.

Mr. HOSTETLER with Mr. HERR.

Mr. CALKINS with Mr. SPRINGER.

The result of the vote was announced as above stated.

CLAIMS AGAINST THE UNITED STATES.

Mr. MONEY introduced a bill (H. R. No. 5433) providing for the judicial ascertainment of claims against the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COTTON-WORM AND CHINCH-BUG.

Mr. MONEY also introduced a joint resolution (H. R. No. 260) providing for the printing of additional copies of the bulletins of the Interior Department on the cotton-worm and the chinch-bug; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

MEDICAL AND SURGICAL HISTORY OF THE WAR.

Mr. MONEY also introduced a joint resolution (H. R. No. 261) providing for printing an edition of the Medical and Surgical History of the War; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

WILBER F. CHAMBERLAIN.

Mr. HATCH introduced a bill (H. R. No. 5434) for the relief of Wilber F. Chamberlain; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NICHOLAS HIBNER.

Mr. FORD introduced a bill (H. R. No. 5435) granting an increase of pension to Nicholas Hibner, of Proctorville; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC D. JOHNSON.

Mr. WADDILL introduced a bill (H. R. No. 5436) for the relief of Isaac D. Johnson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARLOW J. PHELPS.

Mr. WELLS introduced a bill (H. R. No. 5437) for the relief of Harlow J. Phelps, deceased, late of Saint Louis, Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MAIL SERVICE, MISSISSIPPI VALLEY AND BRAZIL.

Mr. WELLS also introduced a bill (H. R. No. 5438) to provide for opening up mail service and direct trade between the States of the Mississippi Valley and Brazil, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SAMPSON FORRESTER.

Mr. FROST introduced a bill (H. R. No. 5439) granting a pension to Sampson Forrester, a negro guide of General Jessup in Florida war of 1836; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOSEPH H. ADAMS.

Mr. BRIGGS introduced a bill (H. R. No. 5440) granting a pension to Joseph H. Adams, of Contocook, Merrimack County, New Hampshire; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. AGNES A. DICKINSON.

Mr. SMITH, of New Jersey, introduced a bill (H. R. No. 5441) granting a pension to Mrs. Agnes A. Dickinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAM COLBY.

Mr. SMITH, of New Jersey, also introduced a bill (H. R. No. 5442) granting a pension to Abram Colby, of Cookstown, Burlington County, New Jersey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS AND SAILORS OF THE MEXICAN WAR.

Mr. SMITH, of New Jersey, presented joint resolution of the Legislature of New Jersey in relation to the soldiers, sailors, and marines of the Mexican war; which was referred to the Committee on Pensions.

ALICE TAFF.

Mr. SMITH, of New Jersey, also introduced a bill (H. R. No. 5443) granting a pension to Alice Taff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF ABRAM VAN DUYN.

Mr. SMITH, of New Jersey, also introduced a bill (H. R. No. 5444) for the relief of the heirs of Abram Van Duyn, deceased, late assistant postmaster at Princeton, New Jersey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ABSECUM INLET.

Mr. SMITH, of New Jersey, presented joint resolution of the Legislature of that State, in relation to an appropriation for widening the Absecum Inlet, Atlantic City, New Jersey; which was referred to the Committee on Commerce.

LIFE-SAVING SERVICE.

Mr. SMITH, of New Jersey, also presented concurrent resolution of the Legislature of New Jersey, in relation to the life-saving service along the coast of that State; which was referred to the Committee on Commerce.

LIFE-SAVING STATION NO. 4.

Mr. ROBESON presented resolutions of the Legislature of the State of New Jersey, in recognition of the daring, courage, and skill exhibited by the officers and crew of life-saving station No. 4, in the said State; which were referred to the Committee on Commerce.

GRATITUDE TO MEXICAN SOLDIERS AND SAILORS.

Mr. ROBESON also presented resolutions of the Legislature of the State of New Jersey expressing their sense of the debt of gratitude owing to the soldiers and sailors of the Mexican war and asking the passage of an act granting them pensions; which was referred to the Committee on Pensions.

ARMY CORPS BADGES.

Mr. BLAKE introduced a bill (H. R. No. 5445) to authorize the Secretary of War to furnish Army corps badges to soldiers of the late civil war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NEW YORK WORLD'S FAIR.

Mr. COX introduced a bill (H. R. No. 5446) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence, by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

UNIFORM STANDARD OF VALUE.

Mr. MORTON introduced a bill (H. R. No. 5447) to secure a uniform standard of value; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

INSPECTION OF STEAM-VESSELS.

Mr. JAMES introduced a bill (H. R. No. 5448) to amend section 4458 of the Revised Statutes, relating to the inspection and examination of vessels propelled in whole or in part by steam, and the compensation therefor, &c.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FRANCIS H. ELLISON.

Mr. BLISS (by request) introduced a bill (H. R. No. 5449) for the relief of Francis H. Ellison; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM E. AYRES.

Mr. MASON introduced a bill (H. R. No. 5450) granting a pension to William E. Ayres, late sergeant Company E, Twenty-fourth New York Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN A. McCARTY.

Mr. MASON also introduced a joint resolution (H. R. No. 262) authorizing the President of the United States to reappoint Stephen A. McCarty a lieutenant-commander in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ISAAC P. LOCKMAN.

Mr. MCCOOK introduced a bill (H. R. No. 5451) granting a pension to Isaac P. Lockman, late lieutenant-colonel One hundred and nineteenth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY TARBELL.

Mr. HISCOCK introduced a bill (H. R. No. 5452) granting a pension

to Mary Tarbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HERMAN BIGGS.

Mr. VAN VOORHIS introduced a bill (H. R. No. 5453) for the relief of Herman Biggs; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES H. STEVENS.

Mr. VAN VOORHIS also introduced a bill (H. R. No. 5454) granting a pension to James H. Stevens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS AGAINST THE UNITED STATES.

Mr. DAVIS, of North Carolina, introduced a bill (H. R. No. 5455) to provide for the judicial ascertainment of claims against the United States; which was read a first and second time.

Mr. CONGER. I ask that the bill be read at length.

Mr. DAVIS, of North Carolina. This is substantially the bill which was introduced by Mr. Potter in the last Congress giving the Court of Claims jurisdiction over all private claims and requiring them to report to the House their findings of fact.

Mr. CONGER. Is it Mr. Potter's bill modified?

Mr. DAVIS, of North Carolina. It is precisely the same bill, with one proviso to the effect that no claim now pending before Congress not adversely reported from any committee shall be barred, but the same may be prosecuted before the court within three years after the passage of this act.

Mr. CONGER. Then it is proper that it should be referred to the Committee on the Judiciary.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

CENTENNIAL CELEBRATION OF THE BATTLE OF GUILFORD.

Mr. SCALES presented a joint resolution (H. R. No. 263) providing for a centennial celebration of the battle of Guilford, as connected with the surrender at Yorktown, and providing further for a monument to the memory of General Greene at the city of Greensborough, North Carolina; which was read a first and second time, referred to the Committee on Yorktown Celebration, and ordered to be printed.

MONUMENT TO GENERAL WILLIAM DAVIDSON.

Mr. STEELE introduced a bill (H. R. No. 5456) to erect a monument to the memory of General William Davidson, a soldier of the war of the Revolution; which was read a first and second time.

Mr. STEELE. I ask that it be referred to the Committee on War Claims.

Mr. WHITE. That should go to the Committee on Military Affairs.

The SPEAKER. It should either go to the Committee on Military Affairs or the Joint Committee on the Library.

Mr. STEELE. Well, I do not know where it ought to be referred. I have examined and can find nothing in the rules to guide me, but as this is for the erection of a monument to a "rebel general" I thought the appropriate reference was to the Committee on War Claims.

Mr. WHITE. All of these bills have heretofore gone to the Committee on Military Affairs.

The SPEAKER. The Chair will cause to be read clause 44 of Rule XI.

The Clerk read as follows:

Touching the Library of Congress, statuary, and pictures: to the Joint Committee on the Library.

The SPEAKER. The Chair thinks that is the proper committee.

Mr. WHITE. All of these bills have heretofore been referred to the Committee on Military Affairs.

The SPEAKER. The Chair thinks the Library Committee is the proper one.

Mr. CONGER. If I understood the gentleman from North Carolina, he said this bill should go to the Committee on War Claims because it provided for the erection of a statue to a rebel general?

Mr. STEELE. Yes, sir, that is what I said. He was so called by the government of Great Britain. [Laughter.]

Mr. CONGER. I merely wanted to see if the gentleman desired to bring the revolutionary officers into the company of the rebels.

The bill was referred to the Committee on the Library, and ordered to be printed.

REVISION OF TARIFF AND REVENUE LAWS.

Mr. WARNER introduced a joint resolution (H. R. No. 264) providing for a commission to revise and readjust the tariff and revenue laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ELIAS WEBB.

Mr. NEAL introduced a bill (H. R. No. 5457) to increase the pension of Elias Webb, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

IMPROVEMENT OF SAINT MARY'S RIVER.

Mr. LE FEVRE introduced a bill (H. R. No. 5458) to authorize the Secretary of War to cause a survey and estimate of costs of improvements proper to be made of the Saint Mary's River in the State of

Ohio; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAMUEL AND RICHARD ROBERTS.

Mr. LE FEVRE also introduced a bill (H. R. No. 5459) for the relief of Samuel Roberts and Richard Roberts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JEREMIAH SMITH.

Mr. DICKEY introduced a bill (H. R. No. 5460) for the relief of Jeremiah Smith; which was read a first time by its title.

Mr. CONGER. Let that bill be read in full.

The bill was read the second time in full, and was referred to the Committee on Military Affairs, and ordered to be printed.

ANDREW J. SIMPSON.

Mr. DICKEY also introduced a bill (H. R. No. 5461) granting a pension to Andrew J. Simpson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD S. BULLOCK.

Mr. DICKEY also introduced a bill (H. R. No. 5462) granting a pension to Richard S. Bullock, of Adams County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. SELLERS.

Mr. DICKEY also introduced a bill (H. R. No. 5463) granting a pension to William H. Sellers, late of Company C, Eleventh Ohio Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM PALMER.

Mr. BUTTERWORTH introduced a bill (H. R. No. 5464) for the relief of William Palmer, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BARBARA WOLFER.

Mr. YOUNG, of Ohio, introduced a bill (H. R. No. 5465) for the relief of Barbara Wolfer, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DR. JOHN LAPPERT.

Mr. UPDEGRAFF, of Ohio, introduced a bill (H. R. No. 5466) for the relief of Dr. John Lappert, late of Company D, Connecticut Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY J. DOUGLASS.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 5467) granting a pension to Mary J. Douglass, of Steubenville, Jefferson County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES GALBRAITH.

Mr. ATHERTON introduced a bill (H. R. No. 5468) granting a pension to James Galbraith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'CLAIN.

Mr. ATHERTON also introduced a bill (H. R. No. 5469) granting a pension to James McClain, late private Company I, Ninety-seventh Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAY INSPECTORS OF CUSTOMS.

Mr. O'NEILL introduced a bill (H. R. No. 5470) to establish the compensation of day inspectors of customs at the ports of New York, Philadelphia, Boston, Baltimore, New Orleans, Chicago, San Francisco, and Portland (Maine) at \$4 per diem; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES L. SELFRIDGE.

Mr. O'NEILL also introduced a bill (H. R. No. 5471) for the relief of James L. Selfridge; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ELIZABETH WERT.

Mr. BACHMAN introduced a bill (H. R. No. 5472) granting a pension to Elizabeth Wert, mother of Francis Wert, private of Company B, Third Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM B. CRESSMAN.

Mr. BACHMAN also introduced a bill (H. R. No. 5473) granting a pension to William B. Cressman, private Company D, One hundred and fourth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA W. JENKINS.

Mr. WARD introduced a bill (H. R. No. 5474) granting a pension.

to Anna W. Jenkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL KAY.

Mr. WARD also introduced a bill (H. R. No. 5475) granting a pension to Samuel Kay; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMMERCE AMONG THE STATES.

Mr. WARD also introduced a joint resolution (H. R. No. 265) providing for a commission to consider and report what legislation is needed for the better regulation of commerce among the States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LONGEVITY PAY.

Mr. WHITE introduced a bill (H. R. No. 5476) to amend section 1262 of the Revised Statutes of the United States, in relation to longevity pay; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARMS FOR ARMY, NAVY, AND MILITIA.

Mr. WHITE also introduced a bill (H. R. No. 5477) to provide proper arms for the Army and Navy of the United States and for the militia of the several States and Territories; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN P. FERGUSON.

Mr. WHITE also introduced a bill (H. R. No. 5478) for the relief of John P. Ferguson, late first sergeant Company K, One hundred and forty-fifth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF RULES—TITLES OF BILLS.

Mr. FISHER submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the rules of the House be amended as follows: insert after the word "member," in the fifth line of clause 1, Rule XXI, the words: "And no bill shall be introduced and referred to any committee, unless the subject-matter is clearly expressed in its title."

SURVEY OF GETTYSBURGH BATTLE-FIELD.

Mr. BELTZHOVER introduced a bill (H. R. No. 5479) to complete the survey of the Gettysburg battle-field, and to provide for the compilation and preservation of data showing the various positions of troops at that battle, illustrated by diagrams; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANNA HURLEY.

Mr. BELTZHOVER (by request) also introduced a bill (H. R. No. 5480) for the relief of Anna Hurley, widow of Morris J. Hurley, of Washington, District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BOUNTIES AND PENSIONS.

Mr. COFFROTH introduced a bill (H. R. No. 5481) for the relief of certain drafted men; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ONE HUNDRED AND EIGHTY-SIXTH PENNSYLVANIA VOLUNTEERS.

Mr. COFFROTH also introduced a bill (H. R. No. 5482) to pay bounty to the soldiers of the One hundred and eighty-sixth Regiment of Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANDREW J. PENNEL.

Mr. COFFROTH also introduced a bill (H. R. No. 5483) restoring to the pension-roll Andrew J. Pennel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOOL BUILDINGS, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. ALDRICH, of Rhode Island, introduced a bill (H. R. No. 5484) to authorize the commissioners of the District of Columbia to apply the Washington City school fund for the purchase of sites and erection of school buildings; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BOUNTIES AND PENSIONS.

Mr. TAYLOR introduced a bill (H. R. No. 5485) for the relief of certain soldiers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. H. PAINTER.

Mr. TAYLOR also introduced a bill (H. R. No. 5486) for the relief of J. H. Painter, late a private in Company H, Eighth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WYLEY GARDNER.

Mr. TAYLOR also introduced a bill (H. R. No. 5487) granting a pension to Wyley Gardner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY TIPTON.

Mr. TAYLOR also introduced a bill (H. R. No. 5488) for the relief of Nancy Tipton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALEXANDER BROWNLOW.

Mr. TAYLOR also introduced a bill (H. R. No. 5489) for the relief of Alexander Brownlow; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARMY PAYMASTERS.

Mr. DIBRELL introduced a bill (H. R. No. 5490) to reduce the number of paymasters in the United States Army to twenty-five; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONTRACT SURGEONS.

Mr. DIBRELL also introduced a bill (H. R. No. 5491) to prevent the employment of contract surgeons in the United States Army until all the commissioned surgeons are assigned to duty; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMPENSATION OF MEMBERS OF CONGRESS.

Mr. DIBRELL also introduced a bill (H. R. No. 5492) to amend section 40 of the Revised Statutes, regulating the compensation of members of Congress; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SILAS M. M'GUIRE.

Mr. HOUK introduced a bill (H. R. No. 5493) for the relief of Silas M. McGuire, of Jefferson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER KENNEDY, SR.

Mr. HOUK also introduced a bill (H. R. No. 5494) for the relief of Alexander Kennedy, sr.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES AND WILLIAM VANCE.

Mr. UPSON introduced a bill (H. R. No. 5495) for the relief of James Vance and William Vance; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE CLOUDT.

Mr. UPSON also introduced a bill (H. R. No. 5496) for the relief of George Cloudt; which was read a first and second time.

Mr. UPSON. I ask that this bill be referred to the Committee on Claims.

Mr. CONGER. Let the bill be read.

The bill was read.

Mr. CONGER. This bill is to pay the claimant for a horse lost in 1847 in an Indian war. Under the new rules the Committee on War Claims are charged with the consideration of claims arising under any war in which the United States has been engaged. This bill should go to the Committee on War Claims.

The bill was accordingly referred to the Committee on War Claims, and ordered to be printed.

BALTIMORE AND OHIO RAILROAD COMPANY.

Mr. HUNTON introduced a joint resolution (H. R. No. 266) ratifying settlement of taxes made by the District commissioners with the Baltimore and Ohio Railroad Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

POTTAWATOMIE INDIANS.

Mr. BEALE submitted the following preamble and resolution; which were read, and, under the rule, referred to the Committee on Indian Affairs:

Whereas certain Indians of the Pottawatomie Nation, in their memorial to Congress, allege that they had been despoiled of their lands, annuities, and other moneys by means of forged deeds, fraudulent letters of administration on their estates, (they still living,) and by the appointment of guardians to their children in the lifetime of the parents; and

Whereas they allege also that they have hitherto sought in vain for redress of their grievances at the proper Department of the Government: Therefore,

Be it resolved, That the Secretary of the Interior be respectfully requested to communicate to the House of Representatives any information in his possession relative to the above allegation.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. DEUSTER presented a memorial of the Legislature of the State of Wisconsin, for the improvement of the Mississippi River and its tributaries; which was referred to the Committee on Commerce.

SALE OF PATENT-RIGHTS.

Mr. DEUSTER also presented a memorial of the Legislature of the State of Wisconsin, for the passage of a law regulating the sale of patent-rights; which was referred to the Committee on Patents.

EQUALIZATION OF BOUNTIES.

Mr. DEUSTER also presented a memorial of the Legislature of the State of Wisconsin, praying for an equalization of soldiers' bounties; which was referred to the Committee on Military Affairs.

PENSIONS.

Mr. DEUSTER also presented a memorial of the Legislature of the State of Wisconsin, for the modification of the existing laws respecting the payment of pensions to disabled ex soldiers and sailors; which was referred to the Committee on Invalid Pensions.

MANITOWOC HARBOR, WISCONSIN.

Mr. DEUSTER also presented a memorial of the Legislature of the State of Wisconsin, for an appropriation for the harbor at Manitowoc; which was referred to the Committee on Commerce.

BRIDGE OVER SAINT CROIX RIVER, WISCONSIN AND MINNESOTA.

Mr. POUND introduced a bill (H. R. No. 5497) to authorize the construction of a railway bridge across the Saint Croix River, in the States of Wisconsin and Minnesota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOSEPH WALDO.

Mr. POUND also introduced a bill (H. R. No. 5498) granting a pension to Joseph Waldo, of Moundville, Wisconsin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID M. MORLEY.

Mr. POUND also introduced a bill (H. R. No. 5499) granting a pension to David M. Morley, of Morley, Barron County, State of Wisconsin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT PATTERSON.

Mr. POUND also introduced a bill (H. R. No. 5500) granting a pension to Robert Patterson, of Mauston, Juneau County, State of Wisconsin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGISLATION OF ARIZONA.

Mr. CAMPBELL introduced a bill (H. R. No. 5501) to vacate, annul, and set aside an act of the Legislative Assembly of the Territory of Arizona; which was read a first and second time.

Mr. CAMPBELL moved that the bill be referred to the Committee on the Territories.

Mr. CONGER. This bill should go to the Committee on the Judiciary I suppose. The approval or disapproval of laws of territorial assemblies is a subject of legislation by Congress, and is in the nature of a judicial duty. Such bills have heretofore been sent to the Judiciary Committee.

Mr. CAMPBELL. I have no particular choice about the reference.

Mr. MAGINNIS. This bill should be referred to the Committee on the Territories, not to the Committee on the Judiciary. I call attention to clause 15, Rule XI, by which the jurisdiction of the Committee on the Territories extends to "territorial legislation, the revision thereof."

The SPEAKER. The Chair thinks that under the new rule this bill should be referred to the Committee on the Territories.

Mr. CONGER. Will the Clerk please read the rule.

The Clerk read clause 15 of Rule XI, as follows:

To territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on the Territories.

Mr. CONGER. I think that under this new rule the bill properly goes to the Committee on the Territories. I only spoke in regard to such matters having been heretofore sent to the Committee on the Judiciary.

The bill was referred to the Committee on the Territories, and ordered to be printed.

INSANE ASYLUM IN DAKOTA.

Mr. BENNETT introduced a bill (H. R. No. 5502) granting to the Territory of Dakota section 36 in township No. 56 north, of range No. 94 west, in the county of Yankton, said Territory, for the purposes of an asylum for the insane, and granting to said Territory one section of land, in lieu of said thirty-sixth section, for school purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WAGON-ROAD FROM WYOMING TO UTAH.

Mr. DOWNEY introduced a bill (H. R. No. 5503) for the construction of a military wagon-road from Fort Bridger, Wyoming Territory, to the Uintah agency, in Utah; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WAGON-ROAD FROM WYOMING TO COLORADO.

Mr. DOWNEY also introduced a bill (H. R. No. 5504) for the construction of a military wagon-road from Fort Sanders, Wyoming Territory, via North Park, to the military post to be established near the Ute reservation on Grand River, Colorado; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROMOTION OF ARMY OFFICERS.

Mr. DOWNEY also introduced a bill (H. R. No. 5505) relating to the promotion of officers of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FREDERICK NELSON AND OTHERS.

Mr. DOWNEY also introduced a bill (H. R. No. 5506) granting pensions to Frederick Nelson, T. Caine, and R. Sanders; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES KENRICK.

Mr. DOWNEY also introduced a bill (H. R. No. 5507) granting an increase of pension to James Kenrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TERRITORIAL REPRESENTATIVES IN CONGRESS.

Mr. DOWNEY also introduced a joint resolution (H. R. No. 267) to so amend the Constitution as to give to the several Territories one member each in the House of Representatives; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now recognize gentlemen who were not in when their States were called, or, being in, did not hear the call.

ANN P. DERRICK.

Mr. SHELLEY introduced a bill (H. R. No. 5508) for the relief of Mrs. Ann P. Derrick, widow of W. S. Derrick, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM TALBERT.

Mr. BINGHAM (by request) introduced a bill (H. R. No. 5509) for the relief of William Talbert, of Washington, District of Columbia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN L. CLIFTON.

Mr. BINGHAM also introduced a bill (H. R. No. 5510) granting a pension to John L. Clifton, late private of Company L, Independent Pennsylvania Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER BELLENGER PETRIE.

Mr. BINGHAM also introduced a bill (H. R. No. 5511) granting a pension to Peter Bellenger Petrie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. MAY.

Mr. NICHOLLS introduced a bill (H. R. No. 5512) for the relief of William H. May, Savannah, Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ABRAHAM B. HERMAN.

Mr. COWGILL introduced a bill (H. R. No. 5513) granting a pension to Abraham B. Herman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUNE TERM UNITED STATES COURTS, LOUISVILLE.

Mr. WILLIS introduced a bill (H. R. No. 5514) to provide a June term for the United States courts of Louisville, Kentucky; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JEFFERSON KINDER.

Mr. MYERS, introduce a bill (H. R. No. 5515) granting a pension to Jefferson Kinder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND INDEMNITY CERTIFICATES.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 5516) to authorize the Commissioner of the General Land Office to receive land-indemnity certificates issued to the State of Illinois for lands now vacant in said State; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MARINE HOSPITAL, NEW ORLEANS.

Mr. GIBSON introduced a bill (H. R. No. 5517) to establish a marine hospital at or near New Orleans, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ENROLLED BILL.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. No. 2518) for the relief of Nelson Lyon and Jeremiah S. James; when the Speaker signed the same.

ROBERT L. MARTIN.

Mr. CONGER. Mr. Speaker, I rise to a privileged question. I now enter a motion to reconsider the vote by which House resolution No. 255, for the relief of Robert L. Martin, was passed.

The SPEAKER. That is a bill which has been passed.

Mr. CONGER. I do not desire to call it up now; I wish to have time to examine into the matter.

Mr. HUNTON. I am ready to make an explanation in reference to the subject now if the gentleman wishes.

The SPEAKER. The gentleman can only enter the motion to reconsider at this time.

Mr. HUNTON. Does the gentleman desire an explanation?

Mr. CONGER. Not now, as it would take a considerable time; and I desire to examine the papers.

CHANGE OF HOUR OF MEETING.

Mr. HARRIS, of Virginia. I ask to present the following privileged question.

The Clerk read as follows:

Resolved, On and after Monday next the daily hour of meeting of the House be at eleven o'clock a. m.

Mr. ATKINS. Is that in order except by unanimous consent?

The SPEAKER. It has been held to be in order—

Mr. ATKINS. If it requires unanimous consent, I object.

The SPEAKER. It might be introduced for reference.

Mr. ATKINS. I do not know how it is with the committee of the gentleman from Virginia; but so far as the Committee on Appropriations is concerned, we need the time in the morning.

Mr. HARRIS, of Virginia. That committee has the right to sit during the sessions of the House.

Mr. ATKINS. But we want to be present during the sessions of the House. We need the morning for the meetings of the committee.

Mr. HARRIS, of Virginia. Does one objection prevent the consideration of this privileged question?

The SPEAKER. It does.

Mr. HARRIS, of Virginia. I thought it was a question of the highest privilege.

The SPEAKER. There is a mode of reaching it, but not in the way the gentleman proposes.

Mr. HARRIS, of Virginia. I do not offer it under a suspension of the rules; but I believe that a motion touching the hour of meeting of this House is a question of the highest consideration.

The SPEAKER. It may be one of the highest consideration, but as it changes the hour of meeting and therefore an order of the House, it is not a privileged question. The Chair admits under the practice such resolutions have been admitted, but it is not such a question as the gentleman has the right to offer as a privileged question.

Mr. HARRIS, of Virginia. The House should always have it within its power to say what should be the hour of its meeting.

The SPEAKER. The gentleman has the right to present it for reference under the call of States.

Mr. HARRIS, of Virginia. I am aware of that; but I think it is a privileged question.

The SPEAKER. The Chair must differ with the gentleman in that respect.

LIMITING DEBATE IN COMMITTEE OF THE WHOLE.

Mr. PRICE. I ask leave at this time to introduce the resolution which I offered this morning but to which objection was then made. I have now modified it so I think there will be no further objection to it.

The Clerk read as follows:

Resolved, That in the judgment of this House the fifth paragraph of Rule XXIII clearly forbids the continuation of debate on any bill in Committee of the Whole House after general debate has been closed by order of the House, except the five minutes on each side of the legitimate and bona fide amendments, and that *pro forma* amendments are in violation of said rule and should not be entertained by the Chair.

Mr. CONGER. That question arises every day, and the Chair will decide whether this House can in that way give construction to the rules. That is the duty of the Speaker of the House.

Mr. PRICE. This House can express an opinion; and if the House deems this resolution which I have introduced of a proper character and likely to accomplish the end obviously in view it will say so.

The SPEAKER. The Chair understood that this resolution was introduced for reference.

Mr. PRICE. No; I introduced it for the purpose, if I can get it, of having action on it now.

The SPEAKER. The Chair desires to say in reference to this matter, and also in regard to the resolution of the gentleman from Virginia, [Mr. HARRIS,] as well as other matters of this kind which may be introduced, that Rule XXVIII provides no standing rule or order of this House shall be rescinded or changed without one day's notice of the motion therefor.

Mr. HARRIS, of Virginia. I give notice that I will call up the resolution which I introduced for consideration to-morrow during the day.

Mr. SINGLETON, of Mississippi. I call for the regular order.

Mr. PRICE. Is my resolution before the House for consideration?

Mr. CONGER. I make the same objection to this resolution that I made before.

Mr. PRICE. The gentleman made an objection against the resolution of the gentleman from Virginia, but the resolution which I have presented is of an entirely different character. I do not seek to change a rule or order of the House; but simply that the House shall give a construction to one of the rules in order that we may be enabled thereby to facilitate the business of the House, and surely that is a question for the consideration of the House itself. It permits all appropriate amendments to be offered on bills, but carries out the

intent and object of the House after the House has declared that all debate shall close in Committee of the Whole.

The SPEAKER. But the gentleman seeks to make a rule which will govern the Committee of the Whole, and in that respect he changes existing law and the practice of the House.

Mr. PRICE. The Chair will pardon me. I think a fair construction of the language which I have used in this resolution will not admit of any such conclusion. I desire the opinion of the House upon that point, and will ask that the Clerk read the resolution again.

The resolution was again read.

Mr. PRICE. Now let the Clerk read the fifth paragraph of the twenty-third rule.

Mr. CONGER. I do not suppose this discussion takes it beyond objection.

The SPEAKER. No; the Chair will recognize the gentleman's right to object.

The Clerk will read the clause referred to.

The Clerk read as follows:

When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

Mr. PRICE. Now, if I can have consent for a moment, I desire to show that the only object I can possibly have in introducing this resolution is to facilitate the business of this House. For four months we have sat here, and I think it is a truth that no gentlemen will undertake to contradict when I say that we have done scarcely anything. It is also well known that the country is very much dissatisfied with our course here, and for my own part I would not care for that if the country was wrong and we were right; but the truth of the matter is the country is right and we are wrong.

In reference to the object to be attained by this resolution I will illustrate: We close, for instance, by a vote of this House all general discussion on a bill, say with two, three, or four hours' time, and then we commence the consideration of the bill by paragraphs, under the five-minute rule. Under the resolution just read by the Clerk, any gentleman on the floor can make a legitimate amendment and he has five minutes in which to discuss it, and five minutes are allowed on the other side in opposition to it. A strict construction of the rule would of course cut off debate at that point on this amendment, but it is continued without limit under these *pro forma* amendments. A gentleman rises and says: "I move to strike out the last word," and then follows a five-minute discussion, on either side, of that *pro forma* amendment; then another gentleman rises and moves to strike out the last word, and the same thing is gone over again, and then somebody moves to strike out the last two words, and the debate is unlimited and incessant.

Now, these motions have been made over a thousand times within my own observation, and I never yet have heard one single word of discussion in favor of the motion to strike out the last word. [Laughter.] The debate is always about something else not embodied in the amendment proposed at all and it is an evasion of the rule, and every gentleman here knows it is clearly evasion and nothing else. Now, I am desirous that we should get through with legislation here at all events before the 4th of March, 1881, and unless we adopt a resolution of the kind that I have introduced, and put a stop to this abuse, I am inclined to think that we never will get through. Three hundred men here have a right to "strike out the last word," one man after the other, and there is no telling where we will end.

Mr. CONGER. I ask the Chair to allow me one word. The gentleman from Iowa has exhibited the most striking proof of the necessity and propriety of the rule that could have been given. The gentleman has been compelled at this time—not being permitted by any rule of the House—to ask the indulgence of the House to enable him to make such remarks as gentlemen may want to make on a *pro forma* amendment when a bill is being discussed in the Committee of the Whole. I think the argument of the gentleman, taken in connection with his practice, is a sufficient reason why that resolution should not be considered. At any rate, I object.

Mr. PRICE. The objection of course comes with a very good grace from the gentleman from Michigan who is scarcely ever on the floor. Mr. CONGER. The House knows that without the gentleman from Iowa informing it. [Laughter.]

Mr. PRICE. The gentleman from Michigan is the last man on this floor I would have expected to make an objection to such a proposition as this. My only object is to transact the business for which we are here, and not waste time in *pro forma* amendments.

The SPEAKER. Does the gentleman from Iowa desire to have the resolution referred to the Committee on Rules?

Mr. PRICE. If I cannot do any better, let it go to the Committee on Rules.

The resolution was referred to the Committee on Rules.

MOSES M. KERR.

Mr. O'REILLY, by unanimous consent, introduced a bill (H. R. No. 5518) to correct the records of the War Department by erasing the charge of desertion against Moses M. Kerr; which was read a first

and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOAN OF NATIONAL FLAGS.

Mr. HOUSE, by unanimous consent, introduced a joint resolution (H. R. No. 268) authorizing the Secretary of War to lend United States flags to centennial commissioners at Nashville, Tennessee; which was read a first and second time.

Mr. HOUSE. I ask that the joint resolution be now put upon its passage.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to lend to the centennial commissioners at Nashville, Tennessee, ten large national flags, taking from them such security as in his opinion may insure their safe return.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SMITH C. FERGUSON.

Mr. THOMPSON, of Iowa, by unanimous consent, introduced a bill (H. R. No. 5519) granting a pension to Smith C. Ferguson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL BOARD OF HEALTH.

Mr. KING, by unanimous consent, from the Select Committee on the Origin, Introduction, and Prevention of Epidemic Diseases, in the United States, reported, as a substitute for House bill No. 4085, to increase the efficiency of the National Board of Health, a bill (H. R. No. 5520) having the same title; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

REPORT OF NATIONAL BOARD OF HEALTH.

Mr. MCGOWAN. I am instructed by the Select Committee on Epidemic Diseases to report back the joint resolution (H. R. No. 224) to print 10,000 copies of the report of the National Board of Health, and ask that it be placed upon the Calendar.

The SPEAKER. As the joint resolution relates to printing it must go to the Committee on Printing if the cost will exceed \$500. Will the cost exceed that amount?

Mr. MCGOWAN. Yes, sir.

The SPEAKER. Then by law it must go to the Committee on Printing.

The joint resolution, with the accompanying report, was referred to the Committee on Printing.

REPORT OF YELLOW-FEVER COMMISSION.

Mr. MCGOWAN also, by unanimous consent, from the same committee, reported back, with a favorable recommendation, the joint resolution (H. R. No. 225) to print 10,000 copies of the report of the yellow-fever commission.

The SPEAKER. The joint resolution will be referred to the Committee on Printing under the law.

INTERNATIONAL SANITARY CONFERENCE.

Mr. MCGOWAN. I am also instructed by the Select Committee on Epidemic Diseases to report back, with a favorable recommendation, the joint resolution (H. R. No. 195) authorizing the President to call an international sanitary conference to meet at Washington, District of Columbia. I ask that the report be printed, and that the bill be placed on the House Calendar. It does not make an appropriation.

The joint resolution was referred to the House Calendar, and the accompanying report ordered to be printed.

CLAIMS ALLOWED BY COMMISSIONERS OF CLAIMS.

Mr. ATHERTON, by unanimous consent, from the Committee on War Claims, reported a bill (H. R. No. 5521) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof; which was read a first and second time, and recommitted to the same committee, not to come back on a motion to reconsider.

TERRITORY OF ALASKA.

Mr. DAVIS, of California, by unanimous consent, introduced a bill (H. R. No. 5522) for the organization of the Territory of Alaska, and providing for the establishment of a civil government therefor; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ORDER OF BUSINESS.

Mr. DUNN. I ask leave to make a report from the Committee on the Public Lands that it may be printed and referred to the Committee of the Whole on the Private Calendar.

Mr. SPARKS. I do not understand that the call of committees for reports is now proceeding.

The SPEAKER. Does the gentleman from Illinois object? This requires unanimous consent.

Mr. SINGLETON, of Mississippi. I call for the regular order.

The SPEAKER. The regular order is demanded, which is the morning hour for reports from committees.

Mr. SINGLETON, of Mississippi. I move to dispense with the morning hour so that we may proceed with the consular and diplomatic bill.

The motion of Mr. SINGLETON, of Mississippi, was agreed to, there being—ayes 96, noes 36; two-thirds voting in the affirmative.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. SINGLETON, of Mississippi. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the diplomatic and consular appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. CONVERSE in the chair) and resumed the consideration of the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes.

The CHAIRMAN. When the committee last rose the pending question was upon the amendment of the gentleman from Tennessee, to strike out lines 34 and 35, which the Clerk will read.

The Clerk read as follows:

For *chargés d'affaires ad interim* and diplomatic officers abroad, \$30,000.

The CHAIRMAN. Upon this question debate was exhausted.

The amendment of Mr. McMILLIN was not agreed to.

The Clerk read as follows:

For salaries of *chargés d'affaires* to Portugal, Denmark, Paraguay and Uruguay, and Switzerland, at \$5,000 each, \$20,000.

Mr. BLACKBURN. I move to amend by adding to the clause just read the following:

Provided, In the case of the office of envoy extraordinary and minister plenipotentiary or minister resident, for which a salary was provided by the acts making appropriations for the consular and diplomatic service for the fiscal years ending June 30, 1879, or June 30, 1880, that when such position has been vacant for a consecutive period of four months or more, or when the duties thereof have been performed for the space of four months in any year by a *chargé d'affaires*, acting *chargé d'affaires*, or secretary of legation, the salary of such office shall be 50 per cent. of the amount herein appropriated for such office, and the remaining 50 per cent. shall be covered into the Treasury.

Mr. SINGLETON, of Mississippi. I make the point of order that this is new legislation. It is not recommended by the committee.

Mr. BLACKBURN. If the amendment embraces new legislation it is still not liable to the point of order, because it reduces expenditures. On its very face it does so.

The CHAIRMAN. The Chair is of opinion that the amendment is in order.

Mr. BLACKBURN. I do not desire to discuss the amendment. It speaks for itself. It provides merely that when any one of these offices has been vacant by reason of the absence of the minister for a period of four consecutive months in any one year, the salary appropriated to the office shall be 50 per cent. of the regular salary and it shall go to the subordinate officer discharging the duties of his absent principal; the other 50 per cent. to be covered into the Treasury. That is all.

The question being taken on agreeing to the amendment, there were—ayes 48, noes 64; no quorum voting.

Tellers were ordered; and Mr. SINGLETON, of Mississippi, and Mr. BLACKBURN were appointed.

The committee divided; and the tellers reported—ayes 55, noes 70. So the amendment was not agreed to.

Mr. BLACKBURN. I move to amend by adding to the pending clause the following:

And provided, That no diplomatic or consular officer of the United States who shall be absent from the place or country to which he is accredited, for more than thirty days in any year, unless said absence is by order of the Secretary of State, and upon business directly connected with the duties of his office, shall receive any pay or compensation during the time of such absence in excess of thirty days.

Mr. MCCOOK. Would it be in order to amend this amendment so that the same provision shall apply to members of Congress?

Mr. PRICE. I think it ought to be done.

The CHAIRMAN. The amendment of the gentleman from Kentucky is open to amendment.

Mr. MCCOOK. Well, I offer the amendment I have indicated.

Mr. BLACKBURN. I will vote for the amendment if the Chair rules it in order, and am willing to reduce the time to one day instead of thirty.

Mr. MCCOOK. I prefer thirty days; one day is too short a time.

Mr. BLACKBURN. Not for me.

Mr. MCCOOK. If the words "Secretary of State" are in the gentleman's proposition, perhaps I had better not offer the amendment. I did not listen attentively; but if the provision in regard to the Secretary of State could be struck out, I would offer my amendment in good faith.

Mr. BLACKBURN. The gentleman from New York surely does not think that my amendment affects at all the salary of the Secretary of State.

Mr. MCCOOK. No, sir; but I would not like to provide that the Secretary of State shall grant leave of absence to members of Congress.

Mr. BLACKBURN. I thought the gentleman did not understand the proposition.

Mr. ATKINS. Let the amendment be again read.

The amendment of Mr. BLACKBURN was again read.

Mr. MCCOOK. I withdraw my amendment.

Mr. HAWLEY. Are we to infer from this amendment of the gentleman from Kentucky that a diplomatic or consular officer of the

United States may be absent from his post thirty days without leave. I do not so understand. Such an officer, if absent, must have permission.

Mr. BLACKBURN. If the gentleman will notice the amendment carefully, I think he will not consider it amenable to that criticism. It provides, not that these officers may be absent thirty days without leave, but that in the event of being absent for more than thirty days, unless under orders of the Secretary of State and upon business directly connected with the mission, the officer shall receive no pay for the period of his absence exceeding thirty days.

Mr. SINGLETON, of Mississippi. I have the provision of the law here, and will read it:

SEC. 2. And be it further enacted, That no diplomatic or consular officer shall receive salary for the time during which he may be absent from his post (by leave or otherwise) beyond the term of sixty days in any one year: *Provided*, That the time equal to that usually occupied in going to and from the United States in case of the return, on leave, of such diplomatic or consular officer to the United States may be allowed in addition to said sixty days; and section 3 of act of March 30, 1868, is hereby repealed.

It will be seen by this provision of the law that these officers have sixty days' leave of absence during each year, but they cannot receive payment for any period of time above and beyond the sixty days.

Mr. BLACKBURN's amendment was disagreed to.

The Clerk read as follows:

For the salary of the secretary to the legation (when acting also as interpreter) at China, \$5,000.

Mr. BLACKBURN. I move, in line 54, to strike out \$5,000 and in lieu thereof to insert \$2,500. Now, sir, it is a fact, and I doubt not my friend from Mississippi knows it, that the present secretary of legation in China receives \$5,000, and that only because he is acting as interpreter there. I think the gentleman from Mississippi is aware (I am sure he is if he has made inquiry at the State Department) that representations have been made by diplomatic representatives, or some of them, in China that in respect to the duties discharged by that secretary of legation, including the services he renders as interpreter, they can be supplied by equally efficient men for one-fifth of the pay he now gets. I am sure I hazard nothing in saying that such protests are on file in the State Department now against the continuation of the appropriation of \$5,000 for that purpose, and declaring the duties are merely nominal, and that men there who have been educated in this country, though natives of China, can be found and through them provision made for all the interpreting services we need there at one-fifth the cost we are now bestowing upon it.

Mr. BURROWS. Is the gentleman at liberty to disclose from what source these protests come?

Mr. BLACKBURN. I have been as accurate and definite as any gentleman has reason to ask. I undertake to say protests are on file from foreign representatives of this Government in the State Department, and private protests to the President of this country, too.

Mr. SINGLETON, of Mississippi. I do not know what information the gentleman from Kentucky may have in his possession; but I know from consultation with the Secretary of State that it is his opinion this salary is a reasonable one. You find that this party has double duty to perform. In the first place he is secretary of legation, and in the next place he is interpreter to that legation.

Now, the gentleman from Kentucky on Saturday undertook to declare that the salaries fixed by this bill for interpreters to some other legations were controlled and governed by my religious bias. I give the gentleman an opportunity this morning to say whether he intended to intimate to the House and the country that I was influenced the hundredth part of a hair's breadth by any religious bias of my own in making up this item of the bill.

Mr. BLACKBURN. Mr. Chairman, I am amazed at the sensitiveness of the gentleman from Mississippi; but I am glad he affords me the opportunity to declare that I never did suspect him of having any religious bias at all. [Laughter.] And there is not a man in this House or out of it who ever was further from intending to intimate that the gentleman in charge of this bill had allowed himself by reason of personal acquaintance or any personal considerations to change one iota of the provisions of the measure. It was not possible, in my judgment, for him to do that. What I did mean was simply this: The interpreters to those two legations of which I was then speaking, according to the information I was possessed of, have but very little services to perform. They are both preachers, both missionaries, and I thought they found as the missionary business did not pay well this was a sort of religious donation from this Government to the foreign missionary system. [Laughter.]

Mr. SINGLETON, of Mississippi. I hope the gentleman will not further consume my time.

Mr. BLACKBURN. Not at all.

Mr. SINGLETON, of Mississippi. Mr. Chairman, this is like the hundred and one other blunders which the gentleman has fallen into in the rabid speech he made a few days ago. Does he know who the interpreters are at these points? One of them, A. A. Garginlo, at Constantinople, is a naturalized Greek, as I understand, a man who has been there for years, and if he has any religious views I do not know what they are.

Mr. BLACKBURN. And a missionary besides.

Mr. SINGLETON, of Mississippi. If he has any religious calling I know nothing about it. He is no missionary. The other is a man by the name of Thompson, as appears by the register of the State

Department, and is not a missionary from any church, as I am told at the State Department, and is not in any sense of the word responsible to any sect in the country for his appointment or for his presence in the country.

Mr. BLACKBURN. I did not intimate he was.

Mr. SINGLETON, of Mississippi. The gentleman speaks of my religious convictions. Yes; I have them and I thank God I have. My only regret is I am not always true to them.

Mr. BLACKBURN. I spoke not of your religious convictions. I spoke of the gentleman's religious bias.

Mr. SINGLETON, of Mississippi. Wait a moment. It would be a good thing for the gentleman and for his constituents, and a matter of security to him, if he had some stronger religious convictions than any one thinks of crediting him with. [Laughter.]

Mr. BLACKBURN. Will the gentleman allow me?

Mr. SINGLETON, of Mississippi. Not now.

Mr. BLACKBURN. Does he parade himself either as an encouraging or frightful example of religious conviction. [Laughter.]

Mr. SINGLETON, of Mississippi. Well, I do not think the gentleman fit to be an example for anybody. [Laughter.]

Mr. BLACKBURN. I am afraid my friend is losing his good temper.

Mr. SINGLETON, of Mississippi. At all events, in such matters I should hate to see the church intrusted to your keeping, and in this your best friends will agree with me. [Laughter.]

Now, Mr. Chairman, it is necessary that these interpreters should be intelligent, well-informed men. There is much depending upon the interpretation they give to matters and things. If they are dishonest men, they can be used in the interest of the governments to which our consuls are accredited. In other words, they might have such bias in favor of their own country or of some other country as would work great detriment to ours. In some cases these parties receive \$1,500, and it runs up as high as \$3,000. But in order to get good men and efficient ones for service of this kind it is a well-understood fact that you are compelled to pay good salaries. You cannot obtain them otherwise, and I am surprised to hear the gentleman say that \$5,000 is more than an adequate remuneration or compensation for an educated, reliable man, speaking two languages, acting as secretary of legation and interpreter at the same time.

Mr. HUNTON. Will the gentleman permit me to ask him a question?

Mr. SINGLETON, of Mississippi. Yes, if it is pertinent to this point.

Mr. HUNTON. I should certainly not ask the gentleman an impertinent question. What I desire to call his attention to is this: that according to this bill there is only a clerk to the legation at Spain at a salary of \$1,200 a year, and for the legation at China there is a secretary as well as a clerk. Now what I want to ask is, why it is important to have a clerk at the legation at China and not in Spain? It seems to me that there can be no good reason for making such a difference as this.

Mr. BAKER. But you have a secretary and clerk in Spain.

Mr. HUNTON. No, sir. Here is line 51, which provides for the clerk to the legation at Spain \$1,200.

Mr. ORTH. Look at line 45 and the gentleman will see that there is also a secretary provided for Spain.

Mr. HUNTON. And here you have provided for the secretary of legation in China the sum of \$5,000.

Mr. SINGLETON, of Mississippi. Will the gentleman from Virginia be kind enough to turn back to line 45 and he will see that there is a secretary of legation provided for Spain, as well as a clerk.

Mr. HUNTON. But I notice in addition that the clerk and the secretary in Spain together get the sum of \$2,800, while the secretary of legation while acting as interpreter in China gets the sum of \$5,000. Now, here is the secretary and clerk in Spain who receive but \$2,800, while the secretary alone in China gets \$5,000. I am unable to see any reason for this difference. I believe that educated Chinese that come over here and receive their education in our schools can be procured to do that service provided for in this section of the bill for the sum of \$1,000.

A MEMBER. Or \$1,200 at the outside.

Mr. HUNTON. They can be obtained at a cost not exceeding \$1,000 I am convinced. I think, therefore, the salary of \$2,500 for this secretary, as provided in the amendment of the gentleman from Kentucky, is more than sufficient to secure the services of an interpreter in China, and I trust that the amendment he offers will prevail, because I think \$1,000 will secure effective and faithful service in this connection.

Mr. ORTH. Will the gentleman allow me to ask him a question before he sits down?

Mr. HUNTON. Certainly.

Mr. ORTH. Would the gentleman be willing to employ an unnaturalized foreigner in an American legation?

Mr. HUNTON. Why, as interpreters, beyond all question. There may be foreigners not only employed as interpreters but even as consular agents.

Mr. ORTH. Not unnaturalized foreigners?

Mr. HUNTON. Yes, as consular agents to conduct our business. Why, my friend from Kentucky [Mr. BLACKBURN] awhile ago said one of these parties was an unnaturalized Greek.

Mr. SINGLETON, of Mississippi. That is one of the gentleman's missionaries, but naturalized as I understand. [Laughter.]

Mr. HUNTON. But I insist \$2,500 is more than sufficient.

The question recurred on the amendment of Mr. BLACKBURN; and on a division it was rejected—ayes 29, noes 63.

Mr. WARNER. I move to strike out "five" and insert "four" in line 54; so that it will read:

For the salary of the secretary to the legation (when acting also as interpreter) at China, \$4,000.

The committee divided; and there were—ayes 36, noes 57.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For the salary of the interpreter to the legation in Turkey, \$3,000.

For the interpreter to the legation at Japan, \$2,500.

For contingent expenses of foreign intercourse proper, and of all the missions abroad, \$80,000.

Mr. BLACKBURN. I offer the following amendment.

The Clerk read as follows:

Insert after line 61, "and no ambassador, envoy extraordinary, minister resident, chargé d'affaires, secretary of legation, or attaché of legation, not mentioned in this bill, shall be entitled to, nor shall he be paid, any salary or compensation of any kind whatsoever; and all laws or parts of laws authorizing the payment to such officers of any salaries or compensation of any kind, except as herein provided, are hereby repealed."

Mr. FROST. I rise in support of the amendment offered by the gentleman from Kentucky, [Mr. BLACKBURN;] and I only regret that it is not possible under the rules of this House and under what I conceive to be a proper appreciation of the duties incumbent upon us to strike out the whole of Schedule A from line 1 to line 61 of the bill. I believe, sir, it would be far better for the interests of this country abroad, and it would certainly result in a large saving, if we were enabled to abolish all this ambassadorial, ministerial, or missionary system; whatever it may be called.

We have abroad, in a number of capitals of Europe, gentlemen under the name of ambassadors plenipotentiary and other long-sounding titles, who to my certain knowledge, as I have had some experience both in traveling in those countries and reading the reports made by these gentlemen, have absolutely nothing to do. We are appropriating for the purpose of supporting these gentlemen sums aggregating \$420,000. I believe, sir, that three-fourths of that amount might be saved, and that one minister abroad would be amply sufficient for all purposes. Whenever any complication arises with a European power it always becomes necessary for us to commission some special ambassadors in order to represent us. The only services which these representatives of ours abroad render are to introduce to foreign courts such American travelers as are desirous of basking in the smiles of royalty. That is what they do, so far as they act at all. They are not representatives of our political or commercial intercourse with foreign nations, but are merely gentlemen ushers to our travelers in Europe for the purpose of introducing them to foreign potentates.

I recollect the experience I had in 1872 in common with many other Americans who were traveling in Europe at that time. There was then located at the court of St. James as first secretary of legation to General Schenck a gentleman of the name of Moran. I found it necessary to visit Switzerland and intended to pass by way of Paris. I was then at college in England. I called at our ministry. I had letters certifying to my identity from the rector of the university at which I was studying. I had letters from prominent gentlemen in London sufficient to enable me to obtain money at the banks. But when I went to introduce myself to Mr. Moran with these credentials as an American citizen demanding a passport, he told me he did not know me. I told him that was perfectly correct, but I had brought letters of introduction. He said he did not know the gentlemen writing the letters. I told him that was a matter of common occurrence in Europe, but that those letters enabled me to draw money at the bank and if he talked with me for five minutes he might know I was an American citizen. He still declined to furnish me with a passport. I then asked him whether an introduction from the ambassador from Austria, Count Apponyi, with whom I happened to be acquainted, would suffice. He said, "No; I do not know the Count Apponyi." I had to leave the office without obtaining my passport.

I then went to the minister of Belgium and from him obtained a passport or what was equivalent thereto and was obliged to avoid Paris and go around to Switzerland by way of Belgium and the Rhine. I offer that as a fair sample of the reception given to American citizens by men who have resided at the European courts so long that they are not willing to know any one who is not at least a sovereign of some country or other. I went there under the impression that I was a sovereign as far as every American citizen was; but I came away under the full conviction that our American ambassadors knew no one of lower rank than kings; and that as they were constantly associated with emperors and men of such degree they thought that we ordinary travelers had no rights which they considered themselves entitled to respect.

[Here the hammer fell.]

Mr. HAWLEY. I do not know the details of the special complaint which has just been made; but I desire to say a word for Mr. Moran, who is known to all gentlemen concerned with our foreign intercourse and to a large number of the members of foreign legations as for a great number of years connected with our diplomatic inter-

course. He is known further to be a man of the highest character, and his late promotion to be minister at Portugal was considered a recognition in an especial sense of the good service rendered by a most admirable representative of the American Government abroad. What mistake he may have made in this particular case I do not know.

Mr. COX. I move to strike out the last two words.

Mr. PRICE. I must make the point of order on my friend from New York. I mean nothing personal, but I must insist that this striking out of the last words should stop.

The CHAIRMAN. The gentleman from Iowa will state the point of order to which he has risen.

Mr. PRICE. I make the point of order under the fifth clause of Rule XXIII that when an amendment is offered it is subject only to a speech of five minutes in favor and five minutes against; and that when general debate has been closed by order of the House it cannot by any maneuver of this kind be continued against the order of the House. The Chair must see, if this is to continue every gentleman in this House might move to strike out the last word on which there might be ten minutes' speaking, and three hundred times ten minutes would take a great many days.

Now if the rule is to be observed in its spirit and letter, none but legitimate *bona fide* amendments can be entertained under the fifth clause of Rule XXIII. There will be no end to debate if any other course is followed.

The CHAIRMAN. It has always been the custom in Committees of the Whole to allow such motions.

Mr. PRICE. I know it.

The CHAIRMAN. And it would be a very hard rule indeed to impose upon any chairman of the Committee of the Whole the duty of determining what might be the effect of any amendment. The Chairman cannot determine whether an amendment is made in good faith or not, or what may be the effect of it, whether to destroy the pending proposition or to improve it and make it better. The remedy of the gentleman is to object to the withdrawal of any amendment and to require a vote upon it.

Mr. PRICE. If the Chair will bear with me a moment; I do not desire to take up too much time. I know the Chair in making the ruling he has is doing just what has been done by other chairmen for years past. I know that I am undertaking a Herculean task when I undertake to bring about a correction of this evil. The Chair knows that the remedy which he suggests is really no remedy at all; because the gentleman from New York—and I hope he will not consider that I am doing this out of any disregard for him—

Mr. COX. Certainly not.

Mr. PRICE. When the gentleman from New York has made his five-minute speech on his motion, and another gentleman makes a five-minute speech in reply, then, if no objection is made, the gentleman from New York will withdraw his motion, and it may be renewed by any other member. Even if objection is made to the withdrawal, and the vote is taken upon the *pro forma* amendment and decided in the negative, any other gentleman can make the same motion; and so it will go on *ad infinitum*.

The CHAIRMAN. The Chair is of opinion that an amendment once voted down cannot be renewed; and no amendment can be withdrawn except by unanimous consent.

Mr. PRICE. The Chair will understand that when an amendment to strike out the last word is voted upon and decided in the negative, then an amendment to strike out the last two words would be in order, and after that an amendment to strike out the last three words, and then the last four words, and so on to the end of the chapter. I have arisen only—

Mr. MCCOOK. Allow me to ask the gentleman a question.

Mr. PRICE. Certainly.

Mr. MCCOOK. If the construction which the gentleman puts upon the rule is a correct one, would it not put an additional limitation on debate when debate is already sufficiently limited?

Mr. PRICE. I am glad the gentleman has asked the question. I say that debate is not sufficiently limited. The House makes an order that after two or three or four hours of general debate all general debate shall cease, and the Committee of the Whole shall then proceed to consider the bill under the five-minute rule. Yet every gentleman here knows, without my saying it, that if amendments to strike out the last word or the last two words or the last three words, and so on without any limit, are allowed to be made and discussed, there is practically no limitation to debate and the Committee of the Whole will never cease debating, the order of the House to the contrary notwithstanding.

Mr. COX. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. COX. I understood the Chair to decide that I could speak.

The CHAIRMAN. The Chair has decided the point of order, and the gentleman from New York [Mr. Cox] will proceed.

Mr. AIKEN. Will the gentleman from New York [Mr. Cox] allow me a minute or two for a question?

Mr. COX. Certainly.

Mr. AIKEN. The gentleman from New York has the floor, I believe, and he allows me two minutes. [Laughter.] I desire to say that I am entirely in accord with the gentleman from Iowa, and he and I will vote directly together on his proposition, for I agree with him entirely.

Since the first meeting of the extra session of the Forty-fifth Congress I have kept a sort of diary of debate in this House, and I now desire to give to this House the benefit of that information.

Mr. COX. If the gentleman—

Mr. AIKEN. I have two minutes; please sit down. [Laughter.] Of all the debaters in this House twenty-eight members consume 71 per cent. of the entire time consumed in debate.

Mr. COX. The gentleman got the floor on the promise to ask me a question.

Mr. AIKEN. I will ask the gentleman a question. Can he dispute the fact that twenty-eight men on the floor of this House consume 71 per cent. of the entire time taken up in debate? [Laughter.] Northwestern members consume 9 per cent. of the balance of the time; southern members 10 per cent.; and one gentleman from Michigan consumes 10 per cent. The remainder of the time is consumed by northern democrats. I ask the gentleman how much time that is? [Laughter.] That is the question I have to ask him.

Mr. COX. I am cut short in my time somewhat.

Mr. BLACKBURN and others. Go on!

Mr. COX. I was cut short when I was young. [Laughter.] It was my misfortune not to be present at the opening of this debate, yet my friend on the other side must object to my speaking now, knowing I was somewhat referred to if not attacked in debate on Saturday, and my interesting friend from South Carolina must become irrelevant in so far as to call in question all the logicians members of this House. Now where is my five minutes? [Laughter.] I ask leave to print my remarks. [See Appendix.]

The CHAIRMAN. The Chair hears no objection. [Renewed laughter.] The question is on striking out the last word.

Mr. COX. I withdraw that small amendment.

The CHAIRMAN. If there be no objection the *pro forma* amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The question is on the amendment moved by the gentleman from Kentucky, [Mr. BLACKBURN.]

The question was taken, and the amendment was not agreed to.

Mr. YOUNG, of Ohio. Before the committee passes to the consideration of Schedule B, I desire to offer an amendment to lines 24 and 25 of Schedule A. I was not in the House on Saturday at the time these lines were under consideration. I therefore ask unanimous consent to offer the amendment.

Mr. BLACKBURN. I reserve the point of order until I hear the amendment read.

The Clerk read as follows:

In lines 24 and 25, strike out \$5,000, and insert \$7,500; so as to make the clause read:

"For minister resident and consul-general at Bolivia, \$7,500."

Mr. BLACKBURN. I make the point of order.

Mr. SINGLETON, of Mississippi. We have passed this paragraph.

The CHAIRMAN. The gentleman from Kentucky will state his point of order.

Mr. BLACKBURN. In the first place, we have passed the clause of the bill to which this amendment applies, and the gentleman has no right to go back except by unanimous consent, which I reserved the right to withhold until I could hear the amendment read. I now make the point that we have passed this.

I make the further point that under Rule XXI the amendment is not in order, because, though germane to the subject-matter, it does not retrench expenditures.

Mr. GARFIELD. I ask the gentleman from Kentucky to withhold the point of order long enough to allow my colleague [Mr. YOUNG, of Ohio] to make a statement.

Mr. BLACKBURN. I withhold the point, to hear the gentleman's statement.

Mr. YOUNG, of Ohio. Mr. Chairman, the compensation of the representative of the United States Government at Bolivia is away below what it ought to be when we take into consideration, first, the importance of Bolivia to the United States in a commercial point of view; and, secondly, the high price in that country of provisions such as an American would be willing to live on.

Besides, this bill provides no clerk, no *chargé d'affaires*, no assistant whatever to this officer. He is named resident minister and consul-general, without a clerk, without assistant. It does seem to me that, in view of the importance of Bolivia as compared with other South American republics, my amendment ought to be adopted in order to dignify the representative of our Government at that place. The gentleman who has just been appointed to the position is a first-class man and ought to get first-class pay.

We ought not to starve our officers at home by low wages, as there seems to be an attempt on the part of this Congress to do; and certainly, when we send men abroad to represent this country and its interests, commercial and political, we ought at least to dignify the office by paying the officer enough salary to live on.

I ask that by unanimous consent this amendment may be put to a vote of the committee. As a question of parliamentary proceeding, I cannot see why the business of the Committee of the Whole on the state of the Union cannot be conducted under the rules in as liberal a way as that of any standing committee of the House.

Mr. BLACKBURN. I now renew my point of order, though I have

no disposition to interrupt any gentleman who desires to speak on this question.

Mr. WHITE. Who is the appointee to this mission?

Mr. YOUNG, of Ohio. If the gentleman from Kentucky will permit me, I will state that the gentleman recently appointed to this position is General Adams, who during this last winter took his life in his hands and went among the Ute Indians upon a mission of humanity—to get from the hands of the Utes the Meeker family. For this distinguished service General Adams has been justly rewarded by having conferred upon him by the Administration the mission to Bolivia. He is a man whose life and character have been marked by self-sacrifice; and now, when the Government has acknowledged his services by conferring upon him this office, it is proposed to cut down the compensation from \$7,500 to \$5,000 a year. It will cost him more than \$1,000 to pay his expenses to this mission, and more than \$4,000 a year to live there—decently, I mean. I suppose he could live on the salary here proposed, if he would live as the people down there live. But I hope this committee will consider that when a man is sufficiently distinguished to be sent to a foreign country as a representative of this great nation we ought at least to give him enough salary to enable him to support himself decently.

Mr. MCCOOK. With the permission of the gentleman from Kentucky, I wish to make one statement. General Adams has shown his courage and pluck by going in person among the Ute Indians when perhaps not another white man in the United States could have been induced to go there, and by insisting upon the surrender of the principal chiefs who had taken part in the attack upon Major Thornburgh and his command. In this way General Adams unquestionably saved this Government from a long and bloody Indian war, which would probably have cost us millions of dollars. It seems to me every one who knows the man will concede that this salary should be allowed him in acknowledgment of his services. I think the House of Representatives might with very great propriety make this very small recognition of the devoted service which General Adams has rendered.

A MEMBER. Is he an Ohio man?

Mr. MCCOOK. No, nor a New York man; he is a Colorado man.

Mr. BLACKBURN. I desire to join in the testimony borne to the character of this gentleman. Within the last three days he has been a witness before a committee of investigation of this House, to which I belong, and I very cheerfully bear testimony to the favorable impression he made upon my mind as worthy of every compliment that has been paid to him. But I do not think this is the way to recognize such services as he has rendered, distinguished as they have been. It had better be done by special act of Congress than by raising the pay of one of these foreign missions.

At the outset of the discussion on this bill I stated to the House that it was not my idea to restrict the diplomatic or consular system or cripple it in any wise by reduction of compensation. I have offered no amendment to reduce the salary of any of our foreign ministers; I do not intend to do so. But I do intend to insist upon a point of order upon any amendment looking to an increase of the salaries of these ministers as reported in the bill. With all deference to the request made by the gentleman from Ohio, [Mr. YOUNG,] I insist upon the point of order.

The CHAIRMAN. In the opinion of the Chair the point of order is well taken.

The Clerk read as follows:

SCHEDULE B.

For the agent and consul-general at Cairo, \$4,000.

Mr. BLOUNT. I move *pro forma* to amend by striking out the last word. I do this simply to ask the gentleman from New York [Mr. COX] a question. He asked leave awhile ago to print some remarks, stating that he had been assailed in the House, and I understood he had reference to me. I would like to know whether this is the fact, for certainly I had no such purpose.

Mr. COX. I rose a few moments ago for the purpose of saying to the House, as chairman of the Committee on Foreign Affairs, that any intimation that we have been derelict in providing by law for a new consular and diplomatic system was not authorized by the facts in so far as it referred to myself.

It was said by the gentleman from Georgia [Mr. BLOUNT] that I have opposed again and again in this House the expensive and useless diplomacy by which our Treasury is so much depleted and for which there is no adequate compensation in the services rendered.

Why should we not withdraw from the salary of diplomats, &c., just as much money as is possible to aggrandize the consular system?

The great need of this country is the extension of trade. Let us find new avenues and opportunities for our commerce. Why, therefore, should I not feel some resentment at remarks made on Saturday by gentlemen, inasmuch as I could not tell under the rules what took place in the Foreign Affairs Committee?

If the truth were known, its chairman should be not reproached in the slightest degree for any seeming neglect. The gentleman from Illinois [Mr. TOWNSEND] referred to me, and to my committee to which he sent a general resolution, asking for a radical change in this diplomatic system. Now I say, since it has been discussed here, that I have twice brought before that committee his resolution. I may say with propriety that committee is disinclined to make any

such change as he recommended. So far as I am personally concerned I have debated the matter involved in his resolution here years ago—year after year—till to me it is threadbare. My then colleague, [Mr. Hewitt,] who was on the Foreign Affairs Committee, made an exhaustive speech of the same tenor. I collected from the Hansard English debates, as he had from the Globe and our RECORDS, all that was worthy to be authority on a point of this kind.

My friend from Kentucky [Mr. BLACKBURN] follows in this path. He would strike down these useless ministerial appendages. I cheer him in his work. In this day of newspapers, steamships, railroads, and telegraphs—marine and terrestrial—and when the appliances of our civilization are making their marvels of advancement, is it not time to disuse a system so futile, feudal, and utterly effete? Why not so restore us even to the old-fashioned plan of "non-entangling alliances," which our fathers recommended, and which in my more elaborate speech on this bill I will show they recommended as infinitely superior to the unrepresentative diplomatic methods now in vogue? Why not combine all Europe, or South America, or Central America, or the Pacific coast, China, and Japan, into one embassy, and remit the great bulk of our commercial and foreign work to our consulate system?

However that system may be executed, is it not consummate?

Sir, we have a splendid consular system. It does not need much reform. Here is a book prepared at the State Department which is worth study. It ramifies all through our commerce, and into all its vicissitudes, enterprises, and fortunes. Now, when we are seeking these foreign avenues of trade, I would enhance and strengthen the commercial agencies. To do that, abolish these luxurious and inordinate salaries for ambassadors and their satellites, whose only business seems to be to dine at *cafés* abroad, to dance attendance on nobility, to listen to the gossiping of those who have no sympathy with republicanism, and who return to us undemocratized, denationalized, *de novo*, at their elegant leisure and abundant pleasure, after gallivanting all through Europe at the expense of a tax-paying and hard-working people.

Mr. BLOUNT. I withdraw my amendment.

Mr. BLACKBURN. I wish to ask the gentleman in charge of the bill who is the consul-general at Shanghai now?

Mr. SINGLETON, of Mississippi. You will find that information by looking at the register of the State Department. I do not keep these names in my mind.

Mr. BLACKBURN. If the gentleman were as well advised about this bill as he seems to be posted in religion, he might be able to give me this information. [Laughter.] I suspect it is a man by the name of Loring.

Mr. SINGLETON, of Mississippi. Probably.

Mr. BLACKBURN. I wish to ask the gentleman in charge of this bill whether he knows or does not know that man stands to-day under indictment for frauds committed on the internal revenue of this Government?

Mr. NEAL. I think the gentleman's name is Denny, from the State of Oregon.

Mr. BLACKBURN. Is not Loring consul-general at Shanghai now?

Mr. NEAL. No; Denny is.

Mr. BLACKBURN. The gentleman has the Blue Book before him.

Mr. NEAL. He has been appointed within a few weeks.

Mr. BLACKBURN. In place of whom?

Mr. NEAL. In place of Mr. Bailey.

Mr. BLACKBURN. I knew Mr. Bailey had been retired; but I want to know whether this consulate is filled now; and, if not, which one is filled by Loring, who was at Hong-Kong and then sent to Shanghai?

Mr. NEAL. That is Mr. Bailey.

Mr. BLACKBURN. I know the record of Mr. Bailey. The country, unfortunately, is familiar with that record.

The CHAIRMAN. There is no question before the committee.

Mr. BLACKBURN. I am asking a question of the gentleman in charge of this bill. I find from the register of the State Department—

Mr. SINGLETON, of Mississippi. I have no further information on the matter than is derived from the register of the State Department; and if the gentleman wants further information he will have to go elsewhere to get it.

Mr. BLACKBURN. I did not expect to get it from the gentleman in charge of the bill when I asked. Mr. Bailey stands on the Blue Book as consul at Shanghai. Mr. Bailey is no longer consular representative of this Government anywhere. I wanted to know who his successor was.

Mr. GARFIELD. Mr. Denny, of Oregon, appointed some time ago. That is an answer to the gentleman.

Mr. BLACKBURN. I know Mr. Loring was appointed by Mr. Bailey as vice-consul at Hong-Kong, but was taken and removed to Shanghai. Now, Mr. Bailey has gone out of that consulate, and I desire to know whether Mr. Loring has been left there?

Mr. SINGLETON, of Mississippi. What have I to do with that? I have not made the appointments.

Mr. BLACKBURN. I want to have something to do with it if the gentleman can give me the information he is possessed of.

Mr. SINGLETON, of Mississippi. I give you the information I find in the register of the State Department lately printed and presented to this House.

Mr. BLACKBURN. We know that is not correct, because that man represented as the consul-general at Shanghai is no longer in the consular and diplomatic service of this country anywhere.

Mr. BAYNE. Will the gentleman permit me to ask him a question? If the merit of General Adams does not entitle him to an increase of compensation, why should the demerit of Mr. Loring require a reduction?

Mr. BLACKBURN. I will answer the gentleman by asking this question: Is the *morale* of the diplomatic service of this country to be elevated by retaining in position a man who has fled from his country for frauds committed in the revenue but who has since held positions at a high salary in the consular service abroad?

Mr. BAYNE. I think not, if those facts are known.

Mr. BLOUNT. I rise to a question of order. I wish to know whether there is an amendment pending?

The CHAIRMAN. There is no amendment now pending before the committee.

Mr. NEAL. I move to strike out the last word. Mr. Chairman, when I make a mistake I am always very willing and ready to correct it. In the first session of the Forty-fifth Congress, when the consular and diplomatic bill was under consideration, I defended in this bill Mr. Bailey, against whom some charges were made, and I defended him from information which I then believed to be correct. At that time he was consul at Hong-Kong, and had been nominated to succeed Mr. Seward as consul-general of Shanghai. That nomination was pending for several weeks in the Senate, and no information was given to this House or to the Senate showing that there was any dereliction of duty on his part. I find, however, that I was mistaken in defending him, and that the very charges made against him at the time, and which I had reason from information in my possession to believe were false, have been proved to be correct. I want, therefore, to take back all that I said on that occasion in his defense.

Mr. HUNTON. Will the gentleman permit me to ask him a question?

Mr. NEAL. Yes, sir.

Mr. HUNTON. I understood the gentleman to state that while the nomination of Mr. Bailey was pending before the Senate there was no information before the Senate or the House that he was unworthy.

Mr. NEAL. That was what I stated.

Mr. HUNTON. Now, will the gentleman permit me to ask him if he did not know, as I have heard stated, that there was information in the State Department upon that very subject—information that he had been guilty of defrauding the Government out of many thousands of dollars?

Mr. NEAL. I will answer that question, Mr. Chairman. This summer I met one of our naval officers, a man of high standing and character, who I ascertained had been upon the Pacific coast for several years, and I learned from him the charges against Mr. Bailey were true, and that Bailey was guilty of what I stated here he was innocent of. Upon my return to Washington I called upon Mr. Secretary Evarts and laid before him the facts which had come into my possession from this naval officer, and the Secretary of State told me then that he had no knowledge of the facts at the time his nomination for the consulate at Shanghai was pending.

The Secretary stated further that he had no interest whatever in Mr. Bailey; that he had appointed him because he was in the line of promotion, and that if he had had any intimation that the charges against him were true, he would not have appointed him at all. He took the place, and one of our consuls on the Pacific coast, General Stahl I think, or some other consul, was sent to investigate the charges against Mr. Bailey, on a letter written by General Mosby; and those charges were found to be true, and Mr. Bailey was at once recalled.

Mr. HUNTON. Will my friend state to the committee the date of the promotion of Mr. Bailey?

Mr. NEAL. It was about two years ago. I cannot state the exact time.

Mr. HUNTON. Well, I will state to my friend from Ohio that I hold in my hand the correspondence between the State Department and General Mosby as consul at Hong-Kong, and General Stahl as consul at Yokohama, in which is disclosed to the State Department that this very man Bailey was a defaulter to the Government to the amount of probably \$100,000, and the very first letter of this correspondence, letter No. 1, bears date Hong-Kong, February 21, 1879.

Mr. NEAL. Very well, it was on the strength of that letter that General Stahl was sent to Yokohama and Hong-Kong to make these investigations.

[Here the hammer fell.]

Mr. NEAL. I hope the committee will give me a few moments longer.

MESSAGE FROM THE SENATE.

Here the committee informally rose; and Mr. HARRIS, of Virginia, having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed, with an amendment in which the concurrence of the House was requested, the House joint resolution of the following title:

The joint resolution (H. R. No. 237) directing the Secretary of the Navy to organize a board to inquire into the present condition of the double-turreted monitors and the propriety and cost of completing said vessels.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The gentleman from Ohio [Mr. NEAL] is entitled to the floor.

Mr. SINGLETON, of Mississippi. I ask the gentleman to allow me just one word. I wish to correct another of the errors of the gentleman from Kentucky. Loring was never consul at Shanghai. He was vice-consul at Hong-Kong, and was dismissed by Colonel Mosby on his taking charge of that consulate.

Mr. BLACKBURN. I undertake to say that is not correct. I state it on the authority, the best to be had on earth; he left Hong-Kong only to be promoted to a more important place.

Mr. SINGLETON, of Mississippi. I make the statement on the authority of Mr. Cowie, Fifth Auditor of the Treasury Department, who has charge of the auditing and allowance of all consular and diplomatic expenses, and is possessed of the best sources of information on this subject.

Mr. NEAL. What makes the case of Mr. Bailey the more melancholy in my estimation is the fact that he is from the State of Ohio. But, sir, I have this consolation, that there are exceptions to all general rules, and Mr. Bailey's misconduct serves to present in stronger contrast the unsullied purity and the incomparable honesty of the people of that great State. I withdraw the amendment.

The Clerk resumed the reading of the bill, and read the following paragraph:

For salaries of consuls, vice-consuls, commercial agents, and thirteen consular clerks, \$304,600, namely:

Mr. SINGLETON, of Mississippi. My task is truly a laborious one, namely, to correct all the blunders made by my friend from Kentucky in his speech on Saturday last. In reference to this item—

For salaries of consuls, vice-consuls, commercial agents, and thirteen consular clerks, \$304,600, namely—

the gentleman announced on Saturday to the House with apparent pleasure that my figures were false; that he had discovered a mistake in the calculation of \$1,000.

Mr. BLACKBURN. I said \$1,100.

Mr. SINGLETON, of Mississippi. I give the gentleman the benefit of the difference. Now, the clerk of the Committee on Appropriations has gone over the calculation and I am assured it is quite correct. So there goes another of the gentleman's charges.

Mr. BLACKBURN. Very well, if the gentleman in charge of this bill ostensibly, is content with his figures, I am. But I know this: I know there is a mistake of \$1,100 in that computation; unless the gentleman proposes to say that five of the thirteen consular clerks allowed and established by law must receive \$1,200 a year instead of \$1,000. I state now, just as I stated on Saturday, if the gentleman has allowed \$1,200 for five of the consular clerks instead of \$1,000, there is a mistake of \$100, otherwise there is a mistake of \$1,100. The gentleman from Mississippi never makes mistakes! He is oracular and infallible.

Mr. SINGLETON, of Mississippi. Oh, no!

Mr. BLACKBURN. Now, the gentleman said he had made no provision for any consular clerk at Collingwood. I leave it to the record; I leave it to the law; I leave it to the Blue Book, to the Congressional Directory which I hold in my hand, which shows that under the law the President who assigns thirteen consular clerks has assigned one to Collingwood. His name is Gustavus Goward, and he is there now as a consular clerk.

Mr. SINGLETON, of Mississippi. I hold the bill in my hand, and I ask the gentleman to point out to me where Collingwood is named.

Mr. BLACKBURN. If the gentleman is not able to understand his own bill when it is read to him—

Mr. SINGLETON, of Mississippi. I ask the gentleman to show it to me.

Mr. BLACKBURN. If the gentleman will sit down I will show it to him.

Mr. THOMPSON, of Iowa. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. THOMPSON, of Iowa. What is the question pending?

The CHAIRMAN. There is no question pending.

Mr. BLACKBURN. I move to strike out the last word.

I will point the gentleman from Mississippi to a part of the bill he seems not to have read; and we are there at that line this very instant. Here is an appropriation made—

For salaries of consuls, vice-consuls, commercial agents, and thirteen consular clerks—

of which thirteen Mr. Gustavus Goward, posted at Collingwood, is one under the law at this day. Does the gentleman want to find it in the bill more plainly than that?

Mr. SINGLETON, of Mississippi. Let me say to the gentleman that these thirteen consular clerks are provided by law.

Mr. BLACKBURN. And you, at line 82 of your bill, provide for their payment.

Mr. SINGLETON, of Mississippi. They are provided for by law, and the Secretary of State has the right to assign them to any point he thinks proper.

Mr. BLACKBURN. The gentleman is mistaken again.

Mr. SINGLETON, of Mississippi. If he chooses to assign one to Collingwood we have nothing to do with that. The bill provides

nothing of the sort. It merely provides for thirteen consular clerks, to be stationed where the Secretary of State may assign them. Sometimes he places them at one point, sometimes at another, as circumstances or the exigencies of the case may demand. But there is no provision specifically in this bill for a consular clerk at Collingwood; and if the Secretary of State chooses to assign one there I am not responsible, because the law gives him that privilege.

Mr. BLACKBURN. Now, after the gentleman has made a speech in my time, I will restate what he cannot get away from. In line 82 of this bill provision is made for thirteen consular clerks. With his usual accuracy the gentleman is mistaken again in what he stated as to these clerks. The Secretary of State has no authority to assign these clerks anywhere.

Mr. SINGLETON, of Mississippi. I know the contrary.

Mr. BLACKBURN. You cannot make another speech in my time. The President of the United States has the authority to assign these thirteen clerks wherever he pleases. He has assigned one to Collingwood, and he is there to-day and drawing his salary there to-day; and this bill, at line 82, provides for his payment. I was exactly correct in the statement I made.

Now, sir, to illustrate the accuracy of the other side of this matter, I read from the RECORD an extract from the speech made by the gentleman from Mississippi [Mr. SINGLETON] on Saturday last. He says this: "I state as a fact"—of course the gentleman states nothing except as a fact—"I state as a fact that at Goderich we have provided for no consul and no clerk."

Mr. SINGLETON, of Mississippi. Allow me to say—

Mr. BLACKBURN. Wait a minute. I have read the gentleman's own words from the RECORD. Now, let us turn to page 8 of this bill. I find there under class 6, at a salary of \$1,500 per annum, that he makes provision for a clerk for Goderich, Canada West. Now, when the gentleman gets through reconciling his statement of facts—"facts" underscored—with his own bill which names these places post by post, it will be time for him to call somebody else to account for inaccuracy.

Mr. SINGLETON, of Mississippi. I perhaps did fall into a blunder [laughter] in regard to a consul at Goderich. But I will refer gentlemen to two lines of the speech of the gentleman from Kentucky, [Mr. BLACKBURN,] where they will find that he has made two inaccurate statements.

Mr. BLACKBURN. Let us have them.

Mr. SINGLETON, of Mississippi. I will give them to you. The gentleman asserted that we had no consul at Goderich, and that we had provided a clerk for that point.

Mr. BLACKBURN. I corrected that and said "Collingwood," and the RECORD shows it.

Mr. SINGLETON, of Mississippi. Well, here is the RECORD. Now if in one line and a half—for it just amounts to that—the gentleman can make two such mistakes as that—

Mr. BLACKBURN. I pardon the quibble; go on.

Mr. SINGLETON, of Mississippi. Quibble?

Mr. BLACKBURN. Quibble.

Mr. SINGLETON, of Mississippi. Very well; now we have a consul at Goderich, yet the gentleman said we had none. We have not given a clerk to Goderich, although the gentleman said we had. We therefore find that he has made two blunders in just one line and a half. Now [addressing Mr. BLACKBURN] own up like a gentleman and be done with it. [Laughter.]

Mr. BLACKBURN. I must confess that I never knew a man before, proverbial for his fairness, who would quote a statement in the RECORD which the man uttering it had corrected in the same RECORD, and suppress the correction.

[Here the hammer fell.]

The CHAIRMAN. Debate upon the pending amendment has expired.

Mr. BLACKBURN. I withdraw my *pro forma* amendment to strike out the last word.

The Clerk resumed the reading of the bill, and read the following:

For salaries of consuls, vice-consuls, commercial agents, and thirteen consular clerks, \$304,600, namely:

Class I.—At \$4,000 per annum.

GREAT BRITAIN.

Hong-Kong.

HAWAIIAN ISLANDS.

Honolulu.

Class II.—At \$3,500 per annum.

CHINA.

Foochow; Hankow; Canton; Amoy; Tien-Tsin; Chin-Kiang; Ningpo.

Mr. HUNTON. I move to amend by striking out "Ningpo." My object is to dispense with the consulates at Canton, Chin-Kiang, and Ningpo, upon the ground that the report of the Fifth Auditor shows, at least to my mind, that these consulates are unnecessary.

Take the port of Canton, where the consul is paid \$3,500 per annum. It will be found that the fees received at that consulate and reported to the Fifth Auditor amount to the sum of \$459 a year. That fact indicates to my mind that there is no use for a consular agent of the Government at Canton, because the trade at that port, as evidenced by the fees reported to the Fifth Auditor, is not sufficient to pay the expense of a consular agent.

The truth is that this interior trade of China finds its way down the

river and comes from that country through the port of Hong-Kong. And when you come to look at the consular fees at Hong-Kong you will find that they are very large. As was stated awhile ago in the debate between my friend from Ohio [Mr. NEAL] and myself, the consular agent removed from Hong-Kong to some other point, I believe to Shanghai, and suppressed fees due to the Government to the amount of about \$100,000.

I state this to show that the trade of that country comes from Hong-Kong, and that there is no trade centering at Canton, and therefore no necessity for a consular agent at that point. I think the consular agents at Canton, Chin-Kiang, and Ningpo should be dispensed with. I therefore move to strike out the word "Canton."

Mr. DUNNELL. A single word in reply to the gentleman from Virginia, [Mr. HUNTON.] I remember that during the investigation which was had before the Committee on Expenditures in the State Department, when an intelligent merchant in China was before the committee, he was asked whether the consulate at Canton should be dispensed with. His reply was, that while at the present time the income of the office was small, yet considering its location it was important that a consul be appointed for that port.

Now the gentleman from Virginia well knows that our commerce in many of these ports has been built up quite recently, and we ought to watch the commerce in these ports as it is watched by the British government. We are paying for consular services in China a very much less sum even now than the English government is paying, and a very much less sum than that government has always paid to build up commerce with that country. Since the Burlingame treaty our commerce with that country has largely increased, and the commerce at these different ports must be taken care of. I think it would be very much against our interests as a commercial people to dispense with a consular officer at that point.

The question was taken upon the amendment of Mr. HUNTON to strike out "Canton," and it was not agreed to; upon a division ayes 18, noes not counted.

The Clerk read as follows:

Lisbon.

PORTUGAL.

Mr. NEAL. I move to amend by adding to the clause just read the following:

And the consul shall act as secretary of legation to the chargé d'affaires.

Mr. Chairman, the present chargé d'affaires at Lisbon, as I stated on Saturday, is Benjamin Moran, one of the most accomplished diplomats in the service of the United States. His health for years past has been failing. In fact it was stated upon this floor two years ago by Hon. A. S. Hewitt, of New York, then a member of the Committee on Appropriations, that Mr. Moran was dying by inches. Now the consul (and I speak from experience because I once held the position myself) has but very little to do. While there I was not employed on the average more than ten minutes a day. Yet, notwithstanding this, it would not have been advisable to abolish that consulate for the reason that monthly, or perhaps weekly, there came distressed seamen who had to be provided for and sent home by the consul. This is the reason it is important to have consuls at points where, judging from the returns of the office, there is apparently no necessity for a consul.

Now the consul at this point is not so much engaged that he cannot readily do the work of secretary of legation and acting chargé d'affaires, while Mr. Moran may be absent, as he often is on leave from the State Department, and as he should be whenever he asks for it, by reason of the services he has heretofore rendered the country. The consul can act as secretary of legation and chargé d'affaires in the absence of Mr. Moran, doing the work which would otherwise devolve upon the latter.

This provision will put upon the consul no labor he cannot readily discharge, while it will relieve Mr. Moran of work which he is ill prepared to do, by reason of the state of his health. I trust the amendment will be agreed to without objection. It involves no expense to the Government.

Mr. SINGLETON, of Mississippi. Is Mr. Moran a full minister?

Mr. NEAL. No, he is chargé d'affaires.

Mr. SINGLETON, of Mississippi. The amendment proposes that the consul shall act in the absence of the chargé d'affaires.

Mr. NEAL. That he shall act as secretary for the chargé d'affaires, doing writing for him and such other work as Mr. Moran on account of the state of his health may be unable to do.

Mr. SINGLETON, of Mississippi. I should very much have preferred that the gentleman should have had some recommendation for this change from the Secretary of State. The question has not come before the committee, and I do not know what complications might result from the adoption of such a provision. I think it best that the amendment should not be made.

Mr. NEAL. Let me say one word further. When this measure was under consideration before, Mr. Hewitt, who was well acquainted with Mr. Moran, who knew the state of his health, favored the amendment; but it was then defeated by the opposition of the gentleman from Mississippi. I hope he will not oppose it now. It entails no expenses upon the Government. It simply does an act of justice to a very competent, faithful, and praiseworthy officer.

Mr. SINGLETON, of Mississippi. I do not like the blending of

two offices in one. The Secretary of State has not recommended this, and therefore I think it would be imprudent to adopt it.

The amendment was not agreed to.

The Clerk read as follows:

Beirut; Smyrna.

Class VI.—At \$1,500 per annum.

Mr. NEAL. I move to amend by striking out \$1,500, and I will state that my object in making this motion is afterward to insert the sum of \$2,000.

Mr. BLACKBURN. I make a point of order.

Mr. NEAL. You cannot make a point of order on my first motion, which is simply to strike out. That is in the interest of economy.

Now, Mr. Chairman, a man learns a great deal more from experience than in any other way. From my experience in one of these consular positions I learned that a man cannot act as consul of the United States and live upon a salary of \$1,500 a year. The consular service of our country is not only self-supporting, but it brings in a large revenue to the country; certainly it did so last year. It seems to me, therefore, that we can afford to pay our consular officers salaries upon which they can live without being compelled to steal, as some of them do. We have no right, Mr. Chairman, to make this branch of the Government a source of revenue; for in doing so we are taking money from the men who do business with this country. If we simply make the system self-supporting, that is all we have any right to do.

Now, as I have stated, our consular system brings in a large revenue; and one reason is because our consuls are not paid living salaries. While I was at Lisbon—a place where living is pretty cheap—I was obliged to spend two dollars for every one I received as salary, and I lived in a style in which I would not live in the city of Washington. I did not complain about my salary; I did what I believe every man ought to do under such circumstances: I resigned and came home. Now, then, I know by reason of this insufficient salary there were men abroad who were doing things which were forbidden, if not by law at least by consular regulations. I know they did not occupy a position in the country to which they were accredited which was a credit to the Government of the United States. Why, sir, the British consul, who had not the necessary expenses of the American consul at Lisbon, received \$4,000 for his salary and \$1,200 a year for office-rent, while the American consul at that time received \$1,500 and \$150 for office-rent, and was compelled by the regulations to keep his office in the busiest and most costly part of the city.

[Here the hammer fell.]

Mr. SINGLETON, of Mississippi. I oppose the amendment of the gentleman from Ohio. While I agree with him and disagree with the gentleman from Kentucky in the statement that the consular system is not paying its own expense, I nevertheless cannot consent that this change shall be made raising the salary from \$1,500 to \$2,000. On Saturday the gentleman from Kentucky stated on this floor that the consular system did not pay its expenses, but on the contrary brought the Government in debt from \$100,000 to \$200,000 per annum. I hold in my hand a statement from the Fifth Auditor for a series of ten years, and I find, after paying all expenses which have been necessary for our consular system, it paid into the Treasury \$308,133.98. That does not embrace the year 1879. I have a letter from the Fifth Auditor in reference to the expense of the system and the fees for said year 1879, which I will send up and have read in order that the points of difference between the gentleman from Kentucky and myself may be settled.

The Clerk read as follows:

FIFTH AUDITOR'S OFFICE,
Washington, D. C., March 29, 1880.

SIR: In reply to your inquiry as to the amount of fees stated in the Fifth Auditor's report for the year ending June 30, 1879, referred to in the speech of Hon. J. C. S. BLACKBURN on Saturday last, differing from that reported by the Register of the Treasury, I have to state that the amount appropriated for the payment of salaries of consuls, vice-consuls, commercial agents, and thirteen consular clerks for 1879 was \$304,600. The settlements as shown in Fifth Auditor's report cover all the above; also embraces all the fees collected by consuls, vice-consuls, commercial agents, and consular agents where there are no salaries provided by law. Fee consulates are authorized to retain the fees to an amount aggregating \$2,500 for their own compensation; also office-rent and clerk-hire, subject to the approval of the Secretary of State, and any excess is paid over to the Treasurer of the United States; and in the same way with the fees of a consular agency, the agent is entitled to \$1,000; the consul to an amount not to exceed \$1,000 from all his agencies, and the balance only goes to the Treasury. Hence these fees retained by said consuls and consular agents are used for the benefit of the service, and are therefore properly credited in this report, although they are not reported by the Register. The amount, \$682,901.18, reported by Fifth Auditor is correct. Consular clerks are entitled to \$1,200 per annum after the first five years' service.

I have the honor to be, your obedient servant,

GEORGE COWIE,
Chief Diplomatic and Consular Division,
Fifth Auditor's Office.

Hon. JAMES H. BLOUNT, M. C.,

House of Representatives.

Mr. NEAL withdrew his amendment.

The Clerk read as follows:

GREAT BRITAIN.

Bristol, Newcastle, Auckland, Gibraltar, Cape Town, Saint Helena, Charlotte-town, (Prince Edward Island,) Port Stanley, Clifton, Pictou, Winnipeg, Maha, Kingston, (Canada,) Prescott, Port Sarnia, Quebec, Saint John's, (Canada,) Barbadoes, Bermuda, Fort Erie, Goderich, (Canada West,) Windsor, (Canada West.)

Mr. WILLIAMS, of Wisconsin. I move to insert "Antigua" at the end of line 167.

Mr. SINGLETON, of Missouri. I will hear what the gentleman has to say but will reserve the point of order.

Mr. WILLIAMS, of Wisconsin. The honorable gentleman from Mississippi in charge of the bill kindly consents to reserve the point of order until I have made a statement in reference to this amendment. I will first yield for a moment to my friend from Ohio, [Mr. MONROE.]

Mr. MONROE. As the gentleman yields to me a moment I will make an explanation in justice to him. This proposition which he now offers to the committee was submitted to me by the gentleman from Wisconsin with a written letter I believe from the Secretary of State. It had been my intention to call the attention of the Committee on Appropriations to it, but somehow it got overlooked, and hence I failed to do it. I will say this simply in justice to the gentleman who faithfully attended to the discharge of his duty in the case. It was my mistake in overlooking it.

Mr. WILLIAMS, of Wisconsin. I am obliged to my friend from Ohio for the explanation so kindly rendered. Of course, Mr. Chairman, if the point of order is insisted on, this amendment must be ruled out here in Committee of the Whole. I desire to say, however, that the consul at Antigua, Chester E. Jackson, is from my State and district. He is a naturalist, and in a certain sense an enthusiast; but, with this, he was a most diligent and efficient business man. When he was appointed Antigua was raised from a consular agency to a consulate, but the fees amounted, I think, to less than \$300 per annum. It was said at the State Department if he wanted to fight bugs and fever Antigua was the place for him. He accepted without a moment's hesitation, and has shown an energy and efficiency seldom excelled. It appears from the records of customs that in 1873-74 not a pound of sugar was exported from Antigua to the United States. In 1879, up to the month of November, the exports amounted to \$312,628.10, nearly all paid for sugars. The total exports of the island amounted to \$1,300,000, and the exports from the United States to Antigua to \$400,000. So, sir, here was a trade built up by the efficient action of this man amounting altogether to nearly \$2,000,000. When he went there, as I have said, the fees were less than \$300, while they now amount to a little less than \$500. But of course he cannot live on any such sum as that. The question is, whether we will pay him \$1,500 to supervise a business which he has built up, as these facts prove, amounting to nearly \$2,000,000, and for which in any private business he would receive an adequate compensation. The letter from the Secretary of State, which I shall ask to have read as a part of my remarks, was sent to Senator GORDON, chairman of the Committee on Commerce in the Senate, with a view of having introduced there a bill making provision for the object I now seek; but as that bill would ultimately have to come before the Committee on Appropriations of the House it was deemed best to refer it here. I ask that the letter be read.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, January 23, 1880.

SIR: I have the honor to inform you that, with a view to foster and develop the growing trade between the United States and the island of Antigua, in the British West Indies, it is deemed advisable to place the consulate at that port on a better footing than that which at present surrounds it. The office is now barely in receipt of \$500 per annum in fees, as compensation to the incumbent of it. The following reasons suggest themselves in support of the recommendation. It appears by the records of the customs at Antigua that in the years 1873 and 1874 not a pound of sugar was exported from that point to the United States, while in the year 1879, to the month of November, the exportations amounted to the sum of \$312,628.10, nearly all of which was paid for sugars. The total exports of the island amounted to \$1,300,000, and the exports from the United States to Antigua for the same period amounted to nearly \$400,000.

Adjacent to Antigua, which is the capital of the Leeward Islands and residence of the governor, are the islands of Montserrat, Nevis, Anguilla, and Tortola; and Dominica, more distant, but also under the jurisdiction of the government of Great Britain. Their products are cocoa, cotton, tobacco, timber trees, and cabinet wood, and this trade is gradually turning to the United States. The means of communication to these islands from Antigua is by mail steamer, weekly, and frequently by a government steamer, in which the governor visits the different islands and in which the general public are permitted to travel at low rates. The steamers of the Bermuda and West India line ply regularly between New York and Antigua.

Mr. Chester E. Jackson, the incumbent of the office at present, possesses great diligence and energy, and the notable increase in the trade adverted to is to be attributed mainly to his efforts.

It is conceived that, under these circumstances, a salary should be attached to the office, and I have the honor to suggest that the sum of \$1,500 per annum be appropriated for the purpose.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS.

To Hon. JOHN B. GORDON,
Chairman of the Committee on Commerce, Senate.

Now, Mr. Chairman, I repeat, here is a man who may be said to have built up almost by his own exertions a trade between this country and Antigua amounting to nearly \$2,000,000 per annum, and with every prospect of increasing if not doubling it, and the simple question is, whether we shall encourage him, I will not say reward him for his fidelity and efficiency, by giving him \$1,500 a year, barely enough for subsistence, or whether we will starve him out and bring him home, and abandon all attempts to develop trade at that consulate? Which is the most enlightened method of extending American commerce? If other consuls are inefficient, this one is not.

Mr. MONROE. I rise to oppose the amendment.

Mr. Chairman, I wish to make an explanation of my position as a member of the sub-committee which prepared the bill, and of the general committee, in regard to questions of this kind. Personally I

have a great deal of sympathy with a proposition like that which was offered by my colleague from Ohio, [Mr. NEAL.] I have a great deal of sympathy with a proposition like this which is offered by my friend from Wisconsin, [Mr. WILLIAMS,] and if I could have introduced this bill in just the form to suit myself I should have made it at several points considerably more liberal both for the consular and the diplomatic service than it is. But most of us have been here long enough to know that in order to pass bills through the committees and through the House there must be some mutual concession, and that is what has happened in the sub-committee to which this subject was assigned, and also in the general Committee on Appropriations. Out of respect to the opinions of others I have consented that several points should stand as they are where I should like to have had larger appropriations. Again, gentlemen on that committee made some concession in favor of liberality who would have been glad to cut down appropriations more than they are. The result is we have a bill which I think was the best the committee could agree upon. It is a good, fair bill, and as one who has some knowledge of it, and of the discussions which preceded it, and of the interviews with the Secretary of State in regard to it, it is my judgment we are not likely to get anything better on the whole for the service of the country than this bill; and hence, Mr. Chairman, I shall not only vote against propositions to strike out appropriations from the bill, but I shall also vote against amendments to increase appropriations.

Mr. SINGLETON, of Mississippi. I insist upon my point of order on the amendment.

The CHAIRMAN. The point of order is well taken.

Mr. SINGLETON, of Mississippi. As it is now nearly five o'clock, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes, and had come to no resolution thereon.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. MARTIN, of North Carolina, to the 15th of April, on account of important business;

To Mr. WELLS, for eight days; and

To Mr. CHITTENDEN, for the remainder of the week.

H. B. CROSBY.

The Clerk read as follows:

Mr. BELFORD asks leave to withdraw from the files of the House the papers in the case of H. B. Crosby; no adverse report.

CHANGE OF REFERENCE.

The SPEAKER. The Chair desires to state that a letter from the Secretary of the Interior, in response to a resolution of the House relative to certain pensions under the act of March 9, 1878, which was referred by mistake to the Committee on Invalid Pensions, should have been referred to the Committee on Pensions. If there be no objection the change of reference will be made.

There was no objection, and it was ordered accordingly.

NARCISSE GIBSON.

On motion of Mr. DAVIDSON, by unanimous consent, the bill (S. No. 855) for the relief of Narcissa Gibson was taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions.

CENSUS BILL.

Mr. THOMPSON, of Kentucky. Mr. Speaker, I have made arrangements with the gentleman on the other side opposing the census bill (S. No. 885) whereby there is to be a limited time allowed for debate; and I will state further, with the consent of the House, that we will call this bill up for consideration on Wednesday next immediately after the morning hour.

Mr. ALDRICH, of Rhode Island. I did not hear the first part of the gentleman's statement, but I want a separate vote on the amendment to strike out the second section.

Mr. THOMPSON, of Kentucky. That is a part of the agreement.

The SPEAKER. It is the gentleman's right to have a separate vote. If there be no further objection the bill will be set for consideration after the morning hour on Wednesday next.

There was no objection, and it was ordered accordingly.

IMPROVEMENT OF THE OUACHITA RIVER.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, in response to a resolution of the House, transmitting a report of the appropriations for the past ten years for the improvement of the Ouachita River; which was referred to the Committee on Commerce.

And then, on motion of Mr. SPARKS, (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ANDERSON: The petition of citizens of Saline County,

Kansas, for an appropriation of \$6,000 for the widow of C. C. Shaw, who was accidentally killed by a stroke of the pole of a United States mail-coach—to the Committee on Claims.

By Mr. BACHMAN: The petition of merchants, manufacturers, and consumers, for the removal of the duty from chrome iron ore and bichromate of potash—to the Committee on Ways and Means.

By Mr. BLACKBURN: Papers relating to the claim of Benjamin Gratz, for property taken, used, and destroyed by the United States Army during the late war—to the Committee on War Claims.

Also, the petition of the Kentucky Press Association, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. BOWMAN: The petition of Porter M., Albert H., and Gordon C. Smart, for compensation for property taken and destroyed by depredating Ute Indians—to the Committee on Indian Affairs.

By Mr. BRIGGS: The petition of Sarah C. Ayer, to be placed on the pension-roll—to the Committee on Pensions.

By Mr. CAMP: Five petitions of citizens of New York, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. COFFROTH: The petition of 1,600 persons residing in Altoona, Pennsylvania, for the passage of a bill establishing a public building in Altoona, Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. CONVERSE: The petition of Dewitt C. Walker and 16 others, soldiers in the late war, for the passage of the Weaver bill as introduced December 3, 1879—to the Committee on Invalid Pensions.

Also, the petition of John A. Livesay and 120 others, owners and officers of steamboats on the Ohio River, for the establishment of a board of assistant inspectors at Gallipolis—to the Committee on Commerce.

Also, the petition of the Ohio State Journal Company, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of Isaiah V. Beller and 90 others, soldiers of the late war, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. COOK: The petition of citizens of Georgia, for a post-route from Town's to Clark's Bluff, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. DEERING: The petition of L. E. Smith, publisher of the Howard County Times, Cresco, Iowa, for the abolition of the duty on type—to the Committee on Ways and Means.

By Mr. DICKEY: The petition of Christopher Blair, for a pension—to the Committee on Invalid Pensions.

Also, the petition of B. F. Lewis and 53 others, citizens of Clinton County, Ohio, for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

By Mr. DUNN: A bill to provide for the survey of the ——— Bay, in the State of Arkansas—to the Committee on Commerce.

By Mr. DUNNELL: The petition of the Pioneer Press Company and other newspaper publishers of Saint Paul, Minnesota, that materials used in making paper be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. ELAM: A bill to provide for deepening the mouth and removing obstructions to navigation of Red River, and appropriating \$200,000 for said purposes—to the Committee on Commerce.

By Mr. FINLEY: The petition of citizens of Marion County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Marion County, Ohio, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. FORD: The petition of William P. and William T. Brady, heirs of Captain Samuel Brady, to be paid an amount due said Samuel Brady, a soldier of the revolutionary war—to the Committee on Claims.

By Mr. GARFIELD: Memorial of Rear-Admiral Henry Walke, asking a special recognition of his services by Congress—to the Committee on Naval Affairs.

By Mr. GOODE: The petition of John T. Morrisett, to be paid a balance due him as assistant light-house keeper at Deep Water Shoal, James River, Virginia—to the Committee on Claims.

By Mr. HOUSE: The petition of citizens of Dickson County, Tennessee, for relief from *regie* contracts—to the Committee on Foreign Affairs.

By Mr. HUMPHREY: Memorial of the Legislature of Wisconsin, asking for the equalization of soldiers' bounties—to the Committee on Military Affairs.

By Mr. HUNTON: The petition of certain property-owners in the District of Columbia, that the United States shall pay an amount still due for special assessments in said District—to the Committee on the District of Columbia.

By Mr. JAMES: The petition of Leslie C. Wead and others, of Franklin County, New York, against reducing the duty on paper—to the Committee on Ways and Means.

Also, the petition of James W. Parker, of Ogdensburg, New York,

for the amendment of the laws relating to the inspection of vessels propelled by steam—to the Committee on Commerce.

By Mr. LE FEVRE: The petition of Samuel and Richard Roberts, for compensation for property taken by the United States Government during the late war of the rebellion—to the Committee on War Claims.

Also, a bill for the improvement of the Saint Mary's River in the State of Ohio, and appropriating money for said purpose—to the Committee on Commerce.

By Mr. MAGINNIS: Three petitions of citizens of Montana, against changing the public-land laws—to the Committee on the Public Lands.

By Mr. EDWARD L. MARTIN: A bill for the improvement of the Christiana River, at Wilmington, Delaware—to the Committee on Commerce.

By Mr. MASON: The petition of citizens of New York, that a pension be granted to William E. Ayers—to the Committee on Invalid Pensions.

By Mr. MCGOWAN: The petition of A. V. Berry, Charles B. Wood, W. L. Seaton, and others, citizens of Jackson, Michigan, for the passage of Senator Teller's amendment providing that a portion of the appropriation for the Ute Indians be paid the survivors of the White River massacre—to the Committee on Indian Affairs.

By Mr. MULLER: The petition of Jacob Sheller, of New York City, for the equalization of bounties, and for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. MURCH: The petition of George L. Snow, of Rockland, Maine, owner of the schooner Lucy Blake, that he be reimbursed a fine levied on said schooner by the custom-house collector at Holmes's Hole, Massachusetts—to the Committee on Claims.

By Mr. POEHLER: A bill making an appropriation for the improvement of the Minnesota River—to the Committee on Commerce.

By Mr. REAGAN: The petition of 46 citizens of Freestone County, Texas, for the passage of the Reagan interstate commerce bill—to the same committee.

By Mr. ROBERTSON: A bill to provide for deepening the mouth and removing obstructions at the mouth of Red River—to the same committee.

By Mr. THOMAS RYAN: Resolutions of the Board of Trade of Newton and the petition of members of the bar of the ninth judicial district of Kansas, that terms of the United States court be held at Newton instead of Wichita, Kansas—to the Committee on the Judiciary.

Also, the petition of soldiers of Rush County, Kansas, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of 181 Union soldiers of Kansas, for the passage of the Weaver soldier bill—to the same committee.

Also, the petition of citizens of Shawnee County, Kansas, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Shawnee County, Kansas, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. OTHO R. SINGLETON: The petition of citizens of Holmes County, Mississippi, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Holmes County, Mississippi, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. STARIN: The petition of A. Z. Neff, publisher of the Recorder, Amsterdam, New York, against the reduction or abolition of the tariff duty upon printing-type and printing materials—to the Committee on Ways and Means.

By Mr. P. B. THOMPSON, JR.: The petition of Charles P. Hays and others, that pensions be granted the surviving soldiers of the Mexican war—to the Committee on Pensions.

By Mr. AMOS TOWNSEND: Five petitions of citizens of Ohio, against the abolition of the duty on paper—to the Committee on Ways and Means.

By Mr. RICHARD W. TOWNSHEND: The petition of 420 soldiers, of Hamilton County, Illinois, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. J. T. UPDEGRAFF: The petition of J. M. Dickinson, mayor of New Lisbon, and others, citizens of Columbiana County, Ohio, for a constitutional amendment granting the right of suffrage to women—to the Committee on the Judiciary.

By Mr. THOMAS UPDEGRAFF: Resolution of the Legislature of Iowa, relative to locating land by the several counties of that State—to the Committee on the Public Lands.

By Mr. URNER: The petition of W. B. Hill and 7 others, colored citizens of Washington County, Maryland, that the unclaimed bounty of colored soldiers be given to colleges and normal schools of the South for the education of colored students, and that Storer College at Harper's Ferry be included—to the Committee on Education and Labor.

By Mr. WILLITS: The petition of C. D. Russell and 36 other discharged soldiers, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of Charles D. Coleman, of Ann Arbor, Michigan, to be refunded moneys seized by United States military authorities and turned into the Treasury of the United States—to the Committee on War Claims.

By Mr. THOMAS L. YOUNG: The petition of J. H. Rogers, D. J. Fallis, and others, that Congress do not prohibit the manufacture of butterine—to the Committee on Ways and Means.

Also, the petition of distillers of Ohio, Indiana, and Kentucky, for the passage of the bill introduced by Mr. CARLISLE relating to distilled spirits—to the same committee.

IN SENATE.

TUESDAY, March 30, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin, presented a memorial of the Legislature of Wisconsin, in favor of a law providing for the equalization of bounties to soldiers who served in the war for the suppression of the rebellion; which was referred to the Committee on Military Affairs.

Mr. WITHERS presented additional papers to accompany the petition of Edmond & Davenport, for the payment of rent for the use by the United States of their warehouse in the city of Richmond, Virginia; which were referred to the Committee on Claims.

Mr. WALLACE presented a petition of citizens of Warren County, Pennsylvania, praying for such an amendment of the patent laws as will protect innocent users of patented articles against prosecution as infringers; which was referred to the Committee on Patents.

He also presented a petition of citizens of Warren County, Pennsylvania, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in transportation charges; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Brokenstran Township, Warren County, Pennsylvania, praying for the establishment of a department of agriculture; which was referred to the Committee on Agriculture.

He also presented preamble and resolutions passed at a meeting at the Third Reformed church, in Philadelphia, in favor of granting to the American Indians the protection of the laws of the United States; which were referred to the Committee on Indian Affairs.

Mr. BLAIR presented a memorial of Luther D. Sawyer and 22 others, members of the bar of Strafford County, New Hampshire, remonstrating against the removal of the United States circuit and districts courts from Exeter to Concord, New Hampshire; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. LOGAN. To the Committee on Military Affairs was referred the joint resolution (S. R. No. 74) authorizing the Secretary of War to furnish tents, &c., to the Grand Army of the Republic in the State of Wisconsin. Having inquired at the Quartermaster's Department and ascertained the fact that there are no tents that can be furnished, and that it would involve an appropriation of money for the purpose of furnishing them, the committee, although hesitating in reference to the matter, have directed me to report adversely to the joint resolution.

The VICE-PRESIDENT. The joint resolution will be indefinitely postponed.

Mr. CAMERON, of Wisconsin. My attention was distracted at the moment, and I did not observe the reasons the Senator from Illinois assigned for the adverse report.

Mr. LOGAN. I will state the reasons. The Quartermaster-General states that he has no tents or equipage of any character to be applied to this purpose; that they not only have no surplus, but, in fact, they have not a sufficiency for their own wants at this time, and if the joint resolution should be adopted there would have to go with it an appropriation of money for the purpose of purchasing tents and equipage for the purpose named. The Committee thought Congress would not be willing to do that, and therefore reported adversely to the joint resolution.

Mr. CAMERON, of Wisconsin. I ask that the joint resolution be placed on the Calendar.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar with the adverse report of the committee.

Mr. LOGAN, from the Committee on Military Affairs, to whom was recommended the bill (S. No. 390) to authorize the President to restore Dunbar R. Ransom to his former rank in the Army, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 71) directing restoration of the official letter-books of the executive department of the State

of North Carolina, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 74) for the relief of Lieutenant Frank P. Gross, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WALLACE, from the Committee on Finance, to whom was referred the bill (H. R. No. 2508) to regulate the compensation of night inspectors of customs, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1353) for the relief of "N. and G. Taylor Company," reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred a letter from the Secretary of War transmitting a request from the commissioners of the Soldiers' Home in Washington, District of Columbia, for an amendment to section 4820 of the Revised Statutes, submitted a report thereon accompanied by a bill (S. No. 1550) to amend section 4820 of the Revised Statutes of the United States, in relation to the Soldiers' Home.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. JONAS, from the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 4908) for the relief of the heirs and legal representatives of Israel Dodge, deceased, reported it with amendments.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1135) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. KELLOGG, from the Committee on Pensions, to whom was referred the bill (S. No. 545) granting a pension to Elizabeth H. Pierce, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

DISTRICT SINKING FUND.

Mr. HARRIS. The report of the Treasurer of the United States in relation to the sinking fund of the District of Columbia, which was some time since referred to the Committee on the District of Columbia, was by the committee referred to the commissioners of the District for such information as they could give and such recommendations as they might see fit to make in respect to the matter. I have the answer of the commissioners, which I desire to have printed for the use of the committee.

The VICE-PRESIDENT. The communication will be received and the order to print entered.

BILLS INTRODUCED.

Mr. GROOME asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1551) to prohibit the obstructing the channel of any stream leading to a port of entry or the impairing the navigability thereof; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1552) to pay the city and county of San Francisco, State of California, for improvements made in front of certain public buildings; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. INGALLS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1553) to incorporate the Cherokee and Arkansas River Railroad Company; which was read twice by its title, and referred to the Committee on Railroads.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1554) to extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1555) to fix the rank of certain retired officers of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1556) granting a pension to Joseph Bowers; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1557) granting a pension to Dennis Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1558) to provide for the sale of the lands of the Miami Indians in Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1559) to provide for the sale of certain New York Indian lands in Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1560) authorizing the President to prescribe suit-

able police regulations for the government of the various Indian reservations, and to provide for the punishment of the crimes of murder, manslaughter, arson, rape, burglary, and robbery upon the various Indian reservations; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1561) for the relief of settlers upon the absentee Shawnee lands in Kansas, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SAULSBURY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1562) for the relief of Samuel N. Chipley; which was read twice by its title, and with the accompanying papers, referred to the Committee on Claims.

Mr. BRUCE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1563) authorizing the appointment of Captain Clarence M. Bailey as an additional paymaster in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO A BILL.

Mr. PRYOR submitted an amendment intended to be proposed by him to the bill (S. No. 1425) to appropriate money for the continuance of improvement in the Susquehanna River; which was ordered to lie on the table, and be printed.

MISSISSIPPI VALLEY AND BRAZIL STEAMSHIP LINE.

Mr. COCKRELL. By inadvertence Senate bill No. 1547, which was introduced by me yesterday morning, was referred to the Committee on Commerce. It should have gone to the Committee on Post-Offices and Post-Roads. I ask that the reference be changed.

Mr. ALLISON. What is the bill?

Mr. COCKRELL. It is "a bill to provide for the opening of direct trade between the States of the Mississippi Valley and Brazil via the West Indies, and to authorize and establish a steamship mail service and express thereto." It belongs to the Post-Office Committee.

Mr. McMILLAN. What is the nature of the bill?

Mr. COCKRELL. The bill was referred to the Committee on Commerce, when it should have been referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN. I think the bill goes to the Committee on Commerce properly. I think it relates to commerce.

Mr. COCKRELL. I do not think the Senator understands anything about it, or he would not make that suggestion. It is a bill to establish mail facilities between the United States and Brazil, and it belongs to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN. I only understand what the Senator from Missouri has said about it; and if his statement is correct I think the bill was properly referred to the Committee on Commerce. It relates to commerce between the States and it relates to commerce between this country and a foreign country. The matter has been before the Committee on Commerce, if I am not mistaken about it, at least in part, and I think the proper reference is to the Committee on Commerce, although the Senator from Missouri may think he understands all about it.

Mr. COCKRELL. I say that the bill belongs properly and legitimately to the Committee on Post-Offices and Post-Roads. It is a subject-matter which that committee has time and again considered, and from which committee a report was made in the Forty-fifth Congress. It does not necessarily affect the commercial relations between the United States and the empire of Brazil, except as incidental to the establishment of mail service and the creation of a mail route, and following that it is expected that commercial relations will be established.

Mr. ALLISON. Incidentally?

Mr. COCKRELL. Only incidentally to it. I have no interest in this bill at all, not a particle; I introduced it yesterday, and stated so; but it is proper that it should go to the Committee on Post-Offices and Post-Roads. That was the intention at the time it was introduced, but the whole title of the bill not being on the back of it the bill was inadvertently referred to the Committee on Commerce.

Mr. McMILLAN. It struck me from the statement of the Senator from Missouri and from the title of the bill that the incident was altogether in a different direction from that stated by him. It seemed to me that the incident was the mail service and that the purpose of the bill was for the improvement of the commerce of the country. I should like to ask the Senator from Missouri if this matter has not been before the Committee on Commerce?

Mr. COCKRELL. Not that ever I heard of. I have never heard of this question being before the Committee on Commerce, and if it was they have kept it in the committee and never brought it before the Senate.

Mr. McMILLAN. The chairman of the Committee on Commerce is not here. The Senator may understand the condition of the business before the Committee on Commerce, I suppose, as he understands all about this bill. He seems to understand about everything connected with this matter. It seems to me from the title of the bill and from the provisions of the bill as stated by the Senator that it was properly referred to the Committee on Commerce, and that the postal part of it is a mere incident.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. McMILLAN. I object.

The VICE-PRESIDENT. Does the Senator from Missouri move that the reference be changed?

Mr. COCKRELL. I move, as a matter of course, that the bill be referred to the Committee on Post-Offices and Post-Roads.

The VICE-PRESIDENT. The Senator from Missouri moves that the vote by which the bill was referred to the Committee on Commerce be reconsidered, and then that the bill be referred to the Committee on Post-Offices and Post-Roads.

Mr. CONKLING. I venture to ask that the first section of the bill be reported so that we may see what we are asked to refer to the Committee on Post-Offices and Post-Roads.

The Secretary proceeded to read, as follows:

Be it enacted, etc., That for the purposes of opening a direct trade between the States of the Mississippi Valley and Brazil, via the West Indies, and of establishing a semi-monthly steamship mail service and express from the port of New Orleans to certain ports in Brazil and the West Indies, the Postmaster-General be, and he is hereby—

Mr. CONKLING. That is enough for my purpose. I asked to have that portion of the bill read as I had not read it.

Mr. COCKRELL. I have not read it myself, as I announced to the Senate distinctly yesterday.

Mr. CONKLING. That would explain sufficiently the remark of the honorable Senator, whom I am so much in the habit of following. When he stated that this was a post-route bill, not touching commerce except incidentally, it seemed to me that he made a statement which it would be very difficult to answer; but inasmuch as the forefront of the bill is to establish trade with the countries referred to there, I think that the Senator explains himself in his prior remark when he says that he had not read the bill. I must say that it seems to me the chief object of this proposition is, as it states, to establish trade with the foreign country named, and, if so, the direction which the Senate has given the bill is correct.

Mr. COCKRELL. The Senator has only heard part of the first section read. I only know what the gentleman told me who prepared the bill and at whose request I introduced it yesterday morning and stated the facts to the Senate. It is for the Postmaster-General to do this whole thing; and the first section shows that. Let the first section be read again, and let it be completed. It will show that the whole matter is in the hands of the Post-Office Department, and whatever is asked for is to be done by the Post-Office Department.

Mr. CONKLING. Before it is read I wish to remind the Senator that every bill I ever heard of on this subject which proposes that mails shall go on a steamer contains the same provision, that the Postmaster-General shall make the contract in that respect, for there is no other officer to do it. The bill, the Senator will remember, which was known as a bill in behalf of the company represented by Mr. Roach, contained the same provision, and so they all do, I think.

Mr. COCKRELL. That bill came from the Committee on Post-Offices and Post-Roads; it was referred to it in the Forty-fourth and Forty-fifth Congresses, and acted upon by that committee.

The VICE-PRESIDENT. The first section of the bill will be read at the suggestion of the Senator from Missouri.

The Secretary read as follows:

Be it enacted, etc., That for the purposes of opening a direct trade between the States of the Mississippi Valley and Brazil, via the West Indies, and of establishing a semi-monthly steamship mail service and express from the port of New Orleans to certain ports in Brazil and the West Indies, the Postmaster-General be, and he is hereby, authorized and directed to contract with the Mississippi Valley and Brazil Steamship Company, of Saint Louis, State of Missouri, for a semi-monthly steamship mail service from the port of New Orleans to the ports of Havana, Kingston, (Jamaica,) Port Spain, (Trinidad,) in the West Indies, and to the ports of Para, Maranhão, Pernambuco, Bahia, and Rio de Janeiro, in Brazil.

Mr. BECK. I should like to hear the whole bill read. It seems to me to be a commercial bill in every essential aspect of it.

The VICE-PRESIDENT. The bill will be reported at length.

The Secretary read the bill.

Mr. HEREFORD. My friend from Missouri who introduced the bill seemed very confident that the Committee on Commerce had nothing to do with it; that it expressly, beyond any doubt, belonged to the Committee on Post-Offices and Post-Roads; that there was no element in the bill which would carry it to the Committee on Commerce; that there was nothing in the bill which the Committee on Commerce had anything to do with; and that every portion of it belonged expressly to the Committee on Post-Offices and Post-Roads. Now, when the bill comes to be read we ascertain that one portion of the bill provides that the steamship company shall pay no port dues whatever, &c. What has the Committee on Post-Offices and Post-Roads to do with that subject? I cannot see what they have to do with the question as to whether the steamship company shall pay fees for entering the various ports. It changes, or rather suspends, all the laws on that subject. Certainly the Committee on Post-Offices and Post-Roads has nothing to do with that.

There is a part of the bill that should go to the Committee on Post-Offices and Post-Roads, and there certainly is just as clearly another portion of it that should go to the Committee on Commerce; and inasmuch as the bill is there I agree with the Senator from Minnesota, who is on the Committee on Commerce as well as myself, and I agree also with the Senator from New York, who is also on the Committee on Commerce, that the bill is as properly before the Committee on Commerce as it could be before the Committee on Post-Offices and Post-Roads, and therefore I think it ought to remain there.

Mr. BECK. Mr. President, disguise it as we may, this is the old controversy whether we shall subsidize steamship lines to go to Brazil. The ten-year contracts that are to be authorized to be made by the Postmaster-General show that to be the fact, as well as the other provisions of the bill.

There are serious questions arising of course in the consideration of the bill, which have been discussed on the floor of the Senate before, all of which the Committee on Commerce alone can consider. For example, the argument was made before and will be made again, and it was made with great force—I remember that the Senator from Maryland [Mr. WHYTE] made it, perhaps I did myself somewhat—that if you for ten years subsidize a particular line of ships, you thereby destroy all the other lines that have to run without subsidies. There is a large number of ships trading between Brazil and Baltimore and other ports of this country, all of which are expected to run without a subsidy; and if you for ten years give to a particular steamship line, under the pretense of carrying the mails, an advantage over them, it drives them from the sea. You are to release these ships from certain port dues which other ships trading to Brazil have to pay. These are all great commercial questions which you have to consider. While I care nothing about which one of the committees considers the bill, there is no disguising the fact that all the great commercial interests of this country in connection with Brazil necessarily come up in the consideration of the bill; and it is only a convenient way of obtaining a subsidy for this particular steamship line that the great privilege in extended terms is given to the Postmaster-General to give them something for carrying letters to foreign countries. We all know what the real purpose is. The grave questions involved in the bill are clearly commercial questions.

Mr. COCKRELL. As I stated yesterday, I introduced the bill by request. There was no occasion for its drawing upon its head, before it has been considered by any committee or by the Senate, the ire of the Senator from Minnesota and of my friend, the Senator from Kentucky. It is a proper question to be committed to the consideration of a committee of this body, and it is time enough to talk about subsidy and all that when the subject comes before the Senate. I stated that I was requested by a reputable gentleman to introduce the bill; that I did not indorse or sanction its provisions, for I had not read them, and that I did not commit myself against them. I stand precisely there this morning. I do not know that I shall favor or oppose the bill, but I do know that if there is any question on the face of the earth that belongs to the Committee on Post-Offices and Post-Roads it is the question involved in this bill. It belongs to that committee or it belongs to no committee at all.

The Senator from West Virginia refers to the matter of port fees. That can come properly before the Committee on Post-Offices and Post-Roads when it is in connection with the transportation and delivery of the mails. It would be more appropriately before the Committee on Post-Offices and Post-Roads than before the Committee on Commerce. Everything in the bill outside of the transportation of the mails is simply incident to that business.

As to whether these provisions are right or not, is an entirely different question and does not arise until the bill comes before the Senate for action. The bill is for the purpose of establishing mail communication between the United States and Brazil and to regulate incidental matters connected with it, such as the landing of vessels at the wharf at New Orleans, the transportation of merchandise in packages of a certain kind, and the conveyance of passengers in connection with the mails, all incident to the prime object of the bill.

Mr. McMILLAN. I certainly have not felt any excitement about this matter, and think I have exhibited none. The Senator from Missouri assumed to himself all the information in the Senate upon this subject, although it appears from a subsequent answer that he had not read the bill. From the title of the bill and from the statement of the Senator from Missouri I inferred that the bill was properly referred to the Committee on Commerce yesterday. I think so still. If the incidents in the bill, such as the establishment of mail routes, are in the interest of commerce, then certainly the bill should have gone to that committee, and I think it should remain there.

The VICE-PRESIDENT. The question is on the motion of the Senator from Missouri, to reconsider the vote by which the bill was referred to the Committee on Commerce.

The question being put, there were on a division—ayes 9, noes 22; no quorum voting.

Mr. EDMUNDS. I ask the Chair to state the question again. Probably attention was not called to it.

The VICE-PRESIDENT. The question is on the motion of the Senator from Missouri to reconsider the vote by which the bill which has been read was referred to the Committee on Commerce.

Mr. EDMUNDS. I think if the Chair will take another division we shall get a quorum.

Mr. COCKRELL. I merely desire to state the fact that inadvertently yesterday morning when the bill was introduced it was referred at my suggestion to the Committee on Commerce, I intending to have it referred to the Committee on Post-Offices and Post-Roads.

Mr. EDMUNDS. I think it is a postal question. The Post-Office Committee has always had it.

The motion to reconsider was not agreed to, there being on a division—ayes 17, noes 25.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by its Clerk, Mr. GEORGE M. ADAMS, announced that the House had passed a joint resolution (H. R. No. 268) authorizing the Secretary of War to lend United States flags to centennial commissioners at Nashville, Tennessee; in which the concurrence of the Senate was requested.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 2518) for the relief of Nelson Lyon and Jeremiah S. James; and it was thereupon signed by the Vice-President.

LOAN OF FLAGS AT NASHVILLE.

Mr. BAILEY. I ask unanimous consent of the Senate that the joint resolution which has just come from the House of Representatives may be read for information and then that unanimous consent be given for its passage.

The VICE-PRESIDENT. The Chair will lay the joint resolution before the Senate.

The joint resolution (H. R. No. 268) authorizing the Secretary of War to lend United States flags to centennial commissioners at Nashville, Tennessee, was read the first time by its title.

Mr. BAILEY. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length.

The VICE-PRESIDENT. The Senator from Tennessee asks that the joint resolution be considered at this time.

Mr. EDMUNDS. I object to that.

The VICE-PRESIDENT. Objection is made.

Mr. EDMUNDS. I think that any resolution in respect of public property, although this is a very small affair, ought to go to a committee. The Senator will see that the joint resolution does not provide for how long the flags are to be lent, or when they shall be returned, or for what purpose, but it is apparently a permanent loan, at call to be sure, yet one that a committee ought to consider. It in and of itself is a very small matter, but we are constantly making precedents that are as constantly referred to as authority for broadening the scope of our dispositions. Therefore I think that this, like other bills, ought to go to a committee to be considered and reported upon.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Military Affairs.

ASSISTANT SENATE LIBRARIAN.

Mr. VANCE. I ask unanimous consent to call up for consideration—

Mr. COCKRELL. I call for the Calendar, Mr. President.

The VICE-PRESIDENT. The regular order is demanded. The Secretary will report the first bill on the Calendar of General Orders.

Mr. HILL, of Georgia. I wish to say to the Senator from Missouri that there is a motion to reconsider the resolution appointing an assistant librarian. I should like to have that disposed of.

Mr. COCKRELL. I am requested by the Senator from Georgia to call up the resolution, the reconsideration of which I moved the other day. I have no objection to taking it up and disposing of it at the present time.

The VICE-PRESIDENT. Is there unanimous consent that it be considered at this time?

Mr. KIRKWOOD. What is it?

The VICE-PRESIDENT. The motion to reconsider the vote by which the Senate passed the resolution which will be read by the Secretary.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to appoint an assistant librarian for the Senate, who shall attend upon the floor of the Senate during its legislative sessions as directed by the Committee on the Library, at a salary of \$1,440 per annum, payable monthly.

The VICE-PRESIDENT. The Senator from Missouri moves to reconsider the vote by which the Senate agreed to the resolution just read.

Mr. EDMUNDS. I understood the Senator to ask unanimous consent to take it up. I rather feel obliged to object and for this reason: I think the question of what can be done to provide books for reference more conveniently than they are now, ought to be considered by a committee, and I should hope that somebody would introduce a resolution directing the Committee on the Library to make that inquiry so that the Senate can be advised of what is possible before we finally pass on this resolution and therefore for the present I must object to its consideration.

The VICE-PRESIDENT. Objection is made. The Secretary will call the first bill on the Calendar.

EQUALIZATION OF HOMESTEADS.

Mr. PADDOCK. Some days ago Senate bill No. 1085 went over without prejudice. Therefore it is entitled to be placed at the head of the Calendar. I think it will take but a very few moments to pass the bill, and I should like to have it taken up.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent that the Senate consider out of order the following bill—

Mr. PADDOCK. Not out of order; it is in order. It went over without prejudice, and should be properly at the head of the Calendar.

The Chief Clerk read the bill (S. No. 1085) to equalize homesteads by its title.

Mr. EDMUNDS. That will not do.

Mr. KERNAN. I must insist that the bill under consideration yesterday morning be proceeded with. It is hanging over, and was partly considered yesterday.

Mr. PADDOCK. That being the case I shall yield to the Senator from New York. I did not understand that to be the fact. While I am up, however, I wish to say that after the Committee on Public Lands had reported this bill it concluded to add two additional provisions to the bill. They now lie on the Secretary's desk. I move that the bill be reprinted as amended.

The motion was agreed to.

INTERNATIONAL EXHIBITION OF 1883.

The VICE-PRESIDENT. Senate bill No. 1160 is before the Senate as in Committee of the Whole.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883. The pending question was stated to be on an amendment of Mr. COCKRELL to strike out section 7 and insert in lieu thereof:

That the United States shall not in any manner or under any circumstances be liable for any of the acts, doings, proceedings, or representations of the said commission, its officers, agents, servants, or employees, or any of them, or for the services, salaries, labors, or wages of said officers, agents, servants, or employees, or any of them, or any subscription to the capital stock, or for any certificates of stock, bonds, mortgages, or obligations of any kind issued to aid the commission, or for any debts, liabilities, or expenses of any kind whatever attending such commission or exhibition, or accruing by reason of the same.

Mr. COCKRELL. The motion was to strike out the section named and insert the matter I moved at the close of the bill to meet the point of the Senator from Vermont, so that it shall be the last section of the bill.

The VICE-PRESIDENT. The question then is on striking out section 7.

The motion to strike out was agreed to.

The VICE-PRESIDENT. The question now is on the motion of the Senator from Missouri to insert at the end of the bill the matter which has just been read.

The amendment was agreed to.

The VICE-PRESIDENT. Are there further amendments?

Mr. EDMUNDS. Have all the amendments reported by the Committee on Finance been disposed of?

The VICE-PRESIDENT. They have been.

Mr. EDMUNDS. I should like to ask the Senator from New York what the provision is in this bill for the expiration of this corporation. When are its functions to cease and determine?

Mr. KERNAN. The language of the bill is that the exhibition shall be held in 1883, and that the corporation shall continue until the exhibition has taken place.

Mr. EDMUNDS. Will the Senator be good enough to read the clause on which he rests that statement?

Mr. KERNAN. My eye does not rest on it just now, and I state it from memory; but I will look to see if I can find it, [examining the bill.] It is in section 3.

That the said United States international commission is hereby created a body-corporate, and by that name shall have a corporate existence until the object for which it is formed shall have been accomplished.

And the first section states that that object is to have an international exhibition held in the city of New York in the year 1883. Again:

SEC. 17. That as soon as practicable after the said exhibition shall have been closed it shall be the duty of said corporation to convert its property into cash and, after the payment of all its liabilities, to divide its remaining assets among its stockholders, *pro rata*, in full satisfaction and discharge of its capital stock. And it shall be the duty then of the United States international commission to submit, in a report to the President of the United States, the financial results of the international exhibition.

That is section 17, on page 11.

Mr. EDMUNDS. That part of it I saw.

Mr. KERNAN. One thing further. I observe that section 18 provides—

That it shall be the duty of the United States international commission to make report, from time to time, to the President of the United States of the progress of the work, and, in a final report, present a full exhibit of the results of the United States international exhibition.

I think it clearly means until the exhibition shall have been held in 1883, and its affairs shall have been wound up, and the result reported.

Mr. EDMUNDS. I see in the first section, at the foot of page 1 of the printed bill, and at the top of page 2 this provision: "A corporation to be created by this act," which I suppose is intended to mean "is hereby created by this act."

In the city of New York, in the State of New York, in the year 1883, to be continued so long as shall be in its judgment advantageous, subject always to the supervision and under the auspices of the Government of the United States.

Now my query is, supposing this corporation to be formed and the exhibition to be had in 1883, how long after that time the corpora-

tion has a right to exist and carry on operations? Of course it cannot carry on operations with a view to an exhibition; but the winding-up operations, so to speak; the holding and disposing of the property that it shall have acquired in the mean time, and so forth, may go on for twenty years for aught that I can see in this bill to prevent it, and I suggest to the Senator that there ought to be somewhere in the bill a precise limit of day and date, as the expression is, beyond which the corporation should have no existence. It should then terminate, and all the functions then would be for the courts as a mere winding-up process; for as it is now, taking the first section and those that the Senator has read in connection, it appears to me that the legal effect would be entirely indefinite. It might be one year after the exhibition, it might be two years or ten or twenty. I think therefore there ought to be a precise provision which shall say that on the arrival of a certain day, say the 1st of January, 1884 if you please or the 1st of July, 1885, the corporate powers as such should cease, and the corporation should be dissolved. Then of course, as we all know, on the principles of law, after that if there is any property or anything left to be wound up and distributed, it becomes a matter of ordinary duty.

Mr. KERNAN. I have no objection to having it limited to a reasonable time. I only want to make a suggestion, and then I will see what the bill says. There is a little difficulty in fixing a date when this winding up arbitrarily must cease. This corporation is to have its exposition in 1883, and then its affairs must be wound up. You will observe that the language is:

An international exhibition of arts, manufactures, and products of the soil and mine, be held under the direction of the United States international commission, a corporation to be created by this act, in the city of New York, in the State of New York, in the year 1883.

And then the corporation is to continue to exist until the objects for which it is formed shall have been accomplished. I should like to put it a reasonable time for them to wind up their affairs, pay their debts, and dispose of their property. The Senator from Pennsylvania [Mr. WALLACE] has a suggestion to make which I think will answer the purpose.

Mr. WALLACE. I suggest in section 17, line 2 of the section, after the word "closed" to insert "not later than the 1st day of January, 1885."

Mr. KERNAN. I think that would give time enough.

Mr. WALLACE. Does the Senator from Vermont hear the suggestion?

Mr. EDMUNDS. Yes, I think it would be safer to add to the first section.

Mr. KERNAN. The incorporating section is section 3.

Mr. EDMUNDS. I think on the whole a section at the end will be better. At any rate, I will make this motion first: In the first section beginning after the word "advantageous" in the tenth and eleventh lines I move to insert "subject to the provisions hereinafter contained and."

Mr. KERNAN. I see no objection to that.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont.

Mr. CARPENTER. I should like to inquire of the Senator from New York having this bill in charge, what clause of the Constitution authorizes Congress to pass this bill? The disguise was resorted to in the case of the National Educational Association the other day, of giving the corporation a habitat in the District of Columbia; but it is dropped here and we are creating a corporation to perform certain duties in the city and State of New York, not in the District of Columbia at all. I want to know what provision of the Constitution authorizes us to create a corporation whose duties are to be confined to the State of New York and for this special purpose?

Mr. KERNAN. I will state with great respect to the Senator from Wisconsin that I am anxious that the Senate should dispose of this bill. If as good a lawyer as he has difficulties about the constitutional power to pass the bill I do not think I can satisfy him. I stated yesterday that I thought there was sufficient power in the Constitution to make the necessary laws to allow an international exhibition of arts and manufactures to be held, and I do not desire to argue it.

Mr. CARPENTER. I think the Senator from New York is very discreet in not arguing it. If he wants me to vote for this bill without knowing that I violate the Constitution, he had better say nothing about it.

Mr. KERNAN. I do not know that in five minutes I could satisfy my friend if he has any difficulty.

Mr. CARPENTER. I do not think the Senator could satisfy me if he was not limited to five minutes. I do not think the thing can be done.

Now, my objection to this bill is simply this: we are going on here day by day under a written Constitution, violating its provisions, until we get so accustomed to it that no man wants to take the trouble of explaining the necessity for it or the propriety of it; and, limited to five minutes, the Senator from New York frankly confesses that he cannot do it.

This is a very small matter, but still it is a violation of the Constitution and it is debauching the public mind of the country, it is debauching the conscience of the Senate, and ought not to be done. Five minutes is enough time to point out any clause of the Constitu-

tion authorizing this bill, if there is any; but everybody knows there is none whatever.

I see we have a bill on the Calendar, which will be reached in a day or so, authorizing the calling of a medical conference in the United States. I suppose we shall have a legal professional conference called by and by, and so on. In other words I do not see what there is under the practice here now from day to day, that is not within our power. I do not question that Congress might by main strength appropriate money to such a thing as this; but I do deny that it can create a corporation to do any such thing, and besides that the Senate in committee has already adopted an amendment that the United States shall not be responsible for anything about it. After that in what sense are these words used here that this thing is to be "subject always to the supervision and under the auspices of the Government of the United States?" "The auspices of the Government of the United States" seem to be that we shall not have anything to do with it or be responsible for it, but having nothing to do with it, having no control over it, we will create a corporation to do it. Now, I want to know what authority there is to do it?

Mr. WALLACE. Mr. President, the best answer to the Senator from Wisconsin is that we have exercised this power, the very power that is here proposed to be exercised, in the creation of the corporation which conducted the exhibition in the city of Philadelphia in 1876, and large amounts of money were expended and collected thereunder, and the exhibition was conducted to a successful close, and this country and foreign nations obtained great advantages therefrom. I do not think the citizens of the United States would find fault in any way if the exercise of the powers here granted should be placed under the clause in reference to commerce, if it exists nowhere else, because it certainly tends to the extending of the commerce of this country. But the fact exists nevertheless, and cannot be gainsaid, that the Congress of the United States has exercised in almost the precise language found in this bill the very power proposed to be exerted here. It is true that as good a constitutional lawyer as the Senator from Wisconsin may be able to criticize and draw fine distinctions, and perhaps make a good speech to show that there is not a technical power within the language of the Constitution to do this thing, and yet I reply to him that it has been done, and the results have been good, and the country recognizes the fact that those results have been good. I think the commercial metropolis of the nation ought to be intrusted with the conduct of another of these exhibitions under the power of the Government of the United States.

Mr. CARPENTER. Mr. President, I am astonished by these democrats more and more every day. I had always believed that there was one sound element in them; that was, they were for a reasonably strict construction of the Constitution. If they give that up, there is no democratic party. That was the only innocent article of their faith, the only one that I should know how to defend if I were retained with a fee in my pocket to do it. Now it seems they are trying to get away from that, and I invoke the aid of our independent party here from Illinois [laughter] to stand up and call them back to the line of duty.

The Senator from Pennsylvania says he may not be able to satisfy me that this is technically within the Constitution. If it is not technically within the Constitution, how is it within the Constitution at all? There is no slipshod provision there that will cover whatever the people want to have done by us. On the contrary, the powers of this Government are specific. The preamble recites the object of making the Constitution. That Constitution gives certain specific powers to the three branches of the Government, and the tenth amendment provides that all the powers not granted to the United States by the Constitution are reserved to the States or the people respectively. If there is not some provision in the Constitution which justifies this bill, we have no right to pass it. If an ingenious lawyer like the Senator from Pennsylvania cannot satisfy himself that there is, if he is willing to concede that technically it is not there, then I assert that it is not there at all.

He says it might be under the power to regulate commerce. How can this be regarded as a regulation of commerce? Congress cannot create commerce. That is not the power given to us at all. That is left to the enterprise of our people under the supervision of the States. Congress cannot go to work to raise wheat to become the subject of commerce. Congress cannot go into the mining business. It can regulate commerce. But what is commerce? Commerce is the trade between different communities or between different States; under our power trade between different nations and between the several States. The only power we have got is to regulate that trade.

Was there ever any man so latitudinous in his construction of the Constitution that he would claim that the power to regulate commerce authorized us to do it by means of a corporation to get up a spree in New York over the great treaty of peace? Such a proposition only shows, as the Senator is aware, that this thing is outside of our constitutional power.

He says the people all like it, children cry for it. Well, I do not know but that they do. He says it is clear that we have done this thing more than once, and there is our authority for doing it again. What logic is that from a lawyer, and the Senator from Pennsylvania is a lawyer and a good lawyer? A wrong done to-day becomes authority for repeating it to-morrow; a violation of the Constitution

one year justifies its violation the next! That is the logic. Apply it to other crimes—and this is a crime, if it is not authorized by the Constitution, and nobody seems to think it is; it is a crime to pass it without authority. Take the crime of murder. Murder has been committed all over this country from time immemorial. Does that make it right? Does that justify it? Would that be a good plea in bar to an indictment for murder? That is the logic. We have done these wrongs; therefore we have acquired a right to do them; and we are going to do them now because we have done them! If the Senators on the other side of the House who specially have charge of the Constitution—for the last fifteen years they have not pretended to have charge of anything else; they would let the country go to pot, but they stood by the Constitution—if now they have given that up, if they are going to let both drop together, I want to put in a protest to save the Constitution.

Mr. EATON. Mr. President, I am very happy to see that my friend from Wisconsin is abandoning that party which has camped outside of the Constitution for the last twenty years and is coming back to the old democratic fold again. I think he is entirely right in this matter. I thought so when that other show was got up in Philadelphia. I think so now. I see no clause in the Constitution which will enable me to vote for this show. If the State of New York, which has great wealth and great power, will incorporate these very respectable gentlemen into a society for the purpose of this show in New York, I shall be very glad, and I have no doubt my people in Connecticut will be glad to join with them and be very much rejoiced in having such a convention; but for one I am with my friend from Wisconsin. I am very glad that he stands shoulder to shoulder with me and has quit that camping-ground where he has been for so many years. I welcome him back to the old democratic fold. We shall frequently hear from him words of good counsel and wise advice.

Mr. CARPENTER. Mr. President, I never did camp outside of the Constitution. I never defended anything that was outside of the Constitution. I never justified the exercise of any power on the part of this Government that I believed to be outside of the Constitution. I never shall. And if I have returned to the democratic tent, it is only after the democrats have this morning publicly proclaimed that they have folded their tent; there is no democratic tent any more. [Laughter.]

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Vermont, [Mr. EDMUNDS.]

The amendment was agreed to.

Mr. EDMUNDS. To complete that branch of the subject, Mr. President, I move to add at the end of the printed bill, but preceding the section agreed to on motion of the Senator from Missouri, the following words to come in as a new section:

The corporation hereby authorized shall exist no longer than until the 1st day of January, 1885.

They can wind it up as much earlier as they like under the preceding provisions of the bill.

Mr. KERNAN. No objection to that.

The amendment was agreed to.

Mr. EDMUNDS. The committee has forgotten, as it appears to me, to add the usual clause in all corporations nowadays, and that shall turn out to be too strong for the creating power, for repeal, alteration, and amendment; and in view of that I move this section to come in at the end of the whole bill, amendments and all, as the very last section of the bill:

Congress may at any time alter, amend, or repeal this act as in its judgment the public good shall require.

Mr. KERNAN. I think there is no objection to that.

The amendment was agreed to.

Mr. EDMUNDS. There are one or two other things about this bill that I should like to call attention to. There is one merely phraseological statement on page 5, at the end of section 8 in an amendment that has already been agreed to, that I desire to call attention to.

He [the President of the United States] shall communicate to the diplomatic representatives of all nations, copies of the same.

That is, of regulations and provisions and so on.

Together with such regulations as may be adopted by the commission, for publication in their respective countries, and shall in behalf of the Government and people commend the exhibition to all foreign nations, who may be pleased to take part therein.

This is the first time I have ever heard that phrase used in a law about anybody's being pleased or otherwise. The law generally is not made to please anybody, but to command somebody; and therefore I suggest as a mere matter of taste, to strike out the words "be pleased" and insert "choose," so as to read:

Who may choose to take part therein.

Mr. WALLACE. The phraseology was copied from the proclamation of the President in regard to the other exhibition, to avoid all question on that subject. It is simply a repetition of the words of the President's proclamation in regard to the former exhibition embodied here in order to avoid any question of difficulty as to the liability of the Government by a formal invitation.

Mr. EDMUNDS. I can readily understand the propriety of that language in a diplomatic proclamation, which is one thing; but to speak in a law about people being pleased or otherwise, it appears to me is not in very good taste. While the proclamation of the Presi-

dent would be perfectly correct in speaking to the representatives of foreign governments as inviting such as may be pleased to attend and so on, it appears to me it is not the thing to say in a law; but it is a mere matter of taste that I do not wish to say anything about.

Mr. KERNAN. I have no objection to the change of "be pleased" to "choose."

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. EDMUNDS. Then section 9 provides:

That the said commission shall have authority, and is hereby empowered, to receive subscriptions of capital stock to an amount not exceeding \$12,000,000, to be divided into shares of \$10 each, and to issue to the subscribers of the stock certificates therefor, &c.

There is no provision that I am able to see in the bill that requires anybody who subscribes to pay in a single cent on his subscription. The only instance in which the matter of money paid in on subscriptions is referred to at all, is where the authority to mortgage is given. There is given an authority to mortgage to an extent equal only to the amount of capital stock actually paid in. Now, in all the States and well-ordered communities that ever I heard of, if you create a corporation that is to have a capital, you require in order to give it something more than a paper existence that whatever of capital stock is authorized and subscribed for shall be paid in, or a certain proportion of it from time to time, so that you have got a corporation with a capital stock.

Mr. WALLACE. Will the Senator from Vermont allow me to call his attention to the provision of section 11. There it is provided that before any election can be held:

Each subscriber shall be entitled to a vote for each share subscribed for, on which at least 10 per cent. in cash shall have been previously paid under such regulations as may be prescribed by said commission.

A subscriber cannot vote unless he shall have paid in 10 per cent. on his subscription; so the implication is very plain that only those who shall have paid the 10 per cent. are members of the corporation.

Mr. EDMUNDS. That I understand perfectly, but that only applies to the elective franchise, so to speak, of the people who have subscribed. Consequently you may get up a corporation here; the shares being \$10 you may get one hundred subscribers of one share each, which will produce under the eleventh section before they can vote \$1,000. Your corporation therefore may launch itself and start with \$1,000 of capital stock paid in. I am opposed to that. I insist upon it, just as I should if I were in a State Legislature, that this corporation if it is to be created at all, shall be created on a substance of capital that is actually paid up to meet the obvious necessities of the corporation. The eleventh section is only a limitation on the right to vote, and nobody can vote who has not paid in 10 per cent. of his stock, but the corporation may still be organized with only \$1,000 of capital stock actually paid in.

Mr. WALLACE. But it could get no further than getting out bonds to the amount of another thousand dollars.

Mr. EDMUNDS. I know that; but it might draw ever so many people into this exhibition and disappoint them. There is the trouble about that.

Mr. WALLACE. What suggestion does the Senator make?

Mr. EDMUNDS. My suggestion is this: In section 9, line 4, after the word "each" to insert: "which shall be paid in at the time of subscription," so that everybody who subscribes for a share of \$10 shall pay in his \$10 to the commissioners of subscription or whoever the proper persons are, in order that the corporation, as far as it gradually gets existence by subscriptions, shall get it by the actual and earnest deposit of the money that the subscription represents. That is the object, and I make the motion.

Mr. BAYARD. Let me suggest to the honorable Senator from Vermont whether it will not be sufficient to provide that this \$10, the cost of each share of capital stock, shall be paid in when called for by the commissioners. If you compel the payment of the whole of the stock at the time of subscription, it certainly would be very unusual. You have already provided that they shall not act at all until there has been a cash payment of 10 per cent. of the subscription. It is not usual to compel the payment of the whole stock at the time of subscription, but simply to provide that as the calls are made the payments shall be made in cash. That will reach the object which the Senator has, and it seems to me would be wiser than to require in anticipation the whole amount of money subscribed to be paid in. The total amount required cannot be told until the amount of subscriptions and the cost of the undertaking shall be better ascertained. It was the intention of the committee, I know, to provide against the very danger which the Senator has pointed out, which is that there should be a fictitious company created without the payment of money. Therefore in section 11 it is provided that 10 per cent. should be paid in money before any proceeding for organization should be had. Then in section 15 it is provided that it cannot borrow money on bonds except in proportion to the amount actually paid in on the capital stock.

Now, if the Senator desires that the calls, after the 10 per cent. shall have been paid, shall be responded to in money only, I submit to him that it would be just and right to require the payments to be made as called for, and not to say that the whole shall be paid at the time of the first subscription.

Mr. EDMUNDS. There is a great deal of force in what the Senator

from Delaware suggests; but the ordinary practice that he alludes to in creating corporations in the States, where those subjects are carefully considered, while it is as he states is also to have the charter always contain a provision that the corporation shall incur no debt or liability of any kind beyond the amount of its capital stock, actually paid in; and therefore if a corporation thus created incurs through the vote of its directors a liability beyond that, the charter also provides that the directors assenting thereto shall be personally liable; but there is no such limitation or safeguard in this bill. It only provides that they shall not issue bonds to borrow money in excess of the amount of capital stock paid in. They may buy all the lumber of New York lumber merchants, and all the stone and whatever is necessary to erect the buildings; they may hire the grounds; they may do all the things that involve people in the enterprise, which may turn out to be an entire failure after all and fall through, without any security at all. And when we look at the fact, which is really the primal foundation of this whole bill, that a charter granted by Congress is in the eyes of the people of the United States and of all other civilized nations a kind of moral guarantee that the thing is on a firm and solid foundation and that nobody is to be entrapped or led into a loss by it, it appears to me that there is great force in the suggestion that when we are putting out this moral guarantee of absolute responsibility and respectability there should be something on which it should rest. I say the ordinary provision in State charters of business corporations is the liability of assenting directors to creating any debt in excess of the capital stock actually paid in and a prohibition of their doing it; and the absence of that here and the mere provision that this corporation shall not borrow money on bonds beyond the capital stock paid in is entirely inadequate to the general purpose and policy that careful legislators are called upon to exercise.

Instead of requiring all this to be paid in at once on the subscription—though I do not think that would be very hard if this is to be a real enterprise that we are to be morally responsible for—I should not object to a distinct provision somewhere inserted in the bill that this corporation should not proceed in the enterprise that it is devoted to till a certain gross amount, whatever it may be, supposed to be necessary for the success of the undertaking, should be paid in to its capital stock in cash and not withdrawn, together with an equal amount of bonds that they might borrow upon that. That would do; but I have not had time to prepare an amendment of that kind, because it requires a great many words, quite a long section making that provision. That perhaps would be better than what I have suggested; but I have taken the readiest means I can to call the attention of the Senate first to its moral responsibility for this business, and second to what appears to me, with great respect, to be the present inadequate provisions of the charter as it is proposed upon the subject.

Mr. ALLISON. The bill will go over until to-morrow necessarily, and I think the Senator from Vermont can prepare an amendment.

Mr. EDMUNDS. I am not bound to prepare everything.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Vermont, in line 4, section 9, after the word "each," to insert "which shall be paid in at the time of subscription."

Mr. BAYARD. May I ask to have read for information the amendment I have sent to the table to see if it does not meet the views of the Senator from Vermont?

The VICE-PRESIDENT. The amendment of the Senator from Delaware will be read for information as a substitute for that of the Senator from Vermont.

The Chief Clerk read the proposed amendment of Mr. BAYARD, as follows:

Which shall be paid in money at the several times when the calls therefor shall be respectively made by the said commissioners.

Mr. EDMUNDS. That would not satisfy me because it leaves it entirely to the directors to determine whether they will have any capital stock at all except 10 per cent. which may be \$1,000, all told, on the formation of the corporation. It needs something more adequate than that, I submit with great respect to the Senator, but no doubt it can be provided for without difficulty.

The VICE-PRESIDENT. The morning hour has expired, and the Senate proceeds to the consideration of the unfinished business.

Mr. KERNAN. I would ask whether we may not proceed with this bill and get a vote?

The VICE-PRESIDENT. Is there unanimous consent that the bill which has been under debate be further considered at this time?

Mr. EDMUNDS. I think it will be better to give a little time in order that the Senators in charge may frame a provision that undoubtedly will be entirely satisfactory to them about the liability of this corporation.

Mr. KERNAN. Very well; let it go over until to-morrow morning.

THE POTOMAC FISHERIES.

The VICE-PRESIDENT. The unfinished business is the Geneva award bill.

Mr. VANCE. I ask unanimous consent of the Senate again to take up the bill (H. R. No. 4568) for the protection of the Potomac fisheries in the District of Columbia, and for the preservation of shad and herring in the Potomac River. If it is not passed at once, the season when the bill will operate will have passed away.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider House bill No. 4568.

The bill was read.

The VICE-PRESIDENT. The bill is open to amendment.

Mr. EDMUNDS. I have the impression that the Senator from North Carolina has one amendment that has been suggested to him which he desires to make in order to make this provision conform in respect to the possession of the prohibited classes of fish with the laws of Virginia and Maryland so close upon the river, so that there will not be an inconsistency in the immediately contiguous provisions.

Mr. VANCE. Professor Baird suggested that the date be changed to make it conform with the laws of Maryland, which extend the fishing season to the 10th of June. This closes it on the 30th of May. The committee have no objection to that amendment being inserted except that it sends the bill back to the House, and the season is passing so rapidly that by returning the bill we fear it may become inoperative before it becomes a law.

Mr. EDMUNDS. The suggestion of the Commissioner of Fisheries I think relates to section 4. I believe that he is entirely satisfied with the wisdom of section 2, as to catching fish; but in respect to having fish in possession after the 30th of May, inasmuch as, by the laws of Virginia and Maryland they may be had in possession until the 10th of June, it would create extreme difficulty and inconvenience to members of Congress who stay here in Washington after that time if they cannot eat shad that are caught near Alexandria, conformably to the laws of Virginia.

Mr. VANCE. That would be an official inconvenience, it is true. [Laughter.]

Mr. EDMUNDS. A great personal inconvenience to those who like the southern shad; and it does not affect the closing of the season for catching, so that I will take the liberty of moving in section 4 to strike out the words "thirtieth day of May" and insert the words "tenth day of June."

Mr. VANCE. I am willing to accept the amendment for the committee if I have authority to do it.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

IMPROVEMENT OF SUSQUEHANNA RIVER.

Mr. WALLACE. I now ask the Senate to take up a bill of the same character precisely as the one just passed, which is necessary to be passed at this time, the bill (S. No. 1425) to appropriate money for the continuance of improvement in the Susquehanna River.

Mr. BLAINE. This is all by unanimous consent.

The VICE-PRESIDENT. It is. Is there objection to considering at this time the bill named by the Senator from Pennsylvania?

Mr. BAILEY. I object to the consideration of that bill.

The VICE-PRESIDENT. Objection is made.

ORDER OF BUSINESS.

Mr. EATON. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. BLAINE. I hope my friend from Connecticut will permit the honorable Senator from Illinois [Mr. DAVIS] to proceed with his remarks on the Geneva award bill.

Mr. DAVIS, of Illinois. I intended to take the floor on the subject of the Geneva award, but I do not care about antagonizing bills. If that bill is postponed until to-morrow I can make my remarks then.

Mr. EDMUNDS. Better make them now.

Mr. DAVIS, of Illinois. The Senator from Indiana [Mr. McDONALD] wants to speak also.

Mr. BLAINE. I beg to say to the honorable Senator from Illinois that the bill which the honorable Senator from Connecticut is now calling up is a bill which will lead to a political debate inevitably, and I do hope that the Geneva award bill will be permitted to go through as the regular business and not be thrown out of its order.

Mr. DAVIS, of Illinois. I have no charge of the bill, but I am perfectly willing to proceed at any time.

Mr. BLAINE. The honorable Senator from Illinois is ready with his speech. I will unite with my friend from Connecticut in all proper expedition of the appropriation bills.

Mr. EATON. I have no objection to giving way to the Senator from Illinois to make a speech.

Mr. BLAINE. As soon as the honorable Senator from Illinois is through the Senator from Connecticut will have the floor for his bill.

Mr. EATON. Very well.

Mr. ALLISON. I submit to the Senator from Maine that it will make very little difference whether the Senator from Illinois takes the floor to-day or to-morrow, because it is perfectly certain that the Geneva award matter cannot be disposed of to-day.

Mr. BLAINE. Very well; but I will show the difference in a moment. The honorable Senator from Indiana is out to-day I believe

preparing a speech and he expects to make an elaborate speech upon it—

Mr. DAVIS, of Illinois. Mine will be a short one.

Mr. BLAINE. The Senator from Illinois does not wish to speak at the tail end of the day.

Mr. DAVIS, of Illinois. The Senator from Indiana and I can both get through to-morrow, without trouble.

Mr. ALLISON. I suggest that to-morrow the Ute bill will necessarily come up, so that this Geneva award bill must be laid aside temporarily. I think it might as well be laid aside now, and the appropriation proceeded with.

Mr. VOORHEES. Mr. President, while the order of business is being discussed, I desire to state that early in the session I introduced a resolution on the finances which was laid on the table at my request. I propose to ask the indulgence of the Senate on some day soon to call it up. I would say the day after to-morrow, but in view of what has been said here I will name Tuesday of next week, when, if I can do so without interfering with anybody else, I give notice that I shall call up the resolution for the purpose of submitting some remarks upon it.

Mr. DAVIS, of Illinois. If the Geneva award bill is called up, I will take the floor and waive it for the Senator from Indiana, or will make my remarks, as the Senate shall prefer.

The VICE-PRESIDENT. That bill is now before the Senate as the unfinished business.

Mr. VOORHEES. Is there objection to my notice?

Mr. EDMUNDS. I merely wish to say that I think in the present condition of the business of Congress, the consideration and discussion of abstract resolutions about the best financial policy of the United States is quite out of place until we shall have done something in the way of passing the necessary laws like the Geneva award bill (or not passing it, disposing of it,) the appropriation bills, and a great number of other things upon the Calendar. Therefore, for one, if the Senator will pardon me, I must be excused from giving anything like an assent to the taking up of these resolutions for any present purpose that I can see. If after we have done the business that we are called upon to do and that it is necessary we should do, there is then time for the discussion of all the conundrums that the financial problem involves, I shall be very glad to hear the Senator from Indiana and shall be very glad to have him hear me or somebody else.

Mr. VOORHEES. I do not doubt—it is not proper in me to doubt—the good faith of the Senator. If I could do so I should not say that I believe he would take pleasure in hearing me at any time. But as this is the first time I have ever heard an objection like his made to a Senator having the right to discuss a resolution which he himself had introduced, I will say that if I had occupied one-fifth of the time on the floor that the Senator from Vermont has this session in the obstruction of legislation, I would not ask a little of its time in advancing some views that I think important to the people whom I represent. I shall ask on Tuesday of next week, after the morning hour, to be heard on my resolution, if the Senate will indulge me in that request.

Mr. EDMUNDS. Mr. President, I of course have nothing to say in reply to the statement of my friend that he will ask leave to take up his resolution; but in regard to another remark of his about my occupying four-fifths of the time that he has in obstructing legislation, I can say with all sincerity that if he had occupied one-tenth of the time that I have in obstructing vicious legislation, he would have done a great deal better than I have been able to do, I have no doubt, and I hope he will do it hereafter.

The VICE-PRESIDENT. The Senator from Illinois is entitled to the floor on the Geneva award bill.

Mr. DAVIS, of Illinois. I will give way to the Senator from Connecticut.

Mr. EATON. I call for the consideration of the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The VICE-PRESIDENT. The first question is on postponing the pending bill.

The motion to postpone was agreed to.

The VICE-PRESIDENT. The question now is on the motion of the Senator from Connecticut to take up House bill No. 4924.

The motion was agreed to.

CHANGE OF NAME OF STEAMER.

Mr. CONKLING. The Senator from Connecticut is kind enough to allow me to make a report. I report back from the Committee on Commerce the bill (S. No. 1475) to change the name of the steamer J. H. Kelly to John Thorn. It consists of a very few words; I ask that it be read; and if there be no objection I request immediate action upon it.

The bill was read.

The PRESIDING OFFICER, (Mr. DAWES in the chair.) Is there objection to the present consideration of the bill?

Mr. EDMUNDS. I should like to hear it explained a little.

Mr. CONKLING. This is a little passenger boat which did belong to one company. It has been purchased by another, and they wish to give it the name of their president. Here are the papers, prepared at my suggestion, showing all the facts which the committee is

accustomed to require. I ask that the papers go to the files with the bill.

Mr. HEREFORD. I ask the Senator if there is not a mistake in the name. I have no objection to the bill.

Mr. CONKLING. The name is to be changed to John Thorn, who is the president or vice-president of the company which has purchased the boat.

The PRESIDING OFFICER. Does the Senator from Vermont object to the present consideration of the bill?

Mr. EDMUNDS. I wish to get a little information first, and for information I should like to have the papers that the Senator from New York just submitted explaining the matter read.

The Chief Clerk read as follows:

WASHINGTON, March 29, 1880.

MY DEAR SIR: In regard to the bill for the change of the name of the steamer Kelly to John Thorn I desire to state as follows:

First. That the steamer is sound and seaworthy, having just been lengthened out and newly bottomed, and entirely refitted.

Second. That there are no claims against her of any kind. She is owned by Captain George Sweet, her master, and is run entirely in the interest of the Utica and Black River Railroad Company as a passenger and excursion boat.

Third. That the only object in the change of name is this: That she was formerly run in the interest of the Rome, Watertown and Ogdensburg Railroad, a competing road, for the same purposes. We desire the name of John Thorn to connect her more closely with our business, John Thorn having been, as either president or vice-president, connected with our railroad for more than twenty years. I would add that she is now nearly ready to launch, and that if you see no objection we would like to change the name before she is launched, and would therefore like early action on the bill.

Truly yours,

DEWITT C. WEST,

Vice-President Utica and Black River Railroad Company.

Senator R. CONKLING,
United States Senate Chamber.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHANGE OF REFERENCE.

Mr. CAMERON, of Wisconsin. Yesterday I presented a memorial of the Legislature of Wisconsin relating to the improvement of the Mississippi River and its tributaries. On my motion the memorial was referred to the Committee on Commerce. I think it ought to go to the Select Committee on the Improvement of the Mississippi River and its Tributaries. I ask that the reference be changed.

The PRESIDING OFFICER. That change of reference will be ordered if there be no objection.

DEFICIENCIES IN APPROPRIATIONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The VICE-PRESIDENT. The amendments reported by the Committee on Appropriations will be acted on as they are reached in the reading of the bill, unless there be objection.

Mr. EDMUNDS. I had a little rather the Chair would not make that order. Let the bill be read through, and then we can take up the amendments in their order.

The VICE-PRESIDENT. That course will be pursued.

Mr. EATON. Does the Senator from Vermont desire that the bill shall be read through?

Mr. EDMUNDS. That is what I desire.

Mr. EATON. Very well.

The VICE-PRESIDENT. The bill will be read at length.

The bill was read.

Mr. EATON. Perhaps I ought to state, before the Senate enters further into the consideration of the bill, that the amount of the bill as it came from the House of Representatives was \$8,324,155.50. The additions made by the Senate Committee on Appropriations amount to \$350,799.22, and the deductions made by the committee amount to \$107,000, so that the net additions made to the bill by the Committee on Appropriations of the Senate are \$243,799.22. The items which have been added by the committee, to which I will direct the attention of the Senate now, are:

For the Patent Office Gazette, \$3,299.22.

For the Coast Survey, \$15,000.

For the State, War, and Navy Departments building, \$286,500.

For the National Museum building, \$30,000.

For post-route maps, \$5,000.

For extra clerk hire, &c., in State Department, \$2,000.

For payment for Consular Regulations, \$1,000.

For messenger to Senate Official Reporter's room, \$1,200.

For settling swamp-land claims, \$6,000.

For repairs to court-house in the District of Columbia, \$800.

These are the items added by the Committee on Appropriations of the Senate. Let the bill be now taken up and read by items, and I shall be prepared to make any explanation that is in my power.

The PRESIDING OFFICER, (Mr. DAWES in the chair.) The Secretary will read the amendments proposed by the Committee on Appropriations, in their order.

The CHIEF CLERK. The first amendment of the Committee on

Appropriations is, in line 11, to strike out "four" and insert "three;" so as to make the item read:

For the public printing and binding and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for the Departments, and for lithographing, mapping, and engraving, \$300,000.

Mr. EDMUNDS. Why is that reduced?

Mr. EATON. It is reduced because a few days since Congress passed a bill appropriating \$100,000, which perhaps the Senator from Vermont will remember, and it was stated at the time that it would decrease the general appropriation \$100,000. That is all that is required.

Mr. EDMUNDS. What I should like to know is how this deficiency occurred. If the Public Printer has been violating the law and disobeying the acts of Congress in running into greater expenses than he was authorized to do—which, by the way, I have no reason to suppose—I should like to know it; and if he has, what means we are to take to prevent it in the future. If it is merely the fact that Congress has appropriated at a former session not money enough to carry on the Government and to fill the orders, if I may use a commercial expression, that the two Houses of Congress have made upon him, then I should like to know that. How did it happen that this deficiency occurred?

Mr. EATON. I do not know that I am able to give the information to the Senator from Vermont which he desires. I am able to give him this information, that there is a deficiency of \$300,000 that is necessary to be made up in order to do the public printing which may be required to be done between this and the 30th of June, the close of the fiscal year. I am not about to bring an indictment against the Public Printer nor am I about to throw any mud or dirt at Congress if they failed to make as large an appropriation last year as they ought to have made. We find a deficiency here; the Public Printer says that it will require \$400,000 in order to do all the work that is necessary to be done during this fiscal year, and therefore the committee say, let the Public Printer have it, and as we have already given him \$100,000 of the \$400,000 we have stricken this item down to \$300,000. I do not know that I can give my friend from Vermont any further information on the subject besides what I have already given.

Mr. EDMUNDS. Then, as I understand it, we are to vote this \$300,000 or \$400,000, as the case may be, blind. We do not know whether the deficiency occurred from the fault of Congress in not appropriating money enough to carry on what Congress had required to be carried on, or whether it arose from some abuse or misuse of the powers of the executive department, by which, of course, in this connection I only refer to the public printing part of the executive branch. I do think that with a Congress that is as wise, conservative, and economical, and patriotic, and far-seeing, as we must suppose this Congress is, composed as we know it is, this is a little short of the mark. Here we are to vote away \$300,000 of the money of the taxpayers, and all the explanation that is given about it is the simple circumstance that we are that much short; but how it happens that we are that much short the committee is not prepared to tell us. Well, if the controlling powers of Congress are willing to leave it on that ground, I do not know that I have anything to say.

Mr. EATON. Mr. President, I do not propose to make any charges against the Public Printer. I do not propose to investigate that matter here. There is an item of six millions and a half in this deficiency bill, and I do not propose to charge against the Pension Office—because they could not foresee that great amount of deficiency—that there is any fraud in that office, or that there was any want of patriotism in Congress that it did not appropriate six and a half millions more for pensions than it did. We meet this fairly. I ought not to say, I will not say, that in my judgment the Public Printer has been guilty of any fraud. I have heard none charged against him. I should rather be disposed to say that there may have been a want of appropriation in the last Congress than to charge one of the public officers with any mismanagement of the funds placed in his hands. There is such a deficiency, and if we desire to have our printing done the coming three months, we had better make the appropriation to meet it.

I can give no further information to my friend from Vermont in regard to that item. I hope I shall be able better to satisfy him in regard to some other items.

Mr. EDMUNDS. Mr. President, the Senator from Connecticut states the case now with the candor that belongs to his character; that is, that there is no just ground of complaint against the Public Printer, but that Congress at its former session, on some plea or other, did not choose to appropriate the amount of money that was necessary to carry on the public service, and he excuses that apparently upon the suggestion that as to the pension appropriations we did not appropriate enough. Well now, as to the pension appropriation, we all know that that depends upon the rapidity and the quantity, under the laws of Congress, of claims that come in and are disposed of, for as to pensions Congress has so broadened the purview of the duties of the Pension Office that we can readily see it. But as to the Public Printer his duties are strictly defined by law, not in an indefinite and discretionary way, but he can only print the acts of Congress, the CONGRESSIONAL RECORD, the orders of the Departments for specific reports and books, &c., about which there can be no dispute, and such other documents as the two Houses by concurrent resolu-

tion may order and as either House may order up to a cost of \$500 in any one case.

So, then, it comes to this, that at the session of Congress last year we did not appropriate money enough to carry on the very operations that Congress has directed. The two Houses of Congress, in other words, have from time to time ordered the printing of documents and papers, and so on, and have engaged in debates increasing the CONGRESSIONAL RECORD to such an extent that there is now a deficiency of \$300,000 or \$400,000, a real deficiency of \$400,000, \$100,000 of which was provided for two or three days ago. That is what it comes to. So this deficiency arises from the fact that the two Houses of Congress themselves have chosen to expend the money of the people by \$400,000 beyond what they were willing to authorize to be expended in the regular appropriation bill; that is to say, special committees have been taking testimony on all sorts of questions, hunting up something, which has increased the printing to be done. Well, that may be useful; I do not mean to go into a debate now about that; I only want to understand exactly on what ground it is that I am expected as the special representative of a small part of the people of the United States and as the general representative, as I think every Senator is, of all the people of the United States, to know where I am to go in this case.

Mr. SAULSBURY. Mr. President, I did not understand the Senator from Connecticut to say that there had not been appropriations sufficient at the last Congress to run the printing department. I understood him to say that he did not feel authorized to make any charges against the Public Printer, but simply to state that there had not been sufficient appropriations at the last Congress to meet the requirements of that department. I do not suppose that any member of the Senate can definitely say that the deficiency has arisen either from a want of sufficient appropriations or from a want of a proper expenditure by the head of that department of the appropriations placed under his control by Congress. I say very frankly that I do not know whether that deficiency has arisen from the fact that there was not a sufficient appropriation made by Congress, or from the fact that there has been an improper expenditure of the money placed at the disposal of the Public Printer. I find the fact reported to the Senate by the committee having charge of the appropriation that there is a deficiency and that it is absolutely necessary to run the printing department. As we have the authority of the committee that there is a deficiency, I feel justified in voting for it notwithstanding I do not know what is the real cause whereby the deficiency has occurred.

The Senator from Vermont seems to assume that this deficiency has arisen because there was an insufficient appropriation by the last Congress. That may or may not be true; but I apprehend that the Senator from Vermont does not know that that is true. I apprehend that he has not investigated the matter sufficiently to get up and on his responsibility as a Senator assert that the deficiency arises from the want of a sufficient appropriation by the last Congress.

The papers have been teeming with reports of maladministration in the printing department. I will not say that those reports are true or that they are false. I am not here simply upon the statements of newspaper reports to accuse a public officer of having been derelict in his duty, and, unless the Senator from Vermont has himself personally investigated this matter and arrived at the conclusion that there was not a sufficient appropriation made by the last Congress, I do not think it is exactly proper that he should rise here and say that the Congress of the United States failed to do its duty and to make the proper appropriation for that department. Whenever, upon his responsibility after a personal examination, he is prepared to rise here and say that the Public Printer has not wasted any public money, that he has applied properly every dollar to the necessary purposes for which it was voted, he may be entitled to charge that there has been dereliction on the part of Congress in a failure to make the proper appropriations for that department. So far as I am concerned, I do not know where the cause of this deficiency arises. It may be because there was not a sufficient appropriation; it may be because there has not been a prudent expenditure of the money on the part of the Public Printer.

It is true that the Public Printer does not at all times control the expenditures of his department. For his paper the committees in charge of public printing of the Senate and House accept the lowest bid. And yet it is true that he has to expend upon his own responsibility a large amount of money for the purchase of materials and the purchase of type and the purchase of plates of various kinds and of paper also; and further, a large discretion is vested in him in reference to the number of the employes as well as the pay which is given to the employes of the office. It may be that on a proper investigation of the whole affair Congress would be exculpated from the charge of the Senator from Vermont, and that the dereliction would be found traceable somewhere else.

Mr. EDMUNDS. Mr. President, the statement of the Senator from Delaware decorates still more highly, if it were possible, the honors that belong to this present Congress of the United States, of which we are both members. Now without making any inquiry into how a deficiency in the public Treasury has occurred, we are expected to be willing to go it blind, because we do not know whether the deficiency occurred from the rapacity or misconduct of some officer, or from our own want of a proper understanding of our duties in making the original appropriation, or from our excessive expenditures in all sorts of raids and

screeds, as they are sometimes called, on our own part, and we are to have the honor of going down to posterity as a Congress that is willing to vote three or four hundred thousand dollars of the public money without knowing how it happened that this money is needed and stands as a deficiency. Well, Mr. President, that would be enough for me on that point.

Now as to the conduct of the Public Printer I wish to say that I am willing to assert on my responsibility as a Senator, broad or little, that after some investigation and inquiry into that subject, I believe that the Public Printer has in every respect followed the laws and obeyed the orders the Congress of the United States in its two Houses has imposed upon him, and that this deficiency is the consequence of the action of the Congress of the United States in such commands and orders, and in its failure to provide sufficient money in the first place.

I hope that is sufficiently definite, and that is where I am willing to leave it.

Mr. EATON. The honorable Senator from Maine [Mr. BLAINE] gave notice that the consideration of this bill would give rise to a political debate. I supposed the political debate would come at the other end of the bill, and not at this end.

Mr. EDMUNDS. I hope the Senator does not think this is a political debate.

Mr. EATON. I do not mean to say anything offensive to the honorable Senator from Vermont, but I certainly think that he has endeavored to throw a little mud at the Congress which heretofore passed upon this bill and did not give, he says, money enough; but he says the Public Printer in his judgment is entirely clear from blame.

Mr. EDMUNDS. The Senator is entirely mistaken, he will pardon me—

Mr. EATON. I am very glad to hear it.

Mr. EDMUNDS. I do not wish to throw any mud at anybody, much less at the Congress of the United States, of which I am an individual member, and consequently should get somewhat soiled in my apparel myself. I only wished to have the Congress of the United States, if it were possible, appear in its true light in the eyes of the people who created it; that is all.

Mr. EATON. Well, Mr. President, if this is the first time in the history of the Senator from Vermont that he is willing to vote for a deficiency in regard to a public expenditure that cannot exactly be explained fully to his satisfaction at the time he votes it, he has been an exceedingly fortunate man.

There are a thousand things that have occurred that ought at once to suggest themselves to the Senator from Vermont, and one thing is this: the great increase in the price of material which has occurred since the appropriations of last year. Nobody knows that better than my honorable friend from Rhode Island, [Mr. ANTHONY,] both in his public and in his private business. And, therefore, well might the committee of the House have made an estimate a year ago that cannot be covered to-day, for the expenditure is very much larger than could have been anticipated. I reiterate that I am not about to charge upon the Public Printer any dereliction of duty; I am not about to charge upon the Public Printer that he has squandered the public money; I am not about to charge either a committee of the other House or of this House with wantonly passing an appropriation which they knew was not sufficient to carry on the public business, for I do not believe that can be said of the committees of either House.

The PRESIDING OFFICER. The question is on agreeing to the amendment in line 11.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 17, in the appropriations for the Internal Revenue, Treasury Department, to reduce the appropriation "for additional amount to pay salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and for miscellaneous expenses, being a deficiency for the fiscal year 1880," from \$320,000 to \$313,000.

Mr. EATON. In the House bill the deficit appropriated for is \$320,000. The sum required by the Department is \$313,000, not \$320,000. Therefore your committee have proposed to reduce the appropriation from \$320,000 to \$313,000. I desire to say, for the information of the Senate, that the committee last year gave to this Department their full estimate, everything that they said would be required for this particular branch of the public service, and the deficit is still \$313,000. I want to say here, as I said before, that Congress last year appropriated all that was required by the Department. The Department erred; they erred \$313,000; they come here now and ask that that deficiency may be given them. I do not believe there has been any fraudulent expenditure in that Department, and yet the Commissioner of Internal Revenue does not give in his letter to the Treasury Department those full reasons that I should be glad to see so that I could give to the Senate the cause for the deficiency. The Commissioner of Internal Revenue says:

Since penning my report I have caused an examination to be made of the expenditures for this service for the first five months of last year, and a corresponding period of this year, and I find that the increase in the number of distilleries has been such as to increase the expenditure for storekeepers and gaugers for five months of this year \$70,000 over that for the same period last year. If these expenditures continue for this year the deficiency will be at least \$313,000.

That is all the information that the Secretary of the Treasury or

the Commissioner of Internal Revenue has given us, and upon that we ask that this deficiency of \$313,000 may be made up.

Mr. ALLISON. I think it ought to be stated also, if the Senator will allow me, that the Commissioner of Internal Revenue tells us that during the last year there was a very large increase in the number of distilleries.

Mr. EATON. I have just read that from his communication to the Secretary of the Treasury.

Mr. ALLISON. I know. It is stated there in very brief form, but I think sufficiently clear to show us that an additional appropriation is necessary on that account, because every new distillery that is established requires a new survey to be paid for, and requires the appointment of a gauger and a storekeeper, which is a continuous appointment and must be paid for. Therefore I submit that there is quite a sufficient statement upon which we can justify this appropriation.

Mr. EATON. I have no doubt about it. I read precisely what my friend from Iowa has said. I read what the Commissioner gave us. He made his estimates last year. He made a mistake. He could not foresee the amount of expenditure, he could not see the increase in distilleries, any more than we could estimate last year the increase in the price of the paper that the Public Printer has had to use.

Mr. EDMUNDS. How does the Senator from Connecticut call it a mistake of the Commissioner of Internal Revenue, then, that he could not see into the future and see that an increased manufacture of whisky would take place? I think that a part of this deficiency arises from what we so often see every day in the public prints of the operations of those people called "the moonshiners," illicit distillers, that have to be broken up for the protection not only of the revenue but of all honest manufacturers engaged in that species of industry.

Mr. EATON. My friend is entirely mistaken. There is another deficiency that applies to them. This does not apply to them at all. The "moonshiners" have not anything to do with this deficiency of \$313,000.

Mr. EDMUNDS. But I see that this provides for the "salaries and expenses of agents." Now, agents of the Internal Revenue Bureau—

Mr. EATON. That is not a part of this \$313,000.

Mr. EDMUNDS. But I am reading it in the exact connection. I will begin at line 13: "Internal Revenue: For additional amount to pay salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers," &c., \$320,000, reduced by the committee to \$313,000. The agents of the Internal Revenue Department are those persons who are necessarily employed to keep the internal-revenue taxation even and fair as it respects honest distillers and operators, and to protect the revenue against dishonest and illicit distillation.

As I say, according to the newspapers, I will not say in certain sections, because that is unconstitutional, but in certain parts of the country, every day or two we perceive that there has been a raid on "moonshiners," which implies that a special or general agent of the Treasury Department has discovered by expensive inquiries that illicit distilling is carried on somewhere, and that that illicit distilling is so formidable in respect of the personal strength of the persons engaged in it and their neighbors, that it cannot be put down by the ordinary and quiet processes of the law, but requires an armed body of special agents and assistants, and so on, whatever they may be, to proceed to the place and seize the illicit distillery and break it up. They are resisted by force of arms, and the result may be one way or the other. Sometimes it is one way, and sometimes it is the other. Sometimes the Government succeeds, sometimes the opponents of the Government succeed. But all that involves large expense. That of course is a thing which cannot be very well calculated for in advance.

I can readily see therefore that in respect of the expense of the agents of the Treasury Department there might be a large deficiency growing out of this circumstance, known to everybody, that in a considerable part of the United States where this species of industry, if it can be called such, is going on, there is found an absolute necessity for the purposes I have named, of revenue and of equal protection of the laws to those who do pay taxes, of organizing inquiries, organizing armed forces of special agents to make arrests and seize illicit distilleries. I can perceive, therefore, why there is a reason for a deficiency of this kind, even under this head, because it does include agents. I have not therefore the difficulty that I had in respect of the public printing matter, where every single step the Public Printer takes is provided for by law.

Mr. EATON. I desire to say again that the Senator from Vermont is entirely mistaken. This deficiency of \$313,000 has nothing whatever to do with the subject-matter about which he has been talking.

Mr. EDMUNDS. In that respect we differ.

Mr. EATON. I think I shall be able to convince my friend that he is wrong. The appropriation bill passed a year ago contained this item:

For salaries and expenses of agents and surveyors—

Just the words employed in this bill—

for fees and expenses of gauger, for salaries of storekeepers, and for miscellaneous expenses, \$1,500,000.

There is where the deficiency is here. Now, what next?

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or accessory to the same, including payments for information and detection, \$75,000.

That was enough. The Department asked for no more to convict

and take care of moonshiners. The \$75,000 is not expended and there is no deficiency required in that item. The deficiency is for an entirely different thing. I think that the Senator from Vermont will be satisfied of his error.

Mr. EDMUNDS. I am satisfied of the extraordinary astuteness of my honorable friend from Connecticut in the statement that he has made, which *prima facie* certainly has a tendency in that direction; but the Senator will readily see that the "agents," which is the term employed in this present deficiency clause, are "agents" that the Internal Revenue Bureau is obliged to employ in a greater or less degree according to the extent of the illicit moonshining distillation. So, with entire respect and agreement with what the Senator has said about the other clauses he has referred to, it is still apparent to my mind that this "moonshine" business is involved in a large degree in the expenses of the "agents" of the Department.

Mr. ALLISON. I desire to say only one word on this subject. I think the Senator from Vermont, while technically perhaps right, is mistaken in his general view of this appropriation. It is true that a portion of this money will go to agents, and the agents may be employed in some of the States referred to, but they are not agents for this purpose; they are agents under the law. For example, the law provides that there shall be thirty-five internal-revenue agents. That number cannot be increased, and it is not very likely to be diminished. Their salaries are provided for in the regular appropriation.

Mr. EDMUNDS. If the Senator will pardon me, there are thirty-five revenue agents; but does the Senator mean to say that the Treasury Department cannot employ a special agent for special occasions?

Mr. ALLISON. I do mean to say, in substance, that the Commissioner of Internal Revenue cannot employ agents, as such, for any purpose beyond the number indicated in the statute. If he employs servants or persons to detect illicit distillers in any of the States, he must do it under some other name than under the name of "agents of the internal-revenue service;" they must be deputy collectors, or storekeepers, or some other officer than an "agent" within the meaning of the statute. But these agents are allowed, of course, for their expenses, and I presume there is some deficiency in the appropriation for the regularly employed agents of the Government. If so, of course this appropriation *pro tanto* will apply to them; but I must agree with my friend from Connecticut, that this is not intended in any sense to provide a fund to detect illicit distilling in any of the States of this Union. That distinct provision is found in another clause of the regular appropriation act.

Therefore, I do not think that this deficiency arises from any increase in illicit distilling in the South. On the contrary, I think it arises from the fact that the illicit distillation has been in the main broken up, and that many of those who were engaged in the mountains in illicit distilling are now going into the regular business of distilling, are allowing the distilleries to be surveyed, and allowing gaugers, storekeepers, &c., to be appointed, coming in under the regular provisions of the act relating to the manufacture of distilled spirits; and so coming it is necessary that this appropriation shall be increased for the purpose of carrying on these regular operations.

Mr. EDMUNDS. If the Senator from Iowa would allow me, I should like to ask him, or my honorable friend from Connecticut, because it is a very interesting subject, to state to the Senate how extensive this business of illicit distilling has been in the last year or two, say, take the last year, and how much the energy of the Government has to be exerted in respect of putting that down, as distinguished from the ordinary and orderly operations of the Internal Revenue Department? The newspapers are all the time so full of it that it really becomes a subject of public import that I should be glad on this occasion to have explained.

Mr. EATON. I think I can explain it, and in making my explanation I wish to correct an error that I fell into myself; but I am very glad that I did, because I shall now satisfy my friend from Vermont that he is entirely in error in the argument which he has had the honor to make:

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or accessory to the same, including payments for information and detection, \$75,000.

That clause was in the regular appropriation bill last year. I said that it was under this clause that all the money was given that the Department needed for the purpose to which my friend from Vermont alluded, and that they required no additional fund. I am wrong in that; but, being wrong there, I desire to show my friend from Vermont how utterly he is wrong in using the word "agents" in the way in which he does.

Mr. EDMUNDS. I am quite willing to be wrong with my friend from Connecticut on such a point.

Mr. EATON. In error I will say.

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving in such crime, including payments for information and detection, being a deficiency for the fiscal year 1878, \$7,547.35.

So it seems that the estimate was \$75,000, and it now turns out that the Commissioner desires \$7,547.35 more.

Mr. ALLISON. Which we do not give him?

Mr. EATON. Which we do not give him. We say that in our judgment he can get along without it, and therefore we do not give him that at all. We say, "Hands off the Treasury in that regard for the coming three months." He does not require it in our judgment, and we will not give it to him. But it ought to satisfy my friend from

Vermont that the word "agents" here has no reference whatever to agents whose duty it is to protect the revenue laws in the particular to which he has alluded.

Mr. EDMUNDS. If my friend will pardon me, what then does the words "agents" really apply to? That is what I should like to know. We are here appropriating money for specific objects, and if this agency has nothing to do with the operations of the Internal Revenue Bureau, I do not see why the term "agents" is in the bill.

Mr. EATON. Of course it has to do with the operations of the Internal Revenue Bureau.

Mr. EDMUNDS. If it has, then I should be glad to know, if the Senator from Iowa was correct in saying that the salaries of these people, thirty-five in number, are fixed by law, how it is that there can be a deficiency in respect of them? That is what I should like to know on that point.

Mr. ALLISON. I can answer the Senator, if he will allow me. This is an appropriation covering a number of specific items in the original act, I take it.

Mr. EDMUNDS. Yes, in the original act.

Mr. ALLISON. The same phraseology was used in the original appropriation that is employed here. A certain sum of money may be used for surveyors, a certain amount for gaugers, storekeepers, and so on, and the money in that way may be exhausted. If so, another fund must be appropriated to pay the salaries of these agents and their expenses. This is a sort of common fund from which the Commissioner of Internal Revenue is authorized to draw for several purposes, one of which is to pay these agents. If he has drawn out the fund for another purpose, of course an appropriation must be made for agents, and therefore that phraseology is used in this bill as it is used in the original act.

Mr. EDMUNDS. I hope the Senator does not mean to say that the Treasury Department has been robbing Peter to pay Paul.

Mr. ALLISON. No, sir, Peter and Paul are together in this appropriation; they go along hand in hand.

Mr. EDMUNDS. But Peter and Paul must each eat with his own spoon when it comes to the actual point of a salary. Therefore, if the Secretary of the Treasury through this bureau has taken all the money that was appropriated for the salaries of agents and applied it to the other objects named in this clause, then I must say that the Secretary of the Treasury has exceeded in my opinion, with great respect to him and everybody else, the proper administration of his duty. I do not think, to use the language of the Senator from Ohio, [Mr. THURMAN,] so pertinent on all occasions, that that will do. There must be something else about this matter. If these salaries are fixed by law, and the number of persons is fixed by law, I am not able to see how it is that there can be a deficiency unless Congress failed to appropriate the money to pay the salaries to those persons before; and I supposed, and I think I may be excused for supposing so, that where this bill used the word "agents" in connection with the deficiency, there was a deficiency in respect of agents.

Mr. ALLISON. There may be, or may not be.

Mr. EDMUNDS. If there may not be, then before Congress votes a deficiency for agents, it ought to know whether there is or is not. But that is perhaps a small matter comparatively except as a question of practice. What I wish to get at, which really is a matter of great public importance and this is a good occasion to do it, is how extensive and how expensive are the operations of these illicit distillers, moonshiners so called, in various parts of the country, that the Government is called upon of course to put down in every way, for the two reasons that I have named, public revenue and justice to honest distillers. How extensively that operation is going on, and whether there is any reason to believe that the means we have already provided for putting it down are adequate to the purpose, I should be very glad on this occasion to be informed of.

Mr. EATON. I can only inform the Senator how much it has cost for the past year; that I can do; \$75,000 was appropriated for that purpose, and the Commissioner asks for \$7,000 more. Therefore, add \$7,000 to \$75,000 and it gives, according to the theory of the Commissioner, \$82,000 for the current year to convict these offenders.

Mr. CARPENTER. I should like to inquire of the Senator from Connecticut why the \$7,000 asked for by the Commissioner is withheld?

Mr. EATON. I do not think it is necessary for him to have it.

Mr. EDMUNDS. Why not?

Mr. CARPENTER. Why not? The recommendation of the Department seems to prevail with the committee on another item; why not on this?

Mr. EATON. I do not now remember that there was anybody who objected in the committee. We said, "We think he can get along without this money."

Mr. CARPENTER. The object of the committee evidently was to give the moonshiners some chance.

Mr. EATON. My friend does not quite mean that, but he has a happy way of using language of that character. I will not reply to that.

Mr. EDMUNDS. If the Senator from Connecticut cannot give, as I have no doubt he can, a more complete reason for withholding this \$7,000 that he speaks of, that is supposed to apply to the illicit-distillery business, than he has given, I think we ought not to agree to this amendment, because it certainly is among the most important of the objects of the Government, as a matter of revenue and as a mat-

ter of duty to those who do obey the law, to provide for putting down illegal distillation. As this difference recommended by the committee is supposed to apply to that, I hope the Senator from Connecticut will state to us distinctly and fully the reasons why it is that this money should not be appropriated for that purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. HAMLIN. The amendment was reported by the committee?

Mr. EDMUNDS. Yes; and they give no reason for it at all.

Mr. ALLISON. I shall vote against the amendment, and I shall do it for the reason that I think the House of Representatives must have intended, although we saw no evidence of it, to supply this \$7,000 by increasing the estimate of the Commissioner of Internal Revenue from \$313,000 to \$320,000. I am sorry to differ from the committee in reference to this matter. I think the Senator from Connecticut in charge of the bill will remember that this amendment was more for the purpose of securing a definite and accurate explanation than for any purpose to cripple the Commissioner of Internal Revenue in any proper sum to which he was entitled. Therefore I shall vote to give him the sum that the House proposed.

Mr. KIRKWOOD. I should like to ask my colleague a question. I want to vote understandingly upon this amendment, if I can. If I understand it, the Commissioner of Internal Revenue requires \$7,000 to aid him in putting down illicit distilling?

Mr. ALLISON. Yes, sir.

Mr. KIRKWOOD. Allowing him that \$7,000, we should make this appropriation \$320,000?

Mr. ALLISON. Yes, sir.

Mr. KIRKWOOD. The committee have stricken out the \$7,000 that he wanted for that purpose and have refused to let him have it. Now, according to the opinion of the committee, can he carry on successfully the work of preventing illicit distilling during the remainder of the fiscal year without that money?

Mr. ALLISON. Does the Senator address the question to me?

Mr. KIRKWOOD. To anybody.

Mr. EATON. I will say to my friend that this \$7,547 to which my friend alluded is in the general deficiency estimate. It has no application whatever to the difference between \$313,000 and \$320,000 here; not the slightest, for here are the items.

Mr. EDMUNDS. What in the world has this to do with that?

Mr. ALLISON. I say the House may have so regarded it.

Mr. EATON. I do not see how they could. Here is the schedule of amounts found due already by the Comptroller to some thirty-odd individuals—

Mr. ALLISON. That is an entirely different thing, if the Senator will allow me. That is under the prior year, 1878-'79.

Mr. EATON. I understand that; but this is the application which is given to this request.

Mr. ALLISON. I know; but I understood the Senator from Connecticut to say in reply to the Senator from Vermont that there was an item of \$7,000 in order to complete the service of this year on account of illicit distillation. If so, the House may have included that item here; and therefore it is that I would, rather than take any chances upon this matter, vote against the amendment proposed by the committee.

The PRESIDING OFFICER. The question is upon agreeing to the amendment, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. TELLER, (when his name was called.) If this is a political question, and it seems to be assuming that shape, I am paired with the Senator from Virginia, [Mr. JOHNSTON.] If he were present, I should vote "nay."

Mr. COCKRELL, (when Mr. VEST's name was called.) My colleague [Mr. VEST] has been called home upon important business, and is paired with the Senator from Kansas [Mr. PLUMB] upon all questions. If he were here, he would vote "yea."

The roll-call having been concluded, the result was announced—yeas 27, nays 17; as follows:

YEAS—27.

Bailey,	Coke,	McPherson,	Slater,
Bayard,	Dawes,	Maxey,	Vance,
Beck,	Eaton,	Pendleton,	Voorhees,
Booth,	Hampton,	Pryor,	Wallace,
Butler,	Harris,	Randolph,	Windom,
Call,	Hereford,	Ransom,	Withers.
Cockrell,	Kernan,	Saulsbury,	

NAYS—17.

Allison,	Cameron of Pa.,	Ingalls,	Platt,
Anthony,	Cameron of Wis.,	Jonas,	Rollins.
Baldwin,	Carpenter,	Kellogg,	
Blair,	Conkling,	Kirkwood,	
Burnside,	Edmunds,	Morrill,	

ABSENT—32.

Blaine,	Groome,	Jones of Nevada,	Saunders,
Bruce,	Grover,	Lamar,	Sharon,
Davis of Illinois,	Hamlin,	Logan,	Teller,
Davis of W. Va.,	Hill of Colorado,	McDonald,	Thurman,
Farley,	Hill of Georgia,	McMillan,	Vest,
Ferry,	Hoar,	Morgan,	Walker,
Garland,	Johnston,	Paddock,	Whyte,
Gordon,	Jones of Florida,	Plumb,	Williams

So the amendment was agreed to.

The next amendment of the Committee on Appropriations was, after line 60, to insert:

For the continuation of the Coast and Geodetic Survey in the eastern division, (or Atlantic and Gulf coasts division,) \$7,500.
For the continuation of the Coast and Geodetic Survey in the western division, (or the Pacific coast division,) \$7,500.

Mr. EATON. Perhaps I ought for the information of the other branch of Congress to place in the RECORD, so that they may have an opportunity to see it to-morrow, a letter from Captain Patterson, which induced the Senate Committee on Appropriations to add to the appropriation. Without taking the trouble to read it, I will ask that the Reporter insert the letter.

The PRESIDING OFFICER. It will be inserted in the RECORD if there is no objection. The Chair hears none, and it is so ordered.

The letter is as follows:

UNITED STATES COAST AND GEODETIC SURVEY OFFICE,
Washington, March 17, 1880.

DEAR SIR: I beg to state, in reference to the unexpected necessity of requesting a small deficiency appropriation for this work, that I had earnestly hoped to have gotten through the year without a deficiency item, and so ordered and reduced the work to accomplish that result, as I hoped; but the constantly increasing prices of so many articles during the past year have entirely disarranged my plans. In those things that enter into the repairs of vessels I will state that iron, for which \$14 per ton was paid eighteen months ago, is now selling at \$32. Repairs that were estimated at \$5,000 in March, 1879, cost in the summer of that year \$9,500. Another estimate for repairs was made in April, 1879, for \$2,800, and in November the same parties refused to do the work for \$5,000. It was of course not done. As the item for repairs of vessels, &c., is entirely expended, and vessels are awaiting repairs, the House of Representatives inserted that item asked in the deficiency bill to the amount of \$10,000.

For the continuation of the work in the eastern division (Atlantic and Gulf coasts) and the western division (Pacific coast) \$15,000 each has been asked. The Committee on Appropriations of the House of Representatives has declined to insert these two items in the deficiency bill.

In nearly every article used for this work the price has increased from 15 to 50 per cent. In the ration of the men alone, taking the whole field of work into consideration, there has been an increase of ten cents per day each, involving an additional expense of from \$400 to \$800 per month. Lumber used for signals and for other purposes has increased in value from 20 to 30 per cent.; nails from three cents to eight cents per pound, &c. These items are named merely for illustration.

The \$15,000 in each division is asked for to enable me to keep the few parties now out in the field until July 1, and also to place three or four important parties on the triangulation line connecting the Atlantic and Pacific coasts in the field as early as April or May, to take advantage of the opening and most favorable months of the season, the atmosphere being generally obscured by smoke during the summer. By waiting for the next regular appropriation, not available before July, that month is lost in placing the parties in the field, leaving only the late and unfavorable (on account of the smoke) months of the season for work, which in the western portion includes lines of from fifty to one hundred and fifty miles in length, therefore requiring the clearest atmosphere, obtainable in the early months, for observing.

For the fiscal year ending June 30, 1878, the total appropriation for this work was \$480,000 and the deficiency item allowed by Congress was \$80,000. For the year ending June 30, 1879, the regular appropriation was \$548,000 and the deficiency allowed was \$40,000, the Senate voting \$75,000, which amount was reduced in the conference committee to \$40,000 on two items. The regular appropriation for the current fiscal year is also \$548,000, and the total deficiency asked for is \$40,000 on three items.

I therefore would most respectfully urge that the amount of the deficiency items for this work may be allowed.

Yours respectfully,

C. P. PATTERSON,
Superintendent.

Hon. W. W. EATON,
Committee on Appropriations, United States Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after line 87, to insert:

For continuing the construction of the north wing of the State, War, and Navy Departments building, \$286,500.

Mr. EATON. The committee became satisfied, abundantly satisfied, I do not know that there was any difference of opinion, that this increase ought to be made. There is a very large amount of work yet to be done. The committee believed it absolutely necessary that the money should be given now, so that the superintendent may make his contract. If we should wait for the general deficiency bill in order to put in this sum, in my judgment, there would be a great loss of money to the United States. Therefore, as a matter of public economy, in the judgment of your committee this addition ought to be made.

Mr. BECK. I desire to add to what the Senator from Connecticut has said, so that it may appear in the RECORD and save trouble hereafter, that Colonel Casey, the Superintendent of Public Buildings and Grounds, stated to the committee that it was necessary to buy a large quantity of iron as girders for the first story, and he wanted to make a contract now. He is not allowed to do it; he can make no contract until the money is furnished him. If he has to wait until July, with the pressure of all the iron establishments at this time as he showed to us, perhaps it will be August before he will be able to go on with his work and he would have to delay everything else. He would have to discharge his master workmen and all others, and everything would stand idle. The absolute necessity of making those contracts—especially his iron contract—now, in order to get the work done within a reasonable time, seems to me to make it imperative to have this money now for use.

Mr. PLATT. I desire to inquire of the member of the committee having the bill in charge whether this sum is sufficient to enable the

parties having the building in charge to make contracts for the finishing of the building or whether it will enable them only to make partial contracts?

Mr. EATON. I will inform my colleague that Colonel Casey was before the committee, and this was the exact amount that he required. He said that it would be all that would be necessary for present purposes, not sufficient to finish the building by any means, but all that would be necessary for present purposes.

Mr. PLATT. The reason of my making the inquiry was because I have within my limited observation found that the Government is constructing buildings at very great cost from the fact that sufficient money is not appropriated at first to complete the building. My colleague will have in mind the instance of the post-office at Hartford, which has been a great number of years in construction with an occasional appropriation which just suffices to get the workmen at work upon the building, and then the appropriation runs out. It is certainly a matter of economy to make such an appropriation as shall enable a contract to be made for the whole building.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee after line 87.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be reported. Mr. EDMUNDS. Before we pass to the next amendment I should like to ask the Senator in charge of the bill to explain to us, if it be in order to do so, the clause on the fourth page of the bill, from lines 74 to 83, inclusive, which provides:

That the Secretary of the Treasury be, and he is hereby, authorized to employ one of the steamers of the revenue marine, now on the Pacific coast, for the relief of the officers and crews of the whaling barks Mount Wallaston and Vigilant, now imprisoned in the Arctic Ocean; and such sum of money, not exceeding \$6,000, as may be necessary to properly strengthen and equip such steam-cutter, and to carry out the object of this provision, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

I should be glad to know what that means, upon what principle it is that this appropriation is to be made, and the circumstances out of which the supposed necessity for the appropriation grows.

Mr. EATON. All that I can say to my friend from Vermont is that it is believed that help may be given to the officers and crews of two whaling barks that are now imprisoned in the Arctic Ocean; and in order that the Government may afford that assistance it is said by the proper authorities that they require \$6,000 for the purpose of equipping and strengthening and putting into condition a Government vessel to send out to look for these imprisoned mariners. I think myself that it is a very good expenditure of a small sum of money, quite as good, quite as much in the way of charity, as it is to send a Government vessel abroad for the purpose of doing good to the people of another land. Therefore the committee were in favor of that provision of the bill.

Mr. EDMUNDS. I am, I hope, not behind the Senator from Connecticut in my disposition to help the citizens of the United States who are imprisoned in the Arctic Ocean, if there be any such; but what I wished to know was what is the information upon which this appropriation rests? Have we any communication from any head of a Department, or the President of the United States, referring to this subject? We all know, of course, that the enterprise of American citizens is so great that they penetrate to the remotest seas for the purpose of catching whales and other fishes, if a whale is a fish, but that is a question I do not intend to occupy the time of the Senate in discussing now.

Mr. EATON. If the Senator went into that I fear we should not reach the debating part of the bill till dark. I will very frankly say to the Senator from Vermont that there has been no communication between the Senate Committee on Appropriations and the Department of the Treasury with regard to the use of a revenue cutter, but the newspapers have been teeming with the history of the imprisonment of American sailors in those two barks. Therefore the House committee deemed it advisable to converse with the proper authorities and ascertain how much money it would take to put into condition a revenue cutter, equip her, and strengthen her, and send her into the Arctic seas, and therefore the cocoa-nut here.

Mr. EDMUNDS. That amounts then to saying that we are proceeding upon something that some House committee is supposed to have ascertained as a matter of fact?

Mr. EATON. I give my friend all the information I have.

Mr. EDMUNDS. If that is the proper method of Senate administration in appropriating money, of course I have nothing to say. I had the impression that the committee would be able to tell us in some authoritative way what the circumstances are connected with this clause in the bill. In reply to my inquiry the Senator says only that there is a statement and an estimate submitted by the newspapers, not by the head of a Department or by the President of the United States on this subject.

Mr. EATON. I have not said that. I will read, if my friend desires, what has been said in another place.

Mr. EDMUNDS. That I must ask to be excused from hearing, if the Senator means by another place—

Mr. EATON. I mean in another place.

Mr. EDMUNDS. If he means the House of Representatives then I must object to it.

Mr. EATON. I do not mean anything except another place; if the Senator does not wish to hear it, I shall not read it.

Mr. EDMUNDS. I do not wish to hear it, because I know what the Senator means.

Mr. EATON. How does the Senator know what I mean, when I have not explained my meaning?

Mr. EDMUNDS. I know by that kind of Yankee intuition that is common not only in Connecticut but in Vermont; and whenever and wherever I can preserve the independence, as far as I may, of the two bodies of the Houses of Congress, by having each body proceed upon its own information and not upon the action and discussions of the other House, I intend to do it, not as making a criticism upon this measure that is now suggested here, which I presume may be entirely right, but in order to preserve the true balance of this Government, and you can only preserve it by insisting upon the proper methods of consideration and discussion upon every occasion on which it arises; there is no other occasion on which you can do it. Therefore I must be excused from having any reason furnished to me by any proceedings or debates in the House of Representatives.

I had hoped, as I say, that we should have had something more definite than what we all have read in the newspapers in respect of these unfortunate mariners. I am far from saying that I shall be unwilling, even on newspaper information, to vote for an appropriation of money for this object; but I do think that it would be desirable as a rule that some responsible Department of the Government should furnish us such information as we could rely upon more than upon the newspapers of the condition of things which calls upon us to appropriate this money. It is in a deficiency bill, and as such, like every deficiency bill, it ought to be carefully scanned. If there is a just reason for appropriating the money, by all means appropriate it; but if there be none, then we ought not to appropriate it. Yet all the Senator tells us is that there is somewhere in the newspapers a statement that the mariners of these two ships are I suppose inclosed in ice in the Arctic Ocean; I presume he does not mean that they are in jail up there, but that they are inclosed in ice; and in that case of course every sentiment of humanity (waiving the Constitution for the moment, although I do not think we need to waive it about the appropriation of money) would lead us to appropriate whatever is necessary in order to aid in their relief and release them from this imprisonment, as it is called, as stated in the bill.

I rose in perfect good faith to ask the Senator from Connecticut to tell us, if he had any official information, what the real state of the case is; but he does not seem to be disposed to do it.

Mr. BOOTH. I am at a loss to know how we could get any official information in regard to these vessels. This item, however, is not predicated merely upon newspaper articles. The captains of the other vessels of the whaling fleet have returned. They usually go out in October. They say they left these two vessels in the Arctic Ocean, and it is very desirable if anything can be done that a vessel should be sent to their relief as early as June. It is not improbable that when the thaw comes these vessels may go to pieces. In the mean time the crews may have got to the main land. These vessels are owned in New Bedford. Some very public spirited men in San Francisco have agreed to furnish the provision for this ship, and the Treasury Department has said, in fact, that the vessel needs strengthening now, and there is no loss by strengthening it. I suppose there is no very serious objection to the clause.

The PRESIDING OFFICER. The Secretary will report the next amendment of the Committee on Appropriations.

Mr. EDMUNDS. As we are going through the bill, as it is more convenient perhaps now, I should like to have my friend from Connecticut explain the provision on page 5, from line 92 to line 95 inclusive, about "the final installment due for the execution of the colossal statue of Admiral Farragut, \$10,000." I had the impression that the whole of the money provided by law had been appropriated. I should like to have a history of that, so as to be sure that we have not already appropriated all the money required for that purpose.

Mr. ALLISON. On what page?

Mr. EDMUNDS. Page 5. I repeat that I was under the impression that all the necessary appropriations had already been made. If this is a new grant of money, it certainly ought to be explained.

Mr. EATON. The committee were informed that the contract price for this statue was \$20,000 and that \$10,000 had been appropriated and paid. The Secretary of the Navy asks for an appropriation of \$10,000 for the purpose of paying what the United States owes.

Mr. EDMUNDS. Will the Senator be kind enough to send that communication to the desk that it may be read to us?

Mr. EATON. I can read it.

Mr. EDMUNDS. Or the Senator will read it, if he will be kind enough to do so.

Mr. EATON. It is as follows:

NAVY DEPARTMENT,
Washington, January 13, 1880.

SIR: I have the honor to inform you that the Department is in receipt of a communication from Mrs. Vinnie Ream Hoxie, stating that the granite pedestal for the statue of Admiral Farragut has been cut, and will be placed in position in Farragut Square by the middle of March next. The plaster model for the statue has been completed and accepted as provided for in the contract. It is prepared for casting in bronze, and this work is now in progress, and will be completed also about the middle of March. The statue and pedestal will then be completed and erected, and the contract fulfilled on her part. This being done she will be entitled under the contract to the remaining installment of \$10,000, to be paid to her by the Secretary of the Navy.

I have, therefore, the honor to request that the sum of \$10,000 may be appropriated to enable the Department to comply with the contract.

I have the honor to be, sir, your obedient servant,

R. W. THOMPSON,
Secretary of the Navy.

HON. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

Mr. EDMUNDS. Has the Senator a copy of the contract here that we can see it?

Mr. EATON. No, sir, I have not. I can send for it and get it if the Senator from Vermont would like to have it. I took it for granted that Mr. Thompson had given us a true statement in regard to the contract and I did not send for it. The committee believes that the Secretary of the Navy tells the truth when he says that the contract was for \$20,000 and that there is required \$10,000 now to pay it all.

Mr. EDMUNDS. I hope that the Senator from Connecticut will not be in advance of me in the respect that he bears to the Secretary of the Navy; but at the same time I suppose that when any Department of the Government requires us to appropriate money, or ask us, which is a more proper term, to carry out contracts, we should be able to see for ourselves what the contract is, because whether one sum or another is called for depends upon the construction of the contract. I have the impression, as I said before, that more than \$10,000 has already been appropriated for this purpose. The provision may be perfectly correct; and if this cannot be construed into a grant beyond the contract price, whatever it was, then of course there is no objection to it. If it can, then it opens quite different considerations. It might be right then or it might not.

Mr. VOORHEES. The contract calls ultimately for \$20,000. Ten thousand dollars have been paid. This does not call for one single dollar or cent beyond the express terms of the contract. That I submit of my personal knowledge.

Mr. EDMUNDS. And that contract, if I understand the Senator's meaning, was a contract that was authorized by law?

Mr. VOORHEES. Yes, sir; it was authorized by law.

Mr. EDMUNDS. So that this is pursuant to some act of Congress?

Mr. VOORHEES. Yes, sir; this is in pursuance of law.

The PRESIDING OFFICER. The next amendment of the committee will be reported.

The next amendment of the Committee on Appropriations was, after line 103, to insert:

For Navy pensions to invalids, widows, minors, and dependent relatives, \$140,000.

The amendment was agreed to.

The next amendment was to strike out lines 110 and 111 in the following words:

For Navy pensions to invalids, widows, minors, and dependent relatives, \$140,000.

Mr. EDMUNDS. I should like to hear that explained. Why is it proper to strike that out?

Mr. EATON. Because as the bill came from the House this item was not in the proper place, the committee thought.

Mr. EDMUNDS. Then the amendment in line 104, if I understand it, takes its place?

Mr. WITHERS. It is a transposition.

Mr. EATON. The previous amendment in lines 104 and 105 takes the place of these lines 110 and 111.

Mr. EDMUNDS. Oh yes.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after line 111, to insert:

Patent Office: To pay for illustrations for the Official Gazette, \$3,299.22.

Mr. EDMUNDS. I should like to hear explained how this deficiency arises. It is certainly desirable to know how the administration of the Patent Office is carried on that it produces a deficiency of any sum, considering the organization of that department.

Mr. EATON. The Department of the Interior informs us that there will be "a deficiency of \$3,299.22 in the appropriation for illustrations for the Patent Office Official Gazette for the fiscal year ending June 30, 1880, and respectfully recommend the same to the favorable consideration of Congress." This is from the Secretary of the Interior. We find from the Patent Office that unless this deficiency is made up the publication will cease. Believing that the Secretary of the Interior and the Commissioner of Patents have told us the truth, we have given this three thousand and odd hundred dollars.

The PRESIDING OFFICER. Is the Senate ready for the question on agreeing to the amendment?

Mr. EDMUNDS. I have just read the statement of the Commissioner of Patents in which he refers to a communication from the publisher of the Gazette who makes the following statement, under the date of the 7th of March, addressed to the "general," whoever he may be:

GENERAL: Since my communication of the 14th ultimo relative to the necessity for an additional appropriation for the Gazette the bills for the illustrations for the issues of February 10, 17, 24, and March 2, amounting to \$1,842.40, have been paid. The cost of these just about equals my estimate, and demonstrates that the deficiency asked for, \$3,299.22, with the balance on hand, \$3,820.80, and the amounts saved from salaries, \$913.98, aggregating, \$5,034.03, will barely suffice for the remaining seventeen numbers of the year.

The balance on hand is sufficient to pay for the illustrations up to and including the issue of April 27, and the amount saved from salaries will pay for the two succeeding numbers, May 4 and 11; after which, if no additional appropriation is made, it will be necessary to suspend publication.

As now two weeks are consumed in preparing the pages and photolithographing them, the appropriation should be available as early as April 30, to avoid interruption in the publication of the Gazette.

Very respectfully,

J. W. BABSON,
In charge of Gazette.

The Commissioner.

I confess I do not see how this deficiency occurs in the light of that letter, but proceeding upon the sublime faith of my friend from Connecticut, I do not know that there is any ground to object to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 122, after the word "domain," to strike out "to be used" and insert "and;" so as to read:

For the expenses of the commission on the codification of existing laws relating to the survey and disposition of the public domain, and for the completion of such codification, the sum of \$15,000, or so much thereof as may be necessary for that purpose.

The amendment was agreed to.

The next amendment was, after the word "purpose," in line 124, to insert the following proviso:

Provided, That said commission shall complete the same and make their final report on or before February 1, 1881.

Mr. EDMUNDS. I should like to have that explained. I do not exactly understand what it means. It is, first, legislation on an appropriation bill, and in a deficiency bill. This is "for the expenses of the commission on the codification of existing laws relating to the survey and disposition of the public domain, and for the completion of such codification, the sum of \$15,000, or so much thereof as may be necessary for that purpose: *Provided*, That said commission shall complete the same and make their final report on or before February 1st, 1881." No doubt the Senator from Connecticut can tell us what the state of this commission is, and how it is that this deficiency has occurred, because my purpose is absolutely serious to ascertain, so far as I can, in order to guide my vote, how it happens that in every branch of the Government there turn out to be these special deficiencies. Very likely this is all right, but I think the Senate ought to know how it happens, and why it is, if it does happen, that this legislative limitation is imposed upon this appropriation? If this money is due to anybody in order to carry out the obligations of the Government, it ought to be paid without any condition at all. If it means to say that this money thus due shall not be paid unless certain work which may or may not be accomplished within that time shall be finished by a certain date, then it is another thing; and I think I am not out of order in asking for an explanation of it.

Mr. EATON. I do not think the Senator from Vermont is ever out of order. The commission created by the act of March 3, 1879, is composed of the Commissioner of the General Land Office, the Director of the United States Geological Survey, and three civilians appointed by the President for certain purposes. Twenty thousand dollars was appropriated for them to go on in the prosecution of the duties devolved upon them. They now come before the committees of the Senate and the House and say that they cannot complete their work without an additional appropriation of somewhere from \$12,000 to \$15,000. If it was worth while to begin the work, it is worth while to complete the work, and therefore with great care your committee have said:

For the expenses of the commission on the codification of existing laws relating to the survey and disposition of the public domain—

Striking out the words "to be used"—

and for the completion of such codification, the sum of \$15,000, or so much thereof as may be necessary for that purpose: *Provided*, That said commission shall complete the same and make their final report on or before February 1, 1881.

We are assured that it can be done probably for less than \$15,000, that it can be finished by the 1st of February, and that it is absolutely necessary to complete the work. Therefore the committee ask that this appropriation may be made.

Mr. EDMUNDS. May I ask what the nature of these expenses is? Are they salaries, or are they expenses of printing publications, the employment of clerks, or of somebody to do the work that is imposed on these commissioners?

Mr. EATON. I take it, first, that three gentlemen receive \$10 a day while actually engaged, and also their traveling expenses. Next, I suppose there is a clerk that belongs to this establishment. So I suppose they have gone on and expended their \$20,000 of the money that has been already appropriated and that they require so much more in order to complete the work, estimating the work in the future from the extent of the work in the past.

Mr. EDMUNDS. Is there any communication from the head of the Department on the subject?

Mr. EATON. No communication.

Mr. EDMUNDS. We do not know then how this deficiency has occurred. I suppose the regular appropriation bill of a year ago provided what was thought to be necessary for this purpose, and I do not understand upon what principle of law it is that two of these commissioners, who are officials, are to have extra compensation.

Mr. ALLISON. They do not have extra compensation.

Mr. EDMUNDS. They certainly ought not to have it.

Mr. ALLISON. I know that the two officials connected with the Government are expressly prohibited from receiving compensation

other than their expenses, and I think the law either directs or, if it does not direct, it contemplates or did contemplate that this commission should make a trip into the mountainous regions of our country and make an examination with reference to the classification of the public lands—

Mr. EDMUNDS. In order to see how to codify the laws!

Mr. ALLISON. They were to classify the public lands as to their being arable or otherwise, and make a report as to the best method of disposing of the public domain; and in the mountain region, the mineral region, to ascertain the lands susceptible of irrigation, and so on. They have made a partial report, and I understand that it lies on our tables here, a long bill of one hundred and fifteen or one hundred and twenty sections, covering various provisions of our present public-land laws; but that is only a partial report, and they want to complete their work.

Mr. EDMUNDS. Will the Senator be kind enough to give me a reference to the statute creating this commission?

Mr. ALLISON. The Senator from Connecticut read a portion of it. It is in the last sundry civil appropriation bill.

Mr. TELLER. Let the law be read.

Mr. ALLISON. I have it before me. The whole of it is found in the sundry civil appropriation bill of last year.

Mr. EDMUNDS. Can the Senator give me the page?

Mr. ALLISON. I cannot give the Senator the page of the statute-book; but I have the act before me. It provides:

That the commission shall consist of the Commissioner of the General Land Office, the Director of the United States Geological Survey, and three civilians, to be appointed by the President, who shall receive a per diem compensation of \$10 for each day while actually engaged, and their traveling expenses; and neither the Commissioner of the General Land Office nor the Director of the United States Geological Survey shall receive other compensation for their services upon said commission than their salaries, respectively, except their traveling expenses, while engaged on said duties; and it shall be the duty of this commission to report to Congress within one year from the time of its organization: first, a codification of the present laws relating to the survey and disposition of the public domain; second, a system and standard of classification of public lands; as arable, irrigable, timber, pasturage, swamp, coal, mineral lands, and such other classes as may be deemed proper, having due regard to humidity of climate, supply of water for irrigation, and other physical characteristics; third, a system of land parceling surveys adapted to the economic uses of the several classes of lands; and, fourth, such recommendations as they may deem wise in relation to the best method of disposing of the public lands of the western portion of the United States to actual settlers.

That is the law under which the commission was created. They spent, I understand, some four or five months during the last summer and fall in the western portion of our country, making such examinations as would enable them to report on these various topics. They have not yet made a final report. This sum has been expended in a worthy object if the results shall prove to be beneficial. I do not know whether they will or not.

Mr. EDMUNDS. Why have they not made the report within the year provided by law?

Mr. ALLISON. The year has not yet expired.

Mr. EDMUNDS. On the 3d of March.

Mr. ALLISON. They have made a partial report, but not a full report, and the Committee on Appropriations in allowing this appropriation thought it wise to compel them to make a final report within a given time.

Mr. PADDOCK. Do I understand the Senator to say that their year of service has expired already?

Mr. ALLISON. I think so.

Mr. EDMUNDS. It has expired.

Mr. PADDOCK. Is this appropriation one to supply a deficiency, or is it to continue the commission?

Mr. ALLISON. My understanding is that if the commission was to be cut off now there would be perhaps very little, if any, deficiency; but their work is not complete, and if it is to be completed there must be an additional appropriation to run them over the present fiscal year, and the committee has added a limitation as to the time when the work shall be done.

Mr. PADDOCK. Does the appropriation itself or the manner in which it is expressed give the authority to the commission to continue? Does it give it life?

Mr. ALLISON. So I understand.

Mr. PADDOCK. I have not read the provision. I should feel disposed to object to it otherwise.

Mr. TELLER. In answer to the Senator from Nebraska let me say, it is here provided—

That said commission shall complete the same and make their final report on or before February 1, 1881.

This commission, organized as it was by a provision in an appropriation bill, I thought fit at the time to vote against. I voted against it on the general principle that it was but an attempt to interfere with the land laws of the United States which have been in force and are thoroughly understood by both the people and the officials all over the country. I thought I saw in it an effort to change the entire system of public surveys, an effort to abrogate and abandon all the statutes on that subject and introduce an entire new set, and I believed that the experience from the foundation of the Government up to the present time with reference to the disposal of the public lands and to their survey, &c., was of some account. I did not believe then that this commission would be of any benefit to the public, but on the contrary I believed it might be a great disadvantage.

The commission was appointed, and I will not say anything against the *personnel* of the commission, because if there was a commission to be appointed I think its members were as competent men as we could have expected would be selected for that purpose. Some members of the commission at least were very suitable for that work, if the work was to be done.

The commission, having organized themselves as provided by the statute, I believe, traveled all over the country. I do not remember how long they were gone, but I think they must have been gone at least three or four months from the city of Washington, going clear down into Arizona, all over California and Colorado and other sections of the western country. They returned here and submitted, as the Senator from Iowa says, a partial report, which has not yet been printed and laid on the table, but I have the bill which is the work of this commission, containing one hundred and thirty-four pages of printed matter. It substantially abolishes the present system; it introduces not only an entirely new system of surveys, but of the disposition of the public lands, and while containing a great many things in it that are undoubtedly beneficial and which would probably be very advantageous if they could be incorporated in with the other statutes, there is a great deal in it that would be a serious disadvantage to the people of the West at least if it should be adopted.

There were two purposes for which it was said this commission was to be appointed. The first was to prepare—what it was supposed that the Senate and House had not the capacity to do—a bill for the disposition of the public lands or the surveys of the public lands. That was the first business that we intrusted to this commission. I do not know why it was supposed that in the House and in the Senate there might not have been ability enough and acquaintance enough with this subject to have presented all the laws that were necessary to cure the defects in the existing statutes. The House of Representatives by a very decided majority and the Senate voted to intrust this work to this commission.

Then, in addition to that, they were to codify the land laws of the country. That is what they have not yet done; and if there was any real object and if there was any advantage to be derived from the appointment of this commission it must consist in the codification of these laws. The codification of the land laws was desirable, I admit, but the entire uprooting and destruction of the whole land system was not desired by the people most interested and ought not to have been done; but of that I suppose it will be time enough for us to speak when the bill is submitted for our consideration, if it ever shall be.

Now, I suppose the real object of this appropriation is to enable the commission to codify the land laws. If so, I am in favor of allowing them to do that. They have done what harm they can do I think; and if there is any good to result from this commission, it is still to come; it is still with reference to this codification if any good comes at all. It was desirable perhaps to classify the lands; but that was a simple question. It could have been easily done. There were bills introduced here and buried in the Committee on Public Lands to my certain knowledge that were drawn by men as familiar with the question of arid lands and of timbered lands, of irrigable lands and non-irrigable lands as any member of the commission could be either before they made this extended trip or after. There is a propriety in a division of the lands into these different classes. It can be done readily and without any expense to the Government by the surveyors-general of the different States and Territories where public land remains. There was no necessity for this commission then nor now, unless to codify the land laws. They have commenced, as I understand, upon the codification; they have partially completed it; and it has cost the Government of the United States a very large amount of money. In my judgment, inasmuch as we have made, I think, the first mistake in creating the commission and have spent this money, it would be wise now to allow them to go on and present the codification.

I do not know exactly what is to be done with the codification. I do not know what necessity there is of the codification if the bill they propose becomes a law, because they have uprooted every statute, and, using ordinary language, they have wiped out all vestige of former laws and have incorporated the whole thing in this bill. If this bill becomes a law there is no necessity of the codification; but if the bill does not become a law, there may be some propriety in codifying the land laws as they now exist, because some of them are repeated in one statute and some repeated in another, and some of them appear to be antagonistic to others, and a fair revision and codification would, I have no doubt, be beneficial to all concerned.

Mr. CARPENTER. I believe I have the consent of the Senator from Connecticut to move that the Senate proceed to the consideration of executive business.

Mr. EATON. I hope this particular matter may be ended before we have an executive session.

Mr. CARPENTER. I withdraw the motion.
The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

Mr. CARPENTER. Now I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

PUBLIC BUILDING AT ASHEVILLE, NORTH CAROLINA.

Mr. RANSOM. I ask the Senate to take up, before the doors are actually closed, the bill (S. No. 1293) to provide for the erection of a public building at Asheville, North Carolina; which, I think, will provoke no debate.

The PRESIDING OFFICER. Is there objection to the present consideration of this bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to purchase, at private sale or by condemnation, in pursuance of the statute of the State of North Carolina, a suitable lot of ground in the town of Asheville, North Carolina, and cause to be erected thereon a suitable brick or stone building, with a fire-proof vault extending to each story, for the use and accommodation of the courts of the United States, post-office, and other offices of the Government, and appropriates \$75,000 therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECOMMITTAL OF A BILL.

Mr. BRUCE. I move to reconsider the vote by which the bill (S. No. 1017) granting an increase of pension to Jerry Robinson, late commissary-sergeant First Regiment United States Colored Troops, was indefinitely postponed, and that it be recommitted to the Committee on Pensions, in order to give an opportunity for filing additional testimony.

The PRESIDING OFFICER. Is there objection to the motion made by the Senator from Mississippi? The Chair hears no objection. The vote will be reconsidered and the bill recommitted to the Committee on Pensions.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After forty-four minutes spent in executive session the doors were reopened, and (at four o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 30, 1880.

The House met at twelve o'clock m. Prayer by Rev. SAMUEL DOMER, of Washington, District of Columbia.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. SINGLETON, of Mississippi. I call for the regular order.

Mr. GOODE. I hope the gentleman from Mississippi will yield for one minute that I may ask the House to concur in an amendment to a House joint resolution.

Mr. SINGLETON, of Mississippi. I am asked by several gentlemen to yield, and will do so for a few minutes.

DOUBLE-TURRETED MONITORS.

Mr. GOODE. I ask unanimous consent that the joint resolution (H. R. No. 237) directing the Secretary of the Navy to organize a board to inquire into the present condition of the double-turreted monitors and the propriety and cost of completing said vessels, with an amendment by the Senate, be taken from the Speaker's table. I desire to move concurrence in the Senate amendment.

The amendment of the Senate was read, as follows:

In line four strike out the words "none of whom shall be of a lower grade than captain."

The amendment of the Senate was concurred in.

Mr. GOODE moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FUNDING BILL.

Mr. FERNANDO WOOD. I desire to give notice that as soon as the appropriation bill now pending in Committee of the Whole and the Indian appropriation bill shall have been disposed of I shall ask the House to consider the funding bill until the final vote upon it is reached.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. BREWER. I ask unanimous consent to present a petition one hundred and eighty-eight yards in length and signed by 33,484 ladies belonging to the Ladies' National Temperance Union in the several States and Territories and in the District of Columbia, praying for a commission of inquiry on the alcoholic liquor traffic and for such legislation as will prohibit the manufacture and sale of alcoholic liquors within the United States. I also ask unanimous consent that the petition be printed in the CONGRESSIONAL RECORD. It is very short.

There being no objection, the petition was received, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed, without the names, in the CONGRESSIONAL RECORD.

The petition is as follows:

Petition of the Woman's National Christian Temperance Union, for relief and inquiry.

To the honorable Senate and House of Representatives in Congress assembled:

We, citizens of these United States, in view of the terrible destructions inflicted on our people by the liquor traffic, beseech you to exert your utmost power, both by

legislation and constitutional amendment, to forever prohibit the importation, manufacture, and sale of alcoholic drinks throughout the country, and that you will appoint the commission of inquiry prayed for by the National Temperance Society.

METRIC SYSTEM.

Mr. STEPHENS. I ask unanimous consent to present to the House for reference to the Committee on Coinage, Weights, and Measures the petition of about 3,000 scientists of this country upon the subject of the establishment of the metric system. The petition is brief, and I ask that, without the names, it be printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

The petition is as follows:

To the Senate and House of Representatives:

The undersigned, members of the American Metrological Society and others, beg leave respectfully to represent:

That the metric system of weights and measures has been established by law and is now in general use in nearly every country of continental Europe, the only important exception being the Russian Empire;

That, on this continent, the same system has been adopted by Brazil, Mexico, and the republics of Central and South America generally;

That in Great Britain the use of the system has, since 1864, been made legal for all business transactions involving the use of quantities; that its adoption for exclusive use in that country is strongly advocated by importers and persons engaged in commerce, as well as by many manufacturers, professional men, and others, and that it is there, as well as in our own country, commonly employed by men of science in their computations and investigations;

That in the United States, moreover, by acts passed in 1866, the use of that system is permissive in business transactions, and the Postmaster-General is authorized to employ it exclusively for postal purposes, while by the international postal convention of 1874 it is already used in the Post-Office for the foreign correspondence of the country; that a wide-spread interest has been awakened among our citizens in recent years on the subject of metrological reform, which has manifested itself in the adoption, by many scientific and educational associations, and by organizations of the scientific professions, of resolutions favoring the introduction of the metric system for exclusive use into the country, and by the formation of societies expressly to promote this object;

That at the last session of the Forty-fifth Congress a report was presented by the Committee on Coinage, Weights, and Measures of the House of Representatives, recommending the passage of an act permitting and requiring the use of the metric denominations of weight and measure in the custom-houses of the United States, and prescribing simple rules for the assessment of duties upon metric invoices, which recommendation was renewed by the same committee at the special session of the Forty-sixth Congress, held early in the year 1879, but has hitherto remained unacted upon; and that such an enactment would, in the belief of the undersigned, be a wise measure of public policy, inasmuch as it would sensibly relieve the laboriousness of transactions with the custom-houses, while it would at the same time contribute to familiarize our people with the details of a metrological system which is now in general use in other portions of the civilized world, and thus to facilitate the ultimate assimilation of our own system to that which is evidently destined to be the common system of all mankind.

In view of these considerations, your memorialists respectfully pray that the attention of your honorable body may be early directed to the recommendations of the Committee on Coinage, Weights, and Measures above referred to, and that it may seem good to you to give effect to those recommendations by the speedy enactment of a law authorizing and requiring the use of the metric denominations of weight and measure in the custom-houses of the United States and defining the mode in which duties may be assessed on metric invoices of merchandise imported through the same.

And your memorialists will ever pray, &c.

REPORT ON ZOOLOGY.

Mr. MONROE, by unanimous consent, submitted the following concurrent resolution; which was read, and referred to the Joint Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed at the Government Printing Office, with the necessary illustrations, 5,000 copies of the Report on Zoology, volume 14, of the final reports of the United States Geological Survey of the Territories, by F. V. Hayden, 3,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,000 for the Department of the Interior.

SURVEY OF CONNECTICUT RIVER.

Mr. PHELPS, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That 500 additional copies of the report of General G. K. Warren, of the Engineer Department of the United States, on the survey of the Connecticut River below Hartford, in the State of Connecticut, made in November, 1879, with a view to the permanent improvement of the channel of said river, together with the maps which accompany the same, be printed for the use of the Engineer Department and of Congress.

PROTECTION OF INDIANS.

Mr. O'NEILL, by unanimous consent, presented a preamble and resolution passed at a meeting held March 23, at the Third Reform church, Philadelphia, Rev. A. R. Van Nest, D. D., pastor, asking the protection of the laws for the person and property of the American Indians, that individual titles to their lands in fee-simple may be authorized by law, and that a law for the return of the Ponca tribe to their lands in Dakota may be immediately passed; which was referred to the Committee on Indian Affairs.

CHARLES OLIVIER DUCLOZEL.

Mr. ACKLEN. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 2004) to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana, with an amendment by the Senate, for consideration at this time.

The SPEAKER. The amendment of the Senate will be read, after which objections, if any, will be in order.

The amendment of the Senate was read.

Mr. DUNNELL. Inasmuch as the amendment of the Senate which has been read is virtually a new bill adopted by the Senate as a substitute for the House bill, I think it should go to the Committee on Private Land Claims.

The SPEAKER. Does the gentleman from Louisiana consent to that reference?

Mr. ACKLEN. No, sir; I prefer to let the bill remain on the Speaker's table.

INCOMPLETE VOLUMES OF CONGRESSIONAL RECORD.

Mr. WARD, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Whereas the proprietors of the late Globe newspaper sold to the Government for \$100,000 a number of bound and unbound volumes of the Congressional Globe, which are incomplete and worthless, except as waste paper, unless a large sum of money shall be expended in reprinting a sufficient number of volumes to make complete sets: Therefore,

Resolved, That the Committee on Printing be directed to report a bill to this House providing for reprinting a sufficient number of volumes to make five hundred complete sets, to be distributed as may hereafter be directed by law, or to direct the Public Printer to advertise and sell the said odd volumes at the best prices that can be obtained therefor, and to place the proceeds thereof in the Treasury to the credit of the public printing and binding.

ORDER OF BUSINESS.

Mr. SINGLETON, of Mississippi. I move that the morning hour be dispensed with.

Mr. REAGAN. I call for a division.

Mr. GARFIELD. The object of the motion is that we may go on with the appropriation bill. Let us do that.

The question being taken, there were—ayes 105, noes 47.

So (two-thirds having voted in the affirmative) the morning hour was dispensed with.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. SINGLETON, of Mississippi. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. CONVERSE in the chair) and resumed the consideration of the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes.

The CHAIRMAN. The Clerk will read the next clause of the bill.

The Clerk read the following:

COMMERCIAL AGENCIES.

SCHEDULE C.

Saint Paul de Loando; Levuka.

SCHEDULE B.

San Juan del Norte.

Mr. BLACKBURN. I move to insert after that portion of the bill just read that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That the salaries as herein provided for all officers of the consular and diplomatic service shall be the only ones authorized by law, and that no allowance or compensation of any kind whatsoever in addition to the stated salary shall be paid to or received by any of said officers; and all laws or parts of laws inconsistent with this proviso be, and the same are hereby, repealed.

Mr. HAWLEY. I make a point of order upon that amendment.

Mr. GARFIELD. It is against the rule.

Mr. HAWLEY. It changes existing law.

Mr. BLACKBURN. It does not; it simply declares that the salaries provided in this bill shall constitute the only salary, compensation, or pay of any of these officers.

Mr. HAWLEY. It proposes to change the existing law.

Mr. BLACKBURN. If it does it is not amenable to the point of order, for it retrenches to the amount of the compensation outside of the provisions of this bill.

Mr. HAWLEY. Does the gentleman know there is any outside of it?

Mr. BLACKBURN. I do, and so does my friend from Connecticut, [Mr. HAWLEY.] The object of this amendment is to put a stop to the system of double compensation, all blind compensation that is not shown upon the face of the law. Here are a lot of foreign representatives provided with salaries, and those salaries are arranged and gauged according to what Congress deems to be the value of their services. That should be their compensation, and it should be all their compensation.

Mr. CONGER. The gentleman from Kentucky is speaking to the merits of the amendment, not to the point of order.

The CHAIRMAN. Will the gentleman from Connecticut [Mr. HAWLEY] state again his point of order?

Mr. HAWLEY. My point of order is that the amendment proposes to change existing law and is not reported by any committee.

Mr. BLACKBURN. What law does it change?

Mr. HAWLEY. It provides the repeal of "all laws or parts of laws inconsistent with the proviso." The gentleman can tell better than I can what laws it will repeal.

Mr. BLACKBURN. What laws does it profess to change?

Mr. HAWLEY. All laws in conflict with it.

Mr. BLACKBURN. That is, if there be any. The amendment does not determine that there are any such laws.

Mr. HAWLEY. If there are no such laws, then the amendment simply provides that an officer shall not have any money contrary to law, which is now the existing law.

Mr. BLACKBURN. That would not prevent the consideration of the amendment.

Mr. BLOUNT. In addition to the fees fixed in this bill there are certain items of pay, for instance, fees which consuls are allowed to retain, and which increase the amounts named in this bill. That, however, is the result of the law, and this amendment is a proposition to change the law, and as stated by the gentleman from Connecticut, [Mr. HAWLEY,] not coming from a committee it is clearly amenable to the point of order.

Mr. BLACKBURN. Will the gentleman allow me to ask him a question?

Mr. BLOUNT. Certainly.

Mr. BLACKBURN. Does not the gentleman know that certain consular representatives of this Government are allowed to carry on other professions or businesses regulated and determined by the amount of their pay under this bill, from which they receive fees, as notaries public and what not, fees for services in an official capacity altogether different from their consular representative capacity?

Mr. BLOUNT. I do, but that is not the question. The simple proposition now is whether or not this amendment changes existing law.

Mr. BLACKBURN. I am willing to let the Chair rule upon that point.

Mr. BLOUNT. Certainly, and until that is done the merits of the proposition are not before the committee for discussion.

Mr. BUCKNER. A word on the point of order, which is that the amendment of the gentleman from Kentucky [Mr. BLACKBURN] is not in order, and does not come up to the requirements of our rule. It is not sufficient, as I understand, that there shall be a change in existing law, in order to make an amendment in order. A change of existing law is prohibited by our rule, unless it is connected with a retrenchment of expenditures, which retrenchment must appear upon the face of the amendment itself. Now, if the gentleman from Kentucky can point to any existing law which would give to these officers other perquisites than the salaries provided by this bill, and his amendment changes that law so as to take away those perquisites, then it will be clearly within the rule. But if he cannot do that, if it is a mere matter of conjecture or surmise, then the amendment is not in order.

Mr. SINGLETON, of Mississippi. One word. It is known to members of this House that under certain circumstances and at certain points consuls are allowed to take fees for making deeds, discharging seamen, &c. If this amendment shall prevail, all that will be cut off, and they will not be allowed any such compensation. To that extent the amendment would change the law, and is therefore subject to a point of order.

Mr. BLOUNT. There are other fees.

Mr. DUNNELL. In China, for instance, consuls exercise judicial functions, and under the law are authorized for the exercise of those functions to receive and retain fees, without making any return of them, such fees as come to them in their judicial capacity. For instance, if they certify to a deed they are allowed a fee under the law, which is part of their compensation.

The CHAIRMAN. As the Chair understands, the law now provides that certain consuls may retain as part of their salaries certain fees received by them in the discharge of the duties of their offices. The amendment contemplates a reduction of the salaries of these officers to that extent. The Chair is of opinion that the amendment is in order as a retrenchment of expenditures.

The question being taken on the amendment of Mr. BLACKBURN, there were—ayes 38, noes 71; no quorum voting.

Tellers were ordered; and Mr. SINGLETON, of Mississippi, and Mr. BLACKBURN were appointed.

The committee divided; and the tellers reported—ayes 36, noes 73. So the amendment was not agreed to.

The Clerk read as follows:

For interpreters, guards, and other expenses at the consulates at Constantinople, Smyrna, Cairo, Jerusalem, and Beirut, in the Turkish dominions, \$3,000.

Mr. BLACKBURN. I move to amend by adding after the clause just read the following:

Provided, That all officers hereinbefore mentioned shall render quarterly statements to the Secretary of the Treasury, under oath, of all fees, emoluments, or compensation that may be received by them for any service performed, whether the same be in their official or other capacity.

Mr. FRYE. Would it not be well for the gentleman from Kentucky to put in all his amendments at this time?

Mr. BLACKBURN. It would be well for the gentleman from Maine if he would vote for a few of them.

Mr. FRYE. We will vote them all down.

Mr. SINGLETON, of Mississippi, rose.

A MEMBER. Do not make a speech on it.

Mr. BLOUNT. I ask that the amendment be again read.

The Clerk again read the amendment.

Mr. SINGLETON, of Mississippi. As I understand, this amendment includes all the officers provided for by this bill.

Mr. BLACKBURN. Yes; I meant it to do so.

Mr. SINGLETON, of Mississippi. Very well. I make the point of order that it changes existing law and does not retrench expenditures.

Mr. HAWLEY. It adds to expenses.

Mr. BLACKBURN. I would like the gentleman from Mississippi to point out any law that prohibits the making of these reports.

Mr. SINGLETON, of Mississippi. There is no law requiring such reports; and this amendment proposes to enact such a law.

Mr. BLACKBURN. It does not "change" any "existing law." That is the language of the rule.

Mr. SINGLETON, of Mississippi. It seems to me it would be very strange indeed to require every officer in the consular and diplomatic service to make quarterly returns to the Treasury of the United States of every dollar received by him.

Mr. SPARKS. Why not?

Mr. SINGLETON, of Mississippi. Why not? Why, you give to some of your ministers abroad \$17,500 salary—

A MEMBER. Only four of them.

Mr. SINGLETON, of Mississippi. To others you give \$12,000. Do you propose to require these gentlemen at the end of every quarter to make a report of the amount of fees they have received when the law fixes their salaries? Why, sir, it looks to me as if you will have to establish a new bureau with accounting officers for the purpose of settling these accounts if the amendment should be adopted. I see no necessity for it. If the amendment were intended to apply only to this particular paragraph I would have no special objection to it.

Mr. SPARKS. What harm can there be in requiring these reports? If these officials of the Government receive fees and collect money, why not require them to make report of such sums; and if such report is made, why should it not be made under oath, so as to insure accuracy?

Mr. SINGLETON, of Mississippi. Why not require members of Congress to report quarterly the manner in which they have expended their salaries, or to report any other private transactions.

The CHAIRMAN. Does the gentleman from Mississippi insist on the point of order?

Mr. SINGLETON, of Mississippi. I do.

The CHAIRMAN. The Chair is of opinion that the amendment is not in order, as the existing law does not require these reports to be made.

The Clerk resumed and concluded the reading of the bill.

Mr. SINGLETON, of Mississippi. I move that the committee rise and report the bill to the House with a recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes, and had directed him to report the same back without amendment and with a recommendation that it pass.

Mr. SINGLETON, of Mississippi. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading and was accordingly read the third time.

Mr. DUNNELL. I ask unanimous consent to have printed in the RECORD some remarks on this bill.

There being no objection, leave was granted. [See Appendix.]

The question then recurred on the passage of the bill.

The SPEAKER. This being a general appropriation bill, the rule requires that the question on its passage shall be taken by yeas and nays. The Clerk will call the roll.

The question was taken; and it was decided in the affirmative—yeas 191, nays 15, not voting 86; as follows:

YEAS—191.

Aiken,	Crowley,	Hayes,	Monroe,
Aldrich, N. W.	Culberson,	Hazelton,	Morrison,
Aldrich, William	Daggett,	Henderson,	Morse,
Anderson,	Davidson,	Henkle,	Morton,
Atkins,	Davis, George R.	Henry,	Neal,
Baker,	Davis, Horace	Herdson,	New,
Barber,	Davis, Joseph J.	Hiscock,	Newberry,
Bayne,	Davis, Lowndes H.	Hooker,	Nicholls,
Beale,	De La Matyr,	Houk,	Norcross,
Belford,	Deering,	House,	O'Neill,
Beltzhoover,	Deuster,	Hull,	O'Reilly,
Bicknell,	Dickey,	Humphrey,	Osmer,
Bingham,	Dunnell,	Huntton,	Overton,
Blake,	Dwight,	Hurd,	Pacheco,
Bland,	Elam,	Johnston,	Page,
Blount,	Errett,	Jones,	Persons,
Boyd,	Ewing,	Jorgensen,	Phelps,
Briggs,	Felton,	Joyce,	Poehler,
Brigham,	Ferdon,	Keifer,	Pound,
Browne,	Field,	Kelley,	Price,
Buckner,	Fisher,	Kenna,	Reagan,
Burrows,	Ford,	King,	Rice,
Calkins,	Forney,	Klotz,	Richardson, J. S.
Camp,	Forsythe,	Ladd,	Robertson,
Cannon,	Frost,	Lapham,	Robeson,
Carpenter,	Frye,	Le Fevre,	Robinson,
Caswell,	Geddes,	Lewis,	Ross,
Chalmers,	Goode,	Lindsey,	Rothwell,
Claffin,	Gunter,	Manning,	Russell, W. A.
Clymer,	Hall,	Martin, Edward L.	Ryan, Thomas
Cobb,	Hammond, N. J.	Martin, Joseph J.	Ryon, John W.
Colerick,	Harmer,	McCook,	Samford,
Conger,	Harris, John T.	McGowan,	Sawyer,
Converse,	Haskell,	McLane,	Scales,
Cook,	Hatch,	McMahon,	Shallenberger,
Crapo,	Hawk,	Mills,	Shelley,
Cravens,	Hawley,	Mitchell,	Simonton,

Singleton, O. R.	Thompson, P. B.	Van Aernam,	White,
Semons,	Thompson, W. G.	Vance,	Whiteaker,
Smith, A. Herr	Tillman,	Van Voorhis,	Williams, C. G.
Smith, Hezekiah B.	Townsend, R. W.	Voorhis,	Williams, Thomas
Smith, William E.	Tucker,	Waddill,	Willits,
Steele,	Tyler,	Wait,	Wise,
Stephens,	Updegraff, J. T.	Ward,	Wood, Fernando
Stevenson,	Updegraff, Thomas	Warner,	Wood, Walter A.
Talbott,	Upson,	Washburn,	Yocum,
Taylor,	Urner,	Weaver,	Young, Casey.
Thomas,	Valentine,	Wellborn,	

NAYS—15.

Arnfield,	Clark, John B.	Lounsbury,	Sparks,
Atherton,	Dibrell,	Lowe,	Turner, Oscar
Blackburn,	Ellis,	McMillin,	Turner, Thomas.
Cabell,	Kitchen,	Phister,	

NOT VOTING—86.

Acklen,	Dick,	Killinger,	Prescott,
Bachman,	Dunn,	Kimmel,	Reed,
Bailey,	Einstein,	Knott,	Richardson, D. P.
Ballou,	Evins,	Loring,	Richmond,
Barlow,	Farr,	Marsh,	Russell, Daniel L.
Berry,	Finley,	Martin, Benj. F.	Sapp,
Bliss,	Fort,	Mason,	Sherwin,
Bouck,	Garfield,	McCoid,	Singleton, J. W.
Bowman,	Gibson,	McKenzie,	Speer,
Bragg,	Gillette,	McKinley,	Springer,
Brewer,	Godshalk,	Miles,	Starin,
Bright,	Hammond, John	Miller,	Stone,
Butterworth,	Harris, Benj. W.	Money,	Townsend, Amos
Caldwell,	Heilman,	Muldrow,	Wells,
Carlisle,	Herbert,	Muller,	Whitthorne,
Chittenden,	Hill,	Murch,	Wilber,
Clardy,	Horr,	Myers,	Willis,
Clark, Alvah A.	Hostetler,	O'Brien,	Wilson,
Coffroth,	Hubbell,	O'Connor,	Wright,
Covett,	Hutchins,	Orch,	Young, Thomas L.
Cowgill,	James,	Philips,	
Cox,	Ketcham,	Pierce,	

So the bill was passed.
During the roll-call
Mr. STEELE said: I believe I will change my vote, Mr. Speaker, from "no" to "ay;" I do not like the bill much, but I will swallow it. [Laughter.]

The following pairs were announced from the Clerk's desk.
Mr. BOUCK with Mr. MCKINLEY. If Mr. MCKINLEY were present, Mr. BOUCK would vote "no."
Mr. MULLER with Mr. MILLER.
Mr. EVINS with Mr. TOWNSEND, of Ohio.
Mr. BACHMAN with Mr. GODSHALK.
Mr. KILLINGER with Mr. ACKLEN.
Mr. FORT with Mr. O'BRIEN.
Mr. DICK with Mr. MARTIN, of West Virginia.
Mr. PIERCE with Mr. KIMMEL.

The SPEAKER. The gentleman from Maryland [Mr. KIMMEL] is detained at home by sickness.

Mr. WHITTHORNE with Mr. KETCHAM.
Mr. EINSTEIN with Mr. CLARK, of New Jersey.
Mr. HEILMAN with Mr. ACKDWEIL.
Mr. KLOTZ with Mr. MITCHELL.
Mr. HUTCHINS with Mr. DWIGHT.
Mr. STEPHENS with Mr. HAMMOND, of New York.
Mr. SINGLETON, of Illinois, on all political questions, except on a question of quorum, from and after the 20th, during the leave of absence granted to Mr. MILES.
Mr. RICHMOND with Mr. PRESCOTT until further notice.
Mr. O'CONNOR with Mr. BOWMAN for one week from March 29 on all political questions and questions involving the tariff.
Mr. LORING with Mr. SPEER for one week.
Mr. SHERWIN with Mr. WRIGHT.
Mr. SMITH, of Georgia, with Mr. WILBER.
Mr. HOSTETLER with Mr. HERR.
Mr. BALLOU with Mr. SMITH, of New Jersey.
Mr. WELLS with Mr. COWGILL on all political questions from Tuesday the 30th of March until Tuesday the 6th of April, both days inclusive.

Mr. DUNN with Mr. SAPP.
Mr. REED with Mr. MYERS on this vote.
Mr. STEPHENS. I paired with Mr. HAMMOND, of New York, on all political questions only. I did not consider this as a political question and therefore voted.

Mr. CALKINS. I am paired with Mr. SPRINGER, of Illinois, in the same way.

Mr. DWIGHT. I am paired on all political questions; and not considering this as a political question, I have voted.

Mr. BLACKBURN. I was informed that I was announced as having been paired.

The SPEAKER. No such announcement was made.
Mr. SMITH, of New Jersey. I am recorded as being paired. I do not understand this to be a political question, and have voted.

Mr. ATHERTON. I was paired yesterday with my colleague, [Mr. BUTTERWORTH,] but I see that he did not vote, and I ask the Clerk to examine the pairs to see whether the pairs extended beyond yesterday.

The SPEAKER. The pairs are recorded each day, but the clerks have no record here of the pair referred to by the gentleman. It

may be found in the CONGRESSIONAL RECORD. The Chair is informed by the reading clerks that where members are paired beyond the day, they keep them; but where they are only for a day, they are not kept, as they go immediately into the RECORD.

The vote was then announced as above recorded.

Mr. SINGLETON, of Mississippi, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. CLYMER. Mr. Speaker, by direction of the Committee on Appropriations I beg leave to report a bill (H. R. No. 5523) making appropriations for the support of the Army for the fiscal year ending June 30, 1881, and for other purposes, accompanied by a report. I ask that the bill and report be printed, and that the same be referred to the Committee of the Whole House on the state of the Union; and I further beg leave to give notice that I shall, on Thursday next, immediately after the reading of the Journal, move to dispense with the morning hour with a view to proceeding to the consideration of this bill.

Mr. CONGER. All points of order are reserved on the bill.

The SPEAKER. The Chair will observe the notice of the gentleman.

STAR-ROUTE DEFICIENCY BILL.

Mr. BLACKBURN. I am directed by the Committee on Appropriations to report back to the House House bill No. 4736, providing for a deficiency in the appropriation for the transportation of mails on star routes for the fiscal year ending June 30, 1880, and for other purposes, with Senate amendments thereto; and am directed to recommend non-concurrence in the Senate amendments.

Mr. GARFIELD. Let the Senate amendments be read.

The SPEAKER. The gentleman from Kentucky will be kind enough to send the engrossed bill to the desk.

Mr. BLACKBURN. I have sent for the bill and will have it here in a moment.

CONTESTED-ELECTION CASE—BRADLEY VS. SLEMONS.

Mr. SAWYER. I move that the House now proceed to the consideration of the contested-election case of Bradley against Slemons. That case was reported three weeks ago, and several different times have been set for the consideration of it.

Mr. GARFIELD. I hope the matter in connection with the star-route service will be first disposed of. It can be done by a single vote.

Mr. SAWYER. This contested-election case will take but a very short time.

STAR-ROUTE DEFICIENCY BILL.

The SPEAKER. The Senate amendments will now be read.

Mr. BLOUNT. I wish to ask the gentleman from Kentucky what his proposition is in reference to these amendments?

Mr. BLACKBURN. The committee recommend non-concurrence in them. And further, Mr. Speaker, it is not desired by the Committee on Appropriations to ask, as a matter of formal courtesy, to have a committee of conference appointed; but reporting back the bill with the amendments thereto by the Senate, to have it sent to the Committee of the Whole House on the state of the Union, and there discussed and debated, so that the House may determine by its vote in the committee whether the amendments of the Senate shall be concurred in, and if not, then a committee of conference to be appointed, and the conferees of the House will go to the conference under instructions of the House.

The SPEAKER. The gentleman from Missouri, however, rises to a question of higher privilege, touching the right of a member to his seat.

Mr. WHITE. We certainly have a right to have the amendments read. The country is suffering for this bill.

Mr. BLACKBURN. Allow me to say a word.

The SPEAKER. Does the gentleman from Missouri desire to press his motion?

Mr. BLOUNT. Can the gentleman from Missouri take the gentleman from Kentucky off the floor to make that motion?

The SPEAKER. The Chair did not allow him to take the gentleman from Kentucky off the floor. The bill to which the gentleman referred was not at hand, and while waiting the gentleman from Missouri submitted his motion. The Chair, however, recognizes the motion of the gentleman from Missouri as one of privilege.

Mr. BLACKBURN. I recognize the higher privilege of the motion submitted by the gentleman from Missouri, and I am willing, as I know the Committee on Appropriations is willing, to deal in exact fairness with the House in reference to the question of disagreement between the House and Senate on this star-route bill. I report it under instructions from the Committee on Appropriations. That committee has all the testimony which has been taken by the subcommittee on this deficiency. It was ordered to be printed for the use of the House. I was assured that it would be here and upon the desk of every member this morning, but I find that it has not been sent up from the Printing Office, though I am now told that it will be here during the course of the day. Such is the importance and necessity for a prompt disposition of this postal-deficiency question that I think

the House will agree with me and the Committee on Appropriations that it is advisable to seek the most expeditious and early settlement of the question. The Committee on Appropriations have had the printed testimony taken by the sub-committee for several days in their hands, and the House, I hope, will be in possession of it some time during the day. I am perfectly ready, and the Committee on Appropriations is ready, to go on with the debate at any time in the Committee of the Whole on the state of the Union. If, on the contrary, it be the preference of this House to consider the matter suggested by the gentleman from Missouri, the Committee on Appropriations will be content to take this up to-morrow morning under a motion to dispense with the morning hour immediately after the reading of the Journal, with a view to the settlement of the differences between the two Houses.

Mr. PAGE. I rise to make an inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. I wish to ask if it would be in order after the Senate amendments are read to move to concur in the same.

The SPEAKER. That would be in order.

Mr. STONE. I am authorized by the Committee on the Post-Office and Post-Roads to make that motion.

The SPEAKER. The gentleman from Kentucky, however, says that he reports the bill for reference to the Committee of the Whole on the state of the Union.

Mr. PAGE. Is that proper?

The SPEAKER. Undoubtedly.

Mr. CONGER. If the amendments are read to the House and the House desires to concur, can it not vote down the motion to go into Committee of the Whole on the state of the Union?

The SPEAKER. The gentleman from Kentucky makes the report for reference to the Committee of the Whole.

Mr. BLACKBURN. I do, and I point out that under the rule the amendments must of necessity go to the Committee of the Whole on the state of the Union.

Mr. WEAVER. Do I understand the gentleman from Kentucky that he is willing to have the House consider his report to-morrow?

Mr. BLACKBURN. I am, if the House does not go on with it today.

Mr. COX. There is a special order already assigned for to-morrow—the consideration of the census bill.

The SPEAKER. The suggestion is that the report of the Committee on Appropriations be considered to-morrow immediately after the reading of the Journal. That, however, will have to be preceded on to-morrow by a motion to dispense with the morning hour.

Mr. BLACKBURN. So I stated; and if the House shall not dispense with the morning hour the Committee on Appropriations will insist on taking this bill up at the expiration of the morning hour. I desire to say the Committee on Appropriations is ready to go on now or to allow the printed testimony to come in to-day and to proceed to-morrow morning immediately after the reading of the Journal if the morning hour shall be dispensed with, and, failing that, at the expiration of the morning hour.

The SPEAKER. The understanding seems to be perfect, and the Chair will now recognize the gentleman from Missouri, [Mr. SAWYER.]

Mr. PAGE. What is the understanding?

The SPEAKER. That this bill shall come up to-morrow morning after the reading of the Journal, provided two-thirds dispense with the morning hour; if not, then immediately after the morning hour.

Mr. COX. I object.

Mr. PAGE. Will it be in order then to move to concur in the Senate amendments?

The SPEAKER. It will not; because the gentleman from Kentucky [Mr. BLACKBURN] insists on sending the bill with the Senate amendments, under the rules of the House, to the Committee of the Whole on the state of the Union.

Mr. COX. I object to any arrangement unless we dispose of the census bill to-morrow. It has been assigned as a special order for to-morrow after the morning hour.

The SPEAKER. The gentleman from New York had better ask unanimous consent to have his special order, the census bill, made a continuous order. It will then come up immediately after the disposition of the star-route bill.

Mr. WHITE. What is the order to which the gentleman from New York is referring?

The SPEAKER. The Senate bill as to the census.

Mr. COX. I have no objection to the arrangement suggested by the Chair.

Mr. SPARKS. What is that arrangement?

The SPEAKER. There is a special order for the consideration to-morrow of the census bill in charge of the gentleman from New York, [Mr. COX.] That would, of course, be interrupted by the consideration to-morrow of the star-route bill. The gentleman from New York asks that the order for to-morrow may be made continuous, so that the census bill may come up after the star-route bill is disposed of.

Mr. SPARKS. Are there not special orders ahead of the special order of the gentleman from New York?

The SPEAKER. If there are they will have to come up in their order.

Mr. GARFIELD. Whatever is done about the census bill should be done immediately before the blanks are sent out.

Mr. ATKINS. I suggest that the gentleman from New York have the privilege of calling up the bill now.

The SPEAKER. The gentleman from New York asks that there be a continuous order for the consideration of the census bill immediately after the star-route bill is disposed of.

Mr. ALDRICH, of Rhode Island. I object.

Mr. COX. The gentleman from Rhode Island, I understand, wishes to speak for fifteen minutes on the census bill. I am quite willing to agree to that and I do not think he will object to the arrangement.

Mr. McLANE. I ask for the regular order.

The SPEAKER. Is there objection to the proposition of the gentleman from New York?

Mr. WEAVER. I object to the present consideration of the census bill. I desire that we shall go on with the consideration of the election case.

Mr. GARFIELD. The gentleman from New York does not ask for the present consideration of the bill, but that it may hold its place as a continuing order.

The SPEAKER. The proposition is that the census bill shall hold its place as a continuing order. The Chair hears no objection.

CONTESTED-ELECTION CASE—BRADLEY VS. SLEMONS.

Mr. SAWYER. I move that the House do now proceed to the consideration of the contested-election case of Bradley vs. Slemons, from the second congressional district of Arkansas.

The motion was agreed to.

Mr. SAWYER. I call for the reading of the report.

Mr. WEAVER. I think it will be sufficient that the two resolutions be read, the majority and the minority resolutions.

Mr. SAWYER. I only desire the reading of the resolutions.

The Clerk read the resolution of the committee, as follows:

Resolved, That William F. Slemons is entitled to retain the seat he now occupies as Representative from the second congressional district in the State of Arkansas in the Forty-sixth Congress.

The Clerk also read the minority resolution, as follows:

Resolved, That the seat now occupied by William F. Slemons as a Member of Congress from the second congressional district of the State of Arkansas in the Forty-sixth Congress be, and the same is hereby, declared vacant.

The SPEAKER. The gentleman from Missouri [Mr. SAWYER] who represents the majority will indicate to the Chair what he proposes in regard to the debate on the resolutions.

Mr. SAWYER. I do not desire to make any remarks at this time.

The SPEAKER. The Chair then recognizes the gentleman from Iowa, [Mr. WEAVER,] who has submitted the views of the minority. The gentleman from Iowa yields, the Chair understands, to the contestant.

Mr. WEAVER. The understanding in the committee was that the contestant should be allowed to address the House in his own behalf. I now ask for him that privilege.

The SPEAKER. For one hour.

Mr. WEAVER. And longer if necessary.

There was no objection.

Mr. BRADLEY, (the contestant.) I desire to return my sincere thanks to the members of this House for the courtesy which they have extended to me in that they have allowed me to speak for myself, and not only for myself but in vindication of the sacred rights of twenty thousand sovereigns of Arkansas whom I am here to represent. I feel grateful for this privilege more from the fact that I have always been impressed with the idea that under the genius of our American institutions wherever the American citizen had rights involved of whatsoever kind there his voice had a right to be heard. There are to-day in South Arkansas twenty thousand men pursuing their civil avocations who have rights involved in this issue as sacred as those of the contestant or the contestee. And not only that; I want to say to the members of this House that I am here not merely to vindicate or gratify a personal ambition or aspiration which I may have to occupy a cane-bottomed chair in this House. I am here to represent interests involving issues sacred not to me alone, not to my posterity alone, not to the people of Arkansas alone, but to every American citizen, to every member of this House, to him, to his wife, to his children, and to his children's children from generation to generation.

The mere idea of occupying a seat on this floor is not what has impelled me to leave my home and make the sacrifices I have made and to endure the privations I have endured and to bear the burdens of anxiety which I have borne for the last four long months while seeking to obtain an adjudication of this question of law and of this question of fact. Sir, I have been impelled to that course from a sense of the duty I owe to my constituents, from my obligation to the sacred American Republic of which I am a subject and a citizen.

I am here to seek the adjudication of a question not between Bradley and Slemons, but a question involving rights and wrongs; a question by the decision of which the members of this House are to determine whether we are to perpetuate a republican form of government to our posterity or to hand them over bound hand and foot to anarchy and mob law. That is the question I am here to investigate and to ask you to adjudicate.

I understand that my time is limited, because in this House time is sacred. Gentlemen will pardon me when I say that the cause involved in this issue is more sacred than the time which is constantly frittered away in this House. My honor, my integrity, my future

happiness do not depend upon my occupancy of a seat on this floor; that is the smallest item of consideration with me.

I am not here to persecute the contestee. I have not come here to claim anything that belongs to him in the way either of money or franchise. As I said before, I have come from a sense of duty. I could not do less than have come here when 20,000 men who elected me to a seat in this House by a majority of 8,000 votes demanded of me to come here and vindicate their rights. The whole matter had passed out of their hands and into my hands, and the law had provided a remedy for me by which I, and I alone, could vindicate the sacred rights of my constituents which had been trampled upon and trifled with.

I am not before you to-day to cringe to the feet of any political party on earth. I am not here to investigate a party question. I am here to spurn the thought of bowing down at the feet of any political shrine on God Almighty's green earth. I trust that I am addressing men that have risen to a higher plane and standard than to put on a party hoodwink through which to view a question of law and a question of fact.

I have sat here in this House and heard men administer their castigations to the party adjudications of the courts of the country. It has struck my mind that whenever we cease to have party legislation we will necessarily cease to have party adjudications in the courts. In your capacity as jurors to-day, under your oath, sworn to do your duty, you are to decide a question of law and fact on its merits, not who of the parties is a democrat, who is a republican, or who is a greenbacker. For I say it here to-day independently, and fearless of circumstances, that he who would vote for me or against me simply because of my party affiliations is a perjurer and unfit to occupy a seat in this House; that is, if he does violence to justice and overrides the law and the facts as they are established by the testimony in this case. I trust in God we have arrived at an age in American history when we can rise to higher grounds than those of party opinions and prejudices in the adjudication of sacred rights, involving not merely the right of an American citizen to a seat in the House of Representatives, but the most sacred right that has been baptized by the blood of the fathers and handed down to us, the right of an American citizen to exercise the right of suffrage and of the ballot. I am here to vindicate this proposition: that it is the right of an American citizen to have his vote cast untrammelled and unbiased; to have it honestly counted and to have it fairly returned for what it was counted; and that the country should abide by the result of the votes of a majority of the people in an election under the law and under the Constitution.

Now it may be astounding to this House to be informed that I am here to contest the seat of a member who was returned by a majority of 2,827 votes. Gentlemen, I have to disclose to you a more startling proposition than that. It is more astounding that a man who was elected by a majority of over 8,000 votes should have been counted out by 2,827 votes.

The contestee, whose face I now look on, knows as well as I know that my majority to this House, as shown by this testimony, and as can be shown by the entire district, exceeded 8,000 votes.

If I am allowed time I hope to show you the result. When this race was made there were twenty counties in that district. Since this election the democratic Legislature has added three democratic counties to the district. It was not safe at 2,827 majority, and the Legislature last January added the counties of Pike, Clark, and Hot Springs—three democratic counties—to make the district a safe democratic district.

Now the report of this committee is a most remarkable document. It has left barely enough vitality in me to exercise itself in one grand struggle in the grave for self-resurrection! That is all. [Laughter.] But so long as there is enough territory left to plant my feet upon in the effort to vindicate my rights and the rights of my people I will never succumb to the power and influence of a report, even a majority report, when I know that I am vindicating the right against the wrong.

I have never stopped to inquire where the popular voice was. It has been my maxim through life to ascertain what is right and then do it or die—unless I am prevented from doing it! [Laughter.] I am not quite prevented by this report.

There are three counties in which testimony was taken, and I will state the fact in brief. Gentlemen are aware that I was allowed only forty days in which to take testimony. Mr. Boutwell, in his marginal notes upon the revision of the statutes, has embodied what I think was never the intention of the law-maker. I do not mean to be immodest when I express my opinion that the forty days did not commence from the time of the service of the contestee. The law allows, requires, five days to serve witnesses, and I did not know on what day the contestee would serve me with his answer, so that I could have five days' service on the witnesses and be ready to utilize the first of the forty days as computed by Mr. Boutwell. But I have no quarrel with the law.

It has been denied here that the testimony in Chicot and Hempstead Counties was taken inside of forty days, because I never commenced taking testimony until the 18th of February, the answer of the contestee having been served on me the 30th of January. The contestee was serving here in Washington City as a member of the Forty-fifth Congress, and I was required by the statute to allow him reasonable

time to attend the taking of the testimony by the most direct and reasonable route of travel, exclusive of Sundays, and to allow him one day for preparation. In the exercise of the fullest courtesy toward him, I gave him this time, never expecting that a technical advantage would be taken of my courtesy and kindness and plead against me. But "drowning men catch at straws."

I commenced to take this testimony on the 18th of February. I closed it on the 29th of March—within the forty days. His lawyers were present, entered their appearance, put him upon the record, and cross-examined my witnesses; then, after he had gone into court, tried his case, and found the testimony against him, his attorneys entered a protest against taking the testimony in those counties, after they had taken it themselves.

Now what about Chicot County? I will allude to it first. I have alleged in this contest that William F. Slemmons, the contestee, five days before this election hired a man, Richard A. Dawson, and sent him from Jefferson County into Chicot County, which is shown by the testimony of H. W. Graves to be one hundred and thirty miles from Pine Bluff, with some fraudulent printed posters, which were circulated two days before the election in that county, announcing Hon. John A. Williams, of Jefferson County, as a republican nominee for Congress, so as to deprive me of the votes of 1,800 republicans in that county pledged to my support. That is what I charge. Now let us see whether the charge is true. It is shown by the testimony of Mr. Williams himself that he was the judge of the circuit court in that district, residing in Pine Bluff, Jefferson County; that he was not a candidate for Congress; that he was not a nominee; that there had never been a convention; that he never heard of these posters until a week after the election; that he had not spoken to R. A. Dawson for eight months. It is shown by the testimony of S. H. Holland, sheriff of Chicot County, and H. W. Graves, clerk of that county, that Dawson two days before the election came from Jefferson County into Chicot and circulated fraudulent posters and tickets for Hon. John A. Williams as a republican nominee; and these posters were marked "Republican print," as if printed in the Republican office in Jefferson County. This is sworn to here, and sworn to by a democrat who voted for the contestee.

Samuel C. Ryan, one of the publishers of the Pine Bluff Press, a democratic paper, swears that he printed these posters himself at the instance of H. King White, a friend of Mr. Slemmons. Dan. M. Robinson, who was a printer in that office, swears that Mr. Slemmons was in Pine Bluff that week, and was in that office half a dozen times or more about that time. The first witness in this volume of testimony testifies that on Wednesday morning before the 5th day of November he saw William F. Slemmons, the contestee, and Richard A. Dawson standing on the platform of the depot in Pine Bluff in private conversation for several minutes; and Dawson went on the same train as the witness to Chicot County carrying these posters.

I am not going to argue this matter now; but I call attention to it because the committee say that if they believed Mr. Slemmons knew anything about this they would report a resolution to unseat him. I know that the committee is composed of honest and good men, and I am sorry they never found this out from the testimony. I shall show from the evidence that Mr. Slemmons knew about it and had it done in his own interest; and I will show before I am through that he admits this.

In Chicot County, if you will turn to the testimony of S. H. Holland, the sheriff, (for nine years, I mean to state the whole thing in brief,) he swears there were 1,800 republican voters in that county (it is a way down the Mississippi River, in the swamp) and between three and four hundred democratic voters. He swears in July before he was the chairman of the republican central committee, and that he gave the contestant, John M. Bradley, a written obligation or a promise, which was made to him by the republican party, that they would support the said John M. Bradley for Congress. That is what Holland swears; and he swears this is the number of votes. How does he know it? He says: "I have been president of the board of registration of this county. I have been sheriff for five years. I have been a member of the State senate. I have been chairman for nine years of the republican central committee." He ought to know all about it.

If you will turn to the testimony of H. W. Graves you will find he says that he canvassed the county in September. So does Holland. And he continues: "We found the republicans unanimous." That is Mr. Graves's language. He says we found the republicans unanimous for John M. Bradley in the election for Congress on the 5th of November. Every one testifies to the same fact.

Now, the election came on. Two days before the election Holland swears "Richard A. Dawson sent me"—but I want to read that. He swears that Dawson sent him some circulars and posters from Luna Landing, on the Mississippi River, in Arkansas. Here is Holland's letter:

LUNA LANDING, ARKANSAS, November 2, 1878—

You see when it was—

DEAR HOLLAND—

He was the sheriff of the county—

On the eve of the election—

Now listen to it and mark it well—

the republicans have concluded to bring out a candidate. The circulars and tickets I send you will speak for themselves. I am sick, and will take boat to-night for

Arkopolis, otherwise I most certainly should have come to the village. Do all you can. We think Bradley has made split enough—

You will find all along that I had a large democratic as well as a large republican vote added to my greenback vote—

We think Bradley has made split enough by proper work to get our men in. Regards to all. Do all you can. Would like to have seen you. Come up soon as possible.

Yours, as ever,

RICH. A. DAWSON.

That is the delectable man by whom these posters were sent, and yet the committee said he carried them there on his own responsibility. The clerk testifies that my vote in that county was 236; that out of the 1,800 republican votes to vote for me there were only 236. Slemons got, out of nearly 400 democratic votes, 151. I had no posters there to keep him back. It only shows he was not very popular with his own party. Mr. Williams received 90 votes.

Now, Mr. Speaker, Holland and Graves both swear that the Williams posters had a tendency to confuse people and keep them from the polls, and to keep those who went to the polls and who desired to vote for me from doing so. I have shown you these posters were sent in the interest of Mr. Slemons, as Dawson writes to Holland, "We think Bradley has made split enough by proper work to get our men in." These were colored votes; not all of them, but a large number of them.

I submit, then, this to you as a body of lawyers. Mr. Slemons, or whoever did this act, did it for purposes of his own. The committee in their report admit the act and they admit the purpose; that it was done with the intention of keeping me from getting those votes which were pledged to me. I did not get those votes and I submit to this House now whether a man who prevented me in this way from getting those votes is not estopped from asserting that these votes which were pledged to me were not cast for me by the influence of those posters. I submit to anybody whether the party who does an act with the intention of accomplishing a certain purpose, and that purpose is accomplished—whether that party who did the act for the purpose of keeping men from going to the polls and voting for me can charge they remained away from the polls for any other reason.

Then, sir, by this means I lost 1,564 votes in Chicot County, as shown by the testimony. But I want to say something more on that. The committee, in their kindness, have seen proper in the exercise of that kindness to allow me 600 in that county. I have never known where they got the idea from of allowing me 600. There is no rule of 600 in the testimony anywhere so far as Chicot County is concerned. Why they happened to fall upon the number 600 still remains a mystery. But the committee say they are willing to give me 600 in Chicot County.

Now, it is clear from the testimony, if they give me one vote they must give me 1,564 votes. Every one they take out of that number they must give some good reason for other than can be claimed from these fraudulent posters. I have shown by the testimony of Mr. Graves who said he was in the southern part of Chicot County that the posters and printed tickets with the name of Williams upon them led to confusion and were the means of keeping a great many republicans from the polls; that no votes were there cast for Williams; and witness asserted his belief that the posters announcing Williams as a candidate were a fraud.

Now, is this House going to let men occupy seats here who have been elected or claim to have been elected by any such fraud as that?

If I show to you Mr. Slemons in person did this thing, I look in your faces and ask you, as American statesmen, are you going to have fellowship in Congress with one who comes with his hands and head and body and soul covered with fraud all over in the procurement of his return to a seat in this House. Sam. C. Ryan says that he printed these posters in the Pine Bluff Press office; that he marked them "Republican print." He was asked, "Why did you do it?" He said, "I do not know why I did it; I suppose because it was in the copy." I have shown you that Slemons was in that office half a dozen times or more while this thing was being done.

Where were those posters carried to? Now, I want to show you gentlemen exactly what the testimony is in this respect. Ryan swears he carried them to the Planters' Hotel and left them there in a room. Then the question was asked him, "What room?" "I do not remember." "What was the number of the room?" "I do not remember." "Was Mr. Slemons stopping at the Planters' Hotel at that time?" "He was." "What room was he in?" "I do not know." "Was the room he occupied the one you left the posters in that night?" "I do not know." "Could you find the room you left them in?" "I do not know."

Just look at this, gentlemen. Here is a man giving this testimony in reference to a little bit of a two-story hotel that he knows every nook and corner of as well as your children know every nook and corner in your yards at home, and yet he says he does not know what room he carried these posters to.

Now, then, we traced these posters to the Planters' Hotel, and find that Slemons was at the Planters' Hotel at the same time, and we find that Slemons had the posters afterward, for the next morning he had the posters at the depot. [Laughter.] I ask you how he managed to get those posters to the depot?

The next morning Slemons and Dawson sent the posters into Chicot County, but I want the House now to see if possible how these posters

ers got from the Planters' House to the depot. Is there one word of testimony in this regard that will show how they got there on the part of Slemons? He never has attempted to show before the committee in any way how he got them there. He never introduced Dawson to prove who gave him the posters, and he never attempted to show that there was any other Slemons man at the hotel except himself. What do you think of that? [Laughter.] What do you think of that, I ask you, and I ask all honorable gentlemen whether you are to be trifled with, and whether you are willing to accept the company of a man who is able and willing to perform such an act as that? Are you to be trifled with as members of Congress in this way? Are you to be content with this kind of electioneering and allow a man in this manner to battle his way into Congress and trifle with your intelligence and try to make you believe that those posters were conveyed by some angel from the Planters' House to the depot that night? [Laughter.]

Now, gentlemen, you have got the facts. Let us see what the facts are, and the pleadings about this. In the notice of my contest to him I stated:

Second. And for the further reason that you sent one Richard A. Dawson from Pine Bluff to Chicot County, one of the counties of said second congressional district, on Wednesday before the election aforesaid, with printed posters to put up in said county, and with tickets announcing one John A. Williams as the republican nominee for Congress from the said second congressional district, asking all good republicans to support him, by which fifteen hundred voters in said county were confused and did not vote in said election, who otherwise would have voted for me; all of which will be proven.

Now, let us see what Mr. Slemons answers to that:

The charge that in Chicot County the voters were confused by a proclamation sent by me, and that fifteen hundred who would have voted for you did not vote at all, is untrue, and I deny that any voters who wished to vote for you were deprived of that privilege.

That is the answer that the gentleman makes to the allegations made in my notice of contest. Now you see he did not deny the fact, for he admits that he sent the proclamation and the posters into that county. He makes no attempt to deny the fact alleged in that statement of mine, and I have just shown that in view of that admission he is estopped from the effect of his own act. Now, the effect of that act is to vitiate his election, and by that fact he is estopped under the law from denying the effect of his own deliberate act. The law presumes that when a man commits an act deliberately, willfully, and intentionally he intends all of the consequences of that act. Mr. Slemons knows that as well as any man in the world, and every lawyer on this floor knows it, and it never has been attempted to be denied, nor will Mr. Slemons attempt to deny it here, neither has he in any way attempted to disprove the consequences of that act. That being true, the presumption of law is incontrovertible, and he is estopped from denying the consequences of the act.

I desire, Mr. Speaker, to call special attention to this extract from the notice of contest in this connection, and I will read it again:

Second. And for the further reason that you sent one Richard A. Dawson from Pine Bluff to Chicot County, one of the counties of said second congressional district, on Wednesday before the election aforesaid, with printed posters to put up in said county, and with tickets announcing one John A. Williams as the republican nominee for Congress from the said second congressional district, asking all good republicans to support him, by which 1,500 voters in said county were confused and did not vote in said election, who otherwise would have voted for me; all of which will be proven.

The testimony shows that by this act I was deprived of 1,564 votes.

Now, then, I have lost 1,564 votes in that county by the act of Slemons himself. Once more—and after referring to that I am done with Chicot—the committee say if they knew Slemons and Dawson were talking on this subject on the platform they would not hesitate to unseat Slemons. What do you suppose they were talking about? Dawson was just starting on an errand for Slemons, a distance of one hundred and thirty miles. If your wife was about dying, and one of your neighbors should go one hundred and thirty miles for a doctor, and you were seen talking with him at sunrise, and after your conversation he was seen mounting his horse and starting, would anybody suppose you did not know where he was going and what business he was on? I put it to you as sensible men. I say it is trifling with your intelligence and trifling with your dignity and insulting to this branch of the American Congress to suppose otherwise.

But I pass from that. If you can afford to let Mr. Slemons sit with you in a seat thus obtained I am not hurt, posterity perhaps is not hurt, but I weep over the slain republican sentiment, bequeathed to me by the blood of my fathers and your fathers, that is slain by your act, and I will be helpless and powerless to furnish a remedy.

Now, sir, I come to Hempstead County. It is said in the report the testimony in regard to Hempstead County was taken out of due time—as it were, born out of due season. But Mr. Slemons's lawyer was there and put himself on the record, cross-examining every witness; and when the testimony showed that 554 men—listen to it—took Bradley tickets in their hands, marched up in a line to the ballot-box, had their names taken down in regular order, and demanded the right to vote for Bradley and were refused, then he entered a protest against taking the testimony in that county. That is the testimony in regard to Hempstead County: that 554 men in a line, shown to be legal voters in the township and county and State—in the two townships of Ozan and Saline—were not allowed to vote. Why? Because of an organized conspiracy. That is made manifest in this testimony. The judges of election skulked away and hid th-

poll-books and hid themselves. And the witnesses swore they went to the clerk of the court to know what to do, and the clerk of the court said: "There is no remedy for you."

It is shown that these very delectable gentlemen had fixed a box two hundred yards off, for the negroes to vote at. The negroes went to the other ballot-box, five hundred and fifty-four men with Bradley tickets in their hands in their own township, and were not allowed to vote. That is not contradicted. That is not disputed. Take these 554 votes and the 1,564, making 2,118 votes, and you will find that in those counties I have been deprived of that number of votes.

I am coming to Jefferson County as rapidly as I can. In that county I have alleged I was robbed of 3,000 votes, and when I made that assertion my mind was exactly in the same condition as the mind of the Queen of the South was in when she returned from hearing the wisdom of Solomon; I had not told more than half of it.

The committee in making up their report by some mysterious blindness failed to see the testimony of Hon. O. P. Snyder, the first witness. There is no allusion made in the report to his testimony, the testimony of a man who was a member of the Forty-second and Forty-third Congresses of the United States. He swears that he had Bradley's tickets printed; that he circulated them in the county, and superintended the canvass for Bradley in the county, and that he knows that 4,000 republican voters were enthusiastic for me, and in his own township at least 200 democrats, which was more than half their whole number. Yet the committee have never called his name in their report. He says he had been a member of both branches of the State Legislature, of two constitutional conventions, had served two terms in Congress, had served for ten years as chairman of the republican county committee in that county, had canvassed every township, had lived there twenty-five years, had given out the Bradley tickets, and that the people everywhere were enthusiastic on that side. The sheriff, one of Slemmons's agents, says there are 4,000 republican voters in that county and between 1,000 and 1,500 democratic votes. Snyder swears that in Vaigine Township I had the votes of 1,000 republicans and 200 democrats, while Slemmons had less than 200; and in that township I got 63 majority.

Here is the way I got it. And right here the committee and I have a little misunderstanding about a rule of law, the only place I think where we differ about a rule of law. I have shown here by the testimony of one of the judges of election that the judges took the two boxes to the office of Mr. Slemmons's lawyer, Mr. M. L. Jones; that both the boxes having fourteen hundred votes in them were locked; that during the night they opened the boxes, and one of the judges each took out a handful of tickets, and each counting for himself, said to the clerk, "Put down so many hundred for Bradley and so many hundred for Slemmons." The committee says this is not admissible because it is hearsay testimony. I suppose that committee had forgotten some of the rules laid down by Mr. Greenleaf and Mr. Starkey, that while hearsay testimony is not admissible, confessions freely made are always admissible; and this testimony is the confession of one of the guilty parties. That is the way to treat that point. It is hearsay testimony; but it is a confession in the presence of A. A. C. Rogers, as shown by his testimony, a member for two terms of this House. My first two witnesses are both ex-Congressmen, and their testimony should be entitled to respect from this House.

Now I come to Jefferson County, and I ask the Clerk to read Exhibit B, attached to the testimony of H. K. White, to show the exact condition that Jefferson County was in when that election took place. And I say to every man in this House, if you want to learn what you never did know before about southern elections just listen to that testimony. It is the correspondence of a northern man to the Globe-Democrat.

The Clerk read as follows:

THE FIRE OF HATE—TWO THREATENING SPEECHES DELIVERED BY SOUTHERN FANATICS—NO WONDER THAT IMMIGRATION GOES EVERYWHERE EXCEPT TO ARKANSAS.

[Special correspondence of the Globe-Democrat.]

PINE BLUFF, ARKANSAS, June 28.

I am a northern man, and I have heard much about the feeling of the southern people toward the colored race, and have believed but little I have heard, attributing the statements to political acerbity and the eagerness to make a successful campaign. But visiting this place a week on a business tour, I found most of the business men attending a democratic convention, and as I had to wait until they were through there before I could have a say with them, I straggled into the court-house and watched the progress of a southern democratic county convention, and for unequalled, outspoken, and appalling force of utterance I think two of the speeches of the occasion excel anything of the kind I have ever heard. In this county, I am told, the colored men have, with the white republicans, a full majority of 2,500 votes. The late county judge resigned, and a democratic judge was appointed by Governor Miller. The county judge appoints the judges and clerks of election. There were present as lookers-on about two or three hundred colored men. Being called out, Major N. T. White spoke substantially as follows:

"When the republican party were in power in this State they would not respect the rights of the democrats, and now we have the power, and I am determined that they shall be paid in their own coin. A decade of oppression of these scoundrels would not serve to punish them sufficiently for their outrages on us when they were surfeited with the power of reconstruction. Now we are in power; we have the machinery of election; we have all the arts and appliances of party success so forcibly taught by Tammany. We have taken lessons, too, from republicans in maintaining official tenure by a minority against the majority. We know how to use them; we don't want to be forced to use them, but by the gods, if it becomes necessary to give the offices to our side, we intend to use them, and use them in every manner necessary to execute our designs. Ballots are our weapons, if ballots will win, and we intend to multiply our ballots as often as the kaleidoscope will multiply a ray of the sun, if found to be necessary; and if still it is found expedient, we will use sterner weapons. We come now not to lead but to drive. We come not to persuade, but to intimidate. We have exhausted persuasion. We

have labored day in and day out that we might convince by logic, but you have been deaf to logic. (to the colored men.) We have striven to excite you to friendship by retrospective reference to our boyhood associations. We have pointed out to you the common good to be secured by uniting and voting with us, that intelligence might prevail in all your offices.

"But you have not heard us, or if you have you have not heeded us. You have scoffed our advice. You have reviled our solicitude. You have spat upon our compromises. And now the hour of retribution is at hand. You may outnumber us, but you can't outvote us, for verily it is written, you shall not. We care not for Hayes; we care not for Congress. It is idle to talk to us about old Sherman and his army; we are now masters of the situation, and you had just as well wheel into line. Come freely if you will, or by force, it shall result as though you had come. Determination was never stronger than it is with us. We have come to conquer. This proud Anglo-Saxon blood of ours is not going to stoop to conquer any more; we are born to sway the inferior race, and we now but give you a behest of our nature. Believe us or not—heed not—when the ides of the September elections melt away with the western sun, and the heralds bring tidings of the battle, you will find that we have elected every officer."

Major White retired amid vociferous applause, and then came T. B. Martin, esq., who said: "Truth is mighty and will prevail. The truth of our strength lies in our intelligence. The democrats pay nearly all of the taxes in this county. They have for a long time felt that the manner in which they were taxed to keep up the expenses of the county, and to keep republican officers in office, was unbearable. For a long time the fire of their wrath against the negroes of the county has been kindling, but now it has reached a white blaze, and the incarnadine heat will not cool until every republican officer in the county has given way to a democrat. It is simply written that thus it shall be. Don't mistake the prophecy. It is not false prophecy. It is sure to be fulfilled. It is as certain as the interpretation of Joseph's dream. You have had your seven fat kine, your seven years of official rule, of power and pomp and splendor in our county affairs, and we have had our lean ones. But now our fat years approach. They are nearly upon us, and don't you doubt it. We are terribly in earnest, and we know no such word as fail. We may not have the numbers, but we have the means. You may outvote us, but we can outcount you. In short, though the heavens fall, though the whole of New England shed tears over your defeat, and each radical sheet in the land is a blaze of double-headed, high-headed columns of excitement over what they may see proper to term 'an outrage,' yet we will not falter. We may try to persuade you, but we have very little patience left in this line. Our stock of patience and forbearance with you is sold out. We propose now to lay aside turf and try stones. If you are not up the tree the stones will not hit you. You had better come down, then. You had better come to our side. Your republican leaders may tell you, 'No danger.' But believe them if you want to. If they think they are safe let them keep on in the way of their wickedness. But if they get in our way—in our grand, resolute, determined, onward, upward, glorious march of success—they must look out for their own heads. We want to avoid it. We want you to stay at home and work your cotton-fields and corn-fields; but if you don't, if you still persist in participating in the affairs of State against our will, look out for I tell you the wheels of Juggernaut will run over your prostrate bodies. This is but a word of warning, but remember it, and don't you forget it."

The speaker was frequently cheered, and when he sat down, his eyes flashing the fire of hate, I felt sorry for the poor terrified colored men present. Consternation seemed to have awed them; dismay was written on their countenances. Is it true that people in America entitled to all the rights of citizenship can be so sadly used? Is it possible that in one little county a republican majority of 2,500 can thus be overcome by brute force, by arms, and by outrage? No wonder that immigration goes everywhere else but to Arkansas.

VIATOR.

Mr. BRADLEY. I want to say now that in Vaigine Township the committee has very kindly allowed me 700 votes in that box, which added to the 2,118 with which I came to that county from Chicot and Hempstead would give me 2,818. You see I am very nearly up to the majority of Mr. Slemmons. Then come down to Melton Township, where the ballot-box was thrown away at night, and it full of tickets, and never has been counted yet, and they give me 115 votes, which makes 2,931 votes for me, overcoming Slemmons's majority entirely.

It is shown here by the testimony of the clerk of the county court that in four townships in Jefferson County the boxes were left in the woods and are lost until to-day. On the morning of the election 5,500 voters with tickets in their hands fell into the power of these party machinists, and at night they could account but for 2,700 of them, and there were over 2,700 killed and missing in that county unaccounted for. Now how do you account for that? Here are Mr. Snyder and Mr. Rogers, both of them ex-Congressmen, who swear that republicans 4,000 strong were enthusiastic for me; that is the word Mr. Snyder used. Mr. Snyder says: "I know Bradley must have received 200 democratic votes in that town."

Now we come to Spring Township and Talladega Township, in the hills, two little democratic townships, the only townships unhurt by the hands of fraud. It was shown by the chairman of the democratic county committee that they were both democratic townships; and yet I lacked only 3 votes of doubling Mr. Slemmons's vote in both of them. What do you think of that? Mr. Rogers testifies:

On one occasion, while standing at the ballot-box and giving a Bradley ticket to a colored friend who asked for it, he handed the ticket to one of the judges, but before it fairly passed out of his hands a deputy sheriff put a Slemmons ticket in the hands of the judge, took the Bradley ticket, and the judge put the Slemmons ticket in the box.

Now, the Committee on Elections—and here is where I beg leave to differ with them again—ask me why I did not go into the clerk's office and get these tickets and count them over again. In the name of God Almighty, do you mean to insult the very children of the country by taking ballot-boxes which are shown to be stuffed fraudulently and counting the ballots as mine? What more? Mr. Rogers says that all over the court-house yard democrats took pencils and ran them through Bradley's name on the tickets, under pretense of writing "For license," and then wrote in Slemmons's name. Yet this committee wants me to take these polluted, poisoned tickets out of the box and count them, and predicate my claims on the result of that counting.

I would ask that committee if there was not a piece of documentary evidence filed before the committee, a certified transcript from the Jefferson circuit court of a report of the grand jury, and that grand jury democratic, showing that every single ballot-box, election

return, poll-book, and all that had been stolen out of the clerk's office and destroyed? Where is that report? I filed it here myself, certified with the seal of the circuit court of Jefferson County. I filed it in the committee-room and it was read there. Yet I am asked by the committee to count these votes.

There is one other point. Turn to the testimony of Daniel M. Robinson, the third witness for Jefferson County, and you will find something that will enlighten you in regard to the machinery of elections. He says that on the evening after that election was over, four thousand democratic tickets were printed in the Pine Bluff Press office with the name "W. S. Slemmons" on them, and "against license." Now, the committee says that Mr. Portis has accounted for those tickets. I am afraid the committee never looked long at that question.

Mr. Portis and Mr. Haycock testify that the tickets they had printed were "for Slemmons and for license and were printed in the morning." The committee never thought of that. Dan. M. Robinson swears that the editor at four o'clock in the evening gave him a job of tickets to set up. Who is Dan. M. Robinson? He is a democrat, as he testifies, who voted for Slemmons. He printed a number of the tickets, and a young man printed the balance; and at dark, when that election was over, Mr. Portis and Mr. Haycock were there in the office of the Pine Bluff Press folding up these tickets. What were those tickets wanted for? I suppose the committee think they were wanted to amuse the school children in the country! The polls were closed at sundown, and at dark the chairman of the democratic county committee was standing in the office folding up 4,000 Slemmons tickets and taking care of them. What do you think of that? Yet you are trifled with by being asked to retain in a seat here a man who comes here with a majority made up with pen and ink, not with ballot.

One man said, "How do you expect to overcome so large a majority?" Why, sir, the very parties who made up that majority knew that it would not do to make a small majority. If the majority was made five hundred, one township in Hempstead County would overcome it. If it were made two thousand, Jefferson County would overcome it. But it might not do to put the majority too far beyond reason. So like a doctor's bill they bring it down to a fraction, and make it 2,527 majority.

It is a well-known fact that it took one month and six days to find out the result of that election. Within that time we in Arkansas could have heard the result of seventeen presidential elections. It was just one month and six days before the result of this election was announced. That was because it was necessary to wait until the doctors got through with the sick in every county.

Now, if you will examine the testimony as to Jefferson County and throw out the four thousand tickets that were doctored, you are bound to believe that my majority, instead of being 419, was 3,000. Mr. Snyder, Mr. Rogers, and others swear that the regular republican majority there was from 2,400 to 2,500; that the party supported me solidly. Then, in one township out of nearly 400 democratic votes, I got 200. Yes, sir, I received more democratic votes in that county than the contestee himself; and I could do it again to-morrow.

If this House has any doubt as to the result of this election, let it send the question back to the people. I will fold my hands and submit it to the votes of that district provided you will insure me a fair election.

I ask this House, I ask the members of this committee, this question: If Slemmons could have beaten me without these things why in the name of God were these things done? I am not charged with any fraud anywhere. Here are clean hands and a pure heart, so far as that election is concerned. It has not been charged that I am claiming this seat upon a single fraudulent vote. We knew that on a fair election we had that district two to one. I relied upon a fair election. I submit the question to this House, if Slemmons and his friends had not thought that a fair election would beat him, why were these things resorted to? I defy any philosopher to solve the problem.

I must answer one allegation in regard to Chicot County which I had nearly forgotten. The committee say that John E. Bradley, a son of mine, was in that county and contradicted the candidacy of Mr. Williams as declared by those posters. Now let me explain that matter. My son swears that he went down on the train with Dawson, who told him that he was going to Watson to establish a lodge; that when they reached Arkopolis, the end of the railroad, he took a mule and started for Lake village, leaving Mr. Dawson there; that he did not know Mr. Dawson's business, and when he came back on Saturday night he found these posters up. Dawson had taken a boat and gone down the river. The candidacy of Mr. Williams was contradicted by my son in only one little township now in another county, and was then geographically isolated from this county. But suppose he had contradicted it all over the county. Is Mr. Slemmons to come here and claim the advantage of the proclamation made by my son in contradiction of his crime? If such a proclamation was made by my son, would not people naturally say that even if Williams was a candidate, Bradley's son would deny it?

Gentlemen, I may be overcome in this contest by the power of party; I may be crowded down and crushed by party passion; but I will never compromise my moral manhood for a seat in this House; I will never surrender that manhood in order to accumulate the emoluments of a Congressman. I have a seat in the hearts of the people of Arkansas, and that seat Mr. Slemmons cannot contest, thank God. I would

rather maintain a seat upon the throne of their affections than occupy a cane-bottom chair here. [Laughter.]

I have not come here merely to get this seat. I have come here to vindicate right and justice, to stand here in behalf of twenty thousand honest men all over that district who said to me "you must contest this election." To-day I throw the *onus* on you. I ask whether by your act you will strike down law and order for the sake of party. For one vote in this House that you may gain by this act you will lose thousands of votes among the people. Will you strike down 20,000 voters in Arkansas to retain in a seat here one man who is worth nothing to you? You had better have an honest man here; a man who will act upon the convictions of his own conscience on all questions, who never did bow to the feet of any party, who never followed as a wagon-dog behind any party.

Mr. Slemmons's witnesses have undertaken to prove that I was a democrat because I was an elector for Seymour and Blair in 1868, which was the fact. I am proud to say I am a freeman; I expect to live and die free. I would rather transmit to my posterity a record as an American freeman—I would rather rise to the full-orbed splendor of American moral manhood—than occupy a seat in this House until the day of my death.

Give me justice; that is all I ask. Rather than come here and seek a seat by fraud, I would do what the contestee said in the committee-room he would do when he accused his people of wrong; I will fold up my tent and like the Arab creep out of the country. But I will never go out of my country for the crime of others. I leave the question with you.

[Here the hammer fell.]

Mr. SLEMONS. Mr. Speaker, it is not my intention to detain the House at any length on this contested-election case, and especially in view of the fact that I am vindicated and my claim to my seat indorsed by a nearly unanimous vote of the Committee on Elections. It is neither necessary for me to defend myself nor to defend the committee. Those gentlemen are able to take care of themselves. But I would be wanting in the nobler impulses of manhood and unmindful of the good name of the people whom I have had the honor to represent for so many years were I to pass unnoticed the aspersions cast upon them by the gentleman who has preceded me—that people with whom I have lived from boyhood to the present time, and in whose bosom a generous and noble friend never failed to inspire a friendly welcome. I went to that country a boy and a stranger, destitute alike of fortune and pretension; and whatever I am or expect to be to the friendship and generosity of that people I am solely indebted. I was nominated in 1878 in that district as a candidate for Congress. Soon afterward this contestant announced himself as a candidate, by whose solicitation or in whose interest I know not and care not.

Mr. Speaker, the extract from the letter just read is a cowardly and shameless aspersion upon the people of that district and State. The author of it has never been found out, yet many shrewdly suspect the gentleman himself is the author of that letter signed as a northern man. If his attacks upon my people to-day are true, may it not be true that he is the author of the letter at Pine Bluff last year?

When this case came up before the Committee on Elections it was found that through the criminal or shameful ignorance either of the contestant or his attorney they had failed to comply with the law in almost every particular. Growing out of my inclination that he and his people should have a fair hearing before that committee I waived every technical advantage I might have taken, but notwithstanding I allowed all that testimony to come in, I see from the report of the committee they have declared with almost entire unanimity I was fairly elected. The distinguished gentleman from Iowa is the only one who has reported otherwise, and he declares there was no election at all.

But I am not here, as I have already said, to defend myself. That report is sufficient. Nor am I here to defend that committee. Those gentlemen are able to take care of themselves. I am here, however, to say no man in the House or out of it would dare tell me that my friends on that occasion were guilty of fraud. The gentleman tells you I come into this House all covered with fraud. He will never tell me so outside of this House. [Cries of "Oh!" on the republican side.] He will never tell a friend of mine any such thing out of this House. He will never tell my people so. He brings up the distinguished gentleman, Mr. Snyder.

Mr. VAN VOORHIS. What would you do?

Mr. SLEMONS. I do not know; he never did it.

Mr. WEAVER. What would you do if he did?

Mr. SLEMONS. I do not mean to intimidate anybody.

Mr. WEAVER. Do you mean it in the spirit of a friend?

Mr. SLEMONS. I am not a bully; and you cannot force me into any such position.

Now, sir, he asserts that on the day of the election at Pine Bluff four thousand tickets were printed after the election. The committee has heard that and passed on it. The committee heard the testimony.

The committee heard the testimony in relation to Chicot County. The committee have passed on my acts in reference to Chicot County. I deny any act of mine, in the sending of those circulars, embarrassed or confused the people of Chicot County. I denied it before the people, and deny it now, that I had anything to do with those circulars. I presume the people took my word for it.

Mr. VAN VOORHIS. Was it not in your interest?

Mr. SLEMONS. It was not.

Mr. VAN VOORHIS. Have you any idea who got the money?

Mr. SLEMONS. The man swears, himself. Why not put Mr. Dawson on the stand? He is the man charged with carrying those posters. He was present all the time when the testimony was taken. He naturally would know more about it than anybody else. Why not put him on the stand as to whether I knew anything about it or not? That was legitimate and competent testimony. I was not there and had nothing to do with the testimony. I was here. If I had been there the testimony would have been more conclusive.

Every respectable republican, with two exceptions, in that county did support me, every one of them. I know but two men claiming respectability in that county who did not vote for me.

A MEMBER. Are there any respectable republicans there?

Mr. SLEMONS. A great many good men. I think the majority of the republicans of that county are respectable and that majority voted for me.

Now, sir, so far as the testimony in this Jefferson County is concerned, the committee have passed upon the whole matter. The gentleman charges three ballot-boxes were thrown out. That is not true. One ballot-box was thrown away—captured, I suppose, by some Ku Klux. Another was thrown down by the judges, and left until the next morning. He had the law and all the force necessary to have had that box opened and counted. In one township no election was held at all. In the city of Pine Bluff, on the day of the election, the gentleman was there. He knew whether it was a fair election or not. Why did not he see that the vote was counted? Why not bring up the judges to see whether votes were taken out at intervals?

You see the shameless assertions. Yet all of this testimony was in reach of the gentleman and his friends. The judge of elections was there; the lawyer who conducted the case for him was there; and not one of them was put on the witness-stand. No one was brought forward to testify to one word of what has been alleged in his statement.

Mr. BURROWS. Will the gentleman allow me to interrupt him a moment?

Mr. SLEMONS. Certainly.

Mr. BURROWS. Did I understand the gentleman to state that the ballot-box in one of these precincts was taken away by a masked mob?

Mr. SLEMONS. The testimony says that it was. The law requires the ballot-box with the ballots in the boxes to be carried to the courthouse. On the way in this instance the parties alleged that they were met by a masked mob who took the ballot-boxes away from them.

Mr. BURROWS. Was that a republican or democratic mob?

Mr. SLEMONS. I think they were republicans. There is no evidence to show that they were not.

Mr. BURROWS. I presumed of course that they were republicans. [Laughter.]

Mr. SLEMONS. In view of the fact that the gentleman in his statement claims that all of these were republicans, and that this was a strong republican precinct, I naturally conclude that they must have been republicans. [Laughter.] The gentleman claims, too, that he had a large majority of blacks and whites. If that be true, why did he not have a fair election? If he had the numerical strength, as he claims he had, that was all that was necessary to enable him to have a fair election, and yet, in view of that statement, he alleges that there was not a fair election. I was not there. He himself was on the spot and was the only disturber of the peace on that day. As the testimony shows, he insulted men around the polls, and one of them became impatient and struck him. That is the only disturbance I heard of. All of the republicans state that it is a fair election, and the matter about which he alludes on this point, and in reference to which this northern man writes a letter, occurred two months before the congressional election, and had nothing whatever to do with it.

Now, Mr. Speaker, having said this much, I submit that the distinguished gentlemen who have made this report here are able to take care of it and vindicate themselves from all charges which may be made against their report. For myself I feel that I am amply vindicated by the committee, and that I have been vindicated by my country. One of the witnesses mentioned here, Snyder, was once a member of Congress; so perhaps was Mr. Richards, but had no control of the republican organization in the county of Jefferson at the last election.

The Committee on Elections had all the evidence before them, and I desire to thank them for the confidence and fairness with which they have treated me and my people in regard to that election. Whatever this House may determine I am ready to abide by. The committee in its wisdom saw fit to lecture me on the subject of etiquette in my answer, and I submit to it gracefully—as gracefully as I can. I am willing and prepared to abide by the decision of this House. I bow to that decision without a murmur, whatever it may be, satisfied in the conviction that the judgment of the people of this country has long since been fully and fairly expressed on the subject.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed a bill (H. R. No. 4568) for the protection of the Potomac fisheries, with an amendment thereto, in which the concurrence of the House was requested.

CONTESTED-ELECTION CASE—BRADLEY VS. SLEMONS.

Mr. SAWYER. I yield now to the gentleman from Iowa, [Mr. WEAVER.]

The SPEAKER *pro tempore*, (Mr. COX in the chair.) For how long a time does the gentleman yield?

Mr. WEAVER. I suppose I would have the privilege of occupying the floor in my own right; but it is proper I should state that I announced to the House if the contestant in this case was allowed to address the House in his own behalf there would be no more time taken on his side; and now I do not wish to violate that agreement if there should be the slightest objection on the part of the House. [Cries of "Go on!" "Go on!"] I shall not occupy much time, and would not occupy any but for the reason that the contestant by reason of extreme hoarseness was unable to present his side of the case as he desired.

I wish to address myself first to the evidence relating to the conduct of the election in Jefferson County, and I wish the House to understand that there were four townships in that county, all of them strong republican or greenback townships, (at least the united vote was strong against the democratic party,) in which there was no election held for certain reasons which I will state, or in which the ballot-boxes were destroyed after the election. At Melton Township, a strong republican precinct in that county, the ballot-box was thrown away and has never been counted or examined by or for anybody. This township, it is understood, gave a strong majority for the contestant. Why was it necessary to resort to means of that kind in this district?

It must have been apparent to the friends of the contestee that some action of this kind was necessary, for it will be conceded that men do not ordinarily resort to acts of such grave importance as this without some pressing reason for it. The ballot-box in that township was thrown away. In Washington Township in that county, after the election, when the judges were on the way to make the returns to the proper authorities they were met by an armed and masked mob and the ballot-box and its contents taken away by force and have never been seen or heard of from that day to this.

Now, I ask, why was that done? If the gentleman, the contestee, had received a large part of the "respectable" republican votes of that township, why was it necessary to waylay the judges of election and take by force the ballot-box? Plainly for the reason that the republican votes of that township were not "respectable," as contestee styles them, and hence not entitled to be counted.

In Dunnington Township there was no return. Although there was an election held, there was no return made. That was another strong republican township. An election was held, but the judges of election in that township and in these other townships were every one of them supporters of Mr. Slemmons.

In Barroque Township, another strong Bradley precinct, there was an election held, but no return made. The officers of that township were also friends of the contestee. I submit that in a county where it is testified that upon a fair vote there would be 2,500 republican and greenback majority as against this contestee, testimony of such a grave character as this is sufficient to convince all fair men that no untrammelled election was held in that county. What security is there for the purity of this House, for the purity of the ballot-box in that State or anywhere else, if transactions of this kind are to be sanctioned and winked at by this august assembly?

The majority of the committee find it necessary to severely criticize this conduct; but their report does not go far enough. I submit we owe it to the dignity of this House, to the purity of elections, and to the general sense of justice of the entire American people that when a transaction of this kind occurs, without regard to party—I do not charge it on the democratic party here; I could not be led to believe they would sanction a thing of this kind—but we owe it without distinction of party to send the parties back to the sovereign people, and have them vote a second time and say who they desire to represent them.

Now, one word with regard to the connection of the contestee with these frauds. I was very sorry to hear him use the language he did. It was in the nature of a threat. What I say on the floor of this House I would say anywhere. I refer to his connection with the Chicot County affair, and I ask the House now to listen to the exact language of the notice of contest in this case and the reply made to it by the contestee. I quote from the notice, page 2:

2. And for the further reason that you sent one Richard A. Dawson from Pine Bluff to Chicot County, one of the counties of said second congressional district, on Wednesday before the election aforesaid, with printed posters to put up in said county, and with tickets announcing one John A. Williams as the republican nominee for Congress from the said second congressional district, asking all good republicans to support him, by which 1,500 voters in said county were confused and did not vote in said election, who otherwise would have voted for me; all of which will be proven.

The charge is direct that he sent Richard A. Dawson to Chicot County on the errand stated. What is the answer he makes to that? He passes over the entire charge that he sent Dawson there with the posters without a denial, and comes to the allegation as to the effect the posters had upon the voters. He uses the following language in reply to this explicit charge:

The charge that in Chicot County the voters were confused by a proclamation sent by me, that 1,500 who would have voted for you did not vote at all, is untrue.

What is untrue? The charge that these voters were confused by

the proclamation sent by the contestee, and that 1,500 who would have voted for the contestant did not vote at all. He denies the result merely, but not that he sent Dawson there. He is charged with having sent Richard A. Dawson with the posters. He at no time denied that till he denied it here on the floor of the House to-day.

Now, what is the testimony outside his admission tending to connect the contestee himself with that affair? The testimony shows the bills were printed at the democratic printing office, the Pine Bluff Press. There is another printing office there, that of the Jefferson Republican. These bills were printed at the democratic office and there was put at the bottom of them "Republican print"—a fraud and a lie upon its face. That was intended to deceive the voters of Chicot County. It had that effect. They accomplished in that way all they intended to accomplish. That is fraud No. 1.

H. King White, a friend and ardent supporter of the contestee, got those posters printed. Who took them from that printing office? One Sam. Ryan, another friend of the contestee. He took them to the Pine Bluff hotel. The contestee does not live in that town. He lives some sixty miles away. They were taken to the hotel where the contestee was stopping; taken to a room. The witness says he does not remember what room it was nor what room the contestee was occupying. The next thing we hear of those posters they were posted up in Chicot County. But prior to that, on the morning after they were printed, Dawson was seen standing at the depot talking with W. F. Slemmons, the contestee.

That was early in the morning. It is not shown that Slemmons had any other business in the city that night, or any other business at the depot that morning, except to give instructions to the men who were having these fraudulent posters prepared for Chicot County. Now, I submit that when you prove that these were printed at the request of an ardent supporter of the contestee, that the contestee was there when they were printed, that he was in the printing office about the time they were printed, that they were taken to the hotel where he was stopping, and that he was talking privately at the depot with the man who posted them up in Chicot County at the very moment he was starting on his disgraceful mission, that the announcement contained in the posters caused confusion in the minds of the voters, it is too late for men in this House to express any doubt that Slemmons himself was a party to the transaction.

In the notice of contest the contestant charges this fraud directly upon the contestee. How does he reply? He simply denies that confusion resulted from it. Take that testimony, piled tome upon tome, and you cannot resist the conclusion that contestee himself procured it to be done. If I had a man before a jury charged with larceny or any other crime, and had that kind of circumstantial testimony and that kind of admission from the prisoner himself, I would send him to the penitentiary; and I doubt not that in the State of Arkansas he could be hung upon such testimony, if the offense were capital.

The democratic party is called upon to purge itself of this charge that it is favoring bulldozing and all kinds of intimidation in districts where they cannot carry elections by fair votes. Here is an excellent opportunity to do it. I say to the democratic party of this country that they cannot afford to carry a charge of that kind supported by such testimony as has been adduced in this case. The way to purge that party of the impression that obtains in States that are not democratic that they are in favor of bulldozing and fraudulent practices at the polls, is to place their sovereign feet on such transactions and to say to the people: "Whenever a case comes before us tinctured by fraud, intimidation, and corruption, as in this case, you shall by our votes have the right to try the case over again and say whom you desire to represent you."

Now, what was the effect of this in Chicot County? The testimony clearly shows that the announcement of this man Williams as a candidate for Congress did have the effect of so confusing the voters of that county that they did not know what the truth was, and staid away from the polls.

Mr. MANNING. Will the gentleman allow me to interrupt him for a moment?

Mr. WEAVER. Certainly.

Mr. MANNING. Do I now understand the gentleman to be undertaking to make the impression upon this House that that "trick" of which he is speaking was not denounced promptly in Chicot County as a fraud? Does he not know that two of contestant's witnesses stated that it was denounced as a trick, and that it was actually used to benefit the contestant and to prejudice the contestee? I put it to him to answer.

Mr. WEAVER. I will answer you—

Mr. MANNING. I put it to him to answer whether the testimony in this case does not show that the contestant and not the contestee was the beneficiary of this trick in some degree, if not to entirely overcome the injury sustained?

Mr. WEAVER. I undertake to say that the testimony does not show any such thing.

Mr. MANNING. I undertook to say—

Mr. WEAVER. I cannot yield for an argument.

Mr. MANNING. I differ with you on a question of fact, and I want to state it.

Mr. WEAVER. Very well.

Mr. MANNING. I say that this report is signed by all the members of the Committee on Elections with a single exception, by all so far

as the democrats are concerned, and also signed by W. H. CALKINS, E. OVERTON, jr., W. A. FIELD, J. WARREN KEIFER, JOHN H. CAMP, with this statement:

We concur in the conclusions of law above set forth, and also in the conclusion as to the right of the sitting member to hold his seat.

The report signed by these gentlemen states the fact that there were two witnesses who testified in behalf of contestant to the effect that the trick in Chicot County which the gentleman denounces was turned to the advantage of the contestant.

Mr. WEAVER. Now let me say this in reply: In the first place I am not responsible for the action of the republican members of that committee. As the old woman said when the parrot flew into the church and began to damn the whole congregation, "You must not damn me; I do not belong to this denomination." But I will say this: that there is not one word in their concurring opinion which says that they concur in any statement of fact on the part of the majority of the committee.

The testimony shows that in one township H. W. Graves denied that John A. Williams was a candidate, and pronounced the posters as fraudulent. In that township there was a fair vote and John M. Bradley received all the republican votes of the township. But the posters were scattered throughout the county, and the denial did not reach the entire voting population. Even in that township there were 100 voters who did not attend the election in consequence of those posters. They were confused. They were ignorant colored men. They loved John A. Williams; he was their best friend when they needed a friend; and they thought that if Williams was a candidate they ought not to vote against him. It was suggested to some of them that he was not a candidate. "Well," they said, "we do not know what is the truth about it and we will stay away from the polls." They did stay away; and the effect was the return of William F. Slemmons to the Forty-sixth Congress. I say that this House ought not to sanction anything of that kind.

But it is asked how could this result to the benefit of the contestant? I will explain that. [To Mr. Bradley.] How many votes did you receive in the county of Chicot?

Mr. BRADLEY. Two hundred and thirty-six.

Mr. WEAVER. Two hundred and thirty-six votes, while the testimony is that upon a fair vote in that county there were 1,800 republican and greenback votes. Now it is a little remarkable that the contestant should get but 236 of those 1,800 votes. Mr. Williams received some 90 votes, when he was not a candidate at all, as the result of the fraudulent announcement of his candidacy. I say that upon every principle of equity the election in that county and in Jefferson County and in Hempstead County should be declared null and void. In a case like this where there is extreme doubt as to whether there was a fair election you should send the question back to the people. Let them try again and hold an honest election there.

I call upon my democratic friends representing southern districts to join me in vindicating your party and the sacred character of the ballot. I am not asking anything unreasonable. I do not ask that Mr. Bradley shall be declared elected. From the testimony I do not know whether he was elected or not. I do know, however, that if a fair election had been held in that district a very different result would have been reached from that which was declared. I do not know whether Mr. Slemmons was honestly elected or not; nor do you. No man living can stand here and say that he was certainly and honestly elected. The claim is that Mr. Bradley was swindled out of 1,500 votes and more in Chicot County—votes which he ought to have received if a fair election had been held; that he was deprived of more than 2,000 votes in Jefferson County which he ought to have received and in fact did receive, but which through fraud were not counted for him; that he was cheated out of 700 votes in Hempstead County; that he was cheated out of other votes which were cast for him but never counted.

I must say plainly that in view of the facts of this case, in view of the overwhelming testimony of wrong, intimidation, and bulldozing in that district, I am astonished that my republican colleagues on the committee ever signed the majority report. I say that an explanation is due from them to this House and to the country.

I did not expect to speak at all on this case and would not have done so had not the contestant himself grown so boarse that he could not speak. I stand here representing neither the democratic party nor the republican party. I stand here representing a new party—the national greenback party, one of whose cardinal principles is that we shall have free and fair elections North and South; that we shall have neither bulldozing at the polls by the shot-gun nor bulldozing in the North by the intimidation of the poor and the lowly in workshops, factories, and mines. We stand here to-day claiming that without regard to wealth, without regard to "respectability" even, it is the right of every American citizen who has not been disfranchised for crime to cast his vote untrammelled, without fear, favor, or intimidation, and that when his ballot has been once honestly cast the whole power of the Government should be pledged to see it fairly counted. [Applause.] This is the position of the party to which I belong.

One of the greatest dangers that to-day threatens the Republic is the hatred existing not between individual members of different parties but between party organizations divided by sectional lines. I ask gentlemen of this House to join me in rising to the high plane of

guaranteeing equal and exact justice and a free ballot to all men, no matter with what party they may affiliate. Do this and you will have done all that is necessary to convince the patriotic people in this country that you intend a fair, free, impartial election wherever the flag waves. You ought to do this. The rights of William F. Slemmons or of John M. Bradley are comparatively insignificant when weighed alongside the right of the American people to have free, untrammelled, and honest elections. The Republic is gone whenever the purity of the ballot-box is overthrown. If this nation of ours, if its Constitution, rests on anything whatever, it is upon a free and untrammelled ballot, a fair election, and a fair count. And we give you notice now on all sides of this House to-day, as we enter into the contest of 1880, let the people choose whether this shall remain a republic, or become an empire or an aristocracy, we intend to have a fair election. We will have it by any means that God and nature have placed in our hands, and the way to have it is for all parties to put themselves on their good behavior, and commence now, this day, by saying the election in the second congressional district of Arkansas shall be declared null and void, and the people of that district, as a test case, as an earnest of what we intend to do in the future—that the people of that district shall have the right this fall to say who shall represent them in the Forty-sixth Congress.

I did not expect to make a speech. I make this appeal not as a partisan; I make it, if I know what it is to rise to the altitude of a patriot, I make it in the feeling and in the spirit, not of a partisan, but as a well-wisher of my country. If in talking it has become necessary to use the name of any party harshly, remember I do not charge it upon the party as such. But if it should become the act of the party through their indorsement in this House, then it will become a very different question. I now yield the floor.

Mr. MANNING. One single moment on the issue of fact between the gentleman and myself.

Mr. CALKINS. I will yield to the gentleman for a moment.

Mr. MANNING. I was not one of the sub-committee charged with the investigation of this case, and I do not deem it important I should enter into the discussion of its merits. As remarked by the contestee, the committee making the report, the sub-committee of the general committee, is abundantly able to take care of itself both as to legal questions and the facts which have been developed.

But during the progress of the remarks of the gentleman from Iowa, with the report in my hand, I was surprised to hear him state, so broadly as it was his pleasure to do, that this "trick," which was perpetrated by a friend of the contestee in the county of Chicot, had the effect of confusing the voters in that county, and that its effect solely was to damage the contestant, and that the contestee was the beneficiary. I read an extract from that report, in which it is stated that it was denounced as a fraud, and two of the contestant's witnesses stated it was so used as to advance the interest of the contestant. I made the issue with the gentleman. I hold now, obtained in the brief moments since the issue was joined between the gentleman and myself, the testimony, the name of the witness, and the full details of that matter, so far as the witness deposing could give them. The gentleman was quite bold, he was prompt, and he wore a triumphant air when he accepted the challenge I submitted to him, and he reasserted that there was no testimony in this case showing this matter had been turned to the advantage of the contestant. See how a plain statement of the case will set him down. I read on page 43 of the printed testimony from the deposition of H. W. Graves:

Interrogatory 22. State, if you know, whether or not there were any votes cast for John A. Williams at the precinct where you were on the 5th day of November, 1878; and, if so, how many?

It will be remembered by the House, John A. Williams was the man who was presented to the people of Chicot County as the candidate of the republican party for Congress. His name was used without authority, and it was charged that it was a fraud, an imposition upon the voters of that county. This witness, Graves, answered that interrogatory:

Answer. I think there were none cast. I asserted that I believed that the posters announcing John A. Williams as a candidate were a fraud and a put-up job to defeat John M. Bradley, being satisfied that if John A. Williams was a candidate I would have heard from him and members of our county central committee of any change of programme, if any; there were more votes cast for John M. Bradley at that precinct than any other precinct in the county.

Mr. SAWYER. Let me call the gentleman's attention to interrogatory 19 and the answer on page 45.

Mr. MANNING. I am coming to that. I have had the time only to take a hop, skip, and jump over the testimony, but I have had time sufficient to enable me, I think, to set the gentleman down upon the issue which he joined with me.

Mr. WEAVER. Let me ask are you through, as I have not yet concluded.

Mr. MANNING. I beg a thousand pardons. I thought you had concluded your remarks.

Mr. CALKINS. I believe I have the floor.

Mr. WEAVER. I desire to answer the gentleman's questions.

Mr. MANNING. Then wait a moment, and I will conclude what I have to say.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. CALKINS] is entitled to the floor.

Mr. MANNING. If the Speaker please, I want but a single moment to set myself right in this connection.

Mr. WEAVER. And I suppose that I will have the right to answer. The SPEAKER *pro tempore*. The gentleman from Indiana has the floor.

Mr. CALKINS. At the conclusion of the remarks of the gentleman from Mississippi, to whom I will yield for a moment, I will resume the floor and then yield to the gentleman from Iowa, [Mr. WEAVER.]

The SPEAKER *pro tempore*. The gentleman from Mississippi will proceed.

Mr. WEAVER. That is all right.

Mr. MANNING. I desire now to read interrogatory 23 on page 43:

Interrogatory 23. State whether or not the votes cast for John M. Bradley on that day were cast by republican voters, and was the usual number of republican votes cast.

Answer. I think that all the votes he received at that precinct were from republicans. The usual number of republican votes was not cast.

Now, on page 45, if the gentleman from Iowa desires to follow me in this reference to the testimony, I will read interrogatory 19:

Int. 19. Was the mere assertion on your part that the circulation of tickets with the name of John A. Williams upon them was in your opinion a put-up job to defeat Bradley, sufficient to do away with all the influence of the posters and tickets in favor of Williams?

A. After giving my ideas and the views of other prominent republicans, the republicans there generally agreed that the printed poster was a trick, and there was a general understanding that the republicans there would vote for Bradley.

Now, if you please, interrogatory 31, on the same page.

Int. 31. Did your explanation have an influence in favor of Colonel Slemmons or in favor of Colonel Bradley?

My friend from Iowa [Mr. WEAVER] understands the witness to say—and asks us to adopt that construction—that had the effect of giving votes for Mr. Slemmons and not for Mr. Bradley; but the witness declares:

A. I don't think my explanation helped Slemmons, but saved some votes for Bradley. My intention was to help Bradley.

Now, that is as far as I have had the time to give to this evidence since I interrupted the gentleman to propound my question. I leave it for this House to determine whether I have authority for insisting he was overstating the case when he said it was not promptly denounced as a fraud.

Mr. WEAVER. By whom?

Mr. MANNING. By the man from whose testimony I have been reading. It was also so stated by Bradley's son, and if you will look at the index you will see the page where his testimony is to be found. I submit to this House whether it is not going very far for the gentleman to insist that the trick swept all the republicans away from Mr. Bradley and into the hands of Mr. Slemmons in Chicot County.

Mr. CALKINS. I yield now to the gentleman from Iowa.

Mr. WEAVER. Mr. Speaker, there are over nine thousand square miles in Chicot County. There is not a railroad through any portion of it. The announcement it is claimed of the candidacy of Mr. Williams by these posters had the effect of confusing the voters. That is the charge which I made and the testimony shows it. Let me read:

Interrogatory 15. State, if you know, what was the effect of those posters upon the republicans of this county, especially in that portion of the county where you were at that time.

Answer. The printed posters led to confusion, and were the means of keeping a great many republican voters away from the polls.

That is what the testimony shows in regard to confusion.

Mr. MANNING. What page?

Mr. WEAVER. Page 43. You took good care not to read that.

Mr. MANNING. Was there not proof to show what I said? I never intimated, and the gentleman could not have understood me to say so.

Mr. WEAVER. I refer to the reporter's notes whether the testimony did not establish that fact, and I answered it did not.

Mr. MANNING. I challenge the gentleman to pause in his remarks and let the reporter's notes be read, and it will be found I put the question whether there were not two witnesses who stated that.

Mr. WEAVER. There were two witnesses, but the gentleman seems to think the House relied on his witnesses and did not take the witnesses of the contestant into account.

But the testimony here shows that confusion followed the pretended candidature of John A. Williams. The gentleman does not deny that.

Now, there is the explanatory testimony of Mr. Graves that in the township where he (Graves) denounced the frauds the effect of the posters was entirely neutralized.

Mr. MANNING. Let me ask the gentleman to be fair enough to state that those witnesses to whom I have adverted were the witnesses on whom he relied.

Mr. WEAVER. But the witnesses the gentleman adverted to referred to the township where the posters were contradicted and not to the county in general. You [addressing Mr. MANNING] sought to set me down. That sets you down completely.

Mr. MANNING. No such thing. I am glad the gentleman is beginning to accept what I stated. If he will but improve a little further I would have no issue with him.

Mr. WEAVER. If the gentleman would take a proper view of it he would find I had been straight from the beginning.

Mr. MANNING. You have modified your statements on reflection.

Mr. WEAVER. What I have stated is a complete answer to the position of the gentleman from Mississippi that it is shown by the testimony that the circulars turned to the advantage of Mr. Bradley.

I say on the face of it that is absurd. In a county where there are 1,800 republican voters, and only 300 votes went for Bradley, to say that this fraudulent announcement printed at the democratic printing office, with a false imprint, sent out at the dead hour of night, sent clandestinely into the county by the contestee—that that resulted to the benefit of the contestant, surely nobody will believe that. I think it will be impossible for this House on a solemn vote to say that there is not sufficient doubt clinging about that election to warrant this House in unseating the contestee and in declaring the election void.

Mr. CALKINS. Inasmuch as my friend from Iowa [Mr. WEAVER] has called upon republican members of the committee to make some explanation as to how they came to sign this majority report, and being the only republican member of the sub-committee before whom this case was heard, I respond at once and think I shall be able to convince even him that the conclusion I came to from the law and the facts is well grounded, and that he is mistaken.

Mr. Speaker, in election cases where the title to the office is being tried as well as the interests of the people whom the particular person at that time represents, and the case is undergoing judicial investigation, it is no time for partisanship, it is no time to indulge in the thought or the expression as to who is the republican, who is the democrat, or who is the greenbacker. These considerations I have attempted, ever since I began serving upon the Committee on Elections, to put under my feet; and it makes no difference to me what the politics of any litigant or of any person appearing before that committee may be. Whatever the law is as applicable to the facts in each case I shall try as an humble member of that committee to apply them and arrive at a just determination. And I have no doubt the same motive actuates all the members of the committee.

Leaving these general considerations and addressing myself for a very few minutes to the facts in this case, I beg leave to remind my friend that the charges in the notice of the contestant to the contestee are unmistakably plain. The first one that I recollect of is—I do not state them in their order but as they come to my recollection—that in the county of Jefferson so many Bradley votes were put into the ballot-box, and that he was defrauded on the count of his rightful vote as cast. That substantially is the charge. Now, what is the proof addressed to that charge? The proof is that some time in the afternoon on the day of election three or four thousand tickets with the contestee's name printed upon them were stricken off at the printing office of one of contestee's friends—the testimony as to the time ranges from one o'clock to dark of that day, there being a conflict of testimony on that point. Upon the proof of that fact, Mr. Speaker, we are asked to find that these tickets fraudulently went into the ballot-boxes before or after the election closed. Although the contents of the ballot-boxes were then accessible to the contestant, not a single one of them was examined. They were all within his reach. Now, can I find as a judge or juror that because on the afternoon of the day of election these tickets were printed they fraudulently went into the ballot-box and the contestant was thereby defeated? This is an illustration of one of the points in this case and a fair sample of the disconnected way in which the case was presented to the committee and is now presented to the House.

Next, there is another charge that in Hempstead County, by murder, fraud, intimidation, and the destruction of ballot-boxes, the contestant was defrauded of a certain number of votes. What is the proof? It is in evidence how many votes were polled at each of these townships. Now count for the contestant all the votes shown in the proof to have been cast for him, and yet he lacks many hundreds of having been elected. Aside from the destruction of one or two ballot-boxes and the unauthorized arrest of one deputy United States marshal, nothing else is shown to have occurred in this county. I submit the contestant cannot complain when we have given him all he claims at these polls.

Then as to Chicot County. The committee, in their report, have already stated to the House that the circulation of the posters in that county was dishonorable—I believe that is the word used in the report—in which I heartily concur. But there must be some tangible evidence as to how those posters affected voters before you can act upon it. The evidence submitted in this county is simply the conclusions of certain witnesses.

Take Jefferson County as an illustration. It is true that the contestant put two or three men on the stand; Snyder was one of them, if I recollect rightly, and he says that the republicans of that county had united with the greenbackers and were "enthusiastic" for Bradley. He says that he or a Mr. Rogers, I forget which, was chairman of the republican committee, and that they were all enthusiastic for Bradley.

Another fact which was proven is that the republican vote of that county was about 4,500. Now, on the proof of those two facts we are asked to find that 4,500 republican voters actually voted, and voted for Bradley, and a large number of these votes were in some way counted out or fraudulently disposed of. Now, I cannot find that to be true, because there is no sufficient proof of it.

Mr. WEAVER. There was proof as to four townships.

Mr. CALKINS. Well, give the contestant all the votes proved to have been polled for him in the four townships, together with all other votes claimed and proven elsewhere and yet he lacks nearly 1,000 of being elected; something like 800, I believe.

One other word. I have no sympathy at all with any evil prac-

tices, intimidation, fraud, murder, or anything of that kind practiced on voters, either in Arkansas or anywhere else. Wherever those practices are shown to exist or whenever they occur I will denounce them, no matter in whose interest they may have been used. I have no sympathy at all with that sort of practice. But when you present a case to me to be tried, I must try it first upon the allegations of the declaration and answer and upon the proofs offered. You cannot take common history and general report all over the country of these evil practices and mix them up with the facts, and then undertake to try a case on that basis! Therefore I say that no lawyer can scan the case presented here and come to any other conclusion than that arrived at by the committee.

Now, my friend from Iowa [Mr. WEAVER] takes the other view. I do not doubt his honesty in the matter at all. He takes the view that if there is intimidation in a few places, say in three or four townships in a congressional district, which like this is composed of twenty counties, all the honest voters of the whole district must be deprived of representation on this floor until the case can be sent back to them and a new election held.

Mr. WEAVER. No, I do not.

Mr. CALKINS. That is the effect of the gentleman's position. There is no proof here at all in regard to seventeen counties. There are but three counties in regard to which there is proof, Jefferson, Hempstead, and Chicot. The statement in regard to Jefferson County rests upon the proof I have stated, the general ideas of witnesses as to what they believe. Now, if we are to try cases upon evidence of that kind, we had better supersede Greenleaf and Starkie, and adopt the rule of Lieutenant Derby, in his work entitled *Phoenixiana*. His party started out on a surveying expedition, and he supposed that they were "chaining" the distance they traveled. He was surprised to find at night that the chain had been dragged along. He then went to look at the "go-it-ometer" to find out how far the man had traveled upon whom it was fastened, but the man had stopped at a drinking place and engaged in a dance and the "go-it-ometer" registered something like twenty or thirty miles. Regarding this information as wholly unreliable and not worthy to be noted in the scientific report to be made, he hit upon the novel plan of ascertaining accurate measurements by asking a passing omnibus driver how far it was back to the hotel from where the expedition had started that morning. Upon being informed it was properly noted, and deemed entirely satisfactory.

We had better supersede all rules of evidence and establish some such method as this, if we are to take what somebody believes, or what is generally believed, or generally understood, or generally supposed, and act upon that in determining judicial questions.

Mr. FRYE. Will the gentleman permit me to ask him a question?

Mr. CALKINS. Certainly.

Mr. FRYE. I would like to inquire of the gentleman from Indiana whether or not the evidence in this case satisfies him that there was a free and fair election in this district and a fair count of the votes cast?

Mr. CALKINS. In the first place, there is no evidence at all as to seventeen counties. The district is composed of twenty counties, and as to seventeen of them there is no controversy. In but three counties was there any testimony taken, and in regard to those three counties, except possibly in Chicot, I have no doubt that the election was as fair and free, speaking now outside of the record, as we generally understand elections are in the South. [Great laughter on the republican side.] Speaking from the testimony in the case, I wish to assure the gentleman from Maine [Mr. FRYE] that, if there was in those three counties any general system of bulldozing or intimidation, it is not shown in the testimony. In four townships some suspicion of that kind is very strongly raised; but in the others it is not.

Mr. FRYE. Is it traced at all to the sitting member, who wrote that answer to the contestant?

Mr. CALKINS. There is an entire absence of testimony on that point. There is no evidence connecting the contestee with intimidations or what is usually designated "bulldozing."

Mr. FRYE. Was the circular which was sent out traced to him?

Mr. CALKINS. It is claimed on the one hand that it was, and is denied on the other.

Mr. FRYE. What is your opinion?

Mr. CALKINS. If you want to know what I think about it—

Mr. FRYE. I do.

Mr. CALKINS. I will say that if I were acting in the capacity of a judge in the trial of a civil cause, and this evidence was before me just as it now stands, I should be inclined to find that the preponderance of the evidence on that subject is against the contestee; but in a criminal cause I should be perfectly willing to give him the benefit of the doubt and acquit him. [Laughter.]

Mr. FRYE. The gentleman has satisfied me that I ought to vote for the resolution of the gentleman from Iowa.

Mr. CALKINS. I am quite sorry for that, because the gentleman ought always to vote right.

I yield to the gentleman from Ohio, [Mr. KEIFER.]

Mr. KEIFER. Mr. Speaker, I shall occupy but a few moments in the consideration of this case. It was not my purpose to say a word upon it. With a great deal of reluctance I came to the conclusion that the sitting member, Mr. Slemons, upon the testimony found in the record, was entitled to hold his seat in this House. I came to that

conclusion following the precedents which make the law for the government of this body.

There are many things in and about this case not in the record, and there are some things thrown into the record which excite a very considerable amount of suspicion that the contestee was not entirely free from very bad conduct in the course of the election in his district in 1878. But, Mr. Speaker, one thing is true—and upon that my distinguished friend from Iowa [Mr. WEAVER] will agree with me—that the testimony here which attacks a portion of the majority of the contestee obtained in that election is insufficient to overthrow his entire majority.

In all kindness to the gentleman from Iowa, without desiring to detract at all from the glory he may take in attempting to assume here to be the champion of free elections, let me say that in his report he did not find that any such thing had happened as would suffice to overthrow the entire majority returned for the sitting member. The gentleman's very short report is not quite up to his boldness on the floor of the House, for it simply suggests that there may be something in this case tending to show that Mr. Slemons was not elected. In the discharge of our duty here toward a fellow-member, are we called upon on such a finding as that to oust the sitting member? I wish to observe here that I do not deny the right of the House to reject the entire vote of a voting precinct where it is shown that intimidation, fraud, or bribery so far entered into the election as to render it impossible to eliminate it from the honest vote cast. But in such case the unlawful means used in a particular voting place would not vitiate the election held in other voting places in the district.

Mr. Speaker, there is one question which may arise, and doubtless has arisen, in the minds of many gentlemen around me. Suppose it appears by the proof that the sitting member's majority as returned is 2,827; suppose it appears that of this majority 2,000 votes were obtained through intimidation, fraud, or other improper means; suppose it appears that these 2,000 votes ought to be struck off of the contestee's majority, because the proof shows that he was guilty of fraud and violence; suppose his majority is thus reduced to about 800. Now, are we upon that sort of finding called upon to say that this gentleman was not elected. Let it be understood that we give to the contestant the benefit of every claim, every shadow of claim, that he submits; yet in the case I put it leaves the contestee with a majority of 800 unattacked. Upon such a case are you prepared to find that the contestee, as a matter of law, was not elected? That would be equivalent to saying that because he claims 2,500 majority and was entitled to claim only 800, therefore he is not elected at all. This is a proposition which the gentleman from Iowa does not meet and cannot meet. In his report he does not undertake to say that the majority of the contestee was overcome. He does suggest that if the House would find certain things which he does not undertake to say were proved by the evidence, then he is in favor of the resolution which he submits. The gentleman was a member of the sub-committee that examined this case, and if he had been able to point the committee or the House to any evidence showing that the majority of the contestee was overcome by reason of improper conduct on his part or on the part of his political friends, I would have been willing to respond to his appeal to vindicate the purity of the ballot-box. I would not draw fine legal distinctions to save the contestee or any person who might be guilty of polluting the ballot-box. But the gentleman does not make such a case. In his report he utterly fails to do so.

Now let us go one step further. If the case which I put be true—that the contestee has an untainted, unpolluted majority of 800—are we to declare the seat vacant because he has been guilty of intimidation or fraud in the course of that election?

Mr. HAZELTON. I would like to ask the gentleman how the aggregate number of votes as counted compares with the census or registry of voters?

Mr. KEIFER. I am unable to answer that question; there may be other gentlemen who can answer it.

Mr. CALKINS. There was a very light vote throughout the district.

Mr. KEIFER. Now, Mr. Speaker, I desire to call attention again to this proposition whether it is within the power of the House, properly exercised, to say to a man who has been guilty of fraud in the conduct of his election which did not affect the result of the election, whether it is in the constitutional power of Congress, to declare the election was void. I undertake to say, Mr. Speaker, in the hundred years of our constitutional history, you cannot find a case where that position has been taken. I have examined the strongest case pointed out in the history of the country, the case of Abbott *vs.* Frost, which arose in the State of Massachusetts, on which the committee reported, and the House stood by the report, and held where the charge was one of bribery by one of the parties, and they could purge and purify the ballot-box by throwing out the bribed votes, that it was the duty of the House to do it. We have the more recent case of Platt against Goode, from Virginia, where the minority of the committee reported to the Forty-fourth Congress in favor of the sitting member, and reported that there had been bribery at a certain place, I think in Norfolk, Virginia, and they held it was their duty to come forward and purge that election of all bribery and count the unbribed votes. A different rule, Mr. Speaker, is claimed to exist in England.

Mr. BAKER. I have some familiarity with the two cases alluded

to by the gentleman from Ohio, and I ask him to yield to me for a moment.

Mr. KEIFER. Certainly; but do not make a speech. If you wish to contradict this I will hear it.

Mr. BAKER. The question I wanted to submit was this: Whether, in either of those cases, there was any evidence adduced or any fact found by the committee that connected the sitting member, or the member who was adjudged entitled to the seat, with the fraud which was found to exist in the election; and whether or not the gentleman can point out a case where the party who claimed to be entitled to a seat upon the floor of this House is connected with fraud, you are to carefully tear off the fraud, so far as you can discover it, on the assumption he has done nothing but what you have been able to unearth? The rule is, where a man claims to be entitled to a seat on the floor of the House and has been connected with fraud, he is the man who is to come forward and show that all the votes he claims are fair and honest.

Mr. KEIFER. I have no objection to a question, but I do object to a speech. I take it the gentleman's position would be this, if he means to take any position at all, and I give it as an illustration, and that is in the case the return of a majority for a man was 3,000, and it was shown the man had bribed three voters only, then the burden was upon him to prove he was elected. That is the gentleman's position.

Now, take the first case, of Abbott against Frost, where the committee, without deciding whether or not the sitting member had been shown to have been guilty of bribery, but going on to state the law, say that the votes are to be thrown out, not that the sitting member is to be ousted from his seat; not that, but they say that ballots obtained through bribery ought to be disregarded. Then, to quote:

To count them in a general canvass is to place them on the same footing with the votes cast by the honest, free, and independent voter. To seat a member upon majorities obtained through such influences is to defeat the proper object for which the statute was created.

No, Mr. Speaker, the language here is "to seat a member upon majorities obtained through such influences." That leaves out of view the question, where a member does not obtain his majority through such means are we to say we would not seat him? If I understand the proposition of the gentleman from Indiana, it is to the effect that where a man has been guilty of bribery which does not affect the majority we are to resort to an absurdity and to stultify ourselves by saying still the man was not elected. It is a question of election, Mr. Speaker, we are trying now. We are inquiring as to the fact of election, not the fitness of a member to his seat.

Just one word further. It may occur to gentlemen that there would be some remedy for a case where a man has been guilty of fraud or violence, intimidation, bribery, or whatever else you choose to call it, and through that means does not secure his seat, but through that means taints himself and renders himself impure and unfit to hold a seat on this floor. If a case can be made—and I am not required to find that for the present—if a case is made against the sitting member, and it is shown he was guilty of gross fraud and violence, or of bribery or anything of that kind, the Constitution of the United States has probably pointed out to us our only remedy, and that is by expulsion.

It is said that in England they hold to the rule that where it is found a man has been guilty of bribery in his election to a seat in the House of Commons the election must be declared void, although the bribery did not affect the result, or, in other words, did not produce his majority. I do not think from an examination of parliamentary authorities that will be found to be true even in that country; but if it is, it is a rule which has grown up there where they have no written constitution to guide them in such cases. Then the rule might obtain in that country upon the theory that the man was elected, but still is unworthy to hold a seat, and, therefore, by means of an election contest he should be expelled. What we deal with here is a pure matter of election contest, and it is unfair to the sitting member to treat him as though he were on trial, with a view to his expulsion, when he should be entitled to a trial in a wholly different way for an offense which would justify his expulsion. In such case before he loses his seat here there must be a two-thirds vote against him, as provided in the fifth section, article 1, of the Constitution of the United States.

I do not find from the testimony in this case that Mr. Slemons has secured a majority of the votes for him by any of the means it is said were resorted to by him and his friends; and I undertake to say that no member of the committee found any such thing. I do undertake to say, though, Mr. Speaker, that the majority of the committee—those that signed the report proper without any qualification—did give to the contestant all that he could claim under his testimony, and then they found that if they did give him all the votes which he claimed he would still be defeated by over 800 majority. It is fair to say for the committee that they did not absolutely reject the testimony that was taken out of rule and out of time under the law. They did not reject that testimony, but they considered it in cutting down the returned majority from 2,800 votes to about 800. For my own part I wish to say that under all the circumstances I was in favor of considering that testimony, and it resulted in the entire testimony being considered by the whole committee, as will appear by looking at page 17 of the report.

Mr. BOWMAN. Will the gentleman permit me to ask him a question? I understand that his argument is based upon this proposition and I wish to ask whether he is willing to state that this proposition is applicable to all such cases, namely: if there was intimidation and fraud in the election, it must nevertheless be shown affirmatively by competent evidence that enough votes were changed to affect the result.

Mr. KEIFER. Sufficient unto the day is the evil thereof.

Mr. BOWMAN. But I wish to understand the gentleman's proposition. If I have understood his argument it is that no matter if there was intimidation and violence in the election, that unless you can identify the votes cast under intimidation and unless you prove that the result of the election was changed by these frauds it must stand as a valid election.

Mr. KEIFER. No, sir; I stated no such proposition. I submitted no general proposition of that kind. I did say that if the proof showed, after giving to the contestant everything he claimed on every hand and every vote he could claim was affected by his testimony, and then it appeared that the sitting member still had an untainted majority outside of that, it was not our duty—nay, our right—to vote the sitting member out of his seat. Now, if you undertake to infer a different proposition from what I have said, and state it as the distinguished gentleman has stated it, then I do not indorse it. I do not claim it is necessary to deal with anything beyond the testimony in this case. If from all the testimony in this case it is clear that the sitting member had an untainted majority, it is not our duty to oust him from his seat. I do regard it as absurd in the highest degree to say that a man has a majority rejecting everything to which he is not entitled, and yet at the same time resolve that that man was not elected. I say that is absurd.

As my colleague [Mr. CAMP] states here on my right, if he has committed that sort of flagrant crime which renders him unfit to hold a seat in this body, then the question may come up on a motion for expulsion under the Constitution of the United States. One gentleman asks if a man is responsible for the deeds of his party—during elections I suppose he means. To a certain extent he is; but if we are trying to see if he is guilty of the crimes which would render him unfit to hold a seat here as a member of this body, then we should have to go still further and prove by clear and satisfactory evidence that he was himself cognizant of the crimes which had been committed by his friends. Otherwise we cannot hold him responsible at all for it.

The gentleman from Iowa [Mr. WEAVER] desires a moment's time and I am willing to yield to him now.

Mr. SAWYER. I believe I am entitled to the floor.

Mr. WEAVER. I only want a moment to reply to some remarks of the gentleman from Ohio.

Mr. SAWYER. I am unwilling to yield to the gentleman any longer. You said you only wanted ten minutes before and occupied nearly an hour. I yielded then upon the understanding that you were to speak ten or fifteen minutes.

Mr. WEAVER. I did not occupy an hour.

Mr. SAWYER. I think the gentleman occupied nearly or fully an hour.

Mr. WEAVER. I desire now but a very short time, and besides I have the right to occupy a reasonable time on this matter and in this connection. I would like to ask the gentleman if he is opposed to having full and fair discussion of this case?

Mr. SAWYER. No, sir; I am not. That is just what I want.

Mr. WEAVER. Then, why do you object to allowing free debate upon it?

Mr. SAWYER. I am not disposed to cut off debate. I only suggested the gentleman has already occupied an hour.

Mr. WEAVER. I would like to ask the Speaker who has the floor?

The SPEAKER. The gentleman from Missouri is recognized.

Mr. SAWYER. If the gentleman from Iowa will indicate how much time he wants, I will yield to him for a while.

Mr. WEAVER. No, sir; I will not accept it out of your time; but I will out of the time of the gentleman from Ohio.

Mr. KEIFER. The time was yielded to me by the gentleman from Indiana, [Mr. CALKINS.]

Mr. HAYES. The hour of the gentleman from Indiana has expired.

The SPEAKER *pro tempore*, (Mr. COX.) The gentleman from Iowa [Mr. WEAVER] will proceed in the time of the gentleman from Missouri, [Mr. SAWYER.]

Mr. WEAVER. I will not take it out of his time. I propose to speak in the time of the gentleman from Indiana.

The SPEAKER *pro tempore*. The gentleman from Indiana yielded the floor absolutely.

Mr. MANNING. The gentleman from Missouri [Mr. SAWYER] has yielded ten minutes to the gentleman from Iowa. If he is now permitted to go on, we will make some headway.

Mr. SAWYER. I desire to know whether when I yielded before to the gentleman from Iowa the time he occupied was taken from the time I was entitled to?

Mr. WEAVER. Certainly not. I spoke in my own right.

The SPEAKER *pro tempore*. The gentleman from Missouri is entitled to one hour, being in charge of the majority report. The Chair has recognized him. Does he yield to the gentleman from Iowa?

Mr. WEAVER. The time I occupied before was not taken from the time of the gentleman from Missouri.

The SPEAKER *pro tempore*. Of course not.

Mr. SAWYER. Then I yield to the gentleman ten minutes.

Mr. WEAVER. I wish to say a word or two in reply to the gentleman from Indiana [Mr. CALKINS] and the gentleman from Ohio, [Mr. KEIFER.] The gentleman from Ohio says that with a great deal of reluctance he signed this majority report. Now, I want to know why he was reluctant to sign it? If it was plain to the gentleman then as it is now that the contestee is entitled to his seat, should he not have signed that report not only without reluctance but with cheerfulness? I am of opinion that the reluctance was occasioned by the startling facts that I have alluded to, which have not been denied and will not be denied on this floor by any one; that in Jefferson County the contestant was deprived of the votes of four townships; in one township by a masked mob; in another by the ballot-box being thrown away; in another no return was ever made; and in still another by no return being made.

I do not ask that you shall give to the contestant the votes which those townships would have cast for him if there had been a fair election. What I claim is this, that the evidence establishes in the mind a moral conviction that the intimidation and frauds were so extensive in the three counties named as to make it reasonably certain that if a fair election had been held in those counties there would have been a different result. That is the position. It is not fair to say, giving him all these votes the contestee still has 800 majority. The correct position is, give the contestant what he was fairly entitled to in those three counties and then the majority is completely overcome. I have not claimed that the contestant should be seated for that reason; but I say that the fraud is so extensive as to vitiate the whole election. You cannot tell to what extent that fraud went; you only know it was very extensive. The testimony of Mr. Rogers, who was formerly a member of this House, a respectable witness, and of Snyder, is to the effect that if there had been a fair election in Jefferson County there would have been at least 2,500 majority in that county for the contestant. That is the testimony of these witnesses, both former members of this House, both residents for a quarter of a century of that State and of that congressional district.

And the testimony in regard to Chicot County is that if there had been a fair election there, there would have been between 1,200 and 1,500 majority for the contestant. In Hempstead County the facts are very like the other two counties.

The point I make, and I make it squarely, is that the testimony is such as to convince the mind that there was no fair election in that district. It is not fair to say that in the other seventeen counties there was a fair election. The evidence is quiet as to that. But the testimony shows that in these three counties, if there had been a fair election, the contestant would have been chosen to this House. And the fraud having been so extensive, in defense of the dignity of this House and the purity of the ballot-box this election should be referred again to the people in that congressional district.

The gentleman says there was a light vote in that district. Why was that? The evidence shows there was such an amount of intimidation as would produce a light vote. That fact is confirmatory of my position, not contradictory of it in the least.

I am very glad, Mr. Speaker, the gentleman from Indiana [Mr. CALKINS] has referred to the ballots that were printed after four o'clock at the Pine Bluff Press office. The law of Arkansas is that the polls shall close at sundown. The great preponderance of the testimony, as the gentleman from Indiana will admit, is to the effect that after dark, or about dark, after sundown, there were printed at the Pine Bluff Press office four thousand Slemmons tickets. They were printed after the polls closed, and for a purpose.

Mr. CALKINS. Will my colleague allow me to interrupt him for a moment?

Mr. WEAVER. Yes, sir.

Mr. CALKINS. As to the number of tickets and the time at which the tickets were printed, there is a conflict of testimony.

Mr. WEAVER. I admit there is a conflict of testimony, but the great preponderance of the testimony is in favor of what I have stated. The man himself who struck off the tickets, the foreman of the office, I believe, testified that it was after dark and between five and six o'clock. That was the testimony of the man who printed the tickets, and who was a supporter of Mr. Slemmons. That is his testimony and it will be taken as true.

Now, what were those tickets printed for if they were not to be used at that election? What were they for? They were printed after the polls were legally closed. Take that circumstance in connection with the others; with the intimidation and destruction of the ballot-box in one township; with the want of returns from other townships; the masked mob; the fraud in Chicot County—take in connection with those facts, I say, the circumstance of the printing of that number of tickets after the polls were closed, and it makes assurance doubly sure that every kind of fraud was being practiced there to an extent sufficient to vitiate this election.

It is not the law that you must find there were sufficient voters intimidated—[Cries of "Vote!" "Vote!" "Vote!"] Gentlemen, you will not get me off my feet by crying "Vote!" "Vote!" When my time is out I will sit down, and not before. It may be unpleasant for you to hear what I have to say, but you shall hear it as long as I have the right to the floor. [Cries of "Go on!"]

It is not the law, I say, that you must show sufficient fraud and

intimidation to overcome every vote of the majority of the contestee. If the testimony is such as to convince the mind that there was no fair and free election in that district, then the American Congress would be justified, not only by law but by precedent and by the moral convictions of the country, in saying that the question shall be referred back to the voters of the district. There would be no wrong result to the contestee to refer this question back to the electors of the district.

I now yield the floor.

Mr. SINGLETON, of Mississippi. I trust the gentleman from Missouri [Mr. SAWYER] will give way to a motion to adjourn. [Cries of "Vote!" "Vote!"]

Mr. SAWYER. I am willing to conform to the wishes of the House in that regard.

Mr. McLANE. The gentleman yields to me to move that the House now adjourn.

The motion to adjourn was taken by a *viva voce* vote.

[Cries of "Vote!" "Vote!"]

Mr. McLANE. I will withdraw the motion to adjourn.

Mr. ATHERTON. I renew the motion.

Mr. SAWYER. It is perfectly immaterial to me whether the House adjourns now or not.

Mr. ATHERTON. How long does the gentleman expect to occupy the floor?

Mr. SAWYER. Perhaps twenty minutes.

Mr. ATHERTON. I will not insist on the motion.

Mr. BAYNE. If the gentleman will yield to me I will move that the House now adjourn.

Mr. SAWYER. I have said it is perfectly immaterial to me; I am willing to yield to the pleasure of the House. A part of the House seems to be anxious to adjourn. I do not desire to occupy exceeding fifteen or twenty minutes, and it is perfectly immaterial to me whether I proceed now or to-morrow morning. [Cries of "Go on!" "Go on!"]

The SPEAKER *pro tempore*. Does the gentleman yield for a motion to adjourn?

Mr. SAWYER. I see that the House is very impatient over this case and anxious for a speedy close of the argument upon it in order that it may come to a vote. In view of that fact I will proceed now and endeavor to be very brief in what I say, confining myself entirely to the law and the testimony of the case.

So far as the insinuation has been thrown out here that any member of the Committee on Elections or the democratic party of this House is not in favor of free and fair elections I repel it. I say that if there is any man on this floor who is in favor of and who has always maintained the principle of a free and fair election, I am the man. I never yet have yielded nor will I ever yield in my devotion to that principle to any man on this floor.

A reason may be found for the vote that was given in the second congressional district of Arkansas which I would not have alluded to but for the remarks that have fallen from the gentleman from Iowa, [Mr. WEAVER.] I had not intended to allude to it. But I can show, and show from the testimony in this case, that there are other and better reasons than any that have been given why the contestant did not receive the majority of the votes cast in that congressional district.

Why was it? It was because he was repudiated, absolutely repudiated, by the best members of the republican party. He had denied his allegiance to that party. He had denounced both the republican party and democratic party and denied his allegiance to either of them. In that may be found the reason why he did not receive the vote of the republicans.

I desire to refer to the testimony in support of this proposition, and not leave it to rest simply upon my individual statement. By turning to page 66 of the record will be found the testimony of George W. Prigmore. I quote from his testimony:

Question. What are your politics?

Answer. Republican.

Q. You stated in one of your answers on yesterday that Bradley possessed no stability of character politically speaking; why do you say it?

A. Well, I say so because I have known him since 1867, and during that whole time he has not belonged or affiliated with any one political party further than during one campaign, sometimes taking both sides of the issue before the campaign closed.

That is the testimony of a republican as to the political character of this man who comes here now contesting the seat of the sitting member. That republican tells you that Bradley belonged to neither political party, that he affiliated with neither, and that he denounced both during the same campaign. But that is not all. On page 75 will be found the testimony of George Haycock. I quote from his testimony:

Question. What are your politics?

Answer. I am a republican, and have been ever since Fremont ran for President.

Q. What influence, if any, had the compromise of the previous county campaign on that congressional election?

A. It had but very little.

Q. What position did the republican voters take in that election?

A. Quite a number that I had conversed with and I had expressed myself to thought as I did, that they would a thousand times prefer to vote for an out-and-out democrat than to vote for a man that we could not rely on politically.

Q. Who did you regard as such a man as that?

A. John M. Bradley, the contestant.

Q. Why did you think so?

A. Because he had been a candidate for Congress on the republican ticket, and two years thereafter canvassed for Colonel SLEMONS against John M. Clayton, a republican, for Congress.

Q. Was Clayton a regular republican nominee?

A. He was.

There you have the testimony of another republican as to the political status of this man who comes here now seeking the seat of Mr. Slemmons, claiming at the same time that he was a republican candidate and that the republicans were all united for him.

I read from the deposition of H. King White:

Question. Are you acquainted with the influence of John M. Bradley in Jefferson County?

Answer. I never heard of him having any, politically, religiously, or morally, in this county.

I calculate that there were two thousand republican votes in the county not offered on that day at all. Never since the separation of the State and congressional elections has the republican party polled its full strength in a congressional election; Clayton did not receive it in 1874, nor Snyder in 1876.

Clayton was a brother of Ex-Senator Clayton, of Arkansas.

I read from the deposition of the same witness on page 98:

Q. You state in your examination in chief that Mr. Bradley is regarded as exceedingly unreliable in politics. Has he ever been regarded as a democrat?

A. Yes, sir.

Q. When?

A. In the fall and winter of 1868. Bradley had to flee his own county, as he supposed, to avoid capture at the hands of Clayton's militia on account of being a klu-klux democrat. In 1874 he made the canvass with and for Slemmons, democratic nominee for Congress in the second congressional district, against John M. Clayton, the regular republican nominee, and in 1876 he made the canvass for and with Slemmons in the same district against O. P. Snyder, who claimed to be the republican candidate, and in 1878 he started out to make the canvass and write letters, which were published in the interest of Slemmons, to obtain the democratic nomination for the said Slemmons, one of which letters was written from the law office of Johnson & Bradley, in the city of Pine Bluff, and published in the Pine Bluff Press, which was next door to the law office of the said Bradley & Johnson, for which the said Bradley demanded and received the sum of \$50, claiming the same from the said Slemmons as expenses in making the trip to the county of Bradley, in said district, which he never made.

Q. How, then, do you know that Bradley wrote it?

A. He told me so, by way of apologizing for opposing me in the same canvass.

Q. When and where?

A. At his office in the city of Pine Bluff, I think about the latter part of July or August.

Q. How do you know he charged \$50 for writing that letter, claiming it to be for expenses to Bradley County?

A. He claimed in trying to secure my support as a candidate for Congress that he had never done anything in that canvass in the interest of Slemmons, except to write this one letter which had been written as coming from Bradley County, which he said was written in his office. I charged him then and there with having made a trip to Bradley County in the interest of Slemmons, which he unequivocally denied. I said to him, "Bradley, Slemmons's friends claim you received \$50 from him to make a trip to Bradley County and work up his interests there;" to which he responded, "Well, be that as it may, I did not go to Bradley County," or words of like import.

He got the money for going and then did not go. Now, Mr. Speaker, I would not have alluded to this branch of the case but for the remarks of the gentleman from Iowa, [Mr. WEAVER.] I think by this time the House will understand why Mr. Bradley did not receive the full republican vote. Every witness who has testified in this case has without exception stated that the full republican vote was not cast in that county; some witnesses say that not one-half was cast; some say from one-half to two-thirds was cast. Mr. Bradley was not the nominee of the republican party; he had not been nominated by that or by the greenback party. Upon an examination of the testimony you will find that a dozen of the most prominent and influential republicans in Jefferson County are named as supporters of Mr. Slemmons; but when witnesses on the other side are asked as to democrats supporting Mr. Bradley, they cannot name a single one.

We thus find the reason why Mr. Bradley failed of success. In the first place, he was distrusted by the republican party. He had only the greenback party for his actual support, and, as testified by Mr. H. King White, there was no greenback party in that district.

I waive entirely the question as to the legality of the testimony taken in Chicot and Hempstead Counties. It has been truly stated upon this floor that this testimony was taken out of time. It was taken after the expiration of the forty days allowed to the contestant in which to take his testimony in chief, those forty days commencing from the service of the answer of the contestee upon the contestant. The testimony shows that the answer was served on the 29th of January, 1879; the time of contestant, therefore, expired on the 10th of March following. In Jefferson County he concluded his testimony within the time allowed. But in Chicot and Hempstead Counties he commenced taking testimony on the 20th of March, and continued until the 29th, when he closed. He commenced ten days after the expiration of the time allowed him for taking his testimony in chief.

Now I desire to call the attention of the House to another fact. Upon examination of the report, it will be found that the entire time consumed by the contestant in taking his testimony (not only that which was taken outside of the prescribed time, but that which was taken within the time allowed) was only eighteen days—less than one-half the time allowed by law. The record shows no reason, no excuse, for taking this testimony in Chicot and Hempstead Counties beyond the time. I say that if ever there was a case presented to the House which deserved reprobation in this particular—if ever there was a case in which the evidence deserved to be excluded, this is such

a case. And if you throw out this testimony, the contestant has no standing whatever. But I waive that. I take that testimony and consider it, I consider the entire testimony and give him all that he or any of his friends can claim, and then I say Slemmons is entitled to his seat by from 500 to 1,000 majority. According to the testimony of his own witnesses, Graves and Wilkinson—Graves and Wilkinson are two of his witnesses—according to their testimony the republican majority in Chicot County was 1,200. Both agree on that, that the republican majority in Chicot County was 1,200. In Chicot County these fraudulent posters were circulated.

Now, before I go to that I desire to say a word as to the connection of Mr. Slemmons with these posters. What is the evidence? I will read every word of it. I defy any gentleman on this floor to point to one fact or circumstance I shall not name which will tend to connect Mr. Slemmons with that transaction. I say attention was not called to it, but I desire to call attention to the report and to the language of the report in relation to that transaction:

The object was evidently to deceive the republican party in that county, and thus induce that vote to be cast for Williams, and to lessen the vote it was supposed would otherwise have been cast for contestant. It was a shallow device, dishonorable to those engaged in the transaction, and deserves the emphatic condemnation of every friend of free and fair elections; and if the testimony was sufficient to establish the complicity of contestant with an act so dishonorable, and we were satisfied that its effect upon the voters produced a result different from that which otherwise would have occurred, we would not hesitate to recommend that the election be set aside and a new one ordered.

There is the language of the committee on that transaction, and now the gentleman from Iowa talks about this unfair election, and about this report as attempting to seat a man who was not entitled to it according to the testimony. That committee were unanimous on the question. If it could have been shown Mr. Slemmons was connected with that transaction that report would have been entirely different, and I am not sure if it would not have been different even if the result could have been shown to be different from what it otherwise would have been. So decided was that committee against such a transaction as that they would have gone far to set aside that election if testimony would have at all warranted it.

What is the testimony in regard to Mr. Slemmons's connection with that matter? There are three facts. In the first place, those posters were printed at a democratic printing office, and it is supposed they were printed at the instance of one of Mr. Slemmons's friends. Admit that. That very man who is suspected to have caused those posters to have been printed and circulated on his oath said he had no conversation with Mr. Slemmons about it. Then it was not done at the instance of Mr. Slemmons, and he had nothing to do with the printing or circulation of those posters.

In the next place, it was said they were sent to the Planters' House at Pine Bluff, where Mr. Slemmons was then stopping as a guest. No connection is shown on his part with that transaction; they were only left at the same hotel where he was stopping. That is one of the strong circumstances alluded to by my friend from Iowa to show that Mr. Slemmons had connection with the transaction. It is the second one. Richard H. Dawson, a colored man, circulated these posters in the county of Chicot. They were circulated nowhere else. They were circulated in no other county in the district. That is not pretended. He circulated them in Chicot County, and before he started from Pine Bluff to go to Chicot County he was seen conversing with Mr. Slemmons on the platform at the depot. Not one word in regard to what that conversation related to. Mr. Slemmons denies he knew anything about it. Yet, sir, on that testimony, the gentleman from Iowa said he could convict a man of horse-stealing; I say, Mr. Speaker, that is slim evidence indeed. There is not a circumstance there except the one fact that he was seen talking with Dawson on the platform. That has no significance whatever; and, in the absence of testimony showing what that conversation related to, I say that it amounts to nothing at all.

There is the testimony and the whole of it, and there is no other particle in the record showing any connection on Mr. Slemmons's part with the matter.

But why did they not examine Dawson as a witness? He was accessible to them. They knew the testimony was weak. There was Dawson, the man who circulated the posters, and he could, if anybody could, have proven the whole thing.

Mr. WEAVER. Why did you not call Dawson?

Mr. SAWYER. Mr. Slemmons was not called upon to do so because you had not made out even a *prima facie* case.

Mr. RICHMOND. You made the charge. Why did you not establish it? It was your duty to do so.

Mr. SAWYER. The testimony of two witnesses on the part of the contestant show the republican majority in Chicot County was about twelve hundred. I take their testimony and allow twelve hundred votes; although the testimony does not show or tend to show those posters led to any confusion. Ninety votes were the number Williams, the fraudulent candidate, received in that county. He did not receive a vote outside of it. The entire evidence shows, and I call the attention of the House to it, there was not in any county in the district over one-half or two-thirds of the full vote cast. A fuller vote was cast in Jefferson, Chicot, and Hempstead Counties, where the testimony was taken, than in any other in the district; certainly in Jefferson County where these great frauds were committed there was a greater vote than in any other.

Mr. HOUSE. How many votes did Mr. Williams get?

Mr. SAWYER. Ninety; and that in Chicot County.

Now, the testimony both of republicans and democrats shows that there was no excitement in that canvass. There was no electioneering, Bradley having made the only speech during the canvass, and there was nothing to draw the people out, and especially would they not come out to vote for a man of Bradley's political status. Therefore it was not an exciting time. There was very little excitement in connection with the election.

Now, what is the testimony in regard to the election in Ozan Township? There was no election held in that township, and the reason given in the testimony is that there were no election officers appointed, or judges of election. The testimony shows that there were no judges of election, but that there were three United States deputy marshals there, and the sheriff of the county was there, and yet they did not know that under the law of Arkansas they could make the poll-books and hold the elections. There was no pretense that there was any intimidation, or fraud, or anything else to prevent the election from being held. All the witnesses testified that there was nothing of the kind, but that everything was fair, and that there was no disturbance whatever in that township of Ozan. Bradley's vote I estimate at 200, that is, giving him the entire republican vote claimed in the township. The witnesses testified that if there had been an election Bradley would probably have received 200 votes in that precinct. When the question was asked how many votes Slemmons would have received, the witness could not say, but I give Bradley the entire number of votes claimed for that township, and also that Slemmons would not have received one at that precinct.

In Saline Township the conditions were precisely the same. There was no election held there. The judges were not there, though the ballot-boxes had been delivered, but they could not be found, and the testimony of their own witnesses shows that upon a full vote and a fair count of that township Bradley would have received 175 votes. I give him that majority there. That closes Chicot and Hempstead Counties.

Now we come to Jefferson County. In Melton Township, the testimony shows that the colored men there at the polls threatened to arrest one of the judges and break up the election just before sundown. They were colored men; and yet the gentleman from Iowa would have us to infer that this was done by the democrats. The testimony shows, however, that threats were made by the colored men; that they threatened to arrest Mr. Currie, one of the judges of election, and also that they had their guns stacked within convenient distance of the election place. The consequence was that the judges were afraid to remain on the ground; and Currie testified that the entire vote—and the polls were just ready to close—was 115; about, he says, 115. Now, I give 115 votes to Mr. Bradley, and I do not claim a vote there for Mr. Slemmons. I give them all to him. Bradley's friends surrounded the polls, and the deputy marshal that attempted to arrest the judge of election was a greenbacker. [Cries of "Vote!" "Vote!"]

Mr. MANNING. Gentlemen on the other side cry "vote" now, when the gentleman from Missouri is beginning to make a statement about the republican attempt to carry off the ballot-box.

Mr. BAKER. That is astonishing that the republicans would steal a ballot-box from their own stronghold. [Laughter.]

Mr. MANNING. Gentlemen, however, seem very anxious now to put a stop to the statement of this case.

Mr. SAWYER. In Dunnington Township, Jefferson County, the testimony shows that it was a democratic township, and there was no election held there, for the ballot-boxes were not there. In Barroque Township there is a small republican majority. On page 92 you will find the testimony. I offset Dunnington against Barroque Township and then pass to the rest. In Washington Township an election was held and everything proceeded fairly. There was no interruption at all during the day, none whatever. When the polls had closed, after a full and fair election, one of the judges started for Pine Bluff with the ballot-boxes, and was assaulted by armed men on the way, and the ballot-boxes taken away from him. The testimony shows that the gentleman was asked, "Do you know who it was that assaulted you?" His answer was, "I do not know who they were." "To what party did they belong?" "I do not know." There is the testimony, and yet the democrats are to be held responsible for taking away that ballot-box when there is not a particle of evidence in support of the claim that it was done by them. In the face of this fact that there is no evidence and no testimony in support of the allegation, they yet say that the democratic party is responsible for taking away that ballot-box.

And not only that, but the testimony also shows on page 92 that the democratic and republican parties in that township were about equal. So nothing can be gained upon that point for either party.

Now I desire to call attention to another point. A good deal has been said, especially by my friend from Iowa, [Mr. WEAVER,] in regard to what took place in Vaugine Township, in Jefferson County. I desire to call attention to the testimony on that point. And the entire testimony on that subject, bear in mind, was given for the contestant. The contestant examined nine witnesses from Vaugine Township, and of only one did he inquire a word in regard to the conduct of that election and the intimidation of voters. And that witness was Mr. Rogers, the only one out of nine who were examined to whom

he put a single question in relation to that matter. I want to show what his testimony is:

Question. State what you know of the manner of conducting the said election in Vauquise Township, in this county.

Answer. I was in the court-yard, where the election of said township was held, early in the morning of that election day, and saw that there was a feeling of intimidation among many of those whom I met upon the streets, caused in part, as I supposed, by the arrest of a United States supervisor of election in an adjoining township, who was under arrest and in the hands of an officer upon or near the court-yard. Colonel Bradley and myself inquired into the cause of the arrest, and receiving no satisfactory answer, repaired to the office of the magistrate whom we understood had issued the warrant, accompanied by the constable and the party arrested, and demanded a trial; this was refused; bail was offered, and it, too, refused; then, returning to the court-yard, the hour for opening the election having arrived, we sought entrance to the court-house door where the election was to be held and found the door locked. We were followed closely by a leading democrat.

That was the intimidation.

We then went to the clerk's office and found it also locked; after an interval of twenty minutes, perhaps, we returned to the door of the court-house and found it still locked; met a voter inquiring if the polls were open; he retired; we then went to the clerk's office, saw the deputy clerk just entering the door, and asked him where the poll-books were, and if he did not intend to hold an election; the same leading democrat alluded to following close behind, and demanded to know what right we had to poll-books. I said none, but simply wanted to know if they intended to open the polls and hold the election.

That is all the evidence there is in regard to intimidation in Vauquise Township. That is all the evidence in relation to this matter of the only witness examined by the contestant upon the subject at all. And yet after hearing the eloquent remarks of the gentleman from Iowa [Mr. WEAVER] you would suppose that this book of testimony was full of intimidation, and that the evidence was clear and uncontradicted. But even this evidence is contradicted by the testimony of two witnesses who were there at that time. [Cries of "Vote!" "Vote!"]

Mr. REED. I ask the gentleman from Missouri whether he will now yield for a motion to adjourn.

Mr. SAWYER. If the House will indulge me ten or fifteen minutes longer I will hurry through.

Mr. WHITE. I hope the gentleman will yield for a motion to adjourn.

Mr. ATKINS. If we cannot take a vote to-night I think the gentleman should yield for a motion to adjourn.

Mr. SAWYER. I will do so.

Mr. REED. I move that the House do now adjourn.

APPOINTMENT OF COMMITTEES.

The SPEAKER announced the following appointments on committees under Rule X:

Committee on Claims: Mr. W. G. COLERICK, of Indiana; Mr. SAMUEL L. SAWYER, of Missouri; Mr. THOMAS UPDEGRAFF, of Iowa; Mr. R. G. HERR, of Michigan.

Committee on Invalid Pensions: Mr. THOMAS EWING, of Ohio; Mr. C. UPSON, of Texas; Mr. E. W. FARR, of New Hampshire; Mr. W. A. FIELD, of Massachusetts.

Committee on Accounts: Mr. M. P. O'CONNOR, of South Carolina, and Mr. HORACE DAVIS, of California.

The SPEAKER also announced the following appointments of Delegates upon committees, under Rule XII:

Committee on Coinage, Weights, and Measures: Mr. M. S. OTERO, of New Mexico.

Committee on Agriculture: Mr. S. W. DOWNEY, of Wyoming.

Committee on the Post-Office and Post-Roads: Mr. THOMAS H. BRENTS, of Washington.

VISITORS TO THE NAVAL ACADEMY.

The SPEAKER also announced the following appointments as Visitors to the Naval Academy: Mr. F. E. BELTZHOVER, of Pennsylvania; Mr. C. B. SIMONTON, of Tennessee, and Mr. T. C. POUND, of Wisconsin.

ENROLLED JOINT RESOLUTION.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. R. No. 237) directing the Secretary of the Navy to organize a board to inquire into the present condition of the double-turreted monitors, and the propriety and cost of completing said vessels; when the Speaker signed the same.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RICE, for a fortnight from April 1, on account of important business;

To Mr. BALLOU, for ten days, on account of sickness in his family; and

To Mr. SMITH, of Pennsylvania, for three days, on account of important business.

The question being put on the motion to adjourn, it was agreed to. And accordingly (at five o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ANDERSON: The petition of J. S. Paradis, editor of the Concordia (Kansas) Expositor, that materials used in making paper

be placed on the free list, and for a reduction of the duty on printing-paper—to the Committee on Ways and Means.

By Mr. BAKER: The petition of S. S. Bonar, of Yellow Creek, Indiana, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the same committee.

By Mr. BLACKBURN: The petition of citizens of Woodford County, Kentucky, for an appropriation for the improvement of the Kentucky River—to the Committee on Commerce.

By Mr. BLISS: Papers relating to the claim of Jerome A. Eisenlord for compensation for services rendered as surgeon United States Volunteers during the late war—to the Committee on War Claims.

By Mr. CHITTENDEN: The petition of ship-owners of New York, for the passage of an act to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws—to the Committee on Commerce.

By Mr. CONVERSE: The petition of J. M. Guches and 18 others, soldiers of the late war, and citizens of Franklin County, Ohio, against the passage of the sixty-surgeon pension bill—to the Committee on Invalid Pensions.

By Mr. CRAPO: The petition of Franklin Crocker, for compensation for removal of a sunken wreck in Hyannis Harbor, Massachusetts—to the Committee on Claims.

By Mr. FARR: The petitions of G. M. Wooster and 49 others, of Bristol, and of Nathan H. Weeks and 28 others, of Plymouth, New Hampshire, farmers, merchants, and mechanics, against the repeal of the duty on paper—to the Committee on Ways and Means.

By Mr. FISHER: The petition of soldiers and citizens of Huntingdon County, Pennsylvania, for the repeal of the soldiers' homestead act, and for the passage of an act granting one hundred and sixty acres of land to each soldier of the late war—to the Committee on the Public Lands.

By Mr. FRYE: The petition of Charles W. Keyes, that he be placed on the retired list of the Army as a captain—to the Committee on Military Affairs.

By Mr. HULL: The petition of citizens of Alachua and Marion Counties, Florida, for an appropriation for Fernandina bar, or entrance to Cumberland Sound, between the States of Georgia and Florida—to the Committee on Commerce.

By Mr. HUNTON: The petition of C. W. Peery, postmaster at Mid-dletown, Virginia, to have refunded to him the sum of \$70 in postage-stamps stolen from him by burglars—to the Committee on Claims.

By Mr. LAPHAM: Resolutions of the Legislature of New York, asking that adequate appropriations be made for the improvement of the Lock Canal at Sault Ste. Marie and the improvement of the Saint Marie River and the Lime-Kiln Crossing—to the Committee on Commerce.

By Mr. McMILLIN: The petitions of William K. Stone, E. F. Brodie, H. Randolph, and 65 others, and of John L. Yates, R. B. Offutt, H. M. Moore, J. M. Etherby, and 44 other citizens, of Robertson County, Tennessee, for relief against the hardships caused by the discriminations of France, Spain, Italy, and Austria by the *regie* contract system—to the Committee on Foreign Affairs.

By Mr. MORTON: The petition of Grinnell, Minturn & Co., Brown Brothers & Co., Moses Taylor & Co., S. & W. Welsh, and 36 other mercantile and banking firms of New York, for an amendment of the Revised Statutes, so that the duties on sugar shall be assessed upon the quantity delivered from, instead of upon the quantity entered into, bonded warehouses—to the Committee on Ways and Means.

By Mr. NEAL: The petition of C. Fenchter & Son, publisher of the *Wachter* am Ohio, Iron-ton, Ohio, for the abolition of the duty on type—to the same committee.

By Mr. NEWBERRY: The petition of Philetus Birch, a Mexican invalid soldier, for a pension—to the Committee on Pensions.

By Mr. ROSS: The petitions of masters and owners of vessels engaged in the coasting trade of the United States, for the amendment of the pilotage laws—to the Committee on Commerce.

Also, resolutions of the Board of Trade of Philadelphia, Pennsylvania, asking for the appointment of a commission to examine and report what general laws relating to pilotage will be suitable for all the navigable waters of the country—to the same committee.

By Mr. CASEY YOUNG: Papers relating to the claim of Nicolla Malatesta, for compensation for property seized by United States military authorities during the late war—to the Committee on War Claims.

IN SENATE.

WEDNESDAY, March 31, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a report of Captain Bailey upon the number, occupation, and condition of the people of Alaska; also a report of the Supervising Surgeon-General Marine-Hospital Service on the same subject.

The VICE-PRESIDENT: The communication, with the manuscript.

matter, will be laid on the table and printed. The other documents have already been printed.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented a concurrent resolution of the Legislature of New York; which was read at length, and ordered to lie on the table, as follows:

STATE OF NEW YORK. IN SENATE.
Albany, March 23, 1880.

Whereas the one hundredth anniversary of the Treaty of Peace and the recognition of American Independence occurs during the year 1883; and
Whereas it is proposed during that year to hold an international exhibition in the city of New York; and

Whereas the initiatory steps have already been taken to that end, and a bill providing for holding the exhibition under the auspices of the Government of the United States has been presented to Congress, and it is now before the Senate: Therefore

Resolved, (if the assembly concur.) That the Legislature of the State of New York most heartily concur in the appropriateness and desirability of holding such an international exhibition, and that it hereby request the Senators and Representatives of this State to give their aid and co-operation in effecting proper legislation in Congress for the accomplishment of the desired end.

By order:

JOHN W. VROOMAN, Clerk.

ASSEMBLY, March 24, 1880.

Concurred in.
By order:

EDW. M. JOHNSON, Clerk.

Mr. RANDOLPH presented the petition of Annie S. Mellach, widow of E. Mellach, late lieutenant commander in the Navy, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. WINDOM presented a memorial of the Chamber of Commerce of Duluth, Minnesota, in favor of an appropriation by Congress of \$30,000, to make an immediate examination and preliminary survey of a line of slack-water navigation connecting Lake Superior and the Mississippi River and Red River of the North; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Fillmore County, Minnesota, praying for such an amendment of the patent laws as will protect innocent users of patented articles against prosecution as infringers; which was referred to the Committee on Patents.

He also presented a petition of numerous citizens of Minnesota, praying for such legislation as will prevent fluctuation in freights, and unjust discriminations in transportation charges; which was referred to the Committee on Commerce.

He also presented the petition of R. S. Austin and 25 others, citizens of Minnesota and soldiers in the late war, praying for the passage of what is known as the equalization bounty bill; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Chamber of Commerce of Duluth, Minnesota, in favor of an appropriation of \$50,000 for the improvement and enlargement of the harbor of Duluth, in that State; which was referred to the Committee on Commerce.

Mr. BALDWIN presented the petition of Walter McMillan and 24 others, citizens of Wayne County, Michigan; the petition of Ashley Pond and 19 others, citizens of Detroit, Michigan; the petition of J. F. Joy and 42 others, citizens of Detroit, Michigan; the petition of H. B. Ledyard and 40 others, citizens of Detroit, Michigan; the petition of G. G. Marshall and 42 others, citizens of Detroit, Michigan; the petition of Jesse P. Warner and 57 others, citizens of Detroit, Michigan; the petition of N. G. Williams and 43 others, citizens of Wayne County, Michigan; the petition of F. H. Tefft and 42 others, citizens of Wayne County, Michigan; the petition of J. R. Callaway and 41 others, citizens of Michigan; the petition of John Pettie and 44 others, citizens of Wayne County, Michigan, and the petition of James Hess and 13 others, citizens of Wayne County, Michigan, praying for a reduction of the duty on steel rails to \$10 per ton; which were referred to the Committee on Finance.

Mr. GROOME presented the petition of the Maryland Branch of the Universal Peace Union, asking for the permanent establishment of the international arbitration commission authorized by act of Congress of June 17, 1874; which was referred to the Committee on Foreign Relations.

He also presented the petition of the Baltimore yearly meeting of Friends, asking the enactment by Congress of laws to counteract the great evil of intemperance resulting from the importing, manufacturing, and vending of intoxicating liquors; which was referred to the Committee on Finance.

He also presented the petition of the Maryland State Temperance Alliance, asking Congress to provide for the appointment of a commission of inquiry to take testimony as to the results of the traffic in liquor in connection with crime, pauperism, the public health, the moral, social, intellectual, and financial well-being of the people; which was referred to the Committee on Finance.

Mr. CARPENTER presented a memorial of the Legislature of Wisconsin, in relation to the improvement of the Mississippi River and its tributaries; which was referred to the Select Committee on the Improvement of the Mississippi River and its Tributaries.

He also presented the following memorials of the Legislature of Wisconsin; which were referred to the Committee on Commerce:

A memorial in favor of an appropriation for the improvement of the harbor at Manitowoc;

A memorial in favor of an appropriation to restore the Oconto

River, from the city of Oconto to its mouth, to a navigable condition, to straighten and shorten its channel and protect its mouth;

A memorial relating to the improvement of the Wisconsin and Fox Rivers;

A memorial for an adequate appropriation for the improvement of the harbor at Green Bay;

A memorial for an appropriation to reopen the channel of Wolf River in Northern Wisconsin; and

A memorial for the more adequate improvement of Port Washington Harbor.

Mr. CARPENTER also presented a memorial of the Legislature of Wisconsin, in favor of the passage of a law regulating the sale of patent rights; which was referred to the Committee on Patents.

He also presented a memorial of the Legislature of Wisconsin, in favor of an increase and change of mail service in Door County; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Legislature of Wisconsin, in favor of a modification of the existing laws respecting the payment of pensions to disabled ex soldiers and sailors; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Legislature of Wisconsin, in favor of the passage of a law providing for the equalization of bounties paid to United States soldiers who served in the late war; which was referred to the Committee on Military Affairs.

Mr. LAMAR presented the petition of Emmett L. Ross, of Canton, Madison County, Mississippi, praying for the adoption by the Government of a certain postage-stamp invented by him; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. INGALLS presented the memorial of Barton Adams and others, citizens of Kansas, protesting against the passage of the bill (H. R. No. 4411) to establish an additional land office district in the State of Kansas; which was referred to the Committee on Public Lands.

Mr. CONKLING. I present the petition of Grinnell, Minturn & Co.; Brown Brothers & Co.; Drexel, Morgan & Co., and a large number of other leading business men of the city of New York asking such change in the tariff that the duties on imported sugar deposited in any bonded warehouse established under the authority of the United States shall be assessed upon the quantity delivered from the warehouse instead of the quantity entered into the warehouse. I move that this petition be referred to the Committee on Finance.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CALL, from the Committee on Pensions, to whom was referred the petition of Mrs. Cornelia F. White, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. No. 1564) granting a pension to Mrs. Cornelia F. White.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (S. No. 1278) for the relief of Lewis D. Allen, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 254) for the relief of Herman Biggs, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. VANCE, from the Committee on Naval Affairs, to whom was referred the petition of Rear-Admiral Fabius Stanley, United States Navy, praying for arrears of pay, reported adversely thereon, and the committee were discharged from the further consideration of the petition.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. No. 1001) to authorize the auditing of certain unpaid accounts in the Indian Bureau, reported it with amendments.

Mr. CARPENTER, from the Committee on the Judiciary, to whom was referred the petition of George H. B. White and others, praying for the passage of an act to amend the Revised Statutes relating to legal holidays in the District of Columbia, reported adversely thereon, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 1444) to amend the Revised Statutes of the United States for the District of Columbia relating to public holidays within said District, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the bill (S. No. 1063) for the relief of William J. Gamble, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HEREFORD, from the Committee on Claims, to whom was referred the bill (S. No. 1179) for the relief of Mattie S. Whitney, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. LOGAN, from the Committee on Military Affairs, to whom was recommended the bill (S. No. 131) for the relief of John W. Chickering, reported it with an amendment, and submitted a new report thereon; which was ordered to be printed, and the former report withdrawn.

He also, from the same committee, to whom was recommended the bill (S. No. 965) for the relief of D. T. Kirby, reported it with an

amendment, and submitted a new report thereon; which was ordered to be printed, and the former report withdrawn.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 692) for the relief of Robert A. McMurray, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. PRYOR, from the Committee on Claims, to whom was referred the bill (S. No. 677) for the relief of E. Troisgros, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WITHERS. I present on behalf of the Committee on Pensions a report to accompany the bill (S. No. 496) providing for the examination and adjudication of pension claims, the preparation of which has been delayed a few days in order to obtain some statistical information. I ask that the report be printed, to be considered in connection with the bill.

The VICE-PRESIDENT. The report will be printed under the rule. Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1456) to amend section 2022 of the Revised Statutes of the United States, reported it with an amendment.

BILLS INTRODUCED.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1565) to revive the act approved June 3, 1856, and to make grants of land to Morgan's Louisiana and Texas Railroad and Steamship Company and to the Louisiana Western Railroad Company, and for other purposes; which was read twice by its title, and referred to the Committee on Railroads.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1566) to establish a mail-route in the State of Nebraska; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1567) to designate, classify, and fix the salaries of persons in the railway mail service; which was read twice by its title.

Mr. MAXEY. I call the attention of the Senator from Minnesota to the fact that there is a bill already pending on the Calendar to accomplish that very object, having been reported favorably from the Committee on Post-Offices and Post-Roads.

Mr. WINDOM. I understand the Senator, but I do not know whether this bill covers the same points. Possibly it does; but let the bill go to the Committee on Post-Offices and Post-Roads, if there be no objection.

Mr. MAXEY. Very well.

The VICE-PRESIDENT. The bill will be referred to the Committee on Post-Offices and Post-Roads.

LOUISIANA SENATORIAL INVESTIGATION.

Mr. CAMERON, of Wisconsin. Mr. President, I desire to call attention to a matter which I deem a matter of privilege. A sub-committee of the Committee on Privileges and Elections sat in New Orleans during a portion of the months of November and December, and took evidence, or what by courtesy is called evidence, in the Kellogg-Spofford case. Mr. Spofford, the contestant, introduced as a witness in his behalf a gentleman named E. L. Weber, the same Weber who became somewhat notorious some years ago by reason of the testimony he gave before the Potter committee.

Mr. Weber appeared before the committee and went on the stand, according to my recollection, about two o'clock in the afternoon of Saturday. He was examined in chief by the Senator from Georgia, Mr. HILL, the chairman of the sub-committee. His testimony was what the newspapers would call "important if true." After the examination in chief was completed, I stated that I preferred not to cross-examine him until the stenographic notes of his testimony should be written out by the stenographer, so that I could have the testimony before me to guide and direct me in the cross-examination, and I asked that the cross-examination might be postponed until his testimony could be written out. The request was readily acceded to by my associates on the committee. Mr. Weber then addressing himself to me inquired if the cross-examination could be completed that day. I stated, in substance, that I did not think it could be. He then stated that he was engaged in business at Donaldsonville, where he resides; that the next day, Sunday, was the best business day of the week, and that he desired very much to be at home in order to attend to his business. After some conversation between the witness and the members of the committee it was agreed that he might go home that day, Saturday afternoon, with the understanding that he would return to New Orleans and submit himself to examination the next Monday morning, he stating that he could arrive there, according to my recollection, about eleven o'clock.

Mr. CONKLING. What was his business?

Mr. CAMERON, of Wisconsin. He is a merchant at Donaldsonville.

Mr. HILL, of Georgia. That is right, at eleven o'clock.

Mr. CAMERON, of Wisconsin. Donaldsonville is situated, as you all know, on the Mississippi River some sixty or eighty miles, I do not know the exact distance, above New Orleans. It is connected with New Orleans both by the river and by railroad. He did not return on Monday. I made inquiry concerning him either on Monday or Tuesday, and it was stated by Mr. Walker, the counsel for Mr. Spofford, that Weber had sent word to some person in New Orleans, who

had communicated that intelligence to Mr. Walker, that when he arrived at home he found his clerk drunk, not attending to business, and his wife and children sick. I remarked at the time that I discredited the statement because it was not likely that so many misfortunes would come down upon him at the same time.

The sub-committee remained in New Orleans and continued to take testimony, I think until Wednesday evening or Thursday of that week. Mr. Weber did not appear again before the sub-committee. I stated before the sub-committee adjourned that if Weber did not appear for cross-examination I would move before the full committee, after the sub-committee returned to Washington, to strike out his testimony. There was no action taken upon the matter by the sub-committee. The sub-committee returned to Washington and the investigation was pursued by the full Committee on Privileges and Elections. Mr. Shellabarger, who appeared before the committee as the counsel for the sitting Senator, Mr. KELLOGG, moved for an attachment against Weber as a witness in contempt. The committee, according to my recollection, unanimously were of the opinion that he was entitled to such attachment. Thereupon the counsel for Mr. Spofford, Mr. Merrick, stated that he was very anxious to bring the examination of witnesses to a close, and that if the issuing of the attachment were not insisted upon he would consent that the testimony of Weber might be stricken from the record. There was considerable discussion over the matter, and it was finally agreed by the committee unanimously, and with the assent of the sitting Senator, Mr. KELLOGG, and the contestant, Mr. Spofford, that the testimony of Weber should be stricken from the record, and such an order was thereupon made. I said then, "The testimony of Weber will not appear in the volume of printed testimony." Some member of the committee remarked, "Certainly not; the committee has stricken it from the record."

Day before yesterday the volume of testimony in the Kellogg-Spofford case was placed upon our tables. I looked it through, and you may imagine my surprise when I found, commencing on page 860 and closing on page 865, the testimony of Mr. Weber in full. I looked to see whether there was any foot-note showing that the testimony of Weber had been stricken from the record. I looked to see if there were any lines drawn across it to show that it was not a part of the record. I did not find them; but finally I found on the last page of the printed volume before the index this note:

The testimony of E. L. Weber, pages 860 to 865, is stricken from the record by order of the committee.

Mr. HILL, of Georgia. On what page is that?

Mr. CAMERON, of Wisconsin. It is on the last page before the index, page 1239.

After this statement which I now make, and after a reference to the action of the committee in regard to the testimony of Weber, it can do no injury to Mr. KELLOGG, so far as the Senate is concerned; but this volume of printed evidence will go into the public and private libraries of the country; it will be read by thousands who never will hear this statement which I now make, and whose attention will never be called to the note on the last page of the printed volume in which it is stated, and correctly stated, that Weber's testimony was stricken from the record.

I do not know whose duty it was to see that this testimony did not appear in the volume of printed testimony. It certainly was the duty of some one to see that it was actually and in fact stricken out and excluded from the volume of printed testimony.

I desire simply to call attention to this matter at this time in order that the sitting Senator [Mr. KELLOGG] may not be prejudiced by the testimony of Weber.

Mr. HILL, of Georgia. Mr. President, I desire to say that the statement of facts made by the Senator from Wisconsin as to what occurred in New Orleans is correct. So far as the printing of this testimony is concerned, even conceding that Weber's statements ought to have been manually stricken from the record, I have only to say that I am not aware that any member of the committee had anything to do with supervising the printing. I am sure I have never regarded that I had anything to do with it. I was not the chairman of the committee here at all, and the order to strike out this testimony was made here in general committee. I had nothing whatever to do with it, nor did I give any order in connection with the printing of the testimony, except at the request of the sitting member, conveyed to me through the chairman, that he should be allowed to have slips of the testimony as rapidly as the proof was corrected and printed. He made that request, I understood, and I stated in committee that that request was granted. That is all I have had to do in connection with the printing.

There are one or two facts that the Senator has forgotten, I apprehend. Some time after we arrived from New Orleans he asked me if I did not think Weber was in contempt and ought to be attached. I promptly said to him that I thought he was, and, if the Senator desired, I would sustain him in any movement to attach Weber. I thought Weber's conduct was inexcusable, and he ought to be brought before the committee and cross-examined to the Senator's satisfaction. I have no doubt the Senator will remember that.

Mr. CAMERON, of Wisconsin. Certainly; I remember it.

Mr. HILL, of Georgia. There was no request, that I remember, for an attachment. My understanding of Judge Shellabarger's motion was that Weber should either be attached or his testimony stricken

from the record. I was very clearly of the opinion that one or the other ought to be done. This man had been before the committee; he had undergone a direct examination, and the Senator from Wisconsin very reasonably, I thought, said that he could not cross-examine him until the testimony was written out.

Mr. LOGAN. Will the Senator allow me to call his attention to one fact?

Mr. HILL, of Georgia. I will get to that fact, no doubt.

Mr. LOGAN. It is in reference to the Senator's statement that no request was made.

Mr. HILL, of Georgia. I say I will get to that fact if the Senator will allow me to go on.

Mr. LOGAN. Certainly.

Mr. HILL, of Georgia. I have no doubt it is on pages 1185 and 1186, what I am going to call attention to. It is wholly a matter of indifference whether the counsel asked for an attachment or not. It is a matter of great indifference, for every member of the committee was ready either to grant him an attachment or to strike the testimony from the record.

But I was going on to say that this man appeared before the committee at New Orleans and was examined directly. The Senator from Wisconsin very reasonably asked that he should have time to have the testimony written out in order to cross-examine him. We all concurred in that. It was at Weber's own request that he was excused until Monday at eleven o'clock. He did not return. There were some ideas in the minds of members of the committee at New Orleans that the sub-committee could not attach anybody or bring him back. I myself felt strongly inclined to send for him and bring him, if I had been asked, because I wanted everybody to have a fair chance. So from the beginning I was willing that this testimony should be stricken out or the witness attached and brought before the committee, and I was perfectly willing that the sitting member and his friends should determine which remedy they would have. I would have voted for either very cheerfully.

I think about the 15th of January, long after the testimony had all been printed, this question came before the committee, and the Senator has omitted to read what the committee did. He has simply read the foot-note on the last page. If the Senator will turn to page 1185 he will find what occurred before the committee. It is printed in the record, and shows that whoever did superintend this printing had no disposition to do any injustice to anybody. On page 1185, at the bottom, you will find this:

Mr. Shellabarger, counsel for the sitting member, submitted to the committee, without argument, objection previously made by him to the testimony of E. L. Weber, taken by the sub-committee in New Orleans, without the cross-examination having been pursued on behalf of the sitting member.

Mr. Merrick, counsel for the memorialist, submitted the matter to the committee without argument.

Upon the question being put to the committee, the testimony of E. L. Weber was unanimously stricken from the record.

That ought to satisfy anybody. But before this order was passed the testimony had been printed. That was the trouble, I suppose. I am not a printer, and I do not know anything about it.

Mr. CAMERON, of Wisconsin. Does the Senator understand that it could not be excluded from this printed volume after it was printed in leaves, as we had it before the committee?

Mr. HILL, of Georgia. I do not know. My understanding is that it was printed before that.

Mr. CAMERON, of Wisconsin. I do not know whether it was or not. I was told—

Mr. HILL, of Georgia. Oh, yes; this order was on the 15th of January. You will remember that the testimony taken in New Orleans was before us, I think, long before that, printed; but the printer can answer. I do not know anything about that. That is my recollection.

Mr. CAMERON, of Wisconsin. I stated the substance of what appears on the page to which the Senator now calls the attention of the Senate, that the committee agreed to strike from the record the testimony of Weber, and what I complain of is that it is not in fact stricken from the record, but that it now appears as a part of the printed volume of testimony.

Mr. HILL, of Georgia. The Journal shows, the proceedings of the committee show, that it was ordered to be stricken out and is therefore not in testimony. I do not suppose any Senator will be deceived. I do not know whether it should have been manually stricken out, whether the type should have been taken down or not. My understanding is (though I know nothing in the world about printing) that this testimony was set up in sticks, that it was first printed for the use of the committee, that the type is preserved or a sufficient number of copies stricken off for the whole Senate when it is stricken off for the committee, and that when the testimony is finally closed they simply stitch the copies together and send it to the Senate. That was my idea. That was why I stated a week ago last Monday that I supposed the testimony was already printed; and you will find in the RECORD that I made that statement. Although it had only been ordered to be printed for the committee, I supposed that really it had been printed for the whole Senate. I suppose that is just the way it occurred, that the type had already been set up, the matter had already been printed for the committee; and the Public Printer, or the stenographer, or whoever had supervision of it, simply did not take down the type. If it could have been done, he ought to have done it unquestionably. I think it would have been better; but I have noticed

in a great many cases that that is the way it is done. When testimony is ordered to be stricken out, it is no longer evidence; and whether it is manually stricken out or not, I do not think makes much difference. As illustrative of that I would call attention to another thing. Some complaint was made of some affidavits. The committee, a majority at least, established a rule in New Orleans that *ex parte* affidavits were not admissible unless made by persons who were charged to be parties to the crime being investigated, that the outside *ex parte* affidavits of citizens could not be admitted, because the party involved was entitled to a cross-examination; but that the affidavit of a party to the conspiracy, a party to the crime charged, could be admitted simply as an admission by a party to the fact; and the circumstance that it was put in the form of a written affidavit did not destroy its character as an admission.

Mr. CARPENTER rose.

Mr. HILL, of Georgia. I do not want to go into a discussion now. I am simply stating the facts.

Mr. CARPENTER. I want to know the fact under discussion.

Mr. HILL, of Georgia. We regarded every man who received a bribe as a party to the crime, as well as the man who paid it.

Mr. CARPENTER. As entitled to the privilege of being considered a party to the crime!

Mr. HILL, of Georgia. I will not undertake to determine that very nice question, whether it be of politics or casuistry.

Mr. CAMERON, of Wisconsin. I will say here, to preserve my reputation as a lawyer if I have any, that I dissented from that ruling of the committee.

Mr. HILL, of Georgia. I said it was the act of a majority. I do the justice to the Senator from Wisconsin of saying that he dissented from almost everything that was done, and really he is not to blame. He was a general dissenter. There is no doubt about that. I think he was the head of the dissenters at New Orleans.

Mr. CAMERON, of Wisconsin. The only one.

Mr. HILL, of Georgia. He dissented from everything except something that was on his side, and I never heard him dissent from anything that was.

Mr. CAMERON, of Wisconsin. I dissent from that statement now.

Mr. HILL, of Georgia. I do not mean to be offensive to the Senator; but I want to call attention to the fact that somehow or other two affidavits got into the record that were not admissible under that rule. They were the affidavits of persons who were not members of the Legislature, and not officers of the Legislature, and in no way connected with the crime charged, which was charged to be a conspiracy. Attention was called to the fact in New Orleans that two affidavits had gotten in. It was called in this way: It seems that the Senator from Wisconsin offered to introduce the affidavit of a Mr. Magloire, who was no member of the Legislature and was an outside person.

Mr. KELLOGG. No; he was a member of the Legislature.

Mr. HILL, of Georgia. That was objected to. I do not remember who he was; but he certainly was not a party to any crime charged, so far as I know.

Mr. KELLOGG. He was one of the parties actually charged with receiving a bribe.

Mr. HILL, of Georgia. I do not wish any statement from the sitting member. I am going to read from the record:

Senator HILL. I said I would admit the affidavits of parties who were parties to corruption, and those affidavits only are admissible.

Senator CAMERON. I move, then, to rule them out.

That is, attention was called to the affidavits of Franklin and Kelley, who were not parties to the corruption, and when that rule was restated the Senator from Wisconsin simply said:

I move, then, to rule them out.

Senator HILL. I think they ought to be if they are outside parties and were at the time.

Senator CAMERON. I move, then, to strike them from the records, the affidavits of Kelley and Franklin.

Senator HILL. Strike them out, Mr. Stenographer, all the affidavits, those of Benjamin Franklin and James Kelley.

The objection to the affidavit of Pierre McGloire was thereupon sustained.

So he must have been, I suppose, not a member. I do not know whether the affidavits of Franklin and Kelley appear in this printed record or not, but I believe they do.

Mr. LOGAN. They do.

Mr. HILL, of Georgia. I have not seen them, but I will say that they were ordered to be stricken out, and the order is here in the printed record. So very clearly neither the testimony of Weber nor the affidavits of these witnesses are evidence.

I will call attention to another fact, that in looking at the index I have been unable to find this testimony, because it is not indexed. I do not see that either the affidavit of Franklin and Kelley or the testimony of Weber has been indexed. I suppose the gentleman who indexed the testimony knew that was not testimony and did not index it. I therefore was at some trouble in finding any of this testimony.

Mr. LOGAN. If the Senator will look in the index he will find the reference to Kelley and Jeremiah Blackstone on page 1256; he will find that their affidavits are indexed.

Mr. HILL, of Georgia. I looked at page 1256 and it appears to me the affidavits are not indexed.

Mr. LOGAN. Page 1253, I should have said.

Mr. HILL, of Georgia. The affidavits of Blackstone, De Lacy,

Flanagan, Johnson, Jones, Milon, Seveignes, and McGuire are stated. I did not look at page 1252.

Mr. LOGAN. On page 689 you will find these affidavits annexed. Mr. HILL, of Georgia. They may be there, but they were ordered to be stricken out. They are no part of this record.

Mr. CARPENTER rose.

Mr. HILL, of Georgia. I advise my friend from Wisconsin [Mr. CARPENTER] to be patient. I have seen men lose their strength by being too impatient sometimes. Let us be patient. The contest as to what this evidence does amount to is going to come up by and by, and we will not be determined just yet. I say very cheerfully that the testimony of Weber is no part of the evidence reported by the committee. It was ordered to be stricken out here by the general committee, and I respond this morning because the chairman of the committee is not here—yes, I see he is here, but I did not know that he was here when the question arose—and because the testimony was taken in New Orleans, and because I have seen a spiteful reference to this thing in connection with myself. The affidavits are not testimony either, and the record shows that they were stricken out. I believe they nevertheless appear, but I do not know anything about it.

Mr. SAULSBURY. I simply desire to say in reply to the suggestion of the Senator from Wisconsin that it was somebody's duty to have seen that this matter was stricken out; that it has always been usual, I believe, on the part of this committee, to intrust entirely to the stenographer the superintendence of printing the testimony which is taken by it. I am sure that there was no disposition on the part of any member of the committee to have incorporated in the record of testimony anything that by the action of the committee had been excluded. If there had been any duty devolved on any member of the committee in reference to the particular testimony taken at New Orleans, it would have devolved on the sub-committee appointed to go to New Orleans. The general committee itself conceded to the sub-committee after going to New Orleans the right and propriety of superintending the further investigation after they returned to Washington. As the chairman of the committee, I requested—

Mr. MORRILL. Will the Senator allow me to ask him whether he would have any objection to having this testimony stricken out so that it shall not form a part of the permanent record of the Senate in relation to this matter?

Mr. SAULSBURY. Not the least objection in the world. The only difficulty is that I do not see how you are to do it without printing anew the entire testimony. The testimony taken by the sub-committee in New Orleans was in type, I presume, at the time the order of the committee was made to strike this out of the record, and I suppose that was the reason why it was not omitted from the record, the type already having been set up and a sufficient number of copies printed for the use of the committee, and perhaps a greater number, though I do not know anything about that, because it has never been customary with that committee to pay any attention personally to the superintendence of the printing of testimony. It has been left to the stenographer to superintend the printing of testimony so far as I have known in every investigation before the committee. Personally, I am sure that I gave no attention to it as chairman of the committee. If it had devolved upon me, and the committee had expressed a wish that I should personally give some attention to it, I would have done so; but I did not understand that that was any part of my duty as chairman of the committee.

The suggestion of the Senator from Wisconsin that some person ought to have attended to this matter left an implication, perhaps, that the chairman of the committee might have attended to it, whereas it was certainly understood that the superintendence of the investigation of the Louisiana case, having been submitted to the sub-committee, it should be under the control of that sub-committee when the examination was resumed in Washington.

Mr. INGALLS. Mr. President, I think it is due to the Official Stenographer of the Senate to say that neither he nor any of his force is responsible for the evidence that was taken before the sub-committee in New Orleans.

Mr. HILL, of Georgia. Nor here either, after we came back.

Mr. INGALLS. And that if any mistake or error has occurred, it is not due to any member of his staff.

It seems to me very strange if the statement of the Senator from Georgia is true, and this testimony was ordered to be stricken out, and it appears wrongfully in this volume, and as appears from the statement of the Senator from Wisconsin that it is prejudicial in some way to the Senator from Louisiana, that the Senate should hesitate upon the expenditure of a few dollars, as to whether this record should import verity or not. I understand that the usual custom is to print 1,900 copies of this document for the use of the Senate and House of Representatives and for distribution through the various Departments of the Government. This allows three copies to each member of the Senate, and one to each member of the House. The rest are distributed through the Interior Department and other branches of the Government for distribution to the public libraries of the country.

That course has not been taken, and it will not cost to exceed \$2,000 or \$3,000 at the outside, to do justice and have the absolute truth in this matter, and it seems to me that, rather than discuss the question whether or not this shall be considered as evidence in regard to the right of the Senator from Louisiana to his seat or not, the Senate should take immediate steps to see that its records are correct, that these incorrect records of this testimony should be withdrawn, and

that the testimony as it was really taken before the committee should be set up in the printing office and distributed as the committee finally ordered it to appear. I do not know what course the Senator from Wisconsin chooses to take, but it seems to me that a motion should be made promptly that this record should be withdrawn and those offensive portions should be stricken out, and that the proper number of the testimony as it ought to appear shall be printed for the use of the Senate.

Mr. LOGAN. I intended—my colleague on the committee and myself have conferred in reference to it—to make the motion mentioned by the Senator from Kansas. I do not desire to discuss the proposition at all; in fact I am not in a condition to do it; but having examined rather cursorily this testimony I find several instances, or at least two, in which very important testimony, if true, is left in the volume, though it was ordered to be stricken out. I therefore make the motion that the document as printed thus far be suppressed, and that the Senate order a reprint of the testimony as taken by the committee, with the exception that the testimony ordered to be stricken out be left out of the record. I make that motion and ask leave to enter it now.

Mr. SAULSBURY. I will say to the Senator from Illinois that the testimony perhaps could be corrected by restitching the volume as now printed, leaving out the parts objected to, without the trouble and delay of reprinting the whole testimony.

Mr. LOGAN. Very well; any way so that it is out. Suppress that portion of it and the object is accomplished.

Mr. SAULSBURY. With the understanding that there shall be no unnecessary delay, let that be done. The testimony now in the volume may be unstitched and the sheets objected to can be omitted from the testimony, and so far as the committee is concerned, that is so far as I have had an opportunity to consult the committee, there is not the slightest objection in the world to that course.

Mr. LOGAN. Very well; so far as that is concerned I will say to the chairman that the only object of reprinting is merely to get out of the record this testimony that is now improperly in the record. If the Printer can use the same document, extracting from it this improper testimony and then restitching the volume, of course I have no objection to that. The only object is to get the volume correct, and I make that motion; and if the motion prevails, then such course as the chairman of the committee may suggest to the Public Printer in regard to it can be taken so as to comply with this order, and it will be perfectly satisfactory.

Mr. SAULSBURY. If the Senator will modify his motion—

Mr. LOGAN. I was just about to change the motion, and if the Senator will allow me I will do so. I make the motion now that the record be so changed as to leave out the evidence which was ordered by the committee to be stricken from the record.

Mr. SAULSBURY. I have no objection to that.

The VICE-PRESIDENT. Is there objection to the suggestion of the Senator from Illinois?

Mr. LOGAN. I mean all evidence improperly in the record.

Mr. HILL, of Georgia. I do not suppose there is a member of the committee or of the Senate who would think of taking the slightest advantage of the appearance of this testimony in this record. It would be contemptible. I do not suppose there is any member of the Senate who is not perfectly willing to get rid of it. My own judgment is that the statement in the body of the report that the testimony was stricken out by the unanimous vote of the committee, and then the errata added, stating also that it was stricken out, do get rid of it. That is my judgment. But I will say to the Senator from Illinois that I think, if he wants the thing gotten rid of, not only legally but actually and does not want these pages there, the suggestion of the Senator from Delaware is a great deal the best one, because if we order this whole record reprinted, which I think wholly unnecessary, these old reports will still be here. Senators talk about posterity looking into it and the country looking into it. If so, they might find these old records. The best plan I think, if anything is to be done, is to order that these same printed volumes be taken and these omitted pages be taken out.

Mr. LOGAN. If the Senator would have listened to the motion as I corrected it he would have seen that I corrected it so as to meet the suggestion of the Senator from Delaware so that it might be done either way—

Mr. HILL, of Georgia. I think that is the best way if it is done at all.

Mr. LOGAN. That is a matter for the Public Printer. I will state my object. It is very well for us to say the Senate will not be governed by this testimony improperly in the record; but we know how easy it is to read it if it is in the record. I will not say that Senators do not always read a volume like this; but I will say that it is a pretty hard piece of labor, and sometimes persons are so busily engaged that they do not do so, and a Senator would be as likely to make a mistake in argument by reading the improper testimony as he would be apt to read the testimony correctly as it is found in the record. By reading it it would go into the RECORD and become a part of the RECORD, and the fact would not be known by persons who read it ordinarily that it was excluded, as evidence, but it would be taken by them to be proper testimony in the case. Hence, I desire that it be excluded entirely so that it cannot by any possibility get into the RECORD as proper testimony to go before the country. That was the object I had in the motion.

Mr. HILL, of Georgia. I do not think that the evil apprehended by the Senator from Illinois could occur in any event. We do not ordinarily have printed or written speeches; the speeches here are delivered; and any Senator undertaking to use this testimony on this floor would be corrected at once. He would be corrected by the volume. I will say that while I think there is nothing in this matter one way or the other, I have never really regarded the testimony of Weber as amounting to much anyway. It is not referred to in the slightest degree in the report of the committee.

Mr. LOGAN. I understand that.

Mr. HILL, of Georgia. It never has been referred to anywhere; but I think to gratify these gentlemen that perhaps, if it can be done, while I think it unnecessary—

Mr. LOGAN. Allow me to say to the Senator that it is not "to gratify these gentlemen." It is a matter of right that we ask, and not of gratification.

Mr. HILL, of Georgia. Well, the Senator will excuse me.

Mr. LOGAN. Certainly, but I do not wish—

Mr. HILL, of Georgia. I should think a thing that was right would gratify the Senator.

Mr. LOGAN. It ought to gratify everybody; but the Senator says "to gratify these gentlemen." It ought to gratify the whole Senate to do right.

Mr. HILL, of Georgia. Certainly.

Mr. LOGAN. I do not desire to be put in the attitude to which the Senator would assign me.

Mr. HILL, of Georgia. I see no objection to the motion if this can be done without delay; and I think it can.

Mr. LOGAN. Very well; let it be done.

Mr. GARLAND. The motion is that the testimony be corrected. I do not know exactly how the Senate can do that, because the testimony comes in a certain shape to the Senate from the committee. The chairman of the Committee on Privileges and Elections would not have any power to correct this record, and any agreement he might make with the Public Printer would not have any authority to take anything out of this record or put anything in it, or change it in any respect. It seems to be agreed by the members of the Committee on Privileges and Elections that there are mistakes here. The only way I can see, in a parliamentary manner, to get rid of this matter is to recommit this testimony to the committee, that they may examine it, with the witnesses if they see proper, and make the necessary corrections, and then report it back to the Senate. Individuals cannot correct this, nor can the Public Printer, nor can the Senate correct it now.

Mr. HILL, of Georgia. The Senator from Arkansas will allow me. The only portion alleged to be incorrect is the including of the testimony of E. L. Weber and two affidavits in the record which were ordered by the committee to be stricken out, and do so appear in the volume.

Mr. GARLAND. They appear in the testimony reported by the committee, and the only way I can see to get rid of them is first to recommit the volume of testimony to the committee and let them examine it formally and make their report to the Senate.

Mr. LOGAN. I will say to the Senator from Arkansas, since hearing his suggestion, that I believe that would be the proper way to do it.

Mr. GARLAND. There is no other way to do it.

Mr. LOGAN. I will accept that suggestion as an amendment to my motion, to recommit this testimony to the Committee on Privileges and Elections for corrections and return so that it may be corrected, and then have it printed and submitted to the Senate.

Mr. ANTHONY. Mr. President, the suggestion of the Senator from Arkansas is very sensible and is the only way to dispose of this matter. The cost of correcting the report will be very trifling indeed; if the type is standing it will only require repaging and running over the pages; if it is not standing it would have to be reprinted.

The VICE-PRESIDENT. The Senator from Illinois [Mr. LOGAN] moves that the testimony taken in the Kellogg-Spofford case be re-committed to the Committee on Privileges and Elections for the purpose of revising its publication. Is that the proposition of the Senator from Illinois?

Mr. INGALLS. This motion should be supplemented by another in order to obtain fully the results that the Senate desires to reach. I have just obtained from the document-room a statement as to the disposition that is made of Senate documents. They are sent as follows: to

Document-room of the House.....	411
Office of the Clerk of the House.....	30
Sergeant-at-Arms of the Senate.....	243
Office of the Secretary of the Senate.....	6
Folding-room of the Senate.....	190
State Department.....	25
Secretary of the Treasury.....	1
Secretary of War.....	1
Ordinance Office.....	1
Public Printer.....	4
File-copies.....	10
Reserved for binding.....	988
Total number printed.....	1,900

These copies should all be withdrawn. The Superintendent of the Document-Room informs me that this defective copy has been sent to the document-room and distributed in accordance with this plan; and in order to reach what the Senate desires this whole edition should be withdrawn and suppressed.

Mr. LOGAN. I suppose that by recommitting it to the committee we recommit the whole testimony.

Mr. INGALLS. These copies have been delivered to the Department of State and the other Departments.

Mr. LOGAN. I will afterward make a supplementary motion. The motion I submit now is that the testimony be recommitted to the Committee on Privileges and Elections, with the direction that the committee suppress that portion of the testimony which was excluded by the committee from its record.

Mr. ANTHONY. I suggest to the Senator from Illinois that the motion should be that the copies of the document already distributed be withdrawn.

Mr. LOGAN. I suppose that referring it back to the committee is withdrawing it from the Senate.

Mr. ANTHONY. But they have already been distributed to the State Department, to the document-room, and to the Secretary of the Interior.

Mr. LOGAN. There is a motion on that point which I will make after this is acted upon.

Mr. ANTHONY. All right.

The VICE-PRESIDENT. The question is on the motion as first stated by the Senator from Illinois.

Mr. SAULSBURY. What is the motion?

The VICE-PRESIDENT. It is that the evidence taken in the Kellogg-Spofford case be recommitted to the Committee on Privileges and Elections for the purpose of revising the publication.

The motion was agreed to.

Mr. LOGAN. Now I move that the Senate direct that this evidence as already printed be withdrawn from distribution, so that when it is corrected the corrected copies shall be distributed in lieu of those that are improperly printed.

The VICE-PRESIDENT. The Senator from Illinois further moves that the report of the evidence taken in this case, so far as possible, be withdrawn and suppressed.

Mr. SAULSBURY. I submit that before the Senator from Illinois makes that motion the committee itself now having the matter referred to it had better take such steps as it deems best to secure a sufficient number of copies, because if the Senate by order withdraws these I do not see that the committee would have any control over them. We may reach the conclusion that the testimony which is objected to ought to be omitted. Of course, if we do that we shall seek to ascertain whether we can come into possession of a sufficient number of copies to answer the order of the Senate for the publication, some 1,200, I think; but if the Senate now orders these to be suppressed, what control shall we have over them? We shall then be driven to the necessity of republishing the whole testimony.

Mr. ANTHONY. The motion of the Senator from Illinois is not that they be suppressed, but that they be withdrawn. I do not see how the Committee on Privileges and Elections would have any authority over these documents.

Mr. SAULSBURY. If the purpose is that they shall not be distributed, I have no objection. If the object is to place them beyond the control of the committee so that we may not have them corrected and drive us to publishing the testimony over again entirely, I think it would occasion a greater delay than we ought to be subjected to.

Mr. ANTHONY. If withdrawn, of course they will be handed to the Government Printer, and he will either correct them or reprint them as he finds necessary.

Mr. SAULSBURY. If that is the understanding, I shall not object.

Mr. CAMERON, of Wisconsin. That is the understanding.

Mr. LOGAN. That is the object certainly, to prevent the matter being distributed, so that correct copies may be furnished.

Mr. HILL, of Georgia. If the object is simply to give them to the Government Printer to make this correction, it is very proper.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the joint resolution (H. R. No. 237) directing the Secretary of the Navy to organize a board to inquire into the present condition of the double-turreted monitors, and the propriety and cost of completing said vessels.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes; and

A bill (H. R. No. 4214) to amend and re-enact sections 2552 and 2553 of the Revised Statutes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 237) directing the Secretary of the Navy to organize a board to inquire into the present condition of the double-turreted monitors, and the propriety and cost of completing said vessels; and it was thereupon signed by the Vice-President.

INTERNATIONAL EXHIBITION OF 1883.

The VICE-PRESIDENT. The Senate proceeds to the consideration of the Calendar of General Orders.

The bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883, was announced as being first in order; and its consideration was resumed as in Committee of the Whole.

The VICE-PRESIDENT. The pending question is on an amendment proposed by the Senator from Vermont, [Mr. EDMUNDS,] in section 9, after the word "each," to insert "which shall be paid in at the time of subscription."

Mr. KERNAN. Having had the benefit of a conference with the Senator from Vermont [Mr. EDMUNDS] and the Senator from Delaware [Mr. BAYARD] who suggested a substitute for this amendment, and with their approbation, I offer the following amendment in place of those already submitted:

In line 4, section 9, after the word "each," strike out "and to" and insert:

And each subscriber shall pay not less than 10 per cent. of his subscription at the time he subscribes; and said commission shall.

So as to make the clause read:

That the said commission shall have authority and is hereby empowered to receive subscriptions of capital stock to an amount not exceeding \$12,000,000, to be divided into shares of \$10 each, and each subscriber shall pay not less than 10 per cent. of his subscription at the time he subscribes; and said commission shall issue to the subscribers of the stock certificates therefor, &c.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York, [Mr. KERNAN.]

Mr. CARPENTER. Is there any provision in the bill for the payment of any money beyond the 10 per cent.?

Mr. KERNAN. I have deferred to the superior judgment of the Senator from Vermont. He thought, leaving it in this way, the balance would have to be paid when required by the corporation. He has prepared another section to be offered, which says they shall not do certain things till it is paid. He approved of this and thought it unwise to add what had been suggested by the Senator from Delaware.

The amendment was agreed to.

Mr. KERNAN. The Senator from Vermont thinks another clause important, and I assent to it. I offer the following amendment, prepared by him, as an additional section:

Not less than \$1,000,000 shall be subscribed, and not less than 10 per cent. thereof shall be paid in before said corporation shall do any corporate act other than may be necessary to its organization; and no part of the capital stock or assets of said corporation shall be withdrawn, be refunded to, or divided among the stockholders or any of them, until all the debts and liabilities of said corporation shall be fully discharged.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The VICE-PRESIDENT. Shall the bill be engrossed for a third reading?

Mr. CARPENTER. On that question, as I am very anxious to learn whether the Senate thinks we have any constitutional power to organize a celebration in the city of New York, I ask for the yeas and nays on the third reading of the bill.

The yeas and nays were ordered.

Mr. WHYTE. Mr. President, I dislike very much to vote against a bill which is calculated to benefit our friends in the city of New York, and probably to benefit the whole country by an exhibition; but I have never voted yet for any such corporation as is proposed to be created by this act. I find no warrant whatever for such a proceeding in the Constitution. I know that when the bill creating a somewhat similar corporation in the State of Pennsylvania was on its passage, in 1872, and the clause of the Constitution was inquired for under which the bill was about to pass, the authority was not found at all in the Constitution but in the Declaration of Independence, and when Senators expressed some qualms of conscience about the authority granted by that sacred instrument to pass an incorporation act, we were told that none of us would be held accountable for it because it would not happen again for a hundred years.

Now, it is not quite eight years afterward that we are asked to follow that dangerous and bad precedent. All the provisions which seem to be incorporated in this bill were incorporated in that bill creating the centennial commission of finance, or board of finance, as I believe it was called. All the guard, all the protection that it was possible to throw around the bill in the interest of the United States Treasury was put there; but the eagle of the United States was spread over the exhibition; it was called "under the auspices of the United States." The United States invited foreign nations to come to our shores with their exhibits, and the United States stood as godfather for the exhibition. What was the result? In the January or February of 1876, according to my recollection, we were appealed to to appropriate, I think, \$2,000,000, but with our usual mode of bargaining we cut it down to a million and a half, and we were induced to appropriate a million and a half of dollars to carry out that proposition for a world's exhibition; and the argument that was made on this floor not so much openly, not so much by speech, but that argument which is whispered in the ear was, "The credit of the United States is at stake; we have invited foreign nations to come to Philadelphia to witness our great exhibition; it will fail unless we have help; we must be aided; you must give us this million and a

half to carry on the exhibition which was originally contemplated as a State affair."

Mr. WINDOM. I should like to ask the Senator if every dollar was not paid back?

Mr. WHYTE. I was going to say that. Of course; but did we not have to get it back by a lawsuit? Did we ever get it back until the Supreme Court of the United States decided that we were entitled to it?

Mr. WINDOM. It only proves that we made the law so that we could recover, and we lost no money by it.

Mr. WHYTE. I was just going to say that we hedged it in. We did loan it, we meant to loan it, and Congress hedged that loan in by such language and such apt words that when it came to stand the test of judicial inquiry the Supreme Court decided that it was not a gift but a loan, and required that the corporators, before they distributed the assets of their corporation, should pay back into the Treasury of the United States this million and a half of dollars which they claimed had been a gift. We maintained that it was a loan. They intended it to be a gift when they asked for it. They intended it to be a donation when they asked for it. Congress changed the form of the act which the executive committee of that association had framed, according to my recollection. Congress changed it so as to make it a loan, so that the United States could recoup out of the assets of the corporation the money which had been loaned.

We were told then that it was only once in a hundred years. Now they come with a new exhibition for New York within eight years of that time. We are not to be committed to it, it is said. Why, what did that exhibition at Philadelphia cost us in absolute appropriation exclusive of the million and a half of dollars? What did Congress appropriate for the exhibits, for that part of the work in which the United States was an actor? Congress appropriated in all I think \$650,000. More than half a million of dollars we contributed eight years ago for an exhibition at Philadelphia, which was to last one hundred years.

Mr. President, I cannot vote for this bill. I would be glad to see the exhibition; I would be glad to see the gathering thousands as for a month I saw them in Philadelphia in 1876, glad to see them in New York, and I know they would be hospitably received; I know that they would be gracefully entertained by those large-hearted people. But with all my desire to do this, I can find no authority in the Constitution to vote for such a bill; and more than that, I do not think that in so short a time we should be called upon to appropriate another \$650,000 for a similar exhibition.

The VICE-PRESIDENT. The question is, Shall the bill be engrossed for a third reading? upon which the yeas and nays have been ordered.

Mr. COKE. The Senator from Ohio [Mr. PENDLETON] and the Senator from Iowa [Mr. ALLISON] are paired on this question. They are engaged in the room of the Committee on Indian Affairs. The Senator from Ohio, if present, would vote "nay," and the Senator from Iowa, "yea."

Mr. GARLAND. My colleague [Mr. WALKER] is detained at his rooms by sickness. The Senator from Ohio [Mr. THURMAN] is also detained by sickness.

Mr. WITHERS. My colleague [Mr. JOHNSTON] is detained from his seat by sickness in his family. He is paired on political questions with the Senator from Colorado, [Mr. TELLER.] I presume this is not a political question.

Mr. COCKRELL. I desire to announce that my colleague [Mr. VEST] has been called home on some important business; but on all political questions he is paired with the Senator from Kansas, [Mr. PLUMB.] This is not a political question, of course; and I do not know how he would vote.

The question being taken by yeas and nays, resulted—yeas 26, nays 21; as follows:

YEAS—26.			
Bailey,	Cameron of Wis.,	Kirkwood,	Ransom,
Baldwin,	Conkling,	McDonald,	Rollins,
Bayard,	Farley,	McPherson,	Saunders,
Blair,	Ferry,	Maxey,	Wallace,
Butler,	Ingalls,	Morrill,	Windom.
Call,	Kellogg,	Paddock,	
Cameron of Pa.,	Kernan,	Randolph,	
NAYS—21.			
Booth,	Garland,	Morgan,	Whyte,
Carpenter,	Groome,	Pryor,	Williams,
Cockrell,	Hampton,	Saulsbury,	Withers.
Coke,	Harris,	Slater,	
Davis of Illinois,	Hereford,	Teller,	
Eaton,	Jonas,	Vance,	
ABSENT—29.			
Allison,	Edmunds,	Jones of Florida,	Sharon,
Anthony,	Gordon,	Jones of Nevada,	Thurman,
Beck,	Grover,	Lamar,	Vest,
Blaine,	Hamlin,	Logan,	Voorhees,
Bruce,	Hill of Colorado,	McMillan,	Walker.
Burnside,	Hill of Georgia,	Pendleton,	
Davis of W. Va.,	Hoar,	Platt,	
Dawes,	Johnston,	Plumb,	

So the bill was ordered to be engrossed for a third reading.

The bill was read the third time, and passed.

EQUALIZATION OF HOMESTEADS.

Mr. PADDOCK. Mr. President, it will be remembered that yesterday morning, having in charge a bill that had precedence on the

Calendar, I gave way to the bill which has just been concluded. The bill to which I refer is a short bill of great interest to my State, and it will not occupy five minutes to pass it, I am sure. It has been before considered in the Senate and amended in accordance with the view expressed by the Senate then, and it went over without prejudice. The VICE-PRESIDENT. The morning hour has expired.

Mr. PADDOCK. I ask the indulgence of my good friend from Connecticut.

Mr. EATON. It gives me no pleasure to decline the request of my friend from Nebraska, but I have charge of a very important public bill, and I desire to get a vote on it to-day. It consumed yesterday, and I desire to get a vote on it to-day, and therefore I feel that I ought not to give way. I hope my friend will pardon me.

Mr. PADDOCK. I assure the Senator that if this bill occupies more than five minutes I will assent that it shall be set aside.

Mr. EATON. I will give five minutes. I am very good-natured.

Mr. PADDOCK. I ask for the consideration of Senate bill No. 1085. There being no objection, the bill (S. No. 1085) to equalize homesteads, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands, with amendments. The first amendment was, in line 6, after the word "entered," to strike out the words "or may hereafter enter."

The amendment was agreed to.

The next amendment was, in line 12, after the word "select," to strike out the word "others."

The amendment was agreed to.

The next amendment was, in line 15, after the word "of," to insert the words "crops or;" so as to read:

But he shall not be entitled to a patent therefor without satisfactory proof to the General Land Office of the planting and continuous cultivation of crops or forest or fruit trees on an area of the same equal to one acre for each forty acres thereof during a period of three years.

The amendment was agreed to.

The next amendment was, to insert at the end of the bill:

And all assignments and transfers of the right hereby secured, and all contracts to assign or transfer such right made prior to the issue of the patent, shall be null and void: And provided further, That any person who has entered less than one hundred and sixty acres may, if he so elect, surrender his original entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made.

The amendment was agreed to.

Mr. COCKRELL. I ask the Senator from Nebraska if this is a claim for the cultivation of fruit trees simply under the forest-culture law?

Mr. PADDOCK. Yes, sir.

Mr. COCKRELL. Is it an extension of the provisions of that law?

Mr. PADDOCK. No, sir; it is a limitation.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SAUNDERS. I wish to offer an amendment that I think my colleague will accept. In line 13, after the word "where," I move to insert "within the State or Territory in which his or her homestead is located," so that the selection shall be confined to the State or Territory within which the person has his homestead.

Mr. PADDOCK. There is no objection to that.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

The VICE-PRESIDENT. The unfinished business is the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. CAMERON, of Pennsylvania. I ask the consent of the Senate to take up Senate bill No. 1319, which was up once before.

Mr. EATON. I cannot give way further; I must insist on the regular order.

Mr. CAMERON, of Pennsylvania. I do not think it will occupy three minutes' time.

Mr. EATON. I desire to pass this deficiency bill to-day, if possible.

Mr. CAMERON, of Pennsylvania. If my bill occupies three minutes, I will not press it.

Mr. EATON. I must stop at some time, and I cannot give way further.

The VICE-PRESIDENT. The deficiency appropriation bill is the unfinished business.

Mr. BLAINE. What arrangement has been made in regard to the Geneva award bill?

Mr. McDONALD. I understand that the appropriation bill is the unfinished business before the Senate.

The VICE-PRESIDENT. It is.

Mr. McDONALD. I want it understood that the Geneva award bill does not lose its place, but that when this bill is finished we go back to that.

Mr. BLAINE. Do I understand the Senator from Indiana to say that the Geneva award bill is postponed until after a long political debate on this appropriation bill?

Mr. McDONALD. I do not know anything about the political debate on this bill, but I understand it is the unfinished business of the Senate.

Mr. BLAINE. Only because by an arrangement yesterday the Senator from Illinois, [Mr. DAVIS,] who had the floor on the Geneva

award bill, declined to proceed, and it was understood that this was taken up informally, he having the floor and being entitled to it on the Geneva award bill.

Mr. McDONALD. I was not present yesterday when the understanding spoken of by the Senator from Maine was had.

Mr. EATON. There was not any understanding of that sort, to my knowledge.

Mr. McDONALD. I heard the Chair announce this appropriation bill to be the unfinished business, and I understood it to stand in that way.

The VICE-PRESIDENT. The Geneva award bill was laid aside by formal vote of the Senate.

Mr. BLAINE. By formal vote?

The VICE-PRESIDENT. By formal vote of the Senate yesterday. The question was distinctly put on the motion of the Senator from Connecticut that it be laid aside.

Mr. DAVIS, of Illinois. Informally.

The VICE-PRESIDENT. The word "informally" did not accompany it.

Mr. EDMUNDS. And could not.

Mr. BLAINE. Do I understand the Chair to say that the motion was formally put, that an "aye" vote and a "no" vote was called for on a motion that the Geneva award bill be laid aside?

The VICE-PRESIDENT. The yeas and nays were not called for.

Mr. BLAINE. I did not say that; but was there an aye-and-no vote as we answer *viva voce*?

The VICE-PRESIDENT. The Senator from Connecticut asked unanimous consent that this deficiency bill should be taken up, to which objection was made. He then made the formal motion that the Geneva award bill be laid aside. The Chair submitted that question to the Senate and it was carried and this bill taken up, and it was under consideration when the Senate adjourned yesterday.

Mr. DAVIS, of Illinois. I am a little too hoarse to talk at all to-day. I am ready, but I am too hoarse to-day to speak.

Mr. BLAINE. Yesterday the honorable Senator from Illinois had the floor; and my understanding was—

Mr. EATON. If the Senator from Maine will give way a moment, I think I can set the matter entirely right. The Chair of course is right that I made the motion. I then myself said that I would give way to the Senator from Illinois if he desired to speak yesterday. He did not care to speak, and therefore I asked the Senate to go on with the deficiency bill.

The VICE-PRESIDENT. The Journal states the fact as it occurred and as the Chair has stated it.

Mr. EATON. If the Senator from Maine has nothing further to submit, let us go on with the bill.

Mr. BLAINE. I desire to state that so far as a hasty reading of the RECORD goes, it does not sustain what the honorable President has stated was the action of the Senate.

Mr. INGALLS. If the Senator from Maine will look at the bottom of the second column on page 7 of to-day's RECORD he will find a colloquy between the Senator from Connecticut and the Vice-President which shows that the then pending bill was postponed by common agreement of the Senate.

The VICE-PRESIDENT. The Journal will be read, if there be any dispute about the fact.

Mr. EDMUNDS. The RECORD shows it at the foot of page 7, as the Senator from Kansas has said:

The VICE-PRESIDENT. The Senator from Illinois is entitled to the floor on the Geneva award bill.

Mr. DAVIS, of Illinois. I will give way to the Senator from Connecticut.

Mr. EATON. I call for the consideration of the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The VICE-PRESIDENT. The first question is on postponing the pending bill.

The motion to postpone was agreed to.

The VICE-PRESIDENT. The question now is on the motion of the Senator from Connecticut to take up House bill No. 4924.

The motion was agreed to.

The VICE-PRESIDENT. Such was the fact.

Mr. BLAINE. But the agreement was made that the Senator from Illinois should step aside temporarily and the deficiency bill might go on. All I desire to say is that I wish the Geneva award bill could be reported from a committee that would ask the action of the Senate upon it.

Mr. McDONALD. The chairman of that committee is not able to be in his seat to-day on account of illness, and if he was here I apprehend he would not insist on continuing the Geneva award bill to the displacement of an appropriation bill which is regularly pending. I want so far as I am concerned to do whatever may be necessary and right and proper to advance the Geneva award bill; and I am justified in saying that as soon as this appropriation bill is disposed of I expect to call for the consideration of the Geneva award bill and continue it until it is acted on by the Senate.

Mr. HEREFORD. The Senator from Maine does the Senator from Ohio very great injustice.

Mr. BLAINE. I am not speaking of the Senator from Ohio at all. Mr. HEREFORD. He is chairman of the Committee on the Judiciary, and has urged the consideration of the Geneva award bill continually but is not now able to be here. The Senator from Maine says he hopes it could be reported from a committee that would urge it. The gentleman who has charge of it has urged it.

Mr. DAVIS, of Illinois. I am ready to speak on the subject, but I am hoarse to-day.

Mr. BLAINE. The Senate was quite willing to hear the honorable Senator yesterday.

Mr. DAVIS, of Illinois. I could have talked yesterday better than I can to-day.

Mr. EATON. I hope we shall get through with the appropriation bill to-day so that we may go on with the Geneva award bill to-morrow.

The VICE-PRESIDENT. House bill No. 4924 is before the Senate. DEFICIENCIES IN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4924) making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. EATON. I will state to the Senate that I have received a communication from the Commissioner of Internal Revenue, desiring a little more than we gave him yesterday, and I will read a few words of it.

Mr. EDMUNDS. Read the whole of it.

Mr. EATON. I will if it is desired. It is a letter addressed to the Secretary of the Treasury and sent by the Secretary to the chairman of the Committee on Appropriations. It is as follows:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, March 30, 1880.

SIR: I have the honor of calling your attention to the fact that there will be a deficiency in the appropriation for "dies, paper, and stamps," Bureau of Internal Revenue, for the current fiscal year of \$51,283.10.

This deficiency is occasioned by the extraordinary increase in the collections of internal revenue. During the period from July 1, 1879, to March 1, 1880, there were issued 54,848,241 internal-revenue stamps for tobacco, snuff, cigars, beer, spirits, &c., in excess of the number issued during the same period in the last fiscal year, and the cost of printing alone has been \$33,217.94 in excess of the cost during the same period of last year.

The amount actually audited and paid for eight months has been \$296,693.10. Taking these expenditures as a basis for the expenditures of the next four months, the following amounts will be required:

For the Bureau of Engraving and Printing	\$97,000 00
American Bank Note Company, for printing	16,000 00
John J. Crook, for printing tin-foil wrappers	1,200 00
For paper	11,000 00
Expense of receiving, handling, and counting paper	5,400 00
Freight	600 00

These items, with those already audited and paid as above stated, make a total of	427,893 10
The amount of the appropriation	\$375,000 00
And amounts reimbursed to credit of same	1,610 00
	376,610 00

Leaving a deficiency of

51,283 10
This deficiency results necessarily from the fact that during the past eight months the receipts of internal revenue have been \$5,944,956.46 in excess of the receipts for the same period of the last fiscal year.

I respectfully request that these facts be laid before the honorable Committee on Appropriations of the Senate, with the request that this deficiency be put in as an amendment to the immediate deficiency bill now being considered by the Senate.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

I have submitted this matter to all the members of the Committee on Appropriations I could find, and we all agree that this addition ought to be made, and therefore I have prepared this amendment, to be added after line 22, page 2, as a new paragraph:

For dies, paper, and stamps, being a deficiency for the fiscal year 1880, \$51,283.10.

I desire it to be placed on the bill now.

The VICE-PRESIDENT. The Chair will receive the amendment at this time.

Mr. BECK. After consultation with the Senator from Connecticut, who has charge of this bill, I agreed that this deficiency ought to be made part of the bill—although, perhaps, it might have been withheld until the regular deficiency bill; it is very evident that it will be needed—or we shall have complaints made that we are cutting down the amount necessary for the public service.

I rose for the purpose of saying that the estimate of this Department for all the items for which they are now asking a deficiency, according to my recollection, was \$410,000. We had given \$375,000, and the deficiency now required is about \$20,000 more than the estimate of the Department for all the service to which it pertains.

We have been treated first in the report of the Secretary of the Treasury and then in subsequent communications to all sorts of cautions and remonstrances against extravagant appropriations, and we have been told by the Secretary (no doubt he thought he was impressing on the country how economical he was) that if there were any excess of appropriations over the estimates it would be the fault of the Congress of the United States; and no doubt whenever we do exceed the estimates a dollar, although we are compelled to do it in a variety of ways, the gentlemen who take the same view as the Secretary and agree with him in politics will from one end of the country to the other this summer be arraigning the democratic party because of the extravagance of both Houses under its control; and yet, in the face of these facts, we are told the public service will suffer unless we furnish this money in excess of estimates and that the revenues from internal taxation will suffer unless it is done, and we are thus placed

in the dilemma either in the face of the facts to vote the money required or cripple the public service.

I desire also to say that the statement made by the Commissioner of Internal Revenue in the letter just read has falsified a great many of his predictions, and a great many of the apprehensions of gentlemen on the other side, in regard to the effect of the reduction of taxation. We were told by the Commissioner in his report last year, and page after page was devoted to the enforcement of his gloomy predictions, that if we reduced the tax on tobacco from twenty-four to sixteen cents, as it was proposed and as we did, we should lose one-third of the revenue. His language was:

I therefore express the unqualified opinion that a reduction of the tax one-third will inevitably result in a corresponding reduction of the revenue derived from that source.

Nine or ten million dollars was to be taken away, and we were threatened with being responsible for creating a deficit in necessary revenues. The sinking fund, we were told, could not be provided for; nothing could be done which the public faith was pledged to maintain if we dared to reduce taxation. What is the result? Although all the internal revenue with the exception of a few million dollars comes from tobacco and distilled and fermented spirits, notwithstanding we have reduced the tax from twenty-four to sixteen cents on tobacco, the falling off on tobacco has been less than three millions on any calculation the Department can make, and the Tobacco Leaf and other publications indicate even that much will not be lost. And they give us the assurance that the revenue from tobacco is going up beyond what it was at twenty-four cents in a very few years; even now the Commissioner, instead of having to report any of the frightful results he had anticipated, says:

This deficiency results necessarily from the fact that during the past eight months the receipts of internal revenue have been \$5,944,956.46 in excess of the receipts for the same period of the last fiscal year.

When he was drawing twenty-four cents on tobacco.

Mr. DAWES. Perhaps the Senator made the statement, but I did not catch it. Did he make the comparison on tobacco?

Mr. BECK. No, sir. I say that all the taxes received from internal revenue, with the exception of a few million on proprietary stamps and bank checks, come from tobacco, whisky, and fermented spirits, and that, instead of the reduction on tobacco coming short nine and one half millions, as the Commissioner said it would, it has really lost less than three millions with the rapid increase that is going on. Owing to the fact that restrictions have been removed it will be up in a year or two at sixteen cents to what it was at twenty-four, and the total aggregate of the three this year is nearly six millions for eight months above what it was last year.

Mr. DAWES. I was not inquiring as to the total aggregate. I was inquiring as to how much on the item of tobacco had been the increase or decrease the Senator was speaking of.

Mr. BECK. I have looked at the Tobacco Leaf, a paper published by the tobacco interest, which as I recollect makes it smaller than I stated; but the loss will be less than three millions, instead of nine or twelve millions.

Mr. DAWES. During the whole year?

Mr. BECK. For the whole year. I will endeavor on some future occasion to set forth the exact facts. I thought I had the paper at my desk, but I have not.

Mr. DAWES. I inquired simply to get the facts from the Senator.

Mr. BECK. I will give the exact facts to the Senator when I have them; but at this moment I cannot lay my hand on them, and therefore may not be accurate. I desire to say that it illustrates the fact that whenever you have taxation so high as to be far above the revenue point frauds come in and great embarrassments of trade follow; just as they existed in the tobacco trade at a twenty-four-cent tax; and when you put taxation down to something like the revenue point your revenues always increase, business increases, and the production increases and prospers, so that the revenue does not diminish anything like in proportion to the reduction of the tax. The statement of the Commissioner that he is nearly six millions in advance for eight months of this year over last year grows largely out of the fact that the Commissioner is relieving as far as he can—because I believe the Commissioner is administering his office well (and that is one reason why I am willing to give this deficiency now to him)—all trade and business from which he is obtaining his revenue in every possible way that he can consistent with the protection of the Government; he has suppressed very many illicit distilleries and has established very many distilleries in places where there were none else than illicit distilleries, all of which are now paying him more or less revenue. In other words, he is getting the business in hand, because he is no longer treating the men engaged in it as though they were robbers and thieves, but is endeavoring to give them a chance to live. He is no longer taking advantage of the little technicalities that no man in the business can live up to, but is endeavoring to make men prosperous in their business, so that the Government itself may be prosperous in the receipt of its revenues. The Senator from South Carolina [Mr. BUTLER] says it is so in his State. I know it is so almost everywhere. The large increase of stamps that he is selling and the large increase that is required, because he has to appoint more storekeepers and more gaugers, and is converting what was formerly an illegitimate business into a legitimate one, and men are prospering under it and the Government is prospering under it, make me willing to give

him the money necessary to carry on the business of his Department, although it does exceed the estimate made by the Department by some \$20,000, and although the Secretary has taken occasion to scold us every time he has a chance for daring to go above his estimate; yet the increase of revenue, the increase of business, and the necessity for more work in the Internal Revenue Department, growing, as I say, out of the business being prosperous, first, by the reduction of taxation in one branch of it, and, second, by better administration in the other, make it, to my mind, a very proper thing to do. I will not embarrass a Department which is bringing in large revenue and which is treating the men who are carrying it on reasonably well. None of us complain of fair taxation on spirits and tobacco which enter into consumption; we ask only for fair treatment, liberal administration, and the removal of annoying and oppressive restrictions, and we will sustain the Commissioner in all his efforts to collect his revenues and run his Department free from annoyance or embarrassment.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The question is on the amendment proposed by the Senator from Connecticut, [Mr. EATON.]

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will report the next amendment of the Committee on Appropriations in order.

The CHIEF CLERK. The next amendment reported by the Committee on Appropriations is, after line 127, to insert:

For continuing the work of adjusting and settling the claims of the several States, under the act of Congress approved September 28, 1850, and the acts supplemental thereto and amendatory thereof, for swamp lands, including all claims for swamp-land indemnity, under the acts of March 2, 1855, and March 3, 1857, and other acts, \$6,000.

Mr. EATON. Only a word in regard to that amendment. My attention was called to the subject by my friend, the Senator from Missouri, [Mr. COCKRELL,] and another gentleman, and I thought it important that the amendment should be made and should be appended to the bill. It was impossible for me to find a majority of the committee in order to submit it to them, and, therefore, on my own responsibility I added this amendment, for I will not claim that it was joined in by the committee. I assumed the responsibility of doing it; and if there is anything wrong about it, it can be stricken out at once. My friend from Missouri, who has a letter from the Secretary of the Interior, will give full information in regard to the amendment.

Mr. COCKRELL. I read for the information of the Senate a letter from the Department of the Interior addressed to me:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 30, 1880.

SIR: Referring to your letter of this date relative to an appropriation "for continuing the work of examining and adjusting claims for swamp lands and swamp-land indemnity," I have the honor to advise you as follows:

By the act approved June 23, 1879, (Laws of the Forty-sixth Congress, first session, chapter 45, page 40,) an appropriation of \$15,000 was made for this purpose. As soon as practicable after the passage of said act agents were appointed to investigate claims for swamp-land indemnity in the States of Florida, Illinois, and Missouri—those States having the largest claims of that character before this office—under the act of March 2, 1855, (10 Stats., page 634,) and the act of March 3, 1857, (11 Stats., page 251,) extending the same. Under the regulations prescribed by the Department these agents are required to make a personal examination in the field of each forty-acre tract for which indemnity is claimed, besides attending the taking of testimony touching the character of said tracts on the part of the State. This work is necessarily expensive, as each agent, in addition to his incidental expenses of board and lodging, must be furnished with transportation to the tracts to be examined, which are scattered over a large area of country in each State, and, although the strictest economy in expenditures has been insisted upon and observed by each agent, the appropriation is so nearly exhausted that they must all be recalled by the middle of next month unless a further appropriation is made. Partial reports from said agents show that about one hundred and seventy-five thousand acres have been examined in the field and testimony taken on a large amount of the tracts thus examined. Some of this testimony has been forwarded to this office, and, judging from the results of the work so far, the amount saved to the Government will largely exceed the amount of the appropriation. The withdrawal of the agents before they have completed their labors will not only interrupt the work of adjusting these claims, now being rapidly proceeded with, but it will involve considerable expense to the Government, as well as the several States in which the authorities have arranged to present testimony in support of their claims. In view of all the facts I earnestly recommend that an appropriation sufficient to continue the work without interruption to the close of the current fiscal year be made.

Very respectfully, your obedient servant,

J. A. WILLIAMSON,
Commissioner.

Hon. F. M. COCKRELL,
United States Senate.

I hope that will be satisfactory to the Senate. It is recommended in the estimates of appropriations and also in the annual report of the Commissioner of the General Land Office.

Mr. MORRILL. I desire to make an inquiry of the Senator from Missouri in relation to this matter. As I understand it, these swamp lands were all donated to the States; and now there is a claim pending that these lands have not in all cases held out full measurement, and the States come back upon us for damages in consequence of the short measure. Is that the fact or not?

Mr. COCKRELL. I would thank the Senator to state the source of his information on that point. It is marvelously strange to me that such information should be presented to the Senate. My friend from Vermont will pardon me for saying so. There is nothing of the kind at all. The States are not making any claim for damages—nothing of the kind.

The Government granted to the States the swamp lands within

their respective limits. Questions were raised as to the selection of those lands and the mode of selection. The States in many instances had the lands surveyed and made a claim that certain specific lands were swamp and overflowed lands under the law. The General Government looked at the general surveys of the public lands made, and where those general surveys on their face happened to be definitely and accurately made, with an accurate description of the character and quality of the lands, and showed the lands to be swamp and overflowed, the General Government patented those lands to the States; but where there was any doubt about it the General Government declined to patent them.

Now a controversy has arisen between the States and the General Government as to the character of particular lands. The General Government has refused to patent them to the States until she can send an agent to the ground and examine it and take testimony on it, and on page 545 of the Report of the Secretary of the Interior, the rules and regulations and mode of taking the evidence will be found. That is one of the modes of adjustment of claims for title to these lands. In many cases the States have sold these lands; persons have inclosed a part of them; in some instances homes have been erected upon them; and the title has still been retained in the General Government. The States are anxious to have the matter settled; the General Government is anxious to have it settled. The General Government has it in its own hands, and asks an appropriation to send agents to investigate and report upon the character of the lands, and this is a part of the work of those agents.

A word in regard to the swamp-land indemnity, as it is called. The States claimed that certain lands were swamp lands. Since the date of the grant of Congress to the States the General Government has sold through the respective land offices quite a large number of these tracts of land. Congress passed a law providing that where it afterward turned out that the lands so sold by the General Government were actually swamp and overflowed lands and ought to have been patented to the States, then the General Government should refund to the States the amount of money received by the Government for those lands. That is the swamp-land indemnity claim, nothing more, nothing less—the claim made by the State for the purchase-money received by the General Government for those lands which were actually swamp and overflowed at the time, but which have since been sold by the General Government and patented to individuals. To prevent controversy the States have agreed to accept, under the law of Congress passed for that purpose, the purchase-money, the indemnity, instead of asserting title to the land under the swamp-land grant.

My friend from Vermont is doubtless aware that the Supreme Court has decided that that passed the title to the States; it operated as a grant. To avoid all these troubles this law was passed, and the Secretary of the Interior, under an appropriation of \$15,000 made at the last Congress, has sent agents into the field; they have been examining in various countries, have been reporting; they are reporting against issuing patents for a large number of tracts of land; they are reporting in favor of issuing patents to some; they are reporting in favor of allowing the States in some cases the purchase-money for certain lands where they are perfectly satisfied that they were swamp and overflowed, and where they were not they report against it. Thus we are rapidly having the whole matter adjusted. These agents are in the field. This \$6,000 will keep them to the close of the year, will save thousands of dollars in expense to the General Government and to the respective States, and it is no claim for damages or anything of the kind.

Mr. JONES, of Florida. Permit me to add to the very full statement made by the Senator from Missouri, that the Secretary of the Interior in some cases has disputed the selections which were made by State officers under the act of 1852, claiming that lands that were reported as swamp lands were not so in fact, and with a view of determining that question agents have been sent to some of the States in order that patents might not issue from the Government for lands that did not fall clearly within the provisions of the swamp-land act of 1852. In a great many instances the States proceeded and made the selections in accordance with the act of 1852 through their own agents and co-operating I think with the surveyor-general of the United States in the State; but when they came up here in many cases I know that objections were made that these selections included lands that were not really swamp lands, and before patents could be issued to the States the Secretary of the Interior said, "I must have this matter determined," so that commissions went to travel over the ground to see whether they were swamp lands or not, and this is part of that business.

Mr. MORRILL. I think I am now confirmed in the information I had, by the Senator from Missouri himself. The very language of the amendment is to provide indemnity to States for swamp lands. Now, Mr. President, according to the statement of the Senator from Missouri we are called upon to pay the States for lands that have really been sold and settled upon by settlers heretofore as part and parcel of the public lands, because they were really swamp lands. I do not propose to argue this question. I suppose the amendment will prevail, being reported, as I understand it to be, by the Committee on Appropriations; but certainly I cannot see from the statement of the Senator from Missouri himself that it is anything else than making an indemnity to States for lands that have fallen short of the land that the States supposed to have been their due.

Mr. GARLAND. Mr. President, there is scarcely any one subject of legislation in the appropriation bills that the State of Arkansas is more interested in than this one particular feature. The only complaint I think against the pending proposition is that the amount is not sufficient by any means for completing, or, as expressed in the provision, "for continuing," the work of adjusting and settling the claims of the several States.

The swamp-land act of the 25th of September, 1850, used the language that certain lands "are hereby granted." Very early in the steps to secure lands under that grant the question arose in the several States what that grant meant, whether it was a grant *in presenti* or whether it was one that had to be perfected thereafter by some other act on the part of the person or the State making application under it. The State courts held with wonderful unanimity that it was a grant *in presenti*; that all the lands swamp and overflowed within the meaning of that act passed at once on the passage of the act to the States; that it was only after that a matter of identification to establish just what lands were swamp and overflowed.

There were several acts passed afterward amendatory and explanatory of the original act; but after all, if the State courts were right that it was a grant *in presenti*, it was beyond the reach of Congress to change it. Congress could no more revoke the gift after it had been completed than an individual could. It was not given for any consideration at all, but simply as an absolute donation.

The question never came fairly before the Supreme Court of the United States until about ninth Wallace in a railroad case from Iowa. After considerable discussion of that case Judge Miller, delivering the opinion of the court, followed the track that had been pursued by the State courts, and held that this grant was a grant absolutely, by its own terms, *in presenti*, nothing remaining afterward to do but to identify the particular lands, just as if a man should give a deed for so many black horses that he had; the only question would be to bring up a horse and show that it was his originally and that it was black.

In perfecting this gift questions of fact arose as to whether particular lands were swamp and overflowed, questions arose upon subsequent acts, the act of March, 1857, for example; so that the titles became complicated in the different States that had received the swamp lands under the original act. The Department in a measure could do nothing. Some claimed the lands under previous claims, some under the swamp-land grant, and many of the best lands in the State of Arkansas, for example, and I suppose in other States where the grant operates, are absolutely tied up, held up, the title now in abeyance, for the want, as this part of the bill says, of adjusting and settling these various disputes.

The State of Arkansas heretofore sent her agent especially for this business, and she has had bills introduced in both Houses of Congress heretofore to settle this matter upon her part. The Senator from Florida has stated the different disputes that have come up, so that the Senate can understand and comprehend just exactly what this provision is intended to accomplish. We desire to have the gift perfected.

The small sum of \$6,000 is put in here. I am frank to say that it is not sufficient to complete this work; but if it is deemed so by the Senator from Missouri, who has gone to the Department to make the inquiry, of course I shall be satisfied with it. It is an important matter, I say, to those Senators whose States are not affected by this grant and who have not had occasion to look into the different laws upon this subject, to determine whom these lands belong to, whether they are of the character that come under the original grant of swamp and overflowed lands or whether they are not. In the mean time many railroad grants in the State of Arkansas have been laid upon some of these lands that are known to be swamp and overflowed, by grants made since the act of 1850 was passed. It is necessarily bound to give rise to a great deal of litigation hereafter; but as far as the General Government can do it, it is its duty to go forward and finish this matter of adjusting and settling these disputes, so that the Government can say who, so far as it is concerned, owns this land, whether it is the land of an individual who has an original entry outside of the swamp-land grant, or whether it is the land of the State under the swamp-land grant.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations after line 127.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in the appropriations for the Money Order Office, Post-Office Department, in line 140, after "from" to strike out "the passage of this act" and insert "April 1, 1880;" and in line 142, after "eighty," to strike out "a sufficient sum is hereby appropriated" and insert "inclusive, \$2,325;" so as to make the clause read:

POST-OFFICE DEPARTMENT.

Money-Order Office:

For seven additional clerks for service in the Money Order Office, namely, two of class 4, one of class 3, one of class 2, and three at \$900 per annum, from April 1, 1880, until June 30, 1880, inclusive, \$2,325.

The amendment was agreed to.

The next amendment was, to insert after line 144:

Office of the Postmaster-General:

For the preparation and publication of post-route maps, \$5,000.

The amendment was agreed to.

The next amendment was, in line 166, in the appropriations for the State Department, to increase the item "for extra clerk-hire and copying" from \$2,000 to \$4,000.

The amendment was agreed to.

The next amendment was, in line 172, after "exceeding," to strike out "two" and insert "three;" so as to read:

To enable the Secretary of State to purchase the manuscript of the revised Consular Regulations prepared by A. B. Wood, Chief of the Consular Bureau in the Department of State, and approved by the Secretary of State, for such sum, not exceeding \$3,000, as shall seem to him a fair price for the work; and to use for the payment of such purchase the appropriation already made by the act of Congress of January 27, 1879, for the expenses of editing and revising the Consular Regulations.

The amendment was agreed to.

The next amendment was, after line 177, to insert:

SMITHSONIAN INSTITUTION.

National Museum:

For steam-heating apparatus and fuel for the new National Museum building, \$30,000.

For water and gas fixtures and electrical apparatus for the new National Museum building, \$10,000.

Mr. EATON. This is a very large increase over the appropriations made by the other House, and therefore I feel that it is proper that I should make a very brief explanation of it.

Professor Baird came before us and satisfied your committee that it would be a very great saving of expense to the Government if the steam-heating apparatus, the water and gas fixtures and electrical apparatus can be put into the new Museum building between this time and the 1st of July. The building cannot be finished until that is done. They have arrived at a point in the construction of the building when it becomes necessary to add these features to it. Therefore the committee were unanimously of the opinion that this appropriation ought to be made. I will read a letter from Professor Baird:

SMITHSONIAN INSTITUTION,
Washington, D. C., March 10, 1880.

SIR: I would respectfully ask the Appropriation Committee of the Senate to insert in the special deficiency bill whenever it may come before the committee certain items herewith inclosed in reference to the National Museum, now included in the estimates of the next fiscal year. The appropriation made by Congress of \$250,000 for the building itself will be sufficient to complete it. The heating apparatus, however, the plumbing, and the electrical arrangements will necessarily require a separate appropriation.

The building is now nearly completed and will probably be out of the contractor's hands by the 1st of June. It will greatly facilitate its prompt occupation if the appropriation asked for can be made.

Very respectfully,

SPENCER F. BAIRD.

Hon. H. G. DAVIS,

Chairman Appropriation Committee, United States Senate.

The amendment was agreed to.

The next amendment was, after line 184, to insert:

SENATE.

To pay George A. Clarke for services as messenger in charge of the Official Reporter's room of the Senate from July 1, 1879, to June 30, 1880, inclusive, \$1,200.

Mr. EDMUNDS. What does that mean, and why has not this gentleman been paid out of the regular appropriations, as everybody else has, if he has been employed?

Mr. EATON. All I can say to my friend from Vermont in regard to the matter is that this messenger, who is in the employ of our very estimable Official Reporter, has been at work and has not been paid one dollar during this fiscal year.

Mr. CONKLING. What messenger is it?

Mr. EATON. It is Mr. Murphy's regular messenger, and he is not on the roll. He has not been paid up to this time. The work has been done; he is a faithful officer. The letter of Mr. Murphy explaining the case fully is in the hands of the committee. He ought to be paid.

Mr. EDMUNDS. That I have not the slightest reason to doubt; I was only endeavoring to call the attention of the Senator to the point of how it happens that the administration of the Senate is carried on in such a way that a faithful and meritorious employé cannot get his pay through the proper officers in the regular way. That is the thing that puzzles me. There is no doubt about the propriety of paying this man.

Mr. EATON. I suppose it is because the present Sergeant-at-Arms does not do his business in the same manner that past Sergeants-at-Arms have done theirs.

Mr. CONKLING. Before the war?

Mr. EATON. I have not said that yet, nor have I said when. That belongs to my friend from New York and not to me. The present Sergeant-at-Arms has not been able to put this man on the roll. He has done the labor and we think he ought to receive pay.

The amendment was agreed to.

The next amendment was, after the word "necessary," in line 220, to strike out the words "of the unexpended balance of any appropriations heretofore made for the support of the southern claims commission," and in line 222 to strike out "reappropriated" and insert "appropriated;" so as to read:

Southern claims commission:

That the sum of \$800, or so much thereof as may be necessary, is hereby authorized to be transferred from the appropriation for contingent expenses of the southern claims commission, made under act of June 21, 1879, (see Statutes, volume 21, page 29,) to be available for paying the salaries and traveling expenses of the agents of said commission. And the sum of \$1,200, or so much thereof as may be necessary, is hereby appropriated for the payment of a clerk, who may be appointed by

the Secretary of the Treasury, at the rate of \$100 per month, to complete the records of the said commission and care for the same under the supervision of the Treasury Department.

The amendment was agreed to.

The next amendment was, in line 239, to strike out the words:

Judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the district judge in the absence of the circuit judge.

And in lieu thereof to insert:

Circuit court of the United States for the district in which such marshals are to perform their duties; but should there be no session of the circuit courts in the States or districts where such marshals are to be appointed, then and in that case the district judges are hereby authorized to convene their courts for the aforesaid purpose.

So as to make the clause read:

For special deputy marshals of elections, the sum of \$7,600: *Provided*, That hereafter special deputy marshals of elections, for performing any duties in reference to any election, shall receive the sum of \$5 per day in full for their compensation; and that all appointments of such special deputy marshals shall be made by the circuit court of the United States for the district in which such marshals are to perform their duties; but should there be no session of the circuit courts in the States or districts where such marshals are to be appointed, then and in that case the district judges are hereby authorized to convene their courts for the aforesaid purpose; said special deputies to be appointed in equal numbers from the different political parties. And the persons so appointed shall be persons of good moral character, and shall be well-known residents of the voting precinct in which their duties are to be performed.

Mr. EDMUNDS. I just ask for the yeas and nays on the adoption of that amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BOOTH, (when his name was called.) On all political questions I am paired with the Senator from Tennessee, [Mr. BAILEY.]

Mr. BURNSIDE, (when his name was called.) On all political questions I am paired with the Senator from New Jersey, [Mr. MCPHERSON.] If he were here, he would vote "yea" and I should vote "nay."

Mr. EDMUNDS, (when his name was called.) On this question I am paired with the Senator from Ohio, [Mr. THURMAN,] who is detained from the Senate by illness, I am sorry to say. If he were present he would, as I understand, vote in favor of the amendment; I should vote against it.

Mr. HILL, of Colorado, (when his name was called.) On all political questions I am paired with the Senator from Arkansas, [Mr. WALKER.]

Mr. TELLER, (when his name was called.) I am paired on all political subjects with the Senator from Virginia, [Mr. JOHNSTON.]

The roll-call was concluded.

Mr. INGALLS. My colleague [Mr. PLUMB] is paired on all political questions with the Senator from Missouri, [Mr. VEST.] Both Senators are unavoidably absent from the Senate.

Mr. DAWES. My colleague, [Mr. HOAR,] who is necessarily absent, is paired with some gentleman on the other side; I think with one of the Senators from Delaware. I should not like to put it on record that he is paired with the Senator from Delaware, but he is paired with some one on the other side of the Chamber.

Mr. FARLEY. The Senator from Nevada [Mr. SHARON] is paired with the Senator from Oregon, [Mr. GROVER.] If the Senator from Nevada were here, he would vote "nay," and the Senator from Oregon would vote "yea."

Mr. McMILLAN. The Senator from Wisconsin [Mr. CAMERON] is absent in company with the Senator from Delaware [Mr. SAULSBURY] engaged in official duties pertaining to the Senate. If the Senator from Wisconsin were here, he would vote "nay."

The result was announced—yeas 31, nays 16; as follows:

YEAS—31.

Bayard,	Farley,	Jones of Florida,	Slater,
Beck,	Garland,	Kernan,	Vance,
Butler,	Gordon,	Lamar,	Voorhees,
Call,	Groome,	McDonald,	Wallace,
Cockrell,	Harris,	Maxey,	Whyte,
Coke,	Hereford,	Morgan,	Williams,
Davis of W. Va.,	Hill of Georgia,	Pendleton,	Withers.
Eaton,	Jonas,	Pryor,	

NAYS—16.

Anthony,	Bruce,	Kellogg,	Platt,
Baldwin,	Cameron of Pa.,	McMillan,	Rollins,
Blaine,	Dawes,	Morrill,	Saunders,
Blair,	Ferry,	Paddock,	Windom.

ABSENT—29.

Allison,	Edmunds,	Jones of Nevada,	Sharon,
Bailey,	Grover,	Kirkwood,	Teller,
Booth,	Hamlin,	Logan,	Thurman,
Burnside,	Hampton,	McPherson,	Vest,
Cameron of Wis.,	Hill of Colorado,	Plumb,	Walker.
Carpenter,	Hoar,	Randolph,	
Conkling,	Ingalls,	Ransom,	
Davis of Illinois,	Johnston,	Saulsbury,	

So the amendment was agreed to.

The next amendment was, after line 252, to insert:

For repairs to the court-house building in the city of Washington, District of Columbia, \$800, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. EATON. I believe all the amendments that were suggested by the Committee on Appropriations have been adopted by the Senate. I understand that my friend from Indiana [Mr. VOORHEES] desires to offer an amendment.

Mr. VOORHEES. I ask that the communication which I send to the desk be read for the information of the Senate.

The Chief Clerk read as follows:

BOTANIC GARDEN,
Washington, D. C., March 29, 1880.

SIR: I respectfully ask your attention to the necessity of a very small appropriation being put in the deficiency bill for this fiscal year for the Botanic Garden. The sum of \$500 for extra labor, to gather, put up seed, and print labels for the same was put in the legislative bill of the first session of this Congress, but for some unexplained reason it did not become a law. The benefits of the institution, by the distribution of seed and plants, are only limited by the want of the cheapest kind of labor. Four more men at \$1.25 per day is an absolute necessity to keep the grounds in decent order, and to make the usual distribution of plants they should be employed at once for the months of April, May, and June. Their pay (\$1.25 per day) would amount to \$350.

I therefore request that the sum of \$850 be put in the deficiency bill for extra labor and printing labels for Botanic Garden.

Respectfully submitted.

WILLIAM R. SMITH,
Superintendent Botanic Garden.

Hon. D. W. VOORHEES,
Chairman Joint Library Committee.

Mr. VOORHEES. I offer an amendment, and ask that it be inserted after line 227, under the head of "miscellaneous." After line 227 I move to add:

For extra labor on the grounds, putting up seed, and printing labels, for the Botanic Garden, \$850.

Mr. DAVIS, of West Virginia. I should like to have an explanation—

Mr. VOORHEES. The letter explains the amendment.

Mr. DAVIS, of West Virginia. I listened to the letter. I should like to have an explanation why \$850 deficiency occurs in the Botanic Garden. In proportion to the amount spent there, that is a very large deficiency. The first I knew of the amendment was from hearing the letter read. I have no doubt the Senator from Indiana can give a proper explanation of it. Something in the letter was said about \$500 being appropriated in the legislative bill that the superintendent did not get the use of. If that be so—

Mr. VOORHEES. Let me explain. The item did not pass; it was inserted in the bill at one stage of the proceedings, but it did not become an appropriation, and that is the way the greater part of this deficiency occurs.

Mr. DAVIS, of West Virginia. I have heard something of a deficiency there. I suggest to the Senator from Indiana that four or five hundred dollars ought to be sufficient. I should not object to four or five hundred dollars, but I feel it my duty to object to anything exceeding that amount.

Mr. VOORHEES. I can only say that I have very great faith in Mr. Smith's judgment upon this question. He is a very economical Scotchman, and I do not believe he would ask for fifty cents beyond what he conscientiously believed was needed there to keep the grounds in order. With great respect to the Senator from West Virginia, I will take the sense of the Senate upon the amendment as I have offered it. I prefer to do so. It is recommended by Mr. Smith in his official capacity, and I have such perfect confidence in not only his integrity but his good sense upon these subjects that I prefer to let the amendment stand appropriating \$850.

Mr. JONES, of Florida. I have no objection whatever to the adoption of the amendment; but as a member of the body I am anxious that the administration of its rules in matters of this kind should be uniform. There is a rule of the Senate which requires, as I understand, that all amendments which go to increase an appropriation bill shall be recommended by a standing committee of the Senate or by the head of one of the Executive Departments. I wish to know whether Mr. Smith is the head of an Executive Department? I remember that a year ago this question came up in the Senate, and because the head of one of the Executive Departments had suggested an increase of an appropriation in a letter addressed to a Senator, so strict was the rule that in that case the Chair held very rigorously against me that because it was not addressed to the Senate the amendment was not in order, and it was held by the Senate to be out of order.

While I will go as far as anybody in sustaining Mr. Smith in anything that he may recommend for his branch of the public service, and I have every confidence in his integrity and in his usefulness, still I think it is important that the rules should be observed. Under the rules, I think it is necessary that the Committee on Appropriations should recommend this increase.

Mr. DAVIS, of West Virginia. I do not understand the Senator from Florida to raise the point of order. Certainly his point of order would be well taken if he made it.

The PRESIDING OFFICER. The Chair did not understand the Senator from Florida to make any point of order.

Mr. DAVIS, of West Virginia. Nor do I make one now. This amendment was not before the Committee on Appropriations, although the rule requires it to go there. I do not propose to raise the point of order on it, however. I only rose again to suggest to my friend from Indiana whether he had not better make it the amount that it was intended to have passed last year in the legislative bill, \$500. I should probably vote for \$500, but I cannot vote for \$850. I think it excessive, I think it unnecessary, and I hope the Senate will not agree to give \$850.

Mr. CARPENTER. Does the Senator raise a point of order?

Mr. DAVIS, of West Virginia. I have not done so.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana, [Mr. VOORHEES.]

The amendment was agreed to.

Mr. ALLISON. In line 230, I move to strike out the words "the general," before "deputies," and insert "their;" so as to read:

For the payment of the fees and expenses of United States marshals and their deputies, earned during the fiscal year ending June 30, A. D. 1880, \$600,000.

Mr. EATON. I want to say but one word. I do not know that my friend from Iowa will explain his amendment. Certainly the Senate will not adopt it if they intend to uphold the amendment they have just adopted for special deputies. Therefore I trust that the amendment will be voted down.

Mr. ALLISON. I should like the Senator from Connecticut to point out to me the clause of the statute providing for general deputies.

Mr. EATON. I am not pointing out clauses of the statute at all.

Mr. ALLISON. So I infer. I know of no clause in the statutes providing for general deputy marshals. Therefore I think the words had better not appear in the bill. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. EDMUNDS, (when his name was called.) On this question I am paired with the Senator from Ohio, [Mr. THURMAN,] who is absent by illness, as I stated before. I would vote in favor of this amendment; he would vote against it.

Mr. HILL, of Colorado, (when his name was called.) I am paired with the Senator from Arkansas [Mr. WALKER] on all political questions.

Mr. TELLER, (when his name was called.) On all political questions I am paired with the Senator from Virginia, [Mr. JOHNSTON.] If I were not paired I should vote "yea."

The roll-call was concluded.

Mr. BOOTH, (after having voted in the affirmative.) I desire to withdraw my vote; I voted inadvertently. I am paired with the Senator from Tennessee, [Mr. BAILEY.]

Mr. BURNSIDE, (after having voted in the affirmative.) I voted inadvertently. I am paired with the Senator from New Jersey, [Mr. MCPHERSON.] If he were here, he would vote "nay" and I should vote "yea."

Mr. CARPENTER. I wish to say that my colleague [Mr. CAMERON, of Wisconsin] is absent on business of the Senate.

The result was announced—yeas 19, nays 31; as follows:

YEAS—19.

Allison,	Carpenter,	Kellogg,	Platt,
Baldwin,	Conkling,	Kirkwood,	Rollins,
Blaine,	Dawes,	Logan,	Saunders,
Blair,	Ferry,	McMillan,	Windom.
Cameron of Pa.,	Hamlin,	Morrill,	

NAYS—31.

Bayard,	Farley,	Kernan,	Slater,
Beck,	Garland,	Lamar,	Vance,
Butler,	Gordon,	McDonald,	Voorhees,
Call,	Groome,	Maxey,	Wallace,
Cockrell,	Harris,	Morgan,	Whyte,
Coke,	Hereford,	Pendleton,	Williams,
Davis of W. Va.,	Hill of Georgia,	Pryor,	Withers.
Eaton,	Jones of Florida,	Ransom,	

ABSENT—26.

Anthony,	Edmunds,	Jonas,	Sharon,
Bailey,	Grover,	Jones of Nevada,	Teller,
Booth,	Hampton,	MCPHERSON,	Thurman,
Bruce,	Hill of Colorado,	Paddock,	Vest,
Burnside,	Hoar,	Plumb,	Walker.
Cameron of Wis.,	Ingalls,	Randolph,	
Davis of Illinois,	Johnston,	Saulsbury,	

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. BLAINE. I should like to move an amendment, one that I presume will require unanimous consent. I will submit it to the judgment of the Senate. It is to the clause on the first page of the bill where an appropriation of \$300,000 is made for the public printing. Ever since the Government Printing Office was established the employes of that office of all kinds have received until the current year the same consideration in respect of holidays that all the other employes of the Government have had. Under some new construction made by the superintendent of public printing or some necessity that forced the construction, I do not know which, perhaps a shortness of money, they have been deprived of that privilege. The Printing Committee of the House, if I may refer to it—I believe it is a joint committee still—have reported a joint resolution which I ask to have read by the Secretary, and which I move as an amendment.

Mr. EATON. I shall have to object to the amendment.

Mr. BLAINE. Hear it read.

Mr. EATON. I have no objection if my friend really desires to have it read; but the Committees on Printing of both Houses have this matter now under consideration for the purpose of arriving at a conclusion, if possible, to be put in a general bill hereafter. We did not think it best to put it in this deficiency bill.

Mr. BLAINE. The Senator will object?

Mr. EATON. I shall.

Mr. BLAINE. Let it be read any way. I suggested that I thought it might require unanimous consent. The words which I offer as an amendment are really now in the form of a joint resolution that has been reported in the House from the Committee on Printing, which committee itself is a joint committee.

The PRESIDING OFFICER. The proposed amendment will be reported.

The CHIEF CLERK. In line 11, after the word "dollars," it is proposed to add:

Provided, That the employes of the Government Printing Office shall be allowed the following legal holidays with pay, to wit: The 1st day of January, the 22d day of February, the 4th day of July, the 25th day of December, and such day as may be designated by the President of the United States as a day of public fast or thanksgiving, and other public holidays: *Provided*, That the said employes shall be paid for these holidays only when the employes of the other Government Departments shall be so paid: *And provided further*, That nothing herein contained shall authorize any additional payment to such employes as receive annual salaries. And this provision shall be in force and take effect from and after the 31st day of December, 1879.

Mr. BLAINE. This provision needs the change of wording that I inserted there, "and other public holidays" after "thanksgiving," because Decoration Day was not included. The amendment does not increase the appropriation. In its express language it puts the employes of the Printing Office on exactly the same basis with the employes of all other Departments and bureaus and Government employment of every kind in this District.

Mr. DAVIS, of West Virginia. My friend from Connecticut has charge of the bill and will have something to say, but I wish to ask the Senator from Maine whether he is in favor of legislation upon an appropriation bill? I am opposed to it upon principle, but I want to ask the Senator if he is in favor of legislation upon an appropriation bill.

Mr. BLAINE. My friend's principle will very soon have a test. Is he opposed to the legislation on this bill which comes from the House? Do I understand my friend from West Virginia that he will oppose the legislation at the end of this bill?

Mr. DAVIS, of West Virginia. What the House did is one thing, and what the Senate is doing is another thing.

Mr. BLAINE. Then my friend's principle breaks down; he is only opposed to that kind of legislation on appropriation bills which some Senator may think right, but not to that which some member of the House may think right.

Mr. DAVIS, of West Virginia. The Senate and House are two bodies. We cannot control the House, but a majority here can control the Senate.

Mr. BLAINE. I hardly think my friend from West Virginia would like to stand on as narrow an edge as that, that if the House sends us a piece of legislation it is all right for us to vote on it as proposed, but if a Senator shall propose to add a little, then he must object to it as a matter of principle.

Mr. DAVIS, of West Virginia. I did not say it was all right to vote upon whatever the House may put in. I have asked the Senator a question. I see he wants to dodge it, and does not mean to answer it.

Mr. BLAINE. Not at all; I have not the slightest disposition to dodge it. I shall defend my position in the way I have heretofore done. I should be glad to see a joint rule adopted which should absolutely prevent legislation upon appropriation bills in either House; but, as I had occasion to remark two years ago in the course of a lengthy discussion on this point, (and I shall not make this another lengthy one,) I conceive it to be in the highest degree detrimental to the independence of the Senate that it shall bind itself in no event to legislate on an appropriation bill, and be spoon-fed by the other House with whatever legislation it may choose to attach to an appropriation bill. As the rules of the House now stand they are so changed as to permit them to attach just what they please to appropriation bills. If the Senate will bind itself down never to propose anything, then I say the equality of legislative power of the two branches is destroyed, destroyed utterly.

If the House will say there shall be no independent legislation on appropriation bills, I shall join them. I made many efforts when I was a member of the House and occupied the position of its presiding officer to get a joint rule that should absolutely cut off legislation on appropriation bills. At that time the Senate was the body that used to send down to the House legislation upon appropriation bills, and send it down in whole volumes. Now the thing is changed, and the House sends it up to us. I think it wrong in both; but I think if one body indulges in it the other in self-defense must do it. In other words, the privilege or the surrender of privilege must be precisely equal in both cases.

This is a provision which my honorable friend from West Virginia would hardly class as a dangerous piece of legislation. It is a small bit of justice to be done to one of the hardest-worked and most deserving portions of the Government employes. It is simply to give them the benefit of the holidays that come from political and religious considerations. It is that Christmas and the Fourth of July they shall, in common with everybody else, enjoy without being docked for it. Nobody else is in the whole District. Why should they be? I appeal to the kind-heartedness of my friend not to interpose a discussion here upon the propriety of legislation upon appropriation bills to cut off this, I will not say generous, but this just provision.

Mr. EDMUNDS. It is perfectly in the power of the Senate, adher-

ing to its own rules against legislation on appropriation bills, (and it has such rules that are absolute and imperative,) to defend itself against legislation on appropriation bills that comes here from the House by simply striking out all such provisions. We have it entirely in our power to defend ourselves; and inasmuch as the amendment proposed by the Senator from Maine is clearly and distinctly within the prohibition of the rules of the Senate and against what he himself considers to be the just principle that should apply to appropriation bills, I make the point of order entirely irrespective of the merit of the question, that this is proposing legislation upon an appropriation bill, and I object to it for that reason.

Mr. WHYTE. I am sorry that the Senator from Maine has introduced the amendment at this time—

Mr. EDMUNDS. I should like to hear the Chair rule on the point of order.

Mr. GARLAND. It is to be decided without debate.

Mr. BLAINE. The Chair can reserve the point of order for a moment.

The PRESIDING OFFICER. The Chair will reserve the point of order.

Mr. CONKLING. Let us hear the rule read.

Mr. EDMUNDS. It is Rule 29.

The PRESIDING OFFICER. The Secretary will report the rule.

The Chief Clerk read as follows:

29. No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

Mr. ALLISON. This is not a general appropriation bill.

Mr. EDMUNDS. Yes, it is a general appropriation bill, a general deficiency bill.

The PRESIDING OFFICER. Will the Senator from Vermont state the point of order?

Mr. EDMUNDS. I will state my point of order. It is that this amendment falls distinctly within the first clause of Rule 29, (I say nothing about the other clauses at the present time,) because this is an amendment which proposes a general rule of law, or in other words general legislation, on a general appropriation bill. This is a general deficiency appropriation bill.

Mr. BLAINE. Where does the Senator find it defined as a general appropriation bill?

Mr. EDMUNDS. I find it defined in the nature of the bill itself and in the constant practice of the Senate.

Mr. BLAINE. I submit that a deficiency bill is not a general appropriation bill within the very meaning of the words. A rule that is exclusively confined to a general appropriation bill, within the technical rules that the Senator from Vermont is so fond of applying, could not attach to a deficiency bill.

Mr. WHYTE. I ask the Senator from Vermont to waive the point of order a moment, that I may state to the Senator from Maine that this subject-matter is now before the Committees on Printing of the two Houses, and we are about to agree upon some action that will be satisfactory probably to the Public Printer and to the employés.

Mr. BLAINE. My amendment is just what the Committee on Printing has reported in the House.

Mr. WHYTE. But that was not reported by concert of action between the two committees. That is from the committee of the House acting separately from the committee of the Senate. There is a controversy between the Public Printer and his employés. We have had some consultation upon the subject, and I have no doubt we shall prepare a bill that will be agreeable to all parties.

Mr. CONKLING. Now let us hear the part of the rule read under which this debate proceeds.

The PRESIDING OFFICER. The Chair is of opinion that this is not a general appropriation bill; and under the first clause of the rule he would not be inclined to rule the amendment out of order.

Mr. EDMUNDS. I appeal from the decision of the Chair.

Mr. CONKLING. That is debatable.

The PRESIDING OFFICER. From the ruling of the Chair the Senator from Vermont appeals. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. PENDLETON. I should like to have the decision stated again, and the rule read.

The PRESIDING OFFICER. The Senator from Vermont makes the point of order that the amendment of the Senator from Maine is not in order under the first clause of the twenty-ninth rule. If the Senator from Vermont makes the point of order that the amendment is not in order under the entire rule the Chair will decide upon that point.

Mr. EDMUNDS. The Senator from Vermont does not make that point of order at this present time; he makes it on the first clause of Rule 29, and on no other.

The PRESIDING OFFICER. The Chair decides that this is not a general appropriation bill, and therefore under the first clause the amendment is in order.

Mr. EATON. Will the Chair be so kind as to have the entire rule read?

The PRESIDING OFFICER. The Chair will have the entire rule reported.

The Chief Clerk read as follows:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received, nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and decided without debate, and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

Mr. CARPENTER. Is debate in order?

The PRESIDING OFFICER. Debate is in order.

Mr. CARPENTER. I am opposed to the decision of the Chair on the point of order, but as anything is in order after debate comes, I want to say that I entirely concur with my honorable friend from West Virginia. I am opposed in principle to any general legislation upon an appropriation bill. I shall stand by the head of the Appropriations Committee on all occasions in voting to clean all these bills of all general legislation. I have no doubt that in accordance with his settled convictions and his well-known firmness of purpose, before the bill goes beyond the power of the Senator to do so, he will move to amend by enforcing his principle upon that branch of general legislation which is found upon this bill in regard to elections. I desire to say now that I shall follow the lead of that Senator when he makes a motion in support of his principle. If he should forget to make it, and any other Senator should make it, I shall still vote in favor of the principle of the Senator from West Virginia to strike out the general legislation from this bill.

Mr. CONKLING, (in his seat.) Knowing that he will vote that way.

Mr. CARPENTER. Knowing that he will vote that way also if he happens to be in the Chamber, and is not paired or otherwise encumbered.

Mr. DAVIS, of West Virginia. The Senators from New York and Wisconsin together have made a right good little speech; but let me say to the Senator from Wisconsin that it was his side of the House, that it was his friend from Vermont, who made the objection, and not the Senator from West Virginia.

Mr. CARPENTER. I understood the Senator from West Virginia, however, to state his objection to this legislation as a matter of principle, because it was general legislation upon an appropriation bill, and I know too much of the Senator to suppose that his principles apply to only one side of the Chamber.

Mr. DAVIS, of West Virginia. I do not know that the Senator from West Virginia made any other remark than simply to ask the question of the Senator from Maine, whether or not he was in favor of general legislation upon an appropriation bill, stating at the same time that I was opposed to this amendment upon principle, not upon the ground that is stated by the Senator from Wisconsin. The Senator from Wisconsin might have been out at the time, and therefore he got started wrong, and he talked so well that he has made a right pretty little speech out of what perhaps he did not understand himself, not having heard the whole debate on the question.

Mr. CARPENTER. Will the Senator allow me?

Mr. DAVIS, of West Virginia. Certainly.

Mr. CARPENTER. I may have misunderstood the Senator; I am subject to small mistakes; but I understood him to say that he was opposed to legislation upon a general appropriation bill, on principle. I should now like to know how he does stand on that question, as I desire in all questions on appropriation bills to follow the lead of the chairman of the Committee on Appropriations if I can.

Mr. DAVIS, of West Virginia. Upon that question I do not propose to be catechised just now. When the subject presents itself, when something tangible is here, something that the Senate ought to decide, and a Senator is required to state where he stands, then I shall do it without hesitation.

The question before us now is, whether the amendment is in order. I understand the Chair to have decided that this is not a general appropriation bill, and upon that ground, and that ground alone, the decision rests. Am I right in my assumption?

The PRESIDING OFFICER. The Senator is correct.

Mr. DAVIS, of West Virginia. This bill contains appropriations for probably thirty different subjects; I have not counted them, but certainly there are twenty or thirty. If that number of appropriations for different subjects, going from one department to another, from the executive to the legislative, and for almost every Executive Department in the Government, up to the number of thirty, does not make the bill a general appropriation bill, then I hardly know what is a general appropriation bill. The Chair of course rules in accordance with his own belief, and it is only his opinion, or perhaps I should not question the decision of the Chair. If the Senator will look at the bill he will find that it commences with public printing; the next items are for the Treasury Department, for which there are several items, such as transportation of coin, and the service of the mints; then follows the Life-Saving Service, then public buildings, the Coast Survey, the War Department, the Navy Department, the Interior Department. All these are appropriated for in this bill. The legislative department is provided for, the Smithsonian Institute, the Fish Commission, the House of Representatives, the flower-garden, as some one suggests by the amendment of the Senator from Indiana, and the Department of Justice. It appears to be pretty general and pretty sweeping, perhaps more so than appropriation bills usually are.

With all respect to the decision of the Chair, it appears to me to be an appropriation bill in the sense in which the rule applies. Not wishing to consume time, I hope that the decision of the Senate will be that this is a general appropriation bill, because if we are to cut off this kind of a bill from the operations of the rule I hardly know when we shall get a general appropriation bill to which to apply the rule.

Mr. JONES, of Florida. I have arrived at the same conclusion with the Senator from West Virginia, but not entirely by the same process of reasoning. I have no doubt in the world in my mind that this is a general appropriation bill within the meaning of the rule, and I shall therefore with reluctance have to vote against sustaining the decision of the Chair. As I understand the rule to be, it is that on all bills relating to the appropriation of public money for public purposes no increase of such appropriations can be made by amendment unless such amendment is sustained by the recommendation of the head of a Department or of one of the standing committees of this body. The reason of the rule is to guard against hasty legislation and an unnecessary appropriation of public moneys for public purposes. Surely this bill is open to all the objection on that point that any appropriation bill could be open to. If a bill comes here making a special appropriation for any individual purpose, for a private claim, for things disconnected with the Government, of course that is not a general appropriation bill within the meaning of the rule.

Mr. CARPENTER. This bill could not have originated in the Senate.

Mr. JONES, of Florida. It is suggested by the Senator from Wisconsin that a bill like this could not have originated in the Senate. On that point I express no opinion; but if such be the case, it shows clearly that this is of that character of appropriation bills which come within the meaning of the rule.

Mr. BLAINE. I think an appropriation bill may originate in the Senate.

Mr. DAVIS, of West Virginia. I will say to my friend from Maine that the habit has been for many years that all such bills have originated in the other end of the Capitol and have been sent over here.

Mr. EDMUNDS. Of course the Chair will understand that my appeal is not from any want of respect to the Chair or his decision, but is in order that the Chair shall determine authoritatively what has been determined, in round numbers, a thousand times before, that a deficiency bill falls within the provisions of Rule 28 and Rule 29. If this is a general appropriation bill, all amendments to it "moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation * * * or to add new items * * * shall at least one day before they are offered be referred to the Committee on Appropriations." In the fourteen years that I have been in the Senate that part of the rule has been applied to all deficiency bills uniformly and without question, and any amendment moved by direction, &c., as provided in that rule to a deficiency bill could not be received unless referred as there provided.

The first clause of the next rule is that "no amendment which proposes general legislation shall be received to any general appropriation bill." That clause of the rule has been applied to deficiency bills uniformly when any point has been made, and always in respect of the nature of the deficiency bill for the fourteen years that I have been in this body.

The rule in relation to laying amendments to general appropriation bills upon the table without affecting the bill, has been uniformly and universally applied to deficiency bills.

Now, what is the nature of this bill itself? It makes a general provision to supply what is wanted in the general and prospective appropriation bills for the same kind of service, nothing else. We have what I suppose the Chair would agree to be a general appropriation bill that provides for the service of the Government for the next fiscal year. That bill passes. It is found that in many respects a provision made in it is inadequate. Then the House, according to the practice, (not according to the Constitution necessarily, but according to the practice,) originates an additional bill, a supplement to the former bill, which provides for making up what the former bill had omitted to provide for; and that comes here; so that if the original appropriations to which this bill refers were in general appropriation bills then this, as it appears to be, must necessarily be so; and such I say, to the best of my recollection, has been the constant practice and understanding of the Senate, and I think without any difference of opinion until this time.

The PRESIDING OFFICER. The Senator from Vermont will allow the Chair—

Mr. BLAINE. One moment just. The Senator from Vermont is now arguing that the same principles of amendment should be applied to this as to a general appropriation bill. His first position was that it was a general appropriation bill.

Mr. EDMUNDS. And that is my position now, as I stated distinctly.

Mr. BLAINE. Then the Senator reaffirms that. What are the general appropriation bills must have that character in the Senate and House. You cannot consider that to be a general appropriation bill in the Senate which is not so considered in the House.

Mr. EDMUNDS. How do you make that out?

Mr. BLAINE. Because by custom, (not as the Senator from Wisconsin intimated by constitutional right,) they must originate in the

House. By custom the general appropriation bills do originate there, and they must have exactly the character here that they have in the House. You cannot call a bill by a different name or give it a different character if it originates in the House, when it reaches the Senate. The House defines with perfect precision that "the general appropriation bills" shall be the following: "for legislative, executive, and judicial expenses; for sundry civil expenses; for consular and diplomatic expenses; for the Army; for the Navy; for the expenses of the Indian department; for the payment of invalid and other pensions; for the support of the Military Academy; for fortifications; and for the service of the Post-Office Department."

Mr. DAWES. And this is for deficiencies in those bills, and therefore of the same quality exactly.

Mr. BLAINE. Ah! That is another thing. Does the honorable Senator from Massachusetts say that an amendment to a bill is the same as the bill itself? That the mere fact of making it up afterward—

Mr. DAWES. Certainly; a proper amendment to a bill is of the same character as the bill itself, because it must be germane to it.

Mr. BLAINE. That is not the point we are discussing now. A deficiency is something that has grown up in despite of the rules. It has grown up under a necessity even against the rules. The rules frown upon deficiency bills; they are constructed to prevent them; they are regarded as evils. Possibly they are necessary evils, not to the extent in which we indulge them here; but the rules, I say, do not at all class them as general appropriation bills, and it would be a very unwise step so to class them. We ought not to legislate on the ground that necessarily, after all, we are going to have a great sweep-in and sweep-all called the deficiency bill elevated to the same rank and to be treated with the same dignity as an original appropriation bill. It ought to be discouraged rather than encouraged; and therefore the decision of the honorable president is, in my judgment, in strict accordance with the necessities of the case and with the universal parliamentary law.

Mr. DAWES. I understand a deficiency bill to be to make up of what was lacking in the original bills. The original bills did not go as far as was required of those bills and a deficiency in each one of those bills must of itself partake of precisely the same nature. If there be any reason in the world why independent legislation should not be attached to a general appropriation bill, that same reason, so far as I am able to see, must apply to an appropriation for a deficiency to make out and complete that bill.

If there be any reason in the world why it is not proper to attach general and specific legislation to one particular bill, when that bill has been passed and becomes a law, and it is found that it does not go as far as either the law or the necessities of the Government required, when we come to supply that deficiency in a new bill it is altogether a different thing, my friend from Maine says, and there is no reason in the world why we cannot apply independent legislation to that sort of a bill, while it is highly proper that by a joint rule we shall bind ourselves not to put independent legislation upon the original bill, but keep it for that part of the bill which completes and perfects it. I do not understand it, but I suppose it must be so. I never had any great knowledge of rules, especially those rules that do not have any index to them. That kind of rules I never could understand, and this is one of them. I cannot understand why, if it is improper to attach independent legislation to the whole of a thing, it is not improper to attach it to a part of the same thing. I hope my friend will make it perfectly clear, because he is always clear on the rules. I can always understand exactly what they mean after he has stated them; I never could find them anywhere else.

Mr. BLAINE. The Senator has found some very extraordinary rules evolved out of his own imagination. In the first place, I never said that general legislation should go on appropriation bills, nor do I admit that the amendment I moved is general legislation. But it is very astonishing how some gentlemen can see general legislation in one thing and utterly be blinded to general legislation in another thing. Here is the Senator from Vermont, the famous fisherman. The bill as it comes from the House provides that "the Secretary of the Navy is hereby directed to place the vessels of the United States Fish Commission on the same footing with the Navy Department as those of the United States Coast and Geodetic Survey"—a very large piece of independent legislation. It did not arrest the observation of the Senator from Vermont a particle; it does not come within the scope of his censure at all; but when a little bit of a provision is presented that gives to a poor printer a privilege which he has been deprived of by the rule of the superintendent of public printing, which in all the years that the Public Printing Office has existed has never before been denied to him, which restores the status, merely affirms what the law is, not making a new law, then the Senator from Vermont and the Senator from Massachusetts find that that is a very large piece of independent legislation. Why did not my watchful friend from Massachusetts see the expense of the Navy Department increased by an independent act? Why did he keep his seat? Why did the Senator from Vermont, in connivance with it, permit that proposition to escape his watchful eye? Did his visions of salmon, his visions of a summer's vacation and the enjoyment of the rod and the fly, blind him to the fact that the vessels of the United States Fish Commission are hereafter, with his consent and his privity and his connivance in legislation, to be put upon the basis of the United States naval vessels and uniformed and commanded?

Mr. EDMUNDS. It is a vision of *gammon* that I had instead of *salmon*. [Laughter.]

Mr. BLAINE. It is a vision of *gammon* that the Senator did not himself expose to the Senate.

In the first place, let me say that a deficiency bill has never been accounted a general appropriation bill. In the next place, if it were, the proposition which I have submitted is not at all obnoxious to the criticism that it is a piece of general legislation. I repeat, as I have heretofore repeated very often, and will continue to repeat, from some observation in both Houses, that a piece of general legislation which is out of order on an appropriation bill is a piece of general legislation to which the Senator objecting is opposed, whoever he may be. The piece of general legislation which is out of order on an appropriation bill is that particular piece to which the individual Senator speaking is opposed. That is the one.

Now, I do not at all ground my opposition—if I have it, and I have already recorded that I have it—to this political legislation on this bill simply or chiefly on the ground that it is on an appropriation bill. It is vicious in essence, it is vicious in intent, it is vicious in original design, and that design is no less vicious and that intent is no less mischievous whether it be in an independent bill or whether it be tagged upon an appropriation bill. And, as I said before to the Senator from Vermont in a prolonged discussion here, there is not a Senator of the United States who is on record for as large an amount of independent legislation upon appropriation bills as the honorable Senator from Vermont himself. I believe the honorable Senator from Vermont can challenge comparison with any Senator that ever sat in this Chamber for loading down the statutes of the United States with independent legislation on appropriation bills; and if I join him, or he joins me, or we join each other, in opposing the mischievous proposition at the end of this bill, I say you utterly fail to put the proper appreciation upon the intent of it if you ground your objection wholly or chiefly on the ground that it is a part of an appropriation bill. That is a petty objection. The objection to it is that it is wrong in itself; it is partisan in design, mischievous in intent, disastrous in its consequences, which we will argue when we come to it; and I shall spend very little time in the argument that it is attached to this bill or to that bill.

Mr. EDMUNDS. Mr. President, the Senator from Maine is, as usual, immensely mistaken in imputing to me what he does about trying to legislate on appropriation bills under the rules as they stand now. He thought it fit on one former occasion, I believe, when something that he was very much for did not happen to meet the approval of the Senate, to say the same thing, as if the business of the Senate here was to try my consistency instead of to obey its own rules. I leave my good friend from Maine to spend all the time that he thinks is desirable in assailing me. It will not hurt the business of the country any; it will not hurt the Senate; and so far as it hurts me—as of course it will in a certain degree—I shall hail as one of those unseen blessings that come around in that form. I leave it there.

Now as to what he says about my not having opposed the provision about the fish-hatching steamer or whatever it is, let me just remind him of what perhaps he has not noticed, that that is a provision in the text of the bill as it comes from the House.

Mr. BLAINE. But the honorable Senator said—

Mr. EDMUNDS. If the Senator will be good enough to wait until I am through I shall be very much obliged to him.

Mr. BLAINE. I will wait.

Mr. EDMUNDS. That is in the text of the bill as it came from the House. We are now on amendments. When the proper time comes, the sense of the Senate in respect of legislation as it is in the House bill upon this point will be taken, undoubtedly, and it will be open to me or anybody when the proper time comes to call attention to provisions in the House bill as it came to us that are of a legislative character and that ought not to be here. But until the time comes that such a question can be made, it is a little premature in my friend from Maine to take me to task as being inconsistent upon these matters.

In the next place perhaps he has forgotten also—for he forgets more in a day than I can remember in a week—he has perhaps forgotten also that the provisions in the House bill are not subject to any rule of the Senate. The rule does not say, as I think it ought to say, that every provision that comes to us in a House appropriation bill providing for a change in the laws should be stricken out as a matter of duty and without discussion except to ascertain that it falls within the rule. We have not any such rule. If therefore I make no point, because I cannot make any point under the rules, about this fish-hatching steamer, I am not obnoxious to the criticism of my friend from Maine.

But now the Senator from Maine chooses to aggravate or supplement the evil that he and I both agree exists about going into general legislative subjects on appropriation bills; because the House has done something that it ought not to have done, he thinks it is desirable that the Senate should do something that it ought not to do and which its rules provide it shall not do in the way of amendments proposed here.

Mr. BLAINE. But the honorable Senator, with that memory which calls up so much in a week, forgets in the course of half an hour that he laid down to us within that brief period that our duty was to oppose every piece of independent legislation which the House sent to

us on an appropriation bill; and I pointed out to him right there before his eyes a piece of House legislation which the House sent to us and he sat here and assented to it. He never raised his voice.

Mr. EDMUNDS. I have not assented to anything yet.

Mr. BLAINE. That is critical and hypercritical and a little extra-hypercritical, the Senator will permit me to say. A man who sits still when a bill is read section by section and makes no motion to amend it is in the attitude of assenting to it. That is the rule and practice, and the honorable Senator from Vermont, who can make as fine a point as any man who lives, cannot make a point fine enough to cover that. He assented to that piece of legislation and entirely trod under foot when he did so the very rule he laid down for the government of the Senate, that it was the Senate's duty to sternly resist everything the House sent us on the ground that it was independent legislation. On the very first page of the bill that lies upon his desk that he stands here assenting to is a very important piece of general legislation which probably, if he had called attention to, he might have had stricken out.

But I do not desire to prolong the discussion. The question of the consistency of the honorable Senator from Vermont or of any other Senator is not of any very great consequence only that I desire when he airs his vocabulary on the rules and his rhetoric on the question just to remind him that, like all the rest of us, he is mortal, and that the memory which stretches so accurately for a week forgets what took place the year before last.

Mr. WHYTE. Mr. President, the only question, as it occurs to me, involved in this appeal, as the objection is made on the first branch of Rule 29, is whether this is a general appropriation bill. The Chair has decided that it is not a general appropriation bill, and consequently that the objection is not well taken. Now, I propose to support the view of the Chair. In my judgment this is not a general appropriation bill.

The rules of both Houses, and certainly of the House of Representatives, from the formation of the Government down to this time, have dealt with appropriation bills, general and special. The general appropriation bills have been segregated, required to be reported within thirty days of the appointment of the Committee on Appropriations. They are designated, and are intended for the support of the Government in all those expenses required by law, by antecedent law. They are passed as appropriations to support the Government in accordance with the law as it exists at the time of their report to the House. Congress have by statute, which is incorporated in the Revised Statutes, provided for the style and title of a general appropriation bill distinctly:

SEC. 11. The style and title of all acts making appropriations for the support of Government shall be as follows: "An act making appropriations (here insert the object) for the year ending June 30, (here insert the calendar year)."

That is intended for the title of an appropriation bill, whether for the support of the consular and diplomatic service, or for the Treasury Department, or what not; that is the title of a general appropriation bill. When you come to a special appropriation bill, you use a different title; when you come to a deficiency bill you use a title entirely at variance with this title which belongs to general appropriation bills.

Mr. JONES, of Florida. Will the Senator from Maryland allow me to call his attention to Rules 27 and 28, which relate to general appropriation bills? I ask the Senator whether with his views on this question it would be competent to increase a bill of this description by an amendment, without referring it to a committee or having it supported by a recommendation from the head of a Department?

Mr. WHYTE. Beyond all question. When an amendment was offered by the Senator from Indiana [Mr. VOORHEES] nobody raised a question. That did not come from any committee; that had not been offered and referred to the Committee on Appropriations in advance; and such things are done constantly upon deficiency bills without objection. It never would have occurred to me to make the objection.

Mr. DAVIS, of West Virginia. My friend from Maryland will allow me to ask him whether he considers what is known as the general deficiency bill, which comes to us every year in regular order, is an appropriation bill or not?

Mr. WHYTE. Certainly it is an appropriation bill—

The PRESIDING OFFICER. If the Senator from Maryland will suspend his remarks for a moment, the Chair will explain his position more fully. The Chair is of opinion that the amendment is not in order under the rule taken as a whole, and if he had been allowed to proceed he would have so ruled at the outset, that the amendment is not in order under the twenty-ninth rule.

Mr. WHYTE. There is no difficulty upon that subject; but the Senator from Vermont limits the Chair, limits the point of order.

The PRESIDING OFFICER. If the Senator will allow the Chair a moment. The Chair on reflection does not consider himself limited to any clause of the rule, but he has a right to rule this amendment out of order under the general rules of the Senate, and he so rules.

Mr. WHYTE. The Chair has ruled it out of order, and from that an appeal has been taken.

Mr. EDMUNDS. No, he ruled it in order under the first clause which was my point, and from that I appealed.

Mr. BLAINE. Then the Chair rules this out of order upon a point which nobody has yet made.

The PRESIDING OFFICER. The Chair rules it out of order under the twenty-ninth rule.

Mr. BLAINE. But nobody has raised that point of order; and on what does the Chair predicate that decision?

The PRESIDING OFFICER. The point of order was made, and the Chair rules the amendment out of order.

Mr. BLAINE. The Senator from Vermont distinctly disclaimed making that point of order. He wanted to have the preliminary point under the twenty-eighth rule settled, and the Chair in my judgment very properly overruled that, and the Senator from Vermont disdained to have it ruled upon any other point than upon that point. Now the Chair comes to his relief by suggesting that it is out of order on another point which no Senator has raised, and therefore the decision upon this point is evaded.

The PRESIDING OFFICER. The Senator will allow the Chair to suggest that the entire rule was read to the Senate; and under the rule the Chair decides this amendment to be out of order.

Mr. BLAINE. But the Chair will excuse me for saying with all proper respect that a point of this kind must be raised before it shall become the habit of the Chair to rule upon it. The habit of the Chair is to allow the Senate to dispose of these things unless the judgment of the Chair is invoked.

Mr. FERRY. I ask the Senator from Maine if it is not the practice of the Chair to rule on questions that are submitted under the rules of the Senate without the point being made?

Mr. BLAINE. I submit not. I submit that when an amendment is offered to a bill it is not the habit in any parliamentary body—and the Senator from Michigan with his large experience in the chair will certainly justify me in saying it—for the Chair to raise a point of order of his own motion that that amendment is not in order.

Mr. FERRY. I can say that it is the duty of the Chair to rule under the rules of the Senate, and it has been the practice of the Senator from Michigan when occupying the chair to rule without a point being made by any Senator on the floor.

Mr. BLAINE. Then the Senator from Michigan stands as the solitary exception to all presiding officers I have ever had the pleasure of sitting under in my life, that an amendment is on the mere motion of the Chair said to be out of order before anybody in the whole House can make the point. If the honorable Senator is correct in what he says were his rulings, he takes off from the House the right to give unanimous consent.

Mr. FERRY. Mr. President, how often within the recollection of Senators is it the practice of the presiding officer, and almost universally so, when an amendment is offered, if the Chair conceives it not to be in order, to rule it out of order without the point being made. If the Chair makes the decision, then a Senator upon the floor can make the point that the decision is not in accordance with the rules; but the Chair always exercises the province of ruling under the rules on any question presented.

Mr. BLAINE. Without the point being made?

Mr. FERRY. Certainly, often.

Mr. BLAINE. I shall invite the honorable Senator from Michigan to with me observe the proceedings of the Senate any day or any week or any month, and I will convince him upon the records of the Senate where he has himself presided so ably, that his memory is sadly at fault.

Mr. FERRY. Frequently the presiding officer does not rule in a case when a Senator conceiving the assent of the presiding officer to be contrary to the rules makes the point of order; but it is almost universally the case that when amendments are offered the Chair rules them out of order or in order without the point being made. If any Senator feels himself aggrieved, and thinks the ruling is contrary to the rules of the Senate, he then makes the point of order, and then the Chair is compelled to rule upon it. I speak from my own experience, since the Senator has referred to me.

Mr. BLAINE. This is not a matter of great consequence. I only beg to differ entirely from my friend as to the habit, and to say that I think it would be regarded as a piece of very great impertinence for any presiding officer to sit in his chair and decide, without any Senator invoking the decision, right along upon the character of amendments. I think it would be a very extraordinary presiding officer that would do it.

I desire now before this thing passes off that the Chair shall distinctly state the ground upon which this amendment is ruled out of order.

Mr. CARPENTER. Mr. President—

Mr. JONES, of Florida. What has become of the appeal?

Mr. WITHERS. I should like to know what is before the Senate?

Mr. EDMUNDS. What is the pending question?

The PRESIDING OFFICER. The Chair practically reversed its first ruling, and he supposed the appeal fell, by his ruling the amendment out of order under the twenty-ninth rule. Is the appeal withdrawn?

Mr. BLAINE. I simply desired to have the Chair state it, and if he puts it under a rule to have that rule read.

The PRESIDING OFFICER. The twenty-ninth rule.

Mr. CARPENTER. Mr. President, I am unwilling that a great question like this shall pass into the records of the country without my name being connected with it. [Laughter.]

I understand the present ruling of the Chair to be entirely sound. I do not understand that, when an amendment is offered, any Sena-

tor can insist that the Chair shall decide whether it is in order or not for a certain reason, or under a certain rule, or under a certain clause of a rule. That would be submitting a conundrum, and not raising a point of order. Any Senator may object to an amendment, as the Senator from Vermont did to this, upon the ground that it is out of order, and then he proceeded to state his point of order, which was that it was forbidden by the first clause of the rule which he read. That was his statement of his reason for making the point of order. The point of order, however, which the Chair must decide, is not whether it is out of order under one rule or another, but whether it is out of order or not. If the Chair is satisfied that under all the rules of the Senate, taken together and considered together, the amendment is out of order, he should rule so. No Senator can insist that the Chair should pass upon these mere conundrums: is this out of order on the first clause of this rule and then appeal from that; next, is it out of order on the second clause; and so on. The question is: Is it in order or not? On that question the Chair has to rule; and if it rules that it is not in order, the Chair is not bound to specify under what clause of the rules he rules it out. His decision on the question whether it is in order or not settles the only question that can be submitted to the Chair.

Mr. BLAINE. Now we have heard from two presiding officers of eminence who have graced the chair. The last one is that it is the duty of the Chair simply to say "that is out of order," and if a Senator respectfully asks what the reason is, or under what rule it is out of order, the Chair shall say, "It is none of your business; I say it is out of order." That is the way the honorable Senator from Wisconsin, under whose presidency I did not have the great pleasure of sitting and from which I luckily escaped, says the Chair should act. If what he now states as the duty of the Chair was his rule, I am very glad that my advent to the Senate was postponed until he had been relieved of those disagreeable duties which he says he performed with such absolute and reckless disregard of the common and ordinary rules of politeness. I am very glad that I escaped.

Mr. CARPENTER. I desire for once to concur with the Senator from Maine in expressing my satisfaction that he did not get into the Senate a moment earlier than he did. [Laughter.] The Senator from Maine is exceedingly fortunate in answering suggestions that have never been made. I made no statement as to what the Chair should do, or what reason it should give, or how insolent it should be. All that the Senator from Maine needed no instruction upon. He had presided where insolence was the rule. He is a master of it. I was not instructing him on that subject—

Mr. BLAINE. Oh, no!

Mr. CARPENTER. Nor offering him any suggestion about it. I did say, and I say now, that the only question a Senator can raise upon an amendment is whether or not it be in order, and that is the only point the Chair has to decide. The Chair may go into an opinion on the subject as lengthy as it pleases. It may refer to as many rules as it pleases sustaining its opinion. We all know the difference between the point in judgment in a case and the opinion delivered by the judge as the reason why he decides the case thus and so. So, if a Senator asked any presiding officer a civil question, any civil presiding officer would answer it civilly. I made no suggestion that it should not be done, that it could not be done, that it ought not to be done. Nothing of the kind. I was simply arguing one thing, and that was that the point in judgment when the Chair rules on a question of order is, is the amendment in order or not? How far the Chair should go in delivering an opinion in support of its judgment, giving the reasons why it is out of order, specifying the rules or clauses of the rules, is a matter in the first place left entirely to the discretion of the Chair. Then if a Senator wants any information on the subject, if he wants a pleasant conversation with the Chair, the Chair is supposed to be as pleasantly inclined as any Senator, and would probably give him the information. I was not speaking upon that subject, and the Senator from Maine went adrift on a question that was not suggested at all by me nor referred to by me in any way whatever. He was very successful in overcoming it. He never fails to ride down a hobby that he builds for himself for the purpose of attacking, and he was as successful in this case as I ever knew him to be.

Mr. BLAINE. The Senator from Wisconsin now has elaborately told us exactly what he did not mean, but he forgot to tell us what he did mean.

Mr. CARPENTER. No; I did not forget to tell what I did mean.

Mr. BLAINE. Let us see. I asked of the Chair the simple question—and I certainly asked it from the highest of personal respect—under what rule this amendment was out of order, and I am very sure the honorable presiding officer will admit that I asked it in a respectful mode. I submit according to all the rules of decorum of which the Senator from Wisconsin is an acknowledged master, that it was for the Chair to determine whether he was treated disrespectfully, and the volunteer efforts of the Senator from Wisconsin were not needed; and if I was in that place where insolence is said by him to be the rule, I might gently intimate that his language bordered on the impertinent, but I am in the Senate and cannot say that.

Mr. CARPENTER. Since when could not the Senator say that? I have never known that Senator restrained by any rule from saying anything he wanted to say, and I certainly desire, as far as I am personally concerned, to release him now. He can say what he pleases. As far as I am concerned, he has my consent.

The Senator says that I stated what I did not think and I omitted

to state what I did think. The Senator was drifting after another shadow then. I did state, and lest I may not be understood let me repeat, that when an amendment to a bill is offered and a Senator raises a point of order—what is his point? that that amendment under the rules of the Senate cannot go upon the bill; it makes no difference whether it is the twenty-fifth rule, or the twenty-sixth, or the twenty-seventh, or the twenty-ninth, that applies to it—the question is, is it in order under the rules of the Senate; and that is what the Chair rules on; and I say that a Senator cannot insist that the Chair shall rule upon a particular clause of a rule. The question and the only question the Chair is bound to decide is whether the amendment is in order or not; otherwise he is deciding conundrums, not questions.

Mr. DAWES. Suppose he gives a wrong reason for it, does that make it in order because he happens to give a wrong reason?

Mr. CARPENTER. No.

Mr. DAWES. So I supposed.

Mr. CARPENTER. What Lord Mansfield once told a friend of his who was appointed a judge to go to India is exactly in point here. He told him: "Decide the cases as you think is right, but never give a reason; your decisions will generally be right and your reasons generally wrong."

Mr. DAWES. I understood the Senator from Maine to say that when a point of order was raised and the presiding officer ruled upon it, if he gave a wrong reason for that ruling that made the proposition in order. I wanted to know how that was.

Mr. BLAINE. Well, the Senator from Massachusetts luckily can aid the Senator from Wisconsin. I do not wish to prolong this matter. I only wish before it passes from the Senate to submit to the honorable Senator from Wisconsin that probably he would have occasion to revise his opinions as to insolence if he had served in the House. I have had the privilege of serving in the House under different Speakers; I have had the honor to be Speaker myself; I could appeal to very many Senators on this floor who have served in the other House, in that body which the Senator says is ruled with insolence, and it would have outrun even his imagination of insolence for a Speaker to have said, "that is out of order, and if the member wishes to ask me why, I will refuse to answer the conundrum," I submit that that would have outrun all the insolence that the House ever was treated to, as it would destroy all the dignity the Senate ever laid claim to.

Mr. CARPENTER. I did not argue that question at all and have nothing to say about it now. I never was Speaker of the House; I am glad of that. I never was in the House; I am glad of that. So that branch of the argument I need not answer, neither confessing nor avoiding. I have said nothing about it and do not propose to.

The PRESIDING OFFICER. Do Senators desire to have the twenty-ninth rule read?

Mr. BLAINE. I do if the Senator from Wisconsin does not think it insolence to have it done.

Mr. CARPENTER. Especially I desire to have it read if the Senator from Maine thinks it is insolent.

Mr. McDONALD. What is the question before the Senate?

The PRESIDING OFFICER. The Senator from Maine has called for the reading of the twenty-ninth rule.

Mr. McDONALD. What question is pending before the Senate?

The PRESIDING OFFICER. The reading of the twenty-ninth rule is called for by the Senator from Maine. The Secretary will read it. The Chief Clerk read as follows:

23. No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any amendment nor germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

The PRESIDING OFFICER. The question is on ordering the bill to a third reading.

Mr. EDMUNDS. I move to strike out of the bill from line 234 after the word "dollars" to and including line 252.

The PRESIDING OFFICER. The Secretary will read the words proposed to be stricken out by the amendment of the Senator from Vermont.

The Chief Clerk read as follows:

Provided, That hereafter special deputy marshals of elections, for performing any duties in reference to any election, shall receive the sum of \$5 per day in full for their compensation; and that all appointments of such special deputy marshals shall be made by the circuit court of the United States for the district in which such marshals are to perform their duties; but should there be no session of the circuit courts in the States or districts where such marshals are to be appointed, then and in that case the district judges are hereby authorized to convene their courts for the aforesaid purpose; said special deputies to be appointed in equal numbers from the different political parties. And the persons so appointed shall be persons of good moral character, and shall be well-known residents of the voting precincts in which their duties are to be performed.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when his name was called.) On all political questions I am paired with the Senator from New Jersey, [Mr. McPHERSON.] If he were here, he would vote "nay" and I should vote "yea" on this amendment.

Mr. McDONALD, (when the name of Mr. DAVIS, of Illinois, was called.) The Senator from Illinois [Mr. DAVIS] is paired with the

Senator from Iowa, [Mr. ALLISON.] The Senator from Illinois would vote "nay" on this motion if he were present.

Mr. EATON, (when his name was called.) On this question I am paired with the Senator from New York, [Mr. CONKLING.]

Mr. EDMUNDS, (when his name was called.) On this question I am paired with the Senator from Ohio, [Mr. THURMAN.] If he were present, he would vote "nay" and I should vote "yea."

Mr. HILL, of Colorado, (when his name was called.) On this question I am paired with the Senator from Arkansas, [Mr. WALKER.] If he were here, I should vote "yea."

Mr. INGALLS, (when Mr. PLUMB's name was called.) My colleague [Mr. PLUMB] is unavoidably absent from the city. He is paired with the Senator from Missouri [Mr. VEST] on all political questions.

Mr. TELLER, (when his name was called.) On this and on all political subjects I am paired with the Senator from Virginia, [Mr. JOHNSTON.] If he were present, I should vote "yea" on this amendment.

The roll-call was concluded.

Mr. ALLISON. I am paired on this and all other questions connected with this bill with the Senator from Illinois, [Mr. DAVIS.]

Mr. COCKRELL. My colleague [Mr. VEST] is paired on all political questions with the Senator from Kansas, [Mr. PLUMB.] If he were here, my colleague would vote "nay."

The result was announced—yeas 22, nays 34; as follows:

YEAS—22.

Anthony,	Cameron of Wis.,	Kellogg,	Platt,
Baldwin,	Carpenter,	Kirkwood,	Rollins,
Blaine,	Dawes,	Logan,	Saunders,
Booth,	Ferry,	McMillan,	Windom.
Bruce,	Hamlin,	Morrill,	
Cameron of Pa.,	Ingalls,	Paddock,	

NAYS—34.

Bailey,	Garland,	Kernan,	Slater,
Bayard,	Gordon,	Lamar,	Vance,
Beck,	Groome,	McDonald,	Voorhees,
Butler,	Hampton,	Morgan,	Wallace,
Call,	Harris,	Pendleton,	Whyte,
Cockrell,	Hereford,	Pryor,	Williams,
Coke,	Hill of Georgia,	Randolph,	Withers.
Davis of W. Va.,	Jonas,	Ransom,	
Farley,	Jones of Florida,	Saulsbury,	

ABSENT—20.

Allison,	Eaton,	Johnston,	Sharon,
Blair,	Edmunds,	Jones of Nevada,	Teller,
Burnside,	Grover,	McPherson,	Thurman,
Conkling,	Hill of Colorado,	Maxey,	Vest,
Davis of Illinois,	Hoar,	Plumb,	Walker.

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on ordering the amendments to be engrossed and the bill to be read the third time.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when his name was called.) On all political questions I am paired with the Senator from New Jersey, [Mr. McPHERSON.] If he were here he would vote "yea," and I should vote "nay."

Mr. EATON, (when his name was called.) On this question I am paired with the Senator from New York, [Mr. CONKLING.] If he were here I should vote "yea."

Mr. EDMUNDS, (when his name was called.) On this question I am paired, as I have stated before, with the Senator from Ohio, [Mr. THURMAN.]

Mr. INGALLS, (when Mr. PLUMB's name was called.) I repeat the announcement before made that my colleague [Mr. PLUMB] is paired with the Senator from Missouri, [Mr. VEST.]

The roll-call was concluded.

Mr. ALLISON. On this question I am paired with the Senator from Illinois, [Mr. DAVIS.] I should vote "nay" if he were here.

Mr. COCKRELL. My colleague [Mr. VEST] if present, and not paired, would vote "yea."

The result was announced—yeas 35, nays 24; as follows:

YEAS—35.

Bailey,	Garland,	Kernan,	Saulsbury,
Bayard,	Gordon,	Lamar,	Slater,
Beck,	Groome,	McDonald,	Vance,
Butler,	Hampton,	Maxey,	Voorhees,
Call,	Harris,	Morgan,	Wallace,
Cockrell,	Hereford,	Pendleton,	Whyte,
Coke,	Hill of Georgia,	Pryor,	Williams,
Davis of W. Va.,	Jonas,	Randolph,	Withers.
Farley,	Jones of Florida,	Ransom,	

NAYS—24.

Anthony,	Cameron of Pa.,	Ingalls,	Morrill,
Baldwin,	Cameron of Wis.,	Jones of Nevada,	Paddock,
Blaine,	Carpenter,	Kellogg,	Platt,
Blair,	Dawes,	Kirkwood,	Rollins,
Booth,	Ferry,	Logan,	Saunders,
Bruce,	Hamlin,	McMillan,	Windom.

ABSENT—17.

Allison,	Edmunds,	McPherson,	Vest,
Burnside,	Grover,	Plumb,	Walker.
Conkling,	Hill of Colorado,	Sharon,	
Davis of Illinois,	Hoar,	Teller,	
Eaton,	Johnston,	Thurman,	

So the amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. This bill having had three several readings, the question is shall it pass?

Mr. EATON. Mr. President, I said at the close of the morning hour to-day that it was my desire to obtain a vote on this bill to-day; but after consultation with friends on both sides of the Chamber, who assure me that we can get an early vote on the bill to-morrow, I have gladly consented that it may go over till to-morrow, and I will move that the Senate now proceed to the consideration of executive business.

Mr. DAVIS, of West Virginia. I hope my friend will withhold that motion for a few moments.

Mr. EATON. Certainly.

UTE INDIANS IN COLORADO.

Mr. COKE. Mr. President, I am authorized by the Committee on Indian Affairs to report a substitute for the bill (S. No. 1509) to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same. I ask that it be printed, and I desire to renew the notice heretofore given that I will, as soon as the substitute is printed, endeavor to call up the bill for action.

Mr. ALLISON. I ask after that bill be printed that this substitute may be regarded as an original bill, so that amendment may be made to it.

The PRESIDING OFFICER. The proposed substitute will be printed; and the course suggested by the Senator from Iowa will be pursued if there be no objection.

NOTICES OF BUSINESS.

Mr. DAVIS, of West Virginia. There are on the Calendar not strictly speaking appropriation bills, but three bills from the Appropriations Committee. One of them is known as the bill to repeal the permanent annual appropriations, which is an important bill to the country and it ought to get to the House before it is too late for action at this session; the second is the bill to adjust the Treasury accounts in regard to what are known as the unavailables; the third a bill to amend the sundry civil bill of last year in regard to the geological surveys. I wish to give notice now, not to interfere with the pending bill, that at as early a day as it is possible I will on behalf of the Committee on Appropriations ask that these three bills be taken up and proceeded with; they are on the Calendar; and if from any cause the Geneva award bill does not follow this bill, I will ask that these three bills be then taken up in the order I have named.

Mr. EDMUNDS. The Senator does not ask any vote of the Senate at this time, but only gives notice.

Mr. DAVIS, of West Virginia. I give notice of what I propose, so that the Senate may be prepared.

Mr. COKE. I desire to call the attention of the chairman of the Committee on Appropriations to the fact that I have already given notice that I will call up Senate bill No. 1509 and ask for action upon it as soon as this deficiency appropriation bill is out of the way. There is no bill before the Senate that is more important and demands prompt action than it, as I think I shall be able to show whenever the time comes.

Mr. BAYARD. I hope it will be the pleasure of the Senate to allow me to call up a bill reported from the Committee on Public Buildings and Grounds making an appropriation for the base and pedestal of a monument to the late Rear-Admiral Samuel Francis Dupont.

The PRESIDING OFFICER. The Senator from Connecticut made a motion to proceed to the consideration of executive business, but withdrew it temporarily.

Mr. BAYARD. I think this bill will lead to no debate, and it is a thing that if it is to be accomplished at all should be accomplished now.

Mr. EDMUNDS. I suggest to the Senator from Delaware that I think we ought to have a short executive session. It is almost half past four o'clock now. The bill can wait until morning.

Mr. BAYARD. Then I will not interpose this bill.

Mr. EATON. I renew my motion.

The PRESIDING OFFICER. The Senator from Connecticut moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were reopened, and (at four o'clock and forty-four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 31, 1880.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILSON, D. D., Washington, District of Columbia.

The Journal of yesterday was read and approved.

APACHE INDIANS, NEW MEXICO.

Mr. SCALES. I ask consent to report from the Committee on Indian Affairs, for consideration at this time, the bill (H. R. No. 5161) to amend an act entitled "An act for the removal of certain Indians in New Mexico," approved June 20, 1878.

Mr. BREWER. Let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the proviso to the act approved June 20, 1878, making an appropriation for the removal of the band of Apaches at Cimarron, New Mexico, to the Mescalero Apache reservation at Fort Stanton, New Mexico, requiring the removal of said Indians within thirty days after the passage of the act, and forbidding the issue of rations and annuities to said Indians, except at the Mescalero Apache agency, New Mexico, be, and the same is hereby, repealed, and the Secretary of the Interior is authorized and directed to issue to said Indians their supplies and annuities at the Abiquiu agency, New Mexico.

Mr. BREWER. I have no objection to that bill.

Mr. NEWBERRY. Is there a report accompanying the bill?

Mr. SCALES. There are reports from two committees, and a letter from the Secretary of the Interior recommending it.

Mr. NEWBERRY. Will the gentleman state the substance of the report?

Mr. SCALES. I will endeavor to do so in a few words. By the act of 1878 these Apaches were ordered to be removed down into New Mexico to the Fort Stanton agency; and there was a proviso to the act that they should not be fed nor their annuities paid to them until they got to that agency. They stopped on the way there, have never been able to be forced one foot beyond where they stopped, and are now in a starving condition. It is necessary to repeal the proviso of the act of 1878, so that their annuities may be paid to them.

Mr. NEWBERRY. Is this the unanimous report of the Committee on Indian Affairs?

Mr. SCALES. It is, and also of the Committee on Appropriations. I will ask to have printed the correspondence with the Interior Department upon the subject.

There was no objection.

The correspondence is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 31, 1880.

SIR: I have the honor to transmit herewith copy of a communication from the Commissioner of Indian Affairs, dated 29th instant, relative to the starving condition of the Jicarilla Apaches in the vicinity of the Abiquiu agency, New Mexico, and recommending the repeal of so much of the act of June 20, 1878, (Statutes, volume 20, page 232,) as provides for the removal of these Indians to the Fort Stanton reservation, and prevents the issue of rations or annuities to them except at the agency of said latter reservation. For the reasons given by the Commissioner, that owing to the impoverished condition of these Indians an outbreak is imminent unless relief is extended immediately, and that an attempt to remove them would be attended by great danger of hostilities, I have the honor to request that Congress be urged by your committee to carry out at once the recommendation of the Indian Office.

Very respectfully,

C. SCHURZ,
Secretary.

Hon. A. M. SCALES,
Chairman Committee on Indian Affairs,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 29, 1880.

SIR: By act approved June 20, 1878, (Statutes, 20, page 232,) an appropriation of \$5,000 was made to pay the expenses of the removal of the band of the Ute Indians at Cimarron, New Mexico, to the reservation of that tribe in Colorado, and also to remove the band of the Apaches at the same place to the Mescalero Apache reservation at Fort Stanton, New Mexico, with the proviso that "the President shall cause the removal of said Indians within thirty days after the passage of this act; and thereafter no rations or annuities shall be issued to said Indians except at the agencies of their respective reservations."

In accordance with this law an attempt was made to remove the Apache Indians, but they persistently refused to remove further south than the Abiquiu agency, where they now are, and in a starving condition, the Department being powerless to extend them aid on account of restrictions contained in the above act.

Owing to the impoverished condition of said Indians, and fearing an outbreak unless relief is extended immediately, I have the honor to recommend that Congress be requested to repeal that portion of the act referred to forbidding rations or supplies to be issued to said Indians except at the agency located in the Mescalero Apache reservation.

Very respectfully,

E. A. HAYT, Commissioner.

Hon. SECRETARY OF THE INTERIOR.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. SCALES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF MISSISSIPPI RIVER COMMISSION.

Mr. ROBERTSON. I now call up the motion to reconsider the vote by which the communication from the Secretary of War transmitting the report of the Mississippi River commission was referred to the Committee on Commerce. I will state that my object is to have the report referred to the Committee on Levees and Improvements of the Mississippi River.

Mr. GIBSON. I feel authorized to state that the gentleman from Michigan, [Mr. CONGER,] who on a former occasion objected to the reference now desired, withdraws his objection. He is not now present. I hope the House will allow this report to go to the Committee on Levees and Improvements of the Mississippi River. It is a matter of great importance to the people living in the Mississippi Valley.

The SPEAKER. The Chair thinks the papers referred to properly belong to the Committee on Levees and Improvements of the Mississippi River.

The motion to reconsider was agreed to.

The communication, with the accompanying report, was then referred to the Committee on Levees and Improvements of the Mississippi River.

Mr. ROBERTSON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLLECTION DISTRICT OF RICHMOND, VIRGINIA.

Mr. BEALE. I ask unanimous consent to report from the Committee on Commerce for consideration at this time the bill (H. R. No. 4214) to amend and re-enact sections 2552 and 2553 of the Revised Statutes. I will state that it is a bill local in its character, making no appropriation and creating no charge upon the Treasury.

The bill was read as follows:

Be it enacted, &c., That paragraph 4 of section 2552 of the Revised Statutes be, and the same is hereby, amended so that it shall read: "The district of Yorktown: To comprise all the waters and shores from the point forming the south shore of the mouth of the Rappahannock River, and from the mouth of York River to Cappahosic, in which Yorktown shall be the port of entry, and East River and Cumberland ports of delivery."

SEC. 2. And that paragraph 7 of section 2552 of the Revised Statutes be, and the same is hereby, amended so that it shall read: "The district of Richmond: To comprise all the waters and shores of the James River, from its junction with the Appomattox River to the highest tide-waters of the James River, and all the waters and shores of the York River from Cappahosic to its head, and the waters and shores of the Pamunkey and Mattaponi Rivers, to the highest tide-waters in said rivers, in which the port of entry shall extend from Richmond and Manchester to Bermuda Hundreds, and to West Point, at the head of York River."

SEC. 3. And that paragraph 7 of section 2553 of the Revised Statutes be, and the same is hereby, amended so that it shall read: "In the district of Richmond, a collector and a surveyor, who shall reside at Richmond; a surveyor, who shall reside at Bermuda Hundreds; and a deputy collector, who shall reside at West Point."

Mr. BEALE. If the House will permit me I will say that the only change made in the existing law by this bill is to take a portion of the territory embraced within the Yorktown district and transfer it to the Richmond district, in order to accommodate the commerce at West Point, which comes from the city of Richmond.

Mr. DUNNELL. Is this bill approved by the Treasury Department?

Mr. BEALE. It is, and the law officer of that Department said to me that the bill was exactly right and he would not dot an *i* or cross a *t* in it.

There being no objection, the bill was received, ordered to be engrossed, and read a third time; and it was accordingly read the third time, and passed.

Mr. BEALE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. KITCHIN. I ask consent of the House that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 3290) for the relief of Kimberly Brothers, and that the same be now considered in the House.

Mr. GARFIELD. I think we had better have the regular order.

Mr. KNOTT. I hope the regular order will not be called until I can introduce a private bill for reference, as I may be called out of the House soon.

Mr. GARFIELD. Very well, I will not object to that.

JOHN G. MATTINGLY & BRO.

Mr. KNOTT, by unanimous consent, introduced a bill (H. R. No. 5525) for the relief of John G. Mattingly & Bro.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

POST-ROUTES.

Mr. MONEY. I ask consent to report from the Committee on the Post-Office and Post-Roads the usual post-route bill.

Mr. DUNNELL. Has the bill been printed?

Mr. MONEY. The original bill has been printed. I desire to report a substitute containing some additional routes.

Mr. CONGER. Is there any legislation in the bill?

Mr. MONEY. None, excepting that necessary to establish the routes therein named.

Mr. GARFIELD. On the assurance of the chairman of the committee that there is no legislation in the bill except for establishing post-routes, I hope it will be passed by unanimous consent.

Mr. MONEY, by unanimous consent, accordingly reported from the Committee on the Post-Office and Post-Roads, as a substitute for House bill No. 5256, a bill (H. R. No. 5524) to establish post-routes; which was read a first and second time.

The bill was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. MONEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. GOODE. The Clerk has now found the bill referred to by the gentleman from North Carolina, [Mr. KITCHIN.] I hope it will be taken up.

The SPEAKER. The difficulty is that the gentleman from Michigan [Mr. STONE] demands the regular order, which is the morning hour. Mr. STONE. I move that the morning hour for to-day be dispensed with.

The motion was not agreed to, there being, ayes 41, noes not counted.

The SPEAKER. The morning hour begins at twenty-six minutes

after twelve o'clock. Reports from committees are in order. The call rests with the Committee on the Judiciary.

GERMAIN H. MASON.

Mr. WILLITS, from the Committee on the Judiciary, reported back, with amendments, the bill (H. R. No. 2499) for the relief of Germain H. Mason, of Michigan; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

INNOCENT PURCHASERS OF PATENTED ARTICLES.

Mr. LAPHAM, from the same committee, reported back adversely the bill (H. R. No. 3049) protecting innocent purchasers of patented articles from actions for damages; which was laid on the table, and the accompanying report ordered to be printed.

JAMES REA.

Mr. WILLIAMS, of Wisconsin, from the same committee, reported back, with a favorable recommendation, the joint resolution (H. R. No. 19) to authorize the Secretary of State to allow for expenditures within named to James Rea, late consul at Belfast, Ireland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

UNITED STATES COURTS IN IOWA.

Mr. HERBERT, from the same committee, reported, as a substitute for House bill No. 2713, a bill (H. R. No. 5526) providing the times and places of holding the circuit court of the United States in the district of Iowa, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ANN GREGORY.

Mr. HERBERT also, from the same committee, reported back adversely the bill (H. R. No. 2645) for the relief of Ann Gregory, widow of Charles N. Gregory, deceased; which was laid on the table, and the accompanying report ordered to be printed.

THEODORE TEED.

Mr. HAMMOND, of Georgia, from the same committee, reported back adversely the petition of Theodore Teed, praying the repayment of money paid by him for property purchased at a sale under the confiscation act of July 17, 1862, which sale was subsequently adjudged void by the Supreme Court of the United States; which was laid on the table, and the accompanying report ordered to be printed.

UNITED STATES COURTS IN INDIANA.

Mr. NEW. By unanimous direction of the Committee on the Judiciary, I report back, with a recommendation that it be passed, with amendments, the bill (H. R. No. 2384) amendatory of and supplementary to "An act to provide for the holding of terms of district and circuit courts of the United States at Fort Wayne, Indiana," approved June 18, 1878. I am also instructed by the committee to ask for the immediate consideration of this bill, if it may be done under the rules.

The SPEAKER. It cannot be considered now. The gentleman can ask unanimous consent for that purpose after the expiration of the morning hour.

The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

L. S. ENSEL.

Mr. NEW, from the same committee, reported, as a substitute for House bill No. 882, a bill (H. R. No. 5527) for the relief of L. S. Ensel; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRELIMINARY TRIALS BEFORE UNITED STATES COMMISSIONERS.

Mr. CULBERSON, from the same committee, reported, as a substitute for House bill No. 2706, a bill (H. R. No. 5528) relating to preliminary trials before commissioners of the circuit courts of the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JUDICIAL DISTRICTS IN TEXAS.

Mr. CULBERSON. I am also directed by the same committee to report back, with a favorable recommendation, the bill (H. R. No. 5197) to amend an act entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western districts of said State, and to fix the time and places of holding courts in said district." As this is a local bill, and very short, I ask unanimous consent for its consideration at this time.

The SPEAKER. The bill cannot be considered in this hour. The gentleman can ask unanimous consent for that purpose after the morning hour.

The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LAND TITLES IN MISSISSIPPI.

Mr. CULBERSON. I am directed by the same committee to report a resolution relating to certain land titles in the State of Mississippi. As it relates simply to the reference of some papers, I ask that the resolution may be read and considered now.

The SPEAKER. It is not in order to consider matters of any kind during this hour. If the business of this hour should be interfered

with by the consideration of subjects reported from committees, the whole hour might be consumed in that way.

Mr. CULBERSON. I withdraw the report.

BENJAMIN N. DISBROW.

Mr. HURD, from the Committee on the Judiciary, to whom was referred the petition of Benjamin N. Disbrow praying an appropriation of \$5,570.50 to pay judgments awarded to him for costs as guardian *ad litem* in a suit of The United States vs. Heirs of Charles Fox, reported the same back and moved that it be referred to the Committee on Appropriations, with a recommendation that the appropriation requested be made.

The motion of Mr. HURD was agreed to; and the petition, with the accompanying report, was referred to the Committee on Appropriations.

STATE NATIONAL BANK, BOSTON, MASSACHUSETTS.

Mr. ROBINSON, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3305) for the relief of the State National Bank of Boston, Massachusetts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CYRUS C. CLARK.

Mr. ROBINSON also, from the same committee, reported back favorably the bill (H. R. No. 2497) for the relief of Cyrus C. Clark, paymaster in the Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LAND CLAIMS—CALIFORNIA.

Mr. ROBINSON also, from the same committee, reported, as a substitute for House bill No. 3179, a bill (H. R. No. 5529) relating to the legal and equitable rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PROHIBITION OF ENGRAVED SIGNATURES—BANK NOTES.

Mr. BUCKNER, from the Committee on Banking and Currency, reported back favorably the bill (H. R. No. 4600) to prohibit engraved signatures upon national bank notes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LOANS OF NATIONAL BANKS ON MORTGAGE.

Mr. DAVIS, of North Carolina, from the same committee, reported back favorably the bill (H. R. No. 1909) to authorize national banks to make loans upon mortgage of real estate; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

VERIFICATION OF NATIONAL-BANK RETURNS.

Mr. PRICE, from the same committee, reported back favorably the bill (H. R. No. 4572) defining the verification of returns of national banks; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MANCHESTER CITY NATIONAL BANK.

Mr. CRAPO, from the same committee, reported back favorably the bill (H. R. No. 3794) authorizing the City National Bank of Manchester, New Hampshire, to change its name; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BLUE HILL NATIONAL BANK, DORCHESTER, MASSACHUSETTS.

Mr. CRAPO also, from the same committee, reported back favorably the bill (H. R. No. 4006) authorizing the Blue Hill National Bank of Dorchester, Massachusetts, to change its location and name; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NEW YORK CLEARING-HOUSE, ETC.

Mr. WARNER, from the Committee on Coinage, Weights, and Measures, reported notes of a conference between the House Committee on Coinage, Weights, and Measures and the Secretary of the Treasury and Treasurer of the United States on the subject of the arrangement with the New York clearing-house in regard to the circulation of silver; which was ordered to be printed, and recommitted.

RECOINAGE OF THE HALF DOLLAR.

Mr. CLAFLIN, from the Committee on Coinage, Weights, and Measures, reported, as a substitute for House bill No. 2704, a bill (H. R. No. 5530) for the recoinage of the half dollar, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE, SAMPIT RIVER, SOUTH CAROLINA.

Mr. REAGAN, from the Committee on Commerce, reported back favorably the bill (H. R. No. 3332) to provide for the erection of a light-house at the mouth of Sampit River, Georgetown Harbor, South Carolina; which, with the accompanying report, was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT OF OHIO RIVER.

Mr. REAGAN also, from the same committee, reported the plan of General Herman Haupt, civil engineer, on the improvement of the Ohio River; which was ordered to be printed, and recommitted.

INTEROCEANIC CANAL.

On motion of Mr. REAGAN, from the same committee, that committee was discharged from the further consideration of a petition in reference to the construction of a free ship-canal across the Isthmus of Darien; and the same was referred to the Select Committee on Interoceanic Ship-Canal.

SANTEC CANAL.

On motion of Mr. REAGAN, from the same committee, that committee was discharged from the further consideration of the petition of citizens of Charleston County, South Carolina, praying for a survey of the Santee Canal, in that State, and for an appropriation to open the same; and the same was referred to the Committee on Railways and Canals.

JACOB DUNDORE.

On motion of Mr. REAGAN, from the same committee, that committee was discharged from the further consideration of the bill (H. R. No. 3747) for the relief of Jacob Dundore, for loss of the barge T. C. Zulick, while in the service of the United States under charter-party; and the same was referred to the Committee on War Claims.

R. B. TALFOR AND H. C. RIPLEY.

On motion of Mr. REAGAN, from the same committee, that committee was discharged from the further consideration of the bill (H. R. No. 3671) for the relief of R. B. Talfor and H. C. Ripley; and the same was referred to the Committee on Claims, and ordered to be printed.

THOMAS SAMPSON.

Mr. BLISS, from the same committee, reported back favorably the bill (H. R. No. 146) authorizing the Secretary of the Treasury to bestow a life-saving medal on Thomas Sampson, of New York City; which was referred to the House Calendar, and the accompanying report ordered to be printed.

LIGHT-HOUSE AND FOG-BELL, KENT ISLAND.

On motion of Mr. McLANE, from the same committee, that committee was discharged from the further consideration of the bill (H. R. No. 4254) making an appropriation for the erection of a light-house and fog-bell on Bloody Point Bar, Kent Island; and the same was referred to the Committee on Appropriations, and ordered to be printed.

MARINE-HOSPITAL SERVICE.

Mr. McLANE, from the same committee, reported a bill (H. R. No. 5531) to increase the efficiency of the Marine-Hospital Service; which was read a first and second time, referred to the Calendar of the Committee of the Whole House, and the accompanying report ordered to be printed.

LIFE-SAVING STATION, LOUISVILLE, KENTUCKY.

Mr. THOMAS TURNER, from the same committee, reported, as a substitute for House bill No. 1940, a bill (H. R. No. 5532) to establish a life-saving station at Louisville, Kentucky; which was referred to the Calendar of the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CHANGE OF NAME OF SCHOONER.

Mr. BEALE, from the same committee, reported back favorably the bill (H. R. No. 3285) to change the name of the schooner W. P. Cox to Annie V. Minor; which was referred to the House Calendar, and the accompanying report ordered to be printed.

FAYETTEVILLE A PORT OF ENTRY.

Mr. BEALE also, from the same committee, reported back favorably the bill (H. R. No. 2470) to create a new collection district in North Carolina and to make Fayetteville a port of entry; which was referred to the Calendar of the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

MARINE HOSPITAL, CEDAR KEYS, FLORIDA.

Mr. BEALE also, from the same committee, reported back adversely the bill (H. R. No. 1026) making an appropriation for the erection of a marine hospital at the entrance to the harbor of the port of Cedar Keys, in the State of Florida; and the same was laid on the table, and the accompanying report ordered to be printed.

IMPROVEMENT OF CHARLES HARBOR, MISSOURI.

Mr. CLARDY, from the same committee, reported, as a substitute for House bill No. 930, a bill (H. R. No. 5533) to improve the landing and harbor in the city of Saint Charles, in the State of Missouri; which was read a first and second time, referred to the Calendar of the Committee of the Whole House, and the accompanying report ordered to be printed.

BRIDGE ACROSS THE ALABAMA RIVER.

Mr. CLARDY also, from the same committee, reported, as a substitute for House bill No. 3332, a bill (H. R. No. 5534) to authorize the construction of a bridge across the Alabama River at or near Selma, Alabama; which was read a first and second time, referred to the House Calendar, and the accompanying report ordered to be printed.

REMOVAL OF OBSTRUCTIONS AT DELAWARE BREAKWATER.

Mr. CLARDY also, from the same committee, reported back favorably the joint resolution (H. R. No. 246) construing an act approved January 23, 1880, for the removal of obstructions from the harbor at the Delaware breakwater, with an amendment; which was referred to the House Calendar, and the accompanying report ordered to be printed.

PLEASURE-YACHTS.

Mr. TOWNSEND, of Ohio, from the Committee on Commerce, reported back the bill (H. R. No. 4803) to amend section 4214 of the

Revised Statutes relating to yachts; which was referred to the House Calendar, and the accompanying report ordered to be printed.

CHANGE OF NAME OF STEAMBOAT.

Mr. TOWNSEND, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 3803) to authorize the Secretary of the Treasury to change the name of the steamboat Minnie P. Child, of New York; which was referred to the House Calendar, and the accompanying report ordered to be printed.

LIGHT-HOUSE ON SQUAW ISLAND.

Mr. TOWNSEND, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 2685) making an appropriation for the erection of a light-house on Squaw Island, Lake Michigan; which was referred to the Calendar of the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

HARBOR OF REFUGE AT SAND BEACH, MICHIGAN.

Mr. TOWNSEND, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 2695) for the government and control of the harbor of refuge at Sand Beach, Lake Huron, Michigan; which was referred to the Calendar of the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

LIGHT-HOUSE AT EAGLE RIVER, MICHIGAN.

Mr. TOWNSEND, of Ohio, also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2686) to appropriate money for rebuilding the light-house at Eagle River, Lake Superior, Michigan; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

SAINT VINCENT, MINNESOTA.

Mr. TOWNSEND, of Ohio, also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4249) making Saint Vincent, in the State of Minnesota, a port of entry in lieu of Pembina, in the Territory of Dakota; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE AT MANISTIQUE, MICHIGAN.

Mr. TOWNSEND, of Ohio, also, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 3528) to appropriate money for the construction of a light-house at Manistique, Michigan.

Mr. CONGER. I ask that that be placed upon the Calendar.

The bill was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

PORTSMOUTH, OHIO.

Mr. TOWNSEND, of Ohio, also, from the same committee, reported back, with an amendment, the bill (H. R. No. 559) to constitute the city of Portsmouth, in the State of Ohio, a port of delivery.

Mr. TOWNSEND, of Ohio. Would it be in order to ask unanimous consent for the present consideration of this bill?

The SPEAKER. It would not, in the morning hour.

The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF NAME OF STEAM-TUG.

Mr. WAIT, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (H. R. No. 4450) to change the name of the steam-tug Charlotte and Isabella to Maud; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF NAME OF SCHOONER J. H. DUSENBERRY.

Mr. WAIT also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2208) to change the name of the schooner J. H. Dusenberry; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

STAMFORD HARBOR, CONNECTICUT.

Mr. WAIT also, from the same committee, reported a bill (H. R. No. 5535) for the improvement of Stamford Harbor, in the State of Connecticut; which was read a first and second time, referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

UNLADING OF FOREIGN VESSELS.

Mr. WAIT also, from the same committee, reported back, with an amendment, the joint resolution (H. R. No. 3) relating to the unlading of foreign vessels; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SHEER-BOOMS AT STRAIGHT SLOUGH.

Mr. HENDERSON, from the same committee, reported back, with an amendment, the bill (H. R. No. 4591) to authorize the Mississippi River Logging Company to construct and operate sheer-booms at or near Straight Slough; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BARK ANNIE JOHNSON.

Mr. HENDERSON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4162) author-

izing the Secretary of the Treasury to issue an American register to the bark Annie Johnson; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

BEDLOE'S ISLAND, NEW YORK HARBOR.

Mr. HENDERSON also, from the same committee, reported back, with an amendment, the joint resolution (H. R. No. 165) as to the transfer of a part of Bedloe's Island, New York Harbor, for marine-hospital purposes; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

PORT OF DELIVERY AT INDIANAPOLIS.

Mr. HENDERSON also, from the same committee, reported back, with an amendment, the bill (H. R. No. 3520) to establish a port of delivery at Indianapolis, in the State of Indiana, and moved that the bill be placed upon the House Calendar and the report printed.

Mr. CONGER. Bills of this class, establishing what are called interior ports of entry, provide for appraisers. If this bill provides for an appraiser, it will facilitate its passage by having it sent to the Committee of the Whole on the state of the Union at once; because if the point of order is made when the bill is reached on the House Calendar, it will then take a lower place on the Calendar of the Committee of the Whole on the state of the Union.

Mr. REAGAN. Does this bill provide for an appraiser?

Mr. HENDERSON. It does not. This is a port of delivery.

Mr. CONGER. A port of delivery has an appraiser.

Mr. HENDERSON. There is no such provision in the bill.

The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SUGAR-PRODUCING PALMS.

Mr. STEELE, from the Committee on Agriculture, reported back, with an adverse recommendation, the bill (H. R. No. 1921) making an appropriation for the introduction of sugar-producing palms in the Southern States; and the same was laid on the table, and the accompanying report ordered to be printed.

JAPANESE INDEMNITY FUND.

Mr. COX, from the Committee on Foreign Affairs, reported back, with an amendment, the bill (H. R. No. 1353) in relation to the Japanese indemnity fund; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

RESTORATION TO CITIZENSHIP.

Mr. HILL, from the same committee, reported back, with an amendment, the bill (H. R. No. 3119) to provide for the restoration to citizenship of such citizens of the United States as have become naturalized as subjects of Great Britain; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRITISH BARK CHANCE.

Mr. RICE, from the same committee, reported a bill (H. R. No. 5536) for the relief of the owners, officers, and crew of the British bark Chance; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

CARLOS BUTTERFIELD.

Mr. HERNDON, from the same committee, reported a joint resolution (H. R. No. 269) for the relief of Carlos Butterfield; which was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

ARCTIC EXPLORATION.

Mr. KENNA, from the Committee on Commerce, reported back, with an amendment, the bill (H. R. No. 5029) to grant an American register to a foreign-built ship for the purpose of scientific exploration; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

STEAM-YACHT W. J. GORDON.

Mr. KENNA, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4247) to change the name of the steam pleasure-yacht W. J. Gordon to Salmo; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

BEN. T. PERKINS, SR.

Mr. SPARKS, from the Committee on Military Affairs, reported back the bill (H. R. No. 4961) for the relief of Ben. T. Perkins, sr., and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on War Claims. The motion was agreed to.

GEORGE P. WEBSTER.

Mr. SPARKS also, from the same committee, reported back the bill (H. R. No. 2836) for the relief of George P. Webster, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on War Claims. The motion was agreed to.

W. C. HULL.

Mr. SPARKS also, from the same committee, reported back the bill (H. R. No. 4704) for the relief of W. C. Hull, and moved that the com-

mittee be discharged from its further consideration and that the same be referred to the Committee on Claims.

The motion was agreed to.

GEORGE S. FRAMEL.

Mr. SPARKS also, from the same committee, reported back the bill (H. R. No. 4545) for the relief of George S. Framel, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Claims.

The motion was agreed to.

W. J. LYSER.

Mr. SPARKS also, from the same committee, reported back the bill (H. R. No. 4954) for the relief of Captain W. J. Lyster, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Claims.

The motion was agreed to.

AMENDMENT OF ARTICLES OF WAR.

Mr. SPARKS also, from the same committee, reported back, with an amendment, the bill (S. No. 744) to amend article 103 of the rules and articles of war; which was referred to the House Calendar, and the accompanying report ordered to be printed.

JEREMIAH PHELAN.

Mr. DIBRELL, from the same committee, reported back adversely the bill (H. R. No. 4199) to place Jeremiah Phelan upon the retired list as a commissioned officer of the United States Army; which was laid on the table, and the accompanying report ordered to be printed.

RETIRED ARMY OFFICER.

Mr. DIBRELL also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4913) to provide for the detail of retired officers of the Army at colleges, universities, and other institutions of learning in the United States; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

PHILLIP LESTER.

Mr. DIBRELL also, from the same committee, reported, as a substitute for House bill No. 762, a bill (H. R. No. 5537) for the relief of Phillip Lester; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

JAMES KANE.

Mr. DIBRELL also, from the same committee, reported a bill (H. R. No. 5538) for the relief of James Kane; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

TOBACCO FOR ARMY USE.

Mr. JOHNSTON, from the same committee, reported back, with amendments, the bill (H. R. No. 4395) to regulate the method of purchasing tobacco for the use of the Army; which was referred to the House Calendar, and the accompanying report ordered to be printed.

D. T. KIRBY.

Mr. BROWNE, from the same committee, reported, as a substitute for House bill No. 3140, a bill (H. R. No. 5539) for the relief of D. T. Kirby; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

FREDERICK H. E. EBENSTEIN.

Mr. WHITE, from the same committee, reported back, with an amendment, the bill (H. R. No. 3252) for the relief of First Lieutenant Frederick H. E. Ebenstein, Twenty-first Infantry, United States Army; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

EDWARD P. VOLLUM.

Mr. UPSON. I am instructed by the Committee on Military Affairs to report back Senate bill No. 296, for the relief of Edward P. Vollum, and to ask that it be referred to the Committee on Claims.

The motion was agreed to, and accordingly the bill was referred to the Committee on Claims.

ORDER OF BUSINESS.

Mr. STONE. I make the point that the morning hour has expired. The SPEAKER. The morning hour has expired. During the morning hour several gentlemen desired unanimous consent for the consideration of matters reported by them. The Chair will entertain those requests now. He recognizes first the gentleman from Texas, [Mr. CULBERSON.]

LAND TITLES IN MISSISSIPPI.

Mr. CULBERSON, by unanimous consent, reported from the Committee on the Judiciary the following preamble and resolution; which were read, considered, and adopted:

A resolution relating to certain land titles in the State of Mississippi.

Whereas it appears by the memorial of Eli Ayres, as referred by this House to the Committee on the Judiciary, that he, the said Ayres, purchased, paid for, and took deeds of certain lands reserved to and located in the name of certain Chickasaw Indians as provided and authorized by the treaty between the United States and the Chickasaw Indians concluded May 21, 1834, and that the said lands so located were legally vested in the said grantors with the right to sell the same; and Whereas it further appears that the said deeds were not approved by the Pres-

ident of the United States as required by said treaty, and that the lands contained therein have since been located by other claimants or sold and patented to other parties by the United States, and the proceeds thereof mixed with and credited to the trust fund provided by said treaty for the Chickasaw Nation of Indians; and

Whereas it is desirable that the titles to the said lands should be ascertained, adjusted, and quieted and determined upon as the ascertained facts may seem to require and as to right and equity may seem to belong: Therefore,

Resolved, That the said memorial of Eli Ayres, with the accompanying papers, be referred to the Secretary of the Interior, and that he be, and he is hereby, requested, after reasonable notice to parties interested, to cause a careful examination into the facts and claims relating to the subject-matter thereof to be made and reported to this House as soon as practicable.

UNITED STATES COURTS IN INDIANA.

Mr. NEW. I ask unanimous consent to have considered at this time the bill reported this morning from the Committee on the Judiciary—House bill No. 2384, amendatory of and supplementary to "An act to provide for the holding of terms of district and circuit courts of the United States at Fort Wayne, Indiana," approved June 18, 1878:

The SPEAKER. This bill was reported this morning during the morning hour; and the gentleman desired that it might then be considered, which could not be done under the rules.

Mr. WHITE. Let the bill be read, reserving the right to object.

Mr. BROWNE. To save further trouble, I will state that there is objection to the consideration of this bill now.

CLAIMS OF SPANISH INHABITANTS OF EAST FLORIDA.

Mr. HERNDON, by unanimous consent, submitted the following report from the Committee on Foreign Affairs; which was read, considered, and adopted:

The Committee on Foreign Affairs, to whom was referred the message of the President of the United States dated March 1, 1880, in relation to the unsettled claims of Spanish inhabitants of East Florida during the years 1812 and 1813, have had the same under consideration, and beg leave to report the following resolution, and recommend its passage:

Resolved, That the Secretary of the Treasury be requested, if not incompatible with the public interests, to furnish to the House of Representatives the history as it may be of record in the Treasury Department of the proceedings had in relation to the unsettled claims of Spanish inhabitants of East Florida during 1812 and 1813, generally known as the "East Florida claims," the settlement of which is provided for by stipulation in article 9 of the treaty of February, 1819, between the United States and Spain.

TAMPA, FLORIDA.

The SPEAKER. The Chair recognizes the gentleman from Louisiana [Mr. ACKLEN] to submit a report from the Committee on Commerce, as he was out of the House this morning when the committee was called.

Mr. ACKLEN, by unanimous consent, reported from the Committee on Commerce, as a substitute for House bill No. 1025, a bill (H. R. No. 5540) making the port of Tampa, in the county of Hillsborough, Florida, a port of entry and delivery; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MUNICIPAL CODE FOR DISTRICT OF COLUMBIA.

Mr. HUNTON, by unanimous consent, reported from the Committee on the District of Columbia, as a substitute for House bill No. 3991, a bill (H. R. No. 5541) to establish a municipal code for the District of Columbia; which was read a first and second time.

Mr. HUNTON. This bill contains a tax system for the District of Columbia which is absolutely indispensable to the Government. I move that it be referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The motion was agreed to.

PROTECTION OF POTOMAC FISHERIES.

Mr. HUNTON. I ask unanimous consent to have taken from the Speaker's table, that we may concur in an amendment of the Senate, the bill (H. R. No. 4568) for the protection of the Potomac fisheries in the District of Columbia, and for the preservation of shad and herring in the Potomac River.

There being no objection the amendment was read, as follows:

In line 18, page 1, strike out "30th day of May," and insert "10th day of June."

The amendment was concurred in.

Mr. HUNTON moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. THOMPSON, of Kentucky. I rise for the purpose of calling up the census bill.

The SPEAKER. The gentleman from Kentucky desires the execution of the order of the House in reference to the consideration of the census bill.

Mr. COX. It will not take ten minutes. It is the most important matter before the House.

The SPEAKER. The regular order is the unfinished business, the contested-election case from Arkansas; but the gentleman from Kentucky, by agreement yesterday, was understood to have the right to call up the census bill.

Mr. COX. It will not take ten minutes.

Mr. WHITE. How do you know that?

Mr. COX. From the matters contained in the bill and from the general sentiment on both sides of the House that the preparation for taking the census should go on.

Mr. WHITE. You cannot tell anything about it.

Mr. COX. It has stopped now because of the non-action of the House. It is a public bill, has no local or selfish thing in it; why not go on with it?

Mr. PAGE. It is the understanding that the star service should come up to-day.

Mr. COX. There is only one speech to be made upon it, a short one by my friend from Rhode Island, [Mr. ALDRICH.]

Mr. THOMPSON, of Kentucky. It was understood that the census bill was to come up this morning and be acted on.

The SPEAKER. The business coming over is the unfinished business of yesterday, which is the contested-election case of Bradley and Slemmons, and is a question of the very highest privilege.

Mr. WHITE. Then I demand the regular order of business.

Mr. THOMPSON, of Kentucky. This census bill was set down for to-day.

Mr. WHITE. I demand the regular order.

Mr. CONVERSE. I ask the gentleman from Pennsylvania to yield to me for one moment.

Mr. WHITE. No; I cannot. I demand the regular order of business.

The SPEAKER. The gentleman from Missouri [Mr. SAWYER] is recognized as having the floor.

Mr. COX. I rise to a parliamentary question. After the election case is disposed of, will not the census bill then come up for consideration?

The SPEAKER. It will not lose any of its rights.

Mr. COX. Then I give notice we will call it up immediately after the disposal of the election case.

The SPEAKER. The House has the right to determine by a majority vote whether it will consider it or not.

Mr. COX. I understand that.

ARKANSAS CONTESTED-ELECTION CASE—BRADLEY VS. SLEMONS.

The SPEAKER. The unfinished business is the contested-election case of Bradley against Slemmons coming over from yesterday, on which the gentleman from Missouri [Mr. SAWYER] is entitled to the floor, and has twenty minutes of his time remaining.

Mr. SAWYER. Mr. Speaker, on yesterday the gentleman from Iowa [Mr. WEAVER] in his remarks saw proper to incorporate the answer of the contestee to the notice of the contest. I see by the RECORD of this morning that answer has been withdrawn. Of that I do not complain; but as reference was made in that answer to a previous contested case in this House of Bradley against Hynes in the Forty-third Congress, and as a portion of the report of the committee in that case was inserted in that answer, I will now take the liberty of reading from that report a few passages in order to substantiate the position I took yesterday that the republican voters of Chicot County and of the second congressional district of Arkansas did not consider Mr. Bradley a republican candidate, but did consider he was unworthy of their support.

I read these extracts for the purpose of confirming the testimony offered by me yesterday and which was read. I will state, however, before reading, that this was a report made in a republican Congress—a unanimous report of the Committee on Elections, a committee composed of H. Boardman Smith, of New York, chairman; Charles K. Thomas, of North Carolina; Jerry W. Hazelton, of Wisconsin; Lemuel Todd, of Pennsylvania; Austin F. Pike, of New Hampshire; James W. Robinson, of Ohio; Horace H. Harrison, of Tennessee; Ira B. Hyde, of Missouri; R. Milton Spear, of Pennsylvania; Lucius Q. C. Lamar, of Mississippi; and Edward Crossland, of Kentucky.

Now, that report, after referring to some preliminary matters, goes on to say:

That after the certificate was given the said Hon. William J. Hynes, the memorialist duly served on him a notice of contest, and thereupon took depositions on due notice, showing a majority of the votes cast at the said election for Congressman at large to have been cast for him; that the above 490 votes should have been returned for him; that after the taking of said testimony the said Hon. William J. Hynes proposed to pay him \$1,500 to abandon the contest and deliver to him the depositions he had taken—\$500 to be paid down, \$500 when he took his seat, and the balance when he drew his mileage; that he accepted the proposal, and gave up the depositions he had previously taken, and that said Hynes thereupon paid him \$500.

Mr. Hynes, the member of the House charged, appeared before the committee and made, under oath, a statement relating to the charges against him contained in said memorial. His statement accompanies this report.

He also produced the depositions taken by the memorialist, which had been given up to him.

In the conclusion the committee use this language:

The committee cannot but regard the conduct of the memorialist as dishonorable and mercenary. If he believed he had any merit in his case, he betrayed the rights of those who gave him their suffrages. If he did not believe his contest was meritorious, his demand for money was most dishonorable.

With that additional evidence, I leave that part of the case and now proceed at the point where I closed yesterday with the examination of the testimony in relation to intimidation at precincts in Vaugine Township in Jefferson County.

Mr. FINLEY. Is that the report of a republican committee?

Mr. SAWYER. Yes, of a republican committee of a republican House of Representatives.

Yesterday, at the close of my remarks, I read a portion of the testimony of A. A. C. Rogers in relation to intimidation and other fraudulent practices, as testified by him, in Vaugine Township, at Pine

Bluff. I will not repeat that this morning, but refer, for I have not time to go into it in detail, to the testimony taken by Mr. Slemmons on the other side.

Mr. WEAVER. What page?

Mr. SAWYER. Page 90. It is the deposition of W. N. Portis:

Question. Were you about any polls on that day? If so, state where and to what extent.

Answer. I was at both polls in the township of Vaugine in this county; was at them from the time the polls were opened until they were closed.

Q. Will you please give the particulars of the manner of opening the polls on that day?

A. About eight o'clock in the morning, on the day of the election, there was a considerable crowd assembled in front of the court-house waiting for the polls to be opened.

Remember that Rogers states the judges were not there. I will read further from this deposition of W. N. Portis:

As but one of the judges who presided at the September election had made his appearance, it became necessary to elect two more; they were elected from the crowd present at the court-house; Mr. Sam. Franklin was one and a Mr. C. W. Dowell was the other, who were both present at the time of their election; then the polls were opened in regular form and the balloting commenced. As soon as the court-house polls were open we proceeded to the lower poll in Pine Bluff, and two of the regular judges being absent, two judges were elected from the bystanders. Mr. Thomas McGehee was one, and I do not remember the name of the other; Mr. M. K. Hunter was the regular judge present; both polls being opened in an orderly and quiet manner.

Q. What have you to say as to the conduct of the election on that day as to its fairness or unfairness?

A. It was a fair election as far as I observed; I saw no one prohibited from voting on that day that was entitled to a vote.

Q. What evidences of intimidation did you see?

A. None.

There, sir, is the evidence of a man who was there that day at the same time. Mr. Rogers speaks of "intimidation" in his general way without specifying particulars. Then on page 68 I will read the testimony of George W. Prigmore:

Question. Were you about the polls on the day of the election for any considerable time?

Answer. Yes, sir; all day.

This is a republican who testifies to this.

Q. What were your observations as to the general conduct of the election?

A. It was the most orderly election in Pine Bluff I have seen for seven or eight years; less confusion about the polls. Slemmons's democratic friends seemed to be taking considerable interest. I saw no one taking any active interest for Bradley except himself, Mr. Rogers, and perhaps two or three colored men.

So much for that. There you see that in every particular this man Rogers is contradicted by two competent witnesses—a republican and a democrat—who were present on that day.

Mr. BURROWS. Will the gentleman yield to me for a question?

Mr. SAWYER. I have but very little time.

Mr. BURROWS. I only wish to inquire what precinct you are referring to now?

Mr. SAWYER. To the Pine Bluff precinct.

Here is some more of Mr. Rogers's testimony:

Under pretense of carrying a certain license question, Bradley's tickets having neither license or no license upon them, and the major portion of Slemmons's friends being for license, the Bradley tickets in the hands of several colored voters were taken, under the pretense of writing license under them, and, instead of making this pretended change, the name of John M. Bradley was scratched and the name of W. F. Slemmons substituted.

Now he gives an instance, a particular instance, and names the man who was guilty of such a practice, and I presume it was the strongest case that he was able to refer to, as it is the only one he mentions. He says:

On one occasion, while standing at the ballot-box and giving a Bradley ticket to a colored friend who asked for it, he handed the ticket to one of the judges, but before it fairly passed out of his hands a deputy sheriff put a Slemmons ticket in the hands of the judge, took the Bradley ticket, and the judge put the Slemmons ticket in the box.

My attention was called to this by the gentleman from Iowa, and also by the contestant in this case. He goes on to say:

My attention being called to this, I took down the name of the deputy sheriff; and seeing me writing he announced his name and told me to write it down.

Now I will read the testimony of this deputy sheriff who is alluded to there:

Question. I notice in the examination of A. A. C. Rogers, sworn for the contestant, the following: "On one occasion, while standing at the ballot-box and giving a Bradley ticket to a colored friend who asked for it, he handed the ticket to one of the judges, but before it fairly passed out of his hands a deputy sheriff put a Slemmons ticket in the hands of the judge, took the Bradley ticket, and the judge put the Slemmons ticket in the box." My attention being called to this, I took down the name of the deputy sheriff, and seeing me writing he announced his name and told me to write it down; and then in the cross-examination the following: "Q. Who was the deputy sheriff you saw hand the judge of election the Slemmons ticket in lieu of the voter's Bradley ticket, whose name you said you took down?—A. The party alluded to was Mr. Helzheim, the warehouseman, who told me he did it, and to take his name down if I wanted to. I was informed he was a deputy sheriff, and so believed, for that occasion." Will you now please give your version of the transaction?

Answer. There never was any such transaction occurred; it is a lie. I can tell you what did occur.

Q. Please do so.

A. I was standing in front of the polls on the day of the election, when one Charles Altherman approached me on his way to vote. I called him off to one side, and asked him who he was going to vote for Congress. He told me he thought he would vote for Mr. Bradley. I had a short conversation with him on the subject, in which I dwelt upon the virtues of Mr. Slemmons, when he remarked to me, "It don't make much difference to me who I vote for; give me a Slemmons ticket and I'll vote for him;" which he did. Mr. Rogers then approached me and told me I had no right to do anything of the kind. In alluding to the matter he said he would have me prosecuted for the offense, and I gave him my name in full.

Q. Was there any other conversation between you and Mr. Rogers during that day in regard to taking your name down?

A. We had a conversation on the steps, in which I told him to mind his own business and I would mind mine.

Q. Was there any conversation in that regard in reference to any other voter except that one?

A. No, sir.

There is the testimony by which Rogers is flatly contradicted in the only instance that he relates during his whole testimony in reference to this fraud in changing the votes.

There is some more of Mr. Rogers's testimony to which I wish to call attention in this connection. On page 18 he says:

Later, an assault was made upon Bradley directly—

That has been harped upon by the gentlemen on the other side and also by the contestant himself.

Later, an assault was made upon Bradley directly, by one of the political leaders of Mr. Slemmons, backed by the deputy sheriffs, as I could see, and others, the friends of Mr. Slemmons; and a general outbreak was imminent, and but for the coolness—

Mark the words—

coolness, forbearance, prudence, and courage of Colonel Bradley and his friends, who counseled peace, there would have been a serious difficulty, such was the feeling of those engaged.

Now, I turn to the testimony of the party who made the assault, and will read his testimony on the subject. This is the testimony of Mr. W. N. Portis. He was asked:

Question. I see they have you connected with having made an assault upon Mr. Bradley, one of the candidates; state the particulars of it.

Answer. During the day, very near all day, John M. Bradley was very insulting, using very harsh language concerning and toward the democratic party, denouncing them as "thieves, midnight assassins, and robbers." I avoided him on a good many occasions during the day to keep from having a difficulty with him. About two or three o'clock in the evening we met at the court-house polls. There he came right by the side of me, and used the following language: "Come and vote for me, an honest man. Don't vote with a gang of thieves, midnight assassins, and robbers." I asked him to qualify or take back what he had said. He refused to do it. I told him that he had uttered a falsehood. He remarked that if I would step on the pavement he would give me a good thrashing. I went on the pavement. I then again asked him to retract what he had said. He refused to do it, and added that I was at the head of the democratic thieves, assassins, and robbers of this county. I then struck him. He refused to fight, and there the difficulty ended, as far as I was concerned. The next morning I met John M. Bradley in the court-house. He told me that he had done wrong, and was sorry for what he had done, and we have been friendly since that time, as far as I know.

There you have an evidence of the coolness and courage of this man Bradley. But I have not time to comment upon it.

So much for the testimony of Mr. Rogers. As you will see it is contradicted by witnesses in every material particular. What he has testified to has been contradicted in some cases by two and in others by a single witness.

Mr. BURROWS. Will the gentleman allow me one question?

Mr. SAWYER. I have only five minutes remaining, and am not nearly through with what I desire to say.

Mr. BURROWS. I desire to ask one question for information.

Mr. SAWYER. Very well.

Mr. BURROWS. The gentleman was speaking of what took place at Pine Bluff. I would like to inquire what the canvassing board returned as the vote there?

Mr. SAWYER. We have no evidence of that except from the notice of contest by Mr. Bradley; and I take that as evidence of that fact.

Mr. BURROWS. It appears that Mr. Bradley's majority was returned as 63 in the township of Vaugine.

Mr. SAWYER. Yes, sir.

Mr. BURROWS. Now, if the election in the Pine Bluff precinct was all fair and right, how does the committee allow him 700 majority in addition in that township?

Mr. SAWYER. We did that arbitrarily. It was not founded on the vote at all and it is so stated in the report.

Mr. BURROWS. While the canvassing board returned a majority for Bradley of 63 the committee admit a majority of 700 more.

Mr. SAWYER. We did not, properly speaking, admit anything at all. We merely admit it arbitrarily and without evidence, on the claim of Bradley. We did it in order to show upon his own statement that he was not entitled to the seat and that this election should not be set aside. If the gentleman will read the report he will see that is clearly stated.

Mr. BURROWS. I have read it.

Mr. SAWYER. Now I have not time in the few minutes remaining to me to go into the testimony in regard to Pine Bluff precinct and the frauds that are alleged there. I will state the matter very briefly and the testimony will bear me out in what I say.

So far as the testimony of Dan. M. Robinson is concerned, he testifies to printing the election tickets at the Pine Bluff Press office as late as six o'clock in the evening. But he is contradicted by three witnesses. The proprietor, C. G. Newman, says there was not a ballot printed at that office, so far as he knows, after twelve o'clock in the day. Portis and Haycock both say they were not at the office, the one after three, the other after four. And yet this man Robinson says they were there after six o'clock folding these tickets which were printed. The evidence, then, of Robinson is contradicted by three witnesses in that particular, as gentlemen will find by reference to the testimony.

Mr. Speaker, I see that my time is about out. I had intended to say something more and go into the testimony, particularly with regard to the Pine Bluff precinct; but I shall not have time.

I now move the previous question upon the resolutions reported by the majority and of the minority of the committee.

Mr. WEAVER. I ask the gentleman from Missouri to withhold the motion for the previous question for a few moments, as I think one or two other gentlemen desire to speak.

Mr. SAWYER. I cannot yield further unless overruled by the House.

Mr. WEAVER. Then I ask the gentleman to allow me to offer a substitute for both the resolutions now pending.

The SPEAKER *pro tempore*, (Mr. Cox.) Does the gentleman from Missouri yield for that purpose?

Mr. SAWYER. I do not. The gentleman from Iowa had the chance of offering that from the sub-committee, but did not avail himself of that opportunity.

Mr. WEAVER. Then I hope the demand for the previous question will be voted down.

The previous question was seconded and the main question ordered.

The SPEAKER *pro tempore*. The question is on the adoption of the amendment proposed by the minority of the committee, which the Clerk will now read.

The Clerk read as follows:

Resolved, That the seat now occupied by William F. Slemmons as a member of Congress from the second congressional district of the State of Arkansas in the Forty-sixth Congress be, and the same hereby is, declared vacant.

Mr. WEAVER. I call for the yeas and nays upon agreeing to that resolution.

Mr. RYON, of Pennsylvania. I ask that the resolution may be reported again. I think there is a misapprehension about what it is.

The resolution was again read.

The question being put on ordering the yeas and nays, there were—ayes 27, noes 116; the affirmative not being one-fifth of the whole vote.

Mr. WEAVER. I call for tellers on the yeas and nays.

Tellers were not ordered, only 23 members voting therefor; not one-fifth of a quorum.

So the yeas and nays were not ordered.

The question being put on agreeing to the resolution offered as an amendment by the minority of the committee, there were—ayes 30, noes 152.

So the resolution of the minority was not agreed to.

The question recurred on the resolution reported by the majority of the committee; which was read, as follows:

Resolved, That William F. Slemmons is entitled to retain the seat he now occupies as Representative from the second congressional district in the State of Arkansas in the Forty-sixth Congress.

The question being put, there were—ayes 149, noes 21.

Mr. WEAVER. I call for the yeas and nays.

The question being put on ordering the yeas and nays, there were ayes 33.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered and the resolution was adopted.

Mr. SAWYER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I call up the contested-election case of Curtin *vs.* Yocum, from the twentieth congressional district of Pennsylvania.

Mr. GARFIELD. I desire to say to the gentleman from Illinois that several gentlemen who are familiar with that case are absent from the city. I hope he will not call it up until they are here. It will be better for him to give notice that he will call it up on a particular day.

Mr. SPRINGER. I gave notice last week that I would call up this case on a particular day, but other business of the House did not permit it.

Mr. GARFIELD. I know that.

Mr. SPRINGER. I have given notice three or four times, and have been compelled to give way to other business. If I am antagonized now by any other proposition of course the House must decide.

Mr. BLACKBURN. In accordance with instructions from the Committee on Appropriations and with the notice which I gave to the House yesterday, I must raise the question of consideration upon the election case to which the gentleman from Illinois [Mr. SPRINGER] refers. I do so in order that we may now proceed to the consideration of the postal star service deficiency bill.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] asks the House now to proceed to the consideration of the contested-election case of Curtin *vs.* Yocum. The gentleman from Kentucky [Mr. BLACKBURN] raises the question of consideration.

Mr. HOOKER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. Is not the motion of the gentleman from Illinois [Mr. SPRINGER] a question of the highest privilege?

The SPEAKER. It is.

Mr. HOOKER. Why should he not be recognized?

The SPEAKER. The Chair has recognized him.

Mr. HOOKER. Why should the matter be referred to the House?

The SPEAKER. Because the Chair has no power to decide for the majority of the House. It is for the majority of the House to determine.

ine what business it will proceed to consider, and the gentleman from Kentucky [Mr. BLACKBURN] raises the question of consideration.

Mr. HOOKER. Under the rules is it not the duty of the Speaker to recognize the gentleman from Illinois [Mr. SPRINGER] before all others?

The SPEAKER. The Chair has done so; but it is not for the Chair to say that the House shall proceed to consider the case which he desires to call up.

Mr. HOOKER. I hope the House will do so.

The SPEAKER. That is another thing.

Mr. SPRINGER. I am informed that the star-service bill will require two or three days for consideration?

Mr. PAGE. It need not take more than twenty minutes.

Mr. SPRINGER. I do not know how long it will take. The consideration of this election case has been postponed from day to day and from week to week on account of other business. I think it should be considered now, and if it be taken up now it can be disposed of at least by to-morrow.

The SPEAKER. Debate is not in order.

Mr. SPRINGER. The only way by which it can be antagonized, it seems to me, is by a motion to postpone its consideration until some other business has been disposed of.

The SPEAKER. The Chair would feel bound to recognize the gentleman from Illinois [Mr. SPRINGER] or any other member from the Committee on Elections in charge of a case in relation to the right of a member to his seat, whenever he may seek the floor for that purpose. That is a question of the highest privilege; but it is for the House to determine whether it will proceed to consider the case.

The question was then taken upon proceeding to consider the election case of Curtin *vs.* Yocum, and the House refused to proceed to its consideration.

Mr. BLACKBURN. I now desire to call up the bill reported yesterday from the Committee on Appropriations, with the Senate amendments thereto, making appropriations for a deficiency in the star service for the year ending June 30, 1880.

The SPEAKER. The record shows that the bill referred to is now in Committee of the Whole on the state of the Union.

Mr. BLACKBURN. Then I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding with the consideration of the Senate amendments to that bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SCALES in the chair.

POST-OFFICE DEFICIENCY APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the amendments of the Senate to the bill (H. R. No. 4736) to provide for a deficiency in the appropriations for the transportation of the mails on star routes for the fiscal year ending June 30, 1880.

Mr. PAGE. Is it in order to call for the reading of the Senate amendments?

The CHAIRMAN. It is. The Clerk will read the amendments of the Senate.

The amendments of the Senate were read, as follows:

In section 1, strike out "\$970,000" and insert "\$1,100,000."

In section 1 of the bill, strike out the following:

"At or within contract prices as they existed on February 1, 1880: *Provided*, That upon any route where there has been an increase of the original contract price during the last or current fiscal year for expediting the delivery of mails on any such route, at the rate of more than \$2,500 per annum, the compensation for expedited service on such route shall be reduced to the terms of the original contract, on and after the 1st day of March, 1880; and nothing herein contained shall be construed to require the reduction of the number of trips per week over any such route below the present number."

Amend section 2 by striking out the words "or increase the service upon existing routes other than those reduced by the first section of this act" and inserting in lieu thereof the following:

"*Provided*, That the Postmaster-General shall not hereafter have the power to expedite the service under any contract either now existing or hereafter given to a rate of pay exceeding 50 per cent. upon the contract as originally let."

Add to the bill the following:

"SEC. 3. That the sum of \$50,000 be, and the same is hereby, appropriated, as aforesaid, for the public printing, including the cost of printing the CONGRESSIONAL RECORD, it being a part of the deficiency for the current fiscal year."

"SEC. 4. Nothing in this act contained shall be deemed or construed to affect the validity or legality of the acts or omissions of any officer of the United States, or to affect any proceeding therefor."

Amend the title by adding the words "and for other purposes."

Mr. PAGE. Will the Chair state to the committee what is the question now before the committee? Is it to concur in the Senate amendments?

The CHAIRMAN. The question is upon concurrence in the amendments of the Senate.

Mr. BLACKBURN. I understand that the bill is now in Committee of the Whole on the state of the Union on a motion made by me, by instruction of the Committee on Appropriations, to non-concur in the Senate amendments.

Mr. STONE. And I announced yesterday that the Committee on the Post-Office and Post-Roads had instructed me to move to concur in the Senate amendments; and I will make that motion now if it be in order.

Mr. BLACKBURN. I have the floor and will yield for no motion.

Mr. STONE. All right.

Mr. BLACKBURN. The bill now under consideration is a bill of the House making appropriations for a deficiency in what is known as the postal star service of the country. That bill has been returned by the Senate amended in five particulars, and those amendments are now pending for consideration by this House in Committee of the Whole. It will be found, as we progress with the discussion of the amendments which the Senate has made to this bill, that there is but one material amendment; the others involve matters of very inconsiderable importance.

The Senate has added \$130,000 to the amount of money appropriated by the House bill. The bill as passed by the House appropriated the sum of \$970,000 to meet the deficiency in the conduct of the star postal service up to the end of the present fiscal year; and it contained the further appropriation of \$100,000 for the establishment of service upon new star routes. The Senate struck out the appropriation of \$970,000 for the purpose first indicated, and inserted in lieu thereof the sum of \$1,100,000. The Senate has left the second sum of \$100,000 for new service precisely as the House bill originally contained it. This is not an amendment of any considerable importance.

The House provided that in the case of all star routes where increased compensation to the extent of \$2,500 or more had been allowed, not for an increased number of trips but for the expedition of schedule only, such compensation should no longer be allowed, such extra allowance should be cut off and the schedule time upon all such routes put back to the terms of the original contract at the time of letting. All this portion of the House bill the Senate has struck out. So that the only question of any moment presented for consideration now is whether the provision of the House looking to the abridgment of this extra compensation for expedited schedule upon the more largely expedited routes shall be maintained by this House, or abandoned as proposed by the amendment of the Senate.

Before going into any detailed statement of the facts involved, I wish to disabuse, if I may be able, the minds of members of some erroneous impressions into which I am satisfied many members have fallen. In the first place, non-concurrence with this second amendment of the Senate, as recommended by the Committee on Appropriations, does not involve that committee, nor can it involve the House, in any war upon the star service of the country. It involves no issue between this House and the Post-Office Department. If that issue is to come, it will come when the committee of investigation instructed by this House to inquire into the cause of this deficiency shall have made its report for your consideration. Neither are we involved to-day in a contest with the contractors for star service. Nor is there an atom of foundation for the assertion that haste is needed in the passage of this bill in order to prevent the abrogation of the star service in all the States and Territories.

It will appear that when this contest first opened the Committee on Appropriations sought to declare, and did declare, just as I, speaking for it now under its unanimous instruction, declare, that the only war in which we are engaged is upon a system which by the record evidence put upon the desk of every member in print, and upon the sworn statements of officials of the Post-Office Department themselves, is in the judgment of the committee a vicious and a dangerous system which needs limitation such as the House bill, without the amendment of the Senate, seeks to establish.

There is no need of haste for this appropriation. The records of the Sixth Auditor's Office, the auditing office for the accounts of the Post-Office Department, show conclusively that upon the first day of the last quarter of the present fiscal year there will be unexpended \$650,000 to meet the demands of the postal service. For the current fiscal year the sum of \$5,900,000 was appropriated for the star service. That appropriation was made upon the estimate of the Post-Office Department. It was every dollar that was asked. Every dollar requested was given.

Mr. BUTTERWORTH. Will the gentleman allow one question right here, so that we may be advised on the facts as the gentleman proceeds?

Mr. BLACKBURN. I do trust that I may be subjected to as few interruptions as the patience of the House will permit. But I yield to the gentleman.

Mr. BUTTERWORTH. The object is to be advised as we go along. I understand the gentleman to assert that the amount he has named is all that was asked by the Post-Office Department.

Mr. BLACKBURN. I do.

Mr. BUTTERWORTH. Is it not a fact that a much larger sum was asked for this service, but was arbitrarily reduced by the Secretary of the Treasury in transmitting his estimates?

Mr. BLACKBURN. Now the gentleman's question only shows that his purpose is not to get information but to try if possible to switch me off from a plain unvarnished statement of what the record shows to be the fact. I shall therefore ask the gentleman not to insist upon any more questions. I promise on behalf of the committee having this bill in charge that there will be no effort made by the committee to stifle debate, or to refuse to any gentleman as much time as he may wish to controvert any statements or to make any presentation of facts.

Mr. BUTTERWORTH. Why does not my friend answer the question?

Mr. BLACKBURN. I will do so in my own way if the gentleman

will do me the favor not to interrupt me again. I answer questions in my own way, and only when I believe they are candidly submitted for consideration.

The sum of \$5,900,000, as the gentleman from Ohio has succeeded after a waste of a few minutes in forcing me to repeat—the sum of \$5,900,000 was every cent that the Post-Office Department asked for the purpose of maintaining the star service of this country for the present fiscal year. It got every cent it did ask. It made its estimates on a more elaborate basis of star service as to distance and numbers of miles than we have to-day in existence or ever did have.

Now, sir, when this Congress convened upon the 1st of December last we found ourselves confronted by a report from the Postmaster-General, in which reference is made to a deficiency of \$150,000 for the star service for the last fiscal year, but no reference is made, no intimation is given, of any contemplated deficiency in the star service for the present fiscal year. Yet, sir, this year had been running nearly one-half its length. From the 1st day of July up to the 1st day of December this service was in operation during the present year, and yet upon the 1st day of December, upon the convening of Congress, no intimation is given, no suggestion is made, that there is or is to be a deficiency in the star service to the extent of a single dollar. Yet, immediately thereafter, the Postmaster-General is put in the awkward position of sending a special communication to this Congress telling us the unprecedented deficiency of two millions of money in round numbers is now confronting us in the star service as it was at that time being operated. The Second Assistant Postmaster-General demanded on the 8th day of December an appropriation of \$1,720,000 to meet deficiencies in this branch of the postal service on the basis of its then conduct. He demanded in round numbers \$300,000 more, making \$2,000,000 for the purpose of adding new service to the star branch.

I wish to take up that statement and submit to the candid judgment of this House whether it can safely follow the official recommendations, suggestions, or even sworn statements of that officer when it comes to consider the subsequent revelations which have been made by the records of his own Department. Believing it was utterly impossible that this deficiency of nearly two millions of money could possibly have been created or could in fact be in existence, the committee on investigation, to whom this matter was referred, sent a letter of inquiry to obtain from the Sixth Auditor a transcript of his books in order that we might see how much of the \$5,900,000 had been expended and how much the remainder would fall short at the present rates of contract pay for the purpose of carrying it through to the end of the year. We got that report. It lies here on the desk. It is in print, and it says that instead of \$1,720,000 being necessary to carry forward that service to the end of the year without curtailing any rates, without abridging any pay, without disturbing the service by a single mile, that instead of \$1,720,000 being necessary, \$1,155,538.60 was all that was needed; and that exclusive of the fines, penalties, and deductions for failure of service now in the hands of the Post-Office Department and available as current funds for that service every day.

A MEMBER. What was that?

Mr. BLACKBURN. I will answer. For the first half of the present fiscal year, fines and penalties have been imposed and unremitted, standing to the credit of that service to-day as current funds, to the extent of \$101,000. Further, the penalties for the last half of that fiscal year are of necessity to be taken into account.

After you make the deduction or before you make any deductions for fines and penalties, here stands the Second Assistant Postmaster-General, testifying before this committee under oath that he needed \$1,720,000 to carry this service forward.

Mr. HASKELL. As it stood?

Mr. BLACKBURN. As it stood, without any additional increase at all. Here stands the record of his own department telling you that, without taking into account the fines and penalties of the whole year or any part of it, he only needed \$1,155,000, which leaves a discrepancy between the sworn statement of that official and the records of his department of \$564,561.40.

But that is not all. You must increase that amount by \$200,000 more at least for fines and penalties for the whole year. So that you will find instead of \$1,720,000 which he swore was absolutely needed to carry on the service, there are \$764,561.40 of that amount, more than three-quarters of a million in round numbers, that is not needed even if you do not set back the expedition of a single route, or reduce the pay on a single trip on this broad continent.

More than that, the Second Assistant Postmaster-General was asked the question as to how much money he had paid out for the first half of the current year. He answered it under oath. The records of his own office were brought into testimony and showed conclusively that he had testified to us to having paid out, in round numbers, \$340,000 more money in the first six months of the present year than had been disbursed.

Still more, sir, \$347,228.60 is the discrepancy as a matter of fact between his statement under oath—not the approximate estimate, but the actual payments which he had made from this star-service fund for the first six months of the current year, and the facts as shown by the records of his own Department.

When this House passed this bill, it appropriated \$970,000 to carry forward the star service. The record of the Sixth Auditor's Office shows to-day that is every dollar of money you want; having used your \$200,000 of fines and penalties, it is every dollar you need to carry

on the star service to the 30th day of June without impairing or interfering with any trip or abridging any pay or setting back any schedule. Where is the ground upon which these gentlemen stand when they undertake to tell us that the question pending between the House and the Senate is as to whether the star service shall be stricken down; that it is as to whether the star service shall be abrogated, that the House is insisting upon crippling the western mails, while the Senate is insisting upon giving to the frontier settlements extended mail facilities? Neither the House bill nor the Senate bill, so far as the amount of money appropriated is concerned, touches nor trenches upon the postal service in the slightest degree; but the House bill does this, and the Senate bill does not. It does declare that a stop shall be put to the arbitrary action of the Post-Office Department in granting *ad libitum* additional compensation without bids or without competition upon all the great star routes of the country. Let me call the attention of the House for a moment to the working of this "discretion" which now exists in the Post-Office Department.

The contracts for carrying the star mails of this country are let under advertisement by a system of bids to the lowest bidder. The lowest responsible bidder must get the contract under the law. After that contract has been once awarded, from that time out no reopening of the contract can be had, no bids for modifying it, and no competition is allowed. But the Department not only claims but exercises the arbitrary discretion for increasing the number of trips or expediting the schedule, and the result is the granting of such additional pay as the Department chooses, and without restriction. On the route from Vinita to Las Vegas, originally let for \$6,330 per annum, it is now increased under this discretion of the Department—

Mr. ELAM. Will the gentleman permit me to ask him a question here? I want to know the exact points of difference between the Senate bill and House bill.

Mr. BLACKBURN. I am trying to tell the gentleman. I am trying to answer the question as to the difference between the House bill and the Senate bill.

Mr. ELAM. I would like to know the difference as to these expedited routes.

Mr. BLACKBURN. I have stated it to the House as plainly as I could, but I will endeavor to restate it in a few brief words.

The House bill declares that wherever \$2,500 or more per annum has been allowed for expedition of schedule on any route, that the contract for such expedition shall be canceled and the schedule time put back where it was under the original contract. It does not touch the increase of trips at all. The House bill does not in any wise interfere with the mail facilities as they existed prior to such expedition, and it does not cripple the expedition of schedule unless it has cost more than \$2,500 per annum.

Now, sir, if I am able to get back to the point to which I wish to call the attention of the House, I had begun to read the contract prices on certain star routes and the present rate of pay upon them.

In order to illustrate to you the beautiful working of the Post-Office Department "discretion" and the dangerous tendency and fatal results which my friend from Mississippi now before me, chairman of the Committee on Post-Offices and Post-Roads, so correctly, so justly and so forcibly animadverted upon in a speech in the last Congress, and whose remarks on that occasion I will take occasion to introduce into the RECORD before this discussion shall end, let me state that on this Vinita and Las Vegas route, which, as I have said, was let originally at \$6,330 per annum, the pay to-day is \$150,592.03 per annum. How was that increase had? Was it done by competition? Were there bids for the additional service? No, sir. No man was allowed to put in a bid or to offer to take the route at a less pay; but the contract having been in the first instance \$6,330 per annum, all competition was shut out, and that lucky bidder who undertook it at the rate I have specified is to-day receiving \$150,592.03 per annum. And that is not the only instance of this kind. I will cite several others.

On the route from Bismarck to Fort Keogh—

Mr. HASKELL. Will the gentleman allow me to ask him a question?

Mr. BLACKBURN. I cannot now. I do not mean to be unaccommodating, but I wish to continue this line of remarks for a moment.

On this route from Bismarck to Fort Keogh the original contract price was \$2,350 per annum. The pay on that route to-day is \$70,000 per annum. From Fort Worth to Yuma, which was let originally at \$134,000 per annum, the present rate of pay is \$299,000 per annum.

On the route from Bozeman to Fort Keogh, originally let at \$16,500 per annum, it is to-day \$85,266.81. On the route from Rock Creek to Fort Custer, which was let at \$10,507.25, the pay to-day is \$88,768.12. On the route from Las Vegas to Las Cruces, which was originally let at \$14,900 per annum, the pay to-day is \$91,211.68. From Prescott to Santa Fé the original pay was \$13,313 per annum. Its pay to-day is \$135,975. On the route from Prescott to Mohave City, originally let at \$7,440, the increase of pay brings it up to \$66,959.99. On the route from Phoenix to Prescott, let originally at \$680, the pay to-day is \$32,640.32. On the route from The Dalles to Baker City, which was let for \$8,288, its pay to-day is \$72,520. On the route from Soledad to Newhall, which was originally let for \$29,000, the pay to-day is \$55,424.33; and on the route from Redding to Alturas, on which the original contract price was \$5,988, the pay to-day is \$35,928 per annum. And so, sir, I might go on. I have a long list before me of like character and proportions. And, I say, that is the result, that is

the net product of the exercise of the discretion which the Post-Office Department not only claims, but wields and applies in the conduct of the star service of this country.

Mr. HASKELL. Under law.

Mr. BLACKBURN. Under law, if you please. Because a law is on the statute-book which allows a fatal and dangerous discretion to be exercised, that forms no warrant for your action if you refuse to put a proper limitation on it. More than that; when that official of the Post-Office Department was brought to answer under oath the questions that might be submitted by this committee of investigation and inquiry, it was submitted for his answer to determine whether, Congress having appropriated \$5,900,000, upon his own estimate, as the amount needed to conduct this service for a twelvemonth, the law in his judgment allowed him to expend that sum of money in the first six months of the year and leave the country without an atom of star service during the remaining half of the year. Ay, sir, the question was driven further and made broader. I asked that official to tell the committee whether in his judgment he was clothed with the arbitrary power to spend that \$5,900,000 which Congress had appropriated for these purposes to last during a twelvemonth, in the first thirty days of the fiscal year, and leave the country with those star routes abolished for the other eleven months, and he answered that was his construction of the law and his estimate of his power.

More than that; when he was interrogated as to the authority he held for putting this star service upon a basis of expenditure that was of necessity to involve this Government in a deficiency of two millions of money, with the law staring him in the face—for this was not under law—with the United States statute staring him in the face, declaring that no Department and no officer of a Department should make any expenditure nor enter into any contract that would involve this Government in the future payment of any sum of money that had not been already specifically appropriated for the purpose, when he was confronted with the law prohibiting either an expenditure or a contract involving an expenditure of one dollar of money for the star service beyond \$5,900,000, while before the first half of the year was out he had insolently thrust into the face of this Congress a peremptory demand for the appropriation of two millions of money as a deficiency for this branch of the postal service; and when he was asked for his authority or his defense, or even his excuse for this violation of the law, he answered it was within the compass of his power to stop the star service of the country and cut off your mail facilities over all the star routes, and thereby keep within the appropriation.

Mr. BLOUNT. And within the law.

Mr. BLACKBURN. Yes. Now, sir, I submit to the candid judgment of the members upon this floor to take the facts as stated by the sworn officers of that Department itself. Take the record as it is made out by their own testimony. Remember that the Second Assistant Postmaster-General tells you that when Congress convened on the 1st of December he knew that he was running the star service on a basis of pay that would necessarily involve a deficiency of two millions of money if kept up to the end of the year; that he tells you the Postmaster-General himself knew about it; that he had advised and consulted with him about it. Couple that with the evidence that no mention is made of it in the Postmaster-General's report. Take it in connection with the fact that the attention of Congress is not called to it. Then take in connection with all these facts the peremptory, sharp order recently issued by the Post-Office Department reducing the service on all the star routes to one trip a week, and tell me when you remember all that and remember further there was no pressing need of money to carry that service on, because their own report shows that on to-morrow they will have nearly \$700,000 unexpended money lying to its credit—is there an impartial or fair-minded man on either side of this House who does not know and is not willing to admit that it was the application of the thumb-screw process, a process of extortion to enforce obedience to their demand on the part of Congress and a carrying out of their arbitrary policy without regard to its appropriation.

Why, sir, when that official was on the stand answering the questions put to him by the committee, he stated, and it is here in his sworn testimony, that he knew he was outside of his authority; that he knew he was running on a basis two millions larger than the appropriations would warrant. He thought and believed that he had power enough at his back in this House to carry through his illegal and unwarranted action and to sustain him whether the Committee on Appropriations would or no. He boldly, defiantly, ay, sir, insolently—this subordinate mudsill clerk of a Department—snaps his fingers in the face of an American Congress and bids defiance to its power.

Mr. BUTTERWORTH. What do you mean by "mudsill?"

Mr. BLACKBURN. I mean a man of about the proportions of the man about whom I am speaking.

Now what good is to come of our sitting here and considering the necessity for these appropriations, what good is to come of the labor performed by the Committee on Appropriations in conjunction with the several Departments of this Government, if when we meet their every demand, when we give them every dollar they ask for, if when we appropriate every cent that they themselves say will be needed for the fiscal year, they shall within the first five months disregard your limitation, override your appropriation, go outside and in open defiance of the law and say that "Congress has declared that \$5,900,000 shall be used for this purpose, but I, the Second Assistant Postmaster-

General, in the exercise of the discretion for which I am responsible to nobody but my own will and motion declare that instead of \$5,900,000 it shall be \$7,900,000 or \$40,000,000 if I choose?" And when arraigned before the bar of Congress, when brought here as a witness before one of its committees, the only explanation vouchsafed, the only defense—no, not defense, but the only excuse pleaded is that he felt pretty well assured that he had backing enough here to override the opposition of the Committee on Appropriations and to carry his policy through despite its limitations.

Mr. ROBINSON. Will the gentleman from Kentucky refer to that portion of the testimony to which he alludes?

Mr. BLACKBURN. I will state by way of explanation that through the fault of the Public Printer I find that the testimony printed for the use of the Committee on Appropriations (a copy of which I hold in my hand) contains all the testimony of the Second Assistant Postmaster-General. In the compilation of the testimony furnished for the use of the House the Public Printer seems to have left out the first eighty-six pages of the report proper. It is in the testimony published for the use of the committee, not in that for the House, that I find the statement.

Mr. ROBINSON. The gentleman knows I do not like to interrupt him.

Mr. BLACKBURN. It was perfectly legitimate, and I am glad to have the opportunity to make this statement.

Mr. ROBINSON. The gentleman stated that the Second Assistant Postmaster-General had testified that he had power enough in this House to defend or protect him against the result of his illegal actions. Does the gentleman state that as the language of the testimony or does he state it merely by way of argument?

Mr. BLACKBURN. I cannot give the exact language just now; but I will state that I approximate very closely to a verbatim copy, I think, of the response made by the Second Assistant Postmaster-General under oath as a witness, not once only, but twice or three times. His only excuse was that he felt satisfied he was able to maintain these acts of his in incurring \$2,000,000 of deficiency outside of the law, in violation of the law, by reason of the power that the star service and the Post-Office Department had at its back in this House.

Mr. HASKELL. Will the gentleman allow me to ask him a question now?

Mr. BLACKBURN. I wish the gentleman would make a speech in his own time.

Mr. HASKELL. I do not want to make a speech, but to ask you a question.

Mr. BLACKBURN. Very well; go on.

Mr. HASKELL. I want to ask the gentleman from Kentucky if there is a deficiency of \$2,000,000 in the Post-Office Department.

Mr. BLACKBURN. Surely that question does not deserve an answer, and I do not think an answer to it is desired.

Mr. HASKELL. The gentleman has stated that there is a deficiency of \$2,000,000.

Mr. BLACKBURN. The gentleman cannot get into a quibble with me. I say that unless you stop the star service of the country there will be a deficiency—not of \$2,000,000. Your Second Assistant Postmaster-General swears to a deficiency of \$2,000,000, but the records of his office state that there is not such a deficiency. I said there was a deficiency, and I have given the exact figures shown by the records of the office.

Mr. HASKELL. And I say that there is not a dollar of deficiency to-day in the Post-Office Department.

Mr. BLACKBURN. I want the gentleman to understand that the amount of emphasis that he flings into his unwarranted interruption is altogether gratuitous, entirely unnecessary and absolutely harmless. I say that any man in this House who has one idea above an idiot knows that there is no deficiency. There is an amount of \$642,000 in that Department now for this service. But even a man with as little wisdom as the one I have indicated would have sense enough to know that if we carry forward your postal star service on its present basis to the 30th day of June next, it will find you with a deficiency; I say of less than \$1,000,000, and I speak by the records of the Sixth Auditor's Office. But the Second Assistant Postmaster-General says officially and under oath that the deficiency will be \$1,720,000.

Mr. HAZELTON. Allow me one question.

Mr. BLACKBURN. I trust not.

Mr. HAZELTON. Just for information.

Mr. BLACKBURN. I want it understood that I am doing nothing except answering questions.

Mr. HAZELTON. Well, that is right. [Laughter.]

Mr. BLACKBURN. I do not think so, and I am tired of it.

Mr. HAZELTON. I want to ask you for how long a time these contracts are made; whether for one year or for four years?

Mr. BLACKBURN. I thank the gentleman for that question; that is the very point which I wanted to put to this House.

Mr. HAZELTON. You thank me for the question, then?

Mr. BLACKBURN. I am sincere in my acknowledgments to the gentleman for his question. Let no man understand for a moment that the contest between the Senate and the House involves a curtailment of the expedited service for ninety days. These arbitrary allowances are upon contracts that stand in many cases until the 30th of June, 1892; not merely for the rest of this fiscal year. The two millions of money, or the more than one million that is represented in these extra and arbitrary allowances for expedited service, do not stop with the current fiscal year at all; but they go on under these

arbitrary allowances for the next fiscal year and for the fiscal year after that. Therefore it is a question of two and a half or three millions of dollars which is involved between the House and the Senate.

Now, I take it that there is going to be a claim presented that it is absolutely necessary to expedite this service.

The bill of the House which strikes only at those routes that have been expedited to the amount of \$2,500 per annum or more touches but one hundred and seven routes in all this country out of 10,200 routes or more. The bill reaches only those routes held by great monopoly contracting firms—those routes which will carry over a million dollars annually for this expedition, if they are to run until June 30, 1882. It is a question for Congress to determine whether it will put a limitation to the arbitrary exercise of a power that would run the cost of these few routes up to a million and a half of dollars more per annum than they amounted to as originally bid for and originally let.

I do not claim that the gross revenues of any postal route in this country will furnish an accurate standard of measurement as to the necessities of the service on that route, but I do hold it reasonable to assume that the gross revenues upon any postal route in this country will furnish some sort of approximate estimate as to the value or the necessity of the service upon that route.

I find that upon the Prescott and Santa Fé route, where the present pay is \$135,975 a year, the gross revenue is \$10,844.18; I find that upon the Rock Creek and Fort Custer route, where the pay is \$88,768.12, the gross annual revenue is \$2,493.50; I find that upon the Bismarck and Fort Keogh route, where the pay is \$70,000 a year, the gross revenue is \$6,545.77; I find that upon the Vinita and Las Vegas route, where the pay to-day is \$150,592.03, the gross annual revenue amounts to \$5,640.76; I find that upon the Fort Worth and Fort Yuma route, where the present pay is \$299,000, the gross revenue is \$35,194. Now, as to the necessity for this service I beg gentlemen to remember—

Mr. SLEMONS. Will the gentleman allow me a question?

Mr. BLACKBURN. Yes, sir.

Mr. SLEMONS. What amendment is the gentleman opposing?

Mr. BLACKBURN. Does the gentleman want the number of it? I am opposing the second amendment of the Senate, which strikes out all the first section of the bill from line 8 to line 19.

Mr. SLEMONS. Is that the additional appropriation of \$130,000?

Mr. BLACKBURN. Oh, no!

Mr. SLEMONS. You do not strike out the appropriation at all?

Mr. BLACKBURN. Comparatively speaking, I care nothing about the \$130,000 which the Senate has added to the amount appropriated by the House bill. The point I am discussing involves not hundreds and thousands but millions of dollars; not for the remainder of this fiscal year, but for the two fiscal years yet to come.

Now there are fifty-eight routes here on which the expedition of schedule amounts to \$1,114,765. There are seventy-three routes upon each of which the cost of expedition was over \$2,500 per annum, amounting upon those seventy-three routes to \$1,164,765 a year. Agree to the Senate amendment number 2, which strikes out the latter part of the first clause of this bill, and you leave in full force and effect not contracts made but arbitrary allowances granted by the Post-Office Department, after competition and bidding had been excluded, to the amount of about a million and a quarter of dollars a year; you leave these allowances in full force and effect for the balance of this fiscal year, for the next fiscal year and for the fiscal year which is to follow that. This is the issue.

Why, sir, at the present rate of pay over \$3,000,000 of the appropriation made by Congress for the star service would be expended in nine Territories and four States. Is that an equitable adjustment?

Why, sir, in regard to the Vinita and Las Vegas route, which is a little over seven hundred miles long, running from the Indian Territory into New Mexico, the committee of investigation had before them as a witness the other night one of the most intelligent and certainly one of the most efficient of all the special agents of the Post-Office Department—a gentleman who has been in that service for five years past. The question was put to him as to the necessity for a route from Las Vegas to Vinita—a route which was let at \$6,330 a year, but which to-day draws over \$150,000 of annual pay. He said that for about one hundred miles or less than two hundred miles, there was some sort of necessity for the maintenance of a mail. If I had time I would read his letter; for it is printed in this testimony.

Mr. HASKELL. May I ask—

Mr. BLACKBURN. No, sir; I do not give the gentleman permission to interrupt me. This witness said further that for more than five hundred miles of the seven hundred there was no necessity for any mail at all, and never had been. Those facts were reported to the Post-Office Department, and after this statement to the Department by Mr. Adams, its special agent, these enormous, unexplained, and inexplicable amounts of arbitrary allowance in the matter of compensation were piled up on that route. Why, sir, he went on to tell us he had the assurance of the postmaster that from Red River Springs eastward on that route, which embraces more than five hundred and fifty miles of its length, there was no mail carried at all; that the mail-rider would come up with his pouch on his shoulder, usually empty; or if carrying any mail at all he would come back next day traveling westward and carrying the same pouch.

Mr. HASKELL. Will you not tell the whole story?

Mr. BLACKBURN. I decline to yield.

Mr. HASKELL continued talking and the chairman to rap loudly to order, so what Mr. HASKELL said could not be heard.

The CHAIRMAN. The gentleman from Kansas must take his seat, as he is out of order.

Mr. BLACKBURN. I trust it will not be necessary for me to say again to the gentleman from Kansas that this is my time and he is entitled to no minute of it, nor will he have it. He shall have opportunity to say as much as he pleases. I shall ask the Chair to protect not me, for I will protect myself, but to protect the remarks I may be making from any interjection upon the part of any man who does it without warrant of authority or permission.

The gentleman to whom I have alluded says that he made that report to the Post-Office Department in the fall of 1878. Prompt attention was not given to it, for he testifies that he never heard a word from it until some time in the summer of 1879. It was nearly a year after before the Post-Office Department took the slightest notice of a report by one of its special agents, telling it that on four-fifths of that great route there was no mail being carried and no necessity for a mail. In the fall of 1879 he was ordered to inspect the route, but by reason of prior engagements that order was transferred to another special post-office agent, Mr. Crowell. That man reported he passed over the route from end to end and examined it between its termini. That report is here in print, and he never once says there was any necessity for this increased service or for the continuance of this mail. There is the testimony of one special agent of the Post-Office Department who was never over the line, but who was down upon the line, passed over a part of it, who testifies in his evidence and speaks from his personal observation and from the information he got by reason of inquiries and letters from postmasters along the line. There is the other official report of the special deputy, Mr. Crowell, who did inspect the route, and, while he goes on to say the service is at that time being performed, in the summer or fall of 1879, never says one word that will warrant or support the action of the Post-Office Department in these arbitrary orders of increase of compensation. Yes, sir, and he further testifies, in order to show you how thoroughly an impartial witness Mr. Crowell was, that he was taken over the line by the very men, the contractors on the line, who are the beneficiaries and recipients of this money.

But, sir, the Second Assistant Postmaster-General furnished one other magnificent illustration of the careful prudence with which he exercises this questionable discretion. His attention was called to this route from Prescott to Santa Fé. He was asked in reference to that Santa Fé and Prescott route, as to what was the original contract price for carrying that service. He said it was \$13,330. He said he had multiplied the trips; that he had been increasing the schedule, and had allowed \$74,000 extra compensation. That was when a man by the name of McDonough was contractor, and a man by the name of Walsh, a banker or broker, here in Washington City, was the sub-contractor, and recognized on the books of the Post-Office Department as such sub-contractor. He says he then canceled the service and stopped the route. He was asked as to the reason for such action, and said it was because the service was not being satisfactorily performed. Mr. Walsh was the sub-contractor for the service; he was that very day recognized on the books of the Post-Office Department as the sub-contractor doing the service. The Second Assistant Postmaster-General canceled the contract and stopped the route because the service was not performed, and then immediately turned round and relet it, without bidding, without competition. He relet the route, and admitted he had never tried to get another man to take it. To whom do you imagine he relet it? He relet it to Mr. Walsh, the very sub-contractor on account of whose failure to perform the service he had been forced to cancel the service. He relet it to Mr. Walsh at \$18,500, instead of \$13,300 as originally let. He then promptly multiplied the trips and expedited the schedule but not as fast as he had done it before, and allowed, not \$74,000 extra compensation again—no, sir! But he allowed him \$135,000 extra compensation, and when asked by the committee as to why he did it he said he did it because Mr. Walsh filed an affidavit and said it was worth that much money. He admitted he predicated this action of an allowance of \$135,000 of extra compensation per annum upon Mr. Walsh's affidavit and that alone. He first undertook to say he did it on Walsh's affidavit and his failure to get anybody else to take it for less, but then admitted he never tried to get anybody else to take it and never offered it to anybody else.

He relet this route, then, upon the single and only affidavit of this man Walsh, the failing sub-contractor, on account of whose failure the service had been canceled on the route; and there he is to-day receiving \$135,000 a year from that route out of the Federal Treasury. I asked the question of the Second Assistant Postmaster-General, "Did you know Mr. Walsh before he became a mail-contractor?" He replied that he did. I asked him, "Did you know that Mr. Walsh had been indicted in the Federal courts in New Orleans in 1874 as a member of the whisky ring charged with complicity in the frauds upon the revenues of the Government?" He said he believed he did know it. I asked the question, "Did you not know it, and was not that indictment found against Walsh upon your own sworn testimony as an internal-revenue officer of this Government at that point?" He answered yes. That, he admitted, was the record of this sub-contractor. And such a sub-contractor! The victim of indictment still pending as a member of a whisky ring defrauding the revenues of the Government in 1874, and this indictment found upon the sworn testimony of the now Second Assistant Postmaster-General; that same Walsh, the failing contractor on mail-routes other than this

one, with the service canceled on account of his failure to perform his contract, granted a new lease of power, a new hold and another grip on the Treasury of the country to the amount of \$135,000 a year; and all of this granted to him upon his own unsupported affidavit. I pray you, tell me what sort of a custodian of the public Treasury does this Second Assistant Postmaster-General make?

Now, sir, I simply desire to call the attention of this House to the fact that he who tries to dwarf this issue down to one between us and the star service of the country deals without candor as to the facts, and without warrant, and he who tries to make it appear that there is an issue between Congress and the star mail contractors has equally little ground on which to plant himself.

The CHAIRMAN. The gentleman's time has expired.

Mr. McKENZIE. I move that the time of my colleague be extended.

Mr. ATKINS. I hope the time of the gentleman will be extended and that all the time possible will be allowed in this discussion.

The CHAIRMAN. If there be no objection the gentleman will be allowed to proceed.

There was no objection.

Mr. BLACKBURN. I thank the committee for its kindness and I will not detain it but a very few minutes longer.

There is but one issue here, whether you adhere to the House bill or accept the amendments proposed by the Senate. So far as the star service is concerned it stands intact and untouched. You may put the \$130,000 additional in the bill, as suggested by the Senate, if you want to. I simply warn you when you do it you do it in the face of the transcript of the record from the Sixth Auditor's Office which tells you it is not needed. If you do not want to put back the expedited routes, if you want the star service to go further on its present basis of pay to the end of the present fiscal year, you do not need \$130,000 additional offered by the Senate, as shown in the report from the Sixth Auditor's Office. It is entirely unnecessary. It is uncalled for by the Department.

The only question pending between the two Houses now is simply as to whether or not we will insist upon putting some kind of limitation upon the discretion of the Post-Office Department, the fruits and the results of which have been so imperfectly submitted for your consideration to-day. In any event remember I want this committee to bear in mind the House bill never proposes to discontinue a star

route of the 10,200 routes now in operation. The House bill never would result in decreasing the number of trips upon any star route. It never proposed to disturb any but one hundred and seven of the ten thousand and odd routes, and then only proposed to disturb those to the extent of setting back their expedited schedule, but leaving the compensation for increased trips precisely as it now stands.

I take it as an indisputable fact, and I believe that no one will cavil at it or attempt to deny it, when I say that we should be content if we shall give to the Department all that is asked, all that is demanded for carrying on the mail service to the end of the fiscal year in the manner as shown by the record of the Department itself. I know very well that there are some few men who were fortunate enough to hold the contracts for these star routes, some of the great lines in the extreme West, who will be badly hurt if the bill is adhered to, not, however, for the remainder of this year, for if you cancel it you must pay the contractor thirty days' extra compensation, and therefore he would lose less perhaps than sixty days out of this year. That is not where he would be hurt. That would affect his compensation but very slightly for the remainder of this year, and could scarcely be called a serious injury to any one of them, but the injury would be in suffering a diminution of the appropriations of \$1,164,765 which would be cut off for the next two fiscal years.

That is where the shoe now pinches. It is for this committee to determine what shall be done.

There is one star contractor, sir, to whom I want to allude, the heaviest star contractor to-day in the post-office service. There is a gentleman who appeared before the Committee on Appropriations or the sub-committee, as a witness. I allude now to Mr. Monroe Salisbury, and he is to-day, as admitted by his own statement, the heaviest star contractor in the post-office service, not in the number of the routes which he controls, nor in the distance or the length of his route, but measured by that most infallible of all standards, the amount of money he gets out of the Federal Treasury. The original pay upon the star routes that are now operated and run by Mr. Salisbury is \$532,204. His present pay per annum is \$913,225.87. His increase for additional number of trips, which neither the House bill nor the Senate bill proposes to touch, is \$214,153.86, while his increased compensation for expedited schedule per annum is \$219,505.24.

I here append his tabulated statement as given by himself under oath:

States.	Route.	Termini.	Distance.	Original contract price.	Increase.					
					For additional distance.		For additional trips.		For expedition of schedule.	
					Amount.	Date.	Amount.	Date.	Amount.	Date.
Nebraska ...	34156	Sidney to Deadwood	298	\$9,775 00					\$19,350 00	July 1, 1878
Dakota	35040	Fargo to Pembina	156	17,000 00			\$4,250 00	Aug. 1, 1878	8,500 00	Aug. 1, 1878
Montana	36107	Bozeman to Fort Keogh	361	16,500 00	\$3,542 92	Jan. 25, 1879	48,723 89	Aug. 1, 1879	16,500 00	Dec. 16, 1878
	36115	Helena to Missoula	140	6,425 00			2,677 08	Jan. 1, 1879	9,637 50	Jan. 1, 1879
	36124	Watson to Deer Lodge	116	4,921 00			2,084 50	Jan. 1, 1879	7,586 00	Jan. 1, 1879
Colorado	38155	Antelope Springs to Silverton	60	2,540 00			2,840 00	Aug. 1, 1878		
							1,893 33	Feb. 17, 1879	5,680 00	Feb. 17, 1879
New Mexico	39114	Fort Stanton to Fort Davis	400	3,500 00			7,000 00	July 1, 1879	21,000 00	July 1, 1879
	39116	Fort Bascom to Trinidad	185	1,760 00	428 10	Feb. 15, 1880	3,520 00	July 15, 1879	10,560 00	July 15, 1879
Arizona	40103	Prescott to Mohave City	191	7,440 00			3,720 00	Apr. 15, 1879	17,537 14	Apr. 15, 1879
							38,262 85	Aug. 1, 1879		
	40107	Wickenburg to Maricopa Wells	120	4,999 00			1,999 60	Oct. 16, 1878	21,384 60	Feb. 17, 1879
							4,110 29	Feb. 17, 1879		
Utah	41122	Richfield to Knob	150	2,390 00			4,780 00	Sept. 1, 1878	7,170 00	Oct. 1, 1878
Idaho	42121	Eagle Rock to Salmon City	165	4,750 00			12,666 66	Aug. 1, 1879	4,750 00	Oct. 1, 1878
Nevada	45124	Eureka to Pioche	267	15,300 00	8,295 76	Feb. 1, 1879	2,550 00	July 1, 1878	13,150 00	July 1, 1878
	45132	Wells to Hamilton	225	10,700 00					15,000 00	Aug. 1, 1879
California ...	46120	Soledad to Newhall	304	29,000 00	4,173 51	Oct. 15, 1878			21,750 00	Oct. 15, 1878
					500 82	Mar. 17, 1879				
	46207	Susanville to Lake View, Oregon	155	6,975 00			13,950 00	Aug. 15, 1879	6,975 00	Aug. 1, 1878
	46267	Willow Ranch to Reno, Nevada	215	3,425 00			34,250 00	Aug. 1, 1878	10,275 00	Aug. 1, 1878
								Aug. 15, 1879		
Totals			3,508	147,700 00	16,941 11		189,278 20		217,005 24	

* Reduced \$4,250 per annum from October 21, 1878.

Monroe Salisbury contractor on all above routes. Total increase, \$523,224.55.

There is one man who stands to-day with an increase, exclusive of allowance for increased number of trips—with an increase for expedition of schedule only of \$217,005.24. And yet—is this House prepared to believe it—not a contract of all that list is his upon the books of the Post-Office Department; he does not hold a contract on this continent; and if he ever had one I have never been able to find it.

Mr. ATKINS. He is a contract-broker.

Mr. BLACKBURN. What I say is that he is not a contractor as an original and accepted bidder by competition so far as the record shows. If you want to know how he gets contracts enough to pay him in round numbers a half a million dollars a year over and above the contract price without appearing upon the books of the Post-Office Department as a contractor at all, I respectfully refer you to that Department itself, from which you will be more fortunate than I have been if you are able to glean any such information. But, sir, there is the record.

Now there is exactly where all this fight comes from. There is the power behind the throne upon which Mr. Brady relied when he snapped his fingers in the face of this House and said to them substantially, "You say I shall have \$6,000,000 in round numbers; I say I shall have eight millions; I shall have as much more as I please; and when you undertake to produce the law and tell me I am violating it I will appeal to the power that the Post-Office Department and the star service of the country are able to marshal in the House to override the limitations put upon it by your laws." There is the issue, and it is none other. I will be content if the fair-minded and unprejudiced members of this body shall bear in mind the assurance, against which no amount of declamation will prevail, that the fight that is being made here is not upon the star service of the country. Nobody means to harm it; nobody means to touch it; the House bill does not affect it. Neither is it a fight upon the Post-Office Department. Whether it shall be an attack upon that Department or a vindication of its action remains to be determined when this committee shall make its final report after the proof is all in. It is a fight waged with but one object; it is a contest prosecuted with but one

purpose; it is an effort that is being made, if it be possible to succeed in doing so, to put a limitation upon an assumed and exercised arbitrary power which is costing this Government at the rates I have indicated without any return or compensation therefor.

Mr. Chairman, I will ask to have read, or that it may be printed, I care not which, a letter that comes from one of the oldest mail contractors in this country from the far West; for he lives far enough west to satisfy in his geography even the advocates of Leadville or those who speak for California. He is a California man himself. He enters his protest. And there lies before me on my desk letter after letter, telling me of protests that have been sent from that far western country to the Post-Office Department, protesting against useless mail service established there at the enormous cost that these figures will indicate. The Post-Office Department takes particular pains to tell us of the demand for increased service, but quietly avoids the slightest mention of protests from that quarter against the service as useless and needless.

I do not believe that a necessity exists for the increased compensation upon the score of an expedited schedule. It is a frightful power if it shall indeed be agreed by Congress that the Post-Office Department may employ it as it insists it shall do. It is sufficient to cause apprehension. If there is no check, if there is no limitation, if the sum fixed in the bill that Congress passes for the maintenance of this service is to form no guide in the conduct of that Department, then, sir, the Treasury is open to any raid that arbitrary power may seek to subject it to; and that, too, perpetrated in the dark, when competitive bidding is abolished, when the open light of day is shunned, and no chance or opportunity is afforded to anybody to come in and do the service of the country upon a fair and legitimate basis of com-

pensation. It is a dangerous power. Its danger has been illustrated. Its results have been proven, and here we stand to-day confronted by one of those results in the shape of an inevitable deficiency amounting, as the Second Assistant Postmaster-General tells us, to one and three-quarters millions of money.

The House may dispose of the disagreements between the two Houses in its pleasure. But I submit in all candor to the unbiased and unprejudiced judgment of the Committee of the Whole whether, when we are confronted by such an issue, prudence and wisdom and fair dealing would not dictate the propriety of non-concurrence in the amendments of the Senate and that we should allow the questions at issue to go to a committee of conference representing fairly the sentiments of both Houses and see if such limitations cannot be imposed, if such an adjustment cannot be had, if such a compromise cannot be effected, and such checks cannot be ingrafted upon this bill as will leave the postal service of the country unimpaired and unbroken and the Treasury Department of this Government at least in some measure protected from such dangerous and arbitrary power.

I ask to insert the following statement of the Sixth Auditor:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., March 2, 1880.

SIR: In compliance with your request of yesterday, I have the honor to transmit herewith statements showing, by States and quarters, the paid and unpaid amounts chargeable to the appropriation for star transportation for the fiscal year ending June 30, 1880, according to the contracts, orders, &c., on file in this office.

In addition to the total amount shown in this statement the sum of \$40,000 should be added, being the amount paid for the supply of special offices.

I am, respectfully, your obedient servant,

F. B. LILLEY, Acting Auditor.

HON. JAMES B. BECK, United States Senate.

A statement showing, by States and quarters, payments made and yet to be made, (as per contracts, orders, &c.), chargeable to the appropriation for star service, for the fiscal year ending June 30, 1880; also the amount of fines and deductions imposed against the service for the quarters ended September 30 and December 31, 1879.

States.	Third quarter, 1879.		Fourth quarter, 1879.		First quarter, 1880.	Second quarter, 1880.	Fines and deductions third and fourth quarters, 1879.
	Amount paid.	Amount unpaid.	Amount paid.	Amount unpaid.	Amount paid.	Amount unpaid.	
Alabama	\$31,288 50	\$429 44	\$27,949 93	\$5,277 10	\$33,730 99	\$33,730 99	\$967 63
Arizona	80,316 39		85,204 99	284 75	94,786 25	92,254 02	17,627 58
Arkansas	41,342 82	647 03	35,084 09	5,865 02	41,354 53	41,387 30	2,486 74
California	126,910 58	446 73	121,562 96	15,094 12	144,702 54	146,495 88	10,474 72
Colorado	76,810 82	323 05	53,264 27	19,416 85	81,514 91	81,804 28	9,852 53
Connecticut	7,498 45	50	7,860 38	50	7,790 62	7,790 62	5 00
Dakota	48,734 85	12 00	50,587 60	1,800 56	60,773 05	57,738 89	7,459 10
Delaware	1,356 57		1,375 58		1,376 82	1,376 82	1 24
Florida	10,220 99	74 00	10,971 88	531 73	11,710 71	11,829 86	493 49
Georgia	20,222 04		19,177 74	1,831 84	21,203 29	21,163 93	211 28
Idaho	41,065 34		36,958 14	7,210 73	39,251 35	36,613 83	1,210 99
Illinois	24,009 17	614 62	25,140 66	733 22	25,717 21	25,675 49	372 88
Indiana	20,905 23	6 64	21,101 27	494 89	21,311 59	21,279 49	86 36
Indian Territory	54,496 17		56,907 87	109 55	57,340 28	57,314 17	2,759 50
Iowa	25,261 47	1,330 45	23,339 93	5,269 69	28,170 65	27,685 84	446 33
Kansas	44,282 18	58 09	44,955 27	1,887 20	44,675 80	43,348 20	841 92
Kentucky	36,212 69	246 50	33,216 19	3,749 43	38,585 62	38,476 39	3,178 63
Louisiana	32,399 96		39,020 67	1,876 08	39,298 09	42,587 47	6,398 24
Maine	21,897 94	39 59	21,505 58	661 79	22,182 34	22,160 58	26 40
Maryland	15,445 25		15,311 77	455 57	15,599 29	15,509 29	55 57
Massachusetts	15,752 30		16,030 84		16,142 28	16,179 17	259 04
Michigan	17,693 96	1,453 41	17,363 24	1,283 07	18,449 93	18,505 91	612 07
Minnesota	12,493 58	2,543 41	14,149 29	1,690 15	15,912 17	15,529 18	769 47
Mississippi	24,194 04	232 40	21,519 12	3,006 70	24,290 78	24,290 78	878 61
Missouri	34,624 47	895 69	31,832 05	3,789 37	34,808 04	34,706 03	462 58
Montana	41,106 25		38,030 37	11,605 50	50,885 07	50,937 10	5,095 33
Nebraska	35,996 94	26 16	30,810 73	2,289 57	35,022 61	34,799 84	3,011 09
Nevada	48,121 76		36,596 14	13,953 74	51,964 42	51,884 60	2,241 87
New Hampshire	8,488 75	29 50	8,620 75	89	8,670 82	8,643 68	3 00
New Jersey	7,295 27		7,438 90		7,454 27	7,454 27	15 37
New Mexico	55,156 56		60,999 77	1,108 72	63,651 54	63,651 54	5,726 24
New York	59,624 78	177 20	58,706 67	932 13	59,768 50	59,892 39	294 77
North Carolina	31,295 30	70 75	30,504 50	1,812 26	32,591 38	32,589 96	578 25
Ohio	36,359 88	264 03	37,273 83	362 16	37,485 03	37,485 03	97 06
Oregon	55,715 53	38 56	54,224 03	24,982 38	59,999 20	61,939 00	5,347 72
Pennsylvania	60,154 31	65 89	57,546 88	2,824 71	61,974 71	61,899 26	315 95
Rhode Island	2,003 17		2,650 70		3,069 08	3,069 08	
South Carolina	9,686 83	55 85	7,728 07	2,867 19	10,740 41	10,761 87	156 62
Tennessee	22,998 69	33 63	22,513 67	1,190 87	23,821 86	23,594 42	343 70
Texas	167,086 79	317 74	172,472 28	1,901 64	176,491 43	176,509 61	6,732 37
Utah	51,197 62		50,805 69	2,212 50	53,409 72	53,423 48	2,015 69
Vermont	12,369 68	68 67	12,219 53		12,233 70	12,233 70	16 02
Virginia	33,342 68		33,453 93	722 71	34,379 61	34,401 91	344 60
West Virginia	14,327 38	633 19	14,630 27	883 17	15,611 82	15,601 61	214 70
Washington Territory	10,027 14		7,407 49	3,192 65	11,120 46	11,120 46	95 84
Wisconsin	14,908 22	1,591 74	12,338 81	4,413 07	16,792 43	16,785 43	388 50
Wyoming Territory	34,656 67		34,270 92	605 00	35,466 29	35,495 19	687 13
Total	1,677,355 96	12,718 43	1,602,577 24	160,119 77	1,803,171 49	1,799,595 71	101,659 86

Summary statement showing the amounts, by quarters, paid and yet to be paid, according to the records of this office, out of the appropriation for star transportation for the fiscal year ending June 30, 1880.

Amount paid on account of quarter ended September 30, 1879	\$1,677,355 96
Amount unpaid on account of quarter ended September 30, 1879	12,718 43
Amount paid on account of quarter ended December 31, 1879	1,602,577 24
Amount unpaid on account of quarter ended December 31, 1879	160,119 77
Amount unpaid on account of quarter ending March 31, 1880	1,763,697 01
Amount unpaid on account of quarter ending June 30, 1880	1,803,171 49
Total	1,799,595 71
Total	7,655,539 60

OFFICE OF THE AUDITOR OF THE TREASURY FOR THE POST-OFFICE DEPARTMENT,
Washington, March 2, 1880.

F. B. LILLEY, Acting Auditor.

Total amount required to pay contracts now running.	\$7,055,538 60
Amount appropriated for fiscal year ending June 30, 1880.....	5,900,000 00
	1,155,538 60
Less fines and deductions for half year only.....	101,659 86
True deficiency.....	1,053,878 74
Amount of deficiency stated by Second Assistant Postmaster-General.....	1,720,000 00
Deduct true deficiency.....	1,053,878 74
	666,121 26
Fines for last half year, (probable).....	101,659 86
Difference.....	767,781 12

I now ask the Clerk to read the letter I send up.
The Clerk read as follows:

SALINAS CITY, CALIFORNIA, March 17, 1880.

GENTLEMEN: I am an old mail contractor on this coast, and profess to know something of the workings of the Post-Office Department and mail service; and as a Pacific-coast man I am an advocate of liberal facilities for this coast; but I protest seriously in the manner in which the whole thing is managed. I am aware that parties who are in the interest of this wholesale swindling will denounce me as a disappointed bidder or contractor, and this is the reason why I make these charges or exposures. Of course every man is disappointed when he bids for service and does not get it; but I deny that this is the reason why I state these facts. I do it for the reason that for a long time, but particularly for the last eighteen or twenty months, there has been the most reckless and unnecessary expenditure of the public funds that can be imagined. I notified Judge Key of this fact as early as November or December, 1878. You call on him for a letter he received (personally) from me, written in November or December, 1878; and also one written about January 14, 1879; and also get from the Committee on Post-Offices and Post-Roads a letter I wrote to Hon. A. M. Waddell, chairman of said committee, dated about January 6, 1879. These letters were written when these facts were all fresh in my memory. I have none of the data now before me that I had when I wrote those letters—nothing has transpired to change my views since I wrote them. I was much disappointed when Judge Key wrote me thanking me for the information I had given him, but at the same time declined to make any changes or to investigate the matter, stating that these changes had been made by General Brady during his absence as he thought upon good and sufficient data. It was not until after I had received this letter from General Key that I wrote to Hon. A. M. Waddell. I was greatly surprised at General Key's reply for several reasons. First, I had formed a very high estimate of General Key's integrity, and thought he would be glad to be informed of these facts and would rectify them as soon as his attention was called to them. (I do not wish to be understood as doubting General Key's integrity, but I think he has been overreached by designing parties.) Second, when I was in Washington in February, 1878, bidding on mail contracts, General Key told myself and others that we must bid at what we expected to pick up these mails and carry them for; that there would be no more shortening up schedules and increasing the service as had been done heretofore; that he was determined to put a stop to such business.

I leave it to you to judge whether he has acted in accordance with his statement at that time. This is what old contractors on this coast particularly complain of, having been deceived by the heads of the Post-Office Department in this way. These routes that I wrote General Key and Waddell about should be put back at what they were originally let at, except the route from Fort Worth, Texas, to Yuma, Arizona. The shortening up of that schedule was right, but \$50,000 for expediting the service is all that should have been given, whereas the Department is paying \$165,400 for expediting this service. I bid on this route \$217,000, and after talking with Governor Brown, vice-president Texas Railroad, I thought through his influence and the Texas delegation in Congress that I might get the schedule shortened three or four days, and for which I might get \$50,000, making \$267,000; but here comes a party that takes the contract for \$83,000 less than my bid, and in less than five weeks after his service commences he gets \$31,000 more than double of his original contract, and \$32,000 more than ever I expected to get on a bid of \$23,000 more than his. Can you find another case of such wholesale work as this? There is one more small contract that I now recollect of that the service might be doubled on, from Reading to Yreka, via Scott Valley. This was let three times a week for \$4,000. This might be put up to six times a week, which would make \$8,000, but I believe they have worked this up to \$22,000 a year. There was no earthly necessity for shortening up this schedule, but I hope you will get my letters to General Key and Hon. Mr. Waddell, as they were written when I had the data before me and everything was fresh in my memory.

Where the wrong has been that a few favorites have taken these large routes at much lower figures than the service could be performed for, but that in a very short time they have worked them up beyond all reasonable expectations. There may not be anything wrong about it, but you cannot convince outsiders that there is not. You will never catch any one. It is almost useless to try or to expect to catch them, for if there is anything wrong they cannot afford to expose each other. When the Department advertised this service they knew then as well as they knew afterward what service was required, and, so far as my knowledge goes, in most instances they were advertised for just what service was required; and why all this sudden change in these large contracts awarded to a few favorite contractors? It does look to me as though there was something very rotten somewhere along the line, but it will be many a long day before you will saddle the wrong on any one, only by surmise; but you order the Postmaster-General to put back all contracts that amounted to over \$5,000 to the original letting, and you will soon find out where the shoe pinches. I suppose there are some instances where the service on contracts of over \$5,000 ought to be increased some, but limit him to 20 or 25 per cent. over the original contract. You limit him to this on and after 1st July, and let him give notice at once of the change proposed. I am ready to meet or go before any committee and make good what I write. Mr. Buckley, of San José, California, is ready to do the same thing. He is familiar with nearly all the facts I have stated. I do not seek any notoriety, but I do think it the duty of every good citizen to expose such recklessness and wasting of the public funds. At one time I was the largest mail contractor on this coast, and I challenge any one to investigate my acts as a contractor or otherwise. I refer you to all of the California delegation.

Very respectfully,

J. D. CARR.

I am sixty-five years old; do not know that I shall ever engage in the mail service again. I certainly will not if this state of things is to exist.

Hon. Messrs. ATKINS and BLACKBURN,

House of Representatives, Washington, D. C.

Mr. UPSON addressed the committee, but did not conclude his remarks. [His speech appears in full on page 2035.]

Mr. WHITE. If the gentleman from Texas will yield to me I will make a motion that the committee rise.

Mr. UPSON. How much time have I left?

The CHAIRMAN. Twenty minutes.

Mr. UPSON. I yield for a motion that the committee rise.

The CHAIRMAN. Does the gentleman yield the floor?

Mr. UPSON. Yes, sir; if it is understood that I shall be permitted to go on to-morrow.

The CHAIRMAN. To whom does the gentleman yield?

Mr. UPSON. I yield to the gentleman from Pennsylvania to move that the committee rise.

Mr. WHITE. I move that the committee rise.

The question being put, there were—ayes 23, noes 40.

Mr. PAGE. A quorum has not voted.

The CHAIRMAN. A quorum is not necessary for the committee to refuse to rise.

Mr. PAGE. Is not a quorum necessary for business?

The CHAIRMAN. It is, and if the gentleman makes that point the Chair will sustain it.

Mr. PAGE. I do not make the point.

Mr. BLOUNT. Who has the floor?

The CHAIRMAN. The gentleman from Texas [Mr. UPSON] has the floor. He will proceed.

Mr. HASKELL. I rise to a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. HASKELL. In the first place I would like to have order.

The CHAIRMAN. The committee will come to order.

Mr. HASKELL. And in the next place I call for tellers on the motion that the committee rise. It is now half past four. The House is thin, and a dozen gentlemen want to speak, and I think we might as well adjourn.

The CHAIRMAN. That is not a point of order, but if the gentleman states he called for tellers in time, the Chair will still put the motion. Does the gentleman state he asked for tellers in time?

Mr. HASKELL. I did ask for them in time. I asked for tellers on the motion that the committee rise.

Mr. SPARKS. The question is, did the gentleman ask for them in time?

The CHAIRMAN. The gentleman says he did and the Chair will submit the question on ordering tellers.

The question was put, and there was 1 in the affirmative; noes not counted.

Mr. HASKELL. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HASKELL. My point of order is that the want of order in this Committee of the Whole was such that the putting of the motion for tellers was not heard and that the motion was not voted on. I ask that before the call for tellers is submitted the committee shall be in order and then if gentlemen do not desire that the committee shall rise, I am satisfied.

The CHAIRMAN. That is not the fault of the Chair. The Chair put the question distinctly and the House refused to order tellers.

So tellers were not ordered and the motion that the committee rise was not agreed to.

The CHAIRMAN. The gentleman from Texas [Mr. UPSON] will proceed.

Mr. UPSON. I desire to state that I have been suffering from a severe headache all day and am suffering from it now, and I should feel indebted to the courtesy of the House if the committee would now rise and I should be permitted to finish my remarks to-morrow. But if it is insisted upon, of course I shall have to go on.

Mr. REAGAN. I move that the committee rise.

Mr. SPARKS. I hope that will be done out of courtesy to a gentleman who says he is sick.

Mr. REAGAN. I yield for a moment to the gentleman from Ohio, [Mr. HILL.]

Mr. HILL. I ask leave to have printed in the RECORD, as a part of the debates in the Committee of the Whole, some remarks I have prepared on this bill.

There was no objection. [See Appendix.]

The motion of Mr. REAGAN that the committee rise was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. SCALES reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4736) providing for a deficiency in the appropriation for the transportation of mails on star routes for the fiscal year ending June 30, 1880, and for other purposes, with Senate amendments thereto, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. CONVERSE. I ask unanimous consent to make a few reports from the Public Lands Committee and one from the Committee on Invalid Pensions, because I cannot be here to-morrow when those committees will be called. I desire to make the reports simply for reference.

There was no objection.

HEIRS OF W. A. BURT.

Mr. CONVERSE, from the Committee on the Public Lands, reported back, with a favorable recommendation, the bill (H. R. No. 2689) for the relief of the heirs of the late William A. Burt, inventor of the solar compass adopted and used in the public service of the United

States, and moved that it be referred to the House Calendar and that the accompanying report be printed.

Mr. CONGER. Does not that bill contain an appropriation?

Mr. CONVERSE. No amount is named.

The SPEAKER. If the point of order rests against it, it is better that it should be made at once. It would cause delay to the bill if the point should only be made when it is reached on the House Calendar.

The bill was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE HEARD.

Mr. CONVERSE also, from the Committee on the Public Lands, reported back, with a favorable recommendation, the bill (S. No. 309) for the relief of George Heard; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MONROE DONOHO.

Mr. CONVERSE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1713) for the relief of Monroe Donoho; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DRURY BYNUM.

Mr. CONVERSE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1531) for the relief of Drury Bynum; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

L. L. RICE.

Mr. CONVERSE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 519) authorizing L. L. Rice to locate land warrant No. 79099, issued under act of March 3, 1855, in his own name or to sell and assign the same; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CESSION OF LANDS TO OHIO.

Mr. CONVERSE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 580) to construe and define "An act to cede to the State of Ohio the unsold lands in the Virginia military district in said State," approved February 18, 1871; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MILITARY RESERVATIONS IN WASHINGTON TERRITORY.

Mr. CONVERSE also, from the same committee, reported back, with a favorable recommendation, the following resolution of inquiry:

Resolved, That the Secretary of War be, and he is hereby, requested to inform this House what military reservations in Washington Territory can be restored to the public domain without detriment to the public service.

The resolution was adopted.

SAMUEL BAKER.

Mr. CONVERSE, from the Committee on Invalid Pensions, reported a bill (H. R. No. 5542) to increase the pension of Samuel Baker; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES O'CONNOR.

Mr. DAVIS, of Missouri. I ask consent that Senate bill No. 551, granting a pension to James O'Connor, be taken from the Speaker's table at this time for reference.

There was no objection, and the bill was accordingly taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES H. REEVE.

Mr. TAYLOR. I ask consent that Senate bill No. 39, granting an increase of pension to James H. Reeve, be taken from the Speaker's table for reference.

There was no objection, and accordingly the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions.

NATIONAL BOARD OF HEALTH.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting revised estimates of appropriations for the National Board of Health; which was referred to the Committee on Claims.

WILLIAM P. WOOD.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in relation to the claim of William P. Wood for the detection and recovery of the plate on which spurious 7.30 bonds were printed; which was referred to the Committee on Claims.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 1085) to equalize homesteads;

A bill (S. No. 1293) to provide for the erection of a public building at Asheville, North Carolina; and

A bill (S. No. 1475) to change the name of the steamer J. H. Kelly to John Thorn.

Mr. COX. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of Julius Hensel, of Newark, New Jersey, for the passage of an act prohibiting the use of alum in baking powders—to the Committee on Manufactures.

By Mr. BARBER: Papers relating to the claim of Franklin Lee and Charles F. Dunbar for compensation for work done at Ashtabula Harbor, Ohio—to the Committee on Claims.

By Mr. BELTZHOVER: The petition of honorably discharged soldiers and sailors of the late war, of York County, Pennsylvania, for the establishment of a soldiers and sailors' home in said State—to the Committee on Public Buildings and Grounds.

By Mr. BLISS: Resolutions of the Legislature of New York, in relation to the proposed international exhibition in 1883—to the Committee on Foreign Affairs.

By Mr. BLOUNT: The petition of J. Cheeves, surviving partner of Cheeves & Osborn, that his claim for pay for tobacco seized by United States officials and sold be referred to the Court of Claims, with authority to appeal to the Supreme Court—to the Committee on the Judiciary.

Also, the petition of R. A. Young & Brother, of similar import—to the same committee.

By Mr. BRIGGS: The petition of Governor Natt Head and others, citizens of New Hampshire, for an appropriation for the improvement of Lake Winnepesaukee, in said State—to the Committee on Commerce.

Also, the petition of Michael Casey and 52 others, of the second New Hampshire congressional district, for the enforcement of the eight-hour law—to the Committee on Education and Labor.

By Mr. CARPENTER: Resolutions of the General Assembly of Iowa, favoring such legislation as will protect innocent users of patented articles—to the Committee on Patents.

By Mr. COVERT: The petition of P. C. Jarvis & Sons and others, of Suffolk County, New York, for the construction of a canal to connect Lloyd's Harbor with Cold Spring Bay, in the State of New York—to the Committee on Commerce.

By Mr. DE LA MATYR: The petition of E. W. Callis, for the abolition of the duty on type—to the Committee on Ways and Means.

Also, the petition of Samuel Wolfe and 96 others, for the amendment of the patent law—to the Committee on Patents.

Also, the petitions of Perry A. McGee and 27 others, and of Samuel Wolfe and 84 others, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. DWIGHT: Resolutions of the Legislature of New York, in relation to the proposed international exhibition in New York City in 1883—to the Committee on Foreign Affairs.

Also, the petitions of George T. Hinman, of A. J. Inloe & Co., and of C. K. Brown, of New York, for the removal of the stamp-tax on perfumery, cosmetics, and proprietary medicines—to the Committee on Ways and Means.

By Mr. FINLEY: The petition of the Soldiers and Sailors' Association of Seneca County, Ohio, for the passage of the Weaver soldier bill, and the Finley bill for the equalization of bounties—to the Committee on Military Affairs.

By Mr. GEDDES: The petition of George Logsdan and others, of Knox County, Ohio, for the equalization of bounties—to the same committee.

By Mr. HALL: The petition of Kelly & Gardner and 50 others, citizens of Exeter, New Hampshire, for the improvement of Exeter River—to the Committee on Commerce.

By Mr. HENKLE: The petition of citizens of the District of Columbia and of Maryland, that the Washington turnpike within the District be made a free highway—to the Committee on the District of Columbia.

Also, papers relating to the claim of Eliza H. Owens for compensation for property taken by United States forces during the late war—to the Committee on War Claims.

By Mr. HISCOCK: The petitions of late soldiers and sailors, and of late soldiers and sailors of Syracuse, New York, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of merchants and business men of Syracuse, New York, for the enactment of a bankrupt law—to the Committee on the Judiciary.

By Mr. KENNA: The petition of Rufus P. Sarver, James Ellwood, and 90 others, of the third congressional district of West Virginia, for the enforcement of the eight-hour law—to the Committee on Education and Labor.

By Mr. MONROE: The petition of William H. Mills and 170 others, citizens of Sandusky, Ohio, that Congress shall not place a tax on American wines—to the Committee on Ways and Means.

Also, the petition of A. Guenther & Co. and 180 others, citizens of Sandusky, Ohio, of similar import—to the same committee.

By Mr. MULBROW: The petitions of citizens of Alcorn County, and of Robert Davenport, and other citizens of Prentiss County, Mississippi, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of John R. Moore and others, citizens of Prentiss County; of C. W. Williams, jr., and others, and of citizens of Alcorn County, Mississippi, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. NEWBERRY: The petition of James McMullin and 22 others, citizens of Detroit, Michigan, for a reduction of the duty on steel rails—to the Committee on Ways and Means.

By Mr. O'NEILL: The petition of James G. Duffy, for a pension—to the Committee on Invalid Pensions.

By Mr. OVERTON: The petition of V. A. Bullock and 34 others, citizens of Bradford County, Pennsylvania, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petitions of the same parties and of F. W. Fincke and others, of Pennsylvania, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petitions of C. J. Christian and 11 others, of Wyoming and Sullivan Counties, and of V. A. Bullock and 34 others, of Bradford County, Pennsylvania, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. PHISTER: The petition of H. E. Schoppmeyer and 34 others, Union soldiers of Mason County, Kentucky, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of William H. Ryder and 31 others, Union soldiers of Kentucky, for the passage of the Weaver soldier bill—to the same committee.

Also, the petitions of James Seaton and 99 others, and of Lewis Longe and 87 others, of the tenth congressional district of Kentucky, for the enforcement of the eight-hour law—to the Committee on Education and Labor.

By Mr. ROBINSON: The petition of the heirs of Robert G. Hatfield, for the extension of a patent for improvement in sliding-door sheaves—to the Committee on Patents.

By Mr. WILLIAM A. RUSSELL: The petition of Betsy Arline, for a pension—to the Committee on Invalid Pensions.

By Mr. SHALEBERGER: The petition of William Greer and 209 others, soldiers and sailors of Pennsylvania, approved by 281 citizens, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. THOMAS: The petition of 638 citizens of Randolph County, Illinois, for the passage of the bill making an appropriation for the protection of the bank of the Mississippi River near Kaskaskia, Illinois—to the Committee on Commerce.

By Mr. P. B. THOMPSON, JR.: Papers relating to the pension claim of George W. Waddill—to the Committee on Invalid Pensions.

By Mr. TYLER: The petition of Patrick M. Driscoll and 27 others, of the second congressional district of Vermont, for the enforcement of the eight-hour law—to the Committee on Education and Labor.

By Mr. THOMAS UPDEGRAFF: The petition of General William Vandever, of Arizona Territory, against certain proposed legislation in regard to mineral lands and mining claims—to the Committee on Mines and Mining.

By Mr. URNER: The petition of John B. Washington and 27 others, colored citizens of Frederick County, Maryland, that the unclaimed bounty of colored soldiers be given to the colored schools of the South, including Storer College, at Harper's Ferry—to the Committee on Education and Labor.

Also, the petition of F. A. Tschiffely and others, citizens of Montgomery County, Maryland, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petitions of William McVeigh and 119 others, and of M. Hamilton and 93 others, of the sixth Maryland congressional district, for the enforcement of the eight-hour law—to the Committee on Education and Labor.

By Mr. WASHBURN: The petition of W. B. Henry and 24 others, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. WEAVER: The petition of Joe Cunningham, of Jasper County, Iowa, and 82 others, that Congress enact such laws as will alleviate the oppressions imposed upon the people by the transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petitions of Josiah Dubois and 14 others, of Swedesborough; of John B. Carey and 19 others, of Bridgeport, New Jersey; of R. A. Outland and 78 others, of Guthrie; of A. R. Willcox and 26 others, of Elden, Iowa; of Andrew Tuttle and 47 others, of Pentwater, Michigan; of William L. Stroud and 10 others, of Huntsville,

Alabama; of William Condon and 5 others, of Bodinesville, Pennsylvania; and of William McPherson and 1 other, of Geneva, Nebraska, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. WALTER A. WOOD: Resolutions of the Legislature of New York, in relation to the proposed international exhibition in 1883—to the Committee on Foreign Affairs.

By Mr. YOCUM: The petition of John B. McGrath, Robert Gray, and 394 others, citizens of Houtzdale, Pennsylvania, and vicinity, for the enforcement of the eight-hour law—to the Committee on Education and Labor.

IN SENATE.

THURSDAY, April 1, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

INTERNATIONAL EXHIBITION OF 1883.

The VICE-PRESIDENT. The Chair desires to state that yesterday, in the consideration of the bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883, the seventh section of the bill was stricken out. In the following sections there are references to the seventh section which are not now applicable. Although the defect is a formal one the Chair has not felt it proper to direct a correction of it, but with the consent of the Senate the bill will be engrossed to correspond with the fact.

Mr. KERNAN. It should be corrected so as to read "ten" instead of "eleven" and "nine" instead of "ten" in renumbering the sections.

The VICE-PRESIDENT. The correction will be made unless there be objection.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 4214) to amend and re-enact sections 2552 and 2553 of the Revised Statutes was read twice by its title, and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. ROLLINS presented a petition of citizens of Concord, New Hampshire, praying for an appropriation by Congress for the improvement of the navigation of Lake Winnepesaukee, in that State; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Concord and other places in New Hampshire, and the petition of Otis F. R. Waite and other citizens of Concord, New Hampshire, praying for the removal of the United States circuit and district courts from Exeter to Concord, in that State; which were referred to the Committee on the Judiciary.

Mr. DAWES. I present the petition of Thayer Lincoln and many other persons, ship-owners, ship-builders, merchants, manufacturers, and others, praying that Congress inquire into the legality of the bridge being constructed between the cities of New York and Brooklyn under an authority of Congress conditioned that the bridge should be so constructed as not to obstruct, impair, or injuriously modify the navigation of the river. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. DAWES presented the petition of R. F. Hatfield and others, heirs of Robert G. Hatfield, deceased, and citizens of Massachusetts, praying for the passage of a bill to authorize the Commissioner of Patents to hear and determine the application of the legal heirs of Robert G. Hatfield for the extension of his patent for an improvement in sliding-door sheaves; which was referred to the Committee on Patents.

Mr. SLATER presented the petition of A. Noltner, publisher of the Daily and Weekly Standard, and Baker, Bull & Co., publishers of Resources of Oregon and Washington and Rural Spirit, Portland, Oregon, praying for the passage of a bill placing wood and straw pulp, soda-ash, and other chemicals used in the manufacture of paper on the free list, and reducing the duty on printing-paper used for books, pamphlets, and magazines at least 5 per cent. *ad valorem*; which was referred to the Committee on Finance.

He also presented the petition of R. O. Thomas, postmaster at Turner, Oregon, and others, citizens of Oregon, praying for an appropriation of \$20,000, or three sections of land to each mile of the sixty by which the Marion and Wasco Stock and Wagon-Road Company passes the Cascade Mountains, under condition that the United States mails, troops, and supplies for troops or other employees of the United States pass over the road free, and that the State of Oregon regulate the tolls upon the same; which was referred to the Committee on Public Lands.